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HOUSE OF REPRESENTATIVES—*Friday, November 30, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

I beseech you to lead a life worthy of the calling to which you have been called.—Ephesians 4: 1.

O God, our Father, facing responsibilities that seem greater than our ability to handle adequately and wondering what we should do, we bow at the altar of prayer, praying for insight to see the way we should go, for courage to walk in that way, and for strength to continue until our work is done. Keep our vision clear, our hearts clean, and our spirits confident amid all the trials of our troubled world.

Lead, Kindly Light, amid the encircling gloom, lead Thou us on to the realm where peace and good will shall reign, where righteousness and justice shall rule the hearts of people, and where our free land shall be as triumphant in truth as she is princely in power.

In the spirit of Him who is the way, we pray. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1328. An act for the relief of M. Sgt. Eugene J. Mikulenka, U.S. Army, retired;

H.R. 1948. An act for the relief of Edgar P. Faulkner and Ray H. New;

H.R. 1949. An act for the relief of Hazel W. Lawson and Lloyd C. Johnson;

H.R. 2207. An act for the relief of Joseph C. Leeba;

H.R. 2213. An act for the relief of Cornelius S. Ball, Victor F. Mann, Jr., George J. Posner, Dominick A. Sgammato, and James R. Walsh;

H.R. 3044. An act for the relief of James Evans, publisher of the Colfax County Press, and Morris Odvarka;

H.R. 3530. An act for the relief of Eugenia C. Lyttle;

H.R. 3751. An act for the relief of James E. Fry, Jr., and Margaret E. Fry;

H.R. 4175. An act for the relief of Manuel H. Silva;

HR. 4448. An act for the relief of 1st Lt. John P. Dunn, Army of the United States, retired;

H.R. 8406. An act for the relief of William M. Starrs; and

H.R. 9276. An act for the relief of Luther V. Winstead.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6768) entitled "An act to provide for participation by the United States in the United Nations environment program."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1316. An act for the relief of Claude V. Alcorn and 21 others.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 724. An act for the relief of Marcos Rojos Rodriguez;

S. 774. An act for the relief of Arline Loader and Maurice Loader; and

S. 1922. An act for the relief of Robert J. Martin.

PERMISSION TO FILE FURTHER CONFERENCE REPORT ON H.R. 8877, DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, FISCAL YEAR 1974

Mr. **FLOOD**. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a further conference report on the bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONFERENCE REPORT (H.R. REPT. No. 93-682)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8877) "making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 8, 33, 34, 35, 38, 45, 55, 76, 77 and 78.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 6, 9, 13, 14, 22, 23, 36, 44, 49, 52, 53, 54, 56, 59, 60, 61, 64, 66, 69, 70, 71, 74 and 82, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$70,408,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$815,975,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$853,280,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert $134,565,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$12,000,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$551,191,500"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$302,915,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$45,565,500"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$159,447,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$176,778,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$130,254,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$41,631,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$133,472,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$710,795,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "($41,500,000)"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "($30,000,000)"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert $2,121,893,000; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$152,404,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "($32,625,000)"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "($8,262,000)"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "($66,300,000)"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$614,903,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,889,414,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$500,000,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$488,500,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "($95,000,000)"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$16,500,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$50,000,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$298,917,000"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$72,200,000"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$434,600,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$415,788,000"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$346,300,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 11, 16, 18, 32, 48, 51, 57, 62, 68, 75, 79 and 81.

Daniel J. Flood,
William H. Natcher,
Neal Smith,
Bob Casey,
Edward J. Patten,
David R. Obey,
Edith Green,
George Mahon,
Robert H. Michel,
Garner E. Shriver,
Silvio O. Conte,
J. K. Robinson,
E. A. Cederberg,
Managers on the Part of the House.

Warren G. Magnuson,
John L. McClellan,
Alan Bible,
Robert C. Byrd,
William Proxmire,
Joseph M. Montoya,
Ernest F. Hollings
(except as to amendment 32),
Thomas F. Eagleton,
Norris Cotton,
Milton R. Young,
Clifford P. Case
(except as to amendment 1),
Hiram L. Fong,
Edward W. Brooke,
Ted Stevens
(except for amendment 1—I would except title I),
Richard S. Schweiker,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the further conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1974, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment which will provide that sums appropriated in the bill shall be made available for expenditure except that not to exceed $400,000,000, including not more than 5 per centum of the amount specified in any appropriation provision contained in this Act or any activity, program, or project within such appropriation may be withheld from obligation and expenditure.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The effect of the proposed amendment will be to authorize the President to withhold from obligation and expenditure up to $400,000,000 of the amounts appropriated in the bill with the reduction to be distributed on a pro rata basis among the controllable appropriations, activities, programs, and projects for which the amounts in the bill exceed the budget request, with the restriction that none of these appropriations, activities, programs, and projects may be reduced by more than 5 percent. This provision is permissive, not mandatory. It does not require withholding of any of the funds appropriated. If the discretion to withhold funds is fully exercised, the amounts provided in the bill will exceed the budget request by approximately $978 million.

The conferees are agreed that, to the extent not made inapplicable due to the reduction in funds from the amounts contained in the House, Senate, and conference bills, the departments and agencies provided for in this bill are expected to be guided by the instructions, directions, and suggestions contained in the House and Senate reports and the Joint Explanatory Statement of the Committee of Conference.

The following table reflects the amounts which the conferees are agreed shall be made available, if the option to withhold funds is fully exercised.

TITLE I—DEPARTMENT OF LABOR

	1974 Budget request	1974 House allowance	1974 Senate allowance	1974 Conference agreement	Effect of $400,000,000 reduction
Total, new budget (obligational) authority, Department of Labor	$786, 861, 000	$827, 535, 000	$830, 682, 000	$787, 690, 000	$787, 690, 000
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE					
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION					
Mental health:					
1. General mental health:					
(a) Research	$80, 489, 000	$89, 289, 000	$89, 289, 000	$89, 289, 000	$84, 824, 000
(b) Training	71, 876, 000	110, 000, 000	110, 000, 000	110, 000, 000	104, 500, 000
(c) Community programs:					
(1) Construction of centers		15, 000, 000	20, 000, 000	15, 000, 000	14, 250, 000
(2) Staffing of centers	472, 000, 000	163, 698, 000	163, 698, 000	163, 698, 000	155, 513, 000
(3) Mental health of children	46. 000, 000	20, 000, 000	20, 000, 000	20, 000, 000	19, 000, 000
Subtotal	518, 000, 000	198, 698, 000	203, 698, 000	198, 698, 000	188, 763, 000
(d) Management and information	21, 355, 000	21, 355. 000	21, 355, 000	21, 355, 000	21, 355, 000
Subtotal	691, 720, 000	419, 342, 000	424, 342, 000	419, 342, 000	399, 442, 000
2. Drug abuse:					
(a) Research	36, 739, 000	36, 739, 000	36, 739, 000	36, 739, 000	36, 739, 000
(b) Training	15, 182, 000	15, 182, 000	15, 182, 000	15, 182, 000	15, 182, 000
(c) Community programs:					
(1) Project grants and contracts	365, 970, 000	160, 770, 000	160, 770, 000	160, 770, 000	160, 770, 000
(2) Grants to States	15, 000, 000	15, 000, 000	15, 000, 000	15, 000, 000	15, 000, 000
Subtotal	380, 970, 000	175, 770, 000	175, 770, 000	175, 770, 000	175, 770, 000
(d) Management and information	15, 578, 000	15, 578, 000	15, 578, 000	15, 578, 000	15, 578, 000
Subtotal	448, 469, 000	243. 269, 000	243. 269, 000	243, 269, 000	243, 269, 000
3. Alcoholism:					
(a) Research	6, 901, 000	8, 901, 000	8, 901, 000	8, 901, 000	8, 456, 000
(b) Training	3, 763, 000	, 763, 000	9, 763, 000	7, 263, 000	6, 900, 000
(c) Community programs:					
(1) Project grants and contracts	87, 000, 000	65, 322, 000	85, 322, 000	75, 322, 000	71, 556, 000
(2) Grants to States	30, 000, 000	40, 000, 000	60, 000. 000	48, 000, 000	45, 600, 000
Subtotal	117, 000, 000	105, 322, 000	145, 322, 000	123, 322, 000	117, 156, 000
(d) Management and information	5, 435, 000	5, 435, 000	5, 435, 000	5, 435, 000	5, 435, 000
Subtotal	133, 099, 000	124, 421, 000	169, 421, 000	144, 921, 000	137, 947, 000
4. Program direction	8, 443, 000	8, 443. 000	8, 443, 000	8, 443, 000	8, 443, 000
Total	1, 281, 731, 000	795, 475, 000	845, 475, 000	815, 975, 000	789, 101, 000
St. Elizabeths Hospital	38, 000, 000	38, 000, 000	38, 000, 000	38, 000, 000	38, 000, 000
Health services planning and development:					
1. Health services research and development	60, 278, 000	64, 778, 000	64, 778, 000	64, 778, 000	61, 540, 000
2. Comprehensive health planning	38, 327, 000	38, 327, 000	38, 327, 000	38, 327, 000	38, 327, 000
3. Regional medical programs		81, 953, 000	81, 953, 000	81, 953, 000	77, 855, 000
4. Medical facilities construction:					
(a) Construction grants:					
(1) Hospitals and public health centers		41, 400, 000	41, 400, 000	41, 400, 000	39, 330, 000
(2) Long-term care facilities		20, 800, 000	20, 800, 000	20, 800, 000	19, 760, 000
(3) Outpatient facilities		70, 000, 000	70, 000, 000	70, 000, 000	66, 500, 000
(4) Rehabilitation facilities		15, 000, 000	15, 000, 000	15, 000, 000	14, 250, 000
(5) Modernization		50, 000, 000	50, 000, 000	50, 000, 000	47, 500, 000
Subtotal		197, 200, 000	197, 200, 000	197, 200, 000	187, 340, 000
(b) Direct operations	2, 476, 000	3, 272, 000	3, 272, 000	3, 272, 000	3, 109, 000
Subtotal	2, 476, 000	200, 472, 000	200, 472, 000	200, 472, 000	190, 449, 000
5. Program direction	2, 000, 000	2, 990, 000	2, 990, 000	2, 990, 000	2, 840, 000
Total	103, 081, 000	388, 520, 000	388, 520, 000	388, 520, 000	371, 011, 000
Health services delivery:					
1. Comprehensive health services:					
(a) Grants to States	90, 000, 000	90, 000, 000	90, 000, 000	90, 000, 000	90, 000, 000
(b) Project grants	211, 100, 000	211, 100, 000	220, 100, 000	211, 100, 000	211, 100, 000
(c) Migrant health grants	23, 750, 000	23, 750, 000	25, 000, 000	25, 000, 000	23, 750, 000
(d) Direct operations	22, 133, 000	22, 133, 000	22, 133, 000	22, 133, 000	22, 133, 000
Subtotal	346, 983, 000	346, 983, 000	357, 233, 000	348, 233, 000	346, 983, 000
2. Maternal and child health:					
(a) Grants to States	217, 951, 000	217, 951, 000	125, 678, 000	125, 678, 000	125, 678, 000
(b) Project grants			92, 273, 000	92, 273, 000	92, 273, 000
(c) Research and training	21, 917, 000	21, 917, 000	23, 917, 000	21, 917, 000	21, 917, 000
(d) Direct operations	4, 340, 000	4, 340, 000	4, 340, 000	4, 340, 000	4, 340, 000
Subtotal	244, 208, 000	244, 208, 000	246, 208, 000	244, 208, 000	244, 208, 000
3. Family planning services:					
(a) Grants and contracts	119, 615, 000	119, 615, 000	119, 615, 000	119, 615, 000	119, 615, 000
(b) Direct operations	2, 610, 000	2, 610, 000	2, 610, 000	2, 610, 000	2, 610, 000
Subtotal	122, 225, 000	122, 225, 000	122, 225, 000	122, 225, 000	122, 225, 000
4. National Health Service Corps	11, 000, 000	11, 000, 000	13, 000, 000	13, 000, 000	12, 350, 000
5. National Health Service Scholarships	3, 000, 000	3, 000, 000	3, 000, 000	3, 000, 000	3, 000, 000
6. Patient care and special health services	98, 961, 000	98, 961, 000	98, 961, 000	98, 961, 000	98, 961, 000
7. Public Health Service hospital construction			29, 100, 000	18, 000, 000	17, 100, 000
8. Regional office, central staff	5, 602, 000	5, 602, 000	5, 602, 000	5, 602, 000	5, 602, 000
9. Program direction	5, 470, 000	5, 470, 000	5, 470, 000	5, 470, 000	5, 470, 000
Less: Trust fund transfer	−5, 419. 000	−5, 419, 000	−5, 419, 000	−5, 419, 000	−5, 419, 000
Total	832, 030, 000	832, 030, 000	875, 380, 000	853, 280, 000	850, 480, 000

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

	1974 Budget request	1974 House allowance	1974 Senate allowance	1974 Conference agreement	Effect of $400,000,000 reduction
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION—Continued					
Preventive health services:					
1. Disease control:					
(a) Infectious diseases:					
(1) Research grants			$1,215,000		
(2) Project grants	$31,000,000	$31,000,000	31,585,000	$31,585,000	$31,000,000
(3) Direct operations	34,667,000	36,667,000	36,667,000	36,667,000	34,834,000
Subtotal	65,667,000	67,667,000	69,467,000	68,252,000	65,834,000
(b) Nutritional and chronic diseases	900,000	900,000	900,000	900,000	900,000
(c) Laboratory improvement	7,892,000	7,892,000	8,092,000	8,092,000	7,892,000
Subtotal	74,459,000	76,459,000	78,459,000	77,244,000	74,626,000
2. Community environmental management:					
(a) Grants	19,600,000	19,600,000	21,500,000	20,500,000	19,600,000
(b) Direct operations	1,500,000	1,500,000	2,300,000	2,300,000	2,300,000
Subtotal	21,100,000	21,100,000	23,800,000	22,800,000	21,900,000
3. Occupational health:					
(a) Grants	2,252,000	2,252,000	2,252,000	2,252,000	2,252,000
(b) Direct operations	23,348,000	23,348,000	33,348,000	28,348,000	26,930,000
Subtotal	25,600,000	25,600,000	35,600,000	30,600,000	29,182,000
4. Program direction	3,921,000	3,921,000	3,921,000	3,921,000	3,921,000
Total	125,080,000	127,080,000	141,780,000	134,565,000	129,629,000
National health statistics	22,821,000	22,821,000	19,335,000	19,335,000	19,335,000
Retirement pay and medical benefits for commissioned officers	34,103,000	34,103,000	34,103,000	34,103,000	34,103,000
Buildings and facilities	12,000,000	9,500,000	9,500,000	9,500,000	9,500,000
Office of the Administrator	14,304,000	14,304,000	7,304,000	12,000,000	12,000,000
Total, Health Services and Mental Health Administration	2,463,150,000	2,261,833,000	2,359,397,000	2,305,278,000	2,253,159,000
NATIONAL INSTITUTES OF HEALTH					
National Cancer Institute	500,000,000	522,383,000	580,000,000	551,191,500	523,632,000
National Heart and Lung Institute	265,000,000	281,415,000	320,000,000	302,915,000	287,770,000
National Institute of Dental Research	38,452,000	44,131,000	47,000,000	45,565,500	43,288,000
National Institute of Arthritis, Metabolism and Digestive Diseases	133,608,000	155,894,000	163,000,000	159,447,000	151,475,000
National Institute of Neurological Diseases and Stroke	101,198,000	120,073,000	125,000,000	125,000,000	118,750,000
National Institute of Allergy and Infectious Diseases	98,693,000	112,744,000	114,000,000	114,000,000	108,300,000
National Institute of General Medical Sciences	138,573,000	175,778,000	183,500,000	176,778,000	167,940,000
National Institute of Child Health and Human Development	106,679,000	125,254,000	135,254,000	130,254,000	123,742,000
National Eye Institute	32,092,000	36,631,000	46,631,000	41,631,000	39,550,000
National Institute of Environmental Health Sciences	25,263,000	28,879,000	28,879,000	28,879,000	27,436,000
Research Resources	88,632,000	133,322,000	134,000,000	133,472,000	126,800,000
John E. Fogarty International Center	3,586,000	4,767,000	4,767,000	4,767,000	4,530,000
Total, Research Institutes	1,531,776,000	1,741,271,000	1,882,031,000	1,813,930,000	1,723,213,000
Health manpower:					
1. Health professions support:					
(a) Institutional assistance:					
(1) Capitation grants:					
(i) MOD	152,500,000	152,500,000	152,500,000	152,500,000	152,500,000
(ii) VOPP		34,777,000	34,777,000	34,777,000	33,038,000
(2) Start-up and conversion assistance	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000
(3) Financial distress grants	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
(4) Special projects	34,000,000	53,000,000	55,000,000	53,500,000	50,826,000
Subtotal	202,500,000	256,277,000	258,277,000	256,777,000	252,364,000
(b) Student assistance:					
(1) Direct loans	36,000,000	36,000,000	36,000,000	36,000,000	36,000,000
(2) Scholarships	10,000,000	15,500,000	17,500 000	17,500,000	16,626,000
(3) Loan repayments	400,000	400,000	400,000	400,000	400,000
Subtotal	46,400,000	51,900,000	53,900,000	53,900,000	53,026,000
(c) Construction assistance:					
(1) Grants		100,000,000	100,000,000	100,000,000	95,000,000
(2) Interest subsidies	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Subtotal	1,000,000	101,000,000	101,000,000	101,000,000	96,000,000
(d) Dental health activities	12,991,000	14,979,000	14,979,000	14,979,000	14,231,000
(e) Educational assistance	5,000,000	9,320,000	14,320,000	10,000,000	9,500,000
(f) Direct operations	3,313,000	3,313,000	3,313,000	3,313,000	3,313,000
Subtotal	271,204,000	436,789,000	445,789,000	439,969,000	428,434,000
2. Nursing support:					
(a) Institutional assistance:					
(1) Capitation grants		33,800,000	38,500,000	36,150,000	34,343,000
(2) Financial distress grants		5,000,000	10,000,000	5,000,000	4,750,000
(3) Special projects	15,000,000	20,000,000	22,600,000	20,000,000	19,000,000
Subtotal	15,000,000	58,800,000	71,100,000	61,150,000	58,093,000
(b) Student assistance:					
(1) Direct loans	21,000,000	24,000,000	24,000,000	24,000,000	22,800,000
(2) Scholarships	11,000,000	19,500,000	21,500,000	20,500,000	19,476,000
(3) Traineeships		11,500,000	15,900,000	13,700,000	13,016,000
(4) Loan repayments	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000
Subtotal	33,600,000	56,600,000	63,000,000	59,800,000	56,892,000
(c) Construction assistance:					
(1) Grants		20,000,000	20,000,000	20,000,000	19,000,000
(2) Interest subsidies	1,000,000	1,000,000	1,000,000	1,0000,00	1,000,000
Subtotal	1,000,000	21,000,000	21,000,000	21,000,000	20,000,000
(d) Educational assistance		7,569,000	9,720,000	7,569,000	7,191,000
(e) Direct operations	3,348,000	4,119,000	4,119,000	4,119,000	3,914,000
Subtotal	52,948,000	148,088,000	168,939,000	153,638,000	146,090,000

	1974 Budget request	1974 House allowance	1974 Senate allowance	1974 Conference agreement	Effect of $400,000,000 reduction
NATIONAL INSTITUTES OF HEALTH—Continued					
Health manpower—Continued					
3. Public health support:					
(a) Institutional assistance		$12, 000, 000	$12, 000, 000	$12, 000, 000	$11, 400, 000
(b) Student assistance		9, 600, 000	9, 600, 000	9, 600, 000	9, 120, 000
(c) Direct operations		631, 000	631, 000	631, 000	600, 000
Subtotal		22, 231, 000	22, 231, 000	22, 231, 000	21, 120, 000
4. Allied health support:					
(a) Institutional assistance		31, 745, 000	31, 745, 000	31, 745, 000	30, 158, 000
(b) Student assistance		3, 750, 000	3, 750, 000	3, 750, 000	3, 563, 000
(c) Educational assistance		1, 359, 000	1, 359, 000	1, 359, 000	1, 292, 000
(d) Direct operations		1, 851, 000	1, 851, 000	1, 851, 000	1, 759, 000
Subtotal		38, 705, 000	38, 705, 000	38, 705, 000	36, 772, 000
.Special educational programs:					
(a) Educational initiative awards	$46, 500, 000	46, 500, 000	46, 500, 000	46, 500, 000	46, 500, 000
(b) Computer technology and educational assistance		3, 000, 000	3, 000, 000	3, 000, 000	2, 850, 000
(c) Direct operations	2, 752, 000	2, 752, 000	2, 752, 000	2, 752, 000	2, 752, 000
Subtotal	49, 252, 000	52, 252, 000	52, 252, 000	52, 252, 000	52, 102, 000
6. Program direction and manpower analysis	8, 776, 000	8, 776, 000	4, 000, 000	4, 000, 000	4, 000, 000
Total	382, 180, 000	706, 841, 000	731, 916, 000	710, 795, 000	688, 518, 000
National Library of Medicine	24, 994, 000	25, 871, 000	25, 871, 000	25, 871, 000	24, 994, 000
Buildings and facilities	8, 000, 000	8, 000, 000	8, 000, 000	8, 000, 000	8, 000, 000
Office of the Director	12, 000, 000	12, 000, 000	12, 000, 000	12, 000, 000	12, 000, 000
Scientific activities overseas	1, 912, 000	1, 912, 000	1, 912, 000	1, 912, 000	1, 912, 000
Payment of sales insufficiencies and interest losses	4, 000, 000	4, 000, 000	4, 000, 000	4, 000, 000	4, 000, 000
Total, National Institutes of Health	1, 964, 862, 000	2, 499, 895, 000	2, 665, 730, 000	2, 576, 478, 000	2, 462, 637, 000
EDUCATION DIVISION					
Assistant Secretary for Education:					
1. Improvement of post-secondary education	15, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000
2. Salaries and expenses	1, 852, 000	1, 722, 000	1, 722, 000	1, 722, 000	1, 722, 000
Subtotal	16, 852, 000	11, 722, 000	11, 722, 000	11, 722, 000	11, 722, 000
OFFICE OF EDUCATION					
Elementary and secondary education:					
1. Aid to school districts:					
(a) Educationally deprived children	1, 585, 185, 000	1, 810, 000, 000	1, 810, 000, 000	1, 810, 000, 000	1, 719, 500, 000
(b) Supplementary services:					
(1) State plan programs	126, 306, 000	126, 306, 000	126, 306, 000	126, 306, 000	126, 306, 000
(2) Special programs and projects	20, 087, 000	20, 087, 000	20, 087, 000	20, 087, 000	20, 087, 000
Subtotal	146, 393, 000	146, 393, 000	146, 393, 000	146, 393, 000	146, 393, 000
Subtotal	1, 731, 578, 000	1, 956, 393, 000	1, 956, 393, 000	1, 956, 393, 000	1, 865, 893, 000
2. Strengthening State departments of education:					
(a) General support		33, 000, 000	40, 000, 000	36, 500, 000	34, 675, 000
(b) Comprehensive planning and evaluation		5, 000, 000	5, 000, 000	5, 000, 000	4, 750, 000
Subtotal		38, 000, 000	45, 000, 000	41, 500, 000	39, 425, 000
3. Bilingual education	35, 000, 000	45, 000, 000	55, 000, 000	53, 000, 000	50, 350, 000
4. Follow Through	41, 000, 000	41, 000, 000	41, 000, 000	41, 000, 000	41, 000, 000
5. Equipment and minor remodeling		25, 000, 000	42, 500, 000	30, 000, 000	28, 500, 000
Total	1, 807, 578, 000	2, 105, 393, 000	2, 139, 893, 000	2, 121, 893, 000	2, 025, 168, 000
School assistance in Federally affected areas:					
1. Maintenance and operations:					
(a) "A" Category payments	232, 000, 000	217, 820, 000	217, 820, 000	217, 820, 000	217, 820, 000
(b) "B" Category and other payments		331, 680, 000	355, 480, 000	331, 680, 000	315, 096, 000
(c) Payments to other Federal agencies	41, 500, 000	41, 500, 000	41, 500, 000	41, 500, 000	41, 500, 000
Subtotal	273, 500, 000	591, 000, 000	614, 800, 000	591, 000, 000	574, 416, 000
2. Construction	19, 000, 000	19, 000, 000	19, 000, 000	19, 000, 000	19, 000, 000
Total	292, 500, 000	610, 000, 000	633, 800, 000	610, 000, 000	593, 416, 000
Emergency school aid:					
1. Special projects:					
(a) Metropolitan area projects	12, 447, 000				
(b) Bilingual education projects	9, 958, 000	9, 958, 000	9, 958, 000	9, 958, 000	9, 958, 000
(c) Educational television	7, 468, 000	7, 468, 000	7, 468, 000	7, 468, 000	7, 468, 000
(d) Special programs and projects	12, 447, 000	12, 447, 000	12, 447, 000	12, 447, 000	12, 447, 000
(e) Evaluation	2, 489, 000	2, 489, 000	2, 489, 000	2, 489, 000	2, 489, 000
Subtotal	44, 809, 000	32, 362, 000	32, 362, 000	32, 362, 000	32, 362, 000
2. State apportionment:					
(a) Pilot programs	37, 341, 000	37, 341, 000	37, 341, 000	37, 341, 000	37, 341, 000
(b) Special programs and projects	19, 915, 000	19, 915, 000	19, 915, 000	19, 915, 000	19, 915, 000
(c) General grants to local educational agencies	146, 875, 000	146, 875, 000	146, 875, 000	146, 875, 000	146, 875, 000
Subtotal	204, 131, 000	204, 131, 000	204, 131, 000	204, 131, 000	204, 131, 000
3. Training and advisory services	21, 700, 000	21, 700, 000	21, 700, 000	21, 700, 000	21, 700, 000
Total	270, 640, 000	258, 193, 000	258, 193, 000	258, 193, 000	258, 193, 000
Education for the handicapped:					
1. State grant program	37, 500, 000	50, 000, 000	50, 000, 000	50, 000, 000	47, 500, 000
2. Special target programs:					
(a) Deaf-blind centers	10, 000, 000	10, 000, 000	15, 795, 000	14, 795, 000	14, 055, 000
(b) Early childhood projects	12, 000, 000	12, 000, 000	12, 000, 000	12, 000, 000	12, 000, 000
(c) Specific learning disabilities	3, 250, 000	3, 250, 000	5, 000, 000	3, 250, 000	3, 250, 000
(d) Regional resource centers	7, 243, 000	7, 243, 000	7, 243, 000	7, 243, 000	7, 243, 000
Subtotal	32, 493, 000	32, 493, 000	40, 038, 000	37, 288, 000	36, 548, 000
3. Innovation and development	9, 916, 000	9, 916, 000	9, 916, 000	9, 916, 000	9, 916, 000
4. Technology and communications:					
(a) Media services and captioned films	13, 000, 000	13, 000, 000	13, 000, 000	13, 000, 000	13, 000, 000
(b) Recruitment and information	500, 000	500, 000	500, 000	500, 000	500, 000
Subtotal	13, 500, 000	13, 500, 000	13, 500, 000	13, 500, 000	13, 500, 000
5. Special education and manpower development	37, 700, 000	37, 700, 000	45, 615, 000	41, 700, 000	39, 615, 000
Total	131, 109, 000	143, 609, 000	159, 069, 000	152, 404, 000	147, 079, 000

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

	1974 Budget request	1974 House allowance	1974 Senate allowance	1974 Conference agreement	Effect of $400,000,000 reduction
OFFICE OF EDUCATION—Continued					
Occupational, vocational and adult education:					
1. Grants to States for vocational education:					
(a) Basic vocational education programs:					
(1) Annual appropriation	$376,682,000	$426,682,000	$450,000,000	$426,682,000	$405,347,000
(2) National advisory councils	330,000	330,000	330,000	330,000	330,000
Subtotal	377,012,000	427,012,000	450,330,000	427,012,000	405,677,000
(b) Programs for students with special needs	20,000,000	20,000,000	20,000,000	20,000,000	20,000,000
(c) Consumer and homemaking education	25,625,000	25,625,000	40,000,000	32,625,000	30,994,000
(d) Work-study	6,000,000	6,000,000	10,524,000	8,262,000	7,849,000
(e) Cooperative education	19,500,000	19,500,000	19,500,000	19,500,000	19,500,000
(f) State advisory councils	2,690,000	3,204,000	3,204,000	3,204,000	3,044,000
Subtotal	450,827,000	501,341,000	543,558,000	510,603,000	487,064,000
2. Vocational research:					
(a) Innovation	16,000,000	16,000,000	16,000,000	16,000,000	16,000,000
(b) Curriculum development	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000
(c) Research—Grants to States	18,000,000	18,000,000	18,000,000	18,000,000	18,000,000
Subtotal	38,000,000	38,000,000	38,000,000	38,000,000	38,000,000
3. Career education	14,000,000				
4. Adult education:					
(a) Grants to States	51,300,000	51,300,000	60,000,000	56,300,000	53,485,000
(b) Special projects	7,000,000	7,000,000	7,000,000	7,000,000	7,000,000
(c) Teacher training	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
Subtotal	61,300,000	61,300,000	70,000,000	66,300,000	63,485,000
Total	564,127,000	600,641,000	651,558,000	614,903,000	588,549,000
Higher education:					
1. Student assistance:					
(a) Grants and work-study:					
(1) Basic opportunity grants	959,000,000	440,500,000	600,000,000	500,000,000	475,000,000
(2) Supplementary opportunity grants		210,300,000	210,300,000	210,300,000	210,300,000
(3) Work-study	250,000,000	270,200,000	270,200,000	270,200,000	270,200,000
(4) State student incentive grants			30,000,000	20,000,000	19,000,000
Subtotal	1,209,000,000	921,000,000	1,110,500,000	1,000,500,000	974,500,000
(b) Cooperative education	10,750,000	10,750,000	10,750,000	10,750,000	10,750,000
(c) Subsidized insured loans: Interest on insured loans	310,000,000	310,000,000	310,000,000	310,000,000	310,000,000
(d) Direct loans:					
(1) Federal capital contributions		285,000,000	286,000,000	286,000,000	286,000,000
(2) Loans to institutions		2,000,000	2,000,000	2,000,000	2,000,000
(3) Teacher cancellations	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
Subtotal	5,000,000	293,000,000	293,000,000	293,000,000	293,000,000
Subtotal	1,534,750,000	1,534,750,000	1,724,250,000	1,614,250,000	1,588,250,000
2. Special programs for the disadvantaged:					
(a) Talent Search	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000
(b) Special services in college	26,000,000	26,000,000	26,000,000	26,000,000	26,000,000
(c) Upward Bound	38,331,000	38,331,000	38,331,000	38,331,000	38,331,000
Subtotal	70,331,000	70,331,000	70,331,000	70,331,000	70,331,000
3. Institutional assistance:					
(a) Strengthening developing institutions	99,992,000	99,992,000	99,992,000	99,992,000	99,992,000
(b) Construction:					
(1) Subsidized loans	31,425,000	31,425,000	31,425,000	31,425,000	31,425,000
(c) Language training and area studies	1,360,000	12,360,000	13,860,000	13,360,000	12,693,000
(d) University community services		15,000,000	15,000,000	15,000,000	14,250,000
(e) Aid to land-grant colleges:					
(1) Annual appropriation		10,000,000	10,000,000	10,000,000	9,500,000
(f) State post-secondary education commissions	3,000,000	3,000,000	4,000,000	3,000,000	3,000,000
(g) Veterans cost-of-instruction		25,000,000	50,000,000	25,000,000	23,750,000
Subtotal	135,777,000	196,777,000	224,277,000	197,777,000	194,610,000
4. College personnel development:					
(a) College teacher fellowships	5,806,000	5,806,000	5,806,000	5,806,000	5,806,000
(b) Fellowships for disadvantaged	750,000	750,000	750,000	750,000	750,000
(c) Ellender fellowships	500,000	500,000	500,000	500,000	500,000
Subtotal	7,056,000	7,056,000	7,056,000	7,056,000	7,056,000
Total	1,747,914,000	1,808,914,000	2,025,914,000	1,889,414,000	1,860,247,000
Library resources:					
1. Public libraries:					
(a) Services		49,209,000	49,209,000	49,209,000	46,749,000
(b) Construction		9,500,000			
Subtotal		58,709,000	49,209,000	49,209,000	46,749,000
2. School library resources		90,000,000	100,000,000	95,000,000	90,250,000
3. College library resources:					
(a) College library resources		10,500,000	10,500,000	10,500,000	9,975,000
(b) Librarian training		3,000,000	3,000,000	3,000,000	2,850,000
(c) Library demonstrations		1,500,000	1,500,000	1,500,000	1,425,000
Subtotal		15,000,000	15,000,000	15,000,000	14,250,000
5. Undergraduate instructional equipment		12,500,000	12,500,000	12,500,000	11,875,000
Total		176,209,000	176,709,000	171,709,000	163,124,000
Educational development:					
1. Education professions development:					
(a) Teacher corps	37,500,000	37,500,000	37,500,000	37,500,000	37,500,000

	1974 Budget request	1974 House allowance	1974 Senate allowance	1974 Conference agreement	Effect of $400,000,000 reduction
OFFICE OF EDUCATION—Continued					
Educational development—Continued					
1. Education professions development—Continued					
(b) Elementary and secondary development:					
(1) Urban-rural	$9, 522, 000	$12, 135, 000	$12, 135, 000	$12, 135, 000	$11, 529, 000
(2) Career opportunities	21, 353, 000	23, 572, 000	23, 572, 000	23, 572, 000	22, 394, 000
(3) Categorical programs		13, 841, 000	8, 841, 000	8, 841, 000	8, 399, 000
(4) Exceptional children		4, 112, 000	4, 112, 000	4, 112, 000	3, 907, 000
Subtotal	30, 875, 000	53, 660, 000	48, 660, 000	48, 660, 000	46, 229, 000
(c) Vocational education		6, 900, 000	11, 860, 000	11, 860, 000	11, 268, 000
(d) New careers in education		300, 000	300, 000	300, 000	286, 000
(e) Higher education:					
(1) Institutes			3, 000, 000		
(2) Fellowships	2, 100, 000	2, 100, 000	2, 100, 000	2, 100, 000	2, 100, 000
Subtotal	2, 100, 000	2, 100, 000	5, 100, 000	2, 100, 000	2, 100, 000
Subtotal	70, 475, 000	100, 460, 000	103, 420, 000	100, 420, 000	97, 383, 000
2. National priority programs:					
(a) Educational technology demonstrations:					
(1) Educational broadcasting facilities	13, 000, 000	13, 000, 000	20, 000, 000	16, 500, 000	15, 675, 000
(2) Sesame Street-Electric Company	3, 000, 000	3, 000, 000	5, 000, 000	3, 000, 000	3, 000, 000
Subtotal	16, 000, 000	16, 000, 000	25, 000, 000	19, 500, 000	18, 675, 000
(b) Drug abuse education	3, 000, 000	12, 400, 000	3, 000, 000	6, 000, 000	5, 700, 000
(c) Right to read	12, 000, 000	12, 000, 000	12, 000, 000	12, 000, 000	12, 000, 000
(d) Environmental education		4, 000, 000	2, 000, 000	2, 000, 000	1, 900, 000
(e) Nutrition and health		2, 000, 000	2, 000, 000	2, 000, 000	1, 900, 000
(f) Dropout prevention	4, 000, 000	4, 000, 000	4, 000, 000	4, 000, 000	4, 000, 000
(g) Ethnic heritage studies			5, 000, 000	2, 500, 000	2, 375, 000
Subtotal	35, 000, 000	50, 400, 000	53, 000, 000	48, 000, 000	46, 550, 000
3. Data systems improvement:					
(a) Educational statistics:					
(1) Surveys and special studies	7, 400, 000	4, 250, 000	4, 250, 000	4, 250, 000	4, 250, 000
(2) Common core of data	500, 000				
Subtotal	7, 900, 000	4, 250, 000	4, 250, 000	4, 250, 000	4, 250, 000
(b) National achievement study	7, 000, 000	6, 000, 000	3, 000, 000	4, 500, 000	4, 500, 000
Subtotal	14, 900, 000	10, 250, 000	7, 250, 000	8, 750, 000	8, 750, 000
Total	120, 375, 000	161, 110, 000	163, 670, 000	157, 170, 000	152, 683, 000
Educational activities overseas: Special foreign currency program	3, 000, 000	2, 000, 000	1, 000, 000	1, 000, 000	1, 000, 000
Student loan insurance fund	57, 883, 000	57, 883, 000	57, 883, 000	57, 883, 000	57, 883, 000
Higher educational facilities loan & insurance fund:					
1. Participation sales insufficiencies	2, 948, 000	2, 948, 000	2, 948, 000	2, 948, 000	2, 948, 000
Salaries and expenses:					
1. Program administration	76, 366, 000	76, 366, 000	79, 166, 000	79, 166, 000	79, 166, 000
2. Planning and evaluation	10, 205, 000	5, 205, 000	5, 205, 000	5, 205, 000	5, 205, 000
3. General program dissemination	750, 000	750, 000			
4. Advisory committees	797, 000	797, 000	524, 000	524, 000	524, 000
5. Indian Education			1, 852, 000	1, 852, 000	1, 759, 000
Total	88, 118, 000	83, 118, 000	86, 747, 000	86, 747, 000	86, 654, 000
Subtotal, Office of Education	5, 086, 192, 000	6, 010, 018, 000	6, 357, 384, 000	6, 124, 264, 000	5, 936, 944, 000
National Institute of Education	162, 197, 000	142, 671, 000	75, 000, 000	75, 000, 000	75, 000, 000
Total, Education Division	5, 265, 241, 000	6, 164, 411, 000	6, 444, 106, 000	6, 210, 986, 000	6, 023, 666, 000
SOCIAL AND REHABILITATION SERVICE					
Grants to States for public assistance:					
1. Maintenance assistance	5, 528, 546, 000	5, 528, 546, 000	5, 486, 777, 000	5, 486, 777, 000	5, 486, 777, 000
2. Medical assistance	5, 271, 862, 000	5, 271, 862, 000	5, 271, 862, 000	5, 271, 862, 000	5, 271, 862, 000
3. Social services	2, 000, 000, 000	2, 000, 000, 000	2, 000, 000, 000	2, 000, 000, 000	2, 000, 000, 000
4. State and local training	44, 640, 000	44, 640, 000	44, 640, 000	44, 640, 000	44, 640, 000
5. Child welfare services	46, 000, 000	46, 000, 000	61, 000, 000	50, 000, 000	47, 500, 000
Total	12, 891, 048, 000	12, 891, 048, 000	12, 864, 279, 000	12, 853, 279, 000	12, 850, 779, 000
Work incentives:					
1. Training	329, 534, 000	293, 991, 000	240, 000, 000	240, 000, 000	240, 000, 000
2. Child care	204, 900, 000	90, 443, 000	100, 443, 000	100, 443, 000	100, 443, 000
Total	534, 434, 000	384, 434, 000	340, 443, 000	340, 443, 000	340, 443, 000
Social and rehabilitation services:					
1. Grants for the developmentally disabled:					
(a) State grants	21, 715, 000	32, 500, 000	32, 500, 000	32, 500, 000	30, 875, 000
(b) Service projects	6, 000, 000	6, 000, 000	6, 000, 000	6, 000, 000	6, 000, 000
(c) University affiliated facilities	4, 250, 000	4, 250, 000	4, 250, 000	4, 250, 000	4, 250, 000
Subtotal	31, 965, 000	42, 750, 000	42, 750, 000	42, 750, 000	41, 125, 000
2. Special programs for the aging:					
(a) Planning and operations	12, 000, 000	12, 000, 000	12, 000, 000	12, 000, 000	12, 000, 000
(b) Areawide projects	16, 000, 000	16, 000, 000	16, 000, 000	16, 000, 000	16, 000, 000
(c) Community programs	68, 000, 000	68, 000, 000	68, 000, 000	68, 000, 000	68, 000, 000
(d) Nutrition programs	99, 600, 000	99, 600, 000	110, 000, 000	104, 800, 000	99, 600, 000
Subtotal	195, 600, 000	195, 600, 000	206, 000, 000	200, 800, 000	195, 600, 000
3. Youth development and delinquency prevention	10, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000
4. Research:					
(a) Research and demonstrations	15, 467, 000	15, 467, 000	15, 467, 000	15, 467, 000	15, 467, 000
(b) Income maintenance projects	11, 000, 000	11, 000, 000	11, 000, 000	11, 000, 000	11, 000, 000
Subtotal	26, 467, 000	26, 467, 000	26, 467, 000	26, 467, 000	26, 467, 000
5. Training:					
(a) Community services		8, 900, 000	10, 000, 000	8, 900, 000	8, 450, 000
(b) Aging		8, 000, 000	12, 000, 000	10, 000, 000	9, 500, 000
Subtotal		16, 900, 000	22, 000, 000	18, 900, 000	17, 950, 000
Total	264, 032, 000	291, 717, 000	307, 217, 000	298, 917, 000	291, 142, 000

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

	1974 Budget request	1974 House allowance	1974 Senate allowance	1974 Conference agreement	Effect of $400,000,000 reduction
SOCIAL AND REHABILITATION SERVICE—Continued					
Research and training activities overseas	$4,000,000	$2,000,000			
Salaries and expenses	79,400,000	79,400,000	$70,600,000	$72,800,000	$72,800,000
Less: Trust fund transfer	−600,000	−600,000	−600,000	−600,000	−600,000
Total	78,800,000	78,800,000	70,000,000	72,200,000	72,200,000
Total, Social and Rehabilitation Service	13,772,314,000	13,647,999,000	13,581,939,000	13,564,839,000	13,554,564,000
SOCIAL SECURITY ADMINISTRATION					
Payments to Social Security Trust Funds:					
1. Matching payments for SMI	2,031,000,000	2,031,000,000	2,031,000,000	2,031,000,000	2,031,000,000
2. Hospital insurance for the uninsured	537,393,000	537,393,000	537,393,000	537,393,000	537,393,000
3. Military service credits	239,000,000	239,000,000	239,000,000	239,000,000	239,000,000
4. Retirement benefits for uninsured persons	302,788,000	302,788,000	302,788,000	302,788,000	302,788,000
Total	3,110,181,000	3,110,181,000	3,110,181,000	3,110,181,000	3,110,181,000
Special benefits for disabled coal miners	967,868,000	967,868,000	967,868,000	967,868,000	967,868,000
Supplemental security income	2,211,636,000	2,211,636,000	2,211,636 000	2,211,636,000	2,211,636,000
Limitation on salaries and expenses	(1,887,898,000)	(1,887,898,000)	(1,887,898,000)	(1,887,898,000)	(1,887,898,000)
Total, Social Security Administration	6,289,685,000	6,289,685,000	6,289,685,000	6,289,685,000	6,289,685,000
SPECIAL INSTITUTIONS					
American Printing House for the Blind	1,817,000	1,817,000	1,817,000	1,817,000	1,817,000
National Technical Institute for the Deaf:					
1. Academic program	5,087,000	5,087,000	5,087,000	5,087,000	5,087,000
2. Construction	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000
Total	6,487,000	6,487,000	6,487,000	6,487,000	6,487,000
Model Secondary School for the Deaf:					
1. Academic program	3,975,000	3,962,000	3,975,000	3,975,000	3,975,000
Total	3,975,000	3,962,000	3,975,000	3,975,000	3,975,000
Gallaudet College:					
1. Academic program	8,607,000	8,500,000	8,607,000	8,607,000	8,607,000
2. Kendall School	1,992,000	1,992,000	1,992,000	1,992,000	1,992,000
Total	10,599,000	10,492,000	10,599,000	10,599,000	10,599,000
Howard University:					
1. Academic program	43,664,000	42,948,000	43,664,000	43,664,000	43,664,000
2. Freedmen's Hospital	15,120,000	14,925,000	15,120,000	15,120,000	15,120,000
Total	58,784,000	57,873,000	58,784,000	58,784,000	58,784,000
Total, Special Institutions	81,662,000	80,631,000	81,662,000	81,662,000	81,662,000
OFFICE OF CHILD DEVELOPMENT					
Child development:					
1. Research and demonstrations	24,200,000	15,200,000	15,200,000	15,200,000	15,200,000
2. Head Start:					
(a) Full-year to summer programs	373,392,000	357,692,000	388,692,000	373,192,000	357,692,000
(b) Experimental programs	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000
(c) Career development and technical assistance	19,150,000	19,150,000	19,150,000	19,150,000	19,150,000
(d) Evaluation	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
(e) Parent and child centers	6,258,000	6,258,000	6,258,000	6,258,000	6,258,000
Subtotal	407,800,000	392,100,000	423,100,000	407,600,000	392,100,000
3. Salaries and expenses	11,800,000	11,800,000	11,800,000	11,800,000	11,800,000
Total, Office of Child Development	443,800,000	419,100,000	450,100,000	434,600,000	419,100,000
OFFICE OF THE SECRETARY					
Office for Civil Rights	19,196,000	19,196,000	19,196,000	19,196,000	19,196,000
Less: trust fund transfer	−1,253,000	−1,253,000	−1,253,000	−1,253,000	−1,253,000
Total	17,943,000	17,943,000	17,943,000	17,943,000	17,943,000
Departmental management:					
1. Executive direction	9,983,000	9,345,000	9,503,000	9,503,000	9,503,000
2. Public information	1,692,000	1,642,000	1,342,000	1,342,000	1,342,000
3. Community and field services	10,903,000	10,903,000	10,585,000	10,585,000	10,585,000
4. Legal services	7,450,000	6,794,000	6,916,000	6,916,000	6,916,000
5. Financial management:					
(a) Audit	20,396,000	20,396,000	20,109,000	20,109,000	20,109,000
(b) Other	4,180,000	4,180,000	3,966,000	3,966,000	3,966,000
Subtotal	24,576,000	24,576,000	24,075,000	24,075,000	24,075,000
6. Administrative management	20,674,000	20,018,000	18,557,000	18,557,000	18,557,000
7. Policy research	22,710,000	22,710,000	22,710,000	22,710,000	22,710,000
8. Indian program	32,100,000	32,100,000	32,100,000	32,100,000	32,100,000
9. Less: Public affairs reduction			−10,000,000	−10,000,000	−10,000,000
Less: Trust fund transfer	−7,890,000	−7,890,000	−7,890,000	−7,890,000	−7,890,000
Total	122,198,000	120,198,000	107,898,000	107,898,000	107,898,000
Total, Office of the Secretary	140,141,000	138,141,000	125,841,000	125,841,000	125,841,000
Total, new budget (obligational) authority, Department of Health, Education, and Welfare	**30,420,855,000**	**31,501,695,000**	**31,998,460,000**	**31,589,369,000**	**31,210,314,000**

	1974 Budget request	1974 House allowance	1974 Senate allowance	1974 Conference agreement	Effect of $400,000,000 reduction
OFFICE OF THE SECRETARY—Continued					
Action (domestic programs)	$43, 004, 000	$43, 004, 000	$43, 004, 000	$43, 004, 000	$43, 004, 000
Corporation for Public Broadcasting	45, 000, 000	(1)	55, 000, 000	50, 000, 000	47, 500, 000
Federal Mediation and Conciliation Service	10, 960, 000	10, 960, 000	10, 960, 000	10, 960, 000	10, 960, 000
National Commission on Libraries and Information Science	406, 000	406, 000	406, 000	406, 000	406, 000
National Labor Relations Board	55, 050, 000	55, 050, 000	55, 050, 000	55, 050, 000	55, 050, 000
National Mediation Board	2, 867, 000	2, 867, 000	2, 867, 000	2, 867, 000	2, 867, 000
Occupational Safety and Health Review Commission	4, 890, 000	4, 890, 000	4, 890, 000	4, 890, 000	4, 890, 000
Office of Economic Opportunity	143, 800, 000	333, 800, 000	358, 800, 000	346, 300, 000	328, 985, 000
Railroad Retirement Board:					
Payments for military service credits	22, 478, 000	22, 478, 000	22, 478, 000	22, 478, 000	22, 478, 000
Limitation on salaries and expenses	(21, 330, 000)	(21, 330, 000)	(21, 330, 000)	(21, 330, 000)	(21, 330, 000)
Soldiers' and Airmen's Home (trust fund appropriation):					
Operation and maintenance	13, 326, 000	13, 326, 000	13, 326, 000	13, 326, 000	13, 326, 000
Capital outlay	456, 000	456, 000	456, 000	456, 000	456, 000
Total, new budget (obligational) authority, related agencies	342, 237, 000	487, 237, 000	567, 237, 000	549, 737, 000	529, 922, 000
Grand total, new budget (obligational) authority	31, 549, 953, 000	32, 816, 467, 000	33, 396, 379, 000	32, 926, 796, 000	32, 527, 926, 000

(1) Not considered.

The conferees draw attention to the comments on pages 5 and 6 of the Senate Committee report concerning the provisions of 31 U.S. Code 701(a)(2) and P.L. 93–52.

TITLE I—DEPARTMENT OF LABOR

Manpower Administration

Amendment No. 2: Deletes appropriation of $41,032,000 for "Salaries and expenses", proposed by the House.

Amendment No. 3: Deletes appropriation of $40,000,000 for "Manpower training services" proposed by the Senate.

The conferees are agreed that funds for carrying out Title IX of the Older Americans Act and for salaries and expenses of the Manpower Administration will be considered at a later date in connection with appropriations for the manpower training programs.

Occupational Safety and Health Administration

Amendment No. 4: Appropriates $70,408,000 for "Salaries and expenses" instead of $69,318,000 as proposed by the House and $73,400,000 as proposed by the Senate. This amount provides for support of a total of 800 positions for compliance inspection, instead of 691 provided by the House and 1,100 provided by the Senate.

Departmental Management

Amendments Nos. 5 and 6: Appropriate $23,322,000 for "Salaries and expenses" as proposed by the Senate instead of $23,225,000 as proposed by the House and provide that $941,000 shall be available for the President's Committee on Employment of the Handicapped, as proposed by the Senate instead of $844,000 as proposed by the House.

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services and Mental Health Administration

Amendments Nos. 7 and 8: Appropriate $815,975,000 for "Mental health" instead of $795,475,000 as proposed by the House and $845,475,000 as proposed by the Senate and provide that $15,000,000 shall remain available until June 30, 1975, for grants pursuant to Part A of the Community Mental Health Centers Act as proposed by the House, instead of $20,000,000 as proposed by the Senate.

The conferees are agreed that the amount in excess of the House bill is for alcoholism programs and includes $2,500,000 for training, $10,000,000 for project grants, and $8,000,000 for grants to States.

Amendment No. 9: Adjusts legal citation pertaining to "Health services planning and development" as proposed by the Senate.

Amendment No. 10: Appropriates $853,280,000 for "Health services delivery" instead of $832,030,000 as proposed by the House and $875,380,000 as proposed by the Senate. The conferees are agreed that the total appropriation includes $92,273,000 for project grants and $125,678,000 for grants to States for maternal and child health under Title V of the Social Security Act. The House bill included no funds for project grants and $217,951,000 for grants to States, and the Senate bill included $94,273,000 for project grants and $125,678,000 for grants to States. The amount in excess of the House bill includes $1,250,000 for migrant health grants, $2,000,000 for the National Health Service Corps, $3,000,000 for operation of the Public Health Service hospitals and clinics, and $15,000,000 for modernization of the hospitals. The conferees agreed to delete the $2,000,000 added by the Senate for pediatric pulmonary centers with the understanding that these centers will be funded at this level within the amount provided in the bill for the regional medical programs.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will provide that $15,000,000 of the amounts appropriated for the Public Health Service hospitals shall remain available until expended, instead of $25,000,000 as proposed by the Senate. The managers on the part of the Senate will move to agree to the amendment of the House to the amendment of the Senate. The conferees are agreed that no funds are to be used for the purpose of closing the Public Health Service Hospitals.

Amendment No. 12: Appropriates $134,565,000 for "Preventive health services" instead of $127,080,000 as proposed by the House and $141,780,000 as proposed by the Senate. The conferees are agreed that the amount in excess of the House bill includes $585,000 for vaccination assistance, $200,000 for laboratory improvement, $900,000 for rodent control, $800,000 for the Arctic Health Research Center, and $5,000,000 for the construction, purchase and operation of fixed sites and mobile clinical facilities for the analysis, examination, and treatment of respiratory and pulmonary impairments in active and inactive coal miners.

Amendment No. 13: Appropriates $19,335,000 for "National health statistics" as proposed by the Senate instead of $22,821,000 as proposed by the House.

Amendment No. 14: Adjusts appropriation language for "Retirement pay and medical benefits for commissioned officers" as proposed by the Senate.

Amendment No. 15: Appropriates $12,000,000 for "Office of the Administrator" instead of $14,304,000 as proposed by the House and $7,304,000 as proposed by the Senate.

National Institutes of Health

The bill includes a total of $1,813,900,000 for the research institutes and divisions of the National Institutes of Health. These appropriations are covered by Amendments Nos. 16 through 27. This compares with the 1973 appropriation of $1,721,841,000, the 1973 operating level of $1,486,731,000, the budget estimate for 1974 of $1,531,776,000, the House bill of $1,741,271,000, and the Senate bill of $1,882,031,000. The conferees are agreed that, in general, the earmarkings included in the Senate Committee report should be used as a guideline in allocating the increases over the amounts proposed by the House, except in those instances where more specific instructions are contained in this statement.

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will provide that $25,000,000 of the appropriation for "National Cancer Institute" shall remain available until June 30, 1975, instead of $50,000,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 17: Appropriates $551,191,500 for "National Cancer Institute" instead of $522,383,000 as proposed by the House and $580,000,000 as proposed by the Senate.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, which earmarks $4,500,000 of the amount appropriated for "National Cancer Institute" for the Norris Cotton Cancer Center.

Amendment No. 19: Appropriates $302,915,000 for "National Heart and Lung Institute" instead of $281,415,000 as proposed by the House and $320,000,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House includes $10 million for demonstrations of emergency medical care and that special emphasis should be given to high blood pressure and hypertension control programs in the allocation of the remainder of the increase.

Amendment No. 20: Appropriates $45,565,500 for "National Institute of Dental Research" instead of $44,131,000 as proposed by the House and $47,000,000 as proposed by the Senate.

Amendment No. 21: Appropriates $159,447,000 for "National Institute of Arthritis, Metabolism and Digestive Diseases" instead of $155,894,000 as proposed by the House and $163,000,000 as proposed by the Senate.

The conferees are aware that diabetes is a prime example of a disease which affects the work of many of the Institutes. It may afflict the eyes, heart, brain, and muscular structure. The conferees urge the NIH to establish mechanisms to assure a coordinated program of research by the Institutes concerned with the various aspects of diabetes.

Amendment No. 22: Appropriates $125,000,000 for "National Institute of Neurological Diseases and Stroke," as proposed by the Senate instead of $120,073,000 as proposed by the House.

Amendment No. 23: Appropriates $114,000,000 for "National Institute of Allergy and

Infectious Diseases" as proposed by the Senate instead of $112,744,000 as proposed by the House.

Amendment No. 24: Appropriates $176,778,000 for "National Institute of General Medical Sciences" instead of $175,778,000 as proposed by the House and $183,500,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House shall be used for biomedical engineering and pathology centers. The conferees are also agreed that the MARC (Minority Access to Research Careers) program should be continued and expanded.

Amendment No. 25: Appropriates $130,254,000 for "National Institute of Child Health and Human Development" instead of $125,254,000 as proposed by the House and $135,254,000 as proposed by the Senate.

Amendment No. 26: Appropriates $41,631,000 for "National Eye Institute" instead of $36,631,000 as proposed by the House and $46,631,000 as proposed by the Senate. The conferees are agreed that in the allocation of the increase over the amount proposed by the House, special attention should be given to diabetic retinopathy and macular degeneration including central serious retinopathy.

Amendment No. 27: Appropriates $133,472,000 for "Research resources" instead of $133,322,000 as proposed by the House and $134,000,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House is to be used for the support of the primate colony at Holloman Air Force Base.

Amendment No. 28: Appropriates $710,795,000 for "Health manpower" instead of $706,841,000 as proposed by the House and $731,916,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House includes $500,000 for special project support of the Dartmouth Medical School, $2,000,000 for physician shortage area scholarships, $680,000 for family practice of medicine programs to provide a total of $10,000,000 for these programs, $2,350,000 for capitation grants for schools of nursing, $1,000,000 for nursing scholarships, and $2,200,000 for nurse traineeships. The conferees have also agreed to the Senate reduction of $4,776,000 in the amount proposed by the House for program direction.

Office of Education

Amendments Nos. 29, 30, and 31: Appropriate $2,121,893,000 for "Elementary and secondary education" instead of $2,105,393,000 as proposed by the House and $2,139,893,000 as proposed by the Senate; provide that $41,500,000 shall be for carrying out Title V, parts A and C of the Elementary and Secondary Education Act, instead of $38,000,000 as proposed by the House and $45,000,000 as proposed by the Senate; and provide that $30,000,000 shall be for carrying out Title III–A of the National Defense Education Act of 1958, instead of $25,000,000 as proposed by the House and $42,500,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House includes $8,000,000 for bilingual education programs, $5,000,000 for school equipment, and $3,500,000 for strengthening State departments of education.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will provide that the aggregate amounts made available to each State under Title I–A of the Elementary and Secondary Education Act for grants to local educational agencies within that State shall not be more than 120 per centum of, nor less than, such amounts as were made available to that State for that purpose for fiscal year 1973, and the amount made available to each local educational agency under said Title I–A shall not be less than 90 per centum of the amount made available for that purpose for fiscal year 1973.

The House bill provided that the aggregate amounts made available to each State under Title I–A for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972, and the Senate bill provided that the amounts made available to each State and local education agency under Title I–A for grants to local education agencies within that State shall not be less than 90 per centum nor more than 110 per centum of such amounts as were made available for that purpose for fiscal year 1972. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that the allotment of funds under Title I–A of the Elementary and Secondary Education Act shall be made as follows: States shall receive no less than 100 percent and no more than 120 percent of the amounts they received in fiscal year 1973. Within the State allocation, local education agencies shall receive no less than 90 percent of the amounts they received in fiscal year 1973, with no ceiling.

The Elementary and Secondary Education Act expired June 30, 1973, but was automatically extended for one additional year by Section 413 of the General Education Provisions Act. It is under this authority that appropriations are included in the bill. The conferees want to state in the strongest possible terms that no funds will be considered in next year's appropriation bill unless the present Title I formula is revised to remove the inequities in the basic law. For the past several years, efforts to provide early appropriations in a separate bill for education programs have been frustrated by lack of authorizing legislation. The conferees generally favor the early disposition of education appropriations, but there will be no further appropriations for Title I until the basic law is amended, even though this may cause a delay in allocations for the next school year.

Amendments Nos. 33, 34, 35 and 36: Appropriate $610,000,000 for "School assistance in federally affected areas" as proposed by the House instead of $633,800,000 as proposed by the Senate; provide that $591,000,000 shall be for maintenance and operation of schools, as proposed by the House, instead of $614,800,000 as proposed by the Senate; that payments pursuant to Section 3(b) shall not exceed 68% of entitlement as proposed by the House instead of 73% as proposed by the Senate; and that not more than 50% of the amounts provided for school facilities shall be used for Section 5 of the Act, as proposed by the Senate, instead of 65% as proposed by the House.

Amendment No. 37: Appropriates $152,404,000 for "Education for the handicapped" instead of $143,609,000 as proposed by the House and $159,069,000 as proposed by the Senate.

The increase over the amount proposed by the House includes $4,795,000 for centers for deaf-blind children, and $4,000,000 for the training of teachers for the handicapped.

Amendments Nos. 38, 39, 40, 41, and 42: Appropriate $614,903,000 for "Occupational, Vocational, and Adult Education" instead of $600,641,000 as proposed by the House and $651,558,000 as proposed by the Senate, including $444,682,000 for parts B and C of the Vocational Education Act of 1963, as proposed by the House instead of $468,000,000 as proposed by the Senate; $32,625,000 for consumer and homemaking programs under part F, instead of $25,625,000 as proposed by the House and $40,000,000 as proposed by the Senate; $8,262,000 for work-study programs under part H, instead of $6,000,000 as proposed by the House and $10,524,000 as proposed by the Senate; and $66,300,000 for the Adult Education Act of 1966, instead of $61,300,000 as proposed by the House and $70,000,000 as proposed by the Senate.

Amendments Nos. 43, 44, 45, 46, and 47: Appropriate $1,889,414,000 for "Higher education" instead of $1,808,914,000 as proposed by the House and $2,025,914,000 as proposed by the Senate; provide that $210,300,000 for supplemental education opportunity grants shall remain available through June 30, 1975, as proposed by the Senate; earmark $25,000,000 for veterans cost-of-instruction payments as proposed by the House, instead of $50,000,000 as proposed by the Senate; and earmark $500,000,000 for basic opportunity grants instead of $440,500,000 as proposed by the House and $600,000,000 as proposed by the Senate, of which $488,500,000 shall remain available through June 30, 1976, instead of $429,000,000 as proposed by the House and $588,500,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House includes $59,500,000 for basic opportunity grants, $20,000,000 for State student incentive grants, and $1,000,000 for foreign language and area studies.

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment, which provides that amounts for basic opportunity grants shall be available only for full-time students at institutions of higher education who were not enrolled as regular students at such institutions prior to April 1, 1973.

Amendment No. 49: Deletes citation of Title II of the Library Services and Construction Act, as proposed by the Senate.

Amendment No. 50: Earmarks $95,000,000 of the amount appropriated for "Library resources" for Title II of the Elementary and Secondary Education Act instead of $90,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate with an amendment which will appropriate $171,709,000 for "Library resources" instead of $176,209,000 as proposed by the House and $176,709,000 as proposed by the Senate, and delete language proposed by the House, which would have provided $9,500,000 for public library construction, to remain available through June 30, 1975. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendments Nos. 52, 53, 54, 55, and 56: Insert citation of Title IX of the Elementary and Secondary Education Act, as proposed by the Senate, and earmark $48,660,000 of the appropriation for "Educational development" for part D of the Education Professions Development Act, as proposed by the Senate, instead of $53,660,000 as proposed by the House, $2,100,000 for part E as proposed by the House instead of $5,100,000 as proposed by the Senate, and $11,860,000 for part F, as proposed by the Senate, instead of $6,900,000 as proposed by the House.

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment which will appropriate $157,170,000 for "Educational development" instead of $161,110,000 as proposed by the House, and $163,670,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The following table sets forth the conference agreement and other pertinent statistics:

EDUCATIONAL DEVELOPMENT

[In thousands of dollars]

Activity	1973 appropriation	1973 operating level	1974 budget request	1974 House allowance	1974 Senate allowance	1974 conference agreement
Education professions development:						
(a) Teacher Corps	37, 500	37, 500	37, 500	37, 500	37, 500	37, 500
(b) Long-term training	5, 930	5, 930				
(c) Elementary and secondary development	54, 660	54, 660	30, 875	53, 660	48, 660	48, 660
(d) Vocational education	11, 860	11, 860		6, 900	11, 860	11, 860
(e) New careers in education	500	500		300	300	300
(f) Higher education	8, 000	8, 000	2, 100	2, 100	5, 100	2, 100
Subtotal	118, 450	118, 450	70, 475	100, 460	103, 420	100, 420
National priority programs:						
(a) Educational technology demonstrations:						
(1) Educational broadcasting facilities	13, 000	13, 000	13, 000	13, 000	20, 000	16, 500
(2) Sesame Street-Electric Co	7, 000	6, 000	3, 000	3, 000	5, 000	3, 000
(b) Drug abuse education	12, 400	12, 400	3, 000	12, 400	3, 000	6, 000
(c) Right to read	12, 000	12, 000	12, 000	12, 000	12, 000	12, 000
(d) Environmental education	4, 000	3, 180		4, 000	2, 000	2, 000
(e) Nutrition and health	2, 500	2, 000		2, 000	2, 000	2, 000
(f) Dropout prevention	10, 000	8, 500	4, 000	4, 000	4, 000	4, 000
(g) Ethnic heritage studies					5, 000	2, 500
Subtotal	60, 900	57, 080	35, 000	50, 400	53, 000	48, 000
Data systems improvement:						
(a) Educational statistics:						
(1) Surveys and special studies	6, 900	4, 250	7, 400	4, 250	4, 250	4, 250
(2) Common core of data			500			
Subtotal	6, 900	4, 250	7, 900	4, 250	4, 250	4, 250
(b) National achievement study	7, 000	6, 000	7, 000	6, 000	3, 000	4, 500
Total	193, 250	185, 780	120, 375	161, 110	163, 670	157, 170

Amendment No. 58: Provides that $16,500,000 of the appropriation for "Educational development" shall be for educational broadcasting facilities instead of $13,000,000 as proposed by the House and $20,000,000 as proposed by the Senate.

Amendment No. 59: Appropriates $1,000,000 for "Educational activities overseas (special foreign currency program)" as proposed by the Senate instead of $2,000,000 as proposed by the House.

Amendment No. 60: Appropriates $86,747,000 for "Salaries and expenses" as proposed by the Senate instead of $83,118,000 as proposed by the House.

National Institute of Education

Amendment No. 61: Appropriates $75,000,000 for "National Institute of Education" as proposed by the Senate instead of $142,671,000 as proposed by the House.

Social and Rehabilitation Service

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will appropriate $12,853,279,000 for "Grants to States for Public Assistance" instead of $12,891,048,000 as proposed by the House and $12,864,279,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The conferees are agreed that the change from the amount proposed by the House includes a reduction of $41,769,000 for maintenance assistance and an increase of $4,000,000 for child welfare services.

Amendment No. 63: Earmarks $50,000,000 for child welfare services instead of $46,000,000 as proposed by the House and $61,000,000 as proposed by the Senate.

Amendment No. 64: Appropriates $340,443,000 for "Work incentives" as proposed by the Senate instead of $384,434,000 as proposed by the House.

Amendment No. 65: Appropriates $298,917,000 for "Social and rehabilitation services" instead of $291,717,000 as proposed by the House and $307,217,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House includes $5,200,000 for nutrition programs for the elderly, and $2,000,000 for training programs in the field of aging.

Amendment No. 66: Deletes appropriation of $2,000,000 proposed by the House for "Research and training activities overseas (special foreign currency program)."

Amendment No. 67: Appropriates $72,200,000 for "Salaries and expenses" instead of $78,800,000 as proposed by the House and $70,000,000 as proposed by the Senate. The conferees are agreed that the increase of $2,200,000 over the amount proposed by the Senate may be used to support up to 200 of the 725 additional positions proposed in the budget and the House bill.

Social Security Administration

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment, which permits an agreement between the United States and the United Kingdom relating to the administration of the social insurance programs of the two countries.

Special institutions

Amendment No. 69: Appropriates $3,975,000 for "Model Secondary School for the Deaf" as proposed by the Senate instead of $3,962,000 as proposed by the House.

Amendment No. 70: Appropriates $10,599,000 for "Gallaudet College" as proposed by the Senate instead of $10,492,000 as proposed by the House.

Amendment No. 71: Appropriates $58,784,000 for "Howard University" as proposed by the Senate instead of $57,873,000 as proposed by the House.

Office of Child Development

Amendments Nos. 72 and 73: Appropriate $434,600,000 for "Child development" instead of $419,100,000 as proposed by the House and $450,100,000 as proposed by the Senate, and earmark $415,788,000 for Head Start instead of $400,288,000 as proposed by the House and $431,288,000 as proposed by the Senate.

Office of the Secretary

Amendment No. 74: Appropriates $107,898,000 for "Departmental management" as proposed by the Senate, instead of $120,198,000 as proposed by the House.

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment, which provides that not to exceed $10,000,000 may be transferred to the appropriation for "Departmental management" as reimbursement for reductions in funds for public affairs activities. The conferees will expect that the Department will consult with appropriate Congressional committees prior to discontinuing any publications.

General provisions

Amendment No. 76: Deletes Section 210 proposed by the Senate which would have provided for a contract with the District of Columbia to continue the Upward Mobility College. The General Accounting Office originally ruled that existing law prohibits contracts between the Federal Government and the D.C. Government; however, it later made an exception to permit the Upward Mobility program to continue for one more year, with the expectation that a change in the D.C. law would be sought. The problem addressed by the Senate language no longer exists for fiscal year 1974 and, therefore, the Senate language has been deleted without prejudice.

Amendment No. 77: Delete Section 211 proposed by the Senate which would have prohibited the use of funds for appropriations other than the appropriation for "Departmental management" to support the activities of "Departmental management" and would have provided that no funds contained in the appropriation for "Departmental management" may be used to support Federal positions in excess of the aggregate number of such positions authorized in the bill.

Amendment No. 78: Deletes Section 212 proposed by the Senate which would have prohibited the use of funds to pay compensation of persons in any of the Department's regional offices for carrying out duties of the

Office of Education carried out in Washington, D.C. prior to June 1, 1973, unless prior approval is obtained from Congressional committees. The Senate amendment reflected concern about the Office of Education's actions in "regionalizing" the administration of education programs and restricted the payment of salaries to persons employed in carrying out regionalization plans. The conferees have determined that, at this time, barring the payment of such salaries is not an appropriate mechanism for countering massive regionalization and reorganizations which have not been discussed in advance with Congress. However, the Office of Education should take note of these concerns and refrain from regionalizing or reorganizing the administraiton of education programs without prior consultation with both the authorization and appropriation committees of both houses of Congress.

TITLE III—RELATED AGENCIES

Corporation for Public Broadcasting

Amendment No. 79: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will appropriate $50,000,000 for "Payment to the Corporation for Public Broadcasting" instead of $55,000,000 proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Office of Economic Opportunity

Amendment No. 80: Appropriates $346,300,000 for "Economic opportunity program" instead of $333,800,000 as proposed by the House and $358,800,000 as proposed by the Senate.

Given the role of OEO as an experimental and demonstration agency for developing innovative approaches to solving the problems of poverty and recognizing that no Sec. 232 R&D monies are appropriated, the conference would call the Director's attention to his flexibility under Sec. 616 for these purposes.

TITLE IV—GENERAL PROVISIONS

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts Section 409 providing that funds for payment of consultants shall not exceed the fiscal year 1973 level and requires a semiannual report on payments to consultants in excess of $25,000.

Amendment No. 82: Inserts Section 410 proposed by the Senate to prohibit the use of funds for publicity or propaganda to influence legislation pending before Congress except in presentation to Congress itself.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1974 recommended by the Committee of Conference, with comparisons to the fiscal year 1973 amount, the 1974 budget estimate, and the House and Senate bills follows:

New budget (obligational) authority, fiscal year 1973	$33,639,371,260
Budget estimates of new (obligational) authority, fiscal year 1974	31,549,953,000
House bill, fiscal year 1974	32,816,467,000
Senate bill, fiscal year 1974	33,396,379,000
Conference agreement	[1]32,926,796,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1973	−712,575,260
Budget estimates of new (obligational) authority, fiscal year 1974	+1,376,843,000
House bill, fiscal year 1974	+$110,329,000
Senate bill, fiscal year 1974	−469,583,000

[1] The enacting clause of the bill will authorize the withholding from obligation and expenditure of not to exceed $400,000,000.

Daniel J. Flood,
William H. Natcher,
Neal Smith,
Bob Casey,
Edward J. Patten,
David R. Obey,
Edith Green,
George Mahon,
Robert H. Michel,
Garner E. Shriver,
Silvio O. Conte,
J. K. Robinson,
E. A. Cederberg,
Managers on the Part of the House.

Warren G. Magnuson,
John L. McClellan,
Alan Bible,
Robert C. Byrd,
William Proxmire,
Joseph M. Montoya,
Ernest F. Hollings
(except as to amendment 32),
Thomas F. Eagleton,
Norris Cotton,
Milton R. Young,
Clifford P. Case
(except as to amendment 1),
Hiram L. Fong,
Edward W. Brooke,
Ted Stevens
(except for amendment 1—I would except title I),
Richard S. Schweiker,
Managers on the Part of the Senate.

CHICAGO'S INTERNATIONAL CAN CO. SETS EXAMPLE

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, one of the most unfortunate aspects of the current fuel shortage has been the rush by many motorists to purchase large gasoline cans. Automotive stores throughout the Nation have reported extremely low inventories of this now precious item. This practice of hoarding gasoline is not only contrary to the collective national spirit but is extremely dangerous as well. The National Safety Council has recently cautioned motorists on the hazards of taking along that extra tank of gas on long trips. In many instances, especially in poorly ventilated automobile trunks, that extra can of gas is, in reality, a potential bomb.

Last evening on Chicago's WMAQ–TV News 5, there appeared a segment which cited the efforts presently being made by one Chicago company to combat this problem. Mr. John Trippi, board chairman of Chicago's International Can Co., one of the Nation's largest suppliers of gas cans, has announced that his company will in no way increase production to meet the rising demand. In stating his company's position, Mr. Trippi pointed out that economic gain should not come before the national interest.

The spirit which led to this courageous decision by the International Can Co. is something which should be emulated by us all.

SPEAKER ALBERT PROMISES SWIFT ACTION

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, Speaker of the House Carl Albert promised "swift action and a coordinated effort" in solving energy problems after a meeting with the Democratic leadership and key House Members controlling action on energy measures. Speaker Albert said:

> I am confident the House will consider several important energy proposals within the next several weeks, before adjournment of the Congress.

Speaker Albert cited the following measures which he is hopeful will be ready for House action in coming weeks:

The National Emergency Energy Act, which would provide standby rationing authority, partial waiver of environmental requirements, authority to allocate coal and to order conversion of powerplants to coal use and authority to draw up energy conservation plans affecting most areas of American life, including transportation regulation.

Deepwater ports legislation, which has already been reported to the full House of Representatives by its Public Works Committee.

Legislation to create an independent Energy Research and Development Administration.

Legislation providing for a reduced national speed limit plan.

Legislation providing for more economical use of energy in Government-owned and leased buildings.

Speaker Albert emphasized that today's meeting, which dealt mainly with legislation that would bring immediate relief or legislation that can be enacted within the next few weeks, was the first in a series of meetings designed to coordinate an overall congressional energy program.

Speaker Albert stressed the seriousness of the energy problem and took exception to President Nixon's recent statement that the problem as "temporary" and could be solved within a year. Speaker Albert said:

> Congress realizes the enormous scope of this serious problem and the urgent need for mid- and long-term solutions as well as ways to keep people warm and moving during the coming winter.

Speaker Albert also praised the Congress for having already considered legislation authorizing the building of the Alaska pipeline, instituting a mandatory allocation program, and placing the country on year-round daylight savings time.

The Congress was predicting fuel shortages this winter, long before the current Arab embargo which merely brought the situation to a head, unless the administration changed course and stopped impounding money for energy research and development for such important programs as coal gasification, and geothermal and solar power.

EPA HAS GONE OFF THE DEEP END ON PARKING TAX

(Mr. LEGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEGGETT. Mr. Speaker, when the supplemental appropriations bill comes before us this afternoon, I will offer an amendment to kill the Environmental Protection Agency's authority to tax, limit, or otherwise regulate automobile parking. I have always supported EPA's actions in the past, and I have no sympathy for those who wantonly spew garbage into the air or water.

We have had some regulations that recently has been promulgated in California complying with a court order which will result, as I understand it, in a tax on anybody with five or more parking places at a rate of something like $450 per parking place per year.

I have received a telegram from Lucky Markets indicating that the taxes and surcharges as a result of the EPA surcharge will exceed their Federal income tax paid by that particular conglomerate over the past year.

I have a letter here from the Los Angeles Chamber of Commerce, which is well thought out. The letter suggests that we change EPA's authority to tax parking, that we change the ambient air qualities standards, that we regulate and modify rather substantially the Environmental Protection Act.

I believe today is the day to generally discuss that situation.

But in the matter of parking I believe EPA's attempts to tax urban parking out of existence are dogmatic and untenable. If put into effect, they will impose extreme hardship on all urban Americans and, as I will explain this afternoon, their beneficial effect on air quality will be questionable at best. Furthermore, they are so badly thought out and so disastrous in consequence that they will generate such universal popular resentment that the entire environmental movement may be discredited.

PROVIDING FOR INCREASING INTEREST PAID ON THE PERMANENT FUND OF THE SOLDIERS' AND AIRMEN'S HOME

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8528) to provide for increasing the amount of interest paid on the permanent fund of the U.S. Soldiers' and Airmen's Home, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 1, line 4, strike out " "of 3" and insert " "the rate of 3".

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1974

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11575) making appropriations for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes.

CALL OF THE HOUSE

Mr. LEGGETT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 606]

Alexander
Anderson, Calif.
Baker
Bell
Bolling
Brademas
Brooks
Buchanan
Burke, Calif.
Camp
Carey, N.Y.
Carney, Ohio
Chisholm
Clark
Clawson, Del
Cochran
Collins, Ill.
Conyers
Crane
Danielson
de la Garza
Dellenback
Dellums
Derwinski
Dickinson
Diggs
Downing
Eshleman
Fraser
Gray
Griffiths
Gude
Hanna
Hébert
Heinz
Helstoski
Holt
Johnson, Colo.
Karth
Keating
King
Landrum
Long, La.
Long, Md.
Lott
Lujan
McSpadden
Macdonald
Mathis, Ga.
Metcalfe
Michel, Ill.
Mills, Ark.
Mitchell, Md.
Moorhead, Calif.
Murphy, Ill.
Nelsen
Pettis
Pike
Poage
Powell, Ohio
Quie
Quillen
Rangel
Reid
Rooney, N.Y.
Rose
Rousselot
Sebelius
Seiberling
Snyder
Staggers
Steiger, Ariz.
Stephens
Stokes
Talcott
Taylor, Mo.
Teague, Tex.
Van Deerlin
Wiggins
Wilson, Bob
Wyatt
Young, Alaska
Young, S.C.

The SPEAKER. On this rollcall 350 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO FILE A REPORT ON S. 1191

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor have until midnight tonight, to file the committee report on S. 1191, as amended, to provide financial assistance for a demonstration program for the prevention, identification, and treatment of child abuse and neglect, to establish a National Center on Child Abuse and Neglect, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

THE DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1974

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. Mahon).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11575, with Mr. Rostenkowski in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the Clerk had read through line 13 on page 7 of the bill, and there was pending an amendment offered by the gentleman from New Hampshire (Mr. Wyman).

If there is no objection, the Clerk will re-report the amendment offered by the gentleman from New Hampshire (Mr. Wyman).

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. Wyman: On page 7, strike that portion beginning on line 5 which reads: "*Provided further,* That of the total amount of this appropriation made available for the alteration, overhaul, and repair of naval vessels, not more than $851,672,000 shall be available for the performance of such work in Navy shipyards:".

Mr. LEGGETT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by Mr. Wyman.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I wish to associate myself with the remarks of the author of this amendment, Mr. Wyman of New Hampshire and the other Members supporting his amendment. Further, my colleague from California (Mr. Leggett) in whose district Mare Island is located, will provide more specifics and detail relating to the naval shipyard we are mutually supporting and interested in.

Therefore, Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from New Hampshire (Mr. Wyman) to remove the limitation on the use of naval shipyards for repair and overhaul of naval vessels.

Although the Wyman amendment removes the dollar limitation on the work of naval shipyards, it does not make any substantive policy change nor would it affect employment in private sector shipyards.

By adopting the amendment we will simply permit the Navy sufficient flexibility to account for pay increases for public employees and cost increases due to inflation without having to redirect planned work schedules or reduce employment.

We know that employment in public

shipyards is only about 60 percent today of what it was 10 years ago. This figure shows clearly that there is no need to cause an extra dislocation in employment at the naval shipyards.

In addition, while it is claimed that costs are higher for repairs performed at public shipyards, we must remember that it is vital to our security that we have a strategic reserve personnel capability in the form of a ready, experienced naval ship repair capacity in the event of any unforeseen emergency.

I share fully the belief that we must maintain a strong and viable group of private shipyards for military work but I also believe it is neither right nor appropriate to try to do so through artificial, unnecessary limitations and establishes a trend toward downgrading the ability of our naval shipyards to perform efficiently and effectively.

Mr. LEGGETT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Hampshire (Mr. WYMAN), which is really a very simple amendment. The appropriation bill when originally submitted did not contain the language which the gentleman from New Hampshire (Mr. WYMAN) seeks to extract from the bill. And the amendment that was made in committee, without elaborate debate, would purport to restrict the Navy Department on repairs and alterations alone to the particular sum of $851 million for that particular category.

It just so happens that that category is no longer $851 million today; it is $861 million; and we anticipate that with the pay raise going through in January the category may well expand the sum to $891 million by the time we are finished the fiscal year. If we want the Department of the Navy to eke all pay and inflation increases out of its budget, if we want to restrict the repairs and alterations that are currently scheduled for navy yards, if we want to lay off from the Portsmouth Naval Shipyard 400 men, 900 men out of Philadelphia, 550 out of Norfolk, 700 out of Charleston, 350 out of Puget Sound, none out of Mare Island, 550 out of Long Beach, then vote against the Wyman amendment, because the Department of the Navy has said very clearly in the only documentation that they presented to this Congress that this is the situation.

At the proper time in the House I will make the appropriate motion and ask unanimous consent to include in the RECORD at this point my entire presentation which I made to the Defense Appropriations Committee, some 36 pages long, which includes the Navy analysis, and also the supplemental Navy analysis dated November 12 prepared by Acting Navy Secretary William Middendorf III:

STATEMENT OF HON. ROBERT L. LEGGETT BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON DEFENSE, THURSDAY, OCTOBER 11, 1973

Mr. Chairman: My remarks to the Committee this morning I'm sure you will appreciate will be short and to the point.

The relief that I am asking of this Committee is exactly nothing—no legislation—no limitations on your Defense Appropriations Bill.

You heard testimony over the past few weeks urging the Committee to apportion more work to private shipyards because they can operate cheaper than Naval shipyards. The request is for 50 percent of the repairs and alteration work of the Navy.

Gentlemen, I can show you in a few charts and quotations that the private yards are coming out like fat hogs while our Naval shipyard structure has been decimated.

1. SHIPYARD EMPLOYMENT

We talk about the Russians, keeping up with them—they are building large numbers of ships and submarines and have the capacity to build five times the number of ships. Simultaneously in the United States because of budget constrictions we are building 80 percent of our current Navy in four Eastern and Southern private yards, to wit, Electric Boat, Newport News, Litton and Avondale; and conversely we have closed San Diego Naval Shipyard, New York Naval Shipyard, Hunters Point Naval Shipyard, and Boston Naval Shipyard.

When I testified here two years ago as compared to today, the following is the line up of Naval Shipyard employment:

Yard	September 1971	Aug. 31, 1973
Portsmouth	5,966	5,322
Boston	5,965	2,696
Philadelphia	8,338	7,193
Norfolk	9,940	9,731
Charleston	6,942	6,114
Puget Sound	8,740	8,759
Mare Island	8,572	7,345
Hunters Point	5,792	2,727
Long Beach	7,402	6,853
Pearl Harbor	5,297	4,878
Total	72,954	60,491

The lean and hungry look of Naval shipyards can be appreciated when you consider that we had over 50 percent more employees in 1968, at 95,200, than today. I would further remind the Committee that the Kaiser Engineers Study paid for by the Navy recommended a minimum shipyard employee complex of 72,000 for optimum efficiency at our ten Naval shipyards. The fact that two yards have commenced closing and that manning levels are dwindling to the 55,000 men level is confirmation of the fact that in but five years we have determined on a national policy to cut in half our Navy shipyard capacity.

As will be seen from the following chart of the Shipbuilders of America, the 12,000 man loss in Navy shipyards in 1970 has been partially compensated by a 6,000 man gain in the private sector.

It is unfortunate that we have famine in employment in some of the Naval shipyard areas today, but Electric Boat, Litton and Newport News all have deficiencies of over 1,000 employees.

The conclusion from this section is that private yards do not need more work to keep their employees busy.

STATISTICAL QUARTERLY, SHIPBUILDERS COUNCIL OF AMERICA

2D QUARTER, 1973, PRIVATE SHIPYARD EMPLOYMENT—LATEST TABULATION OF WORKFORCE IN PRIVATE SHIPYARDS PROVIDED BY BUREAU OF LABOR STATISTICS SHOWS INCREASE TO 138,600 FOR APRIL 1973

[Private shipyard employment—All employees in thousands]

	Total	North Atlantic	South Atlantic	Gulf	Pacific	Great Lakes and inland
Average 1962	114.6	48.0	23.8	21.1	15.3	6.5
Average 1963	115.5	48.1	22.7	23.0	15.0	6.6
Average 1964	116.8	43.9	24.2	25.7	14.9	8.3
Average 1965	128.9	48.0	24.3	32.3	14.5	10.0
Average 1966	143.6	52.6	24.8	35.6	20.7	9.9
Average 1967	140.0	48.4	16.1	34.8	20.7	10.0
Average 1968	141.0	46.2	27.0	36.5	22.4	8.9
Average 1969	142.0	45.8	26.0	37.6	25.2	7.4
Average 1970	132.7	43.6	23.2	38.8	20.3	7.6
Average 1971	129.7	39.9	23.2	43.2	15.9	7.7
Average 1972	134.5	37.4	28.4	46.4	13.5	8.8
1972						
January	131.1	38.9	26.5	43.6	13.7	8.4
February	129.4	38.6	26.8	41.6	13.6	8.8
March	134.7	38.5	17.3	46.4	13.7	8.8
April	135.8	39.3	27.5	46.3	14.1	8.6
May	137.0	38.8	27.9	47.1	14.9	8.3
June	136.7	38.3	28.8	47.3	14.0	8.3
July	136.3	37.2	29.4	47.7	13.2	8.8
August	132.1	32.3	29.2	48.2	13.6	8.8
September	134.6	36.7	28.9	46.7	13.4	8.9
October	134.0	36.6	28.9	47.0	12.7	8.8
November	135.8	37.0	29.5	47.5	12.5	9.3
December	136.8	37.0	29.9	47.3	13.0	9.6
1973						
January	137.6	37.0	29.8	48.0	12.8	10.0
February	139.1	36.8	39.9	49.4	12.6	10.4
March	138.4	37.1	30.1	47.8	12.7	10.7
April	138.6	36.8	30.0	48.0	13.4	10.4

2. HAS THE NAVY GIVEN PRIVATE YARDS THEIR FAIR SHARE OF THE WORK?

A 35/65 split as recommended by this Committee?
The following chart displays the Navy's generosity conclusively— the answer is yes.

FISCAL YEARS 1953-74

[Dollars amounts in thousands]

Fiscal year	Repairs and alterations				Conversions				Total repairs, alterations and conversion			
	Naval	Private	Total	Percent private	Naval	Private	Total	Percent private	Naval	Private	Total	Percent private
1953	$301,700	$32,800	$334,500	9.8	$132,691	0	$132,691	0	$434,391	$32,800	$467,000	7.0
1954	285,600	55,600	341,200	16.3	93,211	0	93,211	0	378,811	55,600	343,000	12.8
1955	255,400	76,400	331,800	23.0	148,850	0	148,850	0	404,250	76,400	480,000	15.9
1956	294,000	77,200	371,200	20.8	224,876	$10,521	235,397	4.5	518,876	87,721	606,000	14.5
1957	269,400	64,200	333,600	19.2	414,435	196,232	610,717	32.1	683,835	260,482	944,000	27.6
1958	293,300	67,700	361,000	18.8	229,254	0	229,254	0	522,554	67,700	590,000	11.5
1959	299,500	57,500	357,000	16.1	312,409	38,799	351,208	11.0	611,909	96,299	708,000	13.6
1960	350,900	63,500	414,400	15.3	94,418	11,869	106,287	11.2	445,318	75,369	520,000	14.5
1961	347,300	79,700	427,000	18.7	141,350	0	141,350	0	488,650	79,700	568,000	14.0
1962	394,300	133,400	527,700	25.3	205,944	32,400	238,344	13.6	600,244	165,800	766,000	21.6
1963	309,909	140,487	450,396	31.2	288,300	186,200	474,500	39.2	598,209	326,687	924,000	35.3
1964	315,053	150,972	466,025	32.4	393,862	148,364	542,226	27.4	708,915	299,336	1,008,000	29.7
1965	432,962	148,620	581,582	25.6	22,700	71,910	94,600	76.0	455,662	220,520	676,000	32.6
1966	511,044	349,619	860,663	40.6	166,100	20,650	186,750	11.1	677,144	370,269	1,047,000	35.4
1967	664,088	352,494	1,016,582	34.7	25,000	121,510	146,500	82.9	689,088	473,994	1,163,000	40.8
1968	667,896	264,106	932,002	28.3	128,900	211,510	340,400	62.1	796,796	475,606	1,272,000	39.4
1969	665,022	235,521	900,543	26.2	131,400	128,710	260,100	49.5	796,422	364,221	1,160,000	31.4
1970	593,331	214,358	807,689	26.5	188,200	149,100	[3] 337,300	44.2	781,531	363,458	1,144,000	31.7
1971	686,583	135,118	821,701	16.4	187,800	403,800	586,000	68.9	869,383	538,318	1,407,000	38.2
1972	760,150	176,832	936,982	18.9	286,800	258,500	485,300	53.3	986,950	435,332	1,422,000	30.6
1973	772,908	282,964	1,055,872	26.8	236,300	302,200	538,500	56.1	1,009,208	585,164	1,594,000	36.7
1974 (estimated)	851,672	359,919	1,211,591	29.7	199,500	389,500	589,000	66.1	1,051,172	749,419	1,800,000	41.6

SHIPWORK ALLOCATION BETWEEN NAVAL/PRIVATE SHIPYARDS FISCAL YEARS 1953-72

[Dollar amounts in thousands]

Year	New construction [2]				Total repairs, alterations, conversions and new construction			
	Naval	Private	Total	Percent private	Naval	Private	Total	Percent private
1953	$256,390	$303,059	$559,445	54.2	$690,781	$335,859	$1,026,640	32.1
	0	427,818	427,818	100.0	378,811	483,418	862,229	56.7
1955	320,288	415,218	735,506	56.5	724,538	491,618	1,216,156	40.4
	388,411	861,380	1,249,791	68.9	907,287	949,101	1,856,388	51.1
1957	549,686	1,010,601	1,560,287	64.8	1,233,521	1,271,083	2,504,604	50.7
1958	303,302	1,281,300	1,584,602	80.9	825,856	1,349,000	2,174,856	62.0
1959	474,131	1,376,699	1,850,830	74.4	1,086,040	1,472,998	2,559,038	57.6
1960	86,160	429,615	515,775	83.3	531,478	504,984	1,036,462	48.7
1961	483,702	1,488,935	1,972,637	75.5	972,352	1,568,635	2,540,987	61.7
1962	772,371	1,620,824	2,393,195	67.7	1,372,615	1,786,624	3,159,239	56.6
1963	274,192	1,888,108	2,162,300	87.3	872,401	2,214,795	3,087,196	71.7
1964	321,945	1,390,818	1,712,763	81.2	1,030,860	1,690,154	2,721,014	62.1
1965	441,100	1,361,476	1,802,576	75.5	896,762	1,581,996	2,478,758	63.8
1966	255,300	1,390,436	1,645,736	84.5	932,444	1,760,705	2,693,149	65.4
1967	6,500	1,827,300	1,833,800	99.6	695,588	2,301,294	2,996,882	76.8
1968	0	510,700	510,700	100.0	796,796	986,306	1,783,102	55.3
1969	0	351,600	351,600	100.0	796,422	715,821	1,512,243	47.3
1970	0	1,900,500	1,900,500	100.0	781,531	2,263,958	3,045,489	74.3
1971	0	1,709,500	1,709,500	100.0	869,383	2,536,118	3,405,501	74.5
1972	0	1,997,900	1,997,900	100.0	968,950	2,433,232	3,402,182	71.5
1973	0	1,440,700	1,440,700	100.0	1,009,208	2,025,864	3,035,072	66.7
1974	0	3,658,400	3,658,400	100.0	1,051,172	4,407,819	5,458,991	80.7

As is apparent from the chart the private share of Alterations, Repairs and Conversions escalated from 31.7 percent and $1,144,989 in 1970 to a projected 41.6 percent and $1,800,000 in fiscal year 1974. Obviously the 35/65 tentative Committee/Navy goal has been satisfied—the average for the past five years being 36.78 percent (2.7101 billion)/(7.367 billion).

The share over the past 20 years of the private yards of repairs and alterations has escalated from 9.8 percent to 29.7 percent in 1974.

The share of the privates in conversions has zoomed from 0 percent to 66.1 percent in 1974.

The share of the privates in new construction has exploded from 54.2 percent to 100 percent in 1974.

The share of the privates in the total Navy business has nuclear fissioned from 32.7 percent to 80.7 percent in 1974.

The Navy has more than complied with the will of the Congress, the reason probably being that Navy shipyards are being closed by the Department of Defense so rapidly, there is very little Navy in house capacity left.

3. DO THE PRIVATE YARDS NEED ADDITIONAL WORK?

The Bible on this subject is the Shipbuilders' Council '73 Annual Report. Page 33 of the report reads as follows respecting new construction:

Type	Number of vessels	Total light displacement tons
Replenishment oiler (AOR)	2	25,000
Attack aircraft carrier (nuclear) (CVAN)	2	142,000
Destroyer (DD)	16	80,000
Escort ship (DE)	8	20,992
Guard missile frigate (nuclear) (DLGN)	5	40,110
Amphibious assault ship (special) (LHA)	5	115,000
Attack submarine (nuclear) (SSN)	19	96,577
Total	57	519,679

	Commercial ships	Naval ships	Total
1954	$256,000	$371,000	$627,000
1955	122,000	601,000	723,000
1956	231,000	668,000	899,000
1957	949,000	704,000	1,653,000
1958	874,000	952,000	1,826,000
1959	659,000	1,060,000	1,719,000
1960	492,000	974,000	1,466,000
1961	490,000	965,000	1,455,000
1962	525,000	1,124,000	1,649,000
1963	369,000	1,249,000	1,618,000
1964	387,000	1,176,000	1,564,000
1965	519,000	1,728,000	2,247,000
1966	501,000	1,387,000	1,888,000

	Commercial ships	Naval ships	Total
1967	$543,000	$1,751,000	$2,294,000
1968	788,000	1,649,000	2,437,000
1969	800,000	1,700,000	2,500,000
1970	765,000	1,719,000	2,484,000
1971	765,000	1,925,000	2,690,000
1972	1,058,000	2,255,000	3,313,000
1973	[1] 2,950,000	[1] 2,731,000	5,681,000

[1] Preliminary.

As you recall, 20 years ago 70% of all new construction occurred in Naval Shipyards—now there is none.

With respect to conversions, the private yards had 100% of the Merchant conversions last year—9 ships and better than 50% of the Navy conversions—4 ships—probably 67% of this type of work.

Concerning repairs and alterations, the Shipbuilders' Council contains the following chart on Page 35 of their report:

Year	Vessels under 1,000 gross tons	Vessels over 1,000 gross tons	Total vessels
1955	21,122	14,291	35,413
1956	29,401	16,154	45,555
1957	26,106	14,721	40,827
1958	28,331	14,478	42,809
1959	24,837	12,664	37,501

Year	Vessels under 1,000 gross tons	Vessels over 1,000 gross tons	Total vessels
1960	24,991	12,783	37,774
1961	26,027	10,789	36,816
1962	29,912	12,774	42,686
1963	27,804	12,186	39,990
1964	26,777	10,723	37,500
1965	22,900	12,721	35,621
1966	19,600	13,500	33,100
1967	24,500	12,900	37,400
1968	24,300	12,900	37,200
1969	22,100	13,880	35,980
1970	26,800	12,400	39,200
1971	25,000	10,500	35,500
1972		[1] 8,000	

[1] Preliminary.

Year	Commercial ships[1]		Naval ships		Total
	Amount	Percent	Amount	Percent	
1954	$196,140	78.0	$55,180	22.0	$251,320
1955	218,810	76.1	68,000	23.9	287,710
1956	328,390	84.1	62,000	15.9	390,390
1957	398,590	91.5	36,880	8.5	435,470
1958	275,510	87.0	41,300	13.0	316,810
1959	202,690	84.2	37,960	15.8	240,650
1960	221,790	82.9	45,810	17.1	267,600
1961	213,200	70.1	90,840	29.9	304,040
1962	233,650	74.6	79,680	25.4	313,330
1963	228,000	66.8	113,000	33.2	341,000
1964	236,000	63.5	137,000	36.7	373,000
1965	291,000	58.5	208,000	41.5	498,000
1966	324,000	51.8	301,000	48.2	625,000
1967	335,000	56.3	315,000	43.7	650,000
1968	318,000	51.0	311,000	49.0	629,000
1969	352,000	49.1	340,000	50.9	692,000
1970	320,000	48.7	350,000	51.3	670,000
1971	315,000	50.4	310,000	49.6	625,000
1972	[2] 302,000	63.8	[2] 171,000	36.2	[2] 473,000

[1] Includes MSC (MSTS) work.

[2] Preliminary.

As is indicated, the total repairs and alterations, Naval and commercial accomplished in private yards has equaled repairs and alterations in Navy Shipyards—about $5½ billion worth of work being accomplished in each sector in the past ten years.

When the total work picture is viewed in perspective for the past year, the figures are as follows:

	Navy	Private
New construction Navy	0	2,731,000,000
New construction commercial	0	2,950,000,000
Conversions—Navy	270,000,000	226,000,000
Conversions—Private	0	100,000,000
Repairs Navy	757,000,000	182,000,000
Coast Guard	0	81,000,000
Corps of Engineers	0	15,400,000
Total	1,027,000,000	6,285,000,000
Percent	14	86

At the beginning of 1973, private yards had a backlog of 57 large Naval ships to construct, plus 86 large Merchant ships. The Navy Yards had none.

Restated, the private yards last year had 86% of the Nation's ship business and they are back here to this committee to ask for more.

4. CAN PRIVATE YARDS DO MORE REPAIR WORK?

It's possible in some minor respects that they can; but according to their testimony before this committee, they are not after more Carrier or Submarine repair work, either nuclear or non-nuclear, nor do they want Surface Nuclear ships. The aforementioned work is costly and substantial but the complainants before this committee aren't interested in this work.

Admittedly, the private yards neither are able to plan on emergency work the Navy estimates at over $360 million. The Navy classifies this work as restricted availability, technical availability and selected restricted availability.

When all of this work is removed from the Navy Repair and Alteration shopping list, there is a lean product left for distribution. As the Navy has requested, they should be allowed some discretion in this area.

Since 1971 when we last held hearings before this committee the private share of Repairs and Alterations has escalated from 16.4% and $135 million to 29.7% and $359 million this year. I see little here about which the private yards should complain.

5. HAS THE NAVY PERFORMED ALL NAVY YARD REPAIR WORK AT THE 10 NAVAL SHIPYARDS?

The answer to this question is "No." As has been previously indicated, certain emergency Navy repairs must be accomplished where possible.

I reviewed this issue at length over the past few months with the Navy as follows:

July 16, 1973.

Adm. I. C. Kidd, Jr.,
Chief, Naval Materiel Command, Department of the Navy, Washington, D.C.

Dear Admiral Kidd: Enclosed for your review is a copy of a newspaper report from the Vallejo Merchant indicating considerable shipbuilding taking place overseas.

I have not reviewed recently the volume of repairs which we have effected at our overseas bases. At your early convenience, I would appreciate your providing a report on the dollar volume of repairs performed over the past two years at Yokosuka and other Japanese bases, Subic Bay, and each of the West Coast Naval Shipyards.

If repairs are accomplished at other foreign bases in the world other than on an emergency basis, I would appreciate an analysis of that work also.

Your early report on this matter will be very much appreciated.

Very sincerely,

Robert L. Leggett,
Member of Congress.

The Chief of Naval Material,
Washington, D.C., August 1, 1973.

Hon. Robert L. Leggett,
House of Representatives,
Washington, D.C.

Dear Mr. Leggett: This is in further reply to your letter of July 16th requesting a report on the dollar volume of ship-repair work performed at various overseas bases and at west-coast naval shipyards over the past two years.

The two tables below reflect the dollar value of naval ship-repair work performed at west-coast naval shipyards and far-east bases for fiscal years 1971, 1972, and the first three quarters of fiscal year 1973.

TOTAL OPERATING COST (DOLLAR VALUE BUSINESS) WEST COAST

NAVAL SHIPYARDS (THOUSANDS OF DOLLARS)

	Fiscal year—		
	1971	1972	1973 (1st quarters)
Long Beach	122,432	128,670	94,268
Hunters Point	116,080	108,531	81,845
Mare Island	174,771	163,246	108,673
Puget Sound	148,282	144,045	96,153
Pearl Harbor	94,590	100,969	71,266

NAVAL SHIP REPAIRS (DOLLAR VALUE BUSINESS) FAR EAST

	1971	1972	1973 (1st quarters)
Subic Bay	16,145	19,025	29,580
Yokosuka	9,254	11,320	17,164
Guam	6,255	5,502	7,898
Sasebo	2,715	2,790	4,912

Aside from emergency repairs, there is no significant naval ship repair work being performed elsewhere outside the Continental U.S.

I trust that the foregoing satisfactorily responds to your request.

Sincerely,

I. C. Kidd, Jr.,
Admiral, U.S. Navy.

August 7, 1973.

Adm. I. C. Kidd, Jr.,
Chief of Naval Material, Department of the Navy, Washington, D.C.

Dear Admiral Kidd: I have your letter of August 1, pointing up the allocation of Naval work between West Coast and Far East shipyards.

As I calculate the numbers, it appears that over the years from 1971 to 1973, we have escalated from 5 percent in 1971 to 5 percent in 1972 to 11 percent in 1973 contracting over to the Far East.

I realize the figures for 1973 include only the last three quarters. I would hope that the figures would not be further exacerbated in favor of the Far East when the fourth quarter figures are reported.

If there is a policy decision that has been made in the Navy Department to accomplish a progressive amount of repairs outside the United States. I would appreciate having a complete review of that policy.

Your early analysis would be very much appreciated.

Very sincerely,

Robert L. Leggett,
Member of Congress.

The Chief of Naval Material,
Washington, D.C., August 20, 1973.

Hon. Robert L. Leggett,
House of Representatives,
Washington, D.C.

Dear Mr. Leggett: This is in reply to your letter of August 7th, wherein you calculated from data supplied in my letter of August 1st that the amount of ship-repair work performed in U.S. Navy installations in the Far East is increasing. You asked to be informed of any Navy policy decision in this matter.

Although there has been some increase in work done in our Far East facilities, nearly all major repair work such as overhauls will continue to be performed in this country. Normally, it is Navy policy to deploy only those ships which are fully ready, that is, ships that have already completed overhauls or extended repair periods in the United States. Any work done on these ships during a deployment is only that necessary to effect needed repairs and to insure that the ships are reliable and ready to perform their mission. Deployed ships cannot be returned to the United States for the accomplishment of all necessary repairs, since it would involve a constant and unscheduled replacement of deployed ships every time a piece of equipment broke down. If deployed ships are to be kept ready to carry out their missions, required repairs must be accomplished as soon as practicable and as close as possible to their area of operation.

Some ships have been given extended assignments to the U.S. Seventh Fleet. These extended assignments involve the relocation of certain of the crews' dependents to Yokosuka, Japan. This action has been taken to reduce the long family separations resulting from rotational deployments and to enable a better utilization of the reduced number of ships now in the active fleet.

The workforce at our Ship Repair Facility at Yokosuka is scheduled to be increased slightly. The projected distribution of the Seventh Fleet in the Western Pacific indicates the need for a greater industrial capacity in the Yokosuka area. Accordingly, it is planned to increase the work force to match the projected Seventh Fleet workload requirement. This increase will be more than offset by reductions in the employment level at our other repair facilities in the Western Pacific.

In summary, there has been a slight upward trend in repair work going to our Far East bases, but that trend should taper off this year and next.

Sincerely,

I. C. Kidd, Jr.,
Admiral, U.S. Navy.

The conclusion from this correspondence respecting the Pacific has its parallel in the Atlantic and substantiates that 11 percent of the repairs and alterations, $55.5 million programmed for the West Coast are in fact accomplished at the four overseas Pacific bases of Subic Bay, Yokosuka, Guam and Sasebo.

6. HAS THE BUREAU OF THE BUDGET BEEN FAIR TO NAVAL SHIPYARDS?

As you recall after floundering in post 1965's with the McNamara five-year modernization program and closing two shipyards, we moved to the attached Nixon-Laird ten-year modernization program and this year closed another two Navy shipyards.

In 1970, the schedule proposed $70 million and $49.9 million was budgeted.

In 1971, the schedule provided $195 million, the Navy requested $98 million and $34.5 million cleared Congress.

In 1972, $14 million of a scheduled $150 million was provided.

In 1973, $14 million again was appropriated of $116 million scheduled.

The fair conclusion from this evidence is that either the Navy and Department of Defense are vigorously proceeding with a 150 year modernization program or that the program has in fact been abandoned.

I fear the announcement shortly of a new Navy modernization schedule and the consequences that may follow.

How can the Congress criticize in good faith Naval shipyard performance when the overall leadership has been so dismal in O.S.D. and O.M.B.

HOUSE ARMED SERVICES COMMITTEE, MILITARY CONSTRUCTION SUBCOMMITTEE, JUNE 10, 1971

PAGE 234 FOLLOWING LINE 7

ORIGINAL 10-YEAR PLAN FOR MODERNIZATION OF ALL NAVAL SHIPYARDS, EXCEPT PORTSMOUTH, N.H.

[In thousands of dollars]

	Fiscal year —									
Activity	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	Total
Boston:											
MCON	7.7	25.2	34.5	12.6	21.6	20.3	14.5	24.9	10.1	4.0	175
OPN	1.4	2.0	1.7	1.7	1.3	1.9	1.5	1.2	1.0	1.0	14
OMN	.5	1.0	1.3	1.5	1.1	1.0	.6	.5	.3	.4	5
Total	9.6	28.2	37.5	15.8	24.0	23.2	16.6	26.6	11.4	5.4	198
Philadelphia:											
MCCH	10.9	6.5	17.6	11.9	16.7	1.7	4.0	1.2	8.5	5.2	81
OPH	2.1	3.8	3.5	2.2	1.8	2.0	1.9	1.8	1.0	1.0	21
OMN	.5	1.5	1.9	1.7	1.6	1.3	1.2	1.0	.8	.3	11
Total	13.5	11.8	23.0	15.8	20.1	5.0	7.1	4.0	10.3	6.5	113
Norfolk:											
MCON	2.3	24.3	12.7	12.2	8.6	1.5	4.6	4.2	8.8	1.4	80
OPN	1.9	3.6	2.5	1.9	3.5	2.1	1.4	2.5	1.4	1.2	23
OMN	.7	1.2	1.4	1.4	1.4	1.3	1.0	.7	.3	.3	9
Total	4.9	29.1	16.6	15.5	13.5	4.9	7.0	7.4	10.5	2.9	112
Charleston:											
MCON	.5	8.8	4.5	8.7	6.5	1.3	1.4	2.6	2.3	13.0	49.6
OPN	2.7	3.6	2.5	3.5	1.9	1.8	1.4	1.3	1.3	3.7	23.7
OMN	.7	.9	1.1	.9	.7	.9	.5	.4	.3	.2	6.6
Total	3.9	13.3	8.1	13.1	9.1	4.0	3.3	4.3	3.9	16.9	79.9
Long Beach:											
MCON	8.3	7.6	10.0	7.9	6.1	20.3	20.9	10.6	4.6	3.2	99.5
OPN	.9	7.3	6.4	4.4	1.9	.6	.4	.4	1.9	.3	24.5
OMN	.7	1.8	1.8	1.5	1.2	1.3	.8	.6	.4	.2	10.3
Total	9.9	16.7	18.2	13.8	9.2	22.2	22.1	11.6	6.9	3.7	134.3
Hunters Point:											
MCON	8.7	5.0	16.4	4.7	9.0	9.5	6.2	2.9	1.1	4.4	67.9
OPN	3.3	3.9	2.8	2.3	1.0	1.3	1.3	1.3	1.2	1.2	19.6
OMN	.5	1.5	1.6	1.3	1.2	1.1	1.1	.9	.5	.4	10.1
Total	12.5	10.4	20.8	8.3	11.2	11.9	8.6	5.1	2.8	6.0	97.6
Mare Island:											
MCON	5.1	7.9	8.7	16.0	8.7	1.5	14.7	11.8	8.3	10.9	93.6
OPN	4.2	3.7	2.4	1.4	2.0	3.3	2.0	2.2	2.2	2.1	25.5
OMN	.6	2.4	2.3	2.4	2.1	1.4	1.1	.8	.6	.6	14.3
Total	9.9	14.0	13.4	19.8	12.8	6.2	17.8	14.8	11.1	13.6	133.4
Puget Sound:											
MCON	7.5	6.8	8.0	11.9	6.3	1.2	8.2	3.6	3.6	1.3	58.4
OPN	2.7	3.1	3.0	1.3	1.9	1.5	1.4	1.4	1.2	2.0	19.5
OMN	.5	1.6	1.5	1.4	1.5	1.1	.8	.7	.5	.4	10.0
Total	10.7	11.5	12.5	14.6	9.7	3.8	10.4	5.7	5.3	6.7	87.9

7. NAVY SHIPYARDS PROVIDE A COMPLETE SERVICE—HOME PORTING

We are building a volunteer service. A lot of work has been done and money spent to make our ships more livable, more habitable. Life at sea is no picnic, particularly on a combatant ship. Drills, exercises, training all take their toll of the energies of our men. When they come home, they need the comfort of their families and the opportunity to obtain more training and increase their skills. The shipyards need to be near the home ports of the ships or have the facilities to provide a home for the crews and their families, if it is necessary to change the home port on a permanent or semi-permanent basis.

The complexity of the ships has dictated that the shipyard should be a comprehensive one of significant size with, among others, expertise in design, engineering, weapon maintenance, high and low pressure propulsion systems, ship control, electronics, exotic metal fabrication with the accompanying welding techniques. It should have drydocking capability to handle ships with sizable sonar domes, blasting/painting expertise in polymer and vinyl paint systems, to quote the Navy "simply put, the overhaul of complex combatant ships is not a task for a shipyard that does not have on board both a sizable number of employees and a number of specialized facilities."

Naval shipyards in addition to the requirements as just stated have other facilities such as medical and dental, chaplains of virtually all faiths, recreational facilities and usually housing for the families. Home port should really be a home as well as a port. Naval shipyards meet the criteria and more.

Deputy Under Secretary William P. Clements in a speech to the Shipbuilders' Council agreed with these remarks last June 6th in Washington as follows:

> . . . In order to meet the strategic requirement to maintain naval shipyards ready to meet the need of the fleet at reasonably efficient operating levels, our naval yards are apportioned the type of available work for which they are best suited, consisting primarily of the conversion, overhaul, alteration

and repair of complex combatant ships. Only a relatively few private yards are capable of working on these ship types and most of these yards are heavily engaged in new construction projects.

Conversely, the overhaul and repair of less complex ships such as the amphibious and auxiliary types are, as a general rule, awarded to private yards. Unfortunately, for the smaller shipyards many of the 300 plus ships retired from the active fleet were of this type.

Another factor affecting the division of work between naval and private yards is the Navy's homeport policy. Wherever possible, the Navy attempts to have its ship overhauled and repaired at or near their homeports in order that crew members can spend maximum time with their families, thus enhancing morale and improving the retention of Navy personnel. Naval shipyards are often part of the naval base complex where ships are homeported, and navy families reside. . . .

8. ARE COSTS HIGHER IN NAVAL SHIPYARDS?

The answer is simply yes.

Does it cost more to repair your car at the Ford Dealer than your local gas station? Again, the answer is yes.

Secretary Clements in the aforementioned speech explained the problem of higher Navy Shipyard costs and private shipyard overruns as follows:

One of the arguments made by private industry to have a greater portion of shipbuilding work allocated is that several recent studies have shown that costs are higher in naval shipyards. That is true. Among the causes for higher costs in Naval yards, is that pay levels and fringe benefits for naval shipyard salaried and hourly employees are higher.

A contributing factor is the relatively greater time required to balance naval shipyard work forces to changes in workloads due to the government's more inflexible personnel policies in raising or lowering the work force. Also the low workload levels being experienced by the naval shipyards caused by the 300 ship decrease in fleet size has resulted in under-utilization of physical capacity, and thus, higher costs.

The higher cost differential for naval shipyards are, in effect, the insurance premium that the Government pays to have a strategically located shipyard with an assured capability of giving immediate industrial support to naval ships.

In addition, the shipbuilding, conversion, and repair business has been the source of ever increasing claims sums. The claims have soared from approximately $88 million in 1967 to a high of $1.2 billion in 1971 and continue today in excess of $1 billion. We, in the Department of Defense, have shared in the responsibility for these claims and, on our part, are taking actions in the responsibility for these claims and, on our part, are taking actions to eliminate obvious causes by revising our acquisition philosophy and procedures; I challenge you professionals to take appropriate actions within your community and individual companies to establish procedures and means for eliminating claims.

9. NAVY RESPONDS TO 50–50 DEMAND

On this overall issue the Navy Department has responded to the deceptive private shipyard demands for more, when they already have 80 to 85 percent of the nation's shipwork as follows:

DEPARTMENT OF THE NAVY,
NAVAL SHIP SYSTEMS COMMAND,
Washington, D.C. August 24, 1973.

Hon. ROBERT L. LEGGETT,
House of Representatives,
Washington, D.C.

DEAR MR. LEGGETT: This is in further reply to your letter of July 19th requesting our analysis of testimony given by private shipbuilding association representatives to the Senate Appropriations Subcommittee, advocating a larger share of Navy repair and alteration work for private shipyards.

The testimony appeared to focus on three areas of consideration, with most of the witnesses commenting on one or more of those areas. Our response to that testimony is contained in the enclosed discussion paper, which is divided into three parts that correspond to the three areas mentioned above. They are Policy Considerations, Workload Distributions, and Financial Considerations. I hope that the discussion paper conveys a clear evaluation of the Navy's position with respect to the matters discussed in the testimony.

Sincerely,

K. E. WILSON,
Rear Admiral, USN, Acting Commander,
Naval Ships Systems Command.

POLICY CONSIDERATIONS

Since the earliest years of the Federal Government, both the Executive and Legislative Branches recognized the need to establish Government-owned, Government-operated, and Government-funded shipyards to carry out the defense of the nation This policy has been consistently supported through the years by means of congressional appropriations. This support has permitted each naval shipyard to develop as an integrated plant with a full range of shop facilities and a full range of engineering, design, and shop-personnel skills in keeping with its mission. Each naval shipyard has a staff of craftsmen and designers capable of performing any type of work that may be required by the [illegible] served.

It also has been recognized that the capability and capacity of the naval shipyard is but one major element of the total-capacity base needed to support the Fleet in times of emergency. Accordingly, Government policy has been to support both sectors of the industry, allocating to each the work for which it is most suited. That flexibility rather than rigidity in these policies is necessary as evidenced by the fact that legislative regulations and administrative regulations and practices have varied in accordance with circumstances prevailing at the particular time.

The Vinson-Trammell Act was the major legislation regulating the assignment of new-construction work to naval and private shipyards. Through the years, the application of this act changed to the point that, since 1968, all of the Navy's new-construction workload has been assigned to private shipyards. The determination that led to this distribution of new-construction work was based on a number of factors, including a realization that the private shipyards, which do not encounter frequent disruptions from higher-priority active-Fleet repair work and which have exceedingly flexible employment policies, are well suited to shipbuilding.

In 1964, a legislative amendment requiring that at least 35 percent of ship conversion, alteration, and repair funds be expended in private shipyards was enacted into law. After an exceedingly thorough study, the Department of Defense sought elimination of this requirement, and the Congress concurred. Since that time, the distribution has been guided by Department of Defense regulations and guidelines which have as one of their controlling rules the basic policy concerning the proper use of commercial industrial facilities operated by the Government. The naval shipyards have been tested against these commercial/industrial facilities policies, and many operations performed by and within the naval shipyards have been turned over to private industry. The operation of the basic industrial facilities of the naval shipyards is regarded as a proper function of the Government, in view of the role that the shipyards play in the total support of the Fleet and thus, the security of the nation.

In 1967, the Department of Defense issued instructions applicable to the naval shipyards and other Government-operated industrial activities requiring that, as a general rule, 30 percent of the maintenance work required for mission-essential equipment (including ships) be assigned to private industry. Conversely, the services are to maintain, in-house, the capability of maintaining up to 70 percent of such equipment. Naval shipyard operations are in compliance with this policy.

PERCENT DISTRIBUTION OF CONVERSION, ALTERATION AND REPAIR WORK

	1968	1969	1970	1971	1972	1973
Naval shipyards	63	69	68	62	69	63
Private shipyards	37	31	32	38	31	37

Conversion work is included, along with repair and alteration work, in the above table simply because a conversion assignment consists of an aggregation of repair and alteration work items. For example, while there is some variation from ship to ship, the conversion of POLARIS submarines to POSEIDON missile capability breaks down about as follows: repairs—70 percent; alterations related to POSEIDON capability—15 percent; other alterations—15 percent. The key point is that the word "conversion" is used only to indicate that the particular alterations to be performed will change one or more of the basic characteristics of the ship.

One additional fact concerning conversion work has a major influence on where the work can be assigned. By their nature, conversions are usually long-term jobs, and the practice is to deplete the crew, permitting the remaining crew members to move their families to the vicinity of the shipyard performing the conversion. This practice does much to alleviate the problem of crew morale when ships are assigned out of home port.

Navy directives covering the assignment of work are in conformance with the aforementioned policies, regulations, and guidelines. More specifically, repair and alteration work on complex combatant ships normally is assigned to the naval shipyards, which are able to provide the full range of logistics support and which possess, in house, the skills and facilities required by the work. The overhaul of less complex ships normally is assigned to the private shipyards. In the aggregate, the assignment of conversion, alteration, and repair work in accordance with these policies has resulted in the percentage distribution shown in the foregoing table.

In summary, there are specific policies and practices applying to the assignment of all types of naval shipwork to naval and private shipyards. Adherence to these policies and practices has resulted in an expenditure distribution to approximately 35 percent to private yards and 65 percent to naval shipyards for conversion, alteration and repair work. At the same time, and recognizing that it was necessary to initiate the closure of two naval shipyards because of lack of work, it has been possible to maintain a viable naval shipyard complex capable of accomplishing the type of repair, alteration and conversion work inherent in the Navy's new highly complex ships.

WORKLOAD DISTRIBUTION

The Nation's shipyard resources serve a variety of customers and, yard by yard, normally are equipped and staffed to undertake a particular line of work. For example, there are numerous shipyards that work almost exclusively with river tug boats and barges. Others have capabilities which permit them to construct and/or to repair ocean-going merchant ships and naval ships. Thus, the industry must be viewed segment by segment. The naval shipyards make up one major segment, a segment which specializes in the conversion, alteration, and repair of major complex combatant surface ships and submarines. Very few private shipyards have the same capability, even inherently.

During the Korean conflict the naval and private sectors of the industry each employed approximately 140,000 personnel. Today, the private sector employs about 138,000, while the naval shipyards' total employment is about 61,000. The total workload of the naval shipyards consists of conversion, repair, and alteration of naval ships and related industrial support.

The larger private shipyards (those having facilities to build ships 475 by 68 feet or larger) employed about 65,000 personnel in January 1972. Half of these personnel were engaged on Navy projects, and another 20 percent were engaged in projects involving the Maritime Administration. These figures do not include the General Dynamics yard at Groton, which is engaged almost solely in Navy work. Thus, it can be seen that by far the largest segment of shipyard employment, naval and private, is engaged in Navy work. However, the demand for the capacity of private shipyards having the capability to construct and maintain large ships is growing. This growth results from the need to use large ships in the transportation of fuels and from the devaluation of the dollar, which has made this Nation's repair yards more attractive to foreign-flag operators.

Since the Navy is by far the largest customer of this Nation's major shipyards, the distribution of Navy work is of paramount concern to shipyard operators. However, there are factors associated with Navy work and with the capability required to perform such work which are not generally understood.

The modern naval ship is not comparable to its World-War-II counterpart. Weapons systems have changed completely, as has the entire electronics suit, including data handling systems. Likewise, machinery and ship-control installations have been modernized, making their repair more difficult, but resulting in improved performance. These changes have resulted in substantial increases in the amount of work required during each overhaul. A measure of this difference is apparent from the fact that the destroyer of today costs many times more than the World War II destroyer, and this is true of every ship type. Suffice it to say, the difference is one of several orders of magnitude and impacts greatly on the capability required of the shipyards charged with supporting these ships. As examples, the peak productive manpower required during the overhaul of an aircraft carrier approximates 2,000 men per day, while peak numbers for large destroyer-type ships are on the order of 650 per day. When this fact alone is considered, it must be recognized that these ships cannot be assigned to shipyards with small employment levels. Moreover, to obtain good utilization of the many different skills that are required, work in addition to the overhaul of one of these ships must be at hand in the yard. Simply put, the overhaul of complex combatant ships is not a task for a shipyard that does not have onboard both a sizeable number of employees and a number of specialized facilities.

The Navy's home-port policy has a major influence on the localities in which ships are overhauled. When naval personnel are ordered to a ship for duty, the Navy pays the expenses involved in moving their families to the ship's home port. In this way, the opportunities for shipboard personnel and their families to spend time together are greatly increased, since ships return to their home ports after deployment. The overhaul period is the one time when a ship typically is in its home port for an extended period of time and, therefore, it provides the best opportunity for a more nearly normal family life. With the problems that have been experienced in retention of naval personnel and with the additional difficulty inherent in all voluntary recruitment, it is important that Navy life be made as attractive as possible. Consequently, the home-port policy has a paramount place among the factors affecting ship-overhaul assignments. While there have been cases where this policy could not be carried out, the fact is that during the FY 70–72 time period, less than 10 percent of the overhauls of naval ships were accomplished out of home port.

The major reduction experienced in numbers of ships in the Fleet also has affected ship overhaul assignments. As a rule, the older ships have been laid up, and they are the smaller ships. The larger ships that have been retained required larger piers and larger drydocks which are not possessed by many of the private shipyards that formerly were able to serve many Navy auxiliary- and amphibious-type ships. As a general rule, the smaller combatant ship types today are much larger than their forerunners and, most important, require much greater depth of water because of the installation of one or more large sonar domes. This factor again limits the number of shipyards capable of servicing these ships.

There are many other factors which bear on ship assignments. Included are the kinds of shop facilities available, engineering capabilities, and facilities available to support the ship's crew. In many cases, one or another of these factors is controlling.

FINANCIAL CONSIDERATIONS

Four major studies of the cost of shipwork in naval and private shipyards have been performed over the past 12 years. Two of these studies are dated in the early 1960's and are out of date. The other two studies, done within the past two years, attempt to measure cost differentials for work completed during FY 1966–FY 1971. The study performed by the accounting firm of Ernst and Ernst was based solely on the cost of converting Navy frigates (DLGs) in one naval and one private shipyard. The study undertaken for the Navy by the consulting firm of Booz-Allen Applied Research, Inc., examines a number of specific new-construction, conversion and overhaul assignments wherein similar work was performed by both naval and private shipyards. Because of its scope and depth, the Booz-Allen study is regarded as the most authoritative of the current studies. It is considered that the differentials reported by Booz-Allen for the various types of work are indicative of actual performance at the time the work was accomplished and for the kinds of work studied. However, it is to be noted that even the Booz-Allen study does not measure the cost differentials that might be obtained for the additional work that would be assigned the private shipyards if a 50–50 distribution principle were adopted. The reason is simply that surface combatant ships, destroyer-type and larger, were not overhauled in both private and naval shipyards and thus could not be compared. Some nuclear attack submarines were overhauled in both sectors, but comparative cost data were not available. The contractor recognized such limitations in his study by including the following statement:

"The relative shipwork cost ratios resulting from this study reflect unique considerations, e.g., South Eastern Asia (within the shipwork industry) between FY 1966–1971. As such, they should not be applied literally to projection of future costs."

The Booz-Allen report, as previously indicated, contains cost differentials for conversion, repair, and alteration work separately. The conversion sample includes a very limited amount of work on frigates (DLG) and the full work package for several submarine (SSBN) POSEIDON conversions. The surface-ship sample, involving one naval and one private shipyard, amounts to two-tenths of 1 percent of all conversion work performed during the FY 1966–1971 period, while the submarine sample, involving two major private shipyards and two naval shipyards, comprised 35 percent of all conversion work. Naval shipyard costs were higher than private shipyard costs by 103 percent for the frigates and 14 percent for the submarines. The Booz-Allen comparison of repair and alteration work performed during ship overhauls is limited to amphibious- and auxiliary-type ships. For this work, naval shipyard costs were about 16 percent higher, although the differential was only 8 percent for electrical and electronic repairs. In each case, the cost differential includes inspection, contract administration and headquarters support costs. Thus, they closely approximate the costs to all appropriations.

Booz-Allen in analyzing the reasons for the cost differentials, came to the following conclusion:

"The principal causes identified for higher Naval shipyard costs were significantly higher levels of pay and fringe benefits for graded and ungraded Government employees, and higher overhead rates. Average hourly pay rates for blue-collar workers are about 17 percent higher in Naval shipyards than in private shipyards. White-collar pay for similar positions is 10 to 40 percent higher. The Naval shipyard fringe package per direct labor dollar is close to the higher of the widely varying private yard rates. Numbers of overhead personnel are markedly higher in Naval shipyards, particularly when compared to private ship repair yards. It can be deduced that most of the remainder of the differential is attributable to the maintenance of a full range of capabilities to support all types of Naval ships, lower productivity, disruptions due to responsiveness to emergent fleet requirements, and constraints on manpower management."

It has been alleged that an extra expenditure of as much as $1 billion has been necessary over the past five years because private yards were not assigned more repair and alteration work. Based on the actual dollars expended for repair and alteration work from FY 68 through FY 1972, and adjusting for a 50–50 distribution of this work at a 16 percent cost differential, savings would be just about $30 million per year. This calculation, of course, assumes that the 16 percent differential will apply to the more complex work to be performed in the future. There is no assurance that this assumption will be borne out, and, in fact, Booz-Allen has cautioned against using the differentials in this manner. In view of the size of the work packages inherent in the more complex combatant ships and considering the fact that the large private shipyards are already heavily loaded, it is highly possible that there would be no differential at all. Rather, in many cases new facilities duplicating those now existing in naval shipyards would be required and would add to the cost of performing the work in private yards.

Navy work assignments over the past several years reflect the application of the policy and work-assignment factors discussed above. The following tables show this distribution:

FISCAL YEAR 1973 CONVERSION, ALTERATION, AND REPAIR ALLOCATIONS

[Dollars in thousands]

Naval District	Naval shipyards	Private shipyards
1st	$160,730	$1,272
3d	0	246,596
4th	73,098	2,906
5th	109,312	164,683
6th	94,492	42,755
8th	0	12,374
11th	98,335	89,394
12th	128,772	15,814
13th	182,429	3,772
14th	73,372	4,055

Note: Overall the private yards received about 37 percent of the Navy's conversion, alteration, and repair work in fiscal year 1973.

In above table, the dollar values shown represent allocations as opposed to expenditures occurring for the Fiscal Year. With this proviso, it is possible to quickly analyze the figures as showing the effect of two factors. First, the high private-yard numbers in the 5th, 6th, and 11th Naval Districts reflect the home-port policy. Second, the high numbers in the 3rd and 5th Naval Districts reflect submarine overhaul and conversion work and surface-ship work in two principal private shipyards. In short, the actual allocations show that the Navy is conforming to its workload-allocation policies.

The table below shows the distribution of Navy work from a different viewpoint.

PERCENT DISTRIBUTION OF SHIPBUILDING, CONVERSION REPAIR AND ALTERATION WORK TO PRIVATE YARDS

	Fiscal year—			
	1970	1971	1972	1973 (budget)
Shipbuilding	100	100	100	100
Conversion	44	69	53	56
Repair and alterations	26	16	19	27
Conversion, alteration, and repair	32	38	32	37

The words "equitable share" have been used in discussing the appropriate allocation of naval shipwork. However, in the final analyses, the distribution must be based on those factors which provide the best fleet in all respects, including a balance of performance, manpower, costs, etc. The above table shows that application of these considerations has resulted in assignment of all new construction in recent years to private yards. Roughly one-half of the conversion assignments have been made to private yards, reflecting (among other things) the fact that ship crews are skeletonized and home ports are changed for major conversion work. The distribution of conversion, alteration, and repair work is, as stated before, well within Defense Department policy and, as stated elsewhere in this paper, reflects the fact that conversion work is simply repair and alteration work. These distribution patterns, as indicated above, have evolved from experience as to the needs of the Navy. The fact that 100 percent of new shipbuilding work is assigned to private shipyards could not be considered "equitable" when there is no distribution of this work among Navy yards. There is not, on this basis, an equitable distribution of all types of work, but simply a proper distribution of work, all factors considered.

Realigning the distribution of repair and alteration work to a 50–50 division between naval and private shipyards would require assignment of approximately 15 complex ship overhauls to private shipyards in each of the next few years. Considerations include the fact that there is no assurance that the private shipbuilding industry can accomplish this work with the facilities and labor market now available to it. The fact is that the larger, more capable private shipyards are heavily loaded and are experiencing labor-market problems. From the naval shipyard side, removal of this work would reduce the employment in the remaining shipyards to a point below their lowest efficient levels. Thus, unit cost would rise and overhaul durations would grow. Both of these results would be detrimental to the readiness of the fleet. Also, in all probability the pressure to close other naval shipyards would rise.

In this same connection, statements have been made concerning the importance of maintaining a private shipyard base on which to expand in time of emergency. As a matter of fact, the naval shipyard base is being reduced by the closure of Boston and Hunters Point. It has been determined that this loss is worth risking. However, still additional closures would mean the loss of major capabilities now in being which are suitable for all kinds of complex naval ship conversion, alteration, and repair work. Transfer of work of this type from naval to private shipyards with limited physical assets would be to place it in plants fully loaded, rather than in plants with much greater capability and with greater capacity to expand.

POINT PAPER ON SHIPBUILDERS COUNCIL OF AMERICA BROCHURE

The Shipbuilders Council of America and other shipbuilding industry associations have developed a brochure which calls for the assignment of 50% of naval ship repair and alteration to private shipyards. The claims in the brochure are examined below.

A. Capability to Handle Complex Ships

1. Currently there are 10 naval shipyards (Boston and Hunters Point are scheduled for closure), employing approximately 66,000 civilian employees. All of these public shipyards have complete, integrated facilities and services to accomplish the specialized overhaul and repair work on complex ships included in their missions.

2. In the private sector, there are 205 shipyards and related industries with master repair contracts. Of these only 81 provide the principal potential for Navy use for ships 300 feet and over. Most of these shipyards, except the few larger ones, do not have full capability to perform the complex overhauls required on combatant type ships. This forces the private shipyards to make extensive use of subcontractors, with the attendant risk of strikes and uncertain quality of work. In addition, only one private shipyard can drydock aircraft carriers after construction and only five can dock DLG 26 class frigates. Moreover, the majority of private shipyards are much smaller than naval shipyards in terms of employment, investment and the range of shop facilities.

3. In spite of the overall disparity in capacity, size and capabilities of the workforce, the Navy has made every attempt to equitably distribute the workload between the public and private sectors. For example, all new construction work has been assigned to private shipyards and, in compliance with DOD Depot Maintenance Instructions, a 70/30 repair, alteration and conversion balance has been adhered to as closely as possible.

B. Performance on Meeting Completion Dates

1. Statistics developed for a regular monthly report to CNM show the following performances. The data reflect the history of each ship undergoing an availability in a naval or private yard on 28 February 1973.

Navy Shipyards (regular overhauls)

Total availabilities	73
Number of slippages	23*
Total delay (days)	1,374
Average delay (days)	37.1

Private Shipyards (regular overhauls)

Total availabilities	16
Number of slippages	*28
Total delay (days)	682
Average delays (days)	42.6

*Any extension of the availability which occurs subsequent to the start of the availability is counted as a slip. For example, the OPPORTUNE at SUPSHIP Five had 7 delays for a total of 98 days.

2. The naval shipyard availabilities primarily involved complex combatant ships while the private yards overhauled amphibious and auxiliary types.

3. The major reasons for these delays are attributed to work growth, new work, trial discrepancies, additional test and check out problems and manpower imbalances.

C. *Cost Comparisons* (*Booz-Allen*)

In November 1971, NAVSHIPS retained the firm of Booz-Allen Applied Research, Inc. to assist in a study of comparative costs of building, converting and repairing naval ships in naval and private shipyards. Price Waterhouse and Company assisted the prime contractor. Details are shown in attachments 1 and 2. Discussion follows:

1. Four levels of cost comparison were undertaken. The one that appeared most representative was defined as the Department of Defense cost level, which includes adjustments for costs, such as military pay and to the work being compared but not directly charged to the work. The report shows that naval shipyard costs were higher than private shipyard costs for the circumstances under which that work was performed.

a. Surface ship and submarine new construction (shipbuilding) were about 35% higher in the naval shipyards.

b. Conversion of guided missile frigates is unique. Work involved only one naval and one private shipyard. The work covered only 9/10th of one percent of total conversion work during FY '66—FY '71. From this small sample, the naval shipyards were 103% higher.

c. Submarine conversion accounted for 35% of the total conversion work performed during the study period. For these conversions, the naval shipyards were 14% higher.

d. Comparison of repair and alteration work performed during ship overhauls is limited to amphibious and auxiliary ships. For this work, naval shipyard costs were about 16% higher.

2. Factors identified which place the naval shipyards at a cost disadvantage include:

a. the higher pay levels and fringe benefits for naval shipyard salaried and hourly employees stemming from federal regulations,

b. the relatively greater time required to balance naval shipyard work force to changes in workload,

c. the low workload level being experienced by the naval shipyards which results in underutilization of physical capacity and, thus, higher costs.

The differentials identified in the report are a measure of the insurance premium the Government pays to have full capable, strategically located shipyards ready to give immediate industrial support to naval ships. It is the responsibility of Navy management to keep this premium to a minimum while still insuring complete response to fleet readiness requirements.

D. Navy/Private Split of Alteration and Repair Work

1. The following plans have been made for the split of repair and alterations work between navy and private shipyards, based on productive man hours:

SHIP REPAIR, ALTERATION AND CONVERSION WORK SPLIT [1]

	Fiscal year—				
	1974	1975	1976	1977	1978
Navy	68.5	69.2	70.3	67.2	73.4
Private	31.5	30.8	29.7	32.8	26.6

[1] Forecast as of November 1972.

2. THE NAVY/PRIVATE YARD SPLIT OVER THE PAST 6 YEARS (1 BUDGET YEAR) HAS BEEN

REPAIR AND ALTERATION DOLLARS

($000,000 omitted]

Fiscal year	Naval	Private	Total	Percent private
1968	$668	$264	$932	28
1969	665	236	901	26
1970	593	214	807	26
1971	687	135	822	16
1972	760	177	937	19
1973 Bud	773	283	1,056	27

REPAIR, ALTERATION AND CONVERSION DOLLARS

[$000,000 omitted]

Fiscal year	Naval	Private	Total	Percent private
1968	$797	$476	$1,273	37
1969	796	364	1,160	31
1970	782	363	1,145	32
1971	869	538	1,408	38
1972	986	435	1,422	31
1973 Bud	1,009	585	1,594	37

REPAIR, ALTERATION, CONVERSION, AND NEW CONSTRUCTION DOLLARS

[$000,000 omitted]

Fiscal year	Naval	Private	Total	Percent private
1968	$797	$986	$1,783	55
1969	796	716	1,512	47
1970	782	2,264	3,046	74
1971	869	2,248	3,117	72
1972	967	2,433	3,420	71
1973 Bud	1,009	2,026	3,035	67

E. One Billion Savings?

1. Booz-Allen found that repair and alteration work in naval shipyards was 23% more costly at the Cost to the Government level; 16% at the Cost of the Department of Defense level.

2. The SCA brochure states, "By using higher cost naval shipyards, extra expenditures of as much as $1 billion have been necessary over the past five years!" The context is clearly "repair, alteration and overhaul."

3. Using the FY 1968 through 1972 cost data in the table above and by adjusting for the 32% and 16% differentials, the following savings for the entire five year period can be postulated:

At 23% differential, savings equal $219 million.

At 16% differential, savings equal $152 million.

ALLOCATION OF NAVY SHIP REPAIR AND ALTERATION WORK BETWEEN NAVAL AND PRIVATE SHIPYARDS

Background

The Shipbuilders Council of America is again sponsoring legislation requiring a mandatory distribution of 50 percent of the ship alteration and repair work to the private sector. The recurring dispute over the distribution of conversion, alteration and repair work between naval and private shipyards is not actually over the split of dollars between naval and private shipyards but in essence about which private shipyards get the work. Tab A indicates that the Navy has consistently complied with both the letter and the spirit of SECNAVINST 4S60.42A in maintaining at least the required 70–30 percent distribution of mission essential maintenance (conversion, alteration and repair work). In addition to this the private sector has received 100% of the new construction since FY 1967.

Discussion

Since FY 1967 the size of the active-Fleet has decreased approximately 33 percent. There has been a 48% reduction in the number of auxiliary, amphibious and small non-combatant ships, normally assigned to the smaller private shipyards. Additionally, the older 02, 03 and T2 auxiliary and amphibious ship hulls are being replaced by larger more complex amphibious and combatant support ships. An example of the impact of these larger ships on the ability of the smaller private shipyards to compete for Navy work is the marked reduction in the number of commercial drydocks available to handle these larger, deeper draft ships as opposed to the older ships being phased out.

Tab B illustrates that during this period of reductions in the size of the active Fleet and assignment of all Navy new construction to the private sector, the employment of the naval shipyards has declined about 27 percent while that of the private shipyards has only suffered an overall six percent reduction. This again indicates that the real controversy is not so much over the total dollar value of Navy work available to the private shipyards but over the distribution of this work within the private sector. Additionally the large percentage of the budget devoted to aircraft carrier, nuclear ship (surface and submarine) and complex missile ship maintenance, and the increased emphasis on overhauling ships in homeport have reduced the work available to certain private shipyards.

In fiscal year 1972 about 65 percent of the total conversion alteration and repair budget was allocated to aircraft carrier, submarine, nuclear surface ship and complex missile ship repair. This work by virtue of the facilties and capabilities required is limited to public and several large private shipyards. The percentage of maintenance funds allocated to this category of work is expected to increase in future years as the current building programs introduce more nuclear powered and complex missile system ships into the Fleet replacing the World War II carriers, destroyers and submarines. As shown in Tab A, the allocation of shipwork in FY 1974, assigns 29.7 percent of the alteration and repair and 41.6 percent of the conversion, alteration and repair work to the private sector. A study to determine the impact of a mandatory higher allocation of alteration and repair work in FY 1974 to the private sector indicates that if all remaining commercial type shipwork were assigned private the percentage of alteration and repair work could be increased only about five percent to 34.5 percent. If a 50 percent split were required in FY 1974 approximately 15 complex missile ship overhauls, for which there is extremely limited capacity in the private sector, would have to be assigned private. Achieving this split would decrease the eight remaining public shipyard employment by about 14,000 from the approximately 60,000 projected for FY 1974. This study did not consider workload balancing, schedule dates requirements, homeport policy or any of the other normal work assignment considerations and left only the carrier, submarine, complex missile ship overhauls and highly specialized or high security work in public shipyards.

The "Homeport Policy" of accomplishing overhaul and repair of ships in their homeport has repeatedly come under criticism with one or two examples cited in an attempt to show faith on the part of the Navy in administering this policy. The fact that for fiscal years 1970 thru 1972 less than 10% of the overhauls have been accomplished out of homeport illustrates that every effort is being made to keep ships in homeport while accomplishing the required maintenance. This 10% figure for out of homeport overhauls does not include those overhauls of over six months duration, principally for carriers, nuclear ships and missile ship overhauls which qualify for a change of homeport. However, as mentioned previously, these ships are limited in assignment to naval or several large private shipyards which have the required facilities and capabilities and thus would not be available to the smaller shipyards. The fact that the effect of the homeport policy is being felt in public as well as private shipyards is borne out by the fact that the greatest percentage employment reductions since 1967 have been experienced in naval shipyards not located in the major Fleet homeport areas. For example during this period Philadelphia Naval Shipyard, Portsmouth Naval Shipyard and the San Francisco Bay Area Naval Shipyards (Mare Island and Hunters Point) have experienced 40%, 45% and 35% reductions in civilian employment respectively.

Conclusion

The nature of the shipyard work required to support the naval Fleet is changing as evidenced by the greater percentage of maintenance funding being allocated to carriers, submarines and complex missile ships, by the current emphasis on special programs such as the 1200 psi and sonar rubber window programs and by the substantial increase in size of amphibious and combat support ships. All of those trends to greater complexity and size presage a further shift of work to the limited number of public and private shipyards having the large drydocks and extensive capabilities required. The number of private shipyards with these capabilities is limited and, when coupled with the homeport policy, inadequate at the present time to undertake the proposed 50% distribution of ship alteration and repair work. Facilities and capabilities would have to be developed by the private yards to undertake the approximately 15 complex missile ship overhauls that would have to be assigned to the private sector to achieve the 50% distribution of alteration and repair work in FY 1974. At the same time, because of serious underutilization, additional naval shipyards would have to be closed, aggravating the already serious shortage of large drydocks. The net effect of the shift to 50% distribution would greatly increase capital costs, and much more importantly, severely disrupt Fleet operating schedules and ship readiness during the long transition period.

SHIPYARD ALLOCATION BETWEEN NAVAL/PRIVATE SHIPYARDS, FISCAL YEARS 1962–73

[In millions of dollars]

Naval			Private			Total			Percent private		
A. & R.	CAR	CAR & NC	A. & R.	CAR	CAR & NC	A. & R.	CAR	CAR & NC	A. & R.	CAR	CAR & NC
394.3	600.2	1,372.6	133.4	165.8	1,786.6	527.7	766.0	3,159.2	25.3	21.6	56.6
309.9	598.2	872.4	140.5	326.7	2,214.8	450.4	924.9	3,087.2	31.2	35.3	71.7
315.0	708.9	1,030.9	151.0	299.3	1,690.1	466.0	1,008.2	2,721.0	32.4	29.7	62.1
433.0	455.7	896.8	148.6	220.5	1,582.0	581.6	676.2	2,478.8	25.6	32.6	63.8
511.0	677.1	932.4	349.6	370.3	1,760.7	860.7	1,047.4	2,693.1	40.6	35.4	65.4

SHIPYARD ALLOCATION BETWEEN NAVAL/PRIVATE SHIPYARDS, FISCAL YEARS 1962–73—Continued

[In millions of dollars]

Naval			Private			Total			Percent private		
A. & R.	CAR	CAR & NC	A. & R.	CAR	CAR & NC	A. & R.	CAR	CAR & NC	A. & R.	CAR	CAR & NC
664.1	689.1	695.6	352.5	474.0	2,301.3	1,016.6	1,163.1	2,996.9	34.7	40.8	76.8
667.9	796.8	796.8	264.1	475.6	986.3	932.0	1,272.4	1,783.1	28.3	37.4	55.3
665.0	796.4	796.4	235.5	364.2	715.8	900.5	1,160.6	1,512.2	26.2	31.4	47.3
593.3	781.5	781.5	214.4	363.5	2,264.0	807.7	1,145.0	3,045.5	26.5	31.7	74.3
686.6	869.4	869.4	135.1	538.3	2,247.8	821.7	1,407.7	3,117.2	16.4	38.2	72.1
760.1	986.9	986.9	176.8	435.3	2,433.2	936.9	1,422.2	3,420.1	18.9	30.6	71.1
772.9	1,009.2	1,009.2	282.9	585.1	2,025.8	1,055.8	1,594.3	3,035.0	26.8	36.7	66.7
851.6	1,051.1	1,051.1	359.9	749.4	4,407.7	1,211.5	1,800.5	5,458.9	29.7	41.6	80.7

Key: A. & R.—Alteration and repair; CAR—Conversion, alteration, and repair; NC—New construction; budgeted.

SHIPYARD EMPLOYMENT

[In thousands]

Calendar year	Naval shipyard	Private shipyard
Average:		
1962	97.8	
1963	93.9	
1964	87.4	116.8
1965	83.8	128.9
1966	85.4	143.6
1967	94.5	140.0
1968	95.2	141.0
1969	91.0	142.0
1970	83.0	132.7
1971	75.5	129.7
1972	70.1	134.5

Source: Shipbuilding Council of America "Statistical Quarterly, 1st quarter CL 1973."

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., November 12, 1973.

Hon. ROBERT L. LEGGETT,
House of Representatives,
Washington, D.C.

DEAR MR. LEGGETT: This is in response to your request for information on the impact of a proposed statutory requirement that at least 30% of all Navy ship repair and alteration work be assigned to private shipyards.

In testimony and information provided for the record during the Congressional hearings on the DOD Appropriation Bill, the Navy indicated that 29.7 percent of the total ship alteration and repair funds were programmed for the private sector. This estimated percentage has shrunk to 29.2. The corresponding percentage for conversion, alteration and repair work was 41.6 percent. The latter percentage has subsequently been reduced to 33.0 percent because of the deferral of 3 SSBN conversions (programmed for private yards) to FY–75.

A proposed statutory requirement that at least 30 percent of ship alteration and repair work be assigned to private yards, if enacted, will require a change in Navy planning to ensure full compliance. Experience in five successive fiscal years has shown that amounts budgeted for private yard alteration and repair work exceed actual obligation by an average of 2.8 percent. Accordingly, in order to ensure that a minimum of 30 percent of alteration and repair work is actually achieved in the private sector, approximately 33 percent of the work would have to be scheduled.

I have enclosed a discussion paper which outlines the actions that would have to be taken and the conditions that would arise if the 30% requirement is enacted. Summarizing:

a. In FY 1974, Fleet operational schedules would have to be changed since ships currently scheduled for naval shipyards would have to be earmarked for transfer to private shipyards. This would entail delays in overhaul start dates to allow time for transfer of advance planning to the appropriate Supervisor of Shipbuilding and for consummation of a contract with a private shipyard having the requisite capabilities. In addition to the delays in overhaul start dates, it is anticipated that at least five of the ships involved would have to be overhauled out of homeport and that at least two would have to be accomplished on a split-bid basis (separate contract awards for topside and drydock work) because of the shortage of adequate drydocks in the private sector.

b. The impact on naval shipyard employment would be much more severe than a casual review of the projected employment levels detailed in the discussion paper would indicate. There is an uneven flow, year to year, of surface-ship and of submarine work. Accordingly, unless flexibility in ship assignments is permitted, four of the eight naval shipyards, which specialize in one or the other type of work, would be in a position where substantial numbers of employees must be hired, then fired, then hired again, all within a two year period. Whether this can be accomplished in today's labor market is problematical and, certainly, productivity would suffer. Moreover, with the average employment level of approximately 57,500 that would result from the 30% requirement, the eight naval shipyards would have their efficiency lowered, both because of the impact of fixed overhead and because limited manpower would preclude fully effective manning of ships under overhaul. Adequate manning and more efficient operation were the principal objectives sought in undertaking the closure of two naval shipyards. Enactment of the 30% requirement would negate the gains anticipated.

The problems which are summarized above and supported in detail in the discussion paper result from the inflexibility inherent in the proposed requirement that at least 30% of Navy repair and alteration work be assigned to private shipyards. It is recognized that, as presently worded, the proposed 30% requirement contains no provision for deviation when deemed necessary by appropriate authority in the executive branch of Government. It is considered that such authority is essential if emergencies that may arise are to be coped with expeditiously. However, based on experience gained during the early 1960's with a similar requirement, it can be assumed that the authority to deviate would not be invoked simply for reasons of economy. Therefore, the inclusion or omission of such authority would probably make little difference insofar as day to day ship assignments are concerned.

In summary, the Navy position is that it must have flexibility if it is to manage efficiently the uneven flow of different types of Navy ship repair and alteration work. At the same time, the importance to the Navy of private ship repair capability has been demonstrated by the substantial amounts of repair and alteration work that have been assigned to the private shipyards. Enactment of the 30% requirement will destroy this flexibility, thereby disrupting Fleet operational schedules and lowering naval shipyard efficiency. Additionally, an administrative burden of considerable magnitude would be created and would further deplete already insufficient funds.

Sincerely,

J. WILLIAM MIDDENDORF III,
Acting Secretary of the Navy.

Impact of mandatory 70/30 Naval/private split in Navy alteration and repair work

FY 1974:

A. Current FY 1974 distribution based on present assignment and the House and Senate Armed Services Committee Joint Conference Report:

	Percent
Alteration and repair (A&R) work to private yards	29.2
Conversion, alteration and repair (CAR) work to private yards	33.0

The decrease from 41.6% to 33.0% of CAR work to private yards is due to congressional action to defer 3 SSBN conversions from FY 1974 to FY 1975 program.

B. To insure the assignment of the proposed required 30% A&R work to private yards, the Navy must schedule approximately 33% A&R private. (Otherwise the minimum 30% A&R might not be realized due to late program changes, changed work packages, etc.)

Therefore, approximately $400M A&R work must be assigned private. This is an increase of approximately $44M above that currently scheduled and will require rescheduling and reassigning the following ships from naval shipyards to the private sector.

SHIP, AVAILABILITY DATES, NAVAL SHIPYARD, AND COST

LPD–13: 1/27/74–6/27/74, Norfolk, $5.7M.
AD–18: 1/1/74–5/24/74, Charleston, $4.4M.
AOR–1: 5/1/74–1/17/75, Long Beach, $8.5M.
AD–15: 4th Qtr FY 74, Long Beach, $3.2M.
LPD–8: 1/8/74–5/31/74, Long Beach, $5.7M.
LSD–28: 1/14/74–6/14/74, Long Beach, $5.3M.
DDG–6: 4/19/74–12/9/74, Philadelphia, $9.6M.

Total, $42.4M.

Additional reassignments will be required to level the remaining naval shipyard workload and minimize the impact on naval shipyard employment:

SHIP, AVAILABILITY DATES, FROM AND TO

DE–1049: 6/14/74–12/20/74, Charleston, Philadelphia.

DEG–1: 1/21/74–9/21/74, Puget Sound, Long Beach.

These actions will reduce the required end of Fiscal Year (EOFY) 1974 eight naval shipyard employment from 59,900 to 56,450 (compared to the September 30, 1973 eight naval shipyard employment of 56,195). The effect of these actions on individual naval shipyard employment in FY 1974 would be as follows:

Naval shipyard	Employment: Sept. 30, 1973 on-board	Employment: Required EOFY 1974 current sked	Employment: Required EOFY 1975 70/30 split
Portsmouth	5, 322	5, 900	5, 500
Philadelphia	7, 193	7, 500	6, 600
Norfolk	9, 731	10, 200	9, 650
Charleston	6, 114	6, 900	6, 200
Puget Sound	8, 759	9, 200	8, 850
Mare Island	7, 345	7, 700	7, 700
Long Beach	6, 853	7, 300	6, 750
Pearl Harbor	4, 878	5, 200	5, 200
Total	56, 195	59, 900	56, 450

Reassignment of these ships to the private sector will impact on the Fleet operational schedule since January overhaul starts such as LPD–13, AD–18, LPD–8 and LSD–28 will have to be delayed to a later start date to allow adequate time for transfer of the advanced planning from naval shipyards to the appropriate Supervisor of Shipbuilding offices and for consummation of contracts. Additionally, it is estimated that at least five of these ships will have to be overhauled out of homeport and that at least two will have to be accomplished on split bids because of the shortage of adequate drydocks in the private sector with a resultant 6–8 week increase in overhaul duration.

The general impact on naval shipyard employment is that hiring must be severely curtailed now to avoid overshooting the reduced EOFY 1974 employment and that reductions of employment at the Philadelphia and Long Beach Naval Shipyards will be required in third and fourth quarters. These actions certainly will delay completion of some of the ships assigned naval shipyard overhaul during the period.

FISCAL YEAR 1975

A. Current FY 1975 distribution based on Navy Budget Submission to OSD/OMB:

	Percent
Alteration and repair (A&R) work to private yards	—21.4
Conversion, alteration and repair (CAR) work to private yards	—32.2

B. If this legislation is passed in FY 1974 it must be anticipated that similar legislation would be invoked in FY 1975 which would require assignment of approximately $460M of A&R work to private yards (an increase of $90M above the currently scheduled dollar value of A&R of $370M). To increase the A&R work assigned private in FY 1975 would require the reassignment of the following ships:

SHIP, NAVAL SHIPYARD, AND COST

AOR–2, Philadelphia, $11.8M.
AOE–3, Norfolk, $11.3M.
AOE—4, Norfolk, $11.2M.
DD–724, Philadelphia, $5.8M.
DD–820, Philadelphia, $4.4M.
DD–847, Philadelphia, $5.7M.
DE–1038, Charleston, $4.0M.
SSN–674, Portsmouth, $18.8M.
SSN–666, Pearl Harbor, $20.3M.
Total $93.3M.

These actions would reduce the required EOFY 1975 eight naval shipyard employment from the current number of 63,500 to 58,700 and would have the following impact on individual shipyards:

	Employment: Current end of fiscal year 1975 required	Employment: Revised end of fiscal year 1975 required 70/30 A. & R. split
Naval shipyards:		
Portsmouth	6, 000	5, 200
Philadelphia	7, 800	7, 200
Norfolk	11, 000	10, 000
Charleston	7, 600	6, 200
Puget Sound	10, 000	10, 000
Mare Island	7, 600	7, 300
Long Beach	8, 100	7, 500
Pearl Harbor	5, 400	5, 300
Total	63, 500	58, 700

Thus attaining a mandatory 30% A&R work assigned private in FY 1975 would require reductions of employment in Portsmouth and Mare Island Naval Shipyards during FY 1975 with modest increases in Philadelphia, Norfolk, Puget Sound and Long Beach Naval Shipyards required to handle the larger number of guided missile destroyers in the FY 1975 program.

GENERAL IMPACT OF MANDATORY 70/30 DISTRIBUTION OF A AND R WORK

The overall impact of this action in FY 1974 and 1975 would be to limit the eight naval shipyard employment for the bulk of this two year period to a level appreciably under the low efficient employment of 58,600 for the eight shipyard complex. This lowered employment level makes for less efficient operation, longer required durations of overhaul and under utilization of facilities. At the same time, in order to achieve the required split, ships such as AOR's, AOE's and DDG's would have to be assigned to the private sector which has limited facilities and personnel to handle these ships.

Comparing the end of fiscal year employment for 1974 and 1975, illustrates one of the major problems caused by a mandatory distribution of A&R work. This problem arises from the difference in the mix of A&R work by ship type in different fiscal years. Note that both Philadelphia and Long Beach Naval Shipyards must reduce employment in FY 1974 to make the required distribution but increase employment in FY 1975 to handle the increased number of DDG's, DLG's, and DE's (with the rubber window SONAR alteration) in the FY 1975 program. Also both Portsmouth and Mare Island Naval Shipyards are relatively unaffected in FY 1974 but must reduce employment levels in FY 1975 to achieve the required A&R split. Thus, half of the eight naval shipyards are cycling employment from hire to fire and hire again to balance workforce with workload during a two year period. The task of balancing workload and stabilizing naval shipyard employment at efficient levels sufficient to handle the cyclic work category requirements inherent in Fleet A&R work will become an impossibility with the imposition of a mandatory requirement for the assignment of 30% of Navy alteration and repair work to the private sector.

The situation is drastic. The effect of imposing a restriction like this in the middle of a year will cause the Department of the Navy to reapportion $40 million worth of work in small categories, and that is going to cause severe disruption of the Department of the Navy program.

The Acting Secretary of the Navy, Mr. Middendorf, has written a letter to me on behalf of the Navy, which I have delivered to the chairman of the whole committee, and he points up there very clearly the problems that are going to be caused by this rather mischievous amendment in committee. The private yards are not going to gain anything out of this. The Treasury will not gain anything out of this amendment. It is only going to cost the Government money if the Wyman amendment is not passed. I am talking about the amendment that was passed in committee that is not going to save the Government any money.

The private yards are not in extremis. They have expanded since we were here a year ago about 4,000 men. As far as the total budget of private yards in this category is concerned, when we first were complaining about repairs and alterations in private yards, back in 1971 they were getting $135 million, in 1972 they got $176 million, in 1973, last year, they got $282 million, and this year they are programed for a whopping $359 million, and they still want to foul up the Department of the Navy.

Not only have they expanded in that category where they have some 29.7 percent of the work, but they have programed some 66.1 percent of the work of conversions and 100 percent for the past 7 years of all of the new construction in the United States. The net effect of that is that where back in 1953 the private yards had about 32 percent of the Navy's business, and in 1963 they had 62 percent, and last year they had 66 percent, the private yards for this year are going to get better than 80 percent of the Navy's work.

If we add that to the private work that the yards are going to get in the private sector, and if we include all of the private shipbuilding and all of the public shipbuilding in the United States, the private yards, as is shown in the papers I have filed with the committee and included in the record, have 86 percent of all of the ship work done in the United States, and still they want more money.

The statement has been made that we have driven two naval shipyards out of business.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent Mr. LEGGETT was allowed to proceed for 3 additional minutes.)

Mr. LEGGETT. We have not driven two naval shipyards out of business. We have driven San Diego out of business; we have closed up New York; we are in the process of closing up Boston with 1,500 people left. We have 1,500 people left at Hunter's Point. The Navy Department is down to some 56,000 men in all of the eight remaining naval shipyards, seven of them in the continental United States. They say if they are going any lower than that, they are going to run into vast inefficiencies, and they are not going to be able to operate at a cost effective level.

Mrs. MINK. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentlewoman from Hawaii.

Mrs. MINK. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of the Wyman amendment and associate myself with the remarks of the gentleman in the well.

Mr. LEGGETT. I could just embellish that. In 1962 private yards had a total business, commercial and Navy, of $1.6 billion; in 1967 they had $2.2 billion; in 1971 they had $2.6 billion; in 1972 they had $3.3 billion; and last year they had $5.6 billion, and they will be breaking $6 billion in the current year.

So anybody who says we have got to keep the private yards in business by this kind of limitation, anybody who says they have to hamstring the Navy Department and cause the laying off of 3,500 people in the Navy yards by this mischievous limitation, I am prepared to argue with.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. Mr. Chairman, I have a rather pertinent question for the gentleman from California and that is this. This bill was not reported by the full committee until the 26th of November. I am curious as to how the gentleman can get information from the Navy on something that was not made public until the 26th of November, on a date of November 12.

Mr. LEGGETT. Very good. I am pleased the gentleman would ask that question, because I made a 37-page presentation before the gentleman's committee on a day when he was not present. That is part of the official record and part of the documentation the gentleman has before him. It spells out exactly the position of the Navy and it contains the letter from the Navy. We have circulated to the gentleman better than a week ago a letter from the Assistant Secretary of the Navy.

As to how I got the information as to what was being done in the committee, I talked to the gentleman from New Hampshire, who is a member of the committee, and then I sought the Navy's views.

Mr. DAVIS of Wisconsin. Did the gentleman from New Hampshire (Mr. WYMAN) give the gentleman from California this information prior to the 26th of November?

Mr. LEGGETT. Certainly he did.

Mr. HOSMER. Mr. Chairman, will the gentleman yield further?

Mr. LEGGETT. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, it is obvious this information is in the tables that were given to the committee last July and printed in the committee record and so there is no problem about that.

Mr. WILLIAMS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Hampshire (Mr. WYMAN).

Mr. Chairman, I want the Members of the House to know that in my district I have one of the largest and finest private shipyards in the country. I can tell the Members that shipyard has an ample amount of work, more than an ample amount of work, and so does every other private shipyard that I know of.

What we have been doing for a number of years is creating a serious imbalance. We have just heard we put 80 percent of the naval work into private shipyards which are already loaded up with work.

I rise in support of this amendment because the naval shipyards are equipped to handle the type of work which many private shipyards cannot handle. They are employing 50 to 60 percent of the numbers they were employing 4 or 5 years ago.

We cannot afford to create this tremendous imbalance and maintain it. What the Wyman amendment does is just restore a little bit of balance. It does not correct it.

I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Chairman, I take this opportunity to commend my colleague from Pennsylvania insofar as his information on the Sun Shipyard is concerned. As you know, it is directly across the river from my district. The Sun Shipyard is one of the finest shipyards in the world. They have some excellent facilities for producing what we call oil tankers.

I, likewise, as the gentleman from Pennsylvania is doing, support Mr. WYMAN'S amendment, because as I said yesterday, if we do not support this amendment, we are going to cut out jobs in our naval shipyards. The Philadelphia Naval Shipyard, for one, will lose 900 people. It is utterly ridiculous to put any more naval work in the private shipyards, when we know they should be building tankers for the energy crisis.

Mr. WILLIAMS. Mr. Chairman, I thank my colleague for that statement.

I would like to point out that someone made a statement yesterday in opposition to the Wyman amendment, that three major shipyards are doing most of the naval conversion work. The fact of the matter is that there are only a very limited number of private shipyards that can do the work that is being done by the naval shipyards. In fact, they just do not have the facilities to handle them in most cases.

I yield to the gentleman from Virginia.

Mr. ROBERT W. DANIEL, JR. Mr. Chairman, yesterday I was amazed at some of the comments that all naval alterations and repairs are predictable and are susceptible to long-range planning. There are great unforeseen crises, as when a carrier catches fire, or when there is a gun turret explosion on a cruiser, as we have sadly seen in recent months and years. I have had it on authority from the Navy that they need flexibility in making yard assignments to carry out these repairs efficiently and promptly. The language of the bill as it is now worded would impede this flexibility. I urge a "yes" vote on the Wyman amendment.

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for his point, because in cases where we have a major fire on board aircraft carriers, it is only a naval shipyard that can do the necessary repair work. There are very few yards in this country where work can be done on large carriers, such as the *Enterprise*, the *J.F.K.* aircraft carriers, and other ships of bigger sizes such as cruisers. So, as a man representing a district which has a fine large private shipyard in it, that has had a chance to see what has been done to our naval shipyards, we have already closed two down and we are running 50 to 60 percent of employment in the balance of them.

Let us take a small step toward rectifying this imbalance. I urge all of my colleagues to vote for the Wyman amendment.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, at times the military services have considerable resistance to the desire of Congress to have control over the purse strings. The question of credibility arises here. Navy witnesses appeared before the committee—and it is printed in the hearings—they said in July and they said in September, "We are going to give about 70 percent of overhauls, repairs and alterations to Navy shipyards and we are going to give about 30 percent to the private yards."

They said it and they resaid it. I believe some of those who discussed this matter yesterday agreed that was correct.

Therefore, why do we have this amendment, since the Navy is going to do it anyway?

This sort of tests the credibility of the Navy. I say, if we cannot depend upon the armed services to be square with us, it is time we were learning that they cannot be relied upon to give us the facts.

It is my recollection when this matter arose in the mark up, the subcommittee was unanimous for the amendment.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, I was present in the mark up, but the conversion of submarines was not included in this and I was assured in the process of the mark up that this would not have any adverse effect or have any relationship to yards of this type. The net effect of having it limited to alteration, overhaul and repair as distinct from alteration, conversion, and repair, puts this responsibility on the Navy.

Mr. MAHON. Mr. Chairman, we do not include conversions. We are talking about repair, overhauls, and alteration. The Navy's plan is to divide this program 70–30. We have said it and resaid it; can we believe the Navy, or not, or shall we just go ahead and give them a blank check and say, "The Congress does not count, go ahead and do as you please."

I think this is a good chance to test the credibility of the Navy. Will the Navy tell the Congress the truth, or will it tell us one thing when the money is being sought and tell us something else after the Navy gets the money.

The Navy tells us that there will be an increase of employees in its yards, a slight increase. That is what the Navy has advised the committee. If they cannot be relied upon, well, I am sorry.

So, what we have simply done here is to put the imprimatur of the Congress on the decision of the Navy as to the way it is going to divide the repair and alteration work to be done in fiscal year 1974. So, I am amazed that there would be so much interest in this by all the people from the naval shipyard areas, and there are eight of them. They do have a special interest and I do not blame them for being concerned, but we are all concerned about the maintenance of an adequate public yard program. We have these eight public yards and we want to keep them, and so we simply say in this amendment, "Navy, you go do what you told us you are going to do."

The committee proposes to hold the feet of the Navy to the fire. There are those who say that we should not give the services a blank check. But when we offer to tie them down and try to get a little better control of the funds provided for the Department of Defense, people object. In effect they say: "Let them do as they please."

I think the Navy end runs the Congress too much. I just want to say that I do not have any shipyards, public or private, in my inland area. However, I do have a sense of fairness and I do hope this amendment will be voted down with a resounding vote. This will convince the Navy that making end runs, by telling the committee and the Congress one thing, even putting it in black and white in the hearings and then trying to get it changed will get them nowhere.

I want to warn the Navy that this type of tactics has to stop and the committee will not put up with it.

Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. HOSMER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I move that all debate on this amendment close in 10 minutes.

The motion was agreed to.

Mr. PATTEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are caught by surprise with this amendment.

In New Jersey we had some of the largest private shipyards that this country needed in World War II and in the Korean war. We had the big New York shipbuilding concern down at Camden; we had Todd, with 50,000 employees in Hoboken. If we are thinking of the national interest, you should not destroy them.

Mr. Chairman, this amendment should be voted down.

I wish to be associated with the remarks of my committee chairman. Let the Navy give at least 30 percent of the repair work to private shipyards, because we have to sustain them, and if we have trouble, we will wish that they were in existence.

Mr. HOSMER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The time has been limited. The gentleman from California (Mr. HOSMER) will be recognized for 2½ minutes.

Mr. HOSMER. Mr. Chairman, if the gentleman from Texas, the chairman of this committee, were talking about a subject wherein the Navy could make and ascertain the facts in advance for 12 or 14 months or even a 24-month period, as it must do when it is preparing its estimates and its requests for appropriations, and do that with absolute accuracy, and then it came in and changed what it said, that would be one thing.

However, we are not dealing, Mr. Chairman, in an area wherein any deliberate deception is concerned. We are dealing entirely in an area pertaining to estimates of what the Navy must do with ships that have not been damaged or do not need repair yet, and then later there are instances that occur and have to be taken care of. And then if the Navy has to change its mind and make a different allocation of money on that basis, it has nothing to do with the honor or the integrity or the honesty of the organization, and, therefore, the organization should not be punished for those estimates, as distinguished from preascertainable facts, that are not correct, as the committee would do, as the chairman of the committee just asked us to do, and, as I submit, we are being unfairly asked to do.

Therefore, Mr. Chairman, the Wyman amendment should be agreed to.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, in the discussion we have heard here, it has been intimated that somehow the Navy does one thing one day and another thing another day.

I asked the Navy about the percentage, and I have a letter here from the Acting Secretary of the Navy, Mr. Middendorf, indicating the occurrence of changes between the time of the Navy's appearance before our committee and the present month of November, 4 months later and almost two quarters into the current fiscal year. Secretary Middendorf wrote me on November 12, 1973, as follows:

NOVEMBER 12, 1973.

The discussion paper indicates that approximately $44 million of additional scheduled repair and alteration work above that currently assigned would have to be allocated to the private sector in FY 1974 to insure compliance with a mandatory 30 percent requirement. This would result in a decrease of approximately 3,450 in planned naval shipyard employment for the end of FY 1974. . . . Information submitted for the record of the Congressional hearings on the Department of Defense Appropriations for FY 1974 indicated that 29.7 percent was allocated for private yards. As a result of that information in the record, it is understandable that the 30 percent requirement may have appeared to have little impact on the Navy. . . . (but) there already has been some shrinkage . . . and there would be changes required in our planning. . . . the Navy position is that it must have flexibility if it is to manage efficiently the uneven flow of different types of Navy ship repair and alteration work. At the same time the importance to the Navy of private ship repair capability has been demonstrated by the substantial amounts of repair and alteration work that have been assigned to the private shipyards. Enactment of the 30 percent requirement will destroy this flexibility, thereby disrupting Fleet operational schedules and lowering naval shipyard efficiency. Additionally, an administrative burden of considerable magnitude would be created and would further deplete already insufficient funds.

J. WILLIAM MIDDENDORF II,
Acting Secretary of the Navy.

Information earlier presented to the defense appropriation bill indicated that 29.4 percent was allocated for private yards. But in the light of the above information and recent developments, and with the required pay increase coming next month the situation has changed, and the imposition of a fixed dollar amount upon the Navy would be an unwise administrative requirement if we want efficiency and cost effectiveness, which we do.

This is all that is being proposed by this amendment today.

Mr. HOSMER. Mr. Chairman, I agree with the gentleman that it is unwise to attempt to have the Navy be punished by the chairman of this committee for doing what it has to do. That is entirely irrational, and the reason that I suggest that the Members support this amendment.

The last time this happened was about 10 years ago, when Adm. R. K. James was head of the Bureau of Ships. Such a straitjacket provision as the one before us was put in the appropriations bill at the behest of a bunch of private shipyard lobbyists. Because of it we had the situation then where the Navy had to take a lot of ships from one coast to the other and engage in a lot of other fiscal acrobatics and inanities to cope with the senseless situation when the Congress imposed this limitation. Now you are just asking for this dumb-dumb situation to be repeated all over again.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Chairman, I would like to say this: No one can predict what kind of breakdowns or repairs the Navy is going to have to cope with during the next year. They may have breakdowns that cannot be handled by private yards and they will have to put ships into Navy yards.

This is merely to give them some flexibility.

Mr. LEGGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to belabor this point. I am sure the Navy Department is extremely reluctant to get into a battle with the chairman of the full committee, and if we have been led into that situation, why, certainly we are prepared to apologize on behalf of the Navy Department.

I am sure they are reluctant in every possible way, and I would say this: that the representation that this amendment passed the committee unanimously is in error: As I recall, from what I hear, there was a fight in the full committee. There was not a record vote taken, but I know there were a lot of silent voices on the full committee and some who spoke up, some who were quite concerned about this amendment and this apportionment.

As far as the Navy being frank with the committee, they made a frank analysis as to the effects of the 70–30 or 50–50 apportionment in the formal analysis that they presented, and that was presented to both the Senate committee and to this committee by a statement which I delivered to the committee last October with my own remarks.

As I recall it, the only admonition your committee has made to the Navy Department is that you want the 35 to 65 percent limitation respected on repairs, alterations, and conversions. The private shipyards got 32 percent in 1970, 38 percent in 1971, 31 percent in 1972, and 37 percent last year or an average of about 36 percent on repairs, alterations, and conversions over the past 5, 6, or 7 years. So I think that the Navy Department has been very fair with the committee.

Mr. MINSHALL of Ohio. Will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Ohio.

Mr. MINSHALL of Ohio. I appreciate the gentleman yielding.

I greatly respect the Member from California, but I would like to emphasize what the chairman of the committee did. We have been around the barn on this private versus public shipyards deal for 12 years that I have been on the subcommittee. It is a subject that is not new and one with which we are very familiar. In our hearings and in the markup of this bill nothing was discussed as outlined in the gentleman's amendment. Our subcommittee agreed unanimously on the matter of public versus private yards. We have been led down the primrose path by the Department of the Navy as far as I am concerned for the last time. They have given us more snow jobs on different projects than any other service. Now they are trying—after the fact—after our committee markup, to attempt to distort the facts with erroneous information. I say we should stand up and vote down the amendment.

Mr. LEGGETT. The subcommittee did not ask the Navy Department for its views on the limitations, so how can you claim that the Navy has not been fully frank, honest, and credible with the Appropriations Committee?

Mr. MATSUNAGA. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Hampshire (Mr. WYMAN) which would strike from the bill some unfortunate langauge restricting the funds the Navy may spend in its own shipyards on ship alterations and repair.

As the gentleman from New Hampshire has noted, the effect of the language contained in the committee bill would be to transfer more than $42 million of work from Navy shipyards to private yards. It would mean the loss of 3,450 jobs in the affected navy yards in the current fiscal year alone.

In my State of Hawaii, the Pearl Harbor Naval Shipyard is the single largest industrial employer, with about 5,200 workers. It would be adversely affected, not in fiscal 1974, but in 1975, when the diversion to private yards would result in the loss of about 100 jobs.

But it is not on the basis of job preservation alone that I support the pending amendment. Fleet operation schedules for the rest of the year would be drastically affected, as the Navy shifted vessels to make them available for repair and alteration when private shipyards could accommodate them. In several of the shipyards, the committee's action would produce a 2-year cycle of hirings, layoffs, and rehires—which cannot but hurt the efficiency of the yards and their readiness to function as an integral part of our defense capability.

Mr. Chairman, private shipyards already receive a substantial part of the alteration and repair work on Navy ships, and much of the remainder is too complex for most of the private yards to handle. Moreover, private yards do all of the conversion work on Navy ships.

In summary, navy yards are a vital link in our defense chain, and the limitation provided in the bill as reported, unless removed by the pending amendment, might substantially weaken the link. I therefore urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. WYMAN).

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LEGGETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 203, not voting 60, as follows:

[Roll No. 607]

AYES—170

Alexander
Anderson, Ill.
Armstrong
Aspin
Barrett
Beard
Bennett
Biester
Blackburn
Bray
Brotzman
Brown, Mich.
Burgener
Burke, Fla.
Burton
Butler
Byron
Carter
Chappell
Clausen, Don H.
Clay
Cleveland
Cohen
Conable
Conlan
Conyers
Corman
Coughlin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Dellums
Dent
Derwinski
Dingell
Dorn
Dulski
Edwards, Calif.
Eilberg
Erlenborn
Fascell
Fish
Flood
Foley
Ford, William D.
Forsythe
Fraser
Frey
Fulton
Gaydos
Gettys
Gibbons
Gilman
Goldwater
Gonzalez
Goodling
Green, Pa.
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hawkins
Hays
Heinz
Hicks
Hillis
Hinshaw
Hogan
Holifield
Horton
Hosmer
Huber
Hudnut
Hunt
Ichord
Johnson, Calif.
Johnson, Pa.
Jones, Tenn.
Jordan
Kazen
Ketchum
Kyros
Landgrebe
Leggett
Lehman
Long, La.
McCollister
McCormack
McDade
McFall
Mallary
Mann
Maraziti
Mathias, Calif.
Matsunaga
Meeds
Melcher
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Nedzi
Nichols
Nix
O'Brien
Owens
Parris
Patman
Price, Ill.
Rees
Regula
Reuss
Riegle
Roberts
Robinson, Va.
Rogers
Roncalio, Wyo.
Rousselot
Roy
Roybal
Runnels
Ruppe
Ryan
Sandman
Satterfield
Schneebeli
Seiberling
Shipley
Shoup
Sikes
Sisk
Skubitz
Smith, N.Y.
Spence
Stanton, James V.
Stark
Stephens
Symington
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thornton
Towell, Nev.
Treen
Vanik
Veysey
Vigorito
Waldie
Walsh
Wampler
Ware
Whalen
Whitehurst
Widnall
Williams
Wilson, Charles, Tex.
Wyman
Yatron
Young, Fla.
Young, Ga.
Young, Ill.

NOES—203

Abdnor
Abzug
Adams
Addabbo
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Ashbrook
Ashley
Badillo
Bafalis
Bauman
Bergland
Bevill
Biaggi
Bingham
Blatnik
Boggs
Boland
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Carey, N.Y.
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Collier
Collins, Tex.
Conte
Cotter
Cronin
Daniels, Dominick V.
Davis, Wis.
Delaney
Dellenback
Denholm
Dennis
Devine
Donohue
Drinan
Duncan
du Pont
Eckhardt
Edwards, Ala.
Esch
Evans, Colo.
Evins, Tenn.
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Fountain
Frenzel
Froehlich
Fuqua
Giaimo
Ginn
Grasso
Green, Oreg.
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hanley
Hanrahan
Harsha
Harvey
Hastings
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Holtzman
Howard
Hungate
Hutchinson
Jarman
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Kastenmeier
Kemp
Kluczynski
Koch
Kuykendall
Latta
Lent
Litton
Long, Md.
McClory
McCloskey
McEwen
McKinney
Madigan
Mahon
Mailliard
Martin, Nebr.
Martin, N.C.
Mayne
Mazzoli
Mezvinsky
Milford
Miller
Minish
Minshall, Ohio
Moakley
Montgomery
Moorhead, Calif.
Murphy, N.Y.
Myers
Natcher
Obey
O'Hara
O'Neill
Passman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Powell, Ohio
Preyer
Price, Tex.
Pritchard
Quie
Randall

Rarick
Rhodes
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Ruth
St Germain
Sarasin
Sarbanes
Scherle
Schroeder
Shriver
Shuster
Slack
Smith, Iowa
Staggers
Stanton, J. William
Steed
Steele
Steelman
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symms
Taylor, N.C.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Waggonner
White
Whitten
Wilson, Charles H., Calif.
Winn
Wolff
Wright
Wydler
Wylie
Yates
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—60

Anderson, Calif.
Arends
Baker
Bell
Bolling
Broyhill, Va.
Buchanan
Burke, Calif.
Camp
Carney, Ohio
Chisholm
Clawson, Del
Cochran
Collins, Ill.
Crane
Danielson
de la Garza
Dickinson
Diggs
Downing
Eshleman
Frelinghuysen
Gray
Griffiths
Helstoski
Holt
Karth
Keating
King
Landrum
Lott
Lujan
McKay
McSpadden
Macdonald
Madden
Mathis, Ga.
Metcalfe
Michel
Mills, Ark.
Murphy, Ill.
Nelsen
Pettis
Poage
Quillen
Railsback
Rangel
Reid
Rooney, N.Y.
Sebelius
Snyder
Steiger, Ariz.
Stokes
Talcott
Taylor, Mo.
Van Deerlin
Wiggins
Wilson, Bob
Wyatt
Young, Alaska

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I would like to have the attention of the chairman of the full committee.

Mr. Chairman, I would like to ask, and it will take only a minute or so, the meaning of "Support for other nations." Under the heading of appropriations for the Army, there is "Support for other nations" of $414 million; Navy "Support for other nations" of $21 million, and on page 8 of the bill "Support for other nations" on the part of the Air Force of $256 million, a total of well beyond $500 million for "Support for other nations." What does this mean? What does "Support of other nations" mean?

Mr. MAHON. Support of other nations has to do primarily with South Vietnam. As you know an agreement was worked out whereby our forces were withdrawn, but our Government made a solid commitment that we would support the military forces of South Vietnam and keep them at a certain level. This is the money involved here. It is a very large sum of money. Also, our military missions around the world are supported through this fund.

Mr. GROSS. Are there other places in the world in addition to South Vietnam in which this money is spent?

Mr. MAHON. Our military personnel in various missions throughout the world are supported here. We have military assistance programs in a number of nations; Korea, South Vietnam, and large numbers of personnel are in many of these areas. We undertake to encourage nations to purchase their military equipment from the United States.

Mr. GROSS Are these funds authorized? Do they have to be authorized?

Mr. MAHON. There is basic statutory authority, it does not require annual authorization.

Mr. GROSS. The British entered into an agreement with the Government of Malta for a naval base. We were not content to let the British spend $36 million in payment to the Maltese Government. This government volunteered a contribution of $9½ million to the British deal out of thin air. Would "supporting assistance" be the source of that contribution?

Mr. MAHON. It would not come from this area.

Mr. GROSS. We could not stand to see the British enter into an agreement and spend their money for a navy base. We just had to help them out by volunteering a good many million dollars. That would not be the source of those funds?

Mr. MAHON. No. It would not.

Mr. GROSS. My final question is, why is the letter "S" in the word "Support" capitalized?

Mr. MAHON. Will the gentleman repeat that? I did not hear him.

Mr. GROSS. Why is the "S" in the word "Support" capitalized?

Mr. MAHON. All major activities in the bill are capitalized for purposes of emphasis, I assume.

Mr. GROSS. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; as follows: for Strategic forces, $1,124,154,000; for General purpose forces, $1,014,091,000; for Intelligence and communications, $532,343,000; for Airlift and sealift, $179,240,000; for Central supply and maintenance, $2,318,938,000; for Training operations and other general personnel activities, $517,736,000; for Medical activities, $377,398,000; for Administration and associated activities, $211,467,000; and for the Support of other nations, $256,733,000; in all: $6,532,100,000: *Provided*, That of the total amount of this appropriation, not to exceed $2,343,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payment may be made on his certificate of necessity for confidential military purposes: *Provided further*, That not less than $215,000,000 of the total amount of this appropriation shall be available only for the maintenance of real property facilities.

Mr. TREEN. Mr. Chairman, I would like to discuss with you for just a minute the effects of section 742 of the defense appropriations bill.

Section 742 establishes ceilings for each officer grade from major/lieutenant commander (O–4) through general/admiral (O–10) for the last quarter of fiscal year 1974 by denying funds for pay and allowances of personnel in excess of the ceilings.

A review of the history of the Officer Grade Limitation Act of 1954 makes it clear that the 1954 act was intended as a permanent answer to provisions in the fiscal year 1953 and 1954 DOD Appropriations Acts which were essentially the same as section 742. The House report on the 1954 act (Rept. No. 1218, Feb. 22, 1954, 83d Congress, 2d sess., to accompany H.R. 7103) states at pages 10 and 11:

> It should be emphasized that the proposed legislation is the result of extensive hearings. It should be the permanent answer to the objections which have been raised in both Houses to the alleged promiscuous promotions of officers in our Armed Forces.
>
> Promotion is one of the most complex and yet one of the most important aspects of military life. And limitations, hastily prepared, can so seriously affect career planning in the Armed Forces that their continuation over any period of time may bring about consequences not contemplated nor desired by those who propose such limitations.
>
> Promotions must be geared to the needs of each service and at the same time fit personnel plans for years to come. It cannot be operated on a hit-and-miss basis subject to a different numerical limitation imposed each fiscal year. Promotion must be related to requirements, and it must also be flexible enough to permit consideration of eligible officers upon the completion of normal years of service in grade.
>
> Provisions in appropriation acts which attempt to create a grade spread for each fiscal year based on total strength not only disrupt such career planning but so disturb the entire promotion system that it is impossible for any young man about to enter the armed services and make the service his career, either as a Regular or Reserve, to anticipate his opportunities for advancement.
>
> And, since promotion is so entwined with career planning, it is impossible, using the so-called Davis amendment as the basis, to make adjustments upward or downward as the strength of the Armed Forces increases or decreases and have career planning without excessive attrition or other equally undesirable consequences.

There is no reason in 1974 to renew the effort which had been tried and rejected in 1954. While section 742 may be based on the best of intentions, it is first of all an inappropriate way to attempt to control grade escalation and second, it is a matter that is the responsibility of the Armed Services Committee.

The Armed Services Committee now has before it the Department of Defense proposed legislation which provides for the selective early retirement of officers in grades O–5 and O–6 (H.R. 11113).

On May 30 of this year the Department of Defense submitted to the Congress its report on the proposed new defense officer personnel management system, which contains new permanent statutory grade limitations. It is anticipated that the implementing legislation will be received in the near future for consideration by the Armed Services Committee.

Title VII of the fiscal year 1974 DOD Appropriation Authorization Act establishes a Defense Manpower Commission which will conduct a comprehensive study of overall DOD manpower requirements, including the matter of officer grade limitations.

I am not going to oppose this bill but I do think that this represents an attempt to indirectly legislate on a matter that is primarily within the jurisdiction of the Armed Services Committees, and I certainly am hopeful that it will be deleted in the Senate or in the conference.

PARLIAMENTARY INQUIRY

Mr. ECKHARDT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ECKHARDT. I intend to reserve a point of order and make a point of order on the proviso on page 8, line 12. I wish to be protected on that and I wish to know whether it should be made at this time.

The CHAIRMAN. Yes, the gentleman should make his point of order now.

POINT OF ORDER

Mr. ECKHARDT. Mr. Chairman, I make a point of order on the language commencing on page 8, line 15, "to be expended on the approval or authority of the Secretary of the Air Force, and payment may be made on his certificate of necessity for confidential military purposes:"

The point of order is based on rule XXI, clause 2, in that such language is a provision in an appropriation bill for an existing law and is not contained in the authorization legislation and for other reasons. It is in violation of rule XXI.

The CHAIRMAN. Does the gentleman from Texas wish to be heard on the point of order?

Mr. MAHON. Mr. Chairman, does the gentleman make the point of order?

Mr. ECKHARDT. Mr. Chairman, I do make the point of order.

Mr. MAHON. Mr. Chairman, I would like to be heard on the point of order.

Mr. Chairman, the language in the bill beginning on line 12 says:

> Provided, that of the total amount of this appropriation, not to exceed $2,343,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force.

Now, the language was challenged in the bill last year, but this is not the language that was challenged in the bill last year. The committee changed the language that was challenged in the bill last year and omitted the language as follows:

> To be expended on the approval or authority of the Secretary, and his determination shall be final and conclusive upon the accounting offices of the Government.

That language was held, I believe, subject to a point of order, but that language is omitted in the proviso this year. It is important to have this flexibility, to have these funds available for these very extraordinary purposes if the Defense Department is to do its job adequately.

Mr. ECKHARDT. Mr. Chairman, may I be heard briefly further?

The provisions of existing law will, of course, give the controller a right to go into the question of what the specific items for expenditures were that fit these categories. My point of order does not reach the question that the Chairman has said is a necessary flexibility of expenditures. I do not raise the point of order that the extraordinary expenditures may not be made, but raise the point of order with respect to language which is at least subject to the interpretation that once the expenditure is categorized as in the confidential area, that there may not be further examination by the Comptroller General as to the expenditure.

If, arguably, the language changes existing law or if it calls for an interpretation that could have that effect, then the language is providing legislation on an appropriations bill. If it does not change existing law, it is not necessary to the proviso.

Mr. MINSHALL of Ohio. Mr. Chairman, I would like to be heard on the point of order.

Mr. Chairman, I would merely like to point out to my good friend from Texas that on page 108 of our report, near the bottom of the page, it says:

> In including the language relating to emergency and extraordinary expenses the Committee has deleted language which had the effect of prohibiting by statute external audits of these expenses. However, the Committe does not intend any substantive change in the customary use of this authority as long as it is consistent with the justifications submitted to the Congress and prior practice.

I would also like to point out that in line 8 of the bill itself, this is a limitation on expenditures where it says, "Not to exceed $2,343,000."

Therefore, I submit to the Chairman that it is not subject to a point of order.

The CHAIRMAN. The Chair would like to ask the chairman of the committee, the gentleman from Texas (Mr. MAHON), can the gentleman from Texas cite authority for the language on line 16 beginning with: "And payment may be made on his certificate of necessity for confidential military purposes."

If there is no authority, the Chair would have to sustain the point of order against the language.

Mr. MAHON. Mr. Chairman, I am certain that there is no restriction on the fact that the Secretary of the Air Force has the authority under the existing law, which I cannot pull out of the air at this moment and cite, to make payments on his certificate of necessity for confidential military purposes. Certainly there is no restriction on the military to prevent this sort of operation.

The CHAIRMAN. Well, the Chair would like to assert that, if we have the language in the existing law, the language in the bill is unnecessary.

Mr. MINSHALL of Ohio. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman from Ohio may be heard on the point of order.

Mr. MINSHALL of Ohio. Mr. Chairman, I cannot cite the actual legislative authority, but we do have general legislative authority for just this provision in the bill. It has been in the bill for many, many previous years.

The CHAIRMAN. Did the gentleman from Ohio state that he cannot cite any authority for this language?

Mr. MINSHALL of Ohio. Mr. Chairman, I said I could not, right at this moment. It has been in the previous bill for many, many years.

The CHAIRMAN (Mr. ROSTENKOWSKI). The language to which the point of order is directed is the language the gentleman from Texas cited on line 15, as follows:

> To be expended on the approval or authority of the Secretary of the Air Force, and payment may be made on his certificate of necessity for confidential military purposes.

If there is no authority in law for this language, the Chair holds that it must be construed as legislation in violation of clause 2, rule XXI.

The Chair sustains the point of order.

If there are no amendments to this paragraph, the Clerk will read.

The Clerk read as follows:

> Page 8, line 21, Operation and Maintenance, Defense Agencies.
>
> For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments and the Defense Civil Preparedness Agency), as authorized by law; as follows: for the Secretary of Defense activities, $243,885,000; for the organization of the Joint Chiefs of Staff, $8,305,000; for the Office of Information for the Armed Forces, $11,225,000; for the Armed Forces Institute, $5,757,000; for the Defense Contract Audit Agency, $57,250,000; for the Defense Investigative Service, $20,194,000; for the Defense Mapping Agency, $145,649,000; for the Defense Nuclear Agency, $9,940,000; for the Defense Supply Agency, $697,344,000; and for Intelligence and communications activities, $450,859,000; in all: $1,650,408,000: *Provided*, That of the total amount of this appropriation, not to exceed $5,448,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payment may be made on his certificate of necessity for confidential military purposes: *Provided further*, That not less than $17,100,000 of the total amount of this appropriation shall be available only for the maintenance of real property facilities.

POINT OF ORDER

Mr. ECKHARDT. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ECKHARDT. Mr. Chairman, as I understand it, we are now in Operation and Maintenance, Defense Agencies?

The CHAIRMAN. The gentleman is correct.

Mr. ECKHARDT. Mr. Chairman, my point of order is of the same nature as before, and it is directed to page 9, line 14, which reads:

> To be expended on the approval or authority of the Secretary of Defense, and payment may be made on his certificate of necessity for confidential military purposes.

The CHAIRMAN. Does the gentleman from Texas wish to be heard on the point of order?

Mr. MAHON. Mr. Chairman, in view of the prior decision by the Chair, I assume there is no need to be heard.

The CHAIRMAN (Mr. ROSTENKOWSKI). The Chair is prepared to rule.

The Chair will sustain the point of order on the basis previously stated by the Chair.

AMENDMENT OFFERED BY MR. KASTENMEIER

Mr. KASTENMEIER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. KASTENMEIER: On page 9, line 5, delete "$5,757,000" and insert in lieu thereof "$6,287,000", and on

line 11, delete "$1,650,408,000" and insert in lieu thereof "$1,650,938,000".

Mr. FLYNT. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The gentleman from Georgia reserves a point of order.

The gentleman from Wisconsin is recognized for 5 minutes on his amendment.

Mr. KASTENMEIER. Mr. Chairman, I would not think that this amendment is particularly controversial, in light of some of the other amendments, and I might have hoped that the gentleman from Texas, the distinguished chairman of the Committee on Appropriations, might have accepted my amendment. But I appreciate his support of the integrity of the bill and the subcommittee report.

Tucked away in the committee report on this $74 billion bill is language which recommends the disestablishment of the U.S. Armed Forces Institute. The budget request for support of the Institute during this fiscal year was $6,287,000.

Because the item is small and because the Institute during its nearly 32 years of existence has maintained a low profile, I am well aware that, with the exception of those who serve on the Subcommittee for Defense Appropriations, few Members are aware of its mission or its function.

So we are asked to approve the recommended disestablishment of the U.S. Armed Forces Institute. I would like to explain what we are disestablishing.

Incidentally, this is an institute which over its nearly 32 years of existence has provided educational services in correspondence courses and otherwise to over 7 million Americans. Undoubtedly many in this Chamber are the beneficiaries of these services, and many, many thousands of your constituents are.

It develops and offers through independent study—correspondence courses—and class instruction courses ranging from literary level to prehigh school to high school and college levels. Training and advisory services are also offered in occupational and technical areas, and a testing program is also operated that includes course related standardized tests, and a series of general measurement and placement tests.

Although the education of this country has changed dramatically since the institute was first launched, it continues to provide valuable services and is making efforts to upgrade and modernize its offering and services.

During fiscal year 1973 more than 275,000 military personnel used one or more of the educational services offered by USAFI. Based on the 1973 force level, this means that more than one out of every nine military persons had occasion to seek educational assistance from the institute. Some 98,000 servicemen took one or more courses offered by USAFI in 1973 and about 204,000 military personnel took advantage of one or more of the testing services offered by USAFI, including some 80,000 persons who earned recognition for high school equivalency. It should be stressed here that the standardized testing instruments developed by USAFI personnel are among the strongest of the institute's programs. Countless numbers of professional manhours have gone into the development and standardization of these educational tests, and an equally great effort was required to gain their acceptance throughout the educational systems of this Nation.

In addition, USAFI lends important support to educational training programs leading to high school diplomas and also gives important guidance to Project Transition. Project Transition is operated by the various military services and prepares military personnel for jobs in the civilian economy. It is especially designed to help those persons who would otherwise enter civilian life without having necessary civilian job skills.

It must be conceded that enrollments in USAFI programs did and do fall off during this country's heaviest military engagements, particularly in the Southeast Asian war. But participation in 1973 was up and is expected to continue in that direction. Hundreds of thousands of young men and women in our military services who are seeking educational opportunities and self-improvement will be denied those opportunities at least in part if Congress follows the committee's recommendation to kill USAFI. This action would be unwise under normal military circumstances, but is particularly so at a time when we are attempting to attract young people, many of them with marginal educational skills, into a volunteer army, whether or not the volunteer army is succeeding.

At the same time that I make this defense of the institute I should not deny the many constructive criticisms by members of the subcommittee for its improvement are valid. However, to throw the baby out with the bath water is unconscionable.

Mr. Chairman, I recommend support of this amendment.

The CHAIRMAN. Does the gentleman from Georgia (Mr. FLYNT) insist upon his reservation of a point of order?

Mr. FLYNT. Mr. Chairman, no, I withdraw my reservation of a point of order.

The CHAIRMAN. The gentleman from Georgia (Mr. FLYNT) withdraws his reservation of objection.

Mr. FLYNT. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. Chairman, as I said, I reluctantly oppose the amendment, because I fully recognize the interest which the gentleman from Wisconsin (Mr. KASTENMEIER) has in this program. I think the gentleman from Wisconsin is well aware that we have encouraged the Armed Forces Institute for the past 3 years to correct the deficiencies in this program, and they have completely ignored the admonitions of the Committee on Appropriations. The Congress as well as the committee, has tried to bring some semblance of effectiveness into this particular program, but we find that only 7 of the 50 States recognize the General Education Development certificates which are awarded by the Armed Forces Institute. We have done everything that we could to determine whether or not these programs conducted by the Armed Forces Institute formed any worthwhile and still needed purpose. In our judgment,, they are no longer worth the cost.

Mr. Chairman, let me read from page 302 of this year's hearings in which one member of the subcommittee, the gentleman from New York (Mr. ADDABBO) stated on page 302 of volume No. 9 of these hearings:

> I found this to be creating problems for men from New York, because New York does accept it. Men have taken the city civil service test, but when they present their GED certificate, after leaving their jobs expecting to be sworn in, they are suddenly told, "Sorry, we don't accept that certificate."

And in that same connection, in these hearings on this point, Mr. ADDABBO stated:

> I bring this question up, I think, for the third year running. It first came to my attention several years back. Every year we get the same answer. "We are going to take another look at it."
>
> You ask for hundreds of thousands of dollars to support a program which, as far as I am concerned, we might just as well do away with, because the men are not receiving any benefit. If anything, they are being given a false sense of security when they get out. I think we are doing the gravest disservice to them in this program.

In this connection let me say that I subscribe to the statement made by our colleague, the gentleman from New York (Mr. ADDABBO) in this regard, that instead of performing services for these young men in this GED program conducted by the Armed Forces Institute, we may be doing them a great disservice because they think that they are getting something when indeed they are not. The certificate of general educational development which the Armed Forces Institute provides under this program is almost worthless. It is recognized in 7 of the 50 States, but when it is not recognized in 43 States—when we have admonished the Armed Forces Institute to do something about it and they have ignored the admonishment—then we feel the time has come to eliminate this organization.

This is an example of a program which has totally outlived its usefulness. It has been superseded by dozens of other educational programs offered to personnel in the armed services. If this amendment is adopted it will perpetuate an agency which has outlived the usefulness which it at one time had.

We recognize that the Armed Forces Institute served a good purpose at one time, but that time has long since passed. So, Mr. Chairman, I ask the Committee to sustain the action of the Committee on Appropriations in eliminating the appropriation for the Armed Forces Institute and reject the amendment.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to my friend the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, of course, as I indicated, 275,000 men and women in the military during the last fiscal year used the services of this institute, which the gentleman says is outmoded. But, I would like to ask the gentleman from Georgia if the gentleman is aware that the American Council on Education recommended the level, I think it is 35, at which the GED is rated, and even if we eliminate this institute it would not change the testing; someone would have to conduct the equivalency testing. Some other agency of the military would. If we increase the grade so that it applied to all 50 States, it is fairly evident that very few men and women would qualify in the military. It does serve a purpose even to have it at the level it is, although, to a certain extent, I agree with Mr. ADDABBO's criticism.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. FLYNT was allowed to proceed for 3 additional minutes.)

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield again to the gentleman from Wisconsin.

Mr. KASTENMEIER. I think that the Institute, indeed, the military, has failed to communicate to the men and women who take this test that it may not be satisfactory in terms of the equivalency of a high school diploma in their States. They should communicate that, but even if it is not, it is valid in the military service for promotions and for other purposes, and it is valuable for a man or woman to have at least some achievement in the field of education.

Mr. FLYNT. In response to the statement just made by the gentleman from Wisconsin, the Office of the Secretary of Defense itself has conducted an audit of this program, and it has come to the distinct conclusion that it has outlived its usefulness, and the function should be incorporated into other educational programs which the Department of Defense offers to servicemen, or that the function of the agency be changed. I might add that one reason that this program cannot be justified on its merits is that for the past 4 fiscal years there have ranged from 10 to 14 percent only of completions by those who started. When only 10 percent to 14 percent of the individuals who start a course under this program complete it, then we feel the time has come to terminate it, and it should be terminated by rejecting this amendment.

Mr. Chairman, I yield back the remainder of my time.

Mr. MINSHALL of Ohio. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have a high regard for my friend, the gentleman from Wisconsin, but the committee went into this matter very thoroughly, and the Department of Defense agrees that they are not obtaining very good results from many of their correspondence courses, and I think therefor that this $530,000 would be a needless expenditure at this time.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL of Ohio. I yield to the gentleman from Texas.

Mr. MAHON. I thank the gentleman for yielding.

I just want to join in the remarks of the gentleman from Ohio and the gentleman from Georgia. Of course, the able Representative in the area needs to speak out in behalf of his own district, but when the Department of Defense states that the program is no longer useful in its present operation, and we have a large number of more effective educational programs. The committee believes that it would be unwise not to discontinue this program. About the hardest thing in the world is to cut off a useless expenditure. The taxpayers say: "Why are you having all of this duplication? Why don't you cut out some of these needless programs when they run out of their usefulness?"

It is hard to do, but certainly we can make this little saving and further improve the defense expenditures of the Government. What we need is a lean fighting service, and we have many, many programs of education and training for the enlisted man, and for the veteran who leave the services.

So, with all due regard and consideration for my friend, the gentleman from Wisconsin, I do hope that we may abolish this program and save the money that is assigned to it and get on with the business of a better defense program.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL of Ohio. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. I thank the gentleman for yielding. I merely want to say I hope there is not a mischaracterization of the Department of Defense dealing on it. The Department of Defense recommended full funding for it. The subcommittee recommended the change. Nor does the Department of Defense recommend the disestablishment of the Institute. It recommends that its aims be modified substantially as a result of this audit, but it is in the process of doing that, so I think it should be noted by the House that the subcommittee's action is not in accordance with what the Department of Defense recommends.

Mr. MINSHALL of Ohio. Mr. Chairman, I should like to point out that excerpts from the audit report are included at the top of page 56 of the committee report and says:

> The Office of the Assistant Secretary of Defense issued a report on an audit of the USAFI on August 21, 1973.

In that they summarize the reasons for modifying the operation of U.S. Armed Forces Institute.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL of Ohio. I yield to the gentleman from Georgia.

Mr. FLYNT. I thank the gentleman for yielding. In that connection, after they completed their audit the Office of the Secretary of Defense asked the Air Force to take over the operation and change its function. One of the proposals was to have the agency become an adviser to educational counselors. In other words to become a counselor to counselors. The Air Force rejected this request. The committee questions this proposal on two counts. First, the committee questions if this role of counselor to the counselors is required and second, whether the personnel currently employed by the organization have the background and training to perform this function.

The committee came to the conclusion that the counselor to counselors role was not necessary and that the organization did not appear to have the qualified personnel to carry out this function. In the committee's opinion it was not feasible to rejuvenate this agency.

Mr. STEIGER of Wisconsin. Mr. Chairman, I hesitate to get involved in view of the fact the subcommittee this year did not give us much of a target to shoot at in that they decided to keep KP in. I am grateful to the ranking member of the subcommittee and the members of the committee for that wise decision, so that the gentleman from Florida did not have to have much of a fight.

Mr. MINSHALL of Ohio. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Ohio.

Mr. MINSHALL of Ohio. We are also giving maid service this year.

Mr. STEIGER of Wisconsin. The gentleman has a point of view, of course, but there is a point to be made to the distinguished chairman of the subcommittee on this issue. I had a chance to go not long ago to Fort Lewis. The gentlemen of the subcommittee are familiar with what is going on in the 9th Division at Fort Lewis. One of the creations that comes from this incredibly successful program of the volunteer military is Old Reliable University and one of the important parts of Old Reliable is the Armed Forces Institute of Madison, Wis.

It strikes me that in reading the audit report that is printed in the record of the committee report and then translate that into a disestablishment of the institute is a grave mistake. The audit report, as the gentleman from Ohio has already pointed out, does not say that we ought to end it. It does say it ought to be substantially modified to reduce its educational program functions with courses and programs being provided through arrangements with accredited institutions and commercial sources. That is what the Armed Forces Institute is in the process of doing.

While I recognize that $530,000 does not seem like a lot of money, it does seem to me that the very point that the Air Force, the Army, the Marines, and the Navy are attempting to do is assure a tie between education and MOS requirements and non-MOS requirements. We are ending one of the ways in which we produce a better soldier.

The chairman of the subcommittee and the distinguished chairman of the full committee will remember well the Army regulation 621-5, if I may read it to the Members:

The basic philosophy underlying the Army's general educational development program is that an individual can improve himself through learning; that the process of learning does not stop with the completion of formal schooling at an early age, but on the contrary, education is a lifelong process. It is based on the belief that continuing education is essential if military personnel are to achieve maximum career potential and maintain the desired creative, intellectual, and leadership abilities.

That is what the Armed Forces Institute has been about since 1942, maintaining that kind of leadership.

I think the amendment should be supported. I think in this instance the subcommittee did not think fully through the disestablishment of a school that should be supported and still be modified to retain its purpose.

I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. KASTENMEIER).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONTINGENCIES, DEFENSE

For emergencies and extraordinary expenses arising in the Department of Defense, to be expended on the approval or authority of the Secretary of Defense and such expenses may be accounted for solely on his certificate that the expenditures were necessary for confidential military purposes; $5,000,000: *Provided*, That a report of disbursements under this item of appropriation shall be made quarterly to Congress.

POINT OF ORDER

Mr. ECKHARDT. Mr. Chairman, I wish to reserve a point of order with respect to the whole section, and to make the point of order with respect to the provisions reading as follows:

And such expenses may be accounted for solely on his certificate that the expenditures were necessary for confidential military purposes.

The point of order which is stated and made is by the same proposition made with respect to the same language which occurs elsewhere in the bill. The point of order is reserved, which I do not wish to make at this time until I check whether or not the special contingencies defense is authorized by an authorization bill or by existing statutory law.

I point out to the chair that the operation and maintenance defense agencies provision had a section there of $5,448,000 in it that was, of course, not disturbed by my previous point of order, and this appears to be made up so that the Defense Department would have some $10,448,000 if this is included.

The CHAIRMAN. The chair would like to make the observation that the gentleman from Texas (Mr. ECKHARDT) should make his point of order while the paragraph is pending.

Mr. ECKHARDT. Mr. Chairman, in that event, I will make both points of order; one against the entire paragraph and the other against the phrase involved. However, I would not press the point of order—well, of course, if it is not justified, it can be shown it is not justified, so I do make the two points of order.

The CHAIRMAN. Does the gentleman from Texas (Mr. MAHON) wish to be heard on the point of order?

Mr. MAHON. I do, Mr. Chairman.

Mr. Chairman, 7 Cannon's precedents 1273, February 13, 1919, states:

The organic law creating a department authorizes necessary contingent expenses incident to its maintenance.

This provision has been in the appropriation bill for decades, and I am not able to cite anything more than I have cited in defense of the language. This language has been carried in the Defense Appropriations Act for as long as I can remember.

The CHAIRMAN. The Chair notes that the paragraph does have legislation, since it requires a report and imposes additional duties. Therefore, the Chair sustains the point of order.

Mr. ECKHARDT. Mr. Chairman, that would be both points of order?

The CHAIRMAN. The point of order is sustained against the paragraph.

The Clerk will read.

The Clerk read as follows:

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; and other expenses necessary for the foregoing purposes; $514,600,000, and in addition, $22,000,000, of which $5,000,000 shall be derived by transfer from "Missile Procurement, Army 1972/1974" and $17,000,000 shall be derived from "Missile Procurement, Army 1973/1975", to remain available for obligation until June 30, 1976.

Mr. DAVIS of South Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my colleagues, I take this time to ask a few questions in this area of the bill referring to Army procurement of aircraft. The conference report on the fiscal year 1974 procurement authorization bill stated that the bid proposal for the utility aircraft commonly referred to as the UX or CXX utility aircraft would be limited to turboprop aircraft only.

Yet, the Appropriations Committee report ignored that directive and the entire direction of the Congress when it approved the conference report as follows:

Directs that the fiscal year 1973 buy of utility aircraft proceed on the basis of the understanding had by this committee last year, and that the specifications be written and the request for proposals specify that the aircraft to be procured may be powered either by turboprop or turbofan engines, so that all qualified aircraft manufacturers may have an opportunity to bid on this procurement.

Mr. Chairman, we went into this in detail in our committee. I have done some other research.

I found out that these aircraft when used on a wide mission range, over a thousand-mile operation range, that the turbofan uses 455 gallons of gas at optimum operating cruising speed, whereas the turboprop would use 355 gallons.

I found out that if we go with the turboprop, it would use 355 gallons under the same conditions.

I found out that if we go with the turboprops, there would be no new training required for the pilots. I have also found that the cabin volume of the aircraft with the turboprops exceeds over 300 cubic feet—and this is a utility aircraft—whereas the turbofan's cabin volume was only about 150 cubic feet.

We also note that the turboprops are certified for single-pilot operation, as opposed to the need for two pilots with the turbofans.

We also noted that the average operating cost is 21-percent higher per nautical mile for the turbofan as opposed to that of the turboprop.

On the average mission of approximately 400 miles, the turbofan would use approximately 117 gallons of gas, whereas the turboprop would use about 83 gallons.

Mr. Chairman, no wonder we are here involved at this time with energy savings and money savings.

I would just like to ask the gentleman from Texas, the chairman of this great Committee on Appropriations, and the ranking minority Member this question:

Why did the Committee on Appropriations feel that it would be desirable to override the wishes of the entire House and the other body, as it so stated when it adopted the procurement conference report and authorized these turbofans?

Mr. MAHON. If the gentleman from South Carolina will yield, the gentleman from South Carolina and I have discussed the utility aircraft, and several members of the Committee on Appropriations have demonstrated an interest in this problem.

The attitude of most of us, on the Committee on Appropriations is that we should let all American companies under our free enterprise system who are qualified undertake to provide the necessary utility aircraft, whether they be jet or whether they be propeller. We did not feel we should try to make selections among contractors.

The committee thought that it should not undertake to cut out of the picture anybody who has an aircraft which the Defense Department thought was appropriate. We did not want to cut out all fan jets and say we should have only the turbo-propeller type, any more than we wanted to cut out all propellers and leave just the jet-type aircraft.

The committee wants the Department of Defense to have that flexibility and wants all contractors with a suitable product to bid.

Mr. Chairman, I think the gentleman from Ohio (Mr. MINSHALL) might wish to add something to that.

Mr. MINSHALL of Ohio. Mr. Chairman, if the gentleman from South Carolina will yield to me, I will say that I appreciate the chairman of the committee asking me to say something on this matter.

I also wish to pay my highest respects to my friend, the gentleman from South Carolina.

We are not trying to determine what type of an aircraft the military or the Defense Department should buy. All we want to do is, as the chairman of the committee has said, is to give every manufacturer a chance to bid on this particular aircraft, this utility aircraft, whether it be used for air attache work or whatever it might be used for.

I must point out, with all due respect to the Committee on Armed Services, their report limits the procurement to one manufacturer.

The Committee on Armed Services said that proposals be limited to turboprop aircraft only, which essentially eliminated all airframe companies except one.

All we want to do is allow manufacturers of the pure jets in this. That was the original request from the Defense Department. You are the ones who limited the competition to the turboprop. All we want to do is save the taxpayers some money and give all the manufacturers a chance to make a bid on this again, whether it be Piper, Cessna, Swearingen, or Beech, but we do not want it limited to one or at best two manufacturers. We want some of the other people to come in and bid and we also want to consider the American public, because it will save them tax dollars, because the pure jet is cheaper.

Mr. DAVIS of South Carolina. If we are trying to save money, why should we change the entire composition of this type of fleet and require the training of new pilots and still get a less efficient aircraft than we have? It would limit you to the same type of situation that we had last year. The Secretary of the Army came in and gave us certain specifications, and then later said they did not meet the requirements for jet aircraft.

Mr. MINSHALL of Ohio. I happen to be a pilot, but that certainly does not make me an expert on military aircraft. I know that the training of pilots to fly these aircraft is not going to be a major problem. All we want to do is give all manufacturers, regardless of their name, a chance to bid on this and not limit it to anyone.

Mr. SIKES. Will the gentleman yield?

Mr. DAVIS of South Carolina. I yield to the gentleman.

Mr. SIKES. I respect the gentleman for the argument he is making, but I am sure he realizes there are pilot training facilities and maintenance facilities for all types of aircraft in the services. It will not limit any service regardless of the type of airspeed selected.

There will still be a way to train pilots and to maintain aircraft. In fact, both the Army and Air Force intend to contract for maintenance services regardless of the aircraft purchased. The essential point has been made repeatedly that we are trying to open up competition for the best aircraft regardless of the manufacturer at the best price and so that we can consider all aspects of it. That is what I think would be accomplished under the language contained in our report.

Mr. DAVIS of South Carolina. I thank the gentleman and the others for the answers I have gotten.

As I said at the beginning, the entire Congress, the House and Senate, worked its will and accepted the language of the House Committee on Armed Services in the conference report. Now the Committee on Appropriations comes back and changes something we have done and looked into and especially when the procurement request said the U-21 type aircraft with the only major change being cabin pressurization, and when General Maddox himself of the Army Air Corps testified that jet engines would definitely be a major change and could not fall within the procurement request.

Mr. FISHER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, while we should all try to reduce the fat from military expenditures, we must strive to avoid those cuts which damage the muscle. I am fearful that may have inadvertently happened in at least two or three instances, as applied to items in the pending bill.

First, the committee reduced the permanent change-of-station count rather severely. I am afraid this reduction would adversely affect the readiness of the Army. Under the no-draft environment, the Army has been forced to maintain long-tour overseas strength levels at the expense of a 27-month average enlisted tour. Denial of the PCS dollars will result in a significant shortfall in overseas areas, especially Europe, at a time when national strategy dictates maintaining prescribed manning levels overseas.

In addition, increases in rates such as ICC tariffs are beyond the control of the Army. The proposed reduction in PCS funding will require the Army to virtually cease rotational and operational moves for the remainder of fiscal year 1974, thus causing strengths in high priority overseas units to fall below levels required for combat readiness.

The Army tells me that they can accept the man-year and associated dollar reductions made by the committee. However, they request and I agree with their request that no end strength reductions should be imposed above that already mentioned in the authorization bill. The Army also needs the flexibility to achieve the reductions in programs other than those specified by the committee. It is not appropriate to reduce Army units by the number of people associated with specific programs, and flexibility to make reductions should be within the prerogative of the Army rather than through the appropriation process. These errors should be corrected.

Mr. Chairman, there are two other items in the bill which should be carefully reexamined. Both deal with unmanned remotely piloted vehicles—RPV's. These refer to modifications to the AQM-34 drone involving a deletion of $9.1 million, and identified on page 189, and the deletion of $3.4 million of the Air Force development drone funding, found on page 216. My point is that it hardly makes sense to reduce a portion of the defense budget which has the potential for significantly decreasing total future defense costs. And that is what is involved in these items. Unmanned vehicles fall into this category.

We are talking here about a relatively small expenditure, probably less than one-half of 1 percent of the dollars going into manned vehicles. It is my understanding the services are working closely together on their unmanned vehicle requirements. I am also of the opinion that we lack facts to support suggested past waste in this area. It needs more study before harmful cuts are made which can have serious effects on the program.

Experience in Southeast Asia has demonstrated the usefulness of unmanned vehicles. They undoubtedly reduced losses of manned aircraft and saved lives. I would hope that these relatively small, yet extremely important, cuts can be restored.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $2,616,065,000, to remain available for obligation until June 30, 1975.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to raise a question with the chairman of the committee with regard to the provisions included in the report for the Center of Naval Analyses. The Center of Naval Analyses, which is included in this paragraph, has been reduced by the Committee on Appropriations a total of 24 percent. That is a pretty big cut all by itself, and since the appropriation bill comes almost half way through the 1974 fiscal year, it means that this entire 24 percent annual cut is going to have to be taken within the remaining 6 months, or, in other words, it amounts to a 48 percent reduction in the operation of the Center of Naval Analyses between now and the first of July. This obviously is a devastating move to the Center of Naval Analyses, and one wonders just what the committee has against the Center? I note, for example, that another think tank, the Rand Corp., received double the money that they got before. Yet the CNA is regarded as the best of the think tanks. They did not have any Dr. Ellsberg like Rand, and yet they still get cut almost 50 percent, while Rand gets a 100 percent increase.

Mr. Chairman, my information has been that the Center of Naval Analyses has been worth much more to the taxpayers than its price. It has saved the taxpayers several times over the relatively small amount of money that we spend on it from year to year.

At the present time they are conducting a number of important studies that could not be conducted elsewhere. They are conducting a study, for example, into the lessons of the Middle East war, something which I think is of extreme importance to the Defense Department, as my own subcommittee found in visiting the Middle East last week.

They are also working on a plan that would use existing merchant ships to replace the need for the Navy building fleet auxiliaries in time of emergency.

So I would like to ask the distinguished chairman of the committee why this heavy hand on the Center of Naval Analyses in comparison with some of the other think tanks which are getting more money rather than less money, especially in view of the distinguished record of the CNA?

Who has got it in for the Center of Naval Analyses, and who are we trying to get with this rather devastating reduction in a satisfactory and successful operation?

Mr. MAHON. Mr. Chairman, if the gentleman will yield, the gentleman asks a very pointed question. My feeling is that if the Center for Naval Analyses cannot do a reasonably adequate job for the taxpayers with $8.2 million, they should be put out of business.

I have been trying to think of a long series of outstanding contributions that the Center for Naval Analyses has made, but it does not come readily to mind. It is a sort of a pass-the-buck kind of a thing, because as soon as the Navy has a tough problem, what does it do? It sends it over to the Center for Naval Analyses, and what does the Center for Naval Analyses do? They recommend a new study.

I think we have been overdoing all of this business of think tanks.

Mr. STRATTON. Then why do we give money to the Air Force for Rand?

Mr. MAHON. If the gentleman from New York wishes to offer an amendment to cut out money for Rand, or any other think tanks, then I invite the gentleman to offer such amendments, and they will receive consideration.

The gentleman makes reference to Ellsberg and Rand. I was surprised the gentleman did not make reference to the Center for Naval Analyses where one of the employees led a demonstration against the Government here in Washington and urged the people not to pay their income taxes because some of these taxes were being used to finance the war in Vietnam. Maybe this reduction will be what the center needs to make it more productive.

Mr. STRATTON. Would not the gentleman also think that someone who takes top secret sensitive documents and gives them to the Soviet Union might also require some attention? Why has this point not been considered in connection with funds for the Rand Corp.?

Mr. MAHON. As I have stated, if the gentleman has an amendment to offer, it will be given consideration.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk will read.

The Clerk read as follows:

SEC. 741. None of the funds herein appropriated may be obligated or expended after August 15, 1973, to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: Page 48, line 24, after "North Vietnam, South Vietnam, Laos," strike out "or Cambodia", and insert "Cambodia, or any other sovereign state."

Mr. GROSS. Mr. Chairman, this is an amendment which I offered earlier this year as an amendment to an amendment which was offered to another bill by the gentleman from Florida (Mr. FLYNT).

I simply renew it here because it is the reasonable and decent thing to do, to apply it not only to North and South Vietnam, Laos, and Cambodia, but to any other sovereign state. If it is good for those countries, it should be applied worldwide. Let us spread the good tidings all around the world. This is the way the provision now in the bill would read:

SEC. 714. None of the funds herein appropriated may be obligated or expended after August 15, 1973, to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

Mr. GIAIMO. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and six Members are present, a quorum.

Mr. GROSS. Mr. Chairman, let me read the amendment in connection with the language presently in the bill:

SEC. 741. None of the funds herein appropriated may be obligated or expended after August 15, 1973, to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

After Cambodia, I simply add "or any other sovereign state."

I want to impress upon Members that this has nothing to do with supplies. This has everything to do with combat activities of U.S. military forces.

I urge adoption of the amendment.

Mr. MARAZITI. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. MARAZITI. I compliment the gentleman and I want to associate myself with his remarks.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, no Member on the floor or in the Congress wants to send combat forces or engage in combat in any area of the world, but to provide this restriction which goes far beyond the War Powers Act in this appropriation bill would seem to be most ill advised.

Let us hark back to the missile crisis created by the missiles which were placed by the Soviet Union in Cuba. Under this amendment the President, the Government, would be paralyzed insofar as taking any action except actions on our own soil. We could not cope with something like the Cuban missile crisis. We would present a position of weakness and we would appear to humble ourselves in the eyes of the world at a time when we are trying to stand tall and be strong in dealing with the Soviet Union, Red China, and all the rest.

It would seem very ill advised to enact this amendment. That is not to say that we want to send combat forces anywhere but we should not undertake to take this action which would tend to show weakness and indecisiveness and goes beyond the War Powers Act.

Mr. Chairman, I would hope the amendment would be defeated.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I submit to the gentleman from Texas, and the distinguished gentleman well knows, that everything he has said applies with equal force and effect to North Vietnam, South Vietnam, Laos, and Cambodia. Yet he approved the application to those four countries to the exclusion of any others. Now, if the restriction in the bill is not good for the rest of the world, why apply it to those four? He approved the language in the bill.

Mr. MAHON. Mr. Chairman, we were locked in war in Southeast Asia and Congress undertook to cooperate with the President and encouraged the President to take maximum steps to bring the war in Southeast Asia to some sort of acceptable ending. This was an outcome of that.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Chairman, I am sure the distinguished Chairman realizes and the House realizes that the language of this amendment would mean that our NATO involvement would be completely ineffective. Our forces in Europe could not be used regardless of what type of emergency might be thrust upon them without an act of Congress, and the Members can imagine how long it will take to get an act of Congress.

This would do a great deal to make us a mockery in the eyes of the world, and accomplish no useful purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GROSS. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 746. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for the reprograming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprograming is requested has been denied by the Congress.

AMENDMENT OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADDABBO: On page 50, after line 14, add the following provision:

SEC. 747. Of the total appropriations made available in this Act, $3,500,000,000 shall be available only from unobligated and unexpended balances available to the Department of Defense.

Mr. ADDABBO. Mr. Chairman, my amendment is designed as an economy move within the Defense Department without cutting back on any specific program for which the Congress has allocated funds. This amendment is primarily a budgetary improvement over the existing system and is designed to reduce new appropriations without reducing the capabilities of the Defense Department.

The amendment would reduce the new appropriations for the Defense Department by $3.5 billion. To compensate for this cut, the Department could obtain needed funds from its vast money storehouse which are termed unobligated and unexpended balances.

These balances have accrued to the Defense Department possibly because this budget was made up in January and included combat funds for Southeast Asia. The money has not been spent for the purpose appropriated, it has not been presently designated for specific programs and, in my view, should not be left lying around the Pentagon waiting for someone to dream up a way of spending it. In these days of tight budgets, there is no reason for the Pentagon to have a balance of well over $34 billion in unobligated and unexpended balances.

As of June 30, the Defense Department had more than $9 billion on hand in appropriations for which there was no obligation to spend. No people on the payroll had to be paid with those funds, no military programs were due to be paid for with those funds.

Those are basic unobligated funds. There is additionally more than $34 billion in unexpended funds. These are dollars which have been designated for specific programs but which have not yet been spent. Most of those dollars will be spent in time, but experience has demonstrated forcefully that not all of those dollars are always used. Programs often are cut back or simply dropped and part of this $34 billion fund becomes free money. The Pentagon always finds ways to eventually spend this money—my attitude is that Congress, not the military, should determine how these funds are spent.

We can never have true congressional control over military spending as long as we allow the Defense Department to maintain such huge sums of money which they can spend pretty much as they please. The power of the purse is the only real power Congress can exercise to control the military and I believe it is high time to reduce these funds to more equitable amounts.

When we permit the Defense Department to exercise, in effect, their own appropriations through the use of excess amounts provided them in previous years, we give away our constitutional responsibility. We need to tighten our control as recent events in Southeast Asia demonstrate so well.

The subcommittee made a small step in this direction by applying some $387 million in prior year funds to the fiscal year 1974 program. But the subcommittee did not go nearly far enough. My amendment would dry up these excessive balances by making the Department apply them to current programs. New budget authority will be reduced and congressional control will be increased.

Now, you will undoubtedly hear opponents to my amendment claim that to vote for it will be to diminish our Nation's support for Israel. The fact is that this defense appropriations bill is totally unrelated to military aid for Israel as clearly stated by the chairman of the committee, Mr. MAHON yesterday. In fact, what is really apparent here is that the deficiencies in our military posture which were revealed during the last round of Middle East fighting cannot be solved unless we begin now to eliminate the waste and redundancy in defense appropriations bills.

The President has sent a message to Congress requesting $2.2 billion for emergency security assistance for Israel. That measure is pending in the House Foreign Affairs Committee.

What this amendment will do is provide one small step toward clearing up the appropriations practices of years past and provide the Congress with a way to reestablish firm control over military spending. And we can do this by spending part of the vast amounts of money accumulated by the Pentagon over the years for which no one save the generals have any control. The Department of Defense has reprogramed $13.5 billion by its own direction.

I think my amendment will go a long way in reestablishing congressional authority over the military. I would urge your support for it.

Mr. DAVIS of Wisconsin. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this, my colleagues, is a good-sounding amendment. Some of you may think it appeals to your sense of economy. Some of you may think it is a way by which we can bring military spending under control. But I suggest to you that these are only superficial impressions.

The facts are when we talk about unobligated balances we do not talk about uncommitted balances. Dating way back through all of my experience in this House the decision was made, even before then, in the days of Clarence Cannon and John Taber, that rather than to have piecemeal appropriations for the basic procurement and research and development, test and evaluation appropriation, that the Congress and particularly this committee would take a look at what it is we are buying and look at the whole program.

These projects which must be carried on over a period of years both in terms of testing and procurement should be appropriated for. Once that decision was made, unlike the executive-type budget which the British Government has, for example, it means that the appropriation for the package is to be made at that time.

So there is built in on that theory of letting Congress know it is not committing itself to a pig in a poke and it is looking at the entire program when we make the appropriations—that makes the unobligated balances necessary in the Department of Defense.

We are not talking about military personnel, for instance, in the earlier titles of the bill. Actually, on June 30 there was less than $1 million of unobligated money there. That went back into the Treasury under the law. That is an annual appropriation.

We are not talking about operation and maintenance where there was something over $100 million unobligated. That is an annual appropriation, and it went back into the Treasury.

What we are talking about is the guts of our defense. We are talking about research and development; we are talking about procurement. That is where all but a little over $100 million of this $9 billion that the gentleman from New York mentioned is to be accounted for. We have, for instance, in aircraft, for the F-111, the F-4E, the A-70, and the F-14A—that is where you can read down the list and find the bulk of all of these unobligated balances. We can look at the missile procurement program, for instance, such as the Phoenix and the Sparrow and the Standard Arm and modification and spares and the ballistic missile, and find another $1 billion almost. Shipbuilding is $2.5 billion. So you can go down the line there.

I do not think this Congress wants to hit at the heart of our defense, because this is where the unobligated balances are and that is where it is necessary that they be if the Congress is going to continue as it should, in my opinion, to take a look at the whole package in the development and procurement of a missile and aircraft program and shipbuilding program.

So when we talk about taking $3.5 billion out of unobligated balances, we are taking $3.5 billion out of necessary programed and committed expenditures for the hardware, the guts of the Defense Establishment in this country. We cannot take it out of personnel and we cannot take it out of operations and maintenance. This is where the unobligated balances are, and this is where the money is going to come from. So I think this is a superficial amendment. And while it sounds good on paper, and it may appeal to some of those who want to clamp on the military, or who want to be in favor of economy, this is really hitting at the very heart of the defense establishment.

I think that the gentleman from New

York is striking a vote of no confidence toward the subcommittee on which the gentleman serves when he offers this kind of a broad amendment which could hit at the vitals of our ongoing research and procurement programs.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have great respect and admiration for my very good friend the distinguished gentleman from New York who offered the amendment. The gentleman is a hardworking member of the committee, and a very dedicated Member of the House. But I must oppose the gentleman's amendment.

I would like to call attention to the fact that this bill contains tighter safeguards on the way in which funds shall be spent by the Department of Defense than have ever before been imposed on a defense appropriation bill. It is carried in section 746 on page 50 of the bill. This language insures that the committees of the House, will have a voice in any proposed changes in the military program which are significant. So this bill protects the Congress and the public against unauthorized or unwise changes in the military programs and it insures additional safeguards against wasteful practices in management of funds.

Let me also call attention to the fact that this budget is an austere budget. The military program was cut deeply before it was submitted to Congress. It was cut by the Committees on Armed Services. It has been reduced further by the Committee on Appropriations. All of the available money that is carried in this bill is needed, and all available money from prior year funding that is unexpended is needed for essential military programs.

The war in the Middle East exposed some very serious weaknesses, and we must move now to cope with these weaknesses, and we will need all the funds that are available.

The distinguished gentleman from Wisconsin (Mr. DAVIS) showed clearly that when funds are not obligated, it does not mean they are not programed. Of course they are programed. All funds are appropriated for specific purposes. Some of it is not yet obligated, but it is programed. There are plans for its expenditure. There is no free money lying around to be reclaimed or cut at will by the House.

A great deal of mischief could be done with this amendment. Half the fiscal year is gone. Where are the cuts going to be inflicted? This amendment does not specify manpower cuts. Even if manpower cuts were inflicted by the Department of Defense there could be no significant savings during this fiscal year. Savings would be minimal. The Department of Defense would have to take the cut in weapons and equipment. That is where we have serious weaknesses. That is the great danger of this amendment. We cannot accept further cuts in weapons and equipment without danger to the security of the Nation. We have been told before that over 60 cents of every dollar in this bill goes for pay. Only about one-third goes to buy equipment. In the Russian forces it is the other way around. Nearly two-thirds goes to buy equipment. They get much more weapons and equipment for their defense dollars than we do. We need the equipment. We cannot provide an effective defense without it. There is need today for new equipment to replace that which was made available to Israel, and more significantly to provide the weapons for our own forces, for which the war in the Middle East showed new requirements. We require available funds for the weapons and equipment which already are on order or scheduled for purchase. For years we have, because of budget limitations, purchased minimal numbers of weapons.

This is significant because I reminded you all yesterday that in 1 day of fighting in the Middle East as many tanks were destroyed as we buy in a year, and as many planes were shot down as we buy in a year. That is the kind of warfare that our forces may be subjected to. Let us not take the risk of crippling American forces by denying them weapons which are essential for their survival and success. The amendment should be defeated.

Mr. WYMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I should like to associate myself with the pervasive remarks of the gentleman from Wisconsin. It is a delusion to urge before this House that somehow the Department of Defense has a huge kitty numbering in the billions of dollars that is available for reprograming by this entire House acting as a Committee of the Whole.

One of the functions of the Defense Subcommittee is to participate in reprograming requests from the Department of Defense above a fixed minimum limitation. This reprograming occupies a great deal of the time of the Defense Subcommittee.

It is also true that our comparative disadvantage with the Soviet Union is augmented by the steadily lessening percentage of our defense dollars that are available to us for the nuts and bolts and the hardware of the military. The funds proposed to be taken from defense by the gentleman from New York by this amendment would all come out of procurement and research and development because it is only in these categories that yet unobligated balances can exist.

As has been demonstrated in the course of this debate funds for personnel, nearly 60 percent of each defense dollar, are annual appropriations and lapse if unexpended at the end of the fiscal year.

Mr. Chairman, I urge the defeat of the amendment which, in fact, is contrary to the national security.

Mr. GIAIMO. Mr. Chairman, I rise in support of this amendment, and I should like to stress the fact that we seem to be arguing as to whether or not there are funds available which could absorb this $3½ billion which the gentleman from New York proposes in his amendment. If we look on pages 23 and 24 of the report, we will see it says that there is an estimated total of $34 billion of unexpended balances of funds carried over into fiscal year 1974. Of that $34 billion, $25 billion represents unexpended obligations. That is going to be used for our ships and our aircraft and our missiles, and so forth. The difference, approximately $9 billion, represents funds which are not obligated, as we see from the top chart on page 23.

What happens? Over the years we have been very generous with the Department of Defense. They have come here and asked for hundreds of millions of dollars, and billions, for weapons systems, missiles, and all kinds of things which they have said they needed, and then for some reason, because they decided they did not want to go ahead with those programs, they did not obligate them. Instead, they would come up to Congress each year and say, "Now, you gave us *x* dollars for such-and-such a program. We do not think that has as high a priority as it did when we asked you for it, but we want to reprogram that money. We want to put it into something else."

So we let them do it to the tune of well over a hundred billions of dollars over the last 10 or 15 years. We have given them carte blanche, one might say. The committee knows this full well. The committee knows this very well, because it has begun to take steps to cut down this unobligated balance which used to run into the many billions of dollars and which is admittedly now coming down. I think it is in the general area, as the report shows, of about $9 billion. We have other language, as the distinguished gentleman from Florida pointed out, in the report which further limits their ability to reprogram funds. That is a recognition by the committee that these funds do exist, and I am saying that at this point, when we are correctly and properly on the road to regaining congressional control over the expenditures of these funds, this amendment will not harm the military in any way.

Where will we find the money available? Let me give you one example. In their recruitment program, the record shows that as of the end of October they are having a shortfall in their strength of 66,000. That means there is money in this budget, about a half-billion dollars worth to pay those 66,000 who are not on the records and are not in the services. There is half-billion dollars in funds which could be used. This is where we find this money. We can multiply this incident time after time again.

Now, some people on this side seem to take objection to the fact I call this a slush fund or a kitty. That is too small a word to use, because anything that is as large as $1 billion, to say nothing of three or four or nine, should not be called a slush fund or a kitty; but I am telling Members that is what it is. The fact is that they do come up each year and use these funds for through the reprograming device, so they can spend it for items for which they did not seek congressional authority in the original instance or which had a lesser priority than first submitted.

I submit the Department of Defense will not be hurt by the approval of this amendment. What it will do is further draw down this unobligated balance and gain greater congressional control over these funds which over the years we have too freely and easily given to the Department of Defense.

I urge the adoption of the amendment.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am just about to begin to demolish the argument made in behalf of an additional $3.5 billion reduction in this appropriations bill. The committee cut $3.1 billion after long and painstaking consideration. Now the gentleman in his amendment wants to cut another $3.5 billion.

He wants Congress to gain control of the purse. If he wanted Congress to gain better control of the purse, he should have said where the $3.5 billion would be cut. So if Members want to cut the Defense budget by $6.6 billion, instead of $3.1 billion then, of course, they would vote for this amendment and know the consequences of their actions.

We have been providing over a series of years about $20 billion for the procurement of weapons. Those funds cannot be spent and are not spent necessarily in 1 year or 2 years. Sometimes it takes as many as 5 years for all of the funds for a ship to be spent; but those funds are provided when the procurement is initiated so we can know the enormity of the program when we start and everybody knows what the full funding requirement is.

So I would not be in favor of abdicating to the Executive the decision as to where to reduce the budget by an additional $3.5 billion.

If we are going to reduce Defense by $3.5 billion, I want to know where the reduction is going to be made. We have said where a $3.1 billion reduction will be made. My friend has not said where the additional cut would be made, except from unobligated balances.

If we delete these funds, we will be cutting funds which have been appropriated for specific purposes.

Let me tell Members where some of these unobligated funds are. In the aircraft procurement area, $303 million is unobligated but programed for the F-15 aircraft made by the McDonnell Co. in St. Louis. Does the gentleman want to take $300 million out of this program to procure a new first-line much-needed fighter aircraft for the Air Force?

Of the amount unobligated to which the gentleman has made reference, $118 million is programed for the F-14A fighter aircraft for the Navy. The F-14 is made by Grumman in Long Island, N.Y.

Is it the desire of the gentleman to reduce the F-14 program by $118 million?

A total of $160 million of the unobligated amount is programed for the S-3A antisubmarine warfare aircraft of the Navy. This is made by Lockheed in California and is urgently needed to upgrade the Navy's antisubmarine warfare capability, a place where we need more capability. We all know the growing menace of the Soviet submarines, and yet $160 million could be cut out of this program by the gentleman's amendment.

In the missile area, $37 million of the unobligated amount is programed for the Phoenix missile, which is the primary armament of the F-14 fighter aircraft of the Navy. Shall we cut that out?

In the ballistic missile area, a total of $256 million in unobigated funds is for the procurement of ballistic missiles—and we have fewer ICBM's than the Soviet Union—but the effect of this amendment could be to drastically cut back that important program. Surely, the gentleman has no intention of making a reduction of this kind in the strategic missile program.

In the Navy, the fleet ballistic missile appropriations for Polaris and Poseidon have funds which are not obligated in the total sum of $136 million.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for an additional 3 minutes.)

Mr. MAHON. Mr. Chairman, I want to be sure that the Members of the committee are aware that these funds, though not legally obligated, are assigned to specific programs, and a reduction such as that proposed by the gentleman from New York would cut the specific hardware programs drastically.

I could talk about a lot of the other unobligated balances that are available for essential defense hardware, but I do not have time to read all of them.

Mr. Chairman, I was a little surprised at my friend from Connecticut, who spoke and said that we are not going to use all the money for Army personnel because they are not going to recruit all the people planned. The inference was that perhaps those funds could be included in this cutback. But, the unobligated funds are almost entirely in procurement and research and development accounts. The funds for personnel expire if they are not used at the end of the year.

Mr. Chairman, I am a little weary of all these loose statements about billions floating around nobody knows about.

We know what the money was provided for; we know what it is programed for. We know that sometimes the Department makes a misestimate or they make a change; they wish to change from one type of aircraft to another type of aircraft, but we sell ourselves short when we say we do not know what is going on, and that the military have untold billions over which we have no control.

Mr. Chairman, I do want to commend my friend, the gentleman from New York (Mr. ADDABBO) for his service to the Congress and to the committee and to the cause of defense. He is a very loyal member of the committee, a very able member of the committee; he presides over many of the sessions of the committee. I know that his intentions are good, and that we should make reductions wherever possible, but we should not devastate the Defense Department's program by this amendment. The amendment does not say where the cuts are to be made, but they would have to be made in procurement, the area wherein we are seeking to modernize the weaponry of the country.

The CHAIRMAN. The time of the gentleman from Texas (Mr. MAHON) has expired.

(On request of Mr. ADDABBO and by unanimous consent, Mr. MAHON was allowed to proceed for 3 additional minutes.)

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I am glad to yield to the gentleman from New York.

Mr. ADDABBO. Mr. Chairman, will the gentleman agree that when this budget was made up in January of this year, that budget included close to $3 billion for U.S. combat activities in Southeast Asia? Will the gentleman agree to that fact?

Mr. MAHON. Well, certain funds were included in the original budget for use in Southeast Asia, and the gentleman knows that our committee reduced those funds or eliminated those funds that were not needed. Also the Department submitted an amended budget in September which deleted these funds or moved them to higher priority programs.

Mr. ADDABBO. Is it not a fact that when this bill was first presented to this committee, the estimated unobligated balances—so we do not confuse the House as between "unobligated balances" and "unexpended balances"—were substantial? These were not unexpended for contracts which the gentleman has spoken about. We are not talking about that; we are speaking about unobligated funds.

Mr. MAHON. All of the program funds I referred to are unobligated, but they are programed for certain purposes. Programs are going forward, and we do not want to throw a monkey wrench into the machinery, because we need the military hardware.

Mr. ADDABBO. Mr. Chairman, I think the gentleman in the well has pointed out that the Committee on Appropriations is not owned by the industrial complex, and that we are free thinkers.

However, when the bill was first presented to the committee, did not the Defense Department say that they had on hand approximately $6 billion of unobligated funds, and at this point they now admit to $9 billion in unobligated funds?

Mr. MAHON. Yes. The amount of unobligated funds has increased.

However, the programs for which the financing is sought have not been discontinued. They are urgently needed, but it takes time, and I commend the Defense Department for not obligating or spending the money until defense officials are able to get the hardware for which we appropriated the money.

Mr. ADDABBO. Mr. Chairman, may I ask this question:

Is it not also a fact that over the last several years, because of the rules of the committee on reprograming, the Defense Department, on its own without the approval of the Armed Services or Appropriations Committees, because there were items in amounts of less than $5 million, reprogramed close to $13.5 billion in various programs. They changed from one program to another without the consent of the committees and by their own direction?

Mr. MAHON. When the Navy, the Army, and the Air Force submit estimates for various items for purchase and for which contracts must be made, it very often develops that the contractors will need more or maybe less. If the contract is more, then they have got to find the funds within the procurement paragraph to meet the requirement.

Mr. ADDABBO. This is an unobligated slush fund where they find the money.

Mr. PODELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, while I have the deepest regard and affection for my colleague from New York, I am constrained to oppose his position on this amendment. My reasons are as follows:

While I agree that there is a good deal of fat in the military budget, it is unfortunate that when we cut a budget generally the fat is the last thing to go. First to go is the bone and then the marrow and then the fat. However, that is not the reason for my opposition.

I do agree that there is a problem of priorities in our Nation and perhaps we spend too much of our time, resources, and technology on the military and less on people and cities, education, health, and housing. However, during the last few months we witnessed a war in the Middle East. There were some enlightening revelations during that war. We found the people of Israel acting as a proving ground for American military hardware.

Hardware that was incapable of meeting advanced Soviet technology. I was disturbed that we did not have an answer to the SAM-6, and still have not even seen it. We have seen the SAM-7, and our Phantoms were being shot down by equipment we were not able to cope with.

I do not think this is the time to cut our military budget.

Additionally, there is no money in this appropriation bill to replenish that which was expended by the Pentagon during the Middle East war. I refer to the $1.5 billion taken out of existing stockpile of weaponry.

So you are not only cutting the budget by $3.5 billion now, but you are accepting the fact that they have cut themselves by $1.5 billion for equipment that was taken out of their existing stockpile and which is not being replenished by this bill. In other words, they are presently operating at a $1.5 billion deficit out of existing equipment, and now you seek to cut them by $3.5 billion additional.

In view of the possibility of an imminent flare-up in the Middle East and I suggest this is an inappropriate time to cut the military budget further.

As much as I have great regard and respect for my colleague and appreciation for what he is trying to do, I must disagree with his position.

Mr. ADDABBO. Will the gentleman yield?

Mr. PODELL. I yield to the gentleman.

Mr. ADDABBO. I fully agree with you that there should be a further look at our military equipment. That is what we wish to do. We want the committee and the Congress to say to the DOD "Let us see what you are doing with this money. You asked for certain programs. Use some of that money you have on hand for those programs in this bill."

My amendment does not cut the bill. It says to them that they should use the money they presently have unused for these programs and for the other research and development programs coming up before us and let us make sure that we direct them into the right program and not what they feel should be researched or what procurement should be provided.

Mr. PODELL. I say to my good friend that is what should have been done in the committee and that is what the committee should have done during the hearings. Let us not raise that question at this late date by way of amendment.

Mr. GIAIMO. Will the gentleman yield?

Mr. PODELL. I yield to the gentleman.

Mr. GIAIMO. If the gentleman understood how the committee process worked, he would know that you do try to do it in committee. Sometimes you fail on it and bring it out on the floor, and sometimes you fail on the floor, but sometimes you prevail on the floor. I submit to the gentleman that we did attempt to do these things in the committee.

Mr. EVINS of Tennessee. Mr. Chairman, I move to strike the requisite number of words.

Mr. EVINS of Tennessee. Mr. Chairman, certainly I want to commend the distinguished chairman of the Subcommittee on Defense Appropriations, the gentleman from Texas (Mr. MAHON) and others for their great work in connection with this bill which we are considering here today.

I favor a strong national defense.

I have consistently supported strong budgets for the Department of Defense.

However, many Americans expected that our defense budget would be cut back and reduced with our participation in the war in Southeast Asia terminated by the Congress.

However, the budget reflects an increase—a substantial increase—over the budget for the last war year.

And this raises questions.

Why does it cost more to have peace than wage war?

The funds available for the Department of Defense in this budget total $74,493,609,000—with substantial carryover funds.

A breakdown on the important facets of this bill follows:

[In thousands of dollars]

Functional title	Committee bill	Changes from budget estimate
Title I—Military personnel	$22,432,641	−$273,859
Title II—Retired military personnel	4,681,900	−24,000
Title III—Operation and maintenance	22,509,223	−456,100
Title IV—Procurement	16,513,422	−1,856,678
Transfer from other accounts	(387,300)	(+387,300)
Title V—Research, development, test, and evaluation	7,966,523	−533,777
Title VI—Special foreign currency program	2,600	
Title VII—General provisions (additional transfer authority, sec. 735)	(500,000)	(−500,000)
Total, Department of Defense:		
New obligational authority	74,106,309	−3,144,414
Transfer from other accounts	(387,300)	(+387,300)
Total funding available	74,493,609	−2,757,114
Transfer authority	(500,000)	(−500,000)

The committee has made some significant cuts as reflected in the report on this bill.

I commend the committee for its careful study of the bill and for the cuts and reductions and other changes which it has made and which are as follows:

Selected major areas of committee action

1. Procurement funds failing authorization	−$319,800,000
2. R.D.T. & E. funds failing authorization	−308,000,000
3. Applications of excess prior year funds to fiscal year 1974 programs	−387,300,000
4. Termination of site defense prototype development	−110,000,000
5. Termination of airframe development of Air Force medium STOL transport aircraft	−65,200,000
6. Reduction in number of military personnel assigned to defense agencies	−12,842,000
7. Reduction in training and education	−78,201,000
8. Termination of Project Sanguine	−16,700,000
9. Application of available fiscal year 1974 free assets in procurement accounts	−86,000,000
10. Reduction in concurrency in Trident submarine program	−240,000,000
11. Reduction based on premature funding of fleet satellite communication System	−64,000,000
12. Munitions reductions	−250,000,000
13. Southeast Asia related reductions	−47,400,000
14. Long leadtime funds for 2 DLGN's	+79,000,000
15. Maintenance of F-111 production capability	+151,600,000
16. Reduction in civilian personnel strength	−52,000,000
17. Medical activities	−24,000,000
18. Aircraft and component reworks	−48,700,000
19. Overprice of fuel cost	−54,000,000
20. Military assistance service funded projects	−55,000,000
21. Space-available transportation cost	−25,500,000

I feel that other and further cuts and reductions can and should be made, particularly in view of the fact that the Department has an unobligated carryover balance in excess of $10,000,000,000.

Certainly, the committee and the distinguished chairman are to be commended.

However, I favor additional cuts and reductions where they can be made without endangering national security.

We know of the long history of cost overruns on weapons projects by the Department of Defense—these overruns have been carefully and consistently documented by the General Accounting Office in its many official reports.

I shall oppose the amendment to reduce the troop level by 22,000 for our country as troop reductions have greatly been made and recruitment efforts are not coming up to expectations. I shall vote for the Whitten-Addabbo amendment which will cut $3.5 billion from carryover funds—leaving a balance of $6.5 billion in carryover funds available to the Department of Defense from prior year appropriations.

This certainly should be a sufficient amount in carryover funding—with $6.5 billion to use as it desires from former year funding.

I repeat: I favor a strong national defense—but it is also my feeling that further cuts and reductions can and should be made—and without endangering our national security.

Mr. McEWEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to commend my colleague, the gentleman from New York (Mr. PODELL), on what I think was a fine statement. I would like to associate myself with his remarks.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, what I have to say probably will not influence anybody one way or another. I have been here a few years and I have voted, I believe, for every defense appropriation bill, although somewhere along the line I may have voted for selective cuts.

I think in the years I have been here that I have voted for every defense appropriation billl. I have come today to the parting of the ways with that voting record.

We had a hearing in the Committee on Foreign Affairs this morning, the first hearing on the bill the administration has submitted as a result of President Nixon's unilateral intervention in the war in the Middle East. It is to pay for $2.2 billion in substance and resources of this country that went into the Middle East war as the result of the President's singlehanded intervention for which there was no approval by Congress, either before or after the fact. And Mr. Clements, the Deputy Secretary of Defense, said we may be confronted with another bill for $3 billion as a result of that adventure which, incidentally, alienated friendly Arab countries and ended 20 percent of our oil supplies.

There has to be somewhere along the line a limit to spending for so-called defense, either that or we must stop sticking our great, big, long noses into the affairs of countries around the world—trying to be the world's policeman and the world's banker. This country will go broke trying to do it, and you had better believe it.

There will come a day, just as surely as I am standing here, when this country will be put through the wringer one way or the other.

I went through the so-called great depression. There are many Members in this House who did not have that experience of the early 1930's, and I do not want to go through another.

I predict that what happened then will be child's play compared to what is to come. We came tragically close in the early 1930s to fighting in the streets. But there was a different mortality and stability in the country in those days than there is today.

I believe in the defense of this country. This is the only country I have, and I believe in the defense of it. That is why I do not want to see it crumble from within.

The chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON) stated yesterday that this bill calls for something like $77 billion, and he told us that spending for defense this year might go as high as $90 billion with the supplementals to come before the fiscal year is ended.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I believe I said that we might be asked to provide in total as much as $90 billion. I do not mean that it would all actually be spent this fiscal year. But with the defense budget being $77 billion, and adding to that the supplementals, and the Israeli aid request and other defense-related programs such as in Vietnam, it adds up to some $90 billion.

Mr. GROSS. I am glad to have that confirmation of what I said. And we are not in a shooting war today, yet at a figure of nearly $90 billion it will probably be the highest defense spending outside of World War II.

I cannot go along with that. I support the $3.5 billion cut. I cannot go on indefinitely voting for huge defense bills and watching our country being led into one foreign adventure after another while inflation, spawned by deficit spending, eats at the very vitals of our free government.

Mr. WYMAN. Mr Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Hampshire.

Mr. WYMAN. What does the resupply, the cost of resupply of Israel have to do with the pending amendment?

Mr. GROSS. What does it have to do with the pending amendment?

Mr. WYMAN. Precisely.

Mr. GROSS. We are confronted with a bill in the Committee on Appropriations for nearly $2.5 billion as a result of the latest military adventure, and then perhaps another bill, according to Mr. Clements, for $3 billion. These huge expenditures are directly related to so-called defense measures of the past and present. It is all military spending. It is all defense procurement of one kind or another.

Mr. WYMAN. If the gentleman will yield further, the pending amendment would destroy the very sources of supply to which we have to turn in order to be able to help Israel so we do not lose the whole Middle East.

Mr. GROSS. I just happen to think that this Government went overboard when it singlehandedly and unilaterally intervened in behalf of one country in that situation. The gentleman may not agree with me, but that is the way I feel about that.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. MAHON, and by unanimous consent, Mr. GROSS was allowed to proceed for 2 additional minutes.)

Mr. GROSS. I yield to the gentleman from Texas.

Mr. MAHON. I thank the gentleman for yielding.

The gentleman made reference to the Middle East. As the gentleman knows, there are no funds in this bill for the Middle East, so this bill is not subject to question because of the Middle East.

Mr. GROSS. What I am trying to say is that all of proposed military spending that is before the Foreign Affairs Committee is over and beyond what we have here today, which, God knows, is more than enough. How in the world are the people of this country going to pay these bills? Will the gentleman tell me?

The chairman, the gentleman from Texas, has made many speeches on the House floor pointing out the dangers of profligate spending, and I have applauded him for so doing. But when are we going to come to our senses and restore some kind of fiscal sanity to our affairs, be they defense, health, education, and welfare, or anything else—some semblance of sanity to what we are doing?

Mr. Chairman, I yield back the balance of my time.

Mr. PIKE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had not intended to take the well to speak on this bill or on this amendment, but I have been greatly torn and my conscience has been twinged a little bit as I have listened to some of the speakers.

I want to say to the distinguished chairman of the Committee on Appropriations that I pay him tribute for having made one of the most impressive and effective speeches which I have ever heard on the subject of why we have to vote for the jobs back home. I want the gentleman to know that it was effective, and it was effective to me. When the gentleman got to this list of companies which are involved, and corporations which are involved, and programs which are involved, this cannot fail to be effective with every person in this room, because the gentleman is talking about the jobs back home.

I happen to come from Long Island. I do not happen to have the home office of Grumman in my district, but I do have some of their employees in my district, so obviously I am impressed. But I am not so wholly impressed that I would not like to ask a couple of questions.

I got the impression as the gentleman went through this litany that all of these planes were made up on Long Island. Is it conceivable that any of these aircraft are made in Texas? That is question No. 1.

Mr. MAHON. Will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Texas.

Mr. MAHON. Reference was made to the F-15. As the gentleman knows that is made in St. Louis.

Mr. PIKE. Yes. That is the one whose engine keeps blowing up, as I recall.

Mr. MAHON. That is right, and that is one of the reasons why we made a reduction in the budget request for the F-15. There is money in this bill for continuation of the F-111, which is made in Fort Worth, Tex.

Mr. PIKE. That is made in Fort Worth, Tex.?

Mr. MAHON. That is more than 200 miles from my district.

Mr. PIKE. How about the A-7? Where is that made?

Mr. MAHON. The A-7 is made in the same area. There is no money in this bill for the Air Force version of this plane.

Mr. PIKE. Is there money in this bill for any version?

Mr. MAHON. There is money as requested in the budget for the Navy version of the A-7.

Mr. PIKE. And that is made in Texas.

Mr. Chairman, I do not want to prolong this, but I want to ask the gentleman now a serious question. There is on page 23 of this report a list of unexpended funds and a list of unobligated funds, but what the gentleman has been talking about is program funds. Would the gentleman define programed funds for me? What is a programed fund? Does he mean all the money we are going to spend until the end of the line in any given aircraft program? If he means that, there could be a hundred billion dollars for the B-1 alone. What is a programed sum of money?

Mr. MAHON. As the gentleman knows, we ought to pass the Defense appropriation authorization bill earlier in the year, by the beginning of the fiscal year. The fiscal year is about half over, so when the $74 billion in this bill goes to the Pentagon, officials cannot expect to wisely obligate these funds in the brief period of time remaining in the fiscal year. We are providing full funding for many things.

Mr. PIKE. I hear what the gentleman is saying, but I do not hear the answer to my question. What good is a program——

Mr. MAHON. If the gentleman will permit, he will hear it. We provide funds for certain numbers of airplanes in the bill, so many F-14's, so many F-15 aircraft, so many of other types of things. That is the purpose of the appropriation of the money. That is where a lot of the unobligated money is. It is appropriated for a specific purpose, but it has not been spent and not even legally obligated, because the services were not required yet to place the money on contract.

Mr. PIKE. Is the gentleman saying to me that all of the specific weapons systems which are in this bill can be paid for with the money which is programed?

Mr. MAHON. We hope that all of these aircraft and military weapons which we have provided funds for, including ships and so forth, can be paid for from the funds appropriated. Some will require more money. Some will require less, but these are all programs which Congress endorses.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ADDABBO).

RECORDED VOTE

Mr. ADDABBO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 118, noes 250, not voting 65, as follows:

[Roll No. 608]

AYES—118

Abzug
Adams
Addabbo
Andrews, N.C.
Ashley
Aspin
Badillo
Barrett
Bergland
Bingham
Blatnik
Bowen
Brademas
Broomfield
Burton
Clay
Conyers
Corman
Cotter
Culver
Daniels, Dominick V.
Delaney
Dellenback
Dellums
Denholm
Donohue
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Findley
Ford, William D.
Forsythe
Fraser
Frenzel
Fulton
Gaydos
Giaimo
Gibbons
Grasso
Gross
Gunter
Hamilton
Harrington
Hawkins
Hechler, W. Va.
Heinz
Holtzman
Howard
Hungate
Johnson, Colo.
Jordan
Kastenmeier
Koch
Leggett
McClory
McCloskey
McCormack
McKinney
Madden
Mazzoli
Meeds
Melcher
Mezvinsky
Miller
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Mosher
Moss
Nedzi
Nix
Obey
O'Hara
Owens
Parris
Pritchard
Rarick
Rees
Reuss
Riegle
Rodino
Roe
Roncalio, Wyo.
Rosenthal
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Scherle
Schneebeli
Schroeder
Seiberling
Skubitz
Smith, Iowa
Staggers
Steelman
Studds
Sullivan
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Vanik
Vigorito
Waldie
Whalen
Whitten
Yates
Young, Ga.
Zwach

NOES—250

Abdnor
Alexander
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Bafalis
Bauman
Beard
Bennett
Bevill
Biaggi
Biester
Blackburn
Boggs
Boland
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Cohen
Collier
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, S.C.
Davis, Wis.
Dennis
Dent
Derwinski
Dingell
Dorn
Dulski
Duncan
du Pont
Edwards, Ala.
Erlenborn
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Frelinghuysen
Frey
Froehlich
Fuqua
Gettys
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Grover
Gubser
Gude
Guyer
Haley
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hébert
Heckler, Mass.
Henderson
Hicks
Hinshaw
Hogan
Holifield
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Kemp
Ketchum
King
Kluczynski
Kuykendall
Kyros
Landgrebe
Latta
Lehman
Lent
Long, La.
Long, Md.
McCollister
McDade
McEwen
McFall
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Milford
Minish
Minshall, Ohio
Mitchell, N.Y.
Mollohan
Montgomery
Moorhead, Calif.
Morgan
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Brien
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Quie
Railsback
Randall
Regula
Reid
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rose
Rostenkowski
Rousselot
Runnels
Ruppe
Ruth
Sandman
Sarasin
Satterfield
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Slack
Smith, N.Y.
Spence
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stratton
Stubblefield
Symms
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thornton
Towell, Nev.
Treen
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
White
Whitehurst
Widnall
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wydler
Wyman
Yatron
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion

NOT VOTING—65

Anderson, Calif.
Arends
Baker
Bell
Bolling
Brown, Calif.
Broyhill, Va.
Burke, Calif.
Camp
Carney, Ohio
Chisholm
Clawson, Del
Cochran
Collins, Ill.
Crane
Danielson
Davis, Ga.
de la Garza
Devine
Dickinson
Diggs
Downing
Eshleman
Green, Pa.
Griffiths
Hanna
Hays
Helstoski
Hillis
Johnson, Pa.
Karth
Keating
Landrum
Litton
Lott
Lujan
McKay
McSpadden
Macdonald
Mathis, Ga.
Metcalfe
Michel
Mills, Ark.
Mizell
Murphy, Ill.
Pettis
Poage
Quillen
Rangel
Rooney, N.Y.
Sebelius
Snyder
Stark
Steiger, Ariz.
Stokes
Stuckey
Symington
Talcott
Taylor, Mo.
Van Deerlin
Wiggins
Wilson, Bob
Wyatt
Wylie
Young, Alaska

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GIAIMO

Mr. GIAIMO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GIAIMO: On page 50, after line 14, add a new section as follows:

SEC. 747. None of the funds provided in this Act shall be available to support an end strength of more than 2,157,902 military personnel in fiscal year 1974.

Mr. GIAIMO. Mr. Chairman, the effect of this amendment would be to reduce by an additional 22,000 people the Armed Forces military personnel strength, as of the end of the fiscal year, next June 30, 1974. The end strength of the military personnel, would be 2,232,902 men and women without the amendment. The effect of this amendment together with the reductions in the bill would be to reduce that military personnel end strength by a total of 75,000.

Let me say that by actions in the authorization bill 43,000 of that 75,000 is reduced, and the appropriations committee reduced another 10,000, bringing it to 53,000 so that the effect of my amendment is to add a reduction of 22,000 more, bringing it up to 75,000 in all.

We are saying that the Armed Forces may decide where they want to reduce their forces by 75,000 by next June.

There has been a great belief here—and I agree—that there has been a need for a great troop cut in Europe. I still believe that there are valid military considerations for a troop cut or a substantial troop cut in Europe. However, because of the political ramifications, because of the fact that we have at the present time mutual balanced force reduction talks going on in Europe, and because of the intensification of foreign relations as a result of the Middle Eastern crisis it would not now be a good time to mandate cuts in Europe.

I believe we are going to have to face this issue in the coming year, and I believe Congress should review the entire troop commitment to Europe with a purpose of making a substantial reduction in our Armed Forces, particularly in West Germany and in other Western European nations. But we have many other troops outside of Europe. There are approximately 42,000 in Thailand. There are about 19,000 troops in Japan. There are 42,000 troops in South Korea, and 16,000 in the Philippines, and many thousands in other areas of the Pacific and Asia.

Then, also, there are many troops here at home. The Armed Forces can find proper places to cut. There are headquarters in excess of those needed by our Armed Forces. Our report indicates quite clearly several superfluous or excessive headquarters which could be reduced or eliminated. This could be done. I will not take the time to tell you about it now. There are many reasons why we should reduce our Armed Forces. We are in a period of peace for the first time in 10 years. Many of the military personnel which we have are not really necessary and could be released and eliminated. Let me give you one very real reason, and that is our our volunteer army really is not working, we are not getting the recruitments.

I am suggesting here that we add 22,000 military personnel reductions to the 53,000 reduced by the Armed Forces Committee and our own committee, making a total of 75,000 by next June. Where are they going to find them? As of the end of October I am informed that the active-duty strength has been down because of failure to recruit. They are down to the extent of 66,000 people. The services are 66,000 personnel short as of October—people who should be on the rolls but are not because they have not been able to recruit them. They are going to have very little, if any, problem finding where to cut because of the fact that, they are going to come up next June with certainly the stated 66,000 shortfalls in recruitment and, therefore, in personnel.

Being 66,000 short as of October indicates that they will probably be over 75,000 short by next June and the 75,000 cut will be automatic.

I feel that this is a modest start toward a great controversy which we all know has been raging in this Congress, and that is to really substantially reduce the size of our Armed Forces, particularly military personnel.

This is modest. This is not an excessive amendment. It is not anywhere near the 150,000 that has been suggested from time to time.

Mr. Chairman, I urge support of the amendment.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall not use up the entire 5 minutes. I was just late in getting here because I was so startled by the statements being made by the gentleman who preceded me, and shocked that he really apparently does not know what is going on.

This body rejected this exact amendment in effect when we had before this House the procurement bill. But, more importantly, what this body did was to establish a study of the military manpower with a view to cutting the strength of that manpower and reporting back to the House here in April. This is in being. It is being done. It will be concluded, and the Members will have their report in effect with a study instead of a speech, which is merely a parroting and repetition of things which have been voted down so often by this House.

Mr. Chairman, I urge rejection of the amendment.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the peak manpower level of our Armed Forces in recent years has been 3.5 million. We have been gradually coming down in number of military personnel since 1969. We are now down to 2.2 million, and I do not know how much farther we will go down. The Armed Services Committee worked on this issue, having extensive hearings and innumerable debates over quite a period of time. In the final version of this Armed Services Authorization bill, a cut of 43,000 personnel was agreed to by the conference. Now to just come in willy-nilly and say we are going to reduce some 22,000 more just because on general principle we think we have too many, of course, should not be done. As long as we are not fighting, we always have too many, in a way. People are in the Armed Forces to fight, and they are not fighting unless we are in a war. But we have to maintain a certain degree of military strength.

In the appropriation bill before us we made reductions of various kinds in a number of programs which we calculated would justify an additional cut of about 10,000 men. But this was based upon certain specific actions taken with respect to excessive numbers of counselors and some other types of personnel. So I would think that Members would not want to vote for this additional reduction in manpower at this time when we are trying to come to an agreement and accommodation with the Soviet Union in a further reduction in armed forces in Europe.

The gentleman from Connecticut says he does not wish to apply this to armed forces in Western Europe where great numbers of military personnel are, and where I hope there can be and will be a reduction. Ultimately, there will have to be.

So I would think it would not be wise for us to indicate that we want to make further reductions beyond those which have been recommended by the Joint Chiefs of Staff, the President, the Armed Services Committees, and the House and Senate through the authorizing legislation which has been enacted.

I earnestly appeal to the Members to vote against this amendment. Let us stand firm at this stage and not make further reductions until we feel they can be made safely after very extensive hearings and consideration by the Congress.

Mr. BOLAND. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I hesitate to get into some area of a particular subcommittee upon which I do not serve.

I did not vote for the amendment offered by my friend, the distinguished gentleman from New York (Mr. ADDABBO), but I do support this amendment.

I am impressed by the statistics that have been given to us by the distinguished gentleman from Connecticut, the author of this amendment. The figures that he gave indicate that we had considerable conventional forces spread all over the world. I am concerned with the forces that we have in Asia, 166,000.

We have 42,000 in Thailand and Korea.

We have 19,000 in Japan.

We have 38,000 in Okinawa.

We have 16,000 in the Philippines and 9,000 in Taiwan.

Why? There is little necessity for keeping that number of conventional military forces in that part of the world.

I would agree with the gentleman from

Connecticut that we should go slow in cutting back our conventional forces in Europe.

There is plenty of evidence to the effect that the Armed Forces are bloated, particularly in the rear echelons and the supply forces. This is the opinion of many in the Department of Defense. With 166,000 of our conventional forces in Asia, there is no reason why they cannot be cut back to 22,000. We ought to support this amendment.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the gentleman's amendment.

Last summer, when this subject was discussed, we were told how important it was not to do anything that would decrease our allies' confidence in us. Now, after the Mideast war, it is our turn to ask: What about our confidence in the reliability of our allies?

Evidently, overseas troops are not such a powerful instrument of foreign policy influence as we thought. They certainly do not stop a country from consulting their own interest and their own interest only, when the crunch comes. Perhaps it is time for us to consult our interest. Perhaps we should only station overseas troops when there is a sound military reason for doing it—not because we are terrified of offending allies who don't feel any particular obligation to us.

It seems as if the only result of our 600,000 troops overseas is to limit our freedom of action, while expanding the independence of our allies to act against our interests, even in a time of tension and crisis.

I remind my colleagues that there are no treaty obligations that commit us to any specific level of troops. I have asked the Pentagon again and again about this question, and received no assurances. If we could understand why the famous diplomatic revolution of the last few years has brought about absolutely no change in the military rationale for the 600,000 troops thrown all over the globe—or understand how the troops have gained us the loyalty of the host country—we could justify the Pentagon's resistance to any and all change. But the Pentagon cannot help us understand these things. Mr. Speaker, to station a single soldier in a foreign country is a grave act that requires positive justification. We cannot go on maintaining over half a million troops simply because they are there. It is time to rebel against this process. I urge the passage of the amendment.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I want to join with the gentleman in the well and say that, if anything, this amendment is truly a modest one. It should be even greater.

I voted against the last amendment offered by the gentleman from New York. I thought the amendment would cut the defense appropriations a little bit too deep, but this is a very fair amendment. If anything, it is too little. It should be much greater.

This amendment is extremely equitable to the armed services. It provides the Army, Navy, Marine Corps, and Air Force the option of cutting their strengths wherever they desire. They need not sack Europe, although we have in excess of 300,000 troops there; they need not sack Thailand, although we have 42,000 troops there; they need not sack Japan or Korea, although we have more than 61,000 troops there. They can cut wherever they wish, they can cut whomever they wish. They can even reduce personnel levels here at home, and still come out with a fiscal yearend strength figure of 2,232,902 men. No troops are specified in this amendment, just military personnel.

Over 50 percent of the military budget goes for manpower costs. Much of this money is wasted needlessly. There are more officers, leading or managing fewer enlisted men than ever before in modern times. We can see the mismanagement and excesses daily—military servants at the beck and call of the brass; excess numbers of recruiters; public relations people; band members and other noncombatant forces. It is revealing to find out that only 15 percent of military personnel are "combat" forces. The other 85 percent provide engineering support, transport services, a logistic network, training facilities, and other nonhostile services.

Many other problems exist which a total reduction of 75,000 personnel could aid in resolving: Too many troops are assigned to bloated command headquarters. Too many troops are stationed overseas in areas where they are no longer needed.

In short, there can be substantial savings from reforms in all manpower areas without any loss of combat effectiveness. This amendment will help us to firm up the muscle of our armed services, and I urgently solicit your support for it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. GIAIMO).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GIAIMO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 210, not voting 63, as follows:

[Roll No. 609]

AYES—160

Abdnor
Abzug
Adams
Addabbo
Anderson, Ill.
Andrews, N. Dak.
Ashbrook
Ashley
Aspin
Badillo
Barrett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boland
Brademas
Brasco
Brown, Mich.
Broyhill, N.C.
Burke, Fla.
Burke, Mass.
Burton
Carey, N.Y.
Clancy
Clark
Clay
Cleveland
Cohen
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, Dominick V.
Dellenback
Dellums
Denholm
Dennis
Dent
Donohue
Drinan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Findley
Foley
Ford, William D.
Forsythe
Fraser
Frenzel
Fulton
Gaydos
Giaimo
Gibbons
Grasso
Gross
Grover
Gude
Hamilton
Hansen, Wash.
Harrington
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Hicks
Holtzman
Howard
Hungate
Johnson, Calif.
Johnson, Colo.
Jordan
Kastenmeier
Koch
Kyros
Leggett
Lehman
Lent
McClory
McCloskey
McCormack
McDade
McKinney
Madden
Madigan
Mallary
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mezvinsky
Miller
Minish
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Morgan
Mosher
Moss
Nedzi
Nix
Obey
O'Neill
Parris
Pike
Podell
Pritchard
Rarick
Rees
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Roncalio, N.Y.
Rosenthal
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarasin
Sarbanes
Schneebeli
Schroeder
Seiberling
Skubitz
Stanton, James V.
Steele
Steelman
Steiger, Wis.
Studds
Sullivan
Symington
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Waldie
Whalen
Wolff
Yates
Yatron
Young, Ga.
Zwach

NOES—210

Alexander
Andrews, N.C.
Annunzio
Archer
Armstrong
Bafalis
Bauman
Beard
Bennett
Bevill
Blackburn
Boggs
Bowen
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, Va.
Buchanan
Burgener
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clausen, Don H.
Collier
Collins, Tex.
Conable
Conlan
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, S.C.
Davis, Wis.
Delaney
Derwinski
Dingell
Dorn
Dulski
Duncan
Edwards, Ala.
Erlenborn
Evins, Tenn.
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Frey
Froehlich
Fuqua
Gettys
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Gubser
Gunter
Guyer
Haley
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hébert
Henderson
Hinshaw
Hogan
Holifield
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Kemp
Ketchum
King
Kluczynski
Kuykendall
Landgrebe
Latta
Long, La.
Long, Md.
McCollister
McEwen
McFall
McKay
Mahon
Mailliard
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Milford
Minshall, Ohio
Mitchell, N.Y.
Mollohan
Montgomery
Moorhead, Calif.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Brien
O'Hara
Passman
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Quie
Railsback
Randall
Regula
Reid
Rhodes
Roberts
Robinson, Va.
Rogers
Rooney, Pa.
Rose
Rostenkowski
Rousselot
Runnels
Ruth
Sandman
Satterfield
Scherle
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Steed
Stephens
Stratton
Stubblefield
Stuckey
Symms
Taylor, N.C.
Teague, Calif.
Teague, Tex.

Thomson, Wis.
Thornton
Towell, Nev.
Treen
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wydler
Wyman
Young, Fla.
Young, Ill.
Young, Tex.
Zablocki
Zion

NOT VOTING—63

Anderson, Calif.
Arends
Baker
Bell
Bolling
Brown, Calif.
Burke, Calif..
Camp
Carney, Ohio
Chisholm
Clawson, Del
Cochran
Collins, Ill.
Crane
Danielson
Davis, Ga.
de la Garza
Devine
Dickinson
Diggs
Downing
Eshleman
Green, Pa.
Griffiths
Hanna
Hays
Helstoski
Hillis
Johnson, Pa.
Karth
Keating
Landrum
Litton
Lott
Lujan
McSpadden
Macdonald
Mathis, Ga.
Metcalfe
Michel
Mills, Ark.
Mizell
Murphy, Ill.
Owens
Pettis
Poage
Quillen
Rangel
Rooney, N.Y.
Sebelius
Snyder
Stark
Steiger, Ariz.
Stokes
Talcott
Taylor, Mo.
Van Deerlin
Wiggins
Wilson, Bob
Wyatt
Wylie
Young, Alaska
Young, S.C.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TIERNAN

Mr. TIERNAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TIERNAN: On page 50, line 14 add a new section as follows: "None of the funds appropriated by this Act shall be used for the acquisition, loan, grant, or the transfer of weapons and military equipment to nations which practice a commercial embargo of any kind against the United States".

Mr. TIERNAN. Mr. Chairman and Members of the Committee, this is a very short amendment, but I think it is clear there has been an embargo placed upon certain products needed in this country, and I think the funds made available in this bill to aid and assist those countries using this economic embargo on goods to our country, is going to bring this country to a halt very shortly. I think the only way we can demonstrate to them and send them the message is by putting language in this bill that would prohibit the use of funds for any of the materials that are provided for in this act to those countries that use this type of method against a country that has pursued a policy of assistance to another country they oppose.

So that it is clear that we have to take some drastic steps. The announcements on the wire this afternoon with regard to curtailment of airline service; the requirements that no fuel be used in areas of agricultural production—these are things that are going to hurt us very seriously in the next few months and probably for many years ahead, as a result of the policy that is being pursued by some of these countries. This policy that they have pursued has resulted in the Japanese Government changing their support of Israel. They are now in London today negotiating with the British.

I think we should clearly indicate to our allies and to those countries that are doing this that we do not intend to allow this to happen. The only way to do that is by clearly indicating that we will not provide them with the materials that they seek in this bill that is before us today.

Mr. Chairman, I yield back the balance of my time.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, none of us are happy about the oil embargo that has been imposed by the Arab countries against the United States. It is a natural thing to want to fight back when something like this takes place. However, I should like to remind the Members that the amount of oil involved is not very great. A little more than 10 percent of our requirements actually have been coming from Arab countries.

This is an all inclusive amendment. It does not say "Arab countries." It says "any country or nations which practice a commercial embargo of any kind."

The press has been saying that Canada planned to cut off oil to the United States. Are we going to cease all our relations with Canada under the terms of this amendment? I think we might look factually at what the amendment would do and what the dangers are.

This is nothing but a mischiefmaking amendment. There is a very delicate balance in the negotiations now taking place in the Middle East. Our Government through the efforts of Mr. Kissinger, is making very positive efforts to bring peace, and we are making some progress. Let us not jerk the rug out from under him when he is making progress. He has induced the Arabs and Israelis to talk together for the first time.

If Mr. Kissinger is sucessful and is able to bring about peace, we will all get the credit, and we can be certain the Arabs are going to be grateful. The Arabs want our friendship. They have shown that they want to be our friends in the past. We have had some very good relations with Arab countries, even up to the point of the oil embargo, and even now we are continuing to work with some of the Arab nations through the military assistance advisory groups and the missions. We were selling them weapons. They have money with which to buy weapons.

Saudi Arabia, which has one of the greatest stocks of oil in the world, has been a staunch friend of ours and will be again as soon as this Middle Eastern problem is resolved. They buy weapons from us.

Kuwait wants to buy nearly a billion dollars worth of weapons. They were negotiating with the United States for weapons—not to use against Israel, but to protect themselves against Iraq, because they are frightened by their larger neighbor. The Iraqis have been armed to the teeth by the Russians in exchange for a naval base on the Persian Gulf. The Kuwaitis have great stocks of oil. They want to buy from us. Our country needs the business. Our men need the jobs. They have the money to buy the weapons.

Let us not tie our diplomats hands when we may be on the eve of working out our problem.

Let us not upset this delicate balance which now exists in these negotiations. We could destroy it by this one simple amendment, and do more harm than could be undone in weeks and months of negotiations.

Mr. Chairman, I ask that the amendment be defeated.

Mr. LONG of Maryland. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I should like to ask the gentleman from Florida some questions, if I may.

The gentleman has pointed out that if any country declared an embargo against the United States this amendment would be applicable. Why should it not be applicable? Countries who declare embargoes against the United States are obviously trying to cripple us, to injure our industry in some way. Is it not fair game for us to respond? Do we have to subsidize countries which are trying to hurt us economically?

Mr. SIKES. If the gentleman wishes me to respond and is asking me a question he should give me an opportunity to do so. We are not subsidizing any country that would be affected by this amendment insofar as I know.

What I am very concerned about is that this type of amendment will upset the negotiations which are now in progress in the Middle East. I spoke of the fact that the Saudi Arabians and the Kuwaitis want to buy our weapons and want our assistance in such matters as training.

Mr. LONG of Maryland. Mr. Chairman, I wonder if I can ask the gentleman another question.

Mr. SIKES. I will be glad to have him ask me a question. I will try to explain.

Mr. LONG of Maryland. We are actually sending hundreds of millions of dollars into the Middle East to arm the Arabs. As a matter of fact, next to the Russians, we are the best suppliers of arms to the Arabs. Does this make sense for us to arm countries which have declared war against Israel, a nation which is friendly to us, which is the one bastion of Western democracy in the Middle East? Does this make sense?

Mr. SIKES. Does the gentleman want me to answer? I am sure my distinguished and able friend knows full well we have not had a single weapon sent to any Arab nations since the war started. We were selling some of them weapons before the war. Since the war we have shipped only to Israel and we do not propose to resume shipments to the Arab countries until there is peace in that part of the world.

Mr. LONG of Maryland. I am referring to weapons that we shipped to the Arabs before the attack on Israel. This bill provides for all kinds of money, weapons being sold, and advisory services of all sorts that are being supplied by the Saudi Arabians. The Saudi's are the biggest beneficiaries and they will get the technical services that only the United States can supply.

By the way, where are these negotiations the gentleman is talking about?

What is coming out of them? Have the conversations in the Middle East given us any oil?

That is the question I would like to get an answer for from the gentleman.

Mr. SIKES. If the gentleman will yield, I will be glad to answer him.

Mr. LONG of Maryland. Are we not entitled to do something in this bill to protect ourselves?

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I recognize that there is some restlessness among the Members.

I had earnestly hoped this amendment would not be offered. I had amost prayed that it would not come up because I felt it would be so harmful to the interests of the United States and the cause of peace and the hope that we may be able to resume securing adequate oil shipments from the Arab nations.

The amendment was offered in the full committee and it got one vote. There was not a rollcall.

There is no use to slap the Arab nations in the face. We are helping supply the Israelis, of course; but to slap the Arabs in the face is not wise. Actually, they are anti-Communists, generally speaking. They would like to be our friends and they will be our friends in the long run, I believe.

The head of Saudia Arabia, King Faisal, is I believe desirous of maintaining friendship with the United States. For diplomatic reasons he has made statements and taken actions unfavorable to the United States but I trust a friendy relationship can be resolved.

I just hope we will vote this amendment down so decisively that it will not embarrass our Government as we undertake to get some degree of stability in the Middle East and get, finally, a resolution of the situation in the Middle East.

To try to wave the flag and to condemn those who have embargoed oil is not wise at the moment. The situation is a delicate one. The Arab nations are going to be here after this debate is over and they are going to be here a long time and they have a lot of oil.

Indeed we have many friends among the Arab people. I realize diplomatically and officially they have taken a position against us, but it would be a bad mistake for us to create a further division and that is what this amendment would do. So I urge the Members to use the best part of wisdom, which seems most apparent, and vote down this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. TIERNAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TIERNAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. HARRINGTON. Mr. Chairman, on this occasion the House of Representatives is concluding consideration of the largest appropriations measure that will come before the Congress this year, H.R. 11575, the fiscal 1974 defense appropriations bill. Quite frankly, Mr. Chairman, I am opposed to this bill on both substantive and procedural grounds. I believe that this legislation and the manner in which it is being considered are not a credit to the institutions and ideals of our Government.

This $74.5 billion bill represents 43 percent of the $172.9 billion in appropriations measures upon which the Congress will pass judgment in this fiscal year. It has the broadest of implications for the economy and foreign policy of our Government. Yet, this bill has been brought before the House with almost no notice, and the opportunity for reasonable criticism has been paid only lipservice. Once again, the majority of the Members of this House seem to accept with blind faith the admonitions of the Pentagon.

The rules of the House require, before an appropriations bill can come to the floor, that for at least 3 days prior to consideration the report on such appropriations bills must be available to all Members. The Appropriations Committee, while it may have complied with this rule in its narrowest sense, has violated it in effect. The committee report on the defense appropriations bill was filed late Monday evening, thus making the bill nominally eligible, under the rules, for consideration yesterday and today on the House floor. However, many if not most Members were as a practical matter unable to obtain the committee report on this bill until, at the earliest, Tuesday afternoon. For most, the report could not be obtained until Wednesday.

As a result, many Members had at best only a day or two to study this complex and enormously important legislation—hardly enough time to formulate responsible analysis and criticism of even the most trifling legislation, much less a bill of this magnitude. Even had the Appropriations Committee adhered more strictly to the intent of the "3-day rule," there would not have been sufficient time. I do not understand, quite honestly, why time and time again defense appropriations bills come to the House when thorough review and analysis are made almost impossible because of the crush of legislative pressures.

The substance alone of this bill makes it unacceptable, at least from my point of view, and the procedural sleight-of-hand carried out by the Appropriations Committee make this bill, if possible, more undesirable, and more indicative of just how far there is to go before Congress will be in more than name a responsible, democratic, and responsive institution.

One of the realities of this House is a consistent pattern of deferral on questions related in even the most tenuous ways to the military. There is a "sacred cow" mentality when the House in its faltering way addresses questions of defense and military policy. Consistently, we fail to ask the hard questions, preferring instead to follow the easy and safe path of accepting without doubt the gold-plated offerings presented to us with the pretext of "national security." We content ourselves with cosmetic challenges, superficial alterations, all part of an elaborately orchestrated facade of meaningless scrutiny of defense programs, policies, and spending. Each time we tinker with the Pentagon budget here and there, removing a couple of million for one program and adding it to the next, it is as if we play out a game where everybody knows what is going to happen in advance. Congress gets to make a show of authority over the Department of Defense, while the generals and civilian officials at the Pentagon smile, give a knowing wink, and get all they want.

Our debate on defense focuses not on policies, needs, and foreign policy assumptions, but upon what are essentially secondary matters—how much a given weapons system will cost, whether it will "work," how much of an overrun we can expect. The reality is that much of Congress views the judgment of the military to be somehow inviolate—despite the clear evidence of the last decade to the contrary. And, this same sense of deferral pervades within the Congress toward its own, where it seems that matters related to the military are beyond the understanding and appreciation of the elected Representatives of the people—except for a few, who, by virtue of tenure in office, have risen to positions of power in the Armed Services Committee and the Defense Appropriations Subcommittee.

I have been a member of the Armed Service Committee, and to the extent that I am somewhat qualified to comment on the basis of my 2 years of service upon this committee, it is my sense that there is an inordinately cozy relationship between this committee and the mammoth military institution that it is supposed to oversee and direct. For the most part the committees of this House that deal directly with the military are essentially captives of the Pentagon, either unable or unwilling to exercise any kind of meaningful control over policies, programs, or spending.

The reality of the process is that we are confusing motion for progress. It is not enough to criticize this or that weapons system, although there is more than ample cause to do so. It is not enough to trim the defense budget here and there, not enough to hold hearings that are characterized singularly by their secrecy and lack of searching debate. What we have to do, and what we have failed to do so far, is to really come to grips with the policy assumptions that are the cause of whatever programs there are contained in the defense budget.

In a sense, we are operating in a context so narrow that the bulk of this House seems to have lost sight of the present situation of the United States in the world. The war in Vietnam, at least in terms of direct American participation, is over. Yet the defense budget is going up. We have just concluded, and here I must give credit to the President, a strategic arms limitation agreement, eliminating the need for an anti-missile-defense system and opening the door for the first time in 25 years to a genuine opportunity to curb offensive strategic weapons. Yet the strategic weapons budget is going up. We are seeing clear and demonstrated evidence that the Defense Department's needless obsession with exotic technology is pricing our weapons systems beyond our reach. Yet this bill appropriates funds for more of the same.

We are trapped by the momentum of our past mistakes. Each year we rubberstamp the programs offered by the Defense Department, programs justified by policies, assumptions, and conceptions of our role in the world that were out of date years ago. We must break out of this vicious cycle of continually compounding our past mistakes.

This year there has been a great deal of talk about how we need budget reform, and how we ought to impose a spending ceiling so that there will be an arbitrary control of the continued inability of the Congress to address the budget in a meaningful way. So we have the prospect this year of an imposed ceiling of about $270 billion. It is fine to talk about cutting spending in the abstract, but we do little about it in earnest. This $74.5 billion bill is only a part of the total appropriations that will be delivered to the Defense Department this year, as we can expect and additional $3.4 billion for military pay increases that have already been implemented, and $2.6 billion for military construction.

Despite the rhetorical commitment to control of Federal expenditures, we are proceeding along with defense appropriations that will total record amounts. Already, latest estimates forecast congressional budgetary actions as exceeding our spending ceiling by $2 to $4 billion. Our inability to apply controls upon excessive, needless, and wasteful defense spending will compound this problem, and may well cause further reductions in spending for domestic and social welfare programs that in many cases have already been cut to the bone. Why is it, I feel compelled to ask, that we cannot apply the same cost-cutting requirements to the Pentagon that are almost uniformly applied to all other agencies?

The Constitution gives to the Congress broad authority over the conduct of foreign affairs, as well as oversight responsibility over the agencies of our Government. Over the course of the years the participation of Congress in the decisionmaking process of foreign and military policy—concerns which are of course inextricably intertwined—has markedly declined, and the Congress has all too willingly acquiesed to this process. Now it is a reality that the Congress is a fifth wheel when it comes to policy, and it is policy that is in the last analysis what is really important in the context of foreign and military affairs, because it is from policy that everything else—the programs, the systems, the apparatus—follows. We need to reevaluate the fundamental policies from the top down, accepting nothing as inviolate. We need to ask and to answer these fundamental questions, to make Congress responsible and responsive in a way that it has not been. This defense appropriations bill is a continuation of all that has marked our failures, and as such deserves defeat. We can do better, and must.

Ms. ABZUG. Mr. Chairman, I am voting against this bill because of the unprecedented problems our country faces at home and abroad. True security will be found only when the Nation is willing to deal with its domestic needs and withdraws support from military dictatorships around the world.

I am especially alarmed by the signs of reinvolvement in Southeast Asia, which this bill would help to underwrite.

I was shocked to read in this morning's New York Times that the State Department is considering whether President Nixon can legally order a resumption of U.S. bombing in Vietnam, in violation of the cease-fire agreements. The administration is said to believe that the recently passed war powers legislation would enable the President to do this despite the restraining provision attached to the military procurement authorization.

I am also shocked to read on the same page of the Times that South Vietnamese Air Force officials confidently expect 100 new planes by the end of the year. This too is in violation of the Paris agreements. Further, in view of the oil shortage at home, it was shocking to hear the CBS Pentagon correspondent report that the United States is still sending 22,000 barrels of oil a day to Cambodia and South Vietnam, most of which is used to keep the South Vietnam Air Force flying. We have already made this tiny country's air force the third largest in the world; now we are asked to send more money and more scarce oil to keep the bombs falling.

We must recall that 100,000 to 200,000 political prisoners still languish in Thieu's jails. Tales of torture continue to surface. The destruction of political dialog continues to prevent any possibility of peaceful settlement. I urge you also to recall that $1.1 billion in this bill includes funds for operations and maintenance and personnel support; this is contradictory to what DOD has defined to the Congress as our obligations under the Paris agreement. This figure is a political message to Thieu, telling him to go on with the war as usual—which he is doing.

How much gasoline do the American people want to spend to help Thieu destroy the Paris agreement and kill and maim his countrymen? It is bad enough that we are to pay for the gas necessary for Saigon's Honda economy, but it is insupportable that we also fuel forever Thieu's monstrously bloated military machine. How many of your constituents want to shiver in the dark this winter to allow a Vietnamese pilot to blow 671 gallons of gas in his new F–5E to bomb yet another village? Who are we representing? Will we next see more of the $10 billion unobligated funds in this bill put to work for America's reinvolvement in Vietnam?

Somehow we have allowed control of the military to slip away from civilians, as the dissenting members point out in Appropriations Committee's report. The committee has actually cut less from this budget than they cut from last year's smaller budget. Last year they cut $5 billion; this year it is less than $3 billion. Why?

Ten billion dollars in unexpended and unobligated funds still held by the Pentagon is untenable when the country is desperate for better health, education, and housing. The Congress must regain control of the Nation's resources.

Mr. DONOHUE. Mr. Chairman, I most earnestly hope that our final action on this bill before us, H.R. 11575, will be scrupulously governed by our joint responsibility to adequately provide for the military defense of this Nation against any possible armed threat to our national security and, at the same time, to insure that every one of the taxpayers' dollars we approve for military defense is spent with the greatest prudence. I submit, Mr. Chairman, that there is no contradiction whatever in the effective exercise of these two principles of our high legislative duty.

The military portion of our national budget is, by far, the largest single area of expenditure and we must be mindful that this bill before us now represents 59 percent of all appropriations controllable by the Congress.

On this score, I intend to support and earnestly hope that amendments designed to sensibly reduce the overall proposed appropriation will be thoroughly discussed and resoundingly approved in the national interest.

Mr. Chairman, authoritative testimony and evidence has been presented here to clearly indicate that reasonable and sensible reductions in and elimination of unjustifiable cost overruns on major weapons systems, unnecessarily large American military bases and forces abroad, the construction of very vulnerable nuclear aircraft carriers, obviously excessive numbers of senior officer grades, and regrettably great military waste and extravagance could achieve substantial justifiable cuts in this proposed military budget without, in any way, adversely affecting the military security of the American people.

As a matter of further fact, Mr. Chairman, the U.S. Conference of Mayors has been advised by a highly respected panel of military experts that it is quite feasible to accomplish deep reductions in the military budget simply by eliminating waste. Also, in a report issued earlier this year to Congress it was stated—

> Even a conservative analysis shows that some $14 billion can be saved from the Nixon proposal while fully preserving our national security and starting a return to a peacetime national budget.

It is simply and basically because of this consistent and authoritative testimony and evidence of unjustified expanded expenditures and alarming waste that I have repeatedly urged, over these past several years, that the Congress should apply the closest scrutiny and question of the legitimate extent and commitment of military spending.

Let us further and thankfully emphasize that the Vietnam war is over and that the administration itself is projecting a most optimistic attitude toward and confidence in a sustained friendly relationship with all the great world powers.

The sudden development of the current energy crisis highlights the growing demand of our domestic needs and national priorities and whatever unnecessary funding can be pruned from an excessive military budget can be well and wisely spent for such critical urgencies as health, education, community development, mass transportation, waste disposal, long-range research and development in the energy field, and a host of other programs that are absolutely essential in our efforts and our duty to improve the quality of life for all Americans.

Of course, it goes without saying, Mr. Chairman, that a great many Members of Congress and citizens generally are conscientiously concerned as I am, as we all are, of assuring the adequacy of our military deterrent force. The motives and sincerity of these individuals and groups are above question. But I, just as conscientiously, consider it our simple obligation to the American taxpayer to hold the Department of Defense purse strings—and those of any other Federal agency—as tightly as possible. We simply cannot and should not hand over to the Defense Establishment, or any other Government unit, the right to an unquestioned blank check on the shrinking account of the American taxpayer.

Therefore, as we proceed in our judgment of this bill, I earnestly hope that we will predicate our final decision on a principle of legislative prudence and responsibility in the disbursement of the taxpayers money in the interest of restoring our national stability, maintaining our common defense, and strengthening the cause of peace in this troubled world.

Ms. HOLTZMAN. Mr. Chairman, it is with great reluctance that I rise in opposition to this bill which appropriates $74 billion for our military budget in fiscal year 1974. I fully recognize and support the need for a tough and lean and ready military capability for the United States. The crisis in the Middle East has proven that point beyond any question.

But the crisis in the Middle East has also taught us about our own problems of unpreparedness and waste that have undermined our military capability. This bill perpetuates those problems and places military priorities on the Pentagon's pet projects instead of the weapons and hardware that we must have to confront the real military needs of our time.

There is not a cent in this budget for military weapons for Israel, nor is there any money for the replacement of the weapons that we provided to Israel.

What this budget reflects is the continued inability of Congress to control Pentagon spending and direct it away from chauffeurs, an overweight officers corps, useless sophisticated weapons and into the tanks and bullets that we need and the weapons that can actually meet the combat needs caused by increases in Russian technology.

It is not until we in the Congress defeat this kind of Pentagon Pablum that we are going to get a military budget that is tailored to military realities. By voting against this budget we in Congress can give notice to the Pentagon that we are going to insist on cutting out the fat and developing and producing weapons and a military capacity that will provide a strong defense and can be used by our friends, such as Israel, when the occasions warrant it.

Mr. PICKLE. Mr. Chairman, I wish to take a moment to commend the Appropriations Committee for its thorough review of this proposal.

During the time that the central part of Texas was being considered as a possible location for the Project Sanguine electronic grid, I expressed to the Navy my view the project should not go forward until the residents of central Texas were convinced of its desirability.

Obviously the committee felt the same way—and was not convinced of the need or desirability for this program since they recommended it be terminated. This saved $16.7 million in appropriations.

Important questions were not being answered to how the construction phase of Sanguine would alter the land area involved and how Sanguine's operation would affect long-term land values, ranching operations, and other aspects of the region's economy.

Navy feasibility studies and statements by independent scientists left doubt whether Sanguine would even perform as anticipated upon completion.

I am certain our patriotic hill country citizens would do whatever was expected of them if the need for national security was proven, but in the absence of these facts are inclined to refer the project back to Wisconsin or Minnesota.

I do understand a more reliable link with our undersea defense forces should be developed, and I most assuredly endorse the concept of maintaining an effective deterrent capability.

However, evidence available at this time did not, I think, indicate the Llano Uplift was the most desirable construction site, nor does it prove conclusively that Sanguine is the only possible method of gaining improved communications with our nuclear submarine fleet.

Mr. BARRETT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Hampshire.

The Appropriations Committee in its report, and I quote:

> Is recommending that a provision be included in the bill placing a limitation on the amount of funds appropriated for the alteration, overhaul, and repair of naval vessels which can be allocated to naval shipyards. The purpose of the recommended limitation is to assure that a certain portion of the funds appropriated for this work be allocated to private shipyards.

The committee then goes on to present its case in support of the proposals. At best it is a rather weak case, if it can be considered a case at all; for it is plainly stated that the Navy in the past has allocated this type of work to private yards. So it is recognized that the Navy has the authority to allocate work to Navy and private shipyards and has used this authority, exercising its responsibility and authority as dictated by conditions at the time a decision is being made. The committee questions prior allocations because they have differed from the preliminary indications by the Navy to the committee. This the committee uses in support of the proposed dollar limitation in the bill, which the amendment proposes to strike.

Mr. Chairman, the committee has not made a case in support of its position. The proposed figure, a dollar amount, was an estimate presented by the Navy in January. Increases in costs, due to labor and material, negates the validity of that figure. It will be far less than the 70 percent as originally projected. The Navy has objected to the provision in the bill, estimating the reassignment of over $40 million in work. More serious than this however, is the effect on our naval shipyards. It will cause a total reduction of 3,450 personnel. Of this amount Philadelphia is expected to lose 900 personnel.

These people will be put out of work in addition to the thousands in Philadelphia who have been and will be laid off because of announced moves and changes by the Department of Defense and military departments.

The provision in the bill will also have serious consequences on the effectiveness and state of readiness and proficiency of our naval shipyards. We cannot continue to undermine their capabilities without affecting their end product.

Experience has already shown that all too often the private shipyards are unable to do the jobs assigned to them. Putting more such work in private yards will not change that situation. The result is often costly, in terms of dollars and time, because of having to remove the ship to a Navy yard after the private yard has started the job.

Mr. Chairman, I urge my colleagues to support the amendment.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11575) making appropriations for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. MINSHALL of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 336, nays 23, not voting 74, as follows:

[Roll No. 610]

YEAS—336

Abdnor
Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Barrett
Bauman
Beard
Bennett
Bergland
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Cohen
Collier
Collins, Tex.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, S.C.
Davis, Wis.
Delaney
Dellenback
Dennis
Dent
Derwinski
Donohue
Dorn
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flynt
Foley
Ford, William D.
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hawkins
Hébert
Heckler, Mass.
Heinz
Henderson
Hicks
Hinshaw
Hogan
Holifield
Holt
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kazen
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Latta
Leggett
Lehman
Lent
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mezvinsky
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
O'Brien
O'Hara
Parris
Passman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Railsback
Randall
Rarick
Regula
Reid
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wydler
Wyman
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—23

Abzug
Badillo
Clay
Conyers
Dellums
Drinan
Edwards, Calif.
Forsythe
Fraser
Green, Pa.
Gross
Harrington
Hechler, W. Va.
Holtzman
Kastenmeier
Mitchell, Md.
Obey
Rees
Reuss
Riegle
Rosenthal
Roybal
Seiberling

NOT VOTING—74

Anderson, Calif.
Arends
Baker
Bell
Bevill
Bolling
Brown, Calif.
Buchanan
Burke, Calif.
Camp
Carney, Ohio
Chisholm
Clawson, Del
Cochran
Collins, Ill.
Crane
Danielson
Davis, Ga.
de la Garza
Denholm
Devine
Dickinson
Diggs
Dingell
Downing
Eshleman
Flowers
Ford, Gerald R.
Fulton
Goldwater
Griffiths
Hays
Helstoski
Hillis
Johnson, Pa.
Karth
Keating
Landrum
Litton
Lott
Lujan
McSpadden
Macdonald
Mathis, Ga.
Metcalfe
Michel
Mills, Ark.
Mizell
Murphy, Ill.
Nichols
O'Neill
Owens
Patman
Pettis
Poage
Quillen
Rangel
Rooney, N.Y.
Ryan
Sebelius
Snyder
Stark
Steiger, Ariz.
Stokes
Talcott
Taylor, Mo.
Van Deerlin
Waldie
Wiggins
Wilson, Bob
Wyatt
Wylie
Young, Alaska
Young, S.C.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mrs. Burke of California against.

Mr. Anderson of California for, with Mrs. Chisholm against.

Mr. Owens for, with Mr. Diggs against.

Mr. Fulton for, with Mr. Waldie against.

Mr. Nichols for, with Mr. Stark against.

Mr. Karth for, with Mr. Stokes against.

Mr. O'Neill for, with Mr. Metcalfe against.

Mr. Hays for, with Mr. Rangel against.

Until further notice:

Mr. Carney of Ohio with Mr. Arends.

Mr. Beville with Mr. Gerald R. Ford.

Mr. Denholm with Mr. de la Garza.

Mr. Davis of Georgia with Mr. Crane.

Mr. Macdonald with Mr. Baker.

Mr. McSpadden with Mr. Keating.

Mr. Mills of Arkansas with Mr. Johnson of Pennsylvania.

Mr. Murphy of Illinois with Mr. Del Clawson.

Mr. Dingell with Mrs. Collins of Illinois.

Mr. Downing with Mr. Bell.

Mr. Danielson with Mr. Hillis.

Mr. Litton with Mr. Cochran.

Mr. Landrum with Mr. Buchanan.

Mr. Flowers with Mr. Goldwater.

Mr. Ryan with Mr. Camp.

Mr. Van Deerlin with Mr. Young of Alaska.

Mr. Dickinson with Mr. Wylie.

Mr. Eshleman with Mr. Brown of California.

Mr. Devine with Mr. Wyatt.

Mr. Bob Wilson with Mr. Lott.

Mr. Mizell with Mr. Michel.

Mr. Pettis with Mr. Young of South Carolina.

Mr. Quillen with Mr. Snyder.

Mr. Talcott with Mr. Sebelius.

Mr. Lujan with Mr. Mathis of Georgia.

Mrs. Griffiths with Mr. Steiger of Arizona.

Mr. Taylor of Missouri with Mr. Wiggins.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE A REPORT

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a report.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

SUPPLEMENTAL APPROPRIATIONS BILL, 1974

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11576) making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Michigan (Mr. CEDERBERG) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11576, with Mr. O'HARA in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Texas (Mr. MAHON) will be recognized for 30 minutes, and the gentleman from Michigan (Mr. CEDERBERG) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have before us today the final supplemental appropriation bill of this session. The bill totals $1.43 billion and is $3.9 million over the budget.

Approximately 55 percent of this amount is for programs which had not been authorized earlier and were not included in the regular annual appropriation bills. These programs, however, were included in the President's budget.

In this category are $707.5 million for Social and Rehabilitation Service programs of HEW; $46.3 million for the domestic programs of ACTION; and $30.5 million for the traffic and motor vehicle safety programs of the Department of Transportation.

The bill also includes $52.2 million for an accelerated Federal Energy Research and Development program. These funds are provided in addition to more than $946 million already appropriated by the Congress for energy research and development. The added resources recommended by the committee will push forward a number of high priority energy research areas * * * including coal gasification and liquefaction and nuclear fusion.

There are a number of other major activities funded in the bill. Included in these are:

The $125.1 million for the emergency repair of levees and other facilities along the Mississippi River that were extensively damaged during the tragic spring and summer floods.

The $21.1 million to administer the vital mandatory petroleum allocation program.

The $110.0 million to cover increased costs of handling mail resulting primarily from recent salary and wage increases for postal workers. And finally

The $47.0 million to pay claims and judgments which have been adjudicated against the United States and which must be paid.

Mr. Chairman, I shall not take additional time now to comment in detail on the items in the bill before us. We have the committee report, and it is available to all Members. Hearings have been held and the volumes contain more than 2,000 pages of testimony and related material. There are 11 chapters to this bill, and the members of the subcommittees who conducted the hearings are generally present on the floor to help respond to questions.

STATUS OF APPROPRIATION BILLS

Mr. Chairman, we now have cleared through the House 12 of the 13 regular appropriation bills, plus 4 other appropriation bills and 3 continuing resolutions. The one remaining regular appropriation bill is foreign operations, and hopefully this bill will be before the House the end of next week. We have not been in a position to bring this bill to the House earlier due to the lack of legislative authorization.

Although we have now cleared 12 of the regular annual bills for fiscal 1974, all have not been signed into law. The military construction bill is in conference and we hope to be able to have the conference report before the House late next week.

We are hopeful that with House passage of the defense bill this week, it will move rapidly through the Senate. Of course, it is a very large and complex measure and will require some time.

The other pending appropriation measure is the conference report on the Labor-HEW bill. As Members know, the conference report was recommitted and we have met with the Senate and plan to file a further conference report today.

SUMMARY OF PENDING SUPPLEMENTAL

Mr. Chairman, in relative terms this is not a large supplemental bill. As I indicated, over half of the total amount in the bill is for programs on which action on the budget requests were deferred due to lack of legislative authoriaztion.

I don't believe there is any serious controversy over the items contained in the bill. It would seem appropriate, however, that as the bill is read the Committee of the Whole House might give consideration to any section of the bill that it may desire.

At this time, I will insert a summary table for the report showing the funds that are provided under the various chapters of the bill.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL

SUMMARY

Chapter No.		Budget estimates	Recommended in bill	Bill compared with estimates
I	Agriculture—Environmental and Consumer Protection	$12,128,000	$11,500,000	−$628,000
II	Housing and Urban Development, Space, Science, and Veterans	8,200,000	7,800,000	−400,000
III	Interior and Related Agencies:			
	New budget (obligational) authotity	77,307,000	88,131,000	+10,824,000
	Appropriation to liquidate contract authority	(1,500,000)	(1,500,000)	
IV	Labor, and Health, Education, and Welfare:			
	New budget (obligational) authority	751,451,000	763,357,000	+11,906,000
	By transfer	(840,000)	(2,800,000)	(+1,960,000)
V	Legislative	8,524,050	8,719,550	+195,500
VI	Public Works—AEC:			
	New budget (obligational) authority	$150,550,000	$161,850,000	+$11,300,000
	By transfer	(16,500,000)		(−16,500,000)
VII	State, Justice, Commerce, and Judiciary	30,230,000	32,587,000	+2,357,000
VIII	Transportation	39,063,000	30,570,000	−8,493,000
IX	Treasury, Postal Service, and General Government	304,326,000	281,160,000	−23,166,000
X	Claims and Judgments	47,011,168	47,011,168	
	Total:			
	New budget (obligational) authority	1,428,790,218	1,432,685,718	+3,895,500
	By transfer	(17,340,000)	(2,800,000)	(−14,540,000)
	Appropriation to liquidate contract authority	(1,500,000)	(1,500,000)	

Mr. CEDERBERG. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. ROBISON).

Mr. ROBISON of New York. Mr. Chairman, I call the Committee's attention to the item identified as the "Public Building Services, operating expenses," account for the General Services Administration, which is one of the items included under chapter IX of the bill and is mentioned on page 42 of the report.

As will be seen therefrom, our subcommittee—and then the full committee—has made a $9,718,000 reduction from the budget estimate for this account. In part, that reduction reflected the fact that the other body, when it acted on this same item in the regular appropriation bill, made a $10 million reduction therein. The situation was then subsequently beclouded by the differences existing between this House and the other body over GSA's intent, as reflected in its original budget estimate last January, to reappropriate certain fiscal year 1973 funds into this account. In conference on the regular bill, the position of the House in this regard was sustained so, to that extent, this item—and a couple of others for GSA as now contained in this supplemental—became necessary in order to, more or less, make GSA whole insofar as its originally planned expenditure needs were concerned.

In any event, Mr. Chairman, since our subcommittee markup of our portion of this bill, the Administrator of the General Services Administration has made certain presentations to me indicating that if this sizable cut in this account is maintained it will be necessary for GSA, in light of the fact that most of the matters paid for from this account are in the nature of fixed charges, to undertake at once a substantial reduction in force of, mainly, its custodial and protection employees. There is a difference of opinion among our subcommittee members as to whether or not this RIF action would necessarily follow—though I am sure none of us intend such a result.

Under the circumstances, Mr. Chairman, I am not really in a position to offer an amendment to increase this item in the bill—nor, without my subcommittee chairman's support, do I think I could succeed. But I would—most sincerely—like to express the hope that our counterpart subcommittee in the other body would carefully consider GSA's problems, whatever they are in this regard, when it marks up this portion of the bill, next week, and, since it initiated the original $10 million cut in this item several months ago, would now reconsider the validity and wisdom under today's circumstances of such a reduction. If they should then decide to make an upward adjustment in the item, I tend to think—though I can speak only for myself, of course—that any such action of their part would not give us trouble when we go to conference on the overall bill.

Mr. CEDERBERG. Mr. Chairman, I yield to the gentleman from Maryland (Mr. GUDE) such time as he may consume.

Mr. GUDE. Mr. Chairman, I wish to lend my strong support to the provisions in the supplemental appropriations measure which provide $50 million in additional funds for energy related work. In particular, I would call the attention of my colleagues to the $25 million earmarked for the vital work of the Department of the Interior's Office of Coal Research.

It has been estimated that coal reserves in the United States alone amount to more than 1 trillion tons. So vast is this reserve that experts have recently been quoted as saying that these reserves could serve as a major source of energy for 400 years. Of that amount, some 97 percent is available only through deep mining, according to Russell Train, Administrator of the Environmental Protection Agency.

These figures alone suggest the great importance of coal as a potential energy source, for the midterm. Certainly, for the long term, we shall wish to concentrate on developing nonfossil fuel sources. Problems do stand in the way of greater utilization of these coal reserves, however. American deep mining techniques are considered to be antiquated by European standards, for example. In addition, much of our coal is of a high-sulfur, high-ash content variety which cannot meet clean air standards.

Therefore, it is urgent for this Nation to get on with the job of finding ways to get at and utilize these coal reserves. It is this latter point which is specifically addressed in this legislation.

The Office of Coal Research has been pursuing several promising avenues of research into coal gasification and liquefaction. Pilot plants in Illinois, Pennsylvania, South Dakota, and New Jersey have begun to develop these various techniques needed to obtain useful fuel from our coal reserves.

One very interesting, and promising, process is known as the solvent refined coal method. In lay terms, this process "melts" coal, removes the high sulfur and ash content, and can then turn the material into a liquid fuel—such as is already being used to power the U.S.S. *Johnson*, a U.S. naval destroyer—it can gasify the coal, or it can resolidify the coal into environmentally clean coal. Some of our technicians tell me that we can expect the emergence of a commercial gasified coal industry by the end of the decade, if adequate resources are committed to the necessary energy R. & D. programs.

Certainly, the money provided in this legislation, while far from enough to do the whole job, will provide needed funding for this urgent coal, and other energy, R. & D. work.

If we are ever to become energy self-sufficient, in particular for the midterm period ahead, we must move with all deliberate speed to develop alternatives to oil as a source of energy. I again urge the full support of my colleagues for this vital effort.

Mr. CEDERBERG. Mr. Chairman, I have no further request for time and I yield back the balance of my time.

Mr. MAHON. Mr. Chairman, I have no further request for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and Development", $10,500,000.

AMENDMENT OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEGGETT: Page 2, immediately after line 9, insert the following new paragraph:

No part of any funds appropriated under this Act may be used by the Environmental Protection Agency to administer any program to tax limit, or otherwise regulate parking facilities . . .

Mr. LEGGETT. Mr. Chairman, I have always supported the Environmental Protection Agency in the past, and expect to continue to support it in most cases in the future. I enthusiastically support vigorous efforts to purify our air and water, even though in many cases they are inconvenient and costly.

But as is the case with fine wine, what is good in small or moderate doses can be disastrous in excess. And EPA's proposed parking regulations just have to win the prize for excess of the decade.

In the Los Angeles area, EPA wants to charge all owners and operators of free parking lots of more than five spaces an annual surcharge increasing to $450 per space in 1976. This surcharge cannot be passed on to the consumer, but must be absorbed by the lot owner. Thus, the free parking spaces will become an intolerable financial burden; one chain of stores has told me the total parking surcharge will approach the level of its Federal income tax. As a result, the parking spaces will have to be abolished or converted to paid spaces.

Next, EPA wants to raise the price of paid commercial parking by imposition of a massive tax of as much as $2 per day. In the Washington, D.C., area, EPA would also require the large number of Government office parking spaces to charge prevailing commercial rates and to pay a surcharge on top of that, with the result that, by 1976, presently free parking spaces will cost $6 or $7 per day.

Finally and most ill-advisedly, EPA is setting out to mandate directly the reduction of parking spaces. In the Sacramento area in my district, EPA is requiring a 20-percent reduction in the total number of parking spaces by 1975. Parking lots will have to simply rope off one-fifth of their spaces, paint yellow X's on them, and prevent people from using them.

EPA's goal is to reduce automobile use by 57 percent in the Los Angeles area, 49 percent in the Sacramento Valley, and 65 percent in the San Francisco Bay area.

EPA section 52.251, published in the Federal Register this November 12, prohibits the creation of more than 50 new parking spaces by anyone in various areas of California unless it can be demonstrated that the new spaces will not interfere with the creation or maintenance of any air quality standard for 10 years. Since future residential and industrial patterns are impossible to predict with such precision, this regulation will effectively ban the construction of all new apartments, industrial plants, universities, hospitals, and shopping centers. The only possible exception would be for a "company town" or military base kind of arrangement in which all the workers live adjacent to their place of work and can commute either by foot or by company-supplied mass transit; obviously, the number of cases in which this arrangement will be possible or desirable is so small as to be negligible. So EPA is, in short, mandating complete stagnation. In California a facility without a parking lot is a facility that cannot be used.

Ironically, many of these new facilities might well reduce automobile travel, by obviating longer trips people in the area would otherwise have to make to a more distant facility.

Gentlemen, I suggest that in this case EPA has taken a good cause and hardened it to the point of counterproductive dogma. Consider what will happen if we reduce the number of parking spaces. Consider what happens in downtown areas we have known where parking is presently insufficient:

Traffic is not reduced, nor is air pollution. Both are increased. The streets become choked with automobiles and drivers trying to get at the few parking spaces remaining. Average speeds drop to less than a walking pace, resulting in the maximum conceivable level of polluting exhaust emission. Tempers get shorter and horn blows get longer, adding noise pollution to the exhaust pollution—this is New York, a living city where a parking place costs as much as a hotel room.

If EPA deliberately creates situations like this in our major cities, imagine what the American people will think as they circle the block again and again, weaving between the double parkers and triple parkers, burning precious rationed fuel while they wait for a space to open up. As they burn with resentment of the dozens of invitingly empty but unusable roped-off parking spaces, their thoughts regarding the entire environmental movement will be unprintable. EPA will be discredited, and so will we in the Congress if we allow this to happen.

It is true we could do without the parking spaces if we had adequate mass transit, and that reduction of parking provides an incentive to improve our mass transit.

It is also true that our national priorities are distorted, and that we should have spent far more than we have on mass transit. It is true that there is something wrong with priorities that require us to buy fuel for our energy policy director's gas-guzzling limousine, that require us to spend $3 billion for an aircraft carrier we do not need and three-quarters of a trillion dollars for a war we did not need, but which regard necessary mass transit expenditures as inflationary and budget busting.

I say let us spend what we need for mass transit, but let us not make life intolerable for the average American in the meantime. The energy crunch is going to do more than enough to reduce automobile traffic and inconvenience all of us; let us not add to the disaster by allowing some well-meaning EPA bureaucrats to run hog wild.

So let us get EPA out of the parking business, completely and permanently. Let us not lose sight of our objective, which is not clean air per se but maximum quality of life. Let us not forget that, while clean air contributes to the quality of life beyond question, so does adequate and convenient transportation. As we would not return to the smog-choked days of before the birth of EPA, let us also not return to the unpolluted days of the stone age. They were not too nice, either.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Florida.

Mr. ROGERS. This section does not provide for money to apply to the parking problem. It is simply for research on different matters. So I do not think it is germane; but nevertheless, I understand the gentleman's concern. Our committee, too, is concerned and I believe it should be appropriately raised in the legislative committee.

Let me just mention this, if I may——

Mr. LEGGETT. Is it possible to pass such legislation before this regulation becomes final next month in California?

Mr. ROGERS. Yes; it is possible if the legislative committee acts.

Mr. LEGGETT. Is it probable?

Mr. ROGERS. It is quite possible. We are holding hearings Monday and Tuesday of this coming week to try to see about some of these problems, the energy problem and all, and I hope we can get to some decision.

I share the gentleman's concern on the issue.

Mr. BOLAND. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I want to commend the gentleman from California (Mr. LEGGETT) for a very timely and useful and, very sensible statement. Even though, as the gentleman from Florida suggests, it may not affect this particular bill, at least it is a message to one of the legislative committees of this Congress that it ought to get busy on a very important problem that affects so disastrously so many areas in the United States.

Mr. Chairman, I support the gentleman's amendment.

Mr. BURGENER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the motion of my colleague from California (Mr. LEGGETT) as a means of saying, loud and clear, that the regulations which have been promulgated by the Environmental Protection Agency for transportation control in the area I represent would be nothing less than an economic and social disaster.

For over 20 years local governments have been passing ordinances requiring offstreet parking in projects within their jurisdiction. There were valid, public interest reasons for these requirements; relief of congestion from busy streets, convenience for nearby homeowners, and proper management of our land resources.

During these 20 years industry has been required to foot the bill for these facilities, and properly so. Those who would build a plant were required to build a parking lot. Those who would build a shopping center were required to build a parking lot. This was, and, I suspect, still is good policy.

Now, the Environmental Protection Agency, without any visable serious consideration of the economic impact of their decision, has decreed that we must perform a retroactive about-face. Not only are we to discourage the construction of new parking facilities, we are to penalize those who complied with legal requirements to build these facilities by placing a surcharge or tax on their property.

The committee report on this measure, on page 7, accuses the EPA of "dragging its feet on advising the public of the economic impact of many of its decisions." Nothing could be clearer than the fact that the parking regulations issued by the EPA constitute a very real threat to the economic well-being of literally millions of residents of southern California.

The passage of this motion is but one way for the Congress to say to the EPA "you have gone too far, you have exceeded the mandate we gave you in passing the Clean Air Act, you must reevaluate your actions." I urge the Members to vote "aye."

Mr. WHITTEN. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I cannot speak for the committee, but I have no objection to this amendment. I agree that the funds in this particular section are not for this purpose. In this particular section, the funds are for the purpose of additional research to obtain answers that the EPA should have had long before they issued lots of orders which they have issued.

Mr. Chairman, I might also say that in the report and in the action of the Congress, we directed that hereafter the agency, EPA, give us the benefit of findings by themselves before taking such type action. While the money here is not for that purpose, I think it is well that this amendment be adopted here so as to serve notice to EPA to get back to its primary purpose, and if present law gives them any claimed authority such as they are attempting to enforce in the way of parking tax as that the Administration be smart enough not to attempt such action.

The public will not put up with such actions, the economy will be unable to stand such action, and in the long run the Environmental Protection Agency will lose for us much of the progress we have made in restoring the environment.

We expect to take appropriate action on the regular bill to prohibit such actions when the regular appropriation for this agency comes up early next year.

Mr. Chairman, at this point I would like to advise the House of the actions taken by our committee with respect to the supplemental funds for the Foreign Agricultural Service and the Environmental Protection Agency.

Mr. Chairman, I read from the report regarding the Foreign Agricultural Service:

> The Committee recommends an appropriation of $1,000,000, a reduction of $628,000 below the budget estimate, to offset the impact on overseas programs in fiscal year 1974 of the 1973 devaluation of the dollar.
>
> Of the total amount provided, $285,000 is for Agricultural Attaches and $715,000 is for Market Development.
>
> Notwithstanding the current situation regarding agricultural exports, the committee feels that in view of the outlook for a big crop this year and the need under normal conditions to export approximately 30 percent for a prosperous U.S. agriculture which in turn benefits the overall economy, a vigorous market development program should be continued in foreign countries so that when the world agricultural production situation changes, the United States will be in a competitive position to market its production.
>
> The committee is of the opinion, however, that the reduction of $628,000 below the budget estimate can be absorbed without impairing the efficiency of the market development program if additional administrative economies are instituted.

Mr. Chairman, I read from the report regarding the Environmental Protection Agency:

> The committee recommends an appropriation of $10,500,000 for additional research and development activities of the Environmental Protection Agency. These additional funds will be used to accelerate the development of technology to control the emission of air pollutants from stationary and mobile sources and to accelerate research on the health and environmental impacts of air pollution caused by the use of fossil fuels. The expanded research in these activities is to provide immediate knowledge and technology for more nearly controlling air pollution from the use and consumption of coal and other fuels, seemingly now necessary.
>
> The agency had requested that these funds be "available until expended," however, because of the emergency nature of this problem, the Committee recommends that these funds be obligated this fiscal year. If they cannot be used effectively, the subject can be dealt with in the regular bill.
>
> Testimony before the Committee confirms that many of the agency's earlier decisions and actions were made without adequate consideration of either their environmental or economic impact. Since the results of some of these earlier decisions and actions seem to be highly questionable, the committee directs that the agency restudy them and report their findings to the appropriate committees of Congress.
>
> The Committee is convinced that the Agency has been dragging its feet on advising the public of the economic impact of many of its decisions. Had the public been informed in advance of the potential economic consequences of many EPA's rules and regulations, many of these actions would have been considered unwise and too costly in relation to the benefits to be received. The Committee feels it is absolutely essential that the American people be fully informed of the

costs and likely effect of environmental efforts so that they can weigh the cost versus the benefits.

Mr. CASEY of Texas. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Texas.

Mr. CASEY of Texas. Mr. Chairman, my subcommittee chairman will recall that we went into this very thoroughly, because I was quite exercised about the proposed regulations in Texas, and I would refresh the memory of some of my colleagues that we were hit first in Texas, and when I exploded a little on the floor of the House about it, some of you were not too concerned because it had not hit you yet.

However, EPA is hitting everyone now. I think we had better unite, because I think that Agency is assuming authority it has no function to assume and no legal right to assume.

Mr. WHITTEN. Mr. Chairman, I can add to that and say that unless we in Congress attempt to help hold this Agency back, it will have abolished itself, judging by public reaction to recent orders and announcements by the Agency.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Florida.

Mr. ROGERS. Mr. Chairman, I would agree that there is no reason not to adopt this amendment since the funds do not go to it anyhow and it is an expression of our concern, but I do not think it has any legislative effect.

Therefore, I have no objection to the amendment.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment by the gentleman from California (Mr. LEGGETT). I would like to remind some of my colleagues, as others have here today and in the past that this agency, the EPA, is attempting to assume substantial powers unto itself. It is going to require, as the gentlemen of this committee, and those of the Committee on Interstate and Foreign Commerce have said that the Congress is going to have to watch EPA's actions much more closely, because these regulators believe they have almost total power to do as they see fit. Although we are all genuinely concerned about improving the environment in our Nation, I think we are finally learning that when we legislate so broadly, an overzealous agency just assumes unto itself incredible dictatorial powers, always in the name of "the public good." Some of the regulators in the EPA have assumed the attitude that most Americans are children when it comes to protecting the environment, and only "they" and Ralph Nader have a corner on intelligence in this field.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, it seems very evident to me that there is considerable unanimity among the Members of the House in regard to this amendment. Therefore, I suggest we accept the amendment and move on.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEGGETT).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in general support of H.R. 11576.

On page 14 of House report No. 93–663, the committee states that the bill includes $6,940,000 for the Forest Service and together with 333 additional positions "to manage the 1 billion board feet increase in the timber sales program announced by the Cost of Living Council on March 26, 1973."

This expanded timber sales program is a major Federal action significantly affecting the quality of the human environment. It is also of dubious value in light of our current energy shortage which is bound to have an adverse effect on the fuel requirements of the homebuilding industry, making the need for this sale less and less appropriate. The Forest Service has failed, thus far, to prepare an impact statement concerning this sales program as required by section 102(2)(C) of NEPA and initiated the program on July 1, 1973, without an impact statement.

I note that the Natural Resources Defense Council has filed suit against Secretary Butz—Civil Action No. 1358–73—seeking a summary judgment declaring defendants to be in violation of NEPA and enjoining them from proceeding further with the expanded timber sales program. The court has not, as yet ruled on this matter.

I take this opportunity to note my understanding that, consistent with current judicial holdings, the enactment of this bill will have no effect on the Forest Service's failure to comply with NEPA. The claim of illegality remains to be resolved by the court. If there is a violation of NEPA as many of us claim, the court will supply the remedy.

Mr. Chairman, I note the following comments on page 7 of the House Report, supra:

> Testimony before the Committee confirms that many of the agency's earlier decisions and actions were made without adequate consideration of either their environmental or economic impact. Since the results of some of these earlier decisions and actions seem to be highly questionable, the Committee directs that the agency restudy them and report their findings to the appropriate committees of Congress.
>
> The Committee is convinced that the Agency has been dragging its feet on advising the public of the economic impact of many of its decisions. Had the public been informed in advance of the potential economic consequences of many of EPA's rules and regulations, many of these actions would have been considered unwise and too costly in relation to the benefits to be received. The Committee feels it is absolutely essential that the American people be fully informed of the costs and likely effect of environmental efforts so that they can weigh the cost versus the benefits.

Mr. Chairman, for nearly 2 years now the committee, in reporting out an appropriation bill affecting EPA, has made similar statements and issued similar directives. On previous occasions such directives were included in the bill itself. On such occasions the directives were deleted from the bill in the Committee of the Whole because they were in violation of the rules of the House. When this last occurred in June of this year, I and many of my colleagues had hoped that the matter had ended. But obviously it has not.

I share the committee's view that EPA has not given adequate consideration to the effects of many of its actions, such as its decisions last January and February to arbitrarily exempt thousands of feedlots from the permit requirements of section 402 of the Federal Water Pollution Control Act, as amended, on grounds of administrative convenience, rather than on pollution control grounds. This decision is now under intensive investigation by the House Committee on Government Operations, Subcommittee on Conservation and Natural Resources, as noted in the news media today. But I find the committee's directive to be too vague and sweeping and clearly inconsistent with present requirements of congressional acts.

The committee is right in chastising EPA for its failure to consider adequately the environmental and economic impacts of its actions. The National Environmental Policy Act of 1969 requires that Federal agencies prepare environmental impact statements for major Federal actions having a significant effect on the quality of the human environment. If these statements are properly prepared, they will fully cover the economic impacts as well. Except for its permit program, EPA is required by NEPA to prepare such statements. But EPA has not done so. Indeed, section 501 of the FWPC Act, as amended, adds further emphasis to NEPA by specifically directing that EPA prepare such statements in connection with its waste treatment grants. But EPA has once again failed to comply with the law and, unfortunately, left itself wide open to law suits in connection with many of these grants.

Last June the General Accounting Office ruled that EPA must comply with NEPA. On September 27, 1973, I transmitted that ruling to EPA and asked EPA when it would begin to comply with the law. I have, as yet, received no response.

The FWPC Act also provides that, in many actions, EPA must consider economic factors. They have in some cases done so, but in others, EPA has not. Also some of their analyses are not adequate.

I appreciate the committee's comments and reminder that EPA is not complying with the law. But, as I have noted, Congress has provided a means by which the committee's quite proper objectives can and should be achieved. Let us turn our attention toward EPA complying with these laws rather than adding new directives, not considered by the entire Congress, which are vague and of questionable value.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TERRITORIAL AFFAIRS

TRUST TERRITORY OF THE PACIFIC ISLANDS

For an additional amount for "Trust Territory of the Pacific Islands", $8,410,000, to remain available until expended.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I raise a point of order to the language at page 3, line 4, beginning with the word "to," and reading as follows: "to remain available until expended."

I cite as authority for this, Mr. Chairman, rule XXI, clause 2, constituting legislation in an appropriation bill and exceeding the authority of the Committee on Appropriations, essentially appropriating for a period beyond 1 year.

The CHAIRMAN. Does the gentlewoman from Washington (Mrs. HANSEN) wish to be heard on the point of order.

Mrs. HANSEN of Washington. Yes, I do, Mr. Chairman, if the gentleman will yield.

Mr. DINGELL. I yield to my good friend, the gentlewoman from Washington.

Mrs. HANSEN of Washington. Mr. Chairman, may I say that the authority is provided by the act of June 30, 1954, as amended by Public Law 93–11, passed September 21, 1973.

The CHAIRMAN. Does the gentleman from Michigan wish to be heard further on his point of order?

Mr. DINGELL. Mr. Chairman, I have no response to the statement made by the gentlewoman from Washington.

Mr. MAHON. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman from Texas (Mr. MAHON) may be heard.

Mr. MAHON. Mr. Chairman, the basic law states that the Congress is authorized to make the funds available as expended. This authorization is amply fortified in law. The point of order is not valid, in the judgment of the Committee on Appropriations.

The CHAIRMAN. Does the gentlewoman from Washington (Mrs. HANSEN) or the gentleman from Texas (Mr. MAHON) have a copy of the authorization referred to that could be sent to the desk?

Mr. MAHON. Mr. Chairman, we have the citiation here. It is 68 Stat., 330.

The CHAIRMAN. The Chair has sent for a copy of the law, but if either of the Members has a copy, it might expedite this matter.

Mrs. HANSEN of Washington. Yes, Mr. Chairman. I shall send this copy to the desk.

The CHAIRMAN (Mr. O'HARA). The Chair is prepared to rule.

The Chair has examined the statute in question and finds that it does indeed authorize appropriations providing funds for the trust territories and specifies that they may remain available until expended.

The Chair, therefore, overrules the point of order.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I should like to inquire about the $1.5 million in this bill to buy paper for the Internal Revenue Service, which represents a 50-percent increase in funds already appropriated for this purpose.

How is this justified?

Mr. STEED. Will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Oklahoma.

Mr. STEED. Mr. Chairman, as the gentleman knows, in connection with the preparation of all the tax returns and all the material that goes along with it, they require an enormous amount of paper.

What they ran into this year was two increases in cost: One, the paper mills were not making the lower grade paper they had used in years heretofore, and the only way they could get any paper at all was to go to a higher quality paper, which would cost more; plus the fact that all paper costs have gone up.

Mr. GROSS. Has the average increase in the cost of paper gone up 50 percent and above, as in this case?

Mr. STEED. They had the higher quality paper, plus the natural inflated cost of paper, yes.

Mr. GROSS. It is a better quality paper?

Mr. STEED. Oh, yes. They had to get a better quality, because there was not any of the other kind available.

Mr. GROSS. Mr. Chairman, I thank the gentleman.

Now, about this $25,000 increase, from $75,000 to $100,000, in the bill for Presidential travel funds, is this due to the increased cost of jet fuel, to the devaluation of the dollar, or inflation, or what?

Mr. STEED. Well, all those matters do enter into the increased cost of all travel as well as Presidential travel. We have always provided what the White House said it would need for this purpose. We have no way of knowing, other than what they tell us, how many secretaries will be required to go with the President and so on.

Mr. GROSS. Oh, this involves the entourage, also?

Mr. STEED. Yes. We have just taken their word for it that this is what they estimate their needs will be.

Mr. GROSS. I wondered whether the cost of jet fuel had gone up as much as the gasoline for helicopters or what.

Mr. STEED. The increased cost for fuel would not account for all of it, although it would make some impression on it. I do not think the amount that they will be able to travel in the future will be at the same rate as they have.

Mr. GROSS. Well, $25,000 added to $75,000 is a pretty good percentage increase, I would say to the gentleman.

Mr. STEED. Well, it is a lot of travel.

Mr. GROSS. Yes, and that kind of an increase in travel funds does not come down the line every day. I thank my friend from Oklahoma.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do so just to make inquiry of the gentleman from Oklahoma (Mr. STEED).

In the Bureau of Customs I noticed you have, as you had indicated when the regular bill was passed, added some additional permanent positions for the Customs Bureau because of the need for the Customs Bureau and the Immigration Service to be able to function appropriately.

I brought out at that time the need for service at the airport and port in our Palm Beach area in Florida where they simply have not been serviced during the regular hours of work. I assume hope that this was taken into consideration in providing some of these spots.

Mr. STEED. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman.

Mr. STEED. The gentleman is correct. His situation along with about 15 others was largely responsible for the subcommittee going over the budget to the extent of some $4.7 million and providing something like 330-plus new employees.

I might say to the gentleman that even if there is an increase, it still would be a very minimal addition to their manpower and they will have a very tight schedule even with it.

Mr. ROGERS. I thank the gentleman, and I am in agreement with his statement.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a member of the Subcommittees on Transportation and Labor-Health, Education, and Welfare, I wish to express my support of the provisions of the supplemental appropriations bill dealing with items funded within these two programs. My colleagues and I on those panels engaged in much discussion concerning the several aspects of the bill and I want to commend them for the tone of compromise and open-mindedness that generally prevailed.

We have responsibly reduced expenditures where they appeared excessive and have supported those which were more than adequately justified. In the Transportation Subcommittee, while reducing the request by over $4 million, we have still provided over $30 million for ongoing programs within the National Highway Traffic Safety Administration. The largest cut here was in the fleet test of crash recorders in 100,000 automobiles. While commending the Administration for their on-going efforts to try to alleviate the carnage on our highways, it was sincerely felt that budgetary restraints precluded consideration of this new program, which has a projected total cost of over $15 million. Also, many of us were left with the feeling that the installation of mandatory seatbelt-ignition interlock systems in the new cars could well be the biggest nuisance ever perpetrated on this country, plus possibly being unconstitutional. Left intact are funds for such efforts as the experimental safety vehicle program, which earmarks funds to improve the structural integrity of lighter vehicles. In the face of our present energy crisis, with the resultant disenchantment of the American public with the larger gas-guzzling auto, this action by the committee seems to be most appropriate.

Within the Labor-HEW Subcommittee I will only mention the funding approved for these causes: the full amount of an additional $2.8 million was approved for the Department of Labor's Employment Standards Administration, due to that agency's increased workload resulting from new commitments placed upon it under new legislation recently enacted by Congress. Backlogs of casework must be broken in the areas of improving and protecting wages, elimination of discrimination in employment, and workmen's compensation.

With regard to health care, the committee heard from the Social and Rehabilitation Service which requested a figure of over $700 million for providing direct rehabilitation services to as many disabled persons as possible. We recommend an increase of over $7 million for rehabilitation training to off-set plans for phasing out that section of the budget. While the need for such trained personnel remains high, the justification for the administration's phase-out seemed particularly inappropriate.

With the exception of the "development programs" section of the Action budget, the committee approved the full amount of the request. Worthwhile programs such as VISTA, service-learning, and the national older American Volunteers remain intact and viable for next year. "Developmental programs" were reduced in half from the $6 million requested. While the $3 million remaining represents an increase of $1,650,000 over the amount provided for in the fiscal year 1973 appropriation, I can fully appreciate the agency's concern in this area for providing a viable service for exploring the potential of part-time volunteers in meeting the problems of our communities, while keeping intact the mainstay of the ACTION program—the long-term, full-time volunteer. I, myself, endorse an increase of funds for this purpose, for it reflects the only area within the ACTION budget where the director can exercise the flexibility needed for meeting the challenges of the 1970's.

Lastly, I would like to take one moment to lend my full support to the measure reported out by our companion Subcommittee on Interior. My special thanks must go to the distinguished chairwoman of that panel, my good friend from Washington, for her favorable consideration and expeditious handling of my personal request to have the petroleum allocation program in the Office of Oil and Gas fully funded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF MINES

MINES AND MINERALS

For an additional amount for "Mines and minerals", $4,170,000.

Mr. HECHLER of West Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, H.R. 11576—the supplemental appropriation bill for fiscal year 1974—contains $1.8 million for the Interior Department's Mining Enforcement and Safety Administration. According to the committee's report (H. Rept. 93–663) of November 26, 1973, this sum will be used to hire additional assessment officials and coal mine inspectors under the Federal Coal Mine Health and Safety Act of 1969. I commend the committee for including this appropriation in this bill.

I recently testified before the Government Operations Committee's Conservation and Natural Resources Subcommittee on the Interior Department's administration of the civil penalty assessment program. At those hearings, I testified that the assessment program was a shambles. The Interior Department recommended that the civil penalties provisions of the 1969 act be abolished. The Department contends that the fact that it has issued more than 76,000 notices of violation under the act in 1972, and is issuing an even greater volume of violation notices in 1973, and that there has not been a "noticeable decrease in disabling injuries," indicates that the fatalities and injuries "are not always connected with violations of mandatory safety standards." Thus, the Department concludes we should do away with the mandatory penalties.

I find this argument quite absurd and incredible. It completely ignores the fact that, while thousands of notices of violations have been issued by departmental inspectors and thousands of assessments have been initially levied for these violations, the Interior Department has not collected a significant portion of these assessments. This is because the penalty assessment program administered by the Department of the Interior has been badly mishandled. But Interior, rather than trying to correct and improve its administration of the program, has asked Congress to weaken it and give its administrators an opportunity to render it toothless.

I find this shocking and a further indication that this administration is more interested in the production side of the coal-mining industry than in the protection of the individual miner.

This bill today will provide additional people to improve the assessment program at the MESA level. But the addition of this personnel, while helpful, will not resolve the problem. The Interior Department must do more. It must change its procedures. It must hire additional people at the Office of Hearings and Appeals. And most importantly, it must demonstrate a real concern for the miners of this Nation than for the production of coal.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For an additional amount for "Forest protection and utilization", for "Forest land management", $8,590,000.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to take this opportunity to compliment the Appropriations Committee on adding in this particular title an additional $1.4 million for the purchase of 10 firefighting retardant units that can be put in Air Force C–130 planes, and made available to the Forestry Service on a standby basis. This equipment is especially important in the Western States where we have very critical fire seasons in the summer and fall. Many interested citizens and Congressmen from the West have been asking for the inclusion of this additional appropiation so that we could protect against forest fires on a quick-strike basis.

I know that many members of the Appropriations Committee, including Mr. WYATT, came to Clifornia to see how this equipment would be used. The gentlewoman from Washington (Mrs. HANSEN) was very generous in making sure that the Agricultural Department and the Forestry Department, in particular, was encouraged to make sure that this new equipment would be available in the fire season. This modular airborne firefighting system was fully tested both by the Forestry Service and by the Air Force in actual fires this past fall.

So, Mr. Chairman, many of us wish to express our appreciation for this assistance.

The CHAIRMAN. The Clerk will read.

HEALTH SERVICES PLANNING AND DEVELOPMENT

For an additional amount for "Health services planning and development", for carrying out, to the extent not otherwise provided, section 304 and title IX of the Public Health Service Act, $9,500,000, to remain available until expended.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address a question to the distinguished subcommittee chairman, the gentleman from Pennsylvania (Mr. FLOOD) in regard to the bill that passed the Congress, the emergency medical services bill, which has been signed by the President.

It is my understanding that there may be added to the Senate supplemental bill additional funds for this service, which has now become law. I would like to ask the subcommittee chairman if he and the subcommittee would look with sympathy upon such an addition when they go to conference?

Mr. FLOOD. Mr. Chairman, if the gentleman will yield——

Mr. ROGERS. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. With a great deal of sympathy.

Mr. ROGERS. I thank the gentleman so much, and I am grateful.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SOCIAL AND REHABILITATION SERVICE

SOCIAL AND REHABILITATION SERVICES

For an additional amount for "Social and rehabilitation services", for carrying out, except as otherwise provided, the Rehabilitation Act of 1973 (Public Law 93–112), $707,538,000 of which $609,000,000 shall be for grants under section 110(a), $6,870,000 shall be for grants under section 110(b) and $30,000,000 shall be for grants under parts C and D of said Act.

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ: Page 6, line 1, strike out "$707,538,000" and insert in lieu thereof "$741,668,000" and strike out "$609,000,000" and insert in lieu thereof "$850,000,000", and on lines 2 and 3 strike out "$6,870,000 shall be for grants under section 110(b),".

Mr. GONZALEZ. Mr. Chairman, I am proposing an amendment to the supplemental appropriations bill that would bring the amount for State grant programs for vocational rehabilitation up to the level in the authorization bill that was signed into law in September of this year.

My amendment would provide $650 million for State programs as opposed to the $615 million in this appropriations bill. In this bill the total of $615 million is written as $609 million for grants under section 110(a), and $6,870,000 for grants under section 110(b). The latter section is to provide for additional payments to States in the event that they would not receive as much as they received in 1973. This section, however, is struck in my amendment since all States would receive more than this in 1973 if the funding is at the authorization level of $650 million.

I strongly believe that unless we increase this amount many of our States will not be able to effectively carry out the mandate and objectives of the Vocational Rehabilitation Act of 1973. This opinion has been expressed to me by directors of a number of agencies in Texas, and I would venture to say that many of my colleagues have had similar letters in the past few months.

As everyone in this body knows, we have been trying for over a year to have a vocational rehabilitation bill accepted by the administration. Last fall the President vetoed the vocational rehabilitation bill that called for $3.5 billion, and this spring he vetoed the bill asking for $2.6 billion. Finally, in September of this year President Nixon signed H.R. 8070, authorizing appropriations of $1.54 billion for programs that would extend for 2 years. The sum of $650 million for fiscal 1974, and $680 million for fiscal 1975. The President agreed with the level of funding in the authorization bill. In his speech during the signing of the vocational rehabilitation authorization bill he expressed his feelings that the amount provided for would not in any way harm his attempts to obtain a noninflationary, balanced budget.

Let us look for a moment at the State agencies. For quite sometime now they have been operating under funds provided by a continuing resolution, which, as we all recognize, keeps them in a very unpredictable position. Finally in September of this year the authorization bill was passed which gives them $650 million to operate their programs in fiscal 1974. These agencies then felt that they had a definite amount and that they could finally do the necessary planning required for effective administration of their programs. They needed this total amount of $650 million for a number of reasons. One is that they will not be able to provide the same level of service to eligible citizens as they could previously, since the cost of services has increased considerably in recent times. This is a fact that we can all attest to.

But another even more important reason for funding at the original authorization level is that in the Rehabilitation Act of 1973 the emphasis is on programs working with the severely disabled. That means, for example, the Commission for the Blind will be expected to intensify services to the most severely disabled individuals they encounter—persons who may, in addition to being limited by serious visual disability, also have a hearing impairment, mental retardation, mental illness, orthopedic complications, or other secondary handicaps. We all would agree that such direction is highly appropriate, but the cost of reaching out to serve the more difficult cases necessarily is high, and the authorization level was set to meet this goal.

Another point to take into consideration is that State allotments are based on authorization levels and not on appropriations. That is, if the States come up with their 20 percent the Federal Government is to come up with the 80 percent. Last fiscal year 43 States came up with their share, but the Federal Government could not provide the matching money, that is, its 80 percent. This year we will again have the same problem if we do not fund the State programs on the authorization level. The Federal Government will not be able to meet its obligation.

I know that everyone here realizes the need for funds to assist in vocational rehabilitation. These funds are needed to prepare those people with handicaps for meaningful jobs in order to allow them to attain some degree of self-sufficiency and to develop a pride in themselves. I hope that you will show your support for our courageous fellow citizens by supporting my amendment.

I hope that the Members will join me in giving this modicum increase in this bill in order for us to keep faith with the States that in good faith—and last year there were 43; this year there will be more—have anted up their amount and whose projections were made on the basis of the authorization level and not the appropriation level.

For instance in Texas, the State legislature which meets once every 2 years appropriated $11.3 million as its share. However, since the Federal Government then only came up with $37.6 million, Texas could not spend its full 20 percent but only $9.4 million of its $11.3 million share. This is typical of the experience in more than 43 States.

Mr. BRADEMAS. Mr. Chairman, I rise in support of the amendment to H.R. 11576, offered by the gentleman from Texas (Mr. GONZALEZ), whom I congratulate for the leadership he has shown with respect to the rehabilitation of handicapped persons, and, for his diligence today in attempting to make good, in this appropriation measure, on the promises to the handicapped contained in the Rehabilitation Act of 1973.

ALLOTMENT FORMULA

Mr. Chairman, what the gentleman from Texas is seeking by his amendment to do is appropriate in the supplemental bill before us today $650 million, the full amount authorized for the basic State program to provide rehabilitation services to handicapped Americans, rather than the $615,870,000 contained in the bill.

I should tell my colleagues, Mr. Chairman, that as House sponsor of the Rehabilitation Act of 1973, I know that the Committee on Education and Labor in the House, as well as the Labor and Public Welfare Committee in the Senate, spent considerable time discussing how to allot moneys to the States to provide rehabilitation services. And we concluded, Mr. Chairman, that crucial to the great success of the Federal-State rehabilitation program is its unique allotment procedure, which allots money to the States based on the amounts authorized to be appropriated.

The significance of this feature, Mr. Chairman, is that State rehabilitation directors, and State governments generally, can anticipate the funds they will receive from the Federal Government, and can, therefore, plan their programs accordingly and effectively.

STATES APPROPRIATING THEIR SHARE

However, Mr. Chairman, if we accept the recommendations of the Administration with respect to funding levels for the basic State program, namely $615 million, we will retreat from the promise contained in the Rehabilitation Act of 1973 that the Federal Government would provide $650 million for this section of the law.

Evidence, Mr. Chairman, of the consequences of such a retreat can be found in the history of previous years.

For in 1972, Mr. Chairman, 25 States appropriated more funds for rehabilitation than there were Federal matching dollars to meet the matching requirement.

In 1973, 43 States appropriated more rehabilitation funds than the Federal Government, I am distressed to say, could match.

Mr. Chairman, the rehabilitation program has experienced considerable difficulty in the last several years as a consequence of repeated vetos of the Labor-HEW appropriations measures which funded the legislation, as well as two vetos of the authorizing legislation.

Let us today, Mr. Chairman, not add

to those difficulties by appropriating less funds for the basic State program than States have a legitimate right to expect. Let us agree to appropriate the funds authorized by the law, so that rehabilitation programs for millions of handicapped Americans can continue and grow as needed.

ADMINISTRATION SUPPORT

Mr. Chairman, evidence that the amounts proposed by the gentleman from Texas (Mr. Gonzalez) are not excessive can be found in the statements of both President Nixon and Secretary of Health, Education, and Welfare, Caspar Weinberger, during the final days of enactment of H.R. 8070, the Rehabilitation Act of 1973.

Said Secretary Weinberger when the conference report on the Rehabilitation Act appeared:

> Earlier bills were vetoed because they set unrealistically high spending levels . . . H.R. 8070 has remedied these defects. It authorizes a generous level of funding and a solid program. It deserves the support of every Member of Congress.

And, said the President on signing the law:

> The process of hammering out a compromise on this matter was long and difficult. It is heartening, however, that neither the Congress nor the Administration allowed the smoke of legislative skirmishes to obscure the good we have shared from the first—that of continuing and improving a program which has long been one of the most humanitarian and effective of all Federal grant activities.

Continued the President:

> At the same time the new law wisely avoids certain pitfalls which led me to reject earlier versions. Its funding levels, while adequate, do not abrogate the fiscal disciplines essential for a non-inflationary balanced budget.

Mr. Chairman, in light of these administration statements of support for the authorization levels as well as of the great need to expand programs for the handicapped, I urge my colleagues to support the amendment offered by the gentleman from Texas.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, when the committee is confronted with an amendment of this sort, may I suggest that the Members take a look at who is chairman of this subcommittee dealing with the subject of appropriations for rehabilitation. Take a look at the list of members on the subcommittee on both sides. Perhaps there is a better or more effective advocate, but certainly there are no more sincere advocates of this program than the gentleman from Pennsylvania and his subcommittee. I cannot believe you will find one.

Now, this bill has $615,870,000 for the basic grants for vocational rehabilitation. This is $26,870,000 more than last year's appropriation.

Part of this increase is to cover specific changes made in the Rehabilitation Act. The minimum State grant was raised from $1 million to $2 million; also the act provides a guarantee that each State will receive at least what it received in 1973. Now, what could be fairer than that?

The committee knows about the $650 million authorized. We also know that the States have to come up with matching funds, if they want their full amount of the Federal share.

Some States are not able to come with the necessary matching funds. Where this is the case, it would not be necessary to appropriate the full authorization. Do not Members know that we know this?

Now, in the hearings we spent a great deal of time on that specific subject for just this purpose. We thought there might be a problem in the amounts for basic grants under the new law.

The HEW witnesses saw no problem and they planned to compute and make the allotments on the basis of the authorization and the amount that was requested. We clearly had the impression that the amount requested is all that is required to make allotments on the basis of the authorized amount.

Now, let me say, Mr. Chairman, and let me tell the members of the committee and my friends, we know whereof we speak, believe me. If later estimates from the States at any time show that matching funds are available so that the full amount of the authorization can be used, we expect that the administration will request a supplemental appropriation later in the year.

We are strong supporters of the rehabilitative program. We have nursed it along from the very beginning. Under all the circumstances this kind of amendment, at this time, should be defeated.

Mr. SHRIVER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to concur in the remarks of the chairman of the subcommittee (Mr. Flood). This amount that we have in the bill is the amount that was requested in the budget. It is an increase of almost $27 million over last year's appropriation. Part of this increase is to cover changes made by the recent Rehabilitation Act, which raised the minimum grant to each State from $1 million to $2 million and also provided a guarantee that each State will receive at least what it received in fiscal year 1973.

During the course of the hearings, I specifically asked the question that under the basic State grant program each State will receive a minimum of $2 million and no State will receive less than it did in 1973. The answer of Mr. Dwight, the administrator of the program, was that under the amount requested in the budget, that is correct.

Some States are not able to come up with the matching funds as of now, so it would not be necessary to appropriate full funding, as we call it.

I would remind Members that if we fully funded every request, we would be much more bankrupt than the Government is now. The committee covered this specific subject in its recent hearings with HEW. The witnesses said there was no problem and that they planned to compute allotments on the basis authorized.

We clearly had the impression that the amount requested, the amount allowed in the bill is all that is required to make allotments on the basis of the $650 million authorized in the authorizing bill.

I would emphasize further that if later estimates from the States of matching funds are available and the full amount of authorization can be used, the committee would expect a supplemental budget request. We have these supplementals from time to time. The bill we are now considering is a supplemental. I believe that the amount in the bill provides a reasonable increase in funding for the vocational rehabilitation program. Five months of this fiscal year have gone by. If more funding is needed a supplemental request would be in order.

I would emphasize, if later estimates from the States showing the matching funds are available, a supplemental would surely be in order and our committee would consider it.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, it is true that the gentleman expects the States to come in with their requests later, but the gentleman surely is aware of the fact that for 1972, 43 States, indeed, came in with their shares, where the Federal Government could not meet its 80 percent of their share. This is 43 States, including my own State of Texas. I gave a specific example where that State's legislature came in with its 20 percent based on authorization as our law dictates.

Forty-three States; they are not worried about the fact that this funding will be matched more, they are worried that they have not been able to get that funding as promised by the Federal Government when they have in good faith appropriated their money.

Mr. SHRIVER. Mr. Chairman, the witnesses who appeared before us from the department are interested, of course, just as we are, in this program. They feel sufficient funding has been requested, and certainly a supplemental will be in order if it is not. Our committee has been a strong supporter of programs for the handicapped. We believe that the amount in the bill provides a reasonable increase in funding for the vocational rehabilitation program.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Chairman, the gentleman will recall that I asked that question—remember how I asked it—one, two, three.

"I am asking you," I said, "three times so that there will be no mistake."

Mr. SHRIVER. Exactly.

Mr. FLOOD. So I got exactly the same answer three times in a row, just as the gentleman has stated.

Mr. SHRIVER. Precisely.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I simply want to say that I concur wholeheartedly in the views which have been expressed by the gentleman from Pennsylvania (Mr. Flood) and the gentleman from Kansas (Mr. Shriver).

These funds are not required as of now. If they are required later, they will be submitted with a budget estimate.

This amendment would increase the bill by more than $40 million. It does not make any sense to me to add this additional money at this time. I do hope we can vote down this amendment.

Mr. BRADEMAS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Ninety-two Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 611]

Alexander
Anderson, Calif.
Anderson, Ill.
Arends
Baker
Beard
Bell
Bevill
Bolling
Brown, Calif.
Buchanan
Burke, Calif.
Butler
Camp
Carney, Ohio
Chappell
Chisholm
Clark
Clawson, Del
Clay
Cleveland
Cochran
Collins, Ill.
Conte
Conyers
Crane
Danielson
Davis, Ga.
de la Garza
Dellenback
Dellums
Denholm
Devine
Dickinson
Diggs
Donohue
Downing
Eshleman
Findley
Flowers
Fraser
Fulton
Fuqua
Gibbons
Goldwater
Gray
Griffiths
Gubser
Gunter
Hanley
Harsha
Hays
Hébert
Heckler, Mass.
Helstoski
Hillis
Hudnut
Johnson, Pa.
Karth
Keating
Kluczynski
Landrum
Lehman
Litton
Long, Md.
Lott
Lujan
McSpadden
Macdonald
Mathis, Ga.
Melcher
Metcalfe
Michel
Milford
Mills, Ark.
Mizell
Murphy, Ill.
Myers
Nelsen
Nichols
O'Neill
Owens
Parris
Pepper
Pettis
Peyser
Poage
Podell
Quillen
Rangel
Reid
Roe
Rooney, N.Y.
Ryan
Sebelius
Sikes
Snyder
Stark
Steiger, Ariz.
Stephens
Stokes
Symington
Talcott
Taylor, Mo.
Teague, Calif.
Thompson, N.J.
Van Deerlin
Waldie
Wiggins
Wilson, Bob
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, S.C.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. O'HARA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 11576, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 317 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment to provide a more realistic level of financing for the great and important vocational rehabilitation program. My colleagues will recall that after considerable difficulty, including two Presidential vetoes, we finally enacted a far-reaching revision and extension of the rehabilitation program just a few months ago.

The new act calls for emphasis on the rehabilitation of the most severely disabled individuals. This obviously will require more money. The costs of these services will be higher and last for a longer period of time. Unless we provide for additional funds, there may be a falloff in the number of handicapped rehabilitated yearly. I doubt that there is one Member of Congress who intends or desires this result. State agencies will need more counselors and more facilities to serve the more severely disabled.

Second, Mr. Chairman, we are all faced with a higher rate of inflation generally and more particularly, in the kinds of services which are provided by State rehabilitation programs—medical training and counseling. The increase proposed by this amendment is necessary in order to cover these increasd costs.

Mr. Chairman, many times during my years in Congress, I have characterized the rehabilitation program as being the most humanitarian effort the Congress ever enacted. It is viewed by virtually everyone as the best example of cooperation between the Federal Government and the States in providing services to persons in need.

I want to assure my colleagues that the additional amount being proposed can be and will be effectively utilized.

I know Members are receiving letters similar to those I am receiving expressing concern about attempts to dilute the focus of the rehabilitation programs. There is talk in the field about how HEW is going to merge and consolidate the rehabilitation program with other social service programs. It is beyond me why anyone would wish to tamper with a program which has been so successful in the past.

I want Members to know that in the Committee on Education and Labor we are going to do everything possible to protect the integrity of the rehabilitation effort. In that regard, oversight hearings were held just this morning to insure that the carefully constructed safeguards of the new act are followed by the administration.

This extra money is needed and it will be effectively utilized. It is estimated that with the amount provided in this amendment, an additional 20,000 handicapped individuals will receive services.

As I indicated earlier, the battle to establish an appropriate level of spending has lasted 2 years. This amendment only asks for funding at the same level as is authorized. That authorization figure is much less than many wanted and it was agreed to only after a bitter struggle. We would be derelict in our responsibilities if we did not meet that authorization level by approving this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GONZALEZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 164, not voting 109, as follows:

[Roll No. 612]

AYES—160

Abzug
Adams
Addabbo
Andrews, N.C.
Ashley
Aspin
Badillo
Barrett
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Brademas
Brasco
Brinkley
Brooks
Brown, Mich.
Burgener
Burke, Mass.
Burleson, Tex.
Burton
Carey, N.Y.
Clark
Clay
Cohen
Corman
Cronin
Culver
Daniels, Dominick V.
Davis, S.C.
Dent
Dingell
Dorn
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Fisher
Foley
Ford, William D.
Fountain
Fraser
Froehlich
Gaydos
Gettys
Giaimo
Gilman
Ginn
Gonzalez
Gray
Green, Pa.
Gude
Hamilton
Hanna
Harrington
Hawkins
Hechler, W. Va.
Heckler, Mass.
Hicks
Hogan
Holifield
Holt
Holtzman
Howard
Hungate
Johnson, Calif.
Jones, Ala.
Jordan
Kastenmeier
Kazen
Koch
Kyros
Lent
Long, La.
Long, Md.
McCloskey
McCollister
McCormack
McKinney
Madden
Mann
Matsunaga
Mazzoli
Meeds
Mezvinsky
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moorhead, Pa.
Morgan
Moss
Murphy, N.Y.
Nedzi
Nix
Obey
O'Brien
O'Hara
Perkins
Pickle
Preyer
Price, Ill.
Quie
Randall
Rees
Reid
Reuss
Riegle
Rinaldo
Roberts
Rodino
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Sarasin
Sarbanes
Schroeder
Seiberling
Shoup
Sisk
Spence
Staggers
Stanton, James V.
Steele
Stratton
Stuckey
Studds
Sullivan
Teague, Tex.
Thompson, N.J.
Thone
Thornton
Tiernan
Udall
Ullman
Vanik
Vigorito
Wampler
Whalen
White
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Yatron
Young, Ga.
Young, Tex.
Zablocki

NOES—164

Abdnor
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Bauman
Blackburn
Boland
Bowen
Bray
Breaux
Breckinridge
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burlison, Mo.
Byron
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Collier
Collins, Tex.
Conable
Conlan
Cotter
Coughlin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Delaney
Dennis
Derwinski
Duncan
Edwards, Ala.
Erlenborn
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Flood
Flynt
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Goodling
Green, Oreg.
Gross
Grover
Gubser
Guyer
Haley
Hammerschmidt
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hébert
Heinz
Henderson
Hinshaw
Horton
Hosmer
Huber
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kemp
Ketchum
Kuykendall
Landgrebe
Latta
Leggett
McClory
McDade
McEwen
McFall
McKay
Madigan
Mahon
Mailliard
Mallary
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mayne
Miller
Minshall, Ohio
Mollohan
Montgomery
Moorhead, Calif.
Mosher
Natcher
Parris
Passman
Patten
Pike
Powell, Ohio
Price, Tex.
Pritchard
Railsback
Rarick
Regula
Rhodes
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rose
Rousselot
Ruppe
Ruth
St Germain
Sandman
Satterfield
Scherle
Schneebeli
Shipley
Shriver
Shuster
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Stanton, J. William
Steed
Steelman

Steiger, Wis.
Stubblefield
Symms
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Towell, Nev.
Treen
Vander Jagt
Veysey
Waggonner
Walsh
Ware
Whitehurst
Whitten
Widnall
Williams
Winn
Yates
Young, Fla.
Young, Ill.
Zion
Zwach

NOT VOTING—109

Alexander
Anderson, Calif.
Anderson, Ill.
Arends
Bafalis
Baker
Beard
Bell
Bevill
Bolling
Brown, Calif.
Buchanan
Burke, Calif.
Burke, Fla.
Butler
Camp
Carney, Ohio
Chappell
Chisholm
Clawson, Del
Cleveland
Cochran
Collins, Ill.
Conte
Conyers
Crane
Danielson
Davis, Ga.
de la Garza
Dellenback
Dellums
Denholm
Devine
Dickinson
Diggs
Donohue
Downing
Eshleman
Findley
Flowers
Fulton
Fuqua
Gibbons
Goldwater
Grasso
Griffiths
Gunter
Hanley
Harsha
Hays
Helstoski
Hillis
Hudnut
Johnson, Pa.
Karth
Keating
King
Kluczynski
Landrum
Lehman
Litton
Lott
Lujan
McSpadden
Macdonald
Mathis, Ga.
Melcher
Metcalfe
Michel
Milford
Mills, Ark.
Mizell
Murphy, Ill.
Myers
Nelsen
Nichols
O'Neill
Owens
Patman
Pepper
Pettis
Peyser
Poage
Podell
Quillen
Rangel
Roe
Rooney, N.Y.
Ryan
Sebelius
Sikes
Snyder
Stark
Steiger, Ariz.
Stephens
Stokes
Symington
Talcott
Taylor, Mo.
Van Deerlin
Waldie
Wiggins
Wilson, Bob
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, S.C.

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CAPITOL BUILDINGS AND GROUNDS

HOUSE OFFICE BUILDINGS

For an additional amount for "House Office Buildings", $52,000.

Effective on the first day of the first applicable pay period which begins on or after the date of enactment of this Act, the compensation of personnel assigned to the House garages in connection with parking activities and paid from the appropriation "House Office Buildings" under the Architect of the Capitol without regard to chapter 51 and subchapters III and IV of chapter 53 of title 5, United States Code, and shall thereafter be adjusted in accordance with 5 U.S.C. 5307.

Mr. RAILSBACK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy, for the purpose of establishing some legislative history, with the gentleman from Kansas (Mr. SHRIVER).

I will say to the gentleman from Kansas (Mr. SHRIVER) that I noted in the record of the subcommittee hearings, on page 510, that the gentleman from Illinois (Mr. MICHEL) raised the subject of the Rehabilitation Services Administration program for public offenders.

I personally intend to thank the gentleman for raising that subject, but I understand that he is away on business.

I would appreciate it if the gentleman from Kansas could give us some further clarification of the issue.

The testimony of Mr. Reedy suggests that HEW is planning to curtail its program of public offenders.

That is certainly the impression I get from reading the statements of Mr. Reedy.

I wonder if the gentleman could give us his understanding and that of the members of the subcommitee.

Mr. SHRIVER. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I would be glad to yield to the gentleman.

Mr. SHRIVER. Mr. Chairman, I certainly would not want to give the impression that I support any plan to curtail the program. As the report indicates, there was testimony before the subcommittee that over 23,000 offenders were assisted under the public offenders rehabilitation program in fiscal year 1973, at a cost of approximately $42 million. This is a very sizable program and one that fills a serious need.

So it is my understanding, and I would certainly urge, that HEW will give priority attention to the severely handicapped as beneficiaries of the Rehabilitation Services Administration program. However, the rehabiiltation of public offenders, toward which only 8 percent of the RSA budget was directed in fiscal year 1973, should certainly be continued, and that would be my feeling.

Mr. RAILSBACK. Mr. Chairman, I want to thank the gentleman from Kansas.

I would cite the report of the Committee on Education and Labor (Rept. No. 93-244) on the Rehabilitation Act of 1973, which, I believe, clearly reflects the view stated by my colleague.

On page 10 of the report, the committee—

> recognizes that there is a great justification for serving those individuals with social disabilities and handicaps, while assigning "first priority" to those persons who are severely physically and mentally handicapped.

And the committee emphasized that it—

> does not expect the Rehabilitation Services Administration to discontinue services in any area where it is now providing services.

The intention of the committee is clear in this regard and I would hope that there is no doubt in the minds of the officials at HEW regarding the legislative intent in support of a continuation of the program of rehabilitation of public offenders.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER VI ATOMIC ENERGY COMMISSION

OPERATING EXPENSES

For an additional amount for "Operating expenses", $5,500,000.

Mr. EVINS of Tennessee. Mr. Chairman, I move to strike the last word.

Mr. Chairman, under the public works section of this bill—title VI of the second supplemental appropriations bill concerning public works and Atomic Energy Commission appropriations, there are two items for the AEC—three items for the Corps of Engineers—and one for the Bureau of Reclamation of the Department of the Interior.

The committee has approved $5,500,000 for the Atomic Energy Commission in this supplemental bill.

I want to call your attention to the fact that in the regular public works-AEC bill enacted earlier this year, the AEC received $1,107,600,000 for operating expenses. For the weapons program we provided $830,000,000 for immediate direct costs of the weapons programs and $276,900,000 for goods and services on order at the end of this year.

At that time our committee cut and reduced the weapons program by $50,000,000—and now the AEC is requesting restoration of $10,700,000 of the amount cut out in the bill which was signed into law by the President last August.

I repeat: We have cut and reduced this supplemental request by $5,200,000 to $5,500,000, which we believe is ample and adequate for current weapons program needs at this time.

Our committee felt testimony did not justify appropriation at this time of the entire amount requested.

While we cannot, of course, discuss secret information and classified material, I can assure you that this Nation's stockpile of atomic weapons and nuclear warheads is adequate and substantial.

The committee recommends the full budget request of $30,000,000 for the construction of three additional underground radioactive waste storage tanks, and for the construction of new and improvement of existing systems for handling wastes at Richland, Wash.

The committee recommends the total appropriations request of $125,000,000 by the Corps of Engineers for repair and restoration of flood control works damaged in floods on the Mississippi River earlier this year.

These floods caused damages totaling $494,600,000—13,610,000 acres were flooded—more than 50,000 people were evacuated—and in some areas 2 years of crops were lost.

Existing flood control works and measures by the Corps of Engineers saved an estimated $7,400,000,000 in flood damages on the Mississippi River.

In our report at the time of the passage of the regular Public Works and AEC Appropriations bill earlier this year, our committee requested that the corps submit "on an urgent basis" an estimate of the 1974 fund requirements related to this flood damage.

The corps, as I indicated earlier, requested $125 million—$125,000,000—and this is the recommendation of our Committee.

In addition, a total of $100,000,000 is included in the bill to replenish the emergency fund.

This amount will provide $92,000,000 allocated for known emergency requirements in the Mississippi River Basin—$1 million for emergency activities at other locations—and $7 million for replenishment of the emergency fund.

The committee also recommends $7,600,000 to remove debris and sediment left after flood waters receded—and $17,500,000 for repair of damaged corps projects.

Three projects were added—two for the Corps of Engineers and one in the Bureau of Reclamation.

I want to stress that funds for all of

these projects will be drawn from available funds.

These projects are:

First—$10,000 within available funds for the Corps of Engineers to initiate the Charlotte Harbor—Boca Grande—study in Florida.

Second—$60,000 for the Corps of Engineers for an urgent beach erosion project at East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, N.Y.

Third—the Bureau of Reclamation is directed also within available funds to allocate $25,000 to initiate the McGee Creek feasibility study in Atoka County, Okla.

The committee recommends the full supplemental budget estimate of the Bureau of Reclamation, Department of the Interior of $1,250,000 needed to accelerate research into underground electric power transmission and other transmission research directly related to the national energy research and development efforts—the energy crisis.

CONCLUSION

These are the supplemental recommendations of my subcommittee—we are in unanimous agreement. I urge that these items be approved and adopted in the national interest.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for "Payment to the postal service fund", $110,000,000.

POINT OF ORDER

Mr. GROSS. Mr. Chairman, I make a point of order on the matter contained in chapter IX of the bill, H.R. 11576.

The CHAIRMAN. The gentleman will state his point of order.

Mr. GROSS Mr. Chairman, I make a point of order that the matter contained in chapter IX of the bill H.R. 11576, dealing with the U.S. Postal Service, lines 13 through 19 on page 13 is in violation of rule XXI, clause 2, of the Rules of the House of Representatives which provides:

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law. . . .

Mr. Chairman, chapter IX of the bill proposes to appropriate an additional amount for payment to the Postal Service fund in the sum of $110,000,000, for which there is no authorization in the law, and in clear violation of the House rule.

According to the communication from the President, dated November 6, 1973, proposing supplemental appropriations for fiscal year 1974, the Postal Service supplemental, and I quote from the communication:

> Is necessary to cover a portion of the increased cost of handling certain classes of mail on a free or reduced rate basis resulting primarily from recent salary and wage increases for postal employees.

The communication states further:

> The requested appropriation is in accordance with 39 U.S.C. 2401(c) which authorizes appropriations to cover the revenue foregone from the carrying of these classes of mail on a free or reduced rate basis.

Mr. Chairman, I submit that while the cited provision of title 39, United States Code does, in fact, authorize appropriations for revenue foregone on free and reduced rate mail, it does not, and I repeat, it does not authorize appropriations for "the increased cost of handling certain classes of mail * * * resulting from recent salary and wage increases," nor does it authorize supplemental appropriations to cover any revenues foregone as a result of the imposition of temporary rates or the phasing thereof.

The Postal Reorganization Act of 1970 divorced the Congress from postal rate making and established the U.S. Postal Rate Commission for the prime purpose of acting on postal rate adjustments proposed by the Postal Service. In order to guard against undue delay in establishing rate adjustments, the act permits the Postal Service to install temporary rates if the Rate Commission fails to respond with a decision within 90 days. The 90 days so provided was considered ample time for the Rate Commission to act responsibly inasmuch as this is practically its only duty.

However, the first time this new law was used, it took the Rate Commission 16 months to return a decision to the Postal Service, from February 1, 1971, until June 5, 1972. In the meantime, the Postal Service invoked its temporary rate authority and as a result, temporary increases remained in effect for more than a year until the Rate Commission confirmed the new rates.

Now, the Postal Service has again sent a proposed rate increase to the Rate Commission and based on its experience, has already announced that the rate increases will be imposed on a temporary basis on January 5, 1974.

This announcement presumes that the Rate Commission will not have finished its consideration of the new rates within 90 days. However, it amounts to a unilateral fixing of postal rates by the U.S. Postal Service and causes wonder as to why we have a Rate Commission at all.

In the Postal Service's presentation to the Rate Commission, on September 25, 1973, Mr. Richard F. Gould, Assistant Postmaster General for Finance, said:

> The Postal Service will request a supplemental appropriation for fiscal year 1974 for "revenue foregone" for those classes of mail entitled to phasing . . . as a result of our implementation of temporary rates on January 5, 1974.

Mr. Ralph Nicholson, senior assistant Postmaster General, made essentially the same statement before the House Appropriations subcommittee in support of this supplemental apppropriation. Mr. Nicholson said:

> In calculating the increases in revenue foregone for 1974, we have *assumed* the assent of the Coast of Living Council, an effective date of January 5, and the specific *temporary* rates set forth in the Federal Register . . .

Mr. Chairman, such an appropriation clearly is not supportable by the Postal Reorganization Act as codified in title 39 United States Code.

Under section 3626 of title 39, the Congress mandated that certain classes of mail would be entitled to phased rates for a specific period of time—5 or 10 years—until the users of these classes of mail are able to absorb the impact of new permanent rates.

In mandating these preferential rates, the Congress also authorized appropriations for the difference between the full permanent rate and the phased preferential rate. This is the "revenue foregone" referred to in section 2401(c) of title 39. Under the present permanent rate structure, this revenue foregone has has already been appropriated by Public Law 93-143 for fiscal year 1974.

The authority for the Postal Service to impose temporary rates (section 3641 of title 39) is separate and distinct from the preferential phasing provisions of section 3626 and from the authorization under section 2401(c).

This interpretation of the law has been upheld by the Court of Appeals for the District of Columbia Circuit Court in a 1972 decision. When called upon to decide whether temporary rates imposed pursuant to section 3641 were subject to the phasing provisions of section 3626 of the Act, the court held that the phasing provisions were independent of the temporary rate provisions and further noted that:

> The appropriations process, on which phasing is contingent, is not well suited for supplying revenue deficiencies in connection with a situation calling for temporary rates. If Congress were to make an appropriation for revenue foregone with respect to temporary rates—prior to the time that a final decision is reached by the Postal Rate Commission—it would be placed in the position of having to assume the propriety of the requested full rate in order to have a base from which to complete the reduction represented by phasing.

Mr. Chairman, at the appropriate time I will ask unanimous consent to insert in the RECORD correspondence from the American Law Division of the Library of Congress on this point. In substance, however, the Library of Congress response says:

> It appears to us that the Postal Reorganization Act of 1970 does not authorize supplemental appropriations to cover any revenues foregone as a result of the imposition of temporary rates or the phasing thereof.

Mr. Chairman, if, as the November 6 communication from the President states, this supplemental appropriation for the Postal Service is intended to cover a portion of the increased cost of handling certain classes of mail resulting primarily from recent salary increases, then I submit that the appropriation is proposed with no authorization whatsoever.

It is one thing to calculate the difference between permanent rates of postage and the congressionally mandated preferential rate, and appropriate such money as is authorized by law.

But it is quite another to foist off on the Congress an unauthorized postal subsidy to help pay for postal salary increases.

These pay increases were negotiated entirely outside the jurisdiction of the Congress, and Congress has neither the obligation nor the responsibility of subsidizing the latest labor contract agreed to by the Postal Service. We can no longer afford the luxury of permitting the Postal Service, in its demands for, and use of, Federal funds, to function in a bureaucratic limbo, accountable for its actions and policies to no elected authority.

Mr. Chairman, I ask that the point of order be sustained.

The letters I have referred to are as follows:

U.S. House of Representatives,
Washington, D.C., October 3, 1973.
Mr. Harry N. Stein,
Chief, American Law Division,
Library of Congress.

Dear Mr. Stein: It would be appreciated if you could provide me as soon as possible your comment on the application of certain provisions of the Postal Reorganization Act of 1970 which deal with Congressional appropriations in conjunction with the items set out below.

(1) On September 25, 1973, the U.S. Postal Service transmitted to the U.S. Postal Rate Commission its request for a recommended decision on changes in rates of postage and fees for postal services.

(2) The U.S. Postal Service, in its presentation, stated:

"Though we believe the rate making process will consume less time for this request than the initial one, the Postal Service's financial estimates and plans assume that we will implement our temporary rate authority on January 5, 1974."

(3) The U.S. Postal Service, in its presentation, also stated:

"The Postal Service will request a supplemental appropriation for fiscal year 1974 for 'revenue foregone' for those classes of mail entitled to phasing. This supplemental appropriation request will reflect those amounts of 'revenue foregone' by class of mail that are required by the Postal Service as a result of our implementation of temporary rates on January 5, 1974 (our appropriation request will ask the amount which equals the difference between temporary rates implemented on January 5, 1974 and the proposed full rates). The total amount of this appropriation request is $195.8 million, including $84.2 million for regular-rate third class mail."

(4) The authority under which the U.S. Postal Service proposes to make its supplemental appropriation request is contained in title 39, U.S. Code, section 2401(c), which reads as follows:

(c) There are authorized to be appropriated to the Postal Service each year a sum determined by the Postal Service to be equal to the difference between the revenues the Postal Service would have received if sections 3217, 3403–3405, and 3626 of this title and the Federal Voting Assistance Act of 1955 had not been enacted and the estimated revenues to be received on mail carried under such sections and Act.

(5) Section 3626 of title 39, cited above reads as follows:

3626. Reduced rates

If the rates of postage for any class of mail or kind of mailer under former sections 4358, 4359, 4421, 4422, 4452, or 4554 of this title, as such rates existed on the effective date of this subchapter, are, on the effective date of the first rate decision under this subchapter affecting that class or kind, less than the rates established by such decision, a separate rate schedule shall be adopted for that class or kind effective each time rates are established or changed under this subchapter, with annual increases as nearly equal as practicable, so that—

(1) the revenues received from rates for mail under former sections 4358, 4452(b) and (c), and 4554(b) and (c) shall not, on and after the first day of the tenth year following the effective date of the first rate decision applicable to that class or kind, exceed the direct and indirect postal costs attributable to mail of such class or kind (excluding all other costs of the Postal Service); and

(2) the rates for mail under sections 4359, 4421, 4422, 4452(a), and 4554(a) shall be equal, on and after the first day of the fifth year following the effective date of the first rate decision applicable to that class or kind, to the rates that would have been in effect for such mail if this subsection had not been enacted.

No person who would have been entitled to mail matter under former section 4359 of this title shall mail such matter at the rates provided under this subsection unless he files annually with the Postal Service a written request for permission to mail matter at such rates.

(6) The authority under which the U.S. Postal Service intends to implement temporary rates is contained in section 3641 of title 39 which reads as follows:

3641. Temporary changes in rates and classes

(a) If the Postal Rate Commission does not transmit to the Governors within 90 days after the Postal Service has submitted, or within 30 days after the Postal Service has resubmitted, to the Commission a request for a recommended decision on a change in rates of postage or in fees for postal services, or on a change in the mail classification schedule (after such schedule is established under section 3623 of this title), the Postal Service, upon 10 days' notice in the Federal Register, may place into effect temporary changes in rates of postage, in fees for postal service, or in the mail classification schedule it considers appropriate to carry out the provisions of this title. Any temporary change shall be effective for a period ending not later than 30 days after the Commission has transmitted its recommended decision to the Governors.

(b) If, under section 3628 of this title, a court orders a matter returned to the Commission for further consideration, the Postal Service, with the consent of the Commission, may place into effect temporary changes in rates of postage, in fees for postal services, or in the mail classification schedule.

(c) A rate of postage for a class of mail or a fee for a postal service under a temporary change under this section may not exceed the lesser of (1) the rate or fee requested for such class or service, or (2) a rate or fee which is more than one-third greater than the permanent rate or fee in effect for that class or service at the time a permanent change in the rate or fee of such class or service is requested under section 3622 of this title.

(7) I call your attention to the following discrepancies in the reasoning of the Postal Service:

(a) The sums authorized to be appropriated under 39 USC 2401(c) relate specifically to the implementation of sections 3217, 3403–3405, and 3626 of title 39.

(b) Section 3626 of title 39 deals specifically with the rates of postage "established or changed under *this subchapter*." Such subchapter is Subchapter II—Permanent Rates and Classes of Mail, of Chapter 36, title 39.

(c) The authority to implement temporary rates is contained in section 3641, title 39, which is under Subchapter III of Chapter 36, title 39.

Very clearly, in my estimation, the language and the intent of the law is to authorize the appropriation of revenue foregone on certain rates of postage which have been determined under the processes of Subchapter II of Chapter 36 of title 39, and which rates have been decided as *permanent* rates.

It is my interpretation of the law that there is no authority for the appropriation of revenue foregone, as that term is used in the Act, for the phasing of temporary rates in the absence of specific authorizing legislation.

I would appreciate your advice on this matter.

Sincerely,

Theodore J. Kazy,
Senior Staff Assistant.

The Library of Congress,
Congressional Research Service,
Washington, D.C., November 8, 1973.

To: House Post Office & Civil Service Committee; Attention: Theodore J. Kazy
From: American Law Division
Subject: Supplemental Appropriations Covering Revenues Foregone by Imposition of Temporary Rates Under the Postal Reorganization Act

This will refer to your letter of October 3, 1973 concerning the propriety of a Postal Service request for supplemental appropriations for revenue foregone as a result of imposition of temporary rates pursuant to 39 U.S.C. § 3641 of the Postal Reorganization Act of 1970.

We are in substantial agreement with the analysis of the problem contained in your letter. We would, however, wish to make the following observations.

The Court of Appeals for the District of Columbia Circuit in *District Mail Advertising Association* v. *United States Postal Service*, 147 U.S. App. D.C. 394, 458 F.2d 813 (1972), *cert. denied* 409 U.S. 843 (1972), was called upon to decide whether temporary rates imposed pursuant to § 3641 were subject to the phasing provisions of § 3626. The court held that the phasing provisions of § 3626 were independent of § 3641 and further noted that:

"Temporary rates were one means to the end (self sufficiency of the Postal Service); reduced rates were contemplated only insofar as appropriations would counterbalance their effect so as not to obstruct the primary goal. This mandate to the Postal Service with respect to the level at which it may set temporary rates would be frustrated by requiring these rates to be phased, since that would unduly burden the fiscal operation of the Postal Service. *The appropriations process, on which phasing is contingent, is not well suited for supplying revenue deficiencies in connection with a situation calling for temporary rates. If Congress were to make an appropriation for revenue foregone with respect to temporary rates—prior to the time that a final decision is reached by the Postal Rate Commission—it would be placed in the position of having to assume the propriety of the requested full rate in order to have a base from which to complete the reduction represented by phasing,* 147 U.S. App. D.C. at 399, 458 F.2d at 818." (emphasis added).[1]

The legislative history of the Postal Reorganization strongly indicates Congressional intent to avoid direct involvement in the rate making process. H.R. Rep. No. 1104, 91st Cong., 1st Sess., 1970 U.S. Cong. and Admin. News, 3649, 3667.

It also appears to us that establishing a level for supplemental appropriations for revenue foregone as a result of temporary rates would be in large measure a matter of guesswork. Section 3641 provides that the Postal Service may keep temporary rates in effect no more than 30 days after the Postal Rate Commission has returned a recommended decision. The Commission may return its recommended decision at any time. It appears, therefore, that a requested supplemental appropriation reflects a guess of the time the Commission will return a recommended decision. We believe this is in contradistinction to the rather precise appro-

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[1] We note that the position of the Service in its current request may be inconsistent with prior request. See 147 U.S. App. D.C. at 397 458 F.2d at 816.

> priations levels that are authorized when the phase-in provisions of § 3626 are utilized pursuant to § 2401(c).
>
> From the foregoing, in conjunction with the analysis contained in your letter, it appears to us that the Postal Reorganization Act of 1970 does not authorize supplemental appropriations to cover any revenues foregone as a result of the imposition of temporary rates or the phasing thereof.
>
> Bruce P. Moore,
> *Legislative Attorney.*

REBUTTAL SUMMARY

The Postal Reorganization Act contains three permanent authorizations for appropriations as follows:

First. Public service costs in an amount of 10 percent of the fiscal year 1971 budget. This has already been appropriated for fiscal year 1974.

Second. Revenue foregone—to reimburse the Postal Service for the revenue it loses by reason of carrying mail at free or reduced rates as mandated by law. The revenue foregone is calculated on the basis of permanent rates arrived at under the proceedings set forth for the Postal Rate Commission. The full amount requested by the Postal Service has already been appropriated for fiscal year 1974.

Third. Transitional appropriations to insure a sound transition from the Post Office Department to the Postal Service. The full amount requested by the Postal Service has already been appropriated for fiscal year 1974. The appropriation for the Postal Service contained in H.R. 11576 is not authorized by any of the above three authorizations. The appropriation clearly violates clause 2 of House Rule XXI, and I again insist on the point of order.

The CHAIRMAN. Does the chairman wish to be heard on the point of order?

Mr. STEED. Yes, Mr. Chairman. The purpose of the act on the Postal Corporation is quite clear. It provides that the Congress shall make appropriations to the Postal Corporation for two purposes; one, 10 percent of the 1970 budget, the other, for revenues foregone on certain classes of mail.

When the budget came out this year, those two items totaled $1,373,000,000. The committee, when it reported the bill in the House and Congress approved the bill, carried these two items of $1,373,000,000, but there was another matter that was involved, because the legislative committee have not finished their work. They have had to fund the Postal Corporation for the Government's portion of contributions to the retirement fund for postal pay raises. The House has passed the bill saying that the government had to make these payments. The other body has not seen fit to take any action. The retirement fund was in desperate circumstances, and the committee, in its wisdom, biding time to wait for the legislative committee to act, put in the original bill to transfer out of this $1,373,000,000 to the retirement fund of $142 million. The $110 million involved here is $32 million under the original budget request based upon these two items provided in the act. The revenue foregone is covered in section (c), paragraph 2401:

> There are authorized to be appropriated to the Postal Service each year a sum determined by the Postal Service to be equal to the difference between the revenues the Postal Service would have received if sections 3217, 3403–3405, and 3626 of this title and the Federal Voting Assistance Act of 1955 had not been enacted and the estimated revenues to be received on mail carried under such sections and Act.

What we are faced with here is going back to the beginning. We are actually $32 million under what the original estimates were, and also this is perfectly within the law and perfectly within the original budget estimates of the committee, and it is under the amount that they originally set, and I do not think there is any way on earth that we can begin to say that this could be subject to a point of order.

The CHAIRMAN. Does the gentleman from Iowa wish to be heard further on his point of order?

Mr. GROSS. Very briefly. Mr. Chairman, the report accompanying the supplemental appropriation bill, page 40, the last paragraph, states:

> The Committee continues to be concerned about the time lag between temporary and permanent postal rate increases. In this connection, the Postal Rate Commission is urged to study ways to expedite this process.

The committee in my opinion practically admits that it is in this instance approving in advance a postal rate increase.

The CHAIRMAN (Mr. O'Hara). The Chair is prepared to rule.

Section 2401(b)(1) authorizes certain sums for appropriations, as the gentleman from Oklahoma points out, and the gentleman from Iowa has recognized that with respect to this matter further sums are authorized to be appropriated under section 2401(c) which authorizes the appropriation "to the Postal Service each year of a sum determined by the Postal Service to be equal to the difference between the revenues the Postal Service would have received " under certain circumstances and "estimated revenues to be received on mail carried under such sections and act."

The provision carried in the bill is to cover the estimate that was transmitted by the Postal Service.

The gentleman from Iowa makes the point that the estimate transmitted by the Postal Service was not properly arrived at.

The Chair does not believe it is his responsibility or privilege to go beyond the provisions printed in the bill and the authorizing statute. As far as a reading of the bill and the authorizing statute reveals to the Chair, the appropriation is authorized, and the Chair overrules the point of order.

The Clerk will read.

The Clerk read as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Council on International Economic Policy

SALARIES AND EXPESES

> For necessary expenses of the Council on International Economic Policy, including services as authorized by 5 U.S.C. 3109, $1,000,000.

AMENDMENT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Frenzel: On page 13, line 22, strike "$1,000,000", and insert in lieu thereof, "$1,350,000".

Mr. FRENZEL. Mr. Chairman, my amendment would restore $350,000 of the $400,000 cut made by the Appropriations Committee in the salaries and expenses appropriation for the Council on International Economic Policy. The International Trade Subcommittee of the Banking and Currency Committee authorized the budget request amount of $1.4 million. It is the same amount we authorized last year. In this time of budgetary stringency, a cut of $50,000 in the Council's budget request seems to me severe but reasonable.

Further, Mr. Chairman, the Council on International Economic Policy obligated $947,000 out of their budget of $1 million during fiscal year 1973. For the three quarters of fiscal year 1973 for which their fiscal year 1973 appropriation was made, this meant an obligation rate of $315,670 per quarter; or, if extended over four quarters, an obligation rate of $1,270,000 for the entire year.

If $400,000 is cut from their requested $1,400,000, it will mean an overall reduction in their total budget request for fiscal year 1974 of 29 percent, and will signify a 26.3-percent reduction below their expenditure rate for fiscal year 1973. Based upon their obligations through the first two quarters of fiscal year 1974, it will mean a 50-percent reduction in funds available for operations during the last two quarters of fiscal year 1974. Such a reduction would seem to be unintended and place somewhat unreasonable restrictions upon the Council's ability to continue operating at required levels for the remainder of this fiscal year.

At a time of international economic crisis this drastic a cut in our expenditures for planning in the general international economic field seems to me unwise and imprudent. As we all know, the energy crisis with all of its domestic and international implications has drastically worsened ever since the subcommittee marked up this bill.

Mr. Chairman, I find it ironic that at the very time our balance of payments is showing a dramatic recovery and at a time when we are about to embark on a critical round of trade and energy negotiations, we should undercut the very arm of Government which can be so responsible for bringing some order out of the relative chaos of our international economic affairs. Therefore, Mr. Chairman, I urge the House to adopt my amendment which would restore $350,000 of the $400,000 cut made in this item by the Appropriations Committee.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Oklahoma.

Mr. STEED. Mr. Chairman, the hearings on this item were conducted by the subcommittee prior to the legislative act which extended the life of this Commission. Then it was omitted in the regular bill. Since the regular bill passed, we had only a very brief hearing for the supplemental item, but it became law, and the members of the legislative subcommittee who sponsored this legislation are cognizant of the fact that in the last few weeks the international situation has taken a turn that will impose a very heavy responsibility upon this particular agency.

Therefore I think that the amendment is well taken and as far as I am concerned personally I urge its adoption.

Mr. FRENZEL. I thank the distinguished gentleman. I yield to the gentleman from New York.

Mr. ROBISON of New York. Mr. Chairman, on behalf of the minority, the amendment is acceptable to us.

Mr. FRENZEL. I thank the gentleman.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

I would like to engage the gentleman from New York in colloquy in regard to this matter.

The Committee on Appropriations thought it could save $350,000 here. Have we changed our minds, and if so, why?

Mr. ROBISON of New York. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New York.

Mr. ROBISON of New York. I am sorry. I did not hear what the distinguished gentleman said.

Mr. MAHON. I asked the gentleman if it is not true that in the markup on the bill and in the full committee we inserted $1 million for the activities of this organization.

Now, has the gentleman changed his mind since that time? Does he think we ought to adopt this amendment?

Mr. ROBISON of New York. Mr. Chairman, at the time of the markup I went along with the request where the suggestion was made that it would be sufficient; but that markup was, as the gentleman knows, some days ago and since that time the energy crisis has become a worldwide crisis of severe and serious proportions. It would be unwise to reduce the effect of this particular agency at a time when it might be of help to the President and to the Congress in dealing with the international aspect of the energy crisis.

Mr. MAHON. Mr. Chairman, will the gentleman from Michigan engage in this colloquy?

Is the gentleman agreeable to this amendment?

Mr. CEDERBERG. Yes; in light of the international complications involved, I think this is money wisely spent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRENZEL).

The question was taken; and on a division (demanded by Mr. FRENZEL) there were—ayes 107, noes 23.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ECONOMIC STABILIZATION ACTIVITIES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $20,700,000.

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: Page 14, line 4, strike out "$20,700,000" and insert "0".

Mr. ASHBROOK. Mr. Chairman, I do not need 5 minutes and I will not take 5 minutes.

At first, I was going to offer an amendment to strike $2 million. The more I thought about it, I was going to increase it to $5 million, but the more I reflected, I thought that just to strike the entire amount would be consistent with economy.

Certainly, there is no good reason that was proven of the effect the economic stabilization gave.

Mr. Chairman, I would urge the House to strike the entire amount.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman's amendment would have the effect of abolishing the economic stabilization activities. If that is what he wants to accomplish, then I ask how he proposes to have legislation to do this job. If we are going to have an economic stabilization program at all, there must be some money to operate it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,500,000.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. Mr. Chairman, I raise a point of order to the language of lines 5, 6, 7, and 8 of page 14 under the provisions of rule XXI, clause 2, which prohibits legislation on appropriation bills and which prohibits the appropriation of funds without prior legislative authorization.

Mr. Chairman, I would now like to read from the language of the committee's report on White House office, salaries and expenses:

> The Committee recommends an appropriation of $1,500,000, a reduction of $110,000 below the amount of the budget estimate.
>
> These supplemental funds were requested to provide the additional funds needed for the activities of the Counselors to the President and their staffs, the President's Foreign Intelligence Advisory Board, the President's Special Assistant for Consumer Affairs, the Council on Economic Policy, and other professional staff and consultants.

Mr. Chairman, before I pursue this matter further, I would point out first of all that when an item in an appropriation bill is defective as violative of the rules of the House—in this instance, Rule XXI, clause 2—the whole of the particular item under the point of order falls.

I would point out further, Mr. Chairman, that my point of order is directed specifically to the President's special assistant for consumer affairs and to that office, which was challenged earlier on this floor this year by the gentlman from Iowa (Mr. GROSS). Upon his point of order the Chair acted affirmatively and ruled in support of the point of order and ruled out the item.

I challenge further on the same grounds, Mr. Chairman, the appropriations for counsellor to the President in that there is no statutory authority for counsellors to the President. I challenge further the President's foreign intelligence advisory board in that there is also, to my knowledge, no statutory authority for this particular office.

Also, Mr. Chairman, I challenge on the same grounds again the counsel on economic policy of the President and his staff and offices, appurtenances and expenditures pertinent thereto. I would point out further, Mr. Chairman, that under the rules of the House of Representatives, that the burden is upon the proponent of the appropriation bill to establish the legislative basis and to cite the statutes upon which the Appropriations Committee bases its action in appropriating funds.

And so, Mr. Chairman, for these reasons I do raise the point of order to the entire amount listed, and I do insist upon that point of order.

The CHAIRMAN. Does the gentleman from Oklahoma (Mr. STEED) wish to be recognized on the point of order?

Mr. STEED. Mr. Chairman, I rise in opposition to the point of order.

Mr. Chairman, all the other Members of this body and of the other body and, as a matter of fact, all the people of this country, including the schoolchildren, understand why there has to be a staff for the President of the United States, and I hope I can explain it now so that the gentleman from Michigan will also be able to understand it.

Title 3 of the United States Code specifies and spells out all the requirements of this item, and all we are doing here is adding some additional money to the President's office staff that was contained in the original appropriation bill, and for which limitations on the use thereof are contained in the language of that bill.

It is open and shut, and I am, to say the least, surprised that the gentleman would be so frivolous as to raise such a point of order at this time.

Mr. DINGELL. Mr. Chairman, may I be heard further on the point of order?

The CHAIRMAN. The gentleman may be heard.

Mr. DINGELL. Mr. Chairman, it is with great affection and respect for my friend, the gentleman from Oklahoma, that I respectfully disagree with him. I will point out that he has not cited in any of the instances I raised earlier to the Chair any statutory authority, and while he has raised questions as to my frivolity which I must in great distress challenge, he has not cited any specific statutory authority for any of the offices listed in the committee's report for which the money is presumed to be appropriated pursuant to statute.

I again impress upon the Chair the point that there is no statutory authority for the specific items listed in the report of the Committee on Appropriations. Unless and until the chairman of the subcommittee, my good friend and colleague, the gentleman from Oklahoma, for whom I have the most intense respect and affection, can cite those, then I must insist upon the point of order, and I am satisfied that the Chair will rule that the expenditures so involved are violative of the rules of the House, most specifically, rule XXI, clause 2.

The CHAIRMAN. The Chair would like to inquire of the gentleman from Oklahoma (Mr. STEED) if he can cite the specific provisions of law on which the committee has relied in its deliberations.

Mr. STEED. Mr. Chairman, I think that the reading of the title 3 of the code would make it quite plain.

In paragraph 105, paragraph 106, and all through it, it very specifically provides for these appropriations. Those appropriations have been in it ever since the Government started, and I cannot imagine that anybody would raise any question of the fact that the President is entitled to have assistance to help him conduct the affairs of his office.

The CHAIRMAN (Mr. O'HARA). The Chair is prepared to rule.

Sections 103, 105, and 106 of title 3 authorize appropriations for the purpose of paying the salaries of certain persons in the Executive Office of the President. The appropriation bill itself, in the paragraph beginning on page 14, line 5, gives no indication that the appropriation would be used for any unauthorized purpose. The paragraph merely provides a lump sum for the Executive Office.

The gentleman from Michigan, in making his point of order, goes beyond the provisions of the bill and looks at the provisions of the committee report.

The Chair does not believe that in this case, any more than in the case made by the gentleman from Iowa earlier in the consideration of the bill, it is within his province to go beyond the plain provisions of the bill, and the authorizing statute.

The Chair, therefore, overrules the point of order.

AMENDMENT OFFERED BY MR. THOMPSON OF NEW JERSEY

Mr. THOMPSON of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. THOMPSON of New Jersey: On page 14, line 8 strike out "$1,500,000" and insert in lieu thereof "$500,000."

The CHAIRMAN. The gentleman is recognized for 5 minutes in support of his amendment.

Mr. THOMPSON of New Jersey. Mr. Chairman, I think the members of the committee will remember that a few short days ago I was the author of a resolution providing for $1 million for the Committee on the Judiciary to proceed with the investigation of the virtually innumerable resolutions for an investigation of the White House and for the possibility of impeachment.

There was a hue and cry about the amount of money available. Now here is a chance for the committee and for the House to retrieve that $1 million, because I would cut from this section $1 million of the $1.5 million without even conceding the need for the last $500,000.

The committee report says—

> These supplemental funds were requested to provide the additional funds needed for the activities of the Counselors to the President.

Now, if $1 million more is needed for the activities of the counselors to the President, whoever they are at this moment, I cannot conceive of the need. The need might be perhaps to insure the safety of documents or tapes or something like that in the White House or to put buttons on tape recorders which will not erase and to do such things as that, but that would not cost that much.

The report says "Counselors to the President and their staffs, the President's Foreign Intelligence Advisory Board." Now, I have no quarrel with that which is why I did not cut the whole amount in my amendment.

Then it goes on to say "the President's Special Assistant for Consumer Affairs." I am enthusiastic about that.

It goes on to say "the Council on Economic Policy," and the Lord only knows we need council on economic policy.

Mr. Chairman, I know that the time is late, but I might point out that when they say further "and other professional staff and consultants. In addition, unanticipated personnel changes and reorganization of the White House staff," there are certainly, I am sure, unanticipated additional expenses. I am willing for the $500,000 to cover that.

I think it is only reasonable that this be cut to $500,000 from $1.5 million.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment and ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. THOMPSON).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SCHERLE

Mr. SCHERLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SCHERLE: On page 4, line 8, strike "$1,500,000" and insert "$1,475,000".

Mr. SCHERLE. Mr. Chairman, my amendment is very simple, but I think at the present time it is very significant.

At the bottom of the report, on page 41, it says simply $25,000 is requested for official travel expenses of the President, which would increase that allowance from $75,000 to $100,000.

I think in these times when we are working with a fuel crisis and asking the people of this country to make huge sacrifices it is not too much to ask that we knock out this $25,000 and allow the administration to suffer right along with all other Americans.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, just so that the Members will understand what this is all about, the money that is described here has nothing to do with the travel of the President personally but has to do with the movement of the staff of the President.

I think everybody here is aware of the great emergency and the demands on the Office of the President, and I know we can agree that they need additional resources in order to take care of the needs of the country.

I hope the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SCHERLE).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. REUSS. Mr. Chairman, I fully support the provision in H.R. 11576 which appropriates $1,870,000 for the Interior Department's Mining Enforcement and Safety Administration — MESA. The money will enable MESA to hire additional personnel to handle civil penalty assessments under the Federal Coal Mine Health and Safety Act of 1969. The Conservation and Natural Resource Subcommittee, of which I am chairman, has extensively investigated the Interior Department's administration of the civil penalty provisions of the 1969 act. Our Subcommittee held hearings on this matter recently, on October 31. Our investigation showed that from January 1, 1970 to October 25, 1973, 711 coal miners died in our Nation's deep and surface coal mines; that thousands more have been injured, many of them permanently; that the Department has grossly failed to enforce the 1969 act; and that much of its failure can be attributed to its lack of adequate staff.

Now, 4 years after enactment of the 1969 law, its administration is steeped in controversy. The Department's penalty assessment program is, as one MESA officially described it, "a mess." Since March 30, 1970, when procedures for assessing civil penalties were first established, over $25.5 million of civil penalties have been assessed, but only $5.1 million have been collected. Some of the leading coal producers, whose mines are also leading in fatalities for 1971, 1972 and 1973, have been assessed huge sums in penalties but have paid little or nothing.

In September 1971, our subcommittee asked the General Accounting Office to investigate the Department's penalty assessment program. The GAO's July, 1972, report enumerated many deficiencies in this program, particularly in the collection of fines that had been assessed.

The GAO report also pointed out that the Interior Department lacked written guidelines a. "defining" six statutory factors which must be considered in determining the "amount" of a fine, and b. "describing the consideration and weight given each" factor. The GAO noted that "no documentation existed" showing how, or even whether, the six factors were considered by the assessors.

Last March, Federal District Judge Aubrey E. Robinson wrote that the Department's "assessment orders seem to issue forth on a mass production basis from a clerical machinery completely divorced from any genuine process of considered determination as to each case." He ruled that under the 1969 law, before assessments can become final—

> The Secretary must (1) meaningfully consider the six statutory criteria for penalty assessment, (2) make express determinations thereon with regard to the amount of the

penalty which is warranted, and (3) make express determination that a violation did occur. Express determinations are to be made "by decision incorporating his findings of fact therein."

At the time of our subcommittee hearings on October 31, 1973, there was a backlog of over 60,000 unassessed violations. For nearly 16 months the civil penalty assessment program has been functioning without a permanent chief assessment officer. The person now heading the assessment program is still operating in an acting capacity.

At our hearings the Interior Department informed us that it intended to add 23 additional persons to its assessment force in order to reduce the huge backlog of unassessed violations.

I regret, however, that the Interior Department did not request sufficient funds to insure that this program would be carried out efficiently and effectively. Although the bill we are considering today would provide funds to hire 23 new assessors, and thus help reduce the backlog in MESA, the net result, unfortunately, will be to shift the backlog to the Department's Hearing and Appeals Office. This Office now has only 14 attorneys and the equivalent of 17 hearing officers handling assessment cases at the appeal stage. Rather than proceed to trial on many of these assessments, the Department's Solicitor's office has since last June 11 followed the policy of settling many of these cases. A review of these assessment cases shows that one of the factors that causes the attorneys at the Solicitor's office to settle the cases in "the extreme age" of the violation. In short, the cases, some of which date back to 1970, have backlogged in the Solicitor's office and now, rather than proceed to trial for final collection, the Solicitor's office accepts nearly any offer in ordered wipe the cases off the books. I append some examples of this type of settlement.

The reason why this backlog is continuing to grow at the appeal stage is that the Department of the Interior has refused to adopt the suggestions made by Judge Robinson last March which would include an informal procedure at the assessment level. Instead, last April Interior adopted a formal procedure which requires the Solicitor's office to prepare a petition, based on data prepared by the assessor, and file it in the Department's Office of Hearings and Appeals. This petition triggers a formal procedure in the latter office, including hearings by the hearing officer.

Since this procedure was initiated, 649 petitions covering several thousand violations have been filed in the Hearings and Appeals Office. As of October 1, only 14 petitions had been decided and 589 petitions had not even been assigned to one of these hearing officers who, according to the General Accounting Office, already have a backlog of over 2,000 cases. The General Accounting Office has informed our subcommittee that these hearing officers resolve about 74 cases a month, and that at this rate it will take "over 3 years to resolve" the backlog even if no additional petitions are filed from now on.

At our hearings, we urged Interior to discard this formal procedure in favor of a more informal one. But Interior has thus far refused to do so. The bill we are considering today, as I have said before, will help MESA make initial assessments. But until Interior does something to prevent the building up of cases at the hearing stage—other than settling them for a fraction of their original value—the assessment procedure will continue to be a mockery of the law, and will have little effect on achieving its purpose of protecting the health and safety of the Nation's coal miners.

The material on violations and payments follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., November 9, 1973.

Hon. HENRY S. REUSS,
Chairman, Subcommittee on Conservation and Natural Resources, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. REUSS: Enclosed is the material on violations and payments you requested during the hearings on October 31, 1973.

Sincerely,

VERN STEPHENS,
Congressional Officer.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., November 8, 1973.

To: Administrator, MESA.
From: Acting Chief, Office of Assessment.
Subject: Settlements for September and October 1973.

In response to your request, we are attaching a tabulation showing the amount of settlement payments by case number that we received from the Solicitor's Office dated September and October 1973, for Consolidation Coal Company and The Pittston Company. We received no settlement payments for Island Creek Coal Company and Peabody Coal Company dated September and October 1973.

The amount shown in the assessment column is the total amount of the final assessment as issued by this office. However, the number of violations sent for adjudication may be substantially less than reflected in the Order of Assessment. Information is not available in this office to furnish a break down of what amount each violation in a specific case forwarded for adjudication was settled for by compromise, whether the amount assessed by this office was paid in full, or whether the violation was vacated.

JOHN W. BARTON.

THE PITTSTON CO.

Case No.	Operator	Settlement amount	OACA assessment	Month	Settlement attorney
76	Jewel Ridge	$2,600	$6,675	October	O'Riordan.
76-1	do	2,650	4,950	do	Do.
84	do	800	1,050	do	Do.
84-2	do	1,100	1,825	do	Do.
84-3	do	900	1,750	do	Do.
115	do	2,000	3,100	do	Do.
115-2	do	995	7,850	do	Do.
125	do	325	1,245	do	Do.
182	do	325	325	do	Do.
228-2	do	270	2,275	do	Do.
281-1 and 2	do	$2,300	$2,675	do	Do.
281	do	275	425	do	Do.
1826-1	Kentland-Elkhorn	125	2,125	do	Do.
1826-2	do	535	3,535	do	Do.
1894	do	625	2,475	do	Do.
1894-1	do	500	2,000	do	Do.
1894-2	do	1,570	5,655	do	Do.
1985	do	1	3,325	do	Do.
2050-1	do	25	100	do	Do.
2050-3	do	4,000	12,475	do	Do.

CONSOLIDATION COAL CO.

Case No.	Operator	Settlement amount	OACA assessment	Month	Settlement attorney
824	Consol	$4,400	$32,000	September	E. Rodzinak.
824-1	do	2,000	3,975	do	Do.
869-1	do	250	3,725	do	Do.
639	do	400	8,900	do	Do.
558-2	do	100	5,525	do	Do.
639-2	do	$2,050	$11,875	do	Do.
900-2	Mountaineer	15	4,585	October	R. Cohen
823	do	550	8,450	do	Do.
823-1	do	1,330	7,250	do	Do.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of H.R. 11576, the supplemental appropriations bill for fiscal year 1974. Specifically, I strongly support the language appearing on line 5, page 11, making $6.5 million in appropriations for title III of the Economic Development Administration. These funds will be used for planning grants for economic development districts under the Public Works and Economic Development Act of 1965, as amended.

Earlier this year the House agreed to the conference report on H.R. 8916 for the Departments of State, Justice, and Commerce and related agencies. Contained in this conference report was $245 million for activities under the Economic Development Administration. However, no funds were appropriated for the continuing support of the development districts under EDA. The language in this supplemental appropriations bill before us today contains such language.

This program deserves our extended support. Districts are a proven workable tool to deliver the Federal dollar to meet the local need. The organization of these districts has created valuable expertise at the local level to deal with economic ills in areas of our country.

I urge passage of this bill.

Mr. FRASER. Mr. Chairman, title IX of the Older Americans Act, the community service senior aide program, deserves full funding to continue and expand the work of rescuing forgotten older Americans from the scrap heap created by isolation and uncaring disregard. The National Council of Senior Citizens, representing 3 million members, presents a convincing argument that $60 million be included in the supplemental appropriation to provide approximately 25,000 part-time jobs for low-income Americans 55 years and older living in America.

In Minneapolis the Central Labor Union Council sponsors the senior aide program. As the representative of the AFL–CIO Community Services for the Central Labor Council, Ms. Bea Kersten is the project director. It is an outstanding program. I urge my colleagues to provide the necessary funding for title IX Senior aide projects.

Older people need jobs—it has been estimated that there are 4–5 million poor people 55 years and over willing and able to work but who are denied a chance to work because our society has dictated that when individuals pass "middle age," they automatically cease to contribute.

Older people are dedicated workers—under the operation mainstream pilot program, the over-55 workers, known as senior aides, have demonstrated their usefulness in effectively providing community services to old and young through their work at nursing homes, community centers, institutions for the mentally retarded, day-care centers, home visits to the neglected shut-in, and other valuable community services. Training and regaining of confidence are important program components which enable many aides to gain access back to the private labor market.

All communities currently sponsoring a National Council of Senior Citizens Senior Aides program are pleading for more job slots. All Federal moneys disbursed to local projects go directly to older workers with the sponsoring communities paying all administrative costs. At a time when leaders of both political parties are striving to remove the operation of our Government from the isolation of Washington bureaucracies and back into the hands of local officials, this feature alone should warrant continued strong support for the senior aides program.

The potential energy embodied in older workers is being wasted. It should be America's duty to use this talent and experience before it is consumed by poverty and dejection in our working society. Title IX can provide the means to give an older person his last opportunity to serve. Title IX deserves full funding.

Mr. DE LA GARZA. Mr. Chairman, two sentences in the committee reports on H.R. 11576 stand out as if they had been printed in large display type. I quote:

> The Committee is deeply concerned that short supplies of fuel are allocated in a manner which is fair and equitable.

And—

> It is vital that the Federal Government have adequate budget and personnel resources to meet this objective.

Mr. Chairman, the bill as reported proposes an appropriation that, in the best judgment of the Committee, will meet this second objective. It is to the Committee's concern that fuel supplies be allocated in a fair and equitable manner that I turn my attention.

The Committee on Interstate and Foreign Commerce met today in a mark-up session of legislation designed to put into effect steps to meet the energy crisis. This legislation puts restrictions on the sale of gasoline, sets maximum speed limits, bans promotion, display and ornamental lighting, and curtails the use of fuel for general aviation.

The far-reaching effects of this legislation points up the imperative necessity of fair and equitable allocation, with all pertinent factors taken into consideration, of available fuel supplies.

This is a matter of direct and immediate concern to my own district, a heavily agricultural area in South Texas.

Special problems exist. For example, farm producers in my district are many weeks behind schedule because of excessive rainfall in the late summer and early autumn months. Stepped-up operations are essential. They cannot operate, in this emergency situation, on a fuel supply based on what they used in the corresponding period of last year.

Large fields covering thousands of acres must be prepared for February planting of cotton, vital to my district's economy. Mechanized farming of this kind demands large quantities of fuel.

Citrus fruits and winter vegetables are being harvested in south Texas at this time. Such crops, of course, must be harvested when ready—and they are ready now—or they will be lost, go the detriment of producers and consumers alike.

After harvest, these crops must be moved promptly to market by truck transport. Promptly in this case means at once—and for this reason I question the wisdom of extending to commercial transport the ban on Sunday sales of fuel and the setting of the truck speed limit at 55 miles per hour rather than the more efficient 60 miles per hour.

My district is the center of an important cattle-raising industry, and cattle too must be moved to market by truck transport.

The commercial fishing industry, highly important to my area, also must have an adequate supply of fuel in order to continue to operate. This industry is a leading source of low-cost, high-protein food for the American consumer and is a significant positive factor in the U.S. balance of payments. The industry should receive priority in the mandatory fuel allocation program.

The gasoline shortage is a serious blow to the tourist industry which makes a very substantial contribution to the economy of south Texas.

Mr. Chairman, all these factors combine to threaten my area with a severe economic shock. Unless adequate supplies of fuel are made available to our farm operators in particular, their loss will be irretrievable.

The provision of priorities to farmers and ranchers for a 60-day period does not meet the situation. Suppliers in my area are simply telling their distributors that their orders cannot be filled.

That is not acceptable. The increased personnel that H.R. 11576 provides for administration of the fuel allocation program should include—must include—persons who have the gumption and the know-how to go to the petroleum companies with a demand that they take care of priority needs.

This is not being done now. South Texans are flooding my office with reports that suppliers scoff at priority orders for fuel.

Mr. Chairman, if this program is going to work, if it is to be operated without drastic damage to the economy, the petroleum industry must meet its own responsibility to make fuel available where most needed for the general good of the American people.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. O'HARA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11576) making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage

The previous question was ordered.

The SPEAKER. The question is on the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. SCHERLE Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 295, nays 8, not voting 130, as follows:

[Roll No. 613]

YEAS—295

Abdnor
Abzug
Adams
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashley
Aspin
Badillo
Barrett
Bauman
Bennett
Bergland
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chamberlain
Clausen, Don H.
Clay
Cohen
Collier
Conable
Corman
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, S.C.
Davis, Wis.
Delaney
Dennis
Dent
Derwinski
Dingell
Dorn
Drinan
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen

Frenzel
Frey
Froehlich
Gaydos
Gettys
Giaimo
Gilman
Ginn
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Gubser
Gude
Guyer
Haley
Hamilton
Hammerschmidt
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hungate
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kastenmeier
Kazen
Kemp
Ketchum
Koch
Kuykendall
Kyros
Latta
Leggett
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
Madden
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Mezvinsky
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Brien
O'Hara
Parris
Passman
Patten
Perkins
Pickle
Pike
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Randall
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robison, N.Y.
Rodino
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Seiberling
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Spence
Stanton, J. William
Stanton, James V.
Steed
Steele
Steelman
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion

NAYS—8

Ashbrook
Collins, Tex.
Conlan
Gross
Landgrebe
Rarick
Shuster
Symms

NOT VOTING—130

Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Arends
Bafalis
Baker
Beard
Bell
Bevill
Boland
Bolling
Brown, Calif.
Buchanan
Burke, Calif.
Burke, Fla.
Butler
Camp
Carney, Ohio
Chappell
Chisholm
Clancy
Clark
Clawson, Del
Cleveland
Cochran
Collins, Ill.
Conte
Conyers
Cotter
Crane
Danielson
Davis, Ga.
de la Garza
Dellenback
Dellums
Denholm
Devine
Dickinson
Diggs
Donohue
Downing
Dulski
Eilberg
Eshleman
Findley
Flowers
Fulton
Fuqua
Gibbons
Goldwater
Grasso
Griffiths
Grover
Gunter
Hanley
Harsha
Hays
Helstoski
Hillis
Hudnut
Jarman
Johnson, Pa.
Karth
Keating
King
Kluczynski
Landrum
Lehman
Lent
Litton
Lott
Lujan
McSpadden
Macdonald
Mailliard
Mathis, Ga.
Melcher
Metcalfe
Michel
Milford
Mills, Ark.
Mizell
Murphy, Ill.
Myers
Nelsen
Nichols
O'Neill
Owens
Patman
Pepper
Pettis
Peyser
Poage
Podell
Price, Tex.
Quie
Quillen
Railsback
Rangel
Reid
Robinson, Va.
Roe
Roncallo, N.Y.
Rooney, N.Y.
Rostenkowski
Ryan
St Germain
Sebelius
Sikes
Snyder
Staggers
Stark
Steiger, Ariz.
Stephens
Stokes
Symington
Talcott
Taylor, Mo.
Van Deerlin
Waldie
Wiggins
Wilson, Bob
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, S.C.
Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Arends.

Mr. Rooney of New York with Mr. Devine.

Mr. Rostenkowski with Mr. Anderson of Illinois.

Mr. Fulton with Mr. Dellenback.

Mr. McSpadden with Mr. Cleveland.

Mr. Fuqua with Mr. Goldwater.

Mr. Boland with Mr. Burke of Florida.

Mrs. Chisholm with Mr. Danielson.

Mr. Bevill with Mr. Harsha.

Mr. Diggs with Mr. Brown of California.

Mr. Macdonald with Mr. Del Clawson.

Mrs. Grasso with Mr. Grover.

Mr. Mills of Arkansas with Mr. Bafalis.

Mr. Cotter with Mr. Findley.

Mr. Karth with Mr. Hillis.

Mr. Stark with Mrs. Collins of Illinois.

Mr. Kluczynski with Mr. Hudnut.

Mr. Metcalfe with Mr. St Germain.

Mr. Symington with Mr. Stokes.

Mr. Nichols with Mr. Butler.

Mr. Conyers with Mr. Waldie.

Mr. Gunter with Mr. Johnson of Pennsylvania.

Mr. Owens with Mr. Baker.

Mr. Landrum with Mr. Crane.

Mr. Melcher with Mr. Camp.

Mr. Rangel with Mr. Anderson of California.

Mr. Alexander with Mr. Dickinson.

Mrs. Griffiths with Mr. Coughlin.

Mr. Hanley with Mr. Beard.

Mr. Hays with Mr. Eshleman.

Mr. Jarman with Mr. Clancy.

Mr. Roe with Mr. King.

Mr. Pepper with Mr. Bell.

Mr. Reid with Mr. Conte.

Mr. Staggers with Mr. Lent.

Mr. Stephens with Mr. Buchanan.

Mr. Eilberg with Mrs. Burke of California.

Mr. Addabbo with Mr. de la Garza.

Mr. Carney of Ohio with Mr. Flowers.

Mr. Chappell with Mr. Lott.

Mr. Litton with Mr. Gibbons.

Mr. Mathis of Georgia with Mr. Lujan.

Mr. Clark with Mr. Lehman.

Mr. Davis of Georgia with Mr. Nelsen.

Mr. Denholm with Mr. Mailliard.

Mr. Murphy of Illinois with Mr. Pettis.

Mr. Van Deerlin with Mr. Michel.

Mr. Ryan with Mr. Myers.

Mr. Donohue with Mr. Peyser.

Mr. Sikes with Mr. Mizell.

Mr. Patman with Mr. Quie.

Mr. Dulski with Mr. Dellums.

Mr. Podell with Mr. Price of Texas.

Mr. Milford with Mr. Quillen.

Mr. Downing with Mr. Railsback.

Mr. Robinson of Virginia with Mr. Roncallo of New York.

Mr. Sebelius with Mr. Snyder.

Mr. Talcott with Mr. Steiger of Arizona.

Mr. Taylor of Missouri with Mr. Wiggins.

Mr. Bob Wilson with Mr. Zwach.

Mr. Wyatt with Mr. Young of South Carolina.

Mr. Wydler with Mr. Young of Alaska.

Mr. Wyman with Mr. Wylie.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and to extend their remarks on the bill just passed, and that I may include tables and other extraneous material.

And also, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the defense appropriation bill passed earlier today and that I may include tables and other extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I ask to proceed for 1 minute for the purpose of asking the distinguished majority whip the program for the remainder of the week, if any, and the schedule for next week.

Mr. McFALL. Mr. Speaker, if the distinguished majority leader will yield to me, I will be happy to respond.

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. McFALL. Mr. Speaker, there is no further legislative business for today, and upon the conclusion of the program for next week I will ask unanimous consent to go over until Monday.

The program for the House of Representatives for the next week is as follows:

Consent Calendar is on Monday, and in addition we will have 14 bills under suspension of the rules, as follows:

H.R. 4864, Scenic Rivers Act amendment;

H.R. 9492, Add Chattooga River to Scenic Rivers System;

H.R. 11546, Big Thicket, Tex., National Preserve;

S. 2641, U.S. district court jurisdiction;

H.R. 11441, Headstart fee schedule postponement;

S. 1101, Child Abuse Prevention and Treatment Act;

S. 2673, Attorney General's compensation;

H.R. 11710, compensation for Attorney General and use of franking privilege;

H.R. 9437, International Trade Act;

House Resolution 605, statutary hall markers;

House Joint Resolution 736, sound and light show for U.S. Capitol;

S. 1776, Water Pollution Control Act amendment;

H.R. 11372, conserve energy on Nation's highways; and

H.R. 11565, conserve energy in Federal buildings.

On Tuesday, we will have the Private Calendar and we will have three bills under suspension of the rules, as follows:

H.R. 8529, implement shrimp agreement with Brazil;

H.R. 6074, fishing in territorial waters; and

House Concurrent Resolution 173, U.S. fishing industry.

We will also consider on Tuesday S. 1443, foreign aid authorization conference report; H.R. 7130, Budget and Impoundment Control Act, under an open rule, with 3 hours of debate, general debate only.

On Wednesday we have H.R. 8877, Labor and HEW appropriations, fiscal year 1974, conference report; and we will then return to H.R. 7130, Budget and Impoundment Control Act, for votes on amendments and bill.

On Thursday, we have a House resolution for the nomination of the Honorable Gerald R. Ford as Vice President, subject to a rule being granted.

On Friday, we will have H.R. 9107, Federal retirement annuities, under an open rule, with 1 hour of debate.

Also, we will consider H.R. 11088, emergency security assistance to Israel and Cambodia, subject to a rule being granted.

In addition, we will have the foreign aid appropriations for fiscal year 1974.

Of course, conference reports may be brought up at any time, and further program will be announced later.

ADJOURNMENT TO MONDAY, DECEMBER 3, 1973

Mr. McFALL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, I am looking at the schedule, the suspension schedule for Monday. We have House Joint Resolution 736, to provide, I suppose, for a sound and light show for the U.S. Capital, to be followed by H.R. 11565, to conserve light in Federal buildings.

I wonder, should those be considered on the same day?

Mr. McFALL. Mr. Speaker, if the gentleman will yield, I point out to the gentleman that the resolution concerning the sound and light show for the U.S. Capitol is not an authorization other than a study of whether or not we should do it. It is entirely possible, as the gentleman suggests, at that time we may not have the light and energy for that purpose, but I do think we ought to look into whether or not we ought to do it and determine whether or not we will have the energy at that time.

Mr. GROSS. Mr. Speaker, I thank the distinguished gentleman.

Now, with respect to the program on Tuesday, referring to H.R. 6074 and other suspensions, could that be a mistake in spelling? It says, "Fishing in Territorial Waters."

Could that possibly be "Fishing in Troubled Waters"?

Mr. McFALL. Well, I would respond to the gentleman that I have looked at it and I have asked the staff of the majority leader, and they assure me that the spelling is correct.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

HOUR OF MEETING ON THURSDAY, DECEMBER 6, 1973

Mr. McFALL. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday next, it adjourn to meet at 10 o'clock a.m. on Thursday, December 6, 1973.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON THURSDAY, DECEMBER 6, 1973

Mr. McFALL. Mr. Speaker, I ask unanimous consent that on Thursday, December 6, 1973, the Speaker may be authorized to declare recesses, subject to the call of the chair.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESAY BUSINESS ON WENESDAY NEXT

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. DUNCAN. Mr. Speaker, on rollcall 470, on September 20, 1973, and on rollcall No. 587, on November 15, 1973, I am recorded as not voting.

I was present and put my card in the electronic machine. It apparently did not receive it.

The record will show that I voted on other issues before and after that vote was recorded.

PRESIDENT NIXON'S GIFT OF PRE-PRESIDENTIAL PAPERS TO NATIONAL ARCHIVES

(Mr. MEZVINSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEZVINSKY. Mr. Speaker, I have written Mr. Arthur F. Sampson, Administrator of the General Services Administration, asking that he furnish me with information which I hope will answer some of the questions which have been raised about President Nixon's gift of pre-Presidential papers to the National Archives.

The gift of those papers and Mr. Nixon's declaration of a substantial income tax deduction in relation to the gift have been the source of serious questions.

Some observers contend that the gift may not to this day be legally executed. But, the central question is whether it was executed prior to July 25, 1969, the effective date of a change in the IRS regulations which limited to negligible amounts the value of the papers in terms of a charitable tax deduction. We know that the President claimed a massive charitable deduction based on the gift, a deduction which resulted in his paying only nominal taxes in 1970 and 1971 on his $200,000 annual salary and any additional income he may have received. Questions concerning the timing and validity of the gift have raised doubts as to whether the President was entitled to these deductions.

The suspicions surrounding the gift and the taxes have become another festering wound, gnawing at the diminishing faith in the President. Despite the Operation Candor project, the nagging and unanswered questions seem to intensify almost daily.

In my attempt to secure some of the necessary answers, I am sending to President Nixon a copy of my letter to Mr. Sampson. I am hopeful that the President will shed what light he can on these issues because I believe it is imperative that the public receive full and satisfactory answers.

I have also asked Mr. Sampson when, prior to December 15, I may inspect the papers which are included in the gift. In addition to answers to the questions raised about this gift, I want to see for myself what the public received in exchange for the President's tax deductions.

The letter follows:

November 29, 1973.

Arthur F. Sampson,
Administrator, General Services Administration, Washington, D.C.

Dear Mr. Sampson: Many questions have been raised about both the propriety and legality of President Richard M. Nixon's declaration of substantial tax deductions resulting from the gift of his pre-presidential papers to the public. As you know, these questions center on the validity of the gift under IRS sec. 170(e)(1)(A).

Because GSA is so closely involved with this gift, I believe you can shed a good deal of light on this issue by detailing GSA's role in the process. For this reason, I would appreciate your prompt response to the following questions:

It has been reported that the deed of gift for the papers in question has not yet been signed by an appropriate representative of GSA. Is this correct? If so, what considerations have led to this long delay? When was the deed of gift received by GSA? If the deed has been signed by a GSA representative authorized to accept the gift of the papers, when was this done? Does GSA consider the signature of the deed of gift a pre-requisite for final legal acceptance of a gift? Has President Nixon or a representative with his power of attorney signed the deed? Please furnish me with a copy of the deed and the Schedule A.

I am also concerned by reports that, although carton upon carton of Nixon pre-presidential papers may have been delivered to the National Archives prior to July 25, 1969, the GSA was not notified until at least early 1970 as to the specific papers included in the gift. Are these reports correct? I understand that the specific papers included in the President's gift are listed in a Schedule A which is attached to the deed. When was this Schedule A delivered to GSA? Prior to the receipt of Schedule A, was GSA storing the papers for the President or had ownership of the specific papers been transferred to the public? Is GSA now in possession of all papers included in the gift?

Did GSA have any control over which documents, from among those delivered to the Archives prior to July 25, 1969, were included in the gift? I am aware that it is a common practice for public figures to give their personal papers to the public. What is the standard GSA procedure for accepting such documents? Does GSA accept all papers that are offered or do you selectively choose those with historical significance?

Did GSA take upon itself the responsibility of assuring the validity of the deed of gift to insure the public's continued dominion over the papers included in the gift?

It has been reported that Mr. Nixon has sole control over who may have access to the documents included in the gift. Is this the case? If so, for how long is Mr. Nixon authorized to exercise such authority? How do restrictions on the Nixon papers compare to restrictions, if any, on documents bestowed by Mr. Nixon's predecessors?

I would appreciate receiving an explanation of how the Nixon papers are catalogued as well as a list of those who have been granted access to the papers and for what reasons access was granted.

Please inform me as to a date prior to December 15th when I may inspect the papers.

I realize that I have asked a good number of questions, but, as you know, the questions about this gift far outnumber the answers.

I would appreciate your prompt response.

Sincerely,

EDWARD MEZVINSKY.

INCOME TAX DEDUCTIONS FOR GIFTS

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CEDERBERG. Mr. Speaker, I listened with interest to the gentleman from Iowa and I would think if this is going to be the situation that all Members of the Senate and of the House who will avail themselves of the same kind of income tax deduction for the same purpose should also reveal similar information.

CHILEAN REJECTION OF U.S. ATTACHÉ

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, this morning's Washington Post carried a very disturbing report that the Chilean Government allegedly has indicated the unacceptability of a proposed U.S. Army attaché on the grounds that he is black. While the article suggests that the facts in this case are not yet clear, it is essential that we learn exactly what transpired.

The Chilean Government is already suspect in the eyes of many Americans due to numerous reports of mass violations of human rights in the wake of the September 11 coup.

The U.S. Government has expressed its concern about these reports and it is clear that Chilean respect for human rights will be and must be a factor in determining U.S. policy toward Chile. Similarly, any indications that Chile may be embarking on a racist policy must be a matter of the highest concern to our policymakers.

For my part, as chairman of the Inter-American Subcommittee, I intend to make immediate inquiries to appropriate government agencies aimed at finding out exactly what has happened.

The Washington Post article to which I referred follows:

BLACK U.S. ATTACHÉ BLOCKED: CHILE REPORTEDLY REJECTED ARMY DECISION

(By Michael Getler and Austin Scott)

The reported rejection by the Chilean government of a black U.S. Army colonel to serve as a military attaché in that country has touched off a behind-the-scenes flap involving the Army, Defense Department and State Department.

According to authoritative sources on Capitol Hill and in the Pentagon, Col. T. M. Gafford was recommended by the staff of the Joint Chiefs of Staff to take an Army attaché post with the U.S. military mission in Chile.

A subsequent message to Washington from the commander-in-chief of the U.S. Southern Command in Panama—Gen. William B. Rosson—reported that Chile had turned Gafford down, allegedly because of his race.

The Rosson message—sent via the so-called "back channel" normally used for secure diplomatic messages—described the situation as sensitive. The message said, according to sources, that Rosson's command had been informed by the U.S. team in Chile that Gafford was not acceptable to the Chilean government because of its racial policies.

When word of the situation leaked out, some senior military and civilian officials tried to find out if the Chilean government had in fact expressed these reservations, or whether someone in the U.S. embassy or military mission thought it wasn't a good idea for some reason to send a black officer.

In response to inquiries, the Pentagon late yesterday would only confirm that "the U.S. mission dispatched the message declining the nomination" of Gafford.

A Pentagon spokesman said, however, that he was "not aware at this distance just what discussions if any might have taken place with the Chilean government." This leaves open the question of who initiated Gafford's rejection.

The spokesman also confirmed that a white officer had been sent to Chile.

Some Pentagon officials say privately that they have received assurances through Army channels from Rosson that it was the Chilean government and not the U.S. mission in Chile that raised the objections to Gafford.

A political officer at the Chilean embassy in Washington, asked about the incident yesterday, said it was the first he had heard about it, and that he felt certain the information was inaccurate because his government does not have anti-black policies.

Both a deputy assistant secretary of defense and a deputy chief of staff of the Army were known to have asked for details on the situation yesterday from the Pentagon office of Robert C. Hill, assistant secretary of defense for international security affairs. Hill has served as ambassador to three South and Central American countries.

The situation has angered the small number of military and civilian officers who know about it.

"If it is the country that said they didn't want him," said one official, "then the State Department has an obligation to stand fast and tell them we don't recognize that kind of stuff. The colonel is a representative of the U.S. government, and we even got South Africa to accept a black American diplomat."

At this point, however, "no one here really knows the source of the idea," another officer adds. "Did Chile say it because of their policies, or did someone put them up to it? There are so many different, subtle ways to get that done."

After the Chilean incident, Gafford—an infantry officer—was recommended to serve in Colombia. After initially accepting the recommendation but before Gafford arrived, sources say, the Colombians decided they would rather keep the incumbent attaché, a white officer, supposedly on the grounds that he had the military specialty—artillery—most of interest.

But these sources say the Army assures them that the current officer serving in Colombia will not stay there, and that another black officer with the artillery specialty will be recommended. Pentagon sources were not at all certain at this point that the alleged initial Colombian decision involved racial considerations.

Over the years, both Chile and Colombia have received substantial amounts of free U.S. military equipment and assistance.

THE ENERGY CRISIS: NO JUSTIFICATION FOR SURPRISE

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from Illinois (Mr. PRICE) is recognized for 3 minutes.

Mr. PRICE of Illinois. Mr. Speaker, I would like to dispel a notion which is being widely circulated these days to the effect that the so-called energy crisis, which we are now just beginning to experience, was unpredicted in this country. From my own experience in the Congress, and as a charter member of the Joint Committee on Atomic Energy since its establishment over 27 years ago, I can assure you that this is just not so. From my own experience I can relate to you how much thought and planning did go into certain aspects of our efforts. Of course, I must also mention where our efforts and our plans fell short.

One of our most important problems has been an inability until just recently to gain the public's interest and attention to the energy problem. We on the joint committee have certainly tried and are continuing our efforts in this respect. We have published many dozens of documents on this matter over the past 20 years and we have worked with the media to the extent of our available time. The public is just not accustomed to recognizing the need to take action on situations with the long lead times which are necessary in fields such as energy. In the development of energy sources, the unit of time which is significant, unfortunately, is a decade—not a month or year, which is probably the most meaningful time frame in the minds of the general public. Most regrettably, we are now at the point where pain is being felt from the shortage of energy. And, further, the elimination of the problem after it has been allowed to develop to that point will, of course, require the same decade of leadtime.

For the many Members of Congress who have recently become interested and concerned with energy, I would like to relate what broad consideration has been given to this problem. I believe that summary of the Joint Committee's considerations of energy matters over more than two decades will show just how long the developing energy problem was under review. Let me relate some specific developments from history to illustrate this point.

INTERNATIONAL ASPECTS OF ENERGY

I would like to start with the international aspects of the energy problem. The international situation as it relates to energy has certainly escalated in recent days beyond our original expectations.

The Joint Committee has always consideration energy development matters on an international basis. One of the basic studies of the committee, which included international aspects, was the 1955–56 study entitled "Peaceful Uses of Atomic Energy." This study was performed with the help of leaders of Government, industry and labor. Extensive consideration was given to the various energy sources in relation to each other. The best data available was published on world crude oil production and reserves, along with "use estimates" of the various countries. It is interesting to compare these estimates of nearly two decades ago with what has happened. One thing that really stands out is that energy uses have been consistently underestimated.

Another comprehensive up-dated review of the international aspects of energy was conducted by the Joint Committee in 1960. The five-volume report resulting from this review provides an excellent background of the international aspects of all forms of energy including nuclear energy. Of course, the committee regularly has to take international energy factors into consideration on each of our cooperative programs with foreign nations for the supply of U.S. produced nuclear fuel. Sales of nuclear fuel are increasing rapidly and will very probably be a major source of funds to offset trade inbalances for our nation.

CONSIDERATION OF ADVANCED ENERGY SYSTEMS

In recent years, much attention and publicity has been given to advanced energy systems—including some very exotic concepts. Many of the proponents of certain of these systems promise panaceas in the near future if attention is given to them. Some of these advanced systems must and are being given attention since they eventually will have to help in supplying the energy we need. The Joint Committee has always tried to keep in mind all near and long-term potential energy sources. We did not want to act in a vacuum in carrying out our responsibilities for energy development. In this respect, for example, I recall our hearings on "Frontiers on Atomic Energy Research" in August 1960. We also published a special report on these hearings.

In these hearings we studied methods of recovery of energy fuels from shale, solar energy systems, upgrading of energy fuels from coal, advanced energy conversion systems such as direct conversion, fuel cells, thermionics, magnetohydrodynamics, and so forth, in addition to nuclear energy sources.

The data we developed in these hearings guided the Committee in its subsequent actions on what energy development programs justified the Nation's support.

COAL RESEARCH

In all of its considerations of energy, during a period which has spanned some three decades, the committee has given special consideration to coal since it was recognized as our most plentiful and most important developed energy source. Its increased use, particularly in the near term, is essential. The entire civilian nuclear power program was laid out in the late 1950's and early 1960's with special reference to coal as a prime domestic energy source. I will discuss the development of our nuclear program in greater detail later.

The committee, in recognition of the vital importance of coal, saw the need for upgrading this energy source. Cooperative efforts were started in the 1950's between the Bureau of Mines and the AEC on the production of gas from coal utilizing process heat and irradiation.

In the latest authorization bill for the AEC, the committee recommended, and the full Congress approved, the addition of a project for the development of a very high temperature reactor as a possible source of process heat for producing high grade fuels from coal. Regrettably, the funds for this project are being held up in the OMB. This is most unfortunate since, as we found out in the nuclear field, real hardware type experiments are required if significant progress is to be made. In the field of coal development we will also require large scale prototype plant development projects which, unfortunately, have not been funded. The approach to this problem must change.

There is one specific project concerning better utilization of coal which should receive attention immediately. This concerns a prototype demonstration project of the type I referred to above. The AEC has laid out a project to modify one of the six coal-fired plants at Clifty Creek in Indiana to demonstrate a process for making a clean liquid fuel from coal which then would be used to fire the boilers at this station. This station supplies electrical energy to the Government's uranium enrichment plant at Portsmouth, Ohio. The coal liquefication process, as it is called, has been developed to the point at which the next step should be a large scale demonstration plant. Fully realizing the final demonstration project will cost on the order of $100 million, experience has clearly demonstrated that such an approach is the only way we can make meaningful progress in such fields.

One of the most critical immediate routes to the solution of our energy problem is the development of better ways to use coal. We have the basic resources. We have the coal and we have developed the processes for converting it into gaseous and liquid fuels on a bench-scale basis. What we must now do is complete the prototype plant phase and then put such plants into large scale commercial use.

ENVIRONMENTAL CONSIDERATIONS

To many concern about the environment is also considered to be a new factor in our society. This again is not true as I can tell you from my decades of work in the energy field. In the nuclear field the health and safety factors have always been prime areas of concern. Of course, our efforts have paid off since the record provides factual evidence of the outstanding safety of nuclear activities. Our efforts were the first to recognize and to do something about the need for standards on environmental releases. As a result, we now have meaningful and measurable standards for effluent releases in the nuclear energy field.

We also have used nuclear techniques to help understand and control environmental effects in other fields. Included in these efforts has been the use of radioactive isotopes to better understand systems of using our important fossil energy fuels and to better understand diffusion of combustion products in the environment.

We also have always considered environmental factors in the energy field across the board. For example, the Committee's comprehensive review of environmental matters in the late 1960's provides a standard reference on the relative environmental effects associated with the generation of electrical energy in all ways. Our hearing record from this review, which is entitled, "The Environmental Effects of Producing Electric Power, 1969," covers all fossil and nuclear fueled electrical generating systems. We have been told that the record of these hearings is a basic source of information on environmental effects.

BROADENING THE R. & D. SCOPE OF THE AEC

Another field which has given the Joint Committee concern over the years was the best utilization of our technical resources and talents to solve our growing energy and environmental problems. Improper or inadequate utilization of our national resources to solve national problems was, in our view, unconscionable.

In 1970 and 1971, in recognition of the facilities and talents the country has in the National Laboratories of the AEC and recognizing the growing seriousness of the energy problem, the Congress broadened the charter of the AEC to include nonnuclear energy research and development. Since then the AEC has been doing more nonnuclear work in fields such as battery development, electrical transmission development, and development of better methods of rejecting heat in thermal cycles. In this year's authorization bill the Congress added solar energy and geothermal work to the nonnuclear development program of the AEC. Unfortunately, delays have occurred in the allocation of funds for this work in the executive branch.

DEVELOPMENT OF A NUCLEAR ENERGY PROGRAM

In the past year or so some people have started to say that we don't need supplemental energy systems and, in particular, we do not need nuclear energy. Hearing such comments takes me back about 15 years. It is rather disappointing that we have to rehash the same considerations over and over again. What the potential role of nuclear energy should be was a basic question in the minds of the Joint Committee in the 1950's. I believe it would be of value to briefly relate what considerable thought was given to this question and how we disposed of it.

In the late 1950's, after the technical feasibility of nuclear power for the civilian sector was established, the committee faced up to the question of what should be done next. I recall vividly the question with which the Joint Committee struggled. It was quite simple: Do we need nuclear power? The committee knew the next step for realizing the peacetime application of nuclear energy for the purpose of power generation was the development and introduction into the utility systems of nuclear powerplants which were safe, reliable and economic. But the committee also knew it was essential that the determination of need be made before proceeding on the next expensive step.

As I have said, the question was simple. The answer was not so simple. We soon found that it was not easy to take the next step and make this determination. There was controversy. Those in industry who had developed an interest in nuclear power appeared to resent the question even being asked. Competitors in the energy fuels business strongly opposed Government support of the development of nuclear energy.

In short, the position of the Joint Committee on Atomic Energy that an answer was necessary to this simple, but important, question was unpopular. But the committee persisted and insisted that the administration and industry provide a clear-cut answer to the question of whether nuclear power was indeed needed by the Nation. It was unthinkable for our committee to recommend and Congress to authorize large sums of money for the development of nuclear power unless it was truly needed and promised to be beneficial to this country as a whole. As a consequence of all our past studies of national and international aspects of energy, we knew the magnitude of our coal, petroleum, and hydro resources. We were told by some, for example that our supply of energy fuels in the form of coal was inexhaustible. Obviously, the problem required serious investigation if it was to be disposed of rationally.

The study of this question resulted in the 1962 Report to the President on Civilian Nuclear Power. The study group—AEC, Interior, FPC and NAS—found that for the long range there was no practical alternative to nuclear energy for meeting our energy requirements. That represented the combined effort of the responsible agencies of the Government and organizations and individuals outside of Government. A thorough review was made of all energy sources. The need for energy, the alternative sources of energy then in existence and the feasibility of developing new sources of energy were key matters considered in the study.

There was unanimous agreement that we were rapidly approaching a time when the production of fossil fuels would be "peaking out." As a matter of fact, in the case of U.S. domestic oil production, it was projected that the decrease would commence in 1970 and indeed history has proved this to be correct.

The committee then made the report available to the public for study. We subsequently held extended hearings on the study in February and April of 1963. We obtained testimony from everyone that had anything to offer on the question. All of the data developed in the hearing was also made public. The testimony which we heard made clear that there was a need for alternate sources of energy and further that the only practical source of supply to meet our long-term energy needs was nuclear energy.

Now some 10 years since that extensive review, nuclear power plants generate about 6 percent of the total electrical energy in our Nation. There are, however 57 large nuclear plants under construction which will be coming on line during the next several years. Further, 89 additional nuclear plants are planned for construction by the utilities throughout this country. It is expected that by the year 1980, we will have 132,000 megawatts of nuclear power on the line. By the year 2000, more than one half of the electric generating capacity of this Nation is expected to be provided by nuclear power plants. In considering the future role of nuclear power, it must be remembered that it takes considerable time to design, license, construct and check out a large nuclear powerplant—8 to 10 years under our present system. This situation should be improved upon and we must find a way so that the time can be reduced to 6 or 7 years without sacrificing any considerations of public safety or environmental impact.

Initially the major contribution from nuclear power to our electric generating capacity will come from light water nuclear reactors. Toward the end of this century we expect to see commercial "breeder" reactors being constructed and operated on utility systems. The "breeder" reactor is a high priority development program of the Atomic Energy Commission. This reactor produces more nuclear fuel than it consumes and it has been predicted that successful development of commercial breeder reactors, will, in effect, multiply our uranium resources by 60 to 70 times. It is indeed fortuitous that there were those in Government, in industry, and in the public at large who had the vision to initiate the program of nuclear power development. Because of their vision we have a new energy source—a clean source—at this time when energy supplies are critical.

I am not suggesting that nuclear power alone will provide any quick and easy solution to our national energy dilemma. It is clear, however, that nuclear power has a significant contribution which it can make. Bear in mind that a single 1-million-kilowatt nuclear powerplant operating for 1 year provides an amount of electrical energy which if produced by an oil-fired plant would require the burning of about 12 million barrels of oil.

The principal observation which I would like to make at this time is that there were many of us who foresaw the energy crisis developing in this country. We saw it in our 1963 hearings. Further, we have been updating our information each year on the subject of energy resources and conversion systems. We recognized the need for pursuing nuclear energy. We voted funds and supported critical development programs. As a consequence, the civilian nuclear power program in this country is well underway and should provide a significant energy source capable of producing safe, reliable electric power without polluting the environment.

RECENT REPORTS OF ENERGY PROBLEMS

As I stated at the beginning of my remarks, one of the difficulties we have encountered—perhaps our major roadblock to the solution of the energy problem—has been the failure to obtain adequate public understanding early enough. Needless to say, all of us are giving this matter much more attention now.

Earlier this year in light of the growing public concern about our energy problem, I directed that the Joint Committee staff compile the latest data on energy. I wanted to develop as simple an analysis as possible of our national energy problem to help the lay public obtain a better understanding of what we face and what must be done.

The report was compiled, which is entitled "Understanding the National Energy Dilemma" has already become a bestseller. It has gone through two printings this year already. Fortunately, such public-spirited organizations as the Center for Strategic and International Studies of Georgetown University and the University of Houston have reproduced our report using commercial artwork to add greatly to the public appeal of the report. The center has already distributed 10,000 copies and 35,000 additional copies are planned for the next printing. Through these additional outlets, the public is becoming better apprised every day of the problems we must solve.

I might add that the basic data we have included in our report does not differ in any significant respect from that which we developed in the early 1960's, when we looked into the broad aspects of our energy supply situation, and on this basis, laid out our nuclear program. I'm referring primarily to the predictions over 10 years ago that our domestic petroleum industry would peak out in 1970. This is exactly what happened. The data presented in this recent report do point up a couple of developments we did not fully foresee when we laid out our program over 10 years ago. One is the greater growth of energy usage than we had estimated. The other is the unforeseen restrictions which have been placed on the use of our primary fossil fuel—coal—for environmental reasons. Of course, the sudden interruption of foreign petroleum supplies also aggravated the problem.

THE FUTURE

In conclusion, looking at the voluminous record which has been developed by only one committee of Congress—the Joint Committee on Atomic Energy—it is apparent that arequate notice was available to take corrective actions. I restrict my comments to the Joint Committee because of my direct participation in its deliberations on energy matters over the past 27 years. The developing international situation on energy fuels, the peaking out of production of conventional domestic fuels, the need for supplemental sources, and the specific choices available were clearly laid out. The one thing there may have been some argument about is the precise time a certain condition would occur or when a particular source of energy would be needed. But the basic factors were all clearly identified and only the precise year of each event was fuzzy. Still over 10 years ago we had the information that certain additional amounts of energy would be needed within periods of a couple of years. Considering the vital nature of adequate supplies of energy, that analysis should have been close enough for us to have done what was necessary to keep shortages from developing. In light of the critical nature of energy to our welfare any vagueness in the timing should have been solved by erring on the side of being too soon with adequate supplies of energy. Unfortunately, our actions are not always that logical.

Now we must do what we can to recover the time we have lost. For the near term, in addition to conservation in our uses of energy, we must utilize to the maximum extent possible our largest resource of fossil fuel, which is coal, and also take maximum advantage of our leadership in the nuclear field.

Those of us who have been involved with energy matters know full well that the subject has certainly been adequately studied. Perhaps there has been too much study and not enough action. Too much rhetoric and not enough implementation. I recall CHET HOLIFIELD's remarks of some 10 years ago to the then President's Science Adviser that the "way to kill a program is to study it to death." Fortunately the administration—working with the Congress—is at long last taking some concrete steps—particularly in terms of trying to prevent a major catastrophe this coming winter. With some real luck from Mother Nature, we should survive this winter without too many adverse effects.

But we also must take action for the mid- and longer term—again recognizing the long leadtimes which I earlier referred to. In my view, the following actions would be of substantial benefit:

First. We need to move forward with the establishment of a single Energy Research and Development Agency—ERDA—to combine all of our energy R. & D. efforts in one agency. The bill I cosponsored with the chairman of the House Government Operations Committee could accomplish this objective.

Second. We need to provide adequate resources—in terms of funds, people, and facilities—to this new Agency to permit it to carry out its mission in a timely manner. While we can afford as a nation to devote considerable attention to advanced energy systems, the primary priority should be on those assured fossil and nuclear programs which we can depend on to help meet our future energy needs.

Third. We must find and implement ways to speed up the construction process for all types of power generating facilities—without in any way sacrificing safety or our efforts to improve the environment.

Fourth. We need to set aside jurisdictional differences—both within the executive and legislative branches—in the energy field and get on with solving the real problems. We can no longer afford the luxury of such arguments.

In sum, all of the principal factors concerning our energy supply situation have been identified and made available to the public. The only way we can be surprised again is if we again ignore the facts and the warning signals. We probably will not be allowed one more mistake of omission.

THE ENERGY CRUNCH IS REAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 30 minutes.

Mr. WYMAN. Mr. Speaker, recently, I was privileged to have a rather extensive meeting with the Secretary of the Interior, Rogers Morton, on the subject of energy shortages and, more particularly, oil and gas. Because there is so much talk of energy shortage and because of its enormously adverse impact on the automotive industry, automobile dealers, gasoline station operators, and the motoring public, as well as the transportation industry and a host of related commercial and recreational enterprises, I felt my constituency would like to have this special report summarizing some of the facts and possibilities with respect to the future.

One of the questions I asked the Secretary was whether he had a "gut" feeling on the likelihood that Arabian oil would flow again to the United States before the end of next year. His response was that this might develop but that, no matter the outcome of Arab-Israeli negotiations, Arabian oil sources were cutting back on production to hold their oil reserves in the ground and spread them out over more years ahead and at probable higher prices. Indicative of the higher price situation was an example Secretary Morton gave of a tanker full of Nigerian oil for Holland that sold in Nigeria at dockside November 27 at $14 a barrel.

Among the things that concern us all are how much of a shortage is there? Whose fault is it? Is it remediable? What will be the economic impact over the long run in the future?

The United States has been too soft, too lazy, and too profligate in its use of energy for too long to invite much sympathy from other parts of the world as it faces an oil and gas shortage that, even with full impact still leaves the United States far and away the world's greatest energy consumer. For years this country has unabashedly reported that with 6 percent or so of the world's population, it consumes 30 percent of the world's energy. Most Americans uneasily realize, upon reflection, that a fairly large part of this energy use has not been urgently necessary. I am not referring to recreational transportation or the use of such things as outboard motors or skimobiles or ski tows. Rather, I have reference to facts such as burning 14 lights in a house when you only need 2 or 3, or heating a place that is unoccupied for any length of time when, with a little inconvenience, you could turn the heat off, or using innumerable gadgets, such as self-cleaning ovens, when elbow grease could do the trick, et cetera. The examples are legion and we all know this. Conservation should be encouraged from voluntary slower driving to voluntary care not to waste energy in daily living.

The shortfall in crude oil in this country at this writing is 2,400,000 barrels of crude each day. This compares with a current U.S. demand of 18.7 million barrels of crude a day. The shortfall in gasoline is approximately 900,000 barrels a day out of a daily consumption that runs between 3.4 and 4 million barrels.

How to meet the gasoline short-fall? It is estimated that, up to a point, but not all the way, this can probably be helped by practicing conservation. Thus, a voluntary speed limit reduction across the Nation is supposed to save approximately 250,000 barrels of gasoline each day. To this can be added a widely varying estimate of perhaps 100,000 barrels to be derived from less driving on a volunteer basis and from a Sunday filling station closing. This will be accompanied by a swing in refinery production from gasoline to middle distillates, but the immediate question that confronts the Nation is how do we reduce demand for the remaining 450,000 barrels of gas that is short each day?

One way, of course, is by rationing and this is under active consideration at the highest levels in Government at this writing. There are substantial differences of opinion as to which way to go on this subject. One way I do not believe that we should go is by sharp increases in price per gallon, reflecting a legislatively or executively imposed tax to discourage consumption. This would only penalize the innocent and the necessitous. If an estimate is made of the number of miles the average car is driven in a given year, the number of miles per gallon the car consumes, and ration stamps on a monthly basis issued to an amount of 75 percent, the reduction would be effective but, remembering the black marketeering and bureaucratic mess that was OPA in the World War II period, I hate to see the country turn to rationing if there's any other valid way out.

Some are suggesting the possibility that gasoline, in addition to rationing, should be available but at a sharp increase in price, such as perhaps $1.50 a gallon. This is suggested to discourage use and yet provide additional gas for those who are willing and able to pay a penalty for it.

Particularly frustrating for me is the fact that my bill to lower automobile emission standards has not been acted upon, yet these same standards increase gasoline consumption by hundreds of thousands of barrels a day through reduced mileage per gallon on the newer cars. If the country is forced to go to catalytic converters and consequently to use unleaded gasoline, the increase in gasoline required to go the same number of miles could be on the order of twice the current short-fall and this is ridiculous. Actually catalytic converters are not necessary for public health in the United States. Their need arises solely from the excessively high clean air requirements of 1970 law.

An even larger problem of particular urgency in the Northeast is that of residual oil short-fall. On the East Coast this short-fall is on an order approximating 50 percent because much of the East Coast residual comes from Caribbean refineries supplied by Arabian oil. Here, Congress has acted to propose a mandatory fuel allocation program to make sure that in meeting the residual shortage nationwide, available supplies are spread equally to the various regions of the country. This, however, does not increase the supply. It merely distributes the shortage more evenly. But, the residual shortage is also being met in the East Coast by the conversion of 50 or so major plants from coal to oil. On this, Secretary Morton reports there has been a high degree of cooperation from the utilities involved. Such conversion takes some 60 days to complete and within that time frame it is necessary to get the coal and have it on the line, which is no little undertaking.

Further complicating the conversion process are such things as a suit by environmentalists in New York City to stop conversion to coal by Consolidated Edison's huge plant in Brooklyn, despite a 5 percent drop in power in the New York grid and a critical shortage of residuals. Apropos of this type of opposition, one must observe that the probability is that we are going to have smoke in the air for some time, whether it is from oil, sulfur, coal or other energy sources, and that there is no way to avoid this and still come close to meeting energy requirements. Domestic refineries are being encouraged to divert as much of their gasoline production to diesel fuel without reducing residual oil production. Meanwhile, in the middle distillates—kerosene, aircraft fuel, and so forth—commercial aircraft are suffering fuel reductions on the order of 20 percent, executive jets at approximately twice that level, all of which reflects a policy to take much of the gasoline production in this country at the refinery level from gasoline and put it into the middle distillates.

It is believed that all these things if done will probably not lower the annual gross national product by more than 1½ to 2 percent but they are going to raise cain with much of the transport, recreation, leisure and pleasure activities of the Nation. This has a particularly adverse impact in New Hampshire because a combination of gasoline shortage and reduced permissible speed in driving will discourage the thousands of people who come into New Hampshire to enjoy themselves at all seasons of the year.

How much relief could result from an increase in allowable price for oil and gas is conjectural but it would probably be substantial. Secretary Morton indicated, for example, that if the price of oil were to be increased to between $5.70 and $6 a barrel that he suspected oil would become available in very greatly increased quantities. Many wells—and gas wells in particular—are capped in this country, holding back what is in the ground in anticipation of price increases. Dollars not being patriotic and the profit motive being honed in selfishness, this price factor is probably understandable if not forgivable.

Meanwhile, how much can we expect from oil shale or other sources of energy? Secretary Morton says oil shale leasing was started on November 28 but that it will largely be on a test basis and that production of oil from shale in any significant amounts is years and years away, maybe as long as 1985. Geothermal energy, also a relatively small potential source of energy on a nationwide basis, is 4 years or more away. What is needed at the moment appears to be extraction research money to find a better way of getting oil from known sources and a massive federally supported but refundable program to develop a commercially feasible process for making oil and gas from coal.

The latter is a proposal that I have had pending in the last two Congresses in anticipation of this energy shortage (H.R. 220). Hopefully, at long last, under the pressure of the energy crunch, Congress will act to make "Syncorp"—synthetic gas and oil from coal—a reality and get it going to help private industry find a way to produce this product at a competitive price with oil from foreign sources. Under my proposal, the Government contribution is to be refunded without interest from royalties paid to the Government by private licensees using the developed commercial process. It is said we have enough coal in this country for the next 300 to 400 years. If this is so, it seems to me there is little excuse for delaying further in acting on this proposal.

The economic impact of developing petroleum shortages is staggering. Like dominoes falling one by one the ripple effect of the required slow-downs leaves virtually no community or industry unaffected. Leisure and recreation which abound in New Hampshire are demonstrably harmed by reduced patronage. Some may witness a less-than-breakeven flow of customers over a sufficiently extensive period to require closing down. Should this happen, employees are jobless. Similarly in the automobile field retail sales are discouraged especially of larger cars, many of which sit on dealer showfloors eating up capital and inexorably depreciating. Meanwhile with less usage there is less repair, less demand for parts, less profit from the sale of smaller and less expensive cars, et cetera, all of which throws off the estimates of return from which allowable mortgage cost and capital investment were committed in last year's projections for the fiscal year ahead. Nor can the national automobile industry be expected to completely retool into small car production with large car assembly lines and tens of thousands of workers with jobs dependent thereon. In virtually everything from the petrochemical supply train, plastics, large concerns heated by middle distillates, public and private transportation, especially jet aircraft, the whole Nation suffers from a reduction in output hoped to be held to 2 percent or under but in all probability to be considerably more than 2 percent unless alternate sources of energy are developed and fast.

As for whose fault it is, the answer is complex. It is not demonstrably or solely the fault of that favorite whipping boy of populist politicians, the big oil companies. Certainly they may be faulted for opposing imports of oil, or scheduling less than full flowage of gas or oil anticipating price increases, or failing to build sufficient storage capacities in critically oil-short areas like the Northeast. But also responsible is the undeniable statistic that the U.S.A. has been increasing its overall energy appetite by 5 percent each year. This alone would have caused an energy crisis soon, without the Arabian oil embargo and it was in recognition of this growing energy need that led me nearly 2 years ago to develop and introduce legislation to make oil and gas from coal by developing a technology that makes this possible at a cost level competitive with oil. Clearly, responsibility in part is found in failure to increase domestic refinery capacity. Explanation for this is again, largely economic—it is cheaper to build a refinery in the Caribbean, for example, as well as to operate it there—and undoubtedly such a refinery policy was related to a growing inability to find and develop sufficient additional sources of domestic production of oil to warrant refinery construction. Whomever is to blame, the fact remains that the energy crunch is real, it is with us, it will affect each of our daily lives in varying annoying ways, and it is up to us to meet the challenge. This we will do—by conservation and by developing additional sources of domestic and foreign production of petroleum, and by using our brains and technology to maximize the ability to use alternative energy sources such as coal, sunlight, geothermal and nuclear.

CENTERS
LEGAL SERVICES BACKUP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GROVER) is recognized for 15 minutes.

Mr. GROVER. Mr. Speaker, some weeks ago when the House acted on legal services legislation, I voted to eliminate the backup centers.

When H.R. 7824 was considered on the floor of the House on June 21, 1973, the authority of the proposed National Legal Services Corporation to grant or contract for certain backup and research functions was eliminated by amendment. After reviewing the record in this matter, it would appear that the discussion and deliberations surrounding these backup centers, as they are known, fell short of producing an objective view of the purpose, method of operation and past performance of such facilities. Therefore, I would like to offer a brief description of the functioning and activities of these technical assistance projects as currently funded by the OEO legal services program.

Backup centers were conceived as a mechanism for providing technical assistance to local legal services programs on a problem-by-problem basis or in highly complex or technical cases where local resources were insufficient to handle a particular case or portion thereof. Access of legal services attorneys working in the field to such backup assistance is important for a variety of reasons that have perhaps been obscured by the involvement of some backup centers in cases which, while in some instances controversial, nevertheless have resulted in great benefit to clients.

For example, given the rapid turnover of lawyers in the legal services program and the fact that many of them have had little or no prior practice experience, they are particularly dependent upon the technical assistance, training and support that backup centers provide. To illustrate, in 1972 the housing law component of the Berkeley backup center responded in writing to some 1,400 specific legal services requests for advice and assistance and to perhaps twice that number of telephone requests. This included assistance with questions regarding FHA eligibility, urban renewal relocation rights, warrant of habitability, public housing admission and eviction regulations and many similar specialized subjects in housing law.

Further, the whole of poverty law is itself a new and rapidly changing field that requires constant attention to changing government regulations and developments in the case law. In addition to housing such chronic problem poverty law areas as consumer, welfare, social security, employment, economic development, education, and health are governed by an increasingly complex tangle of federal statutes and regulations that have special impact on the poor.

Similarly, in the prison and juvenile area, case law is expanding at such a pace that, in many instances, a poverty lawyer in the field would have little chance of knowing the most recent developments and then applying them to an individual case. The backup capability then, is designed both to provide the attorney in the field with a ready source of information in an area where he would otherwise lack expertise, and insure that the general office caseload, traditionally very heavy, does not suffer by virtue of heavy expenditures of time and resources with one client's problem.

Nor does this appear to be an unreasonable, inefficient, or uneconomical allocation of resources. The legal services mechanism is a large one, involving nearly 900 local offices, over 2,000 full-time attorneys, and $70 million annually in public support. For efficiency and wise use of these funds, a central backup capacity—research and development, information clearinghouse, and technical assistance services—is an administrative necessity. No private enterprise of this dimension would operate without it. We see that law firms in the private sector specialize in any one or more of a number of fields such as tax, patent, or labor law. Further within particular law firms, individuals specialize and obtain the expertise and experience necessary to provide quality legal counsel to clients. For the poor, whose legal dilemmas are traditionally at a critical stage when they finally do seek legal counsel, it is no less important that representation be of the same highly specialized standard as that expected by a paying client. Therefore, the need for such a support capability given the complexity of the problems which face the poor, born of economic deprivation and lack of opportunity, seem obvious.

An examination of the record of performance of backup centers refutes the overgeneralized criticisms which have surfaced in congressional debate. Further, it would appear that with relatively few exceptions, the actions taken by the backup centers are in response to specific requests for assistance by individual clients or local legal services programs. When they have acted without such a specific request, often it has been in response to the urging of a governmental agency, law revision commission, or similar agency.

For example, upon request the National Consumer Law Center presented testimony and expert advice to the Commission on the Bankruptcy Laws of the United States; many of its suggestions were ultimately adopted by the Commission. The Federal Reserve Board has asked that same Center to participate as amicus curiae in several cases which successfully enforced the requirements of the truth-in-lending legislation passed by Congress. Additionally, the National Housing Law Center has participated with the Conference of Commissioners in Uniform State Laws and the American Bar Association in developing the Model Uniform Residential Landlord and Tenant Act.

Examples such as those recited refute the allegation that the backup centers are in the business of initiating law suits to further a particular lawyer's individual concept of social justice. Rather, it reflects a responsible approach toward fulfilling the objectives which they were designed to fulfill—that of securing for legal services programs the ability to deal with complex, recurring problems on a uniform basis, as well as providing the technical expertise to deal with administrative and legislative problems on local, State, and national levels.

Just as convincing is the record of the backup centers in responding to the individual requests of legal services projects and attorneys for information and technical assistance to assist in individual cases, as documented in OEO evaluation reports. It should be noted here that most of the staff of the various backup centers are selected after they have served as field attorneys for a period of time, usually 2 years, and must be well versed in their particular specialty before they can be considered for a position with a backup center.

Other examples of effective fulfillment of the mission of backup centers include the following:

First. The National Employment Law Center, located in New York, has assisted clients and local legal services programs in enforcing the Emergency Employment Act which provides funds for training and employment of unemployed and underemployed persons in needed public service jobs. In one instance, this center responded to a request by the eastern Michigan legal services program and represented several indigent clients in enforcing the mandate of an act which the city of Flint was found by the court to be deliberately violating.

Second. The center on social welfare policy and law, another New York backup center, participated as counsel in administrative and litigational efforts on behalf of welfare recipients to enforce mandatory requirements of HEW regulations. These efforts have produced a more efficiently administered and far superior hearing system for welfare recipients in New York State. The welfare law center has also been brought in to assist a number of local legal aid programs, Cleveland, Wayne County, Rhode Island, and Kansas City legal services offices among them, in enforcing the requirements of the National School Lunch Act and thereby assuring that thousands of poor children receive the free or reduced price lunches to which they are entitled by law.

Third. The national health law project and the Youth Law Center, both located in California, have been active in efforts to implement the early and periodic screening, diagnosis, and treatment—EPSDT—program, a mandatory Federal program providing preventive health screening for indigent children. Both centers have not only worked with HEW in its enforcement efforts, but have also joined with local programs, including Greater Lansing legal aid and San Francisco neighborhood legal services, in litigation on behalf of indigent clients denied benefits under the programs.

Fourth. The migrant legal action program, after negotiating a settlement with the Michigan Department of Public Health in a case in which they assisted Michigan legal services as cocounsel, joined the department in developing procedures to assure the enforcement of the Michigan Agricultural Labor Camp Licensing Act. Massachusetts law reform, cocounsel with Boston legal assistance in representing clients suffering from lead poisoning, helped the Massachusetts Department of Public Health develop enforcement mechanisms to implement the Massachusetts Lead Paint Poison Act. A similar statewide backup program, Michigan legal services assistance program, assisted Michigan Department of Public Health in developing complaint handling procedures for nursing homes and other facilities licensed by that department.

Fifth. The Native American Rights Fund, an Indian backup center, has assisted in several "fishing rights" cases brought in conjunction with Upper Peninsula Legal Service and Minneapolis/St. Paul Legal Services. These actions were filed to try to assure that indigent Indians receive the full protection accorded them under the Federal laws and treaties.

Sixth. The National Housing and Economic Development Law Center has provided assistance to residents of economically depressed urban and rural areas who are seeking economic or business development opportunities to revitalize their communities, provide jobs and stimulate pride and financial independence among poor people. With the assistance of the Housing Center and that of Florida Rural Legal Assistance, 40 migrant farmworker families were able to establish their own cooperative to acquire a 200-acre strawberry farm from a corporation which desired to dispose of the land; similarly, Navajo communities in the southwest were assisted in establishing a craft cooperative, enabling Indians to acquire supplies more cheaply and market their handicrafts more profitably; and, finally, the residents of Turtle Lake, Wis., through a nonprofit community development corporation, have entered the pool table manufacturing business.

As these examples illustrate, the cases which the centers have engaged in cannot easily be characterized as ones seeking to foment social change, or as being on "the cutting edge of social reform." Rather, most of their efforts appear to be directed toward enforcing present rights and entitlements accorded by Federal, State, and local statutes, ordinances and regulations on behalf of indigent clients. The "back-up" centers appear to have developed a rational process for the resolution of recurring problems faced by clients throughout a State or the entire country; created a vehicle to coordinate the efforts of local programs as they respond to client needs; and developed strategies based on traditional techniques which do not overtax the judicial system but seek an orderly and often efficient resolution through the judicial process.

The House-mandated elimination of these centers should be reconsidered in light of the record. The best course would be to allow the Board of Directors of the proposed new Corporation the authority to continue utilization and evaluation of the present back-up centers. Rather than to precipitously dissipate the capabilities of the centers, painstakingly developed over years of effort, it is suggested the Corporation be allowed to decide the most effective means of providing legal aid to the poor and that its ability to do so not be precluded by legislative mandate arrived at without reference to the record of accomplishment. The current OEO backup investment at $4 million is a modest 5 to 6 percent for their vital support functions and their continuation in some form should be considered by any successor legal services corporation. It is surely in the best interest of the program to insure that the full access to our courts by the poor not be compromised.

THE INDEPENDENCE OF THE SPECIAL PROSECUTOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, on November 19, 1973, Acting Attorney General Robert Bork issued a new regulation amending the charter of the Special Prosecutor, Leon Jaworski. In its original form, the charter, which established the Office of the Watergate Special Prosecution Force, provided that Mr. Jaworski could only be dismissed by the President after consultation with the majority and minority leaders and chairmen and ranking members of the Judiciary Committee, and only then if there was a consensus among the above named.

The additional regulation states:

> The jurisdiction of the special prosecutor will not be limited without the President's first consulting with such members of Congress and ascertaining that their consensus is in accord with his proposed action.

Thus, both discharge and any limitation on jurisdiction cannot be effected without consultation by the President and specified congressional leaders.

Because of some criticism to the new regulation, Mr. Bork was prompted to write a letter of assurance to Mr. Jaworski. This letter of assurance is a first step and is encouraging. The American people want the facts. They want the guilty punished, and the innocent exonerated. Only an independent investigation can properly respond to the public, and we in the Congress must be certain such an investigation takes place.

Text of the Bork letter follows for the review of my colleagues:

> DEPARTMENT OF JUSTICE,
> *November 21, 1973.*
>
> Acting Attorney General Robert H. Bork sent the following letter today to Special Watergate Prosecutor Leon Jaworski:
>
> DEAR MR. JAWORSKI: You have informed me that the amendment to your charter of November 19, 1973 has been questioned by some members of the press. This letter is to confirm what I told you in our telephone conversation. The amendment of November 19, 1973 was intended to be, and is, a safeguard of your independence.
>
> The President has given his assurance that he would not exercise his constitutional powers either to discharge the Special Prosecutor or to limit the independence of the Special Prosecutor without first consulting the Majority and Minority leaders and chairmen and ranking members of the Judiciary Committees of the Senate and the House, and ascertaining that their consensus is in accord with his proposed action.
>
> When that assurance was worked into the charter, the draftsmen inadvertently used a form of words that might have been construed as applying the President's assurance only to the subject of discharge. This was subsequently pointed out to me by an assistant and I had the amendment of November 19 drafted in order to put beyond question that the assurance given applied to your independence under the charter and not merely to the subject of discharge.
>
> There is, in my judgment, no possibility whatever that the topics of discharge or limitation of independence will ever be of more than hypothetical interest. I write this letter only to repeat what you already know, the recent amendment to your charter was to correct an ambiguous phrasing and thus to make clear that the assurance concerning congressional consultation and consensus apply to all aspects of your independence.
>
> Sincerely,
>
> ROBERT H. BORK,
> *Acting Attorney General.*

FROM "SPOT DISLOCATION" TO ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, although the Nation seems to have just discovered the energy crisis, those of us from the Midwest remember well last winter when the crisis was already with us. Schools, businesses, farmers, and some homes went without adequate fuel and heat. The euphemism which Washington officials coined for our shortage was "spot dislocation." It was supposed to cease with the warming winds of spring. Instead, the "spot dislocation" has now become a national energy shortage and belatedly everyone is trying to do something about it.

In a very real sense, whatever we do now will be too little and too late, at least for this winter and probably for next summer.

It need not have been so. More than a year ago, many Congressmen who represented areas of the country already affected by the energy shortage, were warning of a worsening crisis to come.

On December 1, 1972, I wrote to Secretary of the Interior Rogers C. B. Morton:

> It does seem to me that the shortage of fuel and the developing energy crisis does merit the priority attention of the Department.

Secretary Morton acknowledged on that same day that:

> We are aware that our analysis cannot foresee all the possibilities of spot dislocations or localized product shortage which can occur. In order to cope with these potential problems, our Office of Oil and Gas, and the President's Office of Emergency Preparedness cooperate at the regional level to maintain constant contact with the local situation and initiate corrective action if spot problems occur. You can be assured that we are aware of the potential problems in the Midwest, and that we will recommend action to cope with supply problems if the situation warrants.

Four days after Christmas, 1972, I tried again to set forth my deep concern in a letter to Secretary Morton, a letter which 29 other Congressmen joined me in signing. In our letter we stated:

> It is now assumed that the shortages of fuel oil that plague the Midwestern markets, particularly the small business independent marketers, will continue and increase, forcing additional business shutdowns and throwing more men literally out of work and into the cold.
>
> While the Midwest is suffering the most, the nation as a whole is facing a critical shortage of heating oil. This does not consist of merely "spot dislocations or localized product shortages." The shortage is substantial, severe and widespread.

With the beginning of the new year, it had become increasingly apparent that our Nation was not moving fast enough to meet the fuel shortage. Despite the fact that I voted for the Air Quality Act of 1967, I pointed out in a letter to President Nixon that:

> Environmental standards have forced industry and utilities to use distillate oils ordinarily used in homes. These standards should be suspended for the duration of the emergency. Many utilities and industries still have the capacity to burn coal and residual fuel and would do so if permitted. This would free, almost immediately, large amounts of refined fuel oil to meet the present crisis.

In his energy message to the Nation on November 7, 1973, the President announced that he was at last taking this step.

NATURAL GAS

Much of the problem in the Midwest last year was caused by a shortage of natural gas. Factories were forced to lower working temperatures and farmers were not able to dry their grain because of inadequate supplies.

Natural gas is the cleanest burning and cheapest source of energy available today. The reason it is so cheap is that its price has been kept artificially low by Federal regulations at a time when the price of other fuels has skyrocketed. In fact, the price of natural gas has been kept so low that it has become unprofitable to look for new sources of gas. Many companies have ceased their efforts to bring new gas to the surface for homeowners and businesses.

Long ago I came to the conclusion that we must restore balance to market conditions and create incentives to produce domestic supplies of natural gas.

A single important step that can be taken to achieve these desirable and necessary objectives is the elimination of price regulation at the well to bring new supplies of natural gas into free market competition. The bill I introduced on January 3, 1973, the first day of the 93d Congress, H.R. 480, will do just that.

There is natural gas in the ground. But much of the gas which geologists say exists is in remote locations—difficult and costly to bring to market.

Time is needed to find new gas fields, develop those fields, and construct the necessary pipelines to bring that gas to homeowners and industry. In the prolific fields of the Gulf of Mexico, the time-lag is 5 years or more.

As I said on the floor of the House in January shortly after introducing this bill:

> The purpose of proposing this measure is to focus attention on the critical energy shortage and hopefully to persuade others to begin thinking about the problem.
>
> In view of all the circumstances of the energy crisis, our present knowledge as to future requirements and the hardships now being experienced because of the energy shortage, I believe this is a logical and decisive first step to protect our citizens and the national interest.

At that time, I also called upon the House Committee on Interstate and Foreign Commerce to hold hearings on my bill and on the worsening energy crisis. In a letter to Chairman HARLEY O. STAGGERS, I recited the hardships of last winter and went on to predict:

> The future is equally bleak. The major supplier of natural gas in Illinois, Panhandle Eastern Pipeline, has announced that it will curtail gas supplies to its customers in all but four months of 1973, those being June through September. Thus, next winter we can look forward to a replay of the same situation which plagued us this winter—insufficient gas, factories and schools closed down, farmers unable to harvest and market their crops.
>
> The shortage of other forms of energy is equally serious. Gasoline and fuel oil are currently in short supply and sometimes available only at black-market rates. When spring plowing gets under way in the Midwest, farmers may find the fuel is not available even on the black market. Because fall plowing was not done due to the amount of rain experienced, plowing this spring will be especially heavy.
>
> My purpose in writing is to urge you to request the views of the Executive agencies on H.R. 480 and to schedule hearings at the earliest possible moment on the energy crisis.

On October 10, 1973, 10 months after I introduced this bill, in a statement before the Senate Commerce Committee, the President's energy adviser, Governor John Love, affirmed the administration's support for deregulating natural gas. He told the committee:

> The current shortages do not result from depletion of our domestic energy resource base. The Geological Survey estimates that the United States has potential recoverable reserves of natural gas of 2100 trillion cubic feet. These are reserves which could be found and delivered to the consumer with existing technology if sufficient exploratory and development drilling were stimulated.
>
> The natural gas problem demands legislative relief. We are proposing that this relief be in the form of returning the regulation of well head prices on new supplies of natural gas to the private marketplace. This would allow competitive market forces to set the prices at which new supplies of natural gas are bought and sold in the field. It allows the quick and certain adjustments which are now required if the nation is not to continue suffering from chronic shortages. The Administration has decided that this is the most efficient, most effective and most economical method of solving the natural gas problem.

I welcome this support but wish it had come much earlier.

In the meantime, I took a specific initiative with the Federal Power Commission. To Chairman John N. Nassikas I wrote on February 6, 1973:

> The shortage of natural gas in the Midwest remains critical. The economic loss to farmers in undried crops destroyed by mildew is incalculable. Many plants have been forced to close or curtail production, thus throwing their employees out of work.
>
> On January 14, 1972, Panhandle Eastern Pipe Line Company filed an application in Docket CT72–181 requesting authority to construct a pipeline and gathering facility in order to connect an estimated one trillion cubic feet of newly acquired gas supplies near Denver, Colorado, to its mainline system near Liberal, Kansas. If this application can be approved expeditiously by the Federal Power Commission, a recurrence of the gas shortage which has plagued the Midwest this season may be averted in future years.
>
> I urge the Commission to act favorably on this docket at the earliest possible moment. Thanks for your consideration.

On March 30, 1973, the FPC decided to permit Panhandle Eastern to construct the badly needed natural gas pipeline. The Commission gave the company 1 year to get the facility into operation. Present plans call for new gas to begin flowing to the Midwest about April 1974.

EFFECT ON FARMERS

In April 1973, the impending disaster that has now struck full force was felt by farmers. In a speech on the floor of the House, I warned:

> As each day goes by, the energy crisis worsens. Gas-line and diesel fuel supplies continue to dwindle at an alarming rate.
>
> While the implications of this situation on our nation are immense, nowhere are they as alarming as in the agriculture sector. Without fuel, farmers can't plant their crops. Without a crop, the flow of food to the consumer would come to a halt. And our nation would go hungry.
>
> Within the next 90 days, farmers in Illinois and most of the Midwest will need 45 percent of the total amount of fuel they use during an entire year.
>
> Already some farmers have been shut off from their normal sources of fuel because of insufficient supplies.
>
> Obviously, immediate action is necessary to insure that farmers have enough fuel and this potential catastrophe is averted. One estimate shows Illinois alone will suffer a 1,500,000 gallon shortage of fuel this year. Today I am introducing legislation that would direct the President to establish and implement a plan for rationing gasoline and diesel fuel in states and areas when supplies become insufficient for essential farm operations. The plan could and should be used immediately to head off a potential disaster.

The substance of my bill, H.R. 7054, was eventually included in the administration's voluntary oil allocation program announced May 10, a month later. That program gave highest priority to supplying oil for agricultural production.

By mid-May it had become abundantly clear to me that the voluntary oil allocation program was not going to work and that stronger measures were necessary. I set forth my concern in a letter to President Nixon:

> Ideally, it would be best to allow our fuel industry to continue to operate on a competitive basis. Thus, the spirit in which you recently implemented the voluntary fuel allocation program is admirable. However, reports I am receiving indicate that this program is not working. In Illinois, farmers depend greatly upon independent dealers for their fuel supplies. Many dealers are unable to deliver fuel to farmers and the situation will worsen in the next two weeks. Already some tractors are sitting idle in the fields during the most critical part of the planting season.
>
> In addition, the Memorial Day weekend will result in the utilization of much fuel for pleasure, further compounding the critical shortage. Farmers will find it even more difficult to get fuel.
>
> The Oil Policy Committee has anonunced it will hold hearings on this problem in two weeks. This will be too late. By then, crops should be in the fields. If they are not, higher food prices are inevitable this fall.
>
> I respectfully urge you to utilize the authority granted under the extended Economic Stabilization Act and make compliance with the fuel allocation program mandatory.

Six months later, the allocation of oil products became mandatory—too little, too late.

BLACK MARKET OIL

During the summer, the shortage of gasoline first hit vacationers and other travelers at about the same time that the price of gasoline and other petroleum products began to skyrocket. From various parts of Illinois, I received reports that some service station owners were being forced out of business by major oil companies that had supplied them in years past with retail oil products, but now were unwilling to do so. In other cases, I heard that some dealers could get gasoline only on the black market.

I set these facts forth in a letter to Attorney General Elliot L. Richardson on June 1, 1973:

> DEAR MR. ATTORNEY GENERAL: There is mounting evidence that the fuel shortage is bringing about increasing black-market profiteering and unhealthy anti-competitive effects in the oil industry.
>
> Charges of black market sales of gas and diesel fuel were first made public in testimony before a Senate Commerce subcommittee last week. However, they have been known to industry representatives for some time.
>
> The procedure under which these profiteers work is complex and designed to thwart would-be investigators. A service station owner may receive a phone call late at night. An anonymous caller will ask if he needs gas. In the Midwest, the answer is invariably "yes." The owner is then told that he can get a truckload, but it will cost him anywhere from 21 to 31 cents per gallon instead of the current rate of 14 to 15 cents. This, of course, is a violation of the Economic Stabilization Act and the Cost of Living Council's guidelines for pricing petroleum products.
>
> If the station owner agrees to this price, he is then told to wait for a second phone call. The second call, again from an anonymous person, will generally be to specify payment by certified check made payable to some person unknown to the owner.
>
> Finally, the owner may receive yet a third call directing him to place the check in a certain post office box or other location and telling him when to expect delivery of the black market oil. An unmarked truck will then pull into the owner's station and deliver "hot" oil.
>
> Because federal laws are being broken, I urge you to direct the FBI to conduct a thorough investigation of all facets of these illegal sales. At a time when many small businessmen are being forced to close their doors because they cannot buy oil to sell their customers, there is no place in the American economy for the black market profiteer who would try to squeeze the last penny out of service station owners and consumers alike.
>
> The fact that many small and independent oil dealers are being forced out of business, and the anti-competitive effect this may have upon the oil retailing industry, in my opinion, should also command your attention. In recent years, sales by independent petroleum marketers have reached 25 percent of sales of all oil products. Their gas prices have literally kept the oil industry competitive. Without the independents, gas prices might today be double what they are.
>
> Now, due to a very real shortage of oil, these small businesses are being squeezed out. Already, nine hundred nationwide have closed their doors. But this is not the entire story. At the same time that the independents have been going out of business because they cannot get gas to sell their customers, major oil companies are expanding their retail outlets in the very areas where the independents once flourished. In some cases, major oil companies are trying to buy independent gas stations that were closed due to the shortage, resupply them, and open their doors under the major's brand name. The gas and the location may be the same, but the price will not. It will be higher.
>
> Each of the major oil companies have now opened their own cut-rate gas stations to compete with and eliminate the independents. They operate under such names as Whale, Alert, Sello, Ride, Fas-Gas and Bulko.
>
> Each penny increase in the price of gas costs the American consumer $1 billion a year. Thus, the effect of this unconscionable anti-competitive drive by certain major oil companies will be to gouge the American public to the tune of billions of dollars.
>
> I urge that you direct the Antitrust Division of the Department of Justice to conduct a thorough investigation of possible violations of the anti-trust laws by the major oil companies. If legal action seems warranted, I urge you to act expeditiously before the price of gas goes any higher.
>
> /s/ PAUL FINDLEY,
> *Member of Congress.*

In his response, the Assistant Attorney General in charge of the Antitrust Division, Thomas E. Kauper, pledged the cooperation of the Department:

> Our staff members are presently conducting an ongoing investigation to determine whether the shortages themselves or the allocation of supplies within the industry are the result of antitrust violations. The reported black market sales of "hot" gasoline is a new development which will receive our careful attention.
>
> We share your concern over the plight of the independent petroleum marketers. The Department will not hesitate to seek remedial action in the courts if sufficient evidence of federal law violations can be obtained.

Unfortunately, the Department's concern did not stop the gas shortage from worsening.

JACKSONVILLE OUT OF GAS

In June 1973, the city of Jacksonville almost ran out of gas. Police cars, fire trucks, and other emergency equipment were operating virtually on their last tank of gas when Mayor Milton Hocking called me for help. Officials of the Office of Oil and Gas subsequently provided an alternate supply of fuel for the city.

This experience, and several similar ones with other cities in my district, pursuaded me that some special provision should be made for supplying oil to these essential public services.

On July 23, 1973, I introduced H.R. 9651, a bill to establish a system to ration petroleum products, natural gas, and natural gas liquids among civilian users to provide sufficient fuel for essential agricultural operations, public health, safety, and essential public services in areas of shortage.

H.R. 9651 states:

> SECTION 1. The Congress finds that an acute shortage of fuels is disrupting essential farm operations, jeopardizing the production of sufficient food supplies to meet domestic and foreign requirements; and is threatening public health, safety, and essential public services; and that in order to guarantee a continued availability of fuels for farm, public health, safety, and essential public services, a system of rationing fuels among civilian users should be established.
>
> SEC. 2. The President shall immediately direct the establishment of a national priority system for fuel allocation. Highest priority shall be assigned to food production and processing, public health, safety, and essential public services.
>
> SEC. 3. The President shall immediately upon establishment of the priority system implement a rationing program based upon the priority system to ensure sufficient supplies for these uses.
>
> The President may delegate all or any portion of the authority granted under this Act shall terminate one calendar year after date of enactment.

MANDATORY ALLOCATION NEEDED

The energy crisis was now hanging ominously over the entire country. At every opportunity, I urged, even begged, the administration to invoke the authority to allocate fuel which it had been given by Congress months earlier in the Economic Stabilization Act. Because the voluntary controls were not working, it was clear to me that mandatory allocation of fuel was essential. I so stated to both the President and Governor Love.

On August 28, Governor Love responded to my plea:

> DEAR CONGRESSMAN FINDLEY: Thank you for your recent expression of concern on the subject of mandatory allocation programs for petroleum and petroleum products. We have been totally submerged in the task of examining the current voluntary allocation program and developing options for possible mandatory programs.
>
> As I announced on August 9, 1973, we have made a decision not to adopt the mandatory allocation program for petroleum and petroleum products at this time. It is our express goal to ensure adequate supplies of fuel for all consumers. We are also committed to maintaining the continued viability of all independent sectors of the petroleum industry. We believe that a mandatory program will probably create more problems than it resolves, and in view of the current over-all supply situation, a mandatory system does not appear to be the appropriate remedy at this time.
>
> We have released a proposed mandatory program which has been published in trade press and in the Federal Register. The proposal was released at this time in order to receive comments from both the private and public sectors. The program is generally intended to ensure provision of 1972 historical levels or at least a proportional share of available supplies to independent refineries and to all wholesale purchasers of petroleum products. It includes provision for appropriate state involvement, including priority-setting. In spite of our best efforts, we recognize that the program has inherent flaws, most notably the necessity for review of special circumstances and requests for exceptions. We would appreciate your comments on the program, as we appreciated your earlier comments.
>
> We believe that we can administer the voluntary program in a manner which will best serve the interests of all Americans.
>
> /s/ JOHN A. LOVE,
> *Assistant to the President.*

At about this time, the administration began seriously considering a badly needed mandatory program to allocate LP gas only. Immediately, I contacted Governor Love to lend my support and to urge that a mandatory program be expanded to include other petroleum products.

My September 4, 1973, letter to Governor Love stated:

> DEAR MR. LOVE: Thank you for your August 28 response to my request for the implementation of a mandatory fuel allocation program. Because reports reach me daily of fuel shortages in Illinois, I was most disappointed in your decision not to implement such a program in August.
>
> However, I am somewhat encouraged by the reports that a mandatory allocation program for LP gas is now being considered. I strongly encourage you to implement such a program at the earliest possible time. The LP shortage is critical and we must be sure that the highest priority users have sufficient amounts for grain drying and heating during the cold weather that is just ahead.
>
> The fuel shortage goes far beyond LP gas, however, and I again urge you to recommend to the President that a mandatory allocation program for all fuels be implemented. Natural gas, heating oil, and other fuels are in precariously short supply in many areas. Mandatory allocation is needed now to ensure that agriculture, public safety, and other essential public service needs are met.

> For all too long, we in government failed to act on the warning signs of the impending energy crisis. Unless you act, homes will be cold, grain will rot in the fields or drying bins, and vital public services will be terminated this winter.
>
> The situation is such that there is little time for further study and evaluation. Action is needed immediately.
>
> (s) PAUL FINDLEY,
> *Member of Congress.*

On September 10, 1973, Governor Love sent me a copy of the mandatory proposal for LP gas, which became effective shortly thereafter. For the first time, he also mentioned the possibility that the administration might prohibit utilities and industrial and commercial firms from switching from coal to petroleum products. This was a proposal I had first advanced on January 29, 1973, and I was glad to see that it was now being considered. Several months later it was finally accepted and announced by the President.

Despite all this, Governor Love still refused to recommend mandatory allocations of fuel. His letter enclosing the two proposals stated:

> DEAR CONGRESSMAN FINDLEY: Thank you for your letter of September 4, 1973. I am enclosing copies of two recent press releases describing actions being taken by this office to ease or at least to make equitable current shortages.
>
> We are watching the heating oil situation very closely, we are encouraging refiners to increase their production of heating oil, and we are considering actions to take if it appears emergency situations may develop.
>
> This complex matter is the subject of much concern, and your comments are important in evaluating current and future policies and action programs.
>
> /s/ JOHN A. LOVE,
> *Assistant to the President.*

When it became clear that the administration would not use its authority to implement a mandatory allocation program for all oil products, Congress finally acted in mid-November. The bill it passed orders the President to formulate a plan within 15 days and implement it within 30 days. The bill requires that fuel oil and gasoline be allocated to each user in an amount equal to that supplied in 1972. It also recommends priorities similar to those I included in H.R. 9651 introduced in July. Unfortunately, the mandatory bill is too little, too late to solve the problem this winter. But it will help.

SMALL GAS STATIONS FORCED OUT

In the fall of 1973, the gasoline supply situation was clearly going from bad to worse. At the same time, hundreds of small individual, independent service station owners were being forced to close their doors because they could not get gasoline or were not permitted by the Cost of Living Council to sell their gasoline at the same price as the major oil companies sold their gas. I felt the competitive market for the gas customers' dollar was threatened. I was afraid that the major oil companies would end up with a monopolistic share of the retail gas market which would mean even higher prices and poorer service to consumers in the long run.

Again, on September 14, 1973, I wrote to Attorney General Elliot L. Richardson of my concern:

> DEAR MR. ATTORNEY GENERAL: Evidence continues to mount that Phase IV gasoline price regulations are having a disastrous anticompetitive effect on the oil industry.
>
> Under the regulations, independent service stations are required to roll back prices they charge to January 10, 1973, levels. At the same time, the major oil companies that supply the independent stations are permitted to charge May 15, 1973, prices and in some cases raise them above this level. Many companies in Illinois have already done so.
>
> The result is that many independent stations are operating at a loss or unrealistically low-profit margins. Some have gone into bankruptcy and many others are headed in that direction. As stations close, the major oil companies move their allocation to other areas, leaving the stations' customers without a fuel source. In other cases, the majors sell the fuel in the same area through their own stations at prices above those the independent station could charge.
>
> Thus, Phase IV is having a counter-productive effect and has meant even higher fuel prices for consumers as a direct result of the decreasing competition in the industry.
>
> Furthermore, consumers who could depend on fuel supplies from the independent stations in their communities are now finding they no longer have a reliable supply and are at the mercy of the major companies.
>
> I recently introduced a bill designed to help correct this situation. It would amend the Economic Stabilization Act to prohibit pricing regulations that discriminate between segments of the petroleum industry. A copy is enclosed. Do you believe such a measure will help preserve competition within the oil industry?
>
> On a related matter, I would also like your views on a specific situation that has occurred in my district. An independent station owner, who for many years has received fuel supplies from a major company under contract, recently had that contract terminated. Does this station operator have any recourse under existing federal regulations or antitrust legislation? Apparently, the major company will retail this station's allocation itself or sell elsewhere.
>
> If the major companies can legally do this, Phase IV will have failed utterly to establish reasonable fuel prices. The major oil companies will soon totally dominate the fuel industry and all semblance of competition will be gone.
>
> Your views on these matters would be greatly appreciated. If action by the Antitrust Division is warranted, I urge you to act expeditiously to ensure that the rights and interests of consumers as well as all independent businessmen are protected.
>
> /s/ PAUL FINDLEY,
> *Member of Congress.*

On September 25, I decided that legislative action was essential if a free and competitive gasoline market was to be preserved. When the appropriations bill was before the House, I offered an amendment to prohibit the Cost of Living Council from discriminating among petroleum marketers in the method of establishing prices for gasoline.

In asking other Congressmen to vote for my amendment, I told them how the Cost of Living Council had decided to sacrifice the small independent businessmen in favor of the major oil companies at a time when the major oil companies were earning the greatest profits in history.

Just listen to these profits earned in the first 6 months of 1973 by a few of the big oil companies and the tremendous increase over the first 6 months of last year:

Exxon earned $1,018 million; up 48 percent over the same period last year.

Texaco earned $531 million; up 28 percent over last year.

Gulf earned $360 million; up 46 percent over last year.

Mobil earned $340 million; up 25 percent over 1972.

Standard of California earned $334 million; up 33 percent.

Standard of Indiana earned $242 million; up 29 percent.

Shell earned $169 million; up 52 percent.

Despite those profits, the Cost of Living Council decided that the majors were not earning enough and so they gave them the more profitable date at which to set their pump prices of gasoline.

I told my colleagues:

> Unless you want to see the petroleum industry monopolized by the giants, unless we want to see all gas prices set at a uniformly high level with no independents around to keep prices low and competitive, then you should vote for this amendment.

My amendment was approved overwhelmingly by a vote of 371 to 7.

Immediately, Cost of Living Council Chairman John T. Dunlop came up to Capitol Hill. He hoped to defeat my amendment in the Senate. However, there too he was beaten badly. In October, after the Senate approved my amendment, 90 to 6, the Cost of Living Council finally changed its regulations to end its discrimination against the small independent gasoline stations.

ENERGY SAVING TIME

One of the easiest and least disruptive ways to conserve our scarce energy supplies is to bring back year-round daylight saving time. I call it energy saving time and introduced a bill on September 9, 1973, to make it year-round. President Nixon endorsed this proposal 2 months later in his address to the Nation on November 7.

Energy saving time has several advantages. One study indicates that year-round daylight saving time will curtail electrical consumption in America by almost 2 percent. Fuel oil and natural gas savings may be even higher.

In addition to fuel conservation, almost $600 million would be saved on electric bills alone. That means you would pay less each month.

Also, more daylight at night would make it safer to walk the streets. There would be less crime.

Finally, commuters would be able to return home from work before dark, thus reducing traffic fatalities and serious accidents.

Energy saving time was instituted as an emergency conservation measure during World Wars I and II. Certainly the fuel shortage we are facing this winter is as critical as the ones we faced then.

On November 27, 1973, the House passed a bill making daylight saving time year-round for a trial period of 2 years.

MIDDLE EAST WAR

On October 6, the latest Middle East War broke out. The war and what followed was probably the inevitable result of past actions by several nations of the world, including the United States.

The Israelis have been steadfastly unwilling to return the Arab lands occupied in the 1967 war. The Arabs had remained unwilling to meet personally with the Israelis to discuss the disputes which stood between them.

For its own part, the United States missed opportunities to head off the war. In the summer, the United States cast its fifth veto in the U.N. Security Council, killing a resolution which called upon all the parties in the Midde East to adhere to the 1967 Middle East resolution, which we helped draft. It also singled out Israel for criticism. The resolution was not as balanced as I wished, in that it did not criticize the Arabs for their lack of cooperativeness.

Unfortunately, our veto and the failure of the Arabs' diplomatic initiative may have caused them to conclude that war was the only answer for them.

The U.S. response was, of course, immediate and entirely upon the side of Israel. U.S. military planes began ferrying tons of new war material to the Israelis in response to the Soviets' decision to similarly resupply the Arabs.

As a consequence, 11 days after the outbreak of the war, the Arabs announced a 5-percent, and then a 10-percent, cutback in oil being shipped to the United States. On October 19, President Nixon asked Congress to provide $2 billion in additional military aid for Israel. As a direct consequence, the Arabs cut off all oil shipments to the United States completely.

The United States must have a balanced policy in the Middle East, not to protect oil supplies, but because such a policy is right. Certainly it is in Israel's long-term interests. Hopefully, the recent initiatives of President Nixon and Secretary of State Henry Kissinger are leading to that kind of reassessment. At least the fighting has stopped, and for the first time, both sides are talking directly to each other.

But an awfully great price is being paid.

THE PRESIDENT'S ENERGY MESSAGES

On November 7 and November 25, 1973, President Nixon addressed the Nation on the energy crisis. In addition to asking for year-round daylight saving time and standby authority for gasoline rationing, the President also called for a relaxation of certain environmental standards, and a reduction in airline schedules.

The President announced that he would prevent industrial users of coal from switching to other sources of fuel.

He called for use of the naval oil reserves, a speedup in the construction of atomic energy plants, and passage of the Alaskan oil pipeline bill.

At long last, Congress finally cleared the latter bill for President Nixon's signature. This measure authorizes immediate construction of a pipeline from the rich oil fields of Alaska to seaports where the oil can be loaded on tankers and brought to the lower 48 States. That oil is desperately needed now. When the pipeline is fully constructed, it will increase our oil supplies by more than 10 percent. That is more than half of the oil shortage that is expected this winter.

Unfortunately, it will take several years to build the pipeline. Already, the project has been delayed for years. With passage of this bill, hopefully, construction can begin immediately and be completed as rapidly as possible.

The President also asked everyone to turn down the temperature in his home and turn off as many lights as possible.

Finally, he asked for a national speed limit of 50 miles per hour for cars and 55 miles per hour for trucks and buses. While most of his suggestions are necessary if we are to make it through the winter, I feel the administration's proposal that the lumbering giants of the highway—buses and trucks—be permitted to travel 55 miles per hour while automobiles will be permitted only 50 miles per hour, should be rejected by the Congress.

Whatever limit is established should apply uniformly to all vehicles.

No doubt some engines perform more efficiently at higher speeds than do others, but this can be said of automobile engines as well as truck and bus engines.

The efficiency gain-loss involved in 5 miles an hour can hardly justify the other hazards that will occur if the double standard in highway speeds is attempted.

Trucks and buses would forever be passing automobiles, and this would create horrendous hazards especially on narrow two-lane pavements. Moreover, the outrage every automobile driver will inevitably feel as the big vehicles roar past will cause the greatest hazard of all.

Several State Governors have already seen the absurdity and double standard of the 50-55 miles per hour proposal, and so should the Congress.

TIME TO GET THE OX OUT OF THE DITCH

Already many people have suffered because of the lack of foresight in the development of an adequate national energy program, but that suffering may be small compared to what may be in store for the Nation this winter and in the next few years.

If there is a bright spot on the horizon, it is the fact that at long last the American people, and their Government, realize that a crisis exists. That could not be said last year at this time. Then, few people outside the Midwest were aware of the unfolding crisis.

I have no doubt that the Congress, the administration, and the American people will now dedicate whatever time and talent is required to solving our energy problem. This is not a time for partisan bickering in an attempt to establish blame for past sins of omission.

The President has accused tthe Congress of footdragging. House Speaker Carl Albert responded by charging the President with ineffective leadership.

I regret both charges. There is plenty of blame to go around. Both Congress and the President failed to perceive the problem early enough.

The last thing the country wants now is time wasted on partisan bickering on who deserves the greatest blame.

What is needed is a revival of the national spirit that enabled America to perform such impressive production miracles in World War II. That will require a high level of nonpartisan cooperation among Congressman, the President, industry, and private citizens.

Fortunately, with general recognition of the problem in recent days has come an understanding of many of the steps which must be taken in order to provide the energy we will need in the future.

President Nixon has already given some suggestions. There are other short-term and long-term possibilities.

For the short-term, additional cutbacks need to be made in unnecessary military uses of fuel. Almost half of all the energy used by the Departmnt of Defense goes for aircraft operations. Here significant cuts can be made without impairing national security. Each of the services should cut training flights to the barest minimum. The policy of logging so many hours per month to stay on flight-pay status must be suspended. Reserve and National Guard units must suspend all possible maneuver and training programs which consume fuel.

Ship movements consume over 10 percent of the military energy supply, and undoubtedly some savings can occur here too. Steaming days must be limited to the absolute minimum.

The petroleum fields in California and Alaska that have been set aside by the Government for emergency use by the military should immediately be tapped for the use of the entire country. The emergency is now. If our economy becomes weakened by the energy shortage, so will our military capacity. This cannot be permitted to happen. The Elk Hills and Alaska petroleum reserves should be made available to meet the general energy shortage this winter.

There are other sources of oil which the Government refuses to permit industry to develop. In the Santa Barbara channel off the coast of California, great stores of oil exist. Within 7 months, I am told, more than 10,000 barrels per day could be pumped out to meet the growing shortage. The reason that the pumps are not working is that the Department of the Interior has refused to issue permits ever since the disastrous oil spill of 1969.

The Government has been sued in court by the oil companies over its refusal and lost its case in the lower court. It is now appealing the decision to a higher court in the hope that it can yet stop the oil companies from pumping more oil. This is ridiculous. In the past 5 years, oil men have learned how to prevent recurrences of the 1969 spills. Now is the time for the Interior Department to issue the permit so that oil can be flowing by spring.

The fleet of Government limousines should be put in mothballs. The number of Government executives who need chauffeur-driven cars can be counted on the fingers of one hand. The rest can drive their own cars, take cabs, or even better—walk. In fact, if all Government-owned or leased vehicles simply adhered to the 50-mile-per-hour speed limit, they would save 12,000 barrels of oil per day.

Private citizens can help, too. In addition to the suggestions which President Nixon made to turn down thermostats and drive more slowly, everyone should get his car tuned up. If each State would adopt a program to require regular engine tuneups for all cars, we could save the equivalent of 140,000 barrels of oil per day.

If everyone simply stopped using hot water for laundering, we could save 400,000 barrels of oil each day. The cold water soaps work great, my wife tells me.

Each of these suggestions not only saves precious energy, but also saves money.

For the long term, there are also important steps for the Nation to take.

We need to go on a "war-footing" to build the Alaska pipeline, which alone can supply half the energy shortfall expected this winter. During World War II, Henry Kaiser cut the keel-laying time for U.S. ships from a matter of months to a matter of days. At one time we were producing 1,000 planes a week to meet our war need. It did not take us 5 years to win World War II, and it certainly should not take us 5 years to build the Alaska pipeline.

Production of new natural gas should be stimulated. The bill I introduced early in this Congress, or one like it, should be approved. There is plenty of gas waiting to be discovered and brought to market. All that is lacking is incentive. Congress should allow the market to set the price for new production of gas, just as it does for oil and coal.

Oil shale must be developed. There is more oil shale in the United States than in all of the rest of the world; enough to meet our needs for 100 years. We will never have to import another drop if we develop the oil shale located out West. In recent days, leases of these Government-owned lands have been issued. Processing of the shale should proceed as quickly as possible.

Coal is abundant. If you think there is a lot of oil shale, there is so much coal in this country that we cannot even guess within a hundred years of how much there is. Estimates I have seen indicate that there is enough coal to meet all of our energy needs for 300 years or more. If we fail to transform that coal into clean fuel—whether liquid, gas or solid—then we need to have our national head examined.

Atomic energy, which during World War II was the No. 1 example of American's ability to meet a challenge quickly, can now set that example again. Technological breakthroughs are needed. But they cannot be more difficult than the original Oakridge project.

Other sources of energy must be researched and harnessed.

Twice each day powerful tides flow in and out, lapping at thousands of miles of shores. Development of water turbines capable of extracting useful energy from relatively small differences in water levels is needed. The tides often destroy beautiful beaches through erosion. That energy can be put to constructive use, such as the production of electricity.

So, too, the Sun. Solar energy has great potential for heating homes, schools, and other buildings where the roofspace is rather large compared with the amount of space enclosed. Already, some solar heated homes are in production.

Geothermal energy—heat from the center of the Earth—can also be used to turn steam turbines and thus produce electricity.

Much work and research needs to be done to harness the energy from each of these sources. But scientists tell us that each has distinct possibilities for the future. Our task today is to make the commitment, dedicate the manpower and money, so that future generations will not have to live in a cold, dark world.

As an old friend of mine—an elderly Congressman from Down South—used to say, "It's time to get the ox out of the ditch." We are in a ditch now. And we would not get out of it until all of us—Congressmen, the President, industry, and private citizens—all of us, do the things that have to be done.

Although many of these sources of energy may not be developed in time to help us out of the current energy crunch, now is the time to begin working on them. I pledge every effort to help move the work of Congress along in this direction as fast as possible.

NEED FOR STRICT CAMPAIGN REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. YOUNG) is recognized for 15 minutes.

Mr. YOUNG of Florida. Mr. Speaker, earlier this week the Senate once again expressed its concern over campaign reform, this time by passing legislation to provide almost total Federal financing for campaigns for Federal office. I sincerely hope that the House does not succumb to a similar temptation to burden the hapless American taxpayer with the financial responsibility of supporting every Tom, Dick, or Harry who chooses to run for national office. The $42 million which the Senate, and some House leaders, would have us spend on Presidential candidates alone would buy a lot of health care or hot lunches for schoolchildren. Moreover, by allowing matching contributions from private sources for certain primary elections, this so-called public financing reform actually leaves the door open for the same sorts of abuses it is claiming to eliminate.

Supporters of public financing for campaigns argue that Treasury funding of candidates would eliminate the political favoritism which results from dependence on private contributions, reduce overall expenditures, and thereby lower political corruption. These are indeed worthy goals and I support them. But I must point out that public financing of campaigns is contrary to all democratic principles. It requires the taxpayer to give financial support to a candidate half a continent away or to a Presidential aspirant with whom he strongly disagrees. Moreover, by setting up a mechanism whereby the Government determines which candidates are deserving of financial support, it opens the door to the Government determining who shall run—and thereby controlling the elections themselves.

Campaign reform can be accomplished without going down this dangerous path. By passing a truly tough and effective campaign reform bill, we can maintain the integrity of the American political process and avoid further demands on the Treasury and the taxpayer.

Mr. Speaker, I am today introducing the toughest campaign reform bill ever to come before the House. This bill closes the loopholes in the present law, sets the lowest limits ever set for campaign contributions and expenditures, outlaws dual candidacies, and requires elected Federal officials to forfeit office if they are guilty of campaign violations. This bill is not the shadow of reform—it is the substance.

I decided to introduce my own reform legislation after long and careful consideration of the Senate bills and the various proposals put before the House. Each of these proposals, while paying lip service to the ideal of reform, backs off from the strong steps which must be taken if we are to accomplish real reform. If we are going to correct the problem of campaign abuses once and for all, let us really do it rather than just talk about it. And let us put some teeth in the enforcement procedure, rather than just slapping violators on the wrist.

Following is a summary of the major points of my legislation, with a discussion as to their impact.

Strict overall spending limits: $25,000 each for a primary or general election for a congressional seat; a senatorial candidate may spend $25,000 times the number of congressional districts in the State, up to a maximum of $500,000. For each primary and general election, a Presidential candidate is limited to the same amount as a Senatorial candidate in each State. These limits apply to all campaign expenses, including broadcasting.

Other campaign bills allow a House candidate anywhere from $90,000 to $175,000, a Senate candidate from $150,000 to $2 million, and a Presidential candidate up to $21 million. Under my bill, a Presidential candidate could spend a total of slightly more than $10 million—half the sum which the Senate is now asking be financed out of the public Treasury.

Other campaign bills allow a substantial portion of allotted funds to be spent on the media. My narrow across-the-board limitations constitute a much more effective and responsible approach and should result in campaigns getting back to the people level. Election campaigns have too often been conducted away from the people through slick, Madison Avenue-type sales promotions. Full-time media specialists package and promote candidates as if they were a new, vitamin-enriched breakfast cereal. We are so tempted to buy the package and the "special offers" that we sometimes forget to read the fine print. In my opinion, election campaigns should be conducted with the candidates face to face, in full view of the people. There will be those who say that $25,000 is not enough to campaign in some districts, but if the candidate is willing to take his cause directly and personally to the people, $25,000 is plenty.

Strict limits on contributions: individual or political contributions to a candidacy are restricted to $1,000 for a Presidential candidate and $500 for a House or Senate candidate. Such contributions, no matter what their size, must be clearly identified as to donor and deposited in the official campaign account no later than the next business day after receipt by the official treasurer.

This is a simple yet effective means of getting rid of political favoritism and influence-peddling. With limits set very low on spending, correspondingly low limits on contributions do not damage the ability to raise money—but they do prevent financial manipulation of a candidate or his views.

Strict definition of campaign responsibilities and requirements for record-keeping: all contributions and expenditures for a campaign must be handled by a single authorized campaign committee under the direction of a single officially designated campaign treasurer. This individual is responsible for managing the finances of the campaign and the official campaign bank account, as well as complying with the financial provision of campaign law. For Presidential candidates, this would be done by the national campaign treasurer of the national committee.

Candidate himself held responsible for compliance: in addition to increasing the penalties for violations of the law, my bill specifies that a candidate who has been found guilty of violating the law would have to forfeit his office if elected.

This proposition will undoubtedly meet strong opposition from some fronts—but it is the only totally effective means of ensuring that a candidate will run a clean election. If a candidate knows that "the buck stops here" and that he will be held ultimately liable for the actions of his subordinates, he will take pains to run his campaign in compliance with the law and not shut his eyes to any wrong-doing. Loss of office is the best possible way to make the punishment fit the crime. If the office was obtained improperly or illegally, then the individual should be ousted and the people allowed to elect a candidate who complies with the law.

Prohibition of indebtedness: No commitments for expenditures can be made by an official committee unless the campaign account already has the funds on hand.

I want to outlaw situations where a candidate's committee may, for example, owe a telephone company hundreds of thousands of dollars or the airlines millions of dollars. Such debts are not legally considered campaign contributions, but if a candidate owes such sums over a period of several years, it is the same as a corporation contribution—which is illegal under existing law.

Prohibition of dual candidacies: Any candidate for national office must resign a present office effective as of the date he would begin his new job, if elected. The people of his home State can thus elect a replacement during the same general election and save the costs of special elections to fill vacancies.

This will be another highly unpopular provision, I am sure. But it would correct a great injustice in our political system whereby a Member of the Senate runs for another office from the safety of his seat, neglecting his legislative duties and his constituency for months or years during the campaign, but knowing that he still has his old job to fall back into if he loses.

In addition to the foregoing major new provisions, my bill closes a number of loopholes in the existing law and tightens up reporting requirements considerably. It increases penalties for violations while allowing even stricter State laws to take precedence over the Federal provisions.

Mr. Speaker, as I have noted there are provisions of my bill which might be unpopular, even among the most ardent supporters of campaign reform. But if the Congress is really serious about campaign reform, then Members must get tough on themselves and other candidates and write a law which really does the job. My bill is direct, effective, and swift in the identification and punishment of violators.

For the information of my colleagues, a section-by-section summary of my bill follows:

Summary of Provisions

Section 1, designates bill title as Federal Election Campaign Reform Act of 1973.

Section 2, imposes overall per election (primaries and primary runoffs and general elections are considered separate elections) candidate spending limitations as follows: $25,000 for a Congressional candidate; $25,000 times number of Congressional Districts in the State for Senatorial candidates; $25,000 times total number of Congressional Districts in the nation for Presidential and Vice Presidential candidates.

Prohibits any expenditures on behalf of a candidate other than those made by authorized committee or by national political party committee. Expenditures by a political committee on behalf of a candidate may be made only with authorization of candidate's official committee and shall count as part of candidate's overall expenditure.

Each political party may have only one national committee; the national committee must file reports as required by 1971 Act, as amended.

Section 3, candidates must designate a single authorized committee and a single campaign treasurer to handle *all* campaign expenses on his behalf and accept contributions.

Limits individual and political committee contributions to an authorized committee or national committee to $1,000 for Presidential elections and $500 for any other Federal office.

Limits contributions made in cash to $100.

Prohibits political committees from accepting contributions unless the original donor designates in writing the candidates or authorized committee to which the contribution should be given.

Prohibits "washing" of funds by prohibiting inter-committee transfers.

Prohibits expenditure of funds by authorized committee for non-campaign or non-legislative purposes.

Provides penalties for violation of section of $25,000 or one year imprisonment or both.

Section 4, the current "no filing requirement" exemption for political committees doing less than $1000 worth of business a year is eliminated. All political committees which spend money must file reports.

Political rating organizations are included within the definition of "political committees" for the purpose of coverage under 1971 Act, as amended.

Section 5, strikes requirement for continuous reporting of campaign debts in existing law (to conform with Section 11 below).

Section 6, prohibits any person making a contribution on the condition that the recipient of the contribution will make a contribution to any other candidate or his authorized committee unless the original contributor is identified pursuant to the reporting requirements of the 1971 Act, as amended.

Section 7, provides that P.L. 92–225, as amended by this Act, shall preempt any State law with which it is in conflict unless such State law sets stricter standards.

Section 8, Prohibits dual candidacies by requiring Federal officeholder to resign present office effective date on which oath of office would be administered for post for which he is officially a candidate.

Section 9, amends reporting requirements for House and Senate candidates so that from the day his authorized committee is set up, the candidate must report by the first Monday of each month; he must also file a pre-election report for primary and general elections no later than 15 days before these elections.

The monthly reports shall continue until such time as the funds held by the Committee are totally disbursed; if within 90 days after the election a candidate's funds are not totally disbursed, whatever is left shall become the property of the treasury of the state in which the individual is a candidate; Presidential funds shall revert to the national treasury.

A final report must be filed with the Clerk 90 days after the election.

On the first business day after the filing date for a candidate's reports, the names of those whose reports were not received in time shall be publicly posted.

Section 10, extends reporting requirements for contributions in excess of $100 to include *all* contributions to an authorized committee or political committee.

Section 11, prohibits any indebtedness on the part of an authorized committee.

Requires establishment of a single campaign account by the authorized campaign treasurer into which all contributions to the authorized committee are deposited on the first business day after receipt and from which campaign expenditures are made.

Section 12, provides as an additional penalty for violation of this Act that the candidate shall forfeit his office, if elected.

RESPONSE TO ARAB OIL BOYCOTT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Wolff) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, I am introducing a resolution expressing the sense of the Congress that the United States take immediate steps to sever all diplomatic ties with those Arab nations which have participated in the oil boycott and to embargo the shipment of all U.S. goods and materials to these nations. In addition, I have written to Chairman Thomas Morgan urging that the Foreign Affairs Committee hold full hearings to consider the gravity of the boycott in terms of our own national security.

The restrictions imposed on shipments of oil to the United States by the Arab nations constitutes a very real threat to our national security interests. A recent NATO statement agrees with this feeling and terms the boycott a hostile act which is violative of international law. The United States can ill afford to conduct "business as usual" with nations whose illegal activities jeopardize our security and our ability to adequately meet the needs of our own people. To continue to export food, machinery, and other material and to carry on normal relations with these Arab States is not only self-defeating but an evidence of a failure to face up to outright blackmail. If we submit to the blackmail tactics of the Arab nations, we remain vulnerable to every other nation that has the ability to withhold from us strategically important and essential materials.

There are those who argue that an embargo on shipments to the Arab Nations will be ineffective. Perhaps, such an action will not bring about the resumption of oil shipments to the United States. However, it will serve to convince the Arab States that the United States is not a weak or submissive nation, but rather a nation which deals firmly with those who resort to blackmail and threaten our security. Strong action by the United States may also serve as an example to our European allies who have backed down in the face of Arab threats.

A trade embargo and the severance of diplomatic relations is not the extreme response to Arab hostility; the extreme would be outright war against the oil producing nations. The actions I am proposing are rational, responsible and orderly responses to clearly illegal and dangerous activities. International law admits sanctions to be imposed against nations which act illegally and without regard for the security of other nations. Both trade embargoes and the severance of diplomatic ties are recognized sanctions.

I am including for the Record the text of the resolution as well as a copy of the letter I have sent to Chairman Morgan. The Congress must act to express the determination of this country that we will not be held hostage nor dictated to by nations who resort to hostile and criminal activites as a pressure tactic.

The letter follows:

Congress of the United States,
House of Representatives,
Washington, D.C., November 29, 1973.

Hon. Thomas E. Morgan,
Chairman, Committee on Foreign Affairs, U.S. House of Representatives, Washington, D.C.

Dear Mr. Chairman: I am enclosing for your consideration a "Sense of the Congress" resolution I am introducing today with regard to the restrictions which have been placed on shipments of oil to the U.S. by certain Arab Nations.

A recent NATO statement agrees with my feeling that the Arab oil boycott, by endangering our national security, constitutes a hostile act which is violative of international law. The hostile and illegal nature of the boycott demands that the U.S. deal firmly with the Arab nations by imposing sanctions allowed for by long-standing precepts of international law, in particular, sanctions in the form of a trade embargo and the severance of diplomatic ties.

I urge your Committee to consider the gravity of the Arab boycott in terms of our own national security. In addition, I look to the Committee for the leadership necessary to bring about full consideration of a resolution expressing the sense of the Congress that the U.S. act to sever diplomatic relations with and embargo shipments of materials and goods to those nations which have participated in the oil boycott.

I look forward to working with you on this matter of serious concern.

Sincerely,

Lester L. Wolff,
Member of Congress.

Concurrent Resolution

Whereas the restrictions imposed on shipments of oil to the United States by certain Arab nations threaten our national security interests.

Whereas the endangerment of our national security is a hostile act and violative of international law;

Whereas international law admits sanctions to be imposed upon nations which act illegally and without regard for the security of other nations;

Whereas trade embargoes and the severance of diplomatic relations are recognized sanctions against nations which violate international law by endangering the security of other nations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the United States take immediate steps to

(1) sever all diplomatic ties and relations with those Arab nations which have stopped or restricted shipments of oil to the U.S.;

(2) embargo all shipments of U.S. goods, products and materials to those nations which have participated in the Arab oil boycott.

H.R. 11440 AND H.R. 11265

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Dent) is recognized for 5 minutes.

Mr. DENT. Mr. Speaker, I rise today to commend my colleague, the gentleman from Texas, (Mr. Patman) for his bill H.R. 11440, the Foreign Bank Control Act, a bill to provide Federal control over foreign banks and other persons establishing, acquiring, operating, or controlling subsidiaries in the United States. I would like to say that it is indeed a timely bill, and one that I would submit to my colleagues' attention. The issue of foreign ownership and control of American enterprises—whether banks, steel mills, textile plants, and particularly strategic industries—is a matter that ought to concern every Member of this body. H.R. 11265, which 13 colleagues and I introduced on November 6, 1973, addresses the subject of foreign ownership, and restricts to 5 percent the amount of voting stock, and to 35 percent the amount of nonvoting stock, a foreigner can own. Inasmuch as the gentleman from Texas (Mr. Patman) has advised me that he will not be introducing the bill again with cosponsors, I would like to express my support of this measure by introducing it again for myself today.

SEARCH FOR JUSTICE AND TRUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Rooney) is recognized for 5 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, in this time of national turmoil, the words of Julian Goodman, president of the National Broadcasting Co., in his speech accepting the distinguished alumni award of the American Association of State Colleges and Universities seem particularly relevant to the search of the American people for justice and truth.

When we consider the actions of the news media, both broadcast and print, in uncovering the truth in the past few months, and bringing it to the attention of the American people, we understand the vital service independent news reporting performs in a democracy.

Since the broadcast media are not protected by the first amendment as are the print media, it is especially important that we in Congress safeguard the independence of that vital source of information to prevent an erosion of our freedom. We in Congress have a profound responsibility for preventing Government regulation of the broadcast media to the extent suggested recently by several persons in the executive branch.

I believe from Mr. Goodman's speech we can all gain an insight into the situation as it now exists in the broadcast industry and can acquire information which will assist us in properly exercising our responsibility.

The text of the speech follows:

Television Really Is an Education

(By Julian Goodman)

I'm pleased to be with you tonight and I'm honored by your Distinguished Alumni Award. It's been a long time since I left Western Kentucky University, and since then the state college and university system has grown tremendously. All of you have a right to be proud of that growth and of the millions of young men and women who have benefited from your labors.

My youngest son tells me that education is "how kids learn stuff." That's a nice, uncluttered definition, but it obviously lays emphasis on learning as something geared exclusively to the young. And that notion of a time limit on education can stay with us too long.

By the time I left Western Kentucky to join the Army in 1943, I was sure I had learned quite a bit of "stuff." By the time I left the Army and went to work for the government in Washington I thought I knew quite a bit more. When I signed on with NBC, at the age of 23, I felt mature and well-educated. But it didn't take me long to find out that my education was only starting. And tonight I want to share with you something of what I've learned since then.

We all discover some basic truths about the business or profession we're in and about the people we deal with. Educators and broadcasters have something uniquely in common here. We reach almost everybody at one time or another. And because we do, there will always be people who are concerned with what we communicate, and some who will try to dictate what they think we should communicate.

When this happens, our freedom to communicate is threatened. And if we let that freedom erode—if we hand off our responsibilities to others—we might as well turn over our classrooms and television studios to our most troublesome critics.

In simpler times, back when it was claimed only that television would kill the art of conversation and ruin the nation's eyesight, we knew that this new medium was going to cause concern, as it should; that it was going to prompt speculation, as it must; and that it would draw criticism, as a natural result of trying to serve a multiplicity of tastes.

The thing we didn't know is what the world would be like. We didn't know about the wars and social revolutions and changing life styles and ideologies that would form our national experience. We didn't know how a large reflecting mirror like television would show those images, and to what effect.

Today we know about that effect on the quality of American life. Television has brought the good and the bad of the entire world into our living rooms and made us more aware of things around us. It has assumed a place alongside the home, government and education as a major influence on national life and thought. And it has done all this and become all this in the last quarter century. By comparison, the printing press took 500 years to make its full impact on men's minds.

When I started with NBC as a news writer in Washington 28 years ago, our big problem then was persuading public figures to appear on radio and television.

I remember spending most of three days riding up and down in a House Office Building elevator, buttonholding the Chairman of the House Foreign Affairs Committee, trying to persuade him to permit live radio coverage of his Committee's hearing on the Greek-Turkish aid bill. He finally gave in, and that became the first live coverage the American people ever had of a Congressional Committee in action.

I also recall the reluctance of the White House to allow radio coverage of President Truman's occasional appearances in the Rose Garden, where he spoke informally to visiting groups. Once our microphones were allowed in, there seemed to be a never-ending flow of visitors and ceremonies. And soon we had to ask the White House whether there was any way they could keep the President *out* of the Rose Garden for a while.

When television covered its first national political convention in 1948 only seven cities in the East saw those pictures. It was very difficult to get politicians to go before the cameras. So few people could see them they felt it wasn't worth their time.

Well, times *have* changed and the situation is now very different. Television today enters 65 million American homes. It is recognized as the public's primary and most reliable source of news and information. And its problem is not to persuade people to come on the air—it is to try to balance the views and the arguments of the many different voices, public and private, that want to be heard.

I find it natural that those with special interests to serve or special messages to get across want to influence television news, and that government itself, which regulates broadcasting, would use regulation and the power of licensing to shape and control what the medium conveys. If there's any one thing that stands out for me in my long education in broadcasting, it is the need to keep broadcasting journalism free from this influence.

Television news is at a disadvantage here because it does not have the same protection that is guaranteed to the printed press by the First Amendment to the Constitution. The Federal Government regulates broadcasting because the number of frequencies over which radio and television stations may broadcast is limited, and somebody has to decide who uses what frequency. A law written in 1934 gave the Federal Communications Commission power to do this, and this power has been extended to thrust government ever more deeply into broadcasting.

One such thrust has come out of a regulation known as the Fairness Doctrine, which says that over the course of his schedule, a broadcaster must make sure that differing sides of a controversy are fairly heard. We do that. But there are those who urge that government assert a greater role in determining what views are presented and by whom and how often. That is the path toward government determination of what goes on the air. If that day ever comes, not just broadcasters will be in trouble. We all will.

It is not recognized often or clearly enough that the journalist—and the broadcast journalist no less than others—is simply a representative of the people, asking questions the people would ask if they had access to the officials they placed in power.

So we were somewhat taken by surprise two weeks ago—though we should not have been—when President Nixon made a particularly blunt attack on television reporting. I say we should not have been surprised because he is not the first President to blame television for troubles that reporters—or television—could not possibly have caused.

Television reporters and editors are victims of the same frailties that afflict others. Like doctors, lawyers, and even university presidents, they occasionally make mistakes. But I can assure you from personal knowledge that their mistakes are made without malice and their intent does not go beyond the uncomplicated desire to report the truth. To report the truth to the public that is obliged to decide periodically how it wants to be governed and by whom.

Television news does provide a sense of immediacy and an all-pervasive eye on the events of the day, sometimes as quickly as they happen. And it is easy to understand why the Presidents of the United States who have served during the rapid growth of television might be uncomfortable with it. Future Presidents probably will be equally uncomfortable.

This is why I feel it is doubly important today for those who have a deep belief in freedom—as I do—to be on guard against those who would use the machinery of government to restrict the freedom of those they don't like—for instance, the television networks.

One of those who makes no bones about wanting to clamp down is Patrick Buchanan. He sits very close to the President as speechwriter and supplier of the news summaries through which the President gets his view of what is being said in the newspapers and on radio and television. Mr. Buchanan has said on more than one occasion that the networks have too much power, and last week he advocated legislation that would "decentralize" and ". . . break the power of the networks."

This is dangerous thinking and it deserves to be rejected by anyone who believes in freedom. Not long after the President's most recent attack on television news, Peter Lisagor, the distinguished Washington correspondent of the Chicago Daily News, made this observation: The struggle between Presidents and members of the press has been going on for a long time, he said, and the press is going to be here for a long time to come, through many administrations; so let's all cool off a little and not get too emotional about this particular incident.

That's good advice. But it does not address the basic difference between the print media and broadcasting. There are few ways that the machinery of government can be used against the printed press. There are many ways it can be used against broadcasting.

Government is operated by a set of hand signals, and when its leadership is perceived to favor some restrictive actions against someone it may be displeased with, there are many people up and down the line throughout government who can make those restrictions stick. That's why I find it necessary to spend so much time speaking around the country, not just in behalf of the broadcaster, but in the interest of the people's right to the information they need to govern themselves. As David Brinkley has said, "There are numerous countries in the world where politicians have seized absolute power and muzzled the press. There is no country in the world where the press has seized power and muzzled the politicians."

Although providing news and information to the public is an important part of the broadcaster's responsibility he must also be concerned with his total service, and that can be an education, too.

In the last 12 months I received more than 23,000 pieces of mail addressed to me at NBC, most of it critical, more than half of it the result of organized campaigns where people were directed to write, and frequently about what they called television "new" permissiveness in entertainment.

I don't believe that television is moving ahead too fast or becoming too provocative, any more than I believed the old complaint that it moved too slowly and too blandly. It moves with the times and with maturing national tastes, and with the most democratic indicator of all—what the public finds acceptable and interesting.

We learned a long time ago that almost anything that appears on television is going to make somebody, for some reason, unhappy. And we long ago recognized that because television is an invited guest in the American home, it must respect the generally accepted standards of family taste. I think it has succeeded in this most difficult job of allowing freedom of expression while honoring the public's more realistic sensitivities.

I believe also that on the whole television is doing a good job of serving the public. But you might expect me to feel that way, so let me give you the view of someone who watches what we do with just about as careful an eye as we apply to ourselves.

Rick Du Brow writes the daily television column for United Press International, and he's a tough, perceptive critic. Recently he wrote that whenever he hears a sweeping statement about how bad television is, he finds himself, despite his own criticisms, asking people just how much television they watch and what they watch. Invariably, says Du Brow, their answers "make clear they don't know much about television, watch the worst stuff, miss most of the best, and don't really work at getting the maximum out of the home medium. . . ."

Du Brow's point is that if anyone simply plunges headlong and without any selectivity into an entertainment medium, the results will be predictable. There is, he says, an extraordinary amount of material on television, good and bad, and that what a viewer sees will be as good or bad as his or her selections make it.

Television has shown us the election of Presidents—and their deaths—man's voyages into space and his steps on the moon, scenes of war and constitutional crisis. It has taught us things of value while it has entertained us. Perhaps we have come to realize that the nation's problems do not magically disappear by turning off the television set. Perhaps we have come to realize that knowing about our problems is the first step toward solving them.

Looking back over 28 years, I'd say it's been a long postgraduate course in a very noisy classroom. Guest lecturers keep coming in from the public and the government with new theories on what the business should be like.

But a number of truths stand out: Television is not and can't afford to be a political instrument, nor a social theory or a tool for special interests. It must have the independence enjoyed by a free press to be an effective medium of public information. And it must have enough creative freedom to keep pace with the public's changing interests and expectations.

I am sure that as we go along television will make mistakes. It is after all cared for by human beings. But praise or blame does not count as much as the overall impact television has had on our society. On that score there is little doubt in my mind that it has been as revolutionary as the printing press, and as beneficial. So for me at least—and I hope it will be the same for many generations that will come after me—television really is an education.

PRIVATE IMMIGRATION LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN), is recognized for 10 minutes.

Ms. HOLTZMAN. Mr. Speaker, I am submitting today an amendment to the House rules which would require that Members introducing private immigration bills submit a sworn statement, declaring that no compensation of any kind has been or will be received for introducing that bill.

Unfortunately, a cloud of suspicion hangs over the whole area of private immigration legislation, and periodically potential abuses are bandied about in the press. This cloud has even discouraged some Members from introducing legitimate and badly needed bills.

From my experience on the Judiciary Subcommittee on Immigration, I know that private immigration bills can serve an important function. They allow Congress to deal with cases of extraordinary hardship or unique special circumstances and thereby serve the national interest.

It is therefore important to remove the cloud from such bills and make it clear that House policy prevents compensation for legislative work.

In this "year of Watergate" we in the legislative branch must review our own practices and procedures and begin to sweep under our own rug so that our activities are both in fact and in appearance beyond question.

We too have a responsibility to take meaningful steps to restore confidence in the integrity of government.

The text of my amendment follows:

Resolved, That Rule XXII of the Rules of the House of Representatives is amended by adding at the end thereof the following clause:

"7. No private bill or resolution, or any amendment to any such bill or resolution, authorizing or directing the immigration or naturalization of any individual shall be received or considered in the House or any committee thereof unless such bill, resolution, or amendment is accompanied by a statement, made under oath and signed by the Member introducing such bill or resolution or offering such amendment, that such Member has not received and shall not receive directly or indirectly any compensation of money or anything of value for introducing such bill or resolution or for offering such amendment."

THE NEED FOR LEGISLATION TO CONTROL FOREIGN BANKING IN THE UNITED STATES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PATMAN. Mr. Speaker, recently I introduced H.R. 11440, the Foreign Bank Control Act, to provide for Federal chartering and regulation of foreign banks in the United States. The United States is unique in that it is the only country in which the central government or central bank does not license or regulate foreign banks. Branches and agencies of foreign banks are currently chartered under State laws and most foreign bank subsidiaries, though they have to be approved by the Federal Reserve Board under the Bank Holding Company Act Amendments of 1970, are also chartered by the individual States as nonmember banks. States which have laws regulating foreign banks differ regarding the scope of activities permitted. Eight States prohibit entry altogether while the majority are silent on the subject.

There is general agreement among people who have observed the recent rapid growth of international banking that there is a need to restructure the framework under which foreign banks enter and operate in the United States. Most appear to favor some form of Federal chartering and regulation. It has been pointed out that the current system of State chartering gives foreign banks a number of competitive advantages over domestic banks. A substantial number of foreign banks have full service banking operations in more than one State, and one of the largest banks in the world, Barclays, soon will have operations in four States. In some States foreign banks are permitted to have full service branches together with investment banking subsidiaries while U.S. banks are, of course, subject to provisions of the Glass-Steagall Act separating commercial and investment banking.

Because the branches and agencies of foreign banks are not supervised or regulated at the Federal level, there is very little information available concerning their operations. Since November 1971, they have been asked to report their foreign assets under the Voluntary Foreign Credit Restraint program, and it is apparent that they handle a substantial volume of short term funds that flow in and out of the United States, and that this pool of funds is rising rapidly. At the end of 1971, the branches and agencies reported foreign assets of approximately $3 billion. These assets rose $1.7 billion during the year 1972, and rose an additional $1.2 billion to $5.7 billion in February of this year, the period of the second devaluation of the dollar.

As the increase in foreign assets of the branches and agencies in February indicates, one of their major functions is to serve as a source of dollars for the international operations of their parent banks. That, together with the fact that the operation of a number of the branches and agencies are financed largely by borrowings from U.S. banks has very significant implications for the conduct of monetary policy, both international and domestic. These developments support the conclusion reached in a report on foreign banking in the United States prepared for the Joint Economic Committee in 1967 that:

> It seems especially inappropriate that the activities of foreign branches and agencies have been examined only by state authorities who are largely uninterested in the inflow-outflow implications of the bank's activities.

IMPACT OF FOREIGN BANKS ON U.S. BANKING

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PATMAN. Mr. Speaker, as the number of foreign banks operating in the United States and the scale of their operations increases, their impact on the domestic banking structure becomes more apparent. Some countries do not require a separation of banking and commerce and some foreign banks which are active in the United States are affiliated with foreign companies which do a substantial amount of business in the United States. Questions concerning the propriety of these relationships and their impact on competition within the American economy were raised in legislation proposed this summer in California. The Federal Reserve Board has also attempted to meet this problem by regulation within the scope of its authority under the Bank Holding Company Act, but its interpretations are so broad as to negate the effort. I would have to agree with Board Governor Brimmer's dissenting statement of December 1, 1971 in a case involving three Japanese banks that:

> A principal purpose of the Bank Holding Company Act, unaltered by the 1970 amendments, was to prevent the dangers to the nation's banking system inhereint in common control of banking and commercial interests. Approval of the instant applications ignores this historic mandate against common control—for certainly that is evidenced here—and is thus patently contrary to the public interest.

Another problem which has arisen both as a result of the increase in foreign banking in the United States and the spectacular expansion in the overseas activities of American banks is the proliferation of joint investments among the multinational banks. European banks have formed groups made up of major banks from several countries as a way of establishing ready-made branch networks able to compete with the global networks established earlier by large

American banks. Merchant banking consortia which include U.S. banks have been established to handle the sizable loans which are characteristic of international finance.

These developments have taken place for the most part outside the United States, but they have serious implications for the competitive structure of banking within the United States as well, since banks which have substantial investments in common overseas are operating in the same locations within the United States.

It would be difficult to prove that these interlocking relationships among the world's major banking institutions reflect a firm cartelization of banking in other than international markets, but the potential for such a development is real. Further, it would be equally difficult to prove that such arrangements are not now resulting in anticompetitive practices—that banks which are pooling resources and personnel in London are dealing at arms length with one another in New York and San Francisco. There is no reference in law to this form of activity, but it clearly violates the intent of American banking statutes and threatens to erode traditions of competitive banking in the United States.

These developments reflect the remarkable expansion in international banking which has taken place in the past decade, and the fact that it has occurred in a legislative and regulatory vacuum. It is time to provide for more rational and orderly growth in this area. In the case of foreign banks operating in the United States, the obvious need is to establish a situation of parity with domestic institutions. The bill which I am introducing provides for Federal chartering and regulation of foreign banks to insure that they will operate in the United States in the same way in which American banks operate.

EXPLANATION OF THE FOREIGN BANK CONTROL ACT

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PATMAN. Mr. Speaker, because of the complexity of developments in international banking in the last decade, it might be useful to describe some of the more important provisions of H.R. 11440, the Foreign Bank Control Act which I introduced recently, and explain why they have been introduced.

Under the proposed legislation, foreign banks would apply to the Secretary of the Treasury for permission to establish or continue operations in the United States. Since these operations involve factors beyond the scope of banking itself and affect policies of the Federal Government, it seems appropriate that authority to approve or disapprove entry be conferred on an official at this high level. However, after the Secretary has given approval, final authority to charter the foreign bank subsidiary would rest with the appropriate banking authority—the Board in the case of subsidiaries engaged in international banking and the Federal Deposit Insurance Corporation and State banking authorities in the case of subsidiaries engaged in domestic banking.

All banking operations by foreign banks in the United States would be conducted through subsidiaries rather than, as now, through a combination of branches, agencies, and subsidiaries. Branches and agencies are legally an integral part of the parent bank and problems of regulating and supervising a part of a bank whose overall operations are outside the United States are virtually insurmountable. The restrictions and safeguards which have been placed on branch operations in New York and California and the fact that they do not qualify for FDIC insurance support this view. Requiring that they operate through subsidiaries would meet this problem and permit a structure in which the U.S. operations of foreign banks could be made to conform more closely to those of domestic banks.

Foreign banks would not be permitted to establish subsidiaries which accept domestic deposits and engage in retail banking in more than one State. Foreign banks would continue to be excluded from States which have laws specifically forbidding foreign banking but would otherwise be subject to the same regulatory restraints as State member banks and have the same privileges except the privileges of Federal Reserve membership. The Bank of England and the Bank of Japan both deny foreign banks access to discount and borrowing privileges and it is argued that this helps insulate the domestic money supply from the impact of international transactions. Meanwhile, the subsidiaries of foreign banks which accept domestic deposits will continue to be insured by the FDIC—a privilege which is extended to foreign banks by no other country.

Although restricted to one State in their domestic operations, foreign banks would be permitted to operate international banking subsidiaries in more than one State as domestic banks do through their Edge Act subsidiairies. The bill incorporates much of the language contained in section 25(a) of the Federal Reserve Act, the so-called Edge Act, and provides that Edge corporations, the international subsidiaries of foreign banks be restricted to international or foreign transactions. The scope of activity which would be pemitted conforms substantially to that permitted agencies of foreign banks in New York and branches in California and the conversion of present operations would not be difficult. The principal change proposed is chartering and regulation by the Board rather than, as now, by State banking authorities.

PROVIDING FOR A NATIONAL POLICY ON FOREIGN BANKING

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PATMAN. Mr. Speaker, a substantial increase in foreign investment in the United States is expected as a result of devaluation and it is thought that this will stimulate a further and fairly rapid increase in foreign banking as well. In anticipation of these developments, H.R. 11440 would require that the Secretary of the Treasury establish guidelines covering the optimal level of foreign banking, the degree of concentration of banks from the same country and the size of operations of individual banks which are consistent with the national public interest. An openly stated policy formulated at a time when the level of activity does not pose a serious threat to domestic institutions would avoid any future misunderstandings which might affect trade or other sensitive relations between the United States and other countries.

It is also appropriate at this time to correct certain competitive advantages enjoyed by foreign banks as well as to assure that they have the same advantages as U.S. banks. To achieve this the Secretary would be bound in approving applications by provisions intended to preserve the competitive structure of American banking and reaffirm the applicability of existing statutes separating banking and commerce to all banking conducted within the United States. These standards would apply to activities of the foreign parent or its subsidiaries or affiliates within the United States or to interlocks with other foreign banks or corporations active in the United States or with U.S. banks and corporations. In some cases, these provisions will require divestitures of shares in joint investments overseas if existing U.S. facilities are to be preserved. It will also require divestiture of any investment banking subsidiaries in the United States by banks which wish to continue commercial banking operations. On such divestiture has already been required by the Board under authority of the Bank Holding Company Act amendments of 1970. It is anticipated that the number of divestitures will be large but that they will not cause great hardship. For both these reasons no grandfather provisions have been included.

The most restrictive provisions of the bill relate to interlocks between foreign banks and companies which do business in the United States. Such relationships are contrary to American banking law and to permit such relationships to continue would discriminate against American banks in favor of foreign banks. It should be noted, however, that the bill deals only with nonbanking activities within the United States. A foreign bank's relationships with companies which do not export to the United States or engage in any activities here is not a matter of concern.

From the point of view of American banks active overseas, one of the more important provisions in any act regulating foreign banking will be with questions of reciprocity. This bill authorizes the Secretary of the Treasury to take into consideration restrictions on entry imposed on American banks by foreign governments and to seek to establish parity in the level of banking interchange between a given country and the United States in approving foreign bank charters. However, it would not be appropriate to apply such a provision to underdeveloped countries or other countries where the potential for domination of their banking systems by American banks exists. Such countries nevertheless require access to international money markets and should be permitted to engage in international banking in the United States even when they exclude banks within their own borders.

As these remarks have indicated, this is a highly complicated and controversial piece of legislation dealing with intricate developments in the world of international finance. I am not committed to every provision or detail of the bill, and recognize the need for full discussion and careful consideration by all interested parties. However, it does seem essential that Congress begin consideration of legislation in this area, and I have introduced this bill with the conviction that it reflects a reasonable analysis of areas in which problems exist and is headed in the right direction toward solving those problems.

PROPOSED AMENDMENTS TO BUDGET REFORM BILL

(Mr. BENNETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BENNETT. Mr. Speaker, it is my intention to offer two amendments to the budget reform bill tentatively scheduled to come up on the floor of the House Tuesday, December 4. These amendment entering in to very long ongoing of the bill which was introduced by 43 Members of the House including myself earlier this year, entitled "the Federal Act To Control Expenditures and Upgrade Priorities."

One of these amendments would provide for evaluation and pilot-testing of programs prior to the Federal Government entering into very long ongoing programs.

The second amendment would provide for a maximum limitation on authorizations for new budget authority for 3 years. This gets to the problem of back door spending which has grown astronomically in recent years.

The amendments are as follows:

FIRST AMENDMENT TO H.R. 7130, AS REPORTED OFFERED BY MR. BENNETT

Page 66, after line 14, insert the following new part:

PART E—EVALUATION AND PILOT TESTING OF PROGRAMS

Sec. 151. LEGISLATION SUBJECT TO POINT OF ORDER.

(a) IN GENERAL.—Except as provided in subsection (c), it shall not be in order in either House to consider any bill or resolution which establishes or extends a major outlay program unless such bill or resolution provides (or a prior law has provided) for—

(1) a pilot test of such program, or

(2) an evaluation of such program to be completed no later than 3 years after the enactment of such bill or resolution.

(b) MAJOR OUTLAY PROGRAM DEFINED.—For the purpose of this part, a major outlay program is any program estimated to cost more than $100 million for the first 3 fiscal years of the program or extension thereof, as determined by the Legislative Budget Director.

(c) EXCEPTION.—Subsection (a) shall not apply to a bill or resolution if the committee report accompanying it contains a statement, together with full reasons therefor, that the committee has given full consideration to program evaluation and pilot testing and, in its judgment, neither program evaluation nor pilot testing would be feasible or desirable for the program which is being established or extended, or for which budget authority is authorized, by the bill or resolution.

(d) NATURE OF PILOT TEST.—A pilot test of a major outlay program shall as nearly as possible include a replica of the program as it would be implemented on a permanent basis, shall be conducted for a defined period of time, and shall be conducted by the department or agency of the Government, or the public or private organization, specified in the law providing for the test.

(e) REPORTS OF EVALUATION OR PILOT TEST RESULTS.—The department, agency, or organization which conducts any evaluation or pilot test described in subsection (a) shall report the results to the committees of the House of Representatives and the Senate which have jurisdiction to report legislation implementing the program on a broad scale, authorizing its extension, or authorizing the enactment of budget authority to implement the program. Such report shall be submitted in sufficient time to permit adequate consideration by the Congress of legislation to implement the program on a broader scale or extend its authorization.

(f) MULTIPLE TESTS.—Nothing contained in this part shall preclude simultaneous multiple pilot tests of a major outlay program to determine the most feasible alternative before broader implementation.

(g) REPORTS BY COMMITTEES.—It shall not be in order in either House to consider any bill or resolution which authorizes appropriations to extend any major expenditure program, after the date of the enactment of this Act, until the appropriate committee of that House shall have submitted a report on any pilot test or evaluation conducted with respect to the program under this section.

Sec. 152. COMMITTEE ANALYSIS.

(a) IN GENERAL.—Each committee to which a report on an evaluation or pilot test is submitted under section 151(e) shall analyze and consider the results of the major outlay program involved in its consideration of legislation to implement the program on a broader scale or extend authorization of the program, as the case may be. In conducting such analysis, the committee may receive testimony and evidence in hearings open to the public. The appropriate committees of the two Houses may conduct such hearings jointly.

(b) MATTERS TO BE INCLUDED IN COMMITTEE REPORT.—The report of a committee on legislation to implement on a broader scale or extend authorization of a major outlay program shall include (but not be limited to) the following matters:

(1) Suitability of the Federal Government to implement such program on a broader scale or extend its authorization.

(2) A summary of any available evaluations or analyses of the program, including cost benefit studies, in relation to other alternative approaches, including those described in section 141.

(3) In the event the legislation would change a current method of dealing with a specific problem, a comparison of the current method used and the method used in the test, and an analysis in terms of relative effectiveness.

Sec. 153. REVIEW AND EVALUATION BY COMPTROLLER GENERAL.

Part I of title II of the Legislative Reorganization Act of 1970 (84 Stat. 1167; Public Law 91-510; 31 U.S.C. 1151 and following) is amended by striking out section 204 and inserting in lieu thereof the following:

"ASSISTANCE TO CONGRESS BY GENERAL ACCOUNTING OFFICE

"SEC. 204. (a) The Comptroller General shall review and evaluate the results of Government programs and activities carried on under existing law when ordered by either House of Congress, or upon his own initiative, or when requested by any committee of the House of Representatives or the Senate, or any joint committee of the two Houses, having jurisdiction over such programs and activities.

"(b) The Comptroller General, upon request of any committee, joint committee, or member, shall assist such committee, joint committee, or member—

"(1) in developing specifications for legislative requirements for executive branch evaluations of Federal programs and activities, including reporting the results of such evaluations to the Congress; and

"(2) in analyzing and assessing program reviews, evaluation studies, and cost-benefit studies prepared by or for any Federal agency to assist a committee in meeting the requirements of section 152 of the Budget and Impoundment Control Act of 1973.

"(c) The Comptroller General shall develop and prescribe principles and standards for the evaluation of Federal programs and activities, and submit an annual report.

"(d) The Comptroller General shall monitor the various recurring reporting requirements of the Congress and its committees and make recommendations to the Congress and its committees for changes and improvements in these requirements to meet the congressional information needs as ascertained by the Comptroller General, to enhance their usefulness to the congressional users and to eliminate duplicative or unneeded reporting.

"(e) In carrying out his responsibilities under this part, the Comptroller General is authorized to establish an Office of Program Review and Evaluation within the General Accounting Office. The Comptroller General is authorized to employ not to exceed ten experts on a permanent, temporary, or intermittent basis and to obtain services as authorized by section 3109 of title 5, United States Code, but in either case at a rate (or the daily equivalent) for individuals not to exceed that prescribed, from time to time, for level V of the Executive Schedule under section 5316 of title 5, United States Code."

Redesignate the succeeding parts and sections (and cross references thereto) accordingly; and conform table of contents.

SECOND AMENDMENT TO H.R. 7130, AS REPORTED, OFFERED BY MR. BENNETT

Page 66, after line 14, insert the following new part:

PART 5—LIMITATION ON PERIOD OF AUTHORIZATION OF NEW BUDGET AUTHORITY FOR MAJOR OUTLAY PROGRAMS; REQUIRED REVIEWS

SEC. 151. AUTHORIZATION OF NEW BUDGET AUTHORITY LIMITED TO THREE FISCAL YEARS.

(a) IN GENERAL.—No law enacted after the effective date of this part which authorizes new budget authority for any major outlay program may authorize such new budget authority for a period of more than three fiscal years.

(b) TERMINATION OF EXISTING PROGRAMS.—

(1) All provisions of law in effect on the effective date of this part which authorize new budget authority for any major outlay program for a period of more than three fiscal years, beginning with the first fiscal year which commences after such date, shall cease to be effective at the end of the fourth fiscal year beginning after such date.

(2) All provisions of law in effect on the effective date of this part which authorize new budget authority for any major outlay program for an unspecified number of fiscal

years shall cease to be effective at the end of the fifth year beginning after such date.

(c) EXCEPTION FOR PROGRAMS FUNDED BY USER TAXES.—Subsections (a) and (b) shall not apply to any major outlay program funded in whole or major part by user taxes.

(d) DEFINITION OF MAJOR OUTLAY PROGRAM.—

(1) For purposes of this part, the term "major outlay program" means a program for which the sum of—

(A) the amount of new budget authority authorized to be provided for the fiscal year in progress (or, if no new budget authority has been authorized, the amount of new budget authority requested for such fiscal year in the budget submitted by the President), and

(B) the aggregate of the new budget authority provided for the two preceding fiscal years,

is more than $100,000,000. Such term includes, for purposes of subsection (a), a program enacted after the effective date of this part which is estimated to cost more than $100 million for the first three fiscal years of the program or extension thereof, as determined by the Legislative Budget Director.

(2) For purposes of this part, a program for which new budget authority has not been provided or authorized (or requested) for a period of three fiscal years, shall be treated as a major outlay program (until new budget authority has been provided or authorized (or requested) for three fiscal years), if the sum of—

(A) the amount, if any, of new budget authority authorized to be provided for the fiscal year in progress (or, if no budget authority has been authorized, the amount, if any, of new budget authority requested for such fiscal year in the budget submitted by the President),

(B) the new budget authority, if any, provided for such program for any preceding fiscal year in such period, and

(C) the estimated cost of such program (as determined by the Director of the Congressional Office of the Budget) for any fiscal year in such period for which no amount is applicable under paragraph (1) or (2),

is more than $100,000,000.

SEC. 152. COMPREHENSIVE REVIEW AND STUDY.

(a) IN GENERAL.—

(1) During the period prescribed in subsection (b), each committee of the House of Representatives and the Senate which has jurisdiction to report legislation authorizing new burget authority for a major outlay program shall conduct a comprehensive review and study of such program and shall submit a report thereon to the House or the Senate, as the case may be. In conducting any such review and study, the committee shall receive testimony and evidence in hearings open to the public, except that such hearings may be closed to the public upon the same terms and conditions as hearings of the Committee on the Budget of that House may be closed to the public.

(2) Prior to the beginning of the period (or as soon thereafter as possible), during which any committee of the House of Representatives or the Senate is to conduct a comprehensive review and study of a major outlay program, the head of the department or agency of the Government which administers the program (or any part thereof) shall submit to the committee an evaluation and analysis of the program.

(b) PERIOD DURING WHICH REVIEW AND STUDY TO BE CONDUCTED.—

(1) The period referred to in subsection (a) for the first comprehensive review and study of a major outlay program is—

(A) with respect to any major outlay program in effect on the effective date of this part, the last fiscal year commencing after such effective date for which new budget authority is authorized for such program (after the application of section 151), except that (i) such review and study may be conducted in a fiscal year preceding such last fiscal year if the committees of both Houses required to conduct such review and study agree to conduct it during such preceding fiscal year, and (ii) if such last fiscal year precedes the third fiscal year commencing after such date, such review and study may be conducted during such third fiscal year if the committees of both Houses required to conduct such review and study agree to conduct it during that fiscal year, and

(B) with respect to any major outlay program enacted after such effective date, the third fiscal year during which the program is in effect.

For purposes of applying this paragraph, the provisions of section 151 shall be applied without regard to subsection (c) thereof.

(2) The period referred to in subsection (a) for the comprehensive review and study of a major outlay program (after the first such review and study) is the third fiscal year following the period during which the preceding review and study was conducted.

(c) COMMITTEES TO CONDUCT REVIEWS AND STUDIES.—Insofar as possible, the committees of the House of Representatives and Senate which have jurisdiction over a major outlay program shall conduct the review and study required by subsection (a) at the same time. Such committees may conduct the hearings required by such subsection jointly.

(d) CONTENTS OF COMMITTEE'S REPORT.—The report of a committee on a review and study of a major outlay program shall contain an analysis of the program and the committee's evaluation of the overall success or failure of the program, and shall include (but not be limited to) the following matters:

(1) Whether the program objectives are still relevant.

(2) Whether the program has adhered to the original and intended purpose.

(3) Whether the program has had any substantial impact on solving the problems and objectives dealt with in the program.

(4) The impact of the program on the functions and freedom of the private sector of the economy.

(5) The feasibility of alternative programs and methods for dealing with the problems dealt with in the program and their cost effectiveness.

(6) The relation of all Government and private programs dealing with the problems dealt with in the program.

(7) An examination of proposed legislation pending in either House dealing with the problems being dealt with in the program, including an examination of each proposed legislation in the context of—

(A) existing laws,

(B) other proposed legislation,

(C) private efforts, and

(D) whether public efforts will hinder or help private efforts.

SEC. 153. COORDINATION WITH OTHER PROVISIONS.

(a) AVOIDANCE OF DUPLICATE REVIEW AND STUDY.—If a committee of the House of Representatives or the Senate which is required under section 152 to conduct a comprehensive review and study of a major outlay program is also (but for the provisions of this section) required under another section or part of this title, during the same period, to analyze and consider the results of an evaluation of such program, such committee shall conduct the comprehensive review and study of such program under section 152, and the provisions of such other section or part shall not apply with respect to such evaluation.

(b) NONAPPLICATION OF OTHER PROVISIONS.—If a committee of the House of Representatives or the Senate which (but for this subsection) is required under another section or part of this title to analyze and consider the results of an evaluation of a major outlay program has conducted a comprehensive review and study of such program during either of the two fiscal years preceding the period when such analysis is otherwise required, the provisions of such other section or part shall not apply with respect to such evaluation.

Sec. 154. LEGISLATION SUBJECT TO POINT OF ORDER.

It shall not be in order in either the House of Representatives or the Senate to consider—

(1) any bill or resolution which authorizes the enactment of new budget authority for any major outlay program for any fiscal year beginning after the period during which the committee of that House which has jurisdiction over the program is required to conduct a comprehensive review and study under section 152, until that committee has submitted the report thereon required by such section, or

(2) any bill or resolution which authorizes the enactment of new budget authority for any major outlay program for a period of more than three fiscal year.

Redesignate the succeeding parts and sections (and cross references thereto) accordingly; and conform table of contents.

CONFLICT OF INTEREST?

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, it was announced yesterday that the administration plans to enlist some 250 oil industry executives as special Federal employees to run the new fuel allocation programs. It is important, in this connection, to keep in mind the very real possibility that, should gas rationing come, the Fuel Allocation Office might well also run the rationing program.

There can certainly be no question as to the wisdom of seeking the advice and counsel of those who have real knowledge as to the intricate workings of the oil industry when developing and administering a fuel allocation or rationing program.

However, it was also announced that the administration is seeking a special exemption for these oil industry employees from the conflict of interest provisions of the Federal crimes and criminal procedure statute.

Mr. Speaker, I must take strong exception to such an exemption. It seems quite obvious that these individuals would experience a conflict of interest inherent in the job they are being asked to undertake. How would an oil industry executive administer an allocation program relating to refinery mix of, for example, heating oil versus gasoline, when it is clear that the profit margin on the gasoline is higher than on the heating oil? Under existing conflict of interest statutes, any intentional manipulation of the allocation program to benefit his oil company would be illegal. We are being asked to remove such restrictions.

The existence of present conflict of interest statutes does not impugn the integrity of any present Federal employee, nor would it impugn the integrity of any "special" employee. These legal safeguards do not hamper necessary actions to meet the energy crisis in any way. They would simply offer some protection to the American people, and should remain in effect.

Therefore, I shall introduce a resolution declaring it the sense of the Congress that no exemption from these statutes be granted to these oil industry employees. I believe that the views of the Congress on this issue should be expressed clearly and forthrightly. By all means, let us work with and consult those who have particular expertise in this complex oil industry. But let us not rewrite sound, protective laws which, if left on the books, can only help to give added credence to needed actions on the part of the Government to conserve our energy resources.

STATEMENT OF PRINCIPLES

(Mr. GUDE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, it is most important that Congress convince the American public that we have learned the lessons of Watergate. It would be tragic if our Nation did not take steps to prevent a reoccurrence.

What Congress must do is act expeditiously on legislation to effect campaign election reforms. The weakest link in our political process is the manner in which our campaigns are financed and run. If costs continue to rise and are met by contributions from special interest groups, our whole system of government will continue to be tainted by the suspicion that private pressures, rather than the public interest, determine the decisions that are made in Washington.

In recent days, I joined over 90 of my colleagues in signing a document which sets forth certain basic principles regarding campaign reform. The principles embody what I believe to be the essential components of meaningful campaign reform legislation and I am including them in the Record at this point for the benefit of the public and any colleagues in Congress:

Enactment of a mixed system of public and private financing of qualified candidates for President and Congress in general elections at a level which will enable a candidate to mount an effective campaign without the need to seek large private contributions. The amount must be sufficient to encourage the maximum feasible dgree of competition in elections for Federal office, and there must be adequate safeguards to insure full and ready public accountability for the use of public and private funds;

partial public funding for minor party, new party and independent candidates based on their performance in the last election or their showing in the present election;

extension of the system to qualified primary candidates once they have demonstrated broad public support through some means, which might include raising a specified number of small contributions or collecting a number of petition signatures;

establishment of meaningful limitations on large private contributions from any source in conjunction with the provision of public financing;

incentives for candidates and political parties to raise private funds through large numbers of small contributors;

provisions to assure a role for political parties which would allow them to serve as a legitimate pooling mechanism for private contributions to candidates in general elections;

requirement of a central financial reporting and record-keeping checkpoint in each candidate's campaign for effective monitoring;

administration and enforcement of campaign financial reporting and disclosure laws and regulations by an independent entity.

In addition to supporting this basic statement, I am sponsoring legislation which would implement these proposals. The Clean Elections Act of 1973 is now pending before the House Administration Committee. This legislation contains the following provisions:

Establishes independent Federal Election Commission, with broad powers, including the powers to supoena and to initiate Court actions.

Requires that each candidate designate one political committee as the central campaign committee.

Establishes a "Federal Matching Payment Entitlement Fund" in the U.S. Treasury, which will match any contribution to a Federal Candidate or his committee not in excess of $50, in general elections for congressional candidates, and in primary and general elections for Presidential candidates.

Will match no funds until certified contributions reach aggregate amount of—$1,000 for Representatives, $5,000 for Senator, and $15,000 for President or National Committee.

Limits total matched funds to 10 cents times voting age population for congressional candidates and candidates seeking the Presidential nomination, and $15,000,000 for official national party committees.

Limits individual contributions to candidates to: $2,500 for President or Vice President and $1,000 for Senator or Representative.

Provides tax credit of up to $50 for contributions to candidates for public office.

Provides free TV time to Presidential and congressional candidates in general elections.

In summary, Mr. Speaker, I strongly urge my colleagues in the House to insist on expeditious action on the various campaign reform proposals. We should not be satisfied with pointing out past wrongs; we must take the needed steps to correct them.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. Young of Alaska (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mr. de la Garza (at the request of Mr. O'Neill), for today, on account of necessary absence.

Mr. Helstoski (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Pepper (at the request of Mr. O'Neill), after 5:15 p.m. today, on account of official business in congressional district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Price of Illinois, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Towell of Nevada) to revise and extend their remarks and include extraneous matter:)

Mr. Wyman, for 30 minutes, today.

Mr. Grover, for 15 minutes, today.

Mr. Railsback, for 5 minutes, today.

Mr. Ashbrook, for 60 minutes, on December 4.

Mr. Findley, for 5 minutes, today.

Mr. Young of Florida, for 15 minutes, today.

Mr. du Pont, for 60 minutes, on December 4.

(The following Members (at the request of Mr. Breckinridge) and to revise and extend their remarks and include extraneous matter:)

Mr. Dingell, for 10 minutes, today.

Mr. Wolff, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Dent, for 5 minutes, today.

Mr. Rooney of Pennsylvania, for 5 minutes, today.

Ms. Holtzman, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Holifield, and to include extraneous material in his remarks in the Committee of the Whole today on the DOD bill.

Mr. Leggett, to include extraneous matter in his remarks on H.R. 11575.

Mr. Matsunaga, prior to vote on Wyman amendment on H.R. 11575.

(The following Members (at the request of Mr. Towell of Nevada) and to include extraneous matter:)

Mr. Madigan.

Mr. Wyman in two instances.

Mr. Fish.

Mr. Thomson of Wisconsin.

Mr. Young of Illinois in two instances.

Mr. Walsh.

Mr. Bauman in two instances.

Mr. McClory.

Mr. Rousselot in two instances.

Mr. Zwach in five instances.

Mr. Ashbrook in two instances.

Mr. Shoup.

Mr. Armstrong.

Mr. Brotzman.

Mr. Conable.

Mr. Roncallo of New York.

Mr. Hosmer in two instances.

Mr. Harvey in three instances.

Mr. Goodling.

Mr. Price of Texas.

Mr. Derwinski in two instances.

Mr. Cronin.

Mr. Mayne.

Mr. du Pont.

Mr. Ruppe.

Mr. Conte.

Mr. Kemp.

(The following Members (at the request of Mr. Breckinridge), and to include extraneous matter:)

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Burke of Massachusetts in two instances.

Mr. Rodino.

Mr. Wolff in five instances.

Mr. de Lugo.

Mr. Patten.

Mr. Obey in four instances.

Mr. Carey of New York.

Mr. Milford in two instances.
Mr. Vanik in two instances.
Mr. Badillo.
Ms. Holtzman.
Mr. Ichord.
Mr. Bingham.
Mr. Waldie in two instances.
Mr. Dominick V. Daniels.
Mr. Rooney of Pennsylvania.
Mr. Culver in six instances.
Mr. McCormack in two instances.
Mr. Riegle.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 724. An act for the relief of Marcos Rojos Rodriguez; to the Committee on the Judiciary.

S. 774. An act for the relief of Arline Loader and Maurice Loader; to the Committee on the Judiciary; and

S. 1922. An act for the relief of Robert J. Martin; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1328. An act for the relief of M. Sgt. Eugene J. Mikulenka, U.S. Army, retired;

H.R. 1948. An act for the relief of Edgar P. Faulkner and Ray H. New;

H.R. 1949. An act for the relief of Hazel W. Lawson and Lloyd C. Johnson;

H.R. 2207. An act for the relief of Joseph C. Leeba;

H.R. 2213. An act for the relief of Cornelius S. Ball, Victor F. Mann, Jr., George J. Posner, Dominick A. Sgammato, and James R. Walsh;

H.R. 3044. An act for the relief of James Evans, publisher of the Colfax County Press, and Morris Odvarka;

H.R. 3530. An act for the relief of Eugenia C. Lyttle;

H.R. 3751. An act for the relief of James E. Fry, Jr., and Margaret E. Fry;

H.R. 4175. An act for the relief of Manuel H. Silva;

H.R. 4448 An act for the relief of 1st Lt. John P. Dunn, Army of the United States, retired;

H.R. 8406. An act for the relief of William M. Starrs; and

H.R. 9276. An act for the relief of Luther V. Winstead.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on November 29, 1973, present to the President, for his approval a bill of the House of the following title:

H.R. 7446. To establish the American Revolution Bicentennial Administration, and for other purposes.

ADJOURNMENT

Mr. BRECKINRIDGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until Monday, December 3, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1589. A letter from the Deputy Director, Office of Management and Budget Executive Office of the President, transmitting a report that the appropriation to the Department of Agriculture for "Forest Protection and Utilization", Forest Service, for fiscal year 1974, has been apportioned on a basis which indicates the necessity of a supplemental estimate of appropriations, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1590. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide that commissioned officers of the Army in regular grades below major may be involuntarily discharged whenever there is a reduction in force; to the Committee on Armed Services.

1591. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Stuart Nash Scott, Ambassador-nominee to Portugal, pursuant to section 6 of Public Law 93-126; to the Committee on Foreign Affairs.

1592. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation transmitting a report covering the month of October 1973, on the average number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FLOOD: Committee of Conference. Conference report on H.R. 8877 (Rept. No. 93-682). Ordered to be printed.

Mr. HÉBERT: Committee on Armed Services. House Concurrent Resolution 386. Concurrent resolution expressing the concurrence of the Congress in naming the nuclear-powered aircraft carrier CVN-70 as the U.S.S. *Carl Vinson* (Rept. No. 93-683). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House resolution 725. Resolution waiving all points of order against the conference report on the bill S. 1443 to authorize the furnishing of defense articles and services to foreign countries and international organizations, and for other purposes; (Rept. No. 93-684). Referred to the House Calendar.

Mr. PERKINS: Committee on Education and Labor. S. 1191. An act to provide financial assistance for a demonstration program for the prevention, identification, and treatment of child abuse and neglect, to establish a National Center on Child Abuse and Neglect, and for other purposes; with amendment (Rept. No. 93-685). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CRANE:

H.R. 11689. A bill to amend title XI of the Social Security Act to repeal the provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 11690. A bill to provide for Federal control over foreign banks and other foreign persons establishing, acquiring, operating, or controlling banking subsidiaries in the United States (including its possessions); to the Committee on Banking and Currency.

By Mr. DONOHUE:

H.R. 11691. A bill to amend the act of August 24, 1935 (commonly referred to as the "Miller Act") to provide for the inclusion of interest and legal fees in judgments granted on suits by subcontractors based upon payment bonds, and for other purposes; to the Committee on the Judiciary.

By Mr. FROEHLICH:

H.R. 11692. A bill to increase the availability of urgently needed mortgage credit for the financing of housing and other purposes; to the Committee on Banking and Currency.

H.R. 11693. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for amounts expended by law enforcement officers and firemen for meals which they are required to eat while on duty; to the Committee on Ways and Means.

By Mr. FULTON:

H.R. 11694. A bill to amend the act of February 24, 1925, incorporating the American War Mothers, to permit certain stepmothers and adoptive mothers to be members of that organization; to the Committee on the Judiciary.

By Mr. HECHLER of West Virginia (for himself, Mr. Aspin, Mr. Badillo, Mr. Breaux, Mr. Brown of California, Mr. Fascell, Mrs. Grasso, Mr. Murphy of New York, Mr. Nedzi, Mr. Roy, and Mr. Studds):

H.R. 11695. A bill to declare by congressional action a nationwide energy emergency; to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to assure the continuation of vital public services; and for other purpose; to the Committee on Interstate and Foreign Commerce.

By Mr. HOSMER:

H.R. 11696. A bill to amend the Atomic Energy Act of 1954 with respect to the granting of awards for inventions or discoveries contributing to the development, use, or control of atomic energy; to the Joint Committee on Atomic Energy.

By Mr. JOHNSON of Pennsylvania:

H.R. 11697. A bill to amend the Export Administration Act of 1969, to prohibit the export of oil from the United States to countries other than Canada and Mexico; to the Committee on Banking and Currency.

By Mr. JOHNSON of Colorado:

H.R. 11698. A bill to amend the Wild and Scenic Rivers Act by designating segments of certain rivers in the State of Colorado for study as potential components of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. LANDGREBE:

H.R. 11699. A bill to amend the act of November 5, 1966, providing for the establishment of the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LEHMAN:

H.R. 11700. A bill to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 11701. A bill to impose an embargo on the export of petrochemicals until price controls on petrochemicals are removed; to the Committee on Banking and Currency.

By Mr. RONCALLO of New York:

H.R. 11702. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes; to the Committee on Armed Services.

By Mr. SIKES:

H.R. 11703. A bill to amend the Internal Revenue Code of 1954 to provide that the tax on the amounts paid for communication services shall not apply to the amount of the State and local taxes paid for such services; to the Committee on Ways and Means.

By Mr. SLACK:

H.R. 11704. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. STEIGER of Arizona:

H.R. 11705. A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. TIERNAN (for himself, Mr. Harrington, and Mr. Froehlich):

H.R. 11706. A bill to authorize the Secretary of Transportation to make grants and provide technical assistance to units of general local government to implement programs which are designed to increase the use of carpools by commuters; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Illinois (for himself, Mr. Broyhill of North Carolina, Mr. McCollister, and Mr. Madigan):

H.R. 11707. A bill to establish an independent Special Prosecutor and for other purposes; to the Committee on the Judiciary.

By Mr. BENNETT (for himself, Mr. Badillo, Mr. Bafalis, Mr. Collins of Texas, Mr. Dan Daniel, Mr. Edwards of California, Mr. Fisher, Mrs. Green of Oregon, Mr. Gunter, Mr. Harvey, Mr. Hechler of West Virginia, Mr. Ketchum, Mr. Long of Maryland, Mr. Moakley, Mr. Pepper, Mr. Pike, Mr. Podell, Mr. Riegle, Mr. Seiberling, Mr. Ware, Mr. White, Mr. Whitehurst, Mr. Won Pat, Mr. Young of Alaska, and Mr. Young of Georgia):

H.R. 11708. A bill to provide for competitive bidding on Federal contracts and federally funded contracts; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 11709. A bill to provide emergency security assistance authorization for Israel; to the Committee on Foreign Affairs.

By Mr. DULSKI (for himself, Mr. Henderson, and Mr. Udall):

H.R. 11710. A bill to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969, to amend title 39, United States Code, to clarify the proper use of the franking privileges by Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. du PONT (for himself, Mr. Biester, and Mr. Ryan):

H.R. 11711. A bill to insure that each admission to the service academies shall be made without regard to a candidate's sex, race, color, or religious beliefs; to the Committee on Armed Services.

By Mr. FASCELL:

H.R. 11712. A bill to amend the Internal Revenue Code of 1954 to provide that the tax on the amounts paid for communication services shall not apply to the amount of the State and local taxes paid for such services; to the Committee on Ways and Means.

By Mr. FRENZEL:

H.R. 11713. A bill to amend the Federal Election Campaign Act of 1971 to establish a program of Federal financial assistance to encourage and assist the States and local governments in voter registration and election administration, and for other purposes; to the Committee on House Administration.

By Mr. HOWARD (for himself, Mr. Snyder, and Mr. Cleveland):

H.R. 11714. A bill to provide for the development of improved design, lighting insulation, and architectural standards to promote efficient energy use in residential, commercial, and industrial buildings; to the Committee on Public Works.

By Mr. KOCH:

H.R. 11715. A bill to amend title II of the Social Security Act to permit an individual receiving benefits thereunder to earn outside income without losing any of such benefits; to the Committee on Ways and Means.

By Mr. KUYKENDALL:

H.R. 11716. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. LANDGREBE:

H.R. 11717. A bill to repeal the Consumer Product Safety Act of 1972; to the Committee on Interstate and Foreign Commerce.

H.R. 11718. A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. ROUSSELOT:

H.R. 11719. A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 11720. A bill to amend title 39 of the United States Code to exempt certain newspaper advertisements of lotteries which are legal under applicable State law, or sponsored by a State, from the list of nonmailable matter; to the Committee on Post Office and Civil Service.

H.R. 11721. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in Cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. SHIPLEY:

H.R. 11722. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas:

H.R. 11723. A bill to establish a national program for research, development, and demonstration in fuels and energy and for the coordination and financial supplementation of Federal energy research and development; and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 11724. A bill to establish a national program for research, development, and demonstration in fuels and energy and for the coordination and financial supplementation of Federal energy research and development; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROYHILL of North Carolina (for himself, Mr. Ware, Mr. McCollister, and Mr. Young of Illinois):

H.R. 11725. A bill to amend the National Traffic and Motor Vehicles Safety Act of 1966 to authorize appropriations for fiscal years 1974, 1975, and 1976; to the Committee on Interstate and Foreign Commerce.

By Mr. COHEN (for himself and Mr. Brown of California):

H.R. 11726. A bill to amend the Internal Revenue Code of 1954 to encourage greater conservation of energy in home heating and cooling by providing an income tax deduction for expenditures made for more effective insulation and heating equipment in residential structures; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. Anderson of Illinois and Mr. Brown of California):

H.R. 11727. A bill to establish in the Department of Housing and Urban Development a direct low-interest loan program to assist homeowners and other owners of residential structures in purchasing and installing more effective insulation and heating equipment; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 11728. A bill to establish a national program for research, development, and demonstration in fuels and energy and for the coordination and financial supplementation of Federal energy research and development; to establish development corporations to demonstrate technologies for shale oil development, coal gasification development, advanced power cycle development, geothermal steam development, and coal liquefaction development; to authorize and direct the Secretary of the Interior to make mineral resources of the public lands available for said development corporations; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HOWARD (for himself, Mr. Blatnik, Mr. Jones of Alabama, Mr. Harsha, Mr. Kluczynski, Mr. Wright, Mr. Cleveland, Mr. Gray, Mr. Don H. Clausen, Mr. Clark, Mr. Snyder, Mr. Johnson of California, Mr. Zion, Mr. Dorn, Mr. Henderson, Mr. Roberts, Mr. Baker, Mr. Shuster, Mr. Anderson of California, Mr. Walsh, Mr. Roe, Mr. Roncalio of Wyoming, Mr. McCormack, Mr. Abdnor, and Mr. James V. Stanton):

H.R. 11729. A bill to conserve energy on the National System of Interstate and Defense Highways; to the Committee on Public Works.

By Mr. HOWARD (for himself, Mr. Hanrahan, Ms. Abzug, Mr. Taylor of Missouri, Mr. Breaux, Mr. Studds, Mrs. Burke of California, Mr. Ginn, and Mr. Milford):

H.R. 11730. A bill to conserve energy on the National System of Interstate and Defense Highways; to the Committee on Public Works.

By Mr. HOLIFIELD (for himself, Mr. Horton, Mr. Price of Illinois, Mr. Hosmer, Mr. Brooks, Mr. Fountain, Mr. Jones of Alabama, Mr. Moss, Mr. Fascell, Mr. Macdonald, Mr. Moorhead of Pennsylvania, Mr. Randall, Mr. Wright, Mr. St Germain, Mr. Culver, Mr. Fuqua, Mr. Donohue, Mr. James V. Stanton, Mr. Ryan, Mr. Erlenborn, Mr. Wydler, Mr. Brown of Ohio, Mr. Vander Jagt, Mr. Gude, and Mr. McCloskey):

H.R. 11731. A bill to reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a Nuclear Energy Commission in order to promote more efficient management of such functions; to the Committee on Government Operations.

By Mr. HOLIFIELD (for himself, Mr. Horton, Mr. Price of Illinois, Mr. Hosmer, Mr. Young of Texas, Mr. Anderson of Illinois, Mr. Hansen of Idaho, Mr. Lujan, Mr. Johnson of California, Mr. Corman, Mr. Hawkins, Mr. Leggett, Mr. Roybal, Mr. Brown of California, Mr. Anderson of California, Mr. Danielson, Mr. Don H. Clausen, Mr. Camp, Mr. Coughlin, Mr. Sebelius, Mr. Ketchum, Mr. Martin of North Carolina, Mr. Towell of Nevada, and Mr. Young of Alaska):

H.R. 11732. A bill to reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a Nuclear Energy Commission in order to promote more efficient management of such functions; to the Committee on Government Operations.

By Mr. HOLIFIELD (for himself, Mr. Horton, Mr. Price of Illinois, Mr. Hosmer, Mr. Buchanan, Mr. Thone, Mr. Mallary, Mr. Parris, Mr. Regula, Mr. Hinshaw, Mr. Steelman, Mr. Pritchard, and Mr. Hanrahan):

H.R. 11733. A bill to reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a Nuclear Energy Commission in order to promote more efficient management of such functions; to the Committee on Government Operations.

By Mr. REID (for himself, Mr. Badillo, Mr. Bell, Ms. Chisholm, Mr. Edwards of California, Mr. Eilberg, Mr. Fauntroy, Mr. Harrington, Mr. Helstoski, Ms. Holtzman, Mr. Nix, Mr. Rosenthal, Ms. Schroeder, Mr. Stark, and Mr. Studds):

H.R. 11734. A bill to prohibit any increase in fares charged by mass transmit systems for a 1-year period and to provide for grants to any mass transit system which may be adversely affected by such prohibition of fare increase; to the Committee on Banking and Currency.

By Mr. YOUNG of Florida:

H.R. 11735. A bill to amend the Federal Election Campaign Act of 1971 to provide for more effective regulation of elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. FORSYTHE:

H.J. Res. 837. A joint resolution designating the third week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. KETCHUM (for himself, Mr. Gubser, Mr. Rees, Mr. Cronin, Mr. Ryan, Mr. Hinshaw, Mrs. Mink, Mr. Veysey, Mr. Symms, Mr. Don H. Clausen, Mr. Towell of Nevada, Mr. McCloskey, Mr. Parris, Mr. Runnels, Mr. Johnson of California, Mr. Sisk, Mr. Harsha, Mr. Froehlich, Mr. Hechler of West Virginia, Mr. Moorhead of California, Mr. Burgener, Mr. Rousselot, Mr. Regula, Mr. Teague of California, and Mr. Steelman):

H.J. Res. 838. Joint resolution authorizing increased production of petroleum from the Elk Hills Naval Petroleum Reserve for national defense purposes; to the Committee on Armed Services.

By Mr. KETCHUM (for himself, Mr. Hanrahan, and Mr. Skubitz):

H.J. Res. 839. Joint resolution authorizing increased production of petroleum from the Elk Hills Naval Petroleum Reserve for national defense purposes; to the Committee on Armed Services.

By Mr. JOHNSON of Pennsylvania:

H. Con. Res. 930. Concurrent resolution calling for the conducting of a study by the Secretary of the Interior with respect to more efficient methods of use of coal and oil shale and the effect on American consumers of continued exports of coal; to the Committee on Interior and Insular Affairs.

By Ms. HOLTZMAN:

H. Res. 724. Resolution to amend rule XXII of the Rules of the House of Representatives to require that any private bill relating to immigration or naturalization be accompanied by a statement that the Member introducing such bill shall receive no compensation with respect to his introduction of such bill; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAREY of New York:

H.R. 11736. A bill for the relief of the Maimonides Medical Center, Brooklyn, N.Y.; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.R. 11737. A bill for the relief of James E. Eldridge; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

368. The SPEAKER presented a petition of Ted Patrick, San Diego, Calif., relative to the creation of a committee to investigate his activities; to the Committee on Rules.

SENATE—*Friday, November 30, 1973*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. Eastland).

PRAYER

The Reverend Dr. Seth R. Brooks, pastor, Universalist National Memorial Church, Washington, D.C., offered the following prayer:

Our Father, we praise Thy name and give thanks unto Thee. As the mountains are around Jerusalem and as Thou didst go before Thy children a cloud by day and a pillar of fire by night we would believe that our lives are surrounded by Thy truth and that going before us is Thy moral law.

We are grateful for all who have loved this country, served it, and laid down their lives for it.

Where this Nation is in error, correct it; and where it is right, strengthen it.

Be with those who meet within these walls. May the spirit of righteousness reign over the business which is here transacted.

Bless the Members of this august body with health, clarity of mind, and wisdom, without which the people perish.

For Thine is the kingdom and the power and the glory forever. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, November 29, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CHAPLAIN

Mr. HUGH SCOTT. Mr. President, I note the unusual circumstance that we have had the same visiting chaplain for 2 days consecutively.

I suppose that means he must have gotten through on the first call.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 536 up to and including 558.

The PRESIDENT pro tempore. Without objection, it is so ordered.

OSSIE EMMONS ET AL.

The bill (H.R. 1694) for the relief of Ossie Emmons and others was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 93–556), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to pay the amounts set opposite the names of persons listed below in full settlement of their claims against the United States for losses and damages they suffered due to the flooding of their lands as a result of the release of waters of the Wappapello Dam and Reservoir on or about September 25, 1965, without warning or notice which would have enabled them to take steps to avoid or minimize the losses from the flooding caused by that release.

Tenant	Landlord	Affected acres	Tenants share	Landlords share	Farm numbers
Ossie Emmons, Dudley, Mo	A. R. Pierce, Clarkton, Mo	150	$5,125.00	$2,562.50	B-844
Robert Harrison, Fisk, Mo	Glen Harrison, Big Bend 1719, Poplar Bluff, Mo.	65	2,220.84	1,110.41	C-1356
Gail Mansbridge, Fisk, Mo		50	2,562.50		A-3381
H. F. Mansbridge, Fisk, Mo		30	1,538.50		A-3537
Wiley Mattingly, Route 1, Dudley, Mo	Eva Mattingly, Route 1, Dudley, Mo	110	3,757.34	1,879.16	B-1761
Rhea Stone, Route 1, Dudley, Mo		200	10,250.00		B-1557
Ray Henson, Route 1, Dudley, Mo	Albert Price, Route 1, Dudley, Mo	200	3,416.67	1,708.33	B-1654
Leon Wilkerson, Fisk, Mo	Bernard Cravens, 818 North Sassafras, Dexter, Mo.	150	5,125.00	2,562.50	D-2073
Robert Harrison, Fisk, Mo	Juanita Cravens, Fisk, Mo	135	4,612.50	2,306.25	B-647
Robert Huber, Route 1, Campbell, Mo		20 (corn)	1,350.00		H-1746

STATEMENT

The facts of the case as contained in House Report 93–178 are as follows:

The Department of the Army in its report to the committee on the bill stated that it favors enactment of the bill with the amendment concerning the last named claimant reducing the amount stated in the bill for that claimant to $1,350.

As is outlined in the report of the Department of the Army, The Wappapello Dam and Reservoir project, which is referred to in the bill, is a multipurpose project constructed by the Department of the Army on the St. Francis River for the major purpose of flood control. The bill refers to a release of waters on or about September 25, 1965. In September of 1965, an unusually heavy rainfall occurred and persons whose property bordered the river below the dam were flooded when releases of water from the dam were made for the purpose of reducing the water levels in the reservoir.

As is outlined in the report of the Department of the Army, H.R. 1624 of the 90th Congress was a bill for the relief of claimants other than those represented in the presently proposed bill whose properties were also damaged as a result of the above flood control releases in 1965. By House Resolution 1098, 90th Congress, the House of Representatives referred H.R. 1624 to the Chief Commissioner of the U.S. Court of Claims. The review panel of Commissioners of the court found that those claimants were equitably entitled to the relief sought, and H.R. 1624 was subsequently enacted into Private Law 91–167.

In order to provide all of the facts concerning the findings of fact and the recommendation of the Chief Commissioner in the reference case, a copy of House Report No. 1236 of the 91st Congress, second session, is appended to this report. That report includes the opinion and the findings of fact in the *Congressional Reference* case.

The Department of the Army in its report stated that the claim stated in the present bill, H.R. 5416, has been the subject of an Army Corps of Engineers field investigation. The Army stated that the field investigation of the claims in the presently proposed bill has found that the properties involved therein were similarly situated and similarly damaged by the flood control releases in 1965 as those compensated for in Private Law 91–167. The investigation has also found that each of the individual claims in the proposed bill, with the exception of one (Huber), represents a reasonable calculation of the value of the crop damages suffered. The one exception taken to the estimated damages suffered is to the last claim in the proposed bill and the Army recommended it be reduced to $1,350.

The Robert Huber claim for 20 acres of corn crop damage should, in the Army's estimation, be no more than the sum of $1,350 rather than the sum of $2,500. The Department of the Army's investigation found that Mr. Huber could have expected 75 bushels of corn per acre at a net monetary return to him of $0.90 per bushel in 1965. The foregoing finding is based upon reasonable estimates of crop yield, harvesting and transportation costs and market price for corn in the Dunklin County, Mo., area of Robert Huber tract in 1965.

Accordingly, the Army recommended that the bill be amended to include this revised amount of $1,350 as the amount to be paid Mr. Huber. With this change, the amount which would be paid under this bill would be consistent with the amounts paid for comparable damages under Private Law 91–167.

The committee recommends that the bill, with the amendment recommended by the Department of the Army be considered favorably.

JOHN B. CLAYTON

The bill (H.R. 5379) for the relief of John B. Clayton was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–566), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve John B. Clayton, an employee of the Department of the Army, Fort Richardson, Alaska, of liability of $1,066.09 representing the amount expended by the Government for travel and transportation expenses of his dependents incident to home leave travel.

The bill would authorize the refund of any amounts paid or withheld by reason of the indebtedness.

STATEMENT

The bill H.R. 5379 was introduced in the House of Representatives in accordance with the recommendation of the Comptroller General of the United States who recommends its enactment as a meritorious claim as provided for in section 236 of title 31 United States Code. That section provides that when a claim filed with the General Accounting Office cannot be settled under existing law but, in the judgment of the Comptroller General contains elements of liability or equity which make it appropriate for consideration by the Congress, he shall submit a report of the facts and his recommendation to the Congress.

In his report, the Comptroller General recommended that John B. Clayton be relieved of the liability to refund $1,066.09 for travel and transportation expenses for his dependents as provided in the bill.

As outlined in the communication of the Comptroller General, Mr. Clayton, a Systems Accountant, GS–13, employed by the Department of the Army, was transferred from Alaska to Okinawa arriving at his new duty station August 23, 1969. As a result of this move he was required, consistent with paragraph C 4005–3b of the Joint Travel Regulations, Volume 2, to negotiate a transportation agreement for a 24-month period beginning with the day of his arrival. After serving 12 months less 5 days in Okinawa, Mr. Clayton was transferred, by reason of a reduction in force, from Okinawa to Fort Richardson, Anchorage, Alaska. The transfer was pursuant to Letter Order Number P–579, dated July 9, 1970, which authorized a permanent change of station in conjunction with "renewal agreement travel." By those orders the employee was authorized, effective on or about August 15, 1970, to visit Meridian, Mississippi, for 30 calendar days including travel time allowance for home leave in lieu of Denton, Texas, which has been designated as his place of actual residence at the time of his appointment with the Department of the Army in 1966 and on completion of leave to proceed to Fort Richardson. His dependents were authorized, effective on or about August 1, 1970, to travel unaccompanied at Government expense.

Travel was performed by the employee direct to Fort Richardson. Mr. Clayton's dependents did not travel direct to Fort Richardson but in accordance with travel orders departed from Okinawa August 6, 1970, and traveled via San Francisco, California; Dallas, Texas; and Meridian, Mississippi, then on to Fort Richardson arriving there September 21, 1970. On that date Letter Orders Numbers P–579 was amended by Letter Orders Number P–780 deleting the authorization for home leave travel for the employee and authorized direct travel to Fort Richardson incident to the permanent change of station.

Mr. Clayton stated that the Civilian Personnel Office (CPO) in Okinawa refused to issue travel orders for the direct, concurrent travel of him and his dependents from Okinawa to Anchorage, Alaska, despite his consistent appeals and insistence that they do so. He states that the CPO representative erroneously maintained that there was no provision for direct travel to Alaska, that the dependents must go to the continental United States, take leave and await travel orders. He further states that the original travel order, Letter Orders Number P–579, was furnished him on July 20, 1970, and on that date he discussed it with his superior, Mr. Joshua Kramer, Director, Comptroller Department, USCAR. At Mr. Kramer's suggestion a memorandum was prepared by Mr. Clayton on July 22, 1970, explaining the desired amendments to the travel order. This was endorsed by Mr. Kramer on July 23, 1970, and presented to the CPO the same day for issuance of amended orders. The orders, if amended as requested, would have provided for direct travel of Mr. Clayton and his dependents to Anchorage, Alaska, and among other things would have deleted all reference to renewal agreement travel Mr. Clayton was not at the time entitled under the applicable regulations to renewal agreement travel and an amendment of the orders, as requested, would have corrected the error made on the original orders. Mr. Clayton states the CPO refused to issue amended orders and as a result thereof his dependents were, through administrative error forced to go to Dallas, Texas. Mr. Clayton, on the other hand and contrary to the original travel order was provided commercial transportation and was required to proceed directly to Anchorage and he states, in this respect, that he had no control over the routing. Incident to the travel of his wife and dependents on home leave Mr. Clayton was reimbursed $1,066.09 traveling expenses, which for the reasons hereinafter stated was without authority of law.

5 U.S.C. 5728(a) authorizes the expenses of round-trip travel of an employee and transportation of his immediate family from his post of duty outside the continental United States to the place of his actual residence at the time of his appointment or transfer to the post of duty after he has satisfactorily completed an agreed period of service outside the continental United States and is re-

turning to his actual place of residence to take leave before serving at the same or another post of duty outside the continental United States under a written agreement made before departing from the post of duty.

Applicable regulations in section 7.1 of Office of Management and Budget Circular No. A-56, revised October 12, 1966, provide that in order to be eligible to receive the authorized travel and transportation expenses in connection with leave for returning to place of residence between tours of duty outside the continental United States, the employee must have (1) completed the agreed period of service as provided in section 1.3c of the Circular and (2) entered into a new written agreement for another period of service. Section 1.3c of the Circular requires an employee to remain in the service of the Government for a minimum of 12 months at his overseas post of duty following the effective date of his transfer or appointment before he is entitled to round-trip travel at Government expense for the purpose of taking leave between tours of duty outside the continental United States.

In some cases the General Accounting Office stated that it has not objected to the Government terminating employment agreements which provide for a 2-year tour of duty prior to the expiration date where it is considered for the Government's benefit to do so and authorize travel at Government expense for home leave provides the employee has served at his overseas post a minimum of 12 months prior to the termination. See 37 Comp. Gen. 62 (1957). However, the above statutory provision does not authorize payment of the transportation expenses of the employee's immediate family from the overseas post of duty to actual place of residence in the United States unless the employee himself returns to the United States for the purpose of taking leave. See 35 Comp. Gen. 101 (1955).

The Comptroller General noted that Mr. Clayton did not traval to the United States with his immediate family in August 1970 for the purpose of taking leave and there is no authority tó reimburse him for the travel and transportation expenses incurred by his immediate family in performing such travel.

Although Mr. Clayton was in no way at fault and accepted reimbursement of the travel and transportation expenses in good faith, the fact remains that he has been reimbursed $1,066.09 for the travel and transportation of his dependents incident to home leave and is legally liable for the resulting indebtedness. There is no authority under which the GAO may relieve him of his indebtedness or refund any sum that he has repaid to the Government.

The act of April 10, 1928, 45 Stat. 413, 31 U.S.C. 236, provides however, for the submission to the Congress by the General Accounting Office of those claims against the United States which may not be lawfully adjusted but which are determined to contain "such elements of legal liability or equity as to be deserving of the consideration of the Congress." The General Accounting Office believes the claim of Mr. Clayton contains such elements of equity as to deserve the consideration of the Congress, and recommends that he be relieved from liability to refund the sum of $1,066.09 for travel and transportation expenses expended by the Government incident to home leave travel for his dependents.

The committee agrees that this is an appropriate case for legislative relief and recommends that the bill be considered favorably.

SWIFF-TRAIN CO.

The bill (H.R. 6007) for the relief of Swiff-Train Co. was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93-567), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve the Swiff-Train Co. of Corpus Christi, Tex., of liability to the United States in the amount of $1,671.48 which represents the portion of the increased duties assessed in connection with the importation of items at Houston, Tex., covered by consumption entry No. 106-C dated February 23, 1956, which was assessed on the basis of an error in appraisement of those items. The bill would permit a refund of the amount stated above if the indebtedness has been paid.

STATEMENT

In a report furnished to the House Judiciary Committee on an earlier bill in 1965, the Treasury Department indicated that it would not object to a bill relieving the Swiff-Train Co. by providing for a reduction of $1,671.48 in the amount owed for increased duties for entry No. 106-C.

H.R. 6007 refers to an importation of a quantity of intermediate grade concrete reinforcing bars at Houston, Texas. Consumption entry No. 106-C covered the bars and involved five invoices. At the time of entry the importer deposited estimated customs duties based on his determinations of the value of the steel. The entry was appraised January 14, 1958, at an advance over the entered values. The importer filed an appeal for reappraisal which was forwarded to the Customs Court by the Collector of Customs. The importer abandoned the appeal, however, and it was consequently dismissed by the court on October 4, 1961. The entry was liquidated February 28, 1962, based on the appraised value, which resulted in the assessment of increased customs duties of $4,832.87.

In its report on the earlier bill the Treasury Department stated that it opposed the enactment of the bill. The Department advised the committee that at the time the entry covering the steel in question was filed the importer deposited estimated duties of $16,347, based on his own calculations of the value of the steel. The importer has contended that if the official base price of the steel furnished by the shipper in France had been accepted, the duty on the shipment would have been $14,950.73 and therefore a refund of $1,396.27 would be in order. However, the appraiser at the port of entry did not accept either the values given by the importer or the shipper, but determined the correct values himself.

The importer filed appeals for a reappraisement by the U.S. Customs Court of entry No. 116-C and other entries. The importer then had his opportunity to challenge the appraisements on the merits in the proper forum, the U.S. Customs Court.

The Department of the Treasury took the position that the importer had abandoned the appeals with the result that they were dismissed by the court on October 1961. Noting that the customs appraisement became final and conclusive on all parties by operation of law, the Department took the position that it could not subsequently consider information concerning the value of imported items thereafter filed by the foreign shipper or the importer.

The Department noted that a review of its files had established that an error had been made in appraising the items, and therefore indicated that it would have no objection to a reduction in the company's indebtedness to equal the amount of the assessment resulting from that error. In this connection, the Treasury Department stated:

"However, the appraiser has reviewed his files on this matter and based on information in his office he has advised the Bureau of Customs that the original values for the steel as determined by his office should be reduced by $3 per metric ton. Therefore, the Department would have no objection to the enactment of a bill for the relief of Swiff-Train Co. which would provide that the increased duties now owing be reduced by the sum of $1,671.48, representing that portion of the increased duties assessed on consumption entry No. 106-C as a result of this error in appraisement."

The House of Representatives passed the bill to provide the relief indicated by the Department. In the event the debt has been repaid, the bill would permit the refund of the amount stated in the bill. The Committee agrees with the conclusions of the House of Representatives and recommends favorable consideration of H.R. 6007, without amendment.

GEORGE DOWNER AND VICTOR L. JONES

The bill (H.R. 7210) for the relief of George Downer and Victor L. Jones was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93-568), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize the U.S. Postal Service, on such terms as it deems just, to compromise, release, or discharge in whole or in part the joint and several liability of George Downer, postmaster, and Victor L. Jones, former assistant postmaster, at the Hampton, N.H. Post Office, to the United States for the loss resulting from the burglary at that post office on December 16, 1967.

STATEMENT

The facts of this case as contained in House Report 93-543 are as follows:

In its report to the committee on the bill, the U.S. Postal Service stated that it favored enactment of the bill with the amendment now recommended by the committee.

On December 16, 1967, burglars forcibly entered the Hampton Post Office and removed a quantity of cash and stamps from a safe which had been left unlocked. Losses as a result of the burglary totaled $4,423.27 in stamps and funds—$2,332.53 in postal funds, $1,650.95 in postage stamps, $365.49 in documentary Internal Revenue Stamps, $51 in migratory bird hunting stamps, and $28.30 in U.S. Savings Stamps.

Although the Hampton Post Office ordinarily stopped Saturday window service at noon, window service was extended to 4:30 P.M. on Saturday, December 16, 1967, due to the Christmas season. At the close of window services at 4:30 P.M., the window clerk placed her cash drawer and the registered mail in the safe. She did not lock the safe at that time because a Star Route mail shipment was expected shortly, and the safe would be needed for the storage of incoming registered mail. The window clerk brought this fact to the attention of Assistant Postmaster Jones before she left the office at 4:37 P.M. The Star Route carrier did not arrive prior to the scheduled leaving time of the last employee at 5 P.M. Accordingly, that carrier's mail was carried on to a sectional center.

Assistant Postmaster Jones was the only supervisor on duty, and was scheduled to work until 5 P.M. However, Mr. Jones left the Post Office at 4:50 P.M., without locking the safe or instructing any of the remaining employees to do so upon their departure. The last employee to leave the office at 5:08 P.M. was unable to locate the key to lock the office, so he telephoned Mr. Jones at his home, and waited in his car until Mr. Jones returned. Upon his arrival, Mr. Jones locked the door from the outside without entering the building. The safe remained unlocked.

Investigation also revealed that George Downer, postmaster at Hampton, N.H., had verbally instructed all employees about locking doors, windows, and safes. However, he had not issued specific instructions about checking and locking the safe on days such as Dec. 16, 1967, when the ordinary schedule of operations was changed. He issued no written instructions and posted no notices as a reminder to the last employee to leave the building.

As was outlined in the Postal Service report, the Director of the Postal Data Center at New York, on May 23, 1968, concluded that Mr. Jones should be held financially liable for the loss incurred, since he was in charge of the post office on the day the safe was left open at the close of business, and had been called back to the office specifically to secure the building. The Postal Data Center found that Mr. Jones was negligent in not taking the necessary precautions to determine if the safe was properly locked. In addition, the Postal Data Center disallowed Postmaster George Downer's claim for credit for the amount of the loss, on the ground that he had failed to properly instruct the employees under his supervision about locking doors, windows, and safes. On October 31, 1969, in response to an appeal filed by Mr. Jones, the Acting Assistant General Counsel of the Claims Division of the Post Office Department upheld the decision of the Postal Data Center because under the provisions of law that were applicable at that time the Postal Service had no alternative but to deny relief when negligence was found to be a contributing factor to the loss.

The Postal Service takes the position, however, that although Assistant Postmaster Jones was negligent in not taking the necessary precautions to secure the safe, it would be neither just nor expedient to hold him liable for the full amount of the loss. Although Mr. Jones' negligence may have been a contributing factor to the loss, the direct cause of the loss, of course, was the burglary. The committee agrees with the assertion of the Postal Service that under enlightened concepts of personnel management, all factors, including equitable considerations, should be taken into consideration in determining whether an employee should be required to reimburse his employer for a loss of this nature. The language of the committee amendment would make it possible for the Postal Service to make this determination on the basis of these factors.

It is also important to note that current law does grant the Postal Service this type of authority. However, while the Postal Reorganization Act provides that the Postal Service may, on such terms as it deems just and expedient, relieve an employee of a claim such as that involved here, 39 U.S.C. Section 2601, the Comptroller General has ruled (B-171785, April 15, 1971) that the new authority may not be used to reopen cases decided by the General Accounting Office prior to the commencement of operations of the new Postal Service on July 1, 1971. The rationale of the Comptroller General's decision also applies to cases that were finally determined by the Post Office Department prior to the commencement of operations of the Postal Service. Since the present case was finally determined adversely to the claimant by the Post Office Department Claims Division prior to such date, relief for Mr. Jones must initiate with Congress.

In recommending enactment of an amended bill, the Postal Service state:

In our view it would be appropriate to amend H.R. 7210 to authorize the Postal Service, on such terms as it deems just, to compromise, release, or discharge in whole or in part the liability of Mr. Jones. This would permit a fair resolution of the matter in that the relief granted can take into consideration the existence of negligence as well as equitable considerations. We also urge that H.R. 7210 be amended to additionally authorize the Postal Service, on such terms as it deems just, to compromise, release, or discharge in whole or in part the liability of Postmaster George Downer. The Postal Service would favor the enactment of this measure if so amended.

The committee recommends that the amended bill be considered favorably.

In agreement with the views of the House of Representatives the Committee recommends favorable consideration of H.R. 7210.

BILL PASSED OVER

The bill, H.R. 11324, to provide for daylight saving time on a year-round basis for a 2-year trial period, and to require the Federal Communications Commission to permit certain daytime broadcast stations to operate before local sunrise, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

LOANS TO PROVIDE FIRE SAFETY EQUIPMENT FOR NURSING HOMES

The Senate proceeded to consider the bill (S. 513) to amend section 232 of the National Housing Act to authorize loans to provide fire safety equipment for nursing homes which had been reported from the Committee on Banking, Housing and Urban Affairs with an amendment to strike out all after the enacting clause and insert:

That section 232 of the National Housing Act is amended by adding at the end thereof a new subsection as follows:

"(i) (1) The Secretary is authorized upon such terms and conditions as he may prescribe to make commitments to insure and to insure loans made by financial institutions or other approved mortgagees to nursing homes and intermediate care facilities to provide for the purchase and installation of fire safety equipment necessary for compliance with the 1967 edition of the Life Safety Code of the National Fire Protection Association or other such codes or requirements approved by the Secretary of Health, Education, and Welfare as conditions of participation for providers of services under title XVIII and title XIX of the Social Security Act.

"(2) To be eligible for insurance under this subsection a loan shall—

"(A) not exceed the Secretary's estimate of the reasonable cost of the equipment fully installed;

"(B) bear interest at not to exceed a rate determined by the Secretary to be necessary to meet the loan market;

"(C) have a maturity satisfactory to the Secretary;

"(D) be made by a financial institution or other mortgagee approved by the Secretary as eligible for insurance under section 2 or a mortgagee approved under section 203(b) (1); and

"(E) comply with other such terms, conditions, and restrictions as the Secretary may prescribe.

"(3) The provisions of paragraphs (5), (6), (7), (9), and (10) of section 220(h) shall be applicable to loans insured under this subsection, except that all references to 'home improvement loans' shall be construed to refer to loans under this subsection.

"(4) The provisions of subsections (c), (d), and (h) of section 2 shall apply to loans insured under this subsection, and for the purpose of this subsection references in such subsections to 'this section' or 'this title' shall be construed to refer to this subsection.".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: A bill to amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes and intermediate care facilities.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 93-580), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

INTRODUCTION

The bill, S. 513, reported herewith is to authorizes the Department of Housing and Urban Development to insure loans to nursing homes and intermediate care facilities for the purpose of purchasing and installing the fire safety equipment, such as sprinkler systems, necessary to meet the requirements of the 1967 Life Safety Code of the National Fire Protection Association. The bill would also authorize the insurance of loans for the purchase and installation of fire safety equipment necessary to meet a standard higher than the 1967 Life Safety Code in States which have adopted such higher standard approved by the Secretary of Health, Education and Welfare as conditions of services under title XVIII and Title XIX of the Social Security Act.

Compliance with the 1967 Life Safety Code or higher standard adopted by a State is required for skilled nursing facilities participating in the Medicare and Medicaid programs by the *Social Security Amendment of 1972*. The same standard has been imposed with respect to intermediate care facilities under Medicaid by regulation of the Secretary of Health, Education and Welfare.

High fire safety standards for structures which house nursing home patients are clearly necessary since these aged and infirm individuals are often unable to take even routine self-protective measures. However, many nursing homes have experienced difficulty in obtaining the financing needed to meet additional fire safety requirements. Unless assistance is made available to these homes, many would soon be required to close; and their patients would be displaced.

The Committee earlier recognized the need for the kind of assistance this bill would provide and similar provisions were included in the Housing Act of 1972 which passed in the Senate last year, but which failed to gain final passage in the House of Representatives. A similar provision is also included in S. 2182, the Housing Act of 1973 currently under consideration by this Committee, and in the Federal Fire Prevention and Control Act, which was reported by the Committee on Commerce and recently was passed by the Senate. Unfortunately, it appears that it will be some time before either of these bills is finally enacted by the Congress. In view of the urgency of the situation, therefore, the Committee has herein reported this bill as a separate measure in the hope that it will soon be enacted into law.

EXPLANATION OF BILL

The bill would amend section 232 of the National Housing Act by adding a new subsection (i) which would authorize the Secretary of Housing and Urban Development to insure loans for fire safety equipment in nursing homes and intermediate care facilities necessary to meet the 1967 Life Safety Code or to meet other fire safety requirements approved by the Secretary of Health, Education, and Welfare as a condition of participation under Title XVIII (Medicare) or Title XIX (Medicaid) of the Social Security Act. The loan insurance program established by this bill would be in addition to the mortgage insurance program for nursing homes provided under section 232 as presently written. The loans which would be insured under the program established by this bill would be at the market interest rate established by the Secretary of Housing and Urban Development and would not, therefore, involve an interest subsidy by the Department. An insurance premium of from one-half of one percent to one percent of the principal amount of the loan would be charged.

Loans insured under this bill would be limited to the amount which the Secretary of Housing and Urban Development estimates to be the reasonable cost of the fire safety equipment fully installed. Likewise, the maturity date of such loans would be determined by the Secretary. The Committee considered limiting the maximum principal amount of loans under this bill to $50,000 and setting a maximum term of 12 years. However, since some question exists as to the adequacy of these limits, the Committee believes that it is desirable to preserve the flexibility of the Secretary to establish the limits necessary to achieve the purpose of the program while protecting its financial integrity.

The bill authorizes the Secretary to prescribe such other terms, conditions and restrictions as he deems necessary in order for a loan to qualify for insurance under the program which would be established by this bill.

In other respects, this loan insurance program would be administered in a manner similar to the home improvement loan program of section 220 of the National Housing Act and the protection of the Secretary's security interests would be provided by reference to subsections (c), (d) and (h) of section 2 of the Act.

SUMMARY OF BILL

This bill would amend section 232 of the National Housing Act to authorize the Secretary of Housing and Urban Development to insure loans made by private lenders for the purchase and installation of fire safety equipment necessary to meet the requirements of participation in the Medicare and Medicaid programs. The amount, maturity and interest rate of loans would be determined by the Secretary and the program would be administered in a manner similar to the home improvement loan program under section 220 of the National Housing Act.

COST OF BILL

This bill involved the self-supporting FHA insurance program for which reserves are established through the collection of premiums and thus the contingent liability to the Treasury is minimal.

COMDR. HOWARD A. WELTNER, USNR

The bill (S. 577) for the relief of Comdr. Howard A. Weltner, U.S. Naval Reserve, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Commander Howard A. Weltner, United States Naval Reserve, is hereby relieved of all liability for repayment to the United States of the amount of $8,567.53 representing overpayments of active duty pay as a member of the United States Naval Reserve in the years 1951 through March 1970 which he received as the result of an erroneous computation of creditable service for longevity purposes in establishing an incorrect pay entry base date.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Commander Howard A. Weltner the sum of any amount received or withheld from him on account of the payments referred to in the first section of this bill.

No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–581), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to relieve Commander Weltner of liability to repay to the United States the amount of $8,567.53, the sum he received in overpayment of active-duty pay as a member of the naval service from September 16, 1955, to March 18, 1970.

STATEMENT

The facts of the case as contained in Senate Report 92–1020 on an identical bill (S. 884) in the 92d Congress are as follows:

The Department of the Navy interposes no objection to this legislation.

The facts of the case as contained in the report of the Department of the Navy to the chairman of the committee on an identical bill (S. 4084) of the 91st Congress are as follows:

"The records of this Department show that Commander Weltner served as an enlisted man in the U.S. Navy from January 31, 1951, until September 6, 1951. On September 7, 1951, he began service as a midshipman, U.S. Naval Reserve, with the Naval Reserve Officer Training Corps program. He continued in that status until August 3, 1954, and was commissioned as a regular officer in the U.S. Navy on August 4, 1954. Commander Weltner served as a regular officer until May 31, 1957, and on June 1, 1957, his status was changed to that of a Reserve officer. He has continually served on active duty as a Reserve officer since June 1, 1957.

"The records of the Department further show that on September 16, 1955, Commander Weltner's pay entry base date was established as January 31, 1951, the day his original enlisted service in the Navy began. This pay entry base date erroneously included the period from September 7, 1951, to August 3, 1954, while Commander Weltner was serving as a midshipman. On March 18, 1970, Commander Weltner's pay entry base date was reestablished as December 28, 1953; the computation of this date excludes the period of his midshipman service, although it properly includes his enlisted service. The records of the Department do not specifically reveal why Commander Weltner's pay entry base date was recomputed in the early part of 1970. However, it appears that the recomputation was the result of a routine verification of certain information contained in the data bank of the automatic data processing records maintained in the Bureau of Naval Personnel.

"Although the total overpayment in this case is a substatial sum, it is one which was built up over a period of almost 15 years. The overpayment was the result of an administrative error. There is nothing in the records of this Department to indicate that the error was caused by any fault on the part of Commander Weltner or that he was not acting in good faith."

In agreement with the views of the previous Senate report, the committee recommends favorable consideration of the bill.

J. CLARENCE INGRAM ET AL.

The resolution (S. Res. 97) to refer the bill (S. 1562) entitled "A bill for the relief of J. Clarence Ingram, Don W. Ingram, and Dick L. Ingram of Nephi, Utah" to the Chief Commissioner of the Court of Claims for a report thereon was considered and agreed to, as follows:

Resolved, That the bill (S. 1562) entitled "A bill for the relief of J. Clarence Ingram, Don W. Ingram, and Dick L. Ingram of Nephi, Utah" now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commisioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal, or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Connecticut (Mr. WEICKER) is recognized for not to exceed 15 minutes.

Mr. HUGH SCOTT. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. With the time to be taken out of the Senator's time, and we will make up for it later.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks Senator WEICKER made on the submission of an amendment to H.R. 8547, to amend the Export Administration Act of 1969 are printed in the Routine Morning Business Section of the RECORD under the appropriate headline.)

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Illinois (Mr. PERCY) is recognized for not to exceed 15 minutes.

Mr. GRIFFIN. Mr. President, there is an order for 15 minutes for the junior Senator from Michigan, to follow the Senator from Illinois.

I ask unanimous consent that there now be a quorum call with the time charged against the 15 minutes allotted to the junior Senator from Michigan at this point so that we can await the arrival of the Senator from Illinois.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, and I reserve the remainder of my time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Illinois may proceed.

INDEPENDENT SPECIAL PROSECUTOR FOR WATERGATE-RELATED OFFENSES

Mr. PERCY. Mr. President, a very well thought out and well written brief has been submitted to the Committee on the Judiciary and inserted in the RECORD for November 28 by the distinguished Senator from Ohio (Mr. TAFT). It is an excellent piece of advocacy for the legislation which he has introduced concerning the establishment of an independent Special Prosecutor, in law, for the purpose of investigating and prosecuting the Watergate-related offenses.

However, I think it fair to say that, at the least, there is a very serious difference of opinion not only among the Members of this body but also among eminent constitutional experts as to which bill is most preferable from both a practical and constitutional perspective. It makes little difference whether one side is supported by 10 lawyers, and the other side supported by 9. Numbers do not determine the answer. Sound reasoning does, and I congratulate Senator TAFT for his efforts in this regard.

Next week, the Senate will, most likely, be considering three major pieces of Special Prosecutor legislation. These are the Hart-Bayh bill (S. 2611), the Taft-Hruska bill (S. 2642), and the Percy-Baker bill (S. 2734). I would like to discuss these three bills from both a practical as well as a legal point of view.

The odds-on favorite has to be the Hart-Bayh bill, S. 2611, which calls for the Special Prosecutor to be appointed by the judges of the U.S. District Court for the District of Columbia. Over half of the Members of the Senate have cosponsored this legislation, and some eminent legal experts have spoken in favor of it. Many questions are raised by this legislation, but there is at least one certainty—if the Congress passes it, the President will veto it. Another near certainty is that neither the House nor the Senate will have the necessary two-thirds vote to override a veto of that bill. Now, normally, I would urge that a Presidential veto be considered by Congress, but that we should, nonetheless, proceed as we think best. Here, though, the situation is quite different. Time is working against us. If we were to pass S. 2611, and the President's veto was sustained, not only would we be right back where we were on October 20, but we would stay there for some time to come. Let us look at the calendar. In the Senate, we were advised we would be home by the first of November. Later we revised our thinking, and now it appears certain that we will be sitting here beyond mid-December, feverishly working to pass the legislation which must be dealt with this year. I do not have to remind anyone what the last weeks of a Senate session are like. They are hectic, as we all know, and many, many pieces of legislation urgently need to be considered. I doubt very much that we could get to another Special Prosecutor bill, much less start the procedures of drafting legislation and holding hearings, before we return in 1974. And then, what will we do when we do get around to passing another Special Prosecutor bill—which version will be next? We are going to appear very foolish to the country, and rightly so, if we have still been unable to enact legislation which takes the Special Prosecutor out of politics and out from under political pressure by the time the cherry trees bloom, and for all we know, it could very well take that much time.

It may suit the purposes of some to let ourselves fall into this posture. On the one hand, there may be those who feel that congressional inaction is good because, after all, Mr. Jaworski is doing fine without our help. On the other hand, there may be those who feel that any time you can stage a political confrontation which forces the President to veto a popular bill, which we know Congress will not override, that the time has been well spent. Certainly the President would be put on the hot political griddle. The Congress could shake its head and say, "well, it is not our fault." But the real losers would be the people of this nation who have looked to the Congress to stop politicking and begin legislating in a responsibile manner. If we blow this one, we will be hardput to argue with their conclusion that when it comes to preventing TV football blackouts we are real whizzes, but when it comes to the important matter of high level corruption, we throw up our hands and blame it on the White House.

Those of my colleagues who want to do more than just legislative gymnastics will look at the probabilities and see that a veto of S. 2611 is inevitable, and I do not think that any realistic Member of Congress believes that such a veto could be overriden. Let us forget about whether it should be overriden and let us concentrate instead on what we know will happen.

Does the Senate really want to pass legislation just to make a point, or just to stick it to the White House? Or does the Senate want to pass legislation which will establish an independent Special Prosecutor who can take over the Watergate matter so that we can get back to the important business which it is our responsibility to deal with? Certainly I do not want the President to play politics with the Special Prosecutor, but I also do not want the Congress to play politics with him either.

Apart from the fact that the chances of S. 2611 ever becoming law, as distinguished from the chances of it being passed by the Congress, are very slim, let us assume that it does become law. Where are we then? We will be right back in the courts, not with indictments on matters, arising from Watergate, but on the collateral issue of the constitutionality of a court-appointed Special Prosecutor. So, once more, we would be putting Watergate on the backburner while we watched the fight in the courts over the very legitimacy of the Special Prosecutor. When that happens, as we know for certain it will, then we should be able to take a great deal of satisfaction because we can sit back like fight promoters, which indeed we would be, as the conflict we could have avoided but did not is fought, at the very least, for several months.

Would this serve the interests of the country? Sure, we would all like to know how the Supreme Court would rule on the question. It is the type of thing that makes constitutional law experts drool. But, I should think that we would all be willing to leave that an unanswered question, because we do not have to raise it at all. If I could be convinced that this were the only way, and I repeat, the only way, that we could have a truly independent Special Prosecutor, then I might be persuaded to say that the collateral issue needs to be litigated. But it is not, and I am not.

There are other alternatives which would insure an independent Special Prosecutor which would avoid this type of collateral challenge. Once you concede that as good as S. 2611 is, it nonetheless is not the revealed truth, and is not written on tablets of stone, then you also have to concede that there may be another way of achieving the same goal without inviting an interesting but unnecessary court battle.

Let us also concede the possibility, as slight as some of my colleagues might feel it to be, that a constitutional challenge to the court-appointed Special Prosecutor would be sustained by the Supreme Court. Where would we be then? At the very least you would have more legal challenges concerning the validity of indictments he had signed and other actions he had taken. There would be more months of collateral legal challenges, still not having a thing to do with Watergate.

I think that, when faced with the certainty of a veto of the Hart-Bayh bill, the near impossibility of overriding that veto, the fact of months of collateral constitutional challenges if it should become law, and the unknown effects of a constitutional challenge being sustained, Congress ought to sit back, take a long look, and say, "thanks, but no thanks. This is not the prudent course for us to follow."

I am not unaware of the difficulty of a cosponsor of S. 2611 voting against that legislation on the floor. I appreciate that, but I would suggest that the situation has changed since S. 2611 was first introduced. Perhaps the most dramatic events are the Gesell opinion, and the Sirica letter, which made it clear that the U.S. District Court judges in the District of Columbia do not want to be given the authority to appoint a Special Prosecutor. They think it is a bad idea, and they hope that Congress will not force the issue upon them by passing S. 2611. Of course, their opinions are not binding on us, but neither should they be ignored. After all, they are the ones we would be putting on the spot if we pass S. 2611. What do we do if they do not appoint a Special Prosecutor? Do we sue them all?

In the interim, since Archibald Cox was fired and the Hart-Bayh bill was introduced, Leon Jaworski has come on the scene. From all indications to date, he is doing a thorough job, but he is still operating under the threat of arbitrary dismissal.

Even yesterday, we saw the White House criticize the work of the Special Prosecutor. That pattern seems to be developing. We saw it developing before, and while we may have written promises, they are not binding in law. The promises were broken before, and they can be broken again.

Does anyone doubt that if, through a series of highly improbable events, S. 2611 were enacted into law, the judges of the district court would appoint anyone other than Leon Jaworski? The judges do not like conflict any more than the rest of us, and I doubt that they would relish the idea of, in effect, firing Mr. Jaworski and hiring their own Special Prosecutor. So, one way or another, it looks pretty certain that the Special Prosecutor is going to be Leon Jaworski, whether the court, the President, or the Attorney General appoints him. Why then force the constitutional and the political issues by insisting on a court appointment? What do we gain? Nothing. What do we risk? I think we risk everything, including the credibility and the reputation of the U.S. Senate for doing things that are sensible and sound and in the national interest. I do not want to be a part of the spectacle that we would put before the country. We should do it with the foreknowledge that this is the probable course of action that would result if we go forward with the Hart-Bayh bill.

So, I would suggest to those of my colleagues who, in all good faith, cosponsored S. 2611, whose fine objectives I supported then as I do now, and to those who drafted the bill and introduced it, that the situation is quite different from what it was on October 26, and that we can now see more clearly what the realities and the possibilities are. And with that clarified vision, there are very compelling reasons for saying that S. 2611 has served its purpose; it was an excellent idea at the time, but, upon reflection, it would be better to find another solution which avoids the problems of S. 2611.

Well, if not the Hart-Bayh bill, what then is the best way for the Senate to procede? Should we, as Senator Taft has so eloquently and forcefully argued, adopt S. 2642? Again, I respectfully suggest to my colleagues that S. 2642 also has its problems.

The Judiciary Committee implicitly recognized that when it reported both bills without recommendation to the Senate. This is a most unusual procedure to have followed, but the committee, in its best judgment, thought it was the only way to bring this matter expeditiously to the floor, considering the deadlock that existed in the Judiciary Committee, on which some of the most eminent and respected Members of the Senate serve, including the distinguished chairman.

I would think that the citizens of this Nation would be skeptical at the very outset of legislation which has the White House stamp of approval in this matter. That does not necessarily mean that the legislation is bad, but it does give one some reason for pause and close scrutiny. It would be difficult to draft a weaker bill taking into account today's circumstances. Under this legislation, the Attorney General is authorized to appoint a Special Prosecutor; Mr. Bork has already done so. The Senate is not given the opportunity or the duty to advise and consent to the nomination; we do not have that ability now. The Special Prosecutor could only be fired for malfeasance in office, neglect of duty, or violation of the statute which creates his office. This is something new, and it is good. It differs from Mr. Bork's promise, now embodied in the Code of Federal Regulations, to dismiss the Special Prosecutor only for extraordinary improprieties. But whereas the regulations could be withdrawn, as they have been in the past, the statute could not be so easily voided. A quick court test is provided for, and the dismissal would not be effective until 30 days after Congress had been notified. This also is good, but the recent Nader against Bork decision has shown that the courts are not reluctant to take jurisdiction of such a case.

In addition, the pot is sweetened to include a letter from the Attorney General to the President Pro Tempore of the Senate pledging that no Special Prosecutor would be appointed if the Senate, by resolution, disapproved of the appointment. In other words, an informal confirmation procedure but one that deviates from a well-established, time-tested formal confirmation proceeding. Also, we have the extra promise that the Special Prosecutor would not be fired unless there was a "consensus" among the leaders of both Houses.

Now, these are very fine promises, and I am certain that they were made in good faith. But what happens after Mr. Bork? Are these promises binding on the next Attorney General? What about the next one? This is not a far-fetched or frivolous question if we take into account the number of Attorneys General we have had in the past few years. What happens if, for some reason, the Senate votes against approval, through this resolution process, by a vote of 49 to 50. Since it was so close, might the Attorney General say, "Well, it was so close, and we have picked such a good person, that I will appoint him anyway." What happens then? Can we sue the Attorney General? Obviously the answer is "no". The reason we have no recourse is because as fine as these promises are, they are still just that—promises. Promises which can be broken, ignored, embellished upon, explained away, or otherwise rendered inoperative, do not have the force and effect of law. If it sounds a bit familiar, it should, because there are those of us in the Congress and throughout the Nation who thought we had received some pretty strong promises before concerning Archibald Cox. Unfortunately, when it was no longer convenient for those promises to be abided by, then they were explained away, and broken. Let me read to you the pledge President Nixon made to the Nation on TV and radio on April 30:

> I have given him (Richardson) absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters.

I reread these clear, distinct words to the President when a group of us met with him in the White House a short while ago and asked him, "What happened?"

I do not think we ought to stand still for even the remote possibility of more of the same. There is an old Indian proverb which says, "Fool me once, shame on you; fool me twice, shame on me." How do we go about convincing the public that what happened last October 20 will not happen again? We could say that this time we have a very solemn letter. But if we do that, we run the risk of being laughed right out of the Congress, because we would have been fooled twice.

Let us face it. The biggest problem we in the Congress have before us today is one of public perception and credibility. How do we insure that the public can have absolute confidence, that we have really provided a process for safeguarding the independence and integrity of the Special Prosecutor, without at the same time getting into a Pandora's Box of legal challenges? I submit that the way to do this is not merely to codify the present unsatisfactory situation, as we would be doing if we passed the Taft-Hruska bill. We cannot eliminate the Congress from the process of selecting and confirming the Special Prosecutor. We cannot have the Special Prosecutor appointed by the Attorney General with no formal Senate confirmation, and operating under the Attorney General. We cannot simply ignore the question of whether or not, by limiting the power of the Attorney General to fire the Special Prosecutor, we also limit the power of the President. That is the crucial issue. The public is not concerned that the Special Prosecutor might get too close to Mr. Bork or Senator SAXBE, should he be confirmed. What they are afraid of is what will happen to the Special Prosecutor if he, like Mr. Cox, persists in challenging the President. That question has to be addressed. The Taft-Hruska bill, though, is silent on this. That silence is deafening.

S. 2642 does not offer the people of this country anything in the way of confidence that the Special Prosecutor will be truly independent and insulated from the whim of the President. And if we cannot offer that kind of assurance through legislation, then why bother legislating at all? For, in the final analysis, it is the question of dismissal to which we must turn our attention. When the country knows that even this new Special Prosecutor has been asked to delay announcement of an 18-minute gap in a critical tape, as he was—and to his credit he did not—how is the public to be assured that the threat of being fired for not acceeding to some future request would not cause his judgment to be somewhat influenced? Many would judge the degree of an appointee's independence by the safeguards against his arbitrary dismissal.

Under the Taft-Hruska bill, the Attorney General would be limited in his power to fire the Special Prosecutor. But until the public is assured that the President also is not free to fire the Special Prosecutor whenever he so chooses, the Special Prosecutor's independence remains an unfulfilled wish.

Consequently, I can only conclude and hope that the Senate should, in its wisdom, not adopt either the Hart-Bayh approach or the Taft-Hruska approach. One would lead us into practical problems which might put us right back to where we were on October 20 and the weekend of the Saturday night massacre. The other could be no better than a hollow shell, echoing with uncertainty as to the true nature of the Special Prosecutor's independence.

I suggest that my colleagues in the Senate and, indeed, those in the House as well, study what I feel is an approach which takes a very strong position, and assures the independence of the Special Prosecutor by preventing his arbitrary dismissal. S. 2734, the bill which Senator BAKER and I introduced along with Senators COOK, BROCK, and YOUNG, offers the best hope of answering the public's demands for responsible action by the Congress. It is not a perfect bill, for there is no such thing. It has certain drawbacks as all bills do. Yet, these potential liabilities have been greatly minimized. Safeguards have been built into it, and, on balance, we think it is the most appropriate vehicle before the Congress for effectively and responsibly dealing with the issue of statutorily establishing the office of Special Prosecutor.

First, the legislation recognizes the existence of the present Special Prosecutor and provides for his holding office until his successor is installed. It directs the President to nominate a Special Prosecutor within 7 days of the enactment of the legislation. The Senate would then have to advise and consent to that nomination. That is in the legislation, not in a letter full of promises. Legally speaking, there is absolutely no question that this method of appointment and confirmation is constitutionally valid. Thus, there is no threshold legal question to delay the Special Prosecutor's work. His authority is unchallenged.

Practically, I realize that there is some question about whether the President ought to be given the duty of appointing someone who will be investigating the President himself. But first, I think we must realize that most probably, again, we are talking about Leon Jaworski. He has already been appointed by the Attorney General, and I feel certain that he would be appointed by both the court or the President, depending on what, if any, legislation is enacted. So again, though the question is, philosophically, of interest, practically it is moot. The Special Prosecutor has been chosen already. All we are trying to determine is how best to structure and insulate his office.

But beyond that, there needs to be given to the country the assurance of a Senate confirmation proceeding. The Senate is not just a rubberstamp of Presidential nominations. We have demonstrated that in the past, and there is no question but that we would scrutinize any nominee with extraordinary diligence. Through hearings, both the Senate and the country would take the measure of the individual appointed by the President, assuring ourselves that although the President officially appointed him, he would not be beholden to the President out of any false sense of gratitude or political loyalty. After all, this is the procedure we use each time we want to insure the complete independence of a Presidential appointee, whether it be a member of an independent agency, a Federal judge on the district or appellate bench, or a Supreme Court Justice. In each instance, these individuals realize that they will have to handle cases involving the Government, and, in some cases, situations where the President himself is a litigant. Yet because of Senate confirmation, and because the President is not allowed to summarily dismiss the individual arbitrarily or capriciously, and, in the case of judges not at all, the fact that the President made the initial appointment is not considered an impediment to the individual's independence. I believe the same holds true with regard to the Presidentially appointed Special Prosecutor. That is a formality. The teeth of the legislation lie both with Senate confirmation and the limiting of the power of the President to dismiss the Special Prosecutor except for three very specific causes: Malfeasance in office, neglect of duty, or violation of the statute which created his office.

Thus, though there may be a problem with the public's perception of a Presidential appointment, the fact that most likely it will be Leon Jaworski who is nominated, combined with Senate confirmation and a limit on the grounds for which the Special Prosecutor can be dismissed, should be enough to persuade even the most skeptical observer that the process of appointment does not jeopardize the Special Prosecutor's independence.

Let us then consider the question of dismissal. Everyone would concede that the odds are pretty high against the President again dismissing the Special Prosecutor. He made that mistake once, and I doubt he would repeat it. Therefore, the entire section of S. 2734 which deals with dismissal would probably never be activated. However, if we were to believe that there would never be a dismissal, then we would not have to pass any legislation at all, I suppose. It is because we fear that there could come a time when once again the President would want to dismiss the Special Prosecutor that we are debating the type of legislation to pass. Thus, what the legislation provides relative to dismissal is important. S. 2734 provides only three grounds for dismissal by the President, as I have mentioned previously. In other words, the President could not fire the Special Prosecutor merely for disobeying a direct order of the President, like he did with Mr. Cox. He could not be fired simply because he acted in a manner which the President did not approve of. He is not the servant of the President. He is given a specific mandate by the Congress, and Congress can provide the grounds upon which the dismissal of the Special Prosecutor by the President could be based in order to insure the Special Prosecutor's independence. This is basic to his ability to carry out his mandate. However, should the President decide to dismiss the Special Prosecutor, that dismissal would only become effective 30 days after the Congress was notified by the President of his intent to dismiss. In addition, the Special Prosecutor can sue in District Court, on an expedited basis, challenging the legality of the dismissal. The court could enjoin the dismissal should it find that it was not based on one of the three specified causes, and order that the Special Prosecutor stay in office.

However, if through a bona fide dismissal, or because of death, illness, or resignation, there were a vacancy in the Office of Special Prosecutor, the court could fill that vacancy on an interim basis, until such time as the President nominated and the Senate confirmed a new Special Prosecutor. This is, of course, the same type of procedure authorized by 28 U.S.C. 546 which authorizes a district court to fill a vacancy in the office of U.S. attorney until the vacancy is permanently filled. The validity of this procedure was upheld in the case of *U.S.* v. *Solomon*, 216 F. Supp. 835 (D.C.N.Y. 1963).

As anyone who has been following the debate on this matter knows, some questions have been raised about the dismissal section of this legislation. The question arises in the context of the ability of the Congress to limit the power of the President to dismiss an employee of the executive branch of Government. The case most frequently cited in this connection is that of *Myers* v. *United States*, 272 U.S. 52 (1926). However, later cases severely limited the unfettered power of the President to remove employees where independence from Presidential pressure or influence was essential to their jobs.

Mr. President, I ask unanimous consent that a memorandum examining these relevant cases be printed at this point in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

S. 2734, the Percy-Baker bill providing for the appointment of a Special Prosecutor, and specifically that part of the bill which limits the power of the President to dismiss the Special Prosecutor, is constitutional and is supported by the case law.

I. *There are basically two types of Executive employees.*

In *Myers, Administratrix, v. United States*, 272 U.S. 52 (1962), the Supreme Court affirmed the power of the President to remove a postmaster from office. This case was the first in a series of three cases which dealt specifically with the power of the President to remove employees of the Executive branch of government. The opinion in *Myers*, delivered by Chief Justice Taft, himself a former President, sketched a very broad inherent constitutional power to remove officials, no matter what restrictions Congress may have imposed regarding the nature of their tenure. 272 U.S. 163, 164.

However, even at that time the wisdom of this approach was severely questioned. The dissents in this are enlightening, and presage later Supreme Court decisions. Justice Holmes, in dissent, said:

"We have to deal with an office that owes its existence to Congress and that Congress may abolish tomorrow. Its duration and the pay attached to it while it lasts depend on Congress alone. Congress alone confers on the President the power to appoint to it and at any time may transfer the power to other hands. With such power over its own creation, I have no more trouble in believing that Congress has power to prescribe a term of life for it free from any interference than I have in accepting the undoubted power of Congress to decree its end. I have equally little trouble in accepting its power to prolong the tenure of an incumbent until Congress or the Senate shall have assented to his removal." 272 U.S. 177.

Justice Brandeis, also in dissent, argued at some length in favor of the power of Congress to limit a President's power of dismissal. After stating the argument that the appointment and removal by the President of an Executive officer rests mainly upon the clause in Sec. 1 of Article 2 of the Constitution which declares that, "The Executive power shall be vested in a President," Brandeis answers that argument as follows:

"The ability to remove a subordinate executive officer, being an essential of effective government, will, in the absence of express constitutional provision to the contrary, be deemed to have been vested in some person or body. . . . But it is not a power inherent in a chief Executive. The President's power of removal from statutory civil inferior offices, like the power of appointment to them, comes immediately from Congress . . . But the Constitution has confessedly granted to Congress the legislative power to create offices, and to prescribe the tenure thereof; and it has not in terms denied to Congress the power to control removals." 272 U.S. 245.

Brandeis' distinction between whom the President could fire at his will and in his discretion, and whom he could not, was expressed in terms of "high political officers" and "inferior administrative officers" appointed for a fixed term. 272 U.S. 247.

This distinction was elaborated on and controlled the decision in the next case which arose in this area, *Humphrey's Executor* v. *U.S.*, 295 U.S. 602 (1934). That case involved a member of the Federal Trade Commission who had been dismissed by the President for personal and political reasons, and not for any of the causes specified by Congress in the statute which created the FTC, namely, inefficiency, neglect of duty, or malfeasance in office. In that case, the Court limited *Myers*, saying that "the necessary reach of the decision (in *Myers*) goes far enough to include all *purely executive officers*. It goes no farther . . ." 295 U.S. 627–628 (emphasis added).

Having so limited the *Myers* decision, and deciding that the President's dismissal of Humphrey was illegal, the Court stated its holding as follows:

"Whether the power of the President to remove an officer shall prevail over the authority of Congress to condition the power by fixing a definite term and precluding a removal except for cause, will depend upon the *character of the office;* the *Myers* decision affirming the power of the President alone to make the removal is confined to *purely executive officers;* and as to officers of the kind here under consideration, we hold that no removal can be made during the prescribed term for which the officer is appointed, except for one or more of the causes named in the applicable statute." 295 U.S. 631–632. (emphasis added.)

Thus, a significant distinction had been made between "purely executive officers", or, in Brandeis' terms, "high political officers," and "inferior administrative officers," (again Brandeis' term) who resembled Humphrey, the FTC Commissioner. The former could be fired at will by the President, and Congress could not restrain that power; the latter were not subject to the whim of the President, and could be protected by the Congress.

The third case in point is *Wiener* v. *U.S.* 357 U.S. 349 (1958). In that case, Wiener was a member of the War Claims Commission which was created by Congress. His term was to coincide with the life of the Commission. He was appointed by President Truman, confirmed by the Senate, and then removed by President Eisenhower because he felt that the Act should be administered "with personnel of my own selection." The Court held that the President had no power to remove the Commissioner, saying that:

"The assumption was short-lived that the *Myers* case recognized the President's inherent constitutional power to remove officials, no matter what the relation of the executive to the discharge of their duties and no matter what restriction Congress may have imposed regarding the nature of their tenure," 357 U.S. 352.

The Court, speaking through Justice Frankfurter, examined the *Humphrey's* case:

"And what is the essence of the decision in the *Humphrey's* case? It drew a sharp line of cleavage between officials who were a part of the executive establishment and were thus removable by virtue of the President's constitutional power, and those who are members of a body 'to exercise its judgment without the leave or hindrance of any other official or any department of the government,' 295 U.S. at 625–626, as to whom a power of removal exists only if Congress may fairly be said to have conferred it. This sharp differentiation derives from the difference in functions between those whose tasks are part of the Executive establishment and those whose tasks require absolute freedom from Executive interference. 'For it is quite evident,' again to quote *Humphrey's Executor*, 'that one who holds his office only during the pleasure of another cannot be depended upon to maintain an attitude of independence against the latter's will.' "—295 U.S. at 629. 349 U.S. at 353.

Thus, the *Wiener* decision narrowly construed the excessively broad language found in *Myers*. It became firmly established that there were indeed some officers whom the President could appoint, and whom the Senate would be required to confirm, over whom the President's removal power could be limited by the Congress.

II. *The Special Prosecutor and the Deputy Special Prosecutor, created in S. 2734, are in that class of executive employees which the Congress creates, and whose dismissal the Congress can prevent or control.*

The purpose of Congress establishing an office of Independent Special Prosecutor to investigate and prosecute any offenses against the United States arising out of the campaign or election for the Presidency in 1972 is to insure both the fact and the appearance that justice will be done in an absolutely independent and fair manner completely free from any political pressure at all, by either the Executive or the Congress. In other words, there needs to be an official who can exercise his judgment "without leave or hindrance of any other official or any department of the government." 295 U.S. at 625–626.

This Special Prosecutor is not a purely executive officer, nor a "high political officer." He is to carry out a specific task, for a specified period of time, after which his functions and his office will cease. He cannot be compared to the postmaster in the *Myers* case or any other Cabinet-type executive employees whose sole duty is to carry out the goals and policies of the administration. Indeed, because of the cloud of suspicion and doubt, which rightly or wrongly hangs over the head of this administration, the primary rationale for appointing the Special Prosecutor is to assure the American people that he is free from pressure by the administration to carry out any administration policy. Neither by the task he is to perform, the manner in which he is to perform it, the method in which his office is created, the tenure given to him by the Congress, nor the absolute necessity for insulating him from pressure by anyone else in the government, Executive or legislative, can this Special Prosecutor be considered a "purely Executive officer," or a "high political officer."

The very reasons which necessitated the establishment of certain agencies in the Executive branch of government to deal with complex and controversial matters, free from any pressure which might modify or color their independent judgments, are now present with regard to the investigation and the prosecution of the Watergate related offenses. There is a very specific task which the Congress and the American people need done. The Congress has the power to create the entity which can accomplish that task. The individuals selected to direct that entity would be more of the type described by Brandeis as "an inferior administrative officer appointed for a fixed term." Unlike a Cabinet-type employee, he would not be an individual who would be absolutely necessary to perform ongoing governmental functions. To the contrary, the legislation specifies that his term will only be for two years, except that he may continue in office until such time as any trials or appeals then in progress can be carried to a judicial conclusion.

As the Court in the *Humphrey's* case made clear, the ability of the President to remove an officer, and, conversely, the power of the Congress to limit that ability, depends on the character of the office. In this case, the character of the officer, and indeed a *sine qua non* of the entire concept, is absolute independence. Thus, the Congress can establish the office, specify its purpose and powers, and make clear how long the individuals named to direct the effort can serve. Furthermore, the Congress can determine under what can be dismissed.

III. *Congress can establish both the grounds for dismissal and the procedure to be followed, with respect to the Special Prosecutor and his Deputy.*

Because of the character of the office, Congress can provide that the Special Prosecutor can only be removed for specific causes. That is well established, not only by the *Humphrey's* case, but also through any perusal of the statutes which limit the power of the President to dismiss members who serve on independent agencies.

As noted above, Mr. Justice Brandeis's dissent in *Myers* presaged the limitation that the Court later, in *Humphrey's* and *Wiener* put on the President's inherent removal power. There is a clear understanding in his opinion that completely unfettered Presidential power to dismiss all employees that he had a hand in choosing would be contrary to the principle of checks and balances upon which our Constitution is so heavily based. Nothing could more eloquently or forcefully present the basis for the validity of the approach taken in S. 2734 than the closing sentences of Mr. Justice Brandeis' dissent in *Myers:*

"Checks and balances were established in order that this should be 'a government of laws and not of men . . .' The doctrine of the separation of powers was adopted by the Convention of 1787 not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of governmental powers among three departments, to save the people from autocracy. In order to prevent arbitrary executive action, the Constitution provided in terms that Presidential appointments be made with the consent of the Senate, unless Congress should otherwise provide; and this clause was construed by Alexander Hamilton in The Federalist, No. 77, as requiring like consent to removals. Limiting further executive prerogatives customary in monarchies, the Constitution empowered Congress to vest the appointment of inferior officers, 'as we think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.' Nothing in support of the claim of uncontrollable power can be inferred from the silence of the Convention of 1787 on the subject of removal. For the outstanding fact remains that every specific proposal to confer such uncontrollable power upon the President was rejected. In America, as in England, the conviction prevailed then that the people must look to representative assemblies for the protection of their liberties. And protection of the individual, even if he be an official, from the arbitrary or capricious exercise or power was then believed to be an essential of free government." 272 U.S. 292–295.

Mr. PERCY. Mr. President, these cases were also discussed in the hearings held by the Judiciary Committee on the Hart-Bayh bill. Although the thrust of the testimony concerned S. 2611, much of it was relevant to the dismissal section of S. 2734. For instance, Professor Cox commented on the relation of Humphrey's and Wiener to the Myers case. On page 138 of the hearings transcript he testified that—

> The Court stresses that where there was a particular need for independence from Executive pressures in the office, that then the Congress could put restrictions on the President's power to remove, and it seems to me that there is a clear need of justification of that kind here, and I would regard these cases as pretty plainly governing, although not always right on these questions.

This same point was made by Elliot Richardson on pages 493 and 494 of the hearings transcript:

> There may be some qualifications on the power to discharge where the officer exercises some function of an independent kind as later cases indicate with respect to members of regulatory missions, for example, and I think you can make an argument here that the independence of the role of the Special Prosecutor would justify some restrictions on the power of removal, and I think that some restrictions on the power of removal could be written into the statute creating the job and making it subject to confirmation.

He specifically commented on the Myers case in answer to a question of Senator Tunney's on page 537 of the transcript:

> Well, I would rely essentially on the auauthority of the case of *Humphrey's Executor*, which deals with the appointment of an FTC Commissioner, for the proposition that there can be qualifications under the power of removal where there is a sufficiently strong basis for this. . . . But, I would argue by analogy that where a Special Prosecutor is created in order to exercise independent authority to investigate actions of the Executive branch, including those of the President himself, that it is then appropriate for the Congress to attach some restrictions to his removal and that this is simply a practical result that the Constitution is flexible enough to accommodate.
>
> In any event, the questions of the constitutionality of the removal provision would not affect the constitutionality of the actions of the individual. So any doubt on this constitutional issue does not create the same problems that doubts of the constitutionality of an appointment by the court would create.
>
> So besides that, if you put into the statute some restrictions on the power of removal, and they are not observed, then you would have, if not a legal issue affecting the tenure of the Special Prosecutor, you would have a very important public issue by which to judge the actions of the President. So it seems to me, therefore, a reasonable practical thing to put these limitations into the statute.

Prof. Philip Kurland, of the University of Chicago Law School, was also very emphatic on that point in a dialog with Senator Fong on page 654 of the transcript where the professor specifically said that Congress could limit the power of the President in discharging based on the Humphrey's and Wiener cases:

> Fong. If the Congress says that he is not to to be discharged unless consented to by the Congress, would that be unconstitutional under the *Myers* case?
>
> Kurland. No, sir.
>
> Fong. It wouldn't be unconstitutional?
>
> Kurland. Not in the reading that has been given to the *Myers* case by the Supreme Court in *Humphrey's* and *Wiener*.
>
> Fong. You think then the Congress could limit the power of the President in discharging?
>
> Kurland. Yes, sir.
>
> Fong. You base that on the *Humphrey's* case?
>
> Kurland. *Humphrey's* and *Wiener*, yes . . . where Congress is specific as to the grounds for removal, they can bind the President to that specific grounds for removal.

Other pertinent parts of Professor Kurland's testimony are as follows:

> The important propositions that I derive as the guiding law from *Wiener* are three: First, where, as here, independence from the President is necessary to the proper performance of the Special Prosecutor's duties, the power of removal does not rest with the President. Second that the question of the terms and conditions on which an appointee's tenure depends is within the power of Congress to define. Congress will have defined it in S. 2611 so as to remove any of the doubts that might have been derived from congressional silence as in the *Humphrey's* and *Wiener* cases. Third, even had Congress remained silent as to who should have the power of discharge; the necessity for independence would prohibit the President from discharging a Special Prosecutor whose office was created by Congress except on grounds specified in the law. (page 631)
>
> The case (*Wiener*), puts to rest once and for all the broad reading of *Myers* that was offered by the Chief Justice in the *Myers* case. And I think that quite clearly we have come much closer to Justice Holmes' and Mr. Justice Brandeis' dissent in that case as to the law. (page 635)
>
> I would certainly have to be honest with you and say there is less question raised by the Presidential appointment subject to limited power of removal as in the *Humphrey's* case and the *Wiener* case than the court-appointed prosecutor. (page 659)

Prof. Paul Freund of Harvard Law School gave his opinion that Myers was not applicable where, on page 684 of the transcript, he said that the Myers decision:

> Applies only to offices where Presidential supervision is appropriate. Where independence is appropriate, the provision for removal can be more flexible. This is the principle of the later cases dealing with removal of members of administrative commissions.

Professor Freund concluded, on page 686 of the transcript, that—

> The escape from (the *Myers* decision problems) is to take the position that the prosecutor is not a purely executive officer and that is my position.

I believe that the testimony before the Judiciary Committee is useful in making clear that the Humphrey's and Wiener cases do indeed limit Myers, and that because of the need for the independence of the Special Prosecutor, the Congress can limit the power of the President to remove as is done in S. 2734.

Mr. President, I also ask unanimous consent that a letter to me from Dean Burke Marshall of Yale Law School, which specifically addresses the constitutionality of S. 2734, be printed at this point in the Record. In that letter Dean Marshall said:

> I have no substantial doubt that the bill is constitutional, or that it would ultimately be upheld if challenged in court.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Yale Law School,
New Haven, Conn., November 27, 1973.
Hon. Charles H. Percy,
U.S. Senate,
Washington, D.C.

Dear Senator Percy: In accordance with your request, I have given careful consideration to the constitutional aspects of S. 2734. That bill provides for the appointment of a Special Prosecutor by the President with the advice and consent of the Senate, but restricts the President's right of removal of the Prosecutor to removal for cause—neglect of duty, malfeasance in office, or violation of the statute establishing the office. I have no substantial doubt that the bill is constitutional, or that it would ultimately be upheld if challenged in court.

Looking first to the words of the Constitution itself, there would seem to be no question of the power of Congress to pass such legislation in the extraordinary circumstances that are referred to in Section 2 of S. 2734. The inescapable fact is that the President is required by those circumstances to see to it that the criminal laws of the United States are fully and fairly enforced against himself and against many persons for whose conduct he has been directly responsible. This is so whether or not he may be personally liable for criminal acts; the question is whether a full and fair investigation is to take place. In these circumstances it is an application of the simple and plain meaning of the words of the Constitution to conclude that Congress might well decide that it is "necessary and proper," in the language of Article I, Section 8, that a Special Prosecutor be provided for, and that his removal be only for cause.

The question then is whether the structure of the Constitution is such that this restriction on the power of the President to remove the Prosecutor from office—which in all other respects is common sense—is a violation of the separation of powers, an invasion by Congress of the constitutional vesting of the executive power of the federal government in the President. It is this question that requires consideration of the *Myers* case (*Myers v. United States*, 272 U.S. 52).

In my judgment neither the holding nor the reasoning of the *Myers* case affects the constitutionality of S. 2734.

As to its holding, it is crucial to remember with precision what the statute that was at issue provided. It did not provide, as does S. 2734, that the President could remove the officers involved, who were postmasters, only for cause. Instead, without purporting to set any standards at all, it provided that the President could not remove those officers at all, even for cause, without the advice and consent of the Senate. It was, in other words, a straight patronage statute, having nothing to do with the performance of officers of the executive branch, but simply with the distribution of arbitrary power over removal between the executive branch and the Congress.

It is clear from the reasoning of Chief Justice Taft that this was a critical factor, as it should have been in principle, even though language of the opinion in places appears to be unqualified. For the recurring theme of the opinion is that the President cannot fulfill his constitutional duty, under Article II, Section 3, to see that the laws are faithfully executed if he is not free, without interference from Congress, to discharge officers that he believes to be acting unwisely, or incompetently, or contrary to law, or in contravention of some national policy. But in the extraordinary circumstances that the nation faces today, and that S. 2734 is designed to meet, the situation is precisely the opposite. It is the exercise of his power to remove for no cause, or for a cause that appeared only to protect himself, that has made it appear impossible for the President to see that the laws are faithfully executed.

That the *Myers* case should be carefully limited to what was actually involved is also clear from other related Supreme Court decisions. In *Shurtleff* (*Shurtleff v. United States*, 189 U.S. 311), for example, on which *Myers* puts considerable reliance, the Court expressly said (at page 314) that it assumed that Congress "could attach such conditions to the removal of an officer . . . as to it might seem proper . . . that it could provide that the officer should only be removed for the causes stated and for no other," and that the question therefore was whether Congress had in fact done so. Legislative restrictions on removal of non-Presidential appointments have, of course, been upheld (see, for example, *United States v. Perkins*, 116 U.S. 483), as have restrictions on removal of Presidential appointments when it appeared, as it certainly does here, that their function made the restrictions appropriate (see, for example, *Humphrey's Executor v. United States*, 295 U.S. 602).

It is, of course, clear that the process for appointment and removal of a Special Prosecutor that is set forth in S. 2734 does not exhaust the constitutional options open to the Congress. I have elsewhere (in the Washington *Star-News* on October 28, 1973) expressed my view that provision for court appointment of such a prosecutor is also permissible, not only under the necessary and proper clause, but also under Article II, Section 2, of the Constitution. Both possibilities raise non-constitutional problems that are now the subject of debate in Congress. But I repeat that I have no serious doubts as to the constitutionality of the path adopted by S. 2734.

Sincerely,

Burke Marshall.

Mr. PERCY. Mr. President, I know that we will never be able to have all 100 Senators agree on much of anything, much less a complicated constitutional question such as this. However, I believe that I have demonstrated both the reasons why I feel that the dismissal section of S. 2734 is constitutional, and the fact that this opinion is shared by some eminent legal and constitutional scholars.

Nonetheless, I should also point out that the sole constitutional question which has been raised does not go to the authority of the special prosecutor. It is not a threshold question. It would never even be raised unless the President attempted to dismiss the Special Prosecutor on grounds other than those specified in the legislation. No matter how that question was resolved, it would in no way affect the validity of any of the actions which the Special Prosecutor had taken.

Mr. President, I feel very strongly that the Senate is on the threshold of making some extraordinarily important decisions with regard to how the Watergate-related offenses will be investigated and prosecuted. Whether we choose wisely, or whether we choose foolishly, we and the American people will have to live with our choice and the results of that choice for many years to come. I believe that the President would finally sign S. 2734 if passed. If he did not sign it, I think the chances of overriding a veto would be significantly greater than those of overriding the certain veto of S. 2611.

I must admit to having to overcome an initial feeling of futility, arguing that so many Senators should change their minds, and shift their support from a bill which they have cosponsored, to another. Yet, this matter is of such importance that the arguments must be made. I hope that each Senator will have the opportunity to reflect on this matter, and on the consequences of proceeding to pass S. 2611. I honestly do not believe that a majority of this body, or a majority of the Congress, wants to engage in a fruitless exercise of passing legislation which will never become law, but which will cause more institutional and political confrontation at a time when we all want less. Likewise, I cannot believe that the Congress wants to abrogate its responsibility to the people of this Nation to pass tough, effective legislation, and that means stronger legislation than that which relies on mere promises.

I respectfully submit that passage of S. 2734 would insure that the investigation and the prosecution of Watergate will proceed in the most thorough, independent, and expeditious manner possible.

CONTROLS AND THE ECONOMY

Mr. TOWER. Mr. President, I should like to read a statement that I made at a press conference yesterday.

Major changes must be made in the economic stabilization program immediately if we are to eliminate the various shortages now plaguing our country and reduce the possibilities of a major recession which might eliminate millions of jobs. The present energy crisis is being compounded by the administration of the control program, which has turned out to be a hodge-podge of inefficiencies and incentive-killing nonsense.

If the Cost of Living Council and the administration do not take immediate steps to unsaddle the energy industries and the American consumers from these stifling regulations, I shall introduce legislation to exempt at least these sectors from the control program—and perhaps even to repeal the act.

In any event, I do not now feel that I can support extension of the basic enabling legislation which expires in April 1974.

We knew the potential pitfalls of an economics control program when Congress passed the legislation and when I served as floor manager of the two bills extending the act—but the management of the program is appalling, particularly with respect to energy. I am tired of half-way, half-thought-out measures which have been taken with regard to energy-related industries and which have created more problems than they have solved. A valiant attempt has been made now for 27 months to control, contort, and contour this dynamic economy; but I am forced to conclude that this is doing more harm than good.

We must unburden the energy producing and energy-delivering industries from the grasp of this bureaucratic bungling and provide proper incentives to revitalize these industries if we are to survive this critical energy situation.

Curtailing inflation is of major importance, and I am not belittling the need to continue fighting inflation with sound budgetary and monetary policy—but we must face the fact that lack of energy is our greatest concern.

Texas, for example, has vast quantities of discovered yet untapped reserves of oil and gas—but drillers cannot get the tubular steel needed to drill, due to current price regulations. The Texas Railroad Commission reported last week that a survey of some 40 independent drilling companies showed more than 200 wells already spotted would not be drilled.

One of the main reasons for the current fuel shortage is the lack of necessary capital for further exploration and development in our oil industry. This is due in large part to the artificially low price of crude oil which has prevailed for the past several years. While the costs of exploration, development and production have continued to climb, the real price of crude oil has declined nearly one-third since 1957.

And the reduction in the oil depletion allowance has removed one of the major incentives which made man willing to risk the vast sums required to drill oil and gas wells. We must face the reality that no one is going to risk millions of dollars drilling an oil well when good quality bonds are better investments.

Firms which provide health care have been controlled so arbitrarily and unfairly by the Cost of Living Council that the amount and quality of medical care available to the American people is beginning to suffer, due to price ceilings.

Severe disruptions in our construction industry also have resulted from price ceilings—with reinforcing bar, necessary for most construction projects, already becoming scarce.

The petrochemical industry, severly hampered by a shortage of middle distillate petroleum supplies, also is an area of extreme concern. Many producers are diverting more of their production to export markets, which bring them many times the domestic ceiling price.

Likewise, the fertilizer fiasco, under COLC price ceilings, the shipment of fertilizer into export channels without allowing domestic users the ability to compete for the product they needed so badly.

And we have all witnessed the havoc created within the livestock industry, which provoked beef shortages in many stores.

We are wasting millions of man-hours on a price control program which simply does not work. Talented and innovative brainpower is being misdirected when it could be better utilized in solving our energy problems. We have had our "waltz" with wage-price controls; it is time now to return to free enterprise.

Mr. President, I ask unanimous consent to have printed in the RECORD some background information to accompany my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONTROLS AND THE ECONOMY—FACT SHEET

The Economic Stabilization Program has rifled our entire economy with many, many serious economic distortions—spot shortages, disincentives to produce, excessive exportation of critical commodities. Although for a time we were content to trade off various distortions or inefficiencies in order to smooth out the inflationary pressure in our economy, the present energy crisis coupled with ever increasing problems caused by the control program compel me to conclude that major changes must be made in the Economic Stabilization Program immediately. If the Cost of Living Council and the Administration do not take immediate steps to unsaddle the energy industries and the American consumers from the inefficiencies and disincentives of the control program, then I shall introduce legislation to exempt at least these sectors, and perhaps even to repeal the Act.

In any event, I currently feel that I cannot support extension of the basic enabling legislation which expires in April, 1974.

Admittedly, the implementation of an economics control program is cumbersome—we knew the potential pitfalls when Congress passed the legislation and I was floor manager of the two bills extending the Act—but the management of the program is appalling and particularly so with respect to energy. I am simply tired of half-way, half-thought-out measures which have been taken with regard to energy-related industries. A valiant attempt has been made now for 27 months to control, contort, and contour this dynamic economy, but I am forced to conclude that we are now doing more harm than good. And most evidently, we must unburden the energy producing and energy delivering industries from its grasp in order to allow appropriate and proper incentives to revitalize these industries and lead us out of this critical energy situation.

Curtailing inflation is important and I am not belittling the need to continue to fight it with sound budgetary and monetary policy, but we have to face the fact that energy—or I should say the lack of it, is our greatest concern. Our battle is no less than that of fighting off shortages and perhaps a recession and saving millions of jobs. We must manage this crisis intelligently.

Texas, for example, has vast quantities of discovered yet untapped reserves of oil and gas. Ironically, drillers and producers cannot secure the tubular steel with which to drill due to the hodge-podge of current price regulations. The Texas Railroad Commission reported last week that after surveying only 40 independent drilling companies, over 200 wells already spotted would not be drilled. This is but an example. The American citizen is being denied his domestic energy resources.

There are a number of reasons for this shortage of tubular steel all emanating from the economic restrictions which burden our economy. Price ceilings and profit margin limitations encourage exportation, discourage production and stifle investment. In addition, the artificially low price fails to entice tubular steel imports from Japan, a source critical if we are to meet our domestic needs.

As I have stated, one principal reason for the current fuel shortages is that the oil industry has lacked the necessary capital for further exploration and development.

This capital crunch is in part due to the artificially low price for crude oil which has prevailed for the past several years. In fact while the costs of exploration, development and production have continued to climb, the real price of crude oil has declined nearly one third since 1957.

Presently new crude oil is allowed to find its free market price, however, old crude is still artificially surpressed, thereby denying capital to those individuals who need it most.

Businessmen require capital and incentive to invest in plants and equipment for production of energy related products. I understand companies have begun prenotification for price increases in tubular steel to be effective January 1, 1974. Though this meets immediate demands it provides no incentive and contributes little to our long range need for a strong energy production base. It merely prolongs the shortage and heightens its severity.

The providers of health care have been so arbitrarily controlled by the Cost of Living Council that it is beginning to severely affect the quantity and quality of medical care available to the American people. Hospitals and nursing homes have been unable to pass along increases in the costs of services and products and they are now faced with the possibility of having to reduce expenditures which means inferior care.

Severe disruptions in our construction industry also result from price ceilings. Reinforcing bar, necessary for most construction projects, is now becoming scarce due to distortions caused by the control program. It simply doesn't pay to produce this essential product at artificially low prices.

The petrochemical industry, severly hampered by a shortage of middle distillate petroleum supplies, is another area of extreme concern. In addition, many U.S. chemical producers are diverting more of their production to export markets, where they can sell at many times the domestic ceiling price. In many instances they are now cutting back on domestic deliveries to meet the higher priced foreign demands.

The petrochemical dilemma parallels the fertilizer fiasco. The Cost of Living Council price ceilings on fertilizer permitted the shipment of much needed fertilizer into export channels without allowing domestic users the ability to compete for the product. Foreign prices were not controlled, thus manufacturers were allowed to sell abroad at much higher prices than COLC would allow here at home. After considerable urgings, the COLC finally removed the controls, but not until after many contracts for export shipments were entered into. We are still experiencing a serious fertilizer shortage at a time when farmers are being called upon for maximum production so that the exportation of agricultural produce, so beneficial to our balance of payments, might continue.

As evidenced by the fertilizer shortage, economic distortions created by controls are hardly a recent occurrence. Throughout the summer, COLC controls played havoc with the livestock industry, eventually leading to beef shortages in many food stores across the Nation.

COLC action of first freezing the price of meat while leaving the controls on beef, created considerable uncertainty in the livestock industry—from the producer to the finished meat item. Controls imposed on meat (after the first sale) limited the price which a packer could afford to pay the producer and in turn would not permit recognition of the higher production costs the cattlemen were facing.

In the areas of energy and agriculture, actions have been most unfortunate although granted some actions may have been taken due to pressures from the Congress. In most cases affecting agriculture, COLC has rescinded its actions leading one to believe that they were incorrect in the first place. In energy it has not. The long range outlook must be considered, our attempts to control inflation must momentarily yield in this day of crisis. In fact, COLC actions for the benefit of the short goals have forced the long range outcomes to be worse than had there been no action at all.

The concerns I have noted are by no means exhaustive nor do they fully illustrate the dislocations, inefficiencies, or crippling shortages that plague our economy when wage-price controls are in force. With the ensuing energy crisis now facing the economy, we simply cannot afford the "drag on the economy" which the control program is having. There will be plenty of shortages and dislocations caused by the oil situation without the additional ones caused by the COLC regulations. Furthermore, we need to relieve the system—both governmental, business, and individual—from the ever-increasing manpower burden of the control program. Millions of man-hours are being spent on the program—talented and innovative brainpower is being misdirected which could be better utilized in solving our energy problems. We must now conserve our resources and utilize them in their most productive ventures, and brainpower must be redeployed to help us solve our pressing energy crunch rather than to avoid some needless bureaucratic price or wage regulation. We have had our "waltz" with wage/price controls. It is time to call it quits and dedicate our talents and imagination towards mitigating the potential harm from the energy shortage which threatens every fibre of our nation's economy.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 1328. An act for the relief of Master Sergeant Eugene J. Mikulenka, U.S. Army (retired);

H.R. 1948. An act for the relief of Edgar P. Faulkner and Ray H. New;

H.R. 1949. An act for the relief of Hazel W. Lawson and Lloyd C. Johnson;

H.R. 2207. An act for the relief of Joseph C. Leeba;

H.R. 2213. An act for the relief of Cornelius S. Ball, Victor F. Mann, Junior, George J. Posner, Dominick A. Sgammato, and James R. Walsh;

H.R. 3044. An act for the relief of James Evans, publisher of the Colfax County Press, and Morris Odvarka;

H.R. 3530. An act for the relief of Eugenia C. Lyttle;

H.R. 3751. An act for the relief of James E. Fry, Junior, and Margaret E. Fry;

H.R. 4175. An act for the relief of Manuel H. Silva;

H.R. 4448. An act for the relief of First Lieutenant John P. Dunn, Army of the United States, retired;

H.R. 8406. An act for the relief of William M. Starrs; and

H.R. 9276. An act for the relief of Luther V. Winstead.

The enrolled bills were subsequently signed by the President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Nunn) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

AMENDMENT OF THE SOCIAL SECURITY ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume the consideration of H.R. 3153, which the clerk will state.

The second assistant legislative clerk read as follows:

A bill (H.R. 3153) to amend the Social Security Act to make certain technical and conforming changes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIED. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore, Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, on the basis of an agreement reached yesterday but not concluded, I ask unanimous consent that there be an hour on the pending amendment, which is the Javits amendment (No. 723), the time to be equally divided between the Senator from New York (Mr. Javits) and the manager of the bill, the Senator from Louisiana (Mr. Long).

The PRESIDENT pro tempore. Is there objection?

Mr. JAVITS. Mr. President, is it understood, if the Senator will yield, that I may be permitted, notwithstanding the time limitation agreement, to make any change in the amendment which is germane to the amendment?

Mr. MANSFIELD. That was a part of the agreement.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. And also, Mr. President, that I may have a quorum call before the vote, so that we may be able to get the yeas and nays.

The PRESIDENT pro tempore. That is in order anyway, after all the time is used.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with no time to be taken out during the course of that quorum call, awaiting the arrival of the manager of the bill, who is temporarily absent from the Chamber because of official business.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MONDALE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Abourezk). Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I ask unanimous consent that Jim Verdier of my staff may have the privilege of the floor during the course of debate on the debt ceiling bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I observe the absence of a quorum and ask that the time not be deducted from the time on the amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INEQUITIES WITH REGARD TO PUERTO RICO

Mr. JAVITS. Mr. President, under existing social security laws, the treatment of the Commonwealth of Puerto Rico, particularly as these laws relate to social services, income maintenance, and rehabilitation, is very different, and generally considered to be more austere than that accorded to the several States.

Their total Federal payment levels are limited by statute, for example, unlike the States under the same programs. Family planning and work incentive programs are severely limited and many dollar limitations have remained unchanged for years and are grossly out of proportion with actual needs. I ask unanimous consent that some examples of these inequities, as cited in the HEW study "Information on Selected Health Education Welfare and Social Security Programs in the Commonwealth of Puerto Rico," be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

CEILINGS UNDER THE SOCIAL SECURITY ACT

Section 1108 of the Social Security Act places limits on payments to Puerto Rico under Titles I, X, XIV, and XVI of the Social Security Act. For fiscal year 1972 and each year thereafter, the ceiling is $24 million. In addition, there is a ceiling under Part A of Title IV with respect to family planning, services and the Work Incentive Program (WIN), limiting payment to Puerto Rico to $2 million. An additional amount of $1,029,183 is available under Title IV–B, Child Welfare Services for fiscal year 1973. The ceilings in Section 1108 were established in 1967. Thus they do not take into account the requirements that have been placed on Puerto Rico, as well as on the States, since that time. Examples of new conditions include disregards of income earned by public assistance recipients, effective July 1, 1972; mandatory registrations and certification of needed services, such as child care services, for individuals involved in the WIN program, effective July 1, 1972, under amendments enacted in January 1972; and rising caseloads and costs for years subsequent to fiscal year 1972.

EARNED INCOME DISREGARDS

Effective July 1, 1972, Puerto Rico is required under Title IV of the Social Security Act to disregard a portion of any earned income of Aid to Families with Dependent Children (AFDC) in determining the amount of the assistance payment. The Federal statute provides that Puerto Rico, with HEW approval, might modify the amount of the disregard specific in the Act—the first $30 and one-third of the remainder. The Department of Social Services elected to disregard the first $15 and one-fifth of the remainder of earned income of AFDC families but lacked the funds necessary to make the disregards effective on July 1, 1972.

A side effect of the failure to put income disregards into effect is that persons referred to the WIN program may, if they receive any income in connection with their participation, become ineligible for further assistance, and thus ineligible for further participation in WIN.

CHILD ABUSE AND NEGLECT

Puerto Rico is the only jurisdiction without specified legislation for this purpose. Social and Rehabilitation Service representatives have discussed this need in the past and will discuss it again. The present child protection system is not adequate.

WORK INCENTIVE PROGRAMS (WIN)

Puerto Rico has been allotted $889,920 for costs of child care, other services and administration for the WIN program during fiscal year 1973. This allotment falls under the $2 million ceiling in Section 1108(b) of the Social Security Act.

Participants in work training programs in Puerto Rico face the following problems. Training allowances to participants in such programs as Manpower Development and Training (MDTA) often exceed the welfare grant, thereby rendering the individual ineligible for welfare. WIN participants are being denied social services thirty days after termination from welfare. This means that needed child care can no longer be provided and consequently the individual is unable to continue in the training program. A cycle of welfare/WIN/cutoff of supportive services and return to welfare then begins again. This cycle also occurs in on-the-job training programs where in some cases the participant is receiving more in on-the-job training than would be provided by the income maintenance grant.

The above situations seem to be contrary to both the spirit of the WIN legislation and the Federal guidelines as well. (Note the related section on Earned Income Disregards above.)

Mr. JAVITS. Mr. President, unfortunately, there is neither the time nor the detailed information available to remedy this situation on this bill, but I would ask the chairman to direct the committee's attention to the problem perhaps at least through hearings and will request HEW to prepare detailed recommendations for amendments to appropriate statutes.

Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATUS OF THE PUBLIC DEBT LIMIT BILL

Mr. LONG. Mr. President, I deem it appropriate that I should explain for the benefit of the Senate and the Nation in general the situation that exists at this point with regard to H.R. 11104, the Public Debt Limit bill.

The PRESIDING OFFICER. Will the Senator state whether he is yielding time from the amendment, or is it general debate? A unanimous-consent request is in order that it not be charged at all, or it can be charged against the 10-minute limitation on debate.

Mr. LONG. I will speak on the limitation for the moment, if I must. I do have time on general debate available to me.

The PRESIDING OFFICER. The pending amendment has a time limitation of 1 hour to be equally divided.

Mr. LONG. Mr. President, I ask unanimous consent that without prejudice to the time allotted to both sides, I might be allotted 10 minutes to discuss the parliamentary situation with regard to the Public Debt Limitation bill.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object, I would like to have 10 minutes reserved at the conclusion of the Senator's remarks.

Mr. JAVITS. Mr. President, reserving the right to object, and I shall not object, may I ask the indulgence of both Senators to have the unanimous-consent include a quorum call at the end of their remarks so I can come back and deal with the amendment?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Alabama is to be recognized for 10 minutes after the Senator from Louisiana.

Mr. LONG. Mr. President, the House yesterday returned to the Senate H.R. 11104, the public debt limitation bill without amendments. Now, it is in order for anyone to move to recede from the Senate amendments; or I believe a motion would take precedence to concur in the Senate amendments, or at least to insist on the Senate amendments, in which event it would go back to the House with the Senate amendments on it; or we could engage in a number of other parliamentary methods to settle this issue.

If we could not resolve it in any other way, we have on the calendar a revenue bill which has a number of amendments that are not urgent. We could call up that measure, strike everything after the number of the bill and simply substitute the debt limit bill with the amendments we wanted to add and send that to the House in a fashion that we believe the House could accept. So we have several possibilities available to us.

It is my understanding, based on discussions I have had with Senators and Members of the House, including the Speaker and majority leader of the House, that the House would be willing to accept the Senate amendment which would provide financial assistance to candidates participating in Presidential primary elections leading up to the Presidential nomination and eventually to the election of the President; that, in fact, on that basis they would suggest certain amendments which would improve some technical points of the bill and perhaps in several minor ways the substance of it, just to make it a more workmanlike proposal from the legislative point of drafting; and that in general they would accept the Senate view and philosophy with regard to the financing of primary elections for candidates for President.

The House Members have indicated that they are not willing to accept at this time the Senate's suggestion with regard to election of candidates for the Senate and House of Representatives.

That is what would appear to those of us who have tried to resolve the impasse in which the Congress finds itself on the debt limit bill.

The best way to proceed with this, Mr. President, if the Senate and the House are to do what I believe the two bodies would be willing to agree upon, would be to ask unanimous consent that the Senate could amend the bill, or at least could limit its amendments on the bill to the one which the Senate had been led to believe that the House would accept. I say the Senate; I speak my view as just one Senator expressing his opinion about this matter.

For that reason, Mr. President, it would seem to me appropriate to ask unanimous consent that the bill be considered in the fashion in which I would suggest. I am aware of the fact that the Senator from Alabama (Mr. ALLEN) is strongly opposed to the amendment with regard to Presidential primaries and that he would expect to object. I see he is present, and I certainly would not make the request if he were not present. But in order that the amendments on this matter might be limited to that one amendment agreed to by the Senate rather than several that were agreed to by the Senate, I now ask unanimous consent that, in the consideration of Senate amendments to H.R. 11104, the debt limitation bill, the amendment by the Senator from Alabama (Mr. ALLEN) be treated as a separate and independent amendment as set forth in the engrossed amendments.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object, and now, if I may use the 10 minutes allotted to me, I will state that the distinguished Senator from Louisiana has outlined some four options that he has. I would feel that, if he had any options as a matter of right, he would be using them, rather than coming in and asking unanimous consent that he follow a certain right.

Mr. President, I object to several aspects of this request and the pendency of this bill before the Senate at this late time during which the debt limit retains its present limitations. I feel that it is unwise to have this matter come up every 4 or 5 or 6 months, and I think it certainly does violence to the legislative process to hold this bill hostage to putting on another measure having no reference whatsoever to the debt limit, and then sending it over to the House and forcing their acceptance of it and then forcing the President to sign the bill.

The debt limit is such that some $65 billion is temporary, and obviously it has to be renewed every so often. If we had just one debt limit, a permanent debt limit, it is possible that the administration could live within that debt limit; but the temporary debt limit of some $65 billion, of course, expires every few months and has to be renewed.

The parliamentary situation on this bill is that the House sent it back to us stripped entirely of the Senate amendments. If they wanted to keep the Senate amendments alive, all they needed to do would have been to amend our amendments with just a one-line amendment—anything to keep the amendments alive and keep the process of amendment open and available. They did not do that. They sent it back to us stripped clean of the Senate amendments.

I do not believe it right, at the last minute, 12 hours before the debt limit expires and it goes back to its permanent $400 billion limitation, that we are to bring in something entirely new, subsidizing the candidacies of many public officials, many in the Congress, many Governors, financing their campaigns up to the tune of a possible $7 million apiece.

The newspapers have been very guarded in what they have been saying. They have not been letting the public in on what is involved in this measure. They say it applies to Presidential elections. Well, it applies to a whole lot more than that. It applies to the candidacies of everybody seeking the nomination of a major party for the Presidency. All they have to do to qualify for the Federal grab bag is raise $100,000. I do not believe the public understands that.

There is another option available to the Senate, and I believe that along about 11 o'clock tonight we are going to come to it, and that is to recede from our amendments, accept the debt limit bill, and send it to the President for his signature. It is not a question of holding up the debt limit; what this is is a question of holding up a raid on the Federal Treasury for the politicians of this country. That is what it is, and we might as well face that right now.

Mr. ERVIN. Mr. President, I would like to ask the Senator a question, if he will yield.

Mr. ALLEN. I yield.

Mr. ERVIN. I would like to know whether any of the suggested procedures by the chairman of the Finance Committee would not put a Senator like myself, who is opposed to increases in the debt limit, and who is always opposed to increases in the debt limit, and who at the same time thinks that a study should be made by the proper committee of the question whether there should be public financing of Presidential elections, rather than have it adopted as a rider to this bill, in an impossible position to vote in a manner which reflects his honest beliefs on that question?

Mr. ALLEN. It would certainly make it difficult.

If this idea of financing campaigns for the Presidency is an idea whose time has come, as has been stated on the floor of the Senate, let such a measure stand on its own two feet. Let them put in a bill to that effect, and if everybody is for it, or if a majority are for it, let them vote for it; but do not put it on a necessary bill and let it ride piggyback on this bill. That is what is sought here. We have this measure before the Senate. We will not have to send it back to the House. All we have to do is recede from our amendments, accept the House version, send it down to the President, and let us go home for the weekend.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ALLEN. Mr. President, I object to the request.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. MANSFIELD. Mr. President, I have been listening to the Senator from Alabama with a great deal of interest. I am sure he recognizes the fact that the Senate, by a strong majority, did pass the debt ceiling limitation with amendments which were agreed to separately by strong majorities. I would assume also that the distinguished Senator would be in favor of a conference between the House and Senate on a debt ceiling bill so that differences, if any, could be worked out, and both Houses in that way, through a conference, would have a chance to express their views.

The House has turned down the possibility of a conference on this measure and has sent back to us a clean bill, without affording us the courtesy of a conference to discuss the differences, even though the distinguished Senator from Louisiana (Mr. LONG), the manager of the bill, had appointed conferees with the approval of the Senate.

Everything that was done in relation to the debt ceiling bill—the amendments, the appointment of the conferees, and the request for a conference—was done with the approval of the Senate and, in the last two instances, unanimous approval, I would assume, because having been on the floor, I heard no nays.

Would the Senate be opposed to a move at this time on the part of the manager of the bill and the majority of the Senate to ask for a conference, and in that way try to seek an accommodation of ideas with the House?

Mr. ALLEN. Mr. President, the House message is not even before the Senate. We will have to cross that bridge when we come to it.

Mr. MANSFIELD. We can cross that bridge right now if the Senator is in favor of doing it. All it takes is a motion. And I would hope that the distinguished manager of the bill would consider this because then we would be working within the norms of the combined legislative bodies.

Mr. LONG. Mr. President, I ask that the Chair lay before the Senate a message on H.R. 11104.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House of Representatives on H.R. 11104 which the clerk will report.

The legislative clerk read as follows:

> *Resolved*, That the House disagree to the amendments of the Senate to the bill (H.R. 11104) to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

Mr. LONG. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

Mr. ALLEN. Mr. President, I seek recognition.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I do not favor sending this matter to a conference. As the distinguished majority leader has said, the House turned down a request of the Senate for a conference. What assurances do we have that they would now be willing to proceed to a conference?

Mr. MANSFIELD. Mr. President, would the distinguished Senator yield there?

Mr. ALLEN. Yes, I yield.

Mr. MANSFIELD. So far as I can see, with all due respect to the distinguished Senator, we will never know unless we try. If the House turns us down again, then it will be a new ball game. But I have an idea that this time the House may agree to a conference. I am just guessing on that. I do not know.

Mr. ALLEN. Mr. President, I thank the distinguished majority leader for the information he has imparted to me on this matter.

Mr. LONG. Mr. President, will the Senator yield there?

Mr. ALLEN. Yes; I yield.

Mr. LONG. Mr. President, may I say to the Senator that the House did not decline to go to conference on this matter without communicating, at least to me and to the leadership on the Democratic side of the aisle, and perhaps on the Republican side, the concern that the House felt about some of these amendments and at least some indication of what the House might be willing to do. At least those people who would speak for the House and for the House leadership on the Democratic side, were not adamant. They would not take the attitude that the Senate is not entitled to amend a revenue bill or to be germane in amendments to the revenue bill. However, their view was that their were amendments on which they do not agree to go to conference. And frankly, they have been willing to be reasonable and to talk with the Senate.

As the Senator well knows, they are not willing to accept anything in the Senate bill, including the amendment of the Senator from Alabama, whose amendment is probably most of what is in conference.

Mr. ALLEN. It is a very sound amendment.

Mr. LONG. So, the House is willing, at least up to this point, to be at least flexible to a degree. And as far as I am concerned, I do not say that we are right and they are wrong or anything about it. I just say that at this moment we have a difference of opinion that should be resolved in some fashion.

Mr. ALLEN. Mr. President, these assurances are most reassuring to the Senator from Alabama. He will take them into account as time goes on.

One option that the distinguished Senator mentioned that he had—and he had a number of them, and I hope that he will use some of those options rather than the option he is insisting on, and that is to go to conference and immediately consider these various amendments—was an option of taking up a revenue bill on the calendar, amending it with these Kennedy-Scott amendments, and then sending it to the House and requesting a conference.

That is the way to get a conference, if we want a conference. That would probably be the best way to handle it. But that is a bill that——

The PRESIDING OFFICER. The 20 minutes allotted under the unanimous-consent agreement has expired.

Mr. LONG. Mr. President, since we laid this measure down, it was my thought that we were now debating H.R. 11104.

The PRESIDING OFFICER. No. We had a unanimous-consent agreement to consider and debate the pending amendment to the pending bill. That agreement has expired. The time is now on the pending amendment and not on the motion of the Senator from Louisiana.

Mr. LONG. Mr. President, I ask unanimous consent that the Senate now proceed to consider the House message on H.R. 11104.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the House message which is as follows:

Resolved, That the House disagree to the amendments of the Senate to the bill (H.R. 11104) to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

Mr. ALLEN. Mr. President, as the Chair will note, the Senator from Alabama interposed no objection to the unanimous-consent request that we stay on the message from the House.

I think it is something that we should stay on until we dispose of it.

It is just a question of what disposition we make of it. And while the Senate has this most important bill, I do not believe that it should release control of it until it finally enacts it by receding from its amendments.

What is the use of sending it over to the House? They turned down one request for a conference. They may turn down another. If they do not turn down another request, what sort of measure will emerge from the conference?

They say that a compromise has been reached. A compromise as between whom? I know that in some of these highly emotional issues we have had on the Senate floor, we have been deadlocked. Then we would read in the paper early one morning that a compromise had been reached that would allow the Senate to go ahead.

The distinguished Senator——

Mr. LONG. Mr. President, would the Senator yield for a question?

Mr. ALLEN. Yes; I would yield for a question. I am anxious to proceed with my discussion. However, I do yield.

Mr. LONG. The Senator made a statement a moment ago that I would like to pose to the Senate, if the Senator is willing to do so. He proposed that we take up some other revenue measure and add the debt limit amendment and the campaign financing amendment to it and sent it to the House.

Mr. ALLEN. No. The Senator did not say that. I would have to correct the distinguished Senator from Louisiana. I did not say that we should put the debt limit bill on it. I said we should put the campaign expenditures provision on the bill. That would be sufficient to look at the revenue bill that the Senator is talking about and agreement could be made to send the debt limit bill without excess baggage and subject to agreeing on the revenue measure if the campaign measure is put on.

It could well be—I do not definitely commit myself, and I cannot commit my colleagues who are interested—but it might well be that a compromise could be worked out in this regard. Do not hold the debt limit hostage because that is what the Senator from Alabama is speaking to. But on some of these highly explosive issues, we read that a compromise has been reached, and then we come on up here to the Senate and find that the compromise had been reached by two distinguished Senators on one side of the issue, and there was not any compromise with those who were on my side of the issue. I do not regard that as much of a compromise.

So we read now in the newspaper that a compromise has been reached on this Federal nomination subsidy bill, or I might say senatorial subsidy bill, for I daresay some six or eight Members of the Senate might well be beneficiaries of the bill. But a compromise has been reached, we hear. I do not know who was in on the compromise, but I know the Senator from Alabama was not. Naturally he would not be included.

I have not seen the result of their work. I have not seen this compromise. I suppose it has been reduced to writing. I would like to see it. If I could study it, it might be that I could find something in there that I could be for. But these compromises that are not compromises do not accomplish a great deal, and do not convince anyone as far as I know.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. ALLEN. I yield.

Mr. KENNEDY. Just as a point of information, does the Senator expect to be talking about a compromise and lack of a compromise between now and 11:30 this evening? Would the Senator enlighten us, so that we might be able to know what the intention of the Senator from Alabama is, if that is appropriate?

Mr. ALLEN. Yes, I will be glad to. I will resort to Operation Candor, and tell the Senator that I intend to discuss this matter until 12 o'clock this afternoon to keep the Presidential primary subsidy bill from going into effect, yes.

Mr. KENNEDY. Then the Senator will have a good chance to examine that compromise in detail.

Mr. ALLEN. Does the Senator have it? Does he have a copy of it?

Mr. KENNEDY. The Senator from Massachusetts is aware of at least some of the proposals that have been talked about, but I would rather hear the Senator discuss it.

Mr. ALLEN. As far as discussing the compromise is concerned, I do not have a copy of it, so I wish the Senator would furnish me with a copy as soon as he gets one.

Mr. President, there is a question involved here that is most important, and that is taking must legislation here in the Senate and putting on it a measure that would have no chance of passing on its own as a separate bill, putting it on a must piece of legislation, and then writing that must legislation on into enactment. It has happened before, but I am one Senator who thinks that is not in the interest of good government. That is what the Senator from Alabama tries to stand for, whether he succeeds or not.

One thing I want to make completely clear, and that is that while, having voted against all debt limit increases since I have been in the U.S. Senate, I plan again to vote against this debt limit increase, I have no quarrel with that matter being enacted into law. And we can enact it into law, insofar as Congress can act, in 1 minute. That is how long it will take.

So is the Senator from Alabama standing in the way of enactment of this debt limit proposal?

Mr. CURTIS. Mr. President, will the Senator from Alabama yield? I ask unanimous consent that the Senator might yield without losing his right to the floor.

Mr. ALLEN. I do not object to losing the floor.

Mr. LONG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LONG. I do not mind the Senator asking a question, but I object to passing the floor around, Mr. President. I think we ought to maintain the regular order.

Mr. ALLEN. If the Senator will assure me that he will immediately seek recognition, I will yield the floor.

Mr. ROBERT C. BYRD. Mr. President, how can the Senator assure him that? I might want recognition myself.

Mr. ALLEN. All right, if the Senator from West Virginia wants recognition I have no objection to someone else having the floor. I solicit others taking over the floor. All I ask is that the pending question not be put.

Mr. President, I yield the floor.

Mr. CURTIS. Mr. President, it would be my hope that we could accept the House version of the bill on the debt limit, pass that bill, do it quickly, send it on to the President, and look to some other legislation to offer such amendments as the various Senators would like to propose. The amendments already on the debt limit measure having had——

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER (Mr. ABOUREZK). Yes; the Senator from Nebraska will suspend. Will the Senators conversing in the center aisle kindly help bring order to the Chamber by dispersing?

The Senator may proceed.

Mr. CURTIS. The amendments that have already been placed on the debt limit bill, since they were placed there by rollcall votes and after considerable debate, as one Senator, I would not object to having those amendments dealing with elections or whatever else is included in them attached to another piece of legislation without any debate or rollcall, almost by common consent.

That would serve several purposes. The work of the Senate would not be scuttled. The will of the majority of the Senators favoring those amendments would still be preserved. The bill would go to the House. They might accept it; they might ask for a conference. They might work out a compromise acceptable to a majority of the Senate.

Therefore, I can see no loss in dignity or power of the Senate in agreeing to such an arrangement.

That would enable the Senate to concur in the previous House version of the debt ceiling proposal, dispose of it in a matter of a few minutes, and send it on to the President.

Mr. President, I am urging such a course of action not for the purpose of the Senate's surrendering its powers and prerogatives to the House of Representatives. I am suggesting such a course of action not because most of those amendments on the debt limit bill were placed there against my wishes and my desires. I am taking this position because I think it is for the good of the country.

Everyone knows that we are living in rough and turbulent times. Fortunately, in the past few weeks, the American dollar has gained in the money markets of the world. Nevertheless, we do have our problems. We have increasing problems because of the petroleum shortage. We have the threat of war, which is almost constantly with us—although I am very hopeful and encouraged about what has been accomplished with reference to the Middle East by the U.S. Government.

But now is no time to jeopardize the financial stability and security of the U.S. Government. We have a duty to protect our country, to protect our money, and to protect our standing. We have a duty and a responsibility to maintain the currency of the United States so that business enterprises that provide jobs for our people can operate from a dependable base whether they are doing business across the street or across the ocean.

It is very important from the standpoint of sound fiscal and financial management that the debt ceiling bill be passed, and that it be passed today. If the authority carried in this proposal expires, it means that all over the land individuals and institutions authorized to issue Government bonds have no authority to do it. It jeopardizes the situation where individuals are buying bonds under a payroll savings plan.

Perhaps there is enough cash in the pipeline to run a few days, but the chaos is created. If we fail to enact this legislation, we send word to our own people, and we send word around the world, that in time of great stress we are flirting with danger, we are jeopardizing the financial security of our country, we are unconcerned about orderly procedure, unconcerned about our commitments, and unconcerned about the credit of the United States.

Now, Mr. President, the junior Senator from Nebraska yields to no one in his concern about the national debt. If anyone has any doubt about that, just look at the rollcalls on yesterday. I long ago came to the conclusion that the debt ceiling bill has nothing to do with holding down the national debt. We increase the national debt when we vote to increase expenditures and authority to spend. By our day-to-day procedures, by voting for this activity and that activity, for this agency and that agency, we set in motion all the spending of the Government. If the sum total of that spending exceeds the tax receipts, the debt has been increased.

Now what do we do when we pass the so-called debt ceiling? All we do is give the Secretary of the Treasury the authority to go out and borrow enough money to pay the debt that we have already created.

Unfortunately, the term "debt ceiling" is a misnomer. It is not a debt ceiling at all. It is the authority to borrow enough money to pay the bills that have already been created.

To jeopardize this legislation, to slow up, to cause an uneasiness about it, is not in the interests of the United States. To add amendments to it that we know are displeasing to the House of Representatives and objectionable to the Executive, is a disservice to our country.

Furthermore, Mr. President, I like to feel that politics is an honorable profession. I like to feel that legislators not only act responsibly but also play according to the rules of the game.

Mr. President, to take a bill that must go through and must eventually be signed by the President and use that as a vehicle to pass legislation and get it through just is not cricket. It is not playing the game according to the rules.

If legislation is meritorious, if it meets a need in the country, by proper persuasion it can be sold to the House of Representatives and to the Executive.

We do not need to seize a piece of legislation and make it a captive vehicle to force legislation onto the other body or onto the Executive that is so lacking in merit that we cannot sell it to them.

Mr. President, I appeal to the leadership of this body to rise to the occasion and do the responsible thing and send the debt ceiling bill without amendment to the President of the United States.

Mr. President, I yield the floor.

(At this point Mr. TUNNEY assumed the chair.)

Mr. ALLEN. Mr. President, at the conclusion of my remarks—I was looking around to see whether the Senator from Louisiana (Mr. LONG) was in the Chamber—I hope that someone will ask him to come in—I am going to move to postpone the pending motion to the next legislative day, but before doing so I should like to comment a little further on the situation we find ourselves in.

I do not plan to make a motion for another 30 minutes or so, I say to the distinguished Senator from Louisiana (Mr. LONG) who is now in the Chamber. The debt limit bill lies at the clerk's desk. It comes back to us as a plain bill. May I ask the clerk for a copy of the message.

Mr. President, as this bill came to the Senate from the House, it consisted of 13 lines, increasing the debt limit. The Senate, in its wisdom, after working for quite a number of hours, sent back amendments covering 122 pages, adding 122 pages to approximately 1⅓ pages. The Senate then requested a conference with the House, in this language:

> *Resolved*, That the Senate insist upon its amendments—

That is, this 122 pages—

> to the bill H.R. 11104, entitled "An act to provide for a temporary increase of $10.7 billion in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974."

A built-in crisis again. It is said that all they have to do is to live within that limit. It seems that that ought to be enough—a limitation of $470 billion. Surely, they could live within that.

The trouble is that on July 1, 1974, the feet would be cut out from under the $78 billion. No manner of economy could keep them within the limit, because $400 billion is permanent and $78 billion is just temporary, just lasting until July 1 of next year. So no matter how an administration would economize, we would come to another crisis on July 1.

Along about that time, there will be another measure that could not pass on its own. The debt limit would have to pass. So that would be added in the Senate, and we would have another crisis along about June 30 of next year.

The House did not go along with the Senate's work on this matter, this 122 pages of effort on the part of the Senate. They disagree. This took place yesterday. It did not take them long to act. We sent it over on November 27, and they replied November 29:

> *Resolved*, That the House disagree to the amendments of the Senate to the bill (H.R. 11104) to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

There is no mention of the conference requested by the Senate.

As I stated in earlier remarks, if the House had wanted to keep the Senate amendments alive, all they would have to have done would have been to have taken this action: amended the Senate amendments with just a one-line amendment.

They could just use any innocuous statement. They could have taken a couple of lines out of any portion of the bill and amended it down to that and sent it back so amended; and then in this interplay between the House and the Senate, without a conference, the Senate then could have put its amendment back in and sent it back to the House. But apparently the House did not want to hear any more of this. They did not amend it, as they had a right to do. They did not agree to a conference. They just sent it back—13 lines.

Now there is some talk of sending something back over there, or conferring, having a conference between the House's 13 lines and the Senate's 122 pages. That would be some conference. Senators know what would come out of that and how much chance there would be of stopping a conference report, where there would be practically no alternative except to vote the conference report up or down. But the matter is presented in well-nigh perfect form now, thanks to the wisdom of the House of Representatives in sending this back to us in this fashion, because it does not require any further action of the House if the Senate will merely recede from its 122 pages of amendments.

So the issue is not whether we are going to hold up the passage of the debt limit bill. It is a question of whether those who are insisting on financing many Presidential campaigns or candidates seeking party nomination are going to insist on that, to the possible sacrifice of passing the debt limit bill.

It is not those who are talking against the Presidential campaigns provisions who are preventing a vote on final passage of this measure. If the Senate wants to pass the debt limit bill, all it has to do is, by unanimous consent or by motion made, to recede from this 122-page document, which has no business on here in the first place, and say: "All right, gentlemen of the House of Representatives, we will accept your greater wisdom and discretion in this matter. We will leave this to separate legislation, and if it is good it can stand on its own two feet, and if it is bad, it is just going to have to be defeated. We will accept your greater wisdom and discretion and not seek to hold hostage the debt limit bill to force acceptance of this monstrosity," of which there is not yet, as far as the Senator from Alabama knows, a copy of the compromise.

Mr. President, I wish I had a clipping from a newspaper that I read referring to a compromise of this thing, and that all it had left in it was the presidential campaign matter, and it was just fine. The article did not state anything about financing these campaigns of various people who have ambitions to be President, and to finance them to the tune of up to $7 million apiece every time there is a Presidential election.

Mr. President, do you not know that that would inspire a lot of fellows who thought maybe they would retire from the Presidential picture; do you not suppose that would inspire them to try again and get $7 million out of the Federal Treasury? They could get $7 million out of the private sector and $7 million from the Government, and they would really have a lot of money to spend. Talk about a proliferation of candidates, why, there would be 25 or 30 people running for both Presidential nominations.

Mr. President, I stated a few moments ago that at the conclusion of my remarks I was going to make a motion to postpone to the next day the pending motion, and at this time I——

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. ALLEN. Before I make the motion?

Mr. MONDALE. Yes.

Mr. ALLEN. I am delighted to yield.

Mr. MONDALE. Before the distinguished Senator makes his motion I would like to have a quorum call, after which I intend to move to table.

Mr. ALLEN. I had planned to make the motion and ask for the yeas and nays, and there not being a sufficient number of Senators in the Chamber, we could then have the quorum call.

Mr. MONDALE. That would be fine.

Mr. ALLEN. Mr. President, I move that the pending motion be postponed to the next legislative day, and on that I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MONDALE. Mr. President, in a moment I am going to move to table the motion, but before I do I would like to add that the Senate and some of its committees have spent an enormous amount of time considering the issue of the public financing of campaigns. This matter was not taken lightly. I can recall few debates that were more seriously taken than the one we had on this question of trying to make American campaigns honest by removing the corrupting influence of big money. I cannot think of any issue that is more serious, more fundamental, or more necessary than trying to relieve American Government of the stench and odor of the present system which compromises and corrupts the processes of American Government and American freedom.

Speaking for myself—and I think I speak for several other Senators—we do not intend to take lightly the effort to paralyze and destroy the Senate's action to clean up American politics.

Mr. President, for that reason, I shall move to table the pending motion; but before doing so, I observe the absence of a quorum.

The PRESIDING OFFICER (Mr. NUNN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NUNN). Without objection, it is so ordered.

Mr. NELSON. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to a motion to postpone a motion to consider the Senate amendments and to appoint conferees on H.R. 11104. What is the pleasure of the Senate?

Mr. ALLEN. Mr. President, the Senator from Minnesota stated that he wanted to make a motion to table. So, in order to protect his rights in his absence from the Chamber, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MONDALE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, if the motion made by the Senator from Alabama succeeds, since the debt ceiling expires this evening at midnight and the ability of the Government to finance itself must be contained within a $400 billion ceiling, and early next week some $43 billion in Treasury bills come due and there is also about $4.8 billion in operating balances, it would mean that the Federal Government would have about 500 million to conduct all of its business. Somewhere around Tuesday all of the American Government will come to a halt.

If the Senator from Alabama is successful in his motion, I would recommend that any person holding a Government check should run to the bank this afternoon if possible to be sure that it is made good.

For that reason, plus the fact that the purpose of the motion in my view is to frustrate the will of the Senate and paralyze the opportunity of cleaning up Federal elections, after yielding to the Senator from Alabama, I intend to move to table his motion.

Mr. ALLEN. Mr. President, I must say that the Senator from Alabama is deeply impressed with the newfound concern on the part of the Senator from Minnesota with Federal financing. I think it is very refreshing that he has turned his interests toward protecting the Federal Treasury, and I hope that he will continue his efforts and his interests in that regard.

But I say to the distinguished Senator, if he is so worried about the Federal Treasury and the debt limit, all we have to do is move to recede from the Senate position, and that will be final enactment of this legislation, and it will go to the President, I assume, for signature; and I wish he would consider that, since he is so concerned with the state of the Federal Treasury.

Mr. MONDALE. But the terms of the motion offered by the Senator from Alabama laying the debt ceiling matter over until tomorrow of necessity would result in the expiration of the temporary debt ceiling at midnight tonight.

Mr. ALLEN. That is the only motion we can make, as the Senator knows.

Mr. MONDALE. I will yield in a moment.

This means that, at midnight tonight, everyone in this country will realize that somewhere around Tuesday noon the American Government will come to a halt, Federal checks cannot be honored, and we will be in a totally untenable position.

The Senator from Alabama seems to be taking the position that, unless he can have his way, that must be the condition of the American Government. I respect his point of view. I realize the strength and the ability that he brings to bear in behalf of his cause, but it is a fact that the Senate has already dealt with this matter. We spent several hours and days on the matter, and by an overwhelming vote the U.S. Senate decided to act decisively on the question of corruption in American politics, and we voted by an overwhelming margin to provide for public financing so that it would be possible for a person to run for President and to serve the office if elected, and to place him in a position where he would not have to respond to the big money that helped put him there, but instead would owe his duty to his conscience and to the people of this country.

Lincoln once said that the American Government was of the people, by the people, and for the people; but, as we have learned from Watergate, increasingly it is getting to be a government of big money, by big money, and for big money. The American people have seen and smelled that now, and want to eliminate it. This system of compromises occasionally corrupts American Government. I do not say that in a partisan sense. The measure adopted by the Senate on public financing enjoyed the overwhelming bipartisan support of the U.S. Senate.

The principle of public financing is widely supported now. Public opinion polls show that by over 60 percent the American public wants to remove the influence of big money on American politics and American Government. Conservative columnists such as James Kilpatrick, who had for long periods of time opposed public financing, now have written columns saying that we simply must have public financing of Presidential campaigns to protect against the compromise and corruption of American Government. Even the former Vice President, Mr. Agnew, in his farewell address, called for public financing of American campaigns.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MONDALE. I am delighted to yield to the Senator from Rhode Island.

Mr. PASTORE. As a matter of fact, did not the Senate and Congress recognize that when we adopted the leigslation on the checkoff?

Mr. MONDALE. Absolutely.

Mr. PASTORE. The purpose of which was to allow the taxpayers of this country to designate $1 of their tax payments—not an additional dollar, but $1 of the tax they owed—toward a fund that would be used as a public fund to support a campaign on the part of a Presidential candidate?

Mr. MONDALE. The Senator is correct.

Mr. PASTORE. We have done that. Because naturally there was a little bit of reluctance on the part of the administration when we passed that legislation—we knew at the time that the administration was not amenable to it—what did they do? They inaugurated a system whereby you would have to have a special form, and I received hundreds of letters from people telling me that they even went to the post office and could not get the form.

So naturally, of course, the result was not an encouraging one, for the simple reason that the proper education had not been stimulated in order to acquaint the people with what the issue was.

So, in view of that, now we are coming along and saying, "All right, let us do it another way." The principle is still the same. It is the public financing of a Presidential campaign. In order to obviate the $1,000 dinners, the scandalous situations that we read about every day when we pick up the newspapers, the fact that the President of the United States becomes beholden, that he has to go to cocktail parties in order to make sure that he shakes hands with the right people—all we are saying is, "Let's be done with it. Let the President be a free and independent man. Let him not be beholden to anyone. Let us use about $40 million out of the U.S. Treasury in order to make sure that we have an independent, honest, uncorruptible President, who is the leader of the country and in fact possibly the guiding light of the entire free world."

That is all this amounts to, and I cannot see the objection to it for the life of me. We peddle money all over creation. We come up here with $2.5 billion to give it all over the world in foreign aid. We are simply saying here, "Just a small, infinitesimal part of 1 percent of the taxpayers' money, in order to insure to them that they will not have another Watergate, that we will not have another controversy over who has got the tapes and who rubbed them out, just so we will have done with all that corruptibility."

All we are saying is, "Let's put this in the clear daylight. This is what the Government of the United States will do in order to insure the people of this country, as the Senator has said, of a government of the people, by the people, and for the people." I want to thank the Senator from Minnesota.

Mr. MONDALE. The Senator is absolutely correct. One of the realizations, I think, that the American people are coming to, is that they are paying for elections now. Increasingly we do not have a system of private financing of campaigns, at least as disclosed through the Watergate hearings. The public pays for it through the compromising of governmental decisions made at the behest of large contributors.

For example, in the ITT case, it was alleged that $400,000 was given to a campaign fund, or a guarantee, and shortly thereafter a huge antitrust lawsuit was settled in favor of the company. If that was why it was done we do not know, but if it were done for that purpose, it could well be that the American people as consumers will pay hundreds of millions of dollars indirectly as a consequence of failure to fully enforce the Antitrust Act.

The president of American Airlines, Mr. Spater, testified directly as to what happened to him. He was approached and ordered to deliver $100,000, and he knew that he was in the middle of a serious airline merger in which his airline could either get something that they thought they needed or lose disastrously, and he in effect said:

> We paid protection money to protect ourselves from what we thought was going to be a governmental decision that came about, not based on justice or law, but on who gave and who did not give in a political campaign.

So now we have many top businessmen, such as Mr. Spater and Henry Ford, come in here and say, "Save us from this system, save us from these shakedowns, save us from this extortion of the present system." So this is not just the average American trying to be protected now, it is business which wants to be protected from the present system.

I now yield to the Senator from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY. Mr. President, does the Senator from Minnesota not agree with me that this debate and discussion has been ample in the course of the Senate's consideration of this legislation this past week? Is it not, in effect, those in the Senate who are forbidding us from moving ahead now who are holding up the social security bill?

Mr. MONDALE. The Senator is correct.

Mr. KENNEDY. Does the Senator from Minnesota not agree with me on that?

Mr. MONDALE. The Senator is correct.

Mr. KENNEDY. Is this not a situation where the Senate has already considered and approved major provisions on public financing, in order to achieve fundamental reform in our political system?

We had votes on that. We acted. We are in a situation where the majority leader, the minority leader, and the chairman of the Finance Committee, have come to the Senate and asked if we could work out a way to permit the debt ceiling to be extended and also to act on what has been accepted by the Senate.

In the situation with which we are clearly confronted, the Senate is now frustrated in addressing itself to the social security bill, to the problems of the elderly, the aged, and those receiving social security benefits. At 1 p.m. this afternoon, rather than dealing with an issue which is of such tremendous concern to the Nation's elderly, we are involved in a filibuster here on the floor of the Senate. Those who were involved in leading the fight in opposition to public financing, in effect, are frustrating the will of the Senate in coming to grips with social security. Is that not the practical impact of the impasse we find ourselves in at the present time?

Mr. MONDALE. The Senator is absolutely correct. We spent several days here before that, and many, many more days, preparing this legislation to help save American politics from being compromised by the present system of private campaign financing. In those debates, and I recall we had no time limit, we debated every one of the amendments at length, and by a very strong margin the Senate decided it wanted a system of public financing that would clean up American politics. That vote was taken. The proposal was added as an amendment to the debt ceiling bill, which the Senate did freely and willingly. There is no question in my mind that by a bipartisan and overwhelming margin, the Senate strongly believes in the action it took and, in so doing, represented the American people, because every poll shows the American people want us to do what we did.

What we have now is a situation where the temporary debt ceiling expires tonight at midnight. So some of our colleagues are taking the position that, in effect, either we frustrate the will of a majority of the Senate by removing public financing, or they will, in effect, bring the American Government to a halt. So that sometimes, maybe Tuesday——

Mr. KENNEDY. Will the Senator from Minnesota yield further?

Mr. MONDALE. I am glad to yield.

Mr. KENNEDY. As I understand it, a motion has been made to postpone consideration of the debt ceiling act until tomorrow, and——

Mr. ALLEN. Mr. President, will the Senator from Massachusetts yield at that point?

Mr. KENNEDY. I yield to the Senator for just a question. Perhaps the Senator would correct me on this.

Mr. ALLEN. Mr. President, actually, the motion does not postpone consideration of the measure. What this postpones is the motion to go to conference. In other words, if the motion to postpone to the next legislative day, made by the Senator from Alabama, should carry, in 1 minute's time we can pass the bill and get on to the social security bill.

As a matter of fact, we were on that bill when this measure was brought up, so actually it is you gentlemen who are frustrating the will of those who would like to see the social security bill passed.

Mr. MONDALE. If I might put that position in clear language, if I can have my way, we can have the debt ceiling taken care of, but in order to have my way, we have to disregard what the Senate did earlier.

Mr. MANSFIELD. Mr. President, will the Senator from Minnesota yield?

Mr. MONDALE. I yield.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it come in tomorrow at 10 a.m. for a business session of the Senate.

The PRESIDING OFFICER (Mr. Biden). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 10 A.M. ON SUNDAY, DECEMBER 2, 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of business tomorrow, the Senate come in on Sunday at the hour of 10 a.m. for a business session.

Mr. DOMINICK. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, I move that when the Senate completes its business on Saturday, tomorrow, it come in at 10 o'clock a.m. on Sunday morning.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana that the Senate convene in session at 10 a.m. on Sunday next.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Hartke), the Senator from Colorado (Mr. Haskell), the Senator from Iowa (Mr. Hughes), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I also announce that the Senator from Missouri (Mr. Symington) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) and the Senator from Oklahoma (Mr. Bellmon) are necessarily absent.

The Senator from Idaho (Mr. McClure) and the Senator from Oregon (Mr. Packwood) are absent on official business.

The Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The result was announced—yeas 59, nays 28, as follows:

[No. 534 Leg.]

YEAS—59

Abourezk
Aiken
Allen
Bayh
Bentsen
Bible
Biden
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Clark
Cranston
Dole
Eagleton
Eastland
Fulbright
Gravel
Hart
Hathaway
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Sparkman
Stafford
Stevens
Stevenson
Talmadge
Tunney
Weicker
Williams

NAYS—28

Bartlett
Beall
Bennett
Brock
Buckley
Cannon
Cook
Curtis
Domenici
Dominick
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
McClellan
Roth
Saxbe
Scott, Hugh
Scott, William L.
Taft
Thurmond
Tower
Young

NOT VOTING—13

Baker
Bellmon
Cotton
Hartke
Haskell
Hughes
McClure
McGee
McGovern
Montoya
Packwood
Stennis
Symington

So Mr. Mansfield's motion was agreed to.

Mr. MANSFIELD. Mr. President, I move to table the pending motion of the distinguished Senator from Alabama.

Mr. ALLEN. I call for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana to lay on the table the motion of the Senator from Alabama.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. Fulbright), the Senator from Indiana (Mr. Hartke), the Senator from Colorado (Mr. Haskell), the Senator from Iowa (Mr. Hughes), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I also announce that the Senator from Missouri (Mr. Symington) is absent because of illness.

I further announce that, if present and voting, the Senator from Wyoming (Mr. McGee), and the Senator from Indiana (Mr. Hartke) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) and the Senator from Oklahoma (Mr. Bellmon) are necessarily absent.

The Senator from Idaho (Mr. McClure) and the Senator from Oregon (Mr. Packwood) are absent on official business.

The Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The result was announced—yeas 60, nays 26, as follows:

[No. 535 Leg.]

YEAS—60

Abourezk
Aiken
Bayh
Beall
Bentsen
Bible
Biden
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Curtis
Dole
Domenici
Eagleton
Gravel
Griffin
Hart
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McIntyre
Mondale
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Hugh
Scott, William L.
Stafford
Stevens
Stevenson
Tunney
Weicker
Williams
Young

NAYS—26

Allen
Bartlett
Bennett
Brock
Buckley
Byrd, Harry F., Jr.
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Gurney
Hansen
Helms
Hruska
McClellan
Metcalf
Nunn
Roth
Saxbe
Sparkman
Taft
Talmadge
Thurmond
Tower

NOT VOTING—14

Baker
Bellmon
Cotton
Fulbright
Hartke
Haskell
Hughes
McClure
McGee
McGovern
Montoya
Packwood
Stennis
Symington

So Mr. Mansfield's motion to lay on the table the motion of Mr. Allen to postpone to the next legislative day was agreed to.

CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I send to the desk a cloture motion and ask that it be read.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to insist on the Senate amendments, request a conference with the House on the disagreeing votes of the two Houses, and authorizes the Chair to appoint conferees on the bill H.R. 11104, an act to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

1. Mike Mansfield
2. Hugh Scott
3. Walter F. Mondale
4. Robert C. Byrd
5. Edward M. Kennedy
6. Edmund S. Muskie
7. Lawton Chiles
8. Philip A. Hart
9. Alan Cranston
10. John O. Pastore
11. Harrison A. Williams
12. Charles H. Percy
13. Gaylord Nelson
14. Thomas J. McIntyre
15. Quentin N. Burdick
16. Joseph R. Biden
17. Hubert H. Humphrey
18. Henry M. Jackson
19. Jennings Randolph

Mr. LONG. Mr. President, I believe I understand what is going on here. Basically, it is that we are engaged in an effort to bring to a vote a motion to proceed to dispose of the debt limit bill and the campaign election issue. It is very clear that the intent of those who do not agree with what the majority of us want to do here is not to let us vote on this question at any time soon.

The debt limit officially expires at midnight tonight. The Government does have enough money, I am led to believe, so that it can perhaps continue to function until Tuesday. I am led to believe that by Wednesday the Government will not be able to pay any more bills. So from a parliamentary and a legislative point of view, we at this moment are in a very severe crisis, one might say, because there are those who have insisted on an amendment which they think the House would be willing to accept, and there are those who are not willing to permit the Senate to agree to it or the House to accept it.

That being the case, I think it is proper that we should follow strictly the rules of the Senate, as well as the precedents. The rules and the precedents state that when one Senator makes a motion, any other Senator is entitled to insist that it be made in writing, that it be submitted, and read.

I am serving notice that any motions made must be in writing and that the Senator who submits the motion then loses the floor, I will be on my feet, and I will ask to table such motion. If the Senate wants to act on this motion, as I think it does, I think it should proceed to act on any motion that would be debatable, at a minimum. So we are now in a position that if some Senator wants to make a motion, I shall move to table it.

Mr. ALLEN. Mr. President, I move to postpone the pending motion. First, is the pending motion of the Senator from Louisiana is writing?

Mr. LONG. It does not need to be.

Mr. ALLEN. I understood that the Senator was going to insist on that. I ask that it be placed in writing.

Mr. LONG. Mr. President, I ask for a vote. I have not made any motion.

Mr. ALLEN. The Senator made a motion to go to conference.

The PRESIDING OFFICER. The motion is already pending.

Mr. ALLEN. That occurred before I made my motion.

The PRESIDING OFFICER. That motion had already been presented before the Senator made his request.

Mr. LONG. Mr. President, a point of order. The Senator has already made two speeches.

Mr. ALLEN. I move that it be postponed to the second legislative day.

Mr. LONG. Mr. President, I ask that that motion be made in writing.

The PRESIDING OFFICER. Will the Senator submit his motion in writing?

Mr. ALLEN. I will submit it in writing.

Mr. PASTORE. Mr. President, may we have order in the Senate? Senators ought to be in their seats.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLEN. Mr. President, I send to the desk a motion and ask that the motion be read.

The PRESIDING OFFICER. The clerk will read the motion.

The legislative clerk read as follows:

The Senator from Alabama offers the following motion:

I move to postpone to the second legislative day.

Several Senators addressed the Chair.

Mr. LONG. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana to lay on the table the motion of the Senator from Alabama.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second (putting the question). There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana (Mr. Long) to lay on the table the motion of the Senator from Alabama. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. Chiles), the Senator from Arkansas (Mr. Fulbright), the Senator from Indiana (Mr. Hartke), the Senator from Colorado (Mr. Haskell), the Senator from Iowa (Mr. Hughes), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I also announce that the Senator from Missouri (Mr. Symington) is absent because of illness.

I further announce that, if present and voting, the Senator from Wyoming

(Mr. McGee) and the Senator from Indiana (Mr. Hartke) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Oklahoma (Mr. Bellmon), and the Senator from Maryland (Mr. Mathias) are necessarily absent.

The Senator from Idaho (Mr. McClure) and the Senator from Oregon (Mr. Packwood) are absent on official business.

The Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The Senator from Nebraska (Mr. Hruska) is detained on official business.

The result was announced—yeas 57, nays 26, as follows:

[No. 536 Leg.]

YEAS—57

Abourezk
Bayh
Beall
Bentsen
Bible
Biden
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Church
Clark
Cook
Cranston
Curtis
Dole
Domenici
Eagleton
Goldwater
Gravel
Griffin
Hart
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
McIntyre
Mondale
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Tunney
Weicker
Williams
Young

NAYS—26

Aiken
Allen
Bartlett
Bennett
Brock
Buckley
Byrd, Harry F., Jr.
Dominick
Eastland
Ervin
Fannin
Fong
Gurney
Hansen
Helms
McClellan
Metcalf
Nunn
Roth
Saxbe
Scott, William L.
Sparkman
Taft
Talmadge
Thurmond
Tower

NOT VOTING—17

Baker
Bellmon
Chiles
Cotton
Fulbright
Hartke
Haskell
Hruska
Hughes
Mathias
McClure
McGee
McGovern
Montoya
Packwood
Stennis
Symington

So the motion to lay on the table was agreed to.

Mr. ALLEN and Mr. LONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, I recognize the interest on the part of the Senator from Alabama to keep us from voting on this debt limit measure today, and I do not propose to keep the Senate here debating dilatory motions or for speeches on other matters. I have consulted the Parliamentarian, and find that the cloture motion itself is debatable, so the Senator has it within his power to talk as long as his legs will hold him, and I suspect that is a very long time. I do not think we will have a quorum in the Senate by the time he gets through.

So, at such time as I am able to achieve the support of the Senate, I will propose to move the Senate back to the social security bill, on the theory that the Senator from Alabama has it within his power to prevent this debt limit matter from coming to a vote today, or to prevent us from voting on an election amendment today. I shall endeavor to bring that matter to a vote at such time as the Senator suggests or lets me know that he is interested in or has come to some kind of understanding with those who are for the election amendment.

Aside from that, it seems to me we are just wasting our time to try any further to bring this matter to a vote at this time. I know how firm I have been in my position when I was convinced that what I was doing was right, even though I might have been the only one who felt that way about it, and I am persuaded that the Senator feels equally strong in his convictions now. I recall occasions when I kept the Senate in session 3 days running. I do not see any point in making the Senator debate this matter at great length, when I know very well that he has the capacity for doing it, and from long experience I know he has the parliamentary knowledge to know how to protect his rights.

So I think we will be well advised, as soon as we can get permission to do so, to go back to the social security bill and get on with the Senate's business. Otherwise about Christmas eve, when we are wandering outside the Senate up to our knees in snow, we will be wondering why we did not recognize the facts of life and try to move expeditiously in the areas where it was possible to move at the time.

So, Mr. President, at such time as I am permitted to do so, after I yield the floor, I will move that the Senate return to the consideration of the social security bill.

Mr. ALLEN. Mr. President, I appreciate the Chair recognizing me at this time even though I have no motion pending. I do appreciate the majority leader filing this cloture motion, which will give those who wish to prevent this campaign subsidy bill from passing a vehicle for discussion of this measure.

Mr. President, it is not the Senator from Alabama that is preventing the debt limit bill from coming to a vote. As a matter of fact, in 2 minutes' time we could pass the very bill the House first had and which it passed and which it sent over to the Senate, which was amended in the Senate and which then went back to the House, and once again is back in the very same form when it was first introduced in the House, the form in which it was passed by the House, and the form in which it now appears in the Senate.

So, in a matter of 2 minutes or less, we could pass this bill and send it to the President and then we would have the debt limit increased and this crisis would be put over until the 30th of June.

I think there is more at stake in this matter than this particular debt limit increase and extension, because the Senator from Alabama has noticed that on more than one occasion since he has been in the Senate, the debt limit bill which it is said must pass, is used to add on provisions that do not go before a committee that are not introduced in bill form and that in all likelihood could not pass both houses of Congress as separate bills. So they are tacked on to a "must" bill.

It will be noted from the increases in the debt limit that have taken place in recent years, that the limits are not raised for a long period of time. It is generally raised for 5, 6, or 7 months, so that another crisis is always brewing. Then those who do not want to see these extraneous matters put on, are accused of preventing the debt limit bill from passing. That is what we have here. We do not have, Mr. President, a bill coming over from the House with these Senate amendments. If they wanted to keep the same language of those amendments, they could have done so. They could have amended this 122-page document and cut it down to a single paragraph or a single line as an amendment, and then it would have come over here and have given the Senate a vehicle on which to tack on other amendments and to send back. But they did not do that, Mr. President.

In their wisdom and in their discretion, they decided they did not want to encumber the bill that they introduced and that they sent over here—a bill 13 lines long. They did not want to encumber the bill.

So the Senate sends it back. I shall not be able to give the number of lines, but in pages they send back amendments of 122 pages. Well, the House does not want any portion of that. They do not pay any attention to the request of the Senate for a conference and they do not dignify the amendments by seeking to amend them. They just send the bill back and say, "Here it is. Act on it." But we cannot act on it.

Mr. LONG. Mr. President, will the Senator from Alabama yield for a question?

Mr. ALLEN. I yield.

Mr. LONG. Is the Senator aware of the fact that so far as the leadership is concerned, and the manager of this bill is concerned, we would like to move to proceed to consider the social security bill as soon as the Senator is through with his address?

Mr. ALLEN. I would state to the distinguished Senator from Louisiana that we were on the social security bill and the distinguished Senator from New York (Mr. Javits) had his amendment up. It was the pending measure. It was before the Senate under a time limitation. The distinguished Senator from Louisiana (Mr. Long) got permission to bring up this measure in its stead. As he knows, it is a preferred item, but it was not preferred in view of the fact that the amendment was under a time limitation. So it was the distinguished Senator from Louisiana (Mr. Long) that moved from the social security bill to this bill, knowing full well that the Senator from Alabama was not in favor of tacking on these campaign provisions.

Mr. President, I will say further, in answer to the question of the Senator from Louisiana, that the Senator from Louisiana and those who are pushing these campaign measures, they are the ones who are preventing us from getting to the social security bill because, as I stated, in a matter of a minute or less, we can pass the debt limit bill. We do not have to add a single word to it. We do not have to amend it. We do not have to polish it up in any way. All we have to do is to recede from our amendments and accept the House bill. So it is those who are pushing this monstrous Presidential election bill who are holding up getting to the social security bill.

Right at this time, the debt limit bill is the most important measure from the standpoint of time that is pending before the Senate at this time, because, as has been pointed out, the debt limit bill expires at midnight on the 30th of November. It is said it will cause a great deal of trouble and confusion.

I dare to say this, that the first time it prevents a Member of the House or Senate from getting his pay check, I believe we will be able to pass a resolution through the House and Senate in just a matter of minutes.

So I do not believe it will pinch a great deal for any length of time.

But I do believe that we should not encumber these very important bills with provisions such as these.

I was not able to have any colloquy with the distinguished Senator from Minnesota (Mr. MONDALE) at the time he made the statement, but he was talking about some of the columnists being in favor of subsidizing Presidential elections and he mentioned James Kilpatrick, that he was in favor of subsidizing Presidential elections.

I dare say, most of those columnists never heard of this provision, not just subsidizing the general elections but subsidizing the campaigns of literally dozens of aspiring candidates for the Presidential nomination of the two major parties, because this bill goes far beyond subsidizing the general elections.

By the way, a whole lot has been said about some compromise having been reached in this matter. I would be interested—I called on the distinguished Senator from Massachusetts (Mr. KENNEDY) to furnish me with a copy of the compromise agreement but he said he did not have one. I just wonder who has got that compromise agreement. I should like to have some look at it somewhere along the line. There might be something interesting in it that I could approve of which, if so, I would recommend putting that in the form of a separate bill.

The Senator from Louisiana, when he first brought this matter up, outlined that—there is not much problem involved here—he had about four options of what to do. One of the options was to call up a House revenue bill on the calendar, put this campaign subsidy bill on it, and send it over to the House for a conference. No effort is being made to do that. That might be the best approach, because that bill, in all likelihood, is not a must bill, such as this bill is.

The issue is whether those who favor this campaign subsidy monstrosity are willing to see the debt limit bill expire in order to force the addition of the campaign subsidy bill to the debt limit bill. It can pass without this extra addition in a matter of seconds or minutes, as I pointed out.

Now, what would this bill, which provides for subsidies in presidential elections, do? I might say that I read in the paper and heard over the radio last night—I believe I saw it on TV—that a compromise had been reached on this matter, and it was just a matter of coming up here and rubber stamping the compromise.

I have not found out all those who are in that agreement leading to the compromise, nor have I heard what the compromise was, nor have I seen a copy of the compromise. So I am at somewhat of a loss to know just what is proposed.

Here we are handling a bill sent over from the House, and it has been sent twice, without any adornment such as the Senator from Louisiana is trying to put on it now. It has been before us twice unadorned by any such monstrous provisions as the Senate tacked on this measure several days ago. The Senate tacks on 122 pages, sends it back to the House, asks for a conference. They say, "There is nothing about which to confer. We will send it back to you." They had the opportunity to amend it, and apparently they took the attitude that it was not worthy of amendment. It is so bad that it could not be cured by amendment. So they bundle it up and send it back, and here it is, a great, big, half-pound document that the Senate has sought to put on this bill. I do not believe it is going to be done. I believe that before this discussion is over, it will be fully realized that the offenders, the culprits, in this matter are not those who are seeking the passage of the debt limit bill. The passage of the debt limit bill, as the House has twice sent it to us, can be accomplished right away.

Mr. President, I ask unanimous consent that the Senate do now recede from its amendments and accept the House bill.

Mr. LONG. Mr. President, reserving the right to object, it seems to me that the Senator is just filibustering in the nature of gloating over his advantage at the moment. All we are trying to do is to get back to the social security bill. We know that the Senator can be tough about the matter, and all we are trying to do is to accommodate him Obviously, the Senator ought to know——

Mr. ALLEN. Regular order, Mr. President. I just asked unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. LONG. Mr. President, I reserve the right to object.

The PRESIDING OFFICER. The Senator has that right.

Mr. LONG. It seems to me, Mr. President, that all we are trying to do now is to let the Senator have his way. He will not let us vote on the matter, so we are trying to let him have his way.

I call this a gloating filibuster, but I must object to the Senator taking over complete control of the Senate. He will not let us vote on our motion, and all I am trying to do is to return to something on which he might be willing to vote. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ALLEN. I am sorry the Senator from Louisiana objected to the request that the Senator from Alabama made, that we recede from our Senate amendments; because if we had done that, this debt limit bill would have been passed right now and on its way to the President. That is all it would take.

By the way, the Senator from Alabama is not the only person who has discussed this matter. The Senator from Louisiana has been discussing it at length, as did the Senator from Minnesota (Mr. MONDALE), when he let the Senator from Alabama ask him any questions on the matter; there was considerable colloquy between him and the Senator from Massachusetts; and the Chair would not even let the Senator from Alabama discuss it.

The Senator from Alabama would be delighted to yield the floor to anybody who would like to discuss this matter, pro or con, so he has no great pride in having the floor and being able to discuss it at this time.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. LONG. Would the Senator be willing to let us go on to something else and talk about something else, in view of the fact that we are not going to vote on this matter today?

Mr. ALLEN. No. This is a matter that is before the Senate; the Senator from Louisiana brought it up. I think the Senate ought to stay on it until it passes the debt limit bill. That is my judgment of the matter. If we just blithely shelve this bill and take up something else, there is no assurance that we will ever get back to it.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ALLEN. I would be willing to yield to agree that at 5 o'clock we would come back to this bill, if the Senator from Louisiana wants to get on with the social security bill.

Mr. LONG. That would accommodate Senators. I would appreciate it.

Mr. ALLEN. Certainly, in the 7-hour period remaining, we will be able to come to an agreement on passing the bill.

Mr. LONG. Would the Senator be willing to let us go until 7 o'clock this evening before we come back to this matter?

Mr. ALLEN. So far as the Senator from Alabama is concerned, suppose we agree that we go on with the social security bill and stay on it until 6 o'clock, at which time we will return to a discussion of the debt limit bill, the message from the House, with the Senator from Alabama having the floor.

Mr. LONG. I so move, Mr. President.

Mr. ALLEN. And, further, that no effort in that time, between now and 6 o'clock, be made to revive the bill, without notice to all parties.

Mr. LONG. That would not be done.

I ask unanimous consent that we now proceed to the social security bill.

Mr. KENNEDY. Mr. President, reserving the right to object, I would only object reluctantly.

I want to accommodate the manager of the bill and the other Senators. I do feel that this is a matter of great importance. Perhaps we ought to remain on the public financing issue, unless we are assured that we are going to get completion of the social security bill. I do not know whether we can; I will be guided by the manager of the bill as to whether we can.

I have a couple of amendments. I know that other Senators have amendments.

I agree with the Senator from Alabama that the social security bill is the No. 1 issue before the American people at this time. The Senator from Alabama has assumed a major responsibility in holding up the action of the Senate in completing action on it, and I think that the American people ought to understand the exact importance of this issue and where we are on it.

The Senator from Alabama has exercised his parliamentary rights. The Senate has spoken on public financing. There has been a final disposition of it by the Senate. To try to change a very clear action of the Senate by these extraordinary but still permissible actions on the floor frustrates the clear mandate of this body in a matter of overwhelming importance.

I wish to accommodate the manager of the bill. He is completely committed to the bill, and I think he has performed extraordinarily responsibly on this measure. I want to cooperate. But unless he is able to clear ths matter in a reasonable period of time I would feel constrained in any approach we take.

The PRESIDING OFFICER. Will the Senator from Louisiana restate the request?

Mr. LONG. Mr. President, I ask that I might yield, still protecting the rights of the Senate from Alabama in this matter.

Mr. MANSFIELD. Mr. President, I hope some arrangements can be made whereby we will be able to shift for a period of time to the unfinished business, which is the social security legislation. That measure is tremendously important, too. If we do not, we will spin our wheels from now until midnight or thereabouts, whereas if we set this aside for a time period I think we could accomplish something useful and at the same time take care of a bill which I think is necessary, mandatory, and highly needed.

Frankly, I do not look forward to an afternoon of motions, tabling motions, and useless votes, keeping the Senate in session.

I hope the distinguished Senator will get together with the manager of the bill to see if something reasonable cannot be worked out so that we might do something useful rather than voting on motions, tabling motions, and so on.

Mr. LONG. Mr. President, reserving the rights of the Senator from Alabama, because I want to protect his rights in this matter——

Mr. ALLEN. I have not yielded the floor.

Mr. LONG. Reserving the right of the Senator to the floor I would like to make a unanimous-consent request. I would like to explain that we are all going to be here from now until 6 o'clock anyhow and we might as well be getting some of the Senate's business finished.

I think the views of everyone who had a strong feeling on the campaign matter are amply clear to the Senate and I hope that for the time being we can move to something that is not clear at the present time. I hope that we can move to the social security measure and get farther down the road on that matter, because later on we are going to regret that we did not take advantage of the time to dispose of the business of the Senate.

Mr. President, I would like to ask unanimous consent that the Senate proceed to the consideration of H.R. 3153, the social security bill.

Mr. ALLEN. Reserving the right to object——

Mr. LONG. Until 6 p.m., at which time the Senator from Alabam be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. BROOKE. Mr. President, reserving the right to object, I do not think anyone here denies that the distinguished Senator from Alabama is within his rights in what he is doing. He feels very strongly about it; and I think others in the Chamber feel equally strong. But I think the Senator already has indicated a spirit of accommodation, which is customary for him to do. He could talk until midnight and we would not get anything done, but he has shown a spirit of accommodation; he first said he would agree to the 5 o'clock suggestion and then indicated he would agree to the 6 o'clock suggestion. Certainly by doing so, his rights will not be impaired at all.

However, I do not believe we are going to be able to finish the social security bill by 6 o'clock. Therefore, I would impress upon the distinguished Senator from Alabama and his good judgment and wisdom, and again in a spirit of accommodation, that if he would extend it to 7 o'clock I feel that by that time we could finish the social security bill and then by unanimous consent take up this bill and debate it. By that time we might have a spirited debate—and who knows what the outcome would be. If he still feels strongly about the matter he could talk until midnight, and I do not think his point would be lost. But we should be grateful to him for the spirit of accomodation he has demonstrated.

I suggest to him that he might consider 7 p.m. and then we would see what we could do in the interim to speed up time agreements in order that we might get the social security bill out of the way. That piece of legislation is very important also. My question is directed to the distinguished Senator from Alabama.

Mr. LONG. Is that all right with the Senator?

Mr. ALLEN. If that is satisfactory with all concerned, with the understanding there will be no effort in that time to go back to the bill in the absence of the Senator from Alabama, and I feel sure that is the understanding——

Mr. BROOKE. That is right.

Mr. LONG. That is the understanding.

Mr. ALLEN. Five hours to further discuss the matter. Speaking only for the Senator from Alabama, I would be willing to agree to that.

The PRESIDING OFFICER. Does the Senator from Louisiana amend his request?

Mr. LONG. I amend my request to make it 7 o'clock.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MANSFIELD. Would the Senator consider making that later, with the possibility of finishing the bill today? I think that after the Javits amendment, which is pending to the social security bill, is disposed of, others who have amendments might be willing to consider reasonable time limitations. I know the Senator from Alabama has two amendments and he has indicated 20 minutes on each amendment.

Mr. ALLEN. Yes.

Mr. MANSFIELD. I ask the Senator to consider changing the time to 8:30 or 9 o'clock.

Mr. LONG. Well, Mr. President, first let us get back to the social security bill and then we will go from there.

Mr. ALLEN. Mr. President, reserving the right to object. That would be to return to the consideration of the House message on the debt limit and campaign bill, or 7 o'clock, whichever comes first. Is that correct?

Mr. LONG. Yes. That is correct. We will not finish the bill by that time.

The PRESIDING OFFICER. Is there objection to the unanimous consent?

Mr. PERCY. Mr. President, reserving the right to object, for the purpose of clarification, the suggestion has been made that we set a time for the social security bill to be passed.

Mr. LONG. There is no way we can tell when the social security bill is going to be passed. That is a very important bill.

Mr. PERCY. It is possible to say how many amendments there are and try to get limitations of time and set a time certain.

Mr. LONG. We cannot do anything if we do not get the bill before the Senate.

Mr. BROOKE. If we can proceed until 7 o'clock, that will speed up the time.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Louisiana? Without objection, it is so ordered.

The Senate will resume consideration of H.R. 3153.

AMENDMENT OF THE SOCIAL SECURITY ACT

The Senate resumed the consideration of the bill (H.R. 3153) to amend the Social Security Act to make certain technical and conforming changes.

The PRESIDING OFFICER. The pending amendment is amendment No. 723.

Mr. LONG. Mr. President, I yield myself 2 minutes.

Mr. MANSFIELD. May we have order?

The PRESIDING OFFICER. The Senate will be in order. Give the Senator from Louisiana an opportunity to be heard.

Mr. LONG. Mr. President, Senators have pride of authorship and justifiably they would like to offer their amendments and have them discussed on the floor and then have the Senate vote individually on each of these amendments.

At the same time, Mr. President, I have studied these amendments and on a number of them I would urge the Senate to agree to accept them. I would like to offer certain amendments en bloc on behalf of the sponsors of those amendments, if those Senators would be willing to permit us to do so.

I think the Senate would agree to the following amendments, and I would like, in due course, to offer them en bloc on behalf of all Senators.

There is amendment No. 640 by Mr. Muskie, amendment No. 644 by Mr. Cranston, amendment No. 645 by Mr. Cranston, amendment No. 731 by Mr. Biden, relating to facilities for emergency care, amendment No. 739 by Mr. Taft, amendment No. 747 by Mr. Cranston, amendment No. 748 by Mr. Cranston, and amendment No. 749 by Mr. Cranston.

Mr. President, I believe the Senate will agree to these amendments. If those Senators would be willing to accommodate the Senate by helping to expedite this matter, I believe we can make progress. I know the majority of Senators would be willing to proceed in this fashion—to permit me, as floor manager, to present these amendments en bloc, on behalf of those Senators, and let the Senate agree to them. Most, I believe, would be agreed to by a voice vote. If any Senator wanted a rollcall, he would be entitled to that, of course. But as floor manager, I would be willing to offer these amendments en bloc.

Mr. President, I am not going to make the request right now. I simply state that, in due course, I would like to make the request, although I respect the right of the sponsors of these amendments to offer them in their own right. A Senator has that right morally. Under the rules, I have the right to offer them on behalf of all of them, or on behalf of myself.

If I could offer those amendments on behalf of those Senators en bloc, if they would have no personal objection, then we could accommodate the Senate and move the Senate quite a bit further down the road on this matter.

Mr. BIDEN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BIDEN. As one of the Senators mentioned, I have absolutely no pride of authorship, and I have no objection to the Senator's proceeding as he has suggested.

Mr. LONG. I thank the Senator. I am sure that the Senate would agree to his amendment. The Senator could make a speech on it. I know the Senate is going to agree to the amendment.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. CRANSTON. I want to say the same thing. I am glad the distinguished floor manager is willing to accept five of my amendments. I am pleased to have him proceed in the way he has stated.

Mr. LONG. I thank the Senator.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. TAFT. I am delighted to have my amendment handled in the way the Senator has suggested.

Mr. LONG. I thank the Senator.

Mr. President, in due course, when other Senators have been informed, I will offer the amendments in that fashion.

Mr. JAVITS. Mr. President, on behalf of myself and Senators Tunney, Brooke, Case, Cranston, Hart, Pell, Ribicoff, and Magnuson, I send a modification of the amendment that I have at the desk to the desk, which modification is germane directly to the amendment as I have presented it.

The PRESIDING OFFICER. Pursuant to the previous order, the modification will be made.

Sec.   . Section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by adding at the end thereof the following new sentence: "Effective with respect to compensation for weeks of unemployment beginning after the date of the enactment of this sentence (or, if later, the date established pursuant to State law), the State may by law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if paragraph (1) did not contain subparagraph (A) thereof.

Mr. JAVITS. Mr. President—and I hope very much to have the close attention of the Senator from Louisiana, if he can afford me that courtesy—we face a critical problem in respect to unemployment compensation. It is quite a different situation than we have had before, and it becomes really an emergency matter.

The fact is that on December 29, 1973, because of the fact that we will be going back to existing law from an emergency arrangement which we made, which is effective until December 29, 1973, no State will be able to participate in the extended unemployment compensation program any longer. I am referring to the 1970 program under which an added 13 weeks of unemployment compensation is payable on a matching basis, Federal and State to workers who have exhausted their regular benefits.

So Mr. President, whether the Senate decides that my amendment is the thing to take to conference, or some other amendment, the fact is that something must be done about this.

As I said, we do not believe, at a time when the energy crisis threatens us with added pressure on unemployment, rather than its diminution, that we should be left naked in respect of this particular Federal program, which was designed expressly to protect us against such situations.

Mr. President, my amendment, if it were taken and became law, would restore part of the basic permanent law—the 4 percent insured unemployment "trigger"—the other part—the 120-percent "trigger" requirement. The amendment would permit the extended unemployment compensation for those who had exhausted State benefits to be triggered by 4-percent insured unemployment, which normally means 5 percent or more total unemployment, without the necessity of meeting the additional requirement of the permanent law that current insured unemployment must be 20 percent greater than the unemployment rate for the same period in the preceding 2 years.

I think the best proof of the fact that the 120 percent on-and-off trigger is invalid under present conditions is the fact that, if we kept it on, no State would qualify.

If the Senate adopts the amendment which I and my colleagues have joined in offering, some 22 or 24 States, according to the forecast of the Labor Department about impending unemployment in 1974, would be eligible for the extended unemployment program. It is a 50–50 matching proposition. There are over 600,000 workers who are the potential for coverage, according to the best estimates of the Labor Department, and if every State—because this is a matter of State option—opted to take advantage of the relaxed triggers, the aggregate cost would be, roughly, $175 million or $185 million—in that parameter—for the States and the Federal Government.

The experience is that that does not happen; that many States do not opt to take advantage of the relaxed triggers. So based upon that kind of experience, the estimate is that the program is very likely to cost each State and the Federal Government something in the area of $125 million. That is just an order-of-magnitude estimate, but it is a "ballpark" estimate, and we do not believe it should be very much more than that, and probably will be less than that. But one must assume the maximum, which is, roughly, $185 million on the part of the Federal Government and $176 million on the part of the State governments, or in that order of magnitude.

That is about the story except for the actual States that would be involved, Mr. President, and I ask unanimous consent that the table cataloging these estimates may be made a part of my remarks. This table, I note, was prepared on the basis of the amendment in the original form I introduced it, that is, with a 4.5 percent trigger and with exhaustees counted. The Labor Department has informed my office that the results under the amendment, as modified, should not be substantially different. I think it would also be useful to have printed in the Record a table prepared by the Labor Department last June, showing its estimates for the fiscal year 1975 had their amendment been enacted into law then.

There being no objection, the tables were ordered to be printed in the Record, as follows:

TABLE 1.—ESTIMATED BENEFICIARIES AND BENEFIT COSTS WITH A 4.5 PERCENT TRIGGER WITH AND WITHOUT EXHAUSTEES USED IN CALCULATING THE RATE

[Dollar amounts in millions]

	Number of beneficiaries (thousands)		Federal costs		State costs	
	With exhaustees	Without exhaustees	With exhaustees	Without exhaustees	With exhaustees	Without exhaustees
Alabama						
Alaska	5.8	5.8	$1.4	$1.4	$1.3	$1.3
Arizona						
Arkansas						
California	116.2	58.1	31.4	15.7	31.4	15.7
Colorado						
Connecticut	21.8	0	7.0	0	7.0	0
Delaware						
District of Columbia						
Florida						
Georgia						
Hawaii	5.9	0	1.9	0	1.9	0
Idaho	1.8	1.2	.5	.3	.5	.3
Illinois						
Indiana						
Iowa						
Kansas						
Kentucky						
Louisiana	6.2	0	1.5	0	1.4	0
Maine	7.4	4.4	1.7	1.0	1.7	1.0
Maryland						
Massachusetts	105.5	105.5	27.2	27.2	22.2	22.2
Michigan	48.9	0	14.1	0	14.1	0
Minnesota	7.3	0	1.9	0	1.9	0
Mississippi						
Missouri						
Montana	2.5	1.9	.5	.4	.5	.4
Nebraska						
Nevada	9.5	3.7	$2.8	$1.1	$2.8	$1.1
New Hampshire						
New Jersey	111.8	111.8	36.1	36.1	36.1	36.1
New Mexico	1.5	0	.4	0	.3	0
New York	46.3	0	13.4	0	13.4	0
North Carolina						
North Dakota	.9	.7	.2	.2	.2	.2
Ohio						
Oklahoma						
Oregon	7.6	4.7	1.7	1.1	1.7	1.1
Pennsylvania	25.8	0	8.1	0	6.6	0
Puerto Rico	42.3	42.3	8.5	8.5	8.5	8.5
Rhode Island	15.7	15.7	4.5	4.5	4.5	4.5
South Carolina						
South Dakota						
Tennessee						
Texas						
Utah	2.7	0	.7	0	.4	0
Vermont	1.8	.9	.5	.3	.5	.3
Virginia						
Washington	69.8	69.8	20.2	20.2	16.5	16.5
West Virginia	3.1	2.3	.6	.4	.6	.4
Wisconsin						
Wyoming						
Total	668.1	428.8	186.8	118.4	176.0	109.6

Source: Office of Research and Actuarial Services, Unemployment Insurance Service, Department of Labor; Oct. 5, 1973.

TABLE 2.—ESTIMATED BENEFICIARIES AND BENEFIT COSTS WITH A 4-PERCENT TRIGGER WITH AND WITHOUT EXHAUSTEES USED IN CALCULATING THE RATE

[Dollar amounts in millions]

	Number of beneficiaries (thousands)		Federal costs		State costs	
	With exhaustees	Without exhaustees	With exhaustees	Without exhaustees	With exhaustees	Without exhaustees
Alabama						
Alaska	5.8	5.8	$1.4	$1.4	$1.3	$1.3
Arizona						
Arkansas	2.5	0	.5	0	.5	0
California	232.4	174.3	62.8	47.2	62.8	47.2
Colorado						
Connecticut	43.6	21.8	14.0	7.0	14.0	7.0
Delaware						
District of Columbia						
Florida						
Georgia						
Hawaii	9.0	5.9	2.9	1.9	2.9	1.9
Idaho	3.4	1.4	.9	.4	.9	.4
Illinois						
Indiana						
Iowa						
Kansas						
Kentucky	3.6	0	.9	0	.9	0
Louisiana	18.6	0	4.5	0	4.1	0
Maine	12.9	9.7	3.0	2.3	3.0	2.3
Maryland						
Massachusetts	105.5	105.5	27.2	27.2	22.2	22.2
Michigan	97.7	48.9	28.2	14.1	28.2	14.1
Minnesota	19.6	7.3	5.1	1.9	5.1	1.9
Mississippi						
Missouri	7.4	0	1.8	0	1.8	0
Montana	4.2	2.3	.9	.5	.9	.5
Nebraska						
Nevada	9.5	9.5	$2.8	$8.8	$8.8	$8.8
New Hampshire						
New Jersey	111.8	111.8	36.1	36.1	36.1	36.1
New Mexico	2.8	1.5	.6	.4	.5	.3
New York	185.4	92.7	53.7	26.8	53.7	26.8
North Carolina						
North Dakota	1.6	.8	.4	.2	.4	.2
Ohio						
Oklahoma	9.2	0	1.9	0	1.9	0
Oregon	11.4	10.5	2.6	2.4	2.6	2.4
Pennsylvania	91.4	53.6	28.7	16.8	23.4	13.7
Puerto Rico	42.3	42.3	8.5	8.5	8.5	8.5
Rhode Island	15.7	15.7	4.5	4.5	4.5	4.5
South Carolina						
South Dakota						
Tennessee						
Texas						
Utah	3.5	2.7	.9	.7	.6	.4
Vermont	3.6	3.5	1.0	1.0	1.0	1.0
Virginia						
Washington	69.8	69.8	20.2	20.2	16.5	16.5
West Virginia	5.7	2.6	1.1	.5	1.1	.5
Wisconsin	5.1	0	2.4	0	1.6	0
Wyoming						
Total	1,135.0	799.9	319.5	224.8	303.8	212.5

Assumptions:

The State Unemployment rates are assumed to be the same for FY 74 as they were for FY 73. This implies that the unemployment rates will be higher than would be under the Administration's assumption of continued improvement in unemployment. This assumption was made because of the length of time it would take to make the estimate under the administrative assumption.

2. The average weekly benefit amount is assumed to increase five percent per year. The base is calendar year 1972.

3. The average duration of extended benefits is assumed to be nine weeks except for Puerto Rico where it is assumed to be eight weeks.

4. For those States who do not have a 26 week maximum duration of benefits, the survival rate is assumed to be 95 in calculating the number of exhaustees who would be claimants under an extended benefit program.

5. The difference between the State and Federal shares occur in those States where the maximum regular benefits are longer than 26 weeks thus these States are paying some benefits which would be sharable without the trigger.

Mr. JAVITS. The table itself, of course, indicates the States which would be affected, but I would like to read into the RECORD the States which the best estimates that are available indicate would be triggered so that they could be in the program in the ensuing year. These are Alaska, California, Idaho, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Washington, West Virginia, and Puerto Rico. That is 22.

As to two States, Louisiana and Wisconsin, there is a little more doubt. They would have been included without question in the amendment as originally drafted, which dealt with the problem of exhaustees—that is, those who had exhausted their benefits. In all logic, that is the way it ought to be, but after consultation with the experts on the Finance Committee and our being advised that that might present more difficulties in conference than going to the straight 4-percent trigger which is already in the law, we are only omitting that part which deals with the 120-percent historic trigger, feeling that it would be better and far more certain if we left out the exhaustees. So, without attempting to be obdurate, I have left the exhaustees out. That makes it more doubtful about those two States, Louisiana and Wisconsin, actually being in the program, but as to the other 22, the estimate is clear that that is what the amendment is providing.

At a time when all of us are deeply concerned about the effect on our economy of the energy crisis and many other things, it seems only forehanded that we provide ourselves with this tool of independent protection.

Mr. President, I notice the Senator from Connecticut is on his feet. I would like to say that there has been much sympathy to this approach by many Members of the Senate. The Senator from Connecticut (Mr. Ribicoff) as a member of the Finance Committee is in a position to give us a very authoritative point of view. I would be glad to yield to him.

Mr. RIBICOFF. Mr. President, I thank the Senator for yielding to me. I commend him for offering the amendment. I am pleased to be a cosponsor of the amendment with him.

I would hope that our distinguished chairman of the committee would agree to accept the amendment.

I have here the Hartford Courant for Wednesday morning. It indicates in a front-page story that the oil crisis, it is feared, will cut jobs in Connecticut by 25,000.

These figures are estimated figures by the Connecticut Business and Industry Association. They estimate that the energy crisis will cause a loss of 25,000 jobs. The Insurance Association in Connecticut says that some members are looking to a 4-day week.

I know from my correspondence and conversations that many small firms of all kinds see a shutdown or a cutting back if the oil supply falls 30 percent from last year's level in view of the situation the country is facing and the fact that industry and labor will be in a bind for a reason not of their own making.

In the general energy crisis that exists, the least we can do is to protect the employment picture from events far beyond the control of either labor or management.

I had hoped that our distinguished chairman of the committee, who has always been sensitive to the consequences of unemployment will agree to accept the amendment of the Senator from New York in which I am a cosponsor.

Mr. JAVITS. Mr. President, I am very grateful to my colleague for throwing his prestige as a senior member of the committee behind the amendment.

May I say to my colleague that we have every reason to desire not only the full cooperation but also the conviction of the Senator from Louisiana. The Senate adopted an amendment last June very much like the one I am proposing. However, when it came out of conference it was considerably weakened, which resulted in the present situation. So, the conviction with which the conferees, and especially the Senator from Louisiana, take this matter to conference is critically important.

We might ask the Senator from Louisiana if he will agree to accept the amendment. I also express the hope that it will be very strongly supported in conference.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Kansas

Mr DOLE. Mr. President, before the Senator from Louisiana responds, I would like to state that I have listened carefully to the Senator from New York and the reading of the names of the States that would now be eligible.

As I pointed out to the Senator from New York privately, the State of Kansas is affected directly as a result of the energy crisis and the fact that we are a leading State in the aviation industry.

We are having hundreds and thousands of our people lose their jobs. Just this past week Cessna Aircraft was forced to lay off people, along with Beech Aircraft, Lear, and others.

As I understand it, the States cited by the Senator from New York are those States as of a certain date. It would have no impact on any State that would not be affected by the energy crisis.

Mr. JAVITS. Mr. President, the Senator from New York wishes to state that the States whose names he read are from the estimates of the Department of Labor for next year. These estimates were made before we had the energy crisis with us.

I am giving the Senate the very best factual evidence we have as to who would benefit from this provision of the law if it were to become the law.

Mr. DOLE. Mr. President, I thank the Senator from New York. If the Senator has no objection, I would be very glad to join with him as a cosponsor of the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that the name of the Senator from Kansas (Mr. Dole) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, it is obvious that the committee has not had an adequate chance to study the matter, to conduct hearings, or to give it the consideration it deserves. A very impressive case has been made here today for the amendment. It may very well be that something of this sort or something that goes beyond this is going to be necessary before the energy crisis is over, or even within the next 6 days. That being the case, I think that Senators generally would like to feel that the matter is not being neglected. I think they would, generally, like the Senate to know that we are very much concerned about the matter and what the future might hold.

That being the case, I have discussed the amendment with the acting spokesman for the minority side of the committee, the distinguished Senator from Nebraska (Mr. Curtis), and we have concluded that we should not oppose the amendment, but have it considered in conference. Therefore, so far as I am concerned, I am prepared to accept the amendment.

Mr. JAVITS. Mr. President, may I ask the distinguished Senator from Louisiana a question, very frankly, because we have had such problems with this matter in conference before. I should like to recall, in all fairness, that in the consideration of the matter last year, when Congress adjourned, this was about the last item on the agenda. I had the assurances of the Senator from Louisiana publicly, in the Senate, and of the chairman of the House Committee on Ways and Means—I make apology to the President for mentioning that, it is not within the rules—that this matter would be given very high consideration.

Our employment problem improved—I am not interested in why—and the matter was not given the prime attention we had been assured it would get.

Now we face another emergent situation. While I am very grateful to the Senator from Louisiana for saying that he will accept the amendment, and also to the Senator from Nebraska (Mr. Curtis) for concurring in that statement, I would ask the Senators, in all good faith, whether they do not believe that if we had a rollcall vote it would represent a very strong feeling among Senators that something needs to be done in this situation.

Mr. LONG. Mr. President, we have had rollcalls in the past, It is not the fact that rollcall votes have been had that has caused the Senator to be somewhat disappointed in this matter, on some occasions more than others. He has been very active on this subject. He has been extremely alert. He is a member of the Committee on Labor and Public Welfare and has been most diligent in urging that unemployed workers be given every consideration that economic and humane needs dictate.

If the vote were unanimous, as it will be when we have a voice vote, the judgment of the Senate would be the same; namely, that the Senate feels that this matter should be considered as urgently as if we voted by indicating "Aye" on the record. When a Senator answers "Aye," he says that he favors the amendment.

Mr. CURTIS. Mr. President, I think that if this question had not been voted on before, the premise stated by the Senator from New York would have great validity. It is a matter that has been voted on many times. It is a matter of record. Therefore, it seems to me that to dispose of it in this way would be final.

Mr. JAVITS. Personally, I have been burned, as it were, by the fact that we seem to face a difficult situation in the other body. I do not understand why, considering the exigencies in our time. I would quite implicitly state that both Senators have reported a real feeling of conviction by them that something constructive has to done about it.

Mr. RIBICOFF. Mr. President, if the Senator will yield, I join with the Senator from New York (Mr. Javits) in introducing an amendment to revive the extended unemployment compensation program which, for all intents and purposes will cease to exist at the end of this year unless remedial legislation is enacted.

This program has had a tortuous history. Its complicated eligibilty mechanism is such that only two States now are eligible for the program. At the end of this year no State will be eligible. Connecticut phased out of the program on June 10, 1972.

If this amendment is adopted some 600,000 unemployed workers will be able to receive an additional 13 weeks of unemployment compensation over and above their regular 26 weeks. In Connecticut this means that 20,000 unemployed workers will be able to receive 13 weeks of added benefits after their first 26 weeks of benefits expire. This will mean $14 million of additional benefits in the first 6 months of the revived program for Connecticut workers who are unemployed.

The amendment would accomplish this goal in the following manner:

First, the requirement that "insured" unemployment rate be going up at a rate of 120 percent over the last 2 years would be eliminated. When this requirement was enacted, unemployment was going up and many States qualified. But unemployment has leveled off, often at an unacceptably high level. Workers who are laid off need help regardless of whether general unemployment is going up or has leveled off.

Second, the "insured" unemployment rates trigger mechanism for State eligibility would be lowered from 4.5 percent to 4 percent so that more States could become eligible to participate.

The unemployment picture in America has improved. But in the face of the energy crisis we may find an upswing of unemployment.

Predictions of rising unemployment next year in view of the energy crisis have come from many sources. The National Petroleum Council has warned that rising unemployment may occur next year. A special econometric team at the University of Pennsylvania's Wharton School has made similar predictions. The Council estimated that unemployment could reach 6.2 percent next year if the fuel shortages reach 2 million barrels a day as expected. If the shortage is 3 million barrels the rate would be 7.7 percent.

The Commerce Department expects a GNP drop of 3.4 percent.

In Connecticut, the Governor's Council of Economic Advisors predicts growing unemployment. While Connecticut unemployment dropped from 135,000 in June 1972 to 90,000 in June 1973, and is now at a 4.8 percent rate—national rate is 4.5 percent—they predicted that by June of 1974 unemployment levels would again exceed 100,000. In Connecticut the economy is not growing fast enough to provide jobs for the 25,000 new people who enter the job market each year.

While States will have to pass legislation to implement this legislation, Congress must take the first step. It is important that we take action now before a crisis occurs. I urge my colleagues to approve this amendment.

May I say to my distinguished colleague from New York that our chairman did extend himself and stay to the very limit, to the end of the conference, to try to achieve the result of his commitment to the Senator from New York and myself; but the House was adamant. The House was also adamant on other measures that the Senator from Louisiana and I felt not only carried out the intention of this body, but were most worthwhile.

I do not know whether I would be a conferee again, but I have the utmost confidence that our chairman will do everything he possibly can to fulfill his commitment. As the Senator from New York knows, when it comes down to the final crunch, whether he can deliver the other body's conferees he cannot say.

Mr. CRANSTON. Mr. President, I wish to express my support for the amendment offered by the Senator from New York, Mr. JAVITS, and which I have cosponsored, to extend unemployment compensation benefits to workers who would otherwise exhaust their benefits during calendar year 1974.

Without the changes proposed by this amendment, California will not be eligible to participate in the extended unemployment compensation benefits program.

Unemployment in California now is at an annual rate of 5.2 percent. Currently, some 3,200 workers in my State each week exhaust their 26 weeks of unemployment compensation benefits. As seasonal unemployment increases—and as unemployment brought on by the energy crisis hits us—the numbers of workers running out of benefits will increase sharply.

Yet, in spite of these facts which demonstrate a clear need for extended unemployment compensation benefits, California, under the present law, will probably not be eligible to participate in the program. This means that nearly a quarter of a million of California workers will needlessly be denied benefits during 1974 which they should be receiving except for the unrealistic conditions set by the present act.

The amendment I am cosponsoring will change the law in two major respects which will make it possible for California and 23 other States to participate in the extended unemployment compensation benefits program or to continue their present participation.

First, the amendment will eliminate the requirement that a State by experiencing a rapidly increasing rate of insured unemployment—120 percent of the rate experienced during the previous 2 years. Under present economic conditions, it appears that we will not only experience a projected increase in unemployment, but that unemployment will be chronic and continuing. The change proposed by the Javits Amendment is absolutely necessary if we are not to deny unemployment compensation to workers who are out of work beyond the 26-week period of their benefits.

Second, the amendment will revise the insured unemployment rate necessary to trigger eligibility of a State to participate in the program.

The proposed new trigger will make a State eligible when insured unemployment reaches 4.5 percent, including the number of persons who have exhausted their benefits. Under the present law, the State must exclude the number of exhaustees when calculating the unemployment rate.

This change would mean that California could meet the trigger test for participation in the extended benefits program. Under the present act, California cannot meet the trigger test because we cannot count the substantial numbers of workers running out of benefits in calculating the insured unemployment rate.

These changes in the Extended Unemployed Compensation Benefits Program are necessary and I will vote for them.

Mr. JAVITS. Mr. President, I am going to act upon what I know to be the right instinct, which is to let the matter rest at this point, the amendment having been accepted.

Mr. TUNNEY. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. TUNNEY. I would just like to associate myself with my distinguished colleague from New York in cosponsoring the amendment. I am delighted to join with the distinguished senior Senator from New York in cosponsoring this amendment.

California continues to suffer from high levels of unemployment. Many working men and women, through no fault of their own, find themselves out of jobs and out of unemployment compensation benefits and will benefit from passage of this amendment.

During the last month for which data are available, more than 16,000 Californians exhausted their unemployment compensation benefits. These people represented just over 8 percent of all those receiving such benefits.

Under ordinary circumstances, more than a quarter of a million Californians could be eligible for extended unemployment compensation in 1974.

Unfortunately, Mr. President, the advancing energy crisis will throw many additional thousands of people in my State onto the unemployment rolls. We can thus safely anticipate that the number of unemployed Californians exhausting their benefits in 1974 will rise substantially above the quarter million level. The urgency of this amendment, is, therefore, greater than ever before.

Chairman WILBUR MILLS of the House Ways and Means Committee has indicated his support for the substance of this amendment.

In view of the widely recognized need for extension of unemployment compensation benefits and the favorable prospects for House passage, I urge the Senate to approve this amendment without further delay.

I think the amendment is absolutely essential to thousands of workers who are going to be dropped from the unemployment compensation rolls as a result of having exhausted their benefits. I know that the distinguished Senator from Louisiana has indicated great concern in the past regarding this matter, and I want to thank him for indicating here today that he will accept the amendment. I think there are tens of thousands of workers who will be appreciative of the action that will be taken today, so that they can get back on the unemployment compensation rolls and will not be subjected to a situation where they will have to go on welfare if they have no other means of income.

Mr. JAVITS. I thank my colleague very much.

Mr. President, I yield back the remainder of my time.

Mr. LONG. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BARTLETT). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, if I could have the attention of the Senator from Louisiana and the staff, a question has arisen in respect of the social services matter which we have already disposed of in this situation with relation to the following situation: Where it can be demonstrated to the satisfaction of the Secretary of HEW that if an allotment is made of money which is not otherwise expended under social services ceiling and appropriation, the amount will be, in the language appearing at page 78, line 8 of the committee bill "utilized so as to produce a significant cost benefit," I ask the manager of the bill whether my State or any other State would be eligible, under that proviso, in the event that any amounts are left in the fund, to receive more than its regular entitlement under the fund.

Mr. LONG. The answer is "Yes."

Mr. JAVITS. I thank my colleague very much.

Mr. President, I am generally pleased with the committee's action in including in this measure a new authority for the conduct of our essential social services programs.

As Members know, through a series of steps this year, the administration has sought greatly to restrict under present authority a number of the elements of the current social services programs; they have done so by a series of regulations and modifications thereto over the course of this last year.

Senator MONDALE and I, and a number of other Members of this body, have at the same time, sought to have these questions cleared up legislatively.

To that end, with 43 Senators, we introduced on March 14, S. 1220, a bill to limit the authority of the Secretary to impose regulations. In response to that initiative and to its credit, the Finance Committee postponed the implementation of the regulations until November 1 and the President signed that provision into law as a part of the Renegotiation Act Amendments of 1973.

On October 3, 1973, with 36 cosponsors, I joined with Senator MONDALE in introducing S. 2528, the social services amendments, establishing a legislative charter for the program, basically along the lines of the manner in which it has been conducted under the law prior to the Secretary's proposals for new regulations.

As the November 1 deadline approached, Secretary Weinberger modified his regulations again, meeting a number of our concerns, but unfortunately, still short of our goals.

The Finance Committee has now acted and, while their proposals are not exactly what we proposed in S. 2528, they are substantially in response to our concerns and are preferable to the latest regulations promulgated by Secretary Weinberger.

The committee bill, like S. 2528 enjoys the support of the National Governors' Conference and, I am pleased to say the support of the New York State Department of Social Services. However, the city of New York, still has concerns with respect to the regulations.

With that background, I shall now comment on the various elements of the committee bill as distinct from S. 2528 and the proposed regulations.

First, eligibility.—As a general matter, the regulations provided for free services up to $6,768 for a family of four. In contrast, S. 2528 permitted free services up to a level of $7,841 for a family of four—using the criteria of the Bureau of Labor Statistics "Lower Living Standard." The committee bill gives the States complete latitude to determine questions of eligibility and fees, thus taking into account cost of living aspects, the cost of going to work, and other factors which will be relevant to the "real life situation" in New York State and in New York and other cities within the State.

Similarly, under the committee bill, the States will have latitude to determine who may be considered a potential or previous welfare recipient. The new regulations provided that eligibility may include, in addition to persons actually on welfare, persons who were on welfare within the previous 3 months and persons who may potentially fall into welfare within 1 year. S. 2528, following previous practice, allowed States to serve persons who have been on welfare within 2 years or are likely to be on welfare within 5 years.

Second, services.—S. 2528, contained a broad list of statutorily defined services, in effect cataloging the current practices within the States. The committee bill provides latitude for the States to furnish services provided that they are appropriate for meeting any one of four goals: First, employment and economic self-sufficiency; second, family care or self care, including for children, the achievement of maximum potential and to prevent or remedy neglect; third, community-based care; and fourth, institutional care. The committee bill then goes on to list a number of illustrative "services" which include many of the elements which were contained in our bill.

I am very pleased that under the committee bill, child care will be permitted, even in cases other than those that relate to employability of the mother. I am advised that 15 percent of the children in child care programs in New York City—approximately 5,000 children out of the total—are participating for reasons other than the employability of the mother, such as emotional problems of the mother, large families, and other such factors.

Third, privately donated funds—The committee bill—along the lines of S. 2528 and unlike the regulations—includes a provision insuring that privately donated funds, including in-kind contributions, will be considered State funds in claiming Federal reimbursement for social services, subject to certain safeguards.

Fourth, the 90–10 formula—the committee bill would eliminate completely the requirement under present law that 90 percent of funds be used for services to present welfare recipients. S. 2528 would have modified the formula to 75–25.

Fifth, child care standards—the committee bill does not contain any provision for Federal standards for child care, as did S. 2528. Senator MONDALE and I will seek, by amendment to this bill, to insure such a provision.

Mr. President, it is very important to note that the committee report continues to make clear that these funds are to be used basically for the same welfare-related purposes as before. The committee report states on page 33 that:

> It is the Committee's belief that the mutual objective of the States and the Federal Government *of reducing dependence upon welfare* will be met most effectively by this approach". (emphasis added).

Additionally, to that end, the bill contains provisions to insure that States do not use Federal social services funds in such a way as to simply replace State money with Federal money—that is that funds must result in an increase in the level of social services; furthermore, the bill contains a report requirement which is to include information on the extent to which funds are used for services to persons not actually on welfare.

Mr. President, in addition to these elements regarding the flexibility of the State to conduct their programs, the committee bill deserves comment in respect to funds and distribution of funds.

As Members know, the Congress previously established a $2.5 billion ceiling on social services programs and, in that context included a distribution which greatly penalized the industrial States. Under the formula, my own State of New York has been held to 220,497,000 for fiscal year 1973—an amount $580,000,000 below its original estimate for fiscal year 1972 when the ceiling was first imposed.

The committee bill will maintain New York at that level of $220 million during fiscal year 1974; a number of hold harmless and redistribution provisions included in the bill at my urging will have that effect, even though the ceiling has been further reduced to $1.9 billion.

But it appears unlikely that New York can receive any amount above the $220 million for this fiscal year. The committee bill contains a discretionary fund of $50 million available to the Secretary. However, the Secretary is to use that fund in the following order:

In the first instance to provide assistance to States which were eligible in fiscal year 1973—by reason of a "savings clause"—for additional funding above their share of the $2.5 billion. New York is not one of those States.

In the second instance to States for whom the provisions under the $1.9 billion ceiling will force cutbacks below their entitlement under the population formula. This arises generally because the formula for distribution relates to the level attained in the July-September 1973 quarter and that level for some States is substantially below their real plans for expansion in reaching the full amount of their entitlement. New York—precisely because it was "bursting at the seams"—hit its full planned level in the July-September quarter—and thus cannot benefit further.

In the third instance, to provide additional financial assistance to States which can demonstrate to the Secretary that if an allotment is made, the amount will be, in language appearing at page 78, line 8, of the committee bill, "utilized so as to produce a significant cost benefit."

With respect to the latter, I ask the manager of the bill whether New York could be eligible under the third—in the event that any amounts at all are left in the fund—to receive more than its $220 million.

It seems to me that a fair construction of the statute is that it would, since subsection (c)(1) (page 76, line 11) refers to funds "in addition" to the amount allotted and (c)(3)(C) (page 78, line 78) refers to "additional" Federal financial assistance.—Counsel for Long agrees, but had not considered the question before. Will brief Long.

As to future fiscal years, there is no general redistribution or discretionary fund provisions, and thus at this point in time, New York—despite its very heavy needs—would appear to be locked in forever at $220 million.

Similarly, all States will be locked in in the future and if funds are not used by some of the States, they will go down the drain as far as social services are concerned.

At this point—putting it bluntly—there is nothing we can do about it. It is assumed by all States that they will use all of their funds and the population formula is carefully designed so that those that could benefit from redistribution are only a handful of States.

But I believe that this matter of redistribution as to future years should be given very close attention and review early next year on the basis of the experience of the States under this new social services charter and I trust this will be done.

Mr. President, I ask unanimous consent that there be included in the Record at this point a letter to me from Jule M. Sugarman, administrator of the human resources administration of the city of New York and a letter to me from Mrs. Eleanor H. Kirk, president of the State association of child care councils for the State of New York, each of which indicate opposition to the regulations.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Human Resources Administration,
New York, N.Y., November 29, 1973.
Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator: As you know, HEW's social services regulations became effective November 1, 1973. While these regulations are more flexible than earlier versions published during the year, I remain concerned with three issues in the final regulations.

In my opinion, HEW's potential income eligibility level for no fee day care is too low. While I recognize that families whose incomes are under 233⅓% of each state's standard of need (maximum $9,395 annual gross for a family of four in New York State) would be eligible for day care, families of four having annual incomes above $6,768 would be expected to pay a fee. Each state is to establish a fee schedule for day care service as part of its state plan for these latter families, which must be approved by HEW. As such, there is no assurance that families whose incomes are just above the state standard for free day care would not find themselves priced out of the market by rigidly established fee schedules. Without a realistic fee schedule, a family of four in New York State having an annual income of $6,800, $32 over the no fee eligibility (approximately $.61 per week), might be expected to pay five to ten dollars per week in day care payments. Given that choice, many families may be forced to seek alternate means for child care, possibly exposing their children to care which is potentially neglectful. Other families may perforce decide that they are financially unable to afford this vital service, and choose to remain home with their children. This may have an adverse affect on our declining welfare rolls. I do believe that the $6,768 family of four annual gross income cut off for free day care is unrealistically low so as to create hardships for many potential recipients in metropolitan New York. Considering that the Bureau of Labor Statistics has established the lowest living standard for New York City at $7,841 (annual family of four), it is inconceivable that families of four with incomes over $6,768 annual will be expected to contribute to the cost of day care.

Secondly, HEW's continued narrow stance with reference to the time limits for former and potential eligibility need to be underscored. If states are to effectively help persons stay off of welfare rolls, they must have the flexibility to achieve that goal. As such, a one year time limitation for potentials, and a three month limitation for former recipients is totally unrealistic.

Finally, I have repeatedly pointed out that the lack of group eligibility will create serious problems with our senior citizen program. Without the provision of group eligibility, New York City will be faced with financing this program through city tax levy, rather than subjecting our senior citizen population to an individual means test. I cannot stress too strongly that an individual means test performed by our employees would establish an image in the minds of our senior citizen population that they are applying for welfare. Given their adverse reaction to welfare dependency, I would surmise that numerous senior citizens would choose to do without the service rather than expose their limited assets.

Additionally, New York City would not be able to receive federal financial participation in other group services such as group counseling for teenagers. Given the nature of the street gang problem in the ghettos of our cities, it is crucial that our workers have the ability to gain the trust of these youngsters without requesting detailed data on their eligibility. As you may be aware, the problem of unemployability is a critical factor in the gang population. Unless we have the capacity to reach these youngsters and help them gain training and skills leading to employment, these youths may well be our next wave of welfare dependents.

In conclusion, I would like to stress that HEW's final regulations have undergone considerable improvement since first published in proposed form on February 26, 1973. However, the three issues detailed above continue to be of concern to me.

Sincerely,

Jule M. Sugarman,
Administrator.

State Association of
Child Care Councils,
Hempstead, N.Y., October 26, 1973.
Hon. Jacob K. Javits,
Old Senate Office Building,
Washington, D.C.

Dear Senator Javits: The New York State Association of Child Care Councils heartily endorses S 2528 and your efforts to rescue the social service program from the regressive federal regulations scheduled to go into effect on November 1st.

The thirteen member day care councils and coordinating committees of the New York State Association of Child Care Councils represent a broad constituency of citizens, agencies, and day care providers and consumers of services. We hope that when the House-Senate Conference Committee receives S 3153, to which S 2528 is attached, swift approval will be given.

We are grateful for your continuing concern for human services.

Sincerely yours,

Mrs. Eleanor H. Kirk,
President.

AMENDMENTS NOS. 640, 644, 645, 731, 739, 747, 748, AND 749

Mr. LONG. Mr. President, I have indicated previously that I was going to offer, on behalf of various Senators, their amendments, which I would urge the Senate to accept. I ask that the following amendments, which I have submitted at the desk, be laid before the Senate and considered en bloc:

Amendment No. 640, by Mr. Muskie.
Amendment No. 644, by Mr. Cranston.
Amendment No. 645, by Mr. Cranston.
Amendment No. 731, by Mr. Biden.
Amendment No. 739, by Mr. Taft.
Amendment No. 747, by Mr. Cranston.
Amendment No. 748, by Mr. Cranston.
Amendment No. 749, by Mr. Cranston.

I ask unanimous consent that the amendments be printed in the Record at this point and considered en bloc.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? Without objection, it is so ordered, and the amendments will be considered en bloc.

Mr. Muskie's amendment No. 640 is as follows:

At the appropriate place in the bill, insert the following new section:

LIMIT ON MEDICARE INPATIENT HOSPITAL DEDUCTIBLE

Sec. —. (a)(1) Section 1813(b)(1) of the Social Security Act is amended—

(A) by striking out "$40" and inserting in lieu thereof "$72"; and

(B) by striking out "1969" and inserting in lieu thereof "1975".

(2) Section (b)(2) of such Act is amended—

(A) by striking out "1968" and inserting in lieu thereof "1974";

(B) by striking out "$40" and inserting in lieu thereof "72"; and

(C) by striking out "1966" and inserting in lieu thereof "1972".

(b) The amendments made by subsection (a) shall be effective with respect to services provided after December 31, 1973.

AMENDMENT NO. 640—MEDICARE DEDUCTIBLE FREEZE

Mr. MUSKIE. Mr. President, the medicare deductible freeze amendment which I offer today would prevent a scheduled increase in the medicare deductible and coinsurance rates next year, and reduce the amount of future increases. I am pleased to say that 41 Senators have cosponsored this amendment: Senators Abourezk, Bayh, Bible, Biden, Brooke, Burdick, Cannon, Case, Chiles, Church, Clark, Cranston, Eagleton, Eastland, Gravel, Gurney, Hart, Hartke, Hatfield, Hathaway, Hughes, Humphrey, Jackson, Javits, Kennedy, Magnuson, McGee, McGovern, McIntyre, Metcalf, Mondale, Montoya, Moss, Pell, Randolph, Ribicoff, Stafford, Stevens, Stevenson, Tunney, and Williams.

The Department of Health, Education, and Welfare announced last month that the deductible—the amount a hospital patient must pay before medicare takes over—would increase from $72 to $84 in 1974. This increase in the hospital deductible would also have the effect of raising by 17 percent the medicare coinsurance charges—the portion of the costs that patients must pay for hospital stays longer than 60 days and for nursing home extended care after 20 days.

If the increase is allowed to take place, it would affect some 5½ million aged and disabled medicare beneficiaries who are expected to be hospitalized in 1974. It would add yet another burden to the aged who have limited incomes and still must somehow cope with ever-rising prices. It would also come hard on the premium charge under the medicare supplementary medical insurance program, which has just risen from $5.80 to $6.30 per month.

These additional medicare charges are robbing the aged of the small amount of discretionary income that they have. For many of the aged, food and shelter and medical costs consume almost their entire income. Even relatively small increases in medicare charges can have a major impact on their personal finances.

The deductible for medicare hospital insurance was $40 when medicare went into effect in July 1966. Raising the deductible to $84 would mean that it has more than doubled since the program began. At the same time, the coinsurance payments, which are linked to the deductible, would also more than double. Next year, if a medicare beneficiary required more than 60 days hospitalization, the coinsurance payment per day for the 61st through 90th day would be $21 a day as compared to $18 currently and $10 when medicare was enacted. For a posthospital stay of more than 20 days in a nursing home the coinsurance would be $10.50 a day compared to $9 currently and $5 when medicare began.

As things now stand, this increase is mandatory because the law requires the deductible to be determined annually according to changes in average per diem hospital costs covered by medicare. Under section 1813(b) of the Social Security Act, each year the medicare inpatient hospital deductible for the following year is set—in multiples of $4—at $40 multiplied by the ratio of average per diem inpatient hospital costs, for the previous year compared to the average per diem cost for 1966. For instance, the deductible for 1974 is set in 1973 based upon inpatient hospital rates in 1972.

My amendment would declare a 1-year moratorium on the ever-increasing hospital deductible and coinsurance charges. The amendment requires that the deductible remain at $72 during 1974, thus also freezing coinsurance at current levels. In addition, the amendment modifies the cost increase formula by providing that increases from the $72 level would be based on the percentage increase in the average per diem rate for hospital services since 1972. Under the amendment, for example, the deductible and coinsurance for 1975 would be set during 1974 based on hospital cost increases in 1973. By in effect changing the base year in the formula, my amendment would reduce the amount of future increases, so that the deductible and coinsurance would be 15 percent less than under current law.

This temporary relief for medicare recipients can easily be borne by the hospital insurance trust fund. The estimated additional cost of the amendment would be $103 million for 1974, but in that year the hospital insurance trust fund is projected to have a surplus of $8.6 billion even under the provisions of H.R. 3153. The fund is expected to have increasingly surpluses in later years under H.R. 3153: $10.1 billion in 1975, $11.3 billion in 1976, $12 billion in 1977, and $14.9 billion in 1978. The cost of my amendment in each of these years would be slightly over $100 million. It would not significantly reduce the ratio of assets to outgo, which would remain at about the 75-percent level. My amendment thus would not jeopardize the short-term or long-term acturial balance or safety of the trust fund, and would require no further financing.

Finally, there is no policy justification for allowing the medicare deductible and coinsurance to increase. Hearings I have conducted, as chairman of the Subcommittee on Health of the Elderly of the Special Committee on Aging, show that increased "cost-sharing" under medicare would not increase the efficiency of the program, but would merely impose financial hardship on millions of the elderly, and possibly discourage needed preventative health care leading to increased longrun costs.

Mr. President, this amendment is enthusiastically supported by the National Council of Senior Citizens and the National Retired Teachers Association-American Association of Retired Persons. Together they represent almost 9 million aged and aging Americans who are more than a little concerned about escalating medicare charges.

Now is the time to provide at least temporary relief from yet another stiff medicare increase. I urge the Senate to adopt this medicare deductible freeze amendment.

Mr. Cranston's Amendment No. 644 is as follows: At the end of the bill add the following new section:

MEDICARE FOR INDIVIDUALS, AGE 60 THROUGH 64, WHO ARE ENTITLED TO BENEFITS UNDER SECTION 202 OR WHO ARE SPOUSES OF INDIVIDUALS ENTITLED TO HEALTH INSURANCE

Sec. —. (a) Title XVIII of the Social Security Act is amended by adding after section 1818 the following new section:

"HOSPITAL INSURANCE FOR INDIVIDUALS, AGE 60 THROUGH 64, WHO ARE ENTITLED TO BENEFITS UNDER SECTION 202 OR WHO ARE SPOUSES OF INDIVIDUALS ENTITLED TO HEALTH INSURANCE

"Sec. 1819. (a) Every individual who—

"(1) has attained the age of 60, but has not attained the age of 65; and

"(2) is either—

"(A) an individual entitled to monthly insurance benefits under section 202 or benefits under the Railroad Retirement Act of 1937, or

"(B) the wife or husband of a person entitled to benefits under this part, or

"(C) an individual entitled to benefits under—

"(i) section 223(a), or

"(ii) subsections (e), (f) (g), or (h), of section 202 based on disability,

but who has not met the conditions of section 226(b)(2); and

"(3) is enrolled under part B of this title shall be eligible to enroll in the insurance program established by this part.

"(b)(1) An individual may enroll only once under this section and only in such manner and form as may be prescribed in regulations, and only during an enrollment period prescribed in or under this section.

"(2) In the case of an individual who satisfies paragraph (1) of subsection (a) of this section and either subparagraph (A) or (C) of paragraph (2) of such subsection, his enrollment period shall begin with whichever of the following is the latest:

"(A) April 1, 1974, or

"(B) the date such individual first meets the conditions in such paragraph (2), or

"(C) the date the Secretary sends notice to such individual that he is entitled to any monthly insurance benefits as specified in subparagraph (A) or (C) of such paragraph (2),

and shall end at the close of the—

"(D) 90th day thereafter, if such enrollment period begins on the date specified in subparagraph (B) or (C) of this paragraph, or

"(E) the 180th day thereafter, if such enrollment period begins on April 1, 1974.

"(3) In the case of an individual satisfying paragraph (1) and paragraph (2)(B) of subsection (a) of this section, his enrollment period shall begin on whichever of the following is the later: (A) April 1, 1974, or (B) the date such individual first meets the conditions specified in such paragraphs, and shall end at the close of the (C) 90th day thereafter, if such enrollment period begins on the date specified in clause (B) of this paragraph or (D) the 180th day thereafter, if such enrollment period begins on April 1, 1974.

"(c)(1) In the case of an individual who enrolls pursuant to the provisions of this section, the coverage period during which he is entitled to benefits under this part shall begin on the first day of the second month after the month in which he enrolls, or July 1, 1974, whichever is later.

"(2) An individual's coverage period shall terminate at the earlier of the following—

"(A) for failure to make timely premium

payments, at such time as may be prescribed in regulations which may include a grace period in which overdue premiums may be paid and coverage continued, but such grace period shall not exceed 30 days, except that it may be extended to not to exceed 60 days in any case where the Secretary determines that there was good cause for failure to pay overdue premiums within such 30-day period ;or

"(B) at the close of the month following the month in which an individual files a notice with the Secretary that he no longer desires to be enrolled under this section; or

"(C) with the month before the month he no longer meets the conditions specified in subsection (a).

Notwithstanding the preceding provisions of this parargaph, an individual's coverage period shall terminate at such time as such individual becomes eligible for hospital insurance benefits under section 226 of this Act or section 103 of the Social Security Amendments of 1965; and upon such termination such individual shall be deemed, solely for purposes of hospital insurance entitlement, to have filed in such month the application required to estabilsh such entitlement.

"(d) (1) The monthly premium of each individual under this section for each month in his coverage period before July 1975 shall be $33.

"(2) The Secretary shall during December of 1974 and of each year thereafter, determine and promulgate the dollar amount (whether or not such dollar amount was applicable for premiums for any prior month) which shall be applicable for premiums chargeable to individuals for months occurring in the 12-month period commencing July 1 of the next succeeding year. Such amount shall be actuarilly adequate on a per capita basis to meet the estimated amounts of incurred claims and administrative expenses for individuals enrolled under this section during such period; and such amount shall take into consideration underwriting losses or gains incurred during prior years. Any amount determined under the preceding sentence which is not a multiple of $1 shall be rounded to the nearest $1, or if midway between multiples of $1, to the next higher multiple of $1.

"(e) Payment of the monthly premiums on behalf of any individual who meets the conditions of subsection (a) may be made by any public or private agency or organization under a contract or other arrangement entered into between it and the Secretary if the Secretary determines that payment of such premiums under such contract or other arrangement is administratively feasible.

"(f) (1) The provisions of section 1840 shall apply to individuals enrolled under this section if such individuals are entitled to monthly insurance benefits under section 202 or 223. The provisions of subsections (e), (f), (g), and (h) of such section 1840 shall apply to any other individual so enrolled.

"(2) Where an individual enrolled under this section meets the provisions of paragraph (2) (B) of subsection (a) (but does not meet the provisions of paragraph (2) (A) or (2) (C) of such subsection) and the person referred to in such paragraph (2) (B) is entitled to monthly insurance benefits under section 202 or section 223, the provisions of section 1840(a) (1) shall apply to such benefits as though such husband or wife were entitled to such benefits, unless such persons files a notice with the Secretary that the deductions provisions of such section 1840(a) (1) shall not apply.

"(g) The term 'wife', or 'husband' as used in this section shall have the meaning assigned to those terms by subsection (b) and subsection (f) of section 216, as the case may be, except that the provisions of clause (2) of such subsection (b) and clause (2) of such subsection (f) shall not apply.".

(b) Title XVIII of such Act is further amended by adding after section 1844 the following new section:

"ELIGIBILITY OF INDIVIDUALS, AGE 60 THROUGH 64, WHO ARE ENTITLED TO BENEFITS UNDER SECTION 202 OR WHO ARE SPOUSES OF INDIVIDUALS ENTITLED TO HOSPITAL INSURANCE

"SEC. 1845. (a) Any individual who meets the conditions of paragraph (1) and paragraph (2) of section 1819 (a) shall be eligible to enroll in the insurance program established by this part. The provisions of subsections (b), (c), (e), (f), and (g) of section 1819 shall apply to individuals authorized to enroll under this section.

"(b) An individual's coverage period shall also terminate when (A) he no longer meets the conditions specified in paragraphs (1) and (2) of section 1819(a) or (B) his enrollment under section 1819 is terminated. Where termination occurs pursuant to this subsection, the coverage period shall terminate with the close of whichever of the following months is the earliest: (C) the month before the month the individual attains the age of 65 or (D) the month following the month in which such individual no longer meets the conditions of paragraph (2) of section 1819(a) or (E) the month in which his enrollment under section 1819 terminates

"(c) (1) The monthly premium of each individual under this section for each month in his coverage period before July 1975 shall be 200 per centum of the premium payable by an individual who has attained age 65 for such month.

"(2) The Secretary shall, during December of each year beginning in 1974, determine and promulgate the dollar amount (whether or not such dollar amount was applicable for premiums for any prior month) which shall be applicable for premiums for months occurring in the 12-month period commencing July 1 of the next year. Such amount shall be actuarially adequate on a per capita basis to meet the estimated amounts of incurred claims and administrative expenses for individuals enrolled under this section during such period, and such amount shall take into consideration underwriting losses or gains incurred during prior years. Any amount determined under the preceding sentence which is not a multiple of $1 shall be rounded to the nearest $1 or if midway between multiples $1, to the next higher multiple of $1.

"(d) All premiums collected from individuals enrolled pursuant to this section shall be deposited in the Federal Supplementary Medical Insurance Trust Fund.".

AMENDMENT NO. 644—TO ALLOW INDIVIDUALS AGED 60 TO 64 TO "BUY-IN" TO MEDICARE

Mr. CRANSTON. Mr. President, my amendment No. 644 is identical to S. 919, a bill which the distinguished Senator from Florida (Mr. GURNEY) and I introduced on February 20 of this year. Joining me as cosponsors of this amendment are the original cosponsors of S. 919—the Senators from Florida (Mr. GURNEY), Maine (Mr. HATHAWAY), Michigan (Mr. HART), South Carolina (Mr. HOLLINGS), Iowa (Mr. HUGHES), Wyoming (Mr. MCGEE), Minnesota (Mr. MONDALE), Utah (Mr. MOSS), Rhode Island (Mr. PELL), West Virginia (Mr. RANDOLPH), and Illinois (Mr. STEVENSON). In addition, as a new cosponsor, I am pleased that the distinguished Senator from South Dakota (Mr. MCGOVERN) is joining as a cosponsor on this important measure. Amendment No. 644 is designed to enable certain individuals who have not yet reached 65 to "buy into" parts A and B of medicare by the payment of equal-to-cost premiums at no additional cost to the American taxpayer.

The need for this legislation stems from the fact that medicare eligibility does not begin until age 65—except for those disabled social security beneficiaries to whom medicare coverage was extended as the result of Public Law 92-603—yet many older persons lose their group health coverage when they retire before the age of 65. They are forced to enroll in high cost individual health policies reflecting extremely limited and inadequate coverage—and even those are almost never available to individuals over 60 years old—or to forego any coverage whatsoever, gambling that they will stay healthy at least until they reach 65 when they become eligible for medicare.

This is an intolerable situation, Mr. President, and I believe that we can effectively counteract it through the enactment of the measure I am proposing today. During the 2d session of the 92d Congress, Senator GURNEY and I both introduced amendments to H.R. 1, the "Social Security Amendments of 1972," which were subsequently incorporated in substance in the Senate-passed version of the bill, directed at providing adequate health insurance to people 60 through 64. Senator GURNEY's amendment provided that if one spouse was over 65 and enrolled in medicare, the other spouse, if at least 60 years old, could enroll in the program and receive equivalent benefits at cost. In discussing the benefits afforded by his amendment, Senator GURNEY and I agreed that, at still no cost to the American taxpayer, these benefits could be made available to an even broader range of older Americans—those already receiving social security or railroad retirement benefits.

Consequently, I offered an amendment to H.R. 1, which was cosponsored by Senator GURNEY, to include, in addition to those covered by the Gurney amendment: First, social security old-age beneficiaries 62 years old and over; second, a divorced mother or widow if she is caring for a child under 18 who is receiving payments based on the worker's record; third, a wife 60 or older or widow 60 or older; fourth, a dependent husband 60 or over, or a widower who has attained age 60; or fifth, dependent parents of a deceased worker.

At the time my amendment was offered, disability retirees, unless they had reached age 65, were not covered by medicare; however, since that time medicare coverage has been extended to individuals retired on social security disability, regardless of age, as the result of H.R. 1, as I stated previously. However, these individuals are required to wait a period of 2 years before establishing eligibility for medicare. Under the amendment I am offering today, in order to cover these individuals during these 2 years, retirees on social security disability will be allowed to buy into medicare. Both amendments offered by Senator GURNEY and myself were adopted in committee by the Senate Finance Committee and retained in the Senate passed version of H.R. 1. The Senate Finance Committee report on H.R. 1 (S. Rept. No. 92–1230, p. 68) stated:

MEDICARE COVERAGE FOR SPOUSES AND SOCIAL SECURITY BENEFICIARIES UNDER AGE 65

PRESENT LAW

Under present law, persons aged 65 and over who are insured or are deemed to be insured for cash benefits under the Social Security or Railroad Retirement programs are entitled to hospital insurance (part A). Essentially all persons aged 65 and over are eligible to enroll for medical insurance (part B) without regard to insured status. The House bill includes a provision that would permit persons aged 65 and over who are not insured or deemed insured for cash benefits to enroll in part A, at a premium rate equal to the full cost of their hospital insurance protection ($33 a month through June 1974).

PROBLEM

Many additional Social Security cash beneficiaries find it difficult to obtain adequate private health insurance at a rate of which they can afford. This is particularly true if they are of an advanced age, say, age 60–64. Frequently, these older beneficiaries—retired workers, widows, mothers, dependents, parents for example—have been dependent upon their own group coverage or that of a related worker, who is now deceased, for health insurance protection. It is a difficult task for such older persons to find comparable protection when they no longer are connected to the labor force finance committee amendment:

The provision makes medicare protection available at cost to spouses aged 60–64 (such as a beneficiary who elects early retirement at age 62) entitled to benefits under the Social Security or Railroad Retirement acts.

Though the Senate Finance Committee clearly recognized the need for this extension of medicare coverage, and recognized that it would provide important health insurance benefits at no cost to the Government, this provision was deleted from the bill by the Conference Committee, and not included in the final version of the Social Security Amendments of 1972 as signed by the President.

I have been advised by the Finance Committee that the major factor in its deletion was simply the lack of opportunity, given the time constraints under which we were all operating in the concluding day of the last Congress, for the House to thoroughly evaluate this Senate provision.

Given the Finance Committee's positive response to this provision last year, and the continued need of well over 3 million people, I am offering today a measure which incorporates the basic provisions as contained in the Senate bill last year.

The "buy in" procedure I propose today is similar to that allowing States to buy into medicare on behalf of their retired public employees 65 years or older. This extension of medicare coverage was included in Public Law 92–603. In light of this expansion of the medicare program, I believe it is only fitting that we concern ourselves, too, with the health care needs of the individuals who would be covered by amendment No. 644.

Mr. President, my proposal would allow these individuals, at an estimated cost of approximately $33 per month in the first year of operation and perhaps as low a $22 per month thereafter—to enroll in part A of medicare-hospital insurance benefits—anytime they are or become eligible during a 90-day period following receipt of notice of eligibility from the social security commissioner. Because the enrollment period is limited to a specific number of days—a reasonable period of 90 days after the recipient receives notice of eligibility—the opportunity for adverse selection of coverage is very much reduced, thereby promising to keep premiums charges to the absolute minimum.

Our amendment would allow these same eligible individuals to enroll in part B of medicare-medical insurance benefits within the same 90-day period. The premium for part B coverage would be 200 percent of the regular part B premium—one half of which the government presently underwrites for medicare beneficiaries—which is presently $6.30, as the result of the H.R. 1 increase last July 1. Individuals may opt out of either part A or part B at anytime, but automatically cease to be eligible for part B if they drop or lose eligibility for part A. All of these beneficiaries of course, would be eligible for the regular medicare program when they reached age 65.

Mr. President, adequate health care coverage is a matter of the greatest concern to Americans reaching retirement age. This legislation addresses that concern and provides a mechanism for a substantial number of particularly hard-pressed older Americans to take full advantage of the benefits under the medicare program.

AMENDMENT NO. 644

Mr. DOMENICI. Mr. President, I would like to say a few words in support for amendment No. 644 to H.R. 3153, the social security measure we are debating today. This amendment was originally a bill, S. 919, which I cosponsored very early this year as the new Senator from New Mexico.

I felt at the time I cosponsored this legislation that it represented an acknowledgment of the need for all our elderly citizens to obtain adequate health care at a reasonable cost. Today many older persons are unable to buy health insurance, primarily because of their age and I feel this legislation goes a long way to help alleviate that painful situation.

Amendment No. 644 affects some 3 million persons between the ages of 60 and 65 who are members of retirement families to purchase badly needed medicare coverage. These people are either the widows or widowers of social security retirees, or the spouses of persons retired under social security.

Many of these individuals live on limited retirement income and, as retirees, are more vulnerable than most people to economic hardship resulting from serious illness. The most reasonable solution to their problem is to bring them under the umbrella of medicare. The additional cost to the program should be minimal inasmuch as these people would buy this insurance at cost which has been estimated to be $31 per month. This cost would assure a spouse or survivor of the exact same hospital and physician cost insurance as anyone else covered by medicare.

Once these people reach age 65, regular medicare, with its higher Federal contribution will automatically come into effect and the cost will drop to approximately $5.80 per month.

The spouses to be be eligible must have a mate over 65 already enrolled in the medicare program and must herself be at least 60 years of age. Widows or widowers would simply have to have social security eligibility in order to qualify for the right to purchase benefits.

In short then, this measure would assure adequate medical coverage to many other needy individuals at little cost to the taxpayers. With these facts in mind, I urge my colleagues' support for this amendment today.

Mr. CRANSTON's amendment No. 645 is as follows:

At the end of the bill, add the following new section:

TO EXTEND TO CERTAIN RECIPIENTS OF ANNUITY OR PENSION UNDER THE RAILROAD RETIREMENT ACT THE TREATMENT ACCORDED TO CERTAIN SOCIAL SECURITY RECIPIENTS UNDER SECTION 249E OF THE SOCIAL SECURITY AMENDMENTS OF 1972, AS AMENDED

SEC.   . Section 249E of the Social Security Amendments of 1972, as amended, is amended—

(1) by inserting ", or was a recipient of a monthly payment of annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935," after "was entitled to monthly insurance benefits under title II of such Act"; and

(2) by inserting ", or (in the case of a recipient of such a monthly payment of annuity or pension) the increase in such payment," after "increase in monthly insurance benefits under title II of such Act".

AMENDMENT NO. 645—PROHIBITION AGAINST LOSS OF MEDICAID ELIGIBILITY AS THE RESULT OF THE 20-PERCENT INCREASE IN RAILROAD RETIREMENT BENEFITS

Mr. CRANSTON. Mr. President, I am pleased that the distinguished chairman of the Subcommittee on Railroad Retirement, Mr. HATHAWAY and Mr. SCHWEIKER are joining me as cosponsors of amendment No. 645. I would like to take a moment to point out what I believe to be a typographical error in the Finance Committee summary. It states that my amendment will cost $20 million. I think that should read $2 million. The amendment is identical to S. 505, a bill which I introduced on January 23 of this year. It is designed to amend section 249E of Public Law 92–603 (H.R. 1), to include recipients of railroad retirement benefits—in the same way as is presently the case for social security recipients—in the requirement which mandates the States to deem eligible for medicaid those public assistance recipients also receiving social security who would have lost eligibility because the 20-percent social security increase would have raised their income above the maximum allowable.

We all remember the somewhat chaotic circumstances under which we operated in the concluding days of the last Congress when H.R. 1 was being considered. In the concern for the larger issues reflected in the consideration of the Social Security Amendments of 1972, it seems understandable that there were several unfortunate oversights contained in the final version of H.R. 1 as signed by the President. Having served as chairman of the Subcommittee on Railroad Retirement in the 91st and 92d Congress, I am pleased to offer this amendment today—really in the nature of a technical amendment—to correct one such oversight which adversely affects railroad retirees. I have been advised by the Finance Committee that had the issue been raised, railroad retirees would have been included in the provision of section 249E of H.R. 1. In recent years benefit increases in social security and railroad retirement have been linked with a comparable railroad retirement increase following closely behind each social security increase.

The 20-percent increase in railroad retirement benefits contained in Public Law 92–460, enacted on October 4, 1972, was necessary and desirable in order to keep pace with the 20-percent increase in social security benefits contained in Public Law 92–336. Simple equity requires that we provide railroad retirement annuitants with similar protection against the inadvertent loss of medicaid coverage which we provided in H.R. 1 for social security recipients. Section 249E provides that no social security recipient who is also a recipient of aid to the aged, blind, or disabled, shall lose his or her medicaid coverage because of the 20-percent increase in social security benefits. In the Senate Finance Committee report on H.R. 1 (No. 92–1230) the committee stated:

> As a result of this increase an estimated 190,000 aged, blind, and disabled persons will lose their eligibility for cash assistance and will be moved off the cash assistance rolls.

Concurrent with the loss of public assistance entitlements is frequently a loss of eligibility for medical benefits. The railroad retirement board estimates that there are approximately 30,000 railroad retirees—in addition to the 190,000 social security beneficiaries—who have been moved off the cash assistance rolls as the result of the 20-percent increase in their annuities. The unfortunate side effect is the loss of medicaid coverage. The Railroad Retirement system is a vital income maintenance program for the over 984,000 current beneficiaries and 611,000 active railroad men and women who are now contributing to the system and are relying on its stability at the time they qualify for benefits. In my own State of California, there are some 75,000 railroad pensioners and approximately 40,000 active railroad employees.

In my capacity as ranking majority member of the Subcommittee on Aging, I have been greatly concerned about the plight of our retired citizens who have already contributed their productive lives to the economic strength of this Nation and who should be entitled to live with dignity and a reasonable assurance of an adequate retirement income in their later years.

During the 92d Congress, we were able to enact measures—the 20 percent railroad retirement increase over a Presidential veto—reflecting a very real responsiveness by Congress to the very real needs of hundreds of thousands of elderly Americans. I am pleased that we will be equally responsive to the inequities that resulted in the oversight I have described today and that now—almost a year after enactment of the 20 percent railroad retirement increase—we have in the Senate approved extension of protection against loss of medicaid eligibility to Railroad Retirement Act recipients.

Mr. President. In closing, I ask unanimous consent that a letter I received from the Honorable Wright Patman, a very distinguished Member of the House of Representatives be inserted in the Record at the conclusion of my remarks, followed by the text of amendment No. 645.

In his letter, Mr. Patman asserts his strong conviction that there is a need for a remedial measure to correct the discrimination against railroad retirees and pledges his support for S. 505, the predecessor of the amendment which has been accepted today.

There being no objection, the letter was ordered to be printed in the Record, as follows:

House of Representatives,
Washington, D.C., September 6, 1973.

Hon. Alan Cranston,
Senate Office Building,
Washington, D.C.

Dear Mr. Cranston: It recently came to my attention that railroad retirees have been somewhat discriminated against as a result of Section 249E of the social security amendments of 1972 which disregards last year's social security increase for Medicaid entitlement purposes, without according similar treatment to the increase in railroad retirement benefits.

Needless to say, I was pleased to note that you have introduced legislation, S. 505, which would correct that inequity and I wanted to let you know of my strong support for your bill and of my desire to be of assistance to you in your efforts. Please let me know if you feel that I can be helpful in any way.

With kindest regards and best wishes, I am

Sincerely yours,

Wright Patman.

Mr. Biden's amendment (No. 731) is as follows:

At the end of the bill, insert the following:

Sec. 6. (a) Section 1861(e) of the Social Security Act is amended by inserting, immediately before the last sentence thereof, the following: "The term 'hospital' also includes an immediate care facility (as defined in subsection (aa)), but only with respect to immediate care facility services (as defined in subsection (bb)), and payment under this title with respect to such services provided by such a facility shall be made subject to the same terms and conditions as those applicable with respect to the payment under this title for similar services provided by an institution which meets the requirements specified in clauses (1) through (9) of the first sentence of this subsection.".

(b) Section 1861 of such Act is amended by adding at the end thereof the following new subsections:

"Immediate Care Facility

"(aa) The term 'immediate care facility' means a public or nonprofit private institution which—

"(1) is primarily engaged in providing, by or under the supervision of physicians, to outpatients immediate care services for the diagnosis, treatment, and care, of injured, disabled, or sick persons;

"(2) maintains clinical records on all patients;

"(3) provides twenty-four-hour nursing services with a licensed practical nurse or a registered professional nurse on duty at all times;

"(4) has a physician in attendance at all times;

"(5) in the case of an institution in any State in which the State or applicable local law provides for the licensing of institutions of this nature, (A) is licensed pursuant to such law or (B) is approved, by the agency of such State or locality responsible for licensing of such institutions, as meeting the standards established for such licensing;

"(6) has in effect a written transfer agreement with one or more hospitals having agreements in effect under section 1866, under which any patient of such institution who requires other than immediate care facility services will be transferred to such a hospital at the earliest practicable time (which shall not be later than twenty-four hours) after such patient is admitted to such institution;

"(7) has in effect a policy under which any patient who is provided services by the institution will, within twenty-four hours after he is admitted to such institution for services, be discharged or transferred to a hospital;

"(8) has in effect an overall plan and budget that meets the requirements of subsection (z); and

"(9) meets such other requirements as the Secretary finds necessary in the interest of the health and safety of the individuals who are furnished services in the institution.

"Immediate Care Facility Services

"(bb) The term 'immediate care facility services' means services, furnished to an individual by an immediate care facility, which—

"(1) are of a type which such facility is authorized to provide, and

"(2) are for a medical condition requiring immediate medical attention.".

(c) The amendments made by subsections (a) and (b) shall be effective in the case of services furnished on and after the first day of the first calendar month which commences more than thirty days after the date of enactment of this Act.

Sec. 7. (a) Section 1905(a) of the Social Security Act is amended by adding after clause (17) thereof the following new clause:

"(18) immediate care facility services (as defined in section 1861(bb) which are furnished in an immediate care facility (as defined in section 1861(aa));"

(b) Section 1902 (a) (13) of such Act is amended—

(a) (13) of such Act is amended—

(1) in subparagraph (B) thereof, by inserting "clause (18) and" immediately after "care and services listed in",

(2) in subparagraph (C)(i) thereof, by inserting "clause (18) and" immediately after "care and services listed in", and

(3) in subparagraph (C)(ii) thereof, by inserting "clause (18) and" immediately after "care and services listed in".

(c) The amendments made by this section shall become effective January 1, 1974.

AMENDMENT NO. 731

Mr. BIDEN. Mr. President, I submitted amendment No. 731 to H.R. 3153, which has been adopted by the Senate. I ask unanimous consent that my colleague, the Senator from Delaware (Mr. Roth), be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Taft's amendment (No. 739) is as follows:

At the proper place in the bill, insert the following new section:

COVERAGE UNDER MEDICARE FOR THE DISABLED SPOUSE OF AN INDIVIDUAL WHO IS COVERED UNDER MEDICARE BY REASON OF DISABILITY

SEC. . (a) Section 226(b) of the Social Security Act is amended by adding at the end thereof the following new sentences: "If, for any month, an individual is entitled (or was entitled for the month preceding the month in which he attained age 65), by reason of the preceding provisions of this subsection, to hospital insurance benefits under part A of title XVIII, then the spouse of such individual shall also be entitled to such benefits for such month if (A) for such month such spouse is not otherwise entitled to such benefits, (B) such spouse is under a disability (as that term is employed in section 223(d) when applied in the case of a widow, surviving divorced wife, or widower), and (C) such spouse is wholly dependent upon such individual for such spouse's support. As used in the preceding sentence, the term 'spouse', when used in reference to any individual, means the husband or wife of such individual, as those terms are employed in title II. Any individual who, by reason of the two preceding sentences is entitled to hospital insurance benefits under part A of title XVIII, shall, for purposes of such title, be treated as an individual who is entitled to such benefits by reason of the first sentence of this subsection.".

(b) The amendment made by subsection (a) shall be effective upon enactment of this Act, except that no individual shall become entitled to hospital insurance benefits under part A of title XVII of the Social Security Act by reason of such amendment for any month prior to the month which follows the month in which this Act is enacted.

AMENDMENT NO. 739

Mr. TAFT. Mr. President, I would like to call up an amendment which should be noncontroversial, but which will provide needed assistance for many individuals.

This amendment would add a section to H.R. 3153, the pending social security bill, which grants medicare eligibility to totally dependent and disabled spouses of disabled medicare recipients. While it is true that the situation covered by the amendment is rather uncommon because both husband and wife would have to be disabled, the predicament is one of the toughest imaginable and those involved are unquestionably in need of Government assistance. The Government should certainly be willing to grant "Part A Medicare" eligibility to such people, who are likely to have high medical bills as a result of their disabilities and who must depend totally upon a spouse with the same problems and a limited earning capacity.

Because of the limited number of persons to which the amendment would apply, its cost would be relatively small. HEW estimates a $25-$100 million cost, which would be offset to the extent that such people are covered by medicaid. Yet I know of at least one constituent famiy, in Cincinnati, which is in desperate need of the assistance on this very day. The wife will soon be forced to enter a hospital because of a very serious illness and without this amendment the family may not be able to pay for adequate medical care.

Mr. Cranston's amendment (No. 747) is as follows:

At the end of part C of title I of the bill, insert the following new sections:

"EXCLUSION FROM RESOURCES OF INDIVIDUAL'S HOME

"SEC. . Section 1613(a)(1) of the Social Security Act is amended by inserting '(after taking into account the values of other homes in the region and area in which such home is located)' after 'determines'.

"DETERMINATION OF INCOME IN CASE OF INDIVIDUAL LIVING IN HOME OF ANOTHER PERSON

"SEC. . Section 1612(a)(2)(A) of the Social Security Act is amended by striking out 'shall be reduced by 33⅓ percent in lieu of including such support and maintenance in the unearned income of such individual (and such spouse) as otherwise required by this subparagraph' and inserting in lieu thereof the following: 'shall, in lieu of including such support and maintenance in the unearned income of such individual (and such spouse) as otherwise required by this subparagraph, be reduced by an amount equal to 33⅓ percent (except that the amount of any reduction under this subparagraph with respect to any such individual (and spouse) shall be reduced, but not by more than 100 percent, by the amount, if any, actually paid by such individual (and spouse) to such person for the support and maintenance received in kind from such person)'.

"VALUE OF RESOURCES TO BE REDUCED BY ENCUMBRANCES THEREON

"SEC. . The last sentence of section 1613(a) of the Social Security Act is amended (1) by inserting '(1)' immediately after 'individual (or eligible spouse)', and (2) by inserting immediately before the period at the end thereof the following: ', and (2) the value of any resource which has an encumbrance thereon shall be deemed to be the value of such resource as reduced by such encumbrance'.

"EXCLUSION FROM INCOME OF CERTAIN EDUCATION EXPENSES PAID FOR BY GRANTS, FELLOWSHIPS, OR SCHOLARSHIPS

"SEC. . . . Section 1612(b)(7) of the Social Security Act is amended by inserting, immediately before the period at the end thereof, the following: ', for use in paying for books, supplies, and services needed in connection with attendance at such institution, or for use to defray other expenses reasonably attributable to attendance at such institution (but including, in the case of living expenses, only so much thereof as is in excess of the living expenses which would have been incurred by or with respect to such individual if he had not been attending such institution'."

At the end of part D of title I of the bill, insert the following new section:

"HEARINGS FOR RECIPIENTS OR CLAIMANTS

"SEC. . . . Section 602(a) of the Social Security Act is amended (1) by striking out the period at the end of clause (12) thereof and inserting in lieu of such period '; and', and (2) by inserting after such clause (12) the following new clause:

"'(13) provide that the State agency will provide an opportunity for a fair hearing, before such agency, to any individual requesting a hearing because his claim for services is denied, or is not acted upon with reasonable promptness, or because he is aggrieved by any other agency action by which he is affected and which relates to the receipt, suspension, reduction, or termination of such services.'."

AMENDMENT NO. 747

Mr. CRANSTON. Mr. President, this amendment, amendment No. 747—seeks to clarify certain provisions of Public Law 92-603—H.R. 1 in the last Congress. This clarification is made necessary by the apparent misinterpretation of congressional intent reflected in the October 3 proposed HEW regulations—20 CFR part 416—implementating the income and resources provisions regarding eligibility for the new supplemental security income—SSI—program for adult public assistance recipients scheduled to go into effect on January 1, 1974.

EXCLUSION OF THE HOME FROM RESOURCE

Mr. President, the first part of my amendment relates to section 1613(a)(1) of the Social Security Act, as amended by Public Law 92-603. That section provides that in determining the resources of an individual, the Secretary shall exclude the reasonable value of the home of an individual SSI recipient. In this regard the Finance Committee report on H.R. 1, (S. Rept. No. 92-1230, p. 77), states:

> Eligibility for supplemental security income would be open to an aged, blind or disabled individual if his resources were less than $2,500. In determining the amount of his resources, the value of the home, household goods, personal effects, including an automobile, and property needed for self-support would, *if found to be reasonable,* would be excluded. . . . (Italics mine.)

In the proposed October 3 HEW regulations implementing this provision HEW has chosen a very narrow—and I believe terribly inequitable—course that contravenes this clear statement of congressional intent that a home of reasonable value should be permitted. HEW proposes to establish an absolute limit of $25,000—$35,000 for Alaska and Hawaii—on the market value of the home that an SSI recipient can own. HEW recognizes, in part, the different evaluations of different areas of the country by setting a higher maximum for Alaska and Hawaii, but fails to carry this recognition to its logical conclusion.

Indeed, there is a greater variation between the value of some sort of standard house in, say San Francisco, as compared to one in Livingston, Calif.—a rural area of the Central California Valley—than the difference between San Francisco and, for example, Nome, Alaska. While the proposed regulation takes into account the San Francisco-Nome difference, it fails to recognize the San Francisco-Livingston difference—or the San Francisco-rural Mississippi difference. The regulation also fails to recognize that, particularly in the case of an elderly SSI recipient, a home now having a market value of $26,000 may well have been purchased 10 or 20 years ago for less than half that amount. HEW would penalize SSI recipients for an inflated economy beyond their control.

This provision of my amendment would direct that the Secretary take into account obvious differences in market values between States and within States. No reasonable public policy is served by the Government forcing a retired couple to move from a $26,000 house in one area to a $19,000 house 20 miles away. Additionally, HEW, through a flat, $25,000 maximum, encourages SSI recipients to locate in a particular area. For example, a modest $26,000 home in San Gabriel, Calif., would prohibit SSI eligibility under HEW's present regulations. But, if a couple sold that house, took the few thousand dollars received as a downpayment and purchased a new home—of considerably better quality—for $24,000 in Jackson, Miss., then they would be eligible.

Well, Mr. President, that makes no sense to me. What HEW is saying here is "Not only must you be poor—but you must appear to be poor. You must be as absolutely uncomfortable as we can make you." That, Mr. President, was not the purpose of the construction of the SSI program. SSI is based, I believe, on the clear recognition that aged, blind, and disabled individuals are unable to work because of factors beyond their control, and that a federally guaranteed minimum standard of living is available to them.

I believe that this provision of my amendment will ensure that reasonable area and regional variations of a home's value will be taken into consideration in the implementation of SSI.

ONE-THIRD REDUCTION IN SSI

The second part of my amendment, Mr. President, relates to section 1612(a) (2)(A) of the Social Security Act Amendments of 1972. That section provides that when an SSI recipient is living in another person's household and receiving room and board in-kind, rather than attempting to make an evaluation of the dollar value of the in-kind benefit, the SSI grant will just simply be reduced by a flat, one-third. HEW has proposed a regulation which states that:

> Such one-third reduction will apply regardless *of* whether the individual . . . is making *any* payments, for support and maintenance (room and board) to the person in whose household he is living." (Italics added.)

In other words, Mr. President, if an elderly gentleman decides to live with a receptive family because he does not want to live out the rest of his life in the loneliness of some downtown pensioner's hotel and, in a fully "arm's length" transaction pays, for example, $90 per month for room and board—if it can be found that inexpensively—he will have his grant automatically reduced from $130 to $87. Perhaps this individual has responded to a room rental ad in the newspaper, which will enable him to live in a residential neighborhood, relatively free from the constant fears of those who prey on the elderly in downtown areas. HEW would say, "We do not care whether this is a regular rental agreement; if you live in a household, your grant is reduced by one-third."

I do not believe that the intent of this section of the Social Security Act amendments was to mandate arbitrary and flat grant reductions in order to make life easier for program administrators. The proposed HEW regulation is contrary to the statute, since section 1612(a)(2)(A) permits the one-third reduction only when the individual is "receiving support and maintenance in-kind." People who pay their own way are not receiving anything in-kind.

This provision of my amendment provides for an offset in that one-third reduction by the amount paid for room and board, up to the full one-third, or $43. So, if an individual was paying $43 a month or more in room and board, that person's SSI grant would not be reduced at all. Conversely, if an individual's room and board was $33 a month, his or her SSI grant would be reduced by $10. I believe the modification I propose will retain the essential thrust of this section of Public Law 92-603, while preventing unjust inflexibility by HEW.

REAL VALUE OF RESOURCES

The next part of my amendment pertains to section 1613(c) of the Social Security Act relating to the evaluation of resources. In the October 5 proposed HEW regulations every single item of property that an SSI recipient has would be evaluated for its market value—from the home and furniture, to clothing, sheets, blankets, knives and forks, musical instruments, and so forth. While I think that this may prove to be far more expensive in terms of administrative costs than the money saved because of the number of people who will be denied aid because of their limited property, I am willing to see how it works out in practice.

However, what is clearly—even now—unsound, is HEW's proposal that, in determining whether SSI applicant's property exceeds the $1,500 maximum for the entirety of their belongings—certainly not, by any standard, an excessive accumulation of goods—no consideration will be given to unpaid loan balances or other encumbrances on these belongings.

As a practical matter, this proves to be another counterproductive attempt to mandate the "appearance of poverty." For example, let us assume an elderly woman has a wedding ring, some furniture, maybe a television set, and some clothing equal to $1,475. The month before she applies for the supplemental security income program, she buys a new stove for $350—$25 down and $25 per month. Now it is fair to say that within a few days she can sell it for no more than $275—given the very rapid initial devaluation that occurs on such items. Under the proposed HEW regulations she would have to sell the stove in order to gain SSI eligibility, so that her resources would not exceed $1,500. But she would have to pay the finance company all of the $275 she gained from the sale plus another $50—and have no stove.

The theory behind the HEW regulations is that if an aged, blind, or disabled individual has alternative resources to SSI—those resources should be utilized before governmental support becomes available. I have no argument with that purpose. Federal revenues are not limitless—and assistance should be reserved for those most in need. But HEW's October 3 proposed regulations and the resultant situation which I just described would provide no alternative income. The elderly woman forced to sell her stove to gain SSI eligibility is left with no stove and a $50 debt. That saves the Government absolutely nothing.

The principle of drawing down on alternative resources before seeking assistance from the taxpayers is a sound one. But, the only resource that a person has when he or she has a loan on a television set or refrigerator or stove, or home is the equity in that item—that is, the unencumbered fair market value of the property—whether real or personal.

The equity valve in the only true alternative means of support; that is, what the "means test" is all about. There is no value, no means, represented in the encumbered portion. Thus, under my amendment, the elderly woman I spoke of earlier would still be eligible for S.S.I. Because her stove would be valued at $25 to her for purposes of totaling the true value of her property resources.

This provision of my amendment would require the Secretary, in determining the value of any resource, to subtract the amount of any incumbrance thereon.

EDUCATION SCHOLARSHIPS AND GRANTS

Mr. President, the fourth provision of my amendmnt No. 747 relates to section 1612(b)(7) of the Social Security Act which presently provides an income exclusion for grants or scholarships received by an S.S.I. recipient in the determination of his or her grant. Indeed, there are many young blind or severely disabled students who are attending college, and who seek, through education, to overcome their handicap and to help themselves become taxpaying, productive members of society.

At the University of California at Berkeley, many of these students have organized themselves into a tremendously effective group called the Center for Independent Living.

HEW's October 3 regulations, as prescribed in the law, limit the exclusion of scholarship or grant funds in determining an S.S.I. grant to only the amount which is used to pay tuition or fees. Money provided in the scholarship for books and supplies, special assistance—such as readers for blind students, school transportation costs, and the often increased basic housing cost—would be considered as available for expenditure for basic subsistence under the proposed regulations. The entire amount provided in excess of tuition and fee costs would thus be used to reduce the grant. These special costs, however, will nevertheless be incurred specially by the S.S.I. recipient as a student. The result will be that the blind or disabled student who is not persuaded to quit school because of the limited exclusion now permitted, will have to live on less—possibly considerably less—than other S.S.I. recipients merely because he or she is seeking to improve potential abilities and self-sufficiency. That is clearly counterproductive, Mr. President.

This fourth provision of my amendment, therefore, provides that, in addition to tuition and fees, books, supplies, and such other expenses reasonably attributable to educational costs which were not part of the recipient's prior ordinary living expenses will be excluded from the determination of that individual's income, for purposes of determining that individual's S.S.I. grant amount.

Mr. President, I believe that represents a far more reasonable approach. It would allow HEW to take into account regular subsistence costs, which might be included in a grant or scholarship, but preclude taking into account funds for special expenses which are reasonably part of the cost of education.

PUBLIC HEARINGS

Finally, Mr. President, my amendment corrects an oversight—really, I believe, of a technical nature—in Public Law 92–603. When the new title VI of the Social Security Act was created to provide for service programs for the aged, blind, and disabled, there was no provision for a public hearing for the settlement of disputes which might arise regarding eligibility for these services. My amendment provides for such a hearing.

Mr. President, although aged, blind, and disabled assistance programs were federalized with the enactment of Public Law 92–603, the services programs—such as homemaker and chore services—will still be run by the States. There is no provision for a system of administrative hearings to resolve individual disputes over eligibility or levels of services.

For example, it is through title VI that homemaker and chore services are provided for those severely disabled poor who, in the absence of someone to bathe them, or cook for them, or perhaps perform minor household services, would have to be institutionalized. By continuing to provide for administrative hearings—hearings which are presently required in existing State laws for disputes over such services—we assure prompt and economical resolution of these differences. It should be recognized that the only other alternative for such aggrieved persons would be to file suit in State courts. Our overburdened State court systems simply do not need additional work. Such an administrative remedy is required by the Social Security Act in determining AFDC and medicaid eligibility.

Mr. President, I believe this amendment merely clarifies and improves upon the committee's original intent. There are several other areas of concern to me arising from the proposed October 3 HEW regulations, but I believe those with which my amendment deals are the most harmful. I would, however, like to bring the other issues to the attention of my colleagues and ask unanimous consent that several letters detailing these issues be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL OF SENIOR CITIZENS, INC.,
Washington, D.C., November 6, 1973.
Hon. ALAN CRANSTON,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: I welcome this opportunity to register for the National Council of Senior Citizens our support for the amendments which you will propose to rectify inequities in certain of the regulations prepared by HEW on October 3, 1973, and covering the income and resources of Supplementary Security Income applicants.

We are particularly concerned about Regulation 416.1212—Exclusion of Home—Subpart 2—Resources and Exclusions—which excludes the value of a house to the extent its current fair market value does not exceed $25,000. In large metropolitan areas $25,000 would no longer purchase a modest house, while in smaller communities or rural areas, this $25,000 limit might be quite reasonable.

We support, therefore, your proposal that first the Secretary shall be required to take into account regional or intra-regional variations in the value of a home.

We support, further, your proposal that would permit an SSI recipient to contest the fair market value set by the formula contained in the regulation.

Regulation 416.1125—Unearned Income; support and maintenance—imposes a rigid and automatic one-third reduction in the SSI payment standard when an elderly individual may choose to live in a household and pay room and board. The legislation provided only for such a deduction in instances where the individual is being assisted by a contribution in-kind of room and board.

We support the amendment which would eliminate such a deduction when the individual reports that he is paying to the host household an amount which fairly represents the value of the room and board he is receiving. The proposed HEW regulation would completely discourage elderly persons from living in private households instead of a commercial boarding house where such a deduction is not applied.

We support also the proposal that account be taken of the individual's encumbrances in declaring how much his resources exceed the limit of $1500. Were an individual to purchase a hearing aid or prosthetic appliance—purchase of which is not allowed by medicare—and made this purchase on time, with a $50.00 down payment on a hearing aid costing about $300.00—presumably this $300.00 hearing aid would be considered a resource chargeable to the $1500 limit. This makes no sense, since first, the aid is essential to his well-being and capacity for independent functioning, while, secondly, if he were eligible for medicaid, the hearing aid might well have been provided under this program and so considered an essential health item rather than a resource to be charged against the $1500 limit.

We support also the amendment that the State Agency will provide an opportunity for a fair hearing before such agency to any individual requesting a hearing because his claim for services is denied, or is not acted upon with reasonable promptness, or because he is aggrieved by any other agency action affecting receipt, suspension, reduction, or termination of such services.

Title VI of the Social Security Act does not provide for such a fair hearing process. We consider this a serious oversight.

We are deeply concerned about the restrictive Regulations on Social Services that have been issued by HEW and the proposal of the Senate Finance Committee to throw Social Services into the quicksands of Revenue Sharing. With these negative attitudes towards the Social Services, there is no doubt in our mind that we need the protections around the right to Social Services that would be assured by this amendment.

Sincerely,

WILLIAM R. HUTTON,
Executive Director.

AMERICAN ASSOCIATION OF RETIRED PERSONS, NATIONAL RETIRED TEACHERS ASSOCIATION,
Washington, D.C., November 2, 1973.
COMMISSIONER OF SOCIAL SECURITY,
Department of Health, Education, and Welfare, Washington, D.C.

DEAR COMMISSIONER: On behalf of the American Association of Retired Persons and the National Retired Teachers Association with a combined membership of over 5.8 million older Americans, I submit the following comments concerning the income and resource regulations for the Supplemental Security Income program which were proposed in the Federal Register, Volume 38, Number 191, October 3, 1973.

The intent of Congress in enacting the Supplemental Security Income program was to minimize some of the more distasteful features of current welfare programs for the aged, blind and disabled. However, examination of the legislation and the proposed regulations indicates that some of the administrative problems of present programs are likely to continue. As Paper Number 10 issued by the Subcommittee on Fiscal Policy of the Joint Economic Committee points out, "Informational material about the SSI program emphasizes that there is a basic difference in approach between the SSI program and traditional welfare programs. A contrast is made between the welfare concept of determining individual need and the SSI concept of comparing income to basic benefit levels. . . . The difference between SSI and OAA is more methodological than conceptual. Whether shelter costs are considered as paid, or imputed income from free or nominal shelter costs is deducted from a standard payment level, the results are similar."

Thus, we are faced with a situation where everyone's intentions were noble, but their deeds fell short of their expectations. The Social Security Administration cannot be castigated for promulgating regulations which conform to the letter of the law, even if the effect of these regulations would be to pervert the spirit of the program.

Our Associations are constrained to preface our remarks concerning the proposed income and resources regulations for the Supplemental Security Income (SSI) program with two assertions:

1. Efforts to amend Title XVI to establish a truly minimum floor of income for the aged, blind and disabled at a level which will allow for dignity and independence must continue; and

2. The importance of the new federalized program overrides reservations concerning its initial mandate; and, therefore, every effort must be made to initiate the program on its statutory starting date of January 1, 1974.

We recognize that a great deal of time and effort was expended to develop regulations which (1) conformed to the law, (2) established equity and (3) provided substantial parity with other federal human resource programs. The painstaking effort of the Bureau of Supplemental Security Income staff to write regulations which meet these criteria must be commended. However, there are several proposed rules which might be broadened to increase equity without violating the principles of the law or the relationship to other programs.

In particular, Section 1612(a)(2)(A) of the Social Security Act of 1972 (P.L. 92–603) does not appear to mandate the regulation as proposed in § 416.1125(d) to reduce payment under the program regardless of whether the individual is making any payment for support and maintenance to the person in whose household he is living. State practices under the current program are somewhat comparable but are more likely to take into consideration the actual financial arrangements of the recipient. Some states have a low payment standard, but not as much as one-third lower, when there are other persons in the home; or, when needs are itemized, the recipient's payment includes his share of the cost of common household expenses if he is expected to contribute toward household maintenance. Reference is made to the one-third reduction in both the House and Senate Reports, and both appear to include the concept offered in § 416.1125(d); however, we fear that for the 20 percent of Old Age Assistance recipients who live in another person's household this provision will be a step away from dignity and independence and not a step toward a true federal minimum income floor. Reducing incomes for those who are contributing to their own support and maintenance within a house- for those who pay for their support and maintenance outside another person's household (subsection e). At stake in this provision is the same older American pride which made Old Age Assistance distasteful; the proudness which compels older persons to contribute their share. We urge that this section be reconsidered to provide for individual determination until such time as the basic authority can be amended. Although individualized determination is administratively difficult, and the optimum would be to reduce this process to the absolute minimum, other sections of the regulations require this individualized effort. Arbitrary rules to avoid the complexity of individualized determination fail to provide the human compassion and understanding which is necessary to maximize the choice of living arrangements available to SSI recipients.

Praise is extended for several difficult decisions which are incorporated in §416.1125 including the decision expressed in subsection (c) that the one-third reduction will apply only for months spent entirely in the household of another person and the standard as set in subsection (f) requiring that both support and maintenance must be furnished for such reduction to apply. Both of these decisions appear to work in the favor of the recipient, and our Associations hope that the practice of the Social Security Administration to interpret standards in the best interest of the recipient will continue in his new Title XVI program.

We believe §416.1132, §416.1134 and §416.1136 are subject to reconsideration. Although P.L. 92–603 required the accounting of prices and awards, proceeds of life insurance policies, gifts, support and alimony, and inheritances as unearned income, our Associations share several of the observations of the Subcommittee on Fiscal Policy that the regulations tend to restrict rather than liberalize the interpretation of the law. In particular, we do not see the rationale for different treatment of inheritances, prices or awards, and gifts. Noncash inherited property is considered a resource when received; noncash prizes, awards and gifts are considered as income when received and resources again in the next quarter; prizes and awards are income whether or not convertible to cash. If strictly enforced, defining prizes, awards and gifts as income prevents recipients from improving their living conditions and might be a deterrent to friends, relatives and community groups from giving gifts to these persons on holidays. The Thanksgiving turkey basket for the needy is hardly income, nor do we see the festive decoration of a Christmas tree as income; however, the rules if applied would count both of these against recipients. We would favor the adoption of a general rule which treats all such irregular, one-time receipt of cash or in kind items as resources rather than income; however, in lieu of the statute requiring the accounting of these items as unearned income, we would favor clarification of noncash versus cash receipts of occasional income to exclude nonconvertible items.

Turning to Subpart L—Resources and Exclusions, we find it disturbing that the Congressional mandate was steeped in the rhetoric of the "pauper's oath," and equally upsetting that the regulations conforming to the law reflect the "welfare myth."

Our Associations are most concerned about the valuation of the home as established by § 416.1212. It is our understanding that a number of approaches to establish the reasonable value of a home were studied. Unfortunately, it appears as if the most stringent of these was adopted. The precedent of establishing a home valuation in the SSI program is most important because it is a new hinderance to helping older people. In the present Old Age Assistance Program, only about one-third of the states set a value limit on the home in which the recipient lives in determining the value of allowable resources. Eighteen states have provisions for recovery of assistance payments through liens on property or claims against the estate of deceased recipients but impose no home value limit; eight states set value limits on the home property and also have recovery provisions; and most importantly, 17 states have neither type of regulation in respect to home ownership. Judging from the fact that in 1970, 28 percent of Old Age Assistance recipients owned their home—23 percent without mortgage—we are speaking of a sizable population affected by the valuation provision.

A recent Bureau of Labor Statistics study points out that during the 20 years between 1952 and 1972, the cost of home ownership went up 91.7 percent. Reports indicate that houses in Levittown, New York—the original low-cost housing area—which cost $6,900 in 1948 are now selling as high as $40,000. In Miami, Florida, homes which cost $16,400 in June 1966 cost $42,100 in January 1973. Reports are similar in most all metropolitan communities. The National Association of Home Builders reports that in the decade 1960–1970, the total inventory of houses increased by 10.3 million (although 6.2 million units were lost to bulldozers, fire, and neglect) while during the same period there was a 38 percent increase in the formation of households. When these facts are taken into consideration, we are forced to ask how the figures in § 416.1212(a) were calculated.

We strongly oppose the home valuation provision on four grounds: (1) a national value limit may represent a modest dwelling in one area but an imposing residence in another, (2) property values vary depending on market conditions, location, basis for evaluation and other judgemental decisions which themselves are subject to variations, and (3) arbitrary limits hurt those with home values marginally above the limit, and (4) arbitrary limits are static and unchanging in light of dynamic economic activities. Therefore, we strongly urge the Department to reconsider § 416.1212 and to set the home valuation at that level which the recipient can maintain the home. Existing data shows that the necessary expenses of home ownership are directly related to some value. If the individual cannot maintain the home, then it is his decision that will change his living arrangement and not the forced disposition of excessive resources.

Should the optimum flexible interpretation of the valuation of the home be unacceptable, then we would urge the Department to at least establish a valuation procedure which is reflective of market conditions. Perhaps establishing a standard of 125 percent of the medium assessed valuation within a given geographic area (best identifiable as standard metropolitan areas) as an alternative to the flat fixed amount to be interpreted nationwide would be more reflective. This standard would at least recognize market variations and changing home values.

We are equally concerned with § 416.1216 providing for exclusion of household goods and personal effects. Market value is hardly reflective of household goods and personal effects. For instance, how would you value the grandfather clock which was handmade two centuries ago and has been passed on from generation to generation? Wouldn't this priceless heirloom be above the established limit if market value was used to calculate conversion to cash? Although the grandfather clock is an isolated example, most older persons have items in their homes which would have a higher cash value when determined by the market mechanism than if the value were to be set by the individual. Use of market value without considering encumbrances seems to reflect concern over the appearance of affluence rather than a realistic appraisal of excess resources which could be used for living expenses.

The complete regulation concerning the valuation of personal effects is subject to considerable variations in judgement and is likely to be applied only in situations brought to the attention of the Department. To administer such a provision would be costly, and, needless to say, of questionable benefit in relation to cost. We recommend amending § 416.1216 to provide an oral declaration by the recipient that they do not have household goods and personal effects of unusual or exceptional value. Such a declaration, in light of all other prerequisites for aid under the SSI program, should be taken at face value and not contested.

The limitation on valuation of the automobile provided for in § 416.1218(b) would receive the same harsh judgement as the two sections cited above if it were not for the clause "an automobile will be totally excluded if it is used for employment or for the individual's medical treatment of a specific or regular medical problem." Even with this provision, we are constrained to ask why a car value should be set at an arbitrary dollar amount? The dollar amount might be understandable if it were set at the retail market value of a Cadillac—because the provision in the law was only placed therein in response to the rhetoric concerning luxury cars—but, set at the present limit, there appears to be no rationale. Although this regulation is less restrictive than current regulations in most states, it still imposes a demeaning test upon recipients which is not necessary. An SSI level income would hardly permit one to continue payments on an expensive car, or even to meet the cost of keeping such a luxury car running and in good repair. Our Associations recommend redefining the limit at that level which an individual can continue to maintain the vehicle.

Finally, although § 416.1230 appears to be the most liberal of the interpretations of the arbitrary standard prescribed in the law for exclusion of life insurance policies, we must voice objection to the provision and hope that Congress will recognize the folly of such arbitrary low limits.

With our above stated opposition to several of the standards for determining resources, it should be apparent that our Associations oppose forced disposition of resources. Unfortunately, we interpret these provisions as being aimed at making the poor poorer. We recognize that the law mandates disposition, and therefore we will appeal our case before the Congress.

In closing, Mr. Commissioner, I wish to express on behalf of my Associations and particularly my staff, our heartfelt appreciation for the fine cooperation which you and your staff have extended to help in the team effort to get the Supplemental Security Income program operational. Although we find fault with the legislation and we question a number of the specifics in the regulations, we are convinced that those individuals charged with the administration of the program are doing everything in their power to establish a true program with a design for dignity.

You may be assured of our continued cooperation and assistance.

Sincerely,

Cyril F. Brickfield,
Legislative Counsel.

National Association of
Social Workers,
October 31, 1973.
Commissioner of Social Security,
Department of HEW Building,
Washington, D.C.

Dear Commissioner: The 6,500-member California Council, National Association of Social Workers has studied the proposed Supplemental Security Income Program regulations as published in the October 3, 1973 *Federal Register*. Several of these regulations will have a serious negative effect in California, endangering the eligibility of many needy persons. The NASW therefore urges the following amendments:

1. Section 416-1212(a). Establishment of a $25,000 maximum value of homes in California is unrealistically low. This regulation could be particularly harmful to California residents as property values have soared over the past two decades. Homes that were purchased for $10,000 to $15,000 twenty years ago in Los Angeles, Orange County, or the San Francisco Bay Area, for example, are selling today for over $30,000. Under these regulations, a recipient could be forced to sell a home in which he had invested only $10,000.

This inequity is further aggravated by the fact that county property tax rates are now frozen in California but assessed valuation rates are not. In order to increase revenues, some counties are increasing assessed valuation. Thus a $25,000 maximum value for homes is unfairly low for this state.

NASW therefore recommends that the California value limit on homes be raised to $35,000 by including California in the exception already granted for Hawaii and Alaska.

2. There is no provision for "less encumbrances" in the proposed regulations. One of the most negative features of the regulations and potentially the most harmful to recipients is the failure to take into account the encumbrances on any resources of recipients. For example, a refrigerator could be deemed to have an open market value of $300 even though a recipient's equity in it was only $100. Ownership of an automobile worth $1,700 could disqualify a recipient even if he had only a few small payments on it. It is grossly unfair to disqualify recipients from aid by defining their equity to be equal to the total market value of unpaid for possessions.

NASW therefore recommends that the qualifying words "less encumbrances" be inserted throughout these proposed regulations after every explicit dollar limitation reference.

3. Section 416.1216. Establishment of a limitation of $1,500 on all household goods and personal effects is unreasonable. If one were to inventory the necessities in an average home, their combined market value would undoubtedly exceed $1,500. This regulation is much stricter than current California policy which currently excludes entirely "items used to provide, equip and maintain a home", heirlooms, wedding rings, clothing, recreational equipment and musical instruments. This section will particularly affect disabled and blind persons who must possess specialized appliances and home furnishings in order to maintain an independent living arrangement. It will also disqualify many older persons, who have acquired a relatively comfortable furnished home over a period of many years, and now because of illness or unemployability are forced to depend on welfare for basic necessities. Furthermore, possession of a single heirloom or a wedding ring could disqualify an individual under this proposed regulation.

NASW therefore recommends that this limitation be increased to at least $3,000.

4. Section 416.1218. The limitation of one car only per family will create severe hardships for families or disabled persons. In order to travel to the doctor or to participate in mandatory rehabilitation programs, many disabled persons must travel in different directions from other family members and/or drive specially equipped automobiles. The equipment required depends on the nature of the disability; one disabled person cannot always drive another's car.

NASW therefore recommends that more than one car be allowed for families when there are disabled persons in the household.

5. Section 416.1125(d). This regulation states that the one-third income reduction for in-kind room and board services "will apply regardless of whether the individual . . . is making any payment for support and maintenance." This reduction is unreasonable and not required by statute (Section 1612(a)(2)(A)). It is surprising that a regulation would be proposed defining that a recipient is considered to be "receiving support and maintenance in-kind" when he is paying for room and board.

NASW therefore recommends that Section 416.1125(d) be deleted.

While there are several other points in the proposed regulations which appear to be unnecessarily restrictive, NASW has mentioned only those five major points which we believe to be most serious.

The California Council, National Association of Social Workers respectfully urges the Department of Health, Education and Welfare to include our recommendations in its final regulations.

Sincerely,

Wanda R. Collins,
President.

San Francisco Neighborhood Legal Assistance Foundation,
San Francisco, Calif., October 30, 1973.
James Bruce Cardwell,
Commissioner, Social Security Administration, U.S. Department of Health, Education, and Welfare, Washington, D.C.

Re. 20 C.F.R. § 416, Sub Parts K & L, Proposed in 38 Federal Register 27406–11.

Dear Commissioner Cardwell: The following comments are submitted in response to the above-cited regulations proposed by Arthur E. Hess, Acting Commissioner of Social Security, on October 3, 1973.

Before discussing the proposed regulations in detail, I would like to make two general points. First, the regulations are frequently vague and couched in such general language as to render them almost wholly unusable. It is my understanding that SSA has prepared a "Claims Manual" for the use of its field staff in making actual determinations of eligibility. It is my understanding that this document, in many instances, provides further interpretations of the regulations set forth in 20 C.F.R. In addition, it is my understanding that it also establishes procedures for making many of the determinations set forth in very general terms in the 20 C.F.R. regulations. I must make these problematic characterizations of the "Claims Manual," since, thus far, I have been unable to obtain a copy of it. If my understanding of its contemplated use is correct, I believe that two serious violations of law have occurred.

First, to the extent that it is used in making determinations of eligibility of SSI applicants, it sets forth "substantive rules of general applicability as authorized by law, in statements of general policy or interpretations of general applicability formulated and adopted by the agency. . . ." Therefore, Congress has dictated that SSA must "publish [it] in the Federal Register for the guidance of the public. . . ." 5 U.S.C. § 552(a)(1)(D). Secondly, "statements of policy and interpretations which have been adopted by the agency" and are not required to be published in the Federal Register must be made "available for public inspection and copying" by the agency. 5 U.S.C. § 552(a)(2)(B). In both cases, the public is being denied its opportunity to comment upon and, thereby, conceivably have some influence upon the final policies adopted by you, it has also been denied the opportunity to determine the nature of the policies unilaterally adopted by you. There is no sound reason in policy or law for SSA to become a citadel of secrecy and silence.

My second basic objection goes to the manner in which SSA is adopting all of its supplemental security income regulations. As I stated in more detail in my September 20, 1973, letter to Secretary Weinberger, P.L. 92–608 became law on October 31, 1972. For over eleven months, HEW stood officially mute with respect to its interpretation of the statute. It was not until October 3 that the very first regulations implementing the bill were proposed. On that date, sub parts K & L were proposed. The only other proposed regulations which have been issued since that date were sub parts B & E, proposed on October 19, 1973. Thus, sixteen of the twenty sub parts, 80% of the total, remained to be proposed. It is now nearly the 1st of November The Administrative Procedure Act contemplates that all regulations shall be published in proposed form to allow the public at least thirty days to comment and, thereby, hopefully influence the substance of the regulations finally adopted. Since the SSI program is to be operational on January 1, 1974, there is a very distinct possibility that all of the regulations will not even be proposed before the end of November, thus precluding the possibility that they can be adopted in final form prior to the implementation date. Assuming, however, that all of the remaining proposed regulations are published in the Federal Register before the end of November, such a procedure makes a mockery of the Administrative Procedure Act. As anyone familiar with the implementation of the SSI program knows, the operational logistics of initiating the program are of such substantial magnitude as to find few, if any, precedents in the history of federal agencies. I simply find it very difficult to believe that SSA will conscientiously review the comments of all interested parties, and take such comments into consideration so as to, in fact, alter its final regulations in light of such comments. The necessities of making the program operational on January 1, 1974, must necessarily dictate that the policies then applicable have become firm and relatively immutable long before the date of this writing. The programming of the computers necessary to make payments to over six million SSI recipients simply does not allow for last minute changes. Thus, we are all "going through the steps" to give a semblance of compliance with the Administrative Procedure Act. Those of us who represent recipients are moved by our naive idealism to think that our comments shall have some real influence. Even I, with my cynicism, proceed as though this comment will have some real influence.

Sub part K contains SSA's policies regarding income in the SSI program. The following comments are organized in numerical order.

(1) § 416.1105(b) states that: "The cash proceeds of casualty insurance to replace an excluded resource are not income. For treatment as a resource see § 416.1232." The latter regulation states that such a payment is to be "excluded as a resource provided the total amount of the cash is used to repair or replace such excluded resource within three months if the resource is personal property and six months if the resource is real property. Any such cash not so used within such time periods is an includable resource to the extent retained. . . ."

The long and the short of all of this is that the regulations are silent with respect to the cash proceeds of casualty insurance policies which are paid by the insurance company to replace an included resource. (The significance of whether a resource is to be "included" or "excluded" is substantial; there is, generally, a $1500.00 limit on resources; if a resource is "excludable," its value will not have any effect on an applicant's eligibility.) Apparently, the regulations are silent as to whether such an insurance payment is to be considered as "income" or "resources." This is very important since if it is to be considered income, a recipient's grant will be immediately reduced by the amount of the "income." However, if it is to be considered as "resource," its receipt will not affect the amount of the grant but rather render the recipient wholly ineligible, except for the provisions of § 416.1240 which allows a recipient to retain eligibility for a specified period of time so long as he initiates procedures to dispose of the excess resources. Since such an insurance payment is intended by the insurer to replace an included resource, it would be expected that the insurance payment would also be considered a resource, not income. This should be made clear so that receipt of such proceeds will not reduce a recipient's grant. Considering it as a resource will in no way create a windfall for the recipient since the value is exactly equal to that value that the resource had before its destruction.

(2) § 416.1109 states that: "The term 'income' does not include the value of" medical services "or other services of a strictly social nature furnished an individual by any governmental or private agency." The regulation should be amplified to make it absolutely clear that the value of any service received by a recipient pursuant to Title VI of the Social Security Act, the new title in P.L. 92-603 to provide for services to the aged, blind and disabled, shall not be construed as "income" for SSI purposes. While I believe that this is your intent, it should be made absolutely clear.

(3) § 416.1115 defines the term "countable income." In sub-section (a)(1) there is a cross reference to § 416.1102(a). This is an error—the reference should be to § 416,1102 (b). The same error exists in the cross reference in §416.1115(a)(2); the reference there should be to § 416.1102(c), not (b).

(4) § 416,1120 states that: "In determining the amount of unearned income, the amount actually available to the indiviudal is considered." This states an exceedingly important principle that has existed in the Social Security Act for over thirty-five years. It finds its genesis in the attempts of the State of Ohio in 1938–39 regarding its responsible relatives law. Ohio created a statute requiring that the adult children of recipients of Old Age Assistance contribute certain amounts of money, dependent on their income, to their indigent parents. Then, the grants to those indigent parents were reduced by the amount of the children's required contribution, whether or not the children, in fact, made those contributions. The Social Security Board, the agency then administering the Social Security Act, then moved to cut off federal funds to the State of Ohio. The matter was eventually resolved in favor of the indigent parents by the requirement that a state could take into account only such income as was actually available to the recipients. The underlying principles in this policy were further emphasized and confirmed by the United States Supreme Court in *King v. Smith,* 392 U.S. 309 (1968) and *Lewis v. Martin,* 397 U.S. 552 (1970). They have been embodied in regulations interpreting the term "income and resources" as used in Titles I, IV–A, X, XI, XIV, XVI and XIX. The principle is expressly stated in the Medicaid title of the Act, Title XIX, § 1902(a)(17)(B), 42 U.S. Code § 1396a (a)(17)(B). Although the principle is again stated in these regulations, in several subsequent regulations, it is directly contradicted.

§ 416.1120 further provides that: "The gross amount [of unearned income] is reduced by any ordinary and necessary expenses incurred in getting or receiving the unearned income." This is a proper and necessary corollary of the general principle embodied in the "actually available" income rule. This corollary means that because certain amounts of money are spent to generate income, such sums must not be considered in the determination of income because they are not "actually available" since they have been extended for the purpose of generating income. The regulation goes on to provide an example: "Where an individual receives compensation for damages incurred in an automobile accident, the amount of unearned income . . . is the final settlement amount less ordinary and necessary legal, medical and other expenses which are deducted prior to his receipt of the settlement. An amount earmarked to replace the damaged automobile would be excluded from income. . . ." The next and final sentence of the regulation then turns around and directly contradicts the principles set forth in the previous sentence. It states that: "Personal income tax withheld from unearned income before it is paid to the individual is *not* a deductible expense and, therefore, does not reduce the amount of the unearned income to the individual (e.g., income tax withheld from lottery winnings)." [Emphasis added.] Such an exception like this is absurd. The personal income tax withheld is, by definition, not "actually available to the individual." The whole function and purpose of a recognition of income is to reduce a grant by an amount equal thereto. The rationale is that the individual has an alternative to meet his or her subsistence—the income actually received. If no income is actually received, or if less income is actually received in some putative amount, the recipient will, necessarily, have less total income available to meet his or her needs than the amount established in the grant standard. Thus, if an individual wins $1,000 in a lottery, and $400 in income tax is withheld, the individual only has $600 in hand. The policy proposed in the regulation will necessarily mean that for over three months the recipient will be wholly ineligible for a grant although $400 was never received and never will be received. This is completely absurd. It contradicts the sound policy and logic expressed in the "actually available" income rule.

It is fairly safe to say that Congress was fully aware of the "currently available" income rule and implicitly expected it to be applied, in the absence of any specific provisions to the contrary. For example, § 1614 (f)(2) of Title XVI provides that in determining "the amount of benefits for any individual who is a child under age 21, such individual's income and resources shall be deemed to include any income and resources of a parent of such individual . . . who is living in the same household as such individual, whether or not available to such individual. . . ." A similar provision exists in § 1614(f)(1) with respect to the income and resources of an ineligible spouse living with an eligible person. In short, Congress has determined that as between spouse and spouse and parent and child, the relationships are so close that an individual determination of case-by-case "actual availability" need not be made. In short, the presumption expressed in the old adage, "what's mine is yours and what's yours is mine," is sound with regard to such close relationships. Otherwise, actual determinations of availability must be made however inconvenient this may be to administrators.

The terminology used in the law when such presumptions are not well-founded is called "conclusive presumptions". In other words, a statute or regulation presumes the existence of a fact and prevents an individual from showing that in his or her individual circumstance such presumption is false. In a nearly unbroken line of cases stretching from the 1920's, the United States Supreme Court has struck down such presumptions because they deny an individual the right to due process of law as guaranteed by the Fourteenth Amendment to the Constitution of the United States. The most recent application of this principle was stated by the U.S. Supreme Court on June 25, 1973, in *U.S. Department of Agriculture v. Murray*— U.S.—, 41 U.S.L.W. 5099 (6/26/73). In that case, the Court recognized that most conclusive presumptions are created for the benefit of administrators, often without regard for the rights of the affected individuals. The Court stated that: "The establishment of prompt, efficacious procedures to achieve legitimate state ends is a proper state interest worthy of cognizance in constitutional adjudication. But the Constitution recognizes higher values than speed and efficiency. Indeed, one might fairly say of the Bill of Rights in general, and the Due Process Clause in particular, that they were designed to protect the fragile values of a vulnerable citizen from the overbearing concern for efficiency and efficacy that may characterize praiseworthy government officials no less, and perhaps, more than mediocre ones." 41 U.S.L.W. 5101. In short, one may look at the "currently available" income rule as an alternative statement of the conclusive presumption principle. Income which is not in fact currently available but which is presumed to exist, any evidence to the contrary notwithstanding, is in fact a conclusive presumption of availability. As such, it will always violate due process.

One final point should be made about this particular regulation. The example used, that is, the receipt of compensation for damages incurred in an automobile accident, states that the "ordinary and necessary legal, medical, and other expenses which were deducted prior to . . . receipt of the settlement" are the only expenses which will be deducted from the gross amount received. This is absurd. What is the purpose of distinguishing between expenses which are paid prior to the receipt of the settlement and paid by the attorney or expenses which are paid after the settlement and paid by the client. In either case, they are "ordinary and necessary expenses incurred in getting or receiving the unearned income," the standard expressed earlier in the regulation. The example should be changed and no reference should be made to any distinction between expenses paid prior to or after the receipt of the settlement.

(5) § 416.1125 sets forth certain standards relating to support and maintenance furnished in cash or in kind to a recipient. Presumably, these regulations interpret § 1612(a)(2)(A) of Title XVI. That statutory provision states:

"[U]nearned income means all other income, including support and maintenance furnished in cash or in kind; except that in the case of any individual (and his eligible spouse, if any) living in another person's household and receiving support and maintenance in kind from such person, the dollar amounts otherwise applicable to such individual (and spouse) as specified in subsections (a) and (b) of section 1611 [$130, in the case of an individual, and $195 in the case of a couple] shall be reduced by 33⅓ percent in lieu of including such support and maintenance in the unearned income of such individual (and spouse) as otherwise required by this subparagraph. . . ." [*Emphasis* added.]

Putting aside the question of the constitutionality of this conclusive presumption, what it states, in essence, is that if an individual is receiving room and board from someone else, his or her SSI grant shall be reduced by one-third, regardless of the actual value of the room and board received. Section 416.1125(d) goes out just one step beyond the statute—it is ahead of the statute by leaps and bounds. It provides that: "Such one-third reduction will apply regardless of whether the individual . . . is making any payment for support and maintenance (room and board) to the person in whose household he is living." [Emphasis added.] In other words, if an elderly gentleman decides to live with a receptive family because he does not want to live out the rest of his life in the loneliness of a downtown pensioner's hotel, and pays, for example, $90 per month for room and board, he will have his grant reduced automatically by one-third. This is absurd. It is not only wholly unauthorized by the statute, because that is limited to individuals "receiving support and maintenance in kind," it is a gross violation of the constitutional prohibition against conclusive presumptions.

The only way to interpret this regulation is as a conclusive presumption that a person "living in the household of another" cannot enter into an arm's length transaction for the payment of room and board. In other words, all such transactions are somehow fraudulent. This regulation should be promptly rejected.

(6) § 416.1126(g) is very unclear. It is another one of the ⅓ reduction for in kind income regulations. It seems to apply to couples that are living apart where one of the two "is living in another person's household." In such case, the ⅓ reduction does not apply. This seems to be a rather arbitrary bit of generosity granted to such couples. However, since the other ⅓ reduction regulations in no way appear to be generous, it is possible that I have misconstrued the application of the regulation. If such is the case, while I do not contend that I am the necessary bellwether of the clarity of these regulations, I would suggest that some clarification be made so that its true meaning is not subject to misapplication. Finally, the regulation provides that in such cases, where one of a couple living apart is living in another person's household, the *actual* value of support and payments received in kind shall be determined in the process of establishing an individual's grant. In this case, a rebuttable presumption is created that the value of support and maintenance is $32.50 per month. In other words, if the recipient can show that the value is less than that, the lesser deduction will be made. It is unclear why SSA has chosen to comply with the due process requirements implicit in the conclusive presumption line of cases exemplified by *USDA* v. *Murray* in only this one instance. In any case, it is commendable. If SSA is truly interested in merely administrative convenience, it should be applied in all instances; otherwise, it appears as though the motivation behind some of these other regulations is to be found in less enviable policies.

(7) § 416.1125(h) states that the "⅓ reduction in the payment standard will not apply to the payment standard of any individual who is subject to the provisions of § 416.1185. . . ." There is no regulation that carries the number 416.1185. The last regulation in this series is 416.1180. This seems to be nothing more than an oversight and should be corrected by the prompt publication of § 416.1185.

(8) § 416.1132 provides that "prizes and awards" are income in that where such prize and award is not in cash, the current fair market value of the item is counted as "unearned income." While this is not subject to challenge as a general principle, there is no further definition or instructions as to how to determine the "fair market value." I suspect that these further instructions or definitions are contained in the Claims Manual but the manner in which the term is defined or the instructions given cannot really be commented upon owing to the failure of the agency to publish the Claims Manual. If my assumption is incorrect, a much more specific definition and instructions should be set forth.

(9) § 416.1145(a) states that: "For the purpose of determining countable income in accordance with § 416.1115 of this sub part, the following income shall be excluded:" The regulation then goes on in 12 subsections defining in very brief terms certain exclusions from income. This is unduly prolix, because in each subsection there is a reference to a more detailed regulation stating the nature of such exclusion. This general statement could be more easily and simply made by using the following language which is proposed as an alternative regulation:

"(a) For the purpose of determining countable income in accordance with § 416.1115 of this sub part, income as specified in §§ 416.1149–71 shall be excluded."

(10) § 416.1145(b) provides that: "In determining the countable income in accordance with § 416.1115, the exclusions listed in paragraph (a) of this section shall apply first to unearned income, and then to earned income, where appropriate. In so applying they shall be considered in the numerical sequence in which they are listed in paragraph (a) of this section. There seems to be no reason for this sort of ordering of types of income and deducting *in seriatim*. Regardless of the series in which they are applied, the totals will nevertheless be the same. In other words, all of the exclusions, however ordered, always total to the same amount. Also, the total of earned income and unearned income is always the same. Necessarily, the difference between them is always the same, regardless of the order in which the addition or subtraction is made.

(11) § 416.1151 states that supplemental payments made "by a State or its political subdivision" shall be excluded. It would be more appropriate to refer to "subdivisions."

(12) §416.1153 provides that: "Any portion of any grant, scholarship or fellowship, for use in paying tuition or fees to an educational institution received by an individual or spouse shall not be considered in determining countable income under § 416.1115." This is unduly restrictive in that such payments are ordinarily intended to pay additional educational expenses and they are in fact so used. To the extent that such income is in fact so used, the requirement that it nevertheless be counted as income available for the meeting of subsistence needs in the computation of a grant necessarily means that the government will be assuming the receipt of income which is in fact not available. In other words, if a recipient receives a $500 scholarship for an academic semester, and pays $200 in tuition and fees, $100 for books, $150 for transportation to and from school and $50 for additional clothing and food necessarily related to attendance at the educational institution, such additional expenditures will not be recognized. The additional $300 will, inexorably, be considered available to pay for the recipient's rent, utilities, clothing, etc.

Clearly, such income is not available to meet the recipient's subsistence needs. The regulation necessarily constitutes a conclusive presumption that it is and suffers from the defect previously discussed in relation to *USDA v. Murray*. I would propose the following alternative regulation:

"Any portion of any grant, scholarship or fellowship used in paying tuition, fees or any other expenses reasonably attributable to the furtherance of the individual's intended educational goals, expended by an individual or eligible spouse shall not be considered in determining countable income under § 416.111."

Either the proposed regulation was written with full knowledge of its effect and the agency proposes to, thereby, severely inhibit recipients from improving their capacity for self-support or the regulation was incompetently drafted. No other conclusions seem applicable.

(13) § 416.1169 provides that, "in determining the net amount of earned income to be applied in computing a grant, to the extent that such income is used to meet any expenses reasonably attributable to the earning of any income," such work-related expenses shall be excluded. However, this reasonable application of the "currently available" income rule is applicable only to the blind. I realize that specific provision for work-related expenses is made only in relationship to the blind under § 1612(b)(4)(A) of Title XVI, that does not constitute a limit on the agency. By providing for work-related expenses only in relationship to the blind, a very clear equal protection question is raised. Not only would extension of this provision to the aged and the disabled prevent the serious denials of equal protection, such extension would also be sound policy. All it could do is encourage recipients to seek gainful employment and thus make themselves more potentially self-supporting. Where the work ethic is so strong, how can the work incentive be so weak?

(14) § 416.1171 excludes "earned or unearned income" which "is needed to fulfill an approved plan for self-support for an individual who is disabled or blind, as provided in Sub part I of this part." [Emphasis added.] While that is praiseworthy as a general principle, the regulation does not go on to provide any sort of standard for establishing when a plan for self-support shall be approved and when it shall be disapproved. Again, such standards may exist in the Claims Manual but such an assumption may or may not be true. If it is true, no comment can be made upon the further elaboration of the principle since no access can be had to the Manual. If the assumption is false, the regulation should be modified to provide some sort of guideline or standard.

SUBPART L—RESOURCES

(1) § 416.1201 states that "non-liquid resources," that is, resources which are neither cash nor financial instruments readily convertible to cash, are to be "evaluated according to their current market value. . . . For purposes of this Sub part L, the 'current market value' of an item is defined as the price that item can reasonably be expected to sell for on the open market in the particular geographic area involved." The regulation, while adequately defining the term, does not provide any guidance as to the practical mechanism by which the "current market value" of a particular item, in a particular place can actually be determined. Again, it is possible that the Claims Manual does provide more guidance to eligibility workers and recipients as to just how the "current market value" will be determined. However, again no comment is possible if such guidance is provided in the Manual. If it is not, this regulation should be amended to specify the particular mechanism to be used in actual determinations of value. Such a standard procedure would provide for more uniformity and certainty in administration, not to mention equity with respect to recipients.

(2) § 416.1202 provides that with respect to certain classes of recipients, the resources of ineligible family members with whom such recipients are living shall be deemed to be available to the eligible recipient. This is the analogue of § 416.1101(a) (1) and (2) where the income, as opposed to resources, of such family members is also deemed to be available to the eligible recipient. These regulations are apparently intended to implement § 1614(f) of Title XVI. They embody the principle, discussed above, that with respect

to very close family members, income and resources shall be presumed to be available whether or not they are in fact so available because of the close relationship between the individuals.

Although self-evident, the regulations should be clarified to make it absolutely clear that the resources must at least be available to the ineligible family member. If the resources are unavailable to the ineligible family member, for example the body of a spendthrift trust, the regulation would be subject to the defect of a conclusive presumption of availability to the ineligible spouse. This presumption would in no way benefit from the notion of close familial relationship.

(3) § 416.1202(b) sets forth the deeming of resources principle with respect to eligible children and the resources of their parents. It states that: "In the case of a child . . . who is under age 21, such child's resources shall be deemed to include any resources not otherwise excluded under this Subpart, of a parent of such child (or the spouse of such a parent) who is living in the same household . . . as such child, whether or not available to such child. . . ." This regulation defines child as an eligible individual under the age of 21. However, the applicable statute, § 1614(c) of Title XVI states that: "For purposes of this Title, the term 'child' means an individual who is neither married nor (as determined by the Secretary) the head of a household, and who is (1) under the age of eighteen, or (2) under the age of 22 and (as determined by the Secretary) a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment." [Emphasis added.] Thus the regulation goes far beyond the statute by designating a child as such an eligible individual under the age of 21, whereas the statute defines a child as (1) under the age of 18, or under the age of 22 under the specific specified educational circumstances. The regulation should be changed to conform to the statute.

(4) § 416.1205(a) sets forth the resource limitations on eligible individuals in completely negative terms. It states: "An aged, blind or disabled individual without an eligible spouse (as defined in Subpart A of this part) may have non-excludable resources not in excess of $1500 and not be ineligible for benefits under title XVI of the Act." Similarly, it continues setting forth the resources limitations for eligible individuals with and without eligible spouses, also in similar negative terms. The use of such negative terminology makes the regulation somewhat difficult to understand, and somewhat inartful. I cannot understand the basis for stating it in such negative terms. I would recommend an alternative statement, as follows:

"An aged, blind or disabled individual without an eligible spouse (as defined in Sub Part A of this part) shall be eligible for benefits under title XVI of the Act if his non-excludable resources do not exceed $1,500 except as provided in § 416.1240. An individual who is living with an ineligible spouse shall be eligible for benefits under title XVI of the Act, if his resources, including the resources of such spouse, do not exceed $2,250."

Similarly, I would rewrite § 416.1205(b) as follows:

"An aged, blind or disabled individual who lives with an eligible spouse shall be eligible for payments under title XVI of the Act if he has non-excludable resources, including the resources of such eligible spouse, which do not exceed $2,250."

While such changes, I believe, do not alter the substance of the proposed regulations in any way, it makes them much more easy to understand. There is no reason why SSA should attempt to rival the Internal Revenue Service in regulatory mysticism.

(5) § 416.1210 states that: "In determining the resources of an individual (and spouse, if any) the following items shall be excluded:" Then, the regulation goes on to very briefly summarize, in nine sub parts, nine specific resource exclusions. However, just as in the case of the income exclusions similarly summarized in § 416.1145, this summary listing is really unnecessary since it is followed by the specific and detailed discussion of each of the nine exclusions. Again, I would rewrite it in a similar fashion, as follows:

"In determining the resources of an individual (and spouse, if any) the items specified in §§ 416.1212–18, 416.1222–30 and 416.1234 shall be excluded."

Such a regulation would perform the same function, save space and reduce prolixity.

(6) § 416.1212(a) excludes the value of a home "to the extent its current fair market value does not exceed $25,000 ($35,000 in Alaska and Hawaii)." This blanket use of one single figure for application throughout the United States is grossly inequitable. Not only is there a large, significant difference between the value of an ordinary, modest house in, for example, Franklin County, Mississippi and San Francisco, Calif., such similar differences exist when much shorter distances are involved. For example, the average value of the ordinary, modest house in Quincy, California hardly approaches 50% of the value of a similar house in San Francisco. Indeed, I feel certain that the differences between certain regions in the United States exceed the differences between for example, San Francisco and Alaska or Hawaii. The U.S. Department of Housing and Urban Development has seen fit to establish differential maximums on the value of houses which may be purchased or insured under federal housing programs in accordance with reasonable regional variations. It seems quite possible that the slightest bit of cooperation with HUD could achieve similar regional variations in the maximum value of a house for SSI purposes. Otherwise, gross inequities will result.

For example, this $25,000 maximum in no way considers the individual's equity in the property. Therefore, we can have such inexplicable situations as the following: a senior citizen in San Francisco owns a house whose current market value is $28,000, with an outstanding loan of $25,000; therefore, this person has a $3,000 equity. Whereas, an individual in Quincy, California can have a $21,000 house, which would probably be twice as large as the house owned by the San Franciscan, with a mortgage balance of $1,000 on it; in short, he has an equity of $20,000. Inexplicably, the latter person is eligible and the former ineligible. This sort of absurdity has no place in a federal program that was created for the purpose of trying to bring some order and reason to the welfare system. It merely perpetuates illogical, inequitable policies that exist now under many of the states. The more appropriate resource determination would be the person's equity in the property. If it is felt necessary to impose some sort of maximum market value that an eligible individual may own for the purposes of appearance, these maxima should have some regional variations since appearances are all relative. What I am referring to here is the obvious underlying rationale for this regulation—SSA believes that no adult recipient should live in a house that appears to be relatively expensive since that might incur the wrath of his or her neighbors. But a $20,000 house in Quincy may be considered by the general populace to be relatively luxurious, for such a house in San Francisco is conceded by all to be unavailable.

(7) § 416.1212(d) provides that the proceeds from the sale of a home shall be excludable to the extent that they are used to purchase another home, "within three months of the date of the receipt of the proceeds." There should be an additional proviso which would state, as follows: "Such a period can be extended for an additional two months if an escrow account is established for the purpose of purchasing such home within three months of the date of the receipt of the proceeds, but such escrow is not closed and, consequently, the title to the property has not passed because of delays through complications in the escrow process." This would be consistent with the regulation and would provide for such a complication.

(8) § 416.1216(a) specifies that the value of household goods and personal effects, above $1500, is an includable resource. The regulations go on to define the term "as including household furniture, furnishings and equipment which are commonly found in or about a house and are used in connection with the operations, maintenance and occupancy of the home." Household goods would also include the furniture, furnishings and equipment which are used in the functions and activities of home and family life as well as those items which are for comfort and accommodation. Personal effects are defined as including "clothing, jewelry, items of personal care, individual educational and recreational items, such as books, musical instruments and hobbies." While the prospect of SSA employees running out and making evaluations of the value of knives, forks, spoons, sheets, pillowcases, etc., is ludicrous enough, the regulation further implicitly requires that the determination of the value of these resources be made *without regard* to encumbrances.

First, it should be fully determined by SSA that it is necessary to include these household goods and personal effects for some justifiable reason. Most states have, under the present categorical assistance programs, not included such resources. Apparently, the reasoning has been that when a person is sufficiently poor as to have little or no income, it is unlikely that they will have a huge cache of household goods. Indeed, the State of California until 1971 wholly excluded these resources from evaluation. A provision of the Welfare Reform Act of 1971 narrowed that exclusion down somewhat but this apparently has had little or no effect on the caseload. The total caseload in the three adult categories is nearly the same as it was prior to the Welfare Reform Act. What little decline has occurred, approximately 2%, is far more attributable to the substantial increases in Social Security benefits granted by the federal government in the two-year period.

Secondly, the failure to exclude encumbrances on household property leads to much further inequity and illogic. For example, assume that a disabled individual has household goods and personal effects excluding his or her stove, whose value equals $1500. In addition she has just bought a new stove and paid $350 for it, $25 down and $25 a month. Within weeks after purchase, it is fair to say that the value as a used stove will be less than the existing loan. Assume that she could sell it for $250 and the outstanding loan balance is $325. In short the stove has no economic value to her at all because if she sells it she will have to turn around and turn the proceeds over to the lender and still wind up with a $75 debt. However, this is what the regulations require since the regulations do not look at economic reality. That is, they do not look at the actual value of the resource to the individual involved. This should be, but is not, the guiding principle.

The only purpose of having a resource test at all is to say to an individual, "Government funds for basic subsistence are limited. The taxing power of the federal government is not endless. Therefore, if you have alternative means of subsistence, you should draw down on such resources until they are expended before you seek the assistance of the taxpayer." But this sort of rationale has no application to the situation where the resource is non-existent because of an outstanding loan upon it. In short, that rationale has application only to the equity that an individual has in property. It is only that equity that can be drawn upon as an alternative subsistence means. This is what a "means test" is all about. To ignore the existence of the resource merely means that the recipient must divest himself or herself of the particular item, pay off the loan and be no better off for it. In fact, the recipient, in the example above, now has no stove. As far as the government is concerned, she also does not have any more alternative resources upon which she can live prior to requesting the aid of the government. Such an absurd policy has no place in an enlightened, or half enlightened, country. The regulation should be promptly corrected by specifying that the determination of the value of resources shall be made after considering encumbrances, in short, the equity value of the resource.

(9) § 416.1218(d) relates to the determination of value of an automobile. It states that: "The 'retail market value' of an automobile is the average price a vehicle of that particular year, make, model and condition will sell for on the open market (to a private individual) and in the particular geographic area involved." It is very unclear what this regulation means. If it means that the particular automobile in question shall be evaluated by several used car dealers, for example, and an average is struck of the individual estimates, it is unobjectionable. If, however, the actual value of the particular automobile in question is not the determinative factor, but rather, some average notion of vehicles of that general year, make, model and condition is to be established, then it is quite objectionable. In the latter case, such averages necessarily, by the laws of mathematics, operate to the detriment of individuals whose particular automobile may be worth substantially less than the average. The State of California had a provision for the determination of the value of automobiles based on such average. This was challenged in the case of *Lopez* v. *Carleson*, Sacramento Superior Court No. 231433. Two arguments were made: First recipients argued that the use of such averages violated the "actually available" income rule of 45 C.F.R. § 233.20(a)(3)(ii)(c). In addition the rule was also challenged on the basis of the due process clause of the Fourteenth Amendment since it would constitute a conclusive presumption of value and prevent the introduction of any evidence that the value of the actual automobile in question was less than the average amount. The State of California, rather than defending the action, stipulated to the entry of a permanent injunction restraining the enforcement of the regulation. In its place, the State is reverting to regulations which were in force prior to October 1, 1971, which provided for a procedure establishing what was called a "quick sale market value." Under this procedure an individual is permitted to obtain three estimates from car dealers and the value would then be the average of these three estimates. While such procedures may lead to inconvenience for administrators, the absence of such procedures necessarily leads to gross inequities to individual recipients. Hopefully, the regulation as stated intends to establish something comparable to the California "quick sale market value" system. However, it is unclear. Perhaps, it is clarified in the Claims Manual. If not, it should be clarified in the final regulations so as to make clear that individual determinations of value are intended.

(10) § 416.1220 specifies an additional exclusion of resources relating to "property used in a trade or business . . . and property not used in a trade or business but which nevertheless produces income or is otherwise necessary to the self-support of the individual (and spouse, if any)." This latter phrase is very unclear. Does the term "self-support" have only an economic meaning? That is, does it mean only something which produces economic value or does it, more broadly, mean a resource that is necessary to sustain life or render living more normal for the particular individual. For example, motorized wheelchairs for disabled individuals, iron lungs for those with respiratory problems and other such devices and equipment are resources "necessary to the self-support of the individual." However, they do not produce income. Does that mean that these items will be included in the determination of whether a person has excess resources? Surely, that cannot be the case since it would not be expected that an individual who owns such property which put him over the limit should go out and divest himself of his iron lung, motorized wheelchair, braille machine, etc. The regulation should be made absolutely clear that such property of a medical nature necessary to sustain life or render living more normal for the particular individual is wholly excluded. Surely, Congress did not intend otherwise.

(11) § 416,1226 specifies that: "In determining the resources of a blind or disabled individual, there shall be excluded such resources as an approved plan for achieving self-support specifies as being necessary for the fulfillment of such plan for so long as such plan remains in effect." This may be intended to have some meaning but it really does not. Perhaps, again, the Claims Manual provides the specificity necessary to render this meaningful. What are the standards for approval and disapproval of a plan? How is the retention of property to be determined "necessary for the fulfillment of such plan"? Who is to determine these questions and how are they to be determined?

(12) §§ 416.1260–61 implements the provisions of Section 1611(g) of Title XVI which requires that recipients of state welfare assistance under the existing plans who were recipients during the month of December, 1973, shall be eligible for SSI benefits even though their resources may exceed the new resource limitations. In other words, these individuals met the resources limitations of the appropriate state plan in December, 1973 and they should not be terminated because of the implementation of national guidelines. The regulation should be modified so as to specify that if such a recipient should happen to be terminated from aid for a period of time because of excess income, that the provisions of § 1611(g) shall still apply even upon reapplication. Often, a recipient may receive an unexpected sum from an inheritance, although in a small amount, which terminates assistance for a month or two. This should not terminate the "grandfathering" benefit of § 1611(g).

Sincerely,

Ralph Santiago Abascal.

Mr. Cranston's amendment (No. 748) is as follows:

On page 139, line 15, insert "in final form not later than April 30, 1974," after "prescribe".

AMENDMENT NO. 748—REGULATIONS GOVERNING PROVISISONS FOR HMO'S IN MEDICAID PROGRAM

Mr. CRANSTON. Mr. President, I fully agree with the committee's intent in adding the provisions designed to assure that prepaid health programs under medicaid would provide a high quality of care in the most efficient and cost-effective manner. However, I am most concerned at the slowness with which the Department of Health, Education, and Welfare, has acted to issue regulations governing these comparable provisions for medicare under title 18. Without the regulations, HMO's have been unable to determine accurately the effect of providing services under medicare to enrollees and have been reticent to enter into the program.

I am afraid these same circumstances will deter HMO's from participating under medicaid provisions, and for that reason I offered amendment No. 748 requiring that HEW issue by April 30, 1974, final regulations governing the implementation of this provision.

Mr. Cranston's amendment (No. 749) is as follows:

On page 153, line 23, insert the following new section:

STUDY TO DETERMINE FEASIBILITY OF PROVIDING PAYMENTS UNDER TITLE XVIII FOR THE SERVICES OF AIDES FOR HOME DIALYSIS PATIENTS

Sec. 193. The Commissioner of Social Security shall conduct a study of the feasibility and appropriateness of providing payments under part B of title XVIII of the Social Security Act for the services of home health personnel to assist patients enrolled under such part to perform dialysis in such patients' homes, and to make a report and recommendation thereon to the Congress prior to January 1, 1975. The study shall include consideration of the number of patients involved and the medical, economic, social, and psychological impact of utlizing such home health personnel on a general or limited basis, including consideration of the economy of home dialysis with paid assistance in comparison with the costs of alternative approaches, such as the use of self-dialysis facilities.

AMENDMENT NO. 749—COVERAGE OF HOME DIALYSIS AIDES

Mr. CRANSTON. Mr. President, I have also been most concerned about a problem facing a number of persons receiving kidney dialysis in their homes, who for a variety of personal reasons—such as death or divorce—no longer have a family member or friend available to assist with home dialysis care. These persons must either pay out of their own pockets for a trained aide, or be forced to give up their home dialysis equipment and revert to receiving dialysis at more costly limited care centers. The current HEW interim regulations governing the coverage of chronic kidney disease treatment for transplantation and dialysis under medicare do not authorize use of funds to pay for the services of a home dialysis aide, although the cost of supplies for the machine and for the training of an aide are covered.

Although I understand that one of the purposes of home dialysis is to lower cost of dialysis by replacing expensive institutional labor with an unpaid aide, or self-dialysis, I think we should give serious consideration to the possibility of offering an alternative to those very few individuals who no longer have an unpaid aide available, but do have dialysis equipment installed in their homes.

In consulting with representatives of the National Kidney Foundation, it was recognized that there would be a number of potential problems to any provision authorizing blanket availability of paid assistants to patients on home dialysis. We agreed, nevertheless, that this was certainly a problem worthy of careful consideration.

I, therefore, today offered amendment No. 749 to H.R. 3153 as reported, to authorize the Commissioner of Social Security to undertake a study to determine the feasibility and appropriateness of providing payments under title XVIII for the services of aides for home dialysis patients.

Mr. LONG. Mr. President, I would urge that we vote on the amendments by voice vote.

The PRESIDING OFFICER (Mr. Bartlett). The question is on agreeing, en bloc, to amendments numbered 640, 644, 645, 731, 739, 747, 748, and 749.

The amendments were agreed to en bloc.

AMENDMENT NO. 751

Mr. McINTYRE. Mr. President, I call up my amendment No. 751.

The PRESIDING OFFICER. The amendment will be stated.

Mr. McINTYRE. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McIntyre's amendment (No. 751) is as follows:

TITLE IV—CONSOLIDATION OF REPORTING OF WAGES FOR INCOME TAX AND SOCIAL SECURITY INSURANCE PURPOSES

SHORT TITLE

Sec. 401. This title may be cited as the "Combined Old-Age, Survivors, and Disability Insurance-Income Tax Reporting Amendments of 1973".

Part A—Amendments to Title II of the Social Security Act

VERIFICATION OF TAX DATA AND FINANCING OF THE COST THEREOF

Sec. 402. (a) Title II of the Social Security Act is amended by adding after section 232 (as added by section 107 of this Act) the following new section:

"PROCESSING OF TAX DATA

"Sec. 233. The Secretary of the Treasury shall make available information returns filed pursuant to part III of subchapter A of chapter 61 of subtitle F of the Internal Revenue Code of 1954, to the Secretary for the purposes of this title and title XI. The Secretary and the Secretary of the Treasury are authorized to enter into an agreement for the processing by the Secretary of information contained in returns filed pursuant to part III of subchapter A of chapter 61 of subtitle F of the Internal Revenue Code of 1954. Notwithstanding the provisions of section 6103(a) of the Internal Revenue Code of 1954, the Secretary of the Treasury shall make available to the Secretary such documents as may be agreed upon as being necessary for purposes of such processing. The Secretary shall process any withholding tax statements or other documents made available to him by the Secretary of the Treasury pursuant to this section. Any agreement made pursuant to this section shall remain in full force and effect until modified or otherwise changed by mutual agreement of the Secretary and the Secretary of the Treasury.".

(b) Section 233 of the Social Security Act, as added by subsection (a) of this section shall be effective with respect to statements reporting income received after 1973.

(c) (1) Section 201(g) (1) of such Act is amended to read as follows:

"(g) (1) (A) The Managing Trustee of the Trust Funds (which for purposes of this paragraph shall include also the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund established by title XVIII) is directed to pay from the Trust Funds into the Treasury—

"(i) the amounts estimated by him and the Secretary of Health, Education, and Welfare which will be expended, out of moneys appropriated from the general fund in the Treasury, during a three-month period by the Department of Health, Education, and Welfare and the Treasury Department for the administration of titles II, XVI, and XVIII of this Act and subchapter E of chapter 1 and subchapter A of chapter 9 of the Internal Revenue Code of 1939, and chapters 2 and 21 of the Internal Revenue Code of 1954, less

"(ii) the amounts estimated (pursuant to the method prescribed by the Board of Trustees under paragraph (4) of this subsection) by the Secretary of Health, Education, and Welfare which will be expended out of moneys made available for expenditures from the Trust Funds, during such three-month period to cover the cost of carrying out the functions of the Department of Health, Education, and Welfare, specified in section 233, which relate to the administration of provisions of the Internal Revenue Code of 1954 other than those referred to in clause (i).

Such payments shall be carried into the Treasury as the net amount of repayments due the general fund account for reimbursement of expenses incurred in connection with the administration of titles II, XVI, and XVIIII of this Act and subchapter E of chapter 1 and subchapter A of chapter 9 of the Internal Revenue Code of 1939, and chapters 2 and 21 of the Internal Revenue Code of 1954. A final accounting of such payments for any fiscal year shall be made at the earliest practicable date after the close thereof. There are hereby authorized to be made available for expenditure, out of any or all of the Trust Funds, such amounts as the Congress may deem appropriate to pay the costs of administration of this title and of carrying out the functions of the Department of Health, Education, and Welfare, specified in section 233, which relate to the administration of provisions of the Internal Revenue Code of 1954 other than those referred to in clause (i) of the first sentence of this subparagraph.

"(B) After the close of each fiscal year the Secretary of Health, Education, and Welfare shall determine the portion of the costs, incurred during such fiscal year, of administration of this title, title XVI, and title XVIII and of carrying out the functions of the Department of Health, Education, and Welfare, specified in section 233, which relate to the administration of provisions of the Internal Revenue Code of 1954 (other than those referred to in clauses (i) of the first sentence of subparagraph (A)), which should have been borne by the general fund in the Treasury and the portion of such costs which should have been borne by each of the Trust Funds; except that the determination of the amounts to be borne by the general fund in the Treasury with respect to expenditures incurred in carrying out such functions specified in section 233 shall be made pursuant to the method prescribed by the Board of Trustees under paragraph (4) of this subsection. After such determination has been made, the Secretary of Health, Education, and Welfare shall certify to the Managing Trustee the amounts, if any, which should be transferred from one to any of the other of such Trust Funds, and the amounts, if any, which should be transferred between the Trust Funds (or one of the Trust Funds) and the general fund in the Treasury, in order to insure that each of the Trust Funds and the general fund in the Treasury have borne their proper share of the costs, incurred during such fiscal year, of administration of this title and of carrying out the functions of the Department of Health, Education and Welfare, specified in section 233, which relate to the administration of provisions of the Internal Revenue Code of 1954 (other than those referred to in clause (i) of the first sentence of subparagraph (A)). The Managing Trustee is authorized and directed to transfer any such amounts in accordance with any certification so made.".

(2) Subsection (g) of such section is further amended by adding at the end thereof the following new paragraph:

"(4) The Board of Trustees shall prescribe before January 1, 1977, the method of determining the costs which should be borne by the general fund in the Treasury of carrying out the functions of the Department of Health, Education, and Welfare, specified in section 233, which relate to the administration of provisions of the Internal Revenue Code of 1954 (other than those referred to in clause (i) of the first sentence of paragraph (1) (A)). If at any time or times thereafter the Boards of Trustees of such Trust Funds deem such action advisable, they may modify the method so determined.".

(d) Any persons the Board of Trustees finds necessary to employ to assist it in performing its functions under section 201(g) (4) of the Social Security Act may be appointed without regard to the civil service or classification laws, shall be compensated, while so employed, at rates fixed by the Board of Trustees, but not exceeding $100 per day, and, while away from their homes or regular places of business, they may be allowed traveling expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

(e) The Secretary shall not make any estimates pursuant to section 201(g) (1) (A) (ii) of the Social Security Act before the Board of Trustees prescribes the method of determining costs as provided in section 201(g) (4) of such Act. The determinations pursuant to section 201(g) (1) (B) of the Social Security Act with respect to the carrying out of the functions of the Department of Health, Education, and Welfare, specified in section 233 of such Act, which relate to the administration of provisions of the Internal Revenue Code of 1954 (other than those referred to in clause (i) of the first sentence of section 201(g) (1) (A) of the Social Security Act), during fiscal years ending before the Board of Trustees prescribes the method of making such determinations, shall be made after the Board of Trustees has prescribed such method. The Secretary of Health, Education, and Welfare shall certify to the Managing Trustee the amounts that should be transferred from the general fund in the Treasury to the Trust Funds (as referred to in section 201(g) (1) (A) of the Social Security Act) to insure that the general fund in the Treasury bears its proper share of the costs of carrying out such functions in such fiscal years. The Managing Trustee is authorized and directed to transfer any such amounts in accordance with any certification so made.

(f) Section 6103 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

"(g) Disclosure of Information to Secretary of Health, Education, and Welfare.—The Secretary or his delegate is authorized to make available to the Secretary of Health, Education, and Welfare information returns filed pursuant to part III of subchapter A of chapter 61 of subtitle F for the purpose of carrying out, in accordance with an agreement entered into pursuant to section 233 of the Social Security Act, an effective information return processing program.".

CREDITING OF SELF-EMPLOYMENT INCOME TO CALENDAR YEARS

SEC. 403. (a) Section 212 of the Social Security Act is amended to read as follows:

"CREDITING OF SELF-EMPLOYMENT INCOME TO CALENDAR YEARS

"SEC. 212. (a) For the purpose of determining average monthly wage, quarters of coverage, and coverage credits with respect to self-employment income derived by an individual during any taxable year which begins before 1974, the amount of such self-employment income shall be credited to calendar quarters as follows:

"(1) In the case of a taxable year which is a calendar year the self-employment income of such taxable year shall be credited equally to each quarter of such calendar year.

"(2) In the case of any other taxable year the self-employment income shall be credited equally to the calendar quarter in which such taxable year ends and to each of the next three or fewer preceding quarters any part of which is in such taxable year.

"(b) For the purposes of determining average monthly wage and coverage credits with respect to self-employment income derived by an individual during any taxable year which begins after 1974, the amount of such self-employment income shall be credited to calendar years as follows:

"(1) In the case of a taxable year which is a calendar year or which begins with or during a calendar year and ends with or during such year the self-employment income for such taxable year shall be credited to such calendar year.

"(2) In the case of any other taxable year the self-employment income shall be allocated proportionately to the two calendar years, portions of which are included within such taxable year, on the basis of the number of months in each such calendar year which are included completely within the taxable year, including as one of such calendar months the month in or with which the taxable year ends, even though only part of such month is included in that taxable year."

(c) The amendment made by subsection (a) shall take effect January 1, 1974.

QUARTER OF COVERAGE AND COVERAGE CREDIT

SEC. 404. (a) The heading of section 213 of the Social Security Act is amended to read as follows:

"QUARTER, QUARTER OF COVERAGE, AND COVERAGE CREDIT"

(b) Section 213(a)(2) of such Act is amended to read as follows:

"(2) The term 'quarter of coverage' means a quarter, occurring before 1974, in which the individual has been paid $50 or more in wages (except wages for agricultural labor paid after 1954 and before 1974) or for which he has been credited (as determined under section 212) with $100 or more in self-employment income except that—

"(A) no quarter after the quarter in which such individual died shall be a quarter of coverage, and no quarter any part of which was included in a period of disability (other than the initial quarter and the last quarter of such period) shall be a quarter of coverage;

"(B) if the wages paid to any individual in any calendar year equal—

"(i) $3,000 in the case of a calendar year before 1951;

"(ii) $3,600 in the case of a calendar year after 1950 and before 1955,

"(iii) $4,200 in the case of a calendar year after 1954 and before 1959,

"(iv) $4,800 in the case of a calendar year after 1958 and before 1966,

"(v) $6,600 in the case of a calendar year after 1965 and before 1968,

"(vi) $7,800 in the case of a calendar year after 1967 and before 1972,

"(vii) $9,000 in the case of a calendar year after 1971 and before 1973,

"(viii) $10,800 in the case of a calendar year after 1972 and before 1974,

"(ix) $13,200 in the case of the calendar year 1974, or

"(x) an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1974 with respect to which such contribution and benefit base is effective,

each quarter of such year shall (subject to subparagraph (A)) be a quarter of coverage;

"(C) if an individual has self-employment income for a taxable year and if the sum of such income and the wages paid to him during such year equals—

"(i) $3,600 in the case of a taxable year beginning after 1950 and ending before 1955,

"(ii) $4,200 in the case of a taxable year ending after 1954 and before 1959,

"(iii) $4,800 in the case of a taxable year ending after 1958 and before 1966,

"(iv) $6,600 in the case of a taxable year ending after 1965 and before 1968,

"(v) $7,800 in the case of a taxable year ending after 1967,

"(vi) $9,000 in the case of a taxable year beginning after 1972 and before 1973,

"(vii) $10,800 in the case of a taxable year beginning after 1972 and before 1974.

"(viii) $13,200 in the case of a taxable year beginning after 1973 and before 1975, or

"(ix) an amount equal to the contribution and benefit base (as determined under section 230) which is effective for the calendar year in the case of any taxable year beginning in any calendar year after 1974,

each quarter any part of which falls in such year shall (subject to subparagraph (A)) be a quarter of coverage;

"(D) if an individual has self-employment income in a taxable year which begins in 1973 and ends in 1974 and the sum of such self-employment income and the wages paid to him in such taxable year equals $10,800, each calendar quarter of calendar year 1973 any part of which is included in such taxable year shall (subject to subparagraph (A)) be a quarter of coverage;

"(E) if an individual is paid wages for agricultural labor in a calendar year after 1954 and before 1974, then, subject to subparagraph (A)—

"(i) the last quarter of such year which can be but is not otherwise a quarter of coverage shall be a quarter of coverage if such wages equal or exceed $100 but are less than $200;

"(ii) the last two quarters of such year which can be but are not otherwise quarters of coverage shall be quarters of coverage if such wages equal or exceed $200 but are less than $300;

"(iii) the last three quarters of such year which can be but are not otherwise quarters of coverage shall be quarters of coverage if such wages equal or exceed $300 but are less than $400; and

"(iv) each quarter of such year which is not otherwise a quarter of coverage shall be a quarter of coverage if such wages are $400 or more; and

"(F) no quarter shall be counted as a quarter of coverage before the beginning of such quarter.

If, in the case of any individual who has attained age 62 or died or is under a disability and who has been paid wages for agricultural labor in a calendar year after 1954 and before 1974 the requirements for insured status in subsection (a) or (b) of section 214 of this title the requirements for entitlement to a computation or recomputation of his primary insurance amount, or the requirements of paragraph (3) of section 216(i) of this title are not met against assignment of quarters of coverage to quarters in such year as provided in subparagraph (E) of this paragraph, but would be met if such quarters of coverage were assigned to different quarters in such year, then such quarters of coverage shall instead be assigned, for purposes only of determining compliance with such requirements, to such different quarters. If, in the case of an individual who did not die before January 1, 1955, and who attained age 62 (if a woman) or age 65 (if a man) or died before July 1, 1957, the requirements for insured status in section 214(a)(3) of this title are not met because of his having too few quarters of coverage but would be met if his quarters of coverage in the first calendar year in which he had any covered employment had been determined on the basis of the period during which wages were earned rather than on the basis of the period during which wages were paid (any such wages paid that are reallocated on an earned basis shall not be used in determining quarters of coverage for subsequent calendar years), then upon application filed by the individual or his survivors and satisfactory proof of his record of wages earned being furnished by such individual or his survivors, the quarters of coverage in such calendar year may be determined on the basis of the periods during which wages were earned."

(c) Such section 213 is further amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"Crediting of Coverage Credits

"(b) For purposes of this title:

"(1) To each calendar quarter, in a calendar year before 1974, which is a quarter of coverage (as defined in subsection (a)), there shall be credited one coverage credit.

"(2) In any calendar year after 1973 in which the total of the wages paid to an individual and the self-employment income credited to him under section 212 equal $100 or more, the number of coverage credits credited to such calendar year shall be the number appearing in column II of the following table on the line on which in column I appears the total of such wages and self-employment income.

"I	II
"Total wages and self-employment income for a calendar year	Coverage credits
$100 or more, but less than $200	1
$200 or more, but less than $300	2
$300 or more, but less than $400	3
$400 or more	4

"(3) Coverage credits which are credited to any calendar year after 1973 for any individual shall be deemed credited on the first day of such year; except that in the case of the following calendar years not more than one coverage credit may be credited before April 1, not more than two may be credited before July 1, and not more than three may be credited before October 1 and, in the case of any such year, no coverage credit may be credited after the date on which such individual died—

"(A) for purposes of section 214(a), the first year in which he both attained age 62 and would be a fully insured individual had his coverage credits for such year been credited on the first day thereof, or the year in which he died;

"(B) for purposes of section 214(b), the year in which such individual died or became entitled to old-age insurance benefits and the year immediately preceding such year;

"(C) for the purposes of section 216(i)(3), the year in which a period of disability could have begun for such individual if his coverage credits for such year had been credited on the first day thereof;

"(D) for the purposes of section 223(c)(1)(B), the year in which a waiting period could have begun for such individual if his coverage credits for such year had been credited on the first day thereof.

"(4) If an individual has self-employment income in a taxable year which begins in 1973 and ends in 1974 and the sum of such self-employment income and the wages paid to him in such taxable year equals $10,800, coverage credits credited to the calendar year 1974 shall be equal to not less than the number of calendar quarters in 1974 any part of which are included in such taxable year.

"(5) Notwithstanding the preceding provisions of this subsection, coverage credits may not be credited with respect to any individual to any calendar year any part of which is included in a period of disability (other than the initial and last calendar years of such period), or to any calendar year after the year in which he dies."

(d) The amendments made by this subsection shall take effect January 1, 1974.

FULLY INSURED STATUS

SEC. 405. (a) Section 214(a) of the Social Security Act is amended to read as follows:

"FULLY INSURED INDIVIDUAL

"(a) The term 'fully insured individual' means any individual who had—

"(1) a number of coverage credits (whenever acquired) not less than one credit for each of the years elapsing—

"(A) after (i) December 31, 1950, or (ii) if later, December 31 of the year in which he attained the age of 21, and

"(B) before (i) the year in which he died, or (ii) if earlier, the year in which he attained age 62, except that in no case shall an individual be a fully insured individual unless he has at least six coverage credits; or

"(2) forty coverage credits; or

"(3) in the case of an individual who died before 1951, six coverage credits;

not counting as an elapsed year for purposes of paragraph (1) any year any part of which was included in a period of disability (as defined in section 216(i) of this title) except the calendar year in which such period began if two or more coverage credits were credited to such year, and the calendar year in which such period ended if two or more coverage credits were credited so such year."

(b) The amendments made by this section shall apply with respect to lump-sum death payments under title II of the Social Security Act in the case of deaths occurring after, and monthly benefits under such title II for months after, December 31, 1973, based on applications filed after such day.

CURRENTLY INSURED STATUS

SEC. 406. (a) Section 214(b) of the Social Security Act is amended to read as follows:

"Currently Insured Individual

"(b) The term 'currently insured individual' means any individuals who—

"(1) has not less than six quarters of coverage during the thirteen-quarter period ending with—

"(A) the quarter in which he died,

"(B) the quarter in which he became entitled to old-age insurance benefits,

"(C) the quarter in which he became entitled to primary insurance benefits under this title as in effect before enactment of this section, or

"(D) in the case of any individual entitled to disability insurance benefits, the quarter in which he most recently became entitled to disability insurance benefits,

not counting as part of such thirteen-quarter period any quarter any part of which was included in a period of disability unless such quarter was a quarter of coverage; or

"(2) had not less than six coverage credits which were credited to the period consisting of—

"(A) the year in which he died,

"(B) the year in which he became entitled to old-age insurance benefits, or

"(C) in the case of any individual entitled to disability insurance benefits, the year in which he most recently became entitled to disability insurance benefits,

and the two calendar years immediately preceding such year, not counting as part of such three-year period any calendar year any part of which was included in a period of disability (as defined in section 216(i)) except, in the case of an individual who does not otherwise meet the requirements of this paragraph, the calendar year in which such period began or the calendar year in which such period ended if he would meet such requirements by reason of the inclusion of such year and the coverage credits credited to such year, or both such years if he would meet such requirements by reason of the inclusion of such years and the coverage credits credited to them."

(b) The amendments made by this section shall take effect January 1, 1974.

PERIOD OF DISABILITY

SEC. 407. (a) Section 216(i)(3) of the Social Security Act is amended to read as follows:

"(3) The requirements referred to in clauses (i) and (ii) of paragraph (2)(C) are satisfied by an individual with respect to any day only if—

"(A) he would have been a fully insured individual (as defined in section 214) had he attained age 62 and filed application for benefits under section 202(a) on such day, except that the provisions of this subparagraph shall not apply in the case of any individual with respect to whom a period of disability would, but for such provisions, begin before 1951; and

"(B)(i) he had not less than 20 quarters of coverage during the 40-quarter period which ends with the quarter in which such day occurred, not counting as part of such 40-quarter period any quarter any part of which was included in a prior period of disability unless such quarter was a quarter of coverage; or

"(ii) he had not less than 20 coverage credits which were credited to the period ending on such day and consisting of that part of the year in which such day occurred up to such day and the nine calendar years immediately preceding the year in which such day occurred, not counting as part of such period any year any part of which was included in a prior period of disability except, in the case of an individual who does not otherwise meet the requirements of this clause, the calendar year in which such prior period began or the calendar year in which such prior period ended if he would meet such requirement by reason of the inclusion of such year and the coverage credits credited to such year, or both such years if he would meet such requirement by reason of the inclusion of such years and coverage credits credited to them."

(b) Section 216(i)(2)(C)(ii) of such Act is amended by striking out "of the first quarter thereafter in which" and inserting in lieu thereof "thereafter on which".

(c) The amendments made by this section shall take effect January 1, 1974.

INSURED STATUS FOR DISABLED INSURANCE BENEFITS

SEC. 408. (a) Section 223(c)(1)(B) of the Social Security Act is amended by inserting "(i)" after "(B)" and by inserting before the period at the end thereof the following: ", or (ii) he had not less than 20 coverage credits which were credited to the period ending on such day and consisting of that part of the year in which such day occurred up to such day and the nine calendar years immediately preceding the year in which such day occurred not counting as part of such period any calendar year any part of which was included in a prior period of disability except, in the case of an individual who does not otherwise meet the requirements of this clause, the calendar year in which such prior period began or the calendar year in which such prior period ended if he would meet such requirement by reason of the inclusion of such year and the coverage credits credited to such year, or both such years if he would meet such requirements by reason of the inclusion of such years and the coverage credits credited to them."

(b) The amendments made by subsection (a) shall take effect January 1, 1974.

MISCELLANEOUS CONFORMING CHANGES

SEC. 409. (a)(1) Section 215(d)(2)(A) of such Act is amended to read as follows:

"(A) with respect to whom at least one coverage credit was credited to years before 1951;".

(2) Section 215(d)(2)(B) of such Act is amended by striking out "with respect to whom less than six of the quarters elapsing after 1950 are quarters of coverage" and inserting in lieu thereof "with respect to whom less than six coverage credits were credited to years after 1950".

(b) Section 205(c)(1) is amended by adding at the end thereof the following new paragraph:

"(D) The term 'period' when used with respect to self-employment income means a taxable year (as defined in section 211(c)) and when used with respect to wages means—

"(i) a quarter (as defined in section 213 (a)(1)) if wages paid to the individual were reported or should have been reported on a quarterly basis (a) on tax returns filed with the Commissioner of Internal Revenue under the Federal Insurance Contributions Act or regulations thereunder, or (b) on information returns filed by a State pursuant to an agreement under section 218 or regulations of the Secretary thereunder.

"(ii) a calendar year if wages paid to the individual were reported or should have been reported on a yearly basis on such tax returns or on such information returns, or

"(iii) the half year beginning January 1 or July 1 in the case of wages paid or alleged to have been paid during the calendar year 1937."

(c) Section 202(t)(4)(A) of such Act is amended to read as follows:

"(A) the individual on whose wages and self-employment income such benefit is based had not less than 40 coverage credits which were credited to the period ending with the year in which such month occurred, or".

(d) Section 202(u)(1)(C) of such Act is amended by striking out "calendar quarter" each place it appears and inserting in lieu thereof "calendar year".

(e) Clause (iv) of section 102(f)(2)(A) of the Social Security Amendments of 1954 is amended to read: "(iv) with respect to whom not less than six coverage credits (as defined in section 213 of such Act) have been credited to the period after June 1953, or".

(f) The first sentence of such section 102 (f)(2)(B) is amended by striking out "and with respect to whom not less than six of the quarters elapsing after June 30, 1953, are quarters of coverage" and inserting in lieu thereof "and with respect to whom not less than six coverage credits have been credited to the period after June 30, 1953".

(g) Clause (i) of the third sentence of such section 102(f)(2)(B) is amended to read: "(i) if the application is filed by such individual, for and after the twelfth month before the month in which the application therefor was filed by such individual but in no case for any month before the day as of which his sixth coverage credit in the period after June 30, 1953, was credited, or".

(h) The provisions of this section shall take effect January 1, 1974.

DEFINITION

SEC. 410. As used in the provisions of the Social Security Act set forth in this part, the term "Secretary", unless the context otherwise requires, means the Secretary of Health, Education, and Welfare.

PART B—AMENDMENTS PRESERVING RELATIONSHIP BETWEEN RAILROAD RETIREMENT AND OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

SEC. 420. (a) Section 3(e) of such Act is amended by inserting after "quarters of coverage" where it first appears the following: "with respect to employment in any calendar year before 1974";

(b) Section 5(1)(5) of such Act is amended by inserting "and any coverage credit" after "quarter of coverage";

(c) Section 5(1)(9) of such Act is amended by changing the period at the end of the second proviso thereof to a comma and inserting thereafter the following: "Except that for any calendar year after 1974, there shall not be excluded from this divisor that number of calendar quarters as equals the number of coverage credits, as defined in the Social Security Act, credited to him for such year."

SEC. 421. The amendments made by subsection (a) of section 420 of this part shall be effective upon enactment. The amendments made by the other subsections of such section 420 shall apply with respect to all annuities under the Railroad Retirement Act of 1937 accruing after 1973; and shall apply with respect to lump-sum benefits under section 5(f) of such Act on the basis of deaths occurring after 1973.

Mr. McINTYRE. Mr. President, I ask unanimous consent that Mr. Evans of the staff of the Select Committee on Small Business be accorded the privilege of the floor during the debate on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I offer the amendment for myself and the following cosponsors: Senators COTTON, HUMPHREY, McCLELLAN, PERCY, BAYH, McGEE, DOMINICK, NUNN, GRAVEL, NELSON, BIBLE, MONTOYA, and CHURCH.

Mr. President, the amendment which I submit today should be noncontroversial.

It is identical to S. 2445 which I introduced on September 19, 1973, cosponsored by 27 Senators, and would amend the provisions of the Social Security Act to consolidate the reporting of wages by employers for income tax withholding and old-age survivors, and disability insurance purposes.

This amendment would change the present quarterly wage reporting system for social security purposes—IRS Form 941—to an annual system utilizing the existing IRS Form W2. It would accomplish this by a series of some 40 technical changes to the present Social Security Act and to the Internal Revenue Code of 1954, as amended.

The main objective which I seek by this amendment is to reduce part of the most difficult and costly Federal paperwork burden on small business: The Internal Revenue Service Form 941. This form, which falls most heavily on small- and medium-sized businesses, costs employers $235 million per year in clerical and accounting costs, according to the President's Advisory Council on Management Improvement. This particular form has been singled out by the National Federation of Independent Business as one of the most onerous of the paperwork forms imposed by the Federal Government. In an NFIB survey it was estimated by about 65 percent of the businesses contacted that their overhead costs could be significantly reduced if this form were changed from a quarterly to an annual report.

Mr. President, the amendment I propose today would accomplish savings to both the business community and the Federal Government which processes approximately 175 million reports of wage payments per year. This would be significant, especially when the General Accounting Office calculates that the processing of paperwork costs the Federal Government over $15 billion a year, which accounts for approximately 6 percent of Federal expenditures in fiscal 1973.

It now costs $7 billion more per year to process Federal paperwork than it did 6 years ago, and $11 billion more per year than paperwork costs in 1955. The astronomical rise in Federal paperwork costs serves to emphasize the urgency of the paperwork problem for small business.

On September 18, 1971, the President's Advisory Council on Management Improvement submitted a report which urged the President to consider establishing a system of annual reporting, and had this to say:

> A system of a single annual wage report, technically feasible and administratively adequate, would result in savings to business estimated in excess of $200 million annually; and in substantial net savings within the Internal Revenue Service and the Social Security Administration.

The President's Council in the conclusion of its report went on to state:

> A study of the advantages of a single annual report against objections raised over the past twenty years indicates that:
>
> 1. Data processing systems have made tremendous strides since the initial proposal that a single reporting system is not only technically feasible but also administratively adequate.
>
> 2. The objections raised in the past are no longer of sufficient weight to continue the now obsolescent system.
>
> 3. The annual reduction in the number of reports submitted by business is estimated at approximately 18 million, with a savings in excess of 200 million dollars. Savings to the Federal Government would be reflected in a reduction in operating costs and increased compliance income, but accurate estimates of dollars savings will have to wait on the development of the system.

On April 17, 1973, the Subcommittee on Government Regulation, which I chair, after 2 years of hearings into the Federal paperwork burden, submitted a report to the Senate which also recommended abolishment of the quarterly system in favor of an annual wage reporting system.

On July 20, 1973, Secretary of the Treasury George P. Shultz advised me that:

> One real opportunity for reducing paperwork is the proposal for limiting the duplication between Internal Revenue and Social Security reports on the wages of individual employees. The Office of Management and Budget has asked the Treasury and the Department of Health, Education and Welfare to work out means of accomplishing this. This work is in progress.

The changes in the reporting of wages to be accomplished by this amendment would not have any adverse affect on the ability of the social security claimant to receive a quick determination of eligibility. In fact, the annual wage reporting system replacing quarterly reporting could utilize demand reporting on a case-by-case basis, thus enhancing the recipient's ability to have a quick determination by the Social Security Administration.

I feel certain that the Administration as well as the business community wholeheartedly urges the reorganization of our quarterly wage reporting system into a simplified annual report.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter dated July 20, 1973, from Secretary of the Treasury Shultz.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> THE SECRETARY OF THE TREASURY,
> *Washington, D.C., July 20, 1973.*
>
> Hon. THOMAS J. McINTYRE,
> *Chairman, Subcommittee on Government Regulation, Select Committee on Small Business, Washington, D.C.*
>
> DEAR MR. CHAIRMAN: This is in reply to your letter of April 24 requesting the Treasury's views on pertinent parts of an attached report of the Senate Select Committee on Small Business dealing with the Federal paperwork burden.
>
> We appreciate the opportunity to review the report.
>
> Insofar as paperwork is increased by statutory complexities, I can assure you that it is the objective of both the President and the Secretary of the Treasury to develop and promote remedial legislation. In this connection, I think you will be interested in the statement that I made on April 30, 1973, to the Ways and Means Committee on this and related subjects. A copy is enclosed.
>
> One real opportunity for reducing paperwork is the proposal for limiting the duplication between Internal Revenue and Social Security reports on the wages of individual employees. The Office of Management and Budget has asked the Treasury and the Department of Health, Education, and Welfare to work out means of accomplishing this. This work is in progress.
>
> The other comments of your Committee relate to administrative aspects of the Internal Revenue Service. I understand the Commissioner, Donald C. Alexander, has already given his views on these matters. I am enclosing a copy of his comments.
>
> If we can be of further assistance to your Committee, please let me know.
>
> Sincerely yours,
>
> GEORGE P. SHULTZ.

Mr. McINTYRE. Mr. President, I point out to the Senate that the Office of Management and Budget, the Treasury, and the Internal Revenue Service, which are part of the Treasury, of course, are all in agreement that this is a good amendment, and I urge its adoption.

Mr. LONG. Does the Senator from New Hampshire say that the Treasury agrees to this amendment?

Mr. McINTYRE. That is correct.

Mr. LONG. It is my understanding that the long-range cost of this amendment will amount to $1.5 billion a year. Is that according to the Senator's estimate?

Mr. McINTYRE. The manager of the bill said what—$1.5 billion?

Mr. LONG. That is what my understanding is, in referring to amendment No. 751. Is that correct?

Mr. McINTYRE. That is the right amendment.

Mr. LONG. I am advised by staff that this amendment would cost $1.5 billion per year in the long run, because it would require us to give four quarters a year of social security credit to individuals who might have worked only during a single month, on perhaps during the Christmas holidays, $400 a year. That would cost .25 percent of the payroll. The payroll being $600 million, that would work out to $1.5 billion a year to provide benefits to people who probably would not qualify under existing law by giving them credit for four quarters of work, when they might have worked only for one quarter. Is that correct?

Mr. McINTYRE. I would say to the Senator from Louisiana that that is not correct. The reports from which I quoted is from the President's Advisory Commission on Management Improvement, from Secretary Shultz and from the Office of Management and Budget. They took a hard look at each objection which was filed by the States and others to the change, and refuted them completely.

Mr. LONG. Does the Senator have a letter from the Treasury favoring this amendment?

Mr. McINTYRE. I included it in the RECORD. It is from the Secretary of the Treasury dated July 20, 1973. Let me read the fourth paragraph—if the Senator wants me to, I can read him the whole letter. Let me read the fourth paragraph:

> One real opportunity for reducing paperwork is the proposal for limiting the duplication between Internal Revenue and Social Security reports on the wages of individual employees. The Office of Management and Budget has asked the Treasury and the Department of Health, Education and Welfare to work out means of accomplishing this. This work is in progress.

Mr. LONG. May I see that letter, Senator?

Mr. McINTYRE. Of course. Here it is.

Mr. LONG. Well, Senator what bothers the manager of the bill is that this refers apparently to a report of the Small Business Committee but does not refer to this amendment. I am all in favor of reducing paperwork for those who have to make reports to the Government, including tax returns, and so forth. But when we see an amendment that will cost $1.5 billion—where, in order to reduce the paperwork of business filing reports, and so forth, it will cost $1,500,000,000 per year as an unintended or a windfall benefit to people who have not earned it, that would concern me very seriously.

In other words, I would say, why does not the Senator submit his amendment to us and give us a chance to work on this matter with the Treasury and others and see if we cannot find some way to reduce the paperwork that would not cost the Government well over a billion dollars a year and that would not have the effect of extending people credit for four quarters of work when they only worked for a brief period of time, say, during one quarter of the year. There are just a lot of things here that we can do to help the poor more than giving someone credit for four quarters when they work only one quarter, or, say, only at Christmastime.

Mr. McINTYRE. Does the Senator have a paper there that talks about this cost and other things—the $1,250 million, or is it something the Senator has by virtue of getting it from his staff?

Mr. LONG. That was given to us over the telephone. We have not had time to get this in the mail. This amendment was submitted on November 29. This is November 30. It is an amendment that would cost us $1,500 million and could have the result that people would be entitled to four quarters of credit if they only did 1 week's work.

Mr. McINTYRE. My position would be that they would not be entitled to it, either.

Mr. LONG. Let me read from page 16 on line 14 of the Senator's amendment:

> "(2) In any calendar year after 1973 in which the total of the wages paid to an individual and the self-employment income credited to him under section 212 equals $100 or more, the number of coverage credits credited to such calendar year shall be the number appearing in column II of the following table on the line on which in column I appears the total of such wages and self-employment income.

Then there is a table which follows, and the Senator will see that is under the $400 figure—and I ask unanimous consent that this table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

"I	II
"Total wages and self-employment income for a calendar year	Coverage credits
$100 or more, but less than $200	1
$200 or more, but less than $300	2
$300 or more, but less than $400	3
$400 or more	4

Mr. LONG. Mr. President, where a person has $400 in total wages and self-employment income for calendar year, he gets credit for four quarters. That could mean working only during the Christmas shopping season and we would be required, under the law, to credit that person for a whole year of hard work. That would cost the Government $1,500 million a year to carry those increased benefits on for the remainder of that person's life, even though that person had only worked during the Christmas season or, let us say, for a single week in December.

I doubt very much that the Senator would want to create that kind of inequity in the social security laws, although I would certainly like to cooperate on any reasonable basis on which we could reduce the paperwork because there is undoubtedly too much paperwork now going on in Government activities.

Mr. McINTYRE. In working up the amendment, and checking the various agencies, we ran across no such adverse opinion. It is my opinion that we are offering a good amendment and that there would be no cost as a result of the amendment. Therefore, I think the only way to handle it is to have the yeas and nays.

Mr. LONG. The social security, of course, have to concern themselves with the cost of this, because they must concern themselves with what it cost in the long run to do this.

Might I suggest, in a spirit of compromise, that we consider this matter in connection with the next social security bill. There is one that the House has sent us. I am informed that the House is proposing not to act on this bill we have here at all until we send a subsequent social security bill, which is the one in which they are really interested.

So we will have another opportunity to act, and it will give us a chance to study this matter and see if there is some way we can cooperate with the Senator in reducing paperwork. We would like to do that. We, of course, would not like to give somebody a great deal of benefit far beyond anything he has earned. We have to concern ourselves about the cost of this program, just as the Senator does as to the cost of those things in the armed services that come before the Committee on Armed Services and the other committees.

I hope the Senator will consider withholding his amendment at this time and giving us a chance to do justice to it and study it in the committee, to see if we can find a way to help him achieve what he is trying to achieve. As I understand, it is not an attempt to expand the benefit; it is for the purpose of reducing the paperwork burden on people that the Senator has in mind. If that is so, I would like to help him. I do not want to vote for something that would cost a great deal of money that was never anticipated.

Mr. McINTYRE. I say to the Senator from Louisiana that the sole objective in the inquiries we are making in the various Departments of Government is to try to find out where unnecessary and duplicative paperwork is required. Over the past 2 years, as I have said, it has been determined that of all the forms that the employer has to fill out, none is more burdensome or more expensive than this form that he has to file every quarter.

What do we find with respect to some of those inquiries? The answers that come back to us from some bureaucrats are, "We would rather have them filed quarterly than annually, because if they are filed annually, it is going to disrupt our workload."

We would like to take the load off the small businessman of America in this instance. The one reason we can not do it in more instances is that a few bureaucrats might lose their jobs.

I do not want to be the proponent of any amendment that is going to cost this country $1.25 billion. I would like to have the solemn assurance of the distinguished Senator from Louisiana that it will be taken up in the next social security bill. This amendment, in bill form, is in the Senator's committee now. It was submitted to the committee in September of this year. I would very much like to push forward on it.

It is a shame for the proponents of this amendment to come in and be given a talk, with respect to their plea to adopt this amendment, that it is going to cost $1.25 billion; whereas, for 2 years we have heard no such analysis. If any such analysis had emanated from the Government, this amendment could have been dropped a long time ago.

Mr. LONG. That is what they have told us by telephone. I hope the Senator sees the basis upon which they arrive at that estimate.

I would be glad to give the Senator the assurance he has in mind. I will invite him right now to meet with the Committee on Finance with respect to the other social security bill, on which we should act this year. We should act between now and Christmas. I am led to believe that the House is not going to consider the bill that is now before the Senate until we do act on the other bill. I will try to help the Senator work this matter out, and I hope the committee will go along with us in helping him solve the paperwork problem, without bringing about a large, unintended cost that we really did not intend.

If the Senator will be kind enough to give us the opportunity, I assure him that his amendment will receive every consideration; and we will try to make our suggestions in any way that can be helpful to bring about the result the Senator desires.

Mr. McINTYRE. Mr. President, I am willing to withdraw the amendment at this time, with the assurances I have received from the Senator from Louisiana.

I should like to say for the record that the amendment we are bringing up at this time deals with the most burdensome and worst example of paperwork that is foisted on the American public, the consumer, the small businessman, the mom-and-pop stores throughout this country. It is an example of the unnecessary and burdensome paperwork that is too prevalent in Government today.

This is only the initial step, so far as the Senator from New Hampshire is concerned, to move this monolithic bureaucracy, to get rid of some of this paperwork that is polluting this Government.

Mr. President, I withdraw my amendment, with the assurance that we will move rapidly on the other bill. If we find that it does not result in a cost of $1,250,000,000, we will have it in the next social security bill.

Mr. LONG. I thank the Senator. I will do the best I can to help him achieve the result he has in mind, consistent with trying to keep the cost of the program within manageable proportions. I thank him very much.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. CURTIS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER (Mr. DOLE). The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. CURTIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

Strike out sections 101 through 106 and insert in lieu thereof the following:

INCREASE IN SOCIAL SECURITY BENEFITS

SEC. 101. (a) Section 201 of Public Law 93-66 is amended—

(1) by striking out "the percentage by which the Consumer Price Index prepared by the Department of Labor for the month of June 1973 exceeds such index for the month of June 1972" in subsection (a)(1) and inserting in lieu thereof "10 per centum"; and

(2) by striking out "except that the amount of such increase shall be based on the increase in the Consumer Price Index described in subsection (a)" in subsection (b) and inserting in lieu thereof "except that the amount of such increase shall be 10 per centum."

(b)(1) Section 215(a)(3) of the Social Security Act is amended by striking out "$8.50" and inserting in lieu thereof "$9.40".

(2) The amendment made by paragraph (1) shall be effective with respect to benefits payable for months after May 1974.

(c) Notwithstanding any provision of title II of the Social Security Act—

(1) for purposes of the determination made under section 215(i)(2)(A) of such Act in the calendar year 1974 (and for purposes of sections 203(f)(8)(C) and 230 of such Act with respect to such determination), the "cost-of-living computation quarter" shall be the calendar quarter ending September 30, 1974; and

(2) for purposes of the first determination made under section 215(c)(2)(A) of such Act in a calendar year after 1974 which results in a finding of a "cost-of-living computation quarter" (and for purposes of sections 203(f)(8)(C) and 230 of such Act with respect to such determination), the "base quarter" shall be the calendar quarter ending September 30, 1974.

SUPPLEMENTAL SECURITY INCOME BENEFITS

SEC. 102. (a) Section 210(c) of Public Law 93-66 is amended by striking out "June 1974" and inserting in lieu thereof "March 1974".

(b) Section 211(a)(1)(A) of Public Law 93-66 is amended by striking out "July 1974" and inserting "April 1974" in lieu thereof.

INCREASE IN EARNINGS BASE

SEC. 103. (a)(1) Section 209(a)(8) of the Social Security Act is amended by striking out "$12,600" and inserting in lieu thereof "$13,200".

(2) Section 211(b)(1)(H) of such Act is amended by striking out "$12,600" and inserting in lieu thereof "$13,200".

(3) Sections 213(a)(2)(ii) and 213(a)(2)(iii) of such Act are each amended by striking out "$12,600" and inserting in lieu thereof "$13,200".

(4) Section 215(e)(1) of such Act is amended by striking out "$12,600" and inserting in lieu thereof "$13,200".

(b)(1) Section 1402(h)(1)(H) of the Internal Revenue Code of 1954 (relating to definition of self-employment income) is amended by striking out "$12,600" and inserting in lieu thereof "$13,200".

(2) Effective with respect to remuneration paid after 1973, section 3121(a)(1) of such Code is amended by striking out the dollar amount each place it appears therein and inserting in lieu thereof "$13,200".

(3) Effective with respect to remuneration paid after 1973, the second sentence of section 3122 of such Code is amended by striking out the dollar amount and inserting in lieu thereof "$13,200".

(4) Effective with respect to remuneration paid after 1973, section 3125 of such Code is amended by striking out the dollar amount each place it appears in subsections (a), (b), and (c) and inserting in lieu thereof "$13,200".

(5) Section 6413(c)(1) of such Code (relating to special refunds of employment taxes) is amended by striking out "$12,600" each place it appears and inserting in lieu thereof "$13,200".

(6) Section 6413(c)(2)(A) of such Code (relating to refunds of employment taxes in the case of Federal employees) is amended by striking out "$12,600" and inserting in lieu thereof "$13,200".

(7) Effective with respect to taxable years beginning after 1973, section 6654(d)(2)(B)(ii) of such Code (relating to failure by individual to pay estimated income tax) is amended by striking out the dollar amount and inserting in lieu thereof "$13,200".

(c) Section 230(c) of the Social Security Act is amended by striking out "$12,600" and inserting in lieu thereof "$13,200".

(d) Paragraphs (2)(C), (3)(C), (4)(C), and (7)(C) of section 203(b) of Public Law 92-336 are each amended by striking out "$12,600" and inserting in lieu thereof "$13,200".

(e) The amendments made by this section, except subsection (a)(4), shall apply only with respect to remuneration paid after, and taxable years beginning after 1973. The amendments made by subsection (a)(4) shall apply with respect to calendar years after 1973.

(f) The amendments made by this section to provisions of the Social Security Act, the Internal Revenue Code of 1954, and Public Law 92-336 shall be deemed to be made to such provisions as amended by section 203 of Public Law 93-66.

CHANGES IN TAX SCHEDULES

SEC. 104. (a)(1) Section 3101(a) of the Internal Revenue Code of 1954 (relating to rate of tax on employees for purposes of old-age, survivors, and disability insurance) is amended by striking out paragraphs (4) through (6) and inserting in lieu thereof the following—

"(4) with respect to wages received during the calendar year 1973, the rate shall be 4.85 percent;

"(5) with respect to wages received during the calendar years 1974 through 2010, the rate shall be 4.95 percent; and

"(6) with respect to wages received after December 31, 2010, the rate shall be 5.95 percent."

(2) Section 3111(a) of such Code (relating to rate of tax on employers for purposes of old-age, survivors, and disability insurance) is amended by striking out paragraphs (4) through (6) and inserting in lieu thereof the following—

"(4) with respect to wages paid during the calendar year 1973, the rate shall be 4.85 percent;

"(5) with respect to wages paid during the calendar years 1974 through 2010, the rate shall be 4.95 percent; and

"(6) with respect to wages paid after December 31, 2010, the rate shall be 5.95 percent."

(b)(1) Section 1401(b) of such Code (relating to rate of tax on self-employment income for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) in the case of any taxable year beginning after December 31, 1972, and before January 1, 1974, the tax shall be equal to 1.0 percent of the amount of the self-employment income for such taxable year;

"(3) in the case of any taxable year beginning after December 31, 1973, and before January 1, 1978, the tax shall be equal to 0.90 percent of the amount of the self-employment income for such taxable year;

"(4) in the case of any taxable year beginning after December 31, 1977, and before January 1, 1981, the tax shall be equal to 1.10 percent of the amount of the self-employment income for such taxable year;

"(5) in the case of any taxable year beginning after December 31, 1980, and before January 1, 1986, the tax shall be equal to 1.35 percent of the amount of the self-employment income for such taxable year; and

"(6) in the case of any taxable year beginning after December 31, 1985, the tax shall be equal to 1.50 percent of the self-employment income for such taxable year."

(2) Section 3101(b) of such Code (relating to rate of tax on employees for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following—

"(2) with respect to wages received during the calendar year 1973, the rate shall be 1.0 percent;

"(3) with respect to wages received during the calendar years 1974 through 1977, the rate shall be 0.90 percent;

"(4) with respect to wages received during the calendar years 1978 through 1980, the rate shall be 1.10 percent;

"(5) with respect to wages received during the calendar years 1981 through 1985, the rate shall be 1.35 percent; and

"(6) with respect to wages received after December 31, 1985, the rate shall be 1.50 percent."

(3) Section 3111(b) of such Code (relating to rate of tax on employers for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages paid during the calendar year 1973, the rate shall be 1.0 percent;

"(3) with respect to wages paid during the calendar years 1974 through 1977, the rate shall be 0.90 percent;

"(4) with respect to wages paid during the calendar years 1978 through 1980, the rate shall be 1.0 percent;

"(5) with respect to wages paid during the calendar years 1981 through 1958, the rate shall be 1.35 percent; and

"(6) with respect to wages paid after December 31, 1985, the rate shall be 1.50 percent."

(c) The amendment made by subsection (b)(1) shall apply only with respect to taxable years beginning after December 31, 1973. The remaining amendments made by this section shall apply only with respect to remuneration paid after December 31, 1973.

ALLOCATION TO DISABILITY INSURANCE TRUST FUND

SEC. 105. (a) Section 201(b)(1) of the Social Security Act is amended by striking out "(E)" and all that follows down through "which wages" and inserting in lieu thereof the following: "(E) 1.1 per centum of the wages (as so defined) paid after December 31, 1972, and before January 1, 1974, and so reported, (F) 1.15 per centum of the wages (as so defined) paid after December 31, 1973, and before January 1, 1978, and so reported, (G) 1.2 per centum of the wages (as so defined) paid after December 31, 1977, and before January 1, 1981, and so reported, (H) 1.3 per centum of the wages (as so defined) paid after December 31, 1980, and before January 1, 1986, and so reported, (I) 1.4 per centum of the wages (as so defined) paid after December 31, 1985, and before January 1, 2011, and so reported, and (J) 1.7 per centum of the wages (as so defined) paid after December 31, 2010, and so reported, which wages".

(b) Section 201(b)(2) of such Act is amended by striking out "(E)" and all that follows down through "which self-employment income" and inserting in lieu thereof the following: "(E) 0.795 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1972, and before January 1, 1974, (F) 0.815 of 1 per centum of the amount of self-employment income (as so defined) as reported for any taxable year beginning after December 31, 1973, and before January 1, 1978, (G) 0.850 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1977, and before January 1, 1981, (H) 0.920 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1980, and before January 1, 1986, (I) 0.990 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1958, and before January 1, 2011, and (J) 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2010, which self-employment income".

Strike out section 121.

Mr. CURTIS. Mr. President, the pending amendment is the administration's version of the benefit increases they are in favor of and are in favor of having in this bill. There are reasons for the change in this schedule of benefits that are very impelling.

This amendment would change the effective date of the increases in social security. Under the proposal reported by the Committee on Finance, there would be a 7-percent increase in social security benefits effective immediately. There are many problems with respect to the issuance of checks immediately, and I will have something to say about that later.

The Finance Committee's recommendation, in addition to the 7 percent immediately, calls for a 4-percent increase in June of 1974—in other words, next June. The Finance Committee's bill calls for a 2-step increase in social security benefits totaling 11 percent.

The administration is in favor of an increase in social security benefits. As a matter of fact, percentagewise, the administration's proposal is more liberal toward the beneficiaries than is the committee amendment.

This is what the administration proposes: A 10-percent increase effective June 1974. This will be carried in the checks issued on July 3, 1974. Then they would have a 3-percent increase effective January 1975, which would be in the checks in February 1975. In other words, the administration proposal is a two-step increase totaling 13 percent, as contrasted with the committee proposal of a two-step increase totaling 11 percent.

There is a difference, however. The committee bill calls for the first increase to be paid immediately. That just cannot be done. We have 30 million social security beneficiaries. It is true that they use the latest in business machines, calculators, computers, and so forth. Nevertheless, 30 million envelopes have to be prepared; the computation has to be made; the checks have to be inserted; and they have to be mailed.

Now, it is estimated by the administration that if this bill should become law this month, they could not send out the increases probably until about March, for the most simple calculations.

A primary beneficiary, an individual whose benefit is calculated on his own earnings, calls for a rather simple mechanical operation to compute the increase. If it is 7 or 10 percent, whatever it is, his benefit is so much. But on the other hand, there are secondary beneficiaries, widows, wives, dependents, and others, whose benefit is based upon a percentage of the benefit of the primary beneficiary. So a calculation has to be made as to how much the primary beneficiary would get and then a second calculation as to how much the secondary beneficiary would get, so it would take into April to effect a raise that would go into effect now.

That would mean issuance of a lump-sum payment. It would amount to several billion dollars that would have to be paid next spring.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the Social Security Administration entitled "Why It Isn't Possible To Pay a Social Security Benefit Increase Immediately."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHY IT ISN'T POSSIBLE TO PAY A SOCIAL SECURITY BENEFIT INCREASE IMMEDIATELY

Given the fact that the Social Security Administration employs tens of thousands of workers and is one of the world's largest users of computers, it would seem, on the surface, that it would be a simple matter to include any benefit increase in the very next check following a decision by the Congress and the President to provide the increase.

As it turns out, it is a difficult and time-consuming task—one that requires a great deal of planning and preparatory work. While computers can calculate benefit increases very quickly, preparing them to make those calculations is a very complex undertaking. The complexity also limits the number of people who can be assigned to this work at any given time. Following are some of the reasons why the process takes so much time.

The computers can easily be used for the relatively simple chore of multiplying current benefits by the rate of the increase for less than half of the 29 million beneficiaries who receive checks each month.

For the remaining beneficiaries—some 17 million people—the computers must be programmed to apply a vast number of complex rules required to increase the amount of a person's check correctly. For example, a complex calculation is required for beneficiaries who retired before age 65, and for those who are widows.

Last year, the Social Security Act was amended to include many changes which greatly complicate benefit calculations and increase the number of variables that must be taken into account. Computer programs and payment systems are still being revised to work those legislative changes into the system. These changes have rendered useless computer programs and special systems used by the Social Security Administration to execute previous benefit increases.

Last year's Social Security Amendments also authorized a new Federal Supplemental Security Income program calling for the Social Security Administration to begin making cash assistance payments to some 6 million needy aged, blind, and disabled people in January 1974. This new program adds a significant workload for the Social

Security Administration. The requirement to install the Supplemental Security Income program and to increase social security benefits at the same time complicates both processes—particularly because the two programs affect each other and must be carefully coordinated.

The combination of all of these factors makes the preparation required to correctly increase 29 million social security checks more difficult than ever before. The best estimate of the Social Security Administration is that the complete process, from beginning of planning to delivery of an increased benefit check, will require about 6 months.

Following is a summary of some of the steps that are required to complete preparations, calculate the increase, and deliver a higher check to social security beneficiaries:

Step 1. The planning for and preparation of new computer programs and changes in the check processing system require about 12 weeks.

Step 2. Testing and checking these programs and systems changes require another 2 weeks.

Step 3. A master benefit record must be kept on the 29 million people now receiving checks. Correct benefit payments cannot be made unless it is maintained and updated accurately. Thus, the new computer programs and systems changes must be tested to be certain that they do not produce errors in the master benefit record. This step is very important; otherwise, future benefits could be in error, to the disadvantage of millions of social security beneficiaries. This step takes another 2 weeks.

Step 4. The actual process of updating the master file and calculating the benefit increase then takes place. It is this step that produces a massive computer tape which will be used by the Treasury Department as a basis for writing the benefit checks themselves. This step takes about 5 weeks.

Step 5. Using the tape prepared by the Social Security Administration, the Treasury Department prepares the actual checks—over 29 million of them. This requires about 3 to 4 weeks. The process of preparing regular monthly social security checks goes on routinely, month in and month out. Three weeks out of every month is always devoted to Treasury processing.

Step 6. The checks are mailed by the postal service. This is the quickest step. It only takes about 3 days.

To carry out all these steps takes about 6 months.

The Social Security Administration is anxious to deliver proper checks, including new benefit amounts, at the levels authorized in law—as quickly and as accurately as possible. Benefit increases have occurred with some frequency during recent years, and the Social Security Administration has gained a great deal of experience in preparing for and dealing with them. In the case of past benefit increases, SSA has begun a number of the required steps even ahead of actual changes in the law, in anticipation of final action by the Congress. In other words, the agency has anticipated the changes and thus reduced the elapsed time between final enactment of the benefit increase and the delivery of the check. However, it can begin its work only as soon as there is reasonable assurance of what the Congress intends to do. Assuming the Congress will complete its action by December 1, the above schedule would result in the delivery of accurately computed benefit increase checks in May of 1974—at the earliest.

POSSIBILITY OF A FLAT "UNREFINED" INCREASE

The above process can be speeded up if the law authorizing the benefit increase calls for a simple multiplication of the current benefit for each and every beneficiary by the percentage increase. In other words, by ignoring all the variables that now exist for more than 17 million beneficiaries, the process can be shortened. On this basis, a benefit increase can be paid in the March check. However, such an unrefined increase would mean that about 12 million people would receive an amount somewhat lower (usually about $1) than they would receive under a refined increase. Nonetheless, these people would receive more than they now receive.

Under this kind of arrangement, it would be necessary later to refine all the records and calculate all the variables for 17 million people in order to begin paying checks in the correct monthly amount.

Mr. CURTIS. Mr. President, I wish to be very frank. There are fiscal reasons for the position taken by the administration. Under the committee proposal for an immediate payment of this increase, even though it would be several months before everyone received his check, it would have a very sizable impact upon the fiscal position of the Government in this fiscal year. So with the computations and the added expense of calculating increases, and making a retroactive payment, one of the reasons for the position of the administration is the unusual burden that would be placed on the Government in this fiscal year.

To compensate and to anticipate the effects of the built-in increases by reason of inflation, the administration would make the increase payable a year from now; so the total package of the administration is a two-step increase, amounting to 13 percent as contrasted to a 2-year increase amounting to 11 percent.

Now, Mr. President, the difference is the timing for the people who get the checks. I am thoroughly convinced that this amendment should be adopted. I think the administration has gone further in social security increases than many of us feel. We are not unmindful of the increases last year, the built-in features; but nevertheless this is their proposal.

I have watched with interest the voting pattern in the Senate on this particular bill, and I do not anticipate that there is any chance of winning on this vote. There appears to be a determination to vote for a social security increase effective now, even though it will take several months for recipients to receive the money; and then there will be the impact on the Treasury and the economy of a multibillion dollar lump sum payment late in the spring.

Nevertheless, Mr. President, having observed the votes on this bill, on the side of restraint I feel it would not be a good use of time to insist upon a rollcall vote. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from California is recognized.

IMPOUNDMENT BY REGULATION

Mr. CRANSTON. Mr. President, I would like to take this opportunity to express my general support for the basic provision in H.R. 3153—the legislation before us today—which, in effect, converts the 75-percent Federal matching funds under the social services program presently authorized under titles I, IV-A, VI, X, XIV, and XVI of the Social Security Act to a social services revenue-sharing program.

This provision, part D of title I, of H.R. 3153 as reported from the Finance Committee, is a compromise which reflects the thrust of legislation, S. 2528—a measure which would have carefully drawn the boundaries of possible HEW regulations limiting expenditures by the States for social services—which, on October 3, I cosponsored with Senator MONDALE, the distinguished leader in this fight against the regressive new social services regulations the administration has been attempting to implement since February. Over 50 other Members of the Senate joined in cosponsoring this bill. S. 2528 was introduced in response to the latest set of HEW regulations which were issued on September 10 to take effect on November 1.

I am gratified that the Finance Committee has once again strongly rejected the administration's continued attempt to limit severely social service programs eligible for the 3 to 1 Federal match. The administration has sought, through these regulations, to impose a kind of impoundment by regulation. The Finance Committee and the Congress as a whole have strongly expressed their disapproval of this administration approach—most recently in an amendment to the Renegotiation Act, which suspended implementation of regulations proposed on May 1 to go into effect on July 1. These May 1 regulations reflect a revision of regulations originally proposed on February 16.

It is clear, Mr. President, that the administration is determined to press this restrictive approach, and I believe that the Finance Committee has acted most responsibly and appropriately in the face of administration refusal to respond to the wishes of the Congress in this matter. Apparently, decisionmakers at HEW did not garner the full meaning of the Congress' disapproval of the May 1 regulations. Rather, on September 10, HEW proposed a mere rehashing of the same restrictive approach that had been reflected in the other two sets of draft regulations. HEW simply proposes to "outwait" the Congress, and the people, and to keep attempting to implement these new regulations.

SOCIAL SERVICES PROVISION

Part D of title I of the committee bill is best described by the Senate Finance Committee itself—Senate Report No. 93-553, page 32—which states, and I quote:

> COMMITTEE PROVISION
>
> *Freedom from regulatory control.*—The lengthy history of legislative and regulatory action in the social service area has made it clear to the committee that the Department of Health, Education, and Welfare can neither mandate meaningful programs nor impose effective controls upon the States. The Committee believes that the States should have the ultimate decision-making authority in fashioning their own social services programs within the limits of funding established by the Congress. Thus the Committee bill provides that the States would have maximum freedom to determine what services they will make available, the persons eligible for such services, the manner in which such services are provided, and any

limitations or conditions on the receipt of such services.

States would not, however, be permitted to use Federal social services funds in such a way as to simply replace State money with Federal money. The bill requires that any increase in Federal funding used by a State to purchase social services must result in an increase in the level of services and not simply represent the purchase of the same services previously purchased with State funds.

The Committee bill provides that States may furnish services which they find to be appropriate for meeting any of these four goals: (1) self-support (to achieve and maintain the maximum feasible level of employment and economic self-sufficiency); (2) family care or self-care (to strengthen family life and to achieve and maintain maximum personal independence, self-determination, and security in the home, including, for children, the achievement of maximum potential for eventual independent living and to prevent or remedy neglect, abuse, or exploitation of children); (3) community-based care (to secure and maintain community-based care which approximates a home environment when living at home is not feasible and institutional care is inappropriate); and (4) institutional care (to secure appropriate institutional care when other forms of care are not feasible).

To illustrate the variety of services which States may provide with the available social services funds, the Committee bill includes a list of services which could be furnished. This list is not intended to limit the freedom of the States to provide other types of services.

The services listed are:

(1) day care services for children,
(2) day care services for children with special needs,
(3) services for children in foster care,
(4) protective services for children,
(5) family planning services,
(6) protective services for adults,
(7) services for adults in foster care,
(8) homemaker services,
(9) chore services,
(10) home delivered or congregate meals,
(11) day care services for adults,
(12) health-related services,
(13) home management and other functional educational services,
(14) housing improvement services,
(15) a full-range of legal services,
(16) transportation services,
(17) educational and training services,
(18) employment serivces,
(19) information, referral and follow-up services,
(20) special services for the mentally retarded,
(21) special services for the blind,
(22) services for alcoholism and drug addiction,
(23) special services for the emotionally disturbed,
(24) special services for the physically handicapped.

Any other types of services not fitting into any of these 24 categories could also be provided by the States in order to meet the goals of self support, family care or self care, community-based care, or institutional care. Through this mechanism the States will be able to construct programs to meet their particular needs within a predetermined amount of Federal funding without regulatory impediments which often have made planning and program development an impossibility. It is the Committee's belief that the mutual objective of the States and the Federal Government of reducing dependency upon welfare will be met most effectively by this approach.

While the Committee bill is designed to give the States maximum flexibility in designing and operating their social services program, the Committee feels that there should be a public record of the use which the States make of Federal social services funds. Accordingly, the Committee bill would require the States to submit an annual report on their use of funds for social services. The Committee expects that this report will show how much each State expended for each type of services. The report should also provide information on the extent to which social services funds were used for services to persons not actually on welfare and the extent to which such funds were used for the purchase of services from organizations outside the welfare agency.

The Committee emphasizes that under this reporting requirement, the Department of Health, Education, and Welfare would have the duty of requesting appropriate information from the States and of transmitting that information to the Congress in the form of an annual report. The Department's responsibility for providing this annual report is not, however, to be interpreted as authorizing the Department to impose upon the States complex and burdensome reporting procedures. Nor is the reporting requirement to be interpreted as placing upon the Department the burden of conducting audits to provide detailed verification of these reports.

The Committee bill includes a repeal of the provisions enacted in P.L. 92-512 under which the proportion of the Federal social services funds which each State could use for non-welfare recipients was limited to 10 percent (except in the case of specified high priority services). The $2.5 billion annual limit on Federal funding for services is retained. The Commitee bill also includes a provision making explicit in the statute that donated private funds, including in-kind contributions, will be considered State funds in claiming Federal reimbursement for social services where such funds are transferred to the State, or local agency, are under its administrative control, and are donated on an unrestricted basis (except that funds donated to support a particular kind of activity in a named community shall be acceptable).

The new social services provisions would be effective as of November 1, 1973. However, the Committee bill would not result in fiscal 1974 Federal expenditures for social services exceeding $1.9 billion, the amount included in the President's budget.

Each State would be assured, for fiscal 1974, a level of social services funding sufficient to maintain the level of their expenditures for social services in the quarter which ended September 30, 1973. The difference between the amount necessary to meet this goal of maintaining current expenditure levels and $1.85 billion would be allocated on a population basis among those States requiring additional funding. No State would receive funding for fiscal year 1974 in excess of its allocation under the $2.5 billion limit enacted in 1972, except that $50 million would be available for allocation by the Secretary of Health, Education, and Welfare as necessary to prevent certain States (those which were eligible in fiscal 1973 for additional funding above their share of the $2.5 billion limit under a savings clause in Public Law 92-603) from falling below fiscal 1973 funding levels. It is anticipated that considerably less than $50 million will be required to meet this objective, and the Committee bill provides that the remainder be allocated by the Secretary to States which would otherwise be limited under the basic formula to a relatively small part of their regular allocations under the full $2.5 billion limit and which had, prior to November 15, 1973, adopted plans for an expansion of social services programs during fiscal year 1974. Part of this $50 million could also be used for funding programs with a potential for yielding a high level of benefits in relation to the costs involved.

FEDERAL INTERAGENCY DAY-CARE STANDARDS

Mr. President, while I support this basic compromise on social services as reported by the Finance Committee, I am very concerned that part D contains no provision to insure conformity of child-care programs supported under title IU-A with the Federal interagency day-care standards. Consequently, I cosponsored and strongly supported Senator MONDALE's amendment adopted by a 67 to 20 vote to this bill to require that such programs meet the requirements of the interagency day-care standards of 1968.

I would also hope that, if fiscally possible under the allotment of funds, States would consider exercising their new flexibility under part D of title I to include services for all eligible handicapped individuals.

The new social services provisions as defined in H.R. 3153 would be effective—thereby nullifying the new regulations which have now been implemented. According to the Finance Committee, the new provision would result in fiscal 1974 Federal expenditures for social services not in excess of $1.9 billion, the amount included in the President's budget.

ADMINISTRATION APPROACH

As I stated earlier, Mr. President, HEW has twice modified its original February proposal, and has now implemented it as of November 1. This latest version of these regulations, as with the previous issuances, is designed to limit which services may be offered and who is eligible for those services. This approach is contrary to the premise underlying the social services program—to help those who can get off welfare, and to help other low-income people avoid the necessity for welfare.

Mr. President, this entire, highly restrictive approach proposed by the administration is counter-productive. The new regulations will have a devastating effect on programs which the States developed out of the belief that 75-percent Federal funding was forthcoming. This after-the-fact restriction on eligible services will place an unbearable strain on already overloaded State and local government budgets.

In California, in particular, the impact will be disastrous—especially in the four California child-care programs which are presently funded under title IV-A of the Social Security Act. California has developed a highly sophisticated level of child-care services—giving it high priority in the State budgetary decisionmaking process. In fiscal year 1973 California had projected the use of some 67-percent of its social services allotment for child-care programs. Under the new HEW social services regulations, all four California child-care programs will either be eliminated as eligible for Federal social services funds—or be severely debilitated.

STATE PRESCHOOL PROGRAM

Mr. President, the California State preschool program, originally approved for title IV-A funding by HEW in 1965, is for children of nonworking mothers, most of whom are current welfare recipients, and is designed to provide compensatory health, nutrition, education, and social services to overcome the effects of poverty and prepare disadvantaged children for regular school. Under the new regulations, this program will lose all Federal financial support. At least 15,000 of the children currently being served will no longer receive developmental care. In all, some $16 million in Federal funding will be lost.

Of the total of 19,000 children in the California preschool program, only about 18 percent have working mothers, which means that only about 4,000 of these children would continue to be eligible for some other title IV-A program—because the new regulations limit child-care services to working parents. Apparently, the fact that some 500,000 Californians are out of work and cannot find jobs, and that low-income families are the least likely to get jobs, is without relevance for this administration. The "leftover" 15,000 children would simply have no preschool experience. Mr. President, if that is progress I am all for retrogression and the status quo, in this vital area at least.

Additionally, Mr. President, nearly 3,000 professional and paraprofessional employees of the State preschool program, many of whom would otherwise be dependent on welfare, would lose their jobs.

The need for the State preschool program is just as great as it ever was—probably greater. Even at its present enrollment of 19,000 children, the program is nowhere near meeting the need for good compensatory preschool education in California. This is manifested by a December 1972 study by the State department of education revealing that the need for preschool services extends to some 465,000 low-income children.

CHILDREN'S CENTERS PROGRAM

Mr. President, there are 22,000 children currently served in the California children's centers program. The centers provide day care for children of working mothers or mothers in training for employment who are current, former, or potential welfare recipients. The newest social services regulations would permit continuation of 3-to-1 matching funds for the children's centers, but the eligibility limitations are so restrictive that the participation in the program would be cut nearly 51-percent—forcing almost 11,000 children out of the program.

These new regulations would rather sharply limit income eligibility for participation of children of working parents in California to 150 percent of the AFDC standard for free care—which works out to about $5,682 a year for a family of four—with a sliding fee schedule operating up to 233⅓ percent of the AFDC standard—about $8,700 a year before taxes for a family of four in California. Thus, the family of four with an $8,700 annual income would be paying the full cost of child-care services—for 1 child about $1,000 a year.

The growing need for day-care services hits all income groups. Most parents who want quality care for their children are not now eligible for care that is subsidized—the HEW regulations will eliminate even more families. The administration proposes a whole new generation of "latch-key" children. Developmental day-care services cost are high—estimates ranging from an annual cost per child in private care of $1,862 for "acceptable" care to as much as $3,000 for "superior" care.

For a woman making $8,700 a year, which means she is taking home less than $7,000 a year, the cost would be almost $2,000 a year for two children in an "average" day-care facility—well over one-fourth of her income. And then she's lucky to find a facility with an opening. If this woman now has her children in a California children's center facility—and nearly 11,000 children participating have parents in this economic situation—she will have to remove her children from the center. The new regulations say she is no longer eligible. The immediately prior regulations provided a low-income emphasis, but left up to the States the absolute determination of eligibility. Part D of title I of H.R. 3153 would restore this State flexibility, and I applaud the committee provision.

Not only do the regulations set new, lower-income eligibility limits, Mr. President, they also limit participation of people who are former and potential welfare recipients. Under the just superseded regulations, individuals who were likely to become welfare recipients within 5 years were eligible for services. Individuals who were former recipients were eligible to continue services for 2 years.

Thus, when a welfare mother began working, she was not placed in a situation where she could not receive services because she had a job—a Catch 22 that the administration would have us believe should be applied—if the new regulations are allowed to stand.

Mr. President, that is ridiculous. The whole thrust of the social services program is to assist individuals to get off and stay off welfare. To tell someone with three preschool children that now that he or she has a job and takes home $7,000 a year, he or she must pay $3,000 in child care costs—making take-home income only about $330 a year more than when he or she was on welfare, does not exactly encourage finding that job in the first place—much less keeping it.

The combination of the two eligibility criteria—6 months former and potential recipient eligibility and the lower income eligibility—knocks out participation in the children's centers program by any middle-income parent, and most low-income working parents.

While H.R. 3153, as reported, does not mandate eligibility standards, it does prohibit the arbitrary kinds of Federal limitations HEW has sought to impose.

MIGRANT DAY CARE

The migrant day care program presently serves 1,100 children at 26 locations in California. It provides developmental day care for migrant working families. Migrant workers presently qualify under the "group" eligibility category. Under the new HEW regulations, this group eligibility is eliminated. Individual certification by the welfare department—almost impossible for migrating families—is now to be required. This, plus the more restrictive definition of potential recipients, will exclude more than 90 percent of the children presently participating in the California migrant day care program.

CAMPUS CHILD CARE

Mr. President, within the California State Colleges and Universities and the University of California system there are presently some 1,500 children participating in developmental day-care programs funded, in part, through title IV-A. This program utilizes student and parent fees to provide the matching funds to obtain Federal support. The proposed definition of child-care services as limited to work-related services, and the former and potential recipient restrictions, will eliminate at least 90 percent of the presently participating children, and possibly rule out entirely the eligibility of the whole program for Federal support—which means 1,500 children lose day care services.

OTHER PROGRAMS

Mr. President, while the negative effect of the new regulations on child-care programs has been the most evident and the most loudly decried, there are many other important social services programs which will be severely debilitated if the HEW social services regulations are allowed to remain as implemented on November 1. The same income eligibility criteria and former and potential recipients definitions which will very likely eliminate some 33,000 children from participating in the California child-care programs, will eliminate the participation of many, many other low-income individuals from presently provided services.

For example, under the November 1 former and potential recertification requirement, verification of one's likely recipient status would be required every 6 months—not previously required or necessary for a recipient of family planning assistance, for example. Thankfully, these mandatory, Federal recertification requirements would be eliminated by the Finance Committee bill.

Additionally, Mr. President, many services presently provided by the States would simply be excluded from those services eligible for Federal match under the November 1 regulations. Services to the aged, blind, and disabled—such as homemaker services and adult protective services, information and referral services and rehabilitation programs—would be sharply curtailed.

What the administration proposes to do is to limit the possible expenditure level by eliminating the number of services, and individuals, which will qualify for 3-to-1 Federal matching funds.

COUNTERPRODUCTIVE NATURE OF HEW REGULATIONS

Mr. President, the Congress last year, realizing that social services expenditures were on the road to an escalation that went well beyond what was expended, enacted a ceiling of $2.5 billion on Federal social service program funds, which was contained in Public Law 92-512.

If implemented, the November 1 regulations would, in effect, place still another ceiling on social services—in addition to the $2.5 billion ceiling enacted by the Congress—by making the regulations governing eligibility for Federal matching funds so constricted as to eliminate effectively many State programs.

On June 15 in San Francisco, and on June 16 in Los Angeles, I was privileged to chair joint hearings, of the Senate Labor and Public Welfare Committee's Subcommittee on Employment, Poverty and Migratory Labor and the Special Subcommittee on Human Resources, on the effect of this proposed cutback in social services, along with the impact of other administration recommended budget cuts. Senator MONDALE, the author of both S. 2528—the social services legislation which lead to the compromise now included in H.R. 3153—and of S. 1220—the legislation I cosponsored earlier this session which resulted in the original Finance Committee postponement of the effective date of the May 1 regulations—joined me at those hearings. The impact on low-income families will be tremendous if these restrictions are allowed to stand. Numerous witnesses testified to the fact that they would quite simply have to go back on welfare, or—even more appalling—be forced to give up their struggle to stay off welfare and join the public assistance rolls for the first time.

Mr. President, these people were quite simply defeated. They said to us, "Why, when I am trying to make my own way, have a little self-respect and dignity for myself and my children, is the Government forcing me on to welfare?" Why indeed, Mr. President?

I urge my colleagues to join with me in support of this provision. I believe it to be a responsible provision which will prevent, once and for all, the arbitrary imposition of social service program limitations which contravene the intent of Congress and place the burden on those least able to bear it.

STATE ADMINISTRATION OF SSI PAYMENTS

Mr. President, I wish to thank the distinguished chairman of the committee who is handling this bill, for accepting a number of amendments which I had offered.

Mr. President, I would like to take this opportunity to express my support for the many progressive and important changes in present law which have been adopted by the Finance Committee during its consideration of H.R. 3153, and which are reflected in the reported bill before us today. I particularly extend not only my deep appreciation, but the appreciation of millions of social security beneficiaries, for the committee's inclusion of a provision to increase the recently authorized July 1974 social security benefit increase of 5.9 percent to a temporary 7-percent increase, effective upon enactment of H.R. 3153 through May—and, beginning in June 1974, to increase benefits permanently by 11 percent. On September 10 I joined with Senators CHURCH, RIBICOFF, and CLARK, in introducing a similiar bill, S. 2397. Subsequently, over half the Senate joined us in sponsoring a larger, earlier benefit increase.

I am gratified that the Finance Committee has not only adopted this measure, but improved upon it. I was also glad to note the committee's inclusion of a national adoption information exchange system with an initial authorization of $1 million. I have been working on extensive adoption legislation during this past year, and I am pleased that this important aspect of providing maximum adoption opportunities for hard-to-place children has been included in the committee bill.

I would also like to mention my very strong support for the social services compromise the committee has worked out. I will discuss this matter more fully, however, at another time.

Mr. President, I want to express my deep admiration for the great leadership the distinguished floor manager (Mr. LONG) has shown on the Social Security Amendments of 1973—to say the least, this measure is extremely complicated. I have nothing but the highest respect for Senator LONG's grasp and understanding of the many, many issues which have been raised during the debate on H.R. 3153.

Senator LONG and his staff have been most accommodating and helpful to me with regard to the amendments I have offered to H.R. 3153. I do not believe there is a Member of the Senate who has not also found this to be the case.

I want to state my particular appreciation for Senator LONG's agreement to modify the community work and training provision of the committee bill—reinstating section 409 of the Social Security Act—to make the program voluntary for mothers with young children. While I would prefer total elimination of the provision in H.R. 3153 which reinstates section 409, I appreciate the distinguished floor manager's willingness to accommodate one of my primary concerns about this program and modify the provision accordingly.

I want to take this opportunity to clarify one technical amendment to Public Law 92–603, which is contained in the Finance Committee reported bill, H.R. 3153.

My question is with regard to section 201(i) of the committee bill, which corrects a technical error in Public Law 92–603 regarding the authority of the States to administer SSI payments during the period between January 1, 1974, and July 1, 1975—only if HEW is unable to perform those duties directly.

I wonder if the distinguished chairman of the Committee on Finance could confirm my understanding that this provision in the committee bill is simply to correct an error which would have prohibited such transitional State administration from January 1974 through July 1974. Am I correct in assuming the provision is in no way intended to promote State administration of the SSI program—but rather simply corrects a technical deficiency of Public Law 92–603?

Mr. LONG. The Senator is correct.

Mr. CRANSTON. I thank the Senator very much.

AMENDMENT NO. 750

Mr. CRANSTON. Mr. President, I call up one amendment which will not take very must time. I call up amendment No. 750.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

At the end of the bill, add the following new section:

REALLOTMENTS OF CEILINGS ON FEDERAL FUNDS FOR SOCIAL SERVICES

SEC. . Section 1130(b) of the Social Security Act is amended by adding at the end thereof the following new paragraphs:

"(3) (A) Each State to which an allotment is made under the preceding provisions of this section for any fiscal year (beginning with the fiscal year ending June 30, 1975) shall, at the earliest practicable date after the commencement of such fiscal year (and in accordance with regulations prescribed by the Secretary), certify to the Secretary whether the amount of its allotment is greater or less than the amount needed by the State, for uses for which the allotment is made, for such fiscal year and, if so, the amount by which such allotment is greater or less than such need.

"(B) If any State certifies, in accordance with subparagraph (A), that its allotment for any fiscal year is greater than its need for such year, then the allotment of such State for such year shall be reduced by the excess of its allotment over its need, and the amount of such reduction shall be available for reallotment to other States for such fiscal year which have certified, pursuant to subparagraph (A), that the amount of their allotments for such year is less than their need for such year.

"(C) Of the amounts made available, pursuant to subparagraph (B), for reallotment for any fiscal year, the Secretary shall reallot such amounts among the States which have certified (pursuant to subparagraph (A)) that the amount of their allotments is less than the amount of their need for such fiscal year. The amount realloted to any such State for any fiscal year shall bear the same ratio to the total amount available for reallotment for such year as the amount of such State's allotment (determined without regard to this paragraph) bears to the total amount allotted to all such States for such fiscal year (as so determined); except that there shall not be realloted to any such State an amount which exceeds the excess of such State's allotment (as so determined) and the amount such State has (pursuant to subparagraph (A)) certified it would need for such year.

"(D) Any amount realloted to a State under this paragraph for any fiscal year shall, for purposes of subsection (a) of this section, be added to and deemed a part of such State's allotment for such year (as determined without regard to this paragraph)."

Mr. CRANSTON. Mr. President, I shall give a very brief explanation of the amendment.

This amendment, effective in fiscal year 1975, would permit—within the $2.5 billion social services ceiling—funds allotated to, but unexpended, by some States to be reallotted to other States which have expended their full social services allotment.

Although the Finance Committee, in reporting out a new revenue-sharing approach to social services programs, has been advised by HEW that nearly all of the $2.5 billion to be available for expenditure in fiscal year 1975 is expected to be expended under the new approach, I believe that our past experience with HEW estimates in this area, the fact that the new approach is as yet an untried program, and the unexpended amount for fiscal year 1973 of almost $900 million under the present social services program, all combine to argue for the inclusion of a reallocation provision such as I have proposed.

Mr. President, I ask unanimous consent to insert at this point in the RECORD a chart which reflects the States' allotments as compared to actual expenditures under the social services program as it was previously constituted.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOCIAL SERVICES, FEDERAL SHARE (EXPENDITURE ESTIMATES)

(AFDC and adult)	Fiscal year— 1973	1974	1975	Maximum potential social service allotments fiscal year 1973
Total (thousands)	1,664,073	1,800,802	1,859,867	2.5
1. Alabama	14,010	41,900	41,900	42,140
2. Alaska[1]	6,476	3,740	3,740	3,901,750
3. Arizona	2,859	3,439	3,783	23,351,250
4. Arkansas	7,582	11,625	11,850	23,747,250
5. California[1,2]	245,733	245,733	245,733	245,733,250
6. Colorado[1]	22,461	26,654	30,821	28,297,500
7. Connecticut	34,645	25,053	25,203	37,001,750
8. Delaware[1,2]	8,267	6,783	6,783	6,783,250
9. District of Columbia	7,500	8,976	8,527	8,980,250
10. Florida	42,025	69,790	80,259	87,149,500
11. Georgia[1]	51,534	46,705	56,091	56,667,000
12. Hawaii	2,321	7,388	7,580	9,712,500
13. Idaho[1]	4,709	9,076	9,076	9,076,250
14. Illinois[2]	133,058	108,864	61,692	135,076,500
15. Indiana	7,230	8,847	9,217	63,522,250
16. Iowa	12,673	13,950	15,938	34,612,500
17. Kansas	6,721	5,203	4,766	27,109,000
18. Kentucky	30,479	19,295	21,224	39,607,008
19. Louisiana	20,844	31,871	36,509	44,661,250
20. Maine	8,339	8,756	9,193	12,354,000
21. Maryland[1,2]	52,749	48,820	48,845	48,695,250
22. Massachusetts	31,780	41,872	41,905	69,477,000
23. Michigan	74,961	85,147	92,810	109,036,000
24. Minnesota	31,379	29,196	30,659	46,774,250
25. Mississippi[1]	11,541	27,099	27,101	27,169,000
26. Missouri	15,309	15,245	16,185	57,063,250
27. Montana	3,270	3,270	3,675	8,632,000
28. Nebraska	9,959	12,293	14,508	18,308,750
29. Nevada	1,800	2,432	2,654	6,327,000
30. New Hampshire	2,587	6,273	6,745	9,256,500
31. New Jersey	37,058	42,614	47,254	88,446,250
32. New Mexico[1]	6,232	12,858	14,143	12,786,000
33. New York[1,2]	222,097	222,172	222,222	220,497,250
34. North Carolina	23,299	43,678	48,679	62,597,750
35. North Dakota	3,963	3,909	4,188	7,587,500
36. Ohio	29,513	39,350	55,875	129,457,750
37. Oklahoma	24,807	31,635	31,635	31,623,000
38. Oregon[2]	26,136	18,324	19,426	26,196,500
39. Pennsylvania	87,931	114,389	123,246	143,180,250
40. Rhode Island[1]	9,418	9,211	10,736	11,621,500
41. South Carolina[1]	12,735	22,750	32,085	31,995,250
42. South Dakota	2,448	2,601	2,758	8,152,000
43. Tennessee[1]	25,000	48,000	48,000	48,395,000
44. Texas	95,019	57,410	59,313	139,854,750
45. Utah	5,471	5,523	5,523	13,518,500
46. Vermont	3,287	4,547	4,790	5,546,750
47. Virginia	21,431	24,944	33,367	57,175,250
48. Washington[1,2]	49,672	41,336	41,336	41,335,750
49. West Virginia	8,171	17,717	17,717	21,382,250
50. Wisconsin[1,2]	60,000	54,266	54,266	54,265,750
51. Wyoming	1,106	1,341	1,404	4,142,000
52. American Samoa				
53. Guam	263	263	263	
54. Puerto Rico	4,007	6,448	6,448	
55. Trust Territory				
56. Virgin Islands	208	221	221	

[1] States projected to be at or over social service allotment fiscal year 1975.

[2] States at or over social service allotment fiscal year 1973.

Source: August 1973, Community Services Administration–HEW.

Mr. CRANSTON. Mr. President, this chart shows that many States—17 directly and some 26 very likely—would have been favorably affected by such a reallocation provision were we to retain the present law regarding the purposes for which social services funds may be used, and no State would have been adversely affected.

The committee, I believe, firmly intends that the full $2.5 billion authorization be expended in fiscal year 1975—and that is an approach I certainly support. My amendment would insure that, should some States not expend the full amount allotted them—as has often been the case in the past—the unexpended amount would be reallocated among those States expending their full allotment—as has my home State of California and 14 other States—to expand services should unexpected balances be available.

I would hope that the distinguished chairman of the Finance Committee would consider accepting this amendment, since I believe it merely reflects—in terms of its possible fiscal impact—what the chairman expects to be the case anyway; and would allow States with extensive services programs to provide additional services should the HEW estimates on expenditures under the new provisions turn out to be inaccurate.

Mr. LONG. Mr. President, I have no objection to the amendment. I am willing to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

Mr. CRANSTON. Mr. President, I thank the chairman very much.

Mr. KENNEDY. Mr. President, I call up my amendment No. 700 on behalf of myself and the distinguished Senators from Wisconsin (Mr. NELSON), Maine (Mr. MUSKIE), and Indiana (Mr. BAYH).

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be set aside to permit recognition of the Senator from Wisconsin (Mr. NELSON).

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NELSON. Mr. President, I call up an unprinted amendment on behalf of myself, Mr. HART, Mr. MCGEE, Mr. NUNN, and Mr. MATHIAS, and ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 87, after line 24, add the following new section:

SEC. 137(a) Section 3(a) (4) (A) (iv) of the Social Security Act is amended by inserting "(including both short- and long-term training at educational institutions through grants to such institutions or by direct financial assistance to students enrolled in such institutions)" following "training".

(b) Section 403(a) (3) (A) (iii) of the Social Security Act is amended by inserting "(including both short- and long-term training at educational institutions through grants to such institutions or by direct financial assistance to students enrolled in such institutions)" following "training".

(c) Section 603(a) (1) (A) (iv) of the Social Security Act is amended by insertng "(including both short- and long-term training at educational institutions through grants to such institutions or by direct financial assistance to students enrolled in such institutions)" following "training".

(d) Section 1003(a) (3) (A) (iv) of the Social Security Act is amended by inserting "(including both short- and long-term training at educational institutions through grants to such institutions or by direct financial assistance to students enrolled in such institutions)" following "training".

(e) Section 1403(a) (3) (A) (iv) of the Social Security Act is amended by inserting "(including both short- and long-term training at educational institutions through grants to such institutions or by direct financial assistance to students enrolled in such institutions)" following "training".

(f) Section 1603(a) (4) (A) (iv) of the Social Security Act is amended by inserting "(including both short- and long-term training at educational institutions through grants to such institutions or by direct financial assistance to students enrolled at such institutions)" following "training".

Mr. NELSON. Mr. President, Congress, in 1956, authorized matching grants to States for the purpose of supporting the training of social workers, commensurate with the authorization for matching grants to support social services. In 1962, Congress authorized an increase from 50–50 patching support to 75–25 support for both social services and the training of social workers.

Under this provision, States have contracted with educational institutions for a variety of training programs, including in-service training, educational leave training, short- and long-term training for persons employed in or preparing for employment in the States' social work programs.

However, the Department of Health, Education, and Welfare presently is developing regulations that would eliminate support for all long-term training, and permit support only for in-service training. Thus, educational institutions, which now contract with States for long-term and other forms of social work training, would not be permitted to receive support for such training.

For many schools of social work, such a curtailment means loss of support for a number of faculty members.

Under this program of Federal support, the number of trained social workers has increased, to meet the demand for employment of qualified social work personnel.

Approximately $44 million has been appropriated annually by Congress and allocated to States over the past three years for such training. An estimated $12 to $15 million has been spent by the States in contracts with educational institutions for social work training.

The rationale for such support is delineated in the House and Senate Reports on the 1962 Social Security amendments, when Congress authorized an increase from 50–50 to 75–25 matching support for both social services and social work training.

House report (No. 1414, 87th Cong., 2d sess., p. 11) states:

> Your committee is aware that the success of the plan for encouraging rehabilitative and preventive services in public assistance is dependent upon the extent to which the states are able to improve the quality of their public welfare staff. The problems with which the caseworkers and supervisors must deal in public assistance are so complex that skilled workers are needed if the problems are to be understood and successfully dealt with. Currently the staff of public welfare agencies are lacking in trained social workers. Of the 34,539 employees in public welfare agencies in 1960, 28,321 had no graduate study in the school of social work. Even so, this figure includes many trained persons in supervisory or administrative positions; the number of caseworkers with training is even smaller. Only one fully trained caseworker is available for each 23,000 recipients of public assistance. The trend over the past 10 years gives little comfort, for while the number of people with some training has increased, the proportions are so very low as to make the impact of trained caseworkers in this program minimal. For this reason, your committee provided a further amendment to each of the titles, providing that states may receive federal help in the costs of providing training for persons employed or preparing for employment in the States' programs at the 75% rate. Thus the bill also provides that the cost of training staff to provide these services will be shared in by the federal government at the 75% rate. To the extent needed for the proper and efficient administration of the state plan, the Secretary is in a position to determine where training expenses are necessary and proper.

The Senate Report (No. 1589, 87th Cong., 2d sess., p. 7) states:

> Experience has shown that services by highly trained welfare personnel can help these situations (undesirable public assistance case loads). These social services, usually provided by trained social workers or workers employed under the direction of social workers, are designed to help families and individuals to become self-supporting rather than dependent upon welfare checks.

An amendment that I am here offering will ensure that States may continue to use social work training grant money for long-term training or other training under contracts with educational institutions, if the States wish to do so.

I ask unanimous consent that a list of schools now receiving Federal support for social work training be printed in the RECORD at the conclusion of my remarks.

The amendment will prevent HEW from eliminating by regulatory action Federal support for social work training, which Congress authorized.

Such a program should not be drastically curtailed, in my view, without an adequate evaluation of its merits and the impact on schools of social work and the need for qualified, well-trained social work personnel.

HEW's action is apparently another effort to cut the budget without adequate attention to the needs for a program it wants to eliminate.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Partial list of schools receiving Federal support for social work training, either in graduate schools of social work

[Federal dollars received]

Graduate schools:	
Georgia	$700,000
Maryland	800,000
Virginia Commonwealth	170,000
North Carolina	150,000
Houston	125,000
Arkansas	200,000
Wayne State	200,000
Temple	100,000
Missouri	200,000
Kansas	308,000
Albany	15,000
Michigan	40,000
Pittsburgh	80,000
Arizona State	34,000
Tennessee	200,000
West Virginia	100,000
Marywood, Pa	165,000
Wisconsin	700,000
Louisiana State	297,000
Oklahoma	75,000
Alabama	400,000
Texas	150,000
Undergraduate schools:	
Westchester State, Pa	30,310
Shippensburg State College, Pa	15,960
Lehigh Valley Assn. of Independent Colleges, Pa	16,500
Pacific Lutheran Univ., Wash	68,500
Jackson State, Miss	47,000
Mississippi College for Women	32,000
University of Nevada, Las Vegas	50,000
University of Nevada, Reno	58,500
Shepherd College, W. Va	21,000
Concord College, W. Va	46,000
University of Wis., Eau Claire	30,000
New Mexico State U	48,000
Winthrop College, S.C	32,000
University of Wyoming	22,000
University of Montevallo, Ala	75,000
Union College, Ky	11,500
Spalding College, Ky	65,000
Southern University, La	243,750
Eastern Michigan U	24,850
Western Carolina U., N.C	7,300
Eastern Tennessee State	$73,000
Tennessee State U	40,000
Texas Tech. U	12,500
Utah State	21,000
George Mason U., Va	35,000
University of Montana	350,000
Florida A&M College	105,000
Both graduate and undergraduate schools:	
University of Hawaii	48,000
Portland State University	15,600
University of Illinois	109,600
University of Kentucky	152,000
Western Michigan University	106,000
U. of Minnesota-Duluth	5,000
Ohio State University	70,275
Case Western Reserve University, Ohio	193,000

Source: Council on Social Work Education and Conference of Deans of Social Work Schools.

Mr. LONG. Mr. President, I personally will vote for the amendment. The Senator has explained it to me and I believe to some others. I have not had a chance to discuss it with all the members of the committee, although several Senators have indicated their interest in this matter.

I can only speak for myself in this regard, but I personally favor the Senator's amendment. I will vote for it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin for himself and other Senators—putting the question.

The amendment was agreed to.

Mr. KENNEDY. Mr. President——

Mr. TAFT. Mr. President, I wonder if the Senator would yield for a unanimous-consent request.

Mr. KENNEDY. I yield to the Senator from Ohio.

Mr. TAFT. Mr. President, I ask unanimous consent that Mr. William Lind, of my staff, have the privileges of the floor during the debate and votes on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I call up my amendment No. 700, and ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 700—as modified—star print, is as follows:

> At the end of the bill insert the following new section:
>
> SEC. . (a) Section 56 of the Internal Revenue Code of 1954 (relating to imposition of minimum tax for tax preferences) is amended—
>
> (1) by striking out subsection (a) and inserting in lieu thereof the following:
>
> "(a) IN GENERAL.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of every person, a tax equal to 10 percent of the amount (if any) by which the sum of the items of tax preference exceeds $30,000."; and
>
> (2) by striking out subsection (c).
>
> (b) The amendment made by this section shall apply to taxable years beginning after the date of enactment of this Act.

Mr. KENNEDY. Mr. President, in a moment I shall take the opportunity to explain this amendment. The Senator from Wisconsin (Mr. NELSON), the cosponsor of the amendment, and I are prepared to reach a short time agreement, if it is the desire of the chairman of the committee. One of the cosponsors, the Senator from Maine (Mr. Muskie), would like to make a brief statement, so I yield to him.

Mr. LONG. Mr. President, is the Senator talking about the minimum tax amendment?

Mr. KENNEDY. Yes.

Mr. LONG. Mr. President, I believe it best that we simply debate the amendment for awhile and see if we can reach a vote. Sometimes we are able to make better progress in that way than by a time limitation.

Mr. DOMINICK and Mr. TAFT addressed the Chair.

Mr. KENNEDY. Fine.

Mr. President, I yield to the Senator from Maine.

Mr. MUSKIE. Mr. President, I am pleased to join once again with Senators Kennedy, Nelson, and Bayh to propose to the Senate an amendment to bring about a much needed reform of the minimum tax. Last June, during Senate consideration of the debt ceiling extension bill, we offered the identical amendment to the Senate. At that time the amendment was tabled by a narrow margin—a vote of 49 to 47. I hope that the Senate will agree today that we can no longer afford to ignore the gross inequities in our system. I hope we will approve this minimum tax reform amendment as a downpayment on the thorough tax reform we have set as our objective for the next session of this Congress.

Mr. CURTIS. Mr. President, will the Senator yield briefly on that point?

Mr. MUSKIE. Yes, I am glad to yield.

Mr. CURTIS. Mr. President, I am fully aware of the fine and worthwhile objective sought in the minimum income tax, but I would like to call attention to the fact of the very material change in our economy which has taken place since the earlier date to which the Senator referred.

The application of this increased tax will fall primarily upon the petroleum industry. So today it constitutes an increase in taxes upon those who explore for, discover, and produce petroleum. Since 1969——

Mr. KENNEDY. Mr. President, would the Senator be kind enough to yield?

Mr. CURTIS. I do not have the floor.

Mr. KENNEDY. I think I had it, and I yielded it to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine has the floor.

Mr. KENNEDY. Will the Senator permit us to make our brief opening explanations, and then I will be delighted to respond to any question of the Senator from Nebraska?

Mr. CURTIS. Very well.

Mr. KENNEDY. I have a brief statement, as does the Senator from Maine and the Senator from Wisconsin, and then if we could enter into the debate and discuss it in accordance with the ordinary procedure, I think we could expedite action on the amendment.

Mr. CURTIS. Very well.

Mr. MUSKIE. I thank the Senator from Massachusetts.

Mr. President, the need for this amendment is dramatically illustrated in the literature of those organizations which seek to peddle tax shelters to investors. A good example is a brochure advertising a tax shelter symposium sponsored by the Illinois Institute for Continuing Legal Education last June 22 and 23. The complete title of this symposium was "Tax Shelters: Pot of Gold at the End of the Rainbow, or Gone With the Wind?" Some of the specific sessions on the program evidently purported to guide the investor to that "pot of gold." They describe tax shelters in enticing terms. One session was titled "Tax Shelter Accounting—A Disneyland World," which was described as covering "accounting or tax sheltered investments for individuals and corporations." Another session on "The Greening of America—or, Wall Street Cowboys and Farmers," covered "on the hoof and in the ground tax shelter deals." The session on "Shipping as a Tax Shelter—No Poseidon Adventure," covered "foreign shipping and domestic shipping—its tax advantages and problems." One of the sessions, at least, points in what I think is the proper direction—it was titled "Future Shock—What Congress Has Planned." The amendment before us today would go a long way toward realizing that last prediction.

Another description of tax shelters comes in advertising for a report published by the Research Institute Recommendations. The report is titled "Tax Breaks that Lead to Executive Wealth." The letter promoting this report points out that executives "have been badly hurt by taxes and inflation. * * * as times grow tougher, what then?" The letter says the answers are found in the report, which covers topics including "How Profits from Real Estate Investments Can Escape Tax," "How to Reduce Tax on Personal Investment Income," and "Tax Savings Through Prepayment of Interest and Taxes."

These tax preferences make it possible for a well-to-do minority to pay less than a fair share of the tax burden. Our taxes fall hard and heavy on the vast bulk of low- and middle-income Americans, on the men and women whose only source of income is the wage they work for, or the earnings of small family-owned stores, workshops, and farms. The institutionalized tax dodges allow the wealthy to escape part of that burden.

I have detailed the workings of unfair provisions in the tax code which permit allowances for these and other tax shelters in statements before the Ways and Means Committee and in statements in this Chamber. I have introduced legislation to correct many of these inequities—S. 1439, the Tax Reform Act of 1973. Cosponsored by Senators Bayh, Haskell, Hughes, Pastore, and Tunney, this bill would raise approximately $18 billion in new Federal revenue in 1974 without increasing the tax burden on low- and middle-income Americans.

I have hopes that thorough tax reform, along lines of the bill I have introduced, will finally be enacted by this Congress. The amendment before us, to strengthen the minimum tax, is a first step.

Under current law, the minimum tax applies to 10 items of tax preference: First, accelerated depreciation on real property; second, accelerated depreciation on net leased personal property; third, stock options; fourth, depletion allowances; fifth, capital gains; sixth, special amortization of pollution control facilities; seventh, special amortization of railroad rolling stock; eighth, bad debt reserves for financial institutions; ninth, special amortization for job training and child care facilities; and tenth, excess investment interest. The minimum tax, at a rate of 10 percent, is imposed on these items of preferential income, with three deductions allowed: a $30,000 exclusion; the deduction of all Federal taxes paid in the current year; and the carry-forward of any excess of these Federal tax deductions from the 7 previous years.

The amendment we are considering today would repeal what is perhaps the most illogical and self-defeating of these deductions from the minimum tax: the deduction allowable for "regular" taxes paid. The reason for the minimum tax is that Congress judged that the taxes paid on these preferential items were too low. It makes little sense to allow a further escape from the taxation, under the minimum tax, by allowing an unrelated deduction for taxes paid on normal income.

Mr. President, I commend the work of Senators Kennedy and Nelson in bringing this issue before the Senate today, and especially the continued effort of Senator Nelson on the committee level. I urge that the Senate adopt this amendment, as a first small step toward thorough reform of our tax system.

I suggest that the analysis of the amendment which my colleagues from Massachusetts and Wisconsin will make, to demonstrate its minimal effect on fuel production, will constitute the answer to the question that the Senator from Nebraska will later ask.

I ask unanimous consent that the brochures and the letter described earlier in my remarks be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Illinois Institute for Continuing Legal Education]

Tax Shelters Pot of Gold at the End of the Rainbow or Gone with the Wind

FRIDAY, JUNE 22

9:00–9:45 a.m., Shaping Tax Shelter Investment Structures—or Your Playmate of the Month, OUI—What to use and how to use it . . . general and limited partnerships, joint ventures, subchapter S, trusts, section 351 transfers, John S. Pennell, McDermott, Will & Emery, Chicago.

9:45–10:30 a.m., Hot Line—CATV and Microwave Tax Shelters, Jerry Greene, Television Communications, New York, N.Y.

10:45–11:30 a.m., Foreign Tax Havens are Worldly Tax Shelters—Places and techniques . . . foreign corporations . . . WHTC's . . . DISC's . . . foreign trusts, Grant L. Jones, Helliwell, Melrose & De Wof, Miami, Fla., Of Counsel, Gottesman, Evans & Van Merkensteijn, London.

11:30 a.m.–12:15 p.m., All That Glitters is Not Gold—Even on the Silver Screen—An anatomy of movie deals as tax shelters . . . other theatrical ventures, Bruce M. Stiglitz, Loeb & Loeb, Los Angeles, Calif.

12:15–2:00 p.m., Course Luncheon (Included in Tuition Fee)—SEC Registration and Tax Statement Rules—A New Science of Acupuncture—SEC problems . . . rule 146 . . . private placements . . . tax language for prospectuses, Harvey L. Pitt, Chief Counsel, Division of Market Regulation, Securities & Exchange Commission, Washington, D.C.

2:00–2:45 p.m., Tax Shelter Accounting—A Disneyworld Land—Special problems in accounting for tax shelter investments for individuals and corporations . . . overlooked effects and long range impacts, Solomon A. Weisgal, Oppenheim, Appel, Dixon & Co., Chicago.

2:45–3:30 p.m., The Greening of America—or Wall Street Cowboys and Farmers—On the hoof and in the ground tax shelter deals, Richard S. Bright, Brighthaven, New York, N.Y.

3:45—4:30 p.m., Bearding the Lion—Tax Audit Issues—Typical problems, e.g., loss allocations, interest deductions, depreciation schedules, investment credit, Robert M. Gunn, Price, Cushman, Keck & Mahin, Chicago.

4:30–5:00 p.m., Question Period.

SATURDAY, JUNE 23

9:00–9:45 a.m., The Landed Gentry—America's Shangri-La—Real estate deals for everyone: subsidized housing projects . . . traditionally financed projects . . . analyzing and approaching development of good real estate deals into tax shelter oriented deals. Sam Zell, Equity Financial and Management Company, Chicago.

9:45–10:30 a.m., Tax Shelter "Work Outs"—Reaching for the Brass Ring—Passing through deductions . . . grantor trusts . . . cross over points . . . contributions to charity. Marvin Kamensky, Carlins & Kamensky, Chicago.

10:45 a.m.–12:15 p.m., Panel: Double, Double, Toil and Trouble—Co-Chairmen: Burton W. Kanter, Calvin Eisenberg, Levenfeld, Kanter, Baskes & Lippitz, Chicago. Participants: Robert N. Hampton, Salomon Brothers, Chicago. Howard G. Krane, Kirkland & Ellis, Chicago. Alan L. Reinstein, D'Ancona, Pflaum, Wyatt & Riskind, Chicago. Joseph E. Tansill, Coopers & Lybrand, Chicago. Tom Moran, Moran & Company, Chicago.

12:15–1:30 p.m., Lunch Break.

1:30–2:15 p.m., Shipping As a Tax Shelter—No Poseidon Adventure—Foreign shipping and domestic shipping—its tax advantages and problems. Roy Albert Povell, Cadwalader, Wickersham & Taft, New York, N.Y.

2:15–3:00 p.m., Estate Planning (and Planning For Estates)—That Great Tax Shelter in the Sky—Estate considerations often overlooked in conjunction with shelter investments and how to plan for the estate . . . tax shelter investments for estates. Earl A. Samson, Jr., Samson & Monier Associates, Inc., New York, N.Y.

3:15–4:00 p.m., Future Shock—What Congress Has Planned—New Laws and rules affecting tax shelter deals. Ira A. Siegler, Neel and Siegler, Washington, D.C.

4:00–4:30 p.m., Question Period.

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TAX BREAKS THAT LEAD TO EXECUTIVE WEALTH

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Mr. KENNEDY. Mr. President, the purpose of the amendment is to strengthen the minimum tax by eliminating the so-called deduction for taxes paid, which has become one of the largest, most notorious and least justified loopholes in the Federal income tax laws.

On the basis of estimates for calendar year 1972, the amendment will generate increased tax revenues totaling $580 million, including a $330 million increase in individual income tax liability and a $250 million increase in corporate income tax liability.

The deduction for taxes paid entered the revenue laws as an 11th hour Senate floor amendment on the Tax Reform Act of 1969. At the time, the Committee on Finance had reported a minimum tax of 5 percent to the Senate, without any deduction for taxes paid. Late in the floor debate in December 1969, an amendment was offered to raise the rate to 10 percent and to add a deduction for taxes paid.

The revenue effect of that amendment was negligible, but the tax equity effects were enormous. I led the opposition to the amendment at the time, but it was accepted by the Senate and was signed into law as part of the Revenue Code, where it has been a continuing symbol of tax injustice ever since.

Subsequently, the inequity was compounded by another floor amendment, offered in 1970, which allowed a 7-year carry-forward of the deduction for taxes paid.

Thus, under the minimum tax in present law, a person is taxed at the rate of 10 percent on the source of his income from tax preferences, which include most, but not all, of the major tax loopholes, less a $30,000 exemption and less the amount of regular income taxes owed, including the carry-forward.

As an attachment to this statement, I have included a more detailed summary of the current minimum tax and the operation of this amendment.

Last June, I offered this identical reform amendment, on behalf of Senators NELSON, BAYH, and MUSKIE, as a Senate floor amendment to the Debt Ceiling Act. The proposal was tabled by the narrow margin of 49–47, but I am hopeful that a majority of the Senate now supports this reform, and I urge that it be approved as an amendment to H.R. 3153.

Earlier this month, in the House of Representatives, a much more comprehensive reform of the minimum tax, proposed as a floor amendment to the Debt Ceiling Act, was defeated by a substantial margin. In addition to eliminating the deduction for taxes paid, the House amendment contained two other principal provisions: it would have reduced the $30,000 exemption currently allowed to $10,000, and it would have increased the rate of the minimum tax from its present flat rate of 10 percent to a progressive rate schedule equal to one-half the tax rates on ordinary income. The House amendment would have produced a revenue gain of $3 billion.

I have supported the provisions of the House proposal in the past, and I continue to support them today. In S. 2520, I have introduced separate legislation to accomplish these more comprehensive reforms of the minimum tax.

However, the amendment I am now offering is much narrower in scope. It deals only with the deduction for taxes paid. It does not affect either the $30,000 exemption or the rate of the minimum tax. As noted, its revenue gain is $580 million, compared to a gain of $3 billion for the House proposal.

Although the amendment I am proposing is only a "modest" reform in the minimum tax, it is a reform that can and should be accomplished now, not only as a symbol of our commitment in Congress to tax reform, but also as a down-payment on the more comprehensive reform that I hope will be a high priority of the second session of this Congress.

In substantial measure, the amendment will help restore the minimum tax to its true and intended function. The minimum tax is the imaginative technique enacted by Congress as part of the Tax Reform Act of 1969, in an effort to insure that all citizens with substantial income would pay at least some tax on their income, thereby ending the gross tax inequity by which thousands of wealthy taxpayers were able to use the loopholes in existing law to avoid large amounts of taxes they ought to pay, or even to avoid taxes altogether.

In effect, the minimum tax is supposed to be a "bucket under a sieve." It is designed to impose a modest tax on all income that slips otherwise untaxed through the many loopholes in the existing Revenue Code. If the minimum tax fulfills its function, no one with substantial income would be able to avoid paying a fair share of taxes on his income.

Unfortunately, the minimum tax does not adequately fulfill its function. In 1970, for example, the first full year of operation, the revenue yield was a paltry $117 million from individuals, compared to an anticipated yield of $290 million when it was enacted in 1969. In 1971, the yield was little better, only $163 million from individuals.

Thanks to the exemptions and deductions written in at the beginning and in subsequent years, the minimum tax is itself a loophole-ridden tax—minimum in impact as well as name. As such, the minimum tax is the most aptly named provision in the tax laws. Instead of being a "bucket under a sieve," it is, instead, simply another sieve under the existing sieve.

More to the point, this particular deduction—the deduction for regular taxes paid—could most appropriately be called the "executive suite" loophole, because it allows highly paid executives to use their large salaries to shelter large amounts of tax preference income against the minimum tax. But simply because a wealthy individual pays taxes on his salary just like everybody else, it does not follow that the taxes he pays should give him free entry to the "loophole club," by allowing him to amass large amounts of sheltered income, free not only from the regular tax, but from the minimum tax as well.

For 1971, the most recent year for which figures are available, $163 million in minimum tax was paid by individuals on total reported income of $6.1 billion, yielding an average effective minimum tax rate of only 2.63 percent, even though the statutory rate was 10 percent.

Further, of the 98,000 individuals who reported tax preferences, 74,000 paid no minimum tax at all, even though they had tax preference income of nearly $4 billion. And, of the remaining 24,000 individuals who actually paid some minimum tax on their preferences, totaling more than $2 billion, the minimum tax they paid was at an effective rate of only 4.1 percent. Thus, 75 percent of the individuals, with 26 percent of the total reported tax preference income, escaped the minimum tax altogether.

In large part, the source of this enormous avoidance of the minimum tax is the deduction allowed for regular taxes paid. The minimum tax works reasonably well in the case of individuals who pay little or no regular taxes, but it contains a gaping loophole in the case of individuals who pay substantial regular taxes. To me, there is no jurisdiction for allowing this loophole in the minimum tax to remain open. Simple tax justice requires that the minimum tax be applied even-handedly to all tax preference income. The amendment I am proposing today will achieve that result by eliminating the deduction for taxes paid, and I urge the Senate to approve it.

Mr. President, I ask unanimous consent that a more detailed explanation of the amendment may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATION OF AMENDMENT 700

PURPOSE

Repeal the step in the calculation of the minimum tax which currently allows a deduction for other taxes paid.

EXPLANATION

The minimum tax was enacted by Congress as part of the Tax Act of 1969, in an effort to guarantee that persons with substantial amounts of untaxed income would pay at least a modest tax on that income. As reported by the Finance Committee in 1969, a

5% tax would be paid on income from tax preferences. A floor amendment to the bill raised the rate to 10% and added a deduction for regular taxes paid. A 1970 Senate floor amendment allowed a 7-year carry over of the deduction. Under the minimum tax in present law, a person is taxed at the rate of 10% on the sum of his income from tax preferences, less a $30,000 exclusion and less the amount of regular income tax owed, including the carry over.

The proposed amendment would eliminate the deduction and carry-over for taxes paid. These two provisions have allowed large numbers of taxpayers to avoid the minimum tax completely, even though they have large amounts of income from tax loopholes. In practice, the current deduction is an "Executive Suite" loophole, since one of its principal effects is to allow high salaried executives to use the large amount of regular taxes they pay as an offset against income they receive from tax loopholes. The following two examples illustrate the point:

	A	B
Loophole income	$100,000	$100,000
Regular tax on salary	100,000	0
Base for minimum tax	0	100,000
Minimum tax	0	10,000

Individual A, who has $100,000 in income from tax preferences and pays $100,000 in regular taxes on his salary, owes no minimum tax. Individual B, who has $100,000 in income from the same tax preferences, but who pays no regular taxes, owes a minimum tax of $10,000. The minimum tax should operate equally on individuals A and B, yet the deduction for taxes paid gives A an unfair benefit over B. The proposed amendment would equalize the two cases by insuring that A pays a minimum tax on his loophole income. In effect, the amendment requires equal treatment of the rich.

CURRENT YIELD OF MINIMUM TAX

Individuals—In 1971, 24,000 individuals paid $163 million in minimum tax on loophole income of $3.9 billion, for an effective tax rate of 4.1%

But, 74,000 other individuals paid no minimum tax at all on loophole income of $2.2 billion. Thus, the overall effective rate of the minimum tax on individuals is 2.6%, compared to the statutory rate of 10%.

Corporations—(less precise data available)—In 1970, 6,000 corporations paid $280 million in minimum tax on loophole income of $4.1 billion, for an effective rate of 6.7%.

But, 75,000 corporations paid no minimum tax at all on loophole income of $1.6 billion. Thus, the overall effective rate of the minimum tax on corporations is about 4.8%.

REVENUE GAIN FROM PROPOSED AMENDMENT

	Million
Individuals	$330
Corporations	250
Total	580

DISTRIBUTION OF GAIN FROM INDIVIDUALS

Adjusted gross income	Number of returns affected	Increase tax
$0 to $5,000		
$5,000 to $10,000		
$10,000 to $20,000		
$20,000 to $50,000	11,000	$4,000,000
$50,000 to $100,000	22,000	28,000,000
$100,000 and over	30,000	299,000,000
Total	63,000	330,000,000

MAJOR PREFERENCES SUBJECT TO MINIMUM TAX

Excess investment interest, accelerated depreciation on real property, accelerated depreciation on personal property subject to a net lease, amortization of certified pollution control facilities, amortization of railroad rolling stock, stock options, reserves for losses on bad debts of financial institutions, depletion, capital gains, and amortization of on-the-job training and child care facilities.

MAJOR PREFERENCES NOT SUBJECT TO MINIMUM TAX

Interest on state and local government bonds, intangible drilling and development expenses, interest and taxes during construction period of real estate, investment credit, gain on property transferred at death, gain on appreciated property given to charity.

SUMMARY

Summary—The deduction for taxes paid was added by a Senate floor amendment in 1969, and it is appropriate that it now be repealed by a Senate floor amendment.

Previous minimum tax amendments defeated on the Senate floor have also included changes in the tax preferences, in the $30,000 exemption, and in the rate of the minimum tax. The proposed amendment makes no change in the tax preference subject to the minimum tax, no change in the current 10% rate of the minimum tax, and no change in the $30,000 exemption currently allowed against the minimum tax. It affects only the deduction for taxes paid, the most flagrant and least justifiable loophole in the minimum tax. The tax has worked reasonably well in the case of persons who pay little or no regular tax, and the Senate should now close the loophole that allows those already paying regular taxes to escape the minimum tax.

Mr. KENNEDY. Mr. President, I know that arguments will be made here that this amendment will affect in a significant and important way the oil depletion allowance. The question will also be raised that this amendment will have an adverse effect on business in this country because it will increase the tax on capital gains.

I think it is important to show, Mr. President, that the best information that has been developed by the Treasury is unable to justify that view. The Treasury claims that this amendment will produce a 1 point reduction in the depletion allowance, from its current effective level of about 18 percent, down to a new level of 17 percent. That minor reduction would only be a very gentle slap on the wrist to the Nation's oil industry, but their lobbyists are acting as though they are wounded to the core.

And even that 1 point reduction overstates the facts. Analysis shows that many of the oil companies themselves use this loophole by deducting taxes, not from oil drilling or exploration or other pursuits related to their oil operations, but from unrelated activities. Yet, the Treasury assumes that the full total of taxes paid can be allocated against the depletion allowance. And even after this gross distortion of the figures, the best they can come up with is a cut of a single point in the depletion allowance.

When the minimum tax was first enacted in 1969, it cut the depletion allowance by more than three points, from 22 percent to about 18.4 percent, and the oil industry did not miss a stride. Yet, now they complain, when further reduction, grossly inflated to one percentage point is offered. And, I suspect, if the Treasury made the calculations fairly, it would find the true impact was only a small fraction of 1 percent.

In concluding this brief comment, I would just like to mention the following statistics:

In 1971, there were some 22,000 individuals who paid $163 million in minimum taxes on loophole income of $3.9 billion, for an effective minimum tax rate of 4.1 percent. But there were 74,000 other individuals who paid no minimum tax at all on loophole income of $2.2 billion. Thus the overall effective rate of the minimum tax on individuals was 2.6 percent, compared to the statutory rate of 10 percent.

The picture is hardly better in the case of corporations. In 1970, 6,000 corporations paid $280 million in minimum taxes on loophole income of $4.1 billion, for an effective rate of 6.7 percent; but 75,000 corporations paid no minimum tax at all on loophole income of $1.6 million. Thus the overall effective rate of the minimum tax on corporations is about 4.8 percent.

In sum, the effective rates are now only 4.8 percent for corporations, and 2.6 percent for individuals, compared to the statutory rate of 10 percent. The minimum tax which had been suggested and approved by the Senate going back to 1969 had been 10 percent. We had recognized that; it had been approved on the floor of the Senate. We are not even close to that rate at this time. The thrust of this amendment is not to increase the rate to 10 percent in a progressive way, as has been suggested by others, and I hope eventually will be adopted. It is not even to eliminate the $30,000 exemption for preference income. All it does is eliminate the loophole which provides that those who have preference income will be able to reduce that income by the regular taxes they pay.

Under our amendment, $330 million would be collected from individuals. The best information that we are able to provide on this is that there would not be anyone with adjusted gross income below $20,000 who would have to pay any additional increase in taxes. Those with adjusted gross incomes from $20,000 to $50,000—approximately 11,000 individuals—would have a tax increase of about $4 million, and those with over $100,000 in adjusted gross income would pay $299 million.

So it is important that Senators understand where this tax will fall. It will be on those who have incomes over $100,000. They are the ones who will bear the heavy burden in terms of the additional gain, and that will be approximately $300 million.

In the $50,000 to $100,000 range, there will be 22,000 taxpayers, and the amount of increase in their taxes will be approximately $28 million. So the real increase will be for the individuals in this country who are making more than $100,000 in income.

That, Mr. President, is the group of people in this country who are benefiting from the current loophole. It is in the hope of trying to close that loophole that we have advanced this proposal.

Again, I want to reiterate that the burden of this amendment has been carried in the Committee on Finance as well as on the floor of the Senate by members of the committee. Senator LONG himself deserves credit for recommending the minimum tax to the Senate without this loophole in 1969. The distinguished Senator from Wisconsin (Mr. NELSON) and I have worked over a period of years to close this loophole, and we have offered it jointly in the Senate today on behalf of ourselves and other cosponsors.

Mr. NELSON. Mr. President, will the Senator yield for questions.

Mr. KENNEDY. I yield.

Mr. NELSON. In reference to preference income, is it not true, that we do not by this amendment in any way change the fact that an individual can have $30,000 of preference income without paying a tax on it?

Mr. KENNEDY. The Senator is correct.

Mr. NELSON. For example, does it not mean that an individual would have to have more than $60,000 of capital gains in a single year in order to be required to pay any minimum tax under this proposal? In other words, he would pay on the $30,000, as he does under present law. Then he has a $30,000 deduction, so actually he could have $50,000 income under the capital gains and pay no additional tax under the amendment.

Mr. KENNEDY. The Senator is quite correct. This is a bare minimum of tax reform. As pointed out by this example a person must have a large amount of capital gains, even with this amendment applicable, before he will be affected by it. The tragedy, the inequity, is that there are tens of thousands of Americans who fall into that category, who are able to take advantage of tax preferences, and are able to reap extraordinary tax benefits. That is a fundamental inequity, and it is a sizable loss to the Federal Government. When we consider the increase in the cost of the items that have been added to the bill even this afternoon, a number of which I have supported, I think it is necessary for us to consider additional ways to finance these measures and this amendment is certainly a responsible measure.

Mr. NELSON. As I recall, from reading the CONGRESSIONAL RECORD, the only Senator who raised a question in December 1969, objecting to the amendment offered by the former Senator from Iowa, Mr. Miller, was the distinguished Senator from Massachusetts (Mr. KENNEDY), who expressed his opinion at that time that the amendment, in fact, would not strengthen the bill but rather would weaken the minimum tax.

The minimum tax was discussed in the press nationwide as a reform by Congress, that Congress has finally said that, at least, wealthy people who are able under the law to take advantage of these amounts of preferred income would, as citizens, be required to pay a minimum tax of 10 percent. Was that not the objective of the proposal on the floor?

Mr. KENNEDY. The Senator is quite correct.

Mr. NELSON. There were two amendments, as I recall, offered by Senator Miller. It is these two amendments which really destroyed the objective of this tax.

The first amendment which allowed the taxpayer to deduct from his preferred income not only the $30,000 but all the taxes he paid on other regular income that year; and then a subsequent amendment, in which the taxpayer was allowed to carry forward for the next 7 years any part of any taxes he paid on regular income in the previous 7 years and he used that as a deduction from his preferred income. Is that not correct?

Mr. KENNEDY. The Senator is quite correct.

Mr. NELSON. Was it not also correct, at the time of the minimum tax it was estimated that it would raise about $560 million?

Mr. KENNEDY. As I recall, the original prediction of the revenues that would be brought in by the minimum tax was greatly overestimated, and the error was due in large part to the inclusion of the loophole allowing a deduction for taxes paid.

Mr. NELSON. I wish to add, if the Senator will permit me one moment, to say that it was the intention of Senator Miller to strengthen the bill, as he so stated. I am sure that he did not recognize that the two provisions that Congress adopted on the floor without hearings did, in fact, the contrary; that, whereas we thought we were acting on a minimum tax, and so did the public, we in fact, did not adopt an effective minimum tax; and that is all we are attempting to do here.

Mr. KENNEDY. The Senator is again correct, although I tried to point out on the Senate floor that the effect of that amendment would be to enable large numbers of wealthy executives to shelter large amounts of tax loophole income.

I am pleased that the Senator has reviewed the legislative history. In effect, what we are trying to do is to remedy the distortion placed in the law in 1969. We are trying to go back to the recommendation of the Finance Committee of 1969, to recognize that there was a value in creating a minimum tax, and to try to make it work effectively.

The impact of the 1969 amendment has been to create one of the largest and least justified loopholes in the Internal Revenue Code, and its benefits go to individuals of very substantial wealth. One must have substantial income in order to be able to pay the taxes, and therefore to obtain the deduction against perference income. Thousands of wealthy individuals were able to do that in this country last year. In effect, they are frustrating what I think was a creditable and laudable effort by the Finance Committee to close tax loopholes through the minimum tax.

Let me point out again, for the benefit of Senators, that the tax preferences which are not now subject to the minimum tax are not affected by this amendment. We do not touch the interest on State and local bonds, we do not touch drilling and development expenses, or interest and taxes on real estate during the construction period, or the investment credit, or the gain on property transferred at death, or appreciation in property donated to charity.

Many who have studied the whole tax code believe that there are very sizable loopholes in these areas, but any effort to close them must await a comprehensive tax reform bill.

This is a modest reform. It is important. It will provide extremely valuable revenues. It is one which I am hopeful will be accepted by the Senate this afternoon.

Mr. NELSON. Mr. President, I intend later to offer another amendment to strike out the provisions in here repealing the deductibility of the gasoline tax. I just wanted the Senate to be aware of that.

I should like to point out also that when this amendment was managed on the floor by the Senator from Massachusetts on June 27, 1973, it lost only by a 2-vote margin on a motion to table, the vote being 49 to table to 47 against.

Mr. LONG. Mr. President, as Senators have indicated, I hope we can vote on this matter some time soon, so that I would suggest those of us who are in opposition to the amendment be given about 12 minutes to respond to the speeches which have been made, and then that we divide the time—give both sides 5 minutes each to sum up their arguments, at which time we can vote.

Mr. President, I ask unanimous consent that we might do that—let the opponents have 10 minutes, divided 5 minutes to each side.

Mr. BENTSEN. Mr. President, reserving the right to object, I feel very strongly on this and I think I certainly need at least 5 minutes.

Mr. LONG. The Senator can have 5 minutes.

Mr. CURTIS. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield. Does the Senator wish 5 minutes?

Mr. CURTIS. Five minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. CURTIS. Mr. President, I rise in opposition to the amendment. Let us make no mistake about it, this is an amendment the practical effect of which will be to make the fuel crisis greater. This is an amendment the practical effect of which will be to dry up further our supply of petroleum and petroleum products.

Prior to 1969, the depletion allowance for oil production was 27.5 percent. Congress reduced that to 22 percent. Then, when we applied the minimum tax, it went down to 18.4 percent, and this proposal would reduce it further.

Here are some facts about this so-called minimum tax: More than 50 percent of the minimum tax paid by corporations is paid by the oil and gas industry, and more than 48 percent comes from the depletion allowance. Now, I ask: Can the production of oil and gas be increased by making it less profitable? We ought to have learned something. The exploration and discovery of oil and gas in the United States, since we made this mistake in 1969, has gone down, down, down right along.

We ought to take a lesson from the country of Argentina. At one time, Argentina was self-sufficient in petroleum products. Then they had a series of governments that were hostile to the industry. They even drove it out. Today, Argentina's oil remains in the ground, and they are out competing with the rest of the world for Mideast oil.

There is no reason in the world why the United States should not be self-sufficient in energy. It does not make any difference whether you are trying to produce milk or tomatoes or corn or cotton or make automobiles. The more profitable it is, the more you will get. The more profitable it is to spend huge sums of money to go out and explore for gas and oil, the more you are going to get.

Mr. KENNEDY. Mr. President, will the Senator yield on that point?

Mr. CURTIS. I will yield in a moment. The more the Government attacks by increasing the tax, the less you are going to get. Now, of all times, it is preposterous that the Senate of the United States should take action to further reduce our energy supplies.

Mr. President, the gasoline shortage is greater than we think. This is so with respect to tractor fuel and aviation fuel. Today, my State is facing a crisis because airlines are curtailing service. I live in a small town of 2,600 people who for 58 years have had an unusual Christmas lighting. People for hundreds of miles have come to watch. It is going to be dark this year because of the energy crisis.

Furthermore, there is a great burden upon the United States to produce all the food we can. If farmers cannot get tractor fuel and propane to pump water for irrigation, if they cannot get the fertilizer, which is a petroleum product, in the amount they need and at the time they need it—it will cut production by 10 percent—we have rendered a disservice to all mankind.

Mr. President, again I remind Senators that more than 50 percent of the corporate tax paid under the minimum taxes is paid by the oil and gas industry, and 48 percent of the amount paid by the corporations represents the depletion allowance.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, I yield 5 minutes to the Senator from Texas.

Mr. BENTSEN. Mr. President, I share the objectives of the Senator from Massachusetts and the Senator from Wisconsin in trying to find a way that those people who have large incomes pay a fair tax. But this is a strange amendment, indeed, in the way it actually works out.

The distinguished Senator from Massachusetts named those persons who are not affected by this amendment, the so-called preference income that is not touched by it. But the most important group it does not affect are those people with large incomes who pay no taxes today. This amendment does not increase their taxes at all. This is what we ought to be trying to work toward—to see if there is a way we can get these people to pay their proportionate part of the tax.

It is paradoxical, indeed, when there is an amendment that provides that those persons who today are paying the most taxes will be the ones who will be penalized the most by this amendment, and those people who are paying the least taxes and have the largest incomes will not be affected. That just does not add up to me, and I do not think that is the way we ought to approach this matter.

This is a highly complex tax situation. We are talking about tax reform next year and trying to get this job done in the Committee on Finance. That is where it ought to be done, instead of in a few minutes on the floor of the Senate.

The other point involved here is an increase in capital gains tax. We are having a problem today in getting equity money to go into the stock market, in financing new ventures, in trying to take care of the problem of creating new jobs, with projections of increasing unemployment in this country because of the energy crisis. That source of capital will be diminished if the tax is increased on venture capital by an increase on capital gains.

So I believe that this matter has not been given enough consideration, in light of what we are facing in our economy today. The Senator from Nebraska has talked about an energy crisis in this country; and it is a strange time, indeed, to start increasing the tax on that industry and those persons who are trying to add to our petroleum supplies today.

These are the main reasons why I sincerely hope this amendment will be defeated and that we can take it on and study it in depth in the beginning of the new year, and really attack this problem by trying to find out how we can get those persons who have vast incomes and pay virtually no tax to contribute their fair share.

I will tell Senators what this will do and how it will work. Those persons today who are paying high taxes—finding this amendment would give them no credit for the taxes they have paid—will be forced into more preference incomes. It means that they will go into more accelerated depreciation deals. If they convert all of their income to "preference income" they would finally be able to reduce their tax level to 10 percent and certainly that cannot be the objective of the sponsors of this amendment, but that could well be the result for a high-income individual with a clever tax lawyer. I do not believe that is the objective of the Senator from Massachusetts or the Senator from Wisconsin. I am confident it is not. But I think that is the practical result of how this amendment would work.

The amendment provides that the man who pays the highest taxes is not going to be given any credit for that against his minimum tax. The man with a large income who pays the least taxes is the man who will not be penalized by this amendment. The amendment is counterproductive and does not achieve its objective. I hope the Senate will reject the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield myself 2 minutes.

Mr. President, I agree with the Senator from Texas that many of us would like to close the loopholes that exist for those who take advantage of the various preferences. We are unable to do that. This is not a comprehensive tax reform measure.

It is important for us to realize who is able to take advantage of the minimum tax. It is a blue-chip executive loophole. Why should the president of a giant corporation, who earns $500,000 in income and perhaps pays $250,000 in taxes, be able to take that $250,000 and use it as a deduction against his preference income?

Where is the justification for this? Where is the fairness or equity in the tax system? It is important for us to realize that for every loophole created the tax will be borne by someone else who is going to pay. It will not be the executives who will pay for these loopholes. Rather, it will be the working people, who cannot take advantage of the loopholes and the other advantages in the tax code. For every loophole, someone has to pay to plug it up and it is the people who pay their taxes day after day and year after year and who are unable to take advantage of oil depletions, accelerated depreciation, and all the rest.

Mr. BENTSEN. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. BENTSEN. Does the Senator agree that those persons today who have very large incomes and pay no taxes will not be penalized and those who have high incomes and pay high taxes will be penalized by this amendment?

Mr. KENNEDY. If the Senator's question: Are there still a number of tax preferences not subject to the income tax, the answer is yes. If the question is: Would I like to see the loopholes eliminated so they would all be paying a tax, the answer is yes. If the third question is: Do we treat all the people in the same way, the answer is no.

I would like to deal with the whole problem, but we are not able to have the whole apple. However, we can take a large bite of the apple. If we do not do so, we are continuing a loophole which, it is estimated by the Treasury Department, is an advantage to 30,000 individuals in this country with incomes over $100,000. When that money is not paid because of tax loopholes, who pays it? It is the people who earn $20,000 a year or under. We are not treating all the people equally, but we are trying to reduce the loopholes in an important and substantial way, and to guarantee that some of the wealthiest people in the Nation pay their fair share of tax.

Mr. PERCY. Mr. President, will the Senator yield to me for 3 minutes?

Mr. LONG. Mr. President, how much time do the opponents have remaining?

The PRESIDING OFFICER. The Senator from Louisiana has 5 minutes remaining.

Mr. LONG. I only have 5 minutes. I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I would like to state as a matter of principle that I am very much for the minimum tax. I think it is absolutely unconscionable for people with high incomes to be paying no taxes. We should find a way to plug those loopholes and to do so as promptly as we can.

I would like to ask the Senator from Massachusetts, if under his amendment the President would have paid more taxes in 1970 or 1971, based on the information we have with respect to the deduction for Presidential papers in those years.

Mr. KENNEDY. The answer will depend on the facts. Since the President apparently paid only a small amount of tax in those years, the removal of the deduction for taxes paid would probably have no effect.

Mr. PERCY. I think we are familiar with what happened. A deduction was taken for Presidential papers in 1970 and 1971.

Mr. KENNEDY. That deduction might be analogous to the deduction for charitable gifts of appreciated property, which is not an item of tax preference. I have no knowledge whether the President had any tax preference income or would be required to pay a minimum tax.

Mr. PERCY. I would like to ask the floor manager what the case would have been.

Mr. LONG. The minimum tax would probably not affect the President. His taxes were low in those years because of the deduction for the gift of his papers. But we have changed the law in that respect since then and such gifts are no longer deductible.

Mr. PERCY. I understand this amendment would not have required the President to pay a penny more in taxes because it would not affect anyone who took a charitable gift deduction. For that reason we should not be deluded that this would fill all the loopholes.

I understand the House will begin hearings on tax reform early next year and Representative MILLS intends to go into reform of both capital gains and minimum tax laws. I wish to ask the Senator if that is true.

Also I wish to ask a second question. Taking into account that orphans' pension funds and insurance companies representing millions and millions of holders have an interest in the stock market, what effect in a very depressed stock market today would the passage of this amendment have if it became law?

Mr. LONG. I yield myself 1 minute.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LONG. It would increase the capital gains tax from 36.5 percent up to 40 percent; that is roughly a 10 percent increase. That could not do anything but further depress the stock market and demoralize and discourage the stock market, which is in very bad shape now, as the Senator knows.

With regard to this situation, I think that each Senator who wants to study this matter will probably come up with a different idea as to how this minimum tax should be implemented. The House is studying this and I have every reason to believe they will send us something in this area.

But we have to be careful about this matter. This could be a very unfortunate amendment. It could demoralize those we call upon to find more oil and gas, by placing a heavier tax on them.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. LONG. I yield myself 1 additional minute.

The Chase Manhattan Bank has stated that if we had not taxed away $700 million a year from the oil and gas industry, which included the minimum tax we passed in 1969, we would now have 10 percent more oil than we have, on the assumption that the money would have been plowed back into developing more reserves. Furthermore, this amendment will be very demoralizing to the real estate industry by imposing another big tax increase on them.

A DOWNPAYMENT ON TAX REFORM

Mr. BAYH. Mr. President, the purpose of the minimum tax was to make possible the taxation, to a limited extent, of income which previously through certain special deductions permitted by the Internal Revenue Code had not been subject to taxation. Income accorded this special treatment is commonly referred to as "tax preference income." The minimum tax is derived by subtracting from total tax preference income the sum of $30,000 plus the amount of any regular income tax paid and then taking 10 percent of the remainder. Not all income accorded preference treatment, however, is subject to the minimum tax. For example, income derived from interest on State and municipal bonds is not subject to any Federal income tax and is not included in the minimum tax as a preference income item. The same is true of charitable contributions of appreciated property, the investment tax credit and intangible drilling costs.

The minimum or additional tax for tax preference income was effective January 1, 1970 and is applied to the following preference items:

First. Accelerated depreciation of real property;

Second. Accelerated depreciation on personal property subject to a net lease;

Third. Amortization of certified pollution control facilities;

Fourth. Amortization of railroad rolling stock;

Fifth. Stock options;

Sixth. Reserve for losses on bad debts of financial institutions;

Seventh. Depletion;

Eighth. Capital gains and

Ninth. Amortization of on-the-job training and child care facilities.

When the minimum tax was enacted, it was estimated that it would raise $590 million in Federal revenues from individuals in the first year. In fact, for 1970 it raised only $117 million from individuals. The effective tax rate for individuals in 1970 on this preference income was 4 percent, rather than the statutory rate of 10 percent.

Congress enacted the minimum tax on tax preference income because, regardless of the individual merit of the provisions which establish such preferences, we did not want them to be pyramided by wealthy individuals to allow them to escape liability entirely.

Although there were several different minimum tax proposals submitted to Congress, the one finally adopted was that of the Senate Finance Committee which applied a flat 5 percent rate on all preference income in excess of $30,000. The Finance Committee bill was amended on the Senate floor in an amendment offered by Senator MILLER of Iowa to raise the rate from 5 to 10 percent and to allow a further deduction of other Federal taxes paid. A year later, in December 1970, a further floor amendment was passed under which this minimum tax exclusion was broadened to incorporate a 7-year carry-over of regular income tax liability to the extent not initially utilized to offset tax preferences. It is this deduction of other Federal taxes paid that our amendment would eliminate.

The basic rationale for the concept of a minimum tax is that it is needed because the taxpayer has amassed certain items of income which are not included in his regular tax base. These excluded items stand apart from, and in addition to, the items normally taxed. The reason the taxpayer is subject to the minimum tax is that his effective tax is too low in relation to his real income due to the amount he received from tax preference items. To give him credit for his relatively low-tax burden that he pays on nonpreference income defeats the purpose of the minimum tax. The tax on "regular" income is simply unrelated to the tax on excluded items of tax preference. It is illogical to establish a tax on the preferred income escaping taxation, and then allow a deduction for taxes paid on regular income.

The two Miller amendments, significantly reduced the impact of the minimum tax upon individuals who pay some Federal income tax. In the floor debate on the amendments, Senator MILLER stated that under his proposal the total revenue from the minimum tax would still be $740 million in 1970. In fact the revenue collected has fallen far short of this goal. In 1971, the most recent year from which statistics are available the total income to the Treasury from both individuals and corporations was only $439 million.

The amendments allowing for the deduction of Federal income taxes paid and for the 7-year carry-over were never considered by any tax-writing committee, but were added on the Senate floor with very little debate as to their merit or effect.

The administration has acknowledged that changes in the minimum tax are necessary. In its statement submitted to the Ways and Means Committee on April 30, 1973 by Secretary Shultz it noted that—

> Experience with the minimum tax since 1969 reveals that the provision has not been effective in requiring every individual to pay a reasonable amount of tax based on a substantial portion of his income.

There is a clear need, Mr. President, for much broader, general tax reform legislation. Hopefully, the Congress will be able to fully address itself to this urgent yet complex problem early next year. But the demand of the American people for greater equity in their tax laws is sufficiently great to require us to begin acting on tax reform legislation. I urge my colleagues to act favorably on this first step towards reform.

Mr. FANNIN. Mr. President, the minimum tax adopted in 1969 was based on a sound principle—that individuals or corporations should not be able to combine tax preferences in such a way as to escape totally their liability for Federal income taxation.

Now let us see what this amendment would do. The amendment would eliminate the income taxes paid from the computation of the minimum income tax. Mr. President, I want to stress the words income taxes paid.

The proponents of this amendment have circulated an explanation containing an example of taxpayer A and taxpayer B. Both taxpayers have preference income of $100,000 and in addition taxpayer A receives a salary on which he pays $100,000 in tax. Under current law, this amount is properly included in the minimum tax calculation and Mr. A pays no minimum tax. Taxpayer B has no salary income and, therefore, pays no ordinary income tax but pays $10,000 in minimum income tax. Now let us compare these figures. Mr. A pays $100,000 and Mr. B only pays $10,000 and the proponents of this amendment say this is unfair to Mr. B, and that A also should pay $10,000 additional.

Mr. President, this argument is ridiculous. The function of the minimum tax is to insure that every taxpayer in the United States makes some minimum contribution to the Government, and it is obvious that $100,000 in income tax meets that function.

The amendment on its face is penal. If a taxpayer has not paid substantial income tax he would not have a deduction that the proponents of this bill are attempting to eliminate.

Mr. President, this is not a so-called loophole closing amendment, but rather a deliberate attempt to penalize certain of the taxpayers of this country.

One of the tax preferences under the existing minimum tax is capital gains, yet one of the most important assets of the United States is its capital market system with tremendous capacity to generate capital accumulation and to provide shifts in investment change. At a time when this country requires vast sums of capital, the capital gains tax rates should be reduced, not increased.

The maximum effective tax rate on capital gains, currently 36.5 percent for individuals, would rise to 40 per cent under the amendment. This rate would apply to that portion of gains for any year over $460,000.

Under present law, the effective rate of capital gains tax for corporations is 30.75 percent. This would rise to 33.75 percent under the amendment.

For example, it has been estimated that some $300 billion might be needed for pollution control facilities alone in the next decade. How can we accumulate this sum if we are now in a process of confiscating capital?

Mr. President, when we tax capital gains, let us consider the mounting inflation that is a part of each gain.

Prof. Henry C. Wallich in testimony before the Ways and Means Committee has pointed out inflation reduces the real gains which should be a basis for taxation. Mr. Wallich has stated:

> The rate of inflation has been higher, since the last important changes were made in the taxation of capital gains in 1969, than during any other period in the United States except for major wars. From the beginning of 1969 through the end of 1972, the cost of living has risen 18 percent. Over the same time period, the Dow Jones index, the most visible symbol of capital gains, rose by 11 percent and the Standard and Poor's index by 16 percent. Over this relatively short period, therefore, inflation has been about equal to the stock market appreciation in terms of both of the indexes.

Mr. President, advocates of this amendment claim it is intended to reach those few high-income individuals who avoid most or all taxation through skillful use of so-called tax preferences. This is not the case. It imposes a higher tax burden on hundreds of thousands of individual and corporate taxpayers who are now paying the full rates prescribed by law. For example, currently 32,000 individual returns have minimum tax liability. This would rise to 65,000 under the proposed amendment.

Changes in the minimum tax would reduce the effects of such incentives as mineral depletion and accelerated amortization of pollution control equipment. However, its primary effect is on capital gains. The Treasury Department has reported that 84 percent of minimum tax revenue from individuals is attributable to the increased effective rate on capital gain.

Changes in the minimum tax formula, such as this amendment, would seriously impede the essential processes of capital formation and investment in productive enterprises. The present balance between capital saving and consumer spending is already precarious. Many economists maintain that the existing rate on capital gain represents taxation of capital rather than taxation of real income.

Mr. President, there will be virtually a limitless need for capital investment in the foreseeable future. Let us examine one industry; the timber industry. The effects of proposed minimum tax changes on timber growing could be devastating. The rate of investment in the Nation's forest resources must increase dramatically if we are to achieve levels of production sufficient to meet increasing demands. Because of the long growing cycle, the need for sustained yield management programs, and the risks of uninsurable casualty losses, investors in timber property are already at a disadvantage compared to other investment opportunities. Capital gains treatment is the only tax incentive afforded timber growers to overcome these handicaps, and that incentive was reduced in 1969. Further reductions through the minimum tax or other mechanisms would virtually foreclose the possibility of attracting sufficient capital to meet future needs.

Pressures for hasty action on pending minimum tax legislation should be resisted by those who are concerned with problems of resource supply and productive capacity. It is foolhardly to say that since the deduction for taxes paid was added by a floor amendment, it is appropriate that it now be repealed by a floor amendment. It is only reasonable that the effects on essential sectors of our economy should be thoroughly examined before action is seriously contemplated; and certainly there must be ample opportunity for public hearings and expert testimony.

Mr. NELSON. Mr. President, on November 9, I introduced amendment No. 647 to H.R. 3153 deleting the provision repealing the deduction for State and local gasoline tax presently allowed and in its place repeal the provision under the present minimum tax which permits a deduction for regular income taxes and a 7-year carry-over of such taxes in calculating income subject to the minimum tax.

On November 20, Senator KENNEDY also offered an amendment No. 700 to H.R. 3153 repealing the provision permitting a deduction for regular income taxes paid under the present minimum tax. While I have frequently proposed amendments strengthening the minimum tax, both in the Senate Finance Committee and on the Senate floor, Senator KENNEDY has also been an ardent champion for strengthening the minimum tax. As a matter of fact, when the amendment to the minimum tax allowing a deduction for regular income taxes paid was offered in the late hours of December 10, 1969, to the Tax Reform Act of 1969, Senator KENNEDY was one of the few Senators who expressed concern that it would not, as announced, strengthen the minimum tax but weaken it. Experience clearly demonstrates that Senator KENNEDY's suspicions were well founded and that this amendment and a subsequent amendment adopted the following year have destroyed the effectiveness of the minimum tax.

To remedy this defect in the minimum tax, Senator KENNEDY and I will be offering today, two separate amendments; the first to be sponsored by Senator KENNEDY with myself as cosponsor, will repeal the provisions allowing a deduction for regular income taxes paid; the second which I will sponsor and Senator KENNEDY will cosponsor, will delete the committee amendment to repeal the deduction for State and local gasoline taxes.

While there are two separate amendments, they should be considered part of the same package. We recognize the need to increase tax revenues to pay for the new and very desirable tax credit for workers with low income families. We therefore propose that the revenue raised by this amendment be used for this purpose. Furthermore, whatever the arguments given for repeal of the gasoline tax; such as that it is essentially a users charge and should therefore be borne by highway users, not by the general taxpayer, that in the context of raising money for the tax credit our amendment to strengthen the minimum tax which applies only after an individual has $30,000 of preferred income, is a much more equitable way of raising this revenue than repealing the gasoline tax deduction which is of some value to the average American taxpayer.

One of the few advantages of the complexity of the Internal Revenue Code is that it is not easily understood. The Internal Revenue Code disguises legalized robbery with tongue-twisting technicalities and mind boggling complexities. If some of the provisions in the Internal Revenue Code were clearly understood they could not be defended by any elected representative. They represent a transfer payment from those least able to pay to those most able to enjoy the benefit.

Although the tax preferences are hidden by the complexity of the tax law, occasionally a gleam of light falls on the tax system revealing some truth. For example, I noticed in the Washington Post of yesterday an article about a well-to-do gubernatorial candidate in California who cited his own income tax as evidence that tax reform laws are needed. It was reported that William Matson Roth, a wealthy shipping executive revealed Monday that he paid no Federal income taxes for several of the years in the 1960's.

It was to end this kind of tax abuse that Congress in 1969 enacted a minimum tax provision. It is generally recognized however, that the minimum tax provision as amended is a mockery of attempted tax reform. In previous speeches I have discussed in detail the extent of the failure of the minimum tax. Briefly, its failure is revealed by the facts that:

In 1971, 276 taxpayers with incomes of over $100,000 paid no Federal income tax at all.

In 1971 individuals paid $163 million in minimum tax on total preference income of $6.2 billion for an overall effective tax rate of 2.63 percent, rather than the statutory rate of 10 percent.

Not to reform our tax code but to bring some sanity to it, we are proposing this modest amendment. We propose to eliminate from the present minimum tax the deduction for regular income paid which is inconsistent with the basic purpose of the minimum tax and which has substantially destroyed, as indicated above, the effectiveness of the minimum tax. The provisions in the minimum tax which we propose to eliminate were themselves added on the Senate floor with little debate as to their merit or effect. It seems, therefore, only fitting and proper that the Senate redress the damage it did on the Senate floor by repealing this most pernicious provision.

It is important to remember what the proposed amendment does not do. It does not in any way change the structure or composition of the present minimum tax. It does not:

First, change or raise the statutory rate of 10 percent;

Second, reduce or eliminate the deduction of $30,000 presently available to every taxpayer before calculating income subject to the minimum tax;

Third, add a single new item of preference income to the base of the minimum tax, for example, intangible drilling and development cost as has been proposed from time to time.

We propose that the revenue gain from our amendment strengthening the minimum tax be used to pay for the new and very desirable tax credit for low-income workers with families instead of the committee proposal to pay for the tax credit by repealing the gasoline tax deduction. The gasoline tax deduction is of benefit to average American taxpayers. Individuals with taxable income of $20,000 or less received 71.1 percent of the benefit of this deduction.

Even with our amendment, the minimum tax would still only apply to wealthy individuals who have more than $30,000 in preferred income each year, regardless of how much regular income they also have.

These two different approaches to raise the same revenue are not like two ships passing in the night, but rather like ships steaming off in opposite directions.

We propose raising the additional necessary revenue, not by taxing already overburdened average American income but by taxing forms of income that escape taxation entirely. Figures clearly demonstrate that the average taxpayer does bear the brunt of the tax obligations. Mr. President, I ask unanimous consent to insert in the Congressional Record at this time, the most recent data on Federal individual income tax liabilities by adjusted gross income classes.

There being no objection, the statment was ordered to be printed in the Record, as follows:

The following data represent the most recent estimated distribution by adjusted gross income class of Federal individual income tax liability. The data are at estimated calendar year 1972 levels.

Individual income tax liability

Adjusted gross income class (thousands):	*Billions*
0–$3	$0.2
$3–$5	1.8
$5–$7	4.0
$7–$10	9.6
$10–$15	20.1
$15–$20	16.3
$20–$50	23.2
$50–$100	8.0
$100 and over	7.8
Total	91.0

Mr. President, this table shows that taxpayers with adjusted gross income of $20,000 or less pay 57.2 percent of the entire individual tax liability.

Also in 1970, the average tax for all joint returns with an average of a little more than two exemptions, was 13.3 percent of adjusted gross income. It, therefore, does not seem unreasonable or harsh that after a $30,000 deduction available every year, wealthy individuals pay a tax of 10 percent on their preferred income which has entirely escaped taxation.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. KENNEDY. Mr. President, in 1969 we increased the tax rate on capital gains from 25 percent to 36.5 percent. That was a 50-percent increase on capital gains, and yet Wall Street did not even blink. That was a 50-percent increase on capital gains in the Tax Reform Act of 1969.

The Senator from Louisiana mentions approximately a 10-percent increase in capital gains at the present time, from 36.5 percent to 40 percent. I think the increase is only a slap on the wrist, affecting one of the largest loopholes. What may or may not happen on Wall Street is irrelevant to this amendment.

I hope the Senate agrees to the amendment.

Mr. BENTSEN. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield 1 minute.

Mr. BENTSEN. Wall Street may not have blinked but the stockholders of this country did. After removing the weighted indices, today the average price of a share of stock on the New York Stock Exchange is exactly one-half of what it was before the change in the capital gains tax. I do not know how much influence that had but insofar as to how the stock market has reacted since then, that probably contributed to it.

Mr. KENNEDY. I know the Senator from Texas and the Senator from New Jersey have been doing a great deal of fine work in their investigation of the securities market. But it has been my impression there are many other factors related to the depression in the stock market, and the 1969 act probably had little or no effect. Certainly in the face of the recession of 1970 and the energy crisis today, it is easy to find obvious reasons for the plunge in stock prices.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. I yield back my time.

The PRESIDING OFFICER. All time is yielded back or expired. The question is on agreeing to the amendment of the Senator from Massachusetts. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. Chiles), the Senator from Indiana (Mr. Hartke), the Senator from Colorado (Mr. Haskell), the Senator from Iowa (Mr. Hughes), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya) and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I also announce that the Senator from Missouri (Mr. Symington) is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Mr. Hartke) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), and the Senator from Maryland (Mr. Mathias) are necessarily absent.

The Senator from Idaho (Mr. McClure) and the Senator from Oregon

(Mr. Packwood) are absent on official business.

The Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The Senator from Arizona (Mr. Goldwater) is absent by leave on official business.

The result was announced—yeas 37, nays 46, as follows:

[No. 537 Leg.]

YEAS—37

Abourezk
Bayh
Bible
Biden
Brooke
Byrd, Robert C.
Cannon
Case
Church
Clark
Cranston
Eagleton
Hart
Hatfield
Hathaway
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Ribicoff
Schweiker
Stevenson
Tunney
Williams

NAYS—46

Aiken
Allen
Bartlett
Beall
Bentsen
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Cook
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Helms
Hollings
Hruska
Johnston
Long
McClellan
Nunn
Pearson
Percy
Randolph
Roth
Saxbe
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—17

Baker
Bellmon
Bennett
Chiles
Cotton
Goldwater
Hartke
Haskell
Hughes
Mathias
McClure
McGee
McGovern
Montoya
Packwood
Stennis
Symington

So amendment No. 700, as modified, was rejected.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LONG. Mr. President, I move to lay that motion on the table.

Mr. HANSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, if I may have the attention of the Senate, I understand that a concession was made to set aside the matter of the debt ceiling legislation in order to facilitate the passage of the social security bill now pending before the Senate.

I realize, Mr. President, that many of the amendments that are being proposed are well motivated. All of them have a sense of nobility involved. Many of them have been proposed before and have been passed before. Then they were removed from the bill when the matter went to conference.

Mr. President, even though we have been allotted until 7 o'clock to work on the social security bill, thereafter we will have to go back to the debt ceiling legislation, if I am not mistaken. And I would hope that my colleagues who are interested in giving our aged a little percentage increase would bear this in mind, that we would be able to go home this weekend and tell these poor people who need help that the help will be forthcoming.

I would hope that anyone who has an amendment that he thinks is a credible amendment would bring it up at some later date.

For that reason, I should like to address a question to the majority leader. I would like to know if the majority leader could estimate for us first how many more amendments we will have, whether or not we will have rollcall votes on the amendments, and whether or not there is a possibility of having final passage before we go home tonight?

Mr. MANSFIELD. Mr. President, there are other amendments. But so far as I am aware, there are two amendments to be offered by the distinguished Senator from Alabama (Mr. Allen) on which he and the chairman of the committee, the Senator from Louisiana (Mr. Long), have agreed to a time limitation of 20 minutes each.

Are there other amendments?

Mr. ERVIN. Mr. President, I was going to offer one of those amendments. I was not informed of a time limitation. I would not want to agree to a time limitation.

Mr. MANSFIELD. Mr. President, would the Senator from Alabama (Mr. Allen) agree to a time limitation on his amendment?

Mr. ALLEN. Mr. President, I agree to a time limitation on the amendment I will offer.

Mr. MANSFIELD. Are there any other amendments?

Mr. DOLE. Mr. President, I have one that will take, I believe, 30 seconds. On another amendment, it may take a few seconds longer.

Mr. MANSFIELD. Are there any other amendments?

Mr. KENNEDY. Mr. President, I have one amendment. I would be glad to have a 15-minute time limitation.

Mr. MANSFIELD. Mr. President, are there other amendments?

Mr. CURTIS. Mr. President, my information is that the Senator from New York (Mr. Buckley) has one amendment. I believe that it will not take too long.

I am interested in one of the amendments to be offered by the Senator from Alabama. I do not know whether that is the one he mentioned or not.

Mr. ALLEN. That is the amendment the Senator from North Carolina will offer. He and I are cosponsors of that amendment.

Mr. PASTORE. Mr. President, could we have a unanimous-consent agreement that we vote on final passage at 7 o'clock?

Mr. MANSFIELD. I think that is entirely possible and reasonable.

Mr. ERVIN. Mr. President, if I can get my amendment called up next and disposed of, I will not object. I will not take long. However, I do not want to be whiplashed.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendment of the Senator from North Carolina (Mr. Ervin) be called up after this colloquy and that a vote on final passage take place at 7 o'clock.

Mr. ALLEN. I object.

Several Senators addressed the Chair.

Mr. LONG. Mr. President, I am as anxious to pass this bill as any other Senator. There are enormous things contained in the bill that should not be decided in a willy-nilly fashion without the Senate having a chance to take a position on it. Some of the amendments have a great deal of merit. Some do not have so much merit.

If we have to come back and work tomorrow or even next week, we ought to do a responsible job. As manager of the bill, I know that we have some things to vote on as yet that ought to require the careful consideration of the Senate. It might not be possible to dispose of the bill that quickly.

Mr. PASTORE. Mr. President, I realize that. However, I have been given to understand that once we get back on the debt ceiling, the leadership has decided that nothing will interfere with that matter until we dispose of it. That matter may go over until next week or even beyond, depending upon what the vote on cloture may be.

All I am saying at this juncture is that the House has sent us a bill with an 11-percent increase, and the people who are to be the beneficiaries of it are waiting anxiously for that 11-percent increase. Here we are, dilly-dallying with a lot of extraneous matters. We are talking about tax deductions and a lot of other things which have no connection with this, that will be brushed off when it gets into conference, and all I am saying is, let us have a little sense of practicality and pragmatism, and let us give these people what they are all waiting for, their 11-percent increase.

Mr. LONG. Mr. President, I appreciate everything the Senator has said, but I also know that there are items in this bill that Senators do not thoroughly understand, and that there are items that will be offered to be added to or taken from it, involving hundreds of millions, even billions of dollars, and as the manager of the bill, if this Senator can see to it, we are going to do a responsible job, and I intend to do the best I can to see that that is the case.

It is entirely possible that even after we pass the bill after we have worked diligently, coming in early and going home late, the House may then let it stand on the calendar for 2 or 3 weeks or a month before they do business with us. Those are some of the kinds of frustrations that happen. I will do the best I can to move the bill along, but by way of being responsible, I think we should not agree to shut off debate and vote at 6, 7, 8, or 10 o'clock.

I think we are making very fine progress. The last amendment, which we disposed of in about a half hour, was a very important amendment, and I think there are important considerations on both sides.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MANSFIELD. The Senator has made a very fine statement, and I would agree with him, but in an effort to keep things moving, I would hope he would agree, on proposals such as that of the Senator from Alabama, to a time limitation. I would hope we would not talk ourselves out between now and 7 o'clock, but would make every effort to bring this matter to a head, so it would be possible at that time to vote on final passage.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. LONG. May I ask the Senator, has it really been determined, without any peradventure of modification of change, that starting at 7 o'clock we are going to go back to the area where we are completely in deadlock, that is, with regard to the debt limit and the amendment involving campaign financing, or is there some possibility that if the bill has not been passed by that time, both sides might be willing to delay further consideration while we do the Nation's work?

Mr. MANSFIELD. I am sure that would be allowable, but I would point out, in response to a question raised by the distinguished Senator from Rhode Island (Mr. PASTORE), that in the next several days we do have other important pieces of legislation: daylight saving, legal services, an independent Watergate prosecutor, just to mention a few. So we do have an important schedule, and I want to thank all Senators for their cooperation.

Mr. PASTORE. Mr. President, I do want to be helpful to the manager of the bill. I threw him the ball, but he ran in the opposite direction.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. DOLE. Mr. President, I send to the desk an amendment and ask for its immediate consideration

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. FANNIN). Without objection, it is so ordered.

Mr. DOLE's amendment is as follows:

On page 87, lines 21 and 22, insert the following new section:

SEC. 136. Part A of title XI of the Social Security Act is amended by adding after section 1132 (as added by section 135 of this Act) the following new section:

"REPORTING REQUIREMENTS FOR STATES WITH RESPECT TO SOCIAL SERVICES

"SEC. 1133. In addition to other requirements imposed by law as a condition of approval of a State plan under part A of title IV or under title VI, there is hereby imposed the requirement that such plan provide that, not later than 45 days prior to the beginning of each fiscal year (commencing with the fiscal year which ends June 30, 1975) that such State shall compile, and make public, a list (with respect to social services to be provided for the coming fiscal year under such plan) which indicates each type of service which such State intends to provide (for such fiscal year) under such plan, the anticipated expenditures (from both State, local, and Federal sources) for such type of service for such fiscal year, and the criteria to be imposed under such plan to determine eligibility for each such type of service. Nothing in this section shall be construed to limit the right of any State to revise its plan (as referred to in the preceding sentence) with respect to the provision of social services for any fiscal year, or otherwise modify the conditions and circumstances under which such services will be provided thereunder, for or because of the fact that such State shall have previously compiled and made public the list referred to in the preceding sentence."

On page 87, line 23, strike out "136" and insert in lieu thereof "137".

Make appropriate conforming changes in the table of contents of the bill.

Mr. DOLE. Mr. President, this amendment has been discussed with the staff. Let me explain it very simply. It provides that 45 days prior to the beginning of each fiscal year, each State shall make public the following information regarding its social services program:

First, a list of services to be provided under the program.

Second, the anticipated expenditures.

Third, the criteria to be imposed under such plan to determine eligiblity for each such type of service.

All this does, in effect, is give 45 days' notice to those who may be concerned about the various social services programs, and that is all the amendment prescribes. There are no penalties involved if the intentions made public are not realized during the year, and thus the amendment would not limit the flexibility now available to the States in developing their programs. But it does, I think, cure one defect.

We have heard from a great number of people in the State of Kansas who would like to have some input with the State legislature and their Governor on how the money should be spent. I believe that giving a 45-day public notice the public will have ample opportunity to express themselves, first of all to the Governor and second to the legislature, and I think we will have, in effect, a better expenditure of funds for better programs under the bill.

I support the Mondale social services amendment and feel generally that legislation which moves the decisionmaking powers from bureaucrats in Washington to the people at the State and local levels will result in a more efficient and effective utilization of Federal tax dollars. If revenue sharing is the solution to our problems in other areas, it can work to solve our social problems too, since even greater local flexibility is needed in these areas. Yet, at the same time I feel that the Federal Government has a responsibility to insure that the federalism approach functions as it should. There is nothing mysterious about the revenue-sharing concept that insures that turning the funds over to officials at the lower government levels will insure they are used in a more effective manner. Transferring the funding decisions from the Federal bureaucracies to State bureaucracies is not in itself the solution.

Decentralization of the decisionmaking powers will only serve to improve Government if the people at the community level become involved and have an active voice in the development of programs and the determination of how the funds are to be utilized.

Because I feel that it is important that beneficiaries, providers, professionals, and all other parties interested in a viable social services program be involved in its development, I am proposing an additional amendment which I ask to be considered at this time.

The amendment provides that 45 days prior to the beginning of each fiscal year, each State make public the following information regarding its social services program:

First. A list of services to be provided under the program;

Second. The anticipated expenditures for the entire program and for each specific service;

Third. The criteria to be imposed under such plan to determine eligibility for each type of service.

This information would serve to notify all parties interested in and concerned with the social services program what the State intends to accomplish with its funds and who the State intends to serve. As prescribed by the amendment, the information would not be binding on the State, and the program could be adjusted by the State without any notice or publication. No penalties would be involved if the intentions expressed in the publication were not realized during the year. Thus, the requirement of this provision would not limit the flexibility now available to the States in developing their programs.

The publication would put the Government on record as to what it intends to do with the social services program. I would encourage a better organized and fully developed State plan. It would also, when compared with the year end reports made to the Federal Government, require that States have facts and figures to justify the need for any alteration in the social services program as announced at the beginning of the year.

I would agree that Federal control has made the Social Services program an administrative nightmare over the past year. While it seems reasonable to limit Federal intervention, it still seems that we have some responsibility to assure that a procedure is established at the local level to guarantee that the social services funds are spent wisely.

Kansas has an entitlement of over $27.1 million in social services funds, an amount which exceeds by nearly $6 million the general revenue sharing funds made available to the State. Thus, this is a sizable program; and I think it is wise that before we remove all Federal controls, we make sure that within the limits of flexibility we wish to grant to the States, that the funds are utilized for their intended purpose. I feel that added assurance can be obtained through a system of checks and balances at the local level, by insuring maximum involvement on the part of all individuals concerned. I feel the amendment I have proposed will help insure this involvement and am hopeful that my colleagues will join in support of the measure.

Mr. LONG. Mr. President, the whole purpose of the committee approach to this social services problem was to give the States as much freedom as could be accorded to the States to handle their social services programs, and to do it in the way they thought it should be done. They have to report to us how they have spent the money. This is just more paperwork, to make them report in advance what they are planning to do, and then the amendment says, in the last section:

> Nothing in this section shall be construed to limit the right of any State to revise its plan (as referred to in the preceding sentence).

So it requires them to report what they will do, and then does not require them to do it anyway. To me, Mr. President, it is just a matter of unnecessary paperwork imposed on the States. It is up to the Senate what it wants to do about it.

I would think the States would object to having to report something in advance when perhaps they might not know that far in advance precisely how they are going to put their plan together. So I personally do not favor it, but I am willing to abide by the Senate's wishes on the matter.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. DOLE. It is the intent of the Senator from Kansas simply to make available public notice, so that those providers of services and others who have an interest in the social services program will have the right to be heard by their legislators or their Governors. It is not my intent to provide any additional paperwork; it is my intent to have some public notice of what the proposed programs may be, what the criteria may be, and what the expenditures may be.

I do not look upon that as any great limitation. It certainly is not intended as a limitation on the programs and those who administer the programs.

Mr. LONG. Mr. President, I am not saying that that is an unreasonable requirement, but the committee's thought was that we should place no more requirements than necessary on the States, and this is just one more requirement.

My thought would be that this matter of notice and hearings and all that is something that should be addressed to the legislators and to the Governors, without imposing it on them. It is not a matter of great moment one way or the other, but I personally do not feel we ought to impose any more requirements on the States than we have already imposed.

The PRESIDING OFFICER (Mr. FANNIN). The question is on agreeing to the amendment of the Senator from Kansas (putting the question). The noes have it.

The amendment was rejected.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The vote has been announced, and the request is not in order.

Mr. DOLE. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> At the proper place insert the following new section:
>
> SEC. —. During any period during which any foreign country prohibits or limits the export of crude oil or refined petroleum products from such country to the United States, there shall be no export of articles, materials, and supplies used in the exploration for crude oil, the extraction or refining of crude oil, or the tranpsortation of crude oil or refined petroleum products, from the United States to—
>
> (1) such country, or
>
> (2) any other foreign country which is exporting such articles, materials, or supplies to such country.

Mr. DOLE. Mr. President, the amendment I am now proposing would prohibit the export of articles, materials, supplies, and equipment used in the exploration, discovery, extraction, or refining of crude oil to any foreign country so long as that foreign country prohibits the export of crude oil or refined petroleum products to the United States. The export ban would also apply to foreign countries which transship American-made materials used in the oil production industry to those countries which have placed an embargo on the exportation of oil to the United States.

Mr. President, I am not certain how many in this Chamber may have watched the network program the other morning, where it showed shiploads of oil field equipment and supplies leaving Houston, Tex., headed for Saudia Arabia at the very time some of the Arab countries have enough machinery and supplies and tubular casings to last them for 2½ years, and at the very time when the producers in Kansas, Texas, Oklahoma, and other States are unable to obtain this very same equipment.

It is the intent of this amendment to assure that the equipment and materials manufactured in the United States and which are essential to increased oil production are used to increase the availability of crude oil to the United States. It is questionable whether the embargo proposed by this amendment will change to any degree the policies of those countries which have restricted oil exports to the United States. The amendment will, however, enable us to increase our domestic capacity to produce the oil that is so vitally needed at this time.

It simply makes no sense for us to continue to export to countries that restrict exports of oil to us, drilling equipment, pipe and casing, and other materials essential to the oil production process when these items are in short supply domestically. A shortage of these essential items is creating a problem for the oil companies who are attempting to expand our domestic production capabilities. According to an article in the October 22, 1973, edition of the Oil and Gas Journal, the current supplies of drill pipe, casing, and other tubular products have been nearly exhausted and some domestic firms are facing an 18-month delay in the delivery of drill pipe and other essential items. Other contractors have indicated they will not be able to obtain the necessary supplies for drilling until 1975. A major company's 14-well drilling program in the Oklahoma Panhandle and southwestern Kansas is being delayed until the company has casing and tubing on hand for the development wells. Hardest hit by the shortages are the independents who normally drill the bulk of the country's wildcats.

At a time when the country needs domestic exploration and economic incentives are available to increase discovery efforts, the equipment needed to expand drilling operations is not available.

The causes of the shortages in materials essential to the oil industry are many. The steel shortage, the devaluation of the dollar, the increased demand for the items have all contributed to the problem, and I feel it is likely that we will find it necessary to deal with the impact of these factors on oil production in the near future.

But disregarding the limited amounts of oil-producing materials that are on hand and the economic factors that have led to these shortages, I feel that it is obvious to all of my colleagues that we are only complicating the problem by exporting the items that are essential to the oil discovery and producing process to countries that will not in return export oil to our country. During the first 9 months of this year, field drilling machinery and equipment valued at nearly $300 million—30 percent of total domestic production—was exported from the United States, according to the latest Department of Commerce figures.

Approximately 20 percent of these exports went to Arab nations which have refused to let the oil our equipment produces be returned to this country. During the same 9-month period more than 138,000 tons of oil country goods—tubing, casing, and drill pipe—were exported from the United States, a sizable portion—approximately 15 percent—of which went to Arab countries. Our domestic supply of these essential items whose scarcity is slowing domestic recovery efforts would be increased by 1.7 percent if we were to halt the flow of these goods to countries who refuse to export oil to us.

Although these figures do not appear too significant at first glance, they are important when you consider that we are looking at a predicted 17-percent shortage which through various programs and measures we are trying to cover. If an additional 5-percent increase in discovery operations made possible by retaining these items now shipped to Arab countries could result in a 1-percent increase in production, that would have a significant impact on our efforts to meet the predicted energy shortage. When Americans are being asked to incur various hardships and inconveniences in their daily lives to conserve energy, any action we can take to increase energy resources take on significance.

I would also like to point out that the Department of Commerce figures which I have quoted, only reflect direct exports to Arab nations and in no way reflect U.S. exports of these goods to other countries which are later transshipped to Arab countries or which enable other countries to export to the Arab countries similar items of their own production. My amendment would cover not only direct exports to countries who have embargoed exports of oil to the United States, but also exports to other countries which in turn export similar articles, materials, or supplies to countries which have placed an embargo on oil exports to the United States. Thus the amendment would halt the export of U.S. goods which enables a foreign country to export to one of the nations which is limiting exports of fuel to the United States.

Statistics relating the impact of this ban on imports that are transshipped to Arab countries or else make it possible for other countries to ship their own goods to Arab countries are not available at this time, but it is likely that this portion of the amendment could make a considerably larger portion of the essential items available to domestic users.

Shortages in oil production equipment are being felt across the country. The Independent Petroleum Association of America has provided the attached information regarding the number of wells various independents have indicated they will not be able to drill due to pipe shortages. I ask unanimous consent that this information be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

NUMBER OF WELLS HE CITES THAT WON'T BE ABLE TO BE DRILLED DUE TO THE PIPE SHORTAGE OR CHARACTERIZATION OF SHORTAGE

1. W. M. Thacker, Jr., Expando Production Co.; Wichita Falls, Texas; 1—9,000′ well.
2. Victor R. Gallagher; Evansville, Indiana; 3 wells.
3. H. D. White, Southern Triangle Oil Co.; Mt. Carmel, Illinois; "Impossible to get casings and steel products . . ."
4. H. S. Barger, Barger Engineering Inc.; Evansville, Indiana; "Shortage of oil field casing . . . hampering oil exploration . . ."
5. Guy F. Sitler, Ohio Oil & Gas Assn.; Newark, Ohio; "Oil and gas industry in Ohio . . . gravely affected . . ."
6. James K. Vincent, Reynolds & Vincent; Owensboro, Kentucky; ". . . experiencing extreme difficulty . . ."
7. Charles L. Lucas, L&H Drilling Co.; Owensboro, Kentucky; . . . "critical shortage . . ."
8. John W. Weaver, Tamarack Petroleum Company, Inc.; Evansville, Indiana; . . ."becoming more and more difficult . . ."
9. H. W. Hacker, Indiana Farm Bureau Coop. Assn., Inc.; Mt. Vernon, Indiana; . . . independent producers are unable to obtain casing . . .
10. J. D. Turner, Evansville, Indiana; 30 wells.
11. George P. Mitchell, Texas Indep. Producers & Royalty Owners Assn.; Austin, Texas; "Critical shortage" translates into 30–50 percent fewer wells.
12. Jack M. Allen, Panhandle Producers & Royalty Owners Assn.; Amarillo, Texas; 3 wells canceled, 18 delayed.
13. Cortlandt S. Dietler, Rocky Mountain Oil & Gas Association; Denver, Colorado; "Shortage of steel for small operators will be critical in early . . . 1974."
14. Roland Gouldy, North Texas Oil & Gas Association; Wichita Falls, Texas; "Not one of these ((pipeline) dealers has any pipe or stock . . ."
15. Mack Wallace, Railroad Commission, Austin, Texas; 200 wells.
16. James H. Nobles, Jr., MacFarlane Company; El Dorado, Arkansas; 1—9,000′ drilling but no pipe . . . unable to get commitment for 1974 deliveries.
17. James B. Gehr, Independent Oil & Gas Assn. of West Va.; Clarksburg, W. Va.; 12 wells last quarter 1973.
18. Glenn Ferguson, Independent Oil & Gas Producers of Calif.; Los Angeles, Calif.; "extremely short supply. . . ."
19. Norman D. Fitzgerald, West Central Texas Oil & Gas Assn.; Abilene, Texas; ". . . lack of tubular goods as disaster. . . ."
20. Michael Chambers, General Oilfield Supply Co.; Evansville, Indiana; "unable to furnish . . . pipe to my customers. . . ."
21. Don. C. Weller, Ky. Oil & Gas Assn.; Owensboro, Kentucky; "wells scheduled for November and December have (been) tabled. . . ."

Mr. DOLE. Mr. President, Kansas independent oil companies have indicated that as many as 150 to 200 discovery operations which would have been undertaken across the State will not now be drilled because of the shortage of pipe. It is estimated that if Kansas oil producers would have had a steady supply of casing and drilling pipe in the first 9 months of 1973, they would have drilled 250–300 more wells. With an average new well productivity of 50 percent, 300 new wells would have realized an increase of 4,500 barrels per day. It is estimated that had the 44,000 tons of tubular goods exported to Arab countries been made available to U.S. producers domestic production could have been increased by 42,300 barrels per day, using a conservative well average of 30 barrels per day.

In spite of tubular shortages, the midcontinent area oil producers—the Texas panhandle, Oklahoma, Kansas, and a part of Nebraska—increased running drilling rigs from 157 in 1972 to 216 to date for 1973. If they had had the pipe, there would be at least 250 running drilling rigs would be operating in the midcontinent region.

We do have oil reserves in the United States which can be tapped and produced economically. It is time we take every step necessary to encourage domestic production, and I feel this amendment will contribute to this effort.

I feel this one other point regarding the impact the amendment would have on Arab countries bears mentioning at this time. It has been estimated that the Arab countries have approximately a 2½-year supply of most equipment and pipe which is being used in the production of petroleum. Thus, the embargo would have little impact for several years as far as Arab production is concerned and could significantly help our domestic production. Second, Assistant Secretary Hickman in testimony before the Energy Subcommittee indicated that the Arabs are interested in slowing the rate of exploitation of the oil reserves in the Middle East. They are receiving adequate income from their resources and would rather extend the period of time over which the oil is produced rather than continued exploration and recovery operations at such a rapid rate as the present time. These factors add additional arguments for this amendment and emphasize the need to develop our own energy resources.

Mr. President, I feel that this measure would be helpful to domestic oil producers in their efforts to expand production to meet the needs of the energy crisis, and I therefore urge my colleagues to join in support of the amendment. The State of Kansas and Kansas firms have the ability to increase domestic production to help ease the crunch of the energy crisis, but someone must take the initiative to deal with the real issues which have caused the energy problem, and real leadership is needed at this time. The public is aware of the ways they can act to conserve energy, and we and all those in responsible positions in government must act on every opportunity to assure that our laws and policies are in line with the public effort. It is time for real action and not just rhetoric, and I feel that this is a good place to start.

Mr. President, I think I have made my point. It has been estimated that the Arab countries have on hand a 2½-year supply of equipment and pipe which is to be used in the production of petroleum. So perhaps there would be little impact for several years, so far as Arab production is concerned. But I do think it is time that we served notice on those who would treat us in that way, and our interest should be, first of all, toward increasing our domestic production. We cannot increase our domestic oil or gas production when we have a shortage of various materials that are really needed but which we are now exporting to those countries.

Mr. President, I reserve the remainder of my time.

Mr. LONG. Mr. President, there may be a lot of merit to this proposal, but it certainly does not belong on this bill. We have a social security bill before us. It would seem to me that the Senator's amendment ought to be on either a trade bill or a bill that has relevance to some other subject, because this bill is not an energy crisis bill. It is not a bill to limit the import or export of products. I really think it belongs on some other measure.

This amendment perhaps has some merit, but if it should be agreed to by the Senate, it will run into objection in the House on the ground that it is not germane to the social security bill and should not be considered.

I would hope that the Senator would withhold his amendment and offer it to some bill that is germane. I do not think it deserves to be considered as a part of this bill. For that reason, I do not expect to vote for it, but on a relevant bill I might be willing to accept it.

Mr. DOLE. Mr. President, I am not certian, because I have not checked the individual amendments to the bill, but I would guess that one or two, at least, have not been germane; and some amendments have been accepted contrary to the treatment received by the Senator from Kansas on the previous amendment.

Mr. LONG. I understand that; but at the rate we are going, I asssume that next we will have the debt limit and the Presidential election bill offered to us. I would hope that we could keep this bill confined as much as we can to what we have here.

I admit that amendments have been added on unemployment insurance and other things, but I wish we would not have this subject pressed upon it. It is that simple.

Mr. DOLE. I do not quarrel with the distinguished Senator from Louisiana, but I have seen the precedent of adding almost everything to different bills, particularly the debt ceiling bill, and no one seems to turn handstands because of that.

My point is that this might serve notice on the Commerce Department and the Treasury Department. The Senator from Louisiana is from one of the great oil-producing States, and he can understand how the people of this country react when they see us loading ships to send oil equipment to Saudi Arabia, and that country could care less whether or not we freeze this winter.

I am not naive. I am not suggesting that this amendment would make it all the way through on this particular bill. But I believe it would serve notice on those in the Treasury Department and in the Commerce Department to whom we have talked and who have said, "We can't do it. Don't do it this way. Go back to the Defense Act of 1950." I believe it would at least be symbolic on the part of the Senate and would be a signal to the American people that we understand how serious the energy problem is; and perhaps some bureaucrat somewhere would take notice that this body considers it to be serious and that we want it stopped and that if any tubing or drill pipe or whatever might be needed for domestic production, we ought to use it for that.

Never during my tenure in the Senate have I tried to load up any bill, but I think this may be an exception to that rule. I do not want to delay the bill. I want either a vote or some other disposition.

Mr. LONG. I certainly wish the Senator would withhold his amendment and offer it on the tax bill.

Mr. DOLE. The materials will all be shipped out by then.

Mr. LONG. Mr. President, it is purely a matter for the Senate to act. As I say, I think it should be offered on the trade bill or the tariff bill. I am willing to abide by the judgment of the Senate, and I say we should vote.

Mr. DOLE. Mr. President, in order that what happened last time does not happen now, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. Chiles), the Senator from Indiana (Mr. Hartke), the Senator from Colorado (Mr. Haskell), the Senator from Iowa (Mr. Hughes), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Mississippi (Mr. Stennis), the Senator from Michigan (Mr. Hart), and the Senator from Arkansas (Mr. Fulbright) are necessarily absent.

I also announce that the Senator from Missouri (Mr. Symington) is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Mr. Hartke) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senators from Oklahoma (Mr. Bartlett and Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from New York (Mr. Javits), and the Senator from Maryland (Mr. Mathias) are necessarily absent.

The Senator from Idaho (Mr. McClure) and the Senator from Oregon (Mr. Packwood) are absent on official business.

The Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The Senator from Arizona (Mr. Goldwater) is absent by leave of the Senate on official business.

The result was announced—yeas 54, nays 25, as follows:

[No. 538 Leg.]

YEAS—54

Allen
Bayh
Beall
Bentsen
Bible
Biden
Buckley
Byrd, Robert C.
Cannon
Case
Church
Cook
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Ervin

Fannin
Fong
Gurney
Hansen
Helms
Hollings
Hruska
Humphrey
Inouye
Jackson
Johnston
Magnuson
McClellan
McIntyre
Mondale
Muskie
Nunn
Pastore
Pearson

Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott,
  William L.
Stevens
Stevenson
Taft
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—25

Abourezk
Aiken
Brock
Brooke
Burdick
Byrd,
  Harry F., Jr.
Clark
Eastland

Gravel
Griffin
Hatfield
Hathaway
Huddleston
Kennedy
Long
Mansfield
Metcalf

Moss
Nelson
Percy
Saxbe
Scott, Hugh
Sparkman
Stafford
Talmadge

NOT VOTING—21

Baker
Bartlett
Bellmon
Bennett
Chiles
Cotton
Fulbright

Goldwater
Hart
Hartke
Haskell
Hughes
Javits
Mathias

McClure
McGee
McGovern
Montoya
Packwood
Stennis
Symington

So Mr. Dole's amendment was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HANSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the legislative business today there be a period for the transaction of routine morning business before the Senate adjourns.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE SOCIAL SECURITY ACT

The Senate continued with the consideration of the bill (H.R. 3153) to amend the Social Security Act to make certain technical and conforming changes.

Mr. ERVIN. Mr. President, I call up the amendment offered by the distinguished Senator from Alabama (Mr. Allen), the distinguished Senator from Nebraska (Mr. Curtis), and myself, which is unprinted but which is at the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read the amendment, as follows:

Strike out Part B, which is entitled "Part B—Tax Credit" and which covers everything from the beginning of line 10 on page 44 through the end of line 17 on page 54.

Mr. ERVIN. Mr. President, this is an amendment to strike out part B of the pending measure. Part B is entitled "Part B—Tax Credit," and covers everything from the beginning of line 10 on page 44 through the end of line 17 on page 54.

For the purpose of making clear what is involved, I ask unanimous consent that the entire part B be printed at this point in the body of the Record.

There being no objection, part B was ordered to be printed in the Record, as follows:

Part B—Tax Credit

TAX CREDIT FOR LOW-INCOME WORKERS WITH FAMILIES

Sec. 112. (a) In General.

(1) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by redesignating section 42 as 43, and by inserting after section 41 the following new section:

"Sec. 42. Tax Credit for Low-Income Workers With Families

"(a) In General.—

"(1) Allowance of credit.—There shall be allowed to a taxpayer who is an eligible individual as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable percentage (as determined under paragraph (2)) of the social security taxes imposed on him and his employer with respect to wages received by the taxpayer during that year. In the case of a taxpayer who is married (as determined under section 143) and who files a joint return of tax with his spouse under section 6013 for the taxable year, the amount of the credit allowable by this subsection shall be an amount equal to the applicable percentage (as determined under paragraph (2)) of the social security taxes imposed on him and his spouse, and their employers, with respect to wages received by the taxpayer and his spouse during that year.

"(2) Applicable percentage.—The percentage under paragraph (1) applicable to the social security taxes is—

"(A) 86 percent for calendar years 1974 through 1977,

"(B) 83 percent for calendar years 1978 through 1980,

"(C) 30 percent for calendar years 1981 through 1985,

"(D) 78 percent for calendar years 1986 through 2010, and

"(E) 68 percent for calendar years beginning after December 31, 2010.

"(b) Limitations.—

"(1) Maximum credit.—The amount of the credit allowable to a taxpayer (or to a taxpayer and his spouse in the case of a joint return of tax under section 6013) for any taxable year under subsection (a) shall not exceed an amount equal to 10 percent of so much of the wages (as defined in section 3121(a)) as does not exceed $4,000 received by that individual (or by that individual and his spouse in the case of a joint return of tax) during that year with respect to employment (as defined in section 3121(b) without regard to the exclusion set forth in paragraph (9) of that section).

"(2) Reduction for additional income.—The amount of the credit allowable under subsection (a) for any taxable year (after the application of paragraph (1)) shall be reduced by one-fourth of the amount by which a taxpayer's income, or, if he is married (as determined under section 143), the total of his income and his spouse's income, for the taxable year exceeds $4,000. For purposes of this paragraph, the term 'income' means adjusted gross income (as defined in section 62 but without regard to paragraph (3) (relating to long-term capital gains)) plus—

"(A) any amount described in section 71 (b) (relating to payments to support minor children), 71(c) (relating to alimony and separate maintenance payments paid as a principal sum paid in installments), or 74(b) (relating to certain prizes and awards),

"(B) any amount excluded from income under section 101 (relating to certain death benefits), 102 (relating to gifts and inheritances), 103 (relating to interest on certain governmental obligations), 105(d) (relating to amounts received under wage continuation accident and health plans), 107 (relating to rental value of parsonages), 112 (relating to certain combat pay of members of the Armed Forces), 113 (relating to mustering-out payments for members of the Armed Forces), 116 (relating to partial exclusion of dividends received by individuals), 117 (relating to scholarships and fellowship grants), 119 (relating to meals or lodging furnished for the convenience of the employer), 121 (relating to gain from sale or exchange of residence by individual who has attained age 65), 911 (relating to earned income from sources without the United States), or 931 (relating to income from sources within possessions of the United States),

"(C) any amount received as a payment from a public agency based upon need, age, blindness, or disability, or as a payment from a public agency or the general support of the taxpayer and his family (as determined by the Secretary or his delegate), other than any payment for the purchase of prosthetic devices or medical services, and

"(D) any amount received as an annuity, pension, retirement, or disability benefit (including veterans' compensation and pensions, workmen's compensation payments, monthly insurance payments under title II of the Social Security Act, railroad retirement annuities and pensions, and benefits under any Federal or State unemployment compensation law).

"(3) Application with section 6428.—The amount allowable to a taxpayer, or to a taxpayer and his spouse, as a credit under subsection (a) for any taxable year (after the application of paragraphs (1) and (2)) shall be reduced by the sum of any amounts received under section 6428 during that year.

"(c) Definitions.—For purposes of this section—

"(1) Eligible individual.—The term 'eligible individual' means an individual who maintains a household (within the meaning of section 214(b)(3)) in the United States which is the principal place of abode of the individual and a child of that individual with respect to whom he is entitled to a deduction under section 151(e)(1)(B) (relating to additional exemption for dependents).

"(2) Social security taxes.—The term 'social security taxes' means the aggregate amount of taxes imposed by sections 3101 (relating to rate of tax on employees under the Federal Insurance Contributions Act) and 3111 (relating to rate of tax on employers under such Act) with respect to the wages (as defined in section 3121(a)) received by an individual and his spouse with respect to employment (as defined in section 3121(b)), or which would be imposed with respect to such wages by such sections if the definition of the term 'employment (as defined in section 3121(b)) did not contain the exclusion set forth in paragraph (9) of such section.".

(2) The table of sections for such subpart is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 42. Tax credit for low income workers with families.

"Sec. 43. Overpayments of tax.".

(3) Section 6401(b) of the Internal Revenue Code of 1954 (relating to excessive credits) is amended by —

(A) inserting after "lubricating oil" the following: ", 42 (relating to tax credit for low-income workers with families),"; and

(B) striking out "sections 31 and 39" and inserting in lieu thereof "sections 31, 39, and 42".

(4) Section 6201(a)(4) of such Code (relating to assessment authority) is amended by—

(A) inserting "OR 42" after "SECTION 39" in the caption of such section; and

(B) striking out "oil)," and inserting in lieu thereof "oil) or section 42 (relating to tax credit for low income workers with families),".

(b) Advance Refund of Credit.—

(1) Subchapter B of chapter 65 of the Internal Revenue Code of 1954 (relating to rules of special application) is amended by adding at the end thereof the following new section:

"Sec. 6428. Advance Refund of Section 42 Credit.

"(a) In General.—A taxpayer may receive an advance refund of the credit allowable to him under section 42 (relating to tax credit for low-income workers with families) not more frequently than quarterly by filing an election for such refund with the Secretary or his delegate at such time and in such form as the Secretary or his delegate may prescribe. If the taxpayer elects to base his claim for refund on social security taxes imposed on him, his spouse, and their employers, the election shall be a joint election signed by the taxpayer and his spouse. An election may not be made under this subsection with respect to the last quarter of the calendar year, and any other election shall specify the quarter or quarters to which it relates and shall be made not later than the fifteenth day of the eleventh month of the taxable year to which it relates. The Secretary or his delegate shall pay any advance refund for which a proper election is made without regard to any liability, or potential liability, for tax under chapter 1 which has accrued, or may be expected to accrue, to the taxpayer for the taxable year to which the election relates.

"(b) Limitations.—

"(1) Amount of refund.—The amount of any refund for which a taxpayer files an election under subsection (a) shall be an amount equal to the amount of credit allowable under section 42 with respect to social security taxes payable with respect to that taxpayer (or, in the case of a joint election, social security taxes payable with respect to that taxpayer and his spouse) for the quarter or quarters to which the election relates.

"(2) Ineligible for credit.—No advance refund may be made under this section for any quarter to a taxpayer who, on the basis of the income the taxpayer and his spouse reasonably may expect to receive during the taxable year, will not be entitled to claim any amount as a credit under section 42 for that year.

"(3) Minimum payment.—No payment may be made under this section in an amount less than $30.

"(c) Collection of Excess Payments.—In addition to any other method of collection available to him, if the Secretary or his delegate determines that any part of any amount paid to a taxpayer for any quarter under this section was in excess of the amount to which that taxpayer was entitled for that quarter, the Secretary or his delegate shall notify that taxpayer of the excess payment and may withhold, from any amounts which that taxpayer elects to receive under this section in any subsequent quarter, amounts totaling not more than the amount of that excess.".

(2) The table of sections for such subchapter is amended by adding at the end thereof the following new item:

"Sec. 6428. Advance refund of section 42 credit.".

(c) Section 6011(d) (relating to interest equalization returns, etc.) is amended by adding at the end thereof the following new paragraph:

"(4) Returns of taxpayers receiving advance refund of section 42 credit.—Every taxpayer who elects to receive an advance refund of the credit allowed by section 42 (relating to tax credit for low-income workers with families) during the taxable year shall file a return for that year, together with such additional information as the Secretary or his delegate may require.".

(d) Development of Application Forms; Cooperation of Other Government Agencies.—

(1) The Secretary of the Treasury shall develop simple and expedient application forms and procedures for use by taxpayers who wish to receive an advance refund under section 6428 of the Internal Revenue Code of 1954 (relating to advance refund of section 42 credit), arrange for distributing such forms and making them easily available to taxpayers, and prescribe such regulations as may be necessary to carry out the provisions of sections 42 and 6428 of such Code. Each such application form shall contain a warning that the making of a false or fraudulent statement thereon is a Federal crime.

(2) The Secretary of the Treasury is authorized to obtain from any agency or department of the United States Government or of any State or political subdivision thereof such information with respect to any taxpayer applying for or receiving benefits under section 6428 of the Internal Revenue Code of 1954 (relating to advance refund of section 42 credit), or his spouse, as may be necessary for the proper administration of section 42 of the Internal Revenue Code of 1954 (relating to tax credit for low-income workers with families) and of section 6428 of such Code (relating to advance refund of section 42 credit). Notwithstanding any other provision of law, each agency and department of the United States Government is authorized and directed to furnish to the Secretary such information upon request.

(e) Amendment of Social Security Act.—Section 402(a)(7) of the Social Security Act is amended by inserting after "other income" the following: "including any amounts derived from application of the tax credit established by section 42 of the Internal Revenue Code of 1954)".

(f) Effective Date.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1973, but no advance refund payment under section 6428 of the Internal Revenue Code of 1954 shall be made before July 1, 1974.

Mr. ERVIN. Mr. President, before I address myself specifically to the amendment, I ask unanimous consent that table 2, entitled "Social Security Tax Rates," which appears on page 14 of the committee report, be printed at this point in the body of the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY TAX RATES

[In percent]

Calendar years	OASDI		HI		Total	
	Present law	Committee bill	Present law	Committee bill	Present law	Committee bill
	Employer-employee, each					
1974 to 1977	4.85	4.95	1.00	0.90	5.85	5.85
1978 to 1980	4.80	4.95	1.25	1.10	6.05	6.05
1981 to 1985	4.80	4.95	1.35	1.35	6.15	6.30
1986 to 2010	4.80	4.95	1.45	1.50	6.25	6.45
2011 and after	5.85	5.95	1.45	1.50	7.30	7.45
	Self-employed					
1974 to 1977	7.00	7.00	1.00	0.90	8.00	7.90
1978 to 1980	7.00	7.00	1.25	1.10	8.25	8.10
1971 to 1985	7.00	7.00	1.35	1.35	8.35	8.35
1986 to 2010	7.00	7.00	1.45	1.50	8.45	8.50
2011 and after	7.00	7.00	1.45	1.50	8.45	8.50

Mr. ERVIN. Mr. President, the amendment which I am going to discuss is, in my opinion, a most important amendment, because it is designed to prevent a serious impairment of the entire structure of the social security system.

Before I address myself to the amendment, however, I would like to call the attention of the Senate to the fact that under this bill social security taxes imposed jointly upon the employee and the employer will rise on January 1, 1974 to a total of 11.7 percent; that social security taxes imposed upon the employer and employee jointly will rise to 12.1 percent on January 1, 1978; that social security taxes imposed upon the employer and the employee jointly will rise on the first day of January 1981, to 12.6 percent; that social security taxes imposed upon the employer and employee jointly will rise, on the first day of January 1986, to a total of 12.9 percent; and that social security taxes imposed jointly upon the employer and employee will rise, on January 1 of the year 2011, to 14.9 percent.

Mr. President, I have misgivings about the habit of the Congress constantly raising social security taxes. As I recall, if this bill is enacted in its present form, it will constitute the fourth or fifth increase in social security taxes in the last 4 years. I just do not believe business and the country can continue to pay taxes which will run from almost 12 percent of the covered payroll to almost 15 percent of the covered payroll and still be able to prosper. I do not think the products of the business or the services of the business on which such drastic payroll taxes are levied can possibly compete in the world market with the products or services of other Nations.

It can be said, of course, that the highest rate that this bill provides will not take effect until the year 2011, and so we might apply a flattering unction to our political souls by taking the toast which the Kings and couriers of France took just before the monarchy was toppled, "After me, let the deluge come."

This amendment does not refer specifically to these tax rates, but I do have misgivings about these rates. I think the American people in general and the working people of America in particular are becoming tired of being taxed for such a large proportion of their earnings from the time they start working in their early twenties until they are 65 years of age. I think we are eventually going to have a rebellion against the constant increase in social security taxes. And under the bill self-employed persons will pay social security taxes through the nose.

In addressing myself specifically to this amendment, I read the explanation of part B which appears in the paragraph entitled "Tax Credit for Low-Income Workers with Families" on page 4 of the report of the committee:

> Under another provision of the Committee amendment low-income workers who have families would be eligible for a tax credit equal to a percentage of the social security taxes payable on account of their employment during the tax year (equivalent to 10 percent of their wages taxed under the social security program). The maximum tax credit would apply for families where the total income of the husband and wife is $4,000 or less. For families where the husband's and wife's total income exceeds $4,000, the credit would be equal to $400 minus one-quarter of the amount by which their total income exceeds $4,000; thus, the taxpayer would become ineligible for the credit once total income reaches $5,600 ($5,600 exceeds $4,000 by $1,600; one quarter of $1,600 is $400, which subtracted from $400 equals zero).

Under this provision, the Government will collect social security taxes, as it does now, from every person who works, and take such taxes into the Treasury of the United States.

If the Congress wants to give $400 out of the Federal Treasury to everybody who is an eligible worker—that is, every person who has one child, as this bill provides—the Congress ought to do it out of the general funds as welfare benefits, and not as social security benefits.

This provision would not only rob the social security fund, which is a trust fund, of $400 for every eligible person earning as much as $4,000, and further sums up to $5,000, but it gives to each of such persons more than he pays in social security taxes. It gives him not only what he pays as social security taxes, but also a substantial part of what the employer pays in social security taxes.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. LONG. Is the Senator aware of the fact that the payment to this poor person does not come out of the social security fund? I think the Senator would want to state the case correctly. This payment would come out of general revenues.

Mr. ERVIN. It really does not make any difference whether the provision robs the general fund or the trust fund. It robs the taxpayers for welfare purposes and not for social security purposes.

Mr. LONG. I am not trying to quarrel with what the Senator contends, but what I am saying is that if he wants to call it robbery to help the poor, it nonetheless does not come out of the social security fund.

Mr. ERVIN. No, I do not say it is robbery to help the poor, but I think it is robbery to take social security money and use it for welfare purposes.

Mr. President, I think that welfare funds ought to come out of the general fund and not out of social security taxes.

Mr. LONG. Mr. President, the Senator can call it anything he wants to. However, I wanted to have the record straight that the payment to these poor people would come from the general revenue and not from social security.

Mr. ERVIN. Well, I have difficulty finding that in the bill. But whether it does or does not, it comes to the same end. The provision excuses some people from paying social security taxes and gives them a refund greater than what they pay as a credit against social security taxes. And when the provision gives them a refund as a credit against social security taxes, it exempts them from paying social security taxes. Let us not disguise welfare as social security.

Part B perverts the social security system. And not only that, Mr. President, but it provides an entering wedge for a guaranteed annual income. I am not impressed by the argument distinguishing between people who work and people who do not work. If Congress wants to give some people special privileges or special aid because they are poor, it should do it in the name of welfare and not in the name of social security. It has no place in social security.

This provision gives a 10-percent tax credit to persons earning $4,000 a year. However, a lot of other people have a lot of political power and a lot of votes. In subsequent years, Congress will apply this provision to persons earning $5,000, $6,000, $7,000, and upward. Thus Congress will ultimately destroy the social security system by constantly increasing the number of voters who are excused from paying social security taxes through the device of giving them a credit against such taxes.

No amount of sophistry can erase the plain truth that part B gives to everyone receiving a credit against his social security taxes equal to the amount of the credit.

If Congress wishes to help people because of their poverty, it should help them by appropriate welfare benefits out of the general fund and not excuse them from paying social security taxes.

Part B poses a threat to the social security system. This is so because part B uses the social security system as an excuse for paying a guaranteed annual income out of the Treasury and an attempt to convert the social security system into a welfare system rather than an insurance system.

When one opposes anything in a social security bill, he does something that may not be politically popular. When I am tempted to cast a vote that I know to be politically unpopular, I quote to myself these words of Edgar Guest.

> I have to live with myself, and so, I want to be fit for myself to know.
> I want to be able as days go by, always to look myself straight in the eye.
> I don't want to stand with the setting sun,
> And hate myself for the things I've done.

If I voted for a provision that would convert the Social Security System into a welfare system by exempting some people from paying social security taxes, I would stand with the setting Sun and hate myself for the things I have done.

Congress should amend the welfare laws to help those who need help. It ought not to prostitute the Social Security System to accomplish such an objective.

Mr. President, I yield the floor.

Mr. LONG. Mr. President, the thing that we are discussing here is the same thing that the Senate voted for by a margin of about 9 to 1 when we were considering H.R. 1.

This relates to what is probably the most unjust thing about the American structure of government, and that is that when one actually studies the matter of who is paying the taxes, he comes to the shocking and disappointing conclusion that a fair study by any economist would show that actually the poor people have actually paid their taxes to some of the richest people in the world.

There is a chart on the desk of each Senator that I have asked to have placed there. It appears in the back of the Chamber as well.

The information on this chart was taken from a study compiled by the U.S. Census Bureau. It demonstrates how much the poor actually pay in taxes in this country.

Here is what it shows. It shows who pays for the tax after the corporation passes along as much of it as they can to the consumer and absorbs that part which they cannot pass along, and after the employer pays the social security tax and passes it on to the customer, and after the landlord pays his tax and passes it on to those who pay the rents.

I do not think that any good economist will really dispute this, that people who are making under $2,000 would pay a tax that would be equal to 44 percent of their earned income in taxes.

That is a shocking figure. However, it can be explained. The reason is that a lot of these people are receiving their income from transfer payments, or a great deal of them—social security payments, veterans' benefits, disability benefits, and things of that sort. So that many of these people have received the transfer payments, and the transfer payments more than offset the taxes they pay.

The next category is people who have $2,000 to $4,000 in income. These are people, by and large, who are not receiving a welfare check, who are not receiving social security, who are not receiving veterans' benefits, or any government gratuity of any sort whatever to help them. These people are paying about 27 percent of their income.

In this category of those who receive from $2,000 to $4,000, we can see that there is not as much transfer money received by people in that class. They are estimated to be paying 27 percent of their income in taxes.

One would say, how can that be? They are not paying income taxes, directly but they are absorbing the income taxes paid by the corporations.

I was dismayed to find that over 50 percent of the taxes paid by corporations are passed on to consumers. Some economists have claimed that the corporations can pass on more than that. And some tax experts contend that in certain cases corporations have passed on more than 70 percent of the corporate taxes they have paid.

When one analyzes the taxes that are paid and the taxes that are passed on—consumer taxes, real estate taxes, and various other taxes that are passed on to these people, as well as a relatively small amount of excise taxes and social security taxes that they pay directly—he will find that they pay the same percentage of their income in taxes as do those who are in the $4,000 to $6,000 group, the $6,000 to $8,000 group, the $8,000 to $10,000 group, and the $10,000 to $15,000 group, and that they even compare rather closely with those who are in the bracket of $15,000 and over.

At that point, it would appear that the relatively well to do pay about one-third of their income in taxes. We know, however, that there are notable exceptions. That was the basis for our trying to see to it that all rich people do at least pay some taxes.

It was concluded by the Committee on Finance, by a vote of 11 to 1, and by a substantial floor vote when we studied the matter in connection with H.R. 1 last year, that it just is not fair that these poor people should be taxed so heavily, especially when you recognize the fact that in many instances we are actually taxing those people into poverty. Furthermore, for those who are not on welfare—and this provision does not benefit anyone who is on welfare—it is very discouraging to see how little better off they would be if they worked rather than remained on the welfare rolls, not working at all.

Therefore, it was felt that we should at least give these working people tax relief in an amount that would be about as much as they are paying in social security taxes, because, while they are theoretically only paying half of it, as a practical matter, they are absorbing all of it. Every blessed bit of it, every time they buy a can of beans or a pair of shoes or some diapers for the children.

The committee knows that these people are in poverty, that they are not receiving any help from their Government, and that they are being overworked, underpaid, and overtaxed. Admittedly their tax is not being applied directly to them, but in the judgment of those of us who favored this provision it gets down to one relying upon a technicality to say that these people are not paying 27 percent taxes.

It is like that story my father used to tell about the traveling salesman who came back with a furcoat on his expense account. The boss would not permit him to deduct the furcoat, or to claim it as an expense, and he said, "Go out and bring that thing back in without the furcoat on it."

The man brought the thing back in, and he got the expense account approved.

A friend asked, "Did you put the furcoat in it?" He said, "I put the furcoat in it, but the boss just could not find it this time."

Those working people are paying for it. Do not take my word for it. The President's Council of Economic Advisers says they are paying for it. President Lyndon Johnson presented us a report that said they were paying for it. The Senate Finance Committee agrees they are paying for it. The Senate last year, by a vote of 90 to 10, agreed they are paying it.

That is the basis on which we are seeking to help these people, who are being taxed into poverty.

This is not a guaranteed income scheme. What it says is that the more poor people work to benefit themselves the more benefits they get by getting back some of the taxes that are being extracted from them, indirectly though much of it may be.

It is related to the social security tax because that is the only good information the Government has available to look to, to see how much these poor people actually earned, in view of the fact that they did not earn enough to pay an income tax.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MONDALE. The distinguished floor manager probably recalls that when I first heard of this plan I was not too enthusiastic about it. But the more I look at it, the more sense I think it makes.

First of all, the rhetoric we hear from most politicians is to the effect that "where it is possible, prefer work to welfare."

Then how do we face the fundamental problem of how we make it preferable to work than to go on welfare? To do that, it seems to me we have to make it possible for a person who is near the welfare point to do better than he is doing now.

In the State of Washington they figured you have to make about $3.50 an hour out there, with a family of four, to do as well as you would on welfare. That is a problem that is running through all of us, and there are several million people who work all year, usually unskilled but working hard and trying to care for their families, and we tax them 27 percent. Many of those taxes are completely regressive.

There is no deduction, for example, on the payroll tax, for the size of the family. There is no deduction on the payroll tax for medical costs. There is no deduction for anything; it is just a straight, flat tax, with no deductions, and they pay half again as much, I agree with the chairman, in the form of indirect taxes, because what the employer contributes obviously is either added to the cost of the product or taken from wages, and as consumers or wage-earners they pay that tax indirectly, which is why we get the 10-percent figure.

These families, according to the Bureau of Labor Statistics' own figures, after working all year, probably do not have enough money to provide the minimum necessities, according to our own Department of Labor, that they need. So in terms of simple equity, in terms of incentives for employment, and in terms of trying to show we appreciate a person who works all year and stays off welfare, for all these reasons this modestly expensive program—and it is less expensive than a lot of other things which we did today——

Mr. LONG. We estimated it would cost about $600 million. That would only go to poor people who are working who have families.

Mr. MONDALE. Yes, and it would bring a lot of relief to decent, hard-working American families who today, if they looked at the figures realistically, could say, "Better stop working; our Government has decided to tax me back on welfare."

Mr. LONG. Mr. President, the average family that would be benefited by this amendment would, under the existing system, be better off to move from the low-income States to those States that have relatively high welfare payments, such as New York or New Jersey, and go on welfare. They would have more income than if they stayed and worked.

Just look at how the present system works in Louisiana. Take a typical case, a poor mother with three children, out trying to support the family and making about $200 a month. If she were not working at all, she could get about $120 a month and she could get some food stamps. So really by working all year long, trying to find someone to look after her children while she is away, and enduring all the other complications of work, by the time the year is over she is only about $800 better off for that whole year of hard work.

Now, in these poor little earnings, she is getting, she is made to pay about 27 percent in taxes. That is a lot more than a millionaire absorbs, if he has the advice of a tax lawyer to do a little tax planning before he goes to work and makes all that money.

We can be technical about it and say, "Oh, she does not pay that tax, the employer pays the tax, or the corporation pays the tax, or the landlord pays the tax, or someone else pays it."

But we know the President has a Board of Economic Advisers that has reported to him that it is that poor worker who is the one who pays that tax. We know it, the Finance Committee knows it, the Census Bureau knows it. Here is a book, entitled, "Rich Man, Poor Man," by Mr. Herman Miller, which has been a rather classic study on this subject, and it has been discussed many times in articles by Mr. Pechman and others. They all know it. This is generally known by anybody who has any credentials at all in the problems of the poor and the economics of poverty.

Why should we not do something to encourage these poor things to work and better their condition, rather than tax them into poverty? So we have proposed this very modest thing. Incidentally, no family would get a great amount of help. The maximum would be $400 a year $33 a month for a family making about $330 a month. That is the maximum we are asking for, which I regret upsets some people's principles, but as a practical matter, it is a matter of giving back to the poor the taxes they have actually paid.

We have voted on this matter in other contexts. The Senator from South Carolina (Mr. HOLLINGS) came before the committee some time back and made an impressive presentation that some of us had not thought about before, the fact that the poor were being taxed a great deal more than conscience could justify and he offered a bill to give some tax relief for the poor. The Senate eventually agreed to an amendment directed towards that purpose.

Mr. MONDALE. Some of us, Senator MUSKIE and I among them, have introduced legislation designed in part to deal with the regressive nature of payroll taxes, particularly those in the low income level, which is part of what this is designed to do; that is, to return to about what the direct or the indirect cost of the payroll tax is for people working at the lowest income levels.

There have been many different proposals trying to get to this same point.

This amendment is a good one. I am glad it is in the bill. It passed by 11 to 1 in the committee, which is a pretty good cross section of the Senate.

Mr. LONG. There is another aspect of this matter. One can say that social security is a very good proposal for the poor, but if we compare a poor person working for a lifetime at low wages, such as those for whom I plead at this moment, to those who do not work at all, the poor who work for a lifetime are only a little better off than those who do not work at all.

At the present time, the poor person who works for a lifetime is about $4.50 better off, because we do allow him to keep a small amount of benefits when we reduce his welfare check by his social security check. And under the new SSI program, we will permit him to keep a plum or two out of the social security check, to give him some recognition for a lifetime of hard work. We will permit him to keep $20, we might say, out of his social security check to recognize that he has worked all his life and had to absorb the social security taxes, and the social security tax increases. But even though he works hard his whole life he winds up only $20 better off than if he had never worked.

This point was driven home to me very forcibly in my own home. Someone mentioned to our maid who was working for us that she should be grateful for the fact that we were paying her social security taxes for her, both the employer and the employee parts.

Well, our maid must have been informed by someone who knew the facts, because she said to us—God bless her sweet heart: "With all due deference, Mr. and Mrs. Long, just look at what my minimum social security benefit will be when it comes time for me to retire because that is what I am going to get, which, unless I am mistaken, will be the same thing as anyone on welfare gets for his whole lifetime."

Unfortunately, she was right, and I have never again tried to suggest to a maid working in my household that we were paying her social security taxes.

Mr. ERVIN. Mr. President, will the Senator from Louisiana show me where the bill states that these payments are to be made out of the general fund and not out of social security taxes?

Mr. LONG. Senator, I will be glad to find that. In due course, I will obtain it.

It is on page 44, and notice that this shows under the Internal Revenue Code. It is a tax credit paid back under general authority to pay taxes.

Mr. ERVIN. Well, here is what it says——

Mr. LONG. Just like the investment tax credit.

Mr. ERVIN. I disagree. In says on page 44, that—

> There shall be allowed to a taxpayer who is an eligible individual as a credit against the tax imposed by this chapter. . . .

The specified percentage of his wages subject to social security taxes.

This chapter is the chapter which imposes social security taxes. So it is clear that he gets a credit against his social security taxes.

Mr. LONG. Those words, "this chapter" refer to the chapter under the Internal Revenue Code which deals with income tax credits. I might say that——

Mr. ERVIN. It is a credit against his social security taxes and a credit against nothing else.

Mr. LONG. Senator, it is a credit—generally credited against income taxes, and it is paid from the general revenue which is financed by income taxes that we pay in.

It may shock the Senator to see us proposing something to help the poor here. It does not relate to a tax credit repaid on the basis of taxes assessed from the taxpayer but it does relate to taxes that the taxpayer has absorbed in the last analysis. That should not be any more shocking than the logic by which we pay a tax credit to a manufacturer, or a tax advantage to build a new plant, a tax allowance for an expansion that does not exist.

One can argue about the technicalities and all that, and those who want to concern themselves very much about that type of thing, I am sure can find all the reason they want to find to justify voting against it. But I personally am thoroughly convinced that if one thinks in terms of social justice, economic justice, or just plain humanity in general, on the relative merits of deserving people, and then looks at what we do in this bill to help various and sundry groups who have various and sundry needs, there is ample justification to also give some consideration to the working poor—and there are about 20 million poor people in this country today—it would be very well justified. I believe the Senate would regret having stricken that from the bill.

I note that the Senator from North Carolina (Mr. Ervin) voted for this same proposal on September 30, 1972, and I am sure he will tell us he did not know what it was——

Mr. ERVIN. I disagree. I voted for a work bonus which was set out in different language.

I am not shocked by aiding the poor, which I favor, but I am shocked by the effort to convert the social security system into a welfare system.

Mr. LONG. Let me make this clear, Mr. President. This proposal does not take one nickel from the social security trust funds. The entire payment comes from general revenues. There is revenue in the bill to pay the cost of it. We thought about that, that someone might be concerned about the cost, and so we provided the general revenue to pay for it, those of us who believe that this should be done. In no way does it go to the social security fund, but simply out of general revenues. We propose in this bill to shape the tax structure so that the working poor do not lose as much in taxes as those who are far better off in relative terms, and we provide the revenue in a much more equitable fashion to make this tax adjustment. I hope the Senate will concur in what the committee has done.

Mr. President, I have been particularly pleased that what we seek to do here has been endorsed and supported by two great former Secretaries of Health, Education, and Welfare. One of them happens to be on the floor of the Senate at this moment: the distinguished Senator from Connecticut (Mr. Ribicoff). The other is a man who served with him during his tenure in that Department and who subsequently became the Secretary of HEW, Mr. Wilbur Cohen, who advised with regard to this matter and was enthusiastically in favor of it.

Mr. RIBICOFF. Mr. President, will the Senator yield for a comment and a question?

Mr. LONG. I yield.

Mr. RIBICOFF. First, I should like to pay great tribute to the chairman for his imagination and constructive thinking.

We have been arguing about welfare for many, many years. And every time we try to come up with a welfare reform program, it is shot down. There is no question that there are many abuses in the entire welfare system. Some day, we in the Senate and a President are going to try to straighten out the welfare mess—and it is a mess.

The Senator from Louisiana has been motivated by the objective of keeping the working poor working. How do we make sure that it is better to work for wages than to go on welfare? There is no question that what the Senator from Louisiana is trying to do is to make the person who is self-respecting, who wants to work, realize that he can be self-respecting and still not be worse off than his neighbor next door, who is drawing a welfare check which under present law may exceed the wages he is getting for a full week's work.

It is not a question of changing the social security system; because, when all is said and done, our welfare program is a part of the social security system. It is in the same titles that we are working on.

We are really, to a great extent, making it possible for the individuals we are talking about to work. They are self-respecting, are not getting a supplemental welfare check, and we are making sure that they stay on their jobs.

We are going to say: "We respect you for trying to work, and we are going to make sure that we will not charge you with an extra tax that will put you on welfare and discourage you from working."

We should commend the Senator from Louisiana for an innovative idea and a step in the right direction—and many of them have been initiated by the Senator from Louisiana, to try to find alternative ways to get out of the welfare mess. This is one of the constructive proposals of the Senator from Louisiana. There are other proposals in this bill; perhaps some Senators know about them and some do not.

Another suggestion of the Senator from Louisiana is to allow pilot programs—3—in each State of the 50, which would give each State administration an opportunity to work out alternative methods of payment, or jobs, or programs, to see if somewhere in the 50 States an answer can be found that the bureaucrats in Washington have never come up with.

It would be a tragedy if the Senate struck out the opportunity it has for an innovative program for the working poor, where we are not actually paying them anything out of the Treasury, out of welfare funds. They do not have to go to a welfare office to get a check. They just get a credit against their social security taxes. The chart that has been placed here by the Senator from Louisiana indicates what takes place.

I hope that other Senators will encourage the Senator from Louisiana in his leadership and not strike down an attempt to do something constructive for the working poor of the Nation.

Mr. LONG. Mr. President, I thank the Senator from Connecticut.

Some time ago, President Nixon sent to us a proposal known as the family assistance plan, which was at least intended to help the working poor. We found objections to it. We thought it did not have the kind of work incentives that it should have. So that proposal failed to become law. Yet even those who could not agree with it, such as Governor Reagan, and others, suggested that something along this line would be fair as one thing that could be done to provide economic justice for the poor who are working for what little they get.

It was for this reason that the Committee on Finance was persuaded that this provision should be in this bill.

At the time we were considering the family assistance plan I went to see President Nixon and told him that I would be glad to vote for as much money as he wanted to spend to help the working poor. He was talking about, roughly, $5 billion. But I said it would have to be spent in such a fashion that it rewarded people who worked—rewarded them for working—rather than to pay them for doing nothing.

The provision in this bill is the type of thing that some of us, who feel we should encourage people to work and should help them to reach economic independence and to find their way out of poverty, consider to be very well justified.

I should think that the 20 million people who would be benefited by this would heartily approve of it. I should think that anyone who is familiar with the plight of those people and the relative merits of the proposal would heartily applaud our adopting this.

I can remember investigating the situation of a poor man who had 10 children, was working at a minimum wage, and should have been eligible for some kind of help. We looked into it, and the welfare people, and others, advised us correctly that he was not eligible for anything at all. But this is 1 program that a poor man with 10 children would have had available to him. I think we should encourage people to carry their own load. And I also think this is the least that we could be expected to do in considering their plight.

Mr. RIBICOFF. Mr. President, will the Senator further yield?

Mr. LONG. I yield.

Mr. RIBICOFF. I think the justice and the equity being spoken for by the Senator from Louisiana can be found in a table that has been placed on each Senator's desk. In that table, it is shown what a fantastic distribution of taxes is paid by those in the lower income group. When we consider that the percentage of taxes on an income of a person in the $2,000 class is 44 percent, and the class that is sought to be helped by the Senator's amendment, $2,000 to $4,000, is 27 percent, and from $10,000 to $20,000 it is 27 percent, it is a question of such a small modicum of justice that the Senator is trying to work out here.

I would hope that the amendment of the distinguished Senator from North Carolina will be rejected and that the Senate would uphold the position of the chairman of the committee.

Mr. LONG. Mr. President, I ask unanimous consent to have printed in the Record, a table entitled "Taxes and Transfers as a Pencentage of Income: 1965."

There being no objection, the table was ordered to be printed in the Record, as follows:

TAXES AND TRANSFERS AS A PERCENTAGE OF INCOME, 1965

[In percent]

Income class	Taxes			Transfer payments	Taxes less transfers
	Federal	State and local	Total		
Under $2,000	19	25	44	126	[1] −83
$2,000 to $4,000	16	11	27	11	16
$4,000 to $6,000	17	10	27	5	21
$6,000 to $8,000	17	9	26	3	23
$8,000 to $10,000	18	9	27	2	25
$10,000 to $15,000	19	9	27	2	25
$15,000 and over	32	7	38	1	37
Total	22	9	31	14	24

[1] The minus sign indicates that families and individuals in this class received more from Federal, State, and local governments than they, as a group, paid to these governments in taxes.

Source: Joseph A. Pechman, "The Rich, the Poor, and the Taxes They Pay," the Public Interest, November 1969. The data are from the Economic Report of the President, 1969, p. 161. Herman Miller, "Rich Man, Poor Man," p. 17.

Mr. LONG. Quite apart from the merits, and I do think there is merit, I think Senators might want to look for one second at the politics. These are figures which show a very heavy burden on the poor, a burden which is unconscionable when applied to the working poor. I would not want my opponent to be able to present these figures and to say that I had an opportunity to do something about this situation, and I voted to leave the situation as I found it.

Mr. ALLEN. Mr. President, I think the Senator from Nebraska wanted to speak at this time. In his absence I will say a few words.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I rise in support of the amendment offered by the distinguished Senator from North Carolina, the distinguished Senator from Nebraska, and myself.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. ALLEN. Mr. President, I am delighted to yield to the Senator from Nebraska. I merely took the floor in his absence.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, I rise in support of the amendment to remove this provision from the bill.

It is not an easy task for me to perform. I never like to oppose my distinguished chairman, the Senator from Louisiana. He is always too fair and courteous in the deliberations of the committee. Also I feel the plan he has worked out here to encourage people to work has a great deal of merit. I think it should be used in an altogether different way than is proposed here.

Many of us supported this principle as a backfire, so to speak, against the family assistance plan submitted by the administration in the last couple of years. That plan was one that rewarded people for not working. If someone worked, he got less from the Government under the guaranteed income plan than if he worked. It was to a person's advantage not to work; and out of that situation was born in the Committee on Finance the concept of a reward for working.

Within a certain purview I would support that idea. The idea of a work bonus—which is no longer called that, but it is a reward for working—I would apply to the people on welfare for a limited time, for a limited number of months, so that it would be a reward, an inducement to take the risk of leaving the welfare rolls and becoming a self-sustaining citizen. We have in our great cities many people who have never held a job at all and any encouragement we give them to work would be a good thing.

But that is not what we have before us today. We have a proposal to send to every head of a family, a worker, who makes $4,000 a year, a check for $400. If the worker makes $3,000 a year we send him a check for $300. If he makes $2,000 we send him a check for $200. If he makes more than $4,000, he still gets a check at a lesser amount, but it phases out at $5,600.

What does that mean? It means the beginning of a new program that does not exist at this time. Right off the bat 5 million famiiles will get a check from the Federal Government who do not get a check at the present time.

Here we talk about deficits and paying as they go and balancing the budget. We even have some pious votes in reference to it. In this bill is a program to make 5 million families will get a check from the eral Government for a check they are not getting at the present time. Mr. President, this is not welfare reform.

As I say, they could take this idea of an incentive for workers, apply it only to people on welfare who are ablebodied, for a limited time, for them to get over the hump, and take the risk and go out and get a job. In that purview I would support it. I supported the idea in principle as a backfire against the family assistance plan which was taken up, a guaranteed income that provided that the less one worked the more he received.

What does this mean? It means a new plan to send a check to 5 million people right off the bat. It is estimated it will cost some $700 million to $1 billion a year. That is just the beginning. Let us look at the rollcalls in this Chamber yesterday and today. Somebody is going to say 10 percent of $4,000 is not enough. It will be raised on this floor to 12 percent, 15 percent, and then 20 percent. It will then be decided that the working poor defined at $4,000 a year is not enough, and that amount will be raised. It is not only a new program but it has built in the pressures to expand it both as to amount and as to the number of people it will reach. It is not welfare reform.

Mr. President, all sorts of charts can be brought in here about who pays the taxes. Well, we know that Congress is taking many steps lately to relieve the poor of their taxes. We have exempted enough people from the Federal income tax to elect a President of the United States. That is the situation right now.

Of course, the poor are paying a lot of indirect taxes. So is everyone else. We have taxed and taxed and taxed ourselves to death.

Mr. ERVIN. Mr. President, will the Senator yield for a question on that point?

Mr. CURTIS. I yield.

Mr. ERVIN. Is it not imperative to every businessman to pass onto the consumer business taxes?

Mr. CURTIS. Yes; he had to, or go out of business.

Mr. ERVIN. If he does not do that he goes bankrupt, does he not?

Mr. CURTIS. The Senator is correct.

Mr. President, here is another point that I doubt has been thought through by those who represent rural States. This will be a new program to send a check to everyone who does not make more than $5,600 a year. It talks about the working poor, except that the plan exempts the self-employed. That means that the great agricultural communities of the country are outside this program.

Mr. President. if you live in a great city and for some reason your earnings are only $4,000, you will be sent a check for $400. But if you live in North Dakota and run a farm, then you may work the clock around and only make $4,000 and they will tax you to help send that check to somebody in the city. I cannot understand how anyone could vote to start a new program like this, a new program of sending checks out of Washington.

Why, Mr. President, we are mailing so many checks out of Washington now that is what is bogging the mail service down.

The information was presented here from the Social Security Administration that there are 30 million beneficiaries, and they cannot effectuate an increase in the payment in less than 4 or 5 months, even with modern machines.

We talk about how many people are working for the Government. I think most of them are busy sending out checks, or cashing them, themselves.

Here we have a proposal to start a new program, a new Federal subsidy, for 5 million people who are now self-supporting. We will send them a check. Mr. President, it is morally wrong. How many people, Mr. President, do you know in your own experience who had been self-supporting until somebody started to give them something for nothing? And so then they want something more for nothing.

There are many ways we can help the working poor. We can set our financial house in order. We can do something about halting this terrible inflation. We could adopt some labor-management policies that would increase production, so people could buy more with their money. But all these proposals are to the contrary.

When we feed the fires of inflation, we not only make it more expensive to run a household; we make it more expensive to run a hospital, and then people have to pay more. We have made it so expensive to operate a school that is not supported by taxation that those schools are going out of business by the hundreds.

So today we are asked to inaugurate another program to put 5 million people on the road to receiving a Government check who are not now getting one.

Even if we had the money to do that, even if we were all agreed that that was the thing to do, how on earth can you justify that and exclude all agriculture? The work bonus will be paid to everyone but the self-employed. Farmers are self-employed. So here is something to add to the tax burden of agriculture in a program in which they would not share at all—the rural people of America. And any student of poverty in America knows that rural poverty is the worst that we have.

Mr. President, I do not enjoy speaking so harshly of a proposal offered by my distinguished friend the Senator from Louisiana, because I believe that he has rendered a very great service in his leadership in the Finance Committee in the months gone by to save this country from going on a course of a guaranteed income, which was based upon the proposition that the less you work, the more you get. And so out of that came the idea, "Well, let us reward the person that works." I am for rewarding him by doing something about inflation, by lessening his costs, and on making it possible for him to send his children to a school that is not run out of business because of high costs. But this idea of sending a direct check when we do not have the money in the Treasury to do it—we will have to do it with borrowed money—is taking a much different turn than was anticipated when it was first proposed.

Mr. President, it can never be justified that this program of sending out checks would include everybody but rural Americans. If the Senate should adopt it and it should become law, those who represent a rural constituency will find that they have taxed their people to support a social program that they, by the very language of the proposal, are denied participation in.

Mr. President, it is the responsibility of the Government to help support people who cannot support themselves. The first claim on the Treasury of the United States for helping people should go to the handicapped, the blind, the victim of misfortune, the person who by age cannot produce for himself. We have no responsibility to support people who can support themselves.

Mr. President there never was a social program inaugurated that was forced upon people to take something they were getting along without that did not make them more dependent. How will this work? Well, here is how it will work. There will be people who are in on it and then they will talk about it in the community, "Well, so and so is getting it, and so and so is getting it. Let us apply for it." They will give it to anybody who applies, unless he lives in rural America. It is not for them.

Mr. President, the amendment ought to prevail. This provision ought to go out of the bill. It ought to be revised as part of welfare reform, and this reward for working should be used with people on welfare for a limited period of time to get them through that transition period of leaving the security of welfare and taking the risk of trying to support themselves.

Mr. President, I yield the floor.

Mr. ALLEN. Mr. President, I support the amendment which would eliminate part B, the so-called tax credit.

Mr. President, the social security amendments in recent years have not only increased the rate at which earnings are taxed; they have increased the amount of wages subject to tax.

At the present time, I believe a person's earnings up to $10,800 are subject to tax, with the earnings subject to tax under the present law to go to $12,600 on January 1. I believe the bill that is now pending would raise it to $13,200 subject to tax.

Mr. President, the employees of the country, the employers of the country, the self-employed are groaning under these increases in tax rates, and the increase in the amount of their earnings subject to taxes. So what is the answer? What does the committee come up with? Well, as to a certain segment of the people, they will, in effect, exempt them from all social security taxes, thereby, of course putting a greater burden on the employee who might possibly be working side by side with one who is having his social security payments relieved of taxes. He might continue to be paying for the benefit of the person not now paying taxes.

So, in effect, as the Senator from Louisiana has pointed out, this comes out of the Treasury and does not come out of the social security fund. However, we all know that the Government is feeding out of both troughs and the Government is using all of these funds, the trust funds and the general revenue funds under a uniform budget. So it is all taken out of the same pot, under the present situation.

And, by the way, if this comes out of the general revenue, what is it doing in a social security bill anyhow? But here it is.

So, in effect, it would exempt certain people from paying any social security taxes. It would then give them the great bulk of what the employers pay. Why do I say that? On page 45 of the bill, part of the section sought to be removed gives to a person making $4,000 a year on up $5,600 a year 86 percent of the total amount paid in social security taxes by the employer and the employee.

If we take 86 percent of what they both pay, which would be 11.7 percent, we end up with 10 percent of the earnings that he is given back as a bonus.

An employer cannot get any of his tax back. He might be having trouble making both ends meet himself. But consideration is not given to him at all. Part of the amount paid by the employer is turned over to the employee.

The chairman of the committee said on the floor a moment ago that he was aware of the fact that some $3.5 billion has been added to the bill. And this is the only amendment that has been offered since the bill has been pending that would cut down on the amount of money to be spent by the bill.

I have not had a single soul mention to me anything about voting for this type of provision. As far as I know, it is not being pushed by anyone other than the committee and of course some Members of the Senate. But here is an opportunity to cut down on the amount of the expenditures provided by this bill.

Mr. President, I favor the concept of a graduated social security tax. I hope that someday the committee will come up with some sort of a graduated payment—that is, a lesser payment on the first, say, $1,000 a year and a little larger percentage on the next thousand and then go up by degrees so that the person making more money will pay more taxes along the line of the income tax.

I do not think that it is fair for a man making $50,000 a year to pay the same rate of tax on the covered earnings as a man who makes $4,000, $5,000, $6,000, or $7,000 a year.

This is kind of a graduated social security tax and it goes a little to the extreme. It carries it to the extreme, out of sight. It relieves a person from paying social security so that he gets the benefit of social security and he gets social security in the way of social security benefits at the other end. It hardly seems fair.

Mr. ERVIN. Mr. President, if the Senator will yield, I ask the Senator if the chart mentioned by the distinguished chairman of the Finance Committee does not show that persons earning incomes from $2,000 to $15,000 a year pay virtually the same percentage of their income in Federal, State, and local taxes.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. And I ask the Senator from Alabama if on the basis of the argument made by the chairman of the Finance Committee, Congress would be authorized, if this chart is correct, to grant a tax credit to every working person who earns $15,000 a year or less?

Mr. ALLEN. Under that same theory, I think that we might well do that.

At one time it was explained that this money spent under this section would be offset by eliminating the deduction on gasoline tax payments to the States as a deduction from the Federal income tax.

I notice that an amendment is pending and possibly it will be acted on. I believe that somewhere along the line that provision will get lost. We can rest assured of that. However, I am sure that that provision which would eliminate the gasoline taxes in the form of deductions on Federal income taxes will get lost somewhere. And there will be no offsetting amount. It will all be a case of outgo and nothing coming in.

It hardly seems fair to pay a bonus of $400 to someone. In effect he is getting all of his social security payments back and the great bulk of the amount that his employer has paid.

I do believe that this is no place where we should eliminate the expenditures of some $600 million on up to $1 billion. We can rest assured that if this ever takes root in our law, it will multiply in cost many fold as the years go by.

So, as the distinguished Senator from Nebraska said, this is a brand new program which puts some 5 million new names on the Federal list of the recipients of checks.

I feel that this is one place where we can save possibly $1 billion a year and many billions of dollars a year in the years to come.

I do urge the adoption of the amendment.

Mr. President, if the yeas and nays have not been asked for, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. Proxmire). Is there a sufficient second (putting the question). There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Ervin-Allen amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. Chiles), the Senator from Arkansas (Mr. Fulbright), the Senator from Indiana (Mr. Hartke), the Senator from Colorado (Mr. Haskell), the Senator from Iowa (Mr. Hughes), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Mississippi (Mr. Stennis), the Senator from Louisiana (Mr. Johnston), and the Senator from Montana (Mr. Metcalf) are necessarily absent.

I also announce that the Senator from Missouri (Mr. Symington) is absent because of illness.

I further announce that, if present and voting, the Senator from Wyoming (Mr. McGee) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senators from Oklahoma (Mr. Bartlett and Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from New York (Mr. Javits), and the Senator from Maryland (Mr. Mathias) are necessarily absent.

The Senator from Idaho (Mr. McClure) and the Senator from Oregon (Mr. Packwood) are absent on official business.

The Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The Senator from Arizona (Mr. Goldwater) is absent by leave of the Senate on official business.

The result was announced—yeas 21, nays 57, as follows:

[No. 539 Leg.]

YEAS—21

Allen
Brock
Buckley
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Curtis
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Helms
Hruska
Proxmire
Roth
Scott,
  William L.
Sparkman
Thurmond
Tower
Young

NAYS—57

Abourezk
Aiken
Bayh
Beall
Bentsen
Bible
Biden
Brooke
Burdick
Cannon
Case
Church
Clark
Cook
Cranston
Dole
Domenici
Dominick
Eagleton
Eastland
Gravel
Hart
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Kennedy
Long
Magnuson
Mansfield
McClellan
McIntyre
Mondale
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Saxbe
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Taft
Talmadge
Tunney
Weicker
Williams

NOT VOTING—22

Baker
Bartlett
Bellmon
Bennett
Chiles
Cotton
Fulbright
Goldwater
Hartke
Haskell
Hughes
Javits
Johnston
Mathias
McClure
McGee
McGovern
Metcalf
Montoya
Packwood
Stennis
Symington

So Mr. Ervin's amendment was rejected.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that on the vote on amendment No. 539, I be permitted to change my vote from "nay" to "yea."

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The PRESIDING OFFICER (Mr. Proxmire). The hour of 7 p.m. having arrived——

Several Senators addressed the chair.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be extended temporarily at this time. I would like to ask of the distinguished floor manager the result of any conversations he and the leadership might have had with the distinguished Senator from Alabama (Mr. Allen), the distinguished Senator from New York (Mr. Buckley) who has two amendments, the Senator from Massachusetts who has one, and the Senator from Wisconsin who has one.

Mr. LONG. Mr. President, first, if I may be allowed——

Several Senators addressed the Chair.

Mr. FANNIN. Mr. President, I have one amendment.

Mr. LONG. Mr. President, so far as I can determine with regard to all the amendments that remain, we could enter into a brief time limitation and vote on them in short order. So I should think we might be able to finish this bill in the next hour or so.

The PRESIDING OFFICER. Is there objection to the unanimous consent of the request of the Senator from Montana?

Mr. CANNON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CANNON. Mr. President, reserving the right to object, I should like to know a little more precisely how many amendments we have, whether we have any time agreements, and how long they will take. If we are going to stay here until midnight, I am going to suggest that we go back on the other business.

Mr. LONG. I am pleased to agree, because every other Senator has told me that he would agree to a limitation on his amendment of no more than 10 minutes, say; so we should be able to dispose of them.

Mr. KENNEDY. Mr. President, I would be glad to agree to a 15-minute time limitation.

Mr. HUMPHREY. I have an amendment.

Mr. LONG. How much time?

Mr. HUMPHREY. Ten minutes.

Mr. LONG. Mr. President, I ask unanimous consent that debate on these amendments be limited to 10 minutes on each side.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object——

Mr. WEICKER. Mr. President——

Mr. LONG. And I ask unanimous consent that amendments to the amendments have the same limitation.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object, I think I can work out an agreement that will take less time than that.

Mr. LONG. Well then, might I suggest that we go amendment by amendment and I believe we can work out a limitation of 10 minutes on each side.

Mr. ALLEN. Mr. President, reserving the right to object, how much——

Mr. WEICKER. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. WEICKER. Mr. President, reserving the right to object, I should like to inquire of the Senator from Louisiana how many amendments are on the floor?

Mr. MANSFIELD. If the Senator will allow me, we have counted eight, including yours.

Mr. WEICKER. I do not have an amendment. I am only making an inquiry.

Mr. MANSFIELD. Seven, then. We could possibly finish by 9 o'clock and have a final vote then.

Mr. CASE. Mr. President, let us include that in the unanimous-consent agreement, that we quit by 9.

Mr. MANSFIELD. I will be glad to do that.

Mr. PERCY. Final passage by 9 o'clock.

Mr. WEICKER. Mr. President, reserving the right to object, I was on the floor earlier in the evening when the distinguished Senator from Louisiana (Mr. Long) made the statement that the matters to be considered were rather important and that this was not something to rush through.

We are here for the weekend. I am prepared to be on the floor all day tomorrow and all day Sunday if necessary. But for the sake of convenience I am not prepared to rush through matters of this import.

Are we doing this, in other words, to go ahead and accommodate ourselves this evening, or is this going to give appropriate consideration to matters raised before this body? Could we have, for example——

Mr. MANSFIELD. I am not doing this to accommodate ourselves. We have been on this bill for 4 days now. The most difficult amendments are over with. What we are trying to do is to bring to a head a very important bill while we are all here and have a chance to do it.

Mr. WEICKER. I concur with the distinguished majority leader, but we are going to be here this weekend so that we can just go on and conduct our business——

Mr. MANSFIELD. Well, on that basis, there is no need to argue further.

Mr. WEICKER. Are there any votes scheduled for tomorrow?

Mr. MANSFIELD. There may well be. I do not know what discussions are scheduled.

Mr. WEICKER. Could I ask the distinguished Senator from Louisiana how many of the seven amendments proposed will call for rollcall votes?

Mr. LONG. There is no way I can tell.

Mr. WEICKER. Could the Senator from Louisiana say whether that could take us to 11 or 12 tonight?

Mr. LONG. The majority leader has suggested that we could pass this bill by 9 o'clock. There is good reason to think that we can.

Frankly, I am willing to do whatever the Senate wants to do about the matter to accommodate the Senator from Connecticut and all the rest. But I am in no position to prevent Senators from offering amendments, of course. Any Senator can, at the last minute, decide that there is something else he wants to bring up, and that is within his power.

Mr. WEICKER. Might I ask the distinguished majority leader what the business will be for tomorrow?

Mr. MANSFIELD. If we do not finish this bill tonight, that will be the business. I should like to say that the Senator from Washington (Mr. MAGNUSON) proposes to take up the daylight saving bill. We have a schedule to contend with. This, of course, is subject to those who are interested in it, like the Senator from Colorado (Mr. DOMINICK), the Senator from Ohio (Mr. TAFT), and the Senator from Washington (Mr. MAGNUSON), the manager of the bill. Frankly, I do not want to stay here spinning our wheels on agreeing to motions, amendments, tabling motions, which do not mean anything except to make us look good, which it does not. It makes us look foolish.

Mr. WEICKER. I would concur with the distinguished majority leader. We should have voted on this bill a long time ago. I do not want to have important proposals laid before us and try to rush them through on the basis of the fact that we are trying to get out this evening.

Mr. MANSFIELD. We are not. The most difficult amendments are behind us, in my opinion. The Senator from Louisiana has a pretty good idea of what is coming up. I would like to suggest that we try to work out agreements as we go along at this time and ask that a final vote occur beginning at 9:30 and not later than 9:30.

Mr. WEICKER. If I might say to the distinguished majority leader, I usually find the most difficult proposals dispatched during the daytime hours but the most costly proposals get through during the night hours.

Mr. MANSFIELD. I think the costly ones are behind us—I hope.

The PRESIDING OFFICER. Is there objection?

Mr. LONG. I object.

Mr. CANNON. Mr. President, I reserve the right to object.

Mr. LONG. Mr. President, I really do not think that on a bill of this magnitude, involving as much money and with the issues we have here, that we ought to permit ourselves to be in a situation where we would not debate amendments that might involve a billion dollars or more. Much as I would like to accommodate the majority leader, that, in my opinion, would be something we might regret. Therefore, I cannot agree to that. But I will do everything I can to accommodate the majority leader in a general agreement on amendments.

Mr. MANSFIELD. If the Senator will yield and the Senator from Alabama concurs, I suggest that we just go along with the bill, take our chances with each amendment, and hopefully be able to pass the bill tonight.

Mr. ALLEN. Mr. President, reserving the right to object, I would like the agreement to state that at a definite time, at a time certain, we will return to the consideration of the House message, with the Senator from Alabama having the floor, as the agreement now provides, to take effect at 7 o'clock, and it is already 10 minutes past 7.

Mr. MANSFIELD. Would the Senator agree to 9:30?

Mr. ALLEN. That we return at that time, no matter what?

Mr. MANSFIELD. And the Senator has the floor.

Mr. ALLEN. No matter what state of affairs we are in?

Mr. MANSFIELD. That is correct.

Mr. ALLEN. I would like to state that by shortening the time that this bill is under consideration, we will probably save the U.S. Government about one-quarter of a billion dollars for each hour the debate is shortened. That is just about the track record of amendments thus far. About $3 billion in amendments, according to the distinguished Senator from Louisiana, have been added already. So every hour we cut down, we probably save a quarter of a billion dollars.

Mr. CANNON. Mr. President, reserving the right to object, do I correctly understand that if we go ahead, deferring the Senator from Alabama's matter, and continue on this matter, we will go to the Senator from Alabama's problem at 9:30, whether or not we have finished this bill, and that he will have the right to the floor?

Mr. MANSFIELD. That is correct.

Mr. CANNON. I withdraw my objection.

The PRESIDING OFFICER. Is there objection?

Mr. WEICKER. Mr. President, reserving the right to object, I would like to know exactly what the unanimous-consent request is.

The PRESIDING OFFICER. The unanimous-consent request of the Senator from Montana is to extend the time on this bill until 9:30 tonight.

Mr. MAGNUSON. Mr. President——

Mr. MANSFIELD. 9:30 or before, and then it goes back to the Senator from Alabama.

Mr. WEICKER. If I am not mistaken, there are 10 minutes on each side?

Mr. MANSFIELD. No, that is out.

The PRESIDING OFFICER. That has been voided.

Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MAGNUSON. Mr. President, I heard the majority suggest that after this bill was through, we would take up the daylight saving time bill tomorrow.

Mr. MANSFIELD. Subject to the approval of the Senator from Washington.

Mr. MAGNUSON. I am ready to take it up at any time. But how are we going to take it up if we go back to the debt limit bill?

Mr. MANSFIELD. If we cannot take it up, we will not. It is just a hope. The Senator from Washington has indicated that it is on the administration's must list. But let us face that tomorrow.

Mr. BUCKLEY. Mr. President——

The PRESIDING OFFICER. The Senator from New York.

Mr. MAGNUSON. I want those interested in the daylight saving matter——

Mr. PASTORE. Regular order, Mr. President.

The PRESIDING OFFICER. The Senate is not in order.

Mr. PASTORE. The Senator from New York has been recognized.

Mr. MAGNUSON. Mr. President, I reserve the right to object, and I want to find out about it. I will be here tomorrow, and I hope the other Senators are on notice. I do not think they should be here all day if there is a filibuster.

Mr. MANSFIELD. We will see how it works out.

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from New York has the floor.

The Senate will be in order.

Mr. BUCKLEY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of Part A of title I of the bill, insert the following new section.

CONSUMER PRICE INDEX FOR THE AGED

SEC. — (a) In order to provide the Congress with improved means for formulating legislation with respect to older Americans, the Secretary of Labor, through the Bureau of Labor Statistics is authorized and directed to prepare, as part of the Consumer Price Index published monthly by the Bureau of Labor Statistics, a consumer price index (to be known as the "Consumer Price Index for the Aged") designed to reflect the relevant price information for individuals who are 65 years of age or older.

(b) (1) Section 215(i) of the Social Security Act is amended by striking out "Consumer Price Index", wherever it appears therein, and inserting in lieu thereof "Consumer Price Index for the Aged or the Consumer Price Index, whichever is the higher".

(2) (A) Except as provided in subparagraph (B), the amendments made by paragraph (1) shall be effective with respect to cost-of-living increases made after the date of enactment of this section under section 215(i) of the Social Security Act.

(B) The amendments made by paragraph (1) shall not be effective with respect to any cost-of-living increase made under section 215(i) of the Social Security Act if such increase is made with respect to a base quarter (as defined in section 215(i) (1) (A) of such Act) which occurs prior to the first calendar quarter for each month of which there is published by the Department of Labor (in accordance with subsection (a)) a "Consumer Price Index for the Aged".

Mr. BUCKLEY. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, I compliment the Chair on its efforts to obtain order in the Chamber, and I hope the Chair will persist until it secures order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. LONG. Is this the Senator's amendment relating to the consumer price index for the aged?

Mr. BUCKLEY. Yes.

Mr. LONG. Mr. President, I would be willing to take this amendment to conference, and I suggest that the Senator provide the information that supports the argument, and we will see if the House will agree to it.

Mr. BUCKLEY. I am delighted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. BUCKLEY. Mr. President, I have a second amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 153, after line 23, insert the following new subsection:

"PROHIBITION OF FEDERAL FUNDING FOR ABORTIONS UNDER MEDICAID

"SEC. 193. None of the funds under title 19 may be used for the performance of abortions."

Mr. BUCKLEY. Mr. President, the language of this section is brief. It is section 193, and it reads:

> None of the funds under title 19 may be used for the performance of abortions.

This language is substantially identical to the language that was approved recently by the conferees on the foreign aid bill.

This does not reach into the constitutional question. Rather, it simply says that the Federal Government will not pay for abortions. If States want to pay for them or help others pay, that is up to them, and they may do so with their own funds.

I suggest that if Congress felt that Federal funds ought not be allowed to be used abroad for the performance of abortions on foreign women, then at least we could accord the same protection to our own.

I believe that this amendment merely supports a continuing expression of congressional intent that has already been incorporated in several bills on this question. I am prepared to have a vote on it directly.

I offer this amendment, incidentally, on behalf of the Senator from Nebraska (Mr. Curtis) as well as myself.

Mr. LONG. Mr. Presidnt, I am willing to take the amendment to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

AMENDMENT NO. 730

Mr. KENNEDY. Mr. President, I call up amendment No. 730, on behalf of Senator Church, Senator Cranston, Senator Clark, Senator Pell, Senator Case, and Senator Schweiker.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 87 of the bill, insert between lines 21 and 22 the following new section:

"MINIMUM MANDATORY SERVICES FOR INDIVIDUALS RECEIVING SUPPLEMENTARY SECURITY INCOME BENEFITS

"SEC. 136. Part A of title XI of the Social Security Act is amended by adding after section 1132 (as added by section 135 of this Act) the following new section:

" 'MINIMUM MANDATORY SERVICES FOR INDIVIDUALS RECEIVING SUPPLEMENTARY SECURITY INCOME BENEFITS

" 'SEC. 1133. In addition to other requirements imposed by law as a condition for the approval of a State plan under title VI of such Act, there is hereby imposed (effective January 1, 1974) the requirement that such plan provide for the furnishing of at least three types of services (selected by the State) for individuals who are recipients of supplementary security income benefits under title XVI and who are in need of such services.'."

On page 87, line 23, strike out "136" and insert in lieu thereof "137".

Mr. KENNEDY. Mr. President, the amendment simply seeks equitable and parallel treatment for the elderly, blind, and disabled in the provision of services. As the committee bill attempts to provide broad flexibility to the States in the determination as to who is eligible, what services are to be delivered and how they are to be delivered, it still maintains five mandatory services, three of them affecting adult programs.

Thus, the committee mandates that in the adult program, the State shall continue to offer: first, family planning services, second, services to a mentally retarded individual; and third, services to drug addicts or alcoholics.

Essentially this amendment states that in a similar way the States should provide a minimum of three services to the elderly, blind, and disabled.

We do not in any way seek to override a State determination as to which three services could best yield the goals called for in the committee bill; that is, the self-support goal, the family-care or self-care goal, the community-based care goal and when other forms of care are not feasible, the institutional care goal.

However, as the committee report and as a host of studies by the Special Committee on the Aging, the most recently by the Subcommittee on Federal, State and Community Services that I chair, noted, these social services are crucial to prevent the far more costly, and more disrupting effects of premature and needless institutionalization.

It should be recognized that the proper mix of social services, such as homemaker services, transportation services, and health-related services can prove the difference between an individual maintaining a role in the life of our society or in being shut away in the nursing home unnecessarily.

While there have been some improvements in the HEW regulations for social services since the first set was published on May 1, there still remains the neglect of social services for the elderly, blind and disabled. I believe this measure will remedy the present situation and provide the elderly receiving SSI payments with a minimum level of vital services.

In this regard, I would like to emphasize that we have received letters of support for this amendment from the National Council of Senior Citizens, from the American Association of Retired Persons, from the National Council on Aging, from the American Foundation for the Blind, and the American Association of Workers for the Blind.

It must be recognized that this amendment does not in any way affect the $2.5 billion ceiling adopted last year and retained in this bill. It does not affect the $1.9 billion estimated for fiscal year 1974. In fact, when there was no ceiling on the expenditure of funds for social services, and when many more were mandatory, the cost remained less than one-fourth of all social services dollars while the elderly poor continue to comprise nearly a fourth of the Nation's poor.

As we all know the impact of inflation on the Nation's elderly has been brutal. Food prices alone has jumped nearly 20 percent since last year. And while the average family spends some 16 percent of its income on food, the elderly must budget nearly 27 percent of their income for that purpose.

Now with the prices of energy skyrocketing, once again it is the elderly, living in the older sections of our cities and dependent on high-cost fuel, who will carry the largest proportional burden of the energy crisis.

For all these reasons, I believe that a minimum step is to add to the current requirement of three adult social services for individuals presently on welfare, a similar requirement for three social services to be presented to the elderly, blind, and disabled within each State plan.

I urge the amendment's adoption.

In July 1973 there were 1.8 million recipients of old age assistance, 78 thousand recipients of aid to the blind and 1.2 million recipients of aid to the permanently and totally disabled. All qualify for the SSI program.

Currently all of these individuals are receiving social services required under the law in every State in the Nation.

Under this bill all of those services could be wiped out completely. There is no guarantee that a single elderly blind or disabled person will receive any social services in any State unless this amendment is adopted.

Even under the increased levels of SSI—$1,680 for a single individual and $2,520 for a couple contained in this bill, these individuals still will be below the poverty line.

The result is that the effect of this bill could well be the reverse of its intent. Instead of permitting more individuals to achieve the goal of self-support and personal and family independence, we may be forcing more into dependency and into institutions.

This amendment will prevent that from occurring. It will assure a minimum package of three social services to the elderly, to the blind, and to the disabled.

Just as the committee left untouched the mandatory requirement for a minimum of services to AFDC recipients, so must we guarantee a minimum of services to this group. I urge its adoption.

Social services were mandated for the aged, blind and disabled in Federal regulations issued November 26, 1970. Those regulations were in effect until November 1, 1973 when the recent HEW regulations took effect.

The following social services were mandated to take effect immediately in 1970:

First. Information and referral services.

Second. Protective services.

Third. Services designed to permit aged to remain in the community or to be returned to the community—instead of being institutionalized—foster care and supportive service.

Fourth. Services supplemental health care—transportation to and from doctors and escort services.

Fifth. Self-support services for handicapped.

The following social services were to be mandatory as of April 1, 1974:

First. Homemaker services.

Second. Support services to blind.

Not a single one of these services would be guaranteed or assured to the aged, blind, or disabled unless my amendment passes.

These services previously were mandated on all States. Under the bill not a single service for the elderly will be assured.

Mr. President, I believe the amendment deserves the support of the Senate, and I urge its adoption.

Mr. LONG. Mr. President, the basis on which the committee resolved this was that we will provide each State with its share of the $2.5 billion. In Louisiana our share would be about $39 million. We would leave up to the States the decision as to which services they would provide and how much to provide.

I think every State would provide three services or more. I should hardly think that my State would want to provide less than three services to the aged. For the purpose of trying to let the States decide for themselves how this social service money should be used, with an overall limitation on how much each State should have, it was our feeling they could make the best use of their funds if we did not stipulate how they use it. We did not try to dictate how they should spend the money for any service or group.

What the Senator is suggesting is not in line with the theory we propose, which was that this money be given to the States for what would amount to a revenue sharing program for social services.

So what the Senator is suggesting is contrary to the philosophy that finally prevailed in the committee. But it does not bother me at all if the Senate wishes to do it in the Senator's way.

Mr. KENNEDY. The amendment simply mandates three services for the elderly.

The States can choose any of the three, but they are going to agree, under the program, that they will render that service. At the present time, they are required to provide five. They were going to be required to provide two additional services under the regulations. So they were going to be required to provide seven services.

As I understand it, prior to the issuance of the regulations, only 13 percent of the elderly people were actually benefitting from the range of services that were included. So the track record in the past for the elderly, quite frankly, has been weak. This has been generally true in the manpower programs. The elderly are constantly being left behind.

Mr. LONG. Mr. President, I have no doubt that every State will find a way to provide three services to the aged. But we do not insist on them because we wanted to provide broad flexibility. It is purely a matter for a State to decide whether it wants to mandate three more services or not. If the Senate should not decide, the State will try to provide that number anyway.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. HANSEN. Do I understand the amendment of the Senator from Massachusetts to require that States shall choose, from those 30-odd services, not fewer than three?

Mr. KENNEDY. The Senator is correct. It can be any three. The amendment leaves it up to the State, but it requires that three of those services shall be selected. We want to make certain that the States will meet the needs of the elderly. I imagine that the services will be different among the States. We have not specified which services they shall be; we just require three. No additional funds will be required. We just require the States to provide three services.

Mr. LONG. I have no strong objection to the amendment. I personally would let the States have the complete flexibility we gave them. But if the Senate wants to mandate three services, I see nothing objectionable to that. On the other hand, my personal preference would be to have a broad latitude. I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts (Mr. KENNEDY) (putting the question).

The amendment was agreed to.

Mr. FANNIN. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

> On page 64, line 6, through line 24, pg. 87: strike part D; of title I of the bill.
>
> Strike paragraph 3(a) through 3(d) of Section 1130(b) of the Social Security Act as added by amendment No. 750 of this bill.

Mr. FANNIN. Mr. President, this amendment, which is being offered on behalf of the administration, seeks to delete in its entirety the committee's social services provisions. The effect of the amendment would be to let stand the November 1 regulations of the Department of Health, Education, and Welfare relating to social services.

The administration believes that by giving these regulations a chance to work, Congress, in a reasonable length of time, could then clearly determine whether or not these regulations would be detrimental to the administration of the social services program as many are alleging.

This amendment offers a choice between the revenue sharing approach as provided for in the bill and the regulations which seek to restore the social services program to its intended role of providing services to those on welfare or those in danger of becoming dependent on welfare assistance.

The administration feels that this bill's approach to social services may unwittingly destroy the social services program and defeat the intent of Congress.

Through its regulations the Department of Health, Education, and Welfare has attempted to restrict the social services to the area for which it was designed. Apparently there are those who believe that social services were intended for almost anybody, but the facts do not support this position.

The administration fears that the social services provisions of the bill would result in a further diffusion of Federal funds to support programs or activities unrelated to welfare, all in the name of reducing welfare dependency.

Mr. President, I have offered this amendment so that the record will be clear as to the administration's position on this issue. The administration is to be commended for the efforts which have been made to stop abuses of the social services program so that it will serve those who need and deserve it, the poor and the near poor. In seeking the amendment, the administration has demonstrated that it is deeply concerned about this program. It is evident to me, however, that in view of the discussion here today, this amendment would not be accepted by the Senate. Therefore, in order to preserve time and move on to other business before this body, I am requesting that the amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. LONG. Mr. President, I have an amendment at the desk, which I offer on behalf of the Senator from California (Mr. CRANSTON).

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk proceeded to read the amendment.

Mr. LONG. Mr. President, I ask unanimous consent to dispense with further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 119, line 7, of the bill, add "(a)" after "163".

On page 119, between lines 8 and 9, insert the following new subsection:

(b) Section 409 of the Social Security Act is amended by adding at the end thereof the following new subsections:

"(c) The term 'individuals who have attained the age of 18' as used in subsection (a) above shall not include any individual who is not—

"(1) a father who is not incapacitated; or

"(2) a mother with no children under six, and who is not—

"(A) ill, incapacitated or of advanced age;

"(B) too remote from an employment program to be able to participate in such program;

"(C) needed at home to care for an incapacitated family member; or

"(D) attending school on a full-time basis; or

"(E) participating in a Work Incentive Program.

"(d) If the relative with whom a child is living is denied aid because of failure to comply with the requirements of subsection (a) above, any aid for which such child is eligible will be provided in the form of protective payments as described in section 406 (b)(2) (without regard to subsections (A) through (E) of such section.".

Mr. LONG. Mr. President, the committee has an amendment in the bill which reinstates the community work and training programs that existed prior to 1967 under the Social Security Act.

I believe it would be desirable to make two clarifications of the community work and training program which would be consistent with what we do under the work incentive program.

The amendment would therefore do two things:

First. It would prevent a State from requiring participation by any incapacitated or aged person, or by any mother who has a child under age 6, or who is caring for an incapacitated family member, or who lives in too remote an area, or who is attending school full time, or who is participating in the work incentive program.

Second. If a parent is denied AFDC because of the parent's refusal to participate in a community work and training program, the child will be able to receive protective payments.

Mr. President, the Senator from California discussed this matter. He thought that mothers with children aged under 6 should work only if they volunteered to work, and the amendment carries that out. It further states if a parent is denied AFDC assistance because of refusing to accept employment, the aid will nevertheless be continued for the benefit of the children under a protective payment mechanism.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NELSON. Mr. President, I call up my amendment No. 738.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, as follows:

On page 171, strike out lines 5 through and including 16.

The language proposed to be stricken is as follows:

TITLE III—REPEAL OF DEDUCTION FOR GASOLINE TAXES

SEC. 301. (a) Section 164(a) (relating to deduction of taxes not related to a trade or business) is amended by striking and paragraph (5) (relating to taxes on gasoline and other motor fuels).

(b) Section 164(b)(5) (relating to separately stated taxes) is amended by striking out "or of any tax on the sale of gasoline, diesel fuel, or other motor fuel".

(c) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1973.

Mr. NELSON. Mr. President, under the present law of the Internal Revenue Code of 1954 a taxpayer who itemizes his deductions may deduct State and local taxes paid by him during the year attributable to the purchase of gasoline, diesel fuel, and other motor fuels.

The Senate Finance Committee, in section 301 of H.R. 3153, proposes repealing the deduction for State and local gasoline taxes effective for taxable years beginning after December 31, 1973.

Amendment No. 738 would delete the committee section 301 repealing deductions for State and local gasoline taxes.

Mr. President, earlier in the day the Senator from Massachusetts (Mr. KENNEDY) and I and some other Senators called up a minimum tax amendment to raise the funds necessary for the tax credit for low income workers with families contained in S. 3153. That amendment lost on a rollcall vote. We had intended to call up the minimum tax and restoring the gasoline tax deduction in the same amendment. Such an approach could be subject to a demand for a division of the question, we therefore separated our amendment. Since the purpose of the minimum tax was to replace the revenue gain by repeal of the gasoline tax and since we lost the vote of the minimum tax, the major threat for this amendment was lost.

The defeat of the minimum tax was a mistake. We could have imposed a little more tax on those who, in my judgment, are not paying adequate taxes on preferred income, and such an approach would have been preferable to the repeal of the gasoline tax, which is beneficial to numbers of low-income people—in fact, 71 percent of the benefit of this deduction goes to people with taxable incomes of $20,000 or less.

In any event, I want to record my personal objection to the repeal of the deduction for the gasoline taxes for this purpose and reiterate my support of the proposal to strengthen the minimum tax.

Mr. LONG. Mr. President, the committee added to the bill about $700 million of additional benefits for the poor which would not be financed by the social security tax. When we go to conference with the House, we invariably find that the House of Representatives is inclined to insist, and also that the administration advises, that they are not willing to agree to benefits for the poor if it results in an unbalance in the budget or are not financed. Therefore, this repealer of the gasoline tax deduction was proposed in order to fund the benefits of the low-income tax credits for which the Senate voted by a margin of about 3-to-1.

It is not likely that we will prevail in enacting into law that provision or the other major benefits that we have proposed here in the Senate if we do not have funds to pay for them. Therefore, we took this one item of so-called tax simplification, which, in the opinion of the administration as well as the committee, is one of the lower priority tax deductions, and said it should be repealed.

The administration recommended that this deduction should be repealed as part of its tax simplification proposals. We in the committee recommended this repeal at this time as a tradeoff to raise the funds in order to make relief possible by way of tax credits for persons of low income.

To show Senators how much it would amount to, it is our opinion that persons paying a tax on $5,000 or less on the whole benefit only in the sum of $8 million from this item. The benefit is concentrated among those who make in the area of $10,000 to $50,000.

I point out, Mr. President, that this deduction does not benefit a great majority of the taxpayers who file the simplified tax return, since on these returns they will take the standard deduction rather than itemize their deductions.

The gas tax deduction only benefits those who itemize their deductions. Even among these people there is an inequity and an injustice in that many people do not keep up with how much gasoline they buy and how much State taxes they pay.

The internal revenue people complain that this is probably an item that is subject to the greatest amount of chiseling.

This is the one item that we thought should be repealed and the money that would be gained by the repeal would be used to pay some of the benefits contained in the bill.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. HANSEN. Mr. President, I would like to add my support, although he needs none, to what the distinguished Senator from Louisiana has said.

Let us understand clearly the point that the distinguished floor manager of the bill is making. In authorizing payments to the working poor, the Finance Committee singled out that group of people that in its judgment were most deserving of help. We want to help the people whose income were below any decent standard that one could imagine.

It was with that thought in mind that the Finance Committee reported out the benefits to the working poor. The question arises, how do we pay for it. It costs about $700 million. In order to pay for it, the chairman of the committee and the other members of the committee agreed that the best way to do that would be to repeal the gasoline tax payment exemption. It is a fact that most of the poor people do not itemize their gasoline taxes paid, just as the chairman of the Finane Committee has said.

So it is of no benefit to them anyway. And as the chairman of the committee has also said, the people who do itemize the tax, oftentimes in the opinion of the Internal Revenue Service are chiseling on it. They put in for more taxes paid than probably could be documented.

So really, I can think of no better way to pay this $700 million to the working poor than through this mechanism.

I think it is important to understand that after this tax savings has been effected by repealing this gasoline tax deduction, we are going to be able to go to the House with a balanced budget. This will serve to help the people who need it most, the poor people.

As everyone here knows, the burden of inflation falls most heavily upon the shoulders of those who are poor.

It seems to me that there are three very excellent reasons not to agree to the amendment of the distinguished Senator from Wisconsin.

I thank the Senator from Louisiana for yielding.

Mr. LONG. Mr. President, I thank the Senator from Wyoming for his remarks.

Mr. NELSON. Mr. President, whenever we talk about taxes, we really have to be talking about relative inequity. And that is what we are talking about here.

The question is whether we should pay for the tax credit to the working poor by strengthening the minimum tax and tax preferred income that totally escapes all taxation or whether we should repeal the deductibility of local and State gasoline taxes which is beneficial to people in a much lower-income bracket.

On that question there is no doubt whatever that the minimum tax was a much more equitable way to pay for this program than to repeal the gasoline taxes.

So that there can be no mistake about it, I ask unanimous consent that a chart be printed in the RECORD to show who the beneficiaries are.

Mr. KENNEDY. Mr. President, if the Senator would yield, would the Senator from Wisconsin also ask unanimous consent to have printed in the RECORD, directly below the chart he is requesting to have printed in the RECORD, the chart on the minimum tax, so that we see side by side what the Senate has been asked to do.

Mr. NELSON. Mr. President, I also ask unanimous consent that right below the chart I have requested to have printed in the RECORD there also be the chart showing the minimum tax so that the comparative benefits can be shown.

There being no objection, the tabulations were ordered to be printed in the RECORD, as follows:

TABLE I.—1972 INCOME TAX DEDUCTIONS TAKEN FOR STATE AND LOCAL GASOLINE TAXES

[In millions]

	Amount of deduction
Income tax bracket:	
$3 to $3,000	1
$3,000 to $5,000	7
$5,000 to $7,000	27
$7,000 to $10,000	83
$10,000 to $15,000	165
$15,000 to $20,000	136
$20,000 to $50,000	147
$50,000 to $100,000	19
$100,000 and over	6

TABLE II.—DISTRIBUTION OF GAIN FROM INDIVIDUALS UNDER PROPOSED MINIMUM TAX AMENDMENTS

Adjusted gross income	Number of returns affected	Increase tax
$0 to $5,000		
$5,000 to $10,000		
$10,000 to $20,000		
$20,000 to $50,000	11,000	$4,000,000
$50,000 to $100,000	22,000	28,000,000
$100,000 and over	30,000	299,000,000
Total	63,000	330,000,000

Mr. NELSON. Mr. President, I might point out that people in the income bracket from $5,000 to $7,000 receive deductions totaling $27 million. Those in the bracket from $7,000 to $10,000 rereceive deductions of $83 million. Those in the bracket of $10,000 to $15,000 receive deductions of $165 million. Those in the bracket from $15,000 to $20,000 receive deductions of $136 million.

Over 70 percent of the benefits of the gasoline tax deduction goes to people in the $20,000 bracket or below.

So, if we match the equity of this proposal with the equity of the minimum tax proposal, there is not any doubt whatsoever that the minimum tax is more equitable and would result in more benefits to the working poor than would the repeal of the gasoline tax.

That ought to be perfectly clear to everyone. We are always happy here to give benefits to the wealthy in all parts of the tax law. But to give some benefit to someone who deducts his expenses for driving to work, somehow or other that is not a good program; it is not equitable.

Mr. KENNEDY. Mr. President, very briefly, I commend the Senator from Wisconsin for the amendment which he has offered and has fought for in the Finance Committee and here on the floor of the Senate.

It is interesting that only a little over an hour ago, as the Senator from Wisconsin has pointed out, the Senate turned its back on the reform for a modest increase in the taxes for those who were making over $100,000 a year. There was little doubt on that vote. The Senate refused to close a loophole in the minimum tax, a loophole that provides about $600 million in tax benefits to the wealthy every year.

Now, however, the committee asks us to repeal the gasoline tax deduction; because, they say, it is an unjustifiable tax loophole that costs $600 million a year. And who does that loophole benefit? Not the wealthy, you may be sure. Instead, it benefits those in the low- and middle-income tax groups. Yet, the committee wants to close.

The Senate will have an opportunity to consider all the various deductions in the tax laws next year, as part of comprehensive tax reform legislation.

That was the argument that opponents used to defeat the amendment of the Senator from Wisconsin and the Senator from Massachusetts on the minimum tax.

It seems to me that the same reasoning applies to repealing the gasoline tax deduction as well. If we are going to defer for next year any consideration of the tax code, I wonder why we are trying to eliminate this deduction at the present time.

I hope that the Senate will act favorably on this amendment. I think it is something that all American consumers understand. They know that with the worsening energy crisis, they may well be called upon to pay higher prices for gasoline, and their gasoline taxes will go up. Yet, here is the Senate, taking away their gasoline tax deduction, right in the middle of the energy crisis.

It seems to me that the proposal of the Senator from Wisconsin deserves the support of the Members of the Senate here this evening.

Certainly, this is one of the most popular and best understood amendments in the tax code. If the automobile owners had a lobby, you can be sure they would be flooding our offices with mail and telegrams and personal visits urging us to oppose any effort to close the gasoline tax deduction loophole, just as the oil and gas industry actually did flood us in opposition to the effort to close the minimum tax loophole.

But you can be sure that the American consumer will do a quiet burn if he reads in tomorrow's paper that the Senate has just voted to take away his gasoline tax deduction. If he itemizes his deductions, you can be sure it is one deduction he really understands. Because when he makes out his tax return, he turns to the page in the instruction booklet that contains the gasoline tax table. Then, he finds his State's tax rate per gallon in the table, and runs his finger along the table until he comes to the amount of his tax deduction, based on the size of his car and the number of miles he has driven.

So this is not one of those actions by Congress on the tax code that the long-suffering average American consumer will have any difficulty in understanding.

I recognize the merits of the proposal to repeal the deduction, as a concept of tax reform. In fact, I have supported repeal of the deduction myself, on occasions in the past, as part of a comprehensive tax reform package.

But if we are going to repeal it, that is how we should do it, as part of a larger tax package where we can try to assess the effect of a series of changes on the average taxpayer, so that he is not hurt too badly or unfairly.

This amendment would let the average taxpayer keep his gasoline tax deduction, and a vote in favor of it is a vote for the American consumer. I commend Senator Nelson's insight and initiative in offering this amendment, and I urge the Senate to adopt it.

The PRESIDING OFFICER (Mr. Hollings). The question is on agreeing to the amendment of the Senator from Wisconsin (putting the question).

Mr. KENNEDY. Mr. President, I ask for a division.

The PRESIDING OFFICER. All those in favor of the amendment please stand; those opposed to the amendment will please stand.

The ayes appear to have it. The ayes have it, and the amendment is agreed to.

Mr. LONG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. On the reconsideration?

Mr. NELSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NELSON. Mr. President, is this a motion to reconsider the vote by which the amendment was agreed to?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, is it appropriate for a person who voted on the losing side to make that request?

The PRESIDING OFFICER. The Chair informs the Senator from Massachusetts that it is not.

Mr. LONG. Mr. President, I withdraw my motion.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the further reading of the amendment be waived, and that the text of the amendment be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Humphrey's amendment is as follows:

At the appropriate place in the bill, insert the following new section:

PROVISION OF HOME HEALTH SERVICES UNDER THE INSURANCE PROGRAM ESTABLISHED BY PART A WITHOUT A PRIOR STAY IN A HOSPITAL

Sec. —. (a) (1) section 1812(a) (3) of the Social Security Act is amended to read as follows:

"(3) home health services for up to one hundred visits within a calendar year.";

(2) The first sentence of section 1812(d) of such Act is amended to read as follows: "Payment under this part may be made for home health services furnished an individual only for not more than one hundred visits during any calendar year."

(3) Section 1812(e) of such Act is amended by striking out "post-hospital" the second time it appears therein.

(b) Section 1811(a) (2) (D) of such Act is amended to read as follows:

"(D) in the case of home health services (i) such services are or were required because the individual is or was confined to his home (except when receiving items and services referred to in section 1861(m) (1)) and needed skilled nursing care on an intermittent basis, speech pathology or audiology services, or physical therapy, (ii) a plan for furnishing skilled nursing care or physical therapy to such individual has been established and is periodically reviewed by a physician, or, in the instance of speech pathology or audiology services, such individual has been referred by a physician, and (iii) such services are or were furnished while the individual was under the care of a physician;".

(c) Section 1835(a) (2) (A) of such Act is amended to read as follows:

"(A) in the case of home health services (i) such services are or were required because the individual is or was confined to his home (except when receiving items and services referred to in section 1861(m((7)) and needed skilled nursing care on an intermittent basis, speech pathology or audiology services, or physical therapy, (ii) a plan for furnishing skilled nursing care or physical therapy to such individual has been established and is periodically reviewed by a physician, or, in the instance of speech pathology or audiology services, such individual has been referred by a physician, and (iii) such services are or were furnished while the individual was under the care of a physician;".

(d) (1) Section 1861(m) (2) of such Act is amended to read as follows:

"(2) physical, occupational, or speech therapy, and speech pathology or audiology services;".

(e) Section 1861(n) of such Act is repealed.

(f) The amendments made by subsections (a), (b), (c), (d), and (e) shall be effective for calendar years ending after December 31, 1973.

Mr. HUMPHREY. Mr. President, this amendment has as it purpose to eliminate the prior hospitalization requirement for home health visits under part A, and it would make the medicare recipients, or those eligible for medicare, eligible for 100 home visits under part A and 100 home visits under part B.

If the older person has not been hospitalized, the part A services would be available after using up the part B services.

The reason for that is that the part B services require, of course, some payment on the part of the individual under the medicare program.

This particular amendment would do a great deal to eliminate some of the costly hospitalization that is provided for under part A. We know, for example, that hospital costs run $100, $115, or $120 a day, and to be able to provide under part A in the medicare program for the elimination of the hospital requirement, and to have home health visits, I think, would be an economy measure, on the one hand, and would also be very desirable for many of the people who are elderly ill, who would prefer to be treated in their own homes.

SOCIAL SECURITY—MEDICARE IMPROVEMENTS ESSENTIAL FOR OUR OLDER CITIZENS

Mr. President, I applaud the sustained effort of the Senate over the past few days to complete action on legislation of vital importance to our older citizens, H.R. 3153, Social Security Amendments of 1973.

Older Americans urgently need the two-stage, 11 percent increase in social security benefits provided for in this legislation, simply to meet sharp increases in the cost of living over recent months and further anticipated in 1974. And it was my privilege to have initiated congressional action on this vital matter in securing the adoption by the Senate in September of my amendment calling for the immediate implementation of a special 5.9 percent cost-of-living increase in social security benefits previously enacted by Congress but not to become effective until June, 1974.

POOR AND ELDERLY SUFFER

The poor and the elderly are the chief victims of inflation. Food prices have risen 19 percent in the last year and 29 percent only during the last 3 months. The price of fuel oil and gasoline jumped 6 percent in October alone. And housing costs have risen about 6 percent in 1973, with a sharply reduced supply of new housing and the limited availability of mortgage financing now threatening to send these costs much higher.

Americans living on fixed incomes in retirement cannot begin to meet these cost increases. But beyond this difficult situation, they also confront the harsh reality of continually rising health care costs which absorb a significant portion of their limited incomes. Our citizens over age 65 must spend twice as much on health care as do younger persons.

It was for these reasons that I have not hesitated to join in sponsoring several key amendments to the pending legislation, to control costs borne by medicare beneficiaries and to expand medicare coverage of health services that are of vital importance to elderly persons.

HUMPHREY COSPONSORED AMENDMENTS

I am gratified that several of these amendments have been adopted by the Senate, for they carry through the intent of several original bills which I introduced in the 92d Congress and early this year. One amendment would extend long-overdue medicare reimbursement to the cost of outpatient prescription drugs for the treatment of certain basic illnesses. Another would freeze the medicare inpatient hospital deductible at $72, rather than require an elderly beneficiary to bear a further increased initial hospital cost of up to $84 next year. A third amendment would increase the number of hospital days covered under medicare for elderly patients with long-term illnesses, and substantially reduce the hospital cost deductible which they must pay.

I strongly support these improvements in the medicare program, as well as further amendments to improve child care standards, to provide for a vitally needed extension of the Federal-State extended unemployment compensation benefits program, to further extend social security benefits to widows, and to expand medicare coverage for essential out-of-hospital health care services. In addition, I jointly sponsored the amendment passed by the Senate to protect certain elderly poor recipients under the new supplemental security income program from a reduction of benefits that could result from social security benefit increases enacted by Congress.

Such amendments serve to strengthen the important reform measures in H.R. 3153 as reported by the Senate Committee on Finance. Included are measures to provide important assistance to low-income, wage-earning families through a new tax credit program; to prohibit denial of eligibility for food stamps to the elderly under specified options of the supplemental security income program; and to raise the guaranteed monthly income under this program to $140 for an individual and $210 for a couple, effective in January 1974, with further increases scheduled for next July.

SOCIAL SERVICES REFORMS

I am particularly gratified that the committee-reported bill would overrule certain negative and even regressive features of recent final regulations on social services issued by the Department of Health, Education, and Welfare. The provisions in this bill permitting maximum flexibility in a State's determination of essential services to provide crucial assistance to the greatest possible number of people, within an overall spending ceiling, will effectively carry out the original intent of Congress in social services revisions enacted last year.

The bill wisely defers the implementation of previously enacted provisions which have been interpreted to limit medicare payment for physical therapist services and services of supervisory physicians at certain teaching hospitals.

However, I remain seriously concerned about certain provisions in this bill. I believe that an alternative tax reform mechanism is required to provide revenues to finance certain programs under this legislation, rather than the proposed elimination of deductions for State and local gasoline taxes, currently applied against the Federal income tax determined for an individual. I would sharply question the wisdom of provisions on earnings—disregard in the determination of AFDC eligibility, on limitations in eligibility for medicaid, and on child support requirements. And I would strongly urge the reconsideration of provisions calling for the revival of the community work and training program, terminated by Congress in 1967. The implementation of this program at this time could lead to serious inequities and even injustices with respect to current manpower and public employment programs and in light of anticipated increased unemployment.

HUMPHREY HOME HEALTH CARE AMENDMENT

Mr. President, I have submitted an amendment to H.R. 3153, to provide for long-overdue coverage under medicare of home health services for the elderly, to stress the importance of congressional action on this critically important matter without delay. This amendment is a revised version of a bill (S. 3107) which I introduced in the last Congress.

I have joined in sponsoring a somewhat similar measure recently introduced by my distinguished colleague, the Senator from Maine (Mr. MUSKIE), as well as related legislation sponsored by the Senator from Idaho (Mr. CHURCH), providing for Federal grants for the establishment of home health care services agencies. The latter bill is in line with another bill I introduced in the last Congress, S. 3364, the Comprehensive Home Health and Preventive Medicine Act.

My present amendment would extend all home health care provisions of the medicare program to the elderly on the prescription of a physician, eliminating the requirement of a hospital stay of at least 3 days in order to receive these benefits. In addition, it would authorize medicare coverage for speech pathology or audiology services.

This amendment will not only directly benefit the elderly by covering many services which formerly were covered only as posthospital care, but will ultimately save the Government millions of dollars in medicare hospital fees. It will carry forward experimental studies authorized under Public Law 92-603, as a direct program of assistance that recognizes that the largest single factor in the high cost of health care is hospitalization. Last year, the average daily cost per patient in community hospitals soared to $105, an increase of 115 percent since 1964.

An in-depth study by the General Accounting Office last December concluded that the Nation's health care system is in drastic need of a massive overhaul, and that a primary requirement is that the demand for hospitals must be reduced. The GAO report cited a Public Health Service study which indicated that 17 out of every 100 patients in a hospital on any given day could be cared for in a convalescent facility for 25 percent of the cost. And the GAO study estimated that reducing the average length of hospital stay by only 1 day could cut as much as $2 billion a year from health care costs.

NATIONAL CHRONICARE DEMONSTRATION CENTERS ACT

It was in direct response to the critical need for developing alternatives to hospitalization that early this year I introduced S. 393, the National Chronicare Demonstration Centers Act. This bill envisions the development of centers immediately accessible to the chronically ill and disabled, and providing a wide range of services, including diagnostic screening and outpatient treatment, convalescent care, various rehabilitation programs, and periodic intensive nursing as an alternative to acute care, or hospitalization.

By direct contrast, however, there has been a serious decline in home health services under a narrowly restrictive policy applied under the medicare program over the past few years by the Social Security Administration. Payments for home care under medicare declined from $115 million in fiscal 1970 to $69 million in fiscal 1972. There has been a significant reduction in the number of certified home health agencies, which currently receive less than 1 percent of medicare expenditures.

While one actuarial estimate that has been brought to my attention suggests that expenditures under my amendment on home health care services for the elderly could eventually reach $300 million, I believe the arguments I have presented clearly establish that it would result in a significant savings in total costs under the medicare program, through the substantial reduction of dependence on hospitalization to assure Federal reimbursement.

Moreover, the best professional judgment today is that hospital care is not necessarily the best kind of health care for many patients who now receive it or seek it. Hospital and nursing institutional care should be reserved as much as possible for cases of emergency, acute illness, and surgery. A system which requires the aged to stay in a hospital for 3 full days in order to benefit from home health care, is both inefficient and insensitive to the physical and psychological needs of our senior citizens. And, in the light of frequent evidence of unavailable hospital bed space, such a system can work to deny health care altogether to increasing numbers of older Americans.

It is essential that Congress take action to assure that elderly persons receive the treatment which is essential to their health and continued participation as active citizens in society, without having their retirement savings destroyed, and their retirement incomes decimated.

FURTHER SOCIAL SECURITY REFORMS

In conclusion, Mr. President, I urge the Senate to continue to give serious consideration to the need for further reforms in the social security and medicare programs. Important steps have been taken to assure that recipients do, in fact, receive the full benefit of social security benefit increases, without offsetting reductions in other pension income. These legislative protections respond to the concern I expressed early this year in introducing S. 835, the Full Social Security Benefits Act.

However, it is clear that an in-depth assessment of the purposes and financing of the social security program is long overdue. Last March I introduced S. 1143, the Social Security and Medicare Reform Act. Among other provisions, this bill called for a phasein of one-third financing of the social security program from Federal general revenues, to reform what has increasingly amounted to a regressive payroll tax—a heavy burden borne by the working man. Another reform proposed in this bill would be the elimination of the earnings limitation for social security retirement benefits—making it the policy of our Government that no person should be denied the opportunity to work or be penalized for working, because of age.

I believe that much more can and must be done on behalf of our people—such as the expansion of maternal and child health care services, and the improvement of benefits on behalf of dependent and disabled persons.

Finally, it is incumbent upon Congress to do everything possible to assure our older citizens the right to enjoy life and participate fully in society and to obtain the health care that is so essential.

I have discussed this proposal with

the experts and the technicians who are here from the committee, and with the chairman, and I hope the chairman will see fit to take it.

Mr. LONG. Mr. President, in the fashion in which the Senator has modified his amendment, I have no objection to it.

Mr. HUMPHREY. I ask unanimous consent that the name of the Senator from Maine (Mr. MUSKIE) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I am pleased to join my distinguished colleague from Minnesota in proposing an amendment to expand home health care coverage under medicare. The change effected by this amendment is one of a package of changes I have proposed in separate legislation, S. 2690, the Home Health Care Medicare Amendments of 1973.

The amendment before us today would delete the requirement that the home health care treatment covered under medicare be related to the condition which required initial medicare-covered hospitalization. This requirement has resulted in the denial of many home health care claims because the condition requiring home treatment may be different from the one which was originally diagnosed as the cause of hospitalization.

The Senate Aging Committee's Subcommittee on Health of the Elderly, of which I am chairman, has conducted hearings this past year on the problems of home health care under medicare. One witness at those hearings testified about the problems of the prior hospitalization requirement as follows:

> Frequently, we get patients with four to five or more diagnoses, and if hospitalized for one of these diagnoses and then sent home to home care, [under the law] we should be treating the reason for hospitalization in order to have Medicare coverage. This condition perhaps was resolved in the hospital, but the [patients] other chronic problems appear now to be more disabling. This [situation] should be covered under Medicare but usually is not.

Thus, the prior hospitalization requirement acts to deprive those who need and deserve home health care treatment of medicare coverage.

Mr. President, I hope the Senate will adopt this amendment today to correct this deficiency in medicare home health coverage. I hope that eventually we will have a more comprehensive expansion of medicare home health care coverage, along the lines spelled out in my bill, S. 2690.

I commend the Senator from Minnesota for his initiative in bringing this amendment before the Senate today.

The question is on agreeing to the amendment of the Senator from Minnesota (Mr. HUMPHREY).

The amendment was agreed to.

Mr. GRAVEL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 141, line 4, immediately after the word "reservation" but before the comma, insert the following: "or in the state of Alaska".

Mr. GRAVEL. Mr. President, this is a very slight amendment. The way the bill is presently constituted, natives and Indians who are on a reservation would be entitled to full funding on medicaid, rather than on a matching basis. Unfortunately, we in Alaska do not have any reservations as they are presently defined, but in the areas where the Indians live, they have the same commitment from the Federal Government as Indians who live on reservations in other States. So there is no difference; the only thing is that there is an aberration in the language because of the definition of the word "reservation."

This has been corrected for other States, and I would hope the chairman would accept this amendment, which would not be very costly; the impact, I believe, is $700,000 for the services that would be provided to all the natives of Alaska, who would otherwise be denied such services because of the aberration in definitions.

Mr. LONG. Mr. President, in view of the fact that these Alaskan Indians are already a Federal responsibility, I do not object to the amendment.

The PRESIDING OFFICER (Mr. HOLLINGS). The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

THE CALENDAR

Mr. MANSFIELD. Mr. President, pending the arrival of the distinguished Senator from Kansas (Mr. DOLE), who has an amendment to offer but is officially off the floor, I would like at this time, with the approval of the distinguished chairman and ranking member of the committee, to call up five unobjected-to items on the calendar.

Mr. LONG. Please do.

Mr. MANSFIELD. I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 560, 561, 562, 563, and 564.

The PRESIDING OFFICER. Without objection, it is so ordered.

KNIFE RIVER INDIAN VILLAGES NATIONAL HISTORIC SITE

The Senate proceeded to consider the bill (S. 1468), to authorize the establishment of the Knife River Indian Villages National Historic Site, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, at the end of line 18, to strike out "such sums as may be necessary to carry out the provisions of this Act." and insert in lieu thereof "not to exceed $600,000 for the acquisition of lands and interests in lands and not to exceed $2,268,000 for development of the historic site." so as to make the bill read:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the Secretary of the Interior is authorized to acquire by gift, purchase with appropriated or donated funds, exchange, or condemnation such lands and waters and interests therein comprising the Knife River Indian villages located near the confluence of the Knife and Missouri Rivers, north of Stanton, North Dakota, and identified archeologically as the Buchfink site, and Lower Hidatsa, Big Hidatsa, River Hidatsa, and Amahami villages, together with such additional lands and waters and interests therein, as he determines necessary to establish such villages as a national historic site.
>
> (b) When the Secretary of the Interior determines that sufficient lands and waters and interests therein have been acquired to provide an efficiently administrable unit for the purposes of this Act, he shall establish the Knife River Indian Villages National Historic Site by publication of notice to that effect in the Federal Register. Such historic site shall be administered and developed by the Secretary of the Interior, through the National Park Service, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916, as amended and supplemented, and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935.
>
> SEC. 2. There are authorized to be appropriated not to exceed $600,000 for the acquisition of lands and interests in lands and not to exceed $2,268,000 for development of the historic site.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONVEYANCE OF CERTAIN MINERAL RIGHTS IN ONSLOW COUNTY, N.C.

The bill (H.R. 3436) to provide for the conveyance of certain mineral rights in and under lands in Onslow County, N.C., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–585), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

I. PURPOSE

The purpose of H.R. 3436 is to authorize the Secretary of the Interior to convey to the surface owners the mineral rights held by the United States in certain lands in Onslow County, N.C.

II. NEED

The bill, as reported by the committee, authorizes the Secretary of the Interior to convey to the present owner or owners of record all mineral interests of the United States in a tract of land, described in the bill, in Jacksonville Township, Onslow County, N.C.

The lands described in the bill were owned by the United States Government. After World War II, they were sold in accordance with the existing provisions of law requiring the retention by the United States Government of a three-fourths interest in all mineral rights on the lands.

The land involved consists of approximately 285.53 acres, presently under cultivation. The current owners intend to subdivide the land for development but the reserved mineral interest is an encumbrance which hinders the acquisition of loan capital for home purchases.

The U.S. Geological Survey reports that while the geologic formations are favorable for the existence of oil and gas, the nearest production is over 300 miles to the west. The Geological Survey also states that the land has no apparent value for other minerals.

The bill would direct the Secretary of the Interior to convey to the surface owners all mineral rights held in this land, to be effective upon the payment of administrative costs plus the fair market value of the mineral interest. Such a conveyance would be consistent with the congressional practice which is to permit such conveyances when it is found that reservation of the mineral interests interferes with intensive non-mineral development of the land or when the mineral interest is of no appreciable value.

III. COMMITTEE RECOMMENDATIONS

The Committee on Interior and Insular Affairs recommends that H.R. 3436 be approved by the Senate.

IV. LEGISLATIVE HISTORY

H.R. 3436 was passed by the House of Representatives on September 17, 1973. It was amended to incorporate the amendments recommended by the Department of the Interior. It is identical to S. 3930, 92nd Congress, as passed by the Senate on October 9, 1972.

V. TABULATION OF VOTES CAST IN COMMITTEE

H.R. 3436 was ordered favorably reported to the Senate by unanimous voice vote in open public session.

VI. COST ESTIMATES

No additional Federal expenditures are involved in the enactment of H.R. 3436.

INDIAN NATIONS TRAIL IN THE NATIONAL TRAILS SYSTEM

The bill (S. 1976), to study an Indian nations trail within the national trails system, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(c) of the National Trails System Act (82 Stat. 921; 16 U.S.C. 1244(c)) is amended by adding at the end thereof the following:

"(15) Indian Nations Trail, extending from the Red River in Oklahoma approximately two hundred miles northward through the former Indian nations to the Oklahoma-Kansas boundary line."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 93–584), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

S. 1976, introduced by Senators Bartlett and Bellmon, provides for the addition of an Indian Nations Trail to the trails to be studied for possible inclusion in the national scenic trails system. The study would determine the outdoor recreation potential of the proposed trail, and the scenic, historic, natural, and cultural values of the areas through which the trail would pass.

DESCRIPTION OF THE AREA

This trail is described in S. 1976 as extending from the Red River in Oklahoma approximately 200 miles northward through the former Indian nations to the Oklahoma-Kansas boundary line. The Bureau of Outdoor Recreation has not made an investigation of this proposal, however, they do know of a number of interesting natural and cultural features in the general area. These include the western terminus of the Trail of Tears, early frontier forts such as Fort Smith and Fort Gibson, areas associated with Indian history during the period that Oklahoma was the Indian Territory and a number of tribes were moved into the area from other sections of the country. It was in this general area that Sequoya developed the Cherokee Indian alphabet.

The area is laced with Corps of Engineers reservoirs and navigation channels associated with the navigation projects on the Arkansas River. The State of Oklahoma has a number of State parks and reservoirs in the area, and there are some Federal and State forest lands, so it would appear reasonable to assume that a project could be developed which could be located primarily on existing public lands with a minimum of new acquisition required. Whether or not the value would justify Federal involvement would have to be determined by a study.

COST

The Department of the Interior estimates that the cost of the proposed study is estimated to be between $50,000 and $150,000. However, at this time no actual cost figure is available.

INDEPENDENCE NATIONAL HISTORICAL PARK

The Senate proceeded to consider the bill (S. 417) to amend the act of June 28, 1948, to provide for the addition of certain property in Philadelphia, Pa. to Independence National Historical Park, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, in line 6, after "407m)" to insert ", as amended.".

On page 1, in line 8, after "amended," to insert "(a) by inserting after the phrase 'is authorized to acquire by donation or with donated funds, or to acquire by purchase, any property' the phrase 'or interest in property,' and (b)".

On page 2, beginning with line 10, to strike out

F, and providing a pedestrian thoroughfare, or mall, on the site of Sansom Street between Front Street and Second Street."

(3) Section 3 is amended by inserting "(a)" immediately after "Sec. 3." and by adding at the end thereof the following:

"(b) The Secretary is authorized to acquire that portion of all the lands as described in paragraph (e) of the first section of this Act bounded by Ionic Street, Second Street, Sansom Street, and Front Street and may enter into an agreement or contract with the city of Philadelphia under which the city shall develop, improve, maintain, and operate a portion of such lands as a public parking facility for visitors to Independence National Historical Park. The operation by the city may include the charging of reasonable parking fees, as determined jointly by the city and the Secretary. The plans for such development and improvement by the city shall meet with the approval of the Secretary. All parking fees so collected by the city and its operating entities shall be utilized, first to meet maintenance and operating expenses of the parking facility, and second to amortize the city's capital investment in improving and developing the facility. Upon the complete amortization of the investment, the agreement or contract between the Secretary and the city shall cease and terminate and full right, title, and interests in all such improvements shall vest in the United States of America."

On page 3, at the beginning of line 12, strike out "(4)" and insert in lieu thereof "(3)".

On page 3, in line 13, strike out "$12,350,000" and insert in lieu thereof "$12,792,000".

On page 3, at the beginning of line 15, strike out "(5)" and insert in lieu thereof "(4)", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the establishment of the Independence National Historical Park, and for other purposes", approved June 28, 1948 (16 U.S.C. 407m), *as amended,* is amended as follows:

(1) The material preceding the lettered paragraphs in the first section of such Act is amended (*a*) *by inserting after the phrase "is authorized to acquire by donation or with donated funds, or to acquire by purchase, any property"* the phrase *"or interest in property," and* (*b*) by striking out "lands within the following described areas," and inserting in lieu thereof the following: "lands within the areas described in paragraphs (a) through (d), inclusive, of this section."

(2) The first section is amended by adding at the end thereof the following:

"(e) An area bounded by Chestnut Street, Front Street, Walnut Street, and Second Street, to be known as project F.

(3) Section 6 is amended by striking out "$11,200,000" and inserting in lieu thereof $12,792,000."

(4) Section 7 is amended by inserting "(a)" immediately after "Sec. 7." and by adding at the end thereof the following:

"(b) The Secretary's authority to acquire property by condemnation under this Act shall be suspended with respect to all property within the boundaries of the area known as 'project F' during the time the city of Philadelphia shall have in force and applicable to such property a duly adopted, valid zoning ordinance approved by the Secretary.

"(c) No zoning ordinance or amendment of a zoning ordinance shall be approved by the Secretary which (1) contains any provision which he may consider adverse to the preservation and development, in accordance with the purpose of this Act, of the Independence National Historical Park, or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under and any exception made to the application of such ordinance or amendment."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF REORGANIZATION PLAN NO. 2 OF 1973

The Senate proceeded to consider the bill (H.R. 8245) to amend Reorganization Plan Numbered 2 of 1973, which had been reported from the Committee on Government Operations with amendments, on page 1, in line 3, after "That" to insert "(a)". On page 1, beginning in line 11, to strike out:

Sec. 2. The amendments made by this Act shall be effective on the date of the enactment of this Act or as of July 1, 1973, whichever is earlier."

On page 2, beginning with line 3, to insert:

(b) The repeals and amendments made by subsection (a) shall be effective as of July 1, 1973.

Sec. 2. Section 2680 of title 28, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: "*Provided*, That, with regard to acts or omissions of investigative or law enforcement officers of the United States Government, the provisions of this chapter and section 1346(b) of this title shall apply to any claim arising, on or after the date of the enactment of this proviso, out of assault, battery, false imprisonment, false arrest, abuse of process, or malicious prosecution. For the purpose of this subsection, 'investigative or law enforcement officer, means any officer of the United States who is empowered by law to execute searches, to seize evidence, or to make arrests for violations of Federal law.".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An Act to amend Reorganization Plan Numbered 2 of 1973, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–588), explaining the purposes of the measure.

There being no objection,the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 8245, as amended, is (1) to repeal those sections of Reorganization Plan No. 2 of 1973 which transferred to the Secretary of the Treasury certain functions vested by law in the Attorney General, of the Department of Justice regarding the inspection of persons and documents at U.S. ports of entry; and (2) to provide a remedy against the United States for the intentional torts of its investigative and law enforcement officers.

BACKGROUND

Section 1. Reorganization Plan No. 2 of 1973 established in the Department of Justice a new agency, the Drug Enforcement Administration, and transferred to the Secretary of the Treasury functions vested by law in the Attorney General, or the Department of Justice, regarding the inspection of persons and documents at U.S. ports of entry. This function involves approximately 900 immigration inspectors who, under the provisions of the Reorganization Plan, were transferred from the Immigration and Naturalization Service of the Department of Justice to the Customs Bureau of the Department of the Treasury.

During the course of Committee consideration of Plan No. 2 of 1973, it became apparent that there was wide-scale opposition to the proposed transfers by the immigration inspectors involved, by the American Federation of Government Employees and by Members of Congress. Following discussions between administration and union representatives, certain understandings were reached whereby the administration agreed not to implement the transfer provided for in the Plan. A memorandum embodying the terms of the agreement was placed in the files of the Committee, and the American Federation of Government Employees agreed to withdraw its opposition to the Plan.

During floor debate in the House of Representatives on H. Res. 382, to disapprove Reorganization Plan No. 2, Congressman Holifield, Chairman of the House Committee on Government Operations, explained the situation and gave assurances that prompt action would be taken to consider and report a bill repealing the objectionable portions of Reorganization Plan No. 2. The resolution of disapproval was defeated and the Plan became effective on July 1, 1973.

H.R. 8245, which passed the House of Representatives on July 17, 1973, would repeal section 2 and subsection 6(b) and modify section 8 of Reorganization Plan No. 2 of 1973, thus nullifying the transfers of the immigration inspectors provided for in the Plan.

Section 2. This section represents a Committee amendment to the bill as it passed the House. This amendment proposed by the chairman, and Senators Percy and Javits grows out of hearings held by the Committee on the Reorganization Plan last spring. During the course of these hearings several incidents were brought to the Committee's attention in which Federal narcotics agents engaged in abusive, illegal and unconstitutional "no-knock" raids. The Committee's amendment is designed to prevent future abuses of the Federal "no-knock" statute (21 U.S.C. 879).

The most notorious of these raids occurred on April 29 of this year in Collinsville, Illinois. In separate incidents involving the same Justice Department agents, "no-knock" raids were conducted into two different homes in Collinsville. The agents entered the two houses without warrants in violation of the Federal "no-knock" statute, kicked in the doors without warning, shouting obscenities, and threatening the occupants with drawn weapons. The terrified inhabitants were only temporarily relieved when the agents left after discovering that they had entered the wrong houses.

There is no effective legal remedy against the Federal Government for the actual physical damage, much less the pain, suffering and humiliation to which the Collinsville families have been subjected. Since they were not then suspects, nor are they now Federal defendants, they cannot move in a prosecution to suppress evidence, the traditional remedy for violation of Fourth Amendment rights. Indeed there was not any evidence seized in these raids because, of course, the agents were at the wrong addresses. Furthermore, neither family can recover from the Federal Government in a civil action because of the doctrine of sovereign immunity.

As a general principle under present law, if a Federal agent violates someone's constitutional rights—for instance, Fourth Amendment rights against illegal search and seizure—there is no remedy against the Federal Government. This ancient doctrine—sovereign immunity—stands as a bar.

Only recently was there even a right of action against the offending officers themselves. In the case of *Bivens* v. *Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971), the Supreme Court held that the Fourth Amendment and elementary justice require that there be a right of action against the Federal agents for illegal searches conducted in bad faith or without probable cause. Of course, Federal agents are usually judgment proof so this is a rather hollow remedy.

For years scholars and commentators have contended that the Federal Government should be liable for the tortuous acts of its law enforcement officers when they act in bad faith or without legal justification. However, the Federal Torts Claims Act (28 U.S.C. 2671–2680) the embodiment of sovereign immunity in the United States Code, protects the Federal Government from liability where its agents commit intentional torts such as assault and battery. The injustice of this provision should be manifest—for under the Federal Torts Claims Act a Federal mail truck driver creates direct federal liability if he negligently runs down a citizen on the street but the Federal Government is held harmless if a federal narcotics agent intentionally assaults that same citizen in the course of an illegal "no-knock" raid.

COMMITTEE ACTION

The Committee amendment to the bill, contained in a new section 2 thereof, would add a proviso at the end of the intentional torts exception to the Federal Tort Claims Act (28 U.S.C. 2680(h)). The effect of this provision is to deprive the Federal Govern- of the defense of sovereign immunity in cases in which Federal law enforcement agents, acting within the scope of their employment, or under color of Federal law, commit any of the following torts: assault, battery, false imprisonment, false arrest, malicious prosecution, or abuse of process. Thus, after the date of enactment of this measure, innocent individuals who are subjected to raids of the type conducted in Collinsville, Illinois, will have a cause of action against the individual Federal agents and the Federal Government. Furthermore, this provision should be viewed as a counterpart to the *Bivens* case and its progeny, in that it waives the defense of sovereign immunity so as to make the Government independently liable in damages for the same type of conduct that is alleged to have occurred in *Bivens* (and for which that case imposes liability upon the individual Government officials involved).

The Committee realizes that under the Federal Tort Claims Act, Government tort liability for intentional conduct is unclear. For example certain intentional torts such as trespass and invasion of privacy are not always excluded from Federal Tort Claims Act coverage. Obviously, it is the intent of the Committee that these borderline cases under the present law, such as trespass and invasion of privacy, would be viewed as clearly within the scope of the Federal Torts Claims Act, if the amendment is adopted.

This whole matter was brought to the attention of the Committee in the context of the Collinsville raids, where the law enforcement abuses involved Fourth Amendment constitutional torts. Therefore, the Committee amendment would submit the Government to liability whenever its agents act under color of law so as to injure the public through search and seizures that are conducted without warrants or with warrants issued without probable cause. However, the Committee's amendment should not be viewed as limited to constitutional tort situations but would apply to any case in which a Federal law enforcement agent committed the tort while acting within the scope of his employment or under color of Federal law.

The administration is aware of this amendment to H.R. 8245, which is the product of over 2 months of discussion between the staff of the Committee, the Office of Management and Budget and the Department of Justice. The Committee has been informed that the administration, and, in particular, the Department of Justice, has no objection to the amendment. Therefore the Committee urges speedy adoption of this measure as a minimal first step in providing a remedy against the Federal Government for innocent victims of Federal law enforcement abuses.

COSTS

Since it is not possible to forecast the number of civil damage suits which may be brought against the United States under the provisions of this bill, or the amount of damages assessed against the United States, if any, it is not possible to estimate the costs which may result.

AMENDMENT OF THE SOCIAL SECURITY ACT

The Senate continued with the consideration of the bill (H.R. 3153) to amend the Social Security Act to make certain technical and conforming changes.

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOLE. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Dole's amendment is as follows:

On page 87, lines 21 and 22, insert the following new section:

SEC. 136. Part A of title XI of the Social Security Act is amended by adding after section 1132 (as added by section 135 of this Act) the following new section:

"REPORTING REQUIREMENTS FOR STATES WITH RESPECT TO SOCIAL SERVICES

"SEC. 1133. In addition to other requirements imposed by law as a condition of approval of a State plan under part A of title IV or under title VI, there is hereby imposed the requirement that such plan provide that, not later than 45 days prior to the beginning of each fiscal year (commencing with the fiscal year which ends June 30, 1975) that such State shall compile, and make public, a list (with respect to social services to be provided for the coming fiscal year under such plan) which indicates each type of service which such State intends to provide (for such fiscal year) under such plan, the anticipated expenditures (from both State, local, and Federal sources) for such type of service for such fiscal year, and the criteria to be imposed under such plan to determine eligibility for each such type of service. Nothing in this section shall be construed to limit the right of any State to revise its plan (as referred to in the preceding sentence) with respect to the provision of social services for any fiscal year, or otherwise modify the conditions and circumstances under which such services will be provided thereunder, for or because of the fact that such State shall have previously compiled and made public the list referred to in the preceding sentence."

On page 87, line 23, strike out "136" and insert in lieu thereof "137".

Make appropriate conforming changes in the table of contents of the bill.

SOCIAL SERVICES AMENDMENTS

Mr. DOLE. Mr. President, the Finance Committee during recent deliberations on H.R. 3153 considered several proposals to alter the social services program. After much deliberation and several votes by the committee, it was finally agreed that the States should be granted greater leeway in the operation of their social services programs. This action was taken partially in an effort to avoid the complications which have arisen due to HEW regulations, and partially because it was felt that each State could best decide for itself exactly how the social service funds could be utilized most effectively within its boundaries.

The committee bill provides that States may furnish services which they find to be appropriate for meeting any of four broad goals: First, self-support—to achieve and maintain the maximum feasible level of employment and economic self-sufficiency; second, family care or self care—to strengthen the family and to achieve and maintain maximum personal independence, self-determination, and security in the home; third, community-based care—to secure and maintain community-based care which approximates a home environment when living at home is not feasible and institutional care is not appropriate; and fourth, institutional care—to secure appropriate institutional care when other forms of care are not feasible.

Within these broad goals, a myriad of services can be offered to serve the needy. The bill includes a list of the services which may be provided, but the list is only illustrative of what is meant by the term "social services" and is not intended to limit the freedom of the States to provide other types of services so long as the other services are offered in order to meet the broadly defined goals of self-support, family care or self-care, community-based care, or institutional care which are outlined in the bill.

The bill as it now stands approaches a special revenue sharing discretion that is given local and State governments in determining how the social services funds are utilized within their own State. There continues to be a 3 to 1 matching requirement so that the State must come up with matching funds, and the States are required to include in their State welfare plan a report on the intended use of the program funds. Yet the State plan is submitted by the States basically for administrative purposes, and it cannot be rejected or adjusted at the Federal level.

Thus the social services provisions in this bill are designed to give States maximum flexibility in designing and operating their social services program. The only Federal oversight maintained over the program is that the bill requires the States to submit an annual report on their use of funds for social services. The report should show how much each State expended for each type of service and include information on the extent to which social services funds were used for services to persons not actually on welfare. HEW has the responsibility of requesting this information from the States and transmitting the information to the Congress in the form of an annual report. The committee has emphasized, however, that this annual reporting requirement does not authorize the Department to impose upon the States complex and burdensome reporting provisions nor is the reporting requirement intended to place upon HEW the burden of conducting audits to provide detailed certification of these reports.

I support this provision and feel generally that legislation which moves the decisionmaking powers from bureaucrats in Washington to the people at the State and local levels will result in a more efficient and effective utilization of Federal tax dollars. If revenue sharing is the solution to our problems in other areas, it can work to solve our social problems too, since even greater local flexibility is needed in these areas. Yet, at the same time I feel that the Federal Government has a responsibility to insure that the federalism approach functions as it should. There is nothing mysterious about the revenue sharing concept that insures that turning the funds over to officials at the lower government levels will insure they are used in a more effective manner. Transferring the funding decisions from the Federal bureaucracies to State bureaucracies is not in itself the solution. Decentralization of the decisionmaking powers will only serve to improve Government if the people at the community level become involved and have an active voice in the development of programs and the determination of how the funds are to be utilized.

Because I feel that it is important that beneficiaries, providers, professionals, and all other parties interested in a viable social services program be involved in its development, I am proposing an additional amendment which I ask to be considered at this time.

The amendment provides that 45 days prior to the beginning of each fiscal year, each State make public the following information regarding its social services program:

First. A list of services to be provided under the program.

Second. The anticipated expenditures for the entire program and for each specific service.

Third. The criteria to be imposed under such plan to determine eligibility for each type of service.

This information would serve to notify all parties interested in and concerned with the social services program what the State intends to accomplish with its funds and who the State intends to serve. As prescribed by the amendment, the information would not be binding on the State, and the program could be adjusted by the State without any notice or publication. No penalties would be involved if the intentions expressed in the publication were not realized during the year. Thus, the requirement of this provision would not limit the flexibility now available to the States in developing their programs.

The publication would put the Government on record as to what it intends to do with the social services program. I would encourage a better organized and fully developed State plan. It would also when compared with the year-end reports made to the Federal Government, require that States have facts and figures to justify the need for any alteration in the social services program as announced at the beginning of the year.

I would agree that Federal control has made the social services program an administrative nightmare over the past year. While it seems reasonable to limit Federal intervention, it still seems that we have some responsibility to assure that a procedure is established at the local level to guarantee that the social services funds are spent wisely.

Kansas has an entitlement of over $27.1 million in social services funds, an amount which exceeds by nearly $6 million the general revenue sharing funds made available to the State. Thus, this is a sizable program; and I think it is wise that before we remove all Federal controls, we make sure that within the limits of flexibility we wish to grant to the States, that the funds are utilized for their intended purpose. I feel that added assurance can be obtained through a system of checks and balances at the local level, by insuring maximum involvement on the part of all individuals concerned. I feel the amendment I have proposed will help insure this involvement and am hopeful that my colleagues will join in support of the measure.

I would like to pose several questions to the distinguished Senator from Louisiana for the purpose of clarifying some of the issues that have been raised by Kansans regarding the social services program as revised by this legislation.

I have been contacted by numerous individuals across the State regarding the input they might have in the development of a State social services program. There have also been inquiries from those who wish to participate in the administration of the program and provision of services.

Is there anything in the Federal law which would prevent mayors, city council members, social workers, consumers and professionals involved in the provision of social services but who are outside the State departments of social welfare from participating in the development of the State social service plan?

Mr. LONG. No.

Mr. DOLE. Is there anything in the Federal law which would prevent the State from permitting cities and other jurisdictions within the State from receiving funds made available to the State under the social security law, and administer social services programs within their city in accordance with the State plan?

Mr. LONG. No.

Mr. DOLE. Questions have arisen in Kansas regarding the allocation of social services funds during 1974 under the formula included in the bill.

Due to the effort to limit funding of the social services program at the $1.9 billion funding level included in the budget, a new formula for allocating the funds for 1974 was devised. The formula provides State entitlements equal to four times the federally reimbursable costs incurred during the first quarter of fiscal year 1974.

The social services program in Kansas incurred a federally reimbursable cost of approximately $2.5 million during the first quarter of 1974, but was only reimbursed at a $1.7 million level because the State is only reimbursed for 2 months' costs in the first quarter under their present accounting procedures. The formula in the bill provides for States an initial entitlement of four times their first quarter's usage of funds. In Kansas would this be four times the actual reimbursable costs incurred, that is $2.5 million or would it be the $1.7 million figure which it was actually paid for the first 2 months of the first quarter?

Mr. LONG. It would be four times the reimbursable costs incurred.

Mr. DOLE. Mr. President after all the States receive an initial reimbursement according to the formula for 1974, the funds remaining in the $1.9 billion authorization, except for the $50 million special fund, are distributed among the States in accordance with the entitlement formula established last year in the revenue-sharing bill and which will again be in effect next year.

The $50 million fund will be available for allocation by the Secretary of Health, Education, and Welfare to prevent certain States from falling below their 1973 funding levels. It is anticipated that the considerable less than $50 million will be required to meet the requirements of these particular States. Therefore, at my request the committee agreed to permit the remaining portion of the $50 million fund to be allocated to States which are otherwise limited under the 1974 formula to a relatively small part of their regular allocation under the $2.5 billion limit and which had, prior to November 15, 1973, adopted plans for an expansion of social services programs during fiscal year 1974.

This provision is important for Kansas as the State plans to expand its program to better serve the needs of the developmentally disabled. I am, therefore, hopeful that the funds available in this fund can be made available to the State of Kansas if it is needed.

Mr. President, I have discussed this amendment with the distinguished Senator from Louisiana, and as I understand, he is willing to accept the amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HOLLINGS). The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. ROBERT C. BYRD. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD's amendment is as follows:

In subsection (a) (1) of the section added to the bill by Amendment No. 728, strike out "202( )" and insert in lieu thereof "202 (e)". In subsection (b) of such section, strike out "203(d)" and insert in lieu thereof "203 (c)".

Mr. ROBERT C. BYRD. This is an amendment which will make some technical corrections in the amendment which I offered on yesterday, which was adopted, lowering the age for widows from 60 to 65, just to correct some clerical errors and to make some technical corrections.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment was agreed to.

Mr. LONG. Mr. President, I have an amendment at the desk which I ask be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The section added at the end of part A of title IV of the Social Security Act by amendment No. 724, as modified, to this bill is amended by striking out "and provided" and inserting in lieu thereof "provided".

Such section is further amended by striking out "children aged ten" and inserting in lieu thereof "school-aged children".

Mr. LONG. Mr. President, this amendment simply corrects a drafting error.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, while we have enough Senators in the Chamber, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. HELMS. Mr. President, not many Senators will deny, in private, that this bill (H.R. 3153) is very bad legislation, completely unworthy of approval by this body. But because social security has become such a political football, there is a regrettable inclination to approve anything, no matter how bad it may be, if it bears the label of "increased social security benefits."

If this legislation were limited to senior citizens truly in need, Mr. President, I would have no reluctance in supporting it. In fact, I wish we could do far more for the truly needy among our senior citizens. This is the approach that ought to be taken. But it is not the one that has been taken in this legislation.

I wish the young people of America could understand what is being done to them—and to their rapidly diminishing hopes of security in their retirement years—by this legislation. But they will not understand, until it is too late.

The greatest favor we could do all our citizens would require this Senate to face up to inflation—and the root cause of inflation. Yesterday I tried to persuade this Senate to adopt the balanced-budget concept for the Federal Government.

My effort was unsuccessful—by a three-vote margin, 46 to 43.

One day the people will realize the folly of the fiscal irresponsibility that has led to inflation—thus heaping such misery upon our older citizens, such heavy taxes on our working people, and such a blight on the future of the young.

I wish I could, in good conscience, vote for this bill, I cannot, Mr. President. So I vote "no" in the hope that one day a sound social security program will be demanded by the Congress, and that it will no longer be a political football.

That will require, Mr. President, that Senators think of the next generation instead of the next election.

Mr. INOUYE. Mr. President. I wish to express my deep personal gratitude and strong support for the efforts of the Finance Committee in reporting favorably, H.R. 3153, the social security bill. This important legislation would, among other things, raise the social security benefits by 11 percent in two steps.

Under the provisions of this bill the average old-age benefit payable for November would rise from $166 to $178 per month, and then to $186 a month for June 1974. The average benefit for an aged couple would increase from $276 to $296 per month for November and to $310 for June 1974. Average benefits for aged widows would increase from $157 to $169 for November to $177 for June 1974. The minimum benefit would be increased from $84.50 to $90.50 a month for November thru May 1974, and to $93.80 per month after May 1974. This increase will be extremely helpful and particularly so for the estimated 3.1 to 5 million of our citizens over 65 who are presently existing in poverty.

Additionally, the funds to pay for the increased benefits will be raised through making the social security tax more progressive, raising the ceiling on incomes taxable for social security purposes from the present $12,600 to $13,200 per year in 1974. In other words this increase is accomplished without increasing the tax on those making less than $12,600 per year. I believe this is a salutary move.

The measure we are voting on today also increases the supplemental security payments to the aged, blind and disabled, from $130 a month minimum for a single person to $140 and for the married couple from $195 to $210 with a further increase in July of 1974 to $146 and $219 respectively.

H.R. 3153, as reported by the Finance Committee, includes a further new provision establishing a tax credit for low-income workers with families, equal to a percentage of the social security taxes paid where the income of the husband and wife does not exceed $4,000 per year. This provision will further reduce the need for such families to rely on welfare payments.

All of us have personally experienced the unpleasant effects of recent and rapidly escalating living costs. However, none of us feels the pinch as deeply as our elderly citizens who must live on a minimum, fixed income. It is one thing for us to complain of the increasing cost of desired luxury items; it is quite another not to be able to buy sufficient food, clothing, and shelter. Recent figures indicate that the elderly spend approximately 27 percent of their budget solely on food, in contrast to 16 percent for the total population. In Honolulu during the time period from September 1972 to September 1973, the cost of such staple items as eggs rose 50 percent, bacon 70 percent, and flour 23 percent. Housing recently hit an alltime high with the average house sold last year going for over $80,000. Rents have also gone up accordingly in housing short Hawaii.

The elderly of our Nation constitute approximately 10 percent of our population. In a very real sense, they are responsible for all that we presently are. They fought for our freedoms, they built our factories, they have made America the great Nation that it is. Yet, today we are a youth-oriented culture. We speak with great pride of our youth—and deservedly so—but unfortunately, we have seemingly forgotten our elderly. No one will hire them—yet the evidence indicates that although a bit slower, they are still as competent as they ever were. Instead we have put them out to pasture, but at the same time, have not provided them with sufficient resources.

The young can dream of the day when things will be better. They can live on the promise and hope of improved income and living conditions, but for the old, they know that there is no such chance. They face the certainties of increased medical costs, increased food costs and increased taxes on their homes. Many are even forced to move from their home for which they had scrimped and saved for most of their working years. And this, at the very time they have the leisure to enjoy house and garden and neighbors and friends. This is the shame of our Nation—of our great Nation.

I am very pleased, therefore, to be able today to support this important legislation. It is one of the many steps that we as a Nation must take in responding to the very real needs of our elderly.

Mr. PELL. Mr. President, throughout the last 2 days as we have considered the Social Security Amendments of 1973, we have heard many eloquent statements regarding amendments to make this a strong and humane bill. I subscribe to each of those qualities, and I have tried to do my part in assuring that this bill will accomplish its goals so the senior citizens of this Nation may live in respect, dignity, and in decent circumstances.

I cannot stress enough, in this connection, the importance of this bill's 11-percent increase in social security benefits. There is no question in my mind of the necessity of this increase, or to be more precise of this measure to let our senior citizens "catch up" to a decent and well-deserved standard of living. It is my strong hope that whatever other sections of this bill finally become law, that the 11-percent increase be first among them.

Accordingly, I strongly support this bill.

Mr. NUNN. Mr. President, my remarks are addressed to the child support provisions of the social security amendments presently being considered on the floor.

When I began my campaign for the U.S. Senate in January of 1972, one of the primary national issues I identified was the soaring welfare costs borne by taxpayers because of the staggering rise in the category of aid to families with dependent children. At that time the participants in this program constituted 70 percent of welfare recipients nationally.

This issue became an important plank in my platform, and I pledged to the people of Georgia that I would work for legislation that would check this growing disregard of parental responsibility in child support.

My conclusion was based in large part on: First, my study and review of the testimony given by witnesses in 1971 hearings before the Senate Committee on Finance; second, the many complaints I received from families unable, because of legal loopholes, to obtain essential parental support necessary to furnish children the bare essentials of life; third, my own personal experiences in domestic relations litigation in the general practice of law. During my service in the Senate, I have continued to receive complaints from many families who hope for a more effective procedure to require able parents to support their children and families.

After arriving in the Senate I learned that the Finance Committee, as a result of numerous hearings, had reported in late 1972 several of these child support proposals as amendments to H.R. 1, which was subsequently passed by the Senate. Unfortunately these amendments met determined opposition in the House and were defeated. I discussed this matter with Senator Long and expressed my intense interest in working with him toward passage of similar comprehensive legislation this year. He made available to me not only the research and work product of his committee but also considerable staff assistance.

The Senate is taking a significant step forward today. The passage of this legislation culminates a yearlong effort to sign a bill which would be acceptable to both Houses and the administration.

I am grateful for the wisdom and tenacity shown by Chairman Long and the other members of the Senate Finance Committee, as well as the professional staff of that committee, in arriving at a reasonable and acceptable vehicle to achieve this goal. I am pleased that the Senate has given this significant legislation its stamp of approval. This portion of the social security amendments represents a substantial step toward welfare reform.

Mr. BUCKLEY. Mr. President, a few weeks ago, at the time the pension bill was under consideration, I had occasion to express my concern that Members of the Senate were being asked to vote on a complex, far-reaching bill and on a blizzard of printed and unprinted amendments within just a few days of the time that the legislation and the accompanying report had become generally available. I said then that it was impossible, under the circumstances, for any Senator not intimately associated with the development of the legislation to cast an informed judgment as to its merits, or assess the effect and cost of the amendments proposed.

Today we are debating social security legislation of great complexity that first became available to Members of the Senate and their staffs just 4 days ago. It incorporates 10 major provisions, some of which are completely novel. They initiate new programs that will have far-reaching effect on the country, and that many believe may threaten the integrity and solvency of the social security system itself.

Not only are we, as individual Senators, expected to master this bill during these few days while attending to all our other urgent Senate business, but we are also expected to digest the volume of amendments—more than 30 in number as of this moment—which keep cascading from the printer.

Mr. President, with every respect for the leadership, with every respect for the members and the chairman of the Finance Committee, I must state that we cannot responsibly legislate in this manner. The Senate has long since forfeited its once proud title of the world's greatest deliberative body.

Under the circumstances, and after much thought, I have concluded that I cannot in good conscience vote for this legislation even though it incorporates a number of provisions that are necessary or desirable, and will help make the social security system more equitable.

I am fully aware of the adverse political consequences of voting as I will, as the 11-percent increase in social security payments will bring vital relief to some of our citizens whose condition is most desperate, most pathetic. I am deeply troubled, Mr. President, over the fact that too many of our elderly citizens are forced to live such marginal existences, but I do not see any logic, other than political logic, in increasing the benefits paid to all social security recipients to help those who are in need. The increase which we will no doubt be enacting into law goes not only to the poor, the marginal citizen on welfare, but to all irrespective of need—to millions of our retired workers who are receiving comfortable pensions, who have their annuities, their savings, their securities; and in this indiscriminate approach to meeting the just needs of the aged, we are placing still another burden on the shoulders of those of working age who are already harried by excessive taxation.

It should be pointed out, Mr. President, that the 11-percent increase of which I speak does not constitute an adjustment to reflect the deterioration in the purchasing power of the dollar. We have already enacted, and I fully supported, legislation that provides for an automatic increase in the social security payments to offset the effects of inflation.

These cost-of-living increases are just and proper. The Federal Government requires each working man and woman covered by the program to set aside a portion of earnings in order to fund retirement income. Yet it is the Federal Government through its extravagances that causes the inflation that has eroded so much of the purchasing power out of the savings and insurance policies and pensions of those who can no longer work. The Federal Government, therefore, must assume the obligation to protect the purchasing power of social security payments. More than that, I recognize that the cost of living index now utilized is inadequate to meet the needs of the aged. The reason for this is that the cost of living index now being utilized is designed to anticipate and measure the average cost experience of an American family which must take into consideration clothing for children, food for families, and a host of other items that are irrelevant in measuring the needs and, therefore, the true cost experience of the elderly. It is for this reason that I introduced an amendment to the bill to provide for the creation of a cost of living index for the aged that can act as an accurate basis for future escalations in social security payments.

One final observation, Mr. President. Perhaps the single greatest enemy of those who can no longer earn their living is inflation. Since 1960, inflation has robbed the savings and pensions of the elderly of 33.9 percent of their real value. Those who had worked hard and thought they were prudently providing for their old age have been forced, by inflation, to sell their homes, to give up even little luxuries, and live marginal lives.

The Federal extravagance to which we have become accustomed has been the major enemy of our older citizens because of the inflationary forces it has generated. It is, therefore, ironic that in this legislation that is designed to protect recipients, so many provisions that will only add to inflationary pressures.

Mr. President, no political consideration in the world is going to make me vote to support a measure that, like this one, will in the long run have the effect of harming those on fixed incomes. No political consideration will force me to vote for a complex bill if I have not been given ample time to study it. The people of New York did not send me to this body in order to vote without thinking or to vote for noble sounding bills that, upon even cursory examination, simply will not in the long run do what they promise to do.

What is at stake here is more than a vote on this bill. What is at stake is the very reason for the being of the Senate. We are here to deliberate, to study and then to legislate. We are here to examine carefully every subject that is brought before us. That is what the American people suppose we are doing and that is what they should expect us to be doing. But we are not. We are throwing around costly, inflation-creating amendments and provisions as if there were no tomorrow. Well, Mr. President, there is a tomorrow and a tomorrow and a tomorrow. And it is the elderly, the sick, and the retired on fixed incomes who have to live in those inflation-ridden tomorrows.

Mr. President, the needy will not benefit by inflation. The country will not benefit by provisions and amendments conceived in haste and passed without adequate examination. Therefore, Mr. President, today I am going to in effect vote for the needs of all Americans, including most specifically the elderly whom this bill is supposed to help by voting against this social security bill.

SOCIAL SECURITY COVERAGE FOR KIDNEY DISEASE

Mr. JACKSON. Mr. President, over a year ago we passed amendments to the Social Security Act which provided that those persons who required kidney dialysis treatment or transplants would be covered for a major part of their care. In the State of Washington, we know what can be accomplished with good care for kidney patients. The Spokane and Inland Empire Kidney Center and the Northwest Kidney Center, which incidentally as the first such kidney center in the world, beginning its operation in 1962, both give outstanding service. I had hoped that last year's amendments would give to all kidney patients the opportunity for the kind of care that is delivered in Washington.

Unhappily, this program has not really gotten off the ground. There are a large number of patients waiting to go on dialysis but cannot because facilities are not available to them, and there are others who are now in hospitals on dialysis treatment who would be able to undergo home treatment but who cannot, because the administration has not yet worker out the regulations for payment for treatment.

Consequently, the thousands of dollars of savings, much less the savings in pain and frustration, that would come from home treatment instead of hospital treatment are being lost.

In addition, the large number of physicians who treat these patients, especially the nephrologists who have such treatment as their medical specialty, are totally confused by the administration's inaction. Many have developed new centers which are now ready to receive patients, in areas of great need for such services, but the guidelines and forms for exemptions to initial guidelines have not yet been published, even though they were promised months ago.

Many physicians have not been paid for their services for months; many hospitals in which they serve have not been reimbursed for months; many physicians cannot put their patients on home care therapy because they are uncertain whether these patients will in fact have their care paid for, and the physicians do not want their patients to suffer great economic loss.

The manufacturers and service companies dealing with the equipment required find things difficult, because questions of reimbursement for basic and replacement equipment for dialysis are not yet settled, nor is the question of how home care equipment will be paid for.

Still further, I am informed that since the date of effectiveness of the new law, the insurance groups heretofore paying for some of the services have ceased to do so, on the grounds that payment would be made under the new law. Private insurance, Blue Cross-Blue Shield, and medicare-medicaid all have slowed down payments, and the patients, doctors, and manufacturers are all being hurt.

Obviously, there is a big bureaucratic snafu in HEW regarding these regulations. Probably there is no one Senator who has not received complaints about late program guidelines and regulations. I do not know just why the program is slowed down, but I do hope that the chairman of the Finance Committee will raise the appropriate questions and prod the agencies to get moving.

THE INCREASE OF SOCIAL SECURITY BENEFITS

Mr. BEALL. Mr. President, during my 3 years in the U.S. Senate, it has been my pleasure to serve as the ranking minority member on the Labor and Public Welfare Committee's Subcommittee on Aging. Last January, I became a member of the Special Committee on Aging, and have followed with great interest developments in all aspects of Federal policy which affects our Nation's senior citizens.

Mr. President, I have a special interest in, and concern for, the well-being of our 20 million senior citizens. I have consistently contended that America's elderly citizens deserve a great deal more attention than they have previously received. I, for one, hold our Nation's senior citizens in a position of great respect, for they have toiled long and hard in our Nation's factories, farms, armed services, and so forth; and they have earned the right to live their retirement years in security, dignity, and independence. We owe these senior Americans a debt of gratitude, for they are primarily responsible for the prosperity and the greatness that our Nation enjoys today.

Through their efforts and sacrifices, our Nation has reached unprecedented heights of economic prosperity, met the challenge of foreign aggressors, and created for all Americans a society dedicated to the full realization of the goals of our Nation's forefathers.

I have also been impressed by the willingness and resourcefulness of our Nation's senior citizens to utilize their own talents and resources in overcoming the problems that confront them. The social security system is a vital part of the Federal effort to insure the economic security of our 20 million older Americans.

Certainly no problem is more important to older Americans than the adequacy of their income. At the present time, the social security system makes payments totaling $41 billion a year to retired citizens, widows, and the disabled. An additional $8 billion a year is paid out in the form of other Federal retirement benefits, $3 billion a year in public assistance benefits for senior citizens, and the medicare-medicaid programs total approximately $12 billion worth of benefits. In fiscal year 1974, $63.5 billion, approximately one-fourth of the total Federal budget, is devoted to meeting the needs of our Nation's senior citizens.

The recent increases in the cost of living have fallen most heavily upon those Americans who live on a fixed income. H.R. 3153 replaces the 5.9 percent increase that was enacted last June and is scheduled to become effective in July of 1974. In its place this legislation provides for a 2-step increase totaling 11 percent. The first increase of 7 percent will take effect upon the enactment of this bill. The remaining 4 percent benefit increase will take effect next June. This legislation will raise the average monthly payment approximately $12 for an individual and approximately $20 for a couple.

It also modifies the automatic cost of living benefit increase procedure which takes effect in 1974, and will assure beneficiaries that their income is inflation proof. The modification reduces from 7 months to 3 months the gap between determining the benefit increase and its effective date. The Finance Committee has also provided that recipients of veterans pensions will not have those benefits reduced as a result of this 11-percent increase.

Mr. President, H.R. 3153 also provides for an increase in the social security tax base from $12,600 to $13,200. The tax rate will remain unchanged. Earlier this year, I worked on legislation designed to overhaul and strengthen the railroad retirement system. Congress had given very generous increases in railroad retirement benefits in recent years without providing for any mechanism to pay for these benefits. The result is a nearly bankrupt system that jeopardizes the retirement well-being of approximately 1 million Americans.

It is often easy for the Congress to increase benefits to people who deserve them. But it is more politically difficult for us to provide the tax increases that are needed to insure that the social security trust fund will be able to meet its obligation next year, in 5 years, in 10 years, and so on into the future. I realize that this is not a popular position for us to take and I commend the Finance Committee for providing a mechanism in this bill to pay for the increases we are granting. We, as responsible legislators, owe it to the senior citizens of this Nation, and to all the people who at some future date will draw upon the resources of the social security system, to guarantee that we will do everything we can to see that the social security trust fund will be able to deliver on all the benefits our citizens are promised.

FOOD STAMP ELIGIBILITY FOR SSI RECIPIENTS

Mr. EAGLETON. Mr. President, I commend the Senator from Louisiana and other members of the Committee on Finance for including in H.R. 3153 provisions which restore the eligibility of aged, blind, and disabled recipients of supplemental security income to participate in the food stamp and food distribution programs.

Under the committee bill, SSI recipients would be eligible to participate in these food assistance programs if they meet the appropriate income eligibility standards.

Those States which have already made plans to "cash out" food stamps for SSI recipients would be permitted to do so during a transition period ending July 1, 1975. During that time, SSI recipients in those States would be ineligible for food assistance.

In my view, the committee provisions are eminently fair and reasonable. They meet the objectives of the legislation (S. 255) introduced by myself and 21 other Senators early this year.

It is my hope that the conferees on this bill will agree that eligibility for food stamps should not turn on whether one is or is not an SSI recipient but simply on whether the individual meets the eligibility criteria of the food stamp program.

REIMBURSEMENT OF HEALTH MAINTENANCE ORGANIZATIONS UNDER MEDICAID AS PROPOSED IN SECTION 172 OF H.R. 3153

Mr. KENNEDY. Mr. President, the bill pending before us would require that methods similar to those for reimbursing health maintenance organizations established last year for medicare be extended to health maintenance organizations which have contracts with State government for serving medicaid recipients. In extending the medicare requirements to medicaid, the Finance Committee has recognized some of the special problems of institutions serving the poor and incorporated exceptions and the possibility of waivers responsive to these needs. The Finance Committee indicates their purpose is to assure that quality services are rendered by institutions receiving State and Federal reimbursement under medicaid.

While I understand and concur with the committee's objective in this regard, I have grave reservations concerning their method.

The Subcommittee on Health of the Labor and Public Welfare Committee has held extensive hearings on health maintenance organizations and on quality assurance mechanisms in HMO's, and in the health field in general.

Yesterday, the committee completed a lengthy conference with the House committee on a bill designed to encourage the initiation of new health maintenance organizations across the country. The bill also includes quality standards and provisions intended to examine current quality assurance procedures both in the HMO field and in the traditional system.

Based on our hearings and experience, it is not clear to us that the method for reimbursing HMO's prescribed under medicare will either serve as an incentive to organizations to provide this form of health care or contains adequate protections against poor quality health services.

Unfortunately, the Department of Health, Education, and Welfare has not yet issued regulations implementing these reimbursement procedures passed last year in H.R. 1. Therefore, we do not have an accurate picture of how many health service organizations will offer services to the elderly on a prepaid basis under the medicare procedures. However, the leading HMO's in the Nation have expressed deep concern that the provisions under medicare will not work—either for the purpose of attracting institutions to serve the elderly on a prepaid basis, or for assuring high quality services.

Given the ambiguity of the evidence of these medicare provisions, and the disagreement of those in the field concerning their workability, I have grave reservations about extending them to medicaid as well. The exceptions and waivers corporated in the committee's proposal do alleviate some of the anticipated problems with the provisions, but they do not address the central problems with the medicare reimbursement procedures.

Further, many States have already entered into contracts with health services institutions to offer prepaid health services to the poor. These contracts vary, and there is evidence that some of the institutions are not taking adequate measures to assure the quality of the services delivered by the contractors. On the other hand, there are some State arrangements with health service institutions that seem to hold promise. The extension of medicare requirements to medicaid will require the States to change or terminate these contracts effective June 30, 1974.

I am concerned that the overall affect of these medicare provisions will be to slow down a movement which the Congress should be encouraging in this country. They may, in the process, fail to assure the quality of services which the provisions are intended to safeguard.

However, all of the evidence is not in and I am, for that reason, reluctant to challenge the Finance Committee's intent to require one set of requirements for both medicare and medicaid. On the other hand, the Congress must watch the effect of these provisions very closely and be prepared to make appropriate changes in the procedures when we do have better evidence of their effectiveness. My committee will be working further on HMO's in the coming year, and I propose to make recommendations to the Finance Committee and to the Senate in these areas as the year progresses.

Mr. HANSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Burdick). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. THURMOND (when his name was called). Present.

Mr. TOWER (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Arkansas (Mr. Fulbright). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. Chiles), the Senator from Arkansas (Mr. Fulbright), the Senator from Indiana (Mr. Hartke), the Senator from Colorado (Mr. Haskell), the Senator from Iowa (Mr. Hughes) the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from New Mexico (Mr. Montoya), the Senator from Mississippi (Mr. Stennis), the Senator from Michigan (Mr. Hart), and the Senator from Louisiana (Mr. Johnston) are necessarily absent.

I also announce that the Senator from Missouri (Mr. Symington) is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Mr. Hartke), the Senator from Wyoming (Mr. McGee), and the Senator from Missouri (Mr. Symington) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senators from Oklahoma (Mr. Bartlett and Mr. Bellmon), the Senator from Utah (Mr. Bennett), and the Senator from Maryland (Mr. Mathias) are necessarily absent.

The Senator from Idaho (Mr. McClure) and the Senator from Oregon (Mr. Packwood) are absent on official business.

Also, the Senator from New York (Mr. Javits) and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The Senator from Arizona (Mr. Goldwater) is absent by leave of the Senate on official business.

If present and voting, the Senator from New York (Mr. Javits) would vote "yea."

The result was announced—yeas 66, nays 8, as follows:

[No. 540 Leg.]

YEAS—66

Abourezk
Aiken
Allen
Bayh
Beall
Bentsen
Bible
Biden
Brock
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Church
Clark
Cook
Cranston
Dole
Domenici
Dominick
Eagleton
Eastland
Fong
Gravel
Griffin
Gurney
Hatfield
Hathaway
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Kennedy
Long
Magnuson
Mansfield
McClellan
McIntyre
Mondale
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stevens
Stevenson
Taft
Talmadge
Tunney
Weicker
Williams
Young

NAYS—8

Buckley
Byrd, Harry F., Jr.
Curtis
Ervin
Fannin
Hansen
Helms
Roth

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Tower, against.

ANSWERED PRESENT—1

Thurmond

NOT VOTING—24

Baker
Bartlett
Bellmon
Bennett
Chiles
Cotton
Fulbright
Goldwater
Hart
Hartke
Haskell
Hughes
Javits
Johnston
Mathias
McClure
McGee
McGovern
Metcalf
Montoya
Packwood
Saxbe
Stennis
Symington

So the bill (H.R. 3153) was passed.

The title was amended, so as to read: "An Act to amend the Social Security Act, and for other purposes."

Mr. THURMOND. Mr. President, I voted "present" on this bill because it contains a provision which would lower from age 72 to 70 the age of applicability of the "earned income" limitation, and I would be personally affected by this provision.

Mr. LONG. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG. Mr. President, I ask unanimous consent that the bill (H.R. 3153) be printed with the amendments of the Senate numbered, and that in the engrossment of the amendments of the Senate to the bill the Secretary of the Senate be authorized to make all necessary technical and clerical changes and corrections, including corrections in section, subsection, et cetera, designations, and cross references thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I move that the Senate insist on its amendment to the bill (H.R. 3153) and ask for a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Long, Mr. Talmadge, Mr. Ribicoff, Mr. Mondale, Mr. Bennett, Mr. Curtis, and Mr. Fannin conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, I commend the distinguished Senator from Louisiana for doing his usual skillful managerial job on a most difficult piece of legislation. All I can say is that, speaking personally, I am glad I am not in his shoes because this is a most difficult committee to chair and this piece of legislation which the Senate has just agreed to, is one of the most difficult to manage through this Chamber.

When one considers all the amendments which have been offered today and one becomes aware of the skill, the knowledge, and the maneuverability of the distinguished Senator, one cannot help but admire him, and I want to commend him for a job well done, which is usual. [Applause.]

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

The PRESIDING OFFICER. The Senate, under the previous order, will resume consideration of the motion to invoke cloture on the motion to insist on the Senate amendments to H.R. 11104 and request a conference on the disagreeing votes of the two Houses thereon and that the Chair be authorized to appoint conferees on the part of the Senate.

The Senator from Alabama is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield to me?

Mr. ALLEN. I yield.

IMPROVEMENT OF ADMINISTRATION OF LEAVE SYSTEM FOR FEDERAL EMPLOYEES

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House on H.R. 1284; to amend title 5, United States Code, to improve the administration of the leave system for Federal employees.

The Chair laid before the Senate the following message:

Resolved, That the House agree to the amendment of the Senate numbered 8 to the aforesaid bill with the following amendment:

In lieu of the matter proposed to be inserted, insert:

SEC. 7. (a) Section 5562(a) of title 5, United States Code, is amended by adding at the end thereof the following new sentences: "Notwithstanding any other provision of law, an employee in a missing status on or after January 1, 1965, is entitled—

"(1) to payment for annual leave which accrued to his account on or after January 1, 1965, but which was forfeited under section 6304 of this title because he was unable to use that leave by virtue of his missing status; or

"(2) to have all of that leave restored to him and credited to a separate leave account in accordance with the provisions of section 6304(d) (2 of this title.

An employee shall elect in writing, within 90 days immediately following the date of enactment of this sentence or within 90 days immediately following the termination of his missing status, whichever is later, whether he desires payment for the leave under clause (1) of this subsection or credit of the leave under clause (2) of this subsection. Payment under clause (1) of this subsection shall be at the employee's rate of basic pay in effect at the time the leave was forfeited."

(b) The amendment made by subsection (a) of this section shall apply to former employees or their beneficiaries.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House to Senate amendment numbered 8.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

LEGISLATIVE PROGRAM

Mr. HUGH SCOTT. Mr. President, would the distinguished Senator from Alabama yield so that I might ask the distinguished majority leader if he knows what is going to happen next?

Mr. ALLEN. Mr. President, I yield for that purpose.

Mr. MANSFIELD. Well, Mr. President, first may I say that when the Senate comes in tomorrow the business will be what is now the pending business. I had announced that there was a possibility that the daylight saving bill would be taken up. It will not be.

On Sunday the Senate will come in at 10 o'clock, and 1 hour thereafter, or thereabouts, will vote on the cloture motion. I am happy to announce that our colleague, the Senator from Utah (Mr. BENNETT) will give the opening prayer on that day, so if for no other reason, a little bit of godliness will not hurt anyone at 10 o'clock a.m. on Sunday.

Mr. HUGH SCOTT. Will the distinguished majority leader tell us whether the Senator from Utah will pray for the Senate or for the people?

Mr. MANSFIELD. A little bit of both, I am afraid.

As for tonight, may I ask the distinguished Senator from Alabama (Mr. ALLEN) how long he contemplates speaking on the pending business?

Mr. ALLEN. Mr. President, I will say that it is my intention, before I conclude my remarks, to make a motion that the Senate recede from its amendments, which will have the effect of passing the bill as it came to us from the House originally and as it came to us from the House after the Senate passed the campaign amendments. There will be very little discussion as far as the Senator from Alabama is concerned, and as far as he is concerned we can have a vote on it within the very next few minutes.

Mr. MANSFIELD. Well, Senators are on notice. That is it.

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

The Senate continued with the consideration of the motion to invoke cloture on the motion to insist on the Senate amendments to H.R. 11104 and request a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

Mr. ALLEN. Mr. President, I, too, wish to commend the distinguished Senator from Louisiana——

Mr. PASTORE. Mr. President, may we have order? This is very interesting.

The PRESIDING OFFICER. The Senator will suspend until we get order. All Senators will please take their seats.

The Senator from Alabama.

Mr. ALLEN. Mr. President, I, too, wish to commend the distinguished Senator from Louisiana for his excellent work in steering to passage this mammoth social security bill. I wish to commend him for his leadership, his great knowledge, and his expertise here on the floor.

I would like to suggest possibly that the debate we are having on the debt limit and the effort of some Senators to tack onto it these political campaign subsidy bills have contributed in some measure, I believe, to the Senate's coming to grips with the social security bill, because the time was in effect limited during which the Senate could consider the various amendments.

I am delighted that the bill has passed, and I do wish to commend the distinguished Senator from Louisiana for his fine work.

Mr. President, to bring us up to date on the parliamentary situation regarding the debt limit bill and the position in which we find ourselves at this time. The bill started out, of course, over in the House of Representatives as a 13-line bill to raise the debt limit. It came to the Senate and was on the floor of the Senate. The Senate added an amendment or a series of amendments consisting of 122 pages.

In sending the bill back to the House, the Senate requested a conference. Having sent to the Senate just a 13-line bill, which merely extended or raised the debt limit and extended the time for the temporary debt limit, and I assume feeling that the 122-page, half-pound group of pages of amendments was not germane, the House did not pay any attention to the request for the conference report and did not bother to amend it. If the House had amended it, just leaving one line as an amendment, the Senate could have sought to amend that amendment and send it back.

So the bill is back in the Senate just as it came from the House originally, and just as it came from the House after the Senate had tacked on this amendment.

All we have to do to get past that to the debt limit bill is to recede from the Senate amendment.

There has been some discussion about a filibuster on this bill. I am going to move in just a moment, as I stated, to recede from the Senate amendment. If we could adopt that motion by a voice vote, we could pass the bill. There would not be any filibuster, and the bill would be passed and could go to the President in just a very few minutes.

Mr. GRIFFIN. Mr. President, will the Senator yield for a query about the situation?

Mr. ALLEN. I yield.

Mr. GRIFFIN. As I understand, if we do not adopt the Senator's motion to recede, which would provide for the bill to become law in time to avert a 12 o'clock midnight deadline on the debt ceiling—if we do not do that, as I understand, then we would go to a vote on the cloture motion on Sunday; and if cloture should be invoked, then all we will have done will have been to provide for the Senate to go to a conference or to ask the House for a conference.

So, presumably, we are asking the House to reverse the position it already took, which was to refuse to go to a conference. But if the House will change their mind and go to a conference, it might go on for several days to try to get the differences resolved between the Senate and the House.

Mr. ALLEN. That is correct.

Mr. GRIFFIN. If we adopt the Senator's motion to recede, there would be, of course, no need for a Sunday session, or a Saturday session, although I do not know whether we would come in anyway, because there would be no business, since there would be no need for it.

Mr. ALLEN. We can avoid a Saturday session and a Sunday session, as well.

Mr. MANSFIELD. But if we agree to the motion to be made by the Senator from Alabama, then all this material which has been unearthed in the Watergate hearings and other hearings about the pressure implications, where two men wanted to get in telephone contact with somebody downtown, will go to naught.

This is the best time this country has ever had to face up to a corrupt situation which exists on our political scene. And I hope that when we vote tonight we would consider that this may be our last, best chance to do something about the illicit, illegal pressure-type contributions made to Presidential campaigns during Presidential campaigns. That is the issue.

Cries of "vote."

Several Senators addressed the Chair.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. ALLEN. I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, the real issue is what is going to happen to the United States? Corruption in politics did not occur in the last few months. We are dealing with the credit of the United States.

Tomorrow morning the Treasury will be unable to issue any debt obligations. Notices will go to thousands of banks shutting off sales of savings bonds.

Tens of millions of Americans subscribe to savings bonds by payroll deductions. These bonds cannot be issued.

We have almost $5 billion of debt maturing every week. How are we going to pay it off?

The Treasury has scheduled the sale of $4.3 billion in Treasury bills on Monday morning. It will be without authority to go ahead.

They have sold Treasury bills every week for more than 40 years.

When this information goes out to the world, no one knows what will happen. However, the responsibility will rest upon this body.

Our cash balance will be about $6 billion on Monday. We do not know how long that will last. Which should the Treasury stop first, and which should they pay?

Possibly the Treasury can raise some money by forcing Government agencies to borrow money on an emergency basis. That will cost literally millions of dollars. We cannot put the United States Government in the position of failing to pay its debts. We have not even let that question arise. However, without the debt ceiling, it will arise.

I maintain that there is no legislation of sufficient importance to delay action on this debt ceiling.

Let us not get overly pious about election reform. We could go back a long ways. If one wants to write a few volumes on dirty politics, he can write on what happened to our beloved colleague, the junior Senator from Arizona. If there ever was a massive, well-organized system of dirty politics, it was there—pictured as a mad man, irresponsible, trigger-happy about to plunge us into war. It was totally false.

So, if we are honest and sincere in wanting to clean up politics, let us go clear back and do a good job. At any rate, let us face that as a separate piece of legislation.

If this proposal has merit, we can sell it without putting a gun at the head of Uncle Sam.

Mr. President, everybody knows the troubled times that the American dollar has had in the last months and years. Recently it has been strengthened. Nevertheless, the whole world is watching. It is bad enough to have our debt grow and grow. But for the Senate of the United States to take the position that we will not pay it because we are playing petty, small politics in trying to get some legislation through on this vehicle is not right.

Mr. President, if the American people decide that the public financing of election campaigns is what they want, there is not anyone who could stop it. It could go through Congress without these gangster methods of grabbing onto a bill that represents the very lifeblood of our economy.

That is going to happen right here in this country when the millions of people who have been buying savings bonds right along are notified that the Government has so failed that it cannot even issue the savings bonds.

A few weeks ago I went out to Grand Island, Nebr., to present a savings award to a company in which every employee had been buying savings bonds for 2 solid years. And they were doing that in spite of all the propaganda and the stories that things were wrong and that the Government was falling apart. They did not believe any of these stories. They were investing their hard-earned money in Government bonds.

Mr. President, the issue is clear. Either we are going to stand with the financial integrity of our country and pass this bill before a tragedy happens or we are going to take the low road of playing politics.

Again I remind the Senate that any legislative proposal with sufficient merit can be passed without this sort of a plan. And if the American people really want the public financing of elections, there is not any group of Senators who are powerful enough to stop it. It will go through.

It is not necessary to do this tonight. It is not good for our country.

Furthermore, Mr. President, it is dangerous. We ought to agree with the bill as it passed the House and send word out to our own people as well as to the rest of the world that the credit of the United States is good, that Uncle Sam signs what he is supposed to sign, that if one buys bonds, there will either be money there from taxes to pay it or they will borrow some money and pay it off.

But to fail to do that questions the entire confidence of our country.

I point out that at a time when our economy is threatened because of the energy shortage is no time for a dangerous, cheap, small, political trick, and that is what it is.

Mr. ALLEN. Mr. President, much has been said about the campaign abuses of recent years. Much has been said about the solutions that will be found by the Congress because of some of those abuses.

If this campaign subsidy bill is the answer to the campaign abuses, I think we have fallen on mighty hard times.

All this does is say, "Let's let the taxpayer pay it." That is the solution that this campaign subsidy amendment offers: Let the taxpayer pay the bill.

Mr. President, the chief element of the campaign subsidy amendment that is so pernicious is a provision that would go into effect with the 1976 election, 3 years off. So what is the hurry about the campaign amendment? The debt limit is extended only to June 30 of next year. I am satisfied that this compromise that no one knows just what it is, that they are talking about, can stand a little bit more baking, because it is just half-baked up to now. I believe it needs a little more baking, and it might get that between now and the next time the debt limit bill comes up for consideration again.

The debt limit goes off, or the temporary authority goes off, at midnight tonight. This other thing applies way down the road in 1976. So what is the hurry about that? Why insist on putting that on?

That is exactly what the campaign subsidy would do. To emphasize again, we are not just talking about Presidential elections, November elections. Possibly that is not too bad, and we already have it in the law now. There is a long checkoff system. But this campaign amendment that Senators are trying to stick on, providing for financing the Presidential nomination campaign of every Presidential hopeful—and there are about eight right here in this Chamber, let us face it; there are about eight Presidential hopefuls right here in this Chamber—would mean they could be benefited under this measure to the tune of approximately $7 million.

Seven million dollars. I have pointed out some of the other people who would be beneficiaries under this bill. One would be Governor Connally. Another would be Governor Reagan. And I saw the Governor of the great eastern State here tonight with Senator JAVITS; I shall not call his name. Possibly he was here to pick up his $7 million check here tonight. [Laughter.]

That is what this amendment would do. It would put $7 million in the campaign funds of these Presidential hopefuls.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. ALLEN. It might cause some riders to ride the West again, that we had not thought would ride again.

Mr. HUMPHREY. Would the Senator make that retroactive? [Laughter.]

Mr. ALLEN. Mr. President, this motion would be debatable, of course, and I am going to yield the floor, but before doing so, I wish to stress again that the simple adoption of this motion will pass this debt limit bill, and let the campaign subsidy bill come back at a later date, when it has some more backing.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield?

Mr. ALLEN. I yield to the Senator from Virginia for a question.

Mr. WILLIAM L. SCOTT. I ask the distinguished Senator from Alabama, is it not true that the House of Representatives has adjourned until Monday?

Mr. ALLEN. The Senator is correct.

Mr. WILLIAM L. SCOTT. I am just wondering, if the motion of the distinguished Senator does not prevail, what useful purpose will be served by us being here Sunday?

Mr. ALLEN. Very little, of course, except to defeat this cloture motion.

Mr. WILLIAM L. SCOTT. But as I understand, in the absence of success of the Senator's motion, regardless of what we do, unless we adopt the House version, we cannot take any action without further activity on the other side of the Capitol.

Mr. ALLEN. That is true.

Mr. WILLIAM L. SCOTT. So there is no useful purpose to be served by meeting on Sunday.

Mr. ALLEN. That is true. But merely by agreeing to the motion I am going to make, we will pass the bill and it will not have to go back to the House of Representatives, where they have already turned down our request for a conference, and undergo the risk of losing the bill. While we have it in our possession, with the right and ability to give final passage to it, I think that should be done. Mr. President, I move that the Senate now recede from the Senate amendments.

Mr. GRIFFIN. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. BENTSEN. I move to lay that motion on the table.

Mr. CURTIS. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Burdick). The question is on agreeing to the motion of the Senator from Texas (Mr. Bentsen) to lay on the table the motion of the Senator from Alabama (Mr. Allen) that the Senate recede from its amendments.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Bible), the Senator from Florida (Mr. Chiles), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Arkansas (Mr. Fulbright), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Colorado (Mr. Haskell), the Senator from Iowa (Mr. Hughes), the Senator from Louisiana (Mr. Johnston), the Senator from Washington (Mr. Magnuson), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from New Mexico (Mr. Montoya), the Senator from Wisconsin (Mr. Nelson), the Senator from Mississippi (Mr. Stennis), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

I also announce that the Senator from Missouri (Mr. Symington) is absent because of illness.

I further announce that, if present and voting, the Senator from Wyoming (Mr. McGee), and the Senator from Washington (Mr. Magnuson) would each vote "yea."

I further announce that, if present and voting, the Senator from Mississippi (Mr. Eastland) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senators from Oklahoma (Mr. Bartlett and Mr. Bellmon), the Senator from Utah (Mr. Bennett), and the Senator from Maryland (Mr. Mathias) are necessarily absent.

The Senator from Idaho (Mr. McClure) and the Senator from Oregon (Mr. Packwood) are absent on official business.

Also, the Senator from New York (Mr. Javits), the Senator from Ohio (Mr. Saxbe), and the Senator from Kansas (Mr. Pearson) are necessarily absent.

The Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The Senator from Arizona (Mr. Goldwater) is absent by leave of the Senate on official business.

The result was announced—yeas 36, nays 32, as follows:

[No. 541 Leg.]

YEAS—36

Abourezk
Bayh
Bentsen
Biden
Brooke
Burdick
Byrd, Robert C.
Case
Church
Clark
Cranston
Gravel
Hathaway
Huddleston
Humphrey
Inouye
Jackson
Kennedy
Long
Mansfield
McIntyre
Mondale
Moss
Muskie
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Hugh
Stafford
Stevenson
Tunney
Williams

NAYS—32

Aiken
Allen
Beall
Brock
Buckley
Byrd, Harry F., Jr.
Cannon
Cook
Curtis
Dole
Domenici
Dominick
Fannin
Fong
Griffin
Gurney
Hansen
Hatfield
Helms
Hollings
Hruska
McClellan
Nunn
Roth
Scott, William L.
Sparkman
Stevens
Taft
Thurmond
Tower
Weicker
Young

NOT VOTING—32

Baker
Bartlett
Bellmon
Bennett
Bible
Chiles
Cotton
Eagleton
Eastland
Ervin
Fulbright
Goldwater
Hart
Hartke
Haskell
Hughes
Javits
Johnston
Magnuson
Mathias
McClure
McGee
McGovern
Metcalf
Montoya
Nelson
Packwood
Pearson
Saxbe
Stennis
Symington
Talmadge

So the motion to table the motion of the Senator from Alabama (Mr. Allen) was agreed to.

Mr. LONG. Mr. President, I now ask for a vote on my motion to insist on the Senate amendments, to send the bill to conference, and to appoint conferees.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

Mr. PASTORE. Mr. President, I ask that Senators take their seats.

The PRESIDING OFFICER. The Senators will take their seats.

Mr. CASE. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The order for the quorum call has been rescinded.

The question is on agreeing to the motion of the Senator from Louisiana.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum, if someone does not care to speak.

The PRESIDING OFFICER. The Senator from North Carolina has been recognized.

Mr. HELMS. Mr. President, I certainly hope that we will not be decking the halls with boughs of ivy before we settle this matter.

I think some thoughts ought to be introduced in connection with the matter at hand. First, Mr. President, I wish to read from a publication entitled "Campaign Financing in America," to which I invite the attention of Senators.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. HELMS. Under those conditions, I do yield.

Mr. ROBERT C. BYRD. Would the Senator inform the Senate as to how long he expects to talk before yielding the floor?

Mr. HELMS. From present indications, I would say to the Senator from West Virginia, not more than 90 minutes.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HELMS. For a question only, without losing my right to the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield for a motion to adjourn?

Mr. HELMS. No. I will say to the distinguished majority leader that I will yield if I may do so without losing my right to the floor.

Mr. MANSFIELD. Yes. The Senator from North Carolina will not lose his right to the floor. He will have it tomorrow.

Mr. President, it seems that we are going to be here until 12 o'clock tonight, and I, for one, do not want to impose upon the stamina of the Senators who are in the Chamber and who have put in a hard day.

With the understanding that the Senator from North Carolina will be recognized the first thing tomorrow, after the usual amenities are disposed of.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Under the previous order, the following routine morning business was transacted:

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. EAGLETON:

S. 2757. A bill to prevent windfall profits by automobile insurance companies during any period when the casualty rates of such companies are reduced as a result of official action in connection with the energy crisis. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GURNEY:

S. 2758. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in certain lands in Florida to John Carter and Martha B. Carter. Referred to the Committee on Interior and Insular Affairs.

By Mr. HART:

S. 2759. A bill to amend the Land and Water Conservation Fund Act of 1965. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EAGLETON:

S. 2757. A bill to prevent windfall profits by automobile insurance companies during any period when the casualty rates of such companies are reduced as a result of official action in connection with the energy crisis. Referred to the Committee on Banking, Housing and Urban Affairs.

REDUCED INSURANCE PREMIUMS

Mr. EAGLETON. Mr. President, over the last Thanksgiving holiday this country enjoyed a 22.2-percent drop in traffic fatalities. This drastic reduction can be attributed in large measure to our gas conservation efforts even though only 14 States have adopted the mandatory 50-mile per hour speed limit.

The Thanksgiving experience should be a pretty good indication of things to come. The National Safety Council has predicted a 20- to 25-percent reduction in traffic fatalities based on just the 15-percent cut in gasoline production and the 50-mile an hour speed limit.

If we add to their prediction the results from less driving because of no gas on Sunday and the adoption of year-around daylight savings time, eliminating 1 hour of night driving when fatality rates triple, the savings should go even higher. If gas rationing is imposed, savings could jump farther yet.

The monetary savings to insurance companies from auto accident rate reduction must be passed on to the premium payers rather than kept by the companies as windfall profits.

Earlier this week I wrote letters to the three major auto insurance associations calling on them to drop their rates commensurate with the drop in accident rates. I also wrote the Secretary of Transportation requesting a detailed study of auto insurance savings resulting from the gas conservation moves.

In an effort to assure that insurance companies will pass on the money they are saving to the premium payers and to discourage any inclination to prolong this situation at windfall profits, I am introducing legislation.

This bill clarifies and amplifies provisions of the Economic Stabilization Act which already gives the Cost of Living Council power to regulate in the insurance field. The general prohibition of windfall profits contained in the Economic Stabilization Act is specifically applied by my bill to the auto insurance situation.

It is my intention with this legislation to be sure that auto insurance rates will be reduced in accordance with reductions in auto accident expenses. That such reductions should occur as soon as is practicable. And that when such reduction does occur, rebates will be paid to the insured to properly distribute the windfall profits that occurred when accident rates dropped and premiums remained high.

With cooperation and fair play by all segments of our society, we, as a nation, should be able to endure any hardships that the energy crises might impose.

By Mr. HART:

S. 2759. A bill to amend the Land and Water Conservation Fund Act of 1965. Referred to the Committee on Interior and Insular Affairs.

Mr. HART. Mr. President, the Great Lakes are aptly described in a document Their beauty and value for recreation, scenery, fish and wildlife sanctuaries, and the economic vitality of the upper Midwest is not news to any of us hailing from the Great Lakes nor for anyone else who has come in contact with them.

Yet, enormous pressures have developed to alter the fundamental character of the lakes and their surrounding shorelands. This is clearly evidenced by the increasing pressure to alter and develop the shorelands for commercial gain.

The problems besetting the Great Lakes is aptly described in a document entitled "A Plan for Michigan's Shorelands," prepared by the Michigan State Department of Natural Resources:

> It has been heretofore fully recognized however, that the shorelands represent a fragile, natural system which is highly susceptible to degradation and destruction by the activities of man. The shorelands have certain limited tolerances which cannot be surpassed without being weakened or destroyed. In many areas, a natural shoreland is disappearing as trees and dunes are replaced by residential homes, motels, high-density parks, marinas, power plants, etc. Each day, a little more of Michigan's shoreland heritage is foregone. It is clear that unless a new approach to shoreland planning and management is adopted, the remaining sections of low-density, high-quality shoreland will succumb to modern developmental pressures. With such transformations, much of the character, beauty, and uniqueness of the shorelands cannot survive. The qualities of the shorelands, which so strongly attract modern urban America cannot coexist with the indiscriminate subjugation of the shorelands into an artificial configuration of lumber, concrete, glass, and steel.

The Congress recognized this in passing the "Coastal Zone Management Act of 1973" which will foster the proper planning of the shorelands of the Great Lakes and our sea coasts. Likewise, the State of Michigan, and I am sure there are other States as well, enacted the "Shoreland Protection and Management Act of 1970" out of which the Michigan shorelands plan was prepared. We are recognizing that proper planning is essential, but we are also recognizing that planning alone is not enough in many instances.

For example, Michigan's plan has identified 280 miles of unique recreational and environmental areas within the State for which prompt public acquisition is the only workable means of preserving their character. These are unique recreational lands which now are in private ownership but which are subject to erosion and flooding, are of high value for fish and wildlife, or are of high scenic or historical value. These lands could well be lost or much more difficult to acquire if purchase is not made in the near future. These are lands which should be dedicated to the enjoyment of the general public rather than the exploitation of a given few.

The legislation I am proposing today would be aimed at preserving these lands through an accelerated acquisition program financed by the Federal Government and the Great Lakes States.

The existing mechanism of the Land and Water Conservation Fund Act would be used as the vehicle for administering the acquisition program. The land and water conservation fund will contain at the end of this fiscal year approximately $582 million on deposit in the Treasury. Only $76 milion was appropriated this year, $66 million of which will go to all the States. The land and water conservation fund receives revenues from the sale of surplus Government property, marine fuel taxes, and revenues of offshore oil reserves.

The existing authority under the Land and Water Conservation Fund Act is sufficient if a mechanism is provided which would insure that these unique Great Lakes shorelands were indeed purchased promptly. Therefore the amendment requires the Secretary of the Interior to commence the acquisition program and complete it within 10 years after the enactment of the legislation. Acquisition would be in accordance with a plan, similar to Michigan's "A Plan for Michigan Shorelines," approved by the Secretary.

While it is difficult to predict what the cost of the acquisition might be in other States, our calculations show that a Federal share of $90 million on a matching basis, spread over 10 years, would be sufficient to complete the acquisition program for Michigan. By requiring that the program be completed in 10 years, the amendment insures that the funds will indeed be spent and the lands protected.

In order that other on-going projects within the Great Lakes States do not suffer, the amendment further contains a relaxation of the 7-percent maximum allocation to any State in any given year's appropriations for the purposes of this acquisition program.

Recently, I received a letter from Mr. A. Gene Gazlay, who is director of the Department of Natural Resources of the State of Michigan, outlining the program they envision and commenting on the need for legislation like that I am proposing today. I ask unanimous consent that Mr. Gazlay's letter appear in the RECORD following these remarks, as well as an article which appeared in the New York Times of September 30, 1973.

I introduce the bill for appropriate reference and ask unanimous consent that the text of the bill also appear in the RECORD.

There being no objection, the letter, article, and bill were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF NATURAL RESOURCES,
Lansing, Mich., November 16, 1973.
Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: This letter will elaborate upon information provided at your request by members of my staff in regard to future shoreland management objectives of the State of Michigan. Based upon studies that we have completed, particularly our report entitled "A Plan for Michigan's Shorelands", we believe a reasonable and practical program of public acquisition of shorelands in the near future would be as follows:

Type of Shoreland	*Length in Miles*
Environmental areas	100
Areas susceptible to flooding	30
Areas susceptible to critical erosion	100
Historic, scenic and recreation areas	50
Total	280

Our best estimate is that the cost of acquiring this amount of shoreland would be on the order of magnitude of $225 million.

This projected program is designated to achieve broad, multi-purpose shoreland management objectives. The acquisition of flooding and erosion areas would help solve certain difficult situations where other remedies are as expensive but of lesser effectiveness. While the initial objective would be to lessen erosion and flood damages, substantial other benefits would be realized. Areas susceptible to flooding, for example, would likely be valuable for fish, wildlife and other environmental purposes. Many erosion areas are very desirable from a recreational use viewpoint. In fact, if it were not for the recreational and aesthetic merits of such areas, people would not have been attracted and presently threatened homes and structures would not have been located there. We do recognize, of course, that certain erosion and flooding areas may require some use restriction because of their physical characteristics or lack of satisfactory access, parking areas, etc.

We note with interest that federal funding for purchase of flood hazard lands is provided for three specific projects in the "1973 Water Resource Development Bill" presently before Congress. The provision, of course, represents a fundamental departure from past federal flood control projects. It embodies the same basic approach we are advocating of solving problems on naturally hazardous land by public acquisition.

The environmental areas that would be considered would warrant attention primarily due to their fish and wildlife attributes or other significant environment values. These shoreland areas will be protected foremost for their environmental values. They are not intended to support intensive recreation use but are vitally significant to the maintenance of certain fish and game species. It is anticipated that the environmental areas selected for acquisition would be those which require a degree of protection not possible by the imposition of regulatory techniques, such as zoning, on privately-owned lands.

We would also envision the acquisition of historic, scenic and recreational areas which possess outstanding values. This would include sites particularly suited for public marinas, access sites, historic lands and structures, scenic overlooks, etc. These areas would be primarily managed for recreational use and for the protection and perpetuation of scenic and historic values.

We have reflected on the best approach towards implementing such a program. It seems to us that there is a great deal of authority already existing in various national legislation. In particular, this would include certain programs of the Department of Housing and Urban Development, the Coastal Zone Management Act, and the Land and Water Conservation Fund. The central deficiency before us, however, is lack of adequate funding.

We feel that attempts to create a new program would be difficult with little chance of success, particularly in view of recent funding actions at the national level. A more promising course of action may be to increase current funding levels under existing authorities, particularly the Land and Water Conservation Fund. In addition, legislation could be proposed to make shoreland acquisition expenditures of this type clearly eligible under the Land and Water Conservation Fund.

We believe this approach would have broad appeal and generate wide support. At the moment, urban recreation needs are paramount and receive our highest priorities under the Land and Water Conservation Program. With higher levels of funding, however, it is our opinion that the urban needs could be addressed and funding would be available for additional needs, such as shoreland acquisition.

We appreciate the opportunity to offer our viewpoints and I hope this information will be helpful. Please advise if we can be of further assistance.

Sincerely,

A. GENE GAZLAY,
Director.

[From the New York Times, Sept. 30, 1973]

MICHIGAN URGED TO PROTECT SHORE—A REPORT TERMS 1,000 MILES ECOLOGICALLY "SIGNIFICANT"

LANSING, MICH., Sept. 29.—Nearly 1,000 miles of Michigan's Great Lakes shorelands are "environmentally significant" and should be protected from development, the first comprehensive study of the state's shorelands recommends.

The Michigan Legislature, alarmed at rapidly spreading and largely uncontrolled shorelands development, especially second-home construction, ordered the study with passage of the Shorelands Protection and Management Act of 1970. The report, titled "A Plan For Michigan's Shorelands," was prepared by the State Department of Natural Resources.

The study recommends public acquisition of 400 miles of the 1,965 miles of "environmentally significant" shorelands to guarantee that these vital fish and wildlife habitats will be preserved.

However, the report makes no recommendations on how funds for such a major land acquisition program would be raised.

FIFTY PERCENT ARE PUBLICLY OWNED

About half of the "environmentally significant" shorelands are already in public ownership, mostly as state and Federal beaches and parks.

More than 500 miles of "high-risk" erosion areas, where the shorelands act requires that new development be restricted to lessen future property losses, are also identified. Since last Nov. 3, storms and high water have caused more than $40-million property damage along the state's 3,282 miles of mainland and island Great Lakes shorelands.

Shorelands are defined in the report as a strip 1,000 yards inland from ordinary high water and out over the water to where it is 120 feet deep.

Although the report says "it can be forcefully argued" that a total ban on shorelands development would "yield the greatest long-term benefits," it does not recommend this. It does urge banning such non-water-oriented uses as parking lots and coal yards on shorelands.

The development of a detailed plan for managing shorelands is left to local governments, many of which have no zoning ordinances. The shorelands act, however, provides for state regulation starting next April where local governments fail to adopt controls on certain shoreland development.

The study marks the state's first major involvement in shorelands protection and management outside of its role in developing public beaches, parks and harbors. The reliance on local government for implementation reflects the strong sentiments of many Michigan residents about local control of land use decisions.

"If we had as many people crowding our beaches as they do in California (where voters last year adopted a combined state and regional commission system to develop a coastal development plan) there would probably be much more public support for state action," observed Jim Dooley, a state water resources planner and key author of the report.

The state's $1.65-billion-a-year tourist industry is one reason strong shorelands protection may gain support here. Tourism ranks second only to manufacturing in the state's economy. Of the more than 18 million visitors to the state last year, most spent a least part of a day at the Great Lakes shoreland area, according to the Michigan Tourist Council.

The state promotes itself on its license plates and elsewhere as "The Great Lakes State."

The report recommends creation of a shorelands advisory committee that would include representatives from such special interests as fishermen, farmers, and the recreation industry.

It also recommends legislation extending protection against development to "areas of outstanding natural, historic, scenic, cultural or esthetic significance."

S. 2759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–8), is amended (1) by redesignating subsections (f) and (g) as (g) and (h), respectively, and (2) by inserting immediately after subsection (e) the following new subsection (f):

"(f) (1) In addition to assistance for planning projects and projects for land and water acquisition and development provided for in subsections (a) and (e) of this section, the Secretary is authorized to provide financial assistance to any State adjacent to the Great Lakes for the acquisition of unique shoreland areas. Such shoreland areas shall be identified in a comprehensive shorelines management program plan developed by the State and approved by the Secretary. Such plan shall include a general description of those lands the acquisition of which is necessary to protect and preserve shorelands of unique recreational value and which would be lost or become significantly more difficult to acquire by such State if purchase is not made within 10 years after the enactment of this subsection. Such plans shall include, but not be limited to, information relating to the character of the shorelands studied, shoreland erosion and flooding conditions, environmental conditions, overall shoreland problems, management guidelines, existing regulatory management techniques, current ongoing State and Federal shoreland acquisition programs, and the applicant's conclusions and recommendations for a proposed shoreland management program, including acquisition and development programs and the relationship between lands identified for acquisition under this subsection and any other land management or recreation plans developed by such State.

"(2) Upon the approval of any such plan by the Secretary, financial assistance for the acquisition under this subsection of such shoreland areas shall be provided by the Secretary within a period not to exceed 10 years following the enactment of this subsection; except that the limitations contained on the total allocation to an individual State under the second full paragraph of subsection (b) of this section may be increased by the Secretary to the extent necessary to provide for the acquisition program authorized by this subsection."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1283

At the request of Mr. Robert C. Byrd (for Mr. Jackson), the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 1283, the National Energy Research and Development Policy Act of 1973.

S. 2347

At the request of Mr. Beall, the Senator from Colorado (Mr. Dominick) was added as a cosponsor of S. 2347, the Historical Structures Tax Act of 1973.

S. 2589

SENATOR DOMENICI'S LEADERSHIP ON LEGISLATION TO PROMOTE CARPOOLING

Mr. HUMPHREY. Mr. President, on November 19, I offered a carpool promotion amendment to S. 2589, the "National Energy Emergency Act of 1973." This amendment, which was passed in the Senate on the same date, would establish an Office of Carpool Promotion in the Department of Transportation and provide $25 million to increase participation in car pools.

At that time I inadvertently neglected to add the name of Senator Domenici of New Mexico as an original cosponsor of this legislation.

This was particularly unfortunate in view of the important leadership in this area that has been provided in the Senate by my colleague from New Mexico. I am indebted to Senator Domenici for his advice and support in promoting Senate action to increase the use of carpools throughout the Nation.

Given the urgency of the current energy crisis and the need to find more and better ways to save on the use of all fuels, his efforts to promote carpooling are particularly timely.

Mr. President, I request that the name of the Senator from New Mexico, Senator Domenici, be added as an original cosponsor of the carpool promotion amendment of S. 2589.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2598

At the request of Mr. Domenici, the Senator from New Mexico (Mr. Montoya) was added as a cosponsor of S. 2598, The Car Pool Incentives Act of 1973.

S. 2650

At the request of Mr. Cranston, the Senator from Iowa (Mr. Hughes) was added as a cosponsor of S. 2650, to provide for the early commercial demonstration in residential housing and other buildings of technology for solar heating and combined solar heating and cooling by the Secretary of Housing and Urban Development, to establish a National Solar Energy Coordinating Council, and for other purposes.

S. 2676

Mr. BIDEN. Mr. President, on November 9, 1973, I introduced the "National Homestead Assistance Act," S. 2676. Since then, the following Senators have requested to be added as cosponsors: the Senator from South Dakota (Mr. Abourezk), the Senator from Nevada (Mr. Bible), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Minnesota (Mr. Mondale), the Senator from Utah (Mr. Moss), and the Senator from Delaware (Mr. Roth).

I ask unanimous consent that at the next printing of the bill, their names be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2702

At the request of Mr. Mansfield (for Mr. Magnuson), the Senator from Illinois (Mr. Percy) was added as a cosponsor of S. 2702, a bill to provide that daylight saving time shall be observed on a year-round basis.

S. 2755

At the request of Mr. Domenici, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 2755, to require the Administrator of the National Aeronautics and Space Administration to study the feasibility of entering into certain international cooperative programs involving the utilization of space technology and application.

SENATE JOINT RESOLUTION 133

At the request of Mr. Abourezk, the Senator from Washington (Mr. Jackson) was added as a cosponsor of Senate Joint Resolution 133, to provide for the establishment of the American Indian Policy Review Commission.

SENATE JOINT RESOLUTION 165

At the request of Mr. Domenici, the Senator from New Mexico (Mr. Montoya) was added as a cosponsor of Senate Joint Resolution 165, to designate the week of February 10 to February 16, 1974, as "Vocational Education and Vocational Industrial Clubs of America" Week.

ORDER FOR REFERRAL OF BUDGET CONTROL ACT (S. 1541) TO COMMITTEE ON RULES AND ADMINISTRATION WITH INSTRUCTIONS TO REPORT BY JANUARY 21, 1974

Mr. PERCY. Mr. President, I ask unanimous consent that S. 1541, the Federal Act To Control Expenditures and To Establish National Priorities, otherwise known as the Budget Control Act, be referred to the Committee on Rules and Administration, with instructions that the bill be reported to the Senate not later than January 21, 1974.

Mr. President, this request has been discussed with the majority and minority leaders, the assistant leaders (Mr. Robert C. Byrd and Mr. Griffin), the chairman of the Committee on Government Operations (Mr. Ervin), the chairman of the Committee on Rules and Administration (Mr. Cannon), and the ranking minority member of that committee (Mr. Cook), as well as other members of the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE EXPORT ADMINISTRATION ACT OF 1969—AMENDMENT

AMENDMENT NO. 753

(Ordered to be printed and to lie on the table.)

Mr. WEICKER submitted an amendment intended to be proposed by him to the bill (H.R. 8547) to amend the Export Administration Act of 1969, to protect the domestic economy from the excessive drain of scarce materials and commodities and to reduce the serious inflationary impact of abnormal foreign demand.

Mr. WEICKER. Mr. President, the Arab nations have been fit to pursue their political goals by exerting economic blackmail against the United States and other nations of the world. At a time when petroleum is in critical supply around the world, they have shut off their exports of crude oil and refined petroleum products to this country. They believe that by endangering the health and safety of the poor and the elderly and the sick, they can bring about changes in our foreign policy. That is exactly who they are hitting—the poor and the elderly and the sick. The average or better-than-average American in health and wealth can easily survive the present challenge.

But blackmail is not something we should live with, either on the receiving or on the giving end, and blackmail is not a valid tool of international foreign policy. That is exactly what the Arab nations are practicing right now—blackmail.

Whether people die from policies which result in unhealthful conditions or from policies which result in starvation or from acts of war may be distinctions which make a difference to the heads of state, but they are the same to those who suffer and die.

That is why I am submitting today an amendment to the Export Administration Act of 1969, which will come before the Senate next week. This amendment would authorize the President to prohibit the exports from the United States of all articles, materials, and supplies other than food, medicine, and medical supplies, to any country which has an embargo on petroleum products headed for the United States.

I know that the initial reaction on the part of many persons has been to contemplate the embargo of food but that is not for this nation. We should not sink to the level of those who practice blackmail against the unfortunate.

I want no part of this country furthering the suffering that presently goes on in the Arab nations or, indeed, in any of the nations of the world. I want to put heads of state on notice that we do not consider blackmail a valid tool of international policy. Neither is my intention to press for a lifting of the Arab oil embargo. I believe it is imperative for our nation's security that we become independent of foreign energy sources. To the extent that we are contemplating long-overdue policies of exploration, research, mass transit, and so forth, the oil crisis has served a purpose.

My intention is to reject the diplomacy of calculated human suffering as a concept which this nation accepts. Perhaps there is a certain sophistication in old world diplomacy that accepts such suffering toward the greater good. Admittedly, we have never been as adept as our friends around the world in old world diplomacy; old men sitting in closed rooms, bargaining the lives of their people.

We have relied, rather, on a strength born of a belief in the good of man, rather than his dark side. That must continue.

This amendment would not affect exports of food and medicine. Unlike the Arab oil embargo, which threatens the health and safety of many people around the world, this amendment would not place an embargo on the humanitarian items required by the Arab people. Our Nation should never play politics with people's lives. But do I think we should keep on selling the Arabs items such as power machinery, motorized vehicles, and the very drills they use to produce oil? The answer, "No."

A member of my staff asked me the question, prior to my coming to the floor, "Senator, is not this a form of blackmail?"

I said, "No, because blackmail implies suffering and fear. That is not this amendment."

Are we, however, obligated to give Cadillacs and oil rigs, to those who are blackmailing us? Fear of not having a Cadillac or oil rig is a far cry from fear of losing ones life.

Already during the first 8 months of 1973, the Nation of Saudi Arabia has imported $23.3 million of construction and mining machinery, $7.5 million in civilian aircraft, $12.8 million in pumps, compressors, and centrifuges, $6.3 million in power machinery and switch gear, and $21.3 million in trucks and special purpose vehicles.

Kuwait, Algeria, Libya, and other countries have been able to import the basis of their blackmail from the United States, and this must stop.

In the first 9 months of 1973, we exported more to the Arab countries than we did in all of 1972. At the end of my statement, I will include a table obtained from the Department of Commerce as to what we are exporting. I will review the list briefly at this time:

To Kuwait, $9 million in air-conditioning and refrigeration equipment in 1972, $10 million through August 1973; $15.5 million in passenger cars in 1972, $12.6 million through August 1973.

To Algeria, construction and mining equipment, $10.1 million in 1972, $6.3 million through August of 1973; commercial aircraft $10.9 million in 1972, $6.9 million through August of 1973.

To Libya, pumps and compressors and centrifuges, $21.5 million in 1972, $8.4 million through August 1973; other machinery, $11.8 million in 1972, $19.3 million through August of 1973.

The good fortune of the Arab nations is not by virtue of their own abilities, mental or physical. The oil that is there is something given them by the good Lord. It has been a combination of that resource with U.S. technology, U.S. markets, and U.S. manufacturing that has given them their wealth.

One would only have to ask why, for example, the money they have obtained from this partnership with the United States and the other nations of the free world has not been used to make the desert bloom; why it has not been used for education, for hospitals, and for food.

Their diplomacy is not relevant to a suffering world.

Rather, what the world looks for is a diplomacy that envisages a decent life for all people.

Mr. President, we are at a very important point in our history so far as foreign policy is concerned. Granted the delicate state of negotiations in the Middle East, and, throughout the world, this Nation has to make clear that human suffering will never be a part of any bargain we strike. That fact has always had the world looking to the United States. Let the diplomats of the older nations of the world win their mental battles in closed rooms. Let them play the numbers game with human lives. To us one life is important. That principle has given us strength far beyond our natural resources or numbers. And that, not the lifting of the Arab oil embargo, motivates the submission of this amendment.

Mr. President, I ask unanimous consent that the full text of the amendment be printed at this point in the RECORD. Furthermore, I ask unanimous consent that figures from the Department of Commerce, detailing the nature of trade between the United States and important oil-exporting Arab countries, be printed following the text of the amendment.

There being no objection, the amendment and figures were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 753

At the end of the bill, add the following new section:

SEC. 2. During any period during which a foreign country prohibits the export of crude oil or refined petroleum products from such country to the United States, the President shall prohibit the export from the United States to such foreign country of all articles, materials, and supplies, other than food, medicine, and medical supplies.

TABLE 1.—U.S. TRADE WITH ARAB COUNTRIES, 1970-73

[In millions of dollars]

	1970	1971	1972	January-September 1973
Exports to Arab countries, total	674	788	1,042	1,134
Algeria	62	82	98	109
Bahrain	12	24	27	32
Egypt	77	63	76	190
Iraq	22	32	23	30
Jordan	63	78	65	63
Kuwait	62	84	111	84
Lebanon	64	93	130	115
Libya	108	78	85	84
Saudi Arabia	141	164	314	306
Syria	11	23	20	17
United Arab Emirates	49	66	69	76
Oman			7	6
Qatar			14	14
Yemen Arab Republic			2	7
Yemen (Aden)	2	1	1	1
Imports from Arab countries, total	204	355	573	813
Algeria	10	20	104	151
Bahrain	8	16	20	8
Egypt	23	19	17	20
Iraq	3	9	10	8
Jordan	(1)	(1)	(1)	(1)
Kuwait	25	36	49	48
Lebanon	13	13	21	26
Libya	39	51	116	152
Saudi Arabia	20	99	194	316
Syria	2	2	3	5
United Arab Emirates	61	87	27	57
Oman			3	12
Qatar			6	6
Yemen Arab Republic			(1)	(1)
Yemen (Aden)	(1)	3	3	4

[1] Less than $500,000.

TABLE 2.—U.S. IMPORTS OF PETROLEUM FROM ARAB COUNTRIES, 1972-73

	Crude and partly refined petroleum		Residual and distillate fuel oils		Jet fuel, gasoline, and other products		Total petroleum	
	1972	January-August 1973	1972	January-August 1973	1972	January-August 1973	1972	January-August 1973
	(Quantity in millions of barrels)							
Total from world	989	901	583	490	[1]69	[1]61	1,641	1,451
Total from Arab countries	187	207	9	15	4	2	200	224
Saudi Arabia	75	91	5	5	(2)	1	80	97
Algeria	34	36	2	5	(2)	(2)	36	41
Libya	38	37	(2)	2	(2)	(2)	38	38
United Arab Emirates	12	20	(2)	(2)	(2)	(2)	12	20
Kuwait	18	12	(2)	2	(2)	(2)	19	15
Oman	1	4	(2)	(2)	(2)	(2)	1	4
Egypt	4	4	(2)	(2)	(2)	(2)	4	4
Bahrain	1	(2)	2	1	2	(2)	5	2
Iraq	2	1	(2)	(2)	(2)	(2)	2	1
Qatar	2	1	(2)	(2)	(2)	(2)	2	1
Yemen (Aden)	(2)	(2)	(2)	(2)	1	1	1	1

	Crude and partly refined petroleum		Residual and distillate fuel oils		Jet fuel, gasoline, and other products		Total petroleum	
	1972	January–August 1973	1972	January–August 1973	1972	January–August 1973	1972	January–August 1973
	(Value in millions of dollars)							
Total from world	2,607	2,657	1,410	1,375	282	299	4,299	4,331
Total from Arab countries	475	570	23	44	14	8	512	622
Saudi Arabia	173	232	12	13	1	3	186	248
Algeria	97	109	4	15	(3)	(4)	101	124
Libya	114	115	(3)	6	(2)	(3)	114	121
United Arab Emirates	26	53	(3)	(3)	(2)	(4)	26	53
Kuwait	43	32	1	7	1	1	45	40
Oman	2	11	(3)	(3)	(3)	(4)	2	11
Egypt	7	10	(3)	(3)	(2)	(4)	7	10
Bahrain	3	1	6	3	10	2	19	6
Iraq	5	5	(3)	(3)	(3)	(3)	5	5
Qatar	5	2	(3)	(3)	(3)	(3)	5	2
Yemen (Aden)	(3)	(3)	(3)	(3)	2	2	2	2

[1] Excludes small quantities of by-products.
[2] Less than 500 barrels.
[3] None.
[4] Less than $500,000.

Note: Figures may not add because of rounding.

DETAILED ANALYSIS OF 5 LEADING ARAB OIL EXPORTING COUNTRIES (EXPORTING TO THE UNITED STATES)

U.S. EXPORTS TO SAUDI ARABIA BY MAJOR COMMODITIES 1972–73

[Millions of dollars]

	1972	January–August, 1973
Exports, total	314.2	271.5
Rice	16.3	11.2
Wheat flour	9.1	5.7
Cigarettes	10.6	7.8
Lubricating oils and greases	4.6	2.3
Prepared paints	1.6	1.4
Medicinal and pharmaceutical preparations	2.9	2.5
Detergents	1.4	.7
Iron and steel tubes, pipes, and fittings	4.5	6.0
Iron and steel finished structures and parts	1.4	3.7
Steam engines, turbines, and parts	1.2	1.1
Commercial aircraft engines	2.1	1.3
Internal combustion engines, except aircraft; parts	5.3	5.0
Gas turbines and parts	18.0	13.2
Tractors and parts	6.4	3.8
Construction and mining machinery	23.9	23.3
Mineral-working and glass-working machinery and parts	1.3	.7
Air-conditioning and refrigerating equipment	7.5	9.0
Pumps, compressors, and centrifuges	10.7	12.8
Mechanical handling equipment	4.5	3.6
Oil and gas field equipment	2.2	3.2
Metal foundry molding boxes	5.6	4.5
Power machinery and switchgear	10.6	6.3
Equipment for distributing electricity	2.5	2.7
Telecommunications equipment	2.9	1.6
Electrical household equipment	3.0	4.1
Other machinery	10.5	10.8
Passenger cars	3.8	6.9
Trucks and special purpose vehicles	22.7	21.3
Motor vehicle and tractor parts	9.5	7.0
Civilian aircraft	23.0	7.5
Aircraft parts	14.6	5.7
Scientific, measuring, and controlling instruments	3.9	3.9
Special category exports	18.4	24.5
Other exports; re-exports	47.7	46.4

U.S. EXPORTS TO ALGERIA BY MAJOR COMMODITIES, 1972–73

Exports, total	97.7	93.6
Wheat	30.5	24.6
Vegetables, dried	2.6	None
Cotton, raw	2.4	.7
Tallow, inedible	4.1	4.0
Fertilizers, manufactured	1.3	6.8
Commercial aircraft engines	1.2	.3
Tractors and parts	5.9	3.0
Electronic computers	1.6	.4
Construction and mining machinery	10.1	6.3
Pumps, compressors, and centrifuges	.7	3.3
Mechanical handling equipment	2.2	4.4
Railway vehicles and parts	.1	8.4
Trucks and special purpose vehicles	6.5	5.0
Commercial aircraft	10.9	6.9
Aircraft parts	2.8	1.1
Special category exports	.1	.2
Other exports; reexports	14.7	18.2

U.S. EXPORTS TO LIBYA BY MAJOR COMMODITIES, 1972–73

Exports, total	85.1	76.6
Rice	1.1	.6
Tobacco, unmanufactured	1.1	2.7
Medicinal and pharmaceutical products	1.1	1.0
Iron and steel tubes and pipe	3.2	2.5
Tractors and parts	4.4	1.5
Construction and mining machinery	4.8	6.0
Air-conditioning and refrigerating equipment	1.5	1.1
Pumps, compressors, and centrifuges	21.5	8.4
Power machinery and switchgear	2.6	7.3
Telecommunications apparatus	3.0	5.7
Other machinery	11.8	19.3
Trucks and special purpose vehicles	1.5	2.7
Motor vehicle parts	2.4	.4
Aircraft parts	5.9	2.1
Clothing	2.0	.9
Scientific, measuring, and controlling instruments	2.1	2.2
Special category exports	1.4	.1
Other exports; reexports	13.7	12.1

U.S. EXPORTS TO UNITED ARAB EMIRATES BY MAJOR COMMODITIES, 1972–73

Exports, total	69.2	62.6
Cigarettes	2.3	3.0
Iron and steel tubes and pipes	3.2	3.7
Structures and parts, steel	2.2	1.5
Internal combustion engines, except aircraft; parts	1.4	1.3
Tractors and parts	1.6	.5
Construction, excavating, and maintenance equipment	1.5	1.7
Mining and well-drilling machines	13.6	12.1
Air-conditioning and refrigerating equipment	2.8	4.0
Heating and temperature change equipment	1.4	.4
Pumps, compressors, and centrifuges	5.5	4.0
Materials handling equipment	2.1	1.6
Oil and gas field equipment	1.0	1.5
Pipe valves and parts	2.6	.9
Trucks and special purpose vehicles	3.6	2.8
Ships and boats, nonmilitary	1.4	3.1
Scientific, measuring, and controlling instruments	1.8	1.1
Special category exports	None	.1
Other exports; re exports	21.2	19.3

U.S. EXPORTS TO KUWAIT BY MAJOR COMMODITIES, 1972–73

Exports, total	111.3	76.3
Cigarettes	8.4	7.7
Internal combustion engines, except aircraft; parts	2.3	1.9
Construction and mining equipment and machines	2.6	2.8
Air-conditioning and refrigerating equipment	9.0	10.0
Pumps, compressors, and centrifuges	3.4	1.5
Materials handling equipment	1.4	1.1
Electric household equipment	3.1	1.8
Passenger cars	15.5	12.6
Trucks and special purpose vehicles	5.6	4.5
Motor vehicle parts	4.0	3.5
Civilian aircraft	19.6	None
Aircraft parts	1.2	.8
Clothing	1.8	1.5
Pens and pencils	1.3	1.2
"Special category" exports	(1)	.1
Other exports; reexports	32.1	25.3

[1] Less than $50,000.

EMERGENCY DAYLIGHT SAVING TIME ENERGY CONSERVATION ACT OF 1973—AMENDMENT

AMENDMENT NO. 754

(Ordered to be printed and to lie on the table.)

Mr. BAYH submitted an amendment intended to be proposed by him to the bill (S. 2702) to provide that daylight saving time shall be observed on a year-round basis.

NOTICE OF HEARING ON THE CONVEYANCE OF CERTAIN LANDS IN MONTANA

Mr. JACKSON. Mr. President, I wish to announce hearings by the Public Lands Subcommittee of the Interior and Insular Affairs Committee on S. 237, a bill to authorize the Secretary of the Interior to convey certain lands to August Sobotka and Joseph J. Tomalino of Inntake, Mont.

The hearing will be held on December 7 at 9:30 a.m. in room 3110, Dirksen Senate Office Building. Those who wish to testify or submit a statement for inclusion in the hearing record should contact Steven P. Quarles at 5-2656.

ADDITIONAL STATEMENTS

A TRIBUTE TO CARE

Mr. HUMPHREY. Mr. President, for many years a mainstay of our foreign assistance efforts overseas has been the activities of American voluntary agencies. One such agency is the Cooperative for American Relief Everywhere, better known as CARE, which has been involved in foreign assistance work for 28 years. In a recent letter to the CARE board of directors, Mr. Frank Goffio, the executive director of CARE, describes the continuing good work done by this excellent organization.

Mr. Goffio notes that, despite the continued pressures of inflation, CARE was still able to obtain over $14 million in donations for its overseas activities. I certainly feel that this is indicative of the fact that the American people and many of their friends in other countries who also contributed to CARE still retain their spirit of generosity and willingness to help others throughout the world.

Mr. Goffio also notes in his letter to

the board that CARE was forced to curtail many of its feeding activities throughout the world as a result of a decrease in the availability of food commodities under title II of Public Law 480, better known as the food for peace program.

Mr. President, it is unfortunate that the very worthwhile activities of agencies such as CARE have to be curtailed because our Government is unable to make relatively small amounts of food available for humanitarian purposes. The jeopardy in which such food assistance programs are now placed is a serious part of our continuing concern for the entire world food situation. It is also a matter which deserves full discussion at the World Food Congress proposed by Secretary Kissinger.

In this context, the CARE board of directors adopted a resolution last month which suggests that voluntary agencies attend such a conference and have a full voice in the planning and implementing of national and international food policies. I wholeheartedly support this suggestion.

Therefore, as a tribute to this organization which assisted more than 33 million people around the world last year, and in support of its policies and objectives, I request unanimous consent that Mr. Goffio's letter and the resolution adopted by the CARE board of directors be printed in the Record.

There being no objection, the letter and resolution were ordered to be printed in the Record, as follows:

To The Board of Directors

During the past year, increasing inflationary pressures at home have focused attention on domestic problems. It would not be surprising, therefore, if public support were diminished for private organizations engaged in the task of international assistance. Yet, the donors who make CARE possible unmistakably reaffirmed their commitment to helping less fortunate world neighbors in nations whose resources are far less than our own.

The fact is reflected in the figures for the fiscal year that ended June 30, 1973. Public contributions, primarily from the American and Canadian people—but with substantial funds from other nationals—totaled $14,165,680, or $65,428 more than the previous 12 months. While the rise is comparatively small in terms of the increased calls for help and the inflationary costs with which CARE itself has had to cope, it is an eloquent testimonial to the enduring strength of our humanitarian traditions.

By its shared-cost, self-help policy of combining support from all possible sources, CARE enlisted host government contributions and U.S. grants of agricultural commodities or special-project funds, for an over-all aid total of $91,583,236 worth of supplies and services. Thus, every dollar given by the public was multiplied almost 6½ times. The actual amount of contributions used in support of overseas programs is shown in the financial Statement of Operations, and includes an overlap of contributions received and goods shipped in the previous year.

Behind the financial statistics are people—the more than 33,000,000 who were helped, as outlined in the "Highlights" summary. Most important is the way CARE's aid was extended: not as a hand-out, but as a helping hand to bring the needy the health, skills, facilities and know-how to be self-sufficient.

The cornerstone of this endeavor is CARE's requirement that participating nations and recipients donate funds or services to the best of their abilities. It started with the massive child-feedings that began in 1954, when Public Law 480 made U.S. farm commodities available for humanitarian programs overseas, and was later transferred to self-help partnership development agreements that benefit entire communities in the emerging nations now served by CARE. These partnerships span such fields as education, food production, water sources, nutrition education, family planning, rural electrification, roads, low-cost housing.

This year alone, 24 new development pacts were signed whereby host governments in 14 countries pledged over 30% of construction project costs. To this, community groups will add their labor and whatever they can in local materials. Their input is not counted in the financial records, but it means CARE's donor expenditures will be less than half the cost of the completed projects.

Two new CARE operations began in this period: in Cambodia, where help is going to far refugees, and Niger, one of the nations hardest hit by the African drought. In both countries, survival supplies must come first, but rehabilitation and development aid will start as soon as conditions permit.

A new MEDICO post was also staffed, to expand the medical services essential to building healthy, productive people. The site is Jordan: an administrative and nursing team organized the opening of the Amman Civil Hospital and is training counterparts for ultimate take-over.

In addition to ongoing programs, in 10 countries CARE provided emergency help for victims of disasters ranging from floods in the Philippines to drought in India and Honduras, and the earthquake in Nicaragua last December. At this writing, the effects of natural disasters in a score of countries, capped by the recent devastating floods in Pakistan, have necessitated a special emergency fund appeal.

While CARE will always be ready to answer disaster calls, our main thrust is and must be centered on development projects. Virtually all these efforts are in rural areas, where poverty is most extreme and where progress must take root to lay a firm foundation for national development and economic growth.

Such programs require a far greater degree of advance planning and budgeting than were needed in the days when CARE delivered packages of food and other standard supplies. To meet this challenge, we have taken steps to recruit top-level leaders in the United States and Canada to serve on volunteer Resource Development Boards, which will seek particularly to broaden the base of support from large contributors, foundations and business corporations.

We are exploring, too, the possibilities of establishing regular channels for multinational support. West Germany is an outstanding example: Final results of a national "Thanks to CARE" drive conducted in appreciation of the postwar help sent to the German people brought total contributions to $420,000.

In recent months, the problems of assuring continuous support were compounded by shortages in the U.S. Food for Peace commodities that are the mainstay of our food aid. I am now able to report we have received allocations that will maintain most of our crucial child-nutrition programs, and we are hopeful the situation will improve further with the prospects for increased U.S. crops. Meanwhile, we have directed our overseas staffs to develop all feasible community projects to grow more local foods for school and preschool programs.

Despite the problems, we complete our 27th year of service with confidence the many old friends of CARE, joined by new supporters, will continue to make possible new records of accomplishments. A few months ago, a young postgraduate student about to leave for Kenya as a volunteer CARE intern, was asked her motivation. She said: "If you help one human being anywhere, you help mankind everywhere." This is the spirit that keeps CARE in being, to help needy people build a better life for themselves, in a world that will be better for all of us.

Deputy Executive Directors Fred W. Devine and Louis Samia join me in thanking the Board of Directors for its unfailing guidance and support. We add our appreciation to the hundreds of volunteers who serve on committees and medical missions; to the broadcast and print media that donate advertising time and space; to each staff member in this country, Canada and abroad, whose day-to-day work is indispensable to the achievement of CARE's goals.

Frank L. Goffio,
Executive Director.

Resolution Adopted by the Care Board of Directors, October 24, 1973

Whereas the American and Canadian people for 28 years have used CARE, Inc. as an effective vehicle for the feeding of hungry and needy people around the world; and

Whereas there exists today a world-wide shortage of food commodities that places the lives of 400,000,000 men, women and children in developing countries in jeopardy, with mass starvation drawing closer for millions in Asia, Africa, the Middle East and Latin America; and

Whereas the lack of normal food supplies has been deepened by drought and floods in country after country in these areas; and

Whereas Senator Hubert H. Humphrey has proposed certain changes in the foreign aid legislation of the United States which will serve to place a higher priority on food assistance as representative of our highest humanitarian ideals; and

Whereas Secretary of State Henry A. Kissinger has proposed a World Food Congress to be held in 1974 under the auspices of the Food and Agriculture Organization of the United Nations,

Be it resolved that the Board of Directors of CARE, Inc. wholeheartedly commends Senator Humphrey and Secretary Kissinger for exercising leadership in these important matters; and

Be it further resolved that inasmuch as voluntary agencies in international service have a vitally important role to play in planning and implementing national and international food policy that such agencies should be expected to take an active part in such World Food Congress, and

Be it further resolved that copies of this resolution be transmitted to Secretary Kissinger, Senator Humphrey, all other members of Congress and the Food and Agriculture Organization of the United Nations.

GREEN MOUNTAIN CHAPTER PRESENTS ANNUAL ROTC AWARDS

Mr. STAFFORD. Mr. President, on behalf of the Green Mountain Chapter of the Retired Officers Association, I am very pleased to print in the RECORD, and ask unanimous consent to do so, the following information in connection with the ninth annual presentation of the General Douglas MacArthur Medals to outstanding students enrolled in the ROTC Programs in Maine, New Hampshire, Vermont and Northeastern New York.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GREEN MOUNTAIN CHAPTER PRESENTS ANNUAL ROTC AWARDS

For the ninth successive year the Green Mountain Chapter has presented General Douglas MacArthur Medals to outstanding students enrolled in an ROTC program at a college or university in the chapter area (Maine, New Hampshire, Vermont and northeastern New York). Col. Edward A. Ryan, USA-Ret., chairman of the chapter awards committee, coordinated the medals program which involved ten ROTC units at eight different schools: Bowdoin College at Brunswick, Maine; Colby College at Waterville, Maine; the University of Maine at Orono; the University of New Hampshire at Durham; Middlebury College at Middlebury, Vt.; Norwich University at Northfield, Vt.; St. Michael's College at Winooski, Vt.; and the University of Vermont at Burlington.

The chapter's underlying purpose in sponsoring the awards is to foster the development of leadership abilities within the U.S. armed forces. The medals, each of which is accompanied by an inscribed certificate, are given in recognition of academic, military and leadership excellence.

The General Douglas MacArthur Medals Program was established in 1965 in memory of the famed five-star general who had become an honorary member of the chapter at a ceremony in New York City in 1962. At that time he was cited as "one of the greatest military leaders of all history . . . (whose) superlative strategy during World War II and the Korean conflict saved this nation and the free world many thousands of lives . . ."

In 1964 Mrs. MacArthur gave her permission for the chapter to name the medal in honor of her husband, and the following year the first medal cast was presented to her. That medal is now on display in the MacArthur Museum in Norfolk, Va. Another is exhibited in the Military Academy Museum at West Point.

Over the years since the first presentation the General Douglas MacArthur Medal has been one of the most respected and coveted awards at annual ROTC ceremonies in the area. In the words of LCol Francis W. Marr, USA, commanding officer of the ROTC unit at Middlebury College, ". . . the medal is important to ROTC programs as it serves a vital need for recognition of those individuals who have given of themselves to the program to a greater degree than other cadets. The medal is a visible symbol of the effort expended and the self-sacrifice incurred by the recipient of the Green Mountain Chapter's MacArthur Medal.

"The award and public recognition of outstanding cadets," LCol Marr continued, "serve as a means to enhance emulation by other cadets. When recognition for exceptional performance is visible, cadets strive to attain the higher standards displayed by the medal recipient. Support by organizations, such as The Retired Officers Association, other than active military agencies gives the cadets a greater perspective and appreciation of the unity of effort by all organizations and agencies for national defense . . ."

The General Douglas MacArthur Medals Program has been handsomely endowed by chapter members. In 1967 the chapter established a separate trust fund to perpetuate the program. Interest from the fund, whose current value is in excess of $5,000, fully covers program costs.

The Green Mountain Chapter has extended invitations to two other schools having ROTC units, Maine Maritime Academy at Castine and Clarkson College of Technology at Potsdam, N.Y., to participate in the awards program in the future.

From time to time the Green Mountain Chapter has received inquiries concerning the possibility of use of the General Douglas MacArthur Medal by other TROA chapters. Recently the chapter's Board of Directors, after considering the matter carefully, reached a decision that because of the specific grant by Mrs. MacArthur the award should remain distinctive to the Green Mountain Chapter.

SIMILAR PROGRAMS

Other chapters which would like to develop a similar medals program are of course free to do so. So as to hold down the cost for individual chapters, the National Association is exploring the feasibility of designing and procuring a standard TROA ROTC medal. What is envisioned is that any interested TROA chapter could buy the medal at very modest cost and have the reverse side engraved with the name of the chapter and the name of the recipient or whatever else it might desire. Any comments or suggestions regarding this proposal would be welcomed. Further information will be provided in this column as soon as a decision is made to proceed or not to proceed with the project.

GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, two of the principal objections raised against the Genocide Convention are that it would be self-executing and that it might infringe upon the first amendment guarantee of free speech and press. In a 1970 report of the American Bar Association's Standing Committee on World Order Through Law, both of these objections are completely dismissed.

With regard to the self-executing argument, the standing committee ably points out that this convention itself requires the participating nations to enact enabling legislation. Under our Constitution, no treaty could support criminal approval and action.

In the area of first amendment guarantees of free speech, in spite of the fact that the convention makes incitement to commit genocide a crime, it must be remembered that only Congress can make a crime punishable under U.S. law. Moreover, there is an important distinction between advocacy, which is protected by the first amendment, and incitement, which is not so protected.

In the words of the standing committee's report:

Another objection to the ratification asserted is that the treaty would be self-executing. The result, it is claimed, would be to impose a law upon the citizens of this country without the Congress having enacted any implementing legislation. Article I does designate Genocide as "a crime under international law." But Article V requires the parties "to enact, in accordance with their . . . Convention and . . . to provide effective penalties . . ." Could anything be clearer?

Even in the absence of the requirement of Article V, a treaty cannot support a criminal prosecution in the absence of Congressional action.

Because Article III makes "direct and public incitement to commit Genocide" a crime, it is claimed the treaty would constitute an infringement of first Amendment Constitutional Guarantees of free speech and press. It should be noted again that the convention is not self-executing and does not make any act punishable under U.S. law. Only Congress can do this.

Mr. President, I urge the Senate of the United States to give this treaty its most conscientious attention that it may be considered in the next session of Congress.

FUEL SHORTAGES THREATEN WORLD FOOD SUPPLY

Mr. HUMPHERY. Mr. President, this morning's Wall Street Journal—November 30—carries an excellent analysis of the critical relationship between a scarcity of fuel and an adequate supply of food throughout the world.

In my statement before the Senate on November 21, I noted that we are faced with twin crises—the energy crisis and the food crisis. This morning's Journal confirms a major concern I expressed at that time and a week earlier at the world soy conference in Munich Germany; that is, the relationship of a shortage of oil to our ability to continue food shipments throughout the world.

The Journal article notes that a growing shortage of bunker fuel is causing shipping delays, cancellations, increasing reductions in available cargo space, and corresponding increases in freight costs. Of vital importance is the fact that overseas shortages of bunker fuel are causing many shippers to leave the United States with as much fuel as possible for a round trip, thus drawing more heavily on limited U.S. supplies.

Mr. President, this situation, which is so clearly presented by the Wall Street Journal, is exactly what I have been concerned about for so long. Not only can it deprive those developing countries which are dependent upon our food donations and concessional sales, but also, it may do serious damage to our export markets and domestic farm economy. This fact was noted by a USDA official quoted in the Journal article, who expressed concern about the effects of an inability to export on U.S. production incentives.

Mr. President, as I have said before, and will say again, the time for action on food and energy matters is now. A rational system of world food reserves, supported by sensible energy policies, is urgently required, as this morning's Journal article certainly demonstrates.

I, therefore, ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FUEL SHORTAGE SEEN THREATENING MOVEMENT BY SEA OF GRAINS AND OTHER COMMODITIES

Fuel shortages threaten to slow down the production increases for next year will be international movement by sea of grains and other commodities.
believe it will, all this talk of (farm)

Apparently, no ships are lying idle for lack of fuel (called bunker fuel). But several "If the crisis worsense, and I have reasons to "If the crisis worsens, and I have reasons to shipping lines are beginning to operate their ships at slower speeds to conserve oil and maritime sources say that if fuel shortages last long enough the global trade in much-needed raw materials, not to mention finished goods, could slow drastically.

Citing what she sees as a "critical shortage" of bunker fuel, Helen Delich Bentley, chairman of the Federal Maritime Commission predicts that all sea shipments, including grain movements, will drop "20%, at least, perhaps even more," although she hasn't said by when.

Because of this, Mrs. Bentley called in representatives of domestic shipping lines for a meeting Wednesday and representatives of foreign lines on Thursday to work out a plan for "rationalizing" shipments—that is, cutting down the number of ships leaving ports, slowing speeds and making sure all ships are loaded to capacity. She is asking for a voluntary agreement among shippers now, but she notes that when the energy legislation is passed she will have authority for mandatory rules.

Shipping-industry sources say all types of freight would be affected similarly by any slowdown. But because world stocks of grain and other foods are unusually low, any disruption of agricultural-product shipments would be especially serious. Much the same is true of some metals and minerals that are in great demand and short supply

Mrs. Bentley is asking shipping lines to work out a priority system. Shipments of oil to the U.S. would rank first, she says, and "agriculture shipments (from U.S.) would be high up there."

NO MARKET, NO PLANTING

Some experts fear that the prospect of shipping slowdowns could undermine chances of rebuilding world food supplies.

"If the crisis worsens, and I have reasons to believe it will, all this talk of (farm) production increases for next year will be pointless," says Laurel C. Meade, head of the U.S. Agriculture Department's General Marketing Service. Farmers will plant more if they are assured of getting top dollar, he says, and that means a strong export market. "Farmers have got to know they will have that foreign market; otherwise they will hold off increasing plantings."

For the present, commodity futures markets seem to be taking a much shorter-range view of the possible shipping problems. Prices of most commodity futures closed sharply lower on Monday when slowdown rumors circulated widely. But by Wednesday futures prices of grains, soybeans and soybean products were climbing sharply because of renewed export demand and news that Arab countries had exempted Japan—a major U.S. farm customer—from the next scheduled round of cuts in petroleum shipments.

"The market's short-term concerns have been largely over transportation—both overseas shipping and domestic trucking," says Frederick G. Uhlmann, chairman of the Chicago Board of Trade. "Then (the energy crisis) becomes a basic threat against the production of sufficient (food) supplies for next year. So you can argue a strong case for market prices moving either up or down as a result of energy shortages."

So far, instances of ships idled or delayed because of fuel shortages are few and far between. A Midwest grain miller says an export order to Norway was cancelled recently, apparently because the Norwegian freighter couldn't get enough fuel for a quick trip to Chicago before the Great Lakes freeze. And a tanker operated by Gotaas-Larsen Shipping Corp., a New York-based subsidiary of IU International Corp., Philadelphia, was delayed a day in its departure from the Persian Gulf because fuel was unavailable.

VAGUE EVIDENCE

Otherwise, evidence of a shipping slowdown is as yet vague and tentative. Cook Industries Inc., a Memphis-based exporter, says about 30 of its 150 barges are backed up at the mouth of the Mississippi River awaiting ships that are slow to arrive.

"It's hard to trace it to the fuel shortage, though," a Cook spokesman says, "because this backlog situation has prevailed since mid-September, before the fuel problem was really getting talked about. But right now there are lots of waiting barges—ours and other people's—and no ships coming in. We don't know what happened, and this fuel problem just adds to the uncertainty." (Port officials in New Orleans, Houston and Corpus Christi say they know of no ships that have been idled or delayed because of bunker-fuel shortages.)

Another major exporter says that by this time in November it normally would have lined up all the ships it needs during the first half of December to move grain from the Gulf of Mexico to the Far East. But it hasn't been able to confirm even one ship because the lines offering the vessels "can't guarantee" they'll have the fuel to move the cargo, a spokesman says.

GOVERNMENT ORDER SOUGHT

By contrast, the export firm says it hasn't any trouble lining up ships for movements to Europe. That's because there are many port sources a ship can turn to for fuel replenishing—Spain, West Africa and even Algeria. But ocean carriers that go to the Far East can become stranded, the firm says. The firm's overseas intelligence sources report that Singapore was "out of fuel last week" despite a huge refinery there, and the spokesman claims that 50 to 60 ships are waiting for bunker fuel in Japan.

In Tokyo, the Japanese shipowners association said late last week that no Japanese ships had yet been denied refueling in Japan but said that some ships might have to be anchored beginning next month. The trade group has asked the government to order oil refiners to provide more bunker fuel for ships; without such direction, the shipowners assert, refiners would rather concentrate on more-profitable fuels, such as gasoline.

Japan, which must import most of its raw materials and food, is feeling the effects of the bunker-fuel pinch perhaps more than any other nation. Masayoshi Furuhata, an official in Mitsui and Co.'s corporate-planning division, says that the giant trading firm and other cargoship users are having an increasingly difficult time moving supplies to Japan. Mr. Furuhata says that movement of agricultural items, including feed grains, and movement of iron and coal to steel mills are being slowed. He says that some steel mills are operating with less than one month's inventory because of the shipping problems.

Despite the one-month reprieve on petroleum supplies granted by the Arabs, Japanese officials are concerned about maintaining adequate food supplies. "We have begun to worry a great deal about the shipment of wheat, soybeans and feed grains in the last two or three days," says Yoshihara Yamada, an official of the ministry of agriculture and forestry. Mr. Yamada says the ministry has asked all major Japanese trading companies to file reports on the grain situation, but results won't be known for a few days.

One problem that Japan and other Far Eastern countries face is that they now must rely increasingly on their own shipping capabilities to keep supplies flowing. One New York export firm recently changed its offerings of grain to the Far East to strictly a "free-on-board" basis (buyer assumes the responsibility for getting the cargo moved) from a "cost-and-freight" basis (seller responsible for transportation.)

DISPROPORTIONATE SAVINGS

Many shipowners in Japan and elsewhere around the world are slowing their vessels to conserve bunker fuel. For instance, P and O Lines, a major shipping concern in Great Britain, has ordered its 80 ships to cut their speed from a usual 18 knots to about 16½ knots where practical. The fuel savings are much greater proportionately than the speed reduction, a P and O spokesman says, adding that the company is aiming for a 10% to 15% savings.

Slowing down the ships reduces their effective capacity. "Everybody's ships are running pretty full now, so there's no excess capacity," says the P and O spokesman. As a result, "the accumulated delays will mean stuff starts piling up on the docks, (and) longer and longer delays in imports and exports." But only if fuel shortages last for a long time does he think shipping gradually will become tied up around the world.

Overseas Containers Ltd. is also cutting the speed of most of its ships. On the run from Europe to the Far East, for example, 17 ships operated by the company and associated firms are steaming at 23 knots instead of 25. This will cut capacity, "but we reckon it's preferable to do this in the present situation," an Overseas executive says.

One ironic prospect of the bunker-fuel shortage is that Egypt may particularly suffer as a result of any shipping cutbacks. A British shipping official who declined to be identified noted that Australia might have trouble filling its contract to deliver one million tons of wheat to Egypt in 1974 if major shortages of bunker fuel occur.

Meanwhile, Gulf Coasts ports say they're concerned their operations could be hampered by energy cutbacks. For instance, Edward S. Reed, director of the Port of New Orleans, says he is concerned about the availability of natural gas to dry damp grain when it arrives for shipment overseas.

"That could become extremely critical," he says.

ENERGY AND PRICE CONTROLS

Mr. BARTLETT. Mr. President, I request unanimous consent to print in the RECORD at the end of my remarks an article entitled "The Energy Crisis in Perspective."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BARTLETT. Mr. President, much of what Dr. Gramm has to say makes good sense to me and I think his remarks will make good sense to anyone who takes the time to read them.

Government controls which have prevented the free market from "doing its thing" have caused this energy shortage. I echo Dr. Gramm's suggestion that all price controls be eliminated. For those of us who are concerned about the impact of an additional economic burden on those of more modest means, I think legislation that would decontrol prices could be written in a way that would protect those people—by providing an allowance to those of modest means for any burdensome increases in the price of natural gas, fuel oil, gasoline, or other source of energy.

Only yesterday on this floor, I pointed out the vital relationship between steel and energy—they are mutually dependent. Price controls are the culprit.

Mr. President, Dr. Gramm's well stated position on this matter deserves the attention of the people of the United States and I ask that the Wall Street Journal article be inserted into the RECORD at this point.

Exhibit 1

The Energy Crisis in Perspective

(By W. Philip Gramm)

Much of the prevailing rhetoric on the "energy crisis" expresses this kind of logic: Since there is just so much oil, coal, natural gas and other energy sources, sooner or later we are going to run out. We must, therefore, begin to ration these resources not only to meet the current crisis but to conserve energy in our time and move the day of reckoning further into the future. Americans have been "energy pigs," according to Stewart Udall, and have been operating on the misguided asumption that there is no limit to the quantity of energy. Since we are at the end of the era of cheap fuel and dealing with a problem without precedent, strong and previously unacceptable policies are called for: government regulation of the production and distribution of energy.

Ignored is the fact that mankind has frequently experienced instances of increasing scarcity, and by ingenuity and free action has solved all of them. In fact, we are currently experiencing the *second* major energy crisis in American history.

From the colonization period until the Civil War the major source of artificial lighting in the U.S. and Europe was whale and sperm oil. Since there were no good substitutes for these oils as sources of light, the world's supply of artificial light depended almost exclusively on the whaling industry. People did not need computers to project that the supply of whales could not keep pace with the rapid expansion in demand.

Sperm oil rose from 43 cents per gallon in 1823 to $2.55 a gallon in 1866. Whale oil rose from a low of 23 cents in 1832 to $1.45 a gallon in 1865. As prices rose, gas distilled from coal became an economically feasible substitute causing whale oil demand to fall off sharply in Europe.

In 1859 sperm oil was over $1.36 a gallon. But that same year, an event which in nine years would end the whale oil crisis forever occurred: petroleum was discovered in Pennsylvania. In the meantime, the demand of the Civil War boomed whale oil prices. Not only was there increased demand, the war disrupted production. Conscription of whaling vessels as freight ships and the capture or destruction of ships by Southern privateers caused a decline of more than 50% in the number of U.S. ships in whaling and a 60% decline in tonnage. By 1866, sperm oil had reached a high of $2.55 a gallon.

The high prices for whale and sperm oil between 1849 and 1867, provided a growing profit incentive to develop an efficient refining process for crude petroleum and induced the investment required for the production of kerosene. Beginning in 1867, kerosene broke the sperm and whale oil market and prices tumbled. By 1896, sperm oil was cheaper than it had been in any recorded period—40 cents a gallon—but whale oil lamps were no more than relics for succeeding generations.

COSTS AND CLEAN AIR

Another step in solving the energy problem is to *inform society of the cost of environmental and ecological programs and allow the people to choose.* If people want the end products of such programs, they will have to pay the cost in higher energy prices. Without adequate information, society will not be able to decide which programs are worth the cost and which are not. If people prefer cleaner air to lower fuel cost they can choose to convert from coal to oil. If they choose lower fuel cost they can burn cheaper and dirtier fuels. Such a system seems preferable to allowing a bureaucrat to decide for them.

To increase supplies we should *open the continental shelf for drilling* but make firms liable for oil spills and other forms of ecological disturbances. Most oil spills are not from drillings but from tankers. By employing the Naval oil reserves, the continental shelf and areas which will become economically feasible at higher prices, output could be greatly expanded.

We should *institute peak-load pricing for electricity in shortage areas.* Brownouts and blackouts occur because in peak use periods overloads occur. By charging more for power in peak use periods, nonessential use would occur in nonpeak load periods when power is cheaper. Under the current system there is no incentive to spread out power use. Peak load pricing could minimize overloads in the current system and allow time for supply sources to catch up to peak load demand.

In a free market, when the price of a good starts to rise, three simultaneous forces are produced. First, people start to use the good more judiciously, second, producers and consumers who use the product begin to search for cheaper substitutes, and third, producers of the product attempt to expand output by using and developing technology to meet the demand. It is this process which has always forestalled doom. We will run out of energy *only* if we prevent the free market from working. Herein lies the real danger of the "energy crisis."

Dr. Gramm is professor of economics at Texas A&M University and a consultant to Canada's Ministry of Natural Resources. An editorial related to this subject appears today.

TWO VITAL FUNCTIONS

Aside from providing an incentive for the development of petroleum products rising whale and sperm oil prices performed two other vital functions. Rising prices caused consumers to act out of their own self-interest or economize the use of oil. Rising prices gave an inducement for producers to increase output of whale and sperm oil through increases in investment, improvements in technology, and increased labor input. The rise in prices from 1820–1847 induced a rise in the tonnage of whaling vessels of almost 600% and produced numerous technological improvements in the whaling industry. It appears that rising prices caused output to increase perhaps by 1,000% or more. Had government possessed the power and volition to ration whale and sperm oil to hold its prices down or to levy a tax on oil to reap the gains from the price rise, the shortages would have been catastrophic and the advent of kerosene and other petroleum products might have been delayed for decades.

The whale oil crisis is a case study of how the free-market system solves a scarcity problem. The end product of this process of discovery and innovation is the Petroleum Age in which we live. We owe the benefits and comforts of the present era to free enterprise and the scarity of whales.

The history of our first "energy crisis" demonstrates that there is no reason to believe that we face long-term doom. If technology were suddenly frozen, some of the dire projections being made now might be realized in several hundred years or less, depending on which "expert of the week" one believes. But technology is not frozen. It is instead progressing at a rate unprecedented in history. The Petroleum Age will pass as did the Stone Age (and the Whale Oil Era). The real danger is that we may foolishly restrict the exploitation of current energy sources and allow them to become valueless. Only if we eliminate the market incentives for innovation and investment will we face a real, long-term "energy crisis."

Though there is no long-term "energy crisis" there is a short-term problem. Economic science teaches that shortages cannot exist in free markets. In free markets prices rise in order to eliminate shortages. "Crisis" as opposed to simple scarcity, results from market disruptions; and the *only* sector of society which possesses the power to disrupt a large market is the government. Government price ceilings on natural gas at the well-head have been one of the most disruptive public policies. By setting the price of natural gas artificially low, the government has stifled the incentive of producers to increase supplies, while the artificially low price has stimulated demand. Furthermore, since profits are low at these artificially low ceiling prices, investment and exploration have fallen off sharply.

Price controls have also had a detrimental impact on the supply of petroleum products and the construction of refinery capacity, essential to increasing domestic energy supplies. Due to the pressure to keep prices below what the free market would specify, shortages of petroleum products have occurred at both the retail and wholesale levels. Had prices been allowed to rise, the quantity supplied would have expanded to meet the quantity demanded; and each consumer would have had direct incentive to economize on usage. We are only now beginning to realize the distorting impact on the production of inputs essential for fuel production (drilling equipment, tubular steel, etc.) which four phases of price controls have produced.

Environmental legislation and court action also have had a significant impact on the supply and demand for energy. Injunctions against atomic and conventional power plants have prevented the supply of electricity from keeping up with the demand. The injunction against the Alaskan pipeline has impeded the growth of oil supplies. Pollution control devices on automobiles have increased fuel consumption and, thereby, increased the demand for gasoline. Mass conversion from high sulphur to low sulphur fuels in order to comply with EPA regulations to abate pollution has caused a change in the composition of energy demand from plentiful, cheap sources of energy to scarcer, more expensive ones.

The energy crisis has made it clear that pollution abatement has a definite cost to society. Only by understanding the costs involved in various forms of pollution abatement can we choose how much environmental protection is optimal.

The bureaucratic method of looking at the supply and demand for energy products differs substantially from the market-directed approach. The bureaucrat presumes first of all that the supply of the product is absolutely fixed. Price does not matter. A price rise, he argues, will not put more oil in the pipelines—at least not before the next election. People "need a certain amount" of the product, and they will always buy the same quantity regardless of price unless they are too poor to afford it at all. These views are, of course, economic nonsense. In weighing the various courses of action which might be followed in minimizing the cost of dealing with the current energy problem it is useful to make a ball park estimate of the price level that the free market would yield in the shortage period.

ESTIMATING OUTPUT AND DEMAND

Estimates of how much the demand for energy sources would decline in a period less than a year, if prices rose by 1%, range from roughly 0.2% to 1.2%. Estimates of how much the quantity supplied would rise in the same period, if prices rose by 1%, vary from roughly 0.6% to 2%. A reasonably conservative estimate is that a price rise of 1% will provoke a declire in the quantity demanded of 0.5% and a rise in the quantity supplied of 1%.

The practical importance of these estimates is that a 10% shortage in the supply of fuel at current prices would yield a free market rise in price of less than 7%! If we are more pessimistic about the shortage and assume that demand exceeds supply by 20% at the current price, we might expect a price rise of less than 14%.

The above estimates, though conservative, do not take account of the disruption produced by the crisis atmosphere that surrounds this issue. Since the magnitude of the crisis has been blown out of all reasonable proportions and people fear shortages and rationing, hoarding by both the supplier and demanders is a genuine possibility. In the very short run (up to three months) we might expect prices to rise about the long-term market price. After roughly one to three months we should expect the crisis mania to pass and a general dishoarding to occur so that prices would fall to a level below the above estimates. The estimates are of course based on the assumption of unhampered market adjustments. Government attempts to interfere with this market process would tend to shift the estimates upwards.

The first step in solving the energy shortage is to allow the free market system to work. *All price ceilings and government controls should be eliminated*. Such action would greatly stimulate the supply of energy sources and eliminate shortages. Prices would rise but the expansion of output would hold prices to the minimum which current conditions dictate. Furthermore, the free market will insure that energy will be allocated to the highest priority users. Price increases are not pleasant, but they are better than low prices and no energy. If these higher prices work hardships on the less fortunate among us, special provisions, which would be preferable to the distortions and waste of rationing, could be provided for this small minority.

There is an additional advantage of allowing domestic prices to rise. As prices rise in the U.S., the cost to the Arabs of maintaining the restriction on sales to the U.S. will get higher. If we simply allow the market to work, the agreement to restrict sales to the U.S. will break and with it Arab unity will break. The Arabs are playing a dangerous game. If we allow prices to rise we can expect the development of new domestic sources such as oil shale and domestically produced substitutes for petroleum.

FLEXIBLE HOURS EMPLOYMENT ACT

Mr. TUNNEY. Mr. President, on June 19, 1973 I introduced the Flexible Hours Employment Act to expand the availability of part-time jobs in the Federal civil service.

I am pleased to report that I have received a tremendous show of interest and support for this legislation from groups representing civil servants, senior citizens, the handicapped, women, and students. Expressions of support have come from all parts of the Nation.

The Senate Post Office and Civil Service Committee recently held hearings on this bill, S. 2022, and I am hopeful the committee will soon report to the Senate.

One especially interesting source of support comes from an editorial in the Federal Times of October 17, 1973. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Leadership Time

The "flexible hours" Senate bill to improve job opportunities in the federal service by establishing permanent part-time jobs for those unable to work regular "9 to 5" office hours (story on Page 4) is essentially a good bill.

Sponsored by Senator John Tunney, D-Calif,. it would require the government to put 10 percent of the work force on a flexible hours schedule, allowing part-timers to work hours more suitable to their personal lives.

The part of the bill certain to receive the most attention involves the flexible hours scheme for women with young children. It would give them a chance to work part-time, while giving them standard civil service protections and fringe benefits. It seems a sensible way to battle employment discrimination against women with young children and we certainly support the idea behind this part of the bill.

And we most certainly support the flexible hours concept for employees with full career status. This would help employees all down the line, not just those most directly involved.

What happens when a reduction in force takes place is a good example of what we mean. Older employees, though they may be about to retire, are kept on while newer employees at the bottom of the line are lopped off because of the RIF. But if the flexible hours concept were reality, a number of employees nearing retirement might elect to work part-time. They would lose no retirement benefits and the jobs of many less senior employees could be saved.

Senator Tunney explained this part of his bill well:

"Many highly experienced, expensively trained civil servants approaching their final years of government service would choose to stay on in a less than full-time capacity rather than retire early. Similarly, the government would be able to retain the services of other experienced employees who, for other reasons of new family obligations, educational needs, or disabilities, must now withdraw from public service because they can no longer work full-time."

We also think that the United States government should be the leader in such matters.

In this regard, Senator Tunney had a telling point when he said this: "Flexible hours scheduling in public employment is beyond doubt an idea whose time has come. West Germany, France, Finland and Denmark all have national legislation providing flexible hours opportunities in the public service."

And he added this, which is not just grist for a mill: "In 1963 the President's Commission on the Status of Women recommended that the Federal government lead the way by establishing a permanent structure of less than full-time job opportunities in federal agencies." The Civil Service Commission spoke of the same need in its booklet "A Point of View". The Department of Labor has also endorsed the concept.

Tunney suggested that although the bill "may not be perfect, it is clearly a constructive first step toward improving the quality of our working and family lives."

And since the senator has been involved in a $1.50 a day "diet" to prove another point, we are glad to see that his hunger has not kept him off the track in pushing his permanent part-timer flexible-hours bill.

This bill is worthy of support. We trust that, with any kinks ironed neatly out, it will move forward and be enacted.

SMALL-TOWN LIVING

Mr. PERCY. Mr. President, this month's issue of Sphere, the Betty Crocker magazine, is focused on the pleasures of small-town living, and, I am happy to say, the model the editors chose was Dixon, Ill., situated 100 miles west of Chicago.

The magazine includes articles on the local church bazaar, a traditional family Thanksgiving dinner, drying the flowers and foliage that are in abundance in the country, and preserving the antique treasures which frequently can be found in the attics of old homes.

All these things are commonplace in small towns all across our Nation; they are traditions which have been passed from family to family over the years. But, as the introductory article points out, beginning in the 1920's and continuing today, middle America is a place to be from—not a place where many people choose to stay.

As a result of our mass migration to the cities, many of these fine old traditions have been lost on our urban populace. I believe that the current interest in such activities as quilting, canning and antiquing indicate that city dwellers have begun to realize that they are, indeed, missing something—something important to their lives, the ability to give a project a personal, human touch.

It is obvious that the residents of Dixon, Ill., know how to incorporate these time-honored activities into their modern world. I have seen and admired this juxtaposition of the old and the new in small towns all over Illinois. I have seen the satisfaction that comes from having the best of both worlds.

Dixon, Ill., was the home of my grandmother, who was reportedly a real beauty and was known to some as the "Belle of Dixon." I have known for years that Dixon has beauty of its own as a city and I am pleased that Sphere recognizes it too.

I only wish that my colleagues could see the magazine photographs which reflect the beauty of Dixon—the fine old houses, the smiles on the faces of the ladies working together at the church bazaar, the rich bounty of the Thanksgiving table. I am sure it would make them long to return to a simpler, more economical life.

Mr. President, I ask unanimous consent that the introductory article of Sphere magazine be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Legacy of a Small Town

(By Natalie Levy)

Once upon a time, back in the 1920s and '30s, and even into the '40s, middle America was a place to be from. Main Street was a drag. The farmer's daughter and the drugstore cowboy alike shook the dust of tiny rural communities from their shoes soon after high school graduation; they turned their scrubbed, country-fresh faces to the shining towers of Manhattan, Los Angeles, Chicago and beyond.

But things have a way of coming full circle. Two generations after Sinclair Lewis and Sherwood Anderson, Theodore Dreiser and Thomas Wolfe put down the small town, Americans, disenchanted with a big, wide, not-so-wonderful world, are discovering that you *can* go home again—to the good life. And there they are finding other spiritually rejuvenated returnees to fond childhood memories contented people who've never left and refugees from urban sprawl who've never known a small town at all but are thriving on what they find there.

There is a continuity to life in a small town that satisfiies a yearning for meaning and stability. Life doesn't start from scratch, nor is it lived in limbo. It draws vitality from ancestral roots long nurtured in a place where generations mingle instead of suffering "gaps." It's reflected in the spontaneous borrowing of a trinket, a tradition, a memory from the past to illuminate and warm the present and future. It's sentiment beyond price yet without intrinsic value—where an heirloom can as easily be a recipe as a ruby brooch.

Small-town families have time and an instinctive gift for perpetuating treasured symbols to enrich each day. The intangible sense of belonging is made tangible by the contents of cedar chest, attic trunks and family albums, which are cherished not for their age but for their associations and relevance today to those who draw pleasure and strength from them.

What's nostalgia to expatriates is everyday life to small-town residents, and the past is actively a part of the present. A small prairie town is where class reunions, holiday traditions, church bazaars, band concerts in the park, state fairs, 4-H clubs, working on your fathers' land (without pay) and snatches of historical minutiae are warp and woof of the fabric of living.

Dixon, Illinois, a hundred miles west of Chicago, is such a town, midwestern America in microcosm—a place where 4-H coexists with the gourmet club, technology modifies ancestral mores without obliterating their essence and longevity rather than high drama marks the institutions.

Born in the 1830s as part of the nation's westward drive, Dixon was named for a Vermonter who operated an early ferry and tavern beside the lovely Rock River. Nearby, John Deere, another New Englander on the move, invented the special plow that made the surrounding plains a granary for the world.

And Dixon lives proudly but casually under its very own Lincoln legend. Abraham Lincoln passed through Dixon frequently before he became president and was even stationed there in 1832 during the Black Hawk War as captain of the town regiment. Pride in this legend is evident in the statue of youthful Captain Lincoln, commemorating his service. But Lincoln is no sacred cow. If you ask to see the room in the Nachusa Hotel where he is said to have slept, the staff is glad to oblige—as long as no one is sleeping there.

Dixon is a luckier town than many. Though farming dominates the area, no dust bowl ravaged the soil. There's been slow but steady growth. Young people who, a few years ago, were lost to the community after college or military service, now return after sampling the outside world. They hang out shingles as lawyers, doctors, engineers, schoolteachers. Some never sally forth but marry high school sweethearts and settle down to tend the family farm or retail store.

On Dixon's fringes are carefully nurtured 19th-century houses and an increasing number of shiny new ones—with nary a high-rise in sight. Many Greek revival, Gothic and Victorian dwellings are furnished in modern comfort or graced with the fine old pieces or both. The elderly artifacts are not consciously sought antiques but rather the well-built, well-cared-for things that Dixon's pioneers have handed down to their progeny. They reign with integrity among the color TVs, air conditioners and garbage disposals,

When Dixon's lofty trees fell victim to Dutch elm disease, the townsfolk fought back with petunias, whose thickly clustered rosy blossoms welcome visitors from May to the first frost at the outskirts of town and extend for several miles along both sides of main traffic lanes. The petunias have been such a distinctive and overwhelming success, the town celebrates each July 4th with a festival in their honor that features a parade of floats and marching bands, pancake breakfasts, talent shows, pork chop barbecues, obstacle races, a canoe regatta, ice cream socials and other merriment.

For all its cherishing of roots and fundamental values and old-fashioned virtues, Dixon is no ostrich. Ecology, civil rights and instant communications, social consciousness, space exploration and environmental concerns, parking meters, permanent press, pot, rock and the rotary engine have all become part of life in this plains' settlement. Farmers' wives still weed beans alongside the menfolk, but there are deep freezers and micro-wave ovens in their kitchens. Raising crops and livestock are the heart of the community, yet civic leaders seek new and varied light industry. Should the economy falter in one sector, there is other work to take up the slack.

Art shows and concerts, lectures and discussion groups, libraries and little theater performances flourish. Dixon's live culture isn't on the level of London or Paris, but by way of compensation, neither is its traffic, costs or crime. Without challenging Picasso, Stravinsky or T. S. Eliot, certain creative citizens take pleasure in perpetuating, honestly and imaginatively, the homey handcrafts of their forebears.

But as much as a town's quality is a reflection of its people, in spite of its small size, Dixon is large of spirit. The folks of Dixon are doughty, vital and hard-working, unpretentious, energetic and friendly, easygoing and out-going. Perhaps, rarest of all, they appear eminently content with their lot.

PENTAGON MUST DO MORE TO CONSERVE OIL

Mr. PROXMIRE. Mr. President, after carefully examining the facts, I am convinced that the Defense Department is not doing enough to reduce the effect of military petroleum purchases on the domestic economy.

The recent announcement of a 2-month forced allocation of 19.7 million barrels of petroleum represents entirely new inroads on domestic consumption. This new requirement was made official by a Department of the Interior directive to 22 companies to supply the 19.7 million barrels directly to the Defense Department under the authority of the Defense Production Act of 1950.

Previously most of this 328,333 barrels a day had been purchased overseas and used there. Now it must be acquired within the United States where it will have a significant impact on public consumption. There has even been speculation in the Oil and Gas Newsletter that the Defense Department might be trying to recoup from domestic refiners more than its overseas losses.

NEW PURCHASES AGGREVATE SHORTAGES

Although small by daily national demand totals, this forced allocation under the Defense Production Act represents about 10 percent of the daily shortfall nationwide. Thus it will have an impact far greater than normally thought.

The Defense Department has said it is attempting to cut back consumption by 11 percent. But this simply is not enough. It will not even cover the new purchases required due to the closing down of foreign sources. The Defense Department can and should do more to reduce this new inroad on domestic use.

Just how much more is a question in dispute. If it would not adversely affect national security, I urge the Department of Defense to consider the following plan.

The goal of the Defense Department should be to cancel out the new purchases by reducing military consumption and operating more efficiently. There are a number of ways this could be done.

For example, for the tough winter months ahead, a 50-percent reduction in all military aircraft operations would save 207,025 barrels of oil a day. A 50-percent cutback in all ship operations would save 48,425 barrels a day. And a 25-percent savings in the oil used for installation support would provide another 23,725 barrels daily. This total of 279,175 barrels daily would almost cancel out the new domestic purchases.

NATIONAL SECURITY CONSIDERATIONS FIRST

A temporary cutback along these lines could be handled without endangering national security. At no point should any reduction be made which will weaken us strategically. Our deterrent systems, the Minuteman missiles, the bomber fleet and the Polaris and Poseidon submarines should not be touched. But the routine military consumption can be cut drastically.

Only nonessential activities should be curtailed such as the many military airlift flights which carried the equivalent of 5,748 planeloads of military personnel last year on nonofficial business. The number of ship days in the Atlantic and Pacific can be reduced without any lessening of security. In areas of possible confrontation such as the Middle East, the current level of operations could be continued if supported by efficiencies elsewhere.

Other savings can be made by grounding the 178 personal planes used by ranking officers worldwide, the 62 helicopters in the Washington, D.C. area, and stopping the normal VIP and vacation-inspection trips.

Huge savings can be made by eliminating many permanent changes of stations—PCS. For fiscal year 1974, 2,267,000 PCS moves are budgeted or more than one move for every person in the military.

One any one day there will be 89,000 personnel on the move or the equivalent of 5½ combat divisions. The amount of fuel consumed is staggering.

The 11-percent cutback by DOD is much too small when it is realized that domestic purchases by the DOD must be doubled. They must cut more.

Since one-half of Defense petroleum is consumed overseas, it would be logical to expect that some of our 2,000 major and minor installations abroad would be cut back or reduced to inactive status so that U.S. oil needed at home does not continue to flow to distant land.

THE ENERGY CRISIS

Mr. FANNIN. Mr. President, the energy crisis we are facing could produce either a calamity or the impetus for great progress.

This crisis will become a calamity if

the Congress and the U.S. Government acts unwisely to impose restrictions and programs that stiffle the development of additional energy resources.

This crisis could, however, provide the spark that would expand our energy supply both through the further development of our natural resources and through the development of new technology to utilize abundant resources which have been unused over the ages.

Our current energy shortage is the result of unwise Government policies which over the past two decades have reduced incentives and encouraged misuse of our resources through artificial restraints. Our task now is not to increase these restraints and further reduce energy supplies; our task is to remove the straitjacket and allow our business enterprise to respond as it can and should to meet the needs of a free society.

In today's Wall Street Journal is an excellent article by Dr. W. Philip Gramm, a professor of economics at Texas A. & M. University and a consultant to Canada's Ministry of Natural Resources.

Dr. Gramm points out that the abundant energy we have enjoyed in this country during the past half century is a result of free enterprise reaction to the demise of the whaling industry.

Dr. Gramm makes two very interesting suggestions:

First. All price ceilings and Government controls should be eliminated.

Second. The people should be fully informed as to the true cost of environmental and ecological programs so that they can choose the policy to be followed in this area.

Mr. President, Dr. Gramm has produced a highly informative and logical article on this most important issue. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ENERGY CRISIS IN PERSPECTIVE

(By W. Philip Gramm)

Much of the prevailing rhetoric on the "energy crisis" expresses this kind of logic: Since there is just so much oil, coal, natural gas and other energy sources, sooner or later we are going to run out. We must, therefore, begin to ration these resources not only to meet the current crisis but to conserve energy in our time and move the day of reckoning further into the future. Americans have been "energy pigs," according to Stewart Udall, and have been operating on the misguided assumption that there is no limit to the quantity of energy. Since we are at the end of the era of cheap fuel and dealing with a problem without precedent, strong and previously unacceptable policies are called for: government regulation of the production and distribution of energy.

Ignored is the fact that mankind has frequently experienced instances of increasing scarcity, and by ingenuity and free action has solved all of them. In fact, we are currently experiencing the *second* major energy crisis in American history.

From the colonization period until the Civil War the major source of artificial lighting in the U.S. and Europe was whale and sperm oil. Since there were no good substitutes for these oils as sources of light, the world's supply of artificial light depended almost exclusively on the whaling industry. People did not need computers to project that the supply of whales could not keep pace with the rapid expansion in demand.

Sperm oil rose from 43 cents per gallon in 1823 to $2.55 a gallon in 1866. Whale oil rose from a low of 23 cents in 1832 to $1.45 a gallon in 1865. As prices rose, gas distilled from coal became an economically feasible substitute causing whale oil demand to fall off sharply in Europe.

In 1859 sperm oil was over $1.35 a gallon. But that same year, an event which in nine years would end the whale oil crisis forever occurred: petroleum was discovered in Pennsylvania. In the meantime, the demand of the Civil War boomed whale oil prices. Not only was there increased demand, the war disrupted production. Conscription of whaling vessels as freight ships and the capture or destruction of ships by Southern privateers caused a decline of more than 50% in the number of U.S. ships in whaling and a 60% decline in tonnage. By 1866, sperm oil had reached a high of $2.55 a gallon.

The high prices for whale and sperm oil between 1849 and 1867, provided a growing profit incentive to develop an efficient refining process for crude petroleum and induced the investment required for the production of kerosene. Beginning in 1867, kerosene broke the sperm and whale oil market and prices tumbled. By 1896, sperm oil was cheaper than it had been in any recorded period—40 cents a gallon—but whale oil lamps were no more than relics for succeeding generations.

TWO VITAL FUNCTIONS

Aside from providing an incentive for the development of petroleum products rising whale and sperm oil prices performed two other vital functions. Rising prices caused consumers to act out of their own self interest to economize the use of oil. Rising prices gave an inducement for producers to increase output of whale and sperm oil through increases in investment, improvements in technology, and increased labor input. The rise in prices from 1820–1847 induced a rise in the tonnage of whaling vessels of almost 600% and produced numerous technological improvements in the whaling industry. It appears that rising prices caused output to increase perhaps by 1,000% or more. Had government possessed the power and volition to ration whale and sperm oil to hold its price down or to levy a tax on oil to reap the gains from the price rise, the shortage would have been catastrophic and the advent of kerosene and other petroleum products might have been delayed for decades.

The whale oil crisis is a case study of how the free-market system solves a scarcity problem. The end product of this process of discovery and innovation is the Petroleum Age in which we live. We owe the benefits and comforts of the present era to free enterprise and the scarcity of whales.

The history of our first "energy crisis" demonstrates that there is no reason to believe that we face long-term doom. If technology were suddenly frozen, some of the dire projections being made now might be realized in several hundred years or less, depending on which "expert of the week" one believes. But technology is *not* freedom. It is instead progressing at a rate unprecedented in history. The Petroleum Age will pass as did the Stone Age (and the Whale Oil Era). The real danger is that we may foolishly restrict the exploitation of current energy sources and allow them to became valueless. Only if we eliminate the market incentives for innovation and investment will we face a real, long-term "energy crisis."

Though there is no long-term "energy crisis" there is a short-term problem. Economic sciences teaches that shortages cannot exist in free markets. In free markets prices rise in order to eliminate shortages. "Crisis" as opposed to simple scarcity, results from market disruptions; and the *only* sector of society which possesses the power to disrupt a large market is the Government. Government price ceilings on natural gas at the well-head have been one of the most disruptive public policies. By setting the price of natural gas artificially low, the government has stifled the incentive of producers to increase supplies, while the artificially low price has stimulated demand. Furthermore, since profits are low at these artificially low ceiling prices, investment and exploration have fallen off sharply.

Price controls have also had a detrimental impact on the supply of petroleum products and the construction of refinery capacity, essential to increasing domestic energy supplies. Due to the pressure to keep prices below what the free market would specify, shortages of petroleum products have occurred at both the retail and wholesale levels. Had prices been allowed to rise, the quantity supplied would have expanded to meet the quantity demanded; and each consumer would have had direct incentive to economize on usage. We are only now beginning to realize the distorting impact on the production of inputs essential for fuel production (drilling equipment, tubular steel, etc.) which four phases of price controls have produced.

Environmental legislation and court action also have had a significant impact on the supply and demand for energy. Injunctions against atomic and conventional power plants have prevented the supply of electricity from keeping up with the demand. The injunction against the Alaskan pipeline has impeded the growth of oil supplies. Pollution control devices on automobiles have increased fuel consumption and, thereby, increased the demand for gasoline. Mass conversion from high sulphur to low sulphur fuels in order to comply with EPA regulations to abate pollution has caused a change in the composition of energy demand from plentiful, cheap sources of energy to scarcer more expensive ones.

The energy crisis has made it clear that pollution abatement has a definite cost to society. Only by understanding the costs involved in various forms of pollution abatement can we choose how much environmental protection is optimal.

The bureaucratic method of looking at the supply and demand for energy products differs substantially from the market-directed approach. The bureaucrat presumes first of all that the supply of the product is absolutely fixed. Price does not matter. A price rise, he argues, will not put more oil in the pipelines—at least not before the next election. People "need a certain amount" of the product, and they will always buy the same quantity regardless of price unless they are too poor to afford it at all. These views are, of course, economic nonsense. In weighing the various courses of action which might be followed in minimizing the cost of dealing with the current energy problem it is useful to make a ball park estimate of the price level that the free market would yield in the shortage period.

ESTIMATING OUTPUT AND DEMAND

Estimates of how much the demand for energy sources would decline in a period less than a year, if prices rose by 1%, range from roughly 0.2% to 1.2%. Estimates of how much the quantity supplied would rise in the same period, if prices rose by 1%, vary from roughly 0.6% to 2%. A reasonably conservative estimate is that a price rise of 1% will provoke a decline in the quantity demanded of 0.5% and a rise in the quantity supplied of 1%.

The practical importance of these estimates is that a 10% shortage in the supply of fuel at current prices would yield a free market rise in price of less than 7%! If we are more pessimistic about the shortage and assume that demand exceeds supply by 20% at the current price we might expect a price rise of less than 14%.

The above estimates, though conservative, do not take account of the disruption produced by the crisis atmosphere that surrounds this issue. Since the magnitude of the crisis has been blown out of all reasonable proportions and people fear shortages and rationing, hoarding by both the supplier and demanders is a genuine possibility. In the very short run (up to three months) we might expect prices to rise above the long-term market price. After roughly one to three months we should expect the crisis mania to pass and a general dishoarding to occur so that prices would fall to a level below the above estimates. The estimates are of course based on the assumption of unhampered market adjustments. Government attempts to interfere with this market process would tend to shift the estimates upward.

The first step in solving the energy shortage is to allow the free market system to work. *All price ceilings and government controls should be eliminated.* Such action would greatly stimulate the supply of energy sources and eliminate shortages. Prices would rise but the expansion of output would hold prices to the minimum which current conditions dictate. Furthermore, the free market will insure that energy will be allocated to the highest priority users. Price increases are not pleasant, but they are better than low prices and no energy. If these higher prices work hardships on the less fortunate among us, special provisions, which would be preferable to the distortions and waste of rationing, could be provided for this small minority.

There is an additional advantage of allowing domestic prices to rise. As prices rise in the U.S., the cost to the Arabs of maintaining the restriction on sales to the U.S. will get higher. If we simply allow the market to work, the agreement to restrict sales to the U.S. will break and with it Arab unity will break. The Arabs are playing a dangerous game. If we allow prices to rise we can expect the development of new domestic sources such as oil shale and domestically produced substitutes for petroleum.

COSTS AND CLEAN AIR

Another step in solving the energy problem is to *inform society of the cost of environmental and ecological programs and allow the people to choose.* If people want the end products of such programs, they will have to pay the cost in higher energy prices. Without adequate information, society will not be able to decide which programs are worth the cost and which are not. If people prefer cleaner air to lower fuel cost they can choose to convert from coal to oil. If they choose lower fuel cost they can burn cheaper and dirtier fuels. Such a system seems preferable to allowing a bureaucrat to decide for them.

To increase supplies we should *open the continental shelf for drilling* but make firms liable for oil spills and other forms of ecological disturbances. Most oil spills are not from drillings but from tankers. By employing the Naval oil reserves, the continental shelf and areas which will become economically feasible at higher prices, output could be greatly expanded.

We should *institute peak-load pricing for electricity in shortage areas.* Brownouts and blackouts occur because in peak use periods overloads occur. By charging more for power in peak use periods, nonessential use would occur in nonpeak load periods when power is cheaper. Under the current system there is no incentive to spread out power use. Peak load pricing could minimize overloads in the current system and allow time for supply sources to catch up to peak load demand.

In a free market, when the price of a good starts to rise, three simultaneous forces are produced. First, people start to use the good more judiciously, second, producers and consumers who use the product begin to search for cheaper substitutes, and third, producers of the product attempt to expand output by using and developing technology to meet the demand. It is this process which has always forestalled doom. We will run out of energy *only* if we prevent the free market from working. Herein lies the real danger of the "energy crisis."

RAILWAY WORKERS SUPPORT HUMPHREY-MONDALE AMENDMENTS TO NORTHEAST RAIL BILL

Mr. HUMPHREY. Mr. President, I have recently received a copy of a letter from the Congress of Railway Unions and the Railway Labor Executives' Association urgently recommending adoption of amendments No. 619 and No. 621, offered jointly by Senator MONDALE and I, to S. 2188, the Northeast and Midwest Rail System Development Act.

This letter, addressed to Senators MAGNUSON and HARTKE and Congressman STAGGERS and JARMAN, observes that—

> Absent the enactment of this legislation, we are convinced that the countryside of this nation will be stripped of its railroad service within 12 to 18 months.

Because of this serious threat to the survival of rural rail transportation and to the prosperity of rural America, in particular, I ask all of my colleagues to take the views of our rail system employees organizations into account in forming their views on this important legislation.

Mr. President, I ask unanimous consent that the letter from our rail employees organizations to the congressional leaders in the field of surface transportation be printed in its entirety in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. WARREN G. MAGNUSON,
Chairman Committee on Commerce,
U.S. Senate
Hon. VANCE HARTKE,
Chairman, Subcommittee on Surface Transportation, U.S. Senate.
Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce.
Hon. JOHN JARMAN,
Chairman, Subcommittee on Transportation and Aeronautics, Committee on Interstate and Foreign Commerce.

GENTLEMEN: On Monday, November 12, 1973, the Supreme Court of the United States issued an order affirming certain rules promulgated by the Interstate Commerce Commission on January 18, 1972. These rules would require the Interstate Commerce Commission to authorize abandonments of lines of railroad where the railroad alleges that the line involved transported fewer than 34 carloads of traffic per mil during the 12 months preceding the railroad's request for abandonment, unless those who oppose the abandonment can prove that the public convenience and necessity require the continued operation of the line. As you know, such an onerous burden simply cannot be sustained by the shippers and communities who need the services that are to be abandoned. It is significant that under the Commission's new rules the railroad need only establish that fewer than 34 carloads per mil were transported over the line without reference to whether those carloads were rocks or high grade merchandise and without reference to whether the railroad is earning a profit or sustaining a loss on the line.

No lines have yet been abandoned under these rules because the federal court at Harrisburg issued a temporary restraining order against the operation of the rules on February 16, 1972. That order, of course, has been dissolved. Within a short time the Commission will be deluged with notices of line abandonments throughout the United States under the "34-carload" rule.

We are informed that the "34-carload" rule was issued primarily to assist the Penn Central and other Northeast railroads to rid themselves of lines which they felt they did not need. The legislation now before the Congress, if enacted, would supersede the Commission's "34-carload" rule in the Northeast, however, the Commission's rule applies throughout the United States and constitutes a grave threat to the continued operation of rural branch lines wherever they exist.

Because of this immediate and critical threat to innumerable communities and businesses throughout the United States, we urgently recommend the adoption into law of the amendment to S. 2188 sponsored by Senators Mondale and Humphrey, which would provide for a two year study of all rural branch lines with a moratorium on the abandonment of such lines for that period unless all parties agree to their abandonment. Absent the enactment of such legislation, we are convinced that the countryside of the nation will be stripped of its railroad service within 12 to 18 months.

Respectfully,

DONLAD S. BEATTIE,
Congress of Railway Unions.
C. M. MCINTYRE,
Railway Labor Executives' Association.

DIAL-A-RIDE •

Mr. BROCK. Mr. President, for several months there has been an experimental program in several of our cities called Dial-A-Ride. I have mentioned this program before, and saluted the success it has had in helping provide a new, unique mode of transportation for those citizens who cannot readily be served by either taxi service, or fixed bus routes. This program has presented a new dimension in the transportation market, and has the potential of addressing some of our major headaches in cities and towns which simply don't need expensive mass transit systems. In an article recently in the Christian Science Monitor, there is an excellent example of just what the Dial-A-Ride concept can do for a community, or even a group of people. I ask unanimous consent that this article by Curtis J. Sitomer be printed in the RECORD. It is an example of both the Dial-A-Ride concept, and of the desire of a group of people to help themselves.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"FORGOTTEN PEOPLE" DIAL FOR NEEDFUL RIDES

(By Curtis J. Sitomer)

LOS ANGELES.—An 82-year-old pensioner used to have trouble getting to the market to buy food. He had to depend on neighbors to bring him milk and other staples. But now he gets door-to-door shopping service.

A Spanish-speaking widow, mother of six, found it difficult even to save the bus fare to go to the welfare office. But now she can count on monthly transportation right from her home for a modest 15 cents.

These residents of the low-income, relatively isolated area of East Los Angeles are beneficiaries of a new, federally funded people-mover service called Dial-Your-Ride (DYR).

Underwritten by a $200,000 grant from Model Cities and the U.S. Department of Transportation, Dial-Your-Ride is not a brand new concept. Similar projects have been tried in Haddonfield, N.J., and London. And it is being experimented with in several small suburban communities in Southern California and elsewhere across the U.S.

"But this is the first such transportation program operating in a major American city with a predominantly low-income, Spanish-speaking, senior citizen, and unemployed population," explains Ysidro Molina, project director for the East Los Angeles Community Improvement Association.

"Many residents here are forgotten people. They've never been anywhere. And nobody offered to take them anywhere," Mr. Molina explains.

Dial-Your-Ride is now offering. It has five 11-passenger, radio-equipped vans that pick up and deliver residents anywhere within a 42-square mile area in the eastern and northeastern sections of Los Angeles. The service, headquartered in a refurbished abandoned fire station in a shopping district, operates a telephone dispatch Monday through Friday, from 7 a.m. to 7 p.m.

Residents call, preferably 24 hours in advance, to place their ride orders.

Priorities are given to those who have absolutely no other means of transportation and need to reach health and social services. And senior citizens and the handicapped are given preference.

However, Mr. Molina says DYR also will take youngsters to outings and sports activities, job-seekers to potential employment, and others to community meetings and civic gatherings.

DYR hires bilingual drivers and dispatchers, all of them from the local community and most from the ranks of the jobless.

For example, Frank Esteves, a former truck driver who has a disability and had been unemployed for four years, was retrained recently in a federal occupational-skills center to operate a DYR van. He now earns $677 a month.

LEAFLETS DISTRIBUTED

The federally funded people-mover project has been officially in operation only since early fall. But it already answers about 100 trip requests a week.

To spread word of the service to 187,000 inner-city residents, DYR hires youngsters to distribute leaflets (in Spanish and English) door-to-door in the community. It also contacts neighborhood social-service agencies and uses free public-service radio and television publicity.

As more funds are made available officials say they will expand services to provide more recreational trips for senior citizens (to parks, zoos, Disneyland, and the like); offer residents transportation to church on Sundays; and plan outings for school children.

Meanwhile, Mr. Molina is working with neighborhood merchants to provide shopping discounts for senior citizens and low-income or fixed-income users of the service.

"I can't believe the idea won't spread to other communities across the U.S.," says the project director. "Here we not only provide a service to the needy, we're helping to fight pollution (through this type of transportation pool). And, ultimately, we'll even give the community a needed economic boost."

NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT

Mr. CANNON. Mr. President, during the closing moments of Senate debate and discussion of the nomination of GERALD R. FORD of Michigan to be Vice President of the United States my attention was called to Public Law 93–136, entitled an act to liberalize eligibility for cost-of-living increases in civil service retirement annuities, which was approved by the President on October 24, 1973.

The junior Senator from Maine, who said that Public Law 93–136 had just come to his attention quite properly raised the question whether enactment of this law during the current session of the Congress would make Mr. FORD ineligible for the Vice Presidency because of article 1, section 6, of the U.S. Constitution, which reads as follows:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

In answer to the question of my distinguished colleague from Maine I assured the Senate that the Committee on Rules and Administration had looked into the question whether this constitutional provision posed any bar to Mr. FORD's confirmation as Vice President and that we had found that it did not.

In the brief time available to me before the rollcall on the question on confirmation by the Senate I had no opportunity to go into detail regarding this question. In view of its importance I ask unanimous consent that a congressional research service analysis of the subject prepared by Mr. Morton Rosenberg, legislative attorney for the Congressional Research Service, preceded by a summary of the analysis, which sets forth very clearly the reasons why this constitutional provision poses no bar to Mr. FORD's confirmation, be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

Applicability of the Emoluments Clause (Article I, Section 6, Clause 2) of the Constitution to the Office of Vice-President: A Summary

In view of the urgent requests for information as to the effect of Article I, § 6, Clause 2 on the eligibility of Gerald Ford to hold the vice-presidency, the following summary of the full report is herewith submitted. It is anticipated that the completed report will be available later this day.

The passage of Pub. L. 93–136 on October 24, 1973 enhancing the retirement annuity benefits of federal employees, including Members of Congress and the Vice President raises questions as to the eligibility of Gerald Ford for the office of Vice-President. That law, on its face, appears to increase the emoluments of an executive office during the term of a member of congress whose appointment is sought for that office. Therefore, two questions are raised: 1. Did Pub. L. 93–136 effect an increase in the emoluments of the Vice President? 2. Is the Vice President a civil officer within the meaning of the Constitution?

With regard to question 1, an argument can be made to the effect that Pub. L. 93–136 did not effect an increase in the emoluments of the office of vice-president, but rather granted a potential pecuniary benefit to government employees generally, one of whom might be a possible incumbent to that office. On the other hand, there is weighty evidence that the term emoluments was meant to encompass a wide variety of pecuniary benefits that might attach to any office, particularly within the context of one of the principal purposes of the Emoluments Clause (i.e., the prevention of office seeking for personal gain.)

But even if Pub. L. 93–136 effected an increased emolument for the vice-president's office, it would appear that there is substantial doubt that that office is a "civil office" as that term is to be understood under the Emoluments Clause and elsewhere in the Constitution. That conclusion is based on the following reasoning and authorities:

First, the evolution of the Clause during the Constitutional debates of 1787 demonstrates that the Framers consciously narrowed the scope of the area of disqualification of Members of Congress in two ways: by limiting the conditions of disqualification to three (creation of a new office, increasing the emoluments of an old office, and dual office-holding) and by limiting the type of office for which a Member may be disqualified under the first two conditions to "civil office" rather than "any office".

Second, it is apparent that the term "civil office" has a special meaning under the Constitution. It is limited to those offices created by Congress or the Constitution which are subject to the appointment process delineated in Article II, § 2, clause 2. It is also apparent that the Framers deliberately made a distinction between such civil office and the constitutional, elective offices of President and Vice-President. Since the vice-president is not subject to nomination, confirmation or commissioning, under the Constitution or its amendments (it is concluded that the provisions of the Twenty-fifth Amendment do not effect a change in either the constitutional status of the Vice-President or the appointment process of Article II, § 2, clause 2), it is not within the concept of civil office as that term is used in the Emoluments Clause and elsewhere.

Finally, judicial precedents and leading commentators on the Constitution agree with the exposition of the meaning and scope of the term civil office expounded about. *United States*. v. *Germaine*, 99 U.S. 508 (1879); *United States* v. *Mauat*, 124 U.S. 303 (1888); *United States* v. *Smith*, 124 U.S. 525 (1888); *Burton* v. *United States*, 202 U.S. 344 (1906); *United States* v. *Maurice*, 2 Brock, 96, 26 Fed. Cas. No. 15, 747 (1823), *Scully* v. *United States*, 193 F. Rep. 185 (1911); and see also, Willoughby The Constitutional Law of the United States (1929), pp 605, 1447–1448, 1510; Corwin, The President, Office and Powers (1957), pp 69–73.

MORTON ROSENBERG, *Legislative Attorney*.
American Law Division, November 29, 1973.

Applicability of the Emoluments Clause (Article I, Section 6, Clause 2) of the Constitution to the Office of Vice President

The question has been raised whether Public Law 93–136, effective October 24, 1973, which guarantees to federal employees certain minimum benefits under the Civil Service Retirement System, is an increase in the "emoluments" of a "civil office" which would disqualify Vice-President-designate Gerald Ford from holding such office under the prohibition of Article I, section 6, clause 2 of the Constitution. That provision states: "No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the

United States, which shall have been created, or the emoluments whereof shall have been increased during such time; . . .".

The House Committee Report (H.R. Rep. No. 93–457) on the legislation underlying Pub. L. 93–136 described the legislation as:

"Designed to (1) eliminate the anomaly of a difference in amount between annuities that commence on or before the effective date of a cost-of-living increase and those that commence shortly after that date; (2) moderate the peaking of retirements immediately before cost-of-living increases become effective; and (3) reduce disruption in the work of Government agencies caused by many employees suddenly retiring at the same time."

Specifically, the law provides that the immediate (not deferred) Civil Service retirement annuity of an employee retiring after the effective date of a cost-of-living increase shall not be less than his annuity would have been if he had retired on the effective date of the last cost-of-living increase. This provision applies whether or not the retiring employee met the age and service requirements for annuity before the effective date of the cost-of-living increase. Similarly, the law provides that the annuity of an employee's widow or widower beginning after the effective date of a cost-of-living increase shall not be less that it would have been if it had begun on the effective date of the last cost-of-living increase. The provisions of the law apply to annuities beginning on or after July 2, 1973 and apply to those employees who retire or die in service after July 1, 1973. Thus, an employee retiring on or after July 1, 1973, and before January 1, 1974, when another annuity increase may be due, will be entitled to the annuity computed as of June 30, 1973, plus the 6.1 percent increase effective that date, *or* the annuity earned on the date of actual separation, whichever is higher. (Of course, the same will be true after future cost-of-living increases.)

The Vice-President of the United States may avail himself of the Federal retirement system covered in the Civil Service Retirement Laws. 5 U.S.C. 8331 et. seq. For purposes of these laws, a Member of Congress may, by giving "notice in writing to the official by whom he is paid . . . , become subject" thereto. 5 U.S.C. 8331 (2). Elsewhere, "Member of Congress" is defined to include the vice-president. 5 U.S.C. 2106.

We have no information as to whether Mr. Ford has executed the requisite notice under 5 U.S.C. 8331(2). Nor do we have information wheteher Mr. Ford would benefit by the alternate method computing his annuity if he did so elect. Assuming that he has given the requisite notice, two questions must be faced: First, did Pub. L. 93–136 effect an increase in the emoluments of the office of vice-president, and, if so, second, is the office of vice-president a "civil office" within the meaning of Artcile I, section 6, clause 2?

I

Although the Framers of the Constitution did not specifically define the meaning of the term "emolument", it would appear that it was meant to be a broad generic term which was designed to encompass more than simply the salary attached to an office. This seems confirmed by the use of the term "compensation" in Article I, section 6, clause 1 ("The Senators and Representatives shall receive a compensation for their services . . .") and Article III, section 1 (The Judges . . . shall . . receive for their services, a compensation . . ."). Of course, pensions were not unknown at the time of the adoption of the Constitution.

Further, legal dictionaries generally agree on a broad definition of the term: emoluments. The profit arising from office or employment; that which is received as compensation for services, or which is annexed to the possession of office as salary, fees, perquisites; advantage; gain public or private . . . Indirect or contingent remunerations which may or may not be earned; remunerations in the nature of compensation or in the nature of reimbursement. *Waller* v. *U.S.*, 180 F. 2d 194 . . . (Ballantine's Law Dictionary, 3rd Edition, 1969, pp. 398–399)

Emolument. The profit arising from office or employment; that which is received as compensation for services, or which is annexed to the possession of office as salary, fees and perquisites; . . . It imports any perquisite, advantage, profit or gain from the possession of an office. (Bouvier's Law Dictionary, Baldwin's Century Edition, 1948, p. 353).

Court decisions have also tended to give the term an expansive reading. In McClean v. United States, 226 U.S. 374 (1912), the Supreme Court commented "Pay and emoluments are but expressions of value used to give complete recompense to a deserving officer. The association was deliberate; emoluments were additive of pay . . . Of what consequence, then, how they may be defined? They may be called 'indirect or contingent remuneration', as they have been called; it may be said, as it has been said, that 'they are sometimes in the nature of compensation and sometimes in the nature of reimbursement'." (226 U.S. at p. 382).

Finally, in the context of the Emoluments Clause itself, it would appear certain that the Framers meant to include all varieties of pecuniary gain that might be attached to an office. One of the principal purposes of the provision was to prevent Members from seeking offices which they had "enriched". It cannot be presumed that the Framers were unaware that an office could be "enriched" by means other than simply the raising of its salary.

It may be argued that the increased benefit provided by Pub. L. 93–136 does not attach to the *office* of vice-president but rather to Mr. Ford himself since annuities are computed essentially on the basis of length of service, age and high average pay of the annuitant. If so, the Emoluments Clause does not apply since the emoluments of the office of vice-president have not been increased during Mr. Ford's current term. To the contrary, it may be contended that since the salary of the vice-president is considerably in excess of that of a Member, if Mr. Ford serves for three years his annuity will be substantially greater than it would have been as a Member. As a result, Mr. Ford, upon retirement, could receive a significant added benefit from the alternate computation afforded by Pub. L. 93–136. Since this would also be true of many other Members of Congress, the benefit may not be viewed as simply an individual one. If one focuses on the vice-president's office, it is seen that the new law could reap an incumbent a considerable benefit.

It may also be argued that Mr. Ford's situation is closely analogous to that which faced Hugo Black at the time of his appointment to the Supreme Court. Then it was debated whether an increase in retirement benefits during his term in the Senate constituted an increase in emoluments within the scope of the Emoluments Clause. The Senate confirmed the nomination, apparently agreeing with the Attorney General that Senator Black was nevertheless eligible because the purpose of the Clause was served "inasmuch as Mr. Black was only 51 years old at the time and so would be ineligible for the increased emolument for nineteen years, it was not *as to him* an increased emolument." See Corwin, Annotated Constitution at 133; N.Y. Times, August 14, 1937, p. 1, col. 13. The Ford situation, however, would seem to be distinguishable. Mr. Ford's potential retirement is not so remote, and in view of his lengthy service, would probably be eligible for full retirement benefits upon completion of his term as vice-president.

II

But even assuming that Pub. L. 93–136 had the effect of increasing the emoluments of the office of Vice-President, it does not appear that the Emoluments Clause was meant to apply to that office. This conclusion is supported by the history of the adoption of the Clause, the usage of term "civil office" elsewhere in the Constitution, court decisions dealing with the meaning of the term, and the commentaries of leading constitutional scholars. The weight of these authorities and precedents leads to the conclusion that the constitutional term "civil office" was meant to include only those offices which are *created by Congress* and subject to appointment, and not those elective offices established by the Constitution itself.

After the preliminary debates in the Convention on the Emoluments Clause, the Committee of the Whole reported the following language: "Members of the first and second branch of the National Legislature ought to be ineligible to *any office* established by a particular state, or under the authority of the United States (except those particularly belonging to the functions of each branch) during the term of service, and under the National Government for the space of one year after its expiration." This language was referred to the Committee on Detail which reported out the provision, then embodied in Article I, Section 9, as follows:

"The Members of each House shall be ineligible to, and incapable of holding, *any office* under the authority of the United States during the time for which they shall respectively be elected; and the Members of the Senate shall be ineligible to, and incapable of holding, any such office for one year afterwards." (Farrand, vol. 2, p. 180).

At that point, then, the only changes found necessary by the Committee were the elimination of the prohibition against state office holding and the deletion of the additional one year disability for House Members. It may be noted that this relatively minor change came about despite attempts led by James Madison at modification.

The critical debate on the Clause occurred on September 3. The language then under consideration was a revision by the Committee of Eleven of the Committee on Detail's resolution (quoted above) which read as follows:

"The members of each House shall be ineligible to any civil office under the authority of the United States, during the time for which they shall respectively be elected; and no person holding an office under the United States shall be a member of either House during his continuance in office."

It was at this time, however, that proponents of modification again proposed that disqualification be limited to situations where an office had been created, the emoluments attached to an old office have been increased during the term of a member, and also to situations of dual office-holding. The significant change to be noticed here for present purposes was that the proposal on the floor limited ineligibility to any civil office under the authority of the United States. Proponents of modification ultimately carried the day on a close vote. The language adopted, which but for one further important change, is virtually that which found its way into the final draft, read:

"The members of each House shall be ineligible to any Civil office under the authority of the U. States, created, or the emoluments whereof shall have been increased during the time for which they shall respectively be elected—And no person holding any office under the U.S. shall be a member of either House during his continuance in office."

This language may now be compared with that which appears as Article I, Section 6, Clause 2:

"No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office."

The final important change alluded to was the addition by the Committee on Style of the words "be appointed to," the significance of which is discussed below.

The evolution of the clause therefore demonstrates the following: First, the Framers consciously limited ineligibility to civil offices rather than to the more encompassing phrase "any office" as had previously appeared. That this was a significant distinction in the minds of the Framers is indicated by the fact that the disqualification for dual office-holding in the last phrase of the Clause applies to "any office under the United States." Second, the addition of the words "be appointed to" gives further meaning to the term civil office since it conforms it to the sense of similar terminology found elsewhere in the Constitution. That is, where the term civil office appears in other provisions of the Constitution, it seems clear that a distinction is being made between offices created by the Constitution and offices to be created by the Congress. By specifically linking the concept of appointment to those offices which Members could not hold under the conditions specified, the Framers were making the Emoluments Clause consistent with those other provisions of the Constitution; and by that consistency the office of the Vice-President seems taken out from under the coverage of the Clause.

In the absence of any contrary evidence as to the meaning of "civil office" in the debates on this provision, the evolution in terminology must be deemed of significance in itself. The Framers, we have been taught, chose their words with care. And reference to analogous terminology in other provisions tends to confirm the thesis propounded.

Article II, Section 2, declares that: "The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, and other high crimes and misdemeanors." The distinction made between civil officers and the two elected constitutional officers is clear and unmistakable.

Article II, Section 3 provides that the President "shall commission all the officers of the United States." Of course the Vice-President is not commissioned by the President and it is significant that under the Twenty-fifth Amendment, the nomination and confirmation of a new Vice-President by both Houses of Congress is not followed by a commissioning.

Finally, Article II, Section 2, Clause 2 provides that the President:

"Shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and counsels, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of the departments."

Judicial interpretation of this provision has made it clear that there can be no offices of the United States except those which are created by the Constitution itself, or by an act of Congress, and that no one can be deemed an officer of the United States unless appointed by the President by and with the advice and consent of the Senate, or appointed by the President alone, or a court of law, or the head of a department; and if the latter, Congress must have vested that power in the person making it, by some statute, and Congress must also have created the office, unless it is one created by the Constitution itself. *United States* v. *Germaine*, 99 U.S. 508 (1879); *United States* v. *Mouat*, 124 U.S. 303 (1888); *United States* v. *Smith*, 124 U.S. 525 (1888); *Burton* v. *United States* 202 U.S. 344 (1906); *United States* v. *Maurice*, 96, 26 Fed. Cas. No. 15, 747 (1823); *Scully* v. *United States*, 193 F. Rep. 185 (1911); and see also, *Willoughby*, The Constitutional Law of the United States (1929), pp. 605, 1447–1448, 1510; Corwin, The President, Office and Powers (1957), pp. 69–73.

In *United States* v. *Maurice*, Chief Justice Marshall (sitting as a circuit judge) held that "this clause makes a general provision, that the President shall nominate, and by and with the consent of the Senate, appoint to all offices of the United States, with such exception only as are made in the Constitution, and that all offices (with the same exceptions) shall be established by law."

In the *Germaine* case, the Supreme Court declared: "The argument is that provision is here made (that is, in Art. II, Sec. 2) for the appointment of all offices of the United States. ... The Constitution, for purposes of appointment, very clearly divides all its officers into two classes. The primary class requires a nomination by the President and confirmation by the Senate. But, foreseeing that when officers became numerous, and sudden removals necessary, this mode might be inconvenient, it was provided that, in regard to officers inferior to those specifically mentioned, Congress might by law vest their appointment in the President alone, in the courts of law, or in the heads of departments. That all persons who can be said to hold office under the government about to be established under the Constitution were intended to be included within one or the other of these modes of appointments, there can be little doubt." In the *Smith* case the Court stated: "An officer of the United States can only be appointed by the President, by and with the advice and consent of the Senate, or by a court of law, or the heads of a department. A person in the service of the Government who does not derive his position from one of these sources is not an officer of the United States in the sense of the Constitution."

It may be noted that in subsequent decisions the Court has not departed from this rule although they have recognized that the word "officer" may have a broader meaning when used in statutes. In such cases the Court has distinguished between the constitutional and the statutory use of the term. Thus in the *Lamar* cases the Supreme Court held that Members of Congress are officers of the United States within the meaning a provision of the criminal code. But Justice Holmes in the first *Lamar* case, and Justice White in the second, were careful to distinguish that ruling from earlier ones which held that Members were not officers in the constitutional sense. *Lamar* v. *United States*, 240 U.S. 60 and 241 U.S. 107 (1916); see also *United States* v. *Gradwell*, 234 Fed. 446 (1916).

Since the Vice President does not hold his office by virtue of an appointment under Article II, Section 2, Clause 2, and since the Twenty-fifth Amendment's nomination and confirmation process in no way changes the nature of the Vice Presidency as a constitutional office under the Constitution, it would appear reasonably certain that the office of Vice President was not intended to be encompassed within term "civil office" in Article I, Section 6, Clause 2.

In summary, then it is concluded that, although not entirely free from doubt, Pub. L. 93–136 effected an increase in the emoluments of the office of Vice President, but that, assuming it effected such an increase, it does not appear that the Vice President is a "civil officer" in the sense in which that term is used in Article I, Section 6, Clause 2 and elsewhere in the Constitution.

MORTON ROSENBURG,
Legislative Attorney.

THE "SATURDAY NIGHT MASSACRE"

Mr. MONDALE. Mr. President, on October 20 this country experienced what has come to be known as the "Saturday Night Massacre." The President caused Special Prosecutor Archibald Cox to be fired; Attorney General Elliot Richardson resigned because he would not fire Cox; and Deputy Attorney General William Ruckelshaus was also fired for refusing to fire Cox. The "Massacre" was precipitated by the President's refusal to surrender the so-called Watergate tapes and Special Prosecutor Cox's insistence on using the courts to force the surrender of the tapes.

Following the massacre an unprecedented public outcry arose. The citizens of this Nation, political leaders from around the country, and people close to the President sent him an unmistakeable message. This country does not allow anyone—including the President of the United States—to be above the law. The events of October 20 created a sense of turmoil and outrage in this country that is still evident in the mail I receive daily. The country saw that a complete investigation of the Watergate affair was necessary, and they told the President that they would not tolerate sabotage of that investigation.

It is against this background that I read the reports in this morning's Washington Post and New York Times of Ronald Ziegler's attacks on the Special Prosecutor staff with great alarm. As we all know, the President, after the discharge of Mr. Cox, appointed Mr. Leon Jaworski as the new Special Prosecutor, and Mr. Jaworski went to work with the aid of the Cox staff. Although I personally find the arrangement by which the current Special Prosecutor is serving unacceptable and I am, therefore, cosponsoring S. 2611, which would create a completely independent Special Prosecutor, until such an independent arrangement becomes law, and possibly thereafter, Mr. Jaworski and his staff will continue to pursue the Watergate investigation. The men and women on the Special Prosecutor's staff have the day-to-day responsibility for one of the most important criminal investigations in American history.

I am, therefore, deeply disturbed to find the White House attacking, not the Special Prosecutor this time, but the Special Prosecutor's staff. According to the articles, which I would ask to have printed in the RECORD, Mr. Ronald Ziegler stated yesterday that members of the Special Prosecutor's staff have an "ingrained suspicion and visceral dislike for this President and this administration."

If this harsh expression of White House dissatisfaction with the Special Prosecutor's staff merely represents an inadvertent outburst caused by a sense of frustration over the events of the past weeks, Mr. Ziegler should say so. If, however, the White House does intend to raise questions about the competence, fairness, and objectivity of the Special Prosecutor's staff, it should do so with specific charges and examples. The Special Prosecutor's staff is charged with an important responsibility—bringing those guilty of criminal offenses in the Watergate and related matters to justice. Mr. Cox assembled, and Mr. Jaworski inherited, a staff of exceptionally talented and extremely dedicated individuals. Unfounded or unsupportable charges against the staff serve no useful national purpose.

My gravest fear, however, is that the remarks made by Mr. Ziegler yesterday are in some way an attempt to lay a groundwork for an administration attempt to discharge or force the discharge of certain members of the Special Prosecutor's staff. I seriously question the legality of such a move, and I am seriously dismayed if, in fact, thought is being given to such an action.

No step could more easily throw this Nation back into the turmoil that we experienced over the weekend of October 20 than an attempt by the White House to tamper with the Special Prosecutor's staff. Such an action would only serve to further undermine Presidential credibility and further undermine the public's faith that a fair and complete Watergate investigation will eventually result from our system of criminal justice.

Mr. President, I ask unanimous consent to have these articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

ZIEGLER CITES "MISTAKES" BY LEGAL STAFF

(By Carroll Kilpatrick)

The White House legal staff has made "some mistakes" and the office is being reorganized to bring in new legal talent to assist in President Nixon's Watergate defense, press secretary Ronald L. Ziegler said yesterday.

John J. Sullivan, a Chicago attorney, judge on the appellate court of Illinois, and an old friend of the President, has joined the counsel's office to work on Watergate issues, Ziegler said after what appeared to be a rebuke to J. Fred Buzhardt, who has handled the bulk of the court work involving Watergate.

Buzhardt is expected to remain in the counsel's office, but Leonard Garment, who has assisted Buzhardt in the legal work, is expected to leave the counsel's office and resume his work as an adviser on cultural and minority affairs.

When Bubhardt was told at U.S. District Court here of Ziegler's comments, the counsel said he "wouldn't disagree" with the press secretary's comment that he was overworked, and added: "I've never pretended I was perfect."

Buzhardt said he expected to remain on the Watergate case. Ziegler also said Buzhardt would continue in the counsel's office but would delegate authority to others being brought in, including Sullivan.

In a lengthy and impassioned defense of the President together with an attack on his critics, Ziegler assailed members of the Watergate special prosecutor's staff as biased and politically motivated.

But he exempted Leon Jaworski, the chief prosecutor, from the attack, Jaworski is a "very responsible and fair man," Zeigler said.

However, members of his staff, whom former prosecutor Archibald Cox recruited have displayed "ingrained suspicion and visceral dislike for this President and this administration," Ziegler said.

Where asked whether the President has full confidence in Buzhardlt, Ziegler replied: "I don't want to express any public dissatisfatcion in relation to the work of any individual."

When a reporter asked if he was not cutting off Buzhardt at the knees, Ziegler said he was not and that Buzhardt "is doing a good job and will continue to do a good job."

Acknowledging that mistakes have been made, particularly in relation to public disclosure of the gap in one of the subpoenaed tape recordings, Ziegler said that does not mean the President is dissatisfied but that he recognizes additional help is needed.

Ziegler said that H. Chapman Rose, former under secretary of the Treasury and a Cleveland attorney, and Kenneth W. Gemmill, a Philadelphia attorney and former counsel at the Internal Revenue Service, have volunteered their services to assist the President.

Ziegler said, "we have provided all the crucial material needed to determine what the facts are and now it is said we should give more and more.

"We said earlier that once we provided the subponaed tapes that that won't satisfy some and there would be more requests." Some persons want to "scavenge through and ravage all of the President's conversations," Ziegler said.

The press secretary promised that the White House would make public next week a full report on Mr. Nixon's financial and tax position that would be "verifiable and accurate."

But he hinted that copies of the President's income tax returns would not be made available.

Tapes of presidential conversations turned over to U.S. District Court Judge John J. Sirica, with the exception of the one tape with an 18-minute gap, are "intact," Ziegler maintained. "There has been no tampering with the tapes."

He conducted the regular White House news briefing yesterday in the absence of his deputy, Gerald L. Warren, who was ill. Ziegler is one of the staff members working on the financial report and other documents Mr. Nixon has promised in answer to charges of corruption in his administration.

ZIEGLER ASSAILS JAWORSKI STAFF

(By R. W. Apple, Jr.)

WASHINGTON, November 29.—The White House bitterly attacked the staff of the special Watergate prosecutor today, charging that it has displayed an "ingrained suspicion and visceral dislike for this President and this Administration."

Ronald L. Ziegler, the Presidential press secretary, who has emerged in recent weeks as one of Mr. Nixon's three closest advisers, described Leon Jaworski, the prosecutor, as "a very respected man, a very fair man." But he added:

"I have very serious questions about the staff of the special prosecutor's office, though, in political terms."

Mr. Ziegler, briefing the press because of the illness of his deputy, Gerald L. Warren, also appeared to signal a decline in the status of J. Fred Buzhardt Jr., the special White House counsel who has been handling the Watergate case.

Meanwhile, Mr. Buzhardt conceded today, to Judge John J. Sirica that the official White House explanation of the 18-minute gap in a Watergate tape recording was not a certainty but, instead, "just a possibility."

Asked whether the President was dissatisfied with Mr. Buzhardt's work, Mr. Ziegler replied obliquely, remarking that he did not want to express "dissatisfaction with the performance of any individual." At another point, he said that he did not want to leave the impression that he was "cutting his [Buzhardt's] legs off."

But Mr. Ziegler said the White House legal staff had been carrying a very heavy work load that led "to some mistakes." He mentioned as an example the staff's failure to discover until Nov. 14 exactly which Watergate tapes had been subpoenaed months earlier.

Asked by newsmen about reports that he was being taken off the case, Mr. Buzhardt said, "Nobody has told me." Asked about Mr. Ziegler's comment about "mistakes," the lawyer said, "I've never pretended I was perfect."

Another White House official said that he expected Mr. Buzhardt to remain on the Watergate case for the time being.

Asked specifically whether Mr. Buzhardt would remain in charge of the Watergate case, Mr. Ziegler would say only that lawyer would "continue to work on it, continue to play a key role." Mr. Buzhardt would himself want to delegate some of the responsibility, the press secretary suggested.

To those familiar with the Washington political code, Mr. Ziegler's veiled remarks seemed to add up to a demotion for Mr. Buzhardt. And other White House sources said control of the case was expected to pass in the next few days to Judge John J. Sullivan of the Illinois Appellate Court, a 59-year-old Democrat who has known Mr. Nixon since his Navy days. Judge Sullivan is already working at the Executive Office Building.

Mr. Sullivan was identified by Mr. Ziegler as one of the members of an informal working group that is assembling a series of statements on such questions as acquisition of Mr. Nixon's homes, the International Telephone and Telegraph Corporation case, the President's taxes, and so on. These are to be distributed, beginning next week, to members of Congress, the press and other opinion leaders, Mr. Ziegler disclosed.

MEMBERS OF GROUP

Mr. Ziegler said that, in addition to Judge Sullivan and the White House counsel's office, headed by Leonard Garment, the other members of the group are the following: H. Chapman Rose of Cleveland and Kenneth Gemmill of Philadelphia, prominent lawyers who have volunteered their time, with no compensation, to help Mr. Nixon; Mr. Ziegler himself, and David Gergen, head of the White House speech-writing office since the promotion of Raymond K. Price Jr.

Neither Mr. Ziegler nor Melvin R. Laird, a Presidential counselor, who met with reporters separately, would promise that Mr. Nixon's tax returns for 1970 and 1971—when he paid only "nominal" taxes—would be made public. They said that "full information" would be provided.

Mr. Laird said he expected Mr. Nixon to withhold some data, such as the amounts of his charitable contributions.

The former Defense Secretary also said that recent revelations about a gap in one of the Watergate tapes had undercut the President's Operation Candor to some unmeasurable degree. But he predicted, as he often has in the past, that Mr. Nixon would nevertheless survive the Watergate crisis.

Mr. Ziegler's remarks about the prosecutorial staff followed complaints earlier this week from Mr. Karren about alleged leaks from that staff, and reflected continuing White House bitterness about the liberal Democratic politics of the team originally assembled by Archibald Cox, the first special prosecutor, who was dismissed.

They appeared to suggest trouble ahead between the White House and Mr. Jaworski, because he has made it clear that he trusts and admires the lawyers he inherited from Mr. Cox.

That point came up at the briefing this morning, when a reporter, noting that Mr. Ziegler seemed to be trying to dissociate Mr. Jaworski from his staff, remarked that Mr. Jaworski "has spoken kindly" of his associates.

"Well, I speak unkindly of them," Mr. Ziegler replied.

Mr. Ziegler rejected Mr. Jaworski's suggestion that all the White House tapes be turned over to the courts for safekeeping to prevent further mishaps, terming the suggestion "nonsense."

He said that the White House had argued all along that if it provided any of the tapes and other confidential materials, it would simply lead to demands that would "ravage" the files.

THE RETIREMENT OF HAROLD E. MERRICK

Mr. PASTORE. Mr. President, one of the great personal satisfactions of service in the Senate of the United States is that of experiencing the human worth and warmth of one's colleagues and associates.

We would not be worthy of our office if we did not know the exaltation of achieving something to make life happier or more secure for the times of our responsibility.

And we would be less than grateful if we did not acknowledge the ability, industry, and integrity of the devoted staff whose skills are inseparable from the successes we Senators and our committees may achieve on this Senate floor.

A fine tradition of the Senate—on the passage of an important measure—on the conclusion of the floor discussion and votes—is to mention the names and credit the contribution of the staff who otherwise would be the anonymous co-architects of the history that legislation makes.

My praise is general—though my thoughts are especially of the Appropriations Committee—and specifically of a dear friend—Harold Merrick.

Today—my words would be more than an annual tribute at the session's close. For Harold Merrick plans a retirement earned by 50 faithful years in the service of his Government.

My own service in this Senate has been half that time—but all of my years on the Appropriations Committee have been made memorable and fruitful by the diligence and devotion of Harold Merrick.

Together we have explored a wide range of responsibilities. We have scrutinized the intimate problems of the District of Columbia—we have surveyed the world commitments of State—and the grave concerns of justice at a point of time that teems with problems and perils.

In committee sessions for the District—held at night so that the humblest might be heard—I came fully to know the honor and the humanity of Harold Merrick—and to know that devotion to duty was akin to his ideal of sanctity of his home.

I shall miss—as we all shall miss—the nearness of this scholarly gentleman—with a smile to brighten any meeting and a wisdom to lighten any task.

The days of his retirement deserve to be days of pride for his personal and positive contribution to what we believe is a better world.

They will be days assured of the appreciation and affection of all who had the privilege of this Senate association.

May they be days of health and happiness for Harold and for all he holds dear.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT OF SENATOR STENNIS COMMENDING HAROLD MERRICK AS HE COMPLETES 50 YEARS OF FEDERAL SERVICE

Today Harold E. Merrick of the professional staff of the Senate Appropriations Committee completes fifty years of valuable service to the Federal Government. I believe that the high degree of dedication to duty that he has displayed over that period of time deserves special recognition.

Born in Corydon, Iowa, Harold went to work on December 1, 1923, for the General Accounting Office, which had been created only two years previously to assist the Congress in auditing and investigating the accounts and activities of the Executive Branch. He worked for the GAO for over twenty years, being employed in an auditing capacity in both the Washington and field offices.

It was during World War II that he actually began a second career, being assigned to assist the staff of the Senate Appropriations Committee, which was inundated with work on wartime measures. On September 1, 1945, he formally joined the staff of the Committee and subsequently became one of the original members of the professional staff which had been created by the Legislative Reorganization Act of 1946.

From the time I was first associated with the Senate Appropriations Committee in 1949, I almost immediately became impressed by Harold Merrick's dedication to his job and his efficiency in carrying out the staff work on the numerous bills to which he was assigned. One of these was the important State, Justice and Commerce appropriations bill on which for many years he has been the principal staff aide. It speaks highly for his industry that, busy though he was, he was also able to undertake investigative work overseas in the fields of both foreign operations of the State Department and the utilization of foreign aid appropriations. In both instances his work was of great assistance to the Committee's consideration of the related bills. I especially remember the highly valuable assistance Harold rendered to many members of the Senate in fact-finding visits to other countries relating to the operation of the Marshall Plan and NATO.

Over the years I have grown to know Harold very well and value his friendship highly. His quiet proficiency, his thoughtfulness, his unselfish dedication to duty, his responsiveness in fulfilling Senatorial requests, his diligence in expediting appropriations, and his unquestioned loyalty to the Committee and to the Senate, all have combined to make him a most esteemed and trusted employee.

He has not only been pre-eminent in his work; he has set high standards in both his work and his conduct. He has stood on high principles of character and honor. In all these years he has been greatly assisted by his charming and highly intelligent wife, Dorothy, who has been loyal to the Committee and who also has many friends.

With the end of this current session of Congress, Harold plans to seek a well-earned retirement. I am certain that I speak for all those who have known him and his excellent work in wishing him and "Miss Dorothy" the happiness they both deserve in the years to come.

UNIFORM ACCOUNTING STANDARDS FOR DEFENSE CONTRACTS

Mr. PROXMIRE. Mr. President, the Cost Accounting Standards Board was established by Congress in 1970 to require defense contractors to disclose their cost accounting practices and follow them consistently. Only if this requirement is enforced will there be a basis for fair dealings between the Government and defense contractors. At the present time, it is often not possible for Government officials to properly determine the cost of contracts. As a result, millions of dollars are paid out by the Defense Department annually for questionable and unnecessary costs charged to weapons programs.

DEPRECIATION

The board currently is considering a uniform cost standard on depreciation of tangible capital assets. The Board sought Admiral Rickover's views on depreciation because the Admiral has many years of experience in defense contracting. He also was instrumental in calling to the attention of the Congress the critical need for cost accounting standards in defense procurement.

ADMIRAL RICKOVER'S VIEWS

Admiral Rickover's statement to the Board is an excellent and remarkable one in several respects. He brings a perspective of realism, based on long experience, to what has too often been viewed as an accounting issue. He brings into sharp focus the contrast between depreciation as an incentive device and depreciation as a cost. He urges the Board to develop a standard which requires that depreciation be based on realistic estimates of physical deterioration and service lives of assets. Finally, the admiral, as he has done frequently, places the work of the Cost Accounting Standards Board in a philosophical context which reflects his deep concern about our society and its institutions.

Admiral Rickover places the work of the Board in the perspective of the roles of accounting and business in our society. He believes we are faced today with the question of whether a totalitarian or democratic capitalist society will predominate in our country. The admiral contrasts our system with the totalitarian one and notes that "our system finds the essence of freedom in spontaneity and the absence of coercion." He notes that our democratic capitalist system is under attack and is no longer used in large parts of the world and is subject to extensive government control in other areas. The admiral states that he supports our capitalist system and the right of business to make a profit; however, his view is that preservation of our capitalist system and, in turn, most of our liberties, requires business to put its house in order. He argues that accountants must share the responsibility for the public's cynicism about business morality.

ACCOUNTANTS MUST START POLICING THEMSELVES

Admiral Rickover states that—

> Accounting is presently self-governed, not because of any natural or constitutional right but because of public consent.

He warns that accountants must start policing themselves to restore public confidence and help preserve our democratic capitalist system. In his view, the work of the Board is an important force for improvement of accounting in America.

I believe Admiral Rickover's statement is worthy of the Congress' careful consideration both on the specific issue of depreciation under defense contracts and with regard to the admiral's thoughtful views on the role of accounting and business in our society. I ask unanimous consent to have Admiral Rickover's statement printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT TO THE COST ACCOUNTING STANDARDS BOARD CONCERNING A PROPOSAL TO ISSUE A COST ACCOUNTING STANDARD DEALING WITH DEPRECIATION OF TANGIBLE CAPITAL ASSETS

(By Vice Adm. H. G. Rickover, USN)

(This statement reflects the views of the author and does not necessarily reflect the views of the Secretary of the Navy or the Department of the Navy)

You have asked me to talk about depreciation. One should not always feel it is incumbent on him to make some profound statement on a subject in which he is not an expert. I am not an expert in accounting, but I will try to give you some observations from my experience. I cannot refrain from also making some observations about your work during the past two years.

I have been honored to know your chairman, Elmer Staats, for a long time. He is one of the outstanding men in public life. The nature of his job, which he does with quiet distinction, denies him the public recognition his performance deserves.

As this Board surely knows, Government is not a bit of machinery that needs only to be properly fueled to run well. It needs clear direction. You are fortunate to have Mr. Staats' leadership in your important work.

When the board first was established, I was concerned about the pressures which would be brought to undermine your work. Fortunately, you have an excellent staff and, in Mr. Schoenhaut, a competent executive secretary. So far you have done well:

You have fought off efforts to move the Board to the executive branch.

You have resisted pressures to include loopholes in the standards you have issued.

You have lowered the threshold for contractor Disclosure Statements from $30 to $10 million in negotiated defense prime contracts.

You are gaining a reputation as a competent and dedicated group. Although some defense contractors have criticized the Board for some of its decisions, as you could expect them to, I have never heard them question the competence of the Board or its fairness.

In a Government of large and frequently ineffective organizations, it is a pleasure to see your small group having a major impact. Although only part of your job has been done, you have already had a far-reaching effect. The requirement that defense contractors disclose their cost accounting practices and follow them consistently provides a basis for open and fair dealings with the Government. Even nondefense agencies have now invoked the Board's standards for their negotiated contracts. The idea of setting standards has spread also to the field of financial accounting, where the accounting profession recently established a full-time Financial Accounting Standards Board. I would hope that they face their challenges with the intelligence and dedication which characterizes your Board—and not become just a facade for the accounting "profession."

Reform does not come easily. It is easy to do nothing. It is easy to concentrate on attacking the symptoms, to seek short-term placebos. What is more difficult but essential is to review the system as a whole and to define—then insure—the conditions of its survival. You are doing this.

Although these are positive signs of your progress, I do have two recommendations:

First, I would like to see the pace of the Board pick up. To date you have issued only five cost accounting standards, and work is underway on an additional twelve or so areas. I had hoped you would be further along by now. You must guard against a tendency to study issues to death. Thought without action is not worthwhile. There are many who would like nothing better than to see you tied up on issues which are not central to your work.

Second, you must not be overly concerned by complaints from industry. Industry will never be satisfied. Their opposition is compulsive and there is little reason for you to be overly persuaded by the predictable tone of anguish, no matter what your position might be.

I am not an accountant. Nor am I prepared or qualified to debate the various theories put forth by accountants and industrialists. You are all experts in accounting and well versed in the traditional arguments. The accountants have had many years to wrestle with these questions and they often end up settling on whatever method of depreciation has been accepted for tax purposes. When I first talked with you shortly after the Board was formed in 1971, I said that a major accomplishment of the Board would be to establish rules for the application of accounting alternatives so that costs could be determined properly. Depreciation is an excellent example of an area where the available accounting alternatives can result in widely varying cost figures. It is the inevitable argument over the propriety and application of these accounting alternatives on defense contracts that makes it nearly impossible to tell how much defense equipment actually costs or how much profit contractors actually make in producing it.

A significant potential for distortion of cost stems from use of tax rules regarding method of depreciation and useful life of equipment. We all know that the tax rules result from a political process which considers social goals, financial incentives and other factors. These tax rules are inappropriate for cost accounting. Mr. Staats made that point clearly in the General Accounting Office study on the feasibility of establishing cost accounting standards.

I have some observations based on my experiences with defense contractors over the past thirty-five years which are relevant to understanding why it is not good enough to let financial incentives govern depreciation decisions on defense work.

The first point is that competition in defense procurement is the exception, not the rule. Ninety percent of the defense procurement budget is spent in negotiated contracts where there is little or no effective competition. The complexity of defense work, the large start-up costs, the limited amount of business, the substantial advantage of a lead contractor in follow-on procurements—all make it difficult for new firms to enter the market. Exhortations to increase competition, new procurement policies and the like will not overcome these characteristics of the defense industry. You cannot expect competitive behavior in an industry which does not have a competitive structure. So, in setting a standard for the defense industry, you cannot presume that competition is an effective restraint on the contractors' financial decisions, such as those involving how fixed assets will be depreciated.

Your letter inviting me to this session included the statement that defense contractors use accelerated depreciation methods much more than those in commercial business. I think it is often to their benefit to do so. In a non-competitive business such as the defense industry, where profit is based on estimated cost, the contractor is less constrained. The higher the cost, the higher the profit and, in the case of depreciation, the greater the cash flow. Profit should be the result, not the objective of efficient management, but many defense contractors do not appear to understand this.

This brings me to my next point: Defense business today is concentrated among a few large contractors, many of which are conglomerates. Conglomerate policies on investment and cash flow have a major impact on depreciation policy. In many cases, they are reluctant to invest profits in new and improved facilities as long as higher maintenance costs can be passed to the Government. They do their best to increase return on investment by reducing investment in facilities. When forced to invest in new facilities, the higher depreciation costs under accelerated methods of depreciation help free up cash which can be used to acquire other firms or invest in other business ventures. These pressures—minimized investment and increased cash flow—have little to do with legitimate costs of defense work. And these pressures will not go away under conditions of limited competition. If we are to ascertain the legitimate costs of defense work with regard to depreciation, the cost accounting standard must require contractors to base depreciation policy on more realistic service lives and on the actual rate of use or deterioration, rather than on providing some artificial set of financial incentives.

Let me give you an example which illustrates the relevance of the two issues I have raised—lack of competition, and volume of defense business in the hands of conglomerates. Several years ago we tried to compare the cost of Poseidon submarine conversions at two major shipyards. Since these contracts were negotiated with profit as a percentage of estimated cost in a non-competitive situation, we found that the contractors were not paying much attention to reducing costs. In fact, the higher cost contractor was making the most profit. He had no incentive to improve his facilities or control their cost of maintenance to make them more efficient. For several years his investment in facilities had been declining while his maintenance costs were increasing dramatically. The higher costs provided him a higher profit base. He could get away with this in defense business because there was little effective competition to hold prices down; we had to use both shipyards for the conversions and they both knew it. It is not surprising that under such conditions, cash flow and investment considerations outweigh those of efficiency and economy.

In case after case, we find contractor top management far removed from the day-to-day operations of the company. They are preoccupied with numbers at the bottom of a profit and loss statement and with how much cash they can generate from the operation. Those who do well by these standards are rewarded. When the manager runs into trouble, he is under great pressure to take advantage of whatever accounting flexibility there is at his disposal to portray his results in the most attractive possible terms, regardless of the impact on cost on Government work. Is it any wonder then that he focuses most of his attention on the financial aspects of the job? This is where your depreciation standard comes into play.

Let me now discuss two key issues on depreciation: Physical deterioration of assets and the issue of service life. I have heard contractors advance three major arguments for acceptance of accelerated depreciation. One is that equipment is consumed at a faster rate during earlier years of life, with the corollary that output declines later in life or that maintenance costs must increase and effectively offset the reduction in depreciation in later years. The second argument is that accelerated depreciation is a way of compensating defense contractors for the high risk inherent in the business. Finally, contractors argue that accelerated depreciation enables them to modernize plant, using the increased cash flow for investment in new plant.

I am involved primarily in manufacturing work where heavy machine tools are used. I have not observed the phenomenon of these machine tools wasting away faster in the early years. On the contrary, it is not at all unusual to find precision machine tools actively in use 30 to 40 years after they have been acquired.

I checked and found that every five years *American Machinist* publishes an inventory of machine tools in the United States. The results of the 1973 inventory have just been published. It shows that two-thirds of all machine tools in use by American industry are over 10 years old—28 percent are over 20 years old. Another revealing statistic is that three major types of metal working machinery—turning, boring and drilling machines—have been getting relatively older for the past 30 years. For example, 66 percent of boring machines were under 10 years old in 1945, at the end of World War II. This was because of the large expansion of industry in the preceding five years. Now only 30 percent are less than 10 years old. These statistics on age of equipment in the United States machine tool industry compare with Internal Revenue Service "guideline lives" of 12 years and IRS "asset depreciation range" minimum of 9½ years for companies in the "metal fabricating industry." The comparison shows clearly that the actual service lives of machine tools in the United States far exceed the service lives accepted for tax purposes.

The statistics on age of the machine tool inventory are backed by my experience. Rarely do I see contractors disposing of capital equipment at the end of guideline life. This would be wasteful. No contractor buys equipment he expects to be unable to use over a significant period of time. Of course, at some point, if a machine is used long enough, wear and tear make it less able to hold tolerance for precision work; errors in machining then increase the amount of rework and thus reduce output. But this phenomenon rarely occurs within the shorter service lives over which the equipment can be depreciated today and certainly not in the short time it takes to charge off the major part of the cost of an asset using accelerated depreciation.

The argument advanced by contractors that accelerated depreciation is necessary in consideration of risks in defense business is not valid in my view. More often the risks in defense work are greatly exaggerated. As I mentioned earlier, there is little effective competition for complex military equipment to drive prices down. Most complex defense equipment is procured under cost-reimbursement or incentive-type contracts under which the Government bears a substantial portion or all the risk of cost overruns. From press accounts, you know that large defense contractors faced with financial problems often have been able to obtain financial assistance from the Government through claims, contract repricings, guaranteed loans and the like.

The so-called market risks in defense procurement are also often exaggerated. In many cases, contractors perform major Government work in profit centers which are more certain of a continued market than are comparable profit centers in the competitive commercial world. Defense industry representatives often talk about the high degree of technological obsolescence in defense business. It is true there have been significant technological advancements in weapon systems themselves, but my experience has been that these advancements seldom make production facilities obsolete. In the majority of cases, components of new weapon systems can be manufactured using general purpose machine tools and production methods. Some items of specialized test equipment may become technologically obsolescent before the end of physical life, but in many cases these are not capitalized. I think you will find that most defense work is performed on general purpose machine tools which do not have a high degree of technological obsolescence and which can be used on defense or nondefense work to the end of their physical life. The concept of excessive market risk is not applicable for most large defense contractors.

Accelerated depreciation methods are based on *cash flow*, not *risk*. The contractor wants prompt cash flow. The procurement regulations allow it, and he would be foolish not to claim it. But, cash flow considerations are not a sound basis for determining *cost*. I suggest that the Board should not accept as cost, depreciation amounts that are not in line with the expected rate of consumption of the asset.

Accelerated depreciation has not been an effective incentive to modernize defense plants either. Often, in non-competitive situations, contractors can optimize their cash flow and profits by not investing in capital improvements. Conglomerates can use the cash flow generated in their defense oriented divisions to finance other corporate activities. In such cases the defense work may absorb the high cost of accelerated depreciation, but the contractor uses the proceeds for non-defense work. On non-competitive defense work, contractors may continue to operate older equipment beyond the point where it is economical to do so because they can pass on the higher costs to the Government through contract prices. I mentioned earlier that, since profits on defense contracts are negotiated as a percentage of estimated costs, the higher costs may actually result in higher profits in the long run.

The problem of unlimited repair and maintenance costs also needs attention. One approach would be to put limits on the allowability of repair costs. Another would be to exclude repair costs from the base on which profits are figured. But these are beyond the scope of this Board. What you can do is require contractors to account for repair costs in a way which will enable procurement officials to make judgments on reasonableness and refuse reimbursement for excess repairs unless adequate explanation is provided. I find that some defense contractors do not even keep cost records adequate to show when maintenance costs on major items of equipment have become excessive.

Some contractors also argue that, in an inflationary economy, fast write-offs generate the cash necessary to buy replacement equipment at higher price levels in later years. Obviously, in a period of rising prices, replacement equipment will cost more than the original. But the question before the Board is what is *cost*. It seems to me that depreciation cost should be whatever you actually paid for the asset rationally prorated over its useful life. The question of how contractors might finance possibe future plant and equipment acquisitions is a separate issue which should not be factored into cost calculations on current contracts.

With regard to service life, I have noted that two-thirds of machine tools in the United States are over 10 years old. Yet service life "guidelines" used by the IRS permit equipment to be depreciated over shorter periods in many cases. For example, in the case of horizontal and vertical boring mills, the bread and butter equipment of many large manufacturing operations, IRS rules permit the asset to be depreciated over a period of as little as 9½ years by companies in the metal-fabricating industry. This is too short a life for such equipment.

There is also the issue of uniformity and comparability between two companies with the same type of assets. As I understand the present cost accounting situation, which is based on IRS rules, there is no requirement that plants doing identical work should use similar depreciation charges.

For example, several years ago one of our suppliers decided to invest in more machine tools. He proposed to depreciate them over an eight year life rather than the 12 year life other suppliers doing identical work, had told us was the minimum service life accepted by IRS for that type of equipment. He assured us the eight year life was acceptable under IRS guidelines. We checked and found that apparently he was right. The difference between the eight year service life he could use and the 12-year life used by other manufacturers is that his parent corporation was classified in a different industry grouping where a more favorable "guideline" was available to him than to his competitors. Under procurement regulations, he could use the shorter service lives.

A second example concerns a private shipbuilder who, under IRS rules, was writing off the cost of a dry dock in 12 years. In contrast, another shipyard in the same line of work was depreciating its dry dock on a straight line basis over 40 years. As a result depreciation charged on identical jobs done by each shipyard varied significantly—$200,000 per year for the company using straight line over a more realistic life, and $1.2 million for the company proposing accelerated depreciation over a very short life. There is little wear to a dry dock and it is not uncommon to find dry docks 50 or 100 years old still in use. In this case, we finally got the company to agree to write the dry dock off over a 20 year life for contract purposes, but this is still much less than its economic life.

Accountants permit the two managements to make different estimates of service life and to use different methods of assigning the cost over the different time periods. With that kind of "flexibility," how do you expect a program manager to make sense out of cost estimates from two contractors?

I appreciate the difficulty of establishing accurate service lives, yet it should be done. You ought to be able to devise simple statistical tests whereby those contractors who continually understate service lives are required to make longer estimates for their write-offs. Since standards for useable lives should be uniform there may be cases where equipment will have longer or shorter lives than what is established in your standard. For the sake of equity, the Board probably will have to lean toward underestimating actual economic lives. Even so, if you are to arrive at a depreciation standard that fairly represents actual costs, realistic lives for depreciable equipment should be substantially longer than presently permitted by IRS for tax purposes. I hope you will provide rules that make similar circumstances lead to similar depreciation charges.

I wish I could express complete confidence in contractors and their accountants on the question of service life. But they do not appear to be trying to estimate actual service lives. Contractors are trying to justify short lives, and the public accountants seem to condone the practice. Accountants have a mania for measurement—the uncertainty is the yardstick they use. All too often their sophisticated calculations are based on simple false assumptions.

Let me summarize my main points:

1. tax rules are not adequate for cost accounting in depreciation of fixed assets;
2. the absence of effective competition in much of the defense industry results in depreciation charges based mainly on the desire for prompt cash payment;
3. there is no justification in my experience for accelerated depreciation as the basis for cost accounting;
4. there is no evidence that machines deteriorate at a rate even approaching their depreciation under an accelerated method;
5. comparability between contractors doing similar work should be required; and
6. you should face up to the issue of service life, and establish standards which come closer to actual service life than the current tax regulations.

These are important issues which deserve your careful attention. Nevertheless, the work of this Board must also be viewed in a broader perspective: it must include the role of accounting and the role of business in our society. We are faced today with the large question of which type of society, the totalitarian or our democratic capitalist one, will predominate.

The totalitarian ethic is based upon the assumption of a sole and exclusive truth. It postulates a preordained harmonious and perfect scheme of things to which men are presumed to be irresistably driven.

Our system finds the essence of freedom in spontaneity and in the absence of coercion; theirs believes it will be realized only in the pursuit and attainment of an absolute collective purpose. The aims of our system cannot be realized through coercion. We consider the use of force for their realization to be an evil. We believe that in the absence of coercion we will one day reach, through a process of trial and error, a state of harmony.

Public opinion polls reflect the low regard in which the people hold business in America. These polls indicate an increasing public cynicism about the capacity of business to put its house in order.

Our capitalist system is under attack. In large areas of the world it is no longer used. Elsewhere, such as in parts of Western Europe, it has become subject to extensive Government control.

I believe in our capitalist system. I believe in competition. Business has a right to and should make a profit. It is to their best interest to avoid practices for which they have rightly been criticized. Business must not ignore its shortcomings nor attempt to explain them away.

Should our capitalist system be destroyed, it will be accompanied by the destruction of most of our liberties. Therefore, for its own good as well as for the good of the people of our country, business must put its house in order.

The so-called "profession" of accounting, because of its active participation, must share the blame for the state of our business morality. The difficulty in obtaining reliable and consistent information from company annual reports—with their calibrated phrasing—is but one example. A calling, to merit the name of "profession" must live up to a code of ethics and enforce that code on its members. On these terms, is accounting a profession? Accounting is presently self-governed, not because of any natural or constitutional right but because of public consent. Society considers itself without the necessary knowledge and expertise to review the quality of professional service or to evaluate professional judgments. If accountants do not start policing themselves the public will withdraw its consent and accountants should not be surprised one day to find an official-looking stranger scouring out their house with a detached and ruthless thoroughness.

I know that the task of the Board is complex, and that my suggestions cannot be adopted easily. Many in Government as well as industry are strongly motivated *not* to solve the problems they face because the solutions might interfere with their concepts. Some tend to adhere to abstract theory and to ignore immediately relevant problems. Others view solutions as endangering familiar ways of doing things.

As this Board has already demonstrated it is not so much the ability, the diligence and the hewing to the problems that are necessary. It is loyalty, intelligence, perspective, judgment, and selflessness. You must continue to be zealots—not for a cause but for facts and for truth. Today is a time of new beginnings, a time of discovery. But it is also a time for developing better ways of managing what we have and of completing what man has begun.

To understand is easy; to do is difficult. We are all imperfect in our endeavors, and we may be forgiven if we have done our best and advanced but little. In the light of the problem of survival of our domestic capitalism as well as our individual liberties, what you are doing serves a large national purpose.

GAS RATIONING NOW, FOOD RATIONING TOMORROW

Mr. TALMADGE. Mr. President, the energy crisis has reached such proportions that it has tended to block out of public consciousness all other important issues, both foreign and domestic. While Government policymakers wrestle with the decision as to whether to impose gas rationing on American consumers, the evidence mounts that the present fuel allocation system is not working and that present methods of conserving fuel will not be adequate. It is a foregone conclusion that stronger measures will be necessary in the immediate future.

I have been reluctant to make speeches or write letters to the President urging special consideration for any particular group of society in allocating our critically scarce oil supplies. It is difficult to say in our complex and interdependent technology and society that any particular group deserves priority over another group. Certainly, I would not relish the job of making such decisions, for it amounts to the task of playing God with the lives of millions of Americans.

However, I feel compelled to speak out about the plight of one group of Americans, for their activity is virtually important to the lives of every American. The American farmer is not receiving the diesel fuel and gasoline that he needs to complete the harvest of his 1973 crop and there is no assurance that he will receive adequate supplies to produce a crop in 1974.

Food prices have stabilized only because the American farmer responded magnificently to the call for increased production in 1973. The Department of Agriculture's own estimates call for an even tighter supply of basic food supplies in the coming year, for increased demands will more than offset the increased production. Therefore, if the American consumer and our customers around the world are to have any hope for an adequate supply of food stuffs in 1974, our farmers would have to dramatically increase production again next year. Production at 1973 levels will be unfortunate for the American consumer. Production at 1972 levels would be completely disastrous. It would result in food rationing in the United States and cutting off supplies to many of our best customers around the world.

I know that we all agree that food rationing in this country would be a disaster, even worse than gas rationing. After viewing what the soybean embargo did to our relations with our strong ally, Japan, I think it is imperative that we do everything possible to avoid the necessity of such an embargo on food in the future.

However, the proposed new allocation system for middle distillate fuels would only provide farmers with the same amount of diesel fuel they received in the 1972 crop year. In 1972 only 217.1 million acres were planted to the basic food crops of wheat, feed grains and soybeans. The USDA has estimated that farmers will plant 246 million acres to these crops in the 1974 crop year, an increase of 28.9 million acres or 13.3 percent over 1972.

Farmers are not going to plant this additional 28.9 million acres if they only get enough fuel to plant the number of acres planted in 1972. In fact, there is a good possibility that they will plant even less acreage than was planted in 1972. This is true because farmers are more discouraged and confused than I have ever seen them. Despite current temporary regulations which are supposed to guarantee farmers all the diesel fuel they need for 60 days, many farmers are receiving no fuel oil at all. Some oil companies are paying no attention to regulations promulgated by the Office of Petroleum Allocation.

The woefully understaffed and inadequate OPA is unable to handle the massive case load that has developed and they seem to have little or no authority to enforce their directives.

In view of the emergency nature of this situation and in view of the fact that this continued confusion and uncertainty on the part of the farmers will mean that they will severely reduce production in the coming crop year, I wrote an urgent letter to President Nixon requesting decisive action on his part to assure farmers that they will have enough fuel to produce at the necessary levels for 1974.

I have also written to Secretary Butz asking for his expert analysis of the impact on 1974 agricultural output if farmers are held to their 1972 fuel supply level. I have asked the Secretary to brief the Committee on Agriculture and Forestry on this problem at its next regular meeting.

If the American people are going to be

faced with food rationing and skyrocketing food prices next year because of present governmental inaction, then they have a right to know the truth now. However, I hope that the President will heed my plea and take the kind of decisive positive action that is necessary to insure adequate agricultural production in 1974.

Mr. President, I ask unanimous consent that my letter to the President and my letter to Secretary Butz be printed at this point in my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
November 30, 1973.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As the policy makers in your Administration wrestle with the decision as to whether to impose a system of rationing to conserve our short supply of petroleum, the inability of our Nation's farmers to obtain adequate supplies of fuel is creating a situation that could result in the rationing of food in 1974 and the years thereafter.

My office is flooded with calls from Georgia farmers who cannot get fuel to run their tractors and harvest their crops. Our farmers have heeded the call of the Secretary of Agriculture for all out production in 1974. But now they fear they will not receive adequate fuel to produce the additional food supplies that the Nation's consumers need.

Many farmers cannot get fuel because independent jobbers and distributors who supply them are being squeezed out of business by the refusal of large oil companies to make deliveries. Moreover, there is concern that the entire farm marketing chain could break down because of the inability of truckers and food processors to get fuel.

I know that the Department of Agriculture has instituted a monitoring system of the farm fuel and fertilizer situation and they have attempted to help farmers locate a supply of fuel. However, they have often been unable to obtain results. Many times when a local distributor is ordered to provide a farmer with fuel by the Office of Petroleum Allocation, he is unable to do so because his superiors in the oil companies will not comply with OPA orders. Although your allocation system is supposed to give priority to farmers, many farmers are getting no fuel at all.

There is massive confusion among government officials, oil companies, distributors, and farmers. Some oil companies seem completely unaware of the priority position of farmers. In spite of current regulations stating that farmers are to receive all the diesel fuel they need for current uses, many independent distributors and farmers are being flatly refused oil by the major oil companies.

The Office of Petroleum Allocation is woefully understaffed and completely unable to handle the crushing case load of citizens trying to get fuel. Moreover, they seem unable or incapable of forcing oil companies to comply with the Federal regulations. When some oil companies are told of the Federal regulations requiring that farmers receive all the diesel fuel they need in a 60-day period, they respond that, according to your Presidential message of November 7, they only have to supply 85 percent of the amount supplied in 1972.

I have two staff men working full-time with the ASCS and the OPA in trying to get fuel for farmers and other Georgians who are desperate for help. I know that the problems faced by Georgian farmers are typical of the Nation as a whole. The USDA report of November 23 made this assessment, "for the Nation as a whole, the farm gasoline and diesel fuel situation is the worst since last spring".

The American farmer responded magnificently to the plea for greater production of food and fiber in 1973. Farmers planted 20.6 million acres more to wheat, feed grains, and soybeans than in 1972. However, many are still in the process of trying to harvest and prepare these crops for the market and are not able to obtain adequate fuel to do so. The record production of badly needed crops this year has not only stabilized food prices, but it has provided a basis for improving our international trade situation and for strengthening the American dollar. The USDA has estimated that agricultural exports this year will total 19 billion dollars, a huge 47 percent increase over agricultural exports in 1972. Because of this record increase in agricultural exports, it appears that this Nation will have the first trade surplus it has enjoyed since 1970.

Because of record domestic and international demand, we must continue to make sharp gains in agricultural production to avoid food shortages in the coming year. For example, the November edition of the USDA publication, "The Wheat Situation", has this to say about our supply of wheat: "Wheat supplies for 1973/74 are estimated at 2,158 million bushels, down 10 percent from last season (Table #1). Though the 1973 wheat crop was a record, a sharp reduction of 433 million bushels in beginning stocks was more than offsetting."

The USDA has this to say in its summary of the feed situation, published on November 21. "A tight supply and demand situation dominated the outlook for feed grains, the supply for 1973/74 totals 240 million tons, three percent below 1972/73. Production, forecast at 208 million tons, is eight million more than last year, but carryover of old grain into the marketing year was down a third to 32 million tons."

The USDA forecast a further decline in the carryover of wheat and feed grains in the coming year, with total utilization exceeding total production.

Mr. President, the latest guidelines for fuel allocation that you have proposed under your mandatory allocation program promise farmers the same amount of fuel they were receiving in 1972, a year in which 217.1 million acres were planted to wheat, grains and soybeans.

The USDA has estimated that farmers will plant 246 million acres of wheat, soybeans and feed grains in the 1974 crop year, an increase of 28.9 million acres, or 13.3 percent over 1972.

It is not possible for farmers to plant these additional acres if they are limited to the fuel they used in 1972. Under your allocation plan farmers will not be able to produce at the record levels that they did in 1973 and there is no way they can increase production to the levels anticipated for 1974. They will be forced to reduce production to 1972 levels—a level that will be completely disastrous for farmers and consumers.

I have written to your able Secretary of Agriculture and requested an economic analysis on the impact of holding agriculture to the 1972 level of fuel consumption. I believe that we must be honest with ourselves and the American people.

If the current fuel allocation system is going to result in severe food shortages in the coming year, then the American people and our customers around the world must be told.

Farmers are faced with many other shortages this year. They are not able to obtain sufficient equipment to gear up to production levels that are needed. We will be faced with chronic fertilizer shortages in the coming crop year because of the delay in lifting of a government policy which was encouraging the export of a large quantity of American fertilizer.

However, without more fuel than farmers received in 1972, there is no possible way that agricultural production can be increased or even maintained at the 1973 levels. We will have critical food shortages as surely as the night follows the day.

If, on the other hand, you feel that an adequate food production and a stable food supply is important enough to the American consumer to warrant an increased allocation of scarce petroleum resources, then you should make a commitment to the American farmer immediately that he will have sufficient fuel to increase farm production to the level that is needed.

I have never seen farmers more disturbed and more discouraged than they are at the present time. I fear that the uncertainty and confusion that currently exists in the distribution of vital fuel supplies to our farmers will result in greatly reduced farm production—below even the 1972 level.

I hope you will take immediate and decisive action to guarantee farmers adequate fuel, because irrevocable decisions on next year's crop production are now being made. A delay of weeks and months will be fatal to an adequate production of food in the coming year.

Without your personal assurance that farmers will have enough fuel to produce their crops in 1974, people of the United States could be faced with severe food rationing and many of the less fortunate people in Asia and Africa who depend upon us for much of their food supply could be faced with starvation in 1974.

With every good wish, I am

Respectfully,

HERMAN E. TALMADGE,
Chairman.

U.S. SENATE,
November 30, 1973.

Hon. EARL L. BUTZ,
Secretary, U.S. Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: Attached is a copy of a letter I wrote to the President expressing concern about the critical situation in the Agricultural sector with regard to fuel supplies.

I know you share my concern about the fuel shortages just as you did with regard to the price freeze on agricultural commodities. We were right then, for the price controls on food disrupted production and resulted in much higher prices to consumers. I feel confident that we will be proved right again unless our voices are now heard abundantly clear and agriculture is assured of the tools of production now and especially next year.

This government has asked this Nation's farmers to go all out in 1974 crop production. Farmers are now trying to tool up for this concentrated effort. But, I fear that unless all necessary inputs are available when needed, we will experience utter chaos in agriculture, and that all of this Nation will suffer as a result.

I understand that the proposed new mandatory allocation procedures promise agriculture 100 percent of the fuel received during the base period, which is 1972.

As you will recall, approximately 59 million acres were diverted from production under the annual set-aside programs in 1972. Now we are asking that this and other land be brought back into production. How this can be achieved at 1972 fuel use levels is difficult for me to perceive.

Therefore, I would appreciate an expert analysis from your office of the impact on 1974 out-put in terms of acres and production for the principal crops at a 1972 fuel level. I would also appreciate an impact statement on prices at the farm and retail level under these circumstances as well as the impact on exports.

In view of the urgency of this problem, I would like to have this information for the regular meeting of the Committee on Agriculture and Forestry on December 5. I would appreciate your appearing to brief the Committee at the meeting.

With every good wish, I am
Sincerely,
HERMAN E. TALMADGE,
Chairman.

FOREIGN AID TO INDOCHINA

Mr. ABOUREZK. Mr. President, Guy Gran of the Indochina Resource Center has provided an excellent analysis of the Foreign Assistance Act of 1973 and its conference report—especially as it relates to Indochina. Last week the House and Senate conferees finished the report on two foreign assistance bills, S. 1443 and S. 2335, which contain both military and economic aid for every part of the world. Not only is the Senate faced with the situation of having to approve two dubious and controversial bills in one conference report, but we are also put in a dilemma of approving what in essence is the House version of the foreign aid package. Certainly, one has to wonder in looking over the long list of Senate sponsored provisions which had been incorporated in the two foreign aid bills which either are no longer there or have been altered or weakened beyond recognition.

I believe, however, that one of the most questionable aspects of the report is the inclusion of at least $200 million of munitions stocks which are to go to Cambodia. With recent depletions which have lowered our present munitions stocks to crisis levels, this action seems most inadvisable. At the very least the Senate has the right and responsibility to hold hearings and debate on the issue of depleting our limited stocks still further.

These are some of the precarious elements of the conference report that merit a great deal of consideration. Mr. Gran's analysis provides further information on these and other serious questions on the report. I ask unanimous consent that this report be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

FOREIGN AID TO INDOCHINA—CONGRESS FLUNKS AGAIN

This is an incredible bill. If one were to measure its potential results for Indochina, where roughly one third of the aid is destined, it would be difficult not to conclude that the foreign aid bill conferees were deliberately trying to perpetuate precisely those conditions which will insure the maximum amount possible of misery and war for the peoples of Indochina.

Flowery humanitarian rhetoric will delude the unworldly. Specific projects of this ilk, scattered through the bill, will perhaps appease some liberal consciences; despite the small amounts involved they may actually do some good. Beyond such items, however, is the fine print. The Committee provided no explanation of the provisions, possibly because proponents of the bill need obscurity for it to survive. A line by line analysis of all of the mischief in this conference report would take a small volume. A brief exposé, however, of the provisions relating to Indochina would be instructive not only of legislative chicanery but also of why the United States will stay involved in an endless series of Indochina wars.

The Foreign Assistance Act of 1973 begins its new policy statement with a series of seven criteria which are to serve to refine our aid programs to the less developed countries. Couched in the usual vague prose of the supplicant and lacking any frameworks for institutional change or measurement, these criteria will accomplish little. But they do serve to point a direction and show how far the Indochina aid program is from Congressional thinking on the aid question.

Indochina aid is not aimed at meeting "critical development problems." It, instead, provides the military means to keep three regimes afloat. Our aid is not aimed at helping the poor majority but rather reaches predominantly that comparatively wealthy minority which supports our client governments. In the third place, the continued ideological if not actual control of Vietnamese development planning makes a mockery of any call to individual responsibility of sovereign states. In sum by the criteria Congress itself set, the Administration's proposal for Indochina Reconstruction merited no support.

A number of the other general policy provisions also bear sadly on Indochina. Section 109 allows the President to transfer up to 15% of any program monies whereever he chooses. This sorry flight from responsibility thus permits for example, 15% of the money authorized by sections 103 to 106 or some $87 million to be spent on Indochina. Section 110 requires the host country to provide 25% of the cost of any program. Not one of the three Indochina states we fund supplies 25% of the resources necessary for its survival. Section 111 authorizes $20 million for the development of cooperatives. The American taxpayer would be delighted to know this after Congress has obligated some $676 billion of past, present and future Indochina war costs to prevent a communist victory and the socialist development of cooperative enterprises in Indochina.

The conferees did make a gesture in their policy statements to ward off critics of American programs to train foreign police. Section 112 appears to prohibit such training. That is until one notices that paragraph ( ) effectively guts paragraph (a). The resulting language accomplishes nothing. Some 100 to 200,000 political prisoners still rest in GVN jails where many are being tortured or starved. American police aid is also putting the finishing touches on an elaborate computer complex which holds at least 10 million identity dossiers so Thieu can keep track of those not in jail. 1984 has come nine years early to the Vietnamese peasant, thanks to American largesse. In the larger context the jailing of all political opposition, in blatant contradiction to the Paris Agreement, destroys the possibility of a political arena where the Vietnamese might begin to resolve the disputes that began this civil war three decades ago. Thus, opponents of Thieu, of any political persuasion, are driven away from political and toward military solution. Will it be any wonder when the PRG finally loses patience and retaliates with military vigor?

If the general policy statements of this bill will not change the expensive ongoing civil wars in Indochina, neither will the more specific provisions dealing with military and economic assistance. Section 12 contains the authority for military assistance. Within it the amended portion of Sec. 503 General Authority continues to allow the President to grant military aid to any country he wishes if he finds it "will strengthen the security of the United States and promote world peace . . . by assigning (wherever he wishes) personnel of the Department of Defense to perform duties of a noncombatant nature." By no measure of empirical reality does American military aid accomplish such things in Indochina. Congress has apparently learned nothing after 23 years of meddling in Indochina.

One should be aware also that it is this sentence which continues to allow several thousand DOD employees to remain in Vietnam where, in their civilian garb as contract personnel of Lear Siegler and other firms, they continue to perform a wide variety of military jobs like aircraft repair that the Vietnamese are still unable to perform. Such personnel may be invisible to Congress, but they are quite evident to the PRG which is far closer to the scene and far more cognizant of the many provocatory ways the United States violates the Paris Agreement by interfering in the internal affairs of Vietnam.

Section 12 then moves to authorize about $350 million for military aid to Cambodia without ever mentioning the name of the country. The merits of such aid are discussed in "Cambodia—Illusions Are Expensive." The legislative techniques are educational. Section 504(a) of the FA Act of 1961 is amended to authorize $512 million of grant military assistance; Cambodia will get $150 million of this. Then Section 655(c) of that Act is voided for FY 74; the $341 million limit to Cambodian aid is thus lifted. Finally Section 506(a) is continued with an authority of $250 million; this means that at least $200 million of defense articles will be transferred out of DOD stocks and given to Cambodia. Since this section automatically authorizes and appropriates these funds, DOD need merely come to Congress later to replenish as it wishes. Such monies do not even appear in the conferees table which shows where the supposed total of $2.4 billion foreign aid is allocated. For legislative obfuscation Section 12 of this bill is indeed a masterpiece.

The conferees made at least two attempts in ensuing pages to get some control over aspects of the military aid program that relate to Indochina aid. In Section 21(3) they attempt to redefine "value". In part (2) of the clause relating to non-excess defense articles the phrase "adjusted as appropriate for condition and market value" has been retained. Thus the actual value of the Cambodian aid to the American taxpayer will become somewhat larger than the $350 million total just uncovered. A second potentially futile attempt to end abuse of military aid procedures comes in Section 24 where the Foreign Military Sales Act is amended. In a long paragraph the conferees try to end the hoary practice of transferring military aid from one recipient to another.

The governments of Turkey, Iran, Taiwan, and South Korea have often in the past been quite generous to our Indochina clients. Despite the reports and threats, there is no substantive mechanism for continuous on the spot investigation. Even if Congress did find further transgression and somehow gathered its courage to act, it would find that its phrase of "immediately ineligible" means, by Section 14 of this bill, a further eight months.

The misery to be wrought by this bill will not be restricted to the Cambodian peasants whose civil war is herein well fueled for the coming months. In Part V, Sections 801–805, the Foreign Assistance Act of 1973 authorizes $504 million to provide economic aid to the three Indochina regimes we pay for. The spirit behind the words, especially of 803–804, is noble. The results will not be.

This authorization, combined with the $1.1 billion of military aid in the DOD appropriation, perpetuates approximately the same level of funding as is now occurring. Given such resources, Thieu has chosen to ignore the Paris Agreement since the day it was signed. Instead of pursuing the political compromises that might begin to create the possibility of real peace, Thieu has chosen permanent war. There is no indication that he will change his policy given the resources that permit an army of 1.1 million men and a police force of about 120,000. Total victory of either side has proven for thirty years impossible. It is absurd to believe it is a realistic potential now or that such a solution is in the best interests of either the American or the Vietnamese people. Yet by authorizing such levels of aid, Congress has perpetuated this quest for an absolute winner.

Some members of Congress wanted to give humanitarian aid to these war torn lands. It is certainly needed. Yet Section 801 contains two clauses which render the remaining language ineffective; "on such terms and conditions as he may determine" and "including especially" permit the President to go on doing as he wishes. Congress doesn't define "humanitarian." Is it unaware that AID has several times argued that any economic aid that affects the economy also affects people and is therefore humanitarian? Why is it so impossible to understand that *any* aid given to a government at war is *military* aid because at the very least it frees domestic resources for military purposes?

Many members of Congress were loath to cut Indochina aid appreciably because they felt that humanitarian aid would be hurt or that the present governments would somehow fall. Despite USAID mythology only a tiny portion of the aid is really very humanitarian. The infinite miseries of the present civil war far outweigh whatever temporary burdens would be added by significant change. History teaches again and again that the cost of going without a revolution frequently outweighs the pain of having one.

But the GVN will fall? Certainly, if all aid disappears in an instant and it has so little indigenous support, the GVN will not last. Why should it? But there are a wide range of options in between that USAID studiously ignores. It is all right to supply 80 to 90% of the resources that keep three governments afloat and following policies this Administration approves of. Yet it is unthinkable for USAID to lower the levels of funding and alter the kinds of aid to encourage different political policies that might lead to peace. Congress does not have to accept such expensive illogic.

Members of Congress also sought in the authorizing paragraph of section 801 to end support of the GVN police and prison system. This language won't do it. To include the clause "unless the President receives assurances satisfactory to him" when we have a President who is unperturbed by the present situation in South Vietnam, renders the whole thing useless. To provide this year some $16 to $18 million of direct police support to the GVN by failing to alter any ongoing AID or DOD programs makes a mockery of the idea. And to continue massive general budgetary support which allows the transfers of GVN revenues from human needs to military and political needs like prisons vastly compounds the problem. Do the members of Congress know that the CY 73 Saigon budget programed funds for 400,000 prisoners (half the money is lost to corruption) and that for CY 74 the prison budget and the size of the police force are going up? Does Congress really believe that there are "more humanitarian" prisons or that the police we train will act in an apolitical fashion? Thousands of pages of primary evidence to the contrary are readily available. The present situation that this bill perpetuates is in sum a tragic reality totally contrary to our Constitutional and ethical ideals.

The authorizing paragraph, section 801, contains one other extremely serious flaw. The conferees dropped the House language suggesting that the aid be given in conformity with the Paris Agreement. (It appears that elsewhere they also dropped Senate intentions that military aid be given on a piece-for-piece basis as ART 7 of the Paris Agreement requires.) By deleting this language the Congress gave final notice not only to the Administration but also to the PRG that it would ignore the new diplomatic situation. Thieu will proceed with less of a worry. The PRG can only conclude that the American Congress is willing to support Thieu rather than the Paris Agreement its government signed. The political and military results will not be peace.

Section 802 provides the precise level of funding, $504 million of economic aid ($209 million of Food for Peace (?) is elsewhere) for South Vietnam, Cambodia, and Laos. The $504 million is half way between the Administration pie in the sky $632 million and a Humphrey mathematical invention of $376 million. Neither the level nor the programs it funds (with some notable exceptions) reflect the new legal obligations of the Paris Agreement, the new political realities and potentials, or the real needs of the majority of Vietnamese. Indeed despite the fact that last January we recognized not a "the government of South Vietnam" but rather two equal parties which by a given political process would form a government, this aid program will only help those refugees and other needy under GVN control. So much for our humanitarian concern.

The problems with the components of the Indochina aid program are endless. Much analysis is on the public record. The reader would do well to begin with the Senate Appropriations Committee hearings Foreign Assistance and Related Programs Appropriations, Vol. II, pp. 907–940 and 1212–1270. It contains as well a detailed alternative proposal for as humanitarian a program as possible at a level of $240 million. This is but one of many median options the Congress could and should consider.

In addition to these major provisions concerning military and economic aid, this bill contains some subsidiary items which spell ultimately further misery to the peasants of these three lands. In Section 22 there is an enormous unhindered slush fund permitting military credit sales. The Administration could well figure a way to disburse some of this to Indochina if need be. In section 27 some of the funds for the Asian Development Bank have gone ($16 million in loans at the moment) to Indochina. More will likely go; such development projects certainly help some local businessmen and the GVN, but the projects involved are very often an expensive and inefficient way to help the poor most in need.

The report ends with a series of gestures, much sound and fury but few teeth. Section 29 says the Congress will not pay for American military operations in Indochina. What do you call a military operation wherein we pay for the bombs, the fuel and the planes, supply and fund the technicians and the maintenance they perform, and are very likely involved at least indirectly in aspects of training, logistics, and communication? Congress, like the Administration, is simply debasing the language by such semantic absurdities. Section 30 is no more effective.

The politics of bravado comes into play when there are not enough votes to insist upon substance. This conference report concludes with several of these resolutions of the sense of Congress bearing on Indochina. Section 31 would wish the President to end all aid to countries with political prisoners; that would be quite a list as everyone is aware. The President will ignore this. Section 33 wants the various Laotian parties to live up to the Paris Agreement so we can get the rest of the POW's and MIA's back. If Congress were really interested, it should pay close attention to AID's plans to torpedo the Laotian accord and "win" a total victory for the Royal Laotian Government. Such a policy, reported recently in the Far Eastern Economic Review, has only failed half a dozen times in the last twenty years. Section 36 reaffirms the admittedly popular position no aid to North Vietnam. What kind of a commentary on us is such a position?

The final item in this report merits special attention. Section 39 tries to end the policy of using currency generated by the Commodity Import Program, the Food for Peace Program, and probably others as general budgetary subsidies (i.e. military and police support) to various governments. This is particularly applicable to Indochina. The wording of Section 39 is simply too vague to accomplish its purpose; "unless such assistance is authorized" sounds good except that the actual workings of CIP and PL 480 do not appear to have been exhaustively legislated. AID just announces how they will run the programs and then does it. AID will certainly claim that, if the CIP is funded, it is also authorized to dispose of the currencies as it sees fit. Finally, just suppose AID had to hold on to all the currency it acquired; as in India we would have no use for the currency.

This conference report, in conclusion, perpetuates years of mythologies concerning Indochina, expends at least $850 million of military and economic aid for that area, and insures that the peoples of Indochina will remain mired in civil wars for another year.

TRIBUTE TO PAUL H. DOUGLAS BY FORMER LT. GOV. PAUL SIMON OF ILLINOIS

Mr. PROXMIRE. Mr. President, our friend and former colleague Paul H. Douglas has had a great influence on the lives of many people. He is not only a distinguished scholar and economist but he also served on the Chicago City Council, drafted the early social security laws, fought as a combat marine in World War II, served 18 years in the U.S. Senate, and headed a pace-setting Presidential commission for 2 years after his Senate service.

Paul Douglas had friends and admirers in all walks of life, not least of whom was former Lt. Gov. Paul Simon of Illinois. Now Mr. Simon has written an article in the October 14, 1973, edition of the Chicago Tribune magazine in which he traces the the source of Paul Douglas' strength by a visit to his boyhood home in Maine.

This extremely well-written article and the personal explanation Mr. Simon gives of its origin deserves even wider notice than it received in the Chicago Tribune. I therefore ask unanimous consent that the article be printed in the Record so that Members of Congress and the general public may read about the origins of this inspiring and noble figure.

There being no objection, the article was ordered to be printed in the Record, as follows:

Source, Teacher, Senator, Friend

(By Paul Simon)

Paul Douglas has meant more to me than any other political figure. I'm not completely sure why, and self-analysis is always hazardous.

But of the many prominent persons it has been my privilege to know and admire, it is Douglas who stands as a giant. There is a remarkable, Lincolnesque quality about the man, a quality I began to understand a little more after a family trip to his native Maine last May, described in the following article.

During his three terms in the U.S. Senate (1948 to 1966), few of Douglas' colleagues achieved his stature. In a 1953 magazine poll, correspondents on Capitol Hill voted him the nation's top senator. Life magazine suggested editorially, in 1951, that he be named secretary of state. In 1952, U.S. Rep. John F. Kennedy favored Douglas for the Democratic Presidential nomination. Eight years later, when Kennedy himself was nominated, the first senator he called to his Florida retreat for consultation was Douglas.

As a young University of Chicago economist, Douglas helped to construct plans for Social Security. In Chicago's City Council (1939–42), Ald. Douglas, 5th Ward, fought lonely and rarely successful battles—against the seating of Matthias (Paddy) Bauler, for increased payment to the city's welfare recipients, for recreation facilities in poor black neighborhoods, for a series of economies in city government. The one alderman who occasionally voted with him was John Boyle of the 16th Ward, now chief judge of the Circuit Court of Cook County.

In the Senate, this ex-Marine headed the fight for civil rights long before it was fashionable, for higher ethical standards long before a Watergate could have been imagined. He pioneered unpopular causes and helped to create the climate that would later see passage of bills requiring disclosure of interest rates and other consumer-protective measures. He saved part of the Indiana Dunes and fought to preserve mineral deposits so that they could be shared by all the people. He advocated sensible economy in government—former Secretary of Defense Robert S. McNamara credited Douglas' suggestions in the military field with saving the country billions of dollars. Medicare and minimum wage, tax reform and federal aid to education legislation all bear the distinct stamp of Paul Douglas.

His personal staff members who moved on to other major responsibilities include Theodore Sorensen, President Kennedy's chief aide; Howard Shuman, administrative assistant to Wisconsin Sen. William A. Proxmire; Kenneth Gray, administrative assistant to Sen. Hubert H. Humphrey; Chicago Ald. William S. Singer; Robert Wallace, Kennedy's West Virginia primary campaign manager and assistant secretary of the Treasury, now vice president of the Exchange National Bank in Chicago; Frank McCulloch, a key member of the National Labor Relations Board; Philip Stern, author of books about tax reform; Kyran McGrath, executive director of the American Association of Museums; and Martin Gleason, a dean at Columbia University.

But my respect for the senator goes beyond these issues and these people, significant as they are.

The administrative assistant to a nationally prominent senator, speaking of political ethics some years ago, commented: "As you can see, I'm proud of what my boss has done. But in all candor, neither he nor anyone else in the Senate is in the same league as Paul Douglas. He's in a class by himself."

In more than 20 years of close observation of Douglas, I have never seen him even hint at doing anything unethical. Daniel Webster is considered a great senator, but he had the ethical standards of a rogue compared to Douglas.

Douglas sought public office not to satisfy an emotional need, not to be honored as a solon, but because what he hoped to accomplish had to be done thru public office. While others were testing public opinion to determine which way to go on issues, Paul Douglas *led* public opinion. The platformless, convictionless mediocrities who too often emerge in both political parties are leaders in name but not in fact. Long on public relations but short on substance, they seek and hold public office without knowing why.

I do not want to overpaint the picture. There are things in the record I would like to change: I wish that he and Gov. Adlai E. Stevenson could have been better friends, tho perhaps it was unavoidable that two prominent national figures from one state, with such markedly different styles, should privately clash. I am pleased at the respect Douglas has shown for the son, Sen. Adlai E. Stevenson III. I wish that Douglas had been less hawkish on the Viet Nam War, tho he still believes history will vindicate his position. I wish that when Sen. Joseph McCarthy of Wisconsin was bludgeoning the nation and our civil liberties, Douglas had taken more leadership in restraining him, tho when pressed, Douglas always stood for constitutional processes and against the McCarthy onslaughts.

Today, Paul Douglas lives quietly with his wife in Washington, D. C. At 81, white hair glistening, his large frame moves slowly, the result of a stroke. But his mind moves as quickly as ever.

For me he will always be like one of those huge rocks atop the mountains of Maine, standing by itself against the storms of time, a guide and inspiration to many, a goal to be reached by a few.

Paul Douglas

Paul Douglas, white-thatched giant of the nation's upper house for 18 years, had a dramatic childhood few Illinois citizens knew about as he strode across the nation's political scene. Modesty, unfortunately, is not a virtue that plagues many of us in the political arena. But Douglas maintained silence about those early years. It took a trip by our family to his childhood homes in Maine for me to get some feeling for what young Paul Douglas went thru.

It is trite to say, "He came up the hard way," but it is accurate. After he became a senator and then a Senate leader, he continued to remember those less fortunate than he had been. He believed that by helping them he also helped the merchant and the industrialist; that only when all people are able to make progress can our political system work. I have other friends who have dramatically emerged from poverty, but too often once they achieve some status, they forget those who had struggled with them. The heady atmosphere of high public office did not change Paul Douglas.

Like Lincoln, he had spent his childhood years in a log cabin—in Onawa, Me., a village that was smaller than New Salem and more remote. Like Lincoln, death came to Douglas' mother early—of tuberculosis when he was 4. Like Lincoln, a stepmother provided immense intellectual stimulation as well as love.

But Thomas Lincoln had provided his son with at least some limited guidance. Douglas' father, who led the lonesome life of a traveling salesman, abandoned his two sons.

One evening years ago, when Douglas and I happened to be in Springfield, he asked me to join him at midnight for a walk thru New Salem, the re-created Lincoln village. Because I had to go on to Galesburg that night, I declined, and I have always regretted it. My guess is that he would have spent a part of that walk in silence, communing with Abe, and that he might have reminisced about his own childhood.

In five statewide campaigns, Douglas did not mention his rugged background. But his campaign style showed it. It is no disparagement of Sen. Charles Percy to say that in Douglas' final contest, in 1966, he campaigned as he had in all the rest—and that the smooth, expensively packaged, public-relations campaign of his opponent presented more of a contrast in style than in issues. Perhaps the public's desire for ruggedness had simply disappeared.

In the day of the automobile and superjets, the Douglas boyhood community remains remote. You leave the narrow, paved road at Monson, drive perhaps five miles over gravel, and then, if you watch closely, you see a sign on a tree, crudely hand-lettered in yellow paint: ONAWA. An arrow scrawled beneath suggests that you follow the side road. About three miles into the forest, the road ends and you proceed by foot to a collection of perhaps a dozen houses and cottages.

The settlement, at the foot of a lake hidden by trees, no longer contains the Douglas family log cabin. But the one-room, frame school he attended as a child still stands, now converted into a summer home by an enterprising city dweller. In his autobiography, "In the Fullness of Time," Douglas recalled of that school: "All my early schooling probably did not amount to a more than a year and a half of classroom attendance." Instead, he learned on his own.

The Canadian Pacific Railroad, which came thru Onawa twice a day, provided the only connection the village had with the outside world in Douglas' childhood. The train still runs.

"Here comes our daily excitement," said a resident, Mrs. Eleanor Copeland, with typical Mainer's drollness. And as it must have decades earlier, the whistle blew, dogs barked, and Onawa's children and the train's crewmen exchanged waves. We walked along the track bed to the trestle from which young Douglas used to survey the lake and the mountains around it.

Paul's stepmother arranged for her bright, tall son to board in Newport, Me., 40 miles away, so that he could attend its 30-student high school. He lived first in a home, then above a store, getting odd jobs to provide a meager income, one of them as janitor in a local attorney's office.

There are still people in Newport who remember Douglas as a high school student. A teacher whom Douglas mentioned with warmth in his autobiography ("I owe a great debt, intellectually and emotionally, to Emily Mitchell Merrill, who was my teacher in Latin and French.") is one of them.

Local residents estimate her age as anywhere from 90 to 95, and they always add: "But she doesn't look it." Indeed she doesn't She drives a car, maintains her home, and still complains because the faculty in '09 named as valedictorian the son of a prominent family instead of Paul Douglas.

"I could quickly tell he was outstanding," Mrs. Merrill recalls. "I didn't think he would enter politics, tho I thought he probably would become a teacher or professor."

(Her hunch was right. Before Douglas entered politics, he had taught at the University of Illinois, at Reed College in Portland, Ore., and at the University of Chicago. From 1967 to 1970, he was a professor of economics on the graduate faculty of New York City's New School for Social Research.)

Donna Bennett, 74, remembers when the tall young man seven years her senior saw her walking toward the Newport train station, struggling with her luggage. "What is such a small girl doing with such a large suitcase?" she remembers he asked, and he carried her bag to the train. Then, she says, she was a 10-year-old girl who was proud to receive attention from an older boy. Now the source of her pride is what the boy became.

Another local resident described Douglas as awkward both socially and physically; he had to be coaxed to take part in social affairs. But, she recalls, "he took an interest in political affairs and had views that were different from the majority of Newport's citizens."

Nearby Moosehead Lake and Bucksport, a coastal town where his grandmother lived, were occasionally visited by Douglas as a boy. At Bowdoin College in Brunswick we saw the old buildings in which he attended class and the home where Harriet Beecher Stowe wrote "Uncle Tom's Cabin." Perhaps the student who later led the nation to civil rights legislation felt that if one Brunswick resident could have an impact in the fight for blacks, so could another.

Only a few miles from Brunswick is the tiny coastal community of South Harpswell, where a great-great-grandfather of Douglas landed and settled in 1725. The rugged coast, inhabited by equally rugged men and women, has a timelessness about it. The few fishermen and others we talked with had no idea the famous senator from Illinois had any connection with their community. But their faces, weathered by wind and the salt of the sea, and their hands which were toughened by hard work, conveyed a kinship one senses about Paul Douglas.

He never found his spiritual home at cocktail parties or even in the academic halls. Instead, he was most at ease among the fishermen and woodsmen of Maine—and the farmers and steelworkers of Illinois.

ANTITRUST AND THE NATIONAL ENERGY EMERGENCY ACT

Mr. HART. Mr. President, on November 19, the Senate passed S. 2589, the National Energy Emergency Act.

When the bill was introduced, there were reports in the press that the oil industry was seeking total antitrust exemption. I must admit that the reports were somewhat disquieting, for, to paraphrase the situation, it was not a particularly appealing thought to give such exemptions to "the people who brought you the oil import quotas," which may very well have contributed to the need for an Energy Emergency Act.

Fortunately, it did not work out that way.

At the suggestion of the able manager of the bill, Senator JACKSON, the majority and minority staffs of the Antitrust and Monopoly Subcommittee and the Interior Committee, and representatives of the administration and of the Federal Trade Commission, met extensively to sort out the myths from the realities. All were aware of the urgent need to accommodate the extraordinary circumstances of the energy crisis. At the same time, all agreed that only the minimum necessary antitrust inroads should be made—and then only with adequate safeguards and procedural monitoring.

The lesson learned in the National Recovery Administration in 1933 was one that guided. Then too, we were determined to solve a national crisis. But in solving it—in a method 2 years later declared unconstitutional by the Supreme Court—we found that anticompetitive practices had begun which we are not shed of even today.

Frankly, I would like to see more antitrust safeguards in this bill. But honest negotiation could not produce them and concessions had to be made on both sides. All parties have agreed on the need for and purpose of these provisions. And, on balance, I think that the public interest—as far as antitrust is concerned—is reasonably well protected.

Therefore, I hope that the House of Representatives, in considering this bill, will take a hard look at these positions and support their intent if indeed not the language as written.

For the record, let me explain the antitrust amendments:

The act provides no general immunity from the antitrust laws. A limited defense only is created under section 312 (f) and (k). Additionally, procedural and monitoring mechanisms are adopted to protect the public interest. The antitrust provisions adopted by both the Senate and the House in S. 1570—the Emergency Petroleum Allocation Act of 1973—are tailored to provide more flexibility and greater safeguards against abuse. And, the section 312 provisions shall supersede and apply to that act notwithstanding any inconsistent provisions in section 6(c) of that act. Competitive values are made a watchword in section 101 (h) and 102(h) for guidance in carrying out the act's purposes.

To carry out the act's purposes, certain authority is conferred upon the President which he may delegate as specifically provided. But, authority respecting antitrust and competitive matters and advice is vested exclusively with the Department of Justice and the Federal Trade Commission.

Because of the mechanism to protect the public interest incorporated in section 312, subsection (i) is designed to assure that the section's important safeguards and procedures incorporated as a condition for the granting of a limited antitrust defense and to protect the public interest are not bypassed. Thus, subsection 708 of the Defense Production Act cannot be invoked with respect to any activity which is authorized to be taken under this Act or the Emergency Petroleum Allocation Act of 1973, whether or not such activity is also authorized or implemented under the Defense Production Act.

It is recognized that during the emergency, plans of action, voluntary agreements and the establishment of advisory and interagency committees may be necessary to effectuate the purposes of the act. Although these activities in and of themselves may not necessarily amount to violations of the antitrust laws, they present circumstances which increase the possibility of abuse. Thus, under subsections (c) and (d), the President may set these activities in motion if necessary to achieve the purpose of the act.

To protect against abuse and to insure compliance with the purposes of fostering competition and preventing anticompetitive effects, advisory committees are made subject to the Federal Advisory Committee Act of 1972 and may not be chaired by a person who is not in the ordinary course a full-time regular employee of the Federal Government. With respect to any advisory or interagency committee meeting, the Attorney General and the Federal Trade Commission must have advance notice and may have an official representative attend and participate. Also, a full and complete verbatim transcript of advisory committee meetings must be kept, together with any resulting agreement, which shall be deposited with the Attorney General and the Federal Trade Commission where it shall be made available for public inspection. National security and proprietary information, as defined by present law, may be excised therefrom by the Federal Trade Commission and the Attorney General before making it available to the public. In sum, it is intended that such meetings be held in a fish bowl atmosphere.

Subsection (g) provides a degree of flexibility so that the "fish bowl" atmosphere will not become unnecessarily burdensome. Under (g)(1) the Attorney General is authorized to exempt advisory committee meetings from certain requirements of subsection (d) when they are ministerial in nature and are solely for the purpose of carrying out and implementing a plan or agreement which has already been approved. However, (g)(2) requires the promulgation of regulations which would assure adequate records in the form of logs or memorandums, so that the monitoring function could be performed. This provision is not intended to limit the more general authority given to the Attorney General and the Federal Trade Commission in subsection (m).

Subsection (n) provides that the purposes of the act in the regulated sector of common carriers will be effectuated with as little loss to competition as possible. To this end the two authorities charged with responsibility for the enforcement of the antitrust laws are required to assess the competitive impact of any actions taken in this sector before exercise of the authority provided in section 204(b)(1). The scope of their participation should be viewed in its broadest sense in keeping with the intent of these provisions. It is expected that, if necessary, the Department of Justice and Federal Trade Commission will propose alternative actions that would effectuate the purposes of this act with as little loss to competitive values as possible.

Subsection (e) specifically and affirmatively involves both the Attorney General and the Federal Trade Commission as continuing guardians of competition within the framework of this act.

The thrust of this subsection not only is constant vigilance by the Attorney General and the Federal Trade Commission, but also mandates their active participation and input from the very beginning into any plans of action or voluntary agreements. They are required to propose alternatives to avoid or overcome to the greatest extent practical any anticompetitive effects.

Additionally, at any time the Attorney General or the Federal Trade Commission may amend, modify or disapprove any plan of action or voluntary agreement if they find such plan of action or voluntary agreement is either contrary to the purposes of this section or not necessary to achieve the purposes of the act or not the approach which minimizes anticompetitive effects.

Similarly, they may review, amend, modify, disapprove, or prospectively revoke any plan of action or voluntary agreement that has already been implemented.

In addition to the protection of the public interest in the foregoing manner, specific requirements procedures and monitoring are included as conditions to obtaining the limited immunity conferred. Section 312(b) defines antitrust laws and section 312(a) provides for such limited immunity in accordance with the provisions of subsections (f) and (k).

Subsection (f) limits the possible immunity conferred by subsection (k) to designated persons engaged in certain aspects of the petroleum business provided the enumerated activity was conducted solely for the purposes of achieving the objectives of this act and the persons are in compliance with the procedural and other safeguards and requirements of this section.

Subsection (k) confers the limited antitrust defense provided the activity was

(i) held or made in compliance with the protective, monitoring, and other provisions of this section; and

(ii) solely for the purpose of carrying out an approved plan of action or voluntary agreement; or

(iii) undertaken solely to comply with the requirements of this section.

Any actions or effects having any other purpose are not provided with antitrust immunity. This can be best illustrated by some simple examples. If several firms agree to allocate petroleum products among their customers in furtherance of the objectives of this act, but the purpose of the particular method used actually was the elimination of a competitor, that conduct would not be accorded antitrust protection. Also, a voluntary agreement among competitors to share crude reserves and transporting facilities for the purpose of efficiently allocating resources can be protected. If the parties to the agreement, however, implement its provisions in a predatory manner for the purpose of excluding unnecessarily smaller competitors from crude supplies or transportation services, this is not protected.

Subsection (l) makes clear that this act does not affect in any way any pending or possible antitrust cases regarding the petroleum industry. Nor does this act affect or limit any judgment or order that can be entered in such cases. Likewise, this act does not immunize any conduct which would occur subsequent to expiration or repeal of this act.

Subsection (m) provides the Department of Justice and the Federal Trade Commission with authority to police, quickly and efficiently, the activities carried out in furtherance of this act. Accordingly, subsection (m)(2) directs the Attorney General and the Federal Trade Commission to promulgate regulations concerning the retention of records which are believed necessary or appropriate to evaluate possible anticompetitive activities and effects. Thus, the antitrust authorities will be in a position to continually assess and monitor activities taken under this act and whether immunity under subsection (k) is appropriate.

Nothing in subsection (m) is intended to limit other powers granted the Attorney General and the Federal Trade Commission under any other statute.

In short, Mr. President, I believe the amendment offered by Senator JACKSON and adopted is a responsible method to safeguard competition while responding to a fuel crisis. The concern of Senator JACKSON to assure this protection has been impressed on all of us who joined in development of the amendment.

A PROMISING PROPOSAL FOR RATIONING GAS

Mr. HUMPHREY. Mr. President, on November 19 the Consumer Economics Subcommittee of the Joint Economic Committee held hearings on energy conservation. At that time one of the experts who testified, Mr. David Freeman, director of the Ford Foundation's energy policy project, outlined a unique approach to gasoline rationing.

As an alternative to conventional rationing or a pure tax approach to gasoline conservation, Mr. Freeman proposes a hybrid scheme that would extend equal basic allotments of ration stamps to every auto owner. Purchases beyond this allotment would require either payment of a heavy tax or purchase of additional stamps at a price designed to equalize demand and supply. The basic allotment would divide up a large part of the assured supply each month. The stamps would be negotiable, so that people not really needing the gasoline would have a cash incentive not to drive, and people needing more gas could obtain it but would think twice because of its higher price.

The case for Government sale of additional coupons, instead of taxation for supplies beyond the basic allotment, is that it would permit periodic variation in the coupon price to fit market conditions. The price should be set to limit demand to the amount available. This price would provide guidance as to the value of coupons in public trade. Gas stations could broker coupons at the month's official rate, with the Government providing a mail exchange for persons wishing to buy or sell but finding no ready counterpart. In this role, given a good data processing system, the Government also could monitor supply conditions in various parts of the country from the balance of buy and sell requests. Another byproduct of selling additional coupons, instead of simply taxing the supply beyond the basic allotment, is that gas stations could be required to produce coupons to qualify for resupply. This would prevent blackmarketing without coupons and help in allocate wholesale supplies correctly.

The principal attraction of this scheme is that it uses market forces to allocate the marginal quantities of gasoline among users, obviating much of the bureaucratic machinery to make determinations and hear appeals and hardship cases. Most transactions with the Government could be made by mail. The system also avoids most of the cost-of-living impact and the fiscal drag of the pure tax approach, which is very important at a time when the economy is slipping toward recession. There are many quirks that might arise from the scheme, but before counting those against it, one must seriously consider the quirks involved in the alternatives.

Mr. Freeman also proposes that the revenue produced from sale of the extra tickets—in the range of $3 billion per year—be put toward improving public transit facilities and/or subsidizing transit fares.

I think that the creative proposal deserves very serious consideration by those involved in developing the administration's enemy conservation and distribution programs. It also warrants the scrutiny of the Congress.

For this reason, I ask unanimous consent that Mr. Freeman's testimony before the Consumer Economics Subcommittee be included at this point in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF S. DAVID FREEMAN

Mr. Chairman and members of the committee: I was pleased to accept your invitation because I think it vital that everyone acquainted with the energy situation do everything they can to make energy conservation a quick reality in this country. We need to enlist the support and participation of the American people and we need action by all levels of government to develop an energy conservation ethic in this country.

Mr. Chairman, the views I express this morning are strictly personal and are not presented on behalf of the Ford Foundation's Energy Policy Project which I am directing. That particular study of national energy policy is one we hope to complete in the coming year. My views today reflect my own involvement with energy policy over the last decade, first at the Federal Power Commission, later as an energy policy official in the Executive Office of the President and more recently as an interested citizen. I hope they will be of some value to the Committee.

The crisis that is upon us need not paralyze the Nation or cause widespread hardship. Ironically, the fact that we waste so much energy in driving cars and overheating buildings makes it easier to weather this crisis. Japan and Western Europe for example use more of their crude oil for industrial purposes than we do. If the United States can quickly make the necessary readjustment in our wasteful patterns of consumption there need not be any serious dislocation in the American economy. The adjustments could in time even lead to a pace and quality of life that in many ways could be superior to the big car—glass house—suburban sprawl—energy and pollution intensive way of life that we have built for ourselves in recent decades. But the worst mistake we could make would be to fail to face up to the very real shortages that exist.

The shortage of fuel we face this year, next year and for the foreseeable future is not going to be filled by just giving lip service to conservation and trying to continue business as usual in our traveling, heating, and industrial consumption habits. It is going to require mandatory actions by State and Federal Governments to assure that everyone does their part to make conservation happen. Without effective action now, including some form of rationing, the energy shortage could trigger a domino effect throughout the economy that could move this country into a recession or even a depression. Of course, we are in a very real sense guessing at what might happen. The Federal Government has detailed contingency plans for going to war but no such plans for this energy crisis that has been developing for many years.

For several years many of us have been calling attention to the fact that America has been a society of energy gluttons. Now that it has become imperative to go on an energy diet it is most important that the diet be effective and that the measures taken provide the greatest savings with the least disruption. Perhaps most important of all is to be sure that our efforts are not just a one shot proposition. We need to shift to a more efficient pattern of growth so that conservation becomes an integral part of the design for America's future, a future that can be better and more satisfying than the recent past. But first we must cope with the existing emergency.

The nation's energy budget is badly in the red. The available supply of oil is going to be somewhere between 10 to 25 percent short of the potential demand in the months ahead if we continue a business as usual pattern of consumption. There is no way to close that kind of gap by increasing supply as long as the Arab boycott continues.

It is important to understand that the United States has no stockpiles, little or no excess production capacity and only one defense department reserve that could, if produced, add some 150,000 barrels/day as compared to a potential shortage of 2 to 4 million barrels of oil a day. And there is not much "dirty" energy readily available to fill the gap either. Peeling off the layers of environmental protection isn't going to help much in keeping us warm and could really hurt in keeping us well in the years to come. The only answer is to cut back on energy consumption at once and by everyone, or many people and businesses will run out altogether, because we cannot burn what we do not have.

I have great faith in the ability and willingness of the American people to respond to the situation that we now face provided their leaders take decisive action that requires everyone to share in the inconvenience. Some people will turn down their thermostats and stop joyriding voluntarily but there are too many questions in the minds of people about whether the crisis is real, whether everyone is sharing equally and about which measures are really effective and which are not, to expect the degree of conservation required from a voluntary program.

The danger increases each day we continue heating buildings, driving cars and operating industrial establishments as though the shortage did not exist. Actions are needed immediately . . . not in January or February. It is a matter of simple arithemetic that the longer we delay beginning a program of rationing in one way or another the greater the risk of shortages that will cause unemployment, as well as seriously disrupting the lives of our citizens.

As we consider which actions to take it is important to distinguish between measures that will reduce demand and really help right away from those measuers taken in the name of the energy crisis that will do little or no good now and could cause great harm in the future.

We dare not enact a national energy policy to shape America's future in an atmosphere of fear and near panic. If we don't stop to think there is the danger of approving any action that promises more energy in the future without weighing the cost to the consumer or the environment. A national energy policy must find a way to implement our environmental goals, not abandon them. Such a policy should protect the consumer against windfall profits, and not make soaking the consumer somehow seem like a virtue. We must be sure that consumer protection and environmental protection do not become the first victims of the energy crunch.

No one, least of all myself, would question the need to develop a coherent line of policy to balance our energy budget in the years ahead. My plea is that we do so with an understanding that the nation must reconcile a number of very basic yet conflicting values, and that we are still very low in the learning curve of just how to do so.

If we face the reality that some array of governmental mandatory actions are needed to cope with the immediate emergency there are three categories to consider:

(1) Requiring specific actions or inactions, designed to save lots of energy at minimum inconvenience. For example, it could be required by law that thermostats in commercial and industrial buildings be set at 68°.

(2) Rationing available supplies to the ultimate consumer, leaving the choice to each citizen or business as to how to balance his energy budget.

(3) Increasing prices (through taxes) to the level at which the higher prices would cause people to cut back on consumption enough to balance with the supply.

It seems to me that an optimum program of action could well draw on all three categories of action. The most pressing need is to take action—including rationing—to reduce demand immediately. No one looks forward to rationing with any glee or enthusiasm but we must understand that the issue is not whether to ration or not; it is a question of whether the government will ration or whether the rationing will be left up to the oil companies. In ordinary circumstances the market place does the job better. But with a shortage of heating oil and gasoline that could be as high as 20 to 25 percent of potential demand, we would be taking a tremendous gamble with the welfare of the people and the economy if we permitted nature to take its course.

As I shall explain in a moment I believe there is a role that market forces can play to help ration gasoline and other scarce fuels. But the idea of just letting the oil companies charge what the traffic might bear in a period of acute shortage would result in a multi-billion dollar windfall. The price increases won't even help cure the immediate cause of the shortage, since making the oil companies super-rich isn't likely to persuade the Arabs to stop the boycott. The higher prices of 20 to 30 cents per gallon would, of course, price gasoline out of reach for many trips and thus reduce demand. But in the sad state of public transportation in this country there are certain minimum needs for gasoline that simply can't be cut out—needs like getting to work. The working poor would thus be hurt badly by a purely market oriented solution. And the oil companies—who must share the blame with government for our energy unpreparedness—would profit handsomely on the adversity of the nation.

Raising the price of gasoline by imposing a large new federal tax of say 30 cents a gallon is certainly a better idea than permitting the oil companies to pocket such huge sums. And it would no doubt cut out lots of driving. But a pure tax approach would still soak the working poor and consumer generally who must use gasoline for getting to work, shopping, and other essentials.

A purely market-oriented approach with a price increase large enough to eliminate the shortage this year therefore is a cruel idea for almost everyone but rich people and the oil companies.

At the other extreme is to consider rationing as requiring a detailed comprehensive system which attempts to identify the needs of every class of retail consumer, divide the available supply equitably among them, and provide appeal boards for hardship cases. Such a system in a peacetime economy would require a government bureaucracy that is not yet organized. They would need to make a lot of tough decisions on where joyriding stopped and where necessary travel began. By the time it got organized and working we would most likely have run completely out of gas.

There is no really good way to ration but in the circumstances there is no alternative. And the country really can't afford a long debate over how to do it. The greatest danger by far is to drift ahead hoping that the problem will somehow go away.

I happen to think that a basic rationing system for gasoline could be quickly implemented. In the interests of facilitating public discussion I'd like to outline an approach that would not involve a complicated bureaucracy and would call on market forces for help without placing a burden on the consumer. I offer these personal thoughts knowing they are incomplete and could be improved with the hope that they might spur quick action by the federal government.

Gasoline could be rationed by estimating the assured supply from domestic production and imports that we know will continue and issuing free coupons to each licensed car owner for an equal share of most of what would be available. This basic ration would amount to about 10 gallons per car per week if the Arab boycott continues. These coupons should be made freely negotiable to encourage car owners to pool their coupons and form car pools or drive less and sell them to people who need or want more gas.

In addition, a small fraction of the coupons would be sold by the government each month on a first come, first served basis, at say 30 cents a gallon, with the price and number of coupons available adjusted each month in light of supply and demand. An alternative to the government selling ration tickets would be to impose a tax of say 30 cents per gallon, while also issuing coupons as described above and providing that the coupons would entitle the holder to gasoline without paying the extra tax.

The government would, in effect, be using the market place instead of appeal boards to allocate a small portion of the gas. The money from the sales of these coupons or the tax should be used to buy new buses and otherwise improve public transportation systems. Service stations would be able to obtain replacement gasoline only in an exchange for the coupons they collected from their customers. An integral part of any such rationing plan would be to impose price controls on the scarce energy that would ensure that the energy companies do not reap windfall profits.

The reasons for earmarking some of the gasoline for a market determined allocation is that in a peace-time economy it would be hard for a rationing board to decide on who should get a priority. Furthermore, it is important for consumers to think in terms of gasoline being worth, say 30 cents a gallon more, and making their decisions accordingly. Otherwise the pressure on the rationing system will be great and the danger of blackmarket operations that much greater.

Mr. Chairman, I present these thoughts, not as a definitive plan, but as a basis for proceeding at once. If hardships or inequities result, exceptions could be added. But in the current circumstances the longer we delay the tougher and more complicated the job will become.

It is important that we also give high priority to measures that will save energy, not only this year, but every year in the future. Actions in this category would include:

(1) Federal low-cost loan programs or tax incentives to facilitate more insulation, storm windows, and other investments in existing buildings to save energy automatically each year.

(2) Large-scale federal support for public mass transportation. On the average in the city you can get where you are going on a bus with one-third the fuel required than if you drive your car.

(3) Federal funding for the construction of bicycle paths on an urgent basis. There were more bicycles than cars sold in the U.S. last year and people will ride them much more if they can do so without the danger of injury and pollution on the city streets.

(4) Taxes or performance standards that would result in new cars being built that have much better mileage. More cars that get 20 miles/gallon rather than 10 can be built in the coming year and a family car that does 35 miles per gallon is entirely feasible in the future.

(5) Enactment of a stiff tax on the use of scarce natural gas and oil as fuel by industrial plants. This would encourage greater efficiency and switching to domestic coal in the years to come.

There is not time to discuss all the energy conservation actions that could be initiated. Most of the discussion has centered on houses, office buildings and transportation. But industry can save energy too without cutting down on industrial production if they have sufficient time and incentive to adjust. We must distinguish between a sudden unexpected shortage which could cause unemployment from a future in which industry can adjust to the fact that energy is a scarcer and more expensive item. In the current emergency keeping production and employment going should have a very high priority—wearing a sweater at home cannot be compared with the loss of a paycheck. But in the future, industry can expand and employment grow with a slower rate of growth in energy consumption than in the past.

Mr. Chairman, the word crisis in the Chinese language consists of two symbols, one meaning danger, the other opportunity. We know the danger but there is also a great opportunity. The coming months can be a time when America looks in the mirror and sees what a mess it has made of its cities, and how we have permitted the surrounding countryside to be covered by unplanned circles of growth.

We have created an America in which people live and work in buildings constructed and operated with no concern for saving energy: an America where people on the average live further and further away from their work and spend more and more time in cars that get fewer and fewer miles per gallon; an America where industrial establishments have paid no more attention to the efficiency with which they use energy than the average household. There is little doubt that we have created the most wasteful society on earth in the use of energy and material resources. With 6% of the world's population we consume 35% of the world's energy. Our appetite for energy has grown much faster than our ability to produce extending our energy lifeline half way around the world to the large oil wells in the Middle East.

In a way this nation is very fortunate that the boycott has occurred now. For what it does is to telescope the future and show us that the path along which we were sliding is a dead-end. Even if the Arab-Israeli dispute did not exist, it is not in the cards for America to continue a gluttonous way of life in a world where most of the people live in a perpetual energy blackout.

We are witnessing the end of an era. As much as we hate to face up to it the joy ride is really over. But that does not mean that we are on the road to a Spartan life, nor does it mean that we cannot in the coming years develop transportation systems, cities and indeed life styles that are superior to what we must leave behind. To fashion a new America will involve a whole lot more than an energy policy. But since energy is the life blood of modern society it might provide the focal point.

If we could develop an energy conservation ethic it could lead us to solutions to a great many of the ills that beset America today. Modern mass transportations, new cities, either within existing communities or elsewhere, and planed growth in knowledge-intensive industries, are all needed to meet basic needs of society as well as to balance the nation's energy budget. Growth in these areas that have suffered from too little growth in the past could reshape the GNP in a way that could provide more of the goods and services that America really needs and cut out much of the wasteful use of energy that is a root cause of our current problem.

If the current crisis could wake us up to the need for embarking on a sounder and saner pattern of growth it could turn out to be the luckiest thing that could ever happen to us.

Mr. Chairman, in conclusion it is important that we do not permit the current crisis to give conservation a false blackeye. We are in trouble because we were trying to consume too much, not too little. The Arab boycott may be the proximate cause but if there is hardship and unemployment it has its roots in a decade of government policy which encouraged the energy companies to push their products with green stamps and promotional rates. Rationing is a by-product of the policy of promotion and the failure to take actions that can save energy, save money, save the environment, and improve the quality of our lives in the process. The answer to this winters problem is not to give up on the future but rather move to a pattern of growth and sources of supply more in keeping with a durable society on a planet of limited resources.

THE MISTAKE IN MOVING ATLANTIC CRUISER-DESTROYER FLEET FROM NARRAGANSETT BAY

Mr. PELL. Mr. President, today, I have asked the General Accounting Office to initiate an investigation into which I believe are the needless, wasteful expenditures of fuel oil as the result of the great mistake that was made by the administration in its decision to move the Atlantic Cruiser-Destroyer Fleet from Narragansett Bay. The ships have now been scattered to various seaports along the eastern seaboard and also sent as far away as Greece. Not only, as I pointed out in the exhaustive hearings held by the Senate Armed Services Committee, will this mean additional time and additional taxpayers' money for these Navy ships to go from their new home ports to their mission areas, but also it would mean needless burning of vitally needed fuel oil.

And, I have asked the General Accounting Office to ascertain the number of gallons of gasoline that our drivers will not have for their automobiles and the gallons of fuel oil our homes and plants will not have because of the oil wasted through the dispersal of the Atlantic Fleet.

I would think that if the administration is serious in its desire to alleviate the estimated short-fall in fuel oil in the New England area, which estimates are as high as 48 percent, it could start by having the cruiser-destroyer fleet back to Newport rather than have the ships anchored offshore in southern ports without adequate pier facilities burning untold gallons of fuel.

In summation, the decision by the administration to move the fleet from Rhode Island is wrong not only by reason of strategy, and not only by reason of economy; but now it is apparent that it is in addition wrong because it wastes a vital resource—fuel.

CONSERVATION ON ENERGY BY CARPOOLING

Mr. DOMENICI. Mr. President, I am extremely encouraged by the recent announcement of the Virgina State Highway Commission that beginning on the 10th of December carpooling commuters will be allowed to use the express bus lanes on Shirley Highway—I–95—from Springfield, Va., to the Pentagon during the morning and evening rush hours.

You and my colleagues in the Senate know that I have been a proponent of increased carpooling as a means to achieve lower levels of air pollution in metropolitan areas and as a means to conserve vast amounts of gasoline. To that end, I introduced S. 2598, the Carpool Incentive Act of 1973, on October 18 with 13 other distinguished Senators. Since the introduction of that bill I am aware that carpooling has received much attention as an energy conservation measure of great potential. In fact, a very similar amendment was added to the Emergency Energy Act, S. 2589, which recently passed the Senate. In addition, the Energy Conservation Act of 1973, S. 2176, will contain provisions designed to achieve greater utilization of carpools for commuter traffic in metropolitan areas.

Accordingly, Mr. President, I applaud the action of the Virginia State Highway Commission to further encourage the use of carpools in the Washington area. I request unanimous consent that an article appearing in this morning's Washington Post relative to the Shirley Highway express bus lanes be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Nov. 30, 1973]

Car Pools To Use Shirley Bus Lanes

(By Paul Hodge and Ron Shaffer)

The express bus lanes on Shirley Highway (I–95) from Springfield to the Pentagon will be open to car-pooling commuters during the morning and evening rush hours beginning Dec. 10, the Virginia State Highway Commission announced yesterday.

Cars with four or more persons in them will be permitted to use the nine mile, two-lane section of the highway during rush hours to conserve energy and ease traffic congestion by encouraging commuters to form car pools, a spokesman for the commission said.

Since the express lanes opened in 1969, they have been reserved for buses only during rush hours. Cars have been permitted to use the express lanes during other hours.

Use of the lanes by express buses during the rush hours have saved bus riders 15 to 20 minutes in commuting time. Ridership of the Shirley Highway express buses has increased from 2,000 to 33,000 a day.

Virginia State Police will enforce the rule of four persons to a car, the commission spokesman said. Those with fewer than four to a car will be charged with a misdemeanor and fined from $10 to $50 if convicted.

Car pools will not be permitted to use the present single bus express lane that stretches from Washington Boulevard near the Pentagon to the 14th Street Bridge. But when a second bus lane is built there in 1975 carpool riders will be permitted on it, the spokesman said.

There are three access points to the express lanes, at the Springfield interchange, Turkey

Cock Run and Washington Boulevard. Other motorists will know they can enter the express bus lanes when barrier signs are removed after morning and evening rush hours.

Only Washington-bound traffic may use the express lanes during mornings. The lanes are reserved for outbound traffic in afternoons.

In related developments yesterday, both Virginia and Maryland state police officials said their states' new maximum speed limits will be strictly enforced and that the unwritten rule of the road that motorists can exceed posted speed limits by 5 or 10 miles an hour without police interference is no longer in effect.

Although the custom varies with state and local police departments, motorists for decades have been permitted to go 55 and sometimes 60 miles an hour in 50-mile zones without getting speeding tickets. Some Washington area police forces say they generally fix radar sets to 10 miles over the posted speed limit.

These police forces include the Maryland state police and the D.C., Arlington and Montgomery County police departments.

Virginia state police, Prince Georges, Alexandria and U.S. park police forces all say they are strict enforcers and may arrest motorists going less than 10 miles over posted speeds. However, none could remember a ticket ever being given to a motorist exceeding a speed limit by less than 5 miles an hour.

Officials of all area police forces said that the national gasoline shortage is making policemen more aware of speeding and they expect individual officers—who make speeding arrests at their discretion—may now be tougher on speeders.

"We're worried about the gasoline shortage, too, you know," an Arlington police sergeant said. "When I drive to work in my personal car and a guy passes me going way above the speed limit, I know things are getting tighter and I think he's taking gasoline away from me."

In additional energy-related actions yesterday:

Metro transit agency officials said new federal fuel allocations may seriously delay construction of the subway system here, preventing completion of the line to the Pentagon, Crystal City and National Airport from being completed by the 1976 Bicentennial.

In a letter to the Interior Department's Office of Petroleum Allocation, Metro board chairman Jerry A. Moore Jr. said that under Oct. 12 regulations fuel suppliers are furnishing only the quantity of fuel supplied during the same period last year. Thus, some contractors new to the job here cannot receive any fuel, particularly diesel fuel for dump trucks.

"The contractor for construction of McPherson Square Station . . . is allocated only 19 per cent of his needs, while his hauling contractor who does not have an established consumption for 1972 has been reduced from 43,000 gallons of diesel fuel per month to zero," Moore wrote. Metro asked that transit construction be given a high priority in federal allocations of diesel fuel, since mass transit ultimately is expected to save fuel.

The Taxicab Industry Group, which represents 8,000 of Washington's 12,000 cab drivers, sponsored a 300-cab caravan to Capitol Hill yesterday to urge Congress to include taxicabs with other forms of mass transit that get priority call on gasoline under federal allocation programs.

Sen. Henry M. Jackson (D-Wash.), chairman of the Senate Interior and Insular Affairs Committee, said taxicabs are included with other forms of mass transit in the mandatory fuel allocation bill that he sponsored and that President Nixon signed into law Tuesday.

Tenants of area office buildings and apartment houses, particularly those who do not pay their own utility bills, were described yesterday as a major problem in easing the energy crisis.

Almost 300 owners and managers of area buildings were told in blunt terms by energy industry representatives that tenants must begin conserving energy or face severe hardship this winter.

The warnings from representatives of Potomac Electric Power Comany, Steuart Petroleum Company and a water conservation expert came at the second annual Energy Conservation Workshop, sponsored by the Building Owners and Managers Association of Metropolitan Washington. BOMA represents most local office buildings and about one-third of the area's apartment buildings.

"The reaction from tenants (to conservation proposals) is amazing. Many don't pay their own utility bills and some of them think this crisis is a farce," said Caroline Noblitt, BOMA's administrative assistant.

BOMA is preparing to distribute a 28-point tenant energy conservation plan, already endorsed by the city of Alexandria and sent for endorsement to other area jurisdictions.

Northern Virginia's state-owned liquor stores, which last December began late-hour operation to compete with District liquor stores, will begin closing down early again starting Monday to conserve energy, the State Alcoholic Beverage Control Board announced yesterday.

Twenty-two of the area's 29 state liquor stores began late hours every night or on weekends only last December. Another 24 stores, in other sections of the state, also will drop their late hours. The only exceptions are seven stores in the state which will be permitted to remain open to 9 p.m. on Friday and Saturday nights only, including stores in Reston, Vienna and Fairfax. All others will close at 6 p.m.

A Prince George's County energy task force, composed of oil industry, utility and citizen representatives is considering urging the county to require energy impact statements on all new county construction.

ESOP—EMPLOYEE STOCK OWNERSHIP PLAN

Mr. HATFIELD. Mr. President, on November 5 I circulated a letter to all of my colleagues asking for support for an amendment to the Northeast rail crisis legislation which would provide for an employee stock ownership plan. Such a provision would be a positive alternative to nationalization of our railroads and would bring about a stronger and healthier rail corporation.

Senators Curtis, Hansen, Humphrey, and Metcalf have indicated their desire to join in cosponsoring this amendment. Today, the Senator from Louisiana (Mr. Long) offered an ESOP amendment during an executive session of the Senate Commerce Committee and that the amendment was adopted by the committee.

Naturally, I am very pleased at this development. I urge the Senate to retain the ESOP language. To provide additional background material, I ask unanimous consent that my "Dear Colleague" letter, a paper comparing conventional debt financing with employee stock ownership financing, a statement on the benefits to be derived from ESOP financing of the Northeast Rail Corp., and the amendment be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C. November 5, 1973.

Dear Colleague: Soon the Senate will begin consideration of legislation to revitalize the bankrupt rail systems of the Northeast. I believe this offers an opportunity for a full discussion of possible alternatives to nationalization.

Increasing federal subsidies are not sufficient to prevent continued deterioration and future labor-management conflicts. Federal solutions, in their present form, are an open invitation to bailouts of other ailing railroads and industries. Our railroad crisis is merely one more in a growing parade of examples where a bankuptcy in leadership and vision has led to a vacuum in our corporate sector which, not surprisingly, has been filled by increasing government powers and controls and new and more costly bureaucracies.

I am, therefore, proposing an amendment to whatever bill passes the Senate. This amendment would signal a healthy, new direction for the proposed Northeast Rail Corporation and the Federal National Railway Association, as proposed by the Pearson-Beall amendment, by adding a provision to the financing and labor relations sections of this bill which would explicitly mandate "to the maximum extent practicable" the use of an Employee Stock Ownership Plan for financing transfers of corporate assets and future expansions of the reorganized system. Enclosed is a copy of this amendment, together with a comparison of ESOP financing with conventional debt financing and a one-page summary of how this amendment would benefit taxpayers, workers, railroad users, and the public generally if applied to the future system under projections of the Department of Transportation.

The Employee Stock Ownership Plan is, in my opinion, the most important innovation in investment finance developed in recent years. The ESOP would spread stock ownership systematically among all employees, at no personal risk to themselves and without reducing their take-home pay or other benefits. And by building a vested and growing property stake and rising dividend incomes into each member of the corporate team, anyone—management, union officials, and blue collar workers alike—would share interest in the growth and profitability of the Northeast Rail Corporation, if this is the approach adopted by the Congress. Technological improvements, now viewed as a threat to workers, become a growing source of each worker's retirement and preretirement income under an ESOP. Thus, by offering significant equity opportunities to its work force, the new rail corporation would not only begin on a more viable footing, but, through its ESOP, can offer taxpayers some hope for an efficient, unsubsidized and relatively strike-immune rail system in the Northeast corridor.

From a taxpayer's standpoint, this amendment would add no Federal costs to the present railroad proposals now being considered. In fact, the ESOP is, I feel, our only hope for converting what is today a significant tax loser into a future, tax-paying member of the corporate community. The ESOP's advantages for meeting this crisis and other kinds of economic problems have received extensive treatment in many business and scholarly journals and in several important books on the future of the American economy. A growing number of labor leaders have recognized the ESOP as offering new horizons for democratic unionism. And from a moral and political standpoint, we have nothing to lose and everything to gain by adding an ESOP provision to the Northeast Rail bill.

I sincerely hope that you will join me as a co-sponsor of this amendment to provide all employees of the proposed Northeast Rail Corporation an equal and fair opportunity to share in its ownership. Should you wish to do so, or if you have any questions, please contact me or have a member of your staff contact Tom Imeson at x53753 by Tuesday, November 13.

Kindest regards.

Sincerely,

MARK O. HATFIELD,
U.S. Senator.

COMPARISON OF CONVENTIONAL DEBT FINANCING WITH EMPLOYEE STOCK OWNERSHIP FINANCING

The process by which newly formed capital (improved land, new structures, and new tools) is brought into existence under conventional financing techniques can be functionally analyzed from the following example. Suppose a corporation has done its feasibility study for a contemplated expansion (self-liquidation within a reasonable period of years is the essential logic of business investment) and concludes it should spend One Million Dollars for new tools in order to increase output of goods and services for which it foresees a profitable market. The corporation goes to its bank or other lender, convinces the lender of this "feasibility," and borrows the necessary funds—let's say repayable in installments over five years.

The important aspects of this technique of finance are:

When the loan is paid off incremental productive power equivalent to One Million Dollars of tools has been built into a stationary stockholder base. An individual may sell stock which he owns in the corporation, and another individual with capital may buy the stock, but no net new capital owners are created in the process.

Since, as a matter of fact, virtually the entire personal ownership of productive capital in the U.S. economy lies in the top 5% of wealthholders, it is clear that a principal contributor to this concentration of ownership of productive power (productive input being the business basis for personal outtake or income) under the double entry bookkeeping logic of a market economy lies in a technique of finance that builds all incremental productive power into a tiny stock ownership base that already owns functionally excessive productive power, having in mind that the ultimate economic purpose of production is consumption. Those who must constitute the great majority of ultimate customers for business—the people with present and potential unsatisfied consumer needs and wants—do not acquire incremental productive power through this process. Those who are in fact already excessively productive (in relation to their present or potential consumer needs or wants) acquire all incremental productive power.

The other principal methods of financing new capital formation, those using internal cash flow such as retained earnings, investment credits, depletion, accelerated depreciation, etc., all have precisely the same concentrating effect. In the aggregate, all of the conventional techniques of finance above mentioned accounted for nearly 98% of new capital formation during the past decade.

The sole remaining financing method, the sale of new equities for cash, has the same concentrating effect: the new stock is sold to people with capital who can pay cash for it.

In short, the logic used by business in making investment—the logic of investing in things that will pay for themselves—is not available to the 95% of Americans born without family capital ownership. As the non-human factor increases in quantity and in relative productive power, its ownership remains concentrated in a stationary fraction of the population. With rare exceptions, employees, including executive employees, do not own functionally significant amounts of productive capital.

Business finance, because of our incomplete national economic policy (a failure to interpret the Employment Act of 1946 as requiring a broadening of the ownership of capital in order to achieve "maximum purchasing power" in the hands of those who need it) and our attempt to solve the income-distribution problem entirely through employment, has failed to recognize the importance of creating new owners of capital *without diminishing* the *take-home pay* of labor. Business operates in such a way as to deprive even the employees, both sub-managerial and managerial, of the great corporations (1,000 of which produce nearly 80% of the goods and services of the private sector) of effective means of legitimately acquiring the ownership of viable holdings of capital.

The end result, to which businessmen naturally object, is that it falls to Government to close the purchasing power gap which occurs when 5% of families (who own all the capital) acquire ownership of all incremental per capita productive power, and the majority, with most of the unsatisfied product needs and wants and rising expectations stimulated by all the modern techniques, acquire ownership of none of the incremental productive power. The techniques government must use to close the purchasing power gap, and the effects of its actions, are too well known to dwell on here:

Welfare redistribution of every imaginable kind.

Redistributive taxation of every conceivable kind.

Subsidizations of employment, both within and outside government, of millions of people who would not be employed except for the subsidies, the cost of which subsidies are a social burden upon the present and future of the economy directly affecting the quality of the life of the people, although the conventional wisdom overlooks them in evaluating the performance of the economy.

The adoption of myriads of pieces of legislation encouraging employees to demand and receive more pay for less work, even to the point of demanding increasing pay for no work input whatsoever. All such costs go into the prices of products, thus creating inflation, artificial scarcities and a decline in the economic quality of life, where plenitude and growth in the affluent quality of life should prevail because it is consistent both with the objectives of business, with its technical capabilities and with the desires of the people.

A rising sense of strife between management and labor, and between the rich and the poor—a natural result of governmental redistribution.

A growing sense of economic alienation and helplessness, the natural result of not owning capital in a world where most of the wealth is produced by capital.

The fiscal integrity of government is being destroyed at every level, as a result of our defective corporate strategy and incomplete economic policy that attempts to solve the income distribution problem through employment alone rather than jointly through employment and broader ownership of capital, the other factor of production. From the municipality, the county, and the state, to the Federal government and the United Nations, staggering but still growing debt (the not-so-secret source of our precarious present prosperity) is being piled upon unwilling taxpayers and the taxpayers of the future, while the underproductive and non-productive masses demand more welfare, more subsidies, more redistribution.

The solution is to facilitate financing a significant portion of new capital formation, and normal business changes in the ownership of existing assets, by techniques that legitimately build the ownership of viable capital holdings into corporate employees without taking anything from their take-home pay or their universally inadequate (or non-existent) savings, and to do this by making the self-liquidation investment logic, traditionally used by the corporation itself, available to the corporate employee to whom capital ownership is traditionally only a frustrated dream—the frustrated American Economic Dream.

The basic building block for bringing about such change in the pattern of ownership of capital in the U.S. economy is ESOP financing (the possible variations are numerous).

The most important aspects of the ESOP financing techniques are:

The loan is made not directly to the corporation, but to a specially designed ESOT that qualifies as tax-exempt employee stock bonus trust, or money-purchase pension trust designed to be invested in employer stock, under Section 401(a) of the Internal Revenue Code. Such trusts normally cover all employees of the corporation; their relative interests are proportional to their relative annual compensation (however defined) over the period of years that the financing is being paid off. The trusts are normally under the control of a committee appointed by management and its membership may include labor representatives.

The committee invests the proceeds of the loan in the corporation by purchasing newly issued stock at its current market value.

The trust gives its note to the lender, which note may or may not be secured by a pledge of the stock. If it is so secured, the pledge is designed for release of proportionate amounts of the stock each year as installment payments are made on the trust's note to the lender and the released stock is allocated to participant's accounts.

The corporation issues its guarantee to the lender assuring that it will make annual payments into the trust in amounts sufficient to enable the trust to amortize its debt to the lender. Within the limits specified by the Internal Revenue Code, such payments are deductible by the corporation as payments to a qualified employee deferred compensation trust. Thus the lender has the general credit of the corporation to support repayment of the loan, plus the added security resulting from the fact that the loan is repayable in pre-tax dollars.

Each year as a payment is made by the corporation into the ESOT there is allocated proportionately among the accounts of the participants in the trust a number of shares of stock proportionate to the participant's allocated share of the payment. Special formulas have been designed to counteract the relatively high proportion of early amortization payments used to pay interest and the relatively high proportion of later amortization payments used to repay principal.

As the financing is completed and the loan paid off, the beneficial ownership of the stock accrues to the employees. Most trusts are designed to permit the withdrawal of the portfolio in kind, subject to vesting provisions, either at termination of employment, or at retirement. However, it is desirable to so design the ESOT that any dividend income on shares of stock that have been paid for by the financing process and then allocated to the employees' accounts be distributed currently to the employee-participants, thus giving them a second source of income.

Diversification of the trust can be achieved after a particular block of stock has been paid for by exchanging the stock, at fair market value, for other shares of equal market value. Since the trust is a tax-exempt entity, such diversification is without tax impact.

While there is temporary dilution of the equity of existing shareholders at the outset, due to the fact that both stock and a limited and special type of loan obligation are outstanding, each year as the corporation repays its debt in pre-tax dollars through the trust, a cash accumulation is set aside that eventually, either within the financing period or thereafter, taken in conjunction with the considerations mentioned in the following paragraph restores the dilution because of the yield on invested net worth of the tax saving.

When all factors are considered, including the cost and relative inadequacy of most alternative private retirement systems (for which the ESOP becomes a substitute), the probable costs and losses to the corporation resulting from (i) the inevitable demands of employees for progressively more pay in return for progressively less work input where they have no opportunity to accumulate significant capital ownership over a reasonable working lifetime; (ii) the shrinkage of markets for the corporation's products or services from the otherwise inevitable inflation of its product prices; and (iii) the added costs to the employer from alienation and demotivation of employees not enabled to acquire capital ownership in an economy where capital is a chief productive factor, etc., the cost of capital under Model II ESOT financing over the long term, i.e., beyond the financing period, is no greater, and will normally be less than the cost of capital resulting from any of the techniques discussed under Model I above.

Reorganized Northeastern Railroad System Benefits To Be Derived Under Employee Buyout Through ESOP Financing

THE U.S. ECONOMY IN GENERAL

An efficient, unsubsidized, strike-immune rail system in the Northeast corridor.

A dramatic example of how a sick industry can be revived by creating a unity of interest between management and organized labor through widespread access to corporate ownership and dividend incomes among all employees . . . without affecting traditional jurisdictional prerogatives of management vis-a-vis union leadership.

A positive alternative to nationalization and current trends toward nationalization and taxpayer bail-outs of our railroads.

Cuts government costs and reduces pressures on almost bankrupt present railway workers retirement system . . . yet raises the tax base.

WORKERS EMPLOYED AFTER REORGANIZATION

No reductions in present pay levels, present retirement contributions, and other present employee benefits.

An opportunity to buy and pay for a sizeable chunk of stock in the new company ($10,000 on the average per worker), and to own this stock in the same way as America's wealthiest families accumulated their property holdings: through access to corporate credit, with personal risk cut off by the insulation given under law to a corporation.

No taxes paid on any worker's property acquired through the ESOP, on any appreciation in value of a worker's holdings, or dividends, as long as these assets remain "sheltered" within the ESOP.

In addition to wages, a second income from dividends on stock held by the ESOP for each employee during his working years (an estimated supplement of almost $3,200 per year for the average employee after 5 years, based on conservative profit projections of the U.S. Department of Transportation). Dividend checks received by workers on-the-job or upon their ultimate retirement or displacement by automation are, of course, subject to personal taxes, the same as paychecks.

An opportunity to share with his fellow workers additional company stock and diversified holdings of other companies or real estate, acquired through future financings by the ESOP, as the new corporation expands, adds new and more efficient equipment, or otherwise seeks new sources of income.

A better answer to automation than demoralizing featherbedding, make-work, spread-work, etc.

A personal stake in cost-cutting and higher corporate profits, thus enabling the industry to become more competitive, to grow faster, to expand into new territories, and generate new jobs.

An inflation-proof capital estate to pass on to one's heirs.

Amendment Proposing Consideration of an Employee Stock Ownership Plan in Final System Plan

On page 5, between lines 23 and 24 insert the following new subsection and renumber accordingly:

"(5) 'Employee stock ownership plan' means a technique of corporate finance that uses a stock bonus trust or a company stock money purchase pension trust which qualifies under Section 401(a) of the Internal Revenue Code in connection with the financing of corporate improvements, transfers in the ownership of corporate assets, and other capital requirements of a corporation and which is designed to build beneficial equity ownership of shares in the employer corporation into its employees substantially in proportion to their relative incomes, without requiring any cash outlay, any reduction in pay or other employee benefits, or the surrender of any other rights on the part of such employees."

On page 26, between lines 2 and 3 add the following new paragraph and renumber accordingly:

"(8) improving employee motivation and raising employee incomes and productivity by maximizing opportunities of railroad employees to participate as stockholders in their employer corporations."

On page 31, between lines 23 and 24 insert the following and renumber accordingly:

"(1) the manner in which employee stock ownership plans shall, to the extent practicable, be utilized for meeting the capitalization requirements of the Corporation, taking into account (a) relative cost savings compared to conventional methods of corporate finance; (b) labor cost savings; (c) potential for minimizing strikes and producing more harmonious relations between labor organizations and railway management; (d) projected employee dividend incomes; (e) impact on quality of service and prices to railway users; and (f) otherwise promoting the objective of this Act creating a financially self-sustaining railway system in the Midwest and Northeast region which also meets the service needs of the region and the Nation;

On page 44, line 19 after the word "Act." insert the following:

"In making loans the Association shall consider whether the applicant has an employee stock ownership plan and shall give preference to applicants who have such a plan."

ENERGY ADJUSTMENT ASSISTANCE FUND

Mr. BENTSEN. Mr. President, the size and scope of the energy crisis is slowly but surely making itself felt on the general economy of the United States.

Recent statements by respected economists have noted that the energy crisis means further shortages in consumer products, higher prices, critical dislocations for energy intensive and energy based industries such as the petrochemical, automobile manufacturing, tourism, and in some cases, basic manufacturing. The effects on employment are already being felt. Even the optimistic forecasts predict close to 6 percent unemployment by the end of next year. This will not be just teenagers and part-time workers. Six percent unemployment will include basic family providers. The married man with a family to feed and to clothe.

It is my judgement, Mr. President, that the Government of the United States bears a special responsibility to work with affected industries and employees to reduce the curtailments of production and services and to keep factories operating and our workers on the job.

Mr. President, we must take effective action immediately to provide the assistance necessary to our business and their employees so that economic effects of the energy crisis do not result in millions of employees losing positions and benefits which they have earned over many years and the closing of businesses which have taken a lifetime to build.

For this reason, I will, next week, introduce legislation establishing an energy adjustment assistance fund to aid American industry in the conversions necessary to minimize the economic impact of the energy shortage.

My legislation would establish a fund from which long-term Government loans, or Government-guaranteed loans could be made to qualified borrowers for three purposes. First, conversion to coal and other more abundant fuels; second, conversion to more energy efficient means of production; and third, conversion to other lines of products and services less dependent upon high energy usage.

These loan and loan guarantees will provide a mechanism for encouraging the conservation of fuel in short supply by aiding the conversion of plants and factories using oil and natural gas to more abundant energy sources. Second, the loans and guarantees would encourage companies to expand the use of energy saving production equipment by increasing the availability of capital to make these conversions. Third, for those businesses which are unable to continue their present lines through either conversion to more abundant fuels or fuel saving equipment, the program would aid in the shift to other lines of products or services. I believe that such a program would allow business to maintain payrolls and keep their doors open during the conversion process.

Mr. President, there is a great uncertainty abounding in this country as to the actual economic impact of the energy crisis.

Many questions have not been answered.

It is for this reason that I attached an amendment to the recent Senate-passed National Emergency Energy Act of 1973 that would require the Council of Economic Advisers to prepare a report to the Congress on the impact of the energy shortage on the economy—on jobs, on inflation, and on the output of American industry.

But, I believe that in addition to this report—with its policy recommendations—we must move now to consider other actions that could be taken to reduce economic dislocations and hardships.

It is for this reason that I am announcing this legislation today. I would expect that as hearings are held on the bill that many of the questions left unanswered, such as the eventual cost of the conversions, will be determined. However, I would remind the Senate that in addition to the human cost, a 1-percent increase in unemployment causes over a $10 billion annual revenue loss to our Federal Treasury.

I believe that the potential loss in Federal revenues of long-run high unemployment as a result of business closings makes Government loans and loan guarantees a bargain to our Treasury. It will certainly be a bargain in terms of the human costs of high unemployment.

The cost of delay, the cost of not doing anything, the cost of waiting for jobs to be lost and factories to close would far exceed any cost of remedial legislation.

We must move now to provide answers to the impending energy induced economic crisis.

Mr. President, I would hope that both the Congress and the President would move quickly to develop the true dimensions of this energy crisis—and tell the people frankly and factually about those dimensions.

It is my belief that the people of this country, given the facts and given the right kind of leadership will respond and will make the necessary sacrifices to see us through the current crisis.

But, they will not tolerate inaction by their Government, and they will not tolerate inequities in distribution or allocation of either fuel or the burden of the sacrifice.

So long as we permit great doubts to remain, so long as we fail to take action or propose possible action, so long as we fail as elected leaders to provide the facts and show the initiative, we are only asking for more public frustration, confusion, and greater disillusionment.

We cannot allow that kind of climate to develop.

I believe the bill I will introduce is a viable, responsible proposal that answers a critical need at a critical time.

And, I would hope that hearings could be held as expeditiously as possible.

JOB BIAS WORST ON AGE, SAYS SYLVIA PORTER

Mr. CHURCH. Mr. President, Sylvia Porter has just devoted two columns to age bias which she describes as the most virulent form of job discrimination. She cites the facts and figures behind a new phenomenon in the labor force, the discouraged older worker.

Ironically, just as we are making some headway against race and sex discrimination, age bias remains a big problem in job placement.

A young employment counselor says:

> "We're having no problem placing qualified women and blacks and other ethnic minorities in good jobs. But when we send out a qualified older candidate, you know there's no chance he'll get the job.

There are some 730,000 Americans over 45 who are out of work; but the real rate of unemployment, Sylvia Porter estimates, may be three times that if you consider the hundreds of thousands who have become too discouraged to continue to beat their heads against the barrier of age discrimination.

Yet there are encouraging signs in terms of the enforcement of the Age Discrimination in Employment Act. A district court has just awarded a 55-year-old farm equipment mechanic over $21,000 in back wages because he was fired for "the sole or predominant reason of age."

Nevertheless, as the Senate Committee on Aging has also pointed out in its working paper on "Improving the Age Discrimination Law," the Labor Department's enforcement arm is drastically underfunded and understaffed. This year's $1.5 million budget is not even 5 percent of the Wage and Hour Division's budget and the staff numbers only 69.

Furthermore, only about 50 percent of workers in the 40–64 age bracket are covered by the law. As Miss Porter notes, Senator LLOYD BENTSEN and I have introduced legislation which would expand this coverage and increase the authorization to enforce the age discrimination law from $3 million to $5 million.

Again, I urge early enactment of this legislation and request unanimous consent that the two articles "Job Bias Worst on Age" and "How to Protest Age Discrimination" to be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Star-News, Nov. 15, 1973]

JOB BIAS WORST ON AGE

(By Sylvia Porter)

Q. What would you guess is today's most virulent form of job discrimination?

A. It's age.

At age 40 in the United States, we are labeled "older workers." This is a quarter-century short of the traditional retirement age of 65 and additional years short of a more realistic retirement age.

Despite the 1967 Age Discrimination in Employment Act, which theoretically protects workers between 40 and 65, age discrimination is more rampant than ever. Involuntary early retirement is becoming ever more common.

Discriminatory advertising—e.g., for a "young worker" or "under 30"—still hangs on. Annual reports continue to boast about the youthfulness of the corporation's managers.

Often, the discrimination is disguised to keep within the letter of the law. Older job applicants are told that they are "overqualified." Or the personnel officer may reject an older worker with 15 years of experience simply because the job description calls for "two to four years" of experience.

Or the older applicant may lose out because of a pre-employment physical exam—even though physical fitness may have no relevance to the job.

As a young employment counselor put it: "We're having no problem placing qualified women and blacks and other ethnic minorities in good jobs. But when we send out a qualified older candidate, you know there's no chance he'll get the job."

As a working paper just published by the Senate Special Committee on Aging notes: "Age discrimination is the only form of discrimination that enjoys widespread social approval within corporate life."

Today's official statistics say 730,000 Americans over 45 are out of work, a 22 percent rise in a little more than four years.

But the real rate of such unemployment may be three times that, if you consider the hundreds of thousands who have become too discouraged to continue to beat their heads against the barrier of age discrimination.

Here is a sampling of the chilling counter-statistics developed by the committee:

There are 2.7 million men aged 45–64 who are not in the labor force—many who are victims of age discrimination. If only 25 percent were involuntary dropouts, another 600,000 must be added to the ranks of the hidden jobless.

There are now 11 million women aged 45–64 who are out of the labor force. If only 5 percent of these were involuntary dropouts, add another 600,000 to the hidden jobless rolls.

Older unemployed workers also tend to remain jobless for much longer than younger workers—an average of four months.

And the situation appears to be worsening.

In human as well as financial terms, the damage of age discrimination can be devastating—wiped-out paychecks, precisely at the moment when high earnings are crucial to retirement savings, wiped-out health insurance coverage, wiped-out company pension.

"Often the victim himself comes to believe that the discrimination is somehow justified," says 'Modern Maturity,' published by the American Association of Retired Persons, "and thus the victim fails to protest against it."

Yet, you can and should protest if you believe you are a victim of job discrimination.

How, though? And where can you report violations? What does the law say?

HOW TO PROTEST AGE DISCRIMINATION

(By Sylvia Porter)

A 55-year-old farm equipment mechanic who was illegally fired from his job at a Florida sugar cane growers cooperative in March 1971 has just been awarded $21,076.72 in back wages by the U.S. District Court in Miami.

The court found that the mechanic was fired for "the sole or predominant reason of his age."

The suit was brought by the Labor Department's Wage and Hour Division, the agency which enforces the federal 1967 Age Discrimination in Employment Act—and its outcome is a welcome hint that perhaps a real crackdown under this law is finally on the way.

THE AGE DISCRIMINATION ACT

Bars employers with 25 or more workers from firing or refusing to hire an individual aged 40–65 simply because of his or her age—unless age is a bona fide occupational qualification (such as modeling dresses for teenagers).

Forbids employment agencies to refuse to refer a job applicant for an opening because of his or her age.

Prohibits any statement of age preferences—e.g., "boy," "girl," "under 30"—by employers or employment agencies in help-wanted ads.

Prohibits favoring younger workers in pay, promotion and fringe benefits, or similar practices.

Bars unions with 25 or more members from denying membership to older persons or refusing to refer them to jobs.

Shockingly, though, the Labor Department's enforcement arm for this law is drastically underfunded and undermanned—and thus is, as conditions now stand, a cruel sham.

This year's $1.5 million budget is not even 5 percent of the Wage & Hour Division's budget. The current enforcement staff numbers only 69, about one for each 10,000 of the 685,000 business establishments covered by the act.

Although more and more violations are being taken into court and more and more cases are being won by the Labor Department against guilty employers, the numbers add up to a picayune percentage.

What's more, only about 50 percent of workers in the 40–64 age bracket are covered by the law (it applies only to employers with 25 or more employes).

To strengthen the ADEA, a bill was introduced in the Senate by Sens. Frank Church, D-Idaho, and Lloyd Bentsen, D-Texas, last May.

The new legislation would increase coverage to include employes in firms with 20 vs. 25 employes; extend coverage to federal, state and local employes who are now excluded; provide for a re-evaluation of the present upper age limit of 65 in our present law and for an exploration into the little-recognized possibility that 65 is being hardened as an "official" retirement age; increase the yearly enforcement budget authorization to $5 million from this year's authorized $3 million—primarily to add more enforcers.

We should be moving on all these fronts now! We should be rising in profound protest against this era's youth obsession and vowing to fight to end today's wanton destruction of the careers, the savings and the lives of so many millions of competent, valuable, decent older workers.

Meanwhile, what should you do if you believe you are a victim of age discrimination in (or out of) your job?

Ask the nearest U.S. Employment Service office to steer you to the state agency in charge of your state age discrimination law—if your state has a law—or address your complaint to one of the more than 350 offices of the Labor Department's Wage & Hour Division, located throughout the country.

You will find the listings in your telephone directory under "U.S. Government—Dept. of Labor, Wage & Hour Division."

Also send details of your case to your senators and/or representatives.

Appeal to your local publicly subsidized legal services program, if you do not get the satisfaction you think you deserve and if you're in a low-income bracket.

This should start you off in the right direction. The key point is: Complain. Only if you do will you be assured of your rights in the job marketplace.

IT IS ILLEGAL FOR THE UNITED STATES TO GO BACK INTO VIETNAM

Mr. CHURCH. Mr. President, on November 19, I spoke in the Senate about the Vietnam war going on, entering into its third phase. I also pointed out that due to four statutory provisions now in the United States Code, U.S. Armed Forces could not legally partake in renewed military hostilities in or over or from off the shores of any of the four Indochina countries, without the express authorization of Congress.

The New York Times of November 30 carries an article reporting that the—

> State Department has been examining whether President Nixon could legally order a resumption of bombing in Indochina should North Vietnam begin a major offensive in violation of the cease-fire agreement.

Ironically, the article reports that these lawyers are looking at the War Powers Act as the potential loophole to go to war again.

As a coauthor of the legislation to terminate U.S. participation in the Indochina war, I would point out that since the War Powers Act became law on November 7, 1973, the military procurement authorization bill has been signed by the President. It became law on November 16, 1973, and represents the last expression of the Congress on the question. The relevant provision is a restatement of the Case-Church ban. It reads as follows:

> Public Law 93–115 (the Military Procurement Authorization Act) enacted November 16, 1973:
>
> Sec. 1107. Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress.

In view of the clear and precise wording of this provision, it is my judgment that to resume bombing or any other act of war in Indochina, without first obtaining the consent of Congress, would violate the law, and constitute a presumptive case for impeachment.

I ask unanimous consent that Leslie H. Gelb's article in the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STATE DEPARTMENT IS WONDERING IF NIXON COULD ORDER RAIDS IF HANOI BROKE TRUCE

(By Leslie H. Gelb)

WASHINGTON, November 29.—The State Department has been examining whether President Nixon could legally order a resumption of United States bombing in Indochina should North Vietnam begin a major offensive in violation of the Vietnam cease-fire agreement.

Several Administration sources said that this review had led them to believe that the President might be able to invoke the recently enacted war-powers legislation, which givse him authority to deploy United States forces in combat abroad for 60 days without Congressional authorization to circumvent other legislation that forbids all American military action in Indochina.

That measure referring to Indochina is an amendment sponsored by Senators Frank Church, Democrat of Idaho, and Clifford P. Case, Republican of New Jersey, attached to a recently passed military procurement authorization bill.

Meanwhile, for more than a month, the Administration has been quietly alerting members of Congress to what it has described as the likelihood of a new North Vietnamese attack. In hand also at the Pentagon are contingency plans providing for air support to South Vietnamese forces and the bombing of targets in North Vietnam.

While these moves could be viewed as precautionary measures, a high State Department source hinted that they might be part of a strategy designed to deter any North Vietnamese attack. Certain key members of the Nixon Administration, he said, want Hanoi's leaders to "think twice" before flagrantly violating the cease-fire accord.

FULBRIGHT ASKS OF RUMORS

Administration sources have pointed to some legal ironies in the war-powers situation.

The Congress that passed the war-powers bill Nov. 7 over the President's veto, they say, may have paved the way for reinvolvement in Vietnam itself. The President who vetoed the measure as an encroachment on his Constitutional prerogatives as Commander in Chief may have been granted, in their view, the legal basis for reintervention otherwise denied to him.

The issue was raised today by Senator J. W. Fulbright, Democrat of Arkansas and chairman of the Senate Foreign Relations Committee, in the confirmations hearings of Robert S. Ingersoll as Assistant Secretary of State for East Asia and Pacific Affairs.

Mr. Fulbright asked whether rumors he had heard were true that the Administration might feel free despite Congressional restrictions to resume bombing in Indochina. Mr. Ingersoll, who is Ambassador to Japan, replied that he was not clear on the legal points and then added:

"My own feeling is that, should there be an attack, we would have to reassess our position and discuss it with the Congress."

Several Senators intimately involved in these issues agreed, when asked in interviews, that the war-powers bill might have fuzzed the legal mandate of the Church-Case Amendment prohibiting all military action in Indochina.

Those interviewed—Senators Fulbright, Church, Case and Jacob K. Javits, Republican of New York—said they felt, however, that the Congressional ban on reinvolvement would stand up in the courts and that political imperatives would make it almost impossible for the President to order reintervention without Senate approval.

The State Department study of the implications of the war-powers measure regarding the President's right to use force was reportedly ordered by Secretary of State Kissinger about two weeks ago.

Sources in the department say that the legal division tentatively answered that a case could be made that the measure superseded the Church-Case ban.

A Senate staff expert on the war-powers measure which was couched in the form of a joint resolution of Congress, disagreed.

The legislation, he noted, states that the President does not have "authority he would not have had in the absence of this joint resolution."

The Senate expert also maintained that the Church-Case ban was signed into law by the President on Nov. 17, or 10 days after the House and Senate overrode Mr. Nixon's veto of the war-powers legislation.

The Senators interviewed said that the potential legal wrangle could be resolved if Congress were to pass new subsequent legislation on this issue. This, of course, might face a Presidential veto.

Just before the cessation of American air operations in Cambodia on Aug. 15, President Nixon warned that "North Vietnam would be making a very dangerous error if it mistook the cessation of bombing in Cambodia for an invitation to fresh aggression."

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, in view of the fact that it appears that the Senate may be kept in duress until the hour of midnight, I now move that the Senate stand in adjournment until the hour of 10 o'clock tomorrow morning.

The motion was agreed to and, at 9:16 p.m., the Senate adjourned until tomorrow, Saturday, December 1, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 30, 1973:

SECURITIES INVESTOR PROTECTION CORPORATION

Ralph Dwight DeNunzio, of Connecticut, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1976, vice Donald T. Regan, term expiring.

Department of Justice

Julio A. Brady, of the Virgin Islands, to be U.S. attorney for the Virgin Islands for the term of 4 years vice Joel D. Sacks, resigned.

In the Navy

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the line, subject to qualification therefor as provided by law:

Ables, Wallace Johnson, Jr.
Acord, Jiles Underhill, Jr.
Adair, Huge Reeves
Adamek, James Rudolph
Adams, Donald Franklin
Adams, Frederick Arthur
Adams, Richard Peerson
Adams, Stanley Edward
Ahlgren, Roy Carl Eric
Ahlstrom, Kenneth Theron
Alcon, Charles Arthur
Allen, Kenneth Eugene
Alton, Cecil Claude
Amann, Lawrence Stephen
Amerault, James Frederick
Anderson, Charles Augustus
Anderson, David Graham
Anderson, David Wiley
Anderson, Dennis Dean
Anderson, Michael John
Anderson, Raymond Eugene
Aquino, James Musni
Asbell, Richard Carroll II
Ashby, Elton Truxton, Jr.
Aven, Joseph Michael
Avers, Richard Paul
Baca, Fidel Leroy
Bade, Bruce Charles
Bailey, David Laurence
Bajuk, Gregory Emil
Baker, Jerry, Jr.
Bakken, Warren Howard
Barker, Bruce William
Barker, Michael Don
Barker, Wilbert Blair
Barkley, John Elijah
Barrett, James Wilson
Barrett, Raymond Thomas
Barrieau, Ernest George
Barry, David John
Barry, Thomas Anthony
Bartmess, Curtis, Jr.
Barto, Jonny Lynn
Bartz, Jarold Maynard
Baumhardt, Robert James
Beach, Raymond Carl
Beaird, Perry Wayne
Beauchamp, Robert Lewis
Becker, Alan Robert
Beckes, Michael Edward
Bendetsen, Brookes McIntosh
Berger, John Harry
Berley, Leonard Eugene
Bernard, Alan Christian
Bertsch, William Preston, Jr.
Beschta, Gerald Thomas
Betz, Bradford Byron
Bidlake, Kenneth Morton
Bidon, Patrick John
Bidwell, Henry Wadsworth
Bieble, Gerald John
Bingham, Clyde Leroy
Birch, Barry Stanway
Bishop, Ronald Floyd
Bitzberger, John Charles
Bjerke, David Gerhard
Blakeslee, Theodore Frederick
Blanton, James Cordell
Blaylock, William Fuller, Jr.
Bledsoe, Frankie Carl
Blevins, Luther
Boatright, Billy Carrol
Boehmer, Charles Edward
Boncal, Richard
Booth, Michael Brady
Borchardt, Curtis George
Bordy, Michael William
Boren, Norris Henderson
Bormann, Conrad Patrick
Both, Edward Joseph
Boughan, David Alan
Bower, Ammon William, III
Bowman, Michael Lee
Bradford, Alan Roger
Brant, Robert Leon
Brereton, Richard Grant
Bried, Robert Allan
Brindel, Glenn Richard
Britain, John M., III
Brockley, John Patrick
Broms, Edward James, Jr.
Brouwer, Daniel Conrad
Brown, Duane Lawrence
Brown, Michael Thomas
Brown, Thomas William, III
Brown, Wendell Earl
Bruflat, Arne Bredo
Bryce, William Joseph
Bukowick, Albin Pafford
Burrows, Dee Wayne
Burtch, Patric James
Butterfield, Richard Stanley
Button, Andrew Jerome
Byers, William Brewster
Cabana. Jean Raymond
Carden, Arthur Bruce
Carroll, Francis Leon
Carter, James Jefferies
Carter, Stanley Jerome, Jr.
Carwin, Harold John
Castelano, Kenneth Michael
Catone, Richard Arthur
Chambers, Robert Alvin
Champoux, Robert Louis
Chernesky, John Joseph, Jr.
Chrisman, Willard George
Christiansen, Michael Paul
Christman, Robert Harvey
Chubb, John Everson, Jr.
Church, Wayne Clifton
Cipriano, Roberto
Clark, Edward, Jr.
Clark, Jack C.
Clarke, Lawrence Mason, Jr.
Cleary, Donald James
Coats, Michael Loyd
Coburn, Lewis Laddie
Cogswell, John Cleveland, II
Cole, Bernard David
Coleman, Carrol Eugene
Coleman, James Evans
Coleman, John Boddie, Jr.
Coleman, William Arnold, Jr.
Colyer, Thomas James
Combs, John Wesley
Concannon, Michael John
Conley, William Henry, Jr.
Connor, Theodore Patrick
Conrad, Raymond Paul
Cook, Charles Allen, Jr.
Cook, Clarence Leroy
Cook, John Clark, Jr.
Cook, Martell J.
Cook, Oren Francis
Cooney, Terence James
Cooper, William Patrick
Corcoran, Joseph Lynn Kevin
Cordle, James Calvin
Coughlin, Frank Thomas
Cragg, Eugene Earl, Jr.
Craig, John Stephen
Cranford, John Edwin
Crosskno, Harold Leon
Crutchfield, James C., III
Cummings, Ronald Leo
Current, Donavon Clark
Curry, Edward Martin, Jr.
Curtis, Albert Lawrence
Czech, Theodore Thomas
Daggett, Vernon Philbrook
Dailey, William Randolph
Dally, Donald Frederick
Daly, Beverly Anthony
Damron, David Allison
Daniels, Gerald Everett
Danner, Terrence Nye
Davidson, Bruce Ernest
Davis, Calvin Wesley
Davis, Henry Louis
Davison, Charles Alexander
Day, Gerald Walter
Deehan, Paul Kenneth
Deitrick, Charles Lewis
Delaney, Kevin Francis
Delong, Raymond James
Demarse, John Purchase
Dethomas, John Victor
Dickey, Robert Lincoln
Dobson, Ralph Paul
Doherty, Brian Joseph
Doherty, Hugh Michael
Doran, Joseph Patrick
Douglass, John Allen, Jr
Doyle, Bruce Nelson
Drummond, George Lee
Duff, Byron Lynn
Dunn, Donald Bertram
Durham, Wayne Carlton
Dutcher, David Duane
Duva, Alfred N. Jr.
East, Don Charles
Eaton, George Arthur, Jr.
Eckard, Palmer Glenn, Jr.
Eddingfield, Lawrence E.
Edens, Roderick Jefferson, J.
Edwards, James Nathaniel, Jr.
Edwards, William W.
Eggleston, Larry Glenn
Elliott, Shirley Holt
Ensch, John Clyde
Enterline, Edward Russell
Ernst, Eric Rodholm
Ernster, Glen Herman
Erny, Paul Frank
Errington, Harry Richard
Etka, Craig Louis
Evans, Charles John
Evans, Oliver Keith
Eversole, Thomas Young
Ewing, Kent Walker
Fahsl, John James
Fahy, Andrew Wilson
Faller, Theodore Henry
Faltisco, Joseph Edward
Farr, Leroy Allen
Farrell, Richard Stephen
Farrow, Stephen Richard
Faust, Bobby Lynn
Fernandez, Wayne Jacinto
Ferry, Francis Joseph
Fesler, Walter Carl, Jr.
Finch, Donald Leslie
Finley, Robert Alexander
Fitch, Patrick Edwin
Fitch, Rex Burnham, Jr.
Fitzgerald, John William H.
Fitzpatrick, Thomas George
Fitzpatrick, William Edward
Foard, John Stager, Jr.
Folk, Reau Estes, II
Follett, Scott Charles
Foote, Morris Cooper
Fortenberry, Bobby Joe
Fortenberry, Henry Charles
Fosina, Andrew Joseph
Fox, Robert Edward
Foy, Clarence Allan, Jr.
Frasier, Charles Consolvo J.
Freas, Henry Edward
Freeman, David Lansing
Frigge, William Joseph
Fuerst, Richard George, Jr.
Gabrielson, Dale Ellard
Galbraith, Peter Marshall
Gale, Ernest Frederick, Jr.
Galen, James Frederick, Jr.
Galietta, Albert Frank
Gallagher, Daniel Avery
Gardiner, Lawrence Edwin
Gardner, James Stewart
Garrett, Cain, Jr.
Garuba, Joseph Anthony
Gatliffe, Thomas Robert
Gay, William Wilson, III
Gazarek, Michael Joseph
Gee, Daryl Letho
General, John Arthur
Genet, Richard Paul
Gerber, Joseph Allen
Gerhard, Guy Edward
Gibson, David Roger
Giffin, Henry Collins, III

Gilbert, Gordon Franklin, Jr.
Gillen, Robert Leo
Gionet, Laurence Joseph, Jr.
Girard, Paul Edward
Glover, William Stewart, Jr.
Gomez, John Ferdinand, Jr.
Gonzalez, Pedro
Gonzalez, Rene Eugenio, Jr.
Goodermote, Wayne Keith
Gore, Michael Wayne
Gorell, Frederick Reimer, Jr.
Gorham, William Edward
Graf, Clifford Maxwell, II
Graham, Alan Stevens
Graves, David Michael
Gray, Jimmie Lee
Gray, Ronald Eugene
Gregoire, Guy Jean
Gregoire, John Albert
Grieve, David James
Grimm, Robert Shirey, Jr.
Griswold, Robert Joseph
Guinn, Harold Wilson, Jr.
Gulley, John Howard
Gustavson, Fred Perry
Gwinn, William Herbert
Hakin, David Lawrence
Hall, Robert Eric, III
Hamill, Ernest Eugene
Hamilton, John D. M., IV
Hancock, William Charles
Harmon, Hollis William
Harper, Joseph Cerue
Harreld, Roger Allen
Harrison, Cecil Alvin
Hartung, Ralph David
Hasenbauer, Richard David
Hatfield, Stephen Harry
Hatleberg, Clarence James
Haveman, Jason Norman
Hawkins, Thomas Lynn
Hayes, Michael Ney
Healy, John Francis, Jr.
Helms, Arthur Regis
Herbster, Gerald Fredrick
Herranen, Peter Andres
Heufelder, John Richard
Hibler, Ross Gordon
Hickman, Gerald Charles
Hickman, Harold William, Jr.
Hilgeman, John Lawrence
Hillier, Donald Rand
Hoggard, John Hyde
Hooper, Charles Noble
Hoover, Philip Efird
Hopkins, James Robert
Horner, Ronald Dean
Horvatic, Thomas Lawrence
Hough, James Robert
Howard, Hugh Wyman, Jr.
Huber, Dale Richard
Hudiburgh, Charles William
Huff, Clifford Ray
Huffines, Charles Wayne
Hull, Bradley Wayne
Humphreys, Thomas Blake
Hunt, John West
Hunt, William Baile
Hunter, Lewis Thomas
Huxhold, George Emery
Irvin, Clarence Frank
Jaccard, Michael Dandridge
Jacob, Frank Edward
Jacob, Glenn Robert
James, Carl Eugene
Jantz, Michael William
Jeffries, Clifford Leroy, Jr.
Jenkins, Neal Cornell
Johnson, James Allen
Johnson, Laurence Everett
Johnson, Norman Martin
Johnson, Robert Frederick
Johnson, Robert Lee, Jr.
Johnston, Jasper Brinson, Jr.
Jones, Charles William
Jones, Charlie Reed, Jr.
Jones, David Allan
Jones, Jeremy Dixon
Jones, Richard Thomas
Jones, Robert Russell
Joslin, Roland Wayne
Jjroff, Kurt Thomas
Kalin, David Michael
Kanes, James Charles
Katz, Douglas Jeffrey
Kaufman, Edwin Joseph
Kaye, Barry Nelson
Keck, Alvin Duane
Keiser, Ray Robert, Jr.
Keller, George Joseph, Jr.
Kelley, Kenneth William
Kent, George Alan
Kenyon, Morton William
Key, Charles Thomas
Kibble, Anthony John
Killion, Robert Allan
King, Edward LeGrande
King, Francis Edward
King, Leon Fleming, Jr.
Kirkland, Moritz Earl
Kleemann, Henry Martin
Klein, George Adam, III
Kmetz, Stephen George
Knudson, Thomas Clifford
Kohler, John Edward, Jr.
Konczey, Alexander C.
Kosakoski, Robert Anthony
Kost, Lawrence Michael
Kozoyed, Lawrence William
Kramer, Wesley Marvin
Krapohl, Richard Francis
Krasniewski, Stanley Edward
Kratz, Allen Zetty
Krom, Richard William
Lacroix, Francis William
Laing, James William
Lake, Larry Jay
Lambert, Raymond Joseph, Jr.
Lamey, James Hazzard
Landry, Robert
Landwehr, Edwin John
Lansford, Martin Carl
Larson, Matthew Donald
Lassiter, Ronald Lawrence
Lauder, Robert James
Laughlin, Gary Reed
Law Gordon Harris
Lawler, John Charles
Lawless, William Claude
Lawrence, Walter Berry
Lecours, Thomas Edward
Lee, Jimmy McArthur
Lentz, Frederick Charles, Jr.
Leonard, William Douglas
Leone, Robert Wayne
Leonhardt, Richard John
Lewandowski, Henry Michael
Lewis, Thomas MacArthur
Libbey, Grey Dennison
Libbey, Miles Augustus, III
Lindsey, William English, Jr.
Lockard, Martin Edward
Lockwood, Wayne Edward
Logan, Royal Hampton, Jr.
Long, Gary Lamour
Long, Laurence Graves
Loosbrock, Thomas Lee
Lothrop, Peter Scott
Lough, Dennis Elliot
Ludwig, John Elmer, III
Lundberg, Marshall Bertram
Lutz, Frederick Ray
Lyall, Gerald James
Lynch, Philip Nichols
Lynch, Robert Burgess
MacDonald, James Ronald
Mackey, William Chambers, II
Magalis, Richard Ludwell
Mairs, Lee Stafford
Maloit, Robert James, Jr.
Malone, Robert Neely
Manning, Amon Wade, Jr.
Manning, John Francis, Jr.
Margolis, Sheldon Lee
Marshall, David Joe
Martin, John Leslie
Marymont, John Allen
Massey, Frederick Thomas
Matchett, Charles William
Matheny, David Paul
Matton, William George, III
Matyas, Carl Edward
Maxwell, David James
Mayfield, William Terrell
McAfee, Rudolph
McAlexander, Elroy Allen
McCann, Richard Glenn
McClure, Alvin Rex
McCormack, James Elvin
McCoy, Norman Kitchens, Jr.
McCreary, Richard Allan
McCrory, Seaborn M., III
McDowell, Donald John
McDowell, Gary Allison
McFarland, Robert Stephen
McGee, James Whitbeck
McGinn, Dennis Vincent
McInnis, Louis Carlton, Jr.
McKenzie, Jerry Allen
McKinley, John Carl
Meck, Norman Clare
Mehard, William James, Jr.
Menard, Gerald Michael.
Menikheim, Jerry Earl.
Merlino, Emidio Joseph.
Merrill, Grant Blackwell.
Merten, Lawrence Dial.
Meserve, Theodore Joseph.
Mickelson, Paul Frederick.
Mies, Richard Willard.
Miley, Frank Allen.
Miller, Burton Hugh, Jr.
Miller, Charles Robert III.
Miller, David.
Miller, Herman Morris.
Miller, Lawrence Everett, Jr.
Minderlein, James Lloyd.
Mitchell, John Bullard, Jr.
Mitchell, William Ray.
Mixner, Frank Lewis.
Moffett, Gordon Neill.
Molnar, David Louis.
Moni, Wayne John.
Moninger, Edward George, Jr.
Moore, Edward, Jr.
Moore, George Daniel.
Moore, Kenneth Alfred, Jr.
Moore, Randall Jack.
Morgan, Donald Leroy.
Morgenfeld, Thomas Albert.
Moyer, David Foote.
Mulholland, Wayne Thomas.
Mullowney, Penn Evans, Jr.
Murdock, Walter Edmond.
Musitano, John Raymond.
Muskovac, John Joseph, Jr.
Mutty, John Edwin.
Myers, Estill Earl.
Myers, Kenneth Randall.
Myers, Ronald Wayne.
Naro, Edward Louis.
Neal, David Lewis.
Nelson, Jerome George Samne.
Nelson, Lauren Ernest,
Nelson, Paul Lawrence.
Neumann, Dennis Ervin.
Nichols, Timothy Bradley.
Nicholson, Michael Jeffrey.
Nolan, David Scott.
Nordeen, Michael Brent.
Nordstrom, Louis William, Jr.
Norman, Robert James, Jr.
Norr, Herbert Eric.
Norrholm, Leif Johan.
Obar, Michael Wayne.
O'Brien, Jack William.
O'Brien, Peter Anthony.
O'Dell, William Howard.
Offutt, Randall Eugene.
O'Harrow, Patrick Ralph.
Oldson, Dennis Randolph.
Olson, Jack Leland.
Padgett, John Elliott.
Padgett, Norman Ray.
Palmer, Joseph Alouyous, Jr.
Parlette, Richard Taylor
Parrett, Gaylord Swayne Jr.
Parrish, Richard Doughlas
Paschall, William Danridge
Patrick, Mark Sailer
Patterson, James Wheeler
Patton, Bob Riley Jr.
Payne, Robert James

Pearson, Taylor Peter
Pelaez, Marc Yve Eugenio
Pelton, Ronald Lynn
Peschke, Jerome Aloysius, Jr.
Peterson, Charles Edward
Peterson, Richard Franklin
Pfister, Stephen Joseph
Phillips, William Standish
Pike, Dennis Stanley
Pine, Donald William
Ploof, Elden Louis Jr.
Plowman, James Edwin
Plum, Jerry Earl
Plunkett, John Russell
Polk, James Stanley
Potts, Ronald Lee
Powell, Orrin Bert IV
Prather, Richard Fay
Previty, William Harry
Price, Harry Jon
Prickett, Frederick G., Jr.
Quinn, Donald Anthony
Raffetto, David James
Railsback, Donald Charles
Rainey, Daniel Lawrence Jr.
Rairdan, Eugene James
Rajaniemi, Charles Hugo
Randall, Jeffrey Wayne
Rasmussen Ernie Loris
Rauch, Kenneth Norbert
Reade, John Moore IV
Redden, John Andrew
Reed, Phillip Lance
Refo, Carter Beaumont
Reilly, Michael Joseph
Reiniger, Peter David
Reynolds, Craig Lewis
Rezeau, Gary Lance
Rhodes, Donald Ray
Richardson, Larry Charles
Riley, Stephen George Jr.
Ring, Roy Lee
Roach, Charles Alan
Robson, Clifford Pierce
Rogers, Kevin George
Rogers, Paul Frederick
Rogers, Paul Harry, Jr.
Roletter, George Joseph, Jr.
Romero, Edward Richard
Roorbach, James Arthur, III
Rouse, James Richard
Rucker, Alexander Cauthorn
Rudloff, Chester Davis, III
Rudloff, Stephen Anthony
Rugolo, Ralph Ignatius
Rumbley, Daniel Lee
Runyon, William Ellis
Ryder, Dan Herold
Sack, Brian Philip
Sadler, Lester Hardy
Saft, Burton Manly
Sailes, Frank Joseph
Saline, Walter Marin, Jr.
Samara, George Bitting
Sanborn, Philip Myron
Sandberg, Nils Stephen
Scango, Patsy Donald
Scarborough, Oscar D., III
Scardigno, Peter Francis
Scheider, Sam Morris
Scherzinger, Victor Lee
Schindler, Charles Richard
Schineller, Frederick J., III
Schneible, Daniel Carey
Schoening, Frederick Stephe
Scholl, Russell Charles, Jr.
Schrodt, Clair James
Schumacher, Frank Arthur
Scott, Donald William
Seddon, Frederick Richard
Sedgwick, Dean Lance
Segraves, Joel Rhinehart
Seim, Wayne Allen
Setser, Raymond Howard, Jr.
Setzer, Alvah Earl
Sewall, Andrew Carl
Sewall, Charles M., Jr.
Seward, Charles M., Jr.
Seymour, Harry Augustus, Jr.
Shaar, Edwin Willis, Jr.
Shackelford, Harry Louis, Jr.
Shaffer, William Harry
Shaw, Myron Jack
Shaylor, Stanley Russell
Shealy, William Pierce
Sheehan, Gerard Richard
Sheldon, Gerald Ernest
Shenton, William Thomas
Shinabarger, Jon Arthur
Shuman, Paul Dennis
Sicari, Anthony Charles
Simon, James Richard
Smelik, Gerald Thomas
Smith, Edwin Lee
Smith, Gary Allen
Smith, J. Palmer
Smith, Jeffrey Forrest
Smith, Urban Eugene
Smith, William Clifford
Smuda, James Francis
Smythe, Hugh Middleton
Snider, Raymond Russell
Snider, William Allen
Snyder, Darrell Paul Jr.
Synder, Glen Dean
Snyder, Peter Burgess
Soderman, Arne Paul
Sogga, Donald Nicholas
Soley, Francis Edward
Soricelli, Joseph Martin
Spangler, Carl Rodney, Jr.
Spencer, Stanley Smith
Sprague, Jay Woodrow
Stallings, Tellmon Scott
Standridge, Wylie Lamar, Jr.
Stanfield, Robert Alan
Steenburgh, Frederick Leroy
Stein, John Howard, Jr.
Stevens, Wayne Ashley
Stewart, Finlay James, III
Stewart, George Calvin
Stewart, Lawrence Letulle
Stewart, Van Nelson
Stickler, Bernard Thomas
Stills, Francis Marion
Stillwagon, Richard John
Stoddert, Robert William B.
Storwick, Richard Allen
St. Pierre, Francis William
Strauss, Kurt Allan
Stricker, Robert John
Strohaker, John Guy
Stromberg, Merle Jon
Strong, David Walker
Strong, Walter Garland, Jr.
Stryer, Thomas Bruce
Stubbs, Frederick Michael
Sullivan, Jerry Michael
Sullivan, Timothy Bernard
Sullivan, William James
Summerlin, Thomas Wiley
Sutton, Ronnie Neal
Swanson, Barry Grant
Swartz, Peter Milton
Switzer, William H., III
Tabor, James Byron
Tageson, William John, Jr.
Tarpley, Robert Paul
Tarr, Edwin Arthur
Tarrant, Yancey Newell
Taylor, James Louis
Taylor, Rufus Lackland, III
Taylor, William Ivey, III
Tedeschi, Ernest Francis, Jr.
Tedford, Timothy Wallace
Teichgraber, Walter Michael
Thompson, Neil Bruce
Thorsen, Paul Albert
Tibbetts, Charles Francis
Timpson, Donald George
Tinsley, James Robert, III
Tisdel, Richard Edward
Tompkins, Charles Leroy
Toporoski, Daniel Michael J.
Tower, Philip William
Tozier, Jack Allan
Trevathan, Joseph Coleman
Trione, William Robert
Trump, Peter Arnold
Tucker, Leo Pat
Tullgren, David Bernard
Turner, Howard Stansell
Turner, Jay Scott
Turner, John David
Turner, Joseph Wayne
Turner, Walter Scott
Tzomes, Chancellor Alfonso
Uber, Brian Douglas
Vallee, Ronald Armand
Valovich, Paul Joseph, Jr.
Vance, Charles Terry
Vaneps, John Arch
Verbelia, Joseph James
Vogel, Timothy James
Vomastic, John Emil
Wacaser, Anderson Wade, III
Wade, Richard John, Jr.
Wagner, Dennis Larry
Wagner, James Aubrey
Wahl, Larry Charles
Walker, Joseph Scott, IV
Walsh, Donald Francis
Waring, Charles Wildey, Jr.
Washam, Eric Lee
Watts, McCoy Carlos, Jr.
Waylan, Cecil Jerome
Weaver, Richard Lee
Webb, George Jerome, Jr.
Weber, Francis Joseph
Weighton, David Douglas
Weittenhiller, Larry Keith
Welch, Glenn Ernest, Jr.
Welford, Marcus, Jr.
Wetherell, David Lee
White, Douglas Alan
White, Michael Vance
Wieland, Billie Wayne
Wielandt, Frederick Moore
Wiggins, Edwin George
Wilkes, Marshall Jackson
Wilkes, Paul Douglas, Jr.
Wilkie, Robert Christopher
Will, Thomas Joseph
Willenborg, John William
Williams, Joseph Frederick
Williams, Richard C. III
Williams, Robert Allen
Williamson, Bruce Stephan
Wills, Douglas Kent, Jr.
Wilson, Christopher Todd
Wilson, Clyde
Wilson, Clyde Eugene, Jr.
Wilson, George Eugene, Jr.
Wilson, Kenneth Leighton
Wilson, Woodrow Owen, Jr.
Wiltshire, Kenneth James
Winters, Timothy Paul
Witherspoon, William Wall J.
Witten, Robert Lee
Wittig, Arthur Walter
Witzenburg, Dennis Leon
Wojdyla, Michael John
Wolf, David Carl
Wood, John Robert, Jr.
Wood, Robin Carder
Woodring, George B., Jr.
Wright, Donald Alexander II
Wright, Douglas Scott
Yaconiello, William Joseph
Yearwood, John Fouche Jr.
Young, Brian Walter
Young, Thomas Richard
Zak, Frank Joseph, Jr.
Zambie, Henry John Jr.
Zapatka, Stanley John Jr.
Zaruba, Robert Joseph
Zayicek, James Stanley
Zettle, Charles Emerson
Ziolkowski, Ronald William
Zschock, Charles Wolfgang
Zuercher, Keith Edward

The following-named women officers of the U.S. Navy for permanent promotion to the grade of lieutenant commander in the line, subject to qualification therefor as provided by law:

Hill, Susan Bowles
Londak, Elaine Frances
Todaro, Jeannie Kay
Schmitt, Joanne Lorraine
Wallis, Mabel Lillian

EXTENSIONS OF REMARKS

DAV WORKS FOR BETTER GOVERNMENT

HON. PAUL W. CRONIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. CRONIN. Mr. Speaker, the DAV is an organization that has long worked for better government and toward solutions for veterans' problems. Particularly in Massachusetts, the DAV is recognized for providing leadership, not only among veterans, but the community as well. It is an organization that has brought pride to the citizens of our State.

An outstanding member of the Massachusetts Disabled Veterans is also a resident of the Fifth Congressional District. Mr. Frank Cain, who resides in Lawrence, Mass., is presently serving as State Commander of the Massachusetts DAV. Mr. Cain, a World War II veteran, saw action in Australia, New Guinea, the Admiralty Islands, Howie Island, Manila, and Japan. Frank joined the DAV in 1945 and is now a life member of the Queen City Chapter No. 2. He has filled a number of positions ably during his membership, including in 1972 and 1973, the position of membership chairman of the Massachusetts Department of Disabled American Veterans. During these years the DAV obtained the largest membership in its history.

Frank Cain is a notable member of an organization that serves its community well. I take this opportunity to commend him for his fine service and to thank him on behalf of his community.

Mr. Speaker, I would also like to include a copy of the program for Frank's installation for the RECORD. I believe it will serve as an indication of the feeling that the people of Massachusetts have for our State DAV Commander.

TESTIMONIAL BANQUET FOR STATE COMMANDER AND MRS. FRANK A. CAIN

INVITED GUESTS

Leo V. Allaire, Banquet Chairman, Commander Queen City No. 2.

Reverend Carl E. Bergstrom, Department Chaplain, DAV.

Laurence U. Bloom, Senior Vice Commander, DAV.

Clara C. Bowers, 4th National Junior Vice Commander, DAV Aux.

Honorable John J. Buckley, Mayor, City of Lawrence.

Mr. & Mrs. Richard Cain.

Honorable Paul W. Cronin, Member of Congress.

Florence E. Daley, Nat. Ex. Committeewoman, DAV Aux.

Honorable John F. X. Davoren, Secretary of State, Commonwealth of Massachusetts.

Alfred Donovan, Alderman, City of Lawrence, Director of Public Safety.

Mrs. Alfred Donovan.

Walter T. Greaney, National Senior Vice Commander, DAV.

Joseph A. Kane, Representing Gov. Francis W. Sargent.

Honorable Thomas Lane, Governor's Councilor, Lawrence.

Robert Lippe, Alderman, City of Lawrence, Director, of Health & Charities.

Mrs. Robert Lippe.

Joseph Markey, Alderman, City of Lawrence, Director of Engineering.

Mrs. Joseph Markey.

Henry W. Pepin, Past Commander Queen City No. 2, Toastmaster.

Robert S. Redding, National Executive Committeeman, DAV.

Richard Reming, Alderman, City of Lawrence, Director of Property and Parks.

Mrs. Richard Reming.

Mary T. Silva, State Commander, DAV Auxiliary.

Mr. Charles Silva.

Peter Smith, Headmaster, Lawrence High School, Lawrence.

Mrs. Peter Smith.

Honorable William X. Wall, State Senator, Lawrence.

Honorable David B. Williams, Presiding Justice, Ayer District Court and Past National Commander, DAV.

PROGRAM

Invocation, Reverend Carl E. Bergstrom, Department chaplain.

National Anthem.

Welcome, Leo V. Allaire, Banquet Chairman, Commander, Queen City 2, DAV.

Introduction of Head Table Guests, Henry W. Pepin, Toastmaster.

Greeting, John J. Buckley, Mayor of Lawrence.

Principal speaker, Paul W. Cronin, U.S. Congressman.

Introduction, guest of honor, Frank A. Cain, Department commander.

Queen City Chapter No. 2 acknowledges the many good wishes, your presence here suggests, in honoring Frank A. Cain, Department Commander. May we take this opportunity to extend to you on behalf of Frank and the Disabled American Veterans, our sincere hope for your every success and continued good health.

FRANK A. CAIN

Frank A. Cain, employed in the Lawrence School Department as Supervisor of Attendance, presently serving as the State Commander of the Massachusetts Disabled American Veterans, resides in Lawrence at 16 Plummer Road.

He is a graduate of St. Patrick's School, Lawrence High School, and a World War II veteran.

Serving with the U.S. Army First Cavalry Division, his overseas service included Australia, New Guinea, Admiralty Islands, Howie Island, Samoa, Tacloban, Leyte, Manila, and Japan.

He is a Life Member of Queen City Chapter No. 2 having joined the DAV in 1945. He has served as Chapter Commander and Adjutant, is active in District Council No. 4, and is a former member and Chairman of the Department Finance Committee and the Department Auditing Committee.

He is married to the former Marie O'Carroll of Lawrence.

In 1972 and 1973 as the Membership Chairman of the Department of Massachusetts, the Disabled American Veterans obtained the largest membership in its history.

THANKS

To the members of Queen City Chapter No. 2, to the D.A.V. Auxiliary and to the Department Officers for their assistance. Leo V. Allaire, Chairman, Banquet Committee.

SAVANNAH'S CATHEDRAL OF ST. JOHN THE BAPTIST CELEBRATES 100TH ANNIVERSARY OF LAYING OF CORNERSTONE

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Friday, November 30, 1973

Mr. TALMADGE. Mr. President, on November 18, Savannah's Cathedral of St. John the Baptist celebrated the 100th anniversary of the laying of its cornerstone. This cathedral is one of the most beautiful church edifices in the South.

The clergy and laity of the cathedral are justifiably proud of the work they and their forebears have done to make this one of the truly outstanding parishes in the country.

The cathedral parish made Savannah the first cathedral city in Georgia in 1850, and has its roots in colonial times. One of its early parishioners was Capt. Denis Cottineau, who commanded a vessel in John Paul Jones' squadron in the famed naval engagement between the *Bon Homme Richard* and the *Serapis*.

Bishop Raymond Lessard of Savannah celebrated the centennial mass, while the Rev. Lawrence Lucree, a former cathedral rector and native son of Savannah and its cathedral, delivered the homily.

I ask unanimous consent that a history of the parish from the Savannah News-Press be printed in the RECORD as an extension of my remarks.

There being no objection, the history was ordered to be printed in the RECORD, as follows:

HISTORY OF CATHEDRAL OF ST. JOHN THE BAPTIST

(By Ann Marshall)

It was bitter cold at 3 p.m. Nov. 19, 1873 when 6,000 citizens gathered in the vicinity of Abercorn and Harris Streets to see the laying of a cornerstone for the Roman Catholic Cathedral of St. John the Baptist.

Presiding at the service to dedicate the marble stone before temporary outdoor altar at the east end of the building outline—approximately where the high altar would rise—was Bishop W. H. Gross of Savannah.

Bishop James Gibbons of Richmond, Va., from a temporary pulpit.

The service ended after his address with three cheers for the speaker, followed by three cheers for Bishop Gross.

Today, parishioners, their friends, well-wishers, and community officials are gathering at the cathedral for a 100th anniversary service at 10 a.m. to commemorate that lively cornerstone ceremony.

It will be the first time that Bishop Raymond W. Lessard celebrates a Latin High Mass in the cathedral.

To preach, he has designated the Rev. Lawrence A. Lucree, who was cathedral pastor before being transferred to Albany and later to Jesup where he is rector of St. Joseph's Church.

The Savannah Morning News of Nov. 20, 1873 spread the story of the cornerstone ceremony, the history of Roman Catholics in

Savannah, details of the cathedral fund drive, architectural plans for the cathedral, and a list of the contents of a box placed in the cornerstone, in six columns in fine print—some two thirds of its "editorial" page.

The writer described a long procession which formed at Bull and South Broad Streets, north on Whitaker to Bay, east to Lincoln and south to South Broad (Oglethorpe Avenue today) thence to Abercorn and Harris.

The crowd which followed the procession swelled the crowd waiting at the site.

"The fences and residences in the view of the ground were thronged with people, and the southern side of the Academy of St. Vincent de Paul, which overlooks the foundation, presented a picture of living female beauty. Even the roof of this building was crowded with ladies," said the account in the newspaper.

Alighting from their carriages and walking chairs on the building site with the two bishops were 15 clergymen. They came from Canada, Charleston, S.C., Augusta, Macon and Savannah.

JASPER GREENS

Brightly uniformed Jasper Greens mounted the parapet surrounding the entire foundation and acted as a "chain picket guard." Crowded into the enclosure were uniformed members of the 18 Irish societies.

They had walked in the procession led by the Hibernian Brass Band, with the Washington Coronet Band at mid-point.

Each group carried banners which they stationed at either side of the altar, adding a gala note in the open air "sanctuary."

Bishop Gross blessed the white cornerstone with holy water before it was borne to the southwest corner.

The box of gifts was put in it and the stone lowered into place. The clerical procession then moved slowly around the enclosure with the bishop as he sprinkled holy water on the walls.

Bishop Gibbons opened his talk with a quotation from the Psalmist: "The heavens declare the glory of the Lord, and the firmament announces the work of his hands."

He went on to describe the "cathedral" formed by the world and the universe before Solomon built the first temple. He noted the first Christian church built in the third century by Constantine the Great, the first Christian emperor of Rome.

"Under the aegis of this same religious toleration we are assembled here today," he continued, noting he saw various nationalities represented in the crowd: sturdy Germans, sons of Ireland, children of Sunny France and Italy.

"And I was also glad to witness in the procession the representatives of the African races fraternizing harmoniously with those who had been their former masters," said Bishop Gibbons.

DIOCESE OF RICHMOND

He noted members of other denominations there. Then he praised the "liberality" of Savannah people who formerly contributed to the erection of churches in other dioceses, including his own Diocese of Richmond.

"In other countries churches have been erected by crowned heads and jeweled princesses, but our reliance is on the generous hearts of the people," he said.

Clergy and layiety contributed coins and mementoes for the cornerstone box. M. T. Quinan put in $60 in Continental ship plasters dated Jan. 14, 1779. John Rourke laid in a Russian copper coin 200 years old.

Turf from the bogs of Mayo, Ireland; clay from the grave of St. Commin in Mays, Ireland; a piece of tow brought by Bishop Gartland—Savannah's first bishop—from the College of All Hallows, Ireland; and antique French, English, Prussian, Chinese, Dutch, Danish and Spanish coins were the gift of Mrs. Catherine Flynn.

James D. Reynolds added a piece of stone from St. Savior's Dominican Catholic Church in Dublin laid in 1853 by Cardinal Cullen. The rules of Savannah City Council went in from Hon. E. C. Anderson and A. B. Luce and Mrs. M. S. Raymur put in the day's menus from Marshall House hotel on Broughton Street.

It was April 30, 1876 when the completed structure costing $150,000 was dedicated, and 1896 when the bell tower steeples were added by Bishop Thomas A. Becker at additional cost of $35,000. Bishop Becker in 1889 built the cathedral rectory where the pastor Msgr. Daniel Bourke, his assistants, and Bishop Lessard live.

The cathedral was gutted by fire Feb. 6, 1898. The congregation celebrated the first mass in the rebuilt structure on Sunday morning of Christmas Eve, 1899. It was dedicated Oct. 28, 1900.

Since then, the exterior and interior have been renovated several times.

Monsignor Bourke said this week he hopes to complete another renovation before the 100th anniversary celebration in 1976 which will be a highlight of the Roman Catholic community's contribution to Savannah's Bicentennial '76.

CLUB COMANCHE—25TH ANNIVERSARY

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. DE LUGO. Mr. Speaker, during the past year, the national press has been publishing stories on some tragic episodes that have disrupted the peaceful nature of St. Croix, V.I. Unfortunately, many people who are unfamiliar with the traditional nature of our Island society and culture have developed their image of St. Croix solely from these articles. For the edification of these individuals and any colleagues who have not had the opportunity to visit the Virgin Islands, I will be entering in the RECORD a series of profiles of Virgin Islanders and their activities.

My responsibility and intention are to provide a balanced view of St. Croix to counteract the unintentionally biased coverage of island life. My colleagues who have seen the Virgin Islands will recognize the true representation of my home that these articles depict.

Today I wish to bring to the attention of my colleagues the 25th anniversary celebration of Club Comanche, a hotel in Christiansted, St. Croix. Ted Dale and Guy Reynolds, coowners of the club, have been friends of mine for years. They personify the best in those people who have transplanted themselves to the Virgin Islands. Their contributions to the Crucian community are innumerable. I only regret that I could not join in their 25th anniversary celebration because of pressing duties in Washington.

The intensity of this celebration demonstrates the real spirit of human relations on St. Croix. Old and young, black and white, native and mainlander united in true community spirit and joy to commemorate the anniversary of this traditional Virgin Island meeting place.

The article from the November 18 edition of the Pulitzer Prize winning newspaper, the San Juan Star, published on the neighboring island of Puerto Rico, follows:

ST. CROIX CELEBRATES WITH CLUB COMANCHE

(By Freck Hart)

CHRISTIANSTED, ST. CROIX, V.I.—The Horsford Family Scratch-Band of St. Croix could have played a rousing chorus of a catchy tune that begins "Accentuate the positive," for that is what was happening as a colorful Christiansted caravansary called Club Comanche celebrated its 25th anniversary last Sunday, Nov. 11.

Around 1,000 Crucians, continentals who now call St. Croix home and mainlanders who "headquarter" at the well-known hotel gathered at midday for the lively occasion that marked the beginning in 1948 of what was to become legend and landmark. Guests sipped and supped and recalled good times. "Remember when?" was the order of the day as old friends swapped Club Comanche stories. Concerns that have come with unaccustomed violence in the community—were forgotten with accounts such as the one of the arrival of already famous photographer Fritz Henle and a bevy of fashion models. Hundreds of sailors and Marines converged on Club Comanche at the same time. There were more spirits than solid sustenance in the hotel larder, which resulted in confusion for some. A sailor did not know port from starboard and when directed left and left went right and right wound up in the swimming pool. A dripping young man warned every one that the hotel's head was flooded.

Club Comanche is a place of laughter. The sprawling, hodge-podge hotel, which reaches from the inland side of Christiansted's first street parallel to shoreline, has been known for its conviviality and hospitality since its doors opened a quarter century ago.

Hospitality was in evidence at all levels Sunday, reaching from orchid gardens behind the main building to the replica of sugar mill tower in the harbor.

Those who came to share the fun included every one from the Virgin Islands Governor to the man in charge of street cleaning.

Gov. and Mrs. Melvin H. Evans flew in from St. Thomas on the "Goose" for the occasion. Capt. Charles Blair left the party to board one of the Antilles Airboats, taking a turn at piloting one of his seaplanes. An eyecatching sight at poolside was his wife, famous flaming redheaded actress Maureen O'Hara, being serenaded by a jaunty flautist called "Dutchy" Leonardo. The little man made lilting music for all.

Puerto Rican Julia Gomez Armstrong pointed out many islanders in the crowd, some rarely seen at public gatherings, she said. There was Annie de Chabert, Ulric Benjamin, the Neltrhopp family, the Hodges, the Dowards, the Davids, the Roebucks, the Morales family and the Espanza sisters. Also there were Judge Almeric Christian and Judge Warren Young, who was on the bench during Fountain Valley-trial. There, too, was former chief of immigration Otto Latimer, now retired.

Dr. Andre Joseph and his wife, Dr. Jutta Joseph, who came with their children—Andre Jr., Jutta, Waldo and Michelene. There was hospital nurse Joyce Rohlsen and her children, Michele and Henry Jr., and Beverly Rohlsen, public health nurse, and young Eryle.

Then there were dozens of guests who came down to St. Croix especially for the anniversary party. Mr. and Mrs. Donald V. Kane of Long Island, who now have a St. Croix vacation home, flew in for the occasion and took some teasing from one of their five children, Mary Beth, about being jet setters. John Wolforth, who has been coming to Club Comanche for 21 years, also flew in from Long Island. Marilyn Miklos of New York City said she had never made such a long journey for such a short stay. State Sen. William Clark of Oklahoma, who has been in Christiansted often of late, returned for the party.

The hotel's very first guests, Lee Platt, and his sister, Mrs. Tom King, now an island resident, were among arrivals. So was Alphonso Sebastian Forbes, who sold the Grand street site to Club Comanche owners, Ted Dale and Guy Reynolds.

Co-owner Dale's wife, Betty, greeted guests and pointed to detailed party directory that had been posted on the hotel's Front Porch.

The more conservative moved toward the garden just off the Club Comanche's Back Porch, where Eleanor Brumenschenkel served tea and showed off 2,000 orchids she and her husband, Jim, have collected. Those who desided a different brew got one from the Dale's son, Gordon, who was stationed on the Back Porch. His sister, Margot ("Muffin"), served finger foods.

Most guests crossed the bridge over Grand street to be greeted by Guy and Anita Reynolds at the Club Comanche Pavillion Restaurant, now run by Dick and Mary Boehm on lease arrangement.

Some settled down there for shad, corn fritters and cocktails by Rico. Others continued to Swimming Pool Terrace, where Honor Richardson was dispensing rum from giant keg. Trays of shark balls were being passed. These spicy delicacies were being prepared at a food center at sea level boat basin. Cecil Simmonds was spooning a mixture of shark meat, onions, peppers, tomato sauce and cracker meal into old-fashioned iron frying pans.

There was also roast pig prepared by Bill Rose, fish smoked by Bob Finucane and goat roasted by Roy Joseph.

It was a West Indian feast, and the genial Dale was making sure that guests were having fun and getting their fill. He had posted veteran employes at the main entrance to Club Comanche to direct guests to festivities.

Club Comanche, as colorful as it is, is best known for its key people. Crucian Catherine Golden was among the first to join the staff. Dale said, "I hired her when she was 16, going to see her father as if I were asking for her hand."

Others who have been at Club Comanche for years and years include Mariyln Tutein, Roderick (Big Duke) Verderver, Karen Christiansen and Leona Daniels.

Many people identify with Club Comanche. Sam and Pam Wilson feel close because they met and married and honeymooned there. They now live on St. Croix.

Most of the guests associate the Club Comanche with the nautical and feel that the Club Comanche story is incomplete without salt.

The owners arrived in St. Croix aboard a venerable old yawl that Philadelphia Dale acquired after leaving the Navy at the end of World War II. Dale and Reynolds dropped anchor, saw and bought No. 1 Grand and forgot their original destination on Antigua. They kept the Comanche and used the yawl for hauling building supplies from San Juan for the island's third hotel.

The Comanche finally got the sags and was burned. The keel was kept, however, and is at Pull Point, the Dales' unusual cliff-hanging home.

Called a reincarnated Viking, Dale remained interested in boats and sailing. He talked a Club Comanche guest, John 'Corncob" Gorham, into going with him to Surinam to have native canoes hollowed out of huge logs. Dale, who is actively involved in all kinds of island sports programs including wrestling and softball, wanted young Crucians to learn crew racing.

He also had a yen to try long range sailing in dugout. He outfitted one with three Sailfish sails and began lining up buddies of like mind for long hauls. He dubbed the dugout "Affabakka". Crewmen for the canoe changed from time to time, but Corncob, Ingemar Gustavvson and Doug Cochran, lawyer who was at Naval flying school with Dale, go when there's a chance.

They sailed the first canoe each year for five years, touching all the down islands and getting as far as Colombia, Panama and the San Blas Islands.

These were far from plush journeys but they had distinct advantages, Dale says. "There was no engine to fail, no toilet to stop up and no bilge pump to jam."

There were disadvantages. Corncob says, "The canoe was 40 feet by four. It sleeps four but only two at a time."

Food came from tins, and menus were mixups. Labels on cans kept coming off.

All four men have remained close friends through six canoe trips and one raft trip up the Magdalena River in Colombia. They have had no trips since they left the successor to first sailing canoe in Jamaica. They ran into foul weather and were without rudder or jib.

For old times sake, some of the crew had a pre-party canoe trip in the wee hours before the party began. They good-humoredly reported on soggy ending as they had breakfast, with one asking for a long glass of water and other asking for coffee "blassed" by Jonesy. Club Comanche's Jones pours black coffee spiked with Cruzan rum.

There was talk at the time of looking up a quotation from Tennyson's "Ulysses" to salute their captain, Dale, at the Club Comanche celebration.

This plan was forgotten as fellow sailors decided to maneuver the "Viking" into the hotel's swimming pool. This accomplished to the applause of nearly 1,000 guests, they tossed in a sign made by artist Ruth Snavoe for the anniversary. It read:

"Still plenty alive
"At twenty-five-
"Hearty and hale
"Reynolds and Dale"

ADDRESS DELIVERED BY JAMES C. WHEAT TO CORPS OF CADETS, VIRGINIA MILITARY INSTITUTE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, November 30, 1973

Mr. HARRY F. BYRD, JR. Mr. President, James C. Wheat, chairman of the board, Wheat, First Securities, Inc. of Richmond, Va., delivered an inspiring address to the Corps of Cadets at the Virginia Military Institute on November 12.

I want to share this address with my colleagues in the Congress, and I ask unanimous consent that it be published in the RECORD.

Mr. Wheat is an outstanding Virginian, a graduate of the Virginia Military Institute, and one whose contributions to his fellow citizens have been many.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY JAMES CLIFTON WHEAT, JR.

General Irby, General Shepherd, Mr. Edmondson, Mr. Gilliam, Mr. Turman, Gentlemen of the Corps, friends and family of VMI: I am privileged to participate in this 134th anniversary of the founding of the Institute. In those 134 years, this great institution has made contributions far beyond its number of graduates to the well-being and enrichment of the lives of millions and millions of people throughout this world.

If I may indulge in a personal expression, as one of those whose lives has been enriched, I wish to express my gratitude to the Institute and to those noble, patient, and often forebearing gentlemen, such as Colonel Son Read, Buck Weaver, Herbert Dillard, Sam Millner, Sam Heflin, and many many others. I believe it can be truthfully said that the man who finishes four years here gets an education in spite of himself, even if he tries not to. I know this was unfortunately true in my case, and I wish I had taken advantage of the opportunities here presented to a greater extent than I did as a cadet, but enough of self-recrimination.

As I think back, today is really an auspicious time for me. Some thirty-six years ago, I was "introduced" in Club Crozet to a gentleman at a table, but thirty days later I remembered his name—his name was Rawls. Over the intervening thirty-six years, it has been my ambition to have Rawls sit and listen to me like I had to listen to him. Today is my chance, but I promise you I will not take it all out on you.

Recently, I read a little pamphlet which I recommend to you, as a point of departure, for this thing that has suddenly hit the front pages and which is known as the energy crisis. It is well-done. It is done in layman's language, and I think it is something we all should recognize as a problem for us as a nation and as a group of individuals. The subject is one to which we should address considerable attention.

However we may be disposed to think of the so-called energy crisis, I for one do not consider it a crisis. And I think that if you will read any material on this subject, you will probably come to the same conclusion. The crisis really arises in that we haven't done our homework and haven't done our planning. This is not a crisis of energy. This is a crisis of thinking and of people. We do have a problem, and it is well for us to consider it and not sweep it under the rug. The problem is not as presented, however, as I indicated. The problem is that we haven't really focused in on what is the nature of the problem and what can be done about it.

Certainly, there is no lack of energy when you consider that Divine Providence every day, through the rays of the sun, puts on one square mile of land the energy equivalent to a 100-megawatt electrical installation. Or put another way, on 2,500 square miles the sun places energy equal to the total electrical generation in the United States today. In view of such circumstances, we cannot say that we have a lack of energy available to us. Likewise, we have tremendous resources in other directions: coal, oil, and as yet undiscovered, tremendous resources of energy. So, I do not believe that we can truly say this is a crisis of energy. There is plenty of energy available. It is up to man to develop this energy, to see that it is properly handled and distributed, and avoid engaging in some of the past practices that we have, in which we actually dissipate energy through fallacious economic practices, such as the forced sale of natural gas at ridiculous levels, or where we engage in the use of national objectives, such as antipollution, to the detriment of our basic energy requirements.

In reading this pamphlet and, more importantly, reflecting upon it after reading it, it brought home to me three basic conclusions: First, we are going to solve the so-called energy crisis. Of this I have no concern, whatsoever. We are going to solve it. Any nation that can do what this nation has done in so many areas of physical endeavor can do this, and it will be done. Secondly, I see in this a positive force in that maybe it will reach us as individuals. A little sacrifice, a little tough going never hurts us, and particularly at a time like this, we need to be reminded that we are dependent upon a whole lot of things besides ourselves. Finally, I think it can serve a very constructive force in bringing us together again in this nation and, hopefully, it will at least replace this masochistic experience we are going through known as Watergate.

To me the real crisis, if there is a crisis in the field of energy, lies potentially in our failure to recognize not the limits of the physical resources, but in failing to recognize the impact and contribution upon energy resources that the human being makes. This is the most important energy resource in this world: the individual human being—mind, body, and spirit. I think that the relationship of the body of man and the mind of man to energy resources is pretty apparent. Man has been chopping wood, plowing fields, lifting objects for, lo, these millions of years. Likewise, the mind of man has been the cause of better utilization of prevailing energy sources for the better life, the creation of new energy sources, and the location of new energy sources. The mind and body of man are, in fact, the beginning and the end of energy and its utilization. In the final analysis, we—you and I—are the ultimate vehicles for delivery of the work that energy enables us to perform. So, I say that the mind and body of the human being as a source of energy, I think, are well-accepted and pretty obvious.

Less obvious, but probably of greater importance, I believe is the spirit of man. I have told this story many, many times, and I hope that those of you who have had to endure me over the years in some other places will forgive me for repeating it. But it made an impression on me at the time, it has made it over the years, and it continues to make an impression upon me when I need perspective. And let's face it, we all need perspective as we go through this journey we call life. Because life is not made to be easy. It never has been and, in my judgment, it never will be. But what is required to make this journey is that capacity which Winston Churchill attributed to General George Marshall when he said he was always victorious over defeatism, discouragement and disillusion. And these are the enemies of mankind. These are the opposites of human energy, human ability, and human performance.

This story has to do with a young man I grew up with in Richmond who had just about everything that the book would say is ideal. He was well-educated, good-looking, a whale of an athlete, had a great personality, and was a natural leader. In every respect, everything was his way. Early in 1942, he developed a form of multiple sclerosis and began to go downhill from that point. I was here at the time teaching in the Civil Engineering Department and went home for a weekend. In 1944, I guess it was. And I went out to a gathering that we all put together at the old Bon Air Community House. This particular young man was there, and at that time he was beginning to have trouble moving around. He saw me across the room. We hadn't seen one another for three or four years, and he shuffled across the room to me, greeted me, and we began chatting. I knew of his problem, and I said, "Junie, let me get you a chair." He said, "No, Wheat, I'll just lean against this wall. Don't worry about me; everybody has something." This made an impression on me then, as I say, and it comes back to me everytime I get to feeling sorry for myself about business conditions or any other conditions.

Everybody has something. This recognition of the toughness of life, of the demands of life, without surrender to it, to me is the maximum expression of human energy, the energy of the spirit. Mr. Shakespeare expresses it in those great lines:

Sweet are the uses of adversity,
Which, like the toad, ugly and venemous,
Wears yet a precious jewel in his head.
And this our life exempt from public haunt
Finds tongues in trees, books in the running
brooks,
Sermons in stones, and good in everything.
I would not change it.

(As You Like It, II, i. 12–18).

This to me is our challenge, day-in, day-out. This is our source of energy, day-in, day-out. In less classical terms, "When the going gets tough, the tough get going." This to me is what we here at VMI are exposed to day-by-day, whether we resist it or not—as some of us have, and some of us do, and some of us will. This is what is instilled in us, and this is why I firmly believe that this institution will continue to make the great contribution, a contribution far beyond its numbers. Not that we are any better or any worse; we are just flesh and blood, guts and gristle. But this system does work, gentlemen; it does work.

I think that all of us are prone to think that our time in history is probably the most difficult. Certainly, this is a difficult time, but it is also a highly rewarding time, a highly stimulating time. We have our problems; they are now known as crises. We had at one time this week, I think, the Watergate crisis, the Middle East crisis, and the energy crisis, but I would remind you that ten years ago in this land a President was killed. Twenty years ago this country was at war fighting to defend another nation. Thirty years ago it was fighting to defend the world and itself. Forty years ago it was coming out of the midst of the worst economic depression in history. So, problems and trials are nothing new to anybody. They are not new to you, they are not new to me, and they are not going to be new to our children. The question is how we face them, and this is this mystical ingredient of human energy known as spirit.

Perhaps you have heard this story—I never had—which I think sums it up. Winston Churchill late in life was asked to appear at a boys' school. And when the old gentleman was called on to speak, obviously the headmaster and the masters and the young men expected to hear words of history and philosophy and a great dissertation from this probably greatest of contemporary men. The old gentleman stood up and his message was very simple. He looked at these young boys, and his message was: "Never give in. Never give in. Never. Never. Never."

This is our eternal challenge, gentlemen and ladies, for the spirit of man. This is our eternal challenge: Never give in.

RIVER FALLS, WIS., ACTS TO CONSERVE ENERGY

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. THOMSON of Wisconsin. Mr. Speaker, each of us will have to make sacrifices in order to overcome the present energy crisis and fuel shortages this winter. The businessmen of River Falls, Wis., in the Third Congressional District, deserve a warm round of applause for their forthright, collective response to the problem. They have decided to cut back the electrical consumption in their stores by one-fourth to one-half, end all outside lighting, reduce heating to 65 to 68 degrees, cut the lighting of downtown's Main Street by one-half, limit Christmas lights to 4 hours on Christmas Eve and Christmas night and conduct a public education campaign to encourage private citizens to join in the energy conservation effort. River Falls is setting a good example for communities everywhere.

I include at this point in the RECORD, a statement issued by the retail trade members of the River Falls Chamber of Commerce:

RIVER FALLS CHAMBER OF COMMERCE, INC.

River Falls, Wis.

CITY COUNCIL,
City Hall,
River Falls, Wis.

Twenty-six members of the Retail Trade of the River Falls Chamber of Commerce of River Falls, Wisconsin held a meeting at 12 noon at the Hotel Walvern on November 12, 1973 and by unanimous decision the following proclamation was made by this group.

As a group we will cut our electricity by one-fourth to one-half in all the stores. This will include outside lights to be off entirely when feasible, no window lights on if not absolutely necessary. All stores will cut the heating down to 65° to 68° where they have control of their own thermostats. The lights on Main Street shall be cut in half if this is feasible. They will have a meeting of the Council, Utility Commission and businessmen in the very near future to try different ways to cut down on the street lighting. There will be no Christmas lights on any of the store fronts and the City decorations are to go up as usual but the lights will not be turned on. The only exception to this would be a possibility of turning the lights on for 4 hours no Christmas Eve and 4 hours on Christmas night if the lighting is not critical at that time. We as a group will abide by the need for any limit of store hours during or after Christmas relative to the store hours of surrounding communities including the metropolitan area. The Chamber will order stickers for all the stores to display with the following message, "We are conserving energy—Won't you help too?" The group will do all it can to get the message of how critical the need is now to the entire town for conserving fuel, lights and push for the 50 M.P.H. speed limit.

CONSTRUCTIVE CHILDREN'S PROGRAMING

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. WALSH. Mr. Speaker, one of the finest television programs for young children is Ladybug's Garden, an educational and entertainment series independently produced in Syracuse, N.Y., and seen on a number of stations throughout the East.

At a time when we can be justly critical of some of the material offered for young people through such a persuasive medium as television, the relatively few bright spots on the screen deserve our recognition, and Ladybug's Garden merits this attention. Educators and parents have been responsive, and the program has received a number of distinguished awards. These citations have been eloquent in their praise.

I was particularly impressed when Ladybug's Garden initiated a 4th of July Create and Color Celebration this year, asking young viewers to write an original short story or poem and to draw a picture illustrating their personal concept of patriotism. The objective was to stimulate an awareness of patriotism, and to encourage creativity in expressing positive thoughts about our country.

There were thousands of entries, and the wholesomeness and confidence they showed are an inspiration. Judged best of all was a poem and drawing submitted by Leonard Caruso, the 9-year-old son of Mr. and Mrs. Nicola Caruso of 122 Fireside Lane, Camillus, N.Y., which is part of the 33d District.

Leonard's drawing shows a sturdy tree, with 50 leaves, each leaf representing and identified as one of the 50 great States of this Nation, and alongside is printed his fine poem which I am proud to share with you:

My country protects me
Just like a tree
The trunk is so sturdy
Like a government should be
The branches reach out
To all 50 States
The leaves offer shelter
And gives me a place
To live in freedom
No matter what I face
The fruit is the happiness
I feel just to know
That I am an American
And here is where I'll grow.

NATIONAL FARM WIFE MONTH

HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, November 30, 1973

Mr. HELMS. Mr. President, today, of course, is the last day of November, 1973, a month that was designated by Secretary of Agriculture Earl Butz as "National Farm Wife Month."

I have heretofore commended Secretary Butz for this formal, yet sincere, recognition of ladies who too often are not given the recognition they deserve. I hope that, during this month, more Americans have been reminded of the great contributions the farm wife makes constantly to the success of American agriculture and, therefore, the greatness of America as well.

Farmers are, without doubt, the backbone of America's economy. Moreover, as a group, they best represent traditional American virtues. Their values, their individual achievement through hard work, and their strong belief in God and family are ideals that made this Nation great. America's farmers have given this Nation undisputed world leadership in agriculture, a position that has allowed us to implement policies of world leadership on behalf of freedom.

The role of the farm wife, as a partner to her husband in agricultural accomplishment, and in moral leadership for America, has too often been overlooked. Few farmers could operate effectively without the assistance and inspiration of their wives. I am pleased that this opportunity has been taken to salute America's farm wives, to recognize their role in American life, and—in this season of Thanksgiving—to have expressed our gratitude for what they have meant to our Nation.

USES OF BLACKMAIL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. WOLFF. Mr. Speaker, as the Congress considers the response that should be made to the Arab oil boycott, I would like to share with my colleagues a suggestion outlined by William F. Buckley, Jr. in an editorial entitled the "Uses of Blackmail." It is imperative that we deal firmly with those who resort to illegal, hostile activities in order to get their way, and I endorse Mr. Buckley's suggestion that we embargo shipments of U.S. goods and materials to those Arab Nations which have participated in the oil boycott. I hope that our European allies will also have the opportunity to read and ponder Mr. Buckley's comments.

The text of his editorial follows:

USES OF BLACKMAIL

(By William F. Buckley, Jr.)

It is said, here and there openly but for the most part in whispers, that the disadvantages of our Mideast position are gravely damaging to us, and that as the results of the oil embargo begin to hit us, the public will rise in wrath against the foreign policy that brought it all on. And what—they say—of our allies? How can we justify what we are doing to them. What will be the cost to us of the loss of their friendship?

In that reasoning, it would appear to me, is implicit much of the weakness of the American position over the past years. It is a weakness that shows up in the defensive character not only of our deeds, but of our attitudes.

Begin, for instance, with the matter of our allies in western Europe. Why do we think of them as our allies, when it is more accurate to think of ourselves as their allies? A learned strategist recently asked, "What has Israel ever done for us?" Posed just that way, it is hard to come up with the name of a single nation in western Europe that has "done anything for us" in this century. Consider England—long may she wave, and while I am at it I wish Princess Anne great happiness—what has she done for the United States? The question is historically naive. The most obvious favor done in this century by one great country for another is the intercession by the United States in the Second World War, without which intercession Hitler would probably be giving away the bride at Westminster Abbey. Yet that intercession is also explainable in terms of self interest. The prospect of a Hitler-dominated Europe was frightening to us.

But in the current situation, our allies surely need the United States more than the United States needs them? They need our investments, our products, our tourists, our Navy, and above all our nuclear umbrella. West Europe is far gone in the enchantments of what its leaders are pleased to call practical diplomacy. "Even if Russia were presided over by Stalin. I would seek Ostpohik," Why Brandt is quoted as saying extendly. Defense is pleasing to the Europeans, whose concerns these days are primarily economics and it is not plain how they would inconvenience themselves merely in order to accommodate the United States.

The Arab powers, however, are punishing western Europe for America's role in the Mideast as principal supplier to Israel, the perennial target of a military machine deployed by the Soviet Union in Arabia. Everyone seeks nowadays to impose pressure through intermediaries. The question arises why the intermediaries do not assert themselves. It mystifies me that western Europe should think of itself as defenseless against the Arab's use of blackmail.

To deprive a country of that which it absolutely needs in order to survive is quite simply an act of war. It is both a moral question and a legal question whether the Arab embargo has reached the point of asphyxiation that warrants belligerent reprisals. But the talk is that it is headed toward that, and the question arises: why should west Europe tolerate it?

The most extreme response to which the Europeans would be driven, is war against the oil producing states. If an abundance of oil can unite Syria and Saudi Arabia, the lack of oil can unite Italy and Scandinavia. A military expedition aimed not at taking over Arab territory, but forcing Arabs to export their oil at the marketplace, would be justified under extreme circumstances, by the laws of nations.

But there are lesser sanctions, and it is not too early to talk about them. I mean a total embargo. No food to Arab ports, no automobiles, no manufactured goods, no tourists, no airplanes. Let the Arabs attempt, for a couple of months, to get from the Soviet Union what it now imports from the United States and Western Europe. The Soviet Union doesn't have enough surplus to export to Greater Moscow, let alone to 100 million Arabs.

There are unpleasant recourses. But why must we be so defensive in our reflexes? The United States is determined to assure the survival of the State of Israel—reduced in size, to be sure from its bloated postwar dimensions. There are strategic and moral reasons for our decision, and no need to swerve from it under the intimidation of a boycott which could be made to hurt the aggressor far more than the intended victims.

E/R PILGRIM AWARD BY AMVETS

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. BURKE of Massachusetts. Mr. Speaker, on November 9, 1973, I had the honor of attending the annual Pilgrim Awards Banquet sponsored by the American Veterans of Massachusetts in Randolph, Mass. For 13 years the Department of Massachusetts AMVETS has bestowed these most-coveted Pilgrim awards upon those individuals who are leaders in their professions or chosen endeavors. The awards honor personal sacrifice and initiative, outstanding achievement, and service to country; all very honorable goals which are held in high esteem by this distinguished veteran's organization.

This year I was one of several very fortunate individuals chosen to receive the awards. I was very honored to receive the public service award citing me for service to this great country. Also, this year the Americanism award was presented to Arthur Stivaletta of Dedham, founder of the Wake Up America Committee for Americanism, because he best exemplifies the patriotic spirit which America holds so dear. John L. Quigley, Commandant of the Chelsea Soldiers' Home received the Rehabilitation award for his unselfish and tireless work with the elderly and disabled American veterans. The Youth Service award recipient was Raymond McConnell of Somerset who has given unstintingly of his time and effort for the benefit of the young people and this Nation's future citizens in the town of Somerset.

William F. Connors of Milton, who is Director of the Veterans' Administration in Boston, was honored with the special commanders award for his service in the VA on behalf of all veterans of our country's wars. The sports award was presented to Eugene Lee, who accepted the award for his son Russell E. Lee.

Russell E. Lee is a young man from Hyde Park who is perhaps one of the finest athletes ever to come from my district. Having known his family for years and having followed his career with some interest, I can personally attest to the high caliber of the individual who was chosen to receive the sports award this year. Russell is currently a respected and well-liked member of the perennially powerful Milwaukee Bucks basketball team. I would also like to share with my colleagues the remarks made about Russell's accomplishments by Past Commander John J. Towey when presenting this truly deserved award.

The remarks follow:

THE AMVETS PILGRIM AWARD FOR SPORTS

The recipient for this year's award is Russell E. Lee. During Russell's school days at Hyde Park High School it was quite evident that he was going to be an outstanding basketball player. He was All Scholastic in football, baseball and track as well as basketball but it was at the latter sport that he really excelled. He was on the Boston Herald-Traveler High School All Star Team in both 1967 and 1968. He was on the Record-American All Scholastic Basketball Team in 1968. In 1968 he was also a member of the All State Basketball Team. During that year he was invited to play in the Capital District Schoolboy Classic at the LaSallette Seminary in upstate New York. The teams were made up of all Star players from many different states in the east. Russell came home with the Most Valuable Player Award that year.

Russell received a scholarship upon graduation from Hyde Park High School to attend Marshall University in West Virginia. His older brother Eugene, also attended Marshall University at that time and they both played on the basketball team in 1968–1969 and 1970–71. It didn't take long for Russell to make a name for himself as he led the Freshman Team to an undefeated season in 1968–69 with 12 victories. The Boston Bomber he was called, as during many games he scored 40 or more points. While at Marshall University he achieved the following honors as he contributed to their championship seasons. He played in the All Steel Bowl in his sophomore year. He was on the All Marshall Invitational Team for three years and was Most Valuable Player in his junior year. During his junior year he was also a District All American on the United States Basketball Writers Association Teams. During both his junior and senior years he was picked by Basketball Extra as one of the nations top 50 college players pre-season. He was named to the All American pre-season team in 1971–72 by Street and Smith Basketball Yearbook. He was also picked for the All Milwaukee Classic during his senior year. It is not surprising to find that he broke every basketball record for Marshall University while a student there.

It is also not surprising that he was a first round draft choice for the Milwaukee Buc's when he graduated from college in 1972. He naturally would have preferred to have been drafted by the Celtics however he is now playing with Milwaukee and doing very well.

Russell has three brothers who are also outstanding basketball players, Eugene, Jr. is playing semi-pro ball in West Virginia now after a very promising career in professional basketball was interrupted by severe leg injuries sustained in a motorcycle accident. Gerald Lee is playing professional basketball in Helsinki, Finland and younger brother Ronald is an outstanding star basketball player at Oregon University.

This evening Russell's father, Eugene Lee, by the way a very close friend to many of us in the AMVET organization, is going to accept the award for his son. The Milwaukee schedule did not quite fit in with our date for this banquet. They will be in Boston next weekend.

Gene, we are very happy to add the name Russell E. Lee to those who have received the AMVETS, Department of Massachusetts Pilgrim Award for Sports in the past. They were: Eddie Shore, the immortal hockey player, "Red" Auerbach, the Celtics coach, John Kelley, the marathon runner, "Bill" Sullivan, Jr. of the Boston Patriots front office, Arthur DuLong, track star from Randolph, "Nick" Buoniconti, formerly played for the Patriots and now with the Miami Dolphins, the lovable and immortal "Swede" Nelson, "Tony" Conigliaro of Baseball fame, "Joe" Lazzaro, the still world champion blind golfer, "Don" Gillis, the outstanding Boston sports announcer and last year the recipient was the great Boston College football great from years ago "Chuckin" Charlie O'Rourke.

REASON AMIDST FURY

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. MILFORD. Mr. Speaker, in my district last summer a Dallas policeman shot and killed a 12-year-old Mexican youth. Immediately, the officer was charged with murder and has since been found guilty and sentenced to 5 years in prison.

But at the time, the Dallas community was upset. It was an inflammatory situation. National news media focused on the tragedy.

But amidst the storm and fury, a voice of calm and reason spoke out. The voice was an editorial written and delivered by Alex Burton, a newsman for radio KRLD in Dallas.

In keeping with his keen sense of fairness in journalism, Alex mourned the tragedy, commended the overall Dallas police department and called for action to avert future tragedies of this nature.

Honoring this newsman's approach to the situation, Alex Burton's fellow professionals named his editorial as the award-winning editorial and proclaimed it the best radio editorial in Dallas for the year.

Mr. Speaker, I would like for my colleagues in the House to be able to see radio editorial journalism at its finest, therefore, I am inserting it in the RECORD.

The editorial follows:

EDITORIAL

Since five o'clock this morning, when I was awakened by a telephone call, I've been involved in the latest Dallas Police shooting. Twelve year old Santos Rodriguez was shot in the head. A police officer, Darryl L. Cain, has been charged with murder, and suspended indefinitely from the Dallas Police Department. The officer responsible has shown a shocking lack of responsibility and judgment. Chief of Police Dyson has said "There was absolutely no justification for Cain's act." And I'd like to point out the speed with which Cain was suspended and charged with the murder. The Dallas Police Department moves with remarkable swiftness against police who transgress the law. I should also like to point out the statement of Dallas City Councilman Pedro Aguirre who said that everything that can be done legally has been done and he called for calm.

I know that city officials are as anxious for the case to come to court as are the members of the Dallas Mexican-American community and it shall. That is the way it will be done. I do hope that the whole community will adhere to Councilman Aguirre's suggestion for calm. It is easy at this time for feelings to run high, in fact it is to be expected. But the time is more for assurance that such things will not happen again. The search for persons to police this community is a continuing one. Few people want to take on the job. A number of old time policemen have spoken to me today. "I hope" said one, "that this will point out to people how necessary it is not to lower the standards to get more cops."

Another young officer told me of a new system of handling complaints from citizens which will call for psychological tests of officers who are the subject of repeated citizen complaints. What I'm stressing here is the need to see that 12 year old Santos Rodriguez did not die in vain. What I'm stressing here is the need for higher standards for police recruits and continuing betterment of training procedures to weed out the misfits or those who might act irrationally. But mostly what I'm stressing here is the wish that *this* one tragedy does not spawn others equally as senseless . . .

JAN GRACE—COLORADO'S FIRST WOMAN REALTOR OF THE YEAR

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. ARMSTRONG. Mr. Speaker, I would like to commend Jan Grace of Aurora for her unique achievements in the field of real estate.

Not only was Jan Grace the first woman director of the Aurora Board of Realtors, she was the first woman president.

Not only was she the first woman to be selected by the Aurora Board of Realtors as the Aurora Realtor of the Year, but she was the first woman ever selected by the Colorado Board of Realtors as the Colorado Realtor of the Year.

And as a side note, I would like to point out that Jan Grace was also voted Aurora's Woman of the Year in 1970.

The designation as Realtor of the Year marks a high point in a real estate career which began 10 years ago when Jan and her husband Bill founded Grace Realty. While Bill handles the construction end of the business, now expanded into Grace Enterprises, Jan manages the brokerage and sales of both firms.

She manages them well, and I would like to recommend her actions and accomplishments as an example for all women, and indeed for all Americans.

ANNUAL CONSTITUENT QUESTIONNAIRE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 1973

Mr. MICHEL. Mr. Speaker, I have tallied the results of my annual constituent questionnaire and was quite pleased to note how timely the questions turned out to be. I make special reference to the legislation which the Senate has just passed to provide for Federal financing of political campaigns, and interestingly enough 65 percent of my constituents answered "no" to the question on whether the Federal Government should finance all political campaigns for Federal office.

As might be expected my constituents are very much aware of the energy crisis and some 76 percent would vote to relax environmental regulations if it would help to ease the crisis. On another question of whether there would be resistance to construction of a nuclear powerplant in their area, 74 percent of my constituents answered "no."

For the first time we were able to tabulate these returns into male and female categories, and it was not surprising to find that except in very few instances husbands and wives were in general agreement on their stands.

We have heard a good deal of hyperbole suggesting that the President was acting as a dictator or a monarch for his vetoes of excessive appropriation bills and also his refusal to spend appropriated funds in some instances. That argument has not registered at all in my congressional district when you consider that 73 percent of the men and 71 percent of the women indicated approval of the President's decision not to spend funds appropriated by Congress where he believes they are excessive; while at the same time 71 percent of the men and 76 percent of the women answered "no" to the question on whether or not the President has abused his veto power.

On other issues defense spending gets a mixed reaction with 41 percent of the men and 43 percent of the women answering affirmatively to the question "Are we spending too much for defense?"

High interest rates have cut back on purchases, the poll reveals, with just about half of my constituents responding to the survey saying that they have decided against buying or building on credit because of interest rates. The percentages were 51 percent for the men and 53 percent for the women.

More men than women approve of expanded trade with the Communist nations of the Soviet Union and Red China, with 61 percent of the men and 51 percent of the women giving approval.

By whopping percentages, my constituents said they want local school officials to determine how Federal aid to education should be spent, with 84 percent of the men and 85 percent of the women voting that way.

The women came out stronger for raising the minimum wage to $2.20 per hour, with 51 percent voting for, while only 46 percent of the men approving the wage jump.

The death penalty for certain crimes, such as kidnapping, skyjacking, et cetera, got a huge measure of approval, with 87 percent of the men and 81 percent of the women voting for return of capital punishment for specific crimes.

This survey revealed that my constituents are keenly aware of what is going on in Congress and Government, and they have strong and definite opinions about fiscal responsibility, the need to expand our economic boundaries, improve our energy output, be realistic about the environment and pursue a generally prudent course of Government, as they have indicated they are doing personally by curtailing purchases in the face of higher interest rates.

The full results, by counties, of my survey are as follows:

County	Male				Female			
	Total	Yes	No	Undecided	Total	Yes	No	Undecided
Question No. 1: Do you favor elimination of all wage and price controls?								
Bureau	657	337	293	27	589	282	273	34
B rown	72	32	36	4	74	27	39	8
Peoria	3,973	1,708	2,103	162	3,560	1,313	2,025	222
Knox	702	321	348	33	659	256	358	45
Cass	174	90	78	6	154	80	70	4
Mason	279	123	142	14	232	95	122	15
Tazewell	1,538	694	793	51	1,412	537	807	68
Schuyler	85	52	33	0	76	44	32	0
Stark	126	64	54	8	109	50	51	8
Total	7,606	3,421	3,880	305	6,865	2,684	3,777	404
Percent		45.0	51.0	4.0		39.1	55.0	5.9
Question 2: Do you approve of the President's refusal to spend funds appropriated by the Congress where he believes they are excessive?								
Bureau	657	505	128	24	589	446	121	22
Brown	72	56	14	2	74	52	18	4
Peoria	3,973	2,894	947	132	3,560	2,515	876	169
Knox	702	476	195	31	659	428	194	37
Cass	174	119	49	6	154	100	47	7
Mason	279	207	60	12	232	170	48	14
Tazewell	1,538	1,154	339	45	1,412	1,035	327	50
Schuyler	85	65	18	2	76	55	19	2
Stark	126	91	29	6	109	85	23	1
Total	7,606	5,567	1,779	260	6,865	4,886	1,673	306
Percent		73.2	23.4	3.4		71.2	24.4	4.4
Question No. 3: Do you feel we are spending too much for defense?								
Bureau	657	256	370	31	589	239	316	34
Brown	72	25	41	6	74	26	38	10
Peoria	3,973	1,634	2,171	168	3,560	1,583	1,798	179
Knox	702	304	369	29	659	291	326	42
Cass	174	71	100	3	154	65	82	7
Mason	279	107	161	11	232	98	124	10
Tazewell	1,538	618	859	61	1,412	604	726	82
Schuyler	85	33	48	4	76	29	41	6
Stark	126	45	70	11	109	43	62	4
Total	7,606	3,093	4,189	324	6,865	2,978	3,513	374
Percent		40.7	55.1	4.2		43.4	51.2	5.4
Question No. 4: Would you vote to relax some environmental regulations if it helped ease the energy crisis?								
Bureau	657	536	95	26	589	462	101	26
Brown	72	61	9	2	74	63	9	2
Peoria	3,973	2,953	880	140	3,560	2,444	932	184
Knox	702	516	145	41	659	464	156	39
Cass	174	148	23	3	154	122	27	5
Mason	279	216	46	17	232	181	33	18
Tazewell	1,538	1,224	274	40	1,412	1,041	310	61
Schuyler	85	70	13	2	76	59	13	4
Stark	126	100	20	6	109	81	24	4
Total	7,606	5,824	1,505	277	6,865	4,917	1,605	343
Percent		76.6	19.8	3.6		71.6	23.4	5.0

County	Male				Female			
	Total	Yes	No	Undecided	Total	Yes	No	Undecided
Question No. 5: Would you resist construction of a nuclear powerplant in your area?								
Bureau	657	166	456	35	589	232	321	36
Brown	72	25	45	2	74	32	35	7
Peoria	3,973	781	3,011	181	3,560	1,241	2,083	236
Knox	702	156	505	41	659	242	371	46
Cass	174	36	130	8	154	56	92	6
Mason	279	84	178	17	232	93	122	17
Tazewell	1,538	320	1,169	49	1,412	523	820	69
Schuyler	85	31	52	2	76	36	38	2
Stark	126	31	85	10	109	41	62	6
Total	7,606	1,630	5,631	345	6,865	2,496	3,944	425
Percent		21.4	74.0	4.6		36.4	57.4	6.2
Question No. 6: During the past year have you decided against buying or building anything on credit because of interest rates?								
Bureau	657	313	299	45	589	282	251	56
Brown	72	36	32	4	74	38	29	7
Peoria	3,973	2,070	1,671	232	3,560	1,906	1,411	243
Knox	702	363	294	45	659	340	263	56
Cass	174	96	74	4	154	82	66	6
Mason	279	132	130	17	232	115	99	18
Tazewell	1,538	810	678	50	1,412	771	569	72
Schuyler	85	37	44	4	76	40	35	1
Stark	126	55	64	7	109	44	58	7
Total	7,606	3,912	3,286	408	6,865	3,618	2,781	466
Percent		51.4	43.2	5.4		52.7	40.5	6.8
Question No. 7: Do you favor expanded trade with China and Russia?								
Bureau	657	412	211	34	589	316	235	38
Brown	72	38	28	6	74	32	36	6
Peoria	3,973	2,472	1,325	176	3,560	1,863	1,508	189
Knox	702	402	269	31	659	310	311	38
Cass	174	109	53	12	154	83	56	15
Mason	279	184	78	17	232	119	88	25
Tazewell	1,538	905	572	61	1,412	689	641	82
Schuyler	85	41	36	8	76	34	35	7
Stark	126	78	42	6	109	64	43	2
Total	7,606	4,641	2,614	351	6,865	3,510	2,953	402
Percent		61.0	34.4	4.6		51.1	43.0	5.9
Question No. 8: Do you feel State and local school officials are better able to determine how Federal revenues should be spent for education?								
Bureau	657	564	66	27	589	512	50	27
Brown	72	67	4	1	74	68	4	2
Peoria	3,973	3,237	566	170	3,560	2,966	463	131
Knox	702	593	85	24	659	568	64	27
Cass	174	150	15	9	154	136	14	4
Mason	279	236	26	17	232	198	18	16
Tazewell	1,538	1,361	143	34	1,412	1,240	124	48
Schuyler	85	67	14	4	76	62	12	2
Stark	126	107	12	7	109	96	13	0
Total	7,606	6,382	931	293	6,865	5,846	762	257
Percent		83.9	12.2	3.9		85.2	11.1	3.7
Question No. 9: Should Congress raise the minimum wage to $2.20 an hour?								
Bureau	657	254	372	31	589	244	316	29
Brown	72	24	46	2	74	31	36	7
Peoria	3,973	1,910	1,902	161	3,560	1,878	1,514	168
Knox	702	344	329	29	659	338	289	32
Cass	174	72	95	7	154	65	82	7
Mason	279	116	146	17	232	106	115	11
Tazewell	1,538	734	762	42	1,412	738	609	65
Schuyler	85	30	49	6	76	27	41	8
Stark	126	41	79	6	109	48	56	5
Total	7,606	3,525	3,780	301	6,865	3,475	3,058	332
Percent		46.3	49.7	4.0		50.6	44.5	4.9
Question No. 10: Do you favor the death penalty for certain crimes such as kidnapping, sky-jacking, etc.?								
Bureau	657	571	57	29	589	476	82	31
Brown	72	64	7	1	74	55	11	8
Peoria	3,973	3,416	414	143	3,560	2,849	573	138
Knox	702	599	76	27	659	534	105	20
Cass	174	154	17	3	154	129	23	2
Mason	279	250	16	13	232	201	20	11
Tazewell	1,538	1,338	162	38	1,412	1,151	207	54
Schuyler	85	78	5	2	76	63	10	3
Stark	126	108	9	9	109	87	18	4
Total	7,606	6,578	763	265	6,865	5,545	1,049	271
Percent		86.5	10.0	3.5		80.8	15.3	3.9
Question 11: Do you feel the President has abused his veto power?								
Bureau	657	149	461	47	589	144	404	41
Brown	72	24	45	3	74	23	44	7
Peoria	3,973	962	2,809	202	3,560	953	2,378	229
Knox	702	209	450	43	659	193	420	46
Cass	174	51	112	11	154	52	91	11
Mason	279	72	191	16	232	59	156	17
Tazewell	1,538	337	1,149	52	1,412	335	993	84
Schuyler	85	27	52	6	76	22	44	10
Stark	126	22	93	11	109	19	82	8
Total	7,606	1,853	5,362	391	6,865	1,800	4,612	453
Percent		24.4	70.5	5.1		26.2	67.2	6.6

County	Male				Female			
	Total	Yes	No	Undecided	Total	Yes	No	Undecided
Question No. 12: Do you believe the Federal Government should finance all political campaigns for Federal office?								
Bureau	657	173	441	43	589	157	390	42
Brown	72	13	54	5	74	16	52	6
Peoria	3,973	1,291	2,504	178	3,560	1,149	2,245	166
Knox	702	227	443	32	659	202	423	34
Cass	174	52	112	10	154	46	99	9
Mason	279	77	190	12	232	70	150	12
Taxewell	1,538	498	1,002	38	1,412	413	937	62
Schuyler	85	20	63	2	76	15	57	4
Stark	126	31	83	12	109	27	78	4
Total	7,606	2,382	4,892	332	6,865	2,095	4,431	339
Percent		31.3	64.3	4.4		30.5	64.5	5.0

NATIONWIDE CAMPAIGN TO CONSERVE FUEL

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. PRICE of Texas. Mr. Speaker, I well realize the depth of the current energy crisis and the importance of a concerted nationwide campaign to conserve fuel. I have warned of this possibility for the past 7 years and sponsored several measures designed to stimulate our domestic energy production.

But the point I want to make here, Mr. Speaker, is that we must approach the problem of energy conservation with wisdom. As we enact legislation and oversee executive regulations, we must realize that while sacrifices must be made, and fuel consumption must be reduced, that we should also avoid unnecessary and disastrous economic impact. As we move to solve one problem, we do not want to create more severe ones.

This week, I heard from a constituent in my home district who pointed out that the reduction of the highway speed to 50 mph would conserve $1,319 worth of gasoline a month by his company trucks, but that this would cost his company $8,424 a month in increased labor costs. We are all going to be hearing similar stories about economic impact of energy conservation measures.

In most cases, the conservation measures are going to have to be taken, but, Mr. Speaker, we shall be foolish indeed, if we use pure zeal, untempered with wisdom, in dealing with the energy crisis.

Mr. Speaker, I include material provided to me by Mr. Ed Weber, vice president for public affairs for Southwest Public Service Co., an electric company based in Amarillo, Tex., at this point in the Record:

Material by Ed Weber

The allocations process should not penalize utilities which, through sound planning, have acquired the fuel resources necessary to serve their customers.

The people, who have resisted development of the Atlantic Shelf and other off-shore resources, must be made to realize they can't have the convenience of modern living without the necessities which provide them.

Sooner or later, some consideration is going to have to be given to the economic impact of the hysteria approach now being used. Turning off the lights, or turning down the thermostats, in the 13th Texas Congressional District, isn't going to make one more drop of fuel oil available to Senator Kennedy's cold Massachusetts constituents. It is going to create unnecessary economic depression in the 13th Texas District and will add to the difficulties of future financing for the electric utility serving that district. It's just basically wrong to penalize the people who saw the problem and worked to solve it, and that's what is being done right now.

The impact of daylight saving time in the extreme western end of the Central Time Zone should be considered. In January, if we are in daylight saving time, the sun will rise after 9:00 in the morning. This will create a real safety problem for young school children.

Cutting the speed limit to 50 miles per hour will add $8,424 a month to our labor costs to save $1,319 worth of gasoline. That's at present gas prices. That makes the net annual cost of the reduced speed to our company alone $85,260.

We could probably make the fuel saving without the additional labor cost by removing the emission-control devices from the vehicles. They are obviously needed in large metropolitan areas, but not out here.

U.S. ARMY WAR COLLEGE

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. GOODLING. Mr. Speaker, I would like to take this opportunity to extend a belated birthday greeting to the U.S. Army War College, which is located in the Carlisle Barracks at Carlisle, Pa., my congressional district.

On November 27, this war college was 72 years old. Having been originally located in Washington, D.C., it was moved to its present location in 1951.

This is indeed a unique institution. It was founded by Elihu Root, the famous American statesman and lawyer. The college came into being as an advanced course of professional study for Army officers. General orders published on November 27, 1901, directed that it be known as the Army War College. In effect, the college performs as a postgraduate course for the study of comprehensive problems of military science and the national defense. One of the most prominent graduates of the Army War College was a famous constituent of mine, the late Gen. Dwight D. Eisenhower.

The term "Army War College" is really a misnomer, in a sense, for the object of the college is "not to promote war but to preserve peace." This slogan is inscribed at the main entrance to the Carlisle Barracks.

I would like to then, at this time, wish a belated happy birthday to this institution which, in being conceived to comprehend war, hopes that through this comprehension it can obtain peace.

EXCELLENT COUNSEL ON THE ENERGY CRISIS

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. HARVEY. Mr. Speaker, I recently had the opportunity to read over an address delivered by our colleague, Congressman H. John Heinz III, on November 19 to the North Hills Chamber of Commerce, Pittsburgh, Pa. John and I serve together on the House Committee on Interstate and Foreign Commerce which, as you know, currently is marking up the National Energy Emergency Act—vital emergency fuel shortages legislation.

In his special address just a few days ago, Congressman Heinz focused on many of the issues involved in our energy crisis. And, of equal importance, he spoke of concrete action that can be taken not only on the governmental level, but by individual citizens as well. It is sound and reasonable counsel. I strongly recommend a reading of this speech for excellent background information as this Congress moves ahead on energy legislation. Congressman Heinz's address follows:

Hon. H. John Heinz III—Address on the Energy Crisis to North Hills Chamber of Commerce, Pittsburgh, Pa., November 19, 1973

Just twelve days ago President Nixon addressed the nation on the energy crisis.

Four days later—on last Monday—House and Senate committees began taking action on sweeping new legislation.

Just last Friday in Philadelphia, White House aide, Peter Flannigan, addressed the challenge of "Operation Independence" to consumers, businessmen and government officials in the Middle Atlantic Federal Region (which includes Pennsylvania).

And today here in Pittsburgh, as we discuss energy problems and their consequences for each of us, the Environmental Protection Agency is releasing the transportation control strategy for Allegheny County.

When this week's too lengthy and ill-timed congressional recess concludes next Monday, my Interstate and Foreign Commerce Committee will begin marking up the National Energy Emergency Act of 1973 and making our final decisions about the bill's provisions. This far-reaching measure requires, among other things, (1) mandatory federal action to conserve fuel through conversion to coal by oil and gas burning plants, (2) regulatory changes to increase available domestic petroleum supplies (3) the development and implementation of economic incentives by the Cost of Living Council and other agencies to promote energy conservation, (4) reduce fuel use by industries supervised by regulatory agencies like the CAB and ICC, through cutbacks in air schedules, for example, (5) subsidies to mass transit to increase utilization, and (6) the additional development of fuel shortages contingency plans, including the authority for the President to impose gasoline rationing.

In addition, my Committee has already taken action on year round Daylight Savings Time, both the House and Senate have sent to the President a comprehensive oil and petroleum fuels allocation bill, and the Alaskan pipeline bill has just been signed into law.

As this sudden activity might suggest, the energy shortage we face today is indeed critical. It was not entirely unforeseen. But the immediacy of the problem, of course, is that Arab oil production cutbacks and embargoes—even though we directly import relatively small amounts of petroleum from Arab Nations—have affected the majority of our import supplies, imports which total three out of every ten barrels of oil we need. In Canada, for example, Arab action has effectively cut off the oil supplies to all of Canada east of the Ottawa River, the area where most Canadians reside. The Canadians have had little choice but to take precipative steps to protect their nation by starting to divert substantial quantities of oil that would otherwise have been imported into the United States.

Over the last decade our demand for petroleum has grown to the staggering sum of 17 million barrels a day—just about half of our total national energy needs.

Of every 10 barrels of petroleum, approximately half, or five barrels in ten, is used for transportation purposes. Nearly four of these five barrels are consumed by highway vehicles, a dependence that continues to grow as Americans set purchase records of cleaner, heavier and air-conditioned automobiles.

Homeowners, industry, large buildings and electric utilities use the other half of our petroleum requirements. Here, too, reliance has continued to grow as shortages and higher prices of natural gas or low-sulfur coal, accelerated by air pollution laws, has forced this sector to substitute residual fuel oil and distillate fuels, both of which are derived from crude oil. Demand for synthetic materials of all kinds has also been a significant factor.

Even without the Middle East crisis, we would have experienced a shortage of at least a half million barrels per day due to burgeoning demand in the United States. But, with the uncertainties in Arab oil producing countries, it is currently estimated we face a shortage of two to three million barrels a day, or between 12 percent and 18 percent of our daily requirement. We do not know how long the acute shortage brought about by the Arabs will last. We do not know that the shortage won't become worse since our total oil imports are five million barrels a day, and we have seen how a world shortage is beginning to affect our largest source of imported crude, namely Canada. Furthermore, a colder than usual winter in either Europe or North America—or worse, both—would dramatically aggravate the situation.

We can predict a very difficult winter regardless of even the best turn of events, even in the Middle East. This is because once crude oil supplies are interrupted, as they have been for some weeks now, worldwide refining capacity is so limited that the difference cannot be made up for many months. Right now we are living off the "pipeline," mainly inventories and tanker stocks in transit.

Testimony before my Committee last week indicated that even if Arabs started putting the maximum amount of oil back into the pipeline as of last Tuesday, we would nonetheless be obliged to involuntarily conserve over 50 million barrels in the months immediately ahead—a figure equivalent to a five percent shortage through the middle of January.

Our nation finally has come face-to-face with the energy crisis—a crisis which I believe will bring about profound changes in the American way of life.

Beyond the fact that in the icy months of the coming winter we may all be a little cold and inconvenienced by gasoline shortages, the fuel crisis has larger implications. I mean the near certainty of increased inflation and the possibility of unemployment—perhaps a recession by next spring, the likelihood of sluggish economic growth over the next decade, and concurrent reduced military flexibility by U.S. forces around the world.

Some have warned for many years that America's insatiable energy appetite was on a collision course with massive fuel shortages, but until last summer's gasoline shortage these warnings were either ignored or dismissed as alarmist cries. Perhaps the brighter side of the Arab oil embargo is that it has driven a message home abruptly and has made us face unpleasant facts sooner than we would have otherwise. The dawning reality is that we cannot neither continue to satisfy our appetite for energy consumption nor continue our dependence upon foreign suppliers for one-third of our oil.

Let me say frankly that in these remarks I am not pretending to be an expert. I'm not. And I am sure we will not be able to confront but a few of the issues you and others have on your mind.

How we got into our predicament is not as important as how we get out of it. If government is to blame, I am sure there is more than enough to go around between federal departments, the independent regulatory agencies, the Congress and the "energy industry." It is what we learn from past trends or inadequacies that is important. Right now there isn't time for the White House or my colleagues to be second guessing each other when we should be applying ourselves to the problem.

While the Clean Air Act, for example, has increased energy consumption up to now, I believe the measures to control automobile pollution will result in considerable fuel savings in the next two years.

At the present time we are paying a considerable fuel penalty for auto emission controls averaging at least ten percent and going as high as 30 percent or more in the case of the bigger and heavier models. By no means is all this penalty attributable to those complicated devices that make my 1973 Buick sputter when I accelerate to pass. At least half the penalty is caused by the extra weight from bumpers and impact protection and more electronic gadgetry, especially air conditioning.

Fortunately, the adoption of the catalytic converter by 1976, as required, will just about eliminate the fuel penalty caused by the 1973 car pollution controls. Moreover, based on recent statistics, I expect that the fuel consumed by automobiles will be further minimized as more Americans turn to lighter, smaller models in response to increased world prices for petroleum. Finally, the transportation control strategies required by the Clean Air Act—although extremely controversial in some areas—will have the effect of reducing vehicle miles travelled.

On Wednesday, November 7, President Nixon addressed the nation on the question of the energy crisis and outlined a far-reaching energy program with the goal of self-sufficiency by 1980.

I believe Congress and the Administration should and must cooperate in designing and making a reality, a research and implementation program of both energy conservation and resource development to achieve energy self-sufficiency as quickly as possible in the years ahead.

Right now we import close to one-third of all our oil and absent a major effort to change, we will become 50 percent dependent on imports by 1980. The balance of payments drain this represents is positively staggering. At an average price of $5 a barrel—far lower than the world market price today—this represents a $9 billion a year expenditure. By 1980, we could be talking about $10 per barrel and eight million barrels a day, or $30 billion a year outlay to foreign oil producers. As rich as we are, this is an expenditure that we quite literally cannot afford. An avoidance of such a disastrous drain on our national resources must be a matter of the highest priority.

While we should and must make every effort, I am personally pessimistic that we can reach the goal by 1980. We are talking about something infinitely more complex than the famous Manhattan project. For one thing, energy conservation will require changes in traditional industrial and building practices, new habits to grow accustomed to and even a changed lifestyle for the entire American people. For another, development will require a delicate balance between environmental considerations in strip mining, water pollution and the health effects of the air we breathe. The Manhattan project, in comparison, had only to take advantage of several physical laws while maximizing the adverse side effects!

It is reassuring to hear the President say that we can attain self-sufficiency by 1980 by spending ten billion dollars.

It sounds very precise and thoughtful to break down the expenditures into categories such as

$1 billion for fuel extraction (oil and gas stimulation, oil shale development, waste conversion and under coal mining)

$1 billion for nuclear fusion (research and technological development)

$1 billion for advanced power cycles (such as fuel cells and the open cycle MHD that is being researched right here in Southwestern Pennsylvania)

$4 billion for fuels from coal (better coal utilization, concluding advanced combustion, law BTU gasification, liquefaction and stack gas cleaning)

$½ billion each on solar energy, geothermal energy electrical transmission and urban and residential technologies.

It is easy to say that the problem is well in hand and spending money will solve it by 1980.

Let me assure you to the contrary.

The program for energy self-sufficiency announced by the President on November 7 may be nothing more than wishful thinking.

It is true that we must do something about our tremendous dependency on imported oil.

And, in many instances the direction of the program areas is correct, but there is unfortunately—and embarrassingly—little support or rationale for the amounts set forth, or for the how of employing this investment.

The truth is that no master plan as yet exists. This became abundantly clear last Tuesday to my Committee when Governor Love, an able man handicapped by a total staff of only 11 professionals, admitted that the Administration could not provide to our Committee any details of the plan or any draft legislation for the "so-called" self-sufficiency program.

In pointing this out it is my intention not to be critical but to factually confront the cold reality of the challenge and programs we face.

On a superficial level, I think the amounts of investment projected which works out to less than $1.5 billion per year—could be inadequate and low. In comparison we have been spending close to $2 billion year after year on the space program since the early 1960's. Twelve, fifteen or twenty billion dollars might be closer to the truth, as well as 10 or 15 years rather than seven.

But consider some of the more perlexing questions.

Should the President's investment proposal, which averages out to $1.4 billion per year be all federal; i.e., taxpayers—money?

Today in this nation, energy production and distribution alone is a $100 billion a year industry. By 1980, due in part to price increases to near world levels, it will be a $200 billion a year business. Shouldn't such massive industry which accounts for nearly 10 percent of our total gross national product, and whose profitability has never been better—shouldn't such an industry undertake a considerable proportion—if not all—of this much needed investment? How can we justify spending vast quantities of taxpayers money in an industry which has never had better times and whose future outlook and profit security is unsurpassed? Alternatively, if some or any of this investment is made by the public, which *quid pro quo* should be extracted to benefit the public?

We might also ask who is going to do all this research. Is it our universities or government scientists or the reluctant energy companies or is it going to be new, bold entrepreneurs and businesses who will specialize their talents to achieve tremendous progress? As in the race to the moon, are we going to waste billions in our haste? And we might consider whether ten years from now, we will be saddled with another shrunken or bankrupt industry and more Ph.D.'s driving taxi-cabs, as has been the case with aerospace.

And of particular importance, shouldn't we wonder how are we as a nation going to integrate this program of investment with the new laws that Congress and the Administration must cooperate to make? I mean new laws on stipmining, offshore drilling, natural gas pricing, power plant citing, deepwater ports, nondegradation and other questions where little leadership has been taken in recent years. Will the Congress overcome its habit of reacting only on a crisis-to-crisis basis and become a body of far-sighted statesmen? Will the President and legislative leaders of both parties sit down together and hammer out solutions instead of pointing fingers at each other?

Irrespective of managing all our future problems, there are things we can and should be doing right now in Washington to avoid the very serious problems we face this winter.

First, I believe Congress should enact the Emergency Energy Act, including provisions to grant temporary variances from the Clean Air Act for stationary sources while at the same time requiring the use of proven anti-pollution technology. As I mentioned earlier, the act contains additional provision for conversion, conservation, increased production and the development of mandatory state and local contingency plans.

Second, I am convinced the President should be given standby authority to impose gasoline and other fuel rationing and be ready to use it soon. There should be no increased federal gasoline taxes. Even with existing price controls, the cost of gasoline will rise steeply and quickly. Moreover, a gas tax would be regressive. And finally, since a one-cent increase means one billion dollars in revenue, a big gasoline tax would take money out of the economy at a time when we could be headed for a recession. I am unalterably opposed to such a tax.

As to fuel rationing, I think it will have to be imposed if the Arabs continue the oil export embargo beyond December 1. Because of the political situation in Israel as the Israelis approach their December 31 elections, it seems highly unlikely that a sufficient Israeli-Arab settlement will be reached until well after the first of the new year. This situation will place us in a disastrous fuel shortage condition with no alternative but to take drastic steps to protect ourselves.

Consequently, I think the President should and—despite his statement to the contrary—will decide to implement gasoline rationing immediately as practical failing a resolution of the Arab-Israeli differences in the next two weeks.

Third, we should consider the enactment of an excess profits tax on the energy industry to prevent profiteering and the reaping of a windfall at the expense of a helpless American public.

Failure by the oil, gas and coal industries to restrain the profit maximizing principle and failure to substantially increase investment in developing clean and environmentally acceptable fuels from resources like coal and oil shale could result in comprehensive government regulation of the entire energy industry, including, for example, regulating the rate of return of heretofore unregulated producing companies like Gulf Oil and Consolidation Coal.

Fourth, we should examine incentives to economize energy consumption of all kinds, including disincentives such as control fees. But, to the extent that any control fees on energy are put into effect, such as the gasoline tax increase which I oppose, any revenues from such control fees must be redistributed on a dollar-for-dollar basis among the American public and the hardpressed individual American taxpayer. As a practical matter, this could be accomplished through tax credits or prompt cash distribution.

Fifth, we should take immediate steps to conserve and limit the exportation of already manufactured or used materials. The refining and manufacture of aluminium, steel, copper and other metals, ores and raw materials requires huge amounts of energy. Yet, we are actually exporting unlimited quantities of these refined products abroad without account of the dangerous consequences. Scrap steel has been one particularly crucial area of concern to me for over a year now. At a time when our balance of trade has risen dramatically in the surplus, we cannot justify the export of scrap steel at the rate of one million tons per month. I believe we should at once establish a quota or export-embargo system to protect these vital and increasingly scarce resources.

Sixth, we must make sure that the energy resources that we have, together with the resulting shortages, are allocated fairly among geographic areas of our country with priority given to protecting jobs and heating homes.

I read in last Monday's *Wall Street Journal* that a spokesman for the building owners had said that we won't have a "Light Up Night" in Pittsburgh this year because, although there is no prospect of a major power shortage in this area, it seemed unfair to those who might be facing shortages. I applaud the action, but the explanation while well-meaning, shows how naive we can be. The fact is that the electricity or energy we save today can be saved and used by someone else, somewhere else tomorrow—or several months from now. One railroad car of coal that need not be burned here is one railroad car more to deliver to the hard-pressed East Coast.

With this in mind, I am taking this occasion to call upon state and local government, and most of all, you our fellow citizens to take steps, starting today, to conserve gasoline, oil, electricity, heat—energy in all its forms.

This is not a matter of altruism. Economic dislocation because of a fuel shortage in another state or city will be irresistably felt here in Pittsburgh. We will correspondingly sell less, transport less, manufacture less, work less and spend less because we will have less.

I believe that the Governor of Pennsylvania should immediately develop and implement an energy crisis program that details specific actions to be taken by state departments and agencies, and that lists legislative actions required, if any, by the General Assembly and Senate. The list of possible actions is considerable. In my opinion, serious consideration should be given to it immediately.

Reducing state speed limits to a maximum of 50 mph, with possible exceptions for trucks and buses.

A program to require better engine tuneups for all automotive vehicles, and particular attention to stricter enforcement of existing requirements.

Directing state regulatory commissions for electricity and natural gas to "reverse" the present rate schedules to give incentives to economize rather than give cheaper rates as use increases as is now the case, and

Regulatory commission action to insure maximum conversion to coal and attention to generating only those amounts of electricity that are needed.

Directing local government throughout Pennsylvania to prepare contingency plans that, if put into effect, can save up to 25 percent of normal energy requirements.

I believe Allegheny County and the Pittsburgh City government can, in cooperation with business and the public, start immediately to set an example for the rest of the state and indeed, the nation, by voluntarily implementing within ten days a plan to curtail energy consumption by 15 percent.

The first step is to appoint someone who will be responsible for the job.

The second step is to agree on the means of reaching this ambitious but, I believe, prudent goal.

For business, stores and government, I suggest consideration of the staggering working hours, setting thermostats to 68 degrees, strong incentives for car pooling, the adjustment of shopping hours, and curtailments of nighttime lighting.

And for each of us as individual citizens, I urge you to give up a few of the conveniences we have learned to live with especially those that save gasoline and electricty.

What conveniences?

Leave ten minutes earlier for work and give yourself time to drive no faster than 50 miles per hour. When I was driving in from the airport today on the Parkway West, 42 autos and trucks passed me. I passed one cement mixer but he had just turned on at the Carnegie ramp and was going up Greentree Hill. As I hit the Fort Pitt Tunnel, I think I could see him gaining on me! Hopefully, I won't feel so out of place and vulnerable next time.

Surprise your wife and wash the dishes. And instead of putting them in the dishwasher, wash them in the sink with elbow power and not loads of hot water. Even though your enthusiasm may have to be curbed, the same idea can be applied to self-cleaning ovens.

Make the first of the month bills something more pleasant to look forward to by not buying any unnecessary electric appliances. If buy you must, compare wattage requirements.

Check the weatherstripping and insulation around doors and windows and use storm windows if you can. They keep out the noise of low-flying aircraft, kids and other forms of pollution.

Try to encourage more efficient use of the family automobile by combining all doctor, shopping, and picking up the kids into one sweep. Get the neighbors to join in, too.

Take at least three friends to work if you drive your own car. If you don't have three friends, maybe you need Dale Carnegie.

Take a shower rather than a bath. Even if you only take a bath once a week, this means you.

Stay home more and avoid unnecessary pleasure and business trips. The place you are going may be blacked out anyway or the aircraft may not have enough fuel to make it. Besides, spouses and kids like the companionship.

Don't keep your family in the dark, but do turn off all unnecessary lights. You might even try substituting 60 watt bulbs for 100 watts, or unscrewing the second bulb in the living room lamp. You might find this kind of environment temptingly romantic, so use good judgment at all times.

I suspect I sound like Ann Landers with all this advice, but like Ann Landers, I am trying to get all of you . . . people . . . to adjust lifestyles to reality and to analyze how to live more conservatively, less wastefully, and perhaps with more satisfaction.

Quite seriously, I hope you will all consider your own habits in moving around, in buying, in wasting the precious resources all of us depend on. You, as business leaders, can set an example in your companies, your communities and your homes. You can encourage public awareness of the problems and push for solutions as I have tried to do today with you. The problems are complex but the issues are inescapable. Since I understand that the program—under the "fairness doctrine" provides for interrogation of the speaker, if you have any questions, I will do my best to answer them.

But at this time, let me particularly emphasize my sincere appreciation of this opportunity to discuss our national and local energy issues with you.

I thank you very much.

WASHINGTON STAGE COMPANY INVITED TO SOVIET UNION

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. ICHORD. Mr. Speaker, this past summer, Washington-area theater-goers found justifiable pride in the announcement that the Arena Stage Co. of the District of Columbia had been invited to visit the Soviet Union and perform two plays on a cultural exchange basis between the United States and the U.S.S.R.

The Arena players were well received in Moscow and returned to the United States with glowing accounts of their visit. Soviet propagandists also made much of the Arena company and its productions.

I suspect, Mr. Speaker, the Kremlin now takes a dim view of the entire episode because this fine group of American actors and actresses has joined the spreading chorus of those appealing for the civil rights of artists and intellectuals in Soviet Russia.

The object of the Arena company's concern at the moment is the case of Valery and Galina Panov, dismissed from the Kirov Ballet in Leningrad and publicly denounced simply because they had asked for the right to emigrate from the Soviet tyranny.

Sixty members of the Arena Stage Co. troupe signed an appeal distributed before Thanksgiving in front of the Soviet Embassy in Washington by members of the Arena company.

I cite this matter for two reasons: First it demonstrates once again that American citizens born to freedom are not about to turn their backs on their counterparts living under Communist oppression no matter how much smiling, lip service is paid by their hosts to so-called détente with the United States, and second, it shows that, despite recent news accounts to the contrary, the Soviet Union has not moderated in its cruel persecution of those among its citizenry who try to leave the country or are, in any way imaginable, critical of the Communist regime.

Mr. Speaker, I ask that the plea of the members of the Arena Stage Co. of Washington to the Soviet authorities be printed at this point in the RECORD, together with the names of the thespians who signed it. Thank you.

The material follows:

A PLEA TO THE SOVIET GOVERNMENT BY MEMBERS OF THE ARENA STAGE COMPANY ON BEHALF OF VALERY AND GALINA PANOV

Valery and Galina Panov are suffering cruelly from official reprisals following their application for exist visas. They have been demoted and dismissed from the Kirov Ballet in Leningrad, and have been denied access to the stage for practice—a desperate condition for artists at the peak of their professional life who must train daily to stay in shape. They are the apparent victims of a concerted official effort to destroy them as performing artists.

On November 1, 1973, the Panovs announced they were beginning a hunger strike. The failing health of Galina Panov has prevented her continuation; Valery Panov continues his physical protest of their barbarous treatment.

As artists we share the Panovs' convictions—they have an inherent human right to peaceful emigration, a condition of freedom essential to the development of every artist, every human being. As members of an acting company recently returned from the Soviet Union, we are still aglow with the warm generosity of the Russian people, the manifest greatness of the Russian soul. We know first-hand that the persecution of Valery and Galina Panov is utterly foreign to the spirit of the Russian people and their great artists, living and dead, whose profound testaments to the indomitability of the human spirit must provide great encouragement to the two dancers now languishing in Leningrad.

We join our fellow actors across the world in their outrage at the deplorable condition of these two long-suffering artists. We demand, in the name of humanity and in the spirit of true cultural exchange, that Valery and Galina Panov be immediately granted permission to emigrate as they desire.

Robert Alexander, Howard L. Anderson, Stanley Anderson, Jr., Richard Bauer, Gary Bayer, William R. Burdette, Leslie Cass, Cheryl G. Clark, William G. Clark, Esther Coles, Thrynn Kirby Crowell, Terrence Currier, Elizabeth Darr, Richard R. Dietrich, Richard Dix, Augustine Dunn, Dana Elcar, Christine Estes, Thomas C. Fichandler, Zelda Fichandler.

Lucy Flanagan, Fran Gallogly, Richard Gasparotti, Norman Gevanthor, Henry R. Gorfein, Jan Greenfield, Jane Groves, Mark Hammer, Dorothea Hammond, Suzanne Heard, Allen Hughes, Tom Klunis, Hugo Koch, Margaret Laves, Hugh Lester, Glenn Lloyd, John Marriott, Macon McCalman, Sidney McLain, Ronald McLarty.

Alton Miller, Judith Ogus, Irvin K. Okin, JoAnn M. Overholt, Nora Pepper, Robert Prosky, David Reinhardsen, Richard Schaefers, Alan Schneider, Simon Siegl, Stuart Silver, Lee Smith, Miriam Smith, Vance Sorrells, Dianne Wiest, Sharon Williams, Howard Witt, Max Wright, Wendell Wright, Cathy Young.

MONTANA HOSPITAL COSTS

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. SHOUP. Mr. Speaker, I think it is interesting to note and would like to call to the attention of my colleagues the low costs that have been maintained by Montana hospitals in comparison with the United States and the Mountain region. Hospital care is a major concern to all of us, and we are all striving to enable each individual to receive adequate care at the lowest possible cost. I think the Montana hospitals should be commended for their efforts toward controlling increases in costs. Below is a table which lists the comparisons from 1967 through 1972:

HOSPITAL COSTS

	Cost per patient day	Average daily stay	Total cost per patient stay
1967:			
United States	$54.99	8.2	$450.92
Mountain region	53.77	7.1	378.93
Montana	44.73	7.1	317.58
1968:			
United States	62.18	8.3	516.09
Mountain region	60.51	7.3	441.72
Montana	48.69	7.3	355.44
1969:			
United States	71.07	8.2	582.77
Mountain region	66.57	7.2	479.30
Montana	52.57	7.4	389.02
1970:			
United States	81.80	8.2	670.76
Mountain region	77.38	7.1	549.40
Montana	60.57	7.1	431.05
1971:			
United States	93.84	8.1	760.10
Mountain region	88.81	6.8	603.91
Montana	67.73	6.7	453.79
1972:			
United States	105.13	8.0	841.40
Mountain region	102.03	6.6	673.90
Montana	77.92	6.7	522.40

PARK RIDGE, ILL.: A CENTURY OF PRIDE

HON. SAMUEL H. YOUNG

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. YOUNG of Illinois. Mr. Speaker, I would like to call the attention of my colleagues to a centennial celebration taking place in Park Ridge, Ill. It has been said that the family is the cornerstone of the community, and the community is the cornerstone of the Nation. With cornerstones like Park Ridge, the United States has an unparalleled foundation in the history of the world. I would like to insert in the RECORD the following remarks about Park Ridge:

PARK RIDGE, ILL.: A CENTURY OF PRIDE

This year, 1973, the city of Park Ridge celebrates its centennial. One hundred years have passed since Park Ridge was incorporated under the law of Illinois.

The growth of Park Ridge is typical of many communities across the U.S. In the early 1800s peaceful Indians and farmers occupied the area. Fertile land, forests, and waterways such as the Des Plaines River offered ideal conditions for farming. More people came to this wilderness and settled. The Maine Township political government was officially organized in 1850.

The population began to increase after George W. Penny opened a brickyard in 1854. He was able to make bricks of excellent quality from a wealth of rich clay in the area and his business boomed. For the next five years the community was known as Pennyville. Penny's brickyard flourished when the railroad came through several years later. He was able to load his bricks on box cars and ship them to Chicago.

Pennyville was a community in which the people worked together and helped one another. When a structure was needed on property to cross the Des Plaines River, neighbors helped Mancel Talcott to construct a bridge, which lasted until an 1890 flood. Talcott was the first postmaster in the vicinity, and Talcott Road is named in his honor.

Education was, from the beginning of the community, important to the early settlers. The tiny school-house built by the pioneers grew into District 64, which today consists of nine public elementary schools, two junior high shcools, and two public high schools.

The area was changing from an agricultural community to an affluent business town. Because of the brick industry the community continued to expand. At George Penny's request the name of Brickton was adopted. Penny's bricks were used for homes and churches throughout the area. The clay supply grew less and less until finally, in 1872, bricks were no longer manufactured. The people of Brickton wondered whether the town would survive without the brick industry.

It was the Great Chicago Fire of 1871 which turned the tide of events. Although much of Chicago was destroyed, the fire drove stricken city-dwellers out to the suburbs for a fresh start. Once again, Brickton began to grow. Incorporated as a village in 1873, the name of Park Ridge was selected on the Fourth of July. The name was an appropriate choice because of the high appearance of the town. George B. Carpenter was elected the first president of Park Ridge. In 1910, it was voted to change from village government to the city form of government. Dr. A. J. Buchheit, who still resides in Park Ridge, was elected its first mayor.

The centennial festival was held June 29 through July 4. This six-day "Birthday Party" was held at West Park, the Centennial Festival Fairgrounds. Festivities included performances by the Maine Township High School South Concert Band and Cavalier Drum and Bugle Corps. Featured also were rock band contests, a variety show, games and carnival rides for the children, and speeches by Mayor Martin Butler and other prominent citizens. The turn-out was tremendous. The plans and efforts put forth by the Centennial Committee were well-received and appreciated. Other events of the centennial celebration include the Centennial Ball, ceremonies on Armistice Day, and the Christmas Parade.

I would like to congratulate Mayor Martin Butler, the Park Ridge Historical Society the Park Ridge Chamber of Commerce, and the citizens of Park Ridge for all of their efforts in making the year a memorable one. A great deal of community spirit and involvement went into making the centennial a success.

The officers of the Park Ridge Historical Society deserve special mention for their efforts: Peter Malone, Chairman; Paul Carlson, President; Harry Madsen, Treasurer; Eleanor Schiessle, Secretary; as well as the Board members: Mrs. Roberta Mellon, Mrs. Gladys Ahrensfeld, Mrs. Dorothy Hansen, Norman Brown, Mrs. Jan Juckett, Dr. Frank Yonan, Mrs. Denis Pomeraning, David Barnes, Robert Schwarz, James Schaefer, Irving Gillick, Herbert Anderson and Alden Wilson.

Park Ridge has indeed been a century of pride. It's a great city, and I'm privileged to represent its citizens.

H.R. 10710

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. CONABLE. Mr. Speaker, the trade bill, H.R. 10710, has been poised for House floor action now for almost 2 months. This bill had been tentatively scheduled for floor action in October and in November, but was removed from those schedules.

The delay has been at the administration's request. It is over an issue which is important, but is really peripheral to the central purpose of the bill. The bill's central purpose is to authorize U.S. participation in negotiations leading to reform of the international trading system. The stumbling block from the administration's viewpoint is a proposed amendment to prohibit credits to the Soviet Union as long as that country does not freely allow the emigration of its citizens.

The impasse is caused, on the one hand, by the strength of feeling in both Houses of Congress over humanitarian considerations, and on the other, by the deep concern felt by the administration over the effect that adoption of the prohibition on credits would have on our relations with the Soviet Union, and the chance of peace in the Middle East.

Passage by the House of the bill is the essential first hurdle for the bill, without which there will be no legislation on this matter. While it is probably true that if the bill goes to the floor in the next few weeks, the provisions relating to emigration from Communist countries will be adopted by the floor, it should be recognized by persons on both sides of that issue that the bill must be considered by the Senate, that there will be time there to reflect and debate on some of the issues involved. Perhaps there are some compromise provisions that would adequately protect the interests of both sides which can be worked out.

In the meantime progress on the trade bill is important to the trading system and the chances for its successful reform. The United States does not dominate the international economic system as it did in the two decades following the Second World War. If we do not legislate here to shape the direction that the evolution of the system will take, others will do so and we will not like the results.

We complain about the preferential trading arrangements that the Europeans make with the bulk of the rest of the world. We are not happy with the closed nature of the Japanese economy. We want adequate internationally agreed safeguards to protect against injury from imports. We want to avoid the past burdens of the United States carrying agricultural stocks for the world, to feel the full effects of high agricultural demand in lean years, and to have to let our land lie fallow in the better years so that inefficient foreign farming can be maintained. We want to have fair international rules governing trade, and fair procedures to settle international trade disputes.

These problems do not lie dormant while we review the foreign policy aspects of the Jackson-Vanik amendment. Rather, these problems become more serious.

I do not pretend to be as informed as Secretary Kissinger is on the state of our relations with the Soviets. But I do understand the importance of improving our relations with our trading partners. It is vital. In this area, we are not standing still, we are losing ground. Our negotiators lack any credibility at the bargaining table without the trade bill. No progress is being made on trade issues today. I, therefore, strongly urge that the House vote on the trade bill this year and that the administration support our taking this step.

LONGMONT, COLORADO'S TOTAL VOLUNTEER BLOOD DONOR PROGRAM

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. BROTZMAN. Mr. Speaker, for some time I have been concerned about the health problems caused by transfusions of infected blood. Earlier in the year I reintroduced the National Blood Bank Act which has, as its goal, the virtual elimination of infected blood transfusions by 1980. The bill would accomplish this through the formulation of a national campaign to encourage the voluntary donation of blood and through the regulation of blood banking by the Department of Health, Education, and Welfare.

Officials at HEW are already evidencing their concern and have undertaken efforts to administratively remove the threat of infected blood. Also, I understand that hearings may be held next year on the legislation I have introduced.

Some communities, to their credit, are not waiting for congressional or administrative action. They are moving ahead with their own volunteer blood programs. In fact, one city in my district, Longmont, already has a totally volunteer blood donor program. What this means is that no resident of Longmont, whether hospitalized in Longmont or elsewhere, needs to be concerned with blood replacement.

The successful effort in Longmont was undertaken as a project of the Longmont division of the Women's Auxiliary to the Boulder County Medical Society. While the auxiliary, under the leadership of Mrs. Severance B. Kelley and Mrs. Robert E. Miller, organized the effort, it should be noted that other sectors of the community cooperated to make the program a success.

The Longmont program does not cover blood service charges, but it does cover the replacement of all whole blood and blood components. This is done at no cost to anyone. Arrangements are made for a mobile unit from the Belle Bonfils Memorial Blood Bank of Denver to come to Longmont as often as is necessary to provide an adequate community pool. In addition, the auxiliary provides all of the volunteer help required to arrange for an adequate number of donors, and it provides personnel to assist the professional staff during the actual collection of blood. The local news media and the community at large have responded positively every time the mobile unit has been brought to Longmont.

On December 14, Boulder, Colo., will have its first community-wide volunteer donation program. It will be coordinated by the Boulder members of the Medical Society Auxiliary, and it will serve a geographic area adjoining that served by the Longmont program.

Mr. Speaker, I believe the members of the Longmont Medical Society Auxiliary are to be commended for their efforts. I hope that other communities throughout the country will emulate their outstanding work. It is imperative that the American public be protected from the skidrow blood peddlers. At the same time, we must see that enough blood is available so that those who need transfusions will be able to get them. Longmont is one place where these two important objectives are being met.

HE FED US STRENGTH

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. CAREY of New York. Mr. Speaker, seldom it is that I rise before the House to speak on matters other than pending legislative business or issues currently on substantive import to the welfare of the Nation. Rarer still, do I use this forum to discuss matters of personal import.

However, today, with a heavy heart, and sorrow shared by many thousands in New York City, and across the Nation, I rise to say some few words to the memory of Dr. Arthur Logan of Harlem.

Arthur has been eulogized in loving words, in poetry, and in music. All those of whatever racial, ethnic, religious, social, and political amalgam—those who were welcome to the home of Arthur and Marian Logan—all join with me in expressing our loss and our love for this gentle but strong example of black leadership at its very finest.

Mr. Speaker, the question of leadership is very much in the public mind today. Americans are struggling to redefine the values that make up leadership worthy of the name. The example of Arthur Logan is certainly one of the guideposts that all Americans can look to in our seeking for the substance and undertaking the effectiveness of true leadership.

Arthur's leadership was an example. Whether it was climbing five flights of stairs to treat the sick, old woman at the back of the tenement, or turning impressive testimonials to himself into fund-raising events for one of his many charitable interests, or providing the warmth of his home as a sympathetic forum for those needing to express themselves in the fields of art, science, philosophy, religion or politics—all these Arthur Logan did, and did in a quiet, but terribly effective way.

Arthur Logan was the kind of leader that John Kennedy liked. Indeed, they both had much in common. They pursued and achieved lives of personal excellence and public service. They felt things very deeply. They loved and suffered much in striving and achieving.

It is easy to think that those who live their lives of self-sacrifice and devotion with quiet style and distinction, have an easy time of it. But it takes a strong love and an equally strong will to continue to give yourself—day after day—year after year—decade after decade.

It is for this reason, Mr. Speaker, that I use the title of an article appearing in this morning's Washington Post to begin these words of tribute to Arthur Logan. True it is that Arthur "Fed Us Strength." Arthur's strength of soul and purpose have fed us in past times of sorrow and trial—that strength must sustain his family and all of us now to bear this loss.

I pray that God may take this man of love under His own mantle of love and grant him fullness of life. I also pray for the comforting of his wife, Marian, his children, Adele and Warren, and all his family and friends. Helen, my wife, and our children join in this prayer.

Mr. Speaker, at this point in my remarks, I include in the RECORD the obituary from the New York Times of November 29, and the Roger Wilkins article from the Washington Post of November 30.

[From the New York Times, Nov. 29, 1973]

DR. ARTHUR C. LOGAN DIES; SURGEON AND CIVIC LEADER

Dr. Arthur C. Logan, a board member of the city Health and Hospitals Corporation and a well-known physician and surgeon, fell to his death yesterday from a viaduct of the Henry Hudson Parkway in upper Manhattan.

Dr. Logan, who was 64 years old, was widely regarded for his support of and personal involvement in many national civil rights causes. He was active in the Southern Christian Leadership Conference and the National Urban League.

His dedication to public service was known throughout the country. He was the object of numerous public tributes, which he often managed to transform into fund-raising events for one of his many causes. Such was the case with a testimonial dinner given in his honor at the Plaza Hotel three years ago, the proceeds of which were donated to Knickerbocker Hospital, where he was a member of the board.

A handsome, silverhaired man with a soft smile, Dr. Logan headed the city's poverty programs—as chairman of the Council Against Poverty—during the most turbulent days of the mid-sixties. He was also chairman of Haryou-ACT, an organization attempting to help disadvantaged young people get education and jobs.

AUTOPSY TODAY

Detective Sgt. Frank Clento of the Fifth Detective District homicide squad said his men had reported that the death "appeared to be a suicide," but he added that the case was still under investigation.

The police found the body at about 8:30 A.M. on the pavement at West 134th Street and 12th Avenue, about 100 feet below the viaduct. An automobile registered in Dr. Logan's name was found parked and located in the southbound lane of the Parkway.

The police said there was no evidence to suspect foul play. Dr. Logan's papers and some money were found intact, they reported, and the car keys were in his pocket. The city's Chief Medical Examiner, Milton Helpern, said an autopsy was scheduled for today.

Identification of the body was made by the widow, Mrs. Marian Bruce Logan, who was accompanied by Percy E. Sutton, Manhattan Borough President.

Mr. Sutton said he had talked to Dr. Logan at length on Saturday. He told Dr. Logan that the way had finally been cleared for the relocation of a city bus depot now at Amsterdam Avenue and West 129th Street near Knickerbocker Hospital. The relocation of the terminal would allow for the expansion of the hospital—a move that Dr. Logan had been seeking for several years.

Mr. Sutton said that Dr. Logan had told his wife before leaving home that he was going to the hospital, at 70 Convent Avenue, and then to look at the new bus terminal site, on 12th Avenue between 133d and 134th Streets, near where his body was later discovered.

"The last thing in the world this guy would do would be to commit suicide. He had everything going for him and nothing against him," Mr. Sutton said.

Mayor Lindsay, who like former Mayor Wagner before him, had named Dr. Logan to a number of committees serving the city, issued a statement calling him "a civic leader of extraordinary intelligence and devotion who somehow found the time and energy to express the widest range of social conditions while carrying the full load of medical practice and involvement in the medical community."

Governor Rockefeller said last night: "The death of Dr. Logan is a great tragedy and a profound loss to the community. He was an outstanding physician, a leader in efforts to broaden the availability of medical care in New York City and an important figure in the civil rights movement. He was a personal friend and I mourn his passing."

DR. KING'S PHYSICIAN

One of the first black graduates of Columbia University's College of Physicians and Surgeons, Dr. Logan acted as personal physician to many noted people, including the Rev. Dr. Martin Luther King, Jr., and Duke Ellington. During the Poor People's March on Washington in 1967, he mobilized a medical team to treat the demonstrators camped out in tents in "Resurrection City."

He was one of the original partners in the Upper Manhattan Medical Group, serving the community in lower Washington Heights for more than 20 years. In addition, he found time to be active in his West Side neighborhood, helping to form an organization to lobby against what the group saw as the overbuilding of low-income housing in the West Side Urban Renewal Area. He lived at 1865 Amsterdam Avenue.

Dr. Logan was born in Tuskegee, Ala., where his father was treasurer of Tuskegee Institute. He graduated from Williams College.

Besides his wife, Dr. Logan is survived by a daughter, Mrs. Adele Logan Alexander of Washington; a 10-year-old son, Warren Arthur; two brothers, Harold K. Logan of Tuskegee and Paul H. Logan of Lafayette, Calif., and two sisters, Miss Louise T. Logan and Mrs. Myra Logan Alston, both of New York.

[From The Washington Post, Nov. 30, 1973]

"He Fed Us Strength"

(By Roger Wilkins)

Arthur Logan is dead. That doesn't mean much to most folks, but when Arthur died the other day, the amount of good in the world dropped perceptibly. He was that much of a man.

Arthur was a black man with white skin, light eyes, straight hair and a sense of black power that came not from mindless exhilaration at some rally, but from a powerful and sustained love of black people. He was a 64-year-old Harlem doctor who showed all the signs of burgeoise achievement that the young black radicals said they hated so much. Arthur lived well. He had a nice house in Manhattan, but he wasn't rich and didn't seem to care to be. His daughter went to Radcliffe, came to Washington with her husband, moved with him through the Kennedy-Johnson White Houses to live with grace and style in this town. Arthur and his last wife, Marion, ran the most eclectic and exciting informal salon in Manhattan. One night it might be pork chops, good wine and Murray Kempton. The next it would be pigs knuckles and Martin Luther King. Arthur usually cooked the meat.

So, where's the black power in that? Arthur sure didn't shout, "Black Power!" And, if he had, people would have laughed—he was too white. Adam Powell—ruddy white with flowing hair—once clapped Arthur to his bosom and said, "Us black folks got to stick together." They gleamed white together. It was absurd, but absolutely real. Each man, in his own way, knew precisely about the pain in the black psyche and touched it as best he could through the foreshortened days of his life. Each man paid a price. Each of them is dead.

Arthur Logan was a lot of things. He was certainly a "civic leader." And he was also one of those "first Negroes." There is all the stuff for solid obituaries—member of the board of the New York City Health and Hospitals corporation, chairman of the New York Poverty Corporation, chairman of Haryou Act, founding member of the Upper Manhattan Medical Group, son of the treasurer of Tuskegee Institute, one of the first blacks to go through Williams College and then go on to graduate from Columbia Uiversity's College of Physicians and Surgeons—and so on. That's all good enough to make him an honored poobah, but the question persists, where's the black power?

It was in the love. Arthur didn't have to wait until 1966 to learn to respect himself, to learn to love other black people or to know the honor that comes from patiently and carefully putting building blocks into place in black communities for decent things that he might never see. He knew about the diseases in black folks' bodies and of the pain in their hearts. He doctored on the first and "pastored" to the other.

Percy Sutton, the black borough president of Manhattan, said, a couple of days ago, "Arthur was the glue. We hurt and he gave. So we asked some more. He fed us strength and we got the headlines. He may have been the best of all."

Arthur looked at Harlem and saw people needlessly sick, so he became the apostle of preventive medicine. He'd look at the whole family and knew there was a need for comprehensive treatment so he pushed for the creation of a medical group that could treat a child or a grandpa or one man's eyes, toes and liver all in one fell swoop. The dream of his last years was a drastic expansion of hospital facilities for the people of West Harlem. Nobody had to preach the gospel of "black community" to Arthur. He lived it—and he didn't have to. He could have taken his medical degree and fled the pain to affluent stupefaction. Most black doctors of his generation did that with no compunction.

So there was that—patience and institution building in a black community for days he might not see and for people he did not know. But there was more. There was the "pastoring."

Rep. Andrew Young (D-Ga.), once one of Martin Luther King's closest aides, said that when Dr. King was down and in trouble, he would go to Arthur. "Arthur was one of the few people who could pastor to Martin," Young said. "It wasn't talk about strategy and all of that, it was when Martin felt bad about not seeing his kids enough—things that were deep and that hurt him. That's when he would go to Arthur." And so did Duke Ellington and Whitney Young, Jackie Robinson, Bayard Rustin—and hundreds of other blacks who nobody ever heard about, but who were stretched almost to the breaking point and needed patching up in order to do the next day's battle.

And he nourished young blacks. One night at a party at his house, he got a young black woman, who no one there then knew, to play the piano and to sing some songs. When she sat, Arthur said to Ellington, "Duke, this is the girl I told you about. Now listen." The maestro's heavily bagged eyes narrowed to a weary and sophisticated slit. He nodded and wasn't interested—until the music started. Then Duke became young, interested and an instant fan. He may have helped her on her way, for all I know. At least it was clear that was what was in Arthur's mind. "The first time ever I saw his face," she sang. She worked then at Mr. Henry's up on the Hill, and pretty soon everybody knew about Roberta Flack.

But, there wasn't just music at that house. There was talk, too. If you wanted to raise money to fight the drug traffic in Harlem, help make Charlie Evans the first black mayor in Mississippi, send some black South African kid to school, help Martin march across Alabama or do anything that touched the heartstrings and built the world, all you had to do was to call Arthur and Marion. They would open their doors, provide the booze and let the speakin' begin. After it was over, they would put their son, Chip, to bed and lay the first cash money on the line.

So that was Arthur. The kind of fellow who would get out of bed at two in the morning to see some sick black person. It might be Martin and it might be some nameless old lady five flights up who nobody else cared enough to see. They were black and they needed love, so he went. It was all the same to him.

Black power to you, Arthur Logan.

HONOR ZION BANK PRESIDENT ROSS BURGESS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. McCLORY. Mr. Speaker, on December 12, 1973, my long-time friend, Ross A. Burgess, president of Zion State Bank & Trust Co., Zion, Ill., will complete 50 years of banking service. No citizen in the 13th Congressional District of Illinois enjoys a better reputation for business integrity and devoted community service than Ross Burgess.

Mr. Speaker, in recounting Ross Burgess' 50 years of outstanding service, I would like to recount the experiences which have culminated in the prominent role he attained as one of the most successful and honored bankers of our Nation.

Mr. Speaker, a half-century ago, a 19-year-old Zion youth was talked into trying his hand at banking. Today, that young man, Ross A. Burgess, is the third president of the Zion State Bank & Trust Co., which is a leading financial institution in Lake County. Ross joined the staff of the then "Zion Bank" on the advice of the cashier of the bank, William L. Bull, known to most Zion residents as Deacon Bull.

Ross had wanted to be an apprentice in the bricklayers' union when Deacon Bull convinced him that he should "try his hand at banking." Ross originally had looked toward bricklaying because it was the trade of his father. However, once Ross decided to become a banker, he went about it with all the energy that has become the mark of this great Zion resident. He enrolled in the American Institute of Banking in Chicago, attending evening classes for 9 years until, in 1937, he gained his standard certificate. Not satisfied, Ross furthered his education as a banker in later years by earning another certificate after three summer sessions at the Central States School of Banking at the University of Wisconsin.

Banker Burgess has served as president of the Lake County Federation of Bankers, and as president of the Northeastern Illinois Conference of the National Association of Bank Auditors and Comptrollers.

During his 50 years of service, Ross A. Burgess served as assistant cashier, cashier, vice president, and finally in 1952, became president of the Zion State Bank. However, he had been the chief executive officer since 1936. During the period from 1936, and largely because of his abilities as a banker and a community leader, the resources of the Zion State Bank climbed from less than a half million dollars in 1936 to more than $58 million today.

Mr. Speaker, as a banker, Burgess is considered a true professional leader by his peers. An associate once said:

> Ross Burgess is one of the most intelligent, imaginative, resourceful, judicious, and honest people I have ever known in or out of business.

However, banking has not been his only contribution to the community. Besides being a business leader, he also has been a civic leader. He served two terms with distinction on the Zion City Council, and was primarily responsible for a vital million dollar street improvement program. Also he has served the Christian Catholic Church as chairman of the board; has been a justice of the peace; was twice president of the chamber of commerce; was treasurer of a number of school districts; was a member of the

Lake County Crime Commission, a member of the Lake County Public Water District Board and president of the Zion Hospital. During all this period, he also has been an active member of the Christian Catholic Church Choir, and served at times as its director. He has sung in the choir for 62 years.

Never one to duck public service, Burgess has worked on countless committees for civic, and charitable organizations in Northeastern Illinois. In addition, he has influenced many of the men and women who work at the Zion State Bank to become involved in community and governmental affairs. There is hardly a local governmental unit or business, civic, or church organization which has not had or does not have, at least one employee of the Zion State Bank serving in some important role.

Ross Burgess has a profound respect for our Nation's honored traditions. A graphic manifestation of this, is the bank's Heritage room, a public meeting room containing historic reminders of the great heritage of his community, State, and Nation. It was his personal guidance and foresight which brought the Heritage room to fruition in the bank's last remodeling in 1970. Another expansion of the bank in 1974, also will bear the mark of Ross Burgess' thoughtful planning. His attention to detail and his grasp of modern banking concepts leave no doubt in the minds of his associates or his competitors that Ross not only has respect for tradition, but also is one of the most progressive bankers in the midwest.

Many area residents have called Ross Burgess a "good, wise and courageous man," because under his direction and leadership many others have been helped to establish successful businesses.

Mr. Speaker, we are all glad that back in 1923, W. J. "Deacon" Bull talked a prospective bricklayer into trying his hand at banking. For throughout 50 years as a banker and civic leader, Ross A. Burgess, like the Zion State Bank, has become an institution.

Mr. Speaker, Ross Burgess is being honored at a testimonial dinner on December 15, by the officers and directors of the bank, as well as many persons prominent in the community and public life of our area. I am privileged to be one of those who will be present to honor Ross Burgess on that occasion. In addition, I will be acknowledging the steadfast devotion and help which has been provided by his faithful wife, Jessie. The testimonial dinner has been arranged by my friend, Jim Hotham, who has succeeded Ross Burgess as president of the Zion State Bank & Trust Co.

Mr. Speaker, I know that I carry to this meeting your good wishes, as well as those of my colleagues in this great House of Representatives. I am proud, indeed, to call public attention to Ross A. Burgess's outstanding career of service.

PUBLIC FINANCING FOR CAMPAIGNS

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. HARVEY. Yesterday, Mr. Speaker, this House took decisive action, in my judgment, in sending back to the Senate the public debt limit measure because that body had included in it nongermane legislation in the form of S. 372, dealing with campaign reform and spending. I supported House Resolution 721, which was passed overwhelmingly by 347 to 54, objecting to such legislative procedure.

There is no question that the House will deal with the vital subject of campaign financing and reform in a proper way. I note that it is probable that we will be voting on such recommendations early in the next session of the 93d Congress.

Because of the subject matter and the fact that it ranks among the highest priority items that this Congress must deal with in the weeks and months ahead, I want to bring to your attention an extremely able and thorough statement on public financing for elective Federal offices. This is a statement delivered by our colleague, Congressman BILL FRENZEL, before the Subcommittee on Elections of the Senate Committee on Rules and Administration on September 19, 1973. I have not seen or read over a more detailed statement on this subject.

I earnestly urge all Members to read over this very sound and expert statement by Congressman FRENZEL, which follows:

STATEMENT OF CONGRESSMAN BILL FRENZEL

Mr. Chairman, I thank you for this opportunity to testify on the timely and significant subject of public financing.

The crisis of confidence in government, specifically the Watergate affair, has given great thrust to proposals for public financing of federal elections. Often, the popular image of such plans is that they will magically and instantly purify elections and relieve elected officials of any and all pressures and taints of "dirty money."

Everyone embraces the concept of clean, honest and open elections, but the important question is whether or not public financing is in fact a workable, or exclusive, means to move toward better elections. In the aftermath of Watergate, the principle and idea of public financing of elections may seem appealing to many people. But will it be nearly so appealing if and when it is implemented?

In particular, will public financing bring a halt to the corrosive effect that the wealthy, special and vested interest often have on the political process? Is it administratively workable? What implications and ramifications does it have for the electoral process? The political parties? The candidates? Political action committees? Incumbents? More importantly, will it actually increase public confidence in the American political process.*

POLITICAL CONTRIBUTIONS: SOURCE OF POWER

The concept of public financing is often considered the most compelling argument in its favor. Some proponents believe public financing will rid the political process of the corrupting and harmful effects of private and corporate wealth. This belief is usually based on the assertion that the special and vested interests are powerful because they have the wealth to make large political contributions. While wealthy individuals and groups do make significant political contributions, and while these groups and individuals do have considerable influence over the decision making process, it does not necessarily follow that contributions are a primary or important source of their influence and power.

At least two underlying assumptions of proponents of public financing are more myth than fact. They need to be challenged: 1. that special and vested interests dominate the political process to the exclusion of the public interest and that their wealth automatically translates into political power; and 2. that the influence of these interests is a direct function of campaign contributions or the amount of cash they pour into campaign coffers.

1. The assertion that the political process is dominated by the wealthy, vested interests to the exclusion of the public interest is misleading and an over-simplified view of the realities of our democratic processes. While there are numerous examples in which heavily financed interest groups have obtained tax loopholes, subsidies and other government favors, there are also many instances where these interest groups have been frustrated in their attempts to obtain legislation favorable to their interest or to block legislation that was unfavorable. For example, in recent years, there has been:

The defeat of the aerospace lobby in the battle over the SST;

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*NOTE.—There are numerous, different proposals for the public financing of elections. They range from complete public financing, to optional public financing to partial public financing to the tax check-off system to matching grants for small contributions. It is almost impossible to make generalizations about the strengths and weaknesses of all of these proposals. This testimony will try to explore some of the conceptual weaknesses and difficulties in implementation of public financing schemes in general. Based on this overall and general analysis, some criticisms of specific programs will be offered. All of the general criticisms do not apply to all of the specific public financing proposals, but rather attempt to point out and illustrate some of the possible pitfalls of public financing.

Supporters of public financing will claim that some of the problems mentioned in this testimony are inherent in private financing plans and not in the concept and implementation of public financing. However, it seems reasonable to assume that if a system of public financing is going to meet constitutional requirements, it will have to be an integrated approach containing private funding as well. An outright ban on private contributions would be an unreasonable and unconstitutional limitation on rights of free speech and expression. Consequently, any system of public financing will have many of the same problems as private financing, in addition to those created by increased federal involvement in the political process.

Reduction of the oil depletion allowance in the 1969 Tax Reform Act in the face of strong industry opposition;

Active government efforts to clean up our waters, launched over the intense opposition of industries such as paper and chemicals;

Passage of Medicare in 1965 in the face of an all-out AMA mobilization against the bill;

Enactment of stringent air pollution control standards regarding auto emissions despite the opposition of the auto industry;

Justice Department consent decree requiring ITT to divest a half-dozen major subsidiaries acquired in mergers, despite its vast financial resources and an intense campaign to get the case dropped;

Opening of the highway trust fund in spite of extensive lobbying efforts by the highway lobbies.

Nor have these been isolated incidents. Defense and space funding have experienced steady relative declines, despite heavy lobbying and spending by the so-called "military-industrial" complex, while spending for health, education and welfare programs has soared, doubling to around $100 billion.

These examples are not meant to be an attempt to obfuscate the sometimes excessive and occasionally overwhelming power of the vested interests, but rather they are an effort to place the influence of the special interests vs. the public interest into a more realistic perspective.

2. One of the underlying assumptions of supporters of public financing is that dollars automatically translate into political power, and that each vested interest's success is dependent on the amount of its campaign contribution. Recent episodes like the ITT affair, the Vesco caper, the recent textile import limitation and the quick burial of the Presidential Task Force recommendation that oil quotas be phased out all provide impressionistic and anecdotal support for this thesis. However, before a theory or explanation can be accepted, it must have broad or general applicability. It must explain almost all of the cases, or even a significant number of cases, associated with a problem, rather than just conveniently selected anecdotes. Viewed in the light of the above-mentioned exceptions, the stereotyped notion that campaign dollars are automatically translated into special interest legislation or governmental decisions does not hold up. Also, to the extent that campaign contributions do strengthen the hand of the special interest groups, it must be recognized that this includes professional groups, small businesses, labor, farm and education groups as well as large corporations and wealthy individuals.

In addition, if most or many of the elected federal officials are "tools" of the special and vested interests, or are "bought" by these interests at election time by the highest bidder, we might expect that there would be a glut of money for political campaigns and that political candidates receive many more offers of money in return for influence than they can possibly use in a political campaign.

In fact, politics is generally underfinanced. Politicians and their committees must actively solicit campaign contributions.

Some of the recent abuses occurred when political candidates or their aides were said to have coerced, arm-twisted and extorted money because they believed that they did not have sufficient funds to win the election. Some of the individuals and organizations who were "arm-twisted" contributed more out of fear of retaliation on the part of these powerful officials, than in the hope of "buying" power. If all a candidate had to do was to sell himself to the highest bidder, he would not need to use coercive tactics to obtain contributions.

At this point, proponents might argue that public financing is necessary to ensure that the political process is adequately financed and to eliminate instances of coercion. They would have a very valid point if public financing proposals would increase the amount of funds available to the political process. However, as will be noted later at greater length, almost all of the present proposals would actually reduce the amount of money used in political campaigns.

Furthermore, it is almost impossible to measure the impact of political gifts and contributions on the decision making process, as Dr. Alexander Heard has noted:

The inherent power of immense concentrations of wealth in a nation exists without regard to the particular ways political party and candidate activities are paid for . . . It becomes an incredibly difficult task to distinguish between the impact of political gifts that emanate from large and small pools of wealth and the impact of other means of influence that such concentrations of economic power inevitably command . . ."

Special interest influence is a problem, but campaign contributions are only one of many contributing factors. In fact, political contributions may not be a major or primary source of power for the special and vested interests. There are at least three other factors that are important and significant sources of their power and influence.

1. The producer groups (usually the special and vested interests) have an inherent advantage over consumer groups (usually the general public). Specifically, producer groups have more time and greater resources which allow them to develop the following attributes that give them an important edge in the struggle for political power:

Specialized knowledge and expertise in the complex and technical matters in which governmental decisions are required;

Professional staff and representatives possessing knowledge of the governmental processes, and access to the key people who make the decisions;

A large stake in the limited range of issues that affect their interest, thus allowing for maximum mobilization of resources at the appropriate time and place;

A certain "legitimacy", because the parties most affected by a governmental action should have a large role in determining the outcome;

Organization networks and structures that facilitate articulation and forceful presentation of their views to both the public and the relevant government decision makers.

For example, if a public utility wants an increase in rates, it has the time and resources to invest a considerable amount of effort in a campaign to obtain governmental approval. It can develop information that will demonstrate the great need for such an increase. The utility knows the process by which to obtain approval and can easily contact the proper people and decision-makers. Having a huge stake in the issue, the entire corporation's resources can be mobilized for this particular effort. Since the company is greatly affected by the possible increase, the government must listen and weigh its case.

2. Political parties in the United States are relatively weak, broadbased and decentralized. In many other democratic nations, the parties provide a stronger focus and rallying point for the consumer or public interest. The influential special and vested interests in the United States are not often challenged by the political parties. The main check on their powers are the other, conflicting, influential special and vested interests.

3. Even more importantly, the United States has a highly fragmented, governmental structure. Decisions on particular issues are focused in legislative committees and subcommittees and in executive agencies and bureaus. With the possible exception of the Office of Management and Budget, there is no overall budget control mechanism, no overall view of the allocation of national priorities, and no central agency that can shape and define national public policy. Each special and vested interest merely must concentrate its resources on a handful of committees, agencies or bureaucracies to obtain governmental favors and assistance. Meanwhile, more broadly-based groups, such as the consumer and the public interest groups, face the difficult job of monitoring and overseeing dozens of committees hundreds of departments, agencies and bureaucracies, and hundreds of thousands of state and local political entities.

Given these other factors, public financing may fail completely to curb the "excessive and corrosive" influence of the special and vested interests. Certainly, it will not eliminate or drastically reduce their power and influence.

FEDERAL INVOLVEMENT

Public financing would involve the use of federal funds in the electoral process to a greater extent than ever before. Increased federal funding may result in greater federal control. The likelihood of federal manipulation of elections in the future, especially with an independent elections commission, is not great, but the possibilities of such interference should not be overlooked. The recent revelations of the misdoings of trusted White House aides in trying to circumvent laws by recruiting CIA help for domestic operations and using the FBI to gather political information illustrates the real possibilities of unwarranted interference that public financing might create.

Here are some of the ways public financing might open the electoral process to manipulation by the federal government: (1) The federal government could set conditions on the candidate's qualifications over and above those already in existence. For various reasons, it could refuse to give federal funds to candidates who were allegedly in "violation" of the law, classified as "subversive", or who were actively opposed to the major parties or the party in power. (2) The federal government could force parties to conform to federal rules and regulations and might eventually gain control of them. (3) Incumbents could purposefully appropriate small amounts of money for political campaigns, thereby making it impossible for the challenger to wage an effective campaign and assuring themselves of victory. (4) Congress and the President might be unable to agree upon how much money to appropriate, in which case there might be little or no funds for political campaigns. (5) The federal agency in charge of administering public financing might manipulate the electoral process. It could amend the law by rule without Congress knowing exactly what changes were being made. For example, Congress recently amended the federal income tax check-off system, designed to finance presidential elections. Some Congressmen thought they were simply amending the law to insure that the check-off provisions would appear on the front page of personal income tax returns. However, some of them later found out that they also had amended the law to require that the funds be divided evenly among the two parties. A complicated public finance law might provide similar opportunities for federal agency manipulation of the electoral process.

In addition to the problems of federal control, public funding of political campaigns raises significant questions about the proper allocation of national priorities. Will the federal government be deprived of valuable funds that could be used more effectively in other areas of greater national priority?

Senator Mansfield and others say that public financing should be of the highest priority, but others, including myself, disagree. Even though the sums of money involved is not great relatively speaking, why should the taxpayers' money be used when the needs can be raised privately?

It may be very difficult to set forth a workable proposal for enforcement of a public financing law. Some proponents say that it will be administered and enforced by an independent elections commission or other independent federal agency. What will ensure its independence? Non-partisanship under a plan of public financing might be especially important. The commission or agency could literally have life and death powers over all candidates, because it might control the source of much or most of the funding. What guarantee would there be that the independent elections commission or other federal agency would not develop ways of manipulating election processes for the benefit of one of the parties or several of the candidates? What would prevent an incumbent President from vetoing or an incumbent Congress from refusing to appropriate money for political campaigns, thereby insuring their own re-election?

FEDERAL VS. PRIVATE FUNDS

In support of public financing, proponents assert that private fund raising is a humiliating and degrading experience that political candidates should not be forced to face. While fund raising can be difficult and occasionally embarrassing, proponents fail to recognize its value as a barometer of: (1) a candidate's popular support, (2) public approval of his record while in office, and (3) his seriousness about serving in public office. Furthermore, many public financing proposals might put candidates, especially incumbents, in a position where they would have to do very little to get elected.

The voracity with which some supporters assert that fund raising is a degrading experience may suggest an unwillingness to present their record to the public and a lack of interest in one of the most important aspects of our political process—political campaigning. While the ballot box is an essential means of measuring popular support for a candidate, political contributions give individuals and groups an opportunity to register strong approval and disapproval of a particular candidate or party.

Congress should be leery of spending the taxpayers' hard-earned money on the inane paraphernalia and mindless sloganeering that are now a part of some political campaigns even though most campaign expenditures might be good, effective and legitimate uses of public funds. Consequently, Congress should be sure that there is not another, cheaper, easier way to obtain the same goals sought by public financing. In particular, a strong, vigorous system of enforcement of contribution limitations would be much less expensive and could achieve the same results.

The abandonment of private financing will not necessarily end campaign abuses. Under public financing, those who are dishonest might still find means of circumventing the law. Events such as Watergate might still occur, because they may be not just a reflection of the way in which we finance our campaigns, but of a mentality and set of attitudes that will persist even with the advent of public financing.

Private financing does have many advantages. It has helped elect politicians of all political philosophies. With proper contribution and spending limits, wealthy candidates need have no special advantages.

Also, private financing functions in a manner similar to the free market. It has been one of the traditional ways of determining the popularity and attractiveness of a candidate. Popular candidates rarely have a shortage of funds, while unpopular candidates are usually unable to raise large amounts of funds. Many public financing proposals would give equal amounts of funds to both types of candidates, thereby discriminating against those who are more popular.

ARE PRESENT PROPOSALS FOR PUBLIC FINANCING EQUITABLE AND WORKABLE?

Many of the present proposals for public financing make an implicit assumption: that the diversity of the American political process can be made to conform to a single scheme of public financing. Few of the proposals for public financing are contoured to meet the many peculiarities and idiosyncracies of the states and localities. For example, if third party or fringe candidates were required to obtain a certain number of signatures in order to be eligible for public financing (as is the case in one public financing scheme), such a formula might be discriminatory.

There are numerous other similar situations. If a security deposit were to be required for eligibility, a rich candidate might have no trouble finding a dozen or fifty rich friends to put up $250 each for the deposit. On the other hand, a poor candidate might not know enough wealthy people to obtain the funds needed for the deposit.

More importantly, most public financing proposals severely limit the amount a candidate can spend, generally in the range of $50,000 to $100,000 per Congressional district or 15¢ to 20¢ per eligible voter. In some states (such as Connecticut), this sum would hardly pay for two or three one-minute television spots, while in rural southern states this sum would be more than a candidate could realistically ever hope to spend. Yet, in both instances, candidates would receive exactly the same amount of federal money.

In addition, these strict limitations are said to help the challenger in the Senate, but in the House of Representatives, they tend to help the incumbent. For example, in the 1972 races, the incumbents in the Senate outspent their rivals by over two to one. Several of the challengers who won expressed the belief that strict limitations would have benefited them and hurt the incumbent. Yet, in the House it is often necessary to spend a huge sum of money to overcome the name identification that an incumbent has. Few of the present public financing schemes take these paradoxical circumstances into account.

Private funds tend to gravitate toward races that are important and hotly contested. Unimportant races and contests in which only one candidate has a serious chance of winning do not attract large amounts of private money. However, under public financing, money could be equally distributed. For example, the 80% of the House districts which are relatively uncontested might receive a total of approximately four times more money than the 20% that are hotly contested. This would be a misallocation of federal resources. Close, important races would be inadequately funded, while many of the relatively unimportant races would be over-funded.

Under a system of public financing, a one-shot or minor party might poll sufficient votes in an election to assure a sizeable subsidy in the next campaign. By the time of the next election, it is feasible that such a party would have spent its fury and be virtually extinct. Yet, it would receive several million dollars which it could decide to spend in a squandrous fashion.

What effect will public financing have on the thousands of federal, state and local election laws now on the books? What will happen if the federal government is a major source of campaign funding? Will the importance of lobbying increase greatly? Proponents of public financing have not fully examined and discussed the possible impact of their idea on the diverse, pluralist political system in America.

IMPACT ON THE POLITICAL PARTIES

There are three main ways of distributing federal funds for campaigns: (1) directly to the political party, (2) directly to the candidate, and (3) a mixture of the first two.

Under the first alternative, more power would be placed in the hands of the parties and their national committees. Since they would be the primary or only source of funds, the national committees might use the money to keep party candidates and incumbents in line. Party dissidents and independents could be shortchanged when the funds are passed out and could be pressured into adopting the party line. Because the political parties would no longer be dependent on private sources, public financing could make political parties, presently the political entities with the most broadly based popular support, less responsive to the American people. Former Sen. Joseph Tydings, in opposing public financing for political parties, has stated:

"Parties should not derive their financing because they have the support of the government. In our free party system, political parties have grown and prospered according to the amount of public support they could command for their candidates and programs, not according to the amount they can cajole from the Congress."

Several years ago, the late Sen. Robert Kennedy noted one of the harmful consequences of publicly-financed parties:

"To aid campaigns by direct subsidy from the Treasury would only further separate the individual citizen from the political process—insulating the party organization from any need to reach citizens, except through the one-way communication of television and advertising. The political parties would talk to the citizen; but the individual could not talk back."

Under the second alternative, whereby the subsidy is given directly to the candidate, the power of the candidates would be greatly increased and the parties would be drastically weakened. By giving money directly to the candidate, a system of public financing would encourage third party and splinter candidates, because the political parties would have much less control over who ran. Over a period of time, the two-party system as we know it might be destroyed and the two major parties might become seriously enough weakened that coalition governments would become necessary. Coalitions and parties might divide along ideological lines, which could greatly increase political conflict and threaten the stability of the political process.

The third and best alternative would be to give funds to both parties and candidates. However, this system would be much more costly, and it might be most difficult to find a formula that would maintain an equitable balance between candidates and parties. Before a public financing plan is actually implemented, it might be impossible to ascertain whether it will maintain this delicate balance. If a seriously-imbalanced formula were to be implemented initially, it might be impossible to change it. If the initial formula favors the candidates and weakens the parties, candidates would be elected who are very independent of the party system, and who would resist efforts to redress the imbalance in favor of strong parties. If the original formula favors the parties, candidates would be elected who are strong party men and who would resist efforts that might aid independent candidates.

Proponents of public financing have failed to arrive at a workable, fair and equitable formula for third and minor parties. They have failed to derive a formula that would make it fairly difficult, but still quite feasible for a third party to receive federal funding. A system (e.g. use of petitions) that might work well for qualifying third and minor parties in California and Oregon might fail miserably in New York and Vermont. A system (e.g. security deposit) that might cause a proliferation of third party and splinter party candidates in one area (e.g. Westchester County) might make it extremely difficult for a third or splinter party to get federal financing in another nearby area (e.g. South Bronx). Proponents have also failed to come up with a formula that will distribute funds fairly and equitably among major and minor parties.

The treatment of major, minor and third parties raises substantial constitutional questions. Under a system of public financing, must minority parties be guaranteed equal protection? If they are, they would have to receive as much or more than major parties. This would cause a proliferation of minor parties. If they are not given equal protection, the system may be declared unconstitutional. Even if a minor or third party is given as much as a major party, it may still be discriminatory, because the minor party must spend more if it is to do well in an election. To limit the amount a new, minor or third party can receive from the federal treasury to as much as or less than the amount for major parties might severely cripple the ability of these parties to wage successful campaigns. Furthermore, there are ample legal precedents against arbitrary classifications of this nature.

EFFECT ON THE CANDIDATES

Critics of public financing have for years claimed that a federal subsidy would encourage a rash of frivolous candidates who enter just to get a subsidy. Recently, proponents have offered several possible remedies for this possibility. So far, they have come up with three main ways of limiting frivolous, "kook" candidates who might run for office as an exciting ego-trip, without much thought of winning or serving.

1. Federal assistance could be limited to candidates able to present petitions signed by a large enough percentage of the electorate to show the candidate's seriousness and a significant degree of popular support.

There are several problems with this proposal. Each state has different requirements for petition signatures. In at least one state, for example, all signatures on a petition are invalid if one signature is invalid. In other states, each candidate's petitions and every signature can be challenged. Name and addresses will be illegible. If only registered voters can sign, many people may not know they are unregistered. Complications in the law and challenges to the laws may slow down processing and verification procedures until the entire election is over. A system of this nature would only bring confusion and chaos to the electoral process.

2. Candidates receiving federal assistance may be required to post a bond or security deposit that would be forfeited if they failed to gain a certain percentage of the vote. For example, under the Hart bill, all would-be candidates who want federal funds would be required to put up a "security deposit" equal to one-fifth of the expected subsidy in order to be eligible for public financing. No individual or organization would be allowed to put up more than $250 toward the security deposit. If a candidate wanted to receive $50,000, he would have to find at least 40 people to put up $250 or less apiece in order to receive his subsidy. If the candidate received only 5–10% of the vote, he would lose his deposit. If he received less than 5% of the vote, he would lose the subsidy and his deposit.

This proposal might discriminate against candidates from poorer areas who might not know 20, 40 or 100 people who can afford to put up $250 for a campaign. It could also discourage independent candidates who might not want to risk going into debt for the rest of their lives. Such a system might also prove to be unworkable. There could be recounts for candidates who received slightly less than 5% or 10% of the vote. Candidates who didn't want to lose their subsidy or security deposit would demand recounts and tie up state and local election officials for weeks after an election.

3. Federal assistance could be made conditional on a candidate's ability to raise a certain amount of funds in small private contributions. These contributions would then be matched with federal grants.

This is perhaps the best way to eliminate frivolous candidates that has been proposed so far. However, this proposal would provide a huge incentive for the washing of funds. For example, a contributor of $1,000 would increase his contribution by 100%, if he gave it under 20 different names at $50 per name. This means of circumventing the law would make it easier for a candidate to qualify for federal assistance. This method might also raise far less money than is needed to wage an effective Senatorial or Presidential campaign, especially when it is coupled with stringent contribution limitations. It has also been described as "just another grant program," the incentives of which may stimulate candidates and causes which could not flourish on their own merits.

There are general problems with all of these approaches. Presently, some candidates run for office for the sole purpose of airing the issues and "educating" the public. All of the above proposals might eliminate or reduce candidates of this type. Also, the hassles and difficulties involved in applying for and receiving the federal funds might discourage some highly qualified candidates from running. In addition, any limitation on frivolous candidates may discriminate and deny equality of access to the political process. This would raise some serious questions about the constitutionality of such limitations. Furthermore, any type of weeding-out safeguards must be automatic and uniform to guarantee some semblance of fairness and equity, but this would probably involve a maze of rules and regulations, thereby discouraging participation in the political process.

EFFECT ON STATE AND LOCAL RACES

If a system of public financing is adopted, it is very likely that many states would continue with their systems of complete private financing. There are two possible serious consequences of a system of public financing. Such a system could dry up funds for state and local candidates, who already have a difficult time raising adequate funds. Private givers might feel that their responsibility has been satisfied by the National Program. Special interests would not. As a result, state and local candidates would be unable to raise sufficient funds. The general public would probably become less informed about these state and local candidates and the quality of state and local governments might decrease.

On the other hand, private contributors—especially special interest groups—might channel the funds formerly used in federal elections into state and local government. Expenditures in state and local races are presently much less than in national races, so if private funds were channeled toward the state and local sector, it might be easy to "buy" candidates with "dirty money." Furthermore, a dramatic increase in spending at the state and local level would probably mean a dramatic increase in overall spending in political campaigns, which is contrary to the goals of many of the proponents of public financing. Chasing "dirty money" from the nation's capitol to the state capitols and court house would be an ironic byproduct of federal financing.

EFFECTS ON CONTRIBUTIONS

Some public financing proposals would prohibit private contributions. It would probably be unconstitutional to deny people the long-enjoyed right to contribute to election campaigns. This would place a severe and unnecessary limitation on the right of free speech and expression. In addition, it would be discriminatory, because it would let one person contribute his time, labor and expertise to a campaign, while denying another individual the right to participate in the only way he may be able to. For example, an accountant could donate thousands of dollars worth of his valuable time, while blue collar workers would be unable to make an equivalent contribution in money. Also, such a prohibition would reduce citizen participation in the political process. In his testimony before the Commerce Committee, Sen. McGovern heartily concurred with the following statement:

> A citizen ought to have the privilege of making a contribution out of his pocket because of the feeling of involvement that he gets which is desirable and almost a necessity in our system of representative government.

The constitutional implications and political consequences of a prohibition on private contributions are too severe to seriously consider such a proposal.

Other public financing proposals set low contribution limitations. Unless strictly and stringently enforced, low limitations would only penalize the honest candidates. They would increase the incentives to circumvent the law. A person who contributes to several candidates and committees might violate these low restrictions unintentionally. On the other hand, intentional violations might be made to appear inadvertent. Even the most vigorous enforcement methods might be unable to uncover many of the resulting campaign abuses.

Still other public financing proposals either (1) set contribution limitations quite high, (2) do not cover primaries, or (3) do not cover certain types of candidates and parties. Under any of these conditions, candidates would still be susceptible to the influence of the special and vested interests, because these interests would still have considerable opportunities to channel large sums of money to some or all candidates.

Finally, some public financing proposals place reasonable limitations on contributions. Reasonable contribution limitations would probably be constitutional because they do not severely limit free speech.

However, these proposals raise the question of how to regulate the solicitation and use of private money obtained in addition to those funds received from the federal treasury. Under a system of public financing which permitted private contributions, there would have to be not just one, but two sets of complicated rules: one for funds obtained from the federal treasury and one for money obtained from private sources. Enforcement and compliance with two different sets of technical regulations might prove to be difficult and impractical for the candidates and the enforcement agency alike.

Some proponents of public financing have suggested as an alternative that all candidates be allowed to choose between a public financing route and a private financing route. This, however, would combine the worst of both systems. Even if it didn't, those candidates who take the private route might charge those who take the public route with having their hand in the till. Those candidates who go the public route might charge those who go the private route with going to the "fat cats" and being the lackeys of the special and vested interests. Meanwhile, the important campaign issues will be ignored to a greater extent than they are already. Furthermore, candidates who chose the private route might find that few people were willing to contribute, because the public's attitude might be, "You could have gotten your money from the federal treasury, why come to us for a hand-out?"

Any system of public financing that does not completely prohibit private contributions must have provisions for dealing with COPE, AmPAC, BiPAC and other similar organizations. If they are prohibited from contributing, the courts might declare such a ban as being an unconstitutional limitation on first amendment rights. If they are allowed to contribute, the special and vested interests may use these organizations as conduits to channel huge sums of money into campaigns. If there are strict limitations on contributions by these groups and political action committees, it may discriminate against some broad-based special interest groups.

EFFECTS ON EXPENDITURES

In the area of campaign expenditures many of the proponents of public financing make several assertions: (1) public financing will curb the costs of political campaigns; (2) it is desirable to curb the cost of campaigns, because spending is presently too high; (3) a reduction in the amount of campaign expenditures will improve the quality of the political process; and (4) overall expenditure limitations under a system of public financing are workable and enforceable. All of these assertions are subject to challenge.

(1) Many proponents of public financing cite the alarming and spiraling cost of campaigning as one of the reasons for the need for public financing. Yet, some of their plans for public financing might actually increase spending. For example, federal subsidies for the House of Representatives would cover all congressional districts, even though over 80% of them are relatively uncontested. In fact, the candidates in the uncontested districts, where spending is presently negligible, would receive a total of four times as much federal funds as those candidates in the 20% of the districts that are contested. If primaries are included and limits are set at $100,000 or 20¢ per eligible voter, the costs could run to $160 million for House races alone, perhaps totalling $300 million for all federal elections in a presidential election year. Even with the limits set at this level (higher than in most public financing proposals), it would be almost impossible to beat an incumbent in a House race.

(2) Admittedly, most public financing plans set the limits at somewhat lower level. This is in accordance with the belief that campaign expenditures are too high. However, this idea needs to be challenged. The price of public financing schemes runs as low as $93 million. This figure is mere peanuts. The advertising budget for Procter and Gamble in 1972 was twice this figure. Total spending for all political campaigns was $400 million in 1972, while the advertising budget for all U.S. companies totaled $22.5 billion. Is this a rational allocation of national priorities? Should the cost of the debate on which type of soap suds or car to buy exceed by fifty times the cost of the debate on the important political issues of our time? Furthermore, the costs of campaigning in the United States are actually lower than that in many other countries. An index of political expenditures per voter for various countries showed a range of 27¢ for Australia to $21.20 for Israel. The United States, at $1.12, is clustered near India and Japan at the lower range of the index.

(3) In defense of public financing and strict expenditure limitations, supporters say that these steps will improve the political process. They say that many individuals of quality and independence are unable to raise enough money to run a respectable campaign, and are automatically defeated or discouraged from trying.

Some of these proponents' proposals would cut expenses in federal elections in half. While the amount of expenditures in a campaign is not the only variable affecting public interest, public debate on the issue, and the number of people who vote, a reduction in expenditures of this magnitude would lead to a reduction in political advertising and campaigning which might very well reduce citizen interest and participation, as well as reduce the likelihood of public debate on the issues. Such stringent limitations might also actually increase the probability that "individuals of quality and independence" will be "automatically defeated or discouraged from trying." Herbert Alexander in his testimony before the Senate Commerce Committee stated:

> One of the key goals of the political system should be a more highly competitive system, because it helps to make the system more responsive. Limitations tend to reduce opportunities for voters to learn something about candidates, but even more significantly, ceilings reduce the opportunities for voters to learn something about politics . . . Electioneering helps to structure and politicize society, and this is periodically essential to the smooth functioning of a democracy.

Liberal columnist Tom Wicker has stated:

> Considering that every poll shows how little Americans really know about great issues and how few know anything about even the leading politicians—considering also the dismayed record of lost bond issues and defeated propositions, the immense social investments many believe needed, the remaining number of uncontested Congressional districts and one-party states, and the shamefully low percentage of Americans who bother to vote even in Presidential races, it can well be argued that we need to spend more, not less, on politics and the political education it entails.

It is true that incumbents are generally able to raise more money than their opponents. In the Senate in 1972, incumbents outspent their challengers by an average of two to one. On the other hand, especially in the House of Representatives, incumbents are usually beaten only by challengers who can spend huge sums of money. Most of the proposals for public financing would limit House candidates to $60,000 to $100,000. However, in many instances, a challenger will need around $150,000 to beat an incumbent. Yet, if this were the limit for federal campaigns, the total cost for House campaigns could easily run to $250 million for each election. A $150,000 limitation for a Congressional campaign may sound huge to reformers or to incumbents whose re-election does not require spending of amounts anywhere near this figure. However, for the challenger, lower limitations impose nearly impossible problems. With today's costs there is no way a challenger can make himself known over a well-identified incumbent when there are stringent expenditure limitations.

An interesting study by W. F. Lott and P. D. Warner III of the Economics Department of the University of Connecticut written in 1971 is reproduced in the Congressional Record of September 23, 1971 on pages 33137 to 33140. Lott and Warner say bluntly that the impact of spending restrictions is "to insulate the incumbent and for all practical purposes insure his election."

Warner-Lott's research "indicates, for example, that an office-holder who has 40% of the total eligible votes in his district registered in his party, can, if he and his opponent are limited to $50,000, expect to receive 60% of the total votes cast."

Table 4 shows that with a 50%-50% party registration, the challenger must spend over $54,000 and the incumbent only $5,000 to have an equal chance of election.

TABLE 4.—MAXIMUM LIKELIHOOD POINT ESTIMATE OF CAMPAIGN EXPENDITURE NECESSARY TO GIVE CANDIDATE AN EQUAL A PRIORI CHANCE OF ELECTION

Vote registration in the party of the candidate as a percentage of total registration	Expenditures	
	Incumbent	Challenger
30	$31,335.59	$343,960.69
40	11,091.46	121,747.36
50	4,955.96	54,399.96
60	2,566.08	28,167.05
70	1,470.89	16,145.54

One way to balance the scales under a system of public financing does exist. A candidate would receive more money if he was a challenger than he would if he were an incumbent. In order for this alternative to be effective, a measure of the value of incumbency would have to be calculated and the difference paid to the challenger. This system, however, stands little or no chance of passage because Congressmen would not want to see their challengers in a position of beating them at election time.

Another myth held by some proponents is that public financing will aid the common man and the poor man. However, public financing with low expenditure limitations would fail to do anything about the problem of the man who brings not money but other resources to the election. The celebrity, the sports figure, the movie star and other famous individuals will have had their advertising done for them as a result of their occupation. They don't need to spend money on their political campaign. Financial restrictions and limitations imposed on their opponents may simply insure an unequal contest and deny the common man a chance to serve in Congress.

(4) Under the low overall limitations of some of the public financing proposals, there would be greater incentives than at present to circumvent the law, and it would be much harder to monitor, audit and oversee campaign expenditures. What criterion would be used to determine which candidate an expenditure will be credited to? How will election day expenses be prorated? For example, a gubernatorial candidate, who is not subject to federal expenditure limitations, could rent a fleet of cars for his supporters who would also indirectly, if not intentionally, be assisting candidates for federal office. Would these expenditures be prorated for the federal candidates, even if they were not authorized? Also, state and local officials or individual citizens might spend money for a candidate for federal office without his authorization. Would this be included in overall expenditures? If activity such as this is permitted, a huge loophole would exist. If it is prohibited, the law may be unconstitutional. There are other problems with limitations under present public financing proposals. What happens if a candidate exceeds his limitations and runs into debt? Is the federal government obligated to pay for these debts? Such an offense could be either inadvertent or intentional. How would a candidate's motives be determined?

The stringent, sweeping overall expenditure limitations that some public financing schemes would impose may also invite violations of the law because such violations might be extremely difficult to document or prove. It gets progressively harder to keep track of what a candidate or his supporters are spending on such easily manufactured items as bumper stickers or other printed materials.

PUBLIC CONFIDENCE

Perhaps the major argument used in support of public financing is that it will result in clean, open and honest elections, thereby increasing public confidence in a system that is presently beset by a crisis of confidence. But public financing will not increase public confidence if:

It fails to curb the excessive power of the special and vested interests;

It makes the political parties, presently the political entities with the most broadly based popular support, less responsive to the people;

It opens the way for federal control of political parties and candidates;

The law becomes unenforceable because of unreasonable limitations;

It becomes an Incumbent Guaranteed Re-Election Act in which challengers have little or no chance of winning;

The beleaguered taxpayer sees his hard-earned money supporting candidates in whom he has no positive interest or to whom he may object most strenuously;

The taxpayer sees his money supporting mindless sloganeering and superfluous rhetoric that goes on in some campaigns.

It sends treasury checks to ego-trippers just running for office as an exciting pastime, without much thought of winning or serving;

All campaigns are subsidized equally when many races are relatively uncontested;

The cost of such a program runs to $200 or $300 million?

Even if most of the above horrors do not happen, the occurrence of only a few of them might greatly discredit public financing. Another unworkable, unenforceable, and unconscionably extravagant system might only deal a permanently crippling blow to public confidence in the American political process.

CONCLUSION

The arguments in favor of public financing are not without merit. However, the idea has not received adequate study and the arguments in its favor are not as strong as is commonly thought. Certainly, a proposal that could entail such dramatic changes in the political process might have many unforeseeable consequences, and has such powerful arguments both for and against should warrant a most careful examination and evaluation. Furthermore, proponents of public financing should not forget that the same goals can be achieved by writing responsible rules into a system of private financing. Intensive study of both public financing and alternative means of private financing is needed before we decide which means is best suitable for achieving the goal of open, honest and clean elections.

DON'T PANIC—AMERICA CAN SURVIVE THIS ENERGY CRUNCH

HON. JOHN B. CONLAN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. CONLAN. Mr. Speaker, now that the full impact of our energy crunch is becoming a painful reality, many people understandably wonder why we have been caught with fuel shortages that threaten our standard of living.

The most frequent question during my Thanksgiving visit with Arizonans was why industry and Government in the world's most consumer-oriented nation had failed to head off impending shortages with increased supplies to satisfy rising consumer demand.

After all, we have not come close to running out of fuel in the physical sense. There is plenty of tolerably clean fuel still available in the world. Thus far, it looks like the energy crisis is a self-inflicted wound—that Uncle Sam's shortsightedness is to blame, not Mother Nature.

Frankly speaking, this energy crisis that has caused some talk in terms of possible wholesale fuel rationing and other unwise Government measures that fail to get at the root issue of increasing fuel supplies, was caused by Government mismanagement in the first place.

Government officials were glad to oblige oil companies that several decades ago asked for special privileges, such as oil import quotas, price fixing, and oil prorationing. This gave the bureaucracy a chance to regulate and control yet another area of our economy.

But it was this sort of imprudent Government meddling in the development and marketing of fuel that initially threw our energy industry out of joint and allowed consumption to outstrip both current production and expansion of capacity.

The natural gas industry—first to be hit really hard by supply problems last year—is a classic case in point. Through most of the 1960's, the Federal Power Commission held a tight rein on the price of gas at the wellhead—so tight that producers found it unprofitable and gradually stopped exploring for new gas.

They picked up their rigs and went abroad, where the chance of making a profit in that very risky business was better than it was at home. The number of new wells drilled dropped year by year, and by 1968 the United States was using more gas each year than was being discovered. The problem of shortages, then, resulted less from inadequate resources than from ill-conceived regulation.

Mr. Speaker, Congress has, likewise, missed the boat by failing before now to encourage development of so-called exotic energy sources—atomic fusion, solar energy, coal gasification and liquefication, geothermal energy, tidal and wind power, and magnetohydrodynamics.

Until the new House Energy Subcommittee, of which I am a member, was organized this year, none of the six or so committees and subcommittees concerned with energy had constructively set out toward a long-term program to develop these new energy sources to carry us forward in the event of fossil fuel shortages or depletion.

Even though our Energy Subcommittee is now moving full steam ahead to pursue solar energy and the other exotics, because this was not started a decade ago, we have been caught without alternative energy sources during the immediate fuel shortage problem.

This has been aggravated by the Mideast oil cutoff and the fact that oil from Alaska is still 4 years away. As a result, we are in for some discomfort and belt-tightening for the next several years.

My urgent hope is that the American people persevere as they always have—that they remain calm and do not panic because of the current energy squeeze. Sloganeers and big government advocates will call for unwise Government measures such as fuel rationing and so forth to see us through this crisis. But we must avoid allowing ourselves to be buffaloed by further attempts at bureaucratization.

This energy crunch will be relieved by restoring the time-tested free market demand and supply balance, thus allowing fair competitive forces to establish realistic prices for natural gas at the wellhead and gasoline at the pump. It will not be permanently relieved by more Government edicts and regulations.

We must also remember our own contribution as consumers to the critical demand for energy. While we work toward long-range solutions on a national level, as we now are in the Congress, we must also eliminate squandering of energy resources through inefficiency and extravagance.

We must expect of industry an increased efficiency in such areas as energy conversion, automotive design, and airline management.

We must expect of ourselves moderation in such areas as heating and air-conditioning our homes and buildings, and driving our cars and other motor vehicles.

Individual prudence in the use of energy at home, at work, and at play can make a great contribution in moderating the energy demand curve.

We all have ample reason to trust the ability of American commonsense and technology to solve the long-term energy crisis. We must each trust the other to exercise that restraint necessary to ease the burden of the short-term energy crunch.

POST EDITORIAL CORRECTS PRESIDENT'S SCAPEGOATING

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, few would debate that the Nation faces a legitimate energy crisis, most certainly now and probably for several years to come.

It is a time when the few paths of action available to us, as a nation, must not be made more difficult by useless posturing, the spreading of misinformation, and just plain scapegoating.

Yet this realization seems to have escaped the President. In his haste to transfer blame for our current energy dilemma to everyone but himself, he has claimed, on nationwide television, that the Congress has refused to send him needed legislation, which if passed and signed, would provide some sort of mysterious relief from the Arab oil cutback and our own monumental wastefulness.

The Washington Post, on Sunday November 25, correctly editorialized that most of the bills the President alluded to were by no means crucial and even if passed could do little to alleviate our present problems.

I include the Post editorial in the RECORD at this time for the information of those who might be gulled by the President's claims:

THE PRESIDENT, CONGRESS AND ENERGY

To get through the coming year without excessive economic damage, the country is going to need new energy legislation of great range and strength, It is legislation that will sharply affect all of us, and public attitudes toward the rules will be crucial. That kind of legislation requires close and continuous cooperation between the White House and Congress. Since these statements are obvious to the point of being truisms, Mr. Nixon's current aggressive hostility toward Congress becomes all the more mystifying. He is now pursuing a vehement campaign to blame as much as possible of the energy shortages on Congress and its Democratic leaders, while simultaneously asking them for more help. His appearance before the Associated Press managing editors a week ago was a particularly egregious example.

He sent Congress a message last April, he said. And what happened? "I asked them for seven pieces of legislation to deal with energy. One has reached my desk, the Alaska pipeline. I signed it. The other six, I hope they act before they go home for Christmas . . . The President warned in April, the Congress did not act and now, it is time for the Congress to get away from some of these other diversions if they have time and get on to this energy crisis." This accusation suggests Mr. Nixon is not fully briefed on his own program.

One of those six pending bills of which he spoke would provide compensation for the companies that held the canceled drilling leases in the Santa Barbara Channel. It is not an energy bill at all, but rather a compensation bill. And where is it now? The administration withdrew it, four days before Mr. Nixon's appearance before the managing editors.

Another of the six April proposals was a tax credit to encourage exploratory oil drilling. But rising oil prices over the last six months have set off a tremendous exploration boom that is currently limited only by the severe shortages in drilling equipment and casing pipe. Whatever the circumstances of last April, further tax credits are hardly required now. Still another of the April proposals was to develop deep water ports to unload huge tankers bringing us crude oil from, mainly, the Arab countries. Current developments in the Mideast seem to have diminished the urgency of the superport bill. Mr. Nixon has quite rightly proclaimed independence in fuel supply to be a national goal. But if we are building toward independence of supply, do we also need superports for Arabian oil? It does not appear that anyone in the administration has seriously addressed the question. Mr. Nixon was merely scoring a polemical point reflexively and recklessly.

One of the April proposals would have simplified site selection and approval for electric generating plants. Another would have set new standards for strip miners. Both are moving slowly because they raise difficult issues of environmental protection, conservation and safety. Neither of them offers any very sudden relief of the shortages.

Of all seven of Mr. Nixon's April proposals, there was only one—the bill to deregulate natural gas—that would have helped the country this winter. It might have helped quite a lot. But it is stalemated for reasons that illustrate the central defect in the administration's whole approach to energy legislation.

The case for deregulating gas gets stronger as the price of oil rises. Of the three basic fuels—coal, oil and gas—only one is regulated. The wider the gap between the low price of gas and the high prices of competing fuels, the more the gas shortage is aggravated. But the issue of deregulation is a familar one, and it is perfectly clear that Congress will not act until it has a bill that adequately responds to the legitimate and well-founded fears of consumers.

Any successful bill will have to contain guarantees that gas rates will not continue to favor industry by loading the whole rise on householders. It will also have to assure consumers that the continental pipelines cannot be used to destroy competition among producers. Several congressional committees are working on legislation that can answer those doubts. But they are not getting much help from the administration, which tends to view amendments as evidence of insubordination.

The most valuable energy legislation enacted this year has been the oil allocation authority, which was neither sought nor, until last week, even supported by the Nixon administration. It was originally put forward by Sen. Thomas F. Eagleton (D-Mo.) and tacked as an amendment onto the wage and price control bill last April. The administration disliked the idea at the time, but that legislation enabled them to begin fuel oil allocation last month.

Last week the Senate passed a bill to authorize gasoline rationing. President Nixon first asked for this authorization on Nov. 7. The bill that the Senate passed was introduced by Sen. Henry Jackson (D-Wash.) on Oct. 18. We are seeing, in fact, an extraordinary demonstration of congressional initiative.

Mr. Nixon's April message had, in general, one pervasive defect that explains the meager response. It is a matter of balance. All of his proposals benefited the oil and coal companies, heavily and obviously. Some of them clearly benefited the public as well. But the circumstance that they all came down in favor of the same set of interests gave the message a dismaying lopsidedness. If citizens are going to have to pay much higher prices and tolerate lower environmental standards, they would like to see some sign that the companies are going to have to give a little too. There was no hint of it in Mr. Nixon's April address, and not much in any of the subsequent addresses. That, at bottom, is why his proposals do not get rapid action in the midst of shortages that even he now acknowledges do constitute a crisis.

IOWA GOVERNOR'S CONFERENCE

HON. WILEY MAYNE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. MAYNE. Mr. Speaker, it was my privilege yesterday, on November 29, to address the Iowa Governor's Conference on Criminal Justice Standards and Goals at Des Moines. This significant 3-day meeting was called by Governor Robert D. Ray of Iowa, and was organized by Dean John D. Scarlett of Drake University Law School, chairman of the Iowa Crime Commission, and the commission's executive director George W. Orr. My remarks to this highly successful and well attended conference follow:

REMARKS OF CONGRESSMAN WILEY MAYNE

I am delighted to meet this afternoon with this distinguished group of public officials and citizens from throughout Iowa who are generously contributing your time and ability to the Iowa Governor's Conference on Criminal Justice Standards and Goals. From over 500 standards and goals recommended in the five volume task force reports of the National Advisory Commission on Criminal Justice, Chairman John Scarlett and Director George Orr have selected 115 standards and goals which identify the most realistic problems and most attainable objectives for our particular State. Iowans should indeed be proud that ours is one of the first States to react to the reports of the National Advisory Commission and to test the proposed standards and goals against real conditions here at home. You have been considering the applicability of these standards in your respective workshops this week. You have determined whether Iowa already meets or exceeds a particular standard, whether it should be adopted, modified, or rejected, what legislation or administrative action may be required to implement the standard, how much it will cost and what target date should be established and whether it will really work. Some of the selected standards and goals have no doubt proved to be highly controversial, but I am advised by the organizers of the Conference this morning that it has exceeded all expectations.

Your determinations as to what standards and goals are feasible for Iowa will be of great assistance in the long-range planning of the Iowa Crime Commission. They should provide the basis for legislation and for private and public action to improve State and local criminal justice.

We must all recognize that serious abuses and weaknesses continue to undermine the criminal justice system of this nation. This is also true to a more limited extent in Iowa. Some of the deficiencies which concern us are overcrowded and inadequate court facilities, the urgent need for additional judges, delays encountered in prosecution of both criminal and civil actions, the lack of initiative on the part of some judges to expedite actions and clear dockets, too liberal policies of granting postponements of trial dates, and the overwhelming burdens imposed by an ever-increasing volume of cases. Prisons too often fail to rehabilitate, police forces are underpaid and undertrained, and case loads are unevenly distributed among trial judges. Shocking discrepancies occur in penalties imposed for various offenses. In 1971, nationwide, 71% of those convicted of auto theft went to jail for an average 3 years whereas only 22% of those convicted for embezzlement received any jail sentence, and then averaging only 1.7 years. Of course embezzlers are generally more educated and well to do than car thieves. Defendants convicted of federal income tax evasion in one federal district invariably serve time while those in an adjoining district never do.

I recognize in this room today many persons who have long sought needed reforms in our system of justice here in Iowa including some with whom I worked for adoption of the Iowa Plan for selection of judges in the early 60's. You have been especially active in improving standards of criminal justice, seeking to raise the level of integrity and ability in the law enforcement profession as a whole, sheriffs, police, prosecutors and judges alike. Chief Justice Warren E. Burger this week put his finger on one of the problems, when he criticized the fact that, in his estimation, over half of the nation's lawyers appearing in court rooms, whether in criminal or civil cases, are inadequately trained to try the cases. He called for a major restructuring of both American law practice and legal education in order to stress training in trial advocacy, as an essential ingredient to improving our justice system.

The Law Enforcement Assistance Administration of the Department of Justice has been trying to mobilize all State and local elements from all disciplines in the criminal justice field in the war on crime. It seeks the views of police, courts, corrections and other law enforcement professionals as to how an interrelated and coordinated program can best be fashioned at state and local levels. The goal is to strengthen the capability of all criminal justice agencies and protect the public by significantly reducing crime. The National Advisory Commission on Criminal Justice Standards and Goals came into being in 1971. Although financed and provided with technical staff support by the Law Enforcement Assistance Administration, the Commission's work and reports are primarily the product of State and local law enforcement professionals. They were drafted by people with long experience in law enforcement including, for example, my own sheriff "Whitey" Rosenberger of Woodbury County and Police Chief William Hansen from my home town of Sioux City who served on the Juvenile Delinquency Advisory Task Force.

The Commission has produced six volumes, a summary report entitled "A National Strategy to Reduce Crime", and five wide-ranging reports on police, courts, corrections, the criminal justice system, and community crime prevention programs. They represent a major effort to bring together material providing information about the vital services needed to maintain a lawful society, and are designed to have the maximum possible impact on the reduction of crime.

You have probably found from your panel discussions that some of these standards and goals have little relevance to conditions in Iowa. However, they do provide a yardstick with which Iowans can plan and measure their respective criminal justice objectives and progress, and compare their state and local governments' relative performance with that of others.

The National Advisory Commission served with the understanding that its standards and goals were only to be advisory, not mandatory for any State or local government, and I for one as a member of the Subcommittee on Criminal Justice would strongly oppose any federal effort to force any jurisdiction to comply with each and every one of these standards and goals.

The Law Enforcement Assistance Administration has assured me that it will not attempt to impose these standards and goals upon the States and local governmental agencies. However, it is making every effort to bring the informational material in these reports and the recommendations made to the attention of each State, in the hope that the States and their constituent jurisdictions will find in them proposals tailored to their respective needs and proposals that will stimulate discussion leading to the adoption of solutions appropriate to the particular State and local governments. To this end, L.E.A.A. has established a planning and management office, which is developing an agency-wide plan to utilize the work of the Standards and Goals Commission. The agency is developing plans to test the Standards and Goals Commission's major recommendations in the courts, including the recommendations that felony cases be brought to trial within 60 days of arrest, and that present appeals processes be replaced by a single, unified review proceeding. Administrator Santarelli does plan to require States applying for direct L.E.A.A. special corrections grants to demonstrate that they have given satisfactory emphasis to community-based correctional facilities and programs, including diagnostic service, halfway houses, probation and other supervisory release programs for the pre- and post-adjudication referral of delinquents, youthful offenders and Community-oriented programs for supervising parolees.

Director Santarelli tells me he will attempt to influence States and local jurisdictions to comply with the pertinent Standards and Goals recommended by the Commission in order to qualify for *special purpose* grants alloted in the Director's discretion. But while he will attempt to encourage States, and local police agencies, to study and adopt those Standards and Goals which they may deem fit, he assures me he will in no way require any incorporation of the Commission's Standards and Goals into a State Plan as a condition for its approval.

I commend such restraint, which is rarely found in a bureaucracy at any level. The L.E.A.A. block grant program was a forerunner of both general revenue sharing and of the current proposals for special revenue sharing programs, very important concepts of New Federalism in the attempt to bring back authority and responsibility to the States and local governments and to lessen control from Washington, D.C. It is important that the philosophy of this important program not be tampered with. This Congressman will continue to do everything he can to make sure that Iowa's criminal justice officials are not made errand boys for federal bureaucrats. Each State must remain free to determine its own criminal justice course of action under the Constitution.

The Commission's report can do much to direct our incentives and goals for law enforcement, serving as a catalyst for State and local talents to dovetail efforts toward policy-making mechanisms in the areas of criminal justice.

But what works in the ghettoes of New York City will not necessarily work in Iowa. Our policy-making here in Iowa must be tailored to our own measurements, and be sensitive to the needs of our own citizens and law enforcement officials. L.E.A.A. funds and advise can be helpful, but the decisions you yourself make on your own home ground will be most important. I strongly recommend that in the standards and goals you adopt here you retain flexibility and room for change, for circumstances and needs do change and the society around us casts a different shadow every day. You are still confronted with an enormous challenge, but for the first time in many years reliable statistical information indicates substantial progress is being made on a national level.

For the first time since 1955, crime actually declined in 1972 with a 3 percent decrease in overall crime. The first six months of 1973 have shown a further drop of an additional 6 percent in overall crime.

However, optimistic statistics are of little consolation to the millions of citizens and law enforcement officers who continue to be victims of crime. The total cost of crime is still estimated at more than $51 billion yearly, with organized crime accounting for over a third of this figure.

This month, a subcommittee of the House Judiciary Committee reported the Public Safety Officers Survivor's Benefits Act, of which I am pleased to be a cosponsor. This legislation, which I am hopeful the House will enact early next year, would amend the Law Enforcement Assistance Act to provide $50,000 benefits to the surviving spouse of any law enforcement officer, federal, state or local, who died as the result of injuries sustained while engaged in preventing a crime or apprehending or guarding a suspect (or of a fireman who dies from injuries sustained while fighting a fire). Enactment of this legislation will provide incentive for public safety officers to remain in their professions despite the hazards, knowing that their families will have security in the event they suffer mortal injury. This should assist State and local law enforcement agencies in keeping qualified men on a career basis.

In my estimation, the Law Enforcement Assistance Administration has more than proved its worth. It has made mistakes, to be sure, but it has learned from them and the administration of the agency has vastly improved. While it and the State planning agencies and local crime commissions have received criticism from time to time, subsequent investigations have in general established that the criticisms had little basis or justification, or were greatly exaggerated. Where errors have been made they have quickly been corrected and seldom repeated. As a member of the House Judiciary Committee which maintains close oversight over the L.E.A.A., I am pleased to take this opportunity to commend it, the Iowa Crime Commission and the various local crime commissions in Iowa for their diligent and conscientious efforts to carry forth their programs to improve our criminal justice system, and to wish them continued success.

I would like to close by discussing what is to me the most distressing section of the National Advisory Commission's report made public just this week.

The Commission found that corruption of public officials "stands as a serious impediment to the task of reducing criminality in America", and that widespread public belief in "the existence of corruption breeds further crime by providing for the citizen a model of official lawlessness that undermines any acceptable rule of law."

While three-fourths of the report deals with citizen action, drug abuse treatment, and education, the most dramatic language in it for me appears in a section called "Integrity in Government."

"As long as official corruption exists," it says, "the war against crime will be perceived by many as a war of the powerful against the powerless; 'law and order' will be an empty phrase."

The Commission concluded that public corruption contributes to criminality by providing an excuse and rationalization for its existence among those who commit crime, and that official corruption breeds disrespect for the law.

The Commission recommended that States require public officials to disclose annually all their assets, sources of income, debts and debtors, partners and associates, and clients if the official continues to practice law. Among other recommendations, it urges each State to enact campaign disclosure regulations at least as stringent as the 1971 Act governing federal elections, and that has already been substantially accomplished by the last session of the legislature here in Iowa.

The crisis of confidence in our elected and appointed leaders is apparent at every level of government, and applies to every branch of the government in the public mind. At the federal level, the 1971 Federal Elections Act may help, but I submit it is not enough. I have therefore introduced a Clean Elections Act which will require much more complete financial disclosure and limit campaign contributions. The House Administration Committee has held hearings on this legislation but still has not reported it for House consideration. I remain hopeful that it or some version of campaign contribution reform legislation may soon be enacted.

Requiring complete financial disclosure, not only by Members and candidates for Congress, but also by top executive officials and all members of the federal judiciary, should help restore public confidence in our institutions. I have introduced legislation which would require each Member of Congress to file a copy of his annual federal income tax return for public inspection within 30 days after he files it with the I.R.S. in each of the last four Congresses. Although I have repeatedly asked the Committee on Standards and Conduct to expedite action, the committee majority has not seen fit even to hold hearings on the bill.

I pledge to you that I will continue to press for such legislation and invite your active participation in the effort to restore confidence and faith in all of our institutions, not just the criminal justice system to which this conference has been principally devoted.

MAKING NOBODY HAPPY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. KEMP. Mr. Speaker, with Government credibility at a historic low, it is preposterous to plunge the Government into a task at which it cannot succeed—to wit, gasoline rationing. Allocators' arbitrary decisions will prompt arbitrary mistakes in allocation—mistakes over which the average citizen has no control, but which will engender in each citizen increased disgust with Government's efforts to do that which, by its nature, it cannot.

Today's Wall Street Journal addresses the issue of gasoline rationing with extraordinary clarity and insight. I urgently recommend it to my colleagues who are anxious to "do something now." As the editorial points out, with distrust of Government at such a high point, further Government failures can only pose increased strain on the fragile fabric of our "social contract" which binds this Nation together.

The article follows:

MAKING NOBODY HAPPY

By some immutable law of politics, the nation seems to be moving towards gasoline rationing, even though the President has publicly declared that he hates the idea and even though his objections have attracted substantial support from economists and experienced bureaucrats.

But before rationing advocates push the administration into such a measure they might consider how rationing will pose political as well as economic difficulties. That already is becoming evident in the reaction to fuel oil allocations.

Airline executives, for example, are vocally unhappy over the 15% fuel cut they will have to take in January. They think the airlines are being asked to bear an exceptionally heavy part of the burden of conserving fuel. Public surface transportation, fuel production industries and a good many other users have been given a higher ranking. The airlines argue that they are the basic means of intercity travel and that most of their passengers are on business trips, yet they are being treated as a relatively nonessential service and forced into employe layoffs and other hardships.

Allocators have to make their decisions, of course. Presumably they decided it is more important for the people who ride transit systems to get to their jobs than for people who ride airplanes to get to where they are going. The theory, we suppose, is that folks who ride airplanes often are business types who might be able to handle what they do by mail or phone. On the other hand, conceivably what the airplane riders do is in fact more important to keeping the overall economy going than are the jobs of a good many folks who ride subways and buses.

The point is that in any kind of arbitrary allocation system some people are going to feel justifiably unhappy. More seriously, they are likely to feel that the government has treated them unfairly, in fact discriminated against them. A social contract with the government has been abridged by the government, such a victim tells himself, in effect. So why should he be a nice guy? If this sort of thing happens on a large enough scale, the effect is social and political unrest and demoralization. What started out as a spirit of cooperation in the face of a common need turns sour.

At any given point in history it is not easy to measure the binding power of the social contract between the government and the nation's citizens. But there should be no doubt that such a binding power is vital to the preservation of an orderly society, one in which citizens willingly obey the law and respond to the government's calls for support and cooperation. It should by now be obvious that this nation's social contract underwent serious stresses during the U.S. involvement in Vietnam. It is under strain again from the Watergate revelations.

We suspect that there will be more complaints forthcoming as the impact of the fuel allocation system sinks in, assuming that it is necessary to maintain it through the winter. Anyone who has ever had an argument with a department store computer can imagine what some homeowners will inevitably face in the allocation of fuel oil. Already, New York area householders with 275 gallons oil tanks are complaining they are at a disadvantage to owners of 1,000 gallon tanks, since proposed rules allow everyone to start with a full tank on Jan. 1. Similarly, the hardships of gasoline rationing will be spread in ways that are uneven and inevitably unfair.

Under rationing, the government volunteers to take the blame for every mistake and misallocation in a system that is inherently arbitrary. Even more important to national morale, the decisions of this system, unlike those of a free market, are completely beyond the control of the average citizen.

We raise these questions for the benefit of those who would plunge blithely into gasoline rationing on top of the fuel oil allocation system. The potential for demoralization would be greatly expanded, not to mention the cost of administration which taxpayers would have to bear.

If the market is allowed to make allocations there is far less likelihood of tensions between citizens and government and no question of abridging the social contract. We previously have cited here some of the other advantages. If market demands means higher prices that in turn stimulates new investment and research to expand production of the scarce commodity. The arbitrary decisions of an allocation bureaucracy only act as a dead hand on progress—not because bureaucrats are somehow evil but because no small group of men can make the decisions made every day by a vast and sensitive market system.

In trying to supplant the free market, the politicians are volunteering for a task at which they cannot succeed. It allows them the image of "doing something" now, but it will not be long before their inevitable failures present them with even more difficult problems, and increase the feelings of impotence, frustration and failed expectation that already pose so severe a strain on this society.

SOME WASTEFUL PATTERNS IN AIRCRAFT OPERATIONS

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. MILFORD. Mr. Speaker, you and the Members of this body are probably very much aware of the effect the fuel shortage is having on the aviation industry.

Drastic cuts in aviation fuel allocations are taking their toll, not only on the aviation industry, but on our economy. Hardly an edition of the newspaper comes out without another report of layoffs in the aviation field—pilots and ground support personnel in the airlines; skilled workers in the aviation construction industry.

There are steps being taken to see that aviation as an industry escapes discrimination. But none of these steps addresses itself to aviation fuel conservation.

I have written the Federal Aviation Administrator suggesting some steps which will move toward conservation of aviation fuel, and I would like to have this letter appear in the RECORD, and I invite comments from my colleagues:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 30, 1973.
Mr. ALEXANDER P. BUTTERFIELD,
Administrator, Federal Aviation Administration, Washington, D.C.

DEAR ALEX: I am receiving a stack of mail each day on the cut-back of fuel for general aviation. You probably have also received considerable mail on the subject.

Due to my past work in the aviation industry, I seem to have inherited a large number of constituents that do not even live in my state—much less in my District. In any case, they have been camping on my doorstep and they need help.

I am sure that you will agree that we do have a serious shortage and that conservation is our only immediate answer.

A few of us in the House are taking steps to see that the Emergency Energy Bill is properly worded so as not to discriminate against general aviation. This will be fine in so far as allocation is concerned, but will do nothing in the way of conservation.

In my mail, there is a noticeable number of complaints from corporate operations, air taxi operators, airline pilots, and private pilots concerning: (1) excessive holding pattern times; (2) take-off holding times; and (3) gate-starts followed by long taxi distances. All of these are live engine operations that expend fuel without moving passengers from one destination to another with any degree of efficiency.

While I am probably one of the most enthusiastic boosters of aviation in the Congress, I must also be responsible and fair to all other energy-using Americans. I can not, and shall not, defend aviation unless we are also doing our best to conserve fuel along with the rest of the Nation.

In all honesty, these complaints appear to have merit.

I am aware that your Agency, throughout its lifetime, has been fighting a "catch up" battle. The aviation industry, that you serve, has been growing faster than your service could ideally accommodate. Furthermore, in the past we have always addressed ourselves to air travel in terms of speed, convenience, emergency needs, sport flying, and rapid transit to cities without commerical airline service—as opposed to strict dollar-per-mile travel cost.

Perhaps we now need to re-evaluate our past thinking and habits. We have a new factor to contend with—a fuel shortage. Furthermore, I am convinced that we can feasibly do some belt-tightening without seriously harming the normal missions of general and commercial aviation—other than some inconvenience.

First, lets take a look at the "gate start". It will be inconvenient for commercial airlines to tow loaded aircraft to the run-up positions before starting engines. It will also cost them extra money. However, the profit position of commercial airlines has changed substantially during the past few weeks. Many "money loss" routes have been dropped Load factors are now near maximum. In short, the airline company can afford to absorb the additional cost of towing to run-up position before starting. There would be very little inconvenience to the passenger because taxi speed is only very slightly greater than towing speed.

Second, lets take a look at excessive holding pattern times. For the past several years, your agency has asked the Congress for funds to install a computerized system in air traffic control to handle instrument flight plans. Although not always to the extent that your Agency would request, the Congress has appropriated hundreds of millions of dollars to install computerized and automated air traffic control systems. It is my understanding that FAA now has computer capacity to handle all instrument operations in areas where major congestion might occur.

This being the case, FAA should be able to pre-plan and coordinate arrival times of all instrument flight plan traffic in such a way as to avoid extended holding pattern delays. I make this statement with the assumption that "instrument traffic" would have a priority over "Visual Flight Rule (VFR)" traffic, and also that the operator might experience some inconvenient delays before take-off. If FAA does not have the authority to give instrument traffic priority over VFR traffic, then perhaps this is a matter that should be brought to the attention of the Congress for possible new legislation.

Third, computerized planning would hold the aircraft on the ground, at the ramp or gate positions before engine-start, for his take-off clearance. Again, this might produce some temporary "inconvenience," but would result in a considerable savings of fuel.

The collective fuel savings, industry-wide, would allow general and commercial aviations operations to proceed at a reduced rate (with some inconvenience), whereas, the entire aviation industry might be drastically damaged by the alternative.

Will you please give consideration to these points and share your comments with me, which I will share with other Members of the House of Representatives. If your Agency needs assistance in the form of new legislation, I am sure that my colleagues and I would be very interested in looking into the matter with you.

Sincerely,

DALE MILFORD,
Member of Congress.

THE IMPACT

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. PATTEN. Mr. Speaker, the current energy crisis has supplied our news media with a strong and controversial topic of discussion which should long outlast the winter heating season.

Already, I have seen and heard a number of good news specials on the fuel shortage produced by the electronic media, and as many by the masters of print. Among them is a piece penned by Mr. George Dawson, staff writer for the Home News of New Brunswick, N.J., in the November 26 edition.

Mr. Dawson gives an excellent summary of questions to be answered and effects on the economy to be expected. The fuel shortage might prove a boon to some sections of the economy and a curse to others. The following article is respectfully recommended to my colleagues:

THE IMPACT

(By George B. Dawson)

The energy crisis is at once solving some of America's most pressing economic problems, but creating a host of new ones.

The managers of downtown stores, seeing a premium on motor vehicle fuel and the prospects of orders for the nighttime closing of the highway shopping centers, are practically gleeful, sensing a resurgence of the city centers which the high-energy economy of the last 25 years has tried to ignore.

Railroad stocks are up, and coal mine operators are struggling to re-open long-abandoned pits, at the same time the stock of General Motors and the oil companies are hitting all-time lows.

Airlines are consolidating flights, and suddenly the issue of the fourth jetport for the metropolitan area, so long a bogey for northern New Jersey, becomes less real.

The economy is now going through a shakedown period perhaps unprecedented in this country since the South faced the import blockade during the Civil War.

Investments crucial to personal wealth are now risky, and a period of even higher interest rates seems in store to persuade the scared capital out of its hiding places. The result may be an even tighter clamp-down on expansion. What prospective home-buyer, remembering the difficulties his friend faced in persuading banks that he held a job of adequate promise to pay a mortgage rate of 7 and 8 percent, will enter the market when the interest rates are 10 per cent and even higher.

Growth in labor productivity, so long an unquestioned assumption of the economy, must now be questioned, since productivity growth in all but a few instances is linked directly to the amount of energy.

Growth in consumer sales, which created an advertising budget capable of supporting a $20 billion television industry, is facing a slow-down and perhaps an absolute halt, since most new consumer products will require a new expenditure of energy which the country says it cannot supply.

Energy conservation, by these measures, becomes a radical force on the economy, compelling a thorough rewriting of a system which had placed so much on the bet that energy supplies would never be restricted.

How, then, did we come by this time of paroxysm? Did no one see the crisis coming? Did those we depend upon for advice on the economy—the bankers, the brokers of bonds and stocks, supposedly so cautious and astute that they can charge us high commissions for their services—succumb so totally to the reassurances of past experience that they developed a fatal blindness?

The earlier optimism was by no means air-tight. The Club of Rome, a business group, financed a study last year on the "limits of growth," but many had chosen to believe it wrong for the same reasons Malthau had been.

John G. Winger, a Chase Manhattan energy economist, this spring predicted chaos ahead, in a conference at Forsgate Country Club, not because of the danger that the Arabs would shut off their oil, but because of the danger we could not raise enough foreign trade money to pay for it if they did not.

"There's not a prayer of a chance that we could offset enough from the rest of our economy to offset this," Winger said in March. "And even if we could, then our energy needs will be greater just to produce the goods we'll be exporting."

"This prospect of continually accelerating growth is one, again, that I think we simply cannot face," David Moore, executive director of the North Jersey Conservation Foundation, said at the same conference.

"I find it strange to find the energy advocates desperately calling for increased exploitation of fossil reserves, when the end of the world supply of these resources is in sight."

It is by no means an uniformly cataclysmic prospect that we now face.

The house in the outer suburbs with the half-acre of lawn, the second car, the power boat, the snowmobile, the complete divorce from the problems of the cities, is no longer part of the American dream, but they haven't been anyway for so very long.

There will be more state planning, a return of the railroad and bus to vital transportation roles, a greater attempt to make do with the housing and commercial development we now have rather than perpetuation of the automatic assumption that this development should always go in new locations.

The adjustments, however, will not come simply. Rogers C. B. Morton, Secretary of the Interior, sees a need of gasoline rationing for one or two years. Russell E. Train, Environmental Protection Agency administrator, predicts a longer period, perhaps as much as 10 years, until nuclear power and coal gasification become important enough to fill the energy gap created by growth and the loss of Arab oil.

Whatever the duration of the difficulties, their impact will be far reaching. The American economy, at their conclusion, will not be the same.

LESS WORKTIME FOR MANY CITIZENS UNDER YEAR-ROUND DAYLIGHT SAVING TIME

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. PRICE of Texas. Mr. Speaker, I strongly object to this legislation, H.R. 11324, which would allow our Nation to become a guinea pig for the sake of those who prefer daylight saving time. It would demand that the entire country observe year-round daylight saving time for a 2-year period so that the Department of Transportation can spend $300,000 to see what effects its use has on our Nation.

I would rather have Congress vote to use this money to reduce the public debt, as I would gladly inform DOT what effects this legislation will have on the people of the 13th District of Texas. After hearing of the effects on these citizens, DOT would undoubtedly recommend that we return to standard time year round. Great Britain conducted an experiment of 3 years of daylight saving time, and then voted to return to standard time. Must we subject all Americans to 2 years of time change—that they do not want in many instances—to end up with the same results. The difficulties which we face in this experiment are far greater than our friends across the Atlantic faced: We must contend with the complications that arise because of the vast amount of land in each time zone and the inconveniences this places on the westernmost sections of the zones as compared with the small effect that the differences in a time zone had in Britain.

Daylight saving time is not welcomed by my people even in the summertime, and I have had numerous pleas to allow at least half of the year to be on standard time. In rural areas many school children are forced to go as far as 40 miles to school. On December 21, the Sun will not rise in Amarillo, Tex., until a few minutes before 9; these children will be forced to stand out on the highways in my district in the cold, bleak, dark morning. I am concerned for the safety of these children. Schools will need additional fuel to heat and light the classroom during this time. In homes where schoolchildren and their parents prepare for their daily activities, the fuel consumption rate will surely increase because of this later sunrise.

The impact of energy savings is to hard to rationalize in instances such as this early morning use of heat and lighting. In hearings before the Interstate and Foreign Commerce Committee, the Department of the Interior stated that there has been a polling of electric utility companies by the Federal Power Commission and some felt that there would not be any savings. The National Rural Electric Cooperative Association testified that "there is little evidence to suggest that much, if any, energy conservation will be achieved in rural America through year-round daylight saving time."

The committee report gave no concrete evidence that there will be any savings of fuel. Although a study was made by the Rand Corporation which estimates that over 1 percent of fuel could be saved, I have yet to talk to anyone who has seen this report, and the study itself was not available to the committee. Evidence such as was presented to the committee does not give me any reason to vote in favor of a measure for which I have received only negative correspondence.

This legislation is supported by many citizens who merely want more playtime in the evening. I cannot object to making good use of leisure time, especially in some of our sunshine States, however, in my district many farmers and ranchers work on their own property in the mornings and then must work a full day at another job in an attempt to meet their financial needs because of inflation caused by over-spending in Congress. I cannot, with good conscience, vote for legislation which will inconvenience many people who are attempting to support their families by long hours of hard work, when I cannot get reassurance that this measure will definitely save energy. I would be a poor Representative to those who elected me if I fell for this time-change gimmick. Instead of causing hardship to those hard-working Americans, perhaps we should follow the advice of two of my constituents who stated:

> If our television networks would go off the air earlier, most Americans would go to bed earlier as thousands of Americans sit night after night, in overheated rooms watching the idiot box, which consumes countless kilowatts of valuable energy.

Another one of my constituents reiterated the old saying that "you can't make a blanket longer by cutting off one end and sewing it on the other end.

Not only will schoolchildren be adversely affected by this legislation, but farmers and ranchers will have no choice but to follow standard time in their schedule while the rest of the country follows a daylight savings time schedule. As one farmer so aptly put it:

> You can legislate daylight savings time til you are blue in the face, but the dew is still going to dry off the field on standard time.

As housewives complain of rising food prices, it should be the concern of all my colleagues to insure that farmers can produce the needed food for America as efficiently as possible. For this, and the reasons mentioned earlier, I urge all Congressmen to vote against this legislation.

CONGRESSMAN DANIELS HAILS KENNETH LEE, X-RAY TECHNICIAN EXTRAORDINARY

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, all too often those people who do the most for the community are ignored. Their achievements are listed only in the "short and simple annals of the poor" as the poet Grey put it.

Mr. Speaker, such an unsung hero is Kenneth Lee an X-ray technician at Christ Hospital in Jersey City who has earned the gratitude of all who have come in contact with him.

Mr. Speaker, in order to honor all good Americans who go about their duties each day with a ready smile and desire to help their fellow man, I insert at this point in the RECORD a recent article by John Small published on October 30 in the Jersey Journal a powerful voice of editorial opinion in northern New Jersey.

The article follows:

HE'S THE NEWS: AFFECTION TIES KENNETH LEE TO HIS JOB

(By John Small)

"You have to take a personal interest in the patients you work with. You have to make them feel they are wanted."

That is the attitude taken by Kenneth Lee toward his job as an X-ray technician at Jersey City's Christ Hospital.

The 26-year-old Lee is the talk of the patients at the hospital not only for his pleasant smile and friendly disposition but also for what he calls his "cheerful clothes."

Lee's trademark is a big bow tie and he wears a different one each day to match his outfit. "They have a doll down in the cardiac care unit with a big bow tie and I guess it's supposed to be me," he adds.

A lifelong Jersey resident and graduate of Dickinson High School, Lee attended Fairleigh-Dickinson University in Rutherford for two years before being drafted into the Army in 1968. He returned two years later, after having served in Germany, with plans to return to college.

Those plans were scrapped, however, when he saw an advertisement for an X-ray technician school, where he began his training in September, 1970.

He was graduated in September, 1972, and received the school's technical award. He was immediately offered positions with both Christ and Bayonne Hospitals, but took the job at Christ Hospital because he felt they "needed me more."

Lee credits much of his attitude to Anthony Apolito, another X-ray technican at the hospital. "When I first came to the hospital I saw the way Tony treated the patients and I decided to model myself after him," Lee stated.

Lee said he doesn't like to think of his work as just a regular job. "You have to put yourself in the patient's place. What if the patient were a relative or friend?"

He pointed out that most of the patients he deals with are aged or their families don't want anything to do with them. He added that he feels that because of this, the responsibility to make them feel wanted and needed, falls on his shoulder.

Lee said he has received several letters from his patients thanking him for his treatment of them. The Jersey Journal also recently received a letter from a former Christ Hospital patient who commended the technician for his concern for the patients, "everyone, rich or poor."

The letter continues, "Often those most deserving or praise for their diligence and preservance are left unnoticed when success is achieved in helping the aged and the sick."

The writer adds that he "and many others" would like to see the young technician receive the recognition which they feel he deserves.

And yet the subject of these letters, the X-ray technician with the big bow tie and a "hello" for everyone feels that the letters themselves are all the recognition he needs.

TRIBUTE TO TOM PELLY

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 1973

Mr. McCORMACK. Mr. Speaker, I am greatly saddened by the sudden death of our former colleague from Washington State's First Congressional District, the Honorable Thomas Pelly and I want to extend my deepest sympathy to his wife, his family, and his loved ones at this very difficult time of loss and sorrow.

When Tom retired from Congress, after a dedicated and distinguished 20 years of service to his district, our State and Nation as a whole, he wrote to his Washington State colleagues about how much he looked forward to spending his retirement years in "God's Country"—as those of us from the Pacific Northwest fondly refer to our area of the country. Each of us felt a special envy, despite our commitment to our work here, because of our love for this land and its people and our frustration at being able to return so seldom. He would have used those years well as he used his years in the House of Representatives well. He deserved a long, fulfilling retirement life and received but a very short one.

Although my service in the Congress coincided with his for only 2 years, I was well aware of his efforts and service for years before my election and know well of the respect accorded him by the rest of the Washington State delegation. He was a man of integrity who acted on his convictions. As ranking minority member of the full Committee on Merchant Marine and Fisheries and the Subcommittee on Fisheries and Wildlife Conservation, he established an excellent record of distinguished legislative work as is evidenced by the fine compliments he has received from his fellow committee members.

He was one of the pioneer members of the Science and Astronautics Committee and his fine contributions to that committee's efforts are both well remembered and deeply appreciated by all of us serving on that committee.

Whenever we disagreed with him on specific issues or positions, we never lost sense of our admiration for the man. We were richer for his presence in the Congress and are poorer for his untimely death.

SENATE—*Saturday, December 1, 1973*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Reverend Dr. C. Leslie Glenn, subdean of the Washington Cathedral, Mount Saint Alban, Washington, D.C., offered the following prayer:

O Thou great Ruler of the universe, when there are wars and rumors of wars abroad, doubts and confused counsels at home, men's hearts failing them for fear and for looking for those things that are coming on the Earth; Thou hast taught us that then we are to look up and lift up our heads, for our redemption draweth nigh.

Help us to rely altogether on this promise from Thy Holy Word. Make us know that Thy power will guide this Senate of the United States, that the spirit of wisdom will save its Members from all false choices, that in Thy light they will see light and in Thy straight path will not stumble. And to Thee be the praise and glory forever. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent to dispense with the reading of the Journal of the proceedings of Friday, November 30, 1973.

Mr. ALLEN. Mr. President, reserving the right to object—and I shall not object—I want to call the distinguished majority leader's attention to the fact that there are no dilatory tactics being used in getting this issue before the Senate. As a matter of fact, the Senator from Alabama would like to vote right now on the motion to recede so that we could have final passage on this bill.

The Senator from Alabama would also like to call attention to the fact that there have been no great number of quorum calls, there has been no nongermane debate and there is plenty of germane debate available. It is the wish of the Senator from Alabama to get this issue before the Senate and before the people of the country. I do not interpose any objection.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, may I say that I appreciate the words of the distinguished Senator. Just as he would like to have a vote on his motion to recede, so would I like to have a vote immediately on the motion to go to conference of the distinguished Senator from Louisiana (Mr. LONG), the manager of the bill. So we are on different wavelengths but seeking the same objective.

Mr. ALLEN. If the majority leader will yield further, the only difference between the motion of the Senator from Louisiana and the motion of the Senator from Alabama is that the motion of the Senator from Alabama, if it is carried, would pass the bill and send it to the White House; whereas the motion of the Senator from Louisiana would send it back to the House, not knowing what would happen there, because they have already rejected the conference, and they have already declined to amend our amendments.

Mr. MANSFIELD. My belief is that if we adopt the motion of the Senator from Louisiana, there would be a conference and the House would very likely accept the Senate's amendments.

May I say, in view of some of the remarks which were made yesterday, that not only is there a question of credit involved but also a question of credibility so far as the Senate and Congress as a whole are involved.

I make that statement because of the testimony which was brought out in hearings before the Ervin select committee, the so-called Watergate Committee. It was established that a number of oil company executives had been pressured, or intimidated, or coerced in some way to make heavy contributions to the Presidential campaign. It is my belief that it would be far better if the public participated through the proposal adopted in this body by a substantial vote earlier this week, so that the onus of the pressure or the intimidation and the like on corporations would be removed and, furthermore, that they would have less to say in that respect so far as the operations of the Government were concerned. I say this based on the huge contributions which have been made, some of them up to $2 million, I understand—although I believe that one was a personal contribution.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, for not to exceed 15 minutes, with a time limit of 3 minutes attached thereto.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, will the distinguished majority leader yield?

Mr MANSFIELD. I yield.

Mr. ALLEN. I should like to point out to the distinguished majority leader that when he made his motion on yesterday that when we adjourned today we would adjourn until the hour of 10 a.m. on Sunday, in response to that rollcall, it will show that the Senator from Alabama voted with his leader on that, feeling that the ox was in the ditch and that it was permissible to come in on Sunday and seek to extricate the ox from the ditch.

However, I wonder whether the distinguished majority leader would mind asking unanimous consent that the hour of convening tomorrow be set at either around 9 a.m. or 1 or 1:30 p.m., because many Members of the Senate would like to attend worship services during those hours and I feel that it would elicit a very fine response from the Members of the Senate, as a number of Senators have mentioned this to me.

Mr. MANSFIELD. I shall be attending mass at 7 a.m. tomorrow, so I shall get down here in time; but if the Senator will allow me to give that some consideration, I will be glad to do so.

Mr. MONDALE. Mr. President, it seems to me that if we should obtain cloture tomorrow and are able to pass on to the President a bill that will clean up American politics, we would be doing the Lord's work.

FLOOD DISASTER PROTECTION ACT OF 1973

The Senate proceeded to consider the bill (H.R. 8449) to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes which had been reported from the Committee on Banking, Housing and Urban Affairs with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Flood Disaster Protection Act of 1973".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds that—

(1) annual losses throughout the Nation from floods and mudslides are increasing at an alarming rate, largely as a result of the accelerating development of, and concentration of population in, areas of flood and mudslide hazards;

(2) the availability of Federal loans, grants, guaranties, insurance, and other forms of financial assistance are often determining factors in the utilization of land and the location and construction of public and of private industrial, commercial, and residential facilities;

(3) property acquired or constructed with grants or other Federal assistance may be exposed to risk of loss through floods, thus frustrating the purpose for which such assistance was extended;

(4) Federal instrumentalities insure or otherwise provide financial protection to banking and credit institutions whose assets include a substantial number of mortgage loans and other indebtedness secured by property exposed to loss and damage from floods and mudslides;

(5) the Nation cannot afford the tragic losses of life caused annually by flood occurrences, nor the increasing losses of property suffered by flood victims, most of whom are still inadequately compensated despite the provision of costly disaster relief benefits; and

(6) it is in the public interest for persons already living in flood-prone areas to have both an opportunity to purchase flood insurance and access to more adequate limits of coverage, so that they will be indemnified for their losses in the event of future flood disasters.

(b) The purpose of this Act, therefore,

(1) substantially increase the limits of coverage authorized under the national flood insurance program;

(2) provide for the expeditious identifica-

tion of, and the dissemination of information concerning, flood-prone areas;

(3) require States or local communities, as a condition of future Federal financial assistance, to participate in the flood insurance program and to adopt adequate flood plain ordinances with effective enforcement provisions consistent with Federal standards to reduce or avoid future flood losses; and

(4) require the purchase of flood insurance by property owners who are being assisted by Federal programs or by federally supervised, regulated, or insured agencies or institutions in the acquisition or improvement of land or facilities located or to be located in identified areas having special flood hazards.

DEFINITIONS

SEC. 3. (a) As used in this Act, unless the context otherwise requires, the term—

(1) "community" means a State or a political subdivision thereof which has zoning and building code jurisdiction over a particular area having special flood hazards;

(2) "Federal agency" means any department, agency, corporation, or other entity or instrumentality of the executive branch of the Federal Government, and includes the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation;

(3) "financial assistance" means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal financial assistance, other than general or special revenue sharing or formula grants made to States;

(4) "financial assistance for acquisition or construction purposes" means any form of financial assistance which is intended in whole or in part for the acquisition, construction, repair, or improvement of any publicly or privately owned building or mobile home, and for any machinery, equipment, fixtures, and furnishings contained or to be contained therein, and shall include the purchase or subsidization of mortgages or mortgage loans but shall exclude assistance for emergency work essential for the protection and preservation of life and property performed pursuant to the Disaster Relief Act of 1970 or any subsequent Act of Congress which supersedes or modifies the Disaster Relief Act of 1970;

(5) "Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions" means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration; and

(6) "Secretary" means the Secretary of Housing and Urban Development.

(b) The Secretary is authorized to define or redefine, by rules and regulations, any scientific or technical term used in this Act, insofar as such definition is not inconsistent with the purposes of this Act.

TITLE I—EXPANSION OF NATIONAL FLOOD INSURANCE PROGRAM

INCREASED LIMITS OF COVERAGE

SEC. 101. (a) Section 1306(b)(1)(A) of the National Flood Insurance Act of 1968 is amended to read as follows:

"(A) in the case of residential properties—

"(i) $35,000 aggregate liability for any single-family dwelling, and $100,000 for any residential structure containing more than one dwelling unit, and

"(ii) $10,000 aggregate liability per dwelling unit for any contents related to such unit;".

(b) Section 1306(b)(1)(B) of such Act is amended by striking out "$30,000" and "$5,000" wherever they appear and inserting in lieu thereof "$100,000".

(c) Section 1306(b)(1)(C) of such Act is amended to read as follows:

"(C) in the case of church properties and any other properties which may become eligible for flood insurance under section 1305—

"(i) $100,000 aggregate liability for any single structure, and

"(ii) $100,000 aggregate liability per unit for any contents related to such unit; and."

REQUIREMENT TO PURCHASE FLOOD INSURANCE

SEC. 102. (a) After the expiration of sixty days following the date of enactment of this Act, no Federal officer or agency shall approve any financial assistance for acquisition or construction purposes for use in any area that has been identified by the Secretary as an area having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless the building or mobile home and any personal property to which such financial assistance relates is, during the anticipated economic or useful life of the project, covered by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less: *Provided*, That if the financial assistance provided is in the form of a loan or an insurance or guaranty of a loan, the amount of flood insurance required need not exceed the outstanding principal balance of the loan and need not be required beyond the term of the loan.

(b) Each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions shall by regulation direct such institutions not to make, increase, extend, or renew after the expiration of sixty days following the date of enactment of this Act any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance in an amount at least equal to the outstanding principal balance of the loan or to the maximum limit of coverage made available with respect to the particular type of property under the Act, whichever is less.

(c) Notwithstanding the other provisions of this section, flood insurance shall not be required on any State-owned property that is covered under an adequate State policy of self-insurance satisfactory to the Secretary. The Secretary shall publish and periodically revise the list of States to which this subsection applies

ESTABLISHMENT OF CHARGEABLE RATES

SEC. 103. Section 1308 of the National Flood Insurance Act of 1968 is amended by striking out subsection (c) and inserting in lieu thereof the following new subsection:

"(c) Notwithstanding any other provision of this title, the chargeable rate with respect to any property, the construction or substantial improvement of which the Secretary determines has been started after December 31, 1974, or the effective date of the initial rate map published by the Secretary under paragraph (2) of section 1360 for the area in which such property is located, whichever is later, shall not be less than the applicable estimated risk premium rate for such area (or subdivision thereof) under section 1307(a)(1).".

FINANCING

SEC. 104. Section 1309(a) of the National Flood Insurance Act of 1968 is amended by striking out all after the semicolon and inserting in lieu thereof the following: "except that the total amount of notes and obligations which may be issued by the Secretary pursuant to such authority (1) without the approval of the President, may not exceed $500,000,000, and (2) with the approval of the President, may not exceed $1,000,000,000. The Secretary shall report to the Committee on Banking and Currency of the House of Representatives and the Committee on Banking, Housing and Urban Affairs of the Senate at any time when he requests the approval of the President in accordance with the preceding sentence.".

PROGRAM EXPIRATION

SEC. 105. Section 1319 of the National Flood Insurance Act of 1968 is amended to read as follows:

"PROGRAM EXPIRATION

"SEC. 1319. No new contract for flood insurance under this title shall be entered into after June 30, 1977.".

EMERGENCY IMPLEMENTATION OF PROGRAM

SEC. 106. Subsection (a) of section 1336 of the National Flood Insurance Act of 1968 is amended by striking the date "December 31, 1973" and inserting in lieu thereof "December 31, 1975".

DEFINITION OF FLOOD

SEC. 107. Section 1370(b) of the National Flood Insurance Act of 1968 is amended by inserting "proximately" before "caused".

EXTENSION OF FLOOD INSURANCE PROGRAM TO COVER LOSSES FROM EROSION AND UNDERMINING OF SHORELINES

SEC. 108. (a) Section 1302 of the National Flood Insurance Act of 1968 is amended by adding to the end thereof the following new subsection:

"(g) The Congress also finds that (1) the damage and loss which may result from the erosion and undermining of shorelines by waves or currents in lakes and other bodies of water exceeding anticipated cyclical levels is related in cause and similar in effect to that which results directly from storms, deluges, overflowing waters, and other forms of flooding, and (2) the problems involved in providing protection against this damage and loss, and the possibilities for making such protection available through a Federal or federally sponsored program, are similar to those which exist in connection with efforts to provide protection against damage and loss caused by such other forms of flooding. It is therefore the further purpose of this title to make available, by means of the methods, procedures, and instrumentalities which are otherwise established or available under this title for purposes of the flood insurance program, protection against damage and loss resulting from the erosion and undermining of shorelines by waves or currents in lakes and other bodies of water exceeding anticipated cyclical levels.".

(b) Section 1370 of such Act is amended by adding at the end thereof the following new subsection:

"(c) The term 'flood' shall also include the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels, and all of the provisions of this title shall apply with respect to such collapse or subsidence in the same manner and to the same extent as with respect to floods described in paragraph (1), subject to and in accordance with such regulations, modifying the provisions of this title (including the provisions relating to land management and use) to the extent necessary to insure that they can be effectively so applied, as the Secretary may prescribe to achieve (with respect to such collapse or subsidence) the purposes of this title and the objectives of the program.".

ESTIMATES OF PREMIUM RATES

Sec. 109. Section 1307 of the National Flood Insurance Act of 1968 is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of law, any structure existing on the date of enactment of the Flood Disaster Protection Act of 1973 and located within Avoyelles, Evangeline, Rapides, or Saint Landry Parish in the State of Louisiana, which the Secretary determines is subject to additional flood hazards as a result of the construction or operation of the Atchafalaya Basin levee system, shall be eligible for flood insurance under this title (if and to the extent it is eligible for such insurance under the other provisions of this title) at premium rates that shall not exceed those which would be applicable if such additional hazards did not exist.".

APPEALS

Sec. 110. Chapter III of the National Flood Insurance Act of 1968 is amended by adding at the end thereof the following new section:

"APPEALS

"Sec. 1363. (a) In establishing projected flood elevations for land use purposes with respect to any community pursuant to section 1361, the Secretary shall first propose such determinations by publication for comment in the Federal Register, by direct notification to the chief executive officer of the community, and by publication in a prominent local newspaper.

"(b) The Secretary shall publish notification of flood elevation determinations in a prominent local newspaper at least twice during the ten-day period following notification to the local government. During the ninety-day period following the second publication, any owner or lessee of real property within the community who believes his property rights to be adversely affected by the Secretary's proposed determination may appeal such determination to the local government. The sole basis for such appeal shall be the possession of knowledge or information indicating that the elevation being proposed by the Secretary with respect to an identified area having special flood hazards are scientifically or technically incorrect, and the sole relief which shall be granted under the authority of this section in the event that such appeal is sustained in accordance with subsection (e) or (f) is a modification of the Secretary's proposed determination accordingly.

"(c) Appeals by private persons shall be made to the chief executive officer of the community, or to such agency as he shall publicly designate, and shall set forth the data that tend to negate or contradict the Secretary's finding in such form as the chief executive officer may specify. The community shall review and consolidate all such appeals and issue a written opinion stating whether the evidence presented is sufficient to justify an appeal on behalf of such persons by the community in its own name. Whether or not the community decides to appeal the Secretary's determination, copies of individual appeals shall be sent to the Secretary as they are received by the community, and the community's appeal or a copy of its decision not to appeal shall be filed with the Secretary not later than ninety days after the date of the second newspaper publication of the Secretary's notification.

"(d) In the event the Secretary does not receive an appeal from the community within the ninety days provided, he shall consolidate and review on their own merits, in accordance with the procedures set forth in subsection (e), the appeals filed within the community by private persons and shall make such modifications of his proposed determinations as may be appropriate, taking into account the written opinion, if any, issued by the community in not supporting such appeals. The Secretary's decision shall be in written form, and copies thereof shall be sent both to the chief executive officer of the community and to each individual appellant.

"(e) Upon appeal by any community, as provided by this section, the Secretary shall review and take fully into account any technical or scientific data submitted by the community that tend to negate or contradict the information upon which his proposed determination is based. The Secretary shall resolve such appeal by consultation with officials of the local government involved, by administrative hearing, or by submission of the conflicting data to an independent scientific body or appropriate Federal agency for advice. Until the conflict in data is resolved, and the Secretary makes a final determination on the basis of his findings in the Federal Register, and so notifies the governing body of the community, flood insurance previously available within the community shall continue to be available, and no person shall be denied the right to purchase such insurance at chargeable rates. The Secretary shall make his determination within a reasonable time. The community shall be given a reasonable time after the Secretary's final determination in which to adopt local land use and control measures consistent with the Secretary's determination. The reports and other information used by the Secretary in making his final determination shall be made available for public inspection and shall be admissible in a court of law in the event the community seeks judicial review as provided by this section.

"(f) Any appellant aggrieved by any final determination of the Secretary upon administrative appeal, as provided by this section, may appeal such determination to the United States district court for the district within which the community is located not more than sixty days after receipt of notice of such determination. The scope of review by the court shall be as provided by chapter 7 of title 5, United States Code. During the pendency of any such litigation, all final determinations of the Secretary shall be effective for the purposes of this title unless stayed by the court for good cause shown.".

FLOOD INSURANCE PREMIUM EQUALIZATION PAYMENTS

Sec. 111. Section 1334 of the National Flood Insurance Act of 1968 is amended by striking out subsection (b) and by redesignating subsection "(c)" as subsection "(b)".

TITLE II—DISASTER MITIGATION REQUIREMENTS

NOTIFICATION TO FLOOD-PRONE AREAS

Sec. 201. (a) Not later than six months following the enactment of this title, the Secretary shall publish information in accordance with subsection 1360(1) of the National Flood Insurance Act of 1968, and shall notify the chief executive officer of each known flood-prone community not already participating in the national flood insurance program of its tentative identification as a community containing one or more areas having special flood hazards.

(b) After such notification, each tentatively identified community shall either (1) promptly make proper application to participate in the national flood insurance program or (2) within six months submit technical data sufficient to establish to the satisfaction of the Secretary that the community either is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The Secretary may, in his discretion, grant a public hearing to any community with respect to which conflicting data exist as to the nature and extent of a flood hazard. If the Secretary decides not to hold a hearing, the community shall be given an opportunity to submit written and documentary evidence. Whether or not such hearing is granted, the Secretary's final determination as to the existence or extent of a flood hazard area in a particular community shall be deemed conclusive for the purposes of this Act if supported by substantial evidence in the record considered as a whole.

(c) As information becomes available to the Secretary concerning the existence of flood hazards in communities not known to be flood prone at the time of the initial notification provided for by subsection (a) of this section he shall provide similar notifications to the chief executive officers of such additional communities, which shall then be subject to the requirements of subsection (b) of this section.

(d) Formally identified flood-prone communities that do not qualify for the national flood insurance program within one year after such notification or by the date specified in section 202, whichever is later, shall thereafter be subject to the provisions of that section relating to flood-prone communities which are not participating in the program.

EFFECT OF NONPARTICIPATION IN FLOOD INSURANCE PROGRAM

Sec. 202. (a) No Federal officer or agency shall approve any financial assistance for acquisition or construction purposes on or after July 1, 1975, for use in any area that has been identified by the Secretary as an area having special flood hazards unless the community in which such area is situated is then participating in the national flood insurance program.

(b) Each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions shall by regulation prohibit such institutions on and after July 1, 1975, from making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary as an area having special flood hazards, unless the community in which such area is situated is then participating in the national flood insurance program.

REPEAL OF DISASTER ASSISTANCE PENALTY

Sec. 203. Section 1314 of the National Flood Insurance Act of 1968 is repealed.

ACCELERATED IDENTIFICATION OF FLOOD-RISK ZONES

Sec. 204. (a) Section 1360 of the National Flood Insurance Act of 1968 is amended by inserting the designation "(a)" after "Sec. 1360." and adding at the end thereof the following new subsections:

"(b) The Secretary is directed to accelerate the identification of risk zones within flood-prone and mudslide-prone areas, as provided by subsection (a)(2) of this section, in order to make known the degree of hazard within each such zone at the earliest possible date. To accomplish this objective, the Secretary is authorized, without regard to sections 3648 and 3709 of the Revised Statutes, as amended (31 U.S.C. 529 and 41 U.S.C. 5), to make grants, provide technical assistance, and enter into contracts, cooperative agreements, or other transactions, on such terms as he may deem appropriate, or consent to modifications thereof, and to make advance or progress payments in connection therewith.

"(c) The Secretary of Defense (through the Army Corps of Engineers), the Secretary of the Interior (through the United States Geological Survey), the Secretary of Agriculture (through the Soil Conservation Service), the Secretary of Commerce (through the National Oceanic and Atmospheric Administration), the head of Tennessee Valley Authority, and the heads of all other Federal agencies engaged in the identification or delineation of flood-risk zones within the several States shall, in consultation with the Secretary, give the highest practicable priority in the allocation of available manpower and other available resources to the identification and mapping of flood hazard areas and flood-risk zones, in order to assist the Secretary to meet the deadline established by this section.".

AUTHORITY TO ISSUE REGULATIONS

Sec. 205. (a) The Secretary is authorized to issue such regulations as may be necessary to carry out the purpose of this Act.

(b) The head of each Federal agency that administers a program of financial assistance relating to the acquisition, construction, reconstruction, repair, or improvement of publicly or privately owned land or facilities, and each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions, shall, in cooperation with the Secretary, issue appropriate rules and regulations to govern the carrying out of the agency's responsibilities under this Act.

CONSULTATION WITH LOCAL OFFICIALS

Sec. 206. In carrying out his responsibilities under the provisions of this title and the National Flood Insurance Act of 1968 which relate to notification to and identification of flood-prone areas and the application of criteria for land management and use, including criteria derived from data reflecting new developments that may indicate the desirability of modifying elevations based on previous flood studies, the Secretary shall establish procedures assuring adequate consultation with the appropriate elected officials of general purpose local governments, including but not limited to those local governments whose prior eligibility under the program has been suspended. Such consultation shall include, but not be limited to, fully informing local officials at the commencement of any flood elevation study or investigation undertaken by any agency on behalf of the Secretary concerning the nature and purpose of the study, the areas involved, the manner in which the study is to be undertaken, the general principles to be applied, and the use to be made of the data obtained. The Secretary shall encourage local officials to disseminate information concerning such study widely within the community, so that interested persons will have an opportunity to bring all relevant facts and technical data concerning the local flood hazard to the attention of the agency during the course of the study.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PROGRAM FOR WEEK OF DECEMBER 2

Mr. MANSFIELD. Mr. President, as long as we are on the topic of business, I should like, in response to a question raised earlier by the distinguished acting Republican leader, to indicate what the schedule might be for next week, conditions permitting.

On Monday we would like, if possible, to take up the daylight saving time bill, which is S. 2702.

On Monday or Tuesday, depending on circumstances, I should like to call up the Office of Economic Opportunity Legal Services Corporation bill, S. 2686, in which a number of Senators are interested.

Following that, I should like to call up bills dealing with a Special Prosecutor. Two such bills have been reported by the Committee on the Judiciary without recommendations.

Following that, I should like to have the Senate give consideration to the possibility of taking up a bill reported unanimously by the Committee on Interior and Insular Affairs having to do with research and development in the field of energy. I think it fits in with the President's recommendation; however, there is a difference in the figures.

Then, of course, the Senate would take up any conference reports that might be available. I note that the House yesterday passed the defense appropriation bill and also a supplemental appropriation bill.

Any other matters which may come up I shall discuss with the Republican leadership before action is taken.

THE REPUBLIC STILL STANDS

Mr. MANSFIELD. Mr. President, this morning's New York Daily News contains a guest editorial written by Bruce Hutchinson, editorial director of the Vancouver Sun, in Canada, after a reporting trip to the United States. Mr. Hutchinson states:

> The Republic stands and will stand, despite the storms beating on its ramparts. The society will change drastically and painfully, but it will not fall apart. The American dream is rusted and ruptured, but it will return in a different form, stronger, perhaps, for its cleansing.

Mr. President, I happen to know Bruce Hutchinson. I have known him for many years. He is one of the outstanding editorial writers and columnists in this country.

I am in receipt this morning of a booklet entitled "A Canadian Looks at the U.S. Crisis," by Bruce Hutchinson, editorial director of the Vancouver Sun. His works are carried in many other Canadian newspapers as well.

I ask unanimous consent that the foreword and the series of articles be printed in the Record.

There being no objection, the booklet was ordered to be printed in the Record, as follows:

A Canadian Looks at the U.S. Crisis

(By Bruce Hutchison)

FOREWORD

Late in 1973, Vacouver Sun editorial director Bruch Hutchinson visited Washington to have a first-hand look at events which were shaking the U.S. capital, and indeed the nation itself.

Dean of Canadian journalists, Hutchinson was able to draw on almost half a century of experience in international reporting, as well as a matchless list of confidants and friends in the top level of American government.

His calm, objective appraisal of the current U.S. dilemma elicited so many inquiries from across the nation that The Sun decided, as a public service, to reprint them in pamphlet form. They are offered here as the wise and penetrating comment of one of Canada's most respected and responsible journalists.

Stuart Keate,
Publisher, the Vancouver Sun.

Trouble Will Bring Us All Together

Washington.—In the mellow autumn dusk the White House turns golden, its columns aglow under the westering sun.

A vast circle of yellow chrysanthemums, the year's last flowers, surrounds a gushing fountain.

Two furious grey squirrels fight over a fallen nut on the lawn, watched by a fat old pigeon, some bored policemen in their sentry box and, through the iron fence, three bronzed hippie youths without shirts or shoes.

No one else pauses along the street to observe a scene of brooding peace, only the mysterious captive who, yesterday, was the nation's unchallenged master, the world's most powerful man. And on the morrow comes the avalanche, the resignations, the missing electronic tapes, military alerts, nuclear threats and other things quite unimaginable.

In this maelstrom of crisis piled on crisis the foreigner recalls Emerson's dictum that, even in his homely time, events were in the saddle and rode mankind.

President Nixon, a creature unique and literally sui generis in his mind and his desperation, is trying, and failing, to mount the saddle, and everyone seems to agree that he himself has become the supreme issue before a great and bewildered people. Still, the foreigner, lagging behind events, may doubt the logic, or cliche, of current politics as too pat, too narrow and too brief.

For if he goes, now or later, Nixon must soon belong to the ages, in a special niche reserved for history's more egregious eccentrics. A mighty myth of some sort is in the making. But the nation, and the truly supreme issue, will remain when he is gone.

The issue, as the foreigner may guess, is whether the nation itself, its governing system, its constitution, its tortured society and lavish lifeways, can survive strains much more onerous, and dangerous, than the tragedy of one man—dangerous not merely to one nation but to humanity which, with all its fears and all the hopes of future years, is hanging breathless on that nation's fate.

Far beyond Washington, Watergate, the ruined president and the poisonous scandals, far across a continental state of mixed success and failure, the foreigner might observe the question, blackly silhouetted, as it were, against the autumn sunset. He might also remember that, a year ago, after Mr. Nixon's electoral triumph, his advisers confidently predicted that all the nation's problems would be solved by a regime of courage, law and order.

Lincoln asked the same question, of course, at Gettysburg, but the answer was easier then because, though stark and terrible in a war between brothers, it was at bottom simple—whether the union, or any union of free men, could govern itself and long endure.

All men understood such a question under a president whom all men could trust, but today, under a president whom most men distrust, the American dilemma is too complex for any man to understand. Certainly it is not, as foreigners usually assume, the sole human dilemma of Mr. Nixon, the political dilemma of his recovery or destruction, or even the constitutional dilemma of a governing apparatus stretched to breaking point.

Nor, in fundamentals, is it a sudden un-natural dilemma, a mere chain of accidents, blunders and crimes. They are all part of it, the visible, ugly part, but not the whole. What we witness here is the bitter harvest, the long accumulation and collision of forces unseen and unsuspected over a half a century at least.

If men could grasp its ultimate contours, as they do not grasp them yet, this is not only the greatest turning point since the Civil War—an obvious fact—but a blinding moment of truth, in myriad aspects, that was long coming and now, for the first time, cannot be evaded.

In short, Watergate, the president, the dirty tricks, the economic derangement, the foreign policy of fragile detente and the rest are the immediate, haphazard tokens or symbols of something infinitely larger, more inscrutable and, at the moment, impossible for any mind to grasp.

So meditating in his ignorance, hope and fear, the foreign reporter turned away from the autumn-gilded White House to ask himself how such a story should be written, if it could ever be written at all; and also whether anything written today would be valid tomorrow.

But as these reports will try to argue, the grand question has been answered in its essentials already.

The republic stands and will stand, despite the storms beating on its ramparts. The society will change drastically and painfully but it will not fall apart. The American dream is rusted and ruptured but it will return in different form, stronger, perhaps, for its cleansing.

While he had the luck in following dreadful days to meet some of the leading figures in a drama now approaching denouement, the reporter received more wisdom from a black cook in the kitchen of a house out past the lights of Washington.

The black woman, serene in her brutal heritage, had driven to work in a huge and costly automobile (itself a vivid symbol) and now, over a cup of coffee, she declared her faith with quiet, unconscious authority.

"Trouble," she said, out of her own harsh life experience, "is bad but it brings a family together. You'll see, it's goin' to bring us all together again, like a family. Just you watch." And then, with a meaning greater than she knew, the granddaughter of a slave added, almost in tears: "Oh God, how I love this dear old country!"

That, it seemed to me, was a good place to begin my inquiries. They led to some improbable men, places and conclusions.

RESTORING A NATION'S FAITH

WASHINGTON.—The American people, a foreign scholar once wrote, can make any constitution work, even their own. That brave assumption is now meeting its second test.

In the first, only a civil war could save the union. Today the test, though peaceful, legal and political, is, in some ways, more difficult and certainly more complicated than war. But most foreigners, including Canadians who watch the test close at hand, do not fully grasp either its constitutional mechanics or, more important, its incalculable human contents.

What the foreigner least appreciates, because it cannot be expressed in law or articulated by the ordinary citizen, is the pervasive grandeur and almost mystical power of the presidency.

This office is something that stands far above the daily work of government and the grimy business of party politics. It is the hub and central gear of the governing machine, both constitutional and political, but its ultimate power lives elsewhere.

It is much more powerful, for instance, than the prime ministership of Canada or of Britain, not merely in a written, constitutional sense, but in a deeper, imponderable sense which no constitution can specify.

Out of long and strange experience since the constitution was framed in 1787, the presidency has come to personify, embody and strengthen, (or weaken) the whole living fabric of the nation. Among the English-speaking peoples only the Crown, within Britain itself and nowhere else, holds a comparable unwritten power beyond the written words of any constitution.

That is why the current damage to the presidency hurts the American people in a fashion that most Canadians have not yet understood. It hurts the Americans where they are most inarticulate, vulnerable and naked—in the spirit. And that is why the underlying tragedy of Richard Nixon cannot be measured by the overt political events now moving to a climax of some sort in Washington.

To be sure, the real hurt does not appear in the headlines, the congressional testimony, the tortured television performances of the president, or even in the private talk of the politicians. That poignant ache is there all the same, and it cannot be easily relieved, as Canada would have relieved it, months ago, by a vote of Parliament and the overnight creation of an alternative government.

That, however, is too quick and superficial a view, as any foreigner must see at once in the nation's tense capital or, more clearly, in its comfortable towns and homes where I was received with typical American kindliness. The popular foreign picture of a people splintered and impotent is superficial for two reasons.

By one means or another, the constitution will be construed and, if necessary, stretched to revive or replace a president gravely if not fatally wounded and obviously enraged behind his plastic stage grin. Apart from such pragmatic political arrangements, the energies of the people are still so fierce and irrepressible that the stranger in Washington, or any American city, is almost frightened by their vehemence and confidence.

Infinitely complex and confused in law and detail, the basic process under way in Washington is plain enough. Through the outward mistakes and the mysterious inward nature of one man, the presidency has been grievously lacerated, and he, as a man, may be past recovery (though that is not yet certain by any means). Yet the two other organs of the three-sided system are not only at work but, indeed, are suddenly alerted, angry and reinvigorated.

In a country notorious for its crime and loose law-enforcement—that old heritage of the lawless frontier—the courts have never functioned better or more courageously than they function now. Already they have destroyed a vice-president, forced a regnant president to obey them after he had vainly refused, and finally proved their independence from any political power, even that of the supreme office.

The third separate organ, the Congress, also is meeting its separate challenge, with much confusion and jockeying, of course, but with a vigor which most foreigners could not expect and, above all, with a flexible non-partisanship which could not be deployed by the parliamentary system.

Under that system a government in Mr. Nixon's disarray would be instantly replaced but its political party would not break, as the Republican party has broken in the Congress, where the president's former friends are among his most bitter critics. The two systems, we must understand, and seldom do, are totally, organically, different, and each must work out its own problems by its own distinct methods. At any rate, the established American institutions, larger and more durable than their temporary occupants, move on like some mighty engine under its own momentum.

A legislator who is doubtless one of the half-dozen most powerful men in the nation told me that the Congress could and would carry, through the next three dreadful years, much of the burden that a damaged presidency can no longer support,

On the other hand, a legislator equally or more powerful dismissed this hope as impossible in practical politics and favored the replacement of Mr. Nixon, despite the resulting agony, unless he soon vindicates himself. So the aching argument nears its terrible decision.

These are issues for the Americans alone to settle and no foreigner's views should or will count. But, as I shall try to indicate, there is a larger, an unanswered and ultimately decisive question behind the political mechanics.

A PLUTOCRACY OR DEMOCRACY?

WASHINGTON.—Especially in these days of anguish, Washington is like one of those trick mirrors that turn a human body—or a political issue—into monstrous caricature.

When all things look larger, or smaller, than life, the foreign visitor will be wise to recalibrate his confused first impressions in a quiet weekend among remote scholars and historians, because they, perhaps, can see the American nation whole and clear against history's vast perspective.

Fleeing the feverish capital, I found myself in a great university where the mirror is accurate, or as accurate as it can be during a worldwide spasm of neurosis.

Even in this noble gothic sanctuary the nerves of the cloistered academics, some of the most distinguished in the nation, were stretched pretty taut. Their argument around the lunch table about President Nixon, the constitutional crisis and the next act in the high drama of politics reminded an ignorant stranger of those mediaeval schoolmen who tried to count the invisible angels dancing on a pin's head. But as the talk ran on into the autumn dusk the true image of the modern republic seemed to emerge and, behind it, the stark fundamental issue facing the American people in their time of testing.

As an eminent historian put it, the issue did not appear overnight with President Nixon, Watergate and the surrounding scandals. It appeared some two centuries ago with Alexander Hamilton and Thomas Jefferson, and it has faced the republic ever since then in countless versions.

Hamilton, the unwitting philosophical ancestor of Mr. Nixon, held that any workable society must be governed by a natural elite, "the wise, the rich and the good," who alone could be trusted, whatever the Declaration of Independence might have said to the contrary.

Jefferson, the bold philosopher of unlimited democracy, who has few heirs in office nowadays, totally trusted the inherent, subliminal wisdom of the common man almost as he trusted his God.

Grossly oversimplified, there is the central issue today: whether the American people, or any people, have the wisdom, as Jefferson supposed, to subdue their sea of troubles, or whether, as Hamilton argued, they must surrender their judgment to the superior minds of a centralized, all-powerful and plutocratic government.

In short, can the democratic process itself permanently survive an age of superb but brittle technology at home and deepening anarchy abroad?

Hamilton doubtless would answer that he had been vindicated already. Jefferson, one guesses, would still hope, rather wistfully.

Beside this haunting question (unlikely to be answered in our time) the fate of Mr. Nixon, or his successor, in the next three frightening years of trial is a mere moment in history.

The contemporary president may be a scheming spider in a web of conspiracy, as his enemies allege, or, as his friends insist, a humble Christian pilgrim stoned on the march, who once proclaimed in print "a faith based not on materialism but on a recognition of God."

But in long historical terms he matters only as an advocate, a symbol or a victim in the endless Hamilton-Jefferson debate. And Watergate matters only as a catalyst, a sudden flashpoint and blinding illumination of the accumulated problems, mistakes and evils besetting a society at once the most affluent and self-critical in the world.

What matters finally, therefore, is not the president's Greek tragedy of hubris and nemesis, not the angels of Washington dancing on the constitutional pin, not even the many specific problems of oil shortage, inflation and the rest but the contents of the common American mind. Here, and nowhere else, everything of importance will be decided.

So, listening to the professors' lofty wrangle—a rare privilege for any Canadian—I tried to imagine the contents of that mind, as I had seen it at work for more than half a century in many strange places.

Of course, I could not hope to read it. Nor can anyone read it, with all the scientific opinion polls. But at least it seemed to me that Hamilton's grim postulate and Jefferson's wild surmise were now locked in a struggle much more important, more wrenching, and longer-lasting than the weird adventure of Richard Nixon.

What political Washington thinks is instantly known to the world. But what are the thoughts, or rather the hunches of that imaginary average citizen usually called Joe Doakes? What will he decide for himself, and thus ultimately for the nation, far beyond the fever and the fret of the capital?

What actually is under way in his swarming cities, his little towns, his farms and his lonely cranium? He does not know, he has not reached a judgment yet. Nobody knows and no decision has been made. But in due time, after more anguish, his verdict will be delivered.

As I shall try to show, he has much to think about, more than he yet realizes. It is not his conscious thought, however, not his practical wisdom and boasted American savvy, not even his hunch that must decide everything. It is his common denominator of morality, which he seldom discusses but never escapes. And at the end of the weary day, perhaps a long way off, that morality will decide whether democracy, and man's hard-won freedom within it, must live or die.

Well, as a famous citizen of the republic warned me, don't underestimate the common man, once he grasps the facts.

So far, they are not fully grasped and lie buried under thick layers of illusion. But Joe Doakes, joining Hamilton and Jefferson, is still out there and he has begun to think furiously at last. Like that of Dr. Johnson's condemned prisoner, any mind is wonderfully concentrated on the event of execution or release.

U.S. Disenchantment Deepens After NATO Snub

Washington.—In the hurricane of human events now swirling around our disordered little planet any sure assumption made today is likely to become invalid tomorrow. But a few facts, none of them cheerful, should survive the storm.

The overriding fact, as a Canadian in Washington quickly realizes, is the increasing threat to the defences of the western world. Obvious to everyone, of course, especially to the Russian government, were the sudden, unexpected strains in the NATO alliance when the European allies, desperate for Arab oil, refused the United States' planes any landing places, or even air space, on their way to Israel. That decision cut more deeply into the American official mind, and the public mind, too, than foreigners yet appreciate.

It also cut straight across President Nixon's hopeful "Year of Europe" and Henry Kissinger's ambitious new transatlantic charter, both of which are stalled, or perhaps already aborted.

To be sure, the European governments had a case, though a very dubious one as Washington judges it. They could argue that the United States, without consulting its allies, had involved them overnight in the war of the Middle East, a region outside NATO, and imperilled their oil supply, their economic bloodstream.

As against that, the American government and people saw in the European action not only a strategic blow at the moment of grave military crisis but a long-term warning. How much trust, the average citizen must be wondering, perhaps quite unreasonably, can the United States permanently place in allies that shrink from the crunch? And why, after all, as Senator Mike Mansfield keeps asking, have the rich European nations failed even to provide the necessary ground troops for NATO and forced the United States to provide them 28 years after the last war ended?

A second and shaking fact compounds the first. It is the deliberately diminished power of the United States abroad, and the diminished will to use the vast power still remaining, when the nation, at the worst possible time, has more problems than it can solve at home.

To say that the United States has begun to retreat into isolationism is certainly a gross overstatement, too simple by half, since isolation of the sort attempted between the wars is clearly impossible in a world growing more interdependent every day as the oil shortage reminds us.

But that instinct of isolated self-dependence, as old as the republic itself, has never died. It must be counted among the fundamental factors in the complex equation now confronting the grand yet troubled alliance. No foreigner can doubt that fact once he has talked to the men of domestic power in Washington, and foreseen the delayed but eventually inevitable reduction of American troops in Europe.

The equation is further complicated by the unknown intentions of Russia, the Kremlin's real view of detente. Concerning these unknowns the argument, or rather the speculation, in Washington is endless between the men too loosely and unfairly called hawks and those called doves.

To the hawks, of whom Democratic Senator Henry Jackson is the most articulate—and may well be the next president—detente was mostly cosmetics anyhow, and Russia's sincerity in embracing it is still to be demonstrated. To the doves, of whom Democratic Senator Mike Mansfield is the most powerful, detente is strained, like NATO, but it represents at least a promising start and must be pressed forward, despite all the obvious difficulties.

Again, how much is there in the theory, widely held in Britain, that Russia's true Middle Eastern strategy is to reduce Europe's oil supply until NATO agrees to weaken the western line and allow Russia to concentrate its power on the East, against China?

Here, too, the argument is endless and inconclusive. There can be doubt, however, that the American and Russian governments construe detente in completely different terms. The United States regards it as the first serious step in basic reconciliation. Russia accepts it, with bland gestures of friendship, as a useful but very restricted agreement which may moderate but cannot be allowed to interfere with the long-run, world-wide struggle of ideologies.

On the other hand, as if the struggle were not already complex enough, Russia urgently needs, and expects to get, abundant American technology, capital, sometimes even food. Its economy, according to American intelligence, is in a dreadful mess. Amid all the confusion, the American and Russian minds, so far, have never really met, and both are internally divided.

Where then does the current equation leave NATO, the new and frustrated transatlantic relationship, the Year of Europe, which has become the Year of Watergate, and Oil? Where, incidentally, does it leave Canada as a shock absorber, or maybe a pawn, between Europe and America?

Another report will try to discuss Canada's little-understood position, but meanwhile what most impressed, or alarmed, a Canadian in Washington was Senator Mansfield's typically brief, cool and awesome statement to the Senate:

"I do not believe that we should become involved with American forces anywhere except as our own national interests and security are at vital stake. One Vietnam is one Vietnam too many."

Since Senator Mansfield is majority leader of the Democratic Senate and probably the most respected politician in the United States today, the statement, to say the least of it, must chill all nations, including Canada, that remain utterly dependent on American power. How far, and from what places, we must ask ourselves, will that power be finally withdrawn?

Our Neighbor Is Reassessing His Hand

Washington.—By the time the news came through from Ottawa the U.S. State Department received exactly one-half-hour's advance notice when the Canadian government imposed its preliminary tax on Alberta oil exports.

What notice was given before the tax was roughly quadrupled this reporter does not know. But certainly the American government had a right to feel aggrieved by such brusque treatment from its closest neighbor and trade partner. Though the Canadian government explains, rather unconvincingly, that it had to move too fast for consultation with foreigners, or even with Alberta, the incident still rankles in Washington and raises much more serious questions for the future.

It should be understood, however, that the American government did not complain against a rise in the price of Canadian oil, since all oil prices were rising. But at a moment of peculiar sensitivity, for familiar Watergate reasons, it was amazed, affronted and alarmed by Ottawa's unneighborly manners.

While nothing was said in public, some thoughts took shape in private and they will have long economic effects.

It should also be understood that the state department is again in full control of foreign policy in all aspects. For a short time the treasury, then headed by the bellicose John Connally, conducted an economic foreign policy of its own, infuriated the constitutional custodian of that policy, bullied many foreign governments and, in particular, outraged the government of Canada. This ugly interlude has passed. Henry Kissinger has taken charge.

Unfortunately he knows very little about Canada, but his experts know it in the most minute detail down to the finest nuance of federal, provincial and even municipal business.

Having looked northward for at least a century, his department has followed, for the last year, a considered strategy which few Canadians have suspected.

When the Trudeau government was obviously planning an election sometime in 1972, the United States did not wish to embarrass it or the opposition by pressing for an early settlement of such so-called "irritants" as the controversial automotive pact. But it intended to get on with these affairs as soon as the election was over.

Then, to its surprise, the Trudeau government failed to win a majority and the Canadian politics were suddenly deranged.

In these new and slippery circumstances the state department again postponed its pressure for a decision on the "irritants" lest it exacerbate the anti-Americanism always latent, or overt, in Canada. The last thing the American government wants to see is a Canadian election fought on that old issue, or grudge.

Besides, the energy crisis thrust all other business into the background and, for the first time, made the average American citizen aware of his vital stake in Canada. Compared to this mighty problem, those already pending on the border seem small and the United States can live with them. Nevertheless, it is thinking beyond the crisis in both short and long terms.

For the short term, like Canadians themselves, it cannot foresee what government will be in office at Ottawa even a few months from now. For the long, it cannot foresee what national policy Canada will follow, under any government, over the next decade or two. Where, it wonders, will the continental relationship stand by the end of the century? And it is here that Canadians most misunderstand the position, or rather the attitude and doubt, of the United States.

As explained by men who deeply understand these matters, the United States thinks that Canada came gloatingly out of the last round of GATT trade negotiations with probably the highest average tariffs in the Western World under a Liberal (ostensibly low-tariff) government. This cannot be allowed to happen again. In the new round, now beginning, Canada must drastically reduce its tariffs if the United States has its way and if the round succeeds at all, which is by no means certain yet.

Any reduction, of itself, will not necessarily satisfy the United States or Canada's other great foreign customers. For, as Washington sees it, the Trudeau government's latest so-called "industrial strategy" means only the old protectionism with different names and cozy, back-door devices.

The various federal and provincial tax incentives, the regional grants, subsidies, secret pressures on American-owned industries and the like, are seen as nothing but a potential method under any government of getting around the public GATT trading rules. And that, among other things, is why, with all its current distractions, the United States is quietly but fundamentally reassessing its changing economic relations with Canada.

Now of course there is an opposite side to this vastly complex argument, a valid Canadian side, a strong Canadian leverage and also a grave Canadian problem for later discussion here.

Before Canadians can hope to understand it, however, they must first realize that their closest friend and largest customer is not angered but is worried, a little saddened and perhaps misled by the long-run prospects of the undefended border.

Making a Virtue of Inflation

Washington.—Seen at first hand, in its physical dimensions, its furious energies and its daily avalanche of consumer goods, the United States economy is a staggering spectacle.

Measured in abstract mathematical statistics, it is unlike any other achievement of man, in any time or place.

Viewed from Canada, as both a market and a supplier, it is, of course, by far the largest external factor in our nation's economic life, an absolutely essential ingredient of its prospertiy.

If all this seems obvious, unalterable, almost a law of nature, the immediate and, more important, the long-term prospects of the world's most successful production apparatus certainly are not.

When a few Arab sheikhdoms can disrupt the gears of such a mighty machine, its brittleness, vulnerability and dependence on forces outside its own control suddenly appear to mock the statesmen, the businessmen and the economists.

The same is true of every modern industrial system in the world, even the Russian, and especially the Canadian.

Apart from these facts, as basic as they are often ignored, what is actually happening in the American economy today and how does it affect Canada?

To those questions, when put to some of the leading economists inside and outside the official Washington establishment, there is no reliable answer. Or perhaps it would be more accurate to say that there are as many answers as questions, and economists.

But leaving aside the constantly changing statistics, the official line or conventional wisdom until the Middle East explosion, at any rate, can be thus roughly summarized:

After a year of growth surpassing earlier forecasts, and an inflation about twice as bad as the experts predicted, the economy will keep growing at a reduced but high rate in 1974, barring some unforeseen accident.

Inflation will subside, but not very much. Unemployment will rise marginally but not intolerably. There will be no serious recession, only a readjustment of some unspecified sort, or what the experts call a soft landing after the dizzy space flight of the boom.

To be sure, the official line is not necessarily accepted outside the establishment. Indeed, it is flatly rejected as mere political soothing syrup and graveyard whistling by many economists who have no stake in the Nixon government's survival. To such dissenters something worse than a painless readjustment appears inevitable next year, and their alarm finds its latest confirmation in the energy crisis.

Between these opposite views, a Canadian reporter can venture no judgment. In any case, looking beyond the immediate prospects, the reporter was mainly concerned with a question sure to out-last the oil shortage and the cold winter: can the inflationary joy-ride continue indefinitely, without disaster, at anything like its current rate?

Here again the expert answers are in almost grotesque contradiction; but undoubtedly the perpetual debasement of money is becoming more and more accepted as the wave of the future, the normal way of life.

To take a startling exhibit in this bland theory, one of the greatest figures in the business, and a lifelong sound-money man, came back from a world tour not long ago to report that no government, anywhere, was truly prepared to forestall the steady destruction of currencies (as obviously the fragile Canadian government is not).

Discounting these alarms, another man, of equal stature, assured me that the economic system, and the average American family, could live comfortably and permanently, with an annual inflation rate of four or five per cent, though it would be ruinous to some sectors of society, above all the old and their life savings.

According to this brutal and as I happen to think, totally unsound proposition, the nation's savers, whose work and thrift built the economy from the beginning, are expendable. If so, there must be something gravely wrong with the morals if not the economics of the system, or more likely both.

However one regards the thesis of perpetual and profitable inflation, it needs some refinement when applied to Canada, where the government, like its counterpart in Washington, has never yet grappled with the basic problem, (and in the Canadian case never will if it can possibly be disguised and avoided, at least until the next election is safely past).

A final report from Washington must try to refine the thesis in continental terms and, with it, a fact much more important than economics. But in any aspect of a bewildering argument it should be remembered that the experts, by and large, have generally been wrong, so far, and, on their record, are probably wrong now.

Energy Crisis Ends Utopian Delusion

Washington.—In the higher art of politics, at any time or place, the successful artist must learn, above all, to retreat while seeming to advance, and vice versa.

Of this subtle technique we are now seeing in Washington, and even more clearly in Ottawa, a wondrous exhibit.

But the disorderly retreat from the many-sided fiasco known as the energy shortage is only one stage in a pending deeper assessment of the North American economy. And while the shortage doubtless will be surmounted somehow, it, with its surrounding problems, has turned much of the politicians' glamorous plans and programs into sad, or comic, nonsense, depending on your sense of humor.

We must go back a long way, and take in a lot of territory, if we are to understand what the immediate oil crisis is telling us.

Obviously it is telling us, among other things, that government, business, labor unions and society as a whole have grossly miscalculated and mismanaged the essential ingredient of our high, so-called living standard.

When a continent that recklessly wasted this precious asset until yesterday finds itself rationed today and may well be chilly tomorrow, the first lesson is taught, rather suddenly. But it is only the first lesson and not truly learned yet.

A second lesson, perhaps still more ironic and certainly less understood, is the politicians' retreat from their solemn resolve to avoid further serious intervention in the economy, even on a temporary basis. For what are the hasty, clumsy and preliminary regulations of fuel if they are not the very sort of controls, whatever name they carry, that were to be resisted at any cost, including the total cost of modern life?

By devious routes and under heavy smokescreens, North American government is now reversing direction and advancing steadily toward still wider controls because, with all their obvious difficulties, they are unavoidable, in some vital areas at least.

It would be quite unfair, however, to suppose that all politicians, businessmen and labor leaders did not foresee the energy crisis, in general anyhow, and beyond it the larger problems of the continental economy.

In Washington especially, though less in Ottawa, they were grasped by some men as early as August, 1971, when President Nixon briefly froze prices in his economic phase one. As he successfully enforced phase two (which is generally forgotten) and then plunged into the disaster of phase three, these men never changed their minds in the present chaotic phase four.

Two of them, among the most powerful in the Congress, told me that some equivalent of phase two, some revised and better method of controls would have to be reimposed very soon—and this, unfortunately, at a time when American labor has lost all faith in the president.

A few days after that conversation on Capitol Hill, Nixon announced a fuel rationing system, as yet crude, embryonic and sure to need drastic refinement. So did the Canadian government which, up to then, had condemned all such interference with the overstrained market mechanism as unworkable, indeed unthinkable.

Another irony is thus revealed: government in Washington and Ottawa undertakes to control, (or at any rate to temper), the market forces in the case of fuel but it is not prepared, so far, to control or even to admit the major cause of continental inflation.

As explained by one of the most eminent American economists, the strongest pressure on prices henceforth will not be the national and worldwide law of supply and demand, strong as it is. In the United States, at least, the strongest pressure in the next year will be the rising direct cost of all production, mainly in the form of wages and partly in the form of profits.

Up to now, wages have advanced much less in the United States than in Canada because the American unions have been much more modest in their demands than their Canadian counterparts. That situation seems certain to change in the early future. The American wage contracts of 1974 threaten a new cost-explosion which already is under way.

My informant added, in neighborly fairness, that Canada, with its much greater dependence on foreign trade, is much more vulnerable than the United States to the demand-pull forces, the tight commodity markets and the high prices of the world.

Or, as this man said: "Canada can't help importing our American inflation through trade every day and is now vastly aggravating it by raising its own internal costs. And it doesn't have to."

In detail these are immensely complex and controversial matters on which honest men will often disagree. But no one who understands schoolboy arithmetic can longer question a simple and surely a paramount fact—that for about a century the North American people have deluded themselves with impossible economic expectations of all sorts.

Though long enjoying an affluence beyond any other people's grasp, they were persuaded by government, business, labor unions and the whole social apparatus to demand, and expect as an inalienable right, far more than even the affluent society can yet produce. And in modern times they tried to close the gap between the possible and impossible by inflating the currency—an ancient trick that always fails in the end.

Now the energy crisis appears overnight to proclaim the first clean break in this grand delusion. Others will follow.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Does the acting minority leader desire time?

Mr. GRIFFIN. No.

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 15 minutes.

RESOLUTION TO INCREASE THE SUMS ALLOTTED TO THE SENATE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

Mr. ERVIN. Mr. President, on behalf of the vice chairman of the Select Committee on Presidential Campaign Activities, the Senator from Tennessee (Mr. BAKER), and myself, I send to the desk a resolution to allocate additional funds to the Select Committee on Presidential Campaign Activities; and I ask unanimous consent that it go on the calendar, with the understanding that it be called up on Monday, rather than today.

The PRESIDENT pro tempore. The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 209) as follows:

SECTION 1. That the first sentence of section 6 of Senate Resolution 60, which was adopted on February 7, 1973, is hereby changed to read as follows: "The expenses of the select committee through February 28, 1974, under this resolution shall not exceed $1,500,000, of which amount not to exceed $50,000 shall be available for the procurement of the services of individual consultants or organizations thereof."

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Carolina?

Mr. GRIFFIN. Mr. President, reserving the right to object, I note for the RECORD that the distinguished chairman of the select committee has not required immediate consideration of the resolution, but has requested instead that it go on the Calendar, not to be taken up before next week. I call attention to the fact that he could accomplish the same parliamentary objective, in effect, by asking for immediate consideration and having an objection lodged.

I do not intend to object; however, attention should be focused on the fact that such committee resolutions requesting funds ordinarily, in the regular course of Senate business, are referred to the Committee on Rules and Administration for preliminary consideration. I am aware of the fact that the original resolution which established the select committee, and funded it, bypassed the Rules Committee, and perhaps there was justification for some haste or extraordinary procedures at that time. But, as I understand it, the select committee is supposed to be winding up its work now, so there would be no reason why the select committee now could not come before the Rules Committee and justify its request for this additional one-half million dollars.

I regret that the chairman and the members of the select committee have elected not to do that.

I am sure the Rules Committee would approve if the requested justification were indicated. Apparently, the Rules Committee is being bypassed, and regular procedures are being bypassed in this situation, because this is the so-called Watergate Committee. I think it is unfortunate that regular procedures, are not being adhered to, and I wish the Senator from North Carolina were doing so in this situation. I say that as one member of the Rules Committee who feels some responsibility to the Senate because of that assignment.

Mr. TOWER. Mr. President, reserving the right to object—and I do not intend to object, either—I should simply like to ask the distinguished Senator from North Carolina whether this involves an additional half million dollars over the original authorization, why this money is required, and why he is proceeding in this manner, rather than going to the Rules Committee.

Mr. ERVIN. Frankly, I have about 13 hours of work to do, without going before the Rules Committee. Since this committee was established to take certain action by the unanimous vote of the Senate, I did not think anything would be gained by going before the Rules Committee. The committee, with all the members present, except one who was absent, unanimously concur in this request. The resolution is submitted with the cosponsorship of the vice chairman of the committee.

This committee has to send emissaries all over the United States to bring witnesses here from all over the United States, in order to conduct the investigation.

This would make a total of $1.5 million for this committee, as compared with the Special Prosecutor's Office, which has been given $2.8 million. I think that considering the burden this committee has and the fact that it has to conduct investigations in all areas of the United States and has to bring many witnesses from all over the United States at considerable expense, this is really a modest amount.

Mr. TOWER. I had no doubt that the amount was justified, but I am concerned about not following the usual procedure. I was wondering whether the distinguished chairman and the ranking members of the Rules Committee have been consulted on the matter.

Mr. ERVIN. I have not consulted the Rules ommittee; no.

Mr. GRIFFIN. Mr. President, it seems to me that the Senator from North Carolina, the distinguished chairman of the committee, is saying that he is too busy to go before the Rules Committee. I would think that quite a few other committee chairmen might say the same thing.

Mr. ERVIN. I think there is an exception in this case. This is a committee which was established by the unanimous vote of the Senate, and it was given a specific commission to perform, which it has not yet fully performed. I think there is justification in making an exception to the usual course of action.

Mr. GRIFFIN. Since there is no objection from the chairman of the Rules Committee or others on the Rules Committee, I do not intend to object.

Mr. MANSFIELD. Mr. President, reserving the right to object, is it the intent of the so-called Watergate Committee, the Ervin select committee, to go further in the field of corporate contributions in Presidential campaigns, both Democratic and Republican?

Mr. ERVIN. That is right.

Mr. MANSFIELD. Could the Senator give the Senate the benefit of his views, briefly, as to what his committee has uncovered to date in the way of contributions by corporations of considerable magnitude?

Mr. ERVIN. We have had a number of witnesses who have shown that corporations were virtually coerced by certain fundraising organizations into making very sizable contributions, notwithstanding the fact that the law has prohibited corporate contributions, has made it illegal since 1970, if I recall correctly.

We are also encountering some difficulty now because we have some witnesses who refused to come before the committee, and we may have to issue some contempt citations.

Mr. MANSFIELD. Corporate contributors. Did one of the corporate contributors or one of the representatives of a corporation—I forget the name at the present time—indicate that his corporation contributed $100,000 so that they could at least get the use of the telephone?

Mr. ERVIN. I do not know about the use of the telephone, but we had one corporation that was asked for $100,000 by the President's personal attorney at the time that corporation, which was an airline, had an application pending for a franchise abroad, which was solely determinable by the President, himself, without any review in the courts.

Mr. FANNIN. Mr. President, reserving the right to object, I should like to ask the distinguished Senator from North Carolina if this investigation will probe contributions of unions, which amount to hundreds of millions of dollars.

Mr. ERVIN. If the Senator or anybody else will give us any information that union funds were contributed out of union treasuries, we would be glad to have that information.

Mr. FANNIN. Does not the Senator have that information? It is published information; it is in the press almost daily.

Mr. ERVIN. Yes. We are investigating, for example, contributions by the Seafarers' Union of $100,000.

Mr. FANNIN. Hundreds of millions of dollars are involved.

Mr. ERVIN. Also, we are having investigations made into the contributions made by other unions. We have taken evidence on that in executive session.

Mr. FANNIN. But the Senator is giving his word they will investigate unions just as much as they investigate others, which certainly is proper.

Mr. ERVIN. Yes. We have taken some evidence. We have not been able to run down all the leads on that, but we have gotten leads from newspaper men, which are very illuminating, but unfortunately these leads are hearsay.

Mr. FANNIN. There are many reports and I think the Clerk of the House could furnish considerable information. There are many ways the committee could determine this information. I thank the Senator for his word they will go further investigating unions to the same extent they investigate others.

Mr. ERVIN. I am frank to say the unions were more guarded in making their contributions because they set up separate organizations; they do not seek unions funds, but voluntary contributions from the members.

Mr. FANNIN. But the question is that the Senator knows over the years it has been brought out that a great amount of money is being transferred back and forth. Some of it has been traced, and I have entered some instances in the RECORD. I feel all these matters should be investigated.

Mr. ERVIN. We can only investigate the 1972 campaign and matters related thereto.

Mr. FANNIN. I understand, but there are plenty in that period to be investigated.

Mr. TOWER. Mr. President, reserving the right to object, I would like to say that my failure to object does not constitute my belief that this is what should be considered a precedent for future justification for authorization of funds by committees. I can remember going with Chairman JOHN SPARKMAN of the Committee on Banking, Housing and Urban Affairs and having to give a strict accounting to the committee for funding for our committee. I think it is a proper procedure and one that should be understood. But I think it should be understood and legislative history made that this procedure does not establish a precedent to be followed.

Mr. ERVIN. The rules of the Senate permit any Senator to come before the Senate and ask for immediate consideration; and it will be either immediately considered or go on the calendar for consideration the next day if objection is posed to its immediate consideration.

Mr. TOWER. The Senator understands these matters are referred to the Committee on Rules and Administration.

The PRESIDING OFFICER. Without objection, the unanimous consent request of the Senator from North Carolina is agreed to.

EXTENSION OF THE PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time for the conduct of the transaction of routine morning business be extended for 10 minutes, inasmuch as I and other Senators have been taking time.

The PRESIDING OFFICER. Without objection, it is so ordered.

CREDIBILITY IN CAMPAIGNS

Mr. MANSFIELD. Mr. President, this has been an illuminating 10 or 15 minute discusion. I hope Senators will take note of the remarks made and the information furnished, because much of it should be considered in connection with the pending business. Again I would say that while credit is most important with the expiration of the debt extension at midnight last night and the reversion back to $400 billion, credibility in camaigns is also a factor which should be given primary consideration.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. MANSFIELD I am happy to yield to the Senator from Alabama.

Mr. ALLEN. I wonder if it would not be the better part of wisdom to wait until the Watergate Committee makes its report so that we can study it a little bit rather than have a 3-minute colloquy on which to base our decision; and I wonder if the distinguished majority leader has noticed that five out of seven members of the Watergate Committee do not seem to be supporting this campaign contribution measure.

Mr. MANSFIELD. I have noticed it, but rather than wait, five executives have been fined, and, if my memory is correct, suspended sentences were given for illegally making contributions in Presidential campaigns. Is that correct?

I note for the RECORD that the Senator from North Carolina, the chairman of the select committee, says that is a correct statement.

SAVING FUEL

Mr. RANDOLPH. Mr. President, Members of this body have agreements and disagreements. This is a condition which we recognize in the Senate. I only wish we might be accomplishing something, but that will not be possible. I think we are spinning wheels. I think the country will not appreciate this weekend from the standopint of the situation that has developed here. But I am not critical. I am only indicating that I believe the lights in this Chamber could be turned off today, fuel could be saved, and by the lights being on and discussions taking place, nothing is being accomplished that is productive.

I ask unanimous consent, Mr. President, to place in the RECORD at this point in my remarks an article from the Friday, November 30, 1973, Christian Science Monitor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAVING FUEL—PROPER INSULATION, RESETTING THERMOSTAT, AND LOTS OF COMMONSENSE PAY DIVIDENDS

(By Forrest M. Holly)

Wondering how to save energy around the home?

In these days of a mounting fuel pinch, here are some tips that could do the trick, not only when it's cold, but also next summer when it's warm:

INSULATION

Insulate and save up to 20 percent (or more) on fuel consumption.

Cut heat loss by ¼ to ⅕ by installing ceiling insulation. Insulate between floor joists; install an attic fan; buttom up and tighten up against air leaks; weatherstrip windows and doors; close fireplace damper.

HEATING AND COOLING

Change the air-conditioning thermostat from 75 degrees to 78 degrees and save appreciable energy. Keep windows and exterior doors closed during hot and cold spells. Don't heat or cool unused rooms.

Use drapes, solar or double-paned glass, or awnings. Limit lighting during warm spells.

Schedule baking, self-cleaning of ovens, washing, drying, and ironing for early morning or late evening, and thus lighten the burden on the cooling system. Service air-conditioning and heating units twice a year. Clean filters quarterly.

Set heating thermostat as low as you comfortably can—say 68 degrees. Turn off airconditioner, lower or turn off furnace during vacations.

Hear about the lady who was given a room air conditioner? Delighted, she exclaimed, "Now I can use my fireplace even in summer!" Not anymore.

LIGHTING

Douse lights in unused areas. Minimize Christmas lighting and drop extra outside lighting. Shut off the TV and radio when not in use.

Anyone for romantic candle light around supper time?

WASHER/DRYER

Are these appliances taking us to the fuel-shortage cleaners? No need.

Remove lint from washer and dryer filters. Vent dryer outdoors. Wash and dry only full loads of clothes.

Cool it? Use warm laundry water instead of hot where possible. Rinse with cold water when practical. Don't overwash or overdry! Put regular clothes through a 10- to 15-minute wash cycle; delicate clothes five minutes, permanent press five to eight minutes.

Drain sudsy washer water to a laundry tub to clean something else. Use leftover dryer heat to dry light synthetic fabrics. Dry clothes in the air when possible.

RANGE/OVEN

Cook up energy savings by getting the right pan. Use only pans that are flat-bottomed with straight sides and tight-fitting covers. Don't put a small pan on a big unit. Use leftover oven heat to warm plates or heat rolls. A watched kettle will boil (honest); and when it does, turn off the heat. Cook two birds with one pot!

Oven door close tightly? No fair peeking! Instead of opening oven doors and lifting lids, depend on thermostats and timers, even intuition.

Avoid using a range or oven to heat a kitchen.

DISHWASHER

Know that Mrs. Housewife Americana washes 1.5 million units during her career? So, don't throw precious energy down the dishwater drain.

Here's how: Use dishwasher only when full. Keep hot water supply between 140 degrees and 160 degrees.

REFRIGERATOR/FREEZER

Don't block their air vents or motors will work harder. Refrigerators lose their cool when doors are constantly open. Keep temperature at 37 degrees to 40 degrees.

Give the refrigerator a vacation when you take one. Then raise its temperature to 40 degrees to 45 degrees. Replace worn door seals. Frost has its place, but not in a "fridge." Defrost frequently.

WATER HEATER

Oversized units require unnecessary excessive energy. Stop leaky faucets. They waste water, hot and cold.

BATHROOM

Prefer snappy showers to indulgent deep-tub baths.

Be not like our erstwhile engineer Stanford University student son, who, bedraggled from hours of study, took showers, only to fall asleep standing up midst streams of hot water. Would you believe 30 minutes, sometimes 45 minutes?

Waste not, want not. Right? No more unnecessary fueling around the house?

Mr. RANDOLPH. Mr. President, this material has as its subject matter the saving of fuel, and it says that there are many commonsense ways by which we can proceed to reduce fuel consumption in the United States. The thrust of the article goes to the savings that can be effected in our homes by insulation, by better heating and cooling practices, by less lighting—to which I earlier made reference—by washer and drier appliances being watched more carefully, by savings from checking ranges and ovens, by using the dishwasher, as the writer, Forrest M. Holly, says, only when full. It refers to how problems that arise with respect to refrigerator and freezer can be checked. It refers to the waste that comes from faulty water heaters. A comment is made on bathrooms, urging people to take "snappy" showers rather than indulge themselves in deep tub baths.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. THURMOND. Mr. President, what is the question before the Senate?

Mr. MANSFIELD. We are in morning business.

The PRESIDING OFFICER. There is no question before the Senate at the moment. We are in morning business with a 3-minute limitation.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 11575. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes; and

H.R. 11576. An act making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Appropriations:

H.R. 11575. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes; and

H.R. 11576. An act making supplemetnal appropriations for the fiscal year ending June 30, 1974, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 8528) to provide for increasing the amount of interest paid on the permanent fund of the U.S. Soldiers' and Airmen's Home.

PRIVILEGE OF THE FLOOR—PUBLIC DEBT LIMIT BILL

Mr. THURMOND. Mr. President, I ask unanimous consent that Mr. David Thompkins of my staff and Raymond Sifley of the Committee on the Judiciary staff be allowed on the floor during this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SPARKMAN:

S. 2760. A bill to amend the Small Business Act to provide for loans to small business concerns adversely affected by the energy shortage. Referred to the Committee on Banking, Housing and Urban Affairs.

SENATE RESOLUTION 209—SUBMISSION OF A RESOLUTION TO INCREASE SUMS ALLOTTED TO SENATE SELECT COMMITTEE ON PRESIDENTIAL ACTIVITIES

Mr. ERVIN (for himself and Mr. BAKER) submitted the following resolution:

S. RES. 209

SECTION 1. That the first sentence of section 6 of Senate Resolution 60, which was adopted on February 7, 1973, is hereby changed to read as follows: "The expenses of the select committee through February 28, 1974, under this resolution shall not exceed $1,500,000, of which amount not to exceed $50,000 shall be available for the procurement of the services of individual consultants or organizations thereof."

ADDITIONAL STATEMENTS

DR. MILLARD BENNETT, NOTED WRITER AND LECTURER, BELIEVES "PAROLE LENIENCY PERILS SOCIETY"

Mr. RANDOLPH. Mr. President, there is an understandable concern of many Americans on the problems that create crime—increasing crime—in the United States.

The parole system, a well-intentioned part of our judicial proecdure, is exercised at times, as is probation, to the detriment of our citizenry.

There will be agreement and disagreement with the blunt language of Dr. Millard Bennett, noted writer and lecturer. I ask unanimous consent that his letter to the editor of the Santa Monica, Calif., Evening Outlook of Tuesday, November 27, 1973, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PAROLE LENIENCY PERILS SOCIETY

EDITOR: As I write this the police are holding an 18-year-old man on suspicion of setting the apartment fire that has already claimed 24 lives and severely injured many more. Every day radio, television and the press report numerous slayings, rapes and fires; crimes committed by individuals aged (chronologically) from 14 to past 60. But, how old were they psychologically, two, three, five?

Diderot, French philosopher (1713–1784) once observed, "All children are essentially criminal. It is merely our good luck that their physical powers are still too limited to permit them to carry out their destructiveness."

When Diderot made his startling remark, he was saying in effect, that human beings are safe to have around only if they are as weak in their powers of execution as they are in their powers of understanding. A child of two, with the strength of Atlas, would be a destroying monster; for he has, as yet, no recognition, understanding or linkages with life and those around him except those that minister to his own immediate desires.

The ant is born with all the knowledge (instinctive) it will ever need. A human being is born totally ignorant and irresponsible and must learn everything.

Psychology and psychiatry have progressed to the point today where they can test an individual's psychological age (maturity) in relation to his chronological age. Rapists, murderers and arsonists are, in the main, dangerously immature. They should be confined until, with proper training, they have reached a level of mental competence psychologically comparable to their chronological age. If they are incapable of reaching this stage in development, they should not be released to again prey upon society. Ninety-nine out of 100 will repeat the crimes for which they were previously sentenced. Their records bear this out.

Too many judges and parole officers are very inept in their handling of these immature criminals. Too often we hear, "We must have compassion and feeling for them." I ask, "How about compassion and feeling for victims; how about feeling for the families of those so harmed?"

Let's protect ourselves by taking these immature destroyers out of society and keeping them out.

MILLARD BENNETT,
Santa Monica.

THE U.S. AIR FORCE ACADEMY

Mr. DOMINICK. Mr. President, in times of relative peace, the military is subject to a variety of criticisms, ranging from demands for troop reductions to charges of excessive influence, and its institutions share a large part of it. For that reason, it was with considerable pride and pleasure that I read in the October 7, 1973, issue of the Denver Post, an article by editorial page editor Robert Pattridge presenting a most favorable view of the U.S. Air Force Academy. In his article, Mr. Pattridge cites not only the negatives at the Academy, such as the 40-percent dropout rate in the class of 1974, but also many of the positive aspects, including its ranking fourth in the Nation in the number of graduates who have won Rhodes scholarships and the excellent counseling programs available at the school. The writer views Academy men as walls—

> Hopefully walls for peace as well as defense, hopefully walls of intellectual superiority rather than mediocrity, hopefully walls of leaders rather than followers, hopefully walls with honor and not dishonor.

He concludes:

> If the Nation does not want these qualities ingrained at the Air Force Academy, Congress had best give a new mandate to the Air Force—Academy leaders—and the proud cadet wing.

I for one am most proud of the accomplishments of the Air Force Academy, its Superintendent, Lt. Col. Albert P. Clark; its commandant of cadets, Brig. Gen. Hoyt S. Vanderberg, Jr.; dean of the faculty, Brig. Gen. Wiliam T. Woodyard; and director of admissions, Col. William R. Jarrell, Jr.

As a member of the Academy Board of Visitors and a Senator from the State in which this excellent institution is located, I commend this article to all of my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD. as follows:

AFA GIVES US MEN TO MATCH OUR MOUNTAINS

(By Robert Pattridge)

Our men are our walls.—Sparta, ancient Greek city.

We will not lie, steal, or cheat, nor tolerate among us anyone who does.—Air Force Academy Cadet Honor Code, 1973.

Air Force Academy.—Parallels abound between Sparta, ancient Greek city, and today's Air Force Academy.

Sparta's laws, drafted by Lycurgus, were characterized by rigidness. Rigidity is part of life at the Aceademy.

The Spartan was essentially a soldier trained to obedience and endurance; he lived in a barracks and ate at a common mess. That is generally true of the Academy cadet.

A study of history unfolds other parallels between the Academy and Sparta, capitol of Laconia and most powerful state of the Peloponnesus.

History also shows, however, that men and nations do not survive on military might alone. Today's Academy has many qualities of ancient Sparta plus qualities of its own. The Academy process fosters review and change.

Currently, the U.S. military forces are the bad guys. Uneasy peace reigns in the world with detentes in trade, troop reductions and nuclear weapon controls. Thank God for that. However, should the world atmosphere alter, our media and public will clamor: "Where is the military?"

Part of that military is at the Air Force Academy. There are hundreds of officers, enlisted men and cadets on the 18,000 acre site north of Colorado Springs who believe in discipline, and practice it. They also exhibit human understanding and compassion for fellow man.

Negative news about the Academy has a way of bursting onto front pages and the television screens around the world. A reader or viewer may question: "What is going on there?"

The answer is simple—education. Much of that education, unreported, is positive.

An example: For an average of four hours daily, Brig. Gen. Hoyt S. Vandenberg Jr., 45, commandant of cadets, counsels and raps with the 3,980 cadets in groups and individually

Among other problems, General Vandenberg seeks out "rumbles." That is Academy jargon for the cadet who is "rumbling"—pondering resignation. It is a serious problem. The dropout rate in the 1974 class is a shade over 40 per cent.

There is counseling galore for the "rumbles." Available are fellow cadets, cadet leaders, the 580 faculty members, General Vandenberg, a special team of officers, chaplains, psychiatrists and even Lt. Gen. Albert P. Clark, the 60-year-old Academy superintendent who looks 45.

General Clark recognizes that cadets have special troubles. They have come from a permissive society where alcohol, cars, women and drugs are available. Suddenly they are in the Spartan atmosphere of the Academy. The physical and academic demands are tough.

Concentrating on three areas of concern is a goal of General Clark:

The cadet's environment. Improve it and allow a minimum of the "Mickey Mouse" harassment that is so irritating to young men of today.

Don't bring in cadets who won't make it at the Academy. Greater counseling and care in selection of cadets is part of this goal.

Orient the cadet candidate completely as to what he can expect and what is expected of him. He will last, adjust and quit less frequently.

Certain standards will not change under General Clark's superintendency. They include courage, loyalty, character, leadership and self-discipline (a subject General Clark knows well, having spent nearly three years as a prisoner of war in Germany during World War II).

"The way you capture a young man's loyalty is not the same as in Frederick the Great's time," General Clark says.

You have to reach a cadet with understanding, he believes, but without lowering academic or moral standards.

The task is not easy in 1973 with the social, political and military turmoil. But General Clark's worries are not his own. Besides his competent staff he is assisted with recommendations by the Academy Board of Visitors and the Academy Advisory Council, both comprised chiefly of civilians.

The Academy also has been enriched by the Air Force Academy Foundation. Private funds donated through the foundation created the 50,000-seat Falcon football stadium and the 18-hole Eisenhower Golf Course.

In worrying about the dropout rate, and the money spent to educate a cadet, General Clark is realistic. "When you shake the tree, some bad apples will fall."

The number falling concerns him, although it is best for cadet and Academy if the dropout is weeded early in his career rather than later.

There is satisfaction for the general in the number and quality of the AFA graduates. Since Congress authorized the Academy in 1954, a total of 7,800 men have graduated. Only 38 have embarrassed the Air Force in any manner. The Academy also leads the three service institutions in number of graduates who remain on active duty following completion of military commitments.

An oft-repeated charge against the Academy is that hawkish robots are being manufactured. "Nothing is further from the truth," contends General Clark. His words are backed in random conversations with cadets.

The cadets exhibit abundant free wills and intellects. They are the ones deciding to stay or leave the Academy. They are the ones offering advice to the Academy administration on matters as diverse as "Mickey Mouse" harassment and changing the curriculum.

It is the cadets voicing a variety of recommendations in discussions with Generals Clark and Vandenberg, other officers and cadet leaders. Cadets appreciate that the officers seek out ideas for change. And the cadets run the honor code—not the officers. The cadets hear the evidence in honor code cases and make decisions on resignations.

If the cadets are robots, they are well-informed robots. General Clark invites a wide range of speakers to address the cadets. They range from comedian Dick Gregory to a Communist. There was a seminar for minorities. Speakers with various views are presented under an open policy.

Classroom discussion is frank, energetic and refreshing.

The Academy attracts the cream of the nation's youth. They are the scholars, athletes, the leaders of all colors and creeds from hundreds of high schools—including the Academy's own Preparatory School. Taking this quality and leading the way to an education for the "whole man" is Brig. Gen. William T. Woodyard, 54, dean of the faculty.

A scholar who has served at the Academy since its founding, General Woodyard aims at "establishing a total environment conducive to training."

He needs no Pentagon reminder that "we are here to support the Air Force." Yet, he is the type officer who hosts cadets in his home and hears plenty of "feedback."

General Woodyard isn't pushing only science, mathematics and military training. Literature, philosophy, languages, music, art, history, athletics, political science, all have a place at the Academy.

Holder of a doctor's degree in higher education from the University of Denver, General Woodyard is especially proud the Academy ranks fourth nationally in the number of graduates who have won Rhodes scholarships.

The Academy also is a leader in winning

National Collegiate Athletic Association scholarships—a measure of the "whole man" concept.

General Woodyard is also proud of the accreditation record in engineering and other fields of Academy education.

The three Generals and Col. William R. Jarrell Jr., 51, director of admissions and registrar, point out a few variables in the dropout rate.

There are no transfer students into the Academy upper classes as in other non-military institutions. There is a 2 to 3 per cent attrition among cadets due to physical problems. General Vandenberg grieves for the cadet, determined to be a pilot, who suddenly develops eye trouble and drops out because flying was his only "thing."

Also, like civilian youth, cadets have problems with girl friends, families, studies, the physical training and assorted other troubles.

Yet, Colonel Jarrell reports applications are streaming in at a high rate. More than 8,000 young men applied as cadets for the 1,500-member class admitted this year. Some are motivated by a free education but watching them march, train, dine, learn and relax, you have to concur with General Vandenberg: "An amazing bunch of young men."

They are young men with their shoulders back, heads up and living a life packed with motivation, achievement and goals. Besides pilots, they are destined to be Air Force doctors, lawyers, scholars and various other career occupations.

The cadets don't put you on with idle praise for the establishment. Most are mighty happy when the physical and academic demands of that initial year are behind. As is the military's habit, the upper classmen and officers lead by example and the new cadet is impressed.

There are no boys at the Academy—all are men. They live by the honor code of no lying, cheating or stealing. For most, it is an honor code for life.

Many cadets—and officers—expect women will some day be enrolled at the Academy. This will require some changes in training when it happens.

Also in the future there will be more headlines from politicians blasting the Academy. The General Accounting Office may be critical of Academy spending. There will be more dropouts. Training (such as a prisoner of war camp) will be debated. There will be criticism from ex-cadets and ex-faculty members.

In measuring time, the Academy is an infant. It is less than a quarter century old compared with the centuries of Sparta.

But like Sparta, the Academy has strength in its men—its cadets and officers. Due to this strength, the Academy is changing man's flight through life.

While Sparta's race of resolute, ascetic warriors eventually expired, the Academy shows no such signs.

The Academy Men—like Sparta's—are also walls; hopefully walls for peace as well as defense, hopefully walls of intellectual superiority rather than mediocrity, hopefully walls of leaders rather than followers, hopefully walls with honor and not dishonor.

If the nation doesn't want those qualities ingrained at the Air Force Academy, Congress had best give a new mandate to the Air Force and its Clarks, Vandenbergs, Woodyards, Jarrells and the proud Academy Cadet wing.

A NEW BREED IN MAINE'S LEGISLATURE

Mr. MUSKIE. Mr. President, in recent years—with the emergence of such concepts as revenue sharing and the new federalism—there has emerged a renewed interest in the capacity of State and local government to respond to the problems of the mid-1970's.

Ever since my own service in the Maine Legislature from 1947–51, and my service as Governor from 1955–59, I have had great confidence in the potential for service at those levels of government.

My confidence has been reflected over the years in the work of the Subcommittee on Intergovernmental Relations.

Recently, one of Maine's thoughtful political reporters, Jim Brunelle, has written a perceptive article on the evolution of the Maine Legislature since 1945. It supports my optimism on the subject. I ask unanimous consent that his article, appearing in the Maine Sunday Telegram on November 25, 1973, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A NEW BREED IN MAINE'S LEGISLATURE

(By Jim Brunelle)

When Thomas R. LaPointe was born in Portland in 1945, there were only 14 Democrats among the 151 members of the Maine House of Representatives.

One year later a lanky, loose-limbed and Lincolnesque young attorney from Waterville ran successfully for the House and began a political career that would start Maine on the road to becoming a genuine two-party state.

Tom LaPointe was nine when Edmund S. Muskie became the first Democrat in 20 years to be handed the keys to the Blaine Mansion and he was still a teenager when in 1964 the Democrats regained control of the legislature after a half century in the cold.

Today, a state legislator in his own right, LaPointe is representative of a new breed of lawmakers who are young, thoughtful and possessed of a greater variety of interests and drive than their predecessors.

Because this new breed is largely unfettered by the chains of partisan imbalance which restricted the political development of Maine for so long, it has brought important change to the state legislature and to its ability to respond to public needs.

Today's legislator is more serious, harder working, better informed and generally more representative. He is less moved by the spokesmen of corporate interests, less dependent upon lobbyists for information and technical assistance and less of a "party man" in strictly political terms.

The new lawmaker doesn't look upon the legislature so much as a place to celebrate the status quo as an arena in which to bring about meaningful change.

"I think it's possible to get things done," says freshman LaPointe. "If you analyze the forum and look at the people in it, if you're honest and do your homework, you can affect the decision-making process. It's a very long and slow process—I'd say three steps forward and two backward—but if you work at it, you can accomplish something."

While too young to recall first-hand the developments which set the process in motion, LaPointe and many of his colleagues—both Republican and Democrat—are the beneficiaries of the state's newly emerged two-party system.

To understand the legacy, a brief history is called for:

Muskie's elevation to the governship was pretty much of a surprise to everyone, including Muskie, who, although he became an immensely popular state leader was never fully able to transfer political legitimacy to Democratic candidates further down the line.

Despite some minor erosion, Republicans maintained impressive majorities in both houses of the legislature. Democrats were still viewed as rather barbaric and dangerous, generally unsuited to looking after the public's business.

It fell in 1964 to Barry Goldwater to open the gates to the barbarians. And there were many in Maine who were convinced that a major disaster had befallen the state when the Goldwater Debacle, as it came to be identified, swept the Democrats in control here.

Nobody knew just how they would behave in power, but the Republican minority braced for the worst. At the very least they expected to be treated shabbily and at most to be forced to look on helplessly as the state treasury was plundered.

State House veterans—some Democrats included—seriously wondered if the legislature could carry on without the services of Harvey Pease, the crusty old GOP house clerk who had dominated the House for more than three decades and who knew as no one else just how the legislative machinery was manipulated.

Everything went on quite normally after the barbarians were seated.

"It turned out that the Democrats performed no differently than the Republicans," recalls one observer who survived the transition. "There was no real change at all!"

To be sure, old guard Republicans later complained about a "lamentable breakdown in decorum" under the Democrats, but the worst example they could cite was "the unprecedented practice," which was finally stopped, of senators observing a coffee break in their seats while the Senate was in session.

Such fussy outbursts hardly obscured the real significance of the takeover: the discovery by Maine voters that Democrats were no worse than Republicans in running things at Augusta.

Thus the Goldwater legacy.

When Tom LaPointe decided to run for political office last year, the legislature was a logical place to start.

"I'd toyed with the idea of running for city council, but that seemed more like a lottery than anything else, with 13 people running for a single seat," he recalls. Although 23 Democrats were vying for 11 legislative nominations in Portland, the odds seemed infinitely better.

He ended up sixth in the field, running better than a number of incumbents.

A native of Portland, LaPointe joined the Marines after graduating from Cheverus High School. A back injury during training in North Carolina resulted in a medical discharge and a quick end to his military career.

La Pointe was a sociology major at the University of Maine in 1970 when Nixon invaded Cambodia. He joined a protest strike with other students and by the time the fuss was over so was his academic career.

"We became so busy I just never went back to school," he says. "I had a little less than a year to go and I'll probably go back once this legislative thing is over."

A camping enthusiast, LaPointe has worked as a recreation staff planner for United Community Services, director of Camp Gregory at Gary and a member of the Model Cities recreation task force in Portland.

LaPointe was somewhat befuddled by the legislative labarynth when he took his seat last January. "There were times when I asked myself, 'What's going on here?' " he recalls. "It took a total immersion process for me to understand it."

His immediate problem was to identify and establish contact with a constituency.

"I had considered the idea of writing a newsletter, but I couldn't really get a handle on that because there are 60,000 people in the city of Portland. How do you send a newsletter to 60,000 people?"

On a legislator's salary, you don't, so LaPointe did the next best thing. He started mailing copies of proposed bills to groups and individuals he felt might have an interest in the measures.

Given LaPointe's particular interests, his "mailout constituency" evolved from recreation and camping groups, consumer organizations, the poor and the elderly. Where the porkbarrel interests of past legislators centered largely on roads and bridges, the new breed focuses on social program grants.

This is only one of the ways in which the Maine Legislature today is a far different body from the one that Barry Goldwater shook up nine years ago.

Owen Hancock, a Casco Democrat who served in the House in the early 1950s and then skipped 20 years before returning to the legislature two years ago, recently talked about the differences.

"In the first place, it's so much more sophisticated now, both in terms of membership and the type of bills that are being introduced.

"And the people back home are much more aware of what's going on and are much more interested. Before, if you got three or four letters a week, you'd be doing pretty good. Now you get a minimum of three or four a day, plus phone calls, telegrams and petitions."

LaPointe, on the other hand, is surprised that citizen participation in the legislative process is not higher. Shortly after his election he had an answering service attached to his home phone to handle calls from constituents while he was away.

"I thought I'd be swamped with calls," he says. "In fact I wasn't and I reluctantly discontinued the service because it was very costly. I must say that I'm sadly disappointed with the lack of feedback I got in the legislature."

The seeming inconsistency between Hancock and LaPointe on the matter of citizen participation may be one of degree. Hancock undoubtedly is getting a lot more inquiries from the folks back home than he did in the old days and LaPointe is not getting enough to suit a legislator who perceives a much broader-based constituency than his predecessors.

Hancock and other more seasoned legislators are hearing new voices these days. If, as legend holds, lawmakers once doffed their hats when passing the executive offices of Central Maine Power Co., their courtesies today have a broader reach.

The corporate influence has been significantly diffused in Augusta with the advent of effective lobbyists or the newly-emerged special interests: environmentalists, consumers, women, the poor and the elderly.

The trend revealed itself rather dramatically in the 1959 session when a lone environmental lobbyist, hired on an experimental basis by a number of conservation groups in the state, shepherded piece after piece of landmark legislation through the session and watched them pass by stunningly lopsided votes in both houses.

The industrial lobby—a phalanx of high-priced and experienced agents of the big landowners, paper interests and the like—would hold daily seminars on the east portico of the State House to plan counterstrategy, usually to no avail. These veranda sessions eventually became little more than mutual morning-after commiserations for powerful lobbyists unused to being on the wrong side of a juggernaut.

It was not a lasting condition, of course, and there is evidence that the pendulum may be cutting back, but the days when the legislative minions of CMP, Great Northern, Maine Central Railroad and others were given more to dictation than persuasion are apparently past.

"I feel there is a need up there for a citizens lobby to offset the insurance companies, the banks, the private utilities and those sorts of interests," says LaPointe. "Still, I can't say that the industrial lobbyists have bothered me a great deal, or even that they've bothered with me."

One reason why the constituency of the new lawmakers is different is that there have been significant changes in the way the legislature has come to view itself.

It is gradually abandoning some long-held myths about itself, myths which allowed former strengths to ossify into fatal weaknesses, locking the legislative function into a 19th century mentality ill-equipped to deal with contemporary problems.

There is, for example, the myth of the "citizen-legislator," the idea that a person should serve in the legislature out of a sense of public duty rather than for any monetary consideration involved.

This particular myth, wholly noble in concept, ruled out the payment of "professional" salaries to lawmakers and guaranteed that candidates always would run for the honor rather than the wage.

The trouble with this theory is that is has restricted the honor of serving in the state legislature largely to the citizen who can afford to serve; that is, to the person of independent means, the retiree, the self-employed and the specially endowed.

For the most part, people of ordinary means, and working people in particular, have been effectively barred from serving in Augusta.

The situation is slowly changing as more and more people come to accept that an underpaid legislator is not necessarily a good legislator.

Ten years ago legislators were paid $1,600 per biennium, plus modest expense allowances for food, lodging and transportation. This has gradually increased to $3,500 per biennium and somewhat more generous expense payments.

The effect has been to open the legislature to a broader range of citizenry. But there's still plently of room for improvement: even with the recent increases, Maine places 42nd among the states in terms of legislative salaries.

Representatives like Tom LaPointe still hitch rides with friends to and from the legislature. Married earlier this year, he isn't sure whether he'll be able to afford to run for reelection, even though his "game plan" had called for three terms.

"It takes time as well as effort if you want to be an effective legislator," he says.

In a one-car family, he figures his wife, a social worker, usually needs the vehicle more than he does and for his normal around-town trips he uses a bicycle.

A special citizens committee created by the 106th Legislature is currently studying the problem of legislative salaries and is expected to recommend major pay hikes so that the Tom LaPointes of the future will be guaranteed the time needed to make the effort for effectiveness.

Another area in which new attitudes have helped to pave the way for a better legislature—certainly a better informed one, at least—is staffing.

"One of the problems is that you have 2,000 bills," says LaPointe. "You set some sort of workload for yourself, your own bills and your own committee activities. But you don't have a chance to study all the ins and outs of each bill and you don't have the staff to go do a lot of research for you. The information gathering process for the individual legislator is very limited."

For years—again, probably because of the pervasiveness of the citizen-legislator myth—Maine's elected representatives resisted proposals to increase their staff capability beyond the merely clerical, viewing such proposals as extravagant and wasteful of the taxpayers money.

It was false economy. Without adequate staff of its own, the legislature has depended to an inordinate degree upon special interest lobbyists to provide free research and bill-drafting services.

The lobbyists, of course, have been only too happy to accommodate. It is no exaggeration to say that Maine's statutory laws have, in the main, been drafted by lawyer-lobbyists representing special corporate interests throughout the state.

These "free" services have undoubtedly been furnished expensively to the citizens of Maine over the years, a fact all the more painful because they were cultivated in the name of economy.

This year, however, the lawmakers took a small but significant step in the direction of independence. They hired a dozen legislative aides at the opening of the current session, assigning half to research and bill-drafting projects for various joint standing committees and making the rest available as personal assistants to the legislative leaders of both parties.

The experiment, while modest, was well received.

Frankly, I don't know how I ever got along without an aide," says Senate President Kenneth J. MacLeod. "Now, when I need some answers, I put my man to work and get clear, objective responses."

If nothing else, the addition of new staff resources has been good for egos of Maine legislators. Odd as it may seem to the coastal observer, the self-esteem of our elected representatives often need bolstering.

How they view themselves is a matter of some public importance. Despite frequent explosions of rhetoric and much bluster, the average lawmaker is deeply conscious of his own insignificance. He knows he is too often at the mercy of department heads, executive bureaucrats and the ubiquitous lobbyists.

If through a little staff assistance he can be made to feel a measure of real independence from these groups—if only for purposes of obtaining "clear, objective responses" to some of the 2,000 bills he must vote upon—the chances are he will be a better and more self-assured representative of the people's interests.

Another change in the Maine Legislature has come in the social atmosphere which surrounds its activities.

The traditional American view of state capitals as cauldrons of booze, broads and bribes has never really suited Augusta, although it is true that the night life was a good deal livelier a few years earlier than it is today.

A decade ago the Augusta House—that venerable hostelry which opened its doors the year the legislature first met in Augusta—was still the hub of social and political life outside the State House.

The Augusta House is padlocked now and gone with it are the famous "legislative assemblies," the lobbyist hospitality suites, the song fests, the nightly pilgrimages from room to room in search of boozey camaraderie.

Today's lawmakers are scattered to the numerous motels of Augusta, and while there may be a degree of merrymaking in the bar at the Senator Hotel, the newer legislator is most likely to be found in his own room quietly prepping for the next day's round of issues.

Finally, a significant change has taken place in the matter of legislative ethics.

Ten years ago the legislature routinely approved a code of ethics for itself in which lawmakers were pledged to reduce "to a minimum" any collision between their private interests and official duties. It was left up to the individual to determine conflicts of interest in his own mind.

Few bothered to read the code in the years following its adoption and virtually nobody gave any serious thought to its provisions. Recently, however, the legislature has displayed a heightened consciousness of the ethics question and many lawmakers—particularly of the new breed—are trying to come to grips with it, although at the risk of provoking many of their older colleagues.

Tom LaPointe has wrestled with his conscience over the thorny issue of conflict. His wife, Claire, is a social worker with the state department of health and welfare. When the Part I budget came up for a vote in the House, LaPointe asked to be excused on grounds of a potential conflict; he would, in effect, be approving his own wife's salary.

"Everybody thought I was crazy," recalls LaPointe.

Unfortunately, the citizen legislature tends to resent such individual displays of conscience, regarding them as self-serving and reflecting unfavorably upon the integrity of the legislature as a whole. There have been instances in which one chamber or the other has become prickly over such requests and refused to allow a member to excuse himself from voting on grounds of potential conflict.

There are signs—the highly-publicized Sewall case being only one—that the legislature is giving more serious thought to the question of ethics, a matter almost never raised in the past.

The fact that it is being mooted at all represents significant change. Ten years ago, it simply would never have occurred to a legislator whose wife was on the state payroll to excuse himself from voting on the state budget.

These, then, are some of the elements of change in the Maine Legislature:

A lessening of corporate influence.

Emergence of "people's lobbies."

A more enlightened attitude toward salaries and staff assistance.

Opening of the legislative ranks to more working people, women and young people.

Mostly, however, it is the development of a healthy two-party system in Maine which has had the greatest effect on the legislature. The exercise of raw partisan muscle is no longer feasable, and the art of politics therefore has taken on a subtler, healthier meaning.

Ed Muskie would scarcely recognize the arena he helped open up for Tom LaPointe and his colleagues.

FINAL VOTE ON H.R. 3153

Mr. DOMENICI. Mr. President, I voted yesterday for the social security reforms as outlined in H.R. 3153 and its many amendments. I did this for many reasons, some of which I would like to explain for public record at this time.

Many of the provisions of this bill I believe will be of vital importance for older citizens struggling on limited, fixed incomes. Of course, the most obvious benefit is the proposed two-step, 11-percent cost-of-living increase in social security benefits. More than 29 million beneficiaries will be that much better off in these days of spiraling costs and I strongly supported this increase for that reason. On an individual basis, these provisions would raise average monthly benefits from $162 for retired workers to $173 effective the month of enactment and then to $181 in June 1974. For aged couples, the annuity will be increased from $277 to $296 and later to $310. Elderly widows now receiving $158 can expect $169 upon enactment and $177 in June 1974. I understand that this increase will eliminate approximately 550,000 older Americans from the poverty rolls, and I am pleased with that fact.

Another provision of great concern to those who will receive monthly income from the new supplemental security income program would be the increased allotments from $130 to $140 for eligible individuals and from $195 to $210 for qualifying couples. A further increase would be provided in July 1974; to $146 for single persons and $219 for couples. Income standards would also be increased proportionately for essential persons, generally younger spouses of assistance recipients who are 65 and above. For these individuals, the income standard will be raised from $65 to $70 in January and then to $73 in July.

I have previously spoken out in this Chamber in support of several provisions adopted as amendments, including the extension of the Federal Minimum Standards of 1968 to day-care centers already receiving Federal funds and the necessity for a raised outside earnings limitation for social security recipients. I said at that time, and I would like to say again, that I would support removal of all limitations on outside earnings, but would settle for the proposed increase to $3,000 as a step in the right direction. Furthermore, I have previously urged my colleagues' support for amendment 644 to this bill; an amendment to extend medicare benefits to spouses and survivors at cost if they are 60 to 65 years of age. I was also pleased to see this measure that I cosponsored adopted by such a strong vote.

I also spoke out earlier in the year on behalf of a measure I cosponsored which is now part of H.R. 3153, a provision to set up a method of enforcing the support obligation of parents when mothers and fathers are no longer living together. This provision will provide an opportunity for necessary reform by undertaking new directives for locating absent fathers, enforcing the collection of child-support payments and ascertaining the paternity of deserted children. In addition, if more support money is obtained from the deserting parent, fewer taxpayers' dollars will be spent on the program for aid to families with dependent children. I also cosponsored the provision to make Federal matching grants to States for medicaid to supplemental support income recipients, including many of our New Mexican Indians.

The provision to eliminate the tax deduction for individuals on State and local gasoline taxes is a unique attempt to put money primarily back into the pockets of the less affluent wage earner in an effort to compensate for the increase in social security contributions.

Despite these and other tremendously worthwhile and needed provisions, Mr. President, I would like to say just a few words again of my deep reservations about the way Congress operates on these matters of importance. Amendments are often reported on the floor with no prior announcement, and with little debate or discussion. Even when amendments are previously printed, it is often very difficult to find the factual information with which to make a clear and intelligent decision.

In this regard, Mr. President, I would like to discuss amendment No. 542, an amendment that provides medicare coverage for certain prescription drugs necessary for the outpatient treatment of certain chronic diseases. This amendment was adopted on November 28 with very little discussion or debate.

When this amendment was called up, I was extremely concerned that the high costs involved, estimated at $700 million annually, would be too great a drain on the funds available to meet those additional expenses. The amendment did not provide for a means to generate the additional funds required, nor even mention that problem. I am of the opinion that it is fiscally irresponsible to pass a measure requiring funds of this magnitude without providing a means for generating those funds. Consequently I voted against the measure despite my strong opinion that we must take affirmative action to give senior citizens some measure of relief from the high costs of prescription drugs.

I am still convinced that we followed a poor procedure, but I am even more convinced that the millions of worthy recipients of social security across the Nation need and deserve the basic benefits contained in this bill, including help in paying for prescription drugs. Therefore, Mr. President, I will not let my opposition to or my keen disappointment for our failure to address the funding of these increased benefits prevent me from supporting the bill, although I am afraid that without a funding provision this amendment may be eliminated in conference. What a cruel blow that would be to those whose hopes and expectations had been raised by our action in the Senate.

Another reservation I have with this legislation is its lack of any real welfare reform proposals. We all know of abuses within the system; abuses which should be eliminated. Work incentive programs are needed which go even further than providing better day care facilities in States not meeting reasonable minimal standards. I will direct my greater attention to these issues in the near future.

But, Mr. President, despite these reservations, I would like to again stress the importance and meaningfulness of this legislation. Despite our modus operandi in Congress, good ideas are formed and acted upon and I feel that most of the provisions of H.R. 3153 are clearly designed to help our senior citizens. As a member of the Special Committee on Aging, I feel a special responsibility for the elderly. Many write my office explaining the often dire circumstances they face trying to make ends meet during hard times. We all are suffering with the increased cost for goods and services, but few suffer as much as the elderly person in our youth-directed society. I am pleased that we did not turn a deaf ear to that suffering.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, a common objection to ratification of the Genocide Convention is based on the theory that human rights is not an appropriate subject for an international treaty. Subscribers to this theory maintain that human rights are under the exclusive domain of individual nation-states; that the protection of human rights has no place in international affairs.

Mr. William Gerber, in a report entitled "The Human Rights Protection" contained in the Editorial Research Report Series, refutes this objection. In one concise passage, he traces the evolution of human rights in international treaties and demonstrates its vital role today. The Senate can carry this evolution one step further by giving its consent to the Genocide Convention.

Mr. President, in the Declaration of Independence our Founding Fathers set forth their dedication to the principles of human dignity. We must do no less than to reaffirm those principles to the world by speedy ratification of this treaty.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

The PRESIDING OFFICER. Under the previous order the Chair now lays before the Senate the unfinished business which the clerk will state.

The assistant legislative clerk read as follows:

H.R. 11104 to provide for a temporary increase of $10.7 billion in the public debt limit and to extend the period to which this temporary debt limit applies to June 30, 1974.

The PRESIDING OFFICER. The pending question is on the motion to invoke cloture on the motion to insist on the Senate amendments to H.R. 11104 and request a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

Under the previous order the Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I ask unanimous consent that I may yield to the Senator from South Carolina without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, the Senate Select Committee on Presidential Campaign Activities in November, 1973, published a volume entitled "Election Reform—Basic References." This appears to be a very interesting publication and looking through it I observed several interesting articles. One article is entitled "Campaign Financing and Political Freedom" by Ralph K. Winter, Jr., in association with John R. Bolton.

I might say that Ralph K. Winter, Jr., is a professor of law at Yale Law School and an adjunct scholar at the American Enterprise Institute. John R. Bolton is a member of the Yale Law School Class of 1974 and an editor of the Yale Law Journal.

In reading this article, it seems to me it brings out some points that should be of interest to the Senate at this time, and therefore I should like to read the article into the RECORD:

The conviction that something has gone awry in our political process is again growing stronger in the United States Congress. In particular, the view that wealth has excessive influence on election results and that election campaigns are too costly seems almost a routine assumption. These claims come on the heels of the Federal Election Campaign Act of 1971, a restrictive law regulating the contribution and use of campaign money. That act has been greeted by constitutional authorities with comments ranging from "would seem to violate the First Amendment"[1] to "flatly unconstitutional"[2] and has been challenged by lawyers for the *New York Times as* "shot through with constitutional deficiencies."[3] Hence considerable caution would seem warranted before federal regulation of campaign financing is expanded. Nevertheless, the Congress is seriously considering even more drastic legislation.

The principal proposals now under debate are relatively old and deceptively simple. In general outline they include a substantial subsidy from public funds to be given to federal candidates to pay all or part of their campaign costs.[4] This subsidy would be complemented by legal limits on (1) the amount spent by a candidate or those furthering a candidacy and (2) the size of individual financial contributions to a candidate's campaign.

Such proposals are of critical importance. If adopted, they will alter the political process and may have results transcending the issue of campaign financing. Moreover, because they regulate campaign advocacy, they may interfere with freedom of expression.

The proposals ought, therefore, to be implemented only after a persuasive demonstration of necessity and after a weighing of all potentially undesirable effects. The position taken here is that the case for further regulation, when scrutinized, seems based on speculation rather than demonstrated fact, ignores the grave dangers to a free society such regulation threatens, and emanates in part from groups which have political interests of their own to further.

1. CAMPAIGN MONEY IN PERSPECTIVE

The functions of private campaign money

Much of the doomsday rhetoric accompanying discussions of campaign finance can be discounted as political exaggeration. Candidates seem never to lose because the public is indifferent to them or to their platforms; they seem to lose because they cannot raise enough money. Tom Wicker tells us that Fred Harris and Paul McCloskey saw their campaigns founder "for want of means to wage a primary campaign,"[5] a statement that is true in the same sense that if a mayoral candidate in New York City were exposed as Martin Bormann, his withdrawal statement would mention only difficulties in raising campaign funds.

Lack of campaign money provides a face-saving exit from a delicate (losing) situation. Thus, many attributed Senator Humphrey's loss in the California primary to Senator McGovern's money, and his loss to President Nixon to Nixon's money.

No one denies that elections are expensive, but the importance of money is almost universally exaggerated. Although allegations about the high campaign costs of recent years are repeatedly made, we really do not know how much was spent before the days of television when campaign expenditures were neither open nor easily regulable. Even now, the estimated amount spent for all elective offices in 1972, national, state and local, was less than was spent by each of two commercial advertisers.[6]

Still, since campaigns are expensive, large contributions seem an easy way to gain favor. Potential donors may be reminded of their dependence on governmental decisions by public officials or their representatives; some individuals give seemingly inordinate amounts; finally, continued allegations seem to have generated considerable skepticism about the financing of campaigns and to have eroded confidence in the political process.

Given all this, the case for regulation cannot be summarily dismissed, and the roles played by private campaign money must be carefully weighed. Certain functions *are* undesirable. Some donors doubtless make contributions hoping to obtain personal favors ranging from the trivial, for example, dinner invitations, to the malevolent. Awarding ambassadorships in return for large contributions is not the most desirable method of choosing American representatives to foreign nations. To exercise administrative discretion in favor of larger political contributors, for example, in awarding a government contract, is not only undesirable but in most cases illegal. Where the contribution follows a pointed reminder from a public official, governmental power is misused. Similarly, we feel uneasy when an otherwise undistinguished individual makes a serious stab at high office by expending a family fortune.

Horror stories illustrating the misuses of campaign money abound; but precisely because they horrify, they may obscure more than they illuminate. Many of the roles played by private campaign money are desirable, indeed, indispensable to a free and stable society.

Our threshold question must be whether money ought to play any role in politics. If we value freedom, the question can safely be answered affirmatively. All political activities make claims on society's resources. Speeches, advertisements, broadcasts, canvassing, and so on, all consume labor, newsprint, buildings, electrical equipment, transporation and other resources. Money is a medium of exchange by which individuals employ resources to put to personal use, to work for others, or to devote to political purposes. If political activities are left to private financing, individuals are free to choose which activities to engage in, on behalf of which causes, or whether to do so at all. When the individual is deprived of this choice, either because government limits or prohibits his using money for political purposes or takes his money in taxes and subsidizes the political activities it chooses, his freedom is impaired.

FOOTNOTES

[1] A. Rosenthal, *Federal Regulation of Campaign Finance: Some Constitutional Questions* (Princeton, N. J.: Citizens' Research Foundation (ed.), 1972), p. 63.

[2] Statement of Alexander Bickel, ibid., p. 66.

[3] Brief for *New York Times* as amicus curiae, p. 16, American Civil Liberties Union v. Jennings, Civil No. 1967–72 (D.D.C., 1972).

[4] See, for example, S. 1103, 93d Congress, 1st session (1973); hereinafter referred to as the Hart bill, after its author, Senator Hart.

[5] Tom Wicker, "Subsidizing Politics," *New York Times,* June 8, 1973, p. 39, col. 5.

[6] Statement of Herbert E. Alexander, *Hearings on S. 372 before the Subcommittee on Communications of the Senate Committee on Commerce,* 93d Congress, 1st session (1973), p. 219; hereinafter referred to as *Hearings.*

Mr. President, I ask unanimous consent, without my losing the floor, that we may have a quorum call.

The PRESIDING OFFICER (Mr. CLARK). Is there objection to the request of the Senator from South Carolina?

Mr. ALLEN. Mr. President, reserving the right to object, I would like to ask the distinguished Senator from South Carolina if he would agree that on the calling off of the quorum call the Senator from Alabama be recognized for the purpose of introducing a motion to re-

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Footnotes at end of article.

cede. I might state that this request is made with the knowledge and at the suggestion of the majority leader.

Mr. GRIFFIN. Mr. President, would the distinguished Senator from Alabama yield for a question?

Mr. ALLEN. I yield.

Mr. GRIFFIN. Mr. President, would that be a similar motion to that which was made last night, as stated in the press?

Mr. ALLEN. It was filed after the Senate adjourned.

Mr. GRIFFIN. It would allow the Senate to pass the bill and get the debt ceiling behind us and allow the Senate on some other occasion to consider campaign financing in the regular and orderly way.

Mr. ALLEN. The Senator is correct.

Mr. THURMOND. Mr. President, I am willing to yield to the Senator from Alabama for that purpose. I ask unanimous consent that after the quorum call is had, I may be allowed to yield to the Senator from Alabama for that purpose.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina?

Mr. MANSFIELD. Mr. President, reserving the right to object, do I understand that what the Senator is asking is that he be recognized after the motion is made by the distinguished Senator from Alabama?

The PRESIDING OFFICER. After the disposition of the quorum call.

Mr. THURMOND. Mr. President, I will state it over so that there will be no misunderstanding. I ask unanimous consent that we have a quorum call, and that upon the disposition of the quorum call, the Senator from Alabama be permitted to make a motion, and that after that motion, I may resume.

Mr. MONDALE. Mr. President, reserving the right to object, on the consideration of the motion of the Senator from Alabama, is full debate permissible?

The PRESIDING OFFICER. It is a debatable motion. Is there objection to the request of the Senator from South Carolina? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, would the Senator from South Carolina allow the quorum call to go for 6 or 7 minutes?

Mr. THURMOND. I have no objection. I want it understood that I am yielding to the Senator from Alabama but that I have the floor when all of this is completed.

CALL OF THE ROLL

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 542 Leg.]

Allen
Bayh
Beall
Bible
Buckley
Byrd, Robert C.
Clark
Curtis
Dole
Dominick
Ervin
Fannin
Griffin
Hansen
Hart
Long
Mansfield
Mondale
Muskie
Nunn
Pastore
Pearson
Pell
Roth
Stafford
Stevens
Thurmond
Tower
Williams

The PRESIDING OFFICER. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Bennett
Bentsen
Biden
Brock
Brooke
Case
Church
Domenici
Eastland
Fong
Gravel
Hatfield
Hathaway
Hruska
Jackson
Kennedy
Magnuson
McClellan
McIntyre
Metcalf
Moss
Nelson
Proxmire
Randolph
Ribicoff
Schweiker
Scott, William L.
Sparkman
Taft
Talmadge
Tunney
Weicker

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. Abourezk), the Senator from North Dakota (Mr. Burdick), the Senator from Nevada (Mr. Cannon), the Senator from Florida (Mr. Chiles), the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), the Senator from Arkansas (Mr. Fulbright), the Senator from Indiana (Mr. Hartke), the Senator from Colorado (Mr. Haskell), the Senator from South Carolina (Mr. Hollings), the Senator from Kentucky (Mr. Huddleston), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Johnston), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Mississippi (Mr. Stennis), the Senator from Illinois (Mr. Stevenson), the Senator from Virginia (Mr. Harry F. Byrd, Jr.) the Senator from Minnesota (Mr. Humphrey) are necessarily absent.

I also announce that the Senator from Missouri (Mr. Symington) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senators from Oklahoma (Mr. Bartlett and Mr. Bellmon), the Senator from Florida (Mr. Gurney), the Senator from New York (Mr. Javits), the Senator from Maryland (Mr. Mathias), the Senator from Ohio (Mr. Saxbe), and the Senator from Pennsylvania (Mr. Hugh Scott) are necessarily absent.

Also, the Senator from Kentucky (Mr. Cook), the Senator from North Carolina (Mr. Helms), the Senator from Illinois (Mr. Percy), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The Senator from Idaho (Mr. McClure) and the Senator from Oregon (Mr. Packwood) are absent on official business.

The Senator from Arizona (Mr. Goldwater) is absent by leave of the Senate on official business.

The PRESIDING OFFICER (Mr. Clark). A quorum is present.

Under the previous order, the distinguished Senator from Alabama (Mr. Allen) has the floor.

Mr. ALLEN. Mr. President, I do not plan to discuss this issue at great length because we have already discussed it somewhat. But I do want to point out again the predicate for offering the motion that I intend to offer in just a moment.

The fact is that the House sent us a simple debt limit bill consisting of 13 lines. It came over to the Senate and the Senate added 122 pages of amendments. It went back to the House and the Senate requested a conference and the House ignored that request. The House refused to dignify our amendments by amending them and sending them back. They just sent back their bill again.

The motion that the Senator from Alabama wishes to make is the motion which he made last night.

By the way, I noticed no reference whatsoever in the press to the fact that that motion was made, even though it was the key motion that was made throughout the entire proceedings on this bill.

A motion to recede from the Senate amendments, if that motion is carried, will result in final passage of the bill. So that it is not the Senator from Alabama and those who are opposed to this campaign subsidy bill who are keeping the debt limit bill from passing, but those who favor the campaign subsidy bill.

This motion constitutes final passage of the bill. It is the hope of the Senator from Alabama that those who favor campaign spending will not do as they did last night and, by parliamentary maneuver and a motion to table, prevented the Senate's taking action up or down on that motion.

I hope that, now that we have a quorum present, the Senate will face up to its responsibility of voting up or down on whether the bill shall pass.

I am not trying to throw any obstructions in the way of passage of the bill. I advocate passage of the bill and am going to offer a motion in just a moment that would allow the Senate to pass the bill if it wants to. I hope it will not be filibustered. I hope that by parliamentary tactics or motions to table, the consideration of this bill by the Senate will not be prevented.

Mr. GRIFFIN. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I yield.

UNANIMOUS-CONSENT REQUEST

Mr. GRIFFIN. I wish to make a unanimous-consent request and I ask that Senators listen carefully.

Let me point out that, if the unanimous-consent request should be agreed to, I would not make the motion contemplated at this time but would make it following the vote on the motion which the Senator from Alabama is about to make.

I believe agreement to my request would open up another way—a fair way—of resolving the problem in which the Senate is embroiled. Accordingly, I hope there will be no objection.

My suggestion in the form of a request is this:

Mr. President, I ask unanimous consent that it be in order to move to recede from the Senate amendments except the Senate amendment relating to the public financing of Presidential campaigns, and with respect to that motion Senators prominently regarded as candidates for President be recorded as voting "present" in recognition of their obvious conflict of interest, with the understanding that any Senator prior to the vote may file a statement with the clerk of the Senate declaring that he is not, and will not be a candidate for President.

The PRESIDING OFFICER. Is there objection?

Mr. LONG. Mr. President, I object.

Mr. GRIFFIN. The Senator from Louisiana is objecting?

Mr. LONG. Mr. President, I am not aware that I am being prominently considered for the office of President of the United States, but one can never tell when lightning might strike. [Laughter.]

Mr. ALLEN. Regular order, Mr. President.

The PRESIDING OFFICER. Regular order is called for.

Mr. ALLEN. Mr. President, the motion at the desk will give the Senate an opportunity to pass the debt limit bill in a matter of 30 seconds, if it so desires. I hope the press will give notice of the fact that an opportunity is being given for the passage of this bill by 11:15 a.m., with no filibuster on the part of the Senator from Alabama. If this motion is going to be filibustered at all or if parliamentary tactics are to be used against it, it will be by those who favor the campaign subsidy.

Mr. President, I call up the motion at the desk and ask that it be stated.

The PRESIDING OFFICER. The motion will be stated.

The legislative clerk read as follows:

> Mr. Allen. Mr. President, I move that the Senate recede from its amendments on H.R. 11104.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MONDALE. Mr. President, there is an underlying motion before the Senate which would permit the Senate and Congress to deal with the question of extending the temporary debt ceiling in a way that would permit the Government to manage its financial business and at the same time face up to what I consider to be the most compelling, profound, and moral issue arising out of Watergate—namely, the clear disclosures of the compromise and corruption which arise out of the present system of uncontrolled, private financing of Presidential campaigns.

Any person who listened at all to the disclosures in Watergate realizes that democracy itself is threatened by a continuation of the present system, which permits persons who wish to do so, and who have sufficient wealth, to compromise and sometimes corrupt the decisions of American Government, in exchange for large and sometimes massive campaign gifts.

It also shows that an incumbent President who is willing to do so can use the enormous powers of Government over every aspect of American life and business to force and even extort from Americans vast quantities of money for purposes of funding a campaign, and possibly for other purposes, by threatening governmental decisions which could adversely affect a commercial or some other interest.

This is not speculation. It is a matter of record. These are conclusions which have been made by, among others, businessmen who themselves have been shaken down and asked to make massive contributions in circumstances where they felt compelled to make such contributions; otherwise, harsh Government actions against their interests would be forthcoming.

Because of this threat to American democracy, which had become opposed by an overwhelming majority of American citizens, the Senate acted, after long and serious debate, to adopt a strong, comprehensive public financing proposal dealing with Presidential and congressional campaigns.

It is a blended system, which permits limited private campaign contributions under carefully controlled circumstances, to make certain that it is clear and uncompromising. It is also a system which permits and requires public funding of congressional and Presidential campaigns. It is a proposal which passed the Senate by a very strong margin. It was attached as a mandate to the debt ceiling bill, also by a very strong margin. I think the Senate acted wisely and responsibly, by very strong margins, in doing so.

This is the time to act. The public now sees that corruption and compromise are almost inevitable under the present system. The public realizes that the problem is getting worse, not better, and that if we fail to act now, there is a good chance that what we have seen in Watergate will not be an end, but the beginning, of a sordid picture by which the American Government is put up for sale to the highest bidder—what we might call a Buy America campaign. This must stop, and must stop now, if we are to do anything to restore public confidence at this time.

Mr. President, there was a time when many conservative columnists and others opposed this proposal; but I think that under the pressure of the present system, we now see a dramatic change.

Mr. Spater, president of American Airlines, testified that he wants public financing. He did so on the basis of his experience, which was that fund raisers for the administration came to him and demanded that he make a contribution of $100,000. The person who approached him was a personal lawyer to the President and, more than that, counsel for an opposing airline. The president of American Airlines testified that, under the circumstances, he felt he had no choice. He felt that he had no choice but to contribute in order to prevent a Government decision which might be very serious and adverse to American Airlines. He then concluded that we could not continue with this present form of extorted, private giving; that we needed to change to some system of public financing.

Mr. Spater has been joined in his position by such people as Henry Ford, and others. We see columnists such as James Kilpatrick, who said in a recent column that he had opposed public financing for a good part of his lifetime, but had come to the conclusion that public financing was essential if we wanted a government which was the best of democracy, and not open to a system of enormous private financing, designed to twist and compromise the decisions of American Government.

So increasingly the American public realizes that what is at stake here is nothing less than the objective of a government which is by the people, of the people, for the people. Either we clean up our present system of financing American campaigns or we are going to be in the position where our Government will be up for sale. I think increasingly that is the situation today.

Now, in terms of the posture of the present parliamentary situation, I believe it is obvious that we have a filebuster under way. Yesterday when the question was asked of the distinguished Senator from Alabama as to whether he intended to let the Senate vote on the motion of the manager of the bill (Mr. Long) the Senator from Alabama said, "Well, in the spirit of Operation Candor, I will say no." Mr. President, you might be able to explain it in other words, but it is a filibuster. It is designed to prevent the Senate from voting on the motion of the Senator from Louisiana and the reason it is designed to prevent us from voting is that it is known that a majority of the Senate clearly supports the action we took this week, and wishing to act not only on the question of the debt ceiling, but at the same time on the honesty and integrity of American elections. That strategy is still in effect here, in my opinion, and that is why it has been necessary to file a cloture motion, which is returnable Sunday, and probably another will be filed today returnable Monday, if necessary.

Mr. BIDEN. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. BIDEN. Is it the Senator's understanding that one of the additional reasons justifying the actions being taken today and yesterday to force us to relent with regard to public financing is that we need more study of this subject? I have heard that mentioned by the opposition a number of times. Is that part of the understanding? Has the Senator heard that?

Mr. MONDALE. I have heard that again and again, but I am somewhat unimpressed by that.

Mr. BIDEN. I was concerned about that yesterday when I heard it. I have been here only about 11 months. I have heard it. Yesterday when I returned to my office I was querying my administrative assistant about this matter. He did a little research. He came up with an interesting resolution. I refer to Senate resolution No. 132, in the Senate, July 6, 1949. The resolution was submitted by Henry Cabot Lodge, and I would like to read it:

RESOLUTION

Resolved, That the Senate Committee on Rules and Administration is authorized and directed to make a full and complete study and investigation for the purpose of obtaining such information with respect to the problems involved in financing with governmental funds Presidential election campaigns in the United States as may be necessary to enable the committee to formulate and report to the Senate at the earliest practicable date a bill providing for such method of financing Presidential election campaigns.

In submitting that resolution, there were remarks by Mr. Lodge. He said:

> Mr. LODGE. Mr. President, I submit for appropriate reference a resolution which requires the Committee on Rules and Administration of the Senate to study, formulate, and report to the Senate legislation providing for the public financing of presidential campaigns to the exclusion of all other methods of financing, and I ask unanimous consent that an explanatory statement by me, together with three newspaper articles may be printed in the RECORD.

I will read one further paragraph from Senator Lodge's statement:

> There is probably not a man in public life today who does not realize that our system of financing presidential campaigns by means of contributions from individuals and officers of corporations has led in the past—and continues to lead today—to most unfortunate, unhealthy, and sometimes pernicious results. This is because many of those who make these contributions do so in the expectation that there will be value received in return for their generosity. This may take differing forms, one of which is an appointment to some executive post in the Government.

Mr. MONDALE. What year was that resolution?

Mr. BIDEN. That was 1949. As I said, I am a young man and I guess I am a little impatient; but I think we should not wait another 20 or 30 years before we get down to the issue.

Mr. MONDALE. As the Senator from Delaware knows, President Theodore Roosevelt called for public financing of Presidential elections in 1902 and 1903. I forget the exact date. His statement is a matter of record. Measures of this kind have been introduced and hearings have been held. There have been discussions among private groups, such as Common Cause and many, many others involved in this subject. The labor movement and leadership in the business community is increasingly calling for it.

The Senate had a debate and had several votes on this measure this week. It was very seriously considered and overwhelmingly adopted by the Senate. Discussions have been had with the House leadership. It is my understanding that insofar as the leadership is concerned, they are prepared to accept a compromise proposal for public financing of Presidential elections and we can go on and study further the question of congressional public financing.

The Senate in 1967, I think that is the year, adopted the dollar checkoff. I think we debated it for 6 weeks. We debated the whole principle of public financing and that was adopted at that time.

Mr. BIDEN. I hope if we get by this, and it gets to the position of compromise in the House, it is not suggested, as the distinguished minority whip, the Senator from Michigan, suggested that only those who will not be candidates for President be able to vote on it. I daresay I would be the only Senator in this body who would be able to vote, since I am the only one who is constitutionally unable to run for that office in 1976.

Mr. RANDOLPH. Mr. President, if the Senator will yield, I ask most respectfully when he believes we will have an opportunity to vote on the motion. We are ready.

Mr. MONDALE. I think it will be very shortly. We wanted to develop these positions.

Mr. RANDOLPH. I appreciate the response.

Mr. MONDALE. We already have one or two votes. We are not trying to delay a vote, but we think some of these issues should be amplified.

I would say further to the Senator from Delaware that the other day in Disneyland, the President of the United States said he would like to spend some of his time cleaning up American politics; and, if you really want to clean up American politics, you have to begin with the question of money. This is the dark side of the political moon. Every Member of the Senate knows it. We all know it is an issue that has to be dealt with, and that is what we are trying to do here; deal with the question of cleaning up American politics. If we do not do it now, the public mood could change, and it could be many, many years, such as happened following the introduction of the resolution by Senator Lodge, before we can again seriously take up this question of cleaning up American politics, and by that time I think the nature of this trend would be so serious that democracy itself could be threatened.

I think that the American people will perhaps be living closer to their homes in the coming months and years and will find these suggested remedies of value.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I seek recognition.

The PRESIDING OFFICER. The Senator from Montana is recognized.

CLOTURE MOTION

Mr. MANSFIELD. Mr President, I send to the desk a cloture motion and ask that it be read.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The legislative cleark read the cloture motion as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to insist on the Senate amendments, request a conference with the House on the disagreeing votes of the two Houses, and authorize the Chair to appoint conferees on the bill H.R. 11104, an act to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

Mike Mansfield
Robert C. Byrd
Edward M. Kennedy
Mike Gravel
Walter F. Mondale
John O. Pastore
Gaylord Nelson
Alan Cranston
Hubert H. Humphrey
Claiborne Pell
Charles Percy
Edmund S. Muskie
William D. Hathaway
Lloyd Bentsen
James Abourezk
Abraham Ribicoff
Henry M. Jackson
Daniel K. Inouye

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns today it adjourn to 1 o'clock tomorrow afternoon.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, I ask unanimous consent at the same time that the cloture vote occur at 2 o'clock or thereabouts, approximately.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. TAFT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, I move that the Senate adjourn.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? [putting the question]. There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to adjourn. On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Colorado (Mr. HASKELL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. STENNIS), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from Missouri (Mr. SYMINGTON) is absent because of illness.

Mr. GRIFFIN. I announce that the

Senator from Tennessee (Mr. BAKER), the Senators from Oklahoma (Mr. BARTLETT and Mr. BELLMON), the Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. SAXBE), and the Senator from Pennsylvania (Mr. HUGH SCOTT) are necessarily absent.

Also, the Senator from Kentucky (Mr. CLARK), the Senator from North Carolina (Mr. HELMS), the Senator from Illinois (Mr. PERCY), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Idaho (Mr. McCLURE) and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) is absent by leave of the Senate on official business.

The yeas and nays resulted—yeas 34, nays 28, as follows:

[No. 543 Leg.]

YEAS—34

Bayh
Bentsen
Bible
Biden
Brooke
Byrd, Robert C.
Case
Church
Clark
Gravel
Hart
Hathaway
Jackson
Kennedy
Long
Magnuson
Mansfield
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Sparkman
Stafford
Tunney
Williams

NAYS—28

Aiken
Allen
Beall
Bennett
Brock
Buckley
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Griffin
Hansen
Hatfield
Hruska
McClellan
Nunn
Roth
Scott, William L.
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker

NOT VOTING—38

Abourezk
Baker
Bartlett
Bellmon
Burdick
Byrd, Harry F., Jr.
Cannon
Chiles
Cook
Cotton
Cranston
Eagleton
Fulbright
Goldwater
Gurney
Hartke
Haskell
Helms
Hollings
Huddleston
Hughes
Humphrey
Inouye
Javits
Johnston
Mathias
McClure
McGee
McGovern
Montoya
Packwood
Percy
Saxbe
Scott, Hugh
Stennis
Stevenson
Symington
Young

The PRESIDING OFFICER (Mr. CLARK). On this vote, there are 34 yeas and 28 nays. The motion to adjourn having been agreed to, the Senate stands in adjournment until 10 o'clock tomorrow morning.

Whereupon, at 11:58 a.m. the Senate adjourned until tomorrow, Sunday, December 2, 1973, at 10 a.m.

EXTENSIONS OF REMARKS

HONORING LES ARENDS

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. MADIGAN. Mr. Speaker, the resignation announcement of our colleague, the leader of the Illinois Republican delegation and the Republican whip, LES ARENDS, was shocking to all of us.

But, we understand his reasons and wish him well, knowing that his service will be available to us as a friend.

A newsman who has known LES ARENDS many, many years, Mr. Ed Borman, the news editor of the News-Gazette in Champaign, Ill., authored an article that puts the service of LES ARENDS in proper perspective.

The full text of the article follows:

SIX U.S. PRESIDENTS KNEW LES ARENDS

(By Ed Borman)

Many neighbors, friends and constituents never fully understood the importance of Les Arends of Melvin, Ill. (population 550), in Washington.

Six presidents of the United States—Roosevelt, Truman, Eisenhower, Kennedy, Johnson and Nixon—understood it better.

Ever since President Roosevelt wanted a draft law because he realized the United States soon would be involved in World War II, every president has had to deal with Congressman Arends when national security was involved. He has been on the Armed Services Committee since he was first elected to Congress in 1934. He said it wasn't easy to do, but Congressman Arends cast the deciding vote when the draft law was passed shortly before Pearl Harbor.

In 1969, astronauts planted on the moon a disc that listed Sen. Everett McKinley Dirksen and Congressman L. C. Arends among the congressional leaders who made it possible for Americans to reach the moon.

Still, in his native Ford County, he was just "Les"—a tall, ageless man whose father started the bank and the elevator and whose reelection to Congress was just taken for granted long before most voters were born.

As he dropped into the grain elevator in Melvin or hailed people by their first name on the streets of Gibson City or Paxton, the home folks sometimes were inclined to criticize "Les" because he didn't "get home" as often as they thought he should.

They had to be reminded that, while they were sleeping, he was flying back to Washington—perhaps to have breakfast with the President of the United States.

More than once, this newsman has driven him to airports in a beatup Chevrolet because the congressman didn't want to use an official car and make a "big deal" about being at the White House the next morning.

Nevertheless, Arends has been Republican whip of the House since 1943—longer than anyone in United States history. No matter what a president's politics, he had to deal with Les Arends when congressional chips were down.

Arends played many rounds of golf with President Eisenhower at Burning Tree Country Club. Those were happy days for him.

In 1946, he took a personal interest in a freshman congressman from California, Richard M. Nixon, and saw him become vice president in 1952.

After Nixon was defeated for president in 1960 and for governor of California, Arends was among a half dozen Republican leaders who convinced Nixon that he was not "through."

Arends' happiest moment came in January 1969 when he watched his close friend sworn in as President. His greatest regret was that he could not deliver a Republican majority in Congress to support President Nixon, but as Republican whip he made the most of the votes he could round up. He had a great knack of picking up Democratic votes, particularly from the South, when he really needed them.

The Illinois legislature did a bad thing to Congressman Arends when it reapportioned the state's congressional districts in 1971. It changed his district so that it extended north to Lake Michigan. Over 86 per cent of the people in this district were "new" to him. He had not sought their votes before.

There aren't many votes in Ford County. In his long career, Arends had built unbeatable strength in population centers like Bloomington, Kankakee, and Danville. When Joliet was added to his district, he took that in stride. But in 1972, he realized he had to win in places like Aurora, Batavia, Geneva, La-Salle Peru, and DeKalb.

The temptation to retire in 1972 at age 76 after 38 years in Congress was strong.

President Nixon called Congressman Arends to the White House and personally asked him to stay on the job because "I need you." That was all it took to send a 76-year-ond congressman out to beat a 33-year-old city councilman from Aurora, who challenged him in the 1972 GOP primary.

"On him depends a lot of what the future of the world is going to be."

Those who knew the Congressman well believed then that Arends' commitment to President Nixon was that he would stay on the job through 1976—even though it meant another campaign for reelection in 1974."

That's why it was hard to believe Thursday morning when the "bulletin" from Washington came over the news wires: "Congressman Leslie C. Arends, 78, announced today he will not seek reelection in 1974."

Close confidantes were as surprised as his congressional colleagues.

Only the week before, Arends was a guest at a reception in his honor at Morris. The affair had all the earmarks of a pre-campaign event for an "old war horse" who was ready to go to the polls again.

Mr. Arends had been about his duties as House whip the night before he made his announcement on the House floor. Many men half his age can't keep up with him, so his decision can hardly be attributed to "health."

Watergate and other events of the last year obviously have troubled him, but the congressman said only that he wants to spend more time with his wife and only daughter. Those who know him well doubt that he'll ever say much more.

After all, when a man is 78 and has served his nation as Mr. Arends has for 40 years, who can quarrel with a decision that he has had enough?

A newsman can only look back to something he wrote Feb. 28, 1972: "There is a chilling thought these days for Republicans—from President Nixon down to the precinct committeeman of Peach Orchard Township in Melvin, Ford County, Ill. . . . They could lose Congressman L. C. Arends."

A newsman, who has known Congressman Arends for more than 30 years, can look back to February 1972, when Congressman Gerald Ford of Michigan, then Republican leader of the House and now vice president-designate—came to Ford County to campaign with Arends.

Congressman Arends declared that night:

> One of the real motivating reasons for being in Congress today is that I have such confidence, belief and trust in Dick Nixon.

"I am going to devote my every effort to see that he is reelected. I wouldn't do anything else under the circumstances. I think this man is so meaningful to our future, way down the road, that we ought to keep him there.

"We have the greatest guy we've had in the White House for many, many years. His trip to China makes very clear that he is not only the leader of the United States, but the leader of the world."

Now that the thought will be a reality in January 1975, it is particularly chilling in Champaign County, even though this county was never in Arends' district.

In his first term as congressman (1934-36), Arends helped prevent the closing of what then was Chanute Field. For almost 40 years, he has stood guard in Washington over what developed into a great Air Force technical training institution.

GERALD R. FORD MERITS CONFIRMATION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. DULSKI. Mr. Speaker, next week this body will take a historic step in voting for the first time under provisions of the 25th amendment for confirmation of the Vice President of the United States.

In view of the unfortunate circumstances leading to this situation, an unprecedentedly thorough investigation was made of the nominee. It is gratifying to observe that he passed this close scrutiny as well as hard interrogation with flying colors and won approval of both House and Senate committees.

GERALD R. FORD is a man of integrity. His colleagues know firsthand of his capabilities and qualifications for high office. I am sure he will receive an overwhelming vote of confidence next week, and it will be my pleasure to be among those supporting him.

At this point, I would like to insert a recent Buffalo Evening News editorial which expresses the views of many of us.

[From the Buffalo Evening News, Nov. 23, 1973]

FORD MERITS CONFIRMING AS VICE PRESIDENT

The unanimous recommendation of the Senate Rules Committee that Rep. Gerald Ford be confirmed as vice president honors both the nominee and the committee members who dug deeply into his background.

This is the first time such confirmation procedures have been used under the 25th Amendment. By rejecting irrelevant distractions, the committee has established intelligent precedents for the future.

This Democratic-controlled committee could have lapsed into rancorous partisanship, but it didn't. It could have attached an ideological condition to its recommendation, but it didn't. It could have tried to exact some pledge from either Mr. Ford or the White House in exchange for approval, but it didn't. Or it could have merely skimmed cursorily across the surface of Rep. Ford's qualifications, but it didn't do that either.

Indeed, the committee delved into his background far more thoroughly than the national political conventions do when they select a vice presidential nominee. The FBI provided a 1700-page report on its own investigation into Rep. Ford's background to Chairman Howard Cannon, a Democrat. The committee members asked probing questions about potentially embarrassing, and what now seem wholly unsubstantiated, charges. At the same time, Rep. Ford made the committee's job much easier with his candor, openness and extra efforts to dispel any doubts about his character and competence.

To cite but one example, he voluntarily supplied copies of his tax returns for the last several years, exposing himself to any questions, in public, about them. Obviously, this intruded into an area of his own personal privacy, but it immeasurably eased the job of a committee passing on the character of a man nominated to succeed former Vice President Agnew, who resigned under fire related to tax evasion charges.

Unanimous approval doesn't mean, of course, that the Democrats on the committee agree with either Rep. Ford's politics or his conservative-to-moderate voting record. It does, however, certify the committee's belief that he possesses the character and competence necessary to serve as vice president and, if need be, as President of the United States.

Thus, the committee has risen above partisan politics at a time when Washington often seems afflicted by it. It has ably fulfilled its role under the 25th Amendment with no undue haste but with all deliberate speed at a time when, should the presidency fall vacant with the vice presidency also still vacant, the losing party in last fall's election would gain control of the White House, thus raising serious questions of legitimacy.

Rep. Ford wasn't our first choice for vice president, but our initial reaction that he was a creditable choice has been strengthened by the subsequent hearings. He is an honest, competent man of exemplary overall character. Both houses of Congress can safely, and should swiftly and unreservedly, confirm him.

CRIME CONTROL—NO. 16

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. LANDGREBE. Mr. Speaker, I have already criticized several arguments favoring gun control presented by a correspondent of mine because such arguments are used extensively by the gun control lobby. Today I should like to continue presenting these arguments and criticizing them.

My correspondent writes:

> You make criminals and non-criminals two distinct classes. Most murderers are criminals for the first time.

Now, I do not make criminals and non-criminals two distinct classes. The distinction is made by our entire legal system, and without that distinction, a free society would collapse. A man is regarded as a non-criminal—innocent—until he is proved a criminal—guilty. In point of fact the two are distinct classes: there are people who have committed crimes and people who have not. I cannot for the life of me think up a third class of people who have both committed and not committed a crime.

For the two distinct classes of guilty and innocent, the gun control lobbyists wish to substitute two other classes, which are not so distinct: guilty and potentially guilty, or criminals and potential criminals. Now the idea of potentiality is perhaps the slipperiest idea that has ever been invented. Its purpose here is to allow one to bridge the gap between guilt and innocence, criminal and non-criminal. The bridging of such gaps was the purpose for which the idea was invented.

Unfortunately, when that idea is introduced to jurisprudence it undermines our entire legal system which presupposes a distinction between guilty and innocent, and which penalizes only the guilty, not the innocent. Since everyone is either guilty or potentially guilty—a criminal or potential criminal—so the argument goes, the government must constrain everyone. When the distinction between criminals and non-criminals is thus wiped out by the notion of potentiality, the free society is well on its way to the grave. The bridging of the gap between innocence and guilt is one of the major prerequisites of a totalitarian state: total control is control of all, not just those guilty of a clearly defined crime; and the control of all can be legitimated only by regarding all as criminals, or incipient criminals, or potential criminals.

It is this willingness on the part of the gun control lobbyists to regard everyone as a criminal or a potential criminal that belies their actual affinity for totalitarian regimes. It was George Orwell who wrote of his book "1984" in 1950, when the intellectuals were almost to a man liberal, that:

> I believe also that totalitarian ideas have taken root in the minds of intellectuals everywhere, and I have tried to draw these ideas out in their logical consequences.

Mr. Orwell was right.

I, too, am trying to point out the logical consequences of liberal ideas.

CONGRESSMAN JAMES T. BROYHILL ON THE LATE HONORABLE THOMAS M. PELLY

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 1973

Mr. BROYHILL of North Carolina. Mr. Speaker, it was with a great deal of sadness that I learned of the death of my good friend and our longtime colleague from the State of Washington, Thomas M. Pelly.

Tom, who served his district and State from 1953 to this past January, was a source of great assistance and wisdom to all of us who came here after him. Over the 10 years that we served together, I learned to value greatly his advice and counsel.

Thomas M. Pelly will be sorely missed and I want to extend my deepest sympathy to his family at this time of sorrow.

A TRIBUTE TO DR. ARTHUR LOGAN

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. BADILLO. Mr. Speaker, I do not intend to use this time to attempt to describe my feelings over the sudden, tragic death of Dr. Arthur Logan this week. Words simply are inadequate to express the sense of loss and personal sorrow that I feel.

I do, however, feel it is appropriate and timely to bring to the attention of our colleagues a sensitive and moving tribute to Dr. Logan that was written by his good friend, Roger Wilkins, and published in the Washington Post today.

It should be pointed out that Arthur Logan's compassion and concern extended well beyond the black community. He was a constant source of support and encouragement to me throughout my career and leaders of the Puerto Rican community in New York came to admire him as I did. He worked tirelessly for a broad variety of humanitarian causes and his willingness to pitch in and help those less fortunate knew no bounds.

And so I would amend Mr. Wilkins' closing salute to read, "People power to you, Arthur Logan."

The article follows:

HE FED US STRENGTH

(By Roger Wilkins)

Arthur Logan is dead. That doesn't mean much to most folks, but when Arthur died the other day, the amount of good in the world dropped perceptibly. He was that much of a man.

Arthur was a black man with white skin, light eyes, straight hair and a sense of black power that came out from mindless exhilaration at some rally, but from a powerful and sustained love of black people. He was a 64-year-old Harlem doctor who showed all the signs of bourgeoise achievement that the young black radicals said they hated so much. Arthur lived well. He had a nice house in Manhattan, but he wasn't rich and didn't seem to care to be. His daughter went to Radcliffe, came to Washington with her husband, moved with him through the Kennedy-Johnson White Houses to live with grace and style in this town. Arthur and his last wife, Marion, ran the most eclectic and exciting informal salon in Manhattan. One night it might be pork chops, good wine and Murray Kempton. The next it would be pig knuckles and Martin Luther King. Arthur usually cooked the meat.

So, where's the black power in that? Arthur sure didn't shout, "Black Power!" And, if he had, people would have laughed—he was too white. Adam Powell—ruddy white with flowing hair—once clapped Arthur to his bosom and said, "Us black folks got to stick together." They gleamed white together. It was absurd, but absolutely real. Each man, in his own way, knew precisely about the pain in the black psyche and touched it as best he could through the foreshortened days of his life. Each man paid a price. Each of them is dead.

Arthur Logan was a lot of things. He was certainly a "civic leader." And he was also one of those "first Negroes." There is all the stuff for solid obituaries—member of the board of the New York City Health and Hospitals corporation, chairman of the New York Poverty Corporation, chairman of Haryou-Act, founding member of the Upper Manhattan Medical Group, son of the treasurer of Tuskegee Institute, one of the first blacks to go through Williams College and then go on to graduate from Columbia University's College of Physicians and Surgeons—and so on. That's all good enough to make him an honored poobah, but the question persists, where's the black power?

It was in the love. Arthur didn't have to wait until 1966 to learn to respect himself, to learn to love other black people or to know the honor that comes from patiently and carefully putting building blocks into place in black communities for decent things that he might never see. He knew about the diseases in black folks' bodies and of the pain in their hearts. He doctored on the first and "pastored" to the other.

Percy Sutton, the black borough president of Manhattan, said, a couple of days ago, "Arthur was the glue. We hurt and he gave. So we asked some more. He fed us strength and we got the headlines. He may have been the best of all."

Arthur looked at Harlem and saw people needlessly sick, so he became the apostle of preventive medicine. He look at the whole family and knew there was a need for comprehensive treatment so he pushed for the creation of a medical group that could treat a child or a grandpa or one man's eyes, toes and liver all in one fell swoop. The dream of his last years was a drastic expansion of hospital facilities for the people of West Harlem. Nobody had to preach the gospel of "black community" to Arthur. He lived it—and he didn't have to. He could have taken his medical degree and fled the pain to affluent stupefaction. Most black doctors of his generation did that with no compunction.

So there was that—patience and institution building in a black community for days he might not see and for people he did not know. But there was more. There was the "pastoring."

Rep. Andrew Young (D-Ga.), once one of Martin Luther King's closest aides, said that when Dr. King was down and in trouble, he would go to Arthur. "Arthur was one of the few people who could pastor to Martin," Young said. "It wasn't talk about strategy and all of that, it was when Martin felt bad about not seeing his kids enough—things that were deep and that hurt him. That's when he would go to Arthur." And so did Duke Ellington and Whitney Young, Jackie Robinson, Bayard Rustin—and hundreds of other blacks who nobody ever heard about, but who were stretched almost to the breaking point and needed patching up in order to do the next day's battle.

And he nourished young blacks. One night at a party at his house, he got a young black woman, who no one there then knew, to play the piano and to sing some songs. When she sat, Arthur said to Ellington, "Duke, this is the girl I told you about. Now listen." The maestro's heavily bagged eyes narrowed to a weary and sophisticated slit. He nodded and wasn't interested—until the music started. Then Duke became young, interested and an instant fan. He may have helped her on her way, for all I know. At least it was clear that was what was in Arthur's mind. "The first time ever I saw his face," she sang. She worked then at Mr. Henry's up on the hill, and pretty soon everybody knew about Roberta Flack.

But, there wasn't just music at that house. There was talk, too. If you wanted to raise money to fight the drug traffic in Harlem, help make Charlie Evans the first black mayor in Mississippi, send some black South African kid to school, help Martin march across Alabama or do anything that touched the heartstrings and built the world, all you had to do was to call Arthur and Marion. They would open their doors, provide the booze and let the speakin' begin. After it was over, they would put their son, Chip, to bed and lay the first cash money on the line.

So that was Arthur. The kind of fellow who would get out of bed at two in the morning to see some sick black person. It might be Martin and it might be some nameless old lady five flights up who nobody else cared enough to see. They were black and they needed love, so he went. It was all the same to him.

Black power to you, Arthur Logan.

REMARKS OF CONGRESSMAN CULVER AT WILLIAM PENN COLLEGE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. UDALL. Mr. Speaker, recently our colleague from Iowa, Congressman CULVER, was the featured speaker at William Penn College, Oskaloosa, Iowa, at one of the principal gatherings recognizing the 30th anniversary of the Friends Committee on National Legislation. In his remarks, Congressman CULVER, who is the chairman of the Democratic Study Group, paid tribute to this unique legislative action group which, he pointed out:

> Has been a model of how the intelligent zeal and devotion of a small number of citizens can have spreading influence on public thinking and an effective impact on the formulation of public policy.

He also drew the attention of his audience to the urgent requirements of reform of campaign and political financing. Mr. CULVER has been one of the most valued cosponsors of the legislation introduced by Congressman ANDERSON and myself, and he testified eloquently on its behalf before the Senate Committee on Rules. I believe that JOHN CULVER's speech at William Penn College gives an incisive and clear analysis of the need for such legislation, and I insert in the RECORD:

CAMPAIGN FINANCE

(Remarks by Congressman JOHN CULVER)

It is a pleasure to be asked to come to William Penn College—and a special privilege to be asked to address a meeting which pays recognition to the completion of 30 years' service by the Friends Committee on National Legislation.

The Friends Committee on National Legislation, though limited in resources, has been a model of how the intelligent zeal and devotion of a small number of citizens can have spreading influence on public thinking and effective impact on the formulation of public policy. You and your predecessors have set standards of public advocacy—dare I say lobbying—which have had few equals across the broad range of your concerns. Whether in the defense of civil liberties and fundamental rights, or in the espousal of humanitarian efforts abroad, or in the search for alternatives to war and a garrison society, or in the setting of demanding criteria for the operations of our representative system of Government—you have been in the forefront of those participating fully and directly in the betterment of our democracy at home and an emergent international order.

Even in the few instances when my own positions have not exactly corresponded with your own, I can assure you that the quality and reasoning of your positions as well as the urgency of your appeals have not failed to carry weight and conviction. That is the highest tribute that one can give—that you consistently demonstrate a sense of concern and moral conviction wedded to a broad public awareness and sense of craftmanship.

However hostile the political environment may have been at times to some of the causes you were championing, you have never had a failure of nerve or a loss of confidence in the essential rightness and sanity of our democracy and legal order. And beyond that you have the satisfaction of victories won and causes advanced—some in the immediate controversy, others in successes delayed but ultimately reached at a later time. With your permission I should like to direct my remarks this afternoon principally to one of the great unfinished pieces of business in this Congress—an issue which cuts to the very heart of our democratic form of government—and the public's confidence in it. Though by itself it cannot be a full restorative of the eroded base of public confidence, it can, however, be a vital building block and a clear point of departure towards other changes needed for the enhancement and preservation of our constitutional system. I refer of course to the need for effective and responsible campaign reform, especially of political financing.

I believe that such reform must include a considerable though not exclusive area of public financing. Your statement of legislative policy includes an admonition that it claims "neither completeness nor infallibility in a world of cruel dilemmas and difficult choices." Public financing, it should be frankly stated, does not rise above the necessity for difficult choices or for the balanced reconciliation of the values we prize in political participation and citizen responsibility. However, I do believe also that there are clear merits in moving at least to a system of mixed financing so as to minimize the corrupting potential and distortions created by big money in campaigns and in their aftermath.

I am a co-sponsor of the bill, H.R. 7612, introduced by congressmen John Anderson and Morris Udall, which provides for a system of partial public financing through the device of matching Federal funds. While there is no doubt room for improvement in some aspects of this bill, I believe that it has clearly identified the Major areas of concern and has proposed imaginative and useful alternatives to the present system.

I would like in these brief remarks to stress a few controlling principles that I believe should govern the content of whatever campaign reform proposals finally emerge—hopefully in time for the 1974 elections.

First, any recourse to public financing should preserve proper opportunities for citizens to participate financially in our political process. From one perspective we have had abuses in the past because not enough of our citizens have been moved to make the smaller contributions that most of them can readily afford. I have often said that if each citizen considered it a civic duty to devote just five dollars to support the candidate or party of his or her choice, there would be no need to seek or accept larger contributions—and the major source of campaign abuses would be eliminated.

I therefore see much merit in the concept of a system of matching funds, in which every personal contribution under a set amount, such as $50, would be matched by money from the federal treasury. The existing $12.50 tax credit for political contributions should be increased to that same amount. Such a system, by encouraging candidates to rely on small contributions, would increase meaningful citizen participation.

If the system is adopted, I would urge that limits be set on the amount of matching funds a candidate could receive and on the amount that each candidate would have to raise before he would be eligible for matching funds. Such regulations would prevent a needless drain on the treasury and would help confine participation to the serious candidates.

Second, I believe there must be a prohibition on excessive contributions from any one source. More than any other factor, large private contributions and their use for questionable purposes have discouraged smaller contributors and damaged public confidence in the electoral process.

There must be a limitation on the size of any donation a single source may give to a candidate, a party, and any political action committee. Furthermore, I would advocate an overall contribution ceiling in order that one individual or one group of individuals cannot have excessive influence in an unlimited number of campaigns.

Compliance with such limitations can be greatly assisted, in my judgment, by requiring establishment of a single central campaign committee. This requirement should be structured in such a way as to eliminate the proliferation of campaign committees whose sole function in the past has been to facilitate evasion of gift taxes, and which might be used in the future to evade limitations on large contributions.

Third, due regard must be paid to effective enforcement of the law. There are differing schools of thought on how this might best be achieved—some favoring an independent commission and others not. I believe that debate over this question should not distract attention from more important ones, and that there is more than one way in which our primary goal of effective enforcement can be achieved.

Fourth, I believe that we shoud not draw ourselves into needless controversy in addressing the issue of overall spending limitations. We should rather devote our efforts to enacting a strong reform bill that provides for strict limitations on donations, well defined methods of administration, and rigid enforcement standards. With the major potential for abuse thus elminated, the question of spending limits becomes secondary. While an overall limit may be desirable, it should not be set so low as to prevent a challenger from mounting an effective campaign against a better known incumbent.

Fifth, campaign finance regulations would lack full effectivness if they did not deal with the problems caused by the rising cost of communications with the voters, in which the expense of television is a significant factor. It is imperative that we find an equitable means of reducing television costs to candidates. This issue has a special complexity, but its resolution, whether in seperate or omnibus legislation, is vital to sound reform and restraint on spiralling costs.

Finally, I want to re-emphasize my conviction that we must institute some degree of public financing of campaigns in whatever law we enact. We have already taken an initial step toward Federal financial support in elections by allowing individuals to make a $1 tax checkoff on their tax returns to support presidential election campaigns.

Although this provision did not receive an overwhelming response in its first year of existence, I do not believe that lack of citizen support for the concept of public financing was the primary reason. In fact, recent surveys indicate that a majority of the American people favor public financing of campaigns.

Even without direct public financing, the American public is bearing the cost of campaigns. It is paying for elections through the favoritism that some office holders show to their principal supporters, and most citizens would clearly prefer to support the candidate and party of their choice in direct and lawful contributions than to continue the current system.

I urge a serious, in-depth review of public finance, in particular the issues I have just touched upon, which I believe to be basic to an effective reform. At this juncture and especially in the shadow of the painful revelations of this year—we can make no more positive contribution to the future well-being of our democratic process than to establish effective and equitable election laws. We in Congress should make it clear, here and now, that the U.S. Government is not for sale.

In turn the FCNL and its affiliates have a clear opportunity to renew their long-standing commitment to this type of reform—so integral to a vision of an ordered democracy informed by principled citizen understanding and participation.

FLORIDA'S UNIQUE ENERGY NEEDS AND OPPORTUNITIES

HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. GUNTER. Mr. Speaker, I recently received from my good friend, the Honorable Terrell Sessums, speaker of the Florida House of Representatives, a memorandum on the energy situation in Florida. In it he proposes various actions that can be taken by the State legislature. I am proud of my State and its leaders who have the foresight to help solve the energy shortage at the State level. I commend this memorandum from Speaker Sessums to my colleague:

STATE OF FLORIDA,
HOUSE OF REPRESENTATIVES,
Tallahassee, November 13, 1973.

Memorandum to: The Florida Energy Committee
Re: Florida's Unique Energy Needs and Opportunities
From: Terrell Sessums

Several members of the Legislature, including the Minority Leader, have recently called for a special session of the Legislature to deal with the energy problem. Consequently, I am taking this opportunity to provide you with my thoughts on the subject of energy for your consideration.

The emergence of an energy shortage nationally has caught the American people in what some believe to be a national crisis. There can be no doubt its consequences are very serious for Florida, a state which relies almost entirely on outside sources for its energy requirements.

However, Florida is blessed with three resources other states now lack.

First, it has an adequately funded entity, the Florida Energy Committee, established by the state Legislature in fullest cooperation with the Governor and the executive branch of state government and comprised of a blue-ribbon membership, to devote serious study to its present and future energy requirements.

Second, Florida is blessed with an abundance of solar energy, which rapidly is coming to be recognized by many as the only reliable solution to the long-range energy problem.

And, finally, all this is coming about at a time when the development of a statewide growth policy is being considered within the Florida Legislature.

The growth of Florida in the past 10 years has been astounding. In that period, our population has almost doubled and our energy demands have more than doubled.

Obviously, on a finite planet, and especially on our finite peninsula, such explosive growth may ultimately result in the collapse of the dynamic civilization in which we live.

The paradox of a policy of explosive growth may be a collapsed system in which no growth can be achieved.

Since energy is the basis for all life on earth, it is especially critical for us at this time to take a good hard look at the energy basis of our state to understand where we presently obtain energy, how we use it and where we are heading if we continue our current energy policy unchanged.

I would like to share with you some thoughts on what may be fruitful areas for your study as you proceed with your task of recommending an energy policy for Florida.

The most critical problem facing us, as I see it, is to find a cheap, plentiful, clean, renewable and domestic energy source upon which we may rely for many years to come.

I submit that the most feasible energy source for the long haul is incident solar energy. With the exception of nuclear energy, the sun has been the ultimate source of all forms of energy we use, including oil, coal, gas, hydroelectric power, the wind and the food we eat.

I realize our nation has been committed over the past two decades to the perfection of clean safe nuclear sources of energy. I also understand that proposals have been studied for orbiting satellites which might beam solar energy to earth by microwave.

But, I fear both of these energy sources may suffer from one inevitable long-term drawback: both energy-producing modes may result in a buildup of energy levels throughout the world which could possibly cause drastic climate modification, melted ice caps and significantly increased ocean levels.

Energy is not consumed, it is only utilized. For example, when we drive our automobiles to work we burn petroleum to release heat energy to create forward motion. But long after our automobile is at rest in a parking lot the energy used has been imparted to the molecules of the roadway and the atmosphere, causing them to move about at faster speeds, or, in other words, increasing the temperature of the air and the roadway by a small increment. At present levels of energy utilization and release this increase in worldwide energy levels has no significant effect on world climate. But should we develop nuclear or satellite solar energy in the future to sustain exponential growth and energy usage, absent some means of recapturing and recycling spent energy, thermal pollution levels would mark the outer limits of the usefulness of nuclear or satellite solar energy.

Incident solar energy—that solar radiation which naturally falls on this earth each day—is on an entirely different footing. Whether we harness this energy or not, the sun will continue to shine, as it has for millions of years, and, more important, the equilibrium of energy levels throughout our planet will remain relatively constant.

Solar energy is renewable; it needs no depletion allowance. Solar energy is domestic to every nation; it needs no foreign policy. Solar energy is naturally in harmony with the environment; it needs no environmental protection agency.

I recommend we begin immediately to devote a good deal more attention to solar energy.

What can Florida do?

1. SOLAR ENERGY CENTER

Florida already has an outstanding Solar Energy Laboratory at the University of Florida, directed by Dr. Erich A. Farber. We should, with the help of Florida's Congressional Delegation, undertake to make it a nationally recognized Solar Energy Center.

Solar energy studies are under way in many universities throughout this country and in other parts of the world. What is needed is a national coordinating center for research efforts, a center to which this nation could turn for a focus of these many research efforts to harness the sun. The center could coordinate research efforts, receiving matching state and federal funds and work toward the ultimate goal, the production of large amounts of electricity from incident solar energy.

2. SOLAR ENERGY HARDWARE

As a second shorter-range goal, and of special significance to Florida, the center could work toward translating the fruits of Dr. Erich Farber's labors in the residential solar energy area into solar energy hardware which is economically competitive and available in the same market in which fossil fuel residential hardware competes and is sold.

As Dr. Farber can attest, the technology for heating water and cooling and heating a building presently exists. Figures vary, but it is estimated that 80 per cent of the energy needs of the average home involve hot water, heating and air conditioning.

To date, however, private industry has not come forward with the start-up capital to begin production of solar energy home devices to compete in the market with devices currently in use.

Perhaps this is a result of profligate use of fossil fuels. Too long we have burned the oil candle at both ends, enjoying "all-electric living" at unrealistically low prices.

Perhaps this reluctance to enter the solar energy field is due to an apprehension that solar energy is somehow "old-fashioned", a flapper-era phenomenon, with pipes on the roof and lukewarm water on cloudy days.

But regardless of the reason for reluctance of private industry to enter the solar energy field, it is too late in the day for this explosively growing world to dally, and it is time for government leadership to come forward and actively encourage the development of solar energy. There are a number of things the state might wish to do to overcome the inertia against solar energy, and I recommend these to your study.

3. FRONT-END CAPITAL

Grants might be made available for demonstration projects, combining the talents and resources of the executive branch, engineers, local architects, trade unions, home builder associations, and other business associations to build a number of solar buildings.

Perhaps a few residences could be constructed throughout the state, utilizing solar energy for most needs, particularly air conditioning. Public buildings could also be constructed, including schools or new dormitories. And at a future date, all or most public buildings, at least new buildings, could be required to use solar energy for hot water, heat and air conditioning.

4. CONSTRUCTION LOANS

A revolving trust fund could be created for home-improvement loans to home owners at favorable interest rates either to install solar energy devices in new homes or as improvements in older homes.

5. TAX INCENTIVES

Perhaps the homestead tax exemption could be tied in some beneficial manner to solar homes.

The sales tax on the sale of solar energy hardware might be lifted for a period of 15 or 20 years.

Some incentive in the corporate income tax might be tried to assist small corporations to enter the residential solar energy field.

And I feel sure you can suggest still other ways the state could encourage residential solar energy use immediately.

As a goal, Florida should strive to power the majority of the energy needs of 90% of our residences and public buildings with incident solar energy by the year 2000, twenty-seven years down the road.

6. ENERGY CONSERVATION

Sources of energy are important for your study, but the ways in which we use and conserve energy are also important.

Since non-renewable fossil fuels over the short haul must subsidize our change-over to solar energy, and thus constitute our prime capital investment for the future, it is imperative to manage this capital wisely.

One area of current energy use which deserves considerable study is transportation, which constitutes roughly one-third of the total national energy requirements. Unlike residential uses of energy which may be converted to incident solar energy, transportation is based primarily upon petroleum. Until we are able to generate vast quantities of electrical energy from solar energy to satisfy our transportation needs, we can only affect transportation energy policy through more efficient utilization methods and by conservation.

a. Mass transit and automobile regulation

Of all land transportation modes, the automobile is the least efficient. It has been estimated that a train is roughly 10 times more efficient than an automobile for moving people. Mass transit must be a top priority for our urban areas.

The weight of automobiles and engine horsepower also contribute greatly to wasteful use of our energy resources. As an approximate rule of thumb, a car that is one-half the weight of another car will consume 100% less fuel. There are a substantial number of automobiles on the market today, made by both domestic and foreign manufacturers, weighing less than 2,500 pounds. A few weigh less than 2,000 pounds. Perhaps our licensing fee should be restructured so that lighter automobiles enjoy a substantially lighter fee too than heavier automobiles that consume substantially more of our petroleum resources. The revenues could then be used to pay for costs attributable to society in general by the use of larger vehicles.

In this regard, California extended its sales tax (6%) several years ago to cover motor fuels, including gasoline, to help finance rapid transportation facilities such as the BART system. In Florida, we could encourage the use of lighter, more efficient motor vehicles by extending our sales tax (4%) to cover motor fuels, including gasoline, except for motor vehicles using series "D" auto tags (net weight of less than 2,500 pounds) which could be exempt. Such an extension of the sales tax, with lighter vehicles exempted, would be much more equitable than a blanket increase in gasoline taxes and would also provide a positive incentive for smaller, more efficient cars.

At the very least, state and local government can set the example, and, with the exception of emergency vehicles, be required to buy and use smaller, more efficient vehicles and to operate them at the most efficient speeds.

Highway speed limits could also be reduced *and enforced*, but only to the extent that motor fuel will be more efficiently used.

b. Electric rates

It has been estimated that in a protoype community of 40,000 people, approximately 7,722 single family house customers each will consume about 11,000 kilowatt hours per year, or over 900 KWH per month. These figures could be refined, and form the basis for a progressive schedule of utility rates. The average reasonable domestic power useage should face a normal rate, but power used in excess thereof should cost an increasingly greater amount and could be subject to an extension of the state sales tax.

Peak load generating requirements are also wasteful of fuel under our present system. Rate structures should be designed to encourage more even distribution of power demand throughout the day.

c. Stricter building codes

We need to investigate codes requiring energy saving features, such as better insulation in all buildings.

d. Waste recovery

Waste recycling also may have great utility in more efficient use of our energy resources. St. Louis and the State of Connecticut recently implemented solid waste recovery programs. Tallahassee is also investigating this area. It appears that it is presently feasible both from a technical and an economic point of view, not only to recover important metals and other resources from urban waste, but also to generate a significant amount of electric power as burnable wastes are incinerated. Perhaps the state should fund research and aid in construction of such facilities by local governments in partnership with public and private power companies.

e. Energy-efficient activities

The state also may wish to take an active role in the encouragement of energy-efficient kinds of economic enterprise. For the past 150 years, the "industrial revolution" has been based upon use of large amounts of cheap fossil fuels and heavy capital investment. Economic endeavors that are more labor-oriented and more efficient in energy use have lagged.

Today, however, with a growing scarcity of cheap energy, the time may be at hand for the state to encourage energy-efficient enterprise. For example, it may well be prudent in terms of energy policy for the state to undertake measures to secure and protect far more recreation resources to foster a continued service-oriented tourist economy.

Florida may also wish to stimulate the labor-intensive housing industry as well.

I recognize these suggestions largely can be implemented only through legislative action.

However, this committee is uniquely equipped to study these suggestions and to return them to the legislature after refinement.

The interaction of this committee with the Legislature is most important. In that regard, it is important for me to mention to you a few words about our plans in the Legislature to come to grips with establishing a growth policy for Florida.

I have asked the House of Representatives over the coming months to address the task of establishing a broad policy for the future growth of Florida. Each committee in the House has been asked the question, "What kind of a state do you want Florida to be?"

Each committee is expected to respond to this question with particular recommendations within its own substantive area. The response of all committees is then to be consolidated into a resolution by the Committee on Government Operations and the Committee on Rules and Calendar for presentation to the House as a whole.

Every Legislature establishes growth policy when it convenes even by conscious inaction and by unconscious action.

The endeavors of the coming session will be unique in that an eyes-open affirmative effort will be made to confront the growth phenomenon directly.

The work of this committee will be most useful to the Legislature in the establishment of a growth policy. At the same time, the growth policy which emerges from the Legislature should have important implications for your energy policy recommendations.

Energy requirements must not be calculated in a vacuum, without first determining in general terms the kinds of growth the people of Florida desire and support.

We must not underestimate our need to establish some form of growth policy. The availability of energy is definitely a factor in determining the kind of growth and development which may occur, just as the availability of land and water are critical growth factors.

But until we determine *how* we want to grow, we cannot realistically establish policy with regard to how we wish to use our land and water and energy.

I hope Florida does not make the mistake of some states—such as California, for example—by allowing its energy-needs cart to get ahead of its growth-policy horse.

Therefore, I encourage this committee as it works toward its energy policy recommendations not to lose sight of the fact that energy policy is inextricably bound with growth policy.

In summary, Florida clearly has acute energy needs.

But it also has unique opportunities for meeting those needs, within the context of growth which will be determined rather than rampant.

If we go about our mission with prudence there is no reason why the energy crisis cannot be converted into a healthy catalyst for assuring future generations of the kind of Florida they will be grateful, rather than resentful, in inheriting from us.

In the meantime, if the Florida Energy Committee feels that a special session of the Legislature may be needed please let the Governor, the President of the Senate and me know as quickly as possible so that we can discuss the subject with you and plan accordingly. Personally, however, I would be reluctant to see a special session called to deal with only the immediate short range problems (such as possible modification of an Oil Spill Law) without also taking the opportunity to start work on long term solutions.

HEALTH SERVICES

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. ROUSSELOT. Mr. Speaker, today I am introducing a bill to repeal title XI of the Social Security Act, which requires the Secretary of HEW to establish Professional Standards Review Organizations—PSRO's—throughout the United States to supervise the administration and delivery of health services in their assigned areas of jurisdiction.

As the law now stands, the Secretary is empowered to endow any local organization which he selects, and which is not subsequently rejected in a referendum of local doctors, with the power to second-guess the necessity of hospital stays and particular courses of treatment which have been prescribed by doctors for their patients. PSRO's would determine whether the doctor's actions complied with "professionally developed norms of care" and HEW regulations.

As a result of this unspeakably outrageous Federal interference with the historically confidential relationship between doctors and patients, the very lives of citizens will be placed at the disposal of local organizations and Federal bureaucrats who are likely to be more concerned with the health of their organizations and agencies than with the health of citizen-patients.

The repeal of this legislation should be a matter of urgent concern for every American.

The bill follows:

H.R. 11719

A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part B of title XI of the Social Security Act (as added by section 249F of the Social Security Amendments of 1972) is repealed.

SEC. 2. Title XI of the Social Security Act is further amended—

(1) by striking out "and Professional Standards Review" in the heading; and

(2) by striking out "Part A—General Provisions" immediately before section 1101.

CONSERVATIVES DESERVED A BETTER DEAL

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. ASHBROOK. Mr. Speaker, the November 13 broadcast of the NBC Nightly News included a very thought-provoking analysis by David Brinkley on the political impact of Watergate. Brinkley contends that Richard Nixon received an overwhelming mandate from the American people to apply conservative principles to the problems facing our Nation.

But instead of giving conservative leadership an honest test, and everyone a chance to see what it could do and not do, it all bogged down in scandal and working not so much for conservatism as for survival, not so much to lead the country in a new direction but to lead at all.

As Brinkley says:

Conservatives deserved a better deal.

The following is the complete text of Brinkley's commentary:

CONSERVATIVES DESERVED A BETTER DEAL

However it all turns out, the Nixon campaign scandals are a tragedy for everyone of whatever political view, but particularly for those more or less conservative.

That is clear from seeing what has happened to them. After a generation of liberal dominance in the Washington establishment, the first conservative President since Herbert Hoover came in promising a new direction. Obviously, most people welcomed it.

But instead of giving conservative leadership an honest test, and everyone a chance to see what it could do and not do, it is all bogged down in scandal and working not so much for conservatism as for survival, not so much to lead the country in a new direction but to lead at all.

The conservatives won the election and deserved a chance to see their principles applied and tested to see if they could solve any of the country's problems. They are unlikely to get a good test now.

It would take a strong President, with wide public support, to push the lead-filled Washington establishment into a change of direction.

Mister Nixon may survive for three years, but so weakened by scandal he will not have the strength or support to make the change.

Probably most people, of whatever political view, will agree the conservatives deserved a better deal.

RUSSELL PETERSON ADDRESSES NSF/RANN SYMPOSIUM

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, Russell Peterson, Chairman-designate of the Council on Environmental Quality, delivered an extremely important and compelling message before the National Science Foundation/RANN—Research Application National Need—symposium in Washington last week.

Mr. Peterson stressed the need to limit population growth and environmental pollution while simultaneously fostering man's desire to achieve economic well being and an improved quality of life.

Peterson called upon his audience to realize the interdependence of all nations of the world in this quest.

I would like to put Mr. Peterson's entire statement into the RECORD at this time and I urge my colleagues to read his very pertinent remarks:

REMARKS OF RUSSELL W. PETERSON, CHAIRMAN-DESIGNATE, COUNCIL ON ENVIRONMENTAL QUALITY BEFORE THE NSF/RANN SYMPOSIUM, WASHINGTON, D.C., NOVEMBER 20, 1973

I want to thank Dr. Stever for inviting me to speak here this morning. I suspect that—at least in part—his invitation grew out of the constructive relationships that have characterized CEQ and NSF over the last few years. I understand that the council has enjoyed very fruitful cooperation with the NSF and its grantees on a wide variety of problems: Toxic materials in the environment, coastal zone management, land use allocation research, indicators of environmental quality, and ecological analysis. Closer to home, I know that the RANN program is supporting a major study of the Delaware estuary system by a team representing the University of Delaware, Rutgers University, and the Philadelphia Academy of Natural Sciences.

Should the Senate see fit to confirm my nomination, as chairman I intend to continue to strengthen the CEQ/RANN relationship. Results from problem-focused research, such as RANN is sponsoring, will greatly enhance the Nation's ability to formulate environmental policy.

Today I wish to share with you some of my thoughts on achieving quality of life—thoughts that I hope to build upon as Chairman of the Council on Environmental Quality.

What is quality of life? Each of us will define it somewhat differently. I view it as a measure of one's success in the pursuit of happiness—success in the progressive satisfaction of a continuum of needs. Failure to fulfill one's needs leads to the frustration and hopelessness that account for much of the anger, fear, crime, violence and alienation that plague our society.

Abraham H. Maslow has provided an excellent analysis of this view. He described a "hierarchy of needs" ranging from the basic needs of food, water, shelter, health, safety, love and esteem to man's highest needs of self-fulfillment and self-actualization. Although each human being felt a need for all of these, his dominant goal at any time was the unfulfilled need lowest on this list. For example, until he had reasonably well satisfied his physiological requirements, such as food and water, he had little interest in safety or esteem. But once the more basic requirements were taken care of, his drive became focused on the next goals on the list of needs.

A poor person whose immediate goals are adequate food and shelter can find a good measure of happiness if he is able to work progressively toward those goals. On the other hand, the rich person with all his basic needs gratified can be miserable if he fails to achieve self-fulfillment.

It is the progressive movement toward the goal that counts. Once the goal is reached it stops being a goal. One's continued happiness then depends on his progression toward the next goal in his hierarchy of needs.

All nations of the world have people whose dominant needs fall all along the spectrum—some people still struggling for food and shelter and others who have obtained the highest fulfillment. In the developed nations the percentage of the very poor has been reduced to a low level, but in the other two-thirds of the world most of the people are still struggling for the most basic of needs.

Since the dawn of the industrial revolution, the so-called developed nations have provided an ever-increasing percentage of their people with an abundance of food, drink, shelter and material possessions.

But as the basic needs were filled, people raised their sights to higher goals. This was especially true of young people from affluent homes who never lacked the basics of life and so started from the beginning reaching for such higher goals as esteem and self-fulfillment. Seeing the society around them primarily motivated by the lower or material needs, many youth have found their idealism frustrated. They are demanding that we guide our future by something in addition to market signals.

Let us consider some other factors that will influence growth of quality of life.

POPULATION GROWTH AND QUALITY OF LIFE

The greatest threat to the future well-being of humanity is population growth. Among the problems of the world it clearly stands out. Such things as aggression, nationalism and economic growth are of second order of importance.

The solution of most of the other major problems of mankind, such as malnourishment, diseases, poor housing, unemployment, pollution, depletion of resources, is dependent upon solving the population problem.

To illustrate the impact of current population growth, let us consider future population, assuming the following:

The developed nations with 1.1 billion today will continue to reduce their growth rate from today's 0.8 percent to zero by 1985. This is a reasonable possibility. The developing nations with 2.8 billion today will continue at their current 2.5 percent growth rate. In this case the global population would be 6.7 billion in the year 2000 and 35 billion in 2073, one century from now. In other words throughout all the centuries of history humanity has increased its number to 3.9 billion, but at the assumed rate of growth about 8 times that number of 31 billion would be added in the next century. At that time today's developing nations would have almost 97 percent of the world's population as compared to 71 percent today.

It should be clear from the above that the population problem is a world problem. The developed nations cannot solve it. All nations must do the job together.

The developed nation can, however, play a highly important role. By reaching zero population growth, they can demonstrate that the job can be done and in so doing, teach by example, furthermore, they can help to create in the developing nations the improved economic well-being which historically has been a prerequisite to lower birth rates.

A number of prestigious organizations throughout the world have pointed out that nothing from a quality of life standpoint can be gained by further growth in population. The signal is clear. Mankind has a moral imperative to limit its kind.

I believe that the world can by an all-out effort reach zero population growth at an equilibrium level of 7.0 billion. This will be difficult, but nothing short of our best effort is justified. It is not a prediction but a target. It is what could be, given a worldwide commitment and strong leadership.

Any program to limit population growth must be in harmony with human dignity and individual freedom. In turn limiting population will enhance such dignity and freedom and help people everywhere to realize more adequately their highest potential.

FOOD AND QUALITY OF LIFE

Food ranks at the top of our hierarchy of needs. Yet hundreds of millions of people fail today to obtain their minimum caloric and nutritional requirements.

The protein shortage is of crisis proportions and ranks well ahead of the oil crisis in many countries.

The increasing affluence of protein difficult nations and skyrocketing world trade in general are converting the world market for protein from a buyer's to a seller's market, just as has happened to oil.

Some of the most affluent nations are now competing with the poorest of the poor nations for the grains which the poor eat directly and the rich convert (eight to one) through animals to meats.

The apparent leveling off in the world harvest of table grade fish (rich in protein, low in calories) adds to the mounting shortage of protein. Global regulation of ocean fishing is urgently needed to insure that such fishing is not over exploited and that edible fish don't go the way of the buffalo or the blue whale.

Let us consider what productivity would be required to feed the 7 billion people who would be on our planet assuming the recommendation I made earlier for limiting population was realized.

With the current 4 billion acres under cultivation it would require an 85 percent increase in productivity to provide all 7 billion with today's average quality of nourishment and a 300 percent increase to provide everyone the current United States standard of nourishment. Most agriculture experts believe that only marginal increases can be obtained in acres under cultivation.

Even with a 7 billion people limit, the growth in mouths to feed would be the greatest in the history of the world. Between 1973 and 2000 the increase would be 2.0 billion, a 51 percent gain in only 27 years. To feed them would be a tall order in spite of the low population level assumed.

Accordingly, I recommend that the United States officially dedicate itself to working within and through the United Nations to help limit the world's population to 7 billion and to help insure that everyone in present and future geneations will have a healthful and satisfying diet. The two goals must go together. We can't have one without the other.

ECONOMIC GROWTH AND THE QUALITY OF LIFE

For hundreds of centuries nearly all people were very poor. It wasn't until the industrial revolution triggered off an ever-growing economic activity that appreciable numbers of people began to climb the ladder to higher and higher material standards of living. The United States has led in providing the highest average level of goods and services per citizen (gross national product or

GNP/capita), at approximately $5,000 per year per capita in 1973. The United States with less than 6 percent of the people enjoys 33 percent of the gross world product.

While it took about the last 200 years for the GWP per capita to increase ten fold (in constant dollars), the trends today indicate another ten-fold growth in just 30 to 40 years.

This projected rapid growth has led to much justified concern about the long-range and worldwide implications of such growth. The book *Limits to Growth* by Dennis and Donella Meadows, which stemmed from the work of Jay Forrester of M.I.T. and which was sponsored by the Club of Rome, has greatly intensified the worldwide debate on this subject. The book has been criticized on many fronts. It created a psychological shock by flashing an intellectual stone wall in front of many public and private managers and planners who are riding or steering our current political and economic juggernauts into the future. In my opinion all leaders should study the *Limits to Growth*. If all it does is make people aware of the significance of exponential growth, the certainty of limits to such growth given finite resources and the long delay between some decisions and their ultimate impact, it will have made a great contribution.

There are limits to some growth and not to others. To know which is which and how to cope with each is a mounting assignment for leaders everywhere. Furthermore, to make decisions today without assessing their long-range impact is foolhardy indeed.

Nearly all the growth in the United States economy today is in the service sector. It is said that the wave of the future is service, not production.

Growth in the service industry has been criticized because it does not turn out "useful products." The error in this statement stems from our preconception that only material things are useful products.

If we focus in again on the conviction that the quality of life is determined by our success in progressively satisfying a continuum of needs, then it seems necessary that we measure the productivity of our economic, political and social institutions by something in addition to the production of goods and in addition to GNP.

As long as a high percentage of our people were working to fulfill the most basic of their needs, the GNP was relatively pertinent. But today when most of our people have such needs well taken care of, they need additional measures to determine how our institutions are doing in helping us fulfill our higher needs.

If the movement toward more service jobs results in more satisfied people, then its productivity could well outrank that of many goods-reproducing activities.

If you are an owner or a manager, you don't have to produce a given product like a buggy whip, kerosene lamp, an automobile or oil in order ot make a profit or to get the self-fulfillment of running a successful enterprise. In my opinion, broadening your product line or diversifying by taking on the production of happy, healthy human beings could be highly profitable and satisfying.

An industrial manager's success in increasing productivity brings a good and growing salary with which he can thoroughly fulfill his basic needs and gives him job satisfaction, esteem and self-fulfillment. This is in sharp contract to the lack of fulfillment of those who may be laid off by the productivity increase.

If we define productivity in terms of producing happy, healthy human beings in addition to producing desirable goods and services, the manager has the motivation to keep people on the job with good job satisfaction. He will respond to this assignment too.

It is probable that the public is increasingly unhappy with leaders in nearly all fields because we have all been harping on filling their old needs when its some new ones they want filled. This may explain why on one hand statistics show convincingly that the real affluence of United States citizens as measured by GNP per capita is growing rapidly and on the other hand most of them are convinced they are getting worse off.

Leaders need to focus on the hierarchy of needs, find out where people are on that ladder of aspirations and then help them progressively climb to ever-higher rungs.

Some want only a bowl of soup and a cup of coffee. And others want to compose a symphony, sculpt a statue of David, or fly like Jonathan Livingston Seagull.

And for a rapidly increasing percentage of people, living in harmony with nature is becoming a dominant need. In light of today's knowledge it is a nonfeasance to consider economic development without simultaneously considering its impact on the environment. Until recent years, such development has run roughshod over the environment. This has created critical problems primarily in the developed nations where industrial development has grown rapidly.

As the industrial economies flourish, they dig, scoop and pump ever-increasing amounts of resources which nature has deposited in an orderly, neat and safe fashion: convert part of these resources to usable products, and then discard the non-usable portions immediately and the converted portions later in a disorderly, untidy and frequently unsafe fashion in the air, water or land.

Poor people are inclined to mess up their own immediate environment and to have little impact on more remote environments. On the other hand affluent people manage to clean up and polish the immediate environment, but in doing so have contributed to messing up more remote areas. As the world gets more people, and more people become affluent, there are fewer and fewer remote areas in which to dig and to dump. Everyone is now messing up his own nest. This fact will help to get everyone to work to clean up his common planet.

Think about the pollution pressure coming at us even assuming that we can reach the difficult goal of limiting the world's population to 7 billion.

First, planet Earth is not going to get larger. Neither is its non-renewable resources, including its life-supporting air, water and land.

But we are taking on additional passengers now in greater numbers than ever before—will add 2.0 billion—51 percent more between 1973 in the year 2000. That additional load is more than nine times the current United States population. The 18 year olds who are just finishing secondary school this year will be only 45 years old by the year 2000. What kind of a nest are they going to have?

Over half the people on Earth today are poor. They are the ones contributing most to population growth. As I pointed out earlier, it doesn't appear likely that our population can be stabilized unless the poor people become appreciably more affluent. And today's affluent are unlikely to want to decrease their affluence which is currently doubling every 10 to 20 years.

So the pollution pressure will mount persistently even after population growth is brought under control.

We must also remember that humans, wildlife, lakes and streams have thresholds or tolerances which if exceeded cause catastrophic results. As a threshold is approached, just reducing percentage growth is not enough.

What can we do about the impact of economic growth on pollution of the environment?

In the United States we can further the effective program launched in 1970 with passage of the National Environmental Policy Act and the creation of the Council on Environmental Quality and the Environmental Protection Agency. These moves constitute a milestone in furthering the quality of life. They brought consideration of environmental factors into the same league with consideration of economic factors permanently enshrining such consideration in the decision making process of our Nation.

It appears that a good way in a free market economy to control pollution from economic activities is to bring the costs of such control to bear directly on the investment, cost, selling price relationship of the business. The Council on Environmental Quality has estimated that "the total national annualized cost (i.e., operating costs plus interest and depreciation on investments in environmental controls) will rise from $10.4 billion in 1970 to $33.3 billion in constant dollars in 1980" to meet the air and water quality standards being promulgated by the EPA.

Another move being considered that would stimulate the economy to clean up its discharges is the imposition of a tax directly related to the quantity of pollutant discharged. A further act that merits serious consideration is a requirement that business be responsible for collecting, reclaiming and appropriately disposing of all of its products once they have finished their service. This would go a long way toward cleaning up the litter that plagues our countryside, recovering valuable resources, placing the cost of disposing of solid waste on the product creating it and stimulating the design of products whose recovery is facilitated.

Back in 1950 when the GWP reached its first trillion, there was little concern about pollution. Today environmental quality is receiving high priority throughout most of the world. The main reason is that the prime cause of pollution, economic activity, has increased 3.5 times (GWP now $3.5 trillion) in just 23 years. What is of greater concern, GWP will probably reach $12 trillion by 2000 and a minimum of $42 trillion by 2050 (average GWP per capita would be $6,000). Eternal vigilance in fighting for environmental quality is a must. Future economic development must guarantee protection of the environment.

In considering the impending impact of economic growth on the environment, it is important to remember that the developing nations desperately need rapid economic development. This is necessary not only to provide a higher standard of living, but also to permit them to reach the socio-economic threshold that appears to be a prerequisite to stabilizing population growth.

Since we in the United States have been leading the way in economic development, it is up to us to lead the way also in demonstrating how economic development can be carried out while maintaining and furthering environmental quality.

I have already discussed the point that in the United States and other affluent nations most of the people have already fulfilled their more basic needs and are now striving to fulfill higher needs. This provides the opportunity to direct the economy in the direction of activities which will permit movement toward the higher goals. In my opinion many activities pertinent to achieving this objective are also what can be called "resource-lean activities"—activities which will use few resources and contribute little to pollution.

What are some "resource-lean" activities which use little energy and materials and which can provide satisfying and rewarding work experiences? Here are some: Teaching, counseling, learning, writing, communications, citizen organization to make democracy work better, landscaping and gardening, maintenance to increase life of capital equipment, house managing, child care, care and companionship for aged, medical care, recreation, entertainment, arts and handicrafts, research and development.

I believe we must establish a policy that guarantees everyone a job. This policy is critical to building an economic system that helps to put everyone on a route to happiness to a higher quality of life. Providing jobs is not only the most critical social service, but it is also the most important product of an economic system. To cry out about the great importance of increasing a nation's productivity and at the same time promote idleness of a significant portion of our people is ridiculous to say the least. The terms "full-employment unemployment" should be wiped from the economist's lexicon.

Emphasis on the nature of the job necessary to satisfy the unfilled needs of the employee should become and I believe will become increasingly important in the decision making of management and government.

Now let me conclude by summarizing my remarks.

Growth in the quality of life can be unlimited. Economic well-being and environmental quality are necessary and desirable elements of the quality of life. Exponential growth in population or pollution will seriously degrade the quality of life. Both must be brought to zero growth as soon as possible.

One's quality of life is determined by his success in progressively fulfilling a continuum of needs. Although most of the people on earth are still struggling for the basic necessities of life, many of us in the developed nations are now primarily motivated toward such things as self-fulfillment and self-actualization. Our institutions need to continuously alter their activities so as to produce what is required to fulfill the changing needs of our people.

Study of the growth of quality of life makes clear the growing inter-dependence of all of us on planet earth and the need for us to plan and work together. Accordingly, I will conclude my talk by proposing for people everywhere—a declaration of inter-dependence. We the people of planet earth with respect for the dignity of each human life, with concern for future generations, with growing appreciation of our relation to our environment, with recognition of limits to our resources and with need for adequate food, air, water, shelter, health, protection, justice and self-fulfillment, hereby declare our inter-dependence and resolve to work together in brotherhood and in harmony with our environment to enhance the quality of life everywhere.

TRIBUTE TO TOM PELLY

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 1973

Mr. FREY. Mr. Speaker, it was with great sadness that we learned of the passing of our former colleague, Tom Pelly. I had the opportunity to serve with Tom on both the Merchant Marine and Fisheries Committee and on the Science and Astronautics Committee. His knowledge, his dedication, and his willingness to help young Members was something that was much appreciated. He gave many of us who were younger Members a great deal of time to explain matters and to help us in our projects. He was always willing to give of himself. It was obvious that he had done this for many years, as there is probably no one who was held in greater esteem and respect than the gentleman from Washington. I join with my colleagues in sending my sympathy to his family. He served his State and his Nation well. This country is better because of the results of his work.

VICE-PRESIDENT-DESIGNATE

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. RUPPE. Mr. Speaker, it is no secret to us in the House of Representatives that our colleague and Vice-President-designate, Jerry Ford, is a man of proven ability and integrity. During the past weeks his background has been carefully scrutinized in the most exhaustive congressional investigation ever into a public official's life. The result of all of this has been an increased public awareness of the qualities which make Jerry Ford eminently qualified to serve as the Vice President of the United States.

Despite the attention that has been focused on Jerry Ford recently, I believe that one character-building chapter in his life has received little, if any, attention. The National Park Service Newsletter has corrected this oversight, and I would like to share its revelation with my colleagues today. The article notes that Jerry Ford, when confirmed, will be the first National Park Service seasonal ranger to become Vice President of the United States. It is obvious from this interesting article that our colleague demonstrated the same outstanding personal characteristics as a seasonal ranger at Yellowstone Park in 1936 as he has shown in his years in the Congress. I commend this tribute to the attention of my colleagues:

Vice-President-Designate—Jerry Ford—"A Darned Good Ranger"

(By Jean Bullard)

Gerald R. Ford will be the first National Park Service seasonal ranger to become Vice President of the United States if his nomination is confirmed. His name has become familiar to most Americans recently, but few of us in the Park Service realize that Jerry Ford was a seasonal ranger at Yellowstone the summer of 1936.

"One of the greatest summers of my life," Jerry Ford responded enthusiastically to a query from the Newsletter about his summer as a ranger.

This answer was delivered by his wife, Mrs. Betty Ford, who invited me with a warm welcome to the Ford home in Alexandria, Virginia. She said that the Yellowstone summer was one often mentioned in the Ford family.

Among the favorite bedtime stories of the four Ford children, Mrs. Ford explained, was the one their father used to tell about his adventures as a ranger feeding the bears at Yellowstone.

"Of course we realize that rangers feeding the bears at Yellowstone is a thing of the past," Mrs. Ford quickly explained.

At that moment her tall blond son, Steve, 17, a senior at local T. C. Williams High School, entered the living room. Mrs. Ford asked him, "Steve, do you remember your father's Yellowstone stories?"

"You mean the bear tales?" said Steve with a smile. "I sure do."

Mrs. Ford mentioned that the influence of the west and the parks has been evident in the whole family. She said that the Ford's second son, Jack, 21, a forestry student at Utah State University, spent last summer working in Utah for the U.S. Forest Service in a position similar to his father's Park Service job.

Mrs. Ford generously lent the Newsletter their only photo of Jerry Ford in his NPS ranger uniform. The other photo of the Canyon District rangers and ranger naturalists (see page 7) was obtained from Frank Anderson through the persistent efforts to locate him by Elsie Doherty, park technician, PNRO. (Page 7 not printed in the Record).

The Newsletter contacted several men in the photo to learn more about that summer in Yellowstone.

"Jerry was a darned good ranger," said his former supervisor, Canyon District Ranger Frank Anderson, now retired. "I had a letter from Jerry just last August mentioning his fine memories of that summer we shared in Yellowstone."

Among the duties Frank assigned to Jerry was the task of armed guard on the bear-feeding truck. Every evening visitors were fenced in in an area with benches while grizzly and black bears roamed free when they appeared about 7:30 p.m.

The ranger truck would drive into the garbage pit to feed the bears while Jerry rode in the back with a gun in case there was any trouble. He never did have to fire a shot but there were some close calls.

Another ranger duty was meeting the VIPs at Canyon Hotel and Lodge, a job that called for someone who could meet people well and who had a very neat appearance in uniform. "When I asked Jerry to do the job," Frank explained, "he said he felt it was undemocratic and un-American to give special attention to VIPs, but he did the job and did it well."

Everyone contacted mentioned the evenings they used to hold wrestling matches among themselves and with some of the road crew in the community room of the ranger station. One night the conversation turned to football and Wayne Repogle suggested that Jerry Ford demonstrate a straight-on tackle.

Ford gave an energetic try and both he and Wayne went right through the thin masonite wall into the next room. There followed a great scramble to repair the damages before arrival of the chief ranger.

Wayne Repogle, senior seasonal of the group, roomed with Jerry Ford in the ranger station and frequently shared duties with him.

"I never saw Jerry show any excitement or emotion during a difficult rescue or at other times of stress," said Wayne.

"He would always say, 'Calm down everybody. It'll turn out all right.' He was always so reliable that we looked to him to get difficult assignments done right, even though he was one of our youngest rangers that summer.

"In those days," continued Wayne, "rangers were on duty 24 hours a day, seven days a week. You could not get out of uniform without permission from your district ranger who in turn had to clear it by phoning the chief ranger at Mammoth.

"Even to go on a picnic you had to ask for permission and then tell where you were going, who with and when you would return. Jerry was handsome and young, maybe 24, and with the girls he was the most popular of us bachelors that summer.

"He was frequently chosen for dance duty. This meant spending the evening at the lodge or the hotel in uniform all cleaned and pressed, with riding boots polished, with a clean white dress shirt and green tie. Daytime shirts were grey wool.

"Visitors really flocked around and would often ask pointless questions just as an excuse to say that they had talked with a ranger."

One duty Jerry liked was the early morning check, about 5 to 7 a.m., of every auto in camp. Rangers recorded the make, state and license number of each vehicle and type of tent. Wayne said, "We had to run most of the time to get 150 to 200 licenses listed in two hours.

"Jerry, a football player, was in good shape and enjoyed this early duty. In fact he was fine company because he genuinely enjoyed just about everything we rangers had to do," Wayne concluded.

HE FED US STRENGTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. RANGEL. Mr. Speaker, it is difficult, if not impossible, to describe the nature and effect of a man's life. Yet at time of death we are called upon to do this through eulogies and special tribute, and through our own, private attempts to summarize for friends and for ourselves what the life of the one who died meant to us.

In the case of Arthur Logan, it is a special loss that we have suffered, and it is all the more difficult to summarize the many elements of his magnificent life. No matter what we say, we know that we will not be able to capture the magnitude of Arthur's contribution to the causes in which he most believed, the full expression of human potential, brotherhood, and love. Arthur gave not only to a cause, he gave to people.

Today Roger Wilkins in the Washington Post summed up what Arthur did for those of us who knew him in the words "he fed us strength." I cannot better describe Arthur's contribution.

He Fed Us Strength

(By Roger Wilkins)

Arthur Logan is dead. That doesn't mean much to most folks, but when Arthur died the other day, the amount of good in the world dropped perceptibly. He was that much of a man.

Arthur was a black man with white skin, light eyes, straight hair and a sense of black power that came not from mindless exhilaration at some rally, but from a powerful and sustained love of black people. He was a 64-year-old Harlem doctor who showed all the signs of bourgeois achievement that the young black radicals said they hated so much. Arthur lived well. He had a nice house in Manhattan, but he wasn't rich and didn't seem to care to be. His daughter went to Radcliffe, came to Washington with her husband, moved with him through the Kennedy-Johnson White Houses to live with grace and style in this town. Arthur and his last wife, Marion, ran the most eclectic and exciting informal salon in Manhattan. One night it might be pork chops, good wine and Murray Kempton. The next it would be pig knuckles and Martin Luther King. Arthur usually cooked the meat.

So, where's the black power in that? Arthur sure didn't shout, "Black Power!" And, if he had, people would have laughed—he was too white. Adam Powell—ruddy white with flowing hair—once clapped Arthur to his bosom and said, "Us black folks got to stick together." They gleamed white together. It was absurd, but absolutely real. Each man, in his own way, knew precisely about the pain in the black psyche and touched it as best he could through the foreshortened days of his life. Each man paid a price. Each of them is dead.

Arthur Logan was a lot of things. He was certainly a "civic leader." And he was also one of those "first Negroes." There is all the stuff for solid obituaries—member of the board of the New York City Health and Hospitals corporation, chairman of the New York Poverty Corporation, chairman of Haryou-Act, founding member of the Upper Manhattan Medical Group, son of the treasurer of Tuskegee Institute, one of the first blacks to go through Williams College and then go on to graduate from Columbia University's College of Physicians and Surgeons—and so on. That's all good enough to make him an honored poobah, but the question persists, where's the black power?

It was in the love. Arthur didn't have to wait until 1966 to learn to respect himself, to learn to love other black people or to know the honor that comes from patiently and carefully putting building blocks into place in black communities for decent things that he might never see. He knew about the diseases in black folks' bodies and of the pain in their hearts. He doctored on the first and "pastored" to the other.

Percy Sutton, the black borough president of Manhattan, said, a couple of days ago, "Arthur was the glue. We hurt and he gave. So we asked some more. He fed us strength and we got the headlines. He may have been the best of all."

Arthur looked at Harlem and saw people needlessly sick, so he became the apostle of preventive medicine. He look at the whole family and knew there was a need for comprehensive treatment so he pushed for the creation of a medical group that could treat a child or a grandpa or one man's eyes, toes and liver all in one fell swoop. The dream of his last years was a drastic expansion of hospital facilities for the people of West Harlem. Nobody had to preach the gospel of "black community" to Arthur. He lived it—and he didn't have to. He could have taken his medical degree and fled the pain to affluent stupefaction. Most black doctors of his generation did that with no compunction.

So there was that—patience and institution building in a black community for days he might not see and for people he did not know. But there was more. There was the "pastoring."

Rep. Andrew Young (D-Ga.), once one of Martin Luther King's closest aides, said that when Dr. King was down and in trouble, he would go to Arthur. "Arthur was one of the few people who could pastor to Martin," Young said. "It wasn't talk about strategy and all of that, it was when Martin felt bad about not seeing his kids enough—things that were deep and that hurt him. That's when he would to to Arthur." And so did Duke Ellington and Whitney Young, Jackie Robinson, Bayard Rustin—and hundreds of other blacks who nobody ever heard about, but who were stretched almost to the breaking point and needed patching up in order to do the next day's battle.

And he nourished young blacks. One night at a party at his house, he got a young black woman, who no one there then knew, to play the piano and to sing some songs. When she sat, Arthur said to Ellington, "Duke, this is the girl I told you about. Now listen." The maestro's heavily bagged eyes narrowed to a weary and sophisticated slit. He nodded and wasn't interested—until the music started. Then Duke became young, interested and an instant fan. He may have helped her on her way, for all I know. At least it was clear that was what was in Arthur's mind. "The first time ever I saw his face," she sang. She worked then at Mr. Henry's up on the hill, and pretty soon everybody knew about Roberta Flack.

But, there wasn't just music at that house. There was talk, too. If you wanted to raise money to fight the drug traffic in Harlem, help make Charlie Evans the first black mayor in Mississippi, send some black South African kid to school, help Martin march across Alabama or do anything that touched the heartstrings and built the world, all you had to do was to call Arthur and Marion. They would open their doors, provide the booze and let the speakin' begin. After it was over, they would put their son, Chip, to bed and lay the first cash money on the line.

So that was Arthur. The kind of fellow who would get out of bed at two in the morning to see some sick black person. It might be Martin and it might be some nameless old lady five flights up who nobody else cared enough to see. They were black and they needed love, so he went. It was all the same to him.

Black power to you, Arthur Logan.

LACK OF OIL PIPELINE COMPETITION TIED TO UPPER MIDWEST HEATING OIL SHORTAGE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. FRASER. Mr. Speaker, at hearings this week before a Senate Interior subcommittee on the operations of the major oil companies, the distinguished Senator from Utah (Mr. Moss) presented evidence that the integrated companies last winter kept over 2 million barrels of heating oil in storage along the Colonial Pipeline, while the Upper Midwest ran short of heating fuel.

Senator Moss remarked at the hearings:

> There must have been, at the very least, a mutual tacit understanding—in which the Upper Plains were shorted in winter of fuel they desperately needed.

Mr. Speaker, earlier this year I introduced legislation with my colleague from Washington (Mr. Adams), my colleague from Massachusetts (Mr. Conte), and 18 additional cosponsors, to make sure that oil pipelines are used as common carriers. Our bill, H.R. 8975, would make it unlawful for an oil pipeline company to ship its own oil or that of an affiliated company. At present the larger integrated companies that control the oil pipeline system in this country are free, within broad limits, to deny access to the system to lesser competitors.

I call Members' attention to the following account in yesterday's Washington Post of possible collusion on the part of the big oil companies to restrict oil shipments in the pipeline system they control:

Moss Lays Shortage to Oil Firms

(By Morton Mintz)

A plan "conjured up" by major oil companies for "mass withholding of winter fuels" apparently caused the severe shortages of household heating oil suffered in the six upper plains states last winter, Sen. Frank E. Moss (D-Utah) testified yesterday.

He based this tentative conclusion on admittedly incomplete computerized returns to questionnaires distributed by the Senate

Commerce Committee to 17 integrated petroleum companies, 25 independents refiners and 13 petroleum-product pipelines.

Moss, chairman of the consumer subcommittee, detailed results of the survey at the opening session of hearings intended to determine if the oil and gas industry is structured to operate competitively.

He told Sen. Floyd K. Haskell (D-Colo.), chairman of a special Senate interior subcommittee, that the survey, despite lack of cooperation and even strong resistance by some of the companies, reveals "what to look for and where to turn to make sure that whatever true shortages there are this winter will be equitably shared."

Here in summary is the evidence that led Moss to conclude that "unusual and suspect" activities could have accounted primarily or fully for fuel-oil scarcities last winter in the Dakotas, Iowa, Minnesota, Nebraska and Wisconsin:

Refineries on the Gulf Coast owned by major oil firms feed both the Colonial Pipeline, which supplies the southeast, and the Explorer Pipeline, which has a terminus in Tulsa, Okla. At Tulsa, the Williams Brothers pipeline connects up to supply the upper plains states.

On the basis of past experience, the refineries would have shipped through Colonial for the 1972–73 heating season 87.5 million barrels of household heating fuel for sale in Washington, Baltimore, Richmond and other areas between Houston and the New York port area.

Actually, they shipped 96.5 million barrels, or 9 million more. And at the end of April, Colonial, which is owned by 10 major oil companies, was holding an additional 2 million gallons.

The total of 11 million gallons—stored in the tanks of Colonial or its shippers—contrasts with the grand total of only 41 million gallons that the six upper plains states together burned in all of calendar 1972.

Evidence that the upper plains area was short of oil became "clear" last December. But rather than increasing shipments to that region, the refiners increased them to the Southeast, sending 50 per cent more through Colonial than in December, 1971.

In January, the Nixon administration abolished curbs on foreign imports, freeing the East Coast to bring in all it wished. But the Gulf Coast companies increased eastbound shipments through Colonial by 15 per cent over January, 1972.

Meanwhile, at least 20 per cent less fuel oil than had been forecast no more than 12 months earlier by the Gulf Coast refineries was flowing to the upper plains through the Williams line, which unlike Colonial is independently owned.

In Atlanta, Colonial president Fred F. Steingraber said the increase in shipments last winter was "normal," but also was attributable to an expansion program that substantially increased capacity for shipment of fuel oil.

Because the giant pipeline operates at capacity, it would be "impossible" for it to store products and continue to operate, Steingraber said. If Colonial were to try to use its tanks for storage, it would be forced to shut down within five days, he said.

Steingraber said that state taxing authorities have verified that the pipeline is "not used for storage purposes."

Moss said the upper plains situation was aggravated by a company that "completely reversed" its normal pattern last winter, with these results:

Its Midwest operation, which had worked full tilt to supply the upper plains, stored 800,000 barrels. The Gulf Coast refinery, normally a relatively small fuel-oil supplier, increased its output over 1971–72 by 20 per cent, or 3 million barrels. Almost all of this—which could have relieved the upper plains shortage—went into Colonial.

LAW OF THE SEA CONFERENCE

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. DU PONT. Mr. Speaker, the following essay by Dr. John J. Logue was contained in a special ocean issue of the monthly newsletter, WORI report, of Villanova University's World Order Research Institute. Dr. Logue is director of that institute. The contents of the newsletter gives useful background for an appreciation of the very important Third United Nations Law of the Sea Conference taking place in New York on December 3–14, 1973, and in Caracas, Venezuela, June 20–29, 1974.

I believe it will be of interest to the membership to insert it in the RECORD.

The essay follows:

LAW OF THE SEA CONFERENCE

The formal title for the coming New York-Caracas Conference is "The Third United Nations Conference on the Law of the Sea." However that title is very misleading, though not nearly as misleading as was the title UN Seabed Committee. (Seabed problems were only one of the many concerns of that 91-nation Committee during its six-year life.)

To the uninitiate the term "law of the sea" may imply that the Conference will be devoted to matters which are essentially or largely legal. That would have been a fairly accurate description of the First (1958) and Second (1960) Law of the Sea Conferences. Their agendas were narrow. And while some of the participating nations wanted to overturn the traditional legal-political order of the seas—the centuries-old system of "freedom of the seas"—these nations were in a small minority.

But the Caracas Conference will be entirely different. Like the ocean itself the agenda of the Conference will be broad and deep. It will cover the whole range of ocean problems, the whole legal and political order for nearly seventy percent of the earth's surface. And the participants in this giant Conference, twice as many as in the earlier Conferences, will feature a preponderance of states who want radical changes in the traditional system of ocean law, a system which many of them regard as an ideological disguise for the domination of the oceans and their resources by a few developed nations.

What is becoming increasingly clear is that whether the Caracas Conference succeeds or fails there will be a new system of ocean law. One hopes that the new system will come about through international agreement on an ocean treaty or treaties in a positive and generous "ocean package" which balances and accommodates national and international interests and strengthens the fabric of the international community.

But two alternative scenarios are just as likely. The first is an ocean treaty which capitulates to coastal state nationalism except for a few pious gestures in the direction of the international community. The second scenario is a deadlocked Conference. Should that happen the chances are that coastal states will regard that deadlock as implicit confirmation of their claims of ever more comprehensive jurisdiction over more and more of the seabed and waters off their coasts.

THE ELUSIVE ECONOMIC ZONE MAY BE THE KEY ISSUE IN THE OCEAN CONFERENCE

Perhaps the central issue of last summer's Seabed Committee session in Geneva was the "economic zone". It may well be the key issue in the New York-Caracas Conference. The Seabed Committee debates suggest that some version of the economic zone is inevitable. And so the real question may be not *whether* there should be such a zone but rather *what kind* of economic zone should be agreed to. This is a most important question because the Conference's decision on the economic zone will affect almost all the other major issues it must deal with.

"Economic zone" used to be a relatively simple concept. It meant a substantial area of "ocean space" (i.e. water and seabed), beyond a territorial sea of twelve miles, in which the coastal state would exercise resource jurisdiction but would not interfere with freedom of navigation or other traditional sea freedoms.

But in Geneva last summer there was, as Ambassador Castaneda of Mexico put it, "an avalanche" of economic zone proposals. (Incidentally one can and should call the "trusteeship zone" proposal in the 1970 U.S. Draft Ocean Treaty a version of the economic zone.)

Especially popular now is the idea of an "exclusive economic zone" or EEZ. The EEZ concept can also be ambiguous. It usually means that the coastal state gets all the resources out to, e.g. 200 miles, and has no obligation to share any of those resources with the international community. Many serious students of the ocean question believe that the 200-mile EEZ would be a tragedy because almost all the trillions of dollars of exploitable oil and gas, i.e. exploitable within this century, is within 200 miles of the coastline.

A special UN Secretariat study on "The Economic Significance of Seabed Resources" confirms this judgment. The implication is clear and many nations (including the Soviet Union, Austria, Singapore and the Netherlands) have driven the point home—that there will be very little common heritage left if a 200-mile EEZ is adopted. Nevertheless there is substantial support for the 200-mile EEZ. (Fear is also growing that a 200-mile EEZ will go beyond resource jurisdiction and claim unilateral controls over pollution which could threaten freedom of navigation.)

DO HOWARD HUGHES AND HIS FRIENDS POSE A THREAT TO THE COMMON HERITAGE PRINCIPLE?

There is exploitable mineral wealth on the seabed beyond the 200-mile line, especially manganese nodules with a content of copper, nickel, and cobalt as well as manganese. And Howard Hughes' new ocean mining vessel, the Hughes Glomar Explorer, is about to take these nodules—in flagrant defiance of the General Assembly's solemn declaration—in December of 1970—that seabed resources "beyond national jurisdiction" are "the common heritage of mankind."

While this nodule exploitation may play havoc with certain mineral prices it must be stressed that the dollar value of these nodules is only a small fraction of the dollar value of the seabed oil and gas within the 200-mile line. Thus the real significance of the Hughes' expeditions is that they may torpedo the common heritage principle. For if the mineral resources outside 200 miles are not treated as common heritage resources it will be impossible to get coastal states to regard any part of the resources within 200 miles as subject to that principle.

WILL AFRICAN LANDLOCKEDS SHARE IN SEABED MINERAL RESOURCES?

Advocates of the 200-mile EEZ were feeling very good about one important development. Late last spring 41 African heads of state endorsed a Declaration of Addis Ababa which backs the idea of a 200-mile EEZ for coastal state but give African landlocked states the *right* to share in fishing within the EEZ. However in midsummer several nations introduced draft treaty articles which imply that fishing is a privilege which must be negotiated with the appropriate coastal state.

Some observers had been surprised to see 13 African landlocked states sign a Declaration which implies renunciation of any claims to the great mineral wealth in the seabed off the African continent. By the end of the summer two of these landlocked countries, Zambia and Uganda, had presented draft treaty articles which provided some sharing of EEZ mineral wealth with the landlocked states.

HAS THE UNITED STATES GIVEN UP ON THE COMMON HERITAGE PRINCIPLE?

There is mounting evidence that a great champion of the common heritage principle is throwing in the towel. Perhaps the most creative part of the remarkable U.S. Draft Ocean Treaty which was made public in August 1970 was its proposal that the coastal state be required to give a very generous share, 50 to 66%, of the revenues from the minerals in the outer continental margin to the international community. This is the area between the 200-meter depth line and the beginning of the deep ocean floor. There has apparently been a major change in the U.S. position on this question. And one hears that the Treasury Department may be one of the villains of the piece.

It has been many, many months since U.S. spokesmen have used the figures 50–66%. The concept of sharing is regularly mentioned but with little enthusiasm. It is impossible to get any figures in place of those stated in the Draft Treaty. U.S. diplomats "explain" that the very generous proposal in the Draft Treaty has gotten very little support from other nations. And, literally speaking, this is true. However, they neglect the obvious point that that position has broad *implicit* support from the large group of landlocked and shelf-locked states who still hope to get an international area larger than that provided in the U.S. Draft Treaty. When, as seems probable, these states reconcile themselves to the idea that some version of the economic zone is inevitable they will be natural supporters of the idea that there should be substantial revenue sharing with international community within that zone.

The interesting question is this: when the landlocked and shelflocked states come around to the original and generous U.S. position on revenue sharing will the U.S. be supporting that position? The chances are that it will not. Then what *is* the U.S. delegation emphasizing?

Needless to say the U.S. delegation is interested in a great many aspects of the ocean question. But one that gets special emphasis is its concern for compulsory settlement of disputes, stability of expectations and security of investments—within the EZ or EEZ—and outside it. Doubtless this is music to the ears of the American business community. But realistically speaking there would seem to be very little chance of these objectives being realized in the present era of ocean nationalism, very little chance unless the Caracas Conference decides that the ocean problem offers a great opportunity to build a world economy in which developing nations will get first class treatment and substantial assistance. In a word, a common heritage approach—with generous common heritage revenues—would seem to be the only way that economic nationalism could be tamed, and "stability, security and compulsory"—the trio so dear to the business community—achieved. Unfortunately U.S. policy is moving in the opposite direction.

We have stressed U.S. policy because on the common heritage question the U.S. position would seem to be crucial.

IS THERE A POPULATION EXPLOSION?

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. HOGAN. Mr. Speaker, on Wednesday, November 26, I inserted into the RECORD a segment of the chapter, "Is There a Population Explosion?" from the book, "Respectable Killing, the New Abortion Imperative." This chapter examines the myth of the so-called population explosion and examines the population growth as an excuse to promote abortion.

I would like to include the remainder of that chapter in the RECORD at this point.

IS THERE A POPULATION EXPLOSION?

2. The problems of pollution, congestion and undernourishment in the world today are not necessarily, or even principally, the result of overpopulation.

By the standards of its available technology, a sparse band of Indians in a South American rain forest is surely suffering from the effects of "overpopulation." "Before the invention of agriculture," Lester R. Brown has noted, "the plants and animals supported by photosynthesis on the total land area of the earth could support a human population of only about 10 million." The reason for this was that the resources of the earth had not been organized for the production of food. With every development of agricultural technology, however, the number of people who can be supported increases phenomenally. Today, the most densely populated country in the world, the Netherlands, with 375 persons per square kilometer, given today's available agricultural technology, is one of the most prosperous countries in the world.

"The Dutch [agricultural] productivity figures are the most remarkable in the world," Colin Clark writes. "Only about 70% of the country is farmed. The rest consists of urban and industrial sites, or of dunes and heaths which could only be fertilized at great expense, and which are preserved for forestry and recreation. Dutch agriculture produced 1,070 tons of grain equivalent per square kilometer of farm land . . . the requirements (at Dutch standard of consumption) for 365 persons." In other words, although it is the most densely populated country in the world, the Netherlands can produce on its own land adequate food to feed its own population at a high standard of living.

Scientists Paul Ehrlich and John P. Holdren have disputed the relevance of population density figures in general and the Dutch example in particular to the determination of what constitutes overpopulation. They speak of a "Netherlands fallacy," and point out that "the Netherlands actually requires large chunks of the earth's resources and vast areas of land not within its borders to maintain itself. For example, it is the second largest per capita importer of protein in the world . . ." What the argument fails to take into account, of course, is what the Netherlands *exports,* and from which other countries trading with the Netherlands benefit.

Both prosperity and the high Dutch rate of production result not from a small population but from its possessing of advanced technology. The same applies to other countries. Hong Kong, for example, which houses 3.1 million people on 398 square miles (12,700 per square mile) has been able to double its output of goods and services in two years.

Yet poverty and underdevelopment are held to be the result of "overpopulation" in countries with vastly smaller population densities than Holland or Hong Kong. England's population density, for example, is four times greater than that of China, with its "teeming millions." India, with 156 persons per square kilometer—less than half the density of the Netherlands—and China, with only 75 per square kilometer, continue to be cited as frightening examples of "overpopulation." In actual fact, the conditions in which most of the people in both these countries live probably differ little, if any, from the conditions in which their ancestors lived centuries ago when the total population was smaller by millions and millions; hence their poverty and underdevelopment can hardly be ascribed to population growth. The population density of the United States is only 10 per square kilometer—compared to 69 for Asia and 92 for Europe.

It is often said that "half the world is going to bed hungry every night." Colin Clark has also shown how grossly inaccurate this statement is. The myth began with an assertion by the first Director General of the U.N. Food and Agriculture Organization (FAO) that two-thirds of mankind was suffering from hunger. Later the figure was reduced to one half of mankind, but the second figure was hardly more accurate than the first. The basis for it was a definition that considered malnourished anyone who, in Colin Clark's words, "did not eat as well as the inhabitants of France or Britain, i.e., deriving 20 per cent or more of their calorie intake from animal products, fruits and vegetables, and fats and oils. No medical evidence whatsoever was produced to support the assertion that this constituted the borderline of malnutrition. In fact, when one looks at the medical records of France and Britain, it appears that a good many of the inhabitants are suffering from overnutrition . . ."

In short, it did not require the FAO to inform us that a good part of the world does not eat as well as prosperous, industrialized Britain and France; we already knew that. But it is a far cry from that fact to the assertion that half or two-thirds of the world is "going to bed hungry." The true fact of the matter is that the world is feeding itself better than it ever has. If some do not eat as well as others we are no doubt confronted with a challenge to do better to ease the lot of the less fortunate. But the nutrition situation of the world as a whole today has to be compared with the kinds of famine and hunger from which mankind has periodically suffered throughout most of its existence on earth, prior to the industrial revolution and the rise of modern agricultural technology.

For mankind has almost always been on the edge of misery and starvation. Our prospects on the food front are in many ways more hopeful than they could ever have been for our ancestors. The Paul Ehrlichs *threaten* us with famine, and use this threat as a plea for abortion-on-demand, but in England alone during the 13th Century, famine and hunger struck in 1203, 1209, 1224, 1235, 1239, 1243, 1257, 1258, 1271, 1286, 1289, 1294, 1295, 1298. (It is interesting that it was during precisely this period that the English Common Law began to throw the mantle of its protection over the child "quick" in his mother's womb.) One of the most heartening events of the past few years is that, in spite of threats of famine, phenomena such as the Irish or Bengali famines have not recurred—because of better communications and the availability in many countries of surpluses which could be shipped to famine-threatened peoples. The widespread recent starvation in Nigeria is no exception since it was due to war, not to the inability of the world, or even of Nigeria alone, to feed the starving; the same is true of the Bengali refugees who fled to India following military action by the Pakistani army in East Bengal.

If we suggest, however, that the answer to "overpopulation" may lie in a more rational economic development and organization, as Pope Paul VI suggested in his 1965 address to the United Nations, we usually meet with two objections:

a) Rapid population growth makes economic development impossible since the extra mouths to feed eat up any gains made. This explanation seems deceptively simple, especially since Europe and the United States developed during periods of rapid, unprecedented population growth; and France, which led Europe in most material and cultural respects in the Eighteenth Century, fell behind in the Nineteenth, when her population growth rate also began to decline.

b) Economic development solves nothing since the congestion, environmental pollution and the mountains of garbage we see rising around us in urban America today are in fact nothing else than that ol' Devil "population explosion" again, this time in its developed version. This argument assumes, of course, that our present American economic system of what we may call "programmed waste" is the only possible kind of "developed" economy, and nothing could be further from the truth than that! As one observer has commented about our present economic arrangements, "... most of what we produce ... simply replaces garbage: new cars, for example, to replace junk cars . . . If we produced half as many automobiles lasting twice as long, nothing would change except the size of the junk yards. We produce some five million electric refrigerators each year, but the number of families that own electric refrigerators goes up by only one million. Of 4.4 million clothes washers manufactured annually, nearly 70 per cent are bought by people who replace their old ones. (And then, of course, there are the electric slicing knives, toothbrushes, can openers, and hundreds of other marginal consumer gadgets . . .)."

In glancing at these two objections to economic development as the answer to rapid population growth, then, we are struck by the curious consistency which, whether we are rich or poor, developed or undeveloped, identifies population as the constant villain: the underdeveloped countries must control population in order to be able to develop, we must control it because we *are* developed!

We cannot here argue in detail that congestion and pollution are not the result of population growth as such. We shall simply let an acknowledged friend of population control programs argue it briefly. Mr. William P. Bundy, former Assistant Secretary of State for East Asian Affairs and now a visiting professor at M.I.T., recently wrote: "Mr. Nixon's new 'national goals research staff' told us the obvious the other day: that the problem in the United States is not food, total space, or even energy supply, but rather the ever-growing choice of a few congested areas in which to live." As our metropolitan areas become more unmanageable, and their air unbreathable, many of our rural areas are in fact declining. For example, about half the counties in the United States actually *lost* population during the 1960's, and at the present time some 70 per cent of all Americans live on only 2 per cent of the land.

". . . In a vast section stretching from the Canadian border south to Texas, a slow but steady depopulation is continuing," a feature story in the Washington *Post* recently reported; the newspaper is favorable both to population control and abortion-on-demand. "Most counties have been losing people for decades," according to the *Post*. "Some in Kansas peaked in population in 1890. Greenwood County's decline has been under way since 1900, with a steady population drop interrupted only by a temporary oil boom in the 1920's. The 1970 census records the latest ebb. Greenwood County slipped from a population of 11,253 to 9,141 during the past decade, a loss of nearly 19 per cent."

The same phenomenon is observable in other parts of the world where rural dwellers flock into metropolitan areas, often to live in crowded, unsanitary, ramshackle slums. The living conditions are no doubt deplorable in these slums, but the fact remains that their inhabitants came to them for the most part voluntarily, no doubt in search of the better life supposedly available in or around the cities. This points to a problem not of "overpopulation" as such but of social organization and of the distribution of goods, jobs, and economic activity. Japan, which has spectacularly reduced its population growth by means of easy abortions, nevertheless has a congestion and pollution problem which equals that of any other industrialized country: *under*populated Australia also has an industrial pollution problem in spite of the fact that only 12 million people live in an area 80 per cent as big as the United States.

On the other hand, one of India's leading ecologists, Professor R. Misra of Benares Hindu University, has observed that the pollution problem in India "is not so bad on account of the dispersion of 80 per cent of the population over villages." "Urbanization and industrialization are creating difficult situations," he added.

Mr. William P. Bundy's conclusion seems irrefutable: "Population growth is not really the major factor in the physical pollution of the environment; growth per person in living standards, and thus in raw materials consumed and waste produced, is far more important."

In the context of our present discussion of abortion, let us transpose this last statement into a question: Can the three cars per family, the multitudes of plastic containers and metal beer cans, and the all-pervasive air-conditioning our economy seems determined to produce, and so many people seem to want, really be used as excuses for scraping live babies out of their mothers' wombs? In affluent America today, where the principal nutrition problem remains obesity not malnourishment, this is about what the argument for abortion-on-demand from the "population explosion" amounts to. Once again, the Abortion Imperative seems to override any of the pertinent facts about population.

The pertinent facts about population suggest that we may soon be grappling with widespread dislocations stemming from a too rapid *decline* in our population growth rate. We have spoken of that decline above. Dr. Ansley J. Coale, Director of the Office of Population Research at Princeton, believes that "a zero rate of increase in the United States starting immediately is not feasible and I believe not desirable. The reason is the age composition of the population that our past history of birth and death rates has left to us. We have an especially young population now because of the postwar baby boom. One consequence is that our death rate is much lower than it would be in a population that had long had low fertility. That is, because our population is young, a high proportion of it is concentrated in ages where the risk of mortality is small. Therefore, if we were to attain a zero growth rate immediately, it would be necessary to cut the birth rate about in half. For the next 15 or 20 years, women would have to bear children at a rate that would produce only a little over one child per completed family. At the end of that time we would have a very peculiar age distribution with a great shortage of young people. The attendant social and economic disruptions represent too large a cost of pay for the advantages that we might derive from reducing growth to zero right away . . ."

Dr. Arthur S. Fleming, a Secretary of Health, Education and Welfare in the Eisenhower administration, told the White House Conference on Aging, in November, 1971, that the problem of raising the income of the elderly was the most serious problem before the conference. One quarter of all persons over 65 in the United States live on incomes below the poverty level. We can imagine how this problem will be magnified as the percentage of elderly in the population increases, while the number of tax-payers in their productive years decreases proportionately. We can imagine too in a population with a disproportionate number of old people that the cry for "mercy killing" will become as insistent as the cry for easy abortion today.

Other industrialized countries have already been affected by the problems of too-rapid population decline. Japan is already importing Korean labor, while the Netherlands—which we have already cited as the most densely populated country in the world—is importing as laborers young Spaniards, Italians, Croats, Serbs and even Turks! Demographers at a recent European population conference in Strasbourg, France, have expressed grave concern at the dislocations being caused by a shortage of young people even as non-productive, retired people continue to increase proportionately to the population at large.

Before Zero Population Growth can get its campaign fully underway, the entire terms of the population problem may have changed, and we will be occupied with the consequences of declining population growth rates!

If these are the true facts about the so-called "population explosion," then, what can we think of an official Commission which deliberately by-passes the significance of all the available data and uses its official status instead to advance the cause of abortion-on-demand? This is exactly the situation of the U.S. Commission on Population Growth and the American Future, chaired by John D. Rockefeller III. Established by Congress in 1970, the Commission delivered its report in March, 1972, and called not only for abortion-on-demand, not only for government-financed abortions, but for may other frankly antifamilial measures such as contraceptive services for minors, teaching the contraceptive and abortion mentality in the schools, under the title of so-called "sex education," making sterilization more widely available, and "comprehensive" institutional day care for all children. Those children who escape abortion and get born, in the new society envisaged by this Rockefeller Commission, can apparently look forward to a regimented institutionalized upbringing.

It is not as if all the data we have discussed had not been available to the Commission with its large budget and professional staff. Indeed its report confirmed every major point covered above when it said that "the United States today is characterized by low population density, considerable open space, a declining birthrate, movement out of the central cities." How then could the Commission arrive at such drastic recommendations? The answer seems to lie in the Commission's admission that "one of the basic themes underlying our analysis and policy recommendations is the substitution of *quality* for *quantity;* that is, we should concern ourselves with improving the quality of life for all Americans rather than merely adding more Americans." (Emphasis added)

Prescinding for a moment from what sort of quality we would *really* have in a society where killing-on-demand had become the conscious *policy* of the government, let us translate the Commission's admission into plainer English, as follows: "Since we cannot justify abortion-on-demand and the other anti-life measures we are after on the basis of the 'population explosion' which it was our mandate to study—unfortunately it turns out that there isn't any 'population explosion'—we will have to justify our anti-life recommendations on some other basis than sheer numbers of people; hence we must shift our concern over to the 'quality of life.' "

Ridiculous at it seems, this is exactly where the Commission on Population Growth and the American Future finds itself. We initially defined the Abortion Imperative as the belief that, whatever other considerations might obtain, we must at any rate get on with abortions and ever more abortions. Mr. Rockefeller's Commission could not have provided a more striking example of the mentality which has been created by the Abortion Imperative!

3. Whatever the problems which stem from accomplished or expected population growth, we cannot abandon moral means in seeking solutions.

Any reasonable view of the real facts about population, congestion, and pollution will preclude the desperate measures which are being urged upon us by population controllers. We must constantly remind ourselves of the strong element of selfish interest in the spectacle of the rich, education, and affluent calling so loudly for population control—they mean population control especially for those they consider "undesirable" or "uneducated." ". . . Just as the once invisible under classes tried to get theirs," Peter Shrag has written, "those who already had it announced the environment was being destroyed." The spectacle of a *Rockefeller* heading the Commission seemingly determined to do in the "once invisible under classes" will surely not be lost on the rest of the world.

But even if our situation were really as bad as the population Cassandras say, we would still not be justified in resorting to immoral means in solving our problems. Dr. Ehrlich thinks we are all doomed if we don't get our population under control, but in the sense he is talking about we are all doomed anyway. Not a single one of us but will die, if not in one of Dr. Ehrlich's famines, then at the very least of old age. In the meantime, we must strive to live our lives in accordance with the moral law which mankind has often transgressed, but rarely denied in principle; we must maintain respect and reverence for human life, especially the lives of others, whatever misfortunes might befall us. These are not merely Christian imperatives; it was Socrates who said that it was better to suffer evil than to inflict it.

The idea that we may destroy some of our unborn brethren in order to maintain our affluence, comfort, convenience, or standard of living—in a fearful yet wholly exact sense—is the morality of shipwrecked survivors who would kill and eat one of their number in order to survive. None of us is going to survive forever. How can we justify doing evil for whatever imagined temporary gain?

BAN THE HANDGUN—VII

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. BINGHAM. Mr. Speaker, the widespread possession and use of handguns in this country today is, unfortunately, reminiscent of the days of the gunslinger in the Old West. As the article below which appeared in the November 5 edition of the New York Times reveals, now, as then, the briefest encounter can lead to tragic results when handguns are present:

GIRL, 18, SHOT IN MIDTOWN

Two people were slain in separate incidents Saturday night after becoming involved in traffic disputes.

In Manhattan, at 51st Street near 10th Avenue, an 18-year-old girl from Scotch Plains, N.J., visiting the city with five friends, was shot and killed by a girl in another car after a minor collision.

According to the police of the Third Detective District homicide and assault squad, the girl, Wanda Armstrong, had come to the city with four youths and another girl to visit a discotheque. At 57th Street and 10th Avenue, the group's Oldsmobile was sideswiped by a Ford Maverick that kept going.

The driver of the Oldsmobile, James Wynn, 22 years old, of Newark, pursued the other car and caught up to it at 51st Street. The police said that when Miss Armstrong stepped out to write down the license number, a girl in the other car drew a pistol and shot her. She died later in St. Clare's Hospital.

The police are seeking the Maverick and its occupants.

STATEMENT OF ASSETS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. LEHMAN. Mr. Speaker, in keeping with my past practice, I am submitting for the RECORD my copy of the joint income tax return my wife and I filed for 1972.

I am also submitting a copy of our statement of assets. The material follows:

U.S. INDIVIDUAL INCOME TAX RETURN

William and Joan Lehman.
Present home address 2269 N.E., 163 Street.
City, North Miami Beach, Florida 33138.

FILING STATUS

2 Married filing joint return.

EXEMPTIONS

6 Yourself.

7 Wife (husband).

8 First names of your dependent children who lived with you, Thomas.

10 Total exemptions claimed, 3.

INCOME

11 Wages, $76,423.

12a Dividends, $162; 12b less exclusion, $134; balance, $28.

13 Interest income, $9,237.

14 Income other than wages, dividends, and interest (from line 45), $574.

15 Total, $86,262.

17 Adjusted gross income, $86,262.

18 Tax, check it from: Form 4726, $26,570.

20 Income tax, $26,570.

21 Other taxes, $40.

22 Total, $26,610.

23 Total Federal income tax withheld, $20,348.

26 Other payments, $243.

27. Total, $20,591.

28 If line 22 is larger than line 27, enter balance due IRS, $6,019.

Did you, at any time during the taxable year, have any interest in or signature or other authority over a bank, securities, or other financial account in a foreign country (except in a U.S. military banking facility operated by a U.S. financial institution)? No.

WILLIAM and JOAN LEHMAN.

JOINT STATEMENT OF ALL ASSETS, WILLIAM AND JOAN LEHMAN

Cash in bank, $3,600.00.

Equity in residence,* $8,000.00.

Certificate of savings, $60,000.00.

Miscellaneous stocks, $2,300.00.

Long term note receivable from William Lehman, Jr., $165,000.00.

Book value of stock in William Lehman Buick and Affiliated Cos., $377,379.00.

Investment in Joan Lehman Jewelry Co., $5,300.00.

Total assests, $621,579.00.

My wife and I do not own any stocks, bonds, mortgages or real estate except that listed above.

WILLIAM LEHMAN.

Acknowledged before me this 30th Day of November, 1973 at Washington, District of Columbia.

BETTE W. HUESTER,
Notary Public, District of Columbia.

IMPEACHMENT: PLAYING WITH FIRE?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. DERWINSKI. Mr. Speaker, impeachment talk by the Congress is increasing, and I believe that most Members would acknowledge that as the possibility of that development draws closer, we should strive to obtain our objectivity.

With that thought in mind, I think the record should be somewhat balanced on the subject of impeachment. I insert into the RECORD the text of an address by George Anastaplo, professor of political science at Rosary College in Chicago, on the subject of impeachment. His remarks entitled, "Impeachment: Playing With Fire?" was delivered at the University of Chicago on Tuesday, November 27.

The address follows:

IMPEACHMENT: PLAYING WITH FIRE?

(By George Anastaplo)

I believe it unlikely, despite all the agitation of this subject we have had, that Mr. Nixon will ever be impeached by the present House of Representatives. I am confident, moreover, that if he should happen to be impeached by the House, he cannot readily be convicted by the Senate on the curiously flimsy (yet genuinely disquieting) evidence now available. But I am also confident that further revelations of Executive misconduct in recent years can revive serious impeachment talk from time to time. Both partisanship and curiosity can keep the pot boiling through 1974. What, then, is the best way for us to proceed now?

Is this not the time, before civil discord shakes the country even more than it has already, for the leaders of Congress and the Executive (with the support of the responsible press) to settle the prolonged crisis which has been generated by the unseemly Watergate exposure? Should it not be kept in mind, in the interests of moderation, that the harm done to this country by the acknowledged conduct (especially with respect to foreign policy) of the last four Democratic administrations in Washington has been no less serious than the harm done by the criminal conspirators of the present Republican administration? That is, should we not restore among ourselves a sense of proportion about what the Nixon administration has and has not done and, even more important, about what it can reasonably be expected to do hereafter?

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*Residence listed in 1972 net worth statement was sold in 1973. A downpayment of $8,000.00 was made on a new home and the remainder of the proceeds of the sale was put in a Certificate of Deposit listed above.

I believe there are, in our present circumstances, three prudential courses of action to choose among. That is, domestic tranquility seems to me to require, well before the end of January 1974, one of these three settlements of a constitutional crisis which is both nightmarish and ludicrous: (1) the removal of Mr. Nixon from office, or (2) his resignation for the good both of the country and of himself, or (3) the firm and announced determination by all our principal political leaders to close accounts on the 1972 Presidential campaign and to let bygones be bygones.

Immediate removal of the President from office requires more efficiency, self-assurance and toughness than Congress seems capable of at this time, unless much more evidence than is likely to be available should be brought forward to implicate Mr. Nixon personally in "Bribery, or other high Crimes and Misdemeanors," or unless Mr. Nixon should become so disturbed as to make his removal appear obviously necessary to everyone with whom he comes into contact.

Resignation would be, of course, the simplest of the three prudent settlements I have listed. But this action may be more self-sacrificing than Mr. Nixon is capable of—unless he should become even more depressed than he has sometimes appeared to have been in recent months. Were Mr. Nixon selfless enough to resign for the good of the country, it might be argued by his more cynical critics, there would never have developed around the White House the grasping attitudes which have spawned the present general distrust of the President. I, however, do not consider his resignation unthinkable. Certainly, he could well resign if he *should* happen to be impeached by the House of Representatives.

But since we cannot *count on* Congress acting expeditiously or on Mr. Nixon conveniently resigning, the third course I have suggested (that of "closing accounts") seems to me the most sensible for the country to rely upon. It is a course which does lie within the capacities both of Congress and of informed citizens to pursue responsibly in the present circumstances. Indeed, it is a course which utilizes those political skills of self-restraint and compromise which seasoned politicians are good at.

Thus, it seems to me prudent to propose at this time, Congress should, with all deliberate speed, terminate its public investigations of the 1972 campaign and permit the Department of Justice to return to its normal functions. Public speculation about possible impeachment should be firmly discouraged. This means that Mr. Nixon should be tacitly granted an amnesty of sorts, an amnesty which both recognizes his abilities and his foreign policy contributions and guards against his character and his domestic shortcomings. He should be allowed, that is, to finish the remainder of his term "on probation." In eighteen months we and a miserable President will already be looking ahead to the election and inauguration of a new Chief Executive.

It is salutary to remind ourselves that the immediate causes of trouble for the Nixon administration have not been its financial shenanigans and farcical burglaries but rather the subsequent ill-conceived official attempts to conceal the ramifications of such criminal misbehavior. (Does not this mean that unless an administration is in the position to proceed as effectively as President Johnson's seems to have been in covering up the ramifications of the Bobby Baker scandal, it is far safer not to try at all?)

I am reminded, by the crowd of incompetents around Mr. Nixon at the time of the Watergate burglary, of the crowd of incompetents around Mr. Kennedy at the time of the Bay of Pigs invasion. That Kennedy crowd exhibited the reckless side of Democratic crusading; this Nixon crowd exhibited the seamy side of Republican law-and-ordering.

We continue to pay a high price for the 1961 Bay of Pigs debacle. Indeed, was not the 1972 Watergate burglary team itself, with its dedicated Cuban-American participants and with its absurd campaigns against subversion, rooted in the 1961 debacle? It should be emphasized, on the other hand, that little damage would have been done to the country by the amateur efforts of the Nixon crowd if they had never been exposed. Perhaps, however, this chance exposure can be somewhat helpful if it induces us both to cut a long-exalted Presidency down to constitutional size and to reform our overly permissive election laws. These corrections we see some signs of already, as well as the resurrection of an independent Department of Justice. That being so, we should quit while we are still ahead—before our politics become truly desperate and nasty.

Desperation may already be evident in Mr. Nixon's erratic reversals with respect to the release of the White House tapes—those mischievous tapes which (for all the fuss which has been made about them) are not likely to do much more than confirm our worst suspicions about the way Richard Nixon has always conducted his political affairs. Has not the self-righteous Nixon administration been sufficiently exposed, humiliated and even crippled? Do we dare continue to play with fire?

Responsible leaders of the country (in government and out) should, it seems to me, make some such appeal as this to American public opinion:

"*We play with fire* if we use, or appear to use, the courts and congressional committees to second-guess the American electorate, especially when its verdict is as massive as it was in the 1972 election. That election, we should remember, concluded with about as honest a count as any we have had in recent years, despite the misguided efforts of the overfinanced and underbrained Committee to Reelect the President. It is likely to be suspected and hence resented, when public passions cool, that the implacable critics of Mr. Nixon eagerly exploited one last chance to 'get' him. Mr. Nixon is indeed a man who makes it easy (if not even fashionable) to dislike him. The depth of the animus against him is reflected in the fact that not even a spectacular Mideast war on the unprecedented disgrace of a Vice-President can long keep Presidential 'scandals' out of the headlines. But the temptation to settle old scores with Mr. Nixon should be resisted, lest new and even more serious grievances be created with which we will all have to live for a generation.

"*We play with fire* if we ever establish in this country the precedent of using a Congress dominated by one political party to undermine by plausible threats of impeachment an Administration of another party. We should be careful, that is, not to stumble into a *de facto* parliamentary form of government, a constitutional arrangement which requires that the executive retain the 'confidence' of the legislature. There are *for us* advantages in having fixed terms of office, especially as protection for those Presidents who are obliged to sacrifice popular support while pursuing the common good. (The experience of President Lincoln in disciplining his generals comes to mind, as does that of President Truman after he fired the temporarily popular but clearly insubordinate Douglas MacArthur.) That is, we don't have, nor are we likely to develop soon, the pervasive social checks on a volatile public opinion which are needed to make parliamentary government work responsibly.

"*We play with fire* if we allow our television-heightened taste for theatrical excesses to influence our politics. We the people are on the verge of believing that nothing is significant if it is not outlandish. Are we compensating ourselves, by staged experiments in impeachment, for the boring character both of the 1972 election and of the Nixon administration? And, even more important, are we using a dramatic hounding of the President as a means of purging ourselves of the killing we should never have permitted in Vietnam? However that may be, we should moderate our fevered public discussion and thereby make less likely any recourse to foolish measures abroad or at home by a desperate President or by his indignant critics.

"In short, the fire which threatens to get out of hand should be deliberately covered up and smothered, lest unrelenting political warfare and demagogic manipulation of the Constitution become routine among us."

This is, it seems to me, the sort of public appeal that responsible leaders, with the concurrence of a repentent President, should make to the mature citizens of this country—an appeal which recognizes shortcomings and mistakes and, if need be, even corruption in high places. Impeachment, it should never be forgotten, is not intended primarily to punish past misdeeds but to prevent future misgovernment. The political health of the country always depends on sensible Congressional determinations as to *which* (if any) "high Crimes and Misdemeanors" should be taken seriously *for impeachment purposes.*

The time to have talked seriously about Presidential impeachment, I should add, was during our ruinous involvement in the Vietnam war, not after a President's Secretary of State has been awarded the Nobel Peace Prize. There *is*, after all, a limit to how seriously such crimes as burglary should be taken, even when they have been aggravated by an attempted obstruction of justice.

I should also add that everyone who is concerned about the sanctity of the rule of law among us should be reassured that there will be, within the five-year period provided by the statute of limitations, time enough when a new administration takes charge in January 1977 to expose and indict any unpunished criminals of the 1972 presidential campaign. In the meantime, much more than enough has already happened (without the need for actual impeachment) to impress upon Presidents, present and future, that the laws of the land are not to be trifled with. However that may be, a responsible public should be concerned both about the moral fitness of its leaders and about a measured response to revelations of moral failings.

Thus, it should be recognized that there may be, in the current demands for investigation and impeachment, a considerable amount of silliness and self-indulgence, if not even hysteria. There may be as well too much of the political paranoia which has, for a quarter of a century, corrupted the crowd around Mr. Nixon. Some of Mr. Nixon's crowd have long seen foreign subversion lurking behind every domestic dissenter. Some of his critics, on the other hand, now manage to see an incipient dictator even in a President who is very much on the run. Both camps of extremists should be counselled, along with the American people and the American press, to "*take it easy*"—a most salutary prescription for the perpetuation of constitutionalism in the United States.

(NOTE.—George Anastaplo is Lecturer in the Liberal Arts, The University of Chicago, and Professor of Political Science and of Philosophy, Rosary College. He is the author of *The Constitutionalist: Notes on the First Amendment* (published by Southern Methodist University Press in 1971) and of *Human Being and Citizen: Essays on Virtue, Freedom and the Common Good* (to be published by Swallow Press in 1974).

(This talk, originally prepared in late October 1973, was delivered at Breckinridge House, The University of Chicago, November 27, 1973.)

THE REAL LEGACY OF THE KENNEDY YEARS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. WOLFF. Mr. Speaker, on the 10th anniversary of John F. Kennedy's death, I believe it is important to reflect on the spirit and drive this great man gave the country. No one has dealt with this subject more effectively than Mr. William Attwood, whose article I insert in the RECORD for the attention of my colleagues:

THE REAL LEGACY OF THE KENNEDY YEARS

(By William Attwood)

It was the summer of '60 and we were sitting around over drinks in the deepening twilight of Joe Alsop's Georgetown garden—Jack Kennedy, a few old friends and a couple of newly recruited speechwriters, like me. He was talking about the campaign that was just getting underway. "By October the only issue will be Nixon or me—which one of us do they trust. I think the big difference between us is that I want to be President because I want to use the power of the office to get things done. Nixon just wants to be President, period—all he's really interested in is the office." I was sitting next to him as he said this and I still remember how he tapped my knee for emphasis with that jabbing forefinger that we all got to know so well in the campaign every time he said, "This is a great country. But I think we can do better."

I was never a New Frontier insider. I knew Kennedy mostly as a boss, and he was a good one. You always knew where he stood and if you had an idea, you could get to him he was never too busy to listen. Once, when I'd written an article he liked, he sent me a note that ended, "Many thanks." Well, looking back now, I wish I could say "many thanks" to him for something not so tangible as an article but much more important. It's for having made me and my generation—some of us anyway—feel alive, exhilarated and prouder to be Americans than we'd ever been before. This is no small thing. It takes a lot to give you this kind of feeling when you're past 40 and have, as they say, been around.

Ten years ago tomorrow I was lunching at Marietta Tree's on East 79th Street when her young daughter Penelope came in and said the President had been shot. I got up and rushed out to find a cab. Some construction workers were clustered around a portable radio, looking stunned. "Is it true?" One of them nodded. Down at the U.S. mission to the UN, where I was then working, some of the staff had already assembled in Adlai Stevenson's office. The TV was on; it was true, all right, and there was a story out that Johnson had had a heart attack. When the official announcement came through that the President was dead, I remember looking over at Stevenson, who was sitting at his desk. For a moment he held his head in his hands, then he began quietly giving instructions on what had to be done before finally reaching for a pad and slowly writing the statement that had to be made.

In the evening I met Bill Arthur, the editor of Look, at a Madison Avenue bar. He was stunned, too, but he had a technical problem to cope with. Look had a Christmas issue going to press with a story about the Kennedys in the White House. It had to be scratched but could I write a reminiscence by Monday morning to fill the space? It seemed as good a way as any to spend the weekend, and I started writing it the next afternoon coming back from Washington, where we'd gone with Stevenson to view the casket in the White House. This is what I wrote about that moment: "Jack Kennedy was so much a part of everything we did in Washington that the day after his death, waiting at the State Deparment before going over to the White House, I still found it hard to believe, impossible, really, that he would not be there to greet us in his office. He had been dead, after all, less than 24 hours. It wasn't until I walked into the darkened East Room and saw the flag-draped casket that I fully realized we had lost him—and what an unexpectedly personal loss it was for someone like me who had know him so fleetingly."

It rained all that weekend and there was nothing on television but the sight of people filing by the casket, most of them, as we had been, in tears. He had reached so many people in those thousand days. I remember that nearly a year before I had brought back a Christmas present to my 11-year-old daughter from the White House. It was a note from the President in answer to a letter she had written him. She had it framed and it had been on her bedside table ever since. The note is signed "Your friend, John F. Kennedy." She never met the President, but she always thought of him as her friend, and she was crying that terrible weekend, because her friend was dead. It's hard to believe now, in 1973, that millions of Americans felt the way she did—that when the President died they had lost a friend. In a way I think they were right.

Of course, a lot of sentimental nonsense has been written about those Kennedy years—none sillier than the Camelot myth that his widow promoted in an interview with Teddy White after the funeral. The real Kennedy legacy has nothing to do with romantic legends. The real legacy, for many of us who left our jobs to work on the New Frontier, is a vague sort of inheritance compounded of a sense of adventure, a quickened pulse, a lot of hard work, a renewed pride in our country, a willingness to experiment, a sparkle of memories, a lump in the throat. For the enduring actions of Kennedy's thousand days, once you filter out the rhetoric and emotion, won't amount to more than a few paragraphs in tomorrow's history books: the Bay of Pigs, the Peace Corps, the Nuclear Test Ban Treaty, the Cuban missile crisis, the start of some civil-rights legislation—as well as the start of deeper involvement in Vietnam. But of course, his second term could have been—would have been, I believe—something else.

Ten years tomorrow. My God, what's the point in looking back to how it was or how it might have been? Better to get on with what needs doing now and recognize the Kennedy years for what they were to us who lived them—a recollection of style and grace and courage and unfulfilled hope—a poignant memory, yes, but still and all, and essentially, an insubstantial pageant faded and—let's face it—such stuff as dreams are made on. Or so it seems today.

THOMAS M. PELLY

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 1973

Mr. TALCOTT. Mr. Speaker, it is with much sorrow and a sense of personal loss that I join my colleagues in mourning the passing of our recently retired colleague, the Honorable Thomas M. Pelly, who for 20 years represented the First District of Washington in this Chamber with outstanding ability and great distinction. An outstanding businessman preceding his election to Congress in 1952, he brought to Washington the outlook of a man who knew the true meaning of the American dream and was intent upon bringing that knowledge to bear through the legislative process.

In his distinguished service to the Committee on Merchant Marine and Fisheries and the Committee on Science and Astronautics, Tom established himself as a leader in both areas and set the pace for the current innovative programs now being pioneered by the United States.

Tom was highly regarded by Members on both sides of the aisle and his contributions to America and to the legislative process will always be remembered.

EULOGY FOR RICHARD S. ROBIE, SR.

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. CONTE. Mr. Speaker, the recent news of Richard S. Robie, Sr.'s death leaves me, as I know it does so many others, deeply saddened.

Mr. Robie was a remarkable individual whose career began in his native Manchester, N.H. Moving his base to Boston he later became one of the leading Hertz licensees.

Some years later he left Hertz and headed a corporation which purchased the world wide Avis rent-a-car system and expanded Avis to more than 1,000 agencies in the United States and abroad.

Besides his entrepreneurship in the car-rental industry, he was responsible for the expansion of the John Roberts Powers School system, the Boston Storage Warehouse Co., the development of commercial and industrial properties in Boston, Cambridge, Haverhill and Lowell, and Castle in the Clouds, a recreational area in Moultonboro, N.H.

Mr. Robie's behind-the-scenes efforts on behalf of Republican candidates were many, and included the New England Treasurership of the Eisenhower for President campaign prior to the late President's first term in office.

As a prominent philanthropist, Mr. Robie chaired the $11 million building fund drive of Children's Medical Center and was a founder and chairman of the board of the Hundred Club of Massachusetts.

He was a founder and chairman of the board of the World Trade Center of New England, past president of the Boston Executive Club, former director of Kiddie Camp, of the National Conference of Christians and Jews, and of the New England Council.

Richard Robie was a president of the Episcopalian Club of Massachusetts, a member of the vestry of Trinity Church, Boston, a life member of Aleppo Temple, and a 32d degree Mason.

He was a member of the Greater Boston Chamber of Commerce, the Boston Rotary Club, the Algonquin Club of Boston, the Boston Yacht Club, and the Bald Park Colony Club of Melvin Village, N.H.

This record of service to church, State, and business organizations will stand, without a doubt, as his most enduring memorial.

Both myself, and my wife Corrine extend all our sympathies to his bereaved wife Helen and his mother, sister, and sons. May his many accomplishments comfort them in this time of loss.

PRESIDENTIAL AMBITION

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. RIEGLE. Mr. Speaker, I would like to insert in the Record the following illuminating article from the November 30, 1973, edition of the New Times magazine. This article is written by John D. Lofton about one of our colleagues, John Ashbrook, and I insert it for the interest of those who read the Record:

Presidential Ambition

(By John D. Lofton Jr)

At the 1968 Republican Convention, conservative Congressman John M. Ashbrook was one of two dissenters who rejected Governor John Rhodes' demand that the Ohio delegation unanimously support the Presidential ambitions of Nelson Rockefeller. Ashbrook did so in order to vote for Richard Nixon. In 1972, Ashbrook himself ran for President in the Republican primaries. He did so because he felt Richard Nixon had broken his 1968 campaign promises, had reversed himself on welfare, national defense, federal spending, China and trade with Communist countries.

Now, in November of 1973 on a cold, gloomy, rainy morning, the former Young Republican National Chairman and cofounder of the American Conservative Union sits in his Washington, D.C. office and says that if President Nixon were to ask him what do do, he would tell the President he ought to call it quits. "I don't think there is any way he can regain his credibility," Ashbrook says. "I suppose if he were to ask me personally, I would say he ought to resign. I have not urged this publicly because of the chorus of jackals that I see throughout the country urging impeachment and resignation."

In politics, Ashbrook goes on, "You don't mind what the opposition says, you don't mind if they call you an S.O.B., you don't mind if they say various things. But if they start laughing at you or think you're crazy or a joke, at that point you're in trouble and never regain your credibility." Ashbrook believes the President has now reached that point.

"The most loyal, knee-jerk Republican in the Congress at this point is reluctant to defend the President," Ashbrook says. "Some of his best friends and most loyal supporters feel as if they've been led down the garden path. For example, we were told categorically he would not give up the tapes and he has given them up. Some of the Republican leaders, my friends in the House, were told by the White House to go out and say things about Ohio Senator William Saxbe last December when Saxbe said the President had taken leave of his senses in resuming the bombing of North Vietnam. Now, the President appoints Saxbe Attorney General.

"So, what is happening is just a continual litany of mistakes by the President. And when I say this I'm not speaking for the 200 million people in the country, but for his circle of friends, his supporters, and the people that carry the burdens of his Presidency, his programs and those trying to sell them to the public. There is no enthusiasm now. He can't be sold in the Congress or on the hustings back home."

Ashbrook is carefully choosing his words. His voice is calm and measured as he says that privately many of his conservative colleagues in the House believe the President has taken leave of his senses. "You take October, for example. We used to sit around and say not much more can happen. Well, as it turned out, we were wrong. We kept saying that the other shoe had to drop soon. But we now find out the President is a centipede. There's a shoe a week. He's dropped more shoes than he has feet."

Ashbrook is 45 years old and serving his sixth term in the House. And for the first time, he says, he is getting mail critical of the President from Republicans back home. "I know my constituency well. I recognize when the League of Women Voters and the college professors and their wives write on the bombing of Hanoi and so forth. My mail is not coming from them now. It's coming from Republicans. This is the first time I've gotten mail like this, mail from Republican committeemen and finance people. I think it's just a sense of frustration that enough is enough is enough and I've had enough of enough. They are fed up with the President, fed up and tired of what they call 'this whole mess.' "

On the subject of relations between the White House and the Republican party, Ashbrook says the greatest joke in Congressional cloak rooms is the line put out by the White House three or four months ago that things would be better with Haldeman and Ehrichman gone, and former Representative Melvin Laird and Bryce Harlow replacing them.

"It's no more open now than it ever was for Congressional Republicans," Ashbrook says. "There's probably less political input than there ever was, there are probably more mistakes made than ever before."

"If, during the very critical years, 1969 to 1972, three or four conservative leaders had joined me in criticizing the President's isolation, his palace guards—Ehrlichman and Haldeman—I think we'd be in a little better position now. Of course, the Republican party showed no leadership and went along with the President regardless of the price."

John Ashbrook does not think President Nixon sould resign until Gerald Ford is confirmed as Vice President. When asked what kind of President he thinks Ford would make, Ashbrook replies, simply: "A better one."

THOMAS M. PELLY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 1973

Mr. PICKLE. Mr. Speaker, sadness at the loss of one of our colleagues is heightened when the Member was a man of the integrity and personableness of Thomas M. Pelly.

Although I never had the opportunity to serve in committee with Tom Pelly, I had gotten to know him in countless discussions and conversations in the House.

To me he was a man you could trust, a man who commanded esteem, a man ready to be a friend.

The high respect he held in this Chamber was well deserved. He formed his views carefully and argued for them ably and effectively. He was always square with his colleagues.

Service and country were foremost on his list of priorities. To me Tom Pelly was a patriot of the first order, and I am sorry to see this Nation lose him.

SENATE—*Sunday, December 2, 1973*

The Senate met at 10 a.m. and was called to order by Hon. Frank E. Moss, a Senator from the State of Utah.

PRAYER

The Honorable Wallace F. Bennett, a Senator from the State of Utah, offered the following prayer:

Our Father in Heaven, as we come together on this unusual and historic occasion, we ask Thy forgiveness for intruding our affairs into what should be a day devoted to Thy praise and service.

But, in the spirit of the day, we ask that Thou wilt touch our minds and hearts so that we will approach the responsibilities we must carry out with an appreciation of their spiritual values, with a realization of the effect that they may have upon our country, and with more concern for our country's welfare than our own.

We ask this in the name of Thy Son, Jesus Christ. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., December 2, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Frank E. Moss, a Senator from the State of Utah, to perform the duties of the Chair during my absence.

James O. Eastland,
President pro tempore.

Mr. MOSS thereupon took the chair as Acting President pro tempore.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of November 27, 1973, Mr. Jackson, from the Committee on Interior and Insular Affairs, reported favorably, with amendments, on December 1, 1973, the bill (S. 1283) to establish a national program for research, development, and demonstration in fuels and energy and for the coordination and financial supplementation of Federal energy research and development; to establish development corporations to demonstrate technologies for shale oil development, coal gasification development, advanced power cycle development, geothermal steam development, and coal liquefaction development; to authorize and direct the Secretary of the Interior to make mineral resources of the public lands available for said development corporations; and for other purposes, and submitted a report (No. 93-589) thereon, which was printed.

ORDER FOR PRINTING TODAY'S PRAYER

Mr. FANNIN. Mr. President, in this historic session, I ask unanimous consent that the prayer offered in the Senate Chamber this morning by the distinguished Senator from Utah (Mr. Bennett) be printed on parchment for availability for circulation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Saturday, December 1, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DIVISION OF TIME ON CONSIDERATION OF CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time under the cloture period be divided equally between the Senator from Alabama (Mr. Allen) and the Senator from Louisiana (Mr. Long), the manager of the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPPORT GROWS FOR PUBLIC FINANCING OF CAMPAIGNS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that an article published in the National Observer for the week ending December 8, 1973, entitled "Paying for Politics—Support Grows for Public Financing," written by Mark R. Arnold, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the National Observer, December 1973]

Paying for Politics—Support Grows for Public Financing

(By Mark R. Arnold)

You may be paying for Nelson Rockefeller's bid for the Presidency in 1976. And George Wallace's, and Charles Percy's, and Shirley Chisholm's.

That's what public financing of Presidential campaigns means in its simplest terms It also means—and this accounts for the frantic efforts in the Senate last week to enact public campaign-financing legislation—a giant step toward eliminating the influence of large campaign contributors on the political process.

Senate proponents regard public campaign financing as the only way to remove the political stains splattered by the Watergate affair on the mantle of all Federal officeholders. "Beyond any doubt," Massachusetts' Edward M. Kennedy argued to his colleagues, "the year-long revelations of Watergate demonstrate the insidious influence of private money in American politics. Most of the serious problems facing this country have their roots in the way we finance campaigns for high office."

Kennedy is one of nine senators from both parties who last week successfully rammed through the Senate a sweeping reform bill providing for public financing of Presidential and congressional campaigns, though not congressional primaries. They offered their measure as an amendment to a bill urgently sought by the White House—a bill to raise the Federal debt limit—and thus sought to make campaign reform vetoproof.

THREAT IN SAFE DISTRICTS

The strategy initially ran into trouble. The House balked at bypassing its own committee procedures to accommodate what its leaders consider the Senate's strong-arm pressure tactics. House members were particularly critical of the section covering House campaigns, which would guarantee that even members from politically safe districts would face well-financed opposition in future elections.

So Senate backers, after reaching agreement with House leaders on how much of the plan would be acceptable to them, stripped down the plan. They knocked out everything but the Presidential provisions, which make partial public financing of Presidential campaigns mandatory, beginning in 1976.

Opponents warned that President Nixon might veto the bill. The President wants Congress to set up a commission to study political fund raising. But the supporters of reform pressed on.

Two votes show the changing congressional sentiment toward public financing. On July 26 the Senate defeated public financing, 53 to 38. Last week it approved a similar proposal, 52 to 40.

WATERGATE TESTIMONY

The difference between the votes can largely be attributed to the recent testimony of a parade of corporation executives before the Senate Watergate committee. Seven companies and their executives have been found guilty of violating laws outlawing corporate contributions to political campaigns. Others are still being investigated.

The classic pattern of favor-seeking was described by Machiavelli in *The Prince,* in 1532, this way: "Those who wish to win favor with the prince offer him the things they most value and in which they see that he will take most pleasure."

But in the pattern outlined to the Watergate committee, the offers flowed in the opposite direction, and could even be described as threats.

Former American Airlines Chairman George A. Spater, the first businessman to disclose an illegal contribution, told a typical story. He was approached in July 1972 by Herbert Kalmbach, President Nixon's personal attorney, who also is counsel to United Air Lines, a major competitor of American.

The call came at a time when American was seeking Federal approval to merge with Western Airlines. Though there was apparently no discussion of the merger, Kalmbach suggested that a $100,000 contribution from Spater would put him in a "special class" of contributors, the executive testified. The corporation eventually produced $56,000 in illegal funds for the Nixon reelection campaign. "I was motivated by a host of fears" that American might be "put at a competitive disadvantage" if it didn't oblige the fund raisers, Spater said. (The merger was subsequently disapproved nonetheless.)

The kind of contributions described by the executives is already illegal. But the Senate legislation would make it more unlikely to be solicited and easier to detect. It would, for example, put a $3,000 ceiling on individual contributions to any Presidential candidate in the primaries. In addition, the legislation would provide:

Presidential primaries: Candidates collecting $100,000 in contributions of $100 or less would become eligible for matching Federal payments. Each contribution of $100 or less by an individual would be matched equally from a special campaign fund created by taxpayer contributions as outlined below. There would be a $15 million limit on each candidate's total spending in the primaries (half public, half private). The $100,000 requirement is aimed at screening out "frivolous'" candidates.

Presidential elections: Beginning in 1976, elections would be financed by a special fund fed by taxpayers who elect to check off $1 on their income-tax returns for political purposes ($2 on a joint return). Each major party candidate would be allowed to spend up to $21 million for his campaign.

If not enough taxpayers contribute to the fund, each candidate could raise the difference between his share of the fund and his $21 million entitlement by soliciting private contributions, but no contribution could exceed $3,000. Or Congress could appropriate the difference.

Public financing might prompt new abuses. And, as has been noted in this space before [The National Observer, Oct. 13, 1973], it raises a serious Constitutional question: Isn't a limit on contributions an abridgement of free speech and association?

But whatever the scheme's shortcomings, it could remove the influence of large contributions on elections. And that, in the atmosphere of a Watergate-weary Washington, is enough to have breathed new life into an old idea.

Mr. THURMOND. Mr. President——

Mr. MANSFIELD. Mr. President, if the Senator will allow me——

The ACTING PRESIDENT pro tempore. Who yields time?

ORDER FOR ADJOURNMENT TO MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it come in tomorrow at 12 o'clock.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. And that when the Senate completes its business today, it stand in adjournment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

The ACTING PRESIDENT pro tempore. Under the previous order the Chair now lays before the Senate the pending business which the clerk will state.

The assistant legislative clerk read as follows:

H.R. 11104 to provide for a temporary increase of $10.7 billion in the public debt limit and to extend the period to which this temporary debt limit applies to June 30, 1974.

The ACTING PRESIDENT pro tempore. The pending question is on the motion to invoke cloture on the motion to insist on the Senate amendments to H.R. 11104 and request a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time on the cloture motion which will become eligible for consideration tomorrow, and which was filed yesterday, begin at the hour of 1 p.m.

Mr. ALLEN. Mr. President, will the Senator from Montana yield for a moment?

Mr. MANSFIELD. I yield.

Mr. ALLEN. Is he going to press the cloture motion today?

Mr. MANSFIELD. Yes; this is for tomorrow.

Mr. ALLEN. You anticipate it is going to fail today?

Mr. MANSFIELD. No; just in case. Just insurance. [Laughter.]

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THURMOND. Mr. President——

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. HUGH SCOTT. Mr. President, we are all so happy and so pleased and delighted to be here today that I do not think I will say anything to add to the joy involved in this conversational exchange.

Let us leave that to those who wished to be present today. I speak as one who did not.

Several Senators addressed the Chair.

Mr. PASTORE. Mr. President, I am glad to see that the minority leader is wearing the badge of merit over his heart today.

Mr. HUGH SCOTT. I wear it over my heart in recollection of my sins and hope for a better life from now on. [Laughter.]

Mr. THURMOND. Mr. President——

The ACTING PRESIDENT pro tempore. Time is now under control——

Mr. THURMOND. Mr. President——

The ACTING PRESIDENT pro tempore. The time will be equally divided between the Senator from Louisiana (Mr. LONG) and the Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. Mr. President, a quorum has not been established. That would come first.

Mr. ROBERT C. BYRD. The establishment of a quorum is not required at this point.

The ACTING PRESIDENT pro tempore. In the absence of a quorum until the end of the hour—who yields time? Who yields time?

Mr. THURMOND. Mr. President—Mr. President——

The ACTING PRESIDENT pro tempore. The Senator may not be recognized until time is yielded to him.

Mr. THURMOND. Mr. President, I ask unanimous consent that a member of the Judiciary staff be present during this debate——

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ALLEN. I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent that Mr. Packet of the Judiciary staff be allowed the privilege of the floor during this debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alabama is recognized. How much time does the Senator yield to himself?

Mr. ALLEN. I yield myself 6 minutes.

The issue presented to the Senate today is whether there shall be placed above the fiscal integrity of the U.S. Government a demand for a Federal handout to some score or more Presidential hopefuls of up to $7½ million. Included in that number are some 8 or 10 U.S. Senators and, in addition, some of the wealthiest men in the United States. It seems to the Senator from Alabama that we would have to look mighty far to find a group of people to whom the Federal Government does not give financial assistance if we are to provide a Federal handout in the form of a Federal subsidy for candidates for the Presidency, for Presidential hopefuls who seek the Presidential nomination of their respective parties. This is an effort on the part of those who would put such a handout ahead of the fiscal integrity of the United States.

What would it do? It would undercut the Watergate Committee. That committee was set up to rectify abuses resulting from campaign issues. Unless I miss my guess, there are five members of the Watergate Committee who do not favor this proposal.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. AIKEN. The Senator referred to this as a handout. Does not the Senator mean "reach-in"?

Mr. ALLEN. "Reach in" and take out. Yes, "reach in." They reach in and take out of the taxpayers' pockets. The Senator is absolutely correct.

This measure, which has had all of 30 amendments, according to the distinguished chairman of the committee, has had 3 minutes of consideration. Who knows what it says? There is not a copy on the desk of any Senator. So far as this Senator is concerned, he has not received a copy.

It undercuts the Watergate Committee. It does not wait for that committee to make its recommendation. That committee does not like it. Five of the seven members do not like this provision.

What else does it do? It undercuts the committee system. This bill has not had any consideration before a committee. It undercuts the committee system. It undercuts the U.S. Senate itself, because on July 30, we passed in the Senate, by a vote of 88 to 8, S. 372, that provides for strict regulation of campaign receipts, expenditures, and disclosures. That bill is now in the House of Representatives.

But far more than that, far more than the instant case, is the precedent we are going to be setting, if a little group of men in the Senate, so-called leaders, can get together and present a half-baked proposal such as this is to the Senate, get a vote on it, add it to a House bill, have the House give it no consideration until the final package is presented to it, and then send it to the President in a veto-proof condition because it is added to a "must" bill.

Mr. President, if we are going to allow that precedent, if we are going to allow a little group of so-called leaders in the Senate, to tack a half-baked concoction such as this, which nobody knows the details of, to a must bill, we are going to establish a precedent——

The ACTING PRESIDENT pro tempore. The 6 minutes of the Senator have expired.

Mr. ALLEN. I yield myself an additional 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 2 additional minutes.

Mr. ALLEN. If we are going to allow a small group of people to rewrite the basic and fundamental principles upon which our governmental processes are based, without ever sending such a measure to a committee, without it ever having 1 day of hearing, this will be the practice as often as this bill comes up, and it has come up every 5 or 6 months, because Congress, in its wisdom, extends this limit for only 5 or 6 months at a time.

So now is the time to call a halt to it. If those who favor this raid on the Treasury place that ahead and above and beyond the fiscal integrity of the United States, so be it.

Mr. President, I have presented twice in the Senate a motion that would resolve this whole matter and send this bill to the President; and I hope that after the cloture motion is voted on, we will act on that, and that we will not be prevented from acting on it by a filibuster or parliamentary tactics, because that motion is still pending before the Senate. As soon as the cloture motion is disposed of, we will move to the motion to recede and vote on a bill which will be passed and go to the President. He is in Washington for this weekend, and he can sign the measure.

So, Mr. President, a great issue is presented here—whether we are going to legislate by just a few fellows getting together and saying, "We wish to compromise, and we can handle those fellows in the House. They are just a bunch of sacks of potatoes," they say—not those I know—"and we can pass that over there. All we have to do is agree to it in the Senate."

We are not going to agree to it today in the Senate, in the judgment of the Senator from Alabama, and I hope we will pass the debt limit bill.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. LONG. Mr. President, I yield 2 minutes to the majority leader, the distinguished Senator from Montana.

Mr. MANSFIELD. Mr. President, I am afraid that the distinguished Senator from Alabama doth protest too much.

He talks about undercutting the Watergate Committee. As a matter of fact, it was the Watergate Committee which helped to generate the question of contributions by corporations and others in Presidential campaigns.

In my opinion—and I may be wrong—I have an idea that the distinguished Senator from Alabama would not even vote for a Presidential proposal of this nature, even if it were proposed by the Watergate Committee.

He says, also, that we are attempting to undercut the committee system. The distinguished Senator from Alabama knows better than that. He knows that the committees are the servants of the Senate as a whole, and the Senate as a whole is now and has been and will be, if need be, considering this measure. After all, when we think of committees, we think of them as the creatures and the servants of the Senate. They are nothing special. They are subordinate to this body. That is the way it is, and that is the way it will be, because no committee is going to tell the Senate how the Senate as a whole is going to vote.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am glad to yield.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LONG. I yield 2 additional minutes.

As a practical matter, I ask the Senator, is it not the Committee on Finance that would have jurisdiction of this matter, not the Watergate Committee?

Mr. MANSFIELD. Of course.

Mr. LONG. The fact is that the Committee on Finance has considered this type of matter several times before, and we in the committee had the proposal before us. If one looks at the rollcall votes, he will see that the committee would be closely divided on this matter, even more closely divided than the Senate itself.

It would be appropriate to say—as the committee did—that no matter what advice we may give the Senate about this matter, the Senate is still going to reach its own conclusions. Therefore, we reported the debt limit bill, reserving the right to every Senator on that committee—as we would expect every Senator who has heard this issue debated time and time again for weeks and months in the Senate—to take a position on this issue.

Basically, I am persuaded that it is the issue we are talking about, not the precise details of how it is to be done. It is a question of whether one wants to remove from this Government the power of private money to dictate the decisions rather than the consciences of private people. It is an issue that is far bigger, in my judgment, than the Finance Committee, the Watergate Committee, or any others. It was here with us, and may I say that the Senate had taken a position on it, long before we had ever heard of the Watergate Committee.

Mr. MANSFIELD. The Senator is correct. All the Watergate Committee can do is to recommend legislation; and if legislation is recommended in this area, it would, of course, go to the Finance Committee. The Finance Committee has held hearings on this proposal. The Senate has discussed it on 3, 4, or 5 different days that I can recall.

I do not think that this is a "half-baked" proposal, as the distinguished Senator from Alabama seems to indicate; nor do I think that the leaders—the Democratic leaders, that is—when they met, took onto themselves extraordinary prerogatives because we said that we would try to get the Senate and the House to agree to a proposal of this nature.

The ACTING PRESIDENT pro tempore. The 4 minutes of the Senator have expired.

Mr. LONG. I yield 1 additional minute to the Senator.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the name of the distinguished Senator from West Virginia (Mr. RANDOLPH), who I thought had signed the cloture motion yesterday, be included in yesterday's cloture motion.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time?

Mr. KENNEDY. Mr. President, will the Senator yield me 4 minutes?

Mr. LONG. I yield 4 minutes to the Senator.

Mr. KENNEDY. Mr. President, the last time the Senate met in extraordinary Sunday session was more than 100 years ago, on the eve of the Civil War and the inauguration of Abraham Lincoln, the President who saved the Union.

It is entirely appropriate, therefore, that we meet in extraordinary Sunday session this morning on what we hope is the eve of the most important action Congress can take to save the Union from Watergate and preserve the political system of the Nation.

Last week, a strong bipartisan majority of the Senate enacted far-reaching legislation to establish public financing of all elections for Federal office—President, House and Senate. Since that action, we have received strong indications that the House of Representatives is prepared to accept at least two major parts of that legislation now—the prohibition on private financing in the general election for President, so that all candidates will be required to use the public financing option now available; and the matching grant provisions for partial public financing of Presidential primaries.

Although the third major provision of the amendment passed by the Senate last Tuesday—public financing for Senate and House elections—may not be enacted now, it is still of great significance that the full Senate is so squarely on record in support of this provision. I believe its enactment will come swiftly, as soon as the House of Representatives has had the opportunity to consider more fully the application of public financing to its own elections.

But Congress is ready now, on the Debt Ceiling Act, to take a giant step toward restoring the shattered confidence of the people in the integrity of their Government. Those who seek today to frustrate the will of the majority of the Senate by maintaining this unconscionable filibuster are also frustrating a majority of the House of Representatives and a majority of the American people and they cannot be allowed to prevail.

If Watergate means anything, it means that the time has come to end the corrosive power of private money in public life. The corruption of the 1972 election demonstrates beyond any doubt that our campaign financing laws are hopelessly inadequate to stem the tide of abuse that flows from the power of giant political contributors and those who seek their contributions.

If we seize the moment we now have, we can shut off forever the underground flow of cash in political campaigns. We can ring down the curtain on the role of big campaign contributors. For too long, they have profaned the proud profession of politics. The time has come to end the corruption and the appearance of corruption that always travel in their wake.

Public financing is the best single answer Congress can provide to the evils symbolized by Watergate. At a single stroke, by enacting the bill before us, we can take the Presidential election off the auction block, and give it back to the American people.

I hope this filibuster marks the last stand of those who would ignore the lesson of Watergate and preserve the status quo. There is no wiser investment the hard-pressed and long-suffering American taxpayer can make than to spend his tax dollars on public financing of elections, and I hope that Congress will vote today to let this measure pass.

Mr. President, I wish to ask the Senator from Louisiana a very brief question. He has served in the Senate for, I believe, 24 years.

Mr. LONG. Twenty-five years.

Mr. KENNEDY. Twenty-five years. The Senator from Louisiana has seen filibusters come and go. I would be interested in his view as to whether this type filibuster could really take place and continue without the support and encouragement, or at least the acquiescence, of the White House.

Does the Senator, who is the manager of the bill and who has been one of the real pioneers in campaign reform, think we should have a statement from the President of the United States on the issue that has brought the Senate to an extraordinary session at this time? The President has stated in the past that he is for campaign reform legislation. The former Vice President said he believes in public financing. We have had a clear expression by the Senate. A strong majority of the Senate is on record in favor of this legislation. Why is the President silent?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. LONG. I yield.

Mr. KENNEDY. A strong majority of the Members of this body has voted in support of this legislation, and I believe that a majority of the House would do so as well.

Does the Senator agree with me that it

would be appropriate for the American people, as the Senate meets in this deadlock situation, to receive some clear expression from the President on this issue, which has brought us to this extraordinary session?

Mr. LONG. Mr. President, I am convinced that a successful filibuster cannot be sustained against this proposal which, from the point of view of those of us who favor it, is to remove the influence of big money from its potential of dominating decisions of this Government. In my judgment a filibuster cannot be sustained if the man who sits in the White House did not want that type filibuster to succeed. If he wanted it to succeed, my guess is it would have a fairly good chance of continuing, even successfully; but if he does not want it to be sustained, it seems to me he could make his views clear and there would not be 34 votes in this body to support the filibuster.

It is obvious where the votes are. The Senate voted to propose this measure. This measure has gone to the House before, and it went there without a filibuster. So it is fairly clear that we would not have a filibuster on our hands if it were not for the fact that there are those in this body as well as in the House who feel that the House is willing to agree to something, and what they are willing to agree to are those items mentioned by the Senator from Massachusetts: one, a prohibition on accepting private contributions on the part of one who is a candidate for President of one of the two major parties; and, two, a proposal that we would help to relieve the pressure of accepting financial contributions, large ones, at least, by those who are candidates for the office of President in the nomination process of the two major parties.

So we have here a proposal that the majority of us, and I believe a majority in both Houses, believe would have a cleansing effect and tend to remove this Government from the power of money to corrupt it, or at least lessen that power in a very major way. It has to do with one's philosophy of government. It goes back to the quarrel between Thomas Jefferson and Alexander Hamilton about whether the few should rule or whether the many should rule in this land. It is fundamental to all of us. Frankly, although some may give it little credit, there is something to be said for the Alexander Hamilton side of the argument, and that philosophy is being expressed by those who do not want this to go to the President. Those who have the majority should be in a position to lay their legislative proposal on the President's desk. If he still feels determined about this matter, as he was a year or two ago, we would not expect him to veto it.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LONG. I yield myself 2 additional minutes.

It may be that the President actually would want to follow through with what he said when he made a rather contrite statement before the American people on television, urging Congress to prepare some measure to see that this type scandal which is plaguing his administration will never happen.

It seems to me that he would want to go along today with those who have better credentials in this area of maintaining a system above and beyond the power of money or any improper forces to corrupt. He should be willing to accept the judgment of others who have better credentials than he in this area. It seems to me he might be willing to sign a measure passed by a majority of this Congress who think this will have a pronounced cleansing effect on our Government. If not, we would have to consider whether we have the votes to override a veto, and if we do not, we will have to yield eventually to the President on this matter. But we should have a chance to find out. Those supporting a filibuster today should be willing to permit the Senate to take its proposal to the President so that he can either agree with those who are conducting the filibuster or those who have been among his strongest supporters in the past.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. LONG. I yield 4 minutes to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I think it is appropriate that we meet this morning for the first time in 112 years on a Sabbath morning because I believe what we have before us truly is the Lord's work. If it was necessary once to force the moneychangers out of the temple, it is equally obvious we must chase those who would compromise and corrupt politics and the American political system out of the system this morning and seek to do so by adopting cloture and going on to adopt the underlying measure.

Mr. President, let us be clear about what is going on here today.

An administration which has done more than any other in the history of this Nation to illustrate the defects in our present system of financing political campaigns apparently would prefer to have American Government grind to a halt rather than clean it up.

The Halls of the Senate are haunted by White House lobbyists attempting to kill this reform of Presidential campaigns. And high White House officials are twisting the arms of Members of Congress with the threat that the debt limit bill will be vetoed if our reforms are attached.

It is a final irony that this administration—which is above all responsible for dramatizing the corrupting influence of massive campaign contributions on our political life—has now mustered such a fierce lobbying effort to preserve the very system which has led to their corruption and possible downfall. In their desperation, they seem bent on preserving the very system that has nearly destroyed them.

This is a tawdry spectacle to place before the American people in the year of Watergate. And if the administration achieves the one-third minority needed to frustrate the will of the Senate and the people, it will be a national tragedy.

The American people are tired of clever and disingenuous maneuvering by politicians.

They are fed up with the filth and corruption of our present system of financing political campaigns.

They want an end to the cynical business of putting American Government up for sale to the highest bidder.

They want an end to the "Buy America" system of financing campaigns.

By an overwhelming majority of 59 to 36 the Senate of the United States—Democrats and Republicans alike—voted this week to make a start on ending this system for good, through combined public and private financing in all campaigns for Federal office—for the Presidency, the House, and the Senate.

Now we are given to understand by the leadership of the House of Representatives that the House is willing to join with us to provide a comprehensive system of public financing for at least Presidential elections.

And this is the argument today. The question is whether we will join with the House to reform Presidential campaign financing, or allow this critical reform to founder on the rocks of parliamentary maneuvering.

The provisions which the House is willing to accept are essentially those introduced by Senator SCHWEIKER and myself last July.

And they were overwhelmingly approved by the Senate in the comprehensive amendment adopted last week under the leadership of the distinguished Senator from Massachusetts (Mr. KENNEDY).

Under this plan:

Each candidate in the Presidential primaries would be entitled to matching payments of public funds for the first $100 received from each individual contributor, but candidates must first accumulate $100,000 in contributions of $100 or less.

Treasury matching payments in the primary period would be limited to $7 million per candidate, and no candidate could spend more than $15 million overall in the primaries.

In Presidential general elections, public financing through the voluntary dollar checkoff is made mandatory instead of permitting candidates to forgo public funds and use all private money, as the present law allows. This effectively limits each candidate to spending no more than $21 million in the general election.

Now, the administration, supported by a minority of Senators, is trying to destroy our chance to achieve this fundamental reform of Presidential campaign financing.

The plan for public financing of Presidential campaigns is, we are told, "a raid on the Federal Treasury for the politicians of the country."

This is the kind of distorted rhetoric we have already heard far too often in this year of Watergate.

For under the proposal the success of a candidate in securing financial support, at the primary level, will be proportional to his or her ability to first secure broad-based support from thousands of small and moderate contributors.

The success of the proposal for both primary and general elections depends on the willingness of millions of Americans to check off dollars on their tax forms.

And our public financing proposals will cost less than one one-hundredth of 1 percent of the Federal budget.

For this small price, we can free the American Presidency from the stench and corruption of our present system of campaign financing. It is the best investment the taxpayers of this country could possibly make.

Let us look for a moment at some of the costs of our present system of financing campaigns:

In 1970, President Nixon rejected his Cabinet's recommendation to abolish oil import quotas, which were costing the American consumer $5 billion a year in higher oil prices, and forcing us to consume our own badly needed reserves. The oil industry, which strongly favored retention of the quotas, gave at least $500,000 to President Nixon's 1968 campaign.

The oil industry receives over $2 billion a year in special tax subsidies which go virtually unchallenged, and additional billions in monopoly profits which go untouched by price controls and antitrust laws.

A congressional study a year or two ago found that the total cost of all Federal subsidies—cash payments, tax subsidies, and other special benefits—comes to over $60 billion a year. Many of these subsidies go to industries and special interests that contribute large amounts to political campaigns.

Many of these provisions serve legitimate purposes. But they are surrounded with an air of special advantage that tinges even the most worthwhile with suspicion. And it is clear that other equally worthy causes—supported by ordinary voters—cannot begin to command the interest and sympathy from our Government that is given to the financially powerful.

But it is not just these direct costs that are harmful. What is far more damaging is the harm that is done by our present system to the trust and confidence American citizens must have in their Government.

The erosion of this trust in recent years is reflected in public opinion polls. A recent Gallup poll showed that only 25 percent of the American people are satisfied with the way this Nation is being governed—a drop of 11 percentage points in just 2 years.

It is not hard to understand why this has happened. What can we expect when people hear about things like—

Financier Robert Vesco giving $200,000 to the Nixon campaign and then getting an appointment 2 hours later with the head of the SEC to discuss his financial problems.

Top Nixon fundraisers shaking down scores of businessmen for contributions of what amounted to protection money.

A convicted felon in Florida paroled early from Federal prison at around the same time he makes a secret $30,000 cash contribution to the Nixon campaign.

The $600,000 contributed to the Nixon campaign by the trucking industry at the same time it is fighting a government proposal to increase competition in highway shipping.

The Chairman of the Board of a major auto company being approached for a contribution by Nixon fundraisers at the same time the industry is planning an aggressive campaign to water down Federal auto emission standards.

A $200,000 contribution to the Nixon campaign by carpet manufacturers at the same time the carpet lobby is desperately trying to postpone enforcement of new flammability regulations.

A $100,000 contribution to the Nixon campaign by a man named shortly thereafter as Ambassador to the Netherlands, and $300,000 from a woman later named as Ambassador to Luxembourg.

A secret $46,000 cash contribution from the chairman of Occidential Petroleum Co., which later announced an $8 billion, 20-year fertilizer agreement with the Soviet Union, and a $10 billion natural gas project in Siberia.

The $30,000 in secret cash contributions from executives of a Houston pipeline company, which later announced a project to bring natural gas from Russia to the east coast of the United States—a deal requiring the approval of the Nixon administration.

A huge contribution from ITT to help underwrite the GOP National Convention mysteriously coinciding with an antitrust settlement between ITT and the Justice Department—a settlement highly beneficial to ITT.

This is what the public has seen. Heaven knows what it has not seen, in both political parties.

We cannot be sure in any single case that there is a direct connection between the contribution and the benefit received or the harm avoided.

But what is more important is that millions of Americans believe, with justification, that there is a direct connection in many. And that is what is so corrosive and damaging to public trust in government.

Our form of government simply cannot continue to function if millions of Americans believe it is being bought and corrupted by rich and powerful special interests.

Abraham Lincoln once said that—

> With public sentiment, nothing can fail. Without it, nothing can succeed.

What is at stake here today is nothing less than the future of our democracy. It is a test of whether government of the people, by the people, and for the people can, as Lincoln said, long endure.

It is a test which we cannot fail.

We must act now—today—to clean up American Government and make certain that a Watergate never again disgraces our democracy.

I urge the Senate to invoke the rule of cloture, to bring this filibuster to an end, and to act now to stem the corrosion of our political process.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LONG. Mr. President, I yield 1 minute to the Senator.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. NUNN. Would not, in every instance cited by the Senator, legislation which has passed the Senate, prohibiting large contributions, correct that? Would that not be corrected by legislation which has already passed the Senate and is now pending in the House?

Mr. MONDALE. The answer is "No," because the bill we passed, dealing with trying to cleanse the private system of campaign funding proved another thing: If you really clean up the private funding, it is not possible to get enough funds to run; so we need a system of cleansed private funding plus public contributions.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LONG. Mr. President, I yield the Senator 2 minutes. Will the Senator yield to me?

Mr. MONDALE. I yield.

Mr. LONG. Is it not also true that the bill we passed permits contributions of $3,000 per individual?

Mr. MONDALE. That is correct.

Mr. LONG. The people about whom we are talking have large connections. They have banking connections all over the United States and with foreign nations. They have connections with contractors and subcontractors' groups to the extent that, as a practical matter, any one of several of these major committees could have financed the whole campaign with $3,000 contributions, if they had to do it that way, and find it to their advantage.

Mr. MONDALE. I think it is obvious to most persons who have bothered to study this subject that it is impossible to cleanse the present system of private financing and make it possible for a person to raise enough money to run for President. Therefore, if we cleanse the system, we must either back a system of public financing—this is what we are trying to do—to do away with a record of pervasive corruption which both parties are subject to—

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LONG. Mr. President, I yield the Senator 1 minute.

Mr. MONDALE. Several top officers testified that Government, which had great power, came to them and said, "Either we get this money from you"—we used to call it extortion in law school—"or other things might happen to you that you won't like."

The question is, Do we want to end that system? We all know about it. We are all in politics. There is no mystery about it. There is no one here who does not hate the private system. It demeans one. It sometimes corrupts him. The marvel is that it is as honest as it is. Let us attempt to do something about it this Sunday morning and throw the money changers out of the temple.

Mr. ALLEN. Mr. President, first I yield 4 minutes to the Senator from Colorado (Mr. DOMINICK), then I shall yield 2 minutes to the Senator from New York (Mr. BUCKLEY), and then 2 minutes to the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. The Senators will be recognized in that order.

Mr. DOMINICK. Mr. President, I thank the Senator from Alabama.

I have been sitting here on this good

Sunday morning listening to the pious speeches from the Senator from Massachusetts and the Senator from Minnesota, most of which have been based on the fact that you have to throw the private givers out of a Presidential campaign.

As a matter of fact, listening to the speeches, I thought perhaps we were talking about a different bill, because the bill which is before us requires that one get private contributions before he can even get any money out of the Federal Treasury. No matter how far one reaches in, he still has to have $100,000 to start with.

The second thing that interests me is that nobody is trying to kill this bill forever. There is no reason why it cannot go to the committee, be reported out of the committee, and be debated in the ordinary course like any other bill; but to attach it to the public debt limit seems to me to be deliberately trying to stall the whole economy of this country.

I do not happen to like the debt limit. I have said so on many occasions. It is a movable finish line. Every time we in Congress—and we are the ones doing it—increase the debt, then we move the finish line by increasing the debt limit, and we say to ourselves this has to be done because the economy of the country is going to go to pot unless we do, and then we go ahead and add that to an increase in the debt limit so we will not ruin that economy. We put on it this type of bill, which is not only controversial to start with, but which no one, as the Senator from Alabama has so clearly said, really understands.

I would say that, in listening to all this conversation about the Presidential political scene in the last election, wholly overlooked in the arguments has been the fact that the bill as it stands before us not only covers Presidential campaigns but also covers senatorial and congressional campaigns, so that everyone who will be running in 1976 or later, when the bill becomes effective, at that time has a personal interest in this bill, so that they can reach into the taxpayers' money and start getting some campaign funding for their own campaign.

To me, that is wrong. I happen to be lucky in this situation, because I do not come up in 1976; I come up in 1974. So it will not benefit me one way or the other. But I will say, whether it did or not, I cannot conceive of a worse situation than what we have here when we are trying to preserve the economy at a time of energy shortages and a lot of other problems, to be able to say we cannot raise the debt limit because we are more interested in getting into the taxpayer's pocket in order to finance political campaigns. It just makes no sense to me at all.

I am happy to say, whether we have an administration that is against this bill or for it, I am for the Senator from Alabama and I will be happy to sit and argue it and talk against this bill as long as he will give me time to do it.

It just makes no sense whatsoever for the Senate, which is supposed to be a deliberative body, to be talking about something which they do not have before it, which we know is nothing more than a measure to cover the financing of political campaigns at a Federal level in 1976 or thereafter, and then get up and make pious speeches about what has been going on in Federal campaigns probably ever since the country started. It makes no sense at all.

Mr. President, I thank the distinguished Senator from Alabama for yielding.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for 2 minutes.

Mr. BUCKLEY. Mr. President, I think the vital question before us now is not the question of how we should finance Federal campaigns. Certainly it is not to this issue that I intend to speak. Rather, I think what we are confronted with is a corruption of the legislative process through the use of so-called veto-proof bills as a vehicle for facing the adoption of totally unrelated measures. This practice constitutes a perversion of the Constitution of the United States. It is a practice that ought not to be tolerated in this Chamber.

The Constitution states that the majority of the Congress will work its will, and that if the President disagrees, he may exercise his right of veto. However, the Congress may vote to override that veto and the bill then becomes law.

The attempt to tack on unrelated legislation to a measure vital to the fiscal integrity of the United States is, to me, unconscionable—especially when there is not even the excuse of urgency.

We have heard a lot of talk in this Chamber about the low esteem into which the Executive has fallen. We should take cognizance of the fact that, if anything, the Congress of the United States has fallen to an even lower level.

The people of the United States are well aware of this appalling exercise of legislative irresponsibility on the part of Congress.

I believe we should be ashamed of ourselves and that we should allow the Senator from Alabama to have a vote on his motion to have the Senate recede from its amendments. And I believe that we should return to the Lord's business.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized for 5 minutes.

Mr. THURMOND. Mr. President, first I would like to commend the able and distinguished Senator from Alabama for leading the fight on this matter. The Senator from Alabama is in his first term as a U.S. Senator.

I am pleased to state now, although I am on the other side of the aisle from him, that he has become one of the most forward Senators and one of the most effectvie Members of this body.

First, I would like to say that I understand the question is whether we are going to apply cloture here. In many instances when some of us have tried to carry on debate, there has been objection.

A few years ago I remember the satellite bill, and I could refer to others, when the so-called liberal element of the Senate was determined to debate the matter. However, they are now taking the opposite view. They now say how horrendous and how terrible a thing it is.

It is my judgment that the Senate has a right to carry on extended debate under the rules of the Senate. It is proper to do so. I do not criticize any Member on the other side of the aisle or this side of the aisle for carrying on extended debate on any subject.

However, I want to say that I hope cloture will not be invoked here because there is an attempt here to attach to this extended debt limit bill a completely new subject, one of far-reaching importance, one that involves a restructuring of the entire election system of this Nation.

At the present time, Mr. President, the permanent debt limit is $400 billion. The temporary debt limit is $465 billion. All that this bill does is to extend this debt limit by $10.7 billion, which would make the debt limit $475.7 billion.

I realize that some people do not wish to extend the debt limit. I have voted against extending the debt limit because we cannot keep on spending more than we take in year after year. However, we have been doing this for a very long time. For instance, in the last 30 years, I believe that we have not balanced the budget except for 6 years.

Congress might attempt to pass this off on whatever administration is in power. However, we cannot do this. Congress is responsible for authorizing appropriations. Congress is responsible for appropriating money. Presidents can recommend.

We can go back for the last 30 years, and all of the Presidents that we have had could recommend. However, they make a mistake when they recommend budgets that contain expenditures greater than our income.

Congress has to make this system work. It is a tripartite system of government. The Executive merely administers and executes the laws passed by Congress. And if Congress spends more than it takes in, Congress has only itself to blame. We are responsible.

Today the Members of the Congress have spent more than we have been taking in. It is unsound. We cannot keep on as we are going now. No individual can stay in business who spends more than he takes in. No company can stay in business when it spends more than it takes in. No government can succeed when it spends more than it takes in. And that is what we have been doing for a long time.

I am anxious that this matter come to an end. However, on the other hand, I think that it is not proper to attach this measure on a bill that is of tremendous and paramount importance.

Mr. President, in my judgment, Congress will make a mistake if it applies cloture rather than letting the debt limit bill be acted upon separately.

It is a great mistake, I think, to attach to a fiscal matter a very important fiscal matter, a very important piece of election legislation. The political campaign matter is important enough in itself to constitute an important piece of legislation.

I hope that cloture will not be applied.

The ACTING PRESIDENT pro tempore. The 5 minutes of the Senator have expired.

Mr. ALLEN. Mr. President, I yield myself 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized for 2 minutes.

Mr. ALLEN. Mr. President, this is a far-reaching measure. As the distinguished Senator from New York (Mr. BUCKLEY) has pointed out, if we allow an extraneous matter of this importance to be attached to a must piece of legislation, we effectively amend the Constitution, because it wipes out the President's veto power which he can exercise when undesirable legislation is passed.

This measure, if its time has come, can withstand congressional hearings. It can withstand debate on the floor. It can be enacted on its own without riding piggyback on a piece of must legislation.

Mr. President, I am going to answer the challenge that has been made, because it has been said that the Senator from Alabama and the others alined with him are holding up a vote on this important matter.

I would like to point out that the Senator from Alabama on one occasion asked for unanimous consent that we recede from our amendments and pass the bill. Twice we put in a motion to recede from our amendments. Those who would have us pass the bill in its present form, and those who favor the campaign subsidies have prevented that issue from coming to a vote on the floor of the Senate. The Senate will not send the bill to the President and recede from its amendments.

Why should the Senate not be allowed to vote? By obstructive tactics on the part of those who favor the campaign subsidy, that issue has not been allowed to be presented to the Senate. Therefore, I issue this challenge: that after the vote on cloture, if cloture is rejected, there be a vote on the motion to recede. I hope the Senate will not be blocked by filibuster, as it was yesterday, or by a motion to adjourn, as it was yesterday, but that the matter will be brought to a vote.

Mr. President, I yield the remainder of my time to the chairman of the Watergate Committee.

Mr. KENNEDY. Mr. President, before doing that, will the Senator yield for a question?

Mr. ALLEN. I yield.

Mr. KENNEDY. Is the Senator willing to abide by a vote of the Senate? Would the Senator permit a majority of the Members of this body and the House of Representatives to express the will of the American people? If the Senator is issuing a challenge, will he abide by a similar challenge?

Mr. ALLEN. Of course, we will abide by the will of the Senate.

Mr. KENNEDY. If the majority of the Senators vote against it, will the Senator abide by the result?

Mr. ALLEN. Let us give Senators an opportunity to express themselves.

Now, Mr. President, I yield the remainder of my time to the distinguished chairman of the Watergate Committee, the committee appointed to seek a remedy for the ills of the present campaign system.

Mr. ERVIN. Mr. President, I intend to vote against cloture, for two reasons.

In the first place, I think it is time to abolish debt ceilings or to adopt a realistic debt ceiling which will be honored and observed.

Mr. HELMS. Mr. President, would the Senator use his microphone?

Mr. ALLEN. Would the Senator use his microphone?

Mr. ERVIN. Very well. Ever since I have been in the Senate, Congress has been engaging in the futility and the hypocrisy of trying to deceive the American people that we are going to limit expenditures by putting a ceiling upon them. I say, let us be done with that hypocrisy.

I agree with those who advocate the Kennedy amendment that something drastic must be done to regulate campaign contributions and expenditures. We ought not to try to do it on the Senate floor on the spur of the moment without affording Senators a reasonable opportunity to consider whether the remedy proposed would not bring upon the American scene a hundred different candidates who would get $7 million each out of the Federal coffers.

No reform of magnitude should be made without having the appropriate committee study all relevant proposals, take evidence and views relating to them, and report to the Senate a bill after all the implications of the various proposals are known.

The Rules Committee was studying the Kennedy-Scott proposals and other related proposals on this subject and had not completed its study of them at the time the Kennedy amendment was abruptly and unexpectedly offered as an amendment to the wholly nongermane debt ceiling bill.

Americans can finance campaigns in an honest and honorable manner, I think, without going to the extreme this amendment would require. We should not take money out of the Federal Treasury to finance campaigns; we should finance campaigns by increasing the income tax exemption or credit allowable for contributions to whatever limit is necessary to enable the raising of adequate funds.

We should stop the hypocrisy of prosecuting men for making illegal contributions unless we also prosecute those who solicit such contributions. It has been against the law of this Nation since 1907, if my recollection serves me right, to make contributions for political purposes out of corporate funds. Why should the Department of Justice not prosecute the men who solicit or accept such illegal contributions for aiding and abetting crime, and have them sent to jail? None of the solicitors of such illegal contribution have been prosecuted; only the makers, who were coerced into making the illegal contributions, have been prosecuted and punished.

I propose that the following remedies be studied by the Rules Committee, before the Senate acts on Mr. KENNEDY's amendment to finance Presidential primaries and elections out of tax moneys:

First. Increase the tax exemption or tax credit for every person who makes a campaign contribution to the candidate or party of his choice to a reasonable amount.

Second. To make it certain that all of these contributions will be reported, establish a commission, a bipartisan commission, to supervise Federal elections.

Third. Require the man who receives the contribution or the committee which receives the contribution to report its receipt forthwith to that commission, and require the man who makes the contribution to notify the Internal Revenue Service that he has made the contribution and expects to claim it as an exemption or a credit on his income tax return.

Fourth. Increase the penalties for violations of election laws, and enforce such penalties.

Since there are upward of 60 million voters in the United States, political fundraisers should be encouraged to raise campaign funds by obtaining voluntary tax-exempt contributions from citizens and be deterred by drastic criminal law, from coercing large contributions from corporations or unions.

By that method we could finance political campaigns in the United States without reaching into the Federal Treasury and without encouraging a multitude of candidates to seek nominations and elections to the Presidency for the purpose of getting their hands on millions of dollars of Federal funds.

I expect to vote against cloture. I would vote for a motion to recede. I think this whole proposition needs substantial study in the Rules Committee, because I know the Senate has not been able to give it any adequate consideration during the few hours we have discussed it on the Senate floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. The Senator from Louisiana has 5 minutes remaining.

Mr. LONG. Mr. President, I yield myself such time as I may require.

There is no Senator's home in which the Senator from North Carolina is more admired than in the home of the Senator from Louisiana. It was my good fortune to marry the very fine person who was the Senator's secretary, and we admire him, I think, as much as anyone other than his own wife could admire him.

Mr. ERVIN. Mr. President, the Senator committed the grandest larceny ever committed when he stole my charming secretary from my staff to make her his bride.

Mr. LONG. Admiring the Senator as we do, we have concluded that the reason the Senator has taken the stand he has on this issue is only that he has never had the problem we have had trying to raise campaign money. The people of his State hold him in such high esteem that he has never had any fundraising problems.

Mr. President, this is not a veto-proof bill. The President can veto it if he wants to. But the Senate is barred, under the Constitution, from initiating revenue bills, so the only way the Senate can move in a revenue area of this sort is by amending a bill that has been passed by the House of Representatives. And if we believe a matter to be as important as the Senate seems to believe this matter to be, naturally we would try to resolve the issue on a bill which the President would be very reluctant to veto, such as this one, and seek a confrontation on a "must" bill, which must become law in one fashion or another.

That is what the Senate has done. The Senate has espoused to initiate the issue in a way that would accomplish its purpose.

If we do not put this measure on a significant revenue bill, as the Senate has done, the attempt would be fruitless. So while I did not advocate it and was not a sponsor of this amendment, I completely respect the right of Senators to bring the issue to a conclusion in this fashion. They have a right to do it.

I have been looking over the rollcall votes on this issue, both yesterday, the day before, and in years past. When this matter first came up, the people of this Nation had little understanding of it. We were told that those of us who were attempting to finance campaigns at the expense of the taxpayer were wrong, that the public would not understand or approve.

What has happened? Those of us who have taken the position of those who are seeking to move forward in the area of campaign financing by the public have picked up votes; we have won elections; we are picking up States. We are picking up converts. In other words, there are Senators who have not voted with us in the past who are voting with us now.

We are picking up converts among the American people. We have been back before them, and are winning elections.

I submit, Mr. President, that those of of us who favor this concept, which the public is coming to understand better and better day by day, are going to have an overwhelming victory at the polls next year. Only time will tell, but the whole trend has been in our favor.

There have been those who said the answer was to have more reporting of more information to the American public, and more accountability. So we give them their reporting and their accountability and we have opened up those doors and let the light shine through.

CALL OF THE ROLL

The ACTING PRESIDENT pro tempore (Mr. Moss). The hour of 11 o'clock having arrived, and pursuant to rule XXII, the Chair now directs the clerk to call the roll and ascertain the presence of a quorum.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 544 Leg.]

Abourezk
Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Gravel
Griffin
Hansen
Hart
Hartke
Haskell
Hathaway
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pell
Proxmire
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevens
Stevenson
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Iowa (Mr. HUGHES), the Senator from Wyoming (Mr. MCGEE), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I also announce that the Senator from Missouri (Mr. SYMINGTON) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from Ohio (Mr. SAXBE), and the Senator from Virginia (Mr. WILLIAM L. SCOTT) are necessarily absent.

Also, the Senator from Oregon (Mr. HATFIELD), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Idaho (Mr. MCCLURE) and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) is absent by leave of the Senate on official business.

The ACTING PRESIDENT pro tempore. A quorum is present.

Mr. MANSFIELD. Mr. President, I would hope that after this vote is concluded we would be able to vote on the motion to recede and then on the Long motion—1, 2, 3—so that we could dispose of this matter once and for all and have it settled.

Would the Senator from Alabama agree to vote on a 1, 2, 3 basis?

Mr. ALLEN. We would take them one at a time. Let us vote one at a time.

Mr. MANSFIELD. All right. Keeping an open mind?

Mr. ALLEN. Absolutely.

Mr. STENNIS addressed the Chair.

The ACTING PRESIDENT pro tempore. Under the rule, we must proceed. The clerk will state the motion before the Senate.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to insist on the Senate amendments, request a conference with the House on the disagreeing votes of the two Houses, and authorize the Chair to appoint conferees on the bill H.R. 11104, an act to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

1. Mike Mansfield
2. Hugh Scott
3. Walter F. Mondale
4. Robert C. Byrd
5. Edward M. Kennedy
6. Edmund S. Muskie
7. Lawton Chiles
8. Philip A. Hart
9. Alan Cranston
10. John O. Pastore
11. Harrison A. Williams
12. Charles H. Percy
13. Gaylord Nelson
14. Thomas J. McIntyre
15. Quentin N. Burdick
16. Joseph R. Biden
17. Hubert H. Humphrey
18. Henry M. Jackson
19. Jennings Randolph

Mr. PASTORE. Mr. President, may we have order?

The ACTING PRESIDENT pro tempore. The Senate will be in order before we proceed.

Pursuant to rule XXII, a rollcall has been had, and a quorum is present.

The question before the Senate is, Is it the sense of the Senate that the debate on the pending motion shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to maintain order and to ask Senators to keep their seats during the rollcall.

The ACTING PRESIDENT pro tempore. The Chair requests that all Senators remain in their seats and answer the rollcall audibly.

The Chair admonishes the galleries to be quiet during the rollcall procedure.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CANNON (after having voted in the negative). On this vote, I have a live pair with the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Missouri (Mr. SYMINGTON). If they were here, they would each vote "yea." I have already voted "nay."

I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Iowa (Mr. HUGHES), the Senator from Wyoming (Mr. MCGEE), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I also announce that the Senator from Missouri (Mr. SYMINGTON) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from Ohio (Mr. SAXBE), and the Senator from Virginia (Mr. WILLIAM L. SCOTT) are necessarily absent.

Also, the Senator from Oregon (Mr. HATFIELD), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Idaho (Mr. MCCLURE) and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) is absent by leave of the Senate on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The yeas and nays resulted—yeas 47, nays 33, as follows:

[No. 545 Leg.]

YEAS—47

Abourezk
Bayh
Beall
Bentsen
Biden
Brooke
Burdick
Byrd, Robert C.
Case
Chiles
Church
Clark
Cranston
Gravel
Hart
Hartke
Haskell
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Ribicoff
Schweiker
Scott, Hugh
Stafford
Stevenson
Tunney
Williams

NAYS—33

Aiken
Allen
Bartlett
Bellmon
Bennett
Bible
Brock
Buckley
Byrd, Harry F., Jr.
Cook
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Griffin
Hansen
Helms
Hruska
McClellan
Nunn
Roth
Sparkman
Stennis
Stevens
Talmadge
Thurmond
Tower
Weicker
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Cannon, against.

NOT VOTING—19

Baker
Cotton
Eagleton
Fulbright
Goldwater
Gurney
Hatfield
Hughes
Javits
McClure
McGee
Packwood
Pearson
Percy
Randolph
Saxbe
Scott, William L.
Symington
Taft

The ACTING PRESIDENT pro tempore. On this vote the yeas are 47 and the nays are 33. Two-thirds of the Senators present and voting not having voted in the affirmative, the motion to close debate is not agreed to.

The question before the Senate is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) that the Senate recede from its amendments on H.R. 11104.

Mr. MANSFIELD. Mr. President, may I express the hope that we can come to a vote on this right now.

Mr. ALLEN. I am ready. Yeas and nays.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN).

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Iowa (Mr. HUGHES), the Senator from Wyoming (Mr. MCGEE), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I also announce that the Senator from Missouri (Mr. SYMINGTON) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from Ohio (Mr. SAXBE), and the Senator from Virginia (Mr. WILLIAM L. SCOTT) are necessarily absent.

Also, the Senator from Oregon (Mr. HATFIELD), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Idaho (Mr. MCCLURE) and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) is absent by leave of the Senate on official business.

If present and voting, the Senator from New York (Mr. JAVITS) and the Senator from Illinois (Mr. PERCY) would each vote "nay."

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 36, nays 45, as follows:

[No. 546 Leg.]

YEAS—36

Aiken
Allen
Bartlett
Beall
Bellmon
Bennett
Bible
Brock
Buckley
Byrd, Harry F., Jr.
Cannon
Cook
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Griffin
Hansen
Helms
Hollings
Hruska
McClellan
Nunn
Roth
Sparkman
Stennis
Stevens
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—45

Abourezk
Bayh
Bentsen
Biden
Brooke
Burdick
Byrd, Robert C.
Case
Chiles
Church
Clark
Cranston
Gravel
Hart
Hartke
Haskell
Hathaway
Huddleston
Humphrey
Inouye
Jackson
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Ribicoff
Schweiker
Scott, Hugh
Stafford
Stevenson
Tunney
Williams

NOT VOTING—19

Baker
Cotton
Eagleton
Fulbright
Goldwater
Gurney
Hatfield
Hughes
Javits
McClure
McGee
Packwood
Pearson
Percy
Randolph
Saxbe
Scott, William L.
Symington
Taft

So Mr. ALLEN's motion that the Senate recede from its amendments was rejected.

The ACTING PRESIDENT pro tempore. The question now recurs on the motion to insist on the Senate amendments to H.R. 11104, request a conference with the House on the disagreeing votes of the two Houses thereon, and to authorize the Chair to appoint conferees thereon.

Mr. LONG. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield to me without losing his right to the floor?

Mr. LONG. Mr. President, I ask unanimous consent that I may yield to the Senator from Montana without losing my right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I send a cloture motion to the desk and ask that it be read.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The assistant legislative clerk read the motion, as follows:

> We, the undersigned Senators, in accordance with the provisions of Rule XXII, of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to insist on the Senate amendments, request a conference with the House on the disagreeing votes of the two Houses, and authorize the Chair to appoint conferees on the bill H.R. 11104, an act to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.
>
> Signed by 19 Senators:
>
> 1. Mike Mansfield
> 2. Robert C. Byrd
> 3. Hugh Scott
> 4. Dick Clark
> 5. Walter R. Mondale
> 6. Edward M. Kennedy
> 7. Frank E. Moss
> 8. Edward W. Brooke
> 9. John O. Pastore
> 10. Warren G. Magnuson
> 11. Walter D. Huddleston
> 12. Lee Metcalf
> 13. Harrison A. Williams
> 14. T. J. McIntyre
> 15. Hubert H. Humphrey
> 16. Philip A. Hart
> 17. Vance Hartke
> 18. Mike Gravel
> 19. John V. Tunney

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Louisiana has the floor.

Mr. LONG. Mr. President, I wish to address this message from the Senate to the President of the United States.

It seems fairly clear to me that there is a very strong feeling on the part of both the proponents of this proposal for public financing of Presidential campaigns and on the part of the opponents. It is one in which the President, in my judgment, has already taken a very decided interest and one in which the President is going to have to take a public interest.

I would advise the President that he should favor the ordinary legislative process whereby we would be permitted to express the majority view of both the House and the Senate and advance this measure to his desk.

If he vetoes the bill and if we do not have the power to override his veto of the bill with a Presidential campaign funds amendment attached to the bill, then I for one will vote to pass a debt limit bill without any riders on it.

However, it seems to me that the orderly legislative process is such that the President and those who support his position at this moment are in a position that the President will not support a filibuster if, by definition, it is an act of piracy.

I am not saying that to cast any invidious aspersions on anyone. I have engaged in filibusters many times myself. I would be insincere if I were to try to say that Senators who feel strongly enough about a matter to engage in a filibuster should not do so. However, on the other hand, this matter must be resolved. And we will have a test of nerves starting on about Wednesday when the Government employees do not receive their paychecks and when contractors are not paid.

So, those who have voted consistently that this matter come to a conclusion and that the Senate be permitted to legislate on this matter will be put to a test and we will decide the matter. The President will then have to take a position as he has in the times past on this matter.

I would suggest to him that when he does so, his view should be that the Senate and House should act by majority vote, as we have the power to do, when we are permitted to vote. And he would do his part just by signing or vetoing the bill. If he vetoes it, when it comes back to the Congress, if we are not able to override the veto, my judgment is that he will have a bill back on his desk in 24 or 48 hours. In the event we are not able to override on that issue, the President will have prevailed even though I am convinced that his stand is unpopular in the polls.

At the same time, however, this is a matter on which we are entitled to legislate, and I believe we should. I do not believe that anything could be gained by the Senate staying in session and hearing speeches today.

I subscribe pretty much to the prayer of our Chaplain this morning, the Senator from Utah (Mr. BENNETT), when he asked the Deity to forgive us for being in session on this day.

So I would support a motion that the Senate adjourn and listen to further speeches tomorrow.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. LONG. Mr. President, I so yield.

Mr. MANSFIELD. Mr. President, I wonder if the Senator from Louisiana and his supporters would agree to a vote on the pending motion at the hour of 12 o'clock.

Mr. LONG. Mr. President, I would be delighted to have a vote on the motion that the Senate insists on its amendments.

I ask unanimous consent that the Senate vote on my motion that the Senate insist on its amendments at 12 o'clock today.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALLEN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

ROUTINE MORNING BUSINESS

By unanimous consent the following routine morning business was transacted:

ADDITIONAL COSPONSORS OF BILLS

S. 2505

At the request of Mr. METCALF, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 2505, to provide, under the Social Security Act, for additional Federal payments to States on account of specified public assistance expenditures with respect to Indians, Aleuts, Eskimos, native Hawaiians or other aboriginal persons.

S. 2718

At the request of Mr. PELL, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 2718, to provide for the financing of Federal election campaigns, and for other purposes.

EMERGENCY DAYLIGHT SAVING TIME ENERGY CONSERVATION ACT OF 1973—AMENDMENT

AMENDMENT NO. 755

(Ordered to be printed, and to lie on the table.)

EARLY MORNING RADIO SERVICE FOR RURAL AMERICANS

Mr. DOLE. Mr. President, I wish to say a few words regarding an amendment to the daylight saving time bill which I submit at this time.

The amendment deals with the problem daytime stations and full-time radio stations which operate at a substantially reduced power level during the night, would experience if we were to pass the daylight saving time bill.

These stations are currently prohibited from broadcasting or only permitted to broadcast at low-power levels during the presunrise hours. In the past, without year-round daylight saving time, they are able to come on the air at sunrise and provide news and information to their listeners before the listeners leave for work or begin their day's activity.

With year round daylight saving time, many of the daytime stations will not be able to begin broadcasting until as late as 8:30 or 8:45 in the morning. Thus they will not be able to provide the vital information to their listeners before they begin their activities.

The amendment I am submitting today is similar to the amendment I introduced with Senators HELMS, HUGH SCOTT, and THURMOND on November 16.

In addition to these previous sponsors, Senator BUCKLEY and Senator SCHWEIKER and my colleague from Kansas, Senator PEARSON, have also joined as sponsors of this amendment.

The amendment provides that the Federal Communications Commission shall, consistent with existing treaty agreements, make any adjustments in their general rules or take interim action pending the adjustment in such general rules, that might be necessary to insure that the radio audiences which are served by daytime stations are not deprived of this service during the crucial early morning hours if year round daylight saving time is passed.

This amendment is extremely important to rural areas, since radio in rural America provides a very valuable service which is heavily relied upon. It brings local and community news, notices of coming events, weather reports, school openings or closings, stockman warnings, and much additional information which is indispensable to many citizens in rural areas in particular. These areas do not usually have morning newspapers and many people are out in their cars and trucks away from television. So radio provides an essential service for these communities and is especially vital to them during the early morning hours. Thus I feel that if Congress passes the year-round daylight savings time measure, it is essential that we include in it adequate protection for radio services to rural communities whose early risers would be most detrimentally affected by the legislation in the first place.

The House, in acting on their daylight saving time legislation included in their bill an amendment similar to the one I am now introducing and Dean Burch, Chairman of the Federal Communication Commission has in a letter to the House Interstate and Foreign Commerce Committee stated that inclusion of statutory language similar to that which I have included in my amendment, would be helpful to the Commission in dealing with this problem.

I am, therefore, submitting this amendment and am hopeful my colleagues will join in support of the measure.

Mr. President, I ask unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 755

On page 6, at the end of the bill, add the following new section:

SEC. 5. Notwithstanding any other law or any regulation issued under any such law, the Federal Communications Commission shall, consistent with any existing treaty or other agreement, make such adjustment by general rules, or by interim action pending such general rules, to permit daytime standard amplitude modulation broadcast stations to operate not in excess of one hour prior to local sunrise, as may be consistent with the public interest, including the public's interest in receiving interference-free service. Such general rules, or interim action, may include variances with respect to operating power and other technical operating characteristics, but no such daytime station shall have its operating power reduced below 500 watts or fifty per cent of its daytime power whichever is greater for such hour of presunrise operation. Subsequent to the adoption of such general rules, they may be varied with respect to particular stations and areas because of the exigencies in each case. Provisions of this section shall also apply to those full time stations which currently have pre-sunrise broadcasting authority but for whom such authority permits broadcasting at a substantially reduced power compared with their daytime broadcasting operations.

ADDITIONAL STATEMENTS

JOBS FOR VETERANS

Mr. METCALF. Mr. President, today, almost a year after the United States withdrew its military forces from Vietnam, there are more than 275,000 Vietnam era veterans without jobs. And with the present energy crisis, a considerable number of those who had gotten jobs are being laid off. Lack of jobs for these veterans has been the result of hard luck and no opportunity. Too many veterans are unaware of the agencies and programs offering educational and occupational assistance.

One of the organizations which has been outstanding in its efforts to help unemployed veterans is Jobs for Veterans. It has published "A Digest of Veteran-Related Programs for Jobs, Training and Education." The Digest catalogs the responsibilities, services and addresses of agencies and programs set up to help veterans, including financial assistance plans. Jobs for Veterans is to be commended for its work, which is needed more than ever today.

THE ENERGY CRISIS

Mr. HOLLINGS. Mr. President, in this week's newsletter issued to my constitutents, I noted the lack of an energy policy in this Government. Emphasizing the confusion, I pointed out the numerous switches in President Nixon's approach, or lack of approach, in the last year. I likened this procedure to Sealtest ice cream with a flavor of the week. Now we have a new flavor, Mr. Simon of Treasury with a temporary Office of Energy Administration. I like this flavor. But it is not permanent. It does not have credibility, for apparently the President will change again. There is no duty to consolidate all data. There is no communication between the Congress and the President, since we do not have powers to confirm. I ask unanimous consent that the following report be included in the RECORD to point up this dilemma.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE ENERGY CRISIS

There was an old saying aboard ship in World War II, "When in danger, when in doubt, run in circles, scream and shout." Such is Washington's reaction to the energy crisis. It's been coming. The brown-outs in northeastern United States in '65 and '66 gave us the warning, but we were too busy with the Vietnam War to listen. Suffice it to say, President Nixon did not cause the energy crisis. But the President is the only one who can prevent the crisis from becoming a catastrophe. And if he doesn't act decisively by January 1, then instead of just cooler homes, Americans will be cooling their heels—out of a job.

We are in an energy crisis because:

1. TREMENDOUS CONSUMPTION—TREMENDOUS WASTE

The U.S., 6 percent of the world's population, consumes over 35 percent of the world's total energy. More important, *we waste more than we consume*. Large glass office buildings waste two-thirds of the energy needed in their operation.

2. SPIRALING CONSUMPTION

In the next 10 years, the United States will use as much oil and gas as it used from the beginning of its history until the year 1970. To compound the problem, the rest of the world is consuming energy at a faster rate than the United States. For example, the world as a whole will use as much energy between 1970 and 2000 as it did from the start of mankind until 1970.

3. REFUSAL TO ELIMINATE OIL IMPORT QUOTAS

President Nixon's Cabinet Task Force on Oil Imports headed by Secretary Shultz recommended that oil import quotas be eliminated in 1970. However, the President overruled this recommendation and the millions of barrels of oil that could have been imported and refined during the last 4 years were never received. This is the primary reason why *not a single additional oil refinery has been constructed in the United States in the last 4 years*.

4. NO RESERVE CAPACITY

A 9 month reserve was recommended to avoid a crisis. However, we failed to develop a reserve capacity from the oil received. The Arabs never would have mandated an immediate cut-off if they knew we had 9 months supply time to develop domestic production.

5. DELAY IN POWER PLANT CONSTRUCTION

New conventional and nuclear power plants have been delayed on an average of 26 months due to technical and environmental difficulties.

6. INSUFFICIENT RESEARCH AND DEVELOPMENT

The numerous research and development proposals in Congress for coal gasification, thermo-nuclear energy, solar energy, etc.—all were opposed by the Administration until recently on the basis that the private sector could do the job and no further federal incentives were needed.

7. SHORTAGE OF NATURAL GAS SUPPLIES

For years the Administration's policy of deregulation has encouraged withholding of supplies because of the expectation of large windfall profits in the future. At a price of 25 cents per Mcf of gas, the average profit of the natural gas company is 18 percent—more than adequate. However, with deregulation, immediately the price would jump to 75 cents, thereby creating an expectation of profits of over 200 percent.

8. FEDERAL TAX POLICIES HAVE ENCOURAGED THE PETROLEUM INDUSTRY TO SEARCH FOR AND PRODUCE ENERGY RESOURCES ABROAD RATHER THAN AT HOME

An oil company is eligible for depletion allowances, intangible drilling expense deductions, and foreign investment tax credits on its operations abroad. High royalty payments to foreign governments become high tax credits, thereby encouraging investment abroad rather than at home.

9. GOVERNMENT POLICIES HISTORICALLY WRONG

Rather than encouraging prudent usage of energy, government has encouraged energy waste. For example, more highways rather than mass transit, lower cost of energy the more you use, inadequate insulation standards in housing, etc.

10. BUT MOST OF ALL, NO ONE IS IN CHARGE!

The responsibility for energy policy is spread over 73 agencies and departments of government. One would think that Governor Love, whom President Nixon calls his "Energy Czar," would be in charge, but appearing on the "Today" Show, Governor Love, when asked about gasoline rationing said he didn't know. But, he continued, "an interagency group pulled together by OMB is working on a plan." OMB is the Office of Management and Budget charged with fiscal affairs, not energy affairs. OMB is staffed with fiscal experts—not energy experts. And so we have in place of a policy, organized chaos. Secretary Morton says we will have rationing by January, Secretary Shultz says over his dead body! Herbert Stein, Economic Counselor, and Melvin Laird recommend 30 cents tax on a gallon of gas and then comes the President blaming Congress. No one seriously suggests that the legislative branch is equipped to promulgate a policy on energy. The problem is complex and the committee system of Congress forbids a comprehensive approach. The Commerce Committee has jurisdiction over the Federal Power Commission, the Joint Committee on Atomic Energy has jurisdiction over nuclear power plants. Public Works Committee has the government hydroelectric dams. The Interior Committee has fossil fuels. Foreign Relations and Finance have jurisdiction over Mid-East oil—there is no one committee of Congress to cope with the problem spreading through 73 agencies. Accordingly, we need one place in the executive branch to go to for energy policy.

Foreseeing this dilemma, I introduced in June of 1972 a bill to institute an Energy Policy Council in the White House. It provides 3 persons appointed by the President and confirmed by the Senate with its director or chairman being the Energy Czar. Continuity and communication between the legislative and executive branches is guaranteed by the confirmatory power in the Senate. Best of all, this Policy Council is charged not only with promulgating a policy to be updated annually, but it was specifically directed to corral all the statistics. Every time you hear one of these "energy experts," he is using one set of figures and someone else has different figures. No one knows the truth. The oil companies and natural gas companies are reluctant to give the true facts. So here was a simple plan which passed the Senate overwhelmingly on May 10. It passed over White House opposition and the White House continues to oppose the bill in the House.

Trying to get an energy policy out of this Administration is like pulling teeth. Until the President's re-election last year, the President's energy man was Peter Flanagan in the White House who said there was no energy problem. However, after the election, the President switched off saying there could be a problem and appointed Dr. Kenneth Lay, Deputy Assistant Secretary of Interior for energy. The ink wasn't dry on this order before in December the President changed again and stated that Mr. James E. Akins of the State Department was preparing the President's energy message to the next Congress. Then in January, 1973, the President changed completely, appointing his so-called "Super-Cabinet" of 4 departments, one—the Department of Natural Resources, Secretary Earl Butz was put in charge of this department and named Counselor to the President in charge of energy. But in February the President changed again, appointing Presidential Advisors Shultz, Kissinger and Ehrlichman as the President's Special Committee on Energy. These advisors were so busy with other responsibilities, it was hard to get a quorum. So next the President appointed Mr. Charles DiBona as Special Consultant to the President on Energy. Mr. DiBona prepared a 42 page term paper on energy and submitted it as the President's Message to the Congress on Energy on April 18, 1973. This contained much rhetoric and little substance. In the meantime, Mr. William Simon, Assistant Secretary of the Treasury, was appearing at Congressional hearings on energy matters and he seemed to have the best grasp of the situation. However, when the Congress started working closely with him, the President cancelled him out on June 29th with the appointment of Governor Love as the so-called "Energy Czar." So you can see that the President's lead of 7 policies in 7 months has been rather difficult to follow. And, of course, the major ingredient necessary is missing: credibility. When the President speaks, fundamental to the success of his proposals is that the President is believed. An Energy Policy Council would eliminate the internecine warfare between department heads jockeying for position. It would clear the air from countermanding counterproposals. There would be that one place where the Congress and the people could all go to obtain the truth and this one office would speak for government so that we could all head in the same direction. But for the moment, just when I was beginning to believe Governor Love, he appears saying, no, not me—it's OMB. And just when you think it's OMB, the President says no, it's a special task force. Like Sealtest ice cream, it's the flavor of the week, and if you don't like the government's position this week, wait until next week. And waiting, a crisis becomes a catastrophe.

CRISIS SERIOUS—CRISIS DEEP

The energy crisis is serious. It is deep. There is nothing the President can do, there is nothing the Congress can do to prevent critical shortages between now and 1980. The problem is very complex. It will require billion-dollar research efforts; a crash program like a Manhattan project; long range planning. Hence, the President's "Project Independence"—making the United States independent of any reliance upon foreign sources of supply by 1980. But the main round of this bout lasting until 1980 is what can and must be done in 1974. This is the year of sacrifice. If Americans will tighten their belts 12 months then we can prevent a crisis from becoming a catastrophe.

CRISIS YES, BUT NOT CATASTROPHE

In a capsule, America consumes 18 million barrels of oil a day. A quickening of the Alaska pipeline, a love-in with the Arabs, could vary it slightly, but any way you look at it, we are going to operate with a 3 million barrel shortage daily. This is a crisis. It means until we can develop additional resources, we must move immediately into the gap to eliminate 3 million daily shortage. Experts say this can be done in the following manner:

1. Pick up a million barrels by conservation—lowering the thermostat to 68 degrees, daylight saving time throughout the year, etc.

2. Pick up the second million by increased production—deregulation of natural gas, etc.

3. *Pick up the third million by gas rationing.*

This last one is a must—now! You can't play with it. You can't edict 50 miles per hour, eliminate Sunday driving, and expect to do the job. This only saves 250,000 barrels and the need is for a million. Moreover, when you set two different speed rates, you have created a problem rather than solved one. These half-measures start people hoarding and consuming, rather than conserving. So before long, the President says, surprisingly, it hasn't worked. With half-measures, the best minds look for the crisis to turn to catastrophe by Springtime. That is, instead of rationing pleasure travel, there will be a cut-off of supplies where people cannot get to work, where fuel for the fiber industry so vital to textiles is drastically cut, where natural gas is unavailable and plants work part-time. This is what you are observing in the stock market. Investors see 2% drop in real growth as a result of the energy shortage, which means a drop of about 15% in corporate profits—they get out of the market and invest in something else.

The remedy is decisive action. We can't dilly. We must spell it out clearly to the people so they understand, not talk in a dozen tongues. We must head off a castrophe. Every day we delay, we lose one million barrels that we could be gaining from rationing. A delay of six months means 180 million barrels. We lost 61 million in October and November, and this month we are losing another 31 million dillying.

DAVID BEN-GURION

Mr. KENNEDY. Mr. President, I join the people of Israel and the millions of Jews and gentiles throughout the world who deeply mourn the passing of David Ben-Gurion.

More than a great leader of his own people, David Ben-Gurion was a permanent symbol to people throughout the world of what people of faith and determination can achieve.

On the 14th day of May 1948 in the museum of Tel Aviv, he read a brief declaration which told the history of the Jewish people, a history of exile, a history of persecution, a history of survival.

When he concluded that proclamation, a proclamation based on the United Nations resolution calling for the establishment of a Jewish State in Israel, the audience recited an ancient Hebrew benediction and then left the museum to face war.

As Abba Eban has written:

> Israel was experiencing the joy of birth and fear of death in a single taste; and the physical danger was deepened by political isolation.

David Ben-Gurion led his people in their fight for survival and in their struggle to rebuild the land of Israel. It was an impossible dream but it was a dream that now has lived on for a quarter century. Ben-Gurion said:

> In Israel, in order to be a realist you must believe in miracles.

For David Ben-Gurion, there was only one miracle still left undone, the miracle of peace. He believed that the future of Israel could be based only on peace with and respect for its Arab neighbors. He led the nation of Israel as prime minister in its war of independence, and in the first 15 years of its existence.

But he believed that its future rested on peace and he worked in behalf of that goal. He was a great leader and we mourn his passing.

I ask unanimous consent that the aforementioned declaration of Israel's independence be printed in the RECORD.

There being no objection, the declaration was ordered to be printed in the RECORD, as follows:

DECLARATION OF ISRAEL'S INDEPENDENCE

Eretz-Israel (the Land of Israel), was the birthplace of the Jewish people. Here their spiritual, religious and political identity was shaped. Here they first attained to statehood, created cultural values of national and universal significance and gave to the world the eternal Book of Books.

After being forcibly exiled from their land, the people kept faith with it throughout their Dispersion and never ceased to pray and hope for their return to it and for the restoration in it of their political freedom.

Impelled by this historic and traditional attachment, Jews strove in every successive generation to re-establish themselves in their ancient homeland. In recent decades they returned in their masses. Pioneers, *ma'apilim* [immigrants coming to Israel in defiance of restrictive regulations], and defenders, they made deserts bloom, revived the Hebrew language, built villages and towns, and created a thriving community, controlling its own economy and culture, loving peace but knowing how to defend itself, bringing the blessings of progress to all the country's inhabitants, and aspiring toward independent nationhood.

In the year 5657 (1897), at the summons of the spiritual father of the Jewish State, Theodor Herzl, the First Zionist Congress convened and proclaimed the right of the Jewish people to national rebirth in its own country.

This right was recognized in the Balfour Declaration of the 2nd November, 1917, and reaffirmed in the Mandate of the League of Nations which, in particular, gave international sanctions to the historic connection between the Jewish people and Eretz-Israel and to the right of the Jewish people to rebuild its National Home.

The catastrophe which recently befell the Jewish people—the massacre of millions of Jews in Europe—was another clear demonstration of the urgency of solving the problem of its homelessness by re-establishing in Eretz-Israel the Jewish State, which would open the gates of the homeland wide to every Jew and confer upon the Jewish people the status of a fully-privileged member of the comity of nations.

Survivors of the Nazi Holocaust in Europe, as well as Jews from other parts of the world, continued to migrate to Eretz-Israel, undaunted by difficulties, restrictions and dangers, and never ceased to assert their right to a life of dignity, freedom and honest toil in their national homeland.

In the Second World War, the Jewish community of this country contributed its full share to the struggle of the freedom- and peace-loving nations against the forces of Nazi wickedness and, by the blood of its soldiers and its war effort, gained the right to be reckoned among the peoples who founded the United Nations.

On the 29th November, 1947, the United Nations General Assembly passed a resolution calling for the establishment of a Jewish State in Eretz-Israel; the General Assembly required the inhabitants of Eretz-Israel to take such steps as were necessary on their part for the implementation of that resolution. This recognition by the United Nations of the right of the Jewish people to establish their State is irrevocable.

This right is the natural right of the Jewish people to be masters of their own fate, like all other nations, in their own sovereign State.

Accordingly we, Members of the People's Council, representatives of the Jewish Community of Eretz-Israel and of the Zionist movement, are here assembled on the day of the termination of the British Mandate over Eretz-Israel and, by virtue of our natural and historic right and on the strength of the resolution of the United Nations General Assembly, hereby declare the establishment of a Jewish State in Eretz-Israel, to be known as the State of Israel.

We declare that, with effect from the movement of the termination of the Mandate, being tonight, the eve of Sabbath, the 6th Iyar, 5708 (15th May, 1948), until the establishment of the elected, regular authorities of the State in accordance with the Constitution which shall be adopted by the Elected Constituent Assembly not later than the 1st October, 1948, the People's Council shall act as a Provisional Council of State, and its executive organ, the People's Administration, shall be the Provisional Government of the Jewish State, to be called "Israel."

The State of Israel will be open for Jewish immigration and for the Ingathering of the Exiles; it will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race, or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations.

The State of Israel is prepared to cooperate with the agencies and representatives of the United Nations in implementing the resolution of the General Assembly of the 29th November, 1947, and will take steps to bring about the economic union of the whole of Eretz-Israel.

We appeal to the United Nations to assist the Jewish people in the building-up of its State and to receive the State of Israel into the comity of nations.

We appeal—in the very midst of the onslaught launched against us now for months—to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions.

We extend our hand to all neighboring States and their peoples in an offer of peace and good neighborliness, and appeal to them to establish bonds of cooperation and mutual help with the sovereign Jewish people settled in its own land. The State of Israel is prepared to do its share in common effort for the advancement of the entire Middle East.

We appeal to the Jewish people throughout the Diaspora to rally round the Jews of Eretz-Israel in the tasks of immigration and upbuilding and to stand by them in the great struggle for the realization of the age-old dream—the redemption of Israel.

Placing our trust in the Almighty, we affix our signatures to this proclamation at this session of the provisional Council of State, on the soil of the homeland, in the city of Tel-Aviv, on this Sabbath Eve, the 5th day of Iyar, 5708 (14th May, 1948).

David Ben Gurion, Daniel Auster, Mordekhai Bentov, Yuczhak Ben Zvi, Eliyahu Berligne, Fritz Bernstein, Rabbi Wolf Gold, Meir Grabovsky, Yitzchak Gruenbaum, Dr. Abraham Granovsky, Eliyahu Dobkin, Meir Wilner Kouvner.

Zerach Wabrbafrig, Herzl Vardi, Rachel Cohen, Rabbi Kalman Kahana, Saadia Kobashi, Rabbi Yitzchak Meir Levin, Meir David Loewenstein, Zvi Luria, Golda Myerson, Nachum Nir, Zvi Segal, Rabbi Yehuda Leib.

Hacohen Fishman, David Zvi Pinkas, Abaron Zisling, Moshe Kolodny, Eliezer Kaplan, Abraham Katznelson, Felix Rosenblueth, David Remez, Berl Repetur, Mordekhai Shattner, Ben Zion Sternberg, Bekhor Shitreet, Moshe Shapira, Moshe Shertok.

THE CASE FOR IMPEACHMENT

Mr. McGOVERN. Mr. President, the editors of the Progressive magazine have made a compelling case for the impeachment of Mr. Nixon in the December 1973 issue of that great magazine.

I am more and more convinced that public respect for constitutional government and the rule of law requires that the Congress carefully investigate and then judge the serious charges made against this incredible administration. We owe it to the public to clear the air surrounding the network of scandals that have come to be known as Watergate.

I ask unanimous consent that the articles from the Progressive be printed at this point in the RECORD:

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Progressive magazine, December 1973]

A CALL TO ACTION

Crisis. The word has been overworked by all of us, and particularly by those engaged in reporting, analyzing, and interpreting the news. We have been recording monthly, weekly, daily crises for longer than we care to remember—foreign and domestic crises, military and political crises, economic, moral, and cultural crises. A headlined crises no longer generates alarm, or even profound concern. Ho hum another crisis. . . .

But the crisis that grips America today is of another, higher magnitude—one that deserves, perhaps, a new term that has not been eroded by abuse. It swirls, of course, around the person of the President of the United States, but it impinges on every facet of the national life and character. We are confronted, suddenly and dramatically, with fundamental questions about our national community—questions that demand swift and decisive answers.

Are we prepared, after almost 200 years, to abandon our experiment—intermittently successful but always hopeful—in enlightened self-government? Will we permit our highest and most powerful office—an office whose occupant can literally decide the future and even the survival of the nation and the world—to remain in the hands of a man who has, in the words of the American Civil Liberties Union, "made one thing perfectly clear: He will function above the law whenever he can get away with it"? Will we refrain because of our timidity or sheer inertia, from availing ourselves of the remedies provided by the Constitution of the remedies provided by the Constitution of the United States for precisely such an emergency?

Three years remain in Richard M. Nixon's second Presidential term—time enough for him to compound and render irreversible the catastrophic damage he has already done. It is understandable that the President may feel that if he can survive in office for those three years, he will have achieved a measure of vindication. But his vindication will be our indictment and conviction. If we, the American people, knowing what we now know about this President and his Administration, permit him to serve out his term, we will stand condemned in history for the grave offense of murdering the American dream.

These pages go to press amidst a chorus of demands for Mr. Nixon's resignation. The demands emanate not only from Mr. Nixon's long-standing critics—his "enemies," as he would doubtless style them—but from many who were, until recently, among his most enthusiastic supporters. The editors of Time, in the first editorial of the magazine's fifty-year history—at least the first so labeled—called on him to "give up the Presidency rather than do further damage to the country." The same suggestion has been advanced by newspapers which, only a little more than a year ago, were unreservedly advocating his re-election and which, only months ago, were minimizing the gravity of the Watergate disclosures; by Republican politicians who fear, not without justification, that the President is now an intolerable burden to their party; by businessmen who no longer can vest their confidence in Mr. Nixon as the chosen instrument of corporate prosperity.

Mr. Nixon would derive some obvious benefits if he were to heed this advice and relinquish his office. Unlike his recently departed Vice President, Spiro T. Agnew, he would not have to couple his resignation with a guilty plea to any crime. Like Mr. Agnew, he could continue to proclaim his innocence—and to denounce his "enemies"—in perpetuity. He has always relished the role of victim, and he could carry it to oblivion.

At the same time, the Congress would be spared from exercising a responsibility which it clearly does not welcome—the responsibility of impeaching the President of the United States. And the American people, the people who only a year ago gave the President an unprecedented mandate and whose disenchantment has now reached unprecedented depths, could breathe a deep sigh and go about the business of restoring a measure of order and hope to their national affairs.

But the decision to resign is, ultimately, the President's alone to make, and the word from the White House at this writing is that he will not be moved (or removed). He has "no intention whatever of walking away from the job I was elected to do," he told the nation on November 7.

It is our judgment, and we believe it is the American people's judgment, that the job he has done is enough. Until and unless the President changes his mind about resigning, the decision to resolve the crisis that grips the nation will be ours to make—for only by exerting immense and unremitting pressure can we convince the Congress that it must discharge its constitutional responsibility. Public opinion has already persuaded some legislators to abandon their customary vacillating stance. Public opinion, forecfully applied, can move the requisite number of Representatives to embark on the process of impeachment.

The first order of business confronting Congress is to fill the vacancy in the Vice Presidency. Mr. Nixon's designee, Representative Gerald R. Ford of Michigan, would hardly be our first (or thousandth) choice; he is, in our view, unsuited intellectually and politically to hold the nation's highest office. But given the choice—and it is the choice we are given—between mediocrity (Mr. Ford) and moral disgrace (Mr. Nixon), we have no difficulty choosing the former. America has muddled through with mediocre leadership before, but it cannot go on much longer with leadership that is morally bankrupt.

Once a Vice President has been installed, the "engine of impeachment"—James Madison's term—can be set in motion. It is an engine that the leaders of the House and Senate clearly would prefer not to start, but it can be ignited by any member of the House of Representatives who chooses to take the floor and declare: "Mr. Speaker, I rise to a question of constitutional privilege. . . . I impeach Richard M. Nixon, President of the United States, for high crimes and misdemeanors." Citing only the facts that have already come to light, that have for the most part been verified, this member of the House can invite his colleagues to do their constitutional duty by considering the charges against the President in

A BILL OF IMPEACHMENT

I. Richard M. Nixon, President of the United States, through his personal acts and those of his appointees and aides, has fostered, tolerated, and attempted to conceal the worst political scandals in this nation's history, thereby paralyzing the Government, inviting the contempt of the American people, and casting discredit on our country and its leadership throughout the world.

II. He is and must be held accountable for the crimes committed by many of his subordinates, for it is his responsibility, as Madison observed, "to superintend their conduct so as to check their excesses." If he was aware of their offenses, he is criminally culpable; if he was unaware, he is criminally inept.

III. He has attained and retained the high office he now holds through the use of illegal means, to wit: His agents have extracted secret and unlawful campaign contributions from various special interests in return for pledges of favorable government action in their behalf; they have authorized and commissioned snoopers and second-story men, styled "plumbers," to burglarize and spy on his political opponents, in violation of the common criminal statutes; they have hired saboteurs to employ various "dirty tricks" to disrupt a political campaign.

IV. He has attempted to undermine, circumvent, or annul the guarantees of the Bill of Rights—particularly the rights to privacy, freedom of speech, and freedom of the press—by: mounting an unprecedented campaign of harassment and vilification against the media of news and information; employing illegal wiretaps to spy on journalists and critics of his Administration; encouraging his aides to devise means of intimidating the media by use of governmental powers; embarking on political trials designed to silence those who dissented from his policies.

V. He has arrogated to himself powers not conferred by the Constitution, or powers expressly reserved to Congress, to wit: He has secretly, illegally, and deceptively ordered the bombing of a nation—Cambodia—without the knowledge or consent of the American people and their elected representatives; he has unlawfully impounded Federal funds totaling many millions of dollars that were duly appropriated by Congress in legislation he himself had signed; he has invoked a nebulous and dubious doctrine of "executive privilege" to withhold from the people information about the people's business.

VI. He has employed fraudulent schemes to muster—or create an appearance of—public support for his Administration's major policies, especially with respect to the unlawful invasion and bombing of Cambodia. These schemes have involved the placement of newspaper advertisements concocted in the White House, the generation of inspired letters and telegrams of support, and the manipulation of public opinion polls.

VII. He and his associates have conspired in sundry schemes to obstruct justice by: attempting to withhold evidence in criminal cases pertaining to the Watergate Affair; dismissing the Special Prosecutor, Archibald Cox; when he proved determined to do his job; tendering bribes to defendants and witnesses to induce them to remain silent or offer perjured testimony; persuading the former director of the FBI to destroy evidence; invoking "non-existing conflicts with CIA operations" to thwart an FBI inquiry; attempting to influence the judge in the Pentagon Papers trial; ordering the Attorney General not to press a series of antitrust actions against the International Telephone and Telegraph Corporation.

VIII. He has subverted the integrity of various Federal agencies by sanctioning efforts to: bring about a reversal of the Agriculture Department's policy on dairy price supports to accommodate major campaign contributors; involve the CIA and the FBI in unlawful operations associated with the operations of the "plumbers;" exert pressure on independent regulatory agencies to hand down decisions favorable to his friends and supporters; employ the Internal Revenue Service to punish his "enemies."

IX. He has conducted his personal affairs in a manner that directly contravenes the traditional Presidential obligation to demonstrate "moral leadership," to wit: He has used substantial amounts of the taxpayers' money to pay for certain improvements and maintenance of his private homes—expenditures that can in no way be related to security requirements or any other public purpose; he has taken advantage of every tax loophole permitted by law—and some of doubtful legality—to diminish his own tax obligations; he has entered into questionable arrangements with his friends to acquire large personal property holdings at minimal cost to himself; he has publicly and emphatically defended one of these friends, G. C. (Bebe) Rebozo, at a time when various Federal agencies were conducting supposedly impartial investigations into his financial affairs.

X. He has attempted to deceive the American people with respect to virtually every particular cited in this Bill of Impeachment, by withholding information and evidence; by misstating the facts when they could no longer be totally suppressed; by constantly changing his version of the facts, so that the people could no longer place any credibility whatever in statements emanating from the Chief Executive of their Government, to the point where it now seems doubtful that he would be believed even if he were to begin, miraculously, to tell the truth.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, I move that the Senate stand in adjournment until the hour of 12 o'clock tomorrow.

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? [Putting the question.]

There is a sufficient second. The yeas and nays are ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to adjourn. On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. CHILES), the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Iowa (Mr. HUGHES), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Wyoming (Mr. McGEE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Alaska (Mr. GRAVEL) are necesarily absent.

I also announce that the Senator from Missouri (Mr. SYMINGTON) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from Ohio (Mr. SAXBE), and the Senator from Virginia (Mr. WILLIAM L. SCOTT) are necessarily absent.

Also, the Senator from Oregon (Mr. HATFIELD), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. TAFT), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Idaho (Mr. McCLURE) and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) is absent by leave of the Senate on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The yeas and nays resulted—yeas 78, nays 0, as follows:

[No. 547 Leg.]

YEAS—78

Abourezk
Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Clark
Cook
Cranston
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Gravel
Griffin
Hansen
Hart
Hartke
Haskell
Hathaway
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Johnston
Kennedy
Long
Magnuson
Mansfield
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pell
Proxmire
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevens
Stevenson
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—22

Baker
Chiles
Cotton
Eagleton
Fulbright
Goldwater
Gurney
Hatfield
Hughes
Javits
Mathias
McClellan
McClure
McGee
Packwood
Pearson
Percy
Randolph
Saxbe
Scott, William L.
Symington
Taft

The ACTING PRESIDENT pro tempore (Mr. MOSS). On this vote there are 78 yeas and 0 nays. The motion to adjourn having been agreed to, the Senate stands in adjournment until 12 o'clock tomorrow.

Thereupon, at 11:58 a.m., the Senate adjourned until Monday, December 3, 1973, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

TAX DEDUCTIONS FOR ARTISTS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. BRADEMAS. Mr. Speaker, in 1969 Congress passed legislation which effectively eliminated tax deductions which could be taken by artists and authors for contributions of their original works. This change in the tax law has resulted in the sharp curtailment of contributions of literary and artistic works to museums, libraries, and universities.

Mr. Rubin L. Gorewitz of New York City, in an article in "Art in America," discusses the impact of this tax law change and compares three bills which have been introduced in the House to restore tax deductions for artists. Mr. Gorewitz observes, by way of illustration, that the 1969 legislation resulted in the loss to the Library of Congress of the collected works of composer Igor Stravinsky, valued at $3.5 million.

Mr. Speaker, I insert at this point in the RECORD the text of this article:

ARTISTS/IRS: A MODEST PROPOSAL

(By Rubin L. Gorewitz)

In 1969 Congress passed legislation that has significantly affected artists and art institutions throughout the country. Effective January 1, 1970, the Internal Revenue Code was amended so that artists, among others, could no longer deduct from their income tax the full value of their own works when contributed to tax-exempt organizations. While gifts by collectors are still deductible at the fair market value of the work the artist who contributes his or her work of art and deduct only the *actual* cost of the work—paint, canvas, etc. This change in the tax law was highly discriminatory in that it singled out one small group of taxpayers—artists. The resulting increase in tax revenues was extremely insignificant.

The new law states that any individual or business will benefit only to the extent of the *cost* of the donation rather than, as before, the fair market sales price. The point, however, is that costs of items differ substantially. An auto manufacturer, for instance, may deduct all his *costs*, including labor, materials overhead, etc. A creative artist, however now may deduct only his out-of-pocket expenses, with no allowance made for his own labor—since he can't pay himself a taxable deductible salary.

At present a full value contribution is received after the artist's death, when his heirs may deduct the *sales* price of the contributed object. Any saving the artist would have realized in his lifetime will be realized after his death. So Internal Revenue doesn't actually receive more taxes, but merely defers the dates when the tax benefit is received. If the artist were granted this benefit when alive, it would enable him to practice his profession more fully with no adverse tax consequences to Internal Revenue.

In order to encourage more contributions, the Tax Reform Act of 1969 increased allowable deductions from 30 percent to 50 percent of the donor's adjusted gross income, a clause which has no bearing on the artist's particular situation. Since it is the worthwhile intent of the government to encourage contributions to tax-exempt foundations, it is perhaps an oversight for Congress to have introduced a tax provision that discourages those made by artists. Stravinsky, for instance, put his own manuscripts on the market, though he had intended to give them to the Library of Congress. The $3.5-million collection, if given to the Library, would have been deductible only to the value of paper and ink.

At present there are three tax bills pending in the House Ways and Means Committee, all intended to ease this situation. The most liberal (H.R. 2151) has been introduced by Congressman Ogden Reid (D-N.Y.); it reinstates the old law without removing any of the inequities. The most conservative, introduced by Congressman Wilbur Mills (D-Ark.), is H.R. 3152; it would allow a deduction of only 50 percent of the art work's fair market value and then only if the recipient of the contribution submits a written statement that "the donated property represents material of historical or artistic significance, and the use by the donee will be related to the purpose or function constituting the basis for its exemption."

The compromise version (H.R. 6764), submitted by Congressman John Brademas (D-Ind.), attempts to eliminate the inequities of the previous law. Basically, the bill allows the artist to deduct 75 percent of the fair market value of the contribution *only* if the artist's gross income from the sale of his works is equal to the amount contributed. For example, if an artist has a gross income of $10,000 from the sale of his art works, he may then contribute up to $10,000 in art works.

The Brademas bill, like the Mills bill, also requires a written statement from the recipient. The Brademas bill, however, prohibits contributions by hobbyists—people who do not earn any income as artists, but who make deductions on their tax return for contributed works. Despite the fact that this would have ranked Van Gogh as a hobbyist, it seems a reasonable way of separating the amateur from the professional.

Both Mills' and Brademas' bills prohibit any public officeholder from contributing "any letter, memorandum or similar property by or for an individual while he held an office under the government of the United States or any state or political subdivision thereof, if the writing, preparation or production of such property was related to, or arose out of, the performance of the duties of such office." This directly relates to one of the reasons the original law was changed in the first place. Contributions made by President Johnson to his library in Texas, and by President Nixon to the National Archives in 1969, afforded considerable tax relief for both presidents—a quarter of a million dollars in President Nixon's case.

A DANGER IN PEACE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. PICKLE. Mr. Speaker, in a time of continual crisis, often only the front page item gets enough attention for action. The energy crisis is a case in point.

Two wise editorials in a recent Forbes magazine trace the early warnings of the crisis, the national distraction to other matters, and the explosion of the energy issue into the front page slot because of war.

The editorials also worry about our fate should we neglect to get our energy house in order before the next crisis knocks on the door and steals the thunder. It is a worry I share.

I would like to reprint these editorials at this time.

The editorials follow:

Oil Is Not Well

A little over two years ago Forbes (Aug. 1, 1971) foresaw many of the energy and raw materials shortages that are making headlines today. The article, sharply written by Senior Editor James Cook, didn't say that the Arabs would precipitate a major crisis by shutting off the oil. But it did say that this *could* happen. "The hand on the oil pump," we warned, "can be the hand that strangles our economy."

We weren't the only ones to see what was coming. The press and the dinner-speaker circuits were full of such warnings.

What happened after that, after the clarion call had been sounded and the public aroused? Well, nothing happened. Nothing happened because the next week and the next month there were other alarms. The environmental crisis and the economic crisis and the war crisis and the drug crisis. We tossed and turned and worried about a lot of things other than energy. In 1971 we worried about airline hijacking, the Pentagon papers, President Nixon's Phase I price freeze and the first dollar devaluation.

We spent 1972 preoccupied with the mining of Haiphong harbor, the sinking dollar, our polluted environment and Watergate. Some of us worried about Nixon staying in power, but a majority of us shuddered at the thought of a President McGovern.

And this year has been devoted to more Watergate and political scandal, leading up to the resignation of the Vice President.

What happened to the energy crisis from 1971 to the day King Faisal turned off the oil faucet? It landed in the back of your newspaper, near the corset ads and the steamship schedules. It took a war to bring it back to the front page.

The problem, it seems, is that the world is spinning too fast these days. Anything that isn't nailed down in our consciousness just flies away. Alvin Toffler dubbed the phenomenon future shock—"the dizzying disorientation" caused by accelerating change.

This then is the main problem: How do we all assure that our critical energy problem isn't shelved again? "My fear," says energy expert Dr. Bruce Netschert of the National Economic Research Associates, "is that the Arabs will lift the oil embargo soon and the public will forget the problem and go back to normal. No one wants to face the fact that we are critically vulnerable on energy. I feel the public will have to be forced to face the problem."

We're trying to do our share of "forcing" the issue.

The Goal Is Self-Sufficiency—In Some Ways We'll Be Better Off If The Energy Crisis Doesn't Go Away

A good many thoughtful Americans are saying privately that they hope the Arabs don't let the U.S. off the oil hook, at least not soon. For if they ease up soon, then the U.S. public may settle back and again luxuriate in the illusion of plentiful oil—until the next time the U.S. or its friends displease the Arab world.

President Nixon says we can be self-sufficient again by 1980. But achieving that goal depends on many things. Such as American willingness to spend at least $40 billion in tax money and business profits for research and development. A willingness to pay considerably higher prices to finance the horrendous costs of coal gasification, drilling on the continental shelf, and extracting oil from shale and tar sand. It also depends on a spirit of compromise on ecology and pollution.

The dreadful alternative is a more lopsided dependence on Arab oil.

It took a long time for the U.S. to become dependent. Getting self-sufficient won't be easy, cheap or fast. But it will be one of the smartest things this nation has ever done.

How did we get into this fix? It's a long story.

The Federal Government, way back in 1954, slapped on rock-bottom price limits on natural gas which assured low utility rates and runaway demand, while discouraging exploration for fresh supplies. Then, as oil became harder to find at home, domestic drilling skidded to a 21-year low in 1971.

At the same time, the Government retarded experimentation on synthetic fuels—such as gas from coal, oil from shale and electricity from sunlight. The sparse research dollars went toward the long-term solution of nuclear power. Russell Train, who is administrator of the Environmental Protection Agency, recalls: "Time and again I tried to convince the Budget Bureau that R&D dollars were vital for coal gasification and so on. Time and again, they said: 'Forget it, the cost benefit isn't good.' "

As this indicates, our Government hasn't had a cohesive energy policy. It still doesn't.

The oil industry deserves plenty of blame. Most of it was mesmerized by that cheap Middle Eastern oil. "Be nice to the Arabs," it pleaded. But how nice? To the point of allowing Arab armies to sweep over a weakened Israel? And who was to be certain that a reasonable man like King Faisal might not one day be replaced by a wild man like Colonel Qadaffi?

Oil expert M. A. Adelman claims that the multinational oil companies have become tax collectors for the Mideast producing nations.

The point is that the Arabs have every right to use their economic power. But remember, their interests and ours will not always coincide.

At the same time, most majors also turned their backs on the potential of high-priced but domestic-made synthetic fuels. In all, the oil industry devotes a measly 0.07% of its $80 billion in sales to R&D—that's all R&D—plus only 2% to worldwide exploration and drilling.

What's more, 23 of the largest oil companies own 10% of our coal reserves and 50% of our uranium—some of the very resources that could be converted to clean energy.

Chris Welles, author of a controversial book on oil shale, says: "For years the oil industry has retarded oil shale experimentation for fear that an independent and competitive energy industry would spring up and undercut the conventional oil business."

The oil companies' response is rather lame. In effect, they want profit guarantees before they'll search for oil at home. They are on solider ground when they blame some of the shortage on politicians and overzealous environmentalists.

Now we have a name for it: the energy crisis. Actually, it has been with us all along. It will remain a crisis as long as the U.S. is dependent on outside sources for something as vital as energy fuels.

POW'S—DON'T LET THEM BE FORGOTTEN

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. BURKE of Massachusetts. Mr. Speaker, in recent months the American people have had to cope with many confusing and chaotic problems and events. Many Americans have become disillusioned with the leadership of our country. The war in the Middle East has dampened our vision of universal freedom for all mankind. And now, we as Americans, are facing what may be the crisis of our lives—the critical need to conserve and protect our precious natural resources. These issues have been the forefront of public attention in past months, and rightfully so—but as a result many equally important issues have been "side tracked" and ignored by many.

I would now like to take this opportunity to bring to the attention of my colleagues once again the all too often ignored plight of our men still missing in Southeast Asia. Many Americans have forgotten that there are still 1,200 men missing in action in Southeast Asia—men who served with bravery and distinction when called upon by their country—men who now seem to have been forgotten. This greatly disturbs me. The war, for these men, and for their families and loved ones, still continues day in and day out. Imagine, if you can, what it must be like living each day while still not knowing what has happened to one's brother, son, or husband. Imagine the torment of trying to resolve things in one's own mind while not knowing what has happened to a loved one—and the disillusionment of trying to accept the fact that one may never really ever know.

These are disturbing thoughts—thoughts that many would probably rather hide and forget. But the fact remains, the men who served our country in Southeast Asia and who are still missing in action are still alive in the hearts of many. Let us constantly remind ourselves of this fact, and let all make a dedicated commitment to ourselves and to the American people we represent, that we will do all in our power to find our missing men and hopefully help to obtain a speedy reunion with their loved ones.

On Sunday, November 4, 1973, the city of Quincy, Mass., dedicated a tree in honor of Air Force Capt. Charles Bifolchi of Quincy who is missing in action in Southeast Asia. This type of a memorial is, I believe, a fitting reminder of what freedom is, for as a tree struggles to grow, so does freedom. If a tree does not struggle, it will die. So, too, will freedom.

So let us remind ourselves that, while we are all concerned with the problems which we perceive as being more immediate, the struggle of our men missing in action to achieve their freedom still continues. Such a struggle is no less immediate than some of the other problems we are currently facing, for the struggle to be free lies at the very heart of our national heritage. If such a struggle is forgotten, we will lose all that we have.

THE LATE HONORABLE TOM PELLY

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 1973

Mr. MATSUNAGA. Mr. Speaker, I wish to join in this tribute today to the memory of Thomas M. Pelly, whose passing has left me shocked and saddened. He was a respected colleague and a dear friend. He brought to the Congress long cherished principles of unfaltering integrity and an uncanny ability to judge which issues would be of importance to future generations. Tom Pelly was instrumental in shaping legislation within the areas of conservation, maritime, and fisheries. I often relied on his astute analysis of measures in these and other areas.

Prior to retirement last year, he served as the ranking minority member of the Fisheries and Wildlife Conservation Subcommittee of the Merchant Marine and Fisheries Committee. He was recognized as an authority on the work of the Science and Astronautics Committee.

As Tom's colleague for over a decade, I at times found him in amiable disagreement with me on how best to approach some of the critical problems facing our Nation. But I always had great admiration for the depth of his integrity and I knew that his views were formulated only after careful study and deliberation.

Before coming to this Chamber, Tom served as president of the chamber of commerce in Seattle and as a director of both a local bank and an insurance company. In spare moments he managed to take a leading role in many civic organizations. Tom had always chosen the role of leadership for the good of his community, and later in his congressional career employed his leadership for the good of this Nation.

My deepest sympathy is extended to Tom's gracious wife, Mary and to their two children and their families. Tom Pelly's illustrious life will certainly serve as a source of family pride for future generations.

In the midst of sadness on this day, one ray of joy does penetrate through: That the memory of Tom Pelly, the man and his countless accomplishments, will be an inspiration to those of us who knew him.

WHY SOME PRICES SHOULD RISE

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. ROUSSELOT. Mr. Speaker, earlier this week I submitted an article from the Wall Street Journal for the Members' attention entitled "Rationing is Irrational." Today, I am continuing my efforts to convince my colleagues that the only solution to encouraging the production of the vital commodities that are in short supply in our domestic economy is to repeal the so-called Economic Stabilization Act, and allow the free enterprise system to work.

No doubt one of the most critical shortages we have encountered is in our supply of fuel. In an article which appeared in the November 19, 1973, issue of Newsweek, Dr. Milton Friedman, a leading monetarist, supports the only rational approach to the fuel crisis.

> The most effective way to cut consumption and encourage production is simply to let the prices of oil products rise to whatever level it takes to clear the market. The higher prices would give each of the 210 million residents of the U.S. a direct incentive to economize on oil, to find substitutes for oil, to increase the supply of oil.

Mr. Speaker, today I met with local officials from three suburban Los Angeles cities—Burbank, Glendale, and Pasadena. These officials have been advised by their current suppliers that they will no longer be furnished with low-sulfur fuel oil after this year. This residual fuel is used to operate the powerplants for these cities. It is clear to me that the controls have not encouraged the production of fuel, and allocations will not result in increased production. Production incentive is rooted in a free market economy.

I urge my colleagues to carefully study Dr. Friedman's following article with the hope that we can unite now to repeal ESA, and allow the free market forces to bring us back to being a land of plenty:

WHY SOME PRICES SHOULD RISE

(by Milton Friedman)

"When the price of a thing goes up," wrote the British economist Edwin Cannan, in 1915, "a good many people . . . abuse, not the buyers nor the persons who might produce it and do not do so, but the persons who are producing and selling it, and thereby keeping down its price . . . It certainly would appear to be an extraordinary example of the proverbial ingratitude of man when he abuses the farmer who does grow wheat because other farmers do not . . . But have we not all heard the preacher abuse his congregation because it is so small?"

This ancient article, from which I have taken my title, has been brought to mind by the oil crisis.

Time and again, I have castigated the oil companies for their hypocrisy, for loudly proclaiming their allegiance to free enterprise yet simultaneously undermining free enterprise by seeking and getting special governmental privilege (percentage depletion, prorationing of oil, import quotas, etc.). Yet we shall only hurt ourselves if we let resentment at their past misdeeds interfere with our adopting the most effective way to meet the present problem.

VOLUNTARY COOPERATION

The current oil crisis has not been produced by the oil companies. It is a result of governmental mismanagement exacerbated by the Mideast war. The price of natural gas at the wellhead has been held down for years by government edict. Since Aug. 15, 1971, the price of retail gasoline and of fuel oil has been held down by the successive phases. The result has been to encourage consumption and discourage both current production and the expansion of capacity. It took the Mideast war to bring these evil effects of price-fixing to a boil.

If all Mideast oil is shut off, we shall have to do without some 10 per cent of our present oil supplies. That is no tragedy. It means going back to the rate of consumption of 1970 or 1971—when no one thought we had a catastrophic shortage of fuel.

The most effective way to cut consumption and encourage production is simply to let the prices of oil products rise to whatever level it takes to clear the market. The higher prices would give each of the 210 million residents of the U.S. a direct incentive to economize on oil, to find substitutes for oil, to increase the supply of oil.

How much will the price have to rise? No one can tell. But if consumption must be cut by 10 percent, it is hard to believe the price would have to rise by more than, say, double that percentage. A 20 per cent rise in oil and gasoline prices would not be nice—but consider the alternative.

CHANCE, FAVORITISM, BRIBERY?

The only alternative is exhortation backed by compulsion: artificially low prices accompanied by governmental rationing. This method induces each of us to oppose the general interest rather than to further it. Our separate incentive is to wangle as much as we can from the rationing authorities. And they can have only the crudest criteria to know how to distribute the limited supplies. They have no way to know whose "need" is genuine and whose is artificial—even if we put to one side, as experience warns us we cannot, special influence, corruption and bribery.

Two hundred and ten million persons each with a separate incentive to economize; or 210 million persons dragooned by men with guns to cut down their use of oil—can there be any doubt which is the better system?

But, you will say, rationing by price hurts the poor relative to the rich. What of the poor man with his old jalopy as the only way to get to work? The answer is straightforward. If high oil prices impose special problems on some, let us provide funds to mitigate their problem. Let us not impose compulsion and waste on 95 per cent to avoid special measures for 5 per cent.

Note that what is called for is higher prices for oil products *relative* to other products—*not general inflation*. Only some prices should rise.

The oil problem offers a particularly clear illustration of how the price system promotes both freedom and efficiency, how it enables millions of us to cooperate voluntarily with one another in our common interest. It brings out equally why the only alternative to the price system is compulsion and the use of force.

It is a mark of how far we have gone on the road to serfdom that governmental allocation and rationing of oil is the automatic response to the oil crisis. This will not prevent higher prices, which will in fact do the job—but you may be sure that the rationing authorities will take the credit.

RARICK REPORTS TO HIS PEOPLE: AN INTERVIEW WITH JOHN SUMMERS, NATIONAL ASSOCIATION OF BROADCASTERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. RARICK. Mr. Speaker, in a recently televised interview, I discussed pay TV with Mr. John Summers, counsel for the National Association of Broadcasters. I insert the text of that interview at this point:

YOU'VE A RIGHT TO KNOW: NOVEMBER 7, 1973, PAY-TV, AN INTERVIEW WITH MR. SUMMERS

Congressman RARICK. Pay television, a broadcast entertainment system whereby individual TV programs are paid for by the viewer watching them, has generated some degree of controversy among TV broadcasters and here in Congress. It's been the subject of several congressional hearings and numerous legislative proposals, as well as many Federal Communications Commission proceedings. We'll discuss pay-TV today, along with free TV, cable TV, to determine how they relate to you as a television viewer, because you've a right to know.

With me on the program today is John Summers, Counsel for the National Association of Broadcasters. Its members represent commercial television and radio stations across our country. Mr. Summers, the NAB has been running full page newspaper ads lately about pay TV. To begin with, I think we might get some definitions straight. What is the difference between over-the-air TV, cable TV, and pay-TV?

Mr. SUMMERS. Well, Congressman, at the risk of oversimplification, I would say first that over-the-air TV is the TV that the public is well familiar with. The television station transmits a signal over the air, and it's received by the home antenna and brings a picture into your living room. Cable TV is a distribution system for retransmitted signals which uses wire connections to the home. In other words, the cable system picks a signal off the air and then distributes it by wire to various homes that subscribe to the cable television system. Now, pay-TV is more of a service. It can be distributed by various means. Two means may be used today. One is the over-the-air method using a scrambled over-the-air transmission which is received by the home TV set via special equipment in the home. The other method is to simply take one of the cable television systems channels and distribute the pay-TV program on that channel. Now, I think that the threat of pay-TV that we're concerned about is the threat using existing cable television systems.

RARICK. Then, under both pay and cable TV, the individual subscriber, the man with the TV set, would still have to pay in order to receive his programs, is that correct?

SUMMERS. That's right; he would.

RARICK. They are almost the same thing, aren't they?

SUMMERS. Well cable and pay-TV are the same thing in some cases, but not in all. In other words, if you subscribe to a cable TV system, you pay a fee every month, which is called a subscriber fee. Now, if that cable system has a pay-TV channel, then obviously you pay an additional fee every month for the pay-TV services that are offered.

RARICK. Well, I understand that both pay-TV and cable are requesting changes in the FCC regulations. Concerning the programming, can you point out what some of these changes are?

SUMMERS. Yes, without getting too complex, there are FCC rules at the present time which restrict the programs that can be carried by pay-TV or by over-the-air pay-TV. One restriction is on sports programs and another is on movies, feature films. Now, the cable people, without going into those complex rules, want to either relax or do way with those restrictions all together, so that they could in effect, bring to the public for a fee, the same programs, sports or films, that the public now sees for free over free TV.

RARICK. If the FCC agrees to these changes, what effect would they have on the present commercial TV?

SUMMERS. It would have a great effect upon free TV, because it simply wouldn't have the product to offer to the public, and of course, in the long run, the real effect would be on the public itself. I think a good illustration would be the World Series. At the present time, pay-TV could not show the World Series unless it had not been shown on free television for the past two years. Assuming that that rule did not exist, the pay-TV people would be free to bid against the networks for the rights to the World Series. Now, those rights presently cost about 10 million dollars; that's what the networks pay for the rights to bring the public the World Series via free television. There are about 8 million homes today hooked up to cable systems in this country. Now, if the pay-TV people could get just two or three million of those homes to pay for the World Series, say at five dollars for the whole World Series, then they would have enough money right there to outbid the networks for the World Series, and therefore, the World Series would then be taken off free television and would be available only for a fee on pay-TV.

RARICK. I think many Americans find themselves facing the same situation that I occasionally do. We have one day free on a weekend. I found myself last weekend here in Washington with a Sunday to myself, and with eleven television stations in the District of Columbia area, I couldn't find one station that had one program on the entire weekend that I felt was entertaining. In other words, the broadcasters want to tell me what they feel is entertaining, but they very often have no appeal to me as a specific listener. Wouldn't pay-TV then give the viewer additional freedom of choice, to secure his own entertainment?

SUMMERS. Yes, I think it would. And I think I should explain that the National Association of Broadcasters has no objection to pay-TV itself. If pay-TV can offer the viewer something which is not available on free television, some minority taste program such as ballet, opera, broadway, or what-have-you, then we have no objection to pay-TV at all. What we object to is the capacity of pay-TV to siphon off, if I may use that term, to siphon off from free television those programs that the public now sees on free television.

RARICK. Let me say this, last weekend, if I had eleven television channels I was paying for, I would have cancelled my subscription. I think many times that the people responsible for national TV programming don't realize if they don't deliver programs that keep the people's interest (rather than the officials at the FCC) then people lose all interest in television as a medium of entertainment.

SUMMERS. That's right, and if I could interject something, that's why we are so concerned about this issue, because I think it's been illustrated that the type of programming which has the most appeal for the public is sports and movies. And we're afraid that the pay-TV people will not be concerned about the minority interest type programming you just mentioned that you might be interested in on a particular weekned. We're afraid that they will go after what we call the "mass appeal" programming, the sports and the movies that people now see for free.

Rarick. But of course, people could turn to pay-TV for the, as you say, non-mass-entertainment type programming and then still go back to news and sports on the free TV, could they not? The point I'm trying to make is, if pay-TV doesn't deliver a service, it isn't going to get people to pay for the programming.

Summers. I think that's true.

Rarick. So they will almost have to come up with a programming appeal that will reach the midstream of American people.

Summers. Well, I would hate to see them come up with that sort of programming at the expense of the public which now sees, the sports and movies for free, and have pay-TV outbid the networks and stations for that programming and end up with a situation where the public has to pay for what it now sees for free.

Rarick. Well, if the public doesn't like what it sees for free, it's really not free. It's costing the public because they have lost a valuable tool of entertainment and relaxation. As I say, I may be different from a lot of people. I travel too much and am too busy, but when I do have a rare chance to watch TV I may not be able to find even one program that is entertaining. We hear complaints from consumer groups about "commercial clutter" on television. Would we also have this commercial clutter end "public service spots" on pay-TV?

Summers. At the present time, the Commission's rules do not allow commercials on pay-TV programs that cable systems carry.

Rarick. They are prohibited then?

Summers. They're prohibited at this time. But I don't think we have any assurance that in the future there will not be commercials on pay-TV programs, and I say this because if the cable pay-TV people are able to siphon off the most popular programs, the sports and the movies, and you suddenly have a market in terms of households viewing these programs—say of eight or ten million people—then I just don't think the advertisers are going to allow that kind of audience to sit there without trying to sell something to them.

Rarick. What about public service announcements? We're seeing more and more here, especially areas on commercial TV.

Summers. I would not assume that there would be public service announcements on pay-TV programs at all.

Rarick. Of course commercial television is required to carry a certain amount of this public service time. This rule comes from the FCC, so we can't really say that it would not be imposed on pay-TV in the future could we?

Summers. No, I guess we couldn't. I wouldn't anticipate that they would carry public service announcements, but you never can be sure when you have a regulated industry.

Rarick. You've indicated that pay-TV is already in existence in some size in the United States. Do you feel that there is definitely a possibility of a growing pay-TV network system in the United States today?

Summers. Oh, I think so. I think we'll have some form of pay-TV for some time to come. I think the question is, what sort of programming will that pay-TV system offer? Will it offer the public something different, something innovative, something that they can't see now on free over-the-air television? Or will it simply duplicate and eventually remove from free TV those popular programs, sports and movies, that people now see without charge on free TV?

Rarick. It would also depend a great deal what special legislation Congress gives them or the regulation FCC would see fit to extend to pay-TV then.

Summers. That's right. We would hope that at some point Congress would step in and determine just what form pay-TV is going to take in this country.

Rarick. Well, we thank you very much, Mr. John Summers, Counsel for the National Association of Broadcasters, for being our guest today.

EMBARGO OF EXPORTS OF PETROCHEMICALS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. WALDIE. Mr. Speaker, I want to bring to the attention of the Members of the House, as well as to the American people in general, the severe shortages many American businessmen are now experiencing with certain raw materials, particularly petrochemicals and other byproducts of crude oil.

Of course the recent Arab oil blackmail effort has added to the problem. But even before the recent Arab-Israel conflict began in early October, shortages were being experienced in almost every aspect of industry where petrochemicals are a substantial ingredient of production.

Why has this happened? In the first place, production of petrochemicals and other oil byproducts has for several years lagged far behind consumption; or, to put it another way, we are demanding and using much more petrochemicals than we are producing. Not only has this reduced existing stockpiles and led to shortages, but it has caused prices to skyrocket.

Coming on the heels of shortages and higher prices have been price controls instituted by the Cost-of-Living Council. This, in turn, has led to further shortages as producers understandably prefer to sell their goods overseas, where price controls do not apply. Further, the need for the United States to better its balance-of-trade status in the world economic community has strengthened the desire to continue to export as many goods as possible.

However, Mr. Speaker, I believe it is now time—it may be too late for some American workers already—to rethink our position with regard to permitting exportation of petrochemicals to continue while prices are frozen at their present levels.

In my view, at least two steps must be taken immediately:

First, it is absolutely necessary for the Secretary of Commerce to use whatever authority he has under the Export Administration Act to place an embargo on all petrochemicals and oil byproducts. I have written to the Secretary and asked him to do so and would hope that he will cut through the usual redtape surrounding an embargo procedure.

Second, it is absolutely necessary for the Cost-of-Living Council to quickly amend its price controls regulations on petrochemicals. I have previously called on the Council to take action with respect to other matters and have not been pleased with their responses; nevertheless, I am calling on the Council again, this time to respond quickly to what is becoming a serious situation.

I fully realize that an embargo carries with it problems for the exporters of the country, but in my view the need to keep plants and businesses open and the need to avoid job cutbacks and layoffs is paramount. With regard to the question of the country's balance of trade, I quote from a letter written to me by Martin Stone, who is chairman of the board of Monogram Industries in Los Angeles:

> It is particularly shortsighted to applaud the improvement in our balance of trade brought about by rapidly increasing sales of chemicals when at the same time American plants are being shut down and deprived of the opportunity to export not the chemicals themselves but the final end product which would carry a much higher ultimate dollar value.

Mr. Speaker, I would hope that the Secretary of Commerce can act speedily. I would hope that the Cost-of-Living Council will reexamine and revise their price guidelines with regard to petrochemicals immediately. I know that the gears of the Government grind slowly, but it seems to me that we are playing the game under much different rules than we were even 2 short months ago. The times now call for quick and definitive action, for a willingness to abandon time consuming procedures, and for speedy resolution of problems. I would hope that these two agencies can meet this challenge.

Finally, I would urge the Congress to give speedy approval to a bill, H.R. 11410, introduced by my colleague from Connecticut, Congressman Sarasin, which would require the Secretary to place an embargo on petrochemicals immediately.

STATUTORY SPECIAL PROSECUTOR—AN EXECUTIVE APPOINTEE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. FISH. Mr. Speaker, very soon the House is expected to consider legislation to establish by statute an Office of Special Prosecutor for the Watergate-related cases. Like most Members of Congress, I keenly felt the trauma our Nation experienced following the summary removal of Special Prosecutor Archibald Cox. There is no question but that public confidence in the Special Prosecutor's ability to conduct a thorough and impartial inquiry will be enhanced by the Congress creating a statutory office.

Essential to the credibility and integrity of the Watergate investigations are the powers granted to the Special Prosecutor. He must have the ability to pursue evidence wherever it may lead and to have made available to him the documents and records he requires. Essential, too, is that the Special Prosecutor have the maximum degree of independence that the Congress can legally prescribe. Without a guarantee against summary dismissal, the American people will not have confidence in his investigation.

The House, like the Senate, is divided over whether the Prosecutor should be an Executive or a Judicial appointee. H.R. 11401, reported out by the House Judiciary Committee, directs the U.S. District Court for the District of Columbia, to appoint a panel of three District judges and empowers the panel to both select the Special Prosecutor and have sole power over his removal. The Dennis substitute vests in the Attorney General appointment of the Special Prosecutor and circumscribes the conditions for removal. The powers granted the Special Prosecutor are identical in both measures. Likewise, both the committee bill and the substitute create a statutory office for a term of 3 years.

Mr. Speaker, along with many colleagues, I originally favored placing the office in the courts, but the drafting of legislation has raised serious constitutional issues. Prosecutorial functions have traditionally been in the Executive and placing the office outside the Executive involves the risk of invalidating indictments should the legislation later be adjudged unconstitutional. Having a court empowered to both appoint and fire the prosecutor would appear to violate fundamental due process. For these reasons, I support the Dennis substitute.

The constitutional issue is whether or not the prosecutorial functions can validly be placed outside the Executive. The enforcement and prosecution of the laws is an executive function. The Supreme Court has consistently ruled that prosecution of offenses against the United States is solely an executive function, stemming from the power vested in the President by article II, section 3 of the Constitution. *Ponzi* v. *Fessenden*, 258 U.S. 254 (1922); *Springer* v. *Phillipine Islands*, 277 U.S. 189 (1928). What is being proposed in H.R. 11401 has no precedent in the Federal judicial system and would appear to violate the principle of separation of powers.

H.R. 11401 places in the courts the power of removal of an Executive officer. This conflicts with the intent of *Myers* v. *United States*, 272 U.S. 52 (1926). Myers is a landmark case in constitutional law, which recognizes the principle that a President has the sole power to remove purely Executive officers. The rationale of this case is the President's right to control subordinates responsible for carrying out his obligation to faithfully execute the laws. By placing the appointment power in the Attorney General rather than in the President, the Dennis substitute permits the Congress to severely restrict the possibility of removal of the prosecutor. This approach is consistent with the Myers decision and with *U.S.* v. *Perkins*, 116 U.S. 483 (1886).

Proponents of H.R. 11401 cite *U.S.* v. *Solomon*, 216 F. Supp. 835 (1963) as authority for judge-appointed prosecutors. But this is a misreading of the scope of Solomon. That case concerned the validity of a Federal statute authorizing a temporary appointment of an U.S. attorney by the chief judge of a U.S. district court, where a vacancy occurs by reason of death or resignation. But unlike H.R. 11401, the U.S. attorney so appointed remained a member of the executive branch, subject to the direction of the Attorney General and subject to replacement and removal by the President at any time.

Mr. Speaker, as in many constitutional issues, there are arguments on both sides. Clearly, however, if we go the route of court-appointed Special Prosecutor, we run the risk that the justice we all seek may be frustrated. The damage to our society if this should occur should give pause to all Members of the House. The Dennis substitute offers a legal means of achieving the needed statutory independence and powers in the office of Special Prosecutor that the American people seek.

THE DRUG LAG

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. ROONEY of Pennsylvania. Mr. Speaker, as a member of the Committee on Interstate and Foreign Commerce, I read with deep concern an article in the October issue of the Reader's Digest which suggests our country is facing a "mounting emergency" in the timely development and introduction of new medical discoveries.

"The Medicines We Need—But Don't Have," written by Walter Ross, makes a disturbing case that our citizens are being deprived, for years in some instances, of safe and effective drugs that are being widely and successfully used in advanced countries abroad.

The fundamental cause, the Digest article asserts, is that this country's regulatory agency, the Food and Drug Administration, has taken "the seedling" of the drug effectiveness amendment that we in Congress enacted in 1962 and "cultivated it into a mighty bureaucratic tree that sprouts regulations and paperwork in all seasons."

This thought-provoking article tells of recent efforts by a group of distinguished American medical scientists led by Dr. Robert Dripps of the University of Pennsylvania to sound the alarm about this disturbing drug lag. I understand Dr. Dripps and his associates have repeatedly expressed their concern to our own distinguished colleague, the gentleman from Florida, chairman of our Subcommittee on Public Health and Environment (Mr. ROGERS). I am reassured that our colleague is contemplating hearings "to examine," as he put it in the Digest article, "ways of safeguarding the public while permitting delivery of more effective and safe drugs to fight disease."

It is ironic, Mr. Speaker, that Dr. Dripps, who devoted his life to medical science and gave so much of himself in the recent past to the selfless cause of obtaining for Americans "the medicines we need—but do not have," died suddenly at age 61 on October 30 of heart disease. I cannot help but wonder whether his life might have been saved by a drug that was not there in his hour of need. It is my hope that others on the Dripps committee will carry on this good work.

I include the Reader's Digest article by Walter Ross at this point in the RECORD:

THE MEDICINES WE NEED—BUT CAN'T HAVE

(NOTE.—Over the past ten years, a medical crisis has developed that affects the lives and health of all Americans. The crisis stems from the lack in this country of new prescription medications — medications widely used abroad—to treat our most threatening diseases. It involves delays of many years in the introduction of new medical discoveries, as well as a recent sharp decline in the discovery and testing of new and needed drugs.

(What follows is the first detailed report in a national magazine describing this mounting emergency, which a number of medical authorities refer to as the "drug lag.")

(By Walter Ross)

A 33-year-old American woman who had suffered crippling allergic asthma attacks for 15 years found nearly total relief recently through a British prescription medicine called cromolyn sodium. Although available in Brtain (where it is the third most widely prescribed remedy) since 1969, and under study in the United States since 1966, the medicine could not be legally prescribed for this patient by her doctor. Since only this medicine helped the woman, her doctor (like many other U.S. doctors) broke the law by asking friends who traveled abroad to smuggle back a supply. Ths benevolent, but illegal, traffic stopped only in late June 1973, when the U.S. Food and Drug Administration finally approved cromolyn sodium. We were the 55th country in the world to do so.

At least seven new medications for asthma have been introduced in Europe since 1962. Some are effective in some patients, others in other patients. By mid-1973, only two—now including cromolyn sodium—could be prescribed in this country.

For people suffering from high blood pressure and the painful heart ailment called angina, a new kind of drug has come into use in recent years. Known as a "beta-blocker," it blocks the damaging effects on the heart of adrenaline and a related substance, lowering blood pressure and relieving angina. An elderly Rochester, N.Y., woman was recently treated successfully in Great Britain with a beta-blocker called practolol. She could not get it here. The only beta-blocker available in America—propanolol—made her ill.

This is only one example of the lack of new heart drugs in this country. From 1967 through 1971, ten medications to treat irregular heartbeat (arrhythmia) came on the market in Europe; by mid-1973, only one had made it safely to our shores. In all, we have only about six of the 47 new heart and circulatory remedies that were introduced abroad between 1967 and 1971.

A powerful drug (guanoxan) which reduces blood pressure—but also causes liver dysfunction in a great many patients—has been in use in England since 1964. Many British doctors feel the medication is worth the risk of liver problems in patients who do not respond to other treatment, because these side effects can be reversed, whereas the effects of high blood pressure (hypertension) are not reversible and can be catastrophic. In the United States, tests of this drug had to be suspended when the FDA warned the manufacturer that it was too dangerous.

Although hypertension affects an estimated 23 million Americans, we have not had a single new general-purpose anti-hypertension medicine in this country since 1963. From 1967 through 1971, five such drugs came into European medical practice.

Sounding the Alarm. A great many American doctors are unaware of the drug lag. However, in 1972, 22 leading medical experts—headed by anesthesiologist Dr. Robert D. Dripps and including such renowned specialists as heart surgeon Michael DeBakey, cardiologist Irvine H. Page and pharmacologist Louis Lasagna—compared notes and became alarmed at the extent of the crisis. In a petition to Congressman Paul G. Rogers (D., Fla.), they complained: "The procedures by which new drugs are evaluated and approved for use in this country are causing us to fall behind in this important area of medical science. The system perpetuates a continuing decline in the number of new drugs entering the market and may be depriving the practicing physician of agents beneficial to patient care."

Examples of the drug lag that so provoked the doctors abound. Consider just a few:

A study conducted by Dr. William M. Wardell, a professor at the University of Rochester, of the 82 new medicines adopted in both Britain and the United States between 1962 and 1971 found that more than half were introduced first in Britain—an average of 2.8 years before the FDA permitted them to be sold here. Dr. Wardell also turned up nearly 80 medications approved for prescription in Great Britain during that time, not one of which had made it into the United States, including several drugs that British physicians rate better than anything currently available here.

In 1968, doctors in Italy began using a powerful new antibiotic, called rifampin, to treat patients with tuberculosis. It was not until 1971—after 50 other countries had adopted the drug—that rifampin became available in the United States. It is impossible to estimate what the delay meant for the 119,000 American TB victims under treatment during this time, or for the 17,000 who died of TB. But, according to many papers presented before the American Lung Association, the drug has been proved effective in patients whose TB is resistant to other antibiotics.

An especially promising, very long-acting injectable form of tranquilizer (fluphenazine decanoate) was developed by an American company several years ago to treat schizophrenia, a mental illness which fills half the beds in U.S. mental hospitals. Introduced in England in 1969 it "revolutionized the community care of schizophrenia," according to Dr. W. Linford Rees, professor of psychiatry at the University of London. A study showed that only five percent of patients treated with this drug relapsed as opposed to 45 percent treated by other methods. It was not made available to U.S. schizophrenics until 1973.

Collective Chill. Modern drugs—90 percent of them discovered between 1935 and 1965—have revolutionized the practice of medicine, and added at least ten years to the average life expectancy in developed countries, according to Sir Derrick Dunlop, former chairman of the British Ministry of Health's Committee on the Safety of Drugs. But even as science began unleashing these therapeutic wonders, the potential for harm mounted. In 1937, a U.S. pharmaceutical company decided to put sulfanilamide, a new and useful weapon against strep and other infectious organisms, into syrup form. To manufacture what became known as "Elixir of Sulfanilamide," a solvent, ethylene glycol, was used without prior tests for toxicity. Ethylene glycol was a poison, and the Elixir killed nearly 100 people.

As a result of this outrage, Congress passed a law in 1938 demanding proof of safety—a giant step forward in drug regulaton—before manufacturers could market new medicines.

The next major change in U.S. drug laws did not come until 1962, after the infamous thalidomide incident. During the late 1950s, this new sedative was considered so free of side effects that it was sold in Germany without prescription. But when an American company submitted a New Drug Application (NDA) for thalidomide, a medical officer at the FDA, Dr. Frances Kelsey, noted German reports of nerve inflammation in people who had taken thalidomide for a long time. Dr. Kelsey says she wondered what might happen to the fetus of a pregnant mother taking thalidomide. Since there were no answers available, she held up the application.

Birth defects began showing up among the children of European women who had taken thalidomide (the drug was also available by prescription in England), but it was several years before the defects were connected with the medication. Eventually, over 5000 deformed babies were traced to thalidomide in Germany; nearly 400 in England. In this country, although the drug was widely distributed for testing, only 18 such cases have been found by the FDA.

Dr. Kelsey was hailed as a heroine who had singlehandedly prevented a drug disaster in the United States. Nevertheless, the closeness of tragedy sent a collective chill down American spines. With rare unanimity, Congress passed a tough new law requiring—for the first time anywhere—that a new drug be proved both safe *and* effective before it is licensed.

Bureaucratic Tree. Sounds wonderful. But the fact is that no medicine can be proved safe for people by testing it in animals. And there is no way of knowing whether or not a medicine will cure a human disease without giving it to a human being. So, in order to enforce an absolute demand with relative means, the FDA took the seedling of the '62 law and cultivated it into a mighty bureaucratic tree that sprouts regulations and paperwork in all seasons. In 1948, for example, Parke, Davis & Co. was able to get a license for its Benylin Expectorant with a mere 73 pages of facts. In 1968, the same company's application for the anesthetic Ketalar required a truck to haul its 72,200 pages, bound into 167 volumes, to the FDA.

To achieve the mountain of fact on Ketalar, the company had to test it for almost seven years: first in animals; then in healthy people; finally in sick patients—and then wait another two years after the application was filed, before having it approved. Today, an NDA takes an average of 27.5 months to pass through the FDA. Before 1962, it took about six-months. (To clear Ketalar in Britain required only 857 pages and some four months.)

There are three main differences between our system of drug clearance and those of the other countries which demand proof of safety and efficacy. We are later in starting clinical testing of new drugs, for regulatory and industrial reasons. We demand longer periods of investigation—often years longer—and in thousands more patients. These time differences, together with our 27.5-month clearance time, account for the lag between the introduction of new drugs overseas and in the United States. They add several million dollars to the cost of each new drug—a cost passed on to consumers.

Experts conclude that under today's regulations a number of our most important current medications would never have made it even to the human testing stage, much less to the marketplace. It seems hardly likely that aspirin could pass muster under present rules, since under certain circumstances it causes birth defects in rats and other animals. And if penicillin were being tested today it would not pass its animal trials—with consecutive injections during a few days every guinea pig and hamster in which it is injected dies—and thus penicillin probably could not be tested in people. Says Dr. Wardell: "If even one drug of penicillin's stature has been unjustifiably banished to a company's back shelf, that event will have harmed more people than all the toxicity that has occurred in the history of modern drug development."

Another result of the drug lag is the sharp decline in the discovery and testing of new and needed drugs. In the ten years before the 1962 regulations, the U.S. pharmaceutical industry produced and marketed an average of 43 new medicines a year. Between 1962 and 1970, this figure dropped to 17. In the last five years, the average has fallen to 13. And even while they produce fewer marketable drugs, American drug manufacturers have been spending more and more money on research and development—up from $212 million in 1960 to $728 million last year. Before 1962, a drug could be tested and marketed in about two years, at a cost of $1 to $2 million. Today the process takes an average of seven years, and may cost as much as $11 million.

The Choice to Be Made. These are the dimensions of our expanding drug-clearance problem. What is the solution?

For a crisis as many-faceted as this, there is no clear, simple answer. Several large medicine manufacturers refuse to speak on the record, for fear of FDA reprisals. But one industry leader, Dr. Gerald D. Laubach, president of Pfizer, Inc., has said, "To increase the flow of new medications, we should shift some of the FDA's emphasis to surveillance of new drugs in the first years *after* approval. This would better protect the public, and would give people the benefits of research progress as it occurs."

Says Dr. Lasagna, "You need only a small amount of good clinical work to establish that a drug is effective and reasonably safe. It takes a lot of work, however, to pinpoint safety and efficacy with precision. It seems wasteful to spend years getting more data just so that people can have a spurious sense of confidence."

The FDA told me that "there are no examples of truly important new drugs being delayed in this country solely because of over-regulation or bureaucratic red tape." But individual FDA people apparently disagree. Dr. Henry Simmons, former head of the agency's Bureau of Drugs, said not long ago, "We can keep adding more and more requirements, which are justified scientifically. but we may reach the time when the goose just has no more golden eggs."

C. Joseph Stetler, president of the Pharmaceutical Manufacturers Association, is certain that "the American regulatory maze tends to hinder needed new medications from reaching patients; defenders of the system tend to understate lost patient benefits and overstate the 'safety' achieved through delay." His solutions are administrative: abbreviated NDAs, effective use of advisory panels, upgrading of Bureau of Drugs personnel, hopefully to bring new drug approvals "within the approximate time required in other medically sophisticated countries."

Opinions also vary widely on Capitol Hill. Sen. Gaylord Nelson (D., Wis.) thinks that present laws are inadequate "to protect the American people against poorly tested, unsafe, ineffective, improperly used, monopolistically priced drugs"; he has introduced an 83-page bill to strengthen government regulation. On the other hand, Rep. Paul G. Rogers (D., Fla.), who heads a subcommittee charged with overseeing the FDA, says, "During the past year we have received numerous complaints about new drugs failing to reach the marketplace. We believe that hearings probably will have to be held to examine ways of safeguarding the public while permitting delivery of more effective and safe drugs to fight disease."

Sir Derrick Dunlop told me, "It is doubtful whether rigid laws can suitably be applied to the licensing of medicines, since each one represents an individual problem to be treated by common sense." Americans have long been noted for common sense. Isn't it time we applied this trait in the area of medicines—and admitted that in seeking to be "totally safe" from drugs we have in fact weakened our defenses against disease?

THE CASE FOR THE SAFE SCHOOLS ACT—III

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. BINGHAM. Mr. Speaker, the homecoming parade this year at Los Angeles City's Jefferson High School ended with a shootout in which five students including the homecoming princess, were wounded. In addition, Los Angeles officials confiscated guns from 40 students during 1 recent month. Between September and December of 1972 the Los Angeles County high school system reported 83 cases of weapons possession. The Los Angeles Unified School District reported 299 cases of weapons possession during the same period. In November, 1972 a Los Angeles high school student was shot and killed while on the school grounds.

In January 1973, an 18-year-old was studying quietly in his high school's study hall in St. Louis when an intruder demanded that he give up his new black leather coat. When the youth hesitated, he was shot to death.

In Fort Lauderdale, a teacher died last year as a result of a gunshot wound inflicted by a former student.

There were 16 shooting incidents in Kansas City schools between September 1972 and April 1973. Everett Copeland, security manager for the Kansas City schools has said:

> Kids carry guns for different reasons. Some say they have been threatened, some involve extortion attempts. Some kids just say its a status symbol.

Last February, Terry Aryan of the Associated Press described the surge of students carrying and using guns in and around public schools in the following article:

[From the Los Angeles Times, Feb. 4, 1973]

MORE AND MORE STUDENTS TAKING GUNS INTO THE NATION'S CLASSROOMS

(By Terry Aryan)

Public school officials in cities across the country report a surge in cases of students carrying and using guns in classrooms, corridors and school yards during the last year.

Most incidents occur at inner-city high schools. The weapons are usually cheap, small-caliber hand guns, the so-called "Saturday night specials." Officials relate the increase to the revival of juvenile gangs in some cities and the persistence of racial tension.

An Associated Press survey indicated the scope of the problem:

There have been 60 gun episodes in Los Angeles schools since September. Shots from a passing car killed a 16-year-old student near Locke High School. The car sped into the school parking lot and three students were later arrested.

Fifteen handguns were confiscated last year in Atlanta schools. A 12-year-old boy, angered when schoolmates chided him for disobeying a traffic signal, got a pistol from home and opened fire on the school playground. He hit no one.

Four high school students, three of them girls, were expelled last month in San Francisco for carrying guns.

School officials in Topeka, Kan., took a gun from a girl who said she needed it for protection.

There were 15 school gun cases in Detroit and four in Seattle during the last year. Since September, 15 incidents have been reported in New York and 15 in Kansas City.

"We have a problem and it is increasing," said Everett Copeland, security manager for Kansas City schools. "Kids carry guns for different reasons. Some say they have been threatened. Some involve extortion attempts. Some kids just say it's a status symbol."

The problem has escalated so rapidly that national statistics are lacking. A few schools now keep records on gun incidents, but comparative figures from past years do not exist. The International Assn. of School Security Directors last year began pushing for uniform reporting procedures that would include such figures.

"There is no question about the increase." said James Kelly, who directs school security seminars for the International Assn. of Chiefs of Police. "There are thousands of cheap guns on the streets. The kids pick them up with ease. These kids have definitely moved out of the zip-gun stage."

School administrators and security officers have responded to the problem in several ways.

Officials in Atlanta are convinced the only real solution is to persuade students they do not need guns. "We try to sell the idea that one does not need to come to school armed," said Asst. Supt. Ed Cook Jr.

Many school districts have doubled or tripled the size of their guard forces. At some Los Angeles schools, only one entrance is opened and a security officer is stationed there. Guards at some New York schools make occasional "pat-down" searches to see if pupils are carrying weapons.

The rash of gun episodes has sharpened the debate over whether school guards should be armed. Officials in Baltimore recently vetoed the request of guards that they be allowed to carry guns. In New York, school guards do not carry guns but in Chicago three-quarters of the schools now have armed guards.

School officials agreed the situation they face reflects the bigger problem of guns in society.

You have kids who see guns at home, who see people carrying guns all the time, and those kids are going to carry guns too, said Van Turner, deputy administrator for school safety in New York.

Security guards in Baltimore recently took a loaded rifle from a girl's locker, but such incidents are rare. Most of the guns seen in schools are short-barreled 22 caliber pistols that cost $10 to $20, the "Saturday night specials" police have said play a major role in big-city violence. Importation of such weapons was restricted by the 1968 Gun Control Act, but attempts to regulate domestic production failed last year in Congress.

Racial incidents have triggered gunfire at many schools.

A scuffle broke out in November between blacks and whites in a corridor at Pontiac Central High School in Pontiac, Mich. Five pupils—four of them white—were wounded in a burst of pistol shots. A 16-year-old black youth later surrendered to police.

In New York, Chicago and Los Angeles, officials said juvenile gang feuds led to several school shootouts.

Last fall's homecoming parade at Jefferson High School in Los Angeles ended in a barrage of gunfire that wounded five pupils. The shooting erupted after three cars loaded with members of a gang, the Acey Deuceys, arrived at the school. Two of those wounded belonged to a rival gang, the Crips. Police said the other victims were bystanders.

How did the shooting affect other pupils?

"Students that are never in any hassles are saying they are going to start carrying guns," said Jefferson's student body president, Keith Kertindall. "You don't know who to trust."

The following article reprinted from the April 26, 1973, issue of the Los Angeles Times gives more evidence of the growing incidence of serious violent crime occurring in the Los Angeles public schools.

FOUR YOUTHS ARRESTED IN SCHOOL SHOOTING OF 15-YEAR-OLD GIRL

(By William Hazlett)

Juvenile gang activity, a continuing campus problem, was blamed Wednesday for the shooting of a 15-year-old girl on the lawn at Dominguez High School in Compton.

Police said the victim, Robin Sessam, was wounded in the neck by a bullet fired from a passing car. She was reported in satisfactory condition after emergency treatment at Dominguez Valley Hospital.

Det. Kay Barger said four youths were arrested in connection with the shooting that occurred about 1:55 p.m. Tuesday on the campus at 15302 San Jose Ave.

The suspects, Richard Dean Triplett, 18, whose address along with the victim's was withheld in fear of retaliation, and his three juvenile companions were booked on suspicion of assault with intent to commit murder, the detective said.

Police said a .25-caliber automatic is believed to have fired the shot.

TEACHER HURT IN ASSAULT

In another school incident, a 14-year old student at Henry Clay Junior High, 12226 S. Western Ave., was arrested and turned over to juvenile authorities after an assault on a substitute teacher.

Sheriff's Capt. Ken Hays said the diminutive youngster was taken into custody about 11 a.m. Wednesday after he reportedly attacked Hugh Bruce Epton, 26, with his fists.

Four classmates pulled the boy off the teacher, who suffered numerous cuts and bruises, Hays said.

School authorities said the two incidents are typical of a growing number of assaults and violent attacks on both students and faculty at city and county schools.

In the fiscal period from July 1, 1972, through Feb. 28, 1973, the latest compilation available, Los Angeles city schools reported 95 student assaults on teachers and 183 student attacks on other students.

Reported, but not recorded, were two recent incidents at Henry Clay Junior High involving an attack by a parent on a teacher which resulted in the teacher suffering a broken jaw, and an attack by a parent on the registrar.

In Los Angeles County, preliminary figures for the first three months of 1973 indicate a slight decrease in violent incidents, according to Supt. of Schools Richard M. Clowes.

"Of course, this is an interim report and we can't say it represents any solid trend at this point," Clowes cautioned.

"Part of the decline might be related to a tightening of the guidelines or reporting procedures."

The widespread appearance and use of guns and incidents of serious crime in our Nation's public schools is staggering.

On November 1, Albert Shanker, president of the United Federation of Teachers, said that "local school districts have failed to provide minimum protection for staff and students under their jurisdiction." He also said that security has become a bigger issue in his union than salaries and classroom size.

Shanker said:

> A safe environment must be provided in every school if teaching and learning are to take place and if the physical well-being of pupils and school personnel are to be protected.

The Safe Schools Act—H.R. 2650—which I introduced in January, would provide the public schools of this country with the assistance that they need in establishing effective security systems.

DISCOVER AMERICA TRAVEL ORGANIZATION

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. STUCKEY. Mr. Speaker, the following statement was submitted by William D. Toohey, president of Discover America Travel Organizations, to the House Committee on Interstate and Foreign Commerce in connection with the National Emergency Petroleum Act. I think Mr. Toohey's statement represents a good assessment of how the energy crisis will affect the travel industry, and I submit it to the RECORD for the information of my colleagues:

STATEMENT OF WILLIAM D. TOOHEY

Mr. Chairman and Members of the Committee: Discover America Travel Organizations, Inc., (DATO) is the national organization of the travel industry. DATO's membership is drawn from about 600 individual organizations, firms, and other agencies concerned with the development and promotion of tourism within the United States and by foreign residents to our nation.

Included in our membership are 62 state governments and territorial travel promotion and development offices, 45 transportation associations and individual companies, 49 firms and associations dealing with the lodging and food service industry, 100 regional, metropolitan and local travel promotion organizations, over 100 travel attractions and sightseeing firms, together with about 250 other firms and organizations cooperating in travel development and in information about and in the promotion of tourism.

Our purpose in this statement is to establish in definitive terms the scope and importance of tourism in America's economy and to suggest ways that the jobs of millions of Americans who are dependent on tourism can be protected without impairing efforts to reduce energy consumption. Frankly, we are concerned that employment related to tourism may be overlooked in legislative deliberations. We note, for example, that the ban on Sunday gasoline sales will affect businesses serving tourists almost exclusively.

S. 2598, as passed by the Senate, refers to the need for restrictions against the use of fuel or energy for "nonessential uses such as . . . recreational activities." These examples suggest that tourism and recreation are perceived by some to be of relatively little consequence in our economy. We will submit data that will serve to correct that impression. In addition, we will provide perspective on patterns of fuel consumption that, we believe, will indicate clearly that opportunities for significant reductions in motor fuel consumption lie not in cutting back tourist travel, but in more efficient utilization of automobiles for local travel in the home environs.

WHAT IS TOURISM?

In this discussion, a tourist is defined as one who travels fifty miles or more one way, by any form of transport, from one's home environs for any purpose whether for business, health, recreation, or any other personal reason except commuting to and from work. This is the definition used by the National Tourism Resources Review Commission in its 500,000—world report, "Destination U.S.A.", which was submitted to the President and Congress on June 25 of this year. The Tourism Commission, we are aware, emanated from the Committee on Interstate and Foreign Commerce as a result of an amendment to the International Travel Act of 1961 approved October 21, 1970 (Public Law 91-477, 91st Congress, H.R. 14685). The economic data in the report establishes authoritatively the total scope of tourism in the United States and evaluates its economic impact. The report establishes the fact that tourism in the United States is a huge enterprise providing the livelihood for millions of people. It is a vital part of our American life style. A Bureau of Census study indicated that someone in nearly two out of three households in the United States took at least one trip during 1972.

$61 BILLION ENTERPRISE—4 MILLION JOBS

Two tables summarize the Commission's analysis:

Table 1 shows estimated tourist expenditures in the United States, including that of foreign visitors, in 1960/61, 1970 and 1980 by expenditure item and tourist category. In current dollars tourism expenditures are estimated to have grown from $23 billion in 1960/61 to $50 billion in 1970, an increase of 116 percent. In 1980, expenditures were projected by the Commission to reach a level of $127 billion, an increase of 155 percent over 1970. The 1980 projection does not reflect an energy shortage in the 1970's; the dimensions of today's crisis could not have been anticipated when the estimates were made.

TABLE 1.—ESTIMATED TOURISM EXPENDITURES AND PERCENTAGE GROWTH IN EXPENDITURES BY EXPENDITURE ITEM AND TOURIST CATEGORY, 1960-61, 1970, 1980

[In millions of current and constant 1970 dollars]

	Constant (1970) dollars			Current dollars			Percent increase			
							Constant (1970) dollars		Current dollars	
	1960-61	1970	1980	1960-61	1970	1980	1960-70	1970-80	1960-70	1970-80
Expenditure item:										
Food	4,854	7,536	14,708	3,331	7,536	21,851	55	95	126	190
Lodging	5,381	8,635	17,777	3,602	8,635	27,119	60	106	140	214
Public transportation	4,039	7,469	15,302	3,161	7,469	19,800	85	105	136	165
Recreation	731	1,271	2,835	506	1,271	4,216	74	123	151	232
Other incidentals	3,440	5,269	10,097	2,428	5,269	13,386	53	92	117	154
Owned vacation home	398	718	1,524	268	718	2,308	80	112	168	221
Gas, oil, tolls	3,009	4,535	7,099	2,577	4,535	8,371	51	57	76	85
Other auto operating expenditures	3,922	6,691	11,366	2,887	6,691	15,117	71	70	132	126
Auto purchase cost	4,623	7,604	13,362	4,219	7,604	14,716	64	76	80	94
Total	30,397	49,729	94,068	22,980	49,729	126,884	64	89	116	155
Tourist category:										
Households	18,463	31,266	61,905	14,162	31,266	83,302	69	98	121	166
Businesses	10,674	16,301	27,231	7,946	16,301	36,375	53	67	105	123
Foreign visitors	1,261	2,162	4,933	873	2,162	7,208	71	128	148	233
Total	30,397	49,729	94,068	22,980	49,729	126,884	64	89	116	155

Source: National Tourism Resources Review Commission.

EMPLOYMENT ATTRIBUTABLE TO TOURISM[1] IN THE U.S.A., 1970

(Industry employment in thousands)

All Industries	3,456
Directly employed	2,341
Food service	620
Lodging	771
Public transportation	331
Recreation	76
Other incidentals	160
Owned vacation homes	6
Automobile operations[2]	395
Indirectly employed	1,115
Agriculture, forestry and fishing	45
Mining	45
Construction	17
Food and tobacco	70
Textile mill, apparel and fabricated textile products	157
Paper and allied products	24
Printing, publishing and allied industries	28
Chemicals and allied products	43
Petroleum refining and related industries	22
Rubber and plastic products	48
Leather and leather products	24
Lumber and food products	7
Furniture and fixtures	1
Stone, clay and glass products	11
Primary metal industries	19
Fabricated metal products	21
Machinery	41
Transportation equipment	19
Motor vehicles	10

Miscellaneous manufacturing	18
Transportation	96
Communications	27
Electric, gas and sanitary services	16
Trade	82
Finance, insurance and real estate	49
Other services	175

[1] Does not include automobile purchases, but only spending on current account by tourists and the supplying industries.

[2] Does not include auto purchase cost.

SOURCE.—Report of National Tourism Resources Review Commission.

The main point is that tourism in total is big business, although it is, in fact, comprised of a large variety of small and large establishments. The Commission stated that, ". . . of all retail activities, tourism would be second only to grocery sales if it could be classified as a single retail activity".

Table 2 shows the employment generated directly and indirectly by such expenditures in 1970—a total of 3.5 million jobs, of which 2.3 million serve the tourist directly and 1.1 million are in industries supplying the tourist industry. Many of the personnel serving tourists are low-skilled and marginally re-employable which makes them particularly vulnerable to disruptions in the economy. It is important to realize that significant segments of such apparently unrelated industries as agriculture, mining and textiles are also dependent on a viable tourism industry.

It is important to note here that the United States economy has changed radically since World War II from work force oriented to goods production to one oriented to providing services. One of the largest service industries in the United States today is tourism.

Applying the methodology of the Commission, it is estimated that tourism expenditures in 1972 were about $61 billion and involved just under 4 million jobs. Furthermore, tourism contributes to the economy by the earning of foreign exchange as a result of the expenditures of foreign visitors. This is significant to our international Balance of Payments position.

A second important and highly authoritative study, by the United States Travel Data Center, the nonprofit, independent, national travel research organization, revealed that weekend travel of 100 miles or more away from home generated nearly $11 billion in expenditures in 1972. The study was confined to that portion of the tourism industry involved in travel of 100 miles or more which is compatible with the 1972 Bureau of Census Transportation Study.

Tourism, that is, travel more than 50 miles from home, as defined by the National Tourism Review Commission Report, involves every mode of transportation—car, bus, plane and rail. However, a key point made by the Tourism Commission is that 86.1 percent of all trips away from home were made by automobile. Trips by bus, rail and air are vital to tourism and their needs must be accommodated, but the real potential for fuel savings is centered around passenger cars.

FUEL AND JOBS

Table 3 shows estimates of motor fuel consumption in the United States in 1972 by type of use. It will be seen that all motor vehicles consumed 105 billion gallons of fuel of which 73.5 billion gallons were consumed by cars.

However, trips by cars over fifty miles, that is, those made by tourists, consumed only 17.5 billion gallons. This represents 16.6 percent of total consumption and only 23.8 of total passenger consumption.

From this data three points emerge:

The 17.5 billion gallons of fuel consumed on trips over fifty miles have a direct causal relationship with the 4 million jobs created by tourism. Cuts in fuel availability for such trips would have an adverse effect on many of these jobs.

Potential for reductions in fuel consumption is more than three times greater when passenger cars are used for local travel, including commuting to and from work under fifty miles, than when use is for trips over fifty miles for tourism.

Reductions in fuel consumption that are realized from car pools, greater use of mass transit, and other conservation measures, should have minimal adverse effect on jobs in local industries and businesses.

MOTOR FUEL[1] CONSUMED IN THE U.S.A. BY USE, 1972, VEHICLE TYPE, GALLONS CONSUMED

Millions of gallons

All motor vehicles	105,062
Trucks and combinations	30,718
Passenger vehicles	74,344
Buses[2]	881
Cars[3, 4]	73,463
To and from work trips	23,044
Other trips under 50 miles	32,959
Trips over 50 miles	17,460

[1] Includes gasoline and all other fuels under state fuel laws. Excludes exports and federal military purchases.

[2] Includes school buses.

[3] Includes taxicabs and motorcycles.

[4] Consumption allocated on basis of Department of Transportation's Nationwide Personal Transportation Survey, 1970; unpublished tabulation ratios of mileage for business or personal use to total mileage; ratios of mileage on 50.0–99.9 and on 100.0 miles or more trips to total miles traveled.

SOURCE: U.S. Federal Highway Administration; Highway Statistics; Nationwide Personal Transportation Survey, 1970.

We feel these points are relevant to a proposed imperative to the Administration. Section 208 of Senate Bill 2589, the National Emergency Act of 1973, states, "In carrying out his responsibilities under this Act, the President shall take into consideration and shall minimize, to the fullest extent practicable, any adverse impact of actions taken pursuant to this Act upon employment. All agencies of government shall cooperate fully under their existing statutory authority to minimize any such adverse impact."

APPROACHES TO THE PROBLEM

The issue at hand, as we see it, is how to attain the overall objective of reduced fuel consumption without causing serious disruption of the economy. We recognize that tourism must be disrupted by a fuel shortage; it already has been. Three approaches to solving the fuel shortage problem are discussed below.

1. *Voluntary conservation.* The present policy of the Administration to solicit voluntary cooperation of the public in reducing fuel consumption combined with restrictions on highway speed in conjunction with allocations of fuel to specific priority industries will, we hope, work. We believe that to attain maximum effectiveness, a massive educational program and greater use of modern techniques will be needed to modify the public's attitude toward car-pooling and greater use of mass transit systems. Such an effort should result in efficient utilization of fuels in urban areas. In rural areas, where tourism may be a major economic factor, other measures may be needed. We propose that consideration be given to allocation of fuels on a priority basis to service stations on or adjacent to interstate highways. Not only trucks and busses, but also the longer distance traveler in passenger cars, could depend on an adequate supply of fuel. Many of those businesses serving travelers away from home could survive the present crisis under this plan, since our interstate network is so extensive that the traveler would likely be near his destination when he returned to non-interstate highways. A reduced allocation of fuel to stations in population centers to effect a higher allocation of fuel to the interstate system could be expected to stimulate compliance with car-pool and mass transit programs.

2. *Fuel Tax.* In our judgment, a higher tax on fuels would not represent a serious constraint to most of those who would desire to drive fifty or more miles outside his home environs. The Tourism Commission showed a direct correlation between tourism and income; most of the traveling public could afford to pay the tax. In this limited sense, therefore, we could support the fuel tax approach. However, we recognize that such a tax would be a burden on people with low income who must drive for subsistence, and that means of relief would be cumbersome or delayed, or both. For this reason, we do not encourage a fuel tax approach if another satisfactory approach could be employed to attain overall objectives.

3. *Fuel Rationing.* A straightforward rationing program without allowance for long distance travel requirements could, we feel, have serious effects on the economy and jeopardize 4 million jobs associated with tourism. We must assume that gas rations would be consumed by local driving and that out-of-town driving would be drastically reduced. Out-of-town travel is essential if the economic contribution of the tourism industry is to be maintained. We suggest, therefore, that a mechanism be built into any rationing program that would permit equitable treatment for long distance travel. We propose specific consideration of a plan whereby rationing and a gas tax be combined. Local travel requirements would be controlled by rationing. In addition, gasoline carrying high tax would be available to satisfy long distance travel needs or desires. A program with these elements could be designed within overall fuel reduction objectives, yet many jobs in tourist-serving industries would survive during the emergency period.

In our consideration of the present situation, we have tried to be sensitive to the realities with which Congress and the Administration must deal. By giving due regard to travel outside the home city, an industry comprised of 4 million people can be protected. Conversely, by concentrating efforts to have fuel on local travel, not only is the gas shortage alleviated but environmental goals might be achieved simultaneously. Car pools make sense. Mass transit makes sense. Design and implementation of programs to facilitate a change in habits is a challenge to our best minds, but certainly not beyond their capability. Estimates produced by others with special knowledge of mass transit system and car pool potentials indicate that a target of two billion barrels per day reduced consumption can be substantially achieved by better utilization of passenger cars.

The energy emergency is forcing difficult decisions not only for the Administration and Congress, but also for the general public. To date, we would observe that voluntary public response to the Administration's requests for cooperation has been impressive. Many specific measures to restrict fuel consumption have become operative, ranging from lower speed limits to more frequent engine tune-ups to attention to proper tire inflation. Unfortunately, none of these measures appear to be sufficient. In the future, it may be necessary, for example, to question such matters as the relative priority of air pollution devices on automobiles versus savings of fuel through elimination or modification of such devices. Certainly such alternatives as rationing and gas taxes are difficult to accept in peacetime.

Today we have emphasized the economic benefits derived from long distance travel. We do not advocate any single approach to the energy emergency. We only submit our urgent plea that the important nature of tourism be recognized and that the employees who serve tourists not be forgotten in whatever approach is adopted.

Thank you for receiving this statement. We are prepared to answer any questions or submit additional information with respect to tourism to the Committee.

SOUND ACTION BY SEC ON CORPORATE TAX INFORMATION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. VANIK. Mr. Speaker, the Securities and Exchange Commission is to be commended for its recent action in requiring corporations to disclose the source of significant Federal tax writeoffs as well as the reasons for paying less than the effective corporate income tax of 48 percent.

Last month, I submitted comments to the SEC hearing record in support of their proposed regulation. I am pleased that they have completed this action which will be of great assistance to investors and to the Congress as it deals with corporate tax legislation.

I enter in the RECORD at this point a brief article on the SEC action which appeared in the Washington Post of November 28, 1973:

NEW SEC RULE REQUIRES MORE TAX DISCLOSURE

(By Jack Egan)

Corporations in future financial statements filed with the Securities and Exchange Commission will have to publicly disclose the source of significant federal tax writeoffs as well as the reasons for paying less than the effective corporate income tax rate on their earnings.

The purpose of the expanded tax disclosure requirements announced yesterday is to permit investors "to distinguish more easily between one-time and continuing tax advantages enjoyed by a company and to appraise the significance of changing effective tax rates," the SEC said.

The SEC approved the new rules over the strong objections of corporations. In comments when the rules were proposed, the companies claimed the information would be valuable to business competitors but of little use to individual investors.

They also said the disclosures could lead taxing authorities to question deductions and also would breach the confidentiality of their Internal Revenue Service returns.

The SEC said the objections did not outweigh the public interest in requiring more detailed tax disclosure.

Among the items companies will have to report under the new rules are the tax effect of plant and equipment depreciation, research and development expenses, warranty costs and other liabilities which are deferred over several years.

Corporations also have to explain or "reconcile" the difference between the income tax they paid and the amount computed by multiplying pre-tax income by the "applicable statutory federal income tax rate." This would reveal the source and nature of major deductions.

The SEC said it recognized that the information would be used primarily by professional analysts who are trying to understand the precise reasons for corporate results and not by individual investors.

But SEC commissioner A. A. Sommer Jr. noted in remarks to United Press International that "most investors rely on the advice of expert analysis," and also would benefit.

CAUCUS PREROGATIVES ENDANGERED BY BUDGET CONTROL BILL SECTION

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. OBEY. Mr. Speaker, I intend to support the new budget control bill scheduled for action early next week. But Members of the House should be aware of the fact that one provision of that bill which relates to the membership on the Budget committee trespasses to a dangerous degree upon the prerogatives of both the Republican and Democratic caucuses in the House.

Mr. Speaker, I support fully the provision in H.R. 7130 which provides for the specific designation of Appropriations and Ways and Means membership on the new Budget committee and I will lead an effort in my own caucus to insure that the provisions in that bill become part of our caucus rules. But I feel strongly that that action should be taken only in each of the respective party caucuses and not on the floor itself.

The gentleman from Hawaii (Mr. MATSUNAGA) will offer an amendment when the bill is under floor consideration to strike that portion of the bill.

I intend to support that amendment and I hope a majority of members of both parties will do likewise. Mr. Speaker, I am inserting in the RECORD at this point a letter sent to members of the Democratic caucus by seven members of the Appropriations and Ways and Means Committees who agreed with the provisions of H.R. 7130 which relate to Budget Committee membership, but suggest a different procedure by which that same membership may be brought about.

The letter itself refers to a resolution by Representative BURTON of California which he had intended to offer in the Democratic caucus. The amendment will be offered on the floor, however, by Mr. MATSUNAGA of Hawaii. The arguments remain the same for both and I would hope that in the interest of preserving the independence of both caucuses it would be adopted.

I insert the text of the letter below:

IMMEDIATE ATTENTION

DEAR COLLEAGUE: In the Democratic Caucus tomorrow morning a number of questions will evidently be raised about the new Budget Control bill (H.R. 7130). One of the provisions of that bill requires that members of Appropriations and Ways & Means be assigned to the proposed new standing committee on the Budget.

We agree with the purpose of that provision. Our service *as members of the two committees involved* has convinced us that it is essential that Appropriations and Ways & Means be represented in the new Budget Committee if that committee is to function effectively on budget and tax policy questions. But, we strongly believe that such representation should be achieved in the traditional manner through the party caucuses and not through legislative action in the House as a whole. That, as you know, has been the practice in all matters relating to the make-up of committees since 1911.

Therefore, we urge your support for the resolution which Representative Burton will offer at tomorrow's caucus reaffirming caucus prerogatives in this area while establishing a caucus policy that Appropriations and Ways & Means members be represented on the Budget Committee.

We believe it would be a dangerous mistake to override caucus prerogatives in matters relating to committee memberships. Republicans have no business participating in the selection process by which Democratic members are assigned to committee, and similarly, Democrats have no business mixing in the selection process by which Republicans are assigned to committees.

During the debate on the Legislative Reorganization Act in 1970, some 30 members of both parties including many opponents of the seniority system opposed a floor amendment specifying that committee selection need not be on the basis of seniority on the grounds that that matter was clearly a caucus prerogative. Similarly, in 1971 many of Chairman McMillan's severest critics supported him on a floor vote challenging his chairmanship again on grounds that a dangerous precedent would be set if the House over-rode caucus prerogatives in this area.

We believe it is essential to maintain these important principles.

Enclosed is a list of members who spoke in opposition to the seniority amendments in 1970 and some of the floor statements made by members and party leaders in opposition to the McMillan effort.

We strongly urge your support of the Burton amendment which will preserve caucus prerogatives in the committee selection process while still guaranteeing representation for Ways & Means and Appropriations members on the new Budget Committee proposed in H.R. *7130*.

Sincerely,

DAVE OBEY.
ROBERT GIAIMO.
SAM GIBBONS.
FRANK EVANS.
SIDNEY YATES.
HUGH CAREY.
WILLIAM GREEN.

MEMBERS WHO SPOKE IN OPPOSITION TO SENIORITY AMENDMENTS TO THE LEGISLATIVE REORGANIZATION ACT OF 1970, JULY 28, 1970

DEMOCRATS

Albert, Bennett, Bingham, Boggs, Bolling, Celler, Dent, Dingell, Eckhardt.

Fraser, Hansen Hays, McCormack Moss, Obey, Pucinski, Sisk, Vanik, Waldie.

REPUBLICANS

Collier, Conable, Erlenborn, Gubser, Harsha, Martin, Saylor, Smith of California, Steiger of Arizona, Steiger of Wisconsin, Wyatt.

FLOOR STATEMENTS OF MEMBERS OPPOSED TO EFFORT TO DEPOSE DISTRICT OF COLUMBIA CHAIRMAN M'MILLAN BY HOUSE ACTION, FEBRUARY 4, 1971

Majority Leader Boggs: "We would be establishing a precedent here that could be carried to any length . . . If the Majority Party voted unanimously, we could displace any committee member or every committee member nominated by the minority."

"And if a minority on the Democratic side and a majority on the Republican side get together they could take over control of the entire committee system in the House."

Minority Leader Ford: "The Democratic Caucus made a decision. Whether we on our side agree with or not, by precedent that is a matter within the ranks and prerogatives of the Majority Party."

"We should not get into the procedures and prerogatives of the majority party . . . The Democrats should (not) make decisions for use (and) we should not become involved in making decisions for the Democratic Party.

Mrs. Green of Oregon: "This kind of suggestion has the greatest potential for mischief of anything in terms of two-party procedure that we can develop. Its long-term significance transcends the specific selection of any single chairman. The procedural policies in organizing the House must be maintained or there is going to be absolute chaos. Party responsibility will be destroyed and no one will know who to hold responsible as far as the two parties are concerned for successes or failures. Let us look at the long-range implications of such a departure as is proposed."

Mr. O'Hara of Michigan: "I happened to be on the losing side (on the McMillan vote in caucus), and I am unhappy with the result, but that does not make any difference with respect to the basic premise stated by the majority leader and the minority leader that each party should be free to make its own decisions without hindrance from the other."

Mr. Burton of California: "It is a most dangerous precedent . . . to in effect give the minority caucus veto power over the majority caucus deliberations. It would establish a precedent that could seriously and adversely affect the way the business of the House of Representatives is run."

Mr. Fulton of Pennsylvania: "It has been the custom that each party shall select its own people and set the seniority and that they shall select the membership of the various committees and their own officers and that the other party would do the same."

"Unless this comity is kept, unless this courtesy continues to exist between the parties . . . I believe it would do a great disservice and damage to the two-party system."

MISS SIBYL POOL

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. FLOWERS. Mr. Speaker, we in Alabama lost one of our distinguished citizens last month with the death of Miss Sibyl Pool of Linden.

Sibyl Pool spent the major portion of her adult life in service to the people of Alabama through the political offices to which she was elected. She was the second woman in the State's history to win a seat in the legislature when she represented Marengo County in 1946. Eight years after entering the Alabama House of Representatives, she became the first of her sex to win statewide office when she was elected secretary of state. She served in that capacity for 6 years, followed by 4 years as State treasurer. At the time of her retirement because of ill health in 1971, she had served as a member of the Alabama Public Service Commission for 16 years.

Miss Pool's career in public life spanned 34 years, longer in political office than any other woman in the State's history. Sibyl Pool devoted the major portion of her life to service to others and her passing is a great loss to those who knew her. She will be truly missed.

SOLAR ENERGY: ANSWERS FOR TODAY AND POTENTIALS FOR TOMORROW—PART IV

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. VANIK. Mr. Speaker, the administration's energy pronouncements in recent months have clearly been a disappointment. Perhaps the most disappointing aspect of the President's program is its lack of commitment to energy research and development. The President has stated the need for this research, but he has not given us a program or provided the necessary revenues. In short, he is hiding behind his own rhetoric.

The establishment of an energy research and development trust fund is the only responsible alternative for providing the revenues necessary for a massive Federal effort in this area. I have suggested such an approach in H.R. 6194, the Energy Development and Supply Act of 1973. This trust fund will provide the vehicle for a thorough exploration of new, clean, dependable sources of energy.

Solar energy falls into this category of energy resource. Although the President has expanded the budget for solar research in recent years, it still is insignificant relative to its potential impact on our future economy. A recent article which appeared in the Cleveland Press outlines this tremendous potential. The author, Mr. David Dietz, states the remarkable fact that the solar energy falling on the surface of Lake Erie in an average day is more than the total energy used each day in the entire United States. The problem for research is to develop ways of converting this energy efficiently so that we can use it. For the interest of my colleagues, I am including the complete text of this article in the RECORD:

SUNLIGHT HITTING LAKE ERIE COULD OPERATE THE NATION

(By David Dietz)

The energy contained in the sunlight falling on Lake Erie on an average day is more than the total energy being used that day in the entire United States.

Bringing the figure closer to home the energy in the sunlight falling on one acre of ground is about 4000 horsepower. That on each square yard of your front lawn is 1.5 horsepower.

That is why scientists believe that an accelerated program is needed to speed up the utilization of solar energy. They are unable to understand why President Nixon impounded $60 million which Congress voted for research on solar energy, geothermal energy and the gasification of coal.

A report being assembled by the Atomic Energy Commission, due in December, is expected to recommend a five-year $10 billion program of research in all fields of energy including, of course, atomic energy.

It would be a big mistake to think that all the solar energy reaching the earth goes to waste. If the sun suddenly went out, the earth would be plunged into total darkness.

The temperature would quickly begin to fall. Within a week the tropics would be as cold as the North Pole. Soon the oceans would freeze to their lowest depths. Finally the atmosphere itself would freeze.

About a third of the sun's energy reaching the earth evaporates water from the oceans, lakes and rivers. The water vapor forms clouds and eventually returns to the earth as rain or snow.

Green plants grow by a process known as photosynthesis which utilizes the energy of sunlight. Since animals eat plant or each other, life would be impossible without solar energy.

But trees and plants use only about 1% of the solar energy that falls on the ground. The other 99% is reflected back into the atmosphere.

Some of that, the scientists say, must be put to work to meet the problem of giving mankind more energy while the storehouse of natural resources is being depleted.

A FOURTH ENERGY MESSAGE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. FRASER. Mr. Speaker, the Nation has heard another Presidential energy message. An editorial in the November 27 issue of the Minneapolis Tribune points out that the administration appears to be moving with events, rather than directing their course.

The President's major energy message to Congress last April failed to propose steps to require equitable allocation of scarce supplies. It failed to set up a system of standby reserves for emergencies. It failed to make a long overdue commitment of funds needed to develop alternate sources of energy for the future. And it failed, most notably, to move to curb consumption.

Only after outbreak of war in the Middle East, when indications of mounting shortages and potential economic disruption could no longer be ignored, did the administration move to require allocation of propane and heating oil, although Congress had authorized this action 6 months earlier.

Now, after Congress has passed additional legislation requiring it, crude oil and gasoline will be included in the program.

In his latest energy message, the President has proposed several sensible conservation measures. But even these will not result in sufficient savings.

A 17-percent, nationwide shortage seems inevitable, with regional shortages running much higher. What the President has recommended—if it works—will save us only 10 percent. Where is the rest to come from?

As the November 27 Minneapolis Tribune editorial indicates, unpopular steps are called for. With its popularity at an alltime low, the administration apparently lacks the courage to impose strong measures such as rationing or excess-use taxes.

The editorial follows:

[From the Minneapolis Tribune,
Nov. 27, 1973]

A FOURTH ENERGY MESSAGE

In his fourth energy message of the year—and his second in less than a month—President Nixon added little new to what he has previously said about the nation's fuel shortages or proposed in the way of solutions. Several of the proposals he announced Sunday night were either already in the works or had been anticipated. For example, several states had already put into effect a 50-mile-an-hour speed limit, and at least 30 percent—and perhaps 40 percent—of the country's gas stations already were closed on Sundays. Cutbacks in jet fuel and the allocation of heating oils were already under way.

Two weeks ago Congress gave Mr. Nixon authority to deal with some aspects of the fuel problem, and further measures with new grants of authority are expected to be passed soon. But the leadership must come from the White House, and Mr. Nixon still gives the appearance of backing into solutions rather than facing up to the over-all problem.

On the immediate problem of gasoline shortages, for example, Mr. Nixon continues to draw back from such consumption-reducing measures as rationing or sharp tax increases on the grounds that they would be unpopular. Unpopular, they might be. But strong measures are, in the minds of most of the country's energy experts, unavoidable, too, and the sooner the administration takes strong steps to reduce consumption the better. Every day that passes, the shortage of gasoline—along with other fuels—becomes more apparent. On Nov. 7, the administration estimated that the country would be short 10 percent of gasoline. On Sunday, administration officials said the estimate now is 21.4 percent. What will the estimate be in another 18 days?

Administration critics have labeled each of Mr. Nixon's previous energy messages as "too little, too late." They are saying—with equal justification—the same about the message he broadcast on Sunday. There is plenty of evidence indicating that as long as three years ago and more, the administration and the oil industry were aware of trouble ahead, but neither of them, it seems, was prepared to take the necessary steps to curb consumption. To take one instance alone, the Vietnam War: Americans who watched the vast quantities of oil poured into Indochina as recently as a year ago might be excused from wondering why they can't get enough to heat their homes this winter.

Short-term cutbacks undoubtedly will get most Americans through this winter without too much distress. There still is an enormous amount of energy available in the United States. But a policy based on short-term actions will provide only short-term relief. The energy crunch that is upon us all is not just a temporary emergency. It more likely is, as Stewart Udall pointed out in an article on this page in Monday's Tribune, "a deepening long-term impasse that is certain to escalate and send shock waves through our economy for at least a decade."

In this sense, it is not only misleading but dishonest for the president to hold out the hope that if his plans are followed the country can become energy self-sufficient by 1980. This goes completely against the grain of comment from the nations most knowledgeable energy experts. "Patently absurd," was the way a Shell Oil Co., official put it in Minneapolis recently. Mr. Nixon would serve himself and the country better if he stopped pretending that there are easy, painless solutions that by the end of the decade will bring the nation to the point where, in the presidents words, "we will once again have those plentiful supplies of inexpensive energy which helped to build the greatest industrial nation and one of the highest standards of living in the world."

The hard reality, says Udall, "is that the era of abundant, cheap oil has ended—and there have never been any short-cut substitutes in sight for this versatile commodity." That's the sort of plain talk the country should be getting from the White House.

RESOLUTIONS ON THE SUBJECT OF IMPEACHMENT

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. WOLFF. Mr. Speaker, the Reform Democratic Association of Great Neck recently passed a number of resolutions on the subject of impeachment. I would like to include these resolutions in the RECORD for the attention of my colleagues:

RESOLUTIONS

The Reform Democratic Association of Great Neck does hereby urge the House of Representatives to vote the impeachment of President Richard M. Nixon for the following reasons:

THE WAR IN INDOCHINA

For at least 14 months prior to the invasion of Cambodia by United States armed forces in May 1970, President Nixon authorized a secret air war against Cambodia while denying that such an offensive was in effect. The May 1970 land invasion was undertaken by President Nixon without Congressional approval. These illegal actions caused thousands of Cambodian and American deaths, destroyed Cambodia's neutrality, and flouted the United States Constitution, the Charter of the United Nations and the basic principles of international law.

SUBVERSION OF THE BILL OF RIGHTS

On July 23, 1970, President Nixon approved an interdepartmental intelligence project (supposedly abrogated five days later) sanctioning an unprecedented campaign of political espionage and sabotage against any opponent of administration policy. Evidence has been presented at hearings of the Senate Select (Ervin) Committee indicating that the project has never been cancelled and in fact is in operation to this day. This project violates not only the Bill of Rights but recent Supreme Court decisions that electronic surveillance is illegal.

In 1971, President Nixon authorized the establishment in the White House of a special investigative unit known as the Plumbers to engage—for political purposes—in a program of breaking and entering, infiltration and provocation, forgery, and acts of violence to persons and property. This unit was illegal in that it was immune from supervision by the several security organizations created by the authority of Congress.

TAMPERING WITH DUE PROCESS AND THE JUDICIARY

President Nixon set in motion procedures leading to the burglary of the office of Dr. Daniel Ellsberg's psychiatrist, in violation of the laws of California and of the United States. This burglary has resulted in the indictment of one of the President's chief assistants. President Nixon sought also during the Ellsberg—Russo trial to influence the outcome of the trial by offering to the trial judge the directorship of the FBI.

President Nixon and his chief aides sought to cover up the Watergate crimes and the government's criminal activity in the Ellsberg case by asserting CIA involvement and national security concerns. For five weeks President Nixon deliberately withheld from the trial judgfe in the Ellsberg case the evidence of the burglary—until the Attorney General of the United States and his deputy insisted that it be revealed.

THE ASSAULT ON FREEDOM OF THE PRESS

President Nixon has throughout his terms of office demonstrated contempt for the First Amendment guarantees for the media. Some examples: The Justice Department's subpoenas for journalists to force them to divulge their sources of information; the federal government's attempt to enforce for the first time in the nation's history the doctrine of "prior restraint" in the publication of news (the Pentagon Papers Case); the wiretapping of Washington correspondents, and fraudulent investigations to intimidate diligent reporters (the case of Daniel Schorr of CBS-TV news).

TAMPERING WITH THE ELECTORAL PROCESS

President Nixon, as the Senate hearings and court actions have revealed, was either fully aware of or criminally negligent about the violations of federal law in the collection and illegal use of campaign funds to ensure his reelection. Federal criminal indictments have been returned against his immediate subordinates at Cabinet level. There is uncontested evidence of heavily financed undercover interference with the electoral efforts of President Nixon's opponents through fraud, espionage, libel, slander, burglary, wire-tapping, extortion, favors to selected industrialists, false reporting, bribery and perjury.

UNAUTHORIZED IMPOUNDMENT OF FUNDS

President Nixon has refused to spend over $40 billion in congressionally approved and appropriated funds for health care, housing for the needy, assistance for the children of working mothers, and for handicapped persons.

The degree to which the President has impounded funds in defiance of the authority of Congress is unprecedented in our history.

VIOLATION OF THE RIGHT OF PRIVACY

President Nixon recently taped his conversations with numerous persons conferring with him in his White House office. This is a gross breach of confidence more appropriate for the head of a police state than for the elected head of a democracy. President Nixon has compounded this breach by refusing to make these tapes available to the special prosecutor in the Watergate investigation, whose appointment he approved, and to the Senate Select Committee.

IMPROPRIETIES IN THE ACQUISITION OF PROPERTY

President Nixon has issued contradictory and incomplete explanations about the manner in which he has acquired valuable property in California and Florida, with the questionable assistance of wealthy friends. There are also unanswered questions about the expenditure of at least $10 million in Federal funds for alterations at the Nixon homes at Key Biscayne and San Clemente, allegedly for reasons of security.

LATVIAN INDEPENDENCE DAY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. DULSKI. Mr. Speaker, this month, 55 years after the declaration of independence by an optimistic Latvian nation, we are reminded of what a travesty freedom can become.

Around the world it is only the Latvian descendants in other countries and Latvian emigres who are free to commemorate that happy day in 1918; those citizens still in Latvia are facing more of the degradation they have endured for the past 33 years under Soviet domination.

Despite the subjugation of ethnic culture, heritage, and pride in Latvia, despite forced resettlement and tyrannical treatment, the desire for freedom and self-determination has not been eliminated.

In the climate of détente, the United States and other free nations have an opportunity to press even more strongly for restoration of human rights and human dignity in the captive nations.

As we move cautiously toward a more peaceful world, we must remember that peace and stability must be accorded all peoples of all nations. We must stand as firm as the courageous Latvian people and reassert the basic principles of the United Nations Declaration of Human Rights, which both the United States and the Soviet Union have signed. We must continue to work for the day of true freedom for all men.

HON. GERALD R. FORD'S ADDRESS BEFORE THE UNITED JEWISH APPEAL'S DINNER FOR LIFE

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. RONCALLO of New York. Mr. Speaker, I was pleased and honored to attend the United Jewish Appeal Dinner for Life at the Colonie Hill Restaurant with GERALD R. FORD, our distinguished minority leader and Vice-President-designate.

I submit to the RECORD his fine address which was received with warmth and enthusiasm by all:

ADDRESS ON ISRAEL

Ladies and gentlemen, it is a special pleasure to address you at a time when the world seems finally ready, after so many tragic years of bloodshed and senseless procrastination, to acknowledge an unavoidable reality.

That reality is the reality of Israel's existence. The United States has worked long and hard—and often alone—to uphold Israel's security. In the peace negotiations that are at long last about to begin between Israel and the Arabs, we will continue to support Israel's existence and her right to live in security.

The relationship between the United States and Israel has always been a unique one, and as I worked on these remarks I tried to come to some conclusions about why this should be so. I think I've come up with at least a partial answer, an answer involving the Bible, a poet, a statue, and the work the UJA is doing to assist Russian emigrants. The plight of Soviet Jewry, incidentally, is one that has long concerned me, and I'm sure some of you here tonight remember that I addressed this subject at a rally for Soviet Jewry in Madison Square Garden in 1971.

The passage in the Bible to which I referred comes from Isaiah. I'd like to read a few brief excerpts. According to the prophet, the mission of Israel was, and I quote, ". . . to loose the bands of wickedness, to undo the heavy burdens, and to let the oppressed go free . . . to deal thy bread to the hungry and . . . bring the poor that are cast out to thy house . . . Then shall this light break forth as the morning . . ."

As you are well aware, the historical parallels between our age and the age of Isaiah are striking. Then, as now, for example, the Jewish people were returning to Zion to rebuild their nation.

But there is another contemporary historic parallel that I find even more striking. Listen to the following lines, ladies and gentlemen. I am sure you know them by heart.

Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these, the homeless, the tempest-tossed to me:
I lift up my lamp beside the golden door.

Those are, of course, the famous lines engraved on the pedestal of the greatest symbol of human freedom in the world—the Statue of Liberty. They are also the closing lines of a poem that celebrates America as the haven for the world's oppressed. The poem is entitled "The New Colossus." The author was Emma Lazarus, a Jewish woman who organized relief for Jewish refugees who had fled the oppression of 19th century Russia.

The ring of Isaiah is in those lines. I think those words on the Statue of Liberty capture the essential spirit of both America and Israel—almost uniquely among the nations of the world—havens for the persecuted, the homeless, the oppressed.

And it is because of this unique common tradition, I believe, that the bonds between America and Israel are so very close. There is no contradiction whatsoever between the support you offer to Israel and the loyalty you feel toward America.

There are many of you in this audience tonight whose parents came to these shores fleeing oppression. Some of you came under those conditions yourselves. And as you all know, the accomplishments of the UJA in assisting such immigrants have been nothing short of phenomenal. And what you and your parents found here was something you could not find in the nations you left—the promise that you could rise just as high and travel just as far as your abilities and dedication could carry you.

All of you here tonight have realized that promise, and your lives are tangible testimonials to a very simple but often overlooked truth—the American system is alive and healthy. The system does work. You have proved that it works.

Still another truth about our society is that it is diverse, a pluralistic society strengthened socially and culturally by the beliefs and customs of the various nationalities and religions that found sanctuary and opportunity here.

The melting pot theory still holds. The melting process, of course, distills different social and philosophic views down into common national goals and purposes. That melting process should not, however, attempt to boil out those unique things we bring to America as members of distinct cultural groups, qualities which help to enrich our society as a whole.

Too often, I believe, we stress the sameness, the homogeneity of American life while ignoring the healthy differences and variations that give such richness to the American fabric.

The texture of our Nation, which has contributed to its unparalleled greatness, comes from many ethnic, religious and nationality strains. America, as we know it and love it, is like a good soup. Its full flavor comes from the blending of many ingredients.

Yet from many quarters we hear a great deal of talk about assimilation—especially from the younger generation. And, of course, it is necessary that we should be alike in some ways—in our standard of justice, our concept of democratic government, our common ideal of liberty and freedom.

But, we must also recognize that we can pay too high a price for sameness. We can make our soup bland. There are differences that we cannot afford to lose.

I do not like to believe and do not concede that in this country we have Italian-Americans, Irish-Americans, Afro-Americans or Jewish-Americans because the hyphen implies that different groups should be treated differently. This is wrong.

On the other hand, it is necessary to understand that different groups have added immeasurably to American life because they *are* different. Out of their differences have grown ideas, a fuller cultural life, and a more interesting and stimulating America. Our national outlook is broader; our character stiffer.

Rather than question in any way those who feel deep emotional ties to other countries—whether it be Israel or Ireland or Italy or Africa—we should salute this as a manifestation of the genius of our Nation. This is part of what we call Americanism. It is one of the things that make both Israel and America unique in the world. The beauty of Joseph's coat was that it was of many colors.

It is perfectly impossible for Americans to hold on proudly to the best elements of their different national heritages—and yet be united in common love for our country. And let me add here that no single group of Americans has been more steadfast in standing up for our country than our Jewish citizens.

Finally, ladies and gentlemen, let me mention one more basic American quality, perhaps the finest of all—the willingness to sacrifice to help your fellow man.

It's an old concept, one of the finest embodied in the Judeo-Christian tradition, the concept of charity. And perhaps no group in America has more distinguished itself for its generosity and its philanthropy than the American Jewish community. The Greek root of the term "philanthropy" means love of mankind. And I know of no people who better personify this love than those who give to the United Jewish Appeal.

You can take profound pride in your record. Since 1938, UJA funds have saved over 3 million lives and have helped make possible the transformation of Israel into a dynamic and progressive land.

As you all know, the recent fighting in the Middle East took a tragic toll. In fact, given population ratios, the number of Israelies who died each day during the recent fighting was equivalent to approximately 7,000 American deaths per day. Thus your efforts to help Israel "bind up the wounds of war" seem especially appropriate at this moment in history.

At the same time, other needs also press in Israel. For example, immigration to Israel continues and spending on immigration alone was over $1 billion before the hostilities broke out.

This is a time of testing, and the road ahead will not be an easy one. But for the first time in decades, the road does seem passable with some of the roadblocks removed. This Administration has spent five years in attempting to clear away international obstructions to peace by building bridges to those nations with whom we once had no dialogue.

And the indications are that now such bridge building may be possible between Tel Aviv, Cairo, and Damascus. Perhaps finally the way may be clear. Richard Tucker has given us an inspirational rendition of the Israeli national anthem here tonight, and it is the closing lines of that anthem that we find the hope of the future expressed so clearly:

"The hope of two thousand years, To be a free people in our land, In the land of Zion . . ."

Ladies and gentlemen, I believe we will make that hope a reality.

And so I salute you—salute you for your support of a worthwhile cause—and salute you, my fellow Americans, because you have unselfishly helped pave the road to self-reliance for the people of Israel. With pride you can say you have played a major role in Israel's progress. With your head high, you know you have personally shared in an enterprise of historic significance for the survival of the Jewish people and of the spirit of human freedom and dignity to which it is dedicated. Shalom.

HON. RICHARD LUGAR, MAYOR OF INDIANAPOLIS, SPEAKS OUT ON ENERGY CRISIS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. BRAY. Mr. Speaker, on November 20, 1973, Mayor Richard G. Lugar, of Indianapolis, addressed the city over television on the energy crisis, what it means, and what Indianapolis can do about it.

His speech, plus an editorial from the November 22, 1973, Indianapolis Star complimenting him on it, follow:

ENERGY EQUALS JOBS

(An address by Richard G. Lugar, mayor, city of Indianapolis, Nov. 20, 1973)

The economy of the United States and the technologically advanced nations is based on energy. Energy is the ultimate raw material which permits the continued recycling of resources into most of our requirements for food, clothing, and shelter. The productivity (and consumption) of society is directly related to the per capita energy available.

Today, human labor provides for far less than one per cent of the work performed in factories, refineries, and mills in the production of products. Literally, our economy and our way of life could not continue without vast amounts of energy. With the exception of the Soviet Union, none of the industrialized nations of the world is self-supporting in energy. They, together with most developing nations, will continue to compete vigorously with the United States for available supplies. A transition from a buyer's to seller's market in energy, worldwide, seems a likely prospect for ensuing decades.

The essential facts of our current energy problem are these: The United States depends upon petroleum to meet 46% of its energy demand. Petroleum is used at a rate of approximately 17 million barrels a day in the United States. Imports accounted for 33% of all U.S. crude oil and petroleum products prior to the recent Mideast curtailment. Recent curtailments will mean a shortage during this winter of at least 2 million barrels per day of crude oil and petroleum products. If the Mideast oil cutoff continues, the shortage will be approximately 3 million barrels per day or 17% of normal demand.

Heating oil shortage will be approximately 15% of expected demand. Gasoline shortages will be approximately 7%, and this percentage could increase if refineries can obtain higher production of heating oil at the expense of gasoline in the refinement of crude oil.

Most of us know that demand for energy has been rising rapidly. Many of us are displeased that current international developments have left this country so vulnerable. In days to come, substantial criticism will be levied at oil companies who have not expanded refineries in this country in step with demand for petroleum products and have serviced the needs of other countries allegedly at the expense of this country. The oil companies will point to environmental restrictions on refinery building plus local hostility, smothering governmental controls on pricing which made investments less profitable and governmental protectionism which discouraged oil imports until too late.

Various citizen groups who have fostered stringent air quality standards have rejoiced in the delay or cancellation of oil refinery construction, the delay of nuclear power plants, the termination of much coal mining, and difficulties posed for automobiles. Perhaps even more of us have consumed energy without much conscious thought about conserving either energy or money. Energy has been abundant and relatively inexpensive, and we have centered our attention on other issues such as international peace or the strengthening of life in urban and rural areas of America with confidence that we had adequate capacity of energy to move forward.

For the moment, we must recognize that international peace is at the forefront of consideration in this energy crisis.

The Arab nations have observed, accurately, that we are a people who demand a lot of energy and seem determined to enhance present life-styles and demand more energy in the future. The Arab nations have made the same observation in regard to Western Europe and Japan.

Make no mistake about the fact that we are the intended victim of international blackmail of the greatest historical importance to our country. The Arab Nations believe that we will be hurt sufficiently in the coming months that we will meet their terms in the Middle East for the settlement they demand. Following that, they believe that we will stand by as American property is confiscated and that we will pay almost any price demanded for petroleum products they control. Several European countries have caved in quickly to meet Arab demands and abandoned even a token display of NATO solidarity with the United States. Given the nature of this crisis and the demands of citizens in each Western democracy, the United States has watched its friends literally disappear over the hill. In truth, only 11% of our imported oil comes from the Arab countries, but the policies of our allies have jeopardized attempts to import make-up quantities from any other source. Even our greatest source of petroleum imports, the Canadians, have upped the price to us by a substantial sum and curtailed our potential supplies, in addition.

Ironically, you may remember that some United States senators who fought and delayed the Alaskan Pipeline legislation for years argued for a pipeline across Canada and naively pointed to the safety and economy of this route for the Midwest.

The only safe course for the future of this country is self-sufficiency in production of the energy which we will need. The Arab nations have been effective in their strategic policy because they could count upon the desperation of citizens in countries who use oil to demand that oil shipments continue lest normal economic and social life grind to a halt.

Our predicament is serious but it is not desperate. If we use common sense and calmly face the facts, we will establish that this country cannot be blackmailed. We are strong enough to maintain peace and stability in a world which will become a great deal more jittery in the coming months.

I will leave to others further analysis and moralizing over why we are using so much energy and who should have provided more planning, production, less control, and all the rest. Our task, now, is to assess quickly the extent of the problem in Indianapolis and to detail the steps we must take to provide a strong economy, and a minimum of physical suffering for all citizens during the winter months ahead.

First of all, the good news of our situation should be noted. The Indianapolis Power & Light Company has the capacity to provide ample electric power to this community for the forseeable future. Electric power is not in short supply. For good reasons, we will need to conserve all energy including electricity but we need to note as accurately as possible the truth of our current predicament. We have no need to express alarm about electric power.

Other areas of the country will not be so fortunate for reasons evident in our own history of electric power consumption in Indianapolis. The use of electric power has grown in startling leaps.

For example, the average residential use of electricity in Indianapolis was 2,478 kilowatt hours in 1952 and 4,525 in 1962. That average rose to 7,729 kilowatt hours in 1972, an increase of well over 200% in 20 years with an average price in 1972 of 2.232 cents per kilowatt hour as compared to 2.563 cents twenty years ago.

Because electric power is available in ample supply and is less expensive than 20 years ago, it is difficult for some to imagine how and why problems might develop. But let us remember that it was difficult for some to imagine how natural gas might come into short supply just two or three years ago. But energy users make substitutions. Businesses and individuals cut off from some sources of energy will seek alternatives in better supply. To be specific, former oil and gas users are switching to electricity. Furthermore, the use of electric power has been on a growth pattern of 7% compounded annually for a long time in this country. Finally, our own supply of electric power this winter is primarily dependent upon the Indianapolis Power & Light Company being allowed to burn Indiana coal.

Small and large industrial and commercial enterprises in Indianapolis used 69.7% of electric power consumption in 1972 as opposed to 28.8% use by 255,228 residential customers. Substantial electric power savings will be most easily obtained in large industrial usage. Our future economic growth is dependent on these farsighted conservation measures, now.

For individual homeowners, it is very important to adopt and to maintain a conservation spirit which means turning off the lights and appliances which no one is using and using appliances that are economical to begin with as opposed to being careless and wasteful.

Symbolic of our community concern, the Christmas tree on Monument Circle will use less than 50% of the electric power it used last year. The spotlights on the tree will be turned off. The Indianapolis Power & Light Company's own building on the Circle will remain dark. There is no need to panic and to rush into many ill-advised reductions, but the time is at hand for changes in lifestyle and for the conservation of electric power by some reasonable percentage that will not cause immediate discomfort but will insure greater capacity for the continued health and safety of Indianapolis. Energy shortages will last for several years. We will enjoy abundant electric power during that time if we begin to conserve now.

Natural gas poses a different set of problems. Families living in homes heated by natural gas will have adequate supplies this winter. The same can be said for schools and for large volume industrial users. Those who do not have natural gas service or who have interruptible supply arrangements will be without natural gas during most of this winter.

Approximately 61% of Indianapolis homes are heated by natural gas and the adequate heating supplies for these families are a source of considerable reassurance to the community. Likewise, 59% of all public school buildings in Indianapolis and Marion County are heated by natural gas and should have ample fuel supplies for building heat.

The natural gas picture has been one of limited supply for many months in Indianapolis. The supply picture will not change during the months ahead. Generally speaking, if you are enjoying the service now, you will probably continue to enjoy it for the foreseeable future. Otherwise, you will be seeking other sources of heat and energy. Some of the pressure from the termination of natural gas supplies has fallen on the fuel oil alternative thus increasing demand for that inadequate supply. Other demand has moved toward electric heat which will accelerate pressures on that front.

No new gas supplies are on the way. The conservation of natural gas is an obvious goal for the community. Our ability to be prudent in usage is a small price to pay for the certainty that most of the homes of this community will continue to be warm and that most factories will continue to operate. Unlike the electric power picture, the bulk of gas revenues come to Citizens Gas & Coke from residential users and the bulk of the economies must come from 149,244 gas heating customers.

In viewing the petroleum products scene, we find a grave situation. Many units of civil government and school government have already received notices from large suppliers of fuel oil indicating that only 96% and in some cases, 88% of last year's purchases will be available during the coming year.

The 29% of Indianapolis homeowners who use fuel oil for heat will have a variety of outlooks. Our office has polled twenty large and medium sized fuel oil distibutors and found that homeowners who have a stable customer-supplier relationship on a keep-full basis are in relative safety of receiving an adequate supply of fuel oil this winter. Those homeowners who do not have a stable relationship and those who usually buy small quantities of fuel oil at various times will be the most likely to run into difficulty and to need to file for special allocations through the government of the State of Indiana.

For Indianapolis, the immediate energy crisis boils down to a severe shortage of fuel oil. To the extent that more petroleum is shifted at the refinery into fuel oil as opposed to gasoline, gasoline supplies will dwindle faster and shortages will become critical sooner rather than later.

Shifts and substitutions within a fixed, short supply of energy will continue for years. This is the reason that no supply is safe and that all energy must be conserved.

President Nixon has asked for immediate national consideration of the most practical means of conserving fuel oil and gasoline immediately. Failure to effect savings in amounts of 10% or 20% will mean rationing by means of price, special taxes, coupon books or all three in a last ditch attempt to prevent the halt of basic industries, basic governmental services, and suffering by millions of Americans.

The fundamental fact remains that we do have 80% of the petroleum which we will need this winter and possibly more depending upon how cold the winter is and how long current international curtailments last.

As a nation, we can effect the 10% to 20% savings and preserve prosperity and health to say nothing of the independence of our foreign policy if we are able to see the problem now and to act.

Obviously, if many citizens do not see any problem, they will not help in the solution. Equally unfortunate are some citizens who see the problem but are too busy settling old scores by suggesting that they will do nothing until others do something.

I do not intend to purpose a course of action designed to cause inconvenience or to effect a social or economic policy change under the guise of conserving energy. I will propose constructive action which will lead to common sense strengthening of our economy and safety.

First of all, because our major immediate problem is adequate energy for heating, we can best meet this head on by lowering thermostats in every building in Indianapolis. For most people, this should mean an average reading of 68 degrees. This goal is absolutely critical in any building warmed by fuel oil or we shall very likely run out of supplies and a degree of unemployment and suffering is inevitable this winter and for a long time to come.

Savings in natural gas, electric heat, and steam heat are also important because all should be conserved. All are likely to be in shorter supply and to increase in price as will fuel oil. If the normal citizen cannot turn down the thermostat to help save the job and health of another citizen, perhaps he will do so at least to save his own money, substantial money before the year is over.

Secondly, we must save gasoline, the other major petroleum product now in short supply and destined to become critically short without major conservation now. As in the case of fuel oil, each citizen is not being asked to abstain from total use but simply to save a little fuel. This can be done by driving at 50 m.p.h. or less on highways, by better maintenance of car engines, by eliminating needless idling of engines, and by not using the car in circumstances when a car pool, use of public transportation, bicycling, or walking will prove just as satisfying and much less expensive.

I make these suggestions on fuel oil and gasoline with full knowledge that enforcement of total compliance is impossible. Hope for voluntary compliance is only as strong as one's faith in individual conscience and sense of self discipline.

The Indianapolis Police Department and the Marion County Sheriff now ticket hundreds of speeding drivers each week who even under severe penalty of law cannot control excessive speed and a shocking waste of energy. The law is important but it can never be as strong as the motivation which comes from individual concern about loved ones, about neighborhood and community, and about the future of our country.

Energy equals jobs. Waste or energy will be unemployment for someone else. I have no doubt that a business as usual attitude will lead to severe hardship including loss of income for thousands of Indianapolis citizens. That will mean, ultimately, loss of income for most of us. I am equally certain that we have a good chance of preserving basic city services, keeping schools open, and maintaining strong employment if we use less fuel oil and gasoline now, and if we develop conservation habits to save natural gas and electric power.

The government of the city of Indianapolis will take a leadership role in energy conservation.

Except for circumstances when health would be endangered, all buildings will be heated at 68 degrees with lower thermostat settings in buildings infrequently used by the public or city employees. We intend to set a pattern of saving all fuels because we will need to continue on such a course for at least three to five years through the ups and downs of various supply situations.

Except for emergency conditions, all Indianapolis owned cars will travel at less than 50 m.p.h. We will emphasize and offer incentives to car pools and the use of public transportation.

Substantial gasoline savings have been realized by the City during 1973 with a 7.6% reduction in the number of gallons of gasoline purchased as compared to a comparable period of 1972. During 1974, we shall achieve a further 15% reduction in gasoline purchase amounting to over 500,000 gallons. 990 vehicles of the 1320 cars owned by city and county governments are used in public safety. A new system of internal control will be instituted to achieve these gasoline savings by the Department of Public Safety.

With the assistance of the Indianapolis Center for Advanced Research, the Department of Public Works will re-engineer the combustion processes of the waste sludge incinerator to achieve a 20% saving in fuel oil consumed at the Sanitation Plant. The automobile gasoline saving plan and combustion re-engineering projects should result in a saving of 17% of all petroleum product usage by the City government in 1974.

Also in cooperation with the Department of Public Works, the Indianapolis Center for Advanced Research will be employed to assist in applying a biological respirometer to control secondary treatment units and effect a 13% saving of all of the electric power now used by City governmental operations.

These savings in petroleum products and electricity will achieve an approximate 13% saving of all energy by the City of Indianapolis government to which will be added the other departmental programs and economies of individual employees.

City government has taken a thorough inventory of energy consumption and found that the most substantial savings are possible in Sanitation Plant operations because 45.8% of current energy consumption occurs in these locations.

Ironically, the fuel oil allocation to the City government is too low, at present, to continue operation of the sludge incinerator at full capacity after January 1, 1974. If we cannot operate the incinerator and must lagoon the sludge, the first casualty of the local energy crisis will occur soon at the Sanitation Plant. We will seek additional fuel oil or other suitable fuel to maintain the progress our city has enjoyed in emptying the lagoons and creating substantial environmental progress in solid and liquid waste disposal, but the fuel allocation is not present to insure sludge incineration for the near future.

Several major industries of our city have pledged to do as much as City government to effect significant energy conservation now. As a common sense matter, industrial and business conservation is good business in terms of lowering costs and enhancing the best possibilities for continued profitable operation of plants.

Business and government must approach each conservation measure with considerable prudence if we are to remain employed and healthy. For example, a case has been made by the trucking industry and by local Teamsters that speeds higher than 50 m.p.h. will be needed by trucks which deliver goods in a timely manner and provide necessary warehousing for much of the production line material which keeps our plants open and operating each day. While we are trying to save energy, and thus save jobs, we must not create unemployment inadvertently by adopting measures which disrupt jobs and production. As I read the daily mail coming into my office, I am fearful that some citizens are proposing specific energy conservation for some other citizens that might create hardship for all of us and not much saving of energy. At the same time, we must publish sound information on energy saving actions which are effective and easily adopted by each family.

I am deeply impressed with the leadership of young citizens in carrying forward conservation methods learned in our schools to homes and community centers. Their action has been timely and inspiring.

My office will be in constant communication with school, labor, and business leaders to obtain their advice and counsel on how best to save energy and to increase general welfare with the least inconvenience. I have been pledged the full cooperation of leaders in all sectors of public and economic life of this city. I pledge the full support of our leadership to Governor Bowen and President Nixon as they co-ordinate state and national programs.

If we are able to show measurable savings as a community, we are going to make a good case against passing out the coupon books and installing the bureaucracy of fuel oil or gasoline rationing.

I am alarmed that 40 members of the United States Senate on November 15 attempted to mandate that President Nixon start rationing on January 15. Their amendment was defeated by only 48–40.

In any society, some citizens seem to take delight in trying to control the lives of others, and some folks while arguing patriotism and national emergency are seemingly eager to start the rationing process.

If the people in Indianapolis and for that matter in the rest of this country want to delude themselves into believing that we have no shortage of petroleum, and as a result, continue to use it up with no visible conservation, we will have severe shortages and then emergencies and will then have only the choices of rationing or running off the cliff with reckless abandon.

At present, our choice is much more noble and much more sensible. We can prove voluntarily that this country can move quickly and decsively to counter international economic blackmail and to overcome an abundance of past mistakes in planning forecasts and appropriate governmental action or inaction. We can indicate that Americans are not fattened by abundance to such an extent that we lack the toughness to discipline our own appetites for energy and to set up better conservation practices to meet future contingencies.

The energy conservation program of this winter is not the last time that we will need to act with concern for scarce resources in this country and this world. As we have witnessed widespread famine in Africa this year and the dwindling of world wide food supplies, we know that even greater perils than a crisis of energy face many countries. We are the last breadbasket of the world, uniquely self-sufficient in food supplies. Our food production is now our major strength in foreign policy and trade.

The focus on energy will lead to a stronger United States because we will adopt President Nixon's goal of energy independence and make appropriate substitutions during this decade which will enhance air and water quality. Coal, nuclear energy, hydrogen will all receive our attention, and we will achieve break throughs in years to come that can make this country self-sufficient.

For the moment, however, the long-range objectives will not warm any homes nor will indiscriminate condemnation of oil companies, environmentalists, our enemies, our allies, or wishful thinking about the weather help one bit.

Please turn the thermostat down. Please save gasoline by using common sense in determining speed, maintenance, and usage for your automobile.

Save electricity. Save natural gas. Save jobs, and schools, and public health and safety. Energy equals jobs. If we remember that equation, we are going to provide the leadership in Indianapolis that this country expects. Hoosiers have a high regard for common sense and healthy progress. We have an equally healthy dislike of waste and of governmental control when a strong volunteer effort can get the job done.

We are free men, free to waste and complain, but also free to save energy, save our jobs, and save the strength of our country.

My message tonight is simply that the time for waste and complaint is over. The time for saving and for consideration of others has come. With calmness and confidence, let us get on with it.

Thank you and good night.

EACH HAS A ROLE

We applaud the serious yet calm tone of Mayor Richard G. Lugar's television speech to the community on the energy crisis. It was a call for the co-operation of every citizen in conserving fuels, and for prudence in doing so.

He laid needed emphasis on the point that the wrong kinds of conservation measures could disrupt the economy. Much of the necessary savings can be accomplished at no greater cost than a relatively small degree of personal comfort and convenience. Thoughtful selectivity can minimize the kinds of cutbacks that would result in production, transport and commercial losses, which translate into reduced individual earnings and loss of jobs.

As he said, each conservation measure to be taken by both business and governmental agencies must be approached with prudence. "We must not create unemployment inadvertently," he said, "by adopting measures which disrupt jobs and production."

There was also a welcome expression of opposition to government controls and of confidence that the problem can be met with voluntary action. He promised the city would take a leadership role by making substantial savings in its own energy consumption while maintaining essential services.

He summed up the situation well in a single sentence: "The time for saving and for consideration of others has come."

MISS LAWRA KASSEE BULEN ANNOUNCES CANDIDACY FOR PRESIDENT IN 2012

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. BRAY. Mr. Speaker, on Friday, November 16, 1973, Lawra Kassee, the first child of L. Keith and Carole Bulen—Mr. Bulen is Indiana Republican national committeeman—was born.

Her father is getting her started early. Following is the most imaginative birth announcement I have ever read. Why not?

The notice follows:

DECLARATION OF CANDIDACY FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES IN THE YEAR 2012

[Seal of the President of the United States.]

I, Lawra Kassee Bulen, do hereby declare my intent to seek the above office in the year indicated.

I swear and affirm that I am a native born U.S. citizen born Friday, November 16, 1973 at the hour of 12:42 a.m.

Further that I will be over thirty-five (35) years of age before such election and assumption of office.

That I weighed Seven pounds Fifteen ounces at birth and was Twenty-One inches long and am a resident of Marion County, State of Indiana, residing presently at 700 North Alabama Street, Indianapolis, Indiana 46204 with my proud parents Carole and Keith Bulen.

Whereas: I have set my foot the 16th day of November, 1973.

[Seal of Indiana.]

SLEEP GENTLY, DEAR SOLDIER

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. GUDE. Mr. Speaker, we recently marked Veterans Day, a day of great pride for many of us, as well as a day of sadness.

Both feelings were evident at the ceremonies in which I participated at the Bethesda-Chevy Chase War Memorial. Dr. Melville A. Taff, Jr., president of the Lewis B. Hershey Sertoma Club of Bethesda-Chevy Case, was the master of ceremonies.

Mrs. William H. Dowling, of 5713 Huntington Parkway, Bethesda, expressed many of our feelings in a touching poem which she wrote. I would like to share it with you:

SLEEP GENTLY, DEAR SOLDIER

(By Louise L. Dowling)

Sleep gently, dear soldier
  The battle has been won
May you find the peace you fought for
  In the calm of setting sun
May the moon and stars and winds and rain
  A silent vigil keep
And in the hush of twilight, may you rest
    in peaceful sleep.

The roar of guns and cannon
  Have been silenced, thanks to you
A hush has fallen o'er the earth
  As you sleep beneath the dew
And while we struggle still, for peace
  Dear soldier, do you know
Old Glory soars because of you
  And we thank you for it so.

Now you are safe with Him, above
  A hero, gallant, true
So lay your head upon His breast
  And rest—dear soldier—do.

LYNN ROSELLINI: AN OUTSTANDING JOURNALIST

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 1973

Mr. WOLFF. Mr. Speaker, today, November 30, a highly talented young journalist will be honored for her dedication and devotion to the art of reporting the news "like it is." She is Ms. Lynn Rosellini of Newsday who will receive the 1973 Front Page Award of the New York Newswomen's Club for outstanding journalistic achievement at the club's annual award ceremony to be held in the Hotel Biltmore, New York City.

Ms. Rosellini is being cited for the best news story of the year written by a metropolitan-based woman journalist. The topic of her prize-winning article, which appeared in Newsday on May 22, 1973, was the arraignment of former Attorney General John Mitchell and former Secretary of Commerce Maurice Stans—a story that, by necessity, was written under the pressure of deadline.

Mr. Speaker, it is my distinct privilege to commend Ms. Rosellini to you and to my colleagues as a reporter of exemplary merit whose editorial ability justly deserves our praise and recognition.

SENATE—*Monday, December 3, 1973*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Reverend Dr. C. Leslie Glenn, canon and subdean of the Washington Cathedral, Mount St. Alban, Washington, D.C., offered the following prayer:

God of our Fathers, we offer Thee our heartfelt praise for all Thy mercies to these evermore dear United States. We thank Thee especially for those who give themselves to the Government of our Nation and in the duties of public office interpret and give effect to the will of the people.

Bless this Senate this day and grant that they may decide all things upon the best and surest foundation. If the days to come bring prosperity, fill our hearts with thankfulness; if they bring trouble, suffer not our trust in Thee to fail. All which we ask through Jesus Christ our Lord. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Sunday, December 2, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour for the transaction of routine morning business not to extend beyond the hour of 1 o'clock today, with a time limitation therein of 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DIVISION OF TIME ON CONSIDERATION OF CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, beginning at 1 p.m. today, the time under the cloture motion be divided equally between the distinguished Senator from Alabama (Mr. ALLEN) and the distinguished Senator from Louisiana (Mr. LONG) the manager of the conference report.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

VACATION OF ACTION TAKEN ON H.R. 8449 LAST SATURDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the action of the Senate on Saturday, December 1, 1973, in passing H.R. 8449, the Flood Disaster Protection Act of 1973, be vacated, and that the bill be restored to its appropriate place on the calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

FUEL AND THE GOP

Mr. MANSFIELD. Mr. President, I read in the National Observer for the week ending December 8, 1973, the column "Politics by Perry," entitled "Fuel and the GOP," written by James M. Perry, and ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FUEL AND THE GOP: IT IS MORE BAD NEWS FOR THE PARTY

(By James M. Perry)

Some of my best friends are loyal Republicans, and one of them is very smart. Back in July I talked to this exceptional Republican and he told me we would have gas rationing this winter for our cars and that we would have to allocate fuel for our furnaces.

Figure on February, he said. That's when things would get really bad. We'd still have Watergate, and that wouldn't be helping Richard Nixon much. But, with the loyalists, it wouldn't be that bad either: because Watergate doesn't hurt *them*. But no gas for the cars? No oil for the furnace? Ouch, that really hurts.

Well, I reported what my friend had said, but I didn't believe all of it. I should have known better; he's not wrong very often. So, last week, I went back to see him. "Friend," I said, "you got me into this energy crisis; now get me out of it." And this is what he told me.

You know, he began, we shouldn't have a problem at all. It's silly. We've known for 10 years that we'd run short of energy—if we didn't do something about it. Right now, we should know how to use solar energy. We could have that technology. We don't have it because priorities of a highly political nature constantly supersede priorities relating to our long-range good.

Agencies did seek funds for research on solar energy, but when you have a budget out of balance, people are always looking for places to cut—and the fact is there really aren't many places where you can cut. This was one of the easy places.

It is difficult for Government bureaucracies to function in a situation like this. We have so many built-in disadvantages in the way we do things. In the energy shortage, there are at least four or five major agencies involved—and each agency has its own constituency. So all of the people assigned to all of the energy problems get together, at various levels, and they can't even identify the problem.

TAKING THE STEPS

What happens is you break it down into 85 problems and everybody agrees we have to do a little something about each of those problems. The trouble is, in a shortage situation you can't help everybody; somebody has to make a sacrifice. So, if you do a little something for 85 problems, you make some of the problems—probably the 10 most severe problems—even worse.

Sooner or later, we're going to have gasoline rationing. But we ought to be rationing gas right now. Remember, by the time we do get around to it, there will be less gas to ration. It's stupid, on the face of it. But the President feels he can't afford, right now, to make too many unpopular decisions, and that's not hard to understand. The result is that he has decided he must postpone this terrible decision until February or March. In the meantime, he is taking all the steps leading to rationing without saying we will ever need it.

And, when it comes, rationing will be a mess. It's impossible to administer a rationing system really fairly. You can't help but get millions of people furious. It will be unbelievable. But there's no other way. If you try to cut gas consumption by taxing it out of sight, you don't meet any priorities at all. You can't be sure people dependent on gas will get it. You can't be sure people who don't need it won't get in. Rationing at least allows the Government to impose some kind of priorities, rough and uncertain as they may be.

For the President, it's devastating. I've come to believe in a rule about his situation: If things can get worse for him, they will get worse. Right now, he and some people around him think the energy crisis may be a plus—because it diverts people's attention from Watergate. But people aren't mad at him now about energy because they haven't felt it yet. You don't know how hot the stove really is until you touch it.

Anyway, a crisis helps a President only when he retains some of his credibility. This President's doesn't have much left, and the humming tapes seem to be destroying whatever it is that's left. When you don't have any credibility, each new crisis is a catastrophe.

GRIM VIEW

Just think what might happen now.

Inflation keeps right on burning away. Unemployment starts to climb, up to 5 per cent, up to 6, maybe up to 8, and some people are even talking about 15 per cent. Not the same kind of people who first lost their jobs in the Depression. This time, a lot of the unemployed will be lower middle class, middle class, and even better than that.

What can you do for them? You can't give an airline pilot a shovel and tell him to start digging the foundations for a post office. You can't even build new post offices; this time, it's inflation, not deflation, and the more Government spends, the more it will heat up an economy in which millions are out of work.

The more you think about it, the worse it seems.

What about all these turnpikes in which the tolls pay for the bonds? You can't go faster than 50 miles an hour now, and soon you won't have the gas to do even that. Where's the revenue going to come from?

Think of the stock market. What if it should keep going straight down, to 600, say, or maybe even 500. Think of how many loans banks have made that are secured by stocks. One day, these people might get phone calls from their bankers: The stocks aren't worth enough, so get up more collateral; even better, maybe you ought to sell now before things get worse.

And it's just not our problem. It's worldwide. Even if we could put our house in order, that's not the end of it. We're a lot more dependent on the rest of the world now than we were in the 1930s. We need trade, and if the rest of the world is in even bigger trouble there won't be much trade.

BACK TO TRIPOLI?

Japan had to get down on its knees to get its full oil allocation for December from the Arabs. To get its allocation for January, maybe it will have to grovel. I don't know, but maybe some morning in 1975 an American President will announce to the nation that our Marines, side by side with troops from Japan and the Netherlands and a lot of other places, have landed on the shores of Tripoli.

Life for us is going to change. This problem won't last just a year or so. It will last three years, maybe more. Who knows? Who can say? We're going to see railroad trains again—with passengers. Railroads are going to carry coal again; long ago, that was big business for them. It will be again. Planes aren't going to fly a lot of places they used to fly, and people who live along the abandoned routes are going to be pretty mad. Maybe the trains will come back to them, maybe they'll have to take the bus.

Maybe the cities will look better. What's the point of living in the suburbs if you can't drive to the shopping center or drive to work? What are we going to do with those condominiums we bought just an hour-and-a-half's drive from downtown? What about that cottage in Maine? What's the point of taking a trip to Scotland if we can't rent a car?

I tell you, things will be different.

And the Republicans are going to catch hell for it. Our officeholders, our candidates for office, can't put it off much longer. By March or April, it will be time to campaign for the 1974 primaries, and the voters will want to know: Are you with Nixon or against him? If you say you're with him, you'll have somebody running against you who says he's against him.

A TERRIBLE SLATE?

We're going to put up the worst slate of candidates for the House, the Senate, for governor this party has seen in years. Already, good people—really good candidates—are pulling out. They've taken polls, and they don't want to run next year.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The distinguished minority leader is recognized.

Mr. HUGH SCOTT. Mr. President, I yield back my time.

The PRESIDENT pro tempore. Is there any morning business?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under ruling VIII, be dispensed with.

The PRESIDING OFFICER (Mr. JOHNSTON). Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until——

Mr. ALLEN. Mr. President, will the Senator withhold his request?

Mr. ROBERT C. BYRD. I will withhold my request.

DEBT LIMIT EXTENSION

Mr. ALLEN. Mr. President, I may not have an opportunity during the discussion of the debt limit extension bill, which will come up at 1 o'clock, to comment upon the method and procedure under which the temporary debt limit is extended from time to time.

Under the law, we have a permanent debt limit of $400 billion, which is a staggering sum. That is set aside and permitted without further authorization.

Then there is what is called a temporary debt limit, which is now, in round figures, $67 billion. We are crowding up to that figure at this time, and it is sought under the debt limit bill we have before us to increase that amount to $78 billion to give the Government some leeway in anticipation of further budgetary deficits.

The bill seeks only to extend that temporary authority to June 30 of next year. So no matter how frugal the administration may be, no matter how businesslike it may be, no matter how much money is impounded, there is no chance whatsoever of the $78 billion temporary authorization expiring on June 30 of next year. There is no possibility whatsoever of that being wiped out. So it will be necessary, no matter how efficiently the Government is operated, to come in next year, about the 28th of June—it always seems to be the 28th of June—and seek to extend this temporary authorization. That, of course, will mean another "must" bill such as we have pending before the Senate at this time.

So there is no incentive for an administration to save money, to conserve money, to adopt businesslike practices, to cut down on Federal expenditures, because no matter how efficiently the Government operates, it has got to come in around June 28 of next year and extend this temporary authorization again.

So, Mr. President, I would hope—and I am not a member of the Committee on Finance—that there must be some reason why the experts on the committee have not studied this, to preclude the necessity of the Government coming before Congress every 6 months. But I would feel that it would be the better part of wisdom to combine the temporary and the permanent debt limits and have one debt limit, one permanent debt limit. This would be an encouragement and an incentive to an administration to live within that debt ceiling, because then it would not have to come back to Congress every 5 or 6 months for extension of a temporary debt limitation that it has no chance whatever to overcome.

Mr. President, I note that back in 1969, the temporary additional indebtedness, through April 6 of that year, was $7 billion. It was wiped out after April 6, and then from 1970, through June 30, it was up to $12 billion. As long as the temporary additional indebtedness is only $5, $6, $7, or $8 billion, it would be possible, by prudent management, to wipe out; but it is absolutely impossible now, with the temporary debt up to $67 billion.

So I would offer the suggestion, most respectfully—and for consideration only, speaking as a Senator not on the committee—that consideration be given to consolidating the permanent and the temporary debt limits, so that an administration could have some incentive to stay within that limit. It is impossible to stay within the debt limitation we now have, because it is impossible to wipe out in a year's time a $78 billion temporary additional indebtedness, in addition to the $400 billion. I hope that some consideration will be given that suggestion, because I believe we see a precedent sought to be established with respect to this must legislation of extending the debt limitation or debt authorization—actually, it is an authorization, rather than a limitation, but it is both, I suppose—whereby each time they come in with that must legislation, it gives those who have a proposal that cannot stand on its own two feet, that they are willing to put in as a separate bill, an opportunity to tack it on to this must legislation, as they have done with this political campaign handout of $7.5 million to each fellow who happens to want to run for President and raises $100,000.

If we are interested in a proper handling of this matter and the prevention of changing our entire governmental setup and governmental institutions and processes, we will give serious consideration to consolidating these two debt limitations.

Mr. President, I yield the floor.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

REPORT ON THE STATUS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM

A communication from the President of the United States transmitting the ninth annual report on the status of the National Wilderness Preservation System covering the calendar year 1972 (with an accompanying report). Referred to the Committee on Interior and Insular Affairs.

CONTRACT AWARD DATES OF THE DEPARTMENT OF DEFENSE

A letter from the Assistant Secretary of Defense transmitting, pursuant to law, a listing of contract award dates for the period November 15, 1973, to February 15, 1974 (with accompanying papers). Referred to the Committee on Armed Services.

MAJOR NATURAL GAS PIPELINES

A letter from the Chairman of the Federal Power Commission transmitting for the information of the Senate a copy of a map entitled "Major Natural Gas Pipelines, June 30, 1973" (with accompanying papers). Referred to the Committee on Commerce.

REPORT OF THE NATIONAL RAILROAD PASSENGER CORP.

A letter from the vice president of the National Railroad Passenger Corp. transmitting, pursuant to law, a report on the number of passengers and the performance of trains operated for the month of October 1973 (with accompanying papers). Referred to the Committee on Commerce.

INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

A letter from the Assistant Legal Adviser for Treaty Affairs transmitting, pursuant to law, copies of international agreements other than treaties entered into during the previous 60 days (with accompanying papers). Referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with an amendment:

S. 979. A bill to authorize the establishment of the Springfield Armory National Historic Site, Massachusetts, and for other purposes (Rept. No. 93-590).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 584. A bill to amend the act entitled "An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes," approved November 5, 1966 (Rept. No. 93-591).

S. 903. A bill to provide for the addition of the names of the States of Alaska and Hawaii to the list of the 48 States inscribed upon the walls of the Lincoln National Memorial (Rept. No. 93-592).

S. 1039. A bill to authorize appropriations for additional costs of land acquisition for the National Park System (Rept. No. 93-593).

S.J. Res. 133. A joint resolution to provide for the establishment of the American Indian Policy Review Commission (Rept. No. 93-594).

By Mr. KENNEDY, from the Committee on the Judiciary, with an amendment, without recommendation:

S. 2611. A bill to insure the enforcement of the criminal laws and the due administration of justice; establish an independent Special Prosecutor (Rept. No. 93-595).

By Mr. HRUSKA, from the Committee on the Judiciary, with amendments:

S. 2642. A bill to establish an Independent Special Prosecution Office, and for other purposes (Rept. No. 93-596).

By Mr. BENTSEN, from the Committee on Public Works, without amendment:

H.R. 974. An act designating the Texarkana Dam and Reservoir on the Sulphur River as the "Wright Patman Dam and Lake" (Rept. No. 93-597).

AUTHORITY FOR THE COMMITTEE ON COMMERCE TO REPORT A BILL ON THE RAIL CRISIS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Commerce be authorized until midnight tonight to report its bill on the rail crisis, the Rail Services Act of 1973, and that the bill and certain explanatory information be printed in the RECORD today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I further ask unanimous consent that the committee report be filed not later than December 7, 1973.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The bill and explanatory statement are as follows:

S. 2767

A bill to authorize and direct the maintenance of adequate and efficient rail services in the Midwest and Northeast region of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FORMAL PROVISIONS

SHORT TITLE AND TABLE OF CONTENTS

SEC. 101. (a) SHORT TITLE.—This Act may be cited as the "Rail Services Act of 1973".

(b) TABLE OF CONTENTS.—

TITLE I—FORMAL PROVISIONS

Sec. 101. Short title and table of contents.
Sec. 102. Declaration of policy.
Sec. 103. Definitions.

TITLE II—GOVERNMENT NATIONAL RAILWAY ASSOCIATION

Sec. 201. Formation and structure.
Sec. 202. General powers and duties of the Association.
Sec. 203. Access to information.
Sec. 204. Reports.
Sec. 205. Rail Emergency Planning Office.
Sec. 206. Final system plan.
Sec. 207. Adoption of final system plan.
Sec. 208. Review by Congress.
Sec. 209. Judicial review.
Sec. 210. Obligations of the Association.
Sec. 211. Loans.
Sec. 212. Records, audit, and examination.
Sec. 213. Emergency assistance pending implementation.
Sec. 214. Authorizations for appropriations.
Sec. 215. Maintenance and improvement of plant.

TITLE III—UNITED RAIL CORPORATION

Sec. 301. Formation and structure.
Sec. 302. General powers of the Corporation.
Sec. 303. Valuation and conveyance of rail properties.
Sec. 304. Termination of rail service.

TITLE IV—LOCAL RAIL SERVICES

Sec. 401. Findings and purposes.
Sec. 402. Rail service continuation subsidies.
Sec. 403. Acquisition and maintenance assistance.

TITLE V—EQUIPMENT IMPROVEMENT

Sec. 501. Formal provisions.
Sec. 502. Obligation Guarantee Board.
Sec. 503. Guarantee of equipment obligations.
Sec. 504. Issuance of notes or obligations.
Sec. 505. Audit of transactions.
Sec. 506. Default.
Sec. 507. National Rolling Stock Information System.
Sec. 508. Utilization measurement and oversight.
Sec. 509. Prerequisites to establishment.
Sec. 510. Railroad Equipment Authority.
Sec. 511. General powers of the Authority.
Sec. 512. Financing.
Sec. 513. Conversion to private ownership.
Sec. 514. Information system.
Sec. 515. Use of equipment supplied by the Authority.
Sec. 516. Commission review.
Sec. 517. Enforcement.
Sec. 518. Annual report.
Sec. 519. Protective arrangements for employees.

TITLE VI—EMPLOYEE PROTECTION

Sec. 601. Definitions.
Sec. 602. Offers of employment.
Sec. 603. Assignment of work.
Sec. 604. Collective bargaining agreements.
Sec. 605. Employee protection.
Sec. 606. Performance of work.
Sec. 607. Arbitration.
Sec. 608. Acquiring railroads.
Sec. 609. Payment of benefits.
Sec. 610. Work rules study.
Sec. 611. Employee displacement study.

TITLE VII—GENERAL PROVISIONS

Sec. 701. Relationship to other laws.
Sec. 702. Annual evaluation by the Secretary.
Sec. 703. Freight rates for recyclables.
Sec. 704. Separability.

DECLARATION OF POLICY

SEC. 102. (a) FINDINGS.—The Congress finds and declares that—

(1) Essential rail service in the Midwest and Northeast regions of the United States is provided by railroads which are today insolvent and attempting to undergo reorganization under the Bankruptcy Act.

(2) This essential rail service is threatened with cessation or significant curtailment because of the inability of the trustees of such railroads to formulate acceptable plans of reorganization. This rail service is operated over rail properties which were acquired for a public use, but which have been permitted to deteriorate and now require extensive rehabilitation and modernization.

(3) The public convenience and necessity require adequate and efficient rail service in this region and throughout the Nation to meet the needs of commerce, the national defense, the environment, and the service requirements of passengers, United States mail, shippers, States and their political subdivisions, and consumers.

(4) Continuation and improvement of essential rail service in this region is also necessary to preserve and maintain adequate national rail services and an efficient national rail transportation system.

(5) Rail service and rail transportation offer economic and environmental advantages with respect to land use, air pollution, noise levels, energy efficiency and conservation, resource allocation, safety, and cost per ton-mile of movement to such extent that the preservation and maintenance nationwide of adequate and efficient rail service is in the national interest.

(6) These needs cannot be met without substantial action by the Federal Government.

(b) PURPOSES.—It is therefore declared to be the purpose of Congress in this Act to provide for—

(1) the identification of a rail service system in the Midwest and Northeast region which is adequate to meet the needs and service requirements of this region and of the national rail transportation system;

(2) the restructuring of railroads in this region into an economically viable system capable of providing adequate and efficient rail service to the region;

(3) the establishment of the Government National Railway Association, with enumerated powers and responsibilities;

(4) the establishment of the United Rail Corporation, with enumerated powers and responsibilities;

(5) assistance to States and local and regional transportation authorities for continuation of local rail services threatened with cessation;

(6) loan guarantees for railroad equipment acquisitions and incentives for improved utilization of railroad rolling stock; and

(7) necessary Federal financial assistance at the lowest possible cost to the general taxpayer.

DEFINITIONS

SEC. 103. As used in this Act (unless otherwise provided in title V of this Act)—

(1) "Association" means the Government National Railway Association, established under section 201 of this Act.

(2) "Commission" means the Interstate Commerce Commission.

(3) "Corporation" means the nited Rail Corporation, established under section 301 of this Act.

(4) "Effective date of the final system plan" means the date of the joint resolution of the Congress approving and setting forth the maximum obligational authority of the Association for purposes of implementing the final system plan or any revised final system plan which has been deemed approved by Congress, in accordance with section 208 of this Act.

(5) "Employee stock ownership plan" means a technique of corporate finance that uses a stock bonus trust or a company stock money purchase pension trust which qualifies under section 401(a) of the Internal Revenue Code of 1954 (26 U.S.C. 401(a)) in connection with the financing of corporate improvements, transfers in the ownership of corporate assets, and other capital requirements of a corporation and which is designed to build beneficial equity ownership of shares in the employer corporation into its employees substantially in proportion to their relative incomes, without requiring any cash outlay, any reduction in pay or other employee benefits, or the surrender of any other rights on the part of such employees.

(6) "Final system plan" means the plan adopted by the Association in accordance with the requirements of section 206 of this Act.

(7) "Includes" should be read as if the phrase "but is not limited to" were also set forth.

(8) "Office" means the Rail Emergency Planning Office, established under section 205 of this Act.

(9) "Profitable railroad" means a railroad which is not a railroad in reorganization. The term does not include the Corporation, the National Railroad Passenger Corporation, or a railroad owned, leased, or controlled by a railroad in reorganization in the region.

(10) "Rail properties" means assets or rights owned, leased, or otherwise controlled by a railroad which are used or useful in rail transportation service.

(11) "Railroad" means a common carrier by railroad as defined in section 1(3) of part I of the Interstate Commerce Act (49 U.S.C. 1(3)). The term includes the Corporation and the National Railroad Passenger Corporation.

(12) "Railroad in reorganization" means a railroad which is subject to a bankruptcy proceeding and which has not been determined by a court to be reorganizable on an income basis within a reasonable time pursuant to section 207(b) of this Act. A "bankruptcy proceeding" includes a proceeding pursuant to section 77 of the Bankruptcy Act (11 U.S.C. 205) or an equity receivership or equivalent proceeding.

(13) "Region" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Michigan, and Illinois; the District of Columbia; and those portions of contiguous States in which are located rail properties owned or operated by railroads doing business primarily in the aforementioned jurisdictions (as determined by the Commission by order).

(14) "Secretary" means the Secretary of Transportation, except as otherwise indicated.

(15) "State" means any State or the District of Columbia.

TITLE II—GOVERNMENT NATIONAL RAILWAY ASSOCIATION

FORMATION AND STRUCTURE

SEC. 201. (a) ESTABLISHMENT.—There is established, in accordance with the provisions of this section, an incorporated nonprofit association to be known as the Government National Railway Association.

(b) ADMINISTRATION.—The Association shall be directed by a Board of Directors. The individuals designated, pursuant to subsection (d)(2) of this section, as the Government members of such Board shall be deemed the incorporators of the Association and shall take whatever steps are necessary to establish the Association, including the filing of articles of incorporation.

(c) STATUS.—The Association shall be a government corporation of the District of Columbia subject, to the extent not inconsistent with this title, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–1001 et seq.). Except as otherwise provided, employees of the Association shall not be deemed employees of the Federal Government. The Association shall have succession until dissolved by Act of Congress, shall maintain its principal office in the District of Columbia, and shall be deemed to be a resident of the District of Columbia with respect to venue in any legal proceeding.

(d) BOARD OF DIRECTORS.—The Board of Directors of Association shall consist of 13 individuals, as follows:

(1) the Chairman, a qualified individual who shall be appointed by the President, by and with the advice and consent of the Senate;

(2) four Government members, who shall be the Secretary, the Chairman of the Commission, the Secretary of the Treasury, and the Administrator of the Environmental Protection Agency, or their duly authorized representatives; and

(3) eight nongovernment members, who shall be appointed by the President, by and with the advice and consent of the Senate, on the following basis—

(A) one to be selected from a list of qualified individuals who are representative of profitable railroads recommended by the Association of American Railroads or its successor;

(B) one to be selected from a list of qualified individuals who are representative of railroad labor recommended by the American Federation of Labor and Congress of Industrial Organizations or its successor;

(C) one to be selected from a list of qualified individuals recommended by the National Governors Conference;

(D) one to be selected from a list of qualified individuals recommended by the National League of Cities and Conference of Mayors;

(E) two to be selected from lists of qualified individuals recommended by shippers and organizations representative of significant shipping interests including small shippers;

(F) one to be selected from lists of qualified individuals recommended by consumer organizations, community organizations, and recognized consumer leaders; and

(G) one to be selected from lists of qualified individuals recommended by financial institutions, the financial community, and recognized financial leaders.

As used in this paragraph, a list of qualified individuals shall consist of no less than three individuals.

Except for the members appointed under paragraphs (1) and (3) (A), (B), (E), and (G), no member of such Board may have any employment or other direct financial relationship with any railroad. A member of such Board who is no otherwise an employee of the Federal Government may receive $300 per diem when engaged in the actual performance of his duties plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

(e) TERMS OF OFFICE.—The terms of office of the nongovernment members of the Board of Directors of the Association first taking office shall expire as designated by the President at the time of nomination—two at the end of the second year; two at the end of the fourth year; and four at the end of the sixth year. The term of office of the Chairman of such Board shall be 6 years. Successors to members of such Board shall be appointed in the same manner as the original members and, except in the case of government members, shall have terms of office expiring six years from the date of expiration of the terms for which their predecessors were appointed. Any individual appointed to fill a vacancy occurring prior to the expiration of any term of office shall be appointed for the remainder of that term.

(f) QUORUM.—Seven members of such Board, including three of the nongovernment members, shall constitute a quorum for the transaction of any function of the Association.

(g) PRESIDENT.—The Board of Directors of the Association, upon the recommendation of the Secretary, shall appoint a qualified individual to serve as the President of the Association at the pleasure of such Board. The President of the Association, subject to the direction of such Board, shall manage and supervise the affairs of the Association.

(h) EXECUTIVE COMMITTEE.—The Board of Directors of the Association shall have an executive committee which shall consist of the Chairman of such Board, the Secretary, and three other members who shall be selected by the members of such Board.

(i) MISCELLANEOUS.—(1) The Association shall have a seal which shall be judicially recognized.

(2) The Administrator of General Services is authorized and directed to furnish the Association with such offices, equipment, supplies, and services as he is authorized to furnish to any other agency or instrumentality of the United States.

(3) The Secretary is authorized to transfer to the Association or the Corporation rights in intellectual property which are directly related to the conduct of the functions of the Association or the Corporation, to the extent that the Federal Government has such rights and to the extent that transfer is necessary to carry out the purposes of this Act.

(j) USE OF NAMES.—No person, except the Association, shall hereafter use the words "Government National Railway Association" as a name for any business purpose. No person, except the corporation directed to be established under section 301 of this Act, shall hereafter use the words "United Rail Corporation" as a name for any business purpose. Violations of these provisions may be enjoined by any court of general jurisdiction in an action commenced by the Association or the Corporation. In any such action, the Association or the Corporation may recover any actual damages flowing from such violation, and, in addition, shall be entitled to punitive damages (regardless of the existence or nonexistence of actual damage), not to exceed $100 for each day during which such violation was committed. The district courts of the United States shall have jurisdiction over actions brought under this subsection, without regard to the amount in controversy or the citizenship of the parties.

GENERAL POWERS AND DUTIES OF THE ASSOCIATION

SEC. 202. (a) GENERAL.—To carry out the purposes of this Act, the Association is authorized to—

(1) engage in the preparation and implementation of the final system plan;

(2) issue obligations under section 210 of this Act and make loans under section 211 of this Act;

(3) provide assistance to States and local or regional transportation authorities in accordance with section 402 or 403 of this Act;

(4) sue and be sued, complain and defend, in the name of the Association and through its own attorneys; adopt, amend, and repeal

bylaws governing the operation of the Association and such rules and regulations as are necessary to carry out the authority granted under this Act; conduct its affairs, carry on operations, and maintain offices;

(5) appoint, fix the compensation, and assign the duties of such attorneys, agents, consultants, and other full-time and part-time employees as it deems necessary or appropriate: *Provided*, That (1) no officer of the Association, including the Chairman, may receive compensation at a rate in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code; and (2) no individual may hold a position in violation of regulations which the Secretary shall establish to avoid conflicts of interest and to protect the interests of the public;

(6) acquire and hold such real and personal property as it deems necessary or appropriate in the exercise of its responsibilities under this Act, and may dispose of any such property held by it;

(7) consult with the Secretary of the Army and the Chief of Engineers and request the assistance of the Corps of Engineers in supervising or consulting on any construction, reconstruction, installation, or other improvements financed by any obligations issued or loans made by the Association. Such improvements may include rights-of-way, bridges, tunnels, grade crossings, signals and other safety-related equipment, and tracks, and other facilities used or capable of being used in rail transportation service or in ways ancillary to such service. The Secretary of the Army shall direct the Corps of Engineers to cooperate fully with the Association, the Corporation, or any entity designated in accordance with section 206(c) (1) (C) in order to carry out the purposes of this Act;

(8) consult with representatives of science, industry, agriculture, labor, environmental protection and consumer organizations, and other groups, as it deems advisable; and

(9) enter into contracts, execute instruments, incur liabilities, and do all things necssary, appropriate, or incidental to the proper management of its affairs and the prudent exercise of its responsibilities, including protecting the interests of the United States.

(b) INVESTMENT OF FUNDS.—Uncommitted moneys of the Association shall be kept in cash on hand or on deposit, or invested in obligations of the United States or guaranteed thereby, or in obligations, participations, or other investments which are lawful investments for fiduciary, trust, or public funds.

(c) EXEMPTION FROM TAXATION.—The Association, including its franchise, capital reserves, surplus, security holdings, and income shall be exempt from all taxation now or hereafter imposed by the United States, any commonwealth, territory, dependency, or possession thereof, or by any State or political subdivision thereof, except that any real property of the Association shall be subject to taxation to the same extent according to its value as other real property is taxed.

(d) ANNUAL REPORT.—The Association shall transmit to the Congress and the President, not later than 90 days after the end of each fiscal year, a comprehensive and detailed report on all activities of the Association during the preceding fiscal year. Each such report shall include: (1) the Association's statement of specific and detailed objectives for the activities and programs conducted and assisted under this Act; (2) statements of the Association's conclusions as to the effectiveness of such activities and programs in meeting the stated objectives and the purposes of this Act, measured through the end of the preceding fiscal year; (3) recommendations with respect to any changes or additional legislative action deemed necessary or desirable; (4) a statistical compilation of the obligations issued, loans made, and equipment obligations guaranteed under this Act; (5) a summary of outstanding problems confronting the Association, in order of priority; (6) all other information required to be submitted to the Congress pursuant to any other provision of this Act; (7) an evaluation of the current state of rail services in the United States, by regions; and (8) the Association's projections and plans for its activities and programs during the next fiscal year.

(e) BUDGET.—The receipts and disbursements of the Association in the discharge of its functions shall not be included in the totals of the budget of the United States Government, and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on a budget of the United States Government. The Chairman of the Association shall transmit annually to the Congress a budget for program activities and for administrative expenses of the Association. The Chairman shall report annually to the Congress the amount of net lending of the Association, which would be included in the totals of the budgets of the United States Government, if the Association's activities were not excluded from those totals as a result of this section.

(f) ACCOUNTABILITY.—Section 201 of the Government Corporation Control Act (31 U.S.C. 856) is amended by striking out "and" in the last clause thereof and the period at the end thereof and inserting at the thereof the following: ", (8) the Government National Railway Association.".

ACCESS TO INFORMATION

SEC. 203. Each railroad shall maintain and make available such records, make and submit such reports, and provide such data, materials, or other information as the Secretary, the Office, or the Association shall reasonably require or request which is relevant to any function under this Act. Any officer or employee duly designated by the Secretary, the Director of the Office, or the President of the Association, upon presenting appropriate credentials and a written notice of inspection authority, is authorized to inspect, at reasonable times, records, papers, processes, rolling stock, equipment, or facilities of any such railroad in furtherance of any such function. The Secretary, the Office, and the Association, or any duly authorized officer or employee thereof, may for the purpose of carrying out any such function, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpoena or other order the attendance and testimony of such witnesses and the production of such evidence as is deemed advisable. Subpenas shall be issued under the signature of the Secretary, the Director of the Office, or the President of the Association and may be served by any duly designated individual. In case of contumacy or refusal to obey such a subpoena or order by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such district court shall, upon the petition of the Secretary, the Director of the Office, or the President of the Association, have jurisdiction to issue to such person an order requiring such person to comply forthwith. Failure to obey such an order is punishable by such court as a contempt of court.

REPORTS

SEC. 204. (a) PREPARATION.—(1) Within 30 days after the date of enactment of this Act, the Secretary shall prepare a comprehensive report containing his conclusions and recommendations with respect to the geographic zones within the region at and between which rail service should be provided and the criteria upon which such conclusions and recommendations are based; and (2) within 300 days after the date of enactment of this Act, the Secretary shall prepare a comprehensive report containing his conclusions with respect to essential rail services within the Nation in the area outside the region, and his recommendations as to the geographic zones at and between which rail service should be provided. The Secretary may use as a basis for the identification of such geographic zones the standard metropolitan statistical areas, groups of such areas, counties, or groups of counties having similar economic characteristics such as mining, manufacturing, or farming.

(b) SUBMISSION.—Upon completion, the Secretary shall submit the reports required by subsection (a) of this section to the Office, the Association, the Governor and public utilities commission of each State studied in the report, local governments, consumer organizations, environmental groups, the public, and the Congress. The Secretary shall further cause a copy of each report to be published in the Federal Register.

(c) TRANSPORTATION POLICY.—Within 180 days after the date of enactment of this Act, the Secretary shall formulate and submit to Congress a national transportation policy. The Secretary shall consider all relevant factors in formulating this national transportation policy, including the need for coordinated development and improvement of all modes of transportation, and recommendations as to the priority which should be assigned to the development and improvement of each such mode.

RAIL EMERGENCY PLANNING OFFICE

SEC. 205. (a) ESTABLISHMENT.—There is established on the date of enactment of this Act, a new Office in the Commission to be known as the Rail Emergency Planning Office. The Office shall function continuously pursuant to the provisions of this Act, and shall cease to exist 5 years after the date of enactment of this Act. The Office shall be administered by a director.

(b) DIRECTOR.—(1) The Director of the Office shall be appointed by the Chairman of the Commission with the concurrence of 5 members of the Commission and shall take office upon issuance of a resolution endorsing such appointment by both the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Commerce of the Senate.

(2) The Director of the Office shall administer and be responsible for the discharge of the functions and duties of the Office from the date he takes office unless removed for cause by the Commission.

(3) The Director of the Office shall be compensated at a rate to be set by the Chairman of the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, classification, and General Schedule pay rates, but at a rate not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title.

(c) DUTIES.—The Office shall, with the assistance of the Secretary and the Association—

(1) study and evaluate the Secretary's report on rail services in the region required under section 204(a) (1) of this title and shall solicit, study, and evaluate the views with respect to present and future rail service needs of the region from Governors of States within the region; mayors and chief executives of political subdivisions within such States; shippers; the Secretary of Defense; manufacturers, wholesalers, and retailers within the region; consumers of goods and products shipped by rail; and all other interested persons. The Office is authorized and directed to conduct public hearings to solicit comments on such report and to receive such views;

(2) prepare a detailed—

(A) information survey of existing rail services in the region, including patterns of traffic movement, traffic density over identified lines, pertinent costs and revenues of lines, plant, equipment, facilities (including yards and terminals), and property suitable for rail services in the region;

(B) economic and operational study and analysis of present and future rail service needs in the region, taking into account the reports, views, and comments received under paragraph (1) of this subsection; the nature and volume of the traffic in the region now being moved by rail or likely to be moved by rail in the future; the extent to which available alternative modes of transportation could move such traffic as is now carried by railroads in reorganization; the relative economic, social, and environmental costs that would be involved in the use of such available alternative modes, including energy resource costs; and the competitive or other effects on profitable railroads;

(C) study of methods of achieving economies in the cost of rail system operations in the region including consolidation, pooling, and joint use or operation of lines, facilities, and operating equipment; relocation; rehabilitation and modernization of equipment, track, and other facilities; and abandonment of lines consistent with meeting needs and service requirements; together with an evaluation of the anticipated economic, social, and environmental costs and benefits of each such method;

(D) study of rail passenger services in the region, in terms of scope and quality;

(E) study of the costs and benefits of any change proposed in the Secretary's report required under section 204(a)(1) of this Act or any views or comments received under paragraph (1) of this subsection;

(F) study of the effect on railroad employees of any restructuring of rail services in the region; and

(G) report to be submitted to the Commission and the Association and published in the Federal Register. Such report shall include all the aforementioned material in this subsection together with a preliminary identification on a map of the region the rail services system which in the judgment of the Office would best satisfy present and future rail services needs in the region. Such report shall be submitted within 240 days after the date of establishment of the Office;

(3) solicit, study, and evaluate the views of all government officials and persons who submitted views, reports, or testimony under paragraph (1) of this subsection with respect to the report prepared by the Office under paragraph (2)(G) of this subsection;

(4) prepare and submit to the Commission, the Congress, and the Association its proposal for the preliminary system plan within 300 days after the date of establishment of the Office. Such proposal shall be designed to meet all of the requirements of section 206 of this Act;

(5) prepare and submit to the Commission, the Congress, and the Association its evaluation and critique, together with detailed reasons and recommended alternatives for provisions rejected, of the preliminary system plan within 60 days after its adoption and release by the Association under section 207(a) of this Act;

(6) make determinations of qualifications for rail service continuation subsidies in accordance with subsection (f) of this section; and

(7) perform such duties as the Board of Directors, the Executive Committee, or the President of the Association shall request.

(d) Powers.—The Director of the Office is subject to the direction of and shall report to such member of the Commission as the Chairman thereof shall designate. The Chairman may designate himself as that member. Such Director is authorized, with the concurrence of such member or the Chairman (in case of disagreement) of the Commission, to—

(1) appoint, fix the compensation, and assign the duties of employees of the Office without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and to procure temporary and intermittent services to the same extent as is authorized under section 3109 of title 5, United States Code, but at rates not to exceed $250 a day for qualified experts. Each department, agency, and instrumentality of the executive branch of the Federal Government and each independent regulatory agency of the United States is authorized and shall give careful consideration to a request to furnish to the Director of the Office, upon written request, on a reimbursable basis or otherwise, such assistance as such Director deems necessary to carry out the functions and duties of the Office. Such assistance includes transfer of personnel with their consent and without prejudice to their position and rating; and

(2) enter into, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the functions and duties of the Office, with any government or person.

(e) Review of Commission.—Upon the adoption of the final system plan by the Association under section 207(c) and the submission of such plan to Congress under section 208(a) of this Act, the Commission shall submit to the Congress an evaluation and critique of the final system plan delivered to both Houses of Congress and its recommendation with respect to the acceptance or rejection of such plan. If the Commission recommends that either the House of Representatives or the Senate pass a resolution stating that it does not favor the plan, the Commission shall recommend what changes, if any, should be made in the final system plan and the reasons therefor.

(f) Continuation and Abandonment.—(1) The Office shall make and maintain a list of its determinations of qualification for rail service continuation subsidies. A copy of such list shall be transmitted to the Secretary and the Governors of the States in the region and shall be published in the Federal Register at least once each year.

(2) Rail properties qualified for rail service continuation subsidies are—

(A) those rail properties of railroads in reorganization which are not included on the final system plan;

(B) those rail properties in the region which have been or are subsequently purchased, leased, or operated by a State agency or with respect to which a State or political subdivision thereof has invested substantial sums for improvement and maintenance of rail service;

(C) those rail properties in the region with respect to which the Commission issues a certificate of abandonment effective on or after the date of enactment of this Act; and

(D) those rail properties which the Office shall find to have been constructively abandoned. A finding of constructive abandonment shall be made by the Office, upon the request of a State in the region, if the Office, in its discretion, determines that service over a particular rail property has been permitted by the carrier to deteriorate to the extent that it is no longer adequate to meet the requirements of the public convenience and necessity.

(3) The Office shall assist States and local and regional transportation agencies in making determinations whether to provide rail service continuation subsidies to maintain in operation particular rail properties by making advisory determinations upon request by a State as to whether particular rail properties are suitable for rail service continuation subsidies. Such advisory determinations shall be made on the following basis: Rail properties are suitable if the cost of the required subsidy for such properties per year to the taxpayers is less than the cost of termination of rail service over such properties measured by increased fuel consumption and operational costs for alternative modes of transportation, the cost to the gross national product in terms of reduced output of goods and services, the cost of relocating or assisting through unemployment, retraining, and welfare benefits to individuals and firms adversely affected thereby, and the cost to the environment measured by damage caused by increased pollution.

FINAL SYSTEM PLAN

Sec. 206. (a) Goals.—The final system plan shall be formulated in such a way as to effectuate the following goals:

(1) the creation of a financially self-sustaining rail service system in the region;

(2) the establishment and maintenance of a rail service system adequate to meet the rail transportation needs and service requirements of the region;

(3) the establishment of improved high-speed rail passenger service, as recommended by the Secretary in his report of September 1971, entitled "Recommendations for Northeast Corridor Transportation";

(4) the maximum use of those modes of transportation in the region which require the smallest amount of scarce energy resources and of those modes which can most efficiently transport energy resources;

(5) the stimulation of competition in the region in the provision of transportation services;

(6) the achievement in the region of any ambient air quality standard established pursuant to the Clean Air Act, as amended (42 U.S.C. 1857 et seq.); and

(7) the movement of passengers and freight in rail transportation the region in the most efficient manner consistent with safe operation.

(b) Factors.—The final system plan shall be based upon due consideration of all factors relevant to the realization of the goals set forth in subsection (a) of this section. Such factors include the need for and the cost of rehabilitation and modernization of track, equipment, and other facilities; methods of achieving economies in the cost of rail operations in the region; means of achieving rationalization of rail services and the rail service system in the region; marketing studies; the impact on railroad employees; consumer needs; traffic analysis; financial studies; and any other factors identified by the Office under paragraph (2) of section 205(c) of this Act or in the report of the Secretary required under section 204 (a)(1) of this Act.

(c) Designations.—The final system plan shall designate—

(1) those rail properties operated by any railroad in reorganization in the region and any railroad leased, operated, or controlled by any railroad in reorganization in the region which—

(A) shall be operated by the Corporation, and shall provide which rail properties are to be transferred to and acquired by the Corporation in accordance with this Act;

(B) shall be offered for sale to a profitable railroad operating in the region and, if purchased, shall be operated by such railroad and, what additions to or changes in the designation of rail properties to be acquired and operated by the Corporation shall be made if that designated profitable railroad fails to purchase such properties;

(C) shall be purchased or leased from the Corporation by the National Railroad Passenger Corporation or a regional transportation authority for improvement to achieve the goal set forth in subsection (a)(3) of this section;

(D) may be purchased or leased from the Corporation by a State or local or regional transportation authority to meet the needs of commuter and intercity rail passenger service; and

(E) if not otherwise required to be operated by the Corporation or any other railroad, are suitable for use for other public purposes, including highways, other forms of transportation, conservation, energy transmission, education or health care facilities or recreation. In carrying out this paragraph, the Association shall solicit the views and recommendations of the Secretary, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and other agencies of the Federal Government and of the State and the political subdivisions thereof within the region, and the general public; and

(2) which rail properties of profitable railroads operating in the region shall be offered for sale or lease to the Corporation and which rail properties of profitable railroads operating in the region may be offered for sale or lease to other profitable railroads operating in the region subject to paragraphs (3) and (4) of subsection (d) of this section.

(d) TRANSFERS.—All transfers or conveyances pursuant to the final system plan shall be made in accordance with, and subject to, the following principles:

(1) All rail properties to be transferred to the Corporation by trustees of a railroad in reorganization or by any railroad leased, operated, or controlled by a railroad in reorganization in the region shall be transferred in exchange for value in the form of stock and other securities of the Corporation (including obligations of the Association) and the other benefits accruing to such railroad by reason of such transfer.

(2) All rail properties to be conveyed to a profitable railroad operating in the region by trustees of a railroad in reorganization or by any railroad leased, operated, or controlled by a railroad in reorganization in the region shall be conveyed in exchange for compensation from the profitable railroad.

(3) Notwithstanding any other provision of this Act, no acquisition under this Act, shall be made by any profitable railroad operating in the region without a determination with respect to each such transaction and all such transactions cumulatively (A) by the Association, upon adoption and release of the preliminary system plan, that such acquisition or acquisitions will not materially impair the profitability of any other profitable railroad or of the Corporation, and (B) by the Commission, which shall be made within 90 days after adoption and release by the Association of the preliminary system plan, that such acquisitions will be in full accord and comply with the provisions and standards of part I, section 5 of the Interstate Commerce Act. The determination by the Association shall not be reviewable in any court. The determination by the Commission shall be reviewable only in the special court. Appeal to the special court shall be taken within 10 days after the Commission makes its determination, and the special court shall complete its review and render its decision within 20 days after such appeal is taken. There shall be no review of the decision of the special court.

(4) Where the final system plan designates specified rail properties of profitable railroads operating in the region to be offered for sale or lease or authorizes them to be offered for sale or lease to a profitable railroad or profitable railroads operating in the region or to the Corporation, such designation or authorization shall terminate 60 days after the effective date of the final system plan unless a binding agreement with respect to such properties has been entered into and concluded by that date. The final system plan shall designate what changes or additions shall be made if contemplated binding agreements are not so entered into and concluded.

(5) All properties sold by the Corporation pursuant to sections 206(c)(1)(C) and 701 (d) of this Act shall be transferred at a value related to the value received for the transfer to the Corporation of such properties.

(e) CORPORATION FEATURES.—The final system plan shall set forth—

(1) pro forma earnings for the Corporation, as reasonably projected and considering the additions or changes in the designations of rail properties to be operated by the Corporation which may be made under subsection (d)(4) of this section;

(2) the capital structure of the Corporation, based on the pro forma earnings of the Corporation as set forth, including such debt capitalization as shall be reasonably deemed to conform to the requirements of the public interest with respect to railroad debt securities, including the adequacy of coverage of fixed charges; and

(3) the manner in which employee stock ownership plans shall, to the extent practicable, be utilized for meeting the capitalization requirements of the Corporation, taking into account (A) the relative cost savings compared to conventional methods of corporate finance; (B) the labor cost savings; (C) the potential for minimizing strikes and producing more harmonious relations between labor organizations and railway management; (D) the projected employee dividend incomes; (E) the impact on quality of service and prices to railway users; and (F) the promotion of the objectives of this Act of creating a financially self-sustaining railway system in the region which also meets the service needs of the region and the Nation

(f) VALUE.—The final system plan shall designate the value of all rail properties to be transferred under the final system plan and the value of the securities and other benefits to be received for transferring those rail properties to the Corporation in accordance with the final system plan.

(g) OTHER PROVISIONS.—The final system plan may recommend arrangements among various railroads for joint use or operation of rail properties on a shared ownership, cooperative, pooled, or condominium-type basis subject to such terms and conditions as may be specified in the final system plan. The final system plan shall also make such designations as are determined to be necessary in accordance with the provisions of section 402 or 403 of this Act.

(h) OBLIGATIONAL AUTHORITY.—The final system plan shall set forth the amount of obligations of the Association which are necessary to enable it to implement the final system plan.

(i) TERMS AND CONDITIONS OF SECURITIES.—The final system plan may include terms and conditions for any securities to be issued by the Corporation which in the judgment of the Association will minimize any actual or potential debt burden on the Corporation. Such terms and conditions shall not become effective without affirmative approval, with or without modification, by Congress.

ADOPTION OF FINAL SYSTEM PLAN

SEC. 207. (a) PRELIMINARY SYSTEM PLAN.—Within 300 days after the date of enactment of this Act, the Association shall adopt and release a preliminary system plan prepared by it on the basis of reports and other information submitted to it by the Secretary, the Office, and interested persons in accordance with this Act and on the basis of its own investigations, consultations, research, evaluation, and analysis pursuant to this Act. Copies of the preliminary system plan shall be transmitted by the Association to the Secretary, the Office, the Governor and public utility commission of each State in the region, the Congress, each court having jurisdiction over a railroad in reorganization in the region, the special court, and interested persons, and a copy shall be published in the Federal Register. The Association shall invite and afford interested persons an opportunity to submit comments on the preliminary system plan to the Association within 60 days after the date of its release. The Secretary, the Office, and the Association are authorized to hold public hearings on the preliminary system plan, in accordance with the provisions of section 553 of title 5, United States Code. In the case of hearings held or comments or recommendations received by the Secretary or the Office on the preliminary system plan, the Secretary and the Director of the Office shall submit to the President of the Association a summary and analysis thereof not later than 60 days after the date of release of such plan.

(b) APPROVAL.—Within 90 days after the adoption and release by the Association of the preliminary system plan pursuant to subsection (a) of this section, each United States district court or other court having jurisdiction over a railroad in reorganization shall decide whether or not such railroad shall be reorganized by means of transferring some of its rail properties to the Corporation pursuant to the provisions of this Act. Because of the strong public interest in the continuance of rail transportation in the region pursuant to a system plan devised under the provisions of this Act, each such court shall order that reorganization be proceeded with pursuant to this Act unless it finds (1) that the railroad is reorganizable on an income basis within a reasonable time under section 77 of the Bankruptcy Act (11 U.S.C. 205) and that the public interest would be better served by such a reorganization than by a reorganization under this Act, or (2) that reorganization under this Act is not possible on terms which would be fair and equitable to the estate of the railroad in reorganization. An appeal from an order made under this section may be made only to the special court. Appeal to the special court shall be taken within 10 days following entry of an order pursuant to this subsection, and the special court shall complete its review and render its decision within 20 days after such appeal is taken. There shall be no review of the decision of the special court.

(c) ADOPTION.—Within 420 days after the date of enactment of this Act, the executive committee of the Association shall prepare and submit a final system plan for the approval of the Board of Directors of the Association. A copy of such submission shall be simultaneously presented to the Commission. The submission shall reflect evaluation of all responses and summaries of responses received, testimony at any public hearings, and the results of additional study and review. Within 30 days thereafter, the Board of Directors of the Association shall by a majority vote of all its members approve a final system plan which meets all of the requirements of section 206 of this title.

REVIEW BY CONGRESS

SEC. 208. (a) GENERAL.—The Board of Directors of the Association shall deliver the final system plan adopted by the Association to both Houses of Congress and to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Commerce of the Senate. The final system plan shall be deemed approved at the end of the first period of 60 calendar days of continuous session of Congress after such date of transmittal unless either the House of Representatives or the Senate passes a resolution during such period stating that it does not favor the final system plan: *Provided*, That the Association's obligational authority as set forth in the final system plan adopted by the Association and submitted to Congress shall not become effective until approved (as submitted or as modified) by joint resolution of Congress.

(b) Revised Plan.—If either the House or the Senate passes a resolution of disapproval under subsection (a) of this section, the Association, with the cooperation and assistance of the Secretary and the Office, shall prepare, determine, and adopt a revised final system plan. Each such revised plan shall be submitted to Congress for review pursuant to subsection (a) of this section.

(c) Computation.—For purposes of this section—

(1) continuity of session of Congress is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 60-day period.

JUDICIAL REVIEW

Sec. 209. (a) General.—Notwithstanding any other provision of law, the final system plan which is adopted by the Association and which becomes effective after review by the Congress is not subject to review by any court except in accordance with this section. After the final system plan becomes effective under section 208 of this Act, it may be reviewed with respect to matters concerning the value of the rail properties to be conveyed under the plan and the value of the consideration to be received for such properties.

(b) Special Court.—Within 180 days after the date of enactment of this Act, the Association shall make application to the judicial panel on multi-district litigation authorized by section 1407 of title 28, United States Code, for the consolidation in a single, three-judge district court of the United States of all judicial proceedings with respect to the final system plan. Within 30 days after such application is received, the panel shall make the consolidation in a district court (cited herein as the "special court") which the panel determines to be convenient to the parties and the one most likely to be able to conduct any proceedings under this section with the least delay and the greatest possible fairness and ability. Such proceedings shall be conducted by the special court which shall be composed of three Federal judges who shall be selected by the panel, except that none of the judges selected may be a judge assigned to a proceeding involving any railroad in reorganization in the region under section 77 of the Bankruptcy Act (11 U.S.C. 205). The special court is authorized to exercise the powers of a district judge in any judicial district with respect to such proceedings and such powers shall include those of a reorganization court. The special court shall have the power to convey rail properties of railroads owned, operated, or controlled by a railroad in reorganization in the region. The panel may issue rules for the conduct of its functions under this subsection. No determination by the panel under this subsection may be reviewed in any court.

(c) Delivery of Plan to Special Court.—Within 90 days after its effective date, the Association shall deliver a certified copy of the final system plan which has been adopted by the Association and become effective after review by the Congress in accordance with this Act to the special court and shall certify to the special court—

(1) which rail properties of the respective railroads in reorganization in the region and of any railroad leased, operated, or controlled by such railroads in reorganization are to be transferred to the Corporation, in accordance with the final system plan;

(2) which rail properties of the respective railroads in reorganization in the region are to be conveyed to profitable railroads, in accordance with the final system plan;

(3) which rail properties of profitable railroads in the region shall be offered for sale or lease to the Corporation and which rail properties of profitable railroads in the region may be offered for sale or lease to other profitable railroads;

(4) the amount, terms, and value of the securities of the Corporation (including any obligations of the Association) to be exchanged for those rail properties to be transferred to the Corporation pursuant to the final system plan and as indicated in paragraph (1) of this subsection; and

(5) that the transfer of rail properties in exchange for securities of the Corporation (including any obligations of the Association) and other benefits is fair and equitable and in the public interest in accordance with the standards applicable to the approval of a plan of reorganization or a step in such a plan under section 77 of the Bankruptcy Act (11 U.S.C. 205).

(d) Bankruptcy Courts.—Within 90 days after its effective date, the Association shall deliver a certified copy of the final system plan which has been adopted by the Association and become effective after review by the Congress in accordance with this Act to each district court of the United States or any other court having jurisdiction over a railroad in reorganization in the region and shall certify to each such court—

(1) which rail properties of that railroad in reorganization are to be transferred to the Corporation under the final system plan; and

(2) which rail properties of that railroad in reorganization, if any, are to be conveyed to profitable railroads operating in the region, under the final system plan.

OBLIGATIONS OF THE ASSOCIATION

Sec. 210. (a) General.—To carry out the provisions of this title and of title III of this Act, the Association is authorized to issue bonds, debentures, trust certificates, securities, or other obligations (herein cited as "obligations") in accordance with this section. Such obligations shall have such maturities and bear such rate or rates of interest as are determined by the Association with the approval of the Secretary of the Treasury. Such obligations shall be redeemable at the option of the Association prior to maturity in the manner stipulated in each such obligation, and may be purchased by the Association in the open market at a price which is reasonable.

(b) Maximum Obligational Authority.—The aggregate amount of obligations of the Association issued under this section which may be outstanding at any one time shall not exceed the obligational authority affirmatively approved by joint resolution of the Congress.

(c) Guarantees.—The Secretary shall guarantee the payment of principal and interest on all obligations issued by the Association in accordance with this Act and which the Association requests be guaranteed.

(d) Validity.—No obligation issued by the Association under this section shall be terminated, canceled, or otherwise revoked, except in accordance with lawful terms and conditions prescribed by the Association. Such an obligation shall be conclusive evidence that it is in compliance with this section, has been approved, and is legal as to principal, interest, and other terms. An obligation of the Association shall be valid and incontestable in the hands of a holder, except as to fraud, duress, mutual mistake of fact, or material misrepresentation by or involving such holder.

(e) The Secretary of the Treasury.—If at any time the moneys available to the Secretary are insufficient to enable him to discharge his responsibilities under subsection (c) of this section, he shall issue notes or other obligations to the Secretary of the Treasury in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of the Treasury. Such obligations shall bear interest at a rate to be determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such obligations. The Secretary of the Treasury is authorized and directed to purchase any such obligations and for such purpose is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under this subsection. At any tme, the Secretary of the Treasury may sell any such obligations, and all sales, purchases, and redemptions of such obligations by the Secretary of the Treasury shall be treated as public debt transactions of the United States.

(f) Authorization for Appropriations.—There are hereby authorized to be appropriated to the Secretary such amounts as are necessary to discharge the obligations of the United States arising under this section.

(g) Lawful Investments.—All obligations issued by the Association shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority and control of the United States or any officer or officers thereof. All such obligations issued pursuant to this section shall be exempt securities within the meaning of laws administered by the Securities and Exchange Commission.

LOANS

Sec. 211. (a) General.—The Association is authorized, in accordance with the provisions of this section and such rules and regulations as it shall prescribe, to make loans to the Corporation, the National Rail Passenger Corporation, a regional transportation authority, and other railroads in the region, for purposes of assisting in the implementation of the final system plan, and to railroads outside the region which are threatened with insolvency in the absence of such loans. No such loan shall be made by the Association to a railroad unless such loans shall, where applicable, be treated as an expense of administration. The rights referred to in the last sentence of section 77(j) of the Bankruptcy Act (11 U.S.C. 205(j)) shall in no way be affected by this Act. In making loans to profitable railroads the Association shall consider whether the applicant has an employee stock ownership plan and shall give special consideration to profitable railroads who have such a plan.

(b) Applications.—Each application for such a loan shall be made in writing to the Association in such form and with such content and other submissions as the Association shall prescribe to protect reasonably the interests of the United States. The Association shall publish a notice of the receipt of each such application in the Federal Register and shall afford interested persons an opportunity to comment thereon.

(c) Terms and Conditions.—Each loan shall be extended in such form, under such terms and conditions, and pursuant to such regulations as the Association deems appropriate. Such loan shall bear interest at a rate not less than the greater of a rate determined by the Secretary of the Treasury taking into consideration (1) the current average yield on outstanding marketable obligations of the United States with remaining periods to maturity of such loans, or (2) the current average yield on outstanding marketable obligations of the Association with remaining periods of maturity comparable to the average maturities of such loans, plus additional charge, if any, toward covering costs of the Association as the Association may determine to be consistent with the purposes of this Act.

(d) Modifications.—The Association is authorized to approve any modification of any provision of a loan under this section, including the rate of interest, time of payment of interest or principal, security, or any other term or condition, upon a finding by the Association that such modification is equitable and necessary or appropriate to achieve the policy declared in subsection (f) of this section.

(e) Prerequisites.—The Association shall make a finding in writing, before making a loan to any applicant under this section, that—

(1) the loan is necessary to carry out the final system plan or to prevent insolvency;

(2) it is satisfied that the business affairs of the applicant will be conducted in a reasonable and prudent manner; and

(3) the applicant has offered such security as the Association deems necessary to protect reasonably the interests of the United States.

(f) Policy.—It is the intent of Congress that loans made under this section shall be made on terms and conditions which furnish reasonable assurance that the Corporation or the railroads to which such loans are granted will be able to repay them within the time fixed and that the goals of the final system plan are reasonably likely to be achieved.

RECORDS, AUDIT, AND EXAMINATION

Sec. 212. (a) Records.—Each recipient of financial assistance under this title, whether in the form of loans, obligations, or other arrangements, shall keep such records as the Association or the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance and such other records as will facilitate an effective audit.

(b) Audit and Examination.—The Association, the Secretary, and the Comptroller General of the United States, or any of their duly authorized representatives shall, until the expiration of 3 years after the implementation of the final system plan, have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts which in the opinion of the Association, the Secretary, or the Comptroller General may be related or pertinent to the loans, obligations or other arrangements referred to in subsection (a) of this section. The Association or any of its duly authorized representatives shall, until any financial assistance received under this title has been repaid to the Association, have access to any such materials which concern any matter that may bear upon—

(1) the ability of the recipient of such financial assistance to make repayment within the time fixed therefor;

(2) the effectiveness with which the proceeds of such assistance is used; and

(3) the implementation of the final system plan and the realization of the declaration of policy of this Act.

EMERGENCY ASSISTANCE PENDING IMPLEMENTATION

Sec. 213. (a) Emergency Assistance.—The Secretary is authorized, pending the implementation of the final system plan, to pay to the trustees of railroads in reorganization such sums as are necessary for the continued provision of essential transportation services by such railroads. Such payments shall be made by the Secretary upon such reasonable terms and conditions as the Secretary establishes, except that recipients must agree to maintain and provide service at a level no less than that in effect on September 30, 1973.

(b) Authorization for Appropriations.—There is authorized to be appropriated to the Secretary for carrying out this section such sums as are necessary, not to exceed $85,000,000, to remain available until expended.

AUTHORIZATION FOR APPROPRIATIONS

Sec. 214. (a) Secretary.—There is authorized to be appropriated to the Secretary for purposes of preparing the reports and exercising other functions to be performed by him under this Act such sums as are necessary, not to exceed $15,000,000, to remain available until expended.

(b) Office.—There are authorized to be appropriated to the Commission for the use of the Office in carrying out its functions under this Act such sums as are necessary, not to exceed $12,500,000 to remain available until expended. The budget for the Office shall be submitted by the Commission directly to the Congress and shall not be subject to review of any kind by any other agency or official of the United States. Moneys appropriated for the Office shall not be withheld by any agency or official of the United States or used by the Commission for any purpose other than the use of the Office. No part of any other moneys appropriated to the Commission shall be withheld by any other agency or official of the United States to offset any moneys appropriated pursuant to this subsection.

(c) Association.—There is authorized to be appropriated to the Association for purposes of carrying out its administrative expenses under this title and title III of this Act such sums as are necessary, not to exceed $26,000,000, to remain available until expended.

MAINTENANCE AND IMPROVEMENT OF PLANT

Sec. 215. Prior to the date upon which rail properties are conveyed to the Corporation under this Act, the Secretary, with the approval of the Association, is authorized to enter into agreements with railroads in reorganization in the region for the acquisition, maintenance, and improvement of railroad facilities and equipment necessary to implement any final system plan. Notwithstanding section 210(b) of this Act, the Association shall issue obligations under section 210(a) of this Act in an amount sufficient to finance such agreements and may require the Corporation to assume any such obligations. However, the Association may not issue obligations under this section in an aggregate amount in excess of $150,000,000. The Secretary may not enter into any agreements under this section until he issues regulations setting forth procedures and guidelines for the administration of this section. The Corporation shall not be required under title III of this Act to compensate any railroad in reorganization for that portion of the value of rail properties transferred to it under this Act which is attributable to the acquisition, maintenance, or improvement of such properties under this section.

TITLE III—UNITED RAIL CORPORATION

FORMATION AND STRUCTURE

Sec. 302. (a) Establishment.—There shall be established within 300 days after the date of enactment of this Act, in accordance with the provisions of this section, a corporation to be known as the United Rail Corporation.

(b) Status.—The Corporation shall be a for-profit corporation established under the laws of a State and shall not be an agency or instrumentality of the Federal Government. The Corporation shall be deemed a common carrier by railroad under section 1 (3) of the Interstate Commerce Act (49 U.S.C. 1(3)), shall be subject to the provisions of this Act and, to the extent not inconsistent with such Acts, shall be subject to applicable State law. The principal office of the Corporation shall be located in Philadelphia in the Commonwealth of Pennsylvania.

(c) Incorporators.—The members of the executive committee of the Association shall be the incorporators of the Corporation and shall take whatever steps are necessary to establish the Corporation, including the filing of articles of incorporation. The incorporators shall also serve as the board of directors of the Corporation until the stock and other securities of the Corporation are distributed to the estates of the railroads in accordance with section 303(c) of this Act, and shall adopt the initial bylaws of the Corporation.

(d) Board of Directors.—The Board of Directors of the Corporation shall consist of 15 individuals selected in accordance with the articles and bylaws of the Corporation: *Provided,* That so long as a substantial amount, as determined by the Secretary of the Treasury, of the outstanding indebtedness of the Corporation consists of obligations of the Association or other debts owing to or guaranteed by the United States, three of the members of such board shall be the Secretary, the Chairman and the President of the Association and five of the members of such board shall be individuals appointed as such by the President, by and with the advice and consent of the Senate.

(e) Compensation.—So long as a substantial amount, as determined by the Secretary of the Treasury, of the outstanding indebtedness of the Corporation consists of obligations of the Association or other debts owing to or guaranteed by the United States, no director or officer of the Corporation may receive compensation at a rate in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code.

(f) Initial Capitalization.—For purposes of initial capitalization the Corporation is authorized to issue sufficient stock and other securities to carry out the final system plan.

(g) Audit and Expenditures.—So long as a substantial amount, as determined by the Secretary of the Treasury, of the outstanding indebtedness of the Corporation consists of obligations of the Association or other debts owing to or guaranteed by the United States, the Corporation shall be subject to the provisions of the Government Corporation Control Act of the purposes of a Federal Government audit. Section 201 of the Government Corporation Control Act (31 U.S.C. 856) is amended by inserting at the end thereof the following: ", (9) the United Rail Corporation to the extent provided in the Rail Services Act of 1973.".

(h) Annual Report.—The Corporation shall transmit to the Congress and the President, not later than 90 days after the end of each fiscal year, a comprehensive and detailed report on all activities and accomplishments of the Corporation during the preceding fiscal year.

GENERAL POWERS OF THE CORPORATION

Sec. 302. In addition to the powers conferred upon it under the laws of the State or States in which it is incorporated and the powers of a railroad in any State in which it operates, the Corporation shall have all powers vested in it under this Act including the authority to take all steps necessary to acquire rail properties in accordance with the final system plan; to operate, rehabilitate, and modernize such properties; and to maintain adequate and efficient rail services in the region: *Provided,* That the Corporation shall not engage in nontransportation related activities, so long as a substantial amount, as determined by the Secretary of the Treasury, of the outstanding indebtedness of the Corporation consists of obligations of the Association or other debts owing to or guaranteed by the United States.

VALUATION AND CONVEYANCE OF RAIL PROPERTIES

Sec. 303. (a) Deposit With Court.—Within 10 days after delivery of a certified copy of a final system plan pursuant to section 209 (c)—

(1) the Corporation, in exchange for the rail properties of the railroads in reorganization in the region and of railroads leased, operated, or controlled by railroads in reorganization in the region to be transferred to the Corporation, shall deposit with the special court all of the stock and other securities of the Corporation and obligations of the Association designated in the final system plan to be exchanged for such rail properties;

(2) each profitable railroad operating in the region purchasing rail properties from a railroad in reorganization in the region as provided in the final system plan shall deposit with the special court the compensation designated in the final system plan to be paid for such rail properties.

(b) Conveyance of Rail Properties.—(1) The special court shall, within 10 days after deposit under subsection (a) of this section of the securities of the Corporation, obligations of the Association, and compensation from the profitable railroads operating in the region, order the trustee or trustees of each railroad in reorganization in the region to convey forthwith to the Corporation and the respective profitable railroads operating in the region, all right, title, and interest in the rail properties of such railroad in reorganization and of any railroad leased, operated, or controlled by such railroad in reorganization that are to be conveyed to them under the final system plan as certified to such court under section 209(d) of this Act.

(2) All rail properties conveyed to the Corporation and the respective profitable railroads operating in the region under this section shall be conveyed free and clear of any liens or encumbrances. Such conveyances shall not be restrained or enjoined by any court.

(3) Notwithstanding anything to the contrary contained in this Act, if railroad rolling stock is included in the rail properties to be conveyed, such conveyance may only be effected if the profitable railroad operating in the region or the Corporation to whom the conveyance is made assumes all of the obligations under any conditional sale agreement, equipment trust agreement, or lease in respect to such rolling stock and such conveyance is made subject thereto; and the provisions of this Act shall not affect the title and interests of any lessor, equipment trust trustee, or conditional sale vendee or assignee under such conditional sale agreement, equipment trust agreement or lessor under section 77(j) of the Bankruptcy Act (11 U.S.C. 205(j)).

(c) Findings and Other Distribution.—(1) After the rail properties of railroads in reorganization in the region have been conveyed to the Corporation and profitable railroads operating in the region under subsection (b) of this section, the special court, giving due consideration to the findings contained in the final system plan, shall decide whether—

(A) the transfers of rail properties of each railroad in reorganization to the Corporation in exchange for the securities and other benefits accruing to such railroad in reorganization as a result of such exchange, as provided in the final system plan and this Act, and

(B) the conveyance of rail properties of each railroad in reorganization to a profitable railroad operating in the region in accordance with the final system plan,

are fair and equitable to the estate of each railroad in reorganization in accordance with the standard of fairness and equity applicable to the approval of a plan of reorganization or a step in such plan under section 77 of the Bankruptcy Act (11 U.S.C. 205).

(2) If the special court finds that the transfers of rail properties to the Corporation by a railroad in reorganization in exchange for securities and other benefits are fair and equitable, or that conveyances to profitable railroads operating in the region are fair and equitable, it shall authorize and direct such transfers and conveyances in accordance with the final system plan.

(3) If the special court finds that the terms of one or more exchanges for securities and other benefits are not fair and equitable to an estate of a railroad in reorganization which has transferred rail properties pursuant to the final system plan, it shall—

(A) enter a judgment reallocating the common stock of the Corporation in a fair and equitable manner if it has not been fairly allocated among the railroads in reorganization transferring rail properties to the Corporation, and

(B) if the lack of fairness and equity cannot be completely cured by a reallocation of the Corporation's common stock, order the Corporation to provide for the transfer to the railroad in reorganization securities of the Corporation or obligations of the Association as designated in the final system plan in such nature and amount as would make the exchange or exchanges fair and equitable to the estate of the railroad in reorganization.

(4) If the special court finds that the terms of one or more conveyances of rail properties of a railroad in reorganization to a profitable railroad operating in the region in accordance with the final system plan is not fair and equitable to an estate of a railroad in reorganization, it shall enter a judgment against such profitable railroad.

(d) Appeal.—A finding or determination entered pursuant to subsection (c) of this section may be appealed directly to the Supreme Court of the United States in the same manner that an injunction order may be appealed under section 1253 of title 28, United States Code: *Provided*, That such appeal is exclusive and shall be filed in the Supreme Court not more than 5 days after such finding or determination is entered by the special court. The Supreme Court shall grant the highest priority to the determination of any such appeals.

TERMINATION OF RAIL SERVICE

Sec. 304. (a) Discontinuance.—Except as provided in subsections (c) and (f) of this section, (1) rail service on rail properties of a railroad in reorganization in the region which conveys to the Corporation or to profitable railroads operating in the region all or substantially all of its rail properties designated for such conveyance in the final system plan, and (2) rail service on rail properties of a profitable railroad in the region which transfers substantially all of its rail properties to the Corporation pursuant to the final system plan may be discontinued if—

(A) the final system plan does not designate rail service to be operated on such properties; and

(B) not sooner than 30 days following the effective date of the final system plan the trustee or trustees of the applicable railroad in reorganization give notice in writing of intent to discontinue such rail service on a date certain which is not less than 90 days after the date of such notice; and

(C) the notice required by paragraph (B) of this subsection is sent by certified mail to the Governor and State transportation agencies of each State and to the government of each political subdivision of each State in which such rail properties are located and to each shipper who has used such rail service during the previous 12 months.

(b) Abandonment.—(1) Rail properties over which rail service has been discontinued under subsection (a) of this section may not be abandoned sooner than 180 days after the effective date of such discontinuance except as provided in subsections (c) and (f) of this section. Thereafter, except as provided in subsection (c) of this section, such rail properties may be abandoned upon 30 days' notice in writing to all those required to receive notice under paragraph (2)(c) of subsection (a) of this section.

(2) Any rail properties designated in the final system plan as rail properties which are suitable for use for other public purposes may not be sold, leased, exchanged, or otherwise disposed of for a 270 day period beginning on the date of notice of proposed abandonment under this subsection unless they are sold, leased, exchanged, or otherwise disposed of for those designated public purposes.

(c) Relationship With Other Laws.—Rail service may be discontinued and rail properties may be abandoned under subsections (a) and (b) of this section notwithstanding any provision of the Interstate Commerce Act (49 U.S.C. 1 et seq.) or the consttiution or law of any State or the decision of any court or administrative agency of the United States or of any State. No rail service may be discontinued and no rail properties may be abandoned pursuant to this section—

(1) after 2 years from the effective date of the final system plan or more than 2 years after the final payment of any rail service continuation subsidy is received, whichever is later; or

(2) if a shipper, a State, the United States, a local or regional transportation authority, or any responsible person offers—

(A) a rail service continuation subsidy which covers the difference between the revenue attributable to such rail properties and the avoidable costs of providing service on such rail properties plus a reasonable return on the value of such rail properties, or

(B) to purchase, pursuant to subsection (d) of this section, such rail properties or related facilities for their minimum constitutional value in order to operate rail service over such properties.

If a rail service continuation subsidy is offered, the government or person offering the subsidy shall enter into an operating agreement with the Corporation or any responsible person under which the Corporation or such person will operate rail service over such rail properties and receive the difference between the revenue attributable to such properties and the avoidable costs of providing service on such rail properties and the trustee of any railroad in reorganization shall receive a reasonable rate of return on the value of any rail properties for which a rail service is operated under such subsidy. Within 180 days after the date of enactment of this Act, the Commission shall determine and publish standards for determining the "revenue attributable to the rail properties", the "avoidable costs of providing service" and "a reasonable return on the value" as those phrases are used herein, after a proceeding in accordance with the provisions of section 553 of title 5, United States Code.

(d) Purchase.—If an offer to purchase is made under subsection (c)(2)(B) of this section, such offer shall be accompanied by an offer of a rail service continuation subsidy. Such subsidy shall continue until the purchase transaction is completed, unless a railroad assumes operations over such rail properties on its own account pursuant to an order or authorization of the Commission. Whenever a railroad in reorganization in the region or a profitable railroad gives notice of intent to discontinue service pursuant to subsection (a) of this section, such railroad shall, upon the request of anyone apparently qualified to make a purchase offer, promptly make available its most recent reports on the physical condition of such property together with such traffic and revenue data as would be required under subpart B of part 1121 of chapter X of title 49 of the Code of Federal Regulations and such other data necessary to ascertain the avoidable costs of providing service over such rail properties.

(e) Abandonment by Corporation.—After the rail system to be operated by the Corporation under the final system plan has been in operation for 2 years, the Commission may authorize the Corporation to abandon any rail properties as to which it determines that rail service over such properties is not required by the public convenience and necessity. The Commission may, at any time after the effective date of the final system plan, authorize additional rail service in the region or authorize the abandonment of rail properties which are not being operated by the Corporation or by any other person. Commission determinations under this subsection shall be made pursuant to applicable provisions of the Interstate Commerce Act (49 U.S.C. 1).

(f) Interim Abandonment.—After the date of enactment of this Act, no railroad in reorganization may discontinue or abandon any line of railroad other than in accordance with the provisions of this Act, unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of, or the pendency of any proceeding before any Federal or State court, agency, or authority.

TITLE IV—LOCAL RAIL SERVICES

FINDINGS AND PURPOSES

Sec. 401. (a) Findings.—The Congress finds and declares that—

(1) The Nation is facing an energy shortage of acute proportions in the next decade.

(2) Railroads are the most energy-efficient mode of transportation for the movement of passengers and freight and cause the least amount of pollution.

(3) Abandonment, termination, or substantial reduction of rail service in any locality will adversely affect the Nation's long-term and immediate goals with respect to energy conservation and environmental protection.

(4) Under certain circumstances the cost to the taxpayers of rail service continuation subsidies would be less than the cost of abandonment of rail service in terms of lost jobs, energy shortages, and degradation of the environment.

(b) Purposes.—Therefore, it is declared to be the purpose of the Congress to authorize the Secretary to maintain a program of rail service continuation subsidies.

RAIL CONTINUATION SUBSIDIES

Sec. 402. (a) General.—The Secretary shall provide financial assistance to a State in the region in accordance with this section for the purpose of rail service continuation subsidies. For purposes of subsection (b)(1) of this section the Federal share of a rail service continuation subsidy shall be 75 per centum and the State share shall be 25 per centum. For purposes of subsection (b)(2) of this section a State receiving discretionary assistance shall be required to contribute at least 25 per centum of the cost of the program for which the Federal assistance is provided.

(b) Entitlement.—(1) Each State in the region is entitled to an amount for rail service continuation subsidies from 75 per centum of the sums appropriated each fiscal year for such purpose in the ratio which the total number of miles of rail properties in such State which have qualified under this Act for rail service continuation subsidies bears to the total number of miles of rail properties in all the States in the region which have qualified under this Act for rail service continuation subsidies, as determined on the basis of the lists of determinations transmitted to the Secretary by the Office pursuant to section 205(f) of this Act. The entitlement of any State which is withheld in accordance with this section and any sums not used or committed by a State during the preceding fiscal year shall be reallocated to other States in the region in proportion to the original entitlement to such States. Any amount reallocated to a State during a year shall be deemed part of its entitlement for such year.

(2) The Secretary is authorized to provide discretionary financial assistance to a State in the region for the purpose of continuing local rail services, including assistance for the purposes enumerated in section 403 of this title.

(c) Eligibility.—A State is eligible to receive rail service continuation subsidies pursuant to subsection (b) of this section in any fiscal year if—

(1) the State has established a State plan for rail transportation and local rail services which is administered or coordinated by a designated State agency;

(2) the State agency has authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail services; employs or will employ, directly or indirectly, sufficient trained and qualified personnel; and maintains or will maintain adequate programs of investigation, research, promotion, and development with provision for public participation;

(3) the State provides satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State; and

(4) the State complies with the regulations of the Secretary issued under this section.

(d) Regulations.—Within 90 days after the date of enactment of this Act, the Secretary shall issue, and may from time to time amend, regulations with respect to basic and discretionary rail service continuation subsidies.

(e) Payment.—The Secretary shall pay to each State an amount equal to its entitlement under subsection (b)(1) of this section. Any amounts which are not expended or committed by a State pursuant to subsection (b) during the ensuing fiscal year shall be returned by such State to the Secretary, who may use such amounts in accordance with subsection (b)(2) of this section.

(f) Record, Audit, and Examination.—(1) Each recipient of financial assistance under this section, whether in the form of grants, subgrants, contracts, subcontracts, or other arrangements, shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

(2) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives shall, until the expiration of 3 years after completion of the project or undertaking referred to in paragraph (1) of this subsection, have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts which in the opinion of the Secretary or the Comptroller General may be related or pertinent to the grants, contracts, or other arrangements referred to in such paragraph.

(g) Withholding.—If the Secretary, after reasonable notice and opportunity for a hearing to any State agency, finds that a State is not eligible for rail service continuation subsidies under subsections (c) and (d) of this section, payment to such State shall not be made until there is no longer any failure to comply.

(h) Authorization for Appropriations.—(1) There is authorized to be appropriated to carry out the purposes of this section such sums as are necessary, not to exceed $100,000,000 for each of the first two fiscal years following the effective date of the final system plan. Such sums as are appropriated shall remain available until expended.

(2) Three-fourths of the sums appropriated pursuant to the authorization of this subsection shall be reserved for allocation to States in the region under subsection (b)(1) of this section. One-fourth of the sums appropriated pursuant to the authorization of this subsection shall be reserved for distribution by the Secretary under subsection (b)(2) of this section.

(i) Definition.—As used in this section, "rail service continuation subsidies" means subsidies calculated in accordance with the provisions of section 304(c) of this Act to cover costs of operating adequate and efficient rail service, including, where necessary, improvement and maintenance of tracks and related facilities.

ACQUISITION AND MODERNIZATION LOANS

Sec. 403. (a) Acquisition.—If a State which is eligible for assistance under section 402(c) of this title or a local or regional transportation authority has made an offer to purchase any rail properties of a railroad pursuant to section 304(c) of this Act, the Secretary is authorized to direct the Association to provide loans to such State or local or regional transportation authority not to exceed 75 per centum of the purchase price.

(b) Modernization.—In addition to such acquisition loans, the Secretary is authorized to direct the Association to provide additional assistance not to exceed 75 per centum of the cost of restoring or repairing such rail properties to such condition as will enable safe and efficient rail transportation operations over such rail properties. Such financial assistance may be in the form of a loan or the guarantee of a loan. The Association shall provide such financial assistance as the Secretary may direct under this section and shall adopt regulations describing its procedures for such assistance. With the approval of the Secretary, a State may expend sums received by it under section 402 of this title for acquisition and modernization pursuant to this section.

TITLE V—EQUIPMENT IMPROVEMENT

FORMAL PROVISIONS

Sec. 501. (a) Short Title.—This title may be cited as the "Rolling Stock Utilization and Financing Act of 1973".

(b) Findings.—The Congress finds and declares that—

(1) There is at present a shortage of general service railroad freight cars available to producers of goods and manufacturers of products.

(2) This shortage results both from an inadequate number of such cars and from their underutilization.

(3) This shortage of available general service railroad freight cars has caused—

(A) losses to producers of goods and manufacturers of products which have resulted in higher prices to consumers of goods and products;

(B) losses to railroads of revenue, thereby threatening their financial condition.

(c) Purposes.—The Congress hereby declares that the purposes of this title are—

(1) to improve the utilization and distribution of rolling stock to meet the needs of commerce, users, shippers, the national defense, and the consuming public;

(2) to assist railroads in acquiring additional rolling stock and equipment or facilities to provide expeditious service to meet the

increasing demands of the Nation's economy; and

(3) to assist in achieving full employment by assuring adequate equipment necessary to transport the products of American industry.

(d) Definitions. As used in this title—

(1) "Authority" means the Railroad Equipment Authority authorized under section 510 of this title.

(2) "Board" means the Obligation Guarantee Board established under this title.

(3) "Car-pooling company" means a company that furnishes rolling stock to three or more railroads on a shared ownership or pooled basis through user or lease arrangements.

(4) "Directors" means the Board of Directors of the Authority.

(5) "Equipment or facilities" includes data processing and other computer technology; machines and systems for loading and unloading rolling stock; yards and terminals for originating, modifying, or terminating the movement of rolling stock; and other equipment or facilities, including ferries and related shoreside facilities designed primarily for the transportation of rolling stock by water, which are necessary to improve the utilization of rolling stock or improve the movement of goods and products by rail or express.

(6) "Equipment obligation" means a bond, note, conditional sale agreement, equipment trust certificate, lease obligation, security agreement, or other obligation issued or granted to finance, or refinance rolling stock or equipment or facilities.

(7) "Fund" means the Obligation Guarantee Fund.

(8) "Holder" means, unless otherwise provided, the holder of an equipment obligation. If a bank or trust company is acting as agent or trustee for the holder of the equipment obligation, such bank or trust company shall be regarded as the holder.

(9) "Lease" means a contractual arrangement under which the legal owner furnishes rolling stock or equipment or facilities to a railroad or a car pooling company and such railroad or company receives the benefits, through reduced rentals, of any tax benefits available.

(10) "Lease obligation" means all of the lessee's payment obligations under a lease including rentals, termination payments, and tax indemnification payments.

(11) "Obligor" means the debtor under an equipment obligation. The term includes the original obligor and any successor or assignee of such obligor who is approved by the Board.

(12) "Principal" when used with reference to a lease obligation means all of the payment obligations of the lessee under a lease, including rentals, termination payments, and tax indemnification payments, but does not mean interest.

(13) "Railroad" means a common carrier by railroad or express, as defined in section 1(3) of the Interstate Commerce Act (49 U.S.C. 1(3)), and includes, where the Board makes an appropriate finding, a railroad controlled by another railroad within the meaning of section 1(3)(b) of the Interstate Commerce Act (49 U.S.C. 1(3)(b)). The term does not include the Authority.

(14) "Rolling stock" includes any type of new or rebuilt standard gauge locomotive, caboose, refrigerator car, general service railroad freight car, or express van the use of which is not limited to any specialized purpose by particular equipment, design, or other features. General service railroad freight car includes a boxcar, gondola, open-top or covered hopper car, and flatcar. The Board may designate other types of cars as rolling stock upon a written finding, with reasons therefor, that such designation is consistent with the purposes of this title.

OBLIGATION GUARANTEE BOARD

Sec. 502. (a) Board.—There shall be established in the Department of Transportation an independent agency to be known as the Obligation Guarantee Board. The Board shall be composed of 6 members and a chairman. Two of the members shall be the Secretary of Transportation and the Secretary of the Treasury, or their duly authorized representatives, who shall serve ex officio with the same powers as other members of the Board. The President shall, within 90 days of the enactment of this Act, appoint the other members and the chairman of the Board, by and with the advice and consent of the Senate, on the following basis—

(1) three to be selected from lists of qualified individuals recommended by shippers and organizations representative of significant shipping interests including small business users of railroad transportation services;

(2) one to be selected from lists of qualified individuals recommended by consumer organizations, community organizations, and recognized consumer leaders;

(3) one to be selected from lists of qualified individuals recommended by the national organization of the State commissions, referred to in sections 202(b) and 205(f) of the Interstate Commerce Act (49 U.S.C. 202(b), 205(f)), who shall be a member of a State agency authorized by the law of any State to set rates for transportation by railroad.

As used in this subsection, a list of qualified individuals shall consist of not less than three individuals.

(b) Compensation.—A member of the Board who is not otherwise an employee of the Federal Government may receive $150 per diem when engaged in the actual performance of duties vested in the Board plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

(c) Terms of Office.—The terms of office of the members first taking office (other than those of the two members who shall serve ex officio) shall expire as designated by the President at the time of nomination, three at the end of the third year, and two at the end of the sixth year. The member appointed by the President, by and with the advice and consent of the Senate, to be chairman of the Board shall serve as chairman until his term of office as a member expires and a successor is duly appointed. Successors to members of the Board shall be appointed in the same manner as the original members and shall have a term of office expiring 6 years from the date of expiration of the term for which their predecessors were appointed. Any member appointed to fill a vacancy on the Board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

GUARANTEE OF EQUIPMENT OBLIGATIONS

Sec. 503. (a) General.—The Board is authorized, in accordance with the provisions of this section, to guarantee and to make commitments to guarantee the payment of interest on and the principal balance of an equipment obligation prior to, on, or after the date of execution or the date of disbursement of such obligation: *Provided*, That no equipment obligation in the form of a lease obligation shall be guaranteed unless and until the Board finds, after notice and an opportunity for comment by interested persons and publication in the Federal Register of this finding and the reasons therefor, that no other reasonable means of equipment financing or refinancing is reasonably available to the applicant, and that approval of the guarantee application will serve the public interest. Each guarantee of an equipment obligation shall be made in accordance with the provisions of this title and such rules as the Board may prescribe to protect reasonably the interests of the United States. Each application for the guarantee of an equipment obligation shall be made in writing to the Board in such form and with such content as the Board prescribes. Such application shall be granted if the Board determines that the proposed, negotiated, or executed equipment obligation is eligible for such guarantee. Each guarantee and commitment to guarantee shall be extended in such form, under such terms and conditions, and pursuant to such regulations as the Board deems appropriate, consistent with the purposes of this title. Each guarantee and commitment to guarantee shall inure to the benefit of the holder of the equipment obligation to which such guarantee or commitment applies. In no event shall any such holder receive or be entitled to retain payment from said guarantee in a total amount which, together with any other recovery, including a security interest in the rolling stock or equipment or facilities, exceeds the actual loss of such holder.

(b) Fund.—An Obligation Guarantee Fund shall be established and administered by the Board as a revolving fund to carry out the provisions of sections 503 through 506 of this title. Moneys in the fund shall be deposited in the Treasury of the United States to the credit of such fund or invested in bonds or other obligations of the United States approved by the Secretary of the Treasury.

(c) Maximum Permissible Guarantee.—Except as otherwise provided, the Board shall not guarantee payment of the principal of an equipment obligation in an amount in excess of 80 per centum of the value of the rolling stock or equipment or facilities which are being financed or refinanced thereby. The Board may guarantee an amount not in excess of 95 per centum of such value upon a finding made in writing by the Board and published with detailed reasons therefor in the Federal Register that an applicant railroad would not otherwise be able in its present financial condition to acquire such equipment or facilities or rolling stock on reasonable terms and conditions and that such acquisition by the applicant railroad is necessary to achieve the purposes of this title. In the case of a lease obligation, the Board may guarantee payment of the entire principal together with the amount necessary to guarantee to the lessor, upon default of such obligation, the cost of tax recapture under sections 47 and 1245 of the Internal Revenue Code of 1954 (26 U.S.C. 37, 1245), upon a finding made in writing by the Board and published with detailed reasons therefor in the Federal Register that the applicant is a railroad which has filed a petition for reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 205); that such petition has been approved; and that the judge in such proceeding certifies to the Board that the railroad is making all reasonable efforts to achieve reorganization and that such guarantee is reasonable and necessary. In all cases, the Board shall make a determination of the value of the rolling stock or equipment or facilities which are being financed or refinanced thereby, and such determination of value shall be conclusive and not subject to review in any court.

(d) Modifications.—The Board is authorized to approve any modification of any provision of a guarantee or a commitment to guarantee such obligation, including the rate of interest, time of payment of interest or principal, security, or any other terms and conditions upon a finding in writing by the Board that such modification is equitable and not prejudicial to the interests of the United States under this title. Such approval shall not be granted without prior consent by the holder of such obligation.

(e) MAXIMUM OBLIGATIONAL AUTHORITY.—The aggregate unpaid principal amounts of equipment obligations and interest thereon which may be guaranteed by the Board under this title shall not exceed $2,000,000,000 at any one time; and at least 70 per centum of such sum shall guarantee equipment obligations financing or refinancing rolling stock.

(e) RATE OF INTEREST.—Interest (exclusive of premium charges for guarantee and service fees) shall be payable on each equipment obligation, other than a lease obligation guaranteed by the Board. The rate of interest shall not exceed the per centum per annum rate on the unpaid principal of such obligation determined by the Board to be reasonable upon consideration of the range of interest rates currently prevailing in the private market for similar obligations. In the case of lease obligations guaranteed by the Board, such lease obligation shall contain a rental rate on the value of the rolling stock, equipment, or facilities which reflects an effective interest rate not to exceed a per centum per annum rate determined by the Board to be reasonable upon consideration of the range of effective interest rates prevailing in the private market for similar obligations.

(g) NOTICE.—Upon receipt of an application for an equipment obligation guarantee, the Board shall cause a notice of such application to be published in the Federal Register and shall invite and afford interested persons an opportunity to submit comments on such application at a proceeding to commence within 21 days after the date of such publication. Notice of such proceedings shall be published in the Federal Register. Such notice shall include—

(1) a statement of the time, place, and nature of the proceeding; and

(2) a description of the subjects and issues involved.

(h) REQUIREMENTS FOR GUARANTEES.—No equipment obligation shall be guaranteed by the Board and no commitment shall be made by it to guarantee any such obligation under this title unless it first makes a finding in writing that—

(1) the equipment obligation (other than a lease obligation) is secured by rolling stock or equipment or facilities to be financed thereby;

(2) payment of the equipment obligation (other than a lease obligation) is required by its terms to be made within 15 years from the date of its execution;

(3) the leasing, financing, or refinancing of the rolling stock or equipment or facilities directly related to improving the utilization of rolling stock is justified by the present and probable future demand for rail service to be rendered by the applicant;

(4) the applicant has given reasonable assurances that any rolling stock in its control and the rolling stock or equipment or facilities to be acquired with the equipment obligation will be economically and efficiently utilized;

(5) the purchase or lease of the rolling stock or equipment or facilities will serve to meet demonstrable needs for rail services and to provide shippers with improved service;

(6) the probable value of such rolling stock or equipment or facilities is sufficient to provide the United States reasonable security and protection in case of default and repossession by the holder of the equipment obligation or in case of possession or purchase by the Board; and

(7) the transaction will result in a net increase in the total load-carrying capacity of the applicant's rolling stock.

(i) CONDITIONS AND GUARANTEES.—No guarantee or commitment to guarantee an equipment obligation shall be extended under this title unless the obligor first agrees in writing that so long as any interest or principal on such obligation is due and payable—

(1) there will be no net decrease in the load-carrying capacity of the obligor's rolling stock;

(2) there will be no increase in discretionary dividend payments over the average amount paid during the 5 years preceding the enactment of this title without prior approval of the Secretary in writing, based on findings, published, with reasons therefor, in the Federal Register, made after public hearings with opportunity for submission of comments by all interested parties, that such increase in dividends will not decrease the ability of the obligor to provide improved car services;

(3) the obligor will not use assets or revenues related to or derived from railroad operations in nonrailroad enterprises without prior approval of the Secretary in writing based on findings, published, with reasons therefor, in the Federal Register, made after public hearings with opportunity for submission of comments by all interested parties, that such use of assets or revenues will not decrease the ability of the obligor to provide improved car service;

(4) the obligor shall take all reasonable and practical steps possible, in accordance with such guides as may be established by the Secretary and the Commission, to improve the equitable distribution and efficient and expeditious use of all rolling stock and equipment, including cooperating with the Secretary in programs under sections 507 and 508 of this title.

(j) BREACH OF CONDITIONS.—The Secretary is authorized and directed to commence an action in any district court of the United States in which venue is proper to enjoin any activity found by the Secretary to be in violation of any condition specified in subsection (i) of this section. In addition, any person who knowingly violates or contributes to the violation of any of the conditions specified in such subsection shall be subject to a civil penalty, to be levied by the Secretary, not to exceed $10,000.

(k) LEASE OBLIGATION.—Before guaranteeing any lease obligation under this section the Board shall make a finding in writing that—

(1) the terms of the lease obligation provide that if there is a default by the lessee and payment is demanded from the Board by the lessor pursuant to the guarantee, the Board shall have the right in its discretion—

(A) to demand possession of the leased property from the lessee or the right to purchase the leased property for fair market value: *Provided*, That in no event shall the Board pay more than an amount equal to the sum of the lease rentals and financial obligations remaining during the term of the lease; or

(B) to permit the lessor to repossess the leased property from the lessee for the purpose of leasing it, in good faith and at not less than its fair rental value based upon fair market value, to new lessees: *Provided*, That any amounts collected from such new lessees in excess of the amount to which the lessor would have been entitled under the original lease, plus costs, shall be paid by the lessor to the Board for deposit in the fund. If the amount collected from such new lessees is less than the amount to which the lessor would have been entitled under the original lease, plus costs, the Board shall pay the difference to the lessor from the fund; and

(2) the terms of the lease obligation provide that if there is a default by the lessee, any amounts received by the holder of the lease obligation in settlement, including amounts received from the Board pursuant to the guarantee, are income and proceeds from the property subject to such lease and subject to claims of any holder of an equipment obligation to the extent of the lease obligation holder's outstanding obligation to such holder under an equipment obligation.

(l) INVESTIGATION CHARGE.—The Board shall charge and collect from each applicant for the guarantee of an equipment obligation such amounts as it deems reasonable for the investigation of such application, the appraisal of the security for such obligation, or for the issuance of a commitment to guarantee. Such charges shall not aggregate more than one-half of 1 per centum of the principal amount of the equipment obligation with respect to which the guarantee application is made.

(m) PREMIUM CHARGE.—The Board shall set a premium charge of not more than 1 per centum per annum for an equipment obligation guaranteed under this title. Such charges shall be computed on the basis of the principal amount outstanding on the equipment obligation at the time payment is due and shall be paid when the obligation is first guaranteed by the Board, and thereafter annually on the anniversary date of such guarantee.

(n) ADMINISTRATIVE COSTS.—All moneys received by the Board under this title shall be deposited in the fund. An amount which shall not exceed 5 per centum of the total annual premium charges collected under subsection (m) of this section may be used by the Board to pay administrative costs and expenses incurred by it pursuant to this title.

ISSUANCE OF NOTES OR OBLIGATIONS

SEC. 504. (a) AUTHORIZATION.—The Board is authorized to issue notes or other obligations to the Secretary of the Treasury in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Board, with the approval of such Secretary, may prescribe. Such obligations may be issued whenever the moneys in the fund are not sufficient to pay any amount which the Board is required to pay under an agreement under section 503 of this title. Such obligations shall bear interest at a rate to be determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States on comparable maturities during the month preceding the issuance of such obligations. The Secretary of the Treasury is authorized and directed to purchase any such obligations and for such purpose is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under this subsection. At any time, the Secretary of the Treasury may sell any such obligations, and all sales, purchases, and redemptions of such obligations by the Secretary of the Treasury shall be treated as public debt transactions of the United States. Funds borrowed under this subsection shall be deposited in the fund and redemptions of any such obligations shall be made by the Board from the fund.

(b) DISPOSITION OF PROPERTY.—Notwithstanding any other provision of law, the Board is authorized to perform any acts which it considers necessary, in its discretion, to complete, recondition, reconstruct, renovate, repair, maintain, manage, operate, charter, lease, rent, sell or otherwise dispose of any property or other interests acquired by the Board under an agreement pursuant to section 503 of this title.

(c) VALIDITY.—No contract or commitment to guarantee an equipment obligation entered into by the Board pursuant to this title shall be terminated, canceled, or otherwise revoked, except in accordance with lawful terms and conditions prescribed by the

Board. Such a contract or commitment shall be conclusive evidence that the underlying obligation is in compliance with the provisions of this title and that such obligation has been approved and is legal as to principal, interest, and other terms. Such a contract or commitment shall be valid and incontestable in the hands of a holder as of the date when the Board entered into such contract or commitment, except as to fraud, duress, mutual mistake of fact, or material misrepresentation by or involving such holder.

AUDIT OF TRANSACTIONS

Sec. 505. (a) General.—The financial transactions of the Board shall be audited by the Comptroller General of the United States, in accordance with such rules and regulations as he may prescribe. Representatives of the Comptroller General shall have access to all books, accounts, records, reports, files, and other papers, things, or property pertaining to such transactions by the Board and necessary to facilitate an audit. Such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such property of the Board shall remain in the possession and custody of the Board.

(b) Access to Information.—The representatives of the Comptroller General shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by any obligor for which the Board has guaranteed an equipment obligation to the extent they pertain to such obligor's financial transactions and are deemed by the Comptroller General to be necessary to facilitate any audit of the financial transactions of the Board. Such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such property of such obligor shall remain in the possession and custody of the obligor.

(c) Report.—The Comptroller General shall make a report of each such audit to the Congress. Such report shall contain all comments and information which the Comptroller General deems necessary to inform Congress of the financial operations and condition of the fund and any recommendations which he deems advisable. Such report shall indicate specifically and describe in detail any program, expenditure, or other financial transaction or undertaking observed in the course of such audit which the Comptroller General deems to have been carried on or made without lawful authority. A copy of such report shall be furnished to the President, the Secretary, the Commission, and the Board at the time it is submitted to the Congress.

DEFAULT

Sec. 506. (a) General.—If there is a default in any payment by the obligor of principal or interest due under an equipment obligation guaranteed under this title, which has continued for 30 days, the holder of such obligation or his agent has the right to demand payment by the Board of the unpaid interest on and the unpaid principal of such obligation. Such payment may be demanded after or before the expiration of such period as may be specified in the guarantee of related agreements, but not later than 90 days from the date of such default. Within such period as may be specified in the guarantee or related agreements, but not later than 60 days from the date of such demand, the Board shall pay to such holder the unpaid interest on and the unpaid principal of such obligation. However, the Board shall not be required to make any such payment if it finds, prior to the expiration of such period, that there was no default by the obligor in the payment of interest or principal or that such default has been remedied.

(b) Rights of Board.—If the Board makes a payment to a holder under subsection (a) of this section, the Board shall have all the rights in any security which it held with respect to its guarantee of such obligations as are conferred upon the Board under any security agreement with the obligor and shall be subrogated to all the rights of such holder under any security agreement between the holder and the obligor. Notwithstanding any other provision of law, the Board is authorized, in its discretion, to complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, rent, sell, or otherwise dispose of any property by it pursuant to such security agreement. The terms of any such sale or other disposition shall be as approved by the Board.

(c) Payment.—Any amount required to be paid by the Board pursuant to subsection (a) of this section shall be paid in cash.

(d) Action Against Obligor.—If there is a default under any contract or commitment to guarantee an equipment obligation, the Board shall take such action against the obligor or any other parties liable thereunder as is, in its discretion, necessary to protect the interests of the United States. Such a suit may be brought in the name of the United States or in the name of the holder. Such holder shall make available to the United States all records and evidence necessary to prosecute any such suit. The Board shall have the right, in its discretion, to accept a conveyance of title to and possession of property from any party liable to it whenever the value of such property is not greater than the unpaid interest on and unpaid principal of the defaulted obligation. If the Board receives, through the sale of property, and an amount greater than its costs and the amount paid to the holder under subsection (a) of this section, it shall pay such excess to the obligor.

NATIONAL ROLLING STOCK INFORMATION SYSTEM

Sec. 507. (a) Plan.—(1) The Secretary shall, not more than 180 days after the date of enactment of this Act, designate a plan or alternative plans to establish a national rolling stock information system which shall be designed to facilitate equitable distribution and expeditious utilization of rolling stock operated within the continental United States and/or owned directly or indirectly by railroads and carpooling companies. Such a system shall be capable of furnishing such information as the Secretary determines to be necessary for the expeditious utilization of rolling stock, including information related to the—

(A) length of time each piece of rolling stock is moving and loaded, moving and unloaded, idled and loaded, and idled and unloaded;

(B) owner, type, size, and capacity, year of manufacture, identifying number, and special features of each piece of rolling stock;

(C) origin and destination of cargo;

(D) railroad in control of rolling stock movement, expected time of interchange, and degree of utilization of each piece of rolling stock by the controlling railroads; and

(E) current status and location of each piece of rolling stock, time such status and location is expected to change, and anticipated future commitments of such rolling stock.

(2) The Secretary shall develop such plan or plans after consultation and discussion with the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the executive officers of major private manufacturers and suppliers of information location and retrieval systems, shippers, railroads, the Commission, and any other Government agency, private organization, or private citizen that presents a useful submission regarding such a system. The Secretary is authorized to pay reasonable expenses, including honoraria, for individuals invited by him to present their submissions in person. The Secretary shall cause such plan or plans to be published in the Federal Register and shall invite interested persons to comment thereon at a public hearing pursuant to section 553 of title 5, United States Code, to be held not less than 90 days after the date of such publication. After such hearing, and not more than 1 year after the date of enactment of this Act, the Secretary shall publish the final plan for a national rolling stock information system. This final plan shall include technical specifications and other details for the equipment required under such plan. Such plan shall include means for coordinating or integrating such system with any existing information systems to the extent the Secretary finds such coordination will contribute in an expeditious, cost effective, and technically feasible manner to the implementation of an effective national system. The Secretary from time to time may cause such plan to be modified or amended, pursuant to section 553 of title 5, United States Code.

(b) Implementation.—Following the publication of the final plan required under subsection (a) of this section, the Secretary shall take all action necessary, including the issuance of rules, regulations, and guidelines, to cause such plan to be implemented within a reasonable time. The Secretary is authorized to contract with and provide technical assistance to individual railroads or groups of railroads working together, including the sharing of costs and the funding in part of demonstration projects, to assist in the establishment of the national rolling stock information system.

(c) Antitrust Laws Inapplicable.—The antitrust laws of the United States are inapplicable to the extent necessary to carry out the purposes of this section as to any person who contracts with the Secretary or acts in conformity with the final plan under subsection (a) of this section.

(d) Center.—The Secretary may establish and maintain or assist in establishing and maintaining a centrally located national rolling stock information center. The Secretary of Defense may assist the Secretary to establish such center. Such center may operate as a depository and dissemination center for all such information as may be provided by the national rolling stock information system. The Secretary may make information gathered in such center available to any person subject to such rules as the Commission might prescribe to insure the confidentiality of certain kinds of competitive information supplied for use in connection with the system.

(e) Report.—The Secretary shall report semiannually directly to the Congress, without modification of such report by any other Federal agency, with respect to the progress made in implementing the national system provided for in subsection (a) of this section. Such reports shall include recommendations for such additional funding as may be necessary to make the national system fully effective.

(f) Authorization of Appropriation.—There is authorized to be appropriated to the Secretary out of money in the Treasury not otherwise appropriated, the sum of $10,000,000 for purposes of this section.

UTILIZATION MEASUREMENT AND OVERSIGHT

Sec. 508. (a) Rolling Stock Utilization Index.—Not less than 90 days after the date of enactment of this Act, the Secretary shall develop and promulgate an index to measure the degree of utilization of rolling stock. The Secretary shall cause to be compiled data required by such index. At least once each quarter per annum, the Secretary shall publish such index, together with a report setting forth any changes in such utilization and his evaluation of the reasons therefor.

(b) Commission Report.—The Commission shall publish a report on utilization of rolling stock 30 days after the publication of each report by the Secretary under subsection (a) of this section. The Commission in its report shall consider and comment upon the latest such report by the Secretary.

(c) Enforcement.—The Secretary shall, with the assistance of the Attorney General, make full use of existing law to bring about improvements in the utilization of rolling stock. The Secretary shall have such standing as is necessary to bring or intervene in proceedings before Federal regulatory agencies and courts. Attorneys appointed by the Secretary may appear for and represent him in any such case or hearing.

(d) Utilization Study.—The Secretary shall prepare a study on the utilization of freight cars and means to improve such utilization including consideration of per diem and other car hire charges, demurrage, car service rules and orders of the Commission and of the railroads, the practice of assigning cars to specific traffic or shippers, payments for use of privately owned cars, and publicly and privately owned carpools. The Secretary shall submit legislative recommendations based upon such study within 2 years after the date of enactment of this Act.

PREREQUISITES TO ESTABLISHMENT

Sec. 509. (a) General.—The Authority, authorized by section 510 of this title, shall be established only if—

(1) two years or more after the date of enactment of this Act—

(A) the Commission finds, in accordance with section 553 of title 5 of the United States Code, that there is still, as a result of inadequate utilization or inadequacy of supply or both, a continuing shortage of rolling stock in the Nation. In determining whether there is such a shortage, the Commission may consider, without incorporating in such a finding, the following factors—

(i) whether any category of rolling stock is not available to meet a demand equivalent to the average peak demand for such category of rolling stock in the 4 years prior to the time of such finding;

(ii) any governmental program, regulation, or action affecting demand for or supply of freight cars;

(iii) the extent, duration, and impact of seasonal peaks in demand for rolling stock;

(iv) the local, regional, or national scope of any reported problems of demand or supply related to rolling stock;

(v) the impact of severe weather conditions which disrupt marketing, distribution, or railroad operating factors;

(vi) the ability of shippers to load more cars if available; and

(vii) the extent to which any failures to furnish cars promptly result from factors not subject to railroad control.

The presence of any or all such factors shall not preclude a finding by the Commission that there is a continuing shortage of rolling stock; or

(B) the Secretary finds that there has not been a significant increase in the utilization of rolling stock since the date of enactment of this Act;

(2) six months after an affirmative finding under either subparagraph (A) or (B) of paragraph (1) of this subsection, the Commission or the Secretary finds that efforts to form and operate a not-for-profit non-governmental corporation, or corporations, to acquire, maintain, and provide a free running national pool of rolling stock have not succeeded or have been inadequate in size, scope, and operation to establish the feasibility of a national pool, or have failed to employ innovative concepts for equitable distribution and expeditious use of rolling stock; and

(3) the Congress, by affirmative concurrent resolution, authorizes the establishment of the Authority.

(b) Reports.—Two years after the date of enactment of this Act and on the anniversary date thereof each consecutive year thereafter for 5 years, the Commission and the Secretary shall each transmit to the President and Congress a report on rolling stock which shall include each finding made since the previous such report, if any, pursuant to subsection (a) of this section. If the Authority authorized by section 510 of this title is not established in accordance with the provisions of subsection (a) of this section, such Authority shall nonetheless be established 7 years and 6 months after the date of enactment of this Act if—

(1) in the final reports made by the Commission and the Secretary under this subsection—

(A) the Secretary or the Commission finds that the creation of an authority to acquire, maintain, and provide general service railroad freight cars and other rolling stock; to manage a pool of such rolling stock; and to develop and employ innovative concepts for the equitable distribution and expeditious use of such stock would contribute significantly to improvement of the utilization and distribution of rolling stock; and either

(B) the Commission finds that there is still, as a result of inadequate utilization or inadequacy of supply, or both, a continuing shortage of rolling stock in the Nation; or

(C) the Secretary finds that there has not been a substantial and significant increase in the utilization of railroad rolling stock; and

(2) the Congress, by affirmative concurrent resolution, authorizes the establishment of the Authoruity.

RAILROAD EQUIPMENT AUTHORITY

Sec. 510. (a) Authorization.—There is hereby authorized to be established, in accordance with the provisions of section 509 of this title and of this section, a corporation to be known as the Railroad Equipment Authority. The Board of Directors first appointed shall be deemed the incorporators, and the incorporation shall be held to have been effected from the date of the first meeting of such Board.

(b) Purposes.—The purposes of the Authority are to acquire, maintain, and provide general service railroad freight cars and other rolling stock; to manage a pool of such rolling stock; and to employ innovative concepts for equitable distribution and expeditious use of such stock to meet the needs of the national economy and the national defense.

(c) Status.—(1) The Authority shall be a government corporation of the District of Columbia, subject to the extent not inconsistent with this title, to the District of Columbia Business Corporation Act (D.C. Code 29-901 et seq.) and administered by a Board of Directors.

(2) The Authority shall not be subject to the provisions of the Interstate Commerce Act (49 U.S.C. 1 et seq.) or of any other law with respect to railroads, except that it shall be subject to—

(A) sections 1(10) through 1(17) of the Interstate Commerce Act (49 U.S.C. 1(10)-1(17));

(B) the Railway Labor Act, with respect to the representation of employees of the Authority for purposes of collective bargaining, the handling of disputes between the Authority and its employees, and other dealings with employees; the Railroad Retirement Act; and the Railroad Unemployment Insurance Act;

(C) the Federal Employers Liability Act; and

(D) the same laws and regulations with respect to safety as are applicable to any common carrier under part I of the Interstate Commerce Act.

(d) Board of Directors.—The Board of Directors of the Authority shall consist of 11 individuals who shall be appointed by the President, by and with the advice and consent of the Senate on the following basis—

(1) three to be selected from a list of qualified individuals recommended by the Association of American Railroads or its successor, one of whom shall be representative respectively of eastern-, western-, and southern-territory railroads;

(2) one to be selected from a list of qualified individuals recommended by the American Federation of Labor and Congress of Industrial Organizations or its successor, who shall be representative of railroad labor;

(3) one to be selected from a list of qualified individuals recommended by the National Academy of Sciences as persons with expert knowledge or experience with data processing and information systems and the application of computer technology to systems management;

(2) one to be selected from a list of qualified individuals recommended by shippers, organizations representative of significant shipping interests including small shippers, consumer organizations, community organizations, and recognized consumer leaders, who shall be representative of consumers of transportation services and consumers of goods and products shipped by railroad;

(5) one to be selected from a list of qualified individuals recommended by the Secretary of Defense; and

(6) one to be selected from a list of qualified individuals recommended by the Secretary of Transportation.

As used in this subsection, a list of qualified individuals shall consist of no less than three individuals. The President shall appoint one of the members, by and with the advice and consent of the Senate, to serve as Chairman for a term of 4 years. A member of the Directors who is not otherwise an employee of the Federal Government may receive $150 per diem when engaged in the actual performance of his duties plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

(e) Terms of Office.—The terms of office of the members first taking office shall expire as designated by the President at the time of nomination—four at the end of the third year; four at the end of the sixth year; and three at the end of the ninth year. Successors to members of the Directors shall be appointed in the same manner as the original members and shall have a term of office expiring nine years from the date of expiration of the term for which their predecessors were appointed. Any member appointed to fill a vacancy in the Directors occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(f) General.—The Director shall direct the exercise of all the powers of the Authority. So long as there are four members in office, the Directors are empowered to execute the functions of the Authority. Four of the Directors shall constitute a quorum for the transaction of such functions.

(g) Antitrust Laws Inapplicable.—The antitrust laws of the United States are inapplicable to the extent necessary to carry out the purposes of this title as to any person who contracts with the Authority with respect to the operation or maintenance of rolling stock or the design or implementation of a national rolling stock information system or the use of information from such system.

GENERAL POWERS OF THE AUTHORITY

Sec. 511. To carry out the purposes of this title, the Authority is empowered to—

(a) build, rebuild, purchase, own, lease, control, and manage rolling stock or equipment or facilities;

(b) require to contract for the use of physical facilities, equipment, and devices useful in developing equitable distribution and in maintaining expedtious use of rolling stock;

(c) build, rebuild, operate, maintain, and repair its rolling stock, equipment, and facilities or enter into agreements and contracts for the performance of such work and for the performance of all services and work incidental thereto and consistent with prudent management;

(d) conduct and contract for research and development that may lead to new and practical technologies, systems, and methods for the efficient and economical movement, distribution, solicitation, collection, loading and unloading, packaging, and processing of freight shipments involving railroads;

(e) sue and be sued, complain and defend, in its corporate name and through its own attorneys; adopt, alter, and use a corporate seal, which shall be judicially noticed; adopt, amend, and repeal such bylaws, rules, and regulations as may be necessry for the conduct of its affairs; conduct its business, carry on operations, maintain offices, and exercise the powers granted under this title in any State;

(f) purchase, lease, or otherwise acquire, own, hold, improve, use, or deal in and with any property (real, personal, or mixed, tangible or intangible) or interest in property, wherever situated; sell, convey mortgage, pledge, lease, exchange, or otherwise dispose of property and assets; accept gifts or donations of any property or services in aid of any purpose of the Authority;

(d) appoint such attorneys, employees, agents, consultants, and other personnel as it deems necessary; define the duties of such personnel and determine and pay compensation for their services. Except as otherwise specifically provided, such personnel shall not be subject to laws relating to Federal employees with respect to appointments, promotions, adverse actions, hours of work, rates of compensation, allowances, leave, unemployment compensation, compensation for work-related injuries, and Federal benefits for retirement, life insurance, and health benefits; and

(h) enter into contracts, execute instruments, incur liabilities, and do all things necessary or incidental to the proper management of the affairs and the proper and prudent conduct of the business.

FINANCING

SEC. 512. (a) PER DIEM SURCHARGE.—Each railroad, except a switching and terminal railroad, shall pay to the Authority a per diem surcharge of 50 cents per car-day on each unit of rolling stock for each day that such a railroad incurs a car hire charge for the use of such unit of rolling stock. The Directors shall impose such per diem surcharge not later than 60 days after taking office under section 511 of this title and shall terminate it when it has collected such sum as may be necessary for the purposes of this title but not less than $10,000,000 nor more than $30,000,000. Surcharges are payable on the tenth day of the second month succeeding the month in which the charge accrues. Within 6 months of the termination of such surcharge, the Authority shall refund to any railroad or group of railroads under common management and control any payments made by such railroad or railroads in excess of 10 per centum of the total paid by all railroads.

(b) NEGOTIABLE DEBENTURES.—The Authority shall issue to each railroad a negotiable debenture in the amount of the surcharge paid under subsection (a) of this section. The debenture shall bear and pay interest at a rate to be determined by the Secretary of the Treasury to be the current rate for similar debentures in the open market. The par value of such debentures shall be due and payable. December 31 of the thirtieth year after the date of issuance thereof or the first business day thereafter if such date is a Saturday, Sunday, or holiday. Such debentures are debts of the Authority but are subordinate to all other such debts. The United States of America does not guarantee either the par value or the interest on such debentures.

(c) REFUND OF PER DIEM SURCHARGES.—(1) In the event of partial or complete liquidation of the Authority, any assets remaining after the payment of its obligations and expenses shall be distributed pro rata to the railroads, but the amount so distributed shall not exceed in any case the amount paid as per diem surcharges under subsection (a) of this section plus accrued interest, if any. The remainder of such assets shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

(2) In the event of complete liquidation of any railroad subject to this title, the Directors of the Authority may, if and when funds are available, refund to such railroad a sum of not to exceed the amount paid in as per diem surcharges under the provisions of subsection (a) of this section plus accrued interest, if any.

(d) INCURRENCE OF DEBT FOR CAPITAL PURPOSES.—The Authority is empowered to incur debt for capital purposes. Such debt may be incurred in the form of bonds, debentures, equipment trust certificates, conditional sale agreements, or any other form of securities, agreements, or obligations. So long as all the capital stock of the Authority is owned by the United States, the payment of principal and interest on all obligations issued by it is guaranteed by the United States. Such guarantee shall be expressed on the face of the obligation. So long as any capital stock is owned by the United States, payment of principal and interest on obligations issued by the Authority may, in the discretion of the Directors, be guaranteed by the United States. Such guarantee shall be expressed on the face of the obligation. Guaranteed obligations shall not exceed $1,000,000,000 in principal amount outstanding at any one time. Such obligations may be redeemable at the option of the Authority before maturity in such manner as may be stipulated therein and shall be in such forms and denominations, have such maturities, and be subject to such terms and conditions as shall be determined by the Directors, with the approval of the Secretary of the Treasury. The Authority may also incur debt not guaranteed by the United States, in addition to that provided for under subsection (b) of this section.

(e) PURCHASE OF OBLIGATIONS BY TREASURY.—The Secretary of the Treasury may elect to purchase the obligations of the Authority guaranteed by the United States in an amount not to exceed $1,000,000,000 in principal amount outstanding at any one time, under such terms, including rates of interest, as he and the Directors may agree, but at a rate or yield no less than the current average yield on outstanding Treasury securities of comparable maturity, as determined by the Secretary of the Treasury.

(f) PUBLIC DEBT TRANSACTION.—For the purpose of any purchase of the obligations of the Authority, and to enable him to carry out his responsibility relating to guarantees made pursuant to this section, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the obligations of the Authority under this Act. The Secretary of the Treasury may at any time sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations of the Authority acquired by him hereunder. All redemptions, purchases, and sales by the Secretary of the Treasury of the obligations of the Authority shall be treated as public debt transactions of the United States.

(g) AUTHORIZATION FOR APPROPRIATIONS.—(1) In order to facilitate the formation and the implementation of the objectives of the Authority, there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, the sum of $10,000,000 to be used to acquire capital stock of the Authority, such sum to continue to be available until expended.

(2) There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to pay the principal and interest on notes or obligations issued by him as a consequence of any guarantee made under this section.

(3) In the event of any default on any guaranteed obligation, and payment in accordance with a guarantee by the United States, the Attorney General shall take appropriate action to recover the amount of such payments, with interest, from the Authority or other persons liable therefor.

(h) LAWFUL INVESTMENT AND EXEMPTION FROM REGULATIONS AND RESTRICTIONS.—Securities guaranteed under this section shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof, and shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission. The limitations and restrictions as to a National or State bank dealing in, underwriting, or purchasing investment securities for its own account, as provided in section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), and section 5(c) of the Act of June 16, 1933 (12 U.S.C. 335), shall not apply to securities guaranteed under this section.

(i) CAPITAL STOCK.—(1) The Authority is authorized to issue and have outstanding capital stock in such amounts and of such classes as it shall determine. At no time shall the aggregate of the shares of the capital stock of the Authority owned by a single railroad or by any person controlling one or more railroads, as defined in section 1(3)(b) of the Interstate Commerce Act (49 U.S.C. 1(3)(b)), directly or indirectly through subsidiaries or affiliated companies, nominees, or any person subject to its direction or control or by any other stockholder, or any syndicate or affiliated group of such stockholders exceed 5 per centum of such shares issued and outstanding.

(2) The requirement of section 45(b) of the District of Columbia Corporation Act (D.C. Code, sec. 29–920(b)) as to the per centum of stock which a stockholder must hold in order to have the rights of inspection and copying set forth in that subsection shall not be applicable in the case of holders of the stock of the Authority, and they may exercise such rights without regard to the percentage of stock they hold.

(3) Capital stock of the Authority offered and sold to the public shall be offered in compliance with all applicable laws of the United States governing the offering and sale of securities by private corporations.

(j) AUDIT AND EXPENDITURES.—(1) So long as any capital stock of the Authority is owned by the United States, "Railroad Equipment Authority" shall be subject to the provisions of the Government Corporation Control Act (31 U.S.C. 841 et seq.).

(2) Except as otherwise provided pursuant to paragraph (1) of this subsection, the Authority is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements as it deems necessary, upon such terms and conditions and in such manner as it decides. This authorization includes the power to make a final settlement or compromise of all claims and litigation by or against the Authority.

(3) Nothing in this subsection shall be

construed to deny the Authority the power to obtain audits of its accounts and reports concerning its financial condition and operations by a firm or firms of certified public accountants. Such audit and reports would be in addition to those required by this subsection.

(4) Section 201 of the Government Corporation Control Act (31 U.S.C. 856) is amended by inserting at the end thereof the following: ", and (10) the Railroad Equipment Authority.".

CONVERSION TO PRIVATE OWNERSHIP

SEC. 513. (a) PLAN FOR PUBLIC SALE.—As soon as practicable, a panel composed of the Secretary of Transportation, the Secretary of the Treasury, the Chairman of the Securities and Exchange Commission, the Chairman of the Commission, and the Chairman of the Directors of the Authority shall submit to the President and to the Congress a plan for the public sale of stock in the Authority after finding that a market exists for the sale of such stock and that the purposes of this title will be served thereby. This plan shall include, among other elements, a program which—

(1) will require refinancing, or the establishment of a reserve fund or other method, in order to protect the public interest against defaults on obligations of the Authority guaranteed by the United States; and

(2) will assure that the sale of the stock will result in a wide dispersion in the ownership of the stock.

(b) REQUIREMENTS.—The plan for sale of stock to the public shall specify a program for systematically reducing the amount of obligations of the Authority guaranteed by the United States and shall propose a capital structure for the Authority designed to insure sound financial and operating performance. Unless the Congress disapproves the plan within 6 months following submission of the plan to it, stock shall be sold in accordance with the plan.

(c) NEW BOARD MEMBERS.—Upon the sale of stock to the public, the Directors may be enlarged by the addition of members elected by owners of such stock. In no event, however, shall the Directors have more than 15 members while any capital stock in the Authority is held by the United States. During such period, the rights and privileges of owners of such stock, including determination of the number of directors to be so elected, shall be set forth in the bylaws of the Authority.

(d) PROCEEDS OF SALE.—The proceeds from the sale of the stock to the public shall be applied to the retirement of the stock held by the United States. Upon the retirement of all the stock held by the United States, the terms of office of the Directors appointed under section 510(d) of this title shall terminate as provided by the plan under subsection (a) of this section. Thereafter, all except three of the Directors shall be elected by the owners of the stock. The President shall have authority to appoint such three Directors, by and with the advice and consent of the Senate—

(1) one to be selected from a list of qualified individuals recommended by the American Federation of Labor and Congress of Industrial Organizations;

(2) one to be selected from a list of qualified individuals recommended by the Federal Trade Commission, after consultation with organizations of consumers; and

(3) one to be selected from a list of qualified individuals recommended by the Commission, after consultation with organizations of shippers.

As used in this subsection, a list of qualified individuals shall consist of no less than three individuals.

(e) POSITION OF UNITED STATES.—Upon the retirement of all the stock held by the United States—

(1) The Authority shall pay an annual fee to the United States equal to the difference between the amount of interest actually paid upon outstanding guaranteed obligations and the amount which would have been paid, as determined by the Secretary of the Treasury, if such obligations had not been guaranteed by the United States, plus one-fourth per centum;

(2) The Authority shall make every effort to refinance obligations in order to terminate the liability of the United States arising from its guarantee of obligations; and

(3) the Secretary of the Treasury may no longer purchase or guarantee the notes or other obligations of the Authority.

(f) DEFAULT.—If the Authority defaults in the payment of obligations guaranteed by the United States, the United States is authorized to take control and appoint a new Board of Directors pursuant to section 510(d) of this title.

INFORMATION SYSTEM

SEC. 514. (a) ESTABLISHMENT.—If a national rolling stock information system, as defined in section 507 of this title, is not operating effectively when the Authority is established, it shall establish such a system. If the Authority undertakes to establish such a system, the Secretary shall grant it access to and authority to use all information, studies, designs, equipment, facilities, computer programs, and other things acquired or developed under section 507 of this title. The Secretary shall give the Authority all possible assistance to further the purposes of this section.

(b) INFORMATIONAL ACCESS.—Data and other information derived from the national rolling stock information system shall be made available on an equal basis to the Authority, shippers, railroads, the Commission, the Secretary, and interested members of the public, subject to rules to be issued by the Commission to preserve the confidentiality of certain types of competitive information furnished for use in connection with the system.

(c) REPORT.—The Authority shall report to the Congress annually on the progress made in implementing such national system. Each report shall include recommendations as to any additional funding deemed necessary to make the national system more effective. The Commission shall publish a report on such system 30 days after the publication of each report by the Authority under this subsection.

USE OF EQUIPMENT SUPPLIED BY THE AUTHORITY

SEC. 515. (a) USER CHARGES.—The Authority shall establish and maintain a schedule of charges for the use of general service railroad freight cars and other rolling stock, and equipment directly related to the utilization of rolling stock. The rates shall be such as will, in the judgment of the Directors, enable the Authority to meet its operating and administrative expenses, including depreciation and carrying-charges for indebtedness, and to provide sufficient earnings to facilitate conversion to private ownership under section 513 of this title as soon as possible. Such charges shall in no case exceed 150 per centum of the cost to the Authority of acquiring, owning, maintaining, and operating the rolling stock of equipment being so used. In establishing such charges, the Authority shall consider prevailing rates and conditions for similar equipment.

(b) USER CHARGES PRECLUDED.—The Authority shall not assess any charges for rolling stock located on a railroad where that rolling stock is not required by such railroad for use in originating traffic: *Provided*, That—

(1) such rolling stock is not the subject of a car service order by the Authority or the Commission; and

(2) such railroad furnishes appropriate notice to the Authority pursuant to terms and conditions established by it regarding the use of such rolling stock.

(c) CONDITIONS ON USE.—The Authority shall establish—

(1) reasonable rates of compensation for storage of excess rolling stock on the property of any railroad, through negotiation with such railroad;

(2) terms and conditions governing the use of its equipment, including requirements for identification of rolling stock, as are in its judgment appropriate to effectuate the purposes of this title. Such terms and conditions may be modified and amended from time to time; and

(3) just and reasonable car service rules, regulations, and practices, and car distribution directions with respect to its rolling stock. Such rules, regulations, and practices shall be established after consulting with the Commission, railroads and car distribution agencies. They shall, together with car distribution directions issued thereunder, take precedence over any rules, regulations, or practices in conflict therewith which are issued or applied by any railroad or group of railroads. Such rules, regulations, and practices may be modified and amended from time to time.

(d) COMPLIANCE WITH CONDITIONS.—Each railroad shall comply with such car service rules, regulations, and practices as may be established, together with such car distribution directions as may be issued, pursuant to this section.

(e) INTERCHANGE OF CARS.—No railroad may refuse to transport any rolling stock owned, leased, controlled, or managed by the Authority, whether loaded or empty, subject to any applicable safety regulations, reasonable interchange rules, reasonable line clearances, reasonable weight limitations, and user charges set under this section. No railroad shall be entitled to any compensation from the Authority for moving empty rolling stock owned, leased, controlled, or managed by the Authority which is moving under a car distribution directive issued by the Commission or by the Authority for the purposes of distributing such rolling stock for loading.

COMMISSION REVIEW

SEC. 516. The Authority shall be subject to sections 1(10) through 1(17) of the Interstate Commerce Act (49 U.S.C. 1(10)–1(17)), and the orders of the Commission thereunder to the extent applicable. Upon petition of any person affected by any charge, rule, regulation, practice, term, condition, directive, or other provision issued or maintained by the Authority, or upon its own motion, the Commission shall make an investigation and shall order any such provision which it finds not to be in conformity with this title, or to be inconsistent with any applicable rule, order, or directive of the Commission issued pursuant to such sections, to be canceled, annulled, amended, or suspended as the Commission shall find to be appropriate.

ENFORCEMENT

SEC. 517. (a) GENERAL.—In an appropriate civil action, the Authority may apply to any district court of the United States which has jurisdiction over the parties and in which venue is properly laid under section 1291 of title 28, United States Code, for an order or judgment to enforce compliance with any obligation owing to it under or in accordance with any provision of this title or under or in accordance with any agreement or regulation entered into or issued pursuant to this title. Nothing contained in this section shall be construed to relieve any person from any punishment, liability, or sanction which may be imposed otherwise than under this title.

(b) EQUITABLE RELIEF.—(1) If the authority, any railroad, or any person fails or neglects to comply with any rule, regulation, or practice established under this title, fails to pay any charge imposed under this title, fails or refuses to comply with any car distribution directive or other order issued under this title, or fails to obey any directive by the Commission to pay charges, any district court of the United States having jurisdiction over the parties and in which venue is properly laid under section 1291 of title 28, United States Code, may grant relief. Upon a petition by the Commission or by the Authority, such court shall have jurisdiction to grant such relief as may be necessary or appropriate to prevent or terminate such failure or refusal.

(2) If the Authority, any railroad, or any other person violates or threatens to violate any provision of this title or any rule, regulation, or order issued under this title, any district court of the United States having jurisdiction over the parties and in which venue is properly laid under section 1291 of title 28, United States Code, may grant relief. Upon a petition in such a case, or, in the case of a labor agreement, upon the petition of any employee affected thereby or a duly authorized representative of such employee, such court shall have jurisdiction to grant such equitable relief as may be necessary or appropriate to prevent or terminate such violation.

ANNUAL REPORT

SEC. 518. The Authority shall cause to be prepared and transmit simultaneously to the President and the Congress an annual report commencing 1 year after its establishment. Such report shall include—

(a) a comprehensive and detailed review, analysis, and evaluation of its operations, activities, accomplishments, and outstanding problems, together with its objectives and plans for the future;

(b) an account of the state of railroad freight service in the United States, including the number of rolling stock, by classes, acquired and owned, leased, controlled, or managed by it and the number acquired and owned, leased, controlled, or managed by the railroads; and

(c) a statement of its receipts and expenditures for the previous year, its methods for determining the type and amount of rolling stock acquired, and the criteria used by the rolling stock. The Commission and the Secretary shall from time to time, but not less than once every 2 years, investigate and evaluate the performance of the Authority in light of the purposes of this title and each shall cause to be prepared and transmit, simultaneously to the President and the Congress a report thereon.

PROTECTIVE ARRANGEMENTS FOR EMPLOYEES

SEC. 519. (a) GENERAL.—In carrying out their functions under this Act and as a condition precedent to the execution of any contract, the guarantee of any obligation, and the approval of inducement of any other action under this Act, the Board, the Secretary, and the Authority shall take adequate steps to protect the interests of affected employees. Each contract as to which any railroad or car-pooling company is either a party or a beneficiary shall include fair and equitable arrangements, as certified by the Secretary of Labor, to protect the interests of individual railroad employees who are or who may be affected in their employment by such contract. Such protective arrangements shall include the arrangements specified in section 405 of the Rail Passenger Service Act of 1970 (45 U.S.C. 565); section 13 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1609); and section 6 of the High Speed Ground Transportation Act of 1965 (49 U.S.C. 1636).

(b) BUILDINGS AND REBUILDING CONTRACTS OF CORPORATION.—The Authority, in awarding contracts for the building or rebuilding of rolling stock under this title, shall conform to prevailing practices in the railroad industry at the time of each such contract in dividing such work between railroads with facilities for building and rebuilding rolling stock and nonrailroads with such facilities. Such contracts as are awarded to railroads shall be performed through the use of the facilities and the employees of such railroads and shall not be subcontracted. In awarding such contracts, the Authority shall be guided by the relative proportions of such building and rebuilding as was performed in railroad as opposed to nonrailroad facilities during the 5-calendar-year period preceding the award of such contract. Variations from these proportions shall not exceed 5 per centum if the total amount of building and rebuilding declines from levels at the date of enactment of this Act. If the Authority fails to maintain required relative proportions in distributing such work to railroad facilities under such contracts, the fair and equitable employee protective arrangements required by subsection (a) hereof shall become effective. Notwithstanding the foregoing, no contract shall be awarded by the Authority for the building or rebuilding of rolling stock unless the work to be performed is reasonably expected to meet or exceed the minimum specifications established by it in accordance with the purposes of this title.

(c) JOB TRAINING.—Railroad employees adversely affected by any action taken pursuant to this title designed to provide for more effective use and distribution of rolling stock shall be reassigned and if necessary retrained to perform the new tasks covering the functions which they had performed prior to such action. The performance of such functions shall be considered to be within the same craft or class as that in which such railroad employees were classified prior to such change and the rights of such employees to the same representation shall be preserved. A railroad employment position which is affected by any such change may be eliminated as it becomes vacant through the death or voluntary resignation or retirement of the employee holding such position.

(d) OTHER LAWS.—In his administration of the provisions of this title, the Secretary of Labor shall consolidate the program authorized herein with the companion programs under the Rail Passenger Service Act of 1970 (45 U.S.C. 565); the Urban Mass Transportation Act of 1964 (49 U.S.C. 1609); and the High Speed Ground Transportation Act of 1965 (49 U.S.C. 1636). The Secretary of Labor shall uniformly develop, interpret, and apply the procedures and standards under these several laws.

(e) REPAIR AND MAINTENANCE CONTRACTS.—To the extent practicable, the Authority shall award contracts for the repair and maintenance of its rolling stock to railroads with facilities for performing such work.

(f) CONSTRUCTION CONTRACTS.—In the exercise of their respective authority under this title, the Board, the Secretary, and the Authority shall take all steps necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed with the assistance of funds received under any contract or agreement entered into under this title shall be paid wages at rates no less than those prevailing on similar construction in the same locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The Board, the Secretary, or the Authority shall not enter into any such contract or agreement without first obtaining adequate assurance that required labor standards will be maintained on the construction work. Wage rates provided for in collective-bargaining agreements negotiated under and pursuant to the Railway Labor Act or the National Labor Relations Act shall be considered to be in compliance with the Davis-Bacon Act; the highest of such wage rates shall be the applicable standard for all laborers and mechanics not covered by any such agreement and employed by contractors and subcontractors engaged in the building of rolling stock under contracts awarded by the authority under this title.

TITLE VI—EMPLOYEE PROTECTION

DEFINITIONS

SEC. 601. As used in this title—

(1) "Acquiring railroad" means a railroad, except the Corporation, which seeks to acquire or has acquired, pursuant to the provisions of this Act, all or a part of the rail properties of one or more of the railroads in reorganization, the Corporation, or a profitable railroad.

(2) "Employee of a railroad in reorganization" means a person who, on the effective date of a conveyance of rail properties of a railroad in reorganization to the Corporation or to an acquiring railroad, has an employment relationship with either said railroad in reorganization or any carrier (as defined in parts I and II of the Interstate Commerce Act) which is leased, controlled, or operated by the railroad in reorganization except a president, vice president, treasurer, secretary, comptroller, and any other person who performs functions corresponding to those performed by the foregoing officers.

(3) "Protected employee" means any employee of an acquiring railroad adversely affected by a transaction and any employee of a railroad in reorganization who on the effective date of this Act have not reached age sixty-five.

(4) "Class or craft of employees" means a group of employees, recognized and treated as a unit for purposes of collective bargaining, which is represented by a labor organization that has been duly authorized or recognized pursuant to the Railway Labor Act as its representatives for purposes of collective bargaining.

(5) "Representative of a class or craft of employees" means a labor organization which has been duly authorized or recognized as the collective bargaining representative of a class or craft of employees pursuant to the Labor Act.

(6) "Deprived of employment" means the inability of a protected employee to obtain a position by the normal exercise of his seniority rights with the Corporation after properly electing to accept employment therewith or, the subsequent loss of a position and inability, by the normal exercise of his seniority rights under the applicable collective bargaining agreements, to obtain another position with the Corporation: *Provided, however,* That provisions in existing collective bargaining agreements of a railroad in reorganization, which do not require a protected employee, in the normal exercise of seniority rights, to make a change in residence, in order to maintain his protection, will be preserved and will also be extended and be applicable to all other protected employees of that same craft or class. It shall not, however, include any deprivation of employment by reason of death, retirement, resignation, dismissal or disciplinary suspension for cause, failure to work due to illness or disability, nor any severance of employment covered by subsections (d) and (e) of section 605 of this title.

(7) "Employee adversely affected with respect to his compensation" means a protected employee who suffers a reduction in compensation.

(8) "Transaction" means actions taken pursuant to the provisions of this Act, other than title V of this Act, or the results thereof.

(9) "Change in residence" means transfer to a work location which is located either (1) outside a radius of thirty miles of the employee's former work location and

farther from his residence than was his former work location or (2) more than 30 normal highway route miles from the employee's residence and also farther from his residence than was his former work location.

OFFERS OF EMPLOYMENT

SEC. 602. (a) APPLICABLE LAW.—The Corporation and, where applicable, the Association shall be subject to the provisions of the Railways Labor Act and shall be considered employers for purposes of the Railroad Retirement Act, Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act. The Corporation, in addition, shall, except as otherwise specifically provided by this Act, be subject to all Federal and State laws and regulations applicable to carriers by railroad.

(b) MANDATORY OFFER.—The Corporation shall offer employment, to be effective as of the date of a conveyance or discontinuance of service under the provisions of this Act, to each employee of a railroad in reorganization who has not already accepted an offer of employment by the Association, where applicable, or an acquiring railroad. Such offers of employment to employees represented by labor organization will be confined to their same craft or class. The Corporation shall apply to said employees the protective provisions of this title.

(c) ASSOCIATION.—After the transfer of rail properties pursuant to section 303, the Association, in employing any additional employees, shall give priority consideration to employees of a railroad in reorganization and the provisions of this title shall apply to any such employees employed by the Association as if they were employees of the Corporation.

ASSIGNMENT OF WORK

SEC. 603. The Corporation shall have the right to assign, allocate, reassign, reallocate, and consolidate work formerly performed on the rail properties acquired pursuant to the provisions of this Act from a railroad in reorganization to any location, facility, or position on its system provided it does not remove said work from coverage of a collective-bargaining agreement and does not infringe upon the existing classification of work rights to any craft or class of employees at the location or facility to which said work is assigned, allocated, reassigned, reallocated, or consolidated and shall have the right to transfer to an acquiring railroad the work incident to the rail properties or facilities acquired by said acquiring railroad pursuant to this Act, subject, however, to the provisions of section 608 of this title.

COLLECTIVE BARGAINING AGREEMENTS

SEC. 604. (a) INTERIM APPLICATION.—Until completion of the agreements provided for under subsection (d) of this section, the Corporation shall, as though an original party thereto, assume and apply on the particular lines properties, or facilities acquired all obligations under existing collective bargaining agreements covering all crafts and classes employed thereon, except that the Agreement of May, 1936, Washington, District of Columbia, and provisions in other existing job stabilization agreements shall not be applicable to transactions effected pursuant to this Act with respect to which the provisions of section 605 shall be superseding and controlling. During this period, employees of a railroad in reorganization who have seniority on the lines, properties, or facilities acquired by the Corporation pursuant to this Act shall have prior seniority roster rights on such acquired lines, properties, or facilities.

(b) SINGLE IMPLEMENTING AGREEMENT.—On or before the date of the adoption of the final system plan by the Association under section 207(c) of this Act, the representatives of the various classes or crafts of the employees of a railroad in reorganization involved in a conveyance pursuant to this Act and representatives of the Corporation shall commence negotiation of a single implementing agreement for each class and craft of employees affected providing (1) the identification of the specific employees of the railroad in reorganization to whom the Corporation offers employment; (2) the procedure by which those employees of the railroad in reorganization may elect to accept employment with the Corporation; (3) the procedure for acceptance of such employees into the Corporation's employment and their assignment to positions on the Corporation's system; (4) the procedure for determining the seniority of such employees in their respective crafts or class on the Corporation's system which shall, to the extent possible, preserve their prior seniority rights; and (5) the procedure for determining equitable adjustment in rates of comparable positions. If no agreement with respect to the matters referred to in this subsection is reached by the end of thirty days after the commencement of negotiations, the parties shall within an additional ten days select a neutral referee and, in the event they are unable to agree upon the selection of such referee, then the National Mediation Board shall immediately appoint a referee. After a referee has been designated, a hearing on the dispute shall commence as soon as practicable. Not less than ten days prior to the effective date of any conveyance pursuant to the provisions of this Act, the referee shall resolve and decide all matters in dispute with respect to the negotiation of said implementing agreement or agreements and shall render a decision which shall be final and binding and shall constitute the implementing agreement or agreements between the parties with respect to the transaction involved. The salary and expenses of the referee shall be paid pursuant to the provisions of the Railway Labor Act.

(c) Notwithstanding failure for any reason to complete implementing agreements provided for in subsection (b) of this section, the Corporation may proceed with a conveyance of properties, and equipment pursuant to the provisions of this Act and effectuate said transaction: *Provided*, That all protected employees shall be entitled to all of the provisions of such agreements, as finally determined, from the time they are adversely affected as a result of any such conveyance.

(d) No later than sixty days after the effective date of any conveyance pursuant to the provisions of this Act, the representatives of the various classes or crafts of the employees of a railroad in reorganization involved in a conveyance and representatives of the Corporation shall commence negotiations of new collective-bargaining agreements for each class and craft of employees covering the rates of pay, rules, and working conditions of employees who are employees of the Corporation, which collective-bargaining agreements shall include appropriate provisions concerning rates of pay, rules, and working conditions but shall not include any provisions for job stabilization resulting from any transaction effected pursuant to this Act which may exceed or conflict with those established or prescribed herein.

EMPLOYEE PROTECTION

SEC. 605. (a) EQUIVALENT POSITION.—A protected employee whose employment is governed by a collective-bargaining agreement will not, except as explicitly provided in this title, during the period in which he is entitled to protection, be placed in a worse position with respect to compensation, fringe benefits, rules, working conditions, and rights and privileges pertaining thereto.

(b) MONTHLY DISPLACEMENT ALLOWANCE.—A protected employee, who has been deprived of employment or adversely affected with respect to his compensation, shall be entitled to a monthly displacement allowance computed as follows:

(1) Said allowance shall be determined by computing the total compensation received by the employee including vacation allowances and monthly compensation guarantees, and his total time paid for during the last twelve months immediately prior to his being adversely affected in which he performed compensated service more than 50 per centum of each of such months, based upon his normal work schedule, and by dividing separately the total compensation and the total time paid for by twelve, thereby producing the average monthly compensation and average monthly time paid for; and, if an employee's compensation in his current position is less in any month in which he performs work than the aforesaid average compensation, he shall be paid the difference, less any time lost on account of voluntary absences other than vacations, but said protected employee shall be compensated in addition thereto at the rate of the position filled for any time worked in excess of his average monthly time: *Provided, however*, That—

(A) in determining compensation in his current employment the protected employee shall be treated as occupying the position, producing the highest rate of pay to which his qualifications and seniority entitles him under the applicable collective-bargaining agreement and which does not require a change in residence;

(B) the said monthly displacement allowance shall be reduced by the full amount of any unemployment compensation benefits by the protected employment in any employment subject to the Railroad Retirement Act and 50 per centum of any earnings in any employment not subject to the Railroad Retirement Act;

(C) a protected employee's average monthly compensation shall be adjusted general wage increases;

(D) should a protected employee's service total less than twelve months in which he performs more than 50 per centum compensated service based upon his normal work schedule in each of said months, his average monthly compensation shall be determined by dividing separately the total compensation received by the employee and the total time for which he was paid by the number of months in which he performed more than 50 per centum compensated service based upon his normal work schedule; and

(E) the monthly displacement allowance provided by this section shall in no event exceed the sum of $2,500 in any month except that such amount shall be adjusted to reflect subsequent general wage increases.

(2) A protected employee's average monthly compensation under this section shall be based upon the rate of pay applicable to his employment and shall include increases in rates of pay not in fact paid but which were provided for in national railroad labor agreements generally applicable during the period involved.

(3) If a protected employee who is entitled to a monthly displacement allowance served as an agent of a representative of a craft or class of employees on either a full or part-time basis in the twelve months immediately preceding his being adversely affected, his monthly displacement allowance shall be computed by taking the average of the average monthly compensation and average monthly time paid for of the protected employees immediately above and below him on the same seniority roster or his own monthly displacement allowance, whichever is greater.

(4) An employee and his representative be furnished with a protected employee's average monthly compensation and average monthly time paid for, computed in accordance with the terms of this subsection, together with the date upon which such computations are based, within thirty days after

the protected employee notifies the Corporation in writing that he has been deprived of employment or adversely affected with respect to his compensation.

(c) TERMINATION OF ALLOWANCE.—The monthly displacement allowance provided for in subsection (b) of this section shall continue until the attainment of age sixty-five by a protected employee with five or more years of service on the effective date of this Act and, in the case of a protected employee who has less than five years service on such date, shall continue for a period equal to his total prior years of service: *Provided*, That such monthly displacement allowance shall terminate upon the protected employee's death, retirement, resignation, or dismissal for cause; and shall be suspended for the period of disciplinary suspension for cause, failure to work due to illness or disability, voluntary furlough, or failure to retain or obtain a position available to him by the exercise of his seniority rights in accordance with the provisions of this section.

(d) TRANSFER OF EMPLOYMENT.—(1) A protected employee who has been deprived of employment may be required by the corporation, in inverse seniority order and upon reasonable notice, to transfer to any bona fide vacancy for which he is qualified in his same craft or class on any part of the Corporation's system and shall then be governed by the collective bargaining agreement applicable on the seniority district to which transferred. If such transfer requires a change in residence, any such protected employee may choose (A) to voluntarily furlough himself at his home location and have his monthly displacement allowance suspended during the period of voluntary furlough, or (B) to be severed from employment upon payment to him of a separation allowance computed as provided in subsection (e) and (f) of this section, which separation allowance shall be in lieu of all other benefits provided by this title.

(2) Such protected employee shall not be required to transfer to a location requiring a change in residence unless there is a bona fide need for his services at such location. Such bona fide need for services contemplates that the transfer be to a position which has not and cannot be filled by employees who are not required to make a change in residence in the seniority district involved and which, in the absence of this section, would have required the employment of a new employee.

(3) Such protected employee who, at the request of the corporation, has once accepted and made a transfer to a location requiring a change in residence, shall not be required again to so transfer for a period of three years.

(4) Transfers to vacancies requiring a change in residences shall be subject to the following:

(A) The vacancy shall be first offered to the junior qualified protected employee deprived of employment in the seniority district where the vacancy exists, and each such employee shall have twenty days to elect one of the options set forth in paragraph (1) of this subsection. If that employee elects not to accept the transfer, it will then be offered in inverse seniority order to the remaining qualified, protected employees deprived of employment on the seniority district who will each have twenty days to elect one of the options set forth in paragraph (1) of this subsection.

(B) If the vacancy is not filled by the procedure in paragraph (4)(A) of this subsection, the vacancy will then be offered in the inverse order of seniority to the qualified, protected employees deprived of employment on the system and each of such employees will be afforded thirty days to elect one of the options set forth in paragraph (1) of this subsection.

(C) The provisions of this paragraph (4) shall not prevent the adoption of other procedures pursuant to an agreement made by the Corporation and representative of the class or craft of employees involved.

(e) A protected employee who is tendered and accepts an offer by the Corporation to resign and sever his employment relationship in consideration of payment to him of a separation allowance, and any protected employee whose employment relationship is severed in accordance with subsection (d) of this section, shall be entitled to receive a lump-sum-separation allowance not to exceed $20,000 in lieu of all other benefits provided by this title. Said lump-sum-separation allowance, in the case of a protected employee who had not less than three nor more than five years of service as of the date of this Act, shall amount to two hundred and seventy days' pay at the rate of the position last held and, in the case of a protected employee having had five or more years' service, shall amount to the number of days' pay indicated below at the rate of the position last held dependent upon the age of the protected employee at the time of such termination of employment:

60 or under	360 days' pay
61	300 days' pay
62	240 days' pay
63	180 days' pay
64	120 days' pay

(f) The Corporation may terminate the employment of an employee of a railroad in reorganization, who has less than three years' service as of the effective date of this Act: *Provided, however*, That in such event the terminated employee shall be entitled to receive a lump-sum separation allowance in an amount determined as follows:

2 to 3 years' service—180 days' pay at the rate of the position last held.

1 to 2 years' service—90 days' pay at the rate of the position last held.

Less than 1 year's service—5 days' pay at the rate of the position last held for each month of service.

(g) Any protected employee who is required to make a change of residence as the result of a transaction shall be entitled to the following benefits:

(1) Reimbursement for all expenses of moving his household and other personal effects, for the traveling expense of himself and members of his family, including living expenses for himself and his family, and for his own actual wage loss, not to exceed ten working days: *Provided*, That the Corporation or acquiring railroad shall, to the same extent provided above, assume said expenses for any employee furloughed within three years after changing his point of employment as a result of a transaction, who elects to move his place of residence back to his original point of employment. No claim for reimbursement shall be paid under the provisions of this section unless such claim is presented to the Corporation or acquiring railroad within ninety days after the date on which the expenses were incurred.

(2)(A)(i) If the protected employee owns, or is under a contract to purchase, his own home in the locality from which he is required to move and elects to sell said home, he shall be reimbursed for any loss suffered in the sale of his home for less than its fair market value. In each case the fair market value of the home in question shall be determined as of a date sufficiently prior to the date of the transaction so as to be unaffected thereby. The Corporation or an acquiring railroad shall in each instance be afforded an opportunity to purchase the home at such fair market value before it is sold by the employee to any other person.

(ii) A protected employee may elect to waive the provisions of paragraph (2)(A)(i), above, and receive, in lieu thereof, an amount equal to his closing costs which are ordinarily paid for and assumed by a seller of real estate in the jurisdiction in which the residence is located. Such costs shall include a real estate commission paid to a licensed realtor (not to exceed $3,000 or 6 per centum of sale price, whichever is less), and any prepayment penalty required by the institution holding the mortgage; such costs shall not include the payment of any "points" by the seller.

(B) If the protected employee holds an unexpired lease on a dwelling occupied by him as his home, he shall be protected from all loss and cost in securing the cancellation of said lease.

(C) No claim for costs or loss shall be paid under this provisions of this paragraph (2) unless such claim is presented to the Corporation or an acquiring railroad within ninety days after such costs or loss are incurred.

(D) Should a controversy arise with respect to the value of the home, the costs of loss sustained in its sale, the costs or loss under a contract for purchase, loss or cost in securing termination of a lease, or any other question in connection with these matters, it shall be decided through joint conference between the emlpoyee, or his representative, and the Corporation or an acquiring railroad. In the event they are unable to agree, the dispute or controversy may be referred by either party to a board of competent real estate appraisers, elected in the following manner: One to be selected by the employee or his representative and one by the Corporation or an acquiring railroad, and these two, if unable to agree upon a valuation within thirty days, shall endeavor by agreement within ten days thereafter to select a third appraiser, or to agree to a method by which a third appraiser shall be selected, and, failing such agreement, either party may request the National Mediation Board to designate within ten days a third qualified real estate appraiser whose designation will be binding upon the parties. A decision of a majority of the appraisers shall be required and said decision shall be final and conclusive. The salary and expenses of the third or neutral appraiser, including the expenses of the appraisal board, shall be borne equally by the parties to the proceedings. All other expenses shall be paid by the party incurring them, including the compensation of the appraiser selected by such party.

(h) Should a railroad rearrange or adjust its forces in anticipation of a transaction with the purpose or effect of depriving a protected employee of benefits to which he otherwise would have become entitled under this title, the provisions of this title will apply to such employee.

PERFORMANCE OF WORK

SEC. 606. All work in connection with the operation or services provided by the Corporation on the rail lines, properties, equipment, or facilities acquired pursuant to the provisions of this Act and the maintenance, repair, rehabilitation, or modernization of such lines, properties, equipment, or facilities which has been performed by practice or agreement in accordance with provisions of the existing contracts in effect with the representatives of the class or craft involved shall continue to be performed by said Corporation's employees, including employees on furlough. Should the Corporation lack a sufficient number of employees, including employees on furlough, and is unable to hire additional employees, to perform the work required, it shall be permitted to subcontract that part of such work which cannot be performed by its employees including those on furlough, except where agreement by the representatives of the employees of the class or craft involved is required by applicable collective bargaining agreements. The term "unable to hire additional employees" as used in this section contemplates establishment and maintenance by the Corporation of an apprenticeship, training, or recruitment program to provide an adequate number of skilled employees to perform the work.

ARBITRATION

SEC. 607. Any dispute or controversy with respect to the interpretation, application, or enforcement of the provisions of this title, except section 604(d) and those disputes or controversies provided for in subsection (g) (2) (D) of section 605 and subsection (b) of section 604 which have not been resolved within ninety days, may be submitted by either party to an Adjustment Board for a final and binding decision thereon as provided in section 3 Second, of the Railroad Labor Act (45 U.S.C. 153 Second), in which event the burden of proof on all issues so presented shall be upon the Corporation or, where applicable, the Association.

ACQUIRING RAILROADS

SEC. 608. An acquiring railroad shall offer such employment and afford such employment protection to employees of a railroad from which it acquires properties or facilities pursuant to this Act, and shall further protect its own employees who are adversely affected by such acquisition, as shall be agreed upon between the said acquiring railroad and the representatives of such employees prior to said acquisition: *Provided, however,* That the protection and benefits provided for protected employees in such agreements shall be the same as those specified in section 605 of this title: *And provided, further, however,* That unless and until such agreements are reached, the acquiring railroad shall not enter into purchase agreements pursuant to section 206 of this Act.

PAYMENT OF BENEFITS

SEC. 609. The Corporation, Association (where applicable), and acquiring railroads, as the case may be, shall be responsible for the actual payment of all allowances, expenses, and costs, provided protected employees pursuant to the provisions of this title. The Corporation, Association (where applicable), and acquiring railroads shall then be reimbursed for such actual amounts paid protected employees pursuant to the provisions of this title by the Railroad Retirement Board upon certification to said Board by the Corporation, Association, and acquiring railroads of the amounts paid such employees. Such reimbursement shall be made from a separate account maintained in the Treasury of the United States to be known as the Regional Rail Transportation Protective Account. There is hereby authorized to be appropriated to such protective account annually such sums as may be required to meet the obligations payable hereunder, not to exceed in the aggregate, however, the sum of $250,000,000. There is further authorized to be appropriated to the Railroad Retirement Board annually such sums as may be necessary to provide for additional administrative expenses to be incurred by the Board in the performance of its functions under this section.

WORK RULES STUDY

SEC. 610. The Secretary of Labor, in consultation with the Secretary, the Chairman of the Commission and other interested parties, shall conduct a study of the effect of existing work rules on the consolidation of the operations of the railroads in reorganization under this Act. The Secretary shall submit to the President and to the Congress his findings and recommendations as a result of such study no later than the date for submission of the final system plan as provided in subsection 207(c) of this Act.

EMPLOYEE DISPLACEMENT STUDY

SEC. 611. (a) SCOPE.—The Secretary of Labor shall, within 1 year after the Corporation commences operations and each year for the succeeding four years thereafter, conduct a study of and report to the President and the Congress on the extent of the displacement of railroad employees and the extent to which the railroad industry as a whole and each individual carrier contribute to the solution of the displacement problem by employing workers displaced as a result of this Act.

(b) ROSTER.—The Corporation, acquiring railroads, and the Railroad Retirement Board, shall maintain a roster or rosters of railroad employees furloughed, displaced, transferred, or otherwise affected as a result of transactions under this Act, and shall provide such information together with other information needed and requested by the Secretary of Labor in fulfilling his responsibilities under this section.

(c) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated annually to the Secretary of Labor and to the Railroad Retirement Board such sums as may be necessary to provide for additional administrative expenses incurred by the Secretary of Labor and the Railroad Retirement Board in the performance of their functions under sections 610 and 611 of this title.

TITLE VII—GENERAL PROVISIONS

RELATIONSHIP TO OTHER LAWS

SEC. 701. (a) ANTITRUST.—(1) Except as specifically provided in paragraph (3) of this subsection, no provision of this Act shall be deemed to convey to any railroad or employee or director thereof any immunity from civil or criminal liability, or to create defense to actions, under the antitrust laws.

(2) The Attorney General and the Federal Trade Commission shall, within 60 days after the release of the preliminary system plan by the Association under section 207(a) of this Act, assess the possible anti-competitive effects of such plan and propose any amendments which would, to the greatest extent practicable in accordance with the purposes of this Act and the goals set forth in section 206(a) of this Act alleviate any such anticompetitive effects. Copies of this evaluation and any proposed amendments to the preliminary system plan shall be submitted to the Association, the Office, the Secretary, and the appropriate committees and subcommittees of the Congress. For the purposes of carrying out their responsibilities under this paragraph the Attorney General and the Federal Trade Commission shall have the same access to information as the Secretary, the Office, and the Association have under section 203 of this Act.

(3) The antitrust laws are inapplicable with respect to any action taken to formulate or implement the final system plan where such action was in compliance with the requirements of such plan.

(4) As used in this subsection, "antitrust laws" includes the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended; the Act of October 15, 1914 (ch. 323, 38 Stat. 730), as amended; the Federal Trade Commission Act (38 Stat. 717), as amended; sections 73 and 74 of the Act of August 27, 1894 (28 Stat. 570), as amended; and the Act of June 19, 1936 (ch. 592, 49 Stat. 1526), as amended.

(b) COMMERCE AND BANKRUPTCY.—The provisions of the Interstate Commerce Act (49 U.S.C. et seq.) and the Bankruptcy Act (11 U.S.C. et seq.) are inapplicable to transactions under this Act to the extent necessary to formulate and implement the final system plan whenever a provision of any such Act is inconsistent with this Act.

(c) ENVIRONMENT.—(1) The provisions of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2) (C)) shall not apply with respect to any action taken under authority of this Act before the effective date of the final system plan;

(2) With respect to any action taken under authority of this Act after the effective date of the final system plan in a proceeding before the Commission, or in any other proceeding before the Commission after the date of enactment of this Act, the proponent of any rule or order shall have the burden of proving that any action requested of the Commission shall not significantly impair the quality of the human environment, or otherwise be inconsistent with the purposes and objectives of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Clean Air Act of 1970 (42 U.S.C. 1857 et seq.), the Water Quality Improvement Act of 1970 (33 U.S.C. 1151 et seq.), the Resource Recovery Act of 1970 (42 U.S.C. 3251 et seq.), the Noise Control Act of 1972 (42 U.S.C. 4901), or any other Federal law administered by the Administrator of the Environmental Protection Agency. In no case shall the Commission take significant action under any provision of the Interstate Commerce Act without including as part of such action an assessment or statement of its impact on the environment. The Commission shall make such assessment or statement as part of its initial decision. Any party or other interested person may seek agency review within 45 days of the date of issuance of such initial within 45 days of the date of issuance of such initial decision by the Commission.

(d) NORTHEAST CORRIDOR.—(1) Rail properties designated in accordance with section 206(c)(1)(C) of this Act shall be purchased or leased by the National Railroad Passenger Corporation or the regional transportation authority designated in the final system plan. The Corporation shall negotiate an appropriate sale or lease agreement with the National Railroad Passenger Corporation or regional transportation authority as provided in the final system plan.

(2) Properties acquired pursuant to this subsection shall be improved in order to meet the goals set forth in section 206(a)(3) of this Act at the earliest practicable date, but in no event later than 9 years after the effective date of the final system plan.

(3) The final system plan shall provide for any necessary coordination by freight or commuter services of use of the facilities designated in section 206(c)(1)(C) of this Act. Such coordination may be effectuated through a single operating entity, designated in the final system plan, or as mutually agreed upon by the interested parties.

(4) Construction or improvements made pursuant to this subsection shall be under the supervision of and in consultation with the Corps of Engineers.

(e) EMERGENCY SERVICE.—Section 1(16) of the Interstate Commerce Act (49 U.S.C. 1 (16)) is amended by inserting "(a)" before the word "Whenever" in the first sentence and adding the following new paragraph:

"(b) Whenever any carrier by railroad is unable to transport the traffic offered it because—

"(1) its cash position makes its continuing operation impossible;

"(2) it has been ordered to discontinue any service by a court; or

"(3) it has abandoned service without obtaining a certificate from the Commission pursuant to this section; the Commission may, upon the same procedure as provided in paragraph (15) of this section, make such just and reasonable directions with respect to the handling, routing, and movement of the traffic available to such carrier and its distribution over such carrier's lines, as in the opinion of the Commission will best promote the service in the interest of the public and the commerce of the people subject to the following conditions:

"(A) Such directions shall be effective for no longer than 60 days unless extended by the Commission for cause shown for an additional designated period not to exceed 180 days.

"(B) No such directions shall be issued that would cause a carrier to operate in violation of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421) or that would substantially impair the ability of the carrier so directed to serve adequately its own patrons or to meet its outstanding common carrier obligations.

"(C) The directed carrier shall not, by reason of such Commission direction, be deemed to have assumed or to become responsible for the debts of the other carrier.

"(D) The directed carrier shall hire employees of the other carrier to the extent such employees had previously performed the directed service for the other carrier, and, as to such employees as shall be so hired, the directed carrier shall be deemed to have assumed all existing employment obligation and practices of the other carrier relating thereto, including but not limited to agreements governing rate of pay, rules and working conditions, and all employee protective conditions commencing with and for the duration of the direction.

"(E) Any order of the Commission entered pursuant to this paragraph shall provide that if, for the period of its effectiveness, the cost, as hereinafter defined, of handling, routing, and moving the traffic of another carrier over the other carrier's lines of road shall exceed the direct revenues therefor, then upon request, payment shall be made to the directed carrier, in the manner hereinafter provided and within 90 days after expiration of such order, of a sum equal to the amount by which such cost has exceeded said revenues. The term 'cost' shall mean those expenditures made or incurred in or attributable to the operations as directed, including the rental or lease of necessary equipment, plus an appropriate allocation of common expenses, overheads, and a reasonable profit. Such cost shall be then currently recorded by the carrier or carriers in such manner and on such forms as by general order may be prescribed by the Commission and shall be submitted to and subject to audit by the Commission. The Commission shall certify promptly to the Secretary of the Treasury the amount of payment to be made to said carrier or carriers under the provisions of this paragraph. Payments required to be made to a carrier under the provisions of this paragraph shall be made by the Secretary of the Treasury from funds hereby authorized to be appropriated in such amounts as may be necessary for the purpose of carrying out the provisions hereof.".

ANNUAL EVALUATION BY THE SECRETARY

SEC. 702. As part of his annual report each year, the Secretary shall transmit to Congress each year a comprehensive report on the effectiveness of the Association and the Corporation in implementing the purposes of this Act, together with any recommendations for additional legislative or other action.

FREIGHT RATES FOR RECYCLABLES

SEC. 703. (a) RATE POLICY.—In view of existing and anticipated shortages of nonrenewable resources, the Commission and the Federal Maritime Commission, within the scope of their respective jurisdictions, are hereby directed to effect with the least practicable delay such lawful changes in the rate structure of the country as will promote the freedom of movement by common carriers of recovered materials at the lowest possible lawful rates compatible with the maintenance of adequate transportation service: *Provided*, That no investigation or proceeding resulting from the enactment of this section shall be permitted to delay the decision of cases now pending before either of these commissions and involving rates on recovered materials, but such cases shall be decided in accordance with this section.

(b) INTERVENTION.—The Administrator of the Environmental Protection Agency shall take such steps as are necessary to insure that the directives of subsection (a) of this section are carried out as expenditiously as possible, including the initiation of and intervention in proceedings before the Commission and the Federal Maritime Commission. Such Administrator shall have such standing in proceedings before these commissions as is necessary to comply with this subsection. Attorneys appointed by such Administrator may appear for and represent him in any such proceedings.

(c) REASONABLE AND DISCRIMINATORY RATES.—It shall be unlawful for any railroad, common carrier by water, motor carrier, or any group, conference, or association of railroads or carriers, or for any officer or agent thereof to (1) file with the Commission or the Federal Maritime Commission or (2) demand, charge or collect any rate or charge, schedule of rates or charges, proposed rate or rate increase, classification or tariff for the transportation of recovered materials which is unreasonable or unjustly discriminatory when compared with any rate or charge, schedule of rates or charges, proposed rate or rate increase, classification or tariff already on file or filed or charged or demanded by such railroad, carrier, group, conference or association of railroads or carriers for the transportation of virgin natural resources that compete with such recovered materials; and before any such rate, charge, rate increase, schedule, tariff, or classification is accepted for filing, the filing party shall be required to furnish such evidence as shall be necessary to establish that the same is not unreasonable or unjustly discriminatory.

(d) COMPLAINTS.—Any interested person may file a complaint with the Commission or the Federal Maritime Commission which alleges that rates, charges, or tariffs for the transportation of recovered materials within its jurisdiction and not already under investigation are unreasonable or unjustly discriminatory or both. Upon filing of any such complaint, the affected Commission shall forward a copy thereof to the railroads or other carriers whose rates are challenged. Such carriers shall be offered a reasonable opportunity to answer such allegations in writing. The affected Commission shall thereupon investigate and, after a hearing has been afforded, determine whether such rates, charges, or tariffs are unreasonably or unjustly discriminatory when compared with the rates, charges, or tariffs charged or filed by responding railroads or other carriers for substantially similar transportation of competing virgin natural resources. If such rates, charges, or tariffs are found to be unreasonable or unjustly discriminatory, the affected Commission shall issue an appropriate order which effectively cancels such rates, charges, or tariffs and replaces them with rates, charges, tariffs, and conditions of transportation found to be reasonable and nondiscriminatory, and the respondents shall be ordered to comply with the affected Commission's rulings.

(e) PROCEEDINGS.—In any proceeding under this section, the burden of proof shall be upon the railroads or other carriers whose rates, charges or tariffs are under investigation to show that such rates, charges or tariffs are not unreasonable or discriminatory and, because of the important environmental interest involved in such proceedings, the Commission and the Federal Maritime Commission shall give full preference to the hearing and decision of such questions and decide them as speedily as possible. In all such cases, the Commission or the Federal Maritime Commission may by subpoena compel the attendance of witnesses and the production of books, papers, documents, and such other evidence as may be required. Attendance of witnesses and production of evidence in response to subpoena may be required from any place in the United States to any designated place of hearing. Persons acting under subpoena, except employees of either such commission, shall be entitled to the same fees and mileage as are paid for appearances in the courts of the United States. Obedience to any such subpoena shall, on application of the effected commission, be enforced by any district court of the United States having jurisdiction over the parties or witnesses involved. In such cases, depositions, written interrogatories, and other discovery procedures shall be available to the extent practicable and in conformity with the rules applicable to civil proceedings in the district courts of the United States.

(f) REVIEW.—Orders issued by the Commission and the Federal Maritime Commission pursuant to this section shall be subject to judicial review or enforcement by any district court of the United States having jurisdiction over the parties in the manner and to the extent provided by the Administrative Procedure Act (5 U.S.C. 551–559).

(g) PRESUMPTION AND DEFINITION.—For purposes of this section—

(1) A recovered material which is functionally or technically equivalent to or substitutable, in any industrial or manufacturing process, for any virgin natural resource material shall be presumed to be competitive with such virgin natural resource material unless this presumption is rebutted by a preponderance of the evidence.

(2) "Recovered" means (A) to be reintroduced into commerce following disposal by the consumer after end usage in the final configuration prior to sale; or (B) to be collected from municipal solid, liquid, or semisolid waste.

(h) REGULATION.—The Commission and the Federal Maritime Commission are authorized to prescribe such regulations as may be necessary to carry out the provisions and purposes of this section.

"(i) PENALTIES.—Any person who violates subsection (c) of this section shall be subject to a civil penalty of not more than $5,000 for each such violation. Such civil penalty shall be assessed by the Commission or the Federal Maritime Commission, depending on which commission has jurisdiction over the violation. Such penalty may be remitted or mitigated upon such terms as the affected commission shall deem consistent with the purposes of this section.

SEPARABILITY

SEC. 704. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

PURPOSE AND DESCRIPTION

It is the purpose of this bill to salvage the rail services operated by six insolvent class 1 railroads in the Midwest and Northeast regions of the Nation, which are threatened with cessation, by replacing them with a new and viable rail services system.

The legislation proposes to achieve this purpose by establishing a non-profit Government National Railway Association to plan and finance the acquisition, rehabilitation, and modernization of the new system and by establishing a private United Rail Corporation to operate it. It is further the purpose of the bill to meet the Nation's need for adequate and efficient rail services in all regions and to prevent any recurrence of the mid-west/northeast railroad collapse in other regions of the Nation by providing loan guarantees to enable railroads to acquire additional rolling stock, equipment, and facilities and by improving the utilization of existing rolling stock (title V) and loans to railroads outside the region which are threatened with insolvency or the absence of such loans (Sec. 211). To minimize the economic dislocation that would occur as a consequence of massive abandonments, the bill authorizes rail service continuation subsidies and acquisition and modernization loans to States in the threatened region (Sec. 402, 403).

The bill is divided into seven titles: Title I contains the table of contents, the findings and purposes of Congress, and the general definitions applicable to the entire bill. Title II establishes the Government National Railway Association and the machinery for planning, acquiring, and financing the new rail system for the midwest and northeast region, including review by Congress and the courts. Title III establishes the for-profit United Rail Corporation to operate the new rail service system, provides for the conveyance of rail properties from the defunct railroads to this Corporation and profitable railroads, and set forth the procedure for discontinuing and abandoning rail service not included in the new system. Title IV authorizes the Secretary of Transportation to grant rail service continuation subsidies and to assist States and local transportation authorities to purchase to-be-abandoned lines in order to maximize the continuation of local rail services. Title V provides for loan guarantees to enable railroads to acquire additional rolling stock, equipment, and facilities and for incentives to insure better utilization of rolling stock. Title VI authorizes assistance for the railroad employees who will lose their jobs or suffer pay losses under the reorganization and grants railroads certain rights to assure better utilization of railroad employees. Title VII relates the bill to other laws, directs the Secretary of Transportation to monitor and report to Congress on the effectiveness of the Association and the Corporation in implementing the purpose of the bill, and contains certain other general provisions.

The planning and implementation process starts immediately upon the date of enactment of the bill.

Immediately upon enactment the Secretary of Transportation prepares and within 30 days submits "a comprehensive report" containing his conclusions and recommendations with respect to rail services in the region (sec. 204). This report serves as a basic document in the planning for the final system plan. At the same time, the Interstate Commerce Commission will organize and appoint a director for a special independent bureau within the ICC, the Rail Emergency Planning Office (sec. 205). Within 240 days after enactment the Office submits a comprehensive report surveying needs and possibilities for rail services and cost savings in the region and within 300 days it submits a proposal which meets all of the requirements for the final system plan as set forth in the bill (sec. 206). Simultaneously, upon enactment, a completely new entity is established, the Government National Railway Association (or Ginnie Rae) (sec. 201). It is Ginnie Rae that will adopt the final system plan (sec. 207) which is submitted to Congress for review (sec. 208), that will finance the implementation of the final system plan through the issuance of obligations (sec. 210) and the making of loans (sec. 211), and that will establish, through its Executive Committee, the new private corporation that will operate the new system, the United Rail Corporation (sec. 301).

The 4 Government members of the Board of Ginne Rae (the Secretaries of Transportation and Treasury, the Chairman of the ICC, and the Administrator of the EPA) will incorporate the Association as a nonprofit Association and get it started pending the appointment of the other directors by the President, by and with the advice and consent of the Senate. The reports of the Secretary and the Office will be submitted to the Association which will simultaneously be doing its own investigations and studies in conjunction with the office and the Secretary (sec. 203). Within 300 days the Association shall adopt and release a preliminary final system plan (sec. 207 (a)). A reorganization court will order a railroad in reorganization in the region to proceed in reorganization under such plan unless it finds (1) that such railroad is capable of income reorganization (which would be in the public interest) or (2) that such reorganization under the bill is not possible on terms which would be fair and equitable. The Association, the Secretary, and the Office are all authorized to conduct public hearings on this plan during the following 60 days. Within 60 additional days (or 420 days after enactment), the President and Executive Committee of Ginne Rae submit to the full Board of Directors the final system plan. Within 30 additional days (or 450 days), the Board must by majority vote of all the directors adopt the final system plan (sec. 207(c)) and must submit the plan to both Houses of Congress for review (sec. 208). If either the Senate or the House of Representatives passes a resolution stating that it does not favor the final system plan, it goes back to the Association for revision. If neither House disapproves the final system plan within 60 days, it is approved. However, GNRA is not authorized to issue obligations until the Congress approves obligational authority affirmatively by concurrent joint resolution. The effective date of the final system plan is the date such financing resolution is approved.

Judicial review of the final system plan is limited to "matters concerning the value of the rail properties to be conveyed under the plan and the value of the consideration to be received for such properties" (sec. 209 (a)). Judicial review is to be conducted by a special 3-judge district court to be selected by the judicial panel on multi-district litigation (sec. 209(b)) and its transferring and conveyancing judgments are subject to direct appeal to the U.S. Supreme Court (sec. 303 (e)).

To keep rail service going in the emergency region pending the development and approval of the final system plan, $85 million is authorized to be appropriated to the Secretary (sec. 213) in order to provide emergency assistance to the trutees of the railroads in reorganization and the Secretary may direct GNRA (with its approval) to issue up to $150 million in obligations to forestall deterioration of the plant and equipment of the bankrupt railroads pending completion and implementation of the final system plan (Sec. 215).

United Rail Corporation (Uni Rail) will be established within 300 days after enactment as a for-profit corporation with its headquarters in Philadelphia (to guarantee maximum re-employment opportunities for office workers of 2 of the defunct carriers, the Penn-Central and the Reading RRs) (sec. 301). The Corporation will operate all of the new rail system, except for those rail properties which the final system plan designates for sale to profitable railroad operating in the region, and which are purchased and operated by those railroads. Within 90 days after the effective date of the final system plan, the Association will deliver a certified copy of the plan and other data to the special court (sec. 209(c)). Within 10 days thereafter, the Corporation and the acquiring railroads will deposit with this court the securities of the Corporation, obligations of the Association, and compensation from profitable railroads designated in the final system plan (sec. 303(a)); and the district courts having jurisdiction over the railroads in reorganization in the region will direct transfer of the rail properties to the Corporation and the special court shall direct conveyance of rail properties to the respective profitable railroads free of any lines or encumbrances (except in the case of secured property, the security interest will thereafter attach to the consideration received and the other assets of the bankrupt). If the special court finds, following transfer or conveyance, that any transfer or conveyances are not fair and equitable it can order reallocation of securities or enter a judgment against the Corporation or profitable railroad operating in the region so as to make such transfers or conveyances fair and equitable (section 303).

Within 30 days after the effective date of the final system plan notice is to be given of intent to discontinue rail service on rail properties which are not designated for rail operations in the final system plan and 90 days later, absent local or private intervention, the service may be discontinued (sec. 304(a)). Abandonment may take place 6 months after the effective date (sec. 304(b)). Such rail service may not be discontinued or abandoned if a shipper, a State, the U.S., a local or regional transportation authority, or any responsible person offers to subsidize continued service or offers to purchase the properties for continued rail operations (sec. 304(c) & (d)). Provision is made for Federal assistance in the form of rail service continuation subsidies (sec. 402) and purchase and modernization loans (sec. 403).

Annual reports to the Congress are to be submitted by the Association (sec. 201(d)) and the Corporation (sec. 301(h)) and in addition the Secretary of Transportation is directed to report annually "on the effectiveness of the Association and the Corporation in implementing the purposes of this Act (sec. 702).

Although the crisis brought on by the June 21, 1970 filing of a petition in a court of bankruptcy by the Penn-Central Railroad is primarily a regional problem for the Midwest and Northeast, the railroad problem is a national one which to date has only reached disaster proportions in the emergency region to which the bill is primarily addressed. A principal problem, one which affects shippers by rail and the consumers of goods and products shipped by rail as well as all of the American railroads, is the extreme shortage of railroad freight cars and other rolling stock.

The freight-car shortage has not been, and according to studies, will not be solved by normal commercial financing mechanisms in the absence of Federal financial assistance in the form of guarantees of equipment obligations. The bill establishes an Obligation Guarantee Board in the U.S. Department of Transportation and authorizes the Board to provide such guarantees (secs. 503–506). Since the freight car shortage is caused not only by a shortage of cars but by poor utilization of existing cars, the Secretary of Transportation is directed to establish a computerized "national rolling stock information system" (sec. 507) and to develop a rolling stock utilization index and study (sec. 508).

In the event of continuing inability on the part of railroads and the private sector to solve the freight-car-shortage problem, notwithstanding the loan guarantees and the information system, the bill authorizes the problem to be solved directly, following findings by the ICC and the Secretary and an affirmative concurrent resolution of Congress (sec. 509), through the establishment of a government corporation, the Railroad Equipment Authority. The Authority, if established, will acquire, maintain, and provide freight cars and other rolling stock, manage these equipments as a pool, and is directed to "employ innovative concepts for equitable distribution and expeditious use of such stock to meet the needs of the national economy and the national defense" (sec. 510(b)). Although the Authority is to be organized by the Federal Government, the bill provides for it be to converted to private ownership (as an equipment supply and management company) "as soon as practicable" (sec. 513).

The provisions of this bill, while beneficial to the Nation and the consuming public, will have an extremely painful effect on thousands of employees whose jobs may disappear in the process of reorganization and restructuring. Protection is provided for such employees in the form of offers of employment which the Corporation must make to every adversely affected employee (sec. 602); monthly displacement allowances for protected employees deprived of employment or adversely affected with respect to compensation (sec. 605(b)); moving expenses and other transfer benefits for employees required to change their residence (sec. 605 (f)); and separation allowances to protected employees who resign and sever their employment relationship (sec. 605(e)).

The bill authorizes the appropriation of up to $15,000,000 for the Secretary for the purposes of preparing the reports and performing his other responsibilties. The special Office in the Commission is authorized to receive up to $7,500,000. There is authorized to be appropriated from the effective date through June 30, 1976 $67,000,000 for the Association (Sec. 214). In addition, there is authorized to be appropriated through June 30, 1976 $200,000,000 to support the subsidy of local rail services. (Sec. 403), and $250,000,000 for labor protection (Sec. 609).

Ginnie Rae is authorized to issue obligations which would be guaranteed by the Federal Government. There would be no cost to the Federal Government if GNRA were able to meet the obligations it issued. If there was a default on any obligations, the Federal Government would be required to pay sums necessary to cover the amount of the default. The limitations on the amount of obligations Ginnie Rae is allowed to issue would determine what the maximum exposure of the Federal Government could be. The bill provides that the architects of the final system plan would establish the recommended limitations on the obligational authority on the theory that the amount of the obligational authority cannot reasonably be determined until the final system plan is known. The limitation which would be approved by Congress after the submission of GNRA's recommendation would be binding upon the association. For interim aid an initial loan guarantee obligational authority of $150 million is authorized.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. RIBICOFF (for himself and Mr. MONDALE):

S. 2761. A bill to deny a credit or deduction for taxes paid or accrued on income attributable to oil and gas wells located in countries restricting exports of oil and gas to the United States, and to treat the taxes so paid or accrued as royalty payments;

S. 2762. A bill to deny the deduction of intangible drilling and development costs in the case of oil and gas wells located in countries restricting exports of oil and gas to the United States; and

S. 2763. A bill to deny percentage depletion in the case of oil and gas wells located in countries restricting exports of oil and gas to the United States. Referred to the Committee on Finance.

By Mr. FONG (for himself and Mr. INOUYE):

S. 2764. A bill to provide for the free entry of a 3.60-meter telescope for the use of the Canada-France-Hawaii Telescope project at Mauna Kea, Hawaii. Referred to the Committee on Finance.

By Mr. STEVENS:

S. 2765. A bill for the relief of Angela Pajaro Cantillo. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS (for himself and Mr. CASE):

S. 2766. A bill to amend the act of September 19, 1964, authorizing the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HARTKE, from the Committee on Commerce:

S. 2767. An original bill to authorize and direct the maintenance of adequate and efficient rail services in the Midwest and Northeast region of the United States, and for other purposes. Placed on Calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIBICOFF (for himself and Mr. MONDALE):

S. 2761. A bill to deny a credit or deduction for taxes paid or accrued on income attributable to oil and gas wells located in countries restricting exports of oil and gas to the United States, and to treat the taxes so paid or accrued as royalty payments;

S. 2762. A bill to deny the deduction of intangible drilling and development costs in the case of oil and gas wells located in countries restricting exports of oil and gas to the United States; and

S. 2763. A bill to deny percentage depletion in the case of oil and gas wells located in countries restricting exports of oil and gas to the United States. Referred to the Committee on Finance.

STOP SUBSIDIZING OIL BOYCOTT

Mr. RIBICOFF. Mr. President, the United States is today subsidizing exploration for and production of foreign oil in the nations that refuse to sell us oil. At a time when we are trying to become self-sufficient and end our reliance on foreign sources of energy, we still have programs that do just the opposite.

There are several provisions in the present tax laws that not only encourage foreign oil exploration and production while discouraging domestic activities, but also feed U.S. tax dollars into foreign nations. This Nation's taxpayers—who wonder whether they will have enough gas or heating oil this winter—are being forced to support the very nations who have cut off their fuel supplies.

A major factor in the current crisis has been the reduction in exploratory drilling for new gas and oil within the United States. The basic reason is that it has been much cheaper to find and produce oil in the Middle East than in the United States. As a result American oil companies have poured their capital into the areas where their profits will be the greatest. And as recent news reports have indicated, these profits have been substantial. For example, Exxon's profits for the third quarter of 1973 rose 80 percent over the same period last year. Mobil's profits jumped 64 percent, Gulf's 91 percent while Shell's rose 23 percent. For the first 9 months of 1973 alone Exxon's profits rose 60 percent to $1.6 billion. This trend is expected to continue while Americans wonder where their next drop of oil or gas is coming from.

Not only are the basic economic costs lower in foreign lands, the oil companies also receive three substantial tax incentives to operate abroad at the expense of the United States.

If a U.S. corporation explores for and produces oil abroad through a branch, it can deduct intangible drilling expenditures against its U.S. income and can also claim percentage depletion on its income from the resulting production.

Basically a depletion allowance is a method by which a taxpayer deducts a fixed percentage of receipts from sales, regardless of the amount invested. The theory behind this provision is that the supply of oil is unknown and exhaustible and that explorers should get a tax break to compensate them for their risks.

Oil companies are also allowed an immediate writeoff for intangible drilling expenses incurred in exploration and development. Intangible drilling expenses are those costs which do not have a lasting value. These usually include items such as labor, equipment rentals, cost of building roads to a drilling site, and preparing the site. Simply put they are items which have no future useful life, if the well is dry. The use of intangible drilling expense deductions does not reduce percentage depletion, so oil companies receive a double break for the same capital investment.

Both of these loopholes, or tax preferences as some describe them, are applicable to domestic and foreign operations. Because oil is so much cheaper to find and produce abroad the oil companies take full advantage of the tax breaks—particularly in the Middle Eastern countries that are now boycotting us. In a sense by making it extremely profitable for the oil firms to operate in these Arab nations we are giving them incentives to drill in the wrong place.

Exact figures on the revenue losses from these two provisions as applied to foreign activities are unavailable. It has been estimated, however, that the U.S. Treasury and taxpayers lose well over $1 billion because of the foreign tax credit provision alone.

American oil companies get an additional benefit for their foreign operations that is not applicable to their domestic operations. Our tax laws provide that foreign subsidies of U.S. corporations may credit the foreign taxes they pay against the income tax liability of the parent corporation on foreign source income. The rationale behind this provision is that U.S. companies should not be subjected to double taxation by foreign nations and the United States.

As a result the millions of dollars paid to Middle Eastern nations as taxes are allowed to be written off dollar-for-dollar against U.S. taxes. The revenue loss from the oil companies' foreign tax credits is even higher than it should be because most of the so-called taxes they pay are really royalty payments, which would otherwise receive considerably less beneficial treatment.

Most Americans do not know it, but every time an Arab nation increases its taxes—or more correctly its royalty demands—this money comes indirectly from the American taxpayers. Because of this interpretation of the foreign tax credit, U.S. corporations in 1970 earned $1,085,000,000 on mining and oil operations abroad, but paid not 1 penny in U.S. taxes on that income.

Our policy of allowing oil companies tax incentives to explore overseas discourages them from finding domestic resources. This error is compounded when the oil our money helps discover and produce is refused to us. There simply is no justification for our citizens to finance the discovery and development of oil in nations that are doing their utmost to injure us.

For that reason I am today introducing with the cosponsorship of Senator Mondale legislation prohibiting U.S. oil companies from claiming foreign tax credits, intangible drilling expense deductions, and oil depletion allowances for any operation in nations that refuse to supply the United States with oil.

This Nation is about to begin a multibillion-dollar drive to make us self-sufficient in the energy field. There is no sense in retaining policies that have placed us in the present situation and will continue to exacerbate it.

If we are going to spend billions of dollars and grant tax incentives to encourage exploration and production, it is incumbent upon the Congress to direct these efforts at domestic resources or at the very least to areas of the world where our oil supply is secure.

I ask unanimous consent that the text of the three bills be printed at this point of the Record.

There being no objection, the bills were ordered to be printed in the Record, as follows:

S. 2761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 905 of the Internal Revenue Code of 1954 (relating to applicable rules for purposes of the foreign tax credit) is amended by adding at the end thereof the following new subsection:

"(d) Oil and Gas Wells in Restricted Export Countries.—

"(1) Tax not creditable.—No tax imposed by a foreign country while it is a restricted export country with respect to the income from the operating interest in an oil or gas well located in such country shall be treated as income, war profits, or excess profits tax for purposes of this part, section 162, or section 164.

"(2) Treatment as royalty.—Any amount which, but for paragraph (1), would be treated as income, war profits, or excess profits tax imposed with respect to an oil or gas well shall be treated as a royalty paid or accrued with respect to such oil or gas well for purposes of sections 162 and 613, but only to the extent that the tax is attributable to the gross income from the well. Such tax shall not be treated as a royalty if, and to the extent, a credit is allowed pursuant to a treaty ratified by the United States after the date of the enactment of this subsection. Notwithstanding section 7852(d), no credit for taxes shall be allowed pursuant to any treaty ratified by the United States on or before the date of enactment of this subsection with respect to income from an oil or gas well if, located in a restricted export country, and to the extent, the credit is denied upon application of paragraph (1).

"(3) Definitions.—For purposes of this subsection—

"(A) The term 'restricted export country' means a foreign country the government of which is determined by the Secretary of State to be restricting for political or diplomatic reasons the export to the United States of oil or gas produced from wells located within the borders of that country. Determinations by the Secretary of State under this subparagraph shall be published in the Federal Register and shall be effective until revoked in a notice filed with the Federal Register by the Secretary of State.

"(B) the term 'gross income from the well' has the same meaning as the term 'gross income from the property' for the purposes of section 613.

"(C) the term 'operating interest' has the same meaning as is assigned to the term 'operating mineral interest' by section 614(d)."

(b) The amendment made by subsection (a) shall apply with respect to taxes paid or accrued (including taxes paid or accrued by a foreign corporation described in section 902 of the Internal Revenue Code of 1954) on or after December 3, 1973.

S. 2762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 263 (c) of the Internal Revenue Code of 1954 (relating to intangible drilling and development costs) is amended to read as follows:

"(c) Intangible Drilling and Development Costs in the Case of Oil and Gas Wells.—

"(1) Deduction allowed.—Notwithstanding subsection (a) and except as provided in paragraph (2), regulations shall be prescribed by the Secretary or his delegate under this subtitle corresponding to the regulations which granted the option to deduct as expenses intangible drilling development costs in the case of oil and gas wells and which were recognized and approved by the Congress in House Concurrent Resolution 50, Seventy-ninth Congress.

"(2) Oil and gas wells located in restricted export countries.—Notwithstanding any regulations prescribed under paragraph (1) of this subsection or section 612, intangible drilling and development costs in the case of oil and gas wells located in any foreign country while it is a restricted export country shall not be deductible as expenses but shall be charged to capital account. For purposes of this paragraph, the term 'restricted export country' means a foreign country the government of which is determined by Secretary of State to be restricting for political or diplomatic reasons the export to the United States of oil or gas produced from wells located within the borders of that country. Determinations by the Secretary of State under this paragraph shall be published in the Federal Register and shall be effective until revoked in a notice filed with the Federal Register by the Secretary of State."

(b) The amendment made by subsection (a) shall apply with respect to costs paid or incurred on or after December 3, 1973.

S. 2763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 613 of the Internal Revenue Code of 1954 (relating to percentage depletion) is amended by adding at the end thereof the following new subsection:

"(e) Oil and Gas Wells in Restricted Export Countries.—This section shall not apply to oil and gas wells located in any foreign country while it is a restricted export country. For purposes of this subsection, the term 'restricted export country' means a foreign country the government of which is determined by the Secretary of State to be restricting for political or diplomatic reasons the export to the United States of oil or gas produced from wells located within the borders of that country. Determinations by the Secretary of State under this subsection shall be published in the Federal Register and shall be effective until revoked in a notice filed with the Federal Register by the Secretary of State."

(b) The amendment made by subsection (a) shall apply with respect to gross income from oil and gas produced on or after December 3, 1973.

By Mr. FONG (for himself and Mr. Inouye):

S. 2764. A bill to provide for the free entry of a 3.60 meter telescope for the use of the Canada-France-Hawaii telescope project at Mauna Kea, Hawaii. Referred to the Committee on Finance.

Mr. FONG. Mr. President, the legislation I introduce today, with my colleague from Hawaii, Senator Inouye, would authorize the duty-free entry of a 3.60-meter telescope and its components to be installed and operated at Mauna Kea, Hawaii.

The legislation is essential to promote the success of a large scale scientific undertaking involving the joint collaboration of the University of Hawaii with the governments of Canada and France.

Agreements already reached provide that agencies of Canada—National Research Council of Canada—and of France—National Centre da la Recherche Scientifique of France—will share equally in the costs of furnishing the telescope, its components and ancillary instruments, which currently is estimated at $18 million. The University of Hawaii will furnish the site, access roads and local support facilities. Upon the completion of construction in 1977 or early 1978, the three participants will share operating costs and observation time as follows: the University of Hawaii—15 percent, the agencies of Canada and France—42.5 percent each.

A joint agreement also proposes the establishment of a nonprofit corporation that will assume responsibility for designing, constructing and operating the telescope. The legislature of Hawaii has enacted, and the Governor has approved, legislation enabling the three participants to petition for and receive a charter of incorporation as a domestic, nonprofit corporation under the laws of Hawaii. The creation of a Scientific Advisory Council composed of representatives of the three participants also is envisioned. It will serve as a technical advisor on design and construction and also function as a user's committee dealing with the allocation of observation time and the continuing development of instrumentation. The activities of the Council will encourage international scientific cooperation in all technical and scientific aspects of the telescope project.

Mr. President, fundamental to the telescope project's success is relief from U.S. customs duties and related taxes which otherwise will consume revenues essential to acquire the basic scientific instruments and apparatus. I am advised that without such relief the project cannot be realized. Under existing U.S. Tariff Schedules, a nonprofit institution established for educational or scientific purposes, under certain circumstances, may import scientific instruments and apparatus duty-free. Whether, and to what extent, the proposed telescope project in Hawaii will be found entitled to these benefits is presently uncertain. The legislation which I today introduce with my colleague from Hawaii (Mr. Inouye) will remove these uncertainties and doubts. It will directly confer the duty and tax relief essential to the success of the telescope project.

Mr. President, I believe that the operation of a large optical telescope in the State of Hawaii deserves the support of the Congress. The project will generate substantial benefits to scientific research and the field of astronomy in the United States as well as in the State of Hawaii. I am advised that the proposed site on Mauna Kea, a 13,800-foot mountain on the Island of Hawaii, will afford astronomers 2,800 clear viewing hours annually and because the atmosphere is so dry and thin, also provide near ideal conditions for infrared observation. Through the cooperative efforts of the University of Hawaii, Canada, and France, a major optical telescope of critical scientific importance will be constructed and maintained in the State of Hawaii. Its particular advantages to American astronomers at the University of Hawaii and at other American universities will be substantial. The project also signals an important forward step in international scientific cooperation.

The Department of State already has expressed U.S. interest in, and support of, the telescope project by an exchange of diplomatic notes. The Department has indicated that the project is acceptable from a foreign relations standpoint and that it is prepared to support customs duty relief consistent with law. Inasmuch as duty-free entry of all goods imported for the use of the telescope project is essential to the project's success, I am hopeful that the measure which has been introduced today will receive prompt approval in both Houses of Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to admit free of duty and other taxes a 3.60 meter telescope (including all articles required in connection with the manufacture, construction, operation, use or maintenance of the telescope and its ancillary equipment) for the use of the Canada-France-Hawaii Telescope Project at Mauna Kea, Hawaii.

Sec. 2. If the liquidation of the entry of any article described in the first section of this Act has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

By Mr. WILLIAMS (for himself and Mr. Case):

S. 2766. A bill to amend the act of September 19, 1964, authorizing the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

MORRISTOWN NATIONAL HISTORICAL PARK

Mr. WILLIAMS. Mr. President, today Senator Case and I are introducing, for appropriate reference, a bill to authorize the addition of some 185 acres to the existing Morristown National Historical Park in New Jersey. Similar legislation has been introduced in the other body by Representative Frelinghuysen and has been cosponsored by the entire New Jersey congressional delegation.

In addition, the bill has received the support of Representative John Seiberling, of Ohio, who is a member of the Park and Recreation Subcommittee of the House Interior and Insular Affairs Committee.

The rapid approach of our national Bicentennial makes action to expand the Morristown Park most appropriate. The acreage is in the rolling hillside country around Morristown where Gen. George Washington and the ragged Continental Army camped during the winters of 1777 and 1779–80.

The 1777 encampment, in fact, followed the successful surprise Christmas attack by Washington and his troops at Trenton and a week later, at Princeton.

The National Historical Park was established by Congress in 1933 with an area of about 950 acres. In 1964, an additional 281 acres was authorized. Now, because a sizable estate near the park has come on the market, there is an excellent opportunity to expand the existing park boundaries.

The consequences of failing to act at this time are quite obvious. The land now available will be quickly purchased and developed for residential and commercial use. Such development would greatly detract from the quality of the park as it now exists. It is clearly impossible to maintain the status quo. Our choice is whether to expand or damage Morristown National Historical Park.

I hope my colleagues in the Senate will join me in supporting a birthday present for America.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 948

At the request of Mr. Mondale, the Senator from New Mexico (Mr. Montoya) was added as a cosponsor of S. 948, a bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property by certain grantees.

S. 1326

At the request of Mr. Williams, the Senator from Tennessee (Mr. Brock), the Senator from Alaska (Mr. Gravel), and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 1326, the Hemophilia Act of 1973.

S. 2462

At the request of Mr. Mondale, the Senator from Illinois (Mr. Percy) and the Senator from California (Mr. Tunney) were added as cosponsors of S. 2462, the Energy Conservation Research and Development Act of 1973.

S. 2518

At the request of Mr. Mondale, the Senator from New Jersey (Mr. Case) was added as a cosponsor of S. 2518, the Women's Educational Equity Act.

S. 2581

At the request of Mr. Randolph, the Senator from Iowa (Mr. Clark) was added as a cosponsor of S. 2581, to amend the Randolph-Sheppard Act for the Blind to provide for a strengthening of the program authorized thereunder, and for other purposes.

S. 2604

At the request of Mr. Bentsen, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 2604, a bill designating the Texarkana Dam and Reservoir on the Sulphur River as the Wright Patman Dam and Lake.

S. 2718

At the request of Mr. Pell, the Senator from California (Mr. Cranston) was added as a cosponsor of S. 2718, a bill to provide for the financing of Federal election campaigns and for other purposes.

SENATE RESOLUTION 210—SUBMISSION OF A RESOLUTION RELATING TO TRADE WITH THE U.S.S.R. DURING THE ARAB OIL EMBARGO

(Referred to the Committee on Finance.)

Mr. SCHWEIKER. Mr. President, I call today for a cutoff of trade to the Soviet Union until the Arab oil embargo against the United States is ended.

The Soviet Union could end the Arab oil embargo tomorrow, if they wanted to. And I think we should make them want to.

I am for true détente with the Soviet Union. But détente is a farce as long as the Soviet Union does nothing about the irresponsible policies of its Arab allies against the United States.

The Arab oil embargo is economic blackmail, and if recent history teaches anything, it teaches that world peace cannot be built on blackmail.

The text of the Schweiker resolution follows:

Whereas the capacity of the Union of Soviet Socialist Republics to influence the policies of Arab Governments has been well-demonstrated in recent weeks; and

Whereas a true détente between the United States and the Union of Soviet Socialist Republics is not possible without efforts by the Soviet Union to alter irresponsible policies of its client states;

Therefore be it resolved, that it is the sense of the Senate that the President shall immediately institute a program of stringent economic and trade sanctions against the Union of Soviet Socialist Republics to remain in force until the Arab embargo of petroleum products to the United States of America is terminated.

EMERGENCY DAYLIGHT SAVING TIME ENERGY CONSERVATION ACT OF 1973—AMENDMENT

AMENDMENT NO. 756

(Ordered to be printed and to lie on the table.)

Mr. BARTLETT submitted an amendment intended to be proposed by him to the bill (S. 2702) to provide that daylight saving time shall be observed on a year-round basis.

SENATOR RANDOLPH ANNOUNCES FINAL HEARINGS ON S. 2581, RANDOLPH-SHEPPARD ACT AMENDMENTS OF 1973

Mr. RANDOLPH. Mr. President, as chairman of the Subcommittee on the Handicapped, I announce that the third and final day of hearings on S. 2581, the Randolph-Sheppard Act Amendments of 1973, will occur next Thursday, December 6, 1973, at 10 a.m., in room 4232, Dirksen Office Building. Witnesses will be representatives of several postal unions and other labor organizations.

NOTICE OF HEARINGS ON THE ESTABLISHMENT OF A FEDERAL ENERGY ADMINISTRATION

Mr. RIBICOFF. Mr. President, the Subcommittee on Reorganization, Research, and International Organizations of the Committee on Government Operations, will hold hearings on legislation to establish a Federal Energy Administration, on Thursday, December 6, and Friday, December 7, 1973. The hearings will begin at 10 a.m. December 6 in room 1318 New Senate Office Building.

ADDITIONAL STATEMENTS

TUSSOCK MOTH DAMAGE

Mr. HATFIELD. Mr. President, I have addressed comments in the past in this Chamber about the terrible damage caused by the tussock moth infestation in northeastern Oregon. The moth—which might be called a cousin of the gypsy moth, with which my New England colleagues are familiar—has infested well over a half million acres of land in the northeastern part of Oregon. The great extent of damage in tree kills and tree damage is hard to imagine, and it will take decades to repair this havoc.

Applications for the emergency use of DDT were filed with EPA and would have allowed this chemical to fight the moth infestation. I certainly am aware of the hazards of DDT, and do not look lightly on a request for its use in emergency situations. In this case, however, DDT is the only way that has been shown to combat the moth. I talked with William Ruckelshaus about the need for DDT when he was head of EPA. I have contacted Russ Train to urge use of DDT.

All of this brings me to the reason for these comments today. Residents of La Grande quite naturally have been upset about decisions by EPA forbidding use of DDT to curtail tussock moth damage. The La Grande Observer, the daily newspaper in La Grande, Oreg., where the damage is evident almost from the main street of town, recently devoted a special supplement to the tussock moth.

Mr. President, this outstanding special section offers dramatic evidence of the impact of tussock moth damage to northeastern Oregon.

Not only does this special section show vivid scenes of damage in the La Grande area, but I think the comments quoted from local residents echo the sentiments of everyone in the area.

I believe the tragic aspect of this matter is that there never should have been a need for this special section, for EPA should have granted permission to use DDT when it first was requested.

This special section is a tribute to the residents of the area. In addition, I certainly want to congratulate Mr. Steve Robinson, the Observer reporter, who put this section together. It was a major undertaking.

In asking that this section be printed in the Record, I am aware that the vivid pictures and the handsome layout cannot be captured in such a reprinting. In spite of this, however, I think the material is of such importance that it needs to be brought to the attention of all who read the Congressional Record. In addition, I am sending copies of the special section to all of my Senate colleagues.

I ask unanimous consent that the contents of this special section of the newspaper appear in the Record, preceded by an editorial from the Observer on the day the special section appeared.

There being no objection, the editorial and special section were ordered to be printed in the Record, as follows:

Moment of Truth Coming

The Observer's Steve Robinson has documented in a special section today the story of a pest who most people had never heard of before the summer of 1972.

Today, the tussock moth is a household word here and political dynamite in Washington, D.C.

Robinson's update comes at a crucial time. Early next month the U.S. Forest Service will report its findings of egg mass surveys—the first authentic forecast of the numbers we can expect the tussock to return in next spring. More tests will follow—right into March—before anyone can be certain.

Planning for the use of DDT cannot wait until March. The chemical must be made available in sufficient supply. Permission must be obtained for its use not only from the Environmental Protection Agency (EPA) but also from many landowners. The physical application requires coordination between several federal and state agencies and a tremendous amount of exacting detail.

It was announced last week by John McGuire, chief of the U.S. Forestry Service, that his agency does not have enough money to pay for pest controls even if EPA approves the use of DDT. A request for additional funds will go to Nixon Administration officials within the next few weeks.

The Observer's tussock moth report will be distributed throughout Congress and among various federal agencies by Sen. Mark Hatfield's office. This is appropriate because he warned of the danger a year ago—when others remained silent or chose not to heed the advice of those who understood the problem best.

The report is also being sent to every member of the Oregon Legislature and state agencies.

But words will not bring relief from the tussock moth. Only the actions of responsible and responsive bureaucrats and Congressmen armed with current data can help us now.

It's been a long time coming.

Tussock: The Story of an Epidemic

(By Steve Robinson)

INTRODUCTION

On April 20, 1973, William D. Ruckelshaus denied a request by various governmental and non-governmental agencies to lift the ban on DDT for use against the Douglas fir tussock moth in Northeast Oregon and Southeast Washington.

In so doing, the Environmental Protection Agency (EPA) administrator earned a place in history.

The question is, will he be remembered as a naive bureaucrat whose political ambition was responsible for the continuation of an epidemic that destroyed thousands of acres of forestland? Or will he be remembered as the man who refused to buckle under pressure and thus saved the country from the longevity of a dreaded chemical?

The answer is generally simple, depending upon who you are. If you're a member of the Sierra Club, or the Oregon Students' Public Investigation and Research Group (OSPIRG), Ruckelshaus is no doubt some form of hero who made the decision he had to make. After all, it seemed to be an established fact that the infestation was due to collapse in 1973 due to the killing capacity of a natural viral enemy.

If, however, you are a resident of the infested area, Ruckelshaus probably seems more like an armchair tyrant, who made his decision without the benefit of a thorough investigation. The place where you live has been transposed into an eyesore of defoliation and your economic stabiliy is faced with a serious threat.

The purpose for this special Observer supplement is to take a close look at the questions involved with the infestation and Ruckelshaus's decision:

What are the economic impacts?

What are the political impacts?

What is the potential of further infestation?

What effect will the defoliation have environmentally?

What is DDT?

Should the ban on DDT be lifted?

The objective is to be thorough, although, due to space limitations it would be impossible to tell the complete story.

Recommended reading includes Silent Spring, by Rachel Carson, and The DDT Myth, by Rita Gray Beatty.

THE TUSSOCK MOTH IS ALWAYS WITH US

The Douglas fir tussock moth (Hemerocampa pseudotsugata McDunnough) is always present in Eastern Oregon Forests.

Its population is generally insignificant, but occasionally a combination of conditions allow it to expand to epidemic proportions and large scale destruction of trees is always the result.

Such an epidemic exploded in Northeast Oregon and Southeast Washington timber lands in 1972 and today some 658,000 acres are infested . . . the largest infestation in history. Still more defoliation is expected.

Severe tussock moth outbreaks have occurred in British Columbia, Idaho, Washington, Oregon, Nevada, California and New Mexico in the past and history shows that the infestations usually subside abruptly after a few years.

Some outbreaks have persisted at low level for as long as eight years, however, during which time caterpillars are found crawling over rocks, trees, brush, group, grass, houses and even animals. They literally take over.

Defoliation greatly retards tree growth, killing and top-killing trees by the score. Others are weakened so that other insects finish the job.

In the present outbreak, some 16,800 acres of trees are completely dead, and several thousand additional acres have no chance for survival. The tussock moth is a killer.

It's difficult for the layman to conceive of an insect as attractive in appearance as the tussock causing all this destruction. It would seem more natural if the ruthless defoliator were grotesque, with big red eyes, green slimy skin and antennae bobbling down in front of huge fangs.

Instead, the tussock, in its destructive stage, has silky hair and colorful tussocks (hence the moth's name) along its back, Young larvae are one-eighth of an inch long, and are capable of floating great distances in the wind to find fir trees. Full grown larvae are about one and a quarter inch long, fattened by fir needles. A sex-connected color variation is notable. The female has black skin with almost white hairs. The male has a lighter colored skin with yellowish or buff hairs.

Pupation occurs any time from late July to the end of August inside a thin cocoon of webbing mixed with larval hairs. The pupal stage lasts from 10 to 18 days, depending upon weather conditions, then the moth emerges. Mating takes place immediately. The female, which doesn't fly, clings to the outside of her cocoon and lays her eggs on its surface.

Each female lays her eggs in a single mass, sometimes containing as many as 350 nearly spherical, white eggs in one of three layers. She dies and the eggs winter in the cocoon.

In late May, after host trees have begun to develop new growth, the tiny caterpillars hatch, and begin to satisfy their enormous appetites.

The moth's favorite cuisine depends upon what part of the country he's in. In this area, he prefers Douglas fir, subalpine fir, white fir, and grand fir. However, after the preferred foliage has been eaten, the moth will settle for other trees and even shrubs.

THE PRESENT EPIDEMIC IS THE WORST RECORDED

"The 1972-73 Douglas fir tussock moth epidemic has been the most explosive and damaging forest insect epidemic that I have ever witnessed."

That statement was made by Glenn Parsons, chief forester for the Northeast Oregon region of Boise Cascade Corp., a man who has seen and studied several epidemics of various insect types in his 39 years as a land manager.

Parsons and Timberlands Manager John Reed were enroute to Pendleton via Interstate 80 N on June 28, 1972, when they noticed that the "Scenic Wayside" near Perry had scattered spots, singed brown, similar to a wildfire.

Soon after this first observation, Boise Cascade foresters began reporting similar outbreaks on Mt. Emily, Gordon Creek, and Howard Butte. Within a few days, the 1972 tussock epidemic extended 75 miles north from La Grande, to Dayton, Wash., wheat fields.

Parsons reported the epidemic to A. T. Larsen, director of the Insect and Disease Control Division of the Oregon State Department of Forestry. Soon thereafter, Larsen and LeRoy Kline, entomologist for OSDF made an aerial inspection of the Blue Mountains and the initial news release stated that the Blue Mountains had a 12,000 acre tussock moth infestation.

Boise Cascade attempted to obtain approval to use effective chemical control during late June, 1972, but the only chemical available in the state's arsenal was Malathion. Larsen said the chemical would be ineffective against the tussock.

Shortly after the moth's feeding had terminated for the year, an aerial survey was conducted by the U.S. Forest Service and the OSDF. Some 173,000 acres of visible defoliation had occurred.

In October, 1971, Boise Cascade assisted the U.S. Forest Service and the OSDF in conducting an egg mass survey in 66 townships encompassing the visibly damaged areas. The information acquired formed the foundation of a "draft" environmental impact statement which was hand-delivered to the EPA. The statement included DDT as a viable means to control the moth.

The states of Oregon and Washington joined in petitioning for the use of DDT, which is the only chemical proven effective against the moth.

Foresters conceded that in the past insect outbreaks, the chemical was used with little control. Airplanes flew over the trees and dumped it out as if they were slopping hogs. Buffer zones to protect water bodies and populated areas were uncommon. Still, it's debatable that there were any damaging effects to the environment.

This time, foresters proposed to use helicopters, providing more selective area spraying. Only one quarter pound of the chemical would be used per acre. Buffer zones would be set up, and spraying would be done only on windless days.

Tours became commonplace in infested timberlands. People from all walks of life came to view the damage along with television, newspaper and magazine reporters.

THE DAMAGE TRIPLED THIS YEAR—SOME 658,000 ACRES OF DEFOLIATION ARE VISIBLE

La Grande was beginning to gain fame as a testing ground between environmentalists and property owners. Members of the Sierra Club came from Portland to campaign against the use of dreaded chemical, DDT, and to suggest alternate means of control.

One came up with what he felt was an original idea—salvage logging, despite the fact that working in the infested areas is a health hazard. Alternate chemicals were suggested by others, although their effectiveness against the moth was either unproven or less than adequate.

Forestry officials who were already overburdened with troubles due to the epidemic were confronted by amateur ecologists who did everything but jump up and down on their desks and throw tantrums to prevent the use of DDT.

William Hoffman, representing the EPA, accompanied one of the tours. With snow massed over the countryside, there was actually little to see, and overcast weather prevented aerial surveillance.

EPA head William Ruckelshaus denied the request a few weeks later, saying the timber that would be saved by the chemical would amount to less than one tenth of one per cent of the nation's total fir reserves.

He also said the presence of a virus in larvae hatched from eggs taken from the infested area indicated that the moth population would collapse during 1973, following its normal three-year growth cycle.

"Benefits do not outweigh the risks in this proposed DDT control program," he said in denying the request.

He said he would consider allowing the use of other chemicals to combat the moth and recommended salvage logging to minimize economic impact.

Boise Cascade officials say Ruckelshaus's decision was made prior to the EPA's receipt of the Forest Service's environmental impact statement.

Ruckelshaus's decision was blasted by Rep. Ed Patterson, R, La Grande, who called it a strictly political move. He said the EPA is obviously more interested in the support of environmentalists than in facts.

An Oregon union leader said, "A small group of belligerent, big city environmentalists" is responsible for the federal ban on DDT.

"A simple truth is being deliberately obscured—that trees will die without DDT."

The EPA's denial of the Forest Service's application for DDT were followed by additional refusals: the OSDF, Washington's Department of Natural Resources, the city of Walla Walla, Wash., and Boise Cascade.

Walla Walla applied for the chemical because of concern for their watershed due to defoliation damage by the moth. City officials said they were more concerned about losing their watershed than they were about any possible water contamination resulting from the chemical.

Yet, another rationale used by Ruckelshaus in denying the requests was contamination of watersheds, which he said could occur directly at spray time or through runoff from the forest floor.

In refusing to lift the ban, the EPA repeatedly stated that the history of tussock moth infestations in western states indicates "that they are cyclic in nature and that a natural virus disease causes a collapse of the population in the third year."

This simply did not happen. Nor has it always happened in the past. Twenty percent of the infestations recorded in American history books did not collapse in the third year. See page 17

Ruckelshaus' estimate of fir reserves which could potentially be lost in the infestation must have been limited to merchantable timber volume, according to Parsons. It did not "allow any loss for reproduction and immature trees, spike-topping of white fir with resultant cone loss, watershed values, damage to wildlife habitat and fisheries, aesthetic values along roadways and in parks, and summer home sites," said Parsons.

The damage tripled this year. Some 658,000 acres of defoliation are visible in Northeast Oregon, Idaho and Southeast Washington.

Other chemicals were used on the infestation in June, with inadequate results. The chemicals used were Zectran, Sevin-4 Oil, Dylox and Pyrethroid. The moth's natural virus enemy and a bacteria control agent were also sprayed. In all, the test spraying cost some $500,000. The chemicals were sprayed on about 41,000 acres, with some 71 small landowners helping to foot the bill.

Scientists stated that results of the tests showed all the chemicals killed considerable number of tussock larvae, but none reduced the population sufficiently to prevent severe defoliation and tree mortality. As Parsons pointed out, the chemicals just killed enough of the larvae so the remaining caterpillars had plenty to eat.

The virus and bacteria spraying were both highly successful, killing about 95 per cent of the moths in the spray areas. But scientists say there is only enough of the agents available to treat about 7,000 acres.

Through necessity, salvage logging has been greatly increased, with mills working at full pace to make use of infested trees before they die. Reforestation of dead and severely damaged areas will follow, after the infestation is terminated.

The present reforestation program includes 63,570 acres of dead timber and subsequently part of the 250,840 acres of severely damaged forestland. These figures could jump, depending upon damage yet to be sustained.

The reforestation program needed to correct the damage which has already occurred will require 20 or more years to accomplish, if present public and private tree planting programs are accelerated by 1,000 per cent. For such a project, government financial assistance will be a necessity.

This acceleration reveals a 4,000,000 seedling deficit in existing nursery capacity, according to Boise Cascade officials. It further reveals a shortage of experienced personnel to handle the job.

Reforestation has to be delayed, because to plant seedlings now would be like serving dessert.

The economic impact of Ruckelshaus's decision won't be fully known or felt for a few years, according to Parsons. Who says the growth loss coupled to losing young fir forests will substantially reduce the forest's annual yield.

The loss of an estimated 324 timber resource related jobs could be expected in the defoliated areas within a few years, according to Parsons, as could an annual tax loss of $1,800,000. Also, "Out-of-pocket expenses may come from reduced salaries. These losses will have a dominoe effect on local community services, supporting jobs and revenues, he said.

The following editorial appeared in the Observer on July 4:

Fallen angel

William D. Ruckelshaus had the audacity recently to say that the Administration will have a difficult time restoring public confidence in government due to the Watergate Affair.

The government could regain the public's confidence only by working openly and honestly he said in an interview.

We wouldn't disagree with his viewpoint of the federal government, but what is audacious is the simple fact that Ruckelshaus seems to place himself on a pedestal that would appear to be above the reproach of public discretion.

Let's face it, Ruckelshaus is no angel.

Fact is, considering what he has done to Northeast Oregon timber resources, it is doubtful that he will ever be one.

He was the bureaucrat, remember, who nixed the use of DDT on the Douglas fir tussock moth from his armchair in Washington, D.C.

Now the moth is on the rampage. Alternate chemicals aren't working satisfactorily Thousands of acres of trees are turning red, soon to die because of the insatiable appetite of the insect. Fires will rage through Northeast Oregon, largely due to the defoliage. The economy will suffer due to the size of the kill and taxpayers will no doubt be stuck with a multimillion dollar tab for reforestation . . . if they ever want to see trees in the infested areas again.

It seems that Bernard Agrons, chairman of the Forest Practices Act Committee, was on the right track recently when he said those persons who contributed to the "disaster" created by the tussock moth, including Ruckelshaus and friends, should not be allowed to "turn their backs, and shrug their shoulders as they have done."

"They'll have to learn that they have to pay the piper."

NATIONAL PETROLEUM COUNCIL FINDINGS ON IMPACT OF ENERGY SHORTAGE "CHILLING"

Mr. HUMPHREY. Mr. President, the National Petroleum Council's Committee on Emergency Preparedness recently released its findings and conclusions concerning the impact on the Nation of the "energy crisis." They reinforce my own conviction that we must act strongly and immediately to avert economic chaos and, that action by the administration to date has been woefully inadequate.

While I do not subscribe completely to their views on why we face such a severe fuel shortage in our country today, I believe that their findings and conclusions are extremely important and warrant the close scrutiny of all those concerned with alleviating the impact on our people of this ever worsening problem.

Most important among their findings are these:

1. Voluntary and mandated energy conservation steps . . . will account for only about 50% of the net shortage. Mandatory rationing is, therefore, necessary to accomplish required reduction in use and should be instituted immediately.
2. The projected 3 million barrel per day cut-off . . . could push unemployment up to the 7.5 to 8.0 percent range.
3. Shortages in the three major products, gasoline, distillates and heavy fuel oil, will average 25% during the first quarter of 1974. Heavy fuel oil shortages would average 38% on a U.S. basis and could reach 50% on the East Coast.
4. Had the Arabs embargo not occurred, imports would have reached 7.4 million barrels per day, or 39% of U.S. petroleum supplies by the first quarter of 1974.
5. Even prior to the Middle East conflict . . . and the subsequent embargo of Arab oil to the United States, this Nation was faced with an energy crisis.

Mr. President, I ask unanimous consent that the findings and recommendations of this important industry advisory body to the Secretary of the Interior be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL PETROLEUM COUNCIL FINDINGS AND CONCLUSIONS

This supplemental report represents the first assessment by the National Petroleum Council's Committee on Emergency Preparedness of the impact of the current denial of Middle Eastern oil on the energy posture and economy of the United States. The magnitude and abruptness of the oil denial, the full impact of which will be felt in the next few weeks and months ahead, place the Nation in an extremely precarious situation.

The National Petroleum Council's Committee on Energy Preparedness submits the following findings:

1. THE UNITED STATES ENERGY SUPPLY SITUATION WAS TENUOUS EVEN BEFORE THE ARAB EMBARGO

Even prior to the Middle East conflict which began on October 6, 1973, and the subsequent embargo of Arab oil to the United States, this Nation was faced with an energy crisis. In addition to decreasing production of energy raw materials, refineries were running at maximum rates, inventories were being drawn down and overall energy supplies were short. Mandatory allocation programs were already in effect in an attempt to ensure equitable distribution of supplies.

Primary inventories of gasoline, distillates and heavy fuel oil, the three major liquid petroleum fuels, were 71 million barrels normal as of October 26, 1973. Crude oil stocks were 14 million barrels below normal.

2. THE UNITED STATES HAS ALLOWED ITSELF TO BECOME CRITICALLY DEPENDENT UPON FOREIGN SUPPLIES

The United States has not developed its own abundant natural resources and has allowed itself to become critically dependent upon imports. Domestc crude production continues to decline and natural gas production has peaked out. Nuclear plants are not being completed as rapidly as scheduled or anticipated. The use of coal has been depressed because of environmental and other reasons. Strip mining restrictions contribute to the limitation of coal supplies. Oil and gas reserves discovered on the North Slope of Alaska and offshore California 5 years ago are still untapped as environmental considerations immobilize their development. Highly prospective offshore acreage on the continental shelves off our coasts have not been made available in a timely manner. Natural gas prices have been depressed to abnormally low levels under FPC regulations. Oil shale development has been delayed by lack of an effective federal leasing policy.

These and other factors have discouraged the development of U.S. natural resources and caused the country to become critically dependent upon foreign imports of oil and gas. During the first quarter 1973, imports represented 35 percent of U.S. petroleum supplies and were growing rapidly. Had the Arab embargo not occurred imports would have reached 7.4 million barrels per day, or 39 percent of U.S. petroleum supplies by the first quarter of 1974.

3. WHAT HAS HAPPENED TO FOREIGN SUPPLIES

Following the outbreak of war between Israel and the Arab countries on October 6, 1973, the United States was cut off from crude and product supplies coming from Arab sources. The initial impact will be in the order of 2 million barrels per day and is expected to increase rapidly reaching 3 million barrels per day by year end.

In addition to direct embargoes against shipments to the United States, the Arab countries have reduced total production by 5 to 6 million barrels per day resulting in world shortages of petroleum supplies, thus bringing world pressure on the United States to moderate its position of support for Israel.

4. TIMING OF THE IMPACT WILL BE DELAYED

The impact of these denials is delayed because it takes about one month for a tanker, having been loaded in the Middle East, to reach the United States. Secondly, already critically short inventories needed for this winter season are being drawn down to temporarily meet consumer demand.

5. WHAT WILL HAPPEN IF NO EMERGENCY ACTIONS ARE TAKEN

Inventories will be depleted early in the first quarter of 1974 and the petroleum industry will no longer be able to provide the supplies needed. Shortages in the three major products, gasoline, distillates and heavy fuel oil, will average twenty percent during the first quarter of 1974. Heavy fuel oil shortages would average thirty eight percent on a U.S. basis and could reach 50 percent on the East Coast.

The effect of shortages of this magnitude on the economy are difficult to estimate. On a conservative basis, the effect of a 2-million-barrel-per-day cutoff has been estimated to cause an annual loss of 48 billion dollars to the U.S. economy as measured by the Gross National Product. This slow-down in the economy would cause unemployment to increase from the current 4.5 to 5.0 percent level to over 6 percent. The projected 3-million-barrel-per-day cutoff would have an even greater impact and could push unemployment up to the 7.5 to 8.0 percent range.

6. IT IS CRITICALLY IMPORTANT THAT EMERGENCY ACTION BE TAKEN IMMEDIATELY

Industry normally draws down inventories at the rate of about 1 million barrels per day to meet consumer needs in the first quarter of the year. If available inventories are depleted before the end of the year, the 1 million barrels per day of supplies from inventory will not be available. When combined with the 3-million-barrel-per-day import cutoff, a 4-million-barrel-per-day shortage would be created and an even more serious situation would develop.

For these reasons, it is imperative that emergency action be taken immediately so that available inventories can be conserved and used over a longer period of time.

7. WHAT EMERGENCY ACTIONS CAN BE TAKEN TO INCREASE DOMESTIC SUPPLIES

Under emergency conditions, additional

domestic energy supplies equivalent to about 700 thousand barrels per day can potentially be provided this winter if immediate actions are taken. Potential supply sources includes: (1) producing the Naval Petroleum Reserves at Elk Hills, California, at maximum rates and temporarily increasing crude production above established field MER's (Maximum Efficient Rates), (2) incremental emergency gas sales to industrial customers now burning fuel oil or distillates, (3) increased electric power supplies by accelerating the licensing of already constructed nuclear power plants, and (4) increased use of coal.

To develop these potential emergency supplies will require a widespread commitment on the part of industry, federal and state governments, and the American people in order to utilize all readily available resources. In some cases, enabling legislation is required. In almost all cases, quick and aggressive action is needed by both state and federal governments. The respective jurisdictions and authorities of state oil and gas conservation bodies should be continued.

Even if all the above available emergency supply steps are taken, a significant net shortage of oil will remain.

8. WHAT CAN BE DONE ABOUT THE NET SHORTAGE

The remaining net shortage can only be covered by a reduction in energy use. Many voluntary and mandated energy conservation steps are currently being considered (including such items as a reduction of speed limits, encouragement of carpooling, and a reduction in airline flights). While these measures are important, estimates indicates that they will account for only about 50 percent of the net shortage.

Mandatory rationing is therefore necessary to accomplish required reduction in use and should be instituted immediately.

A distinct difference should be drawn between rationing and allocation programs. Allocation programs should serve the basic function of distributing supplies (or distributing the shortage) throughout the market. Rationing, on the other hand, directly addresses and has the primary function of controlling and curtailing consumption in selected products.

9. WHERE SHOULD CONSUMPTION BE CUT

The Nation must establish priorities and determine where cuts in demand should be made. On the one hand, priority can be given the individual consumer; on the other hand, priority can be given industry.

The Committee believes that the first reductions should take place in noncritical human consumption and less essential industry areas. High priority should be given to providing the fuel needed by those industries most vital to the economy. Critical human needs must, of course, receive high priority. However, the general public would undoubtedly prefer some discomforts and inconveniences to idle plants and high unemployment.

Mandatory rationing of gasoline for private transportation and of home heating oils offer the opportunity for significant reductions in petroleum use with minimum impact on the economy. Possibilities for comparable residential rationing of electricity and natural gas for residential heating should also be considered.

CONCLUSIONS

In view of the findings, the Nation has no other short-term alternative except to take immediate emergency to reduce its consumption of energy and increase domestic energy supplies. With the goal of minimizing the effects on economic activity and the American consumer, the National Petroleum Council's Committee on Emergency Preparedness submits the following conclusions:

1. Immediate and decisive action is needed by Federal and State governments to minimize the detrimental effects occasioned by the current energy crisis. Delay to act will compound the severity of the situation.

2. Both the Federal Government and industry should immediately present the facts to the public and commence an educational program through all communications media to assure public awareness and to urge consumer energy conservation at all levels.

3. Government industry cooperation is needed at all levels. The operations of the energy industries are extremely complex. The expertise available from private industry should be utilized in an advisory and operational capacity.

4. National economic health, employment, personal income and the strength of the Nation's defense system depend upon maintaining normal industrial operations. Therefore, every effort should be made to continue the operations of the industrial sector of the U.S. economy as close to normal as possible.

5. The extent and endurance of the denial of oil imports to this Nation from the Middle East is beyond the determination of this Committee. However, the U.S. will experience an actual loss of about 80 million barrels of oil as a result of the embargo to date. Even if the embargo were lifted at an early date, critical shortages will be enacted and therefore, the Committee emphasizes that programs and policies mentioned in this report should be initiated.

6. Any emergency measures enacted during the current denial should be undertaken with the clear provision for their removal at the termination of the denial and its after effects. The American system should continue to operate on a competitive, free-enterprise basis and increased government intervention for emergency purposes should not be continued upon the cessation of the emergency.

LABOR DISPUTES IN NONPROFIT HOSPITALS

Mr. TAFT. Mr. President, I noted with concern an article this weekend in the Washington Post pertaining to the arrest of 55 individuals at the George Washington University Hospital.

From reading the article, the situation at George Washington University Hospital would appear to be very similar to that experienced by many other nonprofit hospitals in the country with regard to resolution of labor disputes. Employees of such nonprofit hospitals are currently excluded from coverage under the National Labor Relations Act—NLRA—and no Federal election procedure or independent agency is available to oversee union organization and representation activities. Thus, situations such as the George Washington Hospital incident occur, with unfortunate disruption of health care services to the public. I have introduced legislation, S. 2292, that would extend coverage of the NLRA to nonprofit hospitals and provide assurances of noninterrupted delivery of health care services to the public by minimizing labor-management disputes.

Hearings have been held on the legislation I have introduced by the Labor Subcommittee and discussions currently are underway to clarify and resolve certain issues with regard to this matter. I am hopeful that agreement can be reached from these discussions and legislation can be reported to the Senate early next session.

I ask unanimous consent that the article appearing in the Saturday, December 1, edition of the Washington Post, entitled "55 Arrested in Protest at GW Hospital," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Fifty-Five Arrested in Protest at GW Hospital

(By Judy Luce Mann)

Fifty-five employees of George Washington University Hospital, who were protesting the hospital's refusal to permit a union representation election, were arrested in the hospital lobby yesterday where they had staged a noisy, 2½-hour demonstration.

The employees, who are seeking a vote on representation by the National Hospital and Nursing Home Employees union, walked off their jobs at 10 a.m. and began gathering in the lobby.

Then, as television cameras appeared and other hospital employees converged on the scene, the demonstrators took up such chants as "We want a union," "We shall not be moved" and "We want Novak." Donald Novak is the administrator of the hospital.

Wilbert Pullian, one of the protest leaders, quieted the group briefly to announce that Novak had agreed to meet with "three of us; in the meantime, he wants us to keep the noise down." Pullian was shouted down with demands that hospital officials meet with the whole group.

Meanwhile, explaining that the protest was "all unexpected," Sally Whited of the Hospital's public relations staff, stood on the fringes of the crowd and tried over the din to explain the university's position.

"The hospital wants some sort of proof that a majority of the employees want this election," she said. The proof desired now, she said, are sign-off cards on which employees can state that they want the election. Such cards are required from 30 per cent of employees in units seeking unionization under National Labor Relations Board regulations. These regulations do not apply to nonprofit hospitals. Although George Washington is a nonprofit hospital, and thus outside NLRB jurisdiction, it still wants such an expression of sentiment, Miss Whited said.

Diane Christopherson, a medical technologist and protest leader, noted that the NLRB does not cover the hospital and said, "we're walking off our jobs to demand an election." She said 700 to 800 employees, most of them technicians and nursing aides, would be eligible for the proposed unionization.

She acknowledged that the group in the lobby did not constitute a majority of these employees, but said that "many of the workers are still afraid of their bosses; they don't have the job security."

At 11:30, Bud Matthai, assistant administrator for security, appeared in the lobby and ordered the area cleared on the grounds that the protest was disruptive.

"We've had a complaint from the operating room. Therefore, I'm telling you to clear this lobby. If you do not you all will be placed under arrest," he said.

The protestors began chanting "We're all going to jail," and within minutes most of them had taken seats on the lobby floor. As film crews moved in toward the protestors, they briefly chanted "the whole world is watching," but then reverted to the chants of "We're all going to jail" and "We want Novak."

Novak, according to Miss Whited, was meeting with university officials about the protest. He did not appear and there was no further statement by university officials.

As about 30 policemen gathered on the sidewalk in front of the hospital, Matthai appeared again, flanked by several police officials, and announced that the hospital had to "shut down one operating room." He asked the protestors to leave and said that "anyone here will be subject to arrest."

The chanting protestors remained seated and the arrests began at about 12:30. The demonstrators, many of them munching on snacks, joked with the police as they were escorted into the four paddy wagons and several police cruisers. "Just give us the address, we'll walk over," one man said.

Police said 32 men and 23 women were arrested and that all were charged with unlawful entry. They were arraigned in Superior Court and all were released on their own recognizance. Trial was scheduled for Jan. 30.

TRADE REFORM ACT OF 1973

Mr. MONDALE. Mr. President, I intend to submit several amendments to the Trade Reform Act of 1973. I am pleased that Senator RIBICOFF, chairman of the Trade Subcommittee of the Finance Committee, is joining me as a cosponsor of these amendments. The amendments update the trade bill to address the new challenge which confronts us today—the use of export controls on scarce raw materials and perhaps even manufactured products as a new weapon in international politics.

The Trade Reform Act, as reported by the House Ways and Means Committee, would provide authority necessary to achieve greater access for American products to overseas markets. While this is a necessary objective for meaningful trade negotiations, it must not be the exclusive aim of trade reform. Yet, the bill in its present form does not deal with the equally pressing need to assure access to supplies of the raw materials we need for a stable and growing economy.

Under the Export Administration Act of 1969, the President has the authority to curtail the shipment of our products overseas. But the use of export control authority cannot be viewed solely within a domestic context, as the oil embargo clearly shows. Agreements to prevent the unjustified use of export controls must be a major goal of international trade negotiations, and the President must have more explicit and precise authority to respond to export embargoes against the United States.

During the last World War, President Roosevelt and Prime Minister Churchill dedicated our two nations to the defense of several major principles which form the basis for the collection security of Western countries. Enumerated in the Atlantic Charter, these principles include under title IV the goal of "access, on equal terms, to the trade and to the raw materials of the world."

The principle articulated by Secretary of State Cordell Hull, the father of the trade agreement program, that "if goods cannot cross borders, armies will," was ignored before the war. In the postwar decades, international trade negotiations concentrated almost exclusively on the problem of surplus production and on access to markets, and virtually ignored the problem of access to supplies of raw materials.

However, today we face new problems of resource scarcity and accelerated inflation in which producing countries are withholding supplies of a wide variety of products for purely economic reasons or, in the case of oil, to extract political concessions.

The United States, Japan, and the Common Market countries are all suffering from intolerable rates of inflation. This inflation poses a threat to our political institutions. For the continual increases in the cost of living tend to erode public confidence in government.

When prices spiral out of control, people may reach out for government which can effectively halt inflation even at the expense of their democratic traditions.

Inflation is eating away at the real earnings of working people in the United States. Shortages of food, fuel, timber, cotton, scrap iron, cement, and many other products are a major cause of rapid inflation this year.

At the present time, many U.S. companies are facing difficulties in obtaining raw materials, and a number have asked that authority under the Export Administration Act be invoked to curtail shipments overseas.

While in some cases such controls may be justified, I believe we must begin to view export restrictions in a broader international context. For instance, if we prohibit all exports of America's oil, would the Canadian Government—the single largest supplier of oil to the United States—be encouraged to follow our example?

The imposition of the Arab embargo over oil is the most clearcut example of the unreasonable use of export controls, and it has greatly intensified the economic difficulties we face. Our factories and farms depend upon petroleum to operate. Unless adequate supplies of fuel are made available, shortages and higher prices will spread throughout our economy next year.

Although we need fuel, American foreign policy cannot yield to blackmail over oil. At stake is not only our firm and longstanding commitment to Israel but also our best strategic and economic interests. A taste of success from extortionist tactics will only increase the appetite for more concessions. For the long-term lesson is that blackmail could easily be employed by countries that are monopoly suppliers of other products.

The United States is already more than 50 percent dependent on imports for 6 of the 13 major raw materials required by our industries, and projections show that by 1985 we will be dependent on imports for 9 of these materials.

A senior Brookings economist, Fred Bergsten, recently noted in Foreign Policy magazine:

> Four countries control more than 80 percent of the exportable supply of world copper, two countries account for more than 60 percent of world tin exports, and four countries raise that total close to 95 percent. Four countries combine for more than 50 percent of the world supply of natural rubber. Four countries possess over one-half the world supply of bauxite. And a handful of countries are coming to dominate each of the regional markets for timber.

In our increasingly interdependent world, a high degree of responsibility must be exercised by all countries. Industrialized nations have an obligation to asure that developing countries have an opportunity to achieve desired levels of economic growth by providing technical assistance, market access, credits, and grants in aid. At the same time, countries that have valuable resources have an obligation to use those resources in a manner which will not injure but benefit the world community.

Nations have obvious concerns about guarding the domestic supplies of raw materials when threatened by shortages or other national emergencies. Although the United States used such justifications last spring to impose export controls on soybeans, oil seeds, and other products, in taking such steps without prior consultation with our traditional trading partners—Japan and Europe—we set a bad example for the rest of the world.

It is naive to assume that our trading partners will give us greater access to their markets if we do not assure them stability of supplies. How can we expect, for example, the European Economic Community to liberalize its common agricultural policy and forgo self-sufficiency in food production unless we provide reasonable quarantees that we will not cut them off each time our stocks run low?

An assurance of markets is necessary for an assurance of supplies. The United States should play a leading role in working to liberalize trade barriers. But we also must build a system of world food reserves to make certain that export commitments can be met and that food will be available to the developing countries in time of emergency needs.

For an assurance of markets and other economic benefits also requires an assurance of supplies. We must take the initiative in negotiations to achieve an international set of rules to assure access, on an equitable basis, to supplies of food and scarce raw materials.

The amendments I offer today are designed to accomplish these goals.

First, my amendments would provide the basis for collective trade agreements on export controls. I recognize that there is already a general prohibition against export controls in GATT, article 11. But there are many exceptions in GATT articles 11, 20, and 21 which need to be tightened and reformed; and the general prohibition has never been enforced.

The President would be directed to seek to strengthen the GATT provisions or other international agreements to include rules governing access to supplies of food, raw materials, and manufactured products. An extension of the GATT provisions would also be sought to authorize multilateral sanctions in GATT, or any other multilateral forum, against countries which by their actions substantially injure the international community, and thereby threaten the entire existence of the GATT system. If we can suggest curtailing our services to nations which give refuge to hijackers, and if we can suggest denying port facilities to nations which pollute the oceans with their tankers, then we can certainly consider multilateral trade and aid embargoes on nations which unjustifiably withhold vital raw materials.

While I would hope that such retaliatory measures would not have to be used, if they became necessary, rather than acting as helpless giants, members of the GATT system must work together to maximize their leverage against the offending countries. Just as the international community reacts together against import quotas, so it should react against countries which place unreasonable controls over exports.

For 20 years GATT has focused on the liberalization of import restrictions. These amendments would mean a major expansion of GATT responsibilities. Events of the past 2 years have demonstrated that it is crucial that these responsibilities be expanded.

We face an immediate crisis over oil. But in considering sanctions against producing countries, we must recognize the many practical problems that are involved. For example, would enough countries be willing to cooperate so that sanctions would be effective? How would we prevent the transshipment of products in the event a counterembargo were imposed?

Recent studies have cast doubt upon the effectiveness of a counterembargo imposed by the United States alone. We have also seen indications of an unwillingness on the part of the European states and Japan to resist the demands of oil-producing countries in the Middle East. The European countries have so far been unable to cooperate even among themselves in responding to Arab threats; and it is therefore unlikely that we can immediately secure cooperation between Europe, the United States, and Japan.

But it is obvious that the thrust of the Trade Reform Act must be redirected toward export control policies because of rapidly changing events. It is equally clear that the scope and powers of the general agreement on tariffs and trade must be enlarged to deal with this crucial issue. My amendments are designed to speed movement in this direction and to stimulate discussion so that we can arrive at the most effective means of responding to recent events.

My amendments would also give the President authority to retaliate against export controls which injure the United States. The definition of unfair trade practices provided in the Trade Reform Act would be expanded to include unreasonable and unjustifiable export restrictions—including quotas and embargoes on exports to the United States of manufactured goods and raw materials required for a stable and growing economy. The President would be given authority, subject to certain specified procedures, to counter such restrictions by the imposition of export and import quotas of our own and embargoes against any country which engages in these unfair trade practices.

In addition, the President would be empowered to deny economic and military assistance, as well as participation in any program of the United States which extends credit or investment guarantees to offending nations. Finally, the President would be authorized to restrain foreign direct and indirect investment by U.S. companies in these countries.

These amendments would give the President the leverage he needs to negotiate with other governments from a position of strength. Hopefully the President would use this authority within a multilateral context as called for by my proposed changes in the GATT rules.

We must begin now by rebuilding our relationships with the Europeans and the Japanese. Over the past 4 years, the administration has devoted most of its attention to superpower politics and has largely overlooked our traditional trading partners and the less developed countries. This neglect has left both the Atlantic and Pacific Alliances in an unprecedented state of disarray.

For example, in the President's most recent energy message, he made no mention of the need of our allies in planning their energy programs. Self-sufficiency for the United States by 1980 in energy would not end our problems if Europe and Japan were still totally dependent on Arab oil.

There has been a failure of advanced consultation on a whole array of issues involving our allies. But one symbolic example of the administration's neglect is its refusal for more than a year to appoint an Ambassador to the prime forum for cooperation with our allies—the OECD—during this time of acute crisis in world economic relationships. It is the OECD in which oil policies are coordinated among the industrialized countries and in which basic economic policies are reviewed among the industrialized countries together.

We must start to work together to build new procedures and rules within GATT and the OECD—rules that will serve notice that the United States and its allies will be prepared to act together to counter any threat to our collective economic security. One immediate step would be to join together and form within these organizations a coalition of oil-consuming nations to present a common front in bargaining with the Arab States.

Rules must be formulated in a manner which insures a fair return to producing countries for their precious resources and which insures their economic development. I believe that we can devise a system which is equitable to producing countries and to the industrialized world.

While many obstacles must be cleared, we must seize this opportunity to make our international economic institutions more responsive to the problems of scarcity, of inflation, and of unfair trade practices which deny raw materials to member countries—just as these economic institutions have dealt in the past with problems of abundance, of unemployment and of unfair trade practices in which imports unfairly penetrated markets.

Economic self-sufficiency is a good rhetorical catch phrase. But it no longer is a realistic or meaningful goal as we enter the final quarter of the 20th century. We must learn to cooperate in accordance with recognized principles of fair trade so that the people of all countries can look forward to a more secure and prosperous future.

The agreements concluded in the Tokyo round of negotiations will in great measure determine the future shape of international economic relations. We may find ourselves in a world dominated by growing hostility between rich and poor and among the rich unless the United States takes the lead in strengthening the community of interest among our Nation, our principal trading partners and the developing countries.

Mr. President, I ask unanimous consent that the full text and a summary of my amendments, along with a recent editorial from the Washington Post and a statement from a group of Cambridge economists, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Summary of Mondale Amendments to Trade Reform Act of 1973

The Mondale amendments would:

Amend the Trade Reform of 1973 to make access to supplies of raw materials one of the major goals of U.S. trade negotiations;

Direct the President to seek to extend and strengthen provisions of the General Agreement on Tariffs and Trade (GATT) or other international agreements to include rules governing export embargoes by member nations that deny equitable access to supplies of food, raw materials, and manufactured products;

Direct the President to seek to negotiate authority for multi-lateral sanctions, through GATT or any other international forum against member or non-member countries which impose export embargoes that substantially injure the international community; and

Amend the definition of unfair trade practices to include the unjustifiable or unreasonable use of export embargoes, and authorizes the President, subject to procedural safeguards, to retaliate against countries which deny raw materials to the United States by imposing a counter embargo, by prohibiting economic and military assistance, credits or investment guarantees, and by restricting foreign direct and indirect investment by U.S. companies.

On page 5, line 7, strike out "and", and after line 7 insert the following:

(2) to insure equitable access to supplies of food or raw materials required for production of energy and orderly economic growth and development; and

On page 5, line 8, strike out "(2)" and insert "(3)".

On page 16, line 6, strike out "and".

On page 16, line 11, strike out the period and insert ", and".

On page 16, after line 11, insert the following:

(7) the strengthening and extending the provisions of GATT or other international agreements to include rules governing access to supplies of food and raw materials, including rules governing the imposition of export controls and the denial of access to supplies of petroleum, raw materials, and manufactured products.

(8) the extending the provisions of GATT or other international agreements to authorize multilateral sanctions by contracting parties against member or non-member countries which deny equitable access to supplies of petroleum, raw materials, and manufactured products, and thereby substantially injure the international community.

On page 106, line 3, after "IMPORT" insert "AND EXPORT".

On page 109, after line 3 insert the following:

Sec. 302. Responses to Certain Export Practices of Foreign Governments

(a) Whenever the President determines that a foreign country or instrumentality imposes unjustifiable or unreasonable restrictions, including quotas or embargoes, on the export to the United States of food or raw materials required for the production of energy or for orderly economic growth, he shall take all appropriate and feasible steps within his power to obtain the elimination of such restrictions, and he may take action under section 301 with respect to such country or instrumentality and its products, and, in addition, he may—

(A) impose restrictions, including quotas and embargoes, on the export of United States products to such country or instrumentality,

(B) deny economic and military assistance and participation in any program of the Government of the United States which extends credits, credit guarantees, or investment guarantees, to such country or instrumentality, and

(C) prohibit or restrict investments, direct or indirect, in such country or instrumentality by United States citizens and domestic corporations and by other corporations and entities which are controlled by United States citizens and domestic corporations.

(b) In determining what action to take under subsection (a), the President shall consider the relationship of such action to the international obligations of the United States and to the purposes stated in section 2.

(c) The President shall provide an opportunity for the presentation of views concerning the export restrictions referred to in subsection (a). Upon request by any interested person, the President shall provide for appropriate public hearings with respect to such restrictions after reasonable notice, and he shall provide for the issuance of regulations concerning the conduct of hearings under this subsection and subsection (d).

(d) Before the President takes any action under subsection (a) with respect to any foreign country or instrumentality—

(1) he shall provide an opportunity for the presentation of views concerning the taking of any such action,

(2) upon request by any interested person, he shall provide for appropriate public hearings with respect to the taking of any such action, and

(3) he may request the Tariff Commission for its views as to the probable impact on the economy of the United States of the taking of any such action.

On page 109, line 4, strike out "302" and insert "303".

On page 109, line 6, after "301" insert "OR 302".

On page 109, line 8, after "301(a)" insert "or under subparagraph (A), (B), or (C) of section 302(a)".

On page 109, line 19, after "301(a)" insert "or section 302(a), as the case may be,".

On page 43, line 11, strike out "302(b)" and insert "303(b)".

On page 43, strike out line 13 and insert "----------------- of the 'Trade Reform Act of 1973' (with the blank space being filled with '301' or '302', which applies); and".

On page 43, line 26, strike out "302(b)" and insert "303(b)".

On page 46, line 11, strike out "302(b)" and insert "303(b)".

On page 46, line 18, strike out "302(b)" and insert "303(b)".

OIL, GRAIN AND THE TRADE TALKS

The massive and ponderous process of world trade negotiations has now begun, to the accompaniment of loud public fanfare and quiet private doubts. The doubts arise from the basic aims of the negotiations, which are now to a significant degree obsolete. These trade talks were originally organized as a further attempt to reduce protectionism among the rich nations, and open up markets for the poor. But the world's economy has changed suddenly and profoundly over the past year or two. The central issue now is not so much the various countries' attempts to shut out each others' goods. To the contrary, the real and pressing danger is the savage competition for access to limited supplies of those imported goods crucial to every nation's life—above all, grain and oil.

The world has no rules for distributing scarce commodities. Or, more accurately, it rations them to the highest bidder by raising prices. Currently that means soaring commodity prices that are inciting spectacular inflation rates in the industrial countries, and are lifting these goods altogether beyond the reach of the poor. It is an efficient process, in a mechanical sense, but it is intolerably disruptive and cruel. The trade negotiators seem to be commencing a long solemn discussion of barriers to imports, at a moment when their governments at home are scrambling frantically to grab the imports that they need.

Nearly two years ago, at the time of the first American devaluation, the leading nations all agreed that they ought to work out orderly new rules for world trade and money. The long labor of reorganizing the monetary system is now getting under way at the International Monetary Fund's meeting in Nairobi. The parallel reform of the trading rules, after months of preparations, now has formally begun with a meeting of 103 nations in Tokyo. They published a formal declaration pledging themselves to seek "the expansion and ever-greater liberalization of world trade." That is an admirable objective, but it is not at the moment the most important one. Nor is it likely to be the most important one for some years to come.

The great symbol of the sudden reversal of the issues is the United States and its wretchedly battered trade policy. After years of drumming on the European Common Market to loosen its barriers to American farm products, last June we swung around without notice and embargoed the exports of soybeans on which those same Europeans were counting. Meanwhile, after 15 years of limiting our imports of foreign oil, in order to keep our domestic prices up, we are now desperately trying to buy enough fuel oil in Europe to get ourselves through the coming winter.

The most urgent business for trade negotiators these days are those two commodities, food and oil. In both cases, there will be no international agreement at all unless the United States takes the initiative. But the United States does not seem to have any very clear idea precisely what it wants to do with either of them.

Regarding oil, the importing nations need an agreement on dividing up the available supplies, whatever they may be. Granted, an agreement would be agonizingly difficult to work out. But month after month of snarling and squabbling among the oil-fueled nations would inflict catastrophic damage on the relationships that have, for a generation, guaranteed world stability.

The prospects for an international grain system are, if anything, even dimmer. Solutions exist. Last week a group of eminent economists from Japan, Europe and this country met here at the Brookings Institution and worked out a draft plan for an international grain reserve. It would be expensive and complicated. It would require a kind of international consultation and joint action reaching well beyond the rather rudimentary procedures of the present trade and monetary systems. The only thing to be said for it is the cost of the alternative, in recurrent inflation, panic and anger.

The trade meeting in Tokyo was a sign of progress. The negotiations are now under way. But they are like a big ship, difficult to turn under full steam. There is a risk that this huge enterprise, with 103 nations aboard, will keep sailing ahead, by sheer force of momentum, toward an obsolete purpose instead of turning to the work that most needs to be done.

OIL SHORTAGES AND MIDDLE-EAST POLITICS

A statement by Kenneth J. Arrow, Franklin M. Fisher, John Kenneth Galbraith, Simon Kuznets, Wassily Leontief, Merton J. Peck, Paul A. Samuelson, and Robert M. Solow.

We make the following statement in order to clarify the tenuous and complex relation between current oil supply problems and Middle East policy.

The coincidence of difficulties with the supply of gasoline and heating and residual fuel oils in the United States and the recent war in the Middle East may give rise to misunderstandings about the nature of the relation. It may be felt that American aid to Israel and support for its position are in some way responsible for the energy difficulties (the word, "crisis," is much too strong). There is only a limited and most transitory connection, and our foreign policy should not be deflected in the slightest by the illusion that giving in to oil blackmail will in fact gain us anything.

1. The world crude oil situation has two aspects. First is the cartel of the producing nations, the members of the Organization of Petroleum Exporting Countries (OPEC), which has both Arab and non-Arab members. This cartel has been able to raise prices repeatedly by raising the tax on oil exports. The tax becomes a cost to the oil companies, who are able to pass it on to customers like any excise tax. The upper limit to this monopoly is the cost of alternative sources of fuel. This is obviously a very uncertain ceiling in the short or long run. Some put it near $5 a barrel f.o.b. Persian Gulf, some as high as $10. It is certain that the OPEC nations will keep probing toward this limit. They began this process with the Teheran "agreements" of 1971, which were violated within a few months.

In early October of this year, the Persian Gulf members ended the charade of negotiations and raised prices unilaterally. Without doubt, they will do so again.

There was and is no connection between Middle East peace and the oil monopoly of Arab and non-Arab nations. If some perfect Middle East political settlement were reached tomorrow, the OPEC countries would not give up a cent of their gains, and they would not cease to consider when and how much to raise prices. To suggest a connection between Arab-Israel strife and the contrived scarcity of oil to drive up prices is to commit a non-sequitur.

2. The new element in the situation lies in the cutbacks, over and above the normal scarcity, which were proclaimed in mid-October by the Arab nations and which, they said, would continue until the borders of Israel return to those before the Six-Day War of 1967 and until the Palestinian people were granted their "rights," a concept not explained. To the cutbacks has been added a proclaimed total embargo against the United States.

The embargo is not important in itself. We need only cite the June 1973 statement of the ex-Secretary-General of OPEC, Dr. Pachachi of Iraq, to the effect that a selective embargo is useless, as well as the interview with King Feisal and Prince Saud of Saudi Arabia in late August, when they pointed out that the United States could not be reached by an Arab embargo against them alone.

The cutback in total production of the Arab countries is genuinely damaging to the consuming nations, though the United States is harmed least of all. The extent of those cutbacks is not altogether clear. Iraq has not joined; Libya's stand is unclear, though both have embargoed the United States. According to press reports, the reduction appears to be 25 percent of Arab oil, or about 15 percent of all oil moving in international trade. The Arab nations are said to plan no further cuts because they fear retaliation: the denial of food and manufactured goods, not to mention military action by consuming countries (New York Times, 10 November 1973).

3. In the United States, the scarcity of gasoline and home heating oil is due primarily to a shortage of American refining capacity, which is not expected to be made up before about 1977. So long as capacity is inadequate, and there is little slack elsewhere in the world, product will be short even if crude oil is available without limit.

Arab crude oil imports have amounted to about one million barrels daily, and refined products made from Arab oil, "an amount difficult to estimate but possibly as much again," (Petroleum Press Service, November 1973, p. 405). Since part of the maximum two million barrels, out of a daily consumption of 17 million barrels, will be made up by increased imports from non-Arab sources diverted to the United States (a decision which depends to no small degree on American oil companies), the overall loss to this country is at most 12 percent. But the loss is not equally distributed. The main impact will fall on the East coast supply of residual fuel oil, used almost entirely by industry. About 35 percent of this supply is from refineries, mostly in the Caribbean, which run partly on Arab oil. Some uncertainly large fraction of this will be stopped.

4. The consuming nations are not without weapons of their own, once they realize they are confronted with what the Petroleum Minister of Saudi Arabia, Sheik Yamani, has rightly called "war" (Platt's Oilgram News Service, 22 February 1973). If united, they can refuse to supply food and manufactured goods to the nations committing the hostile act of embargo. The Soviet Union might find it difficult to make up the deficit, and the Arabs might well be unwilling to accept the resulting dependence. It would be more productive for consuming nations to confer on such counter-measures than to outdo each other in subservience which profits them nothing. ("Arabs don't have to police their own boycotts. Sycophant nations are doing it for them." (Wall Street Journal, 6 November 1973).

5. The threat to American oil usage may indeed have beneficial effects. As the President's message shows, the threat has awakened the country to the need for meeting the energy problems which would be upon us in any case within the next twenty years. It has alerted us to the profligacy with which we have been using energy to accomplish tasks of secondary importance. Conservation of energy has become a prime need in meeting both the short-run difficulties and the long-run growing scarcity, and with a reduction in energy usage will come a reduction in our serious problems of air pollution.

6. We express no opinions on the nature of any Middle East peace, or what the United States could or should do to bring it about. We do warn that letting our policy be determined or even influenced by the threat of injury is as futile as it is ignoble. Oil is a non-durable good. If to maintain the flow this year we accede to a course of action we would not otherwise desire, then it will follow as the night the day that we will be blackmailed again and again. The Japanese government has for years been among those most favorable to the Arabs, yet they have been denounced for their "odious neutrality" (New York Times 18 October 1973), and more was demanded: breaking relations with Israel, economic sanctions, and military aid to the Arabs (New York Times 9 November and 15 November 1973). The more is given, the more will be demanded.

Saudi Arabia will promise oil for next year in exchange for the "right" kind of peace, then make fresh demands for further oil the year after that. As Sheik Yamani said of the Teheran "agreement" in September, his government would have liked to honor the agreement but circumstances had changed (Middle East Economic Survey 7 September 1973). Circumstances will always change. And, as the Wall Street Journal warned last 26 April, giving in to blackmail on one issue in one part of the world invites blackmail on every issue in every part of the world. We hope our policy makers and our public will remember this and not be dazzled by the hope of some grand "settlement" which wraps up oil and politics in a neat looking package which will soon start to unravel and lean to endless confrontations.

The greatest service which the United States can render to friendly nations in Europe and Asia is not to let itself be swayed by this blackmail. For if the United States cannot be reached or influenced, then Europe and Asia are being tormented to no purpose, the Arabs have no motive to continue the cutbacks, and the usual money incentives to resume normal output will operate.

IDENTIFICATION OF STATEMENT SIGNERS

The following information about the signers of the statement on Oil Shortages and Middle-East Politics is provided for identification purposes only. No organization mentioned has taken any position on the issues discussed.

Kenneth J. Arrow: Professor of Economics, Harvard University; awarded Nobel Memorial Prize in Economic Science, 1972; President, American Economic Association.

Franklin M. Fisher: Professor of Economics, Massachusetts Institute of Technology; Editor, Econometrica.

John Kenneth Galbraith: Professor of Economics, Harvard University; Past President, American Economic Association.

Simon Kuznets: Professor Emeritus of Economics, Harvard University; awarded Nobel Memorial Prize in Economic Science, 1971; Past President, American Economic Association.

Wassily Leontief: Professor of Economics, Harvard University; awarded Nobel Memorial Prize in Economic Science, 1973; Past President, American Economic Association.

Merton J. Peck: Professor of Economics and Chairman of the Department of Economics, Yale University.

Paul A. Samuelson: Institute Professor of Economics, Massachusetts Institute of Technology; awarded Nobel Memorial Prize in Economic Science, 1970; Past President, American Economic Association.

Robert M. Solow: Institute Professor of Economics, Massachusetts Institute of Technology.

SPECIAL PROSECUTOR LEGISLATION

Mr. COOK. Mr. President, in yesterday's Washington Post there was an article by our colleague, Senator CHARLES PERCY, in which he discussed the relative merits of the Special Prosecutor legislation which the Senate will be considering later this week. The incisive comments found in this article should prove helpful to the Members of this body as we prepare for consideration of these very important proposals.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 2, 1973]

A TRULY INDEPENDENT PROSECUTOR

(By Charles H. Percy)

By now, almost no one questions the need for an independent special Watergate prosecutor. Instead, the challenge before us is to agree on the process by which the prosecutor shall be established by law and protected from arbitrary dismissal. The goal, of course, is credibility. When eventually the prosecutor declares that Mr. X deserves to be prosecuted or, perhaps more important, that Mr. Z is completely innocent, we must be able to believe him.

This week, the Senate will debate and choose between three proposed processes for creating and protecting the special prosecutor. Basically, they differ in two fundamental ways: how the special prosecutor would be appointed and how he could be dismissed.

One proposal, the early front-runner, would take the appointment of the prosecutor away from the executive branch and hand the responsibility, however unwelcoming, to the federal courts. This method quickly achieved the co-sponsorship of more than half of the Senate and has substantial support in the House. But under study, the court-appointed prosecutor appears to many of us to be the wrong approach, in an unusual series of statements, judges of the U.S. District Court for the District of Columbia have expressed their opposition to the bill. Judge Gesell, declaring that "the courts must remain neutral." points out bluntly that "Congress has it within its own power to enact appropriate and legally enforceable protections against any effort to thwart the Watergate inquiry."

Instead of propelling the Watergate investigation toward a full and credible conclusion, the court appointed approach would be subject to months of legal challenges. The possibility that all of the work of a court-appointed prosecutor might eventually be nullified as unconstitutional is very real. The nation would not hold blameless a legislature that managed only to make more complicated an already tangled web.

Even if it should pass the Congress, the court-appointed approach faces a sure presidential veto. There is little chance that Congress has the votes to override such a veto. We would be back to square one.

A second approach, one which has White House support, would merely codify the present situation. Under it, the Attorney General would appoint the special prosecutor and he could only be fired by the Attorney General for cause. If this sounds familiar, it is because Archibald Cox received these same "ironclad" guarantees last May. Now, however, we are offered the additional protection of a letter from the Acting Attorney General to the President Pro Tempore of the Senate promising that the prosecutor would have to have the "approval" of the Senate before his appointment and that he wouldn't be fired without the "consensus" approval of a selected group of congressional leaders.

As solemn as such a promise might be, it still is not law. It could quickly become inoperative. Given recent events, both the nation and the Congress would be rightly skeptical of such an informal arrangement.

It can be argued here that we already have a special prosecutor, Mr. Jaworski, in place; that he is both sounding and acting quite independent and that any legislative action would only delay his important work.

But Mr. Jaworski's only real job security at this point is the memory at the White House of the public outcry over the dismissal of his predecessor. There is no legal guarantee that what happened before could not happen again.

This becomes a prime argument for the third alternative, one which I am convinced is not only safe from constitutional challenge but offers the prosecutor credibility and sufficient job security.

The President should *nominate* the special prosecutor, subject to formal confirmation proceedings by the Senate. Some will argue that the President should not appoint a prosecutor who will be investigating the presidency itself. But this method is unquestionably constitutional. It is also the traditional process used, for example, for appointing federal judges and Supreme Court Justices who must be guaranteed independence because they routinely hear cases involving the U.S. government and the President himself.

Because the independence of the special prosecutor is an absolute necessity, Congress should limit the grounds on which he can be dismissed to three: malfeasance in office, neglect of duty or violation of the statute which created his office. A bill which Senator Howard Baker (R-Tenn.) and I have introduced—cosponsored by Sens. William Brock (R-Tenn.), Marlow Cook (R-Ky.) and Milton Young (R-N.D.)—would provide for this method of appointment and limitation of dismissal. In addition, it would provide a 30-day period before any dismissal became effective. During that "cooling off" period the prosecutor could challenge his dismissal in court. If the court decided the dismissal was illegal, the prosecutor would continue in office.

If, however, the office became vacant through legal dismissal, illness or resignation, the court would appoint an interim special prosecutor to serve until a new prosecutor had been nominated by the President and confirmed by the Senate.

This is the responsible approach. It assures the process of law we must have to achieve our common goal of impartial and unfettered resolution of the Watergate nightmare which will stand up both in court and in the minds of a skeptical nation.

DAVID BEN-GURION

Mr. WILLIAMS. Mr. President, I join today the millions of people throughout the world who mourn the passing of David Ben-Gurion. When Mr. Ben-Gurion died Saturday at the age of 87, the State of Israel lost a great and dedicated leader whose name forever will be identified with the creation of that nation; the world lost an elder statesman of penetrating insight.

Mr. President, David Ben-Gurion, born in Russian Poland, emigrated to what was then Palestine at the age of 20. From that time on, all of his energies were dedicated to restoring that land to its historical place as the Jewish homeland. By the time World War II ended in 1945 he could say to the survivors of Hitler's extermination camps:

> We have been working to build up our land, so that you may come there to live as decent human beings again among your own people and where you will not fear again.

David Ben-Gurion was the driving force behind creation of the governmental infrastructure which made possible proclamation of the new state of Israel when the British mandate over Palestine expired. Fittingly, his was the first signature on that proclamation; he became the new nation's first prime minister, and held that position for the next 15 years.

When Mr. Ben-Gurion finally retired in 1963, he went to live in the manner he valued most highly—on a kibbutz in the desert. He spent the last years of his life as a venerated figure among his people, watching the tiny nation he helped found, celebrate its 25th birthday as a strong and mature state.

David Ben-Gurion once said that—

> In Israel, in order to be a realist you must believe in miracles.

He not only believed in miracles, he helped make them happen.

OKLAHOMA NATIONAL 4–H CHAMPIONS

Mr. BELLMON. Mr. President, last week in Chicago a group of talented youngsters from the State of Oklahoma rolled up a victory of which all Oklahomans are proud. With 23 national winners, 4 regional champions, and 2 sectional titles, the 44-member Oklahoma team won the sweepstakes of the 1973 National 4–H Congress.

While this honor—the third such championship in a row for the Sooner State—is naturally a source of great pride to everyone in Oklahoma, the achievements of all 4–H club members are deserving of recognition. In these days when many Americans tend to take a pessimistic outlook, these energetic and enterprising young people provide a sound basis for faith in our country's future.

As Washington Post writer William Greider put it, the 1,600 winners at this year's 4–H congress shared "an uncommon sense of self-confidence, a charming optimism in this era of youth's self-doubt."

Greider further described the typical 4–H members:

> In conversation, they are modern, conversant with the world and fashion, the cultural mixing bowl of television and transistors. Yet they still espouse the old values with confidence—hard work, strong family ties, serious religion, plain dealing.
>
> . . . as you might expect, these young people are concerned by current troubles in America and the world, but they are not in the least rattled by them. If you have confidence in your own future, you are less prone to doom-and-gloom predictions in the current media crisis. If you believe the nation's survival depends on the goodness of all its people, you are perhaps not so upset when a few more politicians turn out to be crooks. If you do not believe that the future promises utopia, then you are less disturbed by temporary disasters."

As the father of three daughters who spent much of their teenage years in 4–H club activities, I am completely sold on the merits of this character-building organization. Our country needs the kind of self-determination and hope that is instilled in the young people who work in 4–H. They and their leaders are to be commended for the lasting contributions they have made to our national life.

Mr. President, in order to call attention to the accomplishments of the national champion Oklahoma 4–H team as well as 4–H members from all over the Nation, I ask unanimous consent that an article by William Greider in the Washington Post of Sunday, December 2, 1973, and an article by Robert B. Allen in the Daily Oklahoman of Sunday, December 2, 1973, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 2, 1973]

4–H: A PATH TO MATURITY

CHICAGO.—One good thing about swine production, aside from the joy and profit of raising hogs, is that it teaches a young man some hard lessons.

Dave Wiggins, a dimpled youth from Lake Hughes, Calif., was only 11 when he started his first 4–H swine project, a modest beginning of two piglets. Every thing went fine until the day of the county fair. Then one of them died.

"I had fed her apple cores the day before," Wiggins remembered, "and I learned the hard way that the seeds are poisonous."

The other teenagers who were listening to Wiggins came up with their own stories of hog tragedies. George Andrew, from a farm near Evansville, Wis., told about the time last March when his hog house burned down.

"I saw the flames and smoke in the sky," Andrew said, with appropriate gestures. "I ran in and I got a couple of gates open, but it was so hot I couldn't stand to stay in there long. I managed to get five sows and about 25 little pigs out, but we lost the rest, maybe 125 or 130 pigs."

"Didn't you have any insurance on the pigs?" asked Ronny Scott, a 19-year-old from Burns Flat, Okla., who wears Prince Valiant bangs and big bow-tie. His incredulous tone sounded like you-poor-sap. The log house was insured, but not the pigs. The young man lost a $9,000 investment.

Dave Wiggins, who is 16 now and aiming toward a career as a veterinarian, recounted how he lost an entire litter of 14, stricken with viral pneumonia on the day they were dropped.

"That's the greatest feeling of loss," Wiggins explained, "when you stay up all night bottle-feeding them and you watch them die, one by one."

That kind of experience has a way of maturing a young person. If your hog house burns down or a new litter of pigs perishes, it is liable to instill a practical, unhurried view of life's opportunities. If you preserve despite the setbacks and become 4-H champions, as these boys have done, the likely result is an uncommon sense of self-confidence, a charming optimism in this era of youth's self-doubt.

1,600 WIN HONORS

In varying degrees, the kids who gathered last week at Chicago's Conrad Hilton Hotel were like that. They were winners, 1,600 of them, mostly high school seniors or college freshmen who won state and national 4–H honors for personal enterprise as diverse as tractor-driving and health service and electrical repair. Their prizes were scholarships and the free trip to Chicago for the "4–H Congress," a lively week in the big city.

Debra Harris, an 18-year-old coed from Coyle, Okla., is into electricity. She helped wire two homes.

Adrian Lee Gaskins, a long-haired health winner from New Bern, N.C. created a coloring book about the danger of rats, called "Zap That Rat." He test-marketed it on his third-grade sister, then published it for school children in his county.

Jeannie Hitt, a frail blond girl from Remlap, Ala., won a dairy foods scholarship for her work as family dietitian. Her father was overweight, one brother had an ulcer, another was diabetic. She juggled the special menus to keep them healthy.

Kathleen Whitney, a robust 18-year-old from Hammonton, N.J., organized an ecology club which campaigned successfully against the giant jetport planned for the "Pine Barrens" of South Jersey.

Rita Rae Fontenot, 16, of Villa Platte, La., took over the chores for her family of seven when her mother became ill, shopping, cooking, cleaning, washing, mending. She won a home management award.

Jim Stitsworth, plump and rosy-cheeked, from Fort Smith, Ark., earned a scholarship for his volunteer works as a "candy-striper" in the psychiatric ward.

COOKBOOK FOR POOR

Grace Yarbrough, an 18-year-old black girl from Jackson, Tenn., won with her low-income cookbook, a collection of low-cost but nutritious recipes, which she distributed to the poor.

And so on and so forth, more or less, through the hundreds of young people who convened last week in Chicago. Who are these confident childern, so earnest and effective? What are they like? What do they think of the world and their country in these troubled times?

Well, first, the green clover of 4–H ("Head, Heart, Hands and Health") is still worn mostly by young people from farms and small country towns, though about one-fourth of the 5.4 million kids now come from cities and suburbs (including about 5,000 in the District of Columbia's fledgling program). Like every other youth organization, 4–H struggles to hold onto the older teenagers, trying to devise more adult-like projects, more responsibility and excitement.

The 4–H projects range in scope from adolescent to cosmic and they still center around the common skills of home and farm (through urban clubs are developing some hybrid subjects like corner-lot gardening, modeling, pet care).

The enduring popularity of 4–H is no mystery, however. It is the basic appeal of giving a young person a chunk of real responsibility, a dress to sew, sheep to tend, a tractor to drive, with the promise that completion is its own reward. Do it, as the ill-fated flower children used to say.

Their "national congress" was surrounded by an army of happy corporate sponsors—from Carnation Milk to Kentucky Fried Chicken—who provide project materials, money and scholarships worth $187,000 in exchange for good relations with these youthful achievers.

KIDS ARE OUTDONE

The businessmen who toasted the winners (with milk and fruit punch, of course) waxed more emotional about the virtues of 4–H than the kids did, even with some tear-stained speeches.

The executives seemed especially grateful to meet young people in a neutral setting where nobody is throwing bricks at big business.

A Tennessee youth wore a button on his lumberjack cap: "Raise Angus Instead of Hell."

But the 4–H kids swarming through the Conrad Hilton sought out extra-curricular fun-and-games, more or less like any bunch of teenagers would at a convention in a strange city.

"Gig, you've got to help me," the stylish Alabama girl said breathlessly to her companion on the elevator. "You know that plump boy?"

"Yea, do you like him?"

"No, I really hate him! she drawled. "You gotta keep him away from me."

Miss Whitney of New Jersey learned with awe about a county in Arizona bigger than her whole state. Stitsworth of Arkansas laughed at his own stereotype: "Everybody thinks we go barefoot and eat hickory nuts." The Californians wore blue-and-gold scarves. The North Dakotans wore enigmatic buttons which asked: "Wanna Krinkle?"

An Oklahoma farmboy named Barnes stepped out on the sidewalk and almost got bombed by a falling grapefruit. A Florida girl named Byrd giggled when she heard about it.

EVEN SAID GRACE

One evening, just to be different, a group of 24 rose to say "grace" over their meal in the hotel's candlelit restaurant, the Haymarket. You don't see that everyday in Chicago.

One evening, the whole crowd of 1,600 promenaded arm-in-arm up Michigan Avenue to the Chicago Art Institute for a special tour. Some groups sang Christmas carols as they strolled through the marble corridoors, a pleasant sound that echoed gently through one of America's great museums.

Fred Mills of New Hampshire draped his arm around a gargantuan bronze nude by Maillol, while a friend snapped his picture. Four girls from Washington state inspected the stark, skinny body of Giacometti's "Standing Woman."

"Why I know her," said Teresa McCann of Walla Walla. "That's Debbie!"

And many of the young people came face-to-face with the original of Grant Wood's "American Gothic," that portrait of a stern-faced Iowa farm couple whose grim and narrow piety became a popular symbol for rigid provincialism in the American heartland.

Probably that painting was always unfair to the people it portrayed, even though it said something true about them. In any case, if these 4–H winners are the modern edition of that heritage, then "American gothic" has blossomed with exotic embroidery, buckled shoes and blue eye shadow, an easy openness which talks comfortably about VD, farm prices, women's rights, transactional analysis, God and social justice.

"These kids," said Dr. Hope Daugherty, a youth counselor with the Department of Agriculture, "have the best of both worlds, I think. They live in rural communities or on farms, but most of them go to consolidated high schools which are just as urbanized as any big-city school."

In conversation, they are modern, conversant with the world and fashion, the cultural mixing bowl of television and transistors. Yet they still espouse the old values and confidence—hard work, strong family ties, serious religion, plain dealing. Indeed, the lean past evoked by "American Gothic" is still close to them and they regard it with respect, even nostalgia.

EVERYDAY LIVING

"When my Dad was growing up," Brent Barnes, of Cordell, Okla., said proudly, "they went to the store and bought a little sugar and lard. That was Oklahoma and the wind was blowing. My grandmother killed rattlesnakes under her bed every day. They didn't even think of that as hard times. They thought it was everyday living.

Becky Krill, a wholesome blonde beauty from Edgerton, Ohio, explained why she likes to milk the family's dairy herd.

"It gave me a chance to get away from everything and think," she said. "I think about my school work or I think about my future and sometimes I work with my grandfather and I listen to him talk about the old days when he was a little boy."

In their world, "family" usually means more people than it does in city or suburbs—grandparents, uncle and aunts and cousins are close by, sharing the work and the problems.

"My first cousins are like brothers and sisters to me," said Lu Ann Fischer of Hooker, Okla. "We all work the same farms together."

Then she added that touch of unblemished optimism which reflects her congenial upbringing, that stands out in all these kids: "I think, on the whole, the majority of Americans are good clean, wholesome people like the families we've come from."

Thus, as you might expect, these young people are concerned by current troubles in America and the world, but they are not in the least rattled by them. If you have confidence in your own future, you are less prone to doom-and-gloom predictions in the current media crisis. If you believe the nation's survival depends on the goodness of all its people, you are perhaps not so upset when a few more politicians turn out to be crooks. If you do not believe that the future promises utopia, then you are less disturbed by temporary disasters.

STILL OPTIMISTIC

"I'm still optimistic," said Connie Cole, 17, of Carrollton, Ga. "I feel Nixon has not been proven guilty of anything yet. People are jumping to a lot of conclusions, but we've been here for 200 years and we'll survive Watergate."

"This Watergate business," Jim Stitsworth continued "has been going on for years and this is just the first time it's come out."

"On both sides," added Sally Betts, of Castle Rock, Colorado. That perspective on the scandal was frequently expressed by the 4–H winners.

Mark Van Schuyver, 18, of Chickasha, Okla., added a mild demurrer: "You have to remember that, if I did that business, they'd throw me in a hole and throw away the key." The other youngsters agreed.

"Watergate depresses me," said Paul Mosser, 19, of Casper, Wyo. "I just wish Nixon would come out and tell everything—I really believe he's innocent and I wish he would prove it."

OTHERS SKEPTICAL

Others are more skeptical. "I think the basic problem," said Kevin Swaim, a young farmer from Marshall, Ind., "is that too many politicians work for themselves and the government instead of for the people."

The 4–H winners talked wistfully about changing that, but their tone did not seem too helpful. The idea of impeachment chills most of them. "Impeachment would be a real black-eye," said George Andrew, the hog farmer from Wisconsin even though he thinks Nixon has failed as a leader.

Ronny Scott closed the subject with this question: "Well, if Nixon gives up and quits, do you think we'll find anybody who is any more honest?" The boys in swine production all shook their heads.

Questions of war-and-peace are also familiar to them. They are given to discussing a nuclear apocalypse as something quite possible in their lives, but largely beyond their personal control.

Mark Van Schuyver sums up his views on the Middle East conflict: "It really wouldn't be that big a deal if the big powers didn't get in there. I really don't care myself. Let them have their own war."

BIBLE ON WAR

"I'm not sure I believe in that," said Lu Ann Fischer, "because the Bible says there's going to be a whole lot of war and nuclear war and I believe Jesus is coming again. I really believe that."

"I'm not sure I believe in that," said Sally Betts from Colorado, "but I do think one day we'll blow ourselves up."

Carol Byrd, 17, of Merritt Island, Fla., states the hopeful outlook: "We should be able to reason our way out of war. Fighting is for animals and we're not animals."

"You sound just like my mother," Nancy Hardey, 18, from Sulphur, La., muttered to herself.

The impending energy shortages and its implications divide the 4–H winners, just like others Americans, in predictable arguments over priorities, who gets fuel first (farmers, of course) and who makes the sacrifices, industry or the environment.

"The United States could carry the bulk of its own oil production," said Kevin Swaim, "if we would stop worrying about killing a few ducks."

"But it's more than killing a few ducks," insisted Patty Ogasawara, 19, from Davis, Calif. "It's a question of throwing off the whole ecosystem."

"Well," said Swaim, "we've gone so far now. We'd have to drop back to the dark ages or something."

"I just don't believe that," Ogasawara snapped.

In general, however, they regard the so-called crisis in energy as a welcome opportunity for Americans to rediscover the self-sacrifice of their ancestors.

NEED TO APPLY BRAKE

"We need to put a little brake on our selfishness," said Sally Betts.

"I don't know how we can call going without a little bit—self-sacrifice," said Brent Barnes. "All we can compare it with is having so much."

"If we're forced into this situation of not being able to go anywhere," said Lee Frey, 19, of Hagerstown, Md., "maybe it will force us to do some serious thinking, to get to know that neighbor we don't know."

The 4-H winners were unintimidated by it all—war, scandal, crisis. Maybe they should be. But their own personal experiences have convinced them that hard work and good people do prevail in this world, however imperfectly.

"Whatever crisis we're going through now, it will all blow over," said Gracie Yarbrough of Tennessee, "and we'll get back to normal."

"People in this country are so scared of change," Brent Barnes from Oklahoma lamented. "Yet without change we really would be in the dark ages."

So, unlike those forebears portrayed in "American Gothic," this generation is not afraid of change—perhaps because these kids have such a strong notion of which essentials ought to stay the same.

"We're probably more fortunate than most kids," Dan Tronchettie of Jefferson, Iowa, admitted. "Coming from a stable environment, we're lucky, learning about farming, learning about swine production. A lot of kids are just drifting around, don't seem to know whether they're coming or going."

[From the Sunday Oklahoman, Dec. 2, 1973]

ENTIRE STATE SHARES IN NATIONAL 4-H ACHIEVEMENT

(By Robert B. Allen)

CHICAGO.—You might think that planners of the 1973 National 4-H Congress had Oklahoma squarely in mind when they picked the theme of this year's meeting—"4-H Puts It All Together."

And that is exactly what the Sooner state did in sweeping the richest of all teen-age congresses.

In coming through with 23 national winners, four regional champions and two sectional titlists, Oklahoma put together a variety of talent from all across the state for the big triumph.

When the 44-member blue ribbon delegation flew home this weekend, it also carried $18,600 in college scholarship money, second biggest amount ever won by an Oklahoma team.

16 COUNTIES SHARE HONOR

This year, it may be surprising to know, the state's national winners came from as many as 16 different counties. By combining their talents in a variety of contests, they out-distanced California, which finished second. Indiana was in third place.

Grady and Washita counties each produced three of Oklahoma's 1973 national winners. From Grady, they were Leslie Moore, in the automotive program; Mark Van Schuyver, health, and Kathy Jackson, dairy foods. The champions from Washita County included Brent Barnes, leadership; Glee Dale, dress revue, and Ronny Scott, swine.

NO AREA HAS CORNER

Here is how other counties contributed to the big Oklahoma victory. From Logan were James Pfeiffer, petroleum power, and Debra Harris, electric. From Texas County the winners were Lou Ann Fischer, health, and Ronald Quinn, achievement, while Alfalfa County had Suzanne Roush in citizenship and Gwen Shaw, achievement.

Also winning were Randy Waters from Beckham County for photography; Nancy Howell, Kingfisher County, in the sheep program; Paula Schnaithman, Garfield, health. Also Angie Franks from Woodward County in horsemanship; Twyla Graybill, who won first in bicycle safety from Dewey County; Susan LeGrand, Payne County, clothing; Donnita Weinkauf, Tulsa, public speaking; Joel Ballard, Jackson County, safety; Jennifer Jackson, from Caddo County, in food nutrition; Cam Foreman, who scored tops in agriculture from Cimarron County, and Dru-Ann McCluskey from Noble County, who still won a national honor for home management even though she was hospitalized with an extended illness in Oklahoma.

NO MARKET

"No one part of Oklahoma has a corner on the winner's market," said Dr. Eugene Williams, of Oklahoma State University who is the state's 4-H program chief. "During the last three years, the state's national winners have come from Cimarron to McCurtain counties and from Jackson to Delaware. It all stands as a real tribute to support at the local level and the fine adult leadership that is so active throughout our state."

Other counties which have had a hand in turning out national winners in the past three years include Pottawatomie, Oklahoma, Washington, Comanche, Muskogee, Kay, Okmulgee, Canadian, Major, Grant, Osage, Blaine and Nowata.

In the age group, this year's national champions from the Sooner state extended all the way from 15 to 19. Eight of them are in college while nearly half of the total still are attending high school.

"It all shows just how widespread this 4-H program is when you count that 31 of our counties have shared in national, regional and sectional championships over just a three-year period," said Ray Parker, another ranking state 4-H official.

60,000 ENROLLED

During that span, 42 of the counties also have come up with state winners.

There are more than 60,000 youngsters enrolled in the expanding state 4-H program and the 1973 national and regional winners matched Oklahoma's all-time high posted last year.

Adding even more luster to Oklahoma's glowing record in the 52 years that the 4-H program has been going, Oklahoma has come up with an almost unbelievable total of 444 national winners.

URBAN AREAS CONTRIBUTE

Officials at the national congress, which this year was attended by 1,600 contestants from all 50 states, agreed that few areas in the nation could equal the Sooner state's blue ribbon showing.

Today, there are 5.5 million boys and girls enrolled in 4-H activities. Even though founded in rural America, the 4-H program has flexed its muscles and broadened its dimensions, until now many of the contestants come from urban areas.

AN EAST LOS ANGELES COMMUNITY CHOOSES ITS PRIORITIES

Mr. TUNNEY. Mr. President, East Los Angeles, having the world's second largest concentration of Americans of Mexican descent, is in the process of petitioning for a referendum to incorporate itself into a city.

The area is divided among five assembly, three State senate and congressional districts. The constituents have but one elected official representing the entire area and this includes 1 million other residents.

I fully support the people of East Los Angeles in their effort to seek local regulation over their socioeconomic and political conditions.

As a principle in directing the effort to incorporate the East Los Angeles area, Mr. Esteban Torres is eminently qualified to discuss the particulars for local self-determination and home rule.

Mr. President, the article written by Mr. Torres is worthy of the attention of all my colleagues.

I ask unanimous consent to have the remarks of Esteban Torres printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW SPIRIT IN THE BARRIOS

(By Esteban E. Torres)

The explosive and destructive events of the late 1960's in America's urban ghettos and barrios were a manifestation of the frustrations and crushing hopelessness of millions of neglected Americans. Yet the spirit of Californians living in these pockets of poverty is formidable and they are now on the march to build a better world for themselves and their children.

This new spirit among Mexican-Americans—dwellers of the barrios—not only in East Los Angeles but in communities throughout California, stems from a growing awareness that they must participate in the mainstream of the planning process if they are going to realine the future they envision. This article will describe how community awareness has evolved in East Los Angeles.

East Los Angeles is a 6.5-square-mile piece of unincorporated territory lying 4.5 miles east of the Los Angeles Civic Center. It is an area that, according to the 1970 census, contains 105,000 residents, 83 percent of whom have Spanish surnames. To many, East Los Angeles is known as "the second capital of Mexico" because it is in the center of an area having a larger number of residents of Mexican descent than any city in the world, with the exception of Mexico City and Guadalajara.

The unincorporated "island" of East Los Angeles is bordered by the city of Los Angeles on the north and west, the city of Commerce on the south, and the cities of Monterey Park and Montebello on the east. Its topography ranges from the hills of City Terrace on the north, which command some spectacular views of the Los Angeles basin, to the southern flatlands of Belvedere Gardens, where the Santa Ana Freeway winds out of the maze of downtown interchanges and heads for Orange County.

The Santa Ana is one of four freeways which have displaced hundreds of Mexican-American families in the area. The San Bernardino Freeway runs through the northern corner of East Los Angeles, separating the largely residential areas from the industrial section. East Los Angeles is also literally quartered by the Pomona and Long Beach freeways.

Whittier Boulevard is the area's major commercial strip, lined with retail stores, theaters and restaurants whose neon lights draw young Chicanos from all over East Los Angeles for automobile cruising and socializing on weekend nights. Three years ago, Whittier Boulevard was the scene of major rioting which broke out when tensions between many of the youths in the area and local law-enforcement officers finally reached a long-feared breaking point.

Those riots symbolized a frustration and blind anger over a myriad of social problems. Chief among them was in fact that in East Los Angeles the barrio residents have little or no access to local government, much less to state or federal government. The area is divided among five Assembly, three state Senate and three Congressional districts. The only elected official representing the entire area is County Supervisor Ernest Debs, whose district extends as far as West Los Angeles and includes some 1.5 million other residents. Thus it is understandable why the people of East Los Angeles feel helpless to change the socio-economic conditions that beset their community in terms of housing, education, public safety, transportation and health-care services.

It is out of such frustrations that the new spirit of self-determination has emerged. One manifestation is the formation of neighborhood or community unions. Generally under corporate charter, these organizations are providing a direct approach heretofore not available to the ordinary citizen in dealing with the various levels of government and the private sector.

The East Los Angeles Community Union (TELACU), of which I am executive director, was founded in 1968 by 14 labor unions in an attempt to apply labor organizing techniques among the residents of Los Angeles' eastside community. TELACU operates on the theory that the key to improving life in the barrio is economic development.

In the beginning, TELACU carried out its social, housing, business and job-development programs throughout the entire eastern-Los Angeles County area where some 500,000 Mexican-Americans live in scattered barrios. Since 1971, while it still maintains some projects in outlying areas, the TELACU staff—which includes attorneys, accountants, urban planners and economists—has concentrated its efforts in unincorporated East Los Angeles.

Current TELACU activities are divided between the corporation's two main components, one dealing with social projects to meet the immediate needs of barrio residents and the other emphasizing economic and urban development in the barrio. The eventual aim of projects launched by the economic-development arm of TELACU is to produce revenues to support the services provided by the social branch. Among present social services are the senior-citizens' association and five food-stamp centers throughout the county. In the planning stages are a credit union, day-care centers and a local transportation service for East Los Angeles. The economic development branch's greatest activity has been in housing and urban development. The division has formed a general construction firm which is involved in building two small housing projects of moderate- and low-income homes in the East Los Angeles area. The firm also tries to help other Mexican-American contractors, mostly small subcontracting businesses, to obtain large building contracts which they would not be able to bid for on their own. Under contracts from the county, TELACU is also working to get Mexican-Americans directly involved in two major urban redevelopment projects in East Los Angeles.

It is through such activities that TELACU, as a community development corporation, has had far-reaching effects in dealing with the problem of how a large community of inner-city residents can meet the challenges of a rapidly changing urban society planned from the outside with little if any community input.

Heretofore, Mexican-Americans have recoiled at the mention of urban renewal. It is often called "Chicano removal." Why this aversion? Because urban renewal and change have often come about at their expense and to their detriment. But the bad connotation, the bad taste, the bad feeling associated with urban renewal is being overcome because redevelopment is now being planned and directed by the people who once opposed it.

A case in point is the Maravilla Neighborhood Development Program, which is taking the very people who live in this 31-block area—the poor, the disenfranchised—and involving them directly in the planning process. The Maravilla project is made possible by a major Housing and Urban Development grant from the federal government which will total $24 million over an eight-year period.

However, it is not enough simply to make possible new dwellings for people. We must take into account other social dimensions beyond having a roof over one's head. We must provide for local participation in the economic factors inherent in construction of the houses, as well as local planning for the social activities of the people who will live in them.

By way of background, much of the housing in the Maravilla area was temporary housing put up during World War II. But people are still living there. Now they simply want out. The place is falling apart, and it was up to us to correct the situation by bringing about a new community through redevelopment with the support of all its residents.

The Maravilla residents were not supportive at first because the planners came in, and the county housing authority, and the county supervisor, and said, "Here is your new community. Here is the community we are going to give you. Now look at these fine, square cracker boxes. Look at the nice grid system of streets. Aren't they beautiful?"

"We don't want that," said the people of Maravilla.

"But look at the parking lot," came the reply. "You can park safely—the lights are on all night. Your wives can park their cars when they come from shopping. There are no security problems," the planners said.

"Yeah," someone said, "but .22 bullets put out the parking-lot lights at night. Then what do we do?"

"We don't like these grids," said another, "these streets that cross this way and that way. Why can't we have something more suitable to the culture and life of our community?"

So it is that Maravilla residents, businessmen and property owners have formed their own miniature community council which rules on all aspects of planning and implementation of the redevelopment program. Not only has the council designated such things as which areas will be devoted to housing for the elderly and which for younger families, it has also made arrangements whereby the people who are to live in the rehabilitated area can take part in the actual construction of their own housing units. In another instance, the energies of barrio youth gangs have been put to good purpose in the demolition of dilapidated buildings.

Beyond the substantial local input to planning and development, the Maravilla project has sparked a move to incorporate the 6.5-square-mile piece of county territory into a city. With a population now estimated to be 125,000, recent studies have demonstrated that the East Los Angeles area has a reliable tax base and could sustain itself as Los Angeles County's 12-ranking city in terms of population.

The move to incorporate recently received a boost when in early August the Local Agency Formation Commission (LAFCO) agreed that the city of East Los Angeles could be a viable municipality and authorized the Ad Hoc Committee to Incorporate East Los Angeles (ACTIELA) to begin circulating petitions in the area for an incorporation election to take place sometime in 1974.

The proposal submitted to the county by ACTIELA calls for the establishment of a city-administrator form of government with a five-man city council elected at large. While many vital services, including fire protection and refuse collection, would remain with the county, the proposed city could opt to have its own police force, parks-and-playground system, and street maintenance. The first annual city budget is estimated at $4.6 million.

According to a feasibility study made with the help of the TELACU staff for ACTIELA, the new city could anticipate revenue of at least $4.7 million its first year, not counting additional funds that might be obtained through federal revenue-sharing and special grants from state and federal agencies.

The incorporation effort is a deliberate attempt by a large minority community to administer their own local government. It stems from a basic desire by many of the leaders and residents of the area to plan their own future rather than leaving it in the hands of the county urban-affairs department and the Division of Highways, or to piecemeal annexation by surrounding cities.

Though projects such as those sponsored by TELACU have encouraged the new spirit, what has made accomplishment possible is the realization by the people of East Los Angeles that in order to deal effectively with their environment they must come together—that in order to deal with the inequities they have suffered, the social, economic and political deprivations, there must be deliberated organization on their part. Because of this growing awareness, what began as small economic-development projects five years ago has culminated in the present move for uncorporation.

Alliances such as those TELACU has built around social, economic and community-planning projects could be significant examples for establishment of the community councils envisioned in *The California Tomorrow Plan*. In terms of the East Los Angeles experience, it is evident that these community councils and unions can provide a democratic and effective means for people to appraise the social, economic, environmental and political needs of their community and take part in the decision-making necessary to fulfill the needs.

CARPOOLING

Mr. DOMENICI. Mr. President, not long ago, I introduced a bill calling for the establishment and funding of carpooling incentive plans. In yesterday's Washington Post, there was a news article about an 11-man carpool in Los Angeles which has saved an estimated 9,000 gallons of gasoline in the past year and, in the process, subtracted 10 vehicles from Los Angeles daily traffic jam with the resultant reduction in automotive air pollution. I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Eleven-Man Los Angeles Car Pool Saves 9,000 Gallons a Year

Working in the Los Angeles offices of Texaco, Inc., on Wilshire Boulevard, 11 men gathered in the garage each day at about

4:15 p.m., climb into a van, and head over the freeways to Valencia, 30 miles to the north.

In the 1st 12 months, according to Texaco, the van racked up 14,400 miles on its round trips. If the 11 men had taken their own cars, total mileage would have been 158,400 miles—and ten vehicles would have been added to the daily jam on the freeways.

Texaco said this one example of carpooling saved 9,000 gallons of gasoline last year. The oil company said one of the men involved, Walt Mercer, is responsible for the pool. He started thinking about the idea in 1971 and the first trip was in early 1972.

Four rules have guided operations since: (1) only on inclement days is door-to-door service provided, otherwise there are central pickup points, (2) all participants share in costs, (3) Mercer is the steady driver unless out of town, when a substitute is selected in alphabetical order on a daily basis, and (4) the van waits exactly one minute for latecomers—and that's all.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, secure in its own dedication to the concepts of human rights, the United States took the lead in helping draft the Universal Declaration of Human Rights which provides that—

> All human beings are born free and in equal dignity and rights.

The Declaration further states that—

> The foundation of freedom, justice and peace in the world is based upon the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family.

The Genocide Convention puts the lofty principles embodied in this and other great documents into the framework of international law. In fact, it was the first human rights treaty to pass the United Nations, primarily due to U.S. leadership.

What does this treaty seek to do? Its purpose is clear and simple. It would outlaw actions that would result in the systematic elimination of members of racial, ethnic, national, or religious groups. It seeks to prevent mass annihilation such as the killing of Armenians by the Turks in World War I or the Jewish people by the Nazis in World War II.

Mr. President, this treaty has languished before the Senate for too many years. Genocide is a crime that is offensive to the world community and we must now place our moral leadership behind the effort to prevent it. I urge my colleagues to join me in the effort to have the current Congress act.

THIRD LAW OF THE SEA CONFERENCE

Mr. MUSKIE. Mr. President, the third Law of the Sea Conference opens today in New York with 148 nations participating—twice as many as at the earlier Geneva conferences of 1958 and 1960. The goal of this conference is an ambitious one—to lay down in a single international treaty the laws necessary to regulate all ocean space.

As ocean users have multiplied, the classical political question of "who gets what" has been thrust to the center of the debate over the future of the oceans. With wise answers to this question, international cooperation and justice can prevail in the ocean. With shortsighted answers, 70 percent of the Earth's surface could become an arena for serious international tension and conflict. The conference may be a last opportunity for an international solution to the problem of managing the oceans and exploiting their resources.

The conference must address itself to five basic groups of issues—the deep seabed, the territorial sea, the right of free passage, the issue of economic zones, and international pollution standards. These are difficult issues, reflecting differing conceptions of national and international interests, and they will surely test the skills of the negotiators. Agreement must be reached—and quickly—for the problems of the oceans are too pressing to be put aside. This conference must establish laws to protect the freedom of the high seas, beyond a 12-mile territorial sea, for navigation, communication, and scientific research; establish an international regime to regulate the development of the deep seabed mineral resources; reach new international understandings to protect the marine environment; and conclude an international agreement to conserve the world's fisheries resources.

Rapid progress on these issues is not a utopian hope. It is an imperative of prudent diplomacy, and the conference will hopefully mark the opening of a new political process for working together on shared ocean problems.

Mr. President, I ask unanimous consent that two articles on the Law of the Sea Conference be printed in the Record, one from yesterday's Washington Post and the other from today's New York Times.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Who Owns Seabed Riches?

U.N. PARLEY HOPES TO HARNESS RUSH FOR MINERALS

(By Anthony Astrachan)

United Nations, December 1.—The third U.N. Conference on the Law of the Sea is scheduled to open here Monday despite little preliminary agreement on how to regulate the exploitation of trillions of dollars worth of seabed minerals and ocean fish.

After three years of slow progress in preparatory meetings, the conference will try to write a treaty encompassing natural resources, naval and commercial shipping, scientific research, marine pollution control and other vital interests.

Only the Soviets and their allies have expressed official misgivings about insufficient preparation. The United States and most nations seem to hope that the conference itself will generate enough momentum to reach agreement before private interests start mining seabed minerals without regard for the rights or needs of the international community.

The December session is to choose officers and a secretariat and set procedure for the conference. Substantive issues will be decided at a 10-week meeting this summer in Caracas, a last-minute substitute for Santiago after the Chilean coup. There will be a further session in Vienna in 1975 if needed.

One Canadian and three American companies have already invested over $100 million in deepsea mining technology. Howard Hughes has a $60 million boat picking up manganese nodules from the deep Pacific Ocean floor on an experimental basis.

Originally nations appeared to be dividing into two opposing groups over the seabed issues, but the groupings have since become more jumbled.

The rich maritime powers, led by Britain, Japan, the Soviet Union and the United States, demanded maximum freedom of navigation for their many ships and maximum freedom of resource exploitation for their advanced technology.

The poor nations wanted an international authority with real power to tax and regulate the exploitation of the seabed beyond national limits. They also wanted the power to participate in the exploitation itself. Under this plan, much of the wealth from the international seabed would be distributed to the poor countries. Some idealists proposed that a share go to the United Nations for peace-keeping and other purposes.

But the poor states with coastlines soon decided that they would profit more by asserting control over a wide band of sea and seabed. This would leave less of the high seas and the deep seabed to the international authority, but give the coastal states the right to make deals with multinational corporations or rich countries to exploit the wealth in their newly expanded waters. There would be more income for the coastal states this way than if the wealth were widely shared.

Twenty-nine poor states without coastlines then began to worry that they would lose their claims to seabed wealth. Some, like Zambia, began to worry that their small wealth, dependent on land minerals, would lose value if the same materials were pulled out of the ocean by the ton. In response to these arguments, the Organization of African Unity gave the landlocked states a share of fishing wealth in its common position on the law of the sea. Zambia and Uganda are now asking for a share of mineral wealth as well.

The opposing groups are not rigid. Canada is in the same group as the poor coastal states on most issues but agrees with the United States that fish like salmon should be controlled by the countries in whose waters they spawn. The Soviet Union agrees with the United States on most issues but feels, unlike Washington, that coastal states should not control most kinds of fish.

The success or failure of the conference may depend on a handful of states in each group who see that they can satisfy their own needs by giving some ground to other groups.

The Americans have repeatedly suggested that if the conference does not adopt a position they can live with, and do so by 1975, they will move unilaterally to guarantee the U.S. investments in seabed exploitation that are already being mobilized. The mining industry is lobbying for a bill in the Congress that will do just that.

But Washington is flexible for two reasons. First, all the various U.S. interests—the coastal and distant fishing industries, the oil, mining and shipping industries, the unions, the scientists and pollution control experts, and the military—are so much in conflict with each other that the United States finds it difficult to take a single tough position toward the rest of the world.

Second, U.S. Delegate John R. Stevenson is given credit by many other diplomats for seeing that the United States, like the developing coastal nations, must give a little to get a little.

The substantive issues which all these states must face fall into five basic groups:

THE DEEP SEABED

This is where the real wealth lies, beyond the likely 12-mile extension of territorial waters and 200-mile coastal states economic zone.

Potato-shaped, potato-sized nodules of manganese and other minerals lie on the deep seabed in fantastic quantities. Estimates vary from 90 billion to 1.6 trillion tons in the North Pacific alone.

One industry guess is that the nodules will sell for something like $115 a ton when they can be brought up in quantity. Others estimate the seabed could produce $6.5 billion worth of nodules a year for 100 years.

Leigh S. Ratiner of the U.S. Department of the Interior, a key member of the U.S. delegation to the conference, estimates that if three companies start mining these nodules in this decade at expected rates, they will produce enough nickel to meet about 48 per cent of projected U.S. demand for 1975.

They could produce manganese equal to 12 per cent of projected U.S. demand. The effect on the U.S. balance of payments would be immense, as would the effect on mineral-exporting countries like Chile, Zaire and Zambia.

The United States wants the authority to regulate exploitation of the seabed, with guarantees to protect foreign investment and insure compulsory arbitration of disputes. The authority would collect taxes or royalties from the exploiting companies and channel part of the revenue to developing countries.

Originally the United States suggested that one-half to two-thirds of the revenue should be shared, which could mean billions of dollars in shared revenue each year. But the Americans have backed away from such high estimates as the area of seabed to be left to international control has shrunk. Fernando Zegers of Chile recently estimated the wealth to be shared at only $300 million a year.

TERRITORIAL SEA

There is already considerable agreement on this. The territorial sea, over which coastal states have the same sovereignty they do on land, will extend 12 miles from shore. For centuries it was three miles—the range of a cannon-shot from shore. In recent years, some states have claimed territorial waters as far as 200 miles.

Agreement on a 12-mile limit hangs, however, on two conditions. The maritime states want free transit through straits that will become territorial waters. The developing coastal states want economic control over a much wider band of waters beyond the territorial seas.

FREE PASSAGE

Rich maritime states are concerned that over 100 straits containing international sea lanes will become territorial seas under the 12-mile limit.

Free passage means the coastal states could not interfere irresponsibly with others' ships. The straits states are insisting on "innocent passage," defined in a 1958 convention as shipping not prejudicial to the peace, good order and security of the straits or coastal state.

The problem is that, in each case, the straits state and not the maritime state would decide what is or is not innocent passage. South Yemen could close Bab el Mandeb to Israel-bound shipping, as it has done with Egyptian help, on the pretext that the Israelis threatened Yemeni security.

The United States and the Soviet Union are adamant against innocent passage because it requires submarines to surface before passing through straits and prevents military planes from overflying straits.

Agreement on this issue may require a form of payment. The straits states say that at the very least they are entitled to reimbursement for "improvements" to straits in their territorial waters. The United States opposes tolls imposed by straits or coastal states but might be willing to make payments to an international authority to maintain sea lanes. The maritimes may also concede that free passage through straits requires stricter behavior by the ships than free navigation on the high seas.

ECONOMIC ZONES

The developing coastal states seek the right to control both living and mineral resources beyond territorial waters. There is general agreement that some kind of economic zone should be established but nations disagree on how far it should extend and what kind of powers the coastal states should have in it.

The 200-mile economic zone has the most support. A significant minority favors a zone stretching to the edge of the continental margin, generally defined as 200 meters deep, where that is more than 200 miles from land. Some landlocked states favor a 40-mile limit to leave more ocean wealth for international sharing.

Most coastal states, including those of Africa and South America and countries like Canada and Norway, favor a 200-mile zone giving them exclusive rights to control both the fish in the water and the minerals in the seabed without interfering with navigation, international communication cables and other activities that have traditionally enjoyed freedom in the high seas.

On fishing, there are a number of variations for different kinds of fish, depending on what each country has in its coastal waters and where its ships go for their catch.

The most important difference puts Britain, Japan and the Soviet Union together favoring only minimal rights for coastal states over fishing in the economic zone. They are champion fishers in waters far from home.

The United States, in contrast, favors coastal state control no matter what the size of the zone, even up to 200 miles, except for certain species. This would be subject to international agreement on the balance between conservation needs and the maximum use of fish as food, and on compulsory arbitration of disputes. This would end most of the tuna and cod "wars" of the recent past and may well be the basis for the final agreement on fisheries.

The principal wealth of the seabed in the economic zone is expected to be oil. A. U.N. study estimates that there are 2.272 trillion barrels of oil offshore, most of it within the 200-mile limit. That is 100 to 200 times more than the Alaska oil-field reserves and enough for 140 years at present world consumption rates.

RESEARCH AND POLLUTION

The developing states say they alone should control research and set pollution standards in their waters, including the 200-mile economic zone. The advanced states want maximum freedom for scientific research in the oceans and high international standards to prevent pollution. By implication, they fear that the developing states might use pollution as a pretext to harass shipping to their ports.

The United States says coastal states should have the right to set pollution-control standards higher than the international ones. This could be vitally important when it comes to a country like Canada trying to prevent oil spills from U.S.-bound oil tankers.

ONE HUNDRED AND FORTY-EIGHT NATIONS JOINING U.N. PARLEY ON LAW OF SEA OPENING TODAY

(By Kathleen Teltsch)

UNITED NATIONS, New York, December 2.—After three years of preparation, the third Law of the Sea Conference opens here tomorrow with 148 governments seeking agreements on managing the earth's waters and exploiting their resources.

The two-week preliminary meeting is to set the guidelines for what United Nations planners call "the most important lawmaking conference ever held."

John R. Stevenson, the head of the United States delegation, also sees the conference as a "last opportunity for some sort of international solution" before the competing interests of governments make the freedom of the high seas a thing of the past.

So complicated are the economic and political problems that the participants already have agreed that a 10-week work session beginning this summer in Venezuela will almost certainly be followed by another in Vienna in 1975.

"If there is a political will to agree, we may have achieved our goal by then," a Frenchman said. Then he shrugged and added, "If not, my grandchildren will see the results—maybe."

Two previous international conferences in 1958 and 1960 produced agreements on navigation, fishing and territorial waters but these have proved unsatisfactory or become outdated.

Participants this time will seek to lay down in a single international treaty laws regulating all ocean space.

At stake economically are minerals worth billions on the deep seabed—manganese and copper, cobalt and nickel. There are the fish and other living resources, which are already being fought over. And in a world short of energy, there is the prospect of increasing exploitation of offshore petroleum and natural gas.

The United States and other big powers have a vital interest in insuring the mobility of their fleets and almost all nations share a concern about shipping since the experts here calculate that 95 per cent of all transported goods moves by water.

Pollution is a growing concern, with ecologists warning that further poisoning of the waters could destroy life in the oceans for all time. There is broad agreement that the conference should establish the need for regulations to protect the marine environment.

The session is to open with the election of officers and Hamilton Shirley Amerasinghe of Sri Lanka, who headed the preparatory committee, is the favorite for the presidency.

A critically important issue is the method of voting. The current General Assembly decided by the gentleman's agreement that there would be no voting on matters of substance at the conference until all efforts to reach agreement by consensus had been exhausted.

This approach was pushed by the Soviet Union, Britain and the United States, which argued that a treaty rammed through by a majority of small countries would not be worth much if the major powers would not accept it. However, it is recognized that the interests of a few countries cannot thwart indefinitely the majority demands and so the conference will have to decide when and how decisions are to be put to a vote.

12-MILE LIMIT PUSHED

On matters of substance, there seems to be growing sentiment for establishing a 12-mile limit to territorial waters.

Some countries, notably Chile, Peru and Ecuador, have announced a 200-mile limit to safeguard their fisheries—a practice that if generally followed could mean that 35 per cent of the ocean would be claimed as national waters.

The 200-mile limit is supported by New England fishing interests, which are eager to keep Soviet and Japanese trawlers away.

The United States has upheld the traditional three-mile limit but has agreed to accept the more generally favored 12-mile limit on condition that unimpeded transit through international straits is guaranteed. The Soviet Union, Britain, France and others take a similar line.

The guarantee is of major concern because a 12-mile limit could close to free traffic such waterways as the Strait of Gibraltar, which is eight miles wide, and the Strait of Malacca, which Indonesia and Malasia already claim as their territorial waters. More than 100 similar cases exist.

There appears to be growing support among participants for designating some ocean space beyond the territorial limit, possibly stretching for 200 miles as an "economic zone." The United States has proposed that within this zone, where most petroleum resources are found, the coastal state should have full rights to decide who can drill for oil and full jurisdiction over the resources, although it would share some revenue with the international community.

TUSSOCK MOTH EPIDEMIC IN PACIFIC NORTHWEST

Mr. HANSEN. Mr. President, my distinguished colleagues from the Pacific Northwest have called our attention to—and worked hard to solve—the epidemic infestation of the tussock moth in the forested areas of Oregon, Washington, and Idaho.

In an effort to be of assistance in solving this vexing problem, I have exchanged letters with Judge Russell Train, Administrator, Environmental Protection Agency.

Because I think the letters help highlight the problem and point up the necessity for the judicious application of DDT on the infested areas, I ask unanimous consent that the exchange of correspondence be placed in the RECORD so that my fellow Senators can be made aware of the problem.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SEPTEMBER 17, 1973.

Hon. RUSSELL E. TRAIN
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR RUSSELL: I am writing relative to Oregon's request for restricted emergency use of DDT to combat an epidemic infestation of the tussock moth in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act, Section 18, emergency provisions.

Given that EPA recognizes the existing conditions of infested forest lands in Oregon, Washington, and Idaho, and refuses to allow restricted use of DDT by certified applicators even though FIFRA has clearly defined emergency provisions, I am wondering what criteria is used to determine emergency conditions. Specifically, I want to know how many acres of timberland and how many millions of dollars worth of trees must be destroyed before EPA recognizes the existence of an emergency situation justifying the use of DDT.

I am full aware of the fact that in order for EPA to consider approving use of chemical toxicants on an emergency basis, literally reams of extensive information regarding the conditions which currently exist in a proposed use area and the precise details of the proposed program must be provided for EPA's review. And, I know, too, that this information was provided by the responsible state agencies.

Considering that the tussock moth is a threat to forest lands in Washington, Idaho, Montana and California as well as Oregon, and in view of the fact that nearly 1,000,000 acres of prime forest land is infested with the tussock moth right now, EPA's refusal to recognize this situation may mean that Congress will have to take action if any effective control is achieved.

I am enclosing for your information several editorials from Oregon newspapers that Senator Packwood has thoughtfully enclosed with his recent letter and proposed legislation. One of these editorials makes a point or two that I wish to emphasize. When EPA measures the effects of chemical toxicants, the Agency may do well to take a lesson from the Bureau of Reclamation in considering a balancing of values. It would be most helpful to me to know how EPA arrives at a benefits to cost ratio, if in fact it does.

Your cooperation in responding promptly to my inquiry would be appreciated.

With best regards,
Sincerely,
CLIFFORD P. HANSEN,
U.S. Senate.

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, D.C., November 5, 1973.

Hon. CLIFFORD P. HANSEN,
U.S. Senate,
Washington, D.C.

DEAR CLIFF: This is in response to your letter of September 17, 1973, in further regard to the damage caused by the tussock moth in the Northwest.

First, let me say that there is no specific point in terms of damage or financial loss at which we would authorize the use of DDT to combat the moth. As you suggested, our decisions are based on a balance of several factors. We must carefully weigh the benefits of the proposed use of a pesticide against the risks involved in such use before determining the validity of a request, particularly in the case of a canceled product like DDT which was, as you know, cited as an environmental hazard on the basis of mobility, persistency, and bioaccumulation in the food chain.

When EPA decided to deny the requests to employ DDT against the tussock moth this past year, the benefits of employing this chemical were of course of an economic nature in terms of the board feet of lumber which were expected to be lost to tussock moth damage in 1973. The risks of introducing 200,000 pounds of DDT into the environment of the Northwest, on the other hand, included the decrease in certain bird populations predicted from DDT residues, some fish kills and other adverse effects on wildlife, the accumulation of DDT residues in sheep and cattle grazing in the affected area, and the possible contamination of water supplies by the treatment program. It was felt that these risks outweighed the benefits of DDT use, particularly considering that the U.S. Forest Service, at the time our decisions were made, was of the opinion that the tussock moth population would collapse this season due to the incidence of a natural virus infection.

Because the virus did not take the toll expected, we are evaluating the situation as it now stands and the implications regarding the necessity of future control measures. As you know, we sent representatives from our Office of Pesticide Programs in Washington and our Regional Office in Seattle to meet in Portland, Oregon, the week of September 17 with representatives of the U.S. Forest Service and the States of Oregon and Washington to receive all the latest information on the infestation. From this information, we intend to evaluate the amount and severity of defoliation, the effectiveness of various control measures, new egg mass count data, and other population trends which may indicate the necessity for and means of controlling the tussock moth in 1974. The Agency will have ample time to consider all of this information as the application of DDT, if approved, would not be needed or effective until late spring or early summer. No one has requested that DDT should be authorized for immediate application. Should an emergency request be made for the spring or summer use of DDT, the Agency will be able to make a decision well in advance of the time of application.

Our primary findings thus far are:

1. The Forest Service indicates that there are approximately 560,000 acres in Oregon and Washington and 125,000 acres in Idaho which are primarily affected by the tussock moth at this time.

2. Most of the accessible timber killed during 1972 has been salvage logged on both private and Federal lands. It is estimated that 505 million board feet of accessible timber lost to the tussock moth in 1973 will be salvaged.

3. Four chemical alternatives to DDT were tested during 1973: Zectran, Dylox, Sevin-4-Oil, and Bioethanomethrin.

All of these chemicals killed considerable numbers of larvae, but did not reduce the population sufficiently to prevent severe defoliation and tree mortality. Promising tests were conducted in Idaho with Sevin-4-Oil where the moth population is not as dense as experienced in Washington and Oregon.

While all four chemicals are sufficiently promising to warrant further field and laboratory testing to explore their full potential, we do not anticipate that any will be ready for registration or operational use in 1974.

4. Two microbial agents were also tested in 1973, a nuclear polyhedrosis virus and the bacterium Bacillus thuringiensis. Both demonstrated good potential control; foliage loss was greatly reduced in sprayed plots. Further testing is necessary before operational use can be made of these agents. Of pragmatic concern is the development of means to produce these agents in large quantities and to achieve a formulation which can be used through conventional spray systems.

5. The U.S. Forest Service has indicated that it will not be in a position to request specific control measures until detailed biological evaluations of the moth population are made this fall and winter. If the egg mass survey indicates a need for chemical control, specifically for DDT control, an application would probably be made to this agency around mid-December.

I may add that we are planning to sponsor a technical seminar in Seattle, hopefully next month, to gain further information on the tussock moth situation which may help guide us in future decisions.

I hope this information will be of value to you. Please be assured that we will continue to collect information on the tussock moth infestation as it becomes available, and will work closely with the Forest Service and the States involved in reaching a determination regarding necessary control measures in 1974.

Sincerely yours,
RUSSELL E. TRAIN, *Administrator.*

NOVEMBER 21, 1973.

Hon. RUSSELL E. TRAIN,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR RUSS: I appreciate receiving your response of November 5, 1973, to my letter of September 17, 1973, concerning the tussock moth epidemic in the Northwest.

I have studied your letter together with a letter dated November 5, to Senator Church, from Charles J. Elkins, Acting Assistant Administrator of Hazardous Materials Control Division, and a talk presented by Douglas C. Hansen, Director, Hazardous Materials Control Division, EPA, Region X, before the Intermountain Pest Action Council in Boise, Idaho, on November 14.

I am very concerned about a recurring theme expressed in your letters as "... the Forest Service, at the time our decisions were made, was of the opinion that the tussock moth population would collapse this season due to the incidence of a natural virus infestation."

It is my understanding that there were some individuals in the Forest Service, as well as the State Forestry Agencies in Oregon and Washington, that did forecast a tussock moth collapse in 1973, based on observations in some prior outbreaks, even though there are many variances from the average pattern on which this forecast is based. But, most land management agency experts felt that the natural virus conditions were not adequate to bring about a tussock moth population collapse without incurring unacceptable tree damage in 1973. The initial Environmental Impact Statement filed by the Forest Service made this very clear. The Forest Service and the States of Oregon and Washington, and several cities, with this risk in mind, adopted a position that a DDT control program was required, and requested emergency use authority from EPA. The subsequent 1973 tree damage on over 600,000 additional acres, the largest ever recorded, bears out the correctness of that position.

My second concern is with the apparent limited interpretation of the term "environment" used by EPA. Your letter states "... the benefits of employing this chemical (DDT) were of course of an economic nature in terms of the board feet of lumber which were expected to be lost. . . . The risks ... on the other hand, included the decrease in certain bird populations ... some fish kills and other adverse effects on wildlife, the accumulation of DDT residues in sheep and cattle grazing in the affected area and the possible contamination of water supplies ... Douglas Hansen expressed, 'We (EPA) must, and we do, consider carefully the economic, social and other non-environmental implications of our proposed actions.' "

I believe that the term "environmental" includes economic, social, natural and other significant influences affecting man. Effective chemical control of the tussock moth includes benefits in all three categories. The maintenance of over 600,000 acres of vigorous forests surely has natural benefits for production of wildlife, fish, water, soil protection and recreation and social benefits to community stability and human health, in addition to the immediate economic benefit you mention. A large question in my mind is whether there is valid scientific data that allows objective definition of the magnitude of the risks you mention.

I hope that the seminar that EPA sponsored on November 16 in Seattle will help in resolution of the tussock moth control problem. I also hope that you will consider the early authorization for the emergency use of DDT on the tussock moth. The actual area to which DDT is applied should be based on specific pre-determined criteria worked out and defined between your agency, the Forest Service and the States involved. This would allow for better planning and organization so important to an effective insect control program.

Sincerely,

CLIFFORD P. HANSEN, *U.S. Senate.*

ARMS CONTROL—A BALANCE SHEET

Mr. HUMPHREY. Mr. President, last Friday I had the privilege of addressing the third annual meeting of the Arms Control Association. This association is composed of men and women actively interested in and working in the field of arms control.

I strongly believe that the recent war in the Middle East should not deter us from our goal of continuing to work for arms control agreements with the Soviet Union in SALT and elsewhere. Arms control reductions obtained through mutual negotiations continue to be in America's and the world's best interests.

Both the nuclear arms race and the proliferation of conventional weapons in the Middle East and elsewhere bear the close scrutiny of Members of Congress and executive branch policymakers. The successes we have had in the past decade in arms control could be destroyed unless real progress is made to reach an agreement on MIRV's at SALT II as well as obtaining mutual troop reductions at the Vienna MBFR Conference.

Mr. President, I ask unanimous consent that my remarks before the Arms Control Association be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HUBERT H. HUMPHREY

It's a great pleasure to accept the invitation of Adrian Fisher, Bill Foster and many other old friends in the Arms Control Association to address their third annual meeting today.

National security is the major concern of every country, and rightly so.

And how to achieve national security is the most perplexing question of all.

There are those who believe that national security can be obtained in the philosophy of what we once called Fortress America—an America armed to the teeth, an America that is protectionist in areas of foreign trade, an America that turns its back upon the third world—the poor and the developing countries. This concept of national security I reject.

There are those who believe that national security can be achieved primarily through international organization—through strengthening the United Nations and by placing our reliance upon the role of law in the international arena. I would like to be able to embrace this concept, but I find the real world as yet not ready to abandon the age-old doctrines of national sovereignty and national independence.

There are those who believe that national security is primarily military power, that the measure of a country's strength is in the quality and quantity of its weaponry and the number in the armed services.

This concept of national security ignores the real strength of a nation; namely, its economy and the faith and confidence of the people in themselves and in their institutions of social order.

My concept of national security is based upon the interdependence of nations and the interrelationship of military, economic and political power. In other words, the military is but the cutting edge of the strong blade of the national economy. National security includes the development and use of international institutions to resolve tension and conflict. It includes the expansion of world commerce and trade, the communication between peoples and nations, and, above all, the economic and social development of all areas of the world.

But there are those who say that when you talk of arms control, what you're really doing is impairing your national security.

As 1973 draws to a close, the balance sheet on arms control is decidedly mixed.

While we have been making slow but steady progress to control nuclear weapons, the conventional arms race has accelerated rapidly.

While we were in the midst of reducing political tensions among the superpowers in Europe and Asia through expanded commercial and diplomatic relations, the war in the Middle East erupted casting doubt and suspicion on the process of detente.

But as I see it, any form of acceptable arms control cannot be unilateral. It must be based upon mutual reductions between competing powers—reductions that are carefully balanced in terms of both quality and quantity of weapons. Or, to put it another way, there is no real national security in an arms race when each side is upping the ante. Everything is relative.

I happen to believe that we are more secure in a world where there are fewer arms, where the nuclear weaponry is under strict limitation and control, all agreed upon and able to be carefully monitored so as to avoid any breach of contract or any violation of agreement. With these thoughts in mind, let me share with you some of my views on the subject of arms control.

While this nation finally disengaged from Southeast Asia and began to recover from the trauma of Vietnam, the fighting continued there. There are now ominous signs of a significant escalation of hostilities in the months ahead.

Finally, in the past few weeks we have witnessed the successful use of a new economic and political weapon: the Arab oil embargo.

And there are few defenses to it.

It endangers the health and security of the industrialized world.

It seriously disrupts and jeopardizes the orderly expansion and development of international trade.

And in the long run, this type of economic warfare does more damage to badly needed international stability and cooperation among nations than the threat of nuclear war.

Those of us who believe that arms control and arms reductions achieved through mutual negotiation to be in America's and the world's best interests must persevere.

Despite public skepticism and the fragile cease-fire in the Middle East, we must continue to work for arms control agreements with the Soviet Union in SALT and elsewhere.

Last June, the President and Mr. Brezhnev met at the summit to declare their intentions to continue the work of SALT I with efforts to reach agreement on a SALT II Treaty before the end of 1974.

High on the agenda—according to President Nixon—is MIRV, one of the least desirable and unnecessary weapons projects now underway.

Undesirable because they introduce new uncertainties into the strategic balance.

Unnecessary because the SALT I ABM Treaty eliminates the need for MIRVs to overcome the ABM.

I welcome this effort of SALT II, for it is the first real attempt to control one of the more serious aspects of the arms race: the race to incorporate qualitative improvements, such as warheads and greater accuracy, into existing weapons as quantitative controls are imposed through agreement.

I realize that any kind of MIRV controls will be difficult to accomplish.

But we must make a serious effort on MIRVs now.

If we move ahead with qualitative controls at SALT II, we must begin to work seriously toward actual reductions of strategic weapons.

I don't often agree with my good friend Senator Jackson in matters of arms control and disarmament, but in this respect I certainly do. I was pleased to see that he recently called for reduction in intercontinental missiles on each side—from the present 1,054 U.S. missiles and nearly 1600 Soviet missiles to 900 on each side, and from the president 41 Polaris and Poseidon missile launching submarines and 44 Soviet nuclear powered missile launching submarines down to 35 on each side.

I agree with the Senator that our deterrent forces can readily be cut to these levels without threatening the security of either side.

But let's not fool ourselves.

It will do little good to reduce the numbers of strategic nuclear weapons if we do not couple such reductions with across-the-board qualitative restrictions on them as well. If we fail to do this, the race to improve the accuracy and multiply the number of warheads on these weapons can more than offset the stabilizing effect of reducing their numbers.

Coupled with such a combination approach must also be efforts to limit the numbers and types of strategic bombers, and tackling the still more difficult issue of tactical nuclear weapons.

Neither of these problems was addressed at SALT I.

Moving on to other areas, it was encouraging that in the immediate aftermath of the "Middle East alert" the issues of troop reduction and the problem of tactical nuclear weapons in Europe are now being discussed at the talks on "Mutual Reductions of Forces and Armaments and Associated Measures in Central Europe."

In addition to these talks, the broader-based Conference on Security and Cooperation in Europe also convened this year with some promise of useful and important results.

Thus, there are at least some positive developments on the arms control front.

But there are some dangerous negative aspects as well.

Both we and the Soviet Union have been rushing forward with new efforts to modernize our forces in the absence of qualitative restraints.

New types of Soviet missile launching submarines are being deployed.

New and advanced land-based missiles are being developed and deployed.

The U.S. Trident submarine project is going forward at an accelerated pace.

Our MIRV deployment continues at the rate of three new MIRVs a day. And the Soviet Union has begun a MIRV testing program of its own.

There is yet another development in the arms control picture which I find disappointing. The Nixon administration made a serious mistake by the series of actions it took to downgrade the Arms Control and Disarmament Agency.

I have had the pleasure of meeting a number of the new officials of the Agency, some of whom are here today, and I have the highest regard for their dedication and hopes for their success. But it is hard to see how steady progress on the Arms control planning and the negotiating front can be possible when the entire top echelon of the Agency has been replaced, its role in the negotiations reduced, and its budget severely slashed. Even though Congress has been able to increase ACDA's research budget by a modest amount, its overall reduced budget will mean the curtailment or elimination of many useful projects it has undertaken.

Finally, in looking at the balance sheet on arms control I have to point out, there is a very important item on the agenda which rarely receives adequate attention: the comprehensive test ban.

It's high time we took the step of opening negotiations toward a CTB. Earlier this year I cosponsored Senate Resolution 67 calling for such negotiations. The measure has cleared the Foreign Relations Committee, but has yet to be considered by the Senate. I would like to see the issue opened now with the Administration taking a vigorous lead in getting these negotiations underway.

Let me now turn to the grave situation in the Middle East.

An estimated $4 billion in destroyed armor, aircraft and sophisticated electronic equipment lies rusting in the Sinai. We and the Russians have been moving quickly to re-equip both sides with the Soviet Union outpacing our efforts.

Few would argue with the fact that Egypt is more heavily armed now than before the war introducing once again a great element of instability.

Because of this situation I continue to favor continuing Congressional consideration and approval of the President's request for emergency military assistance to Israel.

It is clear that Israel simply cannot afford all of the new equipment we supplied during the October war as well as material now in route. But far more important, a measurably weakened Israel only seems to encourage Arab military boldness and thereby contributes to dangerous instability in the Middle East.

However, unless a fair and lasting political settlement occurs, this new equipment may be used in the most devastating Arab-Israeli war of all. This must not be allowed to happen.

Reports that the Soviet Union sent nuclear-capable missiles into Egypt during the conflict, and may have sent nuclear warheads for them as well, introduce an extremely serious new element of danger into the situation. We do not know if the nuclear warheads were actually introduced, or if so, if they are still there, or if they and the missiles remained under Russian control.

It is unlikely that the Soviet Union actually transferred control of nuclear weapons to Egypt, for that would be clear violation of the Non-proliferation Treaty, which more than 100 nations have signed, and which over 75 have ratified.

Under the Treaty, the Soviet Union has agreed not to transfer nuclear weapons to any other recipient whatsoever. Nevertheless, the situation is ambiguous. Still more disquieting is the fact that Mr. Heikal, the editor of Al Ahram, has issued a call for Egypt to get or make its own atomic weapons.

Egypt has signed the Non-Proliferation Treaty, although she has said she will not ratify it until Israel (which has not signed or ratified it) does so. If Egypt is now ready to renounce the Treaty and seek a nuclear capability of its own, this is bad news indeed. Both Egypt and Israel would serve the cause of peace by signing and ratifying the nuclear non-proliferation treaty.

The United States has made it clear that it will not provide nuclear weapons to others. The ambiguities raised about Soviet intentions demand that the USSR also reaffirm its commitment, made under the Non-Proliferation Treaty not to transfer nuclear weapons to others.

Heikal's call for Egyptian nuclear weapons suggests that he at least thinks that introducing such weapons into the Middle East will enhance Egypt's security. On the contrary, it will diminish the security of both sides and raise grave risks for the entire world. What will enhance security is for both Egypt and Israel to sign and ratify the Non-Proliferation Treaty at once, thereby renouncing any intention to reply on nuclear weapons for their security.

Two developments must now take place.

First, the cease-fire agreement and the limited direct negotiations which are now taking place at kilometer 101 must be expanded as soon as possible into a full-scale peace conference under the auspices of the United Nations. These direct negotiations between Egypt and Israel and perhaps Syria would be a major step forward.

Secondly, while the Egyptian-Israeli peace conference is occurring, a summit conference between the United States and the Soviet Union should be convened.

Out of this summit meeting, I would hope would come one major policy declaration: A commitment by the United States and the Soviet Union to take the lead in bringing about an arms embargo for the Middle East by the nations who are the principal suppliers of modern military equipment. The declaration should also include a commitment to prevent any further build-up of weaponry in the Middle East area.

Coupled with this declaration of policy should be a joint declaration that neither the United States nor the Soviet Union or any other nation which is a signatory to the nuclear non-proliferation treaty would introduce nuclear weapons or nuclear weapons technology into the Middle East. If such weapons or technology have been introduced, they should be immediately withdrawn.

Both the United States and the Soviet Union have a responsibility to prevent a re-occurrence of war in the Middle East. But, a political settlement resulting from direct negotiations will be incomplete as long as Egypt and Israel know that the supplies of arms are virtually limitless.

I am not advocating that the United States or the Soviet Union abandon their allies. Nor am I suggesting that the security of either Israel or Egypt be threatened. There can be no peace when a nation believes its security is endangered.

I am advocating, however, a joint Soviet-American declaration which will halt arms shipments to the Middle East after a mutually agreed upon date is certain.

What would be the effect of such an embargo?

Militarily, because virtually all of the equipment lost in the war has now or will soon be replaced, there would be no new threats to either side.

Furthermore, although the quality of armaments on both sides is already highly sophisticated, it would prevent the introduction of still more advanced types of weapons into the region.

Finally, it would provide a fresh impetus to efforts to bring a political settlement without resorting to war.

A two-power agreement not to proliferate conventional arms into the Middle East could mark the beginning of efforts to control the runaway arms race in non-nuclear weapons which has been escalating at an alarming rate.

According to the analysis by ACDA in the most recent "World Military Expenditures," since 1961 the world has spent over $2 trillion on military security, $216 billion in 1971 alone.

Unless the two principal suppliers take such action now, other countries cannot be encouraged to reduce their appetites for arms.

The time has come for the poor and developing nations of the world to stop squandering their scarce resources on arms. They are purchasing arms abroad at rates far exceeding the provision of development assistance. The billions of poor and hungry of this planet want this insane cycle of national impoverishment, death and destruction to stop.

But our nation and others continue to encourage the sale of arms as we reduce foreign aid.

We continue to deplore the arms race while doing everything possible to make it easier for developing nations to buy armaments which they do not need.

I call upon President Nixon and Secretary Kissinger to propose the convening of a summit meeting which could finally halt the arms race in the Middle East so that Arab and Jew can live in peace and the threat of nuclear war can be further diminished.

During the past decade we have witnessed considerable progress in the field of arms control.

We have seen how policies advocating a sensible and coherent approach to mutual arms limitations have moved from the periphery to the very center of relations among the great powers. And public acceptance of arms control in this country and elsewhere has increased in the era from the Limited Test Ban Treaty to SALT II.

In the years ahead, we must avoid the temptation to abandon our efforts in the face of increasing economic and political tensions among nations large and small. I realize that these new tensions will only exacerbate the reliance of some on greater military security as a hedge against increasing economic and political instability.

But we must expand our "beginnings" of the past decade so that nations no longer must rely on military force to resolve their differences.

ARAB OIL EMBARGO

Mr. JAVITS. Mr. President, George F. Kennan is one of our most noted diplomat and scholar whose works have contributed greatly to our foreign policy over the last 25 years. I believe his comments on the wisdom of reliance on Arab oil are most cogent and especially pertinent at this time of shortage and rethinking of our basic assumptions about energy policy and foreign policy.

I ask unanimous consent that Mr. Kennan's article in the New York Times of December 2, 1973, on this subject be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

And Thank You Very Much

(By George F. Kennan)

Princeton, N.J.—On Nov. 17, 1973, The New York Times carried a story, from a Washington correspondent, based largely on statements of the President, concerning speculation that the Arab oil embargo on shipments to this country might soon end—that the Arab governments, or at least certain of them, might soon "relent" and resume the shipment of oil to this country.

The story contained no hint that in such a case the United States would not gratefully accept the renewed shipments; it seems, on the contrary, to have reflected an assumption on the part of various highly placed people that the United States would do just that.

This assumption causes me, as one who was once moderately involved in the planning of national policy, no small measure of amazement. I would have thought that if the events of recent weeks had taught us anything at all, it would have been the danger of allowing ourselves to remain unduly dependent upon foreign suppliers for raw materials vital to the continued prosperity of our society, especially when it is a case of suppliers who are obviously not inclined to acknowledge the responsibility they assume when they permit great industrial nations to become dependent upon them in this manner, and who feel they have no reason to respect our interests.

Particularly is this a lesson to be pondered when it relates to the Saudi Arabians. It is obvious that the Government of that country already has far more foreign currency than it needs or could even use to any particularly good effect. This has two connotations that should concern us:

First, we should reflect whether we wish, on principle, to place more money in the hands of people who are unlikely to use it to any good purpose.

Second, it means that the money with which we would be paying for further shipments of Saudi Arabian oil would be essentially valueless in their eyes. They could see these shipments, in the circumstances, only as a form of charity on their part, or as a means of assuring future arms shipments.

Either alternative is undesirable: the charity, because it represents a poor peg on which to hang the security of the supply of a commodity vital to the stability of a country's economic life; the assuring of arm shipments, because if the government we have to do with here does not hesitate to bring to us the sort of injury implicit in this abrupt withholding of oil shipments, what assurance can we have that arms placed in its hands would always be used for purposes any more compatible with our interests.

Today, of course, a further price is being asked of us; a political price; and the nature of it is such that we ought fervently to wish that we might not again be placed in a position where we are vulnerable to this sort of demand. In addition to its being a price that can be paid only at the expense of a third party—a situation undesirable on principle, regardless of the rights and wrongs of the matter, it is one that promises no secure return, for the payment of it would leave us no less helpless and vulnerable tomorrow than we are today. If it should be demonstrated that we could be successfully whipsawed by one such demand, we would be naive to suppose that we would not soon be faced with others.

The relatively minor adjustment we would be obliged to make in order to get along without Arab oil, or at least without the oil of those who have cut us off at the present juncture, should be seen only as a beginning on a much wider process of self-emancipation from dependence on foreign-controlled sources of energy which we ought anyway to be putting in hand, with vigor and determination, at this stage in our national life.

We can be grateful that we were kicked into such a beginning. If we quail at this minor inconvenience, it will be a bad omen for our prospects for coping with the larger problem, for it will mean that our addiction to the wastage of energy, particularly through the medium of the automoblie, is so abject that we prefer to face the loss of a considerable portion of our independence of policy rather than make even a minor effort to overcome the addiction. This would represent a humiliation which earlier American statesmen would never have accepted, and for which future generations of Americans would be unlikely to forgive us.

These observations flow from no hostility toward the Arabs, nor are they meant as a commentary on the rights and wrongs of their conflict with the Israelis. One can understand that certain of them have their own problems and feel themselves the victims of an historical injustice, for the remedy of which all means are fair. But justice is not an invariable feature of international life, nor is it always easy to determine to everyone's satisfaction. And a relationship of one-sided dependence, which one of the parties has shown itself quite ready to exploit for ulterior political purposes, provide a poor foundation on which to build for the future.

There are times in international life, no less than in personal affairs, when it becomes possible to live satisfactorily with people only when one has demonstrated the capacity to live without them; and this would seem to be one of those times.

The day may well come—let us hope that it will—when we have been able to create, in one way or another, sufficient bargaining power to deal with our Arab friends once again on even terms and against a background of mutual respect. But this day, obviously, will not be soon in coming. Until it comes, let us treat them with courtesy and with no ill feeling; but if faced with offers to resume the sort of shipments of which we are now being so usefully (for us) deprived, let us thank them very much and tell them frankly that we have ways of assuring the continued functioning of our national economy that are less costly in terms of our international position, of the independence of our national policy, and of our own self-respect.

ARCHBISHOP BYRNE

Mr. MONDALE. Mr. President, as a religious leader and a deeply concerned and committed citizen, Archbishop Leo Byrne of Minneapolis has long stood in the forefront of the struggle for social justice.

His support for the Farah workers—badly paid women and men seeking only to overcome generations of discrimination against Spanish-surnamed Americans through the right to bargain for a decent wage—should be an example to all of us in public life.

And his remarks on the right and the duty of religious leaders to speak out should be heeded as well by those of us who have been elected to serve the public interest.

Mr. President, I ask unanimous consent that an article from the Minneapolis Tribune of November 13, entitled "Archbishop Defends Farah Protest Support" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Archbishop Defends Farah Protest Support

Washington, D.C.—Support of the national boycott of Farah slacks and jeans by some Roman Catholic bishops was defended Monday by Archbishop Leo Byrne as part of a "long and respected tradition" of the church.

In reaffirming his position, the St. Paul-Minneapolis archbishop coadjutor and vice-president of the National Conference of Catholic Bishops took issue with columnist William F. Buckley Jr. The nationally syndicated writer had said the boycott of "Farah products has become the new thing to do among the restlessly indignant."

The clergyman, in a statement distributed at the Conference of Bishops in Washington, said "Obviously, a bishop cannot speak out on every issue of social injustice. But some issues are of such magnitude that action becomes necessary."

The archbishop said Buckley's argument echoed that of Willie Farah, who heads the corporation, and a publication written by Dr. Paul Newton Poling entitled "For the Defense of Farah Workers."

He said Buckley "also ignores the fact that Mr. Farah still refuses to abide by a National Labor Relations Board order to bargain with the Amalgamated Clothing Workers of America as the result of an election in 1970 won by the union."

Archbishop Byrne also cited an "elaborate and careful interview-study of nearly 2,000 Farah workers and strikers" by El Paso Bishop Sidney Metzger in relating some of the workers' grievances.

THE RIGHT TO OWN GOLD

Mr. DOMINICK. Mr. President, on two occasions this year the Senate has passed measures ending discrimination against all American citizens who have been denied the right to own gold. Unfortunately, our House colleagues have not seen fit to follow this example although we were successful in legislating authority for the President to set a date certain for the private ownership of gold if in his determination economic conditions warrant it.

The battle for private ownership of gold, Mr. President, will continue so that American citizens can have the same rights as citizens of more than 70 countries in the world. I have fought for 10 years to restore this right which was lost in the early 1930s, and for 40 years Treasury has led the opposition. I have felt and continue to feel that Treasury's opposition is unwarranted and its objections based on speculation in the marketplace ignore the important fact that American citizens are being denied a right and privilege available to many foreign citizens. The fact is that the historical circumstances leading to restrictions on the ownership of gold are no longer in force. By legislation we no longer require gold to back printed dollars, and dollars are no longer convertible into gold. This demonetization places gold in the same category as scrap steel, pork bellies, and other commodities, and should be available for ownership.

Recently, Dr. Henry Jarecki of the Mocatta Metals Corp. made some comments about the current situation relative to gold ownership, and I would like to share with my colleagues some of his views. I think he has laid to rest some of the erroneous thinking about the adverse effects of gold ownership and I urge Members of the Senate to continue to support the battle to restore first-class rights to American citizens. Mr. President, I ask unanimous consent that the news release of Dr. Jarecki's speech be printed in the Record.

There being no objection, the news release was ordered to be printed in the Record, as follows:

Leading Gold and Silver Bullion Dealer Predicts Lifting Ban on American Citizens Owning Gold Will Strengthen U.S. Dollar

Dr. Henry G. Jarecki, Chairman of Mocatta Metals Corporation, America's largest gold and silver bullion dealer, declared in a speech delivered at the American Metal Market Gold and Silver Forum today that the U.S. government's recently announced plan to permit U.S. citizens to own gold would strengthen the U.S. dollar and provide the American government with an unparalleled instrument of monetary policy.

Dr. Jarecki pointed out that relatively little gold hoarding takes place in countries which, like the United States, have had little experience with runaway inflation and whose citizens are on the whole not trying to hide assets from a tax-hungry or otherwise oppressive government. For the first several months after trading is permitted in the United States purchases might be heavy, he said, but they would soon taper off to quite modest proportions as was the case in Japan when that country lifted its gold ban in April of this year.

Speaking before 150 bankers, investment advisors, mining executives and metal merchants at the annual forum, Dr. Jarecki said that Americans are currently believed to own approximately $5 billion worth of gold illegally and expressed doubt that making ownership legal would greatly add to this amount. He noted that the restoration of legal ownership might well increase the confidence of the rest of the world in the paper dollar when it became clear that American citizens were not rushing to swap their dollars for gold.

Dr. Jarecki, who is also a Director of Mocatta & Goldsmid Limited, bullion dealer in London since 1684, then turned to the effect of free gold ownership on the traditional alternatives to gold investment, saying that legalized gold trading might lead some U.S. investors to turn away from gold mining shares, silver bullion, and silver futures. Pointing out that the gold price has for the past six to twelve months tended to move up whenever the U.S. stock market moved down, he felt that this pattern was unlikely to continue indefinitely and that no clear pattern one way or another would be exerted on stock market behavior. He said that the experience in France and other countries where both gold and gold coins are freely traded suggested that speculators and investors would show increasing interest in the acquisition of gold coins which he described as "beautiful, easily transportable, easily recognizable, small units of known weight and assay, whose counterfeiting is prone to penalties all over the world". The former Yale psychiatrist turned bullion dealer said that the "convenience yield" of gold coins might be considered to be the "encapsulation of bewilderment and temporary respite from existential despair".

Commenting on the effect on the U.S.'s monetary posture, he expressed his view that open market operations in gold on the part of the Federal Reserve Board in which the latter would offer domestic and foreign central bank gold for sale to the United States citizens would dampen inflation and offer the U.S. government an "unparalleled instrument of monetary policy" with which to regulate the money supply and insulate domestic monetary policy from international capital movements. He predicted that this activity would establish what he called a "triangular harmony" between the Federal Reserve Board's money, bond, and gold operations. The importance of this approach to gold sales was underlined in his comment that if American citizens purchased their gold abroad, it would have a negative influence on the U.S. balance of payments and fuel inflation, the more so if the European Economic Community simultaneously revalued its official holdings upward for all this together would create a massive international capital base.

Pointing out that the U.S. Congress has already authorized the President in his discretion to permit the domestic ownership of gold and that the Secretary of the Treasury has announced the current Administration's intention to use this authority, Dr. Jarecki stated that he considered "the remonetization of paper money" likely, and concluded that gold is not an enemy of the dollar but that a return to it would strengthen the U.S.

THE VISIT OF MR. CEAUSESCU TO THE UNITED STATES

Mr. HUMPHREY. Mr. President, the presence in our country for the second time of the President of the Council of State of the Socialist Republic of Romania, Mr. Nicolae Ceausescu, is a most welcome event. Indeed, as the United States approaches the 200th anniversary of its own independence, it is altogether fitting that we give appropriate recognition to the uniquely independent role which Romania has assumed among the countries of Eastern Europe—an independence which has a number of dimensions, political, economic, and humanitarian.

It is Romania's independence of political action which has been most evident to the American people in recent years. In 1968, the voice of Romania stood out in defense of liberty during the oppressive invasion of Czechoslovakia by the U.S.S.R. Romania has declined to invite Warsaw Pact troops into its territory for military maneuvers. Romania alone among the Comecon countries recognizes and maintains good relations with Israel. Romania's diplomatic skills and good offices have been instrumental in arranging promising meetings between the United States and the Peoples Republic of China.

Perhaps less known to the American people is the economic dimension of Romania's independence, a dimension which holds the promise of much mutual benefit to the peoples of both nations. Romania has actively and with resolution sought both to develop its internal economy and to become an important and valuable member of the world's economic community. Thus Romania in 1971 became the first Comecon country in recent years to become a member of the General Agreement on Tariffs and Trade, and in December of 1972 the first Comecon member of the World Bank and the International Monetary Fund. Similarly, Romania was the first Comecon country to negotiate trade preferences with the European Common Market. While 80 to 90 percent of Romania's foreign trade during the 1950's was with Comecon members, the current figure is only 50 percent, a concrete indication of its avowed intent to gain and maintain economic independence.

A third dimension of Romania's independence is evident in its demonstrated concern for humanitarian principles. In addition to its even-handed treatment of its own emigrés, Romania, without public fanfare, has regularly provided assistance to emigrés from other countries passing through Romania, including Soviet Jews.

These political, economic, and humanitarian dimensions of Romanian independence are only a part of Romania's efforts to expand its role within the world economic community. Since President Ceausescu's first visit to the United States in 1970, his country has made great strides—unprecedented among the Comecon nations—to facilitate foreign investment within Romania and to develop joint ventures with foreign concerns in the developing countries. In early 1971, the Romanian Foreign Trade Act was adopted, abrogating earlier restrictive legislation and for the first time providing clear legislative authority for the encouragement of foreign trade and investment. In late 1972, two additional laws, the Decree on Joint Companies and the Tax Decree, provided the general framework within which Romania and foreign investors are now able to fashion joint projects in the fields of industry, agriculture, tourism, and the like.

Earlier this year, the first American beneficiary of the new legislation entered into a joint venture with Romania—the first with any Comecon country—for the manufacture of computer-related hardware, a project which involves an initial investment of $4 million. Total output for the first 5 years of this project is expected to exceed $15,000,000. Since that time another American company has concluded an agreement with Romania to construct and provide know-how for a 400,000-square foot, $75 million radial tire plant. Many other American companies have shown keen interest in investing jointly with Romania in mutually beneficial projects.

I might add that the United States and Romania are expected soon to conclude a treaty for the prevention of double taxation. Nor should we fail to remember that Romania was the first Comecon country to purchase U.S. aircraft, a $40 million passenger plane transaction.

These actions by Romania were encouraged—and reciprocated—by steps which the United States has taken to facilitate close economic ties between the two countries. In May of 1971, the Department of Commerce eased restrictions upon American exports to Romania, as well as to Poland, by permitting a greater variety of products to be exported to those countries under general license. In November of 1971, the Export-Import Bank was authorized to participate in financing exports to Romania. In fact, the Export-Import Bank, in conjunction with private banks, will finance the radial tire project I have mentioned and which is expected to buy $35 million worth of equipment and machinery from the United States.

As of April of this year, the Eximbank had extended over $60 million in credits to finance U.S. exports to Romania. Most recently, in April of this year, a bilateral agreement between the United States and Romania was signed in Bucharest, enabling the Overseas Private Investment Corporation to provide political risk investment insurance and financing to U.S. investors in Romania.

While these steps have been positive ones, particularly in connection with U.S. investment in Romania, the United States has not up to now taken comparable action to facilitate Romanian imports into this country. Thus, notwithstanding the recent dramatic rise in trade between the United States and Romania, from about $32 million in 1969 to over $100 million in 1972, American exports to Romania have generally exceeded American imports from Romania by more than 2 to 1. Since Romania's currency is not convertible, it must generate hard currency through exports, thereby enabling Romania to purchase more of the American goods it needs for economic and technological development. To do so requires removal of the existing discriminatory tariffs which apply to Romanian imports into this country. Unless this is done, the present trade imbalance will continue and severely restrict any further development of economic partnership between our countries.

I therefore firmly support the commitment of the United States to nondiscriminatory tariff treatment of Romania, just as we have extended such treatment to Poland and Yugoslavia. In fact, the Romania Trade Act of 1973, now pending before Congress in similar forms in S. 1085, H.R. 1931, and H.R. 2304, is designed to do just that. In granting most-favored-nation status to Romania, the United States will be furthering the cause of world peace and the freedom and continued independence of Romania, not by singling it out for special treatment but by permitting it to compete on the basis of an equality which through its own initiatives it has richly earned.

WATERGATE RESOLUTIONS ADOPTED BY BAR OF CITY OF NEW YORK

Mr. JAVITS. Mr. President, the Association of the Bar of the City of New York, one of the leading bar groups in the country has played a pivotal role in mobilizing the response of the legal community to the tremendous challenge to the legal system posed by the Watergate affair.

On November 7, 1973, the executive committee of the association adopted two resolutions pertaining to Watergate dealing with impeachment proceedings in the House and with the appointment by the courts—a bill which I support—of an independent special prosecutor. I believe my colleagues should be made aware of these important resolutions.

I ask unanimous consent that the text of the resolution be printed in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

The Association of the Bar
of the City of New York,
New York, N.Y.

To Members of the Congress:

On November 7, 1973, the Executive Committee adopted the following resolutions which state the position of the Association on two significant socalled "Watergate" questions:

Resolved that The Association of the Bar of the City of New York approves and supports the action taken by the Judiciary Committee of the House of Representatives to investigate whether or not impeachment proceedings should be instituted against the President of the United States. Because of the public importance of this issue, we urge that the Committee report its conclusions at the earliest practicable time.

* * * * *

Resolved that The Association of the Bar of the City of New York supports action by the Congress to enact legislation which will provide for a Special Prosecutor who will be independent of the White House and of the Department of Justice, who *will be appointed by the Courts* and who will investigate and prosecute possible violations of law and official misconduct in connection with all aspects of the 1972 Presidential election and other possible illegal or official misconduct on the part of the President, the White House Staff or Presidential appointees.

Further resolved that the foregoing resolution is not intended to reflect upon the personal integrity and competence of Mr. Jaworski, appointed on November 5, 1973 as Special Prosecutor in the Department of Justice, but solely to reflect the views of the Association that independence of the Office of the Special Prosecutor from the Executive branch is essential.

The Executive Committee believes that it is in the best interest of the country that the actions called for by these resolutions be carried out without delay.

Orville H. Schell, Jr.,
President.
Leslie H. Arps,
Chairman of the Executive Committee.

LOSS OF RAIL SERVICE

Mr. MONDALE. Mr. President, an article appeared in the Minneapolis Star last week about the proposed abandonment of rail service between St. Clair and Albert Lea, Minn. Written by John Carman, it explains how local communities, businesses, and the Minnesota Public Service Commission have joined to fight the proposed abandonment.

A loss of rail service would result in extremely high costs to local communities. For example, it would cost an estimated $8 million to upgrade local highways to a 9-ton carrying capacity. In contrast, railroad officials estimate that $2 million would be required to replace rail ties and to make other improvements to continue rail operations.

One local lumberman, Mr. Chuck Schubbe, pointed out that his business would have to pay an additional $40 per thousand feet of lumber to have his products shipped by trucks rather than by rail.

The Milwaukee Road branch line serves five communities in southern Minnesota. It is only one of many lines which may be lost to rural America unless action is taken to preserve service.

Senator Humphrey and I have introduced two amendments to the Midwest and Northeast Rail Systems Development Act. One would declare a 2-year moratorium on rural rail abandonments. Our second amendment would establish an independent rural rail transportation planning commission to study and develop solutions to the transportation problems of rural communities.

The Senate Commerce Committee is currently meeting in executive session on the Northeast rail crisis. In working on legislation to meet the transportation needs of the Northeast corridor, I am hopeful that the committee will consider the pressing transportation crisis facing rural communities in all other sections of our country.

Mr. President, as evidence of the need for action to preserve rural rail service, I ask unanimous consent that the article from last Wednesday's Minneapolis Star be printed in full in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Five Rural Communities Facing Transportation Crisis—Railroad Asks Permission to Drop Service

(By John Carman)

St. Clair, Minn.—No one could mistake the shack at the end of the Milwaukee Road branch line here for Grand Central Station.

It has a wooden floor worn from the boots of farmers. In the center of the floor there is a lopsided easy chair, and in the corner an old Frigidaire stocked with soft drinks.

The shack is local headquarters of the Farmers Union Grain Terminal Association, the point where soybeans and corn rattle off in rail cars toward Albert Lea and stops beyond, where freights arrive carrying fertilizer, lumber and other materials.

Last Jan. 31, the Milwaukee Road filed notice with the Interstate Commerce Commission (ICC) that it wanted to abandon the 41-mile branch line and forget about St. Clair and four other tiny communities that straddle the tracks.

The announcement came as no surprise. "There's been talk for several years," Howard Fitzloff, manager of the St. Clair terminal, says matter-of-factly.

Since 1970, moreover, various railroads have abandoned an estimated 7,800 miles of track in rural America. Abandonments currently proposed in Minnesota add up to 99 miles of track.

Nationally, rail abandonments have given rise to fears for the future of small towns, many of which already have been deprived of the lifeblood provided by a major highway.

When the expected news reached farms and businesses along the St. Clair line, the decision was to give the railroad a fight. Businessmen from the communities involved—St. Clair, Pemberton, Waldorf, Matawan and Freeborn—hired Don Johnson, an attorney in Albert Lea, to represent them at hearings there last June.

Help from the Minnesota Public Service Commission, which two years ago decided to battle all filings for rail abandonments in Minnesota, also was enlisted.

The Milwaukee Road sent attorneys from Chicago to present the bulk of its testimony June 6, 7 and 8. The testimony consisted of a familiar story of deteriorating track and mounting losses.

In 1971, for example, the railroad said it had a net operating loss of $4,598 in moving freight to and from points along the St. Clair branch. It said that although the tracks themselves were in fair condition, $2 million would have to be spent to install new ties and make other needed improvements.

And all of this, the Milwaukee Road pointed out, was to run rail cars into five communities whose total population was less than 1,300.

The hearing was recessed and never resumed. Resumption has been delayed because a federal court in New York enjoined the ICC from conducting further public hearings on rail abandonments for the time being, citing a lack of thorough investigations of environmental effects.

Richard Gill, an attorney for the Minnesota Public Service Commission, said the environmental argument centered on the fact that trucks take up the freight-hauling slack left by abandoned rail lines. Trucks use more fuel per pound of freight and emit more pollutants.

So, with the outcome of the Milwaukee Road's abandonment application unresolved, farmers and businessmen along the St. Clair branch line have been left to mull over an uncertain future.

A prominent example is Chuck Schubbe, 39, manager and part owner of the Farmers Lumber Co., across Hwy. 83 from the Milwaukee Road tracks in Pemberton.

Asked about the railroad's plan, Schubbe retreated for a moment to his office and then brought out a handful of material supporting the case against abandonment. Schubbe has been among the leaders in the fight to keep the railroad.

Schubbe had a written estimate from Minnesota Rep. Richard E. Wigley, Lake Crystal Republican, that said about $8 million would have to be spent to upgrade Hwys. 83 and 30 to handle nine-ton trucks if the rail service was lost.

"As far as I'm concerned," Schubbe said, "the trouble with lumber is that the best comes from west of the Rocky Mountains and the cost of trucking is much higher than rail."

For example, he said, it would cost his business $40 more a thousand foot to have lumber hauled by truck than it does by railroad flatcar.

Lyle Goodrich, mayor of St. Clair and operator of a 1,000-acre farm, had some sympathy for the Milwaukee Road's position. With railroads crimped by a shortage of rail cars, he said, it is understandable that they would want to put them to use on their most profitable routes.

But Goodrich said he thinks that more rail cars—meaning more dependable service into and out of the grain terminals—could produce a profit.

Johnson, the Albert Lea attorney, agreed. "My people say if they could depend on the railroad for service they could use it quite a bit more. . . . If the Milwaukee Road would do any work at all to get business, in my opinion, it would show a net profit. But they do nothing."

An alternative to the Milwaukee Road is being followed with interest by businessmen along the St. Clair branch. The alternative is the possibility that the line will be bought by the Marlow Corp., owned chiefly by Norman Hatlie, an attorney who lives in Mound.

Hatlie's corporation bought an Iowa branch line earlier this year from the Rock Island Lines, and Hatlie said this week that there are "heavy negotiations" currently for purchase of the St. Clair line.

"You get an operating plant (tracks and roadbed) in a deteriorating condition," Hatlie said, but he added that an initial outlay for improvements could pay off eventually.

The plan apparently would entail buying used 40-foot boxcars to run along the line. "The alleged shortage of boxcars isn't all that great," Hatlie said.

In Washington, Minnesota Sens. Walter Mondale and Hubert Humphrey have introduced amendments to the Midwest and Northeast Rail Systems Development Act that would clamp a two-year moratorium on rural freight-line abandonments.

They also are seeking establishment of a rural rail transportation commission to study the transportation needs of the rural United States.

"Rural transportation for many years has been deteriorating into what has now become a serious crisis," Humphrey said in a statement last month. "As it deteriorates, so does the rural economy which it sustains."

INCREASED FERTILIZER SUPPLIES

Mr. HUMPHREY. Mr. President, recently the Cost of Living Council decontrolled pricing in the fertilizer industry. While the evidence indicates this represents a positive step forward, I think it is also important to note actions taken by individual corporations to help alleviate fertilizer shortages.

One such company which is taking responsible action in this regard is the AGRICO Chemical Co. of Tulsa, Okla. AGRICO's main contribution to increasing the domestic availability of fertilizer in 1974 has been to withdraw from the market any export tonnage which has not yet been committed to a customer. Accordingly, no sales of urea or anhydrous ammonia are planned for 1974. Significant reductions from 1973 levels have also been made in concentrated phosphates and phosphate rock exports. In addition, should committed export material become available through default or other cause, AGRICO will attempt to sell it in the domestic market.

Mr. President, such actions by individual corporations are certainly commendable and demonstrate a sincere concern on the part of companies such as AGRICO to do their best to assure domestic fertilizer supplies. I have a summary of the actions taken by AGRICO Chemical Co. in this regard, and I request unanimous consent that it be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

AGRICO CHEMICAL CO. ACTION TAKEN TO INCREASE THE SUPPLY OF FERTILIZER MATERIALS

1. The Cost of Living Council's decision to exempt the fertilizer industry from Economic Stabilization Act controls will help alleviate the present and future shortages of fertilizer materials in the U.S. markets by:

a. Curtailing export of fertilizers initially destined to the domestic market.

b. Withholding fertilizers originally destined for export if they have not yet been contracted for.

c. Encouraging capacity expansion.

d. Encouraging imports of foreign fertilizer.

2. AGRICO has taken the following steps to increase fertilizer availability:

a. AGRICO is holding all further commitments of fertilizer materials to the export market. Only materials which to date have been committed to foreign customers will be exported. Should default occur on these commitments, AGRICO will attempt to sell the material in the U.S. market. Additional materials may be exported only if they cannot be placed in the domestic market on a timely basis.

AGRICO's 1974 Export Forecast:

Urea: None.

Anhydrous Ammonia: None.

Concentrated Phosphates: 18% below 1973 Exports (Including DAP).

Phosphate Rock: 32% below 1973 Exports.

b. AGRICO is significantly increasing its production capacity by new plant construction.

NUTRIENT PRODUCTION INCREASE

[Tons]

	Existing	Under construction	Increase (percent)	Completion
Phosphate	240,000	400,000	160	Late 1974.
Nitrogen	700,000	400,000	57	Early 1975.

c. AGRICO is purchasing and importing foreign manufactured fertilizer to supplement its domestic production—30,000 tons of urea already under contract.

d. AGRICO is undertaking an intensive dealer and farmer education regarding optimum fertilizer application for each crop to avoid wasteful practices.

3. New prices announced by AGRICO are still below the export level. AGRICO has established these lower prices at levels which represent a reasonable and adequate return on existing and new investment rather than the maximum price achievable.

Product	Prices per ton f.o.b. plant			
	Current		Control period	1966–67
	Export	Domestic		
Ammonia	$115	$80	$43.50	$92
Urea	118	88	62.00	85
DAP	127	107	72.00	84

New domestic prices range from a 13% decrease to a 27% increase compared to the 1966–1967 levels. They represent an increase of $7.00 per acre, or only 7¢ per bushel for an average corn grower. Insofar as the price of commodities is set by open market transactions, increased yields from fertilizer application should reduce food prices.

If the effects of inflation are considered, fertilizer remains at a bargain price. Since 1967 the dollar, as reflected by the consumer price index, has decreased in purchasing power to $.74. Current prices should, therefore, be proportionately reduced to be compared properly with the 1967 levels.

ADJUSTED PRICE COMPARISONS

	Current price adjusted for inflation	1966 price	Percent decrease
Ammonia	$59.20	$92	36
Urea	65.12	85	28
DAP	79.18	84	6

STATEMENT OF U.S. SENATOR ALAN CRANSTON ON POSTAL ECONOMICS

Mr. CRANSTON. Mr. President, there is, by now, general agreement that the mail delivery achievements of the U.S. Postal Service are sadly lacking. Letters and packages fail to arrive, arrive late, or arrive damaged.

While the Postal Service enthusiastically advertises its claims of improvement, customer experience tells a different story. This Christmas, the Postal Service has gone so far as to prepackage blame for poor delivery—the energy crisis.

The quality and expense of year-round delivery are the main concern of most Americans. The latest rate increases are particularly outrageous in view of poor service and in view of a number of postal economic practices that have come to my attention.

For these reasons, I have asked the General Accounting Office to make a series of investigations. The following is a copy of my request to the Comptroller General. I ask unanimous consent that it appear in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., November 15, 1973.

Hon. Elmer B. Staats,
Comptroller General of the United States, Washington, D.C.

Dear Comptroller General Staats: In its report on the Postal Reorganization Act the Senate Post Office and Civil Service Committee admonished "present and future postal managers that the system will work only if the public interest is kept as the paramount criterion in every decision made."

I believe that the Postal Service has not carried out this mandate in a number of instances and that these instances bear review by the General Accounting Office.

There are reports that the Postal Service has spent $45,000 for a kitchen for its Board of Governors and another $45,000 for furnishings and a private kitchen for the Postmaster General. Please investigate this matter.

The Wall Street Journal reported on August 24, 1973, that a $821,000 contract was let without competitive bidding to a friend of the Postmaster General. The article stated that some of the work could have been performed by people already employed within the Postal Service. Please investigate.

Although Sec. 401(5) and Sec. 404(6) of the Postal Reorganization Act authorizes the Postal Service to sell postal related products, it would appear that the Postal Service is engaged in this endeavor to an extent that it is in competition with private enterprise—especially small business. Please investigate this activity.

The Postal Service has recently announced a $3.8 million advertising campaign claiming that increased revenues generated justify such a campaign. Yet examination of the materials used for the campaign reveals that many advertisements explain what services the Postal Service does not offer. Please look into this matter.

Finally, the Postal Service allows third-class mailers to send multiple advertising enclosures in a single, third-class mailing at a single third-class rate. In other words, a supermarket, a department store and a drug store can "piggy back" their advertisements together for just 5 cents—instead of 15 cents—as long as each pays a $30 bulk mailers fee every year.

At the same time, the Postal Service has strong restrictions against placement of unrelated advertising materials in newspapers sent through the mails at second-class rates. This double-standard postal practice seems to me at least discriminatory, certainly wasteful of a source of revenue, and possibly illegal.

Because of my deep concern about the rate increases, I'd appreciate your looking into the so-called piggy-back mailings. I also ask that the General Accounting Office estimate the annual loss of revenue to the Postal Service that results from third-class piggy-back mailings.

With many thanks,
Sincerely,
Alan Cranston.

DAYLIGHT SAVING TIME

Mr. PELL. Mr. President, I congratulate the Commerce Committee and its distinguished chairman in reporting to the Senate so quickly a bill to extend daylight saving time for the next two winters.

Early in this Congress, on March 15, I introduced, along with my distinguished senior colleague (Mr. Pastore) S. 1260, a bill providing for year-round observation of daylight saving time. Senator Pastore and I were, at that time, the lone proponents in the Senate of such a measure.

Since that time, primarily because of the energy shortage and the potential for energy savings through the extension of daylight saving, interest in the proposal and support for it have grown substantially. The importance of this step as an energy conservation measure was underscored when the President earlier this month requested emergency legislation from Congress to authorize year-round daylight saving time. At the State government level, the New England Governors at their conference several weeks ago endorsed a resolution in support of daylight saving.

In my own State, I am especially pleased to note that 2 weeks ago, the town council of New Shoreham on Block Island, voted to go on daylight saving time to help conserve fuel.

Mr. President, there is evidence that extension of daylight saving time through the winter months will conserve energy. There are other benefits to society from extension of daylight saving time—but on the basis of energy conservation alone, I believe the Congress should act promptly to restore the Nation to daylight saving time.

We do not have conclusive evidence of how much fuel would be saved by extending daylight saving time, but there is no doubt from the information available that the energy savings would be worthwhile indeed, especially when we consider that this action would require no expenditure of funds and would impose no inconvenience. In fact, I believe the great majority of the public would view daylight saving time as a convenience.

The studies and reports available, while admittedly not conclusive, indicate a possible reduction, through daylight saving, of 1 percent to 2 percent in consumption of electricity nationally. Only yesterday I was informed by an official of Narragansett Electric Co., one of the two major utilities in Rhode Island, that estimated savings from the extension of daylight saving time would amount to 3 million kwh per month, the fuel equivalent of 260,000 gallons of oil per month. At any other time, such a saving might seem small, but in the current situation there are few if any measures that could be taken to conserve that significant a portion of our energy consumption without inconvenience, economic disruption, or personal hardship.

Given the problems faced across the Nation last year as a result of the fuel shortages and the widespread disruptions to date, these potential energy savings should be enough to warrant the extension of daylight saving time. One can also not neglect to mention the potential for reducing the consumers electric bill. It has been estimated that a typical household might save as much as 6 percent on its lighting bill through the extension of daylight saving time. This would represent at least a partial savings to help offset the rising prices for petroleum products.

Mr. President, it seems quite clear to me that the benefits of extending daylight saving time far outweigh the continuation of the present system. As we look ahead to the increased demands upon our energy sources, the reasons for changing to year-round daylight saving time become all the more important. This would be one of the wisest energy conservation moves we could initiate at no cost or inconvenience to anyone. I strongly support this legislation reported by the Commerce Committee and again want to commend Senator Magnuson and his colleagues for their prompt action in reporting this bill to the floor.

DAVID BEN-GURION

Mr. HUMPHREY. Mr. President, the State of Israel today laid to rest its great leader, its fighter for freedom, and its foremost pioneer, David Ben-Gurion.

I rise to pay tribute to David Ben-Gurion. The United States and Israel mourn the loss of a great statesman and a man dedicated to the freedom of his people.

Under David Ben-Gurion's stewardship the State of Israel grew and prospered while continually facing hostile neighbors on all of its borders. During his tenure in office—from May 1948 until his retirement in 1963 to his kibbutz at Sde Boker—David Ben-Gurion was a noble symbol of Israel's struggle to become a viable homeland for the Jewish people. As he toiled in his capacity as Prime Minister, the people of Israel worked in their cities and agricultural settlements to build their country and create a prosperity unique in the Middle East. It was Ben-Gurion who inspired his people. It was Ben-Gurion who lived a life of prophetic simplicity and dedication to the single cause of building a Jewish homeland.

To the hundreds of thousands of Jews who came to Israel in search of a haven from persecution and destruction, David Ben-Gurion was a living inspiration. He, too, was a refugee from oppression. He, too, was a dedicated pioneer in an undeveloped land. He, too, was a believer in the Zionist dream of Theodore Herzl. And like his homeless brothers, he was willing to give of himself totally in forging a democratic state.

David Ben-Gurion's dream of creating a Jewish homeland will not be complete until peace finally comes to the Middle East. He was a man of peace and realized that without true peace Israel will never realize its full potential.

I join members of the Jewish community in this country and around the world in paying tribute to a great man. I had the rare privilege of knowing David Ben-Gurion. To be in his presence was an exciting experience. He will be missed by those who had the privilege of knowing him and by the millions who regarded him as a tenacious fighter for freedom.

Mr. President, I ask unanimous consent that the editorial from the Washington Post entitled "David Ben-Gurion" be inserted at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DAVID BEN-GURION

David Gryn of Plonsk, Russian Poland, began studying Hebrew at age 2. By age 10 he had determined to live in Palestine. At 20, he arrived there and took the name Ben-Gurion, after a Jew who had died defending Jerusalem from Roman capture in 70 A.D. Across the intervening centuries of pain and travail, he believed, the Jewish people had dedicated themselves to returning to their homeland. To serve and then to lead that movement, known as Zionism, became David Ben-Gurion's mission, which he pursued with an awing Old Testament relentlessness. A socialist who believed that Jews must redeem their own land by their own labor, he became head of the Palestinian Jewish labor movement. The rise of Hitler sharpened his sense of the urgency of gathering more Jews to Palestine, and of readying Palestine for more Jews. He knew that, if created at all, a Jewish state could not endure without an administrative infrastructure, foreign ties, and its own defense force. These he brought into being, he and his group of extraordinary Russian Jews. Ben Gurion signed the document creating Israel on May 14, 1948, and became the first prime minister, leading the state through most of its first 15 tumultous years. He retired in 1963 to the desert kibbutz Sde Boker, there to model the lifestyle he valued most, pioneering. He died on Saturday at age 87.

Few public men have ever lived a life of the prophetic intensity and historical achievement of David Ben-Gurion. Certainly no modern figure has been of more central and comprehensive importance to the whole life of his people. In a real sense, Israel is his personal monument. But of course a state is not a stone carved and polished in studio tranquility. "We have been working to build up our land," he told the remnants of European Jewry in 1945, "so that you may come there to live as decent human beings again among your own people and where you will not fear again." But the citizens of Ben-Gurion's Israel fear still. Neither he nor his successors could gain the trust of their Arab neighbors. Early on, Ben-Gurion had acknowledged the need "to find the way to the heart of the Arab people." He never found that way. Could anyone? Was the fault in Ben-Gurion's hard approach to the Arabs, in his zeal to give first priority, whatever the consequences, to providing a homeland for Jews? Did Hitler's genocide leave any alternatives? Could Arabs have accepted waves of Jews, or a Jewish state, under any conditions? Ben-Gurion's life did not answer—indeed, it kept open—these questions. But he left the state of Israel.

A LANDMARK DECISION IN NEW YORK STATE

Mr. JAVITS. Mr. President, New York State Education Commissioner Ewald B. Nyquist, in a landmark decision last Monday, directed the New York City Board of Education immediately to place all handicapped children in appropriate school classes. This decision gives emphasis and force to New York's education law which, as Commisioner Nyquist states, "clearly expresses the public policy of this State that all handicapped children be provided with adequate educational services."

I ask unanimous consent that the Nyquist decision be printed in the RECORD.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

The University of the State of New York, The State Education Department, Before the Commissioner. In the matter of the appeal of Riley Reid, by his mother Ellen Hoffman, Glen Anderson, by his mother Vivian Anderson, Du'wain Boyce, by his mother Joan Boyce, Joseph Butta, by his father, Dominick Butta, Rusberto Cancel, by his mother Virginia Cancel, Mildred Greer, by her mother, Mildred Greer, Louis Lambrecht, by his mother, Ceil Lambrecht, Allan Stevenson, by his mother Estelle Stevenson, and the New York Association for Brain Injured Children, and all other children similarly situated from action of the Board of Education of the City School District of the City of New York and Harvey B. Scribner, Chancellor of the City School District of the City of New York, with regard to educational services for handicapped students

Carolyn Heft, Esq., attorney for petitioners.

Hon. Norman Redlich, attorney for respondents Corporation Counsel; Joseph Bruno, Esq., of counsel.

Petitioners brought a proceeding in the United States District Court for the Southern District of New York to determine the rights of petitioners as handicapped students to educational services in the respondent district. On June 22, 1971, the Court denied petitioners' motion for a preliminary injunction to prevent the Board of Education of the City School District of the City of New York and Harvey B. Scribner, individually and as Chancellor, from denying brain injured children adequate and equal educational opportunities, and granted a cross-motion by the defendants to dismiss the complaint. On December 14, 1971, the United States Court of Appeals for the Second Circuit held, in *Matter of Reid et al.* v. *Board of Education*, 453 F. 2d 238, that the District Court properly abstained from deciding claims based on the United States Constitution pending a determination by New York State authorities as to related but unanswered questions of New York State law, but should have retained jurisdiction pending such a determination. Petitioners then instituted this proceeding before me.

Petitioners are nine named individuals and the New York Association for Brain Injured Children. The proceeding is also brought on behalf of a class which is stated to include all those children in the City School District of the City of New York who are handicapped but are not receiving appropriate educational services, in violation of their statutory rights. Petitioners include within that class all students who are either attending private or public schools or for whom the respondents do not provide suitable educational facilities or programs.

With regard to all the named petitioners it is alleged that they were not receiving appropriate educational services in the public school system; that they had not been properly examined for the purpose of ascertaining the nature and severity of their handicaps; that appropriate recommendations with respect to placement in proper educational programs have not been made; that waiting lists existed for screening and subsequent placement, and that in the past they were provided with inadequate home instruction during these waiting periods. The record now indicates, however, that as of August, 1973, all the named petitioners are being provided with appropriate educational services either by the respondent school district or by institutions in which they have been placed.

With regard to petitioners' allegations relating to the class described above, I directed the staff of this Department to conduct a detailed and extensive suvey in the respondent school district. During the months of June and July 1973, an investigation was conducted by the Division for Handicapped Children and the Division of Pupil Personnel Services of the State Education Department. The investigation consisted of interviews with 76 parents of handicapped children, 9 community superintendents, 37 principals, 26 professional employees of hospitals and clinics, and representatives of private agencies and employees of the New York City Board of Education. Counsel for the petitioners and counsel for the respondents were in attendance during these interviews. Additional information was obtained through telephone interviews and in response to written requests. In some instances, information requested from the Office of Special Education and Pupil Personnel Services of the New York City school system was not supplied or was inadequate. Approximately 225 man-days were devoted to the investigation by representatives of the State Education Department.

I find that a class appeal is properly brought in this matter, in that there are admittedly numerous children residing within the respondent district whose educational needs are not being adequately served, as required by section 4404 of the Education Law, which provides, in part:

"The board of education of each school district in which there are ten or more handicapped children who can be grouped homogeneously in the same classroom for instructional purposes shall establish such special classes as may be necessary to provide instruction adapted to the mental attainments of such children from their fifth birthday until the end of the school year during which they attain their twenty-first birthday, or shall contract with the board of education of another school district, a board of cooperative educational services or a vocational education and extension board for the education of such children, under regulations to be established by the commissioner of education."

Parts 101, 200 and 203 of the Regulations of the Commissioner of Education provide for implementation of this requirement.

The Department's investigations have shown several areas in which the respondents have not carried out their obligations set forth in the law and regulations. In particular, I find that the following deficiencies have existed and continue to exist:

1. Undue delays in examinations and diagnostic procedures.
2. Failures to examine and diagnose handicaps.
3. Failures to place handicapped children in suitable programs.
4. Failures to provide available space and facilities for programs.
5. Children placed on home instruction in violation of the purpose of home instruction.
6. Children placed on home instruction who did not receive the required hours of personal instruction in accordance with the regulations of the Commissioner of Education.
7. Handicapped children expelled from public school education for medical reasons when such medical reasons did not preclude benefits from educational settings.
8. Incomplete or conflicting census data on the number of handicapped children residing in New York City.
9. Inadequate means of informing parents of the processes related to special education services, and inadequate plans for parent involvement in effective planning and decisionmaking regarding their children.
10. Suspensions of handicapped children from classes without adequate notice or provisions for alternate educational services.

With regard to failures by the respondents to examine and diagnose handicapped pupils, I have found that a "Medical Discharge Register" has been established by the respondents and used as a substitute for providing services for children with handicap and discipline problems. This register lists children who have been suspended and who are not receiving educational services. Such children may or may not eventually be placed in an appropriate educational program by the respondent. It is clear that this type of suspension is not provided for by statute. Suspensions based on discipline problems must be handled in accordance with the provisions of section 3214 of the Education Law. Handicapped students must be provided with educational services if they are capable of benefiting from them, or, in the most extreme circumstances, they may be exempted from attendance upon instruction. There is no third alternative, as contemplated by respondents' "Medical Discharge Register".

I further find that the functioning of the committee on the handicapped is a failure in the respondent district. To be effective, such committee must function on a regional basis in accordance with a plan developed by the respondents, in consultation with community boards.

Section 4404 of the Education Law clearly expresses the public policy of this State that all handicapped children be provided with adequate educational services. The respondents have, in many instances, resorted to home instruction instead of providing adequate classroom facilities for the handicapped. As noted above, section 4404 of the Education Law provides that where ten or more handicapped students who can be grouped homogeneously require special educational programs, classes must be established for those students. Home instruction should not and may not be used to avoid that mandate. When it has been determined that a handicapped student cannot benefit from class instruction, home instruction may be provided, but only in accordance with the provisions of secton 200.3, paragraph (e) of the Regulations of the Commissioner of Education (*Matter of Valentine*, 10 Ed. Dept. Rep. 53).

Respondents' failure to provide adequate educational programs for handicapped pupils results in large part from their failure to provide adequate physical facilities and staff for the needed services. Again the law is clear that the respondents must provide the required facilities and staff or contract with private agencies in accordance with paragraph b of subdvision 2 of section 4404 of the Education Law.

The appeal is sustained.

It is hereby ordered that respondents' "medical discharge register" be discontinued forthwith; and

It is further ordered that all students who have been diagnosed as handicapped be placed immediately in appropriate public school classes or, if public school classes are not available, in private schools under contract in accordance with the provisions of paragraph b of subdivision 2 of section 4404 of the Education Law; and

It is further ordered that home instruction be provided by the respondents solely in accordance with the provisions of section 200.3, paragraph (e) of the Regulation of the Commissioner of Education; and

It is further ordered that the respondents forthwith submit to me lists of all children being provided home instruction and the reasons for such home instruction; and

It is further ordered that the exemption procedures established under the provisions of part 101 of the Regulations of the Commissioner of Education be followed with respect to those students who cannot benefit from any instruction; and

It is further ordered that a plan to eliminate waiting lists for diagnosis and placement be submitted to me by respondents by February 1, 1974; and

It is further ordered that the respondents, in consultation with community boards, establish a procedure for regionalizing evaluation of the handicapped not inconsistent with section 200.2 of the Regulations of the Commissioner of Education, and submit that procedure to me by February 1, 1974; and

It is further ordered that the respondents undertake a study of the needs of the handicapped on the secondary level and that a plan to meet the needs of those handicapped pupils in the junior and senior high schools be submitted to me by February 1, 1974; and

It is further ordered that respondents prepare and forward to me not later than February 1, 1974, a plan for notifying all parents and interested persons, in a language understood by such persons, concerning services available for handicapped children and where advice may be obtained concerning such educational services and to whom complaints may be addressed; and

It is further ordered that jurisdiction of this appeal be retained pending my further order.

CRISIS OF CONFIDENCE

Mr. MUSKIE. Mr. President, this morning the Subcommittee on Intergovernmental Relations, which I have the privilege to chair, released a remarkable survey of public and expert opinion about American Government and leadership. The findings of this survey, the first instance we know of in which the Senate has used the established techniques of opinion sampling on a national scale, has information of value to every Member of Congress, and I recommend it to my colleagues.

The inquiry sought to measure the degree of confidence Americans have in various public and private institutions, citizens' understanding of Government, the people's involvement in the political process, and the means of making Government more open and responsive to the public will. Individual conclusions are both depressing and encouraging, but the entire report deserves to be read as an outline both of America's mood and of measures we can take to improve that mood.

The report, "Confidence and Concern: Citizens View American Government," was formally presented at a subcommittee hearing today by Mr. Louis Harris, the respected opinion analyst whose firm conducted the study on our behalf. I ask unanimous consent that my opening statement; a statement by the distinguished Senator from Florida (Mr. Gurney), who is the ranking Republican member of the subcommittee and whose support was essential to making this study a bipartisan success; and the testimony of Mr. Harris be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Opening Statement of Senator Edmund S. Muskie, December 3, 1973

The report being presented to the Subcommittee on Intergovernmental Relations this morning is a remarkable one, and not just because some of its findings are startling. As far as we know, the Study is the first survey of public opinion commissioned for a Senate subcommittee, the first time the legislative branch has used a tool that executive agencies and private institutions adopted long ago to help with their work.

The uses that we, as law-makers, find for this unique sampling of public and expert attitudes about our government will be the best measure of its lasting value. Primarily, of course, the report is educational; it teaches us to see our work and ourselves from the citizens' point of view. No one who looks at himself closely through the eyes of others is likely to be flattered, and for public servants this survey ought to be a lesson in modesty.

But beyond appraising the performance of public men and political institutions, the findings can guide us toward specific policies. From such a wealth of data, of course, it is possible to isolate convenient answers that fit some political predisposition and work those separate conclusions into the ground. Like the proverbial blind men trying to describe an elephant from its separate parts, we could either try to blame the President alone for the alarming cynicism this survey found or discount the whole report as a product of the Watergate climate. Either interpretation would distort this report.

My own instinct is to read this message from the American people as reflecting less a crisis of confidence in government alone and more a failure of all authority to cope with enormous, swift, social change. The disoriented decade since the assassination of President Kennedy has shaken almost every one of the traditional concepts with which Americans were familiar.

Overseas our power is not what we once thought it to be. At home, our affluence no longer guarantees perpetual abundance. In economic affairs, personal and group relations, religious beliefs and, now, standards of public conduct, we have been forcefully challenged to adjust old values to new realities.

The role of a democratic government is a vital one in helping individuals and society understand and meet the shock of such rapid change. The conclusions of the survey indicate that, while our government has failed to fill that role, Americans remain confident that it can.

The question we face, then, is how to strengthen ourselves and our institutions to do the job better. And the Subcommittee survey does give quite specific guidance toward policies that may help answer that question.

Very briefly, I want to point out some connections between diagnosis and remedy for the conditions described in the survey. It shows us that people are very poorly informed, in general, about their government at all levels and have only the most limited and basically self-centered contact with government services.

Yet, contrary to the public apathy described by so many of the officials questioned, the study finds citizens anxious to take part in the affairs of their community, respectful of the organized groups which already do so, and eager to receive inspiration for their efforts in trustworthy, vigorous central leadership. It also shows a common desire on the part of the people and the State and local officials who were interviewed to see Federal responsibilities more widely shared with other levels of government.

Putting those conclusions together spells out a need for programs which bring citizens to participate in the decisions of their government. And with this need came the call in the report for the allocation of more Federal funds and power to the cities, towns, counties, and States—those places where many Americans perceive their influence now has the most impact. When the Congress enacted general revenue sharing last year, for example, it hoped to develop a means for greater citizen participation, but so far very few positive results have come from that effort.

Revenue sharing, of course, is just one area which offers public servants an occasion to reach out to the public they serve, and it is one that must not be slighted. So in the area of revenue sharing this Subcommittee will continue to work for improved ways of opening communication between government and the governed.

More broadly, it is obvious from the survey that a key to increased citizen participation is better communication between the leaders and the led. As a result, the necessary adversary relationship between the press and authority needs considerable attention. Americans show little trust for any of the traditional institutions of their society, but newspapers and television news are the only ones to have earned increased respect since 1966.

Officials, however, seem to regard journalists with mixed hostility and distrust. And so the dialogue—in which the press is the essential intermediary—between the people and their leaders is being interrupted and distorted.

To restore it will take a change of manners, not of laws, on both sides. The change will have to begin with a new acceptance by officials of the necessity of submitting their public conduct to continual scrutiny and a new willingness by journalists to conduct that scrutiny with an eye to information as much as sensation.

The basic conclusions I draw can be summed up by noting the dominant and depressing public view that elected officials at all levels promise more than they ever deliver except in terms of their personal interest. The only way for politicians to change that destructive image is to tailor their conduct in office and at election time to standards of realism and truthfulness that will help Americans comprehend and confront the astonishing pace of change in their world.

We will do better, to paraphrase Alistair Cooke's recent observation, by concentrating less on grandeur and more on decency.

Opening Statement by Senator Edward J. Gurney

The subject of this morning's hearings is a precedent setting study of relationships between American citizens and their government—Federal, State and local. This study is, to my knowledge, the first Congressional effort to make such extensive use of the modern polling techniques to improve communications between Congress and both the general public and State and local government leaders. This effort is therefore of great importance as an indication of the Congressional recognition of the need to improve its capability to directly listen to the people of America.

More pertinent than this recognition of a need for this type of information, of course, are the actual findings of this study. In brief, those findings can be summarized by saying that the growing public alienation which we had anticipated finding is a real and serious phenomenon, but has not, at least thus far, affected the basic confidence which Americans have in their system of government.

Although a majority of 57% of Americans feel that their confidence in the Federal Government has declined over the past five years, an even larger majority feels that the Federal Government *can* respond to their needs. The American people show strong confidence in the ability of our system of government to fulfill the role which they would assign to it.

The study indicates that the reasons for this decreasing confidence in government are not as simple as might first appear. The "alienation index" mentioned in the study has increased almost every year since it was first measured in 1966. Similarly, almost all public institutions—not the Federal Government alone—have lost the confidence of the people. This would appear to indicate that no single event or group of events are responsible for the American people's growing alienation, but rather that our society is increasingly subject to a complex group of factors which are eroding the mutual trust and confidence which are essential to a democratic society of free people. It is essential that we attempt to determine the underlying causes of this problem, and identify possible actions to remedy it.

In addition to the study's findings concerning confidence in government, there are several areas in which the results were most reassuring. The people are clearly not interested in a continuously growing federal bureaucracy. Sixty-one percent of the public felt that the Federal Government should have its power reduced, while only 18 percent felt that there should be an increase in its strength, with a plurality of even that 18 percent in favor of reducing federal bureaucracy and control over the tax dollar.

Similarly, in a series of "trade off" questions the public consistently indicated that they would object to the sacrifice of various personal liberties or to government incursions into their private lives, even to accomplish various goals "in the public interest," such as combating crime, pollution, and the energy crisis. The study showed quite clearly that there is a remarkably strong current of concern for privacy and personal liberties which, as a political conservative, I found most comforting.

As is the case with most substantive studies, this one raises more questions than it answers. This is as it should be, and I hope that the Congress will address itself to some of those unanswered questions, as well as to the information which has been obtained from this first study. Included in those unanswered questions are several which are basic to the relationship between the American people and their government—is there a correlation between the increasing reliance on the broadcast media as a source of information concerning government and the increasing lack of confidence in government? If there is such a correlation, is it due to media emphasis on the negative, or is it merely a public rejection of what has always existed, but previously was not so apparent to the public?

These and other questions concerning the public's perceptions of government, and how those perceptions are formed, deserve further study. Finding the answers can only benefit a healthy understanding of the relationships between American citizens and their government.

Testimony by Louis Harris, President, Louis Harris and Associates, Inc.

It is a deep privilege to appear here this morning at this hearing. At the outset I would like to acknowledge a real debt to this committee and its staff for the opportunity to survey the American people on the immensely important subject of public confidence and responsiveness to government at all levels. Indeed, now that the survey has been completed, we know that this survey has addressed itself to the key question facing this nation today: no less than how to restore the faith and confidence of a free people in their own government.

The substance and design of the survey are based on the predications and assumptions contained in the original mandate from the Subcommittee, the original design submitted by our firm, then worked out in lengthy work sessions with the able Chairman, Ranking Minority Member, and their staff. Yet, I must point out that in no way in the planning or analysis of this study was there the slightest hint at abridging or tempering the basic design of the research. There was never a question which was removed from the survey because it was too hot to handle. Never were we commanded or even had suggested to us that the survey should come up with a picture of either hope or despair. Our basic sailing orders were to find out what the people think and let the chips fall where they may.

As a researcher, I have always felt in any study of public opinion the people are always trying to say something, to speak their piece. Our task is to give them free and unfettered opportunity to say it, and then in our analysis to find out what they were trying to say and to report it fully and accurately. Today, it befalls my privileged lot to report as accurately, penetratingly, and urgently as possible what the American people had to say about their government and the system under which they live in the fall of 1973, as we stood poised to enter the last quarter of the twentieth century, the most eventful time probably in all the history of mankind. While I will report the facts, the conclusions and observations I shall make are entirely my own and those of our organization. As a professional, I have an obligation to remain totally within the bounds of our data. As a citizen of this republic and as an observer, there are certain implications of the findings I feel compelled to comment on.

There may be islands of hope across this broad land of ours, but a central fact is that as a nation, as a people, disaffection and disenchantment abounds at every turn. For the first time in over a decade of opinion sampling, this survey shows that disaffection has now reached majority proportions. On a scale of powerlessness, cynicism, and alienation used by the Harris firm since 1966, an average of 55% of the American people expressed disenchantment, compared with no more than 29% who felt that way only seven years ago. The trend has been steadily and almost unabatingly upward from 29% in 1966 to 36% in 1968 to 42% in 1971 to 49% in 1972 to 55% in 1973, a veritable floodtide of disenchantment, seemingly gaining momentum with each passing year.

The proposition that "what you think doesn't count much anymore" has grown from a minority of 37% in 1966 to 61% in 1973; "people running the country don't really care what happens to you" had risen from 26% to 55%; those who think "the rich get richer and the poor get poorer," up from 45 to 76%. The sense that "people with power try to take advantage of people like yourself" has grown from a minority of 33% in 1971 to a majority of 55% by this past fall. Three in every four people across the country feel that "wire-tapping and spying under the excuse of national security is a serious threat to people's privacy." Almost as many, 74%, believe that "special interests get more from government than the people." A majority of 60% agree with the charge that "most elective officials are in politics for all they personally can get out of it."

Any objective analysis of such results can only conclude that a crisis of the most serious magnitude now exists in the response and assessment of the people to their government. While there are some traditional strains of feelings of economic injustice, the main thrust of the people's disaffection can be traced to a growing sense of powerlessness, to a deep feeling that those with power seek to abridge, deny, and even strip away the ultimate power of the governed. This felt tyranny of erosion of the people's power and freedom has not been viewed as a sudden development, is not limited to one act or one leader or one period in recent history. It has been taking place for several years, and its very duration escalates a serious and even dangerous condition into a full-blown crisis of confidence.

The study probed in considerable depth to determine just how much this crisis exists across the boards for the leadership of all major institutions in America and how much it is centered on government at various levels. Basically, by any standard, there has been a fall in respect and confidence in the people running almost every major U.S. institution compared with 1966, when we first measured it: medicine down from 72 to 57% in the number who possess "a great deal of confidence"; higher education down from 61 to 44%; the military down from 62 to

40%; organized religion down from 41 to 36% business down from 55 to 29%; organized labor, never very high, nonetheless still off from 22 to 20%. While no trend exists, it should be noted that leaders of the law profession come up with no better than 24% high confidence from the public.

Certainly there is little solace in those falls from grace for the private or non-governmental sector of our national life. The fact that most came back a little in public esteem in the past year does offer some hope that faith can be renewed and restored. But out of the leadership of 22 private and public institutions tested in the survey, it is telling and significant that no more than two could come up with majority high confidence standing: medicine and local trash collection. The average for all institutions in the survey was 33% of the people with a "great deal of confidence," hardly a vote of confidence in the collective leadership of this country across the board. So before the leaders of other institutions take the results of this survey as a signal to place all that is wrong in this country at the doorstep of government, they would be wise to look to their own state of public confidence and seek to repair the damage that has been done close to where they live.

Only one area of leadership shows any increase in public confidence since 1966: the media, a source of controversy in any era and probably never more than today. Television news and the press have risen in public esteem, although having said this the 41% high confidence in TV news and the 30% for the press are still accolades from only a minority of the people. Of perhaps greater significance is the wide gulf that exists in the estimate of the media by local and state officials surveyed and the public. While 41% of the public gave TV news high marks, only 17% of the leaders did the same. While 30% of the public expressed high regard for the press, no more than 19% of the leaders were willing to give a similar vote of confidence.

The inescapable conclusion is that the public has roughly twice as much confidence in the media than state and local public officials today. Other Harris Surveys have shown as much as two out of three people in the country grateful to the press for having revealed wrong-doing in government. The widely disseminated idea that the media have brainwashed the public into the current low state of confidence in institutional leadership, particularly at the federal level, is a charge that simply does not wash with the people themselves. And my own view is that the sooner men in high public places realize that broadside attacks on the media are likely to seriously damage their own credibility, the sooner public leadership can restore confidence and responsiveness. By the same token, given this new growth in confidence, perhaps some of my brethren in the media can feel they can afford to brush a few of the chips of adversarism on their collective shoulders in the reporting process.

Public confidence in government generally must be reported as being lower than a constituent democracy can afford. Since 1966, high confidence in the U.S. Supreme Court has fallen away from a majority 51% to a minority 33%; in the U.S. Senate from 42 to 30%; in the House of Representatives from 42 to 29%; and in the executive branch of the federal government from 41 to 19%. All but the executive branch, however, did make some gains of between 5 and 9 points just in the past year. The executive branch slipped another 8 points lower.

Although the federal establishment ranks low by any standard, state and local government can take little comfort, for no more than 28% of the people expressed high confidence in leadership of local government and 24% in state government, although a much higher 52% praised local trash collection, 44% their local police, and 39% their local public school leadership.

However, at the very bottom of the list came the leadership in the White House, and I would be remiss here today if I did not comment about that. The 1596 people interviewed were asked what they would tell the President if they had the chance to sit down and talk with him. The result: 72% of the public would raise questions about his integrity and the current crisis surrounding him and the Watergate scandal. There are two reasons to account for this singling out of the President by the public: first, in many ways, under our system, the man who occupies the White House is more than an individual, is a symbol and a central pivot of not only the federal establishment but of government at all levels; second, by any measure, the Watergate disclosures have placed a cloud of distrust over this President, the White House, and the entire executive branch. In a sense, however, it would be a mistake to say the public disenchantment began with Mr. Nixon nor even that it necessarily will end with him. But he is a powerful symbol and restoration of confidence in government cannot be accomplished without restoration of confidence in the White House and in the President himself.

While disenchantment among the public runs deep, it is important to point out that this disaffection is far more directed at the leadership of our institutions than at the institutions themselves. In other studies, we have found no more than 5% of the public at all ready to scrap the major institutions that make up our voluntary, essential privately oriented society. In this study itself, 9 in every 10 people expressed the cardinal article of faith that government, for example, can be made to work efficiently and effectively, and within the parameters of liberty a free people require. But there is a mood of skepticism about current leadership of nearly all institutions, and just below the surface a growing willingness to throw the rascals out. The people want change not to overthrow the system, but to make it work the way they think it should.

In the 26 years in which I have been engaged personally in analyzing public opinion as a professional, I have been singularly struck by the fact that most Americans have rather strong opinions on most important subjects, but that their views are marked by much more emotion than a thorough grounding in knowledge. In the surveys we take, people are giving us their feelings on a subject, much more than a final rendering of judgment when all the facts have been sifted and carefully weighed. This survey offers ample documentation of this basic observation.

By their own admission, a majority of people are not well informed about what is going on in government or politics at the federal, state, or local levels. Although 89% correctly can identify their own state's governor, no more than 59% can name one U.S. Senator from their state, only 39% can name the other U.S. Senator, and a minority of 46% really know who their Congressman is. Substantive knowledge about the details of legislation or foreign policy might be even lower than those levels.

Yet for all of this lack of specific information, a striking finding of this study is that the American people are far from apathetic, uninterested in the public affairs of their country, nor uninvolved. It is only at their peril that public officials assume an apathetic public, nor one which will not respond.

Part of the problem exposed by the survey is that other than in paying their taxes and filing the necessary forms to receive licenses, social security, and other direct government benefits, the American people have had remarkably little direct contact with their government at any level. No more than 9% of the public have had "a highly satisfying experience" with local government, 5% at the state level, and a similar 5% at the federal level. Despite the amount of time and correspondence conducted by members of Congress with their constituencies, nonetheless the fact remains that when all of the problems of parents with sons in the armed forces, income tax complaints, help with passports, and other special governmental contact is added up, only a small fragment of the people have had any contact at all with government. Local and state officials, it might be added, readily acknowledge this fact. Unfortunately, for most of the public, government at all levels means only slightly more than paying taxes, which, indeed, most feel are too high to begin with.

Both the public and the leadership tend to parallel each other's views about which level of government authority can best respond to a broad range of concerns ranging from world peace to garbage collection and up from highway accidents to inflation. But two areas—political corruption and social welfare—are felt to deserve a high priority attention from all levels of government. And the public and the leaders are also convinced that to make government function better, state and local governments should be strengthened and the federal establishment should have power taken away from it, despite a clear mandate for the federal government to take the primary responsibility for war and peace, the economy, and the quality of life.

The real potential for greater dialogue and responsiveness between the public and government rests clearly in the amount of citizen participation in affecting governmental policy. Any doubts about an apathetic public can be dispelled by just dwelling for a moment on the roster of real problems facing the country as seen through the eyes of the people and the leaders. Both groups are basically agreed on the seriousness of the high price of meat and other food, the lack of trust and confidence in government, the problems of average citizens to make ends meet, and the pressures of day-to-day living. But the differences tell a significant story. While only 40% of the state and local leaders felt that "too many national crises all the time" is a real problem, a much higher 56% of the people feel that way. While 47% of the leaders see a high priority in "getting people to trust each other," a higher 59% of the people feel that way. While only a minority of 37% of the leaders see the "inability of government to solve problems" as a pressing question, a substantially higher 61% of the public feels this way. And while 48% of the officials believe "corrupt politicians" are a real problem for the country, a much higher 70% of the public believe it.

Indeed, the American people see the question of the ability of government to deliver on promises and the encumbrance of corrupt public officials as much more serious problems than state and local government leaders are prepared to acknowledge. This gap points up in turn a major finding of the study. Throughout the results, the question of credibility of government officials emerged time and again. Credibility can be undone by two causes: first, quick and easy promises by politicians which go largely unfulfilled and second, lack of candor and integrity on the part of men vested with high public responsibility.

As a nation, over 3 out of every 4 adult citizens belong to some organization, and half of these are active in them. Over one in three people have some real organizational experience. But a much higher 58% of the public expressed the view that they personally feel they could do something about an unjust or corrupt public official, and when asked what they would do "if they wanted to see a change take place in government," 94% said they would vote against a public official, 91% would talk to their friends and neighbors about the question, 84% would write their Congresman, 81% would write their U.S. Senator, 79% would work through a group they belong to, 76% would contact local law enforcement officials, 75% would contact someone in local politics, 72% would join a local citizens group, 66% would join a political party and work to make changes, 65% would write a letter to the newspaper, 62% would send money to support a local citizens group to demand action, 61% would talk to a newspaper reporter or editor, and 55% would vote against the public official's party at the next election.

No more than 17% said they would "do nothing".

Clearly, there are literally masses of the American people poised out there with the notion of becoming more involved in the process rather than withdrawing from it. Indeed, half the public feels that "groups of citizens and organizations are having more effect in getting government to get things done." A much higher 68% of the state and local leaders share this view. It is perfectly apparent that the public is looking in the future to vastly greater citizen participation in their governmental decision-making process than has ever been the case before.

In fact, the major interconnect between the people and their government emerges from this survey as resting in citizen initiative which is on the upbeat in every part of the country and the willingness of public officials to respond with attention to this citizen activity. The question, then, comes down to a matter of whether the public is sufficiently aroused today to take this bit into its collective teeth.

A remarkable measure of just how much the public is aroused can be found in a series of questions put to the people about the kind of leaders they think they have today and whether or not it is possible to have that kind of leadership. On only one count—leaders genuinely working for peace—did a majority of 53% of the public feel the country had such leadership, but, even there, a higher 90% thought it possible to have such committed leaders. Only 10% feel they have leaders today "who come up with solutions to inflation that work", but 79% think it possible to have such leaders. Only 17% feel that "the best people are attracted to serve in public life", although 89% think that is possible. No more than 18% think "government is the most exciting place to work", but 68% think it can be made that way. Only 24% think "the good of the country is placed above special interests", but 85% think it can be. No more than 34% think "public officials really care about the people", but 88% think they can find public officials who will feel this way. No more than 36% think "most public officials are dedicated to helping the country", but 86% think such men in public life can be found. Only 13% think that "corruption and payoffs almost never take place" in our society, but a much higher 65% think this condition can become a reality.

The leaders share the public's optimism that this kind of intelligent, sensitive and honest leadership for the country can be found, although the leaders are less willing to admit that the nation does not have it now. A major finding of the study is that the public is unwilling to give any public official at any level of government a carte blanche over the affairs of their local, state, or federal governments. Yet, at the same time, people all over the nation are literally crying out for the kind of compassionate and farsighted leadership which will be willing to face the people squarely and honestly, lay out the problems for the people to see, have the courage to ask the public to face these problems, and open the doors of government for the people to share in the decision-making process. At this juncture of American history, the people are opting strongly for a restoration of open, democratic government, where the people are trusted and consulted, but where the leadership leads, and, above all else, displays an integrity that the public can believe in. As the scars of Watergate begin to disappear, it is entirely possible that the tight reins the public asks for now will slacken. But to move away from ready accountability would meet with stiff public resistance.

Specifically, the American people desperately want a condition in the country in which government secrecy can no longer be excused as an operational necessity, since it can exclude the participation of the people in their government, and, indeed, can be used as a screen for subverting their freedom. But just as important, the public is also demanding that any kind of successful future leadership must possess iron-bound integrity. This matter of honesty and straight-dealing is one that has the public deeply alarmed. It cannot be underestimated. The American people simply will not rest easy until they feel that integrity in government at all levels is secured.

Once these preconditions of openness and integrity have been fulfilled, then the time may well come when the people can be approached to make the sacrifices necessary to solve the common problems of the country. Indeed, as we have found out since the energy crisis descended upon us, the people are well out ahead of their leaders in willingness to sacrifice. But if the preconditions to open government are not met, then frustration, alienation, and polarization are likely to proceed apace. And the distrust of the governed for those who govern is a dangerous development indeed.

Let me close by observing that over the past decade since the brutal death of President Kennedy, America has gone through much anguish. Basically, we have been living through the anguish of change, in which life and values in this country have been changing rapidly. The challenge of our times is to find a way to achieve peace in a world where the push of a single button can obliterate tens of millions of lives, to harness the world's energies to allow modern man to live in comfort but in which sacrifice to achieve this end is accomplished with equality and justice and at the same time the environment is preserved, to adjust to complex and modern living but at the same time to see the quality of life improve and not to deteriorate, to make certain that the forces of a world-wide inflation do not rob the people of new-found material gains at a time when productivity is in a position to rise dramatically, to find ways for people of all races and colors to achieve a chance to share in the abundant life while at the same time respecting the rights of people to accommodate to change in a way consonant with their own life experience, to achieve a pluralistic society in which not only the rights of others are respected but in which new ideas and different modes of life can thrive without being threatened by a pall of conformity, to be able to guarantee in practice that the liberties of each citizen are inviolable no matter how great the seeming urgencies of national security nor no matter how powerful government might think itself to be, and, finally, to achieve an America and, indeed, a world, in which a spirit abounds where people are in a mood to attack their common problems instead of attacking each other.

All of this is the full plate of the agenda that faces leadership in America today. The public has not lost faith, but it has lost confidence. Above all, the promise of this America is as bright to the people as it has ever been. Skepticism in its achievement abounds because the people feel they have been cut off and because their leadership has failed them.

But, above all, there is still the spirit of faith that is there among the people themselves. As the great American poet Archibald MacLeish wrote almost 35 years ago:

Listen! Brothers! Generation!
Listen! You have heard these words. Believe it!
Believe the promises are theirs who take them!

Believe unless we take them for ourselves
Others will take them for the use of others!
Believe unless we take them for ourselves
All of us: one here: another there:
Men not Man; people not the People:
Believe unless we take them for ourselves
Others will take them: not for us: for others!

Believe unless we take them for ourselves
Now: soon: by the clock: before tomorrow:
Others will take them: not for now: for longer
Believe America is promises to
Take!
America is promises to
Us
To take them
Brutally
With love but
Take them.
O believe this!

DAVID BEN-GURION'S DREAM

Mr. BIDEN. Mr. President, I would like to take this opportunity to note the death of Israel's one-time Premier and Defense Minister, Mr. David Ben-Gurion. Born in Poland in 1886, the then David Green emigrated to Palestine in 1906. He made innumerable contributions to the birth and growth of a Jewish state. His ultimate dream was the triumphant survival of a Jewish homeland. He realized this. Mr. Ben-Gurion was venerated and respected by the world at large for his commitment and contributions.

Mr. President, I ask unanimous consent that an editorial from the New York Times of December 2, 1973, commemorating David Ben-Gurion be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 2, 1973]

THE PATRIARCH

Perhaps what the world least appreciated about David Ben-Gurion was his love of scholarship. Even at the height of his power, a moment to study the conjugation of an irregular Greek verb excited him almost as much as a political success in the struggle for a new Jewish state. The world of his declining years was strange to him, the contrived distinction between the man of thought and the man of action. To him, abstract thought and concrete action were interdependent qualities of mankind, inextricable; both were intoxicating, both were fulfilling.

Ben-Gurion's was the generation of scholar-statesmen, Churchill and de Gaulle, of the scholar-revolutionary, Mao Tse-tung. Like the Biblical prophets he so revered, Ben-Gurion fits all three roles; he was his people's revolutionary, the statesman of their new homeland, the scholar of their heritage.

Like those ancient prophets, Ben-Gurion was revered some of the time and beloved some of the time. For much of the time the Israel which he led into existence had difficulty coping with him. In office, his political leadership was flawed by a streak of petulance, even pettiness, which left such scars on Israeli public life that his latest successor as Premier, Golda Meir, refused to speak to him for years, until a mellow, chance encounter in the season of his 85th birthday two years ago.

Ben-Gurion continued to advise his people long after he had left office. "We must take any chance to have peace," he said repeatedly in recent years. "If there is any chance of having peace we must do everything for it." But war-weary Israel was in no mood for taking any chances.

It was to the Bible that Ben-Gurion turned for his vision and his motivation. One of the passages that he always carried with him was the closing declaration of the prophet Amos:

"And I will turn the captivity of my people Israel, and they shall build the waste cities, and inhabit them; and they shall plant vineyards, and drink the wine thereof; they shall also make gardens, and eat the fruit of them. And I will plant them upon their land, and they shall no more be plucked up out of their land which I have given them, saith the Lord thy God."

Through Ben-Gurion's extraordinary life and work came the fulfillment of that ancient prophecy.

ELECTION FUND BILL

Mr. BUCKLEY. Mr. President, I would like to call my colleagues' attention to an interesting article by David Broder in yesterday's Washington Post in which he analyzes some of the implications of public financing of Federal campaigns. The article points to "consequences [that] have barely been examined in the brief congressional debate."

However one feels about the ultimate merits of this approach to campaign funding, I believe the article argues the need for a fuller consideration of the measure than has yet been possible, given the attempt to shortcut normal legislative procedures.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Dec. 2, 1973]

Election Fund Bill Would Bring Shift to Political Scene

(By David S. Broder)

The campaign finance provisions that senators want to attach to the debt ceiling bill would cause the biggest change in American politics since the application of the one man-one vote doctrine to virtually all elections.

By providing public financing for presidential campaigns and drastically reducing the role of private contributors, the legislation would eliminate what many political participants and observers contend is the largest source of corruption in American politics.

But if the measure becomes law, it would do many other things as well—and those consequences have barely been examined in the brief congressional debate.

The main purpose of the legislation—and its most predictable effect—would be to reduce the dependence of the candidates on specific large contributors and to reduce the influence of those contributors on the candidates.

Although much of the impetus for the bill came from the Watergate case and its revelations of illegal corporate contributions to the Nixon campaign, politicans know that no party or ideology has a monopoly on big givers.

Issue-oriented liberals, labor organizations and "peace" groups have assembled funds for presidential hopefuls in recent years that approach, if they do not match, corporate or conservative kitties.

Nonetheless, the votes by which the amendment was passed in the Senate had a marked partisan and ideological coloration. Most Democrats and most liberals in both parties supported public financing; most Republicans and most conservatives in both parties voted against it.

The presumption that liberals and Democrats would benefit from the change is strengthened by the realization that money is just one of the sources of influence on a political contest. If access to large sums is eliminated as a potential advantage for one candidate or party by the provision of equal public subsidies for all, then the election outcome will likely be determined by the ability to mobilize other forces.

The most important of these other factors are probably manpower and publicity. Legislation that eliminates the dollar influence on politics automatically enhances the influence of those who can provide manpower or publicity for the campaign.

That immediately conjures up, for Republicans and conservatives, a picture of the union boss, the newspaper editor and the television anchor-man—three individuals to whom they are rather reluctant to entrust their fate—electing the next President.

Whether this shift would, in fact, work systematically to the benefit of Democrats and liberals remains to be seen. But there is little question that the premium on a candidate who is telegenic, who has good press relations and who has access to large numbers of volunteer workers would increase.

Many presidential hopefuls with minimal labor support (like Barry Goldwater and George McGovern) have been able to recruit masses of volunteers, but the big membership of the unions and their well-developed recruiting and subsidizing techniques may give the union leaders' favorites a larger advantage than they have previously enjoyed in presidential politics.

While public financing's relative effects on labor, business and the press may be debatable, there is little dispute that one institution would become vastly more powerful in its influence on campaigns—the government itself.

The pending provision calls for appropriation of sufficient funds to fill the gap between the spending ceilings and the amount raised by a voluntary checkoff on income tax return.

Appropriations are, of course, subject to political pressures from Congress and the President. They may be delayed, reduced or even vetoed. Critics of public financing have warned that incumbent politicians of either party—in the White House or Congress—should not be given the power to decide how much the President's challenger will be able to spend.

Proponents of public financing say they are aware of the risk, but believe that Congress and the President will act responsibly and not choke off funds for an opponent.

Other questions imbedded in the legislation are a matter of debate among the handful of people who have analyzed the bill's effects, but have not yet reached public discussion. Here are some of them:

What is the effect of subsidizing presidential primary campaigns on the kind of nominees chosen? An innovation in the legislation is the provision of matching grants from the Treasury for contributions of $100 or less to contenders in the presidential primaries. To qualify, a candidate would have to raise the first $100,000 in units of less than $100 himself. After that, he would be subsidized up to a spending limit.

Advocates argue that this would open the presidential field to candidates who are not wealthy themselves or who lack wealthy sponsors, increasing the voters' choice and reducing the influence of money on presidential politics.

Critics point out that it would also have the effect of encouraging more candidates, and that, in large, multi-candidate primary fields, the winner can easily be an extreme advocate of some emotional position who can "win" with as little as one-third of the total vote.

What is the effect on the party system? The legislation says the federal subsidy will go to "any political committee" designated by the candidate to receive funds. The provision was designed, its proponents say, to fix personal responsibility on the candidate for the way his money is spent.

Critics of the bill contend that it will sever whatever fragile bonds now exist between the presidential candidate and his party. They note that if it had been in effect in 1972, Mr. Nixon could have designated the Committee for the Re-election of the President to receive $21 million in public funds.

What is the effect on minor-party candidacies? The legislation says that minor parties will be subsidized in proportion to their showing in the previous election and that new candidates may be reimbursed, retroactively, on a proportional basis if they draw more than 5 per cent of the vote.

Proponents argue that this provision keeps the door open to minor-party and new candidates, without encouraging their proliferation.

Critics contend that it may, in fact, encourage such splinter candidacies. In an example provided by the sponsors of the legislation, a third-party candidate who draws 10 per cent of the vote, while the major candidates get 46 and 44 per cent, would be entitled to 22 per cent of the major party subsidy—or roughly $4.6 million. The prospect of that kind of subsidy might, critics argue, encourage any number of "10 per cent candidates" to enter the race.

RECESS UNTIL 12:55 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 12:55 p.m. today.

The motion was agreed to; and at 12:15 p.m., the Senate took a recess until 12:55 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Helms).

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Huddleston). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. Huddleston). Without objection, it is so ordered.

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, under the previous order the Chair now lays before the Senate the unfinished business which the clerk will state.

The assistant legislative clerk read as follows:

H.R. 11104 to provide for a temporary increase of $10.7 billion in the public debt limit and to extend the period to which this temporary debt limit applies to June 30, 1974.

The PRESIDING OFFICER. The pending question is on the motion to invoke cloture on the motion to insist on the Senate amendments to H.R. 11104 and request a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

Under the previous order the 1 hour of debate between now and 2 p.m. will be divided equally between the Senator from Alabama (Mr. ALLEN) and the Sentor from Louisiana (Mr. LONG).

Mr. ALLEN. Mr. President, I yield 3 minutes to the distinguished Senator from North Carolina (Mr. HELMS).

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 3 minutes.

Mr. HELMS. Mr. President, I think it warrants reiteration, as many times as may be possible, that there was a very clear, up-or-down vote yesterday on this bill (H.R. 11104).

Therefore, the record should be made clear, again and again, just which Senators are holding up action.

Yesterday, rollcall No. 546 was on the question of whether this Senate should recede from its nongermane amendments on H.R. 11104. The motion to recede was made yesterday by the distinguished Senator from Alabama (Mr. ALLEN). That motion was defeated by a vote of 36 to 45. So it is clear, Mr. President, when one examines the votes of Senators on this motion, just who is holding up this debt ceiling legislation.

I ask unanimous consent, Mr. President, that the results of rollcall No. 546 be printed in the RECORD at this point, so that it can be a matter of record at this point as to how each Senator voted.

There being no objection, the legislative rollcall No. 564 was ordered to be printed in the RECORD, as follows:

[No. 546 Leg.]

YEAS—36

Aiken, Allen, Bartlett, Beall, Bellmon, Bennett, Bible, Brock, Buckley, Byrd, Harry F., Jr., Cannon, Cook, Curtis, Dole, Domenici, Dominick, Eastland, Ervin, Fannin, Fong, Griffin, Hansen, Helms, Hollings, Hruska, McClellan, Nunn, Roth, Sparkman, Stennis, Stevens, Talmadge, Thurmond, Tower, Weicker, and Young.

NAYS—45

Abourezk, Bayh, Bentsen, Biden, Brooke, Burdick, Byrd, Robert C., Case, Chiles, Church, Clark, Cranston, Gravel, Hart, Hartke, Haskell, Hathaway, Huddleston, Humphrey, Inouye, Jackson, Johnston, Kennedy, Long, Magnuson, Mansfield, Mathias, McGovern, McIntyre, Metcalf, Mondale, Montoya, Moss, Muskie, Nelson, Pastore, Pell, Proxmire, Ribicoff, Schweicker, Scott, Hugh, Stafford, Stevenson, Tunney and Williams.

NOT VOTING—19

Baker, Cotton, Eagleton, Fulbright, Goldwater, Gurney, Hatfield, Hughes, Javits, McClure, McGee, Packwood, Pearson, Percy, Randolph, Saxbe, Scott, William L., Symington, and Taft.

So Mr. ALLEN's motion that the Senate recede from its amendments was rejected.

Mr. HELMS. A "nay" vote, Mr. President, was a vote to continue to delay this debt ceiling legislation. A "yea" vote was a vote to have the Senate get on with other pressing business.

Let it not be said, Mr. President, that the distinguished Senator from Alabama (Mr. ALLEN), or the Senator from North Carolina, or any other Senator who voted "yea" on rollcall No. 546 is delaying this Senate.

I hope that the distinguished Senator from Alabama will today renew his motion of yesterday so that the Senate can have another opportunity to conclude this matter, and proceed to consideration of other great concerns of the American people.

I thank the distinguished Senator from Alabama for yielding to me.

Mr. ALLEN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. ALLEN. Mr. President, a funny thing did happen yesterday on the debt ceiling bill's way to passage because, as the distinguished Senator from North Carolina has just pointed out, the Senator from Alabama made a motion to recede from the Senate amendments. That does not sound like very much, but that was a vote on final passage of the bill. Had that vote carried, the bill would have gone to the President. It would already have been signed.

Mr. President, those who are said to be holding up passage of the bill were the very ones who voted for the passage of the bill, and those who are seeking to use the bill as a means of enacting a campaign subsidy or giveaway bill are the ones who are holding up passage of the bill.

Now, Mr. President, later on today, at such time as the Chair will permit the Senator from Alabama to renew his motion to recede, he will make that motion. He was encouraged yesterday by the fact that on the cloture motion, the vote was 47 for to 33 against; whereas on the motion to recede the vote was 36 for to 45 against, indicating that 2 Senators—2 fiscally responsible Senators—who had voted for cloture also voted to recede.

I am hopeful that after this cloture vote, the motion to recede will not only be closer but that it will carry.

So, Mr. President, I believe that the vote of yesterday on the motion to recede—which is another way of saying a motion on final passage of the bill—let the cat out of the bag, so to speak. No longer will they be able to say that the Senator from Alabama and those who oppose adding this campaign grab bag bill to the debt ceiling bill are holding up passage of the debt limit bill, because they are the ones who voted for this bill. Those who say the Senator from Alabama is filibustering are the ones who voted against the bill.

So I leave to Senators, and I leave to the American people as to who is holding up passage of the bill.

Now, Mr. President, if the distinguished chairman of the Finance Committee who is supporting the campaign handout provisions, if the distinguished majority leader, the distinguished assistant majority leader and the distinguished minority leader are willing to put their desire to enact this campaign subsidy bill——

The PRESIDING OFFICER. The 5 minutes of the Senator from Alabama have expired.

Mr. ALLEN. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 3 minutes.

Mr. ALLEN. To place passage of this campaign subsidy bill over the fiscal responsibility of the U.S. Government, let them take the consequences.

From their lofty and august positions, they know the effect that their holding out for this campaign subsidy bill is having on the country.

I am hopeful that when the motion to recede is made, they will join in support of this measure and not hold up on it any longer.

Had they voted yesterday on the motion that the Senator from Alabama made, this matter would have been resolved. They saw fit to hold up the bill.

Now, Mr. President, as the Senator from Alabama stated yesterday, not only has this undercut the Watergate committee by taking action ahead of its recommendations; not only, Mr. President, as the Senator from Alabama analyzes it, are five or seven members of the Watergate committee opposed to this grab bag provision but, this bill undercuts the committee system.

We saw the distinguished Senator from Nevada (Mr. CANNON) vote against this provision because it should go to the committee. It should be considered by the Committee on Rules and Administration. So it undercuts the committee system. It undercuts the Senate's position, Mr. President, because on July 30 of this year, by a vote of 82 to 8, the Senate sent a strong campaign reform bill to the House of Representatives which was widely acclaimed as a great forward step in regulating campaign receipts and expenditures.

So we are going to turn our back on that effort?

That bill went to the Committee on Rules and Administration, and to the Commerce Committee. It was also considered for several days on the floor of the Senate.

Are we going to reverse that position?

It also undercuts the constitutional question of giving the President the right to veto unsound legislation.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. ALLEN. I yield myself 2 additional minutes.

Mr. President, more important than any other consideration is the precedent that is going to be established if we allow this campaign handout bill to be forced on the American taxpayers, and that is that each time this debt limit bill comes up—and it will have to come up every 5 or 6 months, the way Congress is handling it—they can put on some horrendous provision that strikes at the foundation of our American system and our governmental institutions and governmental processes, without the bill ever going to a committee, without the President being given a fair opportunity to consider it and veto it if he thinks it is unsound, because it is attached to must legislation. Such a bill could be forced on the American public without ever being considered in a committee, without 1 day of hearing ever being held, and that would establish a most dangerous precedent. So we are standing here for a principle.

I hope that the Senate not only will vote against invoking cloture but also that, soon thereafter, the Senator from Alabama will be permitted to make a motion to recede from the Senate amendments and send this bill to the White House for signature.

I reserve the remainder of my time.

Mr. LONG. I yield myself 7 minutes.

Mr. President, I am convinced that, while filibusters sometimes serve a purpose, in the main, they do not really accomplish much. I think that in the long run they tend to defeat their own purpose.

My mind goes back to the many years during my tenure in the Senate when some of us from Southern States filibustered against the various civil rights proposals, preventing those measures from coming to a vote. In the end, it resulted in the 1964 Civil Rights Act, which went far beyond the original proposals, by including practically all of them and a great number of other measures. I believe it would have served our purpose better if we had insisted that the Senate understand these measures and settled for a less extreme proposal at a much earlier date.

This issue regarding public financing of the Presidential primaries—and that, after all, is what we would propose to settle for if we were permitted to go to conference on this bill—is a matter which the public, in increasing degree, is insisting should be the order of the day. When this matter was first brought before the Senate in the early stages, we were able to muster a majority of about one in long weeks of debate that occurred back in 1966 and 1967. Since that date, those of us, who believe this is the only way you are ever going to be able to make this a government of the people rather than a government of the moneychangers has gained a great deal of support. Those of us who have supported this position have had a great deal more success at the polls than those who took the other view.

Furthermore, we have had the success of persuading more and more of our colleagues that this is the direction in which this Government will have to go, if we are ever going to recognize that this is a government of the people, by the people, and for the people, in which the decisions should be dictated by the number of people who are convinced in their hearts that one side or the other is right about an issue, rather than by the size of someone's pocketbook or his willingness to put up large sums of money to dictate the outcome.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MONDALE. In this morning's Washington Post is a survey which says garbagemen are rated over the White House in terms of public esteem.

Mr. LONG. The Senator might find that they are more popular than Senators.

Mr. MONDALE. The Senator is correct. It is the whole political system that is going to be judged by the American people. The article goes on to say:

> Americans remain confident that the system can work . . . but they reject government secrecy and demand honesty and integrity.

Of course, central to the chief objective is a system which does not tempt public officials, in their desperate need for huge campaign funds, to respond in a way which prefers those who have big money as against the ordinary citizen. It seems to me that that is precisely what is involved in this financing legislation; namely, the need to change the way in which we finance campaigns, so that it is possible for a person, once elected, to deserve the office and to be in a position to serve his conscience and his country, rather than a long list of campaign contributors who probably had something in mind when they give so generously.

Mr. LONG. A short time ago I was privileged to address a group of boys at Louisiana Boys State, at Baton Rouge, La. I made the point that decisions of the Government should be dictated by the judgment of a majority of the people, rather than by some group of persons who might have a large amount of money to put into a campaign. That statement received tumultuous applause from those young people.

I challenge anyone to explain to a group of high-class men and women why those having large amounts of money should be able to use that money to unduly influence candidates. The public should try to respect the principle of one man, one vote. Then, having made the issue clear to the public, I am satisfied that a system where money dictates the answer could not succeed. Quite apart from the Watergate scandal, I think that this is relevant.

One will find that when people understand this, they are going to see to it that the election of a President and the decisions of Government should not be dictated by the ability of one side to use its money and its economic power to overcome the judgment of the majority of the people. This, unfortunately, has happened too often.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MONDALE. There is another part to this: It is the way in which big money corrupts government. But it is also the way in which big government can extort money from American business. As I stated for the Record a day or so ago, some top businessmen have testified that in the last campaign they were approached by representatives of the incumbent government in a way which suggested that, if they did not contribute, the government might act in a way which was adverse to their interests. So, out of fear, they contributed vast amounts of money to protect themselves from adverse decisions by the American Government. That is somewhat like the old days of the big machines, when one would have to pay money to protect himself from trouble.

So it works both ways. That is why many top businessmen, who contributed, have now said, "Let us save our system." Let us have a system that is clean, a system in which we can go where we please and contribute to whom we please; but let us not have a system by which people can exert improper pressure on Government.

I think this is the other part of it. Not just the donees but also the donors are being extorted. For both reasons we need to clean up the system.

Mr. LONG. It was not my suggestion that this amendment should be added to the debt limit bill. It was the view of the sponsors of the amendment, the Senator from Massachusetts (Mr. Kennedy), the Senator from Minnesota (Mr. Mondale), and the Senator from California (Mr. Cranston), and various other Senators that this should be added. The argument has been made that it does not belong on this bill. However, we have legislated in this area on several other occasions and not one of those times has the amendment been on a bill that was relevant.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. As I just said, the amendment has never been on a bill to which it was relevant. The House has never sent us a revenue bill which related to the financing of Presidential campaigns. I personally initiated this issue on a bill to which it was not relevant. If memory serves me correctly, I think it was the bill relating to the interest equalization tax. Subsequently, those who did not like the idea were successful in negating that proposal and making it inoperative by amending a revenue bill that the President very much wanted to sign. That was the bill to restore the investment tax credit. Subsequently we acted in this area to make the provision for financing Presidential campaigns operative again with amendments to a prior debt limit bill.

Mr. President, it is important to keep in mind that the Constitution does not permit the Senate to originate a revenue bill. Revenue bills must originate in the House. But the Senate has the right to amend those revenue bills, and the power of the Senate to amend is unlimited. The only thing the Senate cannot add to a revenue bill is a constitutional amendment, and it should be that way because to accept any other course would be to bar the Senate from acting in very crucial areas unless the House had sent us a bill in that particular legislative area germane to the area in which the Senate thought the national interest required us to act.

We should never permit the Senate to be so hamstrung and limited in its power to serve this Nation that it can only legislate in an area that is narrowly germane to a legislative proposal of the House of Representatives. I think that would be a grave mistake.

As I said, it was not my idea for the amendment to be offered on this legislation; but it was offered, and the Senate agreed to it. That was the will of the Senate. This matter must be resolved, and it seems to me that the way to resolve it is by the conventional legislative process. In my judgment the only orderly process under these circumstances would be for the measure to proceed to the House, for the House and the Senate to reach an agreement on what we send to the President, and for the President to act in whatever fashion his conscience might dictate.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. LONG. I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LONG. I presume the President does not favor the measure and if he does not he can veto it. If there are not enough votes to override the veto, which might be the case in view of the difficulty we are having getting a cloture of debate on the issue, I would be willing to yield to the administration and send them another bill that does have such an amendment. Orderly procedure should permit this measure to proceed on its way, the Senate having expressed its position, and let the House express its position, and then let the President decide what he wants to do about it.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. ALLEN. Mr. President, if the Senator will yield, I would like to yield first to the Senator from Connecticut (Mr. WEICKER) who has an appointment.

Mr. KENNEDY. Very well.

Mr. ALLEN. I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. I thank the distinguished Senator.

Mr. President, I have been somewhat concerned over some of the attitudes that have developed as a result of actions taken in this Chamber by certain individuals. Specifically the idea that those who have insisted on complete discussion of this matter are against reform. Another idea that is being floated is that the blame be laid at the President's door insofar as failure to invoke cloture is concerned.

I would like to speak for myself, as a member of the select committee that was brought into being by a vote of 77 to 0 in this body. This committee was charged with factfinding, which would go toward producing legislation meant specifically to correct the abuses of the Presidential campaign of 1972.

Contrary to some of the charges from the White House, we are not a committee to traffic in sensationalism. We are here to get facts upon which this body can initiate intelligent legislation. We have spent millions of dollars already in performing that task. Our charge is not to provide a forum for the expression of philosophical views with respect to the President. If some view it for that purpose, we have wasted money and labor. Such is not the case, however, and I, along with others, devoted an entire summer to get facts which could lead to intelligent legislation.

Let us get two things straight. First, because one is against this hurry-up procedure does not mean that he is against reform in campaign spending. I find such conclusions absolutely incredible. I am against this legislation. It is terrible. I would be against it if we did not have a Watergate committee. I am doubly against it, because we are in the process of doing the job the Senate assigned us to do. Get the facts. Recommend legislation.

This public financing proposal is a political fiasco. It is not based on Watergate committee factfinding. Yet, we told the public we were on a factfinding mission; and not out to embarrass a few individuals. I was on a factfinding mission, and I still am. Senators will get the report in February, with no holds barred. Then, Mr. President, the Senate can act. And if the Senate does not, then the public will have solid reason to get on our heads.

But I do not think any of us are in a position to act in a hurried fashion. I understand what the abuses are. I understand full well. One does not have to be a genius or a member of the Watergate committee to find as a fact that such vast sums of money have come into the political system as to corrupt both parties. I understand that. Do I think you are going to cure the problem by dumping the monetary demands on the Federal Government? I do not. You are going to cure the money problem when you cut down on the amount of money required in election campaigns.

If we had a limit of $50,000 on Presidential candidates—do you think they would go to the Federal Government and ask them to supply $50,000 or $100,000? Of course, they would not. The reason they are going to the Federal Government is because of the amount of money involved. I suggest rather than shifting it to the taxpayers, why not reduce the amount? Already we have passed good legislation. I want to compliment CLAIBORNE PELL and those on the Rules Committee. Frankly, I had my own bill which would have gone further. But I know when that legislation was presented it was with the idea that everybody knew we would back on a third go-around on campaign spending. After we had the results of the Watergate investigation in hand. Instead there are those who now say, "We cannot do it. It is too complicated. Give the problem to the Federal Government."

Is that reform? No! It is laziness. A lot of people on the floor of the Senate are being abused here and at home, because somebody is demagoging something that just is not so.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WEICKER. May I have 2 minutes?

Mr. ALLEN. I yield 2 minutes to the Senator. Mr. President, I would be glad to have the distinguished Senator have all the rest of the time.

The PRESIDING OFFICER. That is the privilege of the Senator from Alabama.

Mr. WEICKER. Mr. President, there is no quick solution. Certainly I do not think we are so bereft of ideas in this Chamber that we have to say, "Look, it is just a matter of putting the problem into Federal hands." I think we can do better than that.

You know, I have heard about the proliferation of candidacies. That is an important point to consider. But I want you to think about another drawback. You are, in effect, putting the electoral process itself in the hands of an incumbent administration, both as to the giving of money and its policing and enforcement. I do not want this to be South Vietnam, where, after the election is over, the winner goes around and starts enforcing the law, nailing the losing candidates. But that is exactly what we would be opening ourselves up to with this kind of legislation. I do not want government in the business of financing election campaigns, because I know what is going to happen. They are going to get bigger and more expensive, not less so.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. Mr. President, I yield 1 minute to the distinguished Senator from Connecticut.

Mr. WEICKER. I want men and women to sell themselves and their ideas, and to do it not through unlimited monetary resources. I know we can put together election reform laws that allow only a limited period of time for raising money, where every cent that is donated is known to the voters, where there is no fundraising after a campaign, and no one has to go into debt. This will reduce the role of money in American politics.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. Mr. President, I yield 1 minute to the distinguished Senator from Connecticut.

Mr. WEICKER. Far better than saying "The Federal Government ought to foot the bill."

I repeat this. I want to say it on the floor. I know how many are getting pressure from lobby groups to the effect that those of us who are fighting this amendment are against reform. I am fighting it, because it is sloppy. It is lazy. It is not the well-reasoned solution this problem requires.

You want reform? Believe me, you will get it when you get the facts in February. They are going to the hardnosed and they are going to cut across all sides. We are going to propose legislation that will give no loopholes. It means all of us are going to have to leg it and think hard to get contributions.

Mr. CLARK. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNDEY. Mr. President, I yield the Senator 3 minutes.

Mr. CLARK. Has the Senator from Connecticut, without having received a report from the Watergate committee, without having had the benefit of that report, already dismissed the idea of public financing of campaigns?

Mr. WEICKER. I have not dismissed it, but I know full well, as far as I am concerned, when you cut the cost of campaigning in the United States, you do not need public funding. I do not dismiss it. When we get the facts, maybe the Senator will change his mind. Maybe I will change my mind. I have not dismissed it, but the Senator does not have all the facts and I do not have all the facts. Are we going to participate in a completely nongermane exercise, when it is only a matter of months to the release time of the select committee's report?

Mr. KENNEDY. Mr. President, I yield myself 5 minutes. The most obvious fact about Watergate is the corruptive influence of private money in public life. I do not think the people have to see what the Watergate report of the committee is going to be to know that fact. We already know the result of the Watergate committee's work on campaign financing.

I watched my colleague in an interesting debate over television last evening, and I think he carried the burden very well of establishing that fact. That is already a fact. We do not have to get into a lot of anticipation of the details the report is going to show.

In listening to the description of the Senator from Connecticut, I did not even recognize the amendment we are considering today. He was talking about S. 372 as being a part of the solution. I voted for that. I think it is an important part of the solution. But under S. 372 an individual can give $25,000 to various political campaigns during a year—a total of $25,000, with a $3,000 limit on contributions to particular candidates.

What are we talking about in this amendment here? One hundred dollars. A candidate must obtain a contribution of $100 in order to get an additional $100 in public funds. Contributions up to $100 will be matched, but there will be no matching for contributions over $100. That's the limit.

It seems to me, if the Senator is talking about a "lazy" program, the way we do things today fits that description better. The lazy way is to call the big businessmen and wealthy backers and other groups that are going to make the contributions. That is the lazy way of doing it. That is what is going to continue unless we come to grips with the issue of Watergate.

What are we attempting to do by this amendment, which passed by an overwhelming vote in the Senate? We want to match $100 contributions. We want to increase the tax deduction for a joint return up to $50, from $25 to $50. We want to increase the tax deduction up to $200. That is not the lazy way. In order to get that $50 or $200, you are going to have to get somebody busy on the phone or someone knocking on the door in order to get people to make these contributions.

That builds on the sound system developed by the distinguished chairman of the Finance Committee going back to 1966—the dollar checkoff. That is what we are building on. It is not a new idea. It is not a revolutionary idea. The idea of public financing of elections has been before the country for 75 years, since President Theodore Roosevelt first suggested it.

It was Senator RUSSELL LONG who made it into a practical proposal, with his idea of the dollar checkoff, giving an individual the opportunity to designate $1 out of his tax for a particular party or candidate. As a result we would have a total expenditure of about $75 million a year to restore the integrity of the political process in this country.

Mr. President, we will authorize or appropriate through various trust funds and appropriations acts $268 billion of the taxpayers' funds this year. What we are asking is $75 million, through which we are going to try to clean up and restore the confidence of the American people in their elected Federal officials.

It is said, well, that puts the Government into policing it. Do we want the Government overlooking it?

Mr. President, I have confidence in the General Accounting Office, whether it be under a Democratic or Republican administration. I have trust that it can accept the responsibilities with which it is going to be charged under any such procedure. We are not talking about a partisan operation. This process is going to go on under a Democratic administration and it is going to go on under a Republican administration.

So, as we reach the final hours of this debate, let me point out that a majority of the Members of this body have supported this reform. If the Senator from Connecticut has to explain why he is against reform, so be it. It is important that every person in the country understand what is being attempted here by the opponents and supporters. The majority of the Members of this body have voted for it. They have voted for it. What we are asking is a procedure to give the House of Representatives an opportunity to indicate whether they are for or against it. If they accept it, then the President is going to have to take a position. He has already taken a position by supporting certain Members of the Senate in the filibuster. He has taken a position in that way, and the American people understand that, but he ought to stand up and take a direct position on it, instead of hiding behind a filibuster.

Why can we not act on the bill, send it to the House, and permit the House of Representatives to state its position—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I yield myself 3 more minutes.

Let the President of the United States express his view, and then we can act in our orderly procedure. If this filibuster is allowed to prevail, we are saying in a back door way that we should kill this major and significant reform bill. It may not cover all types of situations, but it is a substantial improvement over the current situation. It is based upon a fundamental concept that anything in the way of basic reform will need a wide spectrum of support, and the votes last week in the Senate proved that we already have such support. I hope considering, that the Senate will approve the measure.

Mr. President, I yield 3 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. MONDALE. Mr. President, I understood from the comments of the distinguished Senator from Connecticut that it was his belief that the ordinary private contribution can be cleansed so that they are fully honest and may be used in campaigns.

I reject that notion, and I think that most people reject it.

A prior Senate bill was an attempt to clean up the private system of campaign contributions. I think it did a pretty good job.

The fact that, when we clean things up and limit the amount of money contributed, it is impossible to run an adequate campaign raises a second argument for public financing, because unless we add a decent public financing system to the measure, we create an incentive for people to cynically avoid its terms.

In the act we passed in the Senate to clean up private funds, most of the scholars who have studied this matter that I know of are convinced that we cannot clean up private financing to the extent that one can both have an adequate campaign and protect against corruption.

So we absolutely must have some system of public financing which works, which is what the underlying proposal does. It is not a new proposal. It is not a sloppy proposal. It is the result of 75 years of study, including several weeks of debate in the Senate.

This effort is right. It is ready. It is ripe. It is seasoned. It is ready to be adopted.

The Senator from Connecticut said that we do not want the Federal Government to run our campaigns. Our whole idea of putting reform in the hands of the Comptroller General by letting individuals check off the money is to get it out of the hands of the Federal Government.

The Watergate committee has shown that government is up to its eyeballs in the financing of campaigns. It is big government, which controls so much of American life and of American business, that extorted thousands and millions of dollars out of them in the last campaign.

Second, this is a measure which would save the American people, the American businessmen, and American laborers from this kind of blackmail and restore the American Government to the American people.

We are ready. This is a good reform measure. We do not need any more. I urge the Senate to support the measure.

Mr. ALLEN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 1 minute.

Mr. ALLEN. Mr. President, if this is such a good bill and if it is a bill that represents an idea whose time has come, I do not know why the proponents of this public financing bill do not introduce a bill, let it go through the committee process, and then come to the floor and have it passed.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. ALLEN. I yield on the Senator's time.

Mr. KENNEDY. Very well. On my own time, would the Senator from Alabama support this exact measure if it had a separate title? That is the point.

Mr. ALLEN. No, I would not support it.

Mr. KENNEDY. I thank the Senator. [Laughter.]

The PRESIDING OFFICER. The galleries will be in order.

Mr. ALLEN. But that would give the Senate an opportunity to discuss it. This bill should stand on its own two feet and not try to ride on a must bill. The debt ceiling bill is past due. The other measure applies to 1976.

What is the hurry about it? I see no need for taking it up at this time when we are talking about a bill that is past due for passage. I see no need for taking up something that will not be operable until 1976.

Mr. President, I yield 2 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 2 minutes.

Mr. WEICKER. Mr. President, in response to the remarks of my friend, the Senator from Massachusetts, I wish to say first of all that the story of Watergate is not first a story of how private financing was used in a corrupting way. It is clearly a story of how the power of the Government was used to corrupt.

What the Senator is proposing would involve the Government in an increasing way. The General Accounting Office, as far as I know, is not something that belongs to State or local government. It is a part of the Federal Government.

Let me say that the Senator can demagog all he wants to. I will be glad to explain to Connecticut my stand on campaign reform. I think they understand what this Senator stands for.

I have an intelligent constituency and, quite frankly, I do not think they want some measure that is thrown together. They want reform. However, they want intelligent reform that will work.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. Mr. President, I yield 1 additional minute to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 1 additional minute.

Mr. WEICKER. Mr. President, all of us will have to go out and earn the respect of the American people and not just get money with which to wage our campaigns. Government should not subsidize political mediocrity.

It is like anything else where subsidy is involved. It cannot stand on its own two feet. I do not want our election process subsidized.

I fully expect to be here in 3 to 4 months' time, not with some slipshod, quickly put together solution, but rather with an intelligent, well-thought-out plan to reform our political process.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, will the Senator yield on my time?

Mr. KENNEDY. Mr. President, I will yield on the Senator's time after I make a brief response. I am surprised at the remarks of my good friend, the Senator from Connecticut. I respectfully suggest to the Senator from Connecticut that this is not in any way a partisan effort. It has strong bipartisan support, including some of the most distinguished Members of the minority in the Senate. I believe that almost every major reform measure, whether congressional or Presidential, has bipartisan support. The measure introduced last week had such support, and it passed the Senate. As its supporters have made clear, it is a well thought out and effective amendment.

Mr. ALLEN. Mr. President, I yield myself 1 minute so that I might ask the distinguished Senator a question.

The Senator from Massachusetts asked the Senator from Alabama if he would support the same provision in a separate bill. The Senator from Alabama said that he would not.

I would like to ask the distinguished Senator, since he sets so much store by that question, if the Senator from Alabama had said he would support a Senate bill, would the Senator from Massachusetts have been willing to withdraw this amendment?

Mr. KENNEDY. It would not have been up to me to withdraw it. It would have been up to all its sponsors.

Mr. ALLEN. Would the Senator have been willing that it be withdrawn?

Mr. KENNEDY. It would not have been up to me, but if the Senator wants to make a definite proposal——

Mr. ALLEN. No; I just asked what the Senator's disposition was.

Mr. KENNEDY. If I did, would you? [Laughter.]

Mr. ALLEN. I do not believe this——

Mr. KENNEDY. Mr. President, I withhold further remarks.

Mr. ALLEN. Mr. President, I yield the remainder of my time to the distinguished Senator from Mississippi, the chairman of the Senate Ethics Committee and certainly Mr. Integrity in the U.S. Senate and throughout the entire country.

Mr. STENNIS. Mr. President, may I ask the Senator from Alabama how much time he has remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. STENNIS. I did not intend to take all of his time.

Mr. President, I, too, am distressed about these great sums of money spent in these campaigns, which are beyond all reason, as I see it. But we have had a whole lot of time to do something about that, rather than wait until a bill that must be passed is before us.

I am going to get right down to my point. As my father taught me, I have tried to teach my little grandson, "Save a part of your money, and buy with it a U.S. Government bond, and save it. If you need the money, that very day you get all your money back, plus the interest that it has earned. You cannot lose. That will be your reserve."

And he believed it when I told him. He is only 10 years old, even now, and he likes to talk about it.

Now, if we are going to debate and debate—and I have filibustered, too, as I think most of us have, one way or another—on a necessary bill of this kind, we are breaking our word with everyone who has invested in these bonds, small or large.

I have understood—and I have looked this up once before—that since this Nation was founded and George Washington was sworn in, there has not been a single instance when an obligation of the Government was not paid on time if properly demanded. Until I am corrected, I shall reiterate that statement here.

What am I going to tell that little boy next time he comes? What am I going to tell him? "We had another situation, and some in good faith wanted to tie the two together?" I hope he already has gumption enough to refuse that explanation. He would know instinctively what I told him is not the truth, and everyone else will know, Mr. President, all over this Nation, with every little sock—as we used to call it, putting something away in the sock—and every little tin box with a key in it in every bank vault, and all the people, not only our people in the 50 States, but I do not think it is an overstatement to say that every Nation, perhaps, on the globe, which has been a nation as long as 15 or 20 years—every one of them has our bonds in what has always been a solid investment, good as gold.

I will support some kind of bill for election reform. I will do that. I do not want to pledge, though, to vote for one of this type. I have considered it, and asked myself, am I wrong?

But getting back to the real point: The time has already run out, and once we establish a precedent of going by default, then who knows when the next example will be, and what will be the outcome?

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. STENNIS. I thank the Senator from Alabama very much. I did not intend to use all his time.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I am sure that my distinguished friend and colleague the Senator from Mississippi, when he counseled that young grandson of his, also counseled him about the legislative process of this country, because there is truly, I am sure, no Senator who understands it and believes in it more deeply than the distinguished Senator from Mississippi. I am sure he counseled that we are a government in which the majority rules, and I am sure that he understands, as all Members of the Senate do, that a majority of the Members of the U.S. Senate have voted for this amendment, and that all the proponents of the amendment are really attempting to do is permit the people's elected representatives, the Members of Congress who have been elected by the people of Mississippi as well as all the other States, to exercise their right to vote. But we are being denied that opportunity here by a parliamentary maneuver which has been written into the rules of this body, and by which the will of this body has been defiled for many years. I think all of us understand that.

But what we are asking, Mr. President, is that if we get to a situation where those bonds are not paid, the burden should not be placed on those who support this amendment, but squarely upon those who are participating in this filibuster and frustrating the majority will of the U.S. Senate.

They are the ones who should bear the burden, Mr. President, because the Senate of the United States has already spoken, and a strong majority of the people's representatives have voted in favor of election reform. I think the people ought to understand where that burden lies. It lies with those who are frustrating the will of the people's representatives.

Mr. President, I feel, myself, that this is perhaps the most important measure that this Congress will have an opportunity to vote on as a lesson to be gained from the Watergate experience. This debate which has taken place has been, I think, devoid of partisanship. There has been an active attempt by Members on both sides of the aisle to construct a procedure by which the corrosive and corrupting influence of private money can be eliminated from public life in this country. This is one lesson that can be learned and understood, I believe, by the grandson of the distinguished Senator from Mississippi. It is understood by old and young alike in all parts of this country. There are those who believe that this is the way by which Congress can best respond to the challenge of the American people, and restore the fundamental integrity of the electoral processes of this country.

Mr. President, I yield whatever time I have remaining to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I would like to make one point.

In my opinion, the reason why we are presented with a filibuster, above all, and a successful filibuster, is because the administration is supporting it. It is well known that White House lobbyists have been active in this campaign to frustrate the will of the majority of the Senate. It was reliably reported in this morning's Washington Post that Members of the U.S. Senate were flown by Government plane to the Senate to vote against cloture, and while the President of the United States has remained publicly silent, those who work for him have been active trying to persuade the Senate to prevent the majority of this body from working its will and from cleaning up American campaigns. I think that is a tragedy. Not only that, it shows who is responsible for delaying the extension of the debt ceiling. We could have worked our will a long time ago and the debt ceiling bill could have been on the President's desk.

The PRESIDING OFFICER (Mr. HUDDLESTON). The time of the Senator has expired.

All time for debate having expired, the clerk will report the motion to invoke cloture.

The second assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to insist on the Senate amendments, request a conference with the House on the disagreeing votes of the two Houses, and authorize the Chair to appoint conferees on the bill H.R. 11104, an act to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

Mike Mansfield
Robert C. Byrd
Edward M. Kennedy
Mike Gravel
Walter F. Mondale
John O. Pastore
Gaylord Nelson
Alan Cranston
Hubert H. Humphrey
Claiborne Pell
Charles Percy
Edmund S. Muskie
William D. Hathaway
Lloyd Bentsen
James Abourezk
Abraham Ribicoff
Henry M. Jackson
Daniel K. Inouye
Jennings Randolph

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The second assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 548 Leg.]

Abourezk
Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Humphrey
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pell
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Hugh
Scott,
  William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Colorado (Mr. HASKELL), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

I also announce that the Senator from Missouri (Mr. SYMINGTON) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Kansas (Mr. PEARSON), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent by leave of the Senate on official business.

The Senator from Oregon (Mr. PACKWOOD) is absent on official business.

The PRESIDING OFFICER. A quorum is present.

The question is, Is it the sense of the Senate that debate on the motion to insist on the Senate amendments——

Mr. MANSFIELD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will please be in order.

The Chair will restate the question.

The question is, Is it the sense of the Senate that debate on the motion to insist on the Senate amendments, to request a conference with the House on the disagreeing votes of the two Houses, and authorizing the Chair to appoint the conferees on the bill, H.R. 11104, shall be brought to a close?

The yeas and nays are mandatory under the rule and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Colorado (Mr. HASKELL), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

I also announce that the Senator from Missouri (Mr. SYMINGTON) is absent because of illness.

I further announce that, if present and voting, the Senator from Missouri (Mr. SYMINGTON) and the Senator from Colorado (Mr. HASKELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Kansas (Mr. PEARSON), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent by leave of the Senate on official business.

The Senator from Oregon (Mr. PACKWOOD) is absent on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The yeas and nays resulted—yeas 49, nays 39, as follows:

[No. 549 Leg.]

YEAS—49

Abourezk
Bayh
Beall
Bentsen
Biden
Brooke
Burdick
Byrd, Robert C.
Case
Chiles
Church
Clark
Cranston
Gravel
Hart
Hartke
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott, Hugh
Stafford
Stevenson
Tunney
Williams

NAYS—39

Aiken
Allen
Bartlett
Bellmon
Bennett
Bible
Brock
Buckley
Byrd,
  Harry F., Jr.
Cannon
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Helms
Hruska
McClellan
McClure
Nunn
Roth
Scott,
  William L.
Sparkman
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—12

Baker
Eagleton
Fulbright
Goldwater
Haskell
Hughes
Inouye
McGee
Packwood
Pearson
Percy
Symington

The PRESIDING OFFICER (Mr. McClure). On this vote there are 49 yeas and 39 nays. Two-thirds of the Senators present and voting not having voted in the affirmative, the cloture motion is not agreed to.

Mr. LONG addressed the Chair.

The PRESIDING OFFICER (Mr. McClure). The Senator from Louisiana is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. LONG. Mr. President, I ask unanimous consent that I might yield to the majority leader without prejudice to my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I send to the desk a cloture motion and ask that it be read.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The assistant legislative clerk read the motion as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of Rule XXII, of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to insist on the Senate amendments, request a conference with the House on the disagreeing votes of the two Houses, and authorize the Chair to appoint conferees on the bill H.R. 11104, an act to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

Mike Mansfield
Dick Clark
Frank E. Moss
Robert C. Byrd
William Proxmire
Gaylord Nelson
George McGovern
Jennings Randolph
John O. Pastore
Walter F. Mondale
Edward M. Kennedy
Thomas J. McIntyre
Warren G. Magnuson
Joseph M. Montoya
Hubert H. Humphrey
Lawton Chiles
Harrison A. Williams, Jr.
Claiborne Pell
Edmund S. Muskie
Lloyd Bentsen
Adlai E. Stevenson III

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns today, it adjourn until the hour of 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON CLOTURE MOTION TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time to start on the cloture motion which will be taken up tomorrow begin at the hour of 1 o'clock p.m., the vote to come shortly after 2 o'clock, the time to be equally divided between the distinguished Senator from Alabama (Mr. Allen) and the distinguished Senator from Louisiana (Mr. Long), manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

The Senate continued with the consideration of the bill (H.R. 11104) to provide for a temporary increase of $10.7 billion in the public debt limit and to extend the period to which this temporary debt limit applies to June 30, 1974.

Mr. LONG. Mr. President, I believe it appropriate to appeal to those on all sides to explore their consciences and to seek to be conciliatory toward one another with regard to an impending crisis that faces this Government, which at this moment, would appear to be of the making of the Senate, with whatever participation those in or out of the Senate might have contributed.

CURRENT STATUS OF TREASURY CASH POSITION

At the close of business on Friday, November 30, the outstanding amount of the public debt subject to the limitation was over $464.98 billion. The Treasury's operating cash balance at the same time was $4.6 billion. This will be increased by the normal flow of receipts from tax payments during the first week of December. Predictions about the amount of receipts we expected during this week, of course, vary with respect to a number of different factors, but it would be reasonable to expect receipts of about $3.7 billion between now and the close of business on Thursday. These receipts and the cash balance provide about $8.3 billion for making payments this week. In addition, the Treasury and the Export-Import Bank have taken steps which will provide the Treasury with $1.8 billion as a payment by the Export-Import Bank on its outstanding debt to the Treasury. Finally, the Treasury expects to receive $3 billion from the sale of tax anticipation bills. In sum, the cash balance, the estimated tax receipts, the payment by the Export-Import Bank, and the sale of tax anticipation bills will provide the Treasury with about $13.1 billion in cash through Thursday of this week.

The Treasury has acted to delay or avoid incurring new debt this week until this bill is passed. It has instructed issuing agents for series E and H savings bonds to suspend temporarily the sale of those bonds until after the temporary debt ceiling is extended. The expected short delay in the issuance of these bonds will not cause a loss in interest to the purchases because all bonds issued this month will earn interest from December 1. Special series Treasury securities that have been held by foreign monetary authorities and which were scheduled to mature this week were refunded in advance on Friday in order to avoid potential cash drain this week. In addition, the Treasury has postponed the regular weekly auction of $4.3 billion of Treasury bills that were scheduled for today. The postponement will continue in effect until Congress has completed action on the debt limit extension. Treasury has also suspended issuance of special series obligations to the Government trust fund, such as the social security trust fund, until a new debt limit is enacted.

There are three payments to be made this week which will come close to exhausting the anticipated $13 billion in cash that the Treasury is expected to have available through Thursday. These consist of $4.5 billion in benefit payments to social security beneficiaries, the checks for whom are in the mails and probably are being delivered today; $1.25 billion for Government payroll checks to be paid today; and $4.3 billion for repayment of regular Treasury bills that will become due on Thursday.

There are, in addition, other benefit payments of approximately $1.5 billion that also become due this week. These consist of $800 million in Veterans' Administration benefits, $500 million in civil service retirement payments, and $200 million in payments under the railroad retirement plan. To the extent that the timing of the payments makes it necessary, the Treasury Department plans to make these benefit payments, and it will try to make pro rata payments with the remaining cash avaliable on Thursday to the holders of the $4.3 billion in Treasury bills becoming due then.

In addition, Secretary Shultz and other appropriate agency heads are subjecting prospective expenditures during this week to intensive review in order to determine their relative priorities for payment from the normal flow of receipts that come in every day.

Mr. President, in brief, it would appear that unless the Treasury can apply some sort of fiscal legerdemain that is not known to this Senator or to anyone else with whom I have consulted on this matter, beginning after Thursday the Government will have extreme difficulty in paying its debts falling due, including bonds which the Government has issued.

Mr. President, I ask unanimous consent that a table entitled "Present Status of the U.S. Cash and Debt Position," which sets forth in outline form a summary of our situation, plus the steps that have been taken by the Government to meet this mounting crisis, be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

Following is a summary sheet of the present status of the U.S. cash and debt position

	Billion
A. Public debt subject to limit outstanding at the close of business, Nov. 30, 1973	$464.98
B. Estimate of cash available through Thursday, Dec. 6:	
Treasury operating cash balance	4.6
Payment on debt by Export-Import Bank	1.8
Estimate of receipts through Thursday	3.7
Sale of tax anticipation bills	3.0
Estimate of cash on hand through Thursday, Dec. 6	13.1

C. Outlays to be made Dec. 3-6:

Social security benefit payments	$4.5
Government payroll, Dec. 3	1.25
Treasury bills coming due Dec. 6	4.3
Subtotal	10.05
Veterans' Administration benefits	.8
Civil service retirement payments	.5
Railroad retirement benefits	.2
	11.55

D. Steps taken to defer or avoid cash payments:

1. Arranged advance (before December 1) refunding of $2.7 billion nonmarketable foreign series debt.
2. Delayed investment of Government trust fund receipts in U.S. special series debt.
3. Examining priorities on expenditures to be made during next several days.

Mr. AIKEN. Mr. President, will the Senator yield for a couple of questions?

Mr. LONG. I yield.

Mr. AIKEN. The Senator has raised the matter of the time element, which is extremely important. Christmas comes in about 3 weeks. Does the Senator have assurance that if the 39 Senators who voted against cloture will reconsider that they may have assurance from the House conferees that they will probably agree to a bill?

Mr. LONG. We are led to believe that the House is likely to agree to an amendment relating to financing for Presidential elections and Presidential primaries.

Mr. AIKEN. How long would it take to reach agreement and have that agreement approved by both Houses of Congress?

Mr. LONG. I should think that if we break the impasse here, we could settle the matter before the day is out.

Mr. AIKEN. Does the Senator have assurance the House would back away from its position of last week, which was about 7 to 1, as I recall, against public financing of candidates? Does he have any assurance that the House would recede, even though the Senate conferees would agree to a partial financing, financing of Presidential and Vice Presidential candidates, and drop financing of Senators and Representatives?

Mr. LONG. We have not had an opportunity to meet in conference. The Senate asked for a conference, but did not have the opportunity to hold a conference, because the House went through a procedure of disagreeing with the Senate amendents and sent the bill back to the Senate.

Mr. AIKEN. My next question is, how long——

Mr. LONG. If the House would not agree to a conference, I for one would be discussing this with the Democratic leadership in the House. I would expect them to recommend that the House, perhaps, amend the bill on the floor or reconsider a conference. If the House insists on not having a conference, I would recommend that the Senate recede.

Mr. AIKEN. I would see no objection to that, but in view of the vote of 347 to 57 in the House, it was rather one-sided. But assuming the conferees agreed, and the debate took place in the House, how long would it take to enact the legislation?

Mr. LONG. The vote in the House only indicated that the House was not willing to accept all that Senate amendments. I am strongly constrained to believe that the House would agree to an amendment that would relate to the financing of Presidential campaigns and Presidential primaries

Mr. AIKEN. Can the Senate estimate how long it would take, if this bill should go to conference, before the conference report would be acted on favorably?

Mr. LONG. Well, assuming that the House took its position today, we could act on it today. If the House took a position on it tomorrow, we could act on it tomorrow.

Mr. AIKEN. The other night—I believe it was Saturday night—the Senator from Louisiana predicted that if this bill passes, it will surely be vetoed by the President and come back and have to be voted on again. How long would that take?

Mr. LONG. If the President would veto the bill, I would urge the Senate to act on the veto as soon as the bill gets back from the President.

Mr. AIKEN. How long would that take? The Senator first gave us a deadline by which time, if action is not taken by the Congress, the United States would be in trouble.

Mr. LONG. It is going to depend on how long the President keeps the bill. What he ought to do, if he is going to veto it, is veto it at the same hour it arrives on his desk. Then, we could vote on it the same day.

Mr. AIKEN. Does the Senator see any possibility of enacting legislation before Friday? Does the Senator see any indication of overriding the veto, should the bill be vetoed?

Mr. LONG. No, I do not see any likelihood of overriding a veto of the bill, but I think it is proper legislative procedure.

Mr. AIKEN. My last question is this: If the Senate now recedes from the very, very controversial amendment, how long would it take to get the debt ceiling enacted into law so that the obligations of the United States could be met, so that bonds could be sold, and so that employees of the Government could get their checks in time to buy Christmas presents? How long would it take to withdraw from this?

Mr. LONG. If the Senate recedes from its amendments, the bill would go directly to the President.

Mr. AIKEN. I am afraid the Congress does not look good on this matter.

Suppose the Senate recedes from this controversial amendment today. The bill would go to the President immediately. Could the Government start writing checks tomorrow?

Mr. LONG. Yes. The Senate can surrender at any time it wants to. I am not sure the Senate would be wise to do so, but it has the privilege if its wants to do so.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. Mr. President, may I ask what the pending question is?

The PRESIDING OFFICER. The pending question is on the motion to insist on the Senate amendments to H.R. 11104 and request a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

Mr. ALLEN. Mr. President, the question propounded by the distinguished Senator from Vermont to the distinguished Senator from Louisiana just a moment ago is the key question before the Senate at this time, or will be.

The PRESIDING OFFICER. There will be order, so the Senator can be heard. Will the Senate be in order? The Senator will suspend until we have some order in the Chamber.

The Senator from Alabama.

Mr. ALLEN. Or it will be just as soon as the Senator from Alabama can make another motion to recede.

Does the Senator wish me to yield?

Mr. AIKEN. I was going to ask this question. If the Senator from Alabama does not know the answer, perhaps the Senator from Louisiana does.

Mr. ALLEN. Will the Senator use his amplifier?

Mr. AIKEN. If an agreement is reached by the conferencees, do I understand correctly that this agreement, except by unanimous consent, would have to be printed and lie over 2 days in the House before it could be acted upon?

Mr. ALLEN. That is the understanding of the Senator from Alabama.

Mr. AIKEN. That is my information. A single Member of the House could block the House from taking the conference report up for 2 days after it had been approved by both the Senate and the House committees.

Mr. ALLEN. That is correct in the opinion of the Senator from Alabama.

Mr. AIKEN. Now we have a cloture motion filed, to be taken up on Wednesday. It looks as if the Government could not start writing checks this week under present conditions, unless we recover our poise, or whatever you want to call it, and take action.

I have no objections to considering these controversial amendments. I do not think it is wise, or smart to try to tack them onto this debt ceiling legislation, with all the troubles which it entails. I do not think it is wise of us to undertake to send to the President at this time a bill which we have been promised by the opposition he will veto.

Mr. ALLEN. I agree with the distinguished Senator.

Mr. AIKEN. It might be almost Christmastime before the employees of Government could get their checks.

Further than that, I have not heard from one single person in my State either for or against these amendments. I understand that many of the other Senators have not heard a thing from their States. I firmly believe that by supporting these amendments, some of our people who will be running for election even in 1974 or 1976 are missing the boat.

I think that there could be a terrific kickback on this and an adverse public reaction if we approve this proposed public financing plan as part of the debt ceiling bill. Perhaps I should not say that. However, that is what I feel personally.

Mr. ALLEN. I agree with the Senator. And I thank him for his comments.

Mr. President, I ask unanimous consent that I might yield to the distinguished Senator from North Dakota without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG. Mr. President, I believe an explanation of my vote and position is in order. I am a cosponsor of the pending election reform bill. I still believe in Federal financing of Presidential elections, and particularly those of Members of the Congress.

I think there is a lot wrong with our present system. However, I understand as far as that part having to do with Congress is concerned, that part would be postponed until some time in the future.

I do not know where my campaign funds will be coming from if I go through with the business of being a candidate for reelection. It is getting more difficult all the time to get the right kind of funds. However, as far as election reform is concerned, the reason I am voting the way I am is because the Presidential election is 3 years off. There is plenty of opportunity to attach the legislation to some other bill and I would then support it. It could and should be by separate legislation. As I said previously, to get funds that don't compromise your actions and votes is getting much more difficult.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ALLEN. Mr. President, I ask unanimous consent that I may yield to the Senator from Louisiana without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I am going to use my best efforts to try to persuade both sides to relent in this matter and resolve the matter in the national interest. I believe that statesmanship will be necessary on both sides in order to do so.

Mr. President, I have a suggestion that I have not cleared with either side. However, I will advance it and if I am not alerted that objection will be made, I will proceed in that fashion.

I will propose to ask unanimous consent that the Senate Finance Committee be discharged from further consideration of H.R. 8215, a bill to provide for the suspension of duty on certain copying shoe lathes until the close of June 30, 1976. Then, I propose that the Senate proceed to consider that measure and add to that bill the proposed campaign financing amendment that the leaders on both sides of the aisle feel would be a fair compromise of the issue in the House and Senate. The measure can then be sent to the House in that fashion.

I am not saying that will resolve the problem. All I am saying is that this procedure might make it a little easier for one side or the other to make concessions in the matter.

I say this hoping that it will have some appeal to both sides so that this might help break the ice and move us one step closer toward accommodating one another.

Discussions on the Senate floor have led me to believe that Senators might be willing to permit us to proceed in that order. If there is going to be objection, I would like to know it. Otherwise I would consider making such a proposal.

Mr. CURTIS. Mr. President, would the Senator yield for a question

Mr. LONG. Mr. President, I yield for a question.

Mr. CURTIS. Mr. President, as I understand the chairman, all he is suggesting is that the amendment relating to election reform be attached to a bill other than the debt limit bill and then be passed by the Senate without delay and sent to the House.

Mr. LONG. That is all I am suggesting.

Mr. CURTIS. That would leave the situation so that the Senate would have still sent their election reform bill to the House.

Mr. LONG. The Senator is correct.

Mr. CURTIS. Then the debt limit bill could be sent to the President without any amendment if this were done.

Mr. LONG. If that is what the Senate wants to do, that is correct.

Mr. CURTIS. Mr. President, I have one other question. My distinguished chairman is one of the most distinguished parliamentarians and mote pickers in the U.S. Senate.

I ask the chairman of the committee if he would give his best opinion, based upon the rollcall vote of today, whether cloture will ever be voted in this matter we are considering.

Mr. LONG. Mr. President, unless we resolve this impasse, things are going to happen that will make the Senate very unhappy. I am sure that there will be a lot of acrimony. I am not sure that the public would applaud our efforts here.

Mr. CURTIS. Mr. President, I think what the Senator has proposed is admirable. It would be my opinion that it could be done and done without debate today. We could take the election reform measure and attach it to another bill without debate.

Mr. LONG. This would make it a little easier for the movers of the election reform proposal to yield if they care to do so. If I can think of something that would make it easier for the other side to yield. I will do that.

Mr. AIKEN. Mr. President, would the Senator yield for an additional question?

Mr. LONG. Mr. President, I yield for a question.

Mr. AIKEN. Mr. President, I do not exactly see the need of attaching this controversial amendment to any bill. I think that the Senator from Louisiana has already demonstrated that he has a majority in the Senate to vote for this measure.

I ask the Senator why we do not wait and then pass the measure as a separate bill and send it to the House without complicating any other legislation which might be worthwhile.

Mr. LONG These campaign financing amendments are in the nature of a revenue bill. Revenue bills cannot originate in the Senate. It must be an amendment to a House bill which must be a revenue bill, when it originates in the House.

Mr. AIKEN. Mr. President, would the Senator tell us again what bill he proposes to attach the controversial amendments to? I believe I am correct in assuming that the Senator agrees to drop them from the debt-ceiling bill.

Mr. LONG. No; I did not agree to that.

Mr. AIKEN. Mr. President, I misunderstood the Senators, I thought the Senator from Louisiana had really seen the light and wanted to get the debt-ceiling bill passed.

Mr. LONG. Mr. President, the reason I am making the suggestion is that I think it might help to resolve the impasse. I do not make this suggestion on any other basis. I make the suggestion on the basis that it might help to set the stage for resolving the dispute. It might not resolve anything.

Mr. AIKEN. Mr. President, might I say one last word on the subject of campaign reform. I believe it was 6 years ago that I happened to be the only one who voted against a bill that was called an ethics bill. The Senator from Louisiana and I started by plane to New Orleans right after the vote and got there an hour and a half late.

Two years ago, I voted for what was called an election reform bill. And my face was so red in the morning that I almost had to wear a mask to keep people from seeing it.

It did not work at all. Neither of those measures worked.

I promise the Senator from Louisiana that I will cooperate on any election reform legislation which promises to work better than what we now have on the books. I do not think in the amendment to the debt ceiling bill we have a workable bill.

UNANIMOUS-CONSENT REQUEST

Mr. LONG. Mr. President, I thank the Senator. I am not aware of anything that anyone is doing right now that might give any hope at all of moving us toward resolving this matter.

Mr. President, I would like to ask unanimous consent that the Senate Finance Committee be discharged from the further consideration of H.R. 8215, a bill to provide for the suspension of duty on certain copying shoe lathes until the close of June 30, 1976, and that the Senate proceed to its immediate consideration.

Mr. ALLEN. Mr. President, reserving the right to object, may I ask the question again? I believe the Senator from Vermont asked it, but I want to reiterate it.

The Senator from Louisiana, then, wants to bring up another bill and get it passed here in the Senate with all these amendments on it, and send it over to the House of Representatives, at the same time holding the debt limit bill hostage here in the Senate, is that correct?

Mr. LONG. I want to send just one bill over there.

Mr. ALLEN. I see. It would occur to the Senator from Alabama that that is a case of trying to have your cake and eat it, too, and I do not believe the Senator from Alabama would buy that.

Mr. LONG. I do not quite think so. It seems to the Senator from Louisiana that if we are able to send this measure to the House, in cooperation with those who strongly favor public campaign financing, it might prevail on the other side to let the Senator have his way.

Mr. ALLEN. In other words, if you get what you want by the second bill, you are willing to drop your efforts on the first bill, but if you fail over there on that bill you want to keep on trying over here.

Mr. LONG. I thought I heard the Senator make the statement that if those who favor the campaign financing proposal would send it to the House on some other bill, the Senator would not insist on holding the public campaign financing measure up, but would permit it to go to the House.

Mr. ALLEN. No, the Senator must have misunderstood the Senator from Alabama. The Senator from Alabama said the Senator from Louisiana outlined that as one of his options, and I wondered why he did not pursue it.

Mr. LONG. I wish the Senator had made it clear he would filibuster against that, too, because if he had, I would not have volunteered to make the suggestion.

Mr. ALLEN. I did not state that I would filibuster against it.

Mr. LONG. Mr. President, I renew my request for unanimous consent that we discharge the committee from further consideration——

Mr. TAFT. Mr. President, reserving the right to object——

Mr. ALLEN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. TAFT. I was reserving the right to object.

The PRESIDING OFFICER. Objection has been heard. The Senator from Alabama objects.

Mr. ALLEN. Mr. President, I did not object to the Senator from Ohio having time; I objected to the request of the Senator from Louisiana.

The PRESIDING OFFICER. The Chair understood that.

Mr. ALLEN. I would be delighted, if the Senator from Ohio would like some time, to yield to him, provided I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Ohio is recognized.

Mr. TAFT. I thank the Senator from Alabama.

Mr. President, my purpose in reserving the right to object to the proposal of the Senator from Louisiana was to ask the following question. If the course he was suggesting were pursued, as apparently it will not be, would there be adequate time for debate and amendments from the floor, and if there were, did the Senator believe we could work the matter out in sufficient time for it not to be held in complete hostage to the debt limit situation?

Mr. LONG. I would certainly have hoped so, but apparently the Senate is not to be permitted to consider the thing. It was my thought that someone ought to make some gesture of good will, to try to bring this thing to a head. But I respect the right of anyone to object.

Mr. TAFT. I thank the Senator for his reply.

Mr. ALLEN. Mr. President, the Senator from Louisiana, to set the record straight, has offered to bring up a revenue measure that has passed the House of Representatives and is now pending in the Finance Committee. He asks unanimous consent that the Finance Committee be discharged from further consideration of that vetoable bill—I would expect that it is an innocuous bill—but that while that bill is going over to the House of Representatives with the Senate amendments added, this debt ceiling bill will stay over here in a state of suspended animation, and if they fail on the one, then they would have the debt ceiling bill to come back to.

Another reason why that is not fair is that it is not fair to our House brethern over there to have this innocuous tax bill changed into something entirely different, when all they have an opportunity to do over there is to vote for a conference. They do not consider the bill ab initio; they do not consider it originally. They get no opportunity to work their will on the bill. All they have to do is agree on a conference or not, and then the conference would come out with this undesirable campaign handout bill, and they would have to vote it up or down, and they might take it.

I do not believe the House is going to reverse itself, having voted 347 to 54 just last week not to take the Senate amendments and not to agree to a conference. Why they should have a compromise—and by the way, I never have seen that compromise, and I do not know whether any other Senator has. What is in that compromise, and who did sit on that compromise committee? No one has ever said that. A group of Senators; I do not know whether the Senator from Minnesota (Mr. MONDALE) was present or not; I suspect the Senator from Louisiana was there, and the Senator from Massachusetts was there, I imagine, but it was a high-level session in a smoke-filled room, with some leaders from the House and some leaders from the Senate, but no one knows who they are, and no one has seen the compromise. I never have been furnished with a copy of the compromise.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. ALLEN. For a question, yes.

Mr. MONDALE. How many were at the meeting at which it was decided to filibuster this bill and frustrate the majority of the U.S. Senate?

Mr. ALLEN. I do not know. The Senator would have to answer that himself, because he is the one who is filibustering the bill, not the Senator from Alabama. The Senator from Alabama got it to a vote yesterday by the motion to recede.

Mr. MONDALE. Would the Senator from Alabama advise us how many attended that meeting?

Mr. ALLEN. I do not know.

Mr. MONDALE. You were not there?

Mr. ALLEN. You did not invite me. Had you invited me I would have been. But you failed to invite me. But I would like to know who participated in that compromise. Apparently there were a bunch of folks all of the same mind. I did not hear of anyone against the campaign handout bill that was present there. They got together in a smoke-filled room, and came up with a so-called compromise, but did not bother to—I have never seen a copy on my desk; maybe someone else has seen it.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. LONG. The Senator could have seen the amendment and had the opportunity to debate it if he had not objected. I think the Senator has set the stage as well as it can be set for this debt limit not only to expire, but for the Government not to be able to pay its debts. I do not think anyone could be more arbitrary right now. At least I have tried to make a conciliatory move to resolve the matter, but the Senator from Alabama even objected to that. That, I think, is not going to be generally applauded by those who think this matter should be resolved, where all sides would be willing to accommodate one another to the extent that reasonable men could be expected to do so.

Mr. ALLEN. I thank the distinguished Senator, and I hope he was listening when he was reading the report there from the Treasury Department, I believe, on the dire effects that the failure to pass the debt limit places the country in, and the Treasury in.

I would like, for the RECORD, Mr. President, to call attention to the fact that on yesterday the Senator from Alabama——

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLEN. That on yesterday, Mr. President, the Senator from Alabama had pending before the Senate and, Mr. President, that the Senate recede from its amendment to H.R. 11104. That motion had been made the preceding day but then a motion to adjourn kept it from coming up. So that motion was made and I appreciate the desire of the Senator from Louisiana to agree that that motion be allowed to come up for a vote. I notice that there were two Senators who voted for cloture but also voted to recede.

There were 39 votes against cloture today and 33 votes against it yesterday, so that I am hopeful when the motion to recede is made again and Senators understand the full significance of that motion, and the Senator from Louisiana understands the full significance of that motion, it will constitute final passage of the debt ceiling bill, because acceptance of this motion to recede is, in effect, final passage of the bill.

Who voted for final passage yesterday?

Why, Mr. President, it was the Senators who are alleged to be filibustering.

Who voted against sending the debt ceiling bill to the President?

Why, Mr. President, I see the name of the distinguished Senator from Louisiana (Mr. LONG) here. He voted against sending the debt ceiling to the President.

Why, Mr. President, I see on the floor here the distinguished Senator from Minnesota—excuse me, I believe he has left——

Mr. MONDALE. I am right here. I do not want to miss a word.

Mr. ALLEN. The Senator from Minnesota (Mr. MONDALE) was here and voted against the debt ceiling bill, and voted on final passage.

The advantage, Mr. President, of voting on the motion to recede rather than sending it to the conference is that that is the end of it, except for the President's signature. We can have it signed at 3 o'clock, I dare say, and it would be the law of the land by 4 o'clock if we were to pass this motion to recede from the Senate amendments.

What is the alternative?

It will have to go to the House, appoint a conference committee, have debate on the floor of the House, after they have already acted 347 to 54 against the conference committee, and then have to come back over here for consideration, and then go back over to the House for consideration, and then go to the President, which the Senator from Louisiana—and I am sure he speaks advisedly—says will be a possible and probable veto, which will then take the action of both Houses.

If the pay checks do not go out, it will be the fault not of the Senator from Alabama but those who failed to vote on yesterday for final passage of the bill.

Mr. MONDALE. Mr. President, will the Senator from Alabama yield for a question?

Mr. ALLEN. Let me finish my thought, and then I shall be delighted to yield to the Senator from Minnesota for a question.

But the Senator from Alabama, and those who feel as he does about this measure are going to give those who voted against the debt ceiling bill yesterday another opportunity to redeem themselves and to vote for this extension of authority for the temporary debt authorization. I am hopeful that the Senator from Minnesota (Mr. MONDALE), the Senator from Louisiana (Mr. LONG), recognizing the dire straits of the country, recognizing the dire straits of the Treasury, will vote to send the bill to the President.

I might say, too, if the time ever come—talking about not being able to pay its bills—if the time ever comes when Members of the Senate fail to receive their checks, and Members of the House fail to receive their checks, we will see a resolution extending the debt limit passed within 30 minutes. So I do not believe we will have to worry about that. As soon as it pinches these Senators fighting against the debt ceiling bill, we will see a resolution passed right away.

Mr. MONDALE. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I yield to the Senator from Minnesota for a question without losing my right to the floor.

Mr. MONDALE. Mr. President, as the Senator from Alabama well knows, the pending motion is the motion of the Senator from Louisiana to send this matter to conference where it can be quickly resolved and passed on to the President so that the majority of the Senate can work its will. That has been pending now for some days and we have been unable to vote because every time we try to vote, the Senator from Alabama begins an extended discussion which has required three cloture motions now——

Mr. ALLEN. I would say to the Senator from Minnesota, I yielded to him only for a question.

Mr. MONDALE. Yes.

Mr. ALLEN. Get to the point, please.

Mr. MONDALE. I am getting to the point. But time and again as the Senator from Alabama well knows, when the pending motion——

Mr. ALLEN. Will the Senator be good enough to get to the point?

Mr. MONDALE. The leadership has tried to bring that matter to a vote and the Senator from Alabama has refused to permit it. Moreover, we have not denied the Senator from Alabama the right to put his motion. We have voted two or three times on it, and each time we have voted on it the Senator from Alabama has lost by a large margin. So there is no question, based on the procedural situation, that we are ready to vote——

Mr. ALLEN. Please come to the point.

Mr. MONDALE. But he refuses to let us vote——

Mr. ALLEN. What is the Senator's question?

Mr. MONDALE. I am getting to the question——

Mr. ALLEN. What is the question?

Mr. MONDALE. I am getting to the question.

Mr. ALLEN. All right. I will accommodate the Senator.

Mr. MONDALE. I want to get to the question as soon as I can. [Laughter.] Here is my question. No. 1—I have got several elements to this question—[laughter]—is it not true that the pending motion is that of the Senator from Louisiana to—is it not true that the time——

Mr. ALLEN. Let me answer that part first. Let me take them one at a time.

Mr. MONDALE. No. 2, is it not true that the Senator from Alabama has refused to let us vote on that motion?

No. 3, is it not true that the position of the Senator from Alabama is that the only way we can get this Government to pay its bills is to do exactly what he wants, and if we refuse to do it he will continue to filibuster until the majority of the Senate gets down on its knees and begs for mercy?

Mr. ALLEN. No. That is hardly the case. As the Senator from Alabama has pointed out, he did not add this campaign grab bag bill to the debt ceiling amendment. As to the pending amendment, the Senator from Alabama, in just a moment, as soon as he hears from the distinguished Senator from Vermont (Mr. AIKEN), will offer a prior motion, a motion with greater priority than the motion of the Senator from Louisiana, and that is that we pass the bill. The technical way of passing the bill is to recede from the Senate amendments.

Mr. AIKEN. Mr. President, will the distinguished Senator from Alabama yield?

Mr. ALLEN. I yield to the Senator from Vermont for a question.

Mr. AIKEN. It seems to me that we have two similar issues before us at this time. The first one is the situation whereby the Arab States have told the European States, "We will not let you have oil unless you do what we tell you to do."

In the Senate, we have a different proposition; that we will not pass a bill entailing the debt ceiling limitation unless we can add amendments to the bill to force the President to veto it.

So what is the difference between this Senate and the Arab States regarding Europe, because now——

Mr. ALLEN. Both positions are pretty arbitrary in the viewpoint of the Senator from Alabama.

Mr. AIKEN. The Federal employees, I believe some 3 million of them, will not get their Christmas checks. The Federal Government will not be able to sell any more bonds, and it cannot pay any bills. The President is not going to be blamed for that situation. The Senate will be held responsible. We should realize that now.

What is the use of saying that we will not pass a bill unless it is a bill which he will have to veto? That political gambit is nothing new. I have seen that maneuver practiced many times. Of course, the President can veto a bill and some can blame him for killing the good part of it—well, the Senator from Louisiana knows the rest better than I do. But I have never seen that idea so clearly enunciated as it has been on this floor in the past few days.

We are not going to permit the Federal employees to get their checks, we are not going to permit the Federal Government to pay its bills, unless we can first force the House to its knees; and if they go to their knees, then we have something the President is forced to veto.

Mr. ALLEN. That is true. That is absolutely correct. I agree with the distinguished Senator from Vermont.

Mr. President, I ask unanimous consent to have printed in the RECORD a representative selection of the telegrams I have received from throughout the country on this issue.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

LOS ANGELES, CALIF.,
December 2, 1973.

Senator JAMES ALLEN,
Capitol Hill, D.C.:

Heartily endorse your position on the amendment to the debt ceiling bill. Keep it up.

WILLIAM SCHNEIDER,
ROBERT MATTHEWS,
JESUS BARKER,

Mobile, Ala.,
December 2, 1973.

Senator Allen,
Capitol Hill,
Washington, D.C.:

I am with you 100 percent.

Bobby Hinson.

Oakland, Calif.,
December 1, 1973.

Senator James Allen,
Senate Office Building,
Washington, D.C.:

Well done. No taxation for representation.

Francis X. Furlong.

Minneapolis, Minn.,
November 30, 1973.

Senator James Allen,
Capitol Hill, D.C.:

Keep going. Don't stop. Let's beat this bill.

Bob Clark.

Stratford, Conn.,
November 30, 1973.

Senator James B. Allen,
Capitol Hill, D.C.:

Congratulations and continued Senate Filibuster against Gratification of greater Federal debt ceiling.

God bless you.

Hugh Dolan.

San Bernardino, Calif.,
November 30, 1973.

Senator James Allen,
Capitol Hill, D.C.:

Please continue the filibuster your efforts are deeply appreciated.

C. L. Kirschner.

Monroe, Mich.,
November 30, 1793.

Senator James B. Allen,
Capitol Hill, D.C.:

Stick to your guns on public financing of Presidential campaign. We're all for you.

Herman Sperr.

Davenport, Iowa,
November 30, 1973.

Senator James Allen,
Capitol Hill, D.C.:

Congratulations on your courageous filibuster against the national campaign funding. Keep up the good work.

T. R. Motto.

Dearborn, Mich.,
December 1, 1973.

Senator James B. Allen,
Capitol Hill, D.C.:

Thank you for your stand against public funding of campaigns. Millions of us support you.

Gladys Purcell.

Fort Lauderdale, Fla.,
December 1, 1973.

Senator James B. Allen,
Capitol Hill, D.C.:

Congratulations. I hope you win.

Charles L. McBride.

Mercer Island, Wash.,
December 1, 1973.

Senator James Allen,
Capitol Hill, D.C.:

Good work. Vote against election financing rider.

Mr. and Mrs. Don Wacker.

Mount Vernon, Wash.,
December 1, 1973.

Senator James Allen,
Capitol Hill, D.C.:

Good show. Thank you.

Yours truly,

Don Beeman.

New York, N.Y.,
December 1, 1973.

Hon. James B. Allen,
Capitol Hill, D.C.:

Congratulations on your stand against rider on debt limit bill.

Emily D. Peaslee,
Edmund W. Peaslee.

Huntsville, Ala.,
December 2, 1973.

Senator James B. Allen,
Capitol Hill, D.C.:

We agree with your attempts preventing unrelated amendments being attached to major legislation. Carry on.

J. Ellis Mickler.

Hunstville, Ala., *December 2, 1973.*

Senator James Allen,
Capitol Hill, D.C.:

Favor your stand campaign financing. Vote no on increasing national debt. Bring Federal Reserve Board under congressional control. Reduce executive emergency powers.

Levitch Family and Peacock Family.

Lucedale, Miss.,
December 2, 1973.

Senator Jim Allen,
Capitol Hill, D.C.:

Hang in there, Jim. This requires more time than they have given.

Al Eubanks.

Mobile, Ala.,
December 2, 1973.

Senator James B. Allen,
Capitol Hill, D.C.

Dear Senator: With you 100 percent. Hope you prevail.

Bubba and Pat Havard.

Dayton, Ohio,
December 2, 1973.

Senator James B. Allen,
Capitol Hill, D.C.:

Please stick by your guns in regards campaign contribution.

Charles Philips.

Birmingham, Ala.,
December 2, 1973.

Senator James Allen,
Capitol Hill, D.C.:

Hang in there. The people are with you.

Bill and Sue Kennedy.

Miami, Fla.,
December 2, 1973.

Senator James B. Allen,
Capitol Hill, D.C.:

Urge you continue your courageous stand against demagoguery.

John Sterner.

Mobile, Ala.,
December 2, 1973.

Senator James Allen,
Capitol Hill, D.C.:

Keep up your magnificent effort. Your one man stand could determine the republic's future.

W. Roberts Wilson, Jr.

Mobile, Ala.,
December 2, 1973.

Senator James Allen,
Capitol Hill, D.C.:

Thanks for your Senate Sunday stand against free political spending.

M. E. Hunnerwell.

Bossier City, La.,
December 1, 1973.

Senator James Allen,
Capitol Hill, D.C.:

Thanks for your stand against governmental campaigns financing. God give us more men like you.

Mr. and Mrs. Fred Scheen, Jr.

Selma, Ala.,
November 30, 1973.

Senator Jim Allen,
Washington, D.C.:

I fully support your filibuster to hold debt ceiling down.

Kindest regard,

H. Cecil Miller, Jr.

Hiram, Ohio,
December 3, 1973.

Senator James Allen,
Capitol Hill, D.C.:

Best congratulations on your stand on the election bill.

Thomas W. Brown.

Memphis, Tenn.,
December 3, 1973.

Senator James Allen,
Capitol Hill, D.C.:

I support and commend your opposition to public fund election financing. Keep it up.

Perry M. Boling.

Mr. FANNIN. Mr. President, I am deeply troubled by the implications of the rash action taken by the Senate in approving the use of tax money for political campaigning.

This action has been referred to in the media as "revolutionary," and I certainly must agree. It is an overthrow of many of the principles upon which our political system has operated for almost two centuries.

Most certainly I am not opposed to campaign reforms. Our political system needs constant monitoring and readjustments.

What has been undertaken here, however, is not a simple adjustment or correction of the system. What has been done is to throw out the system and impose a new one, at least insofar as it involves Presidential elections.

It is somewhat frightening to realize that an action of this magnitude would be undertaken on the floor of the Senate without the benefit of committee hearings or studies on the specific program which was adopted. It is at best extremely poor legislatvie procedure, and in my estimation, unbelievably irresponsible. As important as the debt limit bill is, I would hope that President Nixon will veto it if it reaches him with the campaign financing rider attached. Better that the Government suffer a brief financial crisis than this legislation be allowed to go into effect.

The use of a so-called veto-proof bill as a vehicle for the campaign financing provisions demonstrates a lack of faith in the merits of the proposal. If this were a sound program, proponents should have no qualms about putting it through regular channels to let it rise or fall on its own.

Mr. President, I am aware, of course, that this issue has been considered for years in Congress. In fact, I would point out that in June 1967, Russell D. Hemenway, national director of the National Committee for an Effective Congress, made these remarks at a hearing before the Senate Finance Committee:

> The NCEC wishes to be on record as opposed to any proposal which provides direct Treasury financing of elections. We feel this would substitute the Treasury for the voluntary political contributor. To appropriate Federal funds to pay for campaigns is anti-

democratic since it excludes the individual from a vital portion of the political process. It also tends to establish a political monopoly which would ultimately erode the process of free elections.

Even with limitations and safeguards—the practical effectiveness of which are open to serious question—the direct subsidy vests in the national party committees an undesirable concentration of power, control, and influence which would ultimately have serious impact on the entire party system and political process. The long-range results are predictable: a lessening of public influence over party platforms and policies, and central control over the decisions and actions of candidates and over State and local party organizations. By reducing the financial dependence of parties on the rank and file constituents, the party hierarchy is insulated against the public will. The inherent dangers of stifing conformity, rigid discipline, and a self-perpetuating power structure within the major parties are obvious.

It is in order here, I think, Mr. Chairman, to take a quick look at how direct Treasury financing of campaigns would operate. Suppose the two national parties were each allocated $10 million from the Treasury. Nominally, they could use this money only for certain specified costs of the presidential campaign But would not the two national chairmen discover that their slightest whims were respected as orders by party officials, by everyone in the party from supervisor to coroner to candidates for the House and Senate?

Above all, the basic principle of voluntarism is destroyed, since the individual may not determine where his money is going. Nor would he participate in many of the meaningful campaign activities for which fundraising is merely a stimulus. Politically, for the candidate and public, it is far more important to receive a hundred $1 bills than one contribution for $100.

In the effort to cleanse the present system of abuses, we do not want to sterilize the political process. It will do no good to handcraft an unresponsive, bureaucratic mechanism which renders the public will speechless and impotent. The American people are now reacting against the overbureaucratic agencies of Government. At a time when every effort is being made to humanize and personalize the Government, we do not want to build the same difficulties into politics. We see in some of the election financing proposals this same pattern which has characterized much recent Federal legislation: full of good intentions, financed by Federal largess, but functionally incapable of proper administration because of rigid and uniform directives are imposed in situations requiring adjustment and flexibility.

Mr. President, we have had hearings over the years and each time we have found that the financing of election campaigns out of tax money creates many more problems than it could solve.

That is exactly why proponents of these schemes bring them directly to the Senate floor where they can label them "campaign reform" and dare other Members of Congress to vote against the proposals.

If the idea of taking tax money to pay for political campaigning has any merit, it should be able to survive our committee system, it should be of enough popular appeal that if sent to the President he would feel compelled to sign it as I say on its merits.

The campaign financing provisions of the bill are an appalling testimony as to the lack of faith in the American people. It is big brother legislation at its worst. Since taxpayers have failed to provide funds for campaigning through the "checkoff" system on their tax returns, the proponents of this new plan would take the money from them unless they object. This is an insult to the American public.

Mr. President, the place for campaign reform to begin is through the enforcement of the laws which we do have. As Arlen J. Large wrote in an article, "How Should We Finance Elections?" in the May 10, 1973, Wall Street Journal:

> There's not yet an obvious need to go to the extreme of taxing people to pay for the antics of barnstorming politcians, or adding their expenses to the national debt. At least that step shouldn't be taken before trying sterner enforcement of existing law.

Mr. President, I believe that this goes right to the heart of the American political process. It would be a serious infringement on the rights of the individual. For some people it would mean taking their tax money for political purposes and processes which they oppose; for others it would mean denial of their right to fully participate in the political process in the manner of their choosing.

In his study, "Campaign Financing and Political Freedom," Ralph K. Winter Jr. has written:

Yet the proposals now before Congress threaten to impose a solution to each and perhaps to change our present system radically and rapidly. The danger is not the less because the effect is random or unintentional—or perhaps even mindless.

Direct subsidies would also raise serious problems of freedom of expression. They would be a form of compulsory political activity which limited the freedom of those who would refrain as well as of those who chose to participate. When an individual is forced, in effect, to make a contribution to a political movement to which he is indifferent or which he finds distasteful; it may be fairly said that a basic freedom is being infringed. When this forced payment is combined with limits on contributions to favored candidates, political freedom is drastically limited.

Mr. President, we also have a number of unanswered questions as to how this bill would be implemented. In the American Bar Association Journal of last October, Carleton W. Sterling wrote an article, "Control of Campaign Spending: The Reformer's Paradox," which observed:

> Subsidization schemes raise a number of dilemmas. Every person desiring office cannot be subsidized, so subsidies must be awarded to those who already have demonstrated political power sufficient to warrant subsidization. Parties may gain subsidies for their candidates according to some formula linked to their support in the electorate, which must favor the established parties. Congress has considered subsidies geared to equalizing the campaign financing of the two major parties, but funds for minor parties at best would only approximate their strength among the voters.

Mr. President, this is a very real problem. It is somewhat frightening to envision a government of politicians allocating funds for the campaigns of politicians. Everyone must share the concern of A. James Reichley in the current issue of Fortune magazine who in his article, "Financing—But Let's Do It Right," commented:

> Total Government financing would also raise the danger that at some future time a dominant political faction or party might deny the opposition the resources needed to reach the public.

Mr. President, the legislation approved by the Senate is fraught with danger. It will not solve the problems its proponents seek to overcome.

It will, instead, create a system which discourages involvement by citizens in the political process, and thus will result in the election of officials who are less responsive to the people.

This plan would isolate the officeseeker and officeholder from the people. It would help entrench political parties and retard essential and desirable change to meet the continually changing conditions of the Nation and the world.

It is my hope that Congress will act responsibly and strip all the campaign financing provisions from this bill so that the President is not caught between the dilemma of vetoing the debt ceiling or accepting legislation which includes the misguided campaign financing provisions.

Mr. HELMS. Mr. President, I think it is high time that, in addition to commending our distinguished colleague from Alabama, Senator ALLEN, Members of this Senate ought to correct a misstatement of fact that has been heard and read constantly in the major news media, and in this Chamber, these past few days.

The distinguished Senator from Alabama (Mr. ALLEN) is not leading a filibuster against the debt-ceiling bill. If anything is crystal clear above the fog of pious oratorical obfuscation which has clouded this Chamber in recent days, it is certainly clear that Senator ALLEN has been ready to vote, from the very beginning, on the debt-ceiling legislation.

So, Mr. President, if there is to be financial crisis in the Federal Government, let the record be clear that it is not the fault of Senator ALLEN.

I hope I can successfully make these remarks without being discourteous to my colleagues who are really responsible for this hang-up in the Senate.

I want to be courteous at all times, and I try to be. I want to be properly differential to my seniors in this body. But I share the view of my distinguished colleague from New York (Mr. BUCKLEY) who said eloquently yesterday that this Senate ought to be ashamed of itself.

Needless to say, Mr. President, Senator BUCKLEY was ignored, both in this Chamber and by the news media. That is the way it always is when one identified as a conservative tries to talk sense to the American people through his forum in this body. He is ignored, Mr. President. But Senator BUCKLEY ought not to have been ignored yesterday. The Senate ought to have listened to him. The Senate ought to have heeded his reasonable, decent, and dignified warning that we are throwing duty and responsibility to the wind.

I observed the press gallery yesterday morning, Mr. President, as the Senate held its first Sunday session in 112 years. I forecast accurately then who would be quoted to the American people, and who would not. When the distinguished Senator from Massachusetts (Mr. KENNEDY) was on his feet, every reporter in that gallery was taking notes. But when Senator BUCKLEY arose, there was headshaking, and their were smirks. There may have been, in that press gallery, Mr. President, a reporter somewhere taking notes as Senator BUCKLEY spoke. But I did not see one. Nor have I seen or heard one quote attributed to the Senator from New York.

In order that our friends in the press gallery may have a second opportunity to ignore the advice and counsel given this Senate yesterday by Senator BUCKLEY, I shall read his remarks into the RECORD again.

> Mr. President, I think the vital question before us now is not the question of how we should finance Federal campaigns. Certainly it is not to this issue that I intend to speak. Rather, I think what we are confronted with is a corruption of the legislative process through the use of so-called vetoproof bills as a vehicle for facing the adoption of totally unrelated measures. This practice constitutes a perversion of the Constitution of the United States. It is a practice that ought not to be tolerated in this Chamber.
>
> The Constitution states that the majority of the Congress will work its will, and that if the President disagrees, he may exercise his right of veto. However, the Congress may vote to override that veto and the bill then becomes law.
>
> The attempt to tack on unrelated legislation to a measure vital to the fiscal integrity of the United States is, to me, unconscionable—especially when there is not even the excuse of urgency.
>
> We have heard a lot of talk in this Chamber about the low esteem into which the Executive has fallen. We should take cognizance of the fact that, if anything, the Congress of the United States has fallen to and even lower level.
>
> The people of the United States are well aware of this appalling exercise of legislative irresponsibility on the part of Congress.
>
> I believe we should be ashamed of ourselves and that we should allow the Senator from Alabama to have a vote on his motion to have the Senate recede from its amendments. And I believe that we should return to the Lord's business.

Now let me repeat, Mr. President: I do not desire to be discourteous to anyone, not even to the major media of this country. But I do want to support the suggestion voiced yesterday by the Senator from New York (Mr. BUCKLEY) that there is reason for shame concerning what is happening in this Senate. There is reason for shame among the major news media. All of us are letting the people of America down. This Senate is posturing. The major media are posturing. And the people of America are the losers as the result of it all.

There is no wonder the American people think less of this Congress, and of the news media, than they do of their garbage collectors. Garbage collectors are honest with themselves. They are honest about what they are doing. But when this Senate deals in garbage, and when the major news media circulates garbage, we pretend it is something else

Let us not try to deceive ourselves; let alone anybody else, about what is going on here. That is why I say that we ought to commend Senator ALLEN for his efforts.

He is second to no man in wanting to clean up American politics. He is not running for President. He is willing—in fact, he insists—that the job be done properly, and in accordance with the due processes of this Senate. I admire him. I support him. And I hope that he stands fast. I intend to stand with him.

The distinguished Senator from Louisiana said something yesterday to the effect that a minority in this body is trying to thwart the will of the majority. The Senator was sincere, I am sure. I have never doubted that he always is. But the majority is not always right. Pontius Pilate surrendered to the majority, when the majority was wrong. Christopher Columbus, on the other hand, refused to surrender to the majority of his sailors who demanded that he turn back—and he discovered America.

As a freshman Senator, wishing to be properly courteous and deferential, I nevertheless am obliged to wonder why the majority in the Senate are so fearful of the due processes of this body. Why do they lack the courage to let this campaign financing gimmick stand on its own footing. It is, after all, a gimmick which will tax the people to pay for political campaigns; why do they refuse to let this proposal confront the regular processes of legislation? The Founding Fathers were not unwise, it seems to me, in sensing that the majority would not always be right. If this campaign financing proposal is such a great idea, why is it unable to stand on its own footing?

The Constitution is quite clear in specifying the proper road a piece of legislation should travel in order to be enacted. What the majority is demanding here is a detour, a short-cut.

Senator ALLEN is opposed to that shortcut. And in my judgment, he is correct.

Now, Mr. President, this Senator from North Carolina happens to be opposed to the game this Congress has been playing, for a generation, with the so-called "debt limit." The distinguished Senator from Colorado (Mr. DOMINICK) says that we simply are continuing to move the finish line farther down the road, so as to avoid our duty to be financially responsible.

He is right. The Senator from North Carolina does not claim any ususual wisdom, and I do not relish lecturing my colleagues. But there are times when silence condones. I have said on this floor, time and time again, that the Congress has the duty to stop this charade of wild deficit spending. I am perfectly willing to have anyone examine my voting record during the exactly 11 months I have now been a Member of the Senate. I have voted against countless spending measures which I would have liked to support—if I could have done so in good conscience. But I could not, and, therefore, I have not.

I believe, Mr. President, that I am the poorest Member of this body, in terms of personal accumulation of worldly goods. Perhaps that is the reason I am so sensitive about debt—personal debt, and Government debt. My conscience demands that I remember at all times that, when I vote in this Senate to spend money—and particularly money that this Government cannot afford to spend—I am not doing injury to myself. It is not my money. It is the money of more than 200 million people. It is the future of the younger generations that is being mortgaged by us. The heritage we are leaving them is a bleak one.

That is why, Mr. President, I believe this Senate owes Senator ALLEN its gratitude for his very proper, very courageous stand. Certainly he has mine. Certainly he has my full support. And he should have the gratitude of the American people for standing steadfast against a proposal to tax them to finance political campaigns. They should not be required, as one of my friends put it the other day, "to finance their own misery."

It is not our money, Mr. President, that is proposed to be given to politicians to run campaigns. It is the people's money. If they want to contribute to campaigns voluntarily—and I think they should—all well and good. But they should not be forced to carry the additional financial burden of millions of dollars to pay for the compaigns of candidates whom they do not support.

There is a very simple way to clean up campaigns. It is called full disclosure. In my campaign last year, we reported every penny received, and every penny spent. We were sometimes offered contributions drawn on corporate accounts. We sent every one of them back.

Full disclosure, with quick and stern punishment for those who violate the law, will prevent campaign abuses of a financial nature. I agree that the people want to clean up politics. They have wanted to clean up politics long before Watergate. As a private citizen, before coming to the Senate, I shared that desire. I share it now. But I did not then, and I do not now, support the idea of candidates running for office at the taxpayers' expense and against their will.

Finally, let me call attention to a poll released yesterday which discloses the Number One desire of the American people. They want an end to inflation. They want this Congress to balance the budget. They have their priorities in order, Mr. President. As Senators know, I have tried to place their priorities before the Senate.

Last week, I offered an amendment to the social security bill which would have put this Senate on record in pledging a balanced budget. That amendment failed by a three-vote margin, 46–43. Almost without exception, Senators voting against my amendment are now pressing the Senate to force the taxpayers to put up millions of their tax dollars to finance political campaigns.

I observed the press gallery that day, too, Mr. President. Not because I personally want publicity. I come from the media, and I have made my living for much of my life in television and radio. So it was the issue—the issue of the balanced budget—that was my interest. This is the issue of greatest concern to the American people.

Yet it was virtually ignored by the ladies and gentlemen in the press gallery. They could not have cared less. I dare say that not more than a fraction of one per cent of the American people are even aware that this Senate voted last week against an opportunity to commit to a balanced budget. When this amendment came up last week, Mr. President, that was the time our friends in the press gallery stepped out for a smoke, or a visit to the rest room.

And, I suppose, Mr. President, it will be the same today and tomorrow—just as it was yesterday when the distinguished Senator from New York (Mr. Buckley) called upon this Senate to be ashamed for its conduct. And I suppose that the distinguished Senator from Alabama (Mr. Allen) will continue to be labeled as the man who has delayed approval of the debt-ceiling bill.

This is the fix we are in, Mr. President. This is the fix this Senate, and the news media, are in. I do not wonder that polls show that garbage collectors are regarded with far more respect than either the Congress or the major news media. The garbage collectors deserve their ranking, Mr. President. And with all due respect to my colleagues and to the major news media. I am afraid we deserve ours.

But, I do want to commend the distinguished Senator from Alabama. I admire him, as he knows, and I support him. I hope he will stand firm, and that he will again offer his motion to recede in this matter.

MOTION TO RECEDE

Mr. ALLEN. Now, Mr. President, I move—and I call attention to the fact that this motion is a motion for final passage of the debt ceiling bill, unencumbered by the campaign fund political handout—that the Senate do now recede from its amendments to H.R. 11104. I have a written motion at the desk, and I ask the clerk to read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Mr. President, I move that the Senate recede from its amendments to H.R. 11104.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. McClure). The Senator will state it.

Mr. HART. Is this not a motion that is dilatory? Is this not the umpteenth time we have gone though this?

The PRESIDING OFFICER. This is the third time such a motion has been presented; and in the Chair's opinion, a reasonable amount of time has elapsed since it was presented before. It is not a dilatory motion.

The question is on agreeing to the motion of the Senator from Alabama. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Arkansas (Mr. Fulbright), the Senator from Colorado (Mr. Haskell), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Wyoming (Mr. McGee), the Senator from Minnesota (Mr. Humphrey), the Senator from Florida (Mr. Chiles), and the Senator from Mississippi (Mr. Eastland) are necessarily absent.

I also announce that the Senator from Missouri (Mr. Symington), is absent because of illness.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Kansas (Mr. Pearson) and the Senator from Illinois (Mr. Percy) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) is absent by leave of the Senate on official business.

The Senator from Oregon (Mr. Packwood) is absent on official business.

If present and voting, the Senator from Illinois (Mr. Percy) would vote "nay."

The result was announced—yeas 42, nays 43, as follows:

[No. 550 Leg.]

YEAS—42

Aiken
Allen
Bartlett
Beall
Bellmon
Bennett
Bible
Brock
Buckley
Byrd,
  Harry F., Jr.
Cannon
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hatfield
Helms
Hollings
Hruska
McClellan
McClure
Nunn
Roth
Saxbe
Scott,
  William L.
Sparkman
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—43

Abourezk
Bayh
Bentsen
Biden
Brooke
Burdick
Byrd, Robert C.
Case
Church
Clark
Cranston
Gravel
Hart
Hartke
Hathaway
Huddleston
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Hugh
Stafford
Stevenson
Tunney
Williams

NOT VOTING—15

Baker
Chiles
Eagleton
Eastland
Fulbright
Goldwater
Haskell
Hughes
Humphrey
Inouye
McGee
Packwood
Pearson
Percy
Symington

So Mr. Allen's motion was rejected.

Mr. GRIFFIN. Mr. President, the closeness of this vote, it seems to me, underscores the appeal made by the distinguished chairman of the Committee on Finance earlier for some spirit of conciliation in this body. He detailed at great length the difficulties that the Government will have if we do not get this debt ceiling bill passed and to the White House for signature.

The votes have been very interesting: 39 votes against invoking cloture; and here we have a very, very close vote on the matter of whether or not the Senate should recede and send the House bill to the President for signature today. It seems to me that this vote, as well as the argument made by the distinguished chairman of the Committee on Finance, speaks eloquently and persuasively for adhering to the orderly procedures of the legislative process, and the orderly procedures of the legislative process would be to consider such an important subject as public financing of campaigns by having it reported by the Committee on Rules and Administration and then brought on the floor, debated, and considered on its own merits.

I want to make a gesture in the direction of conciliation in trying to resolve this matter. I am only one member of the Committee on Rules and Administration. I am not enthusiastic about the concept of the public financing. I do think there are some steps we can take in the direction of public financing and I want to say that as one member of the Committee on Rules and Administration I will vote to report a public financing bill before this session of Congress adjourns, if that should be the will of the majority of the Committee on Rules and Administration.

I would hope, and I would think, particularly since the subcommittee that has jurisdiction has already reported a bill, and since the full committee has completed its work on the consideration of the Ford nomination and would be able to turn its attention to the bill, that the Rules Committee could now take a look at the possibility of reporting legislation. I can only speak for myself on that.

Mr. HUGH SCOTT. Mr. President, will the Senator yield for a comment?

Mr. STENNIS. Mr. President, this is a serious matter. We cannot hear back here.

The PRESIDING OFFICER. The Senator's point is well taken. Senators will be in order. Conversations will cease. The Senator is entitled to be heard, and other Senators are entitled to hear.

Will the Senator suspend until we have order?

Does the Senator from Michigan yield?

Mr. GRIFFIN. I yield to the distinguished Republican leader.

Mr. HUGH SCOTT. Mr. President, with the understanding that the Senator from Michigan does not lose his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGH SCOTT. Mr. President, our constant concern here, of course, is the state of the Treasury and the necessity for securing early action, if we can, on an act which has already expired. I still support the Campaign Reform Act in its full form and in its modified form. I think it is an idea whose time has come, and it ought to come now. I am convinced of it. I am not speaking as an advocate of anyone else's view. I am speaking for a view which is not embraced by a majority of my own party on this particular date.

I believe we will have and must have campaign reform, that we must do something about the corrupting power of the present system of financing campaigns. I would like to take that incubus off the backs of Presidential candidates and others. I would like to have some assurance that a campaign reform bill can be reported out at a date to which we can all look forward and make our plans accordingly. That would be up to the distinguished chairman of the Rules Committee and up to the majority leader and the chairman of the Finance Committee and the ranking members of the Finance Committee, but the fundamental undertaking would have to come from the Rules Committee, on which the Senator from Michigan and I now serve, and on which the Senator from Kentucky (Mr. COOK) is the ranking Republican member.

I would hope that we could evolve here some sort of understanding that we can get some action on this legislation. At the moment we are in a Mexican standoff. We are at a stalemate, and we are not hurting each other as much as we are hurting the country. Therefore, I think it is time for me to speak up.

I have tried to maintain my position as an advocate of legislation. I still believe in it. I believe it is even more important, however, for us to find the means by which the Government can function, and I do not want to be one who stands in the way of that.

I wonder if the distinguished majority leader would have any comment? Would the distinguished Senator from Michigan yield to the distinguished majority leader?

Mr. GRIFFIN. Mr. President, I yield.

Mr. HUGH SCOTT. Mr. President, the Senator from Michigan has yielded me the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator yield?

Mr. GRIFFIN. Yes.

Mr. MANSFIELD. Mr. President, to use the words of the distinguished Republican leader, we are at a Mexican standoff as far as the pending legislation is concerned.

I would point out to my colleagues in this body that the Senate has voted on the question of presidential campaigns a number of times and that the overwhelming majority of this body is in favor of something being done. I would point out also that, on the basis of the information laid out before the Ervin select committee, we have seen what corporate contributions have done to the process political. We have had prominent men in the business world state for the record that they felt they were intimidated, pressured, and what not, to make sizable contributions.

We are aware of the fact that tremendous amounts were contributed to both political parties during the last campaign, and that the trend is upward—ever upward. The situation does call for some kind of reform. If there is to be reform, the only place in which it can be accomplished is in the Congress of the United States.

I have been told by representatives of the White House, in response to questions which I raised with them—they did not volunteer the information—that if a bill of this nature, with this amendment attached, were passed, the President would veto the bill.

I have been aware of the strenuous efforts made by the distinguished Senator from Alabama (Mr. ALLEN) in leading the charge against the Senate-passed bill. I have also been aware of the fact that he has been approached by Senators who are interested in reaching a compromise, and that, insofar as I am aware, those approaches were unsuccessful.

Therefore, I would agree with the distinguished Senator from Pennsylvania who has stood up like a rock, so far as his conviction on this particular measure is concerned, and who has done himself, I think, proud——

Mr. HUGH SCOTT. I may say that I am like a rock, head and shoulders. [Laughter.]

Mr. MANSFIELD. I may say, if I may paraphrase an advertisement that appears once in a while, that I should like to own a piece of that rock myself.

But I may say that under trying circumstances the Senator from Pennsylvania has held fast to his conviction, and it was not an easy job for him to do so. It was a far easier job for me on this side to stand fast in my conviction.

But I should like, at this time, as I understand the question propounded by the distinguished Republican leader, to ask the distinguished chairman of the Committee on Rules and Administration (Mr. CANNON) if it would be possible for him to give us an assurance that within 30 days, let us say, after the Senate convenes around the middle or latter part of January, a campaign bill could be reported from the Committee on Rules and Administration.

Mr. CANNON. Mr. President, I may say to the distinguished majority leader that I am a little confused by the terms which are being used. The distinguished majority leader and the distinguished minority leader have used the phrase "report a campaign reform bill."

In the last 5 years, we have reported some five or six campaign reform bills, and the Senate has passed most of them and sent them to the House, where the bills have failed to be acted upon. We passed a campaign reform bill in 1971. That bill was first reported from the Committee on Commerce under the distinguished leadership of our good friend from Rhode Island (Mr. PASTORE). We then reported the campaign reform bill S. 382 from the Committee on Rules and Administration. That was the bill on which we had to march up the hill and down the hill in the House to get any kind of legislation at all. But we did get some meaningful changes in the field of election reform.

I point out to the Senate—the distinguished Senator from Pennsylvania (Mr. HUGH SCOTT) is a member of our committee—that we reported S. 372, which is a comprehensive reform bill. We did that in the light of the experiences of the 1972 elections. That bill passed the Senate overwhelmingly. I have forgotten whether there was more than one vote against it or not. I do not recall the exact result of the vote in the Senate, but it passed overwhelmingly, it went to the House, and is now languishing on the House side. I hope that we may have some action—favorable action—on it.

Mr. MANSFIELD. Mr. President, I have been assured that that bill will be reported out in mid-December.

Mr. CANNON. Mr. President, I might say that I am delighted to have that knowledge. However, I say again that that is certainly a very comprehensive campaign bill.

I think that what my colleagues are talking about now is the question of public financing of Federal elections. That is somewhat different than the most comprehensive bill that we have passed.

The distinguished Senator from Rhode Island (Mr. PELL) has held hearings in his subcommittee and has now reported to the full committee a bill for the public financing of Federal elections. That is where the bill now stands.

I may say that in light of the FORD nomination and the extensive hearings we held, we have not had enough time to consider the public financing of Federal elections. We felt that we would not have time to consider it in the parent committee prior to adjournment.

I can assume my distinguished colleagues that I would make every effort to report a bill on the subject of Federal financing within 30 days after the Senate convenes next year.

I point out to my colleagues, however, that such a bill may or may not be reported with a recommendation of approval because the distinguished Senator from Alabama is a member of the committee, and he is certainly entitled to have his views stated and considered. He feels very strongly in this field of public financing of Federal elections.

Again, however, I give my assurance to my colleagues that I will make every effort as chairman of the Committee on Rules and Administration to try to report out a bill, either favorably or unfavorably, and report to the Senate the bill that has been referred to the full committee and is now pending as a proposed amendment in the nature of a substitute, intended to be proposed by the Senator from Rhode Island (Mr. PELL), being amendment No. 704 to H.R. 11104.

Mr. MANSFIELD. Mr. President, the assurances of the distinguished chairman of the committee are enough for me.

Mr. PELL. Mr. President, will the Senator yield?

Mr. HUGH SCOTT. I am happy to yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, the amendment is exactly the same as the bill reported by the subcommittee. That bill is now before the full committee.

The reason I did not offer it as an amendment is because I fully support the effort of the Senator from Massachusetts, the Senator from Minnesota, the Senator from Pennsylvania, and others to get through a campaign financing act. Because of the pressures of the present political situation, I think it would have been an excellent measure to pass at this time.

I would comment that this particular bill has had 4 days of hearings. There were 40 witnesses. It goes quite far. I hope that my colleagues will approve of it.

Mr. HUGH SCOTT. Mr. President, I may say that these assurances are reassuring to me. A great deal of work has been done by the chairman of the Committee on Rules and Administration and particularly by the chairman of the subcommittee, the Senator from Rhode Island (Mr. PELL), who came up with some very thoughtful legislation.

The sentiment will exist to do substantially what we have been trying to do here. We have this as a basis for action. We have the subcommittee recommendations.

The Senate has indicated how it feels about this legislation. My main concern is that I want to see the Senate go ahead, and I do not want to make any incorrect assumptions that the Senator from Alabama would not want to be heard and heard fully in the committee. However, I would not assume that he would want to take the position that the committee could not report out some legislation. If I am wrong in that assumption, I will wait on the Senator from Alabama to correct me. However, I feel that we could get consideration of this measure' I have talked to Senators who may not be for it, but they are willing for the Senate to consider the measure.

We are in the position then that if there is not too much objection, I have a motion that I would be prepared to make, a motion to reconsider the motion of the Senator from Alabama to recede.

I do not want to do that unless that motion satisfies those Senators who are with me on this matter.

Mr. MANSFIELD. Mr. President, I would join the distinguished Republican leader in that responsibility and in that motion. However, I would like to ask for the response of the distinguished ranking Republican member of the Committee on Rules and Administration.

Mr. COOK. Mr. President, I thank the Senator from Montana. May I say that, as I am sure Senators recall, when we took up the issue of the Federal financing of campaigns during the course of the debate on the campaign expenditures bill that we had before the Senate, the Senate did not move to table the proposal. And we felt that we should go in this direction.

I could say to the distinguished majority leader and to the distinguished minority leader and to the distinguished chairman of the committee that I would frankly, as far as I know, have a meeting of the Committee on Rules and Administration before we leave on the 15th, so that we could lay the groundwork for this activity immediately upon our return so that the entire Senate can know basically the timetable that we will commit ourselves to, whether we report the bill favorably or unfavorably. However, I would certainly feel that the issue should be brought to a head on its own merit. The committee has a responsibility to get the bill to the Senate. We will not impede or delay that bill from coming to the floor for debate within 30 days after our return from adjournment.

Mr. MANSFIELD. Mr. President, I thank the Senator, and I appreciate what he has had to say.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HUGH SCOTT. I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, may I say to the Senator from Massachusetts as well as to the Senator from Pennsylvania and the Senator from Minnesota, "Welcome to the club."

I am one Senator who knows what it is to lose as well as to win rounds in this struggle. And insofar as the Finance Committee is concerned, at least when a revenue bill might be available to implement financing of the type of approach that some of us feel the Congress might want to take, the Senators can be assured of my cooperation when this matter comes before the Senate on future occasions.

I believe we will make progress in this Congress, and the Senate has the assurance of my complete support in helping to move those measures to a proper conclusion in the Congress.

I say that, Mr. President, without having decided how I will vote on the measure. But I say to those Senators that I believe they are on the side of the angels in this matter and know that they will prevail. I hope they will prevail in this Congress, and if not, I think they will prevail during the next several years, between now and the next Presidential election.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. HUGH SCOTT. I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I address my question to the distinguished floor manager of the bill, the chairman of the Finance Committee, the Senator from Louisiana (Mr. LONG). As the Senator knows, some portion of any public financing bill uses a tax instrument proposal which lies within the jurisdiction of the Senate Finance Committee.

I would hope that, paralleling the efforts of the Committee on Rules and Administration, we might have a similar effort on the part of the Senate Finance Committee to carry on where apparently we might leave off today.

Would the record show that I saw a nod of the head in the right direction?

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. HUGH SCOTT. I yield.

Mr. KENNEDY. Mr. President, before we have an opportunity to vote on this matter, I would like to ask the distinguished chairman of the Committee on Rules and Administration and the members of that committee, as well as the Senate leadership whether they are also willing to ask the Senate to accept some kind of time limitation when we have the opportunity to consider the measure.

We are not talking about an entirely new proposition. The majority leader suggested 30 days after we come back, which would bring a bill to the floor in mid-February. That is 2 months down the road. I think that is sufficient time. I think it would be a good indication of the good will of those concerned with this issue if the leadership would ask whether, when the matter comes to the floor, we are prepared to have some kind of time limitation, so that at least those who support the proposal, the majority leader and other Members of the Senate who have been on the successful side on each vote during the period of this debate and discussion for the past week, have some reasonable assurance that there is good faith on the part of those who are here on the floor this afternoon. Otherwise, I must say that the suggestion, worthwhile as it might be, does not really have all the appeal it might otherwise have.

I wonder if the joint leadership would be prepared to include that in its time limitation request.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I would be loath to do that at this time, though I recognize the validity of the suggestion made by the distinguished Senator from Massachusetts. However, we do operate in this body on a certain amount of faith, cooperation, and trust, and I am very happy with the statements made by the distinguished Senator from Nevada (Mr. CANNON), the chairman of the Rules Committee; the distinguished Senator from Rhode Island (Mr. PELL), the chairman of the subcommittee; the distinguished Senator from Kentucky (Mr. COOK), the ranking Republican member on the committee; the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), a member of the committee; the distinguished assistant minority leader, the Senator from Michigan (Mr. GRIFFIN), a member of the committee; and the distinguished assistant majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD). It appears to me that that comprises——

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MANSFIELD. Who else?

Mr. KENNEDY. Mr. President, I would like to hear from the distinguished Senator from Alabama on that as well.

Mr. MANSFIELD. Well, I was going to say that that comprises a majority of the committee, and I would not like to poll each member in public, because I think they ought to have a right to their own independent judgment during the period intervening and at the time when the legislation is brought to the floor. But I think we have made progress in getting commitments, in effect, from the members of the committee who have spoken today, and I will assure the distinguished senior Senator from Massachusetts that as far as the Republican leader and I are concerned, we would make every effort at that time to achieve a time limitation agreement if it were possible, and it would be my guess that we would be luckier in doing it in that fashion, and perhaps more successful, than by posing that question at this time in this place.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, indeed.

Mr. CANNON. I would like to point out to the distinguished majority leader that we committed ourselves to report a bill, not necessarily a perfected bill, and I would be very reluctant, personally, to agree to a time limitation without knowing what the provisions of the bill were. We may report a bill, favorably or unfavorably, but we have made a commitment to report a bill on this subject within 30 days after the Congress resumes in the month of January. I think it would be extremely difficult to get an agreement on something on which we are very uncertain.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. CANNON. I do not have the floor.

Mr. HUGH SCOTT. I yield to the Senator from Massachusetts.

Mr. KENNEDY. The Subcommittee of the Rules Committee has already reported a bill to the full committee, so we are not really talking in a vacuum. At least this measure has had the consideration of the members of the subcommittee. It had a 3 to 0 vote in the subcommittee, and is therefore now before the full committee. So this is something that is not in a vacuum as far as the Rules Committee is concerned. The subcommittee have considered a bill. They have had hearings on it, considered it in a markup session, and reported it to the full committee. Although I know it is difficult for the Chairman of the Rules Committee at this time, perhaps, to commit the other members of the committee, we at least believe what has been reported to the full committee from the subcommittee represents the best judgment of those members.

Mr. CANNON. The Senator is exactly right; it represents the best judgment of the particular members of the subcommittee, but the full committee has not considered that report, has not considered the bill, and has not taken action; and I would not at this time undertake to commit the other committee members to a particular bill simply because it has been reported from a subcommittee. We may make many changes in that bill before it is reported.

Mr. KENNEDY. If the Senator will yield further, what we are trying to bring out at this time is that we are not considering an entirely new concept or a new bill. Your committee, through its subcommittee, has already considered this proposal, and might be willing to agree to a time limitation. I can understand that the Senator from Nevada could not commit the other members of the committee, who have not had an opportunity to consider it, but at least it would be some assurance for the majority of the Members of this body who have voted to support such a proposition that at least we can get final consideration when it is reported out.

Mr. CANNON. May I say to my colleague that this is the first time I have ever heard the suggestion that a time limitation be agreed to on a bill that has not even been considered by the full committee, much less reported to the Senate. I think that would be a dangerous concept in any circumstance.

Mr. MANSFIELD. May I say to the Senator that we will make every effort to obtain a time limitation at an appropriate time.

Mr. KENNEDY. I have every confidence in the good faith of the leadership, and I pledge myself, as one Member, to give every opportunity to the members of the Rules Committee to consider this legislation, and when it comes to the floor I hope we shall not have a repetition of this effort to frustrate the strong will of the majority.

Mr. HUGH SCOTT. Mr. President, I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, I echo the remarks of the distinguished chairman of the Rules Committee. This bill has now passed the subcommittee and is now in the full committee. We will proceed to mark it up in the full committee. But I think it is rather odd that we should be asked to say to the Members of the Senate, before marking up a bill in the full committee, that we are going to consider a bill as to which we have already agreed to a time limitation when it comes to the Senate, or that there will be a limitation on amendments or amendments to amendments. I would suggest that that is a prerogative that ought to be left to the Senate as a whole when a report has been written on the bill and it goes on the calendar. The Senator's suggestion seems rather odd to me.

With such a precedent, we might conceivably, in the future, bring up subject matter on the floor that is going to the Finance Committee or the Committee on Labor and Public Welfare, or some other committee, and say, as a matter of course, during the debate on the subject matter in the committee, "We want you to know that when we bring this measure to the floor, it will be subject to a 2-hour time limitation, with 30 minutes on amendments and 30 minutes on amendments to amendments."

I can only say to the Senator that we will diligently work to report out that bill, and when it is reported to the floor and is put on the calendar, obviously it will be up to the Senate to work out a time limitation.

Mr. HUGH SCOTT. I thank the Senator.

Mr. President, in our party conferences we have often discussed how many times we vote when it is not necessary to vote. I would hope we could do this without a record vote. I now move——

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield before he does that?

Mr. HUGH SCOTT. I yield to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. I do not want to get into an ambiguous position, having sat here through the colloquy, but I want the record to show that I do not waive any of my options 2 months from now when some particular bill might be brought in, if I do not agree to the unanimous-consent recommendation, but not today—and I want the record to show that.

Mr. HUGH SCOTT. I thank the distinguished Senator.

Mr. DOMINICK. Mr. President, I think that we should have a yea-and-nay vote on this, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. McCLURE). We have not yet had the motion.

Mr. HUGH SCOTT. Mr. President, I now move that the Senate recede from its amendments to H.R. 11104, now pending. I make the motion on behalf of the distinguished majority leader and myself.

The PRESIDING OFFICER. Does the Chair correctly understand that the motion of the Senator from Pennsylvania is to recede from the Senate amendments to the House bill?

Mr. HUGH SCOTT. That is correct.

Mr. ALLEN. Then to reconsider the vote?

Mr. HUGH SCOTT. I do not want to move to reconsider if there is no objection to this.

The PRESIDING OFFICER. The question is on agreeing to the motion to recede——

Mr. HUGH SCOTT. From the Senate amendments to the House bill.

The PRESIDING OFFICER. Now does the Senator from Colorado (Mr. DOMINICK) wish to demand the yeas and nays?

Mr. DOMINICK. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Alabama will state it.

Mr. ALLEN. What is the question, Mr. President?

The PRESIDING OFFICER. The question is on receding from the Senate amendments.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Colorado (Mr. HASKELL), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. McGEE), the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), and the Senator from South Dakota (Mr. McGOVERN) are necessarily absent.

I also announce that the Senator from Missouri (Mr. SYMINGTON) is absent because of illness.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Kansas (Mr. PEARSON), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent by leave of the Senate on official business.

The Senator from Oregon (Mr. PACKWOOD) is absent on official business.

The result was announced—yeas 48, nays 36, as follows:

[No. 551 Leg.]

YEAS—48

Aiken
Allen
Bartlett
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Cook

Cotton
Curtis
Dole
Domenici
Dominick
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hatfield
Helms
Hollings
Hruska
Johnston
McClellan
McClure
Metcalf
Nunn
Randolph
Roth
Saxbe
Scott, Hugh
Scott, William L.
Sparkman
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—36

Abourezk
Bayh
Biden
Brooke
Burdick
Case
Clark
Cranston
Gravel
Hart
Hartke
Hathaway
Huddleston
Humphrey
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Ribicoff
Schweiker
Stafford
Stevenson
Tunney
Williams

NOT VOTING—16

Baker
Chiles
Church
Eagleton
Eastland
Fulbright
Goldwater
Haskell
Hughes
Inouye
McGee
McGovern
Packwood
Pearson
Percy
Symington

So the motion to recede from the Senate amendments was agreed to.

Mr. DOMINICK. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR WITHDRAWAL OF CLOTURE MOTIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the cloture motions which would have become available tomorrow and the next day be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ATTORNEY GENERAL SALARY BILL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a bill which passed the House, the so-called Saxbe pay emoluments bill—which has been amended—be held at the desk until further notice.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns tonight, it stand in adjournment until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY DAYLIGHT SAVING TIME ENERGY CONSERVATION ACT OF 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 479, S 2702, be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2702) to provide that daylight saving time shall be observed on a year-round basis

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, it is anticipated that we will reach this bill at 11:30 a.m. tomorrow. There will be no further votes today.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr MANSFIELD. I yield.

Mr. JAVITS. Mr. President, first, I would like 15 minutes tomorrow to deal with a pension and welfare fund situation. We have spoken about that to the deputy majority leader, but he is not in the Chamber. I would be happy to speak at 9:45 a.m., if that suits the Senate.

Mr. MANSFIELD. 9:45?

Mr. JAVITS. The Senate is to come in at 10. Normally, the deputy majority leader schedules these matters a little in advance.

Mr. MANSFIELD. It will either be 9:45 or 10.

Mr. JAVITS. Second, may I ask this of the Senator from Colorado: I understand it to be his intention to propose, as an amendment to the daylight saving bill, the minimum wage bill introduced by him and Senator TAFT. It would be my intention, utilizing such procedures as are available in the Senate, to contest that particular amendment.

I rise to inquire whether it would be the intention of the Senator from Colorado to allow the daylight saving part of that bill to be debated first, without in any way losing his rights, because I have other things which I need to do until 1 o'clock, or whether he would intend to move right in and act on the amendment.

Mr. DOMINICK. That is a very good question. I can say to the Senator from New York that I also have other things to do, including a meeting of the executive committee of the Committee on Labor and Public Welfare.

Mr. President, I would suspect we will go forward, subject to the comments of my distinguished colleague from Ohio; that we will allow the daylight saving bill to go forward first before we move on the minimum wage bill.

Mr. JAVITS. I thank my colleague.

Mr. TAFT. That would be agreeable to me.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I yield to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

REMOVAL OF HOUSE JOINT RESOLUTION 512 FROM "BILLS IN CONFERENCE"

Mr. SPARKMAN. Mr. President, on the calendar, under "Bills in Conference," the second measure is House Joint Resolution 512, the HUD loan insurance bill. That conference was never fully consummated. However, the House later passed House Joint Resolution 719, which accomplished the loan insurance part, and left off some things; but House Joint Resolution 719 settled the matters covered in House Joint Resolution 512.

Therefore, I ask unanimous consent that the entry of that particular measure under "Bills in Conference" be removed from the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

DAVID BEN-GURION: HIS LEGACY

Mr. JAVITS. Mr. President, before the Senate adjourns I wish to say a word about the death and funeral today of David Ben-Gurion, the Premier of Israel who announced to the world the establishment of the birth of Israel on May 14, 1948, and who now has passed away in his 87th year.

His death has great symbolism for the people of Israel and the world. It is also a loss which touches me very deeply because I considered David Ben-Gurion a personal friend of my family. I visited him both in Tel Aviv and Jerusalem, and also in the settlement of Kibbutz, as it is called in Israel, where he lived.

In his life Ben-Gurion personified many of the highest values which are associated with the State of Israel. Leaving czarist Russia, he arrived in Palestine in 1905 as one of the early Zionist settlers. The dream of Israel seemed remote in those days, but Ben-Gurion and a small band of colleagues set to work with indomitable energy. They brought Israel into reality, with the cooperation of the world through the United Nations, and with the approval of the United States, which under President Truman was the first nation to recognize the state.

He was chairman of the Jewish Agency, the executive body of the World Zionist Organization, through the critical years of nazism, World War II, rising Arab nationalism, and the postwar diplomatic struggle between Britain and the Jews of Palestine.

His efforts, joined with those of other great leaders, including Mrs. Meir, who is still Prime Minister, and others active in the Government of Israel, were crowned with success when he announced the establishment, to an expectant and electrified world, of the State of Israel on May 14, 1948.

But in some respects, the struggle can be said to have just begun, for Israel was immediately besieged by invasion from the neighboring Arab States, putting Ben-Gurion to his greatest test as prime minister and defense minister during those early years. I saw him then and his style of leadership was impetuous and contraversial but it had the dimension of greatness.

Throughout his life Ben-Gurion was a man of inexhaustible energy. He was the man of action, but he was also deeply devoted to scholarship and found the time to author 19 books and countless articles and essays. He liked best to be compared to the prophets of ancient Israel and the comparison was apt.

After he was out of office and out of power his advice to the people of his country had been to come to some agreement on peace. Indeed, he was the apostle of peace, as far as they were concerned, which is another thing that needs to be noted.

At one time I approached him on behalf of President Eisenhower regarding the relations between Israel and the Soviet Union. The redoubtable spirit of freedom which he expressed, the determination that the people of Israel should enjoy that freedom and self-determination, as we know it here in the United States, and which we admire so greatly, really stamped him the prophet of the Old Testament because his method of expression, his conviction on the freedom of man's spirit was so inspiring at that time as to be proper and timely to recollect in a memorial tribute to this great world citizen on the floor of the Senate.

I believe that the inspiration, the indomitable courage, indeed, the heroism of Ben-Gurion, his fanatic patriotism, his deep belief in the fundamental mission for peace, learning, decency, and loving kindness to all people, and for his own Jewish people, and his messianic vision for Israel, although a small state, are a true exemplar of all values inherent in the tradition of a great civilization as it was also transmuted to us through the Christian civilization, which was cradled in the same place. It will remain not only an inspiration to a state, but it will help civilization through all its vicissitudes and be an inspiration to all mankind wherever they are and wherever they are persecuted or humbled after truth and justice.

Mr. President, I ask unanimous consent to have printed in the Record following my remarks various tributes by way of obituaries on the death of David Ben-Gurion.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Dec. 2, 1973]

Ben-Gurion Is Dead at 87; Founding Father of Israel

Tel Aviv, December 1.—David Ben-Gurion, a founding father of modern Israel and its first Premier, died today at the age of 87. He succumbed at 11:06 A.M. local time (4:06 A.M. New York time) to a brain hemorrhage that had struck him two weeks ago.

Because of the Sabbath the Government withheld an official announcement until sundown tonight. However, the news was reported unofficially earlier by the state radio.

Premier Golda Meir convened the Cabinet for a memorial meeting in Jerusalem tonight. Minister of Interior Yosef Burg ordered flags on all public buildings lowered to half staff from tomorrow morning until Monday night.

Mr. Ben-Gurion will lay in state at the Knesset, or Parliament, building in Jerusalem from 10 A.M. tomorrow through the night until 7 A.M. Monday. The public will be able to pay respects. Places of entertainment throughout the country will be closed tomorrow.

The start of a funeral service at 11 A.M. Monday will be marked by sirens throughout the country and two minutes of silence will be observed. In Jerusalem work will stop for an hour during the service.

The coffin will then be flown for burial to Sde Boker, the collective settlement in the Negev where Mr. Ben-Gurion made his home after he retired temporarily from the premiership in 1953. The burial service will be private, attended only by members of the family and close associates.

An official announcement tonight said that public participation in the funeral would be restricted because of the emergency situation after the October war.

However, the service at the Knesset and the interment at Sde Boker will be broadcast live by Israel television and radio.

In accordance with Mr. Ben-Gurion's last will, there will be no eulogies at the funeral. However, President Ephraim Katzir broadcast a tribute tonight.

The President alluded to the current crisis over Israel's future and said that Mr. Ben-Gurion's credo should guide the people at this time. He said it was particularly timely to recall what Mr. Ben-Gurion wrote to his colleagues in the Zionist leadership in 1946 when the British rulers of Palestine "imprisoned Jewish leaders and tried to paralyze Jewish life in the country."

Mr. Ben-Gurion wrote: "No despair and no illusions. No Massada and no Vichy. While bitter and difficult struggles lie ahead of us we are not preparing for a final battle. Nor do we wish to die with the Philistines. On the other hand we must recognize that the moment we give in and bow our heads and lose our will to stand up fearlessly, we begin to roll down the slope which leads to the abyss."

President Katzir said that Mr. Ben-Gurion was the greatest Jewish leader of his generation.

Mr. Ben-Gurion had been in and out of the Sheba Medical Center of Tel Hashomer Hospital, near Tel Aviv, during the two months preceding his stroke. He was last released Nov. 14. The brain hemorrhage that struck him four days later had been unconnected with his earlier ailments, according to his physician, Dr. Boleslaw Goldman.

The stroke came in Mr. Ben-Gurion's home in Keren Kayemet Boulevard here. It paralyzed the right side of the body. He was conscious but unable to talk.

Doctors at the Sheba Medical Center reported an improvement in his condition during the week but last Saturday his blood pressure dropped, his temperature rose and he fell into semiconsciousness.

Shortly before 10 A.M. today a nurse noticed that his breathing had quickened and had become irregular. Physicians were alerted and Mr. Ben-Gurion's children summoned. His son Amos and his daughters Mrs. Renana Leshen and Mrs. Geula Ben-Elizier reached his bedside.

Government leaders later arrived at the hospital to pay their respects. Among them were Defense Minister Moshe Dayan and Minister of Transport Shimon Peres, Mr. Ben-Gurion's favorite political protégés.

Dr. Goldman said that Mr. Ben-Gurion had continued his vigorous walks until he was advised to discontinue them a few months ago. He had earlier stopped his yoga headstands. The doctor said that Mr. Ben-Gurion had never been an obedient patient but had complied with doctors' orders after he had received full explanations of the purposes.

In recent years Mr. Ben-Gurion concentrated on his literary work. At the time of his stroke, he was preparing his memoirs for the year 1937.

The former leader had been politically inactive since 1970 when he resigned his Knesset seat in midterm. He later composed his differences with former political opponents. An associate said that he had followed events after the outbreak of the war Oct. 6 but did not express opinions.

Ben-Gurion, Symbol of the Tough State of Israel, Achieved a Lifelong Dream, Presided Over Birth of Nation in 1948, and Called All Zionists To Live There

(By Homer Bigart)

David Ben-Gurion symbolized the tough little state of Israel. Short, round, with a nimbus of white hair flaring angrily from a massive head, "B–G," as he was known to many, attained world leadership by firmly concentrating on the achievement of a dream.

That dream, the birth and triumphant survival of a Jewish homeland amid a sea of hostile Arabs, led Mr. Ben-Gurion through a lifetime of turmoil.

He was chairman of the Jewish Agency, the executive body of the World Zionist Organization, through the critical years of rising Arab nationalism, of Nazism, of World War II and of the postwar diplomatic struggle between Britain and the Jews of Palestine. When Britain finally gave up the Palestine mandate, it was Mr. Ben-Gurion who proclaimed the Jewish state.

This was his moment of supreme test. For on that same day, May 14, 1948, the Arab armies began their invasion of the fledging state. Jerusalem was besieged by Transjordan's Arab Legion. In the Judean hills and in Galilee, Jewish settlements were under attack by Syrian and Iraqi forces, while Egyptians invaded from the south.

BATTLE DRESS AT 62

Exhilarated by the challenge, the 62-year-old leader put on battle dress and assumed the direction of military operations. He was de facto Premier and Minister of Defense.

Some of his decisions were questionable. He ordered a costly and ineffective attack to drive the Arab Legion from Jerusalem. But he had surrounded himself with young and competent officers such as Yigal Yadin, Yigal Allon and Moshe Dayan. The Arabs, who lacked unity of command, were soon routed.

To Mr. Ben-Gurion fell most of the credit for having won the first Jewish campaign since that of Judas Maccabaeus 2,000 years before.

He became an almost mystical figure to many Zionists: the wise patriarch who embodied all the traditional virtues and who would ultimately lead Israel to triumph over the ring of Arab enemies.

But he embittered millions of others. He alarmed the United Nations and insured the continued hatred of the Arab states by adopting a policy of swift and ruthless retaliation for Arab raids on Israel. Although an armistice was arranged by the United Nations, technically Jordan, Lebanon, Syria and Egypt remained at war with Israel, and border incidents were frequent after the war of 1948–49.

ANGERED U.S. JEWS

Mr. Ben-Gurion also alienated many American Jews by insisting that all true Zionists must live in Israel. Disturbed by the influx of Oriental Jews, which he feared would transform Israel into "just another Levantine state," Mr. Ben-Gurion dreamed of a vast migration of Jews from the Soviet Union and the United States.

In the early years only 5,000 American Jews were "ingathered," a scant migration that drew scornful reproaches from Mr. Ben-Gurion.

A feud between Mr. Ben-Gurion and a large segment of American Jewry dated from August 1957, when he said at a Zionist ideological conference in Jerusalem that a sound Jewish life was not possible outside Israel.

"There seems to be a general agreement," he said, "that a Jew can live in America, speak and read English and bring up his children in America and still call himself a Zionist. If that is Zionism I want no part of it."

In subsequent speeches Mr. Ben-Gurion reiterated his belief that Jewish life in the outside world had a dim future. His dogmatism alienated potential friends of Israel among both Jews and gentiles. Non-Zionist Jews resented his insistence that Judaism was not a mere religion but a nationalistic ethos. Almost every Zionist faction in the United States joined the mounting protest.

ADAMANT ON ISRAEL'S ROLE

Stubbornly, though, Mr. Ben-Gurion insisted that essentially Judaism was a nationality and Israel was the only sovereign spokesman for the world's Jews.

In June, 1962, he again infuriated American Jewish leaders at a Jerusalem conference by equating Judaism with nationality. Stanley H. Lowell, chairman of the New York City Commission on Intergroup Relations, retorted:

"You aren't the only answer to Jewish living, Jewish creativity and Jewish survival. This generation and the next generations to come shall and will remain part and parcel of the great American experience of democracy."

In later years, though, with the 1967 and 1973 wars and increased United States aid, the old man's idea of Zionism came to be the accepted one. The anti-Zionist organizations became virtually extinct; by 1970, American immigration to Israel was reaching 10,000 a year.

At home, Mr. Ben-Gurion managed to roll elements of the population, even members of his own Mapai party, by methods that often seemed autocratic. He never enjoyed sharing authority, and he chafed under Israel's system of proportional representation which assures religious parties of representation in the government. These parties were often in bitter disagreement with Mr. Ben-Gurion, who opposed their dream of a theocracy.

The Mapai party, although dominant, was never able to win a clear majority in the Knesset, or Parliament; this was a cause of the formation of 11 coalition governments in Israel, including the provisional government that was set up in April, 1948. (In March, 1949, Mr. Ben-Gurion became Premier in the first regulatory constituted Government of Israel.

These political marriages into coalitions were usually brief and stormy. The Socialist Mapai had little in common with the small left-wing labor parties and religious groups that were persuaded to join coalitions in exchange for concessions in legislation or for a ministeral post or two.

Sometimes Mr. Ben-Gurion would become so frustrated that he would resign and retire to his four-room cottage in Sde Boker, a kibbutz that was his favorite retreat, in the stony Negev Desert.

Usually the mere threat of resignation was enough to force the concessions Mr. Ben-Gurion demanded. The only Israeli with enough stature to offer alternative leadership was Moshe Sharett, another Mapai stalwart. But Mr. Sharett was considered too cautious, too temporizing. Israelis thought they needed daring leadership to meet the growing threat brought on by Egypt's acquisition of Communist-bloc arms, by the nationalization of the Suez Canal and by the military alliance between Egypt and Syria.

Mr. Ben-Gurion resigned several times, but his retirements to Sde Boker were fleeting except for one interval: In December, 1953, he turned over his office and leadership to Mr. Sharett, explaining that he felt "tired, tired, tired."

For 14 months he stayed in Sde Boker compiling "Rebirth and Destiny of Israel," a collection of his addresses and essays, and working at agriculture in the kibbutz while his wife helped in the communal kitchen.

Even in retirement he cast his long shadow over the country; soon, in February, 1955, he was called to Jerusalem to resume the post of Minister of Defense, which he had held throughout his Premiership. He also assumed leadership of the Mapai and again became Premier in November, 1955.

Under Mr. Ben-Gurion, Israel adopted a policy that led to war. There had been a flurry of frontier incidents. Israel complained that the United Nations truce supervision teams were futile instruments for checking Arab commando raids. Mr. Ben-Gurion mounted large-scale retaliatory operations aimed at destroying what he called guerrilla bases across the frontier.

To United Nations observers the border incidents about which the Israelis complained often appeared hardly serious enough to warrant the thunderous retaliation visited upon the Arabs by the Israelis. In balance, at least five or six Arabs died for every Israeli killed.

ATTACK IN SYRIA

In December, 1955, after Syrians had fired on Israeli fishing craft in the Sea of Galilee, Mr. Ben-Gurion ordered his army into Syrian territory. A network of Syrian coastal positions was blown up, and 50 Syrian soldiers were killed.

The raid was ill-timed politically. On that same day the temperate Mr. Sharett, then Foreign Minister, was waiting in Washington for an answer to his request for Western arms to offset Communist arms that were reaching Egypt. News of the raid shocked and vexed the State Department. Mr. Sharett returned empty-handed, furious with Mr. Ben-Gurion, whom he accused of having undermined his mission.

Mr. Ben-Gurion not only refused to modify his retaliation policy but also told Mr. Sharett that diplomacy was to be subordinated to security. In June, 1956, he ousted Mr. Sharett and chose as his new Foreign Minister Mrs. Golda Meir, a former Milwaukee teacher, whom he could trust to follow his line.

Tension rose during the summer of 1956, and in September a major retaliatory action led by Dayan, then chief of the Israeli armed forces, resulted in the death of 37 Jordanians.

NASSER TERMED FASCIST

Such actions Mr. Ben-Gurion defended as "self-defense," and he told his Parliament that the greatest menace to Israel was an impending attack by "the Egyptian Fascist dictator," President Gamal Abdel Nasser. He proclaimed: "We will never start a war. We do not believe that wars provide comprehensive solutions to historic problems."

Two weeks after he had spoken those words Mr. Ben-Gurion, in complicity with France and Britain, launched a "preventive war" to knock out President Nasser's army. Israeli forces overran the Gaza Strip, the tiny corner of the old British Palestine mandate administered by Egypt, and plunged deep into Sinai.

Mr. Ben-Gurion's objective was the fall of President Nasser and the signing of a peace treaty with Egypt.

By prearrangement, Britain and France moved to seize the Suez Canal. Port Said fell to the British and French forces. The invasion by the three nations was on the verge of success.

Then the roof fell in. President Dwight D. Eisenhower was furious at Britain and France for having committed open aggression while the West was reaping moral capital over the Hungarian revolt. So the United States supported United Nations demands that the invading forces vacate Egypt promptly and unconditionally.

Confronted also by threats of Soviet intervention, Britain and France withdrew their forces in 27 days.

Israel balked, Mr. Ben-Gurion wanted to keep the Gaza Strip. He also wanted assurances that the Gulf of Aqaba, the northern arm of the Red Sea, would be open to Israeli shipping. The gulf had been denied to Israeli ships for six years by Egyptian guns commanding the narrow passage at Sharm el Sheik.

President Eisenhower insisted that no nation invading another in the face of United Nations disapproval should set conditions on its withdrawal. Aggression, he said, must not be rewarded.

Mr. Ben-Gurion defied the world for weeks, flouting six successive General Assembly orders to get out of Egypt. His Parliament had approved a defiant resolution committing Israel never to yield either the gulf or Gaza.

But when President Eisenhower cut short a vacation to warn of "pressure" if Israel failed to cooperate, the tough little Premier knew the game was up.

Pale and drawn from pneumonia contracted after a PT-boat ride in the Gulf of Aqaba, Mr. Ben-Gurion went before his Cabinet to propose more flexibility in Israel's position. Knesset politicans were insisting on all-out defiance.

NOOSE IS TIGHTENING

"The noose is tightening around our neck," a bearded, skullcapped member cried.

"The devil with this," snapped Mr. Ben-Gurion. "The devil with the coalition." He threatened to quit and form a new government. Finally he got the leeway he needed.

Israel agreed to withdraw from Gaza and Sharm el Sheik on these "assumptions": that freedom of navigation would prevail on the Gulf of Aqaba; that the Gaza Strip would be administered by the United Nations pending a peace settlement between Egypt and Israel; and that Israel had the right, under the self-defense guarantee of the United Nations Charter, to send ships through the Gulf of Aqaba by armed force if there should be interference and to "defend its rights" in the Gaza Strip if raids were renewed.

The collapse of the Sinai adventure was the bleakest moment in Mr. Ben-Gurion's career. That he survived it politically was considered a tribute to his toughness, his resilience, his ability to persuade most Israelis and a great segment of world Jews that his action was morally sound.

Again in 1960 Mr. Ben-Gurion risked alienating world opinion; he decided to try Adolf Eichmann, the Gestapo colonel who had shipped millions of Jews to death camps in World War II.

There was little or no sympathy for Eichmann, but there was widespread resentment over the way he was brought to justice. The Nazi was kidnapped in Argentina, put aboard an El Al Israel Airlines plane and eventually exposed to a show trial in a Jerusalem theater converted into a courtroom.

There were protests that Eichmann could not possibly have a fair trial in Jerusalem, that the case should be heard by a German court or an international tribunal. Many Jews assailed the "arrogance" of Mr. Ben-Gurion's contention that Israel, as the sovereign Jewish state, was "from a moral point of view" the only place where Eichmann could be tried.

The furor died quickly as the trial unfolded. The Israeli judges seemed impeccable in the hearing during the spring and summer of 1961. After they had condemned Eichmann to the gallows, Robert Servatius, his West German lawyer, conceded that the defendant had had a fairer trial than he would have got in West Germany.

The trial enhanced Mr. Ben-Gurion's

exalted status in his own country. By bringing Eichmann to trial he had taught the new generation of Israelis that "Jews are not sheep to be slaughtered, but a people who can hit back—as Jews did in the War of Independence."

BORN GREEN, A POLE

Israel's man of decision was born in Plonsk, Poland, on Oct. 16, 1886. His name was David Green, and his father was Avigdor Green, an unlicensed lawyer who wore a silk top hat and a frock coat rather than the fur hat and caftan traditionally worn by the men of his community. David was to adopt the pen name "Ben-Gurion" as a journalist in Jerusalem. He thought it had a resonant Old Testament ring—it was the name of one of the last defenders of Jerusalem against the Roman legions. The Hebrew word "Ben" means "Son of," and "Gurion" means "Lion Cub."

Mr. Ben-Gurion's mother, Sheindal, died during the birth of her 11th child. David, her sixth, was 10 years old at the time.

The tone of the family was vigorously intellectual. There were discussions of Socialism and the newly re-emerged Zionism advocated by the Viennese journalist Theodor Herzl at the historic Jewish conference at Basel, Switzerland, in 1897.

Mr. Ben-Gurion's formal education did not go much beyond the Plonsk Jewish schools, but he acquired an excellently stocked mind through wide reading, particularly in history. Possessed of tremendous concentration, he became in his lifetime a keen student of Greek and Eastern Philosophies. He achieved a brilliant reputation as a linguist through his mastery of English, Russian, Greek, Yiddish, Turkish, French and German. He read but did not speak Arabic. He also studied Spanish.

ACTIVE SOCIALIST ZIONIST

In Plonsk he was active in the Poale Zion movement, which combined Zionism and Socialism. Plonsk was in Russian Poland, and the revolutionary movement against the Czars was followed by pogroms there. Many Polish and Russian Jews emigrated. In 1906, kindled by Herzl's aim for a Jewish commonwealth, David Green was one of a group of young Plonsk Jews who went to Palestine.

Of his first night in Palestine he wrote in a letter to his father:

"I did not sleep. I was amid the rich smell of corn. I heard the braying of donkeys and the rustle of leaves in the orchards. Above were massed clusters of stars against the deep blue firmament. My heart overflowed with happiness."

But Mr. Ben-Gurion was repelled by the political apathy of the Jewish settlers—there were about 60,000 Jews in Palestine when he arrived. He joined the small Workers party, Poale Zion, which was to emerge as Mapei, and soon became one of its leading organizers and propagandists. Today Mapai is moderately Socialist, probably no more leftist than the British Labor party, and has little in common with doctrinaire Marxism.

ONE MEAL A DAY

Mr. Ben-Gurion worked for a time as a farm laborer for wages just sufficient to provide him with a room and one meal a day. He displayed a natural ability to negotiate in labor disputes, and he soon had considerable prestige among his fellow workers.

Articles signed Ben-Gurion began to appear in the Poale Zion party newspaper, and Mr. Ben-Gurion was elected to the three-man administrative presidium of the party at the 1907 Jaffa conference. At that conference he succeeded in having this platform plan adopted: "The party will strive for an independent state for the Jewish people in this country."

In that year, to prevent difficulties for his father in Plonsk, Mr. Ben-Gurion returned to Russia to do his military service. He served for one week, deserted and made his way back to Palestine.

The success of Enver Pasha's "Young Turk" movement in Turkey in 1908 led Mr. Ben-Gurion and many of his associates to believe that reasonable coexistence could be established between the new and supposedly liberal Turkish Government and the Jewish community in Palestine, which was in the Ottoman Empire. Mr. Ben-Gurion and several other Zionist leaders went to Constantiople to study Turkish law and administration, hoping to enter the Turkish Government as representatives of Jewish Palestine.

EXPELLED BY TURKS

Early World War I, Mr. Ben-Gurion wrote articles advocating the creation of a Jewish battalion in the Turkish Army. But the Turks suspected his motives and expelled him as subversive. With his chief collaborator, a young Ukranian Jew named Itzhak Ben-Zvi, who was to become the second President of Israel, Mr. Ben-Gurion made his way to the United States in 1915.

It was in New York that Mr. Ben-Gurion and Mr. Ben-Zvi founded Hechalutz, (the Pioneers), which created Jewish settlements in Palestine between the world wars. And it was here that he met Paula Moonwess, daughter of an immigrant from Minsk. She was a student at the Brooklyn Jewish Training School for Nurses. They were married at City Hall in 1917.

Paula, a direct and uninhibited woman, was to become a legend in Israel. She is said to have startled Dag Hammarskjold, the late Secretary General of the United Nations, by saying to him, "Why don't you get married and leave the Jews and Arabs alone?" Mr. Hammarskjold remained a bachelor.

SERVED IN EGYPT

Until Russia had left the war and the United States had entered it, Mr. Ben-Gurion believed that the best interests of the Palestine Jews lay with Turkey. But by 1917 there were indications that the Turks might not be on the winning side. Mr. Ben-Gurion helped organize two Jewish battalions in the United States and Canada to serve with the British in the Middle East. He served as a corporal in one of the battalions, with the Royal Fusiliers in Egypt, but saw no action.

The Balfour Declaration of 1917 established the principle of a Jewish homeland in Palestine, and in 1922 the British were entrusted by the League of Nations with a mandate for Palestine.

Dr. Chaim Weizmann, the intellectual who was to become the first President of Israel, headed the world Zionist movement mostly from London. Mr. Ben-Gurion preached Jewish working-class solidarity on the scene in Palestine.

To a group of Zionist delegates he once said:

"Let me inform you gentlemen that Zionism has no content if you do not constantly bear in mind the building of the Jewish state. And such a state is only possible on the basis of a maximum number of workers, and if you cannot understand that, woe to your Zionism."

The Jewish Legion had been formed too late to contribute much to the defeat of Turkey, but its existence provided Mr. Ben-Gurion with a fine channel for propaganda. He proselytized for the Poale Zion party among the 3,000 legionnaires. It was largely because of his initiative that Histadrut, the General Federation of Labor, was formed in 1920 with Mr. Ben-Gurion as Secretary-General.

This powerful body, now quartered in a modern Tel Aviv skyscraper that enemies of Mr. Ben-Gurion called the Kremlin, expanded into banking, health plans, contracting, agriculture, marketing, education, insurance, transportation, employment agencies, collectives and cooperatives of every kind.

For the next five years Mr. Ben-Gurion campaigned for the union of Palestine's labor parties, and in 1930 the Mapai was formed. In 1935 he became chairman of the Jewish Agency, the executive body of Zionism.

OPPOSED BY MANY

Mr. Ben-Gurion had many opponents in the general Zionist movement. Vladimir Jabotinsky was one leader of a nationalist movement opposed to what many Zionists believed to be Mr. Ben-Gurion's strong Socialist views.

In 1936, Palestinian Arabs staged a bloody revolt against increasing Jewish influence, and the next year Mr. Ben-Gurion favored a partition of Palestine as recommended by a Royal Commission under Earl Peel. The Arabs rejected the proposal, and the British dropped the plan.

British policy became clearly pro-Arab, and in 1939 the British Government issued a White Paper that limited Jewish immigration to Palestine and land purchases there and was aimed at insuring a permanent minority status for the Jews there.

When Britain declared war on Germany, the Jews in Palestine pledged support against the common enemy but continued their resistance to the British policy, which they considered a threat to their existence.

Mr. Ben-Gurion put it this way: "We shall fight in the war against Hitler as if there were no White Paper, but we shall fight the White Paper as if there were no war."

During the war years he was preoccupied with these aims and internal matters in Palestine. And the mass extermination of German Jews intensified his desire to establish a Jewish homeland.

In 1945 he visited displaced persons camps in Germany and the next year told a conference of survivors: "We shall not rest until the last one of you who so desires shall join us in the land of Israel to build the Jewish state together with us."

Mr. Ben-Gurion believed that if the Jews in Palestine could not defend themselves they would be driven out by the Arabs. From 1907, when he was with "Hashomer," the armed guard movement, while he was a labor leader in Sejera, a small isolated village in Galilee, he acted in the belief that the Palestinian Jews would have to protect themselves.

After the United Nations, on Nov. 29, 1947, resolved to partition Palestine into Jewish and Arab states, Mr. Ben-Gurion assumed the security portfolio of the Jewish Agency Executive.

He planned and supervised the transformation of the Haganah from an illegal underground military arm of the Jewish Agency into the Israel Defense Forces. He sent men to Europe to buy arms, including World War II surplus equipment, and to recruit Jewish war veterans to operate the planes, tanks and artillery with which the Haganah had had no experience.

Volunteers came from the United States, Canada, South Africa, South America and most European countries. Mr. Ben-Gurion obtained funds from Jews in the United States and bought machinery to establish an arms industry.

COOPERATION WITH BRITISH

From time to time Mr. Ben-Gurion cooperated with the British against terrorists, and armed clashes were narrowly averted.

During the mandate the Irgun Zvai Leumi, an extreme nationalist group, had conducted terrorist activities against the British Government. Unlike the Haganah, it had spurned the authority of the official Jewish leadership.

During a United Nations truce, the Irgun ran the landing ship Altalena ashore at Tel Aviv with weapons and volunteers. Mr. Ben-Gurion ordered Haganah troops to fire at the ship, which blew up. Men were killed and wounded on both sides.

The Altalena affair was one of the most controversial events in Mr. Ben-Gurion's career as Premier. Many Israelis never forgave his order, which deprived Israel of badly needed weapons and nearly touched off a civil war. Others said it had been one of the most courageous and statesmanlike actions of his career. They believed that by handling the situation firmly in that crucial period Mr. Ben-Gurion had established once and for all that there was no authority in the state but the Government of Israel and in fact averted a civil war.

After the truce, renewed sharp fighting with the Arabs secured the Negev and central Galilee for Israel. Armistice agreements with Egypt, Lebanon, Syria and Jordon in 1949 ended the hot war for the time being.

DRASTIC ECONOMIC STEPS

Because large-scale immigration had nearly doubled the population and it was still necessary to maintain military preparedness, the Israelis, by 1951, found it necessary to take drastic steps to bolster the country's economy.

Premeir Ben-Gurion came to the United States on a fund-raising drive. He was received with enthusiasm and initiated the sale of $500-million in Israeli Bonds.

At this time Israel abandoned her foreign policy of "nonidentification" and openly aligned herself with the United States in the cold war. Previously, Israel, in her independence struggle, had bought arms from Soviet-bloc countries and had enjoyed good relations with the Soviet Union, one of the first nations to recognize the State of Israel.

At home Mr. Ben-Gurion wrestled with succeeding Cabinet crises until the day in 1953 when he decided that he had had enough for a while.

In an article written for The New York Times from his retreat at Sde Boker on his retirement, he said:

"No single person alone can determine the fate of a nation. No man is indispensable. In war there may be a commander or statesman on whom much or even all depends. Not so in time of peace. The fate of a country depends upon its own character, its ability, its capacity, its faith in itself, its sense of responsibility, both individual and collective. A statesman who sees himself as the determining factor in the fate of his country is harmful and dangerous."

Yet for 15 years Mr. Ben-Gurion made most of the decisions for Israel, and the most fateful were to come after he had returned to Jerusalem in 1955 and had begun leading the nation on a more adventurous path.

Although his country was in reality a ward of the United States, absolutely dependent on financial aid from Washington and from American Jewish groups, Mr. Ben-Gurion refused to permit any outside meddling in her affairs.

He showed his freedom from American controls early by ignoring strong Washington pressure to put Israel's capital in Tel Aviv, rather than in Jerusalem, which the United Nations had proposed as an international city. (The United States has refused to move its embassy from Tel Aviv to Jerusalem.)

In domestc politics, Mr. Ben-Gurion also defied strong forces, notably the ultra-Orthodox religious groups. Once, during an interminable Knesset debate over whether swine—forbidden to Jews as food—should be bred in Israel, Mr. Ben-Gurion remarked that if the Lord had objected to pigs He wouldn't have led them to Noah's Ark.

At another time he shocked rabbis in the Knesset by announcing that after a study of Exodus he had concluded that only 600 Jews—not 600,000 as the Bible maintained—could have left Egypt and crossed the Sinai Desert.

STUDENT OF BIBLE

Mr. Ben-Gurion was a profound student of the Bible. His speeches were enriched with references to the heroes and Prophets of the Old Testament. He had had little formal education, but his intellectual curiosity led him, at 56, to learn Greek so he could read the Septuagint, the Greek version of the Old Testament. At 68 his interest turned to the Dialogues of Buddha, and he began learning Sanskrit to understand them fully.

He already knew enough yoga to stand on his head, and photos of Mr. Ben-Gurion in wry comment. Friends insisted however that Hazaken—the Old Man—as he was affectionately called, was sharper-witted upside down than most of his opponents right side up.

The most serious domestic challenge to Mr. Ben-Gurion's rule came as a result of the celebrated "Lavon affair."

A former protégé of Mr. Ben-Gurion, Pinhas Lavon, had risen in the Histadrut until his political influence was so considerable that he was regarded as a possible heir to the national leadership.

But Mr. Ben-Gurion fell out with Mr. Lavon and sought to destroy his power. A cloak-and-dagger fiasco, involving the collapse of an Israeli spy network in Egypt, gave Mr. Ben-Gurion the chance in 1955 to force Mr. Lavon's resignation as Defense Minister.

CENSORS VEILED AFFAIR

The scandal smoldered for six years. Few Israelis knew what the affair was about. The press was allowed to print only the state censor's approved phrase, "a security disaster in 1954." The Egyptian Government charged in 1954 that it had uncovered an Israeli spy ring that planned to blow up British and American consular offices to sabotage relations between Cairo and the Western powers.

Then, in December, 1960, the Lavon affair burst into the news again. Mr. Lavon was able to prove at a meeting of the Israeli Cabinet that forged papers had been part of the evidence that forced him from office. Mr. Ben-Gurion stormed from the room, but even this did not prevent his Cabinet from clearing Mr. Lavon of responsibility for the 1954 fiasco.

Mr. Ben-Gurion followed his usual tactic of bringing down the Government by resigning. But this time other members of his six-party coalition were so disturbed that they refused to join him in a new government. Hoping to silence his critics, Mr. Ben-Gurion called for new elections. The results, he conceded, were "a national disaster," for Mapai slipped from 47 seats to 42 in the 120-seat Knesset. After lengthy dickering, however, he formed a new Cabinet, and meanwhile the Mapai Central Committee had destroyed Mr. Lavon's base of power by ousting him as Secretary General of the Histadrut.

Eventually Mr. Ben-Gurion suflered the bitter fate that overtakes a statesman who has been around too long. He became a bore to his people, and they rejected him.

He resigned as Premier in June, 1963, because of "personal needs." He said later that he wanted to write a history of the Jews' return to their homeland. But in semiretirement he erupted sporadically, like a cooling volcano. He became increasingly critical of Levi Eshkol, the new Premier, and the estrangement between the two grew wider when Mr. Ben-Gurion proclaimed that Mr. Eshkol was "unfit to lead the nation."

He demanded a reopening of the Lavon affair. But the country was bored by the 10-year-old scandal, a Premier Eshkol refused a judicial inquiry into the almost-forgotten fiasco.

Mr. Ben-Gurion's efforts to return to active politics ended in humiliation. The Mapai Central Committee refused to put him on the party's list for the 1965 election. So he formed Rafi, a splinter party, taking with him a handful of younger politicians including General Dayan, the former Chief of Staff. The new party ran a poor fourth with less than 9 per cent of the vote, and won 10 seats in Parliament.

Mr. Ben-Gurion's wife died in 1968 and the old warrior spent much of his time thereafter in solitary contemplation. In 1968, after his small Rafi party decided to join the newly formed Israel Labor party, a number of Rafi members led by Mr. Ben-Gurion broke away. They formed the Independent National List and won four Knesset seats in 1969.

He remained in the Knesset until 1970, when he delivered a hand-written resignation note to the speaker, Reuven Barkatt and, dry-eyed, left the chamber for good.

Soon afterward, he told a visitor to Tel Aviv that he had found farm work more satisfying than politics. And he had this to say about Soviet intentions in the Middle East:

"They want to get the two oceans, the Atlantic and the Pacific. So first of all they must have the Mediterranean, and it is not easy to get that without the Arabs. They want the Arabs, I do not think they are interested in destroying Israel (because if they do, the Arabs will not need them."

VIEWS ON TERRITORIES

Concerning the territories that Israel occupied in the 1967 Arab-Israeli war, Mr. Ben-Gurion took a relatively dovish position:

"I consider peace more important than territory," he said. "The area we had before the six-day war would be enough to take in all the Jews."

He continued: "For peace, I would be giving back all the captured areas, with the exception of Jerusalem and the Golan Heights."

Turning to his old theme of the need for further immigration, he said Israel still needed "another five or six million" Jews. But he observed wryly, "I don't believe that all Jews will settle in Israel—unless the Messiah comes."

On the sometimes controversial question of what constitutes being a Jew, Mr. Ben-Gurion later told a visitor Sde Boker, "The essence of being a Jew, in my opinion, is the idea of the Prophets—not the Torah, but the Prophets. They have two ideas: You must love one single God and you must lead a moral life. That is all that matters."

"Later on," he continued, "when we Jews lost our independence and we had to live in ghettos and were hated, then our leaders provided other things and rules about things to wear and say. They needed these things to keep Jews together as a nation."

But he said that now that Jews again had a homeland and independence, the rituals and practices had faded in significance against the Prophet's more general messages.

In his last years Mr. Ben-Gurion aged considerably. His nimbus of white hair seemed to grow wispier, and his thoughts sometimes rambled.

He spent much of his time in his cluttered study at Sde Boker, living among his books and in the past. There was a large portrait of his wife, a map of Israel, a vase of desert roses among the awards and mementos. On his desk, there was always a Bible and a bottle of apple juice.

When he was well, he participated in kibbutz activities—dedicating a new garden, leading a Bible-study group, pressing Tel Aviv for a teachers' training institute for the settlement.

His time was devoted to study, reflection, writing, and a teeming correspondence with Jews all over the world. He produced three big books in his last years, including the 862-page "Israel: A Personal History," published here in 1971.

On rare occasions, he made public appearances. In early 1971, he toured the fortifications along the Suez Canal with Gen. Haim Bar-Lev, then the Chief of Staff, engaging in the banter he loved.

The old man was shown a bunker. "What kind of Hebrew word is 'Bunker'?" he asked. An escort explained: "We use 'bunker' because we have not yet got around to Hebraizing defense terminology. On offense, we have no foreign words."

Mr. Ben-Gurion talked with a soldier. "You're younger than I," he said, "perhaps you can tell me when there will be peace." The soldier replied: "Who knows? It depends on the Arabs."

"And on us!" the patriarch put in.

Later in 1971, on his 85th birthday, he publicly rejected an appeal from Mrs. Meir that he give up his splinter party and rejoin Mapai. Mrs. Meir nonetheless went to the celebration in Sde Boker, and they talked for a bit—after five years of silence.

His last appearance was in May in Tel Aviv for Israel's 25th anniversary. He sat bent over in a grandstand watching the pomp, wearing a farmer's hat.

SYMBOL OF PAST

He had become a symbol of the past, a much-loved grandfather hovering at the edge of the thoughts and aspirations of the embattled nation.

He said little about the October war, though he was quoted as having referred sarcastically to the arguments among Israeli generals following the Egyptian and Syrian surprise attacks: "They think they're generals now."

Sometimes in his last years Mr. Ben-Gurion argued that the Israeli Government was not genuinely democratic. Old opponents replied that it was Mr. Ben-Gurion himself who had introduced authoritarian ways into Israel during his years as Premier.

But even these opponents conceded that he and his wife had never stood much on ceremony. When Mrs. Ben-Gurion was asked once whether her husband should be addressed as "Prime Minister" or "Mr. Ben-Gurion," she reportedly said, "Call him Ben-Gurion. Anyone can be a prime minister, but not everyone can be a Ben-Gurion."

Ben-Gurion Tributes Expressed

(By Irving Spiegel)

Government leaders around the world, American political officials and prominent Jewish leaders joined yesterday in tributes to David Ben-Gurion, a founding father of Israel.

At the United Nations, Secretary-General Waldheim, issued a statement through a spokesman characterizing Mr. Ben-Gurion, Israel's first Premier, as "an inspiring leader of his people."

"The Secretary-General," the spokesman said, "was saddened at the news of the death of Mr. Ben-Gurion, who played a crucial role in the history of the Middle East and was in difficult hours an inspiring leader of his people."

In Washington, President Nixon said in a statement: "It was with deepest sorrow that I learned of the death of David Ben-Gurion."

He went on:

"With courage, love and determination, David Ben-Gurion worked to establish the modern State of Israel. As we move forward in the struggle for justice and peace, we take from the example of his life increased conviction that cause will triumph. The people of America join with the people of Israel in mourning the passing of a gallant man. As we shared his ideals and hopes, not only for Israel but for all mankind, so we share in their loss."

In a message to Mrs. Meir, Secretary of State Kissinger said: "In sadness I convey the deepest sympathy of America. David Ben-Gurion carried the hopes of his people into the hearts of ours. We shall not forget him."

Chancellor Willy Brandt of West Germany, citing Mr. Ben-Gurion's "decisive role" in establishing the State of Israel, added: "He will remain unforgotten in our country as the Israeli statesman who offered his hand to the new Germany after the horrors of the past for a new beginning and for reconciliation."

President Pompidou of France in a message to President Ephraim Katzir of Israel said that the "loss of David Ben-Gurion is that of a man who, beyond the political positions of governments, strongly marked the destinies of your country."

"Between Gen. de Gaulle and him," President Pompidou said, "there existed a relationship of esteem and consideration."

Gov. Nelson A. Rockefeller, in a message to Premier Golda Meir, said:

"To me, David Gen-Gurion was the very incarnation of Israel, a towering symbol of man's struggle for liberty and human dignity, the builder of a nation, the hope of millions, a giant among the statesmen of our time—and yet a most humble and gentle human being, impressive in his quiet courage and love of humanity. The world has lost a very great man. We all join with you in mourning his passing."

Mayor John V. Lindsay, who visited Israel during his own administration, described Mr. Ben-Gurion as "one of the last of the giants among the great international statesmen of the world."

Mayor-elect Abraham D. Beame termed Mr. Ben-Gurion a "giant" and said his "death diminishes us all." He said, "His memory will serve as an inspiration to all who dare to have great dreams, admire courage, disdain adversity and are determined to follow their destiny."

In Washington, Senator Jacob K. Javits said that Mr. Ben-Gurion had brought into reality "the messianic dream of persecuted millions," and said further, "Under his Premiership Israel grew from an aspiration to one of the most exemplary and courageous democracies in the world."

David Blomberg, president of B'nai B'rith, said that Mr. Ben-Gurion "took a dream and made it a reality and by force of his perseverance and personality profoundly changed the course of Jewish history."

Elmer L. Winter, president of the American Jewish Committee, said that the death of Mr. Ben-Gurion was the "end of an era" in Jewish history.

"As chief architect and builder of the reborn Jewish state," said Mr. Winter, "he brought to fruition an age-old dream of the Jewish people, and gave substance and meaning to the ancient prayer for a return to Zion."

Jacob Katzman, executive vice president of the Labor Zionist Alliance, of which Mr. Ben-Gurion was a member, said that the "Jewish people are orphaned by his passing."

"Long after the internal controversies of the past few years will have been reduced to a mere footnote in Israel's history, the Jewish people everywhere will remember this extraordinary man of vision, of single purpose and indomitable spirit," he said.

Representative Ogden R. Reid, a former ambassador to Israel, in a statement praised Mr. Ben-Gurion as a "modern Moses with a gift of prophecy."

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. SPARKMAN. Mr. President, I thank the Senator for yielding. I concur in the remarks made by the distinguished Senator from New York.

I, too, feel that David Ben-Gurion was one of the great statesmen of the world. I had the pleasure of visiting him when he was head of his government many years ago. I talked with him and I felt he was a man who made a tremendous impression on anyone who spoke to him and discussed matters with him.

I agree in the statement that he was a man of peace. He did a remarkable job in pulling together the little land we know now as Israel.

The first time I was ever in Israel, I enjoyed fully going through the country. I thought David Ben-Gurion had done a wonderful job in settling the Jews who came there from all parts of the world, just pushing out into that desert land at that time, a land that became flourishing and fruitful when water was brought in. It was an inspiration to see how he brought that about, establishing homes and doing a great job in the settling of the Jews who came there.

I felt his administration of the government was a tremendous job. I join the Senator in his statement that he did a great deal toward the peace of the world both while he was in government and later on. The world has lost a great leader.

Mr. JAVITS. I thank my colleague from Alabama very much. We all know him for his generosity of spirit which he so beautifully typifies in this tribute to David Ben-Gurion.

DESIGNATION OF TEXARKANA DAM AND RESERVOIR ON THE SULPHUR RIVER AS THE WRIGHT PATMAN DAM AND LAKE

Mr. BENTSEN. Mr. President, I report H.R. 974, a bill to designate the Texarkana Dam and Reservoir on the Sulphur River as the Wright Patman Dam and Lake and I ask for its immediate consideration.

The House gave its approval of this measure on October 15 of this year. H.R. 974 is identical in language to my bill S. 2604, which I introduced in the Senate on October 23, 1973.

The **PRESIDING OFFICER.** The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 974) designating the Texarkana Dam and Reservoir on the Sulphur River as the Wright Patman Dam and Lake.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the name of the distinguished senior Senator from Texas (Mr. Tower) be added as a cosponsor of my bill S. 2604, which is identical to this bill which was reported favorably from the Committee on Public Works this morning.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, the Texarkana Dam and Reservoir was authorized by the Flood Control Act of 1946 and was completed in 1958. It has operated successfully for the purposes of flood control, water supply, and recreation. The reservoir's recreational use is of particular pride to my State, and has provided enjoyment to over 2½ million visitors every year.

I am asking that the Congress rename

this dam and reservoir for Wright Patman because he is a great Texan, a great statesman, and, above all, a great American.

Wright Patman, now dean of the House of Representatives, has served continuously in that branch of Congress since March 4, 1929. Previously, he had been a member of the Texas State House of Representatives from 1921 to 1924, and also served as district attorney for the fifth judicial district of Texas from 1928 until his election to the Congress. As chairman of both the powerful Committee on Banking and Currency and Joint House-Senate Economic Committee, and vice chairman of the Joint House-Senate Committee on Defense Production, Congressman Patman has the ability to influence greatly the lives of all Americans. He has served with great distinction during his 45 years in Congress and has earned the respect and affection of his colleagues and constituents.

At the close of this session of the Congress, Chairman Patman will have served in the Congress 46 years, a term of service matched by only five Members in the entire history of the United States.

Chairman Patman has been particularly interested for many years in the field of water resources development, and it is only fitting that the Texarkana Dam and Reservoir be renamed in his honor. The success of the dam epitomizes his contributions to the field of water resources and honors him for his many unselfish years in public service.

Mr. President, Lyndon Johnson, as President of this great country, once stated:

> (Few) have served longer and with more experience than Wright Patman. None have served better and few as well. He represents the best in America's conscience and heritage, but most of all he always votes and fights for what he believes is best for the folks.

I realize that it is a departure from traditional policy to rename a project for a sitting Member of Congress, but I believe that departure in this case is more than justified by Chairman Patman's unique record of service and dedication.

I am very proud to call Wright Patman my friend, and I strongly urge the support of my colleagues in passing this bill.

The **PRESIDING OFFICER.** Without objection, the Senate will proceed to its immediate consideration——

Mr. **GRIFFIN.** Mr. President, reserving the right to object, I would note it is unusual to name a public park after a sitting Member of Congress, and I raise this question not with any particular reference to the Member of Congress who happens to be so honored, but I am aware that this is not the first time it has been done. It has been done before.

I also have been apprised of the fact that this bill has not only cleared the House, but it has been unanimously, as I understand it, reported by the Senate Public Works Committee, and it comes to the Senate floor with the approval and the cosponsorship of the other Senator from Texas (Mr. Tower).

So, having noted that it is unusual—and I frankly think that we should proceed with a good deal of restraint and caution in taking such actions—I will not object, realizing that it does have such wide approval.

Mr. **BENTSEN.** I thank the distinguished Senator. He is quite right that this body should proceed with great prudence and caution in such actions. This question was debated at some length in committee. We feel that with the uniqueness of the situation involved, with the man in question being dean of the House, now serving in his 45th year in the House and who has been instrumental in the creation of this lake and dam, this recognition is meritorious and should be done. I appreciate the withdrawal of any objection.

The **PRESIDING OFFICER.** Is there objection to the immediate consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

APPOINTMENTS TO THIRD LAW OF THE SEA CONFERENCE

The **PRESIDING OFFICER** (Mr. McClure). The Chair, on behalf of the President pro tempore, appoints the following Senators to attend the Third Law of the Sea Conference of the United Nations, New York City, N.Y., December 3–14, 1973: the Senator from Washington (Mr. Magnuson), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), the Senator from South Carolina (Mr. Hollings), the Senator from New Jersey (Mr. Case), and the Senator from Alaska (Mr. Stevens).

ORDER OF BUSINESS

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that no time be charged against the pending measure under the order today.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that after the two leaders, or their designees, have been recognized on tomorrow under the standing order, the distinguished Senator from New York (Mr. Javits) be recognized for not to exceed 15 minutes; that he be followed by the distinguished Senator from Mississippi (Mr. Stennis) for not to exceed 15 minutes; that he be followed by the distinguished Senator from Washington (Mr. Jackson) for not to exceed 15 minutes; that he be followed by the distinguished majority leader (Mr. Mansfield) for not to exceed 15 minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that on tomorrow, after the distinguished Senator from Washington (Mr. Jackson) has been recognized, the distinguished Senator from Michigan (Mr. Griffin) be recognized for not to exceed 15 minutes and prior to the recognition of the distinguished majority leader.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that at the conclusion of the aforementioned orders on tomorrow there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Senate proceed to resume consideration of the bill S. 2702 and that the unfinished business (S. 1868) be laid aside temporarily and remain in a temporarily laid aside status until the conclusion of business tomorrow or until the disposition of S. 2702, whichever is the earlier.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AMENDMENT OF REORGANIZATION PLAN NUMBERED 2 OF 1973

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent, at the request of the chairman of the Committee on Government Operations, that passage by the Senate on November 30 of H.R. 8245 be reconsidered, and that section 2 of the bill be amended by adding the letter "(h)" before the word "of," on page 2, line 2, and that the bill as thus amended be passed.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **ROBERT C. BYRD.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AUTHORIZATION TO RECEIVE MESSAGE AND SIGN BILL AFTER ADJOURNMENT TODAY

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that following the adjournment of the Senate today, the Secretary of the Senate be authorized to receive a message from the House, and that the Acting President pro tempore be authorized to sign a duly enrolled bill.

The **PRESIDING OFFICER.** Without objection, the Secretary of the Senate will be authorized to receive a House message and the Acting President pro tempore is authorized to sign the enrolled bill.

Mr. **ROBERT C. BYRD.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at the hour of 10 a.m. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Senators JAVITS, STENNIS, JACKSON, GRIFFIN, and MANSFIELD.

There will then be a period for the transaction of routine morning business not to exceed 30 minutes, with statements limited therein to 3 minutes; at the conclusion of which the Senate will resume the consideration of S. 2702, a bill to provide that daylight saving time be observed on a year-round basis. There is a time limitation on that bill and on amendments thereto. Yea and nay votes will occur thereon.

Mr. President, I suppose that following the consideration of that bill, the Senate will probably proceed to the consideration of S. 1283, which is an important industry research bill. Also coming along will be S. 2188, the railroad bill which is also an important measure, particularly in connection with the present energy crisis.

So, I can observe that there will be yea and nay votes daily from here on out.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 10 a.m. tomorrow.

The motion was agreed to; and at 4:41 p.m., the Senate adjourned until tomorrow, Tuesday, December 4, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate, December 3, 1973:

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, Title 10, United States Code, as amended. All officers are subject to physical examination required by law.

LINE OF THE AIR FORCE

First lieutenant to captain

Abair, Michael A., [redacted].
Aber, Leland A., [redacted].
Abler, Peter D., [redacted].
Abraham, William D., [redacted].
Accurso, Steven A., [redacted].
Adamec, John M., Jr., [redacted].
Adams, Charles E., [redacted].
Adams, Nathan J., Jr., [redacted].
Adams, Thomas F., [redacted].
Adamson, Anthony L., [redacted].
Adamson, James I., [redacted].
Affonso, William G., [redacted].
Agnor, Raymond M., Jr., [redacted].
Aguilera, Joseph L., [redacted].
Ahearn, Francis W., [redacted].
Aikman, Rex, Jr., [redacted].
Albertini, Victor D., [redacted].
Alberts, John M., [redacted].
Albright, John S., II, [redacted].
Alderfer, Elmer L., [redacted].
Alexander, Michael E., [redacted].
Alexander, Richard D., [redacted].
Alexander, Roger S., [redacted].
Algire, Richard G., [redacted].
Allan, Howard R., [redacted].
Allen, Larry L., [redacted].
Allen, Lewis H., III, [redacted].
Allen, Robert D. M., [redacted].
Allevato, John T., [redacted].
Allison, Robert E., Jr., [redacted].
Allum, Alvin L., [redacted].
Alpert, Thomas J., [redacted].
Alton, Jack W., Jr., [redacted].
Alverson, Michael E., [redacted].
Ambrose, Richard W., [redacted].
Amerise, Leonard A., [redacted].
Amos, Charles A., [redacted].
Anderegg, Clarence R., [redacted].
Anderson, David B., [redacted].
Anderson, David M., [redacted].
Anderson, David P., [redacted].
Anderson, Frederic M., [redacted].
Anderson, Gerald J. F., [redacted].
Anderson, Irvin A., [redacted].
Anderson, James F., [redacted].
Anderson, Jeffry W., [redacted].
Anderson, John A., [redacted].
Anderson, Jon A., [redacted].
Anderson, Kelly D., [redacted].
Anderson, Kurt B., [redacted].
Anderson, Robert R., [redacted].
Anderson, Stanley I., [redacted].
Anderson, Thomas E., [redacted].
Anderson, Thomas E., [redacted].
Andreoli, Leopold J., [redacted].
Andrews, Duane P., [redacted].
Andrews, Robert S., [redacted].
Angerman, George G., [redacted].
Annesser, James W., [redacted].
Anno, Stephen E., [redacted].
Ansell, Julian R., [redacted].
Ansorge, Gene A., [redacted].
Anton, Thomas J., [redacted].
Apgar, Richard, [redacted].
Arbaugh, Thomas W., [redacted].
Arbeit, Ferde P., [redacted].
Archibald, Alexander H., Jr., [redacted].
Ardillo, Nick P., Jr., [redacted].
Ardis, David G., [redacted].
Ardis, Wesley R., [redacted].
Arms, Charles I., [redacted].
Armstrong, Robert J., [redacted].
Armstrong, William P., Jr., [redacted].
Arner, Eugene O., [redacted].
Arnett, George D., [redacted].
Arnold, Harry W., [redacted].
Arnold, John E., [redacted].
Arnold, Palmer G., [redacted].
Arnold, William R., Jr., [redacted].
Arola, George T., [redacted].
Arthur, Arch S., [redacted].
Artz, John F., [redacted].
Ashbaugh, Dennis M., [redacted].
Ashby, James C., [redacted].
Asmus, Hans J., [redacted].
Atherton, Michael F., [redacted].
Atkinson, William B., Jr., [redacted].
Aufdenberg, Edward R., II, [redacted].
Bachelor, Robert R., [redacted].
Badgley, James L., [redacted].
Baenziger, Clayton M., [redacted].
Bafus, James R., [redacted].
Bagby, Alva E., III, [redacted].
Bagley, Alfred R., [redacted].
Bagnetto, Thomas A., [redacted].
Bailey, Gregory P., [redacted].
Bailey, Ronald G., [redacted].
Baird, David C., [redacted].
Baker, Charles W., Jr., [redacted].
Baker, Fred L., [redacted].
Baker, Henry D., III, [redacted].
Baker, James R., [redacted].
Baker, Lawrence H., [redacted].
Baker, Michael L., [redacted].
Baker, Norman D., [redacted].
Baki, Richard K., [redacted].
Balch, Edwin H., Jr., [redacted].
Balcik, John T., [redacted].
Balkovec, Steve L., [redacted].
Ball, Michael S., [redacted].
Ball, Michael J., [redacted].
Ballard, James R., [redacted].
Ballard, Leroy D., [redacted].
Ballentine, Burt E., [redacted].
Ballentine, Rodger D., [redacted].
Ballew, Joseph E., [redacted].
Balslev, Robert A., [redacted].
Banister, Larry S., [redacted].
Banker, Leon J., Jr., [redacted].
Banks, Calvin, Jr., [redacted].
Banning, Thomas M., III, [redacted].
Bannwart, James L., [redacted].
Baranowski, Bronislaw F., [redacted].
Barber, David E., [redacted].
Barbier, Allison J., Jr., [redacted].
Barclay, Douglas G., [redacted].
Barden, Paul W., [redacted].
Barker, Duane A., [redacted].
Barna, Theodore K., [redacted].
Barnard, Howard D., III, [redacted].
Barnes, Judson C., [redacted].
Barney, Warren G., [redacted].
Barneyback, Stephen E., [redacted].
Barnum, Robert J., [redacted].
Barreras, Allen J., [redacted].
Barrett, James G., Jr., [redacted].
Barrett, Robert M., [redacted].
Barrick, Samuel L., Jr., [redacted].
Barron, Joseph T., Jr., [redacted].
Barry, John M., [redacted].
Bartee, Luther M., [redacted].
Barthel, Daniel D., [redacted].
Bartlett, John R., [redacted].
Barton, David W., [redacted].
Barton, Frederick E., [redacted].
Barton, John V., [redacted].
Barton, Leroy H., III, [redacted].
Barton, Lloyd H., [redacted].
Bash, Donald C., [redacted].
Basine, James M., [redacted].
Basinger, Jimmy R., [redacted].
Bass, Arnie, [redacted].
Bassett, Loyal G., [redacted].
Bates, John F., [redacted].
Bauer, Christian A., [redacted].
Bauer, Merrill K., [redacted].
Baugh, Gary E., [redacted].
Bayless, James E., [redacted].
Bayne, Howard L., III, [redacted].
Beachem, Eugene R., [redacted].
Beacht, Russell W., [redacted].
Beal, William D., [redacted].
Beard, Terry L., [redacted].
Bearden, James G., [redacted].
Bearley, John W., [redacted].
Beatty, Jerome W., [redacted].
Beavers, William R., [redacted].
Bebee, Richard C., [redacted].
Beck, Larry R., [redacted].
Beck, Peter M., [redacted].
Beckett, Robert E., Jr., [redacted].
Beckmann, Joel W., [redacted].
Beggerly, James D., [redacted].
Behnfeldt, Roger E., [redacted].
Behrend, Leon C., [redacted].
Beinecke, Terry A., [redacted].
Bell, Donald W., [redacted].
Bell, Robert J., [redacted].
Bellamy, William N., [redacted].
Belmont, Gary R., [redacted].
Belt, James H., [redacted].
Bendlin, Gary R., [redacted].
Benjamin, Harry E., [redacted].
Benke, William A., [redacted].
Benkert, Daniel D., [redacted].
Bennert, Raymond M., [redacted].
Bennett, Leland H., [redacted].
Bennett, Warren A., Jr., [redacted].
Bennett, William R., [redacted].
Bentley, Philip S., [redacted].
Bentley, Robert S., [redacted].
Benton, Mark J., [redacted].
Beran, Jeffrey L., [redacted].
Bergholz, Richard J., [redacted].
Bernia, Dennis A., [redacted].
Berry, William E. Jr., [redacted].

Berthelotte, William P., xxx-xx-xxxx.
Bertram, Heinz D., xxx-xx-xxxx.
Bertrand, Randall L., xxx-xx-xxxx.
Berty, Barry J. T., xxx-xx-xxxx.
Berzins, John J., xxx-xx-xxxx.
Besbikos, Charles S., xxx-xx-xxxx.
Beshore, Eric A., xxx-xx-xxxx.
Besold, Barry B., xxx-xx-xxxx.
Bess, Richard A., xxx-xx-xxxx.
Bettinger, Alexander, xxx-xx-xxxx.
Bettinger, Sterling P., Jr., xxx-xx-xxxx.
Bettner, Ronald A., xxx-xx-xxxx.
Betts, David E., xxx-xx-xxxx.
Betz, William D., xxx-xx-xxxx.
Bevan, Steven B., xxx-xx-xxxx.
Bidwell, David F., xxx-xx-xxxx.
Biele, Thomas M., xxx-xx-xxxx.
Bieringer, Gerald F., xxx-xx-xxxx.
Biever, Lawrence J., xxx-xx-xxxx.
Bihner, William J., Jr., xxx-xx-xxxx.
Birdlebough, Michael W., xxx-xx-xxxx.
Bishop, Stanley T., xxx-xx-xxxx.
Black, Walter J., Jr., xxx-xx-xxxx.
Blackman, Johnny N., Jr., xxx-xx-xxxx.
Blackman, William J., xxx-xx-xxxx.
Blaha, Frank R., xxx-xx-xxxx.
Blair, Carlton W., xxx-xx-xxxx.
Blair, David G., xxx-xx-xxxx.
Blair, Donald C., Jr., xxx-xx-xxxx.
Blair, James D., xxx-xx-xxxx.
Blair, John R., xxx-xx-xxxx.
Blais, Gerard C., Jr., xxx-xx-xxxx.
Blakely, Milo R. B., xxx-xx-xxxx.
Blakely, Thomas J., xxx-xx-xxxx.
Blanchard, James R., xxx-xx-xxxx.
Blanchard, Stephen M., xxx-xx-xxxx.
Blanco, James P., xxx-xx-xxxx.
Blank, Jere F., xxx-xx-xxxx.
Blanks, Randolph M., xxx-xx-xxxx.
Blaschke, Robert E., Jr., xxx-xx-xxxx.
Blase, Carlton G., Jr., xxx-xx-xxxx.
Blau, Stuart J., xxx-xx-xxxx.
Blauch, James L., xxx-xx-xxxx.
Blaum, Raymond J., Jr., xxx-xx-xxxx.
Blaxton, Eldon C., xxx-xx-xxxx.
Bleakley, Bruce A., xxx-xx-xxxx.
Blewett, Timothy E., xxx-xx-xxxx.
Blinn, Roger K., xxx-xx-xxxx.
Bliquez, Terry O., xxx-xx-xxxx.
Bliss, Thomas F., xxx-xx-xxxx.
Block, John R., xxx-xx-xxxx.
Block, William H., xxx-xx-xxxx.
Blomberg, Earl A., Jr., xxx-xx-xxxx.
Bloom, Michael J., xxx-xx-xxxx.
Blum, Ronald E., xxx-xx-xxxx.
Blunt, James H., xxx-xx-xxxx.
Boddy, Robert F., xxx-xx-xxxx.
Bogard, Earl C., Jr., xxx-xx-xxxx.
Bohn, Gary D., xxx-xx-xxxx.
Boisture, Worth W., Jr., xxx-xx-xxxx.
Bomberger, John F., xxx-xx-xxxx.
Bonasso, Robert A., xxx-xx-xxxx.
Bond, Dennis G., xxx-xx-xxxx.
Bonn, Russell H., xxx-xx-xxxx.
Booth, Thomas R. L., xxx-xx-xxxx.
Boots, Stephen K., xxx-xx-xxxx.
Bordeau, Wayne R., xxx-xx-xxxx.
Boren, Glenn E., xxx-xx-xxxx.
Borland, Dennis P., xxx-xx-xxxx.
Bortner, Jonathan J., xxx-xx-xxxx.
Bosiljevac, Michael J., xxx-xx-xxxx.
Bost, James L., xxx-xx-xxxx.
Boston, Ronald G., xxx-xx-xxxx.
Boswell, Gordon F., xxx-xx-xxxx.
Bouchard, Peter A., xxx-xx-xxxx.
Boucher, Jean A., xxx-xx-xxxx.
Boulet, Dan L., Jr., xxx-xx-xxxx.
Bound, Ronald J., xxx-xx-xxxx.
Bouthillier, Raymond A., xxx-xx-xxxx.
Bowers, John V., Jr., xxx-xx-xxxx.
Bowie, Claude P., Jr., xxx-xx-xxxx.
Bowman, Gerald L., xxx-xx-xxxx.
Bowman, Medford C., Jr., xxx-xx-xxxx.
Boyd, Jimmy L., xxx-xx-xxxx.
Boyd, Stephen B., xxx-xx-xxxx.
Boyer, Robert J., xxx-xx-xxxx.
Boyle, Jerry D., xxx-xx-xxxx.
Boyle, Marcus J., xxx-xx-xxxx.
Braa, Arthur J., xxx-xx-xxxx.
Bradford, Barry C., xxx-xx-xxxx.
Bradley, Ronald G., xxx-xx-xxxx.
Brady, Charles C., xxx-xx-xxxx.
Brady, James F., xxx-xx-xxxx.
Brady, Kenneth L., xxx-xx-xxxx.
Brady, Thomas R., xxx-xx-xxxx.
Brady, Thomas F., Jr., xxx-xx-xxxx.
Brahan, Michael G., xxx-xx-xxxx.
Brandon, John D., xxx-xx-xxxx.
Brandon, Peter B., xxx-xx-xxxx.
Brandt, William R., xxx-xx-xxxx.
Branscome, Claude E., xxx-xx-xxxx.
Branson, Phillip A., xxx-xx-xxxx.
Brashear, Ralph W., xxx-xx-xxxx.
Bravinder, Richard W., xxx-xx-xxxx.
Bray, David A., xxx-xx-xxxx.
Brazil, Douglas L., xxx-xx-xxxx.
Breen, Timothy J., xxx-xx-xxxx.
Breland, Lonnie J., xxx-xx-xxxx.
Brende, Otis A., xxx-xx-xxxx.
Brewer, Myron T., Jr., xxx-xx-xxxx.
Bridewell, Alexander C., III, xxx-xx-xxxx.
Bridges, John F., xxx-xx-xxxx.
Bridges, Thomas F., xxx-xx-xxxx.
Briggs, John J., III, xxx-xx-xxxx.
Brigman, Marvin J., Jr., xxx-xx-xxxx.
Brinkley, Michael E., xxx-xx-xxxx.
Brittelli, Joseph L., xxx-xx-xxxx.
Britton, John F., Jr., xxx-xx-xxxx.
Broadway, Terrance M., xxx-xx-xxxx.
Brocato, Thomas A., xxx-xx-xxxx.
Brock, Carol B., xxx-xx-xxxx.
Brock, William C., xxx-xx-xxxx.
Broderick, Joseph E., xxx-xx-xxxx.
Brody, Robert D., xxx-xx-xxxx.
Brohammer, Ronald G., xxx-xx-xxxx.
Bronzo, Anthony F., Jr., xxx-xx-xxxx.
Brooks, George D., xxx-xx-xxxx.
Brooks, William J., III, xxx-xx-xxxx.
Brost, William P., xxx-xx-xxxx.
Brotzman, Robert L., xxx-xx-xxxx.
Brown, Alan H., II, xxx-xx-xxxx.
Brown, Dennis L., xxx-xx-xxxx.
Brown, Gary E., xxx-xx-xxxx.
Brown, Harold R., Jr., xxx-xx-xxxx.
Brown, Henry A., Jr., xxx-xx-xxxx.
Brown, James L., xxx-xx-xxxx.
Brown, James F., xxx-xx-xxxx.
Brown, Ronald T., xxx-xx-xxxx.
Brown, Tommy G., xxx-xx-xxxx.
Brown, William L., xxx-xx-xxxx.
Browning, Robert W., Jr., xxx-xx-xxxx.
Brownlee, Donald H., xxx-xx-xxxx.
Brumfiel, Philip A., xxx-xx-xxxx.
Brummund, Charles R., xxx-xx-xxxx.
Bruner, James D., xxx-xx-xxxx.
Bruner, Walter K., xxx-xx-xxxx.
Bruns, David A., xxx-xx-xxxx.
Brunsting, James A., xxx-xx-xxxx.
Brunt, Curtis W., Jr., xxx-xx-xxxx.
Bryan, Edwin B., xxx-xx-xxxx.
Bryant, Floyd, Jr., xxx-xx-xxxx.
Buby, Randy L., xxx-xx-xxxx.
Buchanan, James D., xxx-xx-xxxx.
Buchert, William J., xxx-xx-xxxx.
Buchholz, David E., xxx-xx-xxxx.
Buck, John E., xxx-xx-xxxx.
Buckner, Robert W., xxx-xx-xxxx.
Budinger, Fred W., Jr., xxx-xx-xxxx.
Buecker, Robert C., xxx-xx-xxxx.
Buettner, Terry W., xxx-xx-xxxx.
Bufton, Larry W., xxx-xx-xxxx.
Bugado, Harold B., xxx-xx-xxxx.
Bughman, Niles J., xxx-xx-xxxx.
Bull, David E., xxx-xx-xxxx.
Bullerman, William R., xxx-xx-xxxx.
Bulloch, Donald C., xxx-xx-xxxx.
Bumbulis, Gunars, xxx-xx-xxxx.
Bunger, Allen D., xxx-xx-xxxx.
Bunger, Dixon R., xxx-xx-xxxx.
Burbank, Deane A., xxx-xx-xxxx.
Burch, Joe T., xxx-xx-xxxx.
Burchell, Gary F., xxx-xx-xxxx.
Burdeshaw, Fred H., Jr., xxx-xx-xxxx.
Burge, Pruett W., xxx-xx-xxxx.
Burger, Kenneth J., xxx-xx-xxxx.
Burghoffer, Leo L., xxx-xx-xxxx.
Burink, Gerald A., xxx-xx-xxxx.
Burk, Robert L., xxx-xx-xxxx.
Burke, David K., xxx-xx-xxxx.
Burke, Joseph W., xxx-xx-xxxx.
Burke, Michael B., xxx-xx-xxxx.
Burke, Robert F., xxx-xx-xxxx.
Burke, Terry A., xxx-xx-xxxx.
Burkel, Louis A., III, xxx-xx-xxxx.
Burman, Steven W., xxx-xx-xxxx.
Burnett, Paull C., xxx-xx-xxxx.
Burnette, Joe D., xxx-xx-xxxx.
Burnistine, Elmo, xxx-xx-xxxx.
Burns, Herman W., xxx-xx-xxxx.
Burns, Jerry E., xxx-xx-xxxx.
Burri, Otto W., xxx-xx-xxxx.
Burrows, Henry P., III, xxx-xx-xxxx.
Burski, Michael L., xxx-xx-xxxx.
Burton, William R., xxx-xx-xxxx.
Busch, Howard R., II, xxx-xx-xxxx.
Bush, Andrew K., xxx-xx-xxxx.
Bush, Frederick E., Jr., xxx-xx-xxxx.
Bush, William L., III, xxx-xx-xxxx.
Busico, Roger P., xxx-xx-xxxx.
Butchart, James F., xxx-xx-xxxx.
Butcher, Maxwell P., xxx-xx-xxxx.
Butler, Johnnie B., xxx-xx-xxxx.
Butterbrodt, Vaughn L., xxx-xx-xxxx.
Button, Gary D., xxx-xx-xxxx.
Butts, David R. W., xxx-xx-xxxx.
Buzze, Charles L., xxx-xx-xxxx.
Byrd, Emerson E., xxx-xx-xxxx.
Byrd, Harry E., xxx-xx-xxxx.
Byrne, Mary, xxx-xx-xxxx.
Byrns, William G., xxx-xx-xxxx.
Cable, John P., xxx-xx-xxxx.
Cadugan, John A., xxx-xx-xxxx.
Cahill, Robert F., xxx-xx-xxxx.
Caldwell, Douglas E., xxx-xx-xxxx.
Caldwell, William R., xxx-xx-xxxx.
Calhoon, Wendell M., xxx-xx-xxxx.
Calhoun, Charles K., Jr., xxx-xx-xxxx.
Callinan, Michael C., xxx-xx-xxxx.
Calloway, James W., xxx-xx-xxxx.
Calta, Dick, xxx-xx-xxxx.
Calvert, William H., xxx-xx-xxxx.
Campagna, Carmen S., xxx-xx-xxxx.
Campbell, Dana F., xxx-xx-xxxx.
Campbell, Dennis, L., xxx-xx-xxxx.
Campbell, Frank B., xxx-xx-xxxx.
Campbell, Harry G., xxx-xx-xxxx.
Campbell, Hugh T., xxx-xx-xxxx.
Campbell, John S., xxx-xx-xxxx.
Campbell, Milus C., Jr., xxx-xx-xxxx.
Campbell, William H., Jr., xxx-xx-xxxx.
Campion, Norman J., xxx-xx-xxxx.
Canter, Thomas H., xxx-xx-xxxx.
Cantrell, John L., xxx-xx-xxxx.
Capps, John T., xxx-xx-xxxx.
Caputo, John A., xxx-xx-xxxx.
Carberry, Don L., xxx-xx-xxxx.
Cardiel, Richard B., xxx-xx-xxxx.
Carleton, Roger E., xxx-xx-xxxx.
Carlson, Kenneth R., xxx-xx-xxxx.
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Laflamme, Herbert A., [redacted].
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Lawyer, David F., [redacted].
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Underwood, Bobby C., xxx-xx-xxxx.
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Vairo, Vincent R., xxx-xx-xxxx.
Valentine, Roger L., xxx-xx-xxxx.
Vanderwilt, Philip B., xxx-xx-xxxx.
Vandoren, Emerson B., xxx-xx-xxxx.
Vandyke, David B., xxx-xx-xxxx.
Vanleeuwen, James R., xxx-xx-xxxx.
Vanooyen, Johannes, xxx-xx-xxxx.
Vanover, Fairly, xxx-xx-xxxx.
Vansice, Robert B., Jr., xxx-xx-xxxx.
Vanwagenen, George E., xxx-xx-xxxx.
Vanwagenen, Michael D., xxx-xx-xxxx.
Vaughn, David L., xxx-xx-xxxx.
Vaughn, Lauren K., xxx-xx-xxxx.
Veeder, Robert N., xxx-xx-xxxx.
Vega, Manuel F., xxx-xx-xxxx.
Verhaeghe, Timothy A., xxx-xx-xxxx.
Vermeiren, Richard M., xxx-xx-xxxx.
Verna, Philip V., xxx-xx-xxxx.
Vernamonti, Leonard R., xxx-xx-xxxx.
Vernon, James N., xxx-xx-xxxx.
Vertenten, James A., xxx-xx-xxxx.
Vickers, Richard N., xxx-xx-xxxx.
Viers, Marion A., Jr., xxx-xx-xxxx.
Vincent, Joseph P., xxx-xx-xxxx.
Vincent, Randolph C., xxx-xx-xxxx.
Visinsky, Walter L., Jr., xxx-xx-xxxx.
Vittoria, Andrew N., Jr., xxx-xx-xxxx.
Vivion, Ronald E., xxx-xx-xxxx.
Vizi, Donald A., xxx-xx-xxxx.
Voellger, Gary A., xxx-xx-xxxx.
Vogt, Richard J., xxx-xx-xxxx.
Voight, Ronald O., xxx-xx-xxxx.
Volk, Douglas L., xxx-xx-xxxx.
Vonkrosigk, Rodney K., xxx-xx-xxxx.
Vonsien, Robert R., xxx-xx-xxxx.
Vonworley, Warren, xxx-xx-xxxx.
Voth, Dennis J., xxx-xx-xxxx.
Vycital, Gary C., xxx-xx-xxxx.
Wade, Robert F., xxx-xx-xxxx.
Wadlington, James T., Jr., xxx-xx-xxxx.
Wagner, Paul A., xxx-xx-xxxx.
Wagner, Roger D., Jr., xxx-xx-xxxx.
Wakefield, Harry A., III, xxx-xx-xxxx.
Walen, Darrell J., xxx-xx-xxxx.
Walilko, Thomas J., xxx-xx-xxxx.
Walker, Cole E., xxx-xx-xxxx.
Walker, Douglas M., xxx-xx-xxxx.
Walker, John A., xxx-xx-xxxx.
Walker, John A., xxx-xx-xxxx.
Walker, Robert A., xxx-xx-xxxx.
Wall, Richard L., xxx-xx-xxxx.
Wallace, John R., xxx-xx-xxxx.
Wallace, William F., xxx-xx-xxxx.
Walls, Leonard L., xxx-xx-xxxx.
Walsh, John C., xxx-xx-xxxx.
Walsh, Robert P., xxx-xx-xxxx.
Walters, Charles W., xxx-xx-xxxx.
Walz, Leslie T., xxx-xx-xxxx.
Wansack, James K., xxx-xx-xxxx.
Ward, Donald R., xxx-xx-xxxx.
Ward, Gary W., xxx-xx-xxxx.
Ward, Neal C., xxx-xx-xxxx.
Warden, Wayne E., xxx-xx-xxxx.
Warman, Eric P., xxx-xx-xxxx.
Warr, Gaylon L., xxx-xx-xxxx.
Warren, Robert H., Jr., xxx-xx-xxxx.
Washburn, Carlos D., xxx-xx-xxxx.
Washburn, John D., xxx-xx-xxxx.
Wasia, Vincent P., xxx-xx-xxxx.
Watson, Robert G., xxx-xx-xxxx.
Watts, Raymond K., xxx-xx-xxxx.
Waybright, Robert C., xxx-xx-xxxx.
Wayman, Robert F., xxx-xx-xxxx.
Wayne, George H., xxx-xx-xxxx.
Waypa, John, Jr., xxx-xx-xxxx.
Weaver, Billy H., xxx-xx-xxxx.
Weaver, Bruce W., xxx-xx-xxxx.
Weaver, Richard A., xxx-xx-xxxx.
Webb, Danny W., xxx-xx-xxxx.
Webb, Virgil H., xxx-xx-xxxx.
Weber, Paul R., xxx-xx-xxxx.
Weber, Robert H., xxx-xx-xxxx.
Webster, Dale D., xxx-xx-xxxx.
Webster, John G., xxx-xx-xxxx.
Weeks, Rodney O., xxx-xx-xxxx.
Wehrle, John R., xxx-xx-xxxx.
Weidler, James H., xxx-xx-xxxx.
Weigle, Harold A., xxx-xx-xxxx.
Weiland, John D., xxx-xx-xxxx.
Weinig, John W., xxx-xx-xxxx.
Weiss, Edward D., xxx-xx-xxxx.
Weiss, Edward H., xxx-xx-xxxx.
Weizenegger, Richard E., Jr., xxx-xx-xxxx.
Welch, Craig, J., Jr., xxx-xx-xxxx.
Welch, Thomas D., xxx-xx-xxxx.
Welde, John L., xxx-xx-xxxx.
Weldon, James R., xxx-xx-xxxx.
Weller, Frederik, xxx-xx-xxxx.
Wells, Charles R., III, xxx-xx-xxxx.
Wells, David M., xxx-xx-xxxx.
Wells, Michael L., xxx-xx-xxxx.
Welsh, Billy A., xxx-xx-xxxx.
Welsh, Robert D., xxx-xx-xxxx.
Welty, Lester F., xxx-xx-xxxx.
Wendt, Howard W., xxx-xx-xxxx.
Wendt, James C., xxx-xx-xxxx.
Wenner, Gerald M., Jr., xxx-xx-xxxx.
West, Donald E., xxx-xx-xxxx.
West, John F., III, xxx-xx-xxxx.
West, Sheridan J., II, xxx-xx-xxxx.
Westenbarger, Martin L., xxx-xx-xxxx.
Westerbeck, John W., xxx-xx-xxxx.
Westerfield, Melvin L., xxx-xx-xxxx.
Westergom, Earl L., xxx-xx-xxxx.
Westover, George D., xxx-xx-xxxx.
Weustermann, Elsa J., xxx-xx-xxxx.
Whalen, Joseph E., xxx-xx-xxxx.
Wheeler, Jon S., xxx-xx-xxxx.
Wheeler, Michael I., xxx-xx-xxxx.
Whelan, Robert E., Jr., xxx-xx-xxxx.
Whipple, Larry K., xxx-xx-xxxx.
Whitaker, Richard A., xxx-xx-xxxx.
White, Arthur P., xxx-xx-xxxx.
White, Frank O. H., xxx-xx-xxxx.
White, Harry A., III, xxx-xx-xxxx.
White, Homer E., Jr., xxx-xx-xxxx.
White, James H., Jr., xxx-xx-xxxx.
White, James P., xxx-xx-xxxx.
White, Neil R., xxx-xx-xxxx.
White, Richard A., xxx-xx-xxxx.
Whiten, Charles W., Jr., xxx-xx-xxxx.
Whitesell, Donald E., xxx-xx-xxxx.
Whitley, Williard H., xxx-xx-xxxx.
Whitman, Charles T., Jr., xxx-xx-xxxx.
Whitney, Randle L., xxx-xx-xxxx.
Whittaker, Loren F., xxx-xx-xxxx.
Wickham, Richard J., xxx-xx-xxxx.
Widhalm, Joseph W., xxx-xx-xxxx.
Wieneke, Charles H., xxx-xx-xxxx.
Wiesner, Larry E., xxx-xx-xxxx.
Wiest, Charles L., Jr., xxx-xx-xxxx.
Wikheim, John A., xxx-xx-xxxx.
Wilbanks, Ronald T., xxx-xx-xxxx.
Wilber, John W., xxx-xx-xxxx.
Wilder, Lawrence T., xxx-xx-xxxx.
Wildermuth, Paul S., xxx-xx-xxxx.
Wiles, Charles J., xxx-xx-xxxx.
Wiley, John, III, xxx-xx-xxxx.
Wilkinson, Spencer W., xxx-xx-xxxx.
Wilks, Phillip G., xxx-xx-xxxx.
Will, Joseph H. M., xxx-xx-xxxx.
Willey, Lester R., xxx-xx-xxxx.
Willhoite, Robert R., xxx-xx-xxxx.
Williams, Daniel O., xxx-xx-xxxx.
Williams, Edward L., Jr., xxx-xx-xxxx.
Williams, Frederick M., xxx-xx-xxxx.
Williams, James T., xxx-xx-xxxx.
Williams, John B., xxx-xx-xxxx.
Williams, Marion M., Jr., xxx-xx-xxxx.
Williams, Philip J., xxx-xx-xxxx.
Williams, Robert D., xxx-xx-xxxx.
Williams, Roy D., xxx-xx-xxxx.
Williams, Victor M., Jr., xxx-xx-xxxx.
Williamson, Marshall D., xxx-xx-xxxx.
Willinski, Gregory, T., xxx-xx-xxxx.
Willis, Richard K., xxx-xx-xxxx.
Willoughby, Robert B., xxx-xx-xxxx.
Willoz, John L., xxx-xx-xxxx.
Wilmot, James H., xxx-xx-xxxx.
Wilmoth, Harrington L., xxx-xx-xxxx.
Wilmotte, Thomas M., xxx-xx-xxxx.
Wilson, Stephen E., xxx-xx-xxxx.
Wilson, Woodrow, Jr., xxx-xx-xxxx.
Windham, Thomas D., xxx-xx-xxxx.
Winge, Gaylord H., Jr., xxx-xx-xxxx.
Wingfield, John R., III xxx-xx-xxxx.
Winkle, Stephen N., xxx-xx-xxxx.
Winkler, Paul H., xxx-xx-xxxx.
Winnik, Laurence N., xxx-xx-xxxx.
Winstel, Mark A., xxx-xx-xxxx.
Wirth, Michael C., xxx-xx-xxxx.
Wise, Keith R., xxx-xx-xxxx.
Wise, Richard A., xxx-xx-xxxx.
Wise, William M., III, xxx-xx-xxxx.
Wisecarver, Kurt J., xxx-xx-xxxx.
Witek, Edward, xxx-xx-xxxx.
Withers, Douglas R., Jr., xxx-xx-xxxx.
Wittel, Edward F., Jr. xxx-xx-xxxx.
Wittmayer, Roger N., xxx-xx-xxxx.
Woelfel, John G., xxx-xx-xxxx.
Wohlwend, James P., xxx-xx-xxxx.
Wolf, Stephen H., xxx-xx-xxxx.
Wolfe, James L., xxx-xx-xxxx.
Wolfe, Norman K., xxx-xx-xxxx.
Wollaston, John F., xxx-xx-xxxx.
Wood, Douglas B., xxx-xx-xxxx.
Wood, Stuart, B., xxx-xx-xxxx.
Woodall, James D., xxx-xx-xxxx.
Woodard, Wendell O., xxx-xx-xxxx.
Woodell, Royce G. W., xxx-xx-xxxx.
Woods, Gavan D., xxx-xx-xxxx.
Woods, Jerry D., xxx-xx-xxxx.
Woodworth, Richard A., xxx-xx-xxxx.
Woody, William E., xxx-xx-xxxx.
Woolard, Lynn P., xxx-xx-xxxx.
Woolley, William H., Jr., xxx-xx-xxxx.
Wooten, Clyde W., II, xxx-xx-xxxx.
Worden, Douglas L., xxx-xx-xxxx.
Worden, Jerry D., xxx-xx-xxxx.
Woronicz, Robert C., xxx-xx-xxxx.
Worrall, Gary R., xxx-xx-xxxx.
Worthington, Jesse C., xxx-xx-xxxx.
Wright, Daniel P., xxx-xx-xxxx.
Wright, Dennis D., xxx-xx-xxxx.
Wright, John A., xxx-xx-xxxx.
Wright, Kenneth L., xxx-xx-xxxx.
Wyatt, John H., xxx-xx-xxxx.
Wyman, Stephen S., xxx-xx-xxxx.
Wyninegar, Noble C., Jr., xxx-xx-xxxx.
Yager, Thomas L., xxx-xx-xxxx.
Yamanaka, Osamu C., xxx-xx-xxxx.
Yarborough, Thomas R., xxx-xx-xxxx.
Yates, David L., xxx-xx-xxxx.
Yeakel, Richard E., xxx-xx-xxxx.
Yoggerst, Denis M., xxx-xx-xxxx.
Yohman, James M., xxx-xx-xxxx.
Younce, Henry S., xxx-xx-xxxx.
Young, Clark S., Jr., xxx-xx-xxxx.
Young, Everett W., xxx-xx-xxxx.
Young, Gerald T., xxx-xx-xxxx.
Young, Lee R., Jr., xxx-xx-xxxx.
Young, Myron A., xxx-xx-xxxx.
Young, Robert A., Jr., xxx-xx-xxxx.
Youngblood, Robert D., xxx-xx-xxxx.
Younger, John R., xxx-xx-xxxx.
Zalace, Stanley W., xxx-xx-xxxx.
Zall, Jonathan E., xxx-xx-xxxx.
Zdradzinski, Stephen F., Jr., xxx-xx-xxxx.

Zebelean, John J., III, [redacted].
Zeglis, Frank T., III, [redacted].
Zehr, Frederick J., Jr., [redacted].
Zelenski, Stanley S., [redacted].
Zens, Michael L., [redacted].
Zesinger, George R., III, [redacted].
Ziegler, Dennis J., [redacted].
Ziegler, Kenton R., [redacted].
Zimmerman, Eric A., [redacted].
Zimmerman, Leon I., [redacted].
Zimmermann, Raymond C., [redacted].
Zinkievich, John M., [redacted].
Zinkus, John C., [redacted].
Zuleeg, Ralph C., [redacted].
Zura, Gary B., [redacted].

CHAPLAINS

Bilderback, Carl E., [redacted].
Browne, Robert H., [redacted].
Carter, Wilton C., [redacted].
Clayton, Bennie H., [redacted].
Engler, David E., [redacted].
Hancock, Edward N., [redacted].
Hockaday, Albert A. L., [redacted].
Jensen, Harold M., [redacted].
Lipscomb, William W., [redacted].
Matthews, Joseph C., III, [redacted].
O'Leary, Niall F., [redacted].
O'Toole, James P., [redacted].
Reynolds, Marion S., Jr., [redacted].
Riza, Bradford L., [redacted].
Shepanski, Donatus C., [redacted].
Sikes, William G. Jr., [redacted].
Singletary, John D., [redacted].
Sweeney, Leo T., [redacted].
Thomas, Arthur S., [redacted].

DENTAL CORPS

Abrahamsen, Thomas C., [redacted].
Appeldoorn, Ronald E., [redacted].
Biddle, Harold H., [redacted].
Boggs, David E., [redacted].
Cable, Steven G., [redacted].
Caldwell, Joseph L., [redacted].
Cook, David A., [redacted].
France, Richard A., [redacted].
Goupil, Michael T., [redacted].
Hebda, Thomas W., [redacted].
Korkosz, John A., [redacted].
Kreig, Louis T., Jr., [redacted].
Langston, John R., [redacted].
Marx, Robert E., [redacted].
Nemcic, Steven D., [redacted].
Neudigate, William C., [redacted].
Oesterle, Larry J., [redacted].
Snell, Gerald M., [redacted].
Steegstra, David A., [redacted].
Stevens, Frederic D., [redacted].
Summitt, James B., [redacted].
Thomas, Lloyd G., Jr., [redacted].
Thompson, Larry D., [redacted].
Westbrook, Steve D., [redacted].
White, John H., [redacted].
Williams, Howard J., [redacted].

MEDICAL CORPS

Abraham, David A., [redacted].
Anderson, George K., [redacted].
Arnold, Hendrick J., III, [redacted].
Baldwin, John L., [redacted].
Barnes, Robert P., [redacted].
Bellas, Richard C., [redacted].
Bishop, John A., [redacted].
Bostrom, Stuart G., [redacted].
Boyd, Carl R., [redacted].
Bradshaw, Michael T., [redacted].
Burner, William L., III, [redacted].
Canon, Dennis L., [redacted].
Carbonneau, John R., [redacted].
Coburn, Bry H., [redacted].
Collins, Cleve B., [redacted].
Confer, David J., [redacted].
Davis, David L., [redacted].
Davis, Jeffrey G., [redacted].
Day, Ralph W., [redacted].
Dorso, Michael A., [redacted].
Garza, Orlando T., [redacted].
George, Percy A., [redacted].
Gilmore, Robert W., [redacted].
Gilstrap, Larry C., III, [redacted].
Hastings, John R., [redacted].
Heffron, Charles H., Jr., [redacted].
Henderson, Richard A., III, [redacted].
Hoekstra, Dale V., [redacted].
Hoffman, Peter F., [redacted].
Jordan, Henry S., Jr., [redacted].
Klarich, John D., [redacted].
Makar, James Jr., [redacted].
Marquart, Chris D., [redacted].
McCullough, James A., [redacted].
McDowell, Russell V., [redacted].
Moll, Jacob T., [redacted].
Naguwa, Stanley M., [redacted].
Paige, Robert W., [redacted].
Ramos, William D., [redacted].
Risser, Christian F., [redacted].
Roberts, Thomas H., [redacted].
Roper, Daniel L., [redacted].
Rose, Donald D., [redacted].
Ruggles, Charles W., [redacted].
Sexson, William R., [redacted].
Shirley, Douglas P., [redacted].
Sostre, Samuel, [redacted].
Spadoni, James R., [redacted].
Steinbacher, Carl B., [redacted].
Stelling, Henry G., Jr., [redacted].
Thornton, William V. S., [redacted].
Tolley, Douglas G., Jr., [redacted].
Trevino, Alfredo Jr., [redacted].
Waring, William M., [redacted].
Whelan, Gerald P., [redacted].
Williams, Robert A., [redacted].
Witt, Terry J., [redacted].

NURSE CORPS

Beaudette, Judith H., [redacted].
Bloemer, Diana C., [redacted].
Bowar, David R., [redacted].
Burns, Miriam K., [redacted].
Casterline, Arline, [redacted].
Clark, Patricia A., [redacted].
Cook, Virginia V., [redacted].
Cunningham, Haridell, [redacted].
Dowling, Janice M., [redacted].
Dube, Allen G., [redacted].
Encke, Lynda V., [redacted].
Fitzhenry, Margaret A., [redacted].
Fox, Jacqueline G., [redacted].
Greenfeldt, Elene W., [redacted].
Greer, Sara E., [redacted].
Haan, Maryanne, [redacted].
Heaberlin, Karen K., [redacted].
Holmes, Karen L., [redacted].
Jaco, Richard G., [redacted].
Jacobs, Gary L., [redacted].
Kurdelski, Patricia A., [redacted].
Lemaire, Carol V., [redacted].
Little, John Mary K., [redacted].
Lloyd, Florence L., [redacted].
Marin, Beatrice M., [redacted].
McHale, Susan M., [redacted].
Minterfering, Georgann, [redacted].
Moore, Terry R., [redacted].
Otto, Pauline E., [redacted].
Philbrick, Gloria R., [redacted].
Ravella, Patricia C., [redacted].
Reid, Jean M. G., [redacted].
Rogers, Charlotte E., [redacted].
Ruble, Craig E., [redacted].
Sampsell, Dorothy I., [redacted].
Saulsberry, Allen D., [redacted].
Schroeder, Linda, [redacted].
Spivey, Christine, [redacted].
Thurmer, Sandra L., [redacted].
Toole, Susan E., [redacted].
Vaida, Charles T., [redacted].
Walker, Jill K., [redacted].
Walstra, Judith C., [redacted].
Waterman, Mary A., [redacted].
Wight, Wendel H., [redacted].
Wilcox, Carolyn E., [redacted].
Zimmer, Ervin D., [redacted].

MEDICAL SERVICE CORPS

Angell, Albert R., III, [redacted].
Ausmus, Duane G., [redacted].
Brank, Hence F., Jr., [redacted].
Casto, Graden J., [redacted].
Cunningham, Terence T., III, [redacted].
Degroot, Edward B., III, [redacted].
Downing, Dennis R., [redacted].
English, Manuel L., [redacted].
Erwin, James L., [redacted].
Farrow, James G., [redacted].
Griffin, Arland G., [redacted].
Hernandez, Ivan P., [redacted].
Hoch, Francis L., [redacted].
Hudson, Hal C., [redacted].
Huggins, William C., [redacted].
Hurt, Eric L., [redacted].
Kenschaft, Robert B., [redacted].
Lee, Donald E., Jr., [redacted].
Loftus, Thomas, [redacted].
Lott, Larry K., [redacted].
Mackie, Kenneth J., Jr., [redacted].
Mayu, Billy W., [redacted].
McGough, Richard G., [redacted].
McKown, James G., [redacted].
Montero, Lloyd A., [redacted].
Morton, Edward C., Jr., [redacted].
Muehlberger, Gerald L., [redacted].
Murrell, Warren P., Jr., [redacted].
Orsak, Peter M., [redacted].
Ortmann, Fred W., III, [redacted].
Pees, Richard C., [redacted].
Pettigrew, Alan G., Jr., [redacted].
Powell, George R., [redacted].
Powers, William J., [redacted].
Shermer, Robert T., [redacted].
Stephenson, John R., [redacted].
Terry, Wayne G., [redacted].
Thompson, Michael K., [redacted].
Toebbe, Nelson E., [redacted].
Turk, Herbert A., Jr., [redacted].
Vago, Frederick A., [redacted].
Vignes, Bert L., [redacted].
Vocks, Joseph T., [redacted].
Wetzler, Harry P., [redacted].
Wiblitzhouser, Kenneth F., [redacted].
Zajac, John J., [redacted].

VETERINARY CORPS

Bekaert, Denis A., [redacted].
Cartledge, Robert M., [redacted].
Herbold, John R., [redacted].
Lawer, Daniel R., [redacted].
Long, David A., [redacted].
Miner, Judson C., Jr., [redacted].
Rankin, James T., Jr., [redacted].
Somers, Rick A., [redacted].
Young, John T., [redacted].

BIOMEDICAL SCIENCES CORPS

Aycock, Arthur C., [redacted].
Bargren, Gerald L. K., [redacted].
Baughman, Mary A., [redacted].
Benline, Terry A., [redacted].
Campbell, Donald H., Jr., [redacted].
Cissik, John H., [redacted].
Gallagher, Frank P., III, [redacted].
Garrett, Hershel A., [redacted].
Hablitzel, Thomas L., [redacted].
Harris, Ronald J., [redacted].
Hawks, Robert L., [redacted].
Koistinen, Darrel W., [redacted].
McIntyre, Thomas H., [redacted].
Meldrum, James R., [redacted].
Moran, Jeanne R., [redacted].
Naugle, Dennis F., [redacted].
Padalino, Joseph R., [redacted].
Pierson, Wayne P., [redacted].
Rosato, Louis W., Jr., [redacted].
Rossi, Nunzio J., [redacted].
Smith, Regina S., [redacted].
Snedecor, Susan A., [redacted].
Stec, Paul J., [redacted].
Swede, Benjamin M., [redacted].
Underwood, Frances V., [redacted].
Williams, Earl R., II, [redacted].
Williams, Jerry P., [redacted].
Zellers, Robert H., [redacted].

The following-named Air Force officers for reappointment to the active list of the Regular Air Force, in the grade indicated, under the provisions of sections 1210 and 1211, title 10, United States Code.

LINE OF THE AIR FORCE

To be colonel

McCuskey, Michael A., [redacted].

To be lieutenant colonel

Duquette, Norman C., [redacted].

To be major

Bryan, William L., Jr., [redacted].
Coppock, Edward T., [redacted].

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force.

To be captain (dental)

Rodriguez, Roland C., [redacted].

To be first lieutenant (dental)

Hinkle, William W., [redacted].
Mann, Joseph G., [redacted].
Ridge, Fred T., Jr., [redacted].

The following officer for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with date of rank to be determined by the Secretary of the Air Force.

To be captain (judge advocate)

Cawood, Harry E., [redacted].

The following officers for promotion in the Air Force Reserve, under the provisions of sections 8376 and 593, title 10, United States Code.

LINE OF THE AIR FORCE

Lieutenant colonel to colonel

Bagley, Bobby R., [redacted].
Copeland, H. C., [redacted].

Major to lieutenant colonel

Abbott, Joseph S., Jr., [redacted].
Brandau, Robert E., [redacted].
Bridges, John R., [redacted].
Dallenbach, Donald A., [redacted].
Emmonds, Louis G., [redacted].
Glass, Robert C., [redacted].
Keck, Roy E., [redacted].
Kobiec, Alexander R., [redacted].
Koshak, Arthur E., [redacted].
Kraft, Howard P., [redacted].
McCormack, William F., [redacted].
Nicholson, Robert L., Jr., [redacted].
Ottea, Marion A., [redacted].
Souers, John R., [redacted].
Taylor, John D., [redacted].
Theodorou, Ted G., [redacted].
Vollenweider, John A., [redacted].

DENTAL CORPS

Perez, Richard S., [redacted].

MEDICAL CORPS

Coolidge, Thomas T., [redacted].

NURSE CORPS

Linn, Robert E., [redacted].
Peck, Paul H., [redacted].

The following person for appointment as a Reserve of the Air Force in the grade indicated (Line of the Air Force), under the provisions of sections 593 and 1211, Title 10, States Code.

To be colonel

Spell, William E., [redacted].

The following officer for appointment as a Reserve of the Air Force in the grade indicated (Line of the Air Force), under the provisions of sections 593 and 1211, Title 10, United States Code.

To be lieutenant colonel

Caton, Chester F., [redacted].

The following officer for appointment as a Reserve of the Air Force (Nurse Corps), in the grade indicated, under the provisions of sections 593 and 1211, Title 10, United States Code, with a view to designation as a Nurse under the provisions of section 8067, Title 10, United States Code.

To be lieutenant colonel

Bullis, Hildegarde E., [redacted].

The following officer for appointment as a temporary officer in the USAF (Medical Corps), in the grade indicated, under the provisions of sections 8444 and 8447, Title 10, United States Code, with a view to designation as a Medical Officer under the provisions of section 8067, Title 10, United States Code.

To be lieutenant colonel

Snyder, Richard D., [redacted].

The following officer for appointment as a Reserve of the Air Force (Medical Corps), in the grade indicated, under the provisions of section 593, Title 10, United States Code, with a view to designation as a Medical Officer under the provisions of section 8067, Title 10, United States Code.

To be lieutenant colonel

Schultz, Morris A., [redacted].

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

ARMY PROMOTION LIST

To be colonel

Abt, Frederick T., [redacted].
Adams, Charles M., [redacted].
Adams, Pritchard G., [redacted].
Aiken, Jamie L., [redacted].
Alford, Emanuel P., [redacted].
Allbee, Howard G., [redacted].
Allen, Boyde, W., Jr., [redacted].
Allen, Robert W., [redacted].
Allison, Charles C., [redacted].
Andreen, Robert B., [redacted].
Ankley, William J., [redacted].
Astarita, Edward F., [redacted].
Baker, John E., [redacted].
Ballou, De Forrest, [redacted].
Balmer, Jesmond D., [redacted].
Banks, Thomas C., [redacted].
Barlow, Raymon C., Jr., [redacted].
Barry, Clarence D., [redacted].
Battreall, Raymond, [redacted].
Baugh, Russell E., [redacted].
Baumann, Lewis R., [redacted].
Beauchamp, Darwin D., [redacted].
Beckett, James E., [redacted].
Bell, Clyde B. Jr., [redacted].
Bender, John A., [redacted].
Bennett, Karl F., [redacted].
Bentley, Robert D., [redacted].
Berens, Robert J., [redacted].
Berres, John P., [redacted].
Bivens, Courtland C., [redacted].
Bjostad, Louis B., Jr., [redacted].
Black, George, [redacted].
Black, Robert W., [redacted].
Boisvert, Joseph R., [redacted].
Bounds, Marcellus W., [redacted].
Boyes, John H., [redacted].
Boyle, Garrison J., [redacted].
Boyle, Germain P., [redacted].
Bracey, Spencer M., [redacted].
Bradley, Robert L., [redacted].
Bratton, Joseph K., [redacted].
Braunstein, Howard, [redacted].
Brock, Luther A., [redacted].
Brockmyer, James J., [redacted].
Brown, Latham H., [redacted].
Buckingham, Clay T., [redacted].
Bulawsky, Lawrence, [redacted].
Bull, Kenneth R., [redacted].
Bunch, James E., [redacted].
Bundy, Richard N., [redacted].
Burks, John R., [redacted].
Busbey, Arthur B., Jr., [redacted].
Bush, Francis J., [redacted].
Callanan, John A., [redacted].
Campbell, James G., [redacted].
Carlson, Robert E., [redacted].
Carper, William C., [redacted].
Carr, John L., [redacted].
Carroll, George F., [redacted].
Chamberlain, Edwin, [redacted].
Chandler, John P., [redacted].
Christensen, Hal S., [redacted].
Clarke, Frank P., [redacted].
Clinedinst, Clinton, [redacted].
Coghlan, James J., [redacted].
Cohn, Frank, [redacted].
Cole, Grady A., [redacted].
Connell, Richard M., [redacted].
Conner, Judson J., [redacted].
Connor, George C., [redacted].
Corcoran, Edward F. R., [redacted].
Cordova, William R., [redacted].
Cory, Rennie M., [redacted].
Costa, John J., [redacted].
Covell, Charles R., [redacted].
Cox, Cleatus, Jr., [redacted].
Craig, Richard S., [redacted].
Crooks, Eugene F., [redacted].
Crouchet, Jack H., [redacted].
Crowell, Steven S., [redacted].
Crozier, Ted A., [redacted].
Culpepper, Vernon M., [redacted].
Davis, Edward P., [redacted].
Decorrevont, Leon L., [redacted].
Defiori, Victor A., [redacted].
Devan, Vernon C., [redacted].
Dews, Hampton, [redacted].
Dibrell, Jack H., [redacted].
Dickerson, Harvey G., [redacted].
Dickinson, Dean B., [redacted].
Dickinson, Hillman, [redacted].
Digennaro, Michael, [redacted].
Dillon, Robert E., [redacted].
Dittamore, Rex T., [redacted].
Dixon, Ralph P., Jr., [redacted].
Druener, Hanz K., [redacted].
Dunn, John M., [redacted].
Durant, Billy C., [redacted].
East, Charles M., Jr., [redacted].
Eaton, William H., [redacted].
Ellis, August V., [redacted].
Emerson, Duane L., [redacted].
English, Allan J., Jr., [redacted].
Erbe, Robert L., [redacted].
Estes, Robert K., [redacted].
Farwell, Faris T., [redacted].
Fatum, John J., [redacted].
Faul, Lloyd J., [redacted].
Faulkner, Oscar L., [redacted].
Feir, Philip R., [redacted].
Filbin, Edward J., [redacted].
Fiorelli, Michael C., [redacted].
Fisher, Robert W., [redacted].
Flagg, Austin T., [redacted].
Ford, George L., [redacted].
Forrest, John F., [redacted].
Frazier, Ernest R., [redacted].
Freeman, Belvin S., [redacted].
Frye, John W., [redacted].
Fuller, Marvin D., [redacted].
Gardiner, William P., [redacted].
Gardner, Frank K., [redacted].
George, Kenneth E., [redacted].
Ghormley, Thomas A., [redacted].
Gibson, Joseph T., [redacted].
Gillespie, Berkeley, [redacted].
Gillespie, Richard, [redacted].
Glunn, Franklin J., [redacted].
Gober, James R., [redacted].
Gojsza, William P., [redacted].
Gomez, Vivino, Jr., [redacted].
Gordon, William I., [redacted].
Grammer, William C., [redacted].
Gray, John E., [redacted].
Green, Charles E., [redacted].
Greene, Maurice C., [redacted].
Greene, Robert J., [redacted].
Greene, Vernon E., [redacted].
Griffin, Frank L., [redacted].
Griffith, Harry A., [redacted].
Haden, Clinton B., [redacted].
Hale, Alfred B., [redacted].
Halgren, Spencer V., [redacted].
Hall, Reginald W., [redacted].
Hall, Rupert P., [redacted].
Hammerquist, Robert, [redacted].
Hammes, Norman W., [redacted].
Hammonds, Eugene, [redacted].
Hanks, Clinton M., [redacted].
Hanson, James M., [redacted].
Harmon, Benjamin F., [redacted].
Harper, William H., [redacted].
Harrison, Oscar J., [redacted].
Hayes, Donald R., Sr. [redacted].

Hayes, John G., [redacted].
Hayes, Joseph W., Jr., [redacted].
Healy, Michael D., [redacted].
Heiden, Charles K., [redacted].
Helker, Albert A., [redacted].
Hendry, James B., [redacted].
Hickey, Pennell J., [redacted].
Hill, Robert W., [redacted].
Hoch, John J., [redacted].
Hodes, John T., [redacted].
Hoffmaster, George, [redacted].
Holt, Paul E., [redacted].
Howell, Martin D., [redacted].
Hoyt, Lawrence V., [redacted].
Huff, Douglas A., [redacted].
Hynes, Joseph D., [redacted].
Irish, Wilfred E., Jr., [redacted].
Jenkins, , W. Hugh, [redacted].
Jones, Clinton K., [redacted].
Jones, William A., II, [redacted].
Judd, James J., [redacted].
Kaplan, Phillip, [redacted].
Keith, Donald R., [redacted].
Kennedy, William J., [redacted].
Key, Milton E., [redacted].
Kilpatrick, Paul E., [redacted].
King, Edward L., [redacted].
King, John E., [redacted].
King, Justice B., [redacted].
Kingston, Joseph P., [redacted].
Kingston, Robert C., [redacted].
Kinne, Harold C., Jr., [redacted].
Kirk, Robert J., [redacted].
Kisling, Richard D., [redacted].
Klein, John M., [redacted].
Knapp, Theron W., Jr., [redacted].
Knipling, Lewis H., [redacted].
Konopnicki, Emil L., [redacted].
Koseki, Reginald W., [redacted].
Krug, Robert W., [redacted].
Kurtz, Maurice K., Jr., [redacted].
Lamar, Kirby, [redacted].
Lamason, Jerry L., [redacted].
Lambert, Robert O., [redacted].
Lamp, Russell J., [redacted].
Lampros, James, [redacted].
Lang, Vincent W., [redacted].
Laporte, Arthur E., [redacted].
Larson, Gale L., [redacted].
Latham, Willard, [redacted].
Lauer, Jerry B., [redacted].
Lawlor, Thomas A., [redacted].
Lay, James R., [redacted].
Legro, William E., Jr., [redacted].
Leister, James W., [redacted].
Letellier, Carroll, [redacted].
Lewis, Addison L., [redacted].
Lippincott, John C., [redacted].
Litle, Robert F., Jr., [redacted].
Lombard, Harold F., [redacted].
Lombardi, Arthur P., [redacted].
Long, Charles H., [redacted].
Long, Homer S., [redacted].
Lowrey, Willis H., [redacted].
Lynch, Robert E., [redacted].
Mace, John S., [redacted].
Mack, Richard E., [redacted].
Madison, John H., Jr., [redacted].
Maggio, Christopher, [redacted].
Mahan, John C., Jr., [redacted].
Marley, John T., [redacted].
Marsh Robert D., [redacted].
Mason, John H., [redacted].
Mathern, Louis G., Jr., [redacted].
Maughan, George, [redacted].
Maurer, John A., [redacted].
Mautz, Wayne A., [redacted].
McAleer, John J., Jr., [redacted].
McCabe, Jerome M., [redacted].
McConaghy, David D., [redacted].
McCray, James G., [redacted].
McGinnis, Charles I., [redacted].
*McGurk, Jack B., [redacted].
McIntyre, Kenneth E., [redacted].
McKeown, William L., [redacted].
McMahon, Richard A., [redacted].
Meek, Carroll S., [redacted].
Melner, Sinclair L., [redacted].
Meredith, John D., [redacted].
Metz, Clarence E., [redacted].
Metzger J., Hayes, [redacted].
Middleton, Harry F., [redacted].
Miles, Edwin R., Sr., [redacted].
Miller, Herman J., Jr., [redacted].
Mitchell, Wyatt J., [redacted].
Monahan, Lawrence P., [redacted].
Monyhan, William J., [redacted].
Mooney, George P., [redacted].
Moore, Howard M., [redacted].
Moore, William T, [redacted].
Moran, Clayton L., [redacted].
Morris, Davis O., [redacted].
Morton, Karl R., [redacted].
Morton, Richard L., [redacted].
Moses, Thomas L., [redacted].
Muckerman, Joseph E., [redacted].
Mullens, Robert M., [redacted].
Murphey, James A., Jr., [redacted].
Murphy, Edward L., Jr., [redacted].
Murphy, Eugene J., [redacted].
Murphy, Meredith E., [redacted].
Murphy, Paul J. B., Jr., [redacted].
Neil, James M., [redacted].
Nelson, Robert B., [redacted].
Nelson, Robert C., [redacted].
Nielsen, Jack W., [redacted].
Nikas, Nick J., [redacted].
Noce, Robert W., [redacted].
Nordin, William H., [redacted].
Norman, William C., [redacted].
O'Connor, John S., [redacted].
O'Donnell, Edward H., [redacted].
Ogden, Lawrence J., [redacted].
Olentine, Charles G., [redacted].
Osick, John J., [redacted].
Palmer, Richard A., [redacted].
Park, Bertram L., [redacted].
Pate, Henry A., Jr., [redacted].
Paulson, Norman W., [redacted].
Peixotto, Roland E., [redacted].
Pendergrass, Alva W., [redacted].
Peterson, Hartwin R., [redacted].
Phillips, William G., [redacted].
Pierce, John W., [redacted].
Pink, Jack T., [redacted].
Pinney, Harold D., [redacted].
Pollin, George A., Jr., [redacted].
Post, Sterling T., Jr., [redacted].
Powell, Richard L., [redacted].
Powell, Roger D., [redacted].
Powers, Louis W., [redacted].
Prather, Lewis D., [redacted].
Quinn, Thomas G., [redacted].
Rank, William A., [redacted].
Reade, Robert A., [redacted].
Renick, Roderick D., [redacted].
Rhodes, Clifford D., [redacted].
Riddle, Hugh H., [redacted].
Ring, Alfred C., [redacted].
Ring, Kenneth G., [redacted].
Roberts, Ernest E., [redacted].
Rogers, Richard C., [redacted].
Rollier, Robert L., [redacted].
Rosner, Albert A., [redacted].
Ross, Marion C., [redacted].
Rowe, Gordon D., [redacted].
Rubin, Harry, [redacted].
Russell, David C., [redacted].
Sadler, Jack R., [redacted].
Schmalzel, Joseph L., [redacted].
Schulz, Gerhard W., [redacted].
Schumacher, David J., [redacted].
Schungel, Daniel F., [redacted].
Sebastian, Nicholas, [redacted].
Sedlacek, Leroy V., [redacted].
Sharpe, Melvin B., [redacted].
Sherman, Robert, [redacted].
Singletary, Albert, [redacted].
Singleton, William, [redacted].
Smith, Duane H., [redacted].
Smith, Jerry E., [redacted].
Soucek, Leo E., [redacted].
Spitler, Joseph V., [redacted].
Stauffer, Joseph R., [redacted].
Stedham, Dan D., [redacted].
Stephens, Rome O., [redacted].
Stevens, Richard R., [redacted].
Steward, Cleveland, [redacted].
Stockton, Thomas W., [redacted].
Stone, R. E., [redacted].
Stone, Warren C., [redacted].
Strohecker, Howard, [redacted].
Struthers, James C., [redacted].
Stukhart, George Jr., [redacted].
Surut, Lee E., [redacted].
Swett, Trevor W., Jr., [redacted].
Symmes, Kenneth R., [redacted].
Templeman, James M., [redacted].
Thayer, George E., Jr., [redacted].
Thomas, Jack D., [redacted].
Tice, Raphael D., [redacted].
Timmerberg, Paul M., [redacted].
Torgersen, Thorveld, [redacted].
Townsend, Harry W., [redacted].
Townsley, Edwin S., [redacted].
Tracy, George W., [redacted].
Tuberty, James T., [redacted].
Turner, Edward B., Jr., [redacted].
Turner, Frederick C., [redacted].
Tyler, John E., [redacted].
Tyree, Louis A., [redacted].
Unger, Guinn E., [redacted].
Urrutia, Carlos, [redacted].
Vail, William H., [redacted].
Vaughn, Billy M., [redacted].
Veazey, Eli L., [redacted].
Vollmer, John P., [redacted].
Wagner, Matt R., [redacted].
Walker, Aaron E., [redacted].
Wallace, Bruce E., [redacted].
Wallis, Vernon V., [redacted].
Walsh, John J., Jr., [redacted].
Watling, Edward T., [redacted].
Watson, William R., [redacted].
Waugh, William L., Sr., [redacted].
Weber, William E., [redacted].
Weddle, Charles E., [redacted].
Weissinger, Jack K., [redacted].
Whelan, Raymond A., [redacted].
Whelan, William J., [redacted].
Whitfield, Patrick, [redacted].
Whittemore, Kenneth, [redacted].
Will, Clement H., [redacted].
Willett, Curtis L., [redacted].
Williams, Murray W., [redacted].
Williamson, Dan H., [redacted].
Wing, Rex D., [redacted].
Wolfe, Walter G., [redacted].
Wood, Marion M., [redacted].
Woodleyhan, Robert G., [redacted].
Wren, John J., [redacted].
Wright, Billy R., [redacted].
Yellman, Edward K., [redacted].
Yerkes, Charles W., [redacted].
Younger, Ralph K., [redacted].
Youngren, Arthur W., [redacted].

CHAPLAIN CORPS

To be colonel

Brady, Lawrence K., [redacted].
Glynn, John P., [redacted].
Hutchins, Gordon E., [redacted].
Ketchersid, Corbin, [redacted].
Leblanc, Paul J., [redacted].
Rowan, Joseph C., [redacted].
Thompson, Parker C., [redacted].
Wakefield, John F., [redacted].
Wallace, Francis X., [redacted].
Walter, Louie W., [redacted].

WOMEN'S ARMY CORPS

To be colonel

Hill, Georgia D., [redacted].

DENTAL CORPS

To be colonel

Alderson, Thomas H., [redacted].
Alexander, William, [redacted].
Andrews, James L., [redacted].
Hanson, Jay G., [redacted].
Lee, Leslie M., [redacted].
Morgan, Samuel C., [redacted].
Smith, Duncan M., [redacted].
Steele, Richard A., [redacted].
Thompson, Calvin W., [redacted].
Williams, James F., [redacted].
Williams, Lloyd E., [redacted].

MEDICAL CORPS

To be colonel

Akers, William A., [redacted].
Aultman, Mims C., [redacted].

Baker, Floyd W., [redacted].
Baugh, Joseph H., [redacted].
Berbary, Maurice S., [redacted].
Conrad, Marcel E., Jr., [redacted].
Dixon, Leon M., [redacted].
Donnelly, Henry J., [redacted].
Fichtner, John Z., [redacted].
Herman, Robert H., [redacted].
Howard, August A., [redacted].
Huycke, Edward J., [redacted].
Jones, Quitman W., [redacted].
Leitnaker, Frank C., [redacted].
McFadden, Archibald, [redacted].
Neimes, Robert E., [redacted].
Pearson, Jack W., [redacted].
Powers, Joseph F., [redacted].
Rapmund, Garrison, [redacted].
Shamburek, Roland H., [redacted].
Sheffler, Paul W., [redacted].
Turner, Guthrie L., [redacted].

MEDICAL SERVICE CORPS

To be colonel

Allen, Edward V., [redacted].
Callaghan, Donald F., [redacted].
Eveland, Charles L., [redacted].
Hayes, William H., [redacted].
Huggins, Lewis H., [redacted].
Marshall, Paul S., [redacted].
McArthur, James E., [redacted].
McMartin, George M., [redacted].
Packo, Andrew, Jr., [redacted].
Parkinson, Ralph W., [redacted].
Pezzulli, Frank, [redacted].
Snyder, Allan J., [redacted].
Wright, Dallas P., [redacted].
Young, James J., [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Treash, Eileen B., [redacted].

VETERINARY CORPS

To be colonel

Benson, John H., [redacted].
Brown, Heyward G., [redacted].
Fountain, Edmund L., [redacted].
Wilson, John O., [redacted].

ARMY NURSE CORPS

To be colonel

Frazier, Doris S., [redacted].
Jablunovsky, Anne C., [redacted].
Pishak, Irene R., [redacted].
Ramirez, Rosa J., [redacted].

The following-named officers for promotion in the Army of the United States under the provisions of Public Law 92–129:

ARMY PROMOTION LIST

To be lieutenant colonel

Suszynski, Joseph F., [redacted].

MEDICAL CORPS

To be lieutenant colonel

Alexander, Lawrence, [redacted].
Angritt, Peter, [redacted].
Ayerdi, Evalt, [redacted].
Babu, Sankaran S., [redacted].
Baezamuniz, Carlos, [redacted].
Baker, James C., [redacted].
Baker, John Q., [redacted].
Balson, Paul M., [redacted].
Barja, Roberto H., [redacted].
Beltran, Normandy B., [redacted].
Berger, Winfried M., [redacted].
Bergstrom, Jon F., [redacted].
Blanck, Ronald R., [redacted].
Boccia, Joseph A., [redacted].
Bost, Frederic W., [redacted].
Brown, Thomas K., [redacted].
Brunner, John H., [redacted].
Burger, Leslie M., [redacted].
Burke, Lucien F., [redacted].
Bustos, Osvaldo, [redacted].
Camp, Norman M., [redacted].
Carpenter, Randall, [redacted].
Catanzaro, Phillip, [redacted].
Chandrasekaran, Ank, [redacted].
Clemmer, Terry P., [redacted].
Cohen, Howard B., [redacted].
Coldewey, Johann F., [redacted].
Cole, Robert E., [redacted].
Collis, Peter B., [redacted].
Coppin, Thomas D., [redacted].
Cox, Jack A., [redacted].
Cristini, John A., [redacted].
Cuartas, Francisco, [redacted].
Davis, Harry E., II, [redacted].
Davis, Juan C., [redacted].
Devillez, Richard L., [redacted].
Dresner, Martin L., [redacted].
Duwe, Steven A., [redacted].
Faller, William, [redacted].
Fedde, Charles W., [redacted].
Flandermeyer, Kenneth, [redacted].
Freeland, Alan E., [redacted].
Funedrburk, Marshal, [redacted].
Gates, Davis F., [redacted].
Gayle, William E., Jr., [redacted].
Gentry, Layne O., [redacted].
Giannella, Ralph A., [redacted].
Giustolisi, Vincent, [redacted].
Glancy, Gerald L., [redacted].
Glass, Billy L., [redacted].
Goldberg, Bertram, [redacted].
Grant, Alfred A., [redacted].
Greenberg, Joseph H., [redacted].
Grobe, Macy J., [redacted].
Gurwitt, Lester J., [redacted].
Harden, Lewis B., [redacted].
Harris, Jerry L., [redacted].
Hawley, Raymond G., [redacted].
Haynes, James L., [redacted].
Henley, Loren B., [redacted].
Holder, John C., [redacted].
Holmberg, John M., [redacted].
Hubbard, Robert B., [redacted].
Hunt, John L., [redacted].
Hutto, John M., [redacted].
Imray, Thomas J., [redacted].
Jacobson, Severt H., [redacted].
Johnson, Dariel L., [redacted].
Johnson, David E., [redacted].
Judy, Kenneth L., [redacted].
Kaminski, Mitchell, [redacted].
Karney, David H., [redacted].
Katz, Norman N., [redacted].
Kiesel, Tonu M., [redacted].
Kitchings, Olen, [redacted].
Koval, Norman S., [redacted].
Krellenstein, Daniel, [redacted].
Kushner, Floyd H., [redacted].
Kusiak, Raymond J., [redacted].
Lara, Tirso G., [redacted].
Larson, Arthur W., Jr., [redacted].
Lawrence, Frank M., [redacted].
Lee, Yon Hee, [redacted].
Leslie, James R., [redacted].
Lindenbaum, Barrie, [redacted].
Lively, Edmund P., [redacted].
Madden, Reginald G., [redacted].
Maher, Paul, [redacted].
Marcolesco, Robert, [redacted].
Martin, Carroll M., [redacted].
Martin, George C., [redacted].
Master, Franklin D., [redacted].
McCarty, Garland E., [redacted].
McLaughlin, Allan E., [redacted].
McMeekin, Robert R., [redacted].
McRae, Wilton D., [redacted].
McVay, Mary R., [redacted].
Meneses, Arturo, [redacted].
Merchant, Michael G., [redacted].
Merenstein, Gerald, [redacted].
Meyer, Wayne W., [redacted].
Michelin, Robert E., [redacted].
Mitchell, Charles H., [redacted].
Modarelli, Robert O., [redacted].
Mukerjee, Manju G., [redacted].
Murray, Thomas M., [redacted].
Nau, Richard C., [redacted].
Neeley, George R., [redacted].
Nieto, Carlos H., [redacted].
Nunes, Geoffrey C., [redacted].
Olgin, Howard A., [redacted].
Oregan, Thomas J., [redacted].
Pardi, Livio F., [redacted].
Parker, John E., [redacted].
Penney, Larry L., [redacted].
Perliss, Herbert, [redacted].
Perloff, Leonard J., [redacted].
Powell, James B., II, [redacted].
Provost, John M., [redacted].
Quash, Joseph A., [redacted].
Reed, Thomas W., [redacted].
Rogers, Philip W., [redacted].
Roggin, Gary M., [redacted].
Roser, Louis A., [redacted].
Sahni, Pritam S., [redacted].
Sasada, Allan M., [redacted].
Saviano, Carl R., [redacted].
Sayers, Ronny J., [redacted].
Seaman, Richard W., [redacted].
Segal, Herbert E., [redacted].
Seifert, Paul S., [redacted].
Shorb, Stanley R., [redacted].
Simone, Ronald J., [redacted].
Siraa, Andreas F., [redacted].
Sobol, Samuel M., [redacted].
Soderdahl, Douglas, [redacted].
Steudel, Wolfgang T., [redacted].
Stutz, Friedrich, [redacted].
Swan, Robert W., [redacted].
Thompson, Richard N., [redacted].
Tiffany, Joseph C., [redacted].
Todd, Warren A., Jr., [redacted].
Traynham, John E., II, [redacted].
Tremaine, Myron D., [redacted].
Uribe, Jorge I., [redacted].
Wagner, Stanley C., [redacted].
Walk, Louis B., [redacted].
Weiss, Frederick R., [redacted].
Weissman, William, [redacted].
Wilmore, Douglas W., [redacted].
Wong, William, [redacted].
Wright, Creighton B., [redacted].
Wulf, Richard, [redacted].
Wyrick, Walter J., Jr., [redacted].
Young, Sherwood F., [redacted].
Yourchek, Walter S., [redacted].
Zajtchuk, Joan E., [redacted].
Zwerling, Louis R., [redacted].

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299.

ARMY PROMOTION LIST

To be lieutenant colonel

Colson, James B., Jr., [redacted].
Clapp, Max A., [redacted].
DeWeese, Thomas P., [redacted].
Estep, Glenn R., [redacted].
Honma, Douglas T., [redacted].
Hutchins, Alvin C. Jr., [redacted].
Kostoff, Peter C., [redacted].
Neal, Beverly L., [redacted].

MEDICAL SERVICE CORPS

To be lieutenant colonel

Mathias, Robert E., [redacted].

ARMY PROMOTION LIST

To be major

Banks, Dallas C., Jr., [redacted].
Boucher, Arthur G., [redacted].
Chucala, Steven, [redacted].
Crismon, Charles R., [redacted].
Felder, Ned E., [redacted].
Gallu, Walter A., [redacted].
Hambric, John L., [redacted].
Johnston, James D., [redacted].
Kirn, Paul L., [redacted].
Murja, Milan, [redacted].
Nelson, Roosevelt, [redacted].
Shugart, Henry G., [redacted].
Webber, Paul B., [redacted].
Weeming, Otto, [redacted].
West, Brownie D., [redacted].
Zebarth, Roger L., [redacted].

The following-named officers for promotion in the Regular Army of the United States, under the provision: of title 10, United States Code, sections 3284 and 3298:

ARMY PROMOTION LIST

To be first lieutenant

Durham, William L., [redacted].
Hilburn, Donald L., [redacted].
Jones, Louis G., [redacted].
King, Richard C., Jr., [redacted].

Miller, Donald D., [redacted].
Murray, Roy A., Jr., [redacted].
Steiner, James E., [redacted].
Tierney, Thomas F., [redacted].
Winter, Felix D., [redacted].

IN THE NAVY

The following-named (Naval Reserve Officers' Training Corps candidates) to be permanent ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law:

Rodney J. Allen
Joseph R. Ampolo
Thomas W. Bailey
Martin J. Black
Ricardo A. Cuaderes
Frank A. Denap
Francis S. Dennis III
George R. English
Dennis C. Gibbs
Chris E. Green
William S. Hackett
John A. Hedin
Lexie L. Helms
Harold S. Holley
Thomas B. Holmes, Jr.
James D. Huggins
Edward J. Kaczka, Jr.
Gregory T. Kendle
William F. McHie
Stephen C. Maurer
William J. Meyer II
Robert A. Mobley, Jr.
Gray D. Morrison III
Don P. Oubre
Francis W. Regan
Norman E. Ross
Paul H. Shaw
George D. Smith
Stephen C. Smith
Jonathan J. Staehling
Robert B. Stephenson
James R. Stoorza
Ronald Tafoya
John M. Tatum, Jr.
James C. Trupp
Raymond K. Weimer

The following-named (Naval Reserve Officers) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Andrew F. Bobroff
Steven G. Graff
Ronald D. Jackson
Bruce S. Janek
Courtney C. Lamb

Billy N. Griffin (Naval Reserve Officer) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

James R. Lash (Naval Reserve Officer) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, in lieu of permanent lieutenant commander as previously nominated and confirmed to correct grade.

Gordon J. Weir, Jr., U.S. Navy Officer, to be a temporary captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

John F. Clymer, U.S. Navy Officer, to be a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

The following-named Chief Warrant Officers to be lieutenants (junior grade) in the Navy, Limited Duty, for temporary service in the classification indicated and as permanent warrant officers and/or permanent and temporary warrant officers subject to the qualification therefor as provided by law.

SUPPLY CORPS

Theodore L. Smith
Rosendo T. Santonil
Jamie R. Cannon
Spencer F. Link
Ramon J. Simoneaux
Ormond L. Fortier
Dennis S. Curry
Howard J. Anderson

CIVIL ENGINEER

John Shank

DECK

Robert J. Ventgen
Andrew L. Glover
Thomas G. Pickens
Lawrence E. Solak
Harold D. Henderson
Louis M. Borno, Jr.
Thomas C. Burgess
Warren E. Robinson
Charles E. Decker
Wolfgang W. Knueppel
James D. Wiggins
William T. Bassett

OPERATIONS

Ronald P. Bence
Jimmy W. Demarco
John J. Sciuto
Kenneth R. Mitchell

ORDNANCE

Raymond C. Bagley
Edward K. Hicks
Minoru M. Yoneda
Steve J. Coupland
Ronald W. Laughland
Frederick C. Langenohl
Kenneth R. Martin
Richard H. James
Gregory F. Dilick
Loren L. O'Neal
Jack L. Ruth
Gerald T. Hammerle
Anthony F. Froemel
Bruce A. Gustin, III
Theodore Barber, Jr.
William E. Becker
Russell L. Rhine
Howard N. Paulsen
Gary D. McBrayer
Thomas E. Shipley
Ronald A. Stegeman
Ronald G. Fox
Don R. Vaden

EXPLOSIVE ORDNANCE DISPOSAL

David P. Porter
James V. Smallwood
Joe N. Mares
Benjamin W. Rand

ADMINISTRATION

Amando S. Salinas
James E. Kale
Roger L. Hull
James F. Parks
James H. Stewart
Gary W. Evans
Richard E. Landick, Jr.
Milton L. Pease
Thomas L. Fehrs
Dan E. Nice, Jr.
Brian M. Deneen
Charles R. Combs
Leroy E. Sheehan
John D. Martin
James C. Poffinbarger, Jr.
Comer L. Williams

DATA PROCESSING

Gary P. Priolo
Stelio G. Thompson
Robert W. Buchanan
Neil W. Lundby
Daniel P. Burns
Daniel T. Hartfield
William A. Shamburger
Bernard T. Jackson
Thomas D. Hunter
Duke D. Allen
James V. Lancharic

BANDMASTER

John R. Bledsoe
William G. Brittain, Jr.
Raymond A. Ascione

ENGINEERING

Earl J. Price
Jack W. Cousins
Thomas F. Joyner
Paul G. Lovejoy
Calvin E. Hubbard
William A. Bates, Jr.
Rudy F. Marshall
Lee A. Dickson
David G. Huff
Erick T. Christensen
Kenneth B. Altman, Jr
Donald C. Dukes
Michael H. Taveres
Charles R. Laporte
Paul N. Johnson
Frederick P. Mone
John A. Boyar
Dennis J. Crooks
Kurt J. Zetsch
Harold R. Beck
William G. Earnest
Jay D. Lose, Sr.
James E. Holzworth
Robert T. Hudgens
Frank H. White, Jr.
Richard W. Collins

HULL

Paul R. Abretski
Charles E. Carroll
James W. Johnson
Laverne Josey
James W. McCollum
Arthur E. Allum
James A. Talley, Jr.
George S. Craigie, Jr.
Frederick A. Bolton

ELECTRICIAN

Henry A. Van Ness
Floyd McManus
Thomas J. Godfrey
Robert L. Sweeney
Edward L. Miller
Bill E. Beer
Donald R. Moore
Pedro G. Leal
Donald J. MacDonald

ELECTRONICS

Jerome H. Avenson
Paul P. Knapik, Jr.
Davey S. Chapman
Harold L. Ray
Abraham R. Stowe
Terrell L. Gunn
William H. Marsh
Lloyd E. Krueger
John F. Tarantino
Kenneth A. McGowan
Larry D. Beardin
Thomas A. Sanders
Robert L. Porter
Walter P. Parsons
Jerry O. Hyatt
Richard T. Vannoy II
Gerald N. Stimpson
Robert E. Fleming
Thomas E. Reeves
George N. Ruybal
Steven W. Rucker
Arizona W. Barnhill
James R. Seaman
Alvin J. Sontag
Donald R. Young
Robert F. Hawkins
Lloyd D. Brownhill
Gary E. McDowell
Thomas W. Roper
Gerald R. Valade
Charles R. Walker
Robert Wollam
Robert A. Keesling
John J. Pfadenhauer, Jr.
Larry G. Peay
George B. Williams
William H. Axelrod
Kenneth R. Schroeder
Thomas G. Hudson
Herbert F. Wise

CRYPTOLOGY

Jack Lutes
Robert A. Neal
Michael G. Orlekoski
Thomas F. McAvinia
Gary L. Fitzhugh
Edward M. Ozehoski
Gilbert J. Moore

COMMUNICATIONS

Frank R. Spatt
Joseph A. Dragone, Jr.
Frank C. Sutton
Montie R. Green
Frank W. Howard
William K. Holcomb
Jerry R. Power
Melvin L. Dossey
John E. Wiley
Jack Richards, Jr.
Robert O. Gravely
Kenneth R. McDermott
Kurt R. Hahn
Kenneth E. Montoya
Bruce L. Urben
Dante R. Mancini
John F. Smith
Richard A. Mercy
James T. Gaffrey
James E. Robinson
Richard B. Fahner
George T. Goforth
Walter G. Wetmore
Charles C. Finley
Milton P. Campo

AVIATIONS OPERATIONS

David S. Deese
Carlton D. Lambert
Preston L. Jones

AVIATION CONTROL

Lawrence E. Hurley
Jimmy R. Calhoun

AIR INTELLIGENCE

Kenneth H. Wood
Cletius D. Knight

PHOTOGRAPHY

Danny G. Busch
Thomas P. Hartsock
William F. Bacon

METEOROLOGY

Joe E. McKinzie
Bruce F. Dewald
Paul R. Johnson, Jr.

AVIATION ORDNANCE

Harry L. Lovett
Don F. Brown
Tommy A. Brown
Merrill A. Dalton
Robert L. Robinson
Warren G. Seal
Ralph G. Spangler

AVIONICS

James R. Haworth
Laymor B. Roberts, Jr.
Larry A. Gebbie
Richard C. Delong
Gerald H. Steverson
Buddy W. Spears
Bruce L. Hawk
Burton F. Eckler, Jr.
Russell W. Combs
Harry J. Gordon
George B. Fleet
Bert U. Coffman
Thomas E. Moilanen

AVIATION ANTISUBMARINE WARFARE

Raymond M. Curry
Charles K. McCoy

AVIATION MAINTENANCE

Edward C. Griggs
Howard P. Smith
Gerald J. Giusti
Harold B. Kilmer, Jr.
Dennis D. Tegethoff
Alvin E. Dean
Thomas E. Jacobs
Ross B. Othus
Sherman L. Midboe
Donald D. Beck
Charles W. Mott
Frank E. Roach, Jr.
Edward W. Anderson
James W. Wood
Joel D. Lovitt
William M. Petty
Billie J. Pierce

Donald E. Petersen, U.S. Navy retired officer, to be reappointed from the temporary disability retired list as a permanent lieutenant commander and a temporary commander in the line of the Navy, subject to the qualification therefor as provided by law.

Philippe A. Jacques (Navy Reserve Officers' Training Corps candidate) to be a permanent ensign in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

Steven A. Balch, U.S. Navy Officer, to be a temporary commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

The following named officers of the United States Navy for permanent promotion to the grade of chief warrant officer, W–4, subject to qualification therefor as provided by law:

Hardin, Billie Ross

The following named officers of the United States Navy for permanent promotion to the grade of chief warrant officer, W–3, subject to qualification therefor as provided by law:

Acre, Clifton Harold
Adams, George Manley
Adams, James Leo

Ahlers, Norbert Anthony
Anderson, Charles Edward
Anderson, Merlin Francis
Arion, Ellsworth Eugene
Arnold Arlen Elmo
Ashlock, Edward Lee
Atchley, Andrew Thomas
Bailey, Robert Chalmers
Banister, Robert Lee
Barber, James Walter
Barger, William Ray
Barhite, Robert Eugene
Barnes, Sam Motley
Barnett, Francis Eugene
Beabout, Robert Franklin
Beagle, Charles Blaine
Beaver, Ira Howard
Beck, Allen Earl
Becker, Raymond Herbert
Beebee, Douglass Ramon
Black, James Douglas
Blake, Joseph Albert, Jr.
Bliss, Albert McChesney
Board, George Robert
Boon, John Edward
Boor, Leo John
Boorom, Robert Francis
Brackett, John Woodburry
Brasil, Robert Frank
Bratsch, Roger Donley John
Brown, Leonard Harrison, Jr.
Bryden, Kenneth Chester
Bunch, Duane Wilton
Byrd, Alwyn Millard
Campbell, James Thomas
Carlson, Robert Stanley
Carlton, Norman Lee
Carter, Arthur Edward
Carter, Harry McClain
Carter, John George
Catron, John Graoy
Chavez, Angelo Enrique
Chenoweth, Charles Everett
Chernegie, Michael Alexander
Cloutier, Lawrence Paul, Jr.
Coats, Daniel Michael
Comeau, Thomas Anthony
Coons, Bard See
Cooper, James Oliver
Courtney, Walter Edward
Curry, Samuel Grayson, II
Dallman, Roger Anthony, Sr.
Daughton, Gary Iee
Davis, Robert Lee
Deffenbaugh, Dale Chester
Detwiler, Donald Vernon
Deutsch, Joseph King
Dill, Mytnor Alan
Dionne, Roger William
Dix, Richard Jack
Duchesneau, Robert Edward
Duke, Arnold Lowell
Duke, Clinton Harrison, Jr.
Duren, James Richard
Edwards, Raymond Lewis
Elkins, Franklin Delano
Enevoldsen, Jack
Englebretson, Ronald Earl
Ensminger, Gerald David
Escajeda, Ruben
Fawcett, Peter Formanek
Fischer, Henry Arnold
Fisher, John Straw
Flahiff, Daniel Edward
Frantz, James Arthur
Frial, Ernesto Fabillon
Fulgham, Caleb Richard
Fuller, Emil Andrew
Gardiner, John Peter
Garrett, Charles Edward
Gault, Harry Stewart, Jr.
Gelsomino, Michael Joseph
Gepford, Richard Donald
Germany, Charles Joseph
Gillespie, Lindsay Moore
Glover, Thomas James
Goode, Eugene Francis
Goodrum, Daniel Joseph
Graham, Dennis Loring
Greer, James Nelson
Green, Marion Wendell
Grigsby, Leon Thomas
Haaf, Joseph Bernard
Hagenbruch, Robert Henry
Hambley, James Gilbert
Hamilton, Jerry Allen
Hand, John Milton
Harper, James Edward
Harris, Donald Edward
Harris, Bobby Lynn
Hartman, David Lee
Hawtin, David Ray
Heidecker, William August
Hendricks, Jerry Franklin
Hennegan, Dennis Stephen
Henry, Joseph Edward
Hight, Harvey Bea
Hilton, John Franks, Jr.
Hinson, William Phillip
Holden, Hugh Frederick
Holder, J. D.
Holliday, Donald Ainsley
Holzendorf, William Frank
Horsfall, William Edward
Howard, John David
Howell, Robert Dale, Sr.
Hubbard, William Vanoy
Hubert, David Leroy
Hudson, James E.
Hughes, James
Irby, Eldon Elmore
Jeffries, William Pettit, Jr.
Johnson, Clara Belle
Johnstone, Robert James
Kay, Raymond Erwin
Kearns, Thomas Owen
Keith, Donald Rae
Keith, William Brett, Jr.
Krygier, Thomas Joseph
Kuzel, Norman Emil
Kyser, Harold Harlon
Larson, Marvin Leigh
Lawson, Carroll Lavon
Little, David Joe
Long, Thomas Pressly
Lord, Don
Losli, Gerald Grant
Lovett, Cecil W., Jr.
Lowe, Michael Baxter
Lowe, Walter Robert
Malmborg, Charles Leroy
Marenbach, Harry Alfred
Marino, Raffaele
Matthews, Billie Joe
Matthews, Dale McNeil
May, Harlin Conrad
McGee, James Murry
McGowan, Eugene Edward
McKinzie, Joe Edward
McLean, Angus Laughton, Jr.
McMaster, Timothy Richard
McNutt, Jerry Wayne
Mercer, Laurice Wayne
Meuchel, Frank Tony
Middlebrooks, Robert Durwood
Miller, Kenneth Ray
Miller, Ronald Lee
Morales, Vicente
Morris, Phillip Gail
Morris, Robert Allen
Mundy, William Edward
Nicholson, Gerald Norman
Nitschke, Karl William
Njaa, John Roger
Nolin, Robert
Nyman, Keith Oscar
Oehler, James Christ
Ohlman, Douglas Herman
Ohm, Robert Lee
O'Neal, Floyd Wendell
O'Neal, Jim Franklin
Owens, Richard Lee
Oxrider, James Penfield
Parkhurst, Lyman Edward
Parsons, Robert Eugene
Pearrell, Larry William
Piper, Leon Tracy
Platt, Larry Duane
Polk, Deward Winston
Porter, Joel
Powers, Richard George
Rawls, Robert Sherwood
Raymond, James Burr
Reid, Louis Lee
Renwick, David
Reuter, Kenneth Earl
Rhoden, Lawrence Bernard
Richardson, Billy Earl
Ridener, Linville Lee
Ritchie, Coy Doyle, Jr.
Rizek, Paul Herman
Robbins, Donald Dean
Robbins, Robert Justin
Roe, James Paul
Romito, Vincent Anthony
Rooks, John T.
Roos, Neal Gerald
Rumer, William Harry
Russell, Richard Leon
Scaringella, Charles Thomas
Scherzer, James David
Sharp, Robert Leroy
Shaul, Michael C.
Shelton, Lynn Dale
Shields, Joseph Carl
Slayton, Gerald Clifford
Smith, Lewis Baxter
Smith, Robert Emmet
Smith, Walter Junior
Southerland, Macy James
Sprey, Douglas
Sturm, Jackie Lee
Sullivan, James Stephen
Sullivan, Joseph Edward
Sutton, Morris Lee
Taylor, Douglas Kent
Thomason, William Rex
Toon, Norbert Leo
Tucker, Claude Thomas, Jr.
Tudor, Tommy Neal
Turk, Joseph
Turner, Jack Eugene
Tyler, Warner Russell
Vandyne, Leroy Thomas
Velsor, Herbert Frank
Vickery, Gwynn Arnold
Vsetecka, Leonard John
Walsh, Myles Edward
Walsh, William Charles
Watson, Tannis Robert
Watson, Jimmy David
Werling, Robert
Wheeler, Sidney Wayne
Will, George Frederick
Wilson, Millard Joseph
Wippel, Lawrence Franklin
Wisdom, Hayden Rand
Woods, Gerald Bishop
Worley, Robert Allen
Wyatt, Thomas Verden
Zoglmann, Paul Samuel

HOUSE OF REPRESENTATIVES—*Monday, December 3, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, DD., offered the following prayer:

The Lord is good, a strong hold in the day of trouble; and He knoweth them that trust in Him.—Nahum 1:7.

O God, our Father, source of the light that never fades and the love that never fails, we rest our weary souls in Thee and yield our flickering torch to Thy spirit that in Thy sunshine's blaze our days may brighter, fairer be. In the midst of conditions that baffle us and currents that almost overwhelm us we seek a more than human strength which will hold us up and keep our feet from slipping.

May Thy spirit flow through our waiting hearts increasing our faith in each other, healing our divisions, guarding our lips from carping criticism and bringing our thoughts into captivity to that which is good, true, and beautiful. Scorning all that is unworthy may we keep alive within us only that which is worthy, grant that the fairest flower of honor may bloom among us and may its fragrance linger forever in all our hearts.

In the spirit of Him whose life is truth we pray Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1694. An act for the relief of Ossie Emmons and others;

H.R. 3436. An act to provide for the conveyance of certain mineral rights in and under lands in Onslow County, N.C.;

H.R. 5379. An act for the relief of John B. Clayton;

H.R. 6007. An act for the relief of Swiff-Train Co.; and

H.R. 7210. An act for the relief of George Downer and Victor L. Jones.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3153. An act to amend the Social Security Act to make certain technical and conforming changes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3153) entitled "An act to amend the Social Security Act to make certain technical and conforming changes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. TALMADGE, Mr. RIBICOFF, Mr. MONDALE, Mr. BENNETT, Mr. CURTIS, and Mr. FANNIN to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 8 to the bill of the Senate of the following title:

H.R. 1284. An act to amend title 5, United States Code, to improve the administration of the leave system for Federal employees.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 417. An act to amend the act of June 28, 1948, to provide for the addition of certain property in Philadelphia, Pa., to Independence National Historical Park;

S. 513. An act to amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes and intermediate care facilities;

S. 577. An act for the relief of Comdr. Howard A. Weltner, U.S. Naval Reserve;

S. 1468. An act to authorize the establishment of the Knife River Indian Villages National Historic Site; and

S. 1976. An act to study an Indian Nations Trail within the National Trails System.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 614]

Archer
Ashley
Baker
Blatnik
Bowen
Bray
Broomfield
Brown, Mich.
Burgener
Burke, Calif.
Burke, Fla.
Casey, Tex.
Cederberg
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Conyers
Cotter
Coughlin
de la Garza
Dellums
Dickinson
Diggs
Dingell
Donohue
Downing
Dulski
Esch
Flowers
Ford, William D.
Gettys
Goldwater
Gubser
Hanna
Hansen, Wash.
Hawkins
Hébert
Henderson
Holifield
Hosmer
Jarman
Johnson, Colo.
Jones, Okla.
Keating
Kemp
Kuykendall
Landrum
McEwen
McKinney
McSpadden
Macdonald
Martin, Nebr.
Michel, Ill.
Mills, Ark.
Minshall, Ohio
Mizell
Nichols
O'Neill
Owens
Powell, Ohio
Price, Ill.
Quillen
Reid
Rooney, N.Y.
Ryan
Sandman
Sisk
Stanton, James V.
Steele
Stephens
Stokes
Talcott
Taylor, N.C.
Teague, Tex.
Udall
Waggonner
Walsh
Widnall
Wiggins
Wilson, Bob
Wright
Young, Ga.
Young, Ill.
Young, S.C.

The SPEAKER. On this rollcall 348 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the first bill on the Consent Calendar.

SECURING STORAGE SPACE FOR THE U.S. CONGRESS

The Clerk called the Senate joint resolution (S.J. Res. 155) authorizing the securing of storage space for the U.S. Senate, the U.S. House of Representatives, and the Office of the Architect of the Capitol.

The SPEAKER. Is there objection to the present consideration of the Senate joint resolution?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to question someone who is knowledgeable about this resolution.

The resolution itself provides no term of years for the leasing of this space, but the report indicates that it begins in what remains of this fiscal year and runs for 4 years thereafter. How much more time will be sought?

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. GRAY. I thank the gentleman for yielding. I will be glad to answer his question.

First, let me say we have a very critical need for storage space in the legislative branch of government. This legislation was requested by the leadership of the House and the Senate on both sides of the aisle and our distinguished architect, Mr. White. We have a very favorable rental price of $2 per square foot, which compares with $6 to $8 throughout the country.

The General Services Administration is going to make available space in a building down on South Capitol and P Streets Southwest for the purpose of storing documents there. It is a very nominal amount for the first year, about $25,000.

Mr. GROSS. I understand.

Mr. GRAY. Mr. Speaker, the reason I answer the gentleman from Iowa in this manner is because we do not know how many years will be needed, so we said that we would set the cost up on a 4½-year basis and then take another look at it, outlined in the report.

Mr. GROSS. But, does it provide space for four and a half years, approximately? There is no authorization, no indication in the bill itself that it is to run for 4½ years. I do not quite understand why there is no such provision in the bill.

Mr. GRAY. Mr. Speaker, I would say to my friend from Iowa, if he will yield further to me, that it is an open-ended authorization as far as the number of years are concerned, but in compliance with the rules of the House, we did list an exact amount of cost per year, which is approximately $30,000 for a 4½-year period.

Mr. GROSS. A very substantial building is being erected at the corner of C Street and First Street Southeast. I do not know what use, other than certain spillover from the Library of Congress, is going to be made of that building, and it is not a small building.

Would it not be in the interests of economy to use space in that building for storage space, or does the gentleman propose to make a House office building out of that?

Mr. GRAY. The gentleman is referring to the third Library of Congress building. At the present time the Library of Congress is renting space in 15 different locations throughout the city, so that the purpose of that building is to do exactly what the gentleman from Iowa would like to see done. We are consolidating space in an effort to do away with paying out several millions of dollars a year for rented space. I can assure the gentleman, after having spoken to the leadership and the Architect, this space is badly needed. I am sure Mr. White, the Architect, will not rent one additional square foot he does not need.

Mr. GROSS. Mr. Speaker, I am not

going to oppose the passage of the bill, but I hope in the future we get legislation that is not completely open-ended as is this legislation.

Mr. Speaker, I thank the gentleman.

Mr. GRAY. Mr. Speaker, I share my friend's views.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NAMING GEOLOGICAL SURVEY NATIONAL CENTER HEADQUARTERS BUILDING AS "JOHN WESLEY POWELL FEDERAL BUILDING"

The Clerk called the bill (H.R. 6862) to name the headquarters building in the Geological Survey National Center under construction in Reston, Va., as the "John Wesley Powell Federal Building."

There being no objection, the Clerk read the bill as follows:

H.R. 6862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the headquarters building in the Department of the Interior's Geological Survey National Center now under construction in Reston, Virginia, shall hereafter be known and designated as the "John Wesley Powell Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "John Wesley Powell Federal Building".

Mr. GRAY. Mr. Speaker, I rise in support of H.R. 6862—legislation authored by Mr. Broyhill of Virginia, Mr. Grover of New York, and myself—a bill to name the headquarters building in the Geological Survey National Center in Reston, Va., in honor of a distinguished cofounder and former director of that agency.

John Wesley Powell was universally known as a soldier, scientist, and explorer. He has left his mark on agencies and legislation for the development and conservation of the natural resources of the world. He embarked on many historic expeditions that were to change the course of development and understanding of our western lands. Partly as a result of his activities and interests, the U.S. Geological Survey was established within the Interior Department in 1879. From 1881 through 1894 Major Powell was director of that agency. During his tenure, that agency experienced remarkable growth, expanding field operations initially restricted in western regions to nationwide proportions. Because of his dedication to the agency, he firmly established the U.S. Geological Survey as a desirable and permanent part of Government.

I believe it would indeed be fitting to name the Federal building in Reston, Va. in his honor as a tribute to his far-sighted contributions to the Geological Survey and our national development.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. GRAY. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 1618) to name the headquarters building in the Geological Survey National Center under construction in Reston, Va., as the "John Wesley Powell Federal Building," be considered in lieu of the House bill just passed.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1618

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That the headquarters building in the Department of Interior's Geological Survey National Center now under construction in Reston, Virginia, shall hereafter be known and designated as the "John Wesley Powell Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "John Wesley Powell Federal Building".

Mr. GROSS. Mr. Speaker, reserving the right to object, is the Senate bill a similar bill?

Mr. GRAY. Mr. Speaker, if the gentleman will yield, yes, it is. The Senate bill was originated by request from the administration, and I will be glad to put in the record a history of Major Powell, who was an early cofounder of the Geological Survey Agency.

Mr. GROSS. Mr. Speaker, if it is an identical bill, then there are none of the Senate's famous nongermane amendments attached?

Mr. GRAY. As usual, the gentleman is eminently correct.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 6862) was laid on the table.

NAMING U.S. COURTHOUSE AND FEDERAL BUILDING IN NEW ORLEANS, LA., AS THE "HALE BOGGS FEDERAL BUILDING"

The Clerk called the bill (H.R. 9430) to name the U.S. courthouse and Federal office building under construction in New Orleans, La., as the "Hale Boggs Federal Building," and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 9430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States courthouse and Federal office building now under construction at the corner of Camp Street, bounded by Poydras Street, Lafayette Street, and Magazine Street, New Orleans, Louisiana, shall hereafter be known and designated as the "Hale Boggs Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Hale Boggs Federal Building".

Sec. 2. The first sentence of section 25 of the Dwight D. Eisenhower Memorial Bicentennial Civic Center Act (Public Law 92–520) is amended by striking out "System Facilities Development Foundation at 101 West Ninth Street," and inserting in lieu thereof the following: "Systems Data Center facility in Minnehaha County near".

Sec. 3. Section 11 of the Dwight D. Eisenhower Memorial Bicentennial Civic Center Act (Public Law 92–520) is hereby repealed.

Mr. GRAY. Mr. Speaker, our dear friend and great majority leader, Hale Boggs, was born on February 15, 1914. Graduated Phi Beta Kappa from Tulane University in 1935 and received his law degree in 1937. He was elected to the House of Representatives in 1940 and was the youngest Democrat in the 77th Congress. Served 3 years as an officer in the U.S. Naval Reserve until January 1946. After the war, he was again elected to Congress, and was reelected to each successive Congress until his tragic death.

His years in Congress were marked by qualities of determination and leadership. He was deputy Democratic whip in the House from 1957 to 1961. Democratic whip from 1962 to 1970, and House majority leader from 1971 until his death. He served with distinction as a member of the House Ways and Means Committee, Committee on Elections, Subcommittee on Highway Financing, Joint Economic Committee, Subcommittee on Foreign Trade Policy, and the Joint Committee on Internal Revenue Taxation.

He distinguished himself not only as an effective leader but as a brilliant legislative tactician; able to bring reason and compromise to some of the most difficult issues of our time.

He was a member of the Beta Theta Pi academic fraternity, the Omicron Delta Kappa leadership fraternity, and the Phi Beta Kappa scholastic fraternity. The American Bar Association, the Roman Catholic Church, the New Orleans Association of Commerce, Sons of the American Revolution, the American Legion AMVETS, and the Knights of Columbus.

Devotion, love of country, and loyalty are just some of the remarkable qualities that he adhered to throughout his lifetime of public service.

The committee believes it fitting and proper to name the U.S. courthouse and Federal office building the "Hale Boggs Federal Building," as a tribute to this distinguished legislator and outstanding individual.

Mr. BLATNIK. Mr. Speaker, I rise in support of H.R. 9430, a bill to name the U.S. courthouse and Federal office building under construction in New Orleans, La., as the "Hale Boggs Federal Building."

Hale Boggs was indeed one of the most outstanding leaders in the history of our Congress. He was elected to the House of Representatives in 1940 and was the youngest Democrat in the 77th Congress. During World War II he served for 3 years as an officer in the U.S. Naval Reserve and in 1946 was again elected to Congress and subsequently reelected to each succeeding term until his disappearance in October of 1972.

His years in Congress were marked by qualities of determination and leadership. He distinguished himself as an astute parliamentarian and legislator. As a master strategist and brilliant speaker, he possessed the rare ability to transform the most heated controversial issues into rational discussions, bridging factional chasms and earning the highest respect and esteem of colleagues.

Hale Boggs was unsurpassed in devotion to family, loyalty to friends, consideration of colleagues, and adherence to high principles throughout his lifetime. I believe it would be most fitting to pay tribute to Hale Boggs by naming the Federal building in his honor.

May I add a personal note to this well deserved tribute to my dear colleague and friend. It was my privilege to serve with Hale Boggs during his career in the U.S. Congress. I worked closely with him on many important legislative matters, among others the implementation of the Federal-Aid Highway Act of 1956.

Hale Boggs was a fine, warm human being, devoted family man, and truly an outstanding example of what should be the best in a Congressman. I have missed him since his departure, and I will continue to miss him in the years to come. The work he did during his years of service in the Congress will remain a continuing living memorial to him.

Mrs. BOGGS. Mr. Speaker, I rise to express my heartfelt gratitude to the Members of this body and especially to the sponsors of H.R. 9430 for this splendid remembrance of Hale's effective service to our Nation. He would concur in my remarks that praise from his beloved colleagues in the House is the highest honor he could receive.

Hale would be especially pleased that this new Federal building will bear his name. It is a magnificent edifice situated in an inner city area bursting with revitalization plans where it will always represent Hale's steadfast belief that government, private enterprise and a concerned citizenry working together can provide an ever expanding high quality of life for all Americans.

In addition, this new Federal building is located next door to his good and loyal friends in the Fifth Circuit Court House; across Lafayette Square on one side from his own district office of many years, on another from the old Times-Picayune Building where he worked in many capacities to earn his tuition while attending Tulane University and on the other from the old city hall one of our national treasures designed by the famed architect James Gallier, and only a stone's throw down Camp Street from St. Patrick's Church, the original roof of which was donated by his great great grandfather in 1835 and where Hale often worshiped.

Hale's mother, his brothers and sisters, our children and grandchildren, his faithful friends and loyal constituents will be grateful to you each time we pass this handsome structure standing as his enduring monument in this most appropriate setting.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. GRAY. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2178) to name the United States courthouse and Federal office building under construction in New Orleans, La., as the "Hale Boggs Federal Building," and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. GROSS. Mr. Speaker, reserving the right to object, I will ask the same question I asked before.

Mr. GRAY. Mr. Speaker, I shall give the same answer. The gentleman is absolutely correct.

Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I yield, of course.

Mr. GRAY. Mr. Speaker, I stand corrected.

The motion which I intend to make now to the Chair will add two amendments adopted by the Senate. Both of them are perfecting amendments.

When we passed the Dwight Eisenhower Civic Center building, we gave the wrong address on it, and that applied to the Karl Mundt Federal Building in South Dakota.

The other amendment is this: Our very distinguished former colleague, the gentleman from California, Mr. Smith, had a building named after him, and he asked the committee to withdraw the request.

Mr. Speaker, the two Senate amendments are merely correcting amendments.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION OFFERED BY MR. GRAY

Mr. GRAY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GRAY moves to strike all after the enacting clause of H.R. 9430 and insert in lieu thereof the provisions of S. 2178, as follows:

S. 2178

An Act to name the U.S. courthouse and Federal office building under construction in New Orleans, Louisiana, as the "Hale Boggs Federal Building", and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States courthouse and Federal office building now under construction at the corner of Camp Street, bounded by Poydras Street, Lafayette Street, and Magazine Street, New Orleans, Louisiana, shall hereafter be known and designated as the "Hale Boggs Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Hale Boggs Federal Building".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 9430) was laid on the table.

EARLE CABELL FEDERAL BUILDING

The Clerk called the Senate bill (S. 2503) to name a Federal office building in Dallas, Tex., the "Earle Cabell Federal Building."

There being no objection, the Clerk read the Senate bill as follows:

S. 2503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal office building and United States courthouse at 1100 Commerce Street, Dallas, Texas, shall hereafter be known and designated as the "Earle Cabell Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the Earle Cabell Federal Building.

Mr. BLATNIK. Mr. Speaker, I rise in support of S. 2503, a bill to name the Federal office building in Dallas, Tex., in honor of the distinguished former member of the House of Representatives, Earle Cabell.

Prior to coming to Congress, he received wide recognition for his success as a civil leader and for his many humanitarian efforts. He was elected mayor of Dallas in 1961 and then elected to Congress in 1964 and was reelected to each successive Congress through the 92d.

During his years in the Congress he served progressively on the Committee on Science and Astronautics and the Committee on the District of Columbia. He is universally respected and loved by his colleagues and constituents.

During his entire career in public office he remained responsive to the needs and wishes of his constituents, working tirelessly in the interests of the State of Texas, as well as the Nation. I believe it would be most fitting to name the Federal building in honor of Earle Cabell.

Mr. WHITE. Mr. Speaker, it was my honor, privilege, and pleasure to be associated with the Honorable Earle Cabell for 8 years as a Member of the Texas delegation to the U.S. House of Representatives. Since we arrived together as freshmen Members of the 89th Congress, we shared the natural affinity of struggling beginners. This common bond allowed a closer than normal scrutiny of his actions on my part, and I was, therefore, most aware of a brilliantly developing legislative career. Earle Cabell's record in behalf of his constituency, his State, and his country was one of singular accomplishment as was his record in behalf of the city of Dallas during his tenure as mayor. I strongly support the legislation to commemorate his public service record to generations of the future by naming the U.S. Federal courthouse in Dallas County after him.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the four bills just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

NATIONAL MEDALS TO HONOR THE LATE J. EDGAR HOOVER

The Clerk called the bill (H.R. 1817) to provide for the striking of national medals to honor the late J. Edgar Hoover.

There being no objection, the Clerk read the bill as follows:

H.R. 1817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in honor of the late J. Edgar Hoover, the Secretary of the Treasury (hereafter referred to as the "Secretary") shall make available medals in accordance with this Act. The medals authorized under this Act are national medals within the meaning of section 3351 of the Revised Statutes (31 U.S.C. 368).

SEC. 2. The medals shall bear such emblems, devices, and inscriptions, shall be of such size or sizes, shall be made of such materials, and shall be made in such quantity, as the Secretary may determine.

SEC. 3. The Secretary shall cause such medals to be struck, and he shall cause them to be sold to the general public, under such rules and regulations as he may provide, at a price not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses.

Mrs. SULLIVAN. Mr. Speaker, as House Report 93-666 points out, the Bureau of the Mint now issues for public sale a variety of national medals honoring great events or outstanding individuals in our Nation's history. Thousands of these medals are purchased each year by serious collectors of national medals and also by school children, particularly when they come to Washington to tour the national shrines and visit the numismatic display in the Treasury Department after going through the White House, or in visiting the Philadelphia or Denver Mints or the San Francisco Assay Office. Some of the medals included in the Treasury's series of "list medals" go back to the earliest days of our country's struggle for independence, and are reissued from time to time from the original dies or designs.

I might add that these medals are sold at prices sufficient to recover all costs of manufacture and distribution. The General Accounting Office made a survey of costs in the Bureau of the Mint in striking medals to make sure all costs of manufacture were recovered, including the estimated or pro rata costs of labor, materials, dies, use of machinery, and overhead expenses; as a result, the Bureau of the Mint revised upward many of the prices it had been charging. I should further point out that medals are struck only when this does not interfere with coinage operations. The same skills required in designing and producing coins and coin dies and in striking coins are also utilized in the production of medals.

The bill H.R. 1817, to strike a medal honoring the late J. Edgar Hoover and to include it in the series of Treasury list medals available to the public through the Bureau of the Mint, was introduced by the Honorable WILBUR MILLS of Arkansas and was generally supported in hearings of the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency when we held hearings on all pending coinage and commemorative medals bills earlier this year.

Director Hoover's nearly half-century of service to our country as head of the Federal Bureau of Investigation placed him in a unique situation among all of the public officials who have served this Nation. I think it would be particularly appropriate, if this legislation becomes law, for those who served under Mr. Hoover in the FBI to arrange with the Secretary of the Treasury to finance the cost of a special strike of this medal of gold or other precious metal to be placed in the new J. Edgar Hoover Building now being constructed across from the Justice Department. However, I want to emphasize that there is no provision in this legislation to strike such a medal at public expense.

Mr. Speaker, H.R. 1817 was unanimously approved by the Subcommittee and the full Committee. It was endorsed during our hearings in testimony by the Treasury and the Bureau of the Mint, by the president of the American Numismatic Association, and by the editor of Coin World newspaper and the publisher of Numismatic News. There would be no net cost to the Treasury in striking these medals. I urge approval of H.R. 1817.

Mr. MILLS of Arkansas. Mr. Speaker, today it seems particularly fitting and proper to consider H.R. 1817, a bill to authorize the striking of a commemorative medal to honor the late J. Edgar Hoover.

Appropriate first because in these days as we prepare for the celebration of our Nation's 200th anniversary, J. Edgar Hoover symbolized the foremost ideal of the patriotic public servant envisioned by those founders of our democracy to lead the New Republic; and

Appropriate because in these beclouded days of our national history testing the credibility and integrity of public service he so clearly reflected the honest and unquestioned integrity and dedication to the fundamental principles of a government by law.

J. Edgar Hoover assumed the direction in 1924 of an organization that was in severe disfavor with the public and with the executive and legislative branches of Government. He labored quietly and—some say—doggedly to eliminate every taint of corruption, every vestige of inefficiency.

Under his direction, the only direction known by the FBI until his death, that organization became a symbol to law enforcement agencies throughout the Nation of the excellence and respect for individual liberty that could be attained through a unique professionalism and rigid devotion to duty.

Twenty-six years after he assumed the leadership of the FBI, a spokesman for the American Civil Liberties Union, the organization most widely recognized as guardian and protector of individual civil liberties, wrote:

> All evidence indicates that the FBI as a matter of unvarying policy has played fair with criminals and suspects. The FBI is unique in the history of national police. It has a magnificent record of respect for individual freedom.

Perhaps today more clearly than before, events bear witness to the fact that this intense dedication to law and liberty was the result of this uncommon man, not of the system he led.

In his last message to law enforcement officials he seemed to be warning of the potential misuse of power and abuse of the law which recent months have revealed, when he wrote:

> [T]he process of change in a democracy requires discipline and responsibility that will not unleash unrestrained forces that would rip the fabric of our freedoms. That fabric derives its strength through the warp and woof of laws that orderly guide the process of change by defining our individual and corporate duties. Change in our society would otherwise simply result from those who could impose their will on others without regard for the validity of their arguments or the rights of those who do not share their views.

Mr. Speaker, this bill not only commemorates the uncommon man, it commemorates that uncommon devotion to law and duty which this Nation so urgently seeks today. And certainly it reflects in the strongest sense the guidelines established by the Subcommittee on Consumer Affairs and the Bureau of the Mint that a medal should honor only those persons whose superior deeds or achievements have embellished our history or who are representative of the finest of accomplishment in service to the Nation.

Mr. Speaker, no man more at this time in our history exemplifies the attributes of accomplishment in service to the Nation and in dedication to the principles of law and liberty than J. Edgar Hoover.

I urge the unanimous consent and support of this bill by the Members of the House and compliment the distinguished chairman of the subcommittee (Mrs. SULLIVAN) and the members of that subcommittee for their efforts in reporting this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in connection with the passage of H.R. 1817 to strike national medals honoring the late J. Edgar Hoover.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 11459, MILITARY CONSTRUCTION APPROPRIATIONS

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 11459) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes.

The SPEAKER. Is there objection to

the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE A PRIVILEGED REPORT

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight to file a privileged report.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT ON H.R. 6768, UNITED NATIONS ENVIRONMENT PROGRAM

Mr. FRASER. Mr. Speaker, I call up the conference report on the bill (H.R. 6768) to provide for participation by the United States in the United Nations Environment program, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 15, 1973.)

Mr. FRASER (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. GROSS. Mr. Speaker, reserving the right to object, are there any copies of the conference report available?

Mr. FRASER. I have a copy here which the gentleman from Iowa may use. Yes, Mr. Speaker, I have several copies here.

Mr. GROSS. Mr. Speaker, will the gentleman take a minute or two to give us a brief explanation of what transpired in the conference?

Mr. FRASER. Yes; I shall be happy to do that.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FRASER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the bill that was requested by the administration to provide for an authorization for the newly established United Nations Environment Fund.

H.R. 6768 was approved by the House May 15, 1973. The bill was taken up by the Senate and approved on June 8, with an amendment deleting the provision of the House bill which prohibited use of any funds for North Vietnam.

The conference report follows the outlines of the Senate bill. There is no change in the amount proposed to be authorized—$40 million, of which $10 million would be available in fiscal year 1974.

The only change is the deletion of the amendment to the House bill which was approved on the floor and which relates to North Vietnam.

The Senate conferees argued that none of the funds in the bill would be spent in North Vietnam in any case because North Vietnam was not a member of the United Nations or any of the specialized agencies and, therefore, does not benefit from any of their programs.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

NIXON CRISIS

(Mr. DENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENHOLM. Mr. Speaker, yesterday, Senator PROXMIRE allegedly spoke for the Democrats in a statement to the American people on the so-called energy crisis. The Senator did not speak for me. The distinguished Senator failed to recognize the difference between an alleged "energy crisis" and the reality of a "Nixon crisis." There is a difference between the two. The Congress can correct the so-called energy crisis and only the President can right the wrong of the Nixon crisis.

It is long past the time that this Congress should realize that we can not legislate "good faith" for men that have none any more so than a court can litigate larceny from the hearts of "buggers," burglars, bankrobbers, convicts and criminals.

It is clear that the Congress must act and not react if the so-called energy crisis is to be solved. It is time that we act and act on constructive—positive policies for programs of the future. This is a time for positive leadership—not partisan reaction. Let us separate politics from policy and there will be sufficient petroleum products for all.

ABOUT $77 BILLION OF DEBT LIMIT

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, there is great excitement because the Congress has not yet completed work on another of the frequent increases in the ceiling for the national debt.

If the Congress would face up to its responsibility, there would be no need for an immediate change in the debt ceiling. Almost $77 billion of this $462 billion debt is pure, unadulterated fiction. It represents bonds which reside in the portfolio of the Federal Open Market Committee in the New York Federal Reserve Bank.

Mr. Speaker, these are bonds which have been paid for once and they should be cancelled and subtracted from the national debt that would reduce our national debt below $400 billion from its present size of $462. Again, let me repeat, this $77 billion is pure fiction and it is not a proper item to be counted as part of our national debt.

The Federal Reserve is an agency of the Federal Government and the Federal Government does not owe it $77 billion for bonds which have been paid for once. As this House well knows, the Federal Reserve draws almost $4 billion annually in interest on these paid-up bonds and this slush fund allows the Federal Reserve System to operate on its own without coming to Congress for appropriations which is in violation of the Constitution of the United States.

The Ways and Means Committee, which handles the debt ceiling legislation for the House, is well aware of the nature of these paid-up bonds and it should take the initiative and see that they are canceled and subtracted from the debt. The Senate filibuster could continue indefinitely without concern about the debt ceiling if we handled these Federal Reserve matters in a proper and legal manner. Please read my remarks on this subject on another page of this RECORD.

LACK OF PLANNING ON RATIONING HURTS OUR ECONOMY

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, the Sunday closing of gas stations called for by the administration will cripple the winter tourist industry if it is not balanced by other governmental actions.

In Wisconsin, tourism is a $2 billion a year industry employing 400,000 people, producing $300 million a year in State and local revenues, and rivaling agriculture as the State's second largest industry.

If the administration sticks by its plans to ban Sunday gasoline sales it ought to consider providing government assistance to help recreational businesses meet mortgage payments, or there will be wholesale bankruptcies in this vital industry.

Furthermore, steps must be taken to create new government incentives for better public transportation to recreation areas. Many tourism and recreation-related businesses tend to be marginal financial operations to begin with, being short of capital and long on monthly mortgage payments. A long-term setback like this will drive hundreds of small Wisconsin businesses into bankruptcy, and Wisconsin is not alone.

It does not make much sense for the Government to pour economic development money into the Nation's tourism industry with one hand while the other hand helps do in that same industry by its energy recommendations.

Obviously, without proper administrative safeguards gasoline rationing can become a nightmare of inequity, but rationing can be a whale of a lot better than huge tax increases on gasoline or patchwork approaches which create unfair burdens for unfortunate and overlooked segments of the economy. Any plan which places its major reliance upon increases in the gas tax will keep the average citizen off the road while the rich guy can buy his way from town to town simply because he can afford to do so.

There are going to be hardships all around in the energy crisis—many more than people are willing to face. The Government has an obligation to spread those hardships around in such a way that they will not fall unfairly on some groups of Americans simply because they cannot pay the price.

GOVERNMENT MUST SERVE THE PUBLIC INTEREST, NOT THE OIL CONGLOMERATES AND INVESTMENT BANKERS

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, every day big business tightens its fingers around the throats of the American people.

Every day, the Nixon administration puts more power and control into the hands of the oil conglomerates, the investment bankers and those who already have a monopoly of economic power.

Last week, it was announced that 250 retired corporate oil executives are being put on the Federal payroll to help run the oil allocation program.

Today, we hear that Deputy Secretary of the Treasury William E. Simon is being tapped to run the big new super Federal Energy Agency. Who is William Simon? Before joining the Government a couple of years ago, he had spent his life in the investment banking business, as assistant vice president of Union Securities Co. in New York; vice president of Weedon & Co., a general investment concern, and since 1964 as a member of the board of directors and chairman of government and municipal securities with Salamon Bros.

Mr. Speaker, when is President Nixon going to realize that this Nation belongs to over 200 million people, and not to the big oil corporations and investment bankers?

It is about time the people of this Nation recaptured control of their Government, and demand that Government serve the public interest instead of corporate privilege and special interests.

PRESIDENTIAL POWERS IN EMERGENCY FUEL ALLOCATION

(Mr. ROUSSELOT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ROUSSELOT. Mr. Speaker, I would like to ask the gentleman from West Virginia (Mr. HECHLER) who just spoke about the great crisis that we face, if the gentleman voted for the Emergency Petroleum Allocation Act?

Mr. HECHLER of West Virginia. Mr. Speaker, if the gentleman would yield, yes, I did.

Mr. ROUSSELOT. You did.

Mr. Speaker, I appreciate the candid answer given by the gentleman from West Virginia. Then the gentleman from West Virginia was one who gave all of that power to the President that the same gentleman now abhors, and for which he protests so vigorously. Mr. Speaker, it constantly amazes me that so many of those Members of this body who are now complaining so publicly about the misuse of power by the President during "the energy crisis" are the very ones who voted to give him those broad powers. Some of us did not and tried to warn in advance of the consequences.

Mr. Speaker, I yield back the balance of my time.

A PERMANENT NATIONAL DEBT LIMIT

(Mr. MALLARY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MALLARY. Mr. Speaker, we are faced this morning with the sorry sight of the greatest Nation on the face of the globe being unable to pay its bills or refund its debts. It is a sad commentary on the wisdom of this Congress that we will permit the continued existence of a process by which one person, or a minority of the Members of one of our Houses may tie up the functioning of Government and jeopardize our Nation's credit.

Mr. Speaker, I submit that the game we play of having a temporary debt limit totally unrelated to the facts of national economic life which must be raised or renewed twice or more each year is the cause of this most recent crisis. How can we call for public confidence in the institutions of Government when we will not face this honestly and adjust the debt limit on a permanent basis?

Mr. Speaker, let me remind all the Members again that we alone created this situation and we can easily avoid it by the simple step of making our national debt limit permanent when next we have that opportunity in June of 1974.

CONGRESSMAN DOMINICK V. DANIELS EULOGIZES BEN-GURION

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, I rise today to express my most profound sorrow at the passing of one of the giants of our age. This weekend David Ben-Gurion, one of the founders of the modern State of Israel, passed away and with his death another link is lost with the generation who took a dream and made it into reality.

Yesterday there were long lines when the Knesset opened the morning as all of Israel seemed to have come to pay tribute to one of its greatest men. Indeed before nightfall, more than 200,000 persons, an amazing 10 percent of the total population, had passed his bier.

Mr. Speaker, I would like to add my own voice to those who have already paid tribute to Ben-Gurion and the voice of all the people of the 14th Congressional District in expressing our sympathy to the people of Israel.

Ha'zaken will never be forgotten so long as men and women can cherish a dream come true. May God bless his memory.

PERSONAL EXPLANATION

(Mr. DANIELSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, on Thursday, November 29, I was compelled to leave the floor in the late afternoon, before adjournment, and was absent Friday, November 30. Accordingly I missed rollcall Nos. 605–613. If I had been present I would have voted as follows:

THURSDAY, NOVEMBER 29, 1973

Rollcall No. 605: Dellums amendment to H.R. 11575, 1974 Department of Defense Appropriations, which sought to increase by $1.25 million funds available for race relations training in the Army, Navy, and Air Force, which had been cut by the committee. Failed, 178 to 226. Suggested vote: "yea."

FRIDAY, NOVEMBER 30, 1973

Rollcall No. 607. Wyman amendment to DOD appropriations bill that sought to strike language providing that not more than $851.6 million be available for repair, alteration, and overhaul of vessels in naval shipyards. Failed 170 to 203. Suggested vote: "yea."

Rollcall No. 608. Addabbo amendment to DOD appropriations bill which sought to require that of the total appropriations made available by the act, $3.5 billion be available only from pipeline funds left over from prior years. Failed 118 to 250. Suggested vote: "yea."

Rollcall No. 609. Giaimo amendment to DOD appropriations bill sought to place a ceiling on military personnel of 2,157,902, a reduction of end troop strength of 22,000. Failed 160 to 210. Suggested vote: "yea."

Rollcall No. 610. Final Passage of H.R. 11575, Department of Defense appropriations for fiscal 1974. Passed 336 to 23. Suggested vote: "yea."

Rollcall No. 612. Amendment to H.R. 11576—1974 Supplemental Appropriations—offered by GONZALEZ which sought to raise by $35 million the funds appropriated for State vocational rehabilitation programs from $615 to $650 million. Failed 160 to 164. Suggested vote: "yea."

Rollcall No. 613. Final passage of H.R. 11576 making supplemental appropriations for the fiscal year 1974. Passed 295 to 130. Suggested vote: "yea."

PROPOSAL TO INCREASE SENATE SELECT COMMITTEE SUBPENA POWERS

(Mr. McCLORY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, later in the Suspension Calendar today there will be a measure brought up with regard to expanding the subpena authority of the Senate Watergate Select Committee. It seems in this flurry of interest in the activities of this Senate committee that all kinds of extraordinary legislation are justified or become necessary in order for them to carry on what they deem to be their role.

I think the fact that we have been able to survive for almost 200 years without this kind of extraordinary legislation suggests that this special measure is not justified. I hope the bill (S. 2641) will be considered on its merits, and not be deemed valid simply because it seems to be popular to support anything that comes out of the Senate Watergate Committee.

I will present extended debate at the time that the bill is called up. I think it is No. 4 on the Suspension Calendar.

AMENDING THE WILD AND SCENIC RIVERS ACT

Mr. TAYLOR of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4864) to amend the Wild and Scenic Rivers Act, as amended.

The Clerk read as follows:

H.R. 4864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 906), as amended (16 U.S.C. 1271–1287), is further amended as follows:

(a) Section 7(b)(i) is amended by:

(i) deleting "five-year" and inserting in lieu thereof "ten-year".

(ii) deleting "publish" and inserting in lieu thereof "notify the Committees on Interior and Insular Affairs of the United States House of Representatives and United States Senate in writing, including a copy of the study upon which his determination was made, at least one hundred and eighty days while Congress is in session, prior to publishing".

(b) Section 15(c) is amended by deleting "scenic view from the river," and inserting in lieu thereof "scenic and natural qualities of a designated wild, scenic, or recreational river area,".

(c) Section 16 is amended as follows:

(i) delete "$17,000,000" and insert "$37,600,000".

(ii) redesignate "SEC. 16." as "SEC. 16. (a)" and insert "(b) The authority to make the appropriations authorized in this section shall expire on June 30, 1978".

The SPEAKER. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from North Carolina (Mr. TAYLOR) will be recognized for 20 minutes, and the gentleman from Kansas (Mr. SKUBITZ) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Speaker, the legislation now before the House is H.R. 4864—a bill to amend the Wild and Scenic Rivers Act of 1968. This legislation is the outgrowth of a proposal submitted to the Congress by the Secretary of the Interior earlier this year. To my knowledge, there is no opposition to it.

BACKGROUND AND EXPLANATION OF THE LEGISLATION

As many Members of the House will recall, the 90th Congress enacted legislation which designated eight rivers in different parts of the country as components of the wild and scenic rivers system and provided for the study of 27 others as potential additions to that system.

AUTHORIZATION INCREASE

At that time, it was impossible to know what the ultimate land costs would be for the initial components of the system, because detailed cost data had not been developed with respect to any of the many rivers then being suggested for inclusion. Based on the best information then available, the House approved the authorization of $17,340,000 for the six rivers which it had included; however, the conferees recommended the inclusion of eight rivers and reduced the authorization to $17 million.

In making this recommendation, the conferees noted in their report:

> The amount authorized to be appropriated for land acquisition has been reduced from $17,340,000 to $17 million, it being understood that if escalation of land prices or other unforeseen factors require the appropriation of more than this amount, the two Committees on Interior and Insular Affairs will be willing to consider such further legislation as is necessary to carry out the act.

Now the departments have had experience with these scenic river acquisition programs and can more accurately project what the final costs will be. According to the information which has been supplied to the committee, the existing authorization has nearly been exhausted and further acquisition activities must be held in abeyance unless and until additional authority is granted. Current estimates indicate that an additional $20.6 million will be needed to complete the land acquisition programs at the eight initial components of the system.

MORATORIUM EXTENSION

Much more detailed data was required on the 27 "study rivers" contained in the act so that cost estimates for them should be much more realistic. These comprehensive studies develop information upon which the Congress can make an informed judgment as to the wisest and best use of these natural resources. They take time. I am glad to report that progress is being made on the studies, but many of them have not yet been completed. Under the terms of the original act, a moratorium on water resource development projects on the study rivers was imposed for a term of 5 years. That moratorium ended on October 2. Unless it is extended, it is conceivable that some water resource projects might be initiated which would effectively preclude the Congress from considering whether a river qualifies for, and should be included in, the Wild and Scenic Rivers System. H.R. 4864 would amend the act to extend the moratorium for 5 additional years.

CONGRESSIONAL REVIEW OF NEGATIVE FINDING

It should be pointed out that, if a determination is made that any of the study rivers are determined to be unsuitable for inclusion in the system, while the study is underway, then by publication of notice to that effect in the Federal Register, the Secretary of Interior or Agriculture could remove that river from the study category and thereby terminate the moratorium. The committee felt that the Congress should have an opportunity to review such a negative finding before it would become effective. It recommended that the legislation be amended to require a 180-day period for committee review of the study and findings before any study river is removed from the protections afforded it under the study section of the act.

DEFINITION OF "SCENIC EASEMENT" REVISED

Finally, based on experience with the act, it has been found that the definition of "scenic easement" is too restrictive and the committee recommends that it be broadened to include protection of the qualities of the river rather than being limited strictly to lands that can be seen from the river.

RECOMMENDATION AND CONCLUSION

That, Mr. Speaker, briefly explains the background and purpose of H.R. 4864, as recommended by the Committee on Interior and Insular Affairs. It is not a complicated bill and, as far as I know, it is not a controversial one. It is a straightforward approach to deal with some realities which we face with this program.

I urge the adoption of the bill, as amended by the committee.

Mr. SKUBITZ. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Speaker, I rise in support of H.R. 4864, a bill to amend the Wild and Scenic Rivers Act of 1968. This bill was initiated by the administration as a component of the President's environmental package, and its basic thrust upon introduction and as subsequently amended is to extend certain provisions of the 1968 Act and to further perfect that act so as to help assure that the American people can, in perpetuity, enjoy the benefits of the few remaining natural and free-flowing streams across our Nation.

The United States has been a pioneer in this matter of protecting important remnants of naturalness along its streams by the formal creation of a system of wild and scenic rivers. The program is not only a most worthy one for the benefit of our people, but it also provides a working model for study, emulation, amplification, and perfection by other countries which are also striving to protect worthy segments of their natural environment.

The bill before us extends protection to numerous study rivers listed in the parent act for an additional 5-year period, by which time their suitability for possible addition to the river system should be determined by completed studies. The bill provides authorization for additional funding to complete the land acquisition program for the eight original rivers included in the system, and also provides an incentive for that acquisition program to be completed promptly.

The bill incorporates an extended period for the Congress to act upon any study report which discloses the nonsuitability of a study river for addition to the system, before the river is released from its protective study status. The bill also broadens the applicability of the use of scenic easements along the rivers.

All of the provisions of this amending legislation are designed to improve and perfect the wild and scenic rivers system which was created by the Congress in 1968. I urge my colleagues to fully support this bill.

Mr. SKUBITZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1968 the Congress inaugurated an important and novel conservation step when it enacted the Wild and Scenic Rivers Act.

The Congress recognized that the proliferating activities of mankind along and adjacent to our streams and rivers, would eventually eliminate their natural, wild, and free-flowing character—unless legislative action was taken to prevent their destruction.

So under the 1968 act, eight free-flowing stream segments were designated and protected as wild and scenic in character, and were to form the backbone of a system of wild and scenic rivers.

The act also listed 27 additional river candidates considered worthy of further study, in anticipation of their possible addition to a growing system of wild and scenic rivers to be protected.

The 1968 act provided that while these 27 listed study rivers were being reviewed, they would be protected for a period of 5 years from the threat of water development projects as might be licensed by the Federal Power Commission under terms of the Federal Power Act.

With the studies on these 27 rivers not yet completed, the legislation before us provides an extension period of protection for an additional 5 years.

The 1968 act also provides that if it is concluded by the Secretary of the Interior or Agriculture, that a study river does not qualify for addition to the system, it then immediately loses the protection from water development projects which it enjoyed while in study status.

This bill, H.R. 4864, provides that upon such determination by a Secretary, he must so advise the authorizing committees of the Congress.

Then, 180 days—while Congress is in session—must elapse before notification of such determination of nonsuitability is published in the Federal Register.

This procedure, it was felt by the committee, should be provided so as to provide ample time for the Congress to act upon any negative study findings, before any stream is stripped of its study status protection.

This legislation broadens the definition of scenic easement as used in the parent act. Currently the application of scenic easements extends only to those lands within the river boundaries and visible from the river.

Since many activities which are not within sight of the river can be as impacting as those activities occurring within sight of the river this legislation seeks to broaden the definition of scenic easement so as to permit its application to any area within the river boundaries where the scenic qualities of the river are jeopardized or threatened.

Finally, this bill would authorize an additional $20.6 million to fund the completion of the land acquisition program for the original eight rivers which were designated as units of the system upon enactment in 1968.

Mr. Speaker, this bill, H.R. 4864, as introduced, was part of the President's environmental legislative program.

The few simple amendments added by the committee simply round out and perfect the Wild and Scenic Rivers System. I am proud to fully endorse this legislation, and I urge its adoption by my colleagues.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. SKUBITZ. I yield to the gentleman from Missouri.

Mr. RANDALL. Mr. Speaker, I find it a little difficult to determine which rivers have been added. Are there any projects added in either Kansas or Missouri? Does the gentleman have any list There may be two or three included for further study?

Mr. SKUBITZ. The gentleman will find the rivers that are listed are on page 4 of the report.

Mr. RANDALL, Well, that may be but there is no listing in the bill itself.

Mr. SKUBITZ. That is correct.

Mr. STEELMAN. Mr. Speaker, will the gentleman yield?

Mr. SKUBITZ. I yield to the gentleman from Alaska.

Mr. STEELMAN. Mr. Speaker, I commend the ranking minority Member, the gentleman from Kansas, for his comments and associate myself with his comments.

The Wild and Scenic Rivers Act is one of the outstanding pieces of environmental legislation passed by the U.S. Congress. I heartily support its amendment today and only hope that further understanding of all the ramifications of the act will lead to a greater expansion of the list of streams designated "scenic" or "recreational," as well as "wild."

I believe that few thoroughly understand the broad definitions of the various designations within this act, and among those aware of the act itself, many feel that an entire river must be designated "wild." That is not the case and possibly the reason that even more segments have not been advanced for inclusion under this act.

To date over 20 States have established wild and scenic rivers programs on their own. I hope that we can work in coordination with these and other States to acquaint citizens with the full extent of the Wild and Scenic Rivers Act so that there will be a reappraisal of all our streams and stream segments for designation as "scenic," "recreational," "study," "wild." And I encourage all citizens to push for inclusion of additional rivers and river segments under this act as soon as possible.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. TAYLOR) that the House suspend the rules and pass the bill H.R. 4864, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the Senate bill (S. 921) to amend the Wild and Scenic Rivers Act, and ask for immediate consideration of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill as follows:

S. 921

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 906) is amended as follows:

(a) In section 7(b)(i) delete "five-year" and substitute "ten-year".

(b) In section 16 delete "$17,000,000" and substitute "$37,600,000".

(c) In section 6(a) strike the comma after "donation" and insert in lieu thereof "or exchange,".

(d)(1) In section 4 strike subsection (a) and insert in lieu thereof the following:

"SEC. 4. (a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and submit to the President reports on the suitability or nonsuitability for addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system. The President shall report to the Congress his recommendations and proposals with respect to the designation of each such river or section thereof under this Act. Such studies shall be completed and such reports shall be made to the Congress with respect to all rivers named in subparagraphs 5(a) (1) through (27) of this Act within three complete fiscal years after the date of enactment of this amendment: *Provided, however,* That with respect to the Suwannee River, Georgia and Florida, and the Upper Iowa River, Iowa, such study shall be completed and reports made thereon to the Congress prior to October 2, 1970. With respect to any river designated for potential addition to the national wild and scenic rivers system by Act of Congress subsequent to this Act, the study of such river shall be completed and reports made thereon by the President to the Congress within three complete fiscal years from the date of enactment of such Act. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest likelihood of developments which, if undertaken, would render the rivers unsuitable for inclusion in the national wild and scenic rivers system. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.).

"Each report, including maps and illustrations, shall show among other things the area included within the report; the characteristics which do or do not make the area a worthy addition to the system; the current status of land ownership and use in the area;

the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area, should it be added to the system, be administered; the extent to which it is proposed that such administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the system. Each such report shall be printed as a Senate or House document."

(2) In section 5 strike subsection (b); and reletter subsections (c) and (d) as (b) and (c), respectively.

(3) In section 7(b) (i) strike all after "Act" and insert in lieu thereof "or the three complete fiscal year period following any Act of Congress designating any river for potential additional to the national wild and scenic river system, whichever is later, and"

(4) In section 7(b) (ii) strike "which is recommended", insert in lieu thereof "the report for which is submitted", and strike "for inclusion in the national wild and scenic rivers system".

AMENDMENT OFFERED BY MR. TAYLOR OF NORTH CAROLINA

Mr. TAYLOR of North Carolina. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Taylor of North Carolina: Strike out all after the enacting clause of S. 921 and insert in lieu thereof the provisions of H.R. 4864, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4864) was laid on the table.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to revise and extend their remarks immediately before passage of H.R. 4864.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DESIGNATING CHATTOOGA RIVER AS COMPONENT OF NATIONAL WILD AND SCENIC RIVERS SYSTEM

Mr. TAYLOR of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9492) to designate the Chattooga River in the States of North Carolina, South Carolina, and Georgia as a component of the National Wild and Scenic Rivers System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 9492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Wild and Scenic Rivers Act (82 Stat. 906; 16 U.S.C. 1274(a)), as amended, is further amended by adding the following new paragraph:

"(10) Chattooga, North Carolina, South Carolina, Georgia.—The segment from 0.8 mile below Cashiers Lake in North Carolina to Tugallo Reservoir, and the West Fork Chattooga River from its junction with Chattooga upstream 7.3 miles, as generally depicted on the boundary map entitled 'Proposed Wild and Scenic Chattooga River and Corridor Boundary, dated August 1973; to be administered by the Secretary of Agriculture: *Provided*, That the Secretary of Agriculture shall take such action as is provided for under section 3(b) of the Wild and Scenic Rivers Act within one year from the date of enactment of this Act: *Provided further*, That for the purposes of this river, there are authorized to be appropriated not more than $2,000,000 for the acquisition of lands and interests in lands and not more than $809,000 for development.".

The SPEAKER. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, it gives me a great deal of pride to bring to the floor of the House a bill involving an area which is partially in my home State of North Carolina. H.R. 9492, which I cosponsored with my friends the gentlemen from South Carolina (Mr. Dorn and Mr. Mann) and the gentleman from Georgia (Mr. Landrum) would add the Chattooga River and a portion of its West Fork to the wild and scenic rivers system.

BROAD SUPPORT

Usually, when we have bills of this kind, they have broad support, but sometimes they are controversial. In this case, practically everyone supports the designation of this river as a unit of the wild and scenic rivers system. The Departments of Agriculture and Interior, speaking for the administration, have given it their strong endorsement. The legislatures of all three States have approved resolutions recommending the inclusion of the river into the system. Most importantly, the public support for this legislation is practically unanimous.

Two public meetings were conducted by the Forest Service in the region involved and those who attended strongly supported the proposal. At the hearings of the Subcommittee on National Parks and Recreation, everyone testifying on the legislation spoke in favor of its enactment, and it was recommended by the subcommittee and the full Committee on Interior and Insular Affairs without a dissenting vote.

In short, Mr. Speaker, I know of no significant opposition to the enactment of H.R. 9492, as recommended. On the contrary, I believe it enjoys enthusiastic support from almost all quarters. Environmentalist and conservation organizations have endorsed it; all of the Members whose districts are involved have cosponsored it; and the States through which it flows have recommended it.

DESCRIPTION

The reason that this river has such broadly based support is that it is recognized as one of the most outstanding free-flowing streams remaining in the Southeast. It begins on the crest of the Blue Ridge Mountains of North Carolina—in the congressional district which I have the honor to represent—and flows through some spectacular, primitive mountain country before flowing down along the South Carolina-Georgia boundary. The river is free of impoundments and only a few relatively insignificant evidences of man can be seen anywhere along its main stem.

It is a dramatic river from its headwaters to Tugaloo Reservoir. For 50 miles, it drops an average of about 50 feet per mile from its upper reaches to the lower end. It includes several beautiful waterfalls, churning rapids and shoals challenging the most experienced whitewater enthusiasts, and occasionally calm stretches and minor ripples suitable for novice canoeists. The water quality of the entire river is extraordinarily high and it provides a fine habitat for mountain trout to delight the many fishermen who come to enjoy the stream.

Located in an area with most of the characteristics of wilderness, the river is free of any significant or unsightly intrusions by man. The surrounding country is almost as rugged as the river is wild and it represents, by itself, an important recreational resource for hikers and outdoor recreationists of all kinds.

VISITATION, SAFETY AND MANAGEMENT OF THE AREA

Of course, such an area is a popular attraction to those living nearby. Many of the local people know the river well and understand its dangers, but for people not familiar with it the river can be very hazardous. Notwithstanding this fact many people accept the challenges which it offers without knowing the dangers involved.

Many people have visited the area in past years, but the numbers coming into the area since the movie "Deliverance" was filmed on the river, has increased dramatically. One knowledgeable witness told the committee that it is estimated that as many as 15,000 people traveled down the river this year. Many of these utilize the services of guides and river runners who are familiar with its hazards. To my knowledge, they have never experienced a fatal accident. Unfortunately, some who come are more daring and they can quickly get into difficulties from which they cannot easily extricate themselves.

While the enactment of this legislation might encourage more people to come, it will also permit the Forest Service to establish safety programs for those who do come. At the present time, the Forest Service has no authority to establish safety regulations—or to enforce them—with respect to use of the river. There is no existing program to warn unsuspecting visitors of the potential dangers which they might encounter. And there is no systematic method for determining when adventurous visitors have set out on a river running expedition or whether they have returned safely. These are some of the things that the Forest Service can and will do if the river is added to the system.

To help them, it is expected that the Forest Service will regulate, by contract, those who will be permitted to operate commercial float trips. There are presently several operators serving the public on the Chattooga. They have the experience with the river which can enable the visitor to have relatively safe and enjoyable experience and it is expected that they will be given preference in providing this service in the future.

Mr. Speaker, whether this legislation is adopted or not, the people will come. By enacting H. R. 9492 we will make sure that they are given some reasonable degrees of protection. Naturally, they must bear the primary responsibility for their own safety, but this legislation will enable the administering governmental agency to provide them with information and services which will help them have a safe and enjoyable visit.

Naturally, in administering this area the basic management objective will be to permit it to be used in a manner which will be compatible with the characteristics which made it suitable for inclusion in the system. Floating by raft, canoe and kayak will undoubtedly be an even more popular activity in the future than it is today. Fishing and hunting will continue to draw large numbers of visitors to the area. In addition, hikers, backcountry outdoorsmen and nature lovers will enjoy the primitive forest lands adjacent to the river.

LAND OWNERSHIP AND COST

By an exchange agreement with the Georgia Power Co., its holdings in the area were transferred to the Forest Service so that Federal land ownership now totals more than 80 percent of the 15,000-acre area. While some lands within the boundaries remain in private ownership and may be acquired, it is contemplated that scenic easements will satisfy most of the remaining needs. The bill authorizes the appropriation of $2 million for land acquisition, but fee title to the remaining lands can be acquired only from willing sellers; consequently, it seems unlikely that all of these moneys will be expended.

Development along the river will be modest. The legislation authorizes $809,000 for administrative and public and facilities. White certain access roads, trails and the like will be needed, most of the facilities to be installed will be designed to assure the protection of the river and the safety of its visitors.

CONCLUSION

Mr. Speaker, having visited in this area and having floated portions of this river myself on two occasions, I can give it my highest recommendation. It is a beautiful wild river in a magnificent natural area. H.R. 9492 will assure its preservation for the enjoyment of present and future generations. I urge its approval by my colleagues in the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Iowa.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding to me. I note something new has been added to reports in the House, this one carrying photographs. How does the gentleman get this job done? I do not recall ever before seeing a report carrying photographs.

Mr. TAYLOR of North Carolina. Mr. Speaker, I will state to the gentleman that this river and the Big Thicket Area, which is the subject of the next bill, contains scenery which is so beautiful and which speaks for itself so well that the committee was of the opinion that the photographs would be a fine addition to the report, and they were approved.

Mr. GROSS. Mr. Speaker, does this add to the cost of the report?

Mr. TAYLOR of North Carolina. Mr. Speaker, I would think that it would add about the same as one additional page in the RECORD would have added.

Mr. GROSS. Does the gentleman mean that the plates by which the photographs are reproduced cost nothing?

Mr. TAYLOR of North Carolina. The reproduction was made by the offset process which is inexpensive.

Mr. GROSS. Mr. Speaker, I wonder if in future reports there will be photographs of bathing beauties clad in bikinis?

Mr. TAYLOR of North Carolina. Mr. Speaker, someone might suggest that, but that is beyond the jurisdiction of our committee.

Mr. GROSS. And I guess it is beyond the jurisdiction of the gentleman from Iowa, too.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Speaker, I am told that the cost of photographs in reports is not any more than would be of that of charts that are submitted in these reports.

Mr. TAYLOR of North Carolina. Mr. Speaker, I thank the gentleman.

Mr. SKUBITZ. Mr. Speaker, I yield to the gentleman from California (Mr. HOSMER) such time as he may consume.

Mr. HOSMER. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, the Wild and Scenic Rivers Act passed by the Congress in 1968 provided a list of 27 rivers to be studied to determine their suitability for addition as components of the Wild and Scenic Rivers System.

The Chattooga River is one of these, and the study of it has yielded a favorable recommendation by the Department of Agriculture for its addition to the system. Further, the proposal has received widespread public support. This river is one of the few remaining undeveloped rivers in the southeastern United States. It possesses some extremely rough and challenging sections of white water for river runners, and constitutes a recreational resource not easy to match in this part of the country.

I urge my colleagues to support this bill by voting for its passage.

Mr. SKUBITZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, The Chattooga River was designated as one of the 27 study rivers—and the study of the Chattooga was begun in 1969 by the Secretary of Agriculture—by agreement with the Interior Department.

The Legislatures of North Carolina, South Carolina, and Georgia approved the inclusion of the Chattooga in the system and the support for the wild and scenic river designation received almost unanimous approval.

The Chattooga River is one of the largest and longest undeveloped free flowing streams remaining in Southeastern United States.

The rivers included in the Wild and Scenic Rivers System are classified as wild-scenic and recreation. The 57-mile segment of the Chattooga designated in H.R. 9492 meets the requirements of all categories.

About 87 percent of 15,432 acres of land within the boundaries of the river are owned and managed by the U.S. Forest Service—hence—land acquisition would be slight.

The bill provides for a land acquisition authorization of not to exceed $2 million and a development ceiling of $809,000.

This bill has the support of the Administration and I urge its adoption.

Mr. MANN. Mr. Speaker, I rise in support of H.R. 9492, to include the Chattooga River in the wild and scenic rivers system. The Chattooga which flows through the mountains and foothills of northwestern South Carolina, not many miles from my home, is one of the few remaining natural and historic resources of this country which until now has largely been spared from the "civilizing" impact of man and his machines.

When Congress enacted the Wild and Scenic Rivers Act of 1968, it was the intent of Congress that certain selected rivers in the Nation which possessed outstanding scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, be preserved in free flowing condition, and that they and their immediate environs be protected for the benefit and enjoyment of present and future generations. That act designated the Chattooga River in North Carolina, South Carolina, and Georgia for potential addition to the national wild and scenic rivers system. In July of this year, I joined with other Members of Congress from Chattooga River country in introducing H.R. 9492 to include the Chattooga as a component of the national wild and scenic rivers system in furtherance of the 1968 act. Favorable action on the bill before us today will insure that the natural wonders of the Chattooga, which have been enjoyed and taken for granted by past generations will be preserved for the continued enjoyment and appreciation of future generations.

Though the Chattooga has recently been popularized by the James Dickey novel, "Deliverance," and the movie of the same title, I have known the river since my earliest years as a South Carolina scholboy. I have always been fascinated by this white-water river, and the mystery and excitement which attracted me to the mighty Chattooga in the days of my youth continue to draw me back to its rushing waters and untamed natural beauty. I am sure that my colleagues in the Congress who visited the Chattooga River area in early August recall quite vividly the excitement and breathtaking beauty we enjoyed during our float down the wild Chattooga. What we enjoyed on that memorable occasion should be protected from the destructive byproducts of an increasingly industrialized society in order that future generations may also experience that same enjoyment.

The Chattooga River would be a significant addition to the wild and scenic rivers system. The Chattooga is presently a clean, free-flowing, mountain stream in the deep forest of a relatively undeveloped area. In fact, it is one of the few remaining free-flowing streams in the southeast and is the only mountain river in the four-State area of North Carolina, South Carolina, Georgia, and Tennessee without substantial commercial, agricultural, and residential development along its shores. This river is a prime example of the whitewater rivers that once abounded along the east coast but which now have had their natural state substantially altered by the advances of civilization. Many such rivers which once offered some of the same wonders the Chattooga affords us today are either dammed, flow through farms, cities, or other areas of commercial activity, or are being used for industrial refuse and sewage disposal. We now have the opportunity to protect the wild Chattooga from this fate, I urge the Congress to act favorably on the bill before us today in order that we might preserve the Chattooga as an example of what we used to have in abundance in the Southeastern United States.

Even though the Chattooga River has a quality of remoteness, it is readily accessible to several metropolitan areas and provides many types of outdoor recreation for which there is now great demand. Not only is the Chattooga a superior scenic attraction, it is also one of the great canoeing and rafting rivers in the East and provides canoeing opportunities for every degree of skill. Excellent opportunities for hunting and fishing exist in the area as well as opportunities for other types of outdoor recreation. And, the river is not without historical significance. Prior to 1600, the Chattooga River was in the land of the Cherokee Indians and legends, artifacts, and settlements provide a valuable source for the study of the Cherokee culture and history. The earliest record of white men in the area are hunter maps dated 1730 and 1751. In 1775 William Bartram, an early American botanist, visited the region and crossed the Chattooga. In 1830, white settlers arrived to make their homes along the Chattooga and there still remains evidence of pioneer construction in the region.

Mr. Speaker, I respectfully submit that the Chattooga River satisfies all the requirements for inclusion in the national wild and scenic rivers system, and I therefore, urge the House to suspend the rules and pass H.R. 9492. As the report prepared by the Committee on Interior and Insular Affairs points out, this bill would include that portion of the Chattooga River from 0.8 mile below Cashiers Lake in North Carolina to Tugaloo Reservoir, and the West Fork Chattooga River from its junction with Chattooga upstream 7.3 miles as a component of the wild and scenic rivers system, and authorize to be appropriated $2 million for land acquisition and $609,000 for development.

We must act without delay if we are to preserve another of the rapidly diminishing natural resources which this country used to possess in such great abundance.

Mr. VANIK. Mr. Speaker, two bills reported by the distinguished Interior Committee, H.R. 9492 adding the now famous Chattooga River to the Wild and Scenic Rivers System, and H.R. 11546, establishing Big Thicket National Preserve, are before us today. I intend to vote in favor of both measures for several reasons.

As a representative of a semiurban district I can see the need for Congress to continue to set aside natural, nondevelopable space for Americans. As our cities grow larger and more stifling, we cannot neglect the need of those residents for the beauty and relaxation that natural settings provide. In an era of property-as-investment, a climate has been created that tends to diminish the human value of land open to the public. We cannot let this happen by failing to procure forests and preserves and wild scenery that will otherwise be cheapened with condominiums and commercial camping sites.

Mr. Speaker, there is currently under consideration a bill to create a national historical area within 15,000 acres of the beautiful expanses of the Cuyahoga River Valley between Akron and Cleveland in my State of Ohio. This recreation area would offer many of the same things that the Chattooga River and Big Thicket do in their parts of the country. And in addition to a large green open space preserved from the bulldozer of the developer, the Cuyahoga Valley National Historical Park and Recreation Area would be within a single hour's drive of over 4 million people—a point especially important with the energy crisis now on top of us.

Unfortunately, the majority of our country's excellent national parks are in the West—in areas of great scenic beauty, but hundreds of miles beyond the range of their potential users. Gasoline shortages will not allow us the indulgence of day-long drives any longer. We must react to this situation by preserving, now, open spaces near our major urban centers for the enjoyment of all Americans in the future.

Mr. DORN. Mr. Speaker the Chattooga River is a unique national treasure. The bill now before the House will guarantee that its unspoiled natural setting will be protected. As a sponsor of the bill I urge its overwhelming approval.

Mr. Speaker, in the Southeast we are proud of a beautiful environment second to none in the Nation. We have rivers, lakes, and woodlands in abundance. In the Chattooga we have one of the finest examples of clean, free-flowing, unspoiled mountain streams to be found anywhere. By including the Chattooga in the Wild and Scenic Rivers Systems the Congress can protect the magnificent river and surrounding area from any actions that would disturb the present setting.

In a 50-mile stretch between Cashiers, N.C., and Lake Tugaloo, the elevation of the Chattooga descends at a rate of 50 feet per mile. This sharp drop makes for some of the most spectacular whitewater rapids in America. For some 40 miles the River forms the border between South Carolina—Oconee County—and Georgia.

Protection of the Chattooga has wide support among the people of my area, Mr. Speaker. We have heard from Girl Scouts and Boy Scouts, people from all walks of life who love the magnificent, spectacular beauty of the South Carolina, North Carolina, and Georgia mountains. I am proud to be a sponsor of this bill, and urge its approval.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. TAYLOR) that the House suspend the rule and pass the bill H.R. 9492, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Wild and Scenic Rivers Act by designating the Chattooga River, North Carolina, South Carolina, and Georgia as a component of the National Wild and Scenic Rivers System, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, H.R. 9492, immediately preceding its passage.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

BIG THICKET NATIONAL PRESERVE IN TEXAS

Mr. TAYLOR of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11546) to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes.

The Clerk read as follows:

H.R. 11546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to assure the preservation, conservation, and protection of the natural, scenic, and recreational values of a significant portion of the Big Thicket area in the State of Texas and to provide for the enhancement and public enjoyment thereof, the Big Thicket National Preserve is hereby established.

(b) The Big Thicket National Preserve (hereafter referred to as the "preserve") shall include the units generally depicted on the map entitled "Big Thicket National Preserve", dated November 1973 and numbered NBR–BT 91,027 which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and shall be filed with appropriate offices of Tyler, Hardin, Jasper, Polk, Liberty, Jefferson, and Orange Counties in the State of Texas. The Secretary of the Interior (hereafter referred to as the "Secretary") shall, as soon as practicable, but no later than six months after the date of enactment of this Act, publish a detailed description of the boundaries of the preserve in the Federal Register. In establishing such boundaries, the Secretary shall locate stream corridor unit boundaries referenced from the stream bank on each side thereof and he shall further make every reasonable effort to exclude from the units hereafter described any improved year-round residential properties which he determines, in his discretion, are not necessary for the protection of the values of the area or for its proper administration. The preserve shall consist of the following units:

Big Sandy Creek unit, Polk County, Texas, comprising approximately fourteen thousand three hundred acres;

Menard Creek Corridor unit, Polk, Hardin, and Liberty Counties, Texas, including a module at its confluence with the Trinity River, comprising approximately three thousand three hundred and fifty-nine acres;

Hickory Creek Savannah unit, Tyler County, Texas, comprising approximately six hundred and sixty-eight acres;

Turkey Creek unit, Tyler and Hardin Counties, Texas, comprising approximately seven thousand eight hundred acres;

Beech Creek unit, Tyler County, Texas, comprising approximately four thousand eight hunderd and fifty-six acres;

Upper Neches River corridor unit, Jasper, Tyler, and Hardin Counties, Texas, including the Sally Withers Addition, comprising approximately three thousand seven hundred and seventy-five acres;

Neches Bottom and Jack Gore Baygall unit, Hardin and Jasper Counties, Texas, comprising approximately thirteen thousand three hundred acres;

Lower Neches River corridor unit, Hardin, Jasper, and Orange Counties, Texas, except for a one-mile segment on the east side of the river including the site of the papermill near Evadale, comprising approximately two thousand six hundred acres;

Beaumont unit, Orange, Hardin, and Jefferson Counties, Texas, comprising approximately six thousand two hundred and eighteen acres;

Loblolly unit, Liberty County, Texas, comprising approximately five hundred and fifty acres;

Little Pine Island-Pine Island Bayou corridor unit, Hardin and Jefferson Counties, Texas, comprising approximately two thousand one hundred acres; and

Lance Rosier unit, Hardin County, Texas, comprising approximately twenty-five thousand and twenty-four acres.

(c) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, any lands, waters, or interests therein which are located within the boundaries of the preserve: *Provided*, That any lands owned or acquired by the State of Texas, or any of its political subdivisions, may be acquired by donation only. After notifying the Committees on Interior and Insular Affairs of the United States Congress, in writing, of his intention to do so and of the reasons therefor, the Secretary may, if he finds that such lands would make a significant contribution to the purposes for which the preserve was created, accept title to any lands, or interests in lands, located outside of the boundaries of the preserve which the State of Texas or its political subdivisions may acquire and offer to donate to the United States or which any private person, organization, or public or private corporation may offer to donate to the United States and he may administer such lands as a part of the preserve after publishing notice to that effect in the Federal Register. Notwithstanding any other provision of law, any federally owned lands within the preserve shall, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, without transfer of funds.

Sec. 2. (a) Effective six months after the date of the enactment of this Act or at such time as the Secretary publishes the detailed description of the boundaries of the preserve in the Federal Register as required by subsection 1(b) of this Act, whichever is earlier, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property, except the mineral estate, lands or interests in lands owned by the State of Texas or its political subdivisions, or existing easements for public utilities, pipelines, and railroads, and except as provided in subsection (c) of this section. The Secretary shall allow for the orderly termination of all operations on real property acquired by the United States under this subsection, and for the removal of equipment, facilities, and personal property therefrom.

(b) The United States will pay just compensation to the owner of any real property taken by subsection (a) of this section and the full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States pursuant to the provisions of this Act. Payment shall be made by the Secretary of the Treasury from moneys available and appropriated from the Land and Water Conservation Fund, subject to the appropriation limitation contained in section 6 of this Act, upon certification to him by the Secretary of the agreed negotiated value of such property, or the valuation of the property awarded by judgment, including interest at the rate of 6 per centum per annum from the date of taking to the date of payment therefor. Any action against the United States for just compensation for any lands or interests taken pursuant to this subsection shall be brought in the district court of the United States for the district in which such property is situated. In the absence of a negotiated agreement or an action by the owner within one year after the date of enactment of this Act, the Secretary may initiate proceedings at any time seeking a determination of just compensation in the district court of the United States for the district in which the property is situated. In the event that the Secretary determines that fee title to any lands taken pursuant to this provision is not necessary for the purposes of this Act, he may, with the concurrence of the former owner, revest title in such lands to such owner subject to such terms and conditions as he deems appropriate to carry out the purposes of this Act and he may compensate the owner for no more than the fair market value of the rights so reserved: *Provided*, That the Secretary shall not revest title to any lands for which just and full compensation has been paid.

(c) This section shall not apply to any improved property as defined in subsection 3(b) of this Act: *Provided*, That the Secretary may, in his discretion, initiate eminent domain proceedings if, in his judgment, such lands are subject to, or threatened with, uses which are or would be detrimental to the purposes and objectives of this Act. The district court of the United States for the district in which such property is situated shall have jurisdiction to hear evidence and determine just compensation for any lands taken pursuant to the provisions of this subsection.

Sec. 3. (a) The owner of an improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value, on that date, of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) As used in this Act, the term "improved property" means a detached, one-family dwelling, construction of which was begun before July 1, 1973, which is used for noncommercial residential purposes, together with not to exceed three acres of land on which the dwelling is situated and together with such additional lands or interests therein as the Secretary deems to be reasonably necessary for access thereto, such lands being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

(c) Whenever an owner of property elects to retain a right of use and occupancy as provided in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of such sections such owner shall not be considered a displaced person as defined in section 101(6) of such Act.

Sec. 4. (a) The area within the boundaries depicted on the map referred to in section 1 shall be known as the Big Thicket National Preserve. Such lands shall be administered by the Secretary as a unit of the national park system in a manner which will assure their natural and ecological integrity in perpetuity in accordance with the provisions of this Act and with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented.

(b) In the interest of maintaining the ecological integrity of the preserve, the Secretary shall limit the construction of roads, vehicular campgrounds, employee housing, and other public use and administrative facilities and he shall promulgate and publish such rules and regulations in the Federal Register as he deems necessary and appropriate to limit and control the use of, and activities on, Federal lands and waters with respect to:

(1) motorized land and water vehicles;

(2) exploration for, and extraction of, oil, gas, and other minerals;

(3) new construction of any kind;

(4) grazing and agriculture; and

(5) such other uses as the Secretary determines must be limited or controlled in order to carry out the purposes of this Act.

(c) The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the preserve in accordance with the applicable laws of the United States and the State of Texas, except that he may designate zones where and periods when, no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, flora and fauna protection and management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting, fishing, or trapping shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activities.

Sec. 5. Within five years from the date of enactment of this Act, the Secretary shall review the area within the preserve and shall report to the President, in accordance with section 3 (c) and (d) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or nonsuitability of any area within the preserve for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

Sec. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $63,812,000 for the acquisition of lands and interests in lands and not to exceed $7,000,000 for development.

The SPEAKER. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, H.R. 11546—the bill now before the House—is one of the major conservation measures to be considered during this session of Congress. It provides for the creation of the Big Thicket National Preserve as a unit of the national park system.

LEGISLATIVE BACKGROUND

As most Members know, many different proposals involving the Big Thicket area of east Texas have been suggested over the years. H.R. 11546 is the outgrowth of the studies and proposals that have been made since the mid-1960's when interest in this area was revived.

In the years that have followed, interest in the area has grown considerably. Few proposals have resulted in the volume of correspondence which has been generated by interest in the Big Thicket. As a result, legislation was introduced in the Congress and the Subcommittee on National Parks and Recreation visited the area and held field hearings in June 1972. At that time all points of view were heard. On July 16 and 17, the subcommittee conducted additional hearings in Washington and, after 2 additional days of deliberations on the merits and language of the legislation, it reported the legislation favorably to the full committee on Interior and Insular Affairs.

AREA INCLUDED

To some, the 84,550-acre preserve, which H.R. 11546 would establish is far too small. To others, it seems too large. Conservation and environmental organizations argued for the creation of a national park containing at least 100,000 acres—and preferred an area closer to 200,000 acres. Landowners and the timber industry were willing to accept the 35,000-acre "string-of-pearls" proposal which was once suggested by the park service.

Resolving this dilemma has not been an easy task for anyone involved. We all owe our colleagues from Texas—particularly, Mr. Charles Wilson, Mr. Eckhardt, Mr. Steelman, and Mr. Kazen—our gratitude for striking a reasonable balance between these almost irreconcilable viewpoints. Starting with the 35,000 acres, which nearly everyone agreed should be preserved, the area included in the proposal recommended by the Department of Interior included a total of 68,000 acres.

While the Subcommittee on National Parks and Recreation recognized that the disjunct areas in the departmental recommendation merited inclusion, it felt that the excluded stream corridors should also be reviewed. As a result, it added the connecting corridors along the Neches River, Menard Creek, and Little Pine Island—Pine Island Bayou to give continuity to the area, to protect some of the essential waterways, and to assure access to the streams. Taken together with the additions at the Lance Rosier and the Loblolly units, these corridors constitute the basic differences between the area included in the proposal transmitted by the Secretary and the area included in the committee recommendations. (The importance of these stream corridors can be seen by referring to the map on page 3 of the committee report.)

LEGISLATIVE TAKING

Another issue which was carefully considered involved language which makes most of the privately owned lands within the boundaries of the Preserve subject to a legislative declaration of taking within 6 months after the date of enactment of this act. In making this recommendation, the committee recognized not only that prompt acquisition would be essential if the properties are to be acquired without significant cost increases due to escalating land prices, but that prompt action is necessary in order to assure the preservation of the values remaining in this once massive area.

COST

Naturally in an area of this kind, where nearly all of the lands involved are privately owned, land acquisition costs are going to be substantial. By the terms of the legislation, these costs should be borne by the Land and Water Conservation Fund which was established for the purpose of underwriting the Nation's outdoor recreation program. The committee has every reason to believe that the fund is adequate to underwrite the cost of this project. While other projects in other parts of the country must also draw upon the financial resources of the fund, it is not anticipated that the combined total requirements, in any 1 year, will exceed the moneys available for the Federal land acquisition share of the fund.

In this case, the land acquisition program is estimated to require the investment of $63,812,000 if fee title is acquired in all of the privately held lands. This outlay may be substantially reduced if some of the present landowners donate some of the lands involved. Also, the costs should be reduced if the Secretary draws the final boundaries to exclude improved properties which are not necessary for, or compatible with, the Preserve. Finally, assuming that homeowners will wish to retain the use and occupancy of their qualifying residential properties or that a suitable agreement can be negotiated which will permit continued use of privately owned lands within the Preserve in a manner compatible with it, then the land costs will be reduced even further.

Mr. Speaker, development costs in this 84,550-acre Preserve are expected to be in the neighborhood of $7 million. In arriving at this amount, the committee recognized that the units are spread over a large area. In some cases they are long, narrow corridors and in others they are compact units, but in all cases they will require facilities to accommodate the needs of the visiting public in water and sanitation facilities, roads and trails, and other administrative and public use facilities will be needed to protect the resource and to assure the safety and enjoyment of the visiting public.

DESCRIPTION

Without going into detail, Mr. Speaker, let me say that this legislation represents a real opportunity for the Congress to act to preserve an area with many unique qualities. It is known as "the biological crossroads of America" because of its outstanding combination of flora and fauna of all kinds. Like the Big Cypress legislation, which the House approved earlier this year, it represents a new element in the national park system—a national preserve. Like a national park it is significant because of its nationally valuable natural values, but like recreation areas it must continue to be available for a variety of uses which would not be permitted in a national park.

CONCLUSION AND RECOMMENDATION

To some, the Big Thicket comprises an area more important than most units of the existing national park system. It can be an interesting and beautiful place for those who visit it. The pictures in the committee report amply demonstrate this point. I am pleased to have this opportunity to recommend it to my colleagues and I urge the adoption of H.R. 11546.

Mr. MILFORD. Will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman.

Mr. MILFORD. Mr. Speaker, it is an exciting day today when we are about to vote on a bill to make the Big Thicket of Texas a national preserve.

Eleven months ago, as a recently sworn-in Member of this body, I was the first to introduce a Big Thicket bill in this session of Congress, H.R. 4270.

During these 11 months, the American compromise tradition has gone to work in committee to report out a bill that will do the job of preserving the east Texas biological wonderland.

To do this, we have compromised on acreage. The bill we are about to vote on sets aside 84,550 acres as a national park—a 14,000-acre compromise.

But I am convinced that the area covered in this bill will preserve sufficient land to safeguard the animal life of the Big Thicket. It will give the animals more than the natural vegetation food supplies which they need. It will give them room to move around in and some degree of privacy from man's intrusions—a need as vital as food.

This bill also looks ahead to the future. Not just 5, 10, or 15 years, but five and ten decades away when people will be needing and seeking an experience of free, open nature even more than we are at present.

I believe we have here a good bill, a workable bill, and I know we have a definite need to establish a Big Thicket preserve while there is yet a Big Thicket to preserve. Therefore, I urge your approval of this legislation today.

Mr. SKUBITZ. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I shall not attempt to define the boundaries of Big Thicket except to say it is in east Texas. I shall leave that task to others who are more familiar with the area than I.

It has been referred to as the "Biological Crossroads of North America" where the woodland flora and fauna of North, South, East, and West meet.

Interest in the Big Thicket dates back to 1927 and interest so mounted that in 1938 and 1939 the National Park Service favorably recommended that it be given park status.

In the midsixties the National Park Service made new studies and recommended that a series of widely dispersed lands be protected.

In 1972, several members of the committee visited the area and reported favorably on what they saw.

A number of bills were introduced calling for the including of 68,000 to 100,000 acres of land.

The Big Thicket National Preserve, as proposed by this legislation, embraces about 84,000 acres of land comprised of a dozen generally detached units of varying sizes in east Texas.

Each unit principally represents a different ecological mix, and thereby presents an opportunity for variable experience for the visitor.

Within 6 months of the bill's enactment, as the boundaries of the new preserve are precisely defined by the Secretary of the Interior the general location map and acreage figures for the units as described in this bill, title to the land will automatically vest in the Federal Government.

Provision is made in the bill to avoid the incorporation of year around residences within the preserve where it is possible to exclude them, and in such cases where residences cannot be avoided, provision is made for exempting them from acquisition through legislative taking if certain criteria are met. Also exempted from legislative taking is the mineral estate.

The bill provides for a study and recommendations to be made within 5 years as to the suitability of wilderness designation for any part of the preserve. Funds for acquisition are authorized at $63,812,000, and $7,000,000 is authorized for development.

Mr. Speaker, I think this bill finally has resolved most of the various points of difference which have existed through the years of attempts to establish some type of a Federal park unit here, and I believe it therefore has the support of most all persons and organizations who have had a concern or interest in this matter.

I hope my colleagues in the House will see fit to give this bill the same degree of support it has received from the Texas delegation, as evidenced by the strength of their sponsorship of this bill, and I strongly urge its passage.

GENERAL LEAVE

Mr. SKUBITZ. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks at this point in the RECORD.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of H.R. 11546—a bill providing for the establishment of the Big Thicket National Preserve in the State of Texas.

At one time, the area known as the Big Thicket comprised millions of acres. It was a dense, uninviting wilderness largely avoided by man. Except for occasional hunting trips, it is believed that the Indians avoided it; the Spaniards gave it wide birth, and early American settlers detoured around it. It was not until the middle of the last century that the conquest of the Big Thicket began in earnest.

Timbering began in the region around 1850 and was encouraged by the construction of railroads into the region in the decades that followed. Then oil was discovered causing a new interest in the area. Today, modern timbering practices and agricultural techniques have transformed large areas into productive uses, so that only a relatively small part of the original Big Thicket remains intact. While it is much reduced in size, it is representative of the area which once dominated this part of the country.

The Big Thicket is said to be "the biological crossroads of America." Here eight distinct biological habitats exist. Ranging from savannah to bald cypress to upland mixtures of beech, magnolia, white oak, and loblolly pine, the Big Thicket contains every plant community known to exist in the entire Southern Evergreen Forest.

To scientists, this area is considered one of the Nation's most outstanding natural laboratories. Botanists find the large number and unusual combination of plant communities fascinating. To them, the vegetation of the understory is an interesting component of the forest. Included in the unusual vegetation of the region are four of the five varieties of insect-eating plants known to exist on this continent. There are well over 1,000 varieties of flowering plants and vines, including at least 30 varieties of orchids.

The trees of the forest are equally interesting. Not only is the combination unusual, but the long growing season, the broad range of soil types, and the abundance of water combine to encourage growth. Many of the species of trees found in this area include the largest of their species known to exist anywhere in the country.

Naturally, Mr. Speaker, such an area attracts an interesting combination of wildlife. It is said that the Big Thicket is inhabited by more than 300 species of birds on a permanent or temporary basis. When it is recognized that there are only about 720 species in the United States, the fact that more than 100 make the Big Thicket their permanent home becomes impressive.

Perhaps the most interesting bird thought to exist in the Big Thicket is the rare ivory-billed woodpecker—I said "thought to exist" because it may already be extinct. This flamboyant ivory-billed bird has black, red, and white markings and is 21 inches long—slightly larger than the average chicken hawk. It once ranged from the Gulf of Mexico to North Carolina and Indiana, but now only the Big Thicket may contain the remote woods which it needs to survive. Several other rare or endangered birds are known to inhabit the Big Thicket.

Not so many people find snakes of interest, Mr. Speaker, but for those who do it should be mentioned that no other region of comparable size contains as many varieties of snakes as this area. There are four known varieties of poisonous snakes in the United States—and the Big Thicket has them all. Nonpoisonous snakes are even more common. It is said that there are four or five times as many nonpoisonous snakes as poisonous ones, but no detailed inventory has been made.

In short, Mr. Speaker the natural values of the Big Thicket are especially interesting. They represent a part of America that can never be reproduced once it is lost. Much of the area has already been altered, but we still have an opportunity, by enacting this legislation, to assure the preservation of a significant and representative portion of this unique area.

Practically all of the lands involved in H.R. 11546 are privately owned. Much of this is in corporate ownership; however, there are many smaller landowners who hold lands within the proposed Preserve. The bill is drafted to give homeowners every possible protection from unnecessary acquisition. It requires the Secretary to attempt to avoid including residential properties within the final boundaries of the Preserve. Inevitably, some will be included. In those cases, the homeowners are entitled to retain a right of use and occupancy for 25 years or their lifetimes if they wish, and the Secretary would pay the owner the fair market value of the property, less the fair market value of the right retained.

Mr. Speaker, in any case, where any private lands are taken, the Government is obligated to pay the fair market value for the interests acquired. Under the terms of the bill, title to all nonresidential lands will be transferred to the Government within 6 months after the date of enactment and the landowner will be entitled to just compensation as determined by negotiations or, if necessary, by the local U.S. district court.

Mr. Speaker it is important that the Government move quickly to implement this legislation. Not only are activities underway which might further alter the values of this area—that is timber harvesting, clearing, and subdivision—but land costs are continuing to increase. By providing for the transfer of title to the nonresidential lands the legislation will assure immediate protection for a large portion of the proposed Preserve.

To carry out the purposes of this act, the legislation authorizes the appropriation of $63,812,000 for land acquisition. While it may be necessary to appropriate this entire amount, we are hopeful that the Secretary will utilize the authorities given to him to reduce these costs wherever possible, but we want to be sure that the objectives of the legislation are fully implemented. In addition, it is anticipated that the development of administrative and public use facilities will require the investment of $7 million.

Mr. Speaker, H.R. 11546 is the product of the efforts of many people. So far as I know, it has broad support. It includes features which took into account the views of conservation organizations, property owners and timber producers—even though, I am sure, none of them are fully satisfied. It has the support of most of the members of the Texas delegation and most of the members of the Committee on Interior and Insular Affairs.

Mr. Speaker, H.R. 11546 is the end product of several public meetings including a field hearing in Beaumont, Tex. It was carefully considered by the Subcommittee on National Parks and Recreation and it represents a positive program for the preservation of a most significant area. I commend the gentlemen from Texas (Mr. Wilson, Mr. Eckhardt, and Mr. Steelman) for their cooperative and constructive contributions and I thank the chairman (Mr. Taylor) and the ranking minority member (Mr. Skubitz) for their helpfulness during our consideration of this matter.

It is a pleasure for me to rise in support of H.R. 11546 and I urge its favorable consideration by the Members of the House.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. Brooks).

Mr. BROOKS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, one of my principal concerns with the creation of a Big Thicket National Preserve as in H.R. 11546, has been that there be a minimum displacement of individuals owning property within the park area.

During hearings held in Beaumont in June 1972, I emphasized the necessity of the study of such area to determine the number of people involved in property ownership, particularly along the corridors, and stressed the need to include a provision which would displace as few people as possible.

I am pleased to point out that the House Interior and Insular Affairs Committee, with my encouragement and support, included a provision that the Secretary of the Interior "shall further make every reasonable effort to exclude from the units hereafter described any improved year-round residential properties which he determines, in his discretion, are not necessary for the protection of the values of the area or for its proper administration."

I am pleased that the committee included this provision in line with my recommendations at the subcommittee hearings in Beaumont in June. It is my belief that with this clause, "the lives of as few people as possible will be disrupted as the result of the creation of this park."

The people of Texas are aware and appreciative of the dedication, drive and hard work that the Members of the Committee, Chairman Roy Taylor of North Carolina, including Abraham Kazen, of Texas, have contributed to our efforts to preserve America's incomparable recreational and wilderness areas. Their support is indicative of the very deep sense of responsibility that this subcommittee feels for the protection and development of our Country's national parks and recreational areas.

The Big Thicket region has been called the ecological crossroads of North America. It is truly a land of unusual beauty, a curious mixture of serenity and excitement. In this area there are over 300 bird species, over 200 tree and shrub species, 40 wild orchid species and 9 carnivorous plant species.

The Big Thicket is a transition zone between the arid Southwest and the tropical coastal marsh, the central prairie and the eastern woodlands of our Nation. This unique transitional characteristic, together with its 60 inches of annual rainfall, provides a rich habitat for plant and animal life of many types. It also offers vast and varied recreational and educational opportunities.

Too much of this area has already succumbed to the demands of modern civilization. Already we have lost thousands of acres of rare and beautiful hardwoods and numerous species of animal life that once populated this area.

I think that a reasonable, acceptable bill has been formulated by the Committee. It is not as big as some would like it, but it is larger than that which others would like. It is a compromise as to ecological value, recreational value, cost of acquisition and feasibility of its eventual operation, but I believe it will work.

I believe history will show that establishment of National Parks has generally resulted in an improved economic situation in the area. I see no incompatibility between the development of this park and the future economic growth of the areas around it. The Department of Interior should be able to, by regulation, permit continued economic development in a manner that does not destroy the value of nor interfere with the operation of the park.

I am deeply grateful to the committee for its support and its recommendations. I hope the Congress will help us in Texas save this resource for future generations.

Mr. SKUBITZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. Steelman) and may I add, Mr. Speaker, that the gentleman from Texas (Mr. Steelman) has spent innumerable hours in behalf of this bill, and has been largely responsible for the bill being reported out of the committee.

Mr. STEELMAN. Mr. Speaker, I thank the gentleman from Kansas for his kind remarks.

Mr. Speaker, I want to take this opportunity to review just briefly the history of this legislation. The chairman of the National Parks Subcommittee, the gentleman from North Carolina (Mr. Taylor) has outlined this in detail. I would like to say that since 1927 the Big Thicket area has been debated by conservationists, citizens of the State of Texas, and by members of the Texas delegation. This movement was interrupted by World War II, and was revived again in the 1960's, and in the last 7 years has been marked with great and sometimes heated debate among the Members of this body, among industrialists, conservationists, and citizens of the State of Texas. The proposals have ranged all the way from 3 million acres to 300,000 acres, and now, as contained in this legislation, 84,000 acres.

We have worked with many environmentalists, with property owners, citizens of the State of Texas, and citizens of this congressional district in coming up with this compromise. I think, while it is true that many of us would like to have had more acreage, say, 100,000 acres, for example, that what we bring to the Members here today has been arrived at in a spirit of compromise. And in that regard compliments are in order to the gentleman who represents this district, the gentleman from Texas (Mr. Wilson) for the spirit of cooperation in which he has approached this problem.

Also, commendation is due for his years of work on this proposal to the gentleman from Houston, Tex. (Mr. Eckhardt), the gentleman from Texas and my colleague on the Interior Committee (Mr. Kazen), and my other Texas colleagues are due special thanks. Mr. Speaker, I think we would be remiss without pausing for a moment to give special thanks to a former Member of the other body, Senator Ralph Yarborough, for the great efforts he spent over many years in seeing this Big Thicket preserve through to fruition, as well as the two present Texas Senators, Senator Tower and Senator Bentsen, who have also labored long and hard on this legislation.

Mr. Speaker, the uniqueness of the Big Thicket area is in its scientific uniqueness. That is, it has been presented as the biological crossroads of North America, and indeed it is. I think another key feature of this bill is that it is very strong administratively, and I hope that it can serve as a model for increasing the congressional emphasis and intent to the Department of the Interior on what we want in our system of preserves, so that they will not be just parks, but scientific and educational setasides, as well.

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. STEELMAN. I am happy to yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Speaker, I thank the gentleman for yielding to me.

I just want to say to the gentleman from Texas that I wish to commend him for the wonderful work and the leadership that he has displayed in advancing the cause of the Big Thicket national preserve, and I want to congratulate the gentleman.

Mr. STEELMAN. Mr. Speaker, I thank the gentleman from Illinois for his kind remarks.

Mr. Speaker, another key provision, in my opinion, is the legislative taking provision, and I hope this provision will become increasingly a part of our legislation with regard to parks and recreational areas. It allows the property owners to immediately know what their status is, and allows us to save money that could have otherwise been lost in the cost of a park due to inflation.

Mr. Speaker, I urge the adoption of this legislation.

SUSPEND ENERGY RESTRICTIONS FOR 4 DAYS PRIOR TO CHRISTMAS

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. BARRETT) who would like to speak out of order.

(By unanimous consent, Mr. BARRETT was allowed to speak out of order.)

Mr. BARRETT. Mr. Speaker, I have today sent a letter to the President requesting that he suspend recently announced energy restrictions for the 4 days prior to Christmas Day, so that the American people can take the opportunity to celebrate the Christmas holiday in the ways that they have normally done so in the past years. The Christmas holiday is for most Americans the most joyful and happiest holiday of the year, since they celebrate the Christmas spirit with their families and friends. I believe that easing the restrictions for these 4 days will do much to encourage the American people while celebrating the Christmas holidays and buoy the spirits of our citizens during this time of sagging confidence and sagging morale in almost every sector of American life.

I have also asked the President to close the Federal buildings around the country Christmas Eve, December 24, thereby permitting all Federal employees a holiday on that day. In taking such a step, the President could achieve substantial savings in energy since most Government buildings would be closed for a 4-day period.

Mr. Speaker, I believe that these two suggestions would meet with favorable response from most Members of the House and I am hopeful will meet with a favorable response from the President.

Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a copy of the letter which I sent to the President.

The SPEAKER pro tempore (Mr. MCFALL). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The letter is as follows:

Washington, D.C.,
December 3, 1973.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Christmas holiday season has always been a festive and happy occasion for the American people. It has been celebrated in many diverse and traditional ways, and has been a season of good spirit, friendship, and a gathering of families and loved ones.

The approaching Christmas season, Mr. President, appears to me to be a time to rally the sagging spirits of America. We can do this, I believe, by calling on that traditional Christmas spirit of the American people. I would respectfully urge you to ease the energy restrictions that you have urged upon the American people for four days prior to Christmas Day. This would be a very brief four-day period which would permit the American people to celebrate the Christmas holiday in the ways they have so traditionally done so in the past. It would provide the opportunity for everyone to celebrate the Christmas holiday before the oncoming crunch of the winter months, January through March, when the energy restrictions will be severely felt throughout most of the country. It would buoy the spirits of America and enable us to meet the crisis of the upcoming winter.

I would also urge that you declare Monday, December 24, a Federal holiday closing all Government offices and permitting all Federal workers that day off. The closing of all Federal buildings on Monday would conserve a great amount of energy needed to light and heat Federal buildings. Government buildings would be closed down for a four-day period.

Mr. President, I would earnestly suggest that such a recommendation would be well received by the American people.

Sincerely yours,
WILLIAM A. BARRETT, *Chairman.*

Mr. SKUBITZ. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, this is not an inconsequential proposition that we have before us. I believe this involves some $64 million for the purchase of some 67,150 acres of land in Texas, and $7 million to develop it into a park. Am I wrong in those figures?

Mr. TAYLOR of North Carolina. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. I thank the gentleman for yielding. I will state to the gentleman from Iowa that he is correct in regard to his figures, except the acreage in the area as provided in the bill before us is 84,550 acres.

Mr. GROSS. 84,550 acres?

Mr. TAYLOR of North Carolina. That is right. There have been various proposals by conservationists to support 200,000 acres, and later 100,000 acres, but this compromise figure was reached.

Mr. GROSS. $63,812,000, almost $64,000,000 for land acquisition; is that not true?

Mr. TAYLOR of North Carolina. The gentleman is correct.

Mr. GROSS. How much does that figure per acre? It must be somewhere in the neighborhood of $700

Mr. TAYLOR of North Carolina. I will say to the gentleman that his figures are correct. I might state that there are several improvements, several houses on the property. However, we are hopeful that all of this money will not have to be expended.

There are various features in the bill which could reduce it. One feature in the bill provides that any owner of a home can retain the home and 3 acres of land for 25 years or for his lifetime by taking reduced pay. We are hopeful that many of the homeowners will resort to this in order to retain the property.

Another section of the bill provides that title can be conveyed back to an owner if he agrees to an easement which properly protects the value of the Preserve.

Mr. GROSS. What contribution is the State of Texas making to this?

Mr. TAYLOR of North Carolina. I would state to the gentleman that while we have had fine cooperation from the State of Texas there is not any financial obligation imposed on the State by this legislation.

Mr. GROSS. Imposed on the State? I did not expect there would be any imposition. That is not the formula for handing out $64 million in Federal funds by imposing anything on a State except the money. But was Texas unwilling to come in and help on this deal or what is the story?

Mr. TAYLOR of North Carolina. The State does own a very small amount of land including the river bottoms in question and the legislation provides that they can be accepted by donation only.

Mr. GROSS. Is not $700 a pretty good per acre price for lowland? Is that not much of that swampland we are talking about, or wetland?

Mr. TAYLOR of North Carolina. I might state to the gentleman again that this land has many homes on it and the bulk of it is timberland. It has fine timber on it.

Mr. GROSS. It is still a pretty good price, is it not, per acre for unimproved land?

Mr. CHARLES WILSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. CHARLES WILSON of Texas. Mr. Speaker, this is the district I represent. I think these figures are very fair. As the gentleman from Iowa may know, prime timberland is somewhat at a premium these days. This was considered very carefully by the staff and the members of the committee. In most of the estimates, the people who are going to have to sell the land do not think this is excessive at all.

Mr. GROSS. I would not think the owners would complain if they are getting that kind of money for it—$700 an acre for wetland on which there may be some soft timber. I would not think they would be quarreling with that price, not for half a second.

Mr. TAYLOR of North Carolina. Mr. Speaker, I might state to the gentleman, if he will yield further, this is some of the finest timberland in America. It contains several grand champion trees, the finest of their species in America.

Mr. GROSS. I notice there are also some pictures in this report. There was a suggestion a while ago that if we should consider an obscenity bill or one dealing with pornography, that we might resort to the precedent set by the Committee on Interior and Insular Affairs and fill the report with photographs.

Mr. SKUBITZ. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Kansas.

Mr. SKUBITZ. Mr. Speaker, the only reason we put in these pictures is the area is such that it defies description.

Mr. GROSS. Then maybe you should have used color photographs instead of the black and white. That would have further increased the cost of printing the report.

Mr. SKUBITZ. We will think about it the next time.

Mr. GROSS. I imagine the committee will.

Mr. PICKLE. Mr. Speaker, it is with a great deal of personal pleasure that I rise in support of H.R. 11546, the bill which will finally express the House's intention to establish Big Thicket National Preserve in eastern Texas.

It has been a long, sometimes difficult effort to save this unique area of American wilderness. The first attempts to establish some kind of pressure in Big Thicket began in the 1930's, and since then there have been many bills introduced to protect the thicket.

In the 93d Congress, several bills were initially introduced calling for a number of approaches to saving Big Thicket.

But in early October Congressman CHARLES WILSON and Congressman BOB ECKHARDT introduced a compromise bill which has drawn the enthusiastic support of the Texas delegation and virtually every conservation organization involved in the Big Thicket movement.

This legislation will set aside 84,550 acres of the thicket as a national preserve. This figure falls short of the 100,000 acres originally advocated by conservation groups, but certainly it is of sufficient size to protect the extraordinary ecology of the Big Thicket area.

Last year, I sponsored a 100,000 acre Big Thicket proposal, and I would have been delighted to see such a preserve approved. However, all of us in the drive to protect the thicket have realized that argument over size has gone on too long. We have realized that size alone is not the most important issue; rather, the paramount goal is moving now to protect the thicket from further damage.

The bill before the House today achieves this goal. While the acreage figure has been lowered, it is important that we also note the addition of several choice tracts in the compromise legislation.

I believe the Senate and House will, during the 93d Congress, agree on legislation creating the Big Thicket preserve. I am concerned, however, that the executive branch will choose to disapprove or impound the $70 million being appropriated for this project.

The Office of Management and Budget recommended a 65,000-acre preserve in their budgeting program, but I think the vote of the House today should serve notice that Congress expects full and expeditious funding of this important preservation effort.

For those of you who have never seen the Big Thicket, may I say that you are doing the country a great service by supporting Big Thicket legislation. The thicket possesses a lush beauty which is increasingly rare in this country and which must be preserved for our progeny.

And perhaps more important, the thicket supports many species of plant and animal life found nowhere else on Earth. By establishing this preserve, we are in effect saving several forms of life from possible extinction.

I should like to conclude by thanking the thousands of people who have given of their time and money in saving the thicket.

Through this legislation, the dream of Big Thicket will be at last realized. I urge the support of all my colleagues in supporting this important bill.

Mr. WHITE. Mr. Speaker, debate over many years has established uniform support for the creation of a national preserve in the Big Thicket area of east Texas. The points of contention have been restricted almost solely to the size, not the basic need. I believe that this bill by my respected colleague from Texas, the Honorable CHARLES WILSON, represents a compromise acceptable to all, and I urge its passage. I have joined in cosponsorship of this legislation because of my deep conviction of the need to preserve our natural wilderness areas for the countless generations which will follow us. This is a conviction shared by an ever-expanding portion of the people of this country as understanding of the necessity for this type of preservation becomes more deeply ingrained throughout the country. Support for this bill, I am convinced, will be a true reflection of the wishes of not only the people of Texas and the residents of immediately neighboring States, but of all of our citizens.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of H.R. 11546, which will create the Big Thicket National Preserve in Texas.

I am pleased to be a cosponsor of this legislation as well as a member of the House Interior and Insular Affairs Committee which has formulated the bill.

Just like all bills setting aside lands for national parks, the Big Thicket proposal we have before us is a compromise that reflects the interests of many diverse groups. It does not meet the demands of any of the groups precisely but it does represent our committee's best judgment on the appropriate way to protect this unique area while recognizing the legitimate claims of those who opposed setting aside any area and those who favored a smaller preserve.

The uniqueness of the Big Thicket can easily be seen in the committee report which makes available to the Members of the House pictures showing the remarkable character of the area.

The gentleman from Texas (Mr. KAZEN) has been extremely effective in the Interior Committee in advancing the Big Thicket proposal and I am personally appreciative for the information and advice he has given me in this regard.

The same is true for Mr. STEELMAN, who is also a member of the Interior Committee and who is among those most responsible for bringing about the final bill that obtained the backing of the committee and, hopefully, its passage by the House today.

The SPEAKER pro tempore (Mr. MCFALL). The question is on the motion offered by the gentleman from North Carolina (Mr. TAYLOR) that the House suspend the rules and pass the bill H.R. 11546.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks immediately before the passage of the bill H.R. 11546.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

CONFERRING JURISDICTION ON U.S. DISTRICT COURT FOR DISTRICT OF COLUMBIA OF CERTAIN CIVIL ACTIONS BROUGHT BY SENATE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2641) to confer jurisdiction upon the district court of the United States of certain civil actions brought by the Senate Select Committee on Presidential Campaign Activities, and for other purposes.

The Clerk read as follows:

S. 2641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the District Court of the United States for the District of Columbia shall have original jurisdiction, without regard to the sum or value of the matter in controversy, of any civil action heretofore or hereafter brought by the Senate Select Committee on Presidential Campaign Activities, which was created on February 7, 1973, by Senate Resolution Numbered 60, to enforce or secure a declaration concerning the validity of any subpoena or order heretofore or hereafter issued by said Committee to the President or the Vice President or any other officer of the United States or any officer or employee of any department or agency of the United States to procure the production before the said Committee of any information, documents, taped recordings, or other materials relevant to matters the said Committee is authorized to investigate, and the said District Court shall have jurisdiction to enter any such judgment or decree in any such civil action as may be necessary or appropriate to enforce obedience to any such subpoena or order.

(b) The Senate Select Committee on Presidential Campaign Activities shall have authority to prosecute in its own name or in the name of the United States in the District Court of the United States for the District of Columbia any civil action heretofore or hereafter brought by said Committee to enforce or secure a declaration concerning the validity of any subpoena or order heretofore or hereafter issued by said Committee to the President or Vice President or any other officer of the United States or any officer or employee of any department of the United States to procure the production before the said Committee of any information, documents, taped recordings, or other materials relevant to the matters the Committee is authorized to investigate, and pray the said District Court to enter such judgment or decree in said civil action as may be necessary or appropriate to enforce any such subpoena or order.

(c) The Senate Select Committee on Presidential Campaign Activities may be represented by such attorneys as it may designate in any action prosecuted by said Committee under this Act.

The **SPEAKER**. Is a second demanded?

Mr. **McCLORY**. Mr. Speaker, I demand a second.

The **SPEAKER**. Without objection, a second will be considered as ordered.

There was no objection.

Mr. **KASTENMEIER**. Mr. Speaker, I yield myself such time as I may consume.

The purpose of S. 2641 is to confer upon the U.S. District Court for the District of Columbia jurisdiction over civil actions brought by the Senate select committee on Presidential campaign activities to enforce—or secure a declaration concerning the validity of—any subpena or order issued by the select committee to the President, Vice President or other Federal officer for the production of information relevant to the committee's function. The select committee is given authorization to prosecute such actions to enforce—or secure a declaration concerning the validity of—such subpenas and orders heretofore or hereafter issued by it, and may be represented by such attorneys as it may designate in any action under this act.

S. 2641 was introduced by Senator ERVIN, chairman of the Senate Select Committee on Presidential Campaign Activities on November 2, 1973, and was cosponsored by all the committee members. It passed the Senate in amended form on November 9, 1973.

The legislation is needed because, on October 17, 1973, Judge John J. Sirica of the U.S. District Court for the District of Columbia dismissed an action brought by the select committee to enforce its subpenas requesting certain tape recordings which were in the possession of the President. The dismissal followed a finding that there is no statute upon which the suit could be based. Judge Sirica stated in his opinion:

> The Court has here been requested to invoke a jurisdiction which only Congress can grant but which Congress has heretofore withheld.

S. 2641 would provide the necessary jurisdiction to the district court.

As respects the procedure chosen by the select committee, Judge Sirica observed that the select committee deliberately chose not to attempt an adjudication of the matter by resort to a contempt proceeding under title 2, United States Code, section 192, or via congressional common law powers which permit the Sergeant at Arms forcibly to secure attendance of the offending party, and that the select committee declared that either method would be "inappropriate" and "unseemly."

In dismissing the select committee's suit for lack of jurisdiction, Judge Sirica pointed out that in light of this lack of jurisdiction he did not reach the problem of justiciability or the merits of the case before him. It is important to note that enactment of S. 2641 will supply lacking jurisdiction but it will leave unresolved any issue of justiciability or any issue on the merits.

As originally introduced, S. 2641 was broader in scope than the measure that passed the Senate and is now before us. It would have given every congressional committee power to bring comparable suits. The present measure results from an amendment in the nature of a substitute introduced by Senator ERVIN at the suggestion of Senator HRUSKA and approved by all members of the select committee, which restricts the application of the bill to subpenas and orders of the select committee.

Although the select committee may eventually prevail in the pending litigation, it is desirable that the question of jurisdiction be resolved now by legislation needed to enable the select committee to obtain information related to its investigation. For the same reason, the Committee on the Judiciary does not at this time make any recommendation concerning H.R. 11189, a bill identical to S. 2641 as introduced. The committee does not wish to sustain the delay that enactment of a broader bill might entail.

Let me repeat: The bill creates jurisdiction in the district court over suits brought by the Ervin committee for enforcement of its subpenas or adjudication of their validity and it authorizes the committee to sue for such enforcement or adjudication. That is all the bill does.

Here is what the bill does not do:

It does not apply to any committee other than the Ervin committee.

It does not deal with judiciability or other issues on the merits.

It does not entail expense.

It was adopted by the Senate and by the Judiciary Committee without dissenting voice.

Mr. Speaker, I urge favorable consideration of S. 2641.

Mr. **GROSS**. Mr. Speaker, will the gentleman yield?

Mr. **KASTENMEIER**. I yield to the gentleman from Iowa.

Mr. **GROSS**. Mr. Speaker, the authority that this would give to the Senate select committee, when would that expire? Would it end with the expiration of the committee, or is there any expiration date?

Mr. **KASTENMEIER**. It would expire with the expiration of the committee. We are told that the committee is due to expire February 28, 1974.

Mr. **GROSS**. Mr. Speaker, I thank the gentleman.

Mr. **McCLORY**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I had considered opposing this legislation. I certainly want to question the wisdom of its enactment. The great interest and excitement which surrounds the Senate Watergate Committee, may lead many to conclude that anything emanating from that committee is supposed to be sacrosanct and should yield to immediate support.

Mr. Speaker, I would like to call attention to the fact that many Presidents have been subpenaed and, have been served with subpenas and subpenas duces tecum ever since the time of George Washington by committees of the Congress. In the late President Truman's letter to a committee of Congress declining to honor a subpena, he called attention to the fact that subpenas and subpenas duces tecum had been issued to Presidents Washington, Jefferson, Monroe, Jackson, Tyler, Polk, Fillmore, Buchanan, Lincoln, Grant, Hayes, Cleveland, Theodore Roosevelt, Coolidge, Hoover, and Franklin D. Roosevelt, without the need for any such legislation as we have here today.

The Congress has always had ample power to enforce its own subpenas, and as the gentleman on the other side of the aisle who sponsors this legislation has brought out, we certainly have that authority right now, and this enforcement can be compelled by the Sergeant at Arms through our common law authority or through sections 192 and 194, title 2, United States Code.

I raise two primary questions regarding this legislation. One is that it is probably unnecessary because the Senate Watergate Committee has deferred its further activities and probably will not reconvene until they get together to write a report; and clearly, it is unprecedented. It works contrary to the role of the judiciary in our constitutional system.

This legislation places unfettered discretion in four Members of the other body to issue any subpenas or orders which it believes necessary for its investigative purpose and to direct subpenas to the President, the Vice President and other officers of the United States as they see fit.

As I understand the existing provisions of title 2 of the United States Code, sections 192 and 194, and as we all know, the full House and Senate have consistently considered and occasionally debated at great length measures authorizing the Speaker of the House or the President pro tempore of the Senate to certify contempt proceedings to the proper U.S. attorney for action by the grand jury. Under this procedure, each body is permitted to screen the activities of committees.

I believe this check serves a valid purpose. We are being asked to forego this check and vest unprecedented authority in the Senate select committee. I would like to seriously caution the House against setting such a precedent.

Mr. Speaker, I firmly believe that the Congress should enforce its own process. The Senate select committee made no attempt to try to use established procedures for enforcing compliance, but instead is asking us to place the court in this difficult and unwanted position. I am referring to refereeing a dispute between the executive and legislative branches of the Government.

To permit the court to function in such a capacity raises in my mind a serious constitutional question in regard to article III, section 2, which requires that the Federal court's jurisdiction be limited to "cases and controversies." This question involves a complicated specialty of Federal jurisdiction. I would like to point out that hearings on this bill were not held in the other body nor were hearings held in this body.

Finally, Mr. Speaker, I fail to understand the urgency of this legislation, when the Senate select committee has postponed any further hearings until next year and, according to newspaper accounts, the select committee may be out of business altogether.

Mr. Speaker, I seriously question the need for enactment of this legislation, and I question, also, the wisdom of our taking any such action.

The SPEAKER pro tempore. Does the gentleman from Wisconsin (Mr. KASTENMEIER) desire to yield time?

Mr. KASTENMEIER. Not at this time, Mr. Speaker.

Mr. McCLORY. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Speaker, I rise in support of S. 2641, which confers jurisdiction upon the District Court of the United States for the District of Columbia over certain civil actions brought by the Senate Select Committee on Presidential Campaign Activities. I am advised that the Department of Justice has no objections to this bill.

Frankly, I had some questions about this bill when I first heard about it, but I think there is a valid reason for it.

Presently Congress has two methods of forcing compliance with its subpenas: One is its inherent common law authority; the other is its statutory authority under title 2, United States Code, sections 192 through 194. It is significant that both methods are forms of criminal contempt—and I emphasize the word "criminal."

S. 2641 provides a third remedy, which is civil in nature and very limited in its application

Right now Congress has the common law power to conduct its own trial of the contempt of witnesses before its committees. A person adjudged in contempt of Congress under this procedure may, under an order of the particular House involved, be subjected to one of three things:

First. The individual who refused to obey the subpena can be required to be contained in close custody by the Sergeant at Arms;

Second. He can be committed to a common jail in the District of Columbia; or

Third. He can be kept by the Sergeant at Arms in close confinement in the guardroom of the Capitol Police.

Confinement under the common law procedure, as one can imagine, has not been used extensively. That means that it has become more common to utilize the statutory provisions contained in title 2, under section 192.

Now, here is what happens; here is the procedure, when we use section 192, which, we must remember, deals with civil contempt only and not criminal contempt:

It is required that the particular committee involved will certify to the President of the Senate or the Speaker of the House, if they are not in session, or to the body as a whole if in session that somebody has refused to obey one of its subpenas.

Then the Speaker or the President pro tem is required to certify to a U.S. attorney the question of contempt.

The U.S. attorney then will present the matter to a grand jury. If the grand jury should return an indictment, then there would have to be a trial. Then if the individual subpenaed, in this case the President of the United States, the Chief Executive of the United States, should be found guilty, it is required under section 192 that he would be punished by a fine of not more than $1,000 nor less than $100, and that he be imprisoned in a common jail for not less than 1 month nor more than 12 months

Mr. McCLORY. Will the gentleman yield to me?

Mr. RAILSBACK. Let me finish the theme of this first.

The idea is that in the case of the President of the United States the Senate select committee, comprised of all Members, including Republicans and Democrats, thought it would be unseemly to subject the President of the United States to that kind of an alternative, and I am inclined to agree with them.

I now yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

I would like to ask this: It seems to me that since the existing legislation involves a criminal proceeding and purports to charge the President with the commission of a crime, as would be required under the existing statute and pursuant to the actions that have been initiated by the Senate select committee, this House should be assuming jurisdiction. Indeed, the entire action of the Senate select committee seems to be directed against the President of the United States.

In other words, it seems to me that our House Judiciary Committee's inquiry into the question as to whether or not impeachable offenses have been charged against the President establishes that the proper forum is the House of Representatives.

If we enact this legislation, it vests further authority in the Senate select committee to assume this role and to usurp our authority to investigate the various charges against the President and enables them to go forward with this activity. I think that is quite inappropriate.

The SPEAKER. The time of the gentleman has expired.

Mr. McCLORY. I yield the gentleman 2 additional minutes.

Mr. RAILSBACK. Let me respond. I may not agree with all of the activities of the select committee, but let us not deceive ourselves; they did subpena certain documents and requested certain information, including tapes. Those were not turned over voluntarily by the President of the United States. The court ordered that they had to be produced in the case of the Special Prosecutor, but as far as the Senate select committee is concerned it said they did not have jurisdiction to demand that they be produced.

Let me make it clear that the two devices used now for getting the President to turn over documents, if he should refuse to do so, provides for criminal contempt. Let me make it clear that this bill provides for civil contempt. That is one of the purposes of this bill.

Mr. McCLORY. The House Judiciary Committee would not be hamstrung by any limitation under existing law insofar as our inquiry is concerned, would it?

Mr. RAILSBACK. As far as I know, we have not even begun the inquiry. As I understand it, you have only these two devices, both of which are criminal in nature.

Mr. McCLORY. And they would be available to us?

Mr. RAILSBACK. Yes; except that you have to go to the U.S. attorney, and then it goes to a grand jury process and trial. If that trial should hold against the President of the United States, he has to be confined in jail for 1 month under that statute, which the committee does not want to go through.

Mr. McCLORY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there seems to be a popular demand for legislation to enlarge the authority and expand the activities of the Senate Watergate committee. The question in my mind is whether they are impinging upon the rightful role of the House of Representatives in connection with their present inquiry. The excuses they give for not exercising the subpena power already granted by statute is that they regard the existing remedies as unseemly. It appears to me that they may indeed be unseemly, but that does not seem to me to justify some extraordinary temporary remedy just because of the popularity of the activities of this committee which have been publicized so much on television and in the press.

I regard it as a bad precedent for us to capitulate on constitutional issues—and on matters of principle when such circumstances exist. The Senate committee has statutory remedies at the present time, and if they are not sufficient and the charges against the President are so serious as to require subpenas duces tecum against the Presi- it seems to me that the House itself ought to exercise the authority it has under the constitutional authority of impeachment, and not to surrender this function to this select committee of the Senate to try the President before we have undertaken our investigation to determine the existence or absence of so-called impeachable offenses.

Mr. KASTENMEIER. Mr. Speaker, I have no further requests for time.

Mr. RODINO. Mr. Speaker, I rise in support of S. 2641. What this bill does is to give the Senate and its Select Watergate Committee their day in court. If the situation were reversed and a House Select Committee were being frustrated in the enforcement of its subpenas because of the alleged lack of a duly authorized and appropriate forum for determination of their validity, I am sure we would all hope that the Senate would support our efforts to supply the lack.

As I understand it, Judge Sirica in the District Court dismissed the Watergate Committee's suit to enforce or determine the validity of its subpenas. In so doing Judge Sirica declined to decide a whole host of issues, including such issues as justiciability, executive privilege, and the like, because he regarded the absence of a statute granting jurisdiction to the court as conclusive. The decision is pending on appeal. Meanwhile, enactment of S. 2641 would restore these issues to adjudication by supplying the lacking jurisdiction. The measure empowers the U.S. District Court for the District of Columbia to entertain actions to enforce or validate Watergate Committee subpenas and authorizes the committee to use that court to litigate the enforcement and enforceability of its subpenas.

The urgency of perfecting the authority of the select committee is evident. The committee cannot perform its investigative function if it cannot enforce its subpenas. Enactment of S. 2641 is needed to remove the threshold obstacle to a determination of the substantive issues which Judge Sirica declined to decide.

Pursuance and conclusion of the Watergate investigation is critical to the restoration of our people's confidence in the Federal Government. It is unthinkable that the Senate Select Committee should be denied a determination of the enforceability of its subpenas simply because Congress has failed to provide a forum. We should enact S. 2641 at once.

Mr. **BROOKS**. Mr. Speaker, I do not intend to oppose the motion, but I have misgivings concerning this legislation which would authorize the Senate Select Committee on Presidential Campaign Activities to commence a civil action in the U.S. District Court for the District of Columbia for the enforcement of its subpena for the production of certain materials, including tapes of conversations, in the possession of the President.

The measure involves certain basic constitutional problems which were not given adequate consideration either in the Senate, where the bill was amended and adopted without being referred to committee, or here in the House, where the bill was favorably reported by our Judiciary Committee without hearings or extensive consideration.

The Joint Committee on Congressional Operations, of which I am vice chairman, has been conducting a detailed study of litigation affecting the Congress, including the issuance of congressional subpenas and their enforcement.

Many of us on the committee have been concerned over the increasing tendency of the courts to entertain litigation involving the judicial review of legislative decisions.

S. 2641 invites the courts to enter legislative areas by a congressional committee seeking a decision of the court passing on the validity of a congressional subpena. It also establishes the precedent of giving standing to sue to a Senate committee and authorizing it to employ its own counsel to commence a civil action either in the name of the committee or the name of the United States.

When a legislative body appears before the courts as a party litigant, it appears to concede the superiority of the judicial branch in becoming a supplicant before it. This is in derogation of the autonomy and independence of the legislative branch and is an undesirable precedent.

Both the House and the Senate possess the subpena power and the contempt power. In fact, the Senate Campaign Activities Committee did issue and serve a subpena on the President for the production of certain documents, including tapes of conversations, in the possession of the President. The proper proceeding to enforce a subpena against a recalcitrant witness is on order of the Senate to the Sergeant-at-Arms, in this case, to apprehend any person defying the order of the Senate and to bring him before the bar of the Senate to show cause why he should not be held in contempt of the Congress.

An alternative method of enforcement is to proceed under title 2 United States Code sec. 192, by referring the proceedings involving the contempt to the U.S. Attorney for prosecution as a misdemeanor. The latter proceeding would seem to be impractical because the U.S. Attorney and the Department of Justice would be requested to proceed against their superior, the President.

It is probable that it would be difficult to achieve a consensus of the Senate to proceed in the abrupt fashion suggested first, namely, the apprehension of the contumacious official. This contempt power of the Senate was last employed in 1935 in *Jurney* v. *McCracken*, 294 U.S. 125.

The question necessarily arises what would happen, even if this bill becomes law over a presidential veto, if the President should choose to disregard a declaratory judgment of the District Court. If he declines to comply with a Senate subpena, why should he do otherwise with respect to a declaratory judgment of a district judge?

The foregoing sketchy discussion, at this point, serves only to indicate the serious constitutional problems underlying the bill which deserve penetrating study by the Congress.

The **SPEAKER**. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the Senate bill S. 2641.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

GENERAL LEAVE

Mr. **KASTENMEIER**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill, S. 2641, just passed.

The **SPEAKER** pro tempore. (Mr. McFALL). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

POSTPONEMENT OF HEADSTART FEE SCHEDULE

Mr. **PERKINS**. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11441) to postpone the implementation of the Headstart fee schedule.

The Clerk read as follows:

H.R. 11441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 222(a)(1) of the Economic Opportunity Act of 1964 is amended to read as follows: "The Secretary shall defer the implementation of a fee schedule established under this paragraph until July 1, 1975.".

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **STEIGER** of Wisconsin. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. **PERKINS**. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I would like to take this opportunity to first, congratulate our colleague from California (AUGUSTUS F. HAWKINS), chairman of the Equal Opportunities Subcommittee for his very prompt and responsive action to deal with the problem of the Headstart fee schedule. The bill was reported from the committee unanimously by voice vote and has strong bipartisan support.

The bill before us today is very simple. Upon enactment the Secretary of Health, Education and Welfare is directed to defer the implementation of the fee schedule for the Headstart program until July 1, 1975.

The Economic Opportunity Act Amendments of 1972 required the Secretary of Health, Education and Welfare to establish a schedule of fees for the Headstart program. It was my judgment that this fee schedule would have resulted in allowing those families who exceed the income limitation of the act to participate in the Headstart program at a nominal cost. This expectation is consistent with the way the Headstart program has been run in the past, and I anticipated the Headstart program to expand to include more of the near poor. What has happened is that those previously eligible for participation in the program are now being asked to pay a fee and they are being forced to drop out because they are unable to pay these fees.

The committee has been advised by the Office of Child Development that there has been an increase in administrative problems since the introduction of the fee schedule. Some local Headstart programs are refusing to collect fees. In other programs the fee schedule has caused friction between the poor and the near poor and the cost of collecting the fees are actually far greater than the fees being collected.

Therefore, Mr. Speaker, this bill accomplishes two worthwhile goals. First, it postpones the fee schedule until the Congress has an opportunity to hold some additional hearings in light of the experience we gained; and second, it restores the program to its former successful operation.

It is my judgment that the Secretary of Health, Education, and Welfare should immediately inform all Headstart programs that the regulations of August 1973 which imposed the fee schedule are due to be rescinded and he should cease any activities with regard to collecting fees that may have been assessed while the fee schedule was in effect.

Mr. Speaker, I know of no objection to the postponement of the fee schedule. It will make the program work better and will bring about more participation.

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me make sure that it is clear that passage of this bill to postpone the establishment of the Headstart fee schedule in no way should be taken or read as opposition per se to the concept of a fee schedule. Rather, it is an effort to give both the Congress and the administration more time in which to more carefully calculate exactly what the effect is going to be when we establish this kind of fee schedule.

I think the bill is a good one and it ought to be supported.

Mr. Speaker, considerable concern from various quarters has accompanied the implementation of the Headstart Fee Schedule, instituted in August of this year. The schedule imposes a monthly fee on the participants in the program who come from families with annual incomes above the defined poverty level of $4,320.

The concept of the fee schedule was originally proposed within the context of the comprehensive child development bill as a means of opening the legislation to children of all backgrounds. That proposal was incorporated into the Equal Opportunity Act Amendments of 1972. Following the Presidential veto of the bill, the child development section was deleted during reconsideration, but the fee schedule was retained and attached to the Headstart program.

The pursuant application of the fee schedule has sparked a sizable controversy among those who felt it to be an inappropriate attachment to a program oriented to the poverty sector, such as Headstart.

Since the participation of the nonpoor in the Headstart program has been limited to 10 percent of all participants, only a small minority of those enrolled in the program are affected by the fees. This arrangement has apparently fostered resentments and caused some friction between the participants on opposite sides of the poverty line.

There are strong indications that nonpoor parents whose children were previously eligible for the program are now hesitant to enroll their children in Headstart because of a fee which they consider to be exorbitant. Consequently, there has been an estimated 50 percent dropoff in the enrollment of children from nonpoor families. At this point, parental income and not the child's needs becomes the prime determinant in program enrollment, a situation which runs counter to the goals of Headstart.

Aside from the problems which the fee schedule has created for some participants, the value of the schedule to the program itself has also proved questionable. Preliminary evidence from the Office of Child Development indicates that the cost of administering the fee schedule has proven to be greater than the fees collected. Because of the difficulties they have encountered, it has been reported that several Headstart units have abandoned their efforts to collect the fees entirely.

The objective of the fee schedule to create extra funding for local Headstart projects is clearly not being achieved. Indeed, by forcing lower income families who are nonetheless above the stated poverty line to remove their children from the program, the current application of the fee schedule seems to be counterproductive.

This set of conditions recommends a postponement of the fee schedule until an extensive review of the merits and drawbacks of this concept and its effects on the Headstart program can be completed. H.R. 11441 will allow the Education and Labor Committee to undertake this task.

Mr. Speaker, I reserve the balance of my time.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Washington (Mr. MEEDS) who has put in a great deal of work on this piece of legislation.

Mr. MEEDS. Mr. Speaker, I first became aware of the problems inherent in the Headstart fee schedule implementation when a number of concerned Indian parent groups contacted me.

The problems of implementation being cited for all Headstart programs are particularly acute for those operated on and near Indian reservations. Tribal Headstart programs in the past have been a source of unified community support. Now, with the sorting out of the poor and near-poor, Headstart is developing as a point of friction. The net effect has been that parents are finding the fees charged prohibitive and are simply withdrawing their children from the program.

While the theory of collecting a sliding scale fee for families above the poverty line may be defensible, in practice it has meant that children who should be attending the program are being left out. The fees are unrealistic, particularly as they get out of the near-poor area, and the classes are being limited effectively to the poor, thus eliminating the desired socioeconomic mix.

I have not seen one single statement indicating that the fee schedule collecting mechanism is administratively sound. I cosponsored this legislation in the belief that we should reexamine the entire Headstart program, as well as the specific issues involved in the fee schedule, before such a schedule is implemented.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Speaker, I rise in support of the bill H.R. 11441, to postpone the implementation of the Headstart fee schedule until July 1, 1975.

Mr. Speaker, I think no one in this Chamber will disagree that the Headstart program was—and still is—one of the most effective initiatives developed under the Economic Opportunity Act of 1964.

From a tentative and experimental effort in the early years, Headstart has grown to be a solid program backed by devoted parents, paraprofessionals, teachers, and children. In fiscal year 1974, the program is estimated to serve close to 400,000 children, offering them a comprehensive preschool experience.

The components of Headstart include a range of developmental activities and social services designed to fit individual needs, with a strong emphasis on parental participation in the program. The demonstrated support for Headstart has been a powerful factor in encouraging public school systems to begin their own early childhood education efforts, to begin kindergartens where none existed before, and to draw parents into school activities that build upon the parents' earlier experience.

The wide demand for programs like Headstarts far outstrips the supply of places, and has been one of the many causes which led me and other Members to press for comprehensive child development legislation in the last Congress.

Mr. Speaker, when the Congress considered amendments to the Economic Opportunity Act in 1969, we recognized a need to expand Headstart to include children of all socioeconomic levels in greater numbers. Under the existing practice at that time, which has been continued until the present, 10 percent of the enrollment in Headstart programs could be nonpoor children. But the 1969 amendments allowed further increase in the nonpoor enrollment, if outside funds covered the additional expense.

The House report noted that:

> It is essential that children who come from families of modest means not be excluded.

The Senate added in its report similar language.

Mr. Speaker, I think it important to emphasize our intent in amending the legislation at that time, as we seem to have lost sight of that intent in later developments. It is indeed, to return to that original intent that I support this postponement bill before us today. Congress wanted to encourage the expansion of Headstart to include a broad mix of children. And we wanted to encourage the development of outside sources of funds, such as from other community agencies, to cover that expansion beyond the 10 percent nonpoor who were already allowed by the law to be served in Headstart without payment. We certainly never intended to make those 10 percent of Headstart families begin to "pay their own way," or to discourage people from sending their children to the program.

Despite our concern, no particular regulations or fee plans were drawn up. When the 1972 Economic Opportunity Amendments were being considered, the fee schedule again came up, with the result that the Secretary of Health, Education, and Welfare was now directed to establish such a schedule, within specific restrictions, and he was to do so no later than April 1, 1973.

The mandated schedule was to be based on the ability of a nonpoor family to pay, and a specific level of income—$4,320 per year for a family of four—was set as the dividing line between poor families and nonpoor.

Mr. Speaker, it should not be a surprise that the proposed fee schedule, released for comment on March 7, 1973, drew a number of negative remarks as to the low cutoff point or income level at which a fee was to be charged, and the rapid rise in fees at higher income levels. Nevertheless, these comments were all ignored by HEW, and the same schedule was published as a final version on April 16, 1973. And since that time, we have been hearing from all over the country of the problems raised by this fee plan, problems which were noted in the comments, and to which we must now respond by passing the postponement measure before us.

The final fee plan, Mr. Speaker, simply does not do what Congress intended. By its high fees for them, the plan deters people of moderate means who we hoped would be attracted to Headstart to enlarge the socioeconomic mix of children. And the plan at the same time slaps a troublesome smaller fee on families with incomes around $4,000, who had been enrolling their children in Headstart without charge. It would not be surprising to find these latter families quickly becoming alienated from the program, and from those of their neighbors who, having a few dollars less income, pay nothing for their children's Headstart. As if these results are not enough, the fee schedule plan is so complex to administer that it forces Headstart staff to divert precious time and energy away from the children to filling out forms, mailing fee reminders, verifying income data, and so on.

In fact, Mr. Speaker, it seems to me from everything I have heard, that the fee schedule with which we have somehow become saddled, works precisely against the objectives we ought to be seeking. If Head Start were now a program open to any child, and if we thought we needed a mechanism to insure that services were most available to low-income children, then we might need to consider a fee schedule as a rationing device. But that is simply not the case, as we already have the clear limitation in law that only 10 percent of the free or nonpaying enrollment can be nonpoor. This fee schedule seems even to be having the effect of reducing the nonpoor participation below that 10 percent level, a travesty of our original hopes.

I wish all my colleagues, Mr. Speaker, could read some of the letters I have received from advocates for our country's children that have poured into my office and to the Office of Child Development in recent weeks. These letters tell a sorry tale of the diverse potential impacts of this fee schedule—in generating bitterness within communities and within parent boards at Head Start centers, in shutting off the willingness of moderate-income volunteers to give their time to the program now that they must pay for their child's attendance, in forcing children out of the program after 1 year if parents' incomes rise even briefly, or ending the attendance of Indian children at the only bilingual center in their area. These are the human costs of this fee schedule. And, I am told, the money income from the fees will be insignificant.

Mr. Speaker, like a number of my colleagues, I have consistently worked for programs based on children's needs, and I would like to continue doing so. The Head Start fee schedule as we now have it appears likely to move us in precisely the opposite direction—away from socioeconomic mixing for optimum development, away from continuity of programs for children regardless of slight fluctuations of parental income, and away from concentration by staff on services to children. Now that we can see these effects in a clear light, I trust we will swiftly agree to put the fees aside for a while and reconsider them in the context of renewed efforts to pass comprehensive child development legislation.

Mr. Speaker, I believe the bill H.R. 11441 deserves the support of all Members of the House of Representatives.

Mr. LEHMAN. Mr. Speaker, I rise in support of H.R. 11441, to postpone the implementation of the fee schedule in the Headstart program.

When the fee schedule went into effect last August, many persons in my district objected that the schedule was arbitrary, and was forcing the near-poor to pay for a service they could not easily afford.

Persons whose incomes are not far above the poverty line must struggle to stay above water. Many are not able to afford to pay the required fee. The result is that only the children of the poor and the more affluent are able to participate in the Headstart program. This is obviously unfair.

More thought must be given to the ramifications of the fee schedule, and consideration given to those families who are just making it.

Mr. PERKINS. Mr. Speaker, we have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill H.R. 11441.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CHILD ABUSE PREVENTION AND TREATMENT ACT

Mr. BRADEMAS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1191) to provide financial assistance for a demonstration program for the prevention, identification, and treatment of child abuse and neglect, to establish a National Center on Child Abuse and Neglect, and for other purposes as amended.

The Clerk read as follows:

S. 1191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Abuse Protection and Treatment Act".

THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

SEC. 2. (a) The Secretary of Health, Education, and Welfare (hereinafter referred to in this Act as the "Secretary") shall establish an office to be known as the National Center on Child Abuse and Neglect (hereinafter referred to in this Act as the "Center").

(b) The Secretary, through the Center, shall—

(1) compile, analyze, and publish a summary annually of recently conducted and currently conducted research on child abuse and neglect;

(2) develop and maintain an information clearinghouse on all programs, including private programs, showing promise of success, for the prevention, identification, and treatment of child abuse and neglect;

(3) compile and publish training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of child abuse and neglect;

(4) provide technical assistance (directly or through grant or contract) to public and nonprofit private agencies and organizations to assist them in planning, improving, developing, and carrying out programs and activities relating to the prevention, identification, and treatment of child abuse and neglect; and

(5) conduct research into the causes of child abuse and neglect, and into the prevention, identification, and treatment thereof.

DEFINITION

SEC. 3. For purposes of this Act the term "child abuse and neglect" means the physical or mental injury, sexual abuse, negligent treatment, or maltreatment of a child under the age of eighteen by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary.

DEMONSTRATION PROGRAMS AND PROJECTS

SEC. 4. (a) The Secretary, through the Center, is authorized to make grants to, and enter into contracts with, public agencies or nonprofit private organizations (or combinations thereof) for demonstration programs and projects designed to prevent, identify, and treat child abuse and neglect. Grants or contracts under this section may be—

(1) for the development and establishment of training programs for professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of the prevention, identification, and treatment of child abuse and neglect; and training programs for children, and for persons responsible for the welfare of children, in methods of protecting children from child abuse and neglect;

(2) for the establishment and maintenance of centers, serving defined geographic areas, staffed by multidisciplinary teams of personnel trained in the prevention, identification, and treatment of child abuse and neglect cases, to provide a broad range of services related to child abuse and neglect, including direct support and supervision of satellite centers and attention homes, as well as providing advice and consultation to individuals, agencies, and organizations which request such services;

(3) for furnishing services of teams of professional and paraprofessional personnel who are trained in the prevention, identification, and treatment of child abuse and

neglect cases, on a consulting basis to small communities where such services are not available; and

(4) for such other innovative programs and projects, including programs and projects for parent self-help, and for prevention and treatment of drug-related child abuse and neglect, that show promise of successfully preventing or treating cases of child abuse and neglect as the Secretary may approve.

(b)(1) Of the sums appropriated under this Act, not less than 5 per centum may be used by the Secretary for making grants to the States for the payment of reasonable and necessary expenses for the purpose of assisting the States in developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs.

(2) In order for a State to qualify for assistance under this subsection, such State shall—

(A) have in effect a State child abuse and neglect law which shall include provisions for immunity for persons reporting instances of child abuse and neglect from prosecution, under any State or local law, arising out of such reporting;

(B) provide for the reporting of known and suspected instances of child abuse and neglect;

(C) provide that upon receipt of a report of known or suspected instances of child abuse or neglect an investigation shall be initiated promptly to substantiate the accuracy of the report, and, upon a finding of abuse or neglect, immediate steps shall be taken to protect the health and welfare of the abused or neglected child, as well as that of any other child under the same care who may be in danger of abuse or neglect;

(D) demonstrate that there are in effect throughout the State, in connection with the enforcement of child abuse and neglect laws and with the reporting of suspected instances of child abuse and neglect, such administrative procedures, such personnel trained in child abuse and neglect prevention and treatment, such training procedures, such institutional and other facilities (public and private), and such related multidisciplinary programs and services as may be necessary or appropriate to assure that the State will deal effectively with child abuse and neglect cases in the State;

(E) provide for methods to preserve the confidentiality of all records in order to protect the rights of the child, his parents or guardians;

(F) provide for the cooperation of law enforcement officials, courts of competent jurisdiction, and appropriate State agencies providing human services;

(G) provide that in every case involving an abused or neglected child which results in a judicial proceeding a guardian ad litem shall be appointed to represent the child in such proceedings;

(H) provide that the aggregate of support for programs or projects related to child abuse and neglect assisted by State funds shall not be reduced below the level provided during fiscal year 1973, and set forth policies and procedures designed to assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practicable, increase the level of State funds which would, in the absence of Federal funds, be available for such programs and projects;

(I) provide for dissemination of information to the general public with respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods available to combat instances of child abuse and neglect; and

(J) to the extent feasible, insure that parental organizations combating child abuse and neglect receive preferential treatment.

(3) Programs or projects related to child abuse and neglect assisted under part A or B of title IV of the Social Security Act shall comply with the requirements set forth in paragraph (2).

(c) Assistance provided pursuant to this section shall not be available for construction of facilities; however, the Secretary is authorized to supply such assistance for the lease or rental of facilities where adequate facilities are not otherwise available, and for repair or minor remodeling or alteration of existing facilities.

(d) The Secretary shall establish criteria designed to achieve equitable distribution of assistance under this section among the States, among geographic areas of the Nation, and among rural and urban areas. To the extent possible, citizens of each State shall receive assistance from at least one project under this section.

AUTHORIZATIONS

SEC. 5. There are hereby authorized to be appropriated for the purposes of this Act $15,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976.

ADVISORY BOARD ON CHILD ABUSE AND NEGLECT

SEC. 6. (a) The Secretary shall, within sixty days after the date of enactment of this Act, appoint an Advisory Board on Child Abuse and Neglect (hereinafter referred to as the "Advisory Board"), which shall be composed of representatives from Federal agencies with responsibility for programs and activities related to child abuse and neglect, including the Office of Child Development, the Office of Education, the National Institute of Education, the National Institute of Mental Health, the National Institute of Child Health and Human Development, the Social and Rehabilitation Service, and the Health Services Administration. The Advisory Board shall assist the Secretary in coordinating programs and activities related to child abuse and neglect administered or assisted under this Act with such programs and activities administered or assisted by the Federal agencies whose representatives are members of the Advisory Board. The Advisory Board shall also assist the Secretary in the development of Federal standards for child abuse and neglect prevention and treatment programs and projects.

(b) The Advisory Board shall prepare and submit, within eighteen months after the date of enactment of this Act, to the President and to the Congress a report on the programs assisted under this Act and the programs, projects, and activities related to child abuse and neglect administered or assisted by the Federal agencies whose representatives are members of the Advisory Board. Such report shall include a study of the relationship between drug addiction and child abuse and neglect.

(c) Of the funds appropriated under section 5, one-half of 1 per centum, or $1,000,000, whichever is the lesser, may be used by the Secretary only for purposes of the report under subsection (b).

COORDINATION

SEC. 7. (a) The Secretary shall promulgate regulations to guarantee that other programs which are assisted by Federal funds and are related to child abuse and neglect will be coordinated with programs assisted under this Act.

(b) The Secretary shall prescribe such regulations and make such arrangements as may be necessary or appropriate to insure that suitable programs related to child abuse and neglect under this Act are available for children receiving aid or services under State plans approved under part A of title IV of the Social Security Act and State plans developed as provided in part B of such title, and that there is effective coordination between such programs assisted under this Act and the programs of aid and services under such title IV.

The SPEAKER pro tempore. Is a second demanded?

Mr. ESHLEMAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BRADEMAS. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I rise in support of S. 1191, as amended, a bill to provide financial assistance for a demonstration program for the prevention, identification, and treatment of child abuse and neglect, to establish a National Center on Child Abuse and Neglect, and for other purposes.

Mr. Speaker, the Select Subcommittee on Education, which I have the honor to chair, held 4 days of hearings on S. 1191 and related measures—legislation cosponsored by over 100 Members of this body. During these hearings, Mr. Speaker, the subcommittee received testimony from a wide variety of witnesses, including parents, educators, doctors, and lawyers.

I should, at the outset, Mr. Speaker, express my appreciation to the chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS) for his assistance in moving this legislation through the committee.

In addition, I should thank the ranking minority member of the committee, the gentleman from Minnesota (Mr. QUIE) as well in particular, the gentlemen from New York (Mr. BIAGGI and Mr. PEYSER) for their very valuable contributions to this legislation. Both Mr. BIAGGI and Mr. PEYSER introduced original bills on this subject. Mr. BIAGGI has labored for many years to bring this legislation to the floor of the House.

Finally, Mr. Speaker, I should say a special word of thanks to the gentlelady from Colorado (Mrs. SCHROEDER) who although not a member of the Committee on Education and Labor, worked tirelessly on this legislation during the committee hearings.

PROVISIONS OF THE BILL

Mr. Speaker, the legislation before us today provides for a National Center on Child Abuse and Neglect and a National Advisory Board on Child Abuse and Neglect and authorizes the Secretary of the Department of Health, Education, and Welfare, and through the National Center, to make grants and contracts for demonstration programs designed to identify, prevent, and treat child abuse and neglect.

The bill also authorizes appropriations of $15 million for fiscal year 1974, $20 million for fiscal year 1975, and $25 million for fiscal year 1976, to carry out the purposes of this act, of which not less than 5 percent may be used for making grants to States for the purposes of assisting in the development, strengthening, and implementation of child abuse and neglect prevention and treatment programs.

NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

Mr. Speaker, the National Center on Child Abuse and Neglect authorized by this measure, will compile, analyze, and publish annually, a summary of research on child abuse and neglect.

The Center will also develop an information clearinghouse on child abuse programs, and will publish training materials for personnel in fields dealing with child abuse, conduct research in the area of child abuse and neglect, as well as provide technical assistance to public and nonprofit agencies, and organizations concerned with this problem.

ADVISORY BOARD ON CHILD ABUSE AND NEGLECT

The Advisory Board on Child Abuse and Neglect, Mr. Speaker, will be composed of representatives of the various Federal agencies responsible for programs and activities related to child abuse and neglect, such as the Office of Child Development, the Office of Education, and the National Institute of Education.

The principal function of the Advisory Board will be to assist in coordinating Federal programs and activities, developing standards for such programs, and preparing a report on the programs assisted by the various Federal agencies represented on the Advisory Board.

SECRETARIAL FUNCTION

Mr. Speaker, this act authorizes the Secretary of the Department of Health, Education, and Welfare, through the National Center, to make grants and contracts for demonstration programs and projects designed to prevent, identify, and treat child abuse and neglect.

Such funds may be used for personnel training as well as training programs for children and persons responsible for their welfare in methods of protecting children from such dangers.

The committee has also provided, Mr. Speaker, that the grants and contracts may be used to establish multidisciplinary centers to deal with child abuse and neglect, for furnishing personnel services to small communities, and for other innovative approaches.

NEED FOR LEGISLATION

Mr. Speaker, although the administration originally took the position that this legislation was not necessary, the sad fact is, as the witnesses before my subcommittee demonstrated, that we must approve this bill.

For each year in this country, thousands of innocent children are beaten, burned, poisoned, and otherwise abused by adults. Indeed, Mr. Speaker, so severe are these injuries, that an undetermined number of children die each year at the hands of their parents, guardians, and other custodians.

Evidence of the severity of this problem, Mr. Speaker, is the widely accepted estimate that 60,000 cases of child abuse are reported annually.

In New York City alone, more than 13,000 cases of child abuse, or suspected abuse, have been reported to date during 1973.

And the tragedy of these figures, Mr. Speaker, is that they only point to the tip of the iceberg. For there is unanimous agreement among the experts in this field, as well as among the witnesses who testified before my subcommittee, that only a small proportion of maltreated children ever come to the attention of the appropriate authorities.

With these figures staring us in the face, Mr. Speaker, I repeat again that we must act now on behalf of these children and approve this legislation.

ADMINISTRATION POSITION

Mr. Speaker, I should tell my colleagues that although the administration originally opposed enactment of this measure, we have been able to work out a compromise with the Secretary of the Department of Health, Education, and Welfare, in order to gain the administration's support.

The administration's original opposition, Mr. Speaker, was based on the claim that sufficient authority existed in the Social Security Act to provide for programs dealing with child abuse and neglect.

Stanley B. Thomas, Jr., Assistant Secretary for Human Development in the Department of Health, Education, and Welfare, advised the committee that the Department shared the "urgent desire to prevent these tragic events."

Indeed, Mr. Speaker, Mr. Thomas went on to credit the interest and dedication of Congress in the problems of child abuse with the stimulation of the Department of Health, Education, and Welfare, to increase efforts to deal with these problems. But he went on to say that he did not believe that this new legislation was needed.

When the committee learned, however, that only $507,000 were spent in fiscal year 1973 on activities related to child abuse, it determined that the administration's original position could not be accepted. Subsequently, Mr. Speaker, following extensive negotiations between members of the committee and members of the Department of Health, Education, and Welfare, the administration has reconsidered its position and indeed assisted the committee in developing the legislation before us today.

I should, in this regard, Mr. Speaker, draw to the attention of my colleagues, a letter of November 29, 1973, to me, from the Honorable Caspar Weinberger, Secretary of the Department of Health, Education, and Welfare. Said Secretary Weinberger:

> I understand that a number of objectionable features of some of the bills on this subject (child abuse) which were originally considered by the Subcommittee, have been deleted.

And the Secretary continued:

> As the Department has testified before your Subcommittee, and the parallel Senate Subcommittee, we are already deeply and firmly committed to substantial and enhanced efforts to cope with the problem of child abuse and neglect.

Concluded Mr. Weinberger:

> Thus the Administration is supportive of many of the objectives of this bill and is implementing a number of them currently. Hence the Administration does not oppose the measure in its present form.

CONCLUSION

Mr. Speaker, the bill before us today provides some modest funding, and a central agency, so that the Federal Government might demonstrate some leadership in helping address the appalling problems of abused and neglected children.

The bill enjoys the unanimous support of the public witnesses who appeared before my subcommittee, and it enjoys the unanimous support of those members of the Committee on Education and Labor who thought it important to be present for the committee markup on the measure.

Finally, Mr. Speaker, the Administration has indicated to me its support of the measrue.

Mr. Speaker, in February 1969, President Nixon told Congress:

> So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life.

Mr. Speaker, the measure before us today can help provide such an opportunity for healthful and stimulating development for thousands of abused and tortured children. I urge my colleagues to join with me in support of S. 1191 as amended.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Speaker, I thank the gentleman for yielding.

I compliment the gentleman on this legislation which meets an urgent need. When considered in light of the 60,000 incidents of child abuse recorded in the United States each year, the legislation considered here today is of great import.

In New York City alone, 10,000 cases of child abuse were reported last year, and this figure is only the tip of the iceberg.

When I testified before the Select Education Subcommittee on this bill, I urged the adoption of a most comprehensive program to combat the evils of child abuse, because of the failure of the Federal Government to provide effective leadership in preventing, identifying, and treating the adult and infant victims of abuse. I felt then, as I do today, that the problem must be dealt with across the board, from the collection and dissemination of definitive information on abuse, to programs designed to develop innovative treatment techniques, to providing incentives for the States to enact mandatory reporting laws.

The bill before us today goes a long way toward achieving that goal.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I am delighted to yield to the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I likewise want to compliment the distinguished gentleman from Indiana (Mr. BRADEMAS) and the entire subcommittee, as well as many others for the good piece of legislation the gentleman from Indiana has pursued and persevered and offered to bring to the floor.

Mr. Speaker, I rise in support of S. 1191, the Child Abuse Prevention and Treatment Act. More than 100 Members of the House have cosponsored this important legislation.

I want to make specific mention of our colleagues, Mrs. SCHROEDER, Mr. PEYSER, and Mr. BIAGGI, for the leadership roles they have played. Also, I wish to commend the chairman of our Select Subcommittee on Education and the members of the subcommittee on both sides of the aisle for the expeditious way in which this needed legislation has been handled.

The need to pass this bill is obvious. Each year in the United States, there are over 60,000 reported, and a countless number of unreported cases of the abuse and neglect of innocent children. The Select Subcommittee on Education held 4 days of hearings, including 1 day in New York City, where members of the subcommittee visited the child abuse treatment center of the New York Foundling Hospital and saw first hand the seriousness of this problem. Also, the many witnesses, among them doctors and hospital administrators, testified to the horrors and disgraces of the child abuse problem.

Mr. Speaker, there are no easy answers to the child abuse problem, and there is no one solution which can be offered. Responsibilities for the prevention, identification, and treatment of child abuse rest at all levels of government and in both public and private agencies. While it will not be a panacea, I am convinced that S. 1191 will provide an important tool in the effort to curb child abuse. It will do that in the following ways:

First, the bill proposes to establish a National Center for Child Abuse and Neglect in the Department of Health, Education, and Welfare. This center will be responsible for compiling, analyzing, and publishing an annual summary of research on child abuse and neglect. It will also act as a clearinghouse for information on child abuse programs.

Second, there is a provision for demonstration grants and contracts to a wide variety of recipients for any array of programs and projects which would help prevent, identify, and treat child abuse.

Third, another proposal will provide for the appointment, by the Secretary of Health, Education, and Welfare, of an advisory board made up of representatives of various Federal agencies with responsibility for programs and activities related to child abuse and neglect. This will provide for a more coordinated Federal role in this area.

Fourth, the bill authorizes the appropriation of $15 million for fiscal year 1974, $20 million for fiscal year 1975, and $25 million for fiscal year 1976. These amounts are a small price to pay in order to help insure the safety of our children and combat this serious problem.

Mr. Speaker, I do hope we have no votes against the measure. It deserves the full support of the House.

Mr. MEEDS. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Speaker, many years ago when I was first becoming active in public life in my home State of Washington, I came face to face with cases of child abuse and neglect while serving as prosecuting attorney for Shohomish County. Concern for these children and the family tragedies they represented led me to mobilize statewide support for a State statute to deal with the problem.

My concern has continued and, indeed, grown with the years as I read statistics and news accounts of a growing problem. These children need help, trained help, compassionate help, available help. One of the more tragic aspects of child abuse and neglect is that what comes to our attention is only the tip of the iceberg, and many children suffer abuse and molestation without ever the fact being known or the child knowing that there are adults who could help.

I am cosponsoring the "National Child Abuse and Neglect Prevention and Treatment Act" to try to provide some remedies. It is my hope that Congress' passage of this bill will demonstrate our commitment to a broad-based program providing national leadership in fighting this pernicious problem. The bill will create a national center to serve as coordinator and information clearinghouse on all programs dealing with child abuse and neglect. Also the center will provide technical assistance to public and nonprofit agencies and conduct research into causes, identification, prevention, and treatment.

Additionally, the bill provides funds for training grants for personnel working with child abuse cases and grants for new approaches seeking to get at the root cause of child abuse and neglect, including parent self-help organizations.

I see this legislation as a first step nationally with a problem we have avoided too long. Some States, including my own State of Washington, have had legislation and programs for a number of years. This legislation will support these States in their efforts and offer impetus to others to provide information programs, personnel training, and other programs to assist in the development, strengthening, and carrying out child abuse and neglect prevention and treatment programs.

Mr. ESHLEMAN. Mr. Speaker, the bill before us today relates to a subject which must horrify any thinking, feeling, concerned individual. It concerns the abuse and neglect of the most vital element in our society, that is, our children and the manner in which some parents and guardians treat their children. It is not a pleasant subject. In fact, the evidence that our committee has been shown is revolting. It is certainly not easy to talk about, but it was less easy to watch pictures of it. Last September experts in the field made a slide presentation to Members of Congress and their staffs on this subject. For over an hour the most grotesque examples of the way children in this country are abused and/or neglected by their parents were shown.

What Members saw were children who had been beaten, bitten, dipped in scalding hot water, burned; children with broken arms, legs, and fractured skulls; infants who had been burned with cigarettes; those who were scarred as a result of having been placed on electric burners. There were babies who had not been fed who looked like skeletons with skin, and a child who was six weeks old and had not been washed and still had afterbirth on parts of its body. There were children who slept in urine and excrement and because they are never washed have the matter caked on the body. Some children lived in such filthy conditions that they had maggots crawling over them. There were pictures of a child who had crawled between the mattress and springs of a bed apparently playing and was crushed to death by its mother who was high on drugs. And finally they told about the plight of a prize baby gorilla in a New York zoo which had been beaten and abused by its mother and was taken away and treated by another zoo. They described the extended fight for custody of the gorilla and the money that was spent to protect it. At the same time a slide of a child who looked like a skeleton was shown. The child, it was concluded, died of starvation when the autopsy found that there was absolutely nothing in its intestines. While there are no accurate statistics, HEW estimates that there are between 60,000 and 500,000 children in this country who are abused and neglected like this. This was the dramatic takeoff for the hearings held by the Education and Labor Committee. The hearings produced evidence that the problems were not related to any city, State, or any particular geographic area but it is a common problem which can be found everywhere.

It is important for me to stress that in my opinion a solution to these problems cannot and will not be found strictly through the Federal Government intervention. This is primarily a State and local matter. Every State has at least one law concerning child abuse and neglect on its books. The problem is that these laws are unevenly enforced. The bill before us today I believe, although it provides relatively few dollars, will provide the stimulus and the catalyst through which States will be encouraged to do more to help children within their own States. In order to qualify for funds States will have to certify to the Secretary that sufficient laws and procedures are in place to address the problem before they can receive funding. I see the Federal money as filling in the gaps. Also, since there is a specific maintenance of effort provision in the bill, States may not use this money as a substitute for funds that they are already expending in this area.

In regard to the legislation itself I must observe that once again this is an example of how the administration and the Congress can work together to develop meaningful legislation. When this legislation was first considered in the Senate, the administration officially opposed it. However, since that time almost 9 months ago, as a result of the initiatives taken by the Congress, they initiated some new programs of their own which they acknowledged were a direct result of the interest, dedication, and stimulation of the Congress. In recent weeks members of the committee worked closely with Under Secretary Frank Carlucci and Assistant Secretary for Human Development Stanley Thomas, Jr., in developing the bill before us today. Since the administration had some very strong objections to the original bill, we explored alternatives to it and, I believe, outside of the authorizations, that we recommendated every single request and/or objection raised by the administration. But of prime importance to me is that in spite of the modification, we still came out with a very significant bill which will bring to the American people a vehicle through which the States can more effectively attack the problems of child abuse and neglect. Because of the agreements we worked out, the administration has advised us that it will raise no further objections to this legislation.

Mr. Speaker, because this bill enjoys overwhelming bipartisan support, because it addresses a fundamental need in the country today in a direct and straightforward manner, and because the administration is not opposed to it, I am hopeful that every Member on the floor today will agree with me that this is a bill worth supporting.

Mr. Speaker, I yield to the gentleman from New York (Mr. PEYSER) as much time as he may consume.

Mr. PEYSER. Mr. Speaker, this piece of legislation that has been before our committee, and on which we have had hearings over the past several months, is a piece of legislation that I believe is needed and is in such demand in this country that I am convinced that the House of Representatives will move nearly unanimously to support this legislation today.

I was sorely tempted today to bring and place in the lobby a series of pictures that we had collected in our hearings that vividly portray some of the situations that exist in this child abuse problem. I decided not to do this, because basically the pictures that are involved—and we have seen hundreds of them—are so unbelievable and so horrible that I decided not to show them in public.

I have compiled a list here which describes some of the horrors inflicted on children in every State in the Union.

One of the big problems has been the reporting method and the handling of child abuse and neglect cases, not only in our hospitals and our schools but in our courts. In some States, while there are regulations, absolutely nothing is done to protect the child and there is no place to pull together all of this information and no place to work as a united organization to come up with suggestions on what do we do to prevent child abuse.

What do we do to help the parents, because these are sick people? While we can take one child away from a parent, if we have no way of helping that parent, he may have other children and the same thing will happen to those children.

One of the interesting things and tragic things that we learned in our studies was that traditionally the child that is abused and survives, when he has or she has children, they end up being child abusers. It is a syndrome that they just cannot get out of, so we must have an agency that will be directed solely to this effort of studying and coming up with a method of curing these problems, we are dealing with literally hundreds of thousands of children that are beaten, scaled, burned, sexually abused, tortured, neglected, starved; everything one can think of that is horrible has been happening to hundreds of thousands of children in our country.

It really is about time that we specifically direct our efforts toward doing something about it. I heard the Chairman speak of the support by the administration, however I would like to read the last paragraph of the letter from the Secretary of Health, Education, and Welfare, Mr. Weinberger. He says, and I quote:

> We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the administration's programs.

Mr. Speaker, I would ask that hopefully this bill, when it comes up to a vote, that there will be very few dissenting votes on this program. It is definitely needed for the good of the future of thousands of our children. I know we are going to go ahead and pass this legislation.

Mr. ESHLEMAN. Mr. Speaker, I yield 6 minutes to the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Speaker, the physical abuse of a child is one of the most tragic and abhorrent crimes in our society. Each day, children are being savagely beaten, starved, scalded, stabbed, drowned, raped and tortured. Frequently, the child is battered by a parent or guardian—and, ironically, the youngster often will grow up to be the child-abusing parent of tomorrow.

Some of the causes of child abuse appear preventable and treatable. However, a major difficulty has been the lack of specific information on the problem and its scope. For example, estimates on the number of child abuse cases vary from 60,000 to 500,000 a year. Clearly, many, many cases go unreported and when we learn about them, it frequently is too late.

But by any standard, child abuse has reached epidemic proportions in America, and there is a clear and urgent need to protect our children. As parents, we can deplore the problem; as legislators, we have a duty to do something about it.

Adoption of the Child Abuse Prevention and Treatment Act is a significant step toward effectively attacking this long-neglected crime. I am concerned, however, that this legislation is too restrictive in limiting the definition of the abuser to persons responsible for the child's welfare.

The House version of SX1191, in the definition of the child abuser, prevents the use of this program to study the molesting stranger. The sick stranger who tortures, rapes and murders an innocent child must be dealt with as well.

The American Humane Association estimates that 25 percent of all abuse cases involve a stranger to the child. Nothing is more henious than the abuse of a defenseless child by a parent, a guardian—or a total stranger. Those youngsters who survive the onslaught often carry physical and emotional scars for the rest of their lives.

My heart went out to the parents of Tasha Semler, the child who was molested and tortured to death recently at the Madiera School in suburban McLean, Va. In my own 10th Congressional District of Massachusetts, we were shocked and saddened by the brutal rape and murder of 14-year-old Lori Lee Scher of Mansfield, a little more than a week ago.

These were not abuses by parents; they were the acts of sick strangers who should not be allowed to roam free in our society.

The Semler parents, in testimony before the House Education and Labor Committee, made a moving appeal for a provision in the Child Abuse and Prevention Act to cover child molestation by a stranger. Unfortunately, the question was left open.

I would urge, therefore, that the conferees will remove the restrictive definition which limits the scope of the program to abuse cases involving only parents and others responsible for the child's welfare—thus effectively ignoring 25 percent of all abuse cases. Conscience demands that we act to end the savage abuse of all America's children.

Mr. BRADEMAS. Mr. Speaker, will the gentlewoman yield?

Mrs. HECKLER of Massachusetts. I shall be glad to yield to the gentleman from Indiana.

Mr. BRADEMAS. First, let me say, Mr. Speaker, that I am very grateful for the support of the bill on the part of the gentlewoman from Massachusetts.

I am happy to say that we on the subcommittee have taken into account precisely the problem to which the gentlewoman addressed herself, and she will see that particularly, as a result of our colloquy with Mr. and Mrs. Semler, we provided in the bill in Section 4(a)(1) authority for training programs for children in methods of protecting themselves from child abuse and neglect.

And second, although the bill does not direct itself to children who may be abused or neglected by persons who do not have some kind of custodial or parental responsibility for such children, we have considered this particular dimension of the child abuse problem. The reason we did not go beyond child abuse and reflect by persons having custodial or parental responsibilities is that our committee was made aware that if we did so, we would have gotten into the whole question of the criminal laws at the State and Federal level. In addition, it was the committee's judgment that other authority existed which could be directed at meeting the problems posed by the abuse and neglect of children by individuals other than those with custodial or parental responsibilities.

However, Mr. Speaker, I want to give the gentlewoman my assurance that it is my own understanding that with respect to the question to which she also made reference, namely, that of conducting research into the causes of child abuse and neglect, I see no reason to restrict such research only into abuse and neglect on the part of parents or custodians.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I thank the gentleman for his explanation and analysis, which is a significant addition to the legislative history of this bill.

The gentleman is to be congratulated for his work on this bill, together with (Mr. PEYSER) the ranking minority member and the other members of the committee. This is more evidence of their long interest and hard work in the field of legislation benefitting children which is such a crucial legislative issue.

At the same time I would like to add that it has been our experience in the Congress that when we restrict the terminology or the language of any act, the executive branch will take the most restrictive interpretation of the act. I am very concerned that the Department of Health, Education, and Welfare, in applying this act, will apply it so as to omit the very group to which the gentleman is referring.

Mr. Speaker, I would say, in view of the legislative history that the gentleman has developed, the gentleman from Indiana has made it very clear that the scope of the act was intended to go beyond the exact language, and include all types of child abuse.

The definition contained in section 3 of this act, is as follows:

> For purposes of this Act the term "child abuse and neglect" means the physical or mental injury, sexual abuse, negligent treatment, or maltreatment of a child under the age of eighteen by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened.

As a result of the restrictive wording of this definition, it would be very easy for the Department of Health, Education, and Welfare to omit the broader purposes of the act, as the gentleman from Indiana has so well described them. I therefore urge that section 3 be removed in conference to make sure that the full purpose of this legislation is realized.

Mr. BRADEMAS. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from New York (Mr. BIAGGI) who has been a tireless and vigorous proponent of this legislation.

Mr. BIAGGI. Thank you, Mr. Chairman.

Mr. Speaker, I rise in support of this bill which will establish for the first time a broad-based program to treat and prevent child abuse and neglect. In many respects this may be called the bill of rights for the minor child. Chairman BRADEMAS is to be congratulated for his leadership, initiative and interests in this issue.

Since 1969, in each of the last three Congresses, I have introduced legislation of this nature and sought its enactment into law the first time this problem was addressed in the Congress. Until this year I felt as if I were a lone voice crying in the wilderness, but through the efforts of many in the country such as Dr. Vincent Fontana, director of the foundling home in New York, and others, who made me aware of the acuteness of the problem some 15 years ago, the matter has been brought forcefully before the public and Congress has responded. The efforts of Senator MONDALE, Congressman BRADEMAS, SCHROEDER, and PEYSER must be recognized as well. At long last, these little children can have hope for protection and their parents will soon be receiving treatment for their problems that lead to abuse and neglect of their children.

The problem has been closeted away for too long. During my 23 years as a member of the New York City Police Department, I saw too many instances of child abuse. The lack of adequate reporting laws, the absence of a mechanism to remove children from the home of a known abuser, the failure of medical personnel and social workers to recognize a child abuser and to treat him were evident to me again and again. Last year over 700 children died in these United States as a result of abuse and neglect. Over 200 of them were in New York City alone. Child abuse is the leading cause of death among infants and young children. We are talking about an epidemic—of such proportions that if it were the plague or some other communicable disease, a state of emergency would have been declared and special task forces set up to deal with the problem. Yet virtually nothing is being done and countless numbers of children are injured and die each day as a result of abuse and neglect.

This bill is not the only answer or the final answer to the problem. It is only a start—a first step. The dollar amounts appropriated and the special programs that will be set up will hardly make a dent in the estimated 60 thousand cases that will be reported next year, an estimate that is less than 15 percent of the total cases that will actually occur.

This bill, however, will do some important things to start the machinery for an all-out attack on child abuse and neglect. It will establish a National Center on Abuse and Neglect in the Department of Health, Education, and Welfare to coordinate and centralize Federal efforts in this area and to act as a clearing house for information among those working in the field with the problem.

The measure authorizes $55 million over the next 3 years to establish demonstration grants operated by both public and private agencies and to assist the States in beginning initial planning for their own systems to deal with child abuse.

It is in the latter category where additional funds will have to be spent in years to come to assure an end to child abuse and neglect. The demonstration grant program is a sound initial procedure, but ultimately we will have to work through the States and their health agencies. The initial planning assistance in the bill is the start of this more comprehensive program. I want to eventually see State programs that have training centers for doctors, medical support personnel, welfare and social workers, and law enforcement officers. I want to see plans that meet specific standards for reporting laws designed to make certain we can find the child abuser and then treat him. These plans should allow the courts to take emergency custody of the child immediately to insure his physical safety. These plans should call for mandatory psychiatric testing of the abusing parent so we can avoid the terrible mistake of returning a child to a battering parent.

Demonstration grants alone will not meet these needs and thus eventually solve the problem. They will help formulate the basis for the operations at the State level by the public agencies.

I want to emphasize quite clearly that while the funds allocated here are quite small, some portion must go to help States begin the initial planning for future comprehensive State approaches to the treatment and prevention of child abuse and neglect. Without this start of planning we will never be able to end the problem. Remember, child abuse and neglect is a continuous, self-feeding process. The abused child of this generation is the battering parent of the next generation. To break this cycle we must attack this problem forcefully at the State level and to do that Federal aid will be necessary.

Nevertheless, before you start a major program, the first step must be taken. We are taking that first step today by passing this bill. Let this not be a token step to appease those calling for reform in this area. I will not let the matter rest until child abuse and neglect is unheard of in this civilized society called America.

Mr. ESHLEMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Speaker, it would seem that nobody but a fool or really a hard-boiled person could possibly step up here and oppose this bill. Well, perhaps the first adjective fits me, but I am not a cruel man. There is no one, not even my bachelor friend, the gentleman from Indiana (Mr. BRADEMAS) who has more compassion and love for children in this body than I do. Nobody could possibly have. And if there is anything that I really hate and detest it is to see a child abused in any way.

But let me remind my good colleagues that in this country we have some things to do in this Congress other than to concern ourselves with emotionalism. And we are here this afternoon using emotionalism to expand the Federal bureaucracy to the tune of $60 million.

I believe that every State has child abuse laws. There are faults in these laws, and there are faults in the carrying out of them. In other words, one of the great problems is to get the doctor to state that there has been abuse of a child when the child is brought in. There is this relationship between the doctor and patient that presents us with some problems. However, I have here a copy of the November 28 issue of the Vidette-Messenger, printed in my hometown of Valparaiso, Ind., which carries a front page report on a child-abuse trial underway right now. Reportedly the mother of the victim is to be the first witness. It appears that while her boyfriend was visiting, the child kind of disturbed their lovemaking, to quiet the child, the boyfriend beat the child nearly to death. Well, he is in court, and it will be up to a jury of responsible people to decide whether that man should go to prison. The serious question is whether or not the jury will give him the good stiff prison sentence he ought to have even if proven guilty.

But to get this matter involved into the Federal bureaucracy, starting out with $60 million, and that is just the beginning. Where do we go from there? And I have stood on this floor and spoke on many bigger pieces of legislation.

This of course is a very small amount of money when compared with our annual $260 billion budget. But it is another grain of sand on the scales, scales that are already tipped heavily toward fiscal chaos. We now have $475 billion national debt with an annual interest bill of approximately $29 billion, the third largest item in our budget. Congress should be concerned about our fiscal situation. Most certainly, more responsible actions are in order. In fact, I think the Congressmen who are pushing these proposals such as this should step right up here and tell us exactly how they want to sock it to the taxpayers to pay for them.

I submitted my individual views in the report on the bill. I certainly hope that there will be at least a record vote. I hope some of the Members will pay attention to what I have had to say.

Mr. TREEN. Mr. Speaker, will the gentleman yield?

Mr. LANDGREBE. I yield to the gentleman from Louisiana.

Mr. TREEN. I thank the gentleman for yielding.

I would certainly agree with the gentleman from Indiana in the statement the gentleman made concerning his feelings toward children. I, like most of the other Members in this body, have children.

But there are certain provisions of this bill that seem to me amount to the establishment of new precedents in forcing the States to write their criminal laws as Congress directs. Particularly, on page 12, the bill provides that no State grant may be made unless the State passes a certain type of law, and even goes so far as to require that the State provide immunity from prosecution for persons reporting instances of child abuse and neglect. It is not a question of whether we think these things need correction, it is a question of whether we in this Congress should be dictating how these several States should write their criminal laws. It also seems to me it would be very easy to go from this to a young adult abuse act.

There are lots of horrible crimes committed against persons above the age of 18. There are lots of old folks being abused. It just seems to me that this bill, however laudable the purposes, and I certainly support measures to end child abuse, opens the door wide to eliminating the criminal laws of the various States by invading the prerogative of the States in this particular area. I just wonder whether anyone can tell me why we had to go to the point of telling the States that they must provide an immunity provision? Why do we go so far as to tell the States how they must write their criminal laws?

Mr. LANDGREBE. While this liberal controlled Congress has been ignoring States rights for years I cannot give the gentleman from Louisiana an answer. Perhaps somebody else on the Education and Labor Committee can answer that question.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BRADEMAS. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Colorado (Mrs. SCHROEDER), an original sponsor of the bill, and a mother of two.

Mrs. SCHROEDER. Mr. Speaker, I want to express my deep appreciation to my colleague from Indiana (Mr. BRADEMAS) for the initiative and leadership he has shown as chairman of the Select Education Subcommittee in shepherding this child abuse legislation through committee. Mr. BRADEMAS has given a great deal of energy, intelligence and constructive effort to fashioning the compromise measure we have before us today.

On March 29 of this year I introduced H.R. 6380, which has the bipartisan cosponsorship of 72 other Members of the House. The bill was introduced as a companion measure to S. 1191, which was sponsored by Senator MONDALE and passed by the Senate on July 14. The Select Education Subcommittee held 4 days of hearings on H.R. 6380 and several similar measures. I had the honor of sitting in on these hearings and listening to the testimony of doctors and social workers, lawyers and psychiatrists, parents who had abused their children, and many other concerned persons. We saw gory examples of the horribly battered and burned bodies of children who were the victims of maiming or fatal abuse at the hands of those responsible for their care.

The bill before us today gives national attention and priority to a problem that cannot and should not be ignored. Although the seriousness of child abuse and neglect has been recognized by workers in the field for years, it was not until very recently that the general public has started to realize the immensity and pervasiveness of the problem. Testimony revealed that the incidence of reported abuse ranges from estimates of 60,000 cases nationwide each year, to 13,000 cases a year in New York City alone. State and local programs to deal with this massive problem are still for the most part fragmented and ineffective. There is no real Federal program, although the administration, galvanized into action by the initiative taken by Congress in developing this legislation, has shown some signs of awakening to the problem.

It is encouraging though to know that a few promising approaches are being developed. In Denver, for example, the National Center for the Prevention and Treatment of Child Abuse has developed a successful method that can serve as a model treatment program. Finding the traditional single-disciplinary social services approach inadequate to meet the complex medical, social, and legal issues surrounding child abuse, the Denver Center has developed a team approach combining the skills of social workers, physicians, psychiatrists, nurses, laypersons and attorneys. The Center has also incorporated into its program a parent self-help group, Parents Anonymous, which gives troubled parents the support of others who are successfully dealing with the same problems. In addition to actual treatment and followup services the Center also provides training for outside individuals and groups. The results of the multidisciplinary approach used there have been startling: 80 percent of the children treated can be returned to their natural parents within 8 months with no repetition of abuse.

S. 1191 and H.R. 6380 provide the needed Federal focus and initiative to stimulate the growth of such centers throughout the country by providing grants to the many groups that have demonstrated a commitment to multidisciplinary or other innovative methods of treating and preventing abuse and neglect. While funding programs that are providing actual services to protect the thousands of children who are suffering permanent physical and mental damage each year, the bill also provides support for further study of the underlying causes and possible solutions of the disease. The bill also establishes the National Center on Child Abuse and Neglect, in the Department of Health, Education, and Welfare, which would serve as a central clearinghouse to collect and disseminate information on research and current programs.

It is clear that we do not at this time have the resources to set up and fund a comprehensive nationwide system for the prevention and treatment of child abuse and neglect. Rather, the purpose of the bill is to serve as a catalyst to stimulate the growth of programs and projects that will provide a base for future growth. As part of this basic structure, the committee recognized the need to upgrade existing State programs. Although the main focus of the bill is the demonstration grant program, the committee amended the bill to set aside 5 percent of the total grant funds appropriated to assist States in planning and developing State child abuse programs. It is understood that the amount of funds set aside for this purpose cannot begin to meet all the needs of the States. However, by tying the State funds to requirements for specific minimal State plans, the committee hopes to spur the States to strengthen and expand their own programs. It should be noted that the funds provided directly for the States are not specifically channeled through the State services programs authorized by title IV–A and IV–B of the Social Security Act. This was done to allow greater flexibility on the part of the States in deciding how best to approach the problem. Many States, for example, are developing offices of child development which might be recipients of the grants. A separate section of the bill requires that IV–A and IV–B moneys be spent in accordance with the requirements set forth for the States.

Mr. ESHLEMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just wanted to point out that a question was raised on immunity and why we have to get into this area. What has been proven—and incidentally the gentleman from Louisiana's own State has put immunity in their own child abuse regulations—is that unless immunity is offered to people who are reporting child abuse, we just do not get the cases reported.

The people are afraid, and through this fear of civil suits many, many hundreds of children have been in one way or another sent to their death, and that is no exaggeration.

I think what we have to understand is that the Federal Government in this legislation is not forcing a State to do anything. We are simply saying if the State wants to be a part of and receive moneys through this program, then it must have State laws and it must be enforcing them, and among other items is the question of immunity, which many, many of the States already provide. So we are not forcing the States into anything.

This is not an anti-States rights bill at all. It is simply trying to provide the guidance and the leadership that I think the Federal Government should do in a matter of this kind.

I hope this answers the gentleman's question.

Mr. TREEN. Mr. Speaker, if the gentleman will yield, I hope the gentleman understands I am not against the State doing this if it wants to do this.

Would the gentleman agree that murder is a national problem as well, and not just murder of persons below 18 years of age?

Mr. PEYSER. I agree that murder is a national problem.

Mr. TREEN. If it is a national problem, why do we not have a national law on that and require the States to grant immunity on that? Where does it end?

Mr. PEYSER. If we had a bill that was for providing grants on programs for the States to deal with murder—perhaps we should have, but we are not talking now about that, we are talking about the child abuse programs and offering development programs in this area, and in order to take part in this the States should have child abuse laws.

Mr. BRADEMAS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, I would like to observe in connection with the remark about murder that the States of the Union have very substantial laws dealing with that offense as contrasted to laws dealing with child abuse.

The fact of the matter is that until only recently the States of the Union did not have these laws and the legislatures of the various States have adopted laws dealing superficially and very inadequately with this very grievous and major problem.

What we do here is hold forth a carrot to give the States that are sincere a special inducement to implement and improve their programs. As of last year for the first time some States enacted laws that are quite substantial. There are laws in other States of the Union that frankly are not worth the paper they are printed on. This is token legislation which has little or no effect.

What we are doing here is trying to hold forth from the Federal Government that special inducement to encourage those States to do a little bit more. They have an option which they can exercise. If they choose not to, fine. For the States that choose to, then the moneys are available.

I think the analogy in the light of these circumstances is poor but I am glad it was raised because it gave us an opportunity to make the distinction with more emphasis.

Mr. ULLMAN. Mr. Speaker, the bill cited as the "Child Abuse Prevention and Treatment Act" has wholly desirable objectives with which we can all concur. A variety of programs and projects on this subject are in operation throughout the country, and I am sure we would all welcome their being brought in sharper focus and coordinated.

However, the bill contains two provisions which have the effect of amending the Social Security Act and in placing requirements on welfare agencies which do not now exist. Section 4(b)(3) of the bill would require that all programs or projects related to child abuse and neglect under part A or B of title IV of the Social Security Act comply with the requirements of section 4(b)(2). This section contains at least three requirements which are wholly inconsistent with activities conducted under the Social Security Act. First, it would require a demonstration that there are in effect throughout the State in connection with child abuse and neglect laws multidisciplinary programs and services necessary or appropriate to assure that the State will deal effectively with child abuse and neglect cases in the State. Second, it will require the dissemination of information to the general public with respect to the problem of child abuse and neglect, an activity which goes much beyond the present scope of such programs under title IV of the Social Security Act. The social security programs are, by and large, limited to families receiving welfare. Finally, it requires that parental organizations combating child abuse and neglect receive preferential treatment. This also is inconsistent with the way many of the programs operate. I would accordingly urge that the section be modified to eliminate these three requirements.

Section 7 of the bill has the wholly desirable objective of requiring that Federal programs dealing with child neglect and abuse will be coordinated with programs under the bill. However, section 7(b) also requires the Secretary to prescribe regulations to insure that suitable programs related to child abuse and neglect under this act are available for children receiving aid or services under State plans approved under part A of title IV of the Social Security Act and State plans as developed under part B of such title. This would seem to require that programs be established for children who are not presently covered under those titles and that programs be established which are more comprehensive than presently exist. I would accordingly urge that section 7(b) be modified to make it clear that new programs under the Social Security Act are not required.

Mr. Speaker, this goes to the whole question of how much latitude States have in the administration of their social services programs. There are varying points of view on this subject. However, it would seem untimely to create in this bill new requirements which do not exist under present regulations.

We have been assured that these matters will be taken into consideration in any conference on the bill.

Mr. CONTE. Mr. Speaker, sadly, we must admit that the occasion of child abuse is on the increase today. There is truly a need for closer Federal scrutiny and assistance in this area. This year some 60,000 American children will be the victims of parental beating, cruelty, or neglect. In about 800 of these cases, the defenseless child will die. The very idea that a parent, who is supposed to love and protect his offspring could be responsible for his or her child's physical injury or death, is so repulsive that many people are reluctant to consider it. Until recently, our courts also had been reluctant to get involved in internal family government, preferring to let the head of the family enforce rules and punishments for members of the family.

The shame of this syndrome is that the youngsters who are being mistreated today, if they survive, may well grow up and abuse their own children. This vicious cycle must be broken and this bill is a means toward that end. Treatment for both the abused and the abuser is a vital necessity. But every bit as vital is the need to detect and prevent these acts.

This bill is not a "budget buster." While it deals with many of the great needs in the areas of child abuse, it calls for only a $10 million outlay for the first year and a $20 million a year commitment for the next 4 years.

All of you, I know, are concerned over this dreadful practice of brutalizing the young. The Federal Government cannot do the whole job, but it certainly can do more than it has been doing. I urge your support for this legislation.

Mr. LEHMAN. Mr. Speaker, I rise in support of S. 1101, the Child Abuse Prevention and Treatment Act.

The problems of child abuse have been with us for years. When one considers that the vast majority of child abuse cases never even reach the media, it is difficult to calculate the extent of the problem. Estimates have been made that 700 to 800 children die each year as a result of maltreatment. This is just the tip of the iceberg.

This bill will give the needed incentive to the States to embark upon effective child-abuse programs, including prevention, identification, and treatment. Reporting laws within the States will have to be upgraded, and training programs for personnel will be necessary. Communities will be called upon to attack the problem.

Each time the newspapers have carried a story of a child permanently maimed or perhaps killed as a result of abuse, we have all been horrified. It is time that we took the necessary action to prevent the kind of abuses that make these newspaper stories.

Mr. DONOHUE. Mr. Speaker, I earnestly urge and hope that the House will resoundingly approve this pending measure, S. 1191, the Child Abuse Prevention and Treatment Act.

It is a shocking fact, Mr. Speaker, that each year in this country thousands of innocent children are beaten, burned, poisoned, or otherwise abused by adults. An authoritative source has estimated that 60,000 cases of child abuse are reported annually in the United States. In addition, it has also been estimated that the reported incidence of child abuse represents only a fraction of the number of children who are actually mistreated.

During the last 10 years, nearly every State has revised its child abuse reporting laws yet it is common for cases to receive attention only after the innocent, helpless victim has suffered permanent psychological or physical damage or, in too many cases, death. One reason for the existence of this situation is that most laws do not require any followup or treatment once a case of abuse has been reported.

Mr. Speaker, through enactment of this pending bill today a National Center on Child Abuse and Neglect will be established within the Department of Health, Education, and Welfare and will have the power to institute demonstration programs and projects designed to prevent, identify and treat child abuse and neglect; train personnel to deal with child abuse; furnish services to communities for the initiation of such projects and other innovative projects, including support of parent self-help organizations, which show promise of preventing or treating this tragic human failure.

Mr. Speaker, even though we are engaged with a multitude of tremendous problems in these troubled times we should not, nevertheless, forget that this Government has the high responsibility, indeed, the solemn duty to protect the rights of all its citizens, particularly our children, from repeated physical force and abuse. It is for this basic reason that I urge the prompt passage of this bill.

Mr. PRICE of Illinois. Mr. Speaker, I support S. 1191, the Child Abuse Prevention and Treatment Act. As a sponsor of H.R. 9643, which is similar to this legislation, I firmly believe that a need exists for the establishment of a National Center for Child Abuse and Neglect. Such a center would provide a clearinghouse for child abuse programs and would also compile accurate national statistics on child abuse—a task which has been impossible to the present time due to the varying regulations governing abuse in each State. Moreover, at least 5 percent of the fiscal 1974 budget allotted the Department of Health, Education, and Welfare under this act will be used to assist in the development of new or existing State child abuse and neglect prevention centers.

Perhaps most importantly, S. 1191 calls for an investigation into the causes, prevention, identification, and treatment of child abuse. There is a growing concern, shared by many experts in the field, that child abuse is becoming a generational problem—more specifically, that today's abused child will become tomorrow's abusing parent. This is a phenomenon which cannot be allowed to continue. Hopefully, data gathered from these research projects will lead to conclusions helpful in alleviating the child abuse problem when combined with other programs on both the State and National levels.

Illinois has been nationally recognized as a leader in child abuse prevention programs. The State's Child Abuse Act of 1965 was one of the first such pieces of legislation in the Nation. Our State department of children and family services has initiated a program of prevention which includes rehabilitation, child protection, medical aid, and other types of assistance. The need for such a program can be seen by the fact that over 8,100 cases of child abuse and neglect were reported statewide in fiscal year 1973. Nearly 100 instances of violations of the Child Abuse Act were reported during this period in my district alone.

Obviously, additional aid such as that proposed in S. 1191 is needed. The choice is clear: Either we act now to stop the rising tide of child abuse cases, or we watch idly as an increasing segment of our Nation's youth is battered and mistreated. Therefore, Mr. Speaker, I urge every Member of this House who has any concern for the future of our children and our Nation to support this most important legislation.

Mr. KOCH. Mr. Speaker, I am very pleased to see that the House is now at the point where it will pass the Child Abuse Prevention and Treatment Act, a bill which I have cosponsored along with over 70 other Members of Congress. Establishing within the Department of HEW a National Center on Child Abuse and Neglect, this legislation should provide the Federal coordination needed to encourage States and localities to upgrade their child abuse treatment and prevention programs, as well as to conduct research, personnel training, and other supportive services. All of us here have been shocked at news reports documenting instances of child abuse. Unquestionably, this is a sickness whose underlying causes must be fully understood if such abuses are to be prevented and successfully treated.

It has been estimated by the National Center for the Prevention and Treatment of Child Abuse and Neglect that 60,000 child abuse cases are officially reported, on an annual basis. In New York City alone, there were 10,000 cases of child abuse or suspected abuse reported in 1972. Furthermore, it is generally agreed among experts in the field that the incidence of unreported cases of child abuse outnumber the known cases. Some of these children never survive these beatings, burnings, and other abuses. Others may never recover from the emotional scars resulting from such brutality.

Senator MONDALE's subcommittee on children and youth has heard compelling testimony affirming the need for action on this very disturbing and, until recently, largely overlooked problem. In its examination of the problem, the subcommittee found that the present laws prohibiting child abuse take effect only after the victim has suffered permanent psychological and/or physical damage. And the very complex reasons for child abuse are such that criminal laws against child abuse do not serve as a deterrent. Clearly, what is needed are intensified community efforts to prevent, identify, and treat child abuses. It has been demonstrated, in fact, that where adequate support services are available to families suffering from the problem, 90 percent of abused children can be reunited with their parents without a repeated abuse.

This legislation passed today takes a long step toward providing the variety of support services essential for dealing successfully with this problem. It is very similar to the bill passed by the Senate last July, and I am hopeful that the final version of this bill will be enacted into law as soon as possible.

Mr. HARRINGTON. Mr. Speaker, I rise in support of S. 1191, legislation to provide financial assistance for identification, prevention and treatment relating to child abuse. This important bill would establish within the Department of Health, Education, and Welfare a National Center on Child Abuse and Neglect. The Center is to conduct research, provide information and training materials, and award grants and contracts to a broad scope of organizations for demonstration programs and projects designed to deal with the problem of child abuse; $15 million is authorized by this bill for the 1974 fiscal year, $20 million for fiscal 1975, and $25 million for fiscal 1976.

Mr. Speaker, I think we all realize that our Nation's future depends on the well being of our children. Many of them, however, are faced with situations in their childhood which restrict, or even preclude, their development into what we usually regard as full maturity. Too many children are poor, too many are malnourished, too many have physical and emotional problems, and too many cannot read. There are many factors which we recognize as contributing to these deficiencies. Although we usually cite economic and biological factors, there are others that must not be overlooked.

Child abuse is one such factor that has been with us a long time, but one which has received minimal effort to alleviate nationally. Although programs exist at State and local levels, most lack adequate funding and few provide followup and treatment once a case of child abuse has been reported. Further, HEW, which does not have even one employee working on the problem of child abuse full time, has admitted that it has no information about the effectiveness of State programs that receive funds for such purposes under title IV-B of the Social Security Act.

I need not cite statistics, for they are either lacking or grossly deflated. Too often, we only hear about abuse when it has resulted in severe injury or death. One statistic I would like to cite, however, is that 90 percent of the parents involved can be rehabilitated, according to the American Academy of Pediatrics and others who recently testified before a Senate subcommittee. Although much abuse is caused by psychotic or mentally ill adults, most cases are committed by frustrated parents who take their problems out on their children.

It seems to me that our effort should be to define the issues of child abuse prevention and to prescribe legislation which would fund programs, of a research, training, treatment and informational nature, which would both provide therapy and lead to a reduction in the incidence of child abuse. I believe that S. 1191 would go far to accomplish this goal, and therefore I urge that my colleagues join me in support of this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BRADEMAS) that the House suspend the rules and pass the Senate bill S. 1191, as amended.

The question was taken.

Mr. LANDGREBE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 354, nays 36, not voting 43, as follows:

[Roll No. 615]

YEAS—354

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Carter
Cederberg
Chamberlain
Chappell
Clark
Clausen, Don H.
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conte
Corman
Coughlin
Cronin
Culver
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Dickinson
Dingell
Donohue
Dorn
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Hinshaw
Hogan
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
Madden
Madigan
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nix
Obey
O'Brien
O'Hara
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stratton
Stubblefield
Studds
Sullivan
Symington
Taylor, Mo.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—36

Ashbrook
Butler
Camp
Clancy
Cochran
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Davis, Wis.
Devine
Flynt
Fountain
Goodling
Gross
Henderson
Ketchum
Landgrebe
McEwen
Mahon
Martin, Nebr.
Montgomery
Nichols
Poage
Rarick
Robinson, Va.
Rousselot
Satterfield
Shuster
Steiger, Ariz.
Symms
Taylor, N.C.
Teague, Calif.
Treen
Whitten

NOT VOTING—43

Ashley
Bowen
Burgener
Burke, Calif.
Casey, Tex.
Chisholm
Clawson, Del
Conyers
Cotter
Diggs
Downing
Flowers
Gubser
Gunter
Hansen, Wash.
Hawkins
Hébert
Holifield
Jarman
Johnson, Colo.
Jones, Okla.
Keating
Landrum
McKinney
McSpadden
Macdonald
Michel
Mills, Ark.
Mizell
Nelsen
O'Neill
Owens
Rooney, N.Y.
Sikes
Stephens
Stokes
Stuckey
Talcott
Waggonner
Walsh
Wilson, Bob
Wright
Young, Ga.

So (two-thirds having voted in favor thereof) the rules were suspended, and the Senate bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Mills of Arkansas.

Mr. Rooney of New York with Mr. Jones of Oklahoma.

Mr. Hébert with Mr. Jarman.

Mr. Waggonner with Mr. Landrum.

Mr. Sikes with Mr. Nelsen.

Mr. Cotter with Mr. Conyers.

Mr. Diggs with Mrs. Burke of California.

Mr. Ashley with Mr. Hawkins.

Mrs. Chisholm with Mr. Gunter.

Mr. Holifield with Mr. Stokes.

Mr. Stephens with Mr. Del Clawson.

Mr. Owens with Mr. Young of Georgia.

Mr. Stuckey with Mr. Gubser.

Mr. Bowens with Mr. McKinney.

Mr. Casey of Texas with Mr. Michel.

Mr. Downing with Mr. Talcott.

Mrs. Hansen of Washington with Mr. Walsh.

Mr. Flowers with Mr. Mizell.

Mr. Macdonald with Mr. Bob Wilson.

Mr. Wright of Mr. McSpadden.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE REPORT ON H.R. 5898, AUTHORIZING CONSTRUCTION AND OPERATION OF HIGH SEAS OIL PORTS

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight to file a report on H.R. 5898, to authorize the construction and operation of high seas oil ports.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

ATTORNEY GENERAL'S COMPENSATION AND USE OF FRANKING PRIVILEGE

Mr. DULSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11710) to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969, to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes, as amended.

The Clerk read as follows:

H.R. 11710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the compensation and other emoluments attached to the Office of Attorney General shall be those which were in effect on January 1, 1969, notwithstanding the provisions of the salary recommendations for 1969 increases transmitted to the Congress on January 15, 1969, and notwithstanding any other provision of law, or provision which has the force and effect of law, which is enacted or becomes effective during the period from noon, January 3, 1969, through noon, January 2, 1975.

SEC. 2. (a) Any person aggrieved by an action of the Attorney General may bring a civil action in the appropriate district court to contest the constitutionality of the appointment and continuance in office of the Attorney General on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States district courts shall have exclusive jurisdiction, without regard to the sum or value of the matter in controversy, to determine the validity of such appointment and continuance in office.

(b) Any action brought under this section shall be heard and determined by a panel of three judges in accordance with the provisions of section 2284 of title 28, United States Code. Any appeal from the action of a court convened pursuant to such section shall lie to the Supreme Court.

(c) Any judge designated to hear any action brought under this section shall cause such action to be in every way expedited.

SEC. 3. (a) Section 3210 of title 39, United States Code, is amended to read as follows:

"§ 3210. Franked mail transmitted by the Vice President, Members of Congress, and congressional officials

"(a) (1) It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States.

"(2) It is the intent of the Congress that such official business, activities, and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, and the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of those functions.

"(3) It is the intent of the Congress that mail matter which is frankable specifically includes, but is not limited to—

"(A) mail matter to any person and to all agencies and officials of Federal, State, and local governments regarding programs, decisions, and other related matters of public concern or public service, including any matter relating to actions of a past or current Congress;

"(B) the usual and customary congressional newsletter or press release which may deal with such matters as the impact of laws and decisions on State and local governments and individual citizens; reports on public and official actions taken by Members of Congress; and discussions of proposed or pending legislation or governmental actions and the positions of the Members of Congress on, and arguments for or against, such matters;

"(C) the usual and customary congressional questionnaire seeking public opinion on any law, pending or proposed legislation, public issue, or subject;

"(D) mail matter dispatched by a Member of Congress between his Washington office and any congressional district offices, or between his district offices;

"(E) mail matter directed by one Member of Congress to another Member of Congress or to representatives of the legislative bodies of State and local governments;

"(F) mail matter expressing condolences to a person who has suffered a loss or congratulations to a person who has achieved some personal or public distinction;

"(G) mail matter, including general mass mailings, which consists of Federal laws, Federal regulations, other Federal publications, publications purchased with Federal funds, or publications containing items of general information;

"(H) mail matter which consists of voter registration or election information or assistance prepared and mailed in a nonpartisan manner;

"(I) mail matter which constitutes or includes a biography or autobiograhpy of any Member of, or Member-elect to, Congress or any biographical or autobiographical material concerning such Member or Member-elect or the spouse or other members of the family of such Member or Member-elect, and which is so mailed as a part of a Federal publication or in response to a specific request therefor and is not included for publicity purposes in a newsletter or other general mass mailing of the Member or Member-elect under the franking privilege; or

"(J) mail matter which contains a picture, sketch, or other likeness of any Member or Member-elect and which is so mailed as a part of a Federal publication or in response to a specific request therefor and, when contained in a newsletter or other general mass mailing of any Member or Member-elect, is not of such size, or does not occur with such frequency in the mail matter concerned, as to lead to the conclusion that the purpose of such picture, sketch, or likeness is to advertise the Member or Member-elect rather than to illustrate accompanying text.

"(4) It is the intent of the Congress that the franking privilege under this section shall not permit, and may not be used for, the transmission through the mails as franked mail, of matter which in its nature is purely personal to the sender or to any other person and is unrelated to the official business, activities, and duties of the public officials covered by subsection (b) (1) of this section.

"(5) It is the intent of the Congress that a Member of or Member-elect to Congress may not mail as franked mail—

"(A) mail matter which constitutes or includes any article, account, sketch, narration, or other text laudatory and complimentary of any Member of, or Member-elect to, Congress on a purely personal or political basis rather than on the basis of performance of official duties as a Member or on the basis of activities as a Member-elect;

"(B) mail matter which constitutes or includes—

"(i) greetings from the spouse or other members of the family of such Member or Member-elect;

"(ii) reports of how or when such Member or Member-elect, or the spouse of any other member of the family of such Member or Member-elect, spends time other than in the performance of, or in connection with, the legislative, representative, and other official functions of such Member or the activities of such Member-elect as a Member-elect; or

"(iii) any card expressing holiday greetings from a Member or Member-elect;

"(C) mail matter which specifically solicits political support for the sender or any other person or any political party, or a vote or financial assistance for any candidate for any public office; or

"(D) any mass mailing when the same is mailed less than twenty-one days immediately before the date of any primary or general election (whether regular or special or runoff) in which the Member is a candidate for public office. For the purpose of this clause (D), the term 'mass mailing' shall mean newsletters and similar mailings in which the content of the matter mailed is substantially identical. The term shall not include mailings which are in direct response to direct inquiries or requests from which the matter is mailed.

For the purposes of this clause, a mass mailing shall be deemed to be mailed when it is presented to the official of either the House or the Senate, as appropriate, responsible for the preparation, processing, and mailing of such mass mailing. Such official shall give a receipt at the time the mass mailing is presented for mailing.

"(b) (1) The Vice President, each Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, and each of the elected officers of the House of Representatives (other than a Member of the House), until the first day of March following the expiration of their respective terms of office, and the Legislative Counsels of the House of Representatives and the Senate, may send, as franked mail, matter relating to their official business, activities, and duties, as intended by Congress to be mailable as franked mail under subsection (a) (2) and (3) of this section.

"(2) If a vacancy occurs in the Office of the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), or the Legislative Counsel of the House of Representatives or the Senate, any authorized person may exercise the franking privilege in the officer's name during the period of the vacancy.

"(c) Franked mail may be in any form appropriate for mail matter, including, but not limited to, correspondence, newsletters, questionnaires, recordings, facsimiles, reprints, and reproductions. Franked mail shall not include matter which is intended by Congress to be nonmailable as franked mail under subsection (a) (4) and (5) of this section.

"(d) (1) A Member of the House may mail franked mail with a simplified form of address for delivery—

"(A) within that area constituting the congressional district from which he was elected; and

"(B) on and after the date on which the proposed redistricting of congressional districts in his State by legislative or judicial proceedings is initially completed (whether or not the redistricting is actually in effect), within any additional area of each congressional district proposed or established in such redistricting and containing all or part of the area constituting the congressional district from which he was elected, unless and until the congressional district so proposed or established is changed by legislative or judicial proceedings.

"(2) A Member-elect to the House of Representatives may mail franked mail with a simplified form of address for delivery within that area constituting the congressional district from which he was elected.

"(3) A Delegate, Delegate-elect, Resident Commissioner, or Resident Commissioner-elect to the House of Representatives may mail franked mail with a simplified form of address for delivery within the area from which he was elected.

"(4) Franked mail mailed with a simplified form of address under this subsection—

"(A) shall be prepared as directed by the Postal Service; and

"(B) may be delivered to—

"(i) each box holder or family on a rural or star route;

"(ii) each post office box holder; and

"(iii) each stop or box on a city carrier route.

"(5) For the purposes of this subsection, a congressional district includes, in the case of a Representative at Large or Representative at Large-elect, the State from which he was elected.

"(e) The frankability of mail matter shall be determined under the provisions of this section by the type and content of the mail sent, or to be sent. Notwithstanding any other provision of law, the cost of preparing or printing mail matter which is frankable under this section may be paid from any funds, including, but not limited to, funds collected by a candidate or a political committee required to file reports of receipts and expenditures under the Federal Election

Campaign Act of 1971 (Public Law 92-225), or from voluntary newsletter funds, or from similar funds administered and controlled by a Member or by a committee organized to administer such funds.

"(f) Notwithstanding any other provision of Federal, State, or local law, or any regulation thereunder, the equivalent amount of postage determined under section 3216 of this title on franked mail mailed under the frank of the Vice President or a Member of Congress, and the cost of preparing or printing such frankable matter for such mailing under the frank, shall not be considered as a contribution to, or an expenditure by, the Vice President or a Member of Congress for the purpose of determining any limitation on expenditures or contributions with respect to any such official, imposed by any Federal, State, or local law or regulation, in connection with any campaign of such official for election to any Federal office.".

(b) The table of sections of chapter 32 of title 39, United States Code, is amended by striking out—

"3210. Official correspondence of Vice President and Members of Congress."

and inserting in lieu thereof—

"3210. Franked mail transmitted by the Vice President, Members of Congress, and congressional officials.".

Sec. 4. Section 3211 of title 39, United States Code, is amended by striking out "the Clerk of the House of Representatives, and the Sergeant at Arms of the House of Representatives, until the thirtieth day of June" and inserting in lieu thereof "each of the elected officers of the House of Representatives (other than a Member of the House) until the first day of March".

Sec. 5. Section 3212 of title 39, United States Code, is amended to read as follows:

"§ 3212. Congressional Record under frank of Members of Congress

"(a) Members of Congress may send the Congressional Record as franked mail.

"(b) Members of Congress may send, as franked mail, any part of, or a reprint of any part of, the Congressional Record, including speeches or reports contained therein, if such matter is mailable as franked mail under section 3210 of this title.".

Sec. 6. (a) Section 3214 of title 39, United States Code, is amended to read as follows:

"§ 3214. Mailing privilege of former President; surviving spouse of former President

"A former President and the surviving spouse of a former President may send nonpolitical mail within the United States and its territories and possessions as franked mail. Such mail of a former President and of the surviving spouse of a former President marked 'Postage and Fees Paid' in the manner prescribed by the Postal Service shall be accepted by the Postal Service for transmission in the international mails.".

(b) The table of sections of chapter 32 of title 39, United States Code, is amended by striking out—

"3214. Mailing privileges of former Presidents."

and inserting in lieu thereof—

"3214. Mailing privilege of former President; surviving spouse of former President.".

Sec. 7. (a) There is established a special commission of the House of Representatives, designated the "House Commission on Congressional Mailing Standards" (herein referred to as the "Commission").

(b) The Commission shall be composed of six Members appointed by the Speaker of the House, three from the majority political party, and three from the minority political party, in the House. The Speaker shall designate as Chairman of the Commission, from among the members of the Committee on Post Office and Civil Service of the House, one of the Members appointed to the Commission. A vacancy in the membership of the Commission shall be filled in the same manner as the original appointment. Four members of the Commission shall constitute a quorum to do business.

(c) In performing its duties and functions, the Commission may use such personnel, office space, equipment, and facilities of, and obtain such other assistance from, the Committee on Post Office and Civil Service of the House, as such committee shall make available to the Commission. Such personnel and assistance shall include, in all cases, the services and assistance of the chief counsel or other head of the professional staff (by whatever title designated) of such committee. All assistance so furnished to the Commission by the Committee on Post Office and Civil Service shall be sufficient to enable the Commission to perform its duties and functions efficiently and effectively.

(d) The Commission shall provide guidance, assistance, advice, and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3213(2), or 3218, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the House or Member-elect, Resident Commissioner or Resident Commissioner-elect, Delegate or Delegate-elect, surviving spouse of any of the foregoing, or other House official, entitled to send mail as franked mail under any of those sections. The Commission shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(e) any complaint by any person that a violation of any section of title 39, United States Code, referred to in subsection (d) of this section is about to occur, or has occurred within the immediately preceding period of one year, by any person referred to in such subsection (d), shall contain pertinent factual material and shall conform to regulations prescribed by the Commission. The Commission, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by the complainant with respect to the matter which is the subject of the complaint. The Commission shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the Commission. The Commission shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the Commission. Such findings of fact by the Commission on which its decision is based are binding and conclusive for all judicial and administrative purposes, including purposes of any judicial challenge or review. Any judicial review of such decision, if ordered on any ground, shall be limited to matters of law. If the Commission finds in its written decision that a serious and willful violation has occurred or is about to occur, it may refer such decision to the Committee on Standards of Official Conduct of the House of Representatives for appropriate action and enforcement by the committee concerned in accordance with applicable rules and precedents of the House and such other standards as may be prescribed by such committee. Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person referred to under subsection (d) of this section, except judicial review of the decisions of the Commission under this subsection. The Commission shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551–559 and 701–706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof.

(f) The Commission may sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, administer such oaths and affirmations, take such testimony, procure such printing and binding, and make such expenditures, as the Commission considers advisable. The Commission may make such rules respecting its organization and procedures as it considers necessary, except that no action shall be taken by the Commission unless a majority of the Commission assent. Subpenas may be issued over the signature of the Chairman of the Commission or of any member designated by him or by the Commission, and may be served by such person or persons as may be designated by such Chairman or member. The Chairman of the Commission or any member thereof may administer oaths or affirmations to witnesses.

(g) The Commission shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the Commission shall be the property of the Commission and shall be kept in the offices of the Commission or such other places as the Commission may direct.

Sec. 8. (a) The Select Committee on Standards and Conduct of the Senate shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3213(2) or 3218, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(b) Any complaint filed by any person with the select committee that a violation of any section of title 39, United States Code, referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of one year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by the complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person referred to under subsection (a) of this section until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

(d) The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551–559 and 701–706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

SEC. 9. Section 3216 of title 39, United States Code, is amended to read as follows:

"§ 3216. Reimbursement for franked mailings

"(a) the equivalent of—

"(1) postage on, and fees and charges in connection with, mail matter sent through the mails—

"(A) under the franking privilege (other than under section 3219 of this title), by the Vice President, Members of and Members-elect to Congress, the Secretary of the Senate, the Sergant at Arms of the Senate, each elected officer of the House of Representatives (other than a Member of the House), and the Legislative Counsels of the House of Representatives and the Senate; and

"(B) by the surviving spouse of a Member of Congress under section 3218 of this title; and "(2) those portions of fees and charges to be paid for handling and delivery by the Postal Service of Mailgrams considered as franked mail under section 3219 of this title;

shall be paid by a lump-sum appropriation to the legislative branch for that purpose and then paid to the Postal Service as postal revenue. Except as provided by sections 733 and 907 of title 44, and except as to Mailgrams, envelopes, wrappers, cards, or labels used to transmit franked mail shall bear, in the upper right-hand corner, the sender's signature, or a facsimile thereof, and the printed words 'Postage paid by Congress'.

"(b) Postage on, and fees and charges in connection with, mail matter sent through the mails under section 3214 of this title shall be paid each fiscal year, out of any appropriation made for that purpose, to the Postal Service as postal revenue in an amount equivalent to the postage, fees, and charges which would otherwise be payable on, or in connection with, such mail matter.

"(c) Payment under subsection (a) or (b) of this section shall be deemed payment for all matter mailed under the frank and for all fees and charges due the Postal Service in connection therewith.

"(d) Money collected for matter improperly mailed under the franking privilege shall be deposited as miscellaneous receipts in the general fund of the Treasury.".

SEC. 10. (a) Section 733 of title 44, United States Code, is amended by striking out "Free." and inserting in lieu thereor "Postage paid by Congress.".

(b) Section 907 of title 44, United States Code, is amended as follows:

(1) the second sentence is amended by inserting immediately before the period at the end thereof a comma and the following: "if such part, speeches, or reports are mailable as franked mail under section 3210 of title 39"; and

(2) the third sentence is amended by striking out "Free" and inserting in lieu thereof "Postage paid by Congress".

SEC. 11. Section 3206 of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The Department of State shall transfer to the Postal Service as postal revenues out of any appropriations made to it for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (1) (C) and (D) of section 3202(a) of this title.".

SEC. 12. The last sentence of section 3215 of title 39, United States Code, is amended to read as follows: "This section does not apply to any standing, select, special, or joint committee, or subcommittee thereof, or commission, of the Senate, House of Representatives, or Congress, composed of Members of Congress, or to the Democratic caucus or the Republican conference of the House of Representatives or of the Senate.".

SEC. 13. Section 3218 of title 39, United States Code, is amended by inserting "nonpolitical" immediately before "correspondence".

SEC. 14. (a) Chapter 32 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 3219. Mailgrams

"Any Mailgram sent by the Vice President, a Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), or the Legislative Counsel of the House of Representatives or the Senate, and then delivered by the Postal Service, shall be considered as franked mail, subject to section 3216(a)(2) of this title, if such Mailgram contains matter of the kind authorized to be sent by that official as franked mail under section 3210(a) of this title.".

(b) The table of sections of such chapter 32 is amended by adding at the end thereof the following:

"3219. Mailgrams.".

SEC. 15. The last sentence of section 1303 (d) of the Revenue Act of 1918 (2 U.S.C. 277) is repealed.

SEC. 16. (a) Except as provided in subsection (b) of this section, the provisions of this Act shall become effective on the date of enactment of this Act.

(b) The provisions of section 3214 of title 39, United States Code, as amended by section 6 of this Act, and the provisions of subsection (b) of section 3216 of title 39, United States Code, as amended by section 9 of this Act, shall take effect as of December 27, 1972.

SEC. 17. If a provision of this Act is held invalid, all valid provisions severable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, such provision remains in effect in all valid applications severable from the invalid application or applications.

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GROSS. I am opposed to the bill, Mr. Speaker.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from New York is recognized for 20 minutes and the gentleman from Iowa for 20 minutes.

The Chair now recognizes the gentleman from New York.

Mr. DULSKI. Mr. Speaker, the bill combines the provisions of S. 267, relating to the compensation attached to the office of the Attorney General, and H.R. 3180, relating to the use of the franking privilege.

ATTORNEY GENERAL'S COMPENSATION

The first two sections of the bill contain provisions identical to the Senate-passed bill, S. 2673.

The purpose of these provisions is to roll back any increase in salary or emoluments for the position of Attorney General to the salary and emoluments that were in effect on January 1, 1969, so as to remove the constitutional impediment to the appointment of Senator WILLIAM B. SAXBE to be Attorney General of the United States.

Section 2 of the bill provides a means of insuring that the judicial examination of the constitutionality of the appointment and continuance in office of Senator SAXBE as Attorney General would be expeditiously handled.

FRANKING PRIVILEGE

Sections 3 through 15 of the bill, relating to the franking privilege for Members of Congress, include the provisions of H.R. 3180 as it passed the House of Representatives on April 11, 1973, by a record vote of 354 to 49, with certain adjustments to give consideration to some of the amendments added by the Senate. The bill passed the Senate on October 11, 1973, by unanimous consent.

The major differences between the House-passed bill (H.R. 3180) and the bill H.R. 11710:

HOLIDAY GREETINGS

Section 3210(a)(5)(iii) includes language to expressly prohibit the use of the congressional frank for mailing cards expressing holiday greetings. This conforms with an amendment added by the Senate to H.R. 3180.

MASS MAILINGS

Section 3210(a)(5)(D) includes provisions prohibiting mass mailings under the frank during the 21 days before any primary or general election in which a Member is a candidate for public office. A similar amendment added by the Senate provided for a 31-day cutoff.

Provisions in the House-passed bill—section 9—relating to the establishment of a House Commission on Congressional Mailing Standards, to study and report to the House not later than January 1, 1974, with recommendations concerning the use of mass mailings, have been omitted.

FRANKED MAIL AS POLITICAL CONTRIBUTIONS

Section 3210(f) of the bill adds new provisions which were included in the Senate-passed bill to prohibit consideration of the equivalent amount of postage for franked mail as a contribution to or expenditure with respect to any political campaign, notwithstanding any Federal, State, or local law or regulation to the contrary.

ADMINISTRATIVE AND JUDICIAL REVIEW

The bill contains, in section 7, the provisions contained in the House-passed bill relating to the establishment of a special Commission of the House on Congressional Mailing Standards, which give the Commission jurisdiction to review alleged violations of the use of the frank by Members of the House, and makes the findings of fact by the Commission binding and exclusive for all purposes.

Section 8 was added to include provisions recommended by the Senate for reviewing alleged violations of the use of the frank by Members of the Senate. Such a procedure would merely be a prerequisite prior to court action.

MAILGRAMS

Provisions are included in section 14 of the bill which permit the frank to be used for the sending of mailgrams. These provisions are similar to provisions contained in the Senate-passed bill.

Mr. Speaker, I introduced H.R. 11710, together with Mr. HENDERSON and Mr. UDALL, in order that we could get some expedited action on the congressional franking provisions. As you may recall, the House has asked for a conference with the Senate but the Senate has not yet agreed to the conference. I feel that we need action on these provisions before the end of this session of the Congress.

I would now like to take a few minutes to discuss the legislation relating to the Saxbe situation, and the gentleman from Arizona will discuss the provisions relating to the congressional frank.

I have received a report dated November 30, 1973, from the Acting Attorney General supporting the Senate passed bill. Also, by letter dated November 8, 1973, the President has confirmed his intention to nominate Senator SAXBE to be Attorney General of the United States immediately upon enactment of this legislation.

Senator SAXBE began his term of office on January 3, 1969. On that date the statutory salary for the Office of Attorney General was $35,000. During the Senator's term of office—January 3, 1969–January 3, 1975—the compensation for the position of Attorney General was increased to $60,000 effective in February 1969.

The salary increase brings into play article I, section 6, clause 2 of the Constitution, which provides—

> No Senator or Representative shall, during the Time for which he was elected, be appointed to any Civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time.

It is intended, under the bill, that the salary and emoluments for the position of Attorney General during the term of office for which Senator SAXBE was elected—January 1969–February 1975—be the salary and emoluments that were in effect on January 1, 1969, thereby avoiding the problem raised by the constitutional provision.

I am advised that there are no Supreme Court cases interpreting these provisions of the Constitution, as applied to appointments, such as is involved in connection with Senator SAXBE. However, I would like to refer to certain precedents that support the view that enactment of legislation such as the bill would remove any constitutional bar to Senator SAXBE's appointment.

The first involved the appointment of Senator Lot M. Morrill as Secretary of the Treasury. Senator Morrill was elected to the Senate in 1871 for a term ending in 1877. In 1873, Cabinet officers' salaries were raised from $8,000 to $10,000, but the increase was repealed in 1874 (18 Stat. (part 3) 4). The nomination of Senator Morrill in 1876 was confirmed by the Senate without any challenge based on the applicable provisions of the Constitution.

The second case involved the appointment by President Taft of Senator Philander Knox as Secretary of State. A law with the same purpose as the bill under consideration today was passed by the Congress in February 1909, in order to permit Senator Knox's appointment in March to the incoming administration of President Taft without offending the purpose of the constitutional provision.

Senator Knox had been elected in 1905 for a term expiring on March 3, 1911.

In 1907, the compensation of the Secretary of State had been increased from $8,000 to $12,000. Legislation (35 Stat. 626, approved February 17, 1909) reduced the Secretary of State's compensation to $8,000. After passage of the remedial legislation, Senator Knox was nominated and confirmed as Secretary of State.

Finally, during Senator Hugo Black's term of office as a Senator, Congress strengthened the retirement benefit of Supreme Court Justices. During that same term, the Senator was nominated to the court. At that time there was considerable discussion as to whether that increase in retirement benefits constituted an increase in the emoluments of that office within the scope of the constitutional provision.

The Senate confirmed the nomination, apparently agreeing with the Attorney General that Senator Black was nevertheless eligible because the purpose of the Constitution was served as Senator Black was only 51 years old at the time, and so would be ineligible for the "increased emolument" for 19 years. It was not, as to him, an increased emolument.

These precedents support an interpretation of the constitutional provision to permit a Member of Congress who does not receive any prohibited increase in salary or emoluments to accept an office in the U.S. Government.

Mr. Speaker, I am not an attorney and I do not propose to get involved in any legal discussions as to whether or not these precedents are controlling, nor do I propose to get involved in any controversial questions that have been raised as to the correct interpretation and application of the constitutional provision.

The Senate Judiciary Committee heard testimony from six constitutional expert attorneys. Each was presented with the question of whether the constitutional bar to Senator SAXBE's appointment can be removed by legislation, and if so, whether legislation such as the Senate bill S. 2673 would accomplish this purpose.

Four testified that legislation such as S. 2673 would not remove any impediment to Senator SAXBE's eligibility for appointment as Attorney General. Two testified that the proposed legislation would remove the impediment.

This question is for the courts to decide, we cannot settle it here. Section 2 of the bill provides a means for expediting action in the courts to settle any constitutional question that may arise in the event Senator SAXBE is confirmed as the Attorney General.

Mr. Speaker, the Senate passed similar legislation—S. 2673—by a substantial vote of 76 yeas to 16 nays, with 1 voting present, in spite of the conflicting testimony.

I urge that the Members vote to suspend the rules and pass this legislation in order that the issue can be settled at the earliest opportunity.

Mr. Speaker, I insert in the RECORD at this point the letter of November 8, 1973, from the President, and the letters of November 5, 1973, and November 30, 1973, from the Acting Attorney General:

THE WHITE HOUSE,
Washington, D.C., November 8, 1973.

Hon. GALE W. MCGEE,
Chairman, Committee on Post Office and Civil Service, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I wish to inform you of my intention to nominate Senator William B. Saxbe of Ohio to be Attorney General of the United States, immediately upon enactment of remedial legislation that would eliminate a Constitutional impediment to Senator Saxbe's appointment.

Without this legislation, doubt would exist concerning Senator Saxbe's eligibility because Article I, section 6, clause 2 of the Constitution provides:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; * * *."

During Senator Saxbe's term of service in the United States Senate the annual salary of the Office of Attorney General was increased from $35,000 to $60,000.

On November 5, 1973, Acting Attorney General Robert H. Bork submitted legislation which would remove the Constitutional impediment to Senator Saxbe's appointment by reducing the compensation and other emoluments attached to the Office of Attorney General to those in effect before Senator Saxbe began his Senate term.

This solution has historical support. In 1909 similar legislation was enacted at the request of President Taft to reduce the salary of the Office of the Secretary of State so that Senator Philander C. Knox would be eligible for appointment, the compensation and other emoluments of that Office having been increased during the Senate term which Knox was then serving. After enactment of remedial legislation, Senator Knox was nominated, and confirmed by the Senate.

Constitutional precedents beginning with President Washington indicate that the nomination of an individual not then eligible may be improper and that any subsequent appointment based on such nomination might be null and void.

On February 28, 1793, President Washington withdrew the nomination of William Patterson of New Jersey to be Associate Justice of the Supreme Court on the ground that Mr. Patterson "was a member of the Senate when the law creating that Office was passed, and that the time for which he was elected is not yet expired. I think it my duty therefore, to decree that I deem the nomination to have been nulled by the Constitution."

This position has been consistently followed by the Attorney General of the United States in opinions in 1883 by Attorney General Brewster and in 1895 by Acting Attorney General Conrad.

I strongly urge that corrective legislation he enacted as soon as possible. I will submit the nomination of Senator Saxbe immediately upon passage of such legislation so that the Senate may proceed with the confirmation process.

Sincerely,

RICHARD NIXON.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C.

The SPEAKER,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed for your consideration and appropriate reference is a legislative proposal to provide that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969.

Article I, Section 6, Clause 2 of the Constitution provides: "No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office."

When Senator William B. Saxbe of Ohio began his term of service in the United States Senate on January 3, 1969, the salary for the Office of Attorney General was established by P. L. 89–554 (80 Stat. 460, September 6, 1966) at $35,000. On January 15, 1969, the President transmitted to the Congress pursuant to P.L. 90–206 (81 Stat. 642, December 16, 1967) a recommendation increasing the annual salary for the Office of Attorney General to $60,000.

The accompanying legislation is designed to remove the question concerning the impact of Article I, Section 6, Clause 2 on the President's nomination of Senator William B. Saxbe to be Attorney General of the United States.

I urge prompt consideration and enactment of this legislation.

The Office of Management and Budget has advised that enactment of this proposal is in accord with the Program of the President.

Sincerely,

ROBERT H. BORK,
Acting Attorney General.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C.

Hon. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request for the views of the Department of Justice on the amendment of Senator Talmadge included in S. 2673, as passed by the Senate. That amendment provides in substance that the Attorney General can receive no increase in his emoluments prior to January 3, 1975 over those in effect on January 1, 1969. The Department of Justice fully supports the Talmadge Amendment.

The Talmadge Amendment fully comports with the purposes of Article I, section 6, clause 2. The Amendment makes it clear that Senator Saxbe, if appointed as Attorney General, cannot enjoy the benefits of any increase in the emoluments for that office during the term for which he was elected, which expires on January 2, 1975.

Sincerely,

ROBERT H. BORK,
Acting Attornel General.

Mr. GROSS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I oppose this bill, and I urge that the motion to suspend the rules be defeated.

This is a fraudulent procedure on both counts, both as to the reduction of the salary for the Office of the Attorney General of the United States, and the adding to this bill of a franking privilege legislation. I will deal with that later.

Let me address myself first to the reduction of the salary of the Office of Attorney General of the United States.

Mr. Speaker, under normal circumstances, I would certainly support any proposal reducing the pay of an executive-level bureaucrat to its pre-1969 level.

There is ample evidence that the 1969 pay raises of 71 percent for Cabinet officers and 40 percent for Members of Congress—on which the House was never permitted to vote—sparked the inflationary wage spiral that swept the country in that year and which in large measure accounts for many of the critical economic problems we face today.

However, I cannot support this bill which would reduce the pay of the Attorney General from $60,000 a year to $35,000, even though the $25,000 payroll savings is not to be taken lightly in view of the recently revised estimates of this year's budget deficit.

I oppose H.R. 11710 because I believe its only purpose is to do violence to the letter and spirit of the U.S. Constitution.

I believe that both the language and the intent of article I, section 6, paragraph 2, of the Constitution are quite explicit:

> No Senator or Representative shall, during the time for which he was elected be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time.

It certainly does not require any laborious constitutonal construction to determine that the office of Attorney General, to which Senator SAXBE would be appointed, would still be, regardless of what happens on this bill, one whose emoluments had been increased during his senatorial term. Even though this bill now seeks to reduce those emoluments, its enactment cannot take away and forever erase the fact that these emoluments were increased during his term.

More importantly, the purpose of the constitutional provision is to prevent Congress from enacting special legislation creating a position or increasing the emoluments of a position for the benefit of one of its own Members. Certainly then, a bill, such as we have before us today, which specifically reduces the salary of the Attorney General, has no other purpose except to attempt to qualify a particular Member of the Senate for an office for which he could not otherwise qualify. This bill, in my opinion, is in direct contradiction to the reasons why our Founding Fathers promulgated article 1, section 6, paragraph 2, of the Constitution.

Mr. Speaker, the language of the Constitution disqualifies a Member of Congress from a civil office during his term, if that office has been created in that term, or if the pay of that office has been increased during that term. I do not believe that passage of this bill can negate the fact that a legislative act has taken place during the term for which Senator SAXBE was elected and therefore renders him ineligible for appointment to the office of Attorney General.

Surely, throughout this country, there are any number of persons who are eminently qualified to serve as Attorney General of the United States without requiring the Congress to involve itself in this type of chicanery.

I do not intend to be a party to this type of abhorrent procedure, and I certainly urge a No vote on the motion to suspend the rules.

With respect to the franking privilege, I supported similar legislation in committee, and I am prepared to support it again, but not on this bill. Only last week the House rejected a Senate bill on the debt ceiling to which had been attached a nongermane amendment providing for future elections. Now, here today, the House is being asked to reverse what it did last week with respect to rejecting the Senate's nongermane amendment and adopt this one.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, I yield myself 2 additional minutes.

Mr. Speaker, this bill, H.R. 11710, dealing with the franking privilege, has been passed by this House, and a bill on the subject has been passed by the Senate. Conferees have been appointed. I happen to be one of the conferees. We have not been called into session, but we are prepared to deal with the issue at any time. I say to the Members that this is fraudulent procedure.

The House has no business setting aside the plain provision in the Constitution which prohibits a Member of Congress from holding an office for which he has voted to increase the emoluments. And the House will make a sorry spectacle of itself if it now adopts an ungermane amendment—an act which it condemned on the part of the Senate only last week.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. I thank the gentleman for yielding. Is it not true that the reason the gentleman has not been called into conference is because the chairman of the Senate committee refuses to meet until another bill, which has nothing to do with either one of them, has passed? In fact, he did not have the courtesy to call me, and the bill is in my committee—it is out now—the so-called Postal Card Registration bill. He did not have the courtesy to call me, but I got the word through the grapevine that he is not going to meet in conference until the bill is out of committee. That is not the reason why the bill is out of committee, but it is now.

Again I got the word through the grapevine that now he has changed the rules and that he is not going to meet until it is out of the Committee on Rules. I will just say to the Members that I am not going to play this kind of game. I am talking about Senator McGEE, if anybody is in doubt. As far as I am concerned, he is not going to hold any bill in my committee hostage, and I am not going to the Committee on Rules to ask for a rule until such time as he keeps the commitment he made to other people on this bill. If he wants to play rough, I can be just as rough six days a week and twice as rough on Sunday.

Mr. GROSS. I appreciate the gentleman's statement. When we get into the business in the House of using this kind of device to dislodge bills that are being held hostage by individual Members of the Senate, we are inviting real warfare as between the two bodies. The Senate is holding hostage a bill that the House overwhelmingly approved that bears my name. I do not like it, but I will not subscribe to this kind of procedure.

The SPEAKER. The time of the gentleman has expired.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Speaker, this is, as the gentleman from Iowa outlined, a shotgun marriage. We are driven to get out the shotgun because we desperately need some action on a franking bill. Filing dates are approaching in many States. Within a few months we will be in primary elections. In at least one of our large States on the west coast there has been a total restructuring of congressional districts. Under present law there is serious doubt whether one can mail postal patron into a new congressional district even though part of it might be in the district from which the Member was elected.

We tried last April in this historic bill to straighten out this question and once and for all get a franking bill which was in the interest of the public and in the interest of the Members. So we have been sitting for months waiting for action. We are driven now to take this action.

I usually deplore actions of the Senate on nongermane riders, but there was a great American who said not too long ago: "Send them a message." And what we propose to do today is to send them a message on the subject of this franking bill.

I know some of my Members on this side of the aisle particularly are worried about the appointment of Senator SAXBE. They would hope to have someone else as Attorney General. I am no particular proponent of the Saxbe appointment, but I do believe he meets the reasonable standards of character and competence. We have traditionally taken the view in the Congress that a President is entitled to Cabinet members of his choice so long as they meet such standards. BILL SAXBE is fiercely independent and outspoken. I for one suspect he will do well in the Attorney General's Office.

I would point out the Saxbe part of this bill contains language for an expedited court test, so once and for all we will have a Supreme Court answer to this constantly recurring question about whether Members of Congress can be appointed to offices in the executive branch under the new system of setting congressional executive salaries every 4 years.

So Mr. SAXBE is not over the hurdle simply because he gets appointed. We still are going to have this court test, and if the Court says under the Constitution there is no impediment to his appointment, then he ought to be appointed. If there is an impediment, we will know about it by reason of the Court's decision and SAXBE will not serve. So we should not let that problem defeat this opportunity to get some action on the franking bill.

Let me tell the Members about three or four of the key provisions in the franking bill so we will know what we will be losing if we decide out of concern about the Saxbe provision to vote this bill down.

We have for one thing the Gubser amendment which will once and for all clarify the right of Members to spend money for newsletters and not detract from the franking privilege if the newsletter is printed with money from a newsletter fund from excess campaign contributions left in the hands of the campaign committee. The Senate has always approved such expenditures but under the House interpretation they are forbidden.

We include the language on postal patron that now depends on some old interpretations in an old regulation. It has no statutory basis. In this bill we nail it down clearly and with a sound legislative statutory basis.

Furthermore the question of whether or not one can frank when a congressional district is changed as a result of court or legislative action is clearly spelled out. For those who are contemplating difficulties of this kind in 1974 this is very crucial.

In the House bill on franking when the bill left here there was no provision for a cutoff. Members will remember this was one of the most highly contested matters. The Senate insisted on a 30-day cutoff before elections. We have a 21-day cutoff, 3 weeks before election, but we have protection for the Members so that mailing is deemed complete when mail is delivered to the mailing officer, that is the House Folding Room 21 days before election with instructions that the mailing take place.

We think we have a sound and sensible solution to this problem. We believe it ought to be adopted and I strongly urge Members to suspend the rules and pass this legislation today.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I appreciate the gentleman yielding.

Why are two separate issues tackled in the same bill? I very much favor what the gentleman said about the franking privilege and the necessity for clearing it up, but why do what the Senate does to us all the time and tack on something else that is clearly not germane?

Mr. UDALL. Well, two people ought to be able to play the game under the same rules. Until the day comes when we can get these Senate riders controlled, I do not have any scruples about doing to them what they do every day in the week.

Between now and adjournment there will be half a dozen more nongermane Senate riders come over here. I think we ought to do the same to them and see how they like it.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, I yield to my colleague from Illinois.

Mr. COLLIER. Mr. Speaker, just so I may understand the logic of the position which my colleague from Iowa took in his earlier remarks, might I ask this question. If WILLIAM SAXBE had been a Member of the House of Representatives in 1969 when the House voted the Executive salary increases, if he were subsequently reelected and were a Member of the House today, would he be faced with the problem that is created by this provision of the bill?

Mr. DERWINSKI. No. He would not.

Mr. COLLIER. He would not, so that if a Member of the House had voted for an executive department salary raise in 1969, he would have no such problem if he was appointed Attorney General.

Mr. DERWINSKI. Assuming that vote was in 1969.

Mr. COLLIER. That is correct. Is not that a little inconsistent or discriminatory?

Mr. DERWINSKI. Mr. Speaker, may I

address myself to the grand strategy that is unfolding here? First, I appreciate the imagination and the touch of diabolical humor that is going into this bill. In fact, we are telling the Senate that we are tired of their adding nongermane amendments and we are going to give them some of their own medicine.

I understand the strategy. I hope we would just reject those amendments out of hand and vote down nongermane amendments; but the facts of life are such that they in the Senate offer amendments at a time the bill is needed and it is something we must take.

But I believe that we should take a good look at what we are doing this afternoon, if we are using the proper vehicle in seeking legislative revenge. First, this proposed franking bill is not the bill the House passed last spring.

I happen to be a ranking member of the Committee on Post Office and Civil Service. I was under the impression over the weekend that we were going to use the House-passed bill; at least most of the members know what was in it; but what we have before us is evidently a staff plan for consideration in conference with the Senate on the franking bill.

The Committee on Post Office and Civil Service has not processed this bill that is being added to the Saxbe proposal. This smacks to me of doubtful legislation.

We should approve something none of us have really seen, and claim this is the way we are going to get revenge on the Senate. I wish we had another vehicle to put the Senate in its place. Specifically, the Senate bill prohibits mass mailings, and those are defined as similar mailings of no more than 500 identical pieces mailed during the 31-day period before any election.

The House in this bill before us takes the same provision and limits it to 21 days.

We have never had a discussion of the impact, the difficulty, the effect of this amendment in our House committee or here on the floor of the House.

It also takes the Senate language, which prohibits the use of the frank for mailing cards expressing holiday greetings. I am not aware that there has been any major abuse; but here again this is something we did not consider in the House.

The third item applies to changes in the expiration of the franking privilege to former Members. Here again I do not know of any abuse, but we are taking Senate language that did not appear in the House bill, the provision of the Senate language which permits the frank to be used for the payment of mailgrams is accepted.

Mailgrams are a fairly new development in communications. We did not discuss this in the House, yet suddenly it is contained in this proposal before us. As much as I would like to teach the other body a lesson; as much as I would like to tell the other body to cease this gimmick of nongermane amendments, I have to seriously question if we are using the proper vehicle to do it.

Frankly, I am not too enthused about the appointment of Senator SAXBE as Attorney General although I admire him. I would think that the President of the United States ought to be able to find qualified people to serve as Attorney General other than an available member of the club on the other side of this building. But the fact is that the Senate has indicated, that if the President must have an Attorney General, he must be drafted from their club.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. GROSS. Mr. Speaker, I yield 1 additional minute to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, what we have here is a bill which has dubious constitutionality to begin with, which is dictated by the abnormal political problem of the time which is thus a doubtful basis for good legislation. Then, we add to it a franking bill which we have not seen before in the House of Representatives. As much as I think the Senate deserves a lesson, I think we are in danger of over-reacting this afternoon.

Mr. Speaker, I urge the rejection of this proposal.

Mr. DULSKI. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, a shotgun wedding, as the gentleman from Arizona (Mr. UDALL) called this bill, is usually a method of trying to avoid an illegitimate child. I am afraid in this case that we are going to cause an abortion. This bill is a classic example of the kind of thing that makes the public so cynical about the political process in general and Congress in particular. I am not referring to the part of this bill that deals with the franking privilege, but to the Attorney General pay portion of the bill. Of course, the marriage of those two is going to give rise to many other inferences and innuendoes.

I find it incredible that this body has not even conducted hearings on the Attorney General pay bill. Do we normally decide important constitutional questions on the basis of no hearings and 40 minutes debate? That is what we are doing here.

We really do not need to look any further than the language of the Constitution, as the gentleman from Iowa (Mr. GROSS) pointed out. It does not say the Congress "may" waive this clause. It does not say a Member "may" take office if the emoluments previously increased will occur; it does not say that no Senator shall, during the time for which he was elected, be appointed to any office the emoluments of which are at the time he assumes that office higher than when the term for which he was elected began. No, it says in very clear language that he cannot do what this bill would attempt to let him do.

Mr. Speaker, one purpose of the emoluments clause in the Constitution was to prevent individual Members of Congress from being influenced in their votes concerning the salary of executive officers. The Constitution intends that Members vote on such measures without an eye to the person who might fill that office.

Yet, we are now asked to vote for this bill not on its merits, but solely to allow a well-known and well-liked Senator to assume an executive office.

I happen to think Senator SAXBE is an admirable person. He was attorney general of Ohio and certainly would bring to the office a strong and independent character and wealth of experience. From the standpoint of creating a vacancy whereby we can obtain a Democratic Senator from Ohio, it would be a great move and, for me, a gratifying result. So it should satisfy both sides of the aisle. But more is involved than mere political convenience.

And more is involved than the character or qualifications of Senator SAXBE, outstanding though they are. No one claims that Senator SAXBE knew at the time he voted on the 1969 pay bill that he was likely to be nominated for Attorney General. But we have to look beyond the individuals involved.

We have to look at the kind of precedent we create that is likely to open the door to further abuses. It is said that there were two evils perceived by the framers of the emoluments clause of the Constitution: First, that Members might view their election as a stepping stone to some lucrative public office, and second, that an unscrupulous President might use the enticement of public office to influence the votes of the Members of Congress.

If this kind of manipulation is allowed, is it not equally possible to turn around immediately after Mr. SAXBE takes office and increase the Attorney General's salary? Under the reasoning behind this bill it would be, even though it would again violate the letter and the intent of the emoluments clause.

This is not the time to be taking liberties with the Constitution. The Akron Beacon Journal of Friday, November 30, pointed out that with all the scandals we are facing, to have Senator SAXBE become the Nation's highest ranking law enforcement officer under a grave suspicion that his appointment is illegal is not the way we ought to do things in this Congress.

Mr. Speaker, the editorial follows:

SENATE MUST REFUSE SAXBE CONFIRMATION

"No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office."

The "emoluments whereof" that the Constitution refers to were increased for the office of attorney general during William Saxbe's "time for which he was elected" to the Senate. Congress can lower the attorney general's salary back to where it was when Saxbe took his Senate seat, but it cannot expunge the raise from the record. Three attorney generals have collected the higher salary.

Unfortunate as it may be, Sen. Saxbe simply is not constitutionally qualified to be attorney general until his Senate term expires in early 1975.

Some, including Sen. Fong of Hawaii, call this nitpicking. We would not, however call it nitpicking to follow the Constitution—the highest law in the land—right to the letter. In these turbulent times, following the law to the letter is an absolute necessity.

If confirmed by the Senate as attorney general, Saxbe would become the nation's highest-ranking law enforcement officer—and he would assume that office amid grave suspicion that his appointment was illegal.

Although no serious questions have been raised about Sen. Saxbe's integrity, this country does not need an attorney general operating under any sort of cloud—even if, as in Saxbe's case, the cloud is totally beyond his control.

The Senate has been wavering on the Saxbe nomination, and we can well understand why. He is a respected member of the Senate club, he is honest and he is more qualified to head the Justice Department than many of his predecessors. And in less scandal-ridden times the intent of the Constitution, to prevent political payoffs, rather than the precise wording, would probably be followed.

Plainly, these are not normal times. That is the reason President Nixon reached for Sen. Saxbe, a frequent critic of the administration. Mr. Nixon once again made a wrong choice, only for a new reason.

If any good example is going to be presented to the American people, the law must be followed. And following the law means rejecting the nomination of Ohio's senior senator to be attorney general. The Senate must reject the nomination.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. Dickinson).

Mr. DICKINSON. Mr. Speaker, I thank the gentleman for yielding me 1 minute.

I would like to ask a question of the chairman of the committee in order to establish a little legislative history here.

There is no printed report on the bill, but I notice in the explanation it says that it is not the intent that a Member may mail as franked mail "any card expressing holiday greetings."

This is very obviously aimed at prohibiting the mailing of Christmas cards, which we always understood to be prohibited anyway.

Would it be the gentleman's interpretation of this that this would also prohibit us from expressing the season's greetings in our normal constituency letters, or if we should be using newsletters some time around the Christmas season, would we be prohibited from having anything of a holiday message in the newsletter?

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. Yes, I yield to the gentleman from New York.

Mr. DULSKI. Well, it has been the practice in the past that whenever we put anything into a newsletter, there was no objection, and it went through the mail. That is what happened in the past, and now we have placed this very specifically into the legislation.

In the past other Members mailed newsletters, and there were no questions. Some were then taken into court, and they were told that they cannot even put "good health" or "holiday greetings" in a letter. That is an objection that has to be met.

The SPEAKER. The time of the gentleman from Alabama (Mr. Dickinson) has expired.

Mr. GROSS. Mr. Speaker, I yield 1 additional minute to the gentleman from Alabama (Mr. Dickinson).

Mr. DICKINSON. Mr. Speaker, let me see if I understand the gentleman's answer, just to make sure.

It is my custom to close my letters to constituents with a phrase such as "wishing you a very happy holiday season, very truly yours, et cetera," or something similar. Or sometimes in a newsletter I have a picture of a wreath or holly on the paper. The purpose, of course, is not for a seasonal greeting but to communicate matters of legitimate congressional concern. How will this bill affect this?

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Speaker, I will say, no. My answer would be that this language would not prohibit that, insofar as the thrust of the newsletter and the thrust of the mailing is official business.

If the fact that the Member would extend holiday greetings to the person would not detract from the thrust of the message, that would not be included in the language of the bill, since the Member has complied with regular mailing standards.

But when we give full consideration to these kinds of things, then the Member would certainly know whether what he was doing is appropriate.

Mr. DICKINSON. Mr. Speaker, I thank the gentleman, and I am glad to have the legislative history made that this is the case.

Mr. DULSKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. Abzug).

Ms. ABZUG. Mr. Speaker, this legislation violates the intent and clear language of the Constitution. In the face of a constitutional stricture that "no Senator or Representative shall be appointed" if the emoluments of an appointive office are increased, we are asked to enact legislation lowering that emolument to the previous level in the hope that we will so cure the defect. The Constitution will simply not bear such a tortured interpretation of its language. It provides for no such remedy; its wording is unequivical. And in the words of Mr. Justice Holmes in *United States* v. *Brown*, 206 U.S. 240, 244:

> Whatever the consequences, we must accept the plain meaning of the words.

I regard this bill as a very serious bit of cynicism on the part of the House. I further regret that the issue of the emolument for the office of Attorney General has been joined to that of the use of the congressional franking privilege. Both are serious issues and deserve separate and thorough consideration.

The fact is that if we pass this legislation, in no way will we remedy the serious constitutional defect involved. This bill will not change the fact that Mr. Saxbe is not eligible to serve as Attorney General. The office to which he is to be appointed would still have had its emoluments increased, and that alone is sufficient to activate the constitutional bar.

In addition, it looks very strange to the public that we should suddenly revise our Constitution in order to make it possible for one person who happens to be a Member of our body to take office. We do not agree to revise our Constitution when it seriously limits many of the things that many different groupings in our society would like to have accomplished.

Mr. GROSS. Mr. Speaker, I yield such time as he may use to the gentleman from California (Mr. Wiggins).

Mr. WIGGINS. Mr. Speaker, the pending bill, as it relates to the compensation of the Attorney General, poses a difficult question of constitutional interpretation. Our responsibility to interpret the language of article 1, section 6, clause 2, is clear and independent of any responsibility which may later evolve upon the judiciary. We should meet that responsibility by reference to established principles of constitutional construction and by reference to our own precedents to the extent we are satisfied that they comport with the law as interpreted by the Supreme Court. But, as a political body, we should also properly consider certain other factors if the application of settled principles of law gives us the latitude to do so.

The Nation needs an Attorney General to give direction and leadership to that floundering agency. No one has seriously questioned the competency of Senator Saxbe to do the job—if he is constitutionally eligible for appointment. Unless the individual Members of Congress are convinced beyond reasonable doubt that article 1, section 6, clause 2, stands as an impenetrable bar to his appointment, we should move quickly and favorably on the legislation before us. It is simple and imperatively in the national interest to do so.

Favorable action on the legislation will, of course, not be without risks. The de facto officers doctrine may not be held adequate to legitimize the acts of an Attorney General later found to be ineligible for appointment. But, in my opinion, the probability is that it will. The risks, in my judgment, of a contrary later view by the Court are not unacceptable given the limited number of nondelegable functions of an Attorney General and the sensitivity of Senator Saxbe to the likelihood of a court test of his authority.

In summary, therefore, we should act favorably on this legislation—if we can.

I am mindful of the familiar rules of construction that limit any reference to underlying policy considerations when the language to be construed is clear and unambiguous. I am also mindful that this rule is not inflexible. Exceptions are recognized to the unambiguous commands of the first amendment that "Congress shall make no law . . . abridging the freedom of speech, or of the press . . ."; and of the fifth amendment that "No person shall be compelled in any criminal case to be a witness against himself . . ." There are other exceptions as well which have to be considered against the backdrop of the words of article I, section 6, clause 2, and the standard rules of construction to be applied to those words.

On the other hand, I am also mindful that some constitutional language has been construed strictly and even mechanically. Qualifications for elected office, for instance, come readily to mind.

Also those precedents applying a broad interpretation to constitutional language must be given appropriate consideration. In my view this latter category of cases is inapposite to our present situation. It is surely obvious that grants of congressional power, especially when buttressed by a "necessary and proper" clause, are to be given a broad interpretation consistent with the object of the power granted. These precedents do not meet the present case.

The essential question, therefore, is whether article I, section 6, clause 2, is to be construed mechanically, or if exceptions to the language can properly be recognized.

Viewing the array of precedents from McCullock against Maryland to Waltz against Tax Commissioner—involving the establishment clause—to Brown against Walker—involving immunity statutes—to Powell against McCormick—involving qualifications for office—one is hard put to pinpoint any immutable principle which reconciles deferring interpretations placed upon different language in the Constitution. Personally, I am satisfied that if a thread of consistency exists, it is that practical necessity will always be a modifier of otherwise unambiguous language. It is a rule of commonsense which our Founding Fathers must be understood to have possessed in abundance.

I should like to suggest a commonsense interpretation of article 1, section 6, clause 2. It is wholly consistent with the words used, applying to them an ordinary meaning, to conclude that Senators and Representatives are barred absolutely from appointment to any office created during the term for which they were elected. It is similarly consistent with the words used to read the section as barring the appointment of such officials to an office if they reap the benefit of emoluments increased during such time. In other words, the emolument clause should be read to apply to the appointee rather than to the office. If so construed Senator SAXBE would be made qualified under this legislation but would become unqualified if the legislation were amended in the future to increase his emoluments during the term for which he was elected.

There is sufficient latent ambiguity in the section to justify such a commonsense construction. What I suggest reconciles the purposes of the provision with the present situation. It can only be unacceptable to those who urge a mechanical application of the language without regard to its objectives.

Frankly, Mr. Speaker if I were cast in a different role and were required to decide this question as a member of the Judiciary, it is possible that I would reach a contrary conclusion. I am just not certain. But there are political imperatives which a Congressman cannot and should not overlook. Those considerations are an important factor in tipping the scales in favor of this legislation.

I urge its passage.

Mr. GROSS. Mr. Speaker, I yield the remainder of the time to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I thank the gentleman from Iowa for yielding this time to me. I particularly savor an opportunity to agree with him. I believe his impatience with nonsense is among his most distinguishing and commendable features.

Mr. Speaker, I think the gentleman has very clearly pointed out what nonsense the alleged reduction of the salary is as a means of curing a constitutional defect. For that reason, of course, I shall not go deeply into the constitutional language. He did that very well a moment ago.

The language of article I, section 6, clause 2 quite clearly says that while a man holds a position in Congress in which position he has raised the pay of an office, he may not then later have that office.

Whether we, now in Congress, agree or disagree with the purpose and effect of this constitutional provision, it is our duty to take care that that purpose and effect which is constitutionally commanded is not in any way redirected or changed as the result of this legislation and its desired application. As I shall show, an examination of that application plainly reveals that they are changed.

It is not the purpose of the constitutional provision to deprive a "wrongdoer" of the evil fruits of his wrongdoing. Obviously, higher pay for public service is not per se evil or even undesirable. But it is desirable to prevent those who vote to increase the pay for any civil office from having a personal interest in the increase or to lessen their immediate interest in it.

The way the framers accomplished this quite reasonable purpose was to deny, to a Member, during the term for which he was elected, potential access to the office whose emoluments had been increased during that Member's tenure as a Senator or Representative. This is a straightforward way to accomplish that purpose. It discourages a self-seeking vote by which a Member might use his present office as a stepping stone toward the next.

It removes a conflict of interest, a pressure toward voting higher salaries; that is its purpose. You do not remove that conflict of interest by lowering the salary of the Attorney General when the Senator or Representative who voted for the higher salary takes the office.

Of course, it is obvious that if merely lowering the salary to its former level cures the constitutional defect—which I am sure it does not—you could raise his salary tomorrow; he would not be voting for the increase; the Senate would be voting for the increase; and he could then enjoy the benefits which he originally helped in fashioning.

Does that take away the pressure, the special-interest position of a man voting for an increase in salary of an office which he may ultimately take? I say it does not.

So not only does this device not evade the direct impact of the provision of the Constitution, nor cure the disability of one otherwise disabled by it, but also it does not fulfill the purpose and effect, and thus does not fulfill the spirit of the Constitution with respect to that activity which the Constitution attempts to discourage.

We may say, "Well, we pass unconstitutional measures; we do not know what is constitutional and what is not; we will just turn it over to the Supreme Court and expedite the proceeding by which the validity of the process is determined." But I believe such is not to perform our duty as lawmakers; we have the same responsibility to construe the Constitution as does the Supreme Court and to abide by it. I think the U.S. Congress is as responsible a body to determine its constitutional authority as is the Supreme Court. However, I believe if we write a bill of this nature in which we say, though we have doubts as to constitutional validity, we are going to pass it anyway in order to expedite the matter and turn the entire question over to the Supreme Court, and thus do not accept that responsibility, we fail to comply with the oath of our office. There is only one oath that we take when we are admitted as members and that is that we will support the Constitution of the United States.

Mr. BINGHAM. Will the gentleman yield?

Mr. ECKHARDT. Certainly. I am glad to yield.

Mr. BINGHAM. I thank the gentleman for yielding. I would like to ask him this question: Assuming the Congress had increased the pay of the Attorney General during Senator SAXBE's term and a week later had decreased it back to its original level, would the gentleman then say that the constitutional prohibition still applies?

Mr. ECKHARDT. Surely.

Mr. BINGHAM. How would that be that the pay would not have been increased at the time the appointment was made? The pay would have been increased, and then decreased. It would be back to its original level.

Mr. ECKHARDT. The language of article II, section 6, clause 2 of the Constitution, is as follows:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States . . . the emoluments whereof shall have been increased during such time; . . .

Such time is the time in which the Senator or Representative is serving in that particular office. If the pay for the office was increased during that time, regardless of whether it was subsequently lowered, his action in voting at that time on the salary of a job which he now seeks to take was arguably affected by the fact that he could, or could not, subsequently take the job.

The SPEAKER. The time of the gentleman has expired.

Mr. DULSKI Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I do not believe that all of this debate should pass without somebody saying a good word for BILL SAXBE, and I hope to do that. But I would like to make a couple of observations first.

One is that I never dreamed in the 25 years that I have been here that I would ever see an army captained by the gentleman from Iowa (Mr. GROSS) whose recruits would be the gentlewoman from New York (Ms. ABZUG), the gentleman from Ohio (Mr. SEIBERLING), and the gentleman from Texas (Mr. ECKHARDT).

The second observation I would like to make is that I have heard the constitutionality of everything that has been done in this House in 25 years argued, and if we had paid any attention to all the constitutional lawyers in the House we would never have passed anything, so that the Supreme Court could finally rule on it.

Now I would like to say a word on Senator SAXBE. I have known him for a long time. He was attorney general of Ohio, and if he did not have any other positive quality, and he does, it would be a relief to me to see him in there instead of this bewhiskered boob Bork. That is the guy who is swayed by having somebody down at the White House call him up and say, "Your Commander in Chief wants you to do this."

Well, I can just hear old BILL SAXBE now. You know, if somebody called him up, he would shift his tobacco over to the other side of his face and say, "For God's sake, I am not in the army, therefore I don't have a Commander in Chief." And do not think he would not. You know what he said about the piano player, when they asked him about whether the President knew anything about Watergate or not. I think probably the President was driven to choosing him, and not because he wanted him, but because he knew the American people wanted a man in that office who would be his own man, and who would not hesitate to say what he thought.

Some people think that outspokenness is a vice, but some of us from Ohio who have stayed in office for a long time happen to think it is a virtue.

I think BILL SAXBE is eminently qualified to be Attorney General. He might not be the choice of everybody in the Chamber. I do not know whether Mr. Nixon could pick anybody who would satisfy Ms. ABZUG, and if he did, I do not think he would.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. DULSKI. Mr. Speaker, I yield 2 additional minutes to the gentleman from Ohio.

Mr. HAYS. I thank the gentleman for the additional time.

So, Mr. Speaker, you know, we are confronted with a classic situation here. I think what we need is an Attorney General. I think Mr. SAXBE would be an acceptable Attorney General. I think he did a lot of good things when he was attorney general of Ohio. He brought cases against corporations that needed cases brought against them. He was his own man. He did not take orders from the Governor. He did the job as he thought it ought to be done, and I just believe from what I know of him that he would do that in this job.

Now, some of you say, "Why did he say he did not want to be in the Senate, but he would take this job?" Well, you have been around the Senate a long time, you ought to know why he would say that. He is dissatisfied over there, and I can understand his dissatisfaction there. The truth of the matter is, you know, we in Ohio have two of the most dissatisfied politicians in the country.

BILL SAXBE always wanted to be Governor, and by some quirk he found himself in the Senate. Our Governor always wanted to be a Senator, and he wound up in the Governor's office. It was too bad they could not trade places, because each of them was miscast, he thought, at least, where he is.

I happen to think SAXBE has been a good Senator, as I think Gilligan has been a good Governor, but I think SAXBE wants to rise to the challenge of the situation. I think he is frustrated by being a junior Senator over there. He has said repeatedly that junior Senators are expendable, that nobody pays any attention to them

The Members know how the situation goes. We have a classic example of it here today. We passed a bill. The Senate passed a bill, and one man has made a decision that they will not go to conference. That kind of thing just fed BILL SAXBE up. I personally would like to see him as Attorney General of the United States. I think he would bring a lot of fresh air into that office, and I think the Members are missing a bet if they do not vote to give him that chance.

The SPEAKER. The time of the gentleman has expired.

Mr. DULSKI. Mr. Speaker, I should like to just clarify one statement that was made by the gentleman from Illinois. He stated that he does not know what was in the bill. Only about 96 percent of the House-passed bill is in the new H.R. 11710. There are only four minor changes in it, and that mostly relates to dates. It has nothing to do with the prohibition of any of the franking privileges.

Mr. BINGHAM. Mr. Speaker, although I have the greatest respect for my colleagues who have argued that H.R. 11710 is unconstitutional, I cannot agree with them.

First, on the substantive level: The intent of article I, section 6 of the Constitution was to prevent Members of Congrses from benefiting by an increase in executive branch salaries enacted during their term in Congress. By reason of this bill, if Senator SAXBE is confirmed as Attorney General, he will not benefit from the earlier law increasing the Attorney General's salary.

On the technical level, it seems to me a reasonable interpretation of the constitutional provision that it implies that the increase be applicable at the time the appointment is made effective by Senate confirmation.

Thus, as I suggested in my earlier question to the gentleman from Texas (Mr. ECKHARDT), it appears to me that if the pay increase had been enacted and then promptly repealed during Senator SAXBE's term, the constitutional bar would not apply to him. The fact that the pay reduction takes place after the nomination has been made does not alter this conclusion. In other words, I believe it is reasonable to read the Constitution as referring to a salary increase which was adopted during the Member's term and which remains in effect at the time of the appointment.

As for joining the provisions dealing with the franking privilege to those reducing the Attorney General's salary, I agree with what the gentleman from Arizona (Mr. UDALL) said. I would not ordinarily favor such a procedure, but believe it is justifiable in this case in view of the tactics followed in the other body.

Mr. McCLORY. Mr. Speaker, while I have some reservations regarding this measure (H.R. 11710) insofar as it relates to the franking privilege of Members of the House of Representatives, I have no doubt about the proposed change in the civil service law which would remove any obstacle to the confirmation of Senator WILLIAM B. SAXBE of Ohio as Attorney General of the United States.

Mr. Speaker, I have known BILL SAXBE on a fairly intimate basis since his election to the U.S. Senate in 1968—and I have worked with him at a number of conferences of the Interparliamentary Union Conference where we have both served as delegates representing our Nation.

Senator SAXBE is a completely honest and forthright individual who possesses exceptional talents as a lawyer and public official. His experience in the Ohio Legislature, his service as attorney general for the State of Ohio, and his more recent career in the U.S. Senate qualify him eminently for the high position of Attorney General of the United States.

Mr. Speaker, it would seem that the framers of our Constitution never intended to bar Members of the Congress from serving in important executive department offices merely because of an unrelated vote affecting the salary or benefits of an office to which they might later be appointed. Senator SAXBE did not have himself in mind when he voted to increase the salaries of Cabinet officers and virtually all other Federal officials in 1969.

Mr. Speaker, in order to eliminate any possibility of benefit to Senator SAXBE, he has himself supported a reduction of the salary of the Attorney General from $60,000 to $35,000, thus returning it to the level which existed prior to his 1969 vote. There is clearly a precedent for this action in the 1909 nomination and confirmation of Senator Philander Chase Knox as Secretary of State. At that time the Congress took precisely the same step as that which is now embodied in this legislation.

Mr. Speaker, my wife, Doris, and I are close friends of William Saxbe and his faithful and talented wife, Dolly Saxbe. The Saxbes project an image of candor and honor in our National Government, and can contribute substantially to the respect in which public officials of our Nation should be held. I am voting for the franking privilege amendment primarily because it contains the legislative change which can enable Bill Saxbe to qualify for confirmation as Attorney General of the United States. I hope that following passage of this measure the Senate will act promptly and that Bill Saxbe will be installed as Attorney General before the end of this year to bring his talents of leadership and professional skill to the great office of Attorney General of the United States.

Mr. KASTENMEIER. Mr. Speaker, the purpose of H.R. 11710, we are told, is to reduce the salary of the Attorney General so as to enable Senator Saxbe, if confirmed by the Senate, to serve in that office. I, however, do have reservations as to whether this legislative change in salary resolved the constitutional problem associated with this nomination.

Article I, section 6, clause 2 of the Constitution states that:

> No Senator or Representative shall, during the time for which he was elected be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; . . .

By simply enacting remedial legislation to reduce the salary of the Attorney General, I am not sure, as I previously mentioned, that this eliminates the constitutional impediment to Senator Saxbe's appointment. Nevertheless, because it is desirable that this legal issue receive prompt adjudication, I am voting for this bill.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. Dulski) that the House suspend the rules and pass the bill H.R. 11710, as amended.

The question was taken; and the Speaker announced that the Chair was in doubt.

Mr. UDALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 261, nays 129, not voting 43, as follows:

[Roll No. 616]

YEAS—261

Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Annunzio
Arends
Aspin
Barrett
Bennett
Bergland
Biaggi
Bingham
Blatnik
Boggs
Boland
Brademas
Brasco
Bray
Breaux
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton
Camp
Carey, N.Y.
Carney, Ohio
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conte
Corman
Coughlin
Cronin
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Dent
Devine
Dickinson
Donohue
Dorn
Dulski
Eilberg
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Forsythe
Fraser
Frey
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Goldwater
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Guyer
Haley
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hays
Heckler, Mass.
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Holifield
Horton
Hosmer
Hudnut
Hunt
Ichord
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Jordan
Karth
Kastenmeier
Kazen
King
Kluczynski
Kuykendall
Kyros
Landgrebe
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCollister
McCormack
McDade
McFall
McKay
Madden
Madigan
Mahon
Mann
Maraziti
Martin, Nebr.
Mathias, Calif.
Matsunaga
Meeds
Melcher
Metcalfe
Milford
Miller
Minish
Minshall, Ohio
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Nelsen
Nix
Obey
O'Brien
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Quie
Quillen
Railsback
Rangel
Rees
Regula
Reuss
Rhodes
Roberts
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Roush
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sebelius
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steelman
Steiger, Wis.
Stratton
Stubblefield
Sullivan
Symington
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Ware
Whalen
White
Widnall
Wiggins
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—129

Abdnor
Abzug
Anderson, Calif.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Badillo
Bafalis
Baker
Bauman
Beard
Bell
Bevill
Biester
Blackburn
Bolling
Breckinridge
Broyhill, Va.
Burlison, Mo.
Butler
Byron
Clay
Conable
Conlan
Crane
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Davis, S.C.
Delaney
Dellenback
Dellums
Denholm
Derwinski
Dingell
Drinan
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Evins, Tenn.
Fish
Ford, William D.
Fountain
Frelinghuysen
Frenzel
Froehlich
Gettys
Ginn
Gonzalez
Goodling
Gross
Gude
Hammerschmidt
Harrington
Hechler, W. Va.
Heinz
Hogan
Holt
Holtzman
Howard
Huber
Hungate
Hutchinson
Jones, Tenn.
Kemp
Ketchum
Koch
McCloskey
McEwen
Mailliard
Mallary
Martin, N.C.
Mathis, Ga.
Mayne
Mazzoli
Mezvinsky
Mink
Mitchell, Md.
Moorhead, Calif.
Moss
Myers
Natcher
Nedzi
Nichols
O'Hara
Parris
Pike
Pritchard
Randall
Rarick
Reid
Riegle
Rinaldo
Robinson, Va.
Rogers
Rosenthal
Rostenkowski
Rousselot
Roy
Roybal
Runnels
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Seiberling
Shuster
Smith, N.Y.
Snyder
Spence
Stark
Steiger, Ariz.
Studds
Symms
Thompson, N.J.
Thone
Waldie
Wampler
Whitehurst
Whitten
Winn
Yates
Young, Alaska
Young, Fla.

NOT VOTING—43

Ashley
Bowen
Brown, Ohio
Burgener
Burke, Calif.
Casey, Tex.
Chisholm
Clawson, Del
Conyers
Cotter
Dennis
Diggs
Downing
Flowers
Gubser
Gunter
Hawkins
Hébert
Jarman
Johnson, Colo.
Jones, Ala.
Jones, Okla.
Keating
Landrum
McKinney
McSpadden
Macdonald
Michel
Mills, Ark.
Mizell
O'Neill
Owens
Rooney, N.Y.
Sikes
Stephens
Stokes
Stuckey
Talcott
Waggonner
Walsh
Wilson, Bob
Wright
Young, Ga.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill and Mr. Rooney of New York for, with Mrs. Chisholm against.

Mr. Sikes and Mr. Hawkins for, with Mr. Conyers against.

Mr. Hébert and Mr. Waggonner for, with Mrs. Burke of California against.

Mr. Cotter and Mr. Ashley for, with Mr. Young of Georgia against.

Until further notice:

Mr. Stephens with Mr. Downing.
Mr. Owens with Mr. Jarman.
Mr. Macdonald with Mr. Stuckey.
Mr. Bowen with Mr. Walsh.
Mr. Flowers with Mr. McKinney.
Mr. Diggs with Mr. Gunter.
Mr. Jones of Alabama with Mr. Michel.
Mr. Landrum with Mr. Del Clawson.
Mr. Mills of Arkansas with Mr. Dennis.
Mr. McSpadden with Mr. Gubser.
Mr. Casey of Texas with Mr. Mizell.
Mr. Jones of Oklahoma with Mr. Stokes.
Mr. Wright with Mr. Talcott.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, H.R. 11710.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2673) to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969, and to strike out all after the enacting clause of the Senate bill and substitute the text of the bill (H.R. 11710) as just passed by the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to

the request of the gentleman from New York?

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

INTERNATIONAL TRAVEL ACT OF 1961 AUTHORIZATION

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9437) to amend the International Travel Act of 1961 to authorize appropriations for fiscal years 1974, 1975, and 1976, as amended.

The Clerk read as follows:

H.R. 9437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 6 of the International Travel Act of 1961 (22 U.S.C. 2126) is amended to read as follows: "For purposes of carrying out the provisions of this Act, there is authorized to be appropriated an aggregate amount not in excess of (1) $15,000,000 for the fiscal year ending June 30, 1974; (2) $20,000,000 for the fiscal year ending June 30, 1975; and (3) $25,000,000 for the fiscal year ending June 30, 1976.".

(b) In determining whether appropriations for the fiscal year ending June 30, 1974, for carrying out the International Travel Act of 1961 exceed $15,000,000 in the aggregate, any appropriation made to carry out such Act for such fiscal year before the date of enactment of this Act shall be included.

Sec. 2. (a) There are hereby transferred to and vested in the Secretary of Commerce all functions, powers, and duties of the Secretary of the Interior and other offices and officers of the Department of the Interior under the Act of July 19, 1940 (54 Stat. 773; 16 U.S.C. 18–18d).

(b) The assets, liabilities, contracts, property, records, authorizations, and allocations, employed, held, used, rising from, available or to be made available in connection with the functions, powers, and duties transferred by subsection (a) of this section are hereby transferred to the Secretary of Commerce.

The SPEAKER. Is a second demanded?

Mr. BROYHILL of North Carolina. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill authorizes appropriations for fiscal years 1974–76 to carry out the provisions of the International Travel Act of 1961. The specific amounts for each fiscal year are $15 million for fiscal year 1974, $20 million for fiscal year 1975, and $25 million for fiscal year 1976. These authorized sums are based on the implementation by the U.S. Travel Service—USTS—of a marketing plan for travel promotion. The main purpose of this act is to encourage foreign travelers to visit the United States. The authorization level for the past 3 years has been $15 million.

This bill will also transfer the authority of the Secretary of the Interior to encourage travel within the United States to the Secretary of Commerce.

The Department of the Interior has had this authority since 1940, but the program is now dormant. No funds have been requested for 2 fiscal years. The 1970 amendments to the International Travel Act established a National Tourism Resources Review Commission to survey tourism needs and resources over a 2-year period.

One of the main goals of the Commission's report, published in June 1973, is to consolidate in the Department of Commerce the authority to promote both international and domestic travel. This bill will accomplish this goal. Both the Interior and Commerce Departments support this provision. No additional funds are to be sought for the domestic travel program for fiscal year 1974.

The Subcommittee on Commerce and Finance held hearings on October 5, 1973, on three appropriations bills, including the Senate-passed bill S. 1747. The two House bills were H.R. 7729, the administration proposal, and H.R. 9437 which I introduced.

H.R. 4964 introduced by Mr. Matsunaga, was also considered and contained the provision transferring the domestic travel promotion authority to the Department of Commerce. The subcommittee, after executive session, reported H.R. 9437 to the full committee with two amendments.

The first amendment struck the $30 million authorization for fiscal years 1974–76 and substituted the stepped figures of $15, $20, and $25 million. The second amendment added to H.R. 9437 the provision transferring the domestic travel program authority from the Department of the Interior to the Department of Commerce.

The full committee reported the bill. H.R. 9437, by voice vote on November 15, 1973, with no further amendments.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, the first question is this:

Is the report accompanying this bill, No. 9427, the correct number?

Mr. STAGGERS. That number is incorrect. That is the way it is shown. But we have suspended the rules, and there was a mistake there. The bill is actually correctly numbered as H.R. 9437.

Mr. GROSS. This bill would provide for the expenditure of $60 million?

Mr. STAGGERS. $15 million, $20 million, and $25 million, the gentleman is correct.

Mr. GROSS. Adding up to the total of $60 million?

Mr. STAGGERS. The gentleman is correct.

Mr. GROSS. And with $15 million of it to be expended in the last 6 months of this fiscal year; is that correct?

Mr. STAGGERS. The appropriations for this year were $9 million. Now, I might say to the gentleman, that is correct. The gentleman is correct in the assertion that he has made.

Mr. GROSS. Mr. Speaker, may I ask the gentleman this:

In view of the fuel shortage, how are these foreign tourists going to get around over this country?

Mr. STAGGERS. I might say to the gentleman that ordinarily tourists who come to this country use mass transportation, such as the airlines, buses, and trains.

Mr. GROSS. Well, the gentleman is aware, is he not, that many air flights have been canceled as well as bus schedules.

Mr. STAGGERS. That is right.

It would necessitate their making reservations far in advance if they are going to travel, and we have recognized this fact.

We hope that when they come to Washington they would use mass transportation here. A lot of it would be in sightseeing and the use of hotels and consumption of food which does not use too much energy, and the energy would be used anyhow whether they were here or not.

Mr. GROSS. Even with the uncertainty which prevails today and which faces us down the road for a long time in the future as to the ability to travel in this country, the gentleman still wants $60 million to bring foreign tourists to this country?

Mr. STAGGERS. That is what is in the bill. When it came out I do not believe we anticipated the fuel shortage we have now.

I might say this is subject to action by the Committee on Appropriations. I doubt very much whether they will appropriate this amount of money under the conditions as they exist now. We always must plan to do what we can for the future, and that is what we are trying to do here.

Mr. GROSS. Regardless of whether there is any money in the Treasury or not, we must keep right on spending. Is that right?

Mr. STAGGERS. I do not think the gentleman is correct.

Mr Speaker, I yield such time as he may use to the gentleman from Hawaii (Mr. Matsunaga).

Mr. MATSUNAGA. Mr. Speaker, I rise in support of H.R. 9437, the bill to amend the International Travel Act of 1961. I commend the Committee on Interstate and Foregin Commerce and its distinguished chairman, the gentleman from West Virginia (Mr. Staggers) for the expeditious reporting of the bill. I am especially grateful to the gentleman from California, Mr. Moss, for having been instrumental in incorporating my bill, H.R. 4964, into the committee bill.

As a consequence, in addition to authorizing appropriations for the U.S. Travel Service, H.R. 9437 provides for a long-needed consolidation of 136 programs in 46 Federal departments and agencies under a single authority—the Department of Commerce. Such a consolidation, as proposed by my bill, and now by the committee bill, is essential to the success of any travel program, as we have learned in my home State of Hawaii. Hawaii, which has considerable experience and success in the tourist trade, has had such a unified agency for several decades. The Hawaii Visitors Bureau, which essentially performs the same functions proposed for the U.S. Travel Service, can take large credit for attracting an estimated 2.5 million visitors to Hawaii's shores in 1973. This represents a 30-percent increase over 1971 when 1.8 million tourists flocked to our islands. Importantly, over half a million of these visitors arrived from foreign lands to spend their vacation dollars in the 50th State, among them a quarter million yen-laden Japanese tourists in 1973. Much of this success may be attributed to the Hawaii Visitors Bureau which operates several offices in foreign countries, with special attention to the rich Japanese travel market.

If we wish to maintain a favorable balance of trade with our foreign trading partners, there is no better way than through inexpensive tourist promotion in these countries. To use Hawaii again as an example, a total of $825 million is expected to be spent in the Aloha State during 1973 by visitors. This is the largest single source of privately generated revenue for the State. To reap this economic bonanza, Hawaii spent in total public funds and private contributions a mere $1.9 million, or 2.4 percent of the gross return, for promotional activities, through the Hawaii Visitors Bureau. Certainly, there could be no better investment of taxpayer's dollars.

With the United States suffering an annual deficit of $3.1 billion in international tourist dollars, we can ill afford not to make the small annual investment of $15 to $20 million proposed in this bill. H.R. 9437 represents a small, but wise step Congress should take to avoid the dollar drain that typifies our economy today.

For each foreign visitors we attract to our country we counterbalance over $400 in American dollars flowing overseas to buy foreign goods. Can there be a better investment of public funds than that which will return American dollars, improve relations with our foreign neighbors, and create thousands of jobs here at home? I submit there is not, and I urge the overwhelming approval of this important measure.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 9437, a bill to amend the International Travel Act of 1961 to authorize appropriations of $15 million, $20 million and $25 million for fiscal years 1974, 1975, and 1976. In addition, this bill would transfer the authority of the Secretary of Interior under the act of July 19, 1940 to encourage travel throughout the United States to the Secretary of Commerce.

The primary purpose of the International Travel Act of 1961 was to create a Federal program within the Department of Commerce specifically designed to encourage foreign travelers to visit the United States. The U.S. Travel Service was organized within the Department of Commerce for this purpose and initially funded at a level of $3 million for fiscal year 1962. From 1963 through 1970 the U.S. Travel Service fiscal authorization level was $4.7 million. In 1970, the authorization was increased to a level of $15 million for fiscal years 1971, 1972 and 1973.

Today, the United States suffers from a chronic imbalance in the travel account. Last year, the United States hosted approximately 13 million foreign visitors and received $3.2 billion from these visitors. On the other hand, 24.5 million U.S. citizens traveled abroad and spent $6.4 billion. The large amount of U.S. travelers' expenditures abroad resulted in a U.S. travel deficit of $3.2 billion, an increase of 20 percent over the 1971 deficit. This deficit, known as the "travel gap" has contributed significantly to our balance-of-payments problems.

Worldwide, international travel has become an important item in foreign trade, growing over 12 percent annually. An estitmated 198 million international travelers spent over $25 billion in 1972 alone. However, the United States attracted only 7 percent of these travelers.

Clearly, increased foreign travel to the United States can be in our best interests. In addition to international good will and understanding generated from such visits, receipts from such visitors generate jobs and income for U.S. citizens.

It has been estimated that for every $20,000 foreign visitors spend in the United States, one job is created or supported.

Our overseas neighbors are well aware of the economic benefits of tourism and have maintained vigorous programs to capture as much of the $25 billion world tourism market as possible. The United States has found it difficult to compete with these countries offering comprehensive travel services and low-cost package tours.

We cannot hope to capture the expanding travel market without renewed efforts to encourage travel to the United States. There is evidence that there is substantial interest abroad in visiting the United States.

It now appears that the major obstacle to developing travel programs to the United States—the high cost—has been reduced by significant dollar devaluations and the growing inflation abroad.

In addition, international airfares and group travel restrictions appear to be changing to make it easier for foreign travelers to qualify for low-cost group airfares to the United States.

The U.S. Travel Service now believes that the climate is right to embark on a more active sales effort to develop specific travel programs to the United States.

The U.S. Travel Service, to compete in this growing international tourism market, has adopted a comprehensive plan aimed at changing a vague desire to travel to the United States into a seriously considered trip to the United States. This integrated marketing plan, the result of a study completed in December 1972 for the Department of Commerce by a management consultant firm, established a 5-year travel and promotion program which integrates the U.S. Travel Service activities to accomplish a series of stated objectives designed to stimulate travel to the United States. By 1976, it is projected that at least 20 million foreign visitors and at least $5.4 billion in travel receipts will be received.

The basic thrust of the plan is: selling foreign nationals on travel to the United States, selling foreign travel trade on selling travel to the United States and selling U.S. organizations on receiving foreign visitors. The marketing strategy will concentrate on the six countries which produce 90 percent of all U.S. visitors: Canada, Mexico, Japan, United Kingdom, Germany, and France. This will be accomplished by providing specific information on vacation in the United States with respect to destination, costs and so forth, and convincing the potential travelers that now is the time to take that long-awaited trip. Development of tour packages, special interest travel programs, specific event-related programs, and advanced booking charter programs will be stressed.

In addition, the matching grant program to cities, States, and nonprofit organizations will be expanded and developed. The USTS has indicated that the matching grant program has the highest priority, and should prove particularly important in view of the developing Bicentennial celebrations. In my view, this is money well spent.

The remaining section of this bill transfers to the Secretary of Commerce certain functions of the Secretary of Interior relating to encouraging, promoting and developing travel within the United States. This will consolidate the present scattering of 136 programs in 46 Federal departments and agencies. This transfer of tourism functions and resulting consolidation of foreign and domestic tourism responsibilities within one agency should result in significant economies.

The history of the United States in capturing its share of the world tourism market has been one of lost time and lost opportunities. I believe that this legislation through its authorizing level, will aid significantly in promoting tourism through the innovative programs of the U.S. Travel Service. I support this legislation and urge my colleagues to join me in this support.

In answer to questions on the floor regarding the energy crisis' impact on tourism in this country. The following facts are important:

First. U.S. tourism expenditures are about $50 billion annually; 2½ million people are employed in the tourism industry. Therefore, any energy conservation measures should be flexible enough to avoid adverse impact on this important area of employment and the economy.

Second. Foreign tourists generally use economical mass transit and account for less than 1 percent of automobile fuel consumption in the United States.

Third. For every $20,000 in foreign tourism spending, one U.S. job is supported. Last year with $3.2 billion in receipts, 160,000 U.S. jobs were supported.

Fourth. Reduction in air service may mean booking further in advance and more crowded flights. Therefore, U.S. Travel Service development of economical package tours is important. This is a major budget item.

Fifth. The tourism industry is a relatively low consumer of energy. Lodging and food may consume no more energy resources than at home. Typical tourist activities consume little energy yet generate jobs and income.

Sixth. The United States suffers from a chronic deficit in its balance of payments. The "travel gap" forms a large part of this deficit, totaling $3.1 billion in 1972. In 1960 the travel gap deficit was $1.3 billion. This deficit can be decreased by a more effective U.S. Travel Service.

The SPEAKER. The question is on the motion of the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill H.R. 9437 as amended.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum was not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 272, nays 120, not voting 41, as follows:

[Roll No. 617]

YEAS—272

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Armstrong
Aspin
Badillo
Baker
Barrett
Bell
Bergland
Biaggi
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Breckinridge
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Carter
Cederberg
Chamberlain
Clausen, Don H.
Clay
Cohen
Collier
Collins, Ill.
Conte
Corman
Coughlin
Cronin
Culver
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
Delaney
Dellenback
Dellums
Dent
Dingell
Donohue
Dorn
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Guyer
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Holtzman
Horton
Hosmer
Howard
Hudnut
Hungate
Ichord
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jordan
Karth
Kastenmeier
Kluczynski
Koch
Kuykendall
Kyros
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
Madden
Mahon
Mailliard
Mallary
Mann
Martin, N.C.
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
O'Brien
O'Hara
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ruppe
Ruth
Ryan
Sandman
Sarasin
Sarbanes
Satterfield
Schneebeli
Seiberling
Shipley
Shoup
Sisk
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Stratton
Studds
Sullivan
Symington
Taylor, N.C.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Ware
Whalen
Whitehurst
Widnall
Wiggins
Williams
Wilson, Charles H., Calif.
Wolff
Wyatt
Wyman
Yatron
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zwach

NAYS—120

Anderson, Calif.
Archer
Ashbrook
Bafalis
Bauman
Beard
Bennett
Bevill
Biester
Breaux
Brinkley
Brown, Mich.
Burleson, Tex.
Burlison, Mo.
Butler
Camp
Chappell
Clancy
Clark
Cleveland
Cochran
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
de la Garza
Denholm
Derwinski
Devine
Dickinson
Eshleman
Flynt
Fountain
Frey
Froehlich
Gilman
Ginn
Goodling
Gross
Gude
Gunter
Haley
Hastings
Hays
Hechler, W. Va.
Heinz
Henderson
Hillis
Hinshaw
Holt
Huber
Hunt
Hutchinson
Jones, N.C.
Jones, Tenn.
Kazen
Kemp
Ketchum
King
Landgrebe
Lott
McEwen
Madigan
Maraziti
Martin, Nebr.
Mathis, Ga.
Mayne
Miller
Montgomery
Myers
Nichols
Obey
Poage
Powell, Ohio
Price, Tex.
Quillen
Randall
Rarick
Regula
Roberts
Robinson, Va.
Rose
Roush
Rousselot
Roy
Runnels
St Germain
Scherle
Schroeder
Sebelius
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Steed
Steiger, Ariz.
Steiger, Wis.
Stubblefield
Symms
Taylor, Mo.
Teague, Calif.
Teague, Tex.
Tiernan
Treen
Wampler
White
Whitten
Wilson, Charles, Tex.
Winn
Wydler
Wylie
Yates
Young, Alaska
Young, Fla.
Zion

NOT VOTING—41

Ashley
Bowen
Brown, Ohio
Burgener
Burke, Calif.
Casey, Tex.
Chisholm
Clawson, Del
Conyers
Cotter
Dennis
Diggs
Downing
Flowers
Gubser
Hawkins
Hébert
Jarman
Johnson, Colo.
Jones, Okla.
Keating
Landrum
McSpadden
Macdonald
Michel
Milford
Mills, Ark.
Mizell
O'Neill
Owens
Parris
Rooney, N.Y.
Stephens
Stokes
Stuckey
Talcott
Waggonner
Walsh
Wilson, Bob
Wright
Young, Ga.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended was passed.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill and Mr. Rooney of New York for, with Mr. Flowers against.

Mr. Hébert and Mr. Waggonner for, with Mr. Macdonald against.

Mr. Walsh and Mr. Michel for, with Mr. Del Clawson against.

Until further notice:

Mr. Cotter with Mr. Landrum.
Mr. Mills of Arkansas with Mr. McSpadden.
Mr. Stephens with Mr. Talcott.
Mr. Ashley with Mr. Parris.
Mr. Casey of Texas with Mr. Mizell.
Mrs. Chisholm with Mr. Owens.
Mr. Milford with Mr. Conyers.
Mr. Stokes with Mr. Jones of Oklahoma.
Mr. Jarman with Mr. Dennis.
Mrs. Burke of California with Mr. Brown of Ohio.
Mr. Hawkins with Mr. Downing.
Mr. Diggs with Mr. Stuckey.
Mr. Wright with Mr. Gubser.
Mr. Bowen with Mr. Bob Wilson.
Mr. Keating with Mr. Young of Georgia.

The result of the vote was announced as above recorded.

The title was amended so as to read "A bill to amend the International Travel Act of 1961 to authorize appropriations for fiscal years 1974, 1975, and 1976, and for other purposes."

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from further consideration of the Senate bill (S. 1747) to amend the International Travel Act of 1961 with respect to authorizations of appropriations, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

AUTHORIZING MARKERS IN STATUARY HALL FOR LOCATION OF DESKS OF NINE FORMER MEMBERS OF CONGRESS WHO BECAME PRESIDENT

Mr. NEDZI. Mr. Speaker, I move to suspend the rules and pass the resolution (H. Res. 605) to authorize markers in Statuary Hall for the location of the desks of nine former Members of Congress who became President, as amended.

The Clerk read as follows:

H. Res. 605

Whereas the Capitol and Statuary Hall are a living memorial to the history of the world's first free and democratic nation; and

Whereas the following nine former Representatives in Congress served when Statuary Hall was the Chamber of the House of Representatives and became President of the United States; John Quincy Adams, James Buchanan, Millard Fillmore, William Henry Harrison, Andrew Johnson, Abraham Lincoln, Franklin Pierce, James Knox Polk, and John Tyler: Now, therefore, be it

Resolved, That a suitable marker be placed in the floor of Statuary Hall at the approximate location of a desk used by each such Member, and that the Architect of the Capitol is directed to accomplish this in accordance with a design approved by the Committee on House Administration.

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. NEDZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of House Resolution 605 is to effect the placement in Statuary Hall of markers for the desks of nine former Members of Congress who became President. The nine are: John Quincy Adams, James Buchanan, Millard Fillmore, William Henry Harrison, Andrew Johnson, Abraham Lincoln, Franklin Pierce, James K. Polk, and John Tyler. All excepting John Quincy Adams served in the House prior to assuming the Presidency.

As amended the resolution would direct the Architect of the Capitol to place the markers in accordance with a design approved by the Committee on House Administration. A small, dignified marker is envisioned, possibly a bronze composition. Until such time as the size, composition, and design of the markers are determined, precise costs cannot be ascertained. However, it is the committee's understanding and interest that these costs will be nominal.

There is at present an unidentified marker in the hall at the location once occupied by John Quincy Adams. Nonetheless, the committee is of the opinion that inasmuch as Statuary Hall is a significant place of Congress tradition and tourist interest, it would be most appropriate to place therein suitable markers clearly identifying the sites previously occupied by these distinguished former Members of Congress.

In my view, House Resolution 605 will greatly enrich the Capitol itself and the millions of Americans who visit it, I urge approval of the resolution.

Mr. STUDDS. Mr. Speaker, I rise in support of House Resolution 605 which is designed to properly commemorate the desk locations in Statuary Hall of those nine Members of the House who also served as President of the United States.

I cosponsored this resolution with my distinguished colleague from Illinois and am particularly pleased to again add my full support to this measure because one of the men to be honored represented part of the district I now have the honor to represent in Congress.

President John Quincy Adams, when a Member of the House, represented part of the district I now represent. As the gentleman from Michigan pointed out, he is the only Member to be honored by this resolution who served in this House subsequent to his Presidency.

At this time, 10 years after the tragedy in Dallas, many of us from Massachusetts cannot help but reflect that President Kennedy, who was himself a serious student of American history, had he been permitted to finish his term in the White House, might have ended his career here in the people's House.

John Quincy Adams, our sixth President, has the unique distinction of having first served as President of the United States from 1824 to 1828 and then having won election to the House of Representatives for nine terms from 1831 to 1848.

Every student of history knows the achievements of John Quincy Adams' long and illustrious life. Mr. Speaker, I would like to take just a moment to inform my colleagues of a few of the little-known facts concerning his death.

Congressman Adams represented what is now Norfolk County, the northern parts of Plymouth County, and the southern part of Middlesex County in Massachusetts. On February 21, 1848, after serving 17 years in the House of Representatives, John Quincy Adams suffered a stroke as he sat at his desk in what was then the floor of Congress and is now Statuary Hall. The time was 1:15 p.m. House Speaker Winthrop of Massachusetts ordered Adams carried to the Speaker's Room where he was placed on a sofa. The House and Senate immediately adjourned out of respect.

Before lapsing into a coma, Adams spoke the words, "This is the last of earth, but I am content." He remained in the Speaker's Room, in a coma, until he died at 7:17 p.m. on Wednesday, the 23d of February, 2 days after being stricken. He was 81 years of age. The Speaker's Room (H-235) later became the congressional ladies retiring room and the sofa upon which Adams died is still located in that room today.

When the House floor was moved to its present location a plain bronze disc was placed in the floor where Adams' desk stood.

The resolution we are considering here today would replace this desk with a suitably inscribed marker and would also give recognition to the desk areas of James Buchanan, Millard Fillmore, William Henry Harrison, Andrew Johnson, Abraham Lincoln, Franklin Pierce, James Knox Polk, and John Tyler. Mr. Speaker, I urge my colleagues to vote favorably for this resolution to honor these men who served our Nation so well.

GENERAL LEAVE

Mr. NEDZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolution now under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GROSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, the congressional district I represent includes Springfield, Ill., Abraham Lincoln's home. This accounts, in part, for my personal interest in Lincoln's life and especially Lincoln's service as a Member of the 30th Congress.

As you know, the House then met in what is now Statuary Hall. Through a search of the records of the House of Representatives, it has been possible to locate the approximate position of Congressman Lincoln's desk.

Eight other Members of Congress who served when the House met in Statuary Hall also served the Nation as its President. Like Lincoln, each of these men achieved the highest distinction that the Nation can bestow upon one of its citizens. Like Lincoln, they received invaluable training in the governmental processes during their service in the House.

Because Statuary Hall is now a great center of tourist interest, and because of the unique accomplishment of these nine men, it seems to me highly appropriate to place a marker in the floor indicating the approximate location of each man's desk during his service as a Member of Congress. The Capitol and Statuary Hall are a living memorial to the history of the world's first free and democratic Nation. More people visit this building than any other in the country. When they leave they take with them a new inspiration and sense of history.

A marker for each of these nine men who served his country as a Congressman and as President would add greatly to the historical significance of this building. It is for this reason that I introduced H. Res. 605, together with eight of my colleagues who represent districts which the other "Congressmen-Presidents" represented when they sat as Members of Congress in Statuary Hall.

To be sure, Lincoln, like the others, has several other memorials to him in the Capitol. But these are all memorials to President Lincoln, not to the Congressman. Most Americans are probably not aware that he served a term in the House. Yet Lincoln's term in the House was, in its own way, quite as exceptional as his terms in the White House.

Abraham Lincoln's single term as a Member of Congress was distinguished principally by his opposition to the Mexican War. Before his election to Congress, Lincoln refrained from publicly voicing his doubts about the justification for the armed American invasion of Mexico. His friend and a politician he greatly admired, Henry Clay, of Kentucky, had declared that the war with Mexico was not one of defense. Clay felt it was unnecessary and offensive aggression, which President Polk could not, in honesty, justify. These were Lincoln's unexpressed sentiments.

Lincoln took his seat in Congress on December 6, 1847, 17 months after his election to that body. Two days later, President Polk, in his message to Congress, restated that the war was justified because Mexico had spilled American blood on American soil.

Congressman Lincoln doubted the truth of President Polk's justification of the war. With the annexation of Texas, the boundaries between Mexico and the United States were not clearly defined. The territory between the Nueces and Rio Grande Rivers was in dispute. It was in this area, inhabited by Mexicans, that American blood was shed. Polk decided that this was American soil and ordered an invasion of Mexico to avenge the deaths of the Americans. Many persons thought that the American invasion of Mexico was both unjust and unnecessary, but in Congress, only a handful dared openly to voice their objections for fear of being labeled disloyal.

Lincoln was not an appeaser nor one who yielded to the expediency of the hour. Convinced that Polk had unconstitutionally begun the war, he determined that the war guilt should properly be placed on the shoulders of the President. Lincoln set out to make Polk admit that American blood had first been shed upon Mexican and not American soil.

On December 22, 1847, Lincoln offered the "Spot Resolutions." The resolutions posed eight questions for the President to answer to justify the war with Mexico. They were designed to force Polk to admit that the war was one of conquest and aggression. Polk ignored them and made no comment. Again, on January 12, Lincoln made another direct attack on the administration's war policy, with little or no apparent effect upon Polk.

Although Lincoln deplored the war as unjustified and imperialistic, he voted in favor of every supply bill which came before the House.

Lincoln must have realized that, in taking this stand, he was placing his political future in jeopardy, but the unflinchingly faced this possibility. When he had campaigned for election to Congress it was generally understood that he would not be a candidate for reelection, and he was not. It is doubtful, in view of his opposition to the war, that he could have been returned to Congress, because his stand on the question was not popular with the country as a whole.

Lincoln's activities in opposition to the Mexican War have almost completely overshadowed his other actions as a Member of Congress. As often as 55 times he took the floor to support and to present resolutions and memorials. He seldom missed a roll call and he performed his committee assignments diligently.

His single term in Congress was of considerable importance, for it provided him with an insight into the workings of national government and greatly enhanced his ability later to direct the affairs of the Nation during the Civil War.

The same can be said for each of the nine men who served in Statuary Hall as a Member of Congress and in the White House as President. The marker, which House Resolution 605 authorizes for each, recognizes their service in the House and the great contribution it later made to their service to the Nation as President.

These nine U.S. Presidents represented the listed counties when they were Members of the House of Representatives sitting in what is now Statuary Hall. Their contemporary equivalents are also listed. Research was by the Library of Congress.

James Knox of Tennessee—Bedford, Lincoln, Giles, and Maury Counties. These counties are now in the Fourth District represented by Joe L. Evins and Sixth District represented by Robin L. Beard.

John Tyler of Virginia—Charles City County. It is in the First District represented by Thomas N. Downing.

William Henry Harrison of Ohio—Cincinnati and Hamilton Counties. They are in the Second District represented by Donald Clancy.

John Quincy Adams of Massachusetts—Quincy, Norfolk, Plymouth, and part of Suffolk Counties. These are in the Ninth District represented by Joe Moakley, 10th District represented by Margaret M. Heckler, 11th District represented by James Burke, and 12th District represented by Gerry E. Studds.

Millard Fillmore of New York—Buffalo and Erie counties. These are in the 38th District represented by Jack F. Kemp, 37th District represented by Thaddeus Dulski, and 36th District represented by Henry P. Smith III.

Franklin Pierce of New Hampshire—Hillsboro county. It is in the Second District represented by James Cleveland.

Abraham Lincoln of Illinois—Sangamon, Scott, Morgan, Cass, Logan, Putnam, Menard, Mason, Tazewell, Woodford, and Marshall counties. They are in the 15th District represented by Leslie C. Arends, 18th District represented by Robert H. Michel, 20th District represented by Paul Findley, and 21st District represented by Edward R. Madigan.

Andrew Johnson of Tennessee—Johnson, Carter, Sullivan, Washington, Hawkins, Greene, and Coche counties. They are in the First District represented by James Quillen.

James Buchanan of Pennsylvania—Lancaster County. It is in the 16th District represented by Edwin Eshleman.

Mr. BEARD. Mr. Speaker, I rise in support of House passage today of House Resolution 605, which provides for commemorative markers in Statuary Hall.

The resolution provides that markers be placed in Statuary Hall near the desks of former Members who later became President of the United States. I feel this simple act which recognizes that many fine men who served in this body went on to provide leadership for the Nation as President.

I am especially glad to make the claim that one of these distinguished gentlemen to be honored by such a marker was a resident of my district—James K. Polk.

Mr. Polk lived and practiced law in Columbia, Tenn. He served as chief clerk of the Tennessee State Senate from 1821–23. In 1823, he became a representative in our State House and was elected to Congress in 1825, where he served six succeeding terms. In 1838, Mr. Polk did not seek renomination having become a candidate for the Governor of his State. He was successful in this effort and he became Governor Polk in the years 1839–41.

Later, in 1844, James K. Polk was elected President of the United States and served until 1849, when he declined to be a candidate for renomination.

President Polk was our 11th President and I feel it especially noteworthy that he was the only House Member later to become President who served as Speaker of the House. Since Mr. Polk served both the 24th and 25th sessions of Congress as Speaker, I trust that recognition will be given this achievement.

Mr. Speaker, each of the individuals we commemorate here served with distinction. We should be proud of their fine records and it is fitting that as we approach the Bicentennial of this Nation, we pay our respects to our former colleagues by announcing to visitors of the U.S. Capitol their record of distinguished service within this body.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. Nedzi) that the House suspend the rules and agree to the resolution (H. Res. 605), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

U.S. CAPITOL HISTORICAL SOCIETY STUDY

Mr. BLATNIK. Mr. Speaker, I move to suspend the rules and pass the Joint Resolution (H.J. Res. 736) to provide for a feasibility study and to accept a gift from the U.S. Capitol Historical Society.

The Clerk read as follows:

H.J. Res. 736

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the United States Capitol Historical Society is authorized, under direction of the Architect of the Capitol, to prepare a feasibility study to determine the desirability of installing within the United States Capitol Grounds, at the east front of the United States Capitol, all items of equipment and other facilities required for a sound and light performance, consisting of an interplay of light, music, narrative, and sound effects (without the use of live actors), which, when projected onto the imposing facade of the east front of the United States Capitol, will re-create the evolution of American history, based on a foundation of thorough historical research, subject to the following conditions:

(1) Such study and all expenditures connected therewith will be borne by the United States Capitol Historical Society.

(2) Upon completion of such study, the United States Capitol Historical Society, at its expense, will furnish the Architect of the Capitol a report detailing the results of such study, installations and programs proposed, and estimates of cost required to implement such project without expense to the United States, including maintenance and operating expenses.

(3) The project may not be implemented, beyond the report stage, except as provided in section 2 hereof.

Sec. 2. The Architect of the Capitol shall review such report and submit the same, with his recommendations, to the Speaker and majority and minority leaders of the House of Representatives and to the majority and minority leaders of the Senate.

If the project, as presented, with or without modification, meets with the approval of such House and Senate officials, the Architect of the Capitol, notwithstanding any other provision of law, is authorized after such approval—

(1) To accept in the name of the United States from the United States Capitol Historical Society, as a gift, such sum or sums as may be required to further implement such project, and such sum or sums when received, shall be credited as an addition to the appropriation account "Capitol Buildings, Architect of the Capitol".

(2) Subject to section 3 hereof, to expend such sum or sums for all items of equipment and other facilities required for the sound and light performance, and for any other items in connection therewith.

Sec. 3. The Architect of the Capitol, under the direction of the House and Senate officials designated in section 2 hereof, is authorized to enter into contracts and to incur such other obligations and make such expenditures as may be necessary to carry out the provisions of said section 2.

Sec. 4. Sums received under this joint resolution, when credited as an addition to the appropriation account "Capitol Buildings, Architect of the Capitol", shall be available for expenditure and shall remain available until expended. Following completion of the installation, such sums may thereafter be used by the Architect of the Capitol, in whole or in part, to defray any expenses which he may incur for maintenance and operation.

The SPEAKER. Is a second demanded?

Mr. GROVER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BLATNIK. Mr. Speaker, House Joint Resolution 736, which has the strong support of the leadership on both sides of the aisle, would provide for a feasibility study to eventually lead to a sound and light production for the East Front of our Capitol.

This resolution allows the U.S. Government, through the Capitol Buildings, Architect of the Capitol account, to accept gifts from the United States Capitol Historical Society to undertake this study.

Sound and light shows have been performed with great success in many parts of the world, and in particular in Europe, to point out to citizens of a country and others the great historical background of their nation.

Certainly, this Capitol with its long and distinguished history, has one of the most prestigious records to present to the American people.

This is an imaginative and forward looking bill, and I am sure will provide a great deal of information and entertainment to the American citizens who come from all over this country to visit our Capitol.

I urge its support.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. GRAY) who will give a description of the joint resolution.

Mr. GRAY. Mr. Speaker, I want to thank our distinguished chairman (Mr. BLATNIK) for yielding and for his tremendous help on this and other important matters.

House Joint Resolution 736 provides for a feasibility study for a sound and light performance system for the East Front of our National Capitol.

The resolution would also allow the United States, through the Capitol Buildings, Architect of the Capitol account, to accept gifts from the Historical Society.

Section 2 of the resolution provides that the Architect of the Capitol review the study and submit it, along with his recommendations, to the Speaker, and majority and minority leaders of the House and Senate.

If these House and Senate officials approve of the Architect's report, the Architect can then accept a gift of such sum or sums necessary to implement the project.

Section 3 of the legislation allows the Architect, under the direction of the House and Senate leaders, to make expenditures from the fund to carry out the review of such report.

Section 4 authorizes the Architect to expend any money left over from the gifts by the Historical Society to implement the project to defray the operation expenses of the sound and light show.

Sound and light shows have been shown for many years in Europe to great advantage. The interplay of sound and light bouncing off an impressive build- tory. First, sound and light utilizes the darkness of night to help create a series of illusions. The audience is situated in ing is a most effective way to show his- the dark at some distance, at least 100 yards from the front of the buildings. As lights of different colors and different strength are played on the edifice, a narrative and music are played to the crowd. The loudspeakers are placed in such a way as to give complete stereophonic effect.

Technically, it would mean some changes to the Capitol building and grounds would be necessary to accomplish the sound and light features. Any lighting that would be installed, any necessary seating, or any required control room and electrical apparatus, would have to be installed in such a way as to be completely concealed so that the appearance of the Capitol to the tourists during the day would not be altered in any way. This requirement may involve such things as disappearing lights, perhaps on telescoping poles, bleachers that would be collapsible and disappearing, or else assembled for each performance. These and other technical features would have to be carefully considered, but the possible results nevertheless make it worthwhile to examine the proposal in detail. The performance would last between 30 to 40 minutes, three times a night. The Historical Society estimates that this show could be performed 7 to 8 months of the year.

COST TO THE UNITED STATES

Rule XIII(7) of the Rules of the House of Representatives requires a statement of the estimated costs to the United States which would be included in carrying out House Joint Resolution 736, as reported, in fiscal year 1974 and each of the following 5 fiscal years.

Enactment of the legislation will not result in any cost to the United States.

Mr. Speaker, some might say, "Well, but a sound and light system, this comes at a bad time because of our energy crisis."

Mr. Speaker, to the contrary, we estimate that it will only require about 10 percent of the amount of electricity we are now using to illuminate the east front of the Capitol, so that in effect there would be a savings of energy if the feasibility study proves fruitful and the system is installed.

Mr. GROVER. Mr. Speaker, I rise in support of House Joint Resolution 736. This resolution provides for a feasibility study for a sound and light performance system for the east front of our National Capitol. Additionally, House Joint Resolution 736 allows the Architect of the Capitol to accept a gift from the National Capitol Historical Society of sums to construct the fixtures necessary for this show.

The U.S. Capitol has had a long and varied history. Much has taken place under this dome to shape the destiny of the country. The Historical Society, headed by a distinguished former colleague and member of the Public Works Committee, Fred Schwengel, envisions a sound and light show to portray this history to visitors of the Capitol. This show would be a major attraction during the Nation's bicentennial celebration.

This show is a mood-creating art form for enjoyment and appreciation of national history. Many European cities use similar shows with great success. History can be told with music and narration, with lights projected onto the audience to heighten the effect. The story of our Capitol could be capsulized by sound and light.

Some changes to the building and grounds may be necessary to complete the technical requirements for the production. But, the decor of the Capitol will not be altered, nor will there be created a carnival atmosphere. The society contemplates using disappearing lights, hidden wiring, and collapsible bleachers to retain the decor of the Capitol.

The feasibility study shall determine ultimately the details of the project, including any electrical energy impact. Since the Capitol lights will be out during the performance, it is currently estimated that more than 50 percent of the entire normal energy load of the entire Capitol will be saved for the duration of the performance. House and Senate leaders shall have final approval of the report submitted by the Architect, once he reviews the feasibility study. There are strong safeguards for maintaining the integrity of the Capitol and insuring no adverse impact on energy.

This resolution provides for no authorization of Federal funds, either for the study, or for its implementation, once the study is approved. It is desirable to have this project studied with independent sources of funds, so that the history as portrayed in the show will not be suspect of pressures to make our past leaders demagogs, heroes, or otherwise, when, in fact, they were not. Additionally, the society plans that sufficient funds can be raised to pay for operating expenses without charging admission to the show.

This resolution deserves our support. I urge its passage.

Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I would like to have the attention of the gentleman from Illinois and ask him what is to prevent the Historical Society from going right ahead with a feasibility study without this legislation?

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Speaker, I am glad the gentleman from Iowa raised that question because it is very pertinent. The answer is because the Architect of the Capitol, and the leadership of Congress would have to rule on the type of facility to be installed.

We do not want to interfere with the beauty or historical significance of the front of the Capitol, and the Historical Society on its own would not have the authority needed. If the gentleman will notice, after study has been completed under the joint resolution, then the House and Senate leaders and the Architect could authorize the implementation. We would authorize the study and also give the authority to the leaders on both sides of Congress to go ahead and install the system if found feasible.

Without this resolution, they would not be able to do that.

In direct answer to the question raised by the gentleman from Iowa, we feel that in making a study, it should be in coordination with the Architect. For example, the question of floodlights will come up. We have envisioned the possibility of those being depressed into the ground and being on some type of a hydraulic system by which during the daytime they could be concealed.

Mr. GROSS. Mr. Speaker, is the gentleman saying that the Architect of the Capitol would not cooperate with the Historical Society in a feasibility study without this legislation?

Mr. GRAY. I would like to say to my distinguished friend, the gentleman from Iowa, that we have already passed that juncture. The Architect and the Society have already made a trip to Europe and looked at comparable systems and have recommended that the system be installed.

However, we feel that we should not rely solely upon those experts looking at the systems in Europe; we want an official U.S. Government survey of the potential damage, if any that might be done to the esthetics of the Capitol.

For that reason, we wanted to put the stamp of approval by the Congress on the study. I am sure that is the feeling of the sponsors of the legislation.

Again, I reiterate that the Architect has already investigated the subject and has worked with the Historical Society. He was enthusiastic when he appeared before our subcommittee. However, we felt we wanted something more than these recommendations. Our former colleague Mr. Schwengel of Iowa, the President of the Historical Society has spent much time on this matter also.

Mr. GROSS. Mr. Speaker, I will ask the gentleman this question:

What is the projected cost of the disappearing lights and all the rest of the hoopla that goes with this installation?

Mr. GRAY. We want a detailed study which will give us the precise figures. I tried to elicit the exact costs from our witnesses.

There is no cost to the taxpayers, involved in this legislation. I do wish to delineate that from the ultimate costs to the Historical Society.

Mr. GROSS. What does the gentleman mean when he says there is no cost involved in this legislation?

Mr. GRAY. There is no cost to taxpayers involved in the legislation before us.

Mr. GROSS. Does the gentleman mean there is no cost to the Federal Government?

Mr. GRAY. The gentleman is exactly correct. There is not a dime involved, either for the study or the implementation of the plan if it is approved by the Architect and congressional leaders.

We authorize by this joint resolution the Architect of the Capitol to accept gifts from the Historical Society which may be made.

Mr. GROSS. Mr. Speaker, I hope those gifts turn out better than those which were supposed to build the Kennedy Cultural Center, and a few other things that have been promoted around here that wound up costing the taxpayers throughout the country millions of dollars.

I hesitate to ask the gentleman this question, because I have asked it before and have been led down a blind alley in some instances. I say this with all respect to the gentleman from Illinois.

I believe the gentleman said a little while ago that this is not going to cost the Federal Government any money?

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Illinois.

Mr. GRAY. The gentleman is exactly correct.

Mr. GROSS. Will that assurance turn out better than some of the others that have been made?

Mr. GRAY. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Speaker, I certainly have no basis of understanding as to what the gentleman is alluding to.

However, I will tell the gentleman from Iowa that the gentleman who is speaking does not intend to bring in an authorization bill from the Committee on Public Works that would authorize funds for a light and sound system here at the Capitol. Although I strongly support this proposal and commend the leadership in Congress, the architect, the historical society, and my colleagues, for their interest in this great project.

Mr. GROSS. Mr. Speaker, I merely wish to say to the gentleman that I have heard all of these answers before. I have been around here a few days and a few months and I have some recollection of what has gone on in the past.

We have had assurance after assurance that something like this would get only official sanctions. So now what are we going to have, an import from another foreign country, as far as this project is concerned?

Mr. GRAY. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Speaker, let me salute my friend, the gentleman from Iowa, for raising that question.

I assure him and all our other colleagues that by voting for House Joint Resolution 736, by which it is to propose to suspend the rules, we will not now or at any time in the future ask for the expenditure of one cent of Federal money.

Mr. GROSS. Mr. Speaker, I hope that all of the youngsters among the Members, who are going to be around here awhile, will write that down in their book and see how it turns out.

Mr. GRAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PICKLE).

I wish to say that the gentleman from Texas is one of the sponsors of this legislation and was a very articulate witness before the committee. I wish to salute the gentleman for his interest in our great Nation's Capitol.

Mr. PICKLE. Mr. Speaker, I thank the gentleman for giving me this time.

I wish to commend the leadership on both sides of the aisle for sponsoring this legislation. It does not cost the taxpayers any money; it is not an expensive project. We are only talking in terms of $2 million to $4 million plus or minus. We think a feasibility study is needed and if it is practical and the Architect of the Capitol recommends it to the leadership of the House and the Senate, we may proceed. We hope that we may get the project ready for our centennial in 1976. It could be one of the most exciting celebrations we have during that year.

As I said, this sound and light study is at no expense to the taxpayers and will have the official voice of the Congress, because it will be on the east front. That is why we took this course.

I wish to pay my compliments to the leadership of the Committee on Public Works.

Mr. Speaker, I am very pleased that the sound and light bill, House Joint Resolution 736, is before us today.

As a cosponsor of this bill, I state with all sincerity that this piece of legislation will be one that I am extremely proud of.

The bill involves no expenditures from the public Treasury. It sets up a system whereby the U.S. Capitol Historical Society can accept contributions from private sources to perform a feasibility study for a sound and light show on the east front of the Capitol. The bill provides for full control by the Congress and by the Architect of the Capitol over any plans for the implementation of the program.

Anyone who has ever seen a sound and light show in Europe can vouch for the validity of the committee's report at the top of page 2. The committee states, and I read from the report:

> Sound and light shows have been shown for many years in Europe to great advantage. The interplay of sound and light bouncing off an impressive building is a most effective way to show history.

What better place to show history of our land than here on the Capitol grounds?

I salute the Public Works Committee, and its distinguished chairman (Mr. BLATNIK) for presenting this legislation without delay to the full House. The members of the Subcommittee on Public Buildings and Grounds are also to be saluted, and a special tip of the hat goes to Mr. GRAY, the able chairman of the subcommittee, for his strong support of this legislation. Our former colleague, Hon. Fred Schwengel, who serves as president of the U.S. Capitol Historical Society, has given untold dedication to this society. He has been our inspiration and our leader. He gives total commitment to the preservation of our national heritage. It was his spirit and guidance that enables us to consider sound and light today. We all owe Fred Schwengel our special thanks. I serve as a member of the Executive Committee of the U.S. Capitol Historical Society and have for over 5 years. It is a particular source of pride to work with this dedicated group.

Mr. Speaker, when the sound and light show is an established fact, I feel that the Members of this Congress will be proud of their work in laying the groundwork for a sound and light show on the east front.

I urge strong support for the passage of this resolution, Mr. Speaker.

Mr. Speaker, as a member of the executive committee I should also like to name others who are selfless members of the executive committee and invaluable to the U.S. Capitol Historical Society. They are:

Dr. Melvin Payne, president of the National Geographic Society; Mr. Victor M. Birely, investment broker; Mrs. Adlai Stevenson III, wife of the distinguished Senator of Illinois; Dr. Walter Rundell, chairman, Department of History, University of Maryland; the Honorable Fred Schwengel, the president of the society; Mr. Arthur B. Hanson, an able attorney and counsel for the society.

Mr. Speaker, also, I should like to call attention to another group of distinguished Americans who are serving as a board of consultants for the proposed bound and light project under discussion. They are:

Fred Schwengel, president of U.S. Capitol Historical Society; the Honorable George M. White, Architect of the Capitol; Dr. Letitia Brown, historian at George Washington University; Mr. Paul Perrot of the Smithsonian Institution; Mr. Russell E. Dickenson, Regional Director, National Capital Parks, Interior Department; Mr. John J. Stokes, contractor and electrical engineer of San Marcos, Tex.; and Mr. William Maury, Chief Historian of the U.S. Capitol Historical Society.

Mr. REUSS. Mr. Speaker, House Joint Resolution 736 will get us off to a flying start in the preparation of a Son et Lumiere—sound and light—spectacle on the east front of the Capitol. I hope this show will be ready for our 1976 Bicentennial.

The U.S. Capitol Historical Society—under the able leadership of the Honorable Fred Schwengel, its president, our former colleague, and my good friend—has reviewed the proposal, and is prepared to initiate a full-scale feasibility study.

House Joint Resolution 736 authorizes the society to initiate the study; and, if the project is approved by the House and Senate leadership, it authorizes the Architect of the Capitol to accept, on behalf of the United States, the funds needed to implement the project. The full costs of the study, equipment, installation, operations, and maintenance will be contributed by the U.S. Capitol Historical Society.

Son et Lumiere is a new art medium that has been successful at many of the world's most revered historical monuments, including Versailles, the Cathedral of Notre Dame, the Roman Forum, the Acropolis, the Tower of London, and Independence Hall in Philadelphia.

It presents a tremendously impressive show simply and at low cost. Unlike traditional historical pageants, no actors and few technicians are needed. The narrative, music, and sound effects as well as all lighting cues are prerecorded on multitrack tape, and one person can operate the control mechanism. During a show, sound can be heard from different parts of the building, and lights go on and off and dim automatically.

I proposed the Capitol Son et Lumiere in 1966, noting that the Capitol is the best-loved, most historic, and most visited building in America. The east front will be an excellent setting.

Visitors from all over the world will see and hear the re-creation of dramatic events from our past, such as the eloquence and rising passion of the Clay-Calhoun-Webster debates of the 1850's; Lincoln's first inaugural address; the conversion of the Capitol into a barracks, hospital, and storehouse during the Civil War; and FDR's December 7, 1941, message to Congress.

Mr. Speaker, House Joint Resolution 736 has my full and enthusiastic support.

The SPEAKER. The question is on the motion of the gentleman from Illinois (Mr. GRAY) that the House suspend the rules and pass the joint resolution (H.J. Res. 736).

The question was taken and (two-thirds having voted in favor thereof) the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS

Mr. BLATNIK. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1776) to amend the Federal Water Pollution Control Act, as amended.

The Clerk read as follows:

S. 1776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Water Pollution Control Act (86 Stat. 816; 33 U.S.C. 1251 et seq.) is amended—

(1) in section 104(u)(2), by striking out "fiscal year 1973" and inserting in lieu thereof "fiscal years 1973 and 1974";

(2) in section 206(e), by striking out "$2,000,000,000" and inserting in lieu thereof "$2,600,000,000";

(3) in section 207, by inserting "206(e)," after "sections";

(4) in section 311—

(A) by striking out "(b)(2)" wherever it appears in paragraphs (1), (2), and (3), of subsection (f), and inserting in lieu thereof "(b)(3)";

(B) by striking out "Secretary" in the last sentence of paragraph (2) of subsection (f), and inserting in lieu thereof "Administrator"; and

(C) by striking out "(b)(2)" wherever it appears in subsections (g) and (i), and inserting in lieu thereof "(b)(3)";

(5) in section 315, by redesignating subsection (g) as subsection (h), and by adding a new subsection (g) to read as follows:

"(g) In addition to authority to appoint personnel subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and to pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, the Commission shall have authority to enter into contracts with private or public organization who shall furnish the Commission with such administrative and technical personnel as may be necessary to carry out the purpose of this section. Personnel furnished by such organizations under this subsection are not, and shall not be considered to be, Federal employees for any purposes, but in the performance of their duties shall be guided by the standards which apply to employees of the legislative branches under rules 41 and 43 of the Senate and House of Representatives, respectively."; and

(6) in section 509(b)(1)(C), by striking out "treatment" and inserting in lieu thereof "pretreatment".

SEC. 2. Notwithstanding the requirements of subsection (c) of section 206 of the Federal Water Pollution Control Act (86 Stat. 838), applications for assistance under section 206 may be filed with the Administrator of the Environmental Protection Agency until January 31, 1974.

SEC. 3. Funds available for reimbursement under Public Law 92–399 shall be allocated in accordance with subsection (d) of section 206 of the Federal Water Pollution Control Act (86 Stat. 838), pro rata among all projects eligible under subsection (a) of such section 206 for which applications have been submitted and approved by the Administrator pursuant to such Act. Notwithstanding the provisions of subsection (d) of such section 206, (1) the Administrator is authorized to make interim payments to each such project for which an application has been approved on the basis of estimates of maximum pro rata entitlement of all applicants under section 206(a) and (2) for the purpose of determining allocation of sums available under Public Law 92–399, the unpaid balance of reimbursement due such projects shall be computed as of January 31, 1974. Upon completion by the Administrator of his audit and approval of all projects for which an application has been filed under subsection (a) of such section 206, the Administrator shall, within the limits of appropriated funds, allocate to each such qualified project the amount remaining, if any, of its total entitlement. Amounts allocated to projects which are later determined to be in excess of entitlement shall be available for reallocation, until expended, to other qualified projects under subsection (a) of such section 206. In no event, however, shall any payments exceed the Federal share of the cost of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.

The SPEAKER. Is a second demanded?

Mr. DON H. CLAUSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BLATNIK. Mr. Speaker, I rise in support of S. 1776, as amended. I commend the distinguished chairman of our Water Resources Subcommittee, the gentleman from Texas (Mr. ROBERTS) for the outstanding job he has done in bringing this bill to the floor. I wish also to extend my appreciation to the ranking minority member of the full committee, the gentleman from Ohio (Mr. Harsha), and to the ranking minority member of the Subcommittee on Water Resources, the gentleman from California (Mr. Don H. Clausen), for their very able assistance and cooperation on this bill.

This is an important and needed bill. When Congress passed the Federal Water Pollution Control Act Amendments in 1972, it authorized reimbursement to those States and communities which had continued their treatment plant construction program but did not receive the full amount of Federal financial assistance to which they were entitled. The amount of the authorization, which was based on the best estimate then available of $2 billion, has turned out to be too low. This legislation increases it by $600 million, so that all eligible applicants will be able to get the reimbursement they are entitled to. The deadline for filing reimbursement applications is also extended from October 18 of this year to January 31 of 1974. This will give the States and communities sufficient time to get their applications to the Environmental Protection Agency.

I also wish to point out the value of the treatment plant operator training program which the legislation extends for another year. We must have qualified operators if these plants are to operate effectively to clean up our waters.

I now yield to the distinguished chairman of the subcommittee, the gentleman from Texas (Mr. Roberts).

Mr. ROBERTS. I thank our distinguished chairman for yielding.

Mr. Speaker, on behalf of the Committee on Public Works I am pleased to bring to the floor for consideration S. 1776, as reported, amending the Federal Water Pollution Control Act.

S. 1776, as amended, combines the provisions of S. 1776 and Senate Joint Resolution 158 as they passed the Senate, and adds a clarifying legislative proposal requested by the National Commission on Water Quality, established by the Federal Water Pollution Control Act.

Section 1 of the bill authorizes a 1-year extension of the pilot operator training program for wastewater treatment plants, set up under section 104(g) (1) of the Federal Water Pollution Control Act. The program, initiated in 1970, was included in the Federal Water Pollution Control Act Amendments of 1972—Public Law 92-500. Unlike all other research, development, or training programs authorized by that act, which continue at least through fiscal year 1974, section 104(g)(1) was authorized only through fiscal year 1973. The purpose of this legislation is to authorize the program at the same level of funding through fiscal year 1974.

This section also amends section 206 (e) of the Federal Water Pollution Control Act by increasing from $2 billion to $2,600 million the authorization for reimbursement of up to 55 percent of project costs for eligible sewage treatment plants on which construction was initiated between June 30, 1966, and July 1, 1972.

Section 206 provides that such publicly owned treatment works will be reimbursed for the difference between the amount they did receive as Federal financial support and 50 percent of total cost, provided the project was approved by the appropriate State water pollution control agency and met the requirements of the Water Pollution Control Act in effect at the time the project was initiated. If the project was, in addition, constructed in conformity with a comprehensive metropolitan treatment plan, it would receive an additional 5 percent of total cost.

When the Federal Water Pollution Control Act amendments were passed in 1972, the best estimate was that approximately $2 billion was needed to carry out the reimbursement provisions of section 206(a). Since that time the estimate has been refined, and is now $2,600 million. The increase in the authorization will permit full implementation of section 206(a) and assure that all eligible applicants will in time receive the full amount of reimbursement to which they are entitled.

Section 2 of the legislation extends the deadline for filing reimbursement applications from October 18, 1973, to January 31, 1974. This extension is needed to give States and communities adequate time to prepare and file applications after the promulgation of the Environmental Protection Agency's guidelines which just came out this September.

Section 3 authorizes the Administrator of the Environmental Protection Agency to make interim payments to projects for which an application has been approved on the basis of estimates of maximum pro rata entitlement of all applicants under subsections 206 (a) and (d).

The large number of applications for reimbursement will require extensive processing by the Environmental Protection Agency before full payment on each can be made. This section authorizing interim reimbursement of funds to projects which can be easily approved on the basis of available documentation pending final processing of all projects will prevent undue disruption in community plans and also facilitate an orderly cash flow by the U.S. Government.

I am, as always, deeply appreciative of the splendid leadership of the chairman of this committee, the gentleman from Minnesota (Mr. Blatnik), the gentleman from Alabama (Mr. Jones), and the cooperation given by the ranking minority member of the committee, the gentleman from Ohio (Mr. Harsha), and the ranking minority member of the Subcommittee on Water Resources, the gentleman from California (Mr. Don H. Clausen).

Mr. DON H. CLAUSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1776 as reported by the Committee on Public Works. This bill addresses certain immediate needs of the water pollution control program and I urge its support.

I compliment the distinguished chairman of the Water Resources Subcommittee of the Committee on Public Works, my good friend Ray Roberts, of Texas, for his leadership in bringing this bill to the floor today as well as for his cogent explanation of the provisions of S. 1776.

Mr. Roberts has explained the details of S. 1776, and I shall not be repetitive. There are, however, two provisions in this bill which I believe should be expanded upon. As you remember, last year in the development of the 1972 amendments to the Federal Water Pollution Control Act, the Congress developed legislation providing for reimbursement to those projects on which construction was initiated between June 30, 1966, and July 1, 1972. Reimbursement payments would be the difference between the amount projects did receive as Federal financial support and either 50 or 55 percent of total cost depending upon whether or not the treatment works was constructed in conformity with an applicable, comprehensive, metropolitan treatment plan.

At the time we developed the reimbursement provision in the 1972 amendments, the Environmental Protection Agency had provided an estimate that the provisions for reimbursement in then existing committee drafts would require appropriations of over $1.9 billion. We, therefore, provided an authorization for the appropriation of $2 billion for reimbursements for the 1966-72 period. Subsequent tabulations of outstanding reimbursables indicated that the reimbursement provisions in the conference report would require an appropriation of approximately $2.6 billion. Because the total dollar needs were underestimated, the authorization would only provide 77 percent of the required funds. The additional $600 million authorized by S. 1776 would allow full payment of outstanding reimbursables.

Furthermore, the Environmental Protection Agency promulgated regulations for the payments of reimbursables which were clearly not consistent with the law. These regulations would have penalized certain of our States. When we realized the implications, the committee took immediate steps to rectify the problem. After a number of conferences between representatives of the Environmental Protection Agency and committee members and staffs in both bodies of the Congress, the Environmental Protection Agency rescinded the unlawful regulations and promulgated new regulations consistent with the law which provide for pro rata distribution of the limited available funds. Now, with S. 1776 and after necessary appropriations by the Congress and budgeting by the Executive, repayment of all outstanding reimbursable could be made at 100 percent.

I would like to call to your attention the provisions in section 3 which authorized interim reimbursement of funds to projects which can be easily approved on the basis of available documentation, pending final processing of all projects. This provision will allow the Administrator to immediately begin making payments at a level approaching 77 percent of the Federal share of the cost of all projects for which there is adequate documentation.

An amendment to section 2 incorporated by the Public Works Committee would extend the final date for submittal of applications for reimbursement to January 31, 1974. In so doing, we know that there might be a tendency for the Environmental Protection Agency to utilize the provision in section 3 for interim payments. We expect him immediately to start making such interim payments. These moneys are needed by the States to carry out the non-Federal portion of water pollution control construction, and we consider it to be a most important provision in our bill.

I would like to ask the gentleman from Texas (Mr. ROBERTS) if he concurs in the view I have expressed. I yield to him for this question.

Mr. ROBERTS. Mr. Speaker, I appreciate the gentleman's yielding.

I certainly concur in his statement. It is the only way I know of that some of these smaller cities and States can operate, or get the money to operate, to do the job required by the Federal Water Pollution Control Act.

Mr. DON H. CLAUSEN. I thank the gentleman for his comments. It is important for all to understand that we expect prompt implementation of section 3.

In closing, let me say that I appreciate the cooperation I received from my colleagues on the Committee on Public Works, from our staff and from Environmental Protection Agency personnel. I urge you to vote for S. 1776.

Mr. STEIGER of Wisconsin, Mr. Speaker, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's yielding.

(Mr. STEIGER of Wisconsin asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. STEIGER of Wisconsin. Mr. Speaker, I find myself in a difficult position because I represent one of those areas of the country containing a major sewage treatment project for which the original EPA reimbursement formula was favorable.

Unfortunately, the bill before use today includes two bads along with one good, but I think the good outweighs the bads. I am pleased that an effort is being made to provide sufficient funds to reimburse all eligible projects and that a clause is included to allow the interim payments needed to avoid further delays.

My concern here is that we have no assurance that the administration will be willing to provide the additional funds this bill authorizes. Would the gentleman from Texas, the able chairman of the subcommittee (Mr. ROBERTS) give us any idea as to where the $2.6 billion authorized stands with respect to the possibilities for appropriation and actual expenditure?

Mr. ROBERTS. In response to the gentleman's comments, it might be well to review the background of the reimbursement provisions of S. 1776.

In developing the Federal Water Pollution Control Act Amendments of 1972, consideration was given to those communities which constructed sewage treatment facilities for which they received no Federal assistance or assistance at a level substantially lower than that contemplated in the 1972 act. It was the belief of the Congress that fairness dictated that those communities which invested their own funds should not be penalized because of the failure of the Federal Government to make available its promised share. Section 206 of the Federal Water Pollution Control Act of 1972 provided for the reimbursement of up to 55 percent of the project cost for all publicly owned sewage treatment works on which construction was initiated between June 30, 1966, and July 1, 1972. Subsection (d) of section 206 provides that in any year in which available appropriated funds are not equal to the total amount of reimbursement due on such projects, each qualified project—and I stress qualified project—shall be allocated its proportional share of available funds. No distinction was drawn between the types of projects which were qualified. Public Law 92–399 appropriated $1.9 billion for such reimbursements in fiscal year 1973.

EPA published proposed regulations on June 26, 1973, which had the effect of establishing classes and allocating all the appropriated funds into only one class of qualified project, creating a priority scheme for the distribution of these funds which was totally inconsistent with Public Law 92–500.

This allocation would result in 24 States failing to receive any reimbursement funds and 19 other States receiving substantially less than the equitable distribution which was intended by that act.

EPA has rescinded these regulations on the basis of a review of the law and has proposed new regulations doing away with these classes. The committee is satisfied that the new regulations are in conformity with section 206 of the Federal Water Pollution Control Act.

As I have previously pointed out, the purpose of S. 1776 is merely to provide sufficient authorizations to carry out the purpose of the section and to provide a means of making interim payments.

Mr. STEIGER of Wisconsin. I must say that I remain concerned over the future availability of the funds authorized in this bill. Unfortunately, because the EPA has already made the change in its regulations this legislation offers the only real chance for full reimbursement, and I suspect that I have no choice but to vote for the bill.

Another part of the bill that worries me is the extension of the deadline. I wonder if the gentleman from Texas will indicate whether or not it is their considered judgment that the deadline extension into January will unduly slow down EPA's handling of applications.

Mr. ROBERTS. No; it will not, because, as the gentleman realizes, we do have the interim payment provision, and those ready can be paid immediately. This is the reason we put it in there. We hope we are speeding it up. As I said before, some of them, particularly the middlesized cities, are in dire circumstances. We hope this really is going to take care of it.

Mr. STEIGER of Wisconsin. I hope that it will.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I thank the gentleman for yielding.

That is precisely the reason we put the interim language in our legislation here today, hopefully to send the signal downtown that we here on the committee and in the Congress expect them to follow it.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's comments.

Mr. Speaker, I feel that it might prove instructive to examine the impact on one sewage treatment project in my district.

The Neenah-Menasha Sewerage Commission has been assured for years that full reimbursement will be provided to cover the costs of a wastewater treatment plant expansion. Now, unless the funds authorized in this bill are actually made available, a large portion of the promised reimbursement will be withdrawn.

I think that the plight of Neenah-Menasha and, no doubt, that of many other communities across the country, can best be understood by reading a letter addressed to me by the sewerage commission's manager. This letter, along with the related comments I have already directed to the distinguished chairman of the Public Works Committee, Mr. BLATNIK, follow:

NEENAH-MENASHA SEWERAGE COMMISSION,
Menasha, Wis., October 15, 1973.

Representative WILLIAM STEIGER,
Longworth Office Building,
Washington, D.C.

DEAR REPRESENTATIVE STEIGER: I have just been advised of a proposed joint Senate-House resolution declaring recently adopted Environmental Protection Agency reimbursement regulations void and ordering preparations of new regulations. As I understand, Senator Jennings Randolph (D–W. Va.) and 38 Co-sponsors are advocating adoption of this resolution, which will seriously cripple the past four years of work by the Neenah-Menasha Sewerage Commission to get an expansion project of our wastewater treatment plant underway.

The guidelines under attack relate to the PL86–440 and PL92–399 reimbursement provisions and particularly the priority system for disbursement of the appropriated $1.9 billion. Officials of the Cities of Neenah and Menasha, and the Neenah-Menasha Sewerage Commission have been assured for years that we would receive federal grants of 55% on our project, and we have proceeded with bonding, industrial contract negotiations, and project planning on that basis. The recently adopted EPA regulations assured us of getting that 55% since our project and those of the Cities of Green Bay and Manitowoc were placed in priority A, which is the highest priority.

Suggested revisions in Senator Randolph's proposal will result in a substantially reduced reimbursement to Wisconsin cities, qualifying under PL92–399 and 84–660 and in the case of Neenah-Menasha could result in approximately $3 million reduction in federal reimbursements. This is based on the proposal to proportion the appropriated funds by using a formula which would multiply the 55% federal grant by a fraction, the numerator of which is the appropriated funds ($1.9 billion) and the denominator of which is the total applications ($2.4). If our project bids total close to our estimated cost of $27 million, then, our local share to be bonded for and paid directly by our local citizens will increase from $5.4 million to $8.4 million.

Your strongest efforts to defeat the proposed resolution are appreciated.

Sincerely,
NEENAH-MENASHA SEWERAGE COMMISSION,
ROBERT W. BUES. P.E., *Manager*.

P.S.—An alternative solution might be to increase appropriations to equal the applications.

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 13, 1973.
Hon. JOHN A. BLATNIK,
Chairman, Committee on Public Works, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I was disappointed to learn that the pending resolutions to establish a formula for distributing reimbursement grants for sewage treatment facilities construction will be considered without the benefit of hearings.

Nevertheless, I thank you for the opportunity to submit my views. I am enclosing a copy of a letter I received from Robert Bues, Manager of the Neenah-Menasha Sewerage Commission. He gives a clear explanation of the plight of those municipal systems which will suffer from the revised distribution formula.

Two points deserve special attention. First, the letter conveys the sense of betrayal felt by city officials who had been assured for years that their early approval for reimbursement meant a priority position for available funds. Because they believed these assurances, cities across the nation will now be forced to absorb unexpected costs often as large as several million dollars.

Second, the postscript offers the alternative solution of increased appropriations to allow full reimbursement to all applicants. The authorization included within the pending resolutions takes the first step in this direction. Although I find some encouragement in this aspect of the proposal, it will be rendered meaningless unless those who vote to approve this legislation keep the need for these funds in mind when the time comes to make the actual appropriation.

Again, thank you for giving me the opportunity to bring these comments to the attention of the Subcommittee.

With kind regards,
Sincerely yours,
WILLIAM A. STEIGER,
Member of Congress.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of S. 1776, the Federal water pollution control amendment.

As a sponsor of identical legislation, I heartily congratulate Chairman BLATNIK of the House Public Works Committee, Chairman RANDOLPH of the Senate committee, their respective committee members, and the numerous cosponsors of this legislation for their tireless efforts toward enacting this important measure. I commend the membership of both committees, additionally, for their earlier success in persuading the Environmental Protection Agency to revise their regulations governing the allocation of grants to the States under section 206 of the Federal Water Pollution Control Act. That regulation would have totally deprived 24 States of any Federal funds under section 206. Fourteen other States would have received substantially less than their entitlement. These States owe their current allocation to the efforts of these able committees.

The job, however, has not been completed, and it is for this reason we must act on this bill today. Under the existing law, the States will receive only 80 percent or less of the Federal share promised them by Congress. Last year, relying on EPA studies, we underestimated the amount needed to fund reimbursement grants under section 206. We authorized $2 million to cover the promised Federal share of 50 percent of the cost of water treatment facilities constructed by the States between mid-1966 and mid-1972. This authorization fell more than 20 percent short of the actual amount needed and promised to the several States, all of which answered the call to clean up the Nation's waterways and shorelines. S. 1776 will finally fulfill the Federal pledge by authorizing an additional $600 million, the amount estimated to fund fully section 206 projects.

Further, the bill will permit State water pollution control administrators to submit applications for funds until January 31, 1974. The previous deadline of October 15 was unrealistic given the confusion created by the amorphous EPA regulations that governed application requirements and grant allocations. S. 1776 will make available the additional time State administrators are pleading for all over the country.

The third essential element of the bill will authorize the Director of EPA to make interim grants to those States which will have qualified particular projects before the new deadline.

Mr. Speaker, there is no valid argument that can be raised against this bill. There are two simple objectives sought by this bill. One is to fulfill a solemn Federal pledge made to the States to match State dollars spent to combat water pollution. The other is to reassert Congress commitment to the Nation that we will do our part, if not lead the way, to restoring the purity of our waterways and shorelines for the health and enjoyment of this generation of Americans and all future ones.

Mr. Speaker, I urge approval of this vital legislation.

The SPEAKER. The question is on the motion offered by the gentleman from Minnesota (Mr. BLATNIK) that the House suspend the rules and pass the Senate bill S. 1776, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill as amended was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed. (S. 1776).

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had receded from its amendments to a bill of the House of the following title:

H.R. 11104. An act to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

Thus clearing the bill for the President's signature.

EMERGENCY NATIONAL MAXIMUM HIGHWAY SPEED LIMIT ACT

Mr. BLATNIK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11372) to conserve energy on the National System of Interstate and Defense Highways, as amended.

The Clerk read as follows:

H.R. 11372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Emergency National Maximum Highway Speed Limit Act".

SEC. 2. The purpose of this Act is to conserve fuel during periods of current and imminent fuel shortages through the establishment of a national maximum highway speed limit.

SEC. 3. After the sixtieth day after the date of enactment of this Act, the Secretary of Transportation shall not approve any project under section 106 of title 23 of the United States Code in any State which has (1) a maximum speed limit on any public highway within its jurisdiction in excess of 55 miles per hour, and (2) a speed limit other than 55 miles per hour on any portion of any public highway within its jurisdiction which had a speed limit of 55 miles, or more, per hour on November 1, 1973, and (3) maximum speed limits which are not uniformly applicable to all types of motor vehicles using a highway, except that a different speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. Clauses (2) and (3) of this section shall not apply to any portion of a highway during such time that the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of a highway.

SEC. 4. (a) For the purposes of the Act the terms "highway" and "State" shall have the same meanings as in section 101 of title 23, United States Code.

(b) As used in this Act, the term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.

SEC. 5. This Act shall cease to be in effect (1) on and after the date on which the President declares that there is not a fuel shortage requiring the application of this Act, or (2) on and after June 30, 1975, whichever date first occurs.

The SPEAKER. Is a second demanded?

Mr. SNYDER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Minnesota (Mr. BLATNIK) will be recognized for 20 minutes and the gentleman from Kentucky (Mr. SNYDER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. BLATNIK).

Mr. BLATNIK. Mr. Speaker, I rise in support of this legislation and ask all of the Members of this body to join in moving quickly for its passage. It is time we stopped talking about the energy problem and started doing something about it.

This bill is simple. It will cause an immediate reduction in fuel consumption and cause a minimum of disruption of our everday lives.

There are side benefits that this legislation will produce that are uncountable in fuel, but are priceless in other respects. No. 1 on the list is savings of lives. It is commonly known that fatalities occur most often at high speeds. It will be a great step forward just to see that horrible figure of 55,000 deaths per year start to decrease. It is anybody's guess how much the savings will be, but everyone agrees it will be substantial.

This bill should not wait for all the debate that will ensue with a major energy bill.

The States need the bill now so we can have uniformity across the country. I commend the States who have already taken action to reduce fuel consumption by reducing speed limits. For those States who must change what they have already done to conform to this bill, I can only say that it is to their credit to have moved so fast on their own, and I hope they welcome this chance for uniformity.

The Subcommittee on Energy has shown great foresight in moving quickly with this bill and I compliment its Chairman, JIM HOWARD of New Jersey, and ranking minority member, GENE SNYDER of Kentucky, for their excellent work.

Mr. Speaker, I yield now to the distinguished and able Chairman of the subcommittee, the gentleman from New Jersey (Mr. HOWARD) who took the initiative on this important piece of legislation.

Mr. HOWARD. Mr. Speaker, the legislation before us today concerns a subject which has been discussed over and over in recent weeks in respect to the energy shortage. It is an action which can stand free and clear of all other energy proposals because it does not involve foreign policy, the environment, nuclear energy, or anything else that have become major concerns in this current crises.

This is something that can be done now without any cost to the Federal Government and can be a major step forward in conserving fuel.

The President in an earlier speech and his energy message to the Congress urged a 50-mile per hour national speed limit. In his latest speech, he has asked for a two-tiered speed limit calling for 55 miles per hour for intercity buses and large trucks primarily, semi-trailer types, and 50 miles per hour for all other vehicles. In both instances the President said there would be a savings of about 200,000 barrels of oil per day.

This legislation calls for a uniform maximum speed for all vehicles of 55 miles per hour on those highways currently posted at 55 miles per hour and above.

The Subcommittee on Energy held hearings on this bill which produced the most comprehensive body of knowledge presently available on this subject.

The primary thrust of the bill is for the conservation of energy. It was also necessary, however, to come up with the proper speeds which would not only present an optimum of fuel savings, but at the same time preserve the economic, safety and public acceptance consideration which would make the bill most effective.

It became apparent quite early that the Governors and the public generally are in favor, primarily from a safety standpoint, of a uniform speed for all vehicles in the traffic stream rather than a "two-tiered" system of one speed for automobiles another for large trucks and buses.

Because of the two different speed proposals advanced by the President in his two speeches and his plea for immediate voluntary compliance by the public until legislation could be enacted there have been a considerable number of different actions taken by the States to effect immediate action.

As of the day of our hearing last Tuesday, nine States had responded to the 50-mile-per-hour call and set speed limits at that figure. One State had set a two-tiered system of 50 miles per hour for automobiles and 55 for trucks and buses, one had set 50 for automobiles and 60 for trucks and buses, four had set a uniform 55-mile maximum for all vehicles, some others had varied limits on different types of highways, some have done nothing, and approximately 14 States must enact legislation.

Obviously this proliferation of different limits across the country is very misleading to the public in general. Testimony before our subcommittee by the Governors Conference indicated that they wanted guidance so that there could be national uniformity.

The committee in deliberating on this issue felt that the best balanced approach is a uniform maximum limit for all vehicles on all roads.

Because a number of States need legislation to put this act into effect a 60-day leadtime has been provided to allow this legislation to be enacted.

I would like to clarify one other item with respect to speed limits below the 55 miles per hour prescribed in the bill. The language on page 3 of the report indicates that highways currently posted 55 miles per hour or less would not be affected. This means speeds less than 55 miles per hour and further it still means that the speeds will be uniform for all vehicles. There has been some confusion on this item and I would like to clarify that statement at this time.

Mr. SNYDER. Mr. Speaker, I join in the statements of the gentleman from New Jersey in support of the legislation.

Mr. Speaker, I am pleased to support H.R. 11372, as amended, and to recommend it to my colleagues in the House.

The bill before the House would establish a maximum speed limit of 55 miles per hour throughout the Nation. In addition, it would establish at 55 miles per hour the speed limit of any public highway which had a 55 miles per hour or greater speed limit as of November 1, 1973. The statement in the committee report relative to a State being permitted to set a different speed limit for a portion of highway that had a 55 miles per hour speed limit on November 1, 1973, is incorrect. Furthermore, whatever speed limit is established must apply to all types of motor vehicles using a highway, except for vehicles operating under special permits because of their weight or size.

The mandatory 55 miles per hour speed limit and the requirement for uniform application of any speed limit to all types of motor vehicles do not apply to a portion of a highway when a temporary hazard to the safety of traffic on such portion of highway is created by the condition of the highway, inclement weather, an accident, or other condition.

The need for action to reduce speed limits as a means of conserving fuel is, I believe, manifest. Our committee has been studying this question for a period of time and, indeed, the basic legislation upon which action was taken was introduced before we had the benefit of speed limit recommendations from the President.

As a result of our hearings on the bill itself, as well as the prior hearings that were held on energy use and gasoline shortages, it was clear that a national speed limit was necessary. Nevertheless, the Public Works Committee has been heavily involved in the question of highway safety and in the effort to reduce fatalities and accidents upon the Nation's highways.

The combination of the desire to conserve energy resources with the desire to save and protect human resources led the committee to believe that a speed limit arrangement that would permit a higher speed limit for heavy trucks than for passenger automobiles could very well lead to increased accidents with heavier fatalities upon the part of the passenger vehicle occupants. Therefore, the committee could not in clear conscience recommend a two-tiered speed system that would create, in its opinion, a hazard for the traffic on American highways.

We considered carefully whether to choose a speed limit of 55 miles per hour or 50 miles per hour. Frankly, it was a difficult decision for we recognized that some experts believe the overall saving in fuel might be greater at 50 miles per hour than at 55. Others, apparently, do not share that opinion. I believe the overriding reason for selecting a 55-mile-per-hour speed limit is the need to encourage the cooperation of the driving public. Energy conserving measures must, we felt, be mandatory. In order to be effective they must be reasonable. We had clear testimony that intercity buses and trucks would consume less fuel at 55 miles per hour than at 50 miles per hour.

It seemed clear that, if we legislated for a lower speed limit, voluntary compliance would be reduced and that, in the long run, we would defeat the purposes of the bill.

It became apparent to us that a uniform maximum speed limit throughout the country was a necessity. Permitting different maximum speed limits in different States or different geographical regions could only lead to confusion and, in some cases, to hardships. It seemed to us unfair to impose or permit to be imposed greater burdens on the citizens of one State than on others. Therefore, the committee provided for uniform legislation intending to provide one maximum speed limit throughout the Nation.

I believe that this bill is necessary and that in its present form it is the most effective proposal that could be promulgated by Congress at this time.

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 11372, a bill to save 200,000 barrels of gasoline a day by mandating a national speed limit of 55 miles per hour.

Though the size of this saving may seem small, it represents a quantity of fuel that is desperately needed. In New England, the shortage of middle distillate fuels, which heat 74 percent of the population, is expected to reach 35 percent or more.

To keep this shortage within manageable proportions, it is necessary that stringent fuel conservation measures be imposed on the consumption of all petroleum products—and especially gasoline.

To give this law some teeth, I also want—as soon as possible—the imposition of a tough gas rationing program. I was out on Interstate Route 495 recently, and I was amazed at the number of big gas-guzzling monsters with two people in the front seat on their way to Florida for the winter.

They were not being crimped by the gas shortage. And they were not doing anything to help the situation. But they were no different from most other Americans. As long as the gas is available, it is going to be used up until the pumps are dry. Well, it is time to turn off the pleasure pump, and get down to the business of taking this energy crisis seriously.

So I urge the House to enact this bill without delay. It is a reasonable step toward energy conservation. It proposes a reasonable speed limit that will find public acceptance. With 55 today, we will have fuel tomorrow.

Mr. CLEVELAND. Mr. Speaker, as cosponsor of H.R. 11372, a bill to conserve energy by reducing speed on the Nation's highways, I rise in support of the bill and urge its passage.

The measure reflects a number of improvements resulting from the hearing and mark-up process, including a substantial amount of substitute language sponsored by Congressman HARSHA, ranking Republican on the Committee on Public Works.

The version before us would impose a maximum speed limit of 55 miles an hour on all highways in the Nation. It thus would prohibit a two-tiered system of differential speed limits for intercity buses and heavy-duty trucks—55—and passenger cars—50—as recommended by the administration. In addition, it would require a 55 m.p.h. limit on any stretches of highway on which the posted limit was 55 or higher on November 1. Enforcement would be reserved to the States, but the Secretary of Transportation would have authority to withhold highway funds from those failing to comply.

I feel this measure is justified on two grounds. It will save energy and it will save lives. Admittedly, the data on fuel economy performance related to the speed of various categories is not as definitive as we would like. But the question is not whether savings will be realized, but how much. Amendments can be enacted later, if necessary, in light of actual operating experience. Thus it merits enactment as an energy conservation measure.

Also meriting consideration is the potential savings in lives resulting from lower driving speeds. According to the American Association of State Highway and Transportation Officials' testimony, a definite decrease in fatalities is reasonable to expect. Their testimony cited estimates by the National Safety Council that the likelihood of being killed in a traffic accident doubles with each increase of 10 miles an hour over 50. Incidentally, the AASHTO witness before our Energy Subcommittee was Robert H. Whitaker, the very capable New Hampshire Commissioner of Public Works and Highways, who has since ordered a 55 mile per hour limit on the State's interstate system.

The selection of 55 rather than 50 as a uniform speed recognized the need for somewhat higher operating speeds of trucks and buses, and the need for uniformity. AASHTO and other witnesses strongly urged uniformity in the interests of safety, arguing that a two-tiered system would create hazards offsetting any gains otherwise achieved by lower speeds. Another aspect is compliance by the public, and the degree to which the experience of being passed by trucks and buses would be a deterrent to passenger car drivers' acceptance of the lower speeds for themselves.

Mr. HARSHA. Mr. Speaker, I am pleased to support H.R. 11372, as amended, and to recommend it to my colleagues in the House.

The bill before the House would establish a maximum speed limit of 55 miles per hour throughout the Nation. In addition, it would establish at 55 miles per hour the speed limit of any public highway which had a 55 miles per hour or greater speed limit as of November 1, 1973. The statement in the committee report relative to a State being permitted to set a different speed limit for a portion of highway that had a 55 miles per hour limit on November 1, 1973, is incorrect. Furthermore, whatever speed limit is established must apply to all types of motor vehicles using a highway, expect for vehicles operating under special permit because of their weight or size.

The mandatory 55 miles per hour speed limit and the requirement for uniform application of any speed limit to all types of motor vehicles do not apply to a portion of a highway when a temporary hazard to the safety of traffic on such portion of highway is created by the condition of the highway, inclement weather, an accident, or other condition.

The need for action to reduce speed limits as a means of conserving fuel is, I believe, manifest. Our committee has been studying this question for a period of time and, indeed, the basic legislation upon which action was taken was introduced before we had the benefit of speed limit recommendations from the President.

As a result of our hearings on the bill itself, as well as the prior hearings that were held on energy use and gasoline shortages, it was clear that a national speed limit was necessary. Nevertheless, the Public Works Committee has been heavily involved in the question of highway safety and in the effort to reduce fatalities and accidents upon the Nation's highways.

The combination of the desire to conserve energy resources with the desire to save and protect human resources led the committee to believe that a speed limit arrangement that would permit a higher speed limit for heavy trucks than for passenger automobiles could very well lead to increased accidents with heavier fatalities upon the part of the passenger vehicle occupants. Therefore, the committee could not in clear conscience recommend a two-tiered speed system that would create, in its opinion, a hazard for the traffic on American highways.

We considered carefully whether to choose a speed limit of 55 miles per hour or 50 miles per hour. Frankly, it was a difficult decision for we recognized that some experts believe the overall saving in fuel might be greater at 50 miles per hour than at 55. Others, apparently, do not share that opinion. I believe the overriding reason for selecting a 55-mile-per-hour speed limit is the need to encourage the cooperation of the driving public. Energy conserving measures must, we felt, be mandatory. In order to be effective they must be reasonable. We had clear testimony that intercity buses and trucks would consume less fuel at 55 miles per hour than at 50 miles per hour.

It seemed clear that, if we legislated for a lower speed limit, voluntary compliance would be reduced and that, in the long run, we would defeat the purposes of the bill.

It became apparent to us that a uniform maximum speed limit throughout the country was a necessity. Permitting different maximum speed limits in different States or different geographical regions could only lead to confusion and, in some cases, to hardships. It seemed to us unfair to impose or permit to be imposed greater burdens on the citizens of one State than on others. Therefore, the committee provided for uniform legislation intending to provide one maximum speed limit throughout the Nation.

I believe that this bill is necessary and that in its present form it is the most effective proposal that could be promulgated by Congress at this time.

Mr. KASTENMEIER. Mr. Speaker, while there may be more appropriate moments to warn about acting precipitously in our desire to respond legislatively to the energy crisis, I am constrained to issue a note of caution to my colleagues during our consideration of H.R. 11372, the Emergency National Maximum Highway Speed Limit Act. Frankly, I have reservations as to whether it has been amply demonstrated that restraints in the form of uniform speed limits for automobiles, buses, and trucks will, in the long run, result in the economy of gasoline consumption. The truckers of the Nation have expressed their position on this question, and they may be correct.

In our efforts to deal with the energy problems, we will be confronted with legislation that ordinarily would not be allowed to see the light of day, particularly those measures which either will impose excessive Government controls and regulations over our lives or which will grant further economic privileges to those vested special interests that already receive too favorable a treatment by Washington. I want to urge my colleagues not to allow themselves to be stampeded into approving, under the guise of responding to the energy crisis, ill-conceived proposals that we later will regret.

The SPEAKER. The question is on the motion of the gentleman from Minnesota (Mr. Blatnik) that the House suspend the rules and pass the bill H.R. 11372, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to conserve energy on the Nation's highways."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONSERVATION OF ENERGY IN FEDERAL BUILDINGS

Mr. BLATNIK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11565) to insure that certain buildings financed with Federal funds utilize the best practicable technology for the conservation and use of energy, as amended.

The Clerk read as follows:

H.R. 11565

Be it enacted by the Senate and House of Representations of the United States of America in Congress assembled, That as used in this Act, the term—

(1) "new building" means any building (other than a privately owned residential structure) (A) which is to be constructed or altered by or on behalf of the United States, or (B) more than 66 per centum of the net assignable area of which is to be leased by the United States after the date of enactment of this Act after construction or alteration in accordance with plans or specifications of the United States.

(2) "existing building" means any building (other than a privately owned residential structure) which is owned by the United States or which is leased by the United States and more than 66 per centum of the net assignable area of which is used on or after the date of enactment of this Act by or on behalf of the United States.

Sec. 2. The Administrator of General Services shall develop design criteria for new buildings providing the best practicable use and conservation of energy. Such criteria upon development shall be incorporated into plans or specifications for new buildings to be under his custody or control. In developing design criteria, the Administrator of General Services shall consider, but not be limited to: (A) architectural features and site orientation that will make the most efficient use of sunlight and other natural phenomena, (B) insulation and elimination of excessive fenestration, (C) energy expended in the manufacture and transportation of building materials, and (D) new techniques for energy supply, generation, and transmission.

Sec. 3. The Administrator of General Services shall inventory and examine existing buildings under his custody or control to determine what improvements can be made to insure that these buildings will utilize the best practicable technology for the conservation and use of energy.

Sec. 4. (a) The Administrator of General Services shall report to the Congress the results of his survey inventory under section 3 no later than January 1, 1975.

(b) The Administrator of General Services shall report to Congress, not later than January 1, 1975, and from time to time thereafter, on his activities in carrying out section 2 of this Act.

Sec. 5. There is authorized to be appropriated to carry out section 2 not to exceed $500,000, to carry out section 3, not to exceed $5,000,000, and to carry out section 4, not to exceed $500,000.

The SPEAKER. Is a second demanded?

Mr. SNYDER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BLATNIK. Mr. Speaker, all of us are fully aware of the energy crisis confronting our Nation. We are also well aware that, if we are to survive this crisis, a program of energy conservation is necessary.

In the second session of the last Congress, the Special Subcommittee on Energy of the Committee on Public Works, chaired by the gentleman from New Jersey (Mr. Howard) with the ranking minority member from Kentucky (Mr. Snyder) held hearings on some of the energy problems they then felt were facing this Nation.

They recognized at that time there was a need to establish a program to conserve our Nation's energy and to prepare for our future needs. Since that time, the Energy Subcommittee of the Committee on Public Works has held further hearings on the manifold problems of the energy field.

The bill before us today is one of the many steps the Energy Subcommittee will recommend to this body in the future to help us work together to resolve the crisis.

This bill has, as one of its chief sponsors, the gentleman from New Hampshire (Mr. Cleveland) and I would congratulate him for his work on the legislation.

It is a simple bill, but an essential one. It insures that certain buildings, financed with Federal funds, would utilize the best practical technology for the conservation and use of energy.

It has the unanimous support of the entire Public Works Committee.

At this time, I would yield to the chairman of the Subcommittee on Energy to give you further details of the legislation, the gentleman from New Jersey (Mr. Howard).

Mr. HOWARD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, may I first take a moment to thank Chairman Blatnik for the kind remarks expressed in regard to me and the Subcommittee on Energy. I would like to bring to your attention the fact that it was the foresight of my chairman, Mr. Blatnik, together with the foresight of Chairman Robert Jones of Alabama, and of William Harsha of Ohio and the ranking minority member on the subcommittee, who made possible the constructive efforts of the Subcommittee on Energy, which efforts are now beginning to bear fruit. I would also like to take this opportunity to thank the subcommittee's ranking minority member, Gene Snyder of Kentucky, and all the members of the subcommittee, for their unstinting efforts and active participation in trying to understand the causes of our energy crisis and for doing their utmost to meet the energy crisis head on.

In regard to H.R. 11565, I would like to point out that its effect will not be as immediate as the speed limit bill you considered today. It will be very effective, however, in enabling energy conservation over the near term.

H.R. 11565, in summary, authorizes and directs the Administrator of the General Services Administration to develop criteria to be incorporated into the design of new buildings to provide for the best practicable use and conservation of energy. He is also directed to inventory buildings under his custody and control to determine what improvements can be made to them to insure that energy will be conserved and used following the best practicable technology for the purpose. In addition, the Administrator is required to report to Congress the results of his survey not later than January 1, 1975, and the results of his development of criteria not later than January 1, 1975, and from time to time thereafter.

To accomplish these purposes, the bill authorizes the expenditure of $6 million which, it is anticipated, will be expended within the period of fiscal year 1974 and the following 5 fiscal years.

I would like to bring to your attention the fact that the General Services Administration has already initiated energy conservation goals which as of a couple of weeks ago resulted in a 9 percent reduction in GSA energy usage in the preceding 3 months as compared to the same 3-month period of last year. H.R. 11565 can improve that success immeasurably.

H.R. 11565 is particularly attractive

because in great part it is seeking ways to conserve energy by the elimination of waste rather than by requiring additional sacrifices from our people. What is learned by GSA in regard to conserving energy in buildings will serve as a model for conserving energy not only within the Federal Government, but within private industry as well.

It is to be remembered that energy shortages are striking at the rest of the world as well as at the United States. I believe H.R. 11565 can serve the whole world and in doing so will contribute to an additional lessening of the crunch on our Nation.

For all these reasons, I urge adoption of H.R. 11565.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Ohio.

Mr. VANIK. I would like to ask my distinguished colleague whether under section 2 of the legislation, the criteria "new techniques for energy supply, generation and transmission" specifically includes solar energy?

Mr. HOWARD. The language in here does not limit GSA, and in talking with GSA and the gentleman from Ohio, I would like to congratulate them for in a similar bill introduced by the Committee on Public Works, it was stated this would not be limited and solar energy was discussed quite at length.

Mr. VANIK. But the gentleman can assure me that within this language it is contemplated to have application to solar energy?

Mr. HOWARD. Absolutely.

Mr. SNYDER. Mr. Speaker, I join in the comments of our distinguished colleague from New Jersey.

Mr. Speaker, the bill before us is one that I feel is a very necessary first step in the development of techniques of the conservation of energy. There are over 450,000 buildings under Federal control. Most of these the United States owns outright, the others it leases. Virtually all utilize energy in the form of heat, in the form of light, in the form of electricity. I believe that in virtually all of these buildings there is great saving to be made in the area of efficient utilization of energy and the conservation of energy by the reduction of waste.

Homeowners all over the country appreciate the wisdom of this. The American homeowner is examining his home and is trying to conserve energy by various means such as increasing insulation, installing storm windows, reducing wattage of light bulbs, et cetera.

It is encumbent upon the U.S. Government to do no less. As one of the original cosponsors of this bill, I suggest that the U.S. Government examine its buildings to inventory what should be done to them to preserve and conserve energy.

New buildings to be constructed for the use of the United States should incorporate into their plans or specifications criteria to assure that efficient energy conservation techniques are followed.

Orginally, the bill as introduced would have required the Administrator of General Services to inventory all buildings under the control of the United States. In committee, we decided that it would be wiser at this time to give to the Administrator of the General Services Administration the duty of survey the buildings that were under his custody or control. This amounts to some 10,000 buildings. In addition, the Administrator is to develop criteria for public buildings.

We hope that other committees will follow our example in enacting a similar legislation for buildings under their area of jurisdiction. If they do so, we anticipate that they will find the criteria being developed under this legislation by the Administrator valuable and useful.

Mr. CONTE. Mr. Speaker, the President has urged Americans to turn down their thermostats 6° in their homes or apartments and 10° in their offices and plants. Before this idea is fully accepted, the Federal Government must set an example of energy conservation for the Nation.

This bill, H.R. 11565, is the first step, and I urge my colleagues to vote its passage.

And after this bill is passed, I urge the Members of Congress to enact other reasonable measures that would afford significant energy savings.

I would bring to my colleagues' attention a House resolution, House Resolution 716, I introduced recently to urge the President to order a 4-day workweek for Federal employees. My resolution also urges the President to declare December 24 and 31 as energy holidays so that all Federal buildings could remain closed for two consecutive 4-day weekends. The energy savings from these two measures would be considerable.

I would also urge the Congress to cut out many of the frills and unnecessary luxuries in the Federal Government. Limousines is a prime example. I would limit the number of cars available to VIP's to 20—and I would make them get rid of those big black belch-fires that spend their entire useful life within the enclave of the Federal triangle.

The Pentagon has 43 limousines. I would cut that to a handful. Especially with the military now conscripting 300,000 barrels of fuel a day from the civilian economy. To preach economy, we must do economy.

Mr. CLEVELAND. Mr. Speaker, as original sponsor of this legislation to conserve energy in Federal buildings, I rise to urge colleagues' support for enactment of H.R. 11565.

But first I wish to commend my friend JOHN BLATNIK, chairman of the full Committee on Public Works; JIM HOWARD, chairman of the Energy Subcommittee, and GENE SNYDER, ranking Republican on the subcommittee, for the dispatch with which this bill was scheduled for hearings and brought to the floor. I also wish to thank KEN GRAY, chairman of the Subcommittee on Buildings and Grounds, for acceding readily to our request that this measure be handled by the Energy Subcommittee, and all 15 cosponsors of the bill.

Finally, I wish to express appreciation to my colleague from Ohio (CHARLIE VANIK), who has exercised real initiative in the fields of energy conservation and research, for his testimony in support of the bill.

H.R. 11565 represents an attempt to realize both short- and long-term energy savings in the design, construction, and operation of buildings. It recognizes that the era of energy abundance is over, that wasteful practices can be curbed for immediate savings, and that even greater savings can be realized by designing conservation into new buildings from scratch.

I have seen estimates that construction and operation of manmade structures account for 30 to 40 percent of the total energy consumed in this country. The same authorities estimate that a 25-percent potential saving would be conservative.

Given the degree of waste, of inefficient energy use, conservation through measures such as this offers most promising ways to decrease consumption while minimizing disruptive effects on the economy and the standard of living of the individual citizen.

It is particularly important to apply this approach to buildings, which once built and equipped represent a commitment to consumption patterns of long duration, unlike appliances and automobiles. End-use savings realized in electricity consumption yield multiple economies in view of the losses in primary fuels represented by generation and transmission of electric power.

This bill directs the General Services Administration to devise the most workable application of energy-saving technology to existing public buildings under its jurisdiction. As to new construction, it would require GSA to develop and impose design criteria incorporating energy savings into the entire process of design, construction, and operation. Potential areas of savings here include production and transportation of building materials, positioning of buildings for sun exposure, location and extent of windows, insulation, choice of materials, overall layout and use of heating, cooling, lighting, and ventilation.

Its direct impact is limited to GSA, but I feel it should have an effect governmentwide. Moreover, it should help create a conservation consciousness in purely private construction by innovations in design and operation, creation of a market for equipment, materials and techniques, and demonstration of fuel cost savings in relation to cost of conservation measures. It is particularly important to replace the first-cost mentality with awareness of fuel costs over the life cycle of the building.

A great virtue of this bill is that it does not depend on an extensive amount of research or innovation. In fact, it draws upon a large body of knowledge already available within the architectural and engineering professions. Thus, it will stimulate introduction of technology already on the shelf but not introduced because of the low priority accorded energy conservation in the recent past.

Furthermore, it should give great impetus to commendable initiatives already undertaken by GSA to put existing knowledge to work. The agency is designing an energy-conservation building for Manchester, in my home State of New Hampshire, and initial design work has already demonstrated that an initial objective of saving 20 percent in comparison with other buildings of comparable function will be far surpassed.

There may well be grounds for enacting other legislation providing further incentives, such as the tax deductions, to encourage application of the conservation methodology devised under this bill. But experience under it should provide a solid body of factual information on which to base further action.

The goal of self-sufficiency in energy, which the President has termed Project Independence, will demand much more of us. The overall effort will include stepped-up research, other conservation measures, resource development and energy-related environmental protection. Moreover, citizens must do their part individually by exercising restraint and saving fuel as to minimize the shortages and the disruptive effects of measure to allocate resources.

This bill represents a demonstration that Government is moving forward to do its part. Thus, it should offer incentive to needed conservation by citizens, I urge colleagues to join in its support.

Mr. VANIK. Mr. Speaker, the legislation we are now considering, H.R. 11565, "Energy Conservation in Public Buildings," is an encouragement: It is encouraging that the Public Works Committee has recognized the important role the Federal Government can play in initiating energy conservation designs in office building construction. I am also pleased by the gentleman's response—that it is the intent of the committee that solar energy be considered in the construction of Federal office buildings.

Solar energy is the only limitless, nonpolluting energy source we know. It only makes sense that in these days of fossil fuel shortage, we work to maximize our use of the Sun. For every unit of heat that we harness directly from the Sun, we are freed from extracting, transporting, refining, and burning one unit of heat from fossil fuel. The logic is simple, but we continue to fail to understand the tremendous potential of solar power.

The technology for utilizing the Sun's energy to heat and cool our buildings is already in our hands. Today, office buildings in Saginaw, Mich., Langley, Va., Bethplace, N.Y., Lincoln, Mass., and Millbrook, N.Y., are being designed to rely on the Sun for heating and cooling. In most cases, the use of solar energy will mean that the fossil fuel needs of these buildings will be cut from between 40 to 75 percent.

The major obstacles to the widespread application of solar heating and cooling technology are economic and social. But we can expect that both these obstacles will rapidly disappear in the near future. Solar heating and cooling is already economically competitive with electric heating. In the years ahead, as fossil fuel prices spiral upward, solar technology will become the most economical and efficient energy source in most areas of the country.

A second major obstacle that must be overcome, however, is public miseducation. Most people—including members of the building industry—are simply unaware of the potential benefits of solar energy. The Federal Government, through an ambitious program of demonstration projects, could "spread the word" that solar heating and cooling equipment can be economical, efficient, and architecturally attractive.

A more ambitious step could have been taken in this bill. The legislation could have required the construction of Federal buildings to use solar energy to the maximum extent that it is economical and efficient. In addition, steps could have been taken to insure that existing federally owned and leased buildings be equipped or "retrofitted" with solar heating and cooling equipment. I hope the committee will consider these matters in future legislation.

The SPEAKER. The question is on the motion of the gentleman from Minnesota (Mr. BLATNIK) that the House suspend the rules and pass the bill, H.R. 11565, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM THE SENATE AND THAT THE SPEAKER BE AUTHORIZED TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING ADJOURNMENT OF THE HOUSE UNTIL TUESDAY, DECEMBER 4

Mr. McFALL. Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment of the House until Tuesday, December 4, the Clerk be authorized to receive messages from the Senate, and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ADDITIONAL LEGISLATIVE PROGRAM

(Mr. McFALL asked and was given permission to address the House for 1 minute.)

Mr. McFALL. Mr. Speaker, I take this time to announce that motions may be made to pass the bills S. 2673 and S. 1747, with amendments to strike out all after the enacting clause and insert the text of the similar House bills passed today under suspension.

Those bills are: H.R. 11710 and H.R. 9437. These may be added to the suspension list for Tuesday.

DAVID BEN-GURION

(Mr. PODELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PODELL. Mr. Speaker, the people of Israel are still in mourning for the hundreds of young men who fell in the recent war. Their death has been a bitter loss. Saturday morning Israel suffered a new blow with the death of David Ben-Gurion, one of her founding fathers and her first Premier. But our grief at his passing is not mingled with bitterness, only regret that he died before the peace that he had struggled so long for was achieved. For Ben-Gurion's life was one of great fulfillment; perhaps more than any other person he was responsible for the achievement of Theodore Herzl's dream, the creation of a free Jewish State in Palestine.

He arrived in Palestine in 1905, at the age of nineteen; and in the course of almost 70 years of service, he and his comrades built a small fledgling community into a great and independent nation. Nor was he simply a political and military leader, though he saw his country through two wars as well as years of struggle before the State even existed. He was a pioneer of great vision attempting to create a new social order and a new relationship between the people and their land, leaving the ways of the old country behind them.

The high point of his career was the proclamation of independence in 1948 but even after the war of independence was won he had no illusions that any of his battles were over. Not the battle for independence, not the battle for social justice, and not the battle to reclaim the land. All of these are still ongoing more than 25 years later. But his faith and his accomplishments give us our hope for the future. There is a Jewish tradition that truly righteous people die on the Sabbath and surely Ben Gurion was one of the shining lights of our generation.

Perhaps his vision for Israel was best expressed through his love for the Negev, the barren desert that comprises southern Israel and more than half the land area of the newly created State. It was here he made his home, it was here he was buried, and it was in the reclamation of the Negev that he not only foresaw but began the fulfillment of the Biblical prophecy: "For the Lord has had mercy on Zion, He has taken pity on her ruined places, He will make her desert like Eden and her wilderness like the garden of God."

CASTRO CONTINUES HOSTILITY TOWARD UNITED STATES

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, in recent months there has been increasing speculation in the press and elsewhere about the desirability of changing present U.S. policy toward Cuba. Two relatively minor incidents in the last several weeks lead me to the opposite conclusion, since they underscore once again the Castro Government's hostility toward this country and our own citizens.

In one incident a private U.S. aircraft strayed off course, apparently as a result of a faulty navigation system. After some delay the plane, its crew and passengers, were released but not before Cuban officials had exacted $11,000 in repairs, landing fees, and other costs. The other costs were what Cuba says it cost to have two Mig fighters escort the errant U.S. aircraft to a Cuban airfield. While I hope that Cuba will abandon this ill-advised policy, if that country persists in this sort of policy I would hope that various U.S. agencies which are called on at various times to intercept or assist Cuban vessels or aircraft will make certain that the same kind of policy is applied to Cuba which she applies to us.

The second incident, which is much more outrageous, involves the holding of a 20-year-old U.S. seaman, Ralph Brembt, for ransom. He has been in Cuban hands for 3 months since a yacht on which he was serving as a crew member sank near Cuba. He and two other crewmen, both British subjects, were rescued by Cubans but Cuba refuses to allow Brembt to return to the United States until the yacht's owner forks over $6,000 to pay for the alleged rescue costs of the yacht's crew. The owner paid $2,800 for earlier repair for the boat but now is either unwilling or unable to pay the rest of the ransom Castro demands. While the two British seamen have been released, Mr. Brembt is being kept in Cuba for the crime of having been a crew member on a vessel in distress.

Earlier this year Cuba joined the United States in an accord aimed at ending aircraft hijacking. At that time many hoped that the agreement signalled a change in Cuban policy and a new willingness to respect international legal standards and the traditional role of comity in international relations. It is now clear that such hopes for improved relations were ill-conceived.

HOUSE CONCURRENT RESOLUTION 173—RELATING TO THE U.S. FISHING INDUSTRY

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, as a former member of the Merchant Marine and Fisheries Committee, I share the concern of many Members about the health of the American fishing industry, particularly in the North Atlantic.

In 1962, the Congress passed Public Law 87-794, the Trade Expansion Act of 1962. Included in that legislation, is a section on conservation of fishery resources, which reads as follows:

> Upon the convocation of a conference on the use or conservation of international fishery resources, the President shall, by all appropriate means at his disposal, seek to persuade countries whose domestic fishing practices or policies affect such resources, to engage in negotiations in good faith relating to the use or conservation of such resources. If, after such efforts by the President and by other countries which have agreed to engage in such negotiations, any other country whose conservation practices or policies affect the interests of the United States and such other countries, has, in the judgment of the President, failed or refused to engage in such negotiations in good faith, the President may, if he is satisfied that such action is likely to be effective in inducing such country to engage in such negotiations in good faith, increase the rate of duty on any fish (in any form) which is the product of such country, for such time as he deems necessary, to a rate not more than 50 percent above the rate existing on July 1, 1934.

This provision would surely seem to apply to several of the countries which have been ravaging our fisheries and depleting the fishery resources immediately off our coasts. In a letter of September 6, 1973, I asked the National Oceanic and Atmospheric Administration why this provision was not being used. The reply letter from Administrator White indicates some of the very severe difficulties which the United States has experienced in obtaining cooperation in fishery conservation. Mr. White also indicated that the administration did not want to use the section of the trade bill giving the President authority to raise tariff rates 50 percent above the old Smoot-Hawley rates of 1934. It is claimed that these small tariff rates would make little difference.

Mr. Speaker, the column 2 tariff rates on fish are low. But the application of these rates and even an increase in their level could provide some relief—some real, significant relief to our fishermen. I would hope that all of us concerned about the conservation of these natural resources would continue to urge the application of section.

Finally, Mr. Speaker, I would like to point out that we will soon be asked to consider a new trade bill—one which makes even larger grants of authority to the adminstration. I would hope that all of us could consider how seldom the administration uses provisions of present law designed to protect American resources and workers, before we extend new powers and new authorities.

The latter from Administrator White, as well as the tariff schedule for fresh, chilled, or frozen fish is as follows:

NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION,
Rockville, Md.

Hon. CHARLES A. VANIK,
House of Representatives,
Washington, D.C.

DEAR MR. VANIK: This is in response to your letter of September 6, 1973, asking if we are using Section 257 paragraph (i) of the Trade Expansion Act of 1962 (Public Law 87-794), which amends Part I of Title III of the Tariff Act of 1930 by adding "Section 323, Conservation of Fishery Resources," to encourage foreign countries that are members of the International Commission for the Northwest Atlantic Fisheries (ICNAF) to comply with or cooperate with the United States in the development of a "comprehensive multilateral management program" for the fisheries resources off our Atlantic coast.

As you point out, this section of the law relates to action on import duties the President may take to induce countries whose conservation practices or policies affect the interests of the United States to engage in good faith negotiations concerning the conservation of international fishery resources.

Rates of duty on fish imports from such countries that fail to engage in such negotiations in good faith may be increased to a rate not more than 50 percent above the rate existing on July 1, 1934.

The members of the International Commission for the Northwest Atlantic Fisheries are Bulgaria, Canada, Denmark, France, the Federal Republic of Germany, Iceland, Italy, Japan, Norway, Poland, Portugal, Romania, Spain, the U.S.S.R., and the United Kingdom, as well as the United States.

The meetings of the Commission are concerned with the development of international conservation programs for the fishery resources of the Northwest Atlantic Ocean and would appear to be the kind of meeting for which the provisions of law noted above might be invoked.

A difficulty, however, is that most fishery products, other than those canned products subject to *ad valorem* duty, had very low rates of duty in 1934 amounting to only a few cents a pound. (These are illustrated in column 2 of the enclosed Tariff Schedules of the U.S. Annotated, Schedule 1.—Animal and Vegetable Products, Part 3.—Fish and Shellfish.)

In these circumstances, action to increase rates of duty on fishery products 50 percent above the 1934 rate would have minimum effect on ICNAF member countries, other than Norway which would be concerned about the rate of duty because of its canned sardine shipments to the United States, and Japan which would be concerned because of its sale of canned tuna. However, Norway is not conducting fisheries off our North Atlantic coast, and the fisheries of Japan in this area are quite limited.

The fisheries off our Atlantic coast of principal concern to us are those carried out by the distant-water European fishing countries, particularly the Soviet-bloc countries. These are the developed maritime countries with extensive interests in the ocean that have a major stake in maintaining a significant degree of international cooperation in the management of ocean affairs. They are aware that the direction taken at the new Law of the Sea Conference scheduled to convene late this year and begin substantive sessions next year will have a major influence on their future activities.

United States Delegates to ICNAF meetings have made clear that failure to find solutions to fisheries conservation problems in international bodies such as ICNAF must inevitably have a direct bearing on the new framework for managing fisheries that will emerge from the Law of the Sea Conference. This point was clearly made in the Opening Address to the ICNAF Annual Meeting in Washington, D.C., May 25, 1972, by the Under Secretary of Commerce, a copy of which is enclosed. Also enclosed is a copy of a statement the Secretary of Commerce issued immediately prior to the 1973 ICNAF Annual Meeting pointing out that failure to develop effective conservation measures within ICNAF would lead to reconsideration of United States participation in the Commission.

That other ICNAF member countries are aware of the seriousness of the situation, was indicated when they proposed a Special Meeting of the Commission in October 1973 to consider further the issues that could not be resolved at the Annual Meeting in June 1973.

At the special Meeting of ICNAF in Ottawa, October 15–19, 1973, agreement was reached on a 3-year program which is pledged to allow the stocks to recover to a level that would produce the maximum sustainable yield. Agreement was also reached on a gear restriction that will keep almost all foreign bottom trawls out of the relatively shallow waters off southern New England for 6 months of the year. This will be of direct benefit to American fishermen since the foreign bottom trawls in this area cause them competitive disadvantage and a loss of species which are important to the American market.

The agreement calls for an overall catch limitation in 1974 of 923,900 metric tons, going down to 850,000 metric tons in 1975. In 1976 the ICNAF regulation will require this limitation to be set at a catch which will allow the biomass to recover to a level which will produce the maximum sustainable yield. The 923,900 ton figure in 1974 may be compared to overall catches of the species in question of 1,144,700 in 1971, 1,188,400 in 1972, and a projected catch of about the same this year.

Individual allocations of these overall quotas were made which will permit the United States and Canada increased catches in 1974 over the 1972 catch and the projected catch for 1973. At the same time, all nine distant-water fleets which received individual allocations will be permitted 1974 catches less than their 1972 catches and projected 1973 catches. A press release summarizing the results of the meeting is enclosed.

As we indicated in our letter of August 16, concerning ICNAF matters, we are determined to continue to work to establish an effective international framework for the protection of American fisheries interests.

We appreciate your interest in these critical questions concerning the protection and conservation of North Atlantic fisheries resources.

Sincerely,

ROBERT M. WHITE,
Administrator.

TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1972)

SCHEDULE 1.—ANIMAL AND VEGETABLE PRODUCTS—PART 3.—FISH AND SHELLFISH

Item	Stat. Suffix	Articles	Units of quantity	Rates of duty	
				1	2
		Part 3.—Fish and Shellfish			
		Part 3 headnote: 1. The term "fish", as used in this part, does not include shellfish, or whales or other mammals. This part covers only fish and shellfish, live or dead, fit for human consumption.			
		2. In subparts A and B of this part, the term "whether or not whole" means if whole, or if processed by removal of heads, fins viscera, scales, skins, or bones, or by filleting, division into pieces, or other cutting or slicing operations, but not minced or ground.			
		3. In subparts C and D of this part, the term "in oil" means packed in added oil or fat, or in added oil or fat and other substances, whether such oil or fat was introduced at the time of packing or prior thereto.			
		4. Live fish and shellfish imported to be used for purposes other than human consumption are covered by item 190.45 (see part 15F of schedule 1) and certain other fish and shellfish products are covered by parts 14 and 15 of schedule 1.			
		Subpart A.—Fish, Fresh, Chilled, or Frozen			
		Subpart A headnote: 1. In item 110.50 of this subpart, "apparent consumption" shall be the sum of (a) the production in the United States of fresh and frozen fillets, steaks, and sticks of the named fish as defined on Oct. 30, 1947, and as reported, by the United States Fish and Wildlife Service, (b) the quantity of such fillets, steaks, and sticks entered into the United States free of duty under the provisions for "products of American fisheries" in part 15 of schedule I, and (c) the quantity of the named fish entered into the United States and provided for in items 110.50 or 110.55.			
		Fish, fresh, chilled, or frozen, whether or not whole, but not otherwise prepared or preserved:			
110.10	05	Sea herring, smelts and tuna	-----	Free	Free
		Smelts	Lb		
		Tuna:			
	12	Albacore	Lb		
		Yellowfin:			
	20	Whole fish	Lb		
		Eviscerated fish:			
	25	Head-on	Lb		
	30	Head-off	Lb		
	37	Other	Lb		
	45	Skipjack	Lb		
	50	Other	Lb		
	55	Sea herring	Lb		
		Other:			
		Whole; or processed by removal of heads, viscera, fins, or any combination thereof, but not otherwise processed:			
110.15		Cod, cusk, eels, haddock, hake, pollock, shad, sturgeon, and fresh-water fish	-----	Free	1¢ per lb
		Fresh-water fish:			
	10	Whitefish	Lb		
	35	Pike, pickerel, and pike perch (including yellow pike)	Lb		
	40	Lake trout	Lb		
	50	Other trout	Lb		
	75	Other	Lb		
	95	Cod, cusk, eels, haddock, hake, pollock, shad, and sturgeon	Lb		
110.20		Halibut and salmon	-----	Free	2¢ per lb
	20	Halibut	Lb		
	40	Salmon	Lb		
		Mackerel:			
110.25	00	Fresh or chilled	Lb	Free	2¢ per lb
110.28	00	Frozen	Lb	0.35¢ per lb	2¢ per lb
		Swordfish:			
110.30	00	Fresh or chilled	Lb	Free	2¢ per lb
110.33	00	Frozen	Lb	Free	3¢ per lb
110.35	00	Other	Lb	0.5¢ per lb	1¢ per lb
110.36		If products of Cuba (except Atlantic ocean perch (rosefish) and totoaba or white sea bass)	-----	0.4¢ per lb (s)	
		Scaled (whether or not heads, viscera, fins, or any combination thereof have been removed), but not otherwise processed:			
110.40	00	In bulk or in immediate containers weighing with their contents over 15 pounds each	Lb	Free	1.25¢ per lb
110.45	00	Other	Lb	6% ad val	25% ad val
110.47		Skinned and boned, whether or not divided into pieces, and frozen into blocks each weighing over 10 pounds, imported to be minced, ground, or cut into pieces of uniform weights and dimensions	-----	Free	1.25¢ per lb
	10	Cod	Lb		
	20	Flatfish	Lb		
	30	Haddock	Lb		
	40	Pollock	Lb		
	50	Other	Lb		
		Otherwise processed (whether or not heads, viscera, fins, scales, or any combination thereof have been removed):			
		Cod, cusk, haddock, hake, pollock, and Atlantic ocean perch (rosefish):			
110.50		For an aggregate quantity entered in any calendar year of 15,000,000 pounds, or not more than a quantity equal to 15% of the average aggregate apparent annual consumption of such fish during the 3 calendar years immediately preceding the			

Item	Stat. Suffix	Articles	Units of quantity	Rates of duty	
				1	2
		year in which the imported fish are entered, whichever quantity is greater, of which total quantity not over ¼ shall be entered during the first 3 months, not over ½ during the first 6 months, and not over ¾ during the first 9 months of that year		1.875¢ per lb.	2.5¢ per lb.
	20	Atlantic ocean perch (rosefish)	Lb		
	40	Cod	Lb		
	60	Cusk, haddock, hake, and pollock	Lb		
110.55		Other		2.5¢ per lb.	2.5¢ per lb.
	20	Atlantic ocean perch (rosefish)	Lb		
		Cod:			
	45	Fresh or chilled	Lb		
	50	Frozen	Lb		
		Cusk, haddock, hake, and pollock:			
	65	Fresh or chilled	Lb		
	70	Frozen	Lb		
110.57	00	Wolf fish (sea catfish)	Lb	Free	2.5¢ per lb.
110.65	00	Yellow perch	Lb	1.5¢ per lb.	2.5¢ per lb.
110.70		Other		Free	2.5¢ per lb.
		Fresh-water fish:			
	10	Pike, pickerel, and pike perch (including yellow pike)	Lb		
	24	Catfish	Lb		
	28	Other	Lb		
		Flatfish, except halibut:			
	33	Fresh or chilled	Lb		
	37	Frozen	Lb		
	40	Halibut	Lb		
	50	Swordfish	Lb		
	6	Other	Lb		

FUEL SHORTAGES PLACE GREATER BURDEN ON GENERAL AVIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SHRIVER) is recognized for 10 minutes.

Mr. SHRIVER. Mr. Speaker, the announcement over the weekend of revisions in previously declared fuel allocations for general aviation represented a step in the right direction, and recognizes the vital role which this segment of air transportation assumes in our national economy.

Much of my time during the past week has been devoted to seeking correction of the ill-advised initial allocation cuts announced by President Nixon on Sunday, November 25. I was pleased, therefore, by the White House response to my demands for a reevaluation of the planned fuel cuts.

The overall fuel reduction, now revised from 42.5 to 25 percent, represents a more equitable allocation for general aviation. The modified allocations are from 20 to 15 percent reduction for the air taxi, agricultural, and industrial applications; from 40 to 25 percent reduction for business flying; and from 50 to 35 percent reduction for personal and instructional flying.

There are too many people, in and out of Government, who do not understand the importance of general aviation to our air transportation system and to the overall welfare of this Nation.

General aviation certainly is not the villain insofar as fuel consumption is concerned in this country. The responsible leadership of the general aviation industry recognizes the gravity of the current energy shortage and has worked willingly and closely to implement necessary conservation measures. It also should be noted that general aviation uses only 6 percent of total civil and military aviation fuels, both kerosenes and gasolines. This important segment of the air transportation industry stands ready to play its part in the energy crisis—but it certainly should not be destroyed by unfair and inequitable fuel allocations.

Mr. Speaker, the air transportation role of general aviation will increase not decrease in the coming months as a result of the Nation's fuel shortages.

Major commercial airlines are announcing drastic cuts in airline services due to the fuel shortages. These service reductions will place an additional burden on general aviation. Many smaller communities across the Nation, including my own State of Kansas, are dependent upon the services of general aviation and this dependence will grow.

In recent years we have seen the decentralization of many large industries and businesses into small towns and cities. This is especially true in Kansas where we have welcomed a number of new businesses and industries. These businesses have come to rely on the business airplane and the services of commuter and taxi airlines, flying smaller planes, as an essential part of their everyday conduct of business and their productivity.

Seventy percent of all general aviation is for business and commercial purposes with some 38,000 turbine-powered aircraft operated by businesses. General aviation today is carrying about one of every three air passengers on intercity flights each year and 60 percent of those carried are between communities not served by the airlines.

There is no doubt in my mind of the importance of general aviation in the improvement of our national economy, in maintaining the stability of smaller communities and rural areas, in bettering our own balance of payments and trade picture.

As the elected representative of the Fourth Congressional District of Kansas which is recognized as the heart of the general aviation manufacturing industry, I have given first priority to the health and vitality of this key segment of the Kansas economy. There must be continued vigilance and attention to assure fair and equitable treatment of general aviation whether it involves today's urgent problem of fuel allocation, or other related issues including user fees, airport development, trust fund distributions, or other Government-imposed regulations.

The jobs of thousands of workers are involved here; but the national economy is also affected when adverse actions are taken in regard to general aviation.

It is important that the administration and my colleagues in the Congress be fully informed of the role of general aviation. It is my intention to continue to tell the story of general aviation.

THE PLIGHT OF SMALL, PRIVATE COLLEGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK), is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, I am taking this opportunity today to express my concern over the plight of small, private, liberal arts colleges in this country. The financial pressures on these institutions of higher learning have been devastating, if not insurmountable, in far too many cases.

This was proven true for Shimer College of my home State of Illinois. Located in Mount Carroll, Carroll County, Ill., slightly over 100 miles from Chicago, Shimer College has merited much praise during its 120-year life. With its small enrollment, very selective and highly competitive terms have been applied to Shimer's admissions policy. Its curriculum is innovative and experimental.

Mr. Speaker, it was therefore with a deep sense of regret that I learned Shimer College will, according to the trustees, cease to exist on December 31, 1973. The passing of any institution means the possible loss of its tradition and history, and a definite loss for its potential for further service to its students and the surrounding community.

The experience of Shimer College in the past decade presents in a microcosm the interaction of the pressures influencing, in varying degrees, all of the small, private, liberal arts institutions in this country. According to an article in the Chicago Tribune of November 18, 1973, Shimer College was operating with a deficit of over $200,000 in 1963, but was able to reduce that deficit to $80,000 by 1967. The 1960's have been termed the "golden years" in higher education, and it appears that Shimer College shared higher education's good fortune at least in the middle of that decade.

Unfortunately, by 1971, the deficit had reached beyond half a million dollars. To keep solvent, Shimer College borrowed. But with the costs of running a college rising constantly due to inflation, Shimer College was never able to catch up. The 1973–74 budget really highlighted the problem. To meet its expected expenses of approximately $1.3 million, the administrators of Shimer College projected that approximately 40 percent of that total would have to come from tuition and fees, 24 percent from room and board fees, and 36 percent from gifts. It is critical to note that over 64 percent of Shimer's expected income was to be derived from its student population. That dependence upon the student body proved a large part of Shimer's closing, because the 1973–74 enrollment fell below its projected level. Much of the college's expenditures were already committed in the form of salaries, and physical plant maintenance costs. In light of those fixed costs, the reduction in income, and the soaring deficit, the trustees of Shimer College announced they would have to close the school.

That which will soon come to pass in Mount Carroll, Ill., is a very real part of the bleak future which will await many other small, liberal arts colleges. What are the facets of their situation?

As in the case of Shimer College, inflation takes and will continue to take a substantial portion of any budget. Significantly, the rate of inflation is an element over which the institution has very little control.

All private institutions of higher education evince a dependence on income from students. According to statistics released by the National Center for Educational Statistics of the Office of Education, in the 1969–70 school year, 34.7 percent of the current-fund revenue of private institutions came from student tuition and fees. That compares to only 12.6 percent for public institutions. The difference, of course, is made up by the State governments. The implements of this difference in revenue sources is found primarily in the gap between tuitions charged at public and private institutions. The National Center for Educational Statistics computes the average 1973–74 tuition of public institutions at $412 and that of private institutions at $2,044.

In the competition for students, on a purely monetary basis, public colleges have a distinct edge over their private counterparts. David Trivette, a research associate for the Educational Resources Information Center Clearing House on Higher Education, argues that:

> Small private institutions are severely hit because their drawing power is limited, they can scale down operations only so far (and still call themselves a college), and each student loss shrinks income.

The fortunes of these private institutions are increasingly tied to student enrollment and to their ability to use internal resources more efficiently. A 1973 study by the American Council on Education of enrollments reveals how poorly the private school has fared in the competition for students. In 1950, the student population was evenly divided between public and private institutions. By 1960, the public schools claimed 59 percent of the student population, and, by 1965, the gap had increased to 66 percent for public schools, and, a shrinking 34 percent for private schools. In 1972, only 26 percent of the American student body was enrolled in private institutions.

Steep inflation and shrinking enrollments are the reality with which each small private college must deal. What are the means to meet this reality? Either costs must be reduced or income increased, or a combination of both.

Reducing costs is neither simple nor easy for these institutions. The problem is compounded by the experience of higher education in the 1960's. Colleges and universities, blessed with rising enrollments and spectacular increases in government assistance, expanded their horizons and enlarged their aspirations.

Also, a new sense of responsibility was infused on higher education. Much emphasis was placed on research, particularly in the sciences, and, as a result, some parts of the universities and colleges gained a dominance over others. Then, with the decline in the rate of Government support and the dramatic problems which beset the institutions of higher education during the latter part of the decade, many institutions found themselves overextended. If able to recover, these schools will have to reevaluate their role in their communities and in the educational arena. For some, they will have to eliminate expenditures. Yet, one is then brought face to face with the statement of Shimer College President Robert Spencer Long, as quoted in the Chicago Tribune, that—

> We had run lean so long there was just no place to cut back.

Rethinking priorities and eliminating financial "deadwood" is not the solution for the Shimer Colleges of America.

Increasing income proffers some relief, yet what are the ramifications of such a proposal? There are two key ways, among several, of increasing income—raise tuition and fee rates, and increase enrollments.

Helen Shell, a research associate of the ERIC Clearing House, having analyzed the effects of a rise in tuition and fees, is not convinced of this approach. As tuition is raised a new layer of students needing financial aid is uncovered. Some of those students will be forced to drop out, others will decline acceptance, and the number of applications may fall substantially. In that case, an institution would be caught trying to meet its fixed costs with a reduced income. Raising tuition rates also works against private schools in their competition for students with public schools.

Increasing enrollments, although generative of new income, is beyond the capacity of some small schools. The 1971 Carnegie Commission study of the future of higher education, "New Students and New Places," suggested minimum enrollment sizes for institutions of various types in order to reach a state of operational efficiency. A minimum enrollment size of 1,000 was set for liberal arts colleges. The Commission recognized that many complex factors are at work in determining the actual size of any institution and that for some institutions too much would be sacrificed if they were to strive to achieve a minimum enrollment size. The Commission also took note of those small, private schools largely dependent upon tuition as a source of income. Delineating the cycle of raising tuition costs to meet increased expenditures resulting in a decrease in ability to attract students, the Commission added that expanding enrollment also meant that endowment income per student was likely to decline. This would force the institution to depend even more on tuition to meet costs per student. The Committee for Economic Development proposed last month that an increase in tuition charged at public institutions would make private ones more competitive. This, it was suggested, would help reverse the enrollment trend away from private schools, thereby bringing in more tuition and fees. The proposal has drawn fire from many experts for its effects upon the accessibility of public schools to the general community. It has also been suggested that the private institutions expand their definition of a student and institute new programs of adult and continuing education. This would not only increase tuition revenue but make more efficient use of the physical plant.

Despite all of these difficulties with increasing enrollment, it has been concluded by some that any funds derived from an expansion of student enrollment will no longer be able to raise income to the level of expenditure. Some of these analysts suggest that these institutions should make increased and more efficient use of their resources. Yet we have seen that this is not a solution for all problems.

Earl F. Cheit, a program officer of the Ford Foundation, wrote in a 1973 study for the Carnegie Commission, "The New Depression in Higher Education—Two Years Later," that many institutions have been looking to Washington for help out of the financial morass in which they find themselves. The Education Amendments of 1972 with some programs affecting higher education raised some hopes. But, according to Mr. Cheit, the amendments did not offer a "coherent strategy" of Federal aid to higher education. In his study, Mr. Cheit goes on to analyze the prospects of increased State aid, and finds that the proportion of State budgets intended for higher education is no longer increasing, and that, in two-thirds of the States the proportion is actually decreasing.

It is sad, but true, that it is almost impossible for colleges like Shimer to meet the financial demands being placed upon them. An analyst William W. Jellema, claimed, in a Wall Street Journal article of September 13, 1973, that the future is not secure for most private schools. The elimination of private schools was running at a rate of one school per week in 1972 according to one source.

It is much too important for the future of higher education in this country to ignore the death of an institution of the stature of Shimer College and to be unaware of the forces which are bringing about its demise.

I have today addressed myself to some of the critical pressures in higher education and to the difficulties involved in attempting to alleviate these pressures. The burden is heavy, particularly for schools like Shimer College, and, despite the desire on the part of all segments of society, there are no ready or easy solutions to the large gap between expenditures and income. Congressman Kemp and I have discussed this particular situation at Shimer, and, as are all Members, are distressed we have no answer.

PUBLIC FINANCING OF ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. Frenzel) is recognized for 20 minutes.

Mr. FRENZEL. Mr. Speaker, in the House, we have been very concerned with

Senate efforts to subvert our rules by forcing a public financing of elections bill on us. In the Senate the public financing oratory has concentrated on the nonissues. In this whole mess, almost nobody is asking critical questions about the profound changes that public financing will make in our election processes.

One person has asked some of the difficult questions. David Broder, in a piece in the Washington Post of December 2, listed some of the sweeping changes public financing will bring to the political scene. In Mr. Broder's words, the "consequences have barely been examined in the brief congressional debate." The newspaper article follows:

Election Fund Bill Would Bring Shift to Political Scene

(By David S. Broder)

The campaign finance provisions that senators want to attach to the debt ceiling bill would cause the biggest change in American politics since the application of the one man-one vote doctrine to virtually all elections.

By providing public financing for presidential campaigns and drastically reducing the role of private contributors, the legislation would eliminate what many political participants and observers contend is the largest source of corruption in American politics.

But if the measure becomes law, it would do many other things as well—and those consequences have barely been examined in the brief congressional debate.

The main purpose of the legislation—and its most predictable effect—would be to reduce the dependence of the candidates on specific large contributors and to reduce the influence of those contributors on the candidates.

Although much of the impetus for the bill came from the Watergate case and its revelations of illegal corporate contributions to the Nixon campaign, politicians know that no party or ideology has a monopoly on big givers.

Issue-oriented liberals, labor organizations and "peace" groups have assembled funds for presidential hopefuls in recent years that approach, if they do not match, corporate or conservative kitties.

Nonetheless, the votes by which the amendment was passed in the Senate had a marked partisan and ideological coloration. Most Democrats and most liberals in both parties supported public financing; most Republicans and most conservatives in both parties voted against it.

The presumption that liberals and Democrats would benefit from the change is strengthened by the realization that money is just one of the sources of influence on a political contest. If access to large sums is eliminated as a potential advantage for one candidate or party by the provision of equal public subsidies for all, then the election outcome will likely be determined by the ability to mobilize other forces.

The most important of these other factors are probably manpower and publicity. Legislation that eliminates the dollar influence on politics automatically enhances the influence of those who can provide manpower or publicity for the campaign.

That immediately conjures up, for Republicans and conservatives, a picture of the union boss, the newspaper editor and the television anchor-man—three individuals to whom they are rather reluctant to entrust their fate—electing the next President.

Whether this shift would, in fact, work systematically to the benefit of Democrats and liberals remains to be seen. But there is little question that the premium on a candidate who is telegenic, who has good press relations and who has access to large numbers of volunteer workers would increase.

Many presidential hopefuls with minimal labor support (like Barry Goldwater and George McGovern) have been able to recruit masses of volunteers, but the big membership of the unions and their well-developed recruiting and subsidizing techniques may give the union leaders' favorites a larger advantage than they have previously enjoyed in presidential politics.

While public financing's relative effects on labor, business and the press may be debatable, there is little dispute that one institution would become vastly more powerful in its influence on campaigns—the government itself.

The pending provision calls for appropriation of sufficient funds to fill the gap between the spending ceilings and the amount raised by a voluntary check-off on income tax return.

Appropriations are of course, subject to political pressures from Congress and the President. They may be delayed, reduced or even vetoed. Critics of public financing have warned that incumbent politicians of either party—in the White House or Congress—should not be given the power to decide how much the President's challenger will be able to spend.

Proponents of public financing say they are aware of the risk, but believe that Congress and the President will act responsibly and not coke off funds for an opponent.

Other questions imbedded in the legislation are a matter of debate among the handful of people who have analyzed the bill's effects, but have not yet reached public discussion. Here are some of them:

What is the effect of subsidizing presidential primary campaigns on the kind of nominees chosen? An innovation in the legislation is the provision of matching grants from the Treasury for contributions of $100 or less to contenders in the presidential primaries. To qualify, a candidate would have to raise the first $100,000 in units of less than $100 himself. After that, he would be subsidized up to a spending limit.

Advocates argue that this would open the presidential field to candidates who are not wealthy themselves or who lack wealthy sponsors, increasing the voters' choice and reducing the influence of money on presidential politics.

Critics point out that it would also have the effect of encouraging more candidates, and that, in large, multi-candidate primary fields, the winner can easily be an extreme advocate of some emotional position who can "win" with as little as one-third of the total vote.

What is the effect on the party system? The legislation says the federal subsidy will go to "any political committee" designated by the candidate to receive funds. The provision was designed, its proponents say, to fix personal responsibility on the candidate for the way his money is spent.

Critics of the bill contend that it will sever whatever fragile bonds now exist between the presidential candidate and his party. They note that if it had been in effect in 1972, Mr. Nixon could have designated the Committee for the Re-election of the President to receive $21 million in public funds.

What is the effect on minor-party candidacies. The legislation says that minor parties will be subsidized in proportions to their showing in the previous election and that new candidates may be reimbursed, retroactively on a proportional basis if they draw more than 5 per cent of the vote.

Proponents argue that this provision keeps the door open to minor-party and new candidates, without encouraging their proliferation.

Critics contend that it may, in fact, encourage such splinter candidates. In an example provided by the sponsors of the legislation, a third-party candidate who draws 10 per cent of the vote, while the major candidates get 46 and 44 per cent, would be entitled to 22 per cent of the major party subsidy—or roughly $4.6 million. The prospect of that kind of subsidy might, critics argue, encourage any number of "10 per cent candidates" to enter the race.

Since the Senate is preoccupied with rhetoric rather than debate, the House is the last hope for sober consideration and careful debate on public financing of elections.

The Senate has short-cut its own system and tried to undermine our rules. But its worst failing is that it has not even looked into the sweeping effects of the Kennedy amendment. Somebody has to do it, and the House is the only one left.

The Senate rhetoric has concentrated on the ability of public financing to clean up elections. There is no purifying magic in public money. We can achieve cleanliness in other ways. If we do not like big contributions, we can set limits. If we want lower spending, set those limits, too. I believe the best reform of all is the creation of an independent elections commission with prosecution and supervisory powers. None of these reforms requires public financing, and none would yield the disastrous side effects of public financing.

Other fundamental questions ignored by the Senate include at least a couple of constitutional questions. Under the Kennedy amendment, one person may contribute hundreds, or even thousands, of dollars in personal time to a candidate he likes, but another person, perhaps aged or handicapped, cannot contribute a single dime to a candidate he likes. That is hardly free speech or equal rights. It surely does not encourage maximum individual participation in elections.

Another constitutional question is whether taxpayers can be forced to underwrite elections of candidates they oppose. The cost is not in question. We would gladly pay for clean, active, fair elections. It is the other consequences, the side effects, that cause concern. A third constitutional question concerns fairness to candidates not from majority parties.

Most people will concede that incumbents have a great advantage in elections. The advantage is natural and legitimate. But the Kennedy amendments will enormously enhance the advantage of incumbents. Who appropriates? Who can veto? Will challengers get enough funds to make a real race? Also, the incentive that public financing provides will increase the number of candidates. The more candidates, the easier for the incumbent to win. No one seems to have examined this tipping of the balance, nor of the advantage to the "celebrity candidate" or the "glamor boy candidate" or the extremist candidate.

Another much overlooked feature is the effect of public financing on a third party, new party or independent candidates. I believe the system would encourage many more candidates, some of whom, by the authors' admission, would get a greater proportion of money than votes. But, unfortunately, the game is rigged. They cannot win.

We often talk about party responsibility and how to increase it. One of the political fundamentals that public financing is likely to destroy is party responsibility. Candidates who get all their money from the public purse can thumb their noses at their parties. The pitifully small contribution allowed to parties in Presidential elections under the Kennedy amendment may keep the parties alive, but they will be toothless. We need more party responsibility, not less.

Other considerations have been similarly ignored. We do not know the consequences of bureaucratic control of elections. With incumbents appropriating and bureaucrats supervising, will elections belong to the people or to the institution? Will public financing, by creating contests based on "free money" rather than public demand, cause more campaign spending?

It is bad enough that the promotion of public financing has concentrated on cleanliness of campaigns—something we can attain in other ways. But it is much worse that all the serious questions are being avoided or tossed aside. It is up to the House to pursue these questions. We can do it in time for next fall's elections. The important thing is that someone has to do it.

EMBARGO OF SHIPMENTS TO ARAB NATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. SHOUP) is recognized for 5 minutes.

Mr. SHOUP. Mr. Speaker, today I have reintroduced along with 13 of my colleagues a bill calling for an embargo on the shipment of agricultural, manufactured, and industrial products to the Arab nations which recently cut off oil shipments to the United States. Recently NBC had a film clip on the Nightly News showing oil well drilling equipment on the docks at Houston being readied for shipment to the Mideast. While this is going on, reported the network, American oil exploration is being slowed down because supplies cannot be obtained in the quantities needed.

Yet oil companies and their publicists, concerned with their many refineries in Europe and elsewhere, continue to tell us that an American embargo would be of no value because the Arabs would simply resupply elsewhere. As was pointed out in my statement with the bill as originally introduced, the central purpose of the proposed embargo is to stop the shipments of goods to those nations which have cut off supplies of raw energy to our production complex since the manufacture of these goods requires the use of much energy.

Congressman PEPPER in joining me on the bill pointed out that if West Europe and Japan would join us, the embargo would undoubtedly be effective in ending the oil cutoff. I join the Congressman in that position but I would go further and in view of the lack of resolve shown by our allies, I would suggest a reevaluation of this Nation's policy and commitments to those nations which so quickly and easily caved in under the Arab pressure. The strong efforts by the distinguished Senate majority leader, MIKE MANSFIELD of Montana, to reduce our European forces now looks more and more like a very good idea whose time may have arrived.

FOR MILLARD FILLMORE, FIRST PRESIDENT OF BUFFALO'S HISTORICAL SOCIETY, A PLACE OF HONOR IN STATUARY HALL

Mr. KEMP. Mr. Speaker, I wish to commend our distinguished colleague from the Land of Lincoln, Mr. FINDLEY, for his initiative to honor the Presidents of the United States who preceded us in the House of Representatives.

Mr. FINDLEY's resolution to provide markers in the floor of one of the most revered and most historic places in our great Capitol, Statuary Hall, is particularly significant to me because I have the honor to represent the people of Erie County, N.Y., where our 13th President, Millard Fillmore, was the first president of the Buffalo Historical Society.

As a cosponsor of the resolution, I can think of no greater tribute than to honor this American President who served his country in the Chamber which echoed with the eloquence of the Great Emancipators, John Quincy Adams, Andrew Johnson, and other giants of American freedom.

Elected from the congressional district I am privileged to serve, Millard Fillmore was courageous and consistent in his defense of the Union and in his efforts to prevent the Civil War.

Born in 1800 on a farm in Locke County, N.Y., President Fillmore began studying for the law at 18 as he taught school to help make ends meet.

He was admitted to the Erie County bar in 1823 and first began his practice in East Aurora, a village I now represent.

He won election to the New York State General Assembly in 1828 and to the U.S. House in 1832. After gaining the chairmanship of the Ways and Means Committee, he was nominated as the running mate of Zachary Taylor in 1848.

Upon his election to the second highest office of the land, Millard Fillmore presided over the Senate with firmness and good humor. After the death of President Taylor on July 9, 1850, he occupied the White House, led our Nation and strived to heal the dissension which eventually led to secession.

When his bid for reelection failed, President Fillmore returned to Buffalo as our city's first citizen. Besides being remembered for his leadership in connection with Buffalo's Historical Society, his name is daily brought to mind in western New York by the Millard Fillmore College at the State University of New York in Buffalo and Fillmore Avenue.

Before his death at 74 in Buffalo, President Fillmore spent the twilight of his life as he had as a young man, practicing the law he had helped formulate, in his State, in the Congress, and as his country's Chief Executive.

Mr. Speaker, I urge the approval of Congressman FINDLEY's resolution.

It was Sir Francis Bacon who observed that "Histories make men wise."

I believe that in the day-to-day rush of events and issues, it is wise for us and our fellows to contemplate those who have preceded us and gone on to guide our Nation's destiny.

TRIBUTE TO JOE CAHILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of New York. Mr. Speaker, I was greatly saddened recently upon learning of the death of a dear friend, Joe Cahill. Joseph M. Cahill, a man of kindness, integrity, and talent, was Sports Information Director at the U.S. Military Academy while I was a cadet. In losing Joe, we have lost one of the finest individuals to be found anywhere.

Joseph Cahill distinguished himself in the sports information area in a very special way. Never has a man been more highly revered for his wisdom and knowledge of sports. It was truly stimulating for all who knew him to witness this terrific personality at work. The depth of his devotion to his task was evident throughout. It was repeatedly proven by the respect given him by the writers and other experts in the field of athletics.

My family joins me in extending to Mrs. Cahill and her family our deepest sympathy.

I am also enclosing two articles which I think illuminate some of the special qualities characteristic of the great friend we have lost:

JOE

(By Dick Young)

Today, I cried for me. Joe Cahill is dead. He is at peace, he is in heaven. The loss is not his, it is mine, for he was my dear friend, my dearest friend. I love Joe Cahill. I always will.

One bright day in 1943, I was sent up to West Point by Charley Hoerten, the sports editor. Army was coming up with some good football players, he had heard, and Red Blaik was putting in the T-formation, for real. He had nibbled with some T-stuff the year before, but mostly it had been just pitchout stuff. Shovel passes, they called it in those days.

I was 26 then, and an Army football practice was a big assignment. That's when I met this Cahill kid. He was 25. He took me in to see Coach Blaik. He took me over to watch the practice, behind flapping canvas walls that had been erected against spies. In those days, Army football was as top secret as the war in Germany.

"That's Glenn Davis," pointed out Joe Cahill. "He can go." Joe Cahill smiled his mile-wide smile.

"That's Doc Blanchard. He's like a tank. He runs over people." Joe Cahill smiled.

Later, he showed me where to file my story, and he smiled, and then we went to get something to eat, and he smiled. "Key ryst," I said to myself, "the original Smiling Irishman. Things can't be that good all the time."

It was no press agent's put-on. The smile was real. It didn't take long to realize that.

"I did some Army football years ago," recalls Lindsey Nelson. "Every time I showed up, I felt like Jce Cahill was waiting just for me."

Lindsey Nelson was mistaken. Joe was waiting just for me. And for Gus Steiger of the Mirror, and for Bob Cooke of the Trib, and Tim Cohane of the Telly. Each of us was sure that. What a gift. What a wonderful, wonderful gift.

TRIBUTE FROM EARL BLAIK

On the wall in the living room of the colonial home off Piermont Road, in Norwood, New Jersey, above the TV set there hangs a photo of Red Blaik, and on it is written: "To Joe Cahill, whose genius in making and keeping friends for West Point varsity sports is not equaled in the college world . . ."

In the college world, or in the pro world, or in the business world. One day, in 1963, Sonny Werblin and his friends took over the mess called the New York Titans. Werblin wanted somebody to change the team's depressing image. He asked around; newspapermen, promoters in other fields.

"Joe Cahill wasn't the name I heard most. It was the only name," remembers Sonny Werblin.

Werblin made an offer he couldn't refuse, and reluctantly, Joe Cahill left his beloved West Point after 20 years.

"It must have been a tough decision for him to make. He loved the place as much as any cadet who graduated from there," Glenn Davis said when we talked on the phone yesterday. He was in Los Angeles, where he is special events director for the L.A. Times.

Doc Blanchard is in a place called Burnett, Texas. He is retired now. He put in his 20 years with the Army air force, and another as Commandant of the New Mexico Military Institute, and now Col. Blanchard and Jody are "just taking it easy in our lakeside home."

"I never met anyone in sports or in the Army who was so unanimously liked as Joe," said Doc. "He did a lot of things for me and all the other cadets, but especially for Glenn and me."

Doc was thinking about the movie. Mr. Inside and Mr. Outside graduated, they cashed in on the fame in Hollywood, a one-shot called "The Spirit of West Point." Joe Cahill was the technical advisor on the film. He also was the guardian of Blanchard and Davis in the Hollywood mantraps. He was more successful where Doc was concerned. Glenn became one of the first burn victims of Elizabeth Taylor, a broken engagement.

GUIDED MR. INSIDE AND MR. OUTSIDE

Blanchard and Davis were two of 31 All-Americans named from Army football teams while Joe Cahill beat the drums high on the Hudson. I'm not saying Joe made them All-America. There were six unbeaten teams in Joe's span, seven ECAC champs, two National champs. Joe didn't make them all-Americans, but he made their life better. When a football player needed a comp to a sellout for a girlfriend, he went to Joe. "It wasn't his responsibility, but he did it," says Glenn Davis.

Just recently, Joe went back to a desk at West Point, and Wednesday morning, while he was sitting there smiling his heart stopped. He was 55, and in my tears and despicable wrath, I ask the eternal question of a bewildering God: Why must Joe Cahill die while all the cruds of the world live?

JOSEPH CAHILL DIES; EX-DIRECTOR OF ARMY SPORTS INFORMATION

(By Al De Santis)

WEST POINT.—The man who pounded the typewriter in the glory days of West Point football, who told of Red Blaik and Doc Blanchard and Glenn Davis and Arnold Galiffa and Lonesome End Bill Carpenter, is dead.

Joseph M. (Joe) Cahill, 55, sports information director from November, 1941, to May, 1963, died of a heart attack Wednesday morning in West Point Hospital.

He had returned to West Point only last August as a special projects officer after serving from May, 1967, to December, 1972, as director of public relations for the F&M Schaefer Brewing Co.

Cahill left his sports information position at Army to work with the New York Jets from May, 1963, to May, 1967, as assistant to the president for public relations.

The fabled Red Blaik, coach from 1941 to 1958, worked closely with Cahill. Via telephone from his home in Palm Desert, Calif., Thanksgiving Day, Blaik, now 76, spoke warmly of his old PR man.

"I never saw a more devoted or dedicated employe anywhere than Joe Cahill," Blaik said. "He did remarkably fine work for the Academy. He was accepted by the writers and his word was gospel.

"His death," Blaik continued, "shocked me. "I first heard of it from Harriet Demarest, who has been in the West Point football office some 40 years, and Dick Young of the New York Daily News."

Army football coach Tom Cahill called his namesake "a great guy, one of the greatest I've met in sports. He did a lot for me during my period of adjustment when I came to Army as Plebe coach in 1959. His death has shocked everyone at West Point."

Bob Kinney, sports information director since 1969, said "Joe Cahill put a professional label on the office of a sports information director. He opened his eyes to the importance of the position; what it meant in the areas of exploitation and public relations. He had a great rapport with all the media, especially in New York City, and got the Army story to the world."

Cahill lived at 295 Piedmont Rd., Norwood, N.J. He is survived by his wife, Helen; a daughter, Joann, and three sons—Joseph M. Jr., Patrick and Daniel.

Friends may call today at the Moritz Funeral Home, Rt. 303, Orangeburg, from 2–5 and 7–9 p.m.

A funeral mass will be held Saturday at 10 a.m. at Immaculate Conception Church, Norwood, followed by burial at Teacedale Cemetery, Highland Falls.

CPA AT DOC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, continuing with my effort to avoid confusion in relation to the scope of authority for a proposed Consumer Protection Agency, today I wish to insert material from the Department of Commerce.

There are three CPA bills pending before a Government Operations Subcommittee on which I serve—H.R. 14 by Congressman ROSENTHAL, H.R. 21 by Congressmen HOLIFIELD and HORTON, and H.R. 564 by Congressman BROWN of Ohio and myself.

The major difference among the bills is that under two of them, H.R. 14 and H.R. 21, the CPA would be granted a statutory right to appeal to the courts the final decisions of other agencies, including decisions not to take action as requested by the CPA. Under the Fuqua-Brown bill, on the other hand, the CPA would not be allowed to appeal to the courts the final decisions of other agencies.

The material submitted by the DOC is limited to the more formal proceedings of the Department. It does not list in great detail the many informal activities of the Department in which a CPA would be authorized to take part.

I have previously inserted in the RECORD the replies of several agencies, some of them quite small, which take hundreds of thousands of final actions annually, each of which would be subject to CPA-initiated court appeal under all bills except the Fuqua-Brown bill, H.R. 564.

The DOC response is enlightening in another fashion, however. For, it points up the great number of agencies that will be opened up to CPA participation. My letter to the DOC has elicited responses from seven of the constituent agencies of that Department. Final action of each of these constituent agencies would be subject to court appeal under all but the Fuqua-Brown bill.

This demonstrates the manifold problems we on the subcommittee face in weighing the various provisions in the CPA bills before us. We must try to familiarize ourselves not only with the billions of agency formal proceedings and informal activities engaged in annually, but also with the great number of agencies, each with a different mission, which will be covered by these bills.

Mr. Speaker, in order to give the Members an early appreciation of the scope and importance of these CPA bills, I now include in the RECORD the reply of the General Counsel of the Department of Commerce with the enclosures of three of the seven agencies of that Department:

GENERAL COUNSEL OF THE
DEPARTMENT OF COMMERCE,
Washington, D.C., November 19, 1973.

Hon. DON FUQUA,
House of Representatives,
Washington, D.C.

DEAR MR. FUQUA: This is in reply to your request for information (proposed in the form of seven specific questions) pertaining to the operations of this Department during 1972 which were affected by certain provisions of Chapter 5 of Title 5, United States Code, relating to administrative procedures. Your letter indicates the information is needed for use in determining the potential impact upon the Department of Commerce expected to result from the advocacy jurisdiction of the independent Consumer Protection Agency proposed in H.R. 14, H.R. 21, and H.R. 564.

In complying with your request, we obtained replies to your specific questions from the appropriate offices and bureaus of the Department. These replies are enclosed, and they appear to be responsive to your request.

Please let us know if we can be of any further assistance to you in this matter.

Sincerely,

KARL E. BAKKE,
General Counsel.

THE ASSISTANT SECRETARY FOR SCIENCE AND TECHNOLOGY AND THE NATIONAL BUREAU OF STANDARDS

Question 1. What regulations, rules, rates or policy interpretations subject to 5 U.S.C. 553 (the Administrative Procedure Act (APA) notice and comment rulemmaking provisions) were proposed by your agency during calendar year 1972?

Answer: The following proposals were made during the calendar year 1972 subject to 5 U.S.C. 553:

a. Proposed statistical sampling plan for children's sleepwear (37 F.R. 7628, April 18, 1972)

b. Notice of proceedings for the development of an appropriate sampling plan for flammability standards for carpets and rugs (37 F.R. 11079, June 2, 1973)

c. Flammability Standard for Mattresses (37 F.R. 11362, June 7, 1972)

d. Notice of Finding that a flammability standard may be needed for children's sleepwear covering sizes 7–14 (37 F.R. 11896, June 15, 1972)

e. Notice of Amendment to Flammability Standard to Provide for Sampling Plan for Children's Sleepwear (37 F.R. 14624, July 21, 1972)

f. Correction of Notice of Amendment to Flammability Standard to provide for Sampling Plan for Children's Sleepwear (37 F.R. 19662, September 21, 1972)

g. Notice of Finding that Flammability Standard or Other Regulation May be Needed and Institution of Proceedings for Upholstered Furniture (37 F.R. 95239, November 29, 1972.)

Question 2. What regulations, rules, rates, or policy interpretations subject to 5 USC 556 and 557 (that is, APA rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

Answer: None.

Question 3. Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty or forfeiture, what administrative adjudications (including licensing proceedings) subject to 5 USC 556 and 557 were proposed or initiated by your agency during calendar year 1972?

Answer: None.

Question 4. What adjudications under any provision of 5 USC Chapter 5 seeking primarily to impose directly (without court action) a fine, penalty or forfeiture were proposed or initiated by your agency during calendar year 1972?

Answer: None.

Question 5. Excluding proceedings subject to 5 USC 554, 556 and 557, what proceedings on the record after an opportunity for hearing did your agency propose or initiate during calendar year 1972?

Answer: Hearings held on the Standard for the Flammability of Children's Sleepwear published in the Federal Register on July 29, 1971 (February 24 and 25, 1972).

Question 6. Will you please furnish me with a list of representative public and nonpublic activities proposed or initiated by your agency during calendar year 1972?

Answer: The following are representative activities proposed or initiated during calendar year 1972:

a. Comments and recommendations concerning a proposed consumer information pamphlet on carpets and rugs planned for publication by GSA.

b. Review and comment on environmental legislation, regulations and reports.

Question 7: Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 *could* have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Answer: All final notices of rulemaking as set forth in the answer to question 1 can be appealed to the courts for review.

The Office of the Secretary of Commerce, the Assistant Secretary for Administration and Constituent Units, and the Social and Economic Statistics Administration

Question 1: None. All actions taken under 5 U.S.C. 553 were either exempted or excepted from the proposal stage.

Question 2: None.

Question 3: None.

Question 4: None.

Question 5: None.

Question 6: Representative public activities of SESA during calendar year 1972 included the taking of various surveys, e.g., of the number of employees in business, their taxable wages, etc., and of distributors' stocks in canned goods. Each such survey was preceded by publication in the Federal Register of a notice of consideration of the survey. Thirty days were allowed for public comment. At the end of this period a decision was reached, after considering all comments, to proceed with the surveys. Notice of each of these decisions was also published in the Federal Register.

Certain other surveys in the manufacturing area, and a monthly survey of current population in which 50,000 households were canvassed, participation being voluntary, were taken, without notice for public comment, after publication in the Federal Register.

Representative activities within the jurisdiction of the Assistant Secretary for Administration, either public or nonpublic, included (1) issuance of orders involving Departmental organization and delegations of authority; (2) changes in rules involving Departmental management, procurement, personnel, property and emergency preparedness; (3) determinations concerning requests for records made under the Freedom of Information Act; (4) determinations concerning administrative tort claims; and (5) decisions of the Departmental Appeals Board.

Question 7: Final administrative actions could be subject to appeal to the courts for review. Typical among these would be final denial of requests for records under the Freedom of Information Act, decisions to close portions of advisory committee meetings under the Federal Advisory Committee Act, adverse personnel actions, awards of contracts, decisions of the Departmental Appeals Board, and decisions on tort claims against the Department of Commerce.

Domestic and International Business Administration

Question 1. What regulations, rules, rates or policy interpretations subject to 5 U.S.C. 553 (the Administrative Procedure Act (APA) notice and comment rulemaking provisions) were proposed by your agency during calendar year 1972?

Answer: The following proposals were made during calendar year 1972 subject to 5 U.S.C. 553:

a. Adjustment Assistance Regulations were proposed (37 F.R. 3726) on February 18, 1972 and adopted (37 F.R. 11530) on June 8, 1972. The proposed regulations reflected clarification and amplification of substantive and procedural requirements regarding adjustment assistance to firms.

b. A notice of proposed rulemaking was published in the Federal Register for the allocation of 1973 duty free watch quotas among producers located in the Virgin Islands, Guam, and American Samoa (37 F.R. 25062, November 25, 1972).

c. A notice of proposed rulemaking concerning regulations governing the importation of foreign excess property was published in the Federal Register (37 F.R. 27631, December 19, 1972).

Question 2. What regulations, rules, rates, or policy interpretations subject to 5 U.S.C. 556 and 557 (that is, APA rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

Answer: The following proposals were made during calendar year 1972 subject to 5 U.S.C. 556 and 557:

a. Rules for the allocation of 1972 duty free watch quotas among producers located in the Virgin Islands, Guam, and American Samoa were published in the Federal Register (37 F.R. 233, January 7, 1972).

b. Rules for the allocation of 1973 duty free watch quotas among producers located in the Virgin Islands, Guam, and American Samoa were published in the Federal Register (37 F.R. 28768, December 29, 1972).

c. Revised regulations relating to the duty free importation of scientific instruments and apparatus for educational and scientific institutions became effective upon publication in the Federal Register (37 F.R. 3892; 15 C.F.R. 701).

Question 3. Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty or forefeiture, what administrative adjudications (including licensing proceedings) subject to 5 U.S.C. 556 and 557 were proposed or initiated by your agency during calendar year 1972?

Answer: None.

Question 4. What adjudications under any provision of 5 U.S.C. Chapter 5 seeking primarily to impose directly (without court action) a fine, penalty or forfeiture were proposed or initiated by your agency during calendar year 1972?

Answer: The Office of Export Control[1] on seven occasions recommended to the Bureau of Customs to seize for forfeiture goods about to be exported in violation of United States Export Control Regulations[1] (15 C.F.R. 368 et seq.)

Question 5. Excluding proceedings subject to 5 U.S.C. 554, 556 and 557, what proceedings on the record after an opportunity for hearing did your agency propose or initiate during calendar year 1972?

Answer: The following hearings were held by the Examiners Committees of the Foreign-Trade Zone Board:

a. Public hearing for Little Rock Foreign-Trade Zone Application (37 F.R. 2866, February 8, 1972). Approved for Little Rock (37 F.R. 21461, October 11, 1972).

b. Public hearing for Kansas City Foreign-Trade Zone Application (37 F.R. 15535, August 3, 1972). Approved for Kansas City (38 F.R. 8622–8623, April 4, 1973).

c. Public hearing for Sault Ste. Marie Foreign-Trade Zone Application (37 F.R. 16039, August 9, 1972). Approved for Sault Ste. Marie Foreign-Trade Zone Application (38 F.R. 15671, June 14, 1973).

Question 6. Will you please furnish me with a list of representative public and nonpublic activities proposed or initiated by your agency during calendar year 1972?

Answer: Representative activities proposed or initiated during calendar year 1972 included:

a. Development of Departmental posititon on a variety of legislative, regulatory and rulemaking proposals of other agencies, especially the Environmental Protection Agency and the Federal Power Commission. Formulating Departmental response in these and other areas involves activities such as review of the proposal, informal consultation with industry, discussion with federal agencies and interagency meetings under the direction of the Office of Management and Budget.

b. Planning activities such as overseas trade fairs and trade missions, regional trade development centers, seminars and a variety of other programs designed to increase U.S. exports.

Question 7. Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Answer: All final notices of rulemaking as set forth in the answer to question 1 could be appealed to the courts for review. Also, orders issued by the Office of Export Control denying persons U.S. export privileges and all final decisions on applications for duty free entry of scientific instruments and apparatus rendered by the Department pursuant to the Educational, Scientific and Cul-

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[1] On October 26, 1973, the "Office of Export Control" was redesignated the "Office of Export Administration," 38 F.R. 30013, October 31, 1973.

tural Materials Importation Act of 1966 (P.L. 89-651) and the regulations issued thereunder (15 C.F.R. 701) could be subject to court appeal.

CRITICIZING THE PLAN FOR OIL EXECUTIVES TO RUN ALLOCATION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, on Wednesday, November 28, Secretary of the Interior Rogers Morton announced that about 250 oil industry executives will be brought into the Federal Government to help administer the Nation's new fuel allocation programs.

Adm. Eli T. Reich—retired—has said that most of these individuals will be asked to join his Office of Petroleum Allocation, which is already overseeing distribution of propane and middle distillate oil, and may soon handle gasoline and home heating fuel as well.

Mr. Speaker, it seems to me that this massive influx of industry executives into the agencies regulating their businesses poses antitrust and conflict-of-interest problems of staggering proportions. The President is asking the House Interstate and Foreign Commerce Committee to exempt these individuals from the relevant legal prohibitions, but I think that Congress must proceed very carefully in this matter, and refuse to be stampeded by the energy shortage we face.

I would like to remind my colleagues that barely 6 months ago, we originated allocation legislation to prevent the major oil companies from manipulating a shortage—which they might well have encouraged—in order to eliminate competition from the independent sector of the petroleum industry. There is now the danger that Secretary Morton's decision might decisively undermine this congressional intent. Congress created a vehicle by which to save the independents, and Secretary Morton now proposes to put major oil company executives in the driver's seat.

We should also remember that the staff of the Federal Trade Commission has formally charged the major oil companies with anticompetitive practices and illegal acts of corporate cooperation. It would be ironic, indeed, if Congress, through hasty and ill-considered consideration of Secretary Morton's proposal, enabled executives from major oil firms to move the base of their illicit operations into the conference rooms of the U.S. Department of the Interior.

Far from inadvertently turning our energy situation into a boon for big oil, Congress has to initiate tough and far-reaching legislation addressed not only to the short-term effects of the current shortage but to its long-term causes. For the present, we should adopt laws requiring the oil companies to develop all their available oil and natural gas, and utilize their full refining capacity. We should compel the companies to adjust their refinery runs so as to produce less gasoline and more distillate oil. We should move immediately to substitute officials of the Department of State for international oil firm executives as America's key negotiators with the Mideast countries over oil. And in the longer run, Mr. Speaker, Congress must take antitrust action to break up the oil "majors" into smaller, more competitive units.

I am convinced that the already existing obstacles to achieving these legislative priorities will be greatly increased if Congress countenances creation of a lobby for the petroleum majors within the Federal bureaucracy. The President and his Secretary of the Interior are now about to create a situation reminiscent of the administration's investigation of Watergate—the culprits are being assigned to police themselves.

Mr. Rawleigh Warner, Jr., chairman of the American Petroleum Institute and president of Mobil, was quoted in the Washington Post as saying:

> This is a highly specialized industry, on the supply side, and a rationing program without people with basic knowledge could be in real trouble.

Mr. Warner's assertion has some validity, but if the allocation program's original goals, the desire to prevent anticompetitive cooperation among the oil majors, and the legislative concerns I have mentioned are not to be imperiled, Congress must attach strict conditions to any sanction it provides in emergency energy legislation for the participation of oil industry officials.

The objective should be to insure that oil executives and their companies in no way benefit from service to this country during the energy crisis. Questions will arise as to which integrated and independent oil retailers receive allocations, which sectors of the economy receive priority supplies, and which integrated and independent refineries receive crude oil. Congress must take steps to insure that these decisions are made in the public interest and not for private gain.

It seems to me that several steps are necessary.

Any immunity Congress grants from antitrust and conflict-of-interest laws must be limited and qualified. Any agency staffed by industry personnel must be required to include officials from both the major and independent oil companies. Congress should insist on the creation of oversight and advisory committees composed of consumer representatives. Congress should consider asking for financial disclosure on the part of those who assume positions in these allocation programs. Representatives of the Antitrust Division of the Justice Department and of the Federal Trade Commission should be empowered to monitor meetings, keep records and transcripts, and, where possible, publicize the results of any Interior Department deliberations involving administrators on loan from private industry.

Congress and the executive branch are asking the American people to conserve energy, modify their styles of living, and endure inflated prices for fuel. Yet, as a general rule, Americans presently do not have a great deal of confidence in their elected officials and they justifiably suspect that large corporations fare all too well in Government proceedings.

We must insure that the administration of allocation programs does not justify such suspicions. In the matter of energy, if the crisis of supply and consumption is compounded by a crisis of trust, then Government will have forfeited the leadership circumstances demand.

PRESIDENT MUST GET SERIOUS ABOUT U.S. ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. CULVER), is recognized for 5 minutes.

Mr. CULVER. Mr. Speaker, the President has once again faced up to the energy crisis—by creating nothing more than newspaper headlines. He has just reshuffled the bureaucratic deck once again, and come up with William Simon. The more things change, the more they stay the same. I suppose it is too much to hope that by this latest reshuffle the policy confusion and disarray within the administration will be welded at last into a coherent and credible program.

We have seen Mr. Simon in charge of things before. Last spring he appeared before my Subcommittee on Foreign Economic Policy, while he was chairman of the Oil Policy Committee and before Governor Love was brought in to displace him. At that time Mr. Simon said there was no cause for concern about an oil embargo. He also found it impossible to envisage any substantial rise in the price of gasoline. He took the line that we had no real energy crisis. And in response to my repeated questions, Mr. Simon refused to speculate about the long-term research and development efforts that would be necessary to face up to declining energy supplies, taking refuge again and again in the cocoon of supposedly unfolding energy pronouncements to be forthcoming from the White House.

Well, the White House finally acted. They took Mr. Simon out and put Governor Love in. And when that did not work, they played musical chairs again and gave us back Mr. Simon. It is almost too much to believe that the White House really thinks they are fooling anybody with these cosmetic merry-go-rounds, that there can be a substitute for responsibly dealing with the problems.

Mr. Speaker, we face a very serious situation in this country. In our hearings 7 months ago I told Mr. Simon that in my State of Iowa even then we had corn rotting in the streets; schools could not meet; and industries could not operate—all for the lack of a tough-minded and effective energy policy on the part of the administration. He told me in effect to wait, that everything would be taken care of in the President's energy message.

We have now had several energy messages from the President, and today, as everyone knows, the situation is very much worse. But we have what I can only term another coverup by the President, another refusal to face facts and to level with the American people. There are indications of a Department of Commerce projection of average 1974 unemployment between 8 and 14 percent—

roughly twice what the President will admit to. This report is being kept secret. Why? The American people have the courage to face the facts and to deal with them. All they want and expect is similar courage and honesty from their elected officials.

Congress forced an allocation system on the President, and we may have to force rationing on him. Hopefully there are still other and better ways of dealing with severe shortages, but how can we tell if the facts are kept bottled up? As one Congressman who is trying to work with and inform his constituents. I can tell you that the frustration of trying to get straight answers is approaching nightmarish proportions.

Yes, we have an allocation system forced on the President, but there are not enough people manning it to even answer the telephones. My constituents try Kansas City and when they get no answers they try the Office of Oil and Gas in Washington. When that does not work they ask me to try and even I cannot find anyone who is able and willing to assume responsibility.

Mr. Speaker, this morning's news carries a column by Evans and Novak that underscores what I have been saying. It appears that not even the steel industry—the very backbone of our economy—can get an answer from the White House. They need fuel for their Great Lakes tankers and to operate their blast furnaces, and it is this industry that supplies the energy industry with equipment for fuel production and transportation and processing. Yet their pleas for consideration have gone unanswered for 3 full weeks, with the result that massive and perhaps totally unnecessary layoffs and steel production curtailments are now imminently in prospect.

I include this column, entitled "Energy Questions: No Answers From the White House," to be printed in the Record at the close of my remarks.

The excuse for this remarkable inaction appears to be that the people would suspect a political payoff if the President gave any special attention to the steel industry. If ever there was a display of siege mentality, this is it at its very worst. Mr. Speaker, I repeat, the people may be horror-struck by Watergate, but they have not been paralyzed in their capacity to respond to honest leadership or to make needed sacrifices for the general welfare. This weekend I was distressed to learn that so many constituents remain uncertain that there is any genuine crisis; however, it is tragically understandable given the confusing and conflicting statements by countless administration spokesmen on the subject. If the President cannot provide the needed leadership, then it is our responsibility in Congress to do so up to the limits of our ability to obtain and make public the true facts.

Last spring I told Mr. Simon it was imperative for the administration to alert the 200 million people in this Nation to the hard factual realities of the energy crisis in all its many dimensions. He responded that the President would do so, and I told him I was looking forward to the opportunity of talking with him again after the President's message. Shortly after that he was effectively displaced, but now—wonder of wonders—he is back in charge. I believe that he and the administration owe not only this Member, but all Americans, answers to the multitude of questions left unanswered and unattended since his last appearance.

The above-mentioned article follows:

[From the Washington Post, Dec. 3, 1973]

Energy Questions: No Answers From the White House

(By Rowland Evans and Robert Novak)

The bureaucratic nightmare now surrounding the Nixon administration's frenetic energy program threatens economic repercussions of grave potential impact around the country, where serious men of business and industry simply cannot get answers from the White House.

Partly for that reason, lay-offs and production cut-backs are proceeding at a pace largely concealed from the public and, it seems, pointedly ignored by the White House. Thus, one secret but well-placed economic forecast in the Department of Commerce now projects average unemployment for 1974 at between 8 and 14 per cent—almost twice the public projection of the Council of Economic Advisers—assuming continuation of the Arab oil embargo.

A key case in point is the giant steel industry. One major steel company (in the industry's top five) last week started the odious chore of going through lengthy "manning" tables of employees to prepare for possible massive lay-offs in the next few weeks.

The reason: With no clear signal from the White House, the Interior Department's Office of Petroleum Allocations or any other office of experts in the multi-layered energy program, neither this particular steel company nor any other had the faintest idea as we wrote this how much fuel would be allocated to it in the oil-short months ahead.

No less a figure than Treasury Secretary George Shultz has quietly dropped hints to several steel industry titans that President Nixon seems in no mood to risk political reprisals by giving big steel a high fuel-oil priority

"George is honest about the way the White House is thinking these days," one steel man told us. "He's saying that public sensitivity to big steel is so high that the voters would never accept special favors for steel at the expense of cold homes."

If true, that candid appraisal could spell even greater disaster for the U.S. economy in the months ahead than the economic recession which virtually all economists, both in and outside the government, seem generally agreed is unavoidable. Because steel, however opprobrious in the eyes of the public, is probably more important than any other single industry in Mr. Nixon's effort to achieve "Project Independence"—the 1980 goal of domestic energy sufficiency. It makes drilling equipment, now in short supply, tank cars, refineries and everything else needed to ease the energy shortage.

Big steel presented a fairly reasoned argument to the White House for special priority in fuel oil supplies on Nov. 12, sending a nine-page fact sheet, with projections into the next 12 months, to the President's energy adviser, John Love.

"Love knows exactly how serious this matter is," one steel expert told us, "but his hands are tied. He is allowed to take two steps forward, then someone tells him to take two steps back." Hence, the result: until last Friday afternoon, not a single word of reaction to the nine-page memorandum appealing for priority treatment.

In short, perhaps partly as a result of Watergate preoccupation, the President has allowed three weeks to slip by without giving big steel an inkling of where it may stand in the crucial matter of fuel oil. Last Friday, Mr. Nixon finally assembled Love's Energy Emergency Action group in Cabinet room and presided over a lengthy meeting centered on the critical fuel-oil allocation program for such huge and basic industries as steel.

If the politics-as-usual mood (plus the tragic mistake of the beleaguered White House to make the energy crisis appear far less dangerous than the cataclysm it really is) persuades Mr. Nixon not to give priority to big steel to placate the voting public, the course of "Project Independence" will be rough, indeed.

That the President is thinking about naming William Simon, under secretary of the Treasury, to run a new energy administration offers a glimmer of hope. Simon understands, if the White House does not, that the comfortable, profligate use of energy has ended, probably permanently, with the change threatening vast economic and cultural problems.

Big Steel must soon get decisions from Washington or start drastic layoffs with volatile repercussions throughout the economy.

THE AUDIT BILL SHOULD BE DEBATED AND VOTED ON

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, each of the 435 Members of the House of Representatives are elected by their constituents and they should have the right to vote for or against legislation which has been properly reported by a committee of the House.

Yet, we have not had a vote on H.R. 10265, a bill to require a full-scale audit of the Federal Reserve System by the General Accounting Office. This legislation was reported on a 21-to-8 vote on October 4 by the House Banking and Currency Committee.

Mr. Speaker, I sincerely hope that the Members of the House do not adjourn this 1st session of the 93d Congress without allowing a vote on this very vital issue. This sentiment, I feel, is shared by a great majority of the people and I am placing in the Record an editorial from the Commercial & Financial Chronicle which supports this position:

[From the Commercial & Financial Chronicle, Nov. 5, 1973]

The Bill Should Be Debated

In these days of Watergate, when secrecy and powerful selfserving special interests are under deserved attack, it is hard to understand why the House Rules Committee bottled up a House Banking and Currency bill (H.R. 10265) that would have given the General Accounting Office unrestricted authority to audit the Federal Reserve System.

What is involved is a basic issue that should at least be reviewed by the full House in open debate, not consigned to the legislative dungeon of the Rules Committee.

In opposing the bill during hearings held by the House Banking and Currency Committee, Arthur F. Burns, chairman of the Federal Reserve Board said that the central bank was being audited already by "independent" public accounting firms.

That may be true, but those firms are hired by the Federal Reserve and paid by the Federal Reserve. As everybody knows by now the independence of some accounting firms is a myth, and thus the Federal Reserve argument is vulnerable.

The real issue, of course, is the independence of the Federal Reserve itself, not of the accounting firms, since a GAO audit would mean authority "to review and evaluate all aspects of Federal Reserve activities," as it was phrased by George W. Mitchell, vice chairman of the Board of Governors of the Federal Reserve.

Increasingly, that right to independence, as granted by the Federal Reserve Act, is coming under attack for reasons that are well known, but in the light of Watergate and influence peddling in government, are more pertinent than ever.

The Federal Reserve operates in an atmosphere of extraordinary secrecy and mystique, and accounts for its actions to hardly anyone. This alone galls those who say there is no place in a democracy for a department of government that does not respond to the economic programs of elected officials.

Just as pertinent is the charge that the Federal Reserve acts for and represents the big money interests and industrial interests of the nation.

One of the Federal Reserve's very own board members, Andrew Brimmer, has in fact developed figures that support this charge. The figures show, among other things, that 75 percent of the 260 directors of Federal Reserve banks are men with careers based in banking and manufacturing, especially in big banking and big manufacturing. A study made elsewhere shows too, that for more than two decades not a single director came from such activities as labor unions or from among groups associated with consumer interests, though the Federal Reserve Act specifically directs that one group of directors be "public interest" directors.

In the light of such charges surely the bill that emerged from the House Banking and Currency Committee deserves to be debated in the full House.

One reason, perhaps the most important, that it was not was some extraordinary lobbying by the Federal Reserve's Arthur Burns, chairman, and others in banking. Five members of the Rules Committee who had been sympathetic toward giving the full House a chance at the bill, wilted under the pressure. Said one observer close to it all, "It looked like all the gnomes of Zurich were there."

CALIFORNIA SELECTIVE SERVICE HEADQUARTERS DISTORTS CONGRESSIONAL MANDATES

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, I would like to bring to the attention of Congress a report produced by members of my staff dealing with administration of the alternate service program of the California Selective Service System.

During the course of the past several months, my staff has been actively involved in attempting to resolve alleged processing errors committed by the California State Headquarters against registrants who are presently serving their 2-year alternate service obligation in California. I have received numerous requests for assistance in this vein and have consequently requested of the California Headquarters of the Selective Service System, access to the file of the requesting registrants. In each instance I have submitted authorization for release of information, signed by the registrant. This is the standard form used by my office for release of military, selective service and civilian medical records.

The following report outlines the basic problems that they have uncovered in the course of the administrative work done in my office. The outline highlights the area which we believe fosters inequities in the administration of the program, transgresses the spirit and intent of the Selective Service Act of 1971, as amended, directly violates procedures of the "Regulations and the Registrants Processing Manual" and which violates the spirit and intent of other governing statutes.

Of principal concern is the fact that State headquarters personnel have taken upon themselves some of the authority vested in the National Director. The legislative history of the Selective Service Act of 1971 clearly indicates the Congress' intent to insure that the Director of Selective Service had personal control over administration of the program. While the National Director, in the interest of effective administration, has given State directors the duty of directly administering the program, he still retains sole authority to pass regulations regarding administration of the program. As explained in this report, this is our principal concern. It is the violation of this principle by State headquarters, which is the basis for most of the inequities of the program.

It should be noted that the California headquarters is in all likelihood prepared to dispute the contents of this report. If, however, I were not convinced of the accuracy of the assertions herein, I would not bring it to the attention of this body.

I am presenting a copy of this report to Mr. Byron Pepitone, National Director of the Selective Service System, so that he can take appropriate action by his office to see that these injustices and inequities. are corrected immediately. If this is not done, I will call upon the appropriate committees in the House and Senate to exercise their oversight functions. At the time the Selective Service Act of 1971 was being considered, the Administrative Practices and Procedures Subcommittee of the Senate Judiciary Committee expressed concern that many of the violations contained in this report of the administration of the alternative service program in California would occur. Their fears were well founded.

The report follows:

REPORT ON ALTERNATE SERVICE PROGRAM OF THE CALIFORNIA SELECTIVE SERVICE SYSTEM

I. LEVI AGAINST TARR

In the case of *Levi v. Tarr*, 343 F. Supp. 1120 (N.D. Cal. 1972), the Honorable Judge Zirpoli ordered the Selective Service System (specifically Mr. Curtis Tarr, the National Director of Selective Service, and Mr. Carlos Ogden, California State Director) to "forthwith cancel any work orders issued to members of the plaintiff class after the last date that similarly situated registrants classified I–A and I–A–O were issued orders to report for induction and shall forthwith place the members of the plaintiff class into the 1972 Second Priority Selection Group (SPSG)." (5 SSLR 3527) In conformity with the order of the court, then Acting Director Byron V. Pepitone issued Temporary Instruction 660–4 (July 13, 1972). (SSLR 2600:103) In the pertinent part, he ordered as follows: That all registrants similarly situated, as per *Levi v. Tarr*, have their orders cancelled (2(a)); that each registrant then be assigned to the SPSG (2(b)); that each registrant so situated "be informed in writing that he is no longer required to perform alternate service work" (3(A)); that " each registrant who has left his alternate service assignment shall be informed in writing that he is not required to perform alternate service" (3(B)); and that registrants choosing not to return to or continue their alternate service be assigned a classification in Class I–H (3(c)). In paragraph six (6), Mr. Pepitone states that "The actions described in paragraphs 2 and 3 will be accomplished before October 1, 1972."

In the course of the past several months, it has become apparent to us that there was a failure to comply properly with this order on the part of California Headquarters personnel. We have direct evidence that individuals performing work as I–Ws, who were eligible for such notification, in fact received notification months after the deadline promulgated in TI 660–4, and only after pressure was applied by the registrant, his legal counsel, a Member of Congress or some other interested representative. Specifically, we have evidence that correspondence, as per TI 660–4, was not sent to some registrants until April 2, 1973, April 12, 1973, June 22, 1973 (in this instance the date of release from service), and June 25, 1973. (See Appendices A–1, A–2, A–3, and A–4.) We also have indications from the Central Committee on Conscientious Objectors that they are aware of at least four other registrants similarly situated.

It should be pointed out that in spite of the large number of files that the Alternate Service Program must administer, there is a system within the SSS which, if utilized, should have allowed for the very prompt identification of all those registrants covered under the *Levi* ruling, as well as under TI 660–4. We specifically refer to SSS Forms 397 and 398 (the Alternate Service Control Card and the I–W Control Card, respectively). (See Appendices A–5 and A–6.) These forms provide identifying information as to the date the order to report was issued, and the location of the registrant. It must be assumed that had California Headquarters personnel been seriously interested in complying with the order of the court, there should have been no difficulty in first identifying registrants within the class of the court order, and their present location in order that the information concerning their adjusted status could be rendered to them. That the Headquarters personnel so haltingly complied with this court order we believe reflects a basic pattern of inequity in administering the Alternate Service Program.

In addition to the untimely delays in complying with the court order, the message that was ultimately communicated to the registrants in the eligible class was ambiguous and misleading. In his Form 531, the State Director of the California Headquarters fails to inform in an unambiguous manner that these men are released from their present alternate service commitment, and fails entirely to inform any registrant that if they have completed alternate service in excess of 180 days, that they are eligible for classification in Class 4–W, as per RPM 660.12 and 660.13. Instead, in all communications the registrant is informed that he is still eligible for service liability and he must make a decision as per Attachment 531 as to whether he will accept a I–H classification (SPSG) or continue in his present employment. (See Appendices A–1 through A–4, A–7, A–12, and A–13.)

In addition to the problems cited above, it should be pointed out here that the very act of classifying members of the *Levi* class was handled inconsistently. On July 27, 1973, State Headquarters personnel wrote to a registrant who had served 404 days of qualified alternate service and informed him that he could not be granted a 4–W under RPM 660.12. Only the day before the same State Headquarters had written to another registrant, who was similarly situated by having served 489 days, and informed him that he would be granted a 4–W. (See Appendices A–8 and A–9.) It should also be noted that RPM 660.12 clearly indicates that a registrant with 6 months (180 days) of qualified alternate service time, who is released for hardship, medical disqualification, or "other bona fide" reasons, should be processed according to RPM 660.13 (i.e., granted a 4–W).

In addition, and realizing the possibility that there are still individuals serving their alternate service who are unaware that their reporting date places them in the eligible class, State Headquarters personnel have consistently refused to abide by the ruling of *Levi v. Tarr*. We cite in particular an exchange of correspondence between a registrant, Michael Anthenien, Mr. Bowles and Mr. McCann concerning the relationship between Forms 153, 155 and 252 (a matter ruled upon in *Levi*). In his decision, Judge Zirpoli clearly articulated the correlation between SSS Forms 153 and 252. As is evident in his letter (Appendix A–10), Mr. McCann ignores the ruling of the court and asserts that the comparable forms are SSS Forms 155 and 252. It would be too cumbersome to entertain here the legal rationale of the court, and the General Counsel of the Selective Service System. Suffice it to say that this is an important distinction, affecting the processing of countless registrants. Hopefully the findings of the court for the Northern District of California, the District Court for the District of Columbia, and finally the letter composed by the General Counsel (Appendix A–11) will be followed by State Headquarters personnel.

In conclusion then, we have found that State Headquarters personnel haltingly addressed themselves to the order of the court and to Temporary Instruction 660–4. In so doing, it inequitably bound over at least eight individuals who should have been released from alternate service. Adding insult to this initial injury, the information to date suggests that State Headquarters personnel persist in their position that individuals who have served more than the 180 days indicated in the RPM are not eligible for a 4–W classification. Instead, the introduction of Form 531 is viewed here as an attempt to persuade the registrant to volunteer to continue his alternate service assignment under the threat of a continuing obligation to render services already fulfilled.

II. PROMULGATION OF REGULATIONS

32 C.F.R. 1660.1 provides for the responsibility for administration of the Alternate Service Program. It says, in pertinent part:

"(a) The State director, under the supervision of the Director will assure compliance with the law, the regulations, and Selective Service policy concerning the program of alternate service for registrants who have been classified in class I–0."

While there is much other language concerning specific functions for which the State director has responsibility, there is no citation which allows for the promulgation of regulations or deviations from or extenuations to the regulations by a State director or his designated representatives.

It should be noted that the basis for this is to be found clearly in the Military Selective Service Act, and the reports of the various Committees of jurisdiction in the House and the Senate, as well as the Conference Committee report. The concern in all of these reports was that the National Director have responsibility for the administration of the program, in order that it would be administered on a national basis instead of by the whims of the various State directors.

It is apparent that the personnel of State Headquarters have promulgated regulations which affect registrants only in California, thus precluding the possibility of nationwide continuity in administering the performance of conscientious objectors in class I–W. In addition, there are questions of prepublication of these regulations that need to be addressed. The issuance of Forms 347 and 419 serve as the basis for these regulations, so we will address only the questions raised by the promulgation of these forms.

We have seen two copies of Form 347: those copies issued on November 13, 1972 and September 17, 1973 (Appendices B–1 and B–2). In addition, we have seen copies of Form 419 (Appendix B–4). Although the previous Form 347 has much more abusive language than the most recent one, we will deal with the provisions of Form 347 promulgated on September 17, 1973, as it is now the governing form.

Contained in all of these forms are regulations which provide additional limitations on the placement of alternate service registrants and their responsibilities while performing. There is nowhere found in the appropriate sections of 32 C.F.R. 1660.5, 1660.6, 1660.7 and 1660.8, nor in the appropriate sections of RPM 660.1, 660,2, 660.7, 660.8 and 660.9, any indication that the National Director has abdicated unto the States any authority to promulgate additional regulations in order to insure the smooth operation of the alternate service program in that state.

In spite of this fact, California Headquarters personnel have issued in Form 347 regulations which state that the registrant must be assigned to work on a regular schedule (4); that the days and shift hours must be established by the employer in advance (4); that the registrant must perform work at the location where the employer conducts his operations (4); that he must receive job supervision on a daily basis from a full-time staff employee of the assigned organization (5); and that the supervisor cannot be another conscientious objector who is assigned to perform alternate service (5).

Under a section entitled Transfer of Assignment the State director has declared that the following conditions must be met in order to submit a request for transfer: You should have worked a minimum of six months on your present job (1). Your proposed job should provide remuneration of at least sustenance level (2). Your proposed job should be outside of commuting distance from your home of record (3).

While there are many other declarations within this form, these in our opinion appear to be those which most seriously compromise the continuity of the administration of the Alternate Service Program nationwide. It should be pointed out here, anticipating an argument that the RPM does not provide for all circumstances, that in a survey of responding State directors across the nation, the Central Committee for Conscientious Objectors found no instances in which a State director felt compelled to promulgate additional administrative guidelines on any subject area, nor use forms not provided for by the National Headquarters. All indicated that they used the directives outlined in the RPM exclusively.

We believe that the registrants' rights are violated by the use of such regulations in the following ways.

Paragraph 4: These provisions do not reflect the growing diversity of job schedules which are making their presence in the national economy. It particularly eliminates the possibility of a conscientious objector working in an institution which encourages house calls, field work, outreach and other aspects of its program which have become recognized administrative techniques. This regulation thus discriminates against those employers who do not meet these arbitrary guidelines, and against registrants whose skills or special talents lead them most naturally into outreach type programs.

Paragraph 5: The mandatory requirement for one full-time supervisor unnecessarily and arbitrarily discriminates against those agencies which have adopted advanced administrative techniques which utilize part-time employees. (It should be noted by way of example that the Berkeley City Council recently passed legislation allowing for all employees to choose to work on a part-time basis if so elected. This provision would rule out the possibility of a CO working in an otherwise approvable job.)

In addition, this section unnecessarily discriminates against the CO who, by way of his professional competence, excels and would otherwise be placed in a supervisorial position. Finally, in direct contradiction to Colonel Maxwell O. Jensen's letter of September 9, 1971 (Appendix B–3), stating that "Conscientious objectors employed in civilian work in lieu of induction may not be discriminated against by reason of their conscientious objector status. They are to receive the same pay and promotional opportunities of other employees performing the same type of work . . ." This discrimination cuts two ways: against the conscientious objector supervisor, who is in a position to supervise other conscientious objector employees, and against the CO employee, who would be so supervised except for his conscientious objector status. In addition, promotional opportunities become clearly limited by this regulation.

Evidence of this policy is to be found in Appendix B–7. In that letter, one of the reasons that Major McCann denied placement at the Sunjammer, Los Gatos Switchboard was that "we have a policy against assigning a conscientious objector to an alternate service job where he would be supervised by another conscientious objector also performing alternate service." As a tangent, it should be noted the differing positions presented in Appendices B–8 and B–7.

The following points need to be made about the Transfer section:

Paragraph 1 establishes a fixed time of service necessary before the State Headquarters personnel will consider a transfer. While this may or may not be desirable, the important fact is that there is nowhere to be found in the governing regulations a provision of this nature (cf, 32 C.F.R. 1660.9(d) and RPM 660.8(9) respectively).

Paragraph 2 has no subtention in either the Code or the RPM (supra), and in fact directly contradicts a statement on Page 1 of the same form which intimates that nonremunerative alternate service will be considered as potentially acceptable. In pertinent part of Form 347: "This provision applies equally whether you are paid for your services or whether you work without pay." (3).

Paragraph 3 establishes a criterion which is in direct contradiction to the language of the Code (32 C.F.R. 1660.6(5)) as well as the RPM (RPM 660.8(2)(3)). The language here states that a registrant shall work outside his community of residence, not outside of commuting distance from his home. (cf, Appendix D–5)

There are many other provisions of this document, as well as Form 419 which is furnished to employers, which are equally arbitrary but apparently less constricting. Pertinent to our contention that these regulations are promulgated improperly and illegally are letters written to you from attorneys for I–W registrants. (Appendices B–5 and B–6)

"Congressman, it is plain that the California State Director has a bundle of illegally issued alternative service orders on his hands. The injustice to the young men involved is plain, and the matter should be resolved at the earliest possible time." (See Appendix B–5.)

III. INEQUITABLE ADMINISTRATION

A. Investigations

32 C.F.R. 1660.9(b) and RPM 660.11(2) clearly outline the procedure to be employed in determining whether or not a registrant is to be considered at fault when he has been terminated or terminates himself from alternate service employment. It has been our experience in reviewing the action taken against a number of alternate service registrants that this procedure has not been pursued and that in fact several steps have been promulgated by the State Headquarters personnel which both ignore the established regulations and which possibly violate the safeguards established in the Fifth Amendment to the Constitution, specifically the prohibition against self-incrimination.

In the attached copies of documents taken directly from alternate service files, there is a clear pattern of correspondence which indicates that State Headquarters personnel have found individuals in violation of the law prior to the conducting of any investigation as outlined in the provisions above mentioned. (See Appendices C–1 through C–10 and cf B–1.) In addition in number (7) of Form 347 (Cal. Hdqts. Form) the registrant is told that he must proffer an explanation as to his termination, while the regulations specifically state that it is the headquarters which has the obligation to contact the employer for such a statement, forward said statement to the registrant and then allow the registrant an opportunity to respond.

As a caveat to the general trend shown in the above cited appendices, the case of one registrant (see Appendices C–11, 11A, 11B, and 11C) shows clearly that the rights of the registrant have been abused. In a matter investigated by the National Headquarters, the registrant was found to have not been at fault in the termination of his employment, and this finding was being sent to the California State Headquarters to become a permanent part of the man's record. According to regulations, he should have been credited for time between jobs, given the fact that he was found not at fault. In spite of the findings of the National Headquarters, State Headquarters personnel took it upon themselves to deny this man the time between jobs. This denial was contrary to regulations, and clearly overturned the decision of National Headquarters.

It should also be noted that a review of the correspondence attached hereto indicates a clearly threatening posture assumed by the California Headquarters personnel. Their insinuations that a registrant is subject to immediate arrest by the Federal Bureau of Investigation are without foundation (see Appendix C–12) and must then be viewed as a design to force the registrant to resume his alternate service placement. While it may be desirable to return the registrant to his work, this procedure clouds over the possibility that there were significant and real reasons why the registrant was forced to leave his alternate service placement.

We believe that the documentation attached hereto speaks quite clearly to the points raised above. It is our belief that the State Headquarters position is overly threatening. It is clear that these threats are not founded upon the law, regulations or procedures and thus are without foundation. It is interesting to note that when pressed to conduct a proper investigation (see Appendix C–13), the State Headquarters personnel complied with the law, thus showing that they had no contention with the proper procedures. There has been some recent modification of the threatening tone of the letters emanating from State Headquarters personnel, but the basic violation of the rules of procedure persists.

B. Requests for transfer and location of job

Many conscientious objectors believe that their requests for transfer to other alternate service jobs have been handled capriciously, and that decisions rendered were frequently made without proper basis for action. This was felt to be particularly true when such requests involved terminations of their employment with the Ecology Corps. In the course of reviewing many of the alternate service files, we have concluded that in fact the handling of transfers in the State is arbitrary, that often decisions are made with reference to the very illegal regulations cited above, and not infrequently, that exceptions are made on the basis of personal whim or political pressure.

Appendix D–1 represents a case which incorporates many of the worst features of the decision making process of State Headquarters personnel. This particular registrant was denied a transfer for a number of reasons. The first was because his prospective employer did not have a "non-profit tax exempt status which is required to qualify as a participating employer." The second was that State headquarters "[has] discontinued approving new organizations as employers because of the large number of qualified employers we already have participating in the system." The third was that they were hesitant to assign him to a voluntary position when they had paid positions available.

Several points need to be raised about this particular case and the contentions of the State Headquarters personnel.

1. The regulations at 32 C.F.R. 1660.5 (c) clearly state that an employer need not be a non-profit organization, much less a non-profit organization *with* tax exempt status.

"Employment in an activity of an organization, association, or corporation which is either charitable in nature performed for the benefit of the general public or is for the improvement of the public health, or welfare, including educational and scientific activities in support thereof, and when such activity or program is not for profit."

Major McCann can only be assumed to be referring to subsection (b) of 1660.5 which allows for employment in non-profit organizations, but which in no way restricts employment to such agencies nor demands that such agency have a special tax exempt status.

2. The second point is clearly arbitrary, and certainly in contradiction to the stated role of the State director as outlined at RPM 660.2(6).

"A plan should be developed for a continuing program of contacts with eligible employers in order to secure additional job space."

3. There is no indication that voluntary positions should be dealt with differently from paid positions. While it might be noted that State Headquarters personnel maintain that they have had difficulties with voluntary job placements, this should not be an automatic bar to such placement.

Finally, it should be noted that in spite of the State Headquarters' contention that they have approximately 1,000 job placements available throughout the State (see Appendix D–2), they elected to place this registrant into the Ecology Corps, rather than in a placement which recognized the expressed interests of the registrant.

In Appendices D–3, D–4 and D–5, the entire issue of the appropriateness of State Headquarters personnel's interpretation concerning job location is called into question. Here they informed registrants that they were ineligible for transfer to jobs within commuting distance of their home. State Headquarters personnel at one point indicate that a distance of 100 miles is the minimum for consideration.

32 C.F.R. 1660.6(a)(5) indicates clearly that the only restriction for a registrant in terms of location is that it not be within his community of residence. The identical language is used in the RPM. It should be further noted that the concluding paragraph of 1660.6 states that a State director can ignore the requirement of a registrant not working in his community of residence if the national interest is served. Of particular concern is the contention of one member of State Headquarters that "it is national policy at this time to disapprove requests to be assigned to alternate service jobs within commuting distance of the registrant's home town." This is a blatant distortion of the provisions of the Code and the RPM, and clearly impairs the rights of the registrant. In all indices then, the regulations clearly do not provide for denial of transfer on this basis.

In Appendices D–5 and D–6 the issue of the State Headquarters personnel establishing priorities of the national interest is clearly laid out. There is no provision in the Regulations or the RPM which provides for the State director to make a decision on the basis of competing national interest. There is certainly no provision which gives priority to the already established job, as is indicated in the notation of March 5, 1973. As a caveat to this, it should be noted that Mr. Wagner's letter (see Appendix D–7) clearly disputes the rationale of the State Headquarters personnel.

In Appendices D–5 and D–8 the position of the State Headquarters with respect to the amount of time which should be served by a registrant is clearly recorded. There is no citation to be found in the section governing transfers (RPM 660.9(8)) that registrant must serve six months on the job he was assigned to. While it may be good policy to establish such a procedure, the application of this provision is not established in the RPM and is therefore invalid.

In addition to application of this invalid regulation, it would appear from Mr. Kirton's letter of June 10, 1973 (see Appendix D–9) that the State Headquarters personnel are not even equitably and consistently applying their own regulations.

The tone of this letter indicates that several conscientious objectors who have served their six months indicated that they were desirous of transfer and were denied. It must be assumed that this denial falls back on the "fire season" argument. (cf, Appendix D–7) It bears mention here however, that in May of 1971, Major McCann stated quite clearly that many registrants would be transferred from the Ecology Corps because of hardship situations, family situations or an inability to perform the work. He insinuated that in order to better utilize the particular "education [sic] skills or talents" of registrants they might also be transferred (see Appendix D–10).

Appendices D–11 and D–12 indicate a position that is also not reflected in the above cited provision governing transfers; namely, that the registrant must have the approval of his employer to secure a transfer. It should be noted that in this particular case, such a statement had been in the registrant's file for a month preceding the letter outlining this position.

Appendix D–13 clearly shows the prejudicial nature of the State Headquarters' "administrative regulations." Here a job which allowed the CO to serve in a supervisory classification was denied. (See section on promulgation of regulations for a more complete discussion of the problem cited here.)

Appendices D–14 and D–14 (a-h) represent a travesty in our opinion, and speak for themselves. Why in the world the personnel at State Headquarters did not more expeditiously approve a transfer to a location in close proximity to this man's father can only be guessed at. The fact is that a period of several months transpired in spite of the numerous appeals of this man's family and friends.

C. Medical procedure irregularities

In the course of our administrative work, it has become apparent to us that State Headquarters personnel, who are neither physicians, members of the Medical Corps, nor members of the Medical Service Corps, are making decisions about the medical conditions of I-W registrants. There are specific regulations which govern the processing of information relative to the physiological or psychological health of registrants, and which thus relieve the members of a State Headquarters from any obligation or authority to make medical determinations. The role of State Headquarters personnel is simply to pursue proper administrative classification of an individual, in the light of information presented to that Headquarters by an Armed Forces Entrance and Examining Station. (See Appendices E–1 through E–4, E–18 through E–21, E–40 and 41, E–44 through E–46, E–51 and E–52, E–57 through E–60, E–65 through E–67, E–69 through E–75, E–80, E–82 through E–84, E–95 through E–97, E–101 through E–104, E–113, E–117 through E–123, E–125, E–129 through E–131, E–134, E–138 through E–142, E–146 through E–150, E–164 and E–165.)

The practice of making essentially medical decisions is in direct violation of Federal statute, Regulations and repeated statements of "national policy" issued by the National Director's office to Members of Congress and the public at large. Since the regulations provide for processing medical claims, there is no reason or justification for State Headquarters personnel to presume to make such decisions. (See Appendices E–22, E–40, E–57 through E–60, E–65 and E–66, E–73 through E–75, E–123, E–158, E–159 through E–165.)

Many civilan doctors have been approached be members of the State Headquarters staff regarding their diagnosis. In these contacts, physicians are generally initially unaware that they are talking with military officers who are not medically trained or qualified.

Their presumption is that any individual who would be contacting them about the physical or mental health of their patients is also a physician who shares their concern for the health and well being of the person under discussion. Many physicians have been shocked to learn that non-medical personnel are making decisions which affect the very lives and mental stability of their clients, on the basis of medical information which they might not understand nor appreciate. (See Appendices E–44 through E–46, E–57 through E–60, and E–73 through E–75.)

It has been our experience that requests by I–W registrants, and/or their authorized representatives, for AFEES physical examinations are regularly delayed and ignored for months even when such requests are accompanied by several items of medical documentation. In particular, we have seen unconscionable delays in the processing of AFEES physicals, as well as outright denials for physicals, when the State Headquarters personnel have determined that the registrant is in an "AWOL" status. This practice is contrary to Selective Service policy, which states that a registrant will be submitted for an AFEES examination upon receipt of medical documentation. (See particularly Appendix E–158.) Needless to say, unnecessary trauma is caused the registrant by these unnecessary delays in the processing of his claim. (See Appendices E–1 through E–3, E–26, E–28 through E–34, E–44 through E–46, E–55 and E–56, E–69 through E–71, E–73 through E–75, E–100, E–113, E–124 through E–128, E–134 and E–135, E–158 through E–162.)

Apparently only Congressional and Senatorial "intervention" in each particular case brings any response or action. It is unfortunate that any outside pressure should have to be brought to bear upon a system which has clearly outlined procedures for handling the processing of medical claims. (See Appendices E–16 and E–17, E–23, E–25, E–27, E–40, E–53 and E–54, E–55, E–61 through E–64, E–81, E–93 and E–94, E–99, E–124.)

It is apparent that State Headquarters personnel are undertaking the responsibility to directly analyze written evaluations and reports from psychiatrists and other medical specialists relating to the condition of I–W registrants. In so doing, State Headquarters personnel are not allowing the registrants to have recourse to qualified medical advisors, as per regulation (see Appendices E–12 and E–13, E–37 through E–41, E–44 through E–46, E–73 through E–75, E–80, E–91 and E–92, E–98, E–101 through E–104, E–110, E–113, E–125, E–129 through E–131, E–146 through E–150, E–158, E–164 and E–165).

Even when some referral or information, findings or opinions are requested by State Headquarters personnel, such information is not placed in the registrant's file. (See Appendices E–37 through E–41, E–44 through E–49, E–57 through E–60, E–113, E–65 through E–67, E–74 and E–75, E–77 through E–80, E–91 and E–92, E–101 through E–104, E–125, E–146 through E–150, and E–158.)

We have evidence that State Headquarters administrative staff are contacting civilian doctors concerning their professional evaluations. They also appear to be releasing information concerning the registrant's physical or mental condition, when they themselves are not Medical Corps, Medical Service Corps, or civilian medical advisors to the Selective Service System. This attempt to compromise the opinion of a medical professional, rather than simply forward the information to qualified military physicians for their opinion is a most serious abridgement of the procedures. (See Appendices E–74, E–75.)

In order to point out the inequity worked on registrants by having non-medical administrative personnel evaluate medical information, we note the following example.

One active duty officer admitted to using a "list of medically disqualifying conditions" to determine whether or not an AFEES physical was to be scheduled for the registrant. He admitted to his practice during a case of an I–W who was diagnosed by a civilian physician as having "hyperucremia." Since "hyperucremia" was not on his list, the officer denied the registrant a physical on behalf of the State Director. The following week this same officer consulted a medical doctor and found that this diagnosis was the same as a diagnosis of "gout," a disqualifying condition under Chapter 2, Army Regulation 40–501. The registrant was finally scheduled for an AFEES physical and a special consultation at a large Army hospital. He was found to be disqualified for further alternate service and subsequently classified "4–F" by his local board. (See Appendices E–3, E–113, E–116, E–158, E–163 through E–165.)

Not infrequently inordinate amounts of time transpire before a registrant is properly channeled to appear at AFEES for a physical examination. Frequently weeks and months are involved. One justification for these delays by State Headquarters personnel is that they have difficulties securing appointments at AFEES. Yet, official inquiry to Oakland AFEES indicates that all they needed was one week's notice to schedule any physical examination. In emergency situations, they indicate that they are able to give immediate appointments since they are in operation five days of the week, processing enlistments into the Armed Services. (See Appendices E–4, E–11, E–23, E–25, E–40 and E–41, E–44 through E–46, E–57 through E–60, E–74 and E–75, E–88 through E–90, E–95 through E–97, E–101 through E–104, E–112, E–125, E–129 through E–131, E–141 through E–143, E–158 through E–163.)

State Headquarters personnel have actually refused physical exams to requesting registrants, when a registrant was at an AFEES station with medical documentation in hand. The registrant was willing to be examined and the AFEES involved was willing to administer the physical at that time. In fact, the Processing Officer at the AFEES had called the man's civilian doctor, had read the doctor's evaluation and believed that there was a pressing need for immediate action. The officer telephoned State Headquarters and informed them of the man's condition and his opinion that the registrant be processed immediately. State Headquarters replied that the man was *not* to be given a physical because he was "AWOL"! This procedure is particularly heinous, as it not only violates national policy but is not even the rule for procedure in the military. Any "AWOL" or formerly "AWOL" soldier is entitled to medical care at any military medical facility without regard to pending disciplinary actions. Further, there is no provision for establishing an "AWOL" category in the Military Selective Service Act. (See Appendices E–18 through E–21, E–44 through E–46, E–69 through E–71, E–80, E–101 through 104.)

California State Headquarters have made repeated claims that they would not assign any I–W registrant to an environment which was hazardous to his health, safety or general well being. Yet, they have knowingly placed registrants into Ecology Corps camps when those registrants possessed severe allergies (especially to poison oak and various pollens). While these registrants might not have been subject to medical disqualification, it certainly was not in the interest of their general well being to be placed in an environment which was uncomfortable and perpetually aggravating.

State Headquarters has also placed, or insisted that registrants remain at, locations having environmental, physical, psychological, or social conditions which posed potentially extreme harm and risk to the registrant. Examples of this include the placing of homosexuals into remote, isolated and all-male camps of the Ecology Corps, or in some instances their insistence that such registrants remain at or return to these camps. (See Appendices E–12, E–14 and E–15, E–22, E–28 through E–34, E–37 through E–46, E–57 through E–60, E–67 through E–71, E–74 and E–75, E–91 and E–92, E–107, E–111, E–114 through E–123, E–125, E–132 through E–135, E–141 through E–143, E–146 through E–150, E–152 and E–153, E–164 and E–165.)

State Headquarters personnel have also abused their administrative discretion by failing to act upon correspondence from registrants regarding suicide attempts, homosexuality, and clearly stated examples of bizarre behavior. While Headquarters officers are not medical specialists, in their training as military officers, they ought to have learned methods of evaluating bizarre behavior and the proper methods of reporting such behavior to competent medical authorities. (See Appendices E–5 through E–9, E–26, E–51 and E–52, E–65 and E–66, E–69 through E–72, E–80, E–82 through E–84, E–91 and E–92, E–101 through E–104, E–107, E–132 and E–133, E–146 through E–150.)

As a final point, it should be noted that State Headquarters personnel have constructively refused the assistance and cooperation of other governmental personnel, federal or state, of competent professionals (i.e., psychologists, social workers, nurses, etc.), the registrant's family, attorneys and other persons, who while only private citizens, attempt to help in individual cases. Certainly this is not the role of the Selective Service System, which needs the active cooperation of the civilian community. (See Appendices E–1 and E–2, E–18 through E–21, E–26 through E–36, E–47, E–63 and E–64, E–68, E–72, E–85 through E–87, E–95 and E–96, E–107, E–144 and E–145.)

We believe that the points raised above are indicative of a general attitude at State Headquarters that medical complaints probably emanate from malingerers and individuals who are attempting to shirk their responsibility under the law. It certainly has been intimated that your office has counseled individuals in the methods of securing medical disqualifications. The conflict comes down here to one between the State Headquarters' perceived needs for discipline and "keeping registrants in line" versus the legitimate medical needs of the registrants. The clear intent of the law is to provide registrants with a mechanism for review of their medical condition. The practice in this State clearly does not afford the registrant that opportunity.

D. Decertification

While it is an elusive topic, there is certain evidence to suggest that alternate service employers have had their agencies decertified as being eligible on the basis of the regulations promulgated by State Headquarters. If it is ultimately upheld that the promulgation of these regulations was illegal, then those employers so affected have been arbitrarily and illegally denied the opportunity to participate in the Alternate Service Program.

It must be presumed that an employer, once deemed an acceptable alternate service employer, has a vested interest in the continued cooperation of the registrant. There are provisions which allow for the termination of employment on the basis of improper performance at the work assignment, failure to comply with reasonable regulations of the firm and others. It is presumed in the regulations that the employer will have sufficient initiative, and sufficient concern to report violations by the registrant to the State director.

As mentioned above, those regulations which extend the requirements for alternate service as outlined in the RPM have probably scared away many prospective employers. This is in contradiction to the State directors' mandate to encourage new employers to participate. Although it would be hard to estimate the numbers of prospective employers discouraged by the unnecessary bureaucratic waste of maintaining card sheets, having only one supervisor over a CO and the other unnecessary provisions promulgated by State Headquarters, it should be relatively simple for an investigating Committee to determine exactly to what degree the program of decertification has been pursued.

We know of only two programs for certain which were decertified and which are decertified to this date. There are others which were decertified temporarily. (See Appendices F–1 and F–1 a–e and F–2 and F–2a.) Whether or not decertification is a large problem or not is something which we do not know at this point. Given the fact, though, that extended regulations exist for determining eligibility, it is quite likely that there are other programs similarly situated. The important point to return to is that, whether or not any more programs have been decertified, there is a potential for such action based upon the illegally promulgated regulations of State Headquarters. (cf, Appendices B–5 and B–6.)

E. Other administrative inequities

In at least two other identifiable ways, the State Headquarters personnel have administered the Alternate Service Program inequitably, both within the State and with respect to the nation.

The first has been mentioned herein before. Specifically, it was the manner in which local boards have been informed of the completion of the alternate service obligation by I–Ws who were released under the provisions of *Levi v. Tarr*. As indicated above (and in Appendices A–7, A–8, A–9, A–12 and A–13), State Headquarters personnel have disallowed the granting of 4–Ws to those registrants who had completed their alternate service of more than 180 days, in the face of the appropriate governing regulations. This has worked to the detriment of the registrants involved, and seems to reflect a fear on the part of State Headquarters personnel that COs may ultimately become eligible for veterans' benefits.

As a tangent to this, it should be noted that the State Headquarters has gone beyond its informing role, in outrightly advising the local board of the classification to assign a registrant. Classification by law is a prerogative of the local boards, with the obligation on the part of the State Headquarters to provide a statement as to whether or not the registrant completed his required service as provided under all the regulations. In *Levi* cases, although not specifically required by the court, State Headquarters personnel failed to perform this advisory function.

The second failure was State Headquarters personnel's failure to undertake a thorough review of its files to ascertain exactly who should be released under the *Levi* order. This has obviously worked a disadvantage on some registrants, causing them to work for extended periods of time when they should have been released from their obligation. How many other registrants are similarly situated is unknown to us, but if eight out of approximately one hundred and five individuals are in this class (7%), then, if this percentage holds, there might be as many as one hundred and five more individuals who are not presently aware they are eligible for release.

IV. RELATIONSHIP OF THE STATE HEADQUARTERS TO THE CALIFORNIA ECOLOGY CORPS

In the course of our work, it has appeared to us that the State Headquarters personnel have developed a relationship with the California Ecology Corps that goes beyond the provisions of the regulations.

RPM 660.2 provides a program under which State directors are to actively solicit, expand and build upon the numbers of jobs and the diversity of job placements available to Alternate Service employees.

As mentioned above, some programs that had accepted Alternate Service employees had been decertified on the basis of arbitrary and illegal regulations promulgated by State Headquarters personnel. It should be noted that those individuals whose jobs were decertified were generally routed into the Ecology Corps.

The act of decertifying a program raises serious questions about the rights of the registrant in selecting or suggesting his next alternate service job. In Appendix G–1, State Headquarters personnel state that "when an alternate service employer is suspended for failure to meet our administrative requirements this headquarters will not act on the assumption that all the conscientious objectors assigned to that organization are also not meeting our requirements. We will instead look at each man's case." Here, State Headquarters personnel are assuming that in at least some instances registrants who work for programs to which the State Headquarters initially assigned them, and from which they were later arbitrarily decertified, are in some way responsible for the actions of their employers. That a registrant can be held accountable for actions beyond his control clearly circumscribes his rights with respect to securing a continuing assignment. A limited pattern has developed in which the State Headquarters personnel, having decided to decertify a program, decline then to offer the registrant a range of job choices, but rather route him into the Ecology Corps. The extent of this pattern is not known presently, as we have been unable to see some files which we have reason to believe will more readily document this type of action. (See, however, Appendices G–1, G–5 and G–5 a–c, G–6 and G–6 a–c.)

As background regarding the extreme interest that the Selective Service System has had with respect to the Ecology Corps, California, the following should be noted. In a letter to Major William McCann on September 17, 1971 (Appendix G–2), then Director Dr. Curtis Tarr stated "I recognize that only a return to inductions will satisfy the pressing need for men to man the Ecology Corps. Unless our induction authority is restored rather quickly I anticipate that the centers may not be able to continue in operation. This truly would be a sad thing for all of us who have held high hopes for the accomplishments of the camp." In that letter he goes on to conclude that the management of the California Department of Forestry and the California Ecology Corps should undertake to insure that non-conscientious objectors be recruited to work for the Corps, "because then they (the conscientious objector community) would see the evidence that we are not planning to convert these camps into conscientious objector work camps."

The question to be asked is why the great concern on the part of the Selective Service System, a federal agency, for the success of failure of essentially a state program? Surely, the Selective Service System, and in particular the Alternate Service Program, should not be utilized to bolster the personal projects of governors or bureaucrats in the various states.

While in its own right the Ecology Corps may be a program deserving of the support of administrators, legislators and even conscientious objectors, it would appear to us that it violates the integrity of the Selective Service System to presume that it has a duty to protect the Ecology Corps.

It is this very attitude which has led to a significant number of the problems we have identified vis-a-vis the administration of the California Alternate Service Program. Registrants' jobs in community based, volunteer and other programs whcih have not met the "administrative requirements" of the California Headquarters personnel have been slashed, to the benefit of the Ecology Corps.

It would appear from the 1971 letter regarding transfers from the Ecology Corps (Appendix D–10) that the State Headquarters personnel view the Ecology Corps as they view any other participating organization. This position has not been upheld in practice, however. In fact many petitions for reasons of hardship, medical conditions, psychiatric conditions, inappropriateness of work and inapplicability of skills have met with no response from the State Headquarters personnel. It is clear to us that the State Headquarters personnel have decided to make a judgment among competing jobs which all vie for the category of being within the national interest. Instead of simply assigning a registrant into the job of his choice, which also meets the national interest and all the other provisions of 32 C.F.R. 1660.6, the State Headquarters personnel have opted to make a decision among competing jobs. It appears that the Ecology Corps is the beneficiary of this largesse.

Appendices G–3 and G–4 stand as the most stark examples of the interest that the State Headquarters personnel have with the Ecology Corps. In G–3 in particular, the State director indicates that the registrant should be mailed "the California Ecology Corps letter." (cf, Appendix G–4). That the state has a special letter for this particular employer must in some way lessen their commitment to the 1,000 other placements they have acquired. It should be further noted that in both of these letters the registrant is given a choice of jobs which place him either in the Ecology Corps or out of the state. This Hobson's choice can only be viewed as a clear effort to force the registrant to choose the closer location of the Ecology Corps camp over the more distant facilities offered. This indirect routing of people into the Ecology Corps is less than subtle, and clearly does not demonstrate an interest in seeing that the special skills or talents of the registrant are utilized.

(See also, generally, Appendix G–7.)

V. JOB ASSIGNMENT IN CONFLICT WITH THE STATED BELIEFS OF THE REGISTRANT

In the history of conscientious objection there have been two categories of COs. The first are those individuals who are able to reconcile their conscience with participation in the military, as long as they are not in a position to inflict death or injury. The second are those who believe that contact or association with the military is as reprehensible to them as the act of killing. Only this second group ever find themselves working as I-Ws in alternate service.

There developed a situation in the administration of the alternate service program which allowed for the continued participation of COs in an Ecology Corps camp which was made a Presidio adjunct, and which was policed by Military Police. (See Appendix H-1.) Quite obviously, the conscientious objectors performing at the Palo Seco Ecology Corps camp were upset with the growing military presence at the installation. (See, generally, Appendices H-2 through H-8.)

In spite of the protests by the registrants to the Camp Director, protesting the placement of the base under essentially military control on 26 July 1973, the State Headquarters placed registrants into the camp after that date. (See Appendix G-6.) Needless to say, there was significant tension between the conscientious objectors and the military police. Certain properties (peace flags, etc.) were destroyed by the military police, and there was an atmosphere of tension and hostility.

It is our opinion that the transfer of individuals to the Palo Seco Ecology Corps camp after the presence of the military police, and the maintenance of those COs already there, represented a breach of faith on the part of the State Headquarters. We believe that all COs should have been immediately removed from Palo Seco, while it was under the control of military police. It is one thing for State Headquarters personnel to attempt to maintain that in matters of competing national interest they have the right to make a determination as to which national interest they believe should be served. It is another to persist in the determination that national interests override the stated objections of COs performing alternate service.

In Appendix H-9, a registrant specifically asked that he be transferred from an Ecology Corps camp. The basis for his request was that Ecology Corps regulations forced him to shave his beard. This man was an Orthodox Jew and such an action forced him to violate his religious convictions and brought about considerations of suicide. This insensitivity was uncalled for.

As a sidelight to this, it should be noted that the Alternate Service Program in the State, and probably in the other states, is operated by military personnel. This in itself violates the stated position of conscientious objectors, and was commented upon frequently by the I-W registrants we came in contact with.

VI. DIFFICULTIES ADMINISTRATIVE WORK DUE TO HEADQUARTERS ATTITUDES

As a final point of analysis, we believe that the difficulties facing our office as a result of our inquiries on behalf of numerous alternate service employees have been severe.

From the very beginning of our efforts, we have met with severe resistance to our attempts to analyze the information contained in Selective Service files. The most recent communication from the National Director, and your reply to the General Counsel, is the ultimate reflection of the intransigence of State Headquarters in responding to our requests. In spite of the fact that we were duly authorized to look at files, we have not seen many of the files requested. This is in spite of the fact that our requests have been pending from some six months. (See, generally, Appendices I-1, I-2, and I-3.)

In what can only be viewed as a threat to intimidate us from acting in what we believed were the best interests of the registrants seeking our assistance, we have been accused of counseling individuals to violate the law. (See Appendix I-2.) These charges are of course unfounded. That the State Headquarters feel threatened by our ability to provide accurate information to the registrants as to their rights under the Military Selective Service Act, the Code and the RPM should be no basis for threatening members of your staff with prosecution because certain individuals have decided to exercise those rights.

While these two facts are numerically small, the repetitious pattern of abuse that we have been subjected to has heightened the problem. We have some evidence which suggests that the treatment of our office is unique, as other members of the House and the Senate have had their inquiries and their requests on behalf of registrants answered promptly and have seen the concerns of their constituents resolved. (See Appendices I-2 and I-5.) In those instances which we are aware of, proper procedures were implemented after contact by another Member of Congress, whereas regulations have been ignored even after the most vigorous assertion on our part of the rights existing for the registrant. We recently discovered that one I-W registrant in particular has now waited some two and one-half months to be scheduled for an examination which we requested in August.

We can only conclude that the State Headquarters either distrusts the motivation of yourself and your staff, or perhaps feel burdened by our insistence on their pursuing the proper course of action in a given case. In either case, it would appear to us that the reponsibility is upon the Selective Service System to insure the registrant that his rights are being protected and implemented, and not upon us to fail to assert the registrant's position when his rights have been abridged.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Walsh (at the request of Mr. Gerald R. Ford), for the balance of the session, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Treen) and to revise and extend their remarks and include extraneous matter:)

Mr. Minshall of Ohio, for 1 hour, December 4, 1973.

Mr. Shriver, for 10 minutes, December 3, 1973.

Mr. Railsback, for 5 minutes, today.

Mr. Frenzel, for 20 minutes, today.

Mr. Frelinghuysen, for 10 minutes, today.

Mr. Shoup, for 5 minutes, today.

Mr. Kemp, for 10 minutes, today.

(The following Members (at the request of Mr. Thornton) to revise and extend their remarks and include extraneous material:)

Mr. Murphy of New York, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Fuqua, for 5 minutes, today.

Mr. Harrington, for 5 minutes, today.

Mr. Culver, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Dellums, and to include extraneous matter, notwithstanding the fact that it exceeds five pages of the Congressional Record and is estimated by the Public Printer to cost $1,045.

Mr. Seiberling, during debate today on S. 2673 under suspension of the rules, and to include extraneous material.

(The following Members (at the request of Mr. Treen) and to include extraneous matter:)

Mr. McKinney.

Mr. Derwinski in two instances.

Mr. Wyman in two instances.

Mr Carter in three instances.

Mr. Landgrebe in 10 instances.

Mr. Railsback.

Mr. Young of Florida in five instances.

Mr. Steelman in two instances.

Mr. Ashbrook in three instances.

Mr. Young of Illinois in two instances.

Mr. Lott.

Mr. Coughlin.

Mr. Hogan.

Mr. McClory in three instances.

Mr. Cleveland.

Mr. Beard.

Mr. Kemp in two instances.

Mr. Regula.

(The following Members (at the request of Mr. Thornton) and to include extraneous material:)

Mr. Conyers in 10 instances.

Mr. Gonzalez in three instances.

Mr. Giaimo in 10 instances.

Mr. Rarick in three instances.

Mr. Annunzio in six instances.

Mr. Long of Maryland in 10 instances.

Mr. Moss.

Mr. de la Garza in 10 instances.

Mr. Reuss.

Mr. Long of Louisiana in two instances.

Mr. Dingell in two instances.

Mr. Edwards of California in two instances.

Mr. Roush in three instances.

Mr. Harrington in three instances.

Mr. Charles Wilson of Texas in four instances.

Mr. Evins of Tennessee.

Mr. Seiberling in 10 instances.

Mrs. Grasso in 10 instances.

Mrs. Schroeder in 10 instances.

Mr. Fisher in three instances.

Mr. Andrews of North Carolina.

Mr. Davis of Georgia in five instances.

Mr. Brasco in six instances.

Mr. Brinkley.

Mr. Pickle in two instances.

Mr. Drinan.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 417. An act to amend the act of June 28, 1948, to provide for the addition of certain property in Philadelphia, Pa., to Independence National Historical Park; to the Committee on Interior and Insular Affairs.

S. 513. An act to amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes and intermediate care facilities; to the Committee on Banking and Currency.

S. 577 An act for the relief of Cmdr. Howard A. Weltner, U.S. Naval Reserve; to the Committee on the Judiciary.

S. 1468. An act to authorize the establishment of the Knife River Indian Villages National Historic Site; to the Committee on Interior and Insular Affairs.

S. 1976. An act to study an Indian nations trail within the national trails system; to the Committee on Interior and Insular Affairs.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on November 30, 1973, present to the President, for his approval, bills of the House of the following title:

H.R. 1328. An act for the relief of M. Sgt. Eugene J. Mikulenka, U.S. Army (retired);

H.R. 1948. An act for the relief of Edgar P. Faulkner and Ray H. New.;

H.R. 1949. An act for the relief of Hazel W. Lawson and Lloyd C. Johnson;

H.R. 2207. An act for the relief of Joseph C. Leeba;

H.R. 2213 An act for the relief of Cornelius S. Ball, Victor F. Mann, Jr., George J. Posner, Dominick A. Sgammato, and James R. Walsh;

H.R. 3044. An act for the relief of James Evans, publisher of the Colfax County Press, and Morris Odvarka;

H.R. 3530. An act for the relief of Eugenia C. Lyttle;

H.R. 3751. An act for the relief of James E. Fry, Jr., and Margaret E. Fry;

H.R. 4175. An act for the relief of Manuel H. Silva;

H.R. 4448. An act for the relief of 1st Lt. John P. Dunn, Army of the United States, retired;

H.R. 8406. An act for the relief of William M. Starrs; and

H.R. 9276. An act for the relief of Luther V. Winstead.

ADJOURNMENT

Mr. THORNTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p.m.) the House adjourned until tomorrow, Tuesday, December 4, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1593. A letter from the Chairman, Migratory Bird Conservation Commission, transmitting the annual report of the Commission for fiscal year 1973, pursuant to 16 U.S.C. 715b; to the Committee on Agriculture.

1594. A letter from the Adjutant General, Veterans of Foreign Wars of the United States, transmitting a report of the audit of the books of the Quartermaster General of the VFW for the fiscal year ended August 31, 1973, pursuant to Public Law 74–630; to the Committee on Armed Services.

1595. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to authorize U.S. payments to the United Nations for expenses of the United Nations Emergency Force in the Middle East, and for other purposes; to the Committee on Foreign Affairs.

1596. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a) (28) (I) (ii) of the Immigration and Nationality Act [8 U.S.C. 1182(a) (28) (I) (ii) (b)]; to the Committee on the Judiciary.

1597. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a) (1) of the Immigration and Nationality Act, as amended [8 U.S.C. 1254 (c) (1)]; to the Committee on the Judiciary.

1598. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a copy of the order suspending deportation in the case of Carlos Marquez de la Plata, pursuant to section 244(a) (2) of the Immigration and Nationality Act, as amended (8 U.S.C. 1254 (c) (1)); to the Committee on the Judiciary.

1599. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens under the authority contained in section 13 (b) of the act of September 11, 1957, pursuant to section 13(c) of the act (8 U.S.C. 1255b(c)); to the Committee on the Judiciary.

1600. A letter from the National Adjutant Paymaster, Marine Corps League; transmitting the annual report of the league for the year ended July 31, 1973; to the Committee on the Judiciary.

Received From the Comptroller General

1601. A letter from the Comptroller General of the United States, transmitting a report on the proposed repeal of the appointment requirement for appointments in the Departmental Service in the District of Columbia; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calender, as follows:

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 8529. A bill to implement the shrimp fishing agreement with Brazil; with amendment (Rept. No. 93–687). Referred to the Committite of the Whole House on the State of the Union.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 6074. A bill to amend the act of May 20, 1964, entitled "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States, and by persons in charge of such vessels" to define those species of Continental Shelf fishery resources which appertain to the United States, and for other purposes; with amendment (Rept. No. 93–688). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. House Concurrent Resolution 173. Concurrent resolution relating to the U.S. fishing industry; with amendment (Rept. 93–686). Referred to the House Calendar.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 5898. A bill to amend the Merchant Marine Act, 1936, to provide authority to the Secretary of Commerce to issue permits to construct, operate, and maintain certain offshore port and terminal facilities; with amendment (Rept. No. 93–692). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 731. Resolution providing for the consideration of H.R. 11401. A bill to provide for, and assure the independence of, a Special Prosecutor, and for other purposes (Rept. No. 93–691). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 11311. A bill to name the Federal Building, U.S. Post Office, U.S. courthouse, in Brunswick, Ga., as the "Frank M. Scarlett Federal Building" (Rept. No. 93–689). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 11622. A bill to name the Federal Office Building, South, in New Orleans, La., as the "F. Edward Hébert Federal Building" (Rept. No. 93–690). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BREAUX (for himself, Mr. Bafalis, Mr. Brasco, Mr. Brown of California, Mr. Derwinski, Mr. Frey, Mr. Helstoski, Mr. Jones of North Carolina, Mr. Lehman, and Mr. Metcalfe):

H.R. 11738. A bill to amend the Internal Revenue Code of 1954 to provide an individual tax credit for disaster evacuation expenses; to the Committee on Ways and Means.

By Mr. BROWN of California (for himself, Mr. Bevill, Mr. Bingham, Mr. Blackburn, Mr. Boland, Mr. Brasco, Mr. Byron, Mrs. Collins of Illinois, Mr. Denholm, Mr. Fascell, Mr. Fraser, Mr. Frey, Mr. Gude, Mr. Guyer, Mrs. Heckler of Massachusetts, Ms. Holtzman, Mr. Howard, Mr. Johnson of Pennsylvania, Mr. Jones of Alabama, Mr. Long of Maryland, Mr. Lujan, and Mr. Metcalfe):

H.R. 11739. A bill to amend the National Aeronautics and Space Act of 1958 to authorize and direct the National Aeronautics and Space Administration to conduct research and to develop ground propulsion systems which would serve to reduce the current level of energy consumption; to the Committee on Science and Astronautics.

By Mr. BROWN of California (for himself, Mr. Miller, Mr. Moakley, Mr. Murphy of New York, Mr. O'Brien, Mr. Pickle, Mr. Rangel, Mr. Rinaldo, Mr. Rosenthal, Mr. Roush, Mr. Roy, Mr. Roybal, Mr. St Germain, Mr. Sarbanes, Mr. Seiberling, Mrs. Sullivan, Mr. Thompson of New Jersey, Mr. Thomson of Wisconsin, Mr. Thornton, Mr. Waldie, Mr. Won Pat, and Mr. Hawkins):

H.R. 11740. A bill to amend the National Aeronautics and Space Act of 1958 to authorize and direct the National Aeronautics and Space Administration to conduct research and to develop ground propulsion systems which would serve to reduce the current level of energy consumption; to the Committee on Science and Astronautics.

By Mr. FROEHLICH:

H.R. 11741. A bill to insure that certain buildings financed with Federal funds utilize the best practicable technology for the conservation and use of energy; to the Committee on Public Works.

By Mr. JOHNSON of Pennsylvania:

H.R. 11742. A bill to encourage drilling and prospecting for oil and natural gas in land not known to be productive of oil and natural gas; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON:

H.R. 11743. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYS:

H.R. 11744. A bill to amend section 704 of the Foreign Service Act of 1946 to require the Secretary of State to certify to the U.S. Civil Service Commission the name and dates of service of each individual who performed certain contract services as a language instructor in the Foreign Service Institute, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HÉBERT (for himself and Mr. Bray) (by request):

H.R. 11745. A bill to amend title 10, United States Code, to provide that commissioned officers of the Army in regular grades below major may be involuntarily discharged whenever there is a reduction in force; to the Committee on Armed Services.

By Mr. KARTH:

H.R. 11746. A bill to amend title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the U.S. Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LEHMAN (for himself, Mr. Froehlich, Mr. Seiberling, Mr. Forsythe, Mr. de Lugo, Mr. Fascell, Ms. Schroeder, Mr. Preyer, Mr. Studds, Mr. Gunter, Ms. Holtzman, Mr. Coughlin, and Mrs. Collins of Illinois):

H.R. 11747. A bill to direct the Secretary of Commerce to research and develop new building designs and construction methods which utilize solar energy and to authorize the Secretary of Housing and Urban Development to increase the maximum amount of mortgages insured under title II of the National Housing Act for certain facilities utilizing solar energy; to the Committee on Banking and Currency.

By Mr. LUJAN:

H.R. 11748. A bill to extend State jurisdiction over certain lessees of Indian lands; to the Committee on Interior and Insular Affairs.

By Mr. REGULA (for himself, Mr. Dorn, Mr. Bennett, Mr. Hays, Mr. Hosmer, Mr. Rhodes, Mr. Bob Wilson, Mr. Clark, Mr. Fascell, Mr. Ullman, Mr. Conte, Mr. Stratton, Mr. Bell, Mrs. Hansen of Washington, Mr. Pepper, Mr. Van Deerlin, Mr. Roncalio of Wyoming, Mr. Brown of Ohio, Mrs. Heckler of Massachusetts, Mr. Railsback, Mr. McCloskey, Mr. Hastings, Mr. Coughlin, Mr. Hansen of Idaho, and Mr. Yatron):

H.R. 11749. A bill to amend the National Trails Systems Act to authorize a feasibility study for the establishment of certain bicycle trails; to the Committee on Interior and Insular Affairs.

By Mr. REGULA (for himself, Mr. Harrington, Mr. Seiberling, Mr. Byron, Mr. Mazzoli, Mr. Heinz, Mr. Conlan, Mrs. Holt, Mr. Bafalis, Mr. Guyer, Mr. Cronin, Mr. Gunter, Mr. Hinshaw, Mr. Lehman, Mr. O'Brien, and Mrs. Collins of Illinois):

H.R. 11750. A bill to amend the National Trails System Act to authorize a feasibility study for the establishment of certain bicycle trails; to the Committee on Interior and Insular Affairs.

By Mr. SANDMAN:

H.R. 11751. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

By Mr. SHOUP (for himself, Mr. Rosenthal, Mr. Duncan, Mr. Podell, Mr. Wolff, Mr. Pepper, Mr. Scherle, Mr. Hogan, Mr. Huber, Mr. Lehman, Mr. Bauman, Mr. Hudnut, Mr. Roncallo of New York, and Mr. Towell of Nevada):

H.R. 11752. A bill to provide for the imposition of an embargo of the shipment of goods and materials to Arab nations; to the Committee on Banking and Currency.

By Mr. STEIGER of Wisconsin:

H.R. 11753. A bill to amend the Walsh-Healy Act and the Contract Work Hours Standards Act to permit certain employees to work a 10-hour day in the case of a 4-day workweek, and for other purposes; to the Committee on the Judiciary.

By Mr. ULLMAN (for himself and Mr. Schneebeli):

H.R. 11754. A bill to implement the UNESCO convention on the means of prohibiting and preventing the illicit import, export, and transfer of ownership of cultural property; to the Committee on Ways and Means.

By Mr. VEYSEY (for himself and Mr. Pettis):

H.R. 11755. A bill to amend the Internal Revenue Code of 1954 to encourage the construction of housing facilities for agricultural workers by permitting the amortization over a 60-month period of the cost, or a portion of the cost, of constructing such housing facilities; to the Committee on Ways and Means.

By Mr. HILLIS:

H.J. Res. 840. Joint resolution proposing an amendment to the Constitution of the United States relating to open admissions to public schools; to the Committee on the Judiciary.

By Mr. PICKLE (for himself, Mr. O'Neill, Mr. McFall, Mr. Gerald R. Ford, Mr. Anderson of Illinois, Mr. Arends, Mrs. Boggs, Mr. Blatnik, Mr. Patman, Mr. Mahon, and Mr. Gray):

H.J. Res. 841. Joint resolution to provide for the establishment of the Lyndon Baines Johnson Memorial Grove on the Potomac; to the Committee on Public Works.

By Mr. PATMAN (for himself, Mr. Mahon, Mr. Poage, Mr. Fisher, Mr. Teague of Texas, Mr. Burleson of Texas, Mr. Brooks, Mr. Wright, Mr. Young of Texas, Mr. Roberts, Mr. Gonzalez, Mr. Casey of Texas, Mr. Pickle, Mr. White, Mr. Kazen, Mr. de la Garza, Mr. Milford, Mr. Eckhardt, Miss Jordan, Mr. Charles Wilson of Texas, Mr. Archer, Mr. Collins of Texas, Mr. Price of Texas, and Mr. Steelman):

H.J. Res. 842. Joint resolution to provide for the establishment of the Lyndon Baines Johnson Memorial Grove on the Potomac; to the Committee on Public Works.

By Mr. EVINS of Tennessee:

H. Res. 726. Resolution providing for the printing of additional copies of the House report entitled "The Impact of the Energy and Fuel Crisis on Small Business," House Report No. 91–1751; to the Committee on House Administration.

H. Res. 727. Resolution providing for the printing of additional copies of the House report entitled "Concentration By Competing Raw Fuel Industries in the Energy Market and Its Impact on Small Business," House Report No. 92–719; to the Committee on House Administration.

H. Res. 728. Resolution providing for the printing of additional copies of the House report entitled "Concentration By Competing Raw Fuel Industries in the Energy Market and Its Impact on Small Business," volume 3, "National Gas Survey and Synthetic Fuel Development," House Report No. 92–1404; to the Committee on House Administration.

H. Res. 729. Resolution providing for the printing of additional copies of the House report entitled "Concentration by Competing Raw Fuel Industries in the Energy Market and Its Impact on Small Business," volume 2, "Tennessee Valley Area," House Report No. 92–1313; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. LEHMAN introduced a resolution (H. Res. 730) to express the sense of the House of Representatives that Aaron Stern be commended for his scientific contributions and hope that the fruits of his lifelong labor receive the recognition they merit, which was referred to the Committee on Education and Labor.

PETITIONS, ETC.

Under clause 1 of rule XXII,

369. The SPEAKER presented a petition of the Energy Crisis Subcommittee, Minnesota House of Representatives, relative to fuel allocation, which was referred to the Committee on Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

NATIONWIDE BICYCLE TRAIL

HON. RALPH S. REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. REGULA. Mr. Speaker, I have long been interested in the establishment of a nationwide system of bicycle trails. Today, with the increased emphasis on outdoor recreation, greater available leisure time and the current deemphasis on the use of gasoline I think the time has come for the implementation of this idea.

I, with the cosponsorship of 39 of my colleagues, am today introducing a bill to amend the National Trails Systems Act to authorize and direct the Secretaries of Transportation, Interior, and Agriculture to conduct studies to determine the feasibility and desirability of establishing national scenic bicycle trails and to report the findings of those studies to the President and to the Congress with recommendations for such additional administrative and legislative action as may be needed.

The bill designates three routes for potential inclusion in the National Trails System as bicycle trails. An East coast trail paralleling U.S. Route 1 from Maine to the Florida Keys, passing through Boston, New York, Philadelphia, Baltimore, and Washington and many other historic places. A West coast trail following U.S. 101 from Olympia, Wash., to San Diego, Calif., passing through Seattle, Portland, San Francisco, and Los Angeles—one of the most scenic trips in the country. A cross-continental trail along the route of the original cross-continental road, the Old Lincoln Highway, Route 30, from Atlantic City, N.J., passing along the route that our pioneer and immigrant forefathers took westward, through Cheyenne and along the Columbia River to Astoria, beyond Portland, Oreg.

During this time of energy scarcity expanded use of bikes for family vacations and local trips could help to save oil and at the same time provide a healthful experience. Last year there were more bicycles sold in the United States than cars, some 15 million, and the demand does not seem to be slackening.

Department of Transportation studies show that bicycle transportation is a viable alternative to the use of automobiles. For instance, over one-half of all the workers in the United States drive less than 5 miles to their places of employment. Many of them could just as easily drive to work on a bicycle as in an automobile. If they did, they would be utilizing a very efficient means of transportation. The U.S Department of the Interior's Office of Energy Conservation compared the energy efficiency of urban passenger transportation modes and found that bicycling consumes 180 B.t.u.'s per passenger mile as compared to 5,060 B.t.u.'s per passenger mile for autos.

The Federal Highways Act of 1973 provides $120 million for bicycle and pedestrian recreational facilities. Money appropriated in that act for urban and rural and for primary and secondary highway systems can be used to construct separate and preferential facilities for bikes in conjunction with federally aided highway projects. And land not now along highway right-of-ways can be used for bikeway purposes as long as the routes accommodate bicycle traffic that would have otherwise used the federally aided highway.

I believe that America should build a network of bicycle and recreational trails that would serve as a framework on which the several States could connect similar systems. Creation of these trails will provide a safe recreational space and focus attention on historical and scenic parts of America while helping to reduce energy consumption.

What could be a more fitting contribution to America's 200 birthday celebration that the creation of a recreational and utilitarian vehicle such as a cross country, interconnecting system of bicycle trails that would enable Americans to get a close look at the beauty and heritage of this country and at the same time, have a healthful recreational experience?

The text of my bill is a follows:

A bill to amend the National Trails System Act to authorize a feasibility study for the establishment of certain bicycle trails

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Trails System Act (16 U.S.C. 1241–1249) is amended by inserting at the end thereof the following:

"Sec. 11. (a) The Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Transportation are authorized and directed jointly to conduct studies for the purpose of determining the feasibility and desirability of establishing national scenic bicycle trails along the routes specified in the succeeding provisions of this section. Such studies shall be made in consultation with the heads of other Federal agencies administering lands through which such additional proposed trails would pass and in cooperation with interested interstate, State, and local governmental agencies, public and private organizations, and landowners and land users concerned. When completed such studies shall be submitted to the President and to the Congress, and shall include recommendations as to such additional administrative and legislative action which should be taken with respect to the establishment of such trails.

"(b) The following routes shall be studied in accordance with the objectives outlined in subsection (a) of this section:

"(1) U.S. Highway Number 1, extending approximately 2,450 miles from Kent, Maine, to Key West, Florida.

"(2) U.S. Highway Number 30, extending approximately 3,350 miles from Atlantic City, New Jersey, to Astoria, Oregon.

"(3) U.S. Highway Number 101, extending approximately 1,530 miles from Olympia, Washington, to San Diego, California."

TRIBUTE TO PATRICK E. GORMAN

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Monday, December 3, 1973

Mr. JAVITS. Mr. President, on November 27, 1973, one of America's outstanding labor leaders, Patrick E. Gorman of the Amalgamated Meat Cutters and Butcher Workmen of North America, was honored by a papal decoration in recognition of his half century of service as a labor leader, statesman, and humanitarian. At the age of 81, Pat Gorman continues to perform vigorously as secretary-treasurer of the Amalgamated and as one of the leaders in the American labor movement.

Mr. President, I ask unanimous consent that the speech of President Joseph Belsky, presenting the papal decoration to Patrick Gorman, be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech for Presentation of Papal Decoration to Patrick E. Gorman, November 27, 1973

His Eminence Paul Cardinal Yupin, Reverend Clergy, Secretary Gorman, members of the International Executive Board and Advisory Council, ladies and gentlemen.

I am pleased to welcome our friends who have come from distant points representing both labor and management to pay tribute to Pat Gorman.

The presentation of a Papal decoration is an occasion of tremendous joy and pride, but when it is bestowed on a man such as Patrick Gorman, it becomes, for all of us who are privileged to share in the event, a time of humility and gratitude. We are humble before this great man whose greatness lies in his simplicity and his concern for his fellowmen; we are grateful for the opportunity to work with him, to know him, to honor him.

For 50 years Pat Gorman has been a great labor leader, a distinguished statesman, a humanitarian. He became president of our union in 1923 at the age of 30, and since then has built its membership from 10,000 to its present 550,000. He has always been elected by the membership of this union to its highest office without opposition.

Pat has never become too important to be a friend of the working man. Whether on the picket lines, visiting members in their homes or writing in the butcher workman, Pat has constantly demonstrated his concern and dedication to American labor and to the amalgamated. He has won from unionists and employers alike the fond title of "Mr. Amalgamated". And as such, we in the labor movement salute him.

As I work alongside this wonderful human being, whose life has been a constant source of inspiration to me, I am ever amazed at his depth, his brilliance and his understanding. He has never moved far from his roots . . . the son of a poor, devout Irish immigrant family, Pat has always been a champion of the poor, the worker and the minorities.

Pat Gorman will never grow old, for he has never lost interest in the world around him. His ideas are young forward-looking . . . Although not always popular because Pat never looks for the easy way out.

Now tonight on his 81st birthday one of the highest honors a man can receive comes to Patrick Gorman. But because he is the kind of man he is Pat has turned this great papal tribute to him into yet another occasion to help his brothers and sisters all over the world. True to his concern for others Pat has been the prime mover in using this dinner to provide much needed scholarships for worthy students at Fu-Jen Catholic University in Taiwan and to provide funds to erect a new building at that university which appropriately will be known as the Patrick E. Gorman Hall.

This great honor bestowed by the Supreme Pontiff is one few men receive . . . and few deserve so richly as does Pat Gorman. We are proud of you Pat and delighted to be here with you to share this wonderful night. And as we join in congratulating you and wishing a happy birthday we offer our own tribute which will be forever in the hearts of union members everything . . . our continued love, admiration and solidarity with "Mr. Amalgamated" who in the words of that old song is indeed a "Jolly Good Fellow." Happy Birthday Pat!

THE INDIANA DUNES NATIONAL LAKESHORE COMPLETION ACT

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. LANDGREBE. Mr. Speaker, on November 5, 1966, Public Law 89–761 established the Indiana Dunes National Lakeshore for the purpose of preserving "for the educational, inspirational, and recreational use of the public certain portions of the Indiana dunes and other areas of scenic, scientific, and historic interest and recreational value in the State of Indiana."

Now more than 7 years later, the entire $27,900,000 authorized for land acquisition has been expended, but the park is far from complete. The original authorization made reference to some 8,330 acres, which included the Indiana Dunes State park with its 2,182 acres. Approximately 3,490 acres already established are now in Federal ownership, with some 1,872 acres in private ownership still to be acquired. In other words, that $27,900,000 authorization purchased only 3,490 acres. Great hardship and loss have been endured by the landowners and businesses in the area, due in part to the vague boundary description and in part to the long delay in land acquisition. For example, I recently received a letter from an elderly lady who owns a plot of land lying, apparently, within the authorized boundaries of the park. She had purchased the land many years ago as an investment for retirement income. Since 1966, however, she has been unable to do anything with her land—except pay taxes on it. She cannot develop it—it lies within supposed original park boundaries. She cannot sell it—who wants to buy land that may soon be condemned by the Government? The Park Service says it may buy it—someday, when it has the money and gets around to it.

Mr. Speaker, this is just one example of the injustice endured by my constituents. There are hundreds more.

Development of the national lakeshore is likewise way behind schedule. After 7 years, and the expenditure of $28 million, all that we have in North Porter County is a formally dedicated jungle—a real disgrace to the fine area and to our Nation.

Obviously it is way past time to get serious about development of the area already under Government ownership, as well as completion of the purchase of the originally vaguely defined authorization.

Therefore, Mr. Speaker, I have introduced a bill, H.R. 11699, entitled "The Indiana Dunes National Lakeshore Completion Act." This bill would amend the authorizing legislation, Public Law 89-761, as follows:

First, it substitutes a legal boundary description for the present loosely-defined boundary described only by a map on file in the office of the director of the National Park Service. This new boundary description, prepared by the surveyor of Porter County, Ind., details every single plot line contained in Porter County. It does not, however, include Pinhock Bog in LaPorte County since this is outside my district and thus outside my proper jurisdiction. In cases where the present boundary appears to cut right through an individual's property, the new boundary includes the entire property. This new boundary does not substantially change the present boundary, except for minor additions totalling roughly 10 acres. It does, however, allow everyone to know definitely whether or not their property is included within the park boundaries. Thus those not included will be able to proceed with whatever plans they have for their land—development, sale, et cetera.

Second, the bill seeks a revised or updated master plan with developmental priorities clearly spelled out. The National Park Service has prepared master plans in the past, but no development is evident.

Third, there is a provision dealing with interim usage of the lakeshore by the public, so long as it is consistent with good conservation practices. One of the main purposes of the park is to provide recreation. There are many activities that could be provided at little or no additional cost while land acquisition and development is being completed. For example, my office has worked closely with park officials and interested local citizens for establishment of horseback riding trails. Minor improvements in already existing trails would allow horseback riding to begin almost immediately.

Fourth, the bill authorizes "such sums as may be necessary" to complete land acquisition. As I have indicated, it is very unjust to place area landowners in a sort of limbo while the Government drags its feet on land acquisition. The earlier the land is acquired, the fairer the treatment to local landowners and businessmen.

The last provision of the bill stipulates that the land within the authorized boundaries shall be acquired and developed prior to any other land acquisition.

By emphasizing interim usage and prompt completion, the bill is consistent with our national policy of making parks more usable, of "bringing them closer to the people" for their use and enjoyment.

By precisely defining the boundaries and by authorizing funds for acquisition of the remaining land, this bill would minimize the hardship endured by local landowners and business establishments.

And by emphasizing quick completion and stabilization of the lakeshore, without expensive and unnecessary additions and before escalation of land values, my bill comes closer to being fiscally sound and responsible than those bills introduced by several of my colleagues.

Mr. Speaker, I sincerely hope this bill will receive prompt consideration. All interests concerned—the users, the landowners, the taxpayers, the business concerns, and the conservationists—would be best served by rapid completion and stabilization of the Indiana Dunes National Lakeshore.

RALPH NADER JUNK

HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, December 3, 1973

Mr. HELMS. Mr. President, there is no question about who is the most effective radio personality in the eastern part of my State. His name is Jack Rider, who operates station WFTC in Kinston, N.C., and its FM affiliate, station WRNS.

Jack takes a stand, Mr. President, every day of his life—and the people for miles around dearly love it. When Jack Rider takes the air to express his opinions, the people nod their heads and pat their feet.

I want to place in the Record, Mr. President, a radio editorial aired by Mr. Rider on November 27. To be sure, all Senators will not agree with it. Nevertheless, they would be well advised to be attentive to it, because what Mr. Rider has said, millions of other Americans believe is sound and possible.

Therefore, I ask unanimous consent that the aforementioned editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Extensions of Remarks, as follows:

Editorially Speaking

(Jack Rider—Station WFTC)

It is an ill wind that blows no good. A friend reports that in his small way he tried to abide by the Presidential suggestion of a 50-mile-per-hour speed limit.

Much to his pleasure he found that his trip-gas mileage improved from 11 miles per gallon to 14 miles per gallon. This is nice. To be both patriotic and thrifty with the same effort. But when he bragged a little about this to a friend, the friend suggested that if he really wanted to help the President's fuel crisis he could do a lot more.

Such as what, my friend wondered? Such as disconnecting that Ralph Nader junk that is supposed to control pollution. My friend was both thrifty and filled with curiosity, so he decided to see if the suggestion had any real merit. He disconnected the Ralph Nader junk and took a 300-mile trip on which he very carefully checked his mileage-per-gallon, while still driving at that patriotic 50 miles an hour.

Guess what? Would you think his mileage went up, or down, stayed in the same place? A quick recap: Driving at the posted speed limits, with a new car, he had averaged 11 miles to the gallon; dropping his speed to 50 miles an hour on trips his mileage moved up to 14 miles per gallon. But, believe it or not, when he short-circuited the Ralph Nader junk, his mileage soared to 22 miles per gallon. Think of it! With over 20 million cars dragging that Ralph Nader junk around, if they were all disconnected the gasoline shortage would vanish overnight.

If one can jump miles-per-gallon from 14 to 22 on a standard make, luxury liner car by kicking Nader's junk in the head, just think of what that would add up to on 20 million vehicles. It boggles the mind. And it boggles the mind that nobody in Congress, nobody in the White House, just nobody but a few shade tree mechanics has bothered to find this simple, sudden solution to the gasoline shortage. Wake up Washington, the British are coming.

BAN THE HANDGUN-VII

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. BINGHAM. Mr. Speaker, on November 22, the 10th anniversary of the assassination of President Kennedy, the National Council for a Responsible Firearms Policy issued a statement assessing that the lack of adequate controls on the possession and transfer of firearms makes America unsafe for people, for political campaigns and for democracy itself.

I share that belief, and commend the council's statement to readers of the Record. The statement follows:

America's Gun Mania a Decade After Dallas

TEN YEARS OF NEGLIGENCE

Ten years have passed since President Kennedy was shot to death with a mail-order rifle. It took the Federal government nearly five years to muster enough determination to make such personal shipments illegal. It would have taken even longer if the gun assassinations of Dr. Martin Luther King and Senator Robert Kennedy had not reopened the 1963 wound in the nation's conscience and made the neglect of this problem all the more painful.

Major legislation was passed in 1968, but it was aimed only at controlling more effectively the commercial traffic in guns and ammunition and restricting their purchase from bona fide dealers. Congress roundly rejected efforts to tackle the rest of the problem—the need to limit legal possession of guns to people who possessed the basic credentials for responsible gun ownership, and to hold such licensed gun owners strictly and legally accountable for every gun in their possession. Thus, the assassins of John F. Kennedy, Martin Luther King and Robert

F. Kennedy could just as easily now as then obtain the guns that fired those shots heard round the world.

With every passing year, thousands of lesser-known but no less respectable Americans are attacked, wounded or killed with guns—statistics which the nation seems to accept as routinely as it does the ball scores and the stock market quotations.

In the ten years since the murder of President Kennedy, nearly 100,000 Americans have been murdered with guns. Another 100,000 have committed suicide with guns. Another 700,000 have been wounded by guns, and another 800,000 have been the victims of robbery with guns but without gunfire. More Americans have been shot to death in the homes, shops and streets of America in this century alone than have been killed in all the wars in American history. More Americans have been murdered by gunfire in their own country since the assassinations of Martin Luther King and Robert Kennedy than were killed in Indochina during the entire period of U.S. military involvement there. Since the flow of all kinds of guns into all kinds of hands for all kinds of purposes remains unchecked, the danger to life and limb from the misuse of guns is greater now than when President Kennedy was killed—and gets greater with every passing day.

Strict gun control is not the only answer to this carnage—this man-made plague. But it is an indispensable part of the effective answer that urgently needs to be found. A government that does not face the facts of gun violence and face up to the urgency of stopping the easy accessibility of guns and ammunition to individuals not qualified to keep and use them responsibly deserves the strongest rebuke from the American people. Such a government is either inexcusably insensitive to the hard realities of violence in America or is playing short-sighted, shabby politics with the safety of the American people by yielding to the "gun lobby".

The abysmal failure of the Federal government and nearly all state and local governments to adopt effective, reasonable and responsible gun-control policies in the overall public interest (the interest of law-abiding Americans who own guns as well as those who do not) leaves America unsafe for its people, unsafe for political campaigns, indeed unsafe for democracy.

Today on the 10th anniversary of the death of President Kennedy—a sad remembrance amid holiday observance of Thanksgiving—the nation should ponder its failings regarding violence in general and gun violence in particular. The American people should then call on their leaders to lead the way to making this the safe country it urgently needs to be.

What statistic are we waiting for?

U.S. SENATOR SAM NUNN

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Monday, December 3, 1973

Mr. TALMADGE. Mr. President, there appeared in the November issue of Georgia magazine an excellent article on U.S. Senator SAM NUNN, which I bring to the attention of the Senate.

Though a Member of the Senate for less than a year, Senator NUNN has been busy earning a reputation as a hard-working, energetic, and extremely bright U.S. Senator. He is proving himself to be a credit to the State of Georgia and the Nation he serves.

Senator NUNN is about to complete his first year in the U.S. Senate, and I take this opportunity to salute him for a job well done. I ask unanimous consent that the article on Senator NUNN be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE JUNIOR SENATOR FROM GEORGIA

(By Bill Seddon)

The dominant theme in America today is change. It is happening everywhere, to everything; it is so pervasive it seems redundant even to mention it. Some things never change, the sages used to say, but now they do, and even death and taxes are no longer sacrosanct; scientists are working madly to find the way to freeze us forever and no taxpayer needs to be reminded that for the rich there is always a way out. We are accustomed to change daily, a good deal of it is even for the better, and it doesn't startle us so much any more; we can read "Future Shock" without being shocked, we can take Watergate and energy shortages with equanimity, we can be droll about our President consorting with the heads of Soviet and Sino Communism. We have lost the capacity to be bothered very much by it all.

Traditionally in this country some of the most successful resisters to change have been our governmental institutions and the South, which has been a kind of governmental institution in itself in its own baronial way. But both are now subject to it; the Presidency is weakening, the court is less obtrusive, all the old giants of the Senate are dead, and by January of 1971, on the death of Georgia Senator Richard Russell, there was already the developing belief that a New South was emerging. James Reston of The New *Times* had this to say: "The Old South is mourning the death of Sen. Richard Russell of Georgia, but there is a New South, now partly liberated from history, and the tragedy of Dick Russell is that he was sick and old when the political transformation of the South took place."

Russell's successor, Samuel Augustus Nunn of Perry, is at age 35 neither sick nor old, and his election last November brought forth a spate of speculation that he might remain in the Senate as long as his predecessor, who had made it his home and his life for more years than Nunn has yet lived, 38 of them. As longevity is the first requisite for power in that institution, the questions rise: What kind of senator will Sam Nunn be?

Georgia has had throughout this century more than a single state's share of strong and powerful senators. When the harangues of old Tom Watson ended with his death in 1922, young Walter F. George, age 44, was elected to fill the vacant seat. He held it 34 years, establishing one of the most formidable records in Senate history, building a reputation as an internationalist foreign policy architect, serving as chairman of the Foreign Relations Committee and the Finance Committee.

George never lost in a political campaign, not even after he fought Franklin Roosevelt's plan to 'pack" the Supreme Court in 1937 and Roosevelt appealed to Georgia voters to unseat him. George was re-elected and went on to steer the lend-lease program through the Senate in 1941; still later he was a foreign policy advisor to President Dwight Eisenhower. George finally relinquished his seat in 1956, at age 79, and died within the year. His successor, Sen. Herman Talmadge, has held the seat 17 years now and will hold it much longer; he is coming into his own as a Senate power as chairman of the Agriculture Committee. (National recognition—and a decidedly improved image—has come from his service as a respected member of the Watergate Committee. His intelligent, concise questions have won him many public fans; but the fans who count are still in Georgia.)

Richard Brevard Russell, like Walter George, (and like Sam Nunn after him) ascended to the Senate upon the death of an incumbent, Sen. William J. Harris, in 1932. Russell was 35 years old; he had been a member of the Georgia House of Representatives since age 23, and had Speaker of the House at age 29 and had been elected governor of Georgia in 1930, at age 33. Russell stayed in the Senate for 38 years and more than anyone before or since made it his life; like George he outlasted his colleagues to become dean of the Senate, the body's most respected member, the Senator's Senator, an advisor to six Presidents, and when he died two years ago at age 73 President Richard Nixon called him "one of the most magnificent Americans of all time."

So 35-year old Sam Nunn has a long way to go before he can be judged a worthy successor to Richard Russell or Walter George. He also has a lot going for him—his age, his background, his ambition, and, less certainly at this early point in his career, his ability. An obscure State Representative from the little town of Perry, he showed himself a formidable campaigner last year in wrestling the Democratic nomination from a covey of would-be's with longer records and larger reputations. "I began so far back in the pack that I considered it progress when the reporters began to call me an underdog," he exulted after beating them all and a tough Republican opponent too, largely by endlessly promising Georgia's voters that he was a man who would "Get Tough in Washington." But his Democratic primary run-off opponent, Gov. Jimmy Carter's appointee David Gambrell, who has praised him since, served a word of warning after losing to Nunn: "A lot of the things he talked about during the campaign have either already been done, are being done, or can't be done. But he still has to try."

Nunn gives every evidence of being a man who is willing to try. He has always been a scrapper—he set the course record of 66 on his home golf course in Houston County, and at 5–10, 140 pounds he competed with the bigger boys in basketball and football at Perry High School—and he knows how to enlist the aid of those who can help him. An early pre-election poll last year showed him to be a 98 per cent unknown; soon he had won endorsements from George Wallace, the Atlanta *Constitution* (which called him "a constructive conservative), Rep. Phil Landrum of Jasper, dean of the Georgie Congressional delegation, and even Sen. Herman Talmadge, who makes endorsements about as often as most politicians make confessions. One of the important endorsements Nunn failed to get was that of Lester Maddox, a friend of GOP candidate Fletcher Thompson—but even there Nunn got Maddox's brother Desley to help in the campaign in south Georgia, and after he had won he said he "completely understood and respected" the lieutenant governor's neutrality.

When he wasn't talking about "Getting Tough in Washington" during the campaign (at first it seemed ludicrous, this slender, mild-mannered, bespectacled young fellow, he sure didn't look so tough), Nunn was citing Georgia's happy tradition of sending young men to the Senate, giving them time and room to maneuver, supporting them through the years so that finally their seniority, prestige and influence has outstripped that of their colleagues. Electing young senators had worked for Georgia before, witness Russel and George, and young Nunn left to doubt he wanted to match their years of tenure. Now that he's in, however, he is less anxious to talk about things in the long-range—"It would take away from my effectiveness now to look 10, 20 years ahead." Ask him the question, perhaps unfair, about how he will fare in the footsteps of Russell, and he answers slowly. "He set the shining light for all senators, not just for the ones who takes his former position. I knew, of course, before I came here that he was considered one of the finest senators in the history of the body, but I've found out a lot more.

Richard Russell. There are those on Capitol Hill who still revere his name. One of them is Dan Minchew, administrative assistant to Sen. Herman Talmadge, who is succinct in his assessment of Russell's sources of strength: "1. A prodigious amount of work in preparing himself. In a parliamentary battle he knew more about procedure than anyone else; it was the same way in a military or appropriations matter. Just plain hard work. 2. The primary thing, hard to pin down—Russell's character. It was sterling, beyond reproach. The old school where a man's word was his bond. For this he had unparalleled respect from his colleagues. 3. His seniority gave him authority. When you have ability, hard work and character it magnifies the effect of seniority."

Proctor Jones, a former Russell assistant now working for the Senate Appropriations Committee, talks much the same way of his old mentor. "His intellectual capacity was great, he had one of the best minds in the Senate," Jones asserts. "And he had the advantage of a complete mastery of parliamentary procedure, which is part of being a hard worker. Also he had good plain old common sense, a rare quality that a lot of people think is missing up here nowadays. His manner, his bearing, his ability to get along with people was also important; he had the rare ability to get along with colleagues even when he was having bitter disagreements with them. He had the capacity to make devastating arguments without hurting anybody's feelings.

Russell's oldest assistant still on the Hill is Bill Jordan, also now on the Appropriations Committee staff, who left the Georgia town of Monticello to join the senator in 1955. "There are three qualities that I saw in Russell that I thought people have a right to expect in their senators: ability, integrity and the capacity for hard work. I find it hard to get beyond those three; Senator Russell had them to the fullest measure. He also had a fourth thing, humility. I measure any other senator against those criteria. Some rate high in one, some in another, but none have them all in the same proportion as Richard Russell."

A freshman Senator is not often given the opportunity to display any of the qualities mentioned except humility and hard work. When he arrived he had the temerity to seek and the questionable fortune to attain a seat on the Armed Services Committee, one of the Big Four, which Russell chaired before taking the helm of Appropriations. It will be a long time before Nunn (or any other newcomer) makes a name for himself on that panel, which is run close-to-the-vest by Chairman John Stennis of Mississippi, has no strong independent subcommittee to offer a spotlight and requires the slow accumulation of technical knowledge. "With just a few months experience I can't stand up in committee and make arguments on complex weapons procurement," Nunn concedes, "I'd be treated with rightful contempt by my colleagues." What does a lawyer from Perry, Ga. know about weapons? So he is concentrating on the hard work of learning. Some first-term Congressmen and Senators have been known to feel frustrated with their inability to do things on such committees, but Nunn claims to feel no frustration so far; "I have contributed as much as my knowledge and ability should allow," he avers, "as much as I could or should."

It may be that Armed Services will not be the place in which Sam Nunn makes his mark. He denies any desire to switch committees, at least for now, but when discussing issues he speaks most confidently, and apparently most competently, about finances and budget reform. He could be headed for Appropriations (which Russell also chaired). The Senator realizes that to win the respect of his colleagues, to become generally influential within the body, he must first build up a sphere of expertise; Nunn thinks budgetary reform could be his sphere. He is pushing for a "disciplined" budgeting procedure that "tempers the political process as much as possible, that is viewed more as an economic matter and less as a political matter." The Senator gets wound up talking budget. "I think I have had significant input in budget reform already," he claims, and then momentarily forgetting his station adds, "I think I know as much as anyone else about it." Then he remembers. "I don't mean I know as much as anyone else, but I certainly can make a contribution."

Some of the other issues Nunn is interested in now are, perhaps not surprisingly, the ones he promised to "get tough" about during the campaign. He has introduced his bill to penalize "delinquent" fathers who run away from home and leave their families on welfare; he wants compulsory rehabilitation for drug addicts; he wants to end the lifetime tenure of federal judges. One of the get tough issues that seems to have died down for the moment is school busing; one suspects the Senator will get as tough as he can about that when the time comes that he has to; for the moment it's a good thing to let alone.

And, of course, military matters. Nunn says he wants to get involved in the future of NATO and the volunteer army. "I want to make sure we remain strong, that we don't let down our guard and encourage aggression," he declares. But even here he can't escape the desire to talk budget reform. "If the military is going to stay we must practice economy. We have to save money in all areas to enjoy the confidence of the American people." Clearly, Nunn would like to be on Appropriations, and just as clearly he never can be, unless the Senate changes its rules, while he remains on Armed Services. Does he foresee a switch? "It certainly depends on circumstances," he says. "But I am very pleased with it (Armed Services) right now and have no intention of asking to switch Armed Services demands continuity."

But the only kind of continuity that should be expected in this overgrowing country over the next few decades, the decades in which Georgia Sen. Sam Nunn will have the chance to grow in power and influence in Washington, is the continuity of change. A senator who starts out young and hopes to be re-elected five or six times at six-year intervals will have to keep a careful chart of the way things are moving, will have to move with them, will have to be a little bit different each time he faces the voters back home, lest he discover too late that they have changed more than he has. This is not to say that he will have to alter his basic principles with every re-election effort; only that over such a long span as is contemplated for a Sam Nunn to match the record of a Richard Russell or a Walter George, he will have to change more than Russell or George did. The country will change more in the next 38 years than it did in the last 38. So will the South; so will Georgia.

Sam Nunn, who was big on planning while in Perry and in the Georgia House of Representatives, sees change coming in the South but also professes to see great stability. "I think Georgia is changing every day, not so much in a political sense as in an economic sense. And economics play a vital role in our thinking, not so much consciously . . . It was my goal in Perry to develop industrially. We have a wonderful agricultural economy, but we need industry too. Georgia has great assets, it has the potential to be a real leader in the southeast, and I think the southeast is going to be more and more a leader in the country in economic development. I look every day at how this is going to affect us 10 years from now. That's part of my regular thought pattern, from my experience in planning.

"As Georgia's economy becomes more like the rest of the nation's the differences will be less and less." Nunn contends. He believes the political and philosophical mood of the nation is approaching that of the South. "I do think that Georgia is in the mainstream now. I don't think we're sitting out there like a sore thumb. We're in the middle of the road. I'm not sure that was the case 10 years ago." Politically, he believes the South is still more stable, although he knows the era of the Solid Democratic South is ending. "The South is still more stable in what we believe about the broad issues, foreign policy, the military, economy," Nunn avows. "In New York or California you might elect a left-wing radical one year and a right-wing conservative the next. That is not going to happen in Georgia. Middle-of-the-road conservatives are going to be elected, that's not going to change."

If it is true that the attitudes of the South and those of the various other regions are merging, and many observers believe they are, Sam Nunn may enjoy a political advantage that was always denied to Richard Russell. Russell, as is well known, wanted to be President, he tried hard for the Democratic nomination in 1952, but the South and its racial attitudes were an albatross for him; even Harry Truman said the distinguished Georgia Senator could well have been President had he not come from the Deep South. "Russell represented very accurately the mood of his state, which was not the mood of the nation," Sam Nunn declares, recalling without mentioning the filibuster his predecessor led as general of the Southern bloc against the Civil Rights Act of 1964. The South is changing now, too late for Richard Russell but in plenty of time for Sam Nunn.

How much of an advantage the new South will be to the new Senator depends to some extent on how far the new Senator decides he wants to go. Being from the old South and representing its attitudes did not diminish the effectiveness of Richard Russell within the United States Senate; it was only when he tried to go beyond the Senate that he found himself constrained. It may be that the South is coming due for its share of Presidents and Vice-Presidents, and many observers believe they will continue to come from the ranks of the Senate. Indeed, there are those who think the Senate, no longer the great and powerful deliberative body it once was, has become a training ground for Presidents. Sam Nunn, naturally disclaims any desire ever to be President, Vice-President or anything else but U.S. Senator. "I have no ambition to be President," he exclaims. "I love the legislative process. If I wanted to be in the executive I would have run for governor or lieutenant governor. Working on and perfecting law, this is the part of government I like. Being administrator over thousands of people would not be enjoyable to me." Then he adds a disclaimer to the disclaimer: "It would be foolish to say I will never do anything else (like run for President or Vice-President), although my present outlook is that to be an effective Senator is the height of my ambition."

So Sam Nunn has a long road ahead to become the kind of effective Senator that the man whose seat he took was. It will take years of unrelenting hard work—although no one can expect him, a married man with children, to devote the time to it that bachelor Richard Russell did. But if Nunn applies himself, keeps his eyes on the change back home and keeps his integrity within the Senate, stays around long enough and builds a reputation for wizardry in financial or military matters, perhaps he can be the next giant of the Senate. The Senate, like the Congress as a whole, has been at a low ebb as an independent power in government but there are those who see its resurgence ahead. Perhaps Sam Nunn will be one of those who will restore it to its rightful place—the place it held through most of the years its last great giant, Richard Russell, made it his life.

ENERGY CRISIS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. DERWINSKI. Mr. Speaker, the discussion over the solutions to the energy crisis has brought forth considerable editorial commentary. One of the more imaginative, inquisitive, and interesting articles which I have read, was a column by Michael O'Hearn, editor of the News, a publication serving South Suburban Cook County, Ill.

Michael O'Hearn, author of the weekly column entitled the "From the Glass House" is read avidly by his fans which is well understood upon reading this particular article that I now insert into the Record:

From the Glass House

(By Michael O'Hearn)

It seems like our federal government loves to play games. Now there is the toying with a ban on Sunday driving. Wouldn't it be nice to see empty high-ways all across the nation on any given Sunday. I think President Nixon is just jealous of those nations in Europe which have experimented with a ban on Sunday auto traffic and have successfully driven the people to such healthy diversions as bike riding and walking. Nixon likes power and would feel like a powerful king if he could force Americans from the roads.

No one has proved to me that there is a shortage. It looks like a special interest is receiving special treatment. Oil company profits have soared in the last year, and Americans are willing to pay any price to keep mobile. If this whole thing is another ploy to make some wealthy individuals more wealthy, I hope it back-fires. Whenever it becomes in the self-interest of the energy suppliers to start pushing more and more consumption, I can only hope there will be many millions who have found pleasure in such cheap hobbies as walking and bike-riding.

It is some coincidence that two years ago ecology experts had convinced the American public that an Alaskan pipeline was not necessary. Furthermore these experts claimed there was danger of causing earthquakes with the construction of this pipeline. The oil interests wanted their pipeline badly, and started a huge propaganda program to win over public opinion, but nothing happened. President Nixon just recently signed into law the go-ahead for the pipeline. Could this whole "crisis" be nothing more than the most cleverly conceived "program for pipeline?" We don't know how, but one day we will.

If the crosstown expressway isn't dead now, the energy scare is sure to kill it for good. We certainly don't need another main artery into the loop for any good reason. I want to poll our local representatives on their support or lack of support for US Steel's proposed plant on the shores of Lake Michigan. If we want the lake to become as dead as Lake Erie, we should support such projects, but if a dead lake is not what we want . . .

The quickest way to turn this land of the free into a land of tyranical rule would be for the government to forbid private car ownership with the right to go any where the driver wants to go. If we all find ourselves riding in public vehicles in a few years (months) we can be sure our movements are all under government surveilance. Governmental power is used too much especially at the federal level. I thought everyone would laugh when the President actually stuck his nose in raises for individuals, but no, we took this intrusion in our supply and demand system seriously!

You can't trust party labels anymore because President Nixon is a Republican, who believes in an extremely active federal government. Government intervention used to be what Democrats were most accused of. We voters are going to have to listen to our representatives from both major parties (as well as independents) to see who believes in individual rights, and less government direction (dictation).

BASIL PATERSON SPEAKS ON THE FUTURE OF THE DEMOCRATIC PARTY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. RANGEL. Mr. Speaker, Basil Paterson, vice-chairman of the Democratic National Committee, was recently interviewed by Rev. H. Carl McCall of the Amsterdam News on the future of the Democratic Party.

Paterson, a former New York State senator from my own community of Harlem, is leading the fight for an increased voice for minorities in the making of Democratic policy. Building upon the base of 1972, Paterson is working to guarantee that racial and ethnic minority groups, women and youth are fully represented in the decisionmaking process. If the Democratic Party is to continue to grow, if it is to win both moral and electoral successes, then it must recognize the diversity of the people of the United States. The exclusion of signfiicant portions of our population can only resulting in a thwarting of democratic goals.

I am pleased to share Basil Paterson's views with my colleagues in the Congressional Record:

[From the Amsterdam News, Dec. 1, 1973]

Basil Paterson: Black Power in the Democratic Party

(By H. Carl McCall)

You no doubt remember that a rather radical new set of rules were put into effect prior to last year's national Democratic Party convention in Miami affecting the process of selecting convention delegates. The new rules came as the result of the work of a special commission headed by Senator George McGovern who emerged as the Democratic nominee for President.

State delegations were required by the rules of the McGovern commission to represent appropriate percentages of delegates from ethnic and racial minorities women delegates and youth delegates.

Old line party regulars (like, for example, Mayor Richard Daley of Chicago) found themselves shut out from the 1972 national Democratic Party convention as state delegations opened up to meet the required "quotas" of Blacks, Spanish-speaking, youth, women and so on.

After the 1972 convention and the subsequent overwhelming defeat of Senator McGovern in the presidential election, Democratic party regulars and power groups launched an attack on the rules governing delegate selection.

NEW RULES

A new set of rules were adopted which flatly outlawed "mandatory quotas" but which require "affirmative action" in each state to involve racial minorities, youth and women.

I asked Basil Paterson to shed some light on these rewordings and new developments.

"First, let me describe four important new commissions," Mr. Paterson answered. "First of all, there is a Vice Presidential Commission, created by the Democratic National Committee to recommend a new procedure for the selection of a Vice Presidential candidate. It came as a direct result of the Thomas Eagleton fiasco. But it also relates to Richard Nixon's candidacy for Vice President, when it was discovered after he was the nominee that he had a slush fund. The story goes that Eisenhower wanted to drop him as the Vice Presidential nominee.

"The system now is that the Presidential nominee decides who he wants for a running mate, sometimes within a matter of hours after his own nomination, and there isn't sufficient time to do an adequate check to see that the Vice Presidential candidate is 'clean.' They're not worried about philosophical differences. They're worried about cleanliness! The only question is, 'Does anybody have anything on 'em?' "

SPECIAL COMMISSION

The second commission mandated by the 1972 national Democratic Party convention, Mr. Paterson explained, was a special commission to prepare for the 1974 national conference. The Democrats will be holding an off-year national convention to deal with issues of party structure and any other issues deemed to be important. The convention will be held December 6–8, 1974, in a city yet to be determined. It will be a major national party gathering with more than 2,000 delegates attending.

"Now we get down to the two commissions causing the most noise right now," Mr. Paterson continued. "A commission—called the Black Commission—was mandated by the 1972 national convention to come up with rules and guidelines for the selection of delegates to the 1976 Presidential nominating convention.

The commission, by the way, was named after Wayne Black from Utah rather than having anything to do with us! But that same commission now has to come up with rules and guidelines for selecting delegates to the 1974 off-year convention.

ALL MINORITIES REPRESENTED

"Now there was a big fight, which everyone knew was coming. The old-liners—like big labor as represented by George Meany of the AFL–CIO—insisted that one of the reasons the Democrats were so overwhelmed in 1972 was that the convention was not representative of the Democratic party.

Of course, anyone who was there in Miami knows that the 1972 National Democratic Party Convention was probably the most representative convention ever held in any major political party!

You never saw so many people of so many different persuasions. Not just ethnically, but also philosophically! It ran the gamut. It was no longer one of those boss-dominated, selected and delegated conventions. This was a convention that was truly representative of people around the country in the Democratic Party.

"But many of the old-liners felt excluded. They criticized the McGovern commission guidelines which called for 'fair representation,' insisting that 'fair representation' was just a code name for 'quotas.'

"So a fight took place in the Delegate Selection Commission. But we had some strong Black representation on that commission. Mayor Richard Hatcher of Gary, Indiana, led the fight to preserve guidelines which would ensure adequate minority representation at the 1976 convention. He was supported by such strong voices as Hanna Atkins, a Black legislator from Oklahoma, and Lavonia Allison from North Carolina.

"It was known from the beginning that the wording was going to be changed, and we Blacks did not have the votes to prevent it. But under Dick Hatcher's leadership a compromise was effected which may prove to be just as much of a safeguard as anything which ever came down the pike from the McGovern commission. And the so-called "radicals," or McGovernites of the Democratic Party feel it was a legitimate compromise. It wasn't all give, but there was some take also'

DELEGATE SELECTION PROCESS

The new procedure, Mr. Paterson explained, called for the establishment of yet another commission, a 17-member group called the Compliance Review Commission (CRC). Each state is required to submit plans for the selection of their convention delegates to the CRC for review and approval.

Membership of the CRC is determined as follows: 5 members selected by Barbara Mikulski, Baltimore Cit Council of the Delegate Selection Commission; 5 members selected by National Democratic Party Committee Chairman Robert Strauss; 1 member each selected by the Democratic Governors' Conference, the Democratic members of the Senate and also the House of Representatives, and the Democratic Party State Chairmen. The remaining three members are Ms. Mikulski, Mayor Hatcher and Alex Smith of Chicago.

Basil Paterson sees real possibilities and opportunities for Black representation under the new procedures. The two "bottom lines," he feels, will be how strictly the guidelines are adhered to and how strong the CRC actually turns out to be.

"Now we have made certain demands," Mr. Paterson emphasizes. "We have demanded, for example, four Black members out of the seventeen on the CRC. That's an interesting number. We're not forgetting we represented 20 percent of Sen. Hubert Humphrey's vote in 1968, and 25.8 percent of Sen. George McGovern's vote in 1972."

STRUCTURE

That's the structure for monitoring delegate selection to the 1976 convention, but what of selecting delegates to the critically important off-year convention next year?

The original plan called for two different sets of rules governing delegate selection to the two conventions. Guidelines for selecting delegates to the 1974 convention were couched in such meaningless phrases as "encouraging maximum participation!"

Minority group representatives got together and decided that since a liveable compromise had been worked out for the 1976 convention, with the creation of the CRC, the same pattern should be applied to delegate selection to next year's off-year convention.

Through careful political maneuvering, a decision was reached to establish a Compliance Review Commission for the 1974 convention consisting of the Executive Committee of the Democratic National Committee where, Mr Paterson insists, "we do pretty well."

THE BLACK AGENDA

"Though we can be out-voted," Mr. Paterson explains, "the Executive Committee has yet to even attempt to out-vote us, because of the attempt by Chairman Robert Strauss to show that he is bringing the party together. But in this atmosphere of togetherness, we must never lose sight of what our agenda must be.

Togetherness is alright for those who can afford to give up something. Blacks have never asked for more than the bare minimum. All we've ever asked for is some equity. And if you give up that equity, you're dead That's all we've ever demanded and so far our demands have been accepted."

Taking the two guideline procedures for the '74 and '76 conventions together, Mr. Paterson sees equity on the horizon.

"My feeling is," Mr. Paterson says, "that the language of 'fair representation' which the McGovern commission had dictated before came to mean 'quotas' in the good sense because of how that language was implemented. Therefore, the language isn't as important as the implementation of whatever language you've got.

"I feel if we are able to exercise some muscle by making temporary alliances with other interest groups, we may be able to muster the votes to see that the implementation of the guidelines will guarantee no less representation than we had in 1972. That was the greatest representation Blacks have ever had at any national convention and I don't believe we're going to go below that."

QUOTAS PROVIDE A BASE FOR BLACKS

Mr. Paterson also feels that the newspaper headlines over the past few months, telling of the struggle within the Democratic Party over delegate selection procedures, was probably necessary for "other peoples' consumption."

"Quotas had become the incendiary word for some of the old-liners," Mr. Paterson explains, "and for some of those who are alleged to be very liberal too! But to Blacks, quotas has always been a good word, because all its ever meant to us is a base from which to start. For others it has different connotations."

And Basil Paterson insists the base is here to stay in the national Democratic Party. Before the McGovern commission influence on the delegate selection process for the 1972 convention, there was not a sufficient number of Black delegates to even meet. Now there is a Black Caucus in the Democratic Party.

"We now have outstanding Blacks with their own constituencies," Mr. Paterson enthuses. "Blacks who will stand up and make statements without worrying about what's going to happen as a result. Non-intimidateable Blacks! We've got two Black State chairmen—Aaron Henry from Mississippi and Bill Lucey from the District of Columbia. We've got dynamite people!

"We now have approximately 35 Black members of the National Democratic Committee, out of a total of 300. And it's an increasing number. Of course we should have far more than 35 out of 300. But the number has grown from about 12 to 35 over the last nine months."

BLACKS DEMAND REPRESENTATION

Pushing the point of Black influence in the National Democratic Party further, I raised the question of the skepticism surrounding the election of Robert Strauss as National Democratic Party Chairman. Mr. Strauss comes from Texas, a state with conservative inclinations which might not be in tune with increased Black influence in the Democratic Party.

Mr. Paterson answered that he did not know Robert Strauss before he attempted to become Party Chairman. Mr. Paterson and the Black Caucus voted against Mr. Strauss, and Strauss, according to Paterson, has always been disturbed by that lack of Black support.

Mr. Strauss had offered eight new Black members in an effort to gain support, but, Mr. Paterson is quick to point out, "We got the eight new Black members even though we didn't support him. We got them on a demand basis."

"I think what's starting to come through to a lot of us," Mr. Paterson continues, "is that Robert Strauss wants to be the best damn chairman the Democratic, or any other party, ever had. He's trying to bring the party together and, therefore, he has to pay a philosophical price.

He can't pursue whatever his personal philosophy might be. He has stated on national television that a National Party Chairman cannot afford the luxury of a personal philosophy. He has to be an umbrella attracting all kinds of philosophies.

And I think he's trying to adhere to that. Along with this, I would suggest that one of the things that has been of greatest impact for Black people is that our representation on the National Committee has been strong. People who are strong in their own right. Strong voices like that of Barbara Jordan, Congresswoman from Texas."

What then of the relationship between Chairman Strauss and Vice Chairman Paterson?

"I have had an almost totally unencumbered situation," Mr. Paterson emphasizes. "'Mr. Strauss has made it very clear that he needs me. I'm Black and I'm from New York. He's white and he's from Texas. If I walked out, it would be very, very embarrassing to him.

"When he became Chairman, Mr. Strauss changed the rules so he could add a woman as Vice Chairman, since there had been pressure in that direction. But he made it very clear I was First Vice Chairman. He stays in constant communication with me, and he has stated to a gathering of mayors and the New York press corps that he deems me as his number one political advisor. I do know that whenever anything of consequence comes up, I don't have to call him. He's on that line."

A ROLE FOR ALL BLACKS

So what does it all mean for us at the grass roots level of potential political involvement? Is there any way we can relate delegate selection procedures, implementation of guidelines, and structural party struggles to our lives and responsibilities? I asked Basil Paterson what we could do to support him and the kinds of things taking place on the national level. Or, indeed, is there any role we can play?

"Well, it sounds almost trite to say it," Mr. Paterson replied, "but it all gets back to what kind of participation we have and what are our numbers at the moment at the polls. I used the numbers before of how we were 25.8 percent of George McGovern's vote. And yet that represented far fewer numbers of Blacks voting than when we were 20 percent of Hubert Humphrey's vote. McGovern got a small vote, and that's why our percentage numbers increased.

"But we fell off greatly in 1972, and I can fully understand why. With all due respect to George McGovern, I don't believe he excited Black voters. There were some attempts made to induce George McGovern to speak directly to Black voters, but it didn't happen. We don't want Black votes taken for granted in the Democratic Party.

"By the same token, for us to have leverage, we have to have numbers. We don't have the financial resources that some other communities have in buying influence. The revelations of Watergate and the Richard Nixon campaign show us there have been very few political contributions ever made in this country.

"There have been investments made. Under Richard Nixon, the investor got back a return before he even made the investment, like ITT, or the airlines, or the milk dealers. They got returns prior to having to invest money in the campaign.

"Black people don't have the kind of business interests where we can lay out $50,000 or $100,000 to a political candidate with the understanding that this is going to come back to us. But what we do have are numbers, and key numbers. Everybody talks about our rising numbers in major urban centers, but those are major industrial areas.

"Of course, they're always going to try to find devices to try to undercut what we are doing. In Gary, Indiana, the state found it 'necessary' to pull a section out of Gary. Why? Because taxes were going to support a city that was dominated by a Black administration.

"But even more than numbers, we've got talent in the Black community that's special. Look at a Tom Bradley in Los Angeles with an 18 percent Black population and he gets elected mayor. Some people say he didn't campaign as a representative of Blacks. I don't care what they say. He's Black, and when he stands up as a Black man, Tom Bradley knows from when he comes. Or look at Ken Gibson in Newark, Maynard Jackson in Atlanta, Coleman Young in Detroit.

"Any time I speak to a Black group, young or old, and I ask them how they think they compare with their white counterparts in whatever occupation they're in, they think they compare favorably. Which means, of course, they think they're better. And I don't think that's Black chauvinism!

"I think it's the truth. We find, no matter what field we're engaged in for us it make it, we've got to be better. Most of us have had to survive in a hostile environment. That's Darwin's theory—survival of the fittest!

"What we really need now is to get more vitality into politics. That's no put-down of Black politicians. Every one of us in politics knows we've got far greater talented Black people outside of politics. I'm not suggesting they give up whatever occupations or businesses they are now in.

"What I am suggesting is that they start giving some of their time and their talent. When someone has an idea how I can better do my job as Vice Chairman of the National Democratic Committee, pick up the phone, or drop me a note, or come in and see me. I respond very quickly, and I don't know a Black politician who doesn't respond."

Part of the new Black vitality in politics can be seen, according to Basil Paterson, in gatherings of Black Democrats and Black Republicans meeting together and expressing the shared awareness that "we're Black first and members of a particular political party second." Or in a Saturday morning gathering in New York City where sizeable funds were raised for the candidacy of Maynard Jackson in Atlanta.

"We've got to recognize," says Mr. Paterson, "that there can never be geographical boundaries for Black people in the United States."

ANNOUNCEMENT OF HEARINGS ON H.R. 10792

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. EDWARDS of California. Mr. Speaker, I would like to announce that the Subcommittee on Civil Rights and Constitutional Rights of the House Committee on the Judiciary will hold hearings on H.R. 10792, to establish a uniform law on the subject of bankruptcies. The hearings will begin on Monday, December 10, 1973, at 10 a.m., in room 2237, Rayburn House Office Building.

On the above date, the subcommittee will hear testimony from Harold Marsh, Jr., Esq., former chairman of the Commission on the Bankruptcy Laws of the United States, and Prof. Frank R. Kennedy, former executive director of the Commission.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, U.S. House of Representatives, Washington, D.C. 20515.

FUEL OIL EXPORTS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. ASHBROOK. Mr. Speaker, during the last few weeks there have been numerous newspaper articles concerning the export of fuel oil. Many Americans are disturbed by these shipments, especially since fuel oil is desperately needed in the United States.

Sharing this concern, I called the Cost of Living Council, the Department of Commerce and the Department of the Interior and raised questions about the exports. The stories surrounding these exports are greatly exaggerated. From an impact point of view, they are less than 1 percent of total U.S. consumption. It is true that the projected exports for 1973 are 284 percent higher than 1972. 1972, however, was a depressed year. In fact, 1973 projected exports are 69 percent of 1969, 88 percent of 1970 and 69 percent of 1971. The rise in 1973 appears to be a return to a historical level.

Therefore prohibiting these exports is not a real solution to our energy problem. The amount being exported is just a drop in the bucket when compared with our vast energy needs.

Furthermore, even this export figure of less than 1 percent is totally misleading. Many of the countries which receive refined oil from the United States are also shipping far greater quantities of crude oil to the United States. Venezuela, listed among the top six importers of our petroleum distillate fuel oil, is a case in point.

During 1972 Venezuela shipped an average of 962,380 barrels of petroleum products per day to the United States, 255,615 barrels per day of that being crude oil. The United States in turn has sent to Venezuela distillate fuel amounting to about four-hundredths of 1 percent of the petroleum products we receive. Mexico, another leading importer of our refined oil, shipped 7,710,000 barrels of petroleum products to the United States during 1972. This compares with our shipment to Mexico from January through September of this year of only 323,345 barrels of distillate fuel. It would be foolish for the United States to consider prohibiting fuel oil exports when we receive so much more from these countries in crude oil and petroleum products. Such a move might well lead to retaliatory action and a complete cutoff of foreign oil shipments, leading to even greater shortages than we presently face.

I also want to mention one other factor that is causing some of these exports and many other of our economic difficulties—the wage and price controls. Because of these controls more money can be made by selling products abroad where there are no controls than can be made by selling these products in the United States. The oil exported, for example, sold at a price per gallon of 145 percent above last year's price. Shortages in steel, copper and numerous other products are also developing because it is more advantageous to sell abroad than at home.

I opposed wage and price controls when they were originally enacted and I fought against extension of these controls last spring. I am now supporting legislation to repeal these controls. Phases I through IV have brought chaos to our economy—shortages, increased exports, business closures and high interest rates. Price controls should come off immediately to allow an efficient allocation of resources. Failure to do so can only result in further chaos, shortages, rising exports and business closures.

DAVID BEN-GURION

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. ROUSH. Mr. Speaker, the world was saddened over the weekend upon hearing of the death of one of the greatest men in its history—David Ben-Gurion, the founder of Israel.

Few men see their dreams come true in their own lifetime. Mr. Ben-Gurion was a man who did.

At a young age he moved to the Middle East. His dream was to reestablish the homeland of the Jewish people and to call the diaspora to it. His years of struggle, tragically aided by the Nazi holocaust, allowed the Hebrew nation to be born. The young state turned to him as its first Prime Minister and he led Israel through the difficult first 15 years.

Mr. Speaker, two types of great men die and are mourned.

One type is the young statesman who shows greatness and promise early in his career before being snatched from us—men like John and Robert Kennedy, and Martin Luther King. We grieve their passing by mourning the lost potential to do good which these men possessed.

The other type of great men are those who have accomplished great things and die after completing their work. Our mourning for them should be in the form of tribute—tribute to potential realized and put to work for mankind. As the Washington Post said this morning:

> Few public men ever lived a life of the prophetic intensity and historical achievement of David Ben-Gurion. Certainly no modern figure has been of more central and comprehensive importance to the whole life of his people. In a real sense, Israel is his personal monument.

Mr. Speaker, earlier I said that Mr. Ben-Gurion had seen his dream come true—reestablishing his people's homeland. But in a sense his dream is not complete. Israel exists as a strong and viable state, thanks to his leadership. But it does not yet exist in peace.

The world's greatest memorial to David Ben-Gurion would be to complete his dream—insuring a place for his people to live in peace. Let us all say a prayer of Shalom—for David Ben-Gurion and for his country.

UNITED STATES IMPORTING COMMUNIST AGENTS FROM CHILE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. RARICK. Mr. Speaker, now that the Chilean people have been forced into a revolution to overthrow a Marxist government to prevent a Communist coup, many Americans may be unhappy to learn that our Government under a special "parole" arrangement has offered sanctuary to the Communist "refugees" of the new Chilean Government.

Many of these so-called leftist refugees are reportedly nationals of other Central and Latin American countries who do not want them to return to their native land. Use of the new "parole" arrangement does not charge the refugees from Chile or whatever other country they enter from with the immigration quota applicable under the normal immigration procedure.

Not only is our Government now importing unsuccessful but Communist agents but not one word of opposition has been voiced by the population control lobby.

I ask that a related newsclipping follow.

[From the Washington Post, Dec. 1, 1973]

U.S. SOFTENS ENTRY RULES FOR LEFTISTS CAUGHT IN CHILE

(By Terri Shaw)

The United States has offered to allow foreign refugees stranded in Chile after the September military coup to immigrate to the United States under a special "parole" arrangement allowing them to bypass certain immigration restrictions.

The U.S. offer was made to the U.N. High Commission for Refugees more than a month ago, but so far fewer than 30 persons have applied to come to the United States.

This is a tiny proportion of the estimated 3,000 foreigners, mainly from other Latin American countries, believed to have taken refuge in embassies, private homes and several "safe havens" in Chile set up by the U.N. refugee office.

Most of the refugees are leftists who fled their countries for political reasons and were welcomed to Chile by the socialist-led government of the late President Salvador Allende. The military men who led the Sept. 11 coup in which Allende died conducted a harsh campaign against foreign "extremists" and arrested hundreds of foreigners in the first weeks after the coup.

Use of the "parole" system to bring in refugees from Chile was suggested last month by the Senate refugee subcommittee.

The system has been used in the past to allow Hungarian and Cuban refugees to enter the United States without going through the usual lengthy bureaucratic processes.

State Department sources suggested that the number of applicants from Chile was low because many of the refugees would not consider the United States a "congenial" place to live and because they were aware of the strict "security and political" restrictions on immigrants to the United States.

Sources who have been following the refugees' situation, however, said that conditions in Chile are so bad and there are so few places for the refugees to go that many are desperate to leave.

A cable sent to the World Council of Churches from refugees living under U.N. protection said: "We consider the security conditions under which we exist to be precarious and full of serious danger."

Some European and Latin American countries have agreed to accept small numbers of refugees, and as of Nov. 13 almost 250 had left, State Department sources said.

ANOTHER VOICE JOINS THE CALL TO CONVERT ST. ALBANS HOSPITAL TO A VETERANS HOSPITAL AND NURSING HOME

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. WOLFF. Mr. Speaker, it has been a long haul to convince the Defense Department not to let St. Albans lie empty when there is a valuable use for it—that of a Veterans' Administration hospital and nursing home. However, through the efforts of the many New York veterans organizations, in conjunction with the continuing work by Congressman JOSEPH ADDABBO and myself, we feel we are on the verge of accomplishing this task.

It has been gratifying to know that the New York media outlets have been with us in this fight. I ask that an editorial supporting our efforts broadcast by WOR radio be included at this point in the RECORD.

WOR 710 EDITORIAL NO. 26, OCTOBER 29 AND 30, 1973

(Speaking for WOR, Herb Saltzman)

Saint Albans Naval Hospital is no more—a victim of Pentagon budget-cutting. But there is no good reason why Saint Albans shouldn't open again as a hospital to serve the people of Long Island.

Many residents of the Saint Albans area of Queens have been trying to have the old Naval facility turned into a Veterans Hospital. Carl McCarden, Commissioner of the Mayors' Office for Veteran Actions, says that more than 500-thousand veterans live in Queens and neighboring Nassau Counties. . . . none of those half-million currently are served by a VA hospital. That is the largest concentration of veterans in the country without a hospital.

A number of New York's law-makers say they are working in Washington to have the Veterans Administration take over Saint Albans. It's up to Congress and the VA to decide if the closed hospital can re-open to help the people of Queens and Nassau.

Commissioner McCarden has said:

"Only a closely coordinated effort by veterans organizations, the community, the City and State administration, as well as the 100 per cent cooperation by members of the Congress representing the State of New York, will bring about a successful conclusion to this vital fight on behalf of the residents of Queens and Nassau Counties. If the public interest is neglected in this critical medical issue, then there is little hope for consideration by the Federal government in other veterans matters.

We couldn't agree more.

HINDSIGHT NOT 20–20

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. BRINKLEY. Mr. Speaker, an editorial which appeared in the November 29 edition of Thursday—a new and promising weekly newspaper in my hometown of Columbus, Ga.—shows remarkable clarity of vision on the Mideast situation.

From a background of concentration and displaced persons camps to the present colossus ideal of hard-fought independence, this exceptionally well-written editorial outlines the growth of the State of Israel. More importantly, perhaps, it puts in perspective what could well be the only "good thing" about our present energy crisis.

Mr. Speaker, I highly commend this editorial entitled "Hindsight Not 20–20" to the attention of our colleagues.

The editorial reads:

HINDSIGHT NOT 20–20

In further reference to the oil situation, there are those who, since the oil boycott, would say we chose the wrong side in the Middle East and that our policy was dictated by the heart rather than the cold realities of life. We question the accuracy of that hindsight vision.

Soon after the end of World War II, our government and its wartime partners made a moral commitment to the new state of Israel. This commitment was not altogether altruistic. Margaret Truman, in a recent book about her father, went to great lengths to point out that her father, then President, had been totally unswayed by Zionist pressures, but on the contrary extended recognition to the new state of Israel under pressure from our field commanders in occupied Europe. There was no other place on earth these pitiful destitute homeless people could go.

President Truman backed Israel in order to empty the concentration camps—by then called displaced persons camps—and to end what our generals felt was becoming a continuing commitment to these people for protection, food, shelter, clothing, and housing for generations to come. In washing our hands of one responsibility we took on another.

While Truman's decision was pragmatic, the enthusiasm with which it was received and supported by the American people came from the heart. Historically we understood what it meant to be oppressed and destitute. Our forefathers came to these shores oppressed and downtrodden Methodists, Quakers, Catholics and Jews. Our history was one of mutual respect and mutual aid. In America, all had finally done well. The famished Irish Catholics became Kennedys, the oppressed Scots became Carnegies and persecuted Jews became Frankfurters, Irving Berlins and, of late, Kissingers. It was only natural for the nation whose gateway is guarded by the Statue of Liberty with its invitations. . . .

"Give me your tired, your poor,
Your huddled masses yearning to be free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to
me.
I lift my lamp beside the golden door!"

. . . to applaud and support the home for the homeless, the new State of Israel.

If there is any room for hindsight, it would reveal our error not in our support of Israel but in our reliance on any foreign power for our supply of basic energy. Such a policy of foreign reliance makes about as much sense as marrying a woman relying on her first husband's alimony as a means of support.

Even the Arabs have more sense than that. Kuwait is a desert wasteland except for its oil. Its only water is the rare rainfall. Its drinking water is brought in by water tankers, yet only 30 miles away in neighboring Iraq are dams and lakes harnessing the waters of the mighty Tigress and Euphrates rivers. Iraq has stood ready and willing to pipe in the water to turn the dry deserts of Kuwait to fertile gardens. Kuwait has wisely preferred its waterless deserts to dependency on Iraq, knowing that it would be very easy to get used to an abundance of water and that as soon as it became accustomed to the water it would be used by Iraq to control them if not take them over.

We are indeed fortunate that the Arab Sheiks chose to cut off our oil now—rather than three to five years from now when with the growth of our demands we would have been so dependent upon Arab oil as to be subject to their whims.

We have every confidence that America will now buckle down to developing its own total energy sources. It will be inconvenient for a while but not really painful—five years hence it could well have been fatal.—JBA

PUNISHMENT OF CRIMINALS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the appendix of the RECORD a guest editorial appearing on WJBK–TV 2 in Detroit by Mr. Joseph Clark, vice president of the Detroit Police Officers Association.

Mr. Clark has made clear the views of professional police officers, that what is needed is punishment of those who criminally misuse firearms and not disarming law-abiding citizens. I thoroughly agree with this viewpoint and commend Mr. Clark for his wise and needed comments.

The editorial follows:

GUEST VIEWPOINT: JOSEPH CLARK

A TV 2 Viewpoint recently focused on the ineffectiveness of handgun control laws. With a Guest Viewpoint on the subject, here's Joseph Clark, vice president of the Detroit Police Lieutenants and Sergeants Association:

The Detroit Police Officers Association joins the Detroit Police Lieutenants and Sergeants Association in its counterview on "Put Your Guns Away."

Police Commissioner Tannian made a plea to the people of Detroit to "please put your guns away."

Gun control is not the only answer to the problem of violence and crime. It is not even the best answer. If Detroit citizens really want to rid our streets of killers and gun toters, they must demand that the judges in our courts do their job by putting the killers and gun toters where they belong—behind bars.

If criminals knew they would be punished, crime would decrease. In 1972, there were more than 16-hundred gun cases disposed of in the Detroit Recorder's Court. Of those cases, only 137 received any kind of jail sentence. Total non-convictions of gun cases over 1971 went up alarmingly.

We challenge the criminal courts to rid this city of crime and violence. We ought to rehabilitate criminals who commit acts of violence or who are prepared for such acts. But until we find a way, they should be kept out of society.

We must control the man who pulls the trigger before we can control the gun.

That's our Guest Viewpoint. I'm Joseph Clark.

This Guest Viewpoint is not necessarily the TV 2 Viewpoint. If *you* have an opinion to express, let us hear from you . . . by mail . . . or by phone during normal business hours.

HOW TO HANDLE BLACKMAIL

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. BINGHAM. Mr. Speaker, Ambassador George Kennan has crystallized the reaction of millions of Americans to the Arab oil boycott in an article in the Sunday, December 2, New York Times. He moves beyond simple outrage at this attempted blackmail into a superbly reasoned statement of what our reaction as a nation should be to this irresponsible policy.

AND THANK YOU VERY MUCH

(By George F. Kennan)

PRINCETON, N.J.—On Nov. 17, 1973, The New York Times carried a story, from a Washington correspondent, based largely on statements of the President, concerning speculation that the Arab oil embargo on shipments to this country might soon end—that the Arab governments, or at least certain of them, soon "relent" and resume the shipment of oil to this country.

The story contained no hint that in such a case the United States would not gratefully accept the renewed shipments; it seems, on the contrary, to have reflected an assumption on the part of various highly placed people that the United States would do just that.

This assumption causes me, as one who was once moderately involved in the planning of national policy, no small measure of amazement. I would have thought that if the events of recent weeks had taught us anything at all, it would have been the danger of allowing ourselves to remain unduly dependent upon foreign suppliers for raw materials vital to the continued prosperity of our society, especially when it is a case of suppliers who are obviously not inclined to acknowledge the responsibility they assume when they permit great industrial nations to become dependent upon them in this manner, and who feel they have no reason to respect our interests.

Particularly is this a lesson to be pondered when it relates to the Saudi Arabians. It is obvious that the government of that country already has far more foreign currency than it needs or could even use to any particularly good effect. This has two connotations that should concern us:

First, we should reflect whether we wish, on principle, to place more money in the hands of people who are unlikely to use it to any good purpose.

Second, it means that the money with which we would be paying for further shipments of Saudi Arabian oil would be essentially valueless in their eyes. They could see these shipments, in the circumstances, only as a form of charity on their part, or as a means of assuring future arms shipments.

Either alternative is undesirable: the charity, because it represents a poor peg on which to hang the security of the supply of a commodity vital to the stability of a country's economic life; the assuring of arms shipments, because if the government we have to do with here does not hestitate to bring to us the sort of injury implicit in this abrupt withholding of oil shipments, what assurance can we have that arms placed in its hands would always be used for purposes any more compatible with our interests.

Today, of course, a further price is being asked of us: a political price; and the nature of it is such that we ought fervently to wish that we might not again be placed in a position where we are vulnerable to this sort of demand. In addition to its being a price that can be paid only at the expense of a third party—a situation undesirable on principle, regardless of the rights and wrongs of the matter, it is one that promises no secure return, for the payment of it would leave us no less helpless and vulnerable tomorrow than we are today. If it should be demonstrated that we could be successfully whipsawed by one such demand, we would be naive to suppose that we would not soon be faced with others.

The relatively minor adjustment we would be obliged to make in order to get along without Arab oil, or at least without the oil of those who have cut us off at the present juncture, should be seen only as a beginning on a much wider process of self-emancipation from dependence on foreign-controlled sources of energy which we ought anyway to be putting in hand, with vigor and determination, at this stage in our national life.

We can be grateful that we were kicked into such a beginning. If we quail at this minor inconvenience, it will be a bad omen for our prospects for coping with the larger problem, for it will mean that our addiction to the wastage of energy, particularly through the medium of the automobile, is so abject that we prefer to face the loss of a considerable portion of our independence of policy rather than make even a minor effort to overcome the addiction. This would represent a humiliation which earlier American statesmen would never have accepted, and for which future generations of Americans would be unlikely to forgive us.

These observations flow from no hostility toward the Arabs, nor are they meant as a commentary on the rights and wrongs of their conflict with the Israelis. One can understand that certain of them have their own problems and feel themselves the victims of a historical injustice, for the remedy of which all means are fair. But justice is not an invariable feature of international life, nor is it always easy to determine to everyone's satisfaction. And a relationship of one-sided dependence, which one of the parties has shown itself quite ready to exploit for ulterior political purposes, provides a poor foundation on which to build for the future.

There are times in international life, no less than in personal affairs, when it becomes possible to live satisfactorily with people only when one has demonstrated the capacity to live without them; and this would seem to be one of those times.

The day may well come—let us hope that it will—when we have been able to create, in one way or another, sufficient bargaining power to deal with our Arab friends once again on even terms and against a background of mutual respect. But this day, obviously will not be soon in coming. Until it comes, let us treat them with courtesy and with no ill feeling; but if faced with offers to resume the sort of shipments of which we are now being so usefully (for us) deprived, let us thank them very much and tell them frankly that we have ways of assuring the continued functioning of our national economy that are less costly in terms of our international position, of the independence of our national policy, and of our own self-respect.

TOWN MEETING: ALIVE AND WELL IN NEW HAMPSHIRE

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. CLEVELAND. Mr. Speaker, I have long supported revenue sharing on grounds that it recognizes the fact that we do not have all the answers here in Washington.

Earlier this year, the Office of Revenue Sharing in the Treasury Department inadvertently lent strength to this position in a questionnaire sent out to determine how the funds were being spent. It demonstrated that Washington not only does not have all the right answers, but does not even have all the right questions.

A sampling of local officials received a six-page questionnaire with 18 questions, some of them more sections than questions, including:

> As a result of General Revenue Sharing, has there been any change in the level of citizen participation in the budgeting process to date?
>
> As a result of General Revenue Sharing, do you anticipate any change in the level of citizen participation in the budgeting process over the next few years?
>
> If you anticipate an increase in citizen participation in the budgeting process as a result of General Revenue Sharing, which of the following might be involved?

Whereupon it lists a variety of interest groups.

One of these questionnaires went to the Town of Fitzwilliam, population 1,400, which has an annual budget of about $450,000, including a $340,000 contribution to the regional school district.

Selectman Howard C. Holman, in a response to Director Graham W. Watt of the Office of Revenue Sharing, succinctly illustrated the questionnaires conflict with the principles of revenue sharing:

> It is our understanding that the original concept of Revenue Sharing was that local governmental units would be and are better able to determine how allocated funds are to be used. Part-time officials do not have the time to devote to questionnaires, small print rules, regulations and planned use reports that seem to be generated by the Revenue Sharing Act.
>
> It is our opinion that, at least in New Hampshire, the local budgeting, appropriation and auditing procedures are adequate to ensure the prudent use of the funds.

I would put it this way: "Haven't you ever heard of the town meeting?" I am not qualified to give a definitive assessment of the survival of the traditional town meeting elsewhere in New England, but I can tell you it is alive and well in New Hampshire. We may not call it citizen participation, but that is the game by any other name.

Citizens are fully informed of each budget item to be acted upon, and have an opportunity to debate the budget line by line, item by item. Just this year, a State attorney general's ruling held that even the matter of accepting Federal disaster relief must be subject to town meeting and those are 100 percent Federal funds, requiring no local expenditure.

THE DEATH AND LIFE OF A NOBLE PRIEST

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. BRASCO. Mr. Speaker, while the storms of daily life rage about us unabated, there are those who continue the work of life quietly and constructively. They are the glue which holds society together. One such noble man graced my congressional district for many years in the form of Msgr. Vincent Genova. Recently he passed away, to the sorrow of thousands of Canarsie residents who knew, respected and cared for him very deeply.

Monsignor Genova was the man who provided spiritual leadership to his flock while vigorously promoting spiritual brotherhood and equality between the varied ethnic and religious groups composing the Canarsie area. For years he labored quietly, with determination and dedication, for these goals, advancing them by example to several generations of people.

I knew him as a man of the cloth, as a guide, as a friend, and as an outstanding citizen. Thousands of children gained a better understanding of this country and their faith because of him. Thousands of people in my area are closer to one another as a result of his life work.

He was a magnificent priest, who was able to be educator, administrator, and above all, religious leader to so many of us.

He was a noble man of the cloth, who practiced what he preached.

He was a dear friend who is already sorely missed by all of us.

May the Almighty grant rest to his soul.

The Requiem Mass for Monsignor Genova was held on November 24, at Holy Family Roman Catholic Church in Brooklyn, officiated by His Excellency Francis J. Mugavero, Bishop of Brooklyn. The eulogy was preached by Msgr. Francis B. Donnelly, of Our Lady of Angels Church in Brooklyn. At this point I insert that eloquent expression of affection and commemoration.

EULOGY

The Diocesan "green book" of *Priests and Parishes* gives only two lines to Monsignor Genova—Vincent O. Genova, M.A.—Italy 2/15/05, Sulpician Seminary, Washington 6/12/28, St. Joseph Patron—35, Holy Family, Flatlands (now to be filled in 11/20/73). Oh yes, there are two asterisks too, to signify—Domestic Prelate of His Holiness. This is a very short biographical sketch for a priest ordained 45 years.

These, of course, are the skeleton facts, without the flesh and blood of daily life and the uplifting power of divine grace. There is a far greater ensemble of facts in the 45 years of Monsignor's priesthood. These can all be summed up as a fulfillment, I believe, of the assignment Our Lord gave to Peter, his chief priest in which every priest shares—"Feed my lambs, feed my sheep." This is what gave fullness and meaning to Monsignor's priestly life.

The first way he fulfilled his assignment was in being a "desk-priest". That often is belittled in the life of a priest, but Monsignor didn't sit at a desk; he worked at his desk. That was his base of operation. There he carefully planned and gave financial stability to Holy Family's new church, its new school, its new rectory, its new convent, as each of these was built, with the valued assistance of his dear friend, George Sole. There is where he planned so many parochial projects over 38 years. There he gave counsel and direction to parishioners and parish leaders, of whom he had so many; offered suggestions and the benefit of his experience and practical help to the pastors of Our Lady of Miracles, St. Jude, St. Lawrence, as these parishes were divided from his own. With pencil and paper, with erasures and corrections, he would methodically consider and analyze a decision that had to be made. This was the basis of so much of his success. He was painstaking in everything.

MONSIGNOR WAS A CHURCH PRIEST

The dignity and sanctity of the liturgy was his main concern. He had much to say to make this a warm, colorful church. He was very concerned to have inspiring church music. He was sensitive to, and at times critical of certain changes in the liturgy, but only because he saw the deeper need of a dignified and holy place of worship and liturgical celebration. However, he never resisted to the point of putting his judgment above that of his ecclesiastical superiors.

MONSIGNOR WAS A SCHOOL PRIEST

The children, Sisters, teachers who are in Holy Family School and those who have passed through it knew him because he was "present" in the School—he was part of its daily life. Here he demonstrated one of his great characteristics—his personal touch, his deep personal interest in each individual. The staff of the School and that of the rectory, who were with him through the years, always were aware of his warm, fatherly regard and love for them—Holy Family PTA was one of the first PTA's in our diocesan schools, but it was not merely for school business but was very effectively used for Catholic adult education, long before these words became bandied around almost as a slogan.

MONSIGNOR WAS A PRIEST'S PRIEST

He had a great capacity for abiding, thoughtful friendships—with close friends, with priests who studied or lived with him. His friendliness and warmth and hospitality for all priests were evident when you met him in a "smile" that was special. As a young priest he loved to bring priests together to play basketball; later it was for a few sets of tennis; and more recently, he loved to bring older and younger priests together for a soft-ball game and some pasta and wine. He constantly showed brotherliness for his brother-priests.

MONSIGNOR WAS A COMMUNITY PRIEST

Saying Monsignor Genova almost means saying Canarsie. He was a spiritual leader here for many years, and many times he brought together its ministers, rabbis and priests to work together. Often he took community leadership, not by confrontation (though he was capable of this, if it was needed) but as a motivator and by raising sights to important goals. Because he reflected and took advice and worked tirelessly, he knew how to put a project across. A recent instance was a very proper amendment of the State bingo law. I have said of him to others, and I said the same to him, he was quite an "operator", but never for himself. He was widely honored and praised—for example, a dinner in his honor is scheduled for December 8th—but he always took what was said and done gratefully and humbly.

MONSIGNOR WAS A CATHOLIC-JEWISH PRIEST

The word "priest" and the concept it represents came into the Christian religion out of its Hebrew tradition. Therefore the Jewish men and women here to honor Monsignor's memory will understand, and perhaps feel honored, if I say he was a Catholic-Jewish priest. Let me explain.

He had always maintained and sought to maintain excellent relations wtih the Jewish community in Canarsie. This was well-known in our Diocese. Hence, when Archbishop McEntegart was asked to send representatives to a B'nai B'rith meeting on the problem of anti-Semitism, Monsignor Genova was requested to go with Monsignor Diviney, our Vicar-General. This meeting led to subsequent meetings, and finally to the formation of a Catholic-Jewish Committee, composed of rabbis and priests and Catholic and Jewish laymen in equal numbers, with a co-chairman on both sides. Monsignor was the first Catholic chairman.

This Committee engaged in a variety of programs on the basis of parity and reciprocity and was instrumental in developing an understanding and some degree of regular contact between these two religious communities. In time it became evident that agreed-on guidelines were needed for practical situations involving Catholic and Jewish people. As you might suspect, while there were consultation and contributions on all sides, it was the driving force and determination of Monsignor that brought this work to a happy conclusion. When they were completed, the guidelines were accepted and published in the name of Cardinal Cooke, Bishop Kellenberg of Rockville Center as well as Bishop Mugavero—and became a model for such guidelines throughout our country.

MONSIGNOR WAS ALSO A FAMILY PRIEST

His brothers and their families, and particularly his sister, her husband and their daughters and son were very much part of his life, and he of theirs. It seems there was always a marriage or a baptism by "Uncle Father" and, later, "Uncle Monsignor." His nieces and nephews were dear to him and he was happy as each made his or her own life. His family will miss him very much, but his memory should be an inspiration for them to live for God and others as he did.

In such practical, down-to-earth ways Monsignor Genova fed the lambs and the sheep Christ gave to him, and in this is an example particularly to his brother-priests.

The other day when I called up a priest who was a friend of Monsignor's and mine to tell of his death, the first words of the priest were, "He was a noble priest." I believe that is a proper epitaph—"he *was* a noble priest." May his soul rest in peace.

HON. THOMAS M. PELLY

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 1973

Mr. HANNA. Mr. Speaker, I join with my colleagues in honoring the memory of an old friend, Tom Pelly. Tom represented Washington's First District for 20 years, and served his constituents well.

I first came to know Tom Pelly several years ago when I chaired special subcommittee hearings of the Merchant Marine and Fisheries Committee in Washington on the problems of Northwest fisheries. I worked closely with Tom on these hearings. I came to have a warm regard for him as a person and a special appreciation for his many and varied talents.

I am sure many of my colleagues also have special and personal memories of Tom Pelly—he was that kind of person.

Mrs. Hanna and I extend our sincere sympathy to the Pelly family. We will all miss Tom.

SHORTHAND REPORTERS' HEAD RAPS COURTROOM VIDEOTAPE EXPERIMENT

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. DAVIS of Georgia. Mr. Speaker, we have become accustomed, in the 20th century, to the increasingly important role which machines play in our lives, often to the point that we expect as much or more out of a machine as we do a person. In some cases, computers being the most notable, this confidence is well justified. In many others, however, machines must pay a supporting role instead of being the stars. One example of this concerns the issue of courtroom reporters, many of whom presently use video and audio equipment to supplement their efforts, but who are now faced with a move to rely solely on these machines to the detriment of human reporters. The Chattanooga News Free Press recently carried a very thorough and well-written article on this subject and I would like to commend it to my colleagues as follows:

[From the Chattanooga News-Free Press, Nov. 4, 1973]

SHORTHAND REPORTERS' HEAD RAPS COURTROOM VIDEOTAPE EXPERIMENT

(By George W. Brown)

Videotaping in the courtroom to replace the use of court reporters will be implemented in state court here on a trial basis soon, and Richard Smith, president of the National Shorthand Reporters Association, has levelled sharp criticism of the program, sponsored by the Law Enforcement Assistance Administration.

"We do not consider this (use of audio and video recording) a threat to our profession but rather an unwarranted expenditure of the taxpayers' dollar that has acted as a deterrent to talented people entering the shorthand reporting profession . . . ," he said. He indicated that his profession presently has a shortage of personnel.

The video tape program will be used in Judge Tillman Grant's criminal court beginning Jan. 1 and is scheduled for completion June 30. The LEAA is an arm of the U.S. Department of Justice, according to Mr. Smith, and he said thus far it has expended in excess of $1 million for the program.

Mr. Smith attacked videotaping on grounds it is subject to the foibles of mechanical error and the fact that trials are a "one-time thing." He quoted the Federal Judicial Center as having said in August, "While we appear to be dealing with a relatively simple configuration of equipment, keep in mind that there are at least 37 things that can go wrong during record or playback."

Additionally, he said, "Think of the failure of the Dean tapes by President Nixon on simple audio recording device."

He cited the case of the State of Ohio vs. Felton Lamar Lewis in which the only record provided to the defendant of the proceedings against him were "21-hour-long, unindexed tapes," in short; no typed transcription.

He said the memorandum from the case quoted the defense attorney as having said, "It takes approximately two hours to listen to each hour of tape. Counsel is forced to listen to all forms of irrelevant, minutiae-swearing in, waiting for witnesses, waiting while attorneys ponder their next question, etc. Briefly stated, it is impossible to properly review an audio record of a trial" (as extracted from a videotape).

Mr. Smith said that appellate courts will experience even more difficulty because "new equipment will have to be installed on the appellate level for each judge, to be available at all places where he studies the 'record.'" He said technicians will be necessary and delay problems may be compounded in appellate decisions.

He further asserted that during court proceedings if the video is subjected to replay, comments made at that time will not be recorded. He declared also that there may be no record of comments made by persons who might have their heads turned from microphones.

"Unless each juror is equipped with a microphone during the qualification of jurors by counsel their responses for the most part cannot be recorded," he said.

He further stated, "Tennessee law, and the law of many states, now makes the jury the exclusive judges of the facts and videotaping of trials is seen by many legal advocates as a step to take this important part of our Anglo-Saxon legal heritage away from juries and place (them) with appellate courts."

Taking a crack at the economic aspects, Mr. Smith said, "Video recording and processing the official record of trial proceedings is the most complex application of video technology, and entails the heaviest investment in equipment.

"The charge for tape alone in a day-long trial is $161 and these tapes must be preserved for possible use in perjury proceedings, etc.

"Magnetic storage files are incredibly expensive. It is quite a different story trying to regulate the humidity, temperature and so forth so that the tapes will not deteriorate."

Mr. Smith, spokesman for the 6,500-shorthand-reporters' group, indicated that about 30 states are using the video method on a trial basis.

He voiced disapproval of the LEAA "Over $1 million has been appropriated through the LEAA for audio and research in a program that was originally advocated as a vehicle to 'fight crime in the streets,' yet when we ask for funds to upgrade a proven and working program that is functioning in the daily trial arenas at all trial levels we are turned down."

Mr. Smith commented on speed of comprehension and said, "Law clerks and appellate judges looking at video have at best a reading speed or comprehension speed of 150 words a minute (counting delays in asking questions and witness answering) swearing in witnesses, while the same clerk or judge has a reading speed of approximately 600 words per minute."

Mr. Smith offered in evidence for support of his case statements by two legalists. One man is U.S. Court of Appeals Judge Joseph F. Weis Jr., who concluded: "Furthermore, I can tell you from the standpoint of the appellate judge that I don't think that the videotape record of a trial is going to be an adequate substitute for the typewritten transcript which we must have for purposes of study and appeal."

The judge continued, "It would be a valuable exhibit certainly to get across the flavor of a particular witness's testimony, but for the judge to use it in his research and study would not be practical."

Another man who denigrated the use of mechanical recording procedures, was Stephen Goldspiel, staff director of the National Conference of State Trial Judges, who wrote to Mr. Smith: "Once again, man has been let down by the machine, for our tape recording of the joint meeting, from 9 a.m. to noon on Friday, Aug. 3, discussing the topic . . . turned out to be a blank."

Mr. Smith is in favor of video recording in some instances, namely the taking of legal depositions. He is the president of the Judicial Video Services, Inc. here.

He said, "We court reporters must be for modern technology and we are adapting to it where it contributes to the proper and efficient administration of justice, such as the use of video depositions for expert witnesses that are unable to be present at the time of trial."

Mr. Smith, no friend of blanket use of videotaping in the courtroom, points to other institutions affected by the mechanical recording apparatus.

He stated, "The United Nations has the ultimate in sound recording equipment at its command, yet the official record is made by a shorthand reporter, the Watergate hearings are televised with the most expensive and refined video equipment, yet the official record is made by the shorthand reporter."

EMERGENCY ENERGY LEGISLATION

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. McKINNEY. Mr. Speaker, the National Emergency Energy Act as passed by the Senate stands as a direct threat to the legitimacy of the legislative branch to make the laws of this Nation.

It was my belief that the Bay of Tonkin resolution had enlightened Congress to the inherent dangers of emergency powers and to the realization that such powers are only palatable to our democratic system of Government when they are written by Congress and exercised by the Executive.

On November 19, the Senate of the United States indicated that it is again ready to abdicate its responsibility by transferring the legislative prerogative over to the Executive to meet the problems of governing during the energy shortage. This action is especially ironic since it comes at a time of general dysfunction within the Executive and a growing tendency of Congress to assert its constitutional mandate to make all laws.

In the National Emergency Energy Act, the Senate has declared a nationwide energy emergency and authorized the President to take certain temporary measures. With little or no definition, these measures include: Control of transportation; restriction of recreation; limits on commercial establishments and public services, including schools; the implementation of a rationing system; lifting of environmental provisions; and the creation of a National Emergency Advisory Committee whose members are appointed by the President to advise him on the implementation of this act.

It is the duty of the Congress not to be vague in its work, but to be precise and to allocate power to the Executive responsibility. The language of the Senate bill, especially title II, is vague. And the burdening of the Executive with all substantive decisions during this emergency is irresponsible. The only safeguard which the Senate has given Congress in this piece of energy legislation is the power to disapprove by concurrent resolution, within 15 days. By an absence of action, we have, in essence, congressional approval. It is my hope that the House of Representatives will stop this legislation by omission and require that the Congress must approve every action which the President takes under the heading of emergency fuel shortage contingency programs. Such positive action could mirror the mechanism employed within the War Powers Act for prompt congressional action.

That the people are willing to make sacrifices during this emergency is self-evident—whether it be through lower speed limits or lower thermostats. But at the same time, the people have the right to voice their dissent against policies which they feel precipitate untold hardship or economic dislocation. Congress is the voice of the people. In response to the people, I will not be the one to say that I have no power to help, because I lent my signature to a blank check, deposited to the account of the White House.

There is no question that we need action, but not the abdication of our right to say yes or no.

ILL-ADVISED SUPREME COURT DECISION ENCOURAGES WASTE OF TAXPAYERS' MONEY, INCREASES COURT CONGESTION, AND KEEPS POLICE TOO BUSY TO FIGHT REAL CRIME

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. BROWN of California. Mr. Speaker, Los Angeles television station KNBC broadcast the following editorial on November 21 of this year, and I believe it deserves the attention of the Congress.

EDITORIAL POSITION ON THE COST OF PROSECUTING OBSCENITY TRIALS

You'll get a different dollar amount quoted to you, depending on which source you ask, but there's not much doubt that we taxpayers are spending an awful lot of money trying to stamp out dirty pictures.

Here are some of the costs:

Los Angeles County spent a quarter of a million dollars this summer trying to prove the movie "Deep Throat" violates community standards. That trial ended with a hung jury, so there'll be another trial in January. It won't be any cheaper.

There are now some 200 obscenity cases awaiting trial in the Los Angeles Municipal courts, and each of those cases will cost some $20,000 or so to try if they go that far.

And the courts are just one part of the costs. Policing is another, maybe smaller cost. But it's starting to look to us as if all the costs are too great because the laws we're trying to enforce are unclear and unsound to begin with.

They're unclear because they're based on what the Supreme Court says should be community standards, but no one can tell precisely what constitutes a community. It could be West Hollywood. Or it could be the West Coast. And who's to determine what those standards are, anyway? That whole idea is just too vague, in our view, to make good law.

And that brings up the other point. Should debatable moral questions be written into criminal laws. Granting that what is shown in cheap skin flicks like "Deep Throat" is a sin. Should that make it a crime for the rest of society to punish?

It's our view that showing dirty pictures is a crime only when they're forced on children or an unwilling public. That's where our laws and our law enforcement should end.

VETERANS' PENSIONS WILL BE PROTECTED

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. YOUNG of Florida. Mr. Speaker, I have expressed my deep concern over the problem of social security increases causing reductions in veterans' pensions on many, many occasions during this Congress. On the first day of the 93d Congress I introduced H.R. 1305 and H.R. 1306 to protect veterans' pensions, and on June 12 I testified on behalf of these bills before the House Veterans' Affairs Committee. On four separate occasions I have spoken on the floor of the House on this problem, most recently on November 15 while the House was debating passage of the social security benefits increase. At that time, I said:

> A problem which is even more pressing to millions of Americans is the effect of next year's 11-percent increase on veterans' pensions. Once again the Congress is giving with one hand and taking away with the other hand. We have not even solved the problems caused by the last social security increases. H.R. 9474, a bill providing a 10-percent increase in veterans pensions, is still bouncing back and forth between the House and Senate. The intent of this legislation was to restore the cuts caused by the last social security increase. With luck, it will receive final Presidential approval before Christmas. Yet veterans who are also dependent on social security payments will have a "breather" of just a few short months before they are once again penalized by a social security increase.

Mr. Speaker, since I made those remarks, the situation has changed for the better and the Congress has been given firm guarantees by the Veterans' Affairs Committee leadership and by the Veterans' Administration that veterans' pensions will not be reduced during 1974 and that remedial legislation will be placed before the Congress next year.

On November 14, the House repassed H.R. 9474, providing a 10-percent increase in veterans' pensions, but deleted a Senate amendment which would have raised the allowable income limitations by $400, thereby restoring those cuts from the pension rolls by the social security increase of last year. I supported the Senate amendment and was therefore most interested in the leadership's explanation of why it had been deleted. The Honorable Olin Teague, chairman of the Subcommittee on Compensation and Benefits, assured the House as follows:

> In connection with retaining the present income limits, we were assured by the Veterans Administration that the bill would restore practically all of the reductions in pensions which occurred as a result of the social security increase last year.

Congressman Teague added his promise that the committee would take up the problem again next year, and noted that the Veterans' Administration would not be able to reduce pensions because of the impending social security increase because its end-of-year income questionnaires had already been distributed.

On November 16, the Senate also repassed H.R. 9474, thus clearing it for the President's signature. At that time, Senator Vance Hartke, chairman of the Senate Veterans' Affairs Committee pointed out "House, Senate, and administration commitments to general pension reform legislation in 1974." He also commented on the possible effects of the pending social security increases and reiterated Congressman Teague's interpretation of the law.

> The Senate Committee strongly believes that there should be no departure from the traditional interpretation of the end-of-the-year rule. . . . Any depature from the standard interpretation would also seriously undermine assurances made on the floor of the House and Senate during consideration of social security increases in July. It was our understanding then as it is now that any social security increases effective next year will not affect the amount of pension that a veteran or his survivor received during the 1974 calendar year.

Finally, Mr. Speaker, I would like to note that Senator Hartke repeated his guarantee of protection during the Senate's consideration of the social security increase legislation yesterday. He stated flatly that "no veteran's pension will be affected by this social security increase next year," and placed in the Congressional Record the text of an official memorandum from the Veterans' Administration. This memorandum stated, in part:

> We find no legal basis for adjusting the pension rate in 1974 based upon increased social security payments expected later that year.

In summary, those of us who are deeply concerned about protecting veterans' pensions have received a guarantee from the VA and from the Veterans' Committee leadership that no pensions will be cut because of social security increases in 1974 and that corrective legislation will be reported to the House and Senate for consideration before the end of the 93d Congress. As one who has worked long and hard for this goal, I am happy to see the interests of our veterans and their survivors being protected in this instance.

IMPEACHING POLITICS PAST

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. CARTER. Mr. Speaker, in the Sunday's Washington Post there is an article by William Greider. Mr. Greider is a member of the national staff of the paper. I have known him for several years and know him to be a man of fairness and honesty. In his article he sets forth evidence that wheeling and dealing has occurred in each Presidential election over a long period of years. I feel that at this time it is appropriate to submit the article for the perusal of the Members:

Impeaching Politics Past

(By William Greider)

Impeachment has a sticking point for the politicians of Washington, an unspoken impediment which helps explain why senators and congress of both parties are so reluctant to become judges and jurors over Mr. Nixon's scandals.

It is the silver of official hypocrisy which lies concealed behind the public tempest. They know—the politicians—that the Nixon offenses which have so shocked the public's sense of constitutional government are not exactly unfamiliar to this town. Many of them have happened before, before Nixon, before Haldeman and Ehrlichman.

By comparison, the past instances seem pale and innocent. But the excesses of this particular President—the arrogant use of governmental power, the political spying, the cozy special-interest dealings—are not new sins.

Thus, if Congress renders a judgment on the individual guilt of Mr. Nixon, it must also to some extent impeach unpunished activities of others who came before him. If Congress defines the "high crimes and misdemeanors" committed by this chief executive, it will also be defining what is intolerable for congressmen and senators.

While the men and women in Congress do not talk about this much, the public has an interest in confronting the point directly. If the public outrage over Mr. Nixon is to be honest, it must measure the Watergate crimes in terms of their past. In that sense, the public' interest is distinct from the interests of the politicians on both sides—perhaps even hostile to them.

For the public, the bundle of offenses gathered under the dirty cloud called Watergate confronts the national government with questions it can no longer duck—a chance to halt an erosion of constitutional rights which has proceeded unsensationally for years, an opportunity to bridle the crude excesses of White House power.

But from the public's standpoint, the impeachment question could also evolve into a dreadful precedent—one which effectively obliterates those constitutional safeguards that the politicians cherish in their speeches, if not always in their deeds. If Congress is allowed to walk away from this decisive moment, doesn't Watergate then become a reverse milestone—a laundry list of all the things which future Presidents can safely get away with?

19 ACCUSATIONS

The bill of particulars issued by the AFL–CIO gives a measure of the problem. George Meany's campaign for impeachment lists 19 accusations, some of which are redundant and some too vaguely worded to qualify as crimes.

"He has caused an erosion of public confidence in our democratic system of government." Even Nixon friends might agree on the accuracy of this complaint, but surely it is not a high crime in a politician. If it is, a lot of congressmen are in big trouble.

Or, "He has consistently lied to the American people." The numerous Nixon untruths are on the record, perhaps headed by his speech defending the invasion of Cambodia in 1970, when he artfully failed to reveal that U.S. warplanes were already bombing that neutral country in a war known to the enemy but not to the American people. Lying in high office, especially the profligate lying of Watergate, makes ordinary citizens mad as hell. But politicians, including Democratic politicians, may be more inclined to put the deceit "in perspective," as a White House spokesman might say.

It is, after all, a bipartisan failing. In this century, American Presidents from Woodrow Wilson to FDR to Lyndon Johnson (all Democrats) have lied to the people on the most important subject—war and peace. Indeed, if mendacity becomes an impeachable offense, we may wind up with a revolving-door presidency (not to mention a lot of turnover in Congress, the statehouses and city halls, where truth also has been known to perish).

BEGUN BY DEMOCRATS

Still as a whole, the AFL–CIO list represents at reasonable summary of the charges against the President. The accusations could be grouped into four categories: secret wiretapping and other invasions of civil liberties; secret special-interest dealings; obstruction of justice in both the Watergate and the Ellsberg cases, and finally general negligence of presidential responsibility.

The AFL–CIO states the first charge this way: "He instituted in the name of national security a plan which violated civil liberties through domestic political surveillance, espionage, wire-tapping, burglary, eavesdropping, opening of mail and military spying on civilians."

On down the list, the labor handbill adds other elements to support the same charge—intimidation of the press, the secret tapes of presidential conversations, a secret police force in the White House, the use of government agencies against "political enemies."

For starters, one problem with the AFL–CIO complaint is that the "military spying" which it mentions was a Democratic scheme. If it was an impeachable offense, the charge should have been brought against Lyndon Johnson. Robert McNamara was secretary of defense when the Army intelligence units were unleashed to spy on Civilians. That action, of course, was taken in secret, and the rationale naturally was "national security."

In one form or another, domestic political surveillance has been going on for years, usually under the same justification. Robert F. Kennedy was attorney general when the FBI launched its electronics surveillance against Martin Luther King. Just as the Nixon White House tried to leak dirt against its enemies, J. Edgar Hoover tried to peddle to newspapers the dirty stories about the nation's leading civil rights advocate.

Ramsey Clark was attorney general when the domestic spying was escalated to an enormous surveillance operation, aimed at black community leaders, antiwar activists, New Left radicals—anyone the Johnson administration regarded as a threat to "national security." We still do not know the full story about this period, but it's clear from the fragmentary record that thousands of informers were recruited in black neighborhoods, phones were tapped, mail and bank accounts were inspected, community organizations infiltrated, campus groups watched.

When these activities were exposed in the

"Media papers" stolen from FBI files, neither Republicans nor Democrats were eager to investigate the implications—not even Sen. Sam J. Ervin, whose Judiciary subcommittee on constitutional rights was alarmed by Army spying but not by FBI spying.

NO MONOPOLY ON PARANOIA

The AFL–CIO accuses: "He created a special and personal secret police, answerable only to the White House, to operate totally outside the constraints of law."

The "plumbers" group which Mr. Nixon established was, indeed, a presidential first; as far as we know, none of his predecessors attached a burglary squad to the White House staff. The Army spying which the Democrats started probably comes closest. It was clandestine and extra-legal, and it sprawled aimlessly across the society, even hounding some liberal congressmen.

On the other hand, we do know that breaking-and-entering—without the benefit of a search warrant—was regarded as a legitimate investigative tool by the FBI at home and the CIA abroad long before Gordon Liddy went on the White House payroll.

The precise nature of political investigations aimed at Sen. Barry Goldwater when he was the GOP candidate in 1964 is not known, and it's probably too late in history to find out. The Arizona Republican has complained that Democrats dug around in his past, searching for dirt, and the political gossip confirms that. For that matter, LBJ was convinced that the Republicans were spying on his staff and, in a fitful moment he promised retribution after the election. It is not known however, whether illegal tactics were used by either side.

A great deal has been made of White House paranoia as the motivation for these violations of constitutional rights. So perhaps it is worth remembering that Lyndon Johnson suffered from the same fears. At one point, LBJ was so irritated by antiwar demonstrators outside his window that his Secret Service proposed a "buffer zone" around the White House to prohibit political demonstrations in the neighborhood. Instead, compromise regulations were imposed to severely limit the size of demonstrations outside the White House, controls which a federal court later found to be unnecessarily stringent.

The AFL–CIO also charges: "He and his subordinates sought to use the power of the White House, the Justice Department, the Internal Revenue Service, the Securities and Exchange Commission and other government agencies to punish a list of political enemies."

As it happens, that is approximately what the steel company executives said about John F. Kennedy when he blitzed them with the threat and substance of government action in the steel-price controversy of 1962. Later, Kennedy joked about tapping their phones and turning the IRS on them—only a joke apparently. But Kennedy did mobilize a bristling show of strength, including an instant investigation by the Justice Department and the famous middle-of-the-night calls by FBI agents.

JFK was widely praised for staring down the corporate titans, but the Republican congressional leadership viewed the episode as " a display of naked political power never seen before in this nation. . . . We have passed within the shadow of police-state methods."

The charges of special-interest dealing—illegal corporate campaign donations, the ITT antitrust settlement, the milk money—strike at the heart of the democratic credo. If government serves all equally and favors none, then it is surely a high crime to manipulate important policy decisions in exchange for generous campaign contributions.

CORPORATE CONTRIBUTIONS

The AFL–CIO charges: "Officials of his campaign committee and his personal attorney extorted illegal campaign contributions from corporations which were dependent on maintaining the good will of the government."

In the broad sense, that challenges the past of both parties, nearly all presidential candidates, senators and congressmen. By loophole or evasion, the usual fund-raising practices do not constitute illegal extortion, but the distinctions which make them lawful are lost on a great many citizens. The public sees both parties sucking up corporate money (and union money, for that matter). In exchange for generous contributions, the donors receive special consideration when they seek self-interest legislation or policy changes.

Lyndon Johnson invented the President's Club, a device to shower special attention on the biggest contributors. It was the Democratic Party which dreamed up expensive ads in convention programs as a way to milk money from big defense contractors (the Democrats then secured an IRS ruling that the cash was tax-deductible as a legitimate business expense).

When the ITT scandal first surfaced, it was only mildly embarrassing to Sen. Edmund Muskie, the Democratic presidential candidate, that one of the central players— ITT director Felix Rohatyn—was also serving on Muskie's campaign finance committee.

In money politics, the players sometimes get mixed up that way. Milton P. Semer, who was chairman of Muskie's election committee in 1972, was the man who delivered $100,000 in milk money to Herbert Kalmbach, the Nixon lawyer, in 1969. And, as the President himself pointed out recently, the dairy lobbyists found other friends in Washington besides the White House when they were pushing for increased price supports on milk in 1971.

The scores of Democrats who bombarded the Agriculture Department on the milk issue were presumably representing their constituents, the dairy farmers of America. Or were they snuggling up to a lobby which hands out lots of money to both parties at election time? Nobody has said much about why the dairymen gave $51,600 to the weakling presidential campaign of Rep. Wilbur Mills, who writes the tax laws as chairman of the House Ways and Means Committee. Or why the milk lobbyists gave $6,100 to Sen. Hubert Humphrey, especially the $5,000 to help pay off his campaign debts after he lost the Democratic nomination.

"There is no better food, no more wholesome food, no more nutritious food than milk or dairy products," Humphrey told the Senate when he urged that the milk price supports be jacked up even higher than Mr. Nixon's level.

The dairymen also gave $15,000 to Sen. Walter Huddleston (D-Ky.) and $7,500 to Sen. Richard Clark (D-Iowa) *after* they were elected. Both freshmen serve on the Senate Agriculture Committee, where the dairy cooperatives were pushing legislation. They even gave $2,500 to Sen. Bob Dole (R-Kan.), who is not up for reelection until next year—but who also serves on the Agriculture Committee.

"I wouldn't give a damn if they didn't give a dime," Sen. Humphrey once explained to a reporter, "I'd still work for the Minnesota dairy farmer." That is probably how most would explain it, including the President.

The point is not that these contributions were bribes, but that the shadowy areas of *quid pro quo* and special-interest favoritism are hardly unique. They lurk behind most big issues in Congress as well as in the executive branch. It has been, and is, the way of Washington. One could make the same point by matching AFL-CIO campaign contributions against the roll calls on crucial labor legislation.

BACKROOM CONTACTS

Back-channel dealing did not begin with the ITT case either. The settlement of that giant conglomerate's antitrust problems involved an extraordinary series of private consultations between ITT men and the White House, the Attorney General and his deputies, with the as yet unproved inference that the GOP settled in exchange for a $400,000 donation.

In the early 1960s, when the du Ponts of Delaware had a billion-dollar tax problem, they hired Clark Clifford to guide their argument through the inner chambers of the executive branch. Ordered to divest its General Motors stock because of antitrust implications, the family faced a tax liability of more than $1 billion unless Congress passed extraordinary legislation of forgiveness. Congress, as usual, was willing, but would the Kennedy administration go along?

Clifford, who was advising President Kennedy on foreign intelligence matters then, arranged some appointments for the folks from Wilmington—private audiences with the Treasury secretary, the attorney general, the deputy attorney general, the assistant attorney general for antitrust, and the general counsel of the Treasury.

The arguments were apparently persuasive, because the administration retreated to a position of neutrality. The Justice Department originally had opposed any special tax consideration for antitrust violators, but the Treasury conveyed to Congress that the administration would leave it to the lawmakers. They promptly passed a law cutting the potential tax liability by approximately $650 million.

Two years later, when Johnson was President and Clark Clifford was his close adviser, the du Pont tax matter came up again and Clifford helped negotiate a favorable interpretation at Treasury of the 1962 settlement—one that saved his clients about $56 million in taxes.

One accusation which the AFL–CIO handbill doesn't mention is the mysterious $100,000 from Howard Hughes, supposedly a campaign contribution but for some reason delivered to the President's close friend, Florida businessman Bebe Rebozo. Of course, the same Hughes delivery man also took $50,000 in cash personally to Vice President Hubert Humphrey for his 1968 camaign.

OBSTRUCTION OF JUSTICE

The charges of obstruction of justice are virtually unique to the Nixon White House. Nothing in previous administrations comes close to the wholesale cover-up activities—going to the paper shredder with incriminating evidence, persuading key witnesses to perjure themselves, blocking FBI agents from pursuing leads. The episodes surrounding Watergate and the Ellsberg cases probably provide the strongest criminal case against the administration, though it is still disputed whether the evidence directly implicates the President.

In the Ellsberg matter, Mr. Nixon is accused of directly trying to influence the outcome, first by suppressing evidence of the "plumbers" burglary, then by having the FBI director's job discussed with the trial judge in the middle of the trial.

Backroom contact with judges is usually considered unethical. LBJ did it with his old friend, Abe Fortas, though not on pending cases. When Fortas was on the Supreme Court, he also sat in on President Johnson's war councils, developing Vietnam strategy, even though the Supreme Court ultimately would be faced with crucial war-related issues—the free-speech rights of antiwar activists, the constitutional limits on presidential war-making. When the Senate failed to confirm Fortas as chief justice, that private dealing with the White House was part of the case against him.

When the Bobby Baker case surfaced, President Johnson did not block the prosecution of his former Senate aide, accused of influence peddling. However, people high in the Johnson administration did try to sidetrack at least part of the case against Baker in the pre-trial stages.

A memorandum, purportedly signed by B. W. Fridge, special assistant to the secretary of the Air Force, was leaked to the press, intended to discredit Don Reynolds, one of the key witnesses against Baker. The memo revealed derogatory information from Reynolds' service record. The New York Times reported that White House aides approached at least two publishers, attempting to have them kill or alter articles based on the Reynolds testimony.

White House attempts to use the CIA in the Watergate cover-up are also part of the case against Mr. Nixon. Nothing quite like that exists in the past, but the CIA was heavily implicated in domestic affairs long before now.

Under Eisenhower and Kennedy, the CIA pumped millions of dollars into domestic institutions which supposedly were independent—labor unions, foundations, magazines, everything from the National Student Association to the American Newspaper Guild. The CIA money was funneled to them in secret; the rationale was, as usual, national security.

That brings us to the last charge—the negligence of presidential responsibility—which, in effect, sums up all of the Watergate crimes which happened right around Mr. Nixon and holds him responsible for them. As President, he promised to uphold the laws and the Constitution, and it is for congressmen and senators to decide where his failure to do so is of such a magnitude that he ought to be removed.

James Madison made the point of presidential responsibility in 1789 when he argued that the chief executive must retain control over the removal of officers he has appointed. "It will make him, in a peculiar manner, responsible for their conduct and subject him to impeachment himself," Madison declared, "if he suffers them to perpetrate with impunity high crimes or misdemeanors against the United States, or neglects to superintend their conduct, so as to check their excesses."

A LINE IN THE DUST

The past excesses of presidenial power, the antecedent scandals of spying and manipulation and evasions, of course, do not make the present ones more acceptable. The President could build his defense around them, if he ever comes to trial in the Senate, but a public already shocked by his stewardship is not likely to find that approach very appealing.

What the public has to understand is that if it asks Congress to impeach and try Mr. Nixon, it is really asking for much more than that. Impeachment on these offenses implicitly requires Democrats and Republicans alike to rethink a lot of recent history, a great many examples of excessive governmental power, and to render judgment not just on Mr. Nixon, but on the political past.

That could produce a new and higher standard. It could distill a more cautious definition of presidential power, of the meaning of "national security," and of the sanctity of the Constitution. To draw a line around those offenses and declare that they are forbidden, Congress must tacitly acknowledge that electronic spying, excessive presidential secrecy and power, abuses of special-interest dealing—that all these are maladies of this era, not just of this President.

Impeachment would be a line drawn in the dust, and explicit halt to the drift toward presidential supremacy, set above the Congress and above the law. The act of indictment would specify the forbidden activities for all time.

If Congress chooses not to face that painful therapy, the consequences are fairly clear. In the ways of Washington, the past slides easily into precedent. The noisy controversy fades and future history asks merely: What happened? What happened when all of these presidential offenses were revealed to Congress? If the answer is nothing, that is what will shape the precedent.

Just as the Nixon White House looks back on the unpunished excesses of recent history to justify its own abuses, future Presidents would be able to look upon Watergate as their license, not their proscription.

LATVIA INDEPENDENCE

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. COUGHLIN. Mr. Speaker, on November 18, Latvian people throughout the world commemorated the 55th anniversary of the proclamation of their independence. Unfortunately, this commemoration was not jubilant, for Latvia is no longer free.

As we all know, Latvia was one of the three Baltic States which was forcibly annexed by the Soviet Union in 1940. Since that time, the citizens of Latvia, Lithuania, and Estonia have been oppressed. Despite this subjugation, their love of liberty and quest for freedom has not diminished.

We in the United States tend to forget the value of freedom and self-determination. In fact, to many of us, the concept of oppression is extremely vague. We have never faced persecution; we do not understand what it is like to be denied certain inalienable rights—rights which we all take for granted.

Yet, when we hear about the hardships borne by Latvian people, our hearts go out to them and we are saddened by the sorry state of their existence. At the same time, however, we are somehow awed by their inner strength—a strength which has kept the spirit of liberty and independence alive throughout the long years of captivity.

We can only hope that as the great powers continue their search for true cooperation and détente throughout the world, the people of Latvia and her sister nations will not be forgotten. We hope that they will, once again as a free nation, commemorate the anniversary of their independence. Until then, we will continue to extend to them our sympathy for their plight and our encouragement for their valiant efforts to attain true liberty. The courage and determination of the Latvians is indeed commendable, for it clearly exemplifies the importance of freedom. It makes us better understand what our own War of Independence was all about.

THE BLACK VOTE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. RANGEL. Mr. Speaker, in the aftermath of the turbulent sixties, the black vote has emerged as a potent and effective means of achieving political power for the black community. The black vote has been used to elect officials who will serve their interests and not ignore them. The black vote has helped give us a Supreme Court Justice, a Senator, 16 Congressmen, and many other elected and appointed officials.

Recently, however, black voting participation has decreased, especially in this year's elections. Roy Wilkins, in his syndicated column, addressed this problem and what it means for black people. I insert it in the CONGRESSIONAL RECORD hoping that this decrease in voting participation by blacks is not the beginning of a downward trend:

[From the New York Post, Nov. 17, 1973]

THE BLACK VOTE

(By Roy Wilkins)

Just as it appeared that the Negro minority had made some additional breakthroughs in the elections, census figures tell us that the Negro American total vote has declined about 5.5 per cent from the total registered in the Presidential election of 1972.

The black population was ready to celebrate new black mayors in Detroit, Mich., the nation's fifth largest city, and in Raleigh, N.C., an important Southern metropolis, when the census revealed that the Negro totals has declined at a greater rate than those of the whites.

As has been the case for many elections voters showed up badly, with only 63 per cent of those of voting age actually voting in 1972. That came to 85,766,000 votes. These included 7,032,000 black votes and 2,103,000 whose background was Hispanic.

In those with less than an eighth grade education, blacks and whites came out about equal. Thus it cannot be said that less educated blacks forced their ballot box choices on the whites.

But the black total was about 386,700 less than it was in 1972. Of course, some of the drop should have been expected because fewer people vote in an off-year election. But the decline among blacks was greater than that among whites. There were other factors such as lack of interest in local issues or personalities.

However, black citizens were on their way up, politically. The Voting Rights Act of 1965, which provided for the sending of federal registrars into counties where there has been no attempt to register Negroes since Reconstruction, spurred the black population to new activity. The census figures show that only Southern Negroes held or increased their voting.

A discouragement to Negro voting gained a small following several years ago when the prophets of "no progress for blacks under the American system" went about preaching largely to younger blacks and to various disappointed ones.

Now, however, is no time to spread hopelessness. A black mayor has been elected in Raleigh where only about 30 per cent of the population is black.

Thomas Bradley is mayor of Los Angeles, where the black population is about 20 percent. Maynord Jackson is mayor in Atlanta and a black mayor has been chosen in Detroit. Both candidates in Detroit played down the race issue and emphasized the problems facing the city as a whole.

Every election of a member of a minority as mayor of an American city is important. A non-white mayor of San Jose, said to be by its boosters the fastest growing city in California, is in a challenging spot.

The election of a black man is doubly important especially where black voters are a minority that never could elect a candidate by themselves (even if every black vote were cast and counted). This is why the Los Angeles and Raleigh votes are significant.

There may be, among the 87 black mayors, others where Negroes are in the minority. But the record was handed down by Sen. Brooke of Massachusetts where only 3 per cent of the population is black. It means that the American electoral process is working out.

Negro Americans are beset by many troubles, some of their own making, but mostly those visited unfairly upon them. They can fight their way up and rise in the esteem of their fellow citizens by the caliber of the men they put forward for public office.

The pace is slow by impatient standards, but swift as time goes. The system will work for those who take the trouble to study it, prepare themselves and make it work.

RUSH TO THE SOVIET UNION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. ASHBROOK. Mr. Speaker, a rush is on to see who can help the Soviets the most. Neither our Government nor many in the business community seem to be hesitant when it comes to building the Soviet Union. I have been pointing out the direct links between the buildup of Soviet industry and the buildup of the Soviet military machine.

Unfortunately, these warnings seem to have fallen on deaf ears in the executive branch of the Government. The American people showed their disapproval of the Soviet wheat deal in letters to congressional offices and a number of other ways. Once the full impact of present moves in Soviet "trade" are felt, I do not doubt that there will be an even larger public outcry.

It seems that each week the newspapers contain more articles on expanded dealings with the Soviet Union. Two recent deals are reported below in stories from the Washington Star-News of November 26, 1973, and from the Daily News Record of the same date. The Star-News article details the building of a plant manufacturing a chemical which is one of the building blocks of the petrochemical industry. The texts of the articles follow:

[From the Washington Star-News, Dec. 3, 1973]

U.S. Firms to Deliver Factory to Ukraine

St. Louis, Mo.—Monsanto Co. of St. Louis and a New Jersey firm signed a $45 million agreement with the Soviet Union on Friday for the design and the technology of a chemical plant in the U.S.S.R.

The $45 million covers the licensing fee for the technological rights from Monsanto and the cost of design and planning. Construction will be handled by Soviet construction ministries.

Spokesmen for Monsanto and the Lummus Co. of Bloomfield, N.J., said the deal was the first between the United States and Russia to involve a completely equipped production plant. Previous deals were for separate pieces of equipment only.

The deal was concluded with Techmashimport, the Soviet agency responsible for importing technological processes.

Under the agreement, the Soviet Union will provide a 10 percent down payment and the rest will be financed in the United States. Spokesmen for the two American firms said the financial arrangements have not been completed.

However, they said the Export-Import Bank was expected to extend its "standard" terms which would range from eight to 15 years.

The two firms will design and deliver an acetic acid plant to be erected in the Ukrainian city of Sverdlovsk. The plant will produce 150,000 tons of acetic acid annually by 1978. Spokesmen explained that the chemical is a major "building block" of the petrochemical industry.

The acetic acid production process was developed recently by Monsanto and is used at the firm's Texas City, Tex., plant. Soviet engineers will be trained there before the Sverdlovsk factory begins production.

[From the Daily News Record, Nov. 26, 1973]

Two U.S. Firms Plan Plant for Russia

(By Matthew Kasten)

New York.—Willcox & Gibbs, Inc., and an unnamed American producer of men's and women's outerwear are planning to jointly build a turnkey manufacturing plant in Russia.

The plans are a result of a 14-day U.S. Apparel Trade Mission visit in October to Belgrade, Budapest, Prague and Moscow.

Alfred O. P. Leubert, president and Chief executive officer of Willcox & Gibbs, in revealing the plans, said his firm and the outerwear producer, which he declined to identify, "see eye-to-eye" on the project. Leubert plans to visit Russia again in about five months in line with the turnkey project.

"It's a market we can't say no to. The Russians are keenly interested in turnkey programs. It's the big market for sales of sewing machinery," he emphasized.

The other countries the group visited are more interested in exporting apparel products. The Russians are not producing enough apparel items for home consumption, he said.

The mission was organized by the American Apparel Manufacturers Association and sponsored by the U.S. Department of Commerce. It was said to be the first major U.S. trade mission in consumer goods to the USSR and the other Eastern European countries.

Leubert said he feels Russian consumers are putting pressure on the government to make more merchandise available and to put more styling into apparel.

"One of the Russian ministers asked one of the American mission members why it was necessary for his shirt to have a stripe pattern," Leubert related. Before the American could answer, Leubert said, "the female Russian interpreter asked the minister why the fashion stripe should not be there."

There is a very limited amount of apparel styling in Russia, although some young women were seen with fashionable hair styles. Apparel plants operate under a five-year plan in Russia and manufacture a quantity of a product which must be almost completely sold out at the retail level before it goes into production again, Leubert explained. In addition, the quality of the merchandise is poor and there appears to be no quality control at the plants.

Also, the prices are very high. There is no relationship between production and cost and retail price. "We saw Yugoslavian-made apparel priced way out of line," Leubert said.

The mission wasn't permitted to visit a Russian apparel plant, but it is believed the plants do have good equipment. The problem there, as in plants the mission visited in Yugoslavia and Hungary, is that there is no knowhow, initiative, planning or utilization of equipment to the fullest capacity.

The U.S. mission saw no automated sewing equipment at sites it visited and believes there are none in any of the Russian plants.

"There is no labor shortage in Russia," Leubert said, "consequently there is no need for any of the sophisticated devices or equipment available from Western countries. That includes such items as automatic needle positioners, automatic thread cutting and fabric transport systems.

"In addition the work pace at the plants in those four countries is considerably slower than in the U.S. In Yugoslavia, productivity is about 50 per cent of what it is in the U.S., and in Hungary it is about 60 per cent. In Russia, it takes up to six hours to make an outerwear garment that takes about 1½ hours to make in the United States."

The Russians, it is believed, make some of their own sewing room equipment and buy some from East Germany.

The plant the mission visited in Yugoslavia had 5,000 employes and fairly recent Italian-made machinery, some German-made and a few Japanese. But work handling methods and the pace of operation weren't up to U.S. standards.

The country is seen as a very good market for sewing machine sales.

Garments are being made for export to Western Europe and to major department stores throughout the U.S., he said.

This one plant made a wide variety of products—suits, slacks, sport coats, rainwear, and heavy outerwear. It is Government owned on a co-operative employe basis. Private enterprise is permitted where a plant has 25–30 employes.

In Hungary, the picture was not too dissimilar from Yugoslavia's. Equipment wasn't the latest available and material handling and quality control problems were evident. The plant did only cut-and-trim work, and, as in Yugoslavia, pay was very low. Garments were being made for export to East and West European countries.

Leubert noted that there were some U.S. joint ventures in Yugoslavia, but that none is permitted in Hungary at this time although applications for them are being taken. Leubert said he sees Hungary ripe for a joint venture involving its Sunbrand operation.

The trade mission found Czechoslovakia to be in a highly depressed state because of its political situation.

Styling was missing on the clothing items seen at Czech stores and Hungary retailers showed more fashion-oriented items than those in the other three countries, he said.

Although the group couldn't visit a garment producing facility, it was told machinery used is made in Italy and in East and West Germany.

Willcox & Gibbs, Leubert said, was able to arrange for a sales representative in Czechoslavakia.

U.S. production know-how far exceeds that found in the four countries toured and has become an even more important factor in recent years as the labor shortage—skilled and unskilled—continues to worsen.

EARLE CABELL FEDERAL BUILDING

HON. ALAN STEELMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. STEELMAN. Mr. Speaker, I am glad that the House today joined the other body in unanimously approving a bill to name the Federal Building in Dallas, Tex., the "Earle Cabell Federal Building."

As a civic leader, mayor and Congressman, Earle Cabel worked tirelessly in responding to the needs and wishes of the people of Dallas, Tex., and the Nation. His entire career was directed toward more efficient government administration, and he can be very proud of his many years of public service.

I have talked to Congressman Cabell today and would like to assure the Members of the House of his appreciation. This legislation is a very appropriate tribute to a great Dallas leader, and I know I join all of my colleagues here today in wishing Congressman Cabell a long and prosperous life.

ENERGY CRISIS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. DERWINSKI. Mr. Speaker, there is no doubt that the energy problem is, at the present, the item of greatest concern to many Americans. The debate over what should have been done in the past to avert this problem will continue to rage; but we must take a good hard look at the realities of the situation.

The political use of the oil by the Arab States is obvious. The subject is very properly addressed in this morning's Chicago Tribune in an editorial which follows:

GIVE SHALE OIL A TRY . . . OR ELSE!

Secretary of the Interior Morton's decision to make some federal land available to oil companies for the experimental production of shale oil has raised such a hullabaloo that a couple of significant points have been drowned out.

First, the amount of land involved is only about 50 square miles, or about one-fifth the size of the city of Chicago, and it is scattered in six tracts in Colorado, Wyoming, and Utah. Second, the purpose is simply to give the companies a chance to determine whether the commercial production of shale oil is feasible and what effect it would have on the landscape. The government will sell leases on the land beginning next month.

Of course it may be argued that 50 square miles is a foot in the door, and that it will soon become 500 and then 5,000. But this argument depends on the assumption that oil production will destroy the land, making it permanently useless for agriculture, recreation, or the support of wild life.

This is still just an assumption, and a major purpose of the planned experiments is to find out whether it is true. Four of the six prototype plants will process the shale on the surface, heating it to about 900 degrees Fahrenheit and thus "melting" out the oil. This will probably denude the land, much like the stripmining of coal; but with coal, we have begun to learn that the land can be rehabilitated, though it is costly. In determining the commercial feasibility of producing shale oil, the cost of restoring the land certainly should be taken into account.

The two experimental plants in Utah will try to heat the shale underground and pipe the oil to the surface. If this works, there is no reason it should clutter up the landscape much more than an oil well does now.

What we know right now, without any experimenting at all, is that until other sources of adequate power are available—and this may take 15 or 20 years—we are going to be hard up for fuel. The tighter the pinch, the more dependent we shall be on imports.

Mr. Morton estimates that there is enough oil in the shale and to supply us, at the present rate of consumption, for 100 years. Maybe we won't need it all; but whatever the future holds, it would be silly to let all this oil just sit there without even finding out what would be involved in extracting it.

What if we don't develop new sources of oil in the next few years? One thing that would happen is that we would forfeit one of the greatest advantages this country has had over the years. We have never been utterly dependent on imports for any of the raw materials essential to our way of life. In our relations with foreign countries, therefore, we could act on the basis of reason, not of dire necessity.

In the last few days, the Arab countries have shown how an oil embargo can make a country's policies wither and bring foreign ministers crawling for forgiveness. Fortunately the embargo has not affected us as much as it has affected Western Europe and Japan; to us it is still more of an inconvenience than a disaster. Nor do we have much right to complain. This isn't blackmail, as some charge; it is a historically accepted form of economic pressure against countries regarded by the Arabs as friendly to their enemy.

But the line between economic pressure and blackmail is a fuzzy one; and the decision of the Arabs to extend the total embargo on oil to South Africa, Rhodesia, and Portugal cannot be explained on the basis of national security. It is purely a political maneuver designed to bring black Africa into the Arab camp and to divert attention from the conflict which so often develops between Arabs and Africans, as in the Sudan.

In short, the Arabs have learned the power of oil as a political weapon. They are going to use it whenever they can agree with one another on what to use it for. And they will very likely find reasons to use it against us even when and if the dispute with Israel is settled. Our goal now, as Mr. Nixon says, should be to make ourselves self-sufficient in energy.

THE ENERGY CRISIS AND THE NATION'S WATER RESOURCES

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. EVINS of Tennessee. Mr. Speaker, Mr. Orin E. Atkins, chairman of the board of directors of Ashland Oil Co., recently delivered a timely and relevant address at the Convention of the Ohio Valley Improvement Association held in Cincinnati, Ohio.

Mr. Atkins emphasized the importance of water resource development in terms of coping with the energy crisis with which our Nation is confronted.

Because of the interest of my colleagues and the American people in this most important subject, I place excerpts from Mr. Atkins' address in the RECORD herewith.

The excerpts follows:

WATER RESOURCES AND THE ENERGY DILEMMA

The privilege of being with you tonight is one which I value highly. Over many years, all of us at Ashland Oil have admired the work of the Ohio Valley Improvement Association. We have had faith in its mission. We have tried to prove our faith by active, wholehearted support. . . .

American leadership has long recognized the Nation's dependence upon our waterways and their improvement. Some years ago the commitment of American policy was broadened to include comprehensive river basin development. In this, flood control, water supply, reclamation and other water resources values have been combined with navigation.

These comprehensive programs are vital to the country. They strengthen the national defense. They revitalize depressed regions and help agriculture. They stimulate economic growth and improve the balance of population as between country and city. Above all, they release untapped resources, stabilize the economy, cut costs and hold back the forces of inflation. For a long time we have considered it obvious that development of our water resources must proceed vigorously in order to meet the needs of a growing population and an increasingly complex economy.

The past history of water resource development is an excellent example on the benefits which can grow out of an enlightened governmental policy which recognizes the far reaching benefits of the development of our natural resources.

The OVIA can take great pride in the fact that over its history it has played a major part in promoting the original canalization of the Ohio River, involving 53 locks and dams from Pittsburgh to Cairo and the redevelopment of the River through replacement of the original system of low-lift dams and 600-foot locks with 19 modern structures with a 1,200-foot lock and a 600-foot auxiliary. Of these 8 of the permanent structures have been completed, 6 are under construction and 5 remain to be started.

OVIA has also taken an active part in encouraging water resource development through flood control, water supply and low-flow betterment. The completed list of projects covers 58 reservoirs and 80 local protection projects and 33 projects under construction, including 23 reservoirs and 10 local protection projects.

These projects have helped to assure prosperity to not only the Ohio Valley Basin but to the adjoining areas and to the Nation as a whole.

But, in recent years, American leadership has been losing its bearings in this field. A minority has been loudly broadcasting the notion that water resource spending is a wasteful "pork barrel." Highly vocal extremists, with lots of money to spend, have taken over what was once a wholesome concern for the environment. These political pressures have put budgetary shackles on water resource development. Water resources have fallen to the lowest priority among our major national programs.

In 1965, out of every dollar of federal expenditure for all purposes, a little more than one-half of one cent was devoted to new work on flood control and navigation projects. In 1972, this had fallen to one-third of a penny. Meanwhile, inflation had cut down still further the amount of construction which could be purchased with a dollar.

The recently published report of the National Water Commission reflects this negative mood. The report contends that our long-standing federal policies as to water resource development are out of date. It says that the time has come for the federal government to abandon its financial responsibility in this area. The report says that the burden for water resource development should be shifted to the river valley communities on the theory that they are the only ones benefited. The report glosses over the devastating impact on the whole country which such a policy would exert. It ignores the implied discrimination against our riverports and communities. The Commission report contains nothing as to the damage its policies would do to the Nation's energy supply—nothing on the injury to our balance of payments. On the rising costs of living and numerous other closely related issues, the report is silent.

Now an additional threat has come up. On August 3, the Federal Water Resources Council has issued complex new standards designed to destroy all but a few water projects. The Corps of Engineers has made a preliminary estimate as to what this change will mean and finds that less than half of authorized water resource projects which are now under active consideration could survive such a standard.

Under the new water project rules, regional development and social well-being are rejected as worthwhile objectives. The Council would measure the benefits of navigation and flood works by how much the people in the valley communities would be willing to pay if they had to build them with local money. Such negative and restrictive policies leave little hope that we can achieve urgent national goals in this area.

* * * * *

The energy problem confronting this country is a big one, and it can become a real crisis. It is extremely complex. We cannot meet this problem with makeshift measures and "business as usual" while pursuing the well-worn pathways of the past. We must raise the energy problem to one of the dominant issues of our time. It bears not only on the standard of living. It bears fully as much on the public health and safety. It challenges the most fundamental values of our national life.

Let's think just a moment of the urgent task ahead of us. We must find, if we can, enormous new deposits of oil and natural gas in this hemisphere. We have to develop and improve techniques for getting petroleum liquids from such sources as shale deposits and coal. Somehow we must perfect methods for solvent refining of coal so as to make use of our high sulphur deposits without polluting the atmosphere. Yet, other energy resources cannot be neglected either. We have to give high priority to the perfection of means for the safe production of nuclear power on a vast scale.

This far-reaching complex of programs calls for a public policy encouraging to the utmost the unmatched potentials of the private enterprises of our citizens. Capital investment on a vast scale will be required.

* * * * *

Our energy deployment capabilities and their consideration must become the dominant concern of public policy before the decade is past. This concern must transcend all other environmental, economic, and political issues. Certainly, in this deployment of our energy potential, the vigorous improvement of our water resources must prove basic.

The time has come for a rapid acceleration of our water resource development program. This can be realized only if we redirect our thinking to the new realities. Our supplies of water are not unlimited; they can never exceed what falls as snow and rain. Yet our use of it rises year after year. Our needs for flood control, navigation and other water resource benefits expand as our population grows and our living standard rises. The Department of Transportation estimates that domestic water transportation—Great Lakes, rivers and coastal—will increase by 78% over the 20-year period ending in 1990. Most of this traffic will be in coal and petroleum and its products. Similarly, a doubling of water withdrawals for all uses by the end of the century is projected by the Interior Department. We have entered an era when we must undertake a program of comprehensive conservation and development of our water resources on a scale far greater than anything we have ever experienced. The cost of neglect is beyond calculation.

The current thinking of the National Water Commission and the Water Resources Council is based upon the same fundamental error as that which has resulted in the misdirection of our energy policy. This thinking reflects the false assumption that we still live in a time of abundance. In fact, shortages will become endemic unless we get about the urgent business of full development of our resources. We can no longer afford to live in the world of fiction. It is time for a new look at the facts.

* * * * *

Never before has the historic mission of the Ohio Valley Improvement Association been of greater urgency. The mounting crisis in our energy supply has moved water resource development into the front rank of national priorities. It is my earnest hope, therefore, that this Association enlisting ever broader participation will carry to the people throughout the Ohio River region a message of rededication. The purposes and goals of this Association are fundamental to our national aspirations for freedom and prosperity. They are critical to the Nation's continued preeminence in the cause of world peace and justice.

PROPOSED AMENDMENTS TO H.R. 7130

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. REUSS. Mr. Speaker, the Budget and Impoundment Control Act will be before us on Tuesday and Wednesday. The bill is essentially a good one, but it is inadequate in this respect: it deals with direct expenditures, but not with tax expenditures. Representative JOHN ANDERSON and I intend to offer the following amendments to H.R. 7130, to make sure that Congress is fully informed on both tax and direct expenditures when making important budget priority decisions:

PROPOSED AMENDMENTS TO H.R. 7130

1. Page 44, line 8—Section 2 is amended by inserting the following new paragraph (3) and renumbering accordingly:

"(3) the term 'tax expenditures' means those revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction from gross income or which provide a special credit, a preferential rate of tax, or a deferral of tax liability representing a deviation from the normal tax structure for individuals and corporations. The term 'tax expenditures budget' means the enumeration of such tax expenditures as published by the House Ways and Means Committee in 'Estimates of Federal Tax Expenditures'. Such enumeration shall correspond to the functional classifications shown in the most recent budget of the United States."

2. Page 47, line 21—Title I, section 111(c) is amended by inserting after "paragraph (a)." the following new sentence:

"In carrying out this function, the committee shall review and consider existing tax expenditures (the tax expenditures budget), their effect on Federal revenues, and their relationship to budget outlays and new budget authority."

3. Page 48, line 4—Title I, section III(c) is further amended by deleting "and" in line 4, by changing the period to a comma and adding the word "and" in line 8, and by adding the following at the end thereof:

"(3) 'to request and evaluate continuing studies of tax expenditures, to devise methods of coordinating tax expenditures, policies, and programs and direct budget outlays, and to report the results of such studies to the House on a recurring basis. In discharging the duty provided by this paragraph, the committee shall utilize reports prepared by the Joint Committee on Internal Revenue Taxation.'"

4. Page 49, line 4—Title I, Section 121(b) is amended by inserting the following new paragraph (4) and renumbering accordingly:

"(4) the existing levels of tax expenditures (the tax expenditures budget) by major budget categories,"

5. Page 59, line 12—Title I, section 128 is amended by adding at the end thereof the following new subsection (d):

"(d) REPORTS ON LEGISLATION PROVIDING NEW TAX EXPENDITURES.—Whenever a committee of either House reports a bill or resolution to its House providing a new or increased tax expenditure during a fiscal year, the report accompanying that bill or resolution shall contain a statement prepared in consultation with the Legislative Budget Director detailing—

(1) how the new tax expenditures provided in that bill or resolution will affect the existing levels of tax expenditures as set forth in the most recently adopted concurrent resolution on the budget for such fiscal year, and the reasons for the deviation from those levels;

(2) the relationship between the proposed new or changed tax expenditures and other existing or proposed Federal outlays in the corresponding functional budget category; and

(3) a projection for the period of five fiscal years beginning with such fiscal year of the tax expenditures which will result from that bill or resolution in each fiscal year in such period."

6. Page 65, line 20—Title I, section 146(a) is amended to read as follows:

"(a) PRESIDENTIAL BUDGET TO INCLUDE TAX EXPENDITURES.—Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11) is amended by adding at the end thereof the following new subsection:

'(d) The Budget transmitted pursuant to subsection (a) for each fiscal year shall set forth the existing levels of tax expenditures (the tax expenditures budget) by major budget categories, and an estimate, based on projected economic factors and projected changes in the overall income tax rates, of any anticipated change in the levels of tax expenditures for that fiscal year. For purposes of this subsection, the terms 'tax expenditures' and 'tax expenditures budget' have the meanings given to them by section 2(3) of the Budget and Impoundment Control Act of 1973.'"

7. Page 73, line 24—Title I, section 173 is amended by inserting after the word "appropriation" the following words:

"or tax expenditure".

8. Page 73, line 26—Title I, section 173 is further amended by inserting after the words "budget outlays" the following words:

"and revenues".

DAVID BEN-GURION—SYMBOL OF AN ERA

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Ms. HECKLER of Massachusetts. Mr. Speaker, the State of Israel paused yesterday to pay homage to a giant: David Ben-Gurion. More than any man, Ben-Gurion could truly be called the father of his country, and his passing symbolized for many the end of an era.

Part genius, part man and part myth, Ben-Gurion richly deserved the love and honor he received from people throughout the world. A brilliant, complex man—he spoke and the world listened. A simple, humble man, he was equally at home working in the fields of his beloved land.

Fittingly, Ben-Gurion was put to rest in a plain, unpainted wooden box covered simply with the blue and white colors of Israel, the nation he built. Ben-Gurion led a rich, full life, a life of massive accomplishment.

No eulogy could do justice to this man. Like his countrymen, we can only pause briefly to bid farewell.

GOOD TIME FOR REEVALUATION OF UNITED STATES-GREECE POLICY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. EDWARDS of California. Mr. Speaker, two recent editorials in the Washington Post and the New York Times make the point that the Nixon administration has never been in a better position to reevaluate U.S. policy toward Greece in order to extricate ourselves from giving tacit, as well as military support, to the new junta, and to promote the return of democracy to this most ancient land.

This is exactly the point I made on November 27 in a letter to Secretary of State Henry Kissinger, urging that the United States seize this moment, when the new regime is vulnerable to foreign public opinion, to let it be known that the new policy of the United States will be to encourage a return of the Greek Army to its barracks and the formation of a "government of unity" so that democratic government in Greece can be reestablished.

The text of my letter to Secretary Kissinger and these two editorials follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 27, 1973.

Hon. HENRY KISSINGER,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: This is a moment of opportunity for U.S. policy toward Greece. A fleeting moment.

I am writing, therefore, to respectfully urge that you adopt what would, in view of the U.S. stance of recent years, be a "novel" position of supporting the democratic majority in that ancient land.

Quite frankly, U.S. policy on Greece since the mid-1960s has taken comfort in receiving supposed military advantages under non-democratic circumstances while failing to assert, in a credible manner, support for democratic means and traditions. A supposedly "realistic" policy has been in reality short-sighted, an excuse for avoiding hard thinking, and therefore politically as well as morally wrong.

The new Greek junta, it seems to me, is likely to have a much shorter life cycle than the Papadopoulos junta. Its cabinet is said to be mediocre, the apparatus of suppression has been partially dismantled and purged, public tolerance is nearly at an end, and the economy is in very serious trouble. In short, it is vulnerable.

The logic of the situation calls for a return of the army to its barracks and the formation of "a government of national unity" headed by a respected conservative figure such as Karamanlis or Cannelopoulos. This would provide a bloodless, orderly transfer of power by which this junta could retire with some honor.

The United States indulged itself in bland official statements and excuses for Papadopoulos after the April, 1967 coup, thus helping to open the door for a long period of oppression and dictatorial rule. In retrospect, many admit now what some of us were saying then, namely that early U.S. pressure in the form of a clear position would have helped bring an end to the dictatorship.

U.S. silence is tantamount to "intervention", for the Greeks, who are well-aware of the U.S. role in Greece since 1947 and our large military presence there today, regard silence as approval.

The new junta needs international approval, credits, and arms. It should be encouraged to consolidate and stay on. If not encouraged, the logic of the situation could become abundantly and incessantly clear.

Let us move, at long last, to position ourselves, in these first crucial days, in favor of an immediate return to democracy and freedom for Greece. Not only might such a position prove decisive, but it would salvage some of our tattered prestige with the Greek people, and be morally and politically right.

Respectfully,

DON EDWARDS,
Member of Congress.

[From the Washington Post, Nov. 30, 1973]

TAKEOVER IN GREECE

In Greece, ex-colonel George Papadopoulos, who took power by coup in 1967, has been removed by coup, and without lamentation. As is the style of military takeovers, everywhere, the new officers promise to banish "anarchy, chaos and vandalism" and to install "tranquity and unity." Some observers in Athens believe the new clique acted out of fear that Mr. Papadopoulos did indeed mean to proceed to parliamentary elections next year as he had promised, despite the recent popular protests against his rule. Other observers believe he was ousted because his panicky violent manner of putting down those protests had given military rule a bad name. No doubt other explanations will be forthcoming.

How indeed does a dictatorship turn back into a democracy? In the Greek case, Mr. Papadopoulos had offered a gradual process of "normalization." But many center and center-left politicians decried his offer as a sham intended only to apply a facade of parliamentarianism. And officers on the right evidently opposed the offer as an invitation to "anarchy." Not for the first time or in the first place, left and right joined in an effective tactical alliance to undercut formation of a consensus in the middle. Unhappily, there can be no guarantee that the same tendency to polarization will not undo any initiative which the new generals may launch to return to civilian rule. It will take great skill by the politicians and great forbearance by the military to bring about that "government of national unity" which is every decent Greek's idea of a halfway house on the way back to parliamentary government.

The American position, already acute, becomes more so with each new convolution in Athens. There is no reason to credit the fresh accusation of professional anti-Americans like Andreas Papandreou, who blames the CIA for the latest coup. The fact is that many Greeks believe the continuance if not the coming of military government in Athens is the result of the support tendered by the United States to serve a policy that places the requirements of strategic rivalry with the Soviet Union over the democratic values of the West. The new coup may, nonetheless, offer Washington an opportunity that was not available earlier; Mr. Nixon, after all, inherited the Papadopoulos government, he did not create it. Why should not the United States say that it is suspending any further consolidation of its relations with Greece until it sees what steps the new generals are taking to restore parliamentary rule?

[From the New York Times, Dec. 3, 1973]

DISMAL START IN GREECE

In his first policy pronouncement, the obscure lawyer chosen by Greece's new military junta to head the Government sounded like an earlier version of the ousted President Papadopoulos, Premier Adamantios Androutsopoulos spoke of the need to "cleanse" Greek society before it could return to democracy. He said the country would be "lead to elections" only when the regime deemed it ready; meanwhile Greece will be ruled by decree.

This is almost a carbon copy of the Papadopoulos prospectus in 1967, which failed repeatedly in its six-year trial. In present circumstances it is a formula for certain disaster. If the junta's strongman, Brigadier Dimitrios Ioannidis, intends to "rescue" the armed forces from the embarrassing and untenable position into which he says Colonel Papadopoulos led them, this is emphatically the wrong way to go about it.

Brigadier Ioannidis and colleagues are said to be perplexed that top-rank political leaders are unwilling to join the new Government and that two of them have openly criticized it. They should understand that, after courageously opposing the Papadopoulos junta from the outset, these men will not accept responsibility in a regime whose commitment to democracy is vague.

Junta leaders are soon likely to discover something else: The Cabinet of nonentities and mediocrities they have assembled will be unable to resolve Greece's pressing home-front problems, including raging inflation. Nor will the program projected by Premier Androutsopoulos ever succeed in restoring Greece's international standing, especially its desperately needed political and economic links with an impatient European community.

In the existing situation, the United States should remain as aloof as its Euroepan allies from the new regime. Senators Pell of Rhode Island and Jackson of Washington deserve support for their bill to prohibit all military assistance to Greece until the Athens Government is ready to fulfill its obligations to the Atlantic Alliance, including adherence to "the principles of democracy, individual liberty and the rule of law."

Burned badly by its association with the Papadopoulos dictatorship, the Administration should at the very least shelve indefinitely its plans for expanding the United States Navy's home-porting program, which would base 2,500 more American families in the crowded Athens area. Even if the first phase of this project had not aroused widespread opposition in Greece, to expand it now would be taken everywhere as an act of approval and support for an arbitrary regime that has not earned it.

INCREASE FUNDS FOR VOCATIONAL REHABILITATION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. LEHMAN. Mr. Speaker, due to longstanding, previously scheduled commitments last Friday evening, I was not present for the vote on the Gonzalez amendment to increase funds for State grant programs for vocational rehabilitation.

Had I been present, I would have voted

"aye" on rollcall No. 612 and "aye" on rollcall No. 613, the final passage of the bill to make supplemental appropriations for fiscal 1974.

FORT WAYNE, IND., JOURNAL-GAZETTE PUTS THE ENERGY CRISIS IN FOCUS

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. ROUSH. Mr. Speaker, we are all concerned about the impending energy crisis. Each of us, and I am no exception, have been making public statements about it, instructing our staffs to conserve energy and have been carefully considering a great deal of legislation in this House.

While all this activity is necessary, I think we must be cautious that we do not trade off important environmental safeguards for transitory relief from the fuel shortage. The November 11, 1973, Fort Wayne Journal-Gazette has editorialized on this point and I commend these excellent comments to my colleagues.

FACING REALITY ON ENERGY

An ominous indication of the public's erosion of trust in the presidency was the reaction to Mr. Nixon's energy message. Most of the voluntary fuel-conservation measures he asked likely will be ignored by a public which attaches little importance to present presidential pronouncements.

This is particularly regrettable because many of the voluntary cutbacks have great validity. Driving at slower speeds and lowering the thermostat at home and in the office are relatively painless measures that in ordinary times may have the public' cooperation. Even contingency plans for gasoline rationing represent a wholly rational approach to remedying the energy shortfall. Such a move might, in fact, alert the public to the reality of the emergency more effectively than any amount of official "persuasion."

Other emergency measures requiring approval either of the Congress or state and local officials, likewise have merit. The public easily can live with 10 per cent fewer commercial jet flights for example, and the establishment of year-round Daylight Saving Time is a possibility worth examining. Providing incentives for greater use of mass transit and car pools is another common-sense proposal that would be equally valid even after the passing of the current "crisis."

Not all the President's requested emergency powers were as wisely conceived, however. Most questionable of all was his desired authority to "temporarily" suspend air and water quality standards to encourage more use of high-sulfur coal. Any congressional grant of authority of this type must be accompanied by an absolute time limit, or the nation will find itself in an even greater crisis than the energy shortfall. "Temporary" measures have a way of becoming entrenched unless they are forcibly terminated. And before the Congress acts at all the administration must demonstrate conclusively the indisputable necessity for a greater reliance on coal during the winter months ahead.

The President's call for the Atomic Energy Commission to speed the licensing of nuclear-power plants likewise is a dangerous proposal. The illogic of the AEC proceeding with anything but the greatest of caution should be obvious. Energy crisis or not, the total safety of proposed nuclear operations must be thoroughly established before any go-ahead is given. The Bailly 1 plant site on the edge of the Indiana Dunes National Lakeshore is a vivid example of a project whose costs in natural values must be carefully weighed against its benefits, even if questions of public safety were resolved.

The current energy bind can be turned to good advantage if the public can be persuaded its gluttonous appetite for energy must be curtailed. The President noted that the average American consumes as much energy in a week as most other peoples do in a year. This is precisely why the population growth rate in this country is so critical, despite the fact it's lower than in other nations.

The time to conserve fuel and other energy sources is before they run out, and there's nothing like the impetus of upcoming shortages to make this fact evident. How the public reacts to the current situation will determine how the country survives the months of reckoning ahead.

MOAKLEY LEGISLATION FOR WOMEN

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mrs. SCHROEDER. Mr. Speaker, as a woman and legislator, I am gratified whenever a male colleague shows concern about the inequities women still suffer in our society, and translates that concern into legislative action. In this regard I want to note the record of Congressman JOE MOAKLEY—a freshman colleague from Massachusetts—who has made significant contributions in the area of human rights, and the particular area of women's rights. In less than a year since arriving in Washington, Mr. MOAKLEY has introduced no less than 10 bills to remedy and ameliorate the economic status of women. In addition to introducing original legislation, he has cosponsored the major legislation in the area of women's concerns.

I look forward to Representative MOAKLEY's continuing participation in the struggle to gain economic and social equality for women. With appreciation for his present accomplishments, I call that record to the attention of my colleagues and the American people with the hope that others will work as vigorously to provide for the rights of all our people.

The list follows:

MOAKLEY LEGISLATION TO HELP REMEDY ECONOMIC AND RELATED PROBLEMS OF WOMEN

DATE, BILL NUMBER, AND LEGISLATIVE PURPOSE

June 29: H.R. 9111, to prohibit the unfair treatment of women in the granting of credit.

July 12: H.R. 9699, to allow for flexible hours of employment for Civil Service jobs—would help end unfair treatment generated by the standard pattern of working hours.

July 19: H.R. 9415, to provide a remedy for the unfair treatment of women by the insurance business with respect to the availability and scope of insurance coverage for women.

July 19: H.R. 9417, to carry out the recommendations of the Presidential Task Force on Women's Rights and responsibilities.

July 23: H.R. 9484, to provide that the remarriage of a widow, widower, or parent shall not terminate his entitlement to insurance benefits or reduce their amount.

July 23: H.R. 9485, to establish with the Social Security system the concept that those with the job of maintaining a household should be entitled to Social Security in their own right.

July 24: H.R. 9517, to provide equality of treatment to married women Federal employees in connection with compensation for work injuries.

August 3: H.R. 9832, to require that men and women be treated equally with respect to the appointment and admission of persons to the service academies.

August 3: H.R. 9833, to eliminate discrimination on the basis of sex with respect to enlistment in the armed forces.

August 3: H.R. 9834, to provide veterans maternity care in Veterans' Administration facilities, to extend job counseling services to certain survivors and dependents of veterans, and to liberalize widow's pensions.

CAUTION URGED ON ADMINISTRATION PROPOSED AMENDMENTS TO EMERGENCY ENERGY LEGISLATION IN HOUSE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. DINGELL. Mr. Speaker, I believe that it would be beneficial for the Members of the House to be aware of what I feel are necessary comments I have made in correspondence, December 1, 1973, to the Energy Policy Office of the White House regarding the administration's suggested amendments to the emergency energy legislation under consideration at this time in the Interstate and Foreign Commerce Committee.

I, therefore, enclose for the attention of our colleagues my letter to Gov. John Love, Director, Energy Policy Office:

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 1, 1973.

Hon. JOHN LOVE,
Assistant to the President for Energy, Energy Policy Office, Executive Office Building, Washington, D.C.

DEAR GOVERNOR LOVE: In a November 27, 1973, letter to the House Interstate and Foreign Commerce Committee, you recommended a number of amendments to the emergency energy legislation which we are currently marking up. For example, you asked that we consider establishing a statutory basis for the Energy Policy Office which you head and which was established on June 28, 1973, by Executive Order 11726; a provision protecting various unspecified oil company executives from the provisions of the conflict-of-interest laws; a provision to open up the Naval Petroleum Reserves to oil exploration and development; a provision exempting tanker shipments from certain provisions of the Jones Act; and several devastating provisions amending the Clean Air Act, including the vehicle emissions sections of that Act.

Many of these amendments involve matters which are under the jurisdiction of other committees of the House, including the Merchant Marine and Fisheries Committee on which I serve. To consider them would involve us in a jurisdictional dispute and possibly delay passage of this emergency legislation. Also, these suggestions, some of which, but not many, may be quite meritorious, do not qualify, in my judgment, as emergency provisions that need to be enacted in this session of Congress.

I strongly urge that the Administration refrain from insisting upon such broad and controversial measures for this emergency bill. The Executive Branch has already waited too long to deal with the fuel shortage problem. Now that the Administration has finally made some concrete suggestions to Congress for emergency legislation, I suggest that the Administration resist the desire to tag on to such a bill provisions that are not needed now and will only serve to bog down the bill to the detriment of the American public.

With every good wish,

Sincerely yours,

JOHN D. DINGELL,
Member of Congress.

DRUG ABUSE EDUCATION

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. BEARD. Mr. Speaker, in a poll recently conducted in my district, no issue was of greater concern to my constituents than the problem of drug abuse, particularly illicit use by our young people. In response to this public concern, I have been working closely with drug abuse prevention, law enforcement, and treatment experts both at the State and local level and in the Federal Government.

Law enforcement is proving increasingly effective in curbing the supply of illicit drugs. Certainly, much more needs to be done in this area. On another front, treatment programs also have been vastly expanded to provide the necessary medical supportive services which will permit drug abusers to break their habits and return to productive lives.

In the long run, our real goal must be to prevent drug abuse, and this has been the most difficult challenge of all. "Scare tactics" have not worked; young people throughout history have been notoriously immune to efforts to frighten them out of doing something dangerous or harmful. Nor has the provision of factual information proved effective in preventing drug abuse: at the very least, information is seen as irrelevant; at worst, it is an encouragement to some young people to experiment with previously unknown substances.

At last, however, we are coming to see drug abuse among young people for what it really is: a symptom of a larger problem of adjustment. This point was made clear at hearings which I chaired in Franklin, Tenn., on October 29. At that time, a spokesman for the Tennessee Board of Education discussed the State's new suggested approach to drug abuse education. The basic objective of this new approach is not a purely negative one of simply "preventing drug abuse," but a positive one of helping students to make wise decisions in their lives. The new approach involves an intensive series of inservice training programs which can include teachers, school administrators, school nurses, members of the PTA, members of the community, and the students themselves. The training includes not only providing the facts about drugs and drug abuse, but an attempt to define the particular problems of the individual communities, the types of drugs in use there, their source, and ways to deal with the problem on a communitywide basis. Significantly, the new approach does not see schools as the institutions with all the answers: the schools merely become the focal point for a communitywide educational process which links in families, civic organizations, churches and other community institutions in a comprehensive alliance to combat drug abuse.

The new approach recognizes that drug abuse is possibly a symptom of a larger problem: depending on the community and even the individual family, drug abuse may be an expression of rebellion, an indication of lack of communication, an expression of a sense of alienation or just a sense of boredom. The community may need to reexamine its resources, to make a greater effort to provide alternative forms of activity for its young people. Part of the answer may lie in more adequate recreational facilities, or structured programs permitting greater cooperation between generations. Part of the answer may lie in a more extensive guidance counseling program in the schools, one which can help students to deal with the increasingly complex problems of growing up.

The Federal Government, in fact, has recently identified a guidance counseling program in New York City which consistently has reduced not only drug abuse, but such additional problems as truancy, failing grades, and disruptive behavior. The White House Special Action Office for Drug Abuse Prevention has been so pleased with recent evaluations of this program that it is presently developing plans to initiate a nationwide demonstration project based on the New York City program.

A balanced and cooperative program between drug abuse education and prevention to control drug demand and law enforcement to control the problem of supply is the key to saving future generations from the scourge which has afflicted our youth in recent years.

It should be a nationwide effort in which we can all participate and from which we all can learn. I am delighted that the State of Tennessee, and the people of the Sixth District, are demonstrating concern about this problem and much more that they are doing so much to meet it. These efforts deserve our continuing support; they certainly have mine.

ENERGY CRISIS SLOGANS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. HOSMER. Mr. Speaker, I have started a collection of new energy crisis slogans to which I invite your additions. The following items are on hand to date:

The Public Be Dimmed
You Can't Fuel All of the People All of the Time
Kill-A-Watt
Close the Generation Gap—Save Electricity
Waste Watt, Want Watt
Join the Current Re-Volt
Power Shortages Leave Me Cold
Upon Atom
Coal: No Fuel Like an Old Fuel
Up On Coal—Dig Out of the Energy Hole
Oh Coal 'O Mio
Try 68 Degrees—You'll Like It
Save a Gallon a Day—Keep Rationing Away
Take an Arab to Lynch
As you Freeze in the Dark Remember that this Energy Crises Comes to You from the Same People *Who:
Delayed the Alaska Pipeline for Years
Picketed Nuclear Power
Stopped Bridge, Marble Canyon and other Clean Hydro Dams
Blocked Offshore Drilling in the Santa Barbara Channel and Off the Atlantic Coast
Banned Building Refineries and Petroleum Docks
Imposed Unrealistic and Arbitrary Air Quality Regulations
Priced Natural Gas So Low that People Stopped Exploring for It
Insisted on Automobile Emission Devices Which Drastically Slash Gas Mileage

Subject to availability I will award a gallon of gasoline for the best slogan submitted by Pearl Harbor Day, anniversary of another infamy.

THE U.S.S. "TARAWA"

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. LOTT. Mr. Speaker, December 1, 1973, an important and significant upgrading of our Armed Forces occurred with the launching of the new U.S. Navy ship, the U.S.S. *Tarawa*, the first of five scheduled LHA's—general purpose amphibious assault ships—especially designed for the roles and missions assigned the U.S. Marine Corps. The date almost coincided with the 30th anniversary of the famous battle in World War II for a Pacific atoll—November 20, 1943—and the decision to name this ship for that magnificent show of great courage cannot help but make the LHA a source of inspiration and example to every marine who will set foot on its decks as long as it serves in the fleet.

The U.S.S. *Tarawa* float-launching was in Pascagoula, Miss., in the ultra modern shipyard of the Ingalls Shipbuilding Division of Litton Industries. As so many things have been written and said about the LHA program, touching on nearly every aspect of it, except its importance to the Navy, and particularly to the Marine Corps, and their combined ability to undertake any mission anywhere in the world, it seemed to me that all concerned Members of Congress should have an opportunity to review the remarks as stated by men who know the stakes and the task:

WELCOME AND REMARKS BY MR. N. J. MARANDINO, SENIOR VICE PRESIDENT OF LITTON INDUSTRIES AND PRESIDENT OF INGALLS SHIPBUILDING DIVISION, ON THE OCCASION OF THE LAUNCHING OF THE LHA-1, "TARAWA," ON DECEMBER 1, 1973, AT PASCAGOULA, MISS.

(Actually delivered because of Mr. Marandino's illness by Philip Erkenbrack, Ingalls LHA Program Manager.)

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*You may have trouble finding them to express your gratitude—they don't seem to be coming around much any more.

Secretary Middendorf, General Cushman, other distinguished officers of the United States Navy and Marine Corps, our lovely Sponsor, Ladies and Gentlemen:

On behalf of the 18,700 employees of Ingalls—the men and women whose hard work made this ship and this day possible—I welcome you to the christening and launching of TARAWA, LHA–1.

Every ship launching is significant, and here at Ingalls more than 200 vessels of all types have been launched for the Navy and Merchant Marine fleets. But of all the launchings of the past, none has been more significant than the last one and this one—the launching on November 10 of the first of the new SPRUANCE class multi-mission destroyers, and the launching today of the first of a new fleet of general purpose amphibious assault ships.

To those who really understand the urgency for a more modern and stronger Navy fleet, these events have meaning far beyond the speeches and fanfare of the christening ceremonies. They represent a giant step forward in the defense capability of this country.

One very obvious fact about the ship we are launching today is that it is big. In fact, it will be the second largest ship in the Navy fleet, second only to a modern-day aircraft carrier. The LHA stands 20 stories high, is 820 feet long, 106 feet wide, and when she joins the fleet she will displace 39,300 tons fully loaded. That's big in the water. But a few days ago, this ship was on dry land—covering the site we occupy today—and was moved on to the launch pontoon at a weight of 19,500 tons, becoming the heaviest man-made object ever transported on land.

LHA is an entirely new class of ship, unlike any other amphibious assault vessel the Navy has ever had. But Ingalls, builder of ships for 35 years, is not new to the Navy's amphibious assault forces. This shipyard has built for the Navy 18 specialized amphibious warfare ships, including nine Dock Landing Ships (LSDs), two Amphibious Assault Docks (LPDs), two Amphibious Assault Ships (LPHs), and five Tank Landing Ships (LSTs).

The lessons of the past learned by Ingalls in the building of amphibious ships was vital to Litton in the late 1960's, when it won the design competition for the LHA—a ship that will give the Marine Corps and the Navy amphibious forces the largest, fastest and most versatile ship in their fleet.

In the design of the LHA, and in its building phase today, Litton considered not only the hardware requirements necessary to effectively carry out the ship's mission, but also factors essential to the life-cycle cost of operating the LHAs. The Navy wanted a ship, an entirely new kind of ship, that would get the job done, and get it done at minimum cost in operation. And that is exactly what LHA is designed to do.

It is a recognized fact that the LHA is not just *"a ship"*. It is several ships in one. For example, the Navy has pointed out that it would require 14 separate amphibious assault ships (8 LPDs, 4 LKAs and 2 LPHs) to achieve what only five LHAs can achieve in troop, vehicle and cargo transportation. And even then, these separate ships would not have the speed, helicopter capability, rapidity of cargo and troop off-load, medical facilities and integrated tactical design features present in the LHAs. This one ship is designed to carry and deliver a Marine Battalion Landing Team with all its combat support equipment and supplies.

This "several-ships-in-one" concept will result in hundreds of millions of dollars in cost savings over the life cycle of the LHAs. In crew size alone the five LHAs will require 1,000 less men than would the 14 separate ships that would be necessary to perform their missions. This savings in manpower expense over the life of the ships amounts to about 200-million dollars. Millions of dollars more will be saved in the over-all maintenance of the ships because of Litton-designed features that took into consideration the latest in marine automation and electronics and the application of construction materials which require less maintenance.

These life-cycle cost reductions *must* be acknowledged when one considers the initial cost of producing a sophisticated weapons system such as LHA. And more important than absolute dollar cost, of course, is actual value received, and this is a consideration presented very clearly in a recent article on the LHA which appeared in SEA POWER magazine, the official publication of the Navy League of the United States.

Sea Power notes that the LHA combines the best capabilities of several different types of ships, which undoubtedly would cost more than the LHA if built separately. Additionally, SEA POWER says, the LHA could mean (quote) ". . . the difference between protracted conflict and an early end of the fighting; the difference for beleaguered U.S. allies, between their rapid reinforcement and their equally rapid capitulation; perhaps even the difference, merely because of its muscular presence, between war and peace . . ." (End of quote from SEA POWER).

Fortunately, there are those who do understand that message expressed by the editors of SEA POWER. They know not only that quality ships don't come cheaply, but more importantly that quality in the long run is the best economy.

As you probably know, the ship we christen and launch today is named in honor of the battle of Tarawa, one of the most difficult, most controversial, and yet most important, battles of all of World War II.

It is interesting to note that the battle of Tarawa 30 years ago—just like this ship that carries its name—had its shares of critics. There were those in 1943 who didn't agree with the decision to send troops ashore at Tarawa. The critics argued that there were centrate upon, and that there were too many unknowns, too many problems, too many difficulties in attacking a heavily defended island atoll—and some even agreed with the Japanese commander on Tarawa that it could not be taken. Even after the battle had been won, the critics charged that the price of Tarawa was too high.

Fortunately for America, those who fought at Tarawa didn't take stock in what the critics had to say. The Marines who went ashore at Tarawa met the challenges, they solved the problems, and they carried out their mission. And when the war was over, the Battle of Tarawa was not only vindicated as the right decision, but the victory there was recognized and acknowledged as one of the most important of the War.

Tarawa of 30 years ago demonstrated that success in an objective in which one has faith can be achieved even against the odds of the critics, but not without a price, and even then, success doesn't come easily. For those of us at Ingalls, for the employees of this shipyard, we see a common thread between the challenges at Tarawa atoll and the challenges we have faced and will continue to face in the building of an entirely new fleet of ships such as LHA.

We have had our share of unknowns—our share of problems—and more than our share of critics. But I can tell you now that the odds for success are in our favor because we have a work force here that understands what needs to be done. Our employees know that the only answer to the unknowns is to define the problems. They know that the only answer in facing problems is to find solutions. Moreover, they have the maturity, experience, pride and motivation to do just that. And they know that the only answer to the critics is to get the job done.

The Marines at Tarawa had no plan to retreat. Neither do we at Ingalls. The workers here are determined to carry out our mission to build these ships, and to build them well.

Our employees understand fully what is yet to be done. They are not overwhelmed by the challenges that still lie ahead.

While the building of TARAWA is important to all 18,700 Ingalls employees, there are some in our work force for whom the building of this ship has very special meaning.

Sixteen of our employees took part in the battle for Tarawa atoll 30 years ago, and eight of those who were actively on the island are with us this morning. These employees realize better than any of us what this ship will mean to the fighting forces of America and for the Marines in particular. They are here today as representatives of all of our shipyard workers, and I should like for you to meet them.

Robert Miller was 18 years old and a Marine Corps private when he engaged in his first combat at Tarawa. Now he is a senior draftsman in our Engineering Department.

Hughes R. Michael was a 25-year-old Marine Corps sergeant, assigned as a combat artist at Tarawa. He works today in our management control section.

Earl Jackson was a 21-year-old Marine Corps private when he went ashore at Tarawa with the first assault wave. Today he is a storeroom keeper in our submarine overhaul warehouse.

Pascal Daughdrill was an 18-year-old carpenter's mate third class with the Seabees at Tarawa. He went ashore to help rebuild the island airstrip and today is a combination burner-welder at Ingalls.

Robert D. Jenkins was 17 years old and a seaman first class with the Navy amphibious forces at Tarawa. He went ashore with troops in the fifth assault wave. Today he is an Ingalls machinist.

Charles M. Shepard was a lieutenant with the Coast Guard and served as a group commander for landing boats at Tarawa. Today he is a squad leader in our hull technical department.

Wilfred Trochessett was 23 years old and a boatswain mate first class with the Coast Guard. He was in charge of a gun crew at Tarawa. Today he works in our safety department.

Henry Laird was 23 years old and a boatswain mate second class with the Navy at Tarawa. He went to the island on the second day of battle to maintain communications. Today he is a quality assurance inspector with Ingalls.

Let's give these men a round of applause, not only for their services at Tarawa, but for what they, and other Ingalls employees, are continuing to do today for the defense of this country.

Remarks by Gen. R. E. Cushman, Jr., Commandant of the Marine Corps

As the Under Secretary has indicated, our declining curve of amphibious lift capability shows promise of "bottoming out," with this historic launching of the first LHA today. That is surely a source of relief for all of us with a stake in the continued strength of our Navy-Marine Corps Amphibious Team.

But beyond this sense of relief are a sense of exhilaration and a sense of purpose:

Exhilaration . . . at the impending arrival of a versatile amphibious assault ship designed from keel up with the requirements of its landing forces in mind. In the current vernacular, this one really "gets it all together."

And a sense of purpose . . . for we have much to do in preparing for TARAWA's delivery fifteen short months from now. The LHA will be the backbone of our amphibious forces for the rest of this century, and it is mandatory that we begin with LHA–1 to develop, test, and evaluate this ship's impressive new capabilities—and exploit them to the fullest. In this regard, aggressive action is already underway, coordinated by a Navy-Marine Corps LHA User's Group. This group will consider the integrated use of all the ship's systems in support of the amphibious force and landing force elements and in relation to amphibious warfare doctrine and techniques. It is a formidable task, but we are off to a good start.

I would like to take a moment to put the LHA in perspective with respect to the development of amphibious warfare:

In the 1930's, we laid the foundations of modern amphibious warfare, through the efforts of many hard-working, foresighted, and innovative Marines.

In the 1940's, these amphibious warfare doctrines and techniques were tested, proved, and refined under fire.

In the late '40's and the 1950's, we adapted to the requirements of nuclear warfare, developing a vertical assault capability with the helicopter.

In the 50's and the 60's, we proved the techniques for extended deployments and saw improvements in the amphibious fleet, with the introduction of the twenty-knot ships.

And so far in the 70's, we have been breaking ground in the use of command and control facilities of the LCC.

The arrival of the LHA represents another such historic milestone—bringing almost a quantum jump in capabilities available to assist the amphibious force and the landing force in accomplishing a variety of amphibious missions. Since this ship shows promise of doing practically everything but reproducing itself, there is a natural tendency to want to make it represent All Things To All Men—and to load it down with missions which might properly belong to other ships and other organizations. We intend to maintain a sense of perspective on this, planning for the use of this fine ship for its intended amphibious purpose, so that we will suffer no drawdown on the increased amphibious assault capabilities we have wanted all along.

As we consider the current turmoil on the international scene, it becomes very clear that the LHA is coming along at a time when it is sorely needed. For we are faced with an apparent dilemma:

We must maintain overseas presence and influence and maintain a voice in the major events and decisions which affect our worldwide interests, while responding to continous pressure to reduce the number of Americans permanently based on foreign soil.

The answer lies in our mobility and our use of the seas. America is a maritime nation, and our National Security Strategy of Realistic Deterrence, in my view, contains distinct maritime implications.

For as we reduce our forward based military forces—Europe being the one major exception at present—the strategic significance of forward deployed amphibious forces rises accordingly. These forces even represent a political, economic, and military flexibility which cannot exist when our units are tied to the requirements of a particular host country.

Operating in international waters, amphibious forces interact with our allies by offering presence without automatic commitment. They provide greater assurance than forces based in the Continental United States, while avoiding some of the problems associated with providing overseas-based American troops.

Amphibious forces are available for use anywhere along the world's littorals. Independent of developed ports and airheads, they are uniquely capable of forcible entry or sustained operations—if necessary—in hostile and underdeveloped regions of the world.

Amphibious forces are suitable for a wide range of operations, from show of force to hot warfare. They can disengage and leave the scene quickly when the job is done. Their versatility extends to non-combat assignments, as well. Two thirds of the more than fifty non-routine deployments of amphibious forces in the past quarter of a century have involved evacuations, humanitarian assistance missions, and other non combat roles.

And finally, amphibious forces are credible in deterring assaults on US interests because they are visibly ready, with a backup warfighting capability if deterrence fails. Their self-contained, self-sustaining packages of integrated naval, ground, and air components are unique among the world's military forces. Linked through training and tradition, these Navy-Marine teams enter crisis situations with their operating procedures and priorities already sorted out and understood. Their historic fighting ability is established as a matter of fact, not conjective, for America has a record of actually using her amphibious power when required—a fact which much surely be taken into account by anyone considering a test of wills.

In each of these areas—availability . . . suitability . . . and visable readiness—our capabilities are greatly enhanced by the LHA. All of you who have participated in the LHA project are helping meet a significant need . . . both of our County and of our Marine Corps. You have had to face a formidable challenge in building this ship, using the innovative techniques of this yard.

In this sense, you—the builders of TARAWA—share a vital quality with the brave men who made the name "TARAWA" an indelible part of our American history. They, too, were faced with a task which had never been accomplished before—amphibious assault against defenses at the water's edge which, in the words of the atoll's Japanese commander, "had been built to withstand assault by a million men for a hundred years."

They landed. And when things started going wrong they still kept coming—across the reef and through the fire-swept lagoon and over the coconut-log barricades and into the pillboxes and bunkers whose defenders fought to nearly the last man. And in seventy-five hours and forty-two minutes to hell in a half-mile square they proved it could be done. They blasted open the front door of the Japanese Empire.

In doing so, they dealt a coup de grace to the enemy's Pacific strategy, which had been predicated on the assumption that America would be unwilling and unable to pay the price of retaking its lost ground, and would sue for peace rather than make the effort.

In doing so, they accomplished a number of "firsts" which provided a baseline of experience for future amphibious operations:

—The first landing across a reef in the face of opposition;

—The first use of amphibious tractors;

—The first use of coordinated close air and naval gunfire support for an opposed landing;

—And the first use of tanks in an amphibious landing.

And in doing so, they established a personal standard of bravery for all Marines to emulate.

With your heads, your hands, and your hearts, you have perpetuated the spirit of Tarawa. It is up to us—and to the men who eventually sail on this fine ship—to keep this spirit alive.

You can rest assured we will.

INTRODUCTION OF A JOINT RESOLUTION FOR THE CREATION OF A LYNDON BAINES JOHNSON MEMORIAL GROVE ON THE POTOMAC

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. PICKLE. Mr. Speaker, it is an honor to introduce today a joint resolution that would allow a memorial grove to be established in memory of Lyndon Baines Johnson, our beloved 36th President, in the Lady Bird Johnson Park on the Potomac.

This bill will cost the U.S. Treasury nothing, as the grove of trees, and related facilities, will be financed by private donations, raised all across America.

Leadership Members have joined with me in introducing this legislation, as have Members of the Texas delegation.

The proposed grove is a fitting first memorial to President Johnson here in the city where he labored with such love for over a generation and a half.

Few realize how much this big man from the hill country of Texas loved natural beauty. Few realize how he loved to see this Capital City take on new life with the flowers and beautification efforts his wife tenderly spread throughout the city.

For, Mr. Speaker, he firmly believed that the quality of life was made better if each of us took care to preserve nature's work, and took care to respect the powers of natural growth.

Throughout his public career, much of his superhuman work effort was dedicated to bettering our surroundings. The record is there, and the world is better for his efforts. And we are grateful.

Now, today, we start the legislation that will honor his work for beauty and nature.

The grove will be situated in the Lady Bird Johnson Park, which borders the Potomac. The park has a very good view of the Lincoln Memorial, the Jefferson Memorial, the Washington Monument, with the Capitol Dome capping the view in the horizon.

Preliminary plans for the grove suggest that a small rise be placed in the center that would give the visitor to the area the full view of the skyline so loved by President Johnson.

In the center of the grove there will be recorded some of the President's inspiring words that spurred so many forward to conquer man's enemies of poverty, disease, and inequality.

This proposed grove will meet with the approval of all citizens, I am sure.

Mr. Speaker, I include an editorial from the February 18, 1973, Washington Star News be placed in the Record. This editorial will illustrate that kind of response this proposal will have:

An L. B. J. Memorial

No subject under the sun is capable of producing more dissension, more agonizing debate and more bureaucratic spinning of wheels than memorials to our former presidents. Remember, for example, the furor over those giant slabs of stone proposed in West Potomac Park to memorialize Franklin Delano Roosevelt?

So, too, in the natural order of things, such controversy may well up in regard to the most recently deceased of our chief executives, Lyndon B. Johnson.

But perhaps not.

At the very least, in the proposal unveiled the other day, we are off to a good start. The idea, as initiated by Laurance Rockefeller, involves a grove of trees—possibly encompassing a sculpture of the late President—within the park area already named for Lady Bird Johnson on the Virginia side of the Potomac River between the Memorial and 14th Street Bridges.

Nash Castro, a former director of National Capital Parks who is working to advance the proposal, says he already has discussed it with Mrs. Johnson, and quotes the former First Lady as being "touched and moved" by the concept.

Well, we are, too. This city owes an immense debt of gratitude to Mrs. Johnson for the areas of annual flowering beauty which she initiated here—as indeed the nation is indebted to Lyndon Johnson for his own efforts in the fields of beautification. The 150-acre Lady Bird Johnson Park is itself a lovely setting, which could be made more so by an attractive grove of trees.

One more thing is to be said in the idea's behalf: With Mrs. Johnson's personnal involvement, there is a good chance that the job would be done right.

It is not our position that a memorial in Washington to every deceased president, especially in view of many of the grandiose proposals that have been advanced in the past, is a necessity. But we think this one would be fitting to the man, and an asset to the city.

Mr. Speaker, Lyndon Baines Johnson was bigger than life. He was a vibrant man who turned his love for people into living testimonies.

A living grove is a small testimony for this man whom we loved.

ONE WRITER'S VIEW—HOW TO AVOID FUEL AUSTERITY: BE STINGY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. BINGHAM. Mr. Speaker, in the December issue of the American Legion magazine there appears an interesting commonsense article on how the individual homeowner and consumer can contribute to the national effort to avoid energy austerity: Be stingy with the amount of energy wasted.

While it is essential that we take immediate and strong steps to manage our dwindling fuel supplies and develop alternative sources of energy, I believe that if each consumer followed the suggestions contained in the reprinted article, considerable savings would result. I commend it to readers of the RECORD concerned about saving energy:

HOW TO MAKE IT ON LESS FUEL THIS WINTER

(By R. P. Daille)

Whatever the government and the fuel industries are going to do about the threatened critical shortage of fuel this winter, it is within the power of John Q. Public and his wife to strike an enormous blow to make their fuel supply and the nation's stretch, and perhaps avoid the sort of frigid austerity that many have been predicting.

Talking with fuel oil men this fall, we know that the customers have gotten the word and are out to act on their own behalf. The early evidence is that families which buy and burn their own fuel oil no longer wait for automatic deliveries. As soon as there is room at the top of the tank, many have been calling their oil companies to come and fill her up again. This is natural. If rationing should begin on December 19 or January 8, everyone wants to start with a full tank.

One also assumes that everyone is interested in *stretching* his fuel as far as he can. The fact is that if each and every one of us who has any control over fuel consumption would cut corners on energy consumption, the total national fuel saving could go a long way to make any cold weather crisis evaporate.

How do Mr. and Mrs. John Q. Public go about saving energy, given the desire to make a serious effort?

We are not dealing with an attempt to conserve only heat, but to save the total national energy supply. Economizing on gasoline consumption in your car will free more petroleum for heat. Conserving electric light in your home or office saves fuel down at the power plant, and liberates more energy for heating purposes.

So the trick to get the nation through a potentially cold winter is to save energy *in any form possible*. Fortunately, this will also keep our fuel, utility and gasoline bills down.

There are many ways by which one can save his and the nation's fuel right around home without actually suffering. Most of them are entirely obvious. Don't leave lights on when they aren't needed. Look for cracks around windows and doors where little icy fingers of cold air come in, and weatherstrip them. Don't carelessly overheat roomspace if you can control it, and don't keep unused space very warm. Learn how much you can comfortably turn the thermostat down overnight. Keep driving your car in the gas-saving ways that were well publicized last summer, when the problem wasn't cold weather but a possible gasoline shortage. Don't leave doors and windows open or ajar in cold weather. Make sure every window has a storm window. Before we're through we'll offer most of the obvious and not so obvious ways to save energy, and fuel bills, just by taking more pains than usual.

But it might also pay you to understand a bit of the science of keeping warm. You can feel warm in a room at 70 degrees and cold in a room at 78 degrees. The reasons why have a bearing on how you can manage to keep the thermostat down with comfort.

Air temperature is only one factor in feeling warm or cold. Radiation plays a bigger role than most of us imagine. Solid objects radiate heat back and forth. If they are the same temperature, the give and take is about equal. If your furniture and walls are warm, you radiate body heat to them, but they only absorb a little of it and bounce some back to you. But if they are cold, they gobble up your radiations and you feel much colder in the same air temperature.

Now if someone jams the thermostat down to about 50 degrees overnight and goes to bed bundled up, this seems like a great fuel saving on the face of it. But what is likely to happen is that next morning, when the air is reheated to about 72 degrees, it feels as cold as ice. Someone is going to force the air temperature up to about 80 and lose the fuel savings of the night before. All solid objects are so cold that they are stealing radiation heat from the humans, who suddenly want the air hotter than usual in order to feel comfortable. And it takes hours to reheat the walls and furniture, during all of which time everyone feels cold in 72-degree air.

This human factor, related to radiation, has led fuel experts to suggest that you should turn the thermostat down about five degrees overnight, and no more. Normally, this would mean 72 degrees, in the daytime and 67 at night. However, if we watch our radiation factors around the house, we can probably all be comfortable with the house at 68 or 69 in the daytime and about 64 at night. If we *all* should settle for roomspace that's about three degrees colder than usual this winter, the fuel savings would be enormous. Different experts give different figures, but all are agreed that, if we all voluntarily cut back three degrees of household warmth all winter, it would be like finding a new oil field for the nation. The expert figures are that if you keep your living space one degree cooler than usual all winter, you will cut fuel consumption for heating by from 3% to 5%. Making out on two degrees less will cut consumption by from 4% to 7% or 8%.

Government figures have guesstimated that we absolutely need a 10% fuel saving to make it this winter. Homes aren't the only fuel users; but if every home made out on just three degrees less heat around the clock, it would come close to saving a half of the total national saving which is said to be absolutely necessary. Much more can be saved by policing sheer waste of heat and energy.

It is a pity that there are hardly any clock-regulated thermostats anymore. If you have a clock-controlled thermostat, you can cut the heat back by much more than five degrees about about 11 p.m. and set it to come on at about 65 degrees long about 4:30 a.m. It will then have more time to warm up the cold walls and furniture before people are up and about, and you can raise it to 68 or so on arising. As a clock-thermostat, properly used, is a great fuel saver anytime, smart people in cold climates can't hurt themselves by installing clock thermostats as a matter of long-range principle.

There is no truth at all in the old argument that it takes more fuel to reheat a cold house than to keep it warm all night. It always takes less to reheat it than to keep it warm. The only problem is the human need to want it *warmer* than usual in the morning to combat the radiation loss to cold solids.

Liberal use of drapes as wall hangings reduces the sense of chill by radiation. The radiation loss through glass windows (either single or double) in winter is much greater than it is to cold walls and furniture. Thus you can save a great deal of heat, and make a cool house feel warmer, by managing the drapes over your windows not as drapes but as insulation, and reflectors. General cold weather rule: If the sun isn't hitting the window, keep the drapes drawn. Both the conduction of heat and the radiation of heat through the window will be greatly reduced. But if the sun is hitting the window, open the drapes. Old Sol will radiate heat *into* the room, even in very cold weather.

The direct leakage of warm air (and intrusion of cold air) around small cracks in doors and windows can, in extreme cases, result in the expenditure of from 15% to 30% of your fuel to "heat the whole outdoors," as my mother used to say. Almost any man—and I suspect many women—can easily apply weather-stripping or caulking to such cracks. The initiative needed is to go hunting for these openings that let drafts in and keep after them. A government bulletin says that if a light fog forms on a window on the downwind side in cold weather, the window is probably draft-free.

A window without a double sheet of glass (thermopane or a storm window) is, on the face of it, "heating the whole outdoors." A river of chilled air whose heat has passed to the outdoors flows down it and across your floor.

Your heating plant will need a lot more fuel to heat your house if its heat-exchangers are dirty, or if the burner is not finely tuned. An annual overhaul and cleaning is nothing to shrug off. It really does keep fuel bills down. In a hot air system, a heating plant's efficiency increases if you make sure to keep the air filters clean.

Insulation in your walls and house-top can save fuel two ways. If your dwelling is well insulated, your walls will not leak as much heat to the outdoors to keep your heating unit working overtime. The interior wall surfaces will also be warmer, so they will not steal as much radiation from your body. Hence a well insulated house not only conserves heat, it lets its occupants feel comfortable at a lower temperature.

Moral, if there is anything you can do on short order to improve the insulation of your dwelling, it will pay for itself many times over in fuel saved.

The experts point out that existing homes may or may not be easy to insulate, or to insulate better, on short notice. The best wall insulation is installed at the time of construction. But since it always pays homeowners to have the best wall insulation—fuel shortage or not—this would be a good time to have a trustworthy insulation man see how good yours is and see what is involved in improving it.

When it comes to the garrets or attics over many homes which are simply airspaces, it is no great trick to see that they are better insulated. The experts say that you should have at least six inches of insulation between ceiling and garret. If you have less, it may be simple to buy some batts and lay them down. Put some over the trapdoor to the garret, too, and make sure the edges of the trapdoor are weatherstripped. The warmest air in your house may be pushing its way through cracks around the trapdoor, if you have gone to an attic airspace. An attic door or trapdoor is the most important to weatherstrip.

There is much more heat lost through poor ceiling insulation than through poor wall insulation, due to the tendency of the warmest air to rise to the ceiling. A quarter of the heat loss of one-family dwellings is said to be lost through the ceiling. Warning: If you do lay down some fiberglass batts in your garret, wear gloves and put some surgical gauze over your mouth and nose to avoid the irritation from fine particles of fiberglass that is common to handlers of this insulation.

If you are in a winter climate, with a garage built into the house, you can save a lot of fuel if you will keep that garage door closed on cold days whenever you are not driving your car in or out. If you let the full blast of winter into your garage, it will needlessly chill every interior wall that borders on the garage and work your heating unit overtime. But with the garage door closed, even a cold garage is a sort of dead-air-space insulator for the rooms that adjoin it.

If you are a homeowner on a fuel oil contract, with automatic delivery, it is just possible that your fuel oil company can give you a general idea if your house is a heatburner, compared to similar homes. In normal times, your fuel oil dealer has given your house a "K factor." This, combined with how cold the weather has been as measured in "degree days," is what has always told him when you have needed a new delivery of oil. The "K factor" reveals, in relative terms, if your house is a heavy fuel user or a light fuel user. Maybe you will drive your dealer crazy if you ask him if your K factor is out of line for a house and family like yours. I didn't ask any dealers if they would welcome your queries, and the K factor isn't exact. But you may be sure that a dealer who has long given you automatic deliveries knows full well if your house consumes much more fuel than the general average for similar homes and families. If he can spare time in this (for him) hectic winter to tell you, the information will be more accurate than your comparing notes with neighbors on fuel bills. And if your K factor is a real baddie, you ought to take steps to find out why and correct it. Poor insulation or heat-wasting habits in the household are the usual reasons.

Give a think to hot water waste. You burn fuel, remember, to heat water—be it by gas, fuel oil or electricity. A dishwasher will use just as much hot water to clean a few dishes as it will to wash a full load. The same general principle applies to dishpan use of hot water. The experts say: "Save fuel by washing a lot of dishes at once." They counsel the usual household to wash dishes in a dishwasher once a day. The same principle applies to laundry. Don't run small loads through your washer.

A hot water tap that drips is a silent thief. The lost water itself can run up quite a bill if you are on a water meter. But letting *hot* water drip away is like pouring petroleum down the drain. Fix it! Why heat the sewers?

Need I suggest that all other hot water use should be managed a bit to avoid heat waste, without my cataloguing everything?

Excessively dry air in your home is like radiation heat loss in that it gives a sense of chill to warm air. Maintaining a fair level of wintertime humidity in your home is not only healthful, but makes a cooler home feel more comfortable.

If you feel it is *necessary* to air out a room in cold weather by opening the windows, just air *that* room. Close it off from the rest of the house, and especially from the room with the thermostat, so that the furnace doesn't go chugging away pumping heat out that open window. If there are unused rooms in your house, do whatever is necessary to keep them cooler than the other rooms. If you must sleep with a window slightly open, close the bedroom off from the other rooms so that that open window doesn't chill more than your igloo bedroom.

If there is a fireplace in your house, you should keep the chimney damper closed when there's no fire in the fireplace. Warm air in your rooms will make a vertical stream up the chimney to the great outdoors, and rush it up faster the colder the weather. Need I add, do not forget to open the flue if you build a fire in the fireplace?

People whose furnaces and water heaters are already on natural gas have no grounds for feeling smug about their position vis-a-vis those on fuel oil this winter. Many a natural gas supplier has no idea how it will be able to keep its customers supplied with gas this winter. Consider the warning issued in October to gas customers of Public Service Gas and Electric of New Jersey. It starts by advising that the firm will not take on any new gas customers. It then says that it does not know how well it can supply existing gas customers. It then explains what few customers realize—that in the winter it usually has to manufacture up to 25% of its gas from guess what? Chiefly petroleum products, which it isn't sure it can get in adequate amounts. It then goes on to say the federal government may reallocate its gas supply according to national needs, without respect to its existing contracts with customers in New Jersey.

In short, the natural gas supply this winter is on just as much of a thin edge as the fuel oil supply, and nothing will as certainly ease the situation as the customers conserving the existing supply all they can by eliminating every bit of energy waste possible and settling for slightly cooler homes before any real crisis arises.

Except that we are on the thin edge this winter, nobody really knows how serious the situation may be. An exceptionally warm winter would be a blessing. An exceptionally cold one could put us to real hardship. A cold winter in Europe could divert expected imports of oil from our shores and give us a hard time without a cold winter here. Mideast politics have already started to reduce our petroleum supply from the Persian Gulf area, from which we presently import about 6% of our national supply. Fuel industry, rail or shipping strikes could undermine our winter oil supply—and a major disaster to one of our large refineries could bring on something worse than a mere fuel oil pinch.

Of course homeowners can really make out on far less fuel than usual, just by bundling up and living cold—as most generations of our ancestors did. But there are consequences of a fuel shortage that are more serious than just living like Spartans for a few months. Many industrial plants in this country may be threatened with fuel-shortage shutdowns this winter, which could result in serious unemployment. General Motors has already warned that the possible shutdown of some of its Midwestern suppliers, which haven't yet been able to contract for needed winter fuel, could cause a chain reaction of shutdowns throughout its operations. These are more serious reasons for conserving all the fuel we can than is the prospect of being unusually chilly.

There's one thing I don't particularly like about all these suggestions to do this, don't do that, avoid this and that, etc. to save fuel.

We aren't really all that stupid. It isn't really nearly so necessary to tell people by the numbers how to save energy as it is to persuade them that this is a job that they can do and that needs doing. If we, the people, make up our minds that we want to save fuel, starting today, we can probably do a better job than all the editorials and PR releases can tell us to do. We can figure ways that nobody else could have foreseen, while it is obvious that a lot of us cannot follow all the handouts. What can apartment dwellers do about the heating plants and insulation in their buildings? Enormous wastes of energy are engineered into many of the buildings we occupy—from the glass-walled office buildings to houses that were built shy of insulation to keep the initial cost down and hang the upkeep cost to the occupant.

Industry is actually the biggest fuel waster in the land, office buildings are probably next. In both, the waste is so thoroughly engineered into the design that to get it out would take years. A crash program, short range, is almost entirely up to the ingenuity of the people in their homes and in their private lives.

I agree with a Wall Street Journal editorial of Oct. 25, that with less paternalism and fewer "guidelines," but with more challenge to individual initiative, we can really save our fuel this winter. Let the leadership (said the Journal) "appeal to Americans to use their own initiative in finding ways to use less fuel." Amen! I know that, from my typewriter, I may not even be able to guess what ingenious fuel saving you may contrive, based on the circumstances of your own home, life and family.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 1973

Mr. MATSUNAGA. Mr. Speaker, it is often said that the inexorable passing of time is manifested in many different ways. Some regard seasonal changes, occurring with such unceasing rapidity, as being the most obvious sign that time is fleeting by. To those of us who serve in the Congress, however, the impending retirement of a beloved colleague who has served long and well is perhaps the most poignant reminder that in time we must all take leave of these history laden halls and colleagues we have learned to love and respect.

It was in this mood that I received the recent announcement of the gentleman from Illinois (Mr. Arends) that he plans not to seek reelection at the end of his current term—his 20th—in the House of Representatives.

For me, and I am sure for many of my colleagues and for many Americans as well, Les Arends' recent announcement of his retirement from public life helped to underscore his four decades of service in this body, during the greater part of which he was also Republican whip.

As a Navy veteran and a senior minority member of the House Committee on Armed Services, Les Arends will long be remembered after he leaves these halls, for his deep concern in matters of national security and his considerable expertise in the legislative areas of that committee.

The contribution for which he will probably be remembered best by his colleagues, however, is his probing and questioning attitude, finding expression with telling effect in floor debates and with utter disregard of party lines.

Personally, I shall best remember Les Arends for the generous help, despite the difference in our party allegiance, that a senior member gave to a junior colleague. In the legislative arena, I can recall with undiminished pride his support of my title II repeal bill, now Public Law 92-128. Despite heavy demands on his time, Les Arends, I found, was never too busy to discuss the problems of a colleague. Not only did he provide invaluable assistance, but once Les Arends gave me his word, he kept it.

Mr. Speaker, to Les Arends I would like to say "thanks," and to wish him much happiness and continued good health in his well-earned retirement years. May he now find more time to pursue long-postponed pleasurable pursuits.

"MURDER BY HANDGUN, THE CASE FOR GUN CONTROL"—NO. 51

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. HARRINGTON. Mr. Speaker, a gruesome case was recently reported in the Boston Globe. An unidentified woman's head was severed from her body, before burial in a Potter's field. While the skull was being prepared for exhibition, a bullet was discovered. Drowning was not the cause of death as originally certified.

The husband of the victim, Mr. Carpi, has been arrested and charged with the murder.

This macabre chain of events was started by a handgun.

Handgun control legislation is an issue that must not be avoided, and it demands immediate action.

The story from the Boston Globe is included below:

SEVERED HEAD YIELDS BULLET; HUSBAND HELD

New York.—New York Mayor John V. Lindsay has ordered an immediate investigation into the unusual circumstances surrounding the "case of the severed head."

The macabre case came to light Wednesday when it was revealed that the head of slain Princeton, N.J., socialite Laura Carpi, 37, had been severed before burial and that a bullet was found in the skull.

Colin C. Carpi, 38, a businessman and son of the late Fred Carpi, a vice president and director of the Pennsylvania Railroad, has been charged with the February 1971 slaying of his wife. He has pleaded innocent, been freed on bail and is scheduled to go on trial Jan. 2.

A hearing in Trenton, N.J., on possible suppression of evidence has been postponed until next week.

At first it was believed that Mrs. Carpi had died by drowning. In June 1971, the badly decomposed body of a woman was found in New York's East River.

The body was brought to the office of the city's chief medical examiner, where it remained 20 days. Unidentified and unclaimed, it was buried in a Potter's field.

The medical examiner, Dr. Milton Halpern, said Wednesday that because the murder case is going to court Jan. 2, he could not detail the way his office handled the body that turned out to be Mrs. Carpi's.

But he insisted that while the case was unusual, the procedure followed by his office was not.

The New York Times quoted sources in Halpern's office as saying that before burial, the woman's head was severed and placed in the office's museum for study by pathologists.

A week after the body was buried, it was reported a bullet was found in the skull by a technician cleaning it, and New York police were notified.

The body was exhumed, and an examination of dental records on July 22-23, 1971, revealed the identity. Two days later, Carpi was arrested and charged with murder.

Next Tuesday, Carpi's attorneys will ask a state superior court here for a hearing on circumstances of the burial and severance of the head and whether the Mercer County prosecutor withheld details from defense lawyers.

According to the Times, the prosecution contends that on Feb. 8, 1971, Mrs. Carpi was shot and killed in her Princeton home, where she lived with her four children, and that the body was taken to New York and dropped in the East River.

Mrs. Carpi, a former school teacher who worked as a clerk at the White House in 1965 after graduation from Smith College, had been separated from her husband for about a year, the Times reported.

The Times investigation disclosed that no autopsy was performed on her body when it was brought by police to the medical examiner's office, although autopsies are common in cases where drowning is apparent.

The prosecution has denied any suppression of evidence. The Times investigation found that neither the prosecution nor the defense nor Mrs. Carpi's parents knew of the original burial. Mrs. Carpi's parents, Mr. and Mrs. James R. Miller 2d of Gwynedd Valley, Pa., also said they were unaware that the head had been severed.

WARD L. QUAAL, PRESS VETERAN

HON. SAMUEL H. YOUNG

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. YOUNG of Illinois. Mr. Speaker, recently the Harris poll indicated that the public's appreciation of the free press in the United States has risen substantially, and I am pleased to note that fact in this Record. One of the reasons for such improvement is the dedicated work of press representatives who are fair, objective, and impartial in their news reporting. An unusually fine press representative was recently recognized for his contributions in Chicago. I call my colleagues' attention to Ward L. Quaal, president of WGN Continental Broadcasting Co., who was selected as "Chicago Press Veteran of 1973."

Mr. Quaal received the award on October 18 at the 35th annual dinner of the Chicago Press Veterans Association. He is the first representative of electronic journalism ever to be cited by the press vets. Adding to the honor was an official proclamation issued by Chicago's Mayor Richard J. Daley, declaring October 18 as Chicago Press Veterans Day and citing Mr. Quaal for his contributions to broadcasting and the city of Chicago.

While this is not the first major award that Mr. Quaal has received during his distinguished career, it is a significant one. It comes from an organization comprised of more than 500 men and women who worked for at least 1 year in the editorial departments of Chicago's metropolitan, community, or suburban newspapers, news services, or broadcasting outlets 15 or more years ago. The membership is predominantly from the print media.

Mr. Quaal is also a director of Tribune Co. and a past president of Broadcast Pioneers. He joined WGN the day after he graduated from the University of Michigan on June 8, 1941. Since then, he has been honored many times for achievements and leadership.

Mr. Quaal was recently awarded the Distinguished Service Award, the highest honor of the National Association of Broadcasters, and the award for "Outstanding Achievement in the Field of Communications" from Brandeis University.

Mr. Quaal has received honorary degrees from several colleges and universities, including Mundelein College, Northern Michigan College, Elmhurst and Lincoln Colleges. His own alma mater, the University of Michigan, has given him its Distinguished Alumnus Award.

Other awards include the Chicago Advertising Club's golden medallion as "Advertising Man of the Year" and the "Communicator of the Year" award of the Jewish United Fund.

As the Chicago Press Veterans Association's chairman, Mr. Richard Orr, said in presenting the organization's 1973 award:

Mr. Quaal is a distinguished citizen whose

> leadership, not only in broadcasting, but in business and civic affairs as well, has had a significant influence on the life and time of Chicago, our state, and our nation. We honor him tonight for his outstanding contributions to broadcast journalism.

In his acceptance remarks, Mr. Quaal urged members of both the print and the broadcast media to combine their efforts to protect the people's "right to know" against increasing Government and court interference.

He said:

> The advent of the Fairness Doctrine first in broadcasting and now being invoked in one state (Florida) against newspapers, has proved to be the latest, the most potent force in stimulating cooperation among the broadcast and print media under the banner of the First Amendment.

Mr. Speaker, Mayor Daley, in his proclamation, urged all citizens of Chicago "to take cognizance of the event in honor of one of our most distinguished representatives of the broadcasting media." I, in turn, urge my colleagues in the House also to take note of the accomplishments of Mr. Quaal and his contributions to broadcasting the news:

PROCLAMATION

> Whereas, the news media that serve Chicago are widely recognized for their enterprise in gathering and presenting the news; and
>
> Whereas, this reputation is the result of the talents, experience, and efforts of editors, reporters, news broadcasters, and others, both men and women, who have served in the editorial departments of Chicago newspapers, community and suburban newspapers, foreign language newspapers, wire services, television and radio stations over the years; and
>
> Whereas, those individuals who served for at least one year in editorial departments as long as fifteen years ago or more are entitled to call themselves "Press Vets" as members of the Chicago Press Veterans Association, an organization formed to honor the professional achievements and otherwise serve the mutual interests of its members; and
>
> Whereas, the 35th annual dinner meeting of the Chicago Press Veterans Association will be held October 18, at the Pick-Congress Hotel; and
>
> Whereas, Ward L. Quaal, president of WGN Continental Broadcasting Company, will become the first member of the broadcasting industry to be honored on this occasion as "Press Veteran of 1973"; and
>
> Whereas, Ward L. Quaal is a man of vast talent and accomplishment who, not only has been an outstanding executive of radio and television, but also has always been devoted to Chicago and toward helping the people of this city and the entire Midwest; and
>
> Whereas, Ward L. Quaal, throughout his career, has adhered to the highest standards of civic and broadcasting responsibilities.
>
> Now, therefore, I, Richard J. Daley, Mayor of the City of Chicago, do hereby declare Thursday, October 18, as Chicago Press Veterans Day, and do urge all citizens to take cognizance of the event in honor of one of our most distinguished representatives of the broadcasting media as well as all other outstanding Chicago newsmen and women now serving or who have served in the past in the best interest of their calling and of our city and nation.

ARAB WHEAT IMPORTS AND OIL EXPORTS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. BINGHAM. Mr. Speaker, the economic warfare being waged by the Arabs is a weapon that can cut both ways. Given the critical situation in world food production and rising world population growth, it will not be long before the United States will have to become more selective in choosing countries to receive American grain. Certainly, the attitude taken by other countries with respect to their export policies will affect our own thinking.

I attach herewith data concerning wheat imports by the Arab countries since 1967:

WHEAT IMPORTS BY ARAB COUNTRIES,[1] 1967—SEPTEMBER 1973 (BY COUNTRY OF ORIGIN)

Country	Year— 1967	1968	1969	1970	1971	1972	January–September 1973
1. Tonnage (1,000 metric tons):							
United States	945	981	671	1,015	1,104	986	1,766
U.S.S.R	1,200	298	301	234	200	------	------
Australia	571	497	243	445	2,336	2,570	------
Canada	16	150	42	1,058	1,233	560	------
France	604	1,140	1,147	256	40	593	------
Total wheat imports from all sources	4,578	4,065	2,705	3,645	6,275	5,768	7,380
2. By percentage: Approximate share of wheat imports from:							
United States	20.6	24.1	24.8	27.8	17.6	17.1	23.9
U.S.S.R	26.2	7.3	11.1	6.4	3.2	------	------
Australia	12.5	12.2	9.0	12.2	37.2	44.6	------
Canada	.3	3.7	1.6	29.0	19.6	9.7	------
France	13.2	28.0	42.0	7.0	.6	10.3	------

[1] Countries included are: Jordan, Qatar, Bahrain, Egypt, Libya, Morocco, Syria, Lebanon, Iraq, Saudi Arabia, Aden, Yemen Arab Republic, United Arab Emirates, Kuwait, Algeria, and Tunisia.

Source: U.S. Department of Agriculture.

REMARKS

OF

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. FISHER. Mr. Speaker, the experience with the Occupational Safety and Health Act has revealed many harmful effects on business. Many instances have been reported where drastic structural changes and other adjustments ordered by OSHA have resulted in extreme hardships. A good many business firms, with perfect safety and health records going back for years, have been forced to close because they insisted they were not financially able to comply with OSHA-imposed standards.

I would hope the Committee on Education and Labor will address itself to this problem. Why not hold good faith hearings and allow all segments of business and labor to come in and express their views, based upon experience with this law, whether their views be positive or negative? Small business is suffering the most because they do not have lawyers and engineers on their regular payrolls and can ill afford the expense of hiring the advisers and experts they would need if they should challenge the propriety or validity of an OSHA directive.

One way to alleviate this problem would be an amendment to exempt the firms with no more than 25 employees and all nonmanufacturing enterprises—in those States that have health and safety laws. I introduced a bill to that effect, with some 25 cosponsors.

Mr. Speaker, there recently appeared a series of three articles on OSHA in the Texas Tribune, written by a research specialist, R. D. Patrick Mahoney. These comments are timely and should be read by every Member of Congress. The first of the articles, dated October 17, 1973, follows:

OSHA

(By R. D. Patrick Mahoney)

> On December 17, 1970, another Pandora's box was opened by the House of Representatives which, eager to adjourn for the Christmas holidays, passed the Occupational Safety & Health Act (OSHA). President Nixon signed this bill on December 29, and OSHA immediately became Public Law 91–596.
>
> As written, OSHA covers more than 4 million businesses and 57 million employers in the United States. The legality of this law, which is spuriously based on the Commerce Clause of the Constitution, gives OSHA jurisdiction over every employer in the country.
>
> Furthermore, a new office of the Department of Labor was created to deal exclusively with the governing of this law—the Assistant Secretary for Occupational Safety and Health. Under the provisions of OSHA, this new assistant is empowered with investigative, enforcement and punitive powers unequaled in the history of the Republic.

This law, which would purportedly guarantee every employee in America a place to work "free from recognized hazards that are causing or are likely to cause death or serious physical harm," carries the stipulation that employers must comply with standards set by the Secretary of Labor. However, only employers are subject to punitive action as a result of violation of these standards—employees are subject to no punitive action.

Another section of OSHA decrees that states may submit their own safety plans, but that these plans must meet federal standards in order to be accepted. They are also subject to continual governmental "monitoring." This "monitoring" is in consonance with President Nixon's statement of January 5, 1971, that there are certain powers "that can't be returned to the people."

If a state-submitted plan is accepted by the federal government, that state becomes eligible for up to 90% subsidization to help finance these changes. But federal money is inevitably accompanied by its unshakable shadow, federal control. Thus, the bureaucracy controls, through the power generated by the use of funds confiscated from those controlled—a very vicious, self-perpetuating circle indeed.

Still another provision of OSHA calls for a review commission composed of three commissioners to be appointed by the President, each for a staggering six-year term. The employer is provided with an "impartial" board to which he may appeal, but we suspect that this "impartial" board will merely be a rubber stamp for the Secretary of Labor.

Finally, OSHA calls for mandatory recordkeeping by the employer, the creation of the National Institute of Occupational Safety & Health (NIOSH), and includes a costly provision which specifies that the businessmen of America can secure federal loans (with interest, of course) to pay the high cost of complying with OSHA standards—that is, if they voluntarily meet these standards.

The Nixon Administration, in two separate requests for funds (March 15 and March 23, 1971), asked for $16 million to administer the Occupational Safety & Health Act and to finance its review commission. Despite objections by Senator Jacob Javits (R) of New York, Congress appropriated only $11 million to launch OSHA. The review commission, which would be headed by Robert D. Moran, received $400,000. Moran, who acted as Western Massachusetts chairman of the United Citizens for Nixon-Agnew in 1968, became Administrator of the Wage and Hour and Public Contracts Division of the Department of Labor the following year. In 1970–71, Moran acted as Administrator of Workplace Standards (Department of Labor). His Deputy Administrator was George C. Guenter, who has now become Assistant Secretary for OSHA at a salary of $38,000 per annum. Ironically, Moran later testified before a House committee that his review commission was a "truly independent adjudicatory body which in no respect can be considered to be a rubber stamp for the safety and health administration."

As soon as the OSHA program began to roll, compliance enforcement officers were promptly found in every corner of the United States, with salaries providing ample stimulus for efficiency in their jobs; i.e. to guarantee that the employers of America complied with the 248 pages of safety regulations already written. (Seven of these pages deal exclusively with that all-important subject, step-ladders!)

At last count, Region VI (Dallas with adjunct offices in Houston and Lubbock) supported three GS–14s, six GS–13s, twelve GS–12s, nine GS–11s, and three GS–9s who were earning per annum salaries (respectively) of $25,168; $22,328; $18,906; and $13,162. We think that a total of $621,570 for salaries in Region VI alone is a rather steep price to pay these agents of the federal bureaucracy, especially when one notes that 14 of these 33 agents have no degrees and, of those who do have degrees, we cannot find a single one with expertise in system safety analysis (a prerequisite for any beginning safety engineer).

Under the provisions of OSHA, no advance warnings were to be given to employers before inspection visits by compliance enforcement agents, nor were any preinspection visits to be made. This "no-knock" provision is so strict that anyone giving an employer advance notice of an inspection visit is subject to a strict penalty. Senator Clifford P. Hansen (R) of Wyoming has described this inspection system as a "gestapo" technique, underscoring the word "gestapo" by stating emphatically, "That is exactly what it is."

Liberal members of Congress have consistently protested the validity of the law enforcement's method of obtaining evidence by "hot pursuit." But a Watergate-conscious Congress—which is rightfully upset over the numerous wire tappings, break-ins and muzzlings of well known public figures—has said little about the OSHA inspection procedures which allow government agents to enter business establishments with neither a warning nor a warrant.

A year after the passage of OSHA in 1970, complaints began pouring in from all over the nation and Congressmen began to realize what they had done to the businessmen of America. Two Congressional committees studied 1,410 pages of testimony and related documents concerning this repressive legislation.

The complaints began with the testimony of Rep. O. C. Fisher (D) of San Angelo, Texas, and McNeill Stokes, general counsel of the American Subcontractors Association, who spoke before a hearing of the Select Committee on Small Business. This hearing had been called for the express purpose of airing OSHA complaints. Congressman Fisher, who voted against the bill, stated that he had already seen more than 100 pounds of intricate and complicated OSHA regulations and that the unfortunate businessmen—the victims of OSHA inspectors—could not afford to procure attorneys who could determine whether their businesses complied with federal regulations.

Fisher stated, "Under this law, each of them (the businessmen) is a potential victim of a bureaucracy which is given authority to act as investigator, prosecutor and judge."

Counsel Stokes gave expert testimony based on his background as both an attorney and a graduate chemical engineer:

"The roles of the Secretary of Labor and his inspectors under the act are analogous to all-powerful federal policemen who are given the authority to make the laws by regulations and to enforce those laws without search warrants. . . The citizen's only recourse is to appeal to the Occupational Safety and Health Review Commission, which is essentially a police commission sitting in Washington, D.C. Seminars and training sessions are held throughout the country by the Department of Labor to inform employees and representatives of employees of their rights to report employers under the act, but to my knowledge no seminars or training programs have been held to aid or inform employers on how to comply with the Occupational Safety and Health Act. Incidentally, the OSHA Review Commission has taken the position that if you chose to appeal, they have the authority to increase your penalty, which also has a chilling effect on administrative procedures; and they have done so in several cases."

Chilling indeed. In fact, we haven't heard anything quite so chilling this side of the Iron Curtain.

Stokes related the case of John Beall, of the Beall Construction Company in Lincoln, Nebraska, who was fined $244 for an alleged violation. Because Beall could not afford to contest the charges, he was forced to pay this fine. But he protested this practice, which he considered unjust, to his Senator in Washington. That Senator, Carl Curtis (R), followed the usual procedure and forwarded the complaint to the respective agency for an answer. Stokes related the results:

"Approximately three days later, federal agents reinspected the work site, and alleged that Beall had not corrected the safety violations. Beall was fined $750 for each day that the safety violations had not been corrected. The total fine amounted to $31,744—a high price to pay for exercising a citizen's right to communicate with his elected representatives. Mr. Beall must take the offensive to prove himself innocent and contest the daily penalties, which he, as a small businessman, finds economically depressing since the fine is double his annual income."

Afred Harres, of Harres Welding Service in Worland, Wyoming, wrote to his Congressman, Teno Roncalio (D), who in turn testified before the committee as follows:

"I am satisfied that not one of those legislators voting for this bill took the time to read it, or if he did so, took the time to reason its impact on business in general and on small business in particular. I paged through this mess of insanity and picked at random parts that would apply directly to my business, and found that some of the regulations, if applied to the letter of the law, could be a greater hazard and danger than the way we now do various things."

An anonymous spokesman, of B & B Homes in Casper, Wyoming, wrote: "Despite our cooperation and compliance with their directives, penalties of $200 are being filed against us. In our estimation, it is un-American and we don't intend to pay."

It is no wonder that the Governor of Wyoming, Stanley K. Hathaway, stated to Congressman Roncalio that "the techniques used by the Department of Labor are gestapo tactics."

Perhaps even more revealing is the incredibly honest admission made before the Committee on Small Business by Congressman Charles Thone (R) of Nebraska:

"Chairman Hungate and members of the committee: They tell the story about why Congressmen run so hard for re-election. It seems that most of them couldn't make a living back home under the laws they passed when they were back here in Congress. I think OSHA might be Exhibit A in that regard."

What started as a lie has become a nightmare.

AGNES DODSON AND JAMES E. REYNOLDS: TWO DEDICATED PUBLIC SERVANTS

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. CHARLES WILSON of Texas. Mr. Speaker, as a freshman member of the House Veterans' Affairs Committee, I find myself marveling at the broad range of challenges which face our ex-servicemen and at the numerous contributions they have made to our society. As a veteran myself, I know there are myriad rules and regulations that still influence our lives, and that often the bureaucracy can weave a web of redtape so fast and so tight that a veteran may suffer and be powerless to help himself.

In the Second District of Texas, though, veterans who have such problems do have a place to turn for help. County veterans' service officers stand ready to unravel the bureaucratic web and help the veteran through his problems.

Two such officers in particular—Agnes Dodson and James E. Reynolds—have been brought to my attention time and time again for their dedication and willingness to do "a little extra" for those who come to them for help.

Agnes Dodson, Liberty County's Veterans' Service officer, is a rare woman. Neither a veteran nor a close relative of one, she became interested in the work of the veterans' service office because of her belief that "without the veterans who have served this country, we would not have an America like it is today."

She expressed her interest in this field when she became secretary to Frank Speer, the veterans service officer until 1964. When he retired, Mrs. Dodson, known throughout the county for her dedication to the office, was appointed to fill the vacancy.

While her duties in the veterans service office require constant attention, Mrs. Dodson finds time to serve as executive secretary for the Liberty County Chapter of the Red Cross. She is also responsible for reactivating the American Legion Post in Liberty which had been inactive for more than 15 years. She has also received numerous citations for her work in the recruiting programs of the Army, Navy, Air Force and the Marines.

James Reynolds, known by his friends in Montgomery County as "Red," is a veteran of World War II. He was taken prisoner by the Japanese when the U.S.S. *Houston* sank in the Java Sea early in the war. During 4 years in prison camps—from Singapore to Saigon to Japan—Red kept hidden notes in a small diary that would have meant death if found by his captors. After his release in 1946, Reynolds married, and 3 years later he moved to Conroe, Tex. to work for Humble Oil & Refining Co.

When he retired from Humble in 1971, he took over the post of Montgomery County Veterans Service Officer. Since taking office, Reynolds has become active in service organizations such as the American Legion and the VFW. But his interest in the welfare of his fellow veterans has not lessened his interest in his community. For example, he was chosen to serve on the Governors Committee for the Aging—of which he was the director, the local alcoholic council, the Salvation Army, and the local civil defense agency.

These two service officers are every day demonstrating to their neighbors the true meaning of a public servant. They both work long, hard hours to help—not only at their offices, but in their outside activities as well. They are dedicated to helping the veterans who have given so much to this country.

UNITED STATES EXPORTS OIL TO THE NETHERLANDS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. RARICK. Mr. Speaker, many Americans who have been badgered into economic retrogression by the emotional rhetoric of the grave national energy crisis, have been shocked to learn that our Government has continued to export petroleum to our allies in the Far East and the Middle East. It now announces diplomatic decisions to supply oil to the Netherlands.

It could be that our State Department feels that the American people have an obligation to the Dutch because of their pro-Israeli stance during the recent Middle East war. Or it could be that the decision weighs heavily on the fact that His Highness Prince Bernhard of The Netherlands is the President of the Bilderberg meetings.

As Americans continue to do without and be forced to turn back their accustomed style of life and comfort, more and more will be wondering why our national leaders continue to get involved in international decisions under which Americans are expected to do without, while foreigners continue to benefit.

I insert the following related newsclipping:

[From the Washington Post, Dec. 2, 1973]

UNITED STATES SETS OIL SUPPLY FOR DUTCH

The United States has agreed to supply oil to the Netherlands should that country find itself unable to obtain its minimum fuel needs because of the Arab oil embargo, administration sources said yesterday.

The sources said the promise was passed quietly to the Dutch government through diplomatic channels a few days ago. They said there was no immediate need for such shipments, however, and expressed hope the Dutch would be able to obtain adequate petroleum supplies from other sources.

The State Department said Friday that its energy specialist, Under Secretary William Donaldson, would visit the Netherlands within a few weeks for talks with Dutch officials on "contingency" plans to deal with the oil shortages.

Donaldson will accompany Secretary of State Henry A. Kissinger when he attends a meeting of the NATO foreign ministers in Brussels in mid-December and then confer with Dutch authorities at the Hague. Kissinger is expected to make a return trip to the Mideast after the NATO foreign ministers meeting.

The Netherlands, like the United States, was completely cut off from Arab oil supplies as a result of its support of Israel. Other European nations have refused to supply the Netherlands with oil for fear they, too, would be hit by the Arab oil embargo.

"The Dutch were among the very few who stood tall, so far as we are concerned, during the Middle East crisis," one source said. "Now their friends and close neighbors are acting in anything but a neighborly fashion. We can't stand by and let them down."

The sources said there was no need for the Netherlands to ask for U.S. oil at this time because Holland was still receiving some petroleum shipments from Indonesia and because the Dutch led the way in imposing energy conservation measures as the fuel crisis deepened.

For the future, sources said, the Dutch may have a means of persuading other European nations to quietly resume shipments of petroleum products. The Netherlands has long been a leading producer of Western Europe's natural gas and the Dutch may threaten to shut off their natural gas pipelines unless they receive fuel in return, sources said.

"They've got some leverage there, and maybe we won't be asked to do much," one source said. "If we do have to supply them oil, the quantity will be small."

Officially, State Department spokesman George Vest said that the United States is prepared "in principle" to help Holland in an energy emergency.

EMERGENCY SECURITY ASSISTANCE AUTHORIZATION FOR ISRAEL

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. DRINAN. Mr. Speaker, on Friday, December 7, the House of Representatives will consider H.R. 11088, the Emergency Security Assistance Authorization for Israel. I have the hope that the Congress will enact and that the President will sign this authorization during this month.

I would like to share with my colleagues the testimony which I submitted today to the House Foreign Affairs Committee in support of this legislation:

H.R. 11088, TO PROVIDE EMERGENCY SECURITY ASSISTANCE AUTHORIZATIONS FOR ISRAEL

The fundamental purpose of H.R. 11088 is to give a signal to the Soviet Union and to the Arab states that the United States will continue to abide by its commitment to protect Israel and its territorial integrity from all of the enemies that surround this small nation.

Israel has suffered severe losses in the war which began on October 6. Israel purchased nearly one billion dollars of equipment from the United States since the beginning of the war on Yom Kippur. Israel will need very substantial amounts of currency in addition to this one billion dollars in order to replace her losses and to counter-balance the heavy flow of extraordinary sophisticated Soviet weapons which are still being delivered to Arab armies.

Hopefully Israel will be able to negotiate with confidence and with success. She cannot do so however until she is assured that the military equipment which this country needs will not force Israel into bankruptcy. It is for this reason that it is essential that the Congress of the United States authorize the entire 2.2 billion at this time rather than a part of it now with an additional authorization to come at some time in the future.

I have the hope that the Congress will enact and that the President will sign this authorization prior to the end of December, 1973. If the United States does act in this forthright way this nation will indicate to the entire world that the United States will not ease out of its commitments as the nations of the Common Market in Europe have attempted to do.

The sum of 2.2 billion is the best estimate which officials of the State and Defense Departments have been able to arrive at as the essential amount of support which Israel needs at this time for its recovery from a disastrous war and its provision against any future threat from its Arab neighbors armed with Russian military equipment.

In the happy event that present negotiations result in a situation where both the Soviet Union and the Arab nations will recognize that it is impossible to conquer Israel a part of the 2.2 billion dollars authorized under H.R. 11088 can be "used to reimburse current applicable appropriations, funds, and accounts of the Department of Defense for the value of such defense articles and defense services".

If the Congress enacts H.R. 11088 it will be the first time in the entire history of Israel that the United States has ever extended a substantial sum to Israel for military purposes. It is astonishing indeed that between 1946 and 1972, according to the Agency for International Development—the United States provided to foreign nations grants and military assistance totalling approximately 55 billion dollars. Not a single dollar of this enormous sum ever went to Israel!

It would appear to be relevant here to review the commendable manner in which the United States in the recent conflict fulfilled its longstanding commitment to Israel. Shortly after hostilities broke out on October 6 it was clear to the United States that all attempts to bring about a cease fire and to reach an understanding with the Soviet Union were unsuccessful. Within 72 hours after the decision was reached that it was impossible to negotiate with Russia an American airlift had attained an average daily lift level of about 1,000 tons of critically needed weapons, ammunition, medical supplies and equipment. Without understanding in any way the military resourcefulness and tremendous courage of Israel it seems fair to state that the United States' assistance to Israel prevented a disastrous shift in the balance of military power to the Arab side.

At the outbreak of hostilities on October 6 Israel owed to the United States government about 1.2 billion in repayment of credits extended to Israel for the acquisition of military equipment. Most of these credit repayments were scheduled to be made over the next 10 years. In addition to this sum of 1.2 billion the Israeli government owed to the United States approximately 500 million dollars for cash sales executed prior to the beginning of the Yom Kippur war.

Because of the disastrous military losses on the two fronts of the three weeks' war Israel has estimated its requirements for military equipment at a sum of almost 3 billion dollars. The compromise figure arrived at by the State and Defense Departments of 2.2 billion will allow Israel to purchase military equipment necessary and indispensable for its present defense and also allow Israel to pay off those short-term debts the payment of which cannot be postponed.

It seems to be self-evident that the Arab nations would never have initiated the October War if they did not have Soviet support and encouragement. Indeed it is the Soviets who have provided the weapons, the aircraft and to some extent the incentive for the tragic war which came to a hopefully permanent cease fire on October 22, 1973.

Since 1970 the Soviet Union has engaged in the Middle East in one of the largest military buildups in the entire history of Russia. The grant of 2.2 billion to be authorized under H.R. 11088 is designed to make Israel militarily invulnerable. This grant in other words is intended to make the Day of Atonement War of 1973 the last and final war that will ever be waged in the Middle East.

HOUSE OF REPRESENTATIVES—*Tuesday, December 4, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Turn not aside from following the Lord, but serve the Lord with all your heart.—I Samuel 12: 20.

As we present ourselves before the throne of Thy glory, O Lord, we come to praise Thee, to thank Thee, and to pray for the peace which the world cannot give and which the world cannot take away.

We do not ask for wealth, nor length of days, nor greater honor among our brethren, nor that we may always have our way; but we do pray that Thou wilt grant unto us Thy peace which passes human understanding, and in that true peace may we find rest for our souls, strength for our days, and an outreaching concern for the needs of others.

Bless Thou our Nation and lead us in the paths of righteousness and good will. Grant unto our people a lofty level of patriotism, with greater nobility of character and an increasing emphasis on the high virtues of truth and love.

In the spirit of Him whose life is love we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 974. An act designating the Texarkana Dam and Reservoir on the Sulphur River as the "Wright Patman Dam and Lake."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 8245. An act to amend Reorganization Plan No. 2 of 1973.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce to the House that pursuant to the authority granted him on Monday, December 3, 1973, he did on that day sign an enrolled bill of the House, as follows:

H.R. 11104, an act to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2535) for the relief of Mrs. Rose Thomas.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

COL. JOHN H. SHERMAN

The Clerk called the bill (H.R. 2633) for the relief of Col. John H. Sherman.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ESTATE OF THE LATE RICHARD BURTON, SERGEANT FIRST CLASS, U.S. ARMY, RETIRED

The Clerk called the bill (H.R. 3533) for the relief of the estate of the late Richard Burton, sergeant first class, U.S. Army, retired.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 2508) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MURRAY SWARTZ

The Clerk called the bill (H.R. 6411) for the relief of Murray Swartz.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ESTELLE M. FASS

The Clerk called the resolution (H. Res. 362) to refer the bill (H.R. 7209) for the relief of Estelle M. Fass to the Chief Commissioner of the Court of Claims.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RITA SWANN

The Clerk called the bill (H.R. 1342) for the relief of Rita Swann.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

LUIGI SANTANIELLO

The Clerk called the bill (H.R. 1466) for the relief of Luigi Santaniello.

There being no objection, the Clerk read the bill as follows:

H.R. 1466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Luigi Santaniello may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledged prior to the enactment of the Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEONARD ALFRED BROWNRIGG

The Clerk called the bill (H.R. 2629) for the relief of Leonard Alfred Brownrigg.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

BOULOS STEPHAN

The Clerk called the bill (H.R. 4438) for the relief of Boulos Stephan.

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

FAUSTINO MURGIA-MELENDREZ

The Clerk called the bill (H.R. 7535) for the relief of Faustino Murgia-Melendrez.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

NICOLA LOMUSCIO

The Clerk called the bill (H.R. 7684) for the relief of Nicola Lomuscio.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ROMEO LANCIN

The Clerk called the bill (H.R. 4172) for the relief of Romeo Lancin.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DIANA L. ORTIZ

The Clerk called the bill (H.R. 4445) for the relief of Diana L. Ortiz.

There being no objection, the Clerk read the bill as follows:

H.R. 4445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Diana L. Ortiz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for it in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That, in the administration of the Immigration and Nationality Act Diana L. Ortiz, the widow of a lawfully resident alien of the United States, shall be held and considered to be within the purview of section 203(a) (2) of that Act and the provisions of section 204 of such Act shall not be applicable in this case.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

KEVIN PATRICK SAUNDERS

The Clerk called the bill (H.R. 2634) for the relief of Kevin Patrick Saunders.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LUCILLE DE ST. ANDRE

The Clerk called the bill (H.R. 6477) for the relief of Lucille de St. Andre.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

INTERNATIONAL TRAVEL ACT OF 1961 AMENDED WITH RESPECT TO AUTHORIZATION OF APPROPRIATIONS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from further consideration of the Senate bill (S. 1747) to amend the International Travel Act of 1961 with respect to authorizations of appropriations and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill as follows:

S. 1747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 6 of the International Travel Act of 1961 (22 U.S.C. 2126) is amended to read as follows: "For the purpose of carrying out the provisions of this Act, there are authorized to be appropriated $22,500,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976."

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike all following the enacting clause of the bill S. 1747 and insert in lieu thereof the text of the House-passed bill, H.R. 9437, as amended.

The motion was agreed to.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to amend the title of S. 1747 as follows: "To amend the International Travel Act of 1961 to authorize appropriations for fiscal years 1974, 1975, and 1976, and for other purposes."

The motion was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO SIT FOR THE BALANCE OF THE WEEK

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate Commerce may be allowed to sit continuously, with the exception of rollcalls, for the balance of the week.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. GROSS. Mr. Speaker, reserving the right to object, does this request have the approval of the minority of the committee?

Mr. STAGGERS. It does, and they are right here.

Mr. DEVINE. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. DEVINE. Mr. Speaker, we are discussing the energy legislation. This is probably the most important thing facing the Nation, and I think we should continue hearings until it is concluded.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON S. 1443, FOREIGN ASSISTANCE ACT OF 1973

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 725 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 725

Resolved, That upon the adoption of this resolution it shall be in order to consider the conference report on the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations, and all points of order against said conference report are hereby waived.

The SPEAKER. The gentleman from Illinois (Mr. MURPHY) is recognized for 1 hour.

Mr. MURPHY of Illinois. Mr. Speaker, I yield the usual 30 minutes to the minority, the distinguished gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 618]

Alexander
Anderson, Ill.
Bergland
Bevill
Blackburn
Burke, Calif.
Carey, N.Y.
Chisholm
Clark
Clawson, Del
Conyers
Diggs
Downing
Edwards, Calif.
Ford, Gerald R.
Fraser
Gray
Gubser
Hanna
Hansen, Wash.
Hawkins
Hébert
Jarman
Jordan
Karth
McSpadden
Macdonald
Madden
Martin, Nebr.
Michel
Mills, Ark.
O'Hara
Powell, Ohio
Reid
Reuss
Rooney, N.Y.
Spence
Stokes
Thompson, N.J.
Waldie
Walsh
Young, Ga.

The SPEAKER. On this rollcall 391 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON S. 1443, FOREIGN ASSISTANCE ACT OF 1973

The SPEAKER. The Chair recognizes the gentleman from Illinois (Mr. MURPHY).

Mr. MURPHY of Illinois. Mr. Speaker, House Resolution 725 provides for the consideration of the conference report on the bill S. 1443, to authorize the furnishing of defense articles and services to foreign countries and international organizations.

House Resolution 725 provides that all points of order against the conference report are waived.

The conference report contains $1,429,000,000 for economic assistance and $962 million for military aid. This total is $395 million below the Executive request and $373 million less than the amount approved by the House when we passed the bill last July. Included in this total is $504 million for Indochina. None of those funds, or any other funds in the bill, can be used for North Vietnam.

Mr. Speaker, I urge adoption of House Resolution 725 in order that we may discuss and debate S. 1443.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, do I understand that all points of order to this conference report are waived?

Mr. MURPHY of Illinois. That is correct.

Mr. GROSS. And there are some 24 pages of italicized print in this report, which is most unusual, and I am convinced that contained therein are a number of flagrant violations of the rules insofar as points of order are concerned.

Mr. MURPHY of Illinois. Mr. Speaker, I might state to the gentleman from Iowa that I think the gentleman from Pennsylvania (Mr. MORGAN) can explain the reasons for the waiver of points of order. What we are involved with are three bills—two from the Senate and one from the House—and they go beyond the scope of the conference report. That is the reason that I think Mr. MORGAN can explain better than I can.

Mr. GROSS. Mr. Speaker, that is exactly the point. Moreover, I hope the Members will take at least a casual look at this conference report and note the number of times the President is delegated untrammeled power to disburse the funds provided in this authorization. I have seldom seen anything like it.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of Illinois. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Speaker, I do not think any of the provisions subject to a point of order that the rule waives pertain to what the gentleman from Iowa has just said. As the gentleman knows, on June 26 of this year, the Senate passed S. 1143, containing an authorization for military assistance. Some 3 months later, the Senate passed the economic bill, S. 235. Both bills were amended in the House and sent to conference early in October. In the long and difficult negotiations we had with the other body, there were 120 points of difference.

The House went out of the conference and we come back with this single bill, an approach which has followed the House position. That is the reason, of course, why we are here asking a waiver of points of order, because there are a few things in this bill pertaining to things that we thought might be subject to point of order under the House rules.

One is the Asian Development Bank. We took that provision out in conference, but we had a letter from the chairman of the Subcommittee on Banking and Currency, who has jurisdiction over international banks, Mr. GONZALEZ, asking us to put it back in. These are the kinds of things which could be subject to points of order, and they are mostly on a minor scale.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. MURPHY of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. Yes, $100 million is becoming minor around here. Anything, anything around $10 million is chicken feed.

Let me again warn the Members that we cannot go on endlessly and forever around here with this kind of business, which in effect and in so many ways is an outright rape of the taxpayers and citizens of this country.

Mr. MURPHY of Illinois. Mr. Speaker, I yield to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if I may just summarize, I wish to state that to adopt the rule is the only thing we can do here.

Mr. Speaker, this rule is necessary, because the Senate passed two separate foreign aid authorization bills, one dealing with military aid and the other dealing with economic aid, while the House passed only one bill covering both subjects.

In conference, the conferees technically had before them only the text of one Senate bill, and one House bill. Anything reported by the conference which was in the one Senate bill dealing with military aid and the one House bill is within the scope of conference. However, anything reported by the conference which was in the second Senate bill only was not technically within the scope of conference and, therefore, a waiver of points of order is required to keep the matter from being knocked out on a point of order.

The total amount of money authorized in the conference report is $2,392,324,000. By way of comparison, the Executive had requested $2,787,600,000; the House recommended $2,765,868,000 and the Senate recommended $1,988,222,000.

Mr. Speaker, I support the rule but intend to vote against the bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, I thank the gentleman.

I would like to take this opportunity to direct a question to the gentleman from Pennsylvania (Mr. MORGAN), the chairman of the Committee on Foreign Affairs.

One of the items in the conference report relates to the concept of Government stockpiling of grain for emergency purposes.

I refer to language at the top of page 24 of the report, which reads as follows:

> The President shall consult and cooperate with appropriate international agencies, such as the Food and Agriculture Organization of the United Nations, in determining the need for, the feasibility of, and cost of an equitably-shared basis of, establishing an international system of strategic food reserves:

Mr. Speaker, may I ask the chairman of the committee if my interpretation is correct, that this language in the report in no way commits the U.S. Congress or the U.S. Government to the establishment of such national or international Government holdings of grain?

Mr. MORGAN. Mr. Speaker, the gentleman is absolutely correct. The situation is as the gentleman has stated.

Mr. FINDLEY. Then this legislation does nothing more than to endorse a study of this concept?

Mr. MORGAN. The gentleman is correct. It endorses a study.

Mr. FINDLEY. It is not prejudging whether the concept is sound or unsound?

Mr. MORGAN. The gentleman is correct.

Mr. FINDLEY. Mr. Speaker, I thank the gentleman. In my view, Government stockpiling of grain is not in the interest of the American people—as consumers, taxpayers, or producers. I trust that the study contemplated in this conference report will reach that same conclusion.

For years the U.S. Commodity Credit Corporation served as warehouse for both public and private grain needs.

CCC reserves happily are now depleted. The U.S. Government is, for the first time in years, largely out of the grain business.

During the years when CCC bins were full, private merchandising facilities atrophied.

Now that a need exists for expanded private warehousing, the private sector will soon respond, I am sure.

Government warehousing is not good policy.

Mr. MURPHY of Illinois. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WYLIE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 265, nays 137, not voting 31, as follows:

[Roll No. 619]

YEAS—265

Abzug
Adams
Addabbo
Anderson, Ill.
Andrews, N.C.
Annunzio
Arends
Armstrong
Ashley
Aspin
Badillo
Barrett
Bell
Bennett
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Breaux
Breckinridge
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Cohen
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dent
Dingell
Donohue
Drinan
Dulski
Duncan
du Pont
Eckhardt
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Flood
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gude
Guyer
Hamilton
Hanley
Hansen, Idaho
Harvey
Hays
Heckler, Mass.
Heinz
Helstoski
Hillis
Hogan
Holifield
Holtzman
Horton
Hosmer
Howard
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Karth
Kazen
Keating
Ketchum
King
Kluczynski
Koch
Kuykendall
Latta
Leggett
Lehman
Lent
Litton
Long, Md.
McClory
McCloskey
McCormack
McDade
McEwen
McFall
McKay
McKinney
Madigan
Mahon
Mailliard
Mallary
Mann
Martin, Nebr.
Mathias, Calif.
Matsunaga
Mayne
Meeds
Metcalfe
Mezvinsky
Milford
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nix
O'Brien
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Railsback
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Schneebeli
Schroeder
Seiberling
Shipley
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Stratton
Stubblefield
Sullivan
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Charles H., Calif.
Winn
Wolff
Wright
Wyatt
Wydler
Yates
Yatron
Young, Alaska
Young, Ill.
Young, Tex.
Zablocki
Zion
Roberts
Rogers
Rose
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
Satterfield
Scherle
Sebelius
Shoup
Shuster
Thone
Skubitz
Snyder
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Studds
Symington
Symms
Taylor, Mo.
Thompson, N.J.
Thornton
Towell, Nev.
Treen
Waggonner
Whitten
Wilson, Bob
Wilson, Charles, Tex.
Wylie
Wyman
Young, Fla.
Young, S.C.
Zwach

NAYS—137

Abdnor
Alexander
Anderson, Calif.
Andrews, N. Dak.
Archer
Ashbrook
Bafalis
Baker
Bauman
Beard
Bevill
Bowen
Bray
Brinkley
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Byron
Camp
Carter
Clancy
Clay
Cleveland
Cochran
Collier
Collins, Tex.
Conlan
Crane
Davis, Wis.
Dellums
Dennis
Derwinski
Devine
Dickinson
Dorn
Edwards, Ala.
Eshleman
Evins, Tenn.
Fisher
Flowers
Flynt
Frey
Froehlich
Ginn
Goldwater
Goodling
Gross
Grover
Gunter
Haley
Hammerschmidt
Hanrahan
Harrington
Harsha
Hastings
Hechler, W. Va.
Henderson
Hicks
Hinshaw
Holt
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kemp
Kyros
Landgrebe
Landrum
Long, La.
Lott
Lujan
McCollister
Maraziti
Martin, N.C.
Mathis, Ga.
Mazzoli
Melcher
Miller
Mizell
Montgomery
Moorhead, Calif.
Nedzi
Nelsen
Obey
O'Hara
Poage
Powell, Ohio
Price, Tex.
Randall
Rarick

NOT VOTING—31

Bergland
Blackburn
Burke, Calif.
Clawson, Del
Conyers
Danielson
Diggs
Downing
Edwards, Calif.
Ford, Gerald R.
Gray
Gubser
Hanna
Hansen, Wash.
Hawkins
Hébert
Jordan
McSpadden
Macdonald
Madden
Michel
Mills, Ark.
Nichols
Reid
Rooney, N.Y.
Sikes
Spence
Stokes
Waldie
Walsh
Young, Ga.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Reid.

Mr. Hébert with Mr. Gerald R. Ford.

Mr. Waldie with Mr. Walsh.

Mr. Macdonald with Mr. Spence.

Mr. McSpadden with Mr. Gubser.

Mr. Edwards of California with Mr. Blackburn.

Mr. Gray with Mr. Stokes.

Mr. Hanna with Mr. Conyers.

Mr. Diggs with Mr. Danielson.

Mr. Downing with Mr. Del Clawson.

Mrs. Burke of California with Mr. Bergland.

Miss Jordan with Mr. Madden.

Mr. Sikes with Mr. Michel.

Mr. Nichols with Mrs. Hansen of Washington.

Mr. Hawkins with Mr. Young of Georgia.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 1443, FOREIGN ASSISTANCE ACT OF 1973

Mr. MORGAN. Mr. Speaker, I call up the conference report on the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 27, 1973.)

Mr. MORGAN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with as I intend to explain the conference report and it was published in the RECORD last week.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MORGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, by adopting H. Res. 725, the House has given Members the chance to vote today on a very important conference report—on S. 1443, authorizing foreign economic and military assistance.

This is a good bill. It is vital to our national interest. It is a bill to strengthen the climate for peace, and protect our security.

It is a bill obtained only after a long and difficult conference with the Senate.

We went into conference with the single bill passed by the House, authorizing both economic and military assistance. We were faced with two separate bills passed by the Senate, one for military and one for economic aid.

There were more than 120 significant differences between our bill and the two passed by the Senate.

We think we came back with a good conference report because:

We have maintained the principle of a single bill for economic and military assistance. This is the principle favored by the House.

Second, on the great majority of issues, the Senate either receded from its position or compromised in a way which did no damage to the positions taken by the House.

Thus, the conference report contains the main provisions of the legislation passed by the House last July. Basically, it does two things:

First, it provides for the most extensive reform of the economic aid program since the Foreign Assistance Act became law 12 years ago. Those reforms were initiated in the House.

Second, it authorizes annual international security assistance for fiscal 1974 and economic assistance for fiscal years 1974 and 1975.

The total appropriation authorized for fiscal 1974 is $2,392,234,000.

This is $400 million below the Executive request and $373 million below the amount approved by the House last July.

Of the fiscal 1974 total, $921,934,000 is for economic assistance in promoting economic development that is in our interest in poorer countries abroad.

The sum of $504 million is for humanitarian and reconstruction aid for Indochina;

And $962,500,000 is for military aid to friends and allies whose security is linked to ours.

The major economic items for fiscal 1974 include: $291 million to improve food production for hungry masses in poor lands; $145 million for population planning and health, to deal with this increasingly pressing problem around the world; $90 million to promote education and development of human resources in countries afflicted by high illiteracy and under-employment; and $92 million for selected development problems and countries and organizations.

Mr. Speaker, these are the development assistance categories carrying out the economic aid reforms in the bill. Under this new approach, which was shaped initially in the House:

American assistance will focus on just a few critical problems which are common to developing countries, and whose solutions will benefit the poorest masses of people.

The responsibility for developing planning will be borne by the aid-receiving countries themselves, not by Washington. Our role will be to respond to, not initiate, aid requests.

American assistance will move increasingly through private channels. Bureaucracy will be reduced.

In line with these principles, the conference report requires aid-receiving countries to pay at least 25 percent of the cost of any bilateral capital aid project. Also, any project lasting beyond 36 months will require special congressional approval.

On the military side, the amounts have been reduced but the conference report still retains necessary programs for our friends and allies.

For fiscal 1974, $512,900,000 would be authorized for military grant assistance; $125 million for security supporting assistance; and $325 million for military credit sales.

The bill stresses sales of military items rather than grants, and use of excess equipment rather than new equipment.

Israel is earmarked for $300 million in military credit sales and $50 million in security supporting assistance.

Cambodia could receive up to $200 million in emergency military assistance through drawdown of U.S. defense stocks.

The public safety program is to be phased out.

Also in the bill's total is $504 million for a separate program for humanitarian and postwar reconstruction for Indochina in fiscal 1974.

This assistance is within the framework of the peace agreement under which American forces pulled out of Indochina.

But not one cent in the bill would go to North Vietnam.

Also, the conference report contains a prohibition against the use of funds to engage the United States in combat in that threater, either directly or through third parties.

There are other provisions in the conference report:

For one, the report retains penalties for expropriation of American property and seizure of fishing vessels.

It also has a provision against misuse of U.S. military assistance in Africa. The President is required to report to Congress if any non-African country uses our military aid to keep its territories in Africa.

Besides the funds for self-help by aid-receiving countries in increasing their food production, the conference report looks ahead to the problems of world food shortages which will be upon us.

The President is urged to move ahead on studies in this critical area and to submit recommendations to the Congress.

The conference report also contains a prohibition against the use of funds to pay for abortions.

It extends the Overseas Private Investment Corporation until December 31, 1974, pending further study and legislation.

It allots $25 million to relief for the disaster area in Africa.

And it authorizes $42,500,000 each year in fiscal 1974 and fiscal 1975 for the drive against international narcotic traffickers.

All in all, Mr. Speaker, I believe Members will find this to be a very meritorious bill.

It will have little impact on our balance of payments because nearly all of the money is spent right here in the United States. But this spending does provide jobs for American workers.

The cost of the bill is small price to pay for what the United States gets in return toward peace and security.

I strongly urge passage of the conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. GROSS. How much money is in this conference report for Israel?

Mr. MORGAN. There is earmarked, Mr. GROSS, $300 million for military credit sales and $50 million in supporting assistance.

Mr. GROSS. This is in addition to the money authorized by the bill which was passed out of the House Foreign Affairs Committee only this morning?

Mr. MORGAN. This, of course, would be in addition to the emergency security assistance requested by the President 2 weeks ago and reported out of the Foreign Affairs Committee today by a vote of 33 to 1.

Mr. GROSS. That bill provides $2.2 billion for Israel?

Mr. MORGAN. It provides $2.2 billion. The committee, however, added certain restrictions on the use of any of this assistance in excess of $1.5 billion. There is a requirement of a Presidential determination and reporting to the Congress which applies to the last $700 million.

Mr. GROSS. So the President does have cart blanche authority, as he does in this bill and in many, many instances, to spend the money as he sees fit, is that not correct?

Mr. MORGAN. Well, I think in the emergency security assistance bill there is more direct authority for the President than in this conference report.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. MAILLIARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support the conference report. Frankly, a month or so ago I would not have predicted that we would be able to bring a conference report back to the House. We are considering something that was a result of long and difficult bargaining over a very large number of complicated issues and differences between the House version and the Senate versions which looked almost irreconcilable for a period of time.

Mr. Speaker, I would certainly like to express my commendation to our distinguished Chairman, who so patiently and ably worked to finally bring about this agreement. He has already explained the main features of the conference agreement, and I certainly see no point in my repeating those.

Let me just reiterate that the report we are bringing in here is $373 million less than passed the House in the middle of last summer, and it is about $400 million below that requested by the Executive.

Also, I think it is worth pointing out that this agency had no authorization in the last fiscal year. We are now about halfway through this fiscal year, so they are entering a period of about a year and a half operating on a continuing resolution. Since the amount of money that is authorized in this bill is less than they had under the current continuing resolution or under the last authorization that was passed for fiscal 1972, I think it is quite possible that if we fail to pass this conference report, we will actually end up by spending more money in the current fiscal year on foreign assistance than we will when we agree to the conference report.

But, more important than that, because it has been so long since the authorization of regular appropriations for this agency has been passed, that there are distortions where there may be more money in some categories than is needed at this stage of the game, and less money in other categories than is needed, I consider it very urgent that the House approve this conference report so that after this long hiatus, this agency can go back on a normal, regular, funding basis.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Illinois, the distinguished minority whip.

Mr. ARENDS. Mr. Speaker, I want to commend the chairman of the committee and also the ranking minority member for bringing back what I consider to be a very fine conference report.

Mr. Speaker, I would urge that the House give its support to this report when we vote on it a little later on.

Mr. MAILLIARD. Mr. Speaker, I thank the gentleman for his remarks.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Speaker, I rise to comment on three of the provisions in the 1973 Foreign Assistance Act conference report. Before doing so, however, I want to congratulate the House conferees for successfully and expeditiously resolving the over 120 differences in the House and Senate bills. Their task was a very difficult one, but I believe they have completed it to the satisfaction of the majority of the House.

The three provisions which I would like to discuss have been of great interest to me for some time. They are section 803 providing assistance to South Vietnamese children, section 15 modifying the Hickenlooper amendment, and section 30 dealing with the termination of the Indochina war.

First, in regard to aid for South Vietnamese children, I am extremely pleased that the conferees have agreed to retain this provision in the form which I offered it during committee markup and as it was approved by the House. This section authorizes, $5 million for children services relating to day care centers, orphanages, hostels, school feeding programs, and health and welfare programs. In addition, not more than 10 percent of those funds may be used for the adoption by U.S. citizens of South Vietnamese children. I also am grateful to the conferees for retaining the reference in my proposal which emphasizes that children fathered by U.S. citizens would be given special consideration in adoption efforts.

Second, I strongly favor the modification of the Hickenlooper amendment which would enable the President to waive its sanctions when he determines that such action is important to our national interest. Any waiver would be reported promptly to Congress.

Mr. Speaker, this summer I surveyed 14 American firms operating in Latin America to determine the efficacy of the Hickenlooper and other similar sanctions. Eleven of those companies doubted that the Hickenlooper amendment had had a favorable effect on the settlement of investment disputes. As one respondent stated:

> Experience has shown that the amendments do not either deter illegal expropriations or facilitate settlement of international disputes.

Unfortunately, my investigation was not complete at the time the House debated this legislation and voted to strike from the bill the Foreign Affairs Committee's proposed repeal of the Hickenlooper amendment. However, I was able to make my findings available to members of the Senate Foreign Relations Committee prior to Senate consideration of S. 1443. It is my understanding that this information was quite helpful in retaining the Senate committee's recommendation during floor debate and preserving the language in the conference discussions.

My third area of special concern is section 30. This section prohibits use of funds authorized or appropriated under the act or any other law to finance military or paramilitary operations by the United States in or over Vietnam, Laos, or Cambodia. There have been reports recently that State Department officials have concluded that the President now can authorize a resumption of bombing in Cambodia and North Vietnam, as well as provide air support to South Vietnamese troops. This conclusion apparently is based on the assumption that the War Powers Act supersedes congressional prohibitions approved earlier this year. It is argued, therefore, that the President can commit our forces to Southeast Asia for 60 days unless Congress acts to halt such action. If, indeed, this policy is under consideration, the enactment of the conference report presently before us will preclude its implementation. Final passage of S. 1443 postdates adoption of the War Powers Act and, consequently, represents a clear congressional prohibition of our military involvement in Indochina.

Mr. Speaker, again I commend the House conferees, and I urge the adoption of the conference report.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman's yielding to me.

I wish to join with the gentleman, not only in terms of paying tribute to him for the leadership he has given in the Vietnamese children section, but also to join in paying tribute to the conferees, both in the other body and in this body, for the provisions which are contained in this legislation, specifically that section which sets aside funds for South Vietnamese children and orphans. I particularly wish to commend the committee for its maintenance of the provision mandating use of private agencies to the extent practicable in dealing with adoption assistance. Such a recognition of the essential role the private agencies play is a forward step which I most particularly hope will be sustained by the agency and the appropriation process.

Mr. WHALEN. Mr. Speaker, I thank the gentleman for his comments.

Mr. MAILLIARD. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman.

I rise as a conferee on this foreign aid authorization, particularly to compliment the role which the chairman of the Committee on Foreign Affairs played in the deliberations of the conference committee.

Had it not been for the gentleman's leadership, his patience, and his willingness to seek compromise, I doubt very much if we could have achieved the result.

I realize full well that we are discussing this proposal on December 4, and I regret that we have taken as long as we have to come up with a conference report.

However, as the gentleman from California indicated a few minutes ago, it appeared for a time as if the conferees from the other body were not seeking agreement but were, perhaps, stalling for time, and would not work out a compromise with us. I think it is thanks largely to the leadership of the gentleman from Pennsylvania (Mr. MORGAN) that we have this result.

Mr. Speaker, I hope the conference report is supported today substantially, because I believe it is a significant achievement, and even though we may disagree with some aspects of it, it does represent a compromise which is reasonable and which was not easy to achieve.

Mr. RONCALLO of New York. Mr. Speaker, Congress in enacting the modified Helms amendment to the Foreign Assistance Act of 1973 is continuing a long-established policy of Congress to respect human life, whether it be the life of the unborn or born. For over a hundred years, Congress has demonstrated its concern for the sanctity of human life. Examples of this concern and respect are demonstrated in the following acts of Congress:

TITLE 18, UNITED STATES CODE, SECTION 1461

> Mailing obscene or crime-inciting matter—
>
> . . . Every article or thing designed, adapted, or intended for producing abortion, or for any indecent or immoral use; and
>
> Every article, instrument, substance, drug, medicine, or thing which is advertised or described in a manner calculated to lead another to use or apply it for producing abortion, or for any indecent or immoral purpose;
>
> * * * * *
>
> Is declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.
>
> Whoever knowingly uses the mails for the

mailing, carriage in the mails, or delivery of anything declared by this section or section 3001(e) of title 39 to be nonmailable, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, or knowingly takes any such thing from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than $5,000 or imprisoned not more than five years, or both, for the first such offense, and shall be fined not more than $10,000 or imprisoned not more than ten years, or both, for each such offense thereafter.

TITLE 19, UNITED STATES CODE, SECTION 1305

Immoral articles; prohibition of importation—

(a) All persons are prohibited from importing into the United States from any foreign country any . . . drug or medicine or any article whatever for causing unlawful abortion. No such articles whether imported separately or contained in packages with other goods entitled to entry, shall be admitted to entry; and all such articles and, unless it appears to the satisfaction of the appropriate customs officer that the obscene or other prohibited articles contained in the package were inclosed therein without the knowledge or consent of the importer, owner, agent, or consignee, the entire contents of the package in which such articles are contained, shall be subject to seizure and forfeiture as hereinafter provided:

* * * * *

TITLE 42, UNITED STATES CODE, SECTION 300

Sec. 300. Project grants and contracts for family planning services—Authority of Secretary—

(a) The Secretary is authorized to make grants to and enter into contracts with public or nonprofit private entities to assist in the establishment and operation of voluntary family planning projects.

Sec. 300a(6). Prohibition against funding programs using abortion as family planning method—

None of the funds appropriated under this subchapter shall be used in programs where abortion is a method of family planning. July 4, 1944, c. 373, Title X, § 1008, as added Dec. 24, 1970, Pub. L. 91–572, § 6(c), 84 Stat. 1508.

I trust that the Helms amendment will be interpreted in the light of the clear policy of Congress to respect the rights of the unborn. The Supreme Court has ruled that the States cannot in effect protect the unborn, but the Court in no way indicated that Congress or the States have to appropriate funds for killing the unborn. I also trust that the President will take whatever steps are necessary to see that the Helms amendment, as enacted, is correctly interpreted so as to prohibit the use of Government foreign aid funds for abortions.

Mr. HOGAN. Mr. Speaker, the conference report under consideration today, for the Foreign Assistance Act of 1973, has added a new section which would prohibit the use of tax funds to promote abortion.

The other body unanimously adopted an amendment to this bill that was offered by Senator Jesse Helms of North Carolina. This amendment would prohibit the use of U.S. Government funds under the act from being used to pay for abortions, abortificient drugs or devices, the promotion of the practice of abortion, or support of research to develop methods of abortion.

The conferees have subsequently reported out a modification of this amendment. The amendment reads as follows:

> None of the funds made available to carry out this part shall be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions.

While this amendment is considerably less specific than that introduced by Senator Helms, it is clearly another step in demonstrating Congress' opposition to the policy of abortion, which is so repugnant to the American people.

As horrible as the Supreme Court decision permitting abortion was, it did not sanction the use of tax funds for the purpose of promoting abortion. It was one thing to permit a practice which millions of Americans regard as intrinsically evil, but quite another to finance it with their dollars. To extend abortion to foreign countries through American tax money is altogether indefensible.

Federally financed courses at Washington University in St. Louis, and three other institutions, have been scheduled to instruct doctors from other countries on how to perform abortions in their native lands. If the Federal Government is going to finance schools to teach abortion, it might as well go all the way and start classes in how to commit murder. This would be very effective in reducing population.

U.S. Financing Courses in Abortion

(By Edward W. O'Brien)

Washington.—The federal government's foreign-aid program is financing courses for doctors from underdeveloped nations at Washington University and three other institutions on how to perform abortions.

The men and women physicians taking the one-month courses are returning home with "modern information about methods of dealing with the reproduction process, including instruction about this whole area of abortion," Dr. Gerald Winfield, a foreign-aid official, says.

About half of the trainees are medical school professors or staff physicians at major teaching hospitals and are expected to pass on to other doctors the information gained in the United States, Winfield said.

"This is not an abortion program, but a program that includes abortion," he said.

The Washington U. program is scheduled to start Jan. 1, 1974, according to Dr. James C. Warren, chairman of the obstetrics and gynecology department at the university's School of Medicine.

"We are getting ready to put the program together and get it finalized," Dr. Warren said. He said six doctors at a time will be enrolled. The program will be operated 10 months out of the year, he said.

Dr. Warren emphasized that training on how to perform abortions was only one part of the multi-faceted program on family planning. It is included, he said, "because it is part of family planning and population control." He added that "abortion is not the preferred method of birth control."

Winfield, a division chief in the Population Office in the State Department's Agency for International Development, estimated that an average of 25 per cent of the total training is in abortion techniques.

The other institutions giving the courses, he said, are Johns Hopkins University, Baltimore; Western Pennsylvania Hospital, Pittsburgh, and American University in Beirut, Lebanon.

Each center, he said, has a federal budget of $250,000 to $300,000 a year. Other government sources said Washington University's grant is for $848,000 for July, 1973, to July, 1975.

Winfield stressed repeatedly that abortion is "only one element" in a broad program of reproduction education that also covers malignancies, voluntary sterilization, "the pill and all other methods of contraception," infertility, and treatment of incomplete and infected self-induced abortions.

Winfield said "all responsible people" at AID "are aware of the program and have approved it."

He said there is no federal law that bars or controls the use of foreign-aid money for abortion training. He said the doctors come from about 30 nations in Asia, Africa and South America.

"Abortion is a legal procedure in the United States according to the findings of the Supreme Court," he said.

"Something over half the women in underdeveloped countries live in places where abortion on demand is legal.

"We are simply meeting a world-wide need to improve their medical standards. We want to elevate the reproductive well-being of the human race."

Trainee doctors are being accepted from countries where abortion is not legal, he said, to treat many women who have attempted self-induced abortions.

The AID activity, in its first year of partial operation, has trained 60 to 70 foreign doctors.

Winfield said the program is trying to reach "the top obstetricians and gynecologists of the medical schools" in the underdeveloped nations.

There currently is no legal bar to the program but an amendment introduced by Sen. Jesse A. Helms (Rep.), North Carolina, to the current bill renewing foreign aid bars use of foreign-aid money on abortion-related projects.

If accepted by House conferees, as appears likely, no money not already obligated could be spent.

An amendment sponsored two years ago by Sen. Thomas F. Eagleton (Dem.), Missouri, prohibits use of federal money for abortion in family-planning programs for Americans within this country but does not affect foreign aid.

A government source said Washington University also has a $301,000 foreign-aid project for testing prostaglandins, described as an abortion-inducing drug, from 1971 to 1974.

Winfield said he assumed The Globe-Democrat's inquiry to him about the abortion-training courses resulted from "an increasing effort by those calling themselves Right to Life."

Unfortunately, the inclusion of this antiabortion amendment in the Federal assistance bill before us will not terminate these existing programs since the funds have already been authorized. What it will insure is that the United States will discontinue the future spending of tax money to promote abortion in foreign countries.

In 1967 when Congress amended the Foreign Assistance Act of 1961 to provide funds for family planning it mandated the President to insure that persons were not coerced in any manner to practice "methods of family planning inconsistent with his or her moral, philosophical or religious beliefs." This specific provision appears in Section 291, subsection (c) of title X of Public Law 90–137 (22 U.S.C.A. 2219 (c)).

I am certain that with the approval of this bill the same restriction against coercion and violations of a person's moral and religious beliefs in regard to sterilization and birth control apply to section 104 as well as section 292 of the Foreign Assistance Act of 1973. I am supporting the Foreign Assistance Act of 1973 with this understanding, and the understanding that neither the Foreign Assistance Act of 1973 or any other foreign assistance act authorize the expenditure of public funds for abortions.

Nowhere in past legislation, nor in the present bill, does Congress allow or favor, approve or authorize paying for abortifacients so as to perform or cause abortions by chemical means, or pay for training foreign abortionists in this country or anywhere. The prohibition against the practice of abortion means an absolute restriction against the U.S. Government paying for the destruction of a single human person or encouraging such destruction.

I trust the President will see, upon passage of the act, that the foreign assistance program will be so administered as to protect the rights of the unborn.

I have spoken out repeatedly in this Chamber on the evils of abortion and how, since the Supreme Court decision, we have disregarded the rights of those who are defenseless, the unborn. I am pleased today to see Congress once again, having the opportunity to express its disapproval of the slaughtering of unborn babies, as we have done on previous occasions.

On four separate occasions the House has had the opportunity to vote on amendments to bills that relate to the question of abortion. On May 31, the House approved by a vote of 354 to 8 the Roncallo amendment to the biomedical research bill prohibiting the experimentation on live human fetuses, or more accurately on live "babies" because the child is no longer a fetus after it is alive outside the mother's body. On June 22, a similar amendment to the National Science Foundation bill was adopted by a vote of 288 to 73. On June 21, I offered an amendment to the Legal Services Corporation Act which was adopted by a vote of 301 to 68 as amendment by the Froehlich amendment, which was accepted by a vote of 316 to 53. These provisions prohibited legal assistance from the Legal Services Corporation in connection with abortions.

It is unconscionable that the House Judiciary Committee continues to refuse to hold hearings or take any action whatsoever on my constitutional amendment, House Joint Resolution 261, and those introduced by other Members.

Mr. RARICK. Mr. Speaker, the foreign aid bill was bad when it passed the House, but many of the provisions of this conference report make it an even greater threat to the American people. For example, under section 39, the legislation would make it the sense of the Congress that the United States participate fully in efforts to alleviate current and future food shortages which threaten the world. To this end, the President is ordered to support the organizing of a 1974 United Nations World Food Conference.

Further, the President is ordered to request the members of GATT to assure equitable access by all nations to national markets and mineral and agricultural resources. What this means is uncertain, but it could result in a quota assignment of all markets and food—a kind of world sharing of the shortages already being encountered by the American people.

The President is further ordered to consult and cooperate with international agencies such as the FAO of the U.N. to determine the need for, feasibility and cost of an equitably shared basis of establishing an international system of strategic food reserves. This is the world food bank advocated by Secretary Butz at his FAO-U.N. speech in Rome last month. Under the blueprint, the "have" nations are to contribute their food to the "have not" nations, which is to be distributed by the U.N. power base. Such a Johnny-come-lately scheme is most interesting considering the tremendous opposition by the administration earlier this year to a strategic grain reserve which would have assured ample supplies of food for the American people. A world food bank also sounds contrary to many of our national policies which have been to divest ourselves of any surplus not only in food but also in strategic stockpiles destined to aid the American people.

The legislation further orders that the President include in the estimates of overall utilization the expected demands for humanitarian food assistance through such programs as are carried out under Public Law 480. Further, new legislation to be enacted provides increased flexibility under the emergency and humanitarian requirements for food assistance under Public Law 480 expressly by amending the last sentence of section 401 by striking the period, inserting a comma, and adding the following: "Unless the Secretary determines that some part of the exportable supply should be used to carry out the national interest and humanitarian objectives of this Act." Under the latter recommendation the Secretary would have the discretionary powers to deplete needed U.S. food for free distribution under the humanitarian provision of Public Law 480.

Of course the "world food stamp" provision under this bill is at most intended as a sense of Congress resolution, but we know that concerted action can be expected to follow under the humanitarian emotionalism of sharing all we have with our less fortunate bretheren of the world.

I opposed the legislation when it was first before the House as being nothing but a world boondoggle following the design of redistributing the wealth and progress of our people to the four corners of the world. Now we have added the plan for redistribution of our food. Today our people are being told that we face a severe energy crisis. If we continue to implement these foolhardy schemes, the next thing we will be telling our people is that we have a food shortage.

I intend to continue casting my people's vote for the benefit of the American people and against all of these internationally concocted mouse traps.

Mr. HARRINGTON. Mr. Speaker, I rise in support of the conference report to S. 1443, the Foreign Assistance Act of 1973. While I have certain reservations about this bill, I generally concur in its economic aid provisions, which make major changes in our foreign assistance programs.

S. 1443 authorizes $2.39 billion for fiscal 1974 foreign economic and military assistance, $395 million below the administration's budget request. Of the total amount, the bill contains $1.43 billion for economic assistance, a cut of about $80 million for the President's request, and $962.5 million for military assistance, a reduction of $315 million from the requested amount. Finally, the bill sets an aggregate ceiling on credits for military sales of $730 million.

In addition, biannual authorizations for economic aid programs and for security assistance programs are called for. United States economic aid would be focused toward solving acute problems common to developing countries, such as health, population, education, and food. Development and planning responsibilities for the economies of programs would be assumed by the countries receiving aid, and U.S. aid would be increasingly channeled through multilateral organizations—a concept I personally attach much credence to. Bilateral grant assistance programs to developing countries will also require at least 25 percent matching financing by the recipient country, and development assistance projects are generally limited to a duration of 3 years. In short, U.S. bilateral economic aid to developing countries would be restructured by this legislation.

My major reservation about this legislation concerns the fact that the broad authority it contains for foreign military sales, combined with the increase to $150 million in the regional ceiling governing sales of military equipment to Latin American countries, raises the possibility that the United States may implement a substantial military assistance program to the junta in Chile.

Earlier this year the administration indicated its intent to sell F-5E jet aircraft to five Latin American countries, including Chile, although section 4 of the Foreign Military Sales Act, as amended, places restrictions on the sale of "sophisticated weapons systems, such as—jet aircraft" to these countries. So as to make such a sale, section 4 requires the President to make a determination that the financing of such a sale is "important to the national security of the United States," and the President is required to report such a determination to the Congress within 30 days. The President has made such a determination, and has also requested a waiver of section 33 of the Foreign Military Sales Act, so as to increase the regional ceiling on aggregate military sales to Latin America from $100 million to $150 million. In addition, it is my understanding that Chile has been the recipient of a $1 million program of military training assistance.

Mr. Speaker, it seems to me that there are sound reasons—some concerning principle and morality, others concerned with pragmatism and self-interest—that military assistance to the current Government of Chile should be discontinued.

I believe that the United States has contributed, slowly and methodically, to eroding the strength and durability of what had been the oldest democracy in Latin America. Through our leverage with the Inter-American Development Bank, the World Bank, private sources of credit and financing, and our own Import-Export Bank, the United States made it impossible for President Allende to maintain a workable economy. Consequently, it is my opinion that the present military junta's ban on political parties, forceable "recess" of the Chilean Congress, take-over of communications media, invasion of universities, and suppression of dissent, are, in some measure, the responsibilities of the United States.

Congress can not turn back the clock, but we can decline aid to the forces directly involved in the crippling of democracy in Chile.

Practically speaking, I believe the day will soon come when our country will pay heavily for subordinating the long-term interests of our foreign policy to the short-term interests of American corporations abroad.

Nearly 50 percent of the people of Latin America are 15 years of age or younger. As this generation grows to maturity, they will surely recognize that most of the regimes supported by the United States are not dedicated to fulfilling their aspirations and needs. When this generation eventually comes to power—by democratic elections, if possible, by force if otherwise—the United States may well find itself tied to military and private interests and alined against broader national interests, thus dooming itself to repeat the lessons of Vietnam, closer to home.

Now is the time for the Congress of the United States to move the foreign policy of our Government in the direction of cultivating good relations with the people of Latin America. Congressional deference to the corporate orientation of the present administration could be a tragic example of lack of foresight. We must instead begin to investigate and review our policy toward Latin America in general and Chile in particular, with a view toward building a positive reputation in the eyes of the people of Latin America.

For this reason, Mr. Speaker, I urge this House to register in a concrete way its dissatisfaction with the current undemocratic regime in Chile, by acting to suspend military assistance to this regime until basic human rights are reestablished. I believe that we owe this much to both the people of Chile and to our own future interests.

Mr. Speaker, I intend on Friday, when the House considers the foreign aid appropriations bill, to offer an amendment that could have the effect of terminating all forms of military assistance to the present government of Chile. I hope at that time that my colleagues will join me in taking this positive step toward human rights, democracy, and an enlightened American foreign policy.

Ms. ABZUG. Mr. Speaker, I am distressed by the inclusion in this bill of section 114 which provides that—

> None of the funds made available to carry out this part shall be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions.

This provision is unnecessary because title X, section 291 of the present law says:

> (a) It is the sense of the Congress that, while every nation is and should be free to determine its own policies and procedures with respect to problems of population growth and family planning within its own boundaries, nevertheless, voluntary family planning programs to provide individual couples with the knowledge and medical facilities to plan their family size in accordance with their own moral convictions and the latest medical information, can make a substantial contribution to improve health, family stability, greater individual opportunity, economic development, a sufficiency of food, and a higher standard of living.

This, it seems to me, states very well the intent of our aid, and does not trespass upon the right of nations to decide their own policies.

Abortion is one legitimate form of family planning and in some countries, the only available form. It is in fact legal for 58 percent of the world's population. It has always been our policy in providing aid to other countries to avoid dictating the precise form of its use; why do we now seek to place our own imprimatur upon this bill—and carrying, at that, the views of only a vocal minority?

The emotional prohibition of abortion is a misuse of the legislative process and of the aid program. It is providing a channel for the frustrations of those who object to the Supreme Court's decision, but it is not the purpose of legislation to provide such a channel. I fear that this constant outcry is really a manifestation of patriarchal chauvinism.

Inherent also in this provision is a blatant form of discrimination against women. It appears that we are attempting to deny the women abroad the freedom of choice in family planning that our own Supreme Court has recently granted to women in this country. No other class or group, so far as I can recall, has been so singled out; we do not attempt to deny freedom of choice to construction workers, children under 12, people over 60—only to women.

I regret that the section does seem to place us in the questionable position of imposing on women abroad a restriction recently overturned by our Supreme Court and constiutes serious interference with the internal affairs of other countries.

Title X, section 291, subsection (c), states:

> In carrying out programs authorized in this title, the President shall establish reasonable procedures to insure, whenever family-planning assistance from the United States is involved, that no individual will be coerced to practice methods of family planning inconsistent with his or her moral, philosophical, or religious beliefs.

It seems to me that this is quite sufficient.

Mr. GONZALEZ. Mr. Speaker, I shall vote "present" on the conference report because I favor it in principle, but do not agree with the actions of the conferees with respect to congressional policy on expropriations of American companies and properties.

When the bill was before the House earlier this year, I offered an amendment that would cut off aid to countries that had expropriated American firms or properties, if the recipient country had failed to compensate the firm or investor, or entered into negotiations leading toward compensation or submitted the matter to arbitration before the International Center for the Settlement of Investment Disputes. This amendment was adopted overwhelmingly by the House, but the conference report carries a substitute that is totally different and wholly inadequate.

My amendment would have extended to bilateral assistance the same policy, adopted overwhelmingly by the Congress, that now applies to multilateral lending institutions. It would have provided a uniform U.S. policy on expropriation. It is a policy that works, and a policy that has been effective in encouraging the systematic settlement of disputes arising from expropriations. Such a policy is imperative, and ought to be uniformly applied to all forms of foreign assistance. The action of the conferees in no way reflects the will of the House on this, expressed in four separate votes, nor does it support the clear policy of Congress, carried in three laws.

If the conferees had reported an adequate provision on expropriation, I would have voted "aye" on the report. I regret that the conferees failed to uphold the clear position of the House and the Congress on this issue, and hope that when we next consider foreign assistance we will see a sound expropriation policy enacted. I intend to work toward that end.

Mr. MORGAN. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 210, nays 193, answered "present" 1, not voting 29, as follows:

[Roll No. 620]

YEAS—210

Abzug
Addabbo
Alexander
Anderson,
  Calif.
Anderson, Ill.
Annunzio
Arends
Armstrong
Ashley
Aspin
Badillo
Barrett
Bell
Biaggi
Biester
Bingham
Blatnik
Boggs

Boland
Bolling
Brademas
Brasco
Breckinridge
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Buchanan
Burke, Mass.
Burton
Carey, N.Y.
Carney, Ohio
Cederberg
Chamberlain
Clark
Clay

Cohen
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniels,
  Dominick V.
Danielson
Davis, S.C.
Delaney
Dellenback
Derwinski
Dingell
Donohue
Drinan

du Pont
Eckhardt
Eilberg
Erlenborn
Esch
Fascell
Findley
Fish
Flood
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Giaimo
Gilman
Grasso
Gray
Green, Pa.
Griffiths
Gude
Guyer
Hamilton
Hanley
Hansen, Idaho
Harrington
Harvey
Heckler, Mass.
Heinz
Helstoski
Hillis
Hogan
Holifield
Holtzman
Horton
Hosmer
Howard
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Keating
Kemp
Kluczynski
Koch
Kyros
Leggett
Lehman
Lent
Long, Md.
McClory
McCloskey
McDade
McEwen
McFall
McKay
McKinney
Madigan
Mahon
Mailliard
Mallary
Mann
Mathias, Calif.
Matsunaga
Mayne
Meeds
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Brien
O'Hara
O'Neill
Patman
Patten
Pepper
Peyser
Podell
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robison, N.Y.
Rodino
Roe
Roncallo, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ruppe
Ryan
St Germain
Sarasin
Sarbanes
Schneebeli
Seiberling
Sikes
Sisk
Smith, Iowa
Smith, N.Y.
Stanton, J. William
Stark
Steele
Steiger, Wis.
Stratton
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Ware
Whalen
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wydler
Yates
Yatron
Young, Ill.
Young, Tex.
Zablocki

NAYS—193

Abdnor
Adams
Andrews, N.C.
Andrews, N. Dak.
Archer
Ashbrook
Bafalis
Baker
Bauman
Beard
Bennett
Bevill
Bowen
Bray
Breaux
Brinkley
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carter
Casey, Tex.
Chappell
Chisholm
Clancy
Clausen, Don H.
Cleveland
Cochran
Collier
Collins, Tex.
Conlan
Conyers
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, Wis.
de la Garza
Dellums
Denholm
Dennis
Dent
Devine
Dickinson
Dorn
Dulski
Duncan
Edwards, Ala.
Eshleman
Evans, Colo.
Evins, Tenn.
Fisher
Flowers
Flynt
Fountain
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Gibbons
Ginn
Goldwater
Goodling
Green, Oreg.
Gross
Grover
Haley
Hammerschmidt
Hanrahan
Harsha
Hastings
Hays
Hechler, W. Va.
Henderson
Hicks
Hinshaw
Holt
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Ketchum
King
Landgrebe
Landrum
Latta
Litton
Long, La.
Lott
Lujan
McCollister
McCormack
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Mazzoli
Melcher
Milford
Miller
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Myers
Nelsen
Nichols
Obey
Owens
Parris
Passman
Perkins
Pettis
Pickle
Pike
Poage
Powell, Ohio
Price, Tex.
Quillen
Randall
Rarick
Robinson, Va.
Rogers
Rose
Roush
Rousselot
Roy
Runnels
Ruth
Sandman
Satterfield
Scherle
Schroeder
Sebelius
Shipley
Shoup
Shriver
Shuster
Skubitz
Slack
Snyder
Staggers
Stanton, James V.
Steed
Steelman
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Studds
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Veysey
Waggonner
Wampler
White
Whitehurst
Whitten
Williams
Wyatt
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, S.C.
Zion
Zwach

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—29

Bergland
Blackburn
Burke, Calif.
Clawson, Del
Diggs
Downing
Edwards, Calif.
Ford, Gerald R.
Gubser
Gunter
Hanna
Hansen, Wash.
Hawkins
Hébert
Jordan
Kuykendall
McSpadden
Macdonald
Madden
Michel
Mills, Ark.
Reid
Rooney, N.Y.
Spence
Stokes
Van Deerlin
Waldie
Walsh
Young, Ga.

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Gubser for, with Mr. Michel against.

Mr. Walsh for, with Mr. Del Clawson against.

Mr. Kuykendall for, with Mr. Spence against.

Until further notice:

Mr. Rooney of New York with Mr. Madden.

Mr. Reid with Mr. Gunter.

Mrs. Hansen of Washington with Mr. Young of Georgia.

Mr. Downing with Mr. Waldie.

Mr. Hébert with Mr. Hawkins.

Mr. Mills of Arkansas with Mr. Blackburn.

Mr. Van Deerlin with Mr. Stokes.

Mr. Edwards of California with Miss Jordan.

Mr. Diggs with Mr. Hanna.

Mrs. Burke of California with Mr. Bergland.

Mr. McSpadden with Mr. Macdonald.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 11459, APPROPRIATIONS FOR MILITARY CONSTRUCTION FOR FISCAL YEAR 1974

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on H.R. 11459, making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 93-693)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11459) "making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, and 6.

That the House recede from its disagreement to the amendments of the Senate numbered 7 and 8, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$247,277,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1 and 2.

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Managers on the Part of the House.

MIKE MANSFIELD,
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STUART SYMINGTON,
HOWARD W. CANNON,
RICHARD S. SCHWEIKER,
MILTON R. YOUNG,
CHARLES MCC. MATHIAS,
HENRY BELLMON,
JOHN TOWER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11459) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendment No. 1, military construction, Army: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $578,120,000 instead of $551,575,000 as proposed by the House and $567,735,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This would provide the following changes to the amounts and line items as proposed by the House:

Fort Polk, La.: Commissary	+$1,977,000
Tobyhanna Army Depot, Pa.: Medical equipment maintenance facility	+411,000
U.S. Military Academy, West Point, N.Y.: Hospital	+20,000,000
U.S. Army Cold Regions Research and Engineering Laboratory, New Hampshire:	

Logistics and storage facility	+597,000
Military Ocean Terminal, Bayonne, N.J.:	
Administrative facilities	+1,800,000
Electric substation	+400,000
Pueblo Army Depot, Colo.:	
Stack emission controls	+395,000
Access roads	+2,000,000
Fort McClellan, Ala.: Housing and training facility/WAC Band	−1,035,000

After prolonged discussion, the House conferees agreed to appropriate $20,000,000 for medical facilities at the Military Academy, West Point, New York. The Senate conferees insisted on providing this appropriation in the fiscal year 1974. They felt that having the funds available would allow the Army to proceed as quickly as possible with hospital construction so as to avoid increased costs due to inflation in the construction industry in this area.

The conferees are in agreement that the Army's original plan to build a 100-bed regional hospital at West Point at a cost of $25,000,000 was unrealistic, is in excess of the medical workload experienced and projected for West Point, and is overly expensive. The conferees of both Houses are in agreement that hospital facilities at West Point in no event shall exceed the $20,000,000 appropriated and that the hospital shall be a 65-bed hospital. It is strongly suggested that the Army provide a sufficient contingency factor in its estimates in order to avoid contract cancellation should the cost exceed $20,000,000. The conferees are in agreement that the function to which the hospital should be specifically designed is to provide excellent medical care to cadets and to active duty military personnel stationed at the Military Academy. They further agree that the Army should restudy the location, configuration, scope, utilization, and cost of the proposed hospital facility so as to provide for the above-cited functions in the optimum and least costly manner. The conferees direct the Army to report back to the Committees on Appropriations of the Senate and House of Representatives when it has completed its studies and plans for medical facilities at West Point. No funds will be obligated for construction and no construction contract advertised or awarded for medical facilities at the Military Academy until approval of the Army's plans and specific authority to proceed with construction have been provided in writing from the Committees on Appropriations of the Senate and House of Representatives.

The House conferees were not satisfied that the Army's plans for the construction of the hospital at the proposed location near Washington Gate, approximately 1.6 miles from the cadet area, would provide adequately for cadet medical care without some further provision for dispensary "sick call" or light bed care facilities for the cadets. The House conferees would be extremely concerned with any plan which would make cadet care more inconvenient or less adequate than that provided by the present hospital. The House conferees expect the Army to thoroughly examine this problem as a part of its studies and planning for the provision of medical facilities. The House conferees will not approve a hospital plan which does not take adequate account of these needs. Furthermore, the Army should program any required cadet dispensary facilities or other facilities required to provide medical care to cadets within the $20,000,000 allowance provided in this bill.

For the NATO infrastructure program the conferees restored $20,000,000 as proposed by the House. The conferees feel that, commencing with the next five-year (1975–1979) NATO common infrastructure program (Slices XXVI–XXX), the effective United States contribution to the NATO common infrastructure should be at a maximum 20%. This goal could be obtained by either a 20% share of a normal NATO infrastructure program or by a combination of a normal NATO infrastructure program and a new European defense improvement program financed entirely by European nations. The conferees further give notice that in the future they will look unfavorably upon requests which would fund a United States payment to the program at an effective rate above 20% for Slice XXVI and subsequent slices.

Amendment No. 2, military construction, Navy: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $609,292,000 instead of $587,641,000 as proposed by the House and $608,467,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This would provide the following changes to the amounts and line items as proposed by the House:

Naval Underwater Systems Center, New London Laboratory, New London, Conn.: Engineering building	+$3,600,000
Military Ocean Terminal, Bayonne, N.J.: Military Sealift Command, Atlantic relocation	+1,806,000
Naval Academy, Annapolis, Md.: Maury Hall rehabilitation	+300,000
Naval Supply Corps School, Athens, Ga.: Restoration of commissary store	+120,000
Naval Station, Pearl Harbor, Hawaii: Enlisted men's dining facility	+1,345,000
Atlantic Fleet Weapons Range, Puerto Rico (Sec. 204)	+12,000,000
Naval Complex, Guam: Naval Station theater	+1,480,000
Access roads	+1,000,000

The conferees have not allowed additional appropriations for $3,400,000 authorized to cover the cost of acquisition of leasehold interests situated on land acquired by the Navy under authority provided in fiscal year 1972 at Naval Station, Norfolk, Virginia. Under the provisions of the fiscal 1972 legislation, authority exists and monies are available to take seven leaseholds which the Navy claims are required in the near future for Navy military construction projects at this installation. Additionally, nonappropriated funds can be made available to take a leasehold required to allow the construction of an Exchange warehouse at this location. The conferees feel that the acquisition of these leaseholds in this manner represents a prudent approach and that additional funding is not required at this time.

The conferees deferred without prejudice a communications facility at the Naval Station, Charleston, South Carolina, pending a restudy by the Navy of the manner in which this improvement in communications should be accomplished.

An agreement has been reached by the joint committee of conference that $12,000,000 will be added to finance the movement of the ship-to-shore and other gun fire and bombing operations of the United States Navy from the island of Culebra.

The relocation of such operations from the northwest peninsula of the island of Culebra is expressly conditioned upon the conclusion of a satisfactory agreement to be negotiated by the Secretary of the Navy, or his designee, with the Commonwealth of Puerto Rico. Subsequent to the conclusion of such agreement, the Secretary of Defense shall report the terms of the agreement to the Committees on Appropriations of the Senate and the House of Representatives.

Prior to the obligation of any of the funds appropriated in this Act for the construction and equipage of substitute facilities in support of the relocations of the above-mentioned activities from Culebra, the Secretary of Defense shall request, in writing, the approval of the Committees on Appropriations of the Senate and the House of Representatives. The conferees are in agreement that within 30 days of the receipt of both the information and the request referred to in the two preceding sentences of this report their respective Committees will approve or disapprove the Secretary's request. The agreement shall provide, among other things, that the Commonwealth of Puerto Rico shall insure that (1) Commonwealth lands suitable for carrying out operations of the type referred to above will be made available for the continued use of the Atlantic Fleet Weapons Range and Fleet Marine Forces training areas by the Navy, including, but not limited to, present areas and facilities on the island of Vieques, and (2) any proposed facility of activity which would interfere with the Navy training mission will not be undertaken, including the proposed deep water super-port on the island of Mona, in the event that such agreement includes the use by the Navy of such island or the area adjacent to such island.

The present bombardment area on the island of Culebra shall not be utilized for any purpose that would require decontamination at the expense of the United States. Any lands sold, transferred, or otherwise disposed of by the United States as a result of the relocation of the operations referred to above may be sold, transferred, or otherwise disposed of only for public park or public recreational purposes.

At the Naval Station, Keflavik, Iceland, two projects; namely, the bachelor officers quarters, $3,258,000, and the bachelor enlisted quarters, $2,834,000, have been restored to the Navy program. The joint conference agrees, however, that these funds may not be obligated until an agreement has been signed by the United States Government and the Icelandic Government setting forth the conditions under which the Navy may continue to use Iceland as an operating base.

The conferees have granted authority to proceed with the projects requested for Naval Detachment, Souda Bay, Crete, Greece and for Naval Air Facility, Sigonella, Sicily, Italy. The funding for the following projects, however, is reduced by the amounts shown below to encourage greater use of direct programming through NATO infrastructure slices as explained in the House report:

Naval Detachment, Souda Bay, Crete, Greece:	
Aircraft parking apron	$2,666,000
Air passenger/cargo terminal	277,000
General warehouse	265,000
Naval Air Facility, Sigonella, Sicily, Italy:	
Photographic building	164,000

The conferees have provided $4,000,000 over the amount budgeted for the Navy's planning and design account. This will not increase new budget authority, however, as these funds are provided by reprogramming from savings or cancellation of other projects which are not needed.

Amendment No. 3, military construction, Air Force: Appropriates $247,277,000 instead of $239,702,000 as proposed by the House and $261,198,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House:

Wright-Patterson Air Force Base, Ohio: Alter aircraft engine component research facility	+$1,887,000
Satellite Control Facility, Kodiak, Alaska: Automotive maintenance facility	+462,000

Malmstrom Air Force Base, Mont.: Dormitory facilities	+213,000
Bergstrom Air Force Base, Tex.: Commissary	+2,273,000
Nellis Air Force Base, Nev.: Base personnel office	+1,933,000
United States Air Forces in Europe, Germany: Deficiency authorization funding	+307,000
Access roads	+2,000,000
Grissom Air Force Base, Ind.: Alter airmen dormitories	−1,500,000

The conferees have deferred the request for $13,500,000 for special aircraft support facilities at Andrews Air Force Base, Maryland. Further development of the concept for the use of these Boeing 747 National Emergency Airborne Command Post aircraft is required, as is satisfactory development of the command-control communications package for these aircraft and electromagnetic pulse testing of the aircraft and communications systems.

Approval has been given for the funding of three Air Force projects at the Naval Station, Keflavik, Iceland; namely, an aircraft maintenance shop, $222,000; a weapons release systems shop, $594,000; and a parachute and dinghy shop, $539,000. The committee of conference states that these projects may not be placed under contract until a Status of Forces Agreement has been reached between the United States and the Icelandic Government.

The conferees have restored a portion of the House cut which was applied to the funding of a deficiency authorization for projects in Germany for United States Air Forces in Europe. The conferees agree to restore $307,000 for additional costs of constructing an aircraft maintenance complex at Ramstein Air Base, while approving authority but not additional funding for an air freight terminal at the same location. This is consistent with action on the fiscal year 1973 appropriation which allowed authority but no funding for this project to encourage the programming of such projects through NATO infrastructure slices.

Amendments No. 4 and 5, military construction, Defense Agencies: Provide no appropriation as proposed by the House instead of appropriating $12,000,000 as proposed by the Senate.

The conferees agreed to provide no new budget authority for military construction, Defense Agencies as provided in the House bill; however, the conferees restored authority to construct a logistics support facility for the National Security Agency (NSA) at Fort Meade, Maryland, which is to cost $3,529,000.

The House receded from its action deleting this project as the result of changes of plans by NSA which would increase its utilization and of better information on cost savings. This project, along with other projects approved for the Defense Agencies, is to be funded by the transfer of unobligated balances contained in the Defense contingency fund, which is also carried under this appropriation.

Amendment No. 6, military construction, Naval Reserve: Appropriates $22,900,000 as proposed by the House instead of $20,300,000 as proposed by the Senate.

The committee of conference approves the $2,600,000 requested by the Navy for rehabilitation of facilities to accommodate the move of Naval Reserve Headquarters units from Omaha, Nebraska and Glenview, Illinois to New Orleans, Louisiana. However, the conferees are concerned about the escalation of the cost of this project from $1,500,000, which included approximately $400,000 in operation and maintenance costs, to the requested $2,600,000 for military construction. The Navy is directed to provide a detailed explanation of this cost increase to both Committees on Appropriations.

Amendment No. 7, family housing, Defense: Appropriates $1,188,539,000 as proposed by the Senate instead of $1,194,539,000 as proposed by the House.

Amendment No. 8, family housing, Defense: Authorizes not to exceed $97,947,000 for the construction of Navy family housing as proposed by the Senate instead of $103,947,000 as proposed by the House.

The joint conference has agreed that the 150 units of housing at Naval Station, Keflavik, Iceland, will not be funded in the amount of $6,000,000. A further agreement has been made that the Navy may fund these houses through a reprogramming action after a Status of Forces Agreement has been negotiated between the United States and the Icelandic Government if they are still required.

COMMISSARIES

The committee of conference has allowed two of the four commissary facilities which were in disagreement between the two Houses. Commissary facilities were approved at Fort Polk, Louisiana and Bergstrom Air Force Base, Texas because of the particular need shown at these installations. The conferees are in agreement that the Department of Defense should take measures to increase the use of commissary surcharge monies or other nonappropriated funds for the construction of commissary facilities or recommend to Congress such changes in legislation as are necessary to effect this. Furthermore, the conferees agree that the Chairmen of the two Committees will write to the Secretary of Defense recommending that he study the use of surcharge funds or other nonappropriated funds to cover the cost of construction of all commissary facilities except those overseas or in isolated locations.

As noted in the House report, commissary operations are funded substantially from appropriated funds. They enjoy numerous advantages which allow them to further reduce their costs below those of commercial counterparts. It is for these reasons that the conferees feel that the use of appropriated funds for commissary construction can be reduced.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1974 recommended by the committee of conference, with comparisons to the fiscal year 1973 total, the 1974 budget estimate total, and the House and Senate bills follows:

New budget (obligational) authority, fiscal year 1973	$2,323,221,000
Budget estimates of new (obligational) authority, fiscal year 1974	[1] 2,944,900,000
House bill, fiscal year 1974	2,609,090,000
Senate bill, fiscal year 1974	2,670,972,000
Conference agreement	2,658,861,000
New budget (obligational) authority, fiscal year 1973	+335,640,000
Budget estimates of new (obligational) authority, fiscal year 1974	−286,039,000
House bill, fiscal year 1974	+49,771,000
Senate bill, fiscal year 1974	−12,111,000

[1] Includes H. Doc. 93–155 request for $7,000,000 for Homeowners assistance fund, Defense; excludes H. Doc. 93–155 requests for an additional $4,300,000 for Military construction, Army and an additional $31,100,000 for Family housing, Defense, which were not considered due to lack of authorization.

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CHARLES MCC. MATHIAS,
HENRY BELLMON,
JOHN TOWER,
Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON FOREIGN OPERATIONS APPROPRIATIONS BILL FOR FISCAL YEAR 1974

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the Foreign Assistance and related programs appropriation bill for fiscal year 1974.

Mr. SHRIVER reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

OFFSHORE SHRIMP FISHERIES ACT OF 1973

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8529) to implement the shrimp fishing agreement with Brazil, as amended.

The Clerk read as follows:

H.R. 8529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Offshore Shrimp Fisheries Act of 1973".

DEFINITIONS

SEC. 2. When used in this Act—

(a) the term "treaty" shall mean the Agreement Between the Government of the Federative Republic of Brazil and the Government of the United States of America Concerning Shrimp, signed on May 9, 1972, including related annexes, notes, and agreed minutes, as these documents may be amended from time to time;

(b) the term "shrimp" shall mean the shrimp Penaeus (M.) duorarum notialis, Penaeus brasiliensis, and Penaeus (M.) aztecus subtilis;

(c) the term "area of agreement" shall mean the area in which United States vessels carry on a shrimp fishery in the vicinity of Brazil, as described by the following boundaries: the waters off the coast of Brazil having the isobath of thirty meters as the southwest limit, the latitude 1 degree north as the southern limit, the longitude 47 degrees 30 minutes west as the eastern limit, and a line running from the point of 4 degrees 44 minutes north latitude, 51 degrees 30 minutes west longitude at an azimuth of 17 degrees to the point of 4 degrees, 51 minutes north latitude, 51 degrees 28 minutes west longitude and thence at an azimuth of 43 degrees to the point of 8 degrees 58 minutes north latitude, 47 degrees 30 minutes west longitude as the northwestern boundary;

(d) the term "vessel" shall mean every description of watercraft or other contrivance used, or capable of being used, as a means of transportation in water;

(e) the term "Secretary" shall mean the Secretary of Commerce or his delegate;

(f) the term "transship" shall mean the transfer of shrimp from one vessel to another vessel, or the receipt of shrimp by one vessel from another vessel;

(g) the term "fishing" shall mean the taking or attempted taking of shrimp by any means whatsoever.

(h) the term "vessel owner" shall mean any person, partnership, corporation, or association which is the owner of record of a vessel documented under the laws of the United States, except that, with respect to sections 4 and 5 hereof, the Secretary may issue such regulations as he deems appropriate to cover applications for and issuance of letters of voluntary compliance and permits with respect to vessels owned by corporations which are owned or controlled by one or more other corporations;

(i) the term "regulations" shall mean rules and regulations issued by the Secretary from time to time as he deems necessary to carry out the purposes and objectives of the treaty and this Act; and

(j) the term "gear" when applied to any vessel involved in a violation shall mean any single set of net and doors for a single trawl vessel, or for a vessel capable of towing more than one set at a time, as many sets of net and doors as the vessel is capable of towing: *Provided*, That if the vessel owner, master, or other person in charge of the vessel can show that a particular set (or sets) of net and doors was actually involved in the violation, then that set (or sets) shall be deemed to be the gear of the vessel involved in the violation.

PERMITS

SEC. 3. (a) The Secretary is authorized to issue permits to vessel owners for vessels documented under the laws of the United States to engage in fishing in the area of agreement: *Provided*, That the number of vessels which are the subject of permits shall not exceed three hundred and twenty-five or such other number of vessels as may be specified in the treaty from time to time as authorized to fish in the area of agreement. No vessel owner may be issued a permit with respect to a vessel unless such vessel meets the requirements of the treaty, the Act, and the regulations.

(b) Except as provided in section 4(d), a permit shall be valid only for the vessel with respect to which it is issued and shall not cover more than one vessel, except that a vessel owner may, with the prior consent of the Secretary, transfer a permit to another vessel whether or not owned by the same vessel owner.

(c) Permits shall be issued for a calendar year, and may be renewed annually.

(d) Permits shall contain such provisions, and shall be issued upon, and subject to, such terms and conditions as the Secretary deems necessary to carry out the treaty, the Act, and the regulations. Permit provisions may include, but are not limited to—

(i) the manner, place, and time of conducting fishing operations,

(ii) the keeping of records,

(iii) the furnishing of information to the Secretary,

(iv) the identification and marking of the vessels,

(v) limitations on transshipment operations,

(vi) restrictions or prohibitions on the employment on any permitted vessel of a master or other person against whom a civil penalty has been assessed pursuant to section 9,

(vii) prohibited activities,

(viii) revocation of permit for failure to pay a civil penalty assessed against a vessel owner pursuant to section 9, and

(ix) the maintaining of an office in the United States by the holder of a permit at which all notices, legal documents, and other material may be served.

Permits may be suspended or revoked by the Secretary for failure to comply with any of the terms or conditions thereof, or with the treaty, this Act or the regulations. Upon any such suspension or revocation, the permittee shall be afforded a prompt opportunity, after due notice, for a hearing by the Secretary. The decision of the Secretary rendered in connection with such hearing shall be final and binding.

(e) Permits may be returned to the Secretary. In addition, the Secretary may issue regulations requiring the return of unutilized permits under such circumstances and upon such terms and conditions as he deems appropriate. If the Secretary reissues a permit to another vessel owner, a prorated amount of the annual permit fee for the portion of the year during which the permit is held by another vessel owner shall be refunded to the original permittee. Except as specified in this subsection (e) and in section 4(c), permit fees shall not be prorated.

(f) The annual fee for a permit for any year other than 1973 shall be $615 for enforcement services plus an amount of not more than $100, as determined by the Secretary, for the purposes of covering administrative costs. The fee for a permit for 1973 shall be $1,230 for enforcement services plus an amount of not more than $200, as determined by the Secretary, for the purpose of covering administrative costs: *Provided*, That the annual fee for a permit for 1973 for any vessel first documented in that year or certified as not having been engaged in fishing in the area of agreement in 1972 shall be $615 for enforcement services plus an amount of not more than $100, as determined by the Secretary, for the purpose of covering administrative costs. The amount of any deposit transferred to the Offshore Shrimp Fisheries Fund pursuant to section F of this Act shall be credited toward the annual permit fee.

(g) Any permit which has been suspended or revoked, or which is required to be returned, shall be surrendered to the Secretary.

PERMIT PROCEDURE

SEC. 4. (a) Vessel owners may apply for permits to engage in fishing in the area of agreement. The method and time for application shall be announced in advance in the Federal Register.

(b) The owner of any vessel for which application for a permit is refused may petition the Secretary for reconsideration, and shall be entitled to a hearing. The decision of the Secretary rendered in connection with such reconsideration shall be final and binding.

(c) The Secretary may reissue permits which have been returned pursuant to section 3, to vessel owners with outstanding applications, who have not been able to obtain permits under the procedure set out in subsection (d). The fee for such reissued permits shall be the prorated share of the annual fee for the portion of the year during which the new permittee holds the permit.

(d) If application is made with respect to more vessels than the number of permits allowed to be issued under section 3(a), the following procedure for granting permits shall apply:

(1) All vessel owners to whom letters of voluntary compliance have been issued, pursuant to section 5 of this Act, shall have first priority for permits but only as to vessels covered by such letters.

(2) After all vessel owners under subparagraph (1) have been considered for permits, all vessel owners who have been engaged in fishing in the area of agreement, during the last five years, shall have second priority for permits. However, in no event shall a vessel owner be eligible for receiving a permit under this subsection for a given vessel during the first six months after the effective date of this Act if the Secretary determines that such vessel has engaged in activities during the period from May 9, 1972, to the effective date of this Act which would have constituted a violation specified in section 8 (a)(3) or 8(a)(5), but only to the extent 8(a)(5) relates to use of fishing gear and the closure of the area of agreement to fishing, if the Act had been in effect during such period. In the event of any such determination, the vessel owner affected thereby shall be given notice thereof and an opportunity for a hearing. The decision of the Secretary rendered in connection with the hearing shall be final and binding.

(3) After all vessel owners under subparagraphs (1) and (2) have been considered for issuance of a permit, all other vessel owners who have made application may be considered for permits.

If the number of vessels for which application is made in the categories outlined in subparagraph (2) or (3) is more than the number of permits available after having accounted for the vessels in the previous category (or in the case of subparagraph (1), if the number of vessels for which application is made in that category is more than the number of permits available pursuant to the treaty), then the number of permits available shall be proportionally distributed with the applicable category, in a manner provided in the regulations.

VESSELS WHICH VOLUNTARILY COMPLY

SEC. 5. The Secretary shall issue a letter of voluntary compliance to a vessel owner who has had vessels engaged in fishing in the area of agreement at any time subsequent to May 9, 1972, for all vessels of such owner documented under the laws of the United States which meet the requirements of the treaty, and for each of which the vessel owner has deposited and continuously maintained, until the transfer referred to in the following sentence, $700 in a special account in a bank or trust company insured by the Federal Deposit Insurance Corporation for the purpose of reimbursing the United States for enforcement expenses as provided in article 6 of the treaty. On or before the issuance of a letter of voluntary compliance the deposited funds referred to above shall be transferred, in the manner provided for in regulations, through the Secretary, to the Offshore Shrimp Fisheries Fund, established pursuant to section 6 of this Act.

OFFSHORE SHRIMP FISHERIES FUND; ENFORCEMENT EXPENSES

SEC. 6. (a) There is hereby established on the books of the Treasury a separate fund, the Offshore Shrimp Fisheries Fund, to be used by the Secretary to make payments for enforcement expenses as provided in article VI of the treaty. The fund shall be credited with permit fees collected pursuant to section 3 for enforcement expenses, funds appropriated under section 12(a), amounts transferred through the Secretary from deposits in the special accounts referred to in section 5, and amounts collected for minimum penalties pursuant to section 9.

(b) The Secretary of Commerce, through the Secretary of State, shall pay, or cause to be paid, on behalf of the United States the enforcement expenses as provided in article VI of the treaty.

(c) In the event that a vessel owner, master, or other person in charge of a vessel, pays on behalf of the United States the unusual enforcement expenses incurred in carrying out the seizure and detention of a vessel, referred to in article VI of the treaty, and is not assessed a civil penalty under section 9 of this Act within two years from the date of such seizure in repect to the violation for which the vessel was seized, such vessel owner, master, or other person shall be entitled to reimbursement of amounts so paid. Application for reimbursement shall be made to the Secretary.

INFORMATION AND REPORTS

Sec. 7. (a) Each master or other person in charge of a vessel which is the subject of a permit under this Act shall keep a logbook in the form and manner prescribed pursuant to the treaty and set forth in regulations.

(b) In addition to the logbook, owners of vessels which have permits under this Act shall supply to the Secretary, in such form and at such times as he may prescribe, any other information necessary in order to carry out the purposes and objectives of the treaty, the Act or the regulations, which information may include data on fishing beyond the area of agreement in order to determine to the extent possible the full potential of the shrimp fishery.

(c) Except as otherwise provided in the treaty, information obtained pursuant to this Act shall be treated as confidential commercial information pursuant to section 552 of title 5, United States Code.

(d) The Secretary shall have the power to require by subpena the production of all such logbooks, records, or other information required pursuant to this section. The Secretary may delegate the power to sign subpenas and to receive documents.

(e) In case of contumacy or refusal to obey a subpena issued to any person, corporation, partnership, or other entity, the Secretary may request the Attorney General to invoke the aid of any district court of the United States or the United States courts of any territory or possession within the jurisdiction of which said person, corporation, partnership, or other entity is found, resides, or transacts business to secure compliance.

PROHIBITIONS

Sec. 8. (a) No master or other person in charge of a vessel documented under the laws of the United States shall—

(1) engage in fishing in the area of agreement, unless the vessel is the subject of a permit in force pursuant to this Act;

(2) transship shrimp in the area of agreement, unless each vessel engaged in the transshipment is the subject of a permit in force pursuant to this Act, or is otherwise authorized to fish in the area of agreement pursuant to the treaty;

(3) assault or attempt to prevent any duly authorized officer from boarding, searching, seizing or detaining a vessel in accordance with such officer's duties under the treaty;

(4) engage in fishing in the area of agreement contrary to regulations establishing a procedure for limiting the number of vessels allowed to be present in the area of agreement at any time to one hundred and sixty or such other number as may be allowed pursuant to the treaty;

(5) engage in fishing in the area of agreement in contravention of annex II, as it may be modified from time to time pursuant to article II of the treaty, or any regulations issued by the Secretary to implement such annex.

(b) No master or other person in charge of a vessel documented under the laws of the United States shall—

(1) fail or refuse to keep or provide any logbooks or any other information required pursuant to this Act, or provide or furnish false logbooks or other information;

(2) violate any other provision of the treaty, this Act, or any regulations promulgated by the Secretary, the violation of which is not covered by subsection (a).

PENALTIES

Sec. 9. (a) Any master or other person in charge of a vessel who violates section 8 hereof may be assessed a civil penalty by the Secretary, after notice and opportunity for a hearing, of not more than $10,000 for a violation of section 8(a) and $3,000 for a violation of section 8(b). Except as provided in this section, the minimum penalty assessed shall be not less than an amount sufficient to cover the unusual enforcement expenses, if any, incurred by the United States pursuant to article VI of the treaty in connection with such violation: *Provided*, That if the person against whom the penalty has been assessed has paid on behalf of the United States such unusual enforcement expenses, the minimum penalty requirement shall not apply. The amount of any such minimum civil penalty assessed shall be deposited directly into the Offshore Shrimp Fisheries Fund. The amount of any such civil penalty over the minimum penalty may be compromised by the Secretary.

(b) The Secretary shall notify any vessel owner involved in a violation of section 8 of the outcome of any proceeding under subsection (a) above.

(c) The Secretary, after notice and opportunity for hearing, may assess against a vessel owner a civil penalty equal to the value of the catch on board the vessel when detained and the value of the gear involved in a violation of section 8(a)(1), or involved in a second or subsequent violation of any other provision of section 8(a) by a person against whom a penalty had previously been assessed under section 9(a) for a violation involving the operation of a vessel owned by the same person as the vessel involved in such second or subsequent violation. The amount of any such penalty shall be deposited as miscellaneous receipts into the general fund of the Treasury.

(d) Upon failure of the party penalized as provided in this section to pay the penalty within thirty days of the assessment thereof, the Secretary may request the Attorney General to commence action in the Federal district court having jurisdiction over the party for such relief as may be appropriate. In any such action for relief, the Secretary's penalty assessment shall be final and unreviewable unless the penalized party has otherwise sought judicial review thereof.

(e) In any hearing held by the Secretary in connection with the assessment of a civil penalty hereunder, the vessel owner, the master or any other person against whom a penalty may be assessed may appear in person or by counsel at such hearing or in lieu of a personal appearance may submit such affidavits or depositions as he deems necessary to the defense of any charges which may be considered by the Secretary at such hearing.

ENFORCEMENT

Sec. 10. (a) This Act shall be enforced jointly by the Secretary, the Secretary of the department in which the Coast Guard is operating, and the Secretary of the Treasury.

(b) Any duly authorized law enforcement officer of the Government of Brazil who is exercising responsibility under article V of the treaty shall be empowered to act on behalf of the United States to enforce the provisions of the treaty in the area of agreement as follows: Any such officer may board and search any vessel which he has reasonable cause to believe has violated any provisions of the treaty. If after boarding and searching such vessel the officer continues to have reasonable cause to believe that a violation has been committed, he may seize and detain the vessel for the sole purpose of delivering it, as soon as practicable, to an agent of the United States Government at the nearest port to the place of seizure or any other place which is mutually agreed upon by the Government of Brazil and the Secretary of State.

REGULATIONS

Sec. 11. In addition to any specific authority contained in this Act, the Secretary is authorized to issue all regulations necessary to carry out the purposes and objectives of the treaty and this Act. Prior to the issuance of any regulations dealing with the marking of vessels or with the use of radiotelephone frequencies, the Secretary shall consult with the Secretary of the department in which the Coast Guard is operating.

APPROPRIATIONS

Sec. 12. (a) There is hereby authorized to be appropriated such amounts as are necessary for enforcement expenses pursuant to article VI of the treaty, to be deposited in the Offshore Shrimp Fisheries Fund.

(b) There is also hereby authorized to be appropriated such amounts as are necessary for domestic enforcement expenses and the expenses of administering the provisions of the treaty, this Act, and the regulations, to be available until expended, when so provided in appropriation Acts. So much of the permit fees as are identified for administrative costs shall be deposited as miscellaneous receipts to the general fund of the Treasury.

TERMINATION

Sec. 13. The provisions of this Act shall expire June 15, 1975.

SEVERABILITY

Sec. 14. The provisions of this Act shall be severable and if any part of the Act is declared unconstitutional or the applicability thereof is held invalid, the constitutionality of the remainder and the applicability thereof shall not be affected thereby.

The SPEAKER. Is a second demanded?

Mr. GOODLING. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, the Offshore Shrimp Fisheries Act of 1973, H.R. 8529, is designed to implement the Shrimp Fishing Agreement between the United States and Brazil.

This agreement was negotiated in response to the situation created in 1970 when Brazil joined many of its South American neighbors in asserting a 200-mile territorial sea claim and subsequently promulgating regulations controlling fishing by foreign-flag vessels within that area. This claim was not recognized by the United States, which, as you know, recognize only a 3-mile territorial sea and claims a 9-mile contiguous zone of exclusive jurisdiction over fisheries. Unfortunately, however, the area encompassed by Brazil's claim is one in which a large number of U.S. vessels have carried on shrimp fishing over the past decade. The value of the annual shrimp catch in this area by American-flag vessels is in the neighborhood of $30 million.

Mr. Speaker, fortunately, the Brazilian Government included in its fishery decree a clause to permit the setting aside of any of its provisions by international agreement. Negotiations between the two countries resulted in the signing of the Agreement in May 1972. The Senate gave its consent on October 3, and the President ratified the agreement on November 29, 1972. An exchange of notes bringing the agreement into effect was completed on February 14, 1973.

This agreement sets up a regulatory system designed to ensure the conservation and orderly exploitation of the shrimp resources concerned, primarily by a limitation of fishing effort. Article IX of the agreement specifically provides that nothing contained therein shall be interpreted as prejudicing the position of either party regarding the matter of territorial seas or fisheries jurisdiction under international law.

Because of the wide variation in the state of development of the two countries' fishing industries, the requirements of the agreement to be applied to the vessels of each country are different. Brazilian vessels are prohibited from fishing in spawning and breeding areas and from using chemical, toxic or explosive substances in or near such areas and such vessels are required to register and pay fees and taxes for periodical inspections. The United States, on the other hand, restricts the number, size and type of its vessels permitted to engage in the fishery and limits their fishing in the area to a specified open season. Both countries require their vessels to maintain log books and have provided for the gathering and exchange of the information collected.

On the basis of convenience and cost, the U.S. Government has agreed to Brazilian enforcement within the agreement area and to pay that government $200,000 annually for that purpose. Most of this money will come from permit fees charged to U.S. fishermen.

Mr. Speaker, the legislation before us today, H.R. 8529, would enable our Government to carry out its obligations under the agreement with Brazil. It would make the provisions of the agreement mandatory on those U.S. vessels wishing to participate in the fishery and enable our Government to penalize violators brought to our attention by the Brazilian Government. It would also permit the United States to transfer voluntary compliance funds, set aside by industry, into the offshore shrimp fisheries fund in the Treasury to be used in compensating Brazil for enforcement costs.

Mr. Speaker, briefly explained, section 1 of this bill cites the act as the "Offshore Shrimp Fisheries Act of 1973."

Section 2 defines terms used in the bill, including the area covered by the agreement. This area includes virtually all of the major grounds traditionally fished by U.S. shrimp vessels off the coast of Brazil and is defined in a way which does not coincide with jurisdictional limits recognized by either side.

Section 3 authorizes the Secretary of Commerce to issue annual permits for U.S. vessels to fish within the designated area. It details conditions which may be attached to the permits, authorizes the Secretary to make regulations regarding these permits, and prescribes the permit fees. The basic fee is determined by a formula which would recover for the Government all costs of participating in the agreement and some administrative costs, if all of the 325 permits available were issued.

Mr. Speaker, currently around 200 shrimp fishermen have voluntarily paid annual permit fees of approximately $700 each and are complying with the provisions of the agreement. Based on this number, the committee estimates the cost to the Federal Government at approximately $150,000 during fiscal year 1974 and $75,000 during fiscal year 1975.

Section 4 prescribes the procedures under which the Secretary of Commerce would issue permits, including a set of criteria for priority in granting permits if applications exceed the number available, and section 5 authorizes the Secretary to provide evidence of voluntary compliance as one criteria for priority status.

Section 6 sets up a special revolving fund in the Treasury to receive permit fees, unusual enforcement expenses, penalties and appropriations, and to disburse funds to be paid to Brazil for enforcement costs.

Section 7 provides for the keeping of log books by American vessels and the collection and dissemination of information therein. The National Marine Fisheries Service says such log books have already provided better and more complete data on this shrimp resource than ever before available. Such data is vital to the conservation of this resource.

Section 8 sets out those acts prohibited under the agreement and/or the act and section 9 provides penalties therefor.

Section 10 provides for joint enforcement by the Secretary of Commerce, the Secretary of the department in which the Coast Guard is operating, and the Secretary of the Treasury.

Section 11 authorizes the Secretary of Commerce to issue all necessary regulations.

Section 12 authorizes appropriations necessary to pay Brazil for enforcement and to cover administrative expenses.

Section 13 provides for termination of the act on June 15, 1975, and section 14 is a standard separability clause.

Mr. Speaker, without this legislation the U.S. Government cannot meet its obligations under the agreement with regard to the payment to Brazil. The agreement has been operating successfully on a voluntary basis and will expire January 1, 1974, unless extended. It seems unlikely that Brazil will wish to consider an extension unless this legislation is enacted.

Mr. Speaker, the shrimp-fishing agreement is a breakthrough in the area of jurisdictional disputes which has up to now proved to be a practical accommodation of our interest in continued access to this fishery and of Brazil's interest in the conservation of its offshore resources, without prejudice to either party's position on territorial seas or fisheries jurisdiction under international law.

Because this agreement and legislation break new ground, a termination date of June 15, 1975, has been provided by the Committee on Merchant Marine and Fisheries so that the committee can take another look at the effectiveness of their provisions in a year or so to determine whether they meet the test of time.

Mr. Speaker, I urge immediate enactment of H.R. 8529.

Mr. Speaker, I might point out that there are a number of typographical errors in the reported bill that have been corrected in the official papers at the desk.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Speaker, I rise in support of H.R. 8529, the Offshore Shrimp Fisheries Act of 1973, a bill to implement the shrimp fishing agreement with Brazil.

As I am sure many of my colleagues are aware, the country of Brazil, like so many of her sister nations, especially in South America, claims a 200-mile exclusive fisheries zone off its coastal areas. For a number of years American shrimp fishermen have been taking shrimp from the waters off the coast of Brazil, some of which has been taken from areas within the Brazilian 200-mile exclusive fisheries zone.

Since the U.S. Government recognizes only a 12-mile exclusive fisheries zone, and in an effort to forestall any problems which might arise because of the difference in the views of the United States and Brazil concerning fisheries jurisdiction, on May 9, 1972, Brazil and the United States entered into an agreement which provided for the licensing by the Secretary of Commerce of a number of U.S. vessels for fishing within a regulatory area off the coast of Brazil.

The Senate gave its consent and ratification to this agreement on October 3, 1972, and the President signed the instrument of ratification on November 29. The agreement will be in effect until January 1, 1974, unless extended by mutual consent of the two contracting governments.

In view of the early termination date of this agreement, it was considered urgent by the State Department and the U.S. shrimp industry that the agreement's implementing legislation, H.R. 8529, be enacted as soon as possible.

There is at present no law under which the United States can limit the entry of its citizens and vessels into high seas fisheries in general, or the high seas shrimp fishery in particular. H.R. 8529 would empower the Government to impose such a limitation in the case of the shrimp fishery within the designated area.

As I stated before, the shrimp treaty with Brazil will expire at the end of this year unless an extension can be negotiated. The Department of State believes that it is in the interest of the United States to have the agreement extended and our hearings indicated that it was the consensus of the shrimp industry sectors directly affected by the agreement that such an extension is desirable. However, my committee did provide a termination date for the legislation, as of June 15, 1975, so that during the interim review of this new concept could be undertaken by my committee to see if this is the appropriate way to resolve this jurisdictional problem.

The Government of Brazil is aware that without congressional action as contemplated in H.R. 8529, the United States cannot enforce the provisions of the shrimp treaty against its fishermen or pay Brazil the money due her under the terms of the treaty. Unless we act soon, we will not be in a very good position to approach the Government of Brazil concerning the negotiation of an extension of the treaty since the time remaining to us under the present treaty is already obviously very short, Mr. Speaker. Therefore, I urge my colleagues to support this measure.

Mr. GOODLING. Mr. Speaker, this legislation is designed to give effect to the terms of an agreement entered into last year between the United States and Brazil regarding fishing for shrimp within Brazil's claimed 200-mile territorial sea and fisheries zone. While the United States does not now recognize this claim of jurisdiction on the part of Brazil, we are faced with the practical reality that American fishermen who have pioneered the Brazilian shrimp fishery may be prohibited from entering these waters in the absence of such an agreement. American shrimp fishermen are strongly in favor of the bill and took an active part in the negotiation of the agreement.

Unlike the situation on the west coast of South America where Peru and Ecuador have refused repeatedly to enter into serious negotiations with the United States over the tuna fishery, the Government of Brazil has been willing to sit down and negotiate a reasonable compromise.

The Committee on Merchant Marine and Fisheries studied the fishing agreement and the implementing legislation at length before favorably reporting it to the House. Many of us had serious reservations concerning the desirability of this approach. However, given the very real possibility that our failure to act on this legislation would trigger a confrontation similar to that which has existed with Ecuador and Peru, it was decided that the legislation should be reported with a limitation as to its duration. As reported by the committee, the implementing legislation will terminate on June 15, 1975. During this time, we will monitor the situation most carefully to insure that the Brazilian government does not harass American shrimp fishermen and in all respects lives up to the letter and the spirit of the agreement.

Accordingly, Mr. Speaker, I join my distinguished colleague, the chairman of the Fisheries and Wildlife Conservation and the Environment Subcommittee (Mr. DINGELL) in recommending the passage of H.R. 8529.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I rise in support of H.R. 8529 to implement the shrimp fishing agreement with Brazil.

Over 1 year ago, on March 9, 1972, the United States signed an interim agreement with Brazil to resolve a potentially serious fisheries problem between our two countries. The arrangements agreed to in that agreement, which were embodied in a treaty approved by the Senate, provide benefits for both the United States and Brazil. They assure U.S. vessels the right to continue fishing while at the same time providing for the conservation and protection of an important fisheries resource.

The agreement provides for the establishment of a conservation area off Brazil and provides that Brazil will undertake patrols to insure that fishing limits are not exceeded. For its part, the United States agrees to limit the number of its fishing boats in the area and to provide $200,000 annually as its portion of the enforcement costs. These costs to the United States will be offset in turn by the U.S. industry which will purchase licenses from the Commerce Department to fish off Brazil. It should be noted that the agreement and this legislation have the full backing of the U.S. shrimp industry.

Mr. Speaker, one important point to be considered is that the agreement sanctioned by H.R. 8529 is an interim one designed to forestall an immediate problem in United States-Brazilian relations. The agreement and this bill are not designed to settle once and for all the residual juridical problems which can be properly resolved by multilateral international negotiations and, in fact, the original agreement quite clearly indicates that the United States does not recognize Brazil's 200-mile territorial sea claim. In view of the interim nature of the agreement, it makes sense to me that the authority granted in this bill be limited to June 15, 1975, as the committee deems advisable.

Mr. Speaker, Brazil is a great and striving nation whose people have long been friends of the United States. This legislation gives the House an important opportunity to express its approval of the spirit of cooperation and friendship which enabled our negotiations to conclude an agreement on a most difficult issue in a way which is good for both Brazil and the United States.

As chairman of the Subcommittee on Inter-American Affairs, I urge approval of H.R. 8529.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 8529, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members who wish to do so may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 8529, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDING THE ACT OF MAY 20, 1964, PROHIBITING FISHING IN TERRITORIAL WATERS OF THE UNITED STATES

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6074) to amend the act of May 20, 1964, entitled "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States, and by persons in charge of such vessels," to define those species of Continental Shelf fishery resources which appertain to the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (a) and (b) of section 5 of the Act of May 20, 1964 (78 Stat. 196), are amended to read as follows:

"(a) As used in this Act, the term 'Continental Shelf fishery resource' means living organisms belonging to sedentary species; that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil of the Continental Shelf, including the following species:

CRUSTACEA

"Tanner Crab—Chionoecetes tanneri;
"Tanner Crab—Chionoecetes opilio;
"Tanner Crab—Chionoecetes angulatus;
"Tanner Crab—Chionoecetes bairdi;
"King Crab—Paralithodes camtschatica;
"King Crab—Paralithodes platypus;
"King Crab—Paralithodes brevipes;
"Stone Crab—Menippe mercenaria;
"Lobster—Homarus Americanus;
"Dungeness Crab—Cancer magister;
"California King Crab—Paralithodes californiensis;
"Golden King Crab—Lithodes aequipinus;
"Northern Stone Crab—Lithodes maia;
"Stone Crab—Menippe mercenaria; and
"Deep-sea Red Crab—Ceryon quinquedens.

"MOLLUSKS

"Red Abalone—Haliotis rufescens;
"Pink Abalone—Haliotis corrugata;
"Japanese Abalone—Haliotis kamtschlatkana;
"Queen Conch—Strombus gigas;
"Surf Clam—Spisula solidissima; and
"Ocean Quahog—Artica islandica.

"SPONGES

"Glove Sponge—Hippiospongia canaliculata;
"Sheepswool Sponge—Hippiospongia lachne;
"Grass Sponge—Spongia graminea;
"Yellow Sponge—Spongia barbera.

"(b) The Secretary of Commerce, in consultation with the Secretary of State, is authorized to publish in the Federal Register additional species of living organisms covered by the provisions of subsection (a) of this section."

The SPEAKER. Is a second demanded?

Mr. GOODLING. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the purpose of H.R. 6074 is to provide additional protection to the American lobster.

Mr. Speaker, for the benefit of my colleagues, I might briefly explain the present law and background that led to the introduction of this legislation.

Under Public Law 88-308, which came into effect in 1964, it is unlawful for any vessel—except a vessel of the United States—or for the master or other person in charge of such a vessel to engage in the fisheries within the territorial waters of the United States or the contiguous fishery zone, or to engage in the taking of any Continental Shelf fishery resource which appertains to the United States. The only exceptions to this prohibition are those provided by the act or by an international agreement to which the United States is a party.

Mr. Speaker, under the Continental Shelf Convention, to which the United States is signatory, a coastal State is entitled to name those living organisms belonging to the sedentary species as creatures of the Continental Shelf, that is to say, those living or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

Mr. Speaker, by administrative action, the Secretary of Commerce, in concurrence with the Secretary of State, has designated 14 species of crabs, 6 species of mollusks, and 4 species of sponges as creatures of the shelf. Much consideration has been given to declaring the American lobster a creature of the shelf; however, because the lobster has swimming appendages which, at times when disturbed, permits it to swim perhaps a distance of 10 to 20 feet. The Secretary of Commerce has contended that the lobster does not meet the test set forth in the convention.

Mr. Speaker, with all due regard to the Secretary's position, there are many marine biologists who argue just the opposite; they contend that the lobster meets the test provided by the convention and should be declared a creature of the shelf.

Mr. Speaker, the proponents of this proposal have been trying for nearly 10 years now to get the Secretary to name the lobster a creature of the shelf. However, their efforts appear to have been to no avail. During the 10-year period, more or less, we have seen the lobster so overfished by foreign fishing vessels that now this fishery is in serious jeopardy of being decimated.

Mr. Speaker, it is time to quit arguing over whether the lobster is a creature of the shelf or not and take the necessary steps to see that this fishery resource is given the protection to which it is entitled and this is just what H.R. 6074 is designed to do.

Briefly explained, H.R. 6074 would name all of those species previously named by administrative action as creatures of the shelf by an act of Congress, thereby giving these species statutory protection.

In addition, for the first time, the American lobster would be named a creature of the shelf under this legislation, thereby giving it statutory protection, something that should have been done many years ago.

Also, the legislation would authorize the Secretary of Commerce, in consultation with the Secretary of State, to name such additional species as he may deem appropriate as creatures of the shelf.

Mr. Speaker, the bill was unanimously reported by the Merchant Marine and Fisheries Committee and I urge its prompt passage.

Mr. Speaker, I might point out that there are a number of typographical errors in the reported bill that have been corrected in the official papers at the desk.

Mr. Speaker, I must note at this time the particular interest of the members the subcommittee whose names appear printed in the committee's report, as follows:

The gentleman from Maine (Mr. KYROS), the gentleman from Massachusetts (Mr. STUDDS), the gentleman from Connecticut (Mr. STEELE), the gentleman from Alabama (Mr. BUCHANAN), the gentleman from Massachusetts (Mr. BURKE), the gentleman from Maine (Mr. COHEN), the gentleman from South Carolina (Mr. DAVIS), the gentleman from Virginia (Mr. DOWNING), the gentleman from New York (Mr. FISH), the gentleman from Massachusetts (Mr. HARRINGTON), the gentleman from New York (Mr. HORTON), the gentleman from New Jersey (Mr. HOWARD), the gentleman from New York (Mr. LENT), the gentleman from Massachusetts (Mr. MOAKLEY), the gentleman from California (Mr. MOSS), the gentleman from Michigan (Mr. NEDZI), the gentleman from Massachusetts (Mr. O'NEILL), the gentleman from New Jersey (Mr. ROE), the gentleman from Rhode Island (Mr. TIERNAN), the gentleman from New York (Mr. WOLFF), and a number of others of our colleagues who have joined in cosponsoring this legislation and who deserve credit for its enactment because of their great interest.

Mr. Speaker, I yield such time as she may consume to the distinguished chairman of the Committee on Merchant Marine and Fisheries, the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Speaker, I rise in support of H.R. 6074 and identical bills which would rewrite section 5(a) of Public Law 88-308 to specifically name the species that are creatures of the Continental Shelf. Included in this list is the lobster—Homarus americanus—along with a number of other species. The other named species have been considered to be creatures of the shelf but have never been named as such by an act of Congress.

The legislation in question would authorize the Secretary of Commerce, in consultation with the Secretary of State, to name additional species of living organisms to the list.

Public Law 88-308 became effective on May 20, 1964, and makes it unlawful for any vessel, except a vessel of the United States, to engage in the fisheries within the territorial waters of the United States or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters, or in such waters to engage in activities in support of a foreign fishery fleet, or to engage in the taking of any Continental Shelf fishery resource which appertains to the United States, except as provided in this chapter or as expressly provided by an international agreement to which the United States is a party.

A Convention on the Continental Shelf became effective June 10, 1964, and provides that the coastal State exercises over the Continental Shelf "sovereign rights" for the purpose of exploring and exploiting its natural resources. These rights are exclusive in the sense that if the coastal State does not explore the Continental Shelf or exploit its natural resources, no one may undertake these activities or make a claim to the Continental Shelf without the express consent of the coastal State. The convention defines natural resources as "consisting of the mineral and other nonliving resources of the seabed and subsoil, together with living organisms belonging to sedentary species, that is to say, organisms which at the harvestable stage either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil."

The laudable purpose of the legislation in question is obviously to provide additional protection to the American lobster. To accomplish this purpose the legislation would declare the American lobster a creature of the Continental Shelf, thereby making it unlawful for any vessel—except a vessel of the United States—or for any master or other person in charge of such a vessel to engage in the taking of this fishery resource.

As we all realize, the New England fishermen's catch of food fish dropped from 742 million pounds in 1961 to only 380 million pounds in 1971. Unfortunately, the same disaster is now hitting the lobster industry in New England. For example, in 1971 U.S. landings of North American lobsters totaled 33.3 million pounds and were valued at $35.1 million. This represents a decrease of 805,000 pounds compared with 1970. At the same time, in 1971 the United States imported 34.8 percent of the total supply of fresh and frozen lobsters. Thus, out of a total supply of 51,182,000 pounds, the United States imported 17,835,000 pounds.

In light of the devastation to the New England food fish catch and its spread to the lobster industry, it became clear to the Merchant Marine and Fisheries Committee that we must take some steps to protect the lobster. There are already many species such as the haddock and the yellow tailed flounder which have all but disappeared from the New England deep sea fishery stocks. If something is not done now, it seems clear that the same conditions will exist with the lobster in several years. For these reasons, I urge my colleagues to vote in favor of H.R. 6074.

Mr. GOODLING. Mr. Speaker, H.R. 6074 very simply would declare the lobster Homarus Americanus a creature of the U.S. Continental Shelf, thereby reserving this important resource for the United States to be taken only by American fishermen.

The 1958 Continental Shelf Convention gives to coastal States sovereign rights for the purpose of exploring and exploiting the resources of the Continental Shelf, both living and nonliving. These resources are defined by the Convention to include those living resources which at the harvestable stage are in constant physical contact with the seabed. Since 1958, the biologists and international lawyers have argued over whether the lobster qualifies as a Continental Shelf resource, since if disturbed it may propel itself off the seabed unlike, for example, mollusks or crabs. This argument was of interest only to the academic community until the great fleets of foreign-flag fishing vessels began operating regularly off our shores in the early 1960's.

As we all know, foreign-flag fishing has risen dramatically near the United States during the past decade. Using what has been termed a vacuum-cleaner technique, the foreign fishing vessels have swept up everything in the path of their nets which, when dragged across the seabed floor, undoubtedly take up many lobsters.

During this same period of time. American fishermen have gone further and further offshore to catch lobsters well beyond the territorial waters of the United States or even the contiguous fishery zone. This recently developed offshore lobster fishery is severely threatened by the foreign trawlers which not only catch the lobsters but, in many instances, have destroyed thousands of dollars worth of lobster gear set by U.S. fishermen.

We have, therefore, reached the point where we cannot afford to continue to argue whether the lobster qualifies for protection under the vague terms of the Continental Shelf Convention. The Committee on Merchant Marine and Fisheries has listened patiently to the views of the executive branch in opposition to this legislation, and in all candor finds those views without merit. Central to the opposition of the State Department is the thought that this and many other issues will be resolved in the pending Law of the Sea Conference. It is clear, however, that the conclusion of that Conference is still a number of years away, and by then the resource may be depleted beyond the point of regeneration.

This legislation has the overwhelming bipartisan support of the committee and of the New England congressional delegation, and I commend my colleague from Connecticut (Mr. STEELE) for having introduced and vigorously worked for the passage of this bill.

Mr. Speaker, I urge that the House pass the bill, H.R. 6074.

Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. STEELE).

Mr. STEELE. Mr. Speaker, in recent years it has become painfully clear that unless we take positive action, the foreign boats fishing off the Northwest Atlantic coast will suck up every fish swimming there and then proceed to harvest the barnacles off the bottoms of our own fishing boats.

Today, we have an opportunity to throw up a warning signal to those countries who would destroy this country's fifth most valuable fishery resource, the North American lobster. The foreign fishing fleets have already seriously damaged the entire fishing industry of New England and have now begun to take aim at the lobster. In recent months we have learned specifically of efforts by several foreign countries to begin and step-up the harvesting of lobster off our shores.

For many years, small U.S. boats have departed our New England towns to fish along the Continental Shelf, which has long been the richest fishing ground in the world. Haddock, cod, flounder, mackerel, herring and perch were available in such abundance that the supplies were thought to be inexhaustible. In the last decade though, the situation has changed dramatically.

From 1952–60 the U.S. catch from waters of New England averaged over 700 million pounds a year, or 99 percent of the total catch from the area. But by 1969, Soviet fishing fleets alone were taking over 800 million pounds or 50 percent of the total catch from offshore New England waters. At the same time the American catch fell sharply to 418 million pounds or just 25 percent of the area's harvest.

This total foreign effort has had a tremendously damaging effect on the fin fish and has reduced stocks of some species by as much as 95 percent of previous levels. It is estimated that the foreign boats are also taking as much as 16 to 22 million pounds of lobster as a so-called incidental catch when fishing for other species and that this catch alone is approaching the level of maximum sustainable yield which has been estimated at 25 million pounds per year.

In recent years, our fishermen have expressed great concern about the need to conserve stocks of lobster both offshore and inshore. For the inshore stocks, within the 12-mile limit, we have formulated strict regulations such as limits on size, protection of egg-bearing females, licensing and reporting of catches in an effort to conserve and maintain the lobster fisheries for the future. In sharp contrast however, we have made no effort to promulgate Federal regulations to conserve lobsters beyond the 12-mile limit. Thus at present, there are no laws which govern catches by foreign boats. But State laws govern our U.S. fishermen when they land their catches in various New England States.

Even now, the Federal Government is pushing for even stronger and more uniform regulations designed to protect the lobster within the 12-mile limit. Each of the States has endorsed the concept of some of the 13 recommendations designed for the protective system. But central to this agreement by the States was a recommendation that the American lobster be declared a creature of the Continental Shelf, thereby securing for the United States the exclusive right of exploitation and management of the resource in accordance with the 1958 Geneva Convention on the seabed resources. The conservation directors of all the Northwest Atlantic States have agreed that effective control of the total resource is an absolute requirement for a management system and that this mechanism or some stronger measure will be required. The mechanism will apparently only come from Congress.

I would point out to my colleagues from the Midwest and especially the agricultural States that we must have this bill to protect our fishermen. The foreign boats are literally farming our own backyard and robbing us of an industry which earns us $35 million each year. In effect, the foreign boats are not fishing for food, they are fishing for dollars which belong in the pockets of our New England fishermen.

Precisely where we are headed unless we enact this bill today, is vividly illustrated by the following letter which was sent to a lobster wholesaler in my district:

OCTOBER 8, 1973.

To: Messrs. Abbotts Seafood, Inc., Noank, Conn., U.S.A.

DEAR SIR: We are glad to know your name through the First National City Bank, New York. We are engaging in a deep-sea fishing tuna, Octopus, Squid and sea-bream with eighteen high sea fishing boats (100 G/T–350 G/T) in the Northern and Southern Pacific, East China Sea and Atlantic Ocean.

Now, we are looking for an opportunity to expand our fishing area, in particular, lobster fishing in the Atlantic. Wouldn't you introduce us to any lobster fisheries who have fishing boats and wish to operate their boats economically? We are willing to either buy their boats or rent on a hire-purchase at a mutually satisfactory price at their option.

If the deal reveals to be satisfactory, you will find us as a reliable supplier of lobster as we have many skilled and brave seamen. We too, will find a desirable new marketing channel for our catches.

Your attention on this matter will be much appreciated and we are sure that you will benefit enough with the deal. Please let us know any time an opportunity to be of assistance to you any matter you need to know about Korea and Korean fisheries.

I send you kindest regards,

Sincerely yours,

J. YI,
Manager, Namoung Wonyang Fisheries Co., Ltd.

The issue involved in this legislation is clear. Are we to preserve the North American lobster or is it to be destroyed by foreign fishing fleets. I hope that for ecological, economic, and culinary reasons, we will pass this bill today.

Mr. GOODLING. Mr. Speaker, I yield 5 minutes to the gentleman from Maine (Mr. COHEN).

Mr. COHEN. Mr. Speaker, I rise in support of this bill. I come from a fishing State and this legislation is absolutely essential if we are to preserve lobster for consumption by the American people.

I want to take this time to commend the chairman of the subcommittee, Mr. DINGELL, Mrs. SULLIVAN our distinguished chairwoman, the gentleman from Connecticut, Mr. STEELE, and my colleague, Congressman KYROS of Maine, for the outstanding efforts they have made to bring this legislation to the House floor.

I would like to make just a couple of points. State Department officials appeared before our Committee to express opposition to this bill and they did so on two basic grounds:

First, anatomy;

Second, philosophy.

With respect to anatomy, they maintained that the lobster has swimming appendages and therefore it must necessarily swim. You know, our fishermen might have great difficulty with this form of deductive logic. They know that we all have voices but they have substantial doubts about our legitimacy in claiming we are their spokesmen and representatives since we rarely use them in their behalf.

The fact is that the lobster spends more than 80 percent of its life scuttling across the floors of silent seas, as T. S. Eliot might say—on a pair of ragged claws.

A wave may carry the lobster 10 feet from time to time, but it does not alter the basic habit of the lobster.

The philosophy argument is perhaps weakest of all—because it is a philosophy of fear and conciliation. Unilateral concilliation at that.

It was argued that if we declare lobster to be a creature of the shelf, then other countries might retaliate against us. Let us talk about retaliation. At the same hearing it was disclosed that the Soviet Union has declared scallop to be a creature of their shelf. Did the United States retaliate against the Soviet Union? No. Has any other fishing nation retaliated against the Soviet Union? No.

Let us consider how this country deals with other nations who take unilateral action. A short time ago Brazil declared a 200-mile limit and what did we do? We entered into a treaty with them which in essence recognizes their 200 mile limit. The State Department maintains that we are not recognizing Brazil's 200-mile limit—just their right to protect a species up to 200 miles. Mr. Speaker, I submit that this is a patent example of State Department sophistry.

I think it is time we started demonstrating to our fishermen that we still possess that characteristic that we are supposed to possess—a little backbone.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I rise to associate myself with the remarks of the gentleman from Connecticut (Mr. STEELE) regarding the need to protect our coastal marine resources from the predatory practices of foreign fishing fleets.

While the coast of California does not have the lobsters which are directly affected by the bill before us today, we, nevertheless, face a similar situation in which foreign fishermen deplete our fishery stocks depriving American fishermen of their livelihoods and destroying a vital food resource.

Lobster fishing off the coast of New England has been particularly hard hit both by excessive catches by foreign fleets and by harassment of our fishermen and their equipment by these vessels from other nations.

The same has been occurring on the west coast for many years. Maintaining effective conservation practices is impossible when Russian trawlers, for example, come through our fishing areas taking everything that moves. Thus, they get not only what they catch but also leave a depleted resources that is barely able to sustain itself in many cases.

We must make every effort humanly and legislatively possible to manage the Nation's fishery and marine resources in the most effective and sophisticated ways. I am convinced our future lies with the sea and it must be protected. Obviously, many nations of the world have already come to this realization.

The Congress has both a unilateral and multilateral responsibility to fulfill in this regard. We must be prepared to go along with the community of nations in seeking solutions we can agree with, but we must also be prepared to act unilaterally where necessary. With this thought in mind I shall support the bill before us and I urge my colleagues to do likewise.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. GROVER).

Mr. GROVER. Mr. Speaker, I rise in support of this legislation.

As one of the gentlemen who spoke previously suggested, let this be a warning to the foreign fishing fleets and to those maritime nations participating in the Waters of the Sea Conference in Geneva that if we do not get some action from them in this international conference, we will have to take unilateral action on my Continental Shelf fishery zone bill, or the bill sponsored by the gentleman from California, Mr. CLAUSEN, and others with regard to waters within 200 miles of our coast.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, I join in strong support of this legislation.

There are many things which need to be done in the fishing areas of States like mine.

This is a beginning step in the right direction, although we must still move forward from here.

Mr. Speaker, I wish to commend the members of the subcommittee on both sides of the aisle who brought forth this legislation, as well as the members of the full committee, and I strongly endorse the legislation.

Mr. DINGELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. KYROS).

Mr. KYROS. Mr. Speaker, the bill before us today, H.R. 6074, which I introduced with Congressman STEELE, is one of the most important bills for the New England fishing industry ever considered by Congress. It is understandable that all my colleagues here may be confused over the effect of designating the lobster a creature of the Continental Shelf. This rather complex title, however, has a very simple effect: What we have historically considered our property will now legally belong to the United States, and thus, under the protection of Federal law. No foreign nation could fish for lobster out to the Continental Shelf. I might add that the Alaskan king crab and the red crab are two of the 25 marine species that have already been named shelf creatures and are off limits to foreign fishermen. We hope today to add the valuable North American lobster to the list of protected marine resources.

Until 1960, such a step would not have been necessary since the U.S. fishermen were the only ones engaging in lobster fishing. However, beginning in the early 1960's, massive waves of foreign fleets with the latest electronic equipment began netting everything that swims, floats, or crawls off the New England coast. The number of foreign vessels has risen until today they number almost 1,000 per month.

The foreign invasion has not threatened the lobster industry until recently. The foreign vessels had concentrated on our finfish, and had left the lobster—our fifth most valuable fishery—alone. I do not intend to say that no foreign fishing for lobster does not take place. The number of "incidental" catches for lobster—a real misnomer—is estimated at between 16 and 22 million pounds annually. This, I remind my colleagues, is from nations not intentionally fishing for lobster. But the foreign fleets have so depleted our fin fish—like the haddock and herring, that they will have no alternative but to begin wiping out the lobster. We can only guess what the foreign take would be if the South Koreans, Japanese, and the Russians began earnestly fishing for lobster. It is certain that the lobster would disappear completely, as it is already disappearing from restaurants across the country.

The lobster should have been declared a creature of the Shelf by the State Department in 1958, but political considerations over the valuable nature of this resource, prevented the designation. The House of Representatives, today, has the opportunity to rectify this mistake, and at the same time, show its support for beseiged New England fisherman. This legislation could mean the survival of the North American lobster and the entire industry. As a Representative from Maine—the State that is synonymous with lobster—I urge that you support this important bill.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. KYROS. I yield to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in support of the bill, and wish to associate myself with the remarks of the gentleman from Maine.

Mr. Speaker, I rise in support of this bill, H.R. 6074, dealing with fishing in territorial waters. I feel passage of this legislation is imperative if we are to save the valuable lobster industry in the United States.

This bill addresses itself to a problem which has been plaguing the fishing industry in the United States for years, namely the great numbers of foreign vessels fishing for lobster and other valuable creatures of the sea on the Continental Shelf of the United States.

What H.R. 6074 proposes to do is to declare the lobster, certain crustacea, mollusks, and sponges creatures of the Continental Shelf of the United States, thus prohibiting any foreign vessels from casting for these creatures on the shelf.

The United States has traditionally respected the offshore fishing limitations of other countries, as designated by other laws. Yet far too many other nations have not reciprocated this courtesy. In too many instances, they have deliberately violated international law in pursuit of U.S. lobsters.

The U.S. Government can no longer afford to sit idly by and allow this practice to continue. The lobster industry alone in the United States is valued at almost $35 million, yet millions of dollars have already been lost as a result of overfishing by foreign vessels.

Some people might consider this type of legislation insignificant in light of other grave issues which confront us today. Yet international agreements can oftentimes be contingent on the successful resolution of these thorny problems. Since the Soviet Union is one of the prime culprits in this matter, our efforts at improving relations can take on added significance with the passage of this legislation.

Yet there is an even more compelling reason for passing this legislation. The lobster is an American culinary institution. In this era of rampant inflation and high food prices, the American consumer should not have the additional burden of having international pirates and thieves deprive us of lobster and other valued sea resources.

Mr. Speaker, I commend the House for addressing itself to this serious problem. Our lobster industry must be preserved. I urge this bill be passed overwhelmingly by my colleagues.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. LENT).

Mr. LENT. Mr. Speaker, I rise in support of H.R. 6074, a bill of which I am a cosponsor that would protect one of the Nation's most valuable fishery resources—the lobster.

The Northeast lobster fishery, including the very important one in my own New York, has suffered badly over the past several years, because of the intrusion of foreign fishing fleets on our Continental Shelf.

Intentional and incidental catches of lobster and other valuable species by foreign fleets have sadly depleted the U.S. commercial catch, adversely affecting the livelihoods of many U.S. lobstermen as well as cutting short our own domestic supply of this valuable seafood.

I am hopeful this legislation will stem the intrusion of the foreign fleets into this important U.S. commercial fishery and that we will see an increased U.S. catch in the years ahead. I know my constituents who are engaged in this hearty profession in Freeport and the rest of the Fourth Congressional District will appreciate our action in passing this important measure.

Mr. DINGELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, I am convinced that this is a very significant day in the annals of the American fishing industry. An outstanding legislative program has been brought to the floor by the distinguished chairwoman of the full committee, the gentlewoman from Missouri (Mrs. SULLIVAN) and the distinguished chairman of the subcommittee, the gentleman from Michigan (Mr. DINGELL) and by the members of the Committee on Merchant Marine and Fisheries. I congratulate them all.

It is very unusual for three bills to be considered in a single day which are important to the fishing industry of America. This is the case today. The bills are: House Concurrent Resolution 173, H.R. 6074, and H.R. 8529. All of them deserve the strong support of the House. They can contribute to stability in the fishing industry and to improved living and working conditions for those employed in industry.

House Concurrent Resolution 173, formally establishes a national policy in favor of a strong fishing industry. The recognition of our commercial fisheries as an indispensable national resource can play a key role in solving international economic problems. I am happy to state that I am a cosponsor of this resolution.

Over the past quarter century, most of the various segments of our Nation's fishing industry have been in decline. There have been but few exceptions. Surprisingly, this phenomenon is one which has received little public attention. While world production has multiplied over threefold since 1950, from 20 million metric tons to about 63 million metric tons in 1969, the U.S. share of the catch has remained at a relatively fixed level, between 2 and 2.5 million tons. Where before it was second only to Japan in size of catch, the United States now ranks sixth among fishing nations behind Peru, Japan, the U.S.S.R., Communist China, and Norway.

Concurrently, domestic demand for fish and fish products has risen steadily year by year. This increasing demand has been met by an enlargement of imports rather than by increased domestic production. The result has been an adverse balance-of-payments rate which had grown by more than $1.3 billion in 1972. With the expected continuing increase in demand, it is likely that this figure will grow unless the United States can catch a greater proportion of the fish it consumes.

Compounding the increased competition problem has been the general obsolescence of the U.S. fishing fleet. About 60 percent of the vessels in the U.S. fleet are more than 16 years old, and 27 percent have been in service for longer than 26 years. Despite the stable level of the U.S. fish take, over the last 25 years the number of vessels in the U.S. fleet has increased over 50 percent. In other words, the efficiency of our fleet has dropped roughly 50 percent since 1945.

Another problem facing the U.S. fishing industry has been the increased operational costs for fishing activities with the cost of adequate vessel insurance leading the way. In fact, both insurance and other costs to the fishing industry have climbed at a faster rate than prices generally, in the Nation's economy. Over half of a fisherman's income is needed to defray the cost of fishing craft, gear, fuel, insurance, and other materials and equipment. Most of our fisheries are economically depressed, with fishermen receiving far less than the national average income.

The fish resources in waters near the United States can be effectively developed only if industry finds it profitable to do so. High American costs, increased foreign competition, readily available cheaper imports, and the competitiveness of alternate sources of protein such as agricultural and meat products all pose real economic barriers to the U.S. fishing fleet. The net result of these factors is that the fleet has not attracted sufficient investment capital to modernize and improve efficiency. Only when the industry can attract a greater amount of investment can the fleet become truly competitive. And only if the return on investment is competitive with alternative investments will the industry succeed in attracting needed capital.

Although House Concurrent Resolution 173 is simply a statement of policy, the passage of this resolution will provide the direction and future of our fishing industry.

The purpose of H.R. 8529 is to implement the agreement between the United States and Brazil concerning shrimp. This agreement establishes a basis for regulating the conduct of shrimp fishing in a defined area off the coast of Brazil. There is at present no law under which the United States can limit the entry of its citizens and vessels into high seas fisheries in general or the high seas shrimp fishery in particular. H.R. 8529 would empower the Government to impose such a limitation in the case of the shrimp fishery within the designated area. Passage of this legislation is necessary for the United States to carry out its obligations under the agreement with Brazil. This bill would make the provisions of the agreement mandatory of those U.S. vessels that desire to participate in the shrimp fishery and enable the U.S. Government to take appropriate action on U.S. violations that Brazilian enforcement agents may bring to our attention. It would also enable the United States to transfer voluntary compliance funds, set aside by industry, into the offshore shrimp fisheries fund in the Treasury to be used in compensating Brazil for enforcement costs associated with the agreement. Without this legislation the U.S. Government can neither pay enforcement costs to Brazil nor punish violators of the agreement. It is questionable whether Brazil would want to continue with the agreement on a voluntary basis beyond the expiration date of January 1974 or consider an extension of the agreement under these circumstances.

I do want to point out that the shrimp industry and the Departments of State and Commerce report favorable results of operation of the agreement on a voluntary basis for more than a year.

H.R. 6074 would protect the North American lobster by designating it a creature of the Continental Shelf, thus providing it the same protection now accorded under Federal law to the Alaskan King Crab. The United States, in short, would own the valuable lobster resources off our shores, and no foreign nation would be permitted to fish for lobster there. Several countries have already expressed great interest in starting a major lobster fishery off the east coast, and this action would have disastrous effects on the fragile lobster industry. Foreign fleets have shown no interest in conservation regulations and they retain all lobsters caught even if they are undersized or egg-bearing females. It is estimated that between 16 and 22 million pounds of lobsters per year are caught by foreign fleets not intentionally fishing for lobster. Support for H.R. 6074 will be a significant step in showing that we are not willing to stand by and see our important lobster fishing industry disappear.

Again I commend the committee and its members for their foresight in developing and bringing to the floor these important measures for the fishing industry.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, I would like to add my voice, first of all, in congratulations to the chairman of our full committee, and the chairman of our subcommittee, and particularly to the New England members of the committee, the two gentlemen from Maine, and the gentleman from Connecticut.

I would like to echo the words of the ranking minority member, the gentleman from New York.

I believe that what we will be doing in passing this legislation is to send a clear message, not only to those foreign nations who fish off our shores, but perhaps in some sense more importantly to our own Department of State, for the passage of this bill will mark a victory over an extraordinary piece of bureaucratic intransigence, an intransigence that is even worse since it comes from our own Department of State. We had to sit in the subcommittee during hearing after hearing, listening to members of our own State Department, who I suspect in many cases have never even met a lobster, trying to convince us that a lobster was not a creature of the Continental Shelf because he had freedom to and frequently did jump up and down and leave the ocean floor. Those of us who have grown up, as I have, and as have other Members from New England, in towns with lobster fisheries, know full well that lobsters are creatures of the Continental Shelf. I think that this particular piece of legislation will serve as the first concrete step taken in a long time by this Congress in behalf of American fishermen.

Mr. Speaker, I strongly urge my colleagues to support this legislation.

Mr. BURKE of Massachusetts. Mr. Speaker, I rise before my colleagues to speak in fervent support of H.R. 6074, a bill to proclaim the American lobster a creature of the Continental Shelf.

As a cosponsor of this bill, and more importantly, as a Congressman from New England, I am deeply concerned with the plight of the many New England fishermen whose livelihood depends on having access to an abundant supply of natural marine wildlife.

Unless we begin to exercise foresight with respect to our native lobster resources, we will allow yet another one of our commercial marine resources to be devastated by foreign fishing fleets off our coast. The circumstances that led to the overexploitation of haddock, cod, herring, and flounder have still not been mitigated as of this date, and if the bill before us now is defeated, it will surely result in the final death blow for the struggling lobster industry which is perhaps the last viable enterprise available to many New England fishermen.

What makes legislative action for the protection of lobsters so important is the failure of bilateral agreements with nations off our coast. The State Department and the Department of Commerce have preferred this method of attempting to control the harvesting of lobster native to the seabed of the Atlantic Coast States because it affords them short-term reciprocal alignments. The narrow scope of these arrangements is insufficient, a fact substantiated by the ineffectual impact they have upon the nationals of foreign countries who consistently disregard conservation quotas and guidelines regarding fishing practices in the North Atlantic.

Passage of this bill to proclaim the American lobster a creature of the Continental Shelf must be forthcoming today. Failure to enact this measure will only bring about the imminent demise of the North Atlantic lobster industry in the face of overexploitation by foreign harvesters. Ecologically disastrous fishing practices such as the pulse fishing methods used by many foreign nations, will completely exhaust large concentrations of our already endangered marine life, unless we act today to put a stop it it.

The New England region already suffers from some of the highest unemployment rates in the Nation. Meataxe cuts in defense installations have put over 35,000 workers out of jobs in recent months. The collapse of yet another profitable industry in the region would be more than catastrophic.

If the Congress of the United States does not take immediate and unilateral action on this matter, as it did when the Alaskan king crab was threatened with extinction, then the responsibility and the blame for the loss of jobs and the resulting economic hardships, the high prices that we will have to pay for lobsters imported right from our own coastline, the virtual extinction of one of our Nation's oldest industries and the disappearance of another precious living marine resource will be here in the Congress—a Congress that failed to take decisive action clearly in the national interest.

In light of the energy crisis we face today, the Congress must take a positive step to insure that all our natural resources are provided safeguards against exploitation and extinction. Through support of this bill before us now, an important and vital marine resource will be preserved. The American people will know that they have an elected Congress which has foresight and a vital concern for the ecology and conservation of our scarce natural resources. I urge that my colleagues support immediate passage of H.R. 6074.

Mr. HARRINGTON. Mr. Speaker, today I rise in support of both H.R. 6074 and House Concurrent Resolution 173, two proposals important for the survival of the American fishing industry.

A century ago, the coast of Massachusetts was studded with hundreds of fishing vessels coming and going with the world's greatest catches of fish. Today, the trawler fleet left in the port of Gloucester, in my own congressional district, has dwindled to fewer than 100. The town's prosperity no longer depends on fishing, so much as it does on the processing of imported fish. And, ironically, these fish are bought already partly processed from the very countries depleting the fisheries off our shores.

Overfishing by foreigners and misguided U.S. Government polices are often appropriately cited as the cause for this decline, and that is no doubt largely correct. In addition, it seems to me that the posture of the industry itself must also bear a share of the blame.

Most American fishermen are independent operators of small boats built years ago when fresh fish markets flourished. Lacking freezing equipment on board and without processing capability, they must pack their perishable catch in ice. It will not last long, and for that reason, they cannot fish far from our coasts. Beyond the technology and management limitations of the industry, the lifestyle of Americans does not lend itself to long sea voyages. The result is that the labor is often not available for the fishing we need, and when it is available, it may be too expensive and too lazy to be worth much to the captain of the ship. Management, technology, and lifestyles, therefore, work together to inhibit prosperity for American fishing.

In contrast, Russians, Europeans, Japanese, and others have aimed their efforts at efficiently supplying the growing global market for frozen fish. They have built efficient ships and have organized a productive industry. And, being less affluent than our own country, fishermen are willing to take long sea voyages and work long and hard for returns our own fishermen would hardly consider satisfactory.

These foreign fleets concentrate their massed fishing power off our coasts, depleting our stocks to the point where they may no longer be able to support themselves. This is not to say that we need imitate foreign fleets, but it is with these vessels that the American fisherman must compete. Our Government has left him free to compete without Government interference—and without either support or encouragement. In fact, the American fisherman cannot buy a foreign-manufactured vessel, even when the cost is less than half that of a similar vessel produced in this country, and is strictly limited in the nature of his catch, as I will explain below.

The American fishing industry is declining, and will become extinct unless the Federal Government, as well as the fishermen and other interested parties, live up to their responsibility. The two bills I address at this time are desirable first steps in providing American fishermen with the kind of support they deserve and need.

The first bill, H.R. 6074, prohibits foreign ships from lobster fishing on the American Continental Shelf. It would make the North American lobster a creature of the Continental Shelf and give it protection much like that now given by Federal law to the Alaskan king crab.

Foreign fishing vessels have already virtually destroyed both our haddock and herring populations, and our $35 million lobster population is the next target. Today's exploited stocks face virtual extinction tomorrow. According to recent figures, foreign vessels catch between 16 and 22 million pounds of lobster annually, while the maximum yearly sustainable yield is only 25 million pounds. American fishermen are bound by stringent laws regarding both undersized lobster and egg-bearing lobster, yet foreign vessels keep everything that they net. On the menus in restaurants across the United States, the high price of lobster, due to the uncertainty of supply, must be quoted daily. Within the foreseeable future, lobster may in fact become extinct.

According to H.R. 6074, any person violating the provisions of this act is subject to a fine of $100,000 or imprisonment of not more than a year. In addition, offenders face the risk of forfeiting both their boats and gear. With such a provision, foreign vessels will now be deterred from fishing for lobster off both the coast of New England and off the whole Atlantic coast. Instead of running the risk of fine and imprisonment, they will go elsewhere.

House Concurrent Resolution 173 to be considered later today, declares that it is the policy of Congress to support, protect, and enhance the coastal and offshore fisheries resources of the United States. This resolution is identical to that which passed the Senate on June 1 by a voice vote.

The resolution declares it to be our policy to give the American fishing industry the support needed to strengthen it, and that the Government should take all steps necessary to protect our coastal fisheries against foreign fishing. This will, of course, solve nothing, but is a clear policy statement to which we should be held in the future.

The sea has the potential to feed the world's population, but we lack the technology to realize its potential. We have discovered many fisheries along our coast, but they have been seriously depleted by large, modern, efficient foreign fleets, as opposed to our fishing fleet, over 60 percent of which is more than 16 years old. Because of this, we must import 66 percent of our fish, whereas in 1957, we imported only 33 percent. In New England, we find haddock, herring, and lobster too expensive for most people to purchase. We find our fishing communities economically impoverished, but Congress has done little, if anything, to help.

By supporting House Concurrent Resolution 173, we are making it the policy of Congress to help the American fisherman, and to essentially assure adequate supplies of fish at reasonable prices to millions of Americans.

I cosponsored both pieces of legislation before the House today, and I have personally witnessed the plight of the American fisherman in Gloucester, the fishing port of the Sixth Massachusetts District. I urge my colleagues to vote for these bills.

Mr. DONOHUE. Mr. Speaker, I earnestly urge and hope that this pending bill, H.R. 6074, will be accepted and approved by the great majority of this House. The simple purpose of this proposal is to provide imperatively needed protection to the American lobster and fishing industry.

In pursuit of this purpose, this measure would declare the American lobster to be a creature of the Continental Shelf, thereby making it unlawful for any vessel, except a vessel of the United States, or for any master or other person in charge of such vessel to engage in the taking of this fishery resource.

Mr. Speaker, the U.S. lobster industry is fifth among the leading fisheries in this country. However, in volume, we have seen U.S. landings seriously decrease over these past few years. Expert testimony indicates that foreign vessels catch almost 20 million pounds of lobster off our shores each year. Excessive fishing by foreign vessels has practically destroyed the haddock, herring, and yellowtail flounder fisheries off the shores of our New England coast. In an effort to protect lobster fisheries before it is too late, our Government has entered into some agreements with certain other countries, but the record clearly indicates that progress, in obtaining these agreements with other nations, has been regrettably slow.

The approval of this measure would hopefully serve to accelerate the accomplishment of expanded protective agreements with other countries and also insure that, meanwhile, the United States would own very valuable lobster fisheries off the east coast.

Extending Federal jurisdiction to the offshore lobster industry beyond 12 miles is of vital concern to the five New England coastal States. The offshore industry comprises the bulk of the Massachusetts-Rhode Island-Connecticut industries, and it represents an annual contribution to the New England economy of some $34 million.

Mr. Speaker, I submit that in the face of the current energy crisis, rising unemployment, accelerating inflation, and threatening recession, the full support of our National Government should be granted toward strengthening the economy of any regional section. However, the decreasing lobster industry and a decline of our overall fishing industry not only affects the New England region, but it has a serious impact upon our overall national economy. In responsible concern for maintaining and strengthening that overall economy, in the national interest, I hope that the House will speedily and resoundingly adopt this measure.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 6074, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 6074, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONGRESSIONAL SUPPORT OF FISHING INDUSTRY

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 173) relating to congressional support of the United States fishing industry, as amended.

The Clerk read as follows:

H. CON. RES. 173

Whereas the position of the United States in world fisheries has declined from first to sixth place among the major fishing nations:

Whereas there has been a continuing decline in domestic production of food fish and shellfish for the last five years;

Whereas our domestic fishing fleet in many areas has become obsolete and inefficient;

Whereas intensive foreign fishing along our coasts has brought about decline in stocks of a number of species with resulting economic hardship to local domestic fishermen dependent upon such stocks;

Whereas rising costs and extremely high insurance rates have made fishing uneconomic in some areas even when stocks of fish and shellfish are at normal levels;

Whereas assistance to fishermen is very limited as contrasted to Federal aid to industrial, commercial, and agricultural interest;

Whereas United States fishermen cannot successfully compete against imported fish products in the market because a number of foreign fishing countries subsidize their fishing industry to a greater extent;

Whereas some 60 per centum of the seafood requirements of the United States is being supplied by imports;

Whereas the United States fisheries and fishing industry is a valuable natural resource supplying employment and income to thousands of people in all of our coastal States;

Whereas international negotiations so far have proved incapable of obtaining timely agreement on the protection of threatened species of fish;

Whereas our fisheries are beset with almost unsurmountable production and economic problems; and

Whereas certain of our coastal stocks of fish are being decimated by foreign fishing fleets; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the policy of the Congress that our fishing industry be afforded all support necessary to have it strengthened, and all steps be taken to provide adequate protection for our coastal fisheries against excessive foreign fishing, and further that the Congress is fully prepared to act immediately to provide interim measures to conserve overfished stocks and to protect our domestic fishing industry.

SEC. 2. The Congress also recognizes, encourages, and intends to support the key responsibilities of the several States for conservation and scientific management of fisheries resources within United States territorial waters; and in this context the Congress particularly commends Federal programs designed to improve coordinated protection, enhancement, and scientific management of all United States fisheries, including coastal, anadromous and highly migratory species, under such presently successful Federal aid programs under the Commercial Fisheries, Research and Development Act of 1964, and the newly developing Federal-State fisheries management programs.

The SPEAKER. Is a second demanded?

Mr. GOODLING. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the purpose of House Concurrent Resolution 173 is to give recognition to an industry on which we are so vitally dependent for our protein needs, but yet one on which the Congress has failed to give its proper attention and support. Mr. Speaker, I refer to the U.S. fishing industry.

Mr. Speaker, the United States ranks sixth among the leading fishing nations of the world, being outranked by Peru, Japan, Russia, mainland China, and

Norway. Two of these countries, Japan and Russia, conduct large fisheries off the coastal shores of the United States. In fact, almost 14 other countries conduct fishing operations off our shores and in May of 1973, there were over 850 foreign fishing vessels and fishery support ships sighted, most of them off New England, the Middle Atlantic States, and Alaska.

Mr. Speaker, compounding the increased competition problem has been the general obsolescence of the U.S. fishing fleet. Almost 60 percent of the vessels in the U.S. fleet are more than 16 years old, and 27 percent have been in service for longer than 26 years. In other words, the efficiency of our fleet to catch fish *has dropped* roughly over 50 percent during the past 25 years, which primarily accounts for the United States having to rely upon imports to meet over 65 percent of our total fisheries needs.

Mr. Speaker, I would like at this time to thank Mr. Treen of the State of Louisiana for spearheading the introduction of this resolution on the House side. He has obtained cosponsorship of more than 90 of our colleagues on the House side, while Senator Eastland of the State of Mississippi has obtained sponsorship of over 40 Members of a similar resolution on the Senate side, which incidentally has already passed the Senate and is now pending before the Committee on Merchant Marine and Fisheries.

Mr. Speaker, briefly explained, the preamble of House Concurrent Resolution 173 takes into consideration the low rank of the U.S. fishing industry among the leading fishing nations of the world; the continuing decline of our domestic fish catch; the obsolescence of our domestic fishing fleet; the decline in the fishing stocks off our coastal shores resulting from intensive fishing pressure by foreign vessels; the high rates for hull and P. and I. insurance; the limited Federal assistance provided to this industry as compared to the assistance provided by foreign governments to their fishing industry and the U.S. Government to other industries; the large percentage of the seafood requirements of the United States that is being supplied by imports; the importance of this industry in supplying employment and income to thousands of people in our coastal States; the almost insurmountable production and economic problems besetting this industry; the decimation of certain of our coastal stocks of fish by foreign fishing fleets; and the failure of international negotiations to obtain timely agreement to protect certain threatened species of fish such as haddock on the New England coast and the sardine on the west coast.

Mr. Speaker, the resolving clause of House Concurrent Resolution 173 would declare that it is the policy of the Congress to provide all support necessary to have this industry strengthened and to that end the Congress would urge that all steps be taken to provide adequate protection for our coastal fisheries against foreign fishing.

One of the amendments to the resolution that was adopted by the Committee on Merchant Marine and Fisheries was offered by my good friend and colleague from the State of Massachusetts (Mr. Studds) which would make it clear that the Congress is fully prepared to act immediately to provide interim measures to conserve our fishery stocks and to protect our domestic fishing industry. In fact, one of those interim measures just took place when the House passed H.R. 6074, the bill to declare the lobster a creature of the Continental Shelf. Another means of strengthening this protection which was highlighted in the committee report on this resolution, is to see that meaningful bilateral and multilateral agreements are entered into with all nations fishing off our shores. To date, we have only obtained agreement with the countries of Japan, Russia, and Poland.

Finally, Mr. Speaker, House Concurrent Resolution 173 would make it clear that the Congress recognizes, encourages, and intends to support the responsibilities of our coastal States for the management, conservation, and development of the fisheries resources within the territorial waters of the United States.

Another amendment to this resolution which was adopted by the Committee on Merchant Marine and Fisheries was offered by our colleague from the State of Washington (Mr. Pritchard) which would commend Federal programs designed to improve coordinated protection, enhancement, and scientific management of our fisheries resources, and particularly our coastal, anadromous, and highly migratory species of fish.

Mr. Speaker, although this resolution does not have the force of law, it does place the Congress on record of pledging its support of this industry and its intent to take steps to assist in its revitalization. I think it is a good resolution. It has the support of the fishing industry, the Governors of the various coastal States, and was unanimously reported by the Committee on Merchant Marine and Fisheries. I urge its prompt passage.

Mr. GROVER. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from New York.

Mr. GROVER. Mr. Speaker, let me compliment the chairman of our Subcommittee on Fisheries and Wildlife Conservation and the Environment on bringing this resolution to the House. I hope we will have a rollcall vote on this and I hope the vote is about 400 to 0 because I think this is another signal to the countries participating in the Law of the Sea Conference that all the people in the coastal States and indeed all the United States are concerned over the depletion of our fisheries resources.

I think the gentleman has done a good job in bringing this to the House and I urge support of the resolution.

Mr. DINGELL. I thank my friend, the gentleman from New York.

Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Missouri, chairman of the Committee on Merchant Marine and Fisheries (Mrs. Sullivan).

Mrs. SULLIVAN. Mr. Speaker, I rise in support of House Concurrent Resolution 173 and urge its immediate passage.

Mr. Speaker, over the years we have seen the United States slip from first to sixth among the leading fishing nations of the world. While world production has increased more than threefold during that time, the U.S. catch has remained at a relatively fixed level.

With the resources of the sea being turned to in order to meet an increasing amount of our protein needs, the United States has been content to rely upon imports to meet this demand rather than an increase in domestic production. Consequently, the share of the market taken by imported fish has jumped from 33 percent in 1957 to a current high of approximately 66 percent.

Mr. Speaker, I think it is time that the United States took steps to correct this situation. Otherwise, we might find ourselves facing a protein crisis equal to that we are now facing with energy.

Mr. Speaker, our fishermen are capable and dedicated to their profession. It is only that they lack the proper tools with which to work. The resolution under consideration today, if implemented, would go a long way toward correcting this unfortunate condition in which we find ourselves. For instance, the resolution calls for upgrading of our obsolete fishing fleet; strict enforcement of our exclusive fisheries zone against encroachment of foreign fishing vessels; and the taking of interim measures to protect our fisheries resources, such as declaring the lobster a creature of the Continental Shelf, and the entering into of bilateral or multilateral agreements with all nations fishing off our shores for the purpose of conserving and protecting the resources which are of importance to U.S. fishermen.

Mr. Speaker, I think it is time for the Congress to recognize its responsibilities and to aid and assist this industry which is so vital to the welfare of our Nation, and in this regard, I urge the prompt passage of House Concurrent Resolution 173.

Mr. GOODLING. Mr. Speaker, House Concurrent Resolution 173 introduced by my colleague from Louisiana (Mr. Treen) simply stated places the Congress on record in support of the American fisherman during a time when he is beset by problems largely beyond his control, the principal one, of course, being the tremendous growth in foreign fishing off our shores, which has drastically reduced the available catch. The resolution assures the American fisherman that we are aware of his plight and will not stand idly by while these resources are destroyed.

For several years now, the State Department has assured the fishing industry and the Congress that the question of international fishery management will be resolved in the Law of the Sea Conference. The preparatory work of that Conference began in 1969. The Conference itself will begin in 1974. No one knows when or if the results of the conference—presumably, a new international convention encompassing many important issues besides fishing problems—will be presented to the other body for ratification. I would hazard the guess that we will not see a new Law of the Sea Convention in force within the next 3 years. We will be lucky if this process takes less than 5. There is a great likelihood, therefore, that the United States will be compelled to take positive steps to protect our dwindling coastal fishery resources during the pendency of this Conference.

Although this resolution does not have the force of law and its adoption will not, in any material sense, aid the American fisherman, it clearly places all of the participants in the Law of the Sea Conference on notice that we will not tolerate delay or inaction in the resolution of these problems. Mr. Speaker, this resolution has broad bipartisan support in the Congress and is almost identical to a resolution that has already been acted upon favorably by the other body. I therefore urge its adoption.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Louisiana (Mr. TREEN).

Mr. TREEN. Mr. Speaker, at the outset I want to acknowledge with thanks the invaluable assistance and generous support of this legislation by the chairman of the Subcommittee on Fisheries and Wildlife, Conservation and the Environment, the gentleman from Michigan (Mr. DINGELL), and the chairman of the Merchant Marine and Fisheries Committee, the gentlelady from Missouri (Mrs. SULLIVAN). I also express my appreciation to the many cosponsors of this legislation, several of whom gave much time and attention to the development of language suitable for the purposes of the resolution.

Mr. Speaker, this resolution addresses itself to the plight of the American fishermen and to our domestic fishing industry. It calls attention to the unhappy fact that the position of the United States in world fisheries has declined from first to sixth place among the major fishing nations. In quantitative terms, we are outproduced by Peru, Japan, Soviet Russia, mainland China, and Norway. In terms of dollar value we are now relegated to fifth position behind Japan, mainland China, Soviet Russia, and the Philippines. In terms of dollar value we are outproduced 3 to 1 by mainland China and more than 2 to 1 by Soviet Russia.

It is also an unhappy fact that the share of the domestic market taken by imported fish is currently about 66 percent. The result has been an adverse trade balance which reached more than $1.3 billion in 1972.

I could go on. But I think these are astonishing facts for the strongest economic nation on earth. And they demand that we do something to strengthen the American fishing industry.

Given the world-wide demand for food and especially the need for more protein, the animal resources of the sea present us with both a challenge and an opportunity.

Mr. Speaker, this resolution is our declaration of purpose, and that purpose is for the Congress of the United States to direct its attention more intensely and more seriously to the problems of the American fishing industry to the end that we may reverse the unfortunate trends of the recent past, to the end that the fisheries resources of this Nation, with its thousands of miles of contact with the oceans and the Gulf of Mexico, may provide a much greater income for the American citizens who devote their lives to this industry, and to the end that, instead of a deficit, we may enjoy a surplus in America's international trade.

Mr. YOUNG of Florida. Mr. Speaker will the gentleman yield?

Mr. TREEN. I yield to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding.

I pay the gentleman from Louisiana (Mr. TREEN) a compliment for the initiative and leadership he has shown in bringing this matter before the House. It is a very important declaration and one which should have the support of the entire House. Again, I thank Mr. TREEN for yielding and congratulate him for exerting such leadership.

Mr. TREEN. Mr. Speaker, I thank the gentleman from Florida.

I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentlewoman from Louisiana (Mrs. BOGGS).

Mrs. BOGGS. Mr. Speaker, I concur in the remarks of my distinguished colleague from Louisiana (Mr. TREEN).

Mr. Speaker, in view of the present state of the U.S. commercial fishing industry and its effects upon the national economy as well, I would like to urge the passage of House Concurrent Resolution 173 which I cosponsored with my distinguished colleague from Louisiana (Mr. TREEN) and several other colleagues to express a national policy with respect to the U.S. fishing industry.

The American fishing industry has slipped from first place to seventh place among the fishing nations of the world. Although the world catch has doubled over the past 10 years, ours has declined. This has occurred in the face of increased American consumption of seafood. The result is that the United States is now importing 60 percent of its seafood requirements. If unchecked, this could very well prove to have a profound effect upon the U.S. balance of payments.

House Concurrent Resolution 173 represents the realization that it is time for the Congress to elevate to the level of official national policy that which is an integral part of our national well-being—a strong fishing industry.

American fishermen need and deserve organized national support. The existing plight of the commercial fishing industry has developed through no fault of their own. What our fishermen have lacked is the firm national commitment leading fishing nations such as Japan and the Soviet Union have received.

It must be emphasized that House Concurrent Resolution 173 does not contemplate a national usurpation of the commercial fishing industry. Rather, it is imperative that the National Government work with the State and local governments in dedicating themselves to the task of rebuilding the superiority of the U.S. commercial fishing fleet. Indeed, State governments across the Nation have shown their support to this approach.

It is for these reasons, Mr. Speaker, that I urge passage of House Concurrent Resolution 173.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this resolution and congratulate the gentleman from Louisiana for his efforts to see it pass.

Again I echo the words of the distinguished ranking Member of the committee. This is indeed important legislation. Some of us have had hesitation about supporting a resolution like this. The Congress, until now has taken no positive action on behalf of American fishermen. We have taken that first step today, a few moments ago, with respect to American lobsters.

I would like to call the attention of the House to an amendment of my own that was accepted in the committee which says that "the Congress is fully prepared to act immediately to provide interim measures to conserve overfished stocks and to protect our domestic fishing industry."

This now becomes the duty of Congress. I hope we can send this message not only to the foreign nations who are fishing with huge subsidized fleets off our shores, but also to our own State Department.

This week Senator MAGNUSON is holding hearings for the first time on our legislation to create a 200-mile limit. The distinguished chairman of the subcommittee on Fisheries has just announced that early next year hearings on my legislation to create a 200-mile fisheries jurisdiction will be held in this body. So we have for the first time an opportunity not to just throw words around, but to show our Department of State and to show what still survives of the American fishing industry that Congress means what is said in this declaration of policy.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Speaker, I rise in favor of House Concurrent Resolution 173, a resolution I cosponsored expressing the intent of Congress to protect our vital fishing industry. I think it is high time that the Congress gives formal recognition to the fact that our Nation desires and deserves a strong, healthy commercial fishing industry.

Like so many other areas where shortages are occurring, our oceans can no longer be considered a limitless source of food. U.S. fishing stocks are low and the problem is exacerbated by the growing presence of foreign fleets.

Many taxpayers in my district make their living in the fishing industry. These people should receive our full support, because the entire country benefits from a fishing industry that is producing at maximum capacity.

I urge every Member of the House to vote for this resolution. It is important that we go on record in favor of all necessary support to make our fishing industry strong and competitive. But we should not stop here. We should use this resolution as the starting point toward the consideration of laws against excessive foreign fishing, laws providing for scientific management of fishing resources, and laws to strengthen our coastal fishing fleets. The people who make up our fishing industry in Alabama and throughout the Nation deserve our total support.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, I rise in full support of this measure. The fishermen in my State have a right to expect concrete action on their behalf, action that is long overdue.

The words in this resolution setting forth the sense of Congress are very important. But of even greater importance will be the actions we proceed to take in the implementing of that sense of Congress.

I urge early and favorable action on this resolution and on the implementing actions required to give real meaning to this resolution.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, 7½ years ago I testified before the House Merchant Marine and Fisheries Committee on the need to protect the American fishery industry from the onslaught it faced from rapacious foreign fishermen. At that time, I felt like one small voice in the wilderness crying out, alone, expressing concern.

If "benign neglect" ever described an American policy it was our policy toward the reckless, irresponsible fishing techniques used by foreign trawlers to ravage our fishing grounds.

Fishermen in California voluntarily limited their net mesh size without governmental sanctions having to be applied. This occurred as long ago as 1935 in the interest of maintaining a sustainable fishery resource in perpetuity.

This voluntary action was later confirmed by State statute and has remained in effect until this day. The voluntary action, the State mesh laws, and the fact that they are never violated by American fishermen is a tribute to these men and their dedication to insuring the future of their fishing activities through their own conservation practices.

This carefully balanced program was a ripe target for large Russian fishing fleets with insatiable appetites for fish of any kind and size. The Soviets took every advantage of our zeal for conservation and literally eliminated fish from certain areas off the northern California coast.

We are feeling the effects of those raids today in our inability to maintain the size of our catches at previous levels. House Concurrent Resolution 173 expresses the sense of Congress that this situation must be resolved. This is a vital, clear-cut signal to the international community that congressional action is being taken today that conveys, in the strongest possible terms the interest of Congress as it related to our future course of action in dealing with the plight of coastal fishermen.

In order to place maximum emphasis on the substance of my statement, I hereby restate the language of the final version of this concurrent resolution:

Whereas the position of the United States in world fisheries has declined from first to sixth place among the major fishing nations;

Whereas there has been a continuing decline in domestic production of food fish and shellfish for the last five years;

Whereas our domestic fishing fleet in many areas has become obsolete and inefficient;

Whereas intensive foreign fishing along our coasts has brought about declines in stocks of a number of species with resulting economic hardship to local domestic fishermen dependent upon such stocks;

Whereas rising costs and extremely high insurance rates have made fishing uneconomic in some areas even when stocks of fish and shellfish are at normal levels;

Whereas assistance to fishermen is very limited as contrasted to Federal aid to industrial, commercial, and agricultural interest;

Whereas United States fishermen cannot sucessfully compete against imported fish products in the market because a number of foreign fishing countries subsidize their fishing industry to a greater extent;

Whereas some 60 per centum of the seafood requirements of the United States is being supplied by imports;

Whereas the United States fisheries and fishing industry is a valuable natural resource supplying employment and income to thousands of people in all of our coastal States;

Whereas international negotiations so far have proved incapable of obtaining timely agreement on the protection of threatened species of fish;

Whereas our fisheries are beset with almost unsurmountable production and economic problems; and

Whereas certain of our coastal stocks of fish are being decimated by foreign fishing fleets: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the policy of the Congress that our fishing industry be afforded all support necessary to have it strengthened, and all steps be taken to provide adequate protection for our coastal fisheries against excessive foreign fishing, and further that the Congress is fully prepared to act immediately to provide interim measures to conserve overfished stocks and to protect our domestic fishing industry.

SEC. 2. The Congress also recognizes, encourages, and intends to support the key responsibilities of the several States for conservation and scientific management of fisheries resources within United States territorial waters; and in this context the Congress particularly commends Federal programs designed to improve coordinated protection, enhancement, and scientific management of all United States fisheries, including coastal anadromous and highly migratory species, under such presently successful Federal aid programs under the Commercial Fisheries, Research and Development Act of 1964, and the newly developing Federal-State fisheries management programs.

I hope the words of this resolution will leave an indelible impression on the minds of every Member of the House and the Senate and motivate you to vote overwhelmingly in favor of its passage.

It is gratifying to see the expanded amount of support for this resolution and the interest, recognition, and concern for our fishermen that it implies. But I feel compelled to admonish you that this resolution must be followed up by future effort and action.

We must continue to pursue domestic legislative and international diplomatic remedies that will protect the economic viability of our fishing industry.

I sincerely believe that our next course of action should be to advance to the International Law of the Sea Conference a multifaceted approach that would:

First. Extend the territorial sea of every nation to 12 miles.

Second. Adopt the "three species" concept that has previously been endorsed by this Congress.

Third. Establish a 200-mile fishery and ocean resource conservation zone contiguous to our shoreline, with provisions that would permit negotiations between countries where there are overlapping zones and, further, with provisions that would guarantee the traditional "freedom of the seas" navigation passageways.

In the interim, I would urge my colleagues to support legislation that would adopt, on a provisional basis, until accepted by the International Law of the Sea Conference, a combination of the 200-mile limit and the three species approach previously mentioned.

And, finally, I want to go on record, at this point in time, as suggesting that the position I have outlined should be advanced to, and hopefully supported by, the Organization of American States.

If we can solidify our position among the countries of the Americas, I believe we can more effectivly present a united position for the Western hemisphere at the International Law of the Sea Conference.

We must keep up the momentum as we move toward a permanent solution to this complex and perplexing problem of protection and conservation of our coastal fishery and ocean resources.

I am deeply grateful and want to express my highest commendations to the committee for advancing this very constructive and historical legislative program directed toward helping our fishing industry and the communities they serve.

Mr. GOODLING. Mr. Speaker, I make a similar request for the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Mr. Speaker, I do want to wholeheartedly support this resolution. I think it has been aptly said this resolution in itself does not accomplish anything, but I think it is high time we, in Congress, laid down some long-range policies. I believe this is the best way we can get at the sense of Congress, so I congratulate Mr. TREEN and the other Members who brought this resolution to the floor and I wholeheartedly support it at this time.

Mr. Speaker, the full committee of the House Merchant Marine and Fisheries Committee has reported House Concurrent Resolution 173 to the House floor for consideration. The resolution, as amended, recognizes that the fishing industry is suffering from a considerable lack of governmental support. While regrettably the resolution has no effect as law, I hope that it will be a first step in creating a governmental program directed toward reestablishing an economically vigorous fisheries industry.

Not only has the entire fishing industry shown a continuing decline in position among the major fishing nations and a continuing decline in domestic production, but also the salmon fishery in the Northwest has had one of the worst seasons of record. In order to draw attention to the crisis in the salmon industry, I proposed, and the full committee accepted, an amendment to House Concurrent Resolution 173 that specifically includes the protection of anadromous species as an item of congressional concern.

If substantive issues concerning the extent of U.S. fisheries jurisdiction are settled at the upcoming Law of the Sea Conference, it is critical that there is a vital and productive U.S. fishing fleet to utilize the fish resources within that jurisdiction. Likewise, if international negotiations fail, it is important that steps have been taken to insure that the U.S. fishermen cannot only survive but also effectively meet encroaching foreign competition. Since effective steps need not, and should not, be directed along lines that would impair progress toward an international accord on fisheries at the Law of the Sea Conference, congressional action to implement the policy expressed in House Concurrent Resolution 173 can begin immediately.

Mr. DINGELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. KYROS).

Mr. KYROS. Mr. Speaker, I rise in support of this legislation.

I might just say one thing to add to the remarks of my colleagues; that is, if we had a resolution like this in the Congress just a scant few years ago, we would not have the Soviet fishing fleets off our coasts scooping up the best fishing we have, our haddock.

They just stayed there until all the fish had practically disappeared and could no longer be found to be eaten by Americans. If we had such a resolution, with all the force of the Congress behind such a resolution, it seems to me that no foreign fishing fleet would have dared to do this.

Therefore, I certainly commend all of the Members who have got together to write this outstanding piece of legislation.

I hope that it will light fires under our State Department to enact agreements to protect American fishermen throughout the world.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. Mr. Speaker, I would also like to join in commending the distinguished chairwoman of the full committee and the chairman of the subcommittee for their outstanding work and cooperation in this legislation. I commend my colleague from Louisiana (Mr. TREEN) for his leadership and the work he has done in bringing before us this House concurrent resolution.

Mr. Speaker, I support this resolution which would declare that it is the policy of Congress to support, protect, and enhance the coastal and offshore fishery resources of the United States. A similar resolution was introduced and actively promoted in the other body by the distinguished senior Senator from the State of Mississippi. He, like all the representatives of the coastal and offshore areas, is very much aware that we have a crisis in the fishing industry. Seafood is a vital part of our food industry, in this country as well as the rest of the world, and yet our production has steadily dropped percentagewise in recent years.

There are many explanations and excuses for the problems, but regardless of that the point this resolution tries to make is that something must be done to help this vital industry. What we are doing here today will not provide direct assistance—we all know that—but it will give direction to the ills facing the industry. And my purpose in supporting this bill is to initiate an overall review of the fishing industry. Then after coordination of the various commissions throughout the country, it is my earnest hope that immediate and far-reaching legislation will be instigated by this fishing policy. Examples of such legislation would be laws providing for more viable vessel production programs, properly funded so that we can compete with foreign industries, personal liability and vessel insurance, increasing fish stock through controlled operations, research in agriculture and various other economic incentives.

In closing, Mr. Speaker, I urge my colleagues to join in support of this worthwhile House concurrent resolution which will hopefully lead to some meaningful future legislation.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, let me thank my friend from Pennsylvania for yielding me this time. I want to support this concurrent resolution, but I am concerned by the language to be found on page 4, beginning in line 1, wherein its says:

> *Resolved by the House of Representatives* (*the Senate concurring*), That it is the policy of the Congress that our fishing industry be afforded all support necessary to have it strengthened,

I emphasize "it is the policy of the Congress that our fishing industry be afforded all support necessary."

I would ask my good friend from Michigan if this is some kind of come-on? Looking down the road into the future, is the gentleman going to be in here some day soon asking for several hundred million dollars, if not a billion or two, for the purpose of "all support necessary"?

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I will say no, this is not a "come-on." There is nothing in this bill that does not appear clearly in the print of the bill. What it says, what the concurrent resolution says is that it is the intention of the Congress that the administrative agencies take all steps necessary to strengthen our fishing industry and they must do that pursuant to existing law.

Mr. GROSS. Mr. Speaker, let me say this to the gentleman from Michigan and to other Members of the House who are very much—and properly so—interested in the American fishing industry: That if Congress would stop spewing money around the world in the billions of dollars each year—and we are going to be at that business this week or certainly next week—stop so much bleeding at the heart for all of the foreigners around the world and reserve the money for purposes of this kind we would all be better served.

Mr. Speaker, I invite the bleeding hearts, when it comes to the foreign giveaway program, to help some of us trim that down to size so that we will have some money to help the American fishing industry.

Mr. DINGELL. Mr. Speaker, I thank the gentleman, and I will heed his comments.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. LENT).

Mr. LENT. Mr. Speaker, I also rise in strong support of this legislation.

Mr. Speaker, I rise in support of House Concurrent Resolution 173, expressing the policy of the Congress that our fishing industry be given all necessary support to have it strengthened and that we will take all steps to provide adequate protection for our coastal fisheries against excessive foreign fishing.

Mr. Speaker, as a sponsor of H.R. 4247, which has the support of many of my colleagues and which would establish a 200-mile fisheries jurisdiction contiguous to our coast, I am happy to see this resolution come before us, and I am hopeful that it is just the beginning of an awareness on the part of the Congress that our commercial and sports fishing has been sadly damaged by excessive foreign fishing.

I am hopeful, as well, that it will serve notice on those responsible for conducting our foreign policy with regard to fisheries matters, that the Congress is prepared to act in the future to preserve our valuable fishery resources which have suffered severe depletion at the hands of foreign fleets in the past several years.

For those of our inland colleagues who had not realized the extent of the foreign rape of our coastal waters, I can assure them that it has been severe. We need go no further than our supermarkets to see that fish prices have skyrocketed, due to the shortage brought on by foreign overfishing.

I hope they will join with those of us whose constituents are directly affected by the foreign fishing in ardently supporting this legislation. I know many of my constituents in Nassau County will take heart from our action in passing this measure today, and I know I can speak for them in strongly urging even more stringent U.S. controls to protect our valuable fishery resources.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to take this brief opportunity to voice my support of House Concurrent Resolution 173 of which I am a cosponsor—House Concurrent Resolution 229.

Passage of this resolution would declare it the policy of the Congress to assist in protecting and revitalizing the American fishing industry, to act immediately to provide interim measures to conserve overfished stocks and to protect the industry from excessive international fishing pressures. The resolution declares that Congress will work closely with the States and will encourage Federal programs designed to coordinate States' efforts to help coastal, offshore, and high seas fisheries.

As a New Englander, and as a Congressman from Massachusetts, I can tell you of the hardships encountered every day by many fishermen of New England who are continually struggling to make a living by harvesting the seas. It is a fact that the fishing industry of our country is in very serious trouble today. Foreign fishing intervention, environmental problems, the high cost of boat maintenance and operation, and the problems of finding an available quantity of fish to make their efforts worthwhile are all serious concerns of our fishermen today.

Through passage of House Concurrent Resolution 173, the fishermen of our country, and indeed the American people, will know that they have an elected body of representatives who are aware of the many problems being suffered by the fishing industry today. Passage of House Concurrent Resolution 173 will show that Congress is concerned and determined to assist in protecting and revitalizing one of the oldest American industries—our fishing industry.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of House Concurrent Resolution 173, which will firmly establish the policy of this Nation to support our important fishing industry. I commend the Committee on Merchant Marine and Fisheries and its distinguished Chairman, the gentlewoman from Missouri (Mrs. SULLIVAN), and the distinguished chairman of the subcommittee (Mr. DINGELL), for the prompt reporting of this bill. I, also, congratulate my distinguished colleague from Louisiana (Mr. TREEN), for his able stewardship of House Concurrent Resolution 173 from its inception.

As a cosponsor of this measure, I can assure my colleagues that the need for this legislation is all too clear. Let me cite a few shocking facts about the position our fishing industry holds in comparison with the rest of the world. In total live weight, the United States, the world's most powerful industrial nation, ranks a miserable ninth among the fishing nations of the world. The weight of the annual catch for the United States in 1971 was 6.1 billion pounds. In comparison, mainland China caught 15 billion pounds, Russia 16 billion, Japan 21 billion and tiny Peru an enormous 23 billion pounds.

To convert these figures to dollar amounts, Japan with $2.7 billion led the way in fishing revenue for 1971. China earned $1.9 billion, and Russia $1.5 billion. The United States produced only $643 million in fishing dollars.

A more troubling fact we must confront is the $1.5 billion we sent to foreign countries in 1972 to buy fish and other seaford products; much of it caught right off our own American shorelines.

Meanwhile, the U.S. fishing industry exported only $157 million in American-caught fish and marine products—only slightly more than 10 percent of the massive imports from abroad.

In my own State of Hawaii, surrounded by the bountiful Pacific, the locally-based fishing fleet produced $5.5 million in 1972, the bulk in skipjack tuna. Yet fisheries experts are in agreement that, with adequate private and Government assistance, an efficient, modernized fleet could easily harvest $300 million in tuna every year. Instead, our local cannery, operated by Bumble Bee Seafoods, must rely on the ocean-going Japanese fishing fleet which roam the Pacific to supply the bulk of its production needs. The local fleet can muster only a small fraction of the cannery requirements.

The only obstacle in establishing a viable, competitive fleet is the shortage of capital. We possess the technology to build swift, modern vessels to ply our bountiful waters. We have developed effective fishing methods that could vastly multiply our catch. We lack only the financial support nearly every major fishing power affords its fishing industry.

The problem we face in Hawaii and the Pacific Islands can be found in every American fishing center—from Alaska to San Diego, from Texas to Maine.

Mr. Speaker, clearly, there can be no question of the necessity to support this important national industry.

I urge your approval of House Concurrent Resolution 173.

Mr. BIAGGI. Mr. Speaker, I rise in support of House Concurrent Resolution 173 providing congressional support for the U.S. fishing industry. Passage of this legislation will provide long overdue Federal assistance for the beleaguered fishing industry of the United States.

Statistics have indicated that the United States has dropped from first to sixth among fishing nations in overall production. This shocking situation can be partially explained by years of neglect by the Federal Government of the problems which have been besieging the fishing industry.

Continued reckless overfishing practices by foreign nations have contributed enormously to the drastic decline in the U.S. fishing industry. This legislation, as well as H.R. 6074, which we are also considering today, will help alleviate this problem by restricting access to fish living along our own Continental Shelf by foreign nations. This could result in millions of additional fish for the homes and restaurants of America in 1974.

The deplorable conditions of many of the U.S. fishing vessels is another major contributor to our fishing industries problems. Many of the boats which sail under the flag of the United States are a disgrace, old, run down, and grossly inefficient in comparison with other nations' vessels.

House Concurrent Resolution 173 would declare it a policy of Congress to assist in protecting and revitalizing the American fishing industry. It will act to conserve overfished stocks, and to protect the industry from excessive international fishing pressure.

Mr. Speaker, it is time that we in the Congress begin to provide relief to save this once proud American industry. Their future can spell either success or failure for our overall economy. Let us start today by passing this important legislation.

Mr. DONOHUE. Mr. Speaker, this proposal before us, House Concurrent Resolution 173, proclaiming our congressional policy to support, protect, and enhance the coastal and off-shore fishery resources of the United States, merits the overwhelming approval of this House and I earnestly hope that approval will be very speedily forthcoming.

Every Member of this body, I am sure, is very keenly aware that our previous leadership in world fisheries has vanished, that our domestic fishing fleet has become practically obsolete and that there has been a continuing decline, for at least the past 5 years, in domestic production of food, fish, and shellfish.

These developments have had, of course, a very serious adverse effect upon our overall economy and it is imperatively urgent that our National Government move, with all reasonable resource and dispatch, to protect and encourage the revival and restrengthening of our traditional fishing industry.

In essence the measure before us is simply a statement of policy but its passage will be a realistic step in providing the more modern direction and greater governmental encouragement that our domestic fishing industry must have if it is to survive and serve the national interest that is unquestionably involved.

In order to guarantee that essential survival and service, I earnestly urge the House to resoundingly accept this resolution.

Mr. BAUMAN. Mr. Speaker, I am pleased to rise in support of House Concurrent Resolution 173, a resolution establishing for the first time a national policy of support for America's fishing industry. I have cosponsored an identical resolution, House Concurrent Resolution 388, with its principal author, the gentleman from Louisiana (Mr. TREEN).

Like the gentleman from Louisiana, I do not look with favor on a number of industries which periodically come running to Washington to be bailed out of one difficulty or another. But it should be noted that this resolution does not propose a handout. It does, on the other hand, clearly recognize that the Federal Government exercises authority in a number of areas affecting the fishing industry, including international negotiations and agreements, and that in these areas, it should be the primary policy of the United States to promote the interests of our domestic fishing industry. This is especially important to those of us in the State of Maryland.

The once-unchallenged U.S. dominance of fishing and shell-fishing activities off our shores has eroded dramatically in the post-war period. In 1960, American fishermen caught 93 percent of the fish harvested in U.S. coastal waters. Today they bring in less than 50 percent. This change is due in a large part to the rapid expansion of foreign fishing fleets which are either owned or heavily subsidized by their governments. With large amounts of capital at their disposal, these fleets have invested in modern, up-to-date ships which many American firms cannot afford. In all too many cases, these foreign fleets have shown little regard for conservation, and have ravaged the available stocks of fish off our shores.

Action must be taken soon to protect these stocks of fish and shellfish, and it is up to us to see that it is done. We can also assist the individual States in conservation and scientific management of these resources where it is appropriate.

A good example of the misguided policy in which the State Department engages was illustrated by negotiations between the Republic of Korea and the United States last year in which it was proposed that the United States would grant multimillion-dollar subsidies to the Korean oyster industry. The purpose of the grants would be to increase Korean oyster production for export to the United States in direct competition with American oysters. We have a saying in Maryland, "Eat oysters, love longer." I can assure you that if the State Department were left to its own devices many of the people of the shellfish industry in my district would not only have very little love for their Government, but they might well not be able to afford to eat, because their jobs would be destroyed. As a member of the Maryland General Assembly, I was the chief sponsor of a joint resolution which passed unanimously and was forwarded to the President of the United States protesting the State Department negotiations. Mr. Speaker, House Concurrent Resolution 173, and the companion resolution I sponsored, would go a long way toward putting an end to such misguided State Department action.

The American fishing industry is vital to the Nation's economy and well-being. It is a source of employment for many thousands of our citizens, and holds the potential for producing vast amounts of food for our consumption. It is in the Nation's best interest to restore the industry's health, and this resolution can be the first step.

American fishermen have traditionally operated with a minimum of Federal support or assistance. This resolution provides recognition in that the Federal Government can play an important role in assisting in conservation and management of aquatic resources, that the Federal Government plays a continuing role of direct importance to the fishing industry in its international negotiations, and that it is the responsibility of the Congress to take steps to protect U.S. fishermen from excessive encroachment by foreign vessels into waters off our coast as well as guard against unsanitary and inferior foreign products.

Mr. Speaker, I urge passage of this resolution, and a new commitment to the well being of one of our most important food-producing industries.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL), that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 1973, as amended.

The question was taken.

Mr. GROVER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 28, as follows:

[Roll No. 621]

YEAS—405

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—28

Bergland
Blackburn
Burke, Calif.
Carey, N.Y.
Clawson, Del
Conyers
Dent
Diggs
Downing
Edwards, Calif.
Fish
Ford, Gerald R.
Gray
Hansen, Wash.
Hébert
Jordan
McSpadden
Macdonald
Madden
Michel
Mills, Ark.
Reid
Rooney, N.Y.
Spence
Stokes
Waldie
Walsh
Wilson, Charles H., Calif.

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Gerald R. Ford.

Mr. Rooney of New York with Mr. Del Clawson.

Mr. Diggs with Mr. Carey of New York.

Mr. Gray with Mr. Blackburn.

Miss Jordan with Mr. Bergland.

Mr. Macdonald with Mr. Stokes.

Mr. Conyers with Mr. Dent.

Mr. McSpadden with Mr. Walsh.

Mr. Reid with Mr. Michel.

Mr. Edwards of California with Mr. Madden.

Mr. Downing with Mrs. Burke of California.

Mr. Waldie with Mr. Fish.

Mrs. Hansen of Washington with Mr. Spence.

Mr. Charles H. Wilson of California with Mr. Mills of Arkansas.

The result of the vote was announced as above recorded.

The preamble, as amended, was agreed to.

A motion to reconsider was laid on the table.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be discharged from further consideration of the Senate concurrent resolution—Senate Concurrent Resolution 11—relating to congressional support of the U.S. fishing industry, a similar concurrent resolution to the one just agreed to, and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 11

Whereas the position of the United States in world fisheries has declined from first to seventh place among the major fishing nations;

Whereas there has been a continuing decline in domestic production of food fish and shellfish for the last five years;

Whereas our domestic fishing fleet in many areas has become obsolete and inefficient;

Whereas intensive foreign fishing along our coasts has brought about declines in stocks of a number of species with resulting economic hardship to local domestic fishermen dependent upon such stocks;

Whereas rising costs and extremely high insurance rates have made fishing uneconomic in some areas even when stocks of fish and shellfish are at normal levels;

Whereas assistance to fishermen is very limited as contrasted to Federal aid to industrial, commercial, and agricultural interests;

Whereas United States fishermen cannot successfully compete against imported fish products in the market because a number of foreign fishing countries subsidize their fishing industry to a greater extent;

Whereas some 60 per centum of the seafood requirements of the United States is being supplied by imports;

Whereas the United States fisheries and fishing industry is a valuable natural resource supplying employment and income to thousands of people in all of our coastal States;

Whereas international negotiations so far have proved incapable of obtaining timely agreement on the protection of threatened species of fish;

Whereas our fisheries are beset with almost insurmountable production and economic problems; and

Whereas certain of our coastal stocks of fish are being decimated by foreign fishing fleets: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the policy of the Congress that our fishing industry be afforded all support necessary to have it strengthened, and all steps be taken to provide adequate protection for our coastal fisheries against excessive foreign fishing, and further that the Congress is fully prepared to act immediately to provide interim measures to conserve overfished stocks and to protect our domestic fishing industry.

SEC. 2. The Congress also recognizes, encourages, and intends to support the key responsibilities of the several States for conservation and scientific management of fisheries resources within United States territorial waters; and in this context the Congress particularly commends Federal programs designed to improve coordinated protection, enhancement, and scientific management of all United States fisheries, both coastal and distant, including presently successful Federal-aid programs under the Commercial Fisheries Research and Development Act of 1964, and the newly developing Federal-State fisheries management programs.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DINGELL moves to strike out all after the resolving clause of S. Con. Res. 11, and insert in lieu thereof the language of H. Con. Res. 173, as agreed to by the House

The motion was agreed to.

MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DINGELL moves to strike out the preamble of Senate Concurrent Resolution 11, and insert in lieu thereof the language of the preamble of House Concurrent Resolution 173, as agreed to by the House.

The motion was agreed to.

A motion to reconsider was laid on the table.

A similar House concurrent resolution (H. Con. Res. 173) was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution (H. Con. Res. 173) just agreed to.

The SPEAKER. Is there objection to Michigan?

There was no objection.

PERSONAL EXPLANATION

Mr. GUNTER. Mr. Speaker, I was not recorded on rollcall No. 620, the adoption of the conference report to accompany the bill S. 1443, the foreign assistance authorization. I was called off the House floor by a constituent and failed to hear the bells. Had I been present I would have voted "no."

BUDGET AND IMPOUNDMENT CONTROL ACT OF 1973

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 715 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 715

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7130) to amend the Rules of the House of Representatives and the Senate to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Director and staff, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute recommended by the Committee on Rules now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and said substitute shall be read for amendment by titles instead of by sections. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield the usual 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. Speaker, I know of absolutely no opposition to this rule and I do not propose to debate the bill during consideration of the rule because we have 3 hours of general debate during which we will proceed to deal with the bill as soon as the rule is adopted.

This is a straightforward open rule.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTIN of Nebraska. Mr. Speaker, I also know of no disapproval of this rule. It cleared the Committee on Rules unanimously by a vote of 15 to 0. I support the rule and I urge its adoption.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BOLLING. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7130) to amend the rules of the House of Representatives and the Senate to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Director and Staff, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri (Mr. BOLLING).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7130, with Mr. UDALL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule the gentleman from Missouri (Mr. BOLLING) will be recognized for 1½ hours and the gentleman from Nebraska (Mr. MARTIN) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Missouri.

Mr. BOLLING. Mr. Chairman, I would like to recommend to the Members of the House who are interested in this subject that they read the report between now and tomorrow. That is not to say I will not be available to answer any questions or that there will not be an explanation made of the bill, but this is a very good, quite brief report which I believe explains all the different problems involved.

Mr. Chairman, I have a speech which I do not propose to give which amounts to a summary of that report and I hope those who do not feel like reading the whole report will read what follows, and at this point, under the unanimous consent I have obtained, I insert my speech in the RECORD.

Mr. Chairman, H.R. 7130 is a balanced and workable bill that promises meaningful and attainable improvement in the congressional budget process. The bill preserves and strengthens the appropriations machinery of Congress and at the same time gives Congress the capability to decide budget totals and priorities. It enables Congress to review and terminate the impoundment of funds by the executive branch and it thereby offers a comprehensive approach to budget reform, encompassing the spending decisions of Congress as well as the implementation of those decisions by the executive branch.

The bill consists of two titles. Title I establishes the machinery for a congressional budget process, including new House and Senate Budget Committees and a Legislative Budget Office. Title II is adapted from the anti-impoundment legislation approved by the House on July 25 of this year which is now pending in conference.

GUIDELINES FOR REALISTIC BUDGET REFORM

The Rules Committee began its search for improved congressional budgetary methods with a thorough consideration of the report and recommendations of the Joint Study Committee on Budget Control. Those recommendations were embodied in the original bill H.R. 7130 which was cosponsored by all 16 House Members of the Joint Study Committee.

Over months of deliberation, positions initially held were subjected to the test of contending viewpoints and few survived completely intact. In its reported form, H.R. 7130 retains many of the objectives of the Joint Study Committee but it also reflects a desire to cast the purposes of budget control into an acceptable and useful framework. Budget reform is of no value if it cannot be adopted, or if adopted it cannot work.

The reported legislation differs in certain key aspects from the original version. The Joint Study Committee proposed a very complicated budget procedure in an effort to achieve complete consistency and compliance in congressional budget actions. It proposed that the budget process begin each year with adoption of a concurrent resolution establishing spending maximums for the total budget and for each subcategory. Consideration of this budget resolution would have been constrained by an ironclad "rule of consistency" barring any amendment that did not preserve a consistent relationship between all totals and subtotals. The net effect of this rule would have been to preclude most floor amendments and to give the new Budget Committees enormous power in the making of congressional budget policy.

A similar restrictiveness would have operated in consideration of the various spending bills. No appropriation measure could go forward unless it was in complete compliance with the budget resolution. Under the proposed arrangement, the appropriations process would have been supplanted by premature and constrictive budget decisions.

The Rules Committee decided to remove these restrictive procedures and to devise an alternative that accomplishes the needed budget control. Its work has been guided by a number of principles.

First has been the commitment to find a workable process. Not everything that carries the label of a legislative budget can be made to work. The complicated floor procedures contained in the Joint Study Committee bill have been eliminated because they would have inhibited the proper functioning of Congress.

Second, budget reform must not become an instrument for preventing Congress from expressing its will on spending policy. The original bill would have ruled out many floor amendments, it would have stunted the free consideration of appropriation measures, it would have bound Congress to unusual and oppressive rules, and it would have given one-third of the Members the power to thwart a majority's effort to revise or waive such rules. Points of order could have been raised at many stages of the process and legitimate legislative initiatives would have been blocked.

The objective of budget reform should be to make Congress informed about and responsible for its budget actions, not to take away its power to act.

Third, budget reform must not be used to concentrate the spending power in a few hands. All Members must have ample opportunity to express their views and to vote on budget matters. While it is necessary to establish new budget committees, they must not be given extraordinary power in the making of budget policies.

Fourth, the congressional budget must operate in tandem with and not override the well-established appropriations process. Through its power of appropriations, Congress is able to maintain control over spending. That power has been exercised responsibly and effectively over the years and it should not be diluted by the imposition of a new layer of procedures.

Fifth, the budget control procedures should deviate only the necessary minimum from the procedures used for the preparation and consideration of other legislation. Undue complexity could only mean the discrediting of any new reform drive. We must not load the congressional budget process with needless and questionable details.

These principles have been applied to resolve a number of the controversial issues brought before the Rules Committee. For every major feature of H.R. 7130, a number of alternatives were considered. In particular, we appraised the various options available in regard to the new budget committees, congressional budget staff, the fiscal year, control over budget totals, the determination of program priorities, tax policy, the reconciliation of spending decisions with the budget resolution, and the linkage of budget and impoundment controls. The paragraphs below set forth the positions taken by the Rules Committee.

COMPOSITION OF THE BUDGET COMMITTEES

The Joint Study Committee recommended a House Budget Committee of 21 members, 7 each from Appropriations and Ways and Means, and 7 from all other committees.

Moreover, the chairmanship of the Budget Committee would alternate between Appropriations and Ways and Means, and these two committees also would decide which of their members would serve on the Budget Committee. In contrast to this position was the view that the makeup of the Budget Committee should be set by the party caucuses, in the same manner that the memberships of other committees are selected. Their argument was that budget control is not the exclusive responsibility of the taxing and spending committees and these committees should not dominate the budget process in Congress.

The alternative reported in H.R. 7130 recognizes that there is a special need to coordinate revenues and expenditures and that participation by members of Ways and Means and Appropriations would bring expertise and information to the new Budget Committee. Yet there is also a need to draw the entire membership into the budget process and to insure that all interests and viewpoints are represented in the making of the basic fiscal decisions. H.R. 7130 retains designation of committee members but reduces the percentages allocated to Ways and Means and Appropriations from 66 percent to less than 45 percent. Thus there would be a 23-member committee, with only 10 coming from the taxing and spending committees. Moreover, the 10 would be selected by party caucuses rather than by the committees they represent. Four additional changes expand the role of the House membership. First, the chairman of the Budget Committee would not have to come from Appropriations or Ways and Means; second, no member may serve on the Budget Committee more than 4 years—plus a fraction of a year—in five successive Congresses; third, selection of Budget Committee members is to be made without regard to seniority; fourth, two positions on the Budget Committee would be held by the Democratic and Republican leaderships.

LEGISLATIVE BUDGET OFFICE

H.R. 7130 originally provided for a joint legislative budget staff to serve the House and Senate Budget Committees. Some interested parties have pressed for a new congressional budget office not tied to particular committees and available to all Members and committees. The formula devised by the Rules Committee combines the advantages of a committee staff with assistance to Congress as a whole. We were concerned that if an independent office were established it would not be sufficiently close to the committee process and the Budget Committees would be impelled to form their own staffs in addition to that of the new budget office. Further duplication would arise between the work of the budget office and the General Accounting Office.

H.R. 7130 now calls for a legislative budget office with a director appointed by the Speaker of the House upon recommendation of the House Budget Committee. But although it would have a special relationship to the Budget Committees, the legislative budget office would be authorized to provide available data and related technical assistance to other committees and Members.

FISCAL YEAR

One of the visible disabilities of the existing congressional budget process is the failure to complete action on appropriation bills prior to the start of the new fiscal year. The Joint Study Committee added a layer of budget procedures in the form of the concurrent resolution on the budget. Congress thus would have the same inadequate amount of time within which to complete more budget business. Some relief would be secured by the establishment of a March 31 deadline for the consideration of authorizing legislation but it will require an adjustment in the fiscal year to put an end to the continuing resolution.

Three possible changes were considered: an August 1–July 31 fiscal year; a fiscal year running from October 1 through September 30; and a shift to a fiscal year coinciding with the calendar year. An August 1–July 31 cycle was ruled out because it would give Congress only the additional month, not enough to make much of a dent in the delays. A calendar year was rejected for a number of reasons, including OMB's protest that it would not have sufficient time to prepare complete figures for the preceding fiscal year. A January 1 start would entangle the budget in electoral politics and would add to the burdens of the annual preadjournment rush.

The October 1–September 30 fiscal cycle was suggested by the Comptroller General in his appearance before the Rules Committee. Congress would have 3 additional months for budget work which would be completed well in advance of the national elections. An October 1 fiscal start is most in accord with the contemporary work schedule of Congress and would not cause undue disruption to the budget processes of State and local governments which receive Federal assistance.

CONTROL OVER BUDGET TOTALS

One of the most debated issues in budget reform has been whether the initial budget resolution should set firm ceilings on the subsequent actions of Congress or whether the initial levels should operate as targets to guide but not bind Congress in its spending decisions. The Joint Study Committee opted for spending ceilings because it felt that anything less than a binding limit would dilute the purposes of budget reform. If the initial budget resolution were only a target, the apprehension was that it would become a base from which various interests would pressure for higher spending. Congress would merely go through the motions of ratifying the higher levels set in the original appropriation measures.

When the Rules Committee began its consideration of the issue, many of its Members favored spending ceilings. But after we reviewed the many problems associated with early ceilings, we agreed that targets offer the most workable approach to genuine spending control. The same shift in viewpoint was accepted by the two House cochairmen of the Joint Study Committee who worked closely with the Rules Committee in preparing a version that could receive broad support.

Early spending limits have two inherent shortcomings. First, they deprive Congress of a flexible response to changing circumstances; second, they downgrade the utility of the appropriations process. Flexibility is an essential ingredient of any budget process. Conditions and needs change rapidly and Congress must be in a position to take appropriate action. Consider what might have happened this year if a total ceiling had been applied shortly after the President submitted its budget. Congress would have been inhibited in responding to the dollar devaluation which has necessitated an additional $2 billion in budget authority for fiscal year 1974. It would have been similarly inhibited from responding to the inflation which has reduced the real income of social security pensioners or to the military requirements arising out of the Mideast crisis. While these circumstances have been peculiar to fiscal year 1974, every year brings its share of surprises. During the past decade, there have been an average of three supplemental appropriations providing almost $10 billion in new budget authority each year. If a spending ceiling were imposed, Congress either would have to go through the laborious concurrent resolution process everytime spending needs escalated or it would leave itself incapable to respond to changing conditions.

The second problem is that a firm spending level would severely depreciate the value of the appropriations process as a means for determining Federal spending policy. In effect, the main forum for establishing expenditure levels would be the concurrent resolution which would be decided early in the year before Congress has had ample opportunity to examine the specific justifications offered by Government agencies. By the time the appropriations process was reached, the main decisions already would have been locked in by the early budget resolution.

The proper course is to preserve and enhance the appropriations process which has consistently demonstrated its effectiveness as a means of budget control. Year after year, appropriations are within the "targets" recommended in the President's budget, with any added funds in the form of backdoor spending. The appropriations process would be assisted if Congress were to take over the job of setting early targets, leaving to the appropriations machinery the capability to make whatever spending decisions the majority of Congress determine to be suitable.

This procedure is contained in H.R. 7130. The first budget resolution to be adopted by May 1 would establish guidelines but would not restrict the processing of appropriations measures through Congress. After all spending measures have been acted upon, it would be appropriate for Congress to set firm spending levels, taking whatever steps it seems necessary to implement its final determination. Under this sequence, the spending level would derive from rather than supersede the appropriations process. Of course, if Congress decides that total appropriations are in excess of a suitable level, it would be able to reduce appropriations to bring them into line with its preferred appropriate level.

DETERMINATION OF PROGRAM PRIORITIES

The Rules Committee was presented with strong arguments in favor of competing versions of budget control. One position, taken by the Joint Study Committee and others, was that the budget resolution should set program targets in addition to overall spending levels. The total spending level would be divided into specific categories such as major program areas or the various appropriation bills.

Two reasons were offered in behalf of this approach. First, that unless Congress sets program levels, any decision on spending totals would be a meaningless gesture because the totals cannot be decided apart from the programs that comprise them. If Congress only looks at the totals, it will not know what they portend for individual programs and it will be impelled to abandon its decision on totals when it gets around to making individual spending choices.

An additional reason is that Congress should have the opportunity to determine spending priorities by comparing the relative value of each program area within a comprehensive budget process. Because the present system is fragmented, with decisions stretching over many months, Congress has no real opportunity to decide spending priorities. It would be given this opportunity if the initial budget resolution set forth the appropriate target for each category.

Despite the attractiveness of a priority-setting process, two appealing arguments were advanced against it. One was that if the budget resolution deals exclusively with "macro" issues, it would be able to give proper attention to the effect of the budget on economic conditions and this vital task would not become entangled in the separate matter of program priorities. Inevitably, the congressional budget process would be much more complicated and controversial if it were to address individual spending issues and consequently it would be much more difficult to obtain timely agreement within Congress on macroeconomic policy. The need to reconcile overall spending totals with individual program levels was the main reason why the Joint Study Committee proposed intricate floor procedures and a restrictive "rule of consistency."

A second consideration is that a full-fledged "priorities debate" would be necessary to establish program levels but such a debate would occur early in the session without benefit of the careful review and data assembled via the appropriations process. The appropriations process would be diminished in stature and utility as Congress prematurely made its decisions before the essential evidence had been gathered.

H.R. 7130 proposes a balanced course of action which gives Congress the benefit of knowing how the spending totals have been derived but without interfering with the appropriations process. The budget resolution would allocate the spending target among major functions such as health, income security, and national defense, not by discrete program areas. In this way, Congress would be able to lay out national priorities but it would leave to the appropriations process the determination of spending policy. Moreover, the functional levels, like the overall total, would be targets and would serve to assist rather than bind Congress in its action on the various money bills.

Although there would be an overlap between functional and appropriations categories, the situation would not be much different from what it now is. The budget now categorizes expenditures by both function and appropriations unit. In the new congressional budget process, Congress will have the capability to reconcile the two sets of classifications. This is not a difficult task and can be handled with modern data processing techniques.

TAX POLICY

A comprehensive budget process must include the coordination of spending and tax policy. If this coordination is lacking, Congress will be unable to assert its will on the appropriate level of surplus or deficit in the budget. Rather than using the budget to manage the economy, Congress would find itself uninformed about the overall effects of its actions on the economy.

Most of the budget control alternatives considered by this committee provided for the identification of the appropriate level of budget surplus or deficit. However, the original version of H.R. 7130 proposed by the Joint Study Committee went a big step further and would have virtually compelled Congress to adopt a tax surcharge if estimated revenues were less than the level set in the second budget resolution. Congress would have been barred from adopting a supplemental—or wrapup—appropriation bill before adjournment unless it also enacted a tax surcharge—or a substitute tax measure producing the required amount of revenue.

I strongly believe that the coordination of tax and spending policy should not be achieved at the expense of congressional control over the budget. Congress should not be forced to adopt tax legislation; rather it must have free rein to determine the tax policy it considers appropriate in the light of economic and other conditions. Accordingly, H.R. 7130 as reported provides that the second concurrent resolution—to be adopted by September 15—shall direct the House Ways and Means and Senate Finance Committees to report any implementing legislation that Congress determines to be necessary. In this way tax legislation would be pegged to a specific congressional decision and would not be automatically triggered by a formula.

RECONCILIATION OF SPENDING ACTIONS AND BUDGET RESOLUTION

Under the procedure laid out in H.R. 7130, the initial budget resolution would contain spending targets. Pursuant to its adoption of this resolution, Congress would go through the various spending measures, taking whatever action it deems appropriate.

After this process has been completed, Congress would be in a position to make a final determination—subject to revision if Congress so desires—of overall spending. At this stage, Congress would have to reconcile its total spending decision with the sums of the individual bills. The bill has a reconciliation procedure that enables Congress to take whatever combination of actions it wishes. Of course, the reconciliation would be necessary only if the individual spending bills aggregated in excess of the total set in the second budget resolution. If this happened, Congress would adopt a budget reconciliation bill providing for the rescission or amendment of appropriations; the adjustment of tax rates; and/or adjustment in the limit on the public debt. This procedure would give Congress the capability to carry out a comprehensive and consistent budget policy.

LINKUP OF BUDGET AND IMPOUNDMENT CONTROLS

Earlier this year, the House approved H.R. 8480 to control the impoundment of funds by the President. At the time, we recognized that impoundment control is closely related to overall budget control by Congress. Nevertheless, we believed unprecedented impoundments of fiscal 1973 funds by the President made it imperative that the enactment of impoundment legislation not be delayed by the search for new congressional budget procedures. For this reason, title II of H.R. 8480 contained an interim budget control procedure to apply only to fiscal year 1974.

Budget reform and impoundment control have a joint purpose: to restore responsibility for the spending policy of the United States to the legislative branch. One without the other would leave Congress in a weak and ineffective position. No matter how prudently Congress discharges its appropriations responsibility, legislative decisions have no meaning if they can be unilaterally abrogated by executive impoundments. On the other hand, if Congress appropriates funds without full awareness of the country's fiscal condition, its actions may be used by the President to justify the improper withholding of funds. By joining budget and impoundment control in a complete overhaul of the budget process, H.R. 7130 seeks to insure that the power of appropriation assigned to Congress by the Constitution is responsibly and effectively exercised.

THE CONGRESSIONAL BUDGET PROCESS

Title I of H.R. 7130 provides for the adoption each year of a congressional budget, including a determination of the appropriate levels of revenues, expenditures, and budget surplus or deficit. Title II establishes a control procedure whereby either House of Congress may prohibit the President or any other officer of the executive branch from continuing an impoundment.

Title I reforms the authorizations-appropriations process within Congress. An important feature is a revised timetable that allows more time for the consideration of major policy choices and substantially reduces the likelihood of continuing resolutions because of failure to complete action on the appropriation bills before the start of the fiscal year. The fiscal year would run from October 1 through September 30, adding 3 months to the period available for congressional action. Within this fiscal calendar, Congress would complete action on authorizing legislation by April 1; adoption of an initial budget resolution would follow 1 month later; all appropriation bills would be cleared by August 1; Congress would adopt a final budget resolution by September 15; any required implementing legislation would have to be enacted prior to adjournment.

The first concurrent resolution on the budget would set tentative total levels for new budget authority and outlays, the appropriate spending level for each functional category in the budget, and the overall levels of Federal revenues, debt, and surplus or deficit. These figures would operate to guide Congress during its subsequent consideration of the various spending bills. To facilitate timely and informed action on appropriations, H.R. 7130 provides that the House Appropriations Committee shall not report any bills until it has completed the markup of all appropriation bills. Moreover, all regular appropriation bills which exceed their original targets would be held by the Congress—not enrolled or sent to the President—until it has adopted a second budget resolution—by September 15—and, if necessary, a budget reconciliation bill. The second budget resolution establishes the appropriate level of budget authority and outlays and may call for implementing legislation to be reported by the appropriating or revenue committees of Congress. The implementing legislation is to be in the form of a budget reconciliation bill and may provide for the rescission or amendment of appropriations or for adjustments in tax rates. After the implementing legislation has been adopted, the appropriation bills would be sent to the President.

The bill incorporates backdoor spending into the congressional budget process. Under new procedures, backdoor spending—such as contract authority, loan authority, and mandatory or open-ended entitlements—could not take effect until funds were provided through the appropriations process. Existing backdoor spending would not be covered by the new procedures until October 1, 1978. However, certain types of spending such as that derived from self-supporting trust funds would be excluded from the new controls over backdoor spending.

New budget committees would be established in the House and Senate with jurisdiction to report the two budget resolutions required by the legislation as well as any other budget resolution which revises the overall spending totals. Membership on the House Budget Committee would be limited to 4 years—plus a portion of a year—within five successive Congresses, and all appointments would be made without regard to seniority. Of the 23 members of the House Budget Committee, 5 each would be drawn from the House Appropriations and the Ways and Means Commitee, 11 from other standing committees, and 1 each from the majority and minority leaderships.

The Budget Committee would not have jurisdiction over any authorizations or appropriations. Authorizations would continue to be reported by the various legislative committees and appropriations by the Appropriation Committees. In addition, the budget reconciliation bill required by the legislation would be reported by the House Appropriations Committee, with any tax measure required to be included therein coming from Ways and Means.

The new Legislative Budget Office would assist the House and Senate Budget Committees. It would be headed by a director, appointed by the Speaker upon the recommendation of the House Budget Committee. The Legislative Budget Office would have authority to obtain data related to its functions from the executive branch and to furnish information and assistance to committees and Members of Congress.

Title II of H.R. 7130 establishes the procedure by which the Congress can require the President to cease any impoundment of funds.

It directs the President to notify the Congress by special message whenever he or any other officer of the executive branch impounds funds. Each such special message, which shall deal with only a single impoundment, is to be sent to the Congress within 10 days after the impoundment. Upon its receipt, each message would be referred to the Appropriations Committees of the House and Senate. The impoundment reported in that message would have to stop immediately if either House passes within 60 days a simple resolution disapproving it. The bill specifies procedures for expeditious consideration of disapproving resolutions.

The Comptroller General is directed to provide Congress with information concerning impoundments reported by the President. He would also notify the Congress of any impoundment not reported by the President, and in such cases that notification would trigger the disapproval procedure. In addition, the Comptroller General is authorized to bring civil actions on behalf of the Congress to enforce compliance with the requirements of the bill. It would, however, be necessary for the Comptroller General to secure the approval of Congress in any particular case.

Title II also disclaims any intent to deal one way or the other with the constitutional powers or limitations of either the President or the Congress, or to ratify past impoundments, or to affect pending claims concerning any impoundment.

Having done that, Mr. Chairman, I would like to describe very briefly what happened in the Rules Committee.

This piece of legislation was studied very carefully in the beginning by a joint study committee. It produced as the Whitten-Ullman bill a unanimous report, a unanimous piece of legislation by the 16 House members of that committee, H.R. 7130, which was referred to the Committee on Rules. Over a period of time the Committee on Rules found it wise to hold hearings. In that period of time the authors of the bill itself recognized that there had been certain arguments made and certain points made that made it wise to modify the original text of H.R. 7130.

Over a period of many months of consideration we gradually arrived at an accommodation, not a perfect accommodation, not a perfect compromise, not an agreement to which everybody adhered, but an agreement to which all the different groups of the House adhered to a sufficient degree that I believe we can say that this bill before us represents a compromise supported by a very substantial majority of the House.

There will be some amendments offered to title I. I think title I is the title that has the broadest support. That is the title that deals with the establishment of a budget committee and a process for arriving at overall ceilings on spending, on taxing, on deficits, on debt limitation.

It also provides for subdivisions within that, so that early each year the House may have a debate on national priority as between large subdivisions in the overall budget. Functional categories are the technique we use as a description that appears in the budget for something that divides up the various broad policy areas that come before us for funding.

There was a compromise in that area. There was a compromise as to the composition of the committee. Some wanted, and I wanted at the time, although I support the present provisions of title I, with one minor exception, every provision of title I, some wanted one kind of committee, some wanted another kind of committee.

The result is a compromise; 23 Members, 5 designated from the Committee on Ways and Means to be chosen by each party's conference or caucus, rather than appointed by the committee; 5 from the Committee on Appropriations chosen in like fashion: 11 from the membership at large chosen in the usual fashion by caucus and conference, and 2 from the leadership, a 23-member conference committee.

The staff is a compromise, the staff director is to be appointed by the Speaker in consultation with the Budget Committee. The staff will be available not only to the Budget Committee, but to all the Members and all the committees.

The timing was a compromise. We had a discussion of all kinds of charges in the fiscal year and we decided on the first of October as the beginning of the new fiscal year and we do discuss at length in the committee report the reason for that particular selection.

The way in which we dealt with appropriations, after we had come up with the overall ceilings, was again a compromise. In other words, title I of this bill is an accommodation between the fractions, between the groups, between attitudes, which I believe is largely supported by the majority.

Now, title II, I fear, is more controversial. It is a section that I believe is absolutely essential to the bill as a whole. If we do what title I says we will do, and makes it possible for us to do, we will be behaving in a wholly responsible fashion.

We will be setting ceilings on spending. We will be deciding openly and clearly what we intend to do about any deficit, if there is a deficit, by dealing with the debt limits. If, at the end of the process, we find that we have exceeded our goals, then we will be required to reconcile those goals in a fashion that is responsible and open by providing for scaling down, perhaps, appropriations; increasing taxes; or a combination of the two. We will have an open, overall process.

Title II, I consider essential because it is very much like the anti-impoundment bill that we passed some time ago in the House. It is the only thing that will preserve the integrity of the budget process, assuming that we follow it precisely as we intend, because unless we have an anti-impoundment provision, the Congress could set its priorities, could do everything in a wholly responsible way, and the President still, if he chose to by impoundment, could change all those priorities.

So, it is an essential element, in my judgment, of a total, overall effort on the part of the Congress to take back its full responsibility, to take back its full power in deciding on the overall spending limit systematically, on the priorities within spending limitations, on the way of financing that spending.

I should say that no one should have any illusion that this bill, when it goes through the whole process, will be an automatic cure. We are moving from a very primitive situation in which many of us are not aware that our votes on appropriations have very little effect on spending for a particular year. We are moving, hopefully, a step or two in the direction of coming to a time when we actually do what any other large establishment would do about the spending of money, and the source of the money spent. We will be making decisions in a given year as to what will be spent in that year, much of which will be foreordained by previous actions in previous years. We will be making decisions in each year which will have a great deal more impact on the spending of the next year and the year after than it will on the current year.

Hopefully, we ultimately will come to a time when we will be making plans for the third year and the fourth year and perhaps even the fifth year. This bill does not take us from a beginning where we are quite primitive to an ending where we are very sophisticated. It enables us to walk some very important steps in the right direction.

Mr. Chairman, I think this bill is a compromise that can work. I think that the various component parts fit together.

I think it is important that the bill remain together. With that, Mr. Chairman, I propose to speak no longer, but at some point in time I will be glad to take questions from any Member. I have a number of Members on this side to whom I will yield time.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, as the gentleman from Missouri has described, the legislation which we have before us this afternoon is probably one of the most important bills that this House will consider in this Congress. It is absolutely essential that the legislative branch of the Government get control of the budget and of expenditures.

In 1921 the Budget Control Act, which set up in the Office of the President of the United States the Bureau of the Budget, was passed by the Congress. That Office was directed to prepare a budget for the President, and that has been done every year since that date.

Mr. Chairman, let me call the attention of the Members to the expansion which we have had in the Federal Government over the years and before the Budget Act was passed. Receipts have multiplied 100-fold from the $2 billion budget in 1933 to almost $250 billion in 1973. The public debt, as a result, has ballooned at an astounding rate.

The total debt was approximately $1 billion at the turn of the century. Now mittee demonstrates that deficit financing has become a way of life in Federal budgeting. In 37 of the past 54 years there has been a budget deficit.

We can see, Mr. Chairman, how essenit is almost 500 times higher.

The report of the Joint Study Comtial and how mandatory it is for the Congress to get control of spending by setting up a Budget Committee.

Now, I do not say that this is going to be a panacea and is going to provide a complete control of this problem. This same attempt was made back in 1946 with the Reorganization Act, but it did not work out. It was tried by the House and the other body for 2 years and then was dropped as being unsatisfactory.

The Committee on Rules has held extensive hearings on this subject, and we have tried to come up with a piece of legislation which will be enduring, which will avoid the pitfalls of the 1946 Reorganization Act, which will be meaningful, and which will be effective in accomplishing the job that we are trying to accomplish.

Mr. Chairman, I want to pay tribute at this point to the work of the Joint Committee, which did such an excellent job in its many hours spent on this subject and in coming up with and reporting unanimously a piece of legislation on this same subject.

I want the gentlemen who served on that Joint Committee to know that this effort created the foundation and the basis for the piece of legislation which we have before us today, and those Members greatly helped in our work in the Committee on Rules in reporting out this bill which is before us this afternoon.

Now, let me talk for just a moment about some of the features of the bill itself.

As the gentleman from Missouri (Mr. BOLLING) has explained, this bill is the result of a series of compromises, compromises on both sides of the aisle, and we worked in harmony with one another in trying to reach some reasonable compromises in order to come up with a good bill. We reported it unanimously from the Committee on Rules.

Mr. Chairman, I support completely title I of this legislation. Although there were some things I would have preferred to be included in title I which were not, I do support it completely.

In regard to title II, I must advise the House that I am not in agreement with the impoundment section of title II, and when the proper time comes, I expect to offer an amendment to delete title II from the legislation.

The bill which was reported out by the joint committee in regard to the membership of the Committee on the Budget, comprised seven members from the Committee on Ways and Means, seven members from the Committee on Appropriations, and seven members from the legislative committees—a total of 21 members.

It was proposed that this composition of the committee be disregarded and that 21 members be appointed at large from the various committees of the House. There were some objections to this proposal.

As a result a compromise was adopted which I think is a good compromise. Of the total of 23 members of the Budget Committee, 5 will be from the Committee on Ways and Means, 5 from Appropriations, 11 from other legislative committees, and 1 from the leadership on each side of the aisle. That is a total of 23.

The members of the Budget Committee will be selected and elected in the normal manner in which the Democratic caucus selects their members to serve on the various legislative committees of the House and on the Republican side of the aisle by the Republican conference. The membership to be divided between the majority and minority will be worked out as it is in the other committees between the Speaker and the minority leader.

So there is no difference in the composition or in who serves on this committee as compared to all of the other appointments on legislative committees.

One other feature which is new and which I would like to call to the attention of the Members in this bill is that a Member may not serve for more than two Congresses, which would be four sessions, on the budget committee, except if a vacancy occurs part way through a Congress, when a Member may be appointed and then serve two complete Congresses or 4 complete years in addition to part of a session. That is the only major change from our national committee assignments.

Then a Member has to remain off the committee for a certain number of years before he can go back on the committee again.

The first concurrent resolution in regard to a budget is really a target. The joint committee recommended a tight budget in the first reporting resolution to come out of the committee. In fact, I approved of that. But again it was another one of our compromises. So we have a target date when we hope to have our first budget adopted on the floor of the House, by the 1st of May. This target will be set up on functional lines which will match and parallel the way that the Office of Management and Budget figures are made up, which are along functional lines.

Interested committees, such as the Ways and Means Committee, Committee on Appropriations, will appear before the budget committee before March 31. The adoption of the initial budget resolution must be accomplished by May 1. This will come to the floor of the House before this date and before it is finally adopted on the floor of the House with 10 hours of general debate and with an open rule. There will be adequate time in which amendments may be offered.

I hope we can have a meaningful debate in regard to priorities and in regard to the importance of one program as compared to another.

This will be a first in this area. The House will really have an opportunity to make history and to come up with effective legislation in regard to a budget through the many hours that we have set aside for debate on this budget bill.

The fiscal year has been changed from July 1 to October 1. One of the primary purposes of this change in the fiscal year date is for this reason:

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield myself 3 additional minutes.

You are well aware that in the last several Congresses we have had to adopt continuing resolutions because we simply have not had the appropriation bills passed as of June 30, the end of the fiscal year.

By advancing the fiscal year to a date 3 months later we hope that we can eliminate the possibility of continuing resolutions in the future.

Another step which I think is progressive, and I hope will be effective to assist in this matter, is that authorization bills, in order to be considered in the appropriation measures, must be passed by April 1, except for emergencies. Otherwise authorizations are cut off as of April 1. The Appropriations Committee and the subcommittees can proceed to mark up their appropriation bills without having to wait for authorizing legislation to pass.

I hope that this also speeds up our process in regard to getting appropriation bills out on time.

Then the second budget bill will come to the floor of the House, and must be adopted by September 15.

The appropriation bills will all be prepared in the same manner as they are now from the various appropriation subcommittees, but will be held, and not reported out until all of them are ready to come to the floor of the House. Then they will be reported out in the normal manner provided that they are below the figures that were sent up in the first concurrent resolution, and none will be sent to the President until we are sure that we are under the target figures we have set in the spring of the year.

After the final budget is adopted on September 15 the Committee on Ways and Means and the Committee on Appropriations will then both be called upon if action is necessary by one committee or the other, the Committee on Appropriations, if we are over our target date and over our budget, to make recisions in the appropriations.

If additional revenue is necessary according to the budget committee's estimates, then the Committee on Ways and Means will be called on to come up with legislation for additional revenue in order to stay within the budget.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield myself 2 additional minutes.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Nebraska. I yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Chairman, do I understand the gentleman from Nebraska to say that authorization bills must be completed by April 1?

Mr. MARTIN of Nebraska. That is correct.

Mr. TEAGUE of California. It occurs to me, Mr. Chairman, when you have a very complicated bill such as a general farm bill, which I always oppose, and I would not care if we never passed one, but we have weeks of hearings. And in a new Congress which does not really get underway until February 1, that is pressing it pretty tight to try to get the hearing completed on such a very complicated bill covering wheat, feed grains, corn, tobacco, peanuts, food stamps, and God knows what else, to have those hearings completed in that short period of time.

Mr. MARTIN of Nebraska. In answer to the point made by the distinguished gentleman from California, I would simply say that the committee is going to have to plan a little farther in advance than perhaps they have in the past, and start work either in the previous session or in the previous Congress on new farm legislation when it expires, in order to meet this deadline.

Mr. TEAGUE of California. I am sure the gentleman from Texas (Mr. POAGE) will do exactly that, because the gentleman is a strong advocate of general farm bills, as the gentleman from Nebraska knows, and is a tremendously hard worker.

Mr. MARTIN of Nebraska. Mr. Chairman, another point I would like to make in regard to this, if I may, is that we expect that the OMB can come up with a projected budget over the next 5 years, and we hope that the budget committee of the legislative branch of the Government will also project 5 years ahead.

Mr. TEAGUE of California. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield myself 2 additional minutes.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Nebraska. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, in years of reorganization of the Congress, which happens every 2 years, we frequently see the committee is not organized until well into February. That really means we have, then, 45 or 50 or maybe 60 days maximum for the authorization committee to come up with legislation. Was any thought given to whether or not this was sufficient time?

Mr. MARTIN of Nebraska. I am glad the gentleman asked that question, because I think we have the answer to that problem. In this legislation also will be included authority for the Speaker or the majority leader and the minority leader to call to Washington the newly elected Members or the holdover Members, those elected in November every 2 years, between November 15 and December 15 for organizational purposes. This is done, as the gentleman well knows, on a partisan basis. During that period of time it is expected that committee assignments will be made to the new Members of Congress, and that holdover Members who wish to transfer and make changes in their committees will be able to accomplish that, and that both the Republican Caucus and the Democratic Caucus will complete action on committee assignments, although they are not official until they are presented on the floor of the House and adopted on the floor on January 3.

By doing this, we hope then to be able to set up our committees on January 3 and to immediately proceed with the organization.

Mr. MYERS. I thank the gentleman. Will the gentleman yield for one more question?

Mr. MARTIN of Nebraska. I yield to the gentleman from Indiana.

Mr. MYERS. How are emergencies to be handled? The issue here is the energy crisis we are now facing. We have had emergency legislation providing for an appropriation to administer this program. How would the gentleman provide for these emergencies in this legislation?

Mr. MARTIN of Nebraska. To determine what is an emergency will have to be left up to the judgment of the leadership in the House. I assume the gentleman is talking about the cutoff date of April 1 on authorizing bills.

Mr. MYERS. That is correct.

Mr. MARTIN of Nebraska. That would have to be left up to the leadership of the House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOLLING. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, I rise not to speak at length, but to endorse in principle the bill before us and to express the hope that we will be able to enact this proposed legislation without any drastic modifications in the committee version of the bill.

I do not want to appear to be rushing in prior to the recognition of members of the Committee on Rules who drafted the legislation which is before us today. But I do welcome this early opportunity to commend the objectivity and skill of the Committee on Rules in coming to an agreement on a budget control bill. I hardly anticipated that it would be possible. A great deal of credit must be given to the Committee on Rules for this remarkable accomplishment.

I assume that I probably am recognized at this time, because I am Chairman of the Committee on Appropriations. The Committee on Appropriations does have a considerable stake in this matter because our business is dealing with the expenditure and appropriation of funds. Members of the committee naturally would be expected to look very carefully and cautiously at any legislation which deals so significantly with the work of the committee.

As it is now, about 40 percent of all Government spending results from actions of the Congress on bills which are not associated with the Committee on Appropriations. In other words, the Committee on Appropriations, in handling money bills, handles about 60 percent of the spending. About 40 percent of the spending results from actions by Congress on bills handled by other committees. As I shall describe later, the bill before us proposes to deal with this situation.

I believe that the committee has come out with a good bill. The plan may not be perfect. It probably will need refinement from time to time, but I think it makes a good start. I for one do not want to rock the boat, so to speak, and try to make drastic changes during consideration of this measure. I think we ought to be rather hesitant to adopt any major proposed changes, because I believe this measure has a good chance of passage if we can hold it together in its present form. I believe that the results flowing from it will be good from the standpoint of the Congress and the country.

It is absolutely urgent that we do a better job to a better extent than we have been able to do it before. This gives us a vehicle with which to work.

Of course, if we do not use the instrument which is provided, if we do not have the will to achieve some economies and make some sacrifices, no legislation is going to be effective.

Mr. Chairman, this legislation represents a major legislative effort in the field of budget control—a subject that quickens the heart of the American taxpayer, and certainly a subject of vital importance to the role of the legislative branch of government.

I well remember the agonizing House debate on the $250 billion spending ceiling in October of last year. At that time we were dealing with the question of how much authority to delegate to the President in order to meet an impending fiscal crisis. There is no ambiguity in the Constitution, and there was no question then that Congress should be in the driver's seat in fiscal matters. But there was a strong feeling that Congress had to exercise that authority more responsibly.

Now we have before us a set of well considered and carefully developed proposals to make the congressional approach to fiscal matters more effective. The committee report explaining these matters is very well written and deserves the attention of Members. Much credit is due to the Rules Committee and its distinguished chairman, the gentleman from Indiana (Mr. MADDEN). The committee has moved with energy and dedication this session on the tough problems of impoundment and budget control, and they have produced a rather straight forward, workable plan for our consideration.

I say again it is a remarkably fine job which has been done. Certainly, the gentleman from Missouri (Mr. BOLLING) and the gentleman from Nebraska (Mr. MARTIN), the ranking minority member of the Rules Committee, must be cited for their hard work and their contributions in the field of budget control, both in connection with their service on the Rules Committee and on the Select Committee on Committees. They and others who have worked so diligently over the months at this rather nonglamerous task are to be commended.

Of course, a great deal of the early yeoman work on budget control was carried out by the Joint Study Committee on Budget Control established in October of 1972. Paced by the cochairmen Messrs. JAMIE WHITTEN and AL ULLMAN, the Study Committee dug into this knotty problem and produced in a timely fashion several documents that have been very helpful to everybody connected with this overall effort.

TITLE I—BUDGET CONTROL

As I see it, the proposals under title I of this bill promise to improve significantly congressional performance in several major problem areas of budget control.

A COMPREHENSIVE VIEW OF SPENDING

Commonsense tells us that a comprehensive view of spending should be a good thing. I have taken the view that as far as practicable, the House should place under one roof all types of budget spending authority. As much as practicable all actions that mandate spending should be subject to a budget oriented scrutiny.

BILL CLOSES THE BACK DOOR

The proposals in the bill with regard to the back door move in the direction of providing Members with a more comprehensive view of the spending side of the budget. And that is to the good.

WORKING TOTAL ON APPROPRIATIONS BILLS

Consistent with the principle of developing a more comprehensive view of the spending side of the budget, the bill also provides for the Committee on Appropriations to report to the House the total budget impact of its recommendations on all the appropriations bills. Members would have this working total before them during the consideration of appropriation bills, and could see how any one bill fits into the total spending picture.

COMPREHENSIVE VIEW OF BUDGET

A key to our budget problems during the 1960's was that Congress and the Executive were not only increasing spending by dramatic jumps—they were at the same time taking tax actions that had the effect of reducing by substantial amounts revenues available to the general fund of the Treasury.

The closest the Congress comes now to relating total outlays with total revenues is in the consideration of the debt limit bill. And that occurs far too late in the process to offer any real opportunity to control.

A primary virtue of this bill is that it provides for timely consideration of revenues as well as outlays. Prior to the start of the fiscal year the concurrent resolution will bring together judgments on the appropriate total levels of outlays and revenues.

MANAGING THE ECONOMY

Managing the economy in pursuit of greater overall production while keeping inflation and unemployment at a minimum is now a familiar concept. Under this bill the Budget Committee would consider these and other factors to arrive at an appropriate deficit or surplus—that is an appropriate level of revenues and/or borrowing to finance an appropriate level of total outlays. This bill would equip Congress for the first time with a workable mechanism for choosing explicitly how the Federal budget ought to impact on the economy.

THE TIMETABLE

Essential to any proposal that promises more effective budget control for the legislative branch is provision for an improved timetable. Continuing resolutions have suffered the abuse of having to carry legislative intent for large portions of the Government for long periods of time.

Under this bill some improvement in the situation should be expected. Authorizations are required to be enacted earlier in the year—thus permitting bills, and the fiscal year itself is moved to October 1, providing the Congress another 3 months for consideration of the budget.

TITLE II—IMPOUNDMENT CONTROL

The Committee on Rules has included an impoundment review title in this bill with provisions essentially identical to those in the impoundment review legislation passed earlier this session by the House, but not yet enacted into law.

In my own view it is necessary to follow this course. Under the budget control provisions of this bill, Congress would establish budget totals that it determines are appropriate for the economy.

The situation could still occur, however, that the Executive would disagree with those amounts and follow a policy of impounding appropriated funds in these circumstances. Congress should have available established procedures for reviewing such impoundments.

CONCLUSION

As with all legislation in vital and controversial areas, this bill contains many compromises. However, it represents a constructive and reasonable approach to budget control and impoundment review. Like most legislation this bill will depend on men of good will to implement its purposes and to work out its provisions. This bill is not perfect and, of course, can be modified from time to time. However, I consider it a workable proposal. And I am supporting it.

Mr. MARTIN of Nebraska. Mr. Chairman, I would like to correct, if I may, a statement I made a few moments ago in replying to the gentleman from Indiana.

I have been working quite diligently not only on this legislation but also on the legislation from the Select Committee on Committees which has jurisdiction and a direction to change some of the rules of the House on the committee jurisdictions and so on.

In answer to the question of the gentleman from Indiana, I replied that included in this bill or a part of this package was to bring back the newly elected Members in November and the holdover Members for organization purposes only between November 15 and December 15. That is not in this bill, Mr. Chairman. It is in the legislation we are working on in the Select Committee on Committees, so I did misspeak there and I want to correct that.

I might announce to the members of the committee that we hope to have out Committee Print No. 1 from the Select Committee the latter part of this week or the first part of next week, and as soon as it is printed it will be distributed to all Members of the House and we can all take a look at it. This might be the first of 10 or 15 committee prints but it will be distributed to all Members.

Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of H.R. 7130, the Budget and Impoundment Control Act of 1973. I think that along with the war powers resolution which we enacted earlier this year, this will prove to be one of the most monumental reassertions of congressional prerogatives in this century. I do not think anyone can question that the declining role of the Congress in this century can be directly attributed to our delegation and abdication to the Executive of the two most important powers assigned to us by the Constitution—the power to declare war and the power of the purse. In the case of the former, the long and tragic Vietnam war finally prompted the Congress to reclaim its war powers responsibilities. In the case of the latter, the great debate over national priorities given limited resources and great budgetary constraints, the policy differences between an Executive of one party and a Congress of the other, and the resulting confrontation over the issue of the impoundment of funds—these factors have finally prompted the Congress to set about putting its own fiscal house in order and make it possible for the Congress to play a greater role in setting national priorities.

While the clash between differing political ideologies and social policy objectives has been primarily responsible for moving this legislation to the floor today, this bill cannot and should not be viewed in a partisan sense. Congressional budget reform has had longstanding bipartisan support as a means for us in the Congress to act in a more fiscally responsible manner and in a manner in which we are not totally dependent on the Executive budget process and proposals.

There can be no question, Mr. Chairman, that the Congress has become overly dependent upon the Executive budget process in this century. We intentionally delegated major new budget responsibilities to the Executive back in 1921 with the Budget and Accounting Act and the establishment of the Bureau of the Budget. That act vested the President with the responsibility of preparing an annual Federal budget and transmitting it to the Congress. Prior to that time, agency budget requests went directly to the Congress. What has happened since 1921 is familiar history to us: While the Executive budget function grew stronger and more centralized, the congressional budget function grew weaker and more fragmented. As our committee report notes, these divergent trends resulted in a "dangerous mismatch in executive and legislative resources." While the President has a vast budget bureaucracy at his command both within the agencies and in the Office of Management, and some 18 months to prepare a budget, the Congress must squeeze its budget decisions and actions into a few short months, relying primarily on executive branch expertise and information. Partly because of our conditioned dependence on the Executive over the years, and partly because of the great proliferation of spending responsibilities and decision-making powers in the Congress, the sad fact is that we do not have a rational budget process we can call our own; instead we have what our committee report has termed "an agglomeration of separate actions and decisions."

By increasingly shifting the budget and spending responsibilities and decisions to the Executive since the 1921 act, we in the Congress could avoid incurring the taxpayers' wrath for overspending or misspending their bucks by simply passing the buck. Thus we have the biennial debate as to whether it is the Congress or the President who is the most fiscally irresponsible. The hard cold facts are that our national debt has increased 500 percent since the turn of the century and in 37 of the past 54 years we have been running a budget deficit. It matters little who is to blame for regardless of where the blame falls, the country suffers. Even today we hear about how many billions of dollars our appropriations committees have reduced administration budget requests over the last few years, and yet, for some mysterious reason—if backdoor spending is any mystery—we continue to spend more than we receive, and the national debt continues to climb. I would submit that there is plenty of blame to go around, but there can be no dispute that we in the Congress can and must do a better job of fiscal management through a reformed congressional budget process.

Last fall we finally came to realize this when we established the Joint Study Committee on Budget Control to formulate recommendations for reforming our budget process. That committee is to be commended on the work it has done and the recommendations it made last April. Our own Rules Committee has been grappling with those recommendations for the past several months and has heard numerous additional witnesses both from within the Congress and from without. As a result of the many reactions and recommendations relating to the proposals of the Joint Study Committee, we have reported a clean bill which I think is a responsible compromise designed to meet the many objections originally raised and accommodate the many competing interests affected by such a major overhauling of our budget process. That is not to say this bill cannot stand further improvement by amendments in this body tomorrow; in fact, I intend to offer some of my own and support some which will be offered by my colleagues. But I do think that the legislation which we have brought before this body will accomplish the objective of better coordinating our spending and revenue decisions and of equipping us with the means to do a better job of exercising independent judgment when it comes to setting national priorities.

Under the legislation before us today, new budget committees would be established in the House and Senate, assisted by a jointly shared Legislative Budget Office. These committees would be assigned the responsibility of formulating a congressional budget. A tentative budget resolution would be voted on by May 1. That resolution would recommend targets by functional categories for total budget outlays and new obligational authority; and it would also recommend appropriate overall levels of Federal revenues and the public debt, and the appropriate amount of budget deficit or surplus in view of the economic situation. No appropriations bills could be considered before the passage of this tentative concurrent budget resolution, and no appropriations bills could finally be acted upon until all are considered in relation to the others and the recommended budget targets. If final appropriations actions exceed these recommended levels, a final budget reconciliation bill must be reported which takes account of these changes and makes appropriate provision for them.

In addition, this bill takes a most important step in returning backdoor spending authority to the Appropriations Committees. Under this bill, beginning in fiscal 1978, the Congress would set annual limits on backdoor outlays through the appropriations process. I think this is a most important feature of the bill because backdoor spending is probably the primary area in which the Congress has been irresponsible in not taking the necessary fiscal overview.

Mr. Chairman, in the brief time I have remaining, I would like to explain three amendments which I intend to offer at the appropriate time. The first amendment is designed to resolve the problem we have in trying to compete with the OMB in independently formulating a congressional budget. I think my colleagues would agree that it would be not only too ambitious but ridiculous to attempt to duplicate the budget bureaucracy they have downtown with our congressional budget bureaucracy. Yet, we are faced with the problem of how to make intelligent business decisions on our own as dependent as we are on executive expertise, particularly that of the OMB. The amendment which I intend to offer would require that the President submit two alternative budget options for each functional category in the budget—one high and one low—along with an objective and detailed analysis and rationale for each option. It seems to me this is one way in which the Congress will have greater flexibility in exercising some independent judgment without having to sift through all the raw agency data and requests, most of which is of a provincial and self-serving nature anyway. I appreciate the fact that this will impose an additional burden on the executive and perhaps make the budget an even bulkier document than it is today, but it seems to me that this would not be all that difficult for the OMB to comply with. OMB must deal with similar options itself in arriving at a decision. I think the Congress should have full access to these options and the supporting arguments for them.

Along with these options, my amendment would also provide for a new dimension of policy analysis and program evaluation as part of the President's budget. Each of the 14 major functional categories in his budget would have to include summaries of any existing analyses done by the administration regarding the effectiveness or ineffectiveness of its programs. These functional categories—such as health, defense, education and manpower, and the like—are the basic building blocks of the President's budget. They will also become the basic building blocks of the congressional budget resolution under H.R. 7130. Clearly it is time to develop new analytic mechanisms to help us determine the size of these blocks of funds—that is, to help us determine national priorities.

In my view, OMB should therefore present us with all relevant program evaluations, regardless of whether such evaluations supported the President's chosen option for the given functional category.

Mr. Chairman, only yesterday, it was revealed that when the administration decided to terminate the housing program last winter, the decision was made not on the basis of policy analysis or program evaluation—but on the basis of general impressions and the need to save half a billion dollars somewhere in the budget. Only after the decision was made was an elaborate policy rationale for the program termination developed.

The outrageous revelation that career policy analysts were directed to develop a rationale supporting a policy decision that had been already made, while the administration pretended that the decision was the result of such policy analyses, should not come as a complete surprise to the Congress. Last spring, when the Joint Economic Committee requested from OMB Director Ash the policy analyses upon which the budget cuts were based, it received, 2 months later, a series of obviously hastily written one- or two-page justifications for each of the 100-odd budget cuts. The vast majority of these justifications were largely rhetoric, casting grave doubt on the statement by the OMB Director that the administration's 1974 budget cuts were based on the most complete and exhaustive series of program evaluations ever conducted.

The conclusion of the Joint Economic Committee last April was that OMB had "made no analytical evaluations to support the real budget cuts that were made. Moreover, the information provided to the committee as formal justification for the budget cuts is of such low quality that Congress cannot rely on it in formulating spending reform and setting national priorities."

This state of affairs convinces me that a totally new dimension of policy analysis and program valuation must be required of the President in his budget submission. Otherwise the budget will increasingly become a political document filled with rhetoric, and the Congress will increasingly be forced to deal individually and discreetly with the individual agences—which is no solution at all, since spending in any given area almost always involves several or more agencies, each of them trying to outspend the other.

The second amendment which I intend to offer to title II, the impoundment title, is one which is very familiar to the membership of this body since I offered it when we were considering the impoundment bill back in July. This amendment would simply provide that both Houses of Congress must disapprove an impoundment by passage of a concurrent resolution rather than permitting just one House to terminate an impoundment by passing a simple resolution.

I might point out that when I first offered this amendment to H.R. 8480 back on July 24, it was rejected by a one vote margin, 205-206. I think the reason that this amendment had strong support on both sides of the aisle was that the Members of this body realized we would be sacrificing the prerogatives of this House if we simply permitted the other body to force up spending, no matter how valid or how justified a particular reservation of funds might be. We pride ourselves in this body on the fact that the Constitution has specifically delegated to us the initial responsibility for acting on revenue measures, and this has traditionally applied with respect to appropriations bills as well. Now, all of a sudden, we are turning around and giving exclusive authority to the other body to take significant spending actions, even if this body should vote in favor of a particular withholding of funds.

In addition, I might point out that the simple resolution approach obviously does not allow for amendments to an impoundment resolution which must deal with an entire Presidential impoundment message. By providing instead for the concurrent resolution approach, my amendment specifically permits the selective reporting of an impoundment resolution and the amendment of that resolution on the floor. I think this is important since, as the chairman of the Appropriations Committee observed in testifying on his impoundment bill which did provide for concurrent resolutons of disapproval, the President could strategically package these impoundment messages in such a way that the Congress might be discouraged from vetoing the entire package. I think, in conclusion, that we must not only preserve the prerogatives of this body when it comes to matters of spending, but that we must also preserve the flexibility of both bodies in dealing with these impoundment messages.

Finally, I shall propose, along with Mr. Reuss, of Wisconsin, a third amendment which would add an urgently needed new dimension to the way the Congress and the Executive look at the Federal budget. Under this amendment, the budget bill would consider tax expenditures as well as direct expenditures. As it now stands, the budget that would be created under H.R. 7130 would accept the much too simplified notion that the Government only looks at budget outlays and budget authority when it looks at spending. The fact is, that Government should also look at the tens of billions of dollars that are lost to the Treasury through tax credits, tax deductions, and other provisions of the Federal tax laws which allow special or preferential treatment for individuals or organizations.

This amendment is what I would term a truth-in-budgeting amendment. It should not be misinterpreted as being a tax reform amendment. I personally support certain of the deductions and credits that individuals and businesses and organizations can now take under the tax laws. But I also see no difference between revenue that the Government forgoes through such provisions and revenues spent through Government programs.

This amendment would therefore make Congress fully aware of the extent of both kinds of expenditures—tax expenditures as well as direct expenditures—as the Congress makes its budget decisions.

The Senate budget bill, S. 1541, requires that Congress be thoroughly informed about such tax expenditures throughout the budget process, and the Senate Government Operations Committee approved this measure unanimously. I believe the House should do no less.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. I appreciate the gentleman yielding.

Mr. Chairman, how would the gentleman define the difference between high-option and low-option budget? I do not follow that.

Mr. ANDERSON of Illinois. As the gentleman knows, the budget comes to us in functional categories and with recommended amounts for these functional categories. I would simply suggest that instead of submitting one set of figures, that they submit three. Obviously, when the requests flow into the Office of Management and Budget from all of these Government agencies, they do not come in in the same form that they are finally decided upon by the Office of Management and Budget. I am sure that many of these agencies asked for greater amounts than ultimately are recommended by the Office of Management and Budget.

So, I would simply suggest that instead of one set of figures, we get three in which we have a high amount, the amount that they actually recommend and then on the low side, and then not only changes in the figures, but a detailed rationale, an analysis of why each of these was selected.

Does that answer the gentleman's question?

Mr. BURLISON of Missouri. Mr. Chairman, I appreciate the gentleman's answer. I still have difficulty in seeing how it would work. Is the gentleman going to have any criteria separating the highest option from the lowest option?

Mr. ANDERSON of Illinois. No, I say to the gentleman from Missouri that all I want the Office of Management and Budget to do is to explain why they have chosen the particular figure that they have and that they submit in the form of the President's budget. In doing so, I think they ought to be very open and frank with the Congress in confiding to us information that they have that would indicate, I am sure, that some people within the Office of Management and Budget probably felt that the amount ultimately arrived at was too high, and so they could provide the low option. In the case of the agency wanting more money than was granted, they could give us those figures and tell us what the arguments were in favor of the larger amount, so that Congress then would have the full range, the full range of option.

Mr. BURLISON of Missouri. Mr. Chairman, I thank the gentleman.

Mr. ANDERSON of Illinois. I do not think it would be necessary in the legislation itself to set up any particular criteria. I think the accompanying data, the analysis, the rationale that they provide would give us that explanation.

Mr. BOLLING. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon, one of the principal authors of the bill H.R. 7130.

Mr. ULLMAN. Mr. Chairman, I thank the gentleman from Missouri, my friend, for yielding to me at this time.

This is a red letter day in the Congress. I particularly commend the Committee on Rules for their diligence in coming forward with a bill that includes the essential provisions for establishing a sound congressional budgeting system. It has not been an easy battle, and we on the Joint Budget Committee know all too well the problems, the opposition, and the difficulties along the way.

This Congress and this Nation have been operating for too long on a budget system that does not put it all together. It is somewhat of a revolution to be here today establishing a budgeting concept that will allow us for the first time to consider all of the basic elements in our economy and to put them together under sound procedures.

Mr. Chairman, I am going to support the bill as it is other than for technical amendments. I feel it would be wise for us to start here. There are other amendments and procedures that could very well be added, but this is a sound package; it is one that fits together and it is one that, in judgment, is workable. If we begin amending it on the floor, we may very well endanger the whole concept. So I hope Members of the House will support the bill as we have it before you.

Again I want to express my appreciation to the Committee on Rules for reporting this bill out as modified by them.

Of course, it came out of the Joint Budget Committee bill supported unanimously by all 16 Members of the House on the Joint Committee and also supported by all 16 Members of the Senate.

Those of us on the Study Committee spent a great deal of time in putting together the basic concepts.

I want to commend my colleagues on the Joint Budget Committee, particularly my good friend, the gentleman from Mississippi, JAMIE WHITTEN, cochairman with me on that committee. I want to commend all of the other members, the seven from the Committee on Ways and Means and the seven from the Committee on Appropriations, and the two members-at-large, the gentleman from Wisconsin (Mr. REUSS) and the gentleman from North Carolina (Mr. BROYHILL) for their diligence and hard work.

Let me just go through some of the key provisions and principles that are involved.

First, the bill would establish a budget committee in the House and in the Senate, separate committees with legislative authority. If we establish a joint committee with no legislative authority, we might just as well not go through the exercise. This brings the budgeting procedure right smack into the middle of the procedures of the House in a meaningful way.

Second is the basic concept for staffing. Here we preserve the concept of a joint high level staff, one that will operate here in the Congress and be available to the Members of the House and the Senate. There will be a high level budget director—with a staff that rises well above politics, irrespective of which political party is in control.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield briefly to the gentleman from New Hampshire.

Mr. CLEVELAND. Mr. Chairman, I am pleased to note the remarks the gentleman has made about this being a nonpartisan committee and staff. I intend to introduce an amendment which will insure to the minority a third of the staff. I hope that I will have the support of the distinguished gentleman for this amendment.

Mr. ULLMAN. I appreciate the remarks made by the gentleman from New Hampshire. I hope we will be able to pass this bill without an amendment, but I certainly will be glad to listen to the arguments of my friend, the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. I thank the gentleman.

Mr. ULLMAN. Mr. Chairman, third, we have adopted the basic principle of an annual budget. Many people do not realize that the Congress has never looked at annual expenditures. We program obligational authority to the executive branch. We build up a pipeline of $300 billion because of past obligational authority, but we never look at it in any meaningful way, procedurally. This will put the concept of an annual budget under one blanket. This has to be a basic ingredient of the package, including back-door spending, pipeline spending, automatic spending—the whole gamut of spending—putting it all together. We have adopted the basic concept of a concurrent resolution. Under this procedure in March we will bring before the Congress a concurrent resolution whereby the House and the Senate can set spending and revenue goals. This will not go down and be signed by the President. This will be our own exercise of self-discipline upon ourselves. In that concurrent resolution we will preserve the basic concept of first zeroing in on the right level of annual expenditures, and the right level of annual revenues. In other words, we will establish the goals.

This encompasses a whole new concept of debate here on the floor of the Congress. For the first time we will debate economic policy.

We will allow the Congress to debate the whole gamut of economic policy, and then make basic decisions as to the right levels of expenditures and the right levels of revenues.

Then in the second part of the resolution we zero in on spending priorities. Of course, priorities have to be the most significant and important things in any economy. That is what it is all about. That is what political parties are all about. That is what the Congress is all about. But we have no mechanism now to go into it. This system will give us the debate necessary on our priorities, whether in fact if we establish $270 billion as the expenditure goal, whether in fact the amount we are spending for defense is the right amount, and as this relates to welfare, education, or something else, we will be able to zero in on that problem, and establish new priorities.

Our budget will not be based upon what we did last year but what is right for the country at this particular time.

Once the Congress adopts this concurrent resolution, then we have to have a reconciliation process. We thus put into action through the appropriation process the decisions we have made. The spending bills that we pass must correspond with the discipline we take upon ourselves in the concurrent resolution.

The Joint Study Committee had a little different reconciliation mechanism, but the alternative as worked out by the Committee on Rules, I think, can work. I believe it is satisfactory and will do the job. Basically the appropriation committees will work their will under the ceilings and subceilings that we have imposed upon ourselves. Those bills that stay within the limitations that we have imposed can be sent to the President. Those not within the limitations will be referred back to the Committee on Appropriations. Then, at the end of August, with all of the appropriation measures completed, the Budget Committee will bring back a new concurrent resolution based upon the action of the Committee on Appropriations, taking into account any changes in the economic circumstances. We will then decide whether the priorities established in the appropriation process are correct whether we need to raise more revenue, or make adjustments in the debt limit.

I think H.R. 7130 provides a mechanism that will work. In September we lock-in our spending, revenue, and debt limit levels, and set final priorities. This is a basic element to any successful budgeting process. We must lock in before the beginning of the fiscal year. There is no other way to deal with the national budget.

The **CHAIRMAN.** The time of the gentleman has expired.

Mr. BOLLING. Mr. Chairman, I yield 3 additional minutes to the gentleman from Oregon.

Mr. ULLMAN. I thank the gentleman from Missouri.

Thus, we begin the new fiscal year with a completed appropriation process and a total budget outlook. This certainly has to be one of the most significant parts of the package, and I congratulate the committee for coming up with a procedure that I think is workable.

This legislation will also involve Congress in budget planning and forecasting, not just for the fiscal year ahead but 5 years in advance. Unless Congress involves itself in long-range planning, it will never play a major role in shaping the policies and priorities of this Nation.

Certainly there are problems. I would rather have had subceilings based upon appropriation subcommittees, but the recommendations that were made were strongly urged by certain people, I think by the Committee on Appropriations, and I find no basic argument with them.

Much attention has focused on the composition of the Budget Committee. Under the terms of H.R. 7130, positions will be set aside for five members from Appropriations and five from Ways and Means. This provision has been attacked in some quarters as an effort to dictate to the party caucuses and somehow to undermine the trend to strengthen those institutions.

However, this Budget Committee was never intended to be just another "new" committee. The Study Committee was not trying to solve a serious problem merely by adding yet another layer of jurisdiction to the problems we already have. The logic behind the creation of a Budget Committee was to eliminate the fragmentation which has dominated Congress' budgetary deliberations and to bring together for the first time in 100 years or more those committees with jurisdiction and expertise in the area. Under the formal rules of this House, responsibility for revenue and spending rests with the Ways and Means and Appropriations Committees, respectively. Not to provide for their membership on this Budget Committee would be to create yet a third committee to compete with the two now operating in this area. This would only compound our problems. Successful functioning of any budget committee depends on the whole Congress, of course, but to a very large extent it will depend on a close cooperation between the existing fiscal committees and the Budget Committee. I fear that the creation of a distinct and separate new fiscal committee without the membership provisions in H.R. 7130 would make such cooperation very difficult to achieve.

Under the Rules Committee bill, the members from Ways and Means and Appropriations will not be in a majority on the Budget Committee. If anything, the Budget Committee is more likely to be dominated by the legislative committees. Furthermore, we are not talking about some all-powerful, super budget committee. My own guess is that it will be difficult to recruit members for service on it. Membership on this committee will be an additional burden for Members to perform, taking a great deal of time with little reward.

The caucus will still be the body to determine who shall serve on this committee, including which representatives from Ways and Means and Appropriations serve. Membership will be limited to essentially two consecutive terms. The chairmanship will not be limited to the fiscal committees. Also, the bill specifically states that seniority will not be a consideration in selecting members for this committee.

I just want to conclude by saying that the reasons for what we are doing here today are not political. The reasons are twofold. In the first place, we cannot continue our present course of fiscal irresponsibility without destroying this Nation. Congressional budgeting has to be the first step toward fiscal responsibility. We have handed down to the Office of Management and Budget through the years all of the budgeting power, all of the priority functions. In this measure we bring these decisions back where they belong under the Constitution—back into the House of Representatives.

I want to say to my colleagues it is not going to be easy for us to bite the bullet, to have to face up to the fundamental issue of limiting our desires and our expenditures to conform with the national capacity to spend. That is what we are doing here. There are going to be many tough decisions made by the Members of this body.

But we are not going to fight our way out of the problems that beset this country unless we make tough decisions to hold the line throughout our economy, and the time to start is now. So what we are doing here today in establishing a congressional budgeting procedure is the most important step that ever could be made toward getting this country back on a sound track, getting the dollar back to its proper valuation and proper stability, and getting inflation under control.

By passing this bill to make possible reform of congressional budget procedures, we will have achieved much. This bill will make Congress a more respected institution and a more effective partner in Government by 1976, our 200th anniversary as a nation. And it will, in my opinion, be the most significant reform of the 20th century. I urge my colleagues to join me in voting for approval of H.R. 7130.

Mr. BOLLING. Mr. Chairman, I yield 10 minutes to the very distinguished gentleman from Mississippi, who not only is a principal author of H.R. 7130 but also has given a great deal of time and energy to the process that went on in the Rules Committee as a result of the legislation before us.

Mr. WHITTEN. Mr. Chairman, I especially appreciate the statement made by my good friend and colleague, the gentleman from Missouri who has contributed so much to the Rules Committee action. I wish to join with other Members in congratulating that committee for the very fine job they have done in bringing together not only a very workable bill in my opinion but in bringing together also the many different points of view that some have had.

I have worked rather hard on this bill, but I think one of the reasons that I was asked to serve as one of the cochairmen was because I was one of the few who was here when we tried this experiment in 1946 and 1947. As I said before, we did not learn what to do but we learned what would not work. As I said, there is no limit to the good one can do if one is willing to share the credit. There is enough credit in this bill and the actions I trust it will make in order to give credit to everybody.

Members realize that something must given and that we must pass some such measure. In my experience, which goes back a number of years, I have never known a joint committee of the House and the Senate, the Members of which represent various viewpoints be unanimous on any major legislation, but our joint committee of 32 House and Senate Members were unanimous in its first report. Not only that, but it is even more unusual that same committee agreed on a bill which was introduced. This we did, and then as the spokesman for the Rules Committee, the distinguished gentleman from Missouri (Mr. Bolling), and the gentleman from Nebraska Mr. Martin have said the bill was unanimously reported by that Rules Committee.

That means one thing. It means that while we or they may not agree with every item that is in this bill all agree wholeheartedly that we have got to take specific action in view of the present situation.

Mr. Chairman, I was pleased to serve as cochairman of the Joint Study Committee on Budget Control, along with my colleauge, Al Ullman, as well as the other 30 members of the committee. Although it was not intended that we have agreement on many of the details of our original bill, we felt, nevertheless, that it was valuable in establishing certain fundamental principles of budget control many of which are incorporated in the amended bill now before us for consideration. Based on that experience and with an opportunity to study the provisions of many other excellent bills which had been prepared by members of the Rules Committee and various of our colleagues, I introduced H.R. 10961 on October 16, which in my judgment brought together the best parts of the various bills that were before us. I am glad that H.R. 7130, as amended by the Rules Committee, in general incorporates their revisions, all of which had the basic objective of simplifying to the greatest extent possible the new budgetary control organization and procedures. I doubt if many thought we would ever reach this day.

The excellent report which has been prepared by the Rules Committee to accompany the bill outlines in detail the proposed plan for budget control. Very briefly I would like to emphasize certain basic principles incorporated in the plan which I believe, based on our extensive study and deliberation, are essential to the establishment of any effective system of legislative budget control.

The proposed change in the fiscal year to the period October 1 to September 30 is essential if we are to have adequate time for consideration of the budget and to avoid the necessity of passing continuing resolutions for the operation of the Government agencies pending passage of the appropriation bills.

The provision that the various annual bills authorizing budget authority must be passed by March 31, is also essential to the plan if we are to maintain an effective timetable of budget control and complete congressional action on the budget prior to the beginning of the fiscal year.

It is necessary that we establish budget committees in both the House and Senate to provide a mechanism for coordinating revenue and expenditure actions and recommending a legislative budget. The proposal properly provides that the membership of this coordinating committee in the House shall give representation to the Appropriations, Ways and Means, and the legislative committees, and the leadership of the majority and minority parties. To assure that the budget committee does not become a super-duper committee, as some have feared, the plan provides, as I proposed in H.R. 10961, that the members shall be rotated among the members of their parent committees. The budget committee only has the power to make recommendations in reference to the legislative budget, and all of its actions are subject to the majority will of the House.

It is essential that backdoor obligational authority, except trust funds, shall be available only as prescribed in the annual appropriation bills. A major factor in Congress loss of overall budgetary control has been the widespread practice of granting spending authority outside the annual appropriation process. Unless such individual spending actions are included in the overall budget control process, there cannot be effective maintenance of a legislative budget.

Congress must have an adequate opportunity to examine the budget from an overall point of view together with the congressional system of deciding program priorities. The mechanism for providing this opportunity is the budget resolution. The first resolution would set tentative total levels for new budget authority and outlays, the appropriate spending level for each functional category in the budget, and overall levels of Federal revenues, debt, and surplus or deficit. Most important, and we learned this in our earlier unsuccessful attempts to establish a legislative budget, it is not feasible to establish a rigid, fixed ceiling on the budget at the outset of each session. The plan provides, therefore, that these overall figures and breakdowns in the initial resolution shall be targets, serving as guidelines in the subsequent passage of appropriation bills. The complex and detailed compliance requirements and procedures of the original Joint Study Committee plan have been dropped to permit Congress to work its will in the consideration of individual bills, but with full understanding of their impact in relationship to the targets.

The final budget resolution, to be enacted after passage of the appropriation bills, will provide a final determination of the legislative budget totals with direction to the Appropriations Committee and the Ways and Means Committee to take such action in the form of a budget reconciliation bill as may be necessary to conform the appropriations bills with the revised budget totals and to report such tax measures as may be necessary to conform the revenue totals. This is a most important element of the budget control plan, for it assures that before adjourning, Congress will take responsible action to either reduce its spending actions to conform to the target figures or pass such revenue measures as may be necessary to finance a higher spending figure.

Finally, incorporated in the bill is the new timetable and procedure for processing the appropriation bills which I proposed in H.R. 10961. Prior to the reporting of the first appropriation bill, the Committee on Appropriations must complete its subcommittee markups and full committee action on all the annual appropriation bills and report to the House a summary of its recommendations in comparison with the target figures contained in the first budget resolution. This revised procedure for handling of the appropriation bills has the advantages of a single package appropriation bill without its disadvantages. It will assure that the Congress in its action on the individual appropriation bills will be fully informed as to the overall impact on the budget targets of the committee's recommendations as well as the added impact of any floor amendments that might be considered.

In summary, I believe it is urgent that Congress establish an effective legislative budget control system. However, such a system must not be so complicated and unworkable that it fails to achieve the objective of more responsible action by the Congress in its exercise of its power of the purse. I believe that H.R. 7130, while different somewhat from my individual views as reported by the Rules Committee provides a most practical and workable proposal which will help us to meet the problem. I heartily endorse its adoption by the House.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SMITH).

Mr. SMITH of New York. Mr. Chairman, I thank the gentleman for yielding to me. Mr. Chairman, again I want to compliment the many Members of this House who have had a hand in this legislation that we are considering today.

The Members of the joint budget committee of both Houses, the Appropriations Committee, the Ways and Means Committee, and the Rules Committee, have all done a tremendous job. I agree with the gentleman from Illinois (Mr. ANDERSON) that this is truly an historic day here in the House of Representatives.

I would say that it is very exciting when knowledgeable men and women of good will sit down and try to create a system of self-discipline which we all recognize is absolutely necessary. I think the unanimity of the votes on all of the committees involved has shown the universal recognition by the Members of this House that unless this self-discipline is imposed, this country is in deep trouble.

Again, I thank everybody who had anything to do with this bill.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, as has been stated by previous speakers, this is truly a hisotric day wherein the Budget and Impoundment Control Act of 1973 is being presented by the distinguished array of bipartisan members of the Rules, Appropriations, and Ways and Means Committees to the House of Representatives for approval.

It is not perfect and I am sure perfecting amendments will be offered. But, the most significant thing about all of this is that the Congress and, in particular, our leadership is moving toward "Biting the bullet" through the establishment of a House and Senate Budget Committee.

This is long overdue. Many of us have spoken out through the years for reforms and the necessary fiscal constraints that would permit us to more effectively manage the fiscal affairs of this Nation. Expenditure and budget ceilings must be established if we are to check inflation and renew the confidence of our people at home and friends abroad in the strength and viability of our governmental management system.

Priorities must apply to all categories of spending. New priorities must be set with elimination of wasteful programs heading that list of priorities. Duplication and fragmentation of programs must be checked and/or eliminated.

A responsible, realistic, firm, and enforceable spending ceiling must be agreed upon and adopted within the framework of the legislative process and hopefully made possible by this legislative vehicle.

We must relate, in more direct and specific terms, spending to revenue as well as the debt requirements.

The need for budget reform has never been more urgent. I, therefore, want to compliment my colleagues on the Rules, Appropriations, and Ways and Means Committees for their efforts on this most important piece of legislation. The country has been waiting patiently for the Congress to recapture and regain control over its own actions. I believe this legislation will provide the management system for exercising that control.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield 7 minutes to the gentleman from California (Mr. BELL).

Mr. BELL. Mr. Chairman, I rise in support of H.R. 7130.

I believe that this bill is the most profoundly important piece of legislation most of us will ever vote on.

What we do on this legislation will determine whether or not we intend to restore to the Congress its mandated constitutional responsibility of the power of the purse.

Article I, section 9 of our Constitution clearly assigns the spending power to Congress: "No money shall be drawn from the Treasury, but in consequence of appropriations made by law."

Although our constitutional fathers intended the Government to be one of shared powers, it was the certain intent that all expenditures be pursuant to and in accord with appropriations.

So much has changed in two centuries of American nationhood, yet the constitutional division of responsibilities remains unaltered.

An act of 1921 equipped the executive branch with a Bureau of the Budget which has been used over a period of years to achieve a great concentration of program and financial policymaking in the Presidency.

Congress has tended in the opposite direction, toward greater fragmentation of its budget making.

This trend has substantially contributed to a strong executive department of Government at the expense of what many feel is a weaker legislative branch.

We now have an opportunity to arrest and turn back this trend by the passage of this legislation.

Both the Rules Committee which reported H.R. 7130 and the Joint Study Committee on the Budget, which developed most of its provisions, deserve congratulations and gratitude for an outstanding job on a very complex subject.

I was very pleased to note the Rules Committee change, in the composition of the Proposed Budget Committee of the House.

The pending bill provides for a majority of Members to be from committees other than Ways and Means and Appropriations while simultaneously recognizing the vital necessity of input from the latter two committees.

This particular structure was, in fact, included in my own version of the budget reform bill.

I would also like to commend the bill's recognition of fiscal year realities and the recently accelerating problem of Government-by-continuing resolution.

Hopefully, under H.R. 7130, the Congress can actually plan to have appropriations and other spending measures enacted before the start of the fiscal year.

There is, however, one area which I believe is crucial if Members of Congress are to have a genuine opportunity to debate and decide knowledgeably what our Nation's priorities shall be; that is, the need for Members of the House who are not members of the Budget Committee to have adequate time to study and contemplate possible amendments to the concurrent budget resolution which will be acted upon early in each session of congress.

The bill as reported provides less than 5 days between reporting of the concurrent resolution and floor action on it.

The distinguished gentleman from Hawaii (Mr. MATSUNAGA) will offer an amendment to improve this provision—by excluding from the 5-day count Saturdays, Sundays and holidays.

But I believe we should go still further—and I hope the gentleman from Hawaii will support me on this—and provide at least 10 days after the report on the budget resolution is available to Members before the resolution would be in order on the floor.

Mr. Chairman, I think we must recognize that we are talking about providing for everybody to have the opportunity of setting priorities. Now, that is very important, that each one of us has an opportunity to argue and debate what we believe our priorities are.

Now, the size of the budget bill is very considerable, and I think it represents a good bit of ground to cover in 5 days when we consider as important an aspect as this is with all members of the committee.

I believe that we should have a full 10 days to organize our thoughts, to study the bill, and to have the opportunity to actually exchange views in a fair debate. If we do not, if Members feel short-changed on this program, I am afraid it is going to be a difficult program to try to sell. I think the Members should have an opportunity to study thoroughly and debate this issue.

I will discuss my amendment in more detail at the appropriate time.

While I hope that my amendment will be adopted, I nonetheless believe that H.R. 7130 is a bill we should support.

Most of us—and I do not exclude myself—have complained in recent years about usurpation by the executive branch of powers which our forefathers explicitly provided would reside in the Congress.

But we know that this executive usurpation would not have been possible without correlative congressional abdication.

We have a responsibility to the Nation not only to provide affirmatively for the implementation of desirable programs. But also to bite the more negative bullet of fiscal integrity.

To some extent we have all been guilty of espousing some popular domestic and foreign programs, while avoiding the less popular decisions such as cutting spending to reflect revenue limitations.

I believe the time has come for us to reassert our responsibility in both areas.

And the legislation pending before us gives us the opportunity to do just that.

I urge the adoption of H.R. 7130.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. COCHRAN).

Mr. COCHRAN. Mr. Chairman, during the last few months the Congress has been directing most of its attention to several crises facing the American people. We have seen a war in the Middle East and its subsequent effects on our energy supplies. We have seen the continued developments in the Watergate matter.

However, I hope these very important issues and crises, as they are frequently referred to, have not distracted our attention from perhaps the most important problem facing this great Nation—ever-increasing Government spending.

I feel that the continuing trend of big spending is one of the most, if not the most important, and potentially dangerous problems confronting our country.

The Federal budget has been out of balance for 35 of the last 42 years. During the past few years we have seen the largest deficits in our Nation's history.

The causes for this trend are obvious—we have seen a spending spree unparalleled in the history of our or any other government. Where will it end?

We have heard much debate in this body over the question of who should control the purse strings. We hear much said in behalf of Congress regaining its rightful control over our budgetary process.

I do not think the solution to this problem of who will control the purse will solve the real underlying issue, and that is who will stop the runaway spending that is slowly but surely bankrupting the American taxpayer.

It is time we in the Congress consider not only getting control of the process of spending but more importantly the amount of spending.

The energy emergency currently demanding our attention should serve to point out the need to review our spending priorities and reduce wasteful outlays of tax dollars. The solution of the energy problem is not going to be a cheap endeavor, but may cost more than any other program undertaken by our Government.

We must be able to pay the necessary cost without adding more red ink to the Federal balance sheet.

Almost daily now we hear the steady drone of suggestions from the Congress, the Executive, and all the regulatory bodies on how John Q. Public should save on his fuel consumption this winter. He is told to dial down, slow down, pool it and cool it.

I think John Q. deserves similar consideration on the part of the Congress and the rest of our Government.

I think it is high time the Congress dialed down and slowed down the Federal spending spree.

Mr. BOLLING. Mr. Chairman, I yield myself 4 minutes.

Mr. CULVER. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I am glad to yield to the gentleman.

Mr. CULVER. I thank the gentleman for yielding.

I wish to express my admiration for the work of the entire committee and particularly that of the gentleman from Missouri (Mr. BOLLING) and the gentleman from Nebraska (Mr. MARTIN) for fashioning what is unquestionably a very strong improvement in the fiscal management of the Congress.

I have two questions. One is how you would envision this particular proposal would fit into the recommendations of the Special Committee on Committees and secondly how you would suggest the present version of the legislation has taken account of not only the increased need for fiscal responsibility but also responsiveness to public concerns.

Mr. BOLLING. As the gentleman from Iowa well knows since he has been very much involved, in the forefront in fact, of the establishment of the select committee which he mentioned and which the gentleman from Nebraska mentioned earlier, there were a great many people who urged that the select committee should assume jurisdiction over the mat-properly referred to the committee on ter of the budget committee.

In effect the reason why that was not done was the obvious reason, namely, that the joint committee had already acted and the matter had been quite properly referred to the Committee on Rules and that committee had jurisdiction and was in the process of considering it.

The select committee's work is directly related. It was given the task by the House of examining all House proceedings and in particular the organization and functioning of the standing committees.

The gentleman from Iowa, who was one of the advocates of the creation of such a committee long before it was created and who is a member of that committee, knows very well that that committee has been working within a framework which anticipated the creation of some such committee as that proposed in this legislation before us.

The second question can be very specifically answered.

H.R. 7130 as originally presented and referred to the Committee on Rules provided for a 21-man committee which would be divided into thirds, one-third Ways and Means and picked by the Committee on Ways and Means, one-third Appropriations and picked by the Committee on Appropriations, and one-third from the membership at large and picked by the usual party process.

The bill before us is a 23-man committee with specifically in mind the intent to provide to the two committees, the two fiscal committees, if you will, the Committee on Ways and Means and the Committee on Appropriations, the assurance of representation and to assure to the membership at large that there would be in fact a majority of the Members at large on the committee, members from the authorizing committee and from the other committees. The 23-man is less than half Ways and Means and Appropriations.

I would like at this point to commend the gentleman from Iowa not only for his helpfulness on the select committee which has been working very hard in recent weeks on trying to produce a product, as the gentleman from Nebraska knows so well, because I think both the gentleman from Nebraska and I have a great deal of difficulty in separating in our conversation as between the two committees, because in the same week and in the same weeks we have been working on both of them at the same time. But as the gentleman from Iowa knows, because of the gentleman's contributions there, we have been working on both at the same time. But, as I say, I would like to tell the gentleman from Iowa that we appreciate in the Committee on Rules the helpful contributions the gentleman has made to us in solving some of the problems and in arriving at a compromise on the budget committee, and in particular in being helpful in finding a resolution with the very thorny problem of the composition of the committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOLLING. Mr. Chairman, I yield myself such time as I may consume in order to yield to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in support of H.R. 7130, the Budget and Impoundment Control Act of 1973; and commend the Members of the House who have worked long and hard to resolve differences and bring this legislation to us today.

This is indeed one of the most constructive, important, needed, and far-reaching pieces of legislation to come before Congress in many years. It would restore the responsibility for the spending policy of the United States to the legislative branch of the Government as contemplated in the Constitution which states:

> No money shall be drawn from the Treasury, but in consequence of appropriations made by law.

The battle of the budget this year has shown that congressional procedures for controlling spending must be overhauled through congressional budget reform. Congress can play a stronger role in determining spending priorities by getting its financial house in order. Today, there is no unified budget process—only a group of separate and fragmented actions and decisions. Congress has a responsibility not only to determine priorities of spending but also to work toward a balanced budget and toward reducing the national debt and managing the overall economy in the public interest.

The bill before us not only establishes a new budget control procedure for Congress but also incorporates anti-impoundment legislation. If Congress succeeds in managing the budget and limiting spending to reasonable limits, then Presidential impoundment of appropriated funds will not be necessary.

H.R. 7130 gives us a device with which to regulate and limit spending. It sets up a procedure for budget control—for self-discipline. Hopefully, it will be effective in putting an end to budget deficits year after year which have contributed to inflation today and to trouble for future years and generations.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I rise in support of this legislation. I will have two amendments that I will offer which I think are compatible with the bill.

I believe that this budget reform bill is much needed legislation and it has my strongest support. It is my intention to offer two amendments to this bill to improve the evaluation procedures in regard to Federal programs. My two amendments would require the pilot testing of all major programs and placing a 3-year limitation on authorizations for major programs. As you may know, similar legislation to that which we are considering today has been reported out of the Senate Government Operations Committee and I am pleased that the committee included the two amendments I am supporting, which they reported to the Senate floor. The full text of the amendments appear in the body of the CONGRESSIONAL RECORD dated November 30, 1973, beginning on page 38877.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. Mr. Chairman, I rise in support of the legislation.

Mr. Chairman, I would like to direct a question or two to the manager of the bill.

It has been mentioned, Mr. Chairman, that under our present procedures the Committee on Appropriations handles maybe 60 percent of our budget, and 40 percent of it is in the so-called backdoor spending process. Several of these backdoors apparently are being closed with this legislation. Are there any predictions as to what the percentage breakdown will be as between appropriations and backdoor spending with this new budget proposal?

Mr. BOLLING. I have to tell the gentleman from Missouri that I simply do not know what those percentages will be. I will attempt to obtain them between now and the further debate that will take place on the bill on tomorrow, and make them available to the gentleman. I do not know now what those backdoor expenditures may be.

What we propose to do, however, except for the so-called backdoors, in which we are incapable of dealing with them because they involve a specific commitment to the people of the country, that they will receive a certain payment, for example, social security trust funds, and the like, we will try over a period of years to get everything else in control.

The original bill in the Committee on Rules was so rigid, and intentionally so, that it really would have covered everything. But we were persuaded by people on the Committee on Appropriations and in other places that that was wholly unrealistic. What we are seeking to do is to get into, through the bill, control of spending, and I am not sure I will ever come up with the precise percentages as to what will be left out and what will be left in because it is impossible to predict the future. But fairly clearly we will increase the control on spending lodged in the Committee on Appropriations, and reduce that which is in the so-called back doors. But it will be done over a period of time, not the first year. I think, to be honest, it would be extraordinarily difficult to come up with an accurate percentage although, as I said, I will attempt to do so by tomorrow, but we are making progress.

Mr. BURLISON of Missouri. I thank my friend, the gentleman from Missouri.

Will the gentleman yield for a further question?

Mr. BOLLING. I will be glad to yield further to the gentleman from Missouri.

Mr. BURLISON of Missouri. Mr. Chairman, as I read the bill, the back-door spending that has been authorized up to the date of the enactment of this proposal will have a cutoff date of October 1, 1978. If any of the back-door spending has not been obligated by October 1, 1978, those funds will have to be reprogramed, restructured, through the appropriations process. Is that correct?

Mr. BOLLING. That would be my judgment.

Mr. BURLISON of Missouri. Mr. Chairman, if the gentleman will yield still further, I know the gentleman is knowledgeable on this subject, and the reason for this action. Would the gentleman briefly explain why we wait until October 1, 1978, for the cutoff of back-door spending that is authorized prior to this bill?

Mr. BOLLING. The answer is just as simple as one word: practical. We had a completely rigid cut-off at once, and we recognized that it was absolutely impossible to implement that. It might be some kind of an ideal approach, but it was impossible to implement it. At least, there were points of view in one area with which I very much disagree. We had made a commitment to the States for a very substantial sum of money, and it would be a situation in which we would have made them a promise one year and taken it back the next. I do not think the Committee on Rules' members thought that that could be done. It was really just a practical matter. We could not get at it any faster either in theory or in practice.

Mr. BURLISON of Missouri. I thank the gentleman. If the gentleman will yield for just one more question, I will be grateful.

Mr. BOLLING. I will be glad to yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. Mr. Chairman, as I understand the bill, some avenues of back-door spending that will still be outside the province of the appropriations procedures are the social security trust fund and the highway trust fund, as two examples.

I want to ask the gentleman about a matter which has been mushrooming in recent years, and that is moving from direct Government loans into guaranteed Government loans in many areas: Housing and Urban Development, the Farmers Home Administration, as well as many other agencies. Can the gentleman delineate or explain which of these functions, if any, are excluded from the appropriations process and will continue coming through the back door?

Mr. BOLLING. The easiest way to answer that is to say there will be no new ones allowed. Those that exist we did not feel we could repeal any such an act as this. There are some that exist, but we in effect cut off any future use of the same process.

Mr. BURLISON of Missouri. Then the gentleman is saying, as I understand it, that for any of these loan programs that are not presently authorized, or when these present authorizations expire, they must come through the appropriations process?

Mr. BOLLING. I do not want to mislead the gentleman. Some of these authorizations are permanent. Therefore, I cannot say that all of them would expire, but steps could be taken somewhere down the track to make them less than permanent, but those that are not permanent would cease at the end of their time.

Mr. BURLISON of Missouri. Mr. Chairman, I thank my friend, the gentleman from Missouri, for yielding. I commend him on the tremendous leadership that he has given the Committee on Rules in reporting this legislation.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I thank the gentleman for yielding.

My colleague, the gentleman from Missouri, has done a splendid job in explaining the point raised. I do not know that my colleague understands that the bill does not contemplate a change to prevent guarantees as against appropriating cash dollars. It eventually calls for an annual review within the annual review process of appropriations.

Mr. BOLLING. I thank the gentleman for his clarification.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield such time as he may consume to the gentleman from New York.

Mr. CONABLE. I thank the gentleman for yielding.

Mr. Chairman, this reform is long overdue. While that makes it doubly welcome, it is regrettable that Congress has not faced up to its fiscal responsibilities long ago with or without the kind of procedure provided by this bill. The use of the President's budget as our sole yardstick of fiscal responsibility has made a degree of partisanship inevitable and has reduced the initiatives of the legislative branch. The new procedure provides no legislative panacea and quite obviously it can be unduly cumbersome or susceptible to subversion if the will to govern and to work together is not present.

The essence of this plan is that we will no longer be permitted the luxury of looking at programs in a vacuum. The committee's recommendation will force us to look at each program not only for its intrinsic merit, but for its relationship to the whole. For the first time we will be trying to put it all together rather than fragmenting the legislative process to the point where fiscal control is virtually impossible. The plan is obviously a compromise. Every one of us would have ways in which he could improve it. As I see it, however, it can work and the effort to make it work is terribly necessary. I commend its merits to every one of my colleagues in the House, and I also want to thank the patient and thoughtful committee members who have struggled to bring forth the plan for a major contribution to the role of the Congress in fiscal affairs.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. MIZELL), such time as he may consume.

Mr. MIZELL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to state that I am fully in support of the efforts being made here today to get the Congress' fiscal house in order at long last.

One of the first speeches I made in this Chamber when I came here 5 years ago called on the Congress and the Nation to "get our economy back on sound footing" and to "operate from a balanced budget."

That call, unfortunately, fell on deaf ears, and we continued to sow the wind of fiscal irresponsibility, and we are now reaping the whirlwind of economic upheaval.

At the heart of our economic problems, in my opinion, is the policy the Federal Government has followed with alarming consistency over the past 10 years—the policy of spending more money than it takes in.

This policy of deficit spending has brought about an increase of $148 billion in the national debt over the last decade. Since 1964, the national debt has gone from $317 billion to $465 billion, and we are now paying an incredible $26 billion a year just for interest on the national debt.

This represents almost 10 percent of the entire Federal budget for fiscal 1974 that we are spending just to pay for past economic mistakes.

When we talk of reordering priorities, we need look no farther than this interest payment on the national debt to see one major area that could stand some reform.

We cannot expect inflation to really be slowed, or the dollar to be really sound, until we decide to stop spending money as if it grew on trees instead of coming out of the taxpayer's pocket.

I believe the legislation we are considering today represents a great step forward in the process of regaining some sense of fiscal responsibility as well as budgetary authority.

In setting an overall target ceiling for congressional spending, this legislation for the first time says "no" to the spending sprees we have embarked on so many times in the past, with no regard for the means to pay our bills, and no thought given to the possible effects of such wanton spending on the Nation's economy.

If this spending limitation is set in conjunction with anticipated revenues for a given fiscal year, and if we do not exceed that limitation, then we will be exercising fiscal responsibility. And any proposal whose cost would exceed that limitation should be made to provide for a system of taxation to pay for the excessive cost.

I believe this is the key to staying at a responsible level of Government spending, and I am committed to keeping a close watch over the Nation's pursestrings so the American people can keep more of their own money in their own pockets.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield 6 minutes to the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Chairman, as a member of the Joint Study Committee on Budget Control, which reported originally the bill H.R. 7130, I must say as I stand here today that I am very encouraged. At the time we were conducting the hearings on this legislation, to be perfectly candid, I thought that we were just going through the motions and I had grave doubt that we would have this bill before us in this session of the Congress.

It is particularly encouraging too to find that the other body is moving along on this legislation and we have every right to be optimistic that we will have a legislative measure of this nature shortly after the turn of the year.

The fact of the matter is that if Congress is ever to maintain and carry out its constitutional duties in holding the powers of the purse, it must establish an effective and permanent mechanism for budget control to assure a more comprehensive and coordinated review of budget totals. We must do something that is simple and obvious, and that is to relate income to spending, something that most of the nine Congresses in which I have served have conveniently avoided.

This bill I hope will provide the vehicle to finally accomplishing establishment of this necessary mechanism.

I was particularly interested in the comments of my distinguished colleague, the gentleman from Illinois (Mr. ANDERSON) with reference to his proposed amendment on impoundment. Perhaps the good faith efforts of the Congress in carrying out the purpose of this legislation will make impoundments in the future unnecessary. But I am constrained to remind the House that this practice has existed throughout the history of this Government although one might think that it was a new practice.

To bring it into current perspective, I call the attention of the Members to the fact that every one of our last five Presidents, Truman, Eisenhower, Kennedy, Johnson, and of course Nixon, have not only impounded but also have announced publicly their intention to do so, and they did it.

In 1949 President Truman said that he was directing the Secretary of Defense to place in reserve the amount appropriated by the Congress for increasing the structure of the Air Force, and, knowing Harry Truman's nature and as one would expect, he did it.

In 1960 President Eisenhower held back $170 million on one appropriation bill that Congress had passed. He said he was doing so in lieu of exercising the veto, but he announced when he did not veto the bill that he intended to do this.

In 1961 the late President Kennedy impounded over $600 million. If Members do not believe it, I suggest they go back and check the record.

In 1966 President Johnson impounded appropriated funds. In fact, to quote him specifically:

> The total of appropriations effectively provided in the [Agriculture and Related Agencies Appropriation Act of 1967]—is $312,500,000 above my budget request. . . .
>
> Rather than veto this bill—I intend to exercise my authority to control expenditures. I will reduce expenditures for the programs covered by this bill in an attempt to avert expending more in the coming year than provided in the Budget.

So I merely point to the record to remind the Members that impoundment is nothing new.

It has been a practice, and I think Presidents have often exercised the responsibility that the Congress failed to exercise by impounding. Since all the voices and complaints on impoundment are raised in ratio to the manner in which their political oxes have been gored, I hope that when we enact this legislation, for among other reasons, we might still the waters on impoundment practices through making the appropriation process more responsible and more dependent upon our revenue raising abilities and actions. Only then will we develop the type of budget control that is essential in the light of our current untenable fiscal situation.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Chairman, I rise in favor of H.R. 7130, the Budget and Impoundment Control Act. While I may vote for some amendments to the bill, I support its thrust. In fact, there can be no more important task before this body than the reform of Federal spending procedures. In March of this year, I sponsosed H.R. 6099, the Federal Act to Control Expenditures and Upgrade Priorities, a bill which embodies many of the same principles found in H.R. 7130.

To reach the goal of fiscal sanity and fiscal responsibility, we must face a few basic facts. First, we must recognize that the cloud of uncontrolled Federal spending casts its shadow over most if not all of the problems grappled with in this Chamber. The state of the Union rests upon the state of the economy which in turn is determined by the state of our Federal budgetary process. Reckless Federal spending affects every citizen of our land every time he or she picks up a paycheck and every time he or she goes to the supermarket or tries to balance the family budget at the end of the month.

We must face the fact that to cure inflation, we must get at the causes of inflation. And the candidate leading the field of probable causes is the unruly Federal budget. We must acknowledge, just as every American family acknowledges, that there is only so much money to go around. When the income is less than the outgo, expenses have to be cut or an additional source of income has to be found. Put simply, more money spent means more taxes, more inflation, or both.

We must also face the fact that for every right there is a responsibility, that the right to spend is coupled inseparably with the responsibility to keep the budget in reasonable balance.

We must realize that the American people want a more efficient, more responsive, less expensive Government. They want, as the President has said, to get the Government off their backs and out of their pockets. And they expect the Congress to exercise the same care with their tax dollars as they exercise with their own family budgets. In fact, the strong feeling of the American people on this subject is probably the greatest cause for optimism in the fight to inject fiscal reason into the Federal budget. We can achieve this goal because we have the people squarely on our side.

We must turn the full light of fiscal responsibility on the congressional budgetary process. We must become aware of the consequences of each expenditure. And most importantly, we must recognize that sometime, some place, we have to say no. We have to say that this program or that program, while a good one is not good enough to warrant inflation or a tax increase.

Mr. Chairman, it is vital that we pass a strong budget reform bill. I urge every Member of this body to consider H.R. 7130 and amendments thereto thoroughly and to vote for the best possible fiscal reform bill. The American taxpayer should be able to express confidence that he will get a dollar's worth of government service for every tax dollar without inflation or unnecesary tax increases.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Chairman, I rise in support of this legislation. I followed its course very closely before the Committee on Rules.

Mr. Chairman, in my opinion the budget control legislation which we are considering today is of crucial importance. With the passage of this legislation, the Congress will be making one of the most needed and pressing reforms possible. Not only would the passage of this bill update the archaic and naive budget process of the Congress, it would reestablish Congress' ability to control the Nation's purse strings.

I doubt there is one Member here who knows of any business or organization which balances its books in such a haphazard manner as the Federal Government. While one sector labors over administration requests and authorizes a spending amount, another body decides what part of that amount really needs to be spent, and yet another group reviews the often uneven results while looking to how next year's coffers will be filled.

No one is adding up all the items at the checkout counter because it is felt that Uncle Sam's credit is good anywhere. But, that is the problem, Uncle Sam's credit is in trouble. Our Federal Government has been following a policy of deficit spending and as a result, our Nation is plagued by inflation.

Back in the days when the country was young and the Federal Government was much more limited and uncomplicated, this budgetary problem did not exist. At that time, only one committee in each house had jurisdiction over authorizing, appropriating and balancing the full budget. But today's proliferation of authorizing committees, issues, spending needs, and complicated built-in back door spending programs require closer scrutiny and expertise. It is inevitable that with big government must come a division of labor and specialization. However, we also need a scorekeeper and an overseeing body, or all of the separate units tend to go their own way, believing their one function deserves a larger part of the pie than they had the previous year.

As one of the Members of this Congress, I know I do not keep track day-to-day of how we have overspent the projected budget request on this item and saved some on that item. I just found out at the end of the year, along with everyone else, how much more generous we have been than we intended.

A vivid example of this was brought home to me as last year's budget process unfolded. When President Nixon unveiled his budget in January, with a spending increase of some $14 billion and a projected deficit of $25 billion, I had never heard such moaning and criticism about irresponsible spending, deficit programing, and disaster course financing. I thought for sure Congress would never stand for this budget, especially in light of all the protestations and rejections. Yet little by little, bill by bill, the Members of Congress forgot their indignation and approved new measures or became more generous with older measures. By the end of last year, not only had we matched the President's "highly inflationary" budget, we had exceeded it by $15 billion. And when the President, for fiscal responsibility's sake, urged us to cut our budget to an amount still $4 billion above his budget request, the majority flatly refused.

One question which is often asked is that of who really controls the power of the purse, the Congress or the President? I know what the Constitution says, but it is a principle of physics that when a vacuum develops, something will rush in to fill the void. We have created the void of responsible budgetary programing and accounting, and as a result, of late we have abdicated this authority very reluctantly to the executive branch.

I think there is no more important issue facing Congress this year than putting its budgetary house in order, cutting our deficit spending and reasserting our full control over how much is to be spent for what, when, and how. This is, after all, Congress basic function.

We do not need to accept administration recommendations on where spending priorities lie, but we should be able to work with the administration in determining how big a pie we can afford to serve up each year. We should all be acutely aware that any additions to one slice are going to have to come out of another, or are going to require gathering additional ingredients so the pie can be enlarged.

I think the Joint Study Committee on Budget Control has done an excellent job in researching and documenting the need for better budget procedures and has made some excellent recommendations a large amount of which are incorporated in the reform legislation before us today.

This bill makes a great deal of sense to me, especially with the addition of provisions dealing with impoundment. I would urge that each Member here today give his enthusiastic approval of H.R. 7130. The Members of the House need to show that they want to reassume the burden of coordinating and planning a balanced and truly responsible budget.

Mr. BOLLING. Mr. Chairman, I yield 10 minutes to the gentleman from Hawaii (Mr. MATSUNAGA). He has worked very hard on this legislation.

Mr. MATSUNAGA. Mr. Chairman, I am pleased to rise in support of H.R. 7130, the proposed Budget and Impoundment Control Act of 1973. As a member of the Rules Committee, I am proud to have been associated with the development of this bill. Never in the 7 years that I have served on the Rules Committee have I seen so much energy, time, and concentration expended on one subject as were devoted to this bill. I believe that Chairman MADDEN, Ranking Minority Member MARTIN, and Congressman BOLLING deserve special commendation for their diligence in distilling almost a year's accumulation of reports, hearings and discussions into what, in my humble judgment, is a most thoughtful well-constructed piece of legislation.

It is a more than adequate response to charges too frequently flung at the Congress that it is profligate in its spending decisions. Once H.R. 7130 is implemented, the American taxpayer will be able to see clearly the shape of the congressional budget each year, as it emerges from the crucible of debate on the resolutions provided for in the bill.

Mr. Chairman, the provisions on impoundment control, under title II of the bill, are also absolutely necessary. If the Congress is to fashion its own budget and make tough decisions about spending priorities, it cannot permit the intent of those decisions to be thwarted by the actions of an Executive whose priorities differ from those established by Congress.

While the bill as a whole is supportable, there are certain provisions of the bill which I believe can be improved, and I intend to offer two amendments during consideration of the bill under the 5-minute rule.

One of the amendments I shall offer is a relatively minor one, of a technical nature. The bill as reported includes an amendment I offered in committee to extend from 3 days to 5, the time which the House would have in which to review concurrent resolutions reported by the Budget Committee, before they could be considered on the floor. It later became clear that the "3 days" in the committee print being used for markup purposes did not include the standard exclusion of weekends and holidays. Consequently, the 5 day lay-over provided in the bill does not afford as much protection to the individual Members as the committee originally intended. I shall therefore offer an amendment to add the weekend and holiday exclusion at the appropriate point.

Mr. BOLLING. Mr. Chairman, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Chairman, I can tell the gentleman from Hawaii that his amendment to add the weekend and holiday exclusion is the one amendment that I expect to accept. I hope that the minority, and I believe that the minority will do so also. The gentleman is correct; we should have taken care of that in the bill itself.

Mr. MATSUNAGA. Mr. Chairman, I thank the gentleman for his statement.

Mr. MARTIN of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Nebraska.

Mr. MARTIN of Nebraska. Mr. Chairman, I wish to assure the gentleman from Hawaii that I will be happy to accept that amendment.

Mr. MATSUNAGA. Mr. Chairman, I thank the gentleman from Nebraska, and I feel much better now that I have thrown accolades at both the gentlemen from Missouri and Nebraska.

A second amendment I will offer is much more far-reaching. It would eliminate from the bill any reference to the composition and membership of the House Budget Committee, except for specifying the number of members to serve on it, that is, 23.

The purpose of this amendment is simple: To preserve the prerogatives of the respective party caucuses in the area of committee assignments. As it now stands, the bill requires that certain members of the new budget committee be chosen from certain specified standing committees, and that no members serve longer than a specified period of time on the committee.

While these are, in themselves, laudable goals, we are being asked to pursue them by dangerous means. Once party caucus responsibilities for designating committee assignments are eroded, the very structure of the two-party system of this Congress may find itself in grave difficulty.

I do not wish to take too much of my colleagues' time, Mr. Chairman, I have addressed myself to both of these amendments in detail in my additional views filed with the report on H.R. 7130. My additional views reads as follows:

ADDITIONAL VIEWS OF HON. SPARK M. MATSUNAGA

In the seven years that I have served on the prestigious Rules Committee of the House, never have I seen so much energy, time, and concentration expended by the committee members as were spent on the Budget and Impoundment Act of 1973. Chairman Madden, minority ranking member Martin, and Congressman Bolling deserve special commendation for their diligence in distilling almost a year's accumulation of reports, hearings and discussions into a thoughtful response to charges that Congress is somehow profligate in its spending decisions. I was pleased to vote to report H.R. 7130 to the floor of the House. However, I believe there are some aspects of the bill which could stand critical examination and, in several cases, amendment on the floor.

1. COMMITTEE COMPOSITION

As reported, H.R. 7130 creates Budget Committees in both the House and the Senate. The House Committee would be required to include five members of the Ways and Means Committee and five of the Appropriations Committee. Eleven would come from other standing committees, and one each from the majority and minority leadership. No member could serve for more than two full terms on the Committee in any ten-year period.

No reasonable person is going to argue against the proposition that there should be representation on the Committee *from* the two standing commitees most directly concerned with spending and revenues. Indeed, a Budget Committee without such members would be an anomaly. What concerns me is the *process* by which the bill arrives at the desired result, that is, by specifying in statutory language who may and may not serve on the Budget Committee, and for how long a period.

For the past 60 years, the House has held to the policy that majority and minority members on any standing committee will be named by the respective party caucus. In only two minor, short-lived instances was that policy departed from, and even then only insofar as the number of committees on which a member could serve.

The House Rules are silent on all committee membership questions today, with the exception of the Ethics Committee, which for obvious reasons is required to have equal numbers of Democrats and Republicans.

To depart from the current practice would be a step backward in the march of reforms which the Democratic Caucus in particular has put into effect in recent years. In various ways we have strengthened the Caucus, to make it clear that every Democratic Member owes his or her committee position within the House to the party caucus. It is the party caucus which decides who the chairman and other members of a committee shall be.

As the majority party in Congress, Democrats have a special responsibility to husband carefully the means needed to implement party initiatives. Especially in these troubled times, Americans look to the Congress for leadership, and if none were forthcoming, the majority in control would be held responsible. If the Majority Party is to take credit for Congressional achievements—or shoulder the blame for Congressional failures—there must be no mistake about who leads Congress.

I would also caution my Republican colleagues about the danger which the present provisions of the bill pose. If caucus prerogatives on naming committee members are to be invaded, who is to say that some future Democratic majority will not vote to oust a particular Republican from a committee because he has proven himself too troublesome for the Democrats?

One notable recent example of the firm resistance the House has shown to a dilution of the caucus prerogatives in this area occurred in February 1971, when an overwhelming majority of both parties rejected an effort to remove D.C. Committee Chairman McMillan from his position. A similar effort within the Democratic Caucus had been narrowly defeated. Both majority and minority leaderships opposed the floor effort. The vast majority of even those who supported the effort in the Caucus opposed the move on the floor. As Minority Leader Gerald Ford observed, "Whether we on our side agree with [the Democratic Caucus decision] or not, by precedent that is a matter within the ranks and prerogatives of the Majority Party."

I believe that the present provision, if retained in the bill, would seriously dilute the position and responsibility of the Democratic Caucus and the Republican Conference, and even threaten the very makeup of our two-party system. I shall therefore offer an amendment on the floor to remove all specific language concerning committee composition except as to its size.

2. SUBCEILINGS IN INITIAL RESOLUTION

Section 121 of the bill requires that Congress adopt by May 1 of each year a concurrent resolution setting the parameters of the overall federal budget for the ensuing fiscal year. In addition, the resolution would allocate the projected outlays and new authority according to the functional categories used in the budget request submitted by the President.

There are 14 "functional categories" in the Budget submitted to Congress. There are 13 House Subcommittees of the Appropriations Committee. Unfortunately, they do not parallel or correspond to each other. One Appropriations Subcommittee may have jurisdiction over programs in three or four functional categories. The Public Works-AEC Subcommittee, for example, must deal with programs in the functional categories of Agriculture and Rural Development, Commerce and Transportation, National Defense, and Natural Resources and Environment. Even greater confusion is posed where one functional category comes partially within the jurisdiction of five Subcommittees. The functional category of "Commerce and Transportation," for example, would be dealt with by the Subcommittee on Transportation, the Subcommittee on State-Justice-Commerce-Judiciary, the Subcommittee on Treasury-Postal Service-General Government, and the Subcommittee on Agriculture, Environmental and Consumer Protection.

I am submitting for the House's study a simple schematic diagram which illustrates the complexity of the interrelationships between functional budget categories and Subcommittees of the Appropriations Committee.

If a functional category is divided among bills handled by four different subcommittees, how is the decision to be made as to which of the bills are chargeable to that category? Assuming that a particular category exceeds the limit set in the initial resolution, will all four bills containing a part of that category be withheld from transmission to the President, as provided elsewhere in the committee bill? If not, how will it be decided which bill can go and which cannot?

As a method of dealing with this problem, some members have suggested that the initial subceilings be allocated according to Appropriations Subcommittee jurisdictions; others have suggested that no subceilings be included at all, leaving the priorities debate for a time later in the budget process, during the debate on the final budget resolution. Perhaps there are other alternatives. But the method outlined in Section 121 of the committee bill certainly raises the question as to whether or not the "functional categories" are, in fact, very functional for their intended purpose.

3. LAYOVER OF CONCURRENT RESOLUTION

In the course of the Committee's deliberations on the bill. I offered an amendment increasing from three to five days the minimum amount of time required after the report on a concurrent budget resolution is reported before it can be considered on the floor of the House. In the discussion of my amendment I made it clear that, since these resolutions are likely to be the most important measures considered by the House in each session, there should be provided an adequate time in which individual Members could examine them before having to vote on them. However, in merely changing the language of the Committee print from three days to five, the language omits an important phrase from Rule XXI, Paragraph 6: "(excluding Saturdays, Sundays, and legal holidays)". As reported, therefore, the bill would permit a concurrent resolution, reported at midnight Thursday, after many Members had returned to their districts, to be considered on the floor the following Monday. The Members would then be limited to half a day to study the resolution. That was clearly not my intent when I offered the amendment, nor, I believe, was it the Committee's understanding of the effect of my amendment. I shall therefore offer a technical amendment during floor consideration to add the phrase from Rule XXI to the appropriate section of the bill.

SPARK MATSUNAGA.

I trust that all interested Members will examine those views, and will see fit to support my amendments when they are offered and voted on tomorrow.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. HOLT).

Mrs. HOLT. Mr. Chairman, the issues of fiscal responsibility and stabilized Government spending are potent ones throughout our country. The crucial lesson of the 1960's is that Federal funds are limited in their quantity and in their ability to cure the myriad problems which confront our Nation. We have witnessed the well-intentioned programs which have failed to achieve the desired results at a great expense to the American taxpayer. We have also witnessed the consequences of inflation, increased taxes, and economic disorder—all of which have been aided by unrestrained Government spending.

One of the major issues facing this body is a reassertion of congressional control over the budget and a reformation of legislative budgetary processes. The bill before us today, H.R. 7130, the Budget and Impoundment Control Act of 1973, is designed to replace the currently chaotic and outdated method of allocating Federal dollars with a streamlined system which sets priorities and apportions funds in a rational and orderly manner.

This legislation—through the formation of a Committee on the Budget, the establishment of target budget levels by functional category, through the thorough analysis of revenue and expenditures, potential surpluses or deficits, and debt limits before enacting appropriations bills, and through the elimination of "backdoor" spending methods—will provide us with the tools to make intelligent and coordinated decisions on the proper level of Federal spending.

Mr. Chairman, fiscal responsibility is a concept with which everyone agrees, but which receives scant attention when we formulate the budget. The Budget and Impoundment Control Act of 1973 provides for the fiscal responsibility and a reassertion of congressional prerogatives.

I urge its prompt passage and implementation.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield such time as he may consume to the gentleman from South Dakota (Mr. ABDNOR).

Mr. ABDNOR. Mr. Chairman, today the House begins debate on one of the most important pieces of legislation to come before Congress in the first session of the 93d Congress. The Budget and Impoundment Control Act of 1973 represents a milestone in achieving congressional fiscal responsibility. For far too long this branch has been remiss for a lack of processes capable of delivering and rendering an overall budget that puts in focus our legislative priorities, and attempts to equate expenditures with revenues.

Having been a member of the South Dakota Legislature's Appropriations Committee for 12 years, where people face the hard realities of life of living within your means, I know the importance and necessity of having balanced budgets along with good governmental services for the people without causing inflationary trends and huge deficits. The bill before us provides us with the means whereby we can set our authorization levels in accordance with the revenues and deficit data. The appropriations process called for in this bill will provide us with the opportunity to see the budget as a whole and face the choice of either cutting back to meet expected revenues or take measures to assure that revenues are there to meet the expenditures. This, I hope, will work to aid our meeting the fiscal responsibilities we have as legislators, just as we face our responsibilities to provide programs to meet the needs and provide solutions to the ills our people face, whether it be in equitable agriculture legislation or aid to education; whether it be in providing housing assistance for the poor or in funding research into a nuclear submarine; whether it be in pension reform or an increase in the social security benefits. We must realize that each appropriation and revenue measure we enact or tamper with has to be considered in the context of an overall budgetary process; that there are limitations within which we must operate, and that governmental "solutions" must be measured against governmental resources.

In order to face fiscal responsibility we need a method to do so, and then use that process to evaluate the proper usage of the dollar in order to stretch it as far as we can for as long as we have it to stretch. We must look at the problem on the whole. We need a means whereby we have expert assistance and advice. We need a means whereby we either amend our appropriations to meet the level of incoming revenues, if we overspend, or take the proper action to increase our revenues if we persist in our desires to spend more than what we have. The Budget and Impoundment Control Act of 1973 provides the method to meet our fiscal responsibilities if we want to, but needless to say, legislation is only as good as the intent behind it. I hope we are acting in good faith on this bill, for if we are not, all is for nothing and the people have been deceived by words and promises.

I not only urge my colleagues to adopt this landmark legislation, but do so in the frame of mind that insures its success as a viable method of meeting our fiscal responsibility.

Mr. BOLLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. Long), who made a very real contribution to the process and to the bill itself.

Mr. LONG of Louisiana. Mr. Chairman, the amended version of H.R. 7130, is a major legislative proposal combining both congressional budget reform and related impoundment override provisions. During consideration of this bill, the members of the Rules Committee departed from tradition and heard testimony from outside experts ranging from Roy Ash, Director of Office of Management and Budget, all the way to, Charles Schultz, from the Brookings Institution. All interested Members of Congress were invited to testify or submit statements, and many responded. In short, the views of all interested individuals and groups were heard and considered. We on the Rules Committee have spent a great deal of time during the last few months, as a matter of fact nearly a year working on this legislation.

During all of the committee's work, two things were uppermost in our minds. First, the budget control bill we reported must be workable. Second, our bill must have the support of a majority of the Members of Congress. In my opinion, the bill we reported accomplishes both goals.

I believe everyone involved in drafting the present bill recognizes it is the product of inputs by many different groups, with widely differing opinions. Fortunately, these diverse groups share basic goals which unite us in purpose.

First, the realization that Congress must seize effective control of its fiscal responsibilities was uppermost in our minds. There can be no denying that in the past Congress has not faced up to this responsibility.

Second, there is agreement that the Congress must take action to reestablish itself as a coequal branch of Government. A necessary first step is the creation of a system through which all forms of revenue and expenditures can be brought together for comparison. These procedures for setting spending limits by functional categories, embodied in H.R. 7130, would enable the Congress for the first time to determine national priorities in a rational and systematic way.

Third, concerned Members of both the House and Senate have recognized that legislation curbing unwarranted Executive impoundments must be part of the overall budget control package. Recent events have proven, without limits on executive impoundments, the clearly expressed will of Congress can be radically altered by Presidential fiat. The reluctance of House and Senate conferees on impoundment legislation to even meet, is further proof that impoundment control and budget control must be considered together.

Fourth, the complexity of structuring and implementing effective budget control demands an open-minded, willing-to-learn attitude. The problems of committee membership, timetables, and the nature of the budget resolutions, to mention a few, have been discussed at length. Although the present bill represents the best collective efforts of the members of the Rules Committee, none of us view this bill as the final solution—never to be changed. The goal is to create a system through which the Members of Congress can, for the first time, have a real input in the budget process. As we gain more experience working with a unified congressional budget, I hope new and better methods will be devised and implemented.

When the Rules Committee started work on this bill I had strong opinions on just how every part of the congressional budget should work. After hearing all the arguments, I am more convinced of the need for strengthening congressional budget control, but my views on the exact nature reform should take, have changed as my understanding of the problems grew. I believe I can say the same for most of the members of the committee. During the hearings on this bill we considered many plans and modifications of plans, each with its own strengths and weaknesses. For this reason, I feel the bill we finally reported as compromise legislation is the finest sense of the term. The twin pitfalls of budget control; either so weak that it is ineffectual or so rigid that it is unworkable have both been avoided. The best thinking of many Members—liberal and conservative; Republican and Democrat has been brought together in a workable, practical proposal for formulating a congressional budget.

To reiterate, there is agreement that Congress must take action to reestablish itself as a coequal branch of Government. Commonsense and prudent and conservative business practices dictates that any institution of this size reconcile its expenditures and its income. This bill will require that such be done. Budget control, including provisions to limit unwarranted Executive impoundments, is a necessary first step for the Congress to be able to determine national priorities in a systematic way.

Mr. BOLLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas (Mr. Alexander).

Mr. ALEXANDER. Mr. Chairman, I, too, rise in support of this legislation.

Mr. Chairman, putting a congressional halter on the Federal budget may very well be the most important legislation of this century, because the inability of Congress to control spending has eroded public confidence in the people's branch of our Government. People deserve a dependable level of fiscal responsibility. Under the present system Congress is fiscally irresponsible. The people demand relief from the undermining forces of inflation.

Trust and confidence in democratic institutions is maintained by a proven ability to get the job done. And, if trust in the Congress is lost the electorate will begin to depend totally on an unelected, unconfirmed, and undemocratic bureaucracy. That is what is happening today: Executive impoundment is nothing less than an assertion of the legislative power to spend by the President and his advisers, because the congressional mechanism for handling the budget does not adequately protect the people's interest in a sound economy.

These issues of public trust in the system itself may be of critical importance. Even the reports in the morning news far too often demonstrate that a representative democracy is not the simplest, not the most efficient system to operate. Just last week we heard the shocking news of another coup detat in Greece. A military dictatorship rules from Athens, the birthplace of democracy.

And a recap of recent American history is not without its disquieting overtones. During the last 40 years of real and imagined crises there has been a constant flow of power from the States, and from the Congress to the President. At the same time the high councils of the Executive have become evermore remote, secretive, insensitive, and even unwilling to consider the will of the people. The demands of an increasingly complex economy have given rise to a high level of officialdom staffed with the "Supercrat," an unconfirmed official, unresponsive to the pulse of the people.

Concurrently, the constitutional powers of Congress to investigate, to decide national policy, to appropriate, have been subject to steady erosion. Congress has become dependent for the information needed to do its job on data procured and percolated through layers of bureaucratic bias. Its power to appropriate is subject to the discretionary whims of the President and his assistants in the Office of Management and Budget to impound funds.

POWER SHIFT VIOLATES FOREFATHER'S VISION

It may be argued that these shifts of power are necessary, rational, and in some cases irreversible, but it is clear to me that the result of a continuous drift of power to the Executive will be a form of government radically different from that originally envisioned by the framers of the Constitution.

The American Government of balanced powers demands a sensitivity by all of the need to limit any overbearing concentration of power and a willingness to reform when imbalance occurs. At last the Congress has begun to accept this responsibility. Uncorroborated facts from the administration are being viewed with suspicion. The recently enacted limitation on Presidential war powers reasserts congressional control over what had become a practice of unfettered Presidential discretion. And now, the Budget Control Act addresses itself to the problem of effective appropriation and impoundment.

I include the following summary of the bill:

Summary of Bill

Title I would set up a comprehensive congressional budget process to deal with overall budget policy and priorities, as follows:

1. New House and Senate Budget Committees would be created. The House committee would have 23 members, five each from Appropriations and Ways and Means, eleven from the membership at large, and one each from the party leaderships.

2. A Legislative Budget Office would be established, with a director appointed by the Speaker upon recommendation of the House Budget Committee, to serve the Budget Committees but also to assist all Members and Committees.

3. The fiscal year would be revised to run from October 1–September 30, with a timetable to curb the need for continuing resolutions.

4. A budget resolution would be adopted by May 1 each year, setting spending targets for the total budget and major functions. There would be no restriction on floor amendments to budget resolution.

5. House Appropriations Committee would report appropriations bills only after it has completed action on all such bills. No change would be made in floor consideration of appropriations, except that bills which exceed their functional targets would be held (not sent to the President) until the congressional budget process is completed.

6. By September 15, Congress would adopt a final budget resolution (though revisions would be permissible any time in the fiscal year). The resolution may call for the Appropriations Committee to report recisions or amendments in appropriations or for the Ways and Means Committee to report tax changes.

7. Legislation required to implement the final budget resolution would be in a budget reconciliation bill which Congress must adopt prior to adjournment.

8. Authorizing legislation must be enacted before April 1, but an emergency waiver is provided.

9. Backdoor spending would have to be funded through the appropriations process, except for trust funds and guarantee or insurance programs which would continue in their present manner. Existing backdoors would not be affected until October, 1978.

Title II of the bill incorporates and would make permanent the major anti-impoundment features prescribed for fiscal 1974 by Title I, H.R. 8480, with some refinements in the role of the Comptroller General. (Adopted by the House 254–164 on July 25, 1973.)

Mr. Chairman, I urge my colleagues to support this legislation.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield 3 minutes to the gentleman from New Hampshire (Mr. Cleveland).

Mr. CLEVELAND. Mr. Chairman, I am taking this time to forewarn the gentleman from Missouri that I will be offering an amendment, which I have already alluded to in my brief dialog with the gentleman from Oregon (Mr. Ullman).

I am going to give the gentleman a copy of the amendment.

The gentleman will notice some familiar language in the amendment. This is an amendment that would afford to the minority a fair share of the staffing on this new committee, and much of it was suggested by the gentleman from Missouri. I would point out that it protects the majority from the minority's foisting upon them people whom they feel might not be fit, but they might be responsible for.

Mr. Chairman, the gentleman has graciously agreed to accept one amendment. I was a little perturbed when he said he would accept only one amendment, but I hope that tomorrow he will have had a chance to look at this amendment, and perhaps then he will accept that.

I think what they are trying to do in this bill is to establish a budget procedure for Congress and to strengthen the Congress and to restore its image as being fiscally responsible. I think that the minority must have some recognition in the staffing of this very important committee. This is not a subject that should become embroiled in any great controversy.

So I am taking this time now to make my point on behalf of the amendment for minority staffing.

It is true that H.R. 7130 represents one of the most constructive and far-reaching reforms to confront this body in my 11 years in Congress. While I believe it can be strengthened by some amendments to be offered, I support it regardless in the main as a long overdue restructuring of the decisionmaking process of the Congress.

Yet I am concerned that it does not provide the minority adequate representation on the staff of the Committee on the Budget to be created under title I. Equitable provision of minority staffing has long been a bipartisan objective of reform advocates as a means of improving the legislative process through better scrutiny of legislative proposals, more informed debate on their merits and wider consideration of alternatives. Thus it has a role in this reform. If the new committee is to achieve its full potential, I consider it imperative that the minority be assured one-third representation. To do otherwise would represent partisan perversion of the reform process.

The one-third provision was enacted under the Legislative Reorganization Act of 1970 to apply to all standing committees, but later nullified by the Democratic Caucus. Efforts to restore it this year, by myself and the gentleman from Illinois (Mr. Anderson), were blocked by a vote of 197 to 196 on March 7 of this year. Yet the language was comparable to the provision of the act of 1970 and, in fact, incorporated language drafted by our colleague from Missouri (Mr. Bolling), which now applies to professional minority staff members.

A full chronology of this effort is contained in the Record for March 27 at p. 9927.

Mr. Chairman, I remind colleagues that the minority staffing proposal has the support of Ralph Nader and of John Gardner, who has said:

> It is an essential part of any congressional reform program.

We are creating a new committee, and in the process amending rule XI governing the operation of committees. I, therefore, introduce the following amendment which would apply the two-thirds staffing rule to the new Committee on the Budget. And I urge colleagues to put aside partisanship in the spirit of reform in which we act today and accept my amendment, which provides one-third staffing for this committee alone.

The amendment follows:

Amendment by Mr. Cleveland: H.R. 7130, Section 111

On page 46, line 18, insert the following language: designated as subparagraph (b) and redesignate succeeding paragraphs and sub-paragraphs accordingly: (b) "The minority party on the Committee on the Budget is entitled, upon request of a majority of such minority, to up to one-third of the funds provided for the appointment of Committee staff pursuant to each primary or additional expense resolution making funds available to such Committee. The Committee shall appoint any person selected whose character and qualifications are acceptable to a majority of the Committee. If the Committee determines that the character and qualifications of any person so selected are unacceptable to the Committee, a majority of the minority party members may select other persons for appointment by the Committee to the staff until such appointment is made. Each staff member appointed under this subparagraph shall be assigned to such Committee business as the minority party members of the Committee consider advisable."

Mr. MARTIN of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I am glad to yield to the gentleman from Nebraska.

Mr. MARTIN of Nebraska. Mr. Chairman, I might advise the gentleman that in the package of the legislation which the Select Committee on Committees is currently working, that is one of the proposals which is under consideration. In fact, that is quite seriously under consideration, the proposal to give the minority one-third of the staff.

Mr. CLEVELAND. Mr. Chairman, I have not heard much good news recently, I will say to the gentleman from Nebraska, and that certainly is good news. It's good news that this is being proposed by the committee. I will certainly consider it even better news when I see the bill on the floor with that language in it.

Mr. MARTIN of Nebraska. Mr. Chairman, I really feel that is the proper place for such legislation, rather than in this budget bill.

Mr. CLEVELAND. Mr. Chairman, I will supply the gentleman with a copy of my amendment, and he can think it over between now and tomorrow, when I intend to offer the amendment.

Mr. BOLLING. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. Yes, I yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Chairman, I would like to call the gentleman's attention to the language at the bottom of page 71 of the bill, which is as follows:

> With the approval of the Chairman of the Committee on the Budget of each House, the Legislative Budget Director may—
>
> appoint without regard to political affiliation and solely on the basis of fitness to perform their duties, such professional, technical, clerical, and other personnel as may be necessary to carry out the purposes of this Act,

Mr. Chairman, the gentleman knows, because he and I have been sort of going around and around on this subject, and I have never been successful in achieving what he indicates he wants, and I have said for a great many years I would want it for reasons that he understands and not out of embarrassment to me, and it is true that I have consistently supported minority staffing, and still do, except in most unusual circumstances.

Mr. Chairman, this happens to be just that circumstance. I think this committee and its staff, not its membership, but the committee staff on this committee should be professional, in just exactly the same way that the Office of Management and Budget staff today under a Republican President is professional.

I believe this is a highly technical, highly complicated area, and I believe this is the one exception that I can think of.

The CHAIRMAN. The time of the gentleman from New Hampshire (Mr. CLEVELAND) has expired.

Mr. BOLLING. Mr Chairman, I yield 1 additional minute to the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Chairman, I am quite sure that the suggestion made by the gentleman from Nebraska about the content of the report of the select committee is going to turn out to be correct. I think the select committee is going to be unanimous on that subject. However, on this subject the language of the bill is clear, and it is there for a particular reason.

Mr. CLEVELAND. Mr Chairman, I thank the gentleman. I will give the gentleman a copy of the amendment, and we will discuss the matter further tomorrow.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. McCOLLISTER).

Mr. McCOLLISTER. Mr. Chairman, I want to pay tribute to my colleague from Nebraska, the ranking member of the Committee on Rules, for his good work on this legislation and also for the continuing good work on the select committee, reference to which was made a moment ago.

Mr. BOLLING. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, last March when the Joint Study Committee on Budget Control first made its original budget reform recommendations, I was one of the first—and quite possibly the most vocal—opponents of that proposal.

That study commission was created, in part, because of the debate over national priorities.

More than any other Government document, the budget determines what those priorities will be.

As a Member of Congress I have been working since 1969 to try to change our national priorities.

Over that same period of time I have also been giving a great many speeches about the need to reform our budget-making process, but it is my strong belief that the original version of H.R. 7130 would not have increased—but rather would have decreased—the individual House Member's ability to affect the priorities reflected in a Presidential budget.

Under the original proposal, the budget committee would have been made up of 21 immensely powerful Members, largely self-selected, from the Appropriations and Ways and Means Committees.

It would have set rigid ceilings and subceilings for the overall budget and all of its subcategories by March 1—before public hearings could be held by the Appropriations Committee on each subcommittee budget and long before the average House Member even knew what was in the budget recommended by the President, let alone the budget committees.

Amendments to the resolution establishing these ceilings and subceilings would have been all but impossible because of the "rule of consistency", and once those ceilings were adopted, then the majority of the House would have been prevented from changing them to reflect changes in economic conditions because of the requirement that any change must be made by a two-thirds vote, and most importantly, from a planning standpoint, the original bill would not have gotten the country off a continuing resolution because of the unrealistic timetable and the retention of the present fiscal year dates.

In short, Mr. Chairman, the procedures in the original budget committee proposal were unrealistically complicated and inflexible: Called for premature budget decisions by the Congress; diminished the ability of individual House Members to change budget decisions; weakened the role of the House leadership in determining budget policy; and could well have delayed the passage of appropriations bills.

Mr. Chairman, a lot of thought has been given to budget reform since H.R. 7130 was first introduced.

Out of that thought has come a realization, I believe, that the original bill was simply unworkable.

The bill we have before us today is in some ways still unworkable.

But, it is a far better bill than the original plan. It presents a more well-organized approach to budgeting than does our present way of doing things, and I intend to vote for it.

But, there are some problems. I would like to briefly outline both some of the improvements and some of the problems.

The improvements, as I see them, are these:

First, under the original plan a majority of seats on the new Budget Committee would be assigned to Appropriations and Ways and Means Committee members and those members would be virtually self-selected.

The result would have been that the leadership in each caucus would have played a minor role in determining the committee's makeup.

Why is that bad?

Well, you would not think it was bad if you thought that budgeting is a nice, neat, unpolitical, and completely nonpartisan operation.

But it does not work that way. Politics—for good or ill—does not stop at the budget's edge.

Budget sent up here by the President are not just economic documents. They are also political documents. The entire political, social, and economic thrust of any President can be found in his budget proposals.

It is important to the country that that fact be faced frankly if alternative political, social, and economic thrusts are to be clearly understood and debated by the Congress.

And, that will not happen as clearly as it should if the leadership of both political parties does not play a clear and leading role in the budget processes, so that alternative budget strategies are laid before the Congress and the country.

That is what does not happen under the present situation.

There is no guarantee it will happen under this bill, but there is a better chance it will happen if two-thirds of the budget committee is not already selected by someone other than the leadership.

Second, the budget process outlined in the bill is much more flexible than the original unrealistically original plan.

Under this bill the early ceiling and subceilings are only targets to be reconsidered later in the year in light of changes in the economy and with due regard to other program needs which may arise. That is absolutely essential.

In one 4-month period, this year the revenue picture of the Federal Treasury changed to the tune of $10 billion.

Congress should be in a position to recognize and respond to that fact both in the interest of meeting program needs and in the interest of sound economic planning.

This bill is much more realistic in that regard than the original proposal.

Third, moving the fiscal year to October 1 will give Congress badly needed additional time to complete action on the budget before the new fiscal year begins.

This feature should help reduce the necessity to operate departments of Government on continuing resolutions.

The orignal bill was completely unrealistic in adding another step to an already complicated budget process without moving back the fiscal year to give us more time to handle that expanded procedure.

Fourth, the requirement that authorizations be completed before April 1 to be eligible for funding in the upcoming fiscal year—unless an emergency exemption is obtained from the Rules Committee—is a badly needed feature to improve fiscal planning.

The bill also brings back to the Congress a more orderly method of spending tax dollars by restoring jurisdiction over backdoor spending to the appropriations committee.

Right now, only 44 cents of every budget dollar flows through the Appropriations Committee.

This bill will correct that and make Congress handling of the budget more understanding to the public and, I might add, to Members of Congress as well.

And, Mr. Chairman, there are many other improvements too numerous to go into in detail here.

WHAT ARE SOME OF THE PROBLEMS?

First, the bill requires the first concurrent resolution adopted by Congress on May 1 to establish appropriate budget outlays according to the functional categories used in the President's budget.

But as Congressman MATSUNAGA has so graphically pointed out in his minority remarks, the jurisdictions of the various appropriations subcommittees do not correspond to those functional categories.

One of my appropriations subcommittees—Labor-HEW—would, for example, have jurisdiction over parts of programs within four functional categories: community development and housing, education and manpower, health, and income security.

It may be, as the committee report to this bill states, that "Congress should be able to develop a ready capability to relate the amounts in the appropriations bills to the functional categories."

Congress may be able to do it, but it will be extremely difficult and I would think this provision would place great power in the hands of the legislative budget director and a few "budget insiders" in the House in determining under which category certain expenditures fit.

Second, a provision of this bill which will allow those appropriation bills which do not exceed the initial targets to be sent to the President for signature while requiring those above the President's budget to be held back until passage of the second concurrent resolution is a troublesome provision.

It will narrow the ability of the Congress to make wide changes in priority spending if half the budget is already at the White House.

And it will reduce the incentive to speed up budget action which would be present if Congress faced the possibility that the entire Federal Government would be forced to run on a continuing resolution if agreement was not reached on a few troublesome items.

And more importantly, it would be much more difficult for a President to wrecklessly throw vetoes around on appropriations bills if the Congress sent him all appropriations bills at the same time.

I would much prefer a system under which all appropriations bills could go to the President at once because it would be much easier for the general public to assess the President's structure of priorities in light of the entire budget if the President chose to veto certain appropriations.

Third. The timetable in the bill is still in some cases unrealistic.

It requires, for instance, that both Houses complete action on all appropriations bills by August 1.

Anyone who has been a Member of this body for more than a year knows that is not likely to happen.

Fourth. There is a distinct disagreement among many thoughtful Members of the House about what will be the practical effect of making both controllable and uncontrollable items subject to the ceilings in the bill.

If, for instance, after passage of the first concurrent resolution in May the economy suffers a downturn, there would be a decrease in revenues for all programs.

Correspondingly, there would be an increase in obligation for funds such as unemployment compensation.

The result would be a deficit picture and an expenditure picture far different from that originally contemplated in the concurrent resolution.

If, for instance, an uncontrollable item such as unemployment compensation rose by $1 billion, what would the result be?

Would it be that relatively controllable items such as education, health, or pollution clean-up funds would be cut back by a corresponding amount because Congress would be politically reluctant to go above its initial ceiling—as some fear the case would be—or would Congress pass a new concurrent resolution adjusting its estimate of unemployment compensation, income and debt and with it, its overall ceiling?

The answer to that question will determine whether Congress is politically courageous enough to make this new system work.

Obviously, in the midst of an economic downturn it would not be in the best economic interest of the country to reduce education and health expenditures because in macro-economic terms it would be counterproductive.

Only time will tell whether Congress has the political courage to really in fact deal with macro-economic questions in a responsible way—questions which Congress has really never had to face in specific terms before today.

Fifth, and most importantly from an institutional standpoint, I believe one section of this bill which relates to membership on the Budget Committee trespasses to a dangerous degree upon the prerogatives of both the Republican and Democratic caucuses in the House.

There is a provision in this bill which stipulates that five members from Appropriations and five members from Ways and Means will serve on the Budget Committee.

It further stipulates that the chairmanship shall be rotated as shall membership itself on the committee.

Mr. Chairman, my service as a member of the Appropriations Committee has convinced me that it is essential that Appropriations and Ways and Means be represented on the new Budget Committee if that committee is to function effectively on budget and tax policy questions.

But I strongly believe that that representation should be achieved in the traditional manner through the party caucuses and not through legislative action in the House as a whole.

I would be perfectly willing within my own caucus to author a resolution amending caucus rules to make it possible for members of Appropriations and Ways and Means to serve on the Budget Committee.

Such a committee without representation from those committees would be, in my judgment, almost useless.

But, by the same token, I intend to support the amendment by Congressman MATSUNAGA which will delete this portion from the bill itself.

I am convinced that both caucuses can insure by their own rules what the language in this bill seeks to provide by House rules.

I think it is important to guarantee the integrity of the committee selection process in both caucuses by leaving the final decision in this regard up to the individual caucuses involved, and I urge Members to support the amendment which Congressman MATSUNAGA will offer.

Mr. Chairman, in summary let me sound two cautionary notes: This bill tries to put some sense of organization in the budget process to enable Congress to deal with two problems in the context of that process: First, macroeconomics; and second, priorities.

It does the former much better than it does the latter.

Because of the requirement that the appropriations committee mark up all 13 appropriations bills before the first appropriation bill can be reported to the floor, it is true that Congress will view the budget more nearly in one package than it does under present procedures.

But Mr. Speaker, while this bill will help to coordinate the appropriations and taxation functions in the House, no one should be misled into thinking that it will allow the house to suddenly and dramatically change budget priorities.

At most, under this plan we will somewhat expand our flexibility on the margins.

Why do I say that?

Under this plan, in the winter and spring of each year we will be considering a budget schedule to go into effect the following October.

The budget process will be just what it is today—one of marginal incrementalism—because for the most part we will be locked into formulas and programs approved by Congress and the President in previous years.

The great bulk of money each year will already be committed or in the pipeline.

If we are ever to be able to free up significant amounts of money to be used for new and different purposes, we will have to greatly extend our leadtime in dealing with individual budgets.

That is the only way we will be able to keep enough money out of the pipeline, before it is committed, to make possible significant shifts in priorities in any one budget year.

That does not mean you should vote against this bill.

It does mean that this bill is just the first step on the long road of truly dramatic reform which is needed to really give Congress a significant say on budget policy.

This bill, if viewed against the ideal, unnecessarily adds another committee to the already jumbled appropriations process.

In testimony before the Rules Committee, Representative STEIGER of Wisconsin and I suggested a way to avoid the creation of another committee by reconstituting the Appropriations Committee for an overall body for fiscal control within the House.

Although a number of suggestions we made are now embodied in this bill, that idea was rejected. Instead, to the present layer of authorization and appropriation committees, this bill adds yet another layer—a new budget committee.

Because of the new committee's power to coordinate various arms and committees of the Congress, this bill is preferable to the present situation.

But, I predict that approval of this bill will probably mean the eventual elimination of the Appropriations Committee—and possibly the Ways and Means Committee as well.

Members of Congress will look at the system in a few years and they will say "since the budget committee decides priorities and reconciles spending with macro-economic reality, why do we need the Appropriations Committee anymore? Why not just abolish the Appropriations Committee, add their functions to the Budget Committee, let the Budget Committee set overall ceilings and subceilings, and let the authorizing committees parcel out the money to individual programs within the targets set out by the Budget Committee?"

I have no doubt that is where we are headed over the long haul.

Last, Mr. Speaker, I hope all of us realize that this plan will not work unless the new Budget Committee being created in this bill is a leadership-created and leadership-oriented committee.

I would not vote for this bill if I thought it would create just another committee which will meander on its own through legislative policy.

This Budget Committee can bring a sense of order to the House on budget policy but only if it is clearly reflective of the true budget policies of the respective caucuses.

Budget alternatives which give the House significant choices can be presented in a logical way only if the leadership of both caucuses works as closely with the new Budget Committee as it now works with the Rules Committee.

Members of that committee should be clearly perceived as agents of the leadership of the respective caucuses.

That can only happen if the leadership plays a very direct role in the selection of those members.

It would, for instance, be highly inappropriate on the Democratic side for the Committee on Committees—which is, as we all know—the Democratic membership of Ways and Means—to select members for appointment to the Budget Committee which is supposed to help coordinate Ways and Means' functions with Authorization and Appropriation Committee functions. That would clearly be a conflict of interest.

It would mistakenly be decentralizing budget policy rather than centralizing it under the direction of the leadership and it must be avoided if this bill is to work.

Mr. MARTIN of Nebraska. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. VEYSEY).

Mr. VEYSEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the bill which we are considering to establish a new mechanism within the Congress to handle the Federal budget is one of the most important issues to come before this 93d Congress or any Congress.

As we are all aware, this has been a laborious task. And certainly there are points within this legislation over which reasonable men can legitimately disagree.

However, it is imperative that we pass the measure and set the record as well as the track in order. We cannot go on blaming this President or any President for impounding funds or for settling budgetary priorities with which we have disagreement as long as we in the Congress continue to abdicate our responsibilities in the same field.

Somebody has to draw up the budget guidelines. And the easy way out for us has been to pack every possible dollar into each of our pet spending programs, bless the spending schemes of our traditional philosophical adversaries so they will bless ours, and then watch the authorizations and appropriations turn out to be billions of dollars above available funds.

We have refused to cut funds ourselves because it is much less painful to be able to point the finger at the President.

As the highly respected Washington Post columnist, David Broder put it,

> Congressmen have been content to wrangle what they want for their own districts without adding up the cost to the country.

This measure would employ several important tools in reassigning to the Congress a major share of the responsibility for the Federal budget.

A most important tool is the establishment of the Legislative Budget Director and a staff, to be employed by the Congress on a nonpartisan basis, and to be an objective financial watchdog over all Federal spending programs.

We have employed this same system for many years in California, and our legislative analyst, A. Alan Post, has not only saved the taxpayers in the State millions of dollars—he has saved both the legislative branch and the Governor's office untold embarrassments. He is paid to be the authority on the nature, the value, and the effectiveness of every State spending program in operation or proposed. And he does a highly professional, amazingly detailed job. I am extremely gratified to see us move in this direction here in the Congress.

Mr. Chairman, the Budget Control and Impoundment Act of 1973 would also change our fiscal year beginning to October 1 to enable us to get our appropriations process completed in time.

Further, it would plug the irresponsible backdoor spending which now goes on all of the time through such devices as contracted agreements.

Additionally, it requires the President to answer to the Congress and account for impoundments. And while impoundments should not be necessary with the improved budgetary process this legislation would establish, Congress would have the power to stop any impoundment by resolution.

Mr. Chairman, it is imperative that we move positively and immediately on this bill. Today, Congress deals only in a piecemeal fashion on budgetary issues. We never have the opportunity to study the overall impact of spending in any single area—much less to assess all of our Federal spending programs collectively.

We have buried ourselves and the country in a history of deficits, broken budgets, and runaway spending on ill-conceived programs. We have spawned an unpluggable series of ratholes to drain dollars not only from our pocketbooks but from other vitally needed programs. Our irresponsibility has delayed budgeting decisions and created the often resulting administrative chaos. In short—we have a budgetary process which makes responsible, effective, businesslike service to our constituents impossible.

Mr. Chairman, if we fail to pass this measure, I submit that the American public will make us pay the price for our folly. This country has gone to the wall fighting relentless taxes, booming Federal spending, and soaring inflation. And next November, the voters are going to elect a 94th Congress—not a President. Unless we can show the American public that we are willing to assume our necessary role in this battle for responsible spending we will deserve to be tossed on our collective ears.

I appeal for passage of this vital measure.

Mr. BOLLING. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I should like to join in complimenting the gentlemen managing the bill and other members of the Committee on Rules, and others in the House, who have worked so hard on this bill. It is, indeed, a monumental task. It is a complicated proposal, and I suppose it was bound to be. I share some of the doubts of the gentleman from Wisconsin as to whether it will work or not, but I think we should give it a try. I do not know of a better proposal at the present time that is before the House.

I am prepared to support this legislation, with some misgivings, but in recognition that it is an undertaking that the House of Representatives and the Congress as a whole, must, indeed, undertake.

I would like to address my remarks this evening to one particular problem and to express my appreciation to the gentleman from Wisconsin (Mr. OBEY) for alluding to it and for indicating that he would support an amendment that I would propose to offer at the proper time.

As I understand the bill, the procedure is that appropriation bills which do not exceed the budget authority set forth in the original subceilings can be sent forward to the President ahead of the final stage when the concurrent resolution on the budget will be considered. It seems to me that this is a mistake in procedure for several reasons.

My amendment would simply eliminate the phrase in section 127 which provides for some appropriation bills to go on to the President and would require that all appropriations bills await the conformance with the final concurrent resolution.

First of all, it is going to be a very complicated matter to determine whether a particular appropriation bill is within the ceiling or not because the jurisdiction of the subcommittees on appropriations and the functional categories will not be the same, so that a particular appropriation bill will come forward to the House reflecting various budgetary expenditures under various categories. Thus, it will be a difficult and complicated matter to determine whether or not a particular appropriation bill does conform.

I am not clear from the legislation before the House as to who would make that decision, whether it would be made by the budget committee or whether it would be made by the Appropriations Committee or whether it would be up to the House itself to make that determination.

But passing that—I think that problem is a technical one which could perhaps be overcome—what really troubles me is that we are putting certain appropriation bills into a kind of favored category. If it is determined that they do fall within the ceiling then they go ahead to the President, and if they are right up to the ceiling that reduces the flexibility that is available to the Congress at the later stage to readjust the priorities in terms of all the information that has then become available to the Congress. In other words it makes the process more rigid and limits the Congressional flexibility this bill was supposed to provide.

One of the things that I think marks an improvement in this bill over the previous proposals is that it does provide that flexibility for Congress to make an initial determination on priorities and then, after all the evidence is in, to reexamine that determination of priorities. Those bills that go ahead to the President, as I understand it, would be subject later on possibly to rescission of an appropriation if a determination were made to do that, but that is going to be much more difficult and Congress is obviously going to be reluctant to do that. In fact, it is not clear to me how it could be operated.

So that those bills that go through ahead of time get into a special preferred category and they are not going to be subject to that same reexamination of priorities that would be the case with all other appropriation bills.

In addition to that we have the problem that if the House determines or the Congress determines in the initial resolution that a certain functional category should have, let us say, an increase of 10 percent over the President's proposals, that 10 percent could be allocated among several appropriation bills.

If the first bill to come along, so to speak, grabs up a disproportionate part of that appropriation increase or that category increase, that would reflect adversely on the bills that have not come up yet. The House will not have a chance to look at the total problem and see whether, in fact, that is the right allocation of the increase that it has decided should be made in that functional category. So I believe that this, too, puts these earlier bills into a preferred category.

I see no especial advantage to be gained by going through this difficult process of deciding whether a bill conforms to the ceiling or not, a complex process which will itself be subject to dispute rather than having all appropriation bills wait until this final process of reassessing the priorities can be undertaken to determine whether or not, in fact, certain changes should be made. At that point the Congress can look at the choices before it, can look at them with an equal degree of study, or equal degree of factual material and decide whether the earlier ceilings have to be adjusted in some manner.

So, Mr. Chairman, I hope that the distinguished gentleman from Missouri and others who have worked so hard on this will give consideration to this amendment as to whether it would not simplify the process, whether it does not make the process more equitable and in general an improvement to simply provide that all appropriation bills shall await the final determination of the Congress in its concurrent resolution.

Mr. BOLLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I thank my colleague from Missouri. I intend to support H.R. 7130 along with some amendments that may be offered tomorrow. I do not think anyone has suggested that this is a perfect piece of legislation, but it is a start on a job that should have been attempted long ago.

Because we are faced with a budgetary necessity now, this measure should be passed without any further delay.

I am proud to be one of the original cosponsors of H.R. 7130 along with its principal sponsor, the gentleman from Oregon (Mr. ULLMAN). Let me also take time at this point to highly commend the difficult but able work of a member of the Rules Committee who is floor manager of this legislation today, the distinguished dean of our Missouri delegation, Mr. BOLLING.

Mr. Chairman, with so much attention focused on Watergate, the tapes, and more recently on the many facets of the energy crisis, there has not been much reference in the headlines to the "battle of the budget."

But it is refreshing to know that the battle is being waged right under the Capitol Dome. Let us never forget that Federal spending starts in Congress and also remember that Federal spending has soared by $62 billion in the four fiscal years which ended June 30, 1973.

Control of spending by a congressional budget should not be a partisan matter. Both parties recognize the need for some kind of lid to be put on total Federal spending. If we do not, the only alternative is a tax increase. The really hopeful thing about the Budget and Impoundment Control Act of 1973, H.R. 7130, is that it is the first means yet proposed by which Congress can in effect assert firm control over itself.

Our current budgetary situation is not as dismal as some would believe. The reason the deficit will not be as large as expected is due to the huge increase in tax receipts from a much larger gross national product and from such windfalls as large receipts from off-shore oil leases. But the disappointing thing is that Congress added about $5 billion to the fiscal 1974 budget over the regular executive budget which was submitted in January 1973. H.R. 7130 would go a long way to prevent that kind of a happening in the future.

The procedure called for by H.R. 7130 will be for Congress to approve a total buget ceiling early in the session and see to it that all of the total individual appropriation actions conform to the ceiling. This would mean that Congress would not only control its appropriation bills but also those legislative bills that lead to automatic increases in spending in future years. Anytime there is a conscious or deliberate decision made by Congress to exceed the ceiling then, of course, the proposed budget control act will require a quick tax increase to make up the difference.

The eventual impact that this congressional budget would have to produce a more orderly fiscal policy throughout the entire United States is so enormous that it cannot be either anticipated or estimated at this time.

How good it would be if this procedure provides the answer to restrain the deficits that have accumulated over the past several years. If we have found the answer to the elimination of deficits then truly the battle of the budget has not been lost.

Mr. BOLLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I have

strong misgivings about the Budget Control and Impoundment Act.

This bill seems to have originated from congressional self-flagellation. The President has said that the Congress is irresponsible and unable to control the budget. Political scientists have bewailed the supposed lack of budget control in the Congress. And we have believed that, so this bill comes before us.

I do not believe that this bill will accomplish its objectives. It will, in my opinion, further erode the prerogatives of Congress and vastly undercut the authority of many of our committees, and will contribute to the aggrandizement of power by the Executive.

In the first place, this bill says that impoundment of appropriated funds can be legalized, even though the report goes to painful lengths to deny that the legality of impoundments exists. Why should we adopt a procedure that legalizes what we claim is illegal? Why should we accept in fact what we deny in law? Such an action is not only sham—it is sheer self-delusion. If we deny the legality of impoundment, then it is not logical for us to establish a procedure whereby impoundments would be legal, if we fail to disapprove them, but that is what this bill does.

In setting up a budget ceiling, the bill puts the Congress in a bidding match with the President. He may submit a wholly unrealistic budget proposal, requiring Congress, if it be responsible, to set a ceiling higher than his request. In that case, he could denounce Congress as irresponsible. Or, the reverse could happen. Or the President and Congress could become engaged in a match to see who could set the lowest ceiling, regardless of what the country's needs may be. It takes no special genius to know what the total of a full employment budget ought to be—that is the task of the Office of Management and Budget, not Congress. Our concern, our responsibility and our function is to order the national priorities within that total. We need not be concerned about setting a budget ceiling ourselves. Our task is to establish the priorities that make up the budget. We know at the outset of any given year what the skeleton of the budget is. We ought not concern ourselves with that, but rather with the flesh, blood and muscles of it. This whole business of setting a ceiling is likely to be wasteful and destructive.

The bill also calls for completing of all authorizing legislation within a span of a few weeks. That is wholly unrealistic. No authorizing committee can responsibly act on large projects with only perfunctory hearings. This hasty procedure would make it impossible for the authorizing committees to take any close look at the hundreds, even thousands of projects that they are responsible for authorizing. Authorizing legislation is every bit as difficult and detailed as appropriation legislation, and it is senseless to expect an authorizing body to do in a matter of weeks what everyone concedes the appropriations committees must take months to accomplish. This section of the bill would simply emasculate and make meaningless the entire authorizing process. It might just as well throw the whole process out, and leave the whole legislative burden of Congress with the appropriations committees. I have nothing against those great committees, but I submit that the bill would place on them a burden that they cannot be fairly asked to assume.

Further, the bill assumes that all authorizing legislation would be submitted between January and March. Everyone knows that the Executive submits authorizations throughout the year. I do not think that April is a particularly magical month, except that it brings the magic of springtime. In the bill before us, it is an arbitrary selection aimed at producing a specific result in a specific timetable—a timetable that is not going to be met without Congress emasculating its authorizing committees, and ultimately giving up control over the entire budget process.

The bill might better be called the budget decontrol act, because it will pass control of the budget from Congress to the Executive, by rendering our authorizing committees helpless and meaningless, and placing unsupportable burdens on the appropriations committees.

Everybody wants to see the appropriations bills completed by the beginning of the fiscal year. That has been our goal since the Reorganization Act. But it seems not to have occurred to many people that the fiscal year might be changed, so that Congress could have a year to consider the budget request, rather than 6 months, as we now have. It may simply be that we are trying to reach a goal that cannot be reached. It may be that the real answer is far simpler than the bill before us.

I believe that this bill is praiseworthy in its goals, and I regret to say that I believe it may be disastrous in its results.

Mr. RHODES. Mr. Chairman, I rise in support of this legislation.

For quite some time I have rated the job of reforming the congressional budgetary procedure as the single most important item facing the 93d Congress. I have pointed out that many of our energy, environmental, and natural resources woes have been multiplied by the inability of Congress to gain control over the Nation's purse strings. No comptroller can set priorities and regulate expenditures realistically without a knowledge of the size of his budget. Congress is no exception.

In the past Congress has been notorious for its neglect of the Nation's budgetary decisions. Congress makes no rational decision as to whether the operations of the Government are to be deflationary or inflationary. Congress never addresses the question of whether there will be a balanced or unbalanced budget. It does not make an election between raising taxes or operating at a deficit. Congress refuses to consider a myriad of equally important judgments, such as whether its spending would strengthen or weaken the dollar overseas. Stated simply, Congress has abdicated its responsibility to control the Nation's financial business.

Mr. Chairman, I stand in favor of this bill because, if it is enacted, Congress, for the first time in our history, will be obligated to address itself to these essential questions. I cannot stress too strongly the necessity and value of the budgetary structure that this bill will provide. This legislation promises a vehicle to make the congressional decisions we should have been making annually for nearly 200 years.

The House Committee on the Budget, created by this legislation, will maintain continuing studies of the effect of budget outlays of all legislative programs. The committee will have the authority and power to seek answers to the far-reaching fiscal questions Congress has ignored in the past. Most importantly, the committee must report during each and every session of Congress at least two concurrent resolutions dealing with the appropriate level of total outlays, budget authority, Federal revenues, public debt, and surplus or deficit. These tentative and final budget resolutions will provide the entire Congress with a wealth of information. They will provide us with the first overall and comprehensive view of the now disjointed appropriations process.

It is no wonder that few, if any, Americans can comprehend and accurately predict the future effects of a congressional budget. At present, our appropriations reach the American public in such a piecemeal and fragmented manner that it would require of our constituents a full-time effort to assemble them, let alone understand their impact on the economy. It is my firm contention that these budget resolutions will allow Congress to make fiscal sense to the country. Americans everywhere will understand the cost and sacrifice that each legislative program will require.

This new law will not permit congressional spending to be undermined by "backdoor" spending. Backdoor spending will be virtually eliminated.

Mr. Chairman, I call upon this body to gain control of this Nation's fiscal policy. I call upon this body to accept finally the responsibilities bestowed upon it by the Constitution so long ago.

Mr. HAMMERSCHMIDT. Mr. Chairman, I want to open my remarks with sincere congratulations for efforts of my distinguished colleagues from the Ways and Means, Appropriations, and Rules Committees who were instrumental in bringing H.R. 7130 to the floor of the House. In my judgment, this legislation may well be the most important proposal considered by the 93d Congress. If enacted, it could be the most important law to come out of several Congresses.

As we debate today the merits of H.R. 7130, it is necessary that we keep in mind not only the current economic matters facing the Nation but also the historic perspective which has given rise to the need for the legislation. In recent years, the relationship between the executive and legislative branches of the Federal Government has been strained by a long-waged controversy over the budget process. The present situation predates by decades the Nixon administration, although it has now become tenuous and has led to impasses which are not in the best interests of good government.

Throughout the historic perspective to which I allude, it has been inevitably true that both the executive branch and the Congress have high-minded goals. They both want to establish the most effective national priorities possible and use the best means to meet them. In the face of inflationary pressures which threaten our economic stability, there is substance in the increasing concern over positive action to solve this budget-related controversy. We simply cannot afford to prolong the conflict.

Last year, Congress formally acknowledged the problem and turned its attention to a concrete solution. While refusing to accede to the President's proposal for a rigid spending ceiling, it established the Joint Study Committee on Budget Control. We now have had the benefit of the committee's thorough study and recommendations on ways to tighten congressional control over budgetary outlays and receipt relationships. Although all of their recommendations have not been included in H.R. 7130, this measure still presents a method which will give a comprehensive overall view of each year's Federal spending and revenues, to replace the haphazard agency-by-agency, department-by-department, and program-by-program approach of the past which has fallen so short of sound fiscal management.

If I may retrogress briefly, Congress has taken through the years various approaches to balancing income and expenditures. For the first 75 years of our history as a federal entity, the budget control by Congress was organized and tight. This was broken down as a result of the burden posed in 1865 through the Civil War with taxing and spending jurisdiction split between Ways and Means and Appropriations Committees. Unified budget control was further diluted in ensuing years as various legislative committees assumed spending jurisdiction and, in 1921, the Budget and Accounting Act further deemphasized the congressional role in budgetary matters. This act has since served as the real source of the current budgetary differences between Congress and the executive branch.

Due to the commendable work of the Joint Study Committee and the subsequent action by the Rules Committee, we have before us a vehicle for budget reform and the better government which can result. The House and Senate Budget Committees created in the legislation will be new institutions in Congress, responsible for coordinating and monitoring budget outlays and authority. Effective in 1976, our bicentennial year, the Budget Committee of the House will be charged with reporting two concurrent resolutions each year to establish for the U.S. Government the levels of total budget outlays and total new budget authority. The fiscal year will be changed to provide for more orderly planning and a new budget process will be implemented to deal with priorities and economic issues. The new procedure includes deadlines for House action on appropriations bills and entails strong provisions to insure reconciliation of bills within their budget targets prior to the beginning of the fiscal year. In effect, H.R. 7130 is designed to insure that new budget authority will not be exceeded and that action on implementing legislation within the final budget resolution will not be subject to troublesome and costly delays.

A noteworthy factor of H.R. 7130 is that it takes into account the need for bringing under control the "back door spending" which does not pass through the normal appropriations channels. A transitional time is provided for in the legislation to attempt to insure that "back door spending" will be brought under budget controls by 1978. However, self-supporting trust funds and Federal insurance and guaranty programs will remain permanently outside the new controls.

H.R. 7130 would also create a Legislative Budget Office to work for both the House and Senate in the compilation and preparation of information on budget legislation and projections of outlays.

The proposal we are debating also provides an impoundment procedure whereby the President must report to Congress on the impoundment of any appropriated funds, and Congress may then follow procedures to disapprove by resolution the Executive's actions. The new budget reform provisions of H.R. 7130 combined with a specific procedure for Congressional disapproval of impoundment actions make this a most desirable and reasonable proposal. It will, in effect, guarantee that Congress will exercise fiscal responsibility so that the President will not have to step in to control spending and thereby intervene in the priorities established by the elected representatives of the people.

In conclusion, there are many indications in our economy and general Government operations of the need for positive action: the President's budget and tight spending ceiling; the executive branch impoundment of funds; Congress fighting appropriations; recissions and program cutbacks; devaluation of the dollar and trade aspects of the problem. H.R. 7130 provides Congress with a mechanism to meet the challenge of effective budget control, and I urge my colleagues to support the bill.

Mr. HUNGATE. Mr. Chairman, if the legislative balance of power is to be restored we must gain some reasonable understanding and control over what has become a mammoth Federal budget too often cut of balance.

I have always heard that: "When your outgo exceeds your income, your upkeep will lead to your downfall."

As a Nation we are approaching that unwanted goal. It is for this reason, Mr. Chairman, I rise in strong support of the Budget and Impoundment Act of 1973, H.R. 7130. It is time the often unwieldy budget process be corralled into a procedure whereby Congress, with sufficient data and information on Government outlays, will once again be able to exert its will on the Federal budget and spending priorities in a realistic and expeditious manner.

While the proposal may not be the ultimate answer to a streamlined process, it is an important start and does eliminate some of the stumbling blocks in the handling of appropriations which have brought criticism to the Congress.

The proposed, bipartisan House and Senate Budget Committees would provide the key roles in establishing budget ceilings and making this new process work. The creation of a legislative budget office will for the first time allow individual Congressmen and committees the opportunity to have a total and direct view of budget requirements in the executive branch and provide a system for acquiring accurate fiscal data. Each appropriation request can be viewed in light of its relationship to the total budget.

Changing the fiscal year to start on October 1 is a more realistic approach, allowing Congress to work its will and curb the need for continuing resolutions.

With this procedure the May 1 congressional budget resolution—prepared by the new budget committee following recommendations of other committees—setting out spending targets for the total budget and the major functions of Government, will give us a tentative, yet sound, basis from which to move forward.

The House Appropriations Committee would not report out any bills until it has completed action on all appropriations bills. None of these bills would be sent to the President if they exceed the congressional targets and would be held until the congressional budget process is completed.

By September 15, Congress would adopt a final budget resolution which could require the Appropriations Committee to report rescissions or amendments in appropriations or the Ways and Means Committee to report tax changes. Congress would be required to adopt a budget reconciliation bill prior to adjournment. A cutdown in backdoor spending would result by most of these item being funded through the appropriations process.

Hand in hand with an improved congressional budget process is a mechanism in the bill to deter executive impoundment of appropriated funds. The President will no longer be able to cut off funds on a personal whim. Since the President is required to send an explanatory message to Congress of any impoundment, he will have to convince Congress such action is in the best interest of the Nation or Congress, within 60 days, can require the President to cease any such impoundment. This section is particularly important to those of us who have districts where impoundments have severely hurt progress in the areas of water, sewer, and storm water systems, housing, and other vital programs.

Every Member of Congress must become more directly involved in the budget process to be able to assert fiscal responsibility and to be sure his constituency's voice is reflected in our Nation's spending.

This legislation will give us that opportunity and I strongly urge its prompt passage.

Mr. KEMP. Mr. Chairman, I rise in support of the principles embodied in the legislation now pending before us.

Budget reform—restoring to the Congress a large share of genuine authority over the budgetmaking and implementing processes—is an idea whose recognition, and subsequent enactment, by the Houses of Congress are long overdue. Coupled with the amendments to be offered tomorrow by the gentleman from Florida (Mr. BENNETT), which I have cosponsored, the enactment of this legislation gives to the Congress an opportunity to match its words with deeds—to reassert in a constructive way the powers which are rightly its own.

Budget reform is essential for several critically important reasons, any one of which is sufficient for its passage.

REASSERTION OF CONSTITUTIONAL ROLE OF CONGRESS

The framers of our Constitution vested in the Congress the ultimate power within a free society—the power to tax and to spend, known collectively as the power of the purse. The Constitution gives to the Congress, as the first branch of Government, authority to determine national needs and priorities amongst those needs; to levy taxes, duties, imposts, and excises necessary to support Government activity; to determine how money will be spent and the specific levels at which it will be spent; and, even to indebt the Government—the people—in meeting expenditure levels.

Some of this power has been abused, and the just-concluded debate to extend the national public debt ceiling to $475.7 billion attests to such abuse. But, in the main, the Congress has allowed a gradual erosion of its budgetmaking and implementing authorities, an erosion greatly accelerated during the past 30 to 40 years as the size of Government grew by leaps and bounds.

Today—1973—the executive—not the Congress—is really in the proverbial driver's seat when it comes to budgetmaking. The executive canvasses the various Federal departments and agencies on their perceived spending needs for a forthcoming fiscal year. The executive establishes the priorities amongst these instrumentalities—and the programs they administer—by formulation of the President's annual budget message; it is the Office of Management and Budget—OMB—which formulates the budget proposal—not an agency of the Congress. The executive, often through the budget process, makes the recommendations to the Nation and its Congress on what new programs ought to be enacted, existing ones amended or deleted. The executive, in summary, through the exercise of powers which have acceded to it over the years by congressional abdication, has shifted the burden of making any amendments in the budget document and the principles embodied in it and programs advocated by it to the Congress. It is the Congress, which ought to have remained in the driver's seat, which must carry the full burden of showing what is wrong or misdirected in the budget message.

Many in this body have acquiesced in the aggrandizement of budget powers in the executive. Whether spurred by a philosophical imperative toward a strong executive or by more common agreement with it than with their own colleagues or whatever, this has happened, and it has been bad for the Congress and bad for the Nation.

Taxation and determination of Federal spending are the foremost, indispensible powers the Constitution grants to Congress. To grant, further, even a share of that authority to the executive would be a stark admission of the legislative branch's incapacity to legislate prudently.

GETTING A HANDLE ON FEDERAL SPENDING

We cannot, as a legislative assemblage, urge remedial action on this urgent problem of budgetmaking without realizing that its ultimate resolution lies not only in the will of the Congress to assume those full and proper constitutional powers to which I have already alluded, but also in the issue being joined head-on through a comprehensive, fully interrelated program effort.

Piecemeal efforts to first attack the problem here, then there, will not solve this problem. The Congress, no matter how arduous the task, must establish the machinery with which to make Congress budgetmaking and implementing work.

The difficulty of this search is accentuated by the task of finding mechanisms which will operate to impose self-restraints on the proclivities of many elected officials to propose Government solutions—as the initial solutions—to virtually all problems of our society and the Nation. One would be telling less than the whole truth if one did not recognize that some political leaders are prone to rush forward with proposed Government solutions without exercising caution and timely restraint by first pursuing alternative problem-solving devices—using Government intervention as the last resort and only for those ills which cannot be otherwise arighted.

There are several ways in which we can get a handle on his problem:

First, we must establish an absolute level of revenue which will be raised through total Federal taxation—a level established in relation to national income—beyond which the Government cannot spend. This will force the Congress to then establish priorities among various existing and proposed programs in relation to an exact dollar figure, known from the outset, and not arrived at, at the end of a session, by simply adding up all the enactments and appropriations and worrying about their relationship to income. Budget reform should be but a first step toward the establishment of such an absolute level, in relation to national income.

Second, proposed Government programs should be tested. This is no radical proposal, for what it does is propose that the ageless principle—such as that employed in the physical sciences—that no program ought to be launched full-blown without proper testing and analyses—ought to be applied to Government initiatives also. If a program works, then expand it. If it fails, do not be locked into it, with a fiscal consistency already created which depends on it. If it works, then establish it on a national basis, beyond the initial test sample. If it works, fund it at a full and reasonable level; if it does not work, do not waste the taxpayers' dollars in support of it. This is simple logic, doing nothing more than bringing reason and sanity to politics and Government action. The Senate committee-reported bill, S. 1541, provides for such a testing program for all new initiatives beyond $100 million. The amendment, which will be offered by Mr. BENNETT, would make this part of the House version. I cosponsored it; I endorse it; I urge its adoption.

Third, the Congress must objectively review existing programs. The saying goes, "Nothing is more permanent than a temporary Government program," and there is much truth in it. Programs, once enacted, seem to go on forever with no, or little, really hardnosed review. The Congress should establish a mandatory requirement that all authorizations providing for expenditures in excess of $100 million be reviewed at least once every 3 years, more frequently if necessary and appropriate. I support the proposed amendment of Mr. BENNETT to similarly make this already Senate committee-reported provision a part of the House-passed bill.

If we do not get a handle on this problem, we invite the continued abuse of monetary and economic policies at the hands of Government, abuses which have led to these staggering statistics. Between 1940 and 1972:

The Federal Government's gross annual revenue rose by 2,790 percent—from $7.0 billion to $202.5 billion.

Total Federal expenditures rose by 2,140 percent—from $10.1 billion to $226.2 billion.

The total Federal public debt outstanding rose by 830 percent—from $43 billion to $398.1 billion. It has since been increased to $475.7 billion.

Federal expenditures per capita rose by 1,450 percent—from $77 to $1,195.

Federal employment zoomed to 2,865,303 civilians.

What we see here is the operation of Parkinson's law—that expenditures rise to meet income—and a more recently formulated corollary—that expenditures rise to slightly exceed present income in expectation of increased future income. Congress must rise to meet the challenge of meeting this problem headon through its recognition and understanding, through budget reform, through restraint and caution, and through the establishment of machinery.

We stand on the verge of a historical enactment—potentially significant in history because it marks a point at which the Congress decided to assume its full constitutional powers and regain the power of the purse which it was gradually surrendering. The efforts proposed to be undertaken in the bill before us—and the Bennett amendments to it—are important beginnings to this process.

During the next few years they will help begin the redirection of Government and Congress roles in relation to programs and funds to sustain them. Measured in the few moments which constitute, in history's eyes, the few years, they will be modest, but as that straight line progresses through the years, separated from what would have otherwise been an even more apparent concentration of budget power around the executive, its breadth will be more apparent and important. Budget reform is as important a concept for the redirection of Government's role with respect to the people as the New Federalism, as general revenue sharing, and like those other initiatives, it is an idea whose time has come.

Mr. SCHNEEBELI. Mr. Chairman, I support enthusiastically the budget control concept embodied in H.R. 7130. The thrust of the bill in this regard follows essentially the proposals developed earlier this year by the Joint Study Committee on Budget Control, on which I was privileged to serve.

It has been my view all along that we in the Congress face no higher priority than meaningful reform of our budgetary process. I believe the efforts of the Joint Committee put us on the high road to that goal, and today marks another milestone in our journey.

The provisions of H.R. 7130 already have been described in detail, and I will not belabor those points. I would merely point out that in summary the recommendations of the Joint Committee, encompassed in this legislation, would require the Congress to consider the budget on a comprehensive as well as a particularized basis, and would provide ample opportunities for us to fit the sum of the parts into a realistic whole. As one of the developers of the process, I do not view it as absolute perfection, but as a fundamentally sound structure on which improvements can, and undoubtedly will, be made in the light of practical experience.

There were, and still are, differences as to procedures and mechanics, but I feel very strongly that we cannot afford to let those differences deter us from our overriding pursuit of reform.

Under the Constitution, the Congress holds the power of the purse. But if we are to remain an equal partner in our federal system of checks and balances, we simply must use that power with all the care and wisdom we can muster.

I think the budget control concept of H.R. 7130 gives us a chance to move responsibly in the right direction and for that reason, I urge my colleagues to approve the bill.

Mr. REUSS. Mr. Chairman, the Budget and Impoundment Control Act of 1973 is a badly needed attempt to rationalize the congressional budget process. It is a good bill—not a perfect one, to be sure—but a sensible, thoughtful, and bipartisan solution to the increasing complexity of the budget decisions which Congress, often hastily and half-informed, now has to make.

H.R. 7130 could be improved in several respects. I intend to vote for various amendments offered by my colleagues on both sides of the aisle tomorrow. But today I will speak briefly about the amendment which Mr. ANDERSON of Illinois and I will propose: An amendment to make sure that Congress is fully informed about tax expenditures when it makes its important priority allocations.

H.R. 7130 is now lopsided in one respect: It deals with direct expenditures—outlays, new budget authority—but not with tax expenditures. Yet tax expenditures, according to the most recent Ways and Means Committee analysis, drained the Treasury in calendar 1972 of some $60 billion—a little less than one-fourth of total projected direct outlays in fiscal 1974. We cannot afford to exclude tax expenditures from our budget deliberations.

What are tax expenditures? They are special provisions in our income tax laws giving financial assistance to specific persons or activities. Tax expenditures include credits, deductions, lowered tax rates, deferred taxes, all of which result in reduced tax liability. They are a form of subsidy—a tax subsidy—which reduces the money in the Treasury just as direct subsidies do.

Some examples of tax expenditures chosen at random, are the following: Pollution control facilities amortization, $25 million; dividend exclusion, $300 million; investment tax credit, $3.8 billion; sick pay exclusion, $225 million; tax deferral for domestic international sales corporations—DISC—$100 million; exclusion of social security retirement benefits, $3.5 billion, and accelerated depreciation, $860 million.

There are many more—many desirable some undesirable. But whatever their individual merits, the provisions should certainly be included in congressional decisionmaking on the budget.

How do tax expenditures relate to direct expenditures? In practice, very tenuously. Often direct spending programs are contemplated with no thought of existing or proposed tax expenditures in the same area. The reverse happens as well. Ideally, tax expenditures and direct expenditures are two complementary fiscal tools to be used, separately or together, to produce the most economical and efficient assistance possible.

Let us take some examples. Few would deny that education costs, property taxes, and housing subsidies are pressing problems yet to be solved. Each of these problems could be tackled through either direct expenditure programs or tax expenditures.

First. Education costs: Private school tuitions are soaring beyond the reach of average income citizens. Public schools are crowded, understaffed, underfunded. A proposal to aid parents of private schoolchildren by giving them a tax credit equal to part of the tuition was widely discussed this year. The credit would have cost an estimated $300 million in fiscal 1974. Another way to achieve the same result would be to provide direct assistance to private schools, enabling them to lower their tuition.

Second. Property tax relief: The Federal Government already provides some property tax relief in the form of a Federal income tax deduction and through general revenue sharing, but property taxes continue to burden many Americans unduly—particularly older Americans. There are more than 10 bills now before Ways and Means which would provide additional tax deductions or credits to relieve property taxes. Another approach to the same problems would be to make direct payments to States and localities, enabling them to lower property taxes. General revenue sharing embodies the latter approach.

Third. Housing subsidies: What is the best way to make sure that adequate low-cost housing is available? Is it through direct subsidies like section 235 and 236 programs? Or is it through increasing the current accelerated depreciation on rental housing?

Each approach to the above problems involves expenditure—either of revenues collected or of revenues forgone. Upon examination one approach will probably prove more efficient than the other in specific cases. But certainly both approaches must be considered, and information on existing tax expenditures must be part of the factual basis on which Congress makes direct spending decisions.

We are accustomed to looking at the President's budget—with its division into functional categories—each year, noting the proposed outlays in each category, and thinking that we have some idea of what Government spending will be like in the forthcoming fiscal year. It is interesting to add tax expenditures, also divided into functional categories, to that perspective.

Natural resources and environment cost only $3.7 billion in direct outlays, but tax expenditures—including oil depletion allowance, capital gains treatment of certain ores, pollution control amortization—add another $2.3 billion to this category. Commerce and transportation absorb not only the $12.4 billion shown in outlays, but a further $17.6 billion in tax expenditures—investment credit, asset depreciation range, bad debt reserves, rail freight car amortization, and others—actually a larger sum than direct expenditures in that category. General revenue sharing—aid to State and local governments—costs $6 billion, while tax expenditures—exemption of interest on State and local debt, deductibility of State and local taxes—costs another $8.2 billion.

Looking at tax expenditures and direct expenditures together makes it far easier to see just how much the Federal Government is spending, and just what ordering of priorities we have.

Congress recognized the importance of tax expenditures in 1971, when, in the conference report accompanying the Revenue Act, the Treasury was requested to make annual reports on revenue losses attributable to special tax provisions and provide them to Congress. The Joint Committee on Internal Revenue Taxation staff prepares these figures annually for publication by the Ways and Means Committee. I include for the RECORD at the end of these remarks a copy of the most recently published tax expenditure budget.

But the tax figures appear at a time when Congress will already, under the procedure contained in H.R. 7130, have made its important budget decisions. In 1972, the tax expenditure list was published in October, in 1973, in June. If Congress is to make informed decisions, we must have these figures at the beginning of the year—in the President's annual budget—with 5-year projections, so we have some idea, however imperfect, of where we will end up—in the concurrent budget resolution when Congress tentatively charts its course for the fiscal year, and in reports accompanying any proposed new or changed tax expenditure legislation throughout the year.

The Senate budget bill, S. 1541, does provide for tax expenditure figures to be provided Congress whenever budget decisions are made. The Senate Government Operations Committee reported out this language unanimously. Our amendments—the exact text of which appears on pages 39297 to 39298 of the CONGRESSIONAL RECORD for Monday, December 3, 1973, would do the following:

First. Include review of tax expenditures and coordination of tax expenditures with direct expenditures in the duties of the budget committees and the Legislative Budget Office.

Second. Include the list of tax expenditures, by budget categories, as currently published by Ways and Means, in the current budget resolutions.

Third. Require the tax-writing committees to explain the impact of any proposed new or changed tax expenditure legislation upon existing expenditures—both tax and direct—in the same budget category, and to provide a 5-year projection of the revenue effect.

Fourth. Require the President to include the tax expenditure budget with 5-year projections in his annual Budget.

Tax expenditures logically should be included in any budget control bill. But the question is not only one of logic. If Congress should adopt a budget procedure subjecting every other form of spending—appropriations, backdoor spending, permanent appropriations—to reasonably severe scrutiny, the danger of excepting tax expenditures is obvious. The tax code will become a gateway to backdoor spending, the budget process which we have all spent so much time debating will become a farce, and we will be right back where we started.

I urge the House to vote for the amendments which Mr. ANDERSON and I will offer tomorrow.

I include the following:

TABLE 1.—ESTIMATED FEDERAL INCOME TAX EXPENDITURES,[1] CALENDAR YEARS 1967-72[2]

[In millions of dollars]

Item	1967	1968	1969	1970	1971			1972		
					Corporations	Individuals	Total	Corporations	Individuals	Total
NATIONAL DEFENSE										
Exclusion of benefits and allowances to Armed Forces personnel	500		550	500		650	650		700	[3] 700
INTERNATIONAL AFFAIRS										
Exemption for certain income earned abroad by U.S. citizens	40	45	45	40		50	50		50	50
Exclusion of income earned by individuals in U.S. possessions	10	10	10	10		10	10		10	10
Western Hemisphere trade corporations	50	55	55	50	75		75	50		50
Exclusion of gross-up on dividends of less-developed country corporations	50	55	55	55	55		55	60		60
Deferral of income of controlled foreign corporations	150	165	170	165	165		165	300	25	[3] 325
Exclusion of income earned by corporations in U.S. possessions	70	80	85	80	80		80	80		80
Deferral of income of domestic international sales corporations								100		100
AGRICULTURE										
Farming: Expensing and capital gain treatment	800	860	880	820	50	790	840	50	850	900
Timber: Capital gain treatment for certain income	130	140	140	130	125	50	175	125	50	175
NATURAL RESOURCES										
Expensing of exploration and development costs	300	330	340	325	260	65	325	580	70	[3][4] 650
Excess of percentage over cost depletion	1,300	1,430	1,470	980	785	200	985	1,400	300	[3] 1,700
Capital gain treatment of royalties on coal and iron ore	5	5	5	5	5		5	5		5
COMMERCE AND TRANSPORTATION										
Investment credit	2,300	3,000	2,630	910	1,495	305	1,800	3,050	750	3,800
Depreciation on buildings (other than rental housing) in excess of straight-line	500	550	550	500	320	160	480	330	170	500
Asset depreciation range					600	100	700	850	10	[3] 860
Dividend exclusion	225	260	290	280		300	300		300	300
Capital gains: Corporation (other than farming and timber)[5]	500	525	525	425	380		380	400		400
Capital gains: Individuals (other than farming and timber)[5]	(6)	(6)	(6)	(6)		5,600	5,600		7,000	7,000
Bad debt reserves of financial institutions in excess of actual	600	660	680	380	400		400	400		[7] 400
Exemption of credit unions	40	45	45	40	40		40	90		[3] 90
Deductibility of interest on consumer credit	1,300	1,600	1,700	1,700		1,800	1,800		1,100	[3] 1,100
Expensing of research and development expenditures	500	550	565	540	545		545	570		570
$25,000 surtax exemption	1,800	2,000	2,300	2,000	2,300		2,300	2,500		2,500
Deferral of tax on shipping companies	10	10	10	10	10		10	30		30
Rail freight car amortization				105	45		45	80		[3][8] 30
HOUSING AND COMMUNITY DEVELOPMENT										
Deductibility of interest on mortgages on owner-occupied homes	1,900	2,200	2,600	2,800		2,400	2,400		3,500	3,500
Deductibility of property taxes on owner-occupied homes	1,800	2,350	2,800	2,900		2,700	2,700		3,250	3,250
Depreciation on rental housing in excess of straight-line	250	250	275	255	300	200	500	350	250	600
Housing rehabilitation					10	15	25	15	25	40
HEALTH, LABOR, AND WELFARE										
Disability insurance benefits	(6)	100	120	130		155	155		175	175
Provisions relating to aged, blind, and disabled:										
Combined cost for additional exemption, retirement income credit, and exclusion of OASDHI for aged	2,300	2,700	2,800	2,950		3,250	3,250		3,550	3,550
Additional exemption for blind	10	10	10	10		10	10		10	10
Sick pay exclusion	85	95	105	105		120	120		225	[3] 225
Exclusion of unemployment insurance benefits	300	325	350	400		800	800		700	700
Exclusion of workmen's compensation benefits	150	180	210	210		320	320		375	375
Exclusion of public assistance benefits	50	50	50	50		65	65		65	65
Net exclusion of pension contributions and earnings:										
Plans for employees	3,000	4,000	3,150	3,075		3,650	3,650		4,000	4,000
Plans for self-employed persons	60	135	160	175		250	250		200	200
Exclusion of other employee benefits:										
Premiums on group term life insurance	400	400	440	440		500	500		550	550
Deductibility of accident and accidental death premiums	25	25	25	25		30	30		35	35
Medical insurance premiums and medical care	1,100	1,400	1,450	1,450		2,000	2,000		2,500	2,500
Privately financed supplementary unemployment benefits	25	15	15	20		5	5		5	5
Meals and lodging	150	165	170	170		170	170		170	170
Exclusion of interest on life insurance savings	900	1,000	1,050	1,050		1,100	1,100		1,200	1,200
Deductibility of charitable contributions (other than education)	2,200	3,000	3,450	3,550		3,200	3,200		3,100	3,100
Deductibility of medical expenses	1,500	1,600	1,700	1,700		1,900	1,900		1,900	1,900
Deductibility of child and dependent care expenses	25	25	25	25		30	30		180	180
Deductibility of casualty losses	70	80	80	80		165	165		150	[3] 150

Footnotes at end of table.

TABLE 1.—ESTIMATED FEDERAL INCOME TAX EXPENDITURES,[1] CALENDAR YEARS 1967-72[2]—Continued

[In millions of dollars]

Item	1967	1968	1969	1970	1971 Corporations	1971 Individuals	1971 Total	1972 Corporations	1972 Individuals	1972 Total
HEALTH, LABOR, AND WELFARE—Continued										
Excess of percentage standard deduction over minimum standard deduction	[9] 3,200	[9] 3,600	3,800	3,000		700	700		1,040	1,040
Pollution control amortization			15	15	15		15	25		25
Credit for employing public assistance recipients under WIN program								5		5
5-year amortization of child care facilities								5		5
EDUCATION										
Parental personal exemption for student age 19 or over	500	500	525	500		550	550		640	640
Deductibility of contributions to educational institutions	170	200	200	200		275	275		275	275
Exclusion of scholarships and fellowships	50	60	60	60		110	110		125	125
VETERANS' BENEFITS AND SERVICES										
Exclusion of certain veterans' benefits	550	600	600	650		700	700		480	[3] 480
GENERAL GOVERNMENT										
Political contributions									100	100
AID TO STATE AND LOCAL FINANCING										
Exemption of interest on State and local debt	1,800	2,000	2,200	2,300	1,800	800	2,000	1,900	1,000	[3] 2,900
Deductibility of nonbusiness State and local taxes (other than on owner-occupied homes)	2,800	4,150	5,100	5,600		5,600	5,600		5,300	5,300
Total	([10])	([10])	([10])	([10])	([10])	([10])	([10])	([10])	([10])	([10])

[1] Estimates are prepared on an individual basis for each item on the assumption that the item would be eliminated from the law without any other changes in the law with respect to the other items. If two or more changes in the law are made. the aggregate revenue effect will frequently not equal the sum of the revenue effects of the individual changes. Accordingly, the costs of the items are not additive.

[2] Roughly reflect fiscal years 1968 through 1973.

[3] Changes in the 1972 figures as compared to 1971 which are due wholly or in part to revised data and/or new sources of data and/or improved estimating methods.

[4] The estimate for 1972 considers this tax expenditure in isolation rather than in conjunction with percentage depletion as has been done for the years 1967-71.

[5] Assumes present restriction on capital losses is retained.

[6] Not available.

[7] This will decline over time as present law becomes fully effective.

[8] This item is being superseded by use of the investment credit.

[9] Standard deduction.

[10] As explained more fully in the text and in footnote 1, these totals are of limited significance and utility. However, as a matter of convenience the mathematical sums of the respective 10 columns are given here: $36,550,000,000; $44,140,000,000; $46,635,000,000; $43,945,000,000; $3,830,000,000; $11,850,000,000; $51,710,000,000; $13,350,000,000; $46,460,000,000; and $59,810,000,000. Much of the increase in the total figures given for 1971 and 1972 over that for 1970 is due to the fact that the 1970 figure does not include any estimate for capital gains of individuals while the 1971 and 1972 totals include $5,600,000,000 and $7,000,000,000, respectively.

Note: Changes in the figures from year to year not only reflect changes in the tax laws, in utilization of the items and in personal income and profit levels but also, in some instances, reflect revised and/or new sources of data and/or improved estimating methods.

Mr. VANIK. Mr. Chairman, I want to commend the committee for its efforts to bring Federal spending under some measure of control. In particular, I appreciate the effort of the committee to bring some control, some supervision to the chaos of backdoor spending.

Under the provisions of the committee bill, any legislation providing new spending authority would have to provide that "it would be effective only to the extent and in such amounts as are provided in appropriations." Most existing backdoor spending would be brought under appropriations process control by October 1, 1978. Section 142 defines the items brought within the examination and debate of the regular appropriations system. Thankfully, the new definitions of spending authority will now require that direct loans be covered within the regular budget process.

Unfortunately, the bill exempts from the new budget control language the following expenditures:

The budget outlays resulting therefrom consist of expenditures under a Federal insurance or guaranty program established by a law of the United States and in effect on the date of the enactment of this Act;

The budget outlays resulting therefrom are made by an organization which is (i) a mixed-ownership Government corporation (as defined in section 201 of the Government Corporation Control Act), or (ii) a wholly owned Government corporation (as defined in section 101 of such Act) which is specifically exempted by law from compliance with any or all of the provisions of that Act.

Increasingly, these agencies and these guarantee programs have been used as a route around the appropriations process and congressional oversight controls.

The growth of this form of back-door spending has been staggering—and has played a large role in the growth of inflation. For example, between 1968 and 1974, the level of direct loans is estimated to increase by a little less than $6 billion. But the level of guaranteed loans outstanding has spiraled nearly 100 percent—from $108.1 to $196.6 billion. It is obvious that a new form of spending and programing has been discovered in recent years—and, as much as I support most of these programs, many of them are being conducted without the proper degree of congressional oversight. Following is a chart which shows the growth of the "guaranteed" programs and the latest listing of the type of programs involved.

FEDERAL DIRECT AND GUARANTEED LOANS

[In billions of dollars]

Fiscal year	Amounts outstanding at end of fiscal year: Direct loans	Amounts outstanding at end of fiscal year: Guaranteed loans
1968	[1] 45.2	108.1
1969	46.9	117.7
1970	51.1	124.1
1971	53.2	140.1
1972	50.1	158.9
1973 (estimated)	50.1	179.0
1974 (estimated)	51.0	196.6

[1] For consistency with current budget treatment, excludes loans of the banks for cooperatives, the Federal intermediate credit banks, and the Federal National Mortgage Association.

Source: Special analysis E of the budget of the U.S. Government.

GOVERNMENT LOAN AND CREDIT GUARANTEES AS OF JUNE 30, 1972

[In millions

Agency and program	Amount of contingency: Total	Amount of contingency: For guarantees and insurance in force	Amount of contingency: For commitments to guarantee or insure	Less: Amount shown as undelivered orders in sec. II	Net amount of contingency	Explanatory notes
Department of Health, Education, and Welfare:						
Medical facilities construction loan guarantee and loan fund.	$81	$7	$74		$81	Guarantees in force represent medical facilities guaranteed loans of $5,000,000 and prospective interest subsidy of $2,000,000 to maturities of loans.
Student loan insurance fund	1,861	1,861			1,861	Guaranteed loans—reinsured. Estimate of expected losses is $39,000,000. Funds are requested and appropriated by Congress to cover losses recognized during year in which claims are received.

Agency and program	Total	Amount of contingency		Less: Amount shown as undelivered orders in sec. II	Net amount of contingency	Explanatory notes
		For guarantees and insurance in force	For commitments to guarantee or insure			
Department of Housing and Urban Development:						
Low rent public housing program	$10,718	$10,718			$10,718	Represents guarantees of bonds and notes issued by local housing authorities to private investors.
New communities guarantee fund	124	124			124	Guarantees of loans issued by private developers to finance land acquisitions and development costs of new communities.
Federal Housing Administration	96,752	85,017	$11,735		96,752	Insurance of loans for financing the production, purchase, repair, and improvement of residential properties. The FHA is indemnified against loss by trust agreements, performance bonds, and personal demand notes to the extent of $1,000,000.
Urban renewal fund	3,347	3,347			3,347	Guarantee of non-Federal loans.
Department of Transportation:						
Federal Aviation Administration: Aircraft loan guarantees.	1		1		1	Represents guarantees of 2 aircraft loans.
Federal Railroad Administration: Railroad loan guarantees.	208	123	85		208	Represents a guarantee of $17,000,000 on a loan made to the National Rail Passenger Corporation and guarantees of $106,000,000 on trustee certificates of railroad companies undergoing reorganization.
General Services Administration: Defense production guarantees.	5	5			5	Guarantees are given on loans made by public and private financing institutions to facilitate performance of defense production contracts.
Veterans' Administration: Loan guaranty revolving fund	23,005	21,846	1,159		23,005	Represents the guaranteed portion only of total loans of $41,079,000,000 made to veterans for purchase of homes, farms, and business property; the remainder of $19,233,000,000 is nonguaranteed; cumulative gross claims of $1,577,000,000 were paid through fiscal year 1972 out of $46,790,000,000 guarantees issued. Salvage operations (acquisition and resale of security properties) have resulted in recovery of all but $77,800,000 of the total claim payments.
Other independent agencies:						
Emergency Loan Guarantee Board: Emergency loan guarantee fund.	160	100	60		160	The board may guarantee loans made by private lenders if necessary in order to prevent adverse and severe effects on the economy, if credit is not otherwise available on reasonable terms, if there is reasonable assurance that the loan will be repaid, and the lender certifies that it will not make the loan without such guarantee.
Export-Import Bank of the United States	3,480	1,138	2,343	1,169	2,311	Represents loans sold with recourse and medium-term guarantees.
Interstate Commerce Commission	59	59			59	Loan guarantees to railroads under pt V of the Interstate Commerce Act, as amended. This guaranty program ended as to receipt of new applications, on June 30, 1963. All applications pending on that date have been processed, and the proceeds of all the guaranteed loans have been fully disbursed. The appraised value of collateral pledged is $83,200,000.
National Credit Union Administration: National credit union share insurance fund.	1	1			1	The fund has guaranteed loans of $911,000 purchased by successful credit unions from liquidating credit unions at a price to permit payoff to members at par.
Small Business Administration:						
Business loan and investment fund	2,206	1,717	489	211	1,995	Represents guaranteed portion of loans held by private lenders as follows: business loans $1,772,800,000, displaced business loans $1,100,000, economic opportunity loans $54,500,000, local development company loans $38,800,000, and investment company loans and debentures of $141,400,000. The nonguaranteed portion of loans, or participants' share is $291,400,000.
Disaster loan fund	5	4	1	1	4	The nonguaranteed portion or participants' share is $560,000.
Total	152,291	134,853	17,440	2,121	150,169	

In addition, there has been no examination by anyone in the Federal Government about the implications of our growing contingent liability. The Federal Government has made insurance commitments and guarantees of approximately $1 trillion. Of course, a considerable portion of this trillion dollar liability is never likely to become debt—but it is also likely that some will become due—perhaps 5 percent or $50 billion.

In recent years, the contingent liability in high-risk programs appears to be growing much too rapidly. For example, the Overseas Private Investment Corporation has approximately $10 billion outstanding in insurance issued to American companies to encourage them to invest in high-risk areas abroad. There is already about $10 billion in insurance outstanding under the Price-Anderson nuclear reactor program. This level of insurance is likely to rise by $90 billion by the end of the decade. Yet a court has just ruled that nuclear powerplants should not be built in highly populated areas. Is there a higher risk in this insurance program than we have imagined? If not, why have not the private insurance companies taken over this program?

It would be my hope, Mr. Chairman, that in the future we would be able to develop a system to examine these programs, to review the level of support and subsidy which we are providing, and to determine whether or not these programs justify our level of support. Perhaps we may want to set a ceiling on insurance or regulate the level of insurance expansion. Perhaps we may want to determine more adequately the inflationary impact of loan guarantee programs.

Because of the size of the contingent liability, I would like to enter in the RECORD at this point a general description of the type of programs involved:

INSURANCE COMMITMENTS AS OF JUNE 30, 1972

[In millions]

Agency and program	Amount of insurance in force	Amount of commitments to insure	Less: Amount shown as undelivered orders in sec. II	Net amount of contingency	Explanatory notes
Funds appropriated to the President: Overseas Private Investment Corporation.	$3,904	$3,443		$7,353	This corporation insures U.S. investors against political risks of expropriation inconvertibility of local currency holdings and damage from war, revolution or insurrection.
Department of Agriculture: Federal Crop Insurance Corporation.	791			791	Represents the gross or maximum amount of 1972 crop insurance coverage provided. For fiscal year 1973 it is estimated that premiums of $12,000,000 will exceed in indemnities of $13,000,000 by $1,000,000.

INSURANCE COMMITMENTS AS OF JUNE 30, 1972—Continued

[In millions]

Agency and program	Amount of insurance in force	Amount of commitments to insure	Less: Amount shown as undelivered orders in sec. II	Net amount of contingency	Explanatory notes
Department of Commerce: War risk insurance revolving fund:					
Builders risk insurance	$10			$10	Conditional liabilities for prelaunching war risk builders' risk insurance on 3 vessels.
Insurance under binder contracts	17,000			17,000	Represents the estimated insurance exposure under binder contracts. 1,103 contracts for hulls, 1,041 for protection and indemnity, and 811 for insurance on crew life and personal effects; and post-launching war risk builders' risk insurance policies; all of which become effective in the event of the outbreak of war.
Department of Health, Education, and Welfare: Student loan insurance fund.	1,362	$216		1,578	Represents Federal insurance program. Loss on insurance in force is estimated to be $54,200,000. Deferred income of $6,000,000 will offset a portion of the loss. The balance of the loss will be requested, appropriated by Congress, and recognized in the year in which claims are received.
Department of Housing and Urban Development: Federal Insurance Administration:					
Crime insurance	15			15	This insurance program enables businessmen and residents of homes and apartments to get crime insurance in States where crime insurance is difficult to get or excessively costly. Citizens of States designated to need the Federal program may purchase the Federal policies through any licensed insurance agent or broker.
Flood insurance	1,500			1,500	This insurance program enables persons to purchase insurance against losses resulting from physical damage to or loss of real or personal property arising from floods or mudslides. After communities are designated eligible. Federal insurance policies may be purchased from any licensed insurance agent or broker.
Riot insurance	125,000			125,000	This reinsurance program helps property owners in urban areas get insurance protection on property in areas subject to riots or civil disorders Federal reinsurance is available for companies participating in Fair Access Insurance Requirements (FAIR) Plans under supervision of the State insurance authority. These companies agree to provide coverage on insurable property. Owners who cannot get insurance in the private market are referred to the FAIR Plan headquarters, the property is inspected, the rate determined, and the policy is issued if requirements are met.
Department of Transportation: Aviation war risk insurance revolving fund.	76,365	4,279		80,644	Insurance in force of $74,161,000 is covered by an indemnity agreement with the Department of Defense. Hull insurance in force of $2,204,000 is covered by FAA. Commitments to insure are binder agreements to provide insurance in a state of emergency.
Atomic Energy Commission	100,000			100,000	Atomic Energy Commission has about 200 indemnity agreements in effect. Maximum liability coverage provided by an agreement is $500,000,000 for a nuclear incident.
Veterans' Administration:					
From appropriations	28			28	
U.S. Government life insurance fund	751			751	This fund holds $717,000,000 of public debt securities.
National service life insurance fund	28,040			28,040	This fund holds $6,155,000 of public debt securities, and $131,000,000 of participation certificates.
Service-disabled life insurance fund	1,162			1,162	
Veterans special life insurance fund	5,340			5,340	This fund holds $321,000,000 of public debt securities.
Veterans reopened insurance fund	1,326			1,326	This fund holds $220,000,000 of public debt securities.
Export-Import Bank of the United States	878	1,600	$667	1,811	Represents short and medium term insurance and war risk consignment insurance.
Federal Deposit Insurance Corp	385,810			385,810	Represents estimated insurance coverage of total deposits in insured banks as of June 30, 1972. This corporation holds $5,099,000 of public debt securities.
Federal Home Loan Bank Board: Federal Savings and Loan Insurance Corp.	180,615			180,615	Represents estimated potential insurance liability of the corporation. This corporation holds $2,648,000,000 of public debt securities, and $144,000,000 of participation certificates.
National Credit Union Administration: National credit union share insurance fund.	15,000			15,000	Represents estimated insurance liability of insured credit unions. The fund holds $16,000,000 of public debt securities.
Small Business Administration: Lease and surety bond guarantee revolving fund.	224	194		418	The nonguaranteed portion is $18,000,000. Includes indemnity agreements of $79,000,000.
Total	945,121	9,738	667	954,192	

Note: Data on indemnity agreements issued by Department of Defense not available.

Finally, Mr. Chairman, I am concerned about the removal through legislation of programs and agencies from the Federal budget. For example, in 1971, the Export-Import Bank was legislated out of the debt ceiling. Yet it obviously is an arm of the Federal Government and obviously has an effect on the economy. At the present, it has some $20 billion in loan and guarantee authority. It is asking for an increase in authority of $10 billion. Any agency entering the money markets with these authorities obviously has an impact on the entire economic structure.

Nevertheless, this Bank was removed from the debt ceiling. This action was—and still is—opposed by the Comptroller General, Elmer Staats, who said in hearings on the Bank in 1971:

In our view, excluding the Export-Import Bank's disbursements and receipts from the budget totals would establish a highly undesirable precedent since the exclusion could with equal logic and justification be applied to other loan programs—In my opinion it is impossible to differentiate between this program and other loan programs in the budget. It would open the door to excluding other programs, a weakening of the budgetary process, and reduce the ability of Congress to establish budgetary priorities.

The Congress has always thought that it had some measure of budget control through the public debt ceiling legislation. But that authority has been weakened by the exclusion of groups like the Bank from the debt ceiling. For example, this morning's newspapers described how the Government planned to proceed beyond the expiration of the debt ceiling through the use of Export-Import Bank manipulations:

TREASURY RESCHEDULES WEEKLY AUCTION TODAY

(By James L. Rowe, Jr.)

Minutes after the Senate approved an increase in the federal debt ceiling to $475.7 billion yesterday, the U.S. Treasury went back into the borrowing business and cancelled a back-door fund-raising scheme involving the Export-Import Bank.

The U.S. government lost its authority to borrow more money at 12:01 a.m. Saturday when the temporary ceiling of $465 billion on the federal debt expired and the permanent, $400 billion ceiling became the law. The federal debt was $462 billion at the time, so the government was technically "overborrowed" by $62 billion.

If Congress had failed to approve a new debt ceiling, the Treasury estimated it would have run out of money to pay its bills on Thursday, when $4.3 billion of Treasury bills fell due for payment.

However, the Treasury quickly rescheduled its weekly Monday auction for Tuesday this week. At today's auction, it will raise $4.3 billion which it will use to refund the bills maturing Thursday.

The Treasury also told 30,000 banks and payroll savings plans that they again could begin issuing U.S. Savings Bonds starting today.

At the same time, a $1.8 billion auction of three-month bills from the Export-Import Bank was cancelled last night. That auction, scheduled for today, would have partially filled the void left by the cancellation of the regular $4.3 billion Treasury auction.

The Ex-Im Bank woud have used the

proceeds of the auction to pay off a like amount of loans from the Treasury, injecting some cash into the Treasury's coffers. The Ex-Im Bank, along with a number of other similar agencies, is not subject to the federal debt ceiling. The proceeds of its borrowings are used to finance exports from the U.S.

Yesterday's order requiring commercial banks to deposit in Treasury accounts at the 12 Federal Reserve district banks all of the $2.7 billion those commercial banks were holding for the Treasury as of Nov. 30 remains in force.

By excluding groups like the Bank from normal legislative/appropriations processes, we weaken the ability of the Congress to control expenditures and direct the Nation's economy.

In many ways this budget control bill before the House today is only the beginning of the effort to regain legislative control over the National Government's sprawling financial operations.

Mr. BROYHILL of North Carolina. Mr. Chairman, today we are debating H.R. 7130, the Budget Control and Impoundment Act of 1973. As one of the two House Members of the Joint Study Committee on Budget Control who represented a legislative committee rather than an appropriations or revenue committee, I think my perspective will be of some help to my colleagues in our deliberations on this legislation.

In my more than 10 years in Congress, I have been increasingly dismayed by the appropriations and budgetary process in Congress. As I am sure you are aware, this sense of dismay is shared by a great majority of our colleagues. The source of our concern lies, quite simply, in the procedural mechanics of the appropriations process. These mechanics do make it possible to reach legislatively wise and prudent decisions on individual programs before Congress. But these same mechanics make it exceedingly difficult to frame our decisions in terms of the larger and equally important context of the budget—and the direction of the Federal Government—as a whole.

Congress through the public debt ceiling limitation legislation of 1972 mandated the joint study committee to a thorough study of the budget process and to recommend legislation that would improve the appropriations process and improve congressional control over the budget. For the first few months of this year, the study committee diligently pursued these goals through hearings and formal and informal discussions. As a result of this work, the study committee, under the leadership of JAMIE WHITTEN and AL ULLMAN, introduced H.R. 7130. The Rules Committee has since spent many hours in individual work and in meeting with the members of the joint committee revising this legislation. In my opinion, this legislation not only fulfills the mandate given to us by our colleagues last October but, if passed, will represent one of the most significant pieces of legislation accomplished by this or any other Congress.

I do not make this statement lightly. One need only look at the facts to reach that conclusion.

The Federal budget—projected at $267 billion for fiscal year 1974—now represents over 25 percent of the total income of this Nation. The economic impact of the Federal budget, taken as a whole, probably has more impact on the life of the individual citizen and taxpayer than any program which we consider on the floor of Congress. Yet we make no effort to review the total budget and its implications for the American economy and the direction of general Government policy.

Since 1931, the Federal Government's budget has been in a deficit position in 37 years—over 85 percent of the time. In recent years, the deficit totals have become increasingly high. In the last 3 years, the Federal deficit has been increasing at the astronomical rate of $2 billion a month. Very simply, America is fast approaching, if it has not already reached, a budget gone out of control.

Finally, the Federal budget, in terms of programs and interests funded, has become increasingly complex. We live in an era which has pointed out many areas of need and legislative responsibility in this country. Within the last decade, poverty, the environment, energy, have all become significant focuses of national concern. In response, the Federal Government under Congress's direction has developed programs which were intended to meet those concerns. Without getting into a discussion of the pros and cons of the individual programs, it is worthwhile to note that the complexity of today's budget is a mirror of the many national priorities that America confronts and intends to solve. Yet there is no institutional arrangement in the budget process of the U.S. Congress which would facilitate the hard spending decision which we must make every day between competing priorities and programs. This lack of an institutional procedure for crucial priority decisions lends itself to a situation where the budget determines Congress direction rather than the natural and Constitutional order of Congress setting the direction of our national policy through a well thought out and comprehensive budget. In addition, the present arrangement promotes the partial funding of many programs rather than the selective and full funding of the most critical and beneficial programs. The end result of this is, quite frankly, a wasted taxpayer's dollar.

I am convinced that the Budget Control Act of 1973 is a positive and constructive alternative to the present situation. The other methods historically used by Congress to create a semblance of budget control are essentially negative or cosmetic options. As an example, the use of the expenditure ceiling, as pointed out in the Senate committee report on the 1972 public debt legislation, is clearly an unsatisfactory answer to budget control. While it does bind the executive branch to a specified expenditure limitation, it does not similarly bind Congress to appropriate funds consistent with that limitation. Quite simply, if Congress is to exercise its proper power in the fiscal affairs of this country, it must be prepared to assume the responsibilities incumbent with that power.

In its barest terms, H.R. 7130 sharpens the decisionmaking abilities of Congress. Time and time again, witnesses before the joint study committee advanced one major thesis: these men, Members of Congress, past Members of Congress, Cabinet members, and noted academicians, all strongly noted that the major problem facing Congress in the budget process was a procedural problem. The present system operates in a half-real, half-fantasy world. Members are asked to vote for or against legislation on a piecemeal basis that fails to relate these programs and their funding levels to the interwoven questions of budget totals, taxes, and the economy at large. As a result, one week HEW appropriations is the most critical spending bill of the year, next week it is the Department of Defense and the next month, it is HUD appropriations that is the center of attention. By bringing together the budget and its complementary questions of tax revenue levels and the state of the economy, each Congressman will be in a better position to make the fiscal and legislative decisions that will serve the interest of this Nation and our individual constituencies.

I think that the Members of the House are all very aware of the provisions of H.R. 7130. However, I would caution the House against any attempts to weaken this legislation. If this legislation is to effectively fulfill its purpose, the budget ceilings must have strong procedural safeguards against the temptations of imprudent spending. The membership of this body expects a strong budget control bill and will not be satisfied with less.

Changing the appropriations rules of Congress is not a glamorous and exciting task. But if I read the people of the 10th District of North Carolina and all across this country correctly, they are looking to Congress for a better record in fiscal responsibility than they have been given in the past. I think that those Members of Congress who stand for fiscal responsibility, and this is a majority of them, agree with the conclusions of their constituencies and support the Budget Control Act as a key reform that will enable Congress to move forward with the task of better, more prudent government.

Mr. CLEVELAND. Mr. Chairman, as an advocate of structural reforms in Congress throughout my 11 years of service in this body, I rise in support of H.R. 7130. This landmark legislation will improve our ability to perform the responsibilities entrusted to us and to reverse the flow of power from Congress to the executive branch. Having observed many of my colleagues cordially contributing to the abdication of congressional prerogatives under previous administrations, I welcome their conversion to the cause of reasserting our constitutional powers.

I find it difficult to exaggerate the importance of this legislation. It has failed to engage the passionate interest of the press or the public, receiving much the same treatment as once was accorded the arcane subject of campaign reforms. This may be because it is regarded as mechanistic, procedural, with all the breathless urgency of a changeover in bookkeeping methods. But it also may be that by its track record, the Congress has done little to encourage hopes for reforms that truly redress power imbalances in our Federal structure. Whatever the reason for the comparative lack of attention, change of major magnitude is at stake here. This legislation represents an opportunity to work fundamental changes in the workings of our National Government and restore Congress as a coequal branch as envisioned by the framers of the Constitution.

By equipping ourselves better to do our jobs, we in Congress will reduce the concentration of power in the executive, concentration of arbitrary power in the faceless bureaucracy which constitutes an open invitation to the abuses we deplore in Watergate. Having singled out the bad apples, we have an opportunity to go after some of the root causes.

LONG ADVOCACY OF REFORM

This is not a new concern on my part, as I have indicated. As far back as 1966, as chairman of the House Republican Task Force on Congressional Reform and Minority Staffing, I deplored the drift of power from representatives in the Congress to the executive departments downtown. More to the point, the section of our task force report, "We Propose: A Modern Congress," devoted to budgetary reform contained a number of recommendations to deal with problems addressed in this bill. They covered the need for improved budget information for Members, rescheduling of the budget process, reduction of the fixed commitments represented by backdoor spending, and the handling of programs on a functional rather than line-item basis.

These and other problems are addressed in this bill, which is intended to give us a comprehensive and coordinated grasp of spending programs, not only in relation to each other but also as they in combination relate to Federal revenues, the national debt, and a given budget's surplus or deficit. It provides a mechanism for setting priorities, which by definition means that some things come first and other do not. Furthermore, I am delighted that the bill combines in one measure the matters of restrictions against impoundments with internal budget discipline on the part of the Congress.

PRESENT SYSTEM, AN INVITATION TO VETOES

We must end the cycle of pie-in-the-sky authorizations too often based on the process of pulling figures out of the air, which dumps on the appropriations subcommittees the choice between ill-considered spending or confronting the public with the spectacle of Congress reneging on its commitments.

Furthermore, I, for one, am tired of being placed in the position of voting for measures on their individual merits, only to be confronted later with the need to vote in the name of fiscal responsibility and curbing inflation to sustain vetoes of those same measures. In connection with those votes, I have frequently stated that the President has, by his vetoes, in effect been doing our job for us because of our own lack of restraint and because we authorize and appropriate in a piecemeal manner.

Hopefully, by seizing the power back from the executive branch, we are seizing the responsibility as well. I see a very clear parallel here between this area of reform and war powers legislation which seeks to fix on the Congress responsibility for both action and inaction by our military establishment in response to threats to our security. Under this budget reform legislation, the buck stops here more ways than one.

DISCIPLINE NEEDED

This bill increases our powers over the budget by giving us the same comprehensive view, as enjoyed by the administration, and an institutionalized mechanism to exercise this oversight function, over the entire budget in the process of fixing national priorities and policies. The provision of a budget committee in each House to set tentative and final budget targets, and hence a procedure to balance the outcome of the authorization and appropriation process against those levels, is an important mechanism for instilling internal discipline.

As a cosponsor of H.R. 9397, a similar reform measure, I was particularly pleased to see the composition of the budget committee broadened, as we proposed in that measure, to make the committee more representative of the House as a whole.

The prohibition against selection of Budget Committee members on the basis of seniority, the limitation on members' service on it to 4 years out of any 10, and vesting of the powers of ratifying selections to the committee in the Democratic Caucus and the Republican Conference also should make for a more responsive committee.

The requirement that authorization and appropriation measures be evaluated in terms of over-all target figures by functional category is constructive. Of course, they are permissive, and I should have preferred to see a rule of consistency applied in the final adoption process. Yet this procedure represents such a large improvement over the current system that I find it acceptable.

BACKDOOR SPENDING CURB

Another virtue of the bill is its control over backdoor spending, dealing with the vast amounts expended outside the normal two-step authorization-appropriation procedure. In this connection, I also welcome the anti-impoundment provision's breadth in extending to all substantial deferrals of spending of available funds by the Executive. Earlier this year, I was shocked to find that after pulling and hauling and extensive compromise that went into the Water Pollution Control Act Amendments of 1972, which provided by the Environmental Protection Agency contract authority for waste water treatment, the funds for New England were being choked off under a so-called fiscal management device called obligational goals. A hearing convened by my friend Jim Wright, chairman of the Public Works Investigations Subcommittee, enabled us to get the funds released. But I submit that these procedures, however successful, should not be necessary once the Congress has expressed its will in legislation.

When amendments are put forth, I wish to associate myself with the efforts of Charlie Bennett, Jack Kemp, Del Clawson, and Ken Robinson to provide for pilot testing of major expenditure programs in excess of $100 million before they can be implemented nationwide. I also shall support their amendment providing for a 3-year limitation on authorizations and periodic congressional review of major expenditure programs in excess of that amount.

I also support the effort of John Anderson and Henry Reuss to build into the bill requirements that adequate information on the tax expenditure side be cranked into the decisionmaking process of budgeting.

Also meriting support is a proposal by Mr. Anderson that a resolution to terminate an impoundment action be passed by both the House and Senate. Finally, I will offer tomorrow my own amendment, to provide that one-third of the staff of the new Committee on the Budget be made available to the minority on that committee.

Mr. ICHORD. Mr. Chairman, I rise in support of H.R. 7130. I hope that my dean of the delegation, the gentleman from Missouri (Mr. Bolling), does work out something with the gentleman from Wisconsin and the gentleman from Illinois (Mr. Anderson) taking into consideration tax expenditures as well as direct expenditures.

I do commend the gentleman from Mississippi (Mr. Whitten) and the gentleman from Oregon (Mr. Ullman) for the leadership that they have exercised in bringing this bill to the floor. I think the fact that the Joint Committee, with such diverse and philosophical views, could agree on a single piece of legislation speaks very forcefully for the need for the legislation, and the gentleman from Missouri has, indeed, done a yeoman's job in readying this bill for the disposition of the House.

I was not here for the entire debate. I would ask the gentleman from Missouri if he worked out anything in regard to tax expenditures, because I think tax expenditures are just as important as direct expenditures.

Mr. BOLLING. There is a provision in the bill—I will locate it—which directs the administration, when they provide the country with a budget, to list such expenditures. This anticipates the debate tomorrow in relation to the amendment that will be offered in suggesting that it be included in the process that the Budget Committee undertakes. That language that directs the administration appears at the bottom of page 65 and says:

> The Budget transmitted pursuant to subsection (a) for each fiscal year shall set forth the amounts of revenue losses attributable to provisions of the Federal tax laws which allow an exclusion or deduction from gross income or which provide a preferential rate of tax or a deferral of tax liability (commonly referred to as "tax expenditures").

This requires a listing in the budget. The dilemma we are dealing with in terms of the amendment that apparently will be proposed is that we are dealing with a very imprecise definition. It is a new term, and to lock it into an experimental bill might please me except for the fact that I am unable to be sure what the effect of locking it in would be.

So we went about as far as what seemed to us reasonable in terms of putting together a bill that was a compromise bill by saying in effect that it had to be listed in some fashion in the budget.

In addition to that, it has been the

custom of the Committee on Ways and Means to do the same thing. But the definition of tax expenditures is so imprecise that I would be very fearful of accepting it as an amendment, as I understand it will be proposed tomorrow.

Mr. ICHORD. I thank the gentleman for his explanation.

Mr. Chairman, I rise today in support of H.R. 7130, the Budget and Impoundment Control Act of 1973. As my colleagues know, I have voted since April 17 to sustain every Presidential veto which involved Federal expenditures. I have voted in this manner, not because of my opposition to the proposed spending, but because of a commitment I made to the people of the Eighth Congressional District of Missouri on April 17 to not override any Presidential veto of a spending bill until Congress acted to set spending limitations and establish congressionally determined national spending priorities.

I made this commitment and voted to sustain Presidential spending vetoes because I have no doubt that irresponsible deficit spending is the principal cause of inflation and our serious monetary problems. I strongly believe that the paramount concern of this Congress should be to take the steps toward putting our fiscal house in order by adopting effective budgetary and appropriation procedures.

I am firmly convinced that such procedures are contained in the Ullman-Whitten proposal before us today, and I strongly urge this body to act favorably on this important piece of legislation.

Let me remind my colleagues that history is strewn with the remains of civilizations which failed to manage their fiscal affairs responsibly. Many democracies of the past have perished because of the failure of their elected representatives to resist spending pressures, and at the risk of being called a doomsayer, let me say that unless we change our ways we are certain to meet the same fate.

Our appropriations and budgetary procedures which we used quite well in the past are not only unworkable today, but clearly counterproductive. Such procedures worked satisfactorily in the days before the Federal Government undertook to solve so many of the problems of the people. But today, in an era where Federal, State, and local governmental responsibilities are no longer maintained, these procedures of the past are unworkable. Indeed, we have survived this long only because we emerged from World War II with a high tax structure that was instituted to finance the war.

With the end of the war, we had an abundance of tax revenues to play around with, and we used that money to finance a multitude of meritorious projects and to meet the financial burdens of the new responsibilities that we assumed. But we have long since scratched the bottom of the barrel. During and after World War II, we spent all of our revenues and $213 billion more. The sum of $481 billion is now our national debt—almost one-fourth of which has been accumulated in the last 5 years. We now pay in excess of $26 billion in interest alone on the national debt, and it has been estimated that the interest will rise to $31 billion a year because of the recent astronomical increase in interest rates.

It was not very many years ago that the sum of $31 billion was less than the entire budgeted Federal expenditures. In my mind, this is nothing but fiscal insanity, and we have dearly paid the price of such insanity with two devaluations of the dollar and runaway inflation. Our appropriation and budgetary procedures are so inadequate that every Member is left to write his own record of fiscal responsibility. I imagine that most of the Members of this body have compiled a voting record of balancing expenditures with revenues, but the final result is more and more deficits. Every Member can balance his own budget by voting for defense and against foreign aid and social services or vice-versa thus having a record of balancing expenditures with revenues. While the intent of such individual balancing is commendable, it hardly works to produce a composite balanced budget. Indeed, it is little wonder that we often hear the half-jestful statement that a fiscal conservative is one who votes against spending in someone else's district.

Let no one construe my remarks as praise for the fiscal policies of the Nixon administration. Exactly the opposite is intended. The two Nixon administrations have been the wildest spending administrations in history. The hands of the President are as dirty as ours. The facts are these: The President has proposed deficit budgets which the Congress adopted with some changes. It cut approximately $3 billion in certain areas, but then it turned around and added some $30 billion in other areas. The Congress continued to adopt new programs, and the President continued to submit deficit budgets each year just as he did this year. Both branches of Government have thus been irresponsible. Adding approximately $100 billion, any way you compute it, to the national debt in the last 5 years can be described in no other way and in no other terms than irresponsible. If my computations are correct, this administration created a larger deficit in the first 4 years in office than the combined deficits after World War II of the Truman, Eisenhower, Kennedy, and Johnson administrations.

Mr. Chairman, in my opinion there has been an excess of posturing, politicking, and demagoging on both sides of the issue of Federal spending, and as is often the case, the truth no doubt lies somewhere between the two extremes. The fact remains however that there is a desperate need to balance the budget. There is additionally the need for Congress to set spending limitations and establish spending priorities. Deficit spending, as the major cause of inflation and other financial problems, just cannot be allowed to continue.

My fervent hope, Mr. Chairman, is that we will do our job today by giving this measure an overwhelmingly favorable vote. To put our fiscal house in order, all of us will have to make some sacrifice. Defict spending cannot be continued at the same levels as in the past. We must either vote against programs we would like to vote for or close the gap between the expenditures of our Government and its revenues by an increase in taxes. Mr. Chairman, there are no alternatives if we are to act responsibly, and I, therefore, ask my colleagues to join me in support of the important and much needed proposal before us today.

Mr. DE LA GARZA. Mr. Chairman, I support H.R. 7130, the Budget and Impoundment Control Act of 1973. Its principles are sound and in accord with constitutional provisions placing Congress in charge of the Federal Government's purse strings.

It is, in my opinion, important and necessary for the erosion of legislative power over the budgetary process to be halted. It is right that Congress should set target spending and appropriations ceilings for the varied Federal programs. It is right that Congress, after the President has submitted his budget, should establish spending priorities.

As we work toward these ends, we must at the same time take cognizance of the hard fact that Federal spending has gone out of control.

The public debt continues to rise. The Federal Government must now pay more than twice as much in interest on the debt as it paid as recently as fiscal 1965. This alarming circumstance must not be obscured by debate over impoundment of appropriated funds by the executive branch.

Our Government is living beyond its means. It is essential that control of Federal spending be reestablished on a permanent basis.

On the first day of this session of Congress I introduced a joint resolution designed to do precisely that. My resolution proposes an amendment to the Constitution providing that appropriations shall not exceed revenues in any year, except in time of national emergency.

Under provisions of the proposed amendment, the President each year would determine and proclaim the estimated total revenue of the Federal Government. Congress would be barred from authorizing the withdrawal of Treasury funds in excess of the total amount of revenues.

Submission of this amendment would give the people's representatives in the legislature of the several States an opportunity to decide whether they want realistic control exercised over Federal spending. The proposal is simply to put the Federal Government on a pay-as-you-go basis, bringing an end to the heavy deficits that, if continued, can lead only to a ruinous situation in the United States.

Mr. Chairman, I believe that reform of the budgetary process is necessary. I believe no less strongly that overall spending by the Federal Government must be held in line with revenues accruing to the Government. That is not a complicated proposition. This bill is a good first step, but it still has not clearly and simply done what my proposal would do—just spend what you take in and no more.

Mr. BOLLING. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. All time has expired. Pursuant to the rule, the Clerk will now read by titles the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short title; table of contents.

(a) SHORT TITLE.—This Act may be cited as the "Budget and Impoundment Control Act of 1973".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Rulemaking power of the House and Senate.

TITLE I—CONGRESSIONAL BUDGET CONTROL

PART 1—ESTABLISHMENT OF HOUSE AND SENATE BUDGET COMMITTEES

Sec. 111. Budget Committee of the House of Representatives.

PART 2—CONGRESSIONAL BUDGET

Sec. 121. Adoption of tentative congressional budget.
Sec. 122. Final determination of congressional budget.
Sec. 123. Congress must adopt and implement final concurrent resolution on the budget before adjourning.
Sec. 124. Consideration of concurrent budget resolutions to be expedited.
Sec. 125. Legislation dealing with congressional budget must be in form of concurrent budget resolution.
Sec. 126. Concurrent resolution on budget must be adopted before appropriations, and changes in revenues and public debt limit, are made.
Sec. 127. Conformance of bills with budget resolution.
Sec. 128. Projections and summaries of congressional budget actions.

PART 3—TIMETABLE AND PROCEDURE WITH RESPECT TO APPROPRIATION BILLS AND BUDGET RECONCILIATION BILL

Sec. 131. Committee action on all appropriation bills to be completed before first appropriation bill is reported.
Sec. 132. Action on all appropriation bills to be completed by August 1; bills to be held pending conformance.
Sec. 133. Budget reconciliation bill to be reported in certain cases.
Sec. 134. Budget reconciliation bill to include tax measure in certain cases.

PART 4—IMPROVEMENTS IN FISCAL PROCEDURES

Sec. 141. Limitations on new budget authority.
Sec. 142. Limitations on spending authority.
Sec. 143. Requirement of authorizing legislation before April 1.
Sec. 144. Jurisdiction to report legislation rescinding budget authority.
Sec. 145. Changes in functional categories.
Sec. 146. Amendments to Budget and Accounting Act.

PART 5—CHANGE IN FISCAL YEAR

Sec. 151. Fiscal year to commence October 1.
Sec. 152. Transition.

PART 6—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 161. Amendments to House Rules.
Sec. 162. Amendments to Legislative Reorganization Act of 1946.
Sec. 163. Amendments to Legislative Reorganization Act of 1970.

PART 7—LEGISLATIVE BUDGET OFFICE; DIRECTOR AND STAFF

Sec. 171. Legislative Budget Director; staff.
Sec. 172. Power to obtain data.
Sec. 173. Projections of budget outlays.

PART 8—EFFECTIVE DATE

Sec. 181. Effective date for budget procedures.

TITLE II—IMPOUNDMENT CONTROL

Sec. 201. Transmission of special messages by President.
Sec. 202. Disapproval of impoundments by House or Senate.
Sec. 203. Definition of impoundment.
Sec. 204. Congressional procedures.
Sec. 205. Reports of impoundments by Comptroller General.
Sec. 206. Suits by Comptroller General to enforce controls.
Sec. 207. Repeal of existing impoundment reporting provision.
Sec. 208. Disclaimer.

Sec. 2. Definitions.

For purposes of this Act (and the amendments made by this Act)—

(1) the term "budget outlays" means, with respect to any fiscal year or period, expenditures and net lending of funds under budget authority during each year or period;

(2) the term "budget authority" means authority provided by law to enter into obligations which will result in immediate or future outlays involving Government funds;

(3) the term "concurrent resolution on the budget" means—

(A) a concurrent resolution setting forth the tentative congressional budget for the United States Government for a fiscal year, as provided in section 121,

(B) a concurrent resolution reaffirming or revising the tentative congressional budget for the United States Government for a fiscal year, as provided in section 122, and

(C) any other concurrent resolution reaffirming or revising the congressional budget for the United States Government for a fiscal year.

Sec. 3. Rulemaking power of the House and Senate.

The provisions of parts 1 through 4 and 6 of title I, and the provisions of section 204, are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

TITLE I—CONGRESSIONAL BUDGET CONTROL

PART 1—ESTABLISHMENT OF HOUSE AND SENATE BUDGET COMMITTEES

Sec. 111. Budget Committee of the House of Representatives.

(e) Clause 1 of Rule X of the Rules of the House of Representatives is amended by redesignating paragraphs (e) through (u), inclusive, as paragraphs (f) through (v), respectively, and by inserting after paragraph (d) the following new paragraph:

"(e) Committee on the Budget, to consist of twenty-three Members as follows:

"(1) five Members who are members of the Committee on Appropriations;

"(2) five Members who are members of the Committee on Ways and Means;

"(3) eleven Members who are members of other standing committees;

"(4) one Member from the leadership of the majority party; and

"(5) one Member from the leadership of the minority party.

No member shall serve as a member of the Committee on the Budget during more than two Congresses in any period of five successive Congresses beginning after 1973 (disregarding for this purpose any service performed as a member of such committee for less than a full session in any Congress). All selections of Members to serve on the committee shall be made without regard to seniority."

(b) Rule X of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"6. For carrying out the purposes set forth in clause 5 of Rule XI, the Committee on the Budget or any subcommittee thereof is authorized to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books or papers or documents or vouchers by subpena or otherwise, and to take such testimony and records, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or of any member of the committee designated by him, and may be served by any person designated by such chairman or member. The chairman of the committee, or any member thereof, may administer oaths to witnesses."

(c) Rule XI of the Rules of the House of Representatives is amended by redesignating clauses 5 through 33 as clauses 6 through 34, respectively, and by inserting after clause 4 the following new clause:

5. Committee on the budget

"(a) The establishment of an appropriate level of total budget outlays, and an appropriate level of total new budget authority, of the United States Government.

"(b) The determination of appropriate overall level of Federal revenues, and the appropriate overall level of the public debt of the United States, to be associated with the budget outlay level referred to in paragraph (a).

"(c) The determination of the appropriate level of surplus or deficit in the budget in the light of economic conditions and such other factors as may be relevant to that determination.

"(d) The committee shall have the duty—

"(1) to report during each regular session of Congress at least two concurrent resolutions dealing with the matters specified in paragraphs (a), (b), and (c), and

"(2) to make continuing studies of the effect on budget outlays of existing and proposed legislation and to report the results of such studies to the House on a recurring basis."

PART 2—CONGRESSIONAL BUDGET

Sec. 121. Adoption of tentative congressional budget.

(a) ACTION TO BE COMPLETED BY MAY 1.—On or before May 1 of each calendar year, the Congress shall complete action on a concurrent resolution setting forth the tentative congressional budget for the United States Government for the fiscal year beginning in that calendar year.

(b) MATTERS REQUIRED TO BE SET FORTH IN CONCURRENT RESOLUTION.—The concurrent resolution referred to in subsection (a) shall set forth, for the fiscal year concerned—

(1) the appropriate level of total budget outlays and the appropriate level of total new budget authority,

(2) the appropriate level of budget outlays and new budget authority allocated by functional categories (as set out in the United States Budget),

(3) the appropriate overall level of Federal revenues, and the appropriate overall level of the public debt of the United States, to be associated with the level of budget outlays for the fiscal year.

(4) the amount of the surplus or the amount of the deficit in the budget which is appropriate in the light of economic conditions and such other factors as may be relevant, and

(5) such other matters relating to the budget as may be appropriate to carry out the purposes of this Act.

(c) VIEWS AND RECOMMENDATIONS OF OTHER COMMITTEES.—Before March 1 of each year, the Committees on Appropriations and Ways and Means of the House of Representatives shall submit their views and recommendations to the Committee on the Budget of the House, the Committees on Appropriations and Finance of the Senate shall submit their views and recommendations to the Committee on the Budget of the Senate, and the Joint Economic Committee and the Joint Committee on Internal Revenue Taxation shall submit their views and recommendations to the Committees on the Budget of the House and Senate, with respect to all matters set forth in subsection (b) which relate to matters within the respective jurisdictions or functions of such committees and joint committees. Any other committee of the House of Representatives or the Senate may submit to the Committee on the Budget of its House, and any other joint committee of the Congress may submit to the Committees on the Budget of the House and Senate, its views and estimates with respect to all matters set forth in subsection (b) which relate to matters within its jurisdiction or function.

(d) HEARINGS.—

(1) In developing the concurrent resolution referred to in subsection (a) (or the concurrent resolution referred to in section 122(a)), the Committee on the Budget of the House or the House or the Committee on the Budget of the Senate shall hold hearings for the purpose of considering matters required to be set forth in such resolution.

(2) In holding hearings pursuant to paragraph (1), the committee shall receive testimony from the Secretary of the Treasury, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, appropriate officials of other Federal departments and agencies, and such representatives of national organizations which have made special studies of Federal programs and expenditures and their impacts as the committee may desire.

(3) Hearings pursuant to paragraph (1), or any part thereof, may be held by the Committee on the Budget of either House jointly with the Committee on Appropriations of that House in accordance with such procedures as the two committees may jointly determine.

(e) INFORMATION CONCERNING DERIVATION OF BUDGET FIGURES.—In its report accompanying a concurrent resolution on the budget, the Committee on the Budget of the House or the Committee on the Budget of the Senate shall include information and data indicating the manner in which it arrived at the levels and figures set forth in such resolution.

Sec. 122. Final determination of congressional budget.

(a) IN GENERAL.—On or before September 15 each year, the Congress shall complete action on a concurrent resolution which reaffirms or revises the tentative congressional budget for the United States Government adopted pursuant to section 121 for the fiscal year beginning on October 1.

(b) NATURE OF FINAL DETERMINATION.—The concurrent resolution described in subsection (a) shall call for such action or actions as may be required to establish and implement (as provided in sections 133 and 134) the appropriate level of budget outlays and new budget authority, and the appropriate overall level of Federal revenues and the public debt, for the fiscal year. Such concurrent resolution, and any action called for by such resolution, shall take account of the actions previously taken by the Congress during the fiscal year in enacting appropriations or otherwise providing new budget authority. For this purpose such concurrent resolution may—

(1) call for the rescission or amendment of appropriations, and direct that legislation to implement such rescission or amendment be reported by the Committees on Appropriations of the House of Representatives and the Senate;

(2) call for adjustments in tax rates and provisions relating thereto, or for adjustments in the limit on the public debt, or both, and direct that legislation to implement such adjustments be reported by the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate; or

(3) call for any combination of the actions described in paragraphs (1) and (2).

(c) PERMISSIBLE REVISIONS.—At any time after the concurrent resolution described in subsection (a) has been adopted for any fiscal year, and before the close of such fiscal year, the Congress may adopt a concurrent resolution which revises the congressional budget for the United States Government most recently adopted for that fiscal year; and the provisions of this part shall apply with respect to any concurrent resolution adopted pursuant to this subsection as though it were a concurrent resolution described in subsection (a).

Sec. 123. Congress must adopt and implement final concurrent resolution on the budget before adjourning.

It shall not be in order in either the House of Representatives or the Senate to consider any resolution providing for the sine die adjournment of any regular session of the Congress unless the Congress theretofore during such session has adopted a concurrent resolution on the budget described in section 122, and, if legislation is needed to implement such resolution, has enacted such legislation.

Sec. 124. Consideration of concurrent budget resolutions to be expedited.

(a) REFERENCE OF RESOLUTIONS TO COMMITTEE.—All concurrent resolutions on the budget shall be referred to the Committee on the Budget of the House of Representatives or the Committee on the Budget of the Senate, as the case may be.

(b) PROCEDURE IN HOUSE OF REPRESENTATIVES AFTER REPORT OF COMMITTEE; DEBATE.—

(1) When the Committee on the Budget of the House has reported any concurrent resolution on the budget, it is in order at any time after the fifth day following the day on which such resolution was reported (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) General debate on any concurrent resolution on the budget in the House of Representatives shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable. A motion to recommit the concurrent resolution is not in order, and it is not in order to move to reconsider the vote by which the concurrent resolution is agreed to or disagreed to.

(3) Consideration of any concurrent resolution on the budget by the House of Representatives shall be in the Committee of the Whole, and the resolution shall be read for amendment under the five-minute rule in accordance with the applicable provisions of rule XXIII of the Rules of the House of Representatives. After the Committee rises and reports the resolution back to the House, the previous question shall be considered as ordered on the resolution and any amendments thereto to final passage without intervening motion; except that it shall be in order at any time prior to final passage (notwithstanding any other rule or provision of law) to consider and adopt one amendment changing the level of total budget outlays, the level of total new budget authority, or the appropriate amount of the surplus or deficit in the budget, as set forth (pursuant to section 121(b) (1) or (4)) in the resolution as so reported, or any combination thereof, to the extent necessary to achieve mathematical consistency.

(4) Debate in the House of Representatives on the conference report on any concurrent resolution on the budget shall be limited to not more than 5 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(5) Motions to postpone, made with respect to the consideration of any concurrent resolution on the budget and motions to proceed to the consideration of other business, shall be decided without debate.

(6) Appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any concurrent resolution on the budget shall be decided without debate.

(c) SENATE MAY PROCEED CONCURRENTLY, BUT FINAL ACTION MUST BE ON HOUSE BUDGET RESOLUTION.—

(1) If, before the passage by the Senate of a budget resolution of the Senate, the Senate receives from the House of Representatives a budget resolution of the House, then, except as provided in paragraph (2), the procedure with respect to the budget resolution of the Senate shall be the same as if no budget resolution from the House of Representatives had been received.

(2) On any vote on final passage of any budget resolution of the Senate, the budget resolution of the House of Representatives shall be automatically substituted.

Sec. 125. Legislation dealing with congressional budget must be in form of concurrent budget resolution.

No measure or proposal dealing with any matter which is within the jurisdiction of the Committee on the Budget of either House, and no amendment to any such measure or proposal, shall be considered in that House unless it is in the form of a concurrent resolution on the budget which has been reported by the Committee on the Budget of that House (or from the consideration of which such committee has been discharged) or unless it is an amendment to such a concurrent resolution.

Sec. 126. Concurrent resolution on budget must be adopted before appropriations, and changes in revenues and public debt limit, are made.

(a) IN GENERAL.—It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution (or amendment thereto) which provides—

(1) new budget authority for a fiscal year,

(2) an increase or decrease in revenues to be effective during a fiscal year, or

(3) an increase or decrease in the public debt limit to become effective during a fiscal year,

until the concurrent resolution on the budget for such year referred to in section 121 has been adopted by the Congress.

(b) EXCEPTION.—Subsection (a) shall not apply to new budget authority which first become available in a fiscal year following the fiscal year to which the concurrent resolution applies.

Sec. 127. Conformance of bills with budget resolution.

Appropriation bills or bills involving a trust fund as described in section 142(c)(2)(A) shall be held, and not enrolled or sent to the President, pending conformance with the final concurrent resolution on the budget and (if necessary) enactment of the budget reconciliation bill, except in the case of a bill which contains new budget authority, and budget outlays resulting therefrom, that are not in excess of the new budget authority and budget outlays provided therefor in the related functional categories in the most recently adopted concurrent resolution on the budget.

Sec. 128. Projections and summaries of congressional budget actions

(a) Reports on Legislation Providing New Budget Authority.—Whenever a committee of either House reports a bill or resolution providing new budget authority, for a fiscal year, the report accompanying that bill or resolution shall contain a projection prepared in consultation with the Legislative Budget Director of the budget outlays which will result from that bill or resolution in such fiscal year and in each of the four succeeding fiscal years.

(b) Up-to-Date Tabulation of Congressional Budget Actions.—The Legislative Budget Director shall issue periodic reports detailing and tabulating the progress of Congressional action on legislation providing new budget authority, including up-to-date status reports on all new budget authority legislation in both Houses and a comparison of such legislation with the functional categories set forth in the most recently adopted concurrent resolution on the budget.

(c) Five-Year Projection of Congressional Budget Action.—As soon as possible after the beginning of each fiscal year, the Legislative Budget Director shall issue a report projecting for the period of five fiscal years beginning with such fiscal year—

(1) total budget outlays and new budget authority for each fiscal year in such period, and

(2) revenues to be received and the major sources thereof, and the surplus or deficit, if any, for each fiscal year in such period.

Part 3—Timetable and Procedure With Respect to Appropriation Bills and Budget Reconciliation Bill

Prior to the reporting of the first annual appropriation bill the House Committee on Appropriations shall complete subcommittee markup and full committee action on each of the annual appropriation bills and submit to the House a summary report comparing the committee's recommendations with the appropriate levels of budget outlays and new budget authority as set forth in the budget resolution.

Sec. 131. Committee action on all appropriation bills to be completed before first appropriation bill is reported.

Sec. 132. Action on all appropriation bills to be completed by August 1; bills to be held pending conformance.

On or before August 1 of each year the Congress shall complete action on all annual appropriation bills which shall be held by the Congress, except as provided in section 127, pending conformance with the final budget resolution and enactment of any required budget reconciliation bill.

Sec. 133. Budget reconciliation bill to be reported in certain cases.

If the total budget authority authorized by the annual appropriation bills exceeds the appropriate level of new budget authority adopted in the final budget resolution or will result in total budget outlays in excess of that established in the final budget resolution, the House Committee on Appropriations (in accordance with section 122(b)) shall report a budget reconciliation bill containing such rescissions or amendments to the appropriations bills as are required to conform with the budget authority and budget outlay totals of the final budget resolution.

Sec. 134. Budget reconciliation bill to include tax measure in certain cases.

If the estimate of aggregate revenues of the United States for the fiscal year is less than the appropriate overall level of Federal revenues, as set forth in the final budget resolution, the Committee on Ways and Means (in accordance with section 122(b)) shall report as a separate title in the budget reconciliation bill a tax measure which, for the 12-month period which begins on January 1 which occurs in the fiscal year in question, will raise an amount of additional revenue approximately equal to that required to be raised to provide the appropriate overall level of Federal revenues set forth in the final budget resolution.

Part 4—Improvements in Fiscal Procedures

Sec. 141. Limitation on new budget authority.

(a) General Rule.—Beginning with the first session of the 94th Congress, it shall not be in order in either House to consider any bill or resolution which provides new budget authority unless such bill or resolution has been reported by the Committee on Appropriations of that House.

(b) Exception.—Subsection (a) shall not apply to any bill or resolution to the extent that the new budget authority involves outlays described in section 142(c)(2).

Sec. 142. Limitations on spending authority.

(a) Legislation Providing New Spending Authority Subject to Point of Order.—Beginning with the first session of the Ninety-fourth Congress, it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which provides new spending authority (or any amendment which provides new spending authority) unless such bill or resolution, or such amendment, also provides that such spending authority is to be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts enacted after the enactment of such bill or resolution.

(b) Limitation on Exercise of Existing Spending Authority.—Notwithstanding any other provision of law, on and after October 1, 1978, no officer or agency of the United States shall exercise any spending authority enacted prior to that date and in effect on September 30, 1978, except to such extent and in such amounts as are provided in appropriation Acts enacted after the enactment of this Act.

(c) Spending Authority Defined.—For purposes of this section—

(1) Spending authority.—Except as provided in paragraph (2), the term "spending authority" means authority provided by law, whether on a temporary or permanent basis—

(A) to enter into contracts under which the United States is obligated to make budget outlays and which have not been provided for in advance by appropriation Acts,

(B) to incur indebtedness for the repayment of which the United States is liable (other than indebtedness incurred under the Second Liberty Bond Act) and which has not been provided for in advance by appropriation Acts,

(C) to make payments (including loans and grants) which have not been provided for in advance by appropriation Acts, to any person or government, if, under the provisions of the law containing such authority, the United States is obligated to make such payments to persons or governments who meet the requirements established by such law, and

(D) to obligate the United States to make budget outlays by any other means which have not been provided for in advance by appropriation Acts.

(2) Exceptions.—The term "spending authority" does not include any authority described in paragraph (1) to the extent that—

(A) the budget authority made available for obligations, and outlays resulting therefrom, incurred under the law containing such authority is derived from a trust fund consisting of amounts equivalent to amounts of taxes (related to the purposes for which such outlays are made) received in the Treasury under specified provisions of the Internal Revenue Code of 1954;

(B) the budget outlays resulting therefrom consist of expenditures under a Federal insurance or guaranty program established by a law of the United States and in effect on the date of the enactment of this Act;

(C) the budget outlays resulting therefrom are made by an organization which is (i) a mixed-ownership Government corporation (as defined in section 201 of the Government Corporation Control Act), or (ii) a wholly owned Government corporation (as defined in section 101 of such Act) which is specifically exempted by law from compliance with any or all of the provisions of that Act; or

(D) the budget outlays resulting therefrom consist exclusively of the proceeds of gifts or bequests made to the United States for a specific purpose.

Sec. 143. Requirement of authorizing legislation before April 1.

(a) Legislation Subject to Point of Order.—Except as provided in subsection (b), it shall not be in order to consider any bill or resolution (or conference report thereon) authorizing the enactment of new budget authority for any fiscal year after March 31 of the calendar year in which such fiscal year begins.

(b) Emergency Waiver.—If the Committee on Rules of the House of Representatives determines that emergency conditions require a waiver of subsection (a) with respect to any bill, resolution, or conference report, such committee may report, and the House may consider and adopt, a resolution waiving the application of subsection (a) in the case of such bill, resolution, or conference report.

Sec. 144. Jurisdiction to report legislation rescinding budget authority.

Paragraph (a) of clause 2 of Rule XI of the Rules of the House of Representatives is amended by inserting immediately before the period at the end thereof the following: ", and the rescission of appropriations".

Sec. 145. Changes in functional categories.

Any change in the functional categories set out in the United States Budget shall be made only in consultation between the Office of Management and Budget and the Committees on the Budget of the House and Senate.

Sec. 146. Amendments to Budget and Accounting Act.

(a) Presidential Budget To Include Tax Expenditures.—Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is amended by adding at the end thereof the following new subsection:

"(d) The Budget transmitted pursuant to subsection (a) for each fiscal year shall set forth the amounts of revenue losses attributable to provisions of the Federal tax laws which allow an exclusion or deduction from gross income or which provide a preferential rate of tax or a deferral of tax liability (commonly referred to as 'tax expenditures')."

(b) Five-Year Budget Projections.—Section 201(a) of such Act (31 U.S.C. 11) is amended—

(1) by inserting after "ensuing fiscal year" in paragraph (5) "and projections for the four fiscal years immediately following the ensuing fiscal year";

(2) by striking out "such year" in paragraph (5) and inserting in lieu thereof "such years"; and

(3) by inserting after "ensuing fiscal year" in paragraph (6) "and projections for the four fiscal years immediately following the ensuing fiscal year".

Part 5—Change in Fiscal Year

Sec. 151. Fiscal year to commence October 1.

(a) In General.—Effective with the calendar year 1975, the fiscal year of all departments, agencies and instrumentalities of the Federal Government and the government of the District of Columbia shall begin on the first day of October of each year.

(b) CONFORMING PROVISIONS.—

(1) Effective with the calendar year 1975, section 237 of the Revised Statutes (31 U.S.C. 1020) is amended by striking out "July" each place it appears and inserting in lieu thereof "October".

(2) Notwithstanding section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), or any other provision of law, the budget which the President transmits for the fiscal year beginning July 1, 1974, shall cover the period beginning July 1 of such year and ending September 30, 1975.

(3) Any law, regulation, or order which refers or applies to a fiscal year beginning in any calendar year after 1974 (whether or not such law, regulation, or order specifies the beginning or ending date of the fiscal year) shall be deemed to refer or apply to the fiscal year (beginning in such calendar year) as prescribed by subsection (a).

Sec. 152. Transition.

The Director of the Office of Management and Budget shall provide by regulation, order, or otherwise for the orderly transition by all departments, agencies, and instrumentalities of the Federal Government and the government of the District of Columbia from the use of the fiscal year in effect on the date of enactment of this Act to the use of the new fiscal year prescribed by section 151(a). The Director shall prepare and submit to the Congress a draft or drafts of such additional legislation as he considers necessary to accomplish this objective.

PART 6—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 161. Amendments to House rules.

(a) Rule XI of the Rules of the House of Representatives (as amended by section 111(c) of this Act) is amended by inserting immediately after clause 22 the following new clause:

"22A. The respective areas of legislative jurisdiction under this rule are modified by title I of the Budget and Impoundment Control Act of 1973."

(b) Paragraph (c) of clause 29 of Rule XI of the Rules of the House of Representatives (as redesignated by section 111(c) of this Act) is amended by inserting "the Committee on the Budget," immediately after "the Committee on Appropriations,".

(c) Subparagraph (5) of paragraph (a) of clause 30 of Rule XI of the Rules of the House of Representatives (as so redesignated) is amended by inserting "and the Committee on the Budget" immediately before the period at the end thereof.

(d) Subparagraph (4) of paragraph (b) of clause 30 of Rule XI of the Rules of the House of Representatives (as so redesignated) is amended by inserting "and the Committee on the Budget" immediately before the period at the end thereof.

(e) Clause 32 of Rule XI of the Rules of the House of Representatives (as so redesignated) is amended by inserting "the Committee on the Budget" immediately after "the Committee on Appropriations,".

(f) Paragraph (a) of clause 33 of Rule XI of the Rules of the House of Representatives (as so redesignated) is amended by inserting "and the Committee on the Budget" immediately after "the Committee on Appropriations".

Sec. 162. Amendments to Legislative Reorganization Act of 1946.

(a) Section 133 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a) is amended—

(1) by inserting "and the Committee on the Budget" after "Appropriations" in subsections (d) and (f), and

(2) by inserting "or the Committee on the Budget" after "Appropriations" in subsection (h).

(b) Section 133A of such Act (2 U.S.C. 190a–1) is amended by inserting "and the Committee on the Budget" after "Appropriations" each place it appears.

(c) Section 134(c) of such Act (2 U.S.C. 190b(b)) is amended by inserting "or the Committee on the Budget" after "Appropriations".

(d) Section 136(c) of such Act (2 U.S.C. 190d(c)) is amended by striking out "Committee on Appropriations of the Senate and the Committees on Appropriations," and inserting in lieu thereof "Committees on Appropriations and the Budget of the Senate and the Committees on Appropriations, the Budget,".

(e) Section 202 of such Act (2 U.S.C. 72a) is amended by adding at the end thereof the following new subsection:

"(k) The preceding subsections of this section shall not apply to the Committees on the Budget of the House of Representatives and the Senate."

Sec. 163. Amendments to Legislative Reorganization Act of 1970.

(a) Section 232 of the Legislative Reorganization Act of 1970 (31 U.S.C. 1172) is amended by renumbering paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) the Committees on the Budget of the House and Senate,".

(b) Section 236 of such Act (31 U.S.C. 1176) is amended by inserting "and the Budget" after "Appropriations" in paragraph (2).

(c) Section 242(a) of such Act (2 U.S.C. 190h) is amended by inserting "or the Committee on the Budget" after "Appropriations".

(d) Section 243 of such Act (2 U.S.C. 190l) is amended by inserting "(a)" immediately after "243." and by adding at the end thereof the following new subsection:

"(b) The provisions of subsection (a) shall also apply to the Committee on the Budget of the Senate."

PART 7—LEGISLATIVE BUDGET OFFICE; DIRECTOR AND STAFF

Sec. 171. Legislative Budget Director; staff.

(a) To assist the Committee on the Budget of the House of Representatives and the Committee on the Budget of the Senate, there shall be within the legislative branch of the Government a Legislative Budget Office, headed by a Legislative Budget Director. The Legislative Budget Director shall be appointed by the Speaker of the House of Representatives upon the recommendation of the Committee on the Budget of the House of Representatives, without regard to political affiliation and solely on the basis of fitness to perform his duties. He shall be paid at a per annum gross rate equal to the rate of basic pay, as in effect from time to time, for level III of the Executive Schedule in section 5314 of title 5, United States Code.

(b) With the approval of the Chairman of the Committee on the Budget of each House, the Legislative Budget Director may—

(1) appoint, without regard to political affiliation and solely on the basis of fitness to perform their duties, such professional, technical, clerical, and other personnel as may be necessary to carry out the purposes of this Act,

(2) prescribe their duties and responsibilities,

(3) fix their pay, and

(4) terminate their employment.

(c) In carrying out its functions under this Act, the Legislative Budget Office may utilize the services, information, facilities, and personnel of the departments and establishments of the Government, and may procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract as independent contractors, or in the case of individual experts or consultants by employment at rates of pay not in excess of the daily equivalent of the highest rate of basic pay set forth in the General Schedule of section 5332 of title 5, United States Code, including payment of such rates for necessary traveltime.

(d) There are authorized to be appropriated, for the fiscal year ending June 30, 1974, and each fiscal year thereafter, such sums as may be necessary to enable the Legislative Budget Office to carry out its functions and duties under this Act. Until sums are first appropriated to the Office pursuant to the preceding sentence, the expenses of the Office shall be paid from the contingent fund of the House of Representatives, upon vouchers approved by the Director.

(e) For purposes of pay and employment benefits, rights, and privileges, the employees of the Office shall be deemed to be employees of the House of Representatives.

Sec. 172. Power to obtain data.

(a) SECURING OF DATA.—The Legislative Budget Director, with the approval of the chairman of the Committee on the Budget of the House of Representatives or the Senate, is authorized to secure directly from any executive department, office, board, bureau, agency, independent establishment, or instrumentality of the Government any information, data, estimates, and statistics relating to the functions of the Legislative Budget Office.

(b) FURNISHING OF DATA.—Executive departments offices, boards, bureaus, agencies, independent establishments, and instrumentalities are authorized and directed (notwithstanding section 206 of the Budget and Accounting Act, 1921) to furnish such information, data, estimates, and statistics directly to the Legislative Budget Director, upon request made pursuant to this section.

Sec. 173. Projections of budget outlays.

The Legislative Budget Office shall develop for the Committees on the Budget of the House and Senate, and for other committees of the House and Senate upon their request, information with respect to existing and proposed legislation (whether authorizing or appropriation or similar legislation) which will form the basis of estimating the effect on budget outlays of such legislation not only on the current fiscal year but also for the next four fiscal years. Any information and data readily available in the files of the Legislative Budget Office, and related technical assistance, may be furnished upon request to committees and Members of the House or Senate.

PART 8—EFFECTIVE DATE

Sec. 181. Effective date for budget procedures.

Parts 2, 3, and 4 of this title, and part 6 of this title to the extent that it relates to parts 2, 3, and 4, shall apply (except as otherwise specifically provided) only with respect to the fiscal year beginning October 1, 1975, and succeeding fiscal years.

Mr. BOLLING (during the reading). Mr. Chairman, I ask unanimous consent that title I may be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was *no objection.*

Mr. BOLLING. Mr. Chairman, I move that the Committee do now rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. UDALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7130) to amend the Rules of the House of Representatives and the Senate to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Director and staff, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE REPORT ON THE NOMINATION OF THE GENTLEMAN FROM MICHIGAN, MR. GERALD R. FORD, FOR VICE PRESIDENT

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight tonight to file its report on the nomination of the gentleman from Michigan (Mr. GERALD R. FORD) to be Vice President.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

COMPARISON OF MAJOR LEGISLATIVE PROPOSALS CONCERNING COMMUNITY DEVELOPMENT PROGRAMS

(Mr. WIDNALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, on November 1, 1973, the Housing Subcommittee completed 3 weeks of intensive hearings on various bills involving community development and housing programs. We were fortunate in receiving a good cross section of both expert and representative views, claims and counterclaims pertaining to the values of these proposals. The testimony concerning the three major proposals for community development legislation was particularly wide ranging, creating significant uncertainty as to relative advantages and disadvantages of these bills.

My concern in this matter led me to request a factual comparison of the three proposals so that the pertinent value and impact of each could be properly assessed. Accordingly, I directed this request to the Administrator of Federal Community Development Programs, the Honorable James T. Lynn, Secretary of the Department of Housing and Urban Development.

Secretary Lynn has now provided an objective comparison of these legislative proposals. The report sets forth the pertinent considerations in clear and meaningful terms.

In order to give other Members the opportunity to read this report and to more clearly judge the relative merits, I include my correspondence with Secretary Lynn and a copy of his report:

NOVEMBER 20, 1973.

Hon. JAMES T. LYNN,
Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: Three major legislative proposals concerning community development programs are now before the Congress. These include the Administration's Better Communities Act (H.R. 7277), the so-called Sparkman bill (S. 2182) and the bill H.R. 10036, which was jointly introduced by Congressmen William A. Barrett and Thomas L. Ashley.

Although the three proposals state similar objectives, there are significant, for reaching, differences to be noted in their suggested methods for achieving the goals.

As you know, this legislation will be of vital importance to the nation's future. I consider it imperative that each proposal be fully evaluated before final passage.

While our hearings to date have been informative in obtaining a cross section of views I have not yet seen a comparative analysis of the three bills which treats the effects advantages and disadvantages of each proposal.

As the administrator of the community development programs your analysis of these proposals would be very helpful in our final deliberations.

I would therefore greatly appreciate your analysis of the major issues to be considered in the forthcoming Community Development legislation.

Sincerely

WILLIAM B. WIDNALL,
Member of Congress.

THE SECRETARY OF HOUSING,
AND URBAN DEVELOPMENT,
Washington, D.C., November 26, 1973.

Hon. WILLIAM B. WIDNALL,
House of Representatives,
Washington, D.C.

DEAR BILL: In response to your request for a comparative analysis of the three major legislative proposals concerning community development, I am pleased to provide you with the attached analysis. This chart provides our summary of the differences among the three bills on the issues of primary concern to the Congress and to the communities which would be affected. I trust this summary will be helpful to you as the House proceeds in its consideration of this legislation.

Sincerely yours

JAMES T. LYNN.

COMPARISON OF MAJOR FEATURES OF ADMINISTRATION'S PROPOSED BETTER COMMUNITIES ACT (BCA), THE SENATE (SPARKMAN) COMMUNITY DEVELOPMENT BILL (S. 1744), AND THE HOUSE (BARRETT-ASHLEY) COMMUNITY DEVELOPMENT BLOCK GRANTS BILL (H.R. 10036)

(Source: U.S. Department of Housing and Urban Development)

BASIC PURPOSE OF NEW FEDERAL COMMUNITY DEVELOPMENT PROGRAM

BCA	Senate Bill	House Bill
"To help States and units of general local government to deal more effectively with a broad range of community development concerns . . . through a simpler, more certain and more expeditious system of revenue sharing assistance."	"Primary objective" is "improvement of living conditions, economic opportunities and neighborhoods of persons of low- and moderate-income," and purpose is to create a more comprehensive assistance program and provide greater continuity of Federal support. Federal assistance is to be used "consistent with [the] primary objective" for specific community development objectives.[1]	"To further the development of a national urban growth policy" through a system of Federal aid that will provide annual assistance with maximum certainty and minimum delay, encourage activities connected with local and areawide planning and further housing objectives.

DATE FUNDS TO BE AVAILABLE

BCA	Senate Bill	House Bill
July 1, 1974	July 1, 1974	July 1, 1975

PERIOD DURING WHICH PROGRAM WOULD OPERATE WITH OUT NEED FOR NEW CONGRESSIONAL AUTHORIZATIONS

BCA	Senate Bill	House Bill
Five years	Two years	Three years

AMOUNT OF FEDERAL FUNDS TO BE COMMITTED EACH YEAR

BCA	Senate Bill	House Bill
No limit on amount, which will be set annually in appropriations act. Administration states it will request $2.3 billion per year in initial years. Appropriations in fiscal 1972 were $2.13 billion for HUD's prior categorical community development programs.	Would authorize HUD Secretary to commit an amount "not to exceed" $2.7 billion in first year, fiscal 1975, and $3.2 billion in second, but amounts would be approved in appropriations act which could be annual or multiyear depending upon result of appropriations process. (Note: Committee during "Mark Up" has passed over this part of bill and is considering possibility of lower funding level.)	HUD Secretary could commit an amount "not to exceed" $2.5 billion in first year, fiscal year 1976, $2.75 billion in second and $3 billion in third, but amounts would be approved in appropriations act which could be annual or multiyear depending upon result of appropriation process.

Footnotes at end of table.

COMPARISON OF MAJOR FEATURES OF ADMINISTRATION'S PROPOSED BETTER COMMUNITIES ACT (BCA), THE SENATE (SPARKMAN) COMMUNITY DEVELOPMENT BILL (S. 1744), AND THE HOUSE (BARRETT-ASHLEY) COMMUNITY DEVELOPMENT BLOCK GRANTS BILL (H.R. 10036)—Con.

ELIGIBLE RECIPIENTS OF FUNDS

BCA	Senate Bill	House Bill
Cities, counties and other units of local general government may receive funds; States receive funds for distribution to local communities, but generally could not receive funds for State community development projects.	States (for purposes which could include State community development projects), cities, counties and other units of local general government (including designated public agencies such as urban renewal agencies) may receive funds. In addition, private developers of "new communities" and citizen associations in such "new communities" would be eligible to receive funds (and HUD Secretary is required to allocate funds to take account of new community assistance needs.)[1]	**States (for purposes which could include State community development projects), cities, counties and other units of general local government.**

REQUIRED CONTRIBUTION OF STATE OR LOCAL FUNDS AS A CONDITION FOR FEDERAL ASSISTANCE

BCA	Senate Bill	House Bill
100% Federal funding; local contribution cannot be required. No need to show maintenance of prior effort.	Any community (or State) participating must contribute, "in cash grants," 10% of cost of assisted activities, with very limited exceptions. Also, assistance is not to be used to reduce "substantially" prior level of local financial support for "community development activities."	**Neither a requirement for, nor a prohibition against, State or local contributions. No maintenance of prior effort provision.**

WHAT A COMMUNITY MUST DO TO SECURE FUNDING

Need for an Application

BCA	Senate Bill	House Bill
No provision for an application but a statement of community development objectives and proposed use of funds must be prepared and a copy furnished the HUD Secretary.	Requires submission of a detailed application potentially similar to a Model Cities application, annually, for Federal approval. Provision made for exceptions from all or part of the application requirement, but only at the discretion of the HUD Secretary and only in the case of smaller communities which are outside of SMSAs or urbanized areas, have never received funds before under the Act, and are seeking funds only for limited purpose public facility projects.	**Requires submission of a detailed application, potentially similar to a Model Cities application, annually, for Federal approval. No provision for exceptions although there are variations in the material required according to size of city.**

Contents of application

BCA	Senate Bill	House Bill
Statement of proposed use of funds can be brief form documents similar to General Revenue Sharing "Planned Use Reports."	Application must contain outline of needs, purposes and actions over next three years "to meet housing needs" of families, particularly for low- and moderate-income families, "who may reasonably be expected to seek housing in the community" to improve and upgrade "community services and facilities to meet the social needs of residents," particularly low- and moderate-income families, in areas affected by community development activities[1] to prevent and eliminate slums and blight and upgrade deteriorating neighborhoods[1] description of activities over next two-year period to meet community development goals including estimated costs and general location of the activities and requirements for federally assisted housing units certification that the community development program is consistent with objectives of Act and "with local and areawide comprehensive development plans and national growth policies" adequate opportunity has been or will be afforded for public hearings prior to any private land acquisition a "substantial portion" of activities will be directed toward the "improvement of the living conditions, economic opportunities, and neighborhoods of persons of low- and moderate-income"[1] Adequate citizen participation and involvement afforded.	**Application must contain identification of "community development needs" specification of "both short- and long-term community development objectives" consistent with "comprehensive local and areawide development planning" "national urban growth policies" description of activities to be undertaken to meet community development needs and objectives, including estimated costs and general location of activities formulation of a program of any activities necessary "to provide adequate housing in a suitable living environment for low- and moderate-income persons" residing in the community or "who are employed in or may otherwise reasonably be expected to reside in the community" evidence as to citizen participation evidence that each applicant which is a city of 50,000 or more or an SMSA central city has established a "realistic" three-year schedule of program activities designating resources "which can and will be available locally" for meeting needs made "satisfactory" provision for periodic reexamination of "program methods and objectives" from available information on the "social, economic, and environmental consequences" of programs formulated a "comprehensive program" to "eliminate or prevent slums, blight, and deterioration" develop "properly planned" facilities and improvements, including the provision of "supporting health, social, and similar services."**

Footnotes at end of table.

Comparison of Major Features of Administration's Proposed Better Communities Act (BCA), the Senate (Sparkman) Community Development Bill (S. 1744), and the House (Barrett-Ashley) Community Development Block Grants Bill (H.R. 10036)—Con.

WHAT A COMMUNITY MUST DO TO SECURE FUNDING—continued

Required citizen participation

BCA	Senate Bill	House Bill
Proposed statement of community development objectives and proposed use of funds must be available for public comment 60 days prior to finalization.	Applicant must either hold a public hearing on application or publish application for comment 30 days before submission.[1] Applicant also must certify that adequate opportunity afforded for public hearings prior to any private land acquistion "adequate opportunity for citizen participation" afforded "meaningful involvement" provided in planning and execution of community development activities for residents of areas in which such activities are to be concentrated, "including the provision of adequate information and resources."	Applicant must provide citizens "likely" to be affected with adequate information on funds, activities and "important" program requirements hold public hearings provide affected citizens with "an adequate opportunity to participate in the development of the application."

Federal review of application

BCA	Senate Bill	House Bill
No Federal review of contents of recipients' programs.	HUD personnel must determine from application whether to approve or disapprove within 90 days of submission. There is neither a prohibition against, nor a specific limitation on, degree of HUD review or upon HUD authority to reduce or limit use of funds as a condition of approval; applications must, however, be disapproved if HUD determines there is no basis for local certification as to relationship between activities and objectives of the Act consistency with areawide planning adequacy of citizen participation assurances that a substantial proportion of activities are directed toward improvement of "living conditions, economic opportunities, and neighborhoods of persons of low- and moderate-income."[1] In addition, unless HUD Secretary modifies requirement by certifying the modification is "necessary to meet urgent community needs, "application must be disapproved if it is determined that community will not spend ⅔ or more of grant on housing needs, prevention and elimination of slums and blight and improvement of community services to meet the social needs of residents, particularly low- or moderate-income families, of affected areas.[1]	HUD personnel must approve from the application such matters as the consistency of the program with local and areawide comprehensive planning adequacy of the community's housing program adequacy of local citizen participation realism of the scheduled activities comprehensiveness of the program property of community facilities and public improvements planning within 60 days after beginning of fiscal year in which grant is made. Amounts of funds can also be lowered (despite formula or hold harmless amount) where Federal officials determine this is appropriate on the basis of past "performance," community program capacity, and the timeliness of program execution efforts.

A-95 review

BCA	Senate Bill	House Bill
No review contemplated.	Review probably contemplated.	Review specifically required.

Environmental impact statement

BCA	Senate Bill	House Bill
Environmental impact statements not contemplated for entitlement recipients.	Environmental impact statements would be necessary even for annual funding of recipients of formula and hold harmless funds.	Environmental impact statements would be necessary even for annual funding of recipients of formula and hold harmless funds.

Estimated application processing time

BCA	Senate Bill	House Bill
Statements of community development objectives and proposed uses of funds could be processed within 30 days of submission.	Although applications must be disapproved or approved within 90 days, complexity of applications would probably require that negotiations begin well before formal document is submitted. Process might take a year or more.	Although applications must be acted upon within 60 days of the beginning of a fiscal year, complexity of applications would require either that they be submitted well before the beginning of the year or that an "informal" review process take place before formal application is submitted. Process might take more than a year for metropolitan cities required to have a "comprehensive" program, as review would be similar to that required for Model Cities applications.

PERMISSIBLE USES OF FUNDS

BCA	Senate Bill	House Bill
Funds may be used for any purpose for which they could be used under existing HUD community development programs (including Model Cities), with community choosing for itself what activities it wants to undertake and the amount of funds it wants to devote to each.	Communities must spend, unless HUD Secretary granted a special exception, two-thirds of funds on housing, urban renewal and Model Cities type activities, with the result that a community generally could not use its entire allotment for projects like those funded in the past under the water and sewer and open space land program, but cannot spend more than 25% of funds on Model Cities "software" type facilities and services and certain other activities regardless of prior program levels.[1]	No requirement that specified percentages of funds be used (or not used) for particular activities. However, limitations on use could apparently be imposed by HUD Secretary as a condition of application approval or as a result of Federal evaluation of program performance.

Footnotes at end of table.

Comparison of Major Features of Administration's Proposed Better Communities Act (BCA), the Senate (Sparkman) Community Development Bill (S. 1744), and the House (Barrett-Ashley) Community Development Block Grants Bill (H.R. 10036)—Con.

DISTRIBUTION OF FUNDS

Formula used to allocate fun

BCA	Senate Bill	House Bill
Uses an objective formula to indicate need for community development assistance of any community relative to all other communities: the population of the city (or county), the amount of housing overcrowding, and the extent of poverty (counted twice).	Uses formula which is like that in BCA except that it "includes an additional "program experience" factor (on top of the "hold harmless" provision described below) which serves to increase the relative share of funds going to communities which in the past have been securing the largest amounts under urban renewal and other HUD categorical assistance programs and to decrease the share of other communities.	Like Senate Bill uses a formula which includes "program experience." Also provides for a "regionalization" of poverty, which, as applied on the basis of available data, tends to reduce amounts going to communities in the South (without regard to actual living costs in specific SMSAs or communities) as compared to communities in other areas (especially the West).

Authority of HUD to reduce entitlement amounts

BCA	Senate Bill	House Bill
Amounts paid on an entitlement basis as formula or hold harmless funds cannot be reduced so long as funds are used for community development activities and there are no violations of specific requirements (e.g., nondiscrimination).	Since HUD must review and approve detailed applications, it could apparently reduce entitlement amounts as a condition of approval. For example, HUD could require that specific items be eliminated from program, thus reducing entitlement funding, if it determined this was appropriate to assure that program activities were substantially directed to helping low- and moderate-income families.	Formula or hold harmless amounts are only a maximum, since bill specifically requires that HUD review community performance at least each year and determine whether funding to which a community might otherwise be entitled should be reduced. Also, proposed costs of activities could be reduced if found unreasonable and, as under Senate Bill, reductions could be made if specific proposed activities were disapproved.

Distribution of funds to metropolitan cities

BCA	Senate Bill	House Bill
Funds are distributed by formula directly to cities of 50,000 and over (and to other central cities of SMSAs and certain counties) with cities and counties receiving funds according to their needs measured against those of other cities and counties.	Funds distributed by formula through SMSA based computations. Each city of 50,000 and over (and each central city) receives funds by formula out of its SMSA "pot." The amount received by each city varies according to how the city compares under the formula to all other communities in the SMSA. The funds allocated to the SMSA, in turn, vary according to how it compares with all other SMSAs.	Like Senate Bill.

Distribution of funds to urban counties

BCA	Senate Bill	House Bill
Urban counties with populations of 200,000 or more (exclusive of SMSA central cities or cities of 50,000 or over) and located in SMSAs would be allocated funds directly by formula.	Counties would not receive funds on a formula basis although a change to allow at least some counties to be formula recipients is now being considered by the Committee.	Unlike 1972 House Bill, counties would not receive funds on a formula basis. Larger counties would however, be among those entitled to a "priority" in the distribution by HUD Secretary of discretionary funds not needed for formula or "hold harmless" purposes.

The "hold harmless" amount—Formula cities

BCA	Senate Bill	House Bill
Formula cities receiving, under prior HUD community development programs, an amount in excess of their formula amount, would receive that higher sum, i.e., would be "held harmless." This excess would be phased out by thirds over the last three years of the Act, with the funds saved thus becoming available to these and other formula cities and to smaller communities and counties that do not qualify for formula funds.	Includes provisions like BCA by which formula recipients would be "held harmless" on the basis of their prior program levels, but with no provisions for phase out.	Like Senate Bill.

The "hold harmless" amount—Non-formula communities which have been participating in either urban renewal (conventional or NDP) or model cities program [2]

BCA	Senate Bill	House Bill
These communities would continue to receive their prior program level for a period of two years, after which this guaranteed funding would be phased out, with the funds then being available for distribution to these and other communities.	If community participating in urban renewal, hold harmless provisions similar to BCA apply, but no provision made for phase out.	Smaller communities participating in urban renewal or model cities "held harmless" but includes provisions that would have the effect of phasing out over a five year period, not necessarily in graduated steps, "hold harmless" for such communities, even though no phase out is provided for "hold harmless" payments to larger formula recipients.

Distribution of funds to other—i.e., non-formula, non-hold harmless—Communities located in SMSAs

BCA	Senate Bill	House Bill
Smaller communities that have not been participating in urban renewal or Model Cities would receive funds (principally through States) out of amounts not used for formula distribution or "hold harm-	The smaller communities located in SMSAs may have little or nothing available to them if the funds alloted to that SMSA were needed to "hold harmless" the central city, and other communities in the SMSA if they have been	Like the Senate Bill, amounts available to smaller communities in an SMSA would vary according to hold harmless needs of other communities in the SMSAs.

Footnotes at end of table.

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DISTRIBUTION OF FUNDS—continued

less." A smaller community located in an SMSA would be able to participate in the fund made available to that SMSA by the State because the fund would not be affected by any "hold harmless" requirements of the cities or other communities in that SMSA.	engaged in urban renewal. These smaller communities in SMSAs would have prospects for receiving from HUD funds that vary according to the relative proportions of the individual SMSA formula shares that are needed in those SMSAs for "hold harmless."	

Distribution of funds to other—i.e., non-formula, non-hold harmless—Communities located anywhere

BCA	Senate Bill	House Bill
Because "hold harmless" for formula cities and communities participating in urban renewal or Model Cities "phases out" beginning in the third year, funds available through States for all communities, including smaller communities, will increase even if overall program levels should remain constant.	Continuation of "hold harmless" for cities and other communities which have been benefited in the past would eliminate any increases in funds for all communities, including smaller communities, unless overall funding levels rise.	Phase out of "hold harmless" for smaller communities with past benefits (but not larger formula cities) would allow for some increase in funds for all communities, including smaller communities.

LOANS FOR LAND ACQUISITION AND OTHER PURPOSES

BCA	Senate Bill	House Bill
Recipients may pledge assets, including funds received under BCA, if otherwise authorized to do so, to secure loans, but Secretary not authorized to make loans.	Secretary is authorized to make loans for planning and operating activities of communities pending receipt of grant funds or other permanent financing.	Secretary authorized to make loans to provide for financing real property acquisition activities.

ROLE OF STATES

BCA	Senate Bill	House Bill
90% of funds not paid by formula or as "hold harmless" payments would be distributed through States. States could not retain any of these funds for their own community development purposes.	No provision requiring any funds to be distributed through States. States could, however, receive funds and could use these funds for their own community development projects.	Like Senate Bill, no provision requiring distribution of any funds through States. However, States could establish development policies or priorities which must be recognized in the distribution of funds by the Secretary. States could also receive and use funds for their own development projects.

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[1] Reflects tentative decisions taken in Senate Banking, Housing and Urban Affairs Committee Markup as of November 20, 1973.

[2] Benefits of this provision would *not* extend to communities which had participated *only* in the water and sewer grant, public facility loan, code enforcement, neighborhood facility, rehabilitation loan or open space land programs.

CHILE CLEARED ON RACISM CHARGE

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, last Friday the Washington Post carried a story implying that the Chilean Government had indicated to the United States that a proposed U.S. Army attaché was unacceptable because he is black. This charge has been vigorously denied by both Chilean officials and the Departments of State and Defense. On Saturday the Post printed a second story to the effect that Chile did not reject the proposed attaché and, in fact, was never consulted at all about the individual in question. The chief of the U.S. military group in Chile has stated that he alone declined the nomination.

Mr. Speaker, since the charges made in the original article might have had serious consequences for United States-Chilean relations if they had been true, it is important that the second article which greatly clarifies the situation receive appropriate attention and I include it at this point as a part of my remarks along with the texts of statement released Friday by the Pentagon and a copy of an editorial which appeared in today's Washington Post:

BLACK ATTACHÉ TO CHILE BARRED BY U.S. MILITARY AIDE IN SANTIAGO

(By Austin Scott and Michael Getler)

The Defense Department said last night that it was the chief of the U.S. military advisory group in Santiago, not the Chilean government, who said that a black U.S. Army colonel was not acceptable as a military adviser to Chile because of his race.

Diplomatic messages sent to Washington explaining the rejection of Col. T. M. Gafford had claimed, according to Pentagon sources, that Gafford was not acceptable to the Chilean government because of its racial policies.

But in a two paragraph statement, the Pentagon said last night Chile was never consulted about Gafford's nomination.

The nomination was "forwarded through appropriate channels to the chief of the military group for coordination with the U.S. embassy and the government of Chile," the Pentagon statement said.

Navy Capt. R. E. Davis, chief of the military group, "declined that nomination without coordinating with the government of Chile or with the U.S. embassy," the statement continued.

"His assessment of the situation was invalid, resulting in an error in judgment. Instructions are being issued to insure that comments of the U.S. embassy and the government of Chile are obtained concerning any proposed nominations."

A Pentagon spokesman refused to go beyond the statement when asked whether the "instructions" include disciplining or removal of Davis, and what Davis' reasons were for rejecting Gafford's nomination.

Sources, however, said Davis thought the Chilean government would object to a black.

A Pentagon source said the decision amounted to "a major foulup" within the U.S. military group in Chile, and was "certainly not in line with our policies of assigning people without regard to race."

It also raised the question of who had lied about the Chilean government's role.

Authoritative sources on Capitol Hill and in the Pentagon said Thursday that Gen. William B. Rosson, commander in chief of the U.S. Southern Command in Panama, reported to Washington that his command had been informed by the U.S. team in Chile that Gafford was not acceptable to the Chilean government because of its racial policies.

Pentagon sources said yesterday that Rosson apparently relayed just what he had been told; that he apparently was not told "that this was a military group decision."

The military group in Chile was "anticipating rather than thinking," the sources said.

The Chilean embassy here issued a statement saying any suggestion that the Chilean government rejected the appointment of a black officer was "a slander against both the Chilean government and the Chilean people."

Gen. Walter Heitmann, Chile's ambassador to the United States, called a news conference to say the Chilean government was never told about Gafford, or the possibility that he might get the appointment.

Asked whether Chile would accept a black military adviser, he said, "Whenever they decide to send one, he is welcome."

"We're not aware of any special racial policy of the government of Chile," a State Department spokesman said.

The Pentagon confirmed Thursday that a white officer had been sent to Chile in Gafford's place.

There was no indication from the Pentagon whether the white officer would remain there or be withdrawn, or who might replace him if he were withdrawn.

ARMY RACISIM

There seems to be no foundation to the report that, for racial reasons, Chile refused to accept a black United States colonel who had been named to the American Military Advisory Group in Santiago. The new Chilean government has come under sharp and deserved challenge for many of its human rights policies; its insensitivity to international opinion in this regard is already well established. But in this instance Chile appears blameless. The country is proud, and deservedly so, of its tradition of racial tolerance.

Unfortunately, the matter does not end there. For a black colonel, T. M. Gafford, was indeed rejected for the Santiago post which was subsequently filled by a white officer. The Pentagon now says this was the decision of the chief of the Advisory Group in Santiago. This officer, it is suggested, thought Chile would object to a black. Since no Chilean objection was actually expressed, however, and since Chile's racial record can stand close scrutiny, and since no anticipated or actual Chilean objection should have been sustained anyway, it is very hard to credit this Pentagon suggestion.

The whole affair reeks of racism. It is bad enough that an American colleague may have rejected Col. Gafford and tried to blame the Chileans—surely that alone is worth official inquiry. It is worse in a sense that his Army superiors apparently acquiesced in a situation involving, at face, the humiliation of a fellow officer, of the U.S. Army and of the United States. The public is owed a prompt and full report on this disgraceful affair.

DEPARTMENT OF DEFENSE STATEMENT,
NOVEMBER 30, 1973

The Department of Defense nomination of Colonel Gafford for assignment to the United States Military Group in Chile was forwarded through appropriate channels to the Chief of the Military Group for coordination with the U.S. Embassy and the Government of Chile. The Chief of the Military Group declined the nomination without coordinating with the Government of Chile or with the U.S. Embassy. His assessment of the situation was invalid resulting in an error in judgment. Instructions are being issued to insure that comments of the U.S. Embassy and the Government of Chile are obtained concerning any proposed nominations.

FEDERAL NURSING HOME PATIENTS BILL OF RIGHTS

(Mr. COHEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. COHEN. Mr. Speaker, in the last 20 years, advances in medical science have enabled more and more of our senior citizens to live well into their eighties and nineties. Unfortunately, the past 20 years have also seen major changes in the American family structure which have made it increasingly difficult for the elderly to receive the care and assistance they need within the family setting. The result has been a growing demand for what we know as nursing homes or convalescent centers, long-term care facilities which today provide general and medical care for many elderly people.

Millions of elderly Americans are now living in nursing homes, and more homes are being opened every month. Last year, the Federal Government provided over a billion dollars to such institutions as part of the medicare and medicaid programs. Tragically, despite the vital function of these nursing facilities and the extensive Federal involvement in them, a significant percentage of the homes fall far short of the standard of care their patients need. Many elderly individuals, entering such facilities for needed services, have instead become victims of the institutions.

People knowledgeable of nursing home conditions can cite endless examples of the abuse and neglect that can and do occur in such facilities: bedridden incontinent patients left unattended for the entire day; staff stealing food and money from the residents; an elderly lady classified as senile because the doctor did not determine that she was stone deaf and could not hear his questions; a woman whose leg had to be amputated because a blood clot was not noticed by the staff until the leg had turned gangrenous. It is small wonder that the elderly dread the day when they may no longer be able to care for themselves and must enter nursing homes.

I believe strongly that conditions in nursing homes, beginning with those receiving Federal moneys, can and must be improved.

Today I am introducing with 18 of my colleagues legislation providing for a Federal Nursing Home Patients bill of rights. The measure requires that long-term care facilities certified for medicare and medicaid patients adopt, give to their patients, and implement through appropriate staff training a statement of the rights reserved to the patients.

The guarantees would include the patients' rights to exercise civil ad religious liberties, to receive adequate and appropriate medical care, to have full knowledge of their medical condition and to participate in the planning of their medical treatment.

They would provide the rights to have private and unrestricted communication with any person, to present grievances on behalf of themselves or other patients to the facility or Government officials without fear of reprisal, to have their records kept confidential, and to have a secure place to store their personal possessions. Finally, the guarantees would include the right to receive fair, equal and courteous treatment and services and to be free from mental or physical abuse, except physical restraints or sedation which are specifically authorized by a doctor for a limited period of time. Should the patient be adjudicated incompetent, these rights would devolve upon a trusted sponsor who could act in the patient's behalf.

Instituting a bill of rights would help correct a number of problems inherent with many nursing homes. For one, it would make it clear to both the patient and the staff that residents of the facility are individuals and retain the rights and privileges of other citizens in this country. Also, it would give the patient badly needed reassurances about the care he can expect and a measure of control over the conditions surroundings and affecting him. Finally, it would provide the patients—or their sponsors—with the right and the means to alert Government officials to substandard conditions in nursing home facilities and to work with patients or other concerned individuals in seeking improvements.

I think it important to point out that the approaches and attitudes engendered by such guarantees would benefit not only the patient but also the nursing home. A patient who is confident in the care he is receiving and is informed of his condition will generally be far more cooperative and will respond better to treatment. A bill of rights can also do much to correct the sometimes overwhelming atmosphere of apathy and despair which occurs when patients believe they have been consigned to nursing homes only to await death. In the cold, authoritarian environment of a medical institution patients come to feel themselves objects rather than people. Such an atmosphere can insure even the most understanding staff and defeat the entire purpose of the nursing home.

In developing this legislation, I have spoken at length with HEW officials involved in nursing home standards, with representatives of groups concerned about elderly problems, and with those involved in nursing home administration.

The organizations included the National Council of Senior Citizens, the National Retired Teachers Association, the American Association of Homes for the Aging, and the American Nursing Home Association. I also had the help of nursing home administrators, one of whom told me that operating under these guarantees is just good business sense. Among those I consulted there was strong agreement that requiring the adoption by nursing homes of a bill of rights would not be a problem in good nursing homes but could prove a vital mechanism for improving conditions in substandard facilities. They also felt that placing such a requirement in Federal law would assure more effective enforcement of these rights in medicare and medicaid facilities and would encourage and assist the States, who have the responsibility for inspecting and licensing the bulk of the nursing homes, in adopting similar legislation.

I am pleased to report that in some places there has already been a welcome indication of concern at the State level. A few States, including West Virginia and Minnesota, have enacted similar statements of rights for long-term care patients. Last week, in my own State of Maine, one thousand delegates to the Fourth Blaine House Conference on Aging unanimously endorsed a bill of rights for Maine's nursing home patients. Legislation embodying these guarantees is expected to be introduced during a special session of the Maine State Legislature, which convenes in January. Needless to say, I am very encouraged by the conference's resolution and will be working closely with State legislators to insure that their efforts to give greater protection to Maine's nursing home patients are fully rewarded.

Clearly, providing guarantees of patient's rights is a need and idea whose time has come. To bring it to fruition, however, we must have concerted leadership and action on the national level. We need model legislation and enforcement which can provide all the States with the direction and purpose they need. I, therefore, urge the Members of this House to join with me and Congressmen ANDERSON of Illinois, RAILSBACK, HOSMER, BOLAND, WALDIE, MOAKLEY, HECHLER of West Virginia, YATRON, PODELL, HARRINGTON, PEYSER, ST GERMAIN, EDWARDS of California, and HEINZ, and Congresswomen HECKLER of Massachusetts, ABZUG, CHISHOLM, and SCHROEDER in sponsoring and supporting this legislation.

ROMANIA ENTITLED TO CHANGE IN OUR TARIFF LAWS

Mr. FRELINGHUYSEN. Mr. Speaker, as most of us know, Mr. Nicolae Ceausescu, the President of Romania, arrived on the White House lawn this morning to begin his first official visit to the United States. Romania's role in recent years has been an interesting and constructive one, and I trust that Mr. Ceausescu's visit proves most successful.

Although a relatively small country and a neighbor of the Soviet Union, Romania has given abundant evidence of her determination to pursue an independent foreign policy line. For example, Romania publicly criticized the Soviet invasion of Czechoslovakia in August 1968. Her independence has been illustrated also by the excellent relations she has maintained with Israel during recent years. In that connection, it is interesting to note that more people have emigrated from Romania to Israel—over 300,000—during the last 20 years than from any other Eastern European country, or from the Soviet Union.

Romania, under the leadership of President Ceausescu, has taken a number of steps to foster closer economic ties with Western Europe and the United States. She became a member of the International Monetary Fund, the World Bank and GATT, and was the first country in Eastern Europe to negotiate trade preferences with the European Common Market. Her trade has changed dramatically from one almost exclusively with other Comecon countries to a point where now about 50 percent is with non-Communist countries.

Romania has also sought actively to improve economic relationships with the United States. This presumably is a major reason for Mr. Ceausescu's present visit. She has changed her laws in ways which have expanded her trade with the United States, and has encouraged foreign investment by developing joint ventures, with American companies having an equity position in Romanian firms. Under these circumstances I personally can sympathize with Romania's hope for an end to our policy of denying Romania "most favored nation" treatment, although it is accorded both to Poland and Yugoslavia. In my opinion, Romania has amply proven that she is entitled to a change in our tariff laws.

A SUGGESTED FEDERAL NATURAL GAS POLICY

(Mr. ROUSSELOT asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. ROUSSELOT. Mr. Speaker, John H. Robson, president of the Oil Heat Marketers Association, Chicago, Ill., has recently presented a statement to the Senate Commerce Committee on proposed changes in Federal natural gas policy for inclusion in the hearing record. Since there is so much discussion in the Congress, in the news media, and by the American people all over the country about the energy crisis, I thought it would be constructive if my colleagues would take the time to study some of the comments by Mr. Robson. Some of his recommended proposals could well lead to solutions in our deliberations on this subject. It is my hope that we in this Congress are wise enough to listen to men such as Mr. Robson who are involved in the marketing of energy products and who are on a day-to-day basis on the firing-line in the American marketplace. Let me review with my colleagues Mr. Robson's testimony submitted to the Senate Commerce Committee in October 1973:

A New Federal Natural Gas Policy Is Needed

(Statement of John H. Robson, president, Oil Heat Marketers Association, Chicago, Ill., at the public hearings held by the State Commerce Committee on proposed changes in Federal natural gas pricing policies, Oct. 24–25 and Nov. 7–8, 1973, Washington, D.C.)

As the president of the Oil Heat Marketers Association, a partner in a retail fuel oil business, and a citizen concerned about our nation's future, I would like to see our Federal Government adopt a sound natural gas policy. It is mostly because of our past Federal gas pricing policies that our nation now faces serious shortages of natural gas, fuel oil and propane—it is because of these gas policies that many of our oil customers may be without heat this winter.

Although there has been other testimony from government and industry officials which has placed most of the blame for our nation's present gas problems on our natural gas pricing policies, I know of no testimony which adequately described how these same gas policies have been detrimental to our nation's ability to provide adequate quantities of all other fuels. We hope, in this statement, to describe how these policies tended to undermine our total fuel industry. At its conclusion, we will present recommendation for changes in our present gas pricing policies which will start our nation moving in the right direction.

THE FEDERAL NATURAL GAS PRICING POLICIES CAUSED OUR FUEL SHORTAGES

Although it is true that the too rapid application of environmental controls and restrictions on the use of high sulphur fuels brought us more quickly to our present fuel problems, the present and worsening shortages of heating oil, propane, and natural gas can *all* be traced back to a 1954 Supreme Court decision concerning natural gas. The Court then ruled that the Federal Power Commission should control the wellhead price of all natural gas that was to move interstate. The Government, following a philosophy that the supply of natural gas was infinite and that it was a "free" by-product of oil production, set these prices at artificially low levels. The introduction of natural gas at these low prices affected the economic forces influencing the production and utilization of natural gas and all competing fuels.

"CHEAP" NATURAL GAS MOVED INTO UTILITIES AND INDUSTRY

The introduction of "cheap" natural gas to large fuel users at extremely low prices undermined the market for competing industrial fuels. During the 1950's interruptible gas was being sold in Illinois at 2.4 cents per therm—equivalent to 12,000 BTU coal selling at $5.76 per ton, and No. 6 oil selling at 3.7 cents per gallon.

At the time of the Supreme Court's 1954 decision, approximately 60 percent of each barrel of crude oil was made into gasoline and distillates, the remaining 40 percent being left as No. 6 residual oil, used by the utilities and industry as boiler fuel. The competition from the artificially priced "cheap" natural gas undercut the heavy oil, driving the price of the No. 6 down to the point where its manufacturing cost could not be recovered.

Refiners solved their No. 6 oil problem by utilizing new thermal and catalytic cracking processes which converted almost the entire barrel of crude oil into the more profitable gasoline and distillates. The No. 6 oil that continued to be used as boiler fuel, primarily along the East Coast, where pipeline costs made it still competitive with natural gas, came from Venezuela and the Caribbean

"CHEAP" NATURAL GAS CAUSES THE GASOLINE SURPLUSES OF THE 1960'S

The conversions to catalytic cracking to reduce the production of No. 6 oil created surpluses of gasoline and distillates during the early 1960's as the refining companies tried to dispose of their crude oil production and reduce unit costs by operating refineries at near full capacity. An oversupply of distillates was created as "cheap" natural gas continued to take a larger and larger share of the space heating market away from heating oil in the mid-continent. The refining companies responded to these distillate overruns by further cracking to convert larger portions of the barrel of crude to gasoline.

The refining companies having their own retail outlets moved as much of their gasoline as possible through their own dealers by bribing customers with steak knives, S & H Green Stamps, and games of chance. The gasoline not sold through their own dealers was sold at low prices to a growing number of independent gasoline marketers. These independents competed against the major oil companies by selling gasoline at lower prices. During the 1960's price wars became chronic as the gasoline marketers tried to force more and more product into a completely saturated market.

"CHEAP" NATURAL GAS HELPED CAUSE OUR SHORTAGE OF REFINING CAPACITY

During these years of gasoline surpluses and depressed prices, profits from domestic refinery operation were frequently averaging about 2 percent, not sufficient to pay the interest on investment capital required to build new additional refineries. During the 60's the major oil companies continued to build refineries in foreign countries, however, where distillate markets had not been destroyed by the availability of "cheap" natural gas.

Although low refinery profits was the most important reason new refineries were not built in this country, there were also other reasons:

The major oil companies also realized that additional refineries would only increase the flood of gasoline that was already permitting aggressive independent gasoline marketers to cut deeper into their own retail markets.

In 1959 President Eisenhower initiated import quotas for the purpose of protecting domestic petroleum producers. The major oil companies had urged this policy to restrict competition from independents in the already saturated fuel market. Later, the uncertainties concerning our government's future import policies discouraged refiners from investing in new plants to process crude oil from foreign sources.

During the early 1970's plans to build new refineries on the East Coast were stopped because of objections from environmental groups concerning siting locations.

Although there have been several reasons why the major oil companies and independent refiners did not build new refineries during the 1960's, low refinery profits caused by "cheap" natural gas undercutting the fuel oil markets in the mid-continent was certainly a major factor.

THE CLEAN AIR ACT OF 1970

Although it was the Supreme Court's decision concerning interstate natural gas prices and the resulting government price controls which planted the seed and nurtured our present fuel crisis, it was the Clean Air Act of 1970 which quickly brought the crisis to full bloom. This environmental law was enacted in an atmosphere of a Roman circus just prior to the national elections of 1970 when an uninformed and apathetic public permitted a vocal and organized minority to stampede an election-conscious Congress into unwise legislation.

Although the largely unsupportable exhaust emission standards for automobiles will affect the efficiency of our new cars and consequently the total quantities of crude oil which we will need to import, these emission standards will not have nearly the detrimental effect on our nation's economic strength and our future foreign policy as have the EPA's ambient air standards for sulphur dioxide and particulates. It is because of these standards that many of our states have adopted pollution control regulations banning the use of coal for space heating of large buildings and our largest fuel users were pressured into converting from coal to either natural gas or distillates. The limitation on the sulphur content of No. 6 oil forced East Coast fuel users to either convert to straight distillates or reduce residual sulphur levels by blending huge quantities of distillates into the residual oil. Delays in nuclear plant construction and environmental restrictions on high sulphur fuels forced electric utilities to consume rapidly increasing quantities of distillates and natural gas in turbine "peaking" units. And as gas reserves continue to decrease, more and more of this huge new energy load is being transferred over into distillates.

The EPA has been forced to admit that several of the excessively stringent standards they are now enforcing are not based on valid quantitative studies—including those for sulphur dioxide.

CURTAILMENTS OF "CHEAP" INTERRUPTIBLE GAS IMPERILS FUEL OIL SUPPLY

The present serious fuel oil shortage is caused by the interlocking dependence between our nation's energy fuels. Although the environmental restrictions on the use of high sulphur fuels have caused many factories and power plants to turn to low sulphur distillates, one of the most important causes of the oil shortage is the increasing number of curtailments of natural gas to large customers on interruptible contracts. These contracts cover 23 percent of all the natural gas being consumed in this country and as the gas shortage becomes increasingly worse, an increasing number of these large fuel users are being forced to turn to heating oil as a "swing fuel".

THE SHORTAGE OF "CHEAP" GAS IS PUSHING MORE RESIDENTIAL CUSTOMERS TO GAS

As more of the large fuel users are being forced to turn to distillates because of increasing curtailments of gas service, the sudden and unexpected increase in the demand for heating oil is creating shortages which threaten the warmth and comfort of every homeowner depending on oil. Because of the fuel oil shortage, prices of that fuel are moving up rapidly. In Illinois retail prices this next winter can be expected to range between 22 and 35 cents per gallon, depending on the individual retailer's source of fuel—some of the imported product being quoted at wholesale prices as high as 32 cents, F.O.B. the Gulf Coast. As the oil prices have shot up, the natural gas prices have remained low-equivalent to an oil price of slightly less than 16½ cents per gallon.

The gas distribution companies in the mid-continent are continually assuring the public that all their residential customers need not worry about their fuel supply this winter—that only the large industrial gas customers should expect interruptions in supply. Because these gas companies can increase their profits by shifting their gas sales from the lower priced industrial customers to the higher priced residential customers, many of these gas companies are continuing to accept homes converting from oil.

It is ironic that our Federal and State gas pricing policies have created a gas shortage which is now pushing oil customers to convert to gas.

OUR NATION IS RUNNING OUT OF "CHEAP" NATURAL GAS

During the last five years total U.S. reserve additions in the lower 48 states have been less than half of production and the proven reserve inventory has shrunk by 54.7 trillion cubic feet. The reserve/production ratio which stood at 23.1 twenty years ago has now dropped to only 10.5.

Our nation's steady decline in the gas supply has manifested itself in curtailments of firm service by interstate pipeline companies to their customers during the past several winter heating seasons. These curtailments have increased from 62 billion cubic feet during the 1970–71 winter season, to 236 billion cubic feet during the 1971–72 winter season, and finally to 566 billion cubic feet during the past winter.

Last year the U.S. consumed approximately 23 trillion cubic feet of natural gas—enough to fill a cylinder of 161 foot diameter reaching clear to the moon. In the same year we added only six trillion cubic feet to our reserves, reducing our total reserves by 17 trillion cubic feet. The obvious answer seems to be to decontrol wellhead prices of new gas to accelerate drilling activity. But in our best year, 1955, before our Federal regulatory practices emasculated the exploratory function, the top reserves discovered amounted to only 15 trillion cubic feet. With the "easy" reserves already found, with wells having to probe deeper or offshore in more complex operations, can any kind of crash program produce new reserves at the rate of more than 23 trillion cubic feet each year in the years ahead?

HOW IMPORTANT ARE OUR UNDISCOVERED RESERVES?

The Potential Gas Committee, sponsored by the Colorado School of Mines, estimates that the potential supply of natural gas in the United States which remains to be found and developed in the lower 48 states is 780 trillion cubic feet—enough to increase our reserve/production ratio to 44 years if it were all found today. Although others may give different estimates of our undiscovered reserves, the variations in these estimates do not change the fact our gas reserves are indeed limited.

Although members of this committee may not completely agree with the figures of known reserves provided by the American Gas Association, or with the estimates of the undiscovered potential gas reserves provided by the Potential Gas Committee, the differences between your estimates and theirs will not alter the basic premise on which a sound Federal gas policy must be based.

The important question is not whether the present estimates of proven or potential reserves are conservative; *the important question is whether we can continually discover and develop new reserves, year after year, at a rate equal to our annual rates of consumption*. When considering this question, it should be remembered that much of our potential reserves may remain undiscovered for hundreds of years and an unknown percentage of this potential will never be found.

WE SHOULD NOT PRODUCE SNG FROM PETROLEUM

The nation's gas companies know that the increasing gas shortfall is critical and they are taking drastic action to assure that most-critical needs are met. One of these actions is the production of "synthetic natural gas" from other fuels.

As of May 1, there were 26 plants in various stages of development to convert 735,000 barrels per day of naphtha and natural gas liquids into 3.34 billion cubic feet of SNG. In addition, another 11 plants were being developed to convert 780,000 barrels per day of crude oil to 1.58 billion cubic feet of pipeline quality gas. All these plants would consume when and if completed the equivalent to the entire domestic throughput of Mobil Oil and Gulf Oil, combined. Although such plants may temporarily delay the approaching collapse of our gas system, the impact of these plants on our nation's gasoline and heating oil supplies would be devastating.

Although SNG plants will be needed in the future, *all efforts should be placed on coal gasification*.

WHAT EFFECT WOULD THE DECONTROL OF WELLHEAD PRICES HAVE ON RETAIL PRICES?

Although the decontrol of wellhead prices for new gas would do more than any other single action to bring quick relief to our rapidly growing shortages of clean fuels, such decontrol would only tend to increase the speed with which we would consume our total natural gas reserves unless the demand for gas was also dampened by substantial increases in gas prices. To adequately dampen gas demand, cost of gas to consumers must be increased above those *of competitive fuels*, per unit of heat.

The average wellhead cost for interstate gas is approximately 2.3 cents per therm, the average paid by residential gas customers is approximately 10.9 cents per therm—leaving 8.6 cents, or about 79 percent of the total cost to cover the cost of transmission and to provide the profits for both the gas pipeline and distribution companies. Because such a large percentage of the consumer's gas costs are from transmission, large increases in the wellhead prices of gas would produce relatively small increases in retail prices paid by residential customers.

A 100 percent increase in the average wellhead gas price, for example, would increase the residential consumer's cost from 10.9 cents to 13.2 cents per therm—an increase of only 21 percent.

HOW MUCH SHOULD GAS PRICES BE INCREASED?

Because natural gas provides valuable "building blocks" from which the petrochemical industry can build their ammonia-base fertilizers, plastics and other chemical products, gas prices should at least reflect its full heating value when compared with competitive fuels.

Industrial gas customers, both firm and interruptible, now account for about 51.5 percent of all gas being consumed. The average price paid by these largest gas users is only about 3.7 cents per therm, about one-third of that paid by the average homeowner, and equivalent to 12,000 BTU coal selling for only $8.88 per ton. Commonwealth Edison in Chicago is now paying $12.22 per ton for low-sulphur coal—36 percent more than the average industrial gas price.

Commercial gas users consume about 8.1 percent of all gas consumed and pay an average of 8.2 cents per therm—equivalent to 14,000 BTU coal selling for $22.71 per ton and distillates selling for only 11½ cents per gallon. Low-sulphur, low ash coal of 14,000 BTU heat content is presently being delivered at prices ranging between $34 and $37 per ton in Chicago.

To curb the demand for gas in the mid-continent and prevent a massive shift from distillate to natural gas, gas prices to *all* gas consumers should be artifically increased to a minimum of 17.8 cents per therm—equivalent in cost per unit of heat to distillate selling for 25 cents per gallon, to No. 6 residual oil selling for 27 cents per gallon, and to 12,000 BTU coal selling for $42.72 per ton.

Such an increase in gas prices would greatly increase the financial incentives for our largest fuel users to convert to coal and to invest in the costly equipment required to burn our most plentiful fuel cleanly. Such an increase in gas prices would also reduce the incentives for our residential oil customers to convert to gas, and provide greater incentives for those who choose to use gas, to insulate their homes and to set their thermostats lower.

HOW SHOULD "EXPENSIVE" NATURAL GAS BE USED?

Our present theoretical projections of gas demand are predicated on the continuation of the same pricing pattern we have had during the past 20 years. Under these projections future gas demand looms above future gas supply. But these theoretical projections include all gas users who have been paying prices which vary over an extremely wide range, with our largest gas users, the utilities, paying less than one-third the cost of that synthetic gas that will be needed to replace the gas they are now consuming.

With gas prices to all users increased to a minimum of 17.8 cents per therm, the largest gas users will look to other fuels. Because distillate prices will continue to remain relatively high, coal will become the fuel of choice and there will be strong economic incentives for utilities and industry to install the equipment needed to burn that fuel cleanly.

To further encourage greater use of our most plentiful fuel, part of the billions of dollars received by Government from a new natural gas tax could be made available to large fuel users in the form of low interest loans, to pay for the expensive conversions to coal and the equipment required to control stack emissions.

OUR FEDERAL NATURAL GAS LEGISLATION SHOULD AIM FOR THE RIGHT TARGET

Members of this committee have evidence that some major oil companies may have been trying to stifle competition and that the majors' anticompetitive actions by these companies may be contributing to our present problems. Although evidence may indicate that certain anticompetitive actions taken by certain major oil companies may tend to aggravate our problems, it would be incorrect to assume that our fuel shortages are caused by such actions. Although Government should take appropriate actions to prevent major oil companies from anticompetitive activities, gas legislation should not be based on a false premise that these anticompetitive activities have caused our problem.

It is probably true that our immediate natural gas shortages may be adversely affected by owners of some gas wells holding their gas off the market, waiting for higher wellhead prices. In a sense, those who have been sitting on capped wells have been doing our nation a service—if their actions have caused our Federal government to increase wellhead prices from their present unrealistically low levels. This holding of gas does not alter the fact that U.S. gas reserves are shrinking rapidly because of excessive demand. Any Federal gas legislation based on the premise that our gas shortage is primarily caused by such gas holding actions, would be disastrous.

Our Federal natural gas policy must not be designed to provide gas at the lowest "reasonable" cost to consumers by Federally controlling the wellhead price of gas. Such a policy would be reasonable only if our nation's gas reserves were almost infinite and easy to find. A Federal natural gas policy based on the short-sighted objective of providing gas to consumers at low prices now, will only guarantee that millions of homes would soon be heated with wood or coal.

Our Federal natural gas policy should be designed to benefit the entire nation over the long-haul. It should encourage the development of new sources of gas and all other forms of energy—not discourage it. It should encourage conservation of all fuels—and especially those in shortest supply. It should make our nation more self-sufficient—able to produce from domestic sources the fuels we will need in the years ahead. It should increase incentives for investment in the research and equipment required to convert our great reserves of coal into clean fuels. Our failure to develop a gas policy that will accomplish these objectives would allow our nation to drift further into catastrophic energy problems.

The United States stands alone in the world today in our extravagant and wasteful use of natural gas. Natural gas is a premium fuel and it is rapidly disappearing. Its price *must* reflect that fact.

Our nation has been drifting down a river. It's been pleasant and peaceful. As we round a bend, we can see that the river drops over a cliff. As we begin to move rapidly toward the falls, some still can't believe that the falls are actually there.

Senators and members of this committee—it is time that we accept the fact that the falls are indeed there and that we had all better grab a paddle and get busy.

RETIREMENT OF THE HONORABLE WILLIAM J. KEATING

The SPEAKER pro tempore (Mr. Matsunaga). Under a previous order of the House the gentleman from Florida (Mr. Frey) is recognized for 60 minutes.

Mr. FREY. Mr. Speaker, this is a very sad and at the same time a very happy occasion—very sad because we soon will be losing one of the most outstanding, conscientious, and dedicated Members of Congress. I am referring to the gentleman from the First District of Ohio, William J. Keating, who has accepted the position of president and chief executive officer of a great newspaper, the Cincinnati Enquirer. Yet, Mr. Speaker, this is a happy occasion, too, in that we have the opportunity to let Bill know that we are proud of his service in the Congress and of his efforts to make this a better Nation. He has shown leadership in many legislative areas; such as his election reform legislation, his fight against the present Federal policy of relocating Federal civilian employees at great expense to the taxpayers, and his bill to locate and help runaways. His new position will enable him to continue his quest for a better America. Many of us hope that someday in the future Bill will return to the political scene.

Mr. Speaker, I am aware that Bill's family, his lovely wife, Nancy, and his seven children, Nancy, Bill, Jr., Mike, Dan, Susie, Tom, and John, are delighted that Bill will be coming home. His family is a most important factor in his life and I know his desire to be with them on a more regular basis was a major element in his tough decision to leave the Congress—especially tough because many people in the Congress and his State of Ohio firmly believed Bill Keating could be the next Senator from Ohio. Educated at the University of Cincinnati Bill received degrees from both the College of Business Administration and the College of Law. He is a member of the UC "C" Club, Phi Alpha Delta Legal Fraternity, and Sigma Chi Fraternity. He has been in public service for over 15 years. In 1958, Bill was appointed judge of Cincinnati Municipal Court where he was later elected and served until December 1964. He was elected to the Hamilton County Court of Common Pleas on January 1, 1965, where he served until August 1, 1967. On December 1, 1967, Bill took office as a member of the Cincinnati City Council as majority leader and chairman of the finance committee, where he worked for 3 years. In 1970, Bill was first elected to the Congress and was reelected to the 93d Congress receiving over 70 percent of the popular vote. As a member of the House Judiciary Committee, Bill is the ranking Republican on the Subcommittee on Immigration, Citizenship, and International Law, and is a member of the Judiciary Crime Subcommittee. He is also a member of the Republican Task Force on Aging, the Task Force on Health Care and the Special Task Force on Election Reform. During World War II, Bill served with the Navy. He was commissioned a first lieutenant in the Air Force Reserve.

As Bill returns to Ohio, he will continue his memberships in numerous organizations such as serving as board director of the Friars Club, Multiple Sclerosis Foundation, National Foundation, Cincinnati Pepsi Marlins, Big Brothers Association, and Knights of Columbus. Bill is a member of the Cincinnati and Ohio State Bar Associations.

It would be impossible in closing to not mention the high personal regard that I have for the gentleman from Ohio. His advice, his dry sense of humor, his insight into issues, his sense of what is right and what is wrong, his vision, his courage, his honesty and integrity, and most of all, his friendship will be sorely missed. I wish Bill and his family only the best in the years ahead. Good luck, best wishes, and Godspeed.

Mr. FREY. Mr. Speaker, there are a number of colleagues here who wish to speak on this subject at this time, and I will yield to them.

Mr. MINSHALL of Ohio. Mr. Speaker, will the gentleman yield?

Mr. FREY. I yield to the gentleman from Ohio.

Mr. MINSHALL of Ohio. Mr. Speaker, it is with mixed emotions that we say farewell to our retiring friend and colleague, William J. Keating, who is leaving the House of Representatives to become president and chief executive of the Cincinnati Enquirer.

We are all sorry to lose Bill Keating's valuable services in the House. He has served the First District of Ohio with dedication and distinction during the 92d and 93d Congresses. His contributions both in the House Committee on the Judiciary and on the House floor are considerable, and, had he chosen to remain in Congress I am certain he would have enjoyed a long tenure of office.

On the other hand, we know how much Bill has wanted to have more time to spend with his family, and those of us who have children know the many sacrifices that are required by a Member's wife and youngsters. I know he will do a brilliant job heading up the Enquirer and that he will win fresh laurels in the world of journalism. Bill Keating is a magnificently versatile and talented young man and I know he will do a brilliant job at the helm of one of the Nation's most distingushed and outstanding newspapers.

Our good friend has a distinguished record of public service, including that of assistant attorney general of the State of Ohio, 1957-58; judge, Cincinnati Municipal Court, 1959-64; presiding judge, 1962-63; judge, Hamilton County Court of Common Pleas, 1964-67; Cincinnati city councilman, 1967-70. He was elected to the 92d Congress on November 3, 1970, and reelected to the 93d. Had it been his wish, I am sure he could have been returned to many more Congresses in the future.

We will miss BILL and his charming wife, Nancy, and the lovely family to whom he is so devoted. With mixed regret and happiness for the new career he is so enthusiastically starting, I wish him Godspeed.

Mr. CLANCY. Mr. Speaker, will the gentleman yield?

Mr. FREY. I yield to the gentleman from Ohio (Mr. CLANCY).

Mr. CLANCY. Mr. Speaker, I wish at this time to express my sincere regrets at the impending departure of our good colleague, the Honorable WILLIAM J. KEATING of Cincinnati.

We all have come to admire and respect BILL in the 3 years that he has served with us. He especially has impressed us with his quick and sure grasp of thorny, legal problems in the Committee on Judiciary. He established himself as one of its most competent members.

I, for one, was not surprised because I knew BILL KEATING before he came to Congress. Back home, I saw him as a young man begin his career climb with a law degree from the University of Cincinnati. I saw him working diligently and hard.

He began attracting attention by his legal knowledge as an assistant attorney general of Ohio. He clearly demonstrated his leadership abilities while serving two terms on the Cincinnati City Council. He accentuated his grasp of the intricacies of laws as judge of the Cincinnati Municipal Court, then as judge of the Hamilton County Court of Common Pleas.

Barely a month ago, my friend BILL KEATING announced his resignation from the House of Representatives, effective next month, to become chief executive of the Cincinnati Enquirer, and so he is entering still another new field at which I am sure he will be very successful.

BILL tells me that he enjoyed his time here in Congress and I understand that his new position will allow him more time with his family. Most of us here know the family sacrifices which must be made to conscientiously serve in this body, and all of us, therefore, can understand BILL KEATING's decision—and maybe even envy him a bit.

We will all miss him and wish him Godspeed in his new endeavors.

Mr. SMITH of New York. Mr. Speaker, will the gentleman yield?

Mr. FREY. I yield to the gentleman from New York.

Mr. SMITH of New York. Mr. Speaker, I thank the gentleman for yielding.

I just want to say that all of us on the Committee on the Judiciary on both sides of the aisle have enjoyed serving with BILL KEATING. We shall miss him, both from the Committee on the Judiciary and from the ranks of the House of Representatives.

I know that all of us join in wishing BILL great happiness and satisfaction in his coming life in the journalistic world.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

Mr. FREY. I yield to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, on the one hand, it is really a sad occasion to be saying even a partial goodby to an individual who has been both a very able legislator and a very good friend. He will be sorely missed by all of us who proudly call ourselves his colleagues.

On the other hand, the circumstances under which BILL KEATING is leaving are unique and, I think, rather refreshing. With a highly promising political career ahead of him, BILL has chosen to disprove that old maxim, "They never go back to Pocatello."

A lot of people would probably think that Bill is giving up a lot. But in thinking about how he will have more time to call his own, more time to spend with his family, and a new and different type of influence to bring to bear on public affairs, I can only commend him for what I think is a very courageous and praiseworthy decision.

I have valued both BILL's companionship and his counsel in the House. I wish him the very best in his new career, and I hope and most sincerely pray that the future will bring the finest fruits of life to BILL, to Nancy and to the entire Keating family.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. FREY. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, it is always difficult to say goodbye to someone whom you have come to know as we all have BILL KEATING.

BILL is a fine and decent gentleman with a strong sense of honor. He is an individual who has made a substantial contribution even though he has been in this legislation body but 3 short years.

In the several times that we have had an opportunity to discuss legislation, BILL has always approached it with a great deal of thoughtfulness and has tried to weigh very carefully all points of view, and then make his judgment and move successfully to bring that point of view into the legislation.

As has already been stated, he has made an excellent contribution to this body because he is a strong family man. That background that he brought to the Congress is an important element we need in this House. He has always, although he has never proclaimed it publicly, been a fine religious man. That is certainly needed, too. Spiritual values are always needed in this body. BILL has never been hesitant to include those concepts of spiritual values in the judgments he brought to the House.

I am delighted that he has decided to accept a very fine position in the free enterprise system, because I know in that way he will be able to continue to give us an input that we very much need in this body, namely, the concepts of the free marketplace. He has the additional ability now in the position with the media he is joining to be able publicly to acknowledge the value of our free market system in this country through the news media which I believe needs that kind of an input.

I think I was most impressed with BILL KEATING's good qualities when just recently he was willing to say, "Well, I made a mistake on a given issue of wage and price controls. I am sorry I did that, but now I publicly acknowledge that I made that mistake." There are not too many people in political life who are willing to say that publicly, and then back it up with very good reasoning and common sense.

We will certainly miss BILL KEATING on our Republican baseball team.

Mr. FREY. Amen.

Mr. ROUSSELOT. He was a good athlete, and we need him. We will probably have some difficulty in trying to find a replacement.

Indeed, this House is also the loser because he will not be here to participate, but maybe in another way we gain from it because I know he will continue to come back here and visit with us and give us the valuable input which we need. We are sorry to see BILL leave.

I thank the gentleman from Florida for taking this time to make sure that we can recount some of the many blessings we have had because BILL has served here.

Mr. FREY. I thank the gentleman, who is part of a great double play combination—good hit, good glove.

I now yield to the gentleman from New York (Mr. MCEWEN).

Mr. MCEWEN. Mr. Speaker, I, too, would like to join with my colleagues in saying a few words about BILL KEATING.

I am not a member of BILL's State delegation or of his class in Congress, nor have I had the privilege of serving on one of our committees with BILL. My acquaintance with him has been here on the floor and, yes, on some evenings as we gathered with a number of our colleagues and friends over supper and discussed some of the issues of the day.

Mr. Speaker, if one word can be used to describe BILL KEATING above all else, it is the word the gentleman from California (Mr. ROUSSELOT), just used in referring to him, and that is "decent." BILL KEATING is a real decent person. He has a decent regard for this institution, for the importance of the work, for his family, and for his friends. It is with real sorrow that I see a man of BILL KEATING's stature and good instincts leaving us.

So I wish for BILL KEATING and for his family the greatest of satisfaction, health, and success in the work that he is going on to with that great paper in Cincinnati, Ohio.

Mr. FREY. Mr. Speaker, I now yield to the gentleman from Indiana (Mr. Hillis).

Mr. HILLIS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I had the pleasure of coming to Congress with Bill Keating and serving as a freshman with him during the 92d Congress. Through this common factor we became friends and learned about the workings of the Congress together.

The House of Representatives is losing a fine man. I am sure that the First District of Ohio realizes this and appreciates the 3 years that Bill gave to serve them.

Bill has earned the reputation of a dedicated legislator in his short time here in the House. His service has been inspiring to all of us. He has won the respect of Republicans and Democrats alike.

I know well the many sacrifices a man must make with his family when he comes to Congress. It is difficult at best and the strains are numerous. Bill is to be respected for the decision he has made to return to Ohio and his family.

Today I join my colleagues in paying tribute to Bill Keating—a distinguished legislator, an honorable man, and a good friend. I know that every Member of this body extends to Bill, his wife, and lovely children, a wish for all the good things in life in the days ahead.

Mr. FREY. Mr. Speaker, I now yield to the gentleman from New York (Mr. Kemp.)

Mr. KEMP. Mr. Speaker, I appreciate the gentleman from Florida (Mr. Frey) taking this special order so that his friends and colleagues can take some time to reflect on the qualities of leadership that our friend, Bill Keating, has manifested in his short, very substantive and meaningful career here in the Congress of the United States.

Mr. Speaker, it was with a profound sense of personal loss and regret that I received the recent announcement of the gentleman from Ohio (Mr. Keating) that he will not seek reelection at the end of his current term. Bill Keating is a leader whose life will have an impact on America as a newspaperman as it has as a Member of Congress.

Long after Bill departs these halls next January, communities in the First District of Ohio and throughout the United States will be benefiting directly from his fine legislative initiatives in this, and in the 92d Congress. As a member of the House Judiciary Committee, the ranking Republican on the Subcommittee on Immigration, Citizenship and International Law, and as a member of the Republican task force on aging, the task force on health care, and the special task force of election reform, Bill's influence has spanned a broad spectrum of public concerns, and will assuredly have permanent impact.

It has been my great pleasure and honor to have entered Congress at the same time as Bill Keating, and to have had the benefit of his friendship and thoughtful counsel. While I join my colleagues in deep regret that such an outstanding addition to our membership will be leaving, I am at the same time reminded of the words of Cervantes, which, I believe, crystallize the sentiment of so many of us:

> There is a strange charm in the thoughts of a good legacy . . . which wondrously alleviate the sorrow that men would otherwise feel for the departure of their friends.

Mr. Speaker, I would like to express my heartfelt thanks to Bill Keating for his fine work on behalf of all of us, and to wish him much happiness and continued good health in the years ahead as well as his lovely wife Nancy and their great family.

A short biography of Bill Keating follows:

MEET BILL KEATING

Congressman William J. Keating represents the First District of Ohio (the eastern half of Cincinnati and Hamilton County) in the U.S. House of Representatives.

Educated at the University of Cincinnati, receiving degrees both from the College of Business Administration and the College of Law, Bill is a member of the UC "C" Club, Phi Alpha Delta Legal Fraternity, and Sigma Chi Fraternity.

During World War II he served with the Navy. He was commissioned a First Lieutenant in the Air Force Reserve.

Congressman Keating serves as a member of the House Judiciary Committee. He is the ranking Republican on the Subcommittee on Immigration, Citizenship, and International Law, and is a member of the Judiciary Crime Subcommittee. He is also a member of the Republican Task Force on Aging, the Task Force on Health Care, and the Special Task Force on Election Reform.

Bill was appointed in December 1958 as Judge of Cincinnati Municipal Court where he was later elected and served until December 1964. Judge Keating was elected to the Hamilton County Court of Common Pleas on January 1, 1965, where he served until August 1, 1967.

On December 1, 1967, Bill took office as a member of the Cincinnati City Council as Majority Leader and Chairman of Finance Committee, where he worked for three years. He was first elected to the Congress in 1970 and was re-elected to the 93rd Congress receiving over 70% of the popular vote.

Representative Keating is a member of the Cincinnati and Ohio State Bar Associations. He is a member of the Board of Directors of the Friars Club, Multiple Sclerosis Foundation, National Foundation, Cincinnati Pepsi Marlins, Big Brothers Association, and Knights of Columbus. He is also a member of the Mt. Lookout Civic Club, American Legion Post 744, and Christ the King Church.

Bill was born, grew up, and was educated in Cincinnati. He is married to Nancy Nenninger Keating; and they have seven children, ages twenty-one to nine—Nancy, Bill, Mike, Dan, Susie, Tom, and John.

Mr. FREY. I thank the gentleman from New York for his comments.

I yield to the gentleman from Maryland (Mr. Hogan).

Mr. HOGAN. I thank the gentleman for yielding.

Mr. Speaker, I should like to join in the accolades we have been hearing about Bill Keating. I should like to share in the regret being expressed that he no longer will be serving with us here in Congress. I consider myself very fortunate to have known Bill Keating. I sit next to him on the Committee on the Judiciary, and I have come to know him as, not only a dedicated and outstanding legislator, but as a really fine human being. If one can go through life and meet a half dozen people of Bill Keating's caliber, then one is fortunate, indeed.

I think the one word to describe Bill Keating is "integrity." He was very effective here in Congress in his quiet, efficient way, and as much as we are going to miss him, I am sure that the people of the First District of Ohio will miss him even more.

The individual who succeeds to his seat in Congress will have a very difficult time in trying to fill his shoes.

I think if the American people, who have such a low regard for politicians, could get to know a man such as Bill Keating, the profession of politics would be more highly regarded. Politics is enhanced just because the system has produced a Bill Keating, who is motivated solely by public service, who is a man of principle and integrity.

Mr. Speaker, I wish him and his family well.

I am pleased that since he is leaving politics he is going to another important career where his influence can be felt. I am sure that his work on the Cincinnati Enquirer will pay dividends, not only to the people of that community, but to the people of the Nation as well, because he will take to that job the same kind of intelligence and dedication that he brought to this one.

Mr. Speaker, I shall miss him as a friend, and I wish him and his family well.

Mr. FREY. I thank the gentleman for his comments.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. Sarbanes).

Mr. SARBANES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I should like to join my colleagues on the other side of the aisle and underscore the bipartisan nature of this tribute to Bill Keating. Bill and I came to the Congress together. It was my privilege to serve with him on the Committee on the Judiciary, and I want to emphasize how thoughtful and how concerned and what a valuable member he was of that committee and of this body. He made an enormous contribution to the House, and I think all of us who had the opportunity to work with him developed a tremendous respect for his capabilities.

He leaves now to go to a position in which I am grateful he will be able to continue to exercise his abilities on behalf of the public good. We know that the contribution he will make in his new calling will be every bit as significant and as important to the future of the Nation as the contribution he was able to make during his stay here. We wish him well.

I am pleased to join with so many of my colleagues in paying this respect to him.

Mr. FREY. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am very desirous of joining with my colleagues here in speaking a few words of respect for our colleague, BILL KEATING, and in expressing, along with others, my regret that he is retiring from the Congress.

BILL KEATING and I are neighbors across the Indiana-Ohio State line. I know his part of the country very well. We have that bond between us. Since he has been here we have served on the same committee and on the same subcommittee a portion of the time and I have been able to form a just estimate, I think, of his ability and his service as a Member of this body. In the relatively short time that BILL has been here he has definitely made his mark as one of our most useful and constructive Members. He is a thorough gentleman in the very best sense of that word. He is a man of complete integrity. I think his distinction and his outstanding qualities are perhaps best illustrated by the fact that while he is a relatively young man he has served as a common pleas judge in his State and as a Member of this body and is now to serve as president of one of the great newspapers in the Middle West which is circulated very widely in my part of the country.

We will miss BILL KEATING. The loss of the Congress is the gain of the Midwest. As he goes back home to this useful service he certainly takes along my good wishes and best hopes for the future along with those of all my colleagues.

Mr. FREY. I thank the gentleman from Indiana.

I yield now to the gentleman from Delaware (Mr. DU PONT).

Mr. DU PONT. Mr. Speaker, I thank the gentleman from Florida for yielding.

I would like to join with my colleagues in undertaking one of the most difficult tasks that we are called upon to achieve in the Congress and that is delivering eulogies for the living. I find myself in a very unusual position and I am only going to try to say something that is fitting so that Mr. KEATING's children and grandchildren may some day look back on this occasion with some sort of pleasure.

Shortly after I was sworn in the 92d Congress I attended a briefing that lasted well into the evening and I had the privilege of giving BILL KEATING a ride home. I asked him on that ride what he thought about being in the Congress. He said, "Well, I really do not know because I have not been around long enough to be able to tell." It struck me at the time that was a pretty good answer, and also it struck me that he exercised a great deal of good judgment in making an answer like that rather than trying to explain to me, who had even less judgment than he had at that point, what was really going on.

My impression of BILL KEATING has stemmed from that first evening and has grown over the years. I believe he is a man of extraordinary judgment.

Mr. Speaker, whether or not we succeed in the United States in the decade of the 1970's in meeting and overcoming the problems we have depends in the last analysis upon our people. It depends on having men of ability and men of individual integrity and men of very good judgment making the decisions before us. I think I can honestly say of BILL KEATING that of all the men who came into Congress at the same time I did, that he has the best judgment. I say that knowing full well that some of the other gentlemen sitting around me will be startled at my conclusion, but I will stick to my guns and say that he does indeed have the best judgment of us all.

We are not at a time in this country when we can afford to lose the good men we have in the Congress and I am sorry we are going to lose BILL KEATING.

The Congress is going to miss BILL KEATING, his constituents are going to miss him, and most of all I think his colleagues on the floor are going to miss him.

BILL KEATING, we need you here and I am sorry you are going. The very best of luck of you.

Mr. FREY. I thank the gentleman from Delaware for his remarks.

I yield now to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, one of our most able colleagues is going to leave our midst to meet yet another challenge as editor and publisher of the Cincinnati Enquirer. We will miss BILL KEATING who came here less than 2 years ago but who in that short time has left an indelible mark in this body characterized by his integrity and his thoroughness.

Upon first meeting him, his personality and obvious ability gained my respect. He has been an inspiration to me as a freshman Member and he has always been helpful.

I believe one of the greatest characteristics about BILL was that he always tried to be helpful. BILL's departure will in one sense be a loss to the Nation, as he leaves his congressional responsibility; but on the other hand, with his enthusiasm, vision and his sincerity, he will surely become a strong influence in both the Cincinnati area and throughout Ohio.

All of us will miss BILL as a cherished colleague and friend. We wish BILL and Nancy well in their new venture as BILL continues to serve his community and the Nation.

Mr. FREY. Mr. Speaker, I yield to the gentleman from Colorado.

Mr. ARMSTRONG. Mr. Speaker, I thank the gentleman for yielding. I only wish he were here. All of us will miss his others have brought to this subject.

But I am glad to have this opportunity to join in expressing my admiration for our colleague, BILL KEATING, and to say a word of appreciation for his service to the country. All of us serve as U.S. Representatives not solely as emissaries of our own States. While it is true that BILL has represented his State with great distinction and has faithfully served the people of his district, I cannot help but note on this occasion all the people of the country owe him a great debt of gratitude for his devotion and dedication to service.

I learned the news of his departure from this Chamber with mixed emotions. As others have expressed, I will miss BILL in the Chamber day by day and I know the House of Representatives will often wish I could muster the eloquence that wisdom and strength and the contribution he has made to our work.

On the other hand, I note in leaving this Chamber BILL is not dropping out. He is not leaving public life. He is not forgetting the concerns which motivated him to come to Congress. He is embarking on another form of service to our country as the head of a great newspaper. We all realize that such a newspaper has great impact on its community. But the Cincinnati Enquirer has an importance far beyond the local community. Indeed, its influence is national in scope. The management of such an enterprise carries a correspondingly great responsibility.

The paper is lucky to have a man of BILL's integrity and stature to give it leadership in the years ahead.

I trust our colleague, BILL KEATING, will find his new responsibilities in the newspaper field richly rewarding in every way. But I also hope he will not forget his friends in the House and that he will return often to give us the benefit of his advice and counsel.

Mr. FREY. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. RUTH).

Mr. RUTH. Mr. Speaker, BILL KEATING has served this Congress well and I would like to wish him success in his new career.

Mr. FREY. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Speaker, I join with my other colleagues to pay tribute to the Honorable WILLIAM J. KEATING, of Ohio's First Congressional District, who will be leaving the House of Representatives to assume an important position in the newspaper business.

I view BILL KEATING's departure with regret since I feel the U.S. Congress must attract and hold the finest public servants. Yet, I cannot help but note that the newspaper business to which BILL KEATING will be going is a vital institution in itself that again has demonstrated its essential role in protecting and enhancing this democratic Republic in which we live.

When he assumes his duties as chief executive officer and president of the Cincinnati Enquirer, BILL KEATING will bring to that role the experience of an Armed Forces veteran, a lawyer, a city councilman, an assistant attorney general and a U.S. Representative.

During BILL KEATING's first term in the Congress, I served with him on the Judiciary Committee. I know that the attributes he demonstrated in his tenure on that committee will serve him well in the newspaper business. The thoughtfulness, incisiveness, and scope of his knowledge certainly will be assets as he guides one of this Nation's outstanding newspapers.

I will miss BILL KEATING personally. That, in a sense, he still will be serving the people through the medium of a daily newspaper is consolation to those of us who hate to see him depart. I want to wish him and his family the very best of health, happiness, and success in the many years to come.

Mr. FREY. Mr. Speaker, I yield to the gentleman from Ohio (Mr. Wylie).

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I am happy to participate in this special order honoring one of the Ohio Delegation's most distinguished Members, my good friend, the Honorable William J. Keating. Bill is an unusual person. The fact that he is retiring from Congress after two terms when he could be elected again and again makes him unusual.

Bill led the ticket for city council of Cincinnati and was selected chairman of the finance committee. He was elected overwhelmingly to Congress in 1970 by 69 percent of the vote when Robert Taft chose to run for the U.S. Senate. In 1972, he received 70 percent of the vote.

When I heard that Bill would not seek reelection to Congress but would assume the job of running one of Ohio's great newspapers instead, I asked him about his decision. Bill said:

> I honestly feel that being the President and Chief Executive Officer of the Cincinnati Enquirer will afford me an ever greater opportunity for public service.

And, he meant it.

Bill got into the swim of things early. You know he was an all around swimmer both at Saint Xavier High School and, later, when he swam as a collegiate swimmer at the University of Cincinnati where he won honors for the State of Ohio. He and his brother formed a swimming team in the city of Cincinnati—known as the Cincinnati Pepsi Marlins—and Bill continues to serve on the board of directors.

During his all too brief stay in the House of Representatives, Bill has made a legion of friends among his colleagues on both sides of the aisle. His service in the House has been marked by a congenial disposition, a keen intellect, and a willingness to assist in supporting constructive legislation.

We will all miss Bill and wish him well. Indeed, both the House of Representatives and the people he has the honor to represent will be losing one of the most capable, conscientious, and promising legislators to come down the political pike in a long time.

Mr. FREY. Mr. Speaker, I yield to the gentleman from Nebraska (Mr. McCollister).

Mr. McCOLLISTER. Mr. Speaker, I thank the gentleman from Florida for yielding to me. Mr. Speaker, I am grateful to him and all others who have spoken in paying this tribute to our friend, Bill Keating.

I stand here today, as many Members do, with the same mixed emotions on the departure of our friend and colleague. I feel joy for the brilliant future that lies ahead of Bill as he assumes the presidency of the Cincinnati Enquirer. I know he will bring to the newspaper business the same sense of fair play and honesty that has characterized his service in the House.

I am also sad at the loss that will be felt by the constituents of Bill Keating, by the people of his State, by the Nation and all of us when he leaves the House this next January. Bill has been an excellent legislator who takes great pride in his work, both in committee and on the House floor. He has impressed me with his diligence, care, and thoroughness in review of legislation. He has always been willing to take firm positions on issues of importance and not fall to the temptations of political opportunism.

He has always shown a very high degree of integrity in his relations with his colleagues in Congress, and we respect him for it. The people of Cincinnati have recognized his abilities, too, as others have indicated previously. As the gentleman from Ohio (Mr. Wylie) said, many of us believe that Bill Keating could have remained here in the House forever with the outstanding support that was given to him by his constituents.

But, the time away from his wife and family bore heavily on Bill Keating. He never felt comfortable in the role of absentee father.

He felt the penalty of his success was being exacted on his wife, Nancy, and their children. He should be greatly admired for leaving a very promising career in the House—and who knows, even in the Senate—because of a feeling of duty to his family.

As President of the Cincinnati Enquirer, Bill will continue his career in public service, but this time in another arena. More importantly, he will be able to be close to his family and play an active part in their upbringing and in the shaping of their future.

I salute Bill for his courage, and this Member will miss him deeply as a friend.

Mr. Speaker, I have not kept score, I will say to the gentleman from Florida, on the number of our colleagues who have this afternoon paid tribute to Bill, but I suspect that if we had thought of this earlier, perhaps we would have had another candidate for minority leader or some such office.

In most cases I think a eulogy such as this and the payment of tribute to a good friend and a good colleague would turn one's head. But Bill Keating, among all the other characteristics that he has, as previously enumerated, is also one who possesses great humility, and I am certain that he takes this as a very sincere expression of friendship and of regret for his leaving, which this Member and all those who spoke previously wished to offer.

Mr. BELL. Mr. Speaker, will the gentleman yield?

Mr. FREY. I yield to the gentleman from California.

Mr. BELL. Mr. Speaker, I wish to add my few words to what has been said about our very distinguished friend, Bill Keating. He has done an outstanding job here in Congress. We are all going to miss his ability and his leadership. I think it is going to be an addition to the needs of the country to have him in the newspaper business, because his style of reporting, I would think, would be very, very effective.

Mr. SARASIN. Mr. Speaker, it is with regret that I bid farewell to my friend and colleague William J. Keating as he prepares to leave his office as Representative of the First District of Ohio. Since he has decided to devote his energies to the world of newspapers and the decisionmaking and deadlines synonymous with that profession, I am hopeful he will not forget the committee meetings, Floor debates and hectic life here on Capitol Hill that he shared with so many.

As he takes his leave on January 3 to oversee the Cincinnati Enquirer of which he will serve as president and chief executive editor, we will be losing a respected Representative. Having served in almost every level of political participation, ranging from Cincinnati city councilman, to assistant attorney general of Ohio, to judge in the Cincinnati municipal court to presiding judge in the Hamilton County court of common pleas, William Keating has given his talent and energies not only to Ohioans, but to all Americans.

Congressman Keating has served his constituents well since his election to the 93d Congress, and they will lose from his "retirement" from public service, but none will begrudge him his decision to take on the new and exciting challenges in the newspaper business.

I offer my best wishes to Congressman Keating in his new adventure.

Mr. ARCHER. Mr. Speaker, it is an honor for me to participate in this special order for our colleague, Bill Keating, the esteemed gentleman from Ohio, who will soon be leaving these hallowed halls to return to the serene, uneventful, 9-to-5 life of Joe Citizen. We will miss his smiling face, his white teeth, his twinkling eyes. But most of all we will miss his undaunted courage, a final example of which he is showing us by virtue of the profession he has chosen to enter.

The gentleman from Ohio leaves the U.S. House of Representatives to become a member of the fourth estate, as editor of the Cincinnati Enquirer.

Bill Keating will make a great contribution to the country as an even-tempered, straight-thinking, level-headed, forward-looking newspaper editor. But Bill Keating will be missed on the Judiciary Committee—where the country also needs an even-tempered, straight-thinking, level-headed, forward-moving Congressman, particularly in these troubled times.

Bill, we know it was a hard choice for you to make. You have been a wonderful Member of Congress, a credit to all who have ever served in this body. You have remained true to your ideals and convictions, voting your heart when you had to, inspiring your colleagues to do the right thing.

I personally have learned a great deal from this man. He has been a true friend and an able leader. I join my colleagues in wishing Bill Keating the very best in the world.

We look forward to reading the reprints of Bill Keating's editorials in The Washington Post.

Mr. ANDERSON of Illinois. Mr. Speaker, the gentleman from the First District of Ohio, William J. Keating, was first elected to the Congress in 1970, and was reelected to the 93d Congress having received over 70 percent of the popular vote. In the wake of his overwhelming victory, widespread acclaim and praise have led many people in Ohio to believe that Bill Keating, if he so chose, would have one of the brightest political futures in Ohio. But on October 29 of this year, Bill foreclosed—at least for a time—his political options and announced that he would accept the position of president and chief executive officer of the Cincinnati Enquirer.

This decision in itself gives us an insight into our gifted and complex colleague. After 17 years in public service, 15 in elective office, and with his star rising, he has chosen a new path to public service. Here is a man who truly marches to his own beat, and who is able to withstand what for others might be irresistible forces.

Though certainly the kind of individual strength revealed by his decision is exceedingly important for a politician—as we are aware today, perhaps more than ever—it is equally important for a member of the fourth estate. The management of the Enquirer is to be complimented, and the more than 200,000 daily readers of the Enquirer are to be envied, on the selection of our most principled colleague as chief executive of that great newspaper.

Only in the narrowest sense are we in Congress the losers as the result of Bill's decision. Bill put it well himself in his October statement. He said:

> While I may be leaving elective office, I feel I shall be continuing, through the Enquirer, to articulate positions of great public moment in dealing with the issues that affect people in their daily lives.

So, while we in this body, and his colleagues on the Judiciary Committee will miss his incisive and intelligent contribution to our dialogs, he has found a forum through which nonetheless his point of view will continue to reach us.

In his new endeavor and his return home to Cincinnati, I want to convey my best wishes to Bill, his wife Nancy, and their seven children. May the future bring to Bill and his family richly deserved good fortune and fulfillment.

Mr. WYMAN. Mr. Speaker, all of us who have come to know our distinguished colleague Bill Keating, are sorry to see Bill leave the House. He has been a dynamic, capable, sound, and constructive Member of the House whose representation of Ohio's First District has been outstanding.

At one time or another we have all looked to Bill for his judicial expertise as a member of the House Judiciary Committee and its Subcommittee on Immigration, Citizenship, International Law, and Criminal Law. His judgment and opinion is valued above that of many Members otherwise his senior because of the careful thought and concise clarity of expression that is a Keating characteristic.

It is too bad for the Republican minority to lose such a popular, capable, effective Member as Bill Keating. We can only hope that Bill's replacement will measure up to the loss to the Congress involved in his leaving.

The Congress has been enriched by Bill's many significant contributions to debate, discussion, and legislation. The Nation is the gainer from the wisdom shown by the good people of Ohio's First Congressional District in sending such a quality Congressman to the House to be their Representative. We shall miss Bill Keating.

It has also been my personal privilege to have been a Member of the SOS Club that voted to ask Bill to join it when he first came to the Congress. This group meets twice weekly to share opinions and reports from its members in a group format. Bill's contribution to the thinking and discussions of SOS has been of major importance in helping formulate positions on pending legislation. The Cincinnati Enquirer could not find a better man for the important new responsibilities that will soon be his.

Mr. SHRIVER. Mr. Speaker, it is with mixed emotions that I rise to join in this tribute to our able colleague from Ohio, Bill Keating. As a Member of the House for the past 3 years he has proven himself to be an articulate and effective legislator. It is with deep personal regret that I see him leave this body where he has made such an important contribution to our Nation and to his First Congressional District of Ohio.

However, Bill Keating will still be heard from on the national scene. He assumes an important position as president and chief executive officer of the Cincinnati Enquirer. In this capacity he will be able to make a valuable contribution in public information and public opinion. I know that he will be working to encourage good government at every level.

His background of experience in government and now as a part of the fourth estate should serve as an incentive for him to turn again to public service at the national level.

It has been a pleasure and privilege to serve with Bill Keating, and we extend our congratulations and best wishes to him and his wife, Nancy, as they return to their native Ohio for a new and challenging experience.

Mr. HARVEY. Mr. Speaker, my first reaction in learning of the resignation of Bill Keating was that Congress can ill afford to lose men of his caliber. I recognize that was a selfish reaction, but in retrospect my initial feelings remain unchanged. I consider Bill Keating—as one newspaper reported—"a bright GOP star of the future."

In just 3 years, Bill Keating truly established himself as a "bright star" not only of the future, but of the present as well. I can well understand and appreciate why his hometown newspaper, the Cincinnati Enquirer, one of our Nation's outstanding papers, sought him as its chief executive. He will be a great one.

But even in resigning, the class of Bill Keating came through. Bill placed his family—his wife, Nancy, and seven children—above likely future political greatness. We all know that an elective public official makes many personal sacrifices—foremost, the separation from his family.

To say that we are going to miss Bill—his many fine contributions not only on the House Committee on the Judiciary, but here on the floor of the House on all legislation—would be an understatement. We are losing an extremely able and conscientious legislator—one who has offered and given so much. But, it is not our loss alone—our Nation will lose the services of a truly outstanding young Congressman. Fortunately, he will still be in public service—serving a large segment of our Nation's people through a vital news medium.

I join with all my colleagues in wishing Bill Keating even greater family happiness and success in the years ahead. It has been an honor for me to serve with him.

Mr. EDWARDS of Alabama. Mr. Speaker, Bill Keating is one of the truly outstanding young Members of Congress, and it is the Nation's loss that he has decided to return to Ohio. But the edge of that loss is dulled by the realization that in Bill's new role as president and chief executive officer of the Cincinnati Enquirer, he will continue his fine contribution to our country.

Bill is a man of enormous vision and enthusiasm from which every Member of this body has benefitted. I am sure that his great ability to translate his talents into constructive action will stand him in good stead as he assumes his new responsibilities.

Bill Keating realizes the great potential of America. He believes in our people. These qualities and the energy, productivity, persuasiveness, conviction and compassion which Bill has displayed day after day here in Congress guarantee his success in his new career.

Bill will carry with him to Ohio the deep respect of all his colleagues. I join every Member of the House in sending along with that high regard my wishes for all the best in his new endeavor.

Mr. BAKER. Mr. Speaker, a crying need in Government today is to secure the services of qualified individuals of high integrity and dedication to duty. There is such a man in the Honorable William J. Keating, our esteemed colleague from the First District of Ohio.

I observe Representative Keating with a considerable degree of pride due to the fact that he is a member of the 92d Club, that group which entered the House of Representatives in January 1971.

In the few short years of our service, I have come to respect Bill Keating and his understanding for sense of direction and his association with the highest and most noble causes for which we in the House of Representatives have contended.

The loss of Bill Keating to this deliberate body will be strongly felt, but I trust the call to which he has responded will fully serve the public interest. It would be needless to go on and on to describe the attributes of this fine young man which will be repeated today by all those who address this body.

I simply say my warmest salutation to the Honorable William J. Keating, recognizing him as a true friend. Best wishes in your every endeavor in life.

Mr. ERLENBORN. Mr. Speaker, we have heard much of the adversary relationship between the press and the Government. I do not take much stock in that kind of talk; but, to whatever degree that relationship exists, it must be reported that one of our number is going over to the enemy.

Representative WILLIAM J. KEATING will leave this House in January to become a newspaper executive in Cincinnati, his home town.

If BILL KEATING is an opponent, he has been one of the most helpful adversaries Congress has ever had. His service on the Judiciary Committee and on the floor of this House has been exemplary. His advice has been sensible. His demeanor has been friendly. His outlook has been optimistic.

We will miss him here. I wish him Godspeed in his new endeavors.

Mr. GERALD R. FORD. Mr. Speaker, it was with great regret that I learned BILL KEATING will be leaving this Chamber to become president of the Cincinnati Enquirer. I can understand why the Enquirer would want to lure BILL away from us. But at the same time I feel a deep sense of loss because of BILL's imminent departure.

BILL has been an outstanding Member of the House. He is an excellent legislator and has been an active member of the House Judiciary Committee, a most vigorous participant in that committee's work.

BILL was most eminently qualified for service in the House. He came to us after serving as a judge in the Hamilton County, Ohio, Court of Common Pleas. Prior to that, he was the presiding judge in the Cincinnati Municipal Court. He had also filled the office of Cincinnati city councilman and assistant attorney general of the State of Ohio.

Mr. Speaker, we will all miss BILL KEATING. And I, for my part, consider it a privilege to have worked and served with him in the House of Representatives.

Mr. ASHBROOK. Mr. Speaker, it was with deep regret that I learned of the coming retirement of my good friend and colleague, BILL KEATING. His departure will be a great loss both to Congress and to the Nation.

During his 3-year tenure in office, BILL has made a major contribution to the work of Congress. He has served with distinction on the Judiciary Committee and the Select Committee on Crime. He has also been at the forefront in promoting key legislation.

This fall, BILL has spearheaded efforts to repeal the Economic Stabilization Act of 1970. This action would terminate Presidential authority to impose wage and price controls. These controls have brought chaos to our economy—shortages, increased exports, business closures and high interest rates. It would be a fitting tribute to BILL for Congress to repeal the Economic Stabilization Act and end these disastrous controls.

Mr. MILLER. Mr. Speaker, a colleague of ours is retiring. He is BILL KEATING and he is going on to become the president of the Cincinnati Enquirer. I would like to take this opportunity to say a few words about him.

BILL had an excellent background before joining us in Congress. He enlisted in the U.S. Navy, and served our country with distinction in World War II.

BILL brought an extensive legal background to the Congress. He obtained his law degree from the University of Cincinnati in 1950. He has practiced law for years and has been both a partner and an associate in the law firm of Keating, Muething & Klekamp.

BILL's record of public service is quite lengthy. He served the State of Ohio as its assistant attorney general in 1957 and 1958. He then served until 1967 as a judge on the Cincinnati Municipal Court, including 2 years as its presiding judge, and as a judge on the Hamilton County Court of Common Pleas. BILL entered city government as a Cincinnati city councilman. In 1970 he became a Member of Congress and in 1972 his constituents returned him to Congress.

I have known BILL for a long time, and he is a very good friend. I for one am sad that he is leaving Congress. BILL was certainly a credit to the State of Ohio, and to the House of Representatives. I think everyone who knows him has a great deal of respect for him personally and for his legislative ability. I would like to join many others in wishing BILL, his wife Nancy, and their family good luck upon their return to Cincinnati.

Mr. BROWN of Ohio. Mr. Speaker, it is a pleasure to join in this tribute to my colleague and friend, the Honorable WILLIAM J. KEATING, who will be leaving the ranks of the House after this session of Congress.

BILL, as has been stated here today, has been a valued and respected Member of the House during the 1½ terms he has served here with us. As in his previous military service, his work as a judge and his public service on the Cincinnati City Council, his work in Congress has also earned him the trust and respect of his constituents, as shown by the 70 percent of the popular vote by which they reelected him to the House last year. Had he chosen to remain in Congress, I would guess that BILL would continue to receive that same type of vote of confidence in future elections and that he would provide his district, State and Nation with many years of outstanding and dedicated public service.

But, although BILL will be leaving the Congress to return to his home and family in Cincinnati to become president of a great newspaper, he is not leaving public service. As a fellow journalist, I commend him for his new choice of profession—a field that has always been considered one of the most important ingredients of our democratic system. It was another great public servant, Thomas Jefferson, who said that given the choice between government and newspaper, he would choose newspapers. BILL KEATING has been guided by a sound precedent.

BILL's choice, of course, was also made because of the obligations of a large family—two daughters and five sons. He and his lovely wife, Nancy, are dedicated parents who have decided that their family values outweigh the opportunity for continuing congressional service. Such a fundamental decision is always hard to make, but once made, must be sincerely admired.

In closing I would like to quote a short writing of Henry David Thoreau which I think exemplifies the life and service—both past and future—of BILL:

> It is something to be able to paint a particular picture, or to carve a statue, and make a few objects beautiful; but it is far more glorious to carve and paint the very atmosphere and medium through which we look. To affect the quality of the day—that is the highest of arts."

Such an opportunity has been and will be BILL KEATING's. He will do as well with it as he always has in the past.

Mr. CEDERBERG. Mr. Speaker, it is with a sense of regret that I take this opportunity to join my colleagues in noting the retirement of our colleague from Ohio, BILL KEATING. The Congress is surely losing one of its finer Members, one who would certainly have an opportunity in the future to make a substantial contribution to the Congress and the country.

Even in the few short years that we have had the privilege of having BILL KEATING in this House he has distinguished himself as a Member who takes his job seriously and works with a special dedication for the people of the First District of Ohio. His short career in the House has been marked with the same attention to the needs of his constituents which he brought to his service to the people of the city of Cincinnati and the State of Ohio. I know that his election to the Congress was just recognition of his concern for people and for the rule of law which he so ably represents.

His appointment to, and service on, the Judiciary Committee recognize his talents and the contribution he makes to law in the service of man. I am sure that he will be sorely missed on the committee.

As he leaves this body for the fourth estate, I join my colleagues in wishing him well. I am sure that his future will be blessed with the same success that has characterized his all too short time in the Congress.

Mr. RHODES. Mr. Speaker, I am pleased to have this opportunity to join my colleagues in tribute to an outstanding Member of our Body, Hon. WILLIAM J. KEATING. BILL KEATING, although a young man, has been an effective Member who will be remembered as one of the bright stars of the Congress. His leaving will be a great loss to the legislative body, but he will be going into a position where he can be a leader in making sure that news is reported fairly and openly. As an instrument in the formation of public opinion, his sincerity, wisdom, and honesty will be an invaluable service to his country.

WILLIAM J. KEATING is an extremely useful citizen, and will always be a useful citizen no matter what work or life he may follow. I wish him well, and look forward to continuing our friendship throughout the years to come.

Mr. STEIGER of Wisconsin. Mr. Speaker, in association with Mr. FREY, I want to extend a warm farewell to our colleague WILLIAM J. KEATING.

During the 3 years he has represented Ohio's First District, BILL KEATING has made a substantial contribution to the work of this chamber.

I will miss particularly his creative approach to problem-solving. In fact, it has been a distinct pleasure to know him.

BILL KEATING's decision to voluntarily end his congressional career is a loss to the House and a clear gain for the field of journalism.

Here's wishing many successful years to the new president of the Cincinnati Enquirer. While we will miss him sorely, we can feel confident that he will be looking at public policy from the same judicious—if a somewhat different—perspective.

Mr. CONABLE. Mr. Speaker, I suppose there is no cause for sorrow today in this special order for the purpose of thanking our soon-to-depart colleague, Bill Keating of Ohio. Such a person does not retreat from public life, since any job he holds is bound to provide service to the public. With anyone as admired as he as a public figure, even if he were not going into the intensely public world of journalism, the quality of his fine service here in Congress would be carried over into the contribution he would make to any community in which he settles.

Nevertheless, I am sad to see him leave the House of Representatives. If he had not made the decision to leave, he would have a great future here. He is the kind of man who inspires confidence and this quality is a necessary ingredient for successful service here. I have noted that too many of the people who have a fine future in the House seem to spend that future elsewhere. Since I am persuaded that there is no higher calling than the U.S. House of Representatives, I can only feel deep regret that a man like Bill Keating has not found its rewards satisfying enough in relation to the other opportunities available to him. I am sure he would be able to stay here as long as he wished, if he affects his constituents like he does his colleagues, and so I am sure his departure is not occasioned by any political insecurity or unpleasant reaction to his associations here.

Mr. Speaker, I want to thank this kind and thoughtful man for the many things he has done for his colleagues in the House, for his friendship and for the inspiration of his example.

Mr. LENT. Mr. Speaker, I am pleased to join with many of my colleagues on both sides of the aisle in paying tribute to the Representative from the First District of Ohio.

Bill and I both came to Congress in January 1971, and in the all too brief time I have been privileged to serve with him I have come to know him to be a capable legislator and excellent Representative of his constituents. His valuable service on the Committee on the Judiciary, the last year as ranking minority member of the Subcommittee on Immigration and Nationality, and his keen insight into the legislative process will be sorely missed.

Bill's new position will no doubt be challenging, but his uncommon ability and his integrity will most certainly be an asset to him. I want to take this opportunity to wish Bill and his family the best of health and happiness in the future.

Mr. ROBINSON of Virginia. Mr. Speaker, it is with sincere personal regret that I join on this occasion in wishing well to our departing colleague, Bill Keating. The wishing well is not the cause of my regret, of course, but the departing is.

It was with this fine Ohioan that I established one of my first firm friendships with a fellow Member of the 92d Congress class, in which we entered service in the House. It has been my privilege and pleasure to consult with him often on legislative matters, and I have been reinforced in my own conclusions, on numerous occasions, in finding that he had reached like judgments.

I do not want these few remarks to take on the tone of an obituary, because I am sure our colleague will not become entombed in his new newspaper association, but I am obliged to say that there is an impending sense of loss among us, as we come to the realization that a man of such energy, ability, integrity, and promise of high achievement over many years in this body has decided to cut short his service and move back to the private sector.

If there is some balm available to us, his friends, in these circumstances, it may be found in the assurance that his unfailing integrity will be reflected in his efforts, wherever he goes and whatever he does.

Some of us have been distrustful of some elements of the news media. We have doubted, in some situations, the presence of a commitment to fairness. If I find myself deeply troubled in the future in this regard, I just may seek out Bill Keating's paper for reassurance. I may not agree with the editorial conclusions, but I will feel confident that, as long as Bill has anything to do with the operation, essential fairness in the development and presentation of the news will be observed.

The citizens of the First District of Ohio have been given no cause to regret the choice they made in sending Bill Keating to Washington as their Representative in the 92d Congress, and in renewing his commission for the 93d Congress. They have been served with honor and dedication. They now must share our regret that, for sound personal reasons which we must respect, he has chosen to resign that commission.

GENERAL LEAVE

Mr. FREY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FREY. Mr. Speaker, I thank the gentlemen who have spoken.

Mr. Speaker, in conclusion, I believe most of what we wish to say has been covered. Some day when many of us leave this body, and we are here either in person or our families are here to listen, I hope we do half as well.

Bill, his wife Nancy, and their seven children, I hope, will read these remarks and will understand that these remarks that were made come from a great deal of affection, a great deal of pride, and express the friendship that we have all had, and also, most importantly, they express a great deal of mutual respect, respect that has been won the hard way. That is the way one earns that up here; it does not come easy.

We are obviously proud of the job, Bill, that you have done. We are proud of the opportunity to serve with you. We know that you are going to take these remarks as they are meant. Anybody who cannot catch pop flies cannot be all good. And we know also that in the days and the years ahead our friendship and the things that we have worked for are going to remain, and really it is not just a "goodbye"; it is just sort of a change in form.

We wish you good luck, best wishes and Godspeed.

THE CREDIBILITY OF THE OFFICE OF PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Railsback) is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, I strongly supported President Nixon in the last election. He received a tremendous vote of confidence. His success in foreign affairs has been widely heralded. Now because of a bizarre series of events, Americans' confidence in him has been devastated. Watergate and related activities have shaken the very foundation of our Constitutional Republic.

For his own good and the good of the country, I am therefore today urging the President to voluntarily make full disclosure of all documents, information, and tapes pertaining to Watergate and related matters. Only in this way can he regain the confidence of the American people, restore the credibility of his Office and carry out the important duties vested in him.

I was encouraged that the President made available both the audits of his property holdings as well as his income tax returns for the past 4 years. These actions in themselves represent a significant step in the right direction. However, there are still many other unanswered questions which need to be resolved.

As important as the concept of executive privilege may be, we have now reached a point where that concept must be subordinated in order for the President to regain the confidence of the American people.

Our Government rests on the principle that it is administered for the public good and is regulated by the people's will. It is now time for the administration to affirm its belief in this principle with positive action.

ENERGY SHORTAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Don H. Clausen), is recognized for 10 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, the energy situation our Nation faces today poses problems of such complexity and uncertainty that decisions based upon incorrect assumptions can have devastating and far-reaching consequences.

We have recently seen an example of such a decision in the announcement that the fuel available for general aviation needs would be cut by nearly one-half as a result of the energy shortage.

I was shocked and chagrined when I

heard the announcement a week ago of this excessive proposal and immediately contacted members of the appropriate congressional committees to let them know the impact this proposal would have.

Since that time we have made a good deal of progress toward a more realistic and acceptable policy. The House Interstate and Foreign Commerce Committee is currently marking up an energy bill and I am hopeful it will approve certain pending amendments which will require a more evenhanded treatment of general aviation.

I have spent half my lifetime in aviation-related activities so I know from long experience the many misconceptions that are held by those not familiar with general aviation. One hundred million people fly in intercity transit each year on other than the scheduled airlines. Our rate of agricultural production would be far less without the airplane. For some rural areas the only rapid and flexible means of transportation for economic, medical, or social needs is the airplane.

For these and a vast variety of other reasons, general aviation must not be prevented from playing its important and essential role in promoting our national well-being.

This is not to say, however, that the general aviation community does not expect to share the burdens imposed by our energy problems.

Without exception the fixed base operators and pilots I have talked to have indicated full support for an energy conservation program. They are completely willing to do their part.

But, general aviation must not be asked to bear an unbearable burden for the energy saving would be relatively small while the loss to the country would be great and irreplaceable.

While the original announcement has been amended, I strongly believe it is important for the Congress to spell out very clearly, in legislation we pass, that all sectors of the economy be treated fairly and equally.

In addition, this must be a continuing concern as energy regulations are further refined. I shall be following this situation closely to make certain the philosophy I have just outlined is retained in all forthcoming rules.

HON. GERALD R. FORD'S FINE SPEECH ON ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Grover), is recognized for 15 minutes.

Mr. GROVER. Mr. Speaker, reference is made to my remarks of November 28, 1973, concerning Vice-President-designate Gerald R. Ford's address of November 26. The speech as delivered had a quotation:

> It is perfectly possible for Americans to hold on proudly to the best elements of their different national heritages—and yet be united in common love for our country.

In the reprint in the Record, it was erroneously printed as:

> It is perfectly impossible for Americans to hold on proudly to the best elements of their different national heritages—and yet be united in common love for our country.

I would like the Record to be corrected accordingly; and in view of this error, I would like to resubmit my remarks and the speech in its entirety:

Mr. Speaker, it was my honor both to arrange for his attendance and to introduce our distinguished minority leader and Vice-President-designate at the United Jewish Appeal "Dinner for Life" at the Colonie Hill Restaurant in my district this past Monday.

The reception given Gerry Ford was one of the most cordial ever, and his words were received with warmth and enthusiasm

I am pleased to submit for the Record his fine address:

Ladies and gentlemen, it is a special pleasure to address you at a time when the world seems finally ready, after so many tragic years of bloodshed and senseless procrastination, to acknowledge an unavoidable reality.

That reality is the reality of Israel's existence. The United States has worked long and hard—and often alone—to uphold Israel's security. In the peace negotiations that are at long last about to begin between Israel and the Arabs, we will continue to support Israel's existence and her right to live in security.

The relationship between the United States and Israel has always been a unique one, and as I worked on these remarks I tried to come to some conclusions about why this should be so. I think I've come up with at least a partial answer, an answer involving the Bible, a poet, a statute, and the work the UJA is doing to assist Russian emigrants. The plight of Soviet Jewry, incidentally, is one that has long concerned me, and I'm sure some of you here tonight remember that I addressed this subject at a rally for Soviet Jewry in Madison Square Garden in 1971.

The passage in the Bible to which I referred comes from Isaiah. I'd like to read a few brief excerpts. According to the prophet, the mission of Israel was, and I quote, ". . . to loose the bands of wickedness, to undo the heavy burdens, and to let the oppressed go free . . . to deal thy bread to the hungry and . . . bring the poor that are cast out to thy house . . . Then shall this light break forth as the morning . . ."

As you are well aware, the historical parallels between our age and the age of Isaiah are striking. Then, as now, for example, the Jewish people were returning to Zion to rebuild their nation.

But there is another contemporary historic parallel that I find even more striking. Listen to the following lines, ladies and gentlemen. I am sure you know them by heart.

Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these, the homeless, the tempest-tossed to me:
I lift up my lamp beside the golden door.

Those are, of course, the famous lines engraved on the pedestal of the greatest symbol of human freedom in the world—the Statue of Liberty. They are also the closing lines of a poem that celebrates America as the haven for the world's oppressed. The poem is entitled "The New Colossus." The author was Emma Lazarus, a Jewish woman who organized relief for Jewish refugees who had fled the oppression of 19th century Russia.

The ring of Isaiah is in those lines. I think those words on the Statue of Liberty capture the essential spirit of both America and Israel—almost uniquely among the nations of the world—havens for the persecuted, the homeless, the oppressed.

And it is because of this unique common tradition, I believe, that the bonds between America and Israel are so very close. There is no contradiction whatsoever between the support you offer to Israel and the loyalty you feel toward America.

There are many of you in this audience tonight whose parents came to these shores fleeing oppression. Some of you came under those conditions yourselves. And as you all know, the accomplishments of the UJA in assisting such immigrants have been nothing short of phenomenal. And what you and your parents found here was something you could not find in the nations you left—the promise that you could rise just as high and travel just as far as your abilities and dedication could carry you.

All of you here tonight have realized that promise, and your lives are tangible testimonials to a very simple but often overlooked truth—the American system is alive and healthy. The system does work. You have proved that it works.

Still another truth about our society is that it is diverse, a pluralistic society strengthened socially and culturally by the beliefs and customs of the various nationalities and religions that found sanctuary and opportunity here.

The melting pot theory still holds. The melting process, of course, distills different social and philosophic views down into common national goals and purposes. That melting process should not, however, attempt to boil out those unique things we bring to America as members of distinct cultural groups, qualities which help to enrich our society as a whole.

Too often, I believe, we stress the sameness, the homogeneity of American life while ignoring the healthy differences and variations that give such richness to the American fabric.

The texture of our Nation, which has contributed to its unparalleled greatness, comes from many ethnic, religious and nationality strains. America, as we know it and love it, is like a good soup. Its full flavor comes from the blending of many ingredients.

Yet from many quarters we hear a great deal of talk about assimilation—especially from the younger generation. And, of course, it is necessary that we should be alike in some ways—in our standard of justice, our concept of democratic government, our common ideal of liberty and freedom.

But, we must also recognize that we can pay too high a price for sameness. We can make our soup bland. There are differences that we cannot afford to lose.

I do not like to believe and do not concede that in this country we have Italian-Americans, Irish-Americans, Afro-Americans or Jewish-Americans because the hyphen implies that different groups should be treated differently. This is wrong.

On the other hand, it is necessary to understand that different groups have added immeasurably to American life because they *are* different. Out of their differences have grown ideas, a fuller cultural life, and a more interesting and stimulating America. Our national outlook is broader; our character stiffer.

Rather than question in any way those who feel deep emotional ties to other countries—whether it be Israel or Ireland or Italy or Africa—we should salute this as a manifestation of the genius of our Nation. This is part of what we call Americanism. It is one of the things that make both Israel and America unique in the world. The beauty of Joseph's coat was that it was of many colors.

It is perfectly possible for Americans to hold on proudly to the best elements of their different national heritages—and yet be united in common love for our country. And let me add here that no single group of Americans has been more steadfast in standing up for our country than our Jewish citizens.

Finally, ladies and gentlemen, let me mention one more basic American quality, perhaps the finest of all—the willingness to sacrifice to help your fellow man.

It's an old concept, one of the finest embodied in the Judeo-Christian tradition, the concept of charity. And perhaps no group in America has more distinguished itself for its generosity and its philanthropy than the American Jewish community. The Greek root of the term "philanthropy" means love of mankind. And I know of no people who better personify this love than those who give to the United Jewish Appeal.

You can take profound pride in your record. Since 1938, UJA funds have saved over 3 million lives and have helped make possible the transformation of Israel into a dynamic and progressive land.

As you all know, the recent fighting in the Middle East took a tragic toll. In fact, given population ratios, the number of Israelis who died each day during the recent fighting was equivalent to approximately 7,000 American deaths per day. Thus your efforts to help Israel "bind up the wounds of war" seem especially appropriate at this moment in history.

At the same time, other needs also press in Israel. For example, immigration to Israel continues and spending on immigration alone was over $1 billion before the hostilities broke out.

This is a time of testing, and the road ahead will not be an easy one. But for the first time in decades, the road does seem passable with some of the roadblocks removed. This Administration has spent five years in attempting to clear away international obstructions to peace by building bridges to those nations with whom we once had no dialogue.

And the indications are that now such bridge building may be possible between Tel Aviv, Cairo, and Damascus. Perhaps finally the way may be clear. Richard Tucker has given us an inspirational rendition of the Israeli national anthem here tonight, and it is in the closing lines of that anthem that we find the hope of the future expressed so clearly:

"The hope of two thousand years,
To be a free people in our land,
In the land of Zion . . ."

Ladies and gentlemen, I believe we will make that hope a reality.

And so I salute you—salute you for your support of a worthwhile cause—and salute you, my fellow Americans, because you have unselfishly helped pave the road to self-reliance for the people of Israel. With pride you can say you have played a major role in Israel's progress. With your head high, you know you have personally shared in an enterprise of historic significance for the survival of the Jewish people and of the spirit of human freedom and dignity to which it is dedicated. Shalom.

DEAR FRIEND PASSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. McDade) is recognized for 5 minutes.

Mr. McDADE. Mr. Speaker, I have lost one of the dearest friends and finest men I have ever known, through the death of J. Lloyd Loushay of Athens, Pa.

He was a man not easily described. He was, I believe, a friend above all else that he was—not only to me, but to thousands of people who came to see him briefly and who left knowing they would be friends all the days of their lives. He had a capacity for compassion and friendship that was immeasurable. It was as though he could not tolerate the thought of having a mere acquaintance. Whatever man, or woman, or child he met, he wanted them for his friend, and they became his friends for life.

He was a public servant, but more than a public servant. He had a profound understanding of the fact that a career in public service meant serving each and every one who needed help, with no thought to time, nor to place, nor to distance involved. If help were needed, then whatever help could possibly be offered would be given. From him, I learned this very early in my own career in public service. He taught me that my work was to do all in my power to help the people who elected me find their life's hopes, aspirations, and dreams insofar as it was in my power to do so.

And his own public successes in implementing this credo was ample and vibrant proof of its validity. When he ran for public office in Bradford County, where he served as a county official for 20 years, he won by pluralities that seemed unachievable. It was a very simple proposition: If you know Lloyd Loushay, there was no way you could possibly vote against him, and he knew just about everybody.

He was that proverbial man of whom it is said: "If you want something done well and done immediately, give it to the busy man." While serving in public office, he founded, with Dr. Joseph B. Cady of Athens, the Bradford County Heart Association. He served on the Commonwealth's municipal employees retirement board under Gov. James H. Duff, and was reappointed to the board by Gov. John S. Fine.

He was very active in the Masonic order. He was a 52 year member of the Evergreen Blue Lodge in Monroeton; Amity Chapter No. 293, Royal Arch Masons and Northern Council No. 24, Royal and Select Masters of Athens; Northern Commandery, No. 16, Knights Templar, of Towanda; and Irem Temple Shrine.

He was an active elder of the Athens Presbyterian Church for 22 years; and also worked with the Boy Scout movement, having served as a local committeeman and on the General Sullivan Council Executive Committee for 35 years.

He found time to take part in numerous valley community activities. He served for 25 years on the board of directors of the Farmers National Bank of Athens, of which he was elected president in 1970.

He was a Rotarian, where he served as president; he served as president of the Valley Federation of Men's Bible Classes.

He was a man whose career was almost legendary; whose life was full every moment, yet into that life he was always pouring more work to do; who served his God with devotion, and who served his fellow man under the light of the eye of God.

It is, perhaps, the most rewarding part of a life of public service to meet and to come to know well so many extraordinary, so many remarkable people. In my lifetime, I have come to know many; but among those many, there is a special light in the name of Lloyd Loushay that I could never forget, that will never cease to shine.

To his beloved widow, to his son, to his grandchildren, to his half-brother, I offer my deepest condolences, and the condolences of a whole community that will miss him so greatly. He was a man most rare, who will be missed by all of us.

GASOLINE RATIONING AND SURTAXES: WHO GETS HURT THE MOST? THE CONSUMER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 30 minutes.

Mr. KEMP. Mr. Speaker, as the shortage of retail gasoline intensifies, so too does the debate over the most effective means of allocating our available supplies.

We hear talk of proposed new Federal taxes on gasoline—surtaxes—intended to reduce usage by raising the price and intended to produce more revenue for Uncle Sam by making that additional price all in the form of new taxes. We hear talk of a multitude of mandatory rationing schemes being considered by the Executive, by many within the Congress, even by some within the industry. Where, amidst the millions of words printed and aired on how to meet the gasoline crunch, is the voice calling for economics to be put ahead of politics, for the interest of the consumer—the backbone of a free market system—to be put ahead of Government? And, rest assured, that unless reason prevails over politics, and unless the consumer prevails over those with undisclosed motives within Government, that the consumer is going to draw the short straw. This must not be allowed to happen.

Where amidst all of this debate is the most appropriate call of all—a call for increased production of supplies? Increased production is the answer, not trying to live with inadequate supplies. Government—both the Executive and the Congress—is wandering over alternative after alternative, trying to allocate scarce resources, trying to make inadequate supplies more adequate—which somehow they feel they can do through Government regulation. Regulation cannot make an inadequate resource more adequate. There is no multiplying of fishes and loaves to be had here. Government regulation can produce no miracles here. If we are to resolve this energy shortage, we must do it through increasing supplies. And, we can best do that through recreating incentives to investors . . . from mammoth corporations to the little guy investing his hard-earned savings . . . to develop adequate resources and to develop alternative energy sources.

Government regulatory schemes—imposed through taxes or imposed through rationing—has always hurt the consumer the hardest. He pays not only a higher dollar-and-cents price for the commodities he buys, but he also pays another kind of higher price: The loss of economic freedom—the unfettered ability to buy and sell as one pleases, in what one perceives to be best common interest of the community and the best enlightened economic self-interest—which forms the foundation for political freedom. Dollars-and-cents and economic freedom are both at stake in this crunch and the debate intended to relieve it.

As the Washington Post editorialized:

Independence is worth 15 cents a gallon. Let us let the marketplace—and not Government—determine the price of that which we—not they—use.

What are my concerns?

THE PERMANENCY OF GOVERNMENT'S TEMPORARY PROGRAMS

Mr. Speaker, it has been observed: Nothing is more permanent than a "'temporary' Federal program."

One does not have to search far for an example of such an observation. When the President imposed wage and price controls in August 1971, he promised the people that they would be temporary. They are still with us—stringing up the economy with countless regulations and pricing schemes, sapping the vitality of both business and labor—the big man and the little man, consuming countless tax dollars in bureaucracy, paperwork, and manhours. It is a lesson to be carefully studied.

One who cherishes the economic freedom essential to the dignity of individuals—and collectively of a society—can never prefer the imposition of taxes and regulations to the marketplace—a marketplace which allows supply and demand to find their respective levels, with prices adjusting accordingly.

Three basic alternatives for meeting the gasoline shortage are emerging: The free market, taxes, and rationing. I prefer the free market over any other approach, and I prefer a rationing scheme least of all. I state these alternatives as preferences, for I am cognizant that, as the shortages intensify we—as a nation—may have to go with less than a wholly preferable approach. I hope not, but I must recognize reality.

WHY IS THE FREE MARKET APPROACH PREFERABLE?

Writing in Newsweek magazine, Dr. Milton Friedman, professor of economics at the University of Chicago and former president of the prestigous American Economics Association, has proposed the deployment of a simple, apparently-flawless plan, through which the price of fuel will rise until the marketplace determines exactly where supply meets demands. No new Federal tax—some have proposed up to 30 cents per gallon—would be imposed. No vast bureaucracy created. No rationing scheme—inviting a myriad of abuses, many criminal—would even be necessary.

Arguing that we should not impose compulsion and waste on 95 percent of the people to avoid special measures for 5 percent, Dr. Friedman argues his case:

The Inequity of Gas Rationing

(By Milton Friedman)

There is wide agreement that the most efficient solution for the energy-and-oil crisis is to let the free market reign—to let prices rise to whatever level is necessary to equate the amount people want to buy with the amount available. Higher prices would give each of us a private incentive to conserve energy, would give producers an incentive to add to the supply, and would assure that energy was used for purposes valued most highly by purchasers.

The one argument against this traditional free-market solution is that it is "inequitable." Any solution requires that we use less energy than we would like to use at present prices—that is precisely why we have a crisis. Any solution will therefore "hurt" all of us. But it is maintained that the free market imposes the burden disproportionately on the poor, that government rationing would avoid this "inequity" and hence should be adopted, despite all its defects—waste, bureaucracy, black markets and corruption.

The argument has a strong emotional appeal. But it has no rational basis.

THE ARITHMETIC OF RATIONING

Consider one scheme for rationing gasoline that has been proposed: give each family coupons entitling it to purchase a specified number of gallons a week at present prices, but then permit it to purchase additional gasoline at free-market prices. Since my concern is with equity, let me waive all questions about the feasibility of assuring that coupons would be honored and about the effects on production incentive.

Suppose the allotment per family is 15 gallons per week, that every family uses its allotment, that the fixed price is 45 cents a gallon and that the free-market price, in the absence of rationing, would be 75 cents a gallon *for the same total amount of gasoline* (I shall discuss below the reason for this condition). The scheme is then precisely equivalent to sending each family in the United States a check for $4.50 a week (30 cents times 15 gallons), financing the payment by a tax on the oil industry, and letting the free market distribute the gasoline. Is there anyone who would favor such a national dividend, distributed regardless of need? If there be such a person, would even he favor having its size determined solely by the price of gasoline? If the scheme is bad when stated in its naked form, how can concealing it in ration coupons make it good?

Or consider another variant: distribute coupons covering all gasoline that will be available (say 20 gallons per week), fix the price at 45 cents a gallon, but permit the coupons to be sold in a "white" market. Assuming the same facts as in the preceding paragraph, the price of the coupons would be 30 cents a gallon. The scheme would be precisely equivalent to imposing a tax of 30 cents per gallon on gasoline and using the proceeds to send each family in the United States a check for $6 a week (30 cents times 20 gallons). Again, stated nakedly in that way, does the scheme really have any appeal?

Note that I have considered the least inequitable schemes. Alternatives that would prohibit the sale of coupons or that would allocate coupons on the basis of number of cars or normal mileage driven rather than equally to all families are equivalent to sending *larger* checks to high-income than low-income families.

THE ECONOMICS OF THE MARKET

Because of my emphasis on "equity," I have omitted a major defect of these rationing schemes—the defect that required me to assume *the same amount of gasoline*. Both schemes would reduce the incentive of producers to add to the supply and would therefore mean *less* gasoline than under the free market.

The effect on production is important both in the current emergency and in the longer run. Suppose that shortages in any commodity or service are always met by taxes designed to absorb the increase in price. What incentive would that give private enterprise to provide excess capacity to meet such a possibility? As it is, the prospect of occasional bonanzas makes it profitable for enterprises to maintain greater productive capacity and larger inventories than are required under normal circumstances. With that prospect eliminated, the government would itself have to provide such reserves—a task it has hardly demonstrated the competence to perform.

The free-market solution is not only more efficient, it is also more equitable. True "equity" calls for making provision for special hardship cases. It does not call for raining government checks on all and sundry.

What are the merits of such an approach?

No interventionist or regulatory policies of Government need be enacted.

The laws of supply and demand—always the quickest to respond adequately and accurately to shortages or excesses—would be allowed to function unfettered, resulting in a price truly reflective of supply and demand.

The profits made by the oil companies would give to them the capital with which to build new refinery capacities, develop new fuel sources, and step up costly exploration.

The level of profits attained would permit the Congress to repeal the controversial oil depletion allowance, while not thereby eliminating industry's capacity to explore and develop sources.

Because of the rate of corporate taxation, part of the profits accruing to the companies would go to the Treasury in the form of corporate income taxes, giving to the Congress—without any increase in the level of taxation, without any imposition of a surtax—additional funds from which to fund research and demonstration projects in other areas of energy needs, or to pay for mass transit systems, or to assist the railroads, and so forth.

It is the most truly equitable of all systems.

And, it preserves a large measure of economic and political freedom.

TAXES AND SURTAXES

Many within the Government, who remember the mess and abuses of even wartime gasoline rationing, prefer a new Federal tax—a surtax—to drive up the price of fuel and thereby cut its demand.

The problems involved with this approach are myriad.

First, nobody knows exactly what the surtax should be. If it is too small, it will not do the job. If it is too big, it would not only incite general inflation, but also disrupt general patterns of commerce beyond real needs.

The figure of 30 cents per gallon is being bantered about. Such a surtax would yield something less than $30 billion in 1 year. The Government could not possibly take that much money out of the economy without sending it into a tailspin. And to take out less may diminish its effectiveness.

Second, to use the new-found Government revenues as means of financing other means of transportation is to invite favoritism or, minimally, additional dependency upon Government larges.

Third, increasing the tax on gasoline would work the greatest hardship on those least able to afford it. Not only low- or middle-income commuters, but also small businessmen, contractors, salesmen, and all those who must use their cars and trucks for necessity would also be hurt. Public transportation would be hurt as well, as the price of fuel would have to be passed on to the users, and the users of urban mass transportation tend to be those in the lower income brackets. Many, or some, of these repurcussions would also come from allowing the free market level to be reached, but such a level would not be arbitrary, could come down easily without waiting for

Government regulations to change, and would not involve a mass bureaucracy which itself would consume other tax dollars.

RATIONING

Rationing has to be the least preferred of all three major schemes. It invites the most abuses, principally in the form of subterfuge of the system, the inviting of a black market in gasoline into which the criminal element could quickly move, and it interferes most disastrously with supply and demand and pricing.

Writing in the Washington Post of November 28, 1973, J. W. Anderson cited the many possibilities of unfairness and inequitability in any rationing program, no matter how well conceived:

How Fair Is Rationing?

(By J. W. Anderson)

Since the issue is fairness, a lot depends on the way a rationing system would actually work. The dilemmas are clear enough. The more closely you look at the structure of a rationing scheme, the less obvious it becomes that a rationing is necessarily and absolutely fairer than even a stiff surtax.

The first question is whether to give ration books to cars, or to drivers—or, perhaps, to everybody. Suppose that three households, side by side in the same block, have roughly the same commuting pattern. The first is a bachelor with a car. The second is a couple with three children, all over 16, with three cars. The third is also a couple with three children over 16, but they have only one car. How do you distribute the ration books?

If families get a book for each car, that gives the second family three times as much gas as the third family. That's fairness? It only encourages people to buy cars (including as in World War II, wrecked cars) to get the books. But if you give a ration book to each driver, then both of the families with children have five times as much gas as the bachelor. But they don't have five times as many errands or five times as much shopping to do. That doesn't seem fair, either. And then what about the people, of whom there are thousands in every big city, who have driver's licenses but no cars? Many of them occasionally rent cars. Are they going to be cut in, or cut out?

Before you make up your mind on those choices, consider the next one, which is even worse. Should the ration coupons be transferable? In other words, should it be legal to sell them? A legal market—call it a "white market"—eliminates the otherwise inevitable black market. More important, it rescues the government from the necessity of entangling itself, as it did in World War II, in literally hundreds of categories and sub-categories of users, with hair-splitting distinctions among degrees of need and hardship. With a white market, everybody would get a basic weekly ration. People who use less could sell coupons. People who need more can buy them at the going price.

But hold on a minute. If the coupons are saleable, then they are in fact money. By mailing out the ration books, the government is distributing a subsidy that can be used to buy gas or, through the white market, to buy anything else. (Let's try to avoid frivolous suggestions about using gas coupons to solve the energy shortage and reform the welfare system simultaneously.)

If the government is going to start handing out cash subsidies in the form of gasoline ration coupons, how can it possibly justify limiting them to drivers? If our purpose is fairness, then surely people who do not drive have the same right to this subsidy as the drivers. That takes us back to the first question. Perhaps we have to give ration books to all citizens over 16 years old. But the more people who get books, the less gasoline each book is going to be worth and the more coupons will have to be bought and sold on the market.

The Wall Street Journal of November 15 editorialized, as follows:

We certainly hope it doesn't come to that. Rationing is absolutely the worst way to deal with fuel shortages. Any system that can be devised by Washington bureaucrats would have to be based on equal treatment for Americans, within broad priority pigeonholes. And while Americans may be born equal, we doubt there are any two of them with precisely the same legitimate energy requirements. Rationing would impose the grossest kinds of inequities on people and the crudest kinds of inefficiencies on the economy * * * the government could not make rationing work unless it conducted a national energy audit. Each of several million enterprises would have to come before Mr. Love and his people with several volumes of documents to justify their respective hard-luck stories and win an extra dollop of fuel from the czar.

Rationing worked after a fashion during World War II, but produced no economic distortions to speak of; the economy was wholly geared to the war effort.

Peacetime rationing is quite another matter, and if we're to have it, we had best import several battalions of Soviet bureaucrats who have 56 years experience in allocating material and only foul up half the time. While rationing seems the fair and equitable thing to the cherubs in Washington who have shown their stuff on wage and price controls, in practice we foresee a monumental snafu.

Treasury Secretary Shultz, at least, says rationing will be a "last resort." The first resort, which we recommended begin as of last week if at all possible is for the government to permit energy suppliers to raise prices until demand meets supply.

Rationing does not make a scarce resource more plentiful. Instead of one type of user going without, rationing makes all types of users go without—just on a more equitable basis. But who is to determine such equitability? If the lessons of history give us any direction—as I believe they do—certainly, no bureaucracy can devise a system more equitable than the fair play embodied in the free market system of supply and demand.

Look at the outright subjective judgments that the Federal agencies will be making, as spelled out by the Wall Street Journal of November 30:

Allocators have to make their decisions, of course. Presumably they decided it is more important for the people who ride transit systems to get to their jobs than for people who ride airplanes to get to where they are going. The theory, we suppose, is that folks who ride airplanes often are business types who might be able to handle what they do by mail or phone. On the other hand, conceivably what the airplane riders do is in fact more important to keeping the overall economy going than are the jobs of a good many folks who ride subways and buses.

The point is that in any kind of arbitrary allocation system some people are going to feel justifiably unhappy. More seriously, they are likely to feel that the government has treated them unfairly, in fact discriminated against them. A social contract with the government has been abridged by the government, such a victim tells himself, in effect. So why should he be a nice guy? If this sort of thing happens on a large enough scale, the effect is social and political unrest and demoralization. What started out as a spirit of cooperation in the face of a common need turns sour.

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Under rationing, the government volunteers to take the blame for every mistake and misallocation in a system that is inherently arbitrary. Even more important to national morale, the decisions of this system, unlike those of a free market, are completely beyond the control of the average citizen.

* * * * *

If the market is allowed to make allocations there is far less likelihood of tensions between citizens and government and no question of abridging the social contract. We previously have cited here some of the other advantages. If market demands means higher prices that in turn stimulates new investment and research to expand production of the scarce commodity. The arbitrary decisions of an allocation bureaucracy only act as a dead hand on progress—not because bureaucrats are somehow evil but because no small group of men can make the decisions made every day by a vast and sensitive market system.

In trying to supplant the free market, the politicians are volunteering for a task at which they cannot succeed. It allows them the image of "doing something" now, but it will not be long before their inevitable failures present them with even more difficult problems, and increase the feelings of impotence, frustration and failed expectation that already pose so severe a strain on this society.

And, in a highly perceptive and blunt editorial comment of today, the Wall Street Journal added:

The administration's energy policy has floundered during the current emergency, but only as a result of its preoccupation with political rather than economic solutions. Too many of the President's advisers, including Mr. Love have addressed the problem in terms of what they consider to be politically feasible. This boils down to striking from consideration all those measures they believe would be frowned upon on Capitol Hill and winding up with rationing, the best political solution and the worst economic one.

It is transparent why so many voices in Congress are clamoring for rationing.

* * * * *

Herbert Stein, the President's chief economic adviser, is absolutely correct when he says that rationing is "politically the easiest course, especially if you are a Congressman and won't be responsible for the administration of the rationing."

* * * * *

Mr. Stein and Treasury Secretary Shultz, that dynamic duo, seem finally to be asserting themselves in putting forth the best economic solution to the problem. While they are slow starters, they are at last arguing publicly that fuel prices be permitted to rise until supply meets demand.

What terrifies the John Loves and Melvin Lairds in the Nixon administration is that the public will not only be furious at the higher and higher prices but will also be outraged if this classic market solution causes profits to soar. As a factor in this debate, the oil companies themselves are rather impotent. Embarrassed by their third-quarter profits, many have lined up in support of rationing. They also fear public displeasure that could lead to a government break-up of some oil companies. At least with rationing, the government gets the blame.

Dr. Shultz and Dr. Stein are not horrified at oil-company profits, nor are we. In fact, if you look at profits not as a means to reward virtue but as a means to make the system work, they are just what the doctors ordered. No other measure short of sending the Marines to the Persian Gulf could increase the

> energy supply to meet the short-term problem. And only sharply higher oil-industry profits can provide the incentives over the longer term that could make the United States virtually self-sufficient in energy. As Secretary Shultz observed on "Meet the Press" Sunday, "it is the opportunity for a good rate of return that induces people to come into a line of business and work energetically at it." Similarly, nothing could better stimulate development of alternate energy sources than higher prices for oil.
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> The Federal Trade Commission, certainly no friend of the oil tycoons, itself reported that after-tax oil profits in ratio to stockholders' equity was 10.7% in the second quarter as compared to 14.0% for all manufacturing. If it is more profitable for business to get into widgets. electric toothbrushes or tennis racquets than to develop shale oil or explore for new sources, by 1980 the United States will be self sufficient in widgets, electric toothbrushes and tennis racquets.
>
> Nor would higher profits leave the oil companies fat, happy and secure. They would not only be forced to race each other to protect their lucrative market shares come 1980. They would also inevitably have to contend with those industries that are now grinding out widgets and suddenly see a potential for energy profits that induces them to diversify into the field.

Mr. Speaker, I strongly suggest that the Government would be better advised to put its mind to developing adequate supplies of a presently inadequate resource—not trying to devise scheme after scheme to allocate an inadequate resource.

If the market solution is indeed to be the one pursued, I believe, if the prices do produce marked increases in oil company profits, that we should eliminate the oil depletion allowance, for it will then be unnecessary. The oil industry must realize that it, like everyone else, cannot have its cake and eat it too; if profits rise sufficiently to produce capital to develop adequate resources, the depletion allowance must go.

Rationing would be, in a manner not dissimilar to wage and price control, another abdication to the executive. George F. Will, in an editorial entitled "Creature Comforts or Liberty?" in the Washington Post of November 27, made this point clearly, when he stated:

> Many Americans are prepared to accept—indeed, to demand—gasoline rationing, with all that must mean by way of expanded government power. Such as expansion would not just mean what all such expansion means—new excisions from the sphere of individual freedom of choice. It also would mean that the expansion would come in the form of the most pernicious form of government power, executive discretion.
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> For more than 27 months—since August 15, 1971—we have been in a position to learn a lesson about wage and price controls, a lesson that is relevant to choosing an energy policy.
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> Congress is about to respond in the same way to the energy problem.
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> Congress cannot exercise close control over the rationing it seems to favor because it is well nigh impossible to capture in the web of legislation all the nuances and exceptions that rationing must involve if it is to be even barely tolerable. Laws state general rules. Inevitably, economic controls are a quality of ameliorating exceptions to capricious decrees.
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> There is an iron law governing the governing of modern societies. Whenever government power supplants market forces in shaping private choices, the supplementing involves the eclipse of the legislature and the expansion of executive discretion.
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> The rise in beef prices and the decline in oil supplies is irrelevant to U.S. greatness. What is not irrelevant is the willingness of Americans to equate our greatness with material abundance and to pay for cheap gasoline in the coin of expanded government power and diminished liberty.

Few things could be worse than a congressional abdication in this crucially important area—an abdication on the scale of Congress giving to the Executive virtually full power over wage and price controls. As outlined by my distinguished colleague from Connecticut (Mr. McKinney): The deal is this—with the Nation in crisis, the legislative branch of Government is about to agree to turn over its power to the Executive and, in return, the Executive will allow the legislative branch to wring its collective hands in exasperation after enactment.

The Congress must not abdicate its responsibility here—or in any other place. No matter how difficult, no matter how politically tough, no matter how hard we must bite the proverbial bullet, the Congress must stiffen its courage and do the job.

Mr. Speaker, two things are clear: We are going to have less gas available, and that which is available is going to cost more. Beyond that, we are in a befuddled mess. The administration and the Congress have not yet, and sometimes seem incapable, of making specific long-range decisions. More the reason to allow the marketplace to develop the answers, and this brings me to my last point.

American business—known for its ingenuity and creativeness, known for its ability to meet challenges—may be making a near-fatal mistake—it may be waiting to follow Government's lead. It could do few things of more disservice to the Nation and to the consumers. The vast energy industry came about because business, not waiting for Government's lead, seized the initiative to overcome then existing shortages. Few recall that the search for petroleum arose from a shortage of whale oil at the turn of this century. The real crisis is, then, on Wall Street. It is a crisis of confidence in its own abilities and judgment. When industry, in its great tradition, rises to meet that challenge, we will have made the most major step of all in overcoming this crisis.

GOV. RONALD REAGAN'S PROPOSITION NO. 1 SHOWS WAY TO CONTROL GOVERNMENTAL SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Archer) is recognized for 5 minutes.

Mr. ARCHER. Mr. Speaker, one of the most crucial issues we face as a Nation is the control of Government spending. A proposal to control government spending on the State level by limiting State revenue collections was recently submitted in a referendum to the voters of California. Unfortunately, this measure was defeated. However, the defeat of this measure certainly did not mean the voters of California desired higher taxes. In fact, it appears that due to the campaign against proposition No. 1, some voters appeared to believe that if there was a limit imposed on the collection of State revenue that their local taxes would go up. The California idea to limit revenue collections is a new idea and, I believe, a valid proposal to consider as a means to halt the rising costs of government. There has been some speculation that such an approach could be applied on the Federal level. An excellent analysis of this proposition, the reasons for its defeat, and the future significance of the idea appeared in a recent issue of National Review. I would like to enter into the Record an article by Gov. Ronald Reagan entitled "Reflections on the Failure of Proposition No. 1," which appeared in the December 7, 1973, issue of National Review.

The article follows:

Reflections on the Failure of Proposition No. 1

(By Ronald Reagan)

The November election results demonstrate once again that the people of America are firmly opposed to the philosophy of bigger and bigger government and higher and higher taxes. In Washington state, an unpopular legislative salary increase was overwhelmingly rescinded along with a proposed state income tax. New York rejected a $3.5 billion transportation bond issue by a 3 to 2 margin. Texas and Rhode Island turned down legislative salary issues, and Kentucky rejected a proposal for annual legislative sessions.

The widespread taxpayers' revolt also was evident in California where almost every local school and salary issue was soundly defeated. One county even voted to reduce the salaries of county supervisors by $2,000. These types of fiscal issues provide the only opportunity citizens have directly to influence government's fiscal policy, to protest their staggering tax burden. They made the most of the opportunity.

The only statewide issue on the ballot in California was Proposition #1, an initiative to reduce state income taxes by 7.5 per cent in 1974. It also offered an historic opportunity permanently to reduce taxes at the state level by placing a constitutional limit on the percentage of the people's income the state could take in taxes. Almost two million people voted for Proposition #1. Yet it failed by 54 per cent to 46 per cent in an election in which about 45 per cent of the state's eligible voters participated.

Why?

Why did a majority of those voting turn down a chance to vote themselves lower taxes and how, in view of the result, can I or anyone include California among those states where the people believe the total structure of government has grown too big and too costly?

The answer to this apparent contradiction can be found in the election returns and in the campaign of distortion and falsehood waged against Proposition #1 by a well-financed, well-organized opposition which desperately avoided debating the central issue: whether taxes are too high now and whether the tax burden should be reduced.

The almost two million citizens who voted Yes on Proposition #1 knew they were voting against higher taxes. Ironically, a majority of those who voted No also believed they were voting against higher taxes. The last major public opinion survey on Proposition #1 (the Field poll) revealed that a majority was leaning toward a No vote. But it also disclosed that 69 per cent of those inclined to oppose Proposition #1 did so because they thought it would increase their tax burden.

Even though the measure was specifically designed to reduce state and local taxes and hold them down permanently, many voters were confused by the TV blitz and newspaper advertising campaign staged by the opposition.

In a way, the campaign strategy of the opposition paid the sincerest form of compliment to the goal of Proposition #1: lower taxes.

After repeatedly telling the people that the measure would limit government's ability to spend, that it would force government to hold down future budgets, after appealing to the fear of every possible special interest group, opponents finally keyed their campaign to the false claim that it would increase, not reduce, taxes. They dared not campaign against what they knew would be the ultimate impact of Proposition #1: a realistic and workable limit on the growth of government to keep taxes from going up faster than the incomes of the people who pay them.

The defeat of Proposition #1 can't be translated into a victory for advocates of higher taxes and unlimited government growth. It was a victory for political demagoguery, a triumph for the unsubstantiated charge that sounds convincing in a thirty-second television commercial but which does more to confuse than inform.

It is an axiom of politics that when people are confused about an issue, many will vote No. They'll opt for the status quo, or not vote at all. On November 6, a sufficient number of California voters were confused enough about the impact of Proposition #1 to turn back possibly the most significant effort made in this century to bring government under some reasonable degree of financial restraint. Some of them voted No; others simply stayed home.

In California, this kind of cynicism could be justified. Too often in the past, the people have been promised tax relief or more efficient government, but only on condition that a particular measure be adopted or that government be given some new power or authority to change a previous budgetary restriction. Somehow the promises never materialize; the tax relief the people are told will be theirs is an illusion. Somehow, after the election, a great emergency is discovered, an unforeseen "need" that required more revenue and more government, not less.

SINCE 1967

When I took office in 1967, we discovered that the promise of "no tax increases" could not be carried out. California was virtually insolvent, the previous administration having changed that state's system of budgetary bookkeeping in a way that allowed the spending of 15 months' revenue in twelve months' time, thus avoiding a major tax increase in election year 1966. The state government was spending $1 million a day more than it was collecting.

California, unlike the Federal Government, cannot print more money or pile up deficits. The governor is required to submit a balanced budget, and if any additional taxes are needed to balance revenues with spending, the constitution requires the governor to propose higher taxes.

So our first major lesson in government was painful: for the taxpayers and for us. We had to increase taxes by some $800 million to balance the unbalanced budget we inherited. At the time, I said we hoped this would be temporary, that when we had had time to institute reforms, to curb excessive spending, we would work to reduce the tax burden.

I believed that government could be run more economically using the same sound rules and principles that apply to the running of a business or even a household budget. The phrase "cut, squeeze, and trim" became the watchword of our administration and the result has confirmed my belief that the cost of government can be brought under control.

A task force of businessmen surveyed the state government and recommended almost two thousand steps to streamline it. Every reform, every challenge to the bureaucratic status quo brought screams of outrage, protests, and demonstrations. But contrary to the claims of the protesting groups, these economies did not curtail the state's ability to finance those programs which are properly government's responsibility. It made possible greater state support along with lower taxes.

In seven years we've managed to increase state support for public schools by 92 per cent, although enrollment this year is less than 6 per cent greater than it was in 1967. The state scholarship fund, which helps eligible young people attend college, totals more than $36 million this year, almost eight times higher than when we started.

California has pioneered the concept of treating the mentally ill with an expanded system of community mental health programs. When we started, the budget for community treatment was $18 million. This year it is more than $140 million and California's shift from the "warehousing of the mentally ill" in large state mental institutions has become a model for the nation.

No one objected to increased state support in these areas. But the economies that made them possible were vehemently opposed. When we sought to rebate budget surpluses, there were hysterical charges that fiscal chaos would result.

Before 1967, California homeowners were protesting an excessive property tax burden. But there could be no relief until economy and efficiency in government made relief possible. In 1968, we adopted a $750 homeowners' property tax exemption and this was raised to $1,750 last year (after a four year struggle), along with a revised school formula that rolled back local school tax rates and gave the schools the greatest single-year increase of state support in history. For most taxpayers, this has meant a saving of between $150 and $200 in their annual property tax bill.

We've tried to spread the benefit of more efficient government to all taxpayers. There have been tax credits for tenants (in lieu of property tax reductions); we've cut the business inventory tax in half and reduced bridge tolls eleven times.

Possibly our greatest success was in welfare reform. When I proposed this in 1971 the Democratic majority wouldn't even let me present the plan to a joint session. We were told there would be a $700 million budget deficit. There were dire predictions of fiscal chaos, charges that the state was simply shifting the burden to local government, and massive protests by welfare-rights groups that claimed the elimination of abuses and fraud in welfare would deprive the truly needy of help they should receive.

WELFARE REFORM

None of these things happened. When we started, California's welfare rolls were growing by forty thousand a month and costs were increasing three times as fast as the normal growth of state revenues (without increased taxes). At last count, there were 386,835 fewer people on welfare than when we began. We've managed to increase benefits for the truly needy by almost 30 per cent and provide cost of living adjustments for senior citizens and the disabled. Now the cost of welfare is between $1 and $2 billion less than the opponents of reform said it would be. These welfare reforms have since been adopted by a number of other states, and several of those capable and dedicated officials who helped achieve them have been recruited by the Nixon Administration to help reform welfare on a national basis.

There was no tax shift to local government. In the year after welfare reform, 42 of California's 58 counties reduced their basic tax rates. This year, 45 reduced their tax rates, most of them for the second year in a row. Instead of a $700 million budget deficit, we had an $800 million surplus this year. As opposed to 1967, we were collecting $1.5 million a day more than we needed and we wanted to return this to the people.

More than a year ago, while we were pushing property tax reform, I organized a task force to survey the entire structure of government, to discover how, without curtailing essential services, the tax burden could be permanently reduced. This task force included some of the nation's most distinguished economists, men like Milton Friedman of the University of Chicago, Peter Drucker of Claremont College, C. Lowell Harriss of Columbia University and the Tax Foundation, Roger Freeman of the Hoover Institution, and James Buchanan of Virginia Polytechnic Institute. Along with members of my own cabinet and staff, this task force worked for more than seven months. They discovered that taxes are the one exception to Newton's law of gravity. They always go up, in good times and bad, in periods of prosperity or recession.

In 1930, the total cost of government (federal, state, and local) was *about 15 per cent* of the personal income of the United States. This year, in California, the total cost is 44.7 per cent and a fraction less in the rest of the country. Of this total, the state was taking about 8.75 per cent. Along with a return of the $800 million surplus, we asked the task force to devise a way permanently to reduce this percentage, to provide lasting tax relief to the people of California. The result of their work was the tax initiative we offered November 6.

Because of inflation and population growth, we know government revenues must be permitted to expand to meet essential needs. Yet we were convinced that this could be done while gradually reducing the total tax burden. In the past twenty years in California, the cost of state government has been growing 10 per cent a year but the total income of the people has been going up only 7.7 per cent. The result has been periodic tax increases and a steady upward growth in the percentage of the people's income going for taxes.

PROPOSITION NO. 1 GOALS

Proposition No. 1 was designed to bring government spending into balance with the growth of revenues. The key features were:

An immediate 7.5 per cent state income tax reduction in 1974 income,

The total and permanent elimination of the state income tax for all families earning $8,000 a year or less, and, most important,

Adoption of a tax limit by imposing a ceiling on the growth of state revenues, which would slowly reduce the 8.75 per cent of personal income the state takes to a level of around 7 per cent over a period of 15 years.

Unless something is done to check government's unlimited power to tax, California's state budget will grow from this year's $9.3 billion to a staggering $47 billion by 1989.

Still opponents of our proposal charged we sought to impose a fiscal straitjacket on state government that would force massive cuts for education, for mental health, for almost every item in the budget—even though the budget could have doubled in ten years and tripled in 15 under Proposition No. 1, and funds for education, mental health, and all other essential programs could have grown at the same rate.

At the same time, California could have planned tax reduction on an orderly basis as a part of our budgeting process. In five years, we could have cut income taxes another 25 per cent or trimmed a penny from the sales tax; in ten years the income tax reduction could have been 60 per cent, or we could have cut two cents off the sales tax.

The legislature would have retained its full authority to revise the tax structure, to raise or lower specific taxes, to do anything it does now with one important exception: Any future tax increases above the limit would have to be ratified by the people. This provision, more than any other, generated the greatest alarm in the bureaucracy which knew full well that if the people ever get veto power on excessive spending, the days of spendthrift government are over.

One legislator complained to me that returning the $800 million surplus would be "an unnecessary expenditure of public funds." Another said Proposition #1 would restrict government's ability to redistribute the income of the people through taxes. That was one of the few completely accurate statements the opposition made during the campaign, but they didn't make it outside the legislative chambers.

Almost every group which derives status, income, and power from bigger government joined the ranks of the opposition, including the state teachers association, the state employees association, welfare groups. Opponents said our tax reduction plan would favor the rich. The truth is: State income taxes would have been permanently eliminated for every family earning less than $8,000 a year. They said it contained no guaranteed tax reduction. Yet the constitutional amendment specifically said that every year for 15 years, the percentage of the people's income that state government could take in taxes must be reduced either through a rebate or reduced taxes. They said it would increase local taxes. The truth is: Proposition #1 would have written into the constitution the same tax limits on local government contained in our 1972 property tax reform. This protection would be guaranteed, not simply by a law, but by constitutional language that only the people could change.

One of the most blatant falsehoods of the campaign was a statement that Proposition #1 would have authorized the legislature to permit the levying of local income taxes by any governmental unit "from counties to mosquito abatement districts." The truth is: The legislature has that authority now and can do so by a simple majority vote. Proposition #1 would have made it harder; it would have required a two-thirds vote for any local income tax (something we haven't presently in California).

But truth is a fragile weapon in a heated campaign. It can be ignored or twisted and distorted until the average citizen, unfamiliar with government finance, finds himself totally confused When we proposed the California revenue control and tax reduction program in February, we offered it along with a plan to return our $800 million surplus through another 20 per cent income tax rebate in 1973 and a six months' suspension of one penny of the state sales tax.

The legislative majority, controlled by those who would later lead the fight against Proposition #1, blocked the plan. It didn't get past the first committee, even though constitutional amendments are routinely offered each year and just as routinely put on the ballot. The legislators who fought proposition #1 could not find time last spring to hold extensive public hearings on the measure. But in the final weeks of the campaign to put the initiative on the ballot, almost every major legislative committee held special hearings to generate publicity for attacks against it.

Because the legislature refused to vote on it, we were forced to gather more than half a million signatures to place it on the ballot. This consumed a great deal of time and part of the financial support we were able to muster in support of the plan.

Yet this part of the campaign made the whole effort worth while. Before the initiative qualified, the Democratic majority had refused to consider returning the $800 million surplus to the taxpayers. But once the people put it on the ballot, our opponents, anxious to make it as financially unattractive as possible, offered a compromise which would return the surplus by a one-time 20 to 35 per cent income tax rebate and suspension of a penny on the sales tax for six months.

Was it politically unwise to accept this? Should we have let the surplus pile up in the treasury and thus enhance the prospects of passing Proposition #1? We considered those arguments and rejected them because our purpose has always been to reduce taxes, not to play political games. The sales tax has gone down one cent for six months, the income tax is eliminated entirely for 1973 for those families earning $8,000 a year or less, and everyone else will receive a 1973 rebate of 20 to 35 per cent.

Qualifying Proposition #1 for the ballot accomplished part of our purpose by forcing the legislature to return the surplus. But the longer-term, permanent tax reduction remains an elusive goal. Naturally, I am disappointed.

It was and is a daring idea and I do not regret the exercise. It served a positive purpose. As a result of the battle waged in California, people all over America have been alerted to the staggering burden which taxes impose on our economy and on every family in this country.

The people did not reject the idea of reducing taxes or limiting the size and cost of government to a reasonable level. They endorsed lower taxes in elections throughout the country, including the confused vote on Proposition No. 1.

Perhaps we could and should have done more to draw the basic philosophical issues more clearly, to expose the distracting, irrelevant, and confusing play on human fears that was so effectively exploited by the opponents. We've learned again how powerful an array of forces that is at work in America to expand government, to maintain government's unlimited power to tax the people. These forces have seldom been defeated in the past forty years. Because they have prevailed, taxes now cost the typical family more than it spends for food, shelter, and clothing combined. A free economy cannot survive that kind of tax burden indefinitely.

More than a century ago, the French philosopher Frédéric Bastiat wrote: "The state, too, is subject to the Malthusian Law. It tends to expand in proportion to its means of existence and to live beyond its means, and these are, in the last analysis, nothing but the substance of the people. Woe to the people that cannot limit the sphere of action of the state: Freedom, private enterprise, wealth, happiness, independence, personal dignity, all vanish."

That is what will inevitably happen in America unless we act to curb the excessive spending of government. This cannot be done simply by changing the law. The national debt limit was supposed to check deficit financing. But it has been temporarily or permanently increased by changing the law two dozen times in the past twelve years alone.

Only the people, through a constitutional amendment, or some other fail-safe method, can limit government's excesses. That's what we tried unsuccessfully to do with Proposition No. 1 at the state level.

The basic issue remains unchanged. The idea of lower taxes did not fail. There will be other elections, other days. We have suffered a setback. We have lost a battle, but this struggle will go on.

The people will find a way to bring big government under control, to put a reasonable limit on how much of their income government may take in taxes. This idea will become a reality. It must prevail because if it does not, the free society we have known for two hundred years, the ideal of a government by consent of the governed, will simply cease to exist.

WHO IS IN CHARGE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, yesterday, Gov. John Love resigned as the President's chief energy adviser when it became clear he would be replaced.

I was not among Governor Love's admirers; indeed, I was severely critical of his performance on numerous occasions.

Now that Governor Love has left, I am very concerned to hear him say in a report to the Denver Post:

> It has been difficult to try to do anything meaningful and even to get the attention of the President.

Governor Love also cited the President's inability to grasp the seriousness of the energy crisis. Governor Love said:

> The President went down to the U.S. Seafarers Union and said it is going to be all over within a year.

I hope that Bill Simon can move more effectively in the energy crisis; but if Governor Love's unfortunate experience is any indication, the question of "Who is in charge?" will remain crucial.

The President is disturbed and, at times appears distraught, by continuing Watergate crises. Without tough decisions by the President, we could face economic disaster.

I know Bill Simon. If there is no Presidential leadership, I hope he will not wait until his resignation to square with the American people. Congress has demonstrated its willingness to work together with the President, but the executive branch must administer programs. To date, only a list of vague options is the President's program for meeting this crisis.

ARAB OIL EMBARGO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. STUCKEY) is recognized for 5 minutes.

Mr. STUCKEY. Mr. Speaker, today I am introducing a bill to provide the President with the authority to curtail U.S. exports and foreign assistance to any country that has restricted oil and oil products to the United States as a punitive reaction to our support of Israel. The action contemplated by this bill is very serious. Imposing trade sanctions against countries with whom we trade is far from the normal way this country conducts its international relations. However, this is in response to a belligerent display by the Arab oil-producing nations. The Arab's oil embargo, export restrictions, and production reductions are crippling the livelihood of the rest of the world.

The action taken by the Arab oil-producing countries is particularly hostile when it is considered in the context of our relations with them. It is true that our relations have not been exemplary, nevertheless we have not conducted our affairs with these countries in a hostile manner.

First, I should like to point out that oil embargo was imposed at a time when the United States had taken no hostile action against any one of the Arab oil-producing states. These governments may object to our foreign policy toward Israel, just as the Israelis objected to the military assistance we have provided to many Arab countries, but neither of these actions are violent ones.

Second, the oil embargo was imposed when President Nixon had already directed the Secretary of State to offer United States good offices in mediating the current Middle East conflict. Moreover the Arabs have maintained their oil embargo despite Mr. Kissinger's intricate involvement in the on-going Mideast negotiations, and they are maintaining their embargo despite the improvement of relations between our country and Egypt. The United States is committed to resolving the longstanding confrontation between the Israelis and their Arab neighbors in a fair and effective manner, yet the Arab oil-producing states persist in slowly strangling the rest of the world.

Third, the hostility displayed by the Arabs is not just regrettable in light of the efforts by the Secretary of State to work diligently toward an equitable resolution of the Mideast conflict. It is also regrettable given the economic and military assistance this country has extended to those very same countries. Since 1962, the United States has extended $700 million to the oil-producing Arab States in the form of economic and military assistance. In the same 10-year period, we extended another $700 million to just Egypt alone. To the other countries in the area, we extended a total of nearly $2 billion between 1962 and 1972. This represents a fair amount of American good will during the past decade.

Fourth, the restriction of oil exports is further reprehensible when we consider that the United States sells goods to these countries as well as purchases oil from them. In exchange for their crude oil, the United States sells to the Arabs everything from food and live animals, tobacco, and animal and vegetable oils to manufactured commodities and transportation equipment. We are not the sole suppliers of these and other goods to the Arabs, but make no mistake, the flow of goods between these countries and ourselves is two-way. Despite this pattern of trade and assistance, the Arabs have acted irresponsibly, and without regard for the welfare of others.

After taking these four points into consideration, it seemed clear to me that this country cannot sit back idly. Expeditious passage of this bill would show the Arabs, our allies, and our own citizens that Congress means business. We can afford to do no less.

This bill would authorize the President to take four forceful steps against those countries which have restricted the flow of oil because of our long-standing policy of supporting both sides in the Middle East conflict. First, he could curtail any or all U.S. exports to these countries. Second, he could terminate foreign economic and military assistance. Passage of the bill would direct the President to monitor U.S. exports and foreign aid which goes to third countries who then act as conduits for these goods to those countries which have embargoed oil. The President could then prohibit such exports and assistance. Exercising these three sanctions would result in an "air-tight" boycott. Finally, the bill authorizes the President to expropriate any investments these respective countries may have in the United States if their governments nationalize or expropriate U.S. holdings in their countries without adequate compensation.

These are harsh measures, and it is my hope that none of them would have to be implemented. However, if the Arab oil-producing states persist in seriously endangering the well-being of most of the world by their callous and, in many ways, cruel manipulation of oil supplies, how can we justify trading with them, supplying their military needs, or contributing to their economic development? It is not my intent to act in an unfriendly manner toward the Arabs nor to those countries who sell either U.S.-produced goods or products. Nevertheless, the President of the United States must be equipped in order to deal forcefully with the oil embargo, and we must place him in a strong position from which he can bargain effectively.

EMERGENCY AID FOR ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 15 minutes.

Mr. ADDABBO. Mr. Speaker, today in the House Appropriations Committee I supported an amendment to provide the full $2.2 billion emergency aid for Israel.

I would like to speak to the House in some detail on the pressing matter of the Middle East conflict, its importance to the United States internationally and its impact on this Nation insofar as domestic affairs are concerned.

I, as have other Members of this body, have recently returned from Israel where the horror and stench of war still fills each waking moment of all who live there. There is little that can be learned in Israel that can be of comfort. The threat of renewed fighting is with them always, despite the intense efforts of many to achieve a workable peace agreement.

But in this Chamber, we must go beyond the individual tragedies of war. We must try not only to find an end to the senseless killing in the Middle East, we must seek to insure that the conflict does not spread into a wider war. We must look to our own position as a world power for we have huge stakes on the line in the Middle East. It is not beyond reason to state that the very future of the world could well be determined in the eventual outcome of the conflict that rages in those desolate miles of desert.

There is a misconception in this Nation that the United States supports Israel so strongly because of humanitarian reasons only. Certainly there is that, as it should be.

But another underlying cause for U.S. support of Israel is far more self-serving—international diplomacy is rarely, if ever, based only on humanitarian issues—This Nation supports Israel because that nation would provide the United States with one of its only Southern Mediterranean land bases in the event of world conflict.

One must look at a map of Europe, Africa and the Middle East to fully understand the desperate need of this Nation to insure Israel's continued existence. Should Israel fall, there would be no land base for U.S. planes, ships or other fighting units along the southern shore of that vital sea.

The fall of Israel could render the U.S. military might virtually useless in the defense of Southern Europe. That would provide the Soviet Union complete dominance over the important Middle East oil fields, all of Europe and Africa. What the Soviet Union has to gain by the defeat of Israel is virtual control of the world without having to fire a shot in anger itself.

That, of course, could have prompted the President's strong response when Russia served notice it planned to introduce troops into the Middle East. It is the reason that the United States is willing to spend billions of dollars to provide Israel with the weapons to defend itself. That is why every U.S. President since the creation of the State of Israel has supported that nation's cause, and why every succeeding President shall be equally as strong willed in that regard.

But it is one thing to understand international power moves and quite another to walk through that sandy desert vale of the Sinai Desert now known as the Valley of Death.

The shattered ruins of tanks and men still remain where that nose-to-nose battle erupted. Listening to the Israeli commanders describe solemnly how they were so nearly overwhelmed in this latest outbreak of fighting, you have to seriously question what effect a renewed outbreak of fighting would have on this tiny, out-manned, out-gunned nation which has already suffered so many great losses.

We additionally were shown captured Soviet equipment which is highly sophisticated—greatly so, I fear—and which was provided to the Arab States before and after this latest fighting in unprecedented amounts.

The quality and quantity of this superb Russian war equipment must be taken into serious consideration by the United States. In some cases, the Russian materiel was far better than comparable war materiel made here in the United States. It was made at a far cheaper cost per item than U.S. manufacturers can provide our military, and it in many ways demonstrated advances our defense industry has not yet adopted.

I came back from Israel convinced that if the United States is to remain a viable world power, we must re-examine our methods of arming the military. If our armies are to remain on a par with those of potential enemies, we no longer can afford to indulge ourselves in expensive programs of dubious value, nor can we accept huge cost overruns or large corporate profits from defense contracts. To be trite—but seriously so—we must trim the fat from our defense spending because it is getting deeply dangerous to our civilization not to do so.

It is ironic that the fighting in the Middle East coincided with our domestic energy shortages. It is plausible to argue that the Arab oil boycott of the United States dramatized the matter for all of us. But to argue that the oil boycott has caused our problems is too shallow a viewpoint.

We were headed in that direction before the fighting. In fact, this House through a committee on which I serve has for 3 years running issued dire calls to the administration that unless action were taken, we would suffer a severe shortage of energy. Unhappily, we were right despite a massive indifference on the part of the administration or the public to our warnings.

I do not think it unfair to charge that the administration has seized on the Middle East fighting as a way of turning aside public attention to its own lack of planning to meet the energy shortage. But it is also futile to dwell on that now: the crisis is here and we must deal with it, as we shall.

What is important for the American people to understand however is that the international options open to the U.S. Government are indeed restricted. I have been deluged by those who would have the United States either impose economic sanctions on the Arab States or gather our armies and invade the Arab oil-producing nations. Either course would breed eventual disaster.

If we end our attempts to help negotiate a permanent peace in the Middle East, we bring ourselves ever closer to global war, and one in which the United States would fight from a position of weakness.

If we impose economic sanctions on the Arab States, they will simply buy food and other necessities from other nations. We will have then driven them closer to the Russians and seriously weakened our negotiators. But we cannot bow to any blackmail for no nation can consider itself free if its foreign policy is determined by others through economic or other sanctions.

What we must do is develop patience. The Russians are fully aware of our need to protect Israel. We shall face shortages when the boycott is eventually ended just as we do today.

We must extend all diplomatic efforts to achieve a peace in the Middle East that is just and is workable. The United Nations peacekeeping force in the Middle East today is hopelessly dwarfed by the enormity of the problem. We must buttress that force with all possible speed.

And while the international diplomacy continues, we must look inward to our need to develop alternate sources of energy so that our need of outside oil sources is not as great as it presently is. And we must reexamine our own military posture so that we can cope with the advances being made daily by other nations.

There is little that is encouraging in the Middle East today, and what can be seen from the carnage of the recent fighting shows distinct and dangerous flaws in our own military capacity. But if we take this time and use it to our best advantage, home and abroad, we may yet see the day in the Middle East of a time of normalcy and of peaceful coexistence. Time, if we use it wisely, is on our side. I would urge all of us in this Chamber to demand time be used to our advantage.

CPA AT DOC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Fuqua) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, in an effort to avoid the confusion in relation to the scope of authority of the proposed Consumer Protection Agency, I have written several agencies asking how the proposed agency would affect them. I have been inserting their replies in the Record as received.

There are three CPA bills now pending before a Government Operations subcommittee on which I serve. They are H.R. 14, introduced by Congressman Rosenthal, H.R. 21, introduced by Congressmen Holifield and Horton, and H.R. 564, introduced by Congressman Brown of Ohio and myself.

The major difference among the bills is that under both H.R. 14 and H.R. 21, the CPA would be granted the right to appeal to the courts the final decisions of their agencies. Under the Fuqua-Brown bill, H.R. 564, the CPA would not be granted this extraordinary power, but would be authorized to participate in the administrative proceedings to represent the interests of consumers.

I have previously inserted a portion of the reply of the Department of Commerce in the Record. Space precluded insertion of the entire reply because seven constituent elements of the Department would be affected and they individually responded.

Mr. Speaker, I now include in the Record the replies of the four remaining constituent agencies of the Department of Commerce.

Patent Office

Question 1. What regulations, rules, rates or policy interpretations subject to 5 USC 553 (the Administrative Procedure Act (APA) notice and comment rulemaking provisions) were proposed by your agency during calendar year 1972?

Answer 1. The following regulations and rules, subject to 5 USC 553, were proposed in 1972 by the U.S. Patent Office and published in the Federal Register.

1. Proposed amendment of title 37 CFR, Sections 1.141, 1.142, 1.144, 1.145, and 1.146, to change the restriction practice in patent cases when two or more inventions are claimed in a single claim.

2. Proposed amendment of title 37 CFR to revise sections 1.52 and 1.75 and add a new section 1.58 dealing with formula and table format and their representation in patent applications.

3. Proposed amendment of title 37 CFR, section 2.68, to enable an attorney or other person representing the applicant to abandon or withdraw a trademark application.

4. Proposed amendment of title 37 CFR to revise sections 1.225, 1.231, 1.251, 1.253, 1.272, 1.277, 1.281 and revoke section 5.3 to clarify practice before the Board of Patent Interferences and correct inconsistencies.

5. Proposed amendment of title 37 CFR, sections 1.345(b) and 2.14(b), to permit agents and attorneys who practice before the Patent Office to place dignified announcements in legal journals.

6. Proposed amendment of title 37 CFR to add a new section 1.69 designed to prevent omission of facts, data, or other evidence presented in connection with patentability or priority of an invention.

7. Proposed amendment of title 37 CFR, section 6.1, to establish an International Classification of "Goods and Services to which Trademarks are Applied."

8. Proposed amendment of title 37 CFR, section 1.55, to implement PL 92–358 which accords rights of priority based on earlier filed applications for inventor's certificates.

Question 2. What regulations, rules, rates, or policy interpretations subject to 5 USC 556 and 557 (that is, APA rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

Answer 2. None.

Patent Office regulations, rules, fees, and policy interpretations are not required by statute to be made on the record after opportunity for an agency hearing.

Question 3. Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty or forfeiture, what administrative adjudications (including licensing proceedings) subject to 5 USC 556 and 557 were proposed or initiated by your agency during calendar year 1972?

Answer 3. None. Patent Office adjudications, excluding fines, penalties and forfeitures, are not within the purview of 5 USC 554, and therefore are not subject to 5 USC 556 and 557.

Question 4. What adjudications under any provision of 5 USC chapter 5 seeking primarily to impose directly (without court action) a fine, penalty or forfeiture were proposed or initiated by your agency during calendar year 1972?

Answer 4. None. Adjudications pursuant to 35 USC 32 for the suspension or exclusion of a registered patent attorney or agent to practice before the Patent Office would fall within the scope of the question. However, no such adjudication was proposed or initiated in 1972.

Question 5. Excluding proceedings subject to 5 USC 554, 556 and 557, what proceedings on the record after an opportunity for hearing did your agency propose or initiate during calendar year 1972?

Answer 5. None.

Question 6. Will you please furnish me with a list of representative public and nonpublic activities proposed or initiated by your agency during calendar year 1972?

Answer 6.

1. Examination of patent applications and applications for registration of trademarks.

2. Weekly publication of the Official Gazette which primarily lists and describes the patents issued and trademarks registered on each Tuesday.

3. Filling requests for copies of issued patents.

4. Defending appeals to the Court of Customs and Patent Appeals from adverse decisions of the Patent Office Board of Appeals and Trademark Trial and Appeal Board.

5. Defending the Commissioner of Patents in civil actions instituted by patent and trademark applicants from adverse decisions of the Board of Appeals and Trademark Trial and Appeal Board.

6. Proposing legislation to revise existing patent and trademark law.

7. Developing budget requirements for the Patent Office to present to the Department of Commerce, Office of Management and Budget and the Congress.

8. Representing the U.S. in international meetings on patents and trademarks.

9. Answering letters of inquiry on a wide variety of subjects relating to patents and trademarks.

10. Preparing requests for procurement of goods and services for the Patent Office.

11. Deciding petitions addressed to the Commissioner to exercise his supervisory authority.

Question 7. Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 *could* have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Answer 7. The following final actions taken by the Patent Office in 1972 could have been appealed to the courts for review.

1. Decisions of the Patent Office Board of Appeals and Trademark Trial and Appeal Board which were adverse to the patent or trademark applicant in ex parte cases.

2. Decisions of the Patent Office Board of Patent Interferences.

3. Decisions of the Trademark Trial and Appeal Board in trademark opposition, cancellation, and interference proceedings.

4. Final decisions of the Commissioner of Patents, or the official or employee authorized to act for him. Such decisions would, for example, include the following:

(a) Final refusal of the Commissioner of Patents to register a patent attorney or agent for practice before the Patent Office.

(b) Final decision of a Group Director withdrawing patent application claims from further consideration in the case.

(c) Final refusal of a retroactive license to file a patent application abroad.

(d) Final refusal to accept a late payment of a patent issue fee.

(e) Final refusal to accept a patent application under 35 USC 116 or 118.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject.—NOAA Response to Request from Congressman Fuque Regarding Operations within the Advocacy Jurisdiction of an Independent Consumer Protection Agency

The following material is in response to the request for information concerning this agency's activities under Chapter 5 of Title 5 of the United States Code.

Answer to Question No. 1:

(a) Proposed fees and charge, inspection and certification of fishery products—50 CFR 260, 70 and 71. Proposed April 11, 1972; finalized Sept. 9, 1972.

(b) Statement of policy and intent on proposed quality control system—50 CFR 260. Proposed May 9, 1972; finalized Aug. 18, 1972.

(c) Amendments to standards for grade of frozen fried fish sticks and portions—50 CFR 261 and 275. Finalized May 24, 1972.

(d) Proposed amendment to standards for grade of raw breaded shrimp—50 CFR 262. Proposed Aug. 24, 1972.

(e) Standards for grades of selected fishery products made from mechanically separated fish flesh—50 CFR 261, 263, 266. Finalized Aug. 19, 1972.

(f) Label designation for selected fishery products—50 CFR 26.200 and 201. Proposed Dec. 21, 1972.

(g) Law Enforcement and Marine Mammal Protection—50 CFR—

(1) Part 280—yellowfin tuna:

Feb. 2, 37 FR 2532—Resolution of Inter-American Tropical Tuna Commission.

Feb. 2, 37 FR 2510—Proposed rulemaking to implement 1972 annual quota.

Feb. 9, 37 FR 2890—Notice of change of hearing.

March 1, 37 FR 4299—Notice of procedural change.

March 2, 37 FR 4375—Notice of change in catch limit.

March 3, 37 FR 4460—Notice of season closure.

March 4, 37 FR 4715—Publication of final yellowfin tuna regulation for 1972.

June 24, 37 FR 12513—Notice of change in catch rate.

Oct. 21, 37 FR 22757—Notice of change in catch rate.

(2) Part 240—Regulated commercial fisheries:

Jan. 19, 37 FR 786—Amendment to regulations.

March 4, 37 FR 4714—Amendment to regulations.

March 4, 37 FR 4730—Notice of season closure.

May 10, 37 FR 9408—Notice of season closure.

May 10, 37 FR 9399—Notice of change in catch quota.

Aug. 19, 37 FR 16806—Proposed rulemaking to implement herring regulations.

Aug. 22, 37 FR 16895—Notice of season closure.

Sept. 16, 37 FR 18916—Publication of final herring regulations.

Oct. 21, 37 FR 22757—Notice of season closure of Georges Bank.

Oct. 21, 37 FR 22757—Notice of season closure Nova Scotia.

(3) Capital Construction Fund:

June 15, 1972, 37 FR 11877—Proposed Capital Construction Fund.

July 28, 1972, 37 FR 15170—Extension of time for filing comments on proposed Capital Construction Fund.

Aug. 31, 1972, 37 FR 17763—Proposed Capital Construction Fund extension of time for comments

Nov. 25, 1972, 37 FR 25024—Capital Construction Fund joint tax regulations.

Nov. 10, 1972, 37 FR 23917—Capital Construction Fund deposits.

Dec. 30, 1972, 37 FR 28898—Capital Construction Fund deposits.

(4) Other:

May 10, 1972, 37 FR 9400—Fisheries Loan Fund procedures—change of interest rate—50 CFR, Part 250.

July 4, 1972, 37 FR 13179—Provisions for fees—Fishermen's Protective Act—50 CFR 258.

Dec. 2, 1972, 37 FR 25731—Regulations governing the taking and importing of marine mammals under the Marine Mammal Protection Act of 1972, 16 U.S.C. 1361 to 1407—50 CFR, Part 216.

Dec. 21, 1972, 37 FR 28177—Proposed rulemaking to implement interim regulations under the Marine Mammal Protection Act.

Answer to Question No. 2:

Dec. 21, 1972, 37 FR 28177—Notice of proposed rulemaking, Marine Mammal Act of 1972, 16 USC 1361 to 1407; also Dec. 2, 1972, 37 FR 25731.

Answer to Question No. 3: None.

Answer to Question No. 4: None.

Answer to Question No. 5: None.

Answer to question No. 6:

It would appear that the activities detailed under Question No. 1 constitute a list of representative activities.

Answer to Question No. 7

The following are specific areas where final action could have resulted in judicial review:

(a) Fishing Vessel Construction Subsidies (U.S. Fishing Fleet Improvement Act (46 USC 1401–1413).

(b) Administration of the Fishermen's loan fund (Fish and Wildlife Act of 1956, 16 USC 742(c)).

(c) Implementation of Tuna Convention Act of 1950 (16 USC 951–961).

(d) Setting fees for indemnification fund under the Fishermen's Protection Act of 1967 (22 USC 1971–1977).

(e) Mortgage insurance obligation guarantee program under Federal Ship Financing Act of 1972, 46 USC 1271–1280.

(f) Administration of the Pribilof Island Fur Seal Act of 1966, 16 USC 1161–1168.

(g) Supervision of Fisherman's Cooperative Association activities, 15 USC 521 and 522.

THE OFFICE OF FOREIGN DIRECT INVESTMENTS

The following responses correspond to the numbered questions.

1. The following are statements of the general nature of changes made during 1972 in the Foreign Direct Investment Regulations, 15 C.F.R. Part 1000, after Federal Register publication of notice and request for comments:

(a) Provision for a liquid foreign balance exemption for available proceeds.

(b) Revocation of the prohibition against positive net transfer of capital when holding available proceeds in the form of foreign property at year end.

(c) Changes in the definition of affiliated foreign national.

(d) Revocation of the mandatory deduction for expenditure of available proceeds.

(e) Provision for allocation of available proceeds or proceeds borrowings during the first two months of 1973 to 1972 postive direct investment.

(f) Provision for including affiliated foreign nationals' debt repayments occurring during the first two months of 1973 in the calculation of 1972 transfers of capital.

(g) Inclusion of overseas borrowing repayments within the meaning of the term "transfers of capital."

(h) Provision for interchanging borrowings by a direct investor and proceeds borrowings from its overseas finance subsidiaries.

(i) Provision for assumption by a direct investor of its overseas finance subsidiaries' overseas borrowings.

2. None.

3. None.

4. None.

5. None.

6. A list of representative activities during 1972 would include those set forth in the part (c) of the question.

7. None.

MARITIME ADMINISTRATION'S ANSWERS TO CONGRESSMAN DON FUQUA'S QUESTIONS

Question 1: What regulations, rules, rates or policy interpretations subject to 5 U.S.C. 553 (the Administrative Procedure Act (APA) notice and comment rulemaking provisions) were proposed by your agency during calendar year 1972?

None of the activities of Maritime Administration are subject to the requirements of 5 U.S.C. 553. Nevertheless, the Secretary does publish regulations relating to these activities in proposed form making them available for public comment. Such regulations published in calendar year 1972 were:

a. Regulations governing capital construction funds authorized by section 607 of the Merchant Marine Act, 1936, as amended, for the United States Merchant Marine.

b. Regulations governing the granting and administration of construction-differential subsidy under Title V of the Merchant Marine Act, 1936, as amended, for the United States Merchant Marine.

c. Regulations written jointly by the Internal Revenue Service and the Maritime Administration, which provide rules for determining the income tax liability of any person a party to an agreement establishing a capital construction fund.

d. Regulations establishing a uniform procedure for chartering vessels to carry Government generated cargoes subject to the Cargo Preference Act of 1954.

e. Regulations governing the extent to which U.S.-flag liquid and dry bulk cargo vessels on which a construction-differential subsidy has been paid may engage in trading between ports.

Question 2: What regulations, rules, rates or policy interpretations subject to 5 U.S.C. 566 and 577 (that is, APA rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

None.

Question 3: Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty of forfeiture, what administrative adjudication (including, licensing initiated by your agency during calendar year 1972)?

During calendar year 1972, the Maritime Administration proposed or initiated administrative adjudications in the following areas:

a. Determination of the adequacy of U.S.-flag service on essential routes for purposes of awarding operating-differential subsidy, and the effect of such subsidy on other competing U.S.-flag carriers. (Section 605(c) of the Merchant Marine Act, 1936, as amended, the "Act").

b. Hearings under Section 805(a) of the Act in which a subsidized operator or an applicant for subsidy requests written permission to operate in the domestic trades.

The Maritime Administration is also required by statute to initiate administrative hearings to determine if operating-differential subsidy is necessary to meet competition of foreign-flag ships (Section 602 of the Act) and to determine if a readjustment in future subsidy payments is necessary (Section 606 (1) of the Act). In calendar year 1972 no hearings under these latter two sections were held.

Question 4: What adjudications under any provision of 5 U.S.C. Chapter 5 seeking primarily to impose directly (without court action) a fine, penalty or forfeiture were proposed or initiated by your agency during calendar year 1972?

None.

Question 5: Excluding proceedings subject to 5 U.S.C. 554, 556 and 557, what proceedings on the record after an opportunity for hearing did your agency propose or initiate during calendar year 1972?

During 1972, the Maritime Administration proposed or initiated proceedings on the record in the following areas:

a. Appeals under contracts from final decisions of contracting officers in disputes between shipowners, shipyards, or vessel operations and the Maritime Administration or the Maritime Subsidy Board.

b. Equal employment opportunity complaint against a shipyard.

Question 6: Will you please furnish me with a list of representative public and nonpublic activities proposed or initiated by your agency during calendar year 1972?

Attached is the annual report of the Maritime Administration entitled, "A New Wave in Merchant Shipping", which contains a thorough review of activities of the agency during Fiscal Year 1972. Activities during calendar 1972 were substantially the same.

Question 7: Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

All actions taken under the answer to questions 3 and 5. Other actions include personnel actions as well as certain determinations made by the Maritime Administration as to the eligibility of certain corporations to engage in the capital construction fund program.

RODINO TAKES ACTION ON NATIONAL CRISES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Rodino) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, as I reflect back on the session of Congress that is drawing to a close, I can recall no other time in my 25 years in the House of Representatives that this Nation and this Congress have faced the grave issues that confront us as we move into the final days of 1973.

Our system of government is being sorely and strongly tested as it has in no time since the Civil War. But the crises we face are not only at high levels of government. Every individual American daily faces a personal crisis, as prices push higher, as our cities continue to be plagued with problems and our fuel becomes scarcer.

As chairman of the House Judiciary Committee, I have found myself in the awesome position of dealing with two of the most momentous tasks ever to come before our Congress. For the first time in U.S. history, a Vice President has resigned on charges of criminal wrongdoing. Acting under the never-before-used 25th amendment, my committee staff undertook a thorough and fair investigation of the nominee to fill that vacancy, my colleague Gerald Ford. After lengthy and probing consideration of Mr. Ford's nomination—including review of 1,700 pages of FBI reports—the committee voted last week for confirmation.

Now, with that consideration complete, the Judiciary Committee must move ahead with deliberate speed to another historic task—the conduct of an inquiry to determine whether there are grounds for the impeachment charges that have been brought against the President.

I must say that the consideration of resolutions to the process of impeachment of the President is a task I had hoped would not be necessary. I believe that any responsible American must view this prospect with a deep sense of sadness and abiding concern for the future of our democratic system of government. The constitutional issues we face now, and how we handle them, will affect the future direction of this Nation and the kind of government we continue to build for ourselves.

But while we fight the constitutional battles to keep that democracy, we cannot overlook perhaps our greatest goal—that of assuring life's necessities for every American. While I have been called on to direct these momentous national tasks, Mr. Speaker, I have not forgotten the people who sent me here—the people of the 10th District in New Jersey.

These people must have a strong and vigilant advocate here in Congress. For it has been said that the problems that will face our Nation's cities in the future, confront the Newark area now. I am only too acutely aware of that fact. I have tried, therefore, to be a leader in developing the kind of legislation that will permit our cities to thrive and allow each city resident to live free from hardship and free from want.

RISING PRICES

Rising prices still are the greatest daily hardship for each household, and perhaps nowhere do we feel the pinch of high prices more than in our food purchases.

My Judiciary Subcommittee on Monopolies has concluded a study of the effect of industry's monopolistic practices on food prices. The results are shocking. As much as $20 billion or more of the Nation's yearly $120 billion food bill may result from anticompetitive practices. Milk—so important to the American diet—has been a special victim of industry efforts to push up prices. With this study as a guide, I plan to develop much-needed legislation to control inflationary practices.

No group of Americans feels the pressure of rising prices more than our senior citizens. To make life a little easier for them I sponsored a bill in early September to provide a 5.9-percent immediate increase in benefits. When this seemed unattainable I introduced legislation to provide a 7-percent increase to be effective January 1. I was disappointed that we were unable to obtain an increase now, for I fully realize the desperate need of our retired people for a raise to compensate for soaring inflation and the high cost of the necessities of life. I also joined in sponsoring a bill to authorize reduced air fares for people 65 years and older. It is impossible for these people to afford the constantly escalating costs of air travel.

ENERGY

But the dollar is not the only thing that is shrinking. Supplies of our essential resources are drying up. And the most crucial shortage is, of course, fuel. The people of the Newark area—as well as the rest of the country—face the prospect of lower temperatures in their homes and offices, and less gasoline to fill their gas tanks.

The current energy crisis comes as no surprise. Last January, when there was still some chance of preventing this crisis—but before the administration would even concede that we face severe shortages—I introduced legislation to assure an adequate and continuing supply of oil by ending State production controls and by repealing oil import quotas.

From the very first days of 1973, I have supported legislative efforts to conserve oil and develop a coherent national policy on energy resources—mandatory fuel allocation, recycling of waste oil, tax deductions for use of carpools, programs to develop solar energy use, and year-round daylight savings.

My Subcommittee on Monopolies has been studying competition and pricing among giant petroleum companies to insure that the Nation's antitrust laws are better promoted. This investigation became especially crucial when it was learned that a Deputy Secretary of the Treasury had attempted to interfere with an antitrust action against major oil companies by the Federal Trade Commission.

CRIME

While inflation and fuel shortages plague us, the ever-present fear of crime continues to haunt our Nation's city dwellers.

In this session of Congress we were successful in extending the Law Enforcement Assistance Administration legislation to provide further funding to support anticrime programs. Previous funding under the original legislation has been supplemented by a new grant to the North Ward Educational and Cultural Center for a high impact anticrime program to reduce crime and delinquency through an outreach and referral program, remedial education counseling, and other activities. Grants made previously—primarily to the city of Newark—have supported programs such as a residential treatment center for crime delinquents, patrolmen for public housing areas, and installation of high-intensity street lamps.

I introduced the Victims of Crime Act of 1973 to assure that innocent victims of violent crimes will be compensated for related expenses by the Federal Government.

Drug abuse has been a prime factor in encouraging criminal activity. I have introduced a measure to aid in the treatment of drug addiction. Legislation I developed to cut off foreign aid to countries that do not cooperate with the United States in curbing international hard drug traffic has begun to have an impact.

Mr. Speaker, the needs of this country at this critical moment in history are massive. Our people are being asked to accept challenges to our democratic way of government and to our way of life. But our needs are not overwhelming. The actions I have taken indicate the direction I think this country can move in. Much more remains to be done, particularly in our cities. But I am committed to assuring that this Nation will not only survive through its current difficulties, but will emerge stronger and better able to provide for full and productive lives for all our people.

THE 1969 GSA MEMO QUESTIONS CUSTODY OF NIXON PAPERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. MEZVINSKY) is recognized for 5 minutes.

Mr. MEZVINSKY. Mr. Speaker, on Friday, November 30, I told my colleagues about a question-filled letter I sent to the General Services Administration concerning the circumstances surrounding President Nixon's gift of pre-Presidential papers to the National Archives. As further illustration of how crucial it is that these questions be answered, I call your attention to an article that appeared in today's Des Moines Register written by George Anthan.

1969 GSA Memo Questions Custody of Nixon Papers

(By George Anthan)

WASHINGTON, D.C.—A General Services Administration (GSA) internal memorandum dated in May, 1969, indicates the agency did not have legal custody of the papers President Richard Nixon said he gave to the American public in March, 1969.

The memorandum was written on May 27, 1969, by a former Postal Service employe, Sherrod East, who had been hired as a consultant by the National Archives to assist in sorting and filing the more than 500 crates of Nixon vice-presidential papers.

DEED DELIVERED IN 1970

President Nixon has said he donated the papers to the National Archives, which is administered by GSA, on Mar. 27, 1969. However, a deed bearing that date was not delivered to the GSA until more than a year later—in April, 1970. That deed was not signed by a representative of the GSA.

The GSA handbook on presidential papers and libraries states that a deed transferring ownership of papers to the public should be signed at the time the papers are delivered "or shortly thereafter."

The ——— also states, "——— should not be allowed to remain in the physician ——— of the library, —— transmitting agency, ——— a signed deed of gift."

The ——— of the deed, and whether —— be considered a legal judgment transferring ownership of the papers, is highly important, officials contend. If the papers were not legally transferred by Mr. Nixon to the public before July 25, 1969, he would not be eligible for a $570,000 tax deduction he has claimed, they say.

Mr. Nixon has acknowledged the $570,000 deduction for his vice-presidential papers is a major reason he paid "nominal" federal income taxes in 1970 and 1971. White House documents now being prepared for release show Mr. Nixon paid $789 in federal taxes in 1970, $878 in 1971 and $4,298 in 1972. In all three years he would have been able to deduct part of the $570,000 value of his 1969 gift of papers from his taxable income.

1969 LAW

Congress passed a law making such gifts after July 25, 1969, ineligible for a tax break. Thus, if it is found that Mr. Nixon's gift actually did not become legal until April, 1970, or even later, he would have received a tax deduction to which he is not entitled, according to officials of Tax Analysts and Advocates, a public interest law firm that has requested an independent audit of the Internal Revenue Service (IRS) decision to grant the tax deduction.

The GSA consultant's memorandum is another indication that the agency itself did not regard the papers to have been the property of the United States, even after, the date Mr. Nixon contends he donated the papers.

East, the consultant, addressed the memorandum to the assistant archivist of the U.S. reporting on the progress he had made sorting and cataloging the Nixon papers.

East noted that a relatively small number of papers had been —— to the U.S. by Mr. Nixon —— 30, 1968, before he took ——.

But, ——— in late May, 1969, to the bulk of the papers, he wrote —— since the papers for the ——— are not yet deeded to the United States, no appraisal of the papers for permanent —— edition or elimination of duplicated —— extraneous material has been attempted."

SUGGESTED STUDY

In another reference to the "main body of Nixon papers," East noted they were "not yet deeded. . . ."

In concluding his memorandum, East states: "As heretofore indicated, further work should await some further clarification of White House wishes and intentions and perhaps a careful study by selected professional staff yet to be designated who will have responsibility for planning and administering the holding of a future Richard M. Nixon Library."

The deed dated March 27, 1969, is signed by Edward L. Morgan, a deputy counsel to the President. Mr. Nixon's name is typed in above, but there is no signature. The deed is accompanied by a notarized statement by Frank de Marco, Jr., a Los Angeles, Calif., tax lawyer, who states that Morgan had stated to de Marco that he was authorized to sign in behalf of the President. De Marco has said the deed was given to the GSA more than a year after the papers were delivered because he kept the document secret.

De Marco has acknowledged that he did not keep rotary records of the transaction, as required by California law. De Marco is a partner in the firm of Kalmvach, de Marco, Knapp and Shillingworth, and he is a commissioned notary public. He notarized two documents relating to the 1969 gift of Nixon papers.

The Dec. 30, 1968, gift of Nixon papers was handled differently.

CHATTEL DEED

The chattel deed turning ownership of those papers over to the public was delivered along with the papers. The deed is signed by Mr. Nixon and by a representative of the GSA.

Under general practices followed both by the IRS and by the courts, a gift qualifies for a tax deduction if it is clear that the giver has legally transferred ownership and that the recipient accepts the gift.

A BREAKTHROUGH IN DIABETES RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 5 minutes.

Mr. PATMAN. Mr. Speaker, diabetes is a major health problem affecting nearly 5 million Americans of all ages. It has doubled in the past 10 years and is now the seventh leading cause of death from disease and the third most common cause of blindness in the United States. It accounts directly for 35,000 deaths annually and is a contributing factor in at least that many more deaths each year. Diabetes is responsible for an estimated 38.8 million days of restricted activity annually, including 19.9 million days that are spent in bed.

Today, the life expectancy of a diabetic is greater than it was 50 years ago, but is still only two-thirds that of the general population. The discovery of insulin in the 1920's improved prospects for diabetes victims enormously, and gave young diabetics a chance to lead a nearly normal life. Now, doctors and scientists have reached another plateau in their search for a cure for this dread disease. Recent developments in diabetes research could lead to complete control within the next 10 years.

Mr. Speaker, I would like to take this opportunity to enumerate some of the more promising leads recently announced by the American Diabetes Association. In laboratory experiments, diabetic rats have been cured by implanting in their bodies beta cells taken from nondiabetic rats. Researchers predict this procedure can be used on humans within the next 5 years. Another breakthrough is the development of an artificial pancreas to be implanted under the skin to provide diabetes control without injections. Some of the components for this apparatus have already been perfected and it may be in use by mid-1976. In addition, a new surgical approach to pancreatic transplants has provided a great deal of encouragement. Two patients who have received such transplants, one over 22 months ago and another over 16 months ago, are in excellent medical condition.

All of this is good news, but much work still remains. In April of this year, I introduced in this Chamber, H.R. 7068, the National Diabetes Act of 1973 to help in the effort to find a cure for diabetes. My bill would strengthen the National Institute of Arthritis, Metabolism, and Digestive Diseases; it would provide for the coordination of Federal, State, local and private efforts in diabetes prevention and control; and it would establish 15 national diabetes research and treatment centers throughout the United States. As with other health programs, I feel this measure deserves priority consideration.

Mr. Speaker, I would like to conclude with the thought that I view these recent developments in diabetes research as further support of my strong belief that, with the assistance of the Almighty, the people of this Nation will eventually conquer even the most dread diseases that afflict mankind.

BEVILL SUPPORTS BUDGET AND IMPOUNDMENT CONTROL ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. Bevill) is recognized for 10 minutes.

Mr. BEVILL. Mr. Speaker, I rise in support of H.R. 7130, a proposal to set up a comprehensive congressional budget process to deal with overall budget policy and priorities.

As you know, this bill establishes a new framework in which congressional budget decisions are made, and in my opinion, strengthens the appropriations process.

Since becoming a Member of Congress, I have been a strong advocate of legislation designed to solve the runaway Federal budgets this country faces year after year. If the Nation's economy is to function for the benefit of all, I believe it is absolutely essential that the Federal Government adopt and operate on sound fiscal principles. Passage of this bill would be a good beginning toward reaching this goal.

The purpose of this legislation is to improve congressional control of the budget by: First, establishing a legislative budget process for determining national policies and priorities, and second, providing for congressional review of any impoundment of funds by the executive branch. Title I would establish budget committees of the House and Senate.

To assist these committees there would be set up, within the legislative branch of the Government, a Legislative Budget Office, headed by a Legislative Budget Director. The Legislative Budget Office would develop for the Committee on the Budget of the House and Senate, and for other committees of the House and Senate upon their request, information with respect to existing and proposed legislation which would form the basis of estimating the effect on budget outlays of such legislation not only on the current fiscal year but also for the next 4 fiscal years.

In short, Mr. Speaker, H.R. 7130 would insure that the power of appropriation assigned to Congress by the Constitution is responsibly and effectively exercised.

In our fight against inflation, I believe the time has come for Congress to realize the seriousness of the problems created by huge budget deficits. Much of the problem of deficit spending has stemmed from the fact that Congress has never effectively reviewed the Federal budget and established ceilings on Federal spending. It has examined each appropriation independently, without making comparisons of programs.

While I do not agree with every provision of this bill, Mr. Speaker, I do believe that it is a major step in the right direction and I urge my colleagues to support it.

I feel that H.R. 7130 would help hold the total appropriations within the total anticipated revenues. And until this is done, inflation, including the continuous increase in the cost of living will continue.

The time has come for Congress to reassert its vital constitutional role in deciding spending priorities. Passage of this bill would be a good beginning toward reaching this goal.

JOHN HUNT—STATESMAN

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, in the magazine section of the Philadelphia Sunday Bulletin of November 18, 1973, appears a most enlightening, deserved, and interesting article on our esteemed colleague from New Jersey (John E. Hunt).

Known affectionately as "Rocky" among his many friends in and out of Congress, John Hunt is recognized for his integrity, courage, and willingness to stand up for what he believes to be in the best interest of his country. The article follows:

He's "Johnny" to the Chicken Shack Gang

(By Rem Rieder)

The affable, solidly-built ex-middleweight with the steel-gray crewcut was reminiscing about his days in the ring.

He was thinking back to the night when he fought at 6:30 in the Iron Rock Hotel in South Bethlehem and two hours later at McCardle's Saloon.

"I won both, and got paid a total of $4.50," he said. "In those days that was a lot of money."

The ex-middleweight began boxing at the age of 14. He finally quit seven years later because his grandmother didn't want him to go on.

He fought in the hard coal and steel country of upstate Pennsylvania, in towns with names like Carbondale. He used his meager prize-money to buy meal tickets at a diner, so he could enjoy some rice pudding and milk after school.

Later he represented the Pennsylvania Railroad for five years. Three times he made it to the finals of a national tournament, only to lose to a clever boxer.

A converted southpaw, the ex-middleweight said he could hit with either hand.

"If I could get you, I'd stop you," he said.

It was an unlikely place to talk about boxing; in Washington, D.C. in the ornate speaker's lounge just off the floor of the House of Representatives, all chandeliers and mirrors and gaudy decoration.

But then the ex-middleweight has an improbable biography: boxing ring and sandlot, apprenticeship as a boilermaker, highly-decorated World War II veteran, three decades on the New Jersey State Police, Gloucester county sheriff, New Jersey state senate and, finally, the U.S. House of Representatives.

His name is John E. Hunt, better known as Johnny to his friends in Pitman, N.J. and in the Chicken Shack Gang, and also known as one of the most conservative members of the entire House.

With his down-to-earth manner, Hunt reminds you more of the cop he once was than the Congressman he now is. Nearing his 65th birthday, he looks 10 or 15 years younger. He sets a brisk pace on walks from his office to the Capitol, and he looks like he could still go a few rounds.

"He's the epitome of a hard-line right-winger," says an acquaintance from Hunt's days in the Jersey senate. "He looks exactly like what he is. He is probably the most classic right-winger I've ever met."

"To a degree he's a caricature," says a not-overly-sympathetic House colleague. "He's blustery, red-blooded, you know, 'we served once and what's the matter with these kids, my country right or wrong . . .' "

The numbers tell the story. In 1972 Hunt was rated at 89 percent by the conservative Americans for Constitutional Action, at 0 by the liberal Americans for Democratic Action. He has a perfect score with the hard-line American Security Council.

While his colleagues differ sharply on the subject of John Hunt, no one would dispute this assessment by his close friend and fellow conservative Rep. George A. Goodling, (R-Pa.), "He's either on one side or another, he's never a straddler. He's a fighter all the way through."

Hunt always lets you know where he stands. His four terms in Congress have been replete with forthright if somewhat overheated rhetoric, as well as a tendency toward malapropism.

In 1968, in a time of great turmoil in this country, John Hunt summed up his credo.

"It is time for a moratorium on mass demonstrations," he said. "It is time for the courts to stop catering to criminals. It is time for praying preachers and fewer political parsons. It is time to stop exploiting the fears and prejudices of minorities. It is time for politicians to stop over-promising. It is time for civil rights leaders to be civil. It is time for workers to work. It is time to reflect upon our past and to think about those principles that have made us the greatest of nations—those embodied in the Constitution."

In an interview not long ago, Hunt turned his fire on the Senate Watergate Committee.

"A three-ring circus," he fumed. "The greatest show on earth. Barnum and Bailey was a piker."

Despite the hard line, Hunt is an extremely easy-going person, an incurably gregarious man who enjoys the camaraderie with his fellow Congressmen.

He is proud that he knows all 434 colleagues. In the speaker's lounge he has a hello or a needle or a slap on the back for everyone. As he walks from his office in the Longworth Building to the Capitol, he calls every one of the Capitol policemen by name.

One House liberal calls Hunt's personality his redeeming trait."

"Usually right-wingers and left-wingers have no sense of humor," this Congressman said. "But John's amusing; he's a pleasant sort of fellow."

Hunt likes to mention his high regard for Congressmen of all persuasions. "We have in the House a bondship which never meets the public eye," he says. "A lot of liberals I know are first-class citizens." But his closest pals are a group of fellow conservatives.

Hunt is an integral part of the Chicken Shack Gang, about 20 right-wing Republicans who eat dinner every Wednesday at a fried chicken joint in Maryland.

While the group is social, it also plays a significant political role in the House. Many other conservative Republicans coordinate strategy with the hard-core Chicken Shackers, and the group maintains ties with conservative and southern Democrats.

The nucleus of the group, which includes Pennsylvania Republicans Goodling and John H. Ware and Ohio GOP members Samuel L. Devine and Donald D. Clancy, meets for dinner almost every night. About a dozen gather for a breakfast planning session every Wednesday morning, and many see each other the next day at the House Prayer Breakfast.

John Hunt is a very up front person and his office, like his appearance, tells a lot about him. You are greeted by a placard reading, "Welcome Home POWs." There is a poster of the American flag, with the inscription, "This is our flag. Be proud of it." There are pictures of President Nixon and Gerald Ford and Ronald Reagan. Ford's picture replaced one of Spiro Agnew about two weeks after Agnew resigned as vice president.

There is never any doubt about where Hunt fits into the political spectrum.

One wall of his private office is covered with plaques, plaques from perhaps every organization in Gloucester county: Deptford Township Spartan Marching Band, Pitman Post 6169 V.F.W., a button reading "I like Gloucester City."

This lets you know that Hunt is very much a locally-oriented Congressman, very big on constituent services and staying in touch. He says he has driven back and forth to his South Jersey district 917 times, not counting about 140 plane and train trips.

Hunt generally drives alone in his 1973 Cadillac, munching apples to stay awake, and will often return to Washington immediately after appearing at a local meeting.

Not long ago he turned down an invitation to a White House Prayer service in order to keep a date at a Pulaski Day parade back home.

But there is little to remind you that, in addition to the suburbs and towns and farms of Gloucester county, Hunt also represents that apotheosis of urban blight called Camden. (The first district includes all of Gloucester county and most of Camden county, although some parts of the latter, like Cherry Hill, are in the sixth.)

Hunt is not exactly your typical urban Congressman. He wants to dismantle many of the Johnson administration social programs, not preserve them. He is more concerned with balancing the budget than getting money for the cities. He refers to black people as "colored."

But occasionally Hunt breaks with his allies and votes with the big city types. A case in point was his recent vote in favor of operating subsidies for mass transit systems. With the Lindenwold high speed line running through the district, he simply had no choice, he explained.

Then there are the elephants, all kinds of elephants, orange and yellow elephants and the fighting elephants from Thailand.

There are even more elephants, about 50, at his Pitman home.

The elephant replicas have absolutely no political significance, Hunt explains. They stem back to his law enforcement days, when he was known affectionately as "old elephant head."

To honor his "retentive memory," some of his colleagues presented him with an elephant back in 1957. The collection has steadily grown. "I have no two elephants in the same posture," he says.

There are also seals of each of the armed services, reminders of Hunt's interest in military affairs and his commitment to a strong defense.

Hunt is a member of the Armed Services Committee, where he is known for his strong support of the Pentagon.

Despite his crusade to reduce government spending, Hunt has no time for those who want to reduce the defense budget.

Rep. F. Edward Hébert (D.-La.), chairman of the armed services committee has nothing but praise for Hunt.

"He's a very dynamic person," says Hébert. "He's one of the top defense people we got on the committee. I wish I could count on everyone as solidly as I can on John Hunt."

Hébert and Hunt are old friends. They met many years ago, when Hébert was a newspaper reporter in New Orleans and Hunt was a bachelor in town for Mardi Gras.

"I was working the Bourbon Street beat, and John was beatin' Bourbon Street," Hébert recalls.

But another Congressman who has served on armed services has another view of Hunt.

"I don't think I or the others on the committee looked on him as a significant force," said this legislator, who asked to remain anonymous.

"I don't think he's reflective of the serious hard-core conservatives, of a savvy guy like Charlie Gubser (R.-Calif.) I don't think he knows any of the complex arguments for or against a choice of weapons systems. If it's marketed to him as being for national security, he's going to buy it."

Says another committee member, "His style is very frequently counter-productively abrasive. He does go off the deep end, there's no doubt about that."

One Congressman says Hunt is not taken very seriously. But another Congressional source warns against underestimating Hunt. He says Hunt is important because of his prominent role in the Chicken Shack Gang.

"You can laugh at him if you want to because he's rough around the edges, but I think it's a mistake" this source said. "He's important because of his leadership role in the Sam Devine group. He's not a weighty intellect. But he can help swing 20 or 30 or 50 votes."

Not surprisingly, Hunt is an admirer of President Nixon. During the first eight months of this year he backed the President's position 68 percent of the time. He does occasionally break with the White House on key votes, as he did when he voted to override the veto of the emergency medical services bill.

"I'm no stranger to Richard Nixon," Hunt says. "I campaigned for Richard Nixon in 1960. In fact, I like Mr. Nixon. I have faith in him."

Nevertheless, like many conservatives, Hunt is somewhat disappointed by some of the President's policies. While reluctant to criticize the "commander-in-chief," Hunt has some reservations about key Nixon postures.

On relations with Russia and China: "I look at the cooling of the so-called cold war, shunting it aside, with a little bit of reservation. I'm not convinced the Commies are going to change their stripes . . . I think the wheat deal with Russia was a bad mistake . . . I feel badly about Taiwan . . . How can you now say we should throw our arms around these people (the Russians and Chinese)?"

On economic controls: "I'm not in favor of any freezes or phases. Phase IV is a monstrosity. It's a bucketful of mercury or a can of worms. It's better to rely on the free market. I don't know who talked him into it."

On relations between the President and Congress: "I'd like to see the President communicating on a ground-level basis with Congress . . . There could be better relations between the House and Mr. Nixon if we had a little ordinary breakfast (together) now and then."

But despite such differences and the Watergate-related disclosures, Hunt says he has not lost faith in the President, only in his advisors.

Besides Congress, his family and sports, Hunt has few outside interests. He does enjoy hunting and fishing, and not long ago he was looking forward to the beginning of the bird hunting season in South Jersey. Hunt also likes to play golf and enjoys the horse races, never missing a Kentucky Derby.

"Intellectually, he's not a great reader, he doesn't go to plays," says Carl Glines, Hunt's press secretary for six years until Hunt fired him early this year. "He'll sit in front of the boob tube and watch a football game or the fights. He's big on prayer breakfasts, but as far as getting another view of life, forget it. He'd rather go and shoot ducks."

During the week Hunt is a Washington bachelor, living in an efficiency several blocks from his office. He gave up drinking after the war and stopped smoking more recently, and he spends most week nights going to dinner with his Chicken Shack cronies.

Hunt spends weekends in Pitman with his wife Doris, whom he describes as "the greatest gal in the country." Mrs. Hunt is a lecturer for Christian women's clubs. And, says, Hunt, "she knows how to handle me." Hunt says his wife helped him curb his explosive tempter.

The Hunts have one daughter, Deborah, now Mrs. Trent Jeffery Brown, and one grand-daughter, Hillary.

Both the Almanac of American Politics and the Ralph Nader study of Hunt allude to one of the South Jersey legislator's more dubious claims to fame: he threw antiwar students out of his office at the time of the Cambodian invasion.

Hunt recalls the incident. "This group came into my office without an appointment, and they announced that they wouldn't leave. They looked like Coxie's ragged army, they were dirty and nondescript. They weren't from my district. I told them. 'You know my views (in favor of the war), and I want you to leave.' They all left but one. I told him to get out before I threw him out, and he did."

But Hunt insists this incident was an exception, "I talked to about 200, and of the others. there was not one obnoxious person."

ESEA TITLE I GRANTS

(Mr. SMITH of Iowa asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SMITH of Iowa. Mr. Speaker, when we considered the HEW appropriations conference report in the House about 3 weeks ago, it was recommitted to the committee on the conference. It was obvious that many Members disagreed as to the consequences of that vote and especially as it related to funds for disadvantaged children distributed through title I of the Elementary and Secondary Education Act. The formula in the authorizing legislation for distribution of those funds is unjust and unfair and simply does not distribute the money equitably to the school districts where the disadvantaged children reside.

For that reason it was necessary to try to improve upon the formula in the appropriations bill. Under the House rules, it was not possible to produce a completely fair formula. About all we could do was to limit the application of the worst parts of a bad formula and while the limitations placed within the bill did not produce a fully satisfactory formula it did make it much less unfair. I said at that time and I still think that recommitting the bill was sure to work to result in a situation much less satisfactory.

Although tables showing the aggregate of the local grant for each State under title I do not really tell the full story because school districts within each State may be affected differently, many Members seemed to be obsessed with looking at these State totals and at that time were being misled as to the effect of the motion to recommit on those State aggregates. The conference committee has concluded its work and is again ready to report to the House. So that those Members who want to see such State totals may have them available and so that Members may see the final result of the motion to recommit so far as title I is concerned, I am placing them in the RECORD and they are as follows:

ESTIMATED COMPARATIVE DISTRIBUTIONS FOR LOCAL EDUCATIONAL AGENCY GRANTS—PT. A OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

	Aggregate of local grants for each State under 1973 operating level	Aggregate of local grants for each State in H.R. 8877 before it was recommitted	Aggregate of local grants for each State in H.R. 8877 as amended after recommittal	Increase or decrease resulting from recommittal
Total fnnding level	$1,585,000,000	$1,810,0000.00	$1,719,500,000	−$90,500,000
Local share	1,316,037,468	1,465,435,600	1,396,200,000	−69,235,600
Alabama	34,549,166	36,231,420	34,549,166	−1,682,254
Alaska	2,415,064	2,757,142	2,898,078	+140,936
Arizona	8,134,242	9,354,378	8,222,691	−1,131,687
Arkansas	20,963,618	21,793,010	20,963,618	−829,392
California	111,618,375	128,631,131	121,364,100	−6,997,031
Colorado	10,237,378	11,680,683	10,931,405	−749,278
Connecticut	11,747,931	13,510,121	14,097,517	+587,396
Delaware	2,323,748	2,672,310	2,323,748	−348,562
District of Columbia	10,096,368	11,610,823	11,196,398	−414,425
Florida	24,111,072	27,433,768	25,295,587	−2,138,181
Georgia	40,573,812	42,841,265	40,573,812	−2,267,453
Hawaii	3,715,263	4,272,552	4,107,065	−165,487
Idaho	2,719,220	3,062,802	2,719,220	−343,582
Illinois	69,554,901	79,657,703	77,374,236	−2,283,467
Indiana	18,773,439	21,241,592	18,773,439	−2,468,153
Iowa	14,601,661	15,402,643	14,601,661	−800,982
Kansas	9,147,430	10,166,938	9,632,773	−534,165
Kentucky	32,212,788	53,817,801	32,212,788	−1,605,013
Louisiana	31,322,489	35,609,869	31,322,489	−4,287,380
Maine	5,633,673	6,478,724	5,641,865	−836,859
Maryland	19,380,669	22,250,234	22,691,090	+440,856
Massachusetts	24,893,505	28,627,537	28,110,264	−517,267
Michigan	51,768,916	59,517,077	58,920,765	−596,312
Minnesota	20,897,155	22,756,709	20,897,155	−1,841,554
Mississippi	$35,922,629	$37,866,737	$35,922,628	−$1,944,109
Missouri	23,367,302	25,209,867	23,367,302	−1,842,565
Montana	2,865,542	3,235,543	2,865,542	−370,001
Nebraska	7,187,530	7,797,808	7,187,530	−610,278
Nevada	923,899	1,040,322	1,018,679	+68,357
New Hampshire	2,077,413	2,308,525	2,274,208	−34,317
New Jersey	44,232,287	50,867,130	52,971,404	+2,044,274
New Mexico	7,393,185	8,502,163	7,393,185	−1,108,978
New York	196,835,764	226,356,413	218,053,725	−8,302,688
North Carolina	51,556,663	50,634,889	51,556,663	+921,774
North Dakota	4,101,267	4,360,156	4,101,267	−258,889
Ohio	42,248,122	48,337,485	45,285,416	−3,032,069
Oklahoma	16,649,246	18,435,642	16,649,246	−1,786,396
Oregon	8,421,321	9,684,519	8,710,600	−973,919
Pennsylvania	64,998,125	74,747,843	69,652,300	−5,094,543
Rhode Island	4,873,849	5,604,926	5,032,815	−572,111
South Carolina	29,853,231	30,881,808	29,853,231	−1,028,577
South Dakota	5,470,551	5,713,175	5,470,551	−242,624
Tennessee	31,273,191	32,659,555	31,273,191	−1,386,364
Texas	67,675,754	74,232,589	67,675,754	−6,556,835
Utah	3,894,921	4,447,225	4,462,760	+15,535
Vermont	2,093,957	2,398,856	2,093,957	−304,899
Virginia	31,522,692	33,229,975	31,522,692	−1,707,283
Washington	13,445,639	15,462,485	15,136,917	−325,568
West Virginia	17,319,813	19,241,834	17,319,813	−1,922,021
Wisconsin	17,340,875	19,761,936	18,711,212	−1,050,724
Wyoming	1,170,817	1,325,974	1,186,478	−139,496

REPRESENTATIVE SMITH OF IOWA REPORTS TO HIS CONSTITUENTS ON CONGRESSIONAL ACTIVITIES

(Mr. SMITH of Iowa asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SMITH of Iowa. Mr. Speaker, at the end of each session of the Congress, I summarize the activities of the Congress, reprint it from the CONGRESSIONAL RECORD at my expense, and distribute it to many of my constituents so that they may have a summary of the year's activities.

Although we have been in session all year, a vast number of bills are still proceeding through the legislative machinery and it appears that an unusual amount of important legislation will be acted upon early in the next session. In spite of the fact that a great deal of time has been consumed on investigations and one crisis after another, hundreds of bills have passed and it would be impossible to describe all of them in a reasonable amount of space, but I am including those which I believe to be of the most interest.

WATERGATE

Senate Resolution 60, approved by a vote of 77 to 0, established the Select Committee on Presidential Campaign Activities, also called the Ervin Committee, which has conducted extensive hearings into the Watergate affair. One of the main tasks of the committee, before it disbands in February, will be to file a report recommending new legislation.

House Resolution 702 provides funds to the House Judiciary Committee for an inquiry to determine what are grounds for impeachment within the meaning of the Constitution. They may also recommend to the full House either for or against further action.

The entire impeachment process involves action by both the House and Senate. If the House passes an impeachment bill—which requires a simple majority vote—the Senate then tries the case. A two-thirds vote will be needed for conviction and removal from office.

Public Law 93-172 extends for a year, if needed, the life of the so-called Watergate grand jury in the District of Columbia. The authority of the grand jury, which has heard a vast amount of testimony on the case, would have expired in early December without this law.

IMPOUNDMENT

One of the major issues left unresolved at the end of this session is whether the President has an unlimited authority under the Constitution to impound, or withhold from spending, money appropriated for a specific purpose by Congress.

As this year began, many were saying that this would develop into a constitutional crisis. President Nixon claimed that the Constitution gave him absolute authority to withhold funds appropriated by Congress, and he ordered the impoundment of amounts estimated as high as $12 billion.

In some instances, the President directed the impoundment of all funds appropriated for a specific program This had the effect of repealing that program, even though Congress had not enacted a law doing so. Legislation to curtail impoundment and reassert the congressional power of the purse is moving through Congress and may pass next session.

In the meantime, almost completely overshadowed by Watergate and the energy crisis, is a long string of Federal court decisions, totaling about 50, dealing with the impoundment issue.

In almost every instance, the courts held against the administration. In some cases, the courts have ordered appropriated funds released and the administration has complied. In other cases, the administration has appealed the decision to a higher court.

This issue may reach the Supreme Court, if it is not resolved by Congress sooner. It remains just as important as when it attracted so much attention earlier this year, because the Government's priorities can be altered to a very great extent by withholding funds for some programs.

AGRICULTURE

Public Law 93-86, the Agriculture and Consumer Protection Act, establishes a new "target price" concept for the farm program under which no payments will be made if the marketing price exceeds the target price, which for corn is $1.38. It also continues the food stamp program; and includes a provision authorizing the U.S. Department of Agriculture to obtain certain information from firms exporting agricultural commodities so as to avoid some of the problems which developed in connection with the Russian wheat deal of last year.

Public Law 93-32 amends the Rural Electrification Act. It establishes a revolving fund for financing, rather than direct appropriations by Congress. Earlier, the administration had "terminated" the low interest loans by decree and had sought to revise the REA program by administrative action.

Public Law 93-24 amends and specifically directs the Secretary of Agriculture to carry out the disaster loan program for rural areas. The administration earlier had "terminated" this program by impounding the funds appropriated for it.

LABOR

Public Law 93-58 amends the Railroad Retirement Act to permit disability benefits to children of retired railroad workers if their disability begins before age 22.

Public Law 93-69 permits retirement under the railroad retirement program at full benefits at age 60 after 30 years of service—instead of age 65—and establishes a labor-management committee to report to Congress by April 1974, on the restructuring of the railroad retirement system.

Public Law 93-53 includes a provision for continuation until January 1974, of unemployment benefits in States with an unemployment rate of more than 4.5 percent.

ENVIRONMENT

Public Law 93-119 tightens controls on oil discharges into oceans and includes restriction on oil-carrying tank vessels.

Public Law 93-55 continues through 1975 the authority of the Water Resources Council, established to assess the country's water supply needs and to coordinate river basis planning.

Public Law 93-15 extends the authorization for funds to enforce the Clean Air Act until June 1974.

Public Law 93-14 extends the Solid Waste Disposal Act until June 1974.

Public Law 93-6 extends the life of the Commission on Highway Beautification and increases the funding authorization.

Public Law 93-54 authorizes funds through 1976 to survey and acquire properties of historic or cultural interest.

WAR POWERS

Public Law 93-50 includes a provision banning bombing or other military activity by the United States in Indochina after August 15, 1973. The first version of this bill contained an immediate ban on military action, but it was vetoed. The President later accepted the second version with the August 15 deadline.

Public Law 93-148, which was passed into law over President Nixon's veto, provides that the President shall not engage U.S. Forces in hostilities for a period exceeding 90 days without congressional approval. During that period, the President is required by the law to keep Congress fully informed.

HEALTH AND WELFARE

Public Law 93-29 extends through June 1975, the Older Americans Act which provides Federal assistance for programs to help the elderly. The scope of this bill had to be trimmed back sharply to avoid a veto by the President.

Public Law 93-45 extends until June 1974, a wide variety of Federal health programs, including public health training, hospital construction, family planning and health research. President Nixon proposed that five health programs be terminated. This law provides Congress with the time needed to study the proposal, while keeping the programs in operation.

Public Law 93-13 contains provisions to assure that the full amount approved by Congress for the school lunch program for 1972-73 will be made available either in cash or commodities.

Public Law 93-112, the Rehabilitation Act, provides for Federal assistance to States for vocational rehabilitation programs, with special emphasis on helping the most severely handicapped. This law is a scaled-down version of a bill Congress passed earlier but which was vetoed by President Nixon mainly on grounds that it would cost too much money.

Public Law 93-150 increases Federal assistance under the school lunch and child nutrition programs.

Public Law 93-151 authorizes funds for the next 2 fiscal years to prevent health damage from lead-based paint.

Public Law 93-154 authorizes Federal assistance in developing local emergency health care services.

BUSINESS AND FINANCE

Public Law 93-46 extends through June 1974, the authority of the Economic Development Administration to make loans and grants to upgrade the economy of so-called distressed areas. President Nixon had originally proposed to end this program.

Public Law 93-100 extends until December 1974, the authority of the Federal Reserve Board and certain other Federal agencies to set ceilings on interest rates or dividends payable by insured banks on time and savings deposits.

ECONOMIC POLICY

Public Law 93-28 extends until April 30, 1974, the President's authority to impose wage and price controls. This is the law which the Cost of Living Council and other administration officials have used in attempting to control inflation.

Public Law 93-110 formally approves the 10 percent devaluation of the dollar announced earlier in 1973 and asserts that the President "shall take all appropriate action" to achieve realization of stable international monetary reform.

Public Law 93-17 extends until June 1974, the provisions of the Interest Equalization Act. The law is designed to keep the balance-of-payments problem under control.

CONSUMER PROTECTION

Public Law 93-153 includes provisions giving the Federal Trade Commission legal authority to protect consumers against unfair business practices.

LAW ENFORCEMENT

Public Law 93-83 extends for 3 years the program, established in 1968, for assistance to State and local governments in improving their anticrime efforts.

EDUCATION

Public Law 93-84 authorizes funding for the next 2 years for the Public Broadcasting Corp., established by Congress to finance educational television. The law also authorizes grants for construction and improvement of local educational broadcasting facilities.

Public Law 93-35 extends the life of the National Commission on the Financing of Postsecondary Education.

I serve on the Appropriations subcommittee which handles appropriations providing funds for educational programs. The administration sought to reduce funds for many programs where the funds go to local districts, but wanted increases in some others such a national institute. We finally resolved the matter by reducing funds for the national offices as Congress preferred and funding most local programs at slightly over last year's level. A detailed table will be furnished upon request.

Public Law 93-133 extends for 3 years the National Foundations for the Arts and Humanities.

TRANSPORTATION

Public Law 93-87, the Federal Aid Highway Act, continues through 1976 the Federal program of assistance for constructing and improving rural, urban and interstate highways. It also allows, starting in June 1974, cities to use some of their money for streets from the highway trust fund for mass transit purposes.

Public Law 93-44, the Airport Development Acceleration Act, includes various provisions for Federal aid in developing and constructing airports. Also, the law forbids State or local governments from collecting a so-called head tax at airports.

Public Law 93-146 authorizes $107 million for the National Railroad Passenger Corp.—Amtrak—during fiscal year 1974.

Public Law 93-90 authorizes funds for the Railroad Safety Act during the 1974 fiscal year and provides for controls on the transportation of hazardous materials.

FOREIGN AFFAIRS

Public Law 93-49 extends the authorization for the Peace Corps through June 1974.

Public Law 93-59 provides an authorization for funding of Radio Free Europe and Radio Liberty.

Public Law 93-129 establishes the Board for International Broadcasting to allocate funds appropriated by Congress to Radio Free Europe and Radio Liberty.

VETERANS AFFAIRS

Public Law 93-82 provides that the Veterans' Administration may furnish outpatient care to any veteran eligible for VA hospital care where the service is needed to prevent hospitalization, and expands medical care to veterans in certain other areas.

Public Law 93–43 provides certain burial benefits for veterans and also authorizes burial, at an appropriate time, of an unknown soldier of the Vietnam war in the Arlington National Cemetery.

Hearings have been held on my bill and others to increase Vietnam veterans educational benefits. I believe such a bill will pass soon.

AN ADDRESS BY CONGRESSMAN THOMAS LUDLOW ASHLEY TO THE NATIONAL LEAGUE OF CITIES, DECEMBER 3, 1973

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, few Members of either the House of Representatives or the Senate are as respected for their knowledge of legislation affecting Federal-State-local relationships as our distinguished colleague, the gentleman from Ohio, Congressman Thomas Ludlow Ashley.

For this reason, I believe that his colleagues will read with particular interest the text of an outstanding address delivered by Mr. Ashley on December 3, 1973, to the National League of Cities.

Mr. Ashley has given us a most perceptive analysis of the so-called new federalism.

I insert the text of the speech in the Record:

Speech of Thomas Ludlow Ashley

For most of our 200 years, the role of government in meeting the needs of the nation has been essentially passive; only since the depression years of the 1930's, and World War II has there been the emergence of a strong Federal Establishment. The Great Society programs of the 1960's assumed a broader scope of Federal responsibility for the social needs of our society, principally through a proliferation of categorical grant programs, many of which were structured to bypass the States.

Debate on the future of the Federal-State-local system of American government is not a new invention; it can be traced to the Johnson Administration where the new concepts were talked about in terms of what was called "creative Federalism." Then as now, the debate centered on power and money. The power was the power to decide how to spend the money, to establish priorities for social action, and to determine the best methods of meeting social needs. The money was the billions of dollars in Federal tax revenues.

NEW FEDERALISM: DOGMA, NOT DEBATE

Today the phrase is "New Federalism" but this no longer connotes important debate among participating levels of government but rather the political dogma which the present Administration has declared and forcefully set in motion.

The consequences have been predictable, partisan and divisive.

THE CORNERSTONES: PRINCIPLES AND REALITIES

Taken at its best, much of the New Federalism is as American as apple pie. It is based upon an expanding economy, with the primary role for private enterprise, to be supplemented later on by the Family Assistance Plan or some other form of income maintenance and other cash assistance—housing allowances, for example—to generate effective demand among the less affluent which the private sector will then satisfy.

A second tenant of New Federalism is decentralization to reduce the Federal role in policy and decision making, and the devising of policy instruments to enhance the role of state and local community problem solving. These policy instruments include General Revenue Sharing and Special Revenue Sharing for education, health, transportation, community development, manpower, and so forth.

The third cornerstone of New Federalism is reorganization of the Executive Branch to better serve states and localities. The main thrust here would be the amalgamation of functionally related executive departments into four super departments and Office of Management and Budget consolidation and simplification of grant procedures.

Because the Administration's New Federalism represents such a major shift in Federal-State-local relationships, its premises and their implications must be viewed very carefully.

I would start by saying that the economic predicate of an expanding economy is solid enough but reliance upon income maintenance or transfer to meet the needs of low and moderate income Americans presents some real problems.

PROGRAM HIGHLIGHTED BY LACK OF COMMITMENT

First off, this approach most certainly would be more equitable and efficient than our present welfare systems plus the myriad of other public programs which support the poor at every level of government—but only if it has sufficient commitment from the President, Congress and the American people for it to be signed into law and become operational.

The recent history of welfare reform obviously raises serious doubts in this regard. It's a matter of record that the President went on prime television to make the case for income maintenance and that the House responded by passing H.R. 1 in record time.

It's also a matter of record that the President withdrew his support during Senate consideration and launched an all-out attack on McGovern's very similar welfare reform proposals throughout last year's Presidential campaign.

Under such circumstances, how long will it be before the American people are willing to accept the Family Assistance Plan as a necessary and legitimate tool of public policy and to support the billions of additional welfare dollars that it involves.

THE ADMINISTRATION ATTACKS WHILE IT PROPOSES

A collateral question arises as to the willingness of the country and Congress to accept an $8–11 billion housing allowance program in light of the Administration's slashing attack on public housing and other assisted housing programs (which, incidentally, have been costing less than $2 billion a year)?

There's also a problem with the notion that the private sector will satisfy supply once effective demand is established for needy American families. We're told, for example, that the problem of families living in substandard shelter is an income problem and not a housing problem per se. Translated, this says that if the poor are given enough money to participate in the private housing market, the market forces will respond and housing will become available to meet the shelter needs of all Americans.

INDUSTRY WILL NOT INVEST FOR SOCIAL PROFIT

Quite clearly, it seems to me, this overlooks the history of military housing allowances and the fact that private enterprise, left to its own devices, can be expected to invest on the basis of profit incentive rather than social needs. And whether we like it or not, there's more profit in housing affluent Americans than needy Americans.

NOT DECENTRALIZATION, BUT SELECTIVE REJECTION

Turning to decentralization, the second cornerstone of new Federalism, the Administration has seen fit to resort to overstatement and deliberate distortion in contrasting the policy and decision making deficiencies and failure at the Federal level with the competence and honesty to be found with the States and localities. When we cut through the rhetoric—which is no easy job—we find that the Administration is quite ready to acknowledge the need for a strong Federal role where problems are clearly critical and national in scope—such as economic stabilization, energy and welfare—or are popular with the middle class—for example, environmental programs, research and development, and the hidden subsidies associated with FHA market housing programs.

Put another way, it's in the areas of human and community services—education, health, manpower, community development, etc. (those that really determine our social fabric)—that the Administration would transfer Federal responsibility to the States and localities.

SMOKESCREEN FOR AN ATTACK ON CONGRESS

It should also be noted that the Administration's view of decentralization is not limited to reducing the Federal role in order to achieve a better balance with State and local levels, but involves aggrandizement of power in the White House at the expense of Congress—a trade off which many of us find unwise and dangerous to put it mildly.

NEW FEDERALISM OUR NEW FISCAL DILEMMA

I also think it's fair to say that the Administration's New Federalism has produced a fiscal dilemma. Its promise was a better way of doing things through new General Revenue Sharing funds and through a substitution of Special Revenue Sharing monies for the categorical grants, with no slippage in the process.

I think Governor Carter of Georgia—who doesn't exactly share the political philosophy of a Bella Abzug—describes the results to date as accurately as anyone. He recently said:

"We were given every assurance by the President himself and by his representatives, including the then Secretary of the Treasury, John Connolly, that no other existing categorical grant program would be robbed to finance revenue sharing grants. That has not been the case. In Georgia we are getting $36.6 million per year in revenue sharing. We have lost at least $174 million in the process . . . At the last minute, and without change in our tax structure, Georgia has had to come up with $12 million in state funds to make up $13 million snatched from us by the new federal budget. A major portion of our highway trust funds have been withheld from Georgia—now about $34 million. As a last resort we had to float a $60 million bond issue simply to pay the Federal share of the construction of the interstate highway system. And funds had already been collected from motorists and put in a trust fund, which I think has been misnamed."

ADMINISTRATION HASTE SUBSIDIZES FRAGMENTATION

Another questionable premise of New Federalism, offered with no supporting evidence, is that states, localities and regional entities are strong enough to immediately assume responsibilities that have been Federal for a generation or more. The question is not one of competence but of structure. The fiscal tools of new Federalism, General and Special Revenue Sharing, have been designed to strengthen very small units of government, thus subsidizing fragmentation rather than using resources to improve local capability through consolidation of overlapping and duplicatory areas of jurisdiction.

Moon Landrieu in typical fashion put this point in perspective when he said "Most Mayors across the United States support Special Revenue Sharing, provided it's done on a fair and equitable basis, provided it isn't done just to satisfy a constituent that doesn't necessarily need the money, provided it's done on a formula basis that places the money where the need is, and provided the Federal Government does not abandon its role in establishing national policy. Otherwise, we will further fragment the national effort and dissipate the national resources of this country, letting each individual area do that which it feels it most important.

DON'T DISSIPATE NATIONAL ASSETS

You can diffuse the administration of programs and you can eliminate some of the detail and red tape at the national level, but the national government dare not relax its position in establishing policy in terms of land use and housing and poverty and education. To do that ultimately would fragment the entire structure and dissipate the national assets. It would just subsidize parochialism which is a policy too expensive for us to maintain."

NOT THE PRODUCT OF FREE DEBATE

My final observation is that Administration's New Federalism, seeking to redefine the present areas of responsibility among Federal, state and local government, is not the product of free political debate even among the levels of government involved whose cooperation is essential. It's a political plan conceived in the White House which is sought to be imposed unilaterally upon the participants—even in the face of a host of court contests and adverse decisions.

Professor Bickel of Yale raised a telling question when he asked whether government can act effectively if it does not have the consent of the people. He went on to point out that the theory of federalism is based on an assumption "that in order to do enduring good, you have to do it by consent, that it is better to wait . . . and educate the constituency and get it to consent to do something than it is to force the constituency to act, because forcing it won't work." To which I would only add that if Federalism is based upon consent rather than force, what can be said of a new Federalism which is sought to be imposed by fund impoundments, program moratoriums and other coercive administrative actions of doubtful legality.

The great irony, of course, is that most of us are in agreement with the basic concept of New Federalism, just as we were with creative Federalism. The great and continuing tragedy is that the Administration has gone about it all wrong.

A UNILATERAL STRATEGY

If each one of us were asked what the national goals are, there would be as many answers as there are people sitting in this room. The fundamental responsibility of a President in our changing society is to define the important aims that we must work toward in the myriad aspects of human life. This has not been done. Instead of defining national goals to which the New Federalism strategy can relate and orchestrating the different levels of government to most effectively achieve specific objectives, we're told to accept the strategy whatever the national purposes may be, if any.

This is all wrong. It's wrong because our national commitment must be to definable legitimate aspirations of the American people.

NIXON HAS LET STRATEGIES FORM GOALS

Strategies cannot be allowed to shape or circumscribe our goals; our goals must determine the policies and strategies necessary for achievement.

FOUR WAYS FOR GOVERNMENT TO REFLECT NEEDS

If our country is going anywhere in terms of its domestic problems in the immediate years ahead—the next three to be exact—at least four conditions must be met.

First, the President must define our domestic goals and they must be goals which are consistent with our fundamental egalitarian tradition.

Second, the sorting out of Federal, state and local responsibilities must be done with mutual respect, multilateral participation, absolute absence of secrecy and without preconceived bias, particularly with respect to the Federal role in terms of stated national objectives.

Third, there must be complete assurance that any new or reoriented intergovernmental system won't be at the expense of the disadvantaged people in our society that many of our Federal programs were designed to help.

And fourth, there must be a commitment to provide adequate resources both during and after the new structures are in place.

NATIONAL GOALS A JOINT RESPONSIBILITY

In this undertaking, the roles of the President and Congress must be understood. Responsibility for defining our national goals is a joint one but the role of the President is crucial. He alone occupies the White House and he alone is responsible for the operation of the entire Executive Branch of the Federal establishment. Congress is comprised of 535 people, at least two political parties, and representatives of a broad spectrum of social, economic and regional interests.

It's quite easy for the Executive to encroach upon the prerogatives of the Legislative Branch, as we've seen over several decades, but it's impossible—in practical terms—for the Congress to provide an effective alternative source of leadership when the Executive Branch waivers or stumbles. Congress can support or refuse to support, it can initiate and modify, but it cannot assume—because it isn't structured to assume—the leadership role which the Constitution places in the chief executive.

What this means in terms of our discussion today is that the President—whoever it may be—must act like the President and the Congress must fulfill its legitimate function if new directions are to be charted which have any meaning in terms of our national life.

I take the responsibility of Congress seriously and so do most of your Representatives and Senators. The last thing I intend to accept on faith or even at face value is a mandate from the White House to accept its definition of a more orderly process of government. I want to know what it is we're trying to achieve and I want to have a voice in how we do the achieving. I have this right and so do the Governors and so do you.

If this is unacceptable to the President at this point in time, if we can't go about this undertaking cooperatively and constructively, then very little progress is in prospect.

THE AMERICAN PEOPLE MUST MAKE THEIR VOICES PERFECTLY CLEAR

Few would deny that we have reached a watershed in our efforts to improve American life. The great imperative today is for the American people—at every level of government—to make it clear—perfectly clear—that we're going to have a voice in shaping our own future and our own destiny.

NIXON'S ENERGY R. & D. EFFORT WON'T YIELD QUICK FIX

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I believe that Members of the House will read with great interest the following article "Nixon's Energy R. & D. Effort Won't Yield Quick Fix," by Philip M. Boffey.

The article, which was published in the December 1, 1973, issue of the journal, Science & Government Report, follows.

I should also like, Mr. Speaker, to insert another article from the same issue of Science & Government Report entitled "Energy Plan Lists Priorities, Boosts Fossil Fuel Research."

The articles follow:

NIXON'S ENERGY R. & D. EFFORT WON'T YIELD QUICK FIX

The major thrusts of President Nixon's $10 billion 5-year energy R&D program have begun to emerge and while the plans are subject to refinement and change, it is already clear that the program represents a significant increase in federal activity but no panacea for the energy crisis.

The rough outlines of the emerging plan were presented to a Nov. 14 meeting of the Energy R&D Advisory Council of the President's Energy Policy Office by Gorman Smith, a key assistant to Dixy Lee Ray chairman of the Atomic Energy Commission, who has been charged with preparing recommendations for spending the $10 billion. Smith stressed that Ray had not given her final approval to the recommended funding levels, but he said she felt they were "near enough to within the ballpark" to be revealed for discussion.

Administration officials, wary of public distrust of official promises, emphasized that they are not manipulating the numbers to make it appear that they are making a major R&D effort when in fact there is none. As Smith put it, "it's not a shell game . . . it's a very major acceleration." Similarly, William T. McCormick, an alumnus of the former White House Office of Science and Technology who now serves as the key R&D staffer in the President's Energy Policy Office, told SGR "it's a very very ambitious program—we're doubling and tripling some programs."

The basis for those claims is that the President's $10 billion program represents a 51 per cent increase over the $6.6 billion that federal agencies had originally proposed spending for energy R&D in their long-range plans for the next five years. If the figures are accurate, that represents a substantial boost, though the *President's critics* are quick to point out that his ballyhooed "$10 billion" program really only contains about $3.4 billion in new money above the programs that were projected anyway.

The preliminary figures were developed by an armada of experts assembled by Dr. Ray. As a first step, some 15 technical panels were convened to recommend three levels of programs—a "minimum viable program," an "orderly" effort, and a "crash program." The panels caused considerable consternation by recommending a "crash program" that would cost $30 billion and an "orderly" program costing $18 billion. Even the "minimum" program totalled about $11.3 billion, more than the Nixon Administration's bold new effort had pledged to spend. That can be interpreted as evidence of the inadequacy of the Nixon effort or of the propensity of advisory committees to recommend the moon.

The panel recommendations were then pared down to $10 billion by an overview panel headed by Stephen Wakefield, assistant secretary of the interior for energy and minerals. It was the overview group's recommendations which were made public by Smith. The numbers may be modified by Dr. Ray before she delivers her final report to the White House on Dec. 3, and by the Office of Management and Budget and the White House energy office thereafter. But the general thrust of the program is apt to remain the same.

Future spending plans tend to be little more than rough guidelines, however, so it is difficult to predict just what the Administration will allocate to energy R&D when it faces the task of preparing future annual budgets. McCormick said the White House does not regard $10 billion as a "magic figure . . . it could end up $9 billion or $11 billion." Moreover, the designated program will not necessarily include everything related to energy R&D. Smith told the Advisory Council that it is Dr. Ray's "current intention" to submit the $10 billion program with a suggestion that an additional $1 billion be spent for research on the environmental effects of energy and for basic research in areas that support the energy effort. He said the $10 billion figure already includes about $1.1 billion for "environmental control technology" and another $400 to $500 million that "might reasonably be called" basic research.

Whatever amount is spent, Administration officials acknowledge that the R&D program will contribute relatively little to achieving the President's announced goal of energy self-sufficiency by 1980. In his November 7 energy address over nationwide television, the President grandly christened his $10 billion R&D effort "Project Independence." Likening it to the Manhattan Project, which produced an atomic bomb, and the Apollo Project, which placed a man on the moon, the President asserted: "Let us pledge that by 1980, under Project Independence, we shall be able to meet America's energy needs from America's own energy resources."

But such rhetoric is causing consternation in the technical community, which fears a backlash when research fails to deliver the promised goods. When the proposed research program was outlined to the Advisory Council, Alvin Weinberg, director of the Oak Ridge National Laboratory, noted that the public was being given "high expectations" and questioned how much of the research would make any difference by 1985.

Smith replied that perhaps $4.5 billion of the $10 billion involved research that would produce an "initial effect" by 1985, but he acknowledge that "it's not going to do anything right now." To which Gordon J. F. MacDonald, director of the enviromental studies program at Dartmouth, amen-ed: "Theres no immediate technical fix."

One reason the federal program is unlikely to solve the immediate energy crisis is that it is simply a research program, not a production program: The analogy with the Manhattan and Apollo projects is thus not quite apt, since both those projects produced the device that was needed to solve the immediate problem. Another reason is that the federal effort is training its sights beyond 1980. In fact, the proposed federal program deliberately de-emphasizes short-run projects on the assumption that industry will make a major commitment of funds to research that will produce a prompt payoff. Smith estimated that private investment in energy-related R&D would total some $10 to $12 billion over the next five years, with almost all of the sum paying for short-term projects. Thus the Administration is counting on industry to launch a research effort that is as large or larger than the federal effort, and which will contribute more to reaching the avowed goal of self-sufficiency in seven years. This tack disturbed some members of the Advisory Council. Louis Roddis, vice chairman of Consolidated Edison in New York, suggested that "too many dollars" were being allocated to long-range projects and too few to more immediate possibilities.

So how, if the R&D program won't solve the current crisis, does the Administration hope to reach self-sufficiency. According to McCormick the chief hope is to conserve energy by dampening demand and increasing the efficiency of energy production and use. But that, of course, will require the political courage to force profound changes in our gluttonous, energy-wasting society. At this writing, there is no indication that the White House, beset with Watergate-related problems, is prepared to risk voter unhappiness by imposing anything more strict than a ban on Sunday gasoline sales.

Energy Plan Lists Priorities, Boosts Fossil Fuel Research

The energy R&D program that is being put together by the Administration places highest priority on research areas that offer promise of a rapid move to energy self-sufficiency, secondary priority on research aimed at ensuring environmental quality, and lowest priority on research that might help cut the cost of energy.

John Sawhill, associate director of OMB, lamented that the President had hoped to receive options on how to balance the conflicting objectives of self-sufficiency, environmental protection, and low cost, but the numbers submitted to the White House will apparently already embody a preliminary decision on those choices.

The priority tasks for research in the emerging program include (1) conservation of energy by reducing demand and increasing the efficiency of production and distribution; (2) increased production of oil and gas by developing new recovery techniques and new sources, such as oil shale; and (3) substitution of coal for oil and gas. These first three tasks will help to secure a "fossil option" during the transition period while the nation seeks to validate the "nuclear option," Smith said. The remaining priorities include (4) guaranteeing the nuclear option by continuing research on safety, waste management, alternate reactor technologies, and the breeder; and (5) exploiting such long-range energy sources as fusion, geothermal, solar, and wind.

Perhaps the most significant new thrust is the increased emphasis on fossil fuel research. Federal agencies had originally planned to spend some $1 billion on research related to the fossil option over fiscal years 1975–79, but the new plan calls for 3½ times as much, or $3.7 billion. A major chunk of that will be devoted to coal. The fission program would receive only a slight boost, from an originally planned $4.09 billion to a recommended $4.39 billion, but it would continue to attract more funding than the fossil programs. (Several members of the Advisory Committee, including nuclear expert Alvin Weinberg, expressed fears that coal research will not be adequately supported.) As for programs aimed at a more distant payoff, fusion would get a slight boost, from $1.4 billion to $1.55 billion; solar would jump from $80 to $200 million, a substantial percentage increase; and geothermal would jump even more, from $20 to $185 million.

THE CITIZEN'S RIGHT TO KNOW IS ON THE LINE

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I believe that Members of Congress will read with interest the following summary, published in the Harvard Bulletin of July 1973, of a recent symposium conducted at Harvard University on the subject of "The Citizen's Right To Know."

The article follows:

The Citizen's Right To Know Is on the Line

(A University Symposium)

The Watergate case brings Americans forcibly back to a basic issue of constitutional democracy: the citizen's right to know.

During Commencement week, four leading members of the communications industry discussed this issue in a University symposium. "Its timeliness and importance transcends today's headlines," said moderator Hartford Gunn '48, president of Public Broadcasting Service, Washington, D.C. "Sooner or later, it was bound to come out because of the nature of our times. The greater complexity of modern life, the worldwide interdependence of all of the peoples of this planet, the growing power of governments, destructive weaponry, communications technology—these play upon the individual, his society, and his government in a way that the remarkable fathers of this country could not have foreseen."

Besides Gunn, the members of the panel were:

John Jay Iselin '56, president of WNET-TV, New York educational television station.

J. Anthony Lewis '48, columnist and reporter of the New York Times.

Clark R. Mollenhoff, chief of the Washington Bureau of the Des Moines Register-Tribune, and former special counsel to President Nixon.

Gunn. We look today to our communications system to preserve and facilitate our need and our right to know. Yet we find that a wide range of questions and problems threatens to constrict our communication and distort the truths it must provide. For example, the proposed revision of the U.S. criminal code, making it a crime to offer or receive confidential government documents. The freedom-of-information law, and its possible abridgment by executive privilege. The use of subpoena power to command disclosure of confidential sources of information.

There are other factors, such as economic forces, that are not so visible. The increasing cost of communications, which leads to monopolies of the media, and reduction in time and space for news and public-affairs programming. Even the possible increase in postal rates may affect our access to essential information. Finally, there's the quality, enterprise, and courage of those who report for, edit, and control our mass media, which affects the flow of essential information.

Watching the Ervin Committee hearings, it seems to me that the public's knowledge has been advanced very significantly through access to these Senate hearings by television and raido. There are many similar opportunities with other hearings that are held in Washington. We could, and should, provide coverage of many of these other hearings, on a wide range of subjects.

But why stop with Congressional hearings? An important step in our right to know might be taken by Congress itself, if the floor debates of the House and Senate could be opened on a regular basis to television and radio. We face a serious problem—the continuing growth of the executive branch of the government, and the withering of the legislative branch. The effective use of the media by the President, and the lack of coverage of the legislative branch, could be a contributing factor to what may be a serious constitutional crisis before this or the next decade draws to a close.

If we were to make the public's business in Congress more accessible, we might raise the level of debate among our Representatives, engage the public in such debate, and provide a small weight on the side of the legislative branch. That might be a worthwhile gift to the people of the United States on the occasion of its two hundredth birthday in 1976, more rewarding than the presently planned pagents, parades, and firecrackers.

Clark Mollenhoff, what do you see as the major issues in this question of the public's right to know?

MOLLENHOFF. I think the core issue is executive privilege. This isn't something that Nixon invented. It was invented by President Eisenhower, although he claimed there were precedents going back to George Washington. Nixon simply solidified the idea, and misused and abused it in the ultimate way. It emerged, with the full danger that is apparent in the Watergate investigations, only in recent months. The American people have available now the full glory of what a dictatorship could be. We came very close to it with the landslide election, the "four more years," and the moves that Mr. Ehrlichman and Mr. Haldeman were engaged in last December, January, February, and in nominating Pat Gray as permanent director of the FBI. Had they succeeded in that, they would have locked in—as long as Nixon was in power—control over the FBI files, and much of the evidence that is flowing out today through the Ervin hearings.

One thing that has struck me over the years is the lack of press attention to much of the information that is available, that has been available, on all of the matters that are now coming before us dramatically in the Watergate. Obstruction of justice has taken place in essentially all of our agencies. The destruction of records, the condoning of perjury if it helps the in-group—this has taken place in Democratic and Republican administrations over the years. It's just worse today. Mr. Nixon, Haldeman, and Ehrlichman brought to perfection these insidious evils. That's really all that's happened, and it's come to the White House, where it shocks us.

I've been aware of this for years, and have even been praying for a Watergate, because it would dramatize to the American people the insidious doctrine of arbitrary secrecy bound up in executive privilege.

It doesn't make any difference what kind of freedom-of-information law you have on the books. If the executive reserves to himself the right to arbitrarily say that things will not be made public, witnesses will not be produced—then the maladministration of the freedom-of-information law is outside your purview.

You will always have misadministration of laws. What you have to have is the ability of Congress to move in and focus on these problems. This is why I feel the whole problem of government information is bound up with executive privilege.

I think the press has been soft on Richard Nixon. Soft because it opposed him ideologically, but did not oppose him on provable grounds of mismanagement and lack of due process in government—on misuse of executive privilege.

LEWIS. I think the press, on the whole has performed extremely badly over the last year. There's much too comfortable a relationship in Washington between the press and the government, at least at the top level. It makes it hard to say to those people that they are liars, that they are violating the law every day—which in fact they do, and have done.

I also think the public is much too accepting of secrecy, and of the notion that the President of the United States knows best. That is a wrong attitude to have toward any President . . . and a particularly wrong attitude to have toward *this* President.

There is a lack of understanding on the public's part of what is involved in freedom of the press. That it's risky, that it's uncomfortable, that it's often a nuisance, that mistakes are made; but that it's safer—as Jefferson said, if you had to choose between the government and the press, you'd rather have the press.

ISELIN. There has been a very public conspiracy, by all the governments in Washington during the Cold War, to defraud, deceive, and manipulate the American public. Under the guise of emergency powers, and the implied threat of marauding Communist powers from Asia to Eastern Europe, our governments have worked very hard at manipulating information.

This conspiracy has been elaborately participated in by the American press. Business is done in Washington through background briefings, unidentified sources. We have all been gulled into believing we knew a lot more than we actually did.

Until now, however, White House staff aides have tended to understand the outer limits of discretionary power. What we have seen lately is the lack of a sixth sense about discretionary power within the White House. In broadcasting, we have discovered a total lack of awareness that there should not be a concerted effort to specifically manipulate what is put out over a particular broadcasting system. We've also seen an effort to use FCC regulations to get commercial broadcasters to lay off doing virtually anything that would represent a critical view of people in the White House. This kind of attempt to manipulate and control information is really what has brought these guys down.

MOLLENHOFF. I accepted an appointment as special counsel under President Nixon, thinking of it as a chance to do something constructive. I did not realize that Haldeman and Ehrlichman had a control in the White House that was above and beyond anything that had taken place before. This was not observable from the outside. Had I written columns immediately after I returned to the outside, columns stating what the situation was relative to control over information that went to the President, control over what he read, who he saw—I would not have been believed. Only the Watergate has made that believable.

ISELIN. I think there's an important case to be made for the *President's* right to know. It will be interesting, one of these days, to see the way the daily log was prepared for the President. That log, of course, is all that the President claims to read. He doesn't have time for the newspapers and broadcasts that we see and hear. That log forms the definition of the universe that the President is thinking about.

LEWIS. If you have a President who is willing to have his reading selected for him. I don't think there's any law you can pass that will make him read something else. One cannot imagine John F. Kennedy reading only what Mr. Haldeman and Mr. Ehrlichman decided he should read.

GUNN. No one has mentioned, as an important issue, the use of subpoena power to get at reporters' notes and sources of information.

LEWIS. Clark Mollenhoff and I may be on the minority side in this one, but I know we are both opposed to proposals for statutory protection for journalists against subpoenas. We think those are things that have to be fought out by the individual journalist and by the discipline of the newspaper or broadcasting station. Any attempt to glorify the press with some privilege that other people don't have would be self-defeating.

MOLLENHOF. This would amount to an executive privilege for the newspaper profession. I do not feel that the newspaper profession is a better place than the White House to repose that kind of executive privilege—a right not to testify.

Question from the audience

Was special prosecutor Archibald Cox justified in asking that the Ervin Committee hearings be suspended?

LEWIS. The risk's involved in public examination of witnesses are very serious—not only in terms of poisoning the atmosphere of a criminal trial beforehand, but because laying out all the testimony of potential prosecution witnesses makes it so much easier for the potential defendants to arrange their lies and excuses.

On the other hand, I very strongly disagree with the notion of The Times of London, and Vice President Agnew, that the hearings should be stopped because they are injuring the constitutional rights of the people concerned. If in fact the hearings should prejudice their rights to an impartial jury, then they won't be able to be tried. What we're dealing with, however, is not only crime. There was here a political conspiracy an attempt at a coup, to change the form of government in the United States in secret. To change it by installing their own man in the FBI, sabotaging the opposition in the election, setting up a secret security plan that would entitle the President to have his own unknown apparatus to spy on every citizen.

If such a thing happened in Britain and became known, it would be debated in the House of Commons at once; it would be much nastier and noisier than anything that's happened in this country so far, and the Prime Minister would long since have been out of office.

MOLLENHOFF. I have faith in Archie Cox. That doesn't mean that I think Archie Cox, as an appointee of the executive branch of the government, should be able to shut off Congressional hearings, or shut off the press. Had the executive branch had the right to shut off the press, or the courts, we wouldn't have the revelations we're having today on the Watergate.

Question from the audience. Why can't the legislative branch assert itself, and force the executive branch to follow Congress?

MOLLENHOFF. I have always felt that Congress is the first branch of government, and must be supported in the exercise of its proper role in oversight over the executive branch.

LEWIS. Many of us, at other times, were too taken with the Presidency. We're coming around to see the dangers of that. I think the infatuation of universities and professors with the Presidency has been entirely excessive, and very bad.

Question from the audience. How can credibility be restored both to the Presidency and the press?

ISELIN. For all our inadequacies, there's an extraordinary strength in this society that has not been fully tapped or challenged. We have to do our damnedest to share important matters as fully and openly as we can with the public at large, and see what will come out of that.

MOLLENHOFF. I think the solution is an ombudsman, set up on a statutory basis so that he has absolute authority to anything and everything in the executive branch of the government. The job would have tenure, so that it would go beyond any administration or two administrations. It would have accountability. Its force would simply be in the reports that it writes, the facts that it brings to bear, the conclusions it draws, and the reasonableness of those conclusions. Had there been such a body, independent of the White House and accountable to Congress, it would have taken care of many of our problems.

LEWIS. The press is perhaps now in the

process of re-establishing its own standing. If it does serious work, and stops playing patsy to the executive branch, it will have done a great deal to establish its credibility.

The only way the Congress can do so is not to fall over for every claim by the executive branch that unless the Congress follows what the President says, the country's safety will be jeopardized. I can't think of a better way for Congress to re-establish its credibility than to stop the bombing of Cambodia, something that is utterly unauthorized by law.

Lastly, I have to say something rather tough. We don't yet know anywhere near all the facts about Watergate. But from what we do know—undisputed, confirmed by the White House itself—the President of the United States was engaged in the year 1970 in instituting a secret plan for internal security in this country, financed and carried on outside the law. In my view, our belief in the Presidency—our notion of what the Presidency ought to be—cannot be restored unless there is a different President in office.

GUNN. To sum up, then, there are probably no easy laws that can be passed to protect our right to know. Education, our institutions, the checks and balances of our government, the improvement of the press itself, are all involved.

We must all make our right to know an issue of our own personal concern. We can't leave it to the press, the government, or the courts. It is ultimately our problem, and we're going to have to press the issue home, every single time, or face the consequences.

AEC CHAIRMAN'S PROPOSAL FOR 5-YEAR ENERGY R. & D. PROGRAM

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, the printed copy of the energy research and development proposal which was made by the Chairman of the AEC, Dr. Dixy Lee Ray, is being made available today. The President directed the preparation of these recommendations on June 29.

The recommendations are now being reviewed by executive agencies. The recommendations which are accepted by the administration will be included in the fiscal year 1975 authorization requests to the Congress early next year.

In light of the critical importance of energy matters I would like to include a number of summary schedules of the recommendations at the close of my remarks.

I want to make it clear that I neither endorse nor disapprove the recommendations at this time. I plan to study them in detail, as all of my colleagues I am sure will do also, before reaching any conclusions on what aspects of the recommendations should be accepted.

One thing is evident and that is that the proposed energy R. & D. program will not contribute significantly toward achieving the objective of U.S. energy "self-sufficiency" by 1980—or by 1985, or perhaps even by 1990. Apparently additional recommendations toward reaching the 1980 self-sufficiency goal will be made at a later time.

The report follows:

STATISTICAL SUPPLEMENT TO THE NATION'S ENERGY FUTURE

(A report to Richard M. Nixon, President of the United States, December 1, 1973. Submitted by Dr. Dixy Lee Ray, Chairman, United States Atomic Energy Commission)

SUMMARY SCHEDULE—FISCAL YEARS 1975–79

[In millions of dollars]

	President's message		Fiscal years 1975–79 energy R. & D. program						Agency 1975–79 program
	1973	1974	1975	1976	1977	1978	1979	1975–79	
RECOMMENDED ENERGY R. & D. PROGRAM									
Conservation:									
Reduced consumption	12.1	22.3	29.9	43.7	51.5	44.4	40.5	210.0	15.0
Increased efficiency	40.7	40.0	136.3	223.4	267.0	287.8	315.5	1,230.0	80.0
Total conservation	52.8	62.3	166.2	267.1	318.5	332.2	356.0	1,440.0	95.0
Increase production of oil and gas:									
Production	12.8	11.2	31.7	89.1	79.5	59.5	50.2	310.0	50.0
Resource assessment	7.2	8.3	20.0	23.0	29.5	37.5	40.0	150.0	40.0
Total, increase production of oil and gas	20.0	19.5	51.7	112.1	109.0	97.0	90.2	460.0	90.0
Substitute coal for oil and gas:									
Mining			45.0	57.0	64.0	77.0	82.0	325.0	
High combustion			30.0	35.0	40.0	44.0	51.0	200.0	
High Btu gasification			35.0	75.0	92.0	81.0	57.0	340.0	
Coal liquefaction			75.0	75.0	75.0	75.0	75.0	375.0	
Low Btu gasification			30.0	37.0	42.0	48.0	43.0	200.0	
Synthetic fuels—industry pioneering			100.0	100.0	55.0	50.0	50.0	355.0	
Environmental control technology			70.0	50.0	42.0	45.0	53.0	260.0	
Supporting R. & D.			20.0	22.0	24.0	27.0	27.0	120.0	
Total, substitute coal for oil and gas	88.8	167.2	405.0	451.0	434.0	447.0	438.0	2,175.0	842.0
Validate the nuclear option:									
Safety and other	42.7	51.7	90.6	125.6	143.0	170.5	189.5	719.2	609.9
Uranium enrichment	50.3	56.8	64.2	54.8	57.4	58.5	59.4	294.2	284.5
High temperature gas reactor	7.2	14.2	40.0	44.7	24.2	26.9	28.0	163.8	128.6
Light water self-sustaining reactor	29.5	29.0	21.4	17.7	9.8	9.8	9.8	68.5	68.5
Liquid metal fast breeder reactor	253.8	356.8	477.0	538.6	510.8	524.2	506.0	2,556.6	2,470.
Gas cooled fast breeder	1.0	1.0	17.0	23.0	29.0	33.0	38.0	140.0	27.0
Advanced technology	11.3	7.8	21.5	24.5	30.5	34.0	37.2	147.7	83.2
Total, validate the nuclear option	395.8	517.3	731.7	828.9	804.7	856.8	867.9	4,090.0	3,672.3
Exploit renewable energy resources:									
Fusion—confinement	39.7	55.8	135.0	230.0	261.0	338.0	376.0	1,340.0	1,132.0
Fusion—laser	35.1	42.9	10.0	20.0	25.0	25.0	30.0	110.0	
Solar	4.2	13.2	32.5	39.9	41.4	42.2	44.0	200.0	80.0
Geothermal	3.8	11.1	40.0	41.0	40.8	35.7	27.5	185.0	20.0
Total, exploit renewable energy resources	82.8	123.0	217.5	330.9	368.2	440.9	477.5	1,835.0	1,232.0
Total, energy R. & D. program	640.2	889.3	1,572.1	1,990.0	2,034.4	2,173.9	2,229.6	10,000.0	5,931.3
RECOMMENDED SUPPORTING PROGRAMS									
Supporting programs:									
Environmental research			105.9	121.9	128.5	147.4	146.3	650.0	
Basic research			43.0	58.0	66.0	67.0	66.0	300.0	
Manpower development			5.0	9.0	12.5	12.3	11.2	50.0	
Total, supporting programs			153.9	188.9	207.0	226.7	223.5	1,000.0	
RECOMMENDED ENERGY R. & D. PROGRAM—CONSERVATION									
Reduced consumption:									
End-use consumption	6.8	15.5	19.9	31.7	37.5	31.4	29.5	150.0	5.0
Improved management	5.3	6.8	10.0	12.0	14.0	13.0	11.0	60.0	10.0
Total, reduced consumption	12.1	22.3	29.9	43.7	51.5	44.4	40.5	210.0	15.0

SUMMARY SCHEDULE—FISCAL YEARS 1975–79—Continued

[In millions of dollars]

	President's message		Fiscal years 1975–79 energy R. & D. program						Agency 1975–79 program
	1973	1974	1975	1976	1977	1978	1979	1975–79	
RECOMMENDED ENERGY R. & D. PROGRAM—CONSERVATION—Continued									
Improved efficiency:									
High temperature gas turbine			18.3	66.8	79.3	76.8	73.8	315.0	
Advanced cycle, fuel cells, and other	15.1	10.8	18.0	31.6	52.3	50.4	57.7	210.0	
Advanced auto propulsion	19.8	22.7	53.0	59.0	59.0	71.0	58.0	300.0	
Rail, bus, ship, and air			20.0	32.5	36.5	44.8	71.2	205.0	
Energy and fuel, transportation and storage	5.8	6.5	27.0	33.5	39.9	44.8	54.8	200.0	
Total, improved efficiency	40.7	40.0	136.3	223.4	267.0	287.8	315.5	1,230.0	80.0
Total, conservation	52.8	62.3	166.2	267.1	318.5	332.2	356.0	1,440.0	95.0
RECOMMENDED ENERGY R. & D. PROGRAM—SUMMARY									
Operating expenses			1,062.1	1,311.0	1,451.4	1,519.3	1,618.8	6,962.6	
Equipment			160.7	233.4	211.3	242.4	250.3	1,098.1	
Construction			349.3	445.6	371.7	412.2	360.5	1,939.3	
Total			1,572.1	1,990.0	2,034.4	2,173.9	2,229.6	10,000.0	
RECOMMENDED ENERGY R. & D. PROGRAM									
Operating expenses:									
Conservation:									
Reduced consumption			26.6	34.3	38.2	36.6	35.2	170.9	
Increased efficiency			112.2	155.5	178.8	190.2	216.0	852.7	
Total, conservation			138.8	189.8	217.0	226.8	251.2	1,023.6	
Increase production of oil and gas:									
Production			26.0	70.2	67.6	51.6	45.9	261.3	
Resource assessment			14.8	19.8	24.7	31.5	33.7	124.5	
Total, increase production of oil and gas			40.8	90.0	92.3	83.1	79.6	385.8	
Substitute coal for oil and gas:									
Mining			28.5	34.5	36.0	41.5	45.5	186.0	
Direct combustion			12.8	18.4	10.9	12.4	13.3	67.8	
High BTU gasification			12.5	24.0	47.0	49.0	53.0	185.5	
Coal liquefaction			52.0	38.0	38.0	40.0	45.0	213.0	
Low BTU gasification			3.8	5.0	7.0	10.0	14.0	39.8	
Synthetic fuels—industry pioneering			46.0	45.5	50.0	44.5	44.0	230.0	
Environmental control technology			42.0	25.0	22.0	30.0	47.0	166.0	
Supporting R. & D			18.0	20.0	21.5	24.0	24.0	107.5	
Total, substitute coal for oil and gas			215.6	210.4	232.4	251.4	285.8	1,195.6	
Validate the nuclear option:									
Safety and other	37.7	45.1	74.8	88.5	104.6	117.6	130.6	516.1	440.1
Uranium enrichment	25.2	31.1	44.1	47.0	48.0	49.0	50.0	238.1	165.2
High temperature gas reactor	7.1	13.8	20.8	21.3	22.8	25.3	26.3	116.5	87.0
Light water self-sustaining reactor	28.8	23.7	21.1	17.4	9.3	9.3	9.3	66.4	66.4
Liquid metal fast breeder reactor	205.4	240.5	303.6	361.3	380.4	390.6	382.3	1,818.2	1,913.9
Gas cooled fast breeder	1.0	1.0	13.0	21.4	26.8	30.2	34.6	126.0	24.0
Advanced technology	11.3	7.8	21.1	23.8	29.2	32.4	35.6	142.1	83.2
Total, validate the nuclear option	316.5	363.0	498.5	580.7	621.1	654.4	668.7	3,023.4	2,779.8
Exploit renewable energy resources:									
Fusion—confinement	37.0	51.8	112.0	170.0	125.0	235.0	265.0	997.0	731.0
Fusion—laser	24.5	32.5	8.0	17.0	22.0	22.0	27.0	96.0	205.0
Solar			21.2	22.4	21.5	19.3	19.9	104.3	
Geothermal			27.2	30.7	30.1	27.3	21.6	136.9	
Total, exploit renewable energy resources			168.4	240.1	288.6	303.6	333.5	1,334.2	
Total, energy R. & D. program			1,062.1	1,311.0	1,451.4	1,519.3	1,618.8	6,962.6	
Equipment obligations:									
Conservation:									
Reduced consumption			2.7	6.2	8.7	4.2	3.5	25.3	
Increased efficiency			20.5	41.2	49.0	46.2	47.2	204.1	
Total, conservation			23.2	47.4	57.7	50.4	50.7	229.4	
Increase production of oil and gas:									
Production			5.7	18.9	11.9	7.9	4.3	48.7	
Resource assessment			2.7	3.2	4.3	6.0	6.3	22.5	
Total, increase production of oil and gas			8.4	22.1	16.2	13.9	10.6	71.2	
Substitute coal for oil and gas:									
Mining			13.0	16.0	18.5	22.5	30.0	100.0	
Direct combustion			5.1	6.6	9.4	10.2	15.1	46.4	
High BTU gasification			1.5	1.0				2.5	
Coal liquefaction			5.0	7.0	5.0	6.0	10.0	33.0	
Low BTU gasification			1.0	1.7	2.0		1.0	5.7	
Synthetic fuels—industry pioneering			4.0	4.5	5.0	5.5	6.0	25.0	
Environmental control technology			10.0	5.0	4.0	4.0	5.0	28.0	
Supporting R. & D			2.0	2.0	2.5	3.0	3.0	12.5	
Total, substitute coal for oil and gas			41.6	43.8	46.4	51.2	70.1	253.1	
Validate the nuclear option:									
Safety and other	2.7	2.3	13.8	7.1	8.4	8.9	8.9	47.1	26.5
Urarium enrichment	2.2	1.7	5.1	4.8	6.4	6.5	6.4	29.1	20.2
High temperature gas reactor	.1	.4	1.2	1.4	1.4	1.6	1.7	7.3	1.6
Light water self-sustaining reactor	.7	5.3	.3	.3	.5	.5	.5	2.1	2.1
Liquid metal fast breeder reactor	9.9	11.8	23.4	33.3	27.4	29.6	40.7	154.4	122.7
Gas cooled fast breeder			1.0	1.6	2.2	2.8	3.4	11.0	
Advanced technology			.4	.7	1.3	1.6	1.6	5.6	
Total, validate the nuclear option	15.6	21.5	45.2	49.2	47.6	51.4	63.2	256.6	173.1

	President's message		Fiscal years 1975–79 energy R. & D. program						Agency 1975–79 program
	1973	1974	1975	1976	1977	1978	1979	1975–79	
Exploit renewable energy resources:									
Fusion—confinement	2.5	3.8	23.0	49.0	24.0	58.0	35.0	189.0	133.5
Fusion—laser	2.0	3.4	2.0	3.0	3.0	3.0	3.0	14.0	23.6
Solar			8.3	11.6	11.0	10.1	14.6	55.6	
Geothermal			9.0	7.3	5.4	4.4	3.1	29.2	
Total, exploit renewable energy resources			42.3	70.9	43.4	75.5	55.7	287.8	157.1
Total, equipment obligations energy R. & D. program			160.7	233.4	211.3	242.4	250.3	1,098.1	
Construction obligations:									
Conservation:									
Reduced consumption			.6	3.2	4.6	3.6	1.8	13.8	
Increased efficiency			3.6	26.7	39.2	51.4	52.3	173.2	
Total, conservation			4.2	29.9	43.8	55.0	54.1	187.0	
Increase production of oil and gas:									
Production									
Resource assessment			2.5		.5			3.0	
Total, increase production of oil and gas			2.5		.5			3.0	
Substitute coal for oil and gas:									
Mining			3.5	6.5	9.5	13.0	6.5	39.0	
Direct combustion			12.1	10.0	19.7	21.4	22.6	85.8	
High Btu gasification			21.0	50.0	45.0	32.0	4.0	152.0	
Coal liquefaction			18.0	30.0	32.0	29.0	20.0	129.0	
Low Btu gasification			25.2	30.3	33.0	38.0	28.0	154.5	
Synthetic fuels—industry pioneering			50.0	50.0				100.0	
Environmental control technology			18.0	20.0	16.0	11.0	1.0	66.0	
Supporting R. & D									
Total, substitute coal for oil and gas			147.8	196.8	155.2	144.4	82.1	726.3	
Validate the nuclear option:									
Safety and other	2.3	4.0	2.0	30.0	30.0	44.0	50.0	156.0	143.3
Uranium enrichment	22.9	24.0	15.0	3.0	3.0	3.0	3.0	27.0	99.1
High temperature gas reactor			18.0	22.0				40.0	40.0
Light water self-sustaining reactor									
Liquid metal fast breeder reactor	38.5	104.5	105.0	144.0	103.0	104.0	83.0	584.0	434.0
Gas cooled fast breeder			3.0					3.0	3.0
Advanced technology									
Total, validate the nuclear option	63.7	132.5	188.0	199.0	136.0	151.0	136.0	810.0	719.4
Exploit renewable energy resources:									
Fusion—confinement	.2	.2		11.0	22.0	45.0	76.0	154.0	267.5
Fusion—laser	9.1	7.0							100.8
Solar			3.0	5.9	8.9	12.8	9.5	40.1	
Geothermal			3.8	3.0	5.3	4.0	2.8	18.9	
Total, exploit renewable energy resources			6.8	19.9	36.2	61.8	88.3	213.0	
Total energy R. & D. program			349.3	445.6	371.7	412.2	360.5	1,939.3	
Operating expenses—Supporting programs:									
Environmental research			88.5	98.5	111.0	125.7	137.1	560.8	
Basic research			39.0	52.1	59.6	60.7	59.2	270.6	
Manpower development			5.0	9.0	12.5	12.3	11.2	50.0	
Total, operating expenses			132.5	159.6	183.1	198.7	207.5	881.4	
Equipment—Supporting programs:									
Environmental research			5.9	9.9	10.5	18.7	6.2	51.2	
Basic research			4.0	5.9	6.4	6.3	6.8	29.4	
Manpower development									
Total, equipment			9.9	15.8	16.9	25.0	13.0	80.6	
Construction—Supporting programs:									
Environmental research			11.5	13.5	7.0	3.0	3.0	38.0	
Basic research									
Manpower development									
Total, construction			11.5	13.5	7.0	3.0	3.0	38.0	
Total, supporting programs			153.9	188.9	207.0	226.7	223.5	1,000.0	

AVIATION FUEL SAVING

(Mr. MILFORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILFORD. Mr. Speaker, on November 30, 1973, I wrote a letter to the Honorable Alexander P. Butterfield, Administrator of the Federal Aviation Administration; concerning conservation measures for saving fuel in the aviation industry. That letter was published in the CONGRESSIONAL RECORD the same day.

Mr. Butterfield has replied to my letter in a very forthright manner. As his letter will indicate, FAA is taking immediate steps to conserve energy.

I would like to commend Mr. Butterfield along with the men and women in the Federal Aviation Administration. Due to the tremendous growth of civil aviation, FAA has never had enough in the way of personnel and equipment to do what was expected of them. In spite of that handicap, that Agency is "pouring a little more water in the soup" to cope with our fuel shorage.

So that all Members may be appraised of the conservation measures being taken, I would like to include Mr. Butterfield's letter in the RECORD.

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION,
Washington, D.C., December 4, 1973.

Hon. DALE MILFORD,
House of Representatives,
Washington, D.C.

DEAR DALE: In view of early pronouncements of proposed fuel allocations to aviation, I read your letter of November 30 with deep interest. Word that you and your colleagues are taking steps to see that language of the Emergency Energy Bill does not discriminate is gratifying.

As you surmised, the FAA has been deluged with mail from its constituency. Corporate aircraft owners, air taxi operators, private pilots, scheduled carriers and airline pilots, in large numbers, have made their views regarding various aspects of the fuel crisis known to us; many with complaints, others with suggestions for improving aircraft operations and air traffic control system management—"for the duration."

It is clear that the shortage of petroleum distillates for all of aviation's needs will be one of long duration. Until measures to stimulate domestic energy production (including nuclear) are taken, new sources are exploited, and currently less conventional energy forms are perfected, the energy crunch will require considerable sacrifice by industry and consumer alike.

Meanwhile, if the best interests of the American people, their industry, and the economy are to be served, the very complex issues of energy conservation must be attended to with wisdom. This is especially true of the aviation community. While sacrifices by private and commercial segments of the aviation community must be made, and fuel consumption must be reduced, hopefully both may be accomplished without a disastrous economic impact. Neither, however, can be permitted to compromise aviation safety.

The foregoing has been this agency's philosophy as we have moved to meet the constraints of fuel and petroleum allocations now in effect and pending. Actions taken thus far, or which will shortly go into effect, for the most part provide solutions to pilot complaints cited in your letter in the following areas: (1) holding pattern times; (2) takeoff holding times; and (3) gate-starts followed by long taxi distances.

On November 20 I announced a seven-point program for increasing aircraft operational efficiency and designed to save up to 20,000 barrels (840,000 gallons) of jet fuel *per day*. The savings, incidentally, would amount to 2.7 percent of the total amount of jet fuel consumed daily in the United States and, moreover, would be accomplished without compromise to aviation safety. These actions include: revision of gate-hold procedures: the increased use of optimum aircraft cruising speeds; holding aircraft at higher altitudes to effect greater fuel savings: taxing aircraft with fewer engines; the increased use of simulators for training and check flights; and encouraging airport building sponsors to accelerate construction programs involving runway and taxiway improvements.

On November 21 air traffic controllers throughout the system were issued the following instructions:

1. Relax the requirements for preferential routings during periods when there is no valid operational need to regiment the traffic. Frequently, the published preferred route imposes fuel penalties. During periods of light traffic the need for strict regimentation is not required.

2. Assign the most economical altitude. Redouble your efforts to give the pilot the altitude he requests. When possible, assign the highest possible altitude to turbojets in holding patterns.

3. Approve direct routes when requested. Inconvenience to the ATC system should not be the sole reason for disapproving direct routes.

4. Discontinue the use of standard terminal arrival routes and standard instrument departure routings during periods when traffic does not require.

5. Honor requests for direct radar vectors to reduce time and distance flown. Also, volunteer this kind of service when the opportunity presents itself.

In further definition of my November 20 seven-point fuel conservation program, the objective of revising gate-hold procedures is to reduce the time aircraft spend at the end of a runway waiting to take off with engines running to five minutes or less. This means aircraft would be held at the loading gate when departure delays exceed five minutes. Present procedures allow departure delays to reach 15 minutes before instituting gate-hold procedures.

In revising flow control procedures, FAA will be trying to reduce the time aircraft spend aloft in holding patterns by matching airport capacity as closely as possible to traffic demand. One way of achieving this goal would be to keep aircraft at their departure airports when congested conditions exist at the destination airport. The key, of course, is the acceptance rate at destination airports. We are working with the airline industry in accelerated development of flow procedures. When finalized, our new procedures will be put to use at major terminals throughout the country following "shakedown" tests at Chicago O'Hare Airport in January.

Finally, air traffic control measures such as holding aircraft in terminal area patterns at high altitudes where they burn less fuel, and the assignment of en route altitudes that permit the greatest fuel conservation procedures and minimizing circuitous routings have assumed priority importance by air traffic controllers. Ideally, the FAA should, as the result, be able to preplan and coordinate arrival times of all instrument flight plan traffic in such a way as to avoid extended holding pattern delays. Indeed, with our computerized and largely automated air traffic control system, such an eventuality is technically possible.

As a practical matter, however, implementation of a priority airport landing system, IFR vis-a-vis VFR, as a means of conserving fuel does not appear to be warranted at this time. The first-come first-served policy is judiciously applied by controllers to ensure the most efficient use of airport and airspace considering the type of aircraft involved. Changing to a strict priority system could create additional problems within the air traffic control system without any real assurance of savings of fuel. In fact, rigid application of a priority system could result in higher fuel waste. Therefore, we intend to use the best of both concepts. The first-come first-served policy will remain in effect. However, a reminder has been issued to controllers that fuel consumption is to be taken into consideration in their maintenance of efficient use of airspace. The scope of existing policies allows this usage.

In summary, please be assured that the Federal Aviation Administration is vigorously investigating all phases of aircraft operations and procedures of the air traffic control system to achieve maximum aviation fuel conservation.

Sincerely,

ALEXANDER P. BUTTERFIELD,
Administrator.

MESSAGE FROM THE GRASSROOTS

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, some of my colleagues tell me they have recently received some very plain and unvarnished letters on the fuels and energy crunch.

In a recent mail our office had a letter from one of our good friends in St. Clair County, Mo., Mayor Glen F. Toalson. Glen has served as mayor of his home city of Osceola, Mo., for several years. He happens to be an oil and gasoline jobber. He is known and respected as a civic minded citizen. He has long been an acknowledged leader in his community. For such reasons I usually pay close attention to the content of his letters. After I read a part of his most recent correspondence, I became convinced that many of the recitations contained in his letter were things that deserved to be shared with my colleagues, because in my opinion his letter expresses the present mood of America. In the contents of his letter is a message from the grassroots.

Some of my constituent's comments may seem a little harsh toward the environmental protection agency but after careful consideration I have concluded his logic is sound as he takes issue with one Erik Stork of EPA who would have us believe that present emission controls do not reduce the mileage of our late model cars. On this issue all the evidence I know of is on the side of the mayor of Osceola.

Someone has said it is never wise to agree with the president of General Motors. Notwithstanding, Edward N. Cole, the president of General Motors, may be correct when he says that if we can take emission controls off about 40 million late model cars we may thereby save 5 billion gallons of gasoline a year. If that is even close to being true then I am ready to listen to Mr. Cole as well as to the admonitions of my constituent Glen Toalson, the mayor of Osceola, Mo.

I hope no one jumps to the conclusion that there has to be some kind of destructive collision between emission controls and the energy crisis. What is proposed is that this country should be willing to accept or agree to a temporary trade-off in the form of a slowdown on automotive emission devices to enjoy the needed gasoline economy as a purely temporary measure to ease the shortages we will surely suffer from in the short term ahead.

Mr. Speaker, I ask my colleagues to note at the conclusion of Mayor Toalson's letter the 12 suggestions for action by Congress that could prevent strict rationing and mean enough saving of gasoline to allow for some more fuel to heat our homes in the winter we are now approaching.

I am privileged to read into the RECORD at this time the letter I have referred to above:

OSCEOLA, MO., *November 21, 1973.*

Hon. WILLIAM J. RANDALL,
House Office Building,
Washington, D.C.

DEAR MR. RANDALL: As you know I am an oil and gasoline jobber. Our energy crisis, naturally, is uppermost in my mind. Mrs. Toalson and I consider ourselves environmentally minded people. We know full well that our environment must be protected. However, we believe our problem must be approached in a methodical manner and not the collision course that we're now on.

The American people cannot and will not go along with some of the arbitrary and capricious decisions of bureaucrats to whom the tranquility of caribou, or the quality of air inhaled by coyotes and rattlesnakes, or water quality for the paddlefish is more important than oil for industry, schools, homes, etc. I'm sure Congress did not intend for the Environmental Protection Act of 1969 to be implemented by such persons.

Many dealers have been forced to close because of product shortage, and many more will close in the months ahead. Many jobbers are in financial peril and will go under if rationing is forced on this country. We have had the allocation program for over a year in distillate fuel and for nearly a year in gasoline. Therefore, we already have rationing. We have had to buy over ¼ million gallons of gasoline from importers since June 1 in order to keep our three remaining stations open.

Rationing by coupon is ridiculous. The Administration has estimated a cost of 170 million dollars to administer coupon rationing for one year. In my opinion, they have underestimated 50 million dollars. Thousands of bureaucrats would have to be employed to administer the rationing program at all levels. In all likelihood they would have no more common sense than Dr. Dunlop and his present Cost of Living Council. In my opinion it would be better to pay the above-mentioned millions to the Canadian Government for their increased export tax and thus assure an increase of imports from Canada.

As for the suggested gasoline tax—a 30¢ tax would break every small jobber and dealer in business. His capital requirements would be more than doubled to maintain an inventory: capital requirement and accounts receivable would increase no less than 75%.

The high cost of money would shrink our margin to a point that with less product sales we could not survive.

As for the proposed 50 mile per hour speed limit, this is not realistic. For automobiles a 60 MPH limit would work. Today's cars are not built for 50 mile speeds. At this speed and slower, plugs will carbon up and thereby use more gas. There isn't one motorist in 10 that will have his engine checked and tuned at the required frequency necessitated by this slow speed.

Over the road trucks will use considerable more fuel at the slower speed because of gear ratics. A diesel engine is designed for high RPMs. A slow down will necessitate a much lower gear and thereby increase fuel consumption. I have discussed this with drivers and all have told me the same fact. In addition to increased fuel consumption, road time will be increased. This means freight deliveries would be slowed and motor freight rates would have to be increased. Truck engines would wear out faster and there would be other increased costs.

The EPA's meat axe approach to cleaning up the air with emission controls that increase the use of gasoline on late model cars should be suspended. Detroit and auto dealers should be authorized to make some modification on all cars since 1970 models. Certain minimum changes, according to Mr. Edward N. Cole, President of General Motors, would save 5 billion gallons of gas per year. This alone will give us nearly 120 million barrels of product for No. 2 fuel.

Two or three days prior to Mr. Cole's statement, I suggested to two representatives in Washington that this modification of pollution emission devices be considered. Most cars would get from three to five miles more per gallon which would reduce consumption by 35%. 75% of sales in our stations go into '70 to '74 model year cars. To date in this calendar year, our dealers have sold approximately 1 million gallons. Therefore, in our company alone in 11 months, our customers could have saved over 250,000 gallons of gas. I feel Mr. Cole's figures are on the conservative side since there are some 40 million cars of 1970–74 models in use.

It is a shame that a statement by a qualified individual, such as Mr. Cole, would be attacked by an ecological extremist, such as Mr. Eric Stork, Director of the EPA automobile antipollution program. Mr. Stork has described Mr. Cole's proposals as preposterous: he went on to say that the auto industry is just using the opportunity of the energy shortage as another attack on the Clean Air Act.

Mr. Stork went on to say that Mr. Cole's proposal would not save gas and might make fuel consumption worse. He added that Mr. Cole's proposal "is not practical and overlooks the real cause of high fuel consumption," to wit, "that emission controls have adversely affected only the fuel consumption of heavy cars of the type Mr. Cole builds." Mr. Stork also was quoted as saying "Our data shows that the emission controls on light cars, under 3500 pounds, actually improved fuel economy."

Mr. Stork and his associated "pseudo-do-gooders" have done an excellent job in brain washing many people into believing that motor car fuel consumption is increased because of air conditioning, auto-transmissions, power brakes, power steering and not from emission controls. His theory is an insult to your and my intelligence.

Since 1953 all of the cars I have owned have been equipped with air conditioning, power steering, brakes and auto-transmission—Fords, Pontiacs, Buicks and now 98 Oldsmobiles. Not until 1971 did I ever have a car that would give me less than 15 to 17 miles per gallon at 65 to 70 MPH. Now I get 12 miles per gallon on my '71 "98" and finally 10 miles per gallon on my '73 "98". Also, Mr. Stork's data on light cars is about as phony as a rubber crutch. My son owned a '69 Volkswagen—his mileage was 28–30 miles per gallon. Then he traded for a '72 model—his consumption of fuel then increased to the point that he now gets only 20–22 miles per gallon. According to my calculations, that is 28% less mileage. Mr. Stork in my judgment would have difficulty pouring water out of a boot with directions written on the heel.

In summation, let me urge that Congress:

1. Continue with allocations and not rationing as we had in WW II and let the market place determine the price—both wholesale and retail.

2. Don't allow any 10 to 30c Federal Gas Tax to be levied—the minute that happens every "do-gooder" in the land would be grabbing at it for some social or "whatever program," and the tax would never be cancelled. The American people and economy cannot stand this exorbitant tax.

3. Recognize that on fuel for emergency vehicles—there is no problem—all communities have jobbers who will see to it that these vehicles are ready to roll at all times.

4. Stop the exports of fuel even though the amount is only about 1% of our supply—it is a matter of public relations and principle.

5. Follow Mr. Cole's proposal and completely disregard Eric Stork's double talk.

6. Restore tax credits to oil companies.

7. Restore depletion allowances.

8. Limit the activities of the "environmentalists" from using our courts to make the energy crisis worse.

9. Suspend the Clean Air Act for the duration of the current energy crisis.

10. Enact legislation to expedite new sources of nuclear and solar energy.

11. Fund the Harry S. Truman Dam and all other public work projects that will produce pollution-free hydroelectric power.

Finally, we should all avoid casting blame on any one group or individual for the mess we are in. It is time to work together if we expect a quick recovery and to put America back where she belongs—the Number One Nation in the world.

Very Truly Yours,

GLEN F. TOALSON.

A NEW "ENERGY CZAR"

(Mr. UDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, once again, for the third or fourth time in the last few months, we have a new "energy czar."

His name is William Simon. He replaces John Love who only last June was Governor of Colorado, but now, along with his deputy, Charles DiBona, is one of the first Americans unemployed by the energy crisis.

But does the appointment of Simon—competent though he is—and the creation of still another superagency, the Federal Energy Administration, mean that President Nixon is finally doing something to solve the energy crisis?

No, it means he is still just shuffling bodies and job titles.

The latest switch is merely the most current example of the disorganization and confusion within this administration which has led to four different energy messages in the last 6 months, all underestimating the problem; three different reorganization plans, none of which have had the solid backing of the executive branch; and a succession of energy czars, each victimized by inner office power struggles.

The appointment of Mr. Simon apparently means that the Schultz faction is in power at the White House this week. But someone else may be in power next week and who knows who will be in charge of energy then.

And meanwhile, the grim prospect of empty gas tanks, unheated homes and schools, and thousands of Americans out of work looms closer.

In light of this situation, Congress should not act hastily on President Nixon's latest panicky reorganization plan.

The way to solve the energy problem is not to massacre existing institutions of Government.

The President and his energy advisers need to sit down with the broad leadership of Congress and work out a national energy program that will husband our resources and promote the kind of teamwork that will get the Nation through the rough days ahead.

So far, the President has not done much more than shuffle staff members and issue misleading statements to the public. The American people deserve far better than this.

MANAGING PARTNER OF DOLPHINS HONORED

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on November 9, Mr. Joseph Robbie, managing partner of the Miami Dolphins—our football team of which we are so proud—was elected chairman of the Community Relations Board. Mr. Robbie's acceptance remarks at the annual luncheon upon his becoming chairman so warmly and so understandingly reflect the opportunity and the challenge of the Community Relations Board for immeasurable public service that I thought they would be stimulating and inspiring to the Members of the Congress and to concerned citizens all over America who may read this RECORD.

Mr. Speaker, I include Mr. Robbie's remarks in the RECORD immediately following mine:

ADDRESS BY JOSEPH ROBBIE

I accept this challenge with the apprehension that whatever we accomplish can be only measured against the enormity of what remains to be done to improve human relationships and to wage the eternal war on poverty, disease, ignorance, indolence, apathy, and the frustration of the human spirit.

We will remain on as mediator to the community to reduce tensions which arise from prejudice, unequal opportunity, and uneven justice.

We will seek to avert crisis but to instantly respond to it if it occurs. We will continue to put out the brush fires to keep them from becoming conflagrations.

But in the decade ahead we must address ourselves to the higher goals of equal access to our schools, to employment and the professions, and to the voting booths.

When we have achieved equal educational, economic and political opportunity for everyone in our midst, the era of social and racial justice will be with us.

Then prejudice can recede and everyone will be truly equal in this land—as we already are in the eyes of God.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. HANSEN of Washington (at the request of Mr. O'NEILL), for today, on account of illness.

Miss JORDAN, for December 4 through 7, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TREEN) to revise and extend their remarks and include extraneous material:)

Mr. RAILSBACK, for 5 minutes, today.

Mr. DON H. CLAUSEN, for 10 minutes, today.

Mr. GROVER, for 15 minutes, today.

Mr. HOGAN, for 10 minutes, today.

Mr. SARASIN, for 5 minutes, today.

Mr. MCDADE, for 5 minutes, today.

Mr. KEMP, for 30 minutes, today.

Mr. ARCHER, for 5 minutes, today.

(The following Members (at the request of Mr. DAN DANIEL) to revise and extend their remarks and include extraneous material:)

Mr. COTTER, for 5 minutes, today.

Mr. STUCKEY, for 5 minutes, today.

Mr. ADDABBO, for 15 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. FUQUA, for 5 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. MEZVINSKY, for 5 minutes, today.

Mr. PATMAN, for 5 minutes, today.

Mr. BEVILL, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RANDALL in three instances.

Mr. SMITH of Iowa in two instances.

Mrs. GREEN of Oregon in five instances.

Mr. BRADEMAS in five instances.

Mr. GONZALEZ to revise and extend his remarks during debate on S. 1443, conference report.

Ms. ABZUG to revise and extend her remarks on S. 1443, conference report.

Mr. WIDNALL and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $522.50.

Mr. PEPPER and to include extraneous matter on S. 1443, conference report.

Mr. MILFORD in five instances.

(The following Members (at the request of Mr. TREEN) and to include extraneous material:)

Mr. RHODES in five instances.

Mr. BELL.

Mr. VEYSEY in two instances.

Mr. WIDNALL.

Mr. RAILSBACK in two instances.

Mr. WYMAN in two instances.

Mr. ARCHER.

Mr. ASHBROOK in four instances.

Mr. WYDLER.

Mr. WHITEHURST.

Mr. BAUMAN in two instances.

Mr. HOSMER in two instances.

Mr. YOUNG of Illinois in two instances.

Mr. FROEHLICH.

Mr. FORSYTHE.

Mr. SHOUP in two instances.

Mr. DERWINSKI in two instances.

Mr. ARENDS.

Mr. WALSH.

Mr. GILMAN.

Mr. TAYLOR of Missouri in two instances.

Mr. YOUNG of Alaska.

Mr. QUIE in three instances.

Mr. CONTE.

Mr. MCKINNEY.

Mr. HILLIS.

Mr. KEMP in two instances.

(The following Members (at the request of Mr. DAN DANIEL) and to include extraneous material:)

Mr. MOSS.

Mr. LONG of Louisiana.

Mr. COTTER.

Mr. NICHOLS.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Ms. HOLTZMAN in 10 instances.

Mr. ROONEY of New York in two instances.

Mr. DRINAN.

Mr. EVINS of Tennessee.

Mr. FRASER in five instances.

Mr. MCCORMACK.

Mr. EDWARDS of California.

Mr. BINGHAM in five instances.

Mr. FAUNTROY in five instances.

Mr. SARBANES in five instances.

Mr. DULSKI in six instances.

Mr. HARRINGTON in three instances.

Mrs. CHISHOLM in two instances.

Mr. MOLLOHAN.

Mr. DENHOLM.

Mr. BRINKLEY.

Mr. MACDONALD.

Mr. UDALL in three instances.

Mr. ADDABBO.

Mr. ANDREWS of North Carolina.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 974. An act designating the Texarkana Dam and Reservoir on the Sulphur River as the "Wright Patman Dam and Lake";

H.R. 1284. An act to amend title 5, United States Code, to improve the administration of the leave system for Federal employees;

H.R. 1694. An act for the relief of Ossie Emmons and others.

H.R. 3436. An act to provide for the conveyance of certain mineral rights in and under lands in Onslow County, N.C.;

H.R. 5379. An act for the relief of John B. Clayton;

H.R. 6007. An act for the relief of Swiff-Train Co.;

H.R. 6768. An act to provide for participation by the United States in the United Nations environment program;

H.R. 7210. An act for the relief of George Downer and Victor L. Jones;

H.R. 8528. An act to provide for increasing the amount of interest paid on the permanent fund of the U.S. Soldiers' and Airmen's Home; and

H.R. 11104. An act to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1618. An act to name the headquarters building in the Geological Survey National Center under construction in Reston, Va., as the "John Wesley Powell Federal Building";

S. 2503. An act to name a Federal office building in Dallas, Tex., the "Earle Cabell Federal Building";

S. 2641. An act to confer jurisdiction upon the court of the United States of certain civil actions brought by the Senate Select Committee on Presidential Campaign Activities, and for other purposes; and

S.J. Res. 155. A joint resolution authorizing the securing of storage space for the U.S. Senate, the U.S. House of Representatives, and the Office of the Architect of the Capitol.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on December 3, 1973, present to the President, for his approval a bill of the House of the following title:

H.R. 11104. An act to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

ADJOURNMENT

Mr. DAN DANIEL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 5, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1602. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Agriculture for the food stamp program, Food and Nutrition Service for fiscal year 1974, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1603. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to provide for the effective and efficient management of the Nation's energy policies and programs; to the Committee on Government Operations.

1604. A letter from the Assistant Secretary of the Interior, transmitting copies of an order canceling certain reimbursable charges of the Government of the United States existing as debts against an Indian reservation, pursuant to 47 Stat. 564; to the Committee on Interior and Insular Affairs.

1605. A letter from the Secretary of Transportation, transmitting a report on hazardous materials control, pursuant to section 4 of the Federal Railroad Safety Authorization Act of 1973 (Public Law 93-90); to the Committee on Interstate and Foreign Commerce.

1606. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended [8 U.S.C. 1154(d)]; to the Committee on the Judiciary.

1607. A letter from the Commissioner, Immigration and Naturalization Service. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act [8 U.S.C. 1182(d)(6)]; to the Committee on the Judiciary.

1608. A letter from the Secretary of Transportation transmitting the third annual report on the special bridge replacement program under the Federal-Aid Highway Act of 1970, pursuant to 23 U.S.C. 144; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SIKES: Committee of conference. Conference report on H.R. 11459 (Rept. No. 93-693). Ordered to be printed.

Mr. PASSMAN: Committee on appropriations. H.R. 11771. A bill making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1974, and for other purposes (Rept. No. 93-694). Referred to the Committee of the Whole House on the State of the Union.

Mr. RODINO: Committee on the Judiciary. House Resolution 735. Resolution confirming the nomination of Gerald R. Ford, of the State of Michigan, to be Vice President of the United States (Rept. No. 93-695). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARENDS:

H.R. 11756. A bill to amend the National Labor Relations Act in six areas closely related to one another, all of which touch in varying degrees the kinds of collective bargaining units which should exist under the act; to the Committee on Education and Labor.

By Mr. BAKER:

H.R. 11757. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for the use of a passenger automobile in a carpool; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 11758. A bill to provide for the establishment of day-use public recreation facilities at Lake Berryessa on the Solano reclamation project in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. COHEN (for himself, Mr. Anderson of Illinois, Mr. Railsback, Mrs. Heckler of Massachusetts, Mr. Waldie, Mr. Hosmer, Mr. Boland, Mr. Moakley, Mr. Heinz, Mr. Hechler of West Virginia, Mr. Yatron, Ms. Abzug, Mr. Podell, Ms. Chisholm, Mr. Harrington, Mr. Peyser, Mr. St Germain, Mrs. Schroeder, and Mr. Edwards of California):

H.R. 11759. A bill to amend the Social Security Act to direct the Secretary of Health, Education, and Welfare to develop standards relating to the rights of patients in certain medical facilities; to the Committee on Ways and Means.

By Mr. du PONT:

H.R. 11760. A bill to require the labeling of electrical appliances with respect to their comparative efficiency in the use of electricity and to provide for the establishment of minimum standards of efficiency for such appliances; to the Committee on Interstate and Foreign Commerce.

By Mr. FRELINGHUYSEN:

H.R. 11761. A bill to amend the Public Health Service Act to provide for programs for the diagnosis and treatment of hemophilia; to the Committee on Interstate and Foreign Commerce.

By Mr. GILMAN:

H.R. 11762. A bill to further the conduct of research, development, and commercial demonstrations in geothermal energy technologies, to direct the National Science Foundation to fund basic and applied research relating to geothermal energy, and to direct the National Aeronautics and Space Administration to carry out a program of demonstrations in technologies for commercial utilization of geothermal resources including hot dry rock and geopressured fields; to the Committee on Science and Astronautics.

By Mr. GRAY:

H.R. 11763. A bill to amend the National Visitor Center Facilities Act of 1968, as amended, to facilitate the construction of an intercity bus terminal, and for other purposes; to the Committee on Public Works.

By Mr. KEMP:

H.R. 11764. A bill to provide that institutions of higher education which have withdrawn from the ROTC program are not disqualified, solely because of such withdrawal, from providing education and training to members of the Armed Forces and employees of the military department; to the Committee on Armed Services.

By Mr. McDADE:

H.R. 11765. A bill to amend title 38, United States Code, to provide for the payment of tuition, in addition to educational assistance allowances, on behalf of veterans pursuing certain programs of education under chapter 34 of such title; to the Committee on Veterans' Affairs.

By Mr. MOAKLEY:

H.R. 11766. A bill to provide financial assistance for research activities for the study of sudden infant death syndrome, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself and Mr. Rinaldo):

H.R. 11767. A bill to amend title VII of the Older Americans Act to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. SARASIN:

H.R. 11768. A bill to amend the Economic Stabilization Act of 1970 to exempt stabilization of the price of petrochemicals from coverage under the act; to the Committee on Banking and Currency.

By Mr. STARK:

H.R. 11769. A bill to terminate the Airline Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. STUCKEY:

H.R. 11770. A bill to permit the President to restrict U.S. exports to any country which he determines has restricted its exports of oil or any oil product to the United States as a punitive measure against the U.S. support of Israel, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PASSMAN:

H.R. 11771. A bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1974, and for other purposes; to Union Calendar No. 308.

By Mr. COUGHLIN:

H.R. 11772. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LITTON:

H.R. 11773. A bill to amend the National Emissions Standards Act in order to conserve fuel; to the Committee on Interstate and Foreign Commerce.

By Mr. MACDONALD:

H.R. 11774. A bill to provide for the effective and efficient management of the Nation's energy policies and programs; to the Committee on Government Operations.

By Mr. QUIE:

H.R. 11775. A bill to amend the Teacher Corps provisions of the Education Professions Development Act to provide for retraining of experienced teachers, and for other purposes; to the Committee on Education and Labor.

By Mr. SNYDER (for himself, Mr. Howard, Mr. Blatnik, Mr. Cleveland, and Mr. Taylor of Missouri):

H.R. 11776. A bill to amend the Applachian Regional Development Act of 1965; to the Committee on Public Works.

By Mr. STUBBLEFIELD:

H.R. 11777. A bill to establish an Energy Management and Conservation Corporation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TALCOTT:

H.R. 11778. A bill to provide retirement annuities for certain widows of members of the Uniformed Services who died before the effective date of the Survivor Benefit Plan; to the Committee on Armed Services.

H.R. 11779. A bill to amend title 38 of the United States Code in order to increase the rates of veterans' educational assistance, to provide that automatic cost-of-living adjustments be made to such rates, and to otherwise improve the educational assistance program; to the Committee on Veterans' Affairs.

By Mr. VANIK (for himself and Mr. Obey):

H.R. 11780. A bill to amend the Internal Revenue Code of 1954 to provide for a tax on every new automobile with respect to its fuel consumption rate, to provide for public disclosure of the fuel consumption rate of every automobile, to provide funding to develop more efficient automobile engines, and for other purposes; to the Committee on Ways and Means.

By Mr. VANIK (for himself, Mr. Donohue, Mr. Drinan, Mr. Eilberg, Mr. Gaydos, Mr. Lehman, Mr. Matsunaga, Mr. Mitchell of Maryland, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Rosenthal, Mr. Seiberling, and Mr. Wright):

H.R. 11781. A bill to amend the Internal Revenue Code of 1954 to provide for an energy conservation tax and an increase in the tax on gasoline, to establish the Energy Department and Supply Trust Fund, and for other purposes; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H.J. Res. 843. Joint resolution relating to sudden infant death syndrome; to the Committee on Interstate and Foreign Commerce.

By Mr. ECKHARDT:

H. Con. Res. 391. Concurrent resolution relative to U.S. military involvement in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. FASCELL (for himself and Mr. Bingham):

H. Con. Res. 392. Concurrent resolution expressing the sense of the Congress that the President, acting through the United Nations or other appropriate international organization, should call for international conferences to consider the present world energy crisis; to the Committee on Foreign Affairs.

By Mr. BAKER (for himself, Mr. Won Pat, Mr. Erlenborn, Mr. Nichols, Mr. Ketchum, Mr. Whitehurst, Mr. Robison of New York, Mr. Don H. Clausen, and Mr. Rinaldo):

H. Res 732. Resolution commending the President of the United States for his actions in the Middle East; to the Committee on Foreign Affairs.

By Mr. CULVER:

H. Res. 733. Resolution to provide for the printing of additional copies of the hearings before the subcommittee on Foreign Economic Policy entitled "Foreign Policy Implications of the Energy Crisis"; to the Committee on House Administration.

By Mr. RANGEL (for himself, Ms. Abzug, Mr. Clay, Mr. Mitchell of Maryland, Mr. Moakley, and Mr. Stark):

H. Res. 734. Resolution to request the resignation of the President of the United States; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

327. The SPEAKER presented a memorial of the Legislature of the Territory of Guam, relative to the age limit for membership in the Guam Legislature; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. RANGEL introduced a bill (H.R. 11782) to authorize the burial of the remains of Matthew A. Henson in the Arlington National Cemetery, Va., which was referred to the Committee on Veterans' Affairs.

SENATE—*Tuesday, December 4, 1973*

The Senate met at 10 a.m. and was called to order by the Acting President pro tempore (Mr. Metcalf).

PRAYER

Dr. Frank E. Gaebelein, head master emeritus, the Stony Brook School, Stony Brook, N.Y., offered the following prayer:

Our God and Father, Thou who art the giver of every good and perfect gift, help us to realize anew our dependence in all things upon Thee. Thy judgments are unsearchable and Thy ways past finding out. Give us that reverence for Thee, O Lord, that is the beginning of wisdom.

Amid the problems and uncertainties that face our Nation and the world, grant to each Member of this body the insight and the special measure of Thy grace needed for the duties of this day. Thou hast promised in the Scriptures to give wisdom to those who ask Thee for it and who ask without wavering. Help us, therefore, so to look to Thee in steadfast trust that we may understand Thy purpose for us. And in the manifold responsibilities of the day, do Thou be pleased, O God, to grant all who serve Thee here a sense of Thy joy which is our strength.

Through Jesus Christ our Lord. Amen.

ENROLLED BILL SIGNED—MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of December 3, 1973, the Secretary of the Senate, on December 3, 1973, received the following message from the House of Representatives:

That the Speaker had affixed his signature to the enrolled bill (H.R. 11104) to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

Under authority of the order of the Senate of December 3, 1973, the Acting President pro tempore (Mr. Metcalf) signed the enrolled bill.

REPORT OF COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of December 3, 1973, Mr. Hartke, from the Committee on Commerce, reported an original bill (S. 2767) to authorize and direct the maintenance of adequate and efficient rail services in the Midwest and Northeast region of the United States, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 1618. An act to name the headquarters building in the Geological Survey National Center under construction in Reston, Va., as the "John Wesley Powell Federal Building";

S. 2503. An act to name a Federal office building in Dallas, Tex., the "Earle Cabell Federal Building";

S. 2641. An act to confer jurisdiction upon the district court of the United States of certain civil actions brought by the Senate Select Committee on Presidential Campaign Activities, and for other purposes; and

S.J. Res. 155. A joint resolution authorizing the securing of storage space for the U.S. Senate, the U.S. House of Representatives, and the Office of the Architect of the Capitol.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6768) to provide for participation by the United States in the United Nations environment program.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that November 29, 1973, the President had approved and signed the following acts:

S. 2408. An act to authorize certain construction at military installations, and for other purposes; and

S. 2681. An act to authorize appropriations for the U.S. Information Agency.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. Hathaway) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, December 3, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. CURTIS. Mr. President, I ask unanimous consent that I may be excused from attending the session of the Senate from 3:30 p.m. today until my return to the city on Thursday, in order that I may attend a meeting of the National Association of Sugar Beet Growers, which I find it necessary to attend on official business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITION OF THE NAMES OF ALASKA AND HAWAII TO BE INSCRIBED ON THE WALLS OF THE LINCOLN NATIONAL MEMORIAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 570, S. 903.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 903, a bill to provide for the addition of the names of the States of Alaska and Hawaii to the list of the 48 States inscribed upon the walls of the Lincoln National Memorial.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 1, after the word "and", strike out "Hawaii." and insert "Hawaii: *Provided*, That such authorization is contingent on approval of the design and plans for such inscriptions by the Commission of Fine Arts, the National Capital Planning Commission, and the Advisory Council on Historic Preservation."; and, after line 5, insert a new section, as follows:

SEC. 2. There are authorized to be appropriated not to exceed $12,000 to carry out the purposes of this Act.

So as to make the bill read:

S. 903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of adding the names of the States of Alaska and Hawaii to the existing list of names of the forty-eight States inscribed on the walls of the Lincoln National Memorial, the Secretary of the Interior is authorized and directed to take such action as may be necessary to inscribe on the walls of such memorial, at an appropriate place and in a manner and style consistent with the existing inscriptions of the names of the forty-eight States, the names of the States of Alaska and Hawaii: *Provided*, That such authorization is contingent on approval of the design and plans for such inscriptions by the Commission of Fine Arts, the National Capital Planning Commission, and the Advisory Council on Historic Preservation.

SEC. 2. There are authorized to be appropriated not to exceed $12,000 to carry out the purposes of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from New York (Mr. JAVITS) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum with the time to be taken out of the time allotted to me.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVATE PENSION AND WELFARE REFORM

Mr. JAVITS. Mr. President, I had in mind this morning to discuss with the Senate and bring to the attention of the country a situation which has developed respecting the major measure which passed this body by a vote of 93 to 0, an extraordinary legislative development respecting the reform of pension and welfare funds.

Today I was slated to make a speech before the International Foundation of Employee Benefit Plans at the Mayflower Hotel during the noon hour.

As I went through the speech, it occurred to me that the message which it contained was so important, because I believe that so many millions of Americans are looking to pension and welfare plan reform as one of the great developments in Federal legislation, that it should be put before the Senate, and from the Senate floor, before the country.

Mr. President, notwithstanding the fact that this is what has been colloquially called one of the hottest bills in Congress, and a bill which passed this body unanimously, though it is an extremely complex measure, the leadership in the other body has announced that pension reform legislation will be put off until January of next year.

Of course, this decision was a great disappointment to all of us in the Nation and the Senate who have worked so hard and thus far successfully together to attempt to bring to fruition a meaningful pension reform law. This action—judging by my mail—was even more of a disappointment to many American workers who were looking forward to enactment into law this year of the Senate-passed pension reform bill, H.R. 4200.

But I would like to make it clear to all those who have written me and have otherwise expressed their concern over the disposition of this vital legislation, that I still predict completed enactment into law by the early months of 1974—if and it is a big if—the workers affected now make themselves heard as they did to the U.S. Senate for 2 years prior to passage of the bill there.

While I do not minimize the problems, it is a fact that we had similar problems in the Senate, but were able to work them out successfully. But it is important that we should mark the true significance of what has been transpiring before it gets imbedded in a congressional product. What I am referring to is the rather systematic effort on the part of opponents of this legislation to weaken it and dilute its effectiveness. That is a much more serious development—even than the delay—and though not entirely unexpected, one which will have the most important and I feel adverse bearing on the future of private pension plans.

Before examining some of the major problem areas in the legislation that seem to be emerging, a few general observations about the recent lobbying tactics seem to be in order.

After the Senate bill was passed on September 19, an effort was seemingly mounted to convince the Congress that the Senate bill was unduly complex and replete with technical errors. It appears, however, that very little has been done so far to make the legislation less "complex" or to cure technical deficiencies in the Senate bill. Instead, indications of action so far have proceeded to create the very complex and formidable proposal charged against the Senate bill by its opponents and to create new technical problems in place of the alleged old ones. Thus, it is apparent that opposition to the Senate-passed bill based on grounds of complexity and technical inadequacies was merely an indirect way taken by the opponents of the legislation who felt that the bill was too effective for them.

The principal parts of the Senate bill which have drawn the fire of its opponents seem to be those involving the treatment of multiemployer plans under the bill, the plan termination insurance program, the fiduciary standards, the portability program, and the provisions limiting tax deductions. I would like to comment briefly on these matters.

A. TREATMENT OF MULTIEMPLOYER PLANS

Opposition to the Senate bill on behalf of multiemployer plans has been led apparently by the Building and Construction Trades Department of the AFL–CIO. This opposition has been spearheaded by Martin Segal & Co., the actuaries and pension benefit consultants for the building and construction trade unions. Although originally this opposition focused on attempting to remove multiemployer plans from the application of the vesting, funding, and termination insurance provisions, it has now moderated to the point where the unions appear to concede the need for some coverage under the vesting and funding provisions, but still oppose plan termination insurance coverage except on a voluntary basis.

It is, of course, widely known that Martin Segal & Co. are longstanding opponents of pension reform legislation. As early as 1967 in testimony before the Joint Economic Committee a senior vice president of that company outlined all the basic objections to comprehensive pension reform legislation that have since become so familiar. And, as late as June 11, 1973, in the New York Law Journal, the president of that company argued for a limited benefit system of compulsory private pension plans for every employer in the country, which would be an additional layer on social security. Beyond the requirements of this compulsory limited benefit system he argued there should be no regulation of private pension plans at all.

As to vesting, it still seems clear that the Building Trades Department would prefer no minimum vesting requirements at all to apply to multiemployer plans even though according to the Bureau of

Labor Statistics 53 percent of all multiemployer plans lack vesting provisions. By way of contrast, 24 percent of all the plans in the country lack any vesting provisions. Thus, it is clear that in terms of vesting, the need in multiemployer plans is perhaps the greatest.

If the multiemployer plans are not successful in eliminating the application of the vesting standards to such plans, it appears that their effort is then directed toward providing for much later vesting in multiemployer plans, for longer transitional periods before a multiemployer plan needs to come into compliance with vesting standards and for more open-ended rules concerning vesting of part-time workers and calculating break-in service requirements.

Granted that there may be some difficulty in applying the vesting and eligibility rules to some multiemployer plans, it still remains to be demonstrated persuasively that workers in multiemployer plans in general should be treated differently than workers in single-employer plans. Since it is difficult—if not impossible—to demonstrate that proposition, the other tactic is to come out with the weakest vesting standards for all plans in order to accommodate the specialized treatment sought by the multiemployer plans.

In the House Labor Committee bill, H.R. 2, the pension plans are given three vesting options: First, they can vest on the basis of 100 percent at the end of 10 years; second, they can vest 30 percent at 8 years going up by 10-percent increments until 100-percent vesting is reached at the end of 15 years; or, third, they can vest under the so-called rule of 45, that is, when a worker's age and service add up to 45 he is 50 percent vested and 100 percent vested within 5 years thereafter.

The basic difficulty with this approach is that it would permit the plans to choose the most inequitable vesting standard from the point of view of the worker, that is, the "rule of 45," which is really a warmed-over version of the administration's "rule of 50," and is hardest on older workers coming into the plans.

Nor does H.R. 2 tell us how employees are to vest and in what amounts when a plan switches from one vesting option to another and this, standing by itself, could result in major complications and unfairness to employees. In any event, it seems clear that a vesting rule ought to be "age-neutral" and it ought to be as uniform as possible if workers are to know where they stand. I do not understand and I do not think workers will understand why it is they get one kind of vesting under law if they are in one kind of plan and another kind of vesting in another kind of plan.

The same thing holds true with respect to plan termination insurance. Admittedly the loss of pension benefits due to plan terminations is relatively small and the loss of such benefits in multiemployer plan terminations is even smaller. Still, when it does happen, the consequences to the workers affected are tragic and this gives a "black eye" to private pension plans in general and hurts worker morale, which is a critical factor nowadays.

The building and construction trades argue that there never has been a multiemployer plan termination in that industry and, therefore, they do not need the insurance. What my staff has unearthed challenges that assertion. For example, I am informed by the Labor Department that Plasterers' Local 314, Long Island City, N.Y., had a plan which terminated in 1972. On termination the plan had $257,000 in benefit liabilities and was only able to cover $17,000 of that amount. Thus, the participants in that plan may have lost over 90 percent of their benefits.

Even more important, however, is the fact that data for benefit losses resulting from "partial terminations" in multiemployer plans is almost completely lacking. The recent final report prepared by the Departments of the Treasury and Labor, entitled "Study of Pension Plan Terminations, 1972," at page 69, that because partially terminated multiemployer plans were not included in the study, "the survey may understate the number of participants involved and extent of benefit losses in all multiemployer pension plan terminations."

The Senate Labor Subcommittee had a classic example of a multiemployer plan "partial termination" which was not reported in the Labor-Treasury Department survey—see page 52 of that report for the reasons. That case involved the "partial termination" of the New Jersey Brewery Employees' Pension Plan caused by the closure of P. Ballantine & Sons. The plant closure by P. Ballantine & Sons and the firm's consequent withdrawal from the plan in March, 1972, caused a reduction in the plan's benefit formula. It is estimated that employees lost benefits with a present value of about $8 million; 450 nonretired workers lost benefits with a present value of about $4.5 million, and about 300 employees eligible for immediate retirement lost benefits with a present value of about $3.5 million.

What happened in the multiemployer New Jersey Brewery Employees' Pension Plan is much more typical of what could happen in multiemployer plans generally. Every industry is likely to experience its ups and downs, resulting in significant employer withdrawals from multiemployer plans and hardship to employees and/or financial problems for the remaining employers contributing to the plan who have to shoulder the burden created by the withdrawing employers. Section 463(d) of H.R. 4200—the Senate bill—specifically recognizes this problem and provides for special insurance protection to multiemployer plans in these circumstances.

The invaluable protection that would be afforded under this provision has been clearly recognized. In testimony before the Senate Labor Committee, on S. 3598—a predecessor of H.R. 4200—Andrew Biemiller, director, Department of Legislation, AFL–CIO, testified:

> Although not included in title IV, section 217(e) (1), (2), and (3) would also appear to have special significance in relation to the bill's proposed reinsurance program. This provision is new and not included in any other bill.
>
> The purpose of the section would be to make a multi-employer plan whole were one or more employers to withdraw from the plan with the result of causing a significant reduction in the rate of aggregate contributions to the plan. We strongly support this provision." (see Hearings before Subcommittee on Labor on S. 3598, Part 3, June 28 & 29, 1972, 92nd Congress, 2nd Session, at p. 1112).

The building trades argue that multiemployer plans ought to be able to join the insurance program on a voluntary basis. Even this suggestion implies a recognition that there might be some need for multiemployer insurance protection. I doubt, however, that adequate reserves to cover partial terminations of multiemployer plans could be supported on a voluntary basis. There needs to be a much wider dispersal of the risk, and that can only be accomplished on a compulsory basis.

Again, it is difficult to understand why multiemployer plan unions would not want their members also to be covered by valuable insurance protection—protection that may be needed now more than ever in light of the energy crisis and its potential economic consequences. The cost of this insurance protection is fantastically low and may be made even lower for multiemployer plans.

B. PLAN TERMINATION INSURANCE

In addition to the opposition of multiemployer plans and others to plan termination insurance, there has developed as a proposal, a plan termination insurance program that would be administered and enforced through a privately run insurance corporation. Committee Print No. 1, the Ways and Means Committee tentative draft for November 21, 1973, *would* establish such a private insurance corporation with provisions for a takeover by the public corporation established under the Senate's H.R. 4200 and administered within the Labor Department, if the private insurance approach did not work out. This proposal was offered too late in the day for either the Senate Labor Committee or the Senate Finance Committee to consider it.

I do not find objectionable the idea that the private insurance sector could play a role in the plan termination insurance program. Indeed, the Senate bill provides such an opportunity in connection with insurance of the employer's contingent liability on plan termination. But I believe that the proposal has got the situation backwards. Why is not the more appropriate approach at this time to set in motion the public insurance program in H.R. 4200—Senate—and have the corporation established by that bill study the feasibility of operating in whole or in part through the private insurance route? It seems to me that that would relieve a great deal of the uncertainty that would be generated by setting in motion first a private insurance to see whether that is feasible, and then 2 or 3 years later arguing among ourselves whether it is or is not. We know the approach in H.R. 3200 is feasible because it is essentially the same approach that has been used for insurance of bank deposits, mortgage loans, and similar matters and we ought to start with assurance not uncertainty.

It needs to be appreciated fully that the plan termination insurance agency performs a regulatory as well as an insurance function. Decisions have to be made as to when a plan is terminated, as to the extent of employer liability, if any, as to conformity with fiduciary and actuarial requirements, as to adherence with the funding standards, and many other things. The private insurance proposal would appear to turn over all these functions to a board which is dominated by representatives of the pension industry itself. Thus, in the area of plan terminations the industry would be called upon to self-police itself when it has had no previous history or tradition of such self-policing. Therefore, standing as it does now, this proposal raises many troublesome questions even though the idea of private plan termination insurance it attractive and ought to be and would be studied further, if the provision of H.R. 4200 became law. I have, therefore, concluded that, at this time, the termination insurance approach offered by the Senate bill is more effectively designed to provide the kind of guarantees that workers need and ought to have.

C. FIDUCIARY STANDARDS

Perhaps the most objectionable feature of H.R. 2, in my judgment, is its fiduciary provisions. H.R. 2 as reported by the House Labor Committee permits fiduciaries to deal with parties-in-interest in the plan provided the transaction is for "adequate consideration." This approach constitutes, I feel, no improvement over existing law whatsoever, since essentially that is the current standard employed by the Internal Revenue Service under the prohibited transactions section of the Internal Revenue Code. And, it is the weakness inherent in the approach of the Internal Revenue Code which has led to much of the conflict of interest abuse which we have seen evidenced in the Senate hearings.

For example, it will be recalled that in the Senate Labor Subcommittee hearings of 1971 there was testimony that the pension funds of Genesco Inc. had engaged in sizable real estate leaseback arrangements with the S. S. Kress Department Stores which had been acquired by Genesco. Indeed, most of the acquisition activities of Genesco, including S. S. Kress, were financed through the Genesco pension funds.

According to the Magazine Pensions and Investments of October 29, it now appears that Genesco will close 110 Kress Department Stores owned by the pension fund and that because many of these stores are in poor locations or in decaying suburbs, millions of dollars could be wiped off the value of the pension trust's assets. Now the article further indicates that Genesco will reimburse the pension fund from its corporate assets of any losses the pension fund sustains as a result of the closing of these unprofitable stores. If true, that decision represents a needed element of corporate responsibility, but can that kind of responsibility be counted on from others when it is entirely voluntary and not required by law?

Unfortunately there may be many other corporations which would not or could not subsidize losses sustained by their pension funds as a result of such flagrant self-dealing. Not only are these provisions in my judgment unwise as fiduciary law—they would also undermine completely a viable plan termination insurance program and would call into question the wisdom of preempting State law on this subject. After all, there is no point in preempting State law if the Federal provisions are so loose as to protect inadequately the interests of workers in their pension funds.

D. PORTABILITY AND TAX DEDUCTION LIMITATIONS

There also has appeared a tendency to jettison the voluntary portability provisions of H.R. 4200—Senate—and to rewrite the title VII—tax deduction limitations provisions. With respect to the former, it has been suggested that it is not needed because present provisions of the Internal Revenue Code permit voluntary tax-free transfers between tax qualified plans. The trouble is that no one really has ever utilized the provisions of the code to attain portability between tax qualified plans because of the actuarial considerations involved, particularly insofar as defined benefit plans are concerned. The clearinghouse format established by the Senate bill would permit the development of appropriate actuarial techniques at a lower unit cost because all those participating in the fund would share in this expense. The dropping of this very mild provision in the Senate bill is, I feel most undesirable, notwithstanding the clamor against the provision.

Insofar as the tax-deduction limitations are concerned, the principal controversy appears to be over the $75,000 limitation on tax qualified executive pensions. I believe that is a fair and responsible limit and that it is unreasonable to expect so substantial a figure to result, as is charged in drying up executive incentives or impeding the growth of American business.

Up to now, the dominant voices heard since H.R. 4200 passed the Senate seem to be those of pension reform opponents and special pleaders. The voices of the affected workers need to be heard in the coming months loud and clear, particularly as the impact of the energy crisis is felt. And their message must be: "Let us get on with the pension reform bill and get an effective one passed." I believe that the future of private pension plans—a vital element in the productivity and morale of the American worker—may well depend on that message getting through.

Mr. President, in conclusion, I have laid these arguments before the Senate so that they might appear in the RECORD; because this matter is so critically important to 35 million American workers covered by private pension plans that it is highly desirable that these problems be called to the attention of the country and of all Members of Congress, rather than be allowed to wait until some very serious mistake is made, with resultant embarrassment and delay in this critically important legislation.

So I hope very much that our colleagues in both Houses will read these remarks very carefully and that they may have a constructive effect.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Mississippi (Mr. STENNIS) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time allotted to Mr. STENNIS be given to me for my control.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask that the time be taken out of the time under my control.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield such time as he may require to the Senator from North Carolina, out of my time.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

INCREASE IN SUMS ALLOTTED TO THE SENATE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

Mr. ERVIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 209.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 209) to increase the sums allotted to the Senate Select Committee on Presidential Campaign Activities for the expenses of conducting the investigation and study authorized and directed by Senate Resolution 60 which was adopted on February 7, 1973.

Mr. ERVIN. Mr. President, this resolution was submitted by Senator BAKER, the vice chairman of the Senate Select Committee on Presidential Campaign Activities, and myself, by the authority of a unanimous vote of all members of the select committee. The members of the select committee recognize that the committee needs this additional money in order to complete the mission entrusted to it by the unanimous vote of the Senate in adopting Senate Resolution 60.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. ALLEN. I hasten to say that I support the resolution. I ask the distinguished Senator from North Carolina if it is part of the directive that the Senate gave to the so-called Watergate Com- law to overcome abuses in campaign mittee to recommend changes in the practices.

Mr. ERVIN. Yes. That was the primary reason why the committee was established.

The committee proposes to do that and is now studying proposed changes in the law which the committee thinks would tend to forestall the occurrence or reoccurrence of the kind of tragedies known collectively as the Watergate affair.

Mr. ALLEN. Could the Senator, as a matter of information to the Senator from Alabama and the Senate give some estimate of the time when it might be anticipated that that report would be made?

Mr. ERVIN. I hope the committee will be in a position to make a report and recommendations to the Senate not later than the expiration date of the committee, which is February 28, 1974, under the resolution.

I might state we have been handicapped by the fact that the White House has refused to submit to the committee tapes requested of the White House by the committee, and has refused to submit to the committee documents containing evidence relevant to the committee's investigation, and also, at the present time, by the fact that certain witnesses have refused on the advice of their counsel to appear before the committee and testify.

Mr. ALLEN. In all likelihood, may I ask the Senator, those recommendations will be made available to the Senate to consider along with legislation which was discussed on the floor yesterday that might possibly come from the Committee on Rules and Administration?

Mr. ERVIN. Oh, yes. I think that the investigation discloses a drastic need for some very substantial legislation in this field. I might add that during the early stages of the investigation the distinguished Senator from Nevada (Mr. CANNON), the chairman of the Committee on Rules and Administration, introduced and piloted through the Senate a very fine election reform bill which incorporates some of these reforms which, in my opinion, are necessary.

Mr. ALLEN. That is S. 372?

Mr. ERVIN. Yes, I believe that is the number.

Mr. ALLEN. I thank the distinguished Senator from North Carolina. I wish to commend him for the fine work which he and his fellow members of the Watergate committee have done, and the great service they have rendered to the country. Certainly the Senator from Alabama looks forward with great interest to the recommendations that this committee will make as to legislation that it feels is necessary to cure some of the campaign ills.

Mr. ERVIN. I thank the Senator.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. ERVIN. Yes.

Mr. CURTIS. At the appropriate time I would like to make a few inquiries concerning the work of the committee and concerning the resolution, but I will forego those until such time as the distinguished chairman of the committee has completed his statement.

Mr. ERVIN. I have completed my presentation.

Mr. CURTIS. Very well.

Mr. ERVIN. I will yield the floor.

Mr. ROBERT C. BYRD. Mr. President, I will yield such time of my remaining time as the Senator may require.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. CURTIS. Mr. President, are we under controlled time on this?

The ACTING PRESIDENT pro tempore. We are under controlled time. The Senator from West Virginia yielded his time to the Senator from North Carolina, and the Chair said that without objection we would proceed under the time that was yielded.

Mr. CURTIS. Mr. President, a further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. CURTIS. Has any unanimous consent been stated and agreed to that limits the time for the consideration of Senate Resolution 209?

The ACTING PRESIDENT pro tempore. No.

Mr. CURTIS. Then, we are not under controlled time?

Mr. ROBERT C. BYRD. Mr. President, may I respond to the Senator?

The ACTING PRESIDENT pro tempore. Yesterday a series of orders for the recognition of Senators, as is customary, was adopted. We are under that series of orders at this time. If we do not finish the business on this measure in the time yielded to the Senator from North Carolina, then there would then be no further time left for its consideration.

Mr. CURTIS. Very well.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

Mr. CURTIS. Mr. President, I would like to ask the distinguished chairman how much money already has been made available to this select committee?

Mr. ERVIN. $1 million, which is $1.8 million less than the Special Prosecutor has been allotted, and the Special Prosecutor has the FBI to assist him in his investigation, whereas we have to employ our own investigators.

Mr. CURTIS. I did not get the amount.

Mr. ERVIN. $1 million.

Mr. CURTIS. $1 million.

Mr. ERVIN. As I say, the Special Prosecutor has been allocated $2.8 million for the purpose of conducting his investigation.

Mr. CURTIS. The Special Prosecutor has not been——

Mr. ERVIN. And he has the assistance of the FBI, and we have no free assistance whatever.

Mr. CURTIS. But the Special Prosecutor has no interest in S. Res. 209.

Mr. ERVIN. No, none whatever.

Mr. CURTIS. How much of the $1 million remains?

Mr. ERVIN. Well, a relatively small amount; about enough to meet the next payroll.

Mr. CURTIS. How much of that has been spent on salaries of investigators?

Mr. ERVIN. I cannot tell the Senator. There has been a good deal spent on investigations, but our staff is much smaller than the staff of the Special Prosecutor. Also we do not have the FBI to go out and conduct our investigations. We have to send investigators all over this country, and we have to pay the expense and the per diem of hundreds and hundreds of witnesses who are interviewed by the committee staff as well as those who testify before the committee.

Mr. CURTIS. The Senator does not know how much has been spent on salaries for investigators?

Mr. ERVIN. I do not have the figures in my mind. To me it is immaterial how the money is spent, just so it is spent to accomplish our mission.

Mr. CURTIS. What is the mission?

Mr. ERVIN. To determine the truth in respect to the matters mentioned in the resolution and to make recommendations for legislation to the Senate which in the opinion of the committee the results of the investigation indicate to be necessary or desirable.

Mr. CURTIS. Does the distinguished Senator subscribe to the doctrine or principle that legislative investigations are for the purpose of securing information to legislate?

Mr. ERVIN. Oh, yes.

Mr. CURTIS. Does the Senator contend that a legislative committee has authority to expose for the sake of exposure?

Mr. ERVIN. Well, the most knowledgeable student of the American Constitution whoever occupied the White House was Woodrow Wilson, and Woodrow Wilson said that a congressional committee has the power under the Constitution to conduct an investigation for three purposes: First, to determine whether existing laws ought to be amended, or repealed, or supplemented by new laws; second, to ascertain whether the executive branch of government is faithfully executing existing laws; and third, to inform the American people as to how persons vested with great governmental power and great political power are conducting themselves.

I might say to the distinguished Senator from Nebraska that the present occupant of the White House on a number of occasions has quoted with great approval and great emphasis what Woodrow Wilson had to say on these points.

Mr. CURTIS. My question is this: After you get sufficient information upon which to make legislative recommendations does the Senator feel his committee is vested with power to expose wrongdoing just for the sake of exposure?

Mr. ERVIN. I claim the Select Committee has not completed the task imposed upon it by the unanimous vote of every Senator, including the distinguished Senator from Nebraska.

Mr. CURTIS. Would the Senator repeat, I did not get that.

Mr. ERVIN. I claim—and I think that my view is shared by virtually every member of the select committee—that the select committee has not yet been able to complete the task imposed upon it by the unanimous vote of every Member of the Senate, including the Senator from Nebraska.

The ACTING PRESIDENT pro tempore. The time yielded to the Senator from North Carolina has expired.

Under the previous order the Senator from Washington (Mr. Jackson) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the remainder——

The ACTING PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from West Virginia?

Mr. JACKSON. Mr. President, I am willing to accommodate the Senator from North Carolina, and I yield.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the remaining time allotted to the distinguished majority leader be allotted to the distinguished Senator from North Carolina at this time, without prejudice to the distinguished Senator from Washington.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is asking that item No. 6 be advanced and that the time of the Senator from Montana (Mr. Mansfield) be yielded to the Senator from North Carolina. Is there objection? No objection is heard, and the Senator from North Carolina is recognized for 15 minutes.

Did the Senator from West Virginia want to yield that time to the Senator from North Carolina?

Mr. ROBERT C. BYRD. I yield to the Senator from North Carolina. He may yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, will the Senator yield for a few more questions?

Mr. ERVIN. I yield to the Senator from Nebraska.

Mr. CURTIS. How much of this $1 million that the committee received has been spent on travel?

Mr. ERVIN. I would say a great deal of it has been spent on travel because we have sent out investigators to various areas of the country to interview witnesses and we have to transport witnesses from various areas of the country to Washington to appear before the staff of the committee and before the committee.

Mr. CURTIS. Has any part of this $1 million been used to provide for the maintenance of witnesses either before, during, or after their testimony?

Mr. ERVIN. Under the law we have to pay a witness fee, and we have been paying witness fees.

Mr. CURTIS. Have any payments been made to any witnesses beyond the regular witness fee and the mileage?

Mr. ERVIN. They have been paid their witness fees and their expenses of attending before the committee and traveling to and from Washington.

Mr. CURTIS. And what does the Senator mean by "expenses"? Is that his hotel and other expenses here in Washington?

Mr. ERVIN. Yes; we have paid the expenses of witnesses.

Mr. CURTIS. Have those expenses extended beyond the time that they were testifying?

Mr. ERVIN. Not so far as I have ever heard. Of course when we discharge them we pay their expenses back to their homes.

Mr. CURTIS. How many months has the committee operated?

Mr. ERVIN. The committee started its work on the 17th day of May 1973, and it has held, I think, about 43 days of hearings.

Mr. CURTIS. And on the basis of that, the Senator contends now that he needs 50 percent more than he has already spent. Is that correct?

Mr. ERVIN. We contend really that we have done this work very cheaply as compared with the Special Prosecutor.

Mr. CURTIS. I do not know that that is much to the committee's credit. The Special Prosecutor has had a lot of money. He had 81 assistants. All they have gotten out of it is 3 defendants who pled guilty to 1 count of an indictment and 3 similar cases against corporations and 1 other indictment, which is not much showing for 81 lawyers.

Mr. ERVIN. After he got to the point where he was able to go forward, the first Special Prosecutor was fired and the Department of Justice had to bring in a new Special Prosecutor.

Mr. CURTIS. Could the distinguished chairman give us a copy of the financial report that was presented to the Committee on Rules and Administration showing the expenditures of this $1 million?

Mr. ERVIN. The Senator from Nebraska can go to the offices of the select committee where he will find the financial records which are a matter of public record.

Mr. CURTIS. Does the Senator mean that the Rules Committee and the Senate having, some months ago, given the committee $1 million——

Mr. ERVIN. The Rules Committee has never given us anything. All the money that has been given us was given us directly by the Senate.

Mr. CURTIS. Does the Senator mean that Senate Resolution 209 has not been before the Rules Committee?

Mr. ERVIN. Absolutely not. None of the resolutions have been before the Rules Committee.

Mr. CURTIS. Is there any particular reason for that?

Mr. ERVIN. Yes, because the Senate adopted the original resolution, Senate Resolution 60, by unanimous vote.

Mr. CURTIS. A number of resolutions and laws may be adopted by unanimous vote, but that certainly does not alter the appropriating process.

Is it not true that the orderly way would have been to have Senate Resolution 209 referred to the Rules Committee, the Rules Committee hold hearings, take testimony concerning the expenditures in the past, and then give the Senate the benefit of its recommendations?

Mr. ERVIN. There are two ways in which the committee could proceed under the rules of the Senate. One would be to introduce a resolution and have it referred to the Rules Committee. The other would be to do exactly what the committee has done, that is, present the Senate to do that. My question was simimmediate consideration or unanimous consent that it be placed on the calendar.

All the resolutions relating to funds for the select committee have been placed on the calendar by unanimous consent of the Senate, which adopted Senate Resolution 60 by unanimous vote.

Mr. CURTIS. Yes, I have been aware that that was a unanimous vote, but that is not carte blanche authority to disregard all other laws and procedures.

The question is this: Has the select committee filed a financial report with the Rules Commitee or the Senate itself at all concerning the $1 million?

Mr. ERVIN. There is no obligation on the part of the select committee to file a finance report with the Rules Committee or with the Senate at this time.

Mr. CURTIS. Well, has the committee filed it?

Mr. ERVIN. No. If the Senator is interested in the financial activities of the committee, he can find the records relating to them in the committee's offices.

Mr. CURTIS. It is not a question of what the Senator from Nebraska wants. We are the custodians of the public funds, and whenever one of our own committees or a Government department is given a sum of money, they come back for more. I maintain it is not only orderly procedure but an obligation that we have to expect a report on the money already granted and a written schedule of the anticipated expenditures for which the additional money will be used.

Mr. ERVIN. The anticipated expenditures have been set out twice previously in the resolutions.

Mr. CURTIS. I would like the Record to show that the junior Senator from Nebraska served on the Rules Committee many, many years, and our practice has always been, on the special and select committees, to have these resolutions go through the Rules Committee. When someone comes in for a new request, evidence is taken as to what they plan in the way of a budget, and then when they appear for additional money, a report is made showing, not in minute detail but in general detail, the expenditures and what has been done with the money and what they need the additional money for.

Do I understand the distinguished chairman to say that no report has been made to either the Committee on Rules and Administration or to the Senate?

Mr. ERVIN. Mr. President, I know of no law which requires us to make a report to either the Rules Committee or the Senate under the circumstances now existing.

Mr. CURTIS. Mr. President, the Senator from North Carolina is a distinguished jurist. He knows that answer is not responsive.

Mr. ERVIN. The answer is responsive.

Mr. CURTIS. Has there been a report?

Mr. ERVIN. Will the Senator from Nebraska point out any law which requires us to make a report to the Committee on Rules and Administration concerning a matter with which the Rules and Administration Committee has had nothing to do?

Mr. CURTIS. I cannot point out the statutory requirement. However, I can point to the continued procedure of the Senate the resolution and ask for its ple. Has the select committee made any kind of written report to the Committee on Rules and Administration or to the Senate? The answer is "No." Is that not right?

Mr. ERVIN. The Senator is correct. I answered that question some time ago.

Mr. CURTIS. No. The Senator has given me a lecture on what the law is.

Mr. ERVIN. No. I have been receiving lectures from the Senator from Nebraska.

Mr. CURTIS. No. No.

Mr. ERVIN. I have been receiving lectures from the Senator from Nebraska as to why I ought not to pursue rules of the Senate of which he disapproves.

Mr. CURTIS. No. The Senator from Nebraska suggests that we follow the usual procedure and that these money resolutions go to the Committee on Rules and Administration, and that the committee asking for the money file reports and that they also file an anticipated budget. That is one of the reasons why I find it necessary to make an inquiry here as to what is going on.

If the Senator can run the committee from last spring until now and have a little bit of funds left, I do not know why it would take another $1.5 million to run from now until February.

It may be that the figures are correct as stated. However, the only way I can find out is by following the orderly procedure. How many people are employed by the committee?

Mr. ERVIN. The number has varied from time to time. The number of committee employees have usually been between 60 and 65.

Mr. CURTIS. How many of those employees are lawyers?

Mr. ERVIN. I would say perhaps 20 of them.

Mr. CURTIS. And in what category or occupation would the other 43 or 44 fall?

Mr. ERVIN. Some of them are secretaries, some of them are investigators.

Mr. CURTIS. Would the Senator give the Senate the benefit of the names of the individual consultants who have been employed by the committee?

Mr. ERVIN. There have been very few consultants. Prof. Arthur S. Miller, of the George Washington Law School, has been one of the principal consultants. But we have also at times consulted others, including Prof. Philip Kurland, of Chicago University and Prof. Alex Bickel, of Yale Law School on rare occasions.

Mr. CURTIS. None of those has been full time?

Mr. ERVIN. The Senator is correct.

Mr. CURTIS. The resolution says:

> Of which amount not to exceed $50,000 shall be available for the procurement of the services of individual consultants or organizations thereof.

What organizations has the committee employed on a consulting basis heretofore?

Mr. ERVIN. None. So far as I can recall.

Mr. CURTIS. What one does the committee have in mind employing?

Mr. ERVIN. I do not have any in mind.

Mr. CURTIS. What is the purpose of the authorization in the resolution setting aside $50,000 to be available for the procurement of services of individual consultants or organizations thereof?

Mr. ERVIN. So that the resolution will conform to the desires of the Senator from Nebraska and be in the customary form.

Mr. CURTIS. What organizations does the committee have in mind consulting?

Mr. ERVIN. I told the Senator a minute ago that I had none in mind.

That was put in the resolution so that the committe could do that at some future date if it decided to do so.

Mr. CURTIS. Have any organizations consulted without fee with the committee?

Mr. ERVIN. There has been some effort to persuade various organizations to make recommendations as to what they think the committee ought to recommend as to legislation. However, I have not been very active personally in that effort. So far as I know, no organization has consulted us.

The PRESIDING OFFICER (Mr. ALLEN). The time allotted to the Senator from North Carolina has expired.

Mr. MANSFIELD. Mr. President, if I have any time remaining, I would be glad to yield it to the Senator.

The PRESIDING OFFICER. The Senator from Montana has no time remaining. Time is available to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, would the Senator from Washington care to yield to the Senator?

Mr. JACKSON. Mr. President, I am chairing a committee meeting. I wanted to be fair about the matter. I have given up 15 minutes already. I have a meeting of the Committee on Interior and Insular Affairs. If the Senator would not mind, I have a statement that I would like to make. I have been here since 10:30 with the understanding that that was when I would speak. How much longer would the Senator take? I have a 15-minute speech.

Mr. CURTIS. Mr. President, I have no exact idea on that. I assume that much of the information I am trying to seek would be in the report. However, it is not.

Mr. JACKSON. Mr. President, I wanted to be fair about the matter.

Mr. CURTIS. Mr. President, I certainly think that the distinguished Senator from Washington ought to proceed.

The PRESIDING OFFICER. In accordance with the previous order, the Chair recognizes the distinguished Senator from Washington (Mr. JACKSON) for not to exceed 15 minutes.

SALT: AN ANALYSIS AND A PROPOSAL

Mr. JACKSON. Mr. President, it is now 4 years since the negotiations to limit strategic arms opened in Helsinki and over a year since the second phase of these negotiations began in Geneva. In the period since November 1969, the strategic balance between the United States and the Soviet Union has undergone a radical transformation: American superiority in the numbers of strategic launchers, their throw weight and their ability to deliver independently targetable warheads has given way to Soviet superiority in the first two categories and to competition in the third—competition that, by the nature of the base upon which each of us is building, must be assumed to lead eventually to Soviet superiority in numbers of warheads consistent with the Soviet advantage in numbers of missiles and their size.

A few weeks ago the Soviet Union proposed a draft treaty at the SALT talks in Geneva. This Soviet proposal, which is so one-sided as to be completely unacceptable to the United States, actually represents a step backwards in the search for a more stable strategic balance and a more peaceful world. With this unfortunate step in the wrong direction, the SALT talks have reached an impasse.

I believe, Mr. President, that we ought to make a determined effort to end this impasse by moving from arms control proposals that serve the interests of one side only to a proposal for serious and far-reaching disarmament that would leave both sides in a position of strategic equality. To accomplish this objective I have formulated a specific proposal—one that would mean an immediate reduction in the strategic arsenals of both the United States and the Soviet Union so that the combined intercontinental strategic forces of the two countries would be reduced by about one-third.

SALT AND STABILITY

From the beginning I have supported the objective of a stable strategic balance between the United States and the Soviet Union—a balance that, by containing the risks of nuclear war, would enable the United States to enhance the security of its people and the interests of its allies. Like most of my colleagues and the overwhelming majority of my fellow citizens, I have considered that serious negotiations with the Soviet Union offer one avenue to the attainment of such stability; and I have therefore supported—and, in my capacity as chairman of the Subcommittee on Arms Control I have closely followed—the Strategic Arms Limitation Talks.

If I have supported the SALT negotiations with greater caution than some of my Senate colleagues, it is because I am constantly mindful of the extraordinary difficulty, under the best of circumstances, of achieving a stable military balance between adversaries. Between two nations as fundamentally dissimilar as the United States and the Soviet Union, the difficult process of accommodation in the interests of stability is immensely complicated. After all, negotiations between allies can be difficult enough—as even a cursory review of current Atlantic diplomacy reveals—but negotiations between nuclear adversaries on the sensitive issues of strategic policy are infused with problems that call for the most careful deliberation and a large dose of caution. We must constantly ask ourselves whether a little more time to deliberate, a little more thought and analysis, greater precision or a new concept might not bring about a more stable state of affairs and consequently a more peaceful world.

If the rewards of caution are obvious, the price of undue haste is great. Decisions that directly affected the outcome of the SALT I interim agreement were often taken in less time than a prudent man would devote to the question of whether to purchase a new home, and sometimes with a good deal less analysis of the alternatives. Ambiguities in the interim agreement that might have been resolved after a good night's sleep in Moscow and an additional day of negotiation have come back to haunt us. And assumptions that underlay the administration's sanguine assessment of SALT I, so often characterized as a "first step," on the potential for a broader "second step" agreement in SALT II, have been predictably upset by subsequent Soviet behavior. Whatever the virtues of the "first step," it is better to make it onto solid ground than into quicksand.

NEGOTIATION WITH A CLOSED SOCIETY

The SALT negotiations are being conducted between an open society and a closed one, between a status quo power and one whose ambitions extend beyond its own territory and that of its satellites, between an America that subordinates its armed services to a freely chosen civilian rule and a Soviet Union ruled by men who, in the last resort, cannot govern without the support of a vast military establishment. These are negotiations between a country that is a member of an alliance of free and independent states and the conductor of a chorus of satellites, between an open society whose philosophy and intentions can be generally measured and understood and a closed society in which, to use George Orwell's memorable phrase, "yesterday's weather can be changed by decree,"—as can tomorrow's foreign policy and strategic objectives.

These fundamental differences between our two societies—and they could be multiplied—greatly complicate the effort to negotiate a SALT agreement. Even though there were those inclined to argue that in the first tentative measures taken at SALT I it was possible to proceed as though these differences did not exist or were not relevant, I doubt that many would hold to that view now that we are into SALT II.

Of the many difficulties that arise from the differences between the United States and the Soviet Union, the one that most profoundly affects the SALT talks is our inevitable uncertainty as to the interests, concepts, motives and objectives of Soviet arms control policy. Here we are adrift on seas which, if uncharted, leave us without bearings—or, if charted by Russian history, without optimism.

SHARING OUR BASIC OBJECTIVES

We will not get very far in negotiating at SALT II in the absence of the crucial precondition on which all such negotiations ultimately depend: a sufficient sharing of basic objectives so that both sides measure success by more or less the same criteria. Those criteria must relate to the stability of the strategic balance—to the maintenance of sufficiently invulnerable strategic forces in a relationship, not of great disparities, either actual or potential, but of equality. I believe that the Congress understood this in passing by a substantial margin my amendment to the resolution authorizing the SALT I interim agreement; and I believe that the President, in signing that amendment into law gave ample evidence of his concurrence. At the heart of my amendment was the principle of equality—a principle that was clearly aimed at in the ABM treaty and just as clearly ignored in the interim agreement.

There is no doubt that progress at SALT would be greatly facilitated if we could be reasonably certain that the Soviets share this conception of strategic stability, and if we could be confident that their objectives at SALT, as well as their strategic deployment programs, grow out of a shared doctrine of nuclear stability and strategic equality. Unfortunately, neither the Soviet posture at SALT nor their present deployment program nor, for that matter, anything in their military writings, gives the slightest reassurance that they view the SALT deliberations as a path to mutual security through nuclear stability based on strategic equality.

There is no divining rod by which we can know with certainty just what brings Moscow to the negotiating table at Geneva, but this does not mean that we are without a basis for some judgment. I know of no way to obtain a clear indication of the Soviet interest in SALT except to evaluate very carefully, first, the arms limitations that they are prepared to accept, and second, the strategic weapons they continue to deploy. On both these measures—Soviet arms control proposals and Soviet deployment programs—current indications are not encouraging.

THE SOVIET STRATEGIC BUILDUP

In recent months we have seen the development by the Soviet Union of a significant number of new weapon systems incorporating an impressive range of new and costly technology. Not only have the Soviets achieved a genuine MIRV capability, but they have done so by developing two quite distinct MIRV technologies. They have tested a whole new generation of intercontinental ballistic missiles, land and sea based, incorporating new technologies as well as new launch techniques. They have developed a mobile, land-based ICBM. They have moved to increase by a very substantial factor the throw weight of their missile forces despite the fact that they already enjoy a threefold advantage in this area. These developments, all of which have come to light since the SALT interim agreement designed to limit offensive weapons, have, individually and in combination, added significantly to the offensive potential of the Soviet missile forces.

What is disturbing in these developments is not simply that the Soviets are modernizing and improving their strategic forces—prudence requires the sort of regular modernization that the United States also engages in—but rather the unrestrained accelerating pace at which the Soviet development is proceeding, a pace which has seen the production of four entirely new ICBM's simultaneously this year alone. What is disturbing is not that the Soviets have developed MIRV—unlike Senator FULBRIGHT, I never expected that by accepting the SALT I agreements we would induce the Soviets to forgo pursuit of their technology—but rather the spectacularly increased throw weight demonstrated in their recent tests which would allow them ultimately to double their already vast advantage over the United States in this most critical of all categories.

In assessing the significance of these developments, all of which are consistent with the often ambiguous terms of the interim agreement, it is necessary to digress for a moment to consider the rationale by which the interim agreement was defended.

TECHNOLOGY IS TEMPORARY

Many of my colleagues will recall that the numerical disadvantage into which the United States was frozen by the SALT I interim agreement was held by some to be effectively offset by our technological superiority. The most obvious American technological advantage—obvious in part because of the frequency with which Dr. Kissinger reiterated it—lay in the fact that we had achieved a MIRV capability and the Soviet Union had not. Today our monopoly in MIRV technology has vanished like last year's snow and the lead in this area that we still possess by virtue of our earlier development of MIRV's can be expected to diminish rapidly as time goes on. This is neither novel nor surprising. In the long run—made longer if we find ourselves forced into a technological arms race and shorter if we do not—technology tends to even out. That is the history of technology; and it is, in particular, the history of military technology. Given the numbers and throw weights agreed to in the SALT I interim agreement, under which the Soviets enjoy a protected advantage, technological equality will mean Soviet superiority in strategic weapons.

If the interim agreement ever represented interim equality, it is because it was like a stand-off between an American lightweight at the top of his form and a Soviet heavyweight, ill-trained and out of condition. The interim agreement has provided for 5 years of training in which the sluggish Soviet heavyweight can get into shape while we remain, however agile, lightweight by comparison. It is here that politics—call it psychology if you will—is affected by strategic strength; for no lightweight in his right mind would enter the ring under such circumstances, so that the match could easily go by default.

In the final analysis, an arms control agreement will not be stable if it freezes for one side an advantage in quantity while the other has to rely on an edge in quality that it cannot maintain. In the interim agreement we agreed to inferior numbers but the Soviets did not agree to inferior technology. We should never have presumed—I, for one, did not—that they would fail to seek the combination of superior numbers and comparable technology that add up to overall superiority; and the early and alarming indications are that this is precisely the direction that they have chosen.

THE SOVIETS AT SALT II

In the current SALT II negotiations the Soviets are seeking to consolidate the advantage they obtained in the interim agreement while pressing for limits on the freedom with which we might maintain the compensating advantage of superior technology. Again and again when the interim agreement was before the Senate, I warned that this would be the Soviet strategy at SALT II. My amendment to the authorization for the interim agreement was intended to place the Congress and the administration on record on this issue by insisting that the interim agreement was not an acceptable basis for a SALT II treaty.

Far from viewing SALT II as an occasion to search for the sort of stable strategic balance that can result only from equality, the Soviets have actually hardened their position. Without going into the details of their recent proposal at Geneva—which is wholly unacceptable to us—suffice it to say that it constitutes the classic case of, "What's mine is mine what's yours is negotiable." The hopes of those who believed—I was not among them—that the quick fix of SALT I would give way to a more fundamental search for stability, have faded, first before the relentless momentum of Soviet weapons programs and then before Soviet insistence, so clear in their one-sided proposal, on a SALT II treaty that would widen and deepen their strategic margin still further.

In my judgment the current position of the Soviet Union, with respect both to their arms buildup and their arms control proposal, tends ominously to confirm our most profound apprehensions and to raise the most serious question of all: Do the Soviets in fact share our objective of stabilizing the strategic balance?

THE JACKSON PROPOSAL

Given the situation that I have outlined, given the uncertainties that cloud our hopes and diminish our confidence, I am persuaded that the time is ripe for the United States to put forward a bold and imaginative proposal for serious disarmament—a proposal that will test uncertain Soviet intentions by inviting them to join with us in concluding a far-reaching agreement to bring about a measure of stability in the nuclear balance at sharply reduced levels of strategic forces.

In outlining this proposal it is useful to begin by recalling the numbers agreed to under the terms of the SALT I interim agreement, according to which the United States may have no more than 1,054 intercontinental ballistic missiles. This force consists principally of Minuteman missiles that are termed "light"—in contrast to "heavy"—under the definitions worked out in conjunction with the interim agreement. For their part, the Soviets are permitted 1,618 intercontinental ballistic missiles of which approximately 1,300 are of the "light" variety. The other 300 Soviet ICBM's are "heavy"—so heavy, in fact, that these 300 alone carry as much "throw weight" as the entire permitted U.S. force of 1,000 Minuteman missiles.

At sea the agreement provides that the United States may have up to 44 missile-firing nuclear submarines containing 710 launch tubes. The Soviets are permitted up to 62 comparable submarines, with 950 launch tubes, in addition to a number of older type submarines. The Soviets are now engaged in building up to these levels.

I believe that strategic forces on both sides are larger than they need to be, provided that we can negotiate with the Soviets toward a common ceiling at a sharply lower level. Therefore I propose that we invite the Soviets to consider a SALT II agreement in which each side would be limited to 800 ICBM's and to no more than 560 submarine-launched missiles, equivalent to 35 missile-firing submarines of the Poseidon type. Long-range strategic bombers, which were not included under the interim agreement, would also be limited to 400 on each side. Because the throw weight of the Soviet missile force is so much greater than that of our own, the two SALT delegations would be instructed to negotiate a formula for varying these basic numbers so as to bring the throw weight of the two intercontinental strategic forces into approximate equality.

In my judgment such a proposal, if offered at Geneva, could provide the basis for immediate negotiations aimed at developing a draft treaty in accordance with the declared intention of our two countries to achieve a follow-on to the interim agreement in 1974. The numbers resulting from the negotiating process need not be precisely the numbers outlined here, although I believe that significant variation from these numbers, if essential to successful negotiation, ought to move in the direction of further reductions rather than upward adjustments. Because the strategic forces of the countries are structured differently at present and because we are always searching for ways in which to reduce the potential vulnerability of our deterrent, the treaty need not follow the precise numbers for each type of weapon system I have suggested—so long as the aggregate total of intercontinental strategic launchers was 1,760 or less.

A treaty reflecting the essential features that I have outlined here would represent a real and significant step in the direction of stabilizing disarmament. It would put to rest many of the misgivings that we now have that the Soviets are seeking to attain strategic superiority by consolidating their advantage in SALT I. It would permit both sides to shift their resources from the building up of nuclear arsenals to the building up of their economies.

The Soviet Union has turned to the United States for economic assistance, for our capital, our agricultural produce, and our advanced technology. So long as the Soviets support the greatly exaggerated military sector of their economy at anything approaching current levels, an American program of subsidized transactions, whatever its intended purpose, will inevitably amount to aid to the Russian Army, naval, and air forces.

At a time when the Soviet economy is in great difficulty we ought to be able to persuade them that a reordering of their priorities away from the military sector is the best way to achieve economic well-being. Adoption of my proposal could be an important step along a path that could lead eventually to billions of dollars in savings on strategic weapons systems.

Adoption of this proposal would mark a radical departure from the tentative and often marginal approach to arms control that we have followed in SALT I. Reductions on the scale I am proposing will encounter opposition, not least of all from those in the military services whose training, experience, and orientation are likely to militate against strategic force reductions in general, and extensive reductions in particular. While it would be imprudent to discard the professional judgment of the military and irresponsible to ignore their advice, I believe that we must not allow their skepticism to stand in the way of a proposal which will enhance our security.

I am confident that American military planners can be persuaded of the advantages of bilateral cutbacks in strategic weapons and that they too, in the final analysis, reflect the hopes we all share for a more stable strategic balance and a more peaceful world. I would hope that the Soviet military, which has been unreceptive to proposals such as this in the past, would give careful consideration to the promise of a better life for the Soviet people who could be freed from part of the enormous burden of the arms they now bear. Here the job of persuasion must fall to the Politburo, and to them I am simply saying: "Let us break with the troubled past and seek a more fruitful and a more secure future for both our peoples."

Mr. President, I yield the floor.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. BENTSEN). Under the previous order, the distinguished Senator from Michigan (Mr. GRIFFIN) is now recognized for not to exceed 15 minutes.

Mr. GRIFFIN. Mr. President, earlier I had committed myself to yield to the Senator from Oklahoma. He is in the Chamber so I will yield to him for such portion of the time allotted to me as he may require.

The PRESIDING OFFICER. The Senator from Oklahoma (Mr. BARTLETT) is recognized.

THE COST OF LIVING COUNCIL AND STEEL AND ENERGY

Mr. BARTLETT. Mr. President, I appreciate the opportunity to talk about the related problems of steel and energy.

On November 1, I sent a telegram to President Nixon calling upon him to encourage the removal of price controls on steel and steel products which are associated with the exploration, development, and production of energy. This is a necessity if exports of steel are to be discouraged, and imports of foreign steel are to be made attractive and if investments are to be made by the steel companies to increase capacity. Fourteen of my colleagues signed this telegram with me.

On November 19, 1973, I wrote a letter to Secretary of the Treasury, George Shultz, again calling attention to the untenable steel situation.

Yesterday, on December 3, 1973, I met with Dr. John Dunlop, the Director of the Cost of Living Council, Under Secretary John Tabor of the Department of Commerce, and Mr. William Johnson, assistant to Bill Simon, Deputy Secretary of the Treasury. Other Senators attending this meeting were Senator FANNIN, Senator LONG, Senator HANSEN, and Senator HATFIELD.

This meeting was fruitful. I have expectations that this meeting will yield changes in policy toward the pricing of certain steel products that are of critical necessity in responding to our Nation's energy crisis.

The petroleum industry is trying to respond to recent price increases for oil and gas. But because of lack of available steel and other necessities, drilling activity is up only 13 to 14 percent over last year.

We must have an overall energy program. That program must coordinate all of those industries which must function in a flatout effort to cope with our rapidly increasing energy problems. The first goal of any energy program should be to at least double the current drilling rate.

The current drilling rate cannot be doubled unless the steel industry also gears up to supply the needed steel.

In a very short time, oil well casing, tubing, drill pipe, drill collars, valves at the wellhead, blowout preventers for drilling safety, and forgings for many other types of steel equipment necessary to operate in the oilfield are now in short supply. Drill pipe in some areas has as much as an 18-month delivery schedule—they caannot get new drill pipe delivered until 1975.

First of all, there is a worldwide shortage of steel—competition within the world market is fierce. Domestic steel prices are controlled at a low level compared to the world market by the Cost of Living Council. These low prices are counterproductive.

Also, the price controls on steel have been a disincentive to U.S. steelmakers to invest in both new steel and rolling mill capacity. The return on the investment at current prices is not enough economic incentive to justify the investment.

I will summarize some of the comments made at the meeting yesterday.

Dr. Dunlop remarked that he had received only one request from a steel firm for a price hike on those steel products necessary to continue operations in the oil field.

Bill Johnson asked if that was not because sheet steel products were a more profitmaking item for the steel companies.

Mr. Johnson continued to say that he felt that the Cost of Living Council was being passive about using the price mechanism to create the incentive necessary to increase production in critical areas. He felt that they should not be passive but rather to take actions using the price mechanism in areas where there is short supply.

I might add here that Mr. Simon and Mr. Johnson as assistants under the Federal Energy Agency will be running the program.

Johnson said:

> If we were running the program, I would suggest exempting from price controls those products necessary to the energy industry which are in short supply.

Used casing, for example, 5½ inch, J-55 grade, is now selling for $5.50 a foot, while new casing of the same diameter and grade is selling at a controlled price of $2.62 a foot. Some producing wells have been plugged and the casing pulled and used in new wells.

Under Secretary of Commerce, John Tabor, pointed out that exports of oil field tubular goods had increased 93 percent in the first 9 months of this year. This has been caused in a large part by the recent devaluation of the American dollar in February and the Cost of Living Council's controls domestically.

Foreigners are willing to pay a higher price for American steel products than the Cost of Living Council will allow Americans to pay.

Senator FANNIN indicated with respect to the steel supply shortage, that Japan was having the best of it in that they sold only what they wanted to sell to us, but could get from us whatever they wanted. He suggested that we look into negotiations with Japan regarding steel supplies that we could use in the energy industry.

John Dunlop indicated that he will take a look at all steel companies manufacturing, drill pipe, casing, tool joints, and other associated products serving the energy industry to analyze the supply of such products and what shortages there are. John Dunlop said that following such survey:

> Whenever price is a serious impediment to the availability of such products, we will take off controls or provide an exemption.

Mr. President, I am encouraged by that statement by Dr. Dunlop.

Mr. President, I will send a letter to all steel companies that might manufacture oil field products to inform them about this meeting and request that they inform myself and the others attending this meeting what needs to be done to increase supplies of those steel items such as drill pipe, tubular goods, tool joints, bits and other energy industry related products.

Mr. President, I had a conversation with Under Secretary Simon this morning. He is the proposed head of the Federal Energy Agency. He indicated his willingness to look into this matter right away and is having a meeting today with Dr. Dunlop .

This Nation has used its plentiful energy supply to greatly expand our productivity. Our productivity, in turn, has brought high employment, a high standard of living, good health care, an improved environment, expensive and numerous social programs—a record not matched by any other nation.

Our shortage of energy means a reduction in productivity—a reduction in jobs, standard of living, health care, environmental progress, and social reforms.

We cannot increase productivity at prices that produce shortages of oil and gas and steel.

Mr. President, we need to be positive instead of negative or passive. We need to increase the supplies of those critical steel products essential to the development of domestic energy. We need to take the lead now; for unless we have ample energy, we are going to face a severe recession.

Mr. President, I yield back to the Senator from Michigan my remaining time.

INCREASE IN SUMS ALLOTTED TO THE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

Mr GRIFFIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes.

Mr. GRIFFIN. I yield the remainder of the time to the distinguished Senator from Nebraska.

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from Nebraska would like about 15 minutes in all, in which to conclude.

I ask unanimous consent that the beginning of morning business be delayed by 10 minutes and that that 10 minutes be accorded to the distinguished Senator from Nebraska, and that it will come out of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. I thank the distinguished majority leader, and I thank the distinguished Senator from Michigan.

Mr. President, I have no desire to delay the work of the Senate. I do feel that a procedure that is very irregular is being followed and that the facts should be placed upon the record.

I ask the distinguished chairman of the committee if he expects that the committee will wind up and make its final report as required by the original resolution, Senate Resolution 60, that was passed last February.

Mr. ERVIN. I can only express to the Senator from Nebraska my hope that that will be the case.

Mr. CURTIS. Is it the Senator's plan to wind it up by that time?

Mr. ERVIN. My plan is to complete the investigation as speedily as possible, but I have no prophetic power to determine exactly when that will be. We cannot go beyond the 28th without receiving further authorization from the Senate.

I can assure the Senator from Nebraska that I would be glad to lay down the burden that has been imposed upon me by unanimous vote of the Senate.

Mr. CURTIS. I am sure the Senator would. I can understand that.

Has the committee filed an interim report of any kind? I am not referring to a financial report, but has the committee filed an interim report of any kind?

Mr. ERVIN. There is no obligation on the committee to file any such report, and we have not filed one.

Mr. CURTIS. I invite attention to the original resolution, which says:

> The select committee shall make a final report of the results of the investigation and study conducted by it pursuant to this resolution, together with its findings and recommendations as to new congressional legislation it deems necessary and desirable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

Is it not clear that the mandate of the Senate was that the committee do that at the earliest practicable date? Is that not correct?

Mr. ERVIN. That is what the resolution says, and we will be guided by the resolution.

Mr. CURTIS. The resolution also says

that the select committee may also submit to the Senate such interim reports as it considers appropriate.

Last July—I believe July 30, 1973—the Senate passed a rather broad election reform bill, S. 372. Did the select committee make any report or recommendation either to the Senate or to the legislative committee handling that legislation?

Mr. ERVIN. We have not made any report to anybody. We have come before the Senate, on a previous occasion when we needed more money.

I also think a large part of the drive for the passage of the Cannon bill was derived from revelations made before the select committee in its investigation of the series of tragedies which are known collectively as the Watergate affair.

Mr. CURTIS. The Senator is not referring to the tragedies that exceeded the great Civil War?

I withdraw that question, Mr. President.

Just this last week, the Senate has been engaged in a discussion of the public financing of Federal elections. Has the committee made any recommendations with reference to that?

Mr. ERVIN. The resolution provides that we shall make recommendations not later than February 28.

Mr. CURTIS. I understand.

Mr. ERVIN. We have made no recommendations to anybody thus far except the American people.

Mr. CURTIS. I understand that. That has been over the television, has it not? How many hours has the committee been before television?

Mr. ERVIN. How many hours?

Mr. CURTIS. How many hours has the committee been before television?

Mr. ERVIN. I do not know; but we have been for 43 days, I believe.

Mr. CURTIS. During the time the Senate had before it the election reform legislation, did the committee ever ask for a delay of the legislation or for an opportunity to make its recommendations?

Mr. ERVIN. We have not delayed the legislation. We are not asking for a delay.

Mr. CURTIS. I am not trying to delay it. But here we have a spectacle. The Senate authorized the committee to bring in legislative proposals and recommendations and authorized $1 million. The Senate has been engaged in two major undertakings in reference to election reform, and the committee has neither made any recommendations nor asked for any delay so that they could make recommendations. The distinguished chairman has indicated that he has been taking his case to the American people. I assume he is referring to the television productions that have been taking place in the committee room. Is that correct?

Mr. ERVIN. The committee has tried to perform its functions. Woodrow Wilson said it is the function of a congressional investigating committee to inform the American people as to how men entrusted with great political, governmental, and financial powers have been conducting themselves.

Mr. CURTIS. I should like to ask the Senator another question: Has Ralph Nader or any of his many, many organizations through which he operates been working with the committee or made recommendations, informally or otherwise?

Mr. ERVIN. Not so far as I know. The last time I saw Mr. Nader was back in January—I believe it was in January—when he testified before a committee considering a bill to provide for regulations relating to impounding of appropriated funds by the President. I do not know what communications anybody has had with members of the committee staff. I have had no communication whatsoever with Mr. Nader personally, so far as I can recall. I have not been in communication with him personally, but I should be glad to have him make any recommendations he would like to make about legislation. I would also be glad to have the distinguished Senator from Nebraska do so.

Mr. CURTIS. I am delighted to know that the committee is interested.

Here we have gone through all these months and the Senate has been going about the business of legislating, trying to improve election laws, and the select committee has remained silent.

Mr. ERVIN. The select committee does not believe it should bring in a verdict until it has heard all the evidence.

Mr. CURTIS. Is that right?

Mr. ERVIN. Yes.

Mr. CURTIS. Glad to have that revealed, too.

I hold in my hand a clipping from the Denver Post of November 4, 1973, which states that—

> Colorado's Representative Pat Schroeder confirmed Saturday night that a Ralph Nader association had used her congressional telephone two weeks ago for long-distance calls to whip up impeachment sentiment.

But as far as the Senator knows, Mr. Nader's organization has had no contact with the select committee. Is that right?

Mr. ERVIN. He has had no contact with me, and he has had no contact with the committee or any other member, so far as I know.

Mr. CURTIS. I would like to also inquire how many witnesses have been extended immunity by the select committee.

Mr. ERVIN. Well, there have been a number, including Mr. Dean, Mr. McCord, Mr. Hunt, and others. I cannot tell the Senator the exact number offhand.

Mr. CURTIS. Is the distinguished Senator familiar with the legislative history concerning the enactment of the immunity statutes?

Mr. ERVIN. Oh, yes. I had some part in it.

Mr. CURTIS. I thought it was offered by the distinguished Senator——

Mr. ERVIN. The Supreme Court has stated in opinions that sometimes the only way you can get at the truth is by granting immunity to witnesses.

Mr. CURTIS. When the distinguished Senator from Arkansas (Mr. McCLELLAN) presented the immunity statute to Congress, is it not true that he offered it with the intention that it be narrow in scope as a weapon to be used against organized crime?

Mr. ERVIN. No, sir; not so far as I know. As a matter of fact, the bill which preceded the immunity statute was introduced by the Senator from Arkansas (Mr. McCLELLAN), with the cosponsorship of the distinguished Senator from Nebraska (Mr. HRUSKA) and myself.

Mr. CURTIS. I think that is correct, and I think if the Senator will examine the committee report as well as the statement of the distinguished Senator from Arkansas on the floor, he will find that it was a part of the package of laws dealing with organized crime and intended to be used in that manner, and not intended——

Mr. ERVIN. I think there has been some evidence taken before the committee which tends to show that the Watergate crime was organized in the Committee To Reelect the President.

Mr. CURTIS. Would the Senator repeat that, please?

Mr. ERVIN. I said there has been some evidence taken by the committee which tends to show that the plan to bug and burglarize the Watergate was hatched by certain officials in the Committee To Reelect the President. I would call that organized crime, myself.

I think whenever two or three men get together before a crime is committed and take steps to commit it and finance it, that is organized crime.

Mr. CURTIS. The Senator knows the fact that several individuals might plan an offense, that that is not organized crime in the purview of legislative procedure, common knowledge, the press, the courts, or anyone else.

Mr. ERVIN. I would say within the purview of the English language, which is my mother tongue, a crime is organized crime when organized by two or more people.

Mr. CURTIS. Well, I believe not. I believe the Senator knows what we mean when we talk about organized crime.

Let me say this. I have never defended the Watergate break-in or any of the wrongdoing. I hope all the persons guilty are punished. My regret is that we cannot punish the people for what they did not do. They did not stay on top of things in that campaign and prevent things from happening that hurt our country, embarrassed the President, and embarrassed the party and everyone else. But I have no desire to defend any wrongdoer in this whole connection, whoever he is, or wherever he is.

But coming back to this resolution we have a situation where the Senator has operated since last February on a $1 million level. The mandate of the Senate is to finish by February 28, 1974; and the Senator says he needs $500,000 more. The resolution has never gone to the Committee on Rules and Administration. There has been no report filed any place showing the expenditure of the $1 million. There has been no estimated budget projected as to what the $1.5 million would be used for.

Now, I have no desire to delay this matter and certainly I have no desire to put it to a vote, and if anyone raises questions about this there are those who say wrongdoers are being defended. So any motion or amendment would not get a majority vote.

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. CURTIS. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that 5 minutes be taken out of the time allotted for the morning hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. I thank the Senator.

The PRESIDING OFFICER. The Senator may proceed.

Mr. CURTIS. Mr. President, I am fully aware that an amendment to reduce this amount so that you can spend it at your usual rate until next February would not pass because, as I say, every time anyone raised any questions about this there are those who say he is defending wrongdoers.

But I do believe that the Senate has been compromised. I do believe the Senate has been treated unfairly in that this matter has not been handled as other committee matters are handled, and that when committees get money from the contingent fund they make a report with the Committee on Rules and Administration and file a projected budget.

So I would like to ask the Senator: Would the Senator submit for the record a report on the receipts and expenditures up to the date he submits the report, together with a budget estimate as to what the money will be spent for between now and February 28? Would the Senator submit documents along that line in the next few days?

Mr. ERVIN. No, I will not because I do not want to take up the time of the committee to file reports not required by law. We will make the report to the Senate at the time we complete our work. But if the Senator from Nebraska is desirous of knowing of those affairs, he can go to the committee staff and get all of that information. The financial records are open to the public. There is no requirement for us to submit any reports such as those the Senator suggests.

A moment ago the Senator from Nebraska asked me a question about the number of witnesses receiving immunity. I did not have the information then. I am now able to say the committee requested that 18 witnesses be granted immunity.

Mr. CURTIS. Well, now, I hope that the distinguished Senator will reconsider his position in regard to his flat refusal to file a report with the Senate on the $1 million which the committee has expended and an estimate of the budget and what it is to be spent for to run for the next 2½ months. Certainly, a committee that has asked everybody else for full disclosure is following a most unusual line.

Mr. President, I just want to say this, in closing: They can hold hearings from now on, and you will not get any additional evidence as to how you can recommend a law to stop breaking and entering. I am not opposed to a law on that, but you have all the facts you need. The Senate has debated for hours and hours the issue of campaign expenditures. No case has been made for the need for further information to legislate.

What do we have? We have a situation here where the committee goes on and on and on with television production, tearing the country apart, offering immunity to witnesses if they will come in and involve somebody else. In plain fact, it is purchased testimony. The quid pro quo is, "You expose; you go scot-free."

Mr. ERVIN. If the Senator will yield, that is not correct——

The PRESIDING OFFICER. The 5 minutes granted the Senator have expired.

Mr. MANSFIELD. Mr. President, I yield 2 more minutes.

The PRESIDING OFFICER. Is there objection? The Senator is recognized for 2 more minutes.

Mr. ERVIN. Most of the witnesses who have been granted immunity have pleaded guilty. They get use immunity only. Under it the Government cannot use the testimony they give before the committee against them, but it can use all other evidence it can get from any other source.

Mr. CURTIS. I have one more question. Has the committee used its facilities to permit witnesses, over television, to express opinions and recite hearsay testimony damaging to others?

Mr. ERVIN. The committee has called witnesses before it and asked them questions. The question whether the hearing was to be televised was decided by the TV networks—not by the committee. We had nothing to do with televising the hearings.

Mr. CURTIS. Has the committee followed the rules of evidence?

Mr. ERVIN. I would say better than any investigating committee in the history of the Senate. Virtually all of the testimony we have taken would have been admissible in a court of law under the rule of evidence which says that the acts and declarations of a coconspirator made in furtherance of the conspiracy are admissible against all parties to the conspiracy.

Mr. CURTIS. On that, the record of the committee would have to stand. I again renew my plea that the Senate have some reports.

The PRESIDING OFFICER. The Senator's times has expired.

Mr. MANSFIELD. Mr. President, I yield 1 minute.

The PRESIDING OFFICER. One additional minute is granted.

Mr. CURTIS. I hope the committee will confine its work to legislative matters, and that it will not continue its trial by press.

Mr. GRIFFIN. Mr. President——

Mr. ERVIN. Mr. President, I would just like to say I have been in the Senate for almost 20 years, and I have never known a committee to make reports about its transactions such as the Senator from Nebraska has told us about except when it goes before the Rules Committee asking it for funds.

The PRESIDING OFFICER. All time has expired.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

INCREASE IN SUMS ALLOTTED TO THE SENATE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

Mr. MANSFIELD. Mr. President, could we have action on the resolution?

The PRESIDING OFFICER. Is there objection to the Senate's proceeding to the resolution?

Mr. GRIFFIN. Mr. President, I shall not object. In fact, I was going to ask the Chair whether or not the resolution was before the Senate; if not, to ask that it be called up again.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read the resolution (S. Res. 209) by title, as follows:

> A resolution to increase the sums allotted to the Senate Select Committee on Presidential Campaign Activities for the expenses of conducting the investigation and study authorized and directed by Senate Resolution 60 which was adopted on February 7, 1973.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. GRIFFIN. Mr. President, I commend the distinguished Senator from Nebraska for performing a function although in an abbreviated way, that really should have been the work of the Rules Committee. Perhaps all of the same questions might not have been answered, and perhaps other questions that he could not ask would have been asked, if the resolution had been considered by the Rules Committee, as such resolutions of all other committees are. I think his questions point up the wisdom of the Senate rules and the need for the procedure that we have in the Senate.

I, raised the question about reference to the Rules Committee when the distinguished chairman of the select committee first brought up the resolution last week. He was able, under the parliamentary situation that we have to have the matter go on the calendar. That was his privilege to do. But in doing it that way, of course, hearing by the Rules Committee was avoided.

As important as the Watergate committee is, it seems to me that it is unfortunate that a exception should have been made in this case.

So I think the Senator from Nebraska has made something of a record for other Senators who are interested, and I commend him for taking the time to perform that service.

Mr. BELLMON. Mr. President, I rise to pose a parliamentary inquiry.

Mr. GRIFFIN. Mr. President, can we agree to the resolution?

Mr. BELLMON. Mr. President, I withhold my inquiry.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 209) was agreed to, as follows:

SECTION 1. That the first sentence of section 6 of Senate Resolution 60, which was adopted February 7, 1973, is hereby changed to read as follows: "The expenses of the select committee through February 28, 1974, under this resolution shall not exceed $1,500,000, of which amount not to exceed $50,000 shall be available for the procurement of the services of individual consultants or organizations thereof."

PRECEDENTS AND PROCEDURE

Mr. BELLMON. Mr. President, I rise to pose a parliamentary question.

The PRESIDING OFFICER. The Senator will state it.

Mr. BELLMON. Paragraph (f) of section 133 of the Legislative Reorganization Act provides in part that matters that have been reported from committees "shall not be considered by the Senate unless the report of that committee upon that measure—has been available to the Members of the Senate for at least 3 calendar days—excluding Saturdays, Sundays, and legal holidays—prior to the consideration of that measure or matter in the Senate."

The question I would raise regards Senate bill 1283, the committee report of which is dated December 1, 1973.

The question is, when is the first day that this measure can be considered by the Senate?

The PRESIDING OFFICER. In the opinion of the Chair, the first day after the 3 legislative days excluding Saturdays, Sundays, and holidays that it would be subject to consideration will be Thursday, subject to the majority and minority leaders not deciding to waive that.

Mr. MANSFIELD. Mr. President, may I be heard on this matter?

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Was not Saturday a legislative day?

The PRESIDING OFFICER. The Chair is reading the strict interpretation of the rule.

Mr. MANSFIELD. Mr. President, I happen to be a strict constructionist as far as the rules of the Senate are concerned. And I think that a legislative day means what it says, and that Saturday and Sunday would have been legislative days.

The PRESIDING OFFICER. It says, "for at least 3 calendar days" not legislative days. It refers to at least 3 calendar days, excluding Saturdays and Sundays and legal holidays. It does not use the term legislative days.

Mr. ROBERT C. BYRD. Mr. President, will the Chair recognize me?

The PRESIDING OFFICER. It does provide that by joint agreement by the majority leader and minority leader of the Senate that can be waived by them.

Mr. MANSFIELD. Mr. President, if the Senator would yield, the distinguished acting Republican leader, who was on the floor on Saturday last, would know that the majority leader did say what the schedule would be for this week. And he indicated that the bill reported out unanimously by the Committee on Interior and Insular Affairs having to do with research and development in the field of energy would be called up. I think it fits in with the President's recommendations. However, there are differences in the figures.

May I say furthermore that we have an administration program which we have to consider, and the majority leader has told all Senators on the Democratic side that under no circumstances from now on would he consider a request for delay of any legislation which has been reported unanimously.

The majority leader thinks that part of his responsibility is to do what he can to be sure that the President's program moves as rapidly and as expeditiously as possible.

The majority leader would also like to do everything he possibly can to see that the Senate is out of Washington by the 20th or 21st of this month.

We have some difficult legislation to contend with in the field of foreign aid, defense appropriations, and a supplemental appropriation. We have some difficult conference reports—military construction and HEW. We have three or more energy bills to contend with. We have some legislation which is going to cause some degree of difficulty.

The leadership has to make a choice. The leadership tries to keep the Senate informed as to what it intends to do, and the leadership must have the cooperation and the understanding of the Senate if the Senate's business is to be done, because the Senate leadership in the last analysis is not the leader of the Senate, but a servant of the Senate as a whole.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BELLMON. I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I want to indicate agreement with the distinguished majority leadership. The leadership on both sides of the aisle are very interested in moving legislation along as rapidly as we can. However, in fairness to the Senator from Oklahoma, I must say that the rules of the Senate are there for the protection of each and every Member of the Senate. And there is a very good reason why a Senator should have the right to insist on 3 days of study on a bill and its report before the bill comes to the floor.

There are many times when the leadership on both sides can waive that time requirement. And I would hope that it could be waived in this instance. However, it certainly could not be waived as long as the Senator from Oklahoma wants to reserve his right as a Senator.

I recall that I did inquire as to the program, and the majority leader indicated that this bill would be brought up, but not on any particular day.

I also recall that he indicated that the legal services bill, as I remember it, would be the legislation that would follow the daylight saving time bill, rather than the bill in which the Senator from Oklahoma is interested. Am I correct in that understanding?

Mr. MANSFIELD. Yes. However, there have been some difficulties, which have been called to my attention, and it will take some time to consider that bill. So, in an effort to help the administration, the Democratic leadership in conjunction with the Republican leadership, has been trying to get through an administration program in the field of energy. And time is wasting.

Mr. BELLMON. Mr. President, S. 1283 is not part of the administration program. I am a member of the Committee on Interior and Insular Affairs. I have spent a great deal of my time over the last 4 years on the problems the country was facing and which it is now facing in a much more serious way. These amendments are amendments to S. 1283.

The rules also provide for 3 days. And at the moment I feel that I should ask the Republican leadership that the rules be upheld.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, as long as a parliamentary question has been raised, I ask unanimous consent that the period for the transaction of routine morning business be extended for 15 minutes, with remarks made therein limited to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, may I say that I am very much disturbed at the reaction of the distinguished Senator from Oklahoma to the attempt on the part of the joint leadership to try to get through the program which confronts us in the waning days of the first session.

May I say also that it is my impression that this is the administration's proposal in large part. The big difference, I think, lies in the figures involved.

May I say, furthermore, that it was reported unanimously by all the members of the Committee on Interior and Insular Affairs.

If my recollection of the conversation with the distinguished Senator from Washington is correct, all the Republican members of that committee are cosponsors of the bill. I have heard rumors this morning to the effect that—and I cannot validate them, and this has no reference to the distinguished Senator from Oklahoma—Mr. Roy Ash for some reason or other is interested in this legislation. He seems to be interested in too much legislation, I think, for his own good. And he ought to let us handle our own business in our own way, because I would point out to Mr. Roy Ash, if the information is correct, that we are a coequal branch of the Government and that we can take care of our own business in our own way and that we do not need any advice from any functionary in the White House or the executive branch of the Government, because we are separate and apart, one from the other.

The rumor I have heard is that the distinguished chairman of the Government Operations Committee, the Senator from North Carolina (Mr. ERVIN), and the distinguished Senator from Connecticut (Mr. RIBICOFF) were both going to ask that this measure be referred to their committee. I have talked to the distinguished chairman. He informs me that there is no validity to this rumor and that, as a matter of fact, he and the Senator from Connecticut (Mr. RIBICOFF) are cosponsors of this proposal.

Mr. ERVIN. I am not a cosponsor. However, I am a strong supporter of the bill.

Mr. MANSFIELD. Mr. President, the bill was reported unanimously by the Committee on Interior and Insular Affairs.

Now, if I have done Mr. Ash a disservice, I will apologize here and now. However, the advice given to Mr. Ash or any other member of the executive branch of the Government still stands.

Mr. President, under the rules of the Senate, when is the earliest possible time to call up S. 1283?

The PRESIDING OFFICER. Thursday would be the earliest possible time.

Mr. MANSFIELD. Is the Chair absolutely sure of that judgment based on the fact that the Senate did meet on Saturday and Sunday in legislative session? Is the Chair positive that on the basis of the rules and regulations of this body, even though accepted, they do not assume a different definition because of the legislative sessions held on those days?

The PRESIDING OFFICER. The Chair will say that he doubts very much that those framing the rules anticipated meeting on Sundays. Nevertheless, the rule seems to be clearly stated, in the view of the Chair, in that it refers to 3 calendar days—it does not use the term "legislative days"—and then provides for excluding Saturdays, Sundays, and holidays; and that is the way the Chair would rule.

Mr. MANSFIELD. Mr. President, the majority leader accepts that judgment in good grace and good faith. My only regret is that it may well hinder the work of the Senate, and may prevent us from getting out when we would like to, on the 20th or 21st. But, if that is the rule, I am subject to it like everyone else, and I accept the verdict of the Chair.

Mr. BELLMON. Mr. President, may I say to the distinguished majority leader that if it is possible for the Senator from Oklahoma to get his amendment ready sooner, he will offer it as quickly as possible and ask that we proceed with the bill. But it is a complicated matter, and we might need further time. I am not trying to hold up the work of the Senate; as a matter of fact, I have been interested in legislation along these lines for years and years.

Mr. MANSFIELD. I appreciate what the Senator says, and I am indebted to him for his desire to cooperate, because that has been one of the hallmarks of the distinguished Senator from Oklahoma (Mr. BELLMON) during his entire service in the Senate, and I say that honestly and from the heart.

Mr. BELLMON. I appreciate that.

Mr. MANSFIELD. May I make a suggestion? Would it be possible to lay this measure before the Senate tonight, get started tomorrow, and not conclude it until the Senator has had a chance to offer his amendments?

Mr. BELLMON. If the majority leader will allow me a few hours to see how far along my staff has come with it, I will be glad to respond later in the day.

Mr. MANSFIELD. That is agreeable.

Mr. BELLMON. With reference to Mr. Ash, let me say simply that Mr. Ash had nothing to do with any action I have been taking. This is simply a matter of personal concern.

Mr. MANSFIELD. No; let me say to the Senator from Oklahoma that this rumor came to my attention this morning—if it is a rumor, so be it; if it is a fact so be it; and if I have maligned Mr. Ash in any way, I again apologize—but what I have said about people in the executive branch still goes. They have no business up here intervening in our affairs. We have enough to do to look after that ourselves, and they have more than enough to do down there, to look after their business.

Now, Mr. President, I would like to make a few remarks on the colloquy between the distinguished Senator from Nebraska (Mr. CURTIS) and the distinguished Senator from North Carolina (Mr. ERVIN), the chairman of the select committee which was set up by the Senate on the basis of a unanimous vote.

In the first place, the resolution was never referred to the Rules Committee, and in the second place, the second request for additional funds came to the floor of the Senate, was presented to the Senate for consideration, and passed without question.

Let me ask the distinguished chairman of that committee at least two questions. First, does the select committee have the power to indict?

Mr. ERVIN. No; it does not.

Mr. MANSFIELD. Does the select committee have the righ., the authority, and the power to make recommendations to the Justice Department and to make legislative recommendations to the Senate?

Mr. ERVIN. Yes.

Mr. MANSFIELD. And those are the two main functions of the committee, as I see it.

Mr. ERVIN. Yes· and I think the main one is to make recommendations about legislation.

Mr. MANSFIELD. Yes; indeed. And the recommendations on legislation cannot be made until all the hearings have been held and all the evidence has been brought forth, and then the committee, in toto, will sit down and decide what in their opinion would be best for the Senate to consider in the way of legislation.

Mr. ERVIN. That is right. It would not be proper conduct on the part of the committee, or fair to the people involved, if the committee were to undertake to make reports on these matters prior to the hearing of all the evidence the committee takes.

Mr. MANSFIELD. And among those recommendations may well be proposals for the financing of Presidential campaigns.

Mr. ERVIN. I think that would be one of the paramount recommendations, because we have had evidence taken before us that campaign funds were raised by what almost amounted to a species of coercion, and that large amounts of funds were raised from corporate funds in violation of a law that has been on the books since 1907. We have had evidence that as much as $350,000, on one occasion, was put in a briefcase and carried from the Committee To Re-Elect the President to Mr. Haldeman in the White House.

Mr. MANSFIELD. Of course, we know that this matter of money applies not only to one party, but to both.

Mr. ERVIN. That is right; yes.

Mr. MANSFIELD. And we will have to keep that in perspective at all times. But what the Senate committee is doing is on the basis of the will of the Senate, and the Senate, of course, in all instances, but especially in this instance, supersedes any committee.

Mr. ERVIN. Yes. And I would like to say this: We have encouraged the minority committee staff to conduct any investigation they wish with respect to any Democratic candidate for the Presidency or any matter of that nature.

Mr. MANSFIELD. May I say I am sorry that the resolution, in the first place, was not referred to the Rules Committee, because then a precedent would have been set which the committee would have had to follow. But it was not referred to the Rules Committee. I am glad that the distinguished Senator from Nebraska raised the questions he did; they were pertinent to the point. I am glad the answers given were made by the Senator from North Carolina, and I am glad that the Senate has agreed to this extension, because the committee has a responsibility, a duty, an obligation laid on it by the Senate, and that is to look into the question of questionable financing of campaigns.

I believe four or five corporation executives have already been found guilty, given a degree of immunity, fined, and perhaps given suspended sentences. Also, the question of dirty campaign tricks, the allegations against the personal lives of people like Senators HUMPHREY, MUSKIE, and JACKSON, have been looked into, and some punishment has been forthcoming.

Mr. ERVIN. And a man is serving a prison sentence now for being very instrumental in perpetrating those slanders and libels upon two distinguished Members of this body.

Mr. MANSFIELD. And may I say that one of the things which pleases me about this investigation is that it has not touched the Republican National Committee, of which the distinguished Senator from Kansas (Mr. DOLE), now on the floor, was chairman at the time, nor has it touched the Republican candidates. I think that speaks well for the two-party system, and I think a sharp differentiation must always be made when we look into the facts of the situation which confronts, not just the Senate, not just the Congress but the people and the Nation as a whole at the present time. May I point out that the members of that committee, none of them went to the TV networks and said, "Will you put us on film?" The initiative comes from the networks themselves. It is their responsibility whether or not they make a TV performance of the hearings. Frankly, I am kind of glad that the TV is now off the Watergate Committee. I would hope, on that basis, they could accomplish a good deal more, bring out all the evidence, lay out all the facts, present them to the Justice Department, make legislative proposals to us and, hopefully, go out of existence by February 28; provided—provided—its job is done. But if it is not done by that date, I would expect the committee to ask for more funds, and I would expect and hope that the Senate would extend its life until all the facts are laid out and the job is done, because the American people are entitled to that knowledge. May I say once again, as I have said many times before, that the people, after all, happen to be the Government of the United States.

Mr. ERVIN. Mr. President, if I may make one statement, I should like to state that the distinguished Senator from Nebraska was perfectly within his rights as a Senator in raising the questions which he did, and that the method of proceeding he outlined would have been in accordance with the rules of the Senate just as the method which was pursued in connection with this matter by me was also in accordance with the rules of the Senate.

Mr. MANSFIELD. Mr. President, in my opinion, the distinguished Senator from Nebraska (Mr. Curtis) did raise very pertinent questions and he had a right to do so. It is good for the record to have had those questions up.

Mr. COTTON. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. COTTON. The Senator from New Hampshire was not present at the conclusion of the remarks of the Senator from Nebraska. But may I say that I think the majority leader's remarks in the past 2 minutes on this general subject, this general problem, have been very fair, very well expressed, and very reassuring to all Members of the Senate. They also should be to the public that will have access to this.

The Senator from New Hampshire would only express the hope that even though the present situation as regards the so-called Watergate Committee is practically unique, I guess, perhaps in the history of the country, that an extension is proper and inevitable.

I express the hope, and that the Record will show the hope was expressed, that this action would not be taken as a precedent in the future for bypassing the Rules and Administration Committee on these matters, because it is highly essential that someone, some committee, have all these things in hand and know what is going on. If it is started and is taken as a precedent, it might lead to great confusion in the regular and special committees.

I wonder whether the distinguished majority leader——

The PRESIDING OFFICER. The time for morning business has expired.

Mr. MANSFIELD. I ask unanimous consent that there be an additional 3 minutes for the conduct of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Yes, indeed, that was the point made by the distinguished Senator from Michigan (Mr. Griffin), the acting Republican leader, and also by the distinguished Senator from Nebraska (Mr. Curtis). But, as I tried to indicate, it was not considered by the Committee on Rules and Administration. It should have been done, but the precedent can be maintained.

I agree with the distinguished Senator, and Senators, that, hopefully, from now on when other resolutions are brought up, well-established precedents will be followed.

Mr. ROBERT C. BYRD. Mr. President, as a member of the Committee on Rules and Administration, I wish to join with others who have indicated the strong feeling that requests for funds to be paid out of the contingent moneys of the Senate should be sent to the Committee on Rules and Administration for its consideration first.

Under rule XXV, the Committee on Rules and Administration has jurisdiction over the expenditure of moneys out of the contingency fund of the Senate. In the first instance, this resolution requesting moneys for the select committee under Senator Ervin's chairmanship should have gone to the Committee on Rules and Administration for its consideration.

Its not having gone to the committee, however, does not set a precedent for the Senate, I am advised by the Parliamentarian. This has been done in the past. But I do not think it is the best procedure, I want to say as a member of the Committee on Rules and Administration and for the Record. Moreover, I do not believe that the mere fact the Senate passed Resolution No. 60 unanimously was, in itself, justification for bypassing the Committee on Rules and Administration, because other such resolutions have passed and will, in the future, pass the Senate unanimously and this should not be considered adequate grounds for bypassing the jurisdiction of the Committee on Rules and Administration.

The distinguished chairman of the select committee, the Senator from North Carolina (Mr. Ervin), has stated that that was one of the reasons why the request did not go to the Committee on Rules and Administration. I would not want the Record to stand without my interposing at least the observation that, in my view, that, in itself, standing alone is not a legitimate reason for bypassing the Committee on Rules and Administration.

I think that the prime reason for bypassing the Rules Committee was that the subject matter of Senate Resolution 60 was so urgent that it required expeditious action by the Senate. In view of the fact that the Senate had unanimously passed Senate Resolution 60, and the nature of the investigation being what it was, and time being of the essence, apparently there was no objection to proceeding the way we did, without referring the matter to the Committee on Rules and Administration.

The PRESIDING OFFICER. The time for morning business has now expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be an extension of 6 minutes for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, would the Senator from Illinois (Mr. Stevenson) yield me his time? The Senator from Virginia (Mr. Harry F. Byrd, Jr.) wants the floor in his own right.

Mr. STEVENSON. I am glad to yield my time to the distinguished Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, on the matter of the 3-day rule, I compliment the Chair for its ruling based on a literal interpretation of that provision in the 1970 Legislative Reorganization Act. As the distinguished majority leader indicated, there is no disagreement with the Chair's interpretation. I think, though, I should say this, that this is another indication the Legislative Reorganization Act of 1970, really, was rushed through the Senate without the kind of consideration it should have been given during floor debate. Apparently everyone overlooked the fact that the Senate does meet on Saturdays occasionally, and while we may not have thought, at the time, that the Senate would be meeting on a Sunday soon, it did happen. Yet, Saturday and Sunday sessions do not count in the tolling of the rule.

So, I just take the floor at this time to state that it was surely the intent of those who passed this legislation that Saturday and Sunday, if they were legislative days, should be counted against the 3 days that operate to satisfy the rule. But a literal interpretation of this rule by those of us who still like to think we are strict constructionists would have to eliminate the Saturday and Sunday legislative days of the past weekend. So the Chair was correct.

I think we might want to give this matter further consideration sometime when we are talking about amending the rules of the Senate, because it obviously works against the intent of the writers of the legislation and certainly works against the leadership in its efforts to expedite the legislative process.

PRIVILEGE OF THE FLOOR

Mr. DOLE. Mr. President, I ask unanimous consent that during the consideration of S. 2702, the Emergency Daylight Saving Time Energy Conservation Act of 1973, John Smith and Bill Wohlford of my staff have the privilege of the floor during the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I make the same request with regard to John I. Brooks and George Shanks of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, I make the same request with regard to four members of the minority staff of the Committee on Commerce who worked on this matter and on various amendments—namely, Arthur Pankopf, Jr., Malcolm Sterrett, David Clanton, and Thomas Adams.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I make the same request with respect to Mr. Nick Zapple for Senator Pastore.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, I make the same request with respect to Leslie Goldman and William Staszak of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE REIMPOSITION OF THE DEATH PENALTY

Mr. HARRY F. BYRD, JR. Mr. President, the Richmond Times-Dispatch of Sunday, December 2, published an interesting and learned article on the question of capital punishment. This article was written by William Shands Meacham. Mr. Meacham has had wide experience in this field. He was chairman of the Virginia Board of Pardons and Reprieves for many years. He also served on the International Penal and Punishment Commission at The Hague, where the matter of capital punishment was considered from a worldwide and international viewpoint.

Mr. Meacham was for many years the editor of the editorial page of the Norfolk Virginian-Pilot. I have known Mr. Meacham for many years. He was an outstanding newspaper editor. He is an outstanding Virginian, with high credentials in the field he is discussing in this article. It is an interesting and provocative article, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE REIMPOSITION OF THE DEATH PENALTY

(By William Shands Meacham)

In writing about the reimposition of the death penalty in Virginia in certain cases and in accordance with the decision of the United States Supreme Court of last year, I think of the oft-quoted dictum of the Marquis de Lafayette:

I shall continue to demand the abolition of the death penalty until I have the infallibility of human judgments demonstrated to me.

My use of the personal pronoun in this brief discussion of capital punishment suggests an intention of speaking of personal experience. During the World War II years, I was chairman of the Virginia Board of Pardons and Reprieves (as well as chairman of the Virginia Probation and Parole Board) and had the awesome responsibility of being the head of what a distinguished Virginia editor of the time called "actually the court of last resort on the death sentences imposed in Virginia." I passed upon nearly a score of death sentences and wrote nearly that many letters beginning with the most appalling sentence I ever wrote in the writing of millions of printed words: "We regret to inform you . . ."

Having signed those doomsday letters in the execution of my oath of office under the mandate of the Virginia Constitution that permitted Gov. Colgate Darden to appoint me as his surrogate in this matter in a period of national emergency, I should be in a poor position to oppose the mandated death penalty in Virginia in certain cases, and shall not do so.

Gov.-elect Godwin, who proposes the death sentence for certain crimes, has already demonstrated his social conscience, integrity and competence in handling the extreme penalty in criminal cases, as he has in the administration of other governmental affairs.

Lafayette was right, but human judgment is fallible in *all* areas of government, and also on both sides of debate over capital punishment.

A DETERRENT EFFECT

During the past year I have conducted an informal opinion poll among distinguished Virginians of high professional achievements. Three of them were lawyers who have occupied several of the highest positions in Virginia and national government. All three were in favor of the reimposition of the death penalty in Virginia "in certain cases." Among the 30 persons I polled, a large majority shared this view, although some opinions were heavily qualified.

The most impressive argument for the imposition of the mandated death penalty in Virginia (drawn to legislative scale) is that it would act as a deterrent. The death penalty abolitionists argue that there is no evidence to prove the deterrent effect of the death sentence. There are plenty of statistics. Unfortunately, these do not always give the right answers where human equations are concerned. Governmental jurisdictions have homogenous populations (where crime rates are low) and heterogeneous populations (where crime rates are high), and education and economic conditions differ among the states studied.

I served on the International Penal and Penitentiary Commission at The Hague with one of the principal authorities on the effect of the death penalty, and I have read extensively in the literature on this subject. My own view is that it may have some deterrent effect.

It is argued that an individual who has regressed for the moment to the primitive level and is planning or committing a murder does not think of the possible punishment. But it can be argued with equal force that if the death penalty is itself a primitive expression of the *lex talionis*, or "talon law" as it is sometimes called, its message is directed to those most vulnerable to the primitive impulses that prompt, say, murder and rape.

An Episcopal minister noted for his compassion and kindness said that the death penalty was necessary to remove certain heinous and outrageous offenders, since society would be saved from any danger of their future crimes. The head of a great university whose philosophy is a blend of humanism and conservatism said that there are some people so vicious that they deserve to forfeit the right to live. An eminent jurist said of the death penalty. "Well, it's a good thing to have it there."

NONSALVAGEABLE CRIMINALS

In ancient Rome, Caesar, as an advocate using every argument to negate the death penalty, contended that it was less painful than life imprisonment. Yet life imprisonment is not an alternative to the death sentence in removing from society the heinous and outrageous offenders, the sadistic murderers who can never be safely restored to society. There are always a majority of civil prisoners who are salvageable human material. But those convicted of capital crimes and sentenced to death are seldom among them. The average life-termer in the United States serves less than 15 years in prison before being released by pardon or parole.

The crimes of the men upon whose death sentences I passed were horrendous in the most extreme sense of the word.

Let me give an example: A crippled, middle-aged man driving along a highway in rural Virginia, stopped to pick up two men in their early thirties, thumbing a ride and sipping from their bottled soft drinks. Shortly after he picked the two men up, the driver was forced to drive onto a side road, was dragged from his car and had his throat cut by the jagged edges of two broken bottles. By chance, the murdered man's body was discovered quickly. The murderers were arrested in the victim's car in possession of his pocketbook, driver's license and money. They were tried and sentenced to death.

These men appealed to me, in the personal interview I always had with the condemned before beginning my investigation, for commutation of sentence on the ground that they had no prior criminal record. Later, the same appeal was made to my board by counsel. Such crimes speak for themselves, or for the characters of the persons who commit them. The two men guilty of this atrocious murder went to the electric chair.

Among the condemned men on Death Row at 500 Spring Street at the time of the Supreme Court's decision, there were some as vicious as could be found in any period in the history of crime.

Systematically interviewing men in Virginia prisons who had served more than 12 years, in connection with my responsibility for pardons and reprieves, I found one friendless man who originally had been sentenced to death, but whose sentence had been commuted on account of his youth (the governor may have had some doubt). He could not possibly have committed the crime for which he was convicted, as our investigation showed. He was given an absolute pardon.

ARGUMENT AGAINST IT IS WEAK

Time has destroyed the polarity—action and reaction—which once existed between certain crimes and the death penalty, variously administered in its historical periods. No person has been executed in the United States since 1967. Juries are reluctant to impose the penalty, recognizing the validity of Lafayette's point.

Yet the argument against it is weak, or falls, until we have found a way to protect society adequately against a certain small fraction of its members who by an inexorably faulty design of the chromosomes and genes are made unfit to live in civilized society. With all our human intelligence, we shouldn't have to wait for genetic engineering, which seems a little distant on the scientific horizon.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the role.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 568, 569, and 571, all of which have been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPRINGFIELD ARMORY NATIONAL HISTORIC SITE—BILL PASSED OVER

The Senate proceeded to consider the bill (S. 979) to authorize the establishment of the Springfield Armory National Historic Site, Mass., and for other purposes, which was reported from the Committee on Interior and Insular Affairs, with an amendment.

Mr. ROBERT C. BYRD. Mr. President, the clerk did not report the amendment.

The PRESIDING OFFICER. The amendment is not at the desk.

Mr. ROBERT C. BYRD. Then, I ask that that bill go over temporarily.

The PRESIDING OFFICER. The bill will go over.

ORDER TO HOLD BILLS AT DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that messages from the House on H.R. 11441, to postpone the implementation of the Headstart fee schedule, and H.R. 9437, to amend the International Travel Act of 1961, be held at the desk temporarily when received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDIANA DUNES NATIONAL LAKESHORE—BILLS PASSED OVER

The Senate proceeded to consider the bill (S. 584) to amend the act entitled "An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes," approved November 5, 1966, which was reported from the Committee on Interior and Insular Affairs, with amendments.

Mr. ROBERT C. BYRD. Mr. President, are the amendments at the desk with respect to this bill?

The PRESIDING OFFICER. No.

Mr. ROBERT C. BYRD. Are the amendments at the desk with respect to Calendar No. 571?

The PRESIDING OFFICER. No.

Mr. ROBERT C. BYRD. Then I withhold my request and will renew it later.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 921. A bill to amend the Wild and Scenic Rivers Act;

S. 1191. An act to provide financial assistance for a demonstration program for the prevention, identification, and treatment of child abuse and neglect, to establish a National Center on Child Abuse and Neglect, and for other purposes;

S. 1776. An act to amend the Federal Water Pollution Control Act, as amended; and

S. 2178. An act to name the U.S. courthouse and Federal building under construction in New Orleans, La., as the "Hale Boggs Federal Building," and for other purposes.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 1817. An act to provide for the striking of national medals to honor the late J. Edgar Hoover;

H.R. 9492. An act to amend the Wild and Scenic Rivers Act by designating the Chattooga River, N.C., S.C., and Ga., as a component of the National Wild and Scenic Rivers System, and for other purposes;

H.R. 11372. An act to conserve energy on the Nation's highways;

H.R. 11441. An act to postpone the implementation of the Headstart fee schedule;

H.R. 11546. An act to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes;

H.R. 11565. An act to insure that certain buildings financed by Federal funds utilize the best practicable technology for the conservation and use of energy; and

H.J. Res. 736. A joint resolution to provide for a feasibility study and to accept a gift from the U.S. Capitol Historical Society.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, as indicated:

H.R. 1817. An act to provide for the striking of national medals to honor the late J. Edgar Hoover. Referred to the Committee on Banking, Housing and Urban Affairs.

H.R. 9492. An act to amend the Wild and Scenic Rivers Act by designating the Chattooga River, N.C., S.C., and Ga., as a component of the National Wild and Scenic Rivers System, and for other purposes; and

H.R. 11546. An act to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes. Referred to the Committee on the Interior.

H.R. 11372. An act to conserve energy on the Nation's highways;

H.R. 11565. An act to insure that certain buildings financed by Federal funds utilize the best practicable technology for the conservation and use of energy; and

H.J. Res. 736. A joint resolution to provide for a feasibility study and to accept a gift from the U.S. Capitol Historical Society. Referred to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MUSKIE, from the Committee on Public Works:

S. 2772. An original bill to amend title II of the Clean Air Act, as amended. (Report No. 93–598). Together with supplemental and additional views.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Robert W. McVay, of Missouri, to be a member of the Federal Metal and Nonmetallic Mine Safety Board of Review.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Mr. WILLIAMS. As in executive session, I also report favorably sundry nominations in the Public Health Service which have previously appeared in the Congressional Record and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Harry Allen, and sundry other persons, for personnel action in the Public Health Service.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ERVIN (for himself and Mr. Tunney):

S. 2763. A bill to protect the constitutional rights of professional athletes. Referred to the Committee on the Judiciary by unanimous consent.

By Mr. HATHAWAY:

S. 2769. A bill to authorize the documentation as vessels of the United States of foreign built vessels of 100 net tons or less for use in the U.S. fisheries while owned by U.S. citizens or corporations. Referred to the Committee on Commerce.

By Mr. STENNIS (for himself and Mr. Thurmond) (by request):

S. 2770. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to medical officers of the uniformed services; and

S. 2771. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay bonus structure relating to members of the Armed Forces, and for other purposes. Referred to the Committee on Armed Services.

By Mr. MUSKIE:

S. 2772. An original bill to amend title II of the Clean Air Act, as amended. Placed on the calendar.

By Mr. LONG:

S. 2773. A bill to amend title 10, United States Code, to improve the opportunity of nurses and medical specialists for appointment and promotion in the Regular Army or Regular Air Force, and authorize their retention beyond the mandatory retirement age. Referred to the Committee on Armed Services.

By Mr. HATFIELD:

S. 2774. A bill to provide assistance in improving zoos and aquariums by creating a National Zoological and Aquarium Board, and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. MONDALE (for himself and Mr. Schweiker):

S. 2775. A bill to amend the Internal Revenue Code of 1954 to increase the maximum credit and deduction allowable with respect to contributions to candidates for public office, to make certain changes in subtitle II of such Code with respect to the financing of Presidential election campaigns, and for other purposes. Referred to the Committee on Finance.

By Mr. JACKSON (for himself, Mr. Ribicoff, Mr. Ervin, Mr. Percy, Mr. Javits, Mr. Randolph, Mr. Fannin, and Mr. Nunn):

S. 2776. A bill to provide for the effective and efficient management of the Nation's energy policies and programs. Referred to the Committee on Government Operations.

By Mr. JACKSON (for himself, Mr. Abourezk, and Mr. Bartlett):

S. 2777. A bill to establish within the Department of the Interior an additional Assistant Secretary of the Interior for Indian Affairs, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. STENNIS (for himself and Mr. Thurmond) (by request):

S.J. Res. 176. A joint resolution to authorize the production of petroleum from naval petroleum reserve. Referred to the Committee on Armed Services.

By Mr. DOMENICI (for himself, Mr. Dominick, Mr. Eastland, and Mr. Humphrey):

S.J. Res. 177. A joint resolution to authorize the administrator of any direct Federal loan program or any federally guaranteed loan program to renegotiate or reschedule repayment by any person or business suffering severe economic harm as a result of the energy crisis on a loan under any such program. Referred to the Committee on Government Operations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ERVIN (for himself and Mr. Tunney):

S. 2768. A bill to protect the constitutional rights of professional athletes. Referred to the Committee on the Judiciary by unanimous consent.

Mr. ERVIN. Mr. President, I introduce a bill and ask unanimous consent that it be referred to the Committee on the Judiciary, so that it can go to the Antitrust Subcommittee.

The PRESIDING OFFICER (Mr. Hathaway). Without objection, it is so ordered.

By Mr. STENNIS (for himself and Mr Thurmond) (by request):

S. 2770. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to medical officers of the uniformed services; and

S. 2771. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay bonus structure relating to members of the Armed Forces, and for other purposes. Referred to the Committee on Armed Services.

Mr. STENNIS. Mr. President, the bills I introduce are with reference to the volunteer forces for all the military forces, having to do with some increase in the bonus now being paid for enlistment and reenlistment, and also increase with reference to compensation of doctors.

Mr. President, by request, for myself and the senior Senator from South Carolina (Mr. Thurmond), I introduce for appropriate reference and by request, a bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to medical officers of the uniformed services; a second bill, to amend chapter 5 of title 37, United States Code, to revise the special pay bonus structure relating to members of the Armed Forces, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining the purpose be printed in the Record immediately following my remarks and the printing of the bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STENNIS. The physicians bill, designed to make military pay more competitive with civilian practice, is needed to retain medical doctors in the military services. It will partly close the gap between the average compensation of physicians in civilian life and that in the military services.

This measure would increase "special pay" from $150 to $350 per month for a military physician with over 2 years active service and would authorize a bonus of up to $15,000 per year for doctors for each year they agree to continue active service in place of the present system.

The legislation deals with physicians only and does not increase benefits for other health professionals within the Department of Defense.

Significant military physician losses are anticipated in the next few years without the draft and the Defense Department has projected a shortage of up to 1,800 doctors—based on projected requirements of 12,147—by June 30, 1976, if the bonus provisions of this legislation are not enacted.

Estimated cost of the physicians pay bill—assuming an implementation date of January 1, 1974—is $50.7 million in fiscal year 1974, increasing to an average of about $76 million annually for fiscal years 1975–78.

The enlistment/reenlistment bonus bill is designed to make bonuses more responsive to manpower needs.

The first feature of the bill permits a bonus of up to $3,000 for a 3-year enlistment in any skill area where critical shortages occur. Currently, a $3,000 bonus is available only for enlistments in the three combat arms, infantry, artillery, and armor.

The second feature of the bill provides a restructuring of the reenlistment bonus system.

Existing law provides a reenlistment bonus of up to $2,000 for all re-enlistees and an additional bonus of up to $8,000 for reenlistments in critical skill areas. Stennis' bill allows up to $15,000 in total reenlistment bonuses for military personnel in critical skill areas only.

This plan will eventually eliminate the current practice of paying a $2,000 bonus to servicemen who reenlist in noncritical skills or in skill areas that are overmanned.

It is estimated that the Department of Defense paid more than $43 million in fiscal year 1973 reenlistment bonuses for skill requirements that would have been met without the use of a bonus.

Exhibit 1

S. 2771

A bill to amend chapter 5 of title 37, United States Code, to revise the special pay bonus structure relating to members of the armed forces, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Armed Forces Enlisted Personnel Bonus Revision Act of 1974."

Sec. 2. Chapter 5 of title 37, United States Code, is amended as follows:

(1) Section 308 is amended to read as follows:

"§ 308. *Special Pay: reenlistment bonus*

"(a) A member of a uniformed service who—

(1) has completed at least 21 months of continuous active duty (other than for training) but not more than 10 years of active duty;

"(2) is designated as having a critical military skill by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy;

"(3) is not receiving special pay under section 312a of this title; and

"(4) reenlists or voluntarily extends his enlistment in a regular component of the service concerned for a period of at least three years;

may be paid a bonus, not to exceed six months of the basic pay to which he was entitled at the time of his discharge or release, multiplied by the number of years or the monthly fractions thereof, of additional obligated service, not to exceed six years, or $15,000, whichever is the lesser amount. Obligated service in excess of 12 years will not be used for bonus computation.

"(b) Bonus payments authorized under this section may be paid in either a lump sum or in installments.

"(c) For the purpose of computing the reenlistment bonus in the case of an officer with prior enlisted service who may be entitled to a bonus under subsection (a) of this section, the monthly basic pay of the grade in which he is enlisted, computed in accordance with his years of service computed under section 205 of this title, shall be used instead of the monthly basic pay to which he was entitled at the time of his release from active duty as an officer.

"(d) A member who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which he bonus was paid.

"(e) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy."

(2) Section 308a is amended to read as follows:

"§ 308a. *Special pay: enlistment bonus*

"(a) Notwithstanding section 514(a) of title 10 or any other law, under regulations prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a person who enlists in an armed force for a period of at least three years in a skill designated as critical, or who extends his initial period of active duty in that armed force to a total of at least three years in a skill designated as critical, may be paid a bonus in an amount prescribed by the appropriate Secretary, but not more than $3,000. The bonus may be paid in a lump sum or in equal periodic installments, as determined by the appropriate Secretary.

"(b) Under regulations prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a person who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid.

"(c) No bonus shall be paid under this section with respect to any enlistment or extension of an initial period of active duty in the armed forces made after June 30, 1977."

Sec. 3. Notwithstanding section 308 of title 37, United States Code, as amended by this Act, a member of a uniformed service on active duty on the effective date of this Act, who would have been eligible, at the end of his current or subsequent enlistment, for the reenlistment bonus prescribed in section 303 (a) or (d) of that title, as it existed on the day before the effective date of this Act, shall continue to be eligible for the reenlistment bonus under that section as it existed on the day before the effective date of this Act. If a member is also eligible for the reenlistment bonus prescribed in that section as amended by this Act, he may elect to receive either one of those reenlistment bonuses. However, a member's eligibility under section 308(a) or (d) of that title, as it existed on the day before the effective date of this Act; terminates when he has received a total of $2,000 in reenlistment bonus payments, received under either section 308 (a) or (d) of that title as it existed on the day before the effective date of this Act, or under section 308 of that title, as amended by this Act, or for a combination of both.

SEC. 4. The amendments made by this Act become effective on January 1, 1974.

THE SECRETARY OF DEFENSE,
Washington, D.C., November 27, 1973.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The purpose of this letter is to express the urgent priority assigned by the Department of Defense to several sections of DOD Legislative Proposal 93-3, the "Uniformed Services Special Pay Act of 1973." I fully recognize the heavy workload confronting both your Committee and the Congress in general, and the limited time available to address the "Special Pay Act." I would not trouble you at this time were it not for the high priority that I place on the three sections described below.

Our objective for nearly four years has been the attainment of an all-volunteer armed forces. The transition has been completed, and it is now incumbent upon us in the Department of Defense to sustain this force in sufficient numbers and quality in the most cost effective manner. To do so, the Department of Defense needs, on a priority basis, the additional management tools specified in the enlistment and selective reenlistment bonus sections of the proposed legislation. These two sections are designed specifically and solely to meet our requirements for enlisted personnel. They provide the Secretary of Defense with the mechanism needed to meet the competitive struggle for critical skill manpower in the labor market.

Enlistment Bonus-Expanded Authority. The enlistment bonus requested will provide the Secretary of Defense with the expanded authority to award an enlistment bonus across service lines solely on the basis of critical skill determinations in order to fulfill existing accession requirements for enlisted personnel. The bonus would be employed only when demonstrated to be cost effective, and only when other alternatives have been fully explored and exhausted. The success of this recruitment incentive under the present authority with regard to the combat arms career field is unquestionable and there are statistics available to support this view. The importance of the enlistment bonus rests with the authority to have a measure available which will increase terms of service and at the same time provide a sound and proven management device to facilitate matching critical skill needs and accessions.

The cost effective aspects of this provision are shown at Tab A which depicts several Army skills currently considered to be critical in nature, and to which the bonus would be applied today. Costs for the enlistment bonus are estimated to be $9 million for FY 1974 if implemented on January 1, 1974.

Reenlistment Bonus. The selective reenlistment bonus section of the Special Pay Act, in my view, also warrants a high priority because it represents an opportunity to save money while simultaneously improving our management of reenlistment incentives. Under the current authority, a bonus of not more than $2,000 is required by law to be paid to *all* enlisted personnel who are accepted for reenlistment by the services, *regardless* of the criticality of the skill possessed. Unless the present law is changed, we will continue to be compelled to pay this amount to all personnel who reenlist. At Tab B is a chart showing that in FY 1973 we spent $43 million in skills where the required manning could have been achieved without a bonus.

The proposed selective reenlistment bonus concept would utilize current reenlistment incentive dollars more effectively. Additionally, millions of dollars in savings would accrue in future years when conversion to the proposed concept is complete. By FY 1979, aggregate savings in excess of $80 million are estimated.

Medical Officers. Of the various officer specialties in the health field required in the Armed Forces, medical officers are the most critical. If we are to retain and attract the required numbers and quality of physicians in an all-volunteer force, additional financial incentives must be provided. We do not believe it feasible or desirable to seek to match the economic alternatives available to physicians in the private sector of our economy, but we do believe it is essential to narrow the gap that now exists between the compensation of physicians in the Armed Forces and those in the private sector.

The proposed Uniformed Services Special Pay Act previously submitted to the Congress would have provided discretionary authority for extra pay not only for physicians but also for other categories of officers in the health field. Since the most immediate and critical problem is with medical officers; and since it is only the latter group where significant pay disparities exist in comparison to average civilian economic opportunities, I believe priority action at this time can be limited to the medical officer problem. The possible need for additional compensation for the other categories of officers in the health fields will be kept under close and continuing review. Appropriate recommendations will be submitted to the Congress at a later date if found essential.

Priority Actions. In light of the above discussion, I have requested that two new proposed items of legislation be prepared. One item will contain only the provisions for the enlistment bonus and selective reenlistment bonus. The other will pertain only to medical officers. These proposals will be submitted to the Congress in the next few days.

As to the other provisions of the "Special Pay Act" relating to the Reserve Components and critical officer skills other than in the health fields we are again reviewing each of these areas with the highest sense of urgency.

In the case of the Reserve Components, recruiting results have improved during recent months to the point where most components appear to have "bottomed out" and are starting a slow climb. We are reexamining this area to insure that all feasible steps are being taken to improve and maximize our recruiting efforts; and to determine the significance in terms of readiness of the present shortfalls in authorized strengths. In this connection, we are now embarking on a major Defense-wide study of Reserve Components. This is a comprehensive effort and will include, among other things, detailed analysis of the reserve manpower situation to include recruiting.

Also to be noted is that the Department of Defense has submitted to the Congress several other legislative proposals affecting the Reserve Components which we believe fully warrant early and favorable action by the Congress. These include the following: extending coverage under Servicemen's Group Life Insurance (a matter under consideration by another Committee); the bill which would provide equity in medical and survivor benefits (DOD 93-14); and the bill which would allow selective use of active force enlisted retirees to fill critical vacancies in the Selected Reserve (DOD 93-26 and H.R. 10367). Enactment of these measures would not require added expenditures by the Department of Defense except for the bill which would provide equity in medical and survivor benefits (DOD 93-14). Enactment of the latter bill would result in increased annual cost of $3.9 million.

In making further reviews of the other provisions of the Special Pay Act, I do not mean to imply that they also are not key management elements in our volunteer force plans. I am simply recognizing the requirements of Congressional and Defense priorities in suggesting priority treatment of the medical officer and enlistment and reenlistment sections. Following completion of our review and evaluation, separate submissions of the other proposals will be made as seems appropriate at the time in order to provide the Congress with the opportunity to address each of these provisions separately based on its own merits.

May I take this opportunity to express my sincere appreciation to you for your continuing interest and concern in all matters affecting members of the armed forces. I plan to provide a copy of this letter to the Chairman, Committee on Armed Services, House of Representatives.

Sincerely,

BILL CLEMENTS.

Cost-avoidance comparison examples of USSPA enlistment bonus

ARMY EXAMPLES

Cost (bonus planning figure:)	
Defense acquisition radar	$2,000
Artillery surveyor	2,000
Vulcan crewman	2,500
Hawk missile launcher mechanic	2,500
Fire control computer repairman	2,500
All Services average impact	2,000
Net cost avoidance: [1]	
Defense acquisition radar	1,721.00
Artillery surveyor	3,243.00
Vulcan Crewman	3,082.00
Hawk missile launcher mechanic	10,675.00
Fire control computer repairman	17,580.00
All services average impact	3,200.00

[1] Due to extra time on job from longer-term (four years) bonus contract. Allowance has been made for time spent in training, DCS moves, and annual leave. Bonus advantages which were not included are the values attributed when a shortage is solved and the value of greater experience with the longer-terms.

Example computation for Artillery Surveyor:

Training cost prorated over available job time for 2-year enlistment; minus training cost prorated over available job time for 4-year bonus enlistment; equals additional time on job (over 2-year) due to 4-year bonus enlistment.

[($84.40) − ($49.90)] (94 weeks) = $3,243.

Fiscal year 1973—Number of first-term reenlistees and amount of regular reenlistment bonus paid in overmanned skills

Number of [1] overmanned skills:	
Army	144
Navy	15
Marine Corps	62
Air Force	153
Total	374
Number of [2] first-term reenlistments:	
Army	6,700
Navy	2,823
Marine Corps	954
Air Force	11,757
Total	22,234

Amount of[3] *RRB paid ($000):*	
Army	$13,112
Navy	5,527
Marine Corps	1,867
Air Force	23,009
Total	43,515

[1] Skills represent MOS in Army and Marine Corps, Rating in Navy and AFSC in Air Force.

[2] Number of First Term personnel that reenlisted and were eligible for the first payment of the Regular Reenlistment Bonus.

[3] Based on DoD average Regular Reenlistment Bonus payment at first reenlistment of $1,957.

SECTIONAL ANALYSIS

Section 1 amends chapter 5 of title 37, United States Code.

Clause (1) amends section 302 by reducing for uniformed services physicians the present four steps of special pay, which require the completion of ten years of active service before attaining eligibility for the $350 per month maximum, down to two steps, with the maximum being reached upon the completion of two years of service.

Clause (2) adds a new section 302b which simply restates the present provisions of law regarding special pay for uniformed services dentists. Such restatement is necessary because under this proposal physician and dentist special pay would no longer be identical and, consequently, would no longer be appropriately covered in the same section of chapter 5.

Clause (3) would amend section 311(a) of chapter 5 in order to terminate continuation pay authority for physicians in the armed services. (The amendment, however, would not affect present authority covering continuation pay for physicians in the Commissioned Corps of the Public Health Service.)

Clause (4) adds a new section 313 to chapter 5 in order to authorize the new variable incentive pay for physicians of the armed forces.

Section 2 prescribes an 18-month period (January 1, 1974–June 30, 1976) during which the new variable incentive pay for physicians would be authorized. This section would also have the effect of limiting payment of the modified physician special pay to a three and one-half year period (January 1, 1974–June 30, 1977).

SECTIONAL ANALYSIS

Section 1 provides that the Act may be cited as the "Armed Forces Enlisted Personnel Bonus Revision Act of 1974."

Section 2 amends chapter 5 (Special and Incentive Pays) of title 37, United States Code.

Clause (1) restates section 308 (reenlistment bonus) as follows:

(1) Subsection (a) substitutes a new reenlistment bonus for the existing reenlistment bonus and variable reenlistment bonus. The new bonus is payable to members who have completed 21 months but not more than 10 years of service and who reenlist or extend their enlistment for at least three years. Bonus computation will be based on monthly increments of basic pay, not to exceed six, multiplied by the number of years of additional obligated service. Maximum bonus payable is $15,000 per reenlistment. Obligated service in excess of 12 years will not be used for bonus computation.

(2) Subsection (b) authorizes the bonus to be paid either in a lump sum or in installments.

(3) Subsection (c) provides a method for bonus computation in the cases of officers with prior enlisted service who reenlist.

(4) Subsection (d) contains the standard provision for a refund from a member who voluntarily or through misconduct fails to complete the contracted period of service. The amount refunded is in proportion to the unfilled service commitment.

(5) Subsection (e) authorizes the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, to prescribe regulations for the administration of this section. Clause (2) restates section 308a (enlistment bonus) as follows:

(1) Subsection (a) broadens the authority for payment of the enlistment bonus. It removes the restriction limiting payment to enlistees or extendees in the combat elements only and permit the Secretary of Defense to offer the bonus to enlistees or extendees in any speciality considered critical in meeting all-volunteer force objectives. It further authorizes the Secretary of Transportation to offer this bonus to enlistees or extendees in the Coast Guard.

(2) Subsection (b) restates, without change except for the inclusion of the Coast Guard, the existing provisions of current subsection (b) containing the standard refund provision as described in Clause (2), above.

(3) Subsection (c) restates, without change except for a different expiration date three years subsequent to that stated in the existing provision that no payments may be made with respect to any enlistment or extension of enlistment made after June 30, 1977.

Section 3 preserves the present authority, now contained in current 37 U.S.C. 308(a) and (d) (reenlistment bonus), to pay the reenlistment bonus authorized in those subsections to those members who were on active duty on the date of enactment of the bill, but who are not entitled to a reenlistment bonus under amended 37 U.S.C. 308, as restated by section 2(2) of the bill. If a member is eligible for both the bonus under current 37 U.S.C. 308(a) and (d), and the bonus authorized by amended 37 U.S.C. 308 as restated by section 2(2) of the bill, he may elect to receive either one of those reenlistment bonuses. However, a member's eligibility under 37 U.S.C. 308(a) and (d), as it existed on the day before the effective date of this Act, terminates when he has received a total of $2,000 in reenlistment bonus payments, received from either section 308 (a) or (d) of that title as it existed on the day before the effective date of this Act, or from section 308 of that title as amended by this Act, or from a combination of both.

Section 4 makes the bill effective January 1, 1974.

By Mr. HATFIELD:

S. 2774. A bill to provide assistance in improving zoos and aquariums by creating a National Zoological and Aquarium Board, and for other purposes. Referred to the Committee on Rules and Administration.

Mr. HATFIELD. Mr. President, in June, I introduced S. 2042 which would have provided badly needed aid to the zoos and aquariums across the country. Since that time, the situation has not improved for these institutions which may be the only contact of many citizens with the animal kingdom, and the last refuge for many of our endangered species.

Since the introduction of that bill, I have received a favorable response from many representatives of zoos, aquariums, and zoological organizations, and from private citizens. These letters add further evidence to the fact that many zoos and aquariums desperately need financial assistance if they are to upgrade poor conditions, maintain adequate standards of welfare for the animals, and develop the potential of zoos and aquariums as educational and esthetic resources.

At the same time, there were many suggestions as to how the legislation could best serve the needs of the zoos and aquariums in their attainment of these objectives. The bill I introduce today is a result of these suggestions, as well as work with Congressman WILLIAM WHITEHURST who is carrying the legislative responsibility for the bill in the House.

The National Zoo and Aquarium Assistance Act of 1973 establishes a 17-member board which is authorized to provide badly needed assistance through direct project grants and loan guarantees to assist in the attainment and maintenance of the accreditation program which is authorized to be established by the board. The board will also sponsor pilot projects which will serve as models for high national standards, as well as forming the cornerstone for development in zoos and aquariums who receive such pilot project grants.

It is my belief that this bill will best meet the needs of poor and dilapidated zoos and aquariums, while at the same time providing benefits to institutions which show initiative to modernize and improve.

Also, the matching provisions of the bill will encourage greater local participation.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is created as an independent agency in the executive branch the National Zoological and Aquarium Board (hereinafter in this Act referred to as the "Board").

SEC. 2. (a) The Board shall consist of—

(1) the Director of the National Zoological Park;

(2) the Comptroller General of the United States; and

(3) fifteen individuals to be appointed by the President, by and with the advice and consent of the Senate, as follows—

(A) two officers or employees from the Agricultural Research Service of the Department of Agriculture;

(B) one officer or employee from the Department of State;

(C) one officer or employee from the National Oceanic and Atmospheric Administration of the Department of Commerce;

(D) one officer or employee of the Bureau of Sport Fisheries and Wildlife of the Department of the Interior;

(E) two individuals from among representatives of national humane associations;

(F) four individuals from among directors of zoos;

(G) two individuals from among directors of aquariums;

(H) one official representative of the American Association of Zoological Parks and Aquariums;

(I) one official representative of the American Association of Zoo Veterinarians.

(b) Each individual appointed to the Board under paragraph (3) of subsection (a) shall serve not more than two terms of six years each, except that the fifteen individuals first appointed shall be divided into three classes of five individuals each and serve as follows:

(1) The members of the first class shall serve for a term of two years, and may be reappointed for one additional term of six years.

(2) The members of the second class shall serve for a term of four years, and may be reappointed for one additional term of six years.

(3) The members of the third class shall serve for a term of six years, and may be reappointed for one additional term of six years.

(c) Members of the Board shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5, United States Code, for travel and other expenses incurred by them in the performance of their functions under this Act.

(d) The Board is authorized to appoint an Executive Director who shall receive compensation at the rate provided for level IV of the Executive Schedule under section 5315 of title 5 of the United States Code and who shall perform such duties as the Board may prescribe.

(e) The Board is authorized, subject to the civil service laws and regulations, to appoint and fix the compensation of such additional personnel as may be necessary to carry out the provisions of this Act.

Sec. 3. (a) The Board shall establish, and from time to time revise, standards for the national accreditation of zoos (including roadside parks where animals are displayed in their natural habitat) and aquariums in the several States and the District of Columbia.

(b) The Board is authorized to provide technical assistance in the form of the services of experts employed by the Board to assist any zoo or aquarium in complying with the standards for accreditation under this section.

Sec. 4. (a) The Board is authorized to make grants of funds to nonprofit organizations to provide for—

(1) the training of professional and paraprofessional staff of zoos and aquariums to meet the accreditation standards established under this Act; and

(2) humane research into methods to improve the welfare of animals at zoos and aquariums, and into methods to meet the accreditation standards established under this Act.

No grant under this subsection shall exceed 75 percent of the aggregate cost of the training or research, as the case may be, for which the grant is made.

(b) the Board is authorized to make grants of funds to any nonprofit zoo or aquarium, or both, for projects to assist in the attainment or maintenance of the accreditation standards established under this Act. No grant under this subsection shall exceed 50 per centum of the aggregate cost, as determined by the Board, of the project for which the grant is made.

(c) The Board is authorized to make grants of funds to any nonprofit zoo or aquarium, or both, and to any nonprofit agency for the purpose of enabling such zoo, aquarium, or agency to establish pilot projects to serve as models for zoos or aquariums, or both. Such pilot projects shall meet the accreditation standards established under this Act. Grants under this subsection may be up to 100 per centum of the aggregate cost of the pilot project for which the grant is made.

Sec. 5. The Board is authorized to guarantee loans, upon such terms and conditions as it shall prescribe, to any zoo or aquarium, or both (for projects which assist in the attainment or maintenance of the accreditation standards established under this Act). The aggregate value of loans guaranteed under this section shall not exceed $———.

By Mr. MONDALE (for himself and Mr. Schweiker):

S. 2775. A bill to amend the Internal Revenue Code of 1954 to increase the maximum credit and deduction allowable with respect to contributions to candidates for public office, to make certain changes in subtitle II of such code with respect to the financing of Presidential election campaigns, and for other purposes. Referred to the Committee on Finance.

REINTRODUCTION OF MONDALE-SCHWEIKER PRESIDENTIAL CAMPAIGN FINANCING ACT OF 1973

Mr. MONDALE. Mr. President, I am reintroducing today, together with the Senator from Pennsylvania (Mr. Schweiker), a revised version of the Mondale-Schweiker Presidential Campaign Financing Act of 1973.

This legislation was originally introduced on July 24, 1973, as S. 2238, and has been slightly revised to incorporate various technical improvements, and to conform more closely to the private contribution limits passed by the Senate in S. 372 on July 30.

The main provisions of the Mondale-Schweiker bill were included in the Joint Public Financing Amendment which passed the Senate on November 27. The tentative House-Senate compromise public financing amendment worked out a few days later, covering only Presidential elections, retained the main elements of the Mondale-Schweiker bill.

However, a Senate filibuster prevented the House and Senate from voting on this compromise amendment.

While we are deeply disappointed that the White House-inspired filibuster succeeded in defeating public financing temporarily, it is not a fatal setback. There is a clear majority for public financing in the Senate and I believe in the House as well, and that majority is strengthened with each new revelation of Nixon campaign abuses in 1972.

No one can any longer doubt the corrupting influence of big money in Presidential politics. It is equally clear that if that influence is to be removed, the only sensible answer is public financing. That the present system is rotten and corrupt is even acknowledged by those who opposed our efforts to enact public financing. During the entire week-long debate, not a single Senator defended the present system. They could not, because it is indefensible.

Senator Schweiker and I hope that hearings can begin soon on our bill in the Senate Finance Committee, and that legislation incorporating our matching system for financing presidential primaries and building on the $1 checkoff system for general elections will be back before the Senate early next year.

The Mondale-Schweiker bill introduced today includes the same provisions for public financing of presidential primaries that were included in the House-Senate compromise amendment the Senate was prevented from acting on. In addition, it restores provisions doubling the size of the checkoff to $2, and doubling the existing tax credit and deduction for political contributions. Finally, it establishes a revised system for Presidential general elections which permits the $21 million in public funding each candidate may receive to be supplemented with up to $9 million in private contributions of $3,000 or less.

Mr. President, I ask that the text of our revised bill, along with a detailed explanation of it, be included in the Record at this point:

There being no objection, the bill and explanation were ordered to be printed in the Record, as follows:

S. 2775

A bill to amend the Internal Revenue Code of 1954 to increase the maximum credit and deduction allowable with respect to contributions to candidates for public office, to make certain changes in subtitle II of such Code with respect to the financing of Presidential election campaigns, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Presidential Campaign Financing Act of 1973".

INCREASE IN POLITICAL CONTRIBUTIONS CREDIT AND DEDUCTION

Sec. 2. (a) Section 41(b)(1) of the Internal Revenue Code of 1954 (relating to maximum credit for contributions to candidates for public office) is amended to read as follows:

"(1) Maximum credit.—The credit allowed by subsection (a) for a taxable year shall not exceed $25 ($50 in the case of a joint return under section 6013)."

(b) Section 218(b)(1) of the Internal Revenue Code of 1954 (relating to amount of deduction for contributions to candidates for public office) is amended to read as follows:

"(1) Amount.—The deduction under subsection (a) shall not exceed $100 ($200 in the case of a joint return under section 6013)."

(c) The amendments made by subsections (a) and (b) shall apply with respect to any political contribution the payment of which is made after December 31, 1973.

DESIGNATION OF INCOME TAX PAYMENTS TO PRESIDENTIAL ELECTION CAMPAIGN FUND

Sec. 3. (a) Effective with respect to taxable years ending on or after December 31, 1973, section 6096(a) (relating to designation of income tax payments to the Presidential Election Campaign Fund) is amended to read as follows:

SEC. 6096. DESIGNATION BY INDIVIDUAL.

(a) In General.—Every individual (other than a nonresident alien) whose income tax liability for the taxable year is $2 or more may designate that $2 shall be paid over to the Presidential Election Campaign Fund in accordance with the provisions of section 9006(a). In the case of a joint return of husband and wife having an income tax liability of $4 or more, each spouse may designate that $2 shall be paid to the fund.

(b) Income Tax Liability.—For purposes of subsection (a), the income tax liability of an individual for any taxable year is the amount of the tax imposed by chapter 1 on such individual for such taxable year (as shown on his return), reduced by the sum of the credits (as shown in his return) allowable under *sections* 33, 37, 38, 40, and 41.

(c) Manner and Time of Designation.—A designation under subsection (a) may be made with respect to any taxable year—

(1) at the time of filing the return of the tax imposed by chapter 1 for such taxable year, or

(2) at any other time (after the time of filing the return of the tax imposed by chapter 1 for such taxable year) specified in regulations prescribed by the Secretary or his delegate.

Such designation shall be made in such manner as the Secretary or his delegate prescribes by regulations except that, if such designation is made at the time of filing the return of the tax imposed by chapter 1 for such taxable year, such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature.

PRESIDENTIAL ELECTION CAMPAIGN FUND

SEC. 4. Section 9006(a) of the Internal Revenue Code of 1954 (relating to establishment of campaign fund) is amended to read as follows:

"(a) ESTABLISHMENT OF CAMPAIGN FUND.—There is established on the books of the Treasury of the United States a special fund to be known as the 'Presidential Election Campaign Fund'. There is appropriated to the fund for each fiscal year, out of amounts in the general fund of the Treasury not otherwise appropriated, an amount equal to the amount designated during the preceding fiscal year (and subsequent to the previous Presidential election) by individuals for payment into the fund under section 6096. Moneys in the fund shall remain available without fiscal year limitation."

LIMITATIONS OF GENERAL ELECTION CAMPAIGN PAYMENTS, EXPENSES, AND CONTRIBUTIONS

SEC. 5. (a) Subsection (b) of section 9004 of the Internal Revenue Code of 1954 (relating to entitlement of eligible candidates to payments) is repealed and subsection (c) is redesignated as subsection (b).

(b) Paragraphs (2) and (3) of subsection (b) of section 9007 of the Internal Revenue Code of 1954 (relating to repayments of excess campaign expenses and contributions) are repealed and paragraphs (4) and (5) are redesignated as paragraph (2) and (3).

ELIGIBILITY FOR CAMPAIGN PAYMENTS

SEC. 6. Section 9003 of the Internal Revenue Code of 1954 (relating to condition for eligibility for payments) is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) CANDIDATES FOR ELECTION TO THE OFFICE OF PRESIDENT.—In order to be eligible to receive any payment under section 9006, the candidates of a major, minor, or new party in a Presidential election shall certify to the Comptroller General, under penalty of perjury, that they and their authorized committees will not incur qualified campaign expenses in excess of the $30,000,000 limit in section 9012(a).

CRIMINAL PENALTIES

SEC. 7. Section 9012 (a) and (b) of the Internal Revenue Code of 1954 (relating to criminal penalties for excess campaign expenses and contributions) is amended to read as *follows:*

"(a) EXCESS CAMPAIGN EXPENSES.—

"(1) It shall be unlawful for any candidate of a political party for President and Vice President in a Presidential election or any of his authorized committees knowingly and willfully to incur qualified campaign expenses in excess of $30,000,000 with respect to such election.

"(2) Any person who violates paragraph (1) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(3) At the beginning of each calendar year (commencing in 1974), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Comptroller General and publish in the Federal Register the percent difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. The limit on campaign expenses in paragraph (1) and in section 9003(b) shall be increased by such percent difference. The limit so increased shall be the amount in effect for such calendar year.

"(A) The term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(B) The term 'base period' means the calendar year 1972.

"(b) CONTRIBUTIONS—

"(1) It shall be unlawful for any candidate of a major, minor, or new party in a Presidential election or any of his authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount greater than that necessary to make up the difference between the payments received from the fund under section 9006 and the limit on qualified campaign expenses established by subsection (a).

"(2) Any person who violates paragraph (1) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

PRESIDENTIAL PRIMARY MATCHING PAYMENT FUND

Sec. 8. (a) The analysis of subtitles at the beginning the Internal Revenue Code of 1954 is amended by adding at the end thereof the following:

"SUBTITLE H—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS.".

(b) The analysis of chapters at the beginning of subtitle H of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following:

"CHAPTER 97.—PRESIDENTIAL PRIMARY MATCHING PAYMENT FUND.".

(c) Subtitle H of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new chapter:

"CHAPTER 97—PRESIDENTIAL PRIMARY MATCHING PAYMENT FUND

"Sec. 9031. Short title.
"Sec. 9032. Definitions.
"Sec. 9033. Eligibility for payment.
"Sec. 9034. Entitlement of eligible candidates to payments.
"Sec. 9035. Qualified campaign expense limitation.
"Sec. 9036. Certification by Comptroller General.
"Sec. 9037. Payments to eligible candidates.
"Sec. 9038. Examinations and audits; repayments.
"Sec. 9039. Information on proposed expenses.
"Sec. 9040. Reports to Congress; regulations.
"Sec. 9041. Participation of Comptroller General in judicial proceedings.
"Sec. 9042. Judicial review.
"Sec. 9043. Criminal penalties.
"Sec. 9044. Effective date of chapter.

"SEC. 9031. SHORT TITLE.

"This chapter may be cited as the 'Presidential Primary Matching Payment Fund Act'.

"SEC. 9032. DEFINITIONS.

"For purposes of this chapter—

"(1) The term 'authorized committee' means any political committee which is authorized in writing by a candidate to incur expenses in connection with his campaign for the nomination of a political party as its candidate for election to the office of President. The authorization shall be addressed to the chairman of any such political committee, and a copy of the authorization shall be filed by the candidate with the Comptroller General. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"(2) The term 'candidate' means an individual who seeks nomination for election to be President of the United States, whether or not he is elected, and, for purposes of this paragraph, an individual shall be considered to seek nomination for election if he (A) takes the action necessary under the law of a State to qualify himself for nomination for election, (B) receives contributions or incurs qualified campaign expenses, or (C) gives his consent for any other person to receive contributions or to incur qualified campaign expenses on his behalf.

"(3) The term 'Comptroller General' means the Comptroller General of the United States.

"(4) The term 'contribution'—

"(A) means a gift, subscription, loan, advance, or deposit of money, or anything of value, the payment of which was made since the next preceding Presidential election for the purpose of influencing the result of a primary election;

"(B) means a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

"(C) means a transfer of funds between political committees; and

"(D) means the payment by any person other than a candidate, or one of his authorized committees, of compensation for the personal services of another person which are rendered to the candidate or committee without charge; but

"(E) does not include—

"(i) (except as provided in subparagraph (D)) the value of personal services rendered to or for the benefit of a candidate by an individual who receives no compensation for rendering that service to or for the benefit of the candidate; or

"(ii) payments under section 9037.

"(5) The term 'fund' means the Presidential Primary Matching Payment Fund established under section 9037 (a).

"(6) The term 'matching payment period' means the period beginning 420 days before the date of a general election for President of the United States and ending on the date on which the national convention of the party whose nomination a candidate seeks nominates its candidate for President of the United States.

"(7) The term 'primary election' means an election, including a run-off election, for the selection of delegates to a national nominating convention of a political party, or for the expression of a preference for the nomination of persons for election to the office of President of the United States.

"(8) The term 'political committee' means any individual, committee, association, or organization (whether or not incorporated) which accepts contributions or incurs qualified campaign expenses for the purpose of influencing, or attempting to influence, the nomination for election of one or more individuals to be President of the United States.

"(9) The term 'qualified campaign expense' means a purchase, payment, distribution, loan, advance, deposit, or gift of money or of anything of value—

"(A) incurred by a candidate, or by his authorized committees, in connection with his campaign for nomination for election; and

"(B) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which the expense is incurred or paid. For purposes of this paragraph, an expense is incurred by a candidate or by an authorized committee if it is incurred by a person specifically authorized in writing by the candidate or committee, as the case may be, to incur such expense on behalf of the candidate or the committee.

"(10) The term 'State' means each State of the United States and the District of Columbia.

"SEC. 9033. ELIGIBILITY FOR PAYMENTS.

"(a) FURNISH INFORMATION.—To be eligible to receive payment under section 9037, a candidate shall, in writing—

"(1) agree to obtain and furnish to the Comptroller General any evidence he may request of qualified campaign expenses,

"(2) agree to keep and furnish to the

Comptroller General any records, books, and other information he may request,

"(3) agree to an audit and examination by the Comptroller General under section 9038 and to pay any amounts required to be paid under that section, and

"(4) agree to furnish statements of qualified campaign expenses and proposed qualified campaign expenses required under section 9039.

"(b) Expense Limitation; Committees; Declaration of Intent.—To be eligible to receive payments under section 9037, a candidate shall certify to the Comptroller General that—

"(1) the candidate will not incur qualified campaign expenses in excess of the limitation on such expenses under section 9035, and

"(2) the candidate is seeking nomination for election to be President of the United States.

"(c) Minimum Contributions.—To be eligible to receive any payments under section 9037, a candidate must be certified by the Comptroller General, under section 9036, to be entitled, under section 9034, to payments from the fund in excess of $100,000.

"Sec. 9034. Entitlement of Eligible Candidates to Payments.

"(a) In General.—Every candidate who is eligible to receive payments under section 9033 is entitled to payments under section 9037 in an amount equal to the amount of each contribution received since the most recent presidential election by that candidate, or by his authorized committees, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by that person since that election exceeds $100. For purposes of this subsection, the term 'contribution' means a gift of money made by a written instrument which identifies the person making the contribution by full name and mailing address, but does not include a subscription, loan, advance, or deposit of money, or anything described in subparagraph (B), (C), or (D) of section 9032(4).

"(b) Limitations.—The total amount of payments to which a candidate is entitled under subsection (a) shall not exceed an amount equal to 5 cents multiplied by the voting age population of the United States, as certified by the Secretary of Commerce under section 104(a)(5) of the Federal Election Campaign Act of 1971.

"Sec. 9035. Qualified Campaign Expense Limitation.

"(a) Limitations.—No candidate shall knowingly incur qualified campaign expenses in excess of $15,000,000 in connection with his campaign for nomination for election to the office of President.

"(b) Adjustment.—At the beginning of each calendar year, as necessary data become available from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Comptroller General and publish in the Federal Register the percentage difference between the price index (the average over a calendar year of the Consumer Price Index (all items—United States city average)) for the preceding calendar year and the price index for calendar year 1974. The amount in subsection (a) shall be changed by such percentage difference and the amount in subsection (a), as changed by such percentage, shall be the amount applicable under subsection (a) for that calendar year.

"Sec. 9036. Certification by Comptroller General.

"(a) Certification.—On the basis of the evidence, books, records, and information furnished by each candidate, and his authorized committees, who is eligible, under section 9033,to receive payments under section 9037, and prior to examination and audit under section 9038, the Comptroller General shall certify from time to time to the Secretary or his delegate for payment to each candidate under section 9037 the amount to which that candidate is entitled under section 9034.

"(b) Finality of Determinations.—Initial certifications by the Comptroller General under subsection (a), and all determinations made by him under this chapter, are final and conclusive, except to the extent that they are subject to examination and audit by the Comptroller General under section 9038 and judicial review under section 9042.

"Sec. 9037. Payments to Eligible Candidates.

"(a) Establishment of Fund.—There is established on the books of the Treasury a special fund to be known as the Presidential Primary Matching Payment Fund. There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this chapter.

"(b) Payments From the Fund.—Upon receipt of a certification from the Comptroller General under section 9036, but not before the beginning of the matching payment period, the Secretary or his delegate shall promptly transfer the amount certified by the Comptroller General from the fund to the candidate.

"Sec. 9038. Examination and Audits: Repayments.

"(a) Examinations and Audits.—After each matching payment the Comptroller General shall conduct a thorough examination of the qualified campaign expenses of every candidate and his committees who received payments under section 9037.

"(b) Repayments.—

"(1) If the Comptroller General determines that any portion of the payments made to a candidate from the fund was in excess of the aggregate amount of payments to which that candidate was entitled under section 9034, he shall notify the candidate, and the candidate shall pay to the Secretary or his delegate an amount equal to the amount of excess payments.

"(2) If the Comptroller General determines that any amount of any payment made to a candidate from the fund was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray qualified campaign expenses, he shall notify that candidate of the amount so used, and the candidate shall pay to the Secretary or his delegate an amount equal to such amount.

"(3) Amounts received by a candidate from the fund may be retained for the liquidation of all obligations to pay qualified campaign expenses incurred for a period not exceeding 6 months after the end of the matching payment period. After all obligations have been liquidated, that portion of any unexpended balances remaining in the candidate's accounts which bears the same ratio to the total unexpended balance as the total amount received from the fund bears to the total of all deposits made into the candidate's accounts shall be promptly repaid to the fund.

"(c) Notification.—No notification shall be made by the Comptroller General under subsection (b) with respect to a matching payment period more than 3 years after the end of such period.

"(d) Deposit of Repayments.—All payments received by the Secretary or his delegate under subsection (b) shall be deposited by him in the fund.

"Sec. 9041. Information on Proposed Expenses.

"(a) Reports by Candidates.—Each candidate shall, from time to time as the Comptroller General may require, furnish to the Comptroller General a detailed statement, in such form as the Comptroller General may prescribe, of—

"(1) the qualified campaign expenses incurred by the candidate and his authorized committee prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 9036), and

"(2) the qualified campaign expenses which the candidate and his authorized committees propose to incur on or after the date of such statement.

"(b) Publication.—The Comptroller General shall, as soon as possible after he receives each statement under subsection (a), prepare and publish a summary of such statement, together with any other data or information he deems advisable, in the Federal Register.

"Sec. 9040. Reports to Congress; Regulations

"(a) Reports.—The Comptroller General shall, as soon as practicable after each matching payment period, submit a full report to the Senate and House of Representatives setting forth—

"(1) the qualified campaign expenses (shown in the detail the Comptroller General determines necessary) incurred by the candidates of each political party and their authorized committees;

"(2) the amounts certified by him under section 9036 for payment to each eligible candidate; and

"(3) the amount of payments, if any, required from cadidates under section 9038, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) Regulations, Etc.—The Comptroller General is authorized to prescribe rules and regulations, to conduct examinations and audits (in addition to the examinations and audits required by section 9038 (a)), to conduct investigations, and to require the keeping and submission of any books, records, and information, which he determines to be necessary to carry out his responsibilities under this chapter.

"Sec. 9041. Participation by Comptroller General in Judicial Proceedings.

"(a) Appearance by Counsel.—The Comptroller General is authorized to appear in and defend against any action instituted under this section, either by attorneys employed in his office or by counsel whom he may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation he may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) Recovery of Certain Payments.—The Comptroller General is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined to be payable to the Secretary or his delegate as a result of an examination and audit made pursuant to section 9038.

"(c) Injunctive Relief.—The Comptroller General is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for injunctive relief as is appropriate to implement any provisions of this chapter.

"(d) Appeal.—The Comptroller General is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which he appears pursuant to the authority provided in this section.

"Sec. 9042. Judicial Review

"(a) Review of Agency Action by the Comptroller General.—Any agency action by the Comptroller General made under the provisions of this chapter shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within 30 days after the agency action by the Comptroller General for which review is sought.

"(b) Review Procedures.—The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Comptroller General.

"Sec. 9043. Criminal Penalties

"(a) Excess Campaign Expenses.—Any person who violates the provisions of section 9035(a) shall be fined not more than $25,000, or imprisoned not more than five years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of section 9035(a) shall be fined not more than $25,000, or imprisoned not more than five years, or both.

"(b) Unlawful Use of Payments.—

"(1) It is unlawful for any person who receives any payment under section 9037, or to who many portion of any such payment is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

"(A) to defray qualified campaign expenses, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray qualified campaign expenses.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(c) False Statements, Etc.—

"(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this chapter, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this chapter; or

"(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this chapter.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(d) Kickbacks and Illegal Payments.—

"(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of a candidate, or his authorized committee, who receives payments under section 9037.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of a candidate or his authorized committees shall pay to the Secretary for deposit in the fund, an amount equal to 125 percent of the kickback or payment received.

CENTRAL CAMPAIGN COMMITTEES, CAMPAIGN DEPOSITORIES, AND LIMITATIONS ON CASH TRANSACTIONS

Sec. 9. Title III of the Federal Election Campaign Act of 1971 is amended by redesignating sections 308 through 311 as sections 311 through 314, and by inserting after section 307 the following new sections:

"CENTRAL CAMPAIGN COMMITTEES

"Sec. 308. (a) Each candidate shall designate one political committee as his central campaign committee. A candidate for nomination for election, or for election, to the office of President, may also designate one political committee in each State in which he is a candidate as his State campaign committee for that State. The designation shall be made in writing, and a copy of the designation, together with such information as the Commission may require, shall be furnished to the Commission upon the designation of any such committee.

"(b) No political committee may be designated as the central campaign committee of more than one candidate. The central campaign committee and each State campaign committee designated by a candidate nominated by a political party for election to the office of President shall be the central campaign committee and the State campaign committees of the candidate nominated by that party for election to the office of Vice President.

"(c)(1) Any political committee authorized by a candidate to accept contributions or make expenditures in connection with his campaign for nomination or for election, which is not a central campaign committee or a State campaign committee, shall furnish each report required of it under section 304 (other than reports required by the last clause of section 304(a)) to that candidate's central campaign committee soon enough in advance of the filing dates in section 304(a) to enable the central campaign committee to file its reports on those dates.

"(2) The supervisory officer may, by regulation, require any political committee receiving contributions or making expenditures in a State on behalf of a candidate who, under subsection (a), has designated a State central campaign committee for that State to furnish its statements and reports to that State central campaign committee.

"(3) The supervisory officer may require any political committee to furnish any statement or report directly to him.

"(d) Each political committee which is a central campaign committee shall receive all reports and statements filed with or furnished to it by other political committees, and consolidate and furnish the reports and statements to the supervisory officer, together with its own reports and statements, in accordance with the provisions of this title and regulations prescribed by him.

"CAMPAIGN DEPOSITORIES

"Sec. 309. (a)(1) Each candidate shall designate one National or State bank as his campaign depository. The central campaign committee of that candidate, and any other political committee authorized by him to receive contributions or to make expenditures on his behalf, shall maintain a checking account at the depository so designated by the candidate and shall deposit any contributions received by that committee into that account. No expenditure may be made by any such committee on behalf of a candidate or to influence his election except by check drawn on that account, other than petty cash expenditures as provided in subsection (b).

"(2) The treasurer of each political committee (other than a political committee authorized by a candidate to receive contributions or to make expenditures on his behalf) shall designate one National or State bank as the campaign depository of that committee, and shall maintain a checking account for the committee at such depository. All contributions received by that committee shall be deposited in such account. No expenditure may be made by that committee except by check drawn on that account, other than petty cash expenditures as provided in subsection (b).

"(b) A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $50 to any person in connection with a single purchase or transaction. A record of petty cash disbursements shall be kept in accordance with requirements established by the supervisory officer, and such statements and reports thereof shall be furnished to the supervisory officer as he may require.

"(c) A candidate for nomination for election, or for election, to the office of President may establish one such depository in each State, which shall be considered by his State campaign committee for that State and any other political committee authorized by him to receive contributions or to make expenditures on his behalf in that State, under regulations prescribed by the supervisory officer, as his single campaign depository. The campaign depository of the candidate of a political party for election to the office of Vice President shall be the campaign depository designated by the candidate of that party for election to the office of President.".

"LIMITATIONS ON CASH TRANSACTIONS

"Sec. 310. No political committee shall receive a contribution, or contributions in the aggregate, from any person of $50 or more other than in the form of a check drawn on the account of the person making the contribution. No political committee shall make any expenditure of $50 or more other than by check drawn on the account of that committee and signed by the treasurer of the committee or his delegate.".

INCREASED PENALTY FOR VIOLATIONS

Sec. 10. Section 314 (as redesignated by this Act) of the Federal Election Campaign Act of 1971 (relating to penalty for violations) is amended to read as follows:

"PENALTY FOR VIOLATIONS

"Sec. 315. (a) Violation of the provisions of this title is a misdemeanor punishable by a fine of not more than $10,000, imprisonment for not more than one year, or both.

"(b) Violation of the provisions of this title with knowledge or reason to know that the action committed or omitted is a violation of this Act is punishable by a fine of not more than $100,000, imprisonment for not more than five years, or both."

REPEAL OF EQUAL TIME PROVISIONS FOR PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES

Sec. 11. Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting after "public office" in the first sentence thereof the following: ", other than the office of President or Vice President,".

LIMITATIONS ON CONTRIBUTIONS AND EXPENDITURES AND PENALTY FOR EMBEZZLEMENT

Sec. 12. (a) Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§ 614. Limitations on Presidential campaign contributions and expenditures by persons not candidates

"(1) No person shall make any contribution during the calendar year to or for the benefit of any candidate which is in excess of the amount which, when added to the total amount of—

"(A) all other contributions made by that person during the calendar year to or for the benefit of that candidate in connection with his campaign for nomination for election to the office of President, would exceed $3,000, or

"(B) all other contributions made by that person during the calendar year to or for the benefit of that candidate in connection with his campaign for election to the office of President, would exceed $3,000.

"(2) For purposes of this section—

"(A) a contribution to a candidate nominated by a political party for election to the office of Vice President shall be considered to be a contribution to the candidate nominated by that party for election to the office of President;

"(B) a contribution made to a political committee or fund authorized by a candidate to receive contributions for that candidate shall be considered to be a contribution to that candidate;

"(C) any contribution made in connection with a campaign in a year other than the calendar year in which the election to which that campaign relates is held shall be taken into consideration and counted toward the limitations imposed by this section for the calendar year in which that election is held.

"(3) The limitations imposed by paragraph (1) shall not apply to contributions to a candidate from one of his authorized political committees.

"(b) No person who is not authorized in writing by a candidate to make expenditures on his behalf in connection with his campaign for nomination for election to the office of President shall make any expenditure on behalf of that candidate (except by contribution made to that candidate or one of his authorized political committees) during any calendar year in excess, in the aggregate, of $1,000.

"(c) As used in this section, the words "contribution" and "expenditure" shall not be construed to include—

"(1) personal services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee,

"(2) communications by any organization, excluding a political party, solely to its members and their families on any subject,

"(3) communications (including advertisements) to any person on any subject by any organization which is organized solely as an issue-oriented organization, which communications neither endorse nor oppose any candidate for Federal office,

"(4) normal billing credit for a period not exceeding thirty days,

"(5) expenditures by a broadcaster regulated by the Federal Communications Commission, or by a periodical publication, in reporting the news or in taking editorial positions, or

"(6) expenditures by any organization described in section 501(c) of the Internal Revenue Code of 1954 which is exempt from tax under section 501(a) of such Code in communicating to its members the views of that organization.

"(d) Violation of the provisions of this section is punishable by a fine not to exceed $25,000, imprisonment for not to exceed five years, or both.

"§ 615. Embezzlement or conversion of political contributions

"Whoever, being a candidate, or an officer, employee, or agent of a political committee, or a person acting on behalf of any candidate or political committee, embezzles, knowingly converts to his own use, or to any other noncampaign use, or deposits in any place or in any manner except as authorized by law, any contributions or campaign funds entrusted to him or under his possession, custody or control; or

"Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled or converted—

"Shall be fined not more than $50,000 or imprisoned not more than five years, or both; but if the value of such property does not exceed the sum of $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.".

(b) Section 591 of title 18, United States Code, is amended by striking out "and 611" and inserting in lieu thereof "611, 614, and 615".

(c) The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new items:

"614. Limitations on Presidential campaign contributions and expenditures by persons not candidates.

"615. Embezzlement or conversion of political contributions.".

EFFECTIVE DATE

SEC. 13. The provisions of this Act shall take effect upon enactment.

DETAILED EXPLANATION: REVISED MONDALE-SCHWEIKER, PRESIDENTIAL CAMPAIGN FINANCING ACT OF 1973

I. PRIMARY ELECTIONS

A. Each candidate in the Presidential primaries is entitled to matching payments from the Treasury for the first $100 or less received from each individual contributor.

1. Payments begin 14 months prior to the date of the general election for President.

2. Any contribution made "in connection with" the candidate's campaign for nomination, in whatever year it occurs, is eligible for matching. However, all such contributions are aggregated, and no more than $100 from any contributor may be matched.

B. Candidates must accumulate $100,000 in matchable contributions before the first Treasury matching payments are made. Thus a candidate would have to accumulate 1000 contributions of $100 each, 2000 contributions of $50 each, etc. Only the first $100 of each contribution counts toward meeting the $100,000 requirement.

C. No candidate may receive total matching payments in excess of 5¢ for each person over 18 in the United States (roughly $7 million).

D. No candidate may spend more than $15 million in his campaign for the Presidential nomination. This limit increases with cost of living increases.

E. Matching payments may be used only for legitimate campaign expenses during the pre-nomination period, and unspent payments must be returned to the Treasury.

F. The Comptroller General certifies eligibility for payments, and is responsible for conducting a detailed post-convention audit and obtaining repayments when necessary.

G. There are severe criminal penalties for exceeding the overall primary spending limits, and for unlawful use of payments, false statements to the Comptroller General, and kickbacks and illegal payments.

II. GENERAL ELECTION

A. The existing Presidential Election Campaign Fund Act (the $1 check-off) is retained, with the following amendments:

1. The requirement for a separate appropriation before money from the $1 check-off Fund becomes available is removed, making the check-off self-appropriating.

2. The amount of the check-off is doubled from the existing level of $1 ($2 on a joint return) to $2 ($4 on a joint return).

3. Candidates are permitted to receive and spend private contributions of $3000 or less (see III., below) to supplement the funds they receive from the $1 check-off, up to a maximum overall spending limit in the general election of $30 million.

a. Under the existing $1 check-off law, major party candidates may not use private contributions at all if they receive their full entitlement from the check-off (15c per eligible voter, or roughly $20–22 million), and minor and new Party candidates may use private contributions only to make up the difference between the smaller amount they receive from the check-off and the amount major party candidates are entitled to. (If the funds in the check-off are not sufficient to provide major party candidates with the full amount they are entitled to, they also may raise private money to make up the difference.) All candidates using the check-off money are thus limited to spending no more than $20–22 million in the general election. Those who accept no check-off money, however, may spend an unlimited amount in the general.

b. The $30 million limit on total spending in the general election imposed by this bill applies to all candidates (including those who decline their entitlement from the check-off), and therefore leaves no incentive for a candidate not to use the check-off. The $30 million limit would increase with cost of living increases.

c. The $30 million limit would permit major party candidates to supplement the $20–22 million they receive from the check-off with $8–10 million from private contributions of $3000 or less. This ⅔ public, ⅓ private, ratio would continue as cost-of-living increases raised the $30 million spending limit, and as population increases raise the amount major party candidates may receive from the check-off (15c times the voting age population).

d. Minor and new party candidates could receive a larger proportion of their funds from private sources to make up for their smaller entitlement under the $1 check-off but in no case could their total spending exceed $30 million in the general election.

B. Payments to candidates are distributed in accordance with the existing law, i.e.:

1. Major party candidates (those whose party received 25 percent or more of the vote in the previous election)—15c times the 18-and-over population of the U.S.

2. Minor party candidates (those whose candidates received between 5 and 25 percent of the vote in the previous election)—a percentage of the major party candidate entitlement equal to the percentage of the average major party vote their candidate received in the preceding or current election (whichever is larger).

3. New party candidates—if the candidates receives more than 5 percent of the vote in the current election, he is repaid after the election according to the percentage of the average major party vote received.

C. The Comptroller General certifies eligibility for payments and is responsible for conducting a detailed post-convention audit and obtaining repayments when necessary.

D. There are severe criminal penalties for exceeding the overall general election spending limit, and for unlawful use of payments, false statements to the Comptroller General, and kickbacks and illegal payments.

III. CONTRIBUTION LIMITS FOR PRESIDENTIAL CAMPAIGNS

A. No individual, organization, or group may contribute more than a total of $3000 to any Presidential candidate in connection with his or her campaign for the nomination, and another $3000 in connection with his or her general election campaign.

1. Contributions given in any year "in connection with" a campaign count toward the limits for the year in which the election is held.

B. Individuals or groups acting independently (i.e., without written authorization from the candidate) may spend no more than $1000 on behalf of a candidate in the prenomination period (a similar limit in the existing $1 check-off law already applies to the general election period).

IV. MISCELLANEOUS

A. The equal time provisions are removed for Presidential candidates.

B. Each candidate is required to set up a single central campaign committee to handle reporting of receipts and expenditures, and a single campaign depository through which all receipts and expenditures must be channeled.

C. All cash transactions (contributions or expenditures) of $50 or over are prohibited.

D. The existing tax credit is doubled to make it one-half of any contribution up to $50 ($100 for joint returns), and the existing deduction is doubled to $100 ($200 for joint returns).

E. The penalty for misdemeanor violations of the Federal Election Campaign Act of 1971 (now $1,000 and/or one year imprisonment) is increased to $10,000 and/or one year in prison, and knowing violations are made a felony punishable by a fine of up to $100,000 and/or imprisonment for up to five years.

F. Embezzlement or conversion to non-campaign use of political contributions is made a felony punishable by a fine of up to $50,000 and/or imprisonment of up to five years.

Mr. SCHWEIKER. Mr. President, I am pleased to join again with the Senator from Minnesota (Mr. MONDALE) in introducing the Mondale-Schweiker bill to provide public financing of Presidential election campaigns.

This measure is substantially the same as S. 2238, the bill we introduced July 24. That bill was incorporated into the campaign public financing amendment to the debt ceiling bill, and constituted the Presidential primary feature of that debt ceiling amendment. Despite the fact that this amendment had the support of a solid majority of Senators, it fell prey to a nemesis of our democratic process—the filibuster. I regret that the minority of the Senate has forced its will upon the majority and that we were not able to take advantage of this significant opportunity to bring meaningful reform to our electoral process.

The specter of secret bundles of $100,000 in cash in black bags is repugnant to all Americans.

In 1972 the violations of the 1971 campaign reform law, plus the violations of laws against corporate contributions that have been on the books for half a century, combined to bring public outrage to a new high over the excesses and abuses of depending solely on large contributions for Federal election campaigns.

It was the scandalous abuses of private financing of campaigns in the Presidential election of 1972 that has resulted in strong public pressure to take action this year to institute public financing of the Presidential election.

The Presidential race is a national event that dominates public attention and the media in the election year. The outcome of the Presidential election affects every American. As we are tragically seeing week after week, the abuses and excesses of private financing of the Presidential campaigns also affect every American.

The price the taxpayers pay for special favors and influence by large contributors is incalculable, but we pay this price, and every taxpayer is affected.

Therefore, it is important that we begin our campaign reform process by insuring that the Presidential election is paid for by the public at large, and not by a few private special interests.

Mr. President, I am more firmly committed than ever to the principal of public financing of political campaigns, and I strongly urge the Senate to give its approval to this measure at the earliest possible date.

By Mr. JACKSON (for himself, Mr. RIBICOFF, Mr. ERVIN, Mr. PERCY, Mr. JAVITS, Mr. RANDOLPH, and Mr. FANNIN):

S. 2776. A bill to provide for the effective and efficient management of the Nation's energy policies and programs. Referred to the Committee on Government Operations.

Mr. JACKSON. Mr. President, at the request of the administration and on behalf of myself and Senators RIBICOFF, ERVIN, PERCY, JAVITS, RANDOLPH, and FANNIN, I introduce for appropriate reference a bill to establish a Federal Energy Administration.

This legislation has been proposed by the President and is designed to provide an administrative organization within the Federal Government which can deal with the urgent energy problems facing the Nation. While it proposes changes which are long overdue, it is essentially an emergency measure designed to encourage more effective handling of these problems.

In brief, the legislation proposed by the administration would create an independent executive agency for a fixed period of 2 years, to be headed by an Administrator and Deputy Administrator appointed by the President with the advice and consent of the Senate. It would transfer to the new agency the functions now being exercised by the Office of Petroleum Allocation, the Office of Energy Conservation, the Office of Energy Data and Analysis, and the Office of Oil and Gas in the Department of the Interior. It would also transfer the functions of the Energy Division of the Cost of Living Council.

The measure also includes a controversial provision to permit the transfer of functions of other Executive agencies to accomplish the intent and purpose of the legislation. Such transfers would be subject to disapproval by either House or Senate. This is basically the reorganization authority which lapsed carlier this year and has not been renewed by Congress.

It is my understanding that the bill I am introducing today represents an initial draft and is not necessarily the final administration proposal. I have been assured that the final proposal, together with appropriate justification, will be available before the hearings begin on Thursday.

Mr. President, the energy shortages facing the country and the impact that these shortages will have on employment and the economy are very serious. They are not, however, any reason for panic. The situation is manageable if effective action is taken in the very near future. I am hopeful that the administration's latest proposal will provide the institutional arrangements for effective action.

I regret, as I am sure other Members of the Congress regret, that implementation of this new proposal will be construed by some to reflect unfavorably upon individuals in the administration who have previously held or still hold positions of responsibility for energy policy. Frankly, I think it would be both unfair and inaccurate to blame our energy problems on any one man or group of men, on any single office or agency. The failures of the past—which set the stage for the energy crisis of today—are institutional in nature—they are deep rooted and complex and cannot be analyzed in terms of individual performance.

Mr. President, I particularly wish to acknowledge the contribution of Gov. John Love, and his Deputy Mr. Charles DiBona, whose resignations were accepted by the President yesterday. Governor Love and Charles DiBona are able and dedicated public servants.

Governor Love came to Washington to direct the new Energy Policy Office at a critical time. It is not at all clear that he was even given the staff or the authority or the support to do the job he was asked to do.

I particularly regret the circumstances of Governor Love's departure from office, not only because of my respect for him, but also because the country loses when able men who enter Federal service are treated in this manner. At a time when the Federal Government desperately needs first-class people in top posts, this inept performance will hardly encourage a flow of talent from private life to public service.

Mr. President, it is my hope that the administration's proposal for a Federal Energy Administration will bring a new sense of urgency and purpose—as well as better management—to the difficult energy problems we face. I am also hopeful that the Government Operations Committee, after appropriate hearings, will be able to report a bill that will receive widespread support in the Senate.

Let me emphasize, however, that reorganization in and of itself will not change the facts nor provide any new answers to the critical problems we face. These problems will require responsive programs and intelligent people to implement them. They will require enlightened and decisive leadership.

Mr. President, I ask unanimous consent that the text of the bill and some supporting material be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2776

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Energy Administration Act."

ESTABLISHMENT OF FEDERAL ENERGY ADMINISTRATION

SEC. 2(a) There is hereby established an independent executive agency to be known as the Federal Energy Administration hereinafter referred to as the Administration. The Administration shall be headed by an Administrator and Deputy Administrator each of whom shall be appointed by the President by and with the advice and consent of the Senate.

(b)(1) The functions and powers of the Administration shall be vested in and exercised by the Administrator.

(2) The Administrator may from time to time, and to the extent permitted by law, delegate such of his functions as he deems appropriate.

(c) The Administration is authorized to have six Assistant Administrators and three Assistants to the Administrator, each of whom shall be appointed by the Administrator.

(d) The Administration shall have a General Counsel, appointed by the Administrator. The General Counsel shall be the chief legal officer of the Administration.

(e) The Assistant Administrators, the General Counsel, and the Assistants to the Administrator shall perform such functions and duties as the Administrator may prescribe.

(f) The Administrator shall designate the order in which the Deputy Administrator and other officials shall act for and perform the functions of the Administrator during his absence or disability or in the event of a vacancy in his office.

FUNCTIONS OF THE FEDERAL ENERGY ADMINISTRATION

SEC. 3(a) The Federal Energy Administration shall be responsible for assuring that adequate provision is made to meet the energy needs of the Nation for the foreseeable future. To that end, the Administration shall plan, direct and conduct programs related to the production, conservation, use, control, distribution, and allocation of all forms of energy.

(b) The Administrator of the Federal Energy Administration shall be the President's adviser with respect to the establishment and integration of domestic and foreign policies relating to energy matters.

TRANSFERS

SEC. 4. (a) There are hereby transferred to and vested in the Administrator all functions of the Secretary of the Interior, the Department of the Interior, and officers and components of that department:

(1) as relate to or are utilized by the Office of Petroleum Allocation;

(2) as relate to or are utilized by the Office of Energy Conservation;

(3) as relate to or are utilized by the Office of Energy Data and Analysis; and

(4) as relate to or are utilized by the Office of Oil and Gas.

(b) There are hereby transferred to and vested in the Administrator all functions of the Chairman of the Cost of Living Council, the Executive Director of the Cost of Living Council, and the Cost of Living Council, and officers and components thereof as relate to or are utilized by the Energy Division of the Cost of Living Council.

(c) Notwithstanding any other provision of law, the President may transfer to the Administrator any function of any other Executive agency, as defined in Section 105 of title 5 of the United States Code, if he determines that such transfer would further the accomplishment of the intent and purposes of this Act. The President shall notify the President of the Senate and the Speaker of the House of Representatives forthwith of each such transfer and his reasons therefor, and shall publish a notice of each such transfer in the Federal Register. If either the Senate or the House of Representatives, within sixty calendar days after the date of delivery of any such notice, shall adopt a resolution disapproving the transfer involved, the functions involved shall immediately revert to the Executive agency from which they were transferred. Nothing in this subsection shall be deemed to permit any transfer or group of transfers the effect of which would be inconsistent with the provisions of subsection (a) of Section 905 of title 5 of the United States Code. Each function that is transferred to the Administration pursuant to this subsection shall revert to the Executive agency from which it was transferred upon the expiration of this Act or upon such earlier date as the President, or the Congress by law, may prescribe.

ADMINISTRATIVE PROVISIONS

SEC. 5. The Administrator of the Federal Energy Administration may:

(1) appoint, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and prescribe their authority and duties; except that 55 officers and employees may, under this provision, be compensated at rates not in excess of the rate prescribed for GS-18 under Section 5332 of title 5 of the United States Code, and that of such 55 officers and employees, 15 may, under this provision, be appointed without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service;

(2) employ experts, expert witnesses, and consultants in accordance with Section 3109 of title 5 of the United States Code, and compensate such persons at rates not in excess of the maximum daily rate prescribed for GS-18 under Section 5332 of title 5 of the United States Code for persons in Government service employed intermittently;

(3) appoint advisory committees composed of such private citizens or officials of Federal, State, and local governments as he deems desirable to advise him, and compensate such persons other than those employed by the Federal Government at rates not in excess of the maximum daily rate prescribed for GS-18 under Section 5332 of title 5 of the United States Code for each day they are engaged in the actual performance of their duties (including travel time) as members of a committee and pay such persons travel expenses and per diem in lieu of subsistence at rates authorized by Section 5703 of title 5 of the United States Code for persons in Government service employed intermittently;

(4) promulgate such rules, regulations, and procedures as may be necessary to carry out the functions vested in him;

(5) utilize, with their consent, the services, personnel, equipment, and facilities of Federal, State, regional, local, and private agencies and instrumentalities, with or without reimbursement therefor, and transfer funds made available pursuant to this Act to Federal, State, regional, local, and private agencies and instrumentalities as reimbursement for utilization of such services, personnel, equipment, and facilities;

(6) accept voluntary and uncompensated services, except where such services involve administrative proceedings, investigations, or enforcement powers notwithstanding the provisions of Section 3679 of the Revised Statutes;

(7) adopt an official seal, which shall be judicially noticed, and the provisions of Section 709 of title 18 of the United States Code shall apply to the use of the seal, after its adoption and publication in the *Federal Register*, except as provided by regulations prescribed by the Administrator;

(8) accept unconditional gifts or donations of money or property, real, personal, or mixed, tangible or intangible;

(9) subject to appropriation Acts, enter into and perform contracts, leases, cooperative agreements, or other transactions with any public agency or instrumentality or with any person, firm, association, corporation, or institution; and

(10) perform such other activities as may be necessary for the effective fulfillment of his duties and functions.

COMPENSATION

SEC. 6. (a) Section 5313 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(2) Administrator of the Federal Energy Administration."

(b) Section 5314 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(62) Deputy Administrator of the Federal Energy Administration."

(c) Section 5315 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(99) Assistant Administrators, Federal Energy Administration (6).

"(100) General Counsel, Federal Energy Administration."

(d) Section 5316 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(132) Assistant to the Administrator, Federal Energy Administration (3)."

(e) In the event that any individual at the time of entering upon any one of the positions described in subsections (a) through (c) of this section then holds another position in the executive branch, he may continue to hold such original position but shall be entitled, for as long as he holds both positions, to resolve the pay for only one such position: *Provided*, That he shall be entitled to receive the greater pay if different rates of pay are prescribed for the two positions.

(f) Appointments to the positions described in subsections (c) and (d) of this section may be made without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service.

TRANSITIONAL AND SAVING PROVISIONS

SEC. 7. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked, by the President, the Administrator, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceeding pending, at the time this section takes effect, before any department or agency (or component thereof) regarding functions which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued if this Act had not been enacted.

(c) Except as provided in subsection (e)—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and

(2) in all such suits proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or such official as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter any order which will give effect to the provisions of this section.

(e) If, before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act any function of such department, agency, or officer is transferred to the Administrator, or any other official, then such suit shall be continued as if this Act had not been enacted, with the Administrator, or other official as the case may be, substituted.

(f) Final orders and actions of any official or component in the performance of functions transferred by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders or actions had been made or taken by the officer, department, agency, or instrumentality in the performance of such functions immediately preceding the effective date of this Act. Any statutory requirements relating to notices, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the performance of those functions by the Administrator, or any officer or component.

(g) With respect to any function transferred by this Act and performed after the effective date of this Act, reference in any other law to any department or agency, or any officer or office, the functions of which are so transferred, shall be deemed to refer to the Administrator or other officials in which this Act vests such functions.

(h) Nothing contained in this Act shall be construed to limit, curtail, abolish, or terminate any function of the President which he had immediately before the effective date of this Act; or to limit, curtail, abolish, or terminate his authority to perform such function; or to limit, curtail, abolish, or terminate his authority to delegate, redelegate, or terminate any delegation of functions.

(i) Any reference in this Act to any provision of law shall be deemed to include, as appropriate, references thereto as now or hereafter amended or supplemented.

(j) Except as may be otherwise expressly provided in this Act, all functions conferred by this Act shall be in addition to and not in substitution for functions existing immediately before the effective date of this Act and transferred by this Act.

(k) The provisions of this section shall apply to functions transferred to the Administration pursuant to Section 4(c) of this Act, except that reference in this section to the effective date of this Act shall be deemed to be references to the date of the transfer of the functions involved.

INCIDENTAL TRANSFERS

SEC. 8. The Director of the Office of Management and Budget is authorized to make such additional incidental dispositions of personnel, personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with functions transferred by this Act, as he may deem necessary or appropriate to accomplish the intent and purpose of this Act.

DEFINITIONS

SEC. 9. As used in this Act—

(1) any reference to "function" or "functions" shall be deemed to include reference to duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be; and

(2) any reference to "perform" or "performance", when used in relation to functions, shall be deemed to include the exercise of power, authority, rights, and privileges.

EFFECTIVE DATE AND INTERIM APPOINTMENT

SEC. 10. (a) Any of the officers provided for in Section 2 of this Act may be nominated and appointed, as provided in that Section at any time after the date of enactment of this Act. Funds available to any department or agency (or any official or component thereof), any functions of which are transferred to the Administrator by this Act, may, with the approval of the President, be used to pay the compensation and expenses of any officer appointed pursuant to this subsection until such time as funds for that purpose are otherwise available.

(b) In the event that any officer required by this Act to be appointed by and with the advice and consent of the Senate shall not have entered upon office on the effective date of this Act, the President may designate any officer, whose appointment was required to be made by and with the advice and consent of the Senate and who was such an officer immediately prior to the effective date of this Act, or any officer who was performing essentially the same functions immediately prior to the effective date of this Act, to act in such office until the office is filled as provided in this Act. While so acting, such persons shall receive compensation at the rates provided by this Act for the respective offices in which they act.

APPROPRIATIONS

SEC. 11. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

EFFECTIVE DATE

SEC. 12. This Act shall be effective on such date as the President shall prescribe and publish in the *Federal Register*, and shall terminate two years after such effective date.

BACKGROUND MATERIAL

Relationships to other agencies

This office will have primary responsibility throughout the Federal Government for data collection and publication concerning energy statistics. It will have the primary responsibility for analyzing that data. While other offices within the Federal Energy Administration will maintain some analytical capability to meet their own missions, primary responsibility for analyzing energy data will be in the new unit.

Mode of operations

There is a strong and widely recognized need for management and credible data and statistics regarding energy supplies and consumption, both domestic and world-wide. Most of this information has, in the past, been obtained on a voluntary basis. While maximum cooperation is required from industry for much of the data, it is imperative that statutory authority exist to obtain whatever information may be required. Maximum effort must be undertaken to assure that the appropriate information is gathered, compiled and released to Congress and the public in a timely fashion. Assurances should be undertaken that confidentiality will be preserved, but only in those cases where legitimate proprietary interests are involved. Thorough analysis of all such data, as well as analytical studies of all policy options, will be a primary function of this office.

DATA ANALYSIS

Purpose and mission

The objectives of this office are to collect and assemble information with respect to energy reserves, production and demand in all sections and to perform analyses on these data. In addition, the new office will analyze the impact of energy actions on the economy, including how shortages will affect specific industries.

Organization, budget, and personnel

See attached chart. (Not printed in RECORD.)

The organization will, for FY 74, consist of approximately 90 positions. Included in the unit will be all the positions from the office of Energy Data and Analysis in Interior.

Specific duties will include:

Develop appropriate mechanisms for obtaining data.

Develop energy supply and demand projections.

Develop models for analyzing data.

Perform analysis on special problems.

Study economic impact of shortages and energy initiative.

Disseminate energy data and statistics.

POLICY, PLANNING, AND REGULATION

Purpose and mission

To develop broad strategies for dealing with overall shortages.

To evaluate program effectiveness.

To analyze various options for dealing with specific product shortages (allocation, surcharges, rationing, etc.) and make recommendations to decision makers.

To bring to day-one operational status (including publication of regulations and conduct of hearings) all programmatic options decided upon.

To perform an on-going policy analysis and planning function for the agency.

Organization, budget, and personnel

See attached chart. (Not printed in Record.)

The Office will consist of approximately 125 people (with an additional 30–50 detailed personnel to assist during the initial planning period), and a budget of 2 million dollars. Specific functions include:

Develop allocation programs, regulations and implementing procedures for:

Crude.

Residual.

Jet fuel.

Gasoline.

Middle distillate.

Other fuels.

Set priorities and classify users.

Develop information systems.

Determine the level of allocations.

Develop training procedures for Federal, state and local personnel.

Develop sanctions and enforcement mechanisms.

Determine pricing policies for petroleum products.

Develop modifications to ongoing programs as necessary.

Determine long-range energy needs and alternative government actions, including legislation.

Mode of operation

The Office is split into 11 units working on allocation plans and a contingency plan for rationing. It will work closely with other agencies to develop and plan the programs. Once ready for implementation, the programs will be transferred to the Office for Operations and Compliance.

OPERATIONS AND COMPLIANCE

Purpose and mission

The primary purpose of the office is to act as an operating, implementing body for administering petroleum and gas distribution and consumption programs. It administers at the Federal level all allocation and rationing programs. Its mission is to ensure: (1) an equitable distribution of fuel in accordance with established procedures and (2) that adequate supplies of fuel are made available to meet high priority, essential needs. The office will also be charged with maintaining strong state and local ties as they relate to the operation of these programs. The office will be the central action office to respond to the calls for assistance from the public and industry adversely effected by the fuel shortages.

Organization, budget, and personnel

See the attached chart. (Not printed in RECORD.)

Current estimate of the number of people in the organization in FY 74 is approximately 1,800. The vast majority of the people will be concentrated in the field. If more expansive programs must be implemented, then the number of people and associated budget costs could rise substantially.

Relation to other organizations

The office will be purely an implementing, operating organization; however, it will be consulted in the policy development process.

Policy direction will be provided by the Administrator, with primary reliance upon the Office of Policy, Planning and Regulation. Relations with industry would be limited to matters concerning the operation of Federal fuel distribution programs.

General mode of operation

Decentralized operations will be emphasized to the maximum extent possible, with major reliance upon State and local (i.e., volunteer) participation. All programs should be as "automatic" and self-enforcing as possible. Ten field offices will initially be operated in the ten Federal regional cities with further offices determined on the basis of identified need. These offices will also meet the field operations needs of other FEA offices.

ENERGY CONSERVATION AND ENVIRONMENT

Purpose and mission

To reduce the demand for scarce fuels. Promote efficiencies in the use and development of energy resources, coordinate Federal, State and local energy conservation programs, identify needs for research and development into methods of improving the efficiency of energy uses, develop a broad public awareness program of the need for energy conservation, and study environmental implications of energy initiatives.

Organization, budget, and personnel

See attached chart. (Not printed in Record.)

The organization will consist of approximately 50 people (including all those positions in the Office of Energy Conservation in Interior).

Specific functions will include:

Develop conservation policy initiatives for transportation, the residential sector and industry and commerce.

Stimulate and coordinate State and local conservation programs.

Administer Federal conservation program.

Study environmental implications of energy initiatives and the energy-environmental tradeoffs in dealing with the shortages.

Administer national conservation public information programs.

Relationships to other agencies

The unit will have responsibility throughout the Government for coordinating all energy conservation efforts. While other agencies will be encouraged to promote energy conservation, all such efforts will be coordinated through the new office, both for purposes of analysis and to assure that all efforts are consistent.

Mode of operation

Major analysis of alternatives for reductions in waste of energy and increased efficiencies will be undertaken by this office, and proposals for regulatory and legislative changes will emanate from this office. Major emphasis will be placed on the need for citizens and industry conserving energy, and the means for undertaking such measures will be widely disseminated. Close liaison will be established with industrial groups, State and local governments, and consumer groups to assure full dissemination of information.

INTERNATIONAL POLICY AND PROGRAMS

Purpose and mission

The broad mission of the office will be to focus on all international and national security factors that are specifically energy-oriented. The Department of State's function is diplomatic and its focus is towards relations with our allies and others; energy matters represent a single input in that mission. Likewise the Defense function is the maintenance of our national security and energy is a peripheral concern.

The office would serve the Director in both these areas with the particular focus on energy matters.

The specific functions would involve:

a. *Coordinate within the Federal Energy Administration itself* on national security and international matters.

b. *Develop policy and advise* the director on international and national security issues.

c. *Monitor and manage* international programs for the director, including mandatory oil import program and energy export regulation.

d. *Coordinate with other government agencies* on policy matters.

Organization, budget and personnel

See attached chart. (Not printed in Record.)

The staff will consist of about 50 people for FY 74. Assuming travel funds would be provided from a central fund, the office budget would consist primarily of pay with a small amount of funds available to sponsor studies and analyses. The latter would be needed for a contribution towards other studies to ensure international and national security issues are adequately represented.

Some of the division's actual functions are outlined below:

Policy analysis

1. Intergovernment and inter-administration coordination
2. R&D cooperation.
3. OECD Affairs
4. Saudi Economic Diversification
5. Import Sharing.

International commerce

1. Soviet LNG, East-West Trade
2. Company affairs and negotiations with producer governments.
3. Diversification of future supplies.
4. Oil Policy Committee
5. Export Control.

Security affairs

1. National Vulnerability.
2. Defense Department energy needs, bases, and
3. NATO

Method of operation—intergovernment relations

In matters of policy this office would liaison closely with three organizations—the National Security Council, Defense Department and State Department. Its policy focus would not aim at focusing on the major questions of diplomatic and security affairs (to which energy concerns are one input). Instead it would concentrate on matters that are particularly energy related and would not receive proper focus or attention unless this office did so. Matters such as:

Saudi economic problems/diversification.

The office would also provide an articulate liaison between the Energy Administration and the companies regarding negotiations and a whole host of issues.

Some of its operations would be specifically interagency in nature and interagency working groups, etc., would be relied upon (in conjunction with NSC).

ENERGY RESOURCE DEVELOPMENT

Purpose and mission

The primary mission of this office is to facilitate implementation of the President's program to develop the capability for national self-sufficiency in energy supplies and to insure that this goal is met with adequate protection for the environment.

Its responsibility is three-fold.

To overcome construction bottlenecks and other constraints (e.g., regulatory delays, material and labor shortages) that hold up the building and operation of energy facilities.

To insure development of adequate incentives for increasing production from domestic energy sources utilizing current technology.

To coordinate the relationship between national energy strategy generally and the R&D program to be pursued by the proposed ERDA.

Specifically, the functions of Project Independence include:

a. Expediting Alaskan Pipeline construction and operation so that oil is available at the earliest possible time.

b. Expediting exploration of the Outer Continental Shelf, through leasing and development, so that energy supplies from this source are assessed and developed on a rapid basis.

c. Expediting the leasing of coal and shale lands.

d. Expediting nuclear and non-nuclear electric power plant and energy facilities, including their siting, construction, operation, and right-of-ways, through minimizing regulatory, construction and material delays.

e. Facilitating domestic coal production and consumption to make sure that our most abundant domestic energy source is utilized to the maximum extent possible by ensuring the availability of mining equipment, manpower and transportation facilities.

In the area of R&D, this office will expedite, within the Executive Office, the coordinating of R&D plans developed by ERDA (when enacted).

Organization

This Office would be organized along the following lines: Director, Supply Expediting, and Technology Expediting.

Including:

Siting, construction, materials and regulatory delays.

Oil and gas industries.

Outer Continental Shelf development.

Coal utilization.

Alaska pipelines.

Coordination of the relationship of R&D and non-R&D efforts to utilize domestic resources.

Insuring application of R&D.

Budget and staff

The Office would have approximately 150 people in FY 74.

Interagency relationships and mode of operation

With respect to impediments to and incentives for increasing energy supply collaborate with departments, regulatory agencies, GSA (Office of Preparedness) and with State and local governments to identify problems and to expedite their solution by appropriate departments and agencies, including development of legislative recommendations.

Work with OMB on legislative, budget, and management actions necessary to achieve purpose of this Office.

FEDERAL ENERGY ADMINISTRATION

Mr. RIBICOFF. Mr. President, I am pleased to join with Senator Jackson as an original cosponsor of legislation to establish a Federal Energy Administration. The creation of a single agency to direct our efforts to deal with the energy crisis is badly needed and long overdue.

Present programs to deal with this grave problem are a confused jumble of conflicting and overlapping regulations divided among six separate departments and agencies—the Energy Policy Office in the Executive Office of the President, the Office of Management and Budget, the Treasury Department, the Interior Department, the Cost of Living Council, and the Environmental Protection Agency.

The stark reality of the energy crisis demands an end to the pretense that the Federal Government can somehow muddle through by continuing to operate on a business as usual basis. The hard facts of our situation do not allow such a luxury.

We face a present national shortage of 17.5 percent in No. 2 fuel oil. This is equivalent to 900,000 barrels per day.

The shortage of residual oil, used by utilities to power their generators, is over a million barrels a day, nearly 30 percent of demand for this vital product.

In the first 3 months of 1974, the Government expects a shortage of more than 21 percent in gasoline—equal to 1.5 million barrels per day. And in the same period the shortage of jet fuel is estimated at nearly one-third of demand, about 400,000 barrels a day.

Clearly, drastic action is required. We must end the lengthy delays and bureaucratic rivalry which have characterized our past efforts to solve the energy crunch. Instead, we must have prompt, firm decisions, and effective coordination among the many programs which are necessary to a comprehensive solution of our problems.

For this reason, I am particularly pleased that the President has chosen William E. Simon to head the new Federal Energy Administration. I have worked with him on many aspects of the energy situation over the past 11 months and have found him to be a man of great ability and integrity. I am confident the President has chosen the right man to serve as national energy czar.

The agency he will direct will have a budget of about $50 million and nearly 3,000 employees. It will be responsible for the overall management of the Federal effort to deal with the current energy emergency.

The agency will be composed of six functional offices—data gathering and analysis, policy planning and regulation, operations and compliance, international policy and programs, energy conservation and environment, and energy resource expediting. Mr. President, I ask unanimous consent that a chart showing the proposed organization of the new agency be printed at the conclusion of my remarks.

In my view, two of these offices are especially important. The work of the office of data gathering and analysis is basic to the operation of the entire agency, for it is axiomatic that effective policy must be based on accurate, up-to-date information. The lack of such information is one of the causes of our current crisis. Accordingly it is essential that this office have adequate information gathering authority.

The work of the office of energy conservation and environment is also particularly vital. It will be the responsibility of this office to assure a proper balance between our needs for energy to run the economy, and a healthy environment. Mr. President, it is essential to preserve our environment while we are finding the answers to the energy shortage, for it will not benefit our Nation to solve the energy crisis at the cost of destroying our air, water, and land. By making the environmental interest a part of the decisionmaking process in the Federal Energy Agency, we can avoid this result.

Mr. President, the current energy emergency has come as a surprise to many people, but I have been concerned about shortages of gasoline and fuel oil for many months. In April 1972, I warned the administration of a coming shortage of heating oil during the winter of 1972–73. The Office of Emergency Preparedness predicted that sufficient supplies would be available in Connecticut and throughout New England, but as we all know, the Government was wrong and I was right.

This past year, as the petroleum situation became more grave, I have made the energy crisis one of my priority legislative areas.

In January, I cosponsored the New England States Fuel Oil Act to permit unlimited imports of No. 2 home heating oil. Later I sought assurance from the administration that its new Oil Policy Committee would establish a special subcommittee to deal with Connecticut and New England's particular problems.

In February, I conducted a hearing on Reorganization Plan No. 1 of 1973, which transferred the chairmanship of the Oil Policy Committee from the Director of the Office of Emergency Planning to the Deputy Secretary of the Treasury. At the hearings, the Deputy Secretary agreed to establish a New England Regional Advisory Committee which would include independent fuel oil dealers so that their views could be considered in the deliberations of the committee.

In March, I had joined in introducing Senate Resolution 74, calling on President Nixon to begin negotiations with the other major oil consuming nations leading to bargaining on a government-to-government basis with oil-producing states and their own unified entity—the Organization of Petroleum Exporting Countries—OPEC.

In May I had cosponsored legislation providing for continued sales by major oil companies of gasoline to independent gasoline retailers at the same percentage levels as in a previous base period, and to assure equitable distribution of petroleum products to all regions of the country.

Along with a number of other Senators, I had also signed a letter to President Nixon urging him to use the authority granted him by the Congress in the Economic Stabilization Act to allocate crude and petroleum products, so that healthy competition of the small independent refiners and gasoline marketers would not be eliminated.

On June 5, the Senate passed S. 1570, the Emergency Fuel Allocation Act of 1973. This bill included an amendment I had offered and which has been approved on the floor, to establish an Office of Emergency Fuel Allocation. This measure was designed to insure that municipal, county, and State governments would be able to get enough gasoline and fuel oil to provide essential services to their citizens.

This past summer, my own Subcommittee on Reorganization conducted an investigation of the heating oil situation for the coming winter and reported in September that the major oil companies had failed to voluntarily allocate the necessary fuel to independent dealers. Yet, the administration failed to order a mandatory allocation system until it was too late for the oil companies to import the Middle Eastern oil that was then still available to build up their reserves for the winter.

And in November, I filed a report with the Government Operations Committee on the international aspects of the energy crisis—"Petropolitics and the American Energy Shortage."

Mr. President, the introduction of this bill is a significant step toward reason, order, and fairness to Connecticut in Federal energy programs. By bringing together many related efforts we will cut redtape and assure a faster response to the energy needs of the American people. As chairman of the Subcommittee on Reorganization, I will do all I can to speed Senate action on this important legislation.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. JAVITS. Mr. President, I wish to associate myself with one thing the Senator said that came out in testimony before the Committee on Government Operations this morning by Mr. Ash, the Budget Director.

There is no reason whatever for panic. Mr. Ash testified there is no reason for panic. We do not have to have a recession. The degree to which our economy may abate is likely to be minimal, provided we keep our shirts on, obey a reasonable discipline, and go through with the measures we have espoused.

I hope that all Members who have prestige in their States would so assure the people of their States, because I think the psychological factor that we have to have a recession, that this is going to be a tremendous economic jolt, that we somehow are going to suffer unknown difficulties because of it, is becoming so prevalent that it may induce exactly what need not happen.

I thank the Senator very much for speaking as he has.

Mr. JACKSON. May I just reiterate the remarks of the Senator from New York by saying that, while we do face what may be a protracted crisis, it is a manageable crisis. I agree with the Senator that there is no reason why, if the proper steps are taken—and I believe this bill provides that initial base—there should be a situation in which the economy is in serious trouble.

The emergency agency that is being set up is tied to the obvious necessity of relating to the economy whatever decisions are made so far as allocations or rationing in energy are concerned, I think, is the key point. What has concerned the public, I think, is that there has been an ongoing idea that we were not doing that. The new agency will be geared up to relate to the gross national product what is done in the energy area. This development and this approach should, I believe, have its effect so as to commence at least a program of stabilization.

There is no reason for panic; there is no reason for despair. This is a manageable task. The bill that has been introduced is the beginning of an effort to stabilize the ship of state, especially in the economic area.

Mr. PERCY. Mr. President, the bill we are introducing today is the administration's proposal for a Federal Energy Administration—FEA. The FEA would be an independent executive agency responsible for carrying out operational functions in the immediate energy emergency.

During the 2-year life of the FEA, the Administrator would be the President's adviser on all aspects of energy policies, both foreign and domestic, including the production, conservation, allocation, and control of fuels. This would be an exceptionally powerful position. If the FEA bill is enacted, the President's nominee for Administrator should be examined with great care before being confirmed by the Senate.

I regret that this new agency must be established on such an emergency basis. It deserves much more careful consideration. Its decisions will touch the lives of every American. I consider this an interim measure, which should be followed as quickly as possible by a comprehensive, thoroughly considered bill which will integrate it with our natural resources agencies into a broader new Department of Energy and Natural Resources.

I regret also that the FEA is already being created by Executive order, apparently based on thin legal underpinnings. The hearings we will conduct in the Government Operations Committee, beginning Thursday, December 6, should clearly establish whether a new agency is truly necessary to perform the energy emergency functions and whether there is any statutory basis for creating the agency by Executive order in advance of the legislation.

The urgency of the fuel shortage situation requires that the Congress act promptly to resolve these questions. If the Federal Energy Administration is to be created, it should be given a sound statutory footing and clearly defined authorities. Transfers of functions from other agencies should be accomplished in accordance with well-established traditions of congressional oversight. Finally, FEA should be regarded only as a temporary step, so that we do not lose sight of the need for broader reform and consolidation through DENR.

Mr. HANSEN. Mr. President, first, I regret very much Gov. John Love's departure under the circumstances that attended his going from the city of Washington. Governor Love is a great administrator. He was a great Governor. He was elected to a full third term from his State of Colorado. I have known him since 1963 when he and I became Governors of our States.

It honestly can be said he was not given the support that I think he deserved, the support the job indicated he should have had, and that is unfortunate.

Having said that, I do not disagree with the distinguished Secretary of the Treasury, Mr. Shultz, insofar as his approach to the solution to the energy crisis is concerned. I think he is quite right in pointing out that we do need to let price play an important role in determining that the energy available to us goes to the most important uses to which it should go.

I believe there is no better way than to let price make that determination. I think it will accomplish two purposes: First, it will insure that everyone becomes conscious of the short supply of energy and will help reduce waste and inefficient use to a greater degree than could be achieved in any other fashion, but more importantly, it will insure that we will have more supply. That is important. I think it is important because, while I agree with the distinguished chairman of the Committee on Insular Affairs that there is no reason for panic, I would add a footnote to that statement.

There is no reason for panic if we avail ourselves of all of our opportunities, and that means to go on with the business of developing more energy in this country and using more of the energy that is presently available to satisfy America's great demand for power. This can be achieved in two ways: First, as the price rises we will bring more oil and gas above ground that otherwise would be left below ground to be wasted for all time insofar as man's use is concerned; and second, we must take a commonsense approach to the matter of environment so as not to tie our hands and prevent us from using coal and other sources of energy to substitute for natural gas and oil whenever and wherever possible. The President called for this response some weeks ago. We must take that action now.

I thank the Senator from Washington for his courtesy.

Mr. MAGNUSON. I add only two words to the Senator's discussion: Nuclear power.

Mr. HANSEN. Indeed so. To that I would add amen.

Mr. DOMINICK. Mr. President, it was with very deep regret that I heard the news about the resignation of my good personal friend and ex-Governor, John Love, from his energy position at the White House.

After all, it is a little difficult for a man to be asked to resign from the governorship of a State and to come to the White House and to take on a job and then tell him that he has been superseded by an aide of the White House, and not by the President, himself.

I would say that John Love was operating with a minimum staff, practically no one. The jurisdiction of this matter was divided among at least a dozen agencies and departments—everywhere from Interior to Treasury to Cost of Living Council to AEC, and to everyone else, including Congress—and he did an admirable job, with good humor and great skill. It is unfortunate that such a situation occurred, in which he felt it necessary to resign from the enormously fruitful public service he has been performing since 1962.

I want to say that for the RECORD, and I wish him the very best in whatever he decides to do from here on.

Mr. JAVITS. Mr. President, I am pleased to join my colleagues, Senators JACKSON, RIBICOFF, ERVIN, PERCY, RANDOLPH, and FANNIN in introducing this important legislation. As the impact of our energy shortages becomes a painful reality throughout the Nation the Senate Government Operations Committee—of which I am a ranking member—is pushing ahead with action on several aspects of this problem.

First, one of the most important questions yet to be adequately answered is why industry and Government failed to rouse the public and Congress to impending shortages during the last year in the face of rising consumer demand. The Permanent Subcommittee on Investigations on which I serve is now conducting hearings on this very question. If indeed Federal oil policymakers and industry officials knew or should have known that shortages in fuel oil and gasoline were very likely—even before the Mideast oil cutoff—and took no decisive action in matters they could have affected, those facts should be made known and will help us to take corrective action. We must assure that Federal programs designed to monitor oil industry activities which can have such a major impact upon the health of our economy are operating effectively and in the public interest.

Second, our hearings on S. 2744, a bill to create the Energy Research and Development Agency which Senators JACKSON, RIBICOFF, I, and others introduced last week, began this morning. As the ranking minority member of the Executive Reorganization Subcommittee, I can say that our members are determined to utilize these hearings to design an administrative and policymaking structure which will bring to reality a long-range research and development program to enable us to achieve self-sufficiency by 1980.

The new legislation we introduce today is designed to address a third and perhaps the most difficult aspect of this problem. Allocating our critically scarce oil supplies is going to be a task requiring extraordinary, creative intelligence, insight, and the highest degree of sophisticated and sensitive administrative skill. I feel that Under Secretary William Simon, a New Yorker I know well, has the capability and the experience to undertake this responsibility.

In our complex and integrated, technological society, it is going to involve extremely difficult decisions to determine which particular groups, industries, and interests will receive priorities over other groups, and what criteria shall be used in reaching those decisions. The bill we introduce today is designed to establish a manageable, streamlined administrative mechanism to facilitate this process—without creating an oversized, cumbersome bureaucratic structure. As our hearings unfold, we will seek naturally to refine and improve upon the bill as it now exists. Basically, the legislation does the following:

First, the bill will provide for the development of systems for obtaining and analyzing data with respect to energy reserves, production and demand in all sectors of the economy;

Second, it provides for a policy, planning and regulations office to develop strategies for overall shortages and various options for dealing with specific product shortages—allocation, surcharges, rationing, and publications of regulations. It will develop specific regulations and implementing procedures for allocating crude oil, residual, jet fuel, gasoline, middle distillate and other fuels, and set priorities and classify users.

Third, the operations and compliance office will act as the operating, implementing body for administering petroleum and gas distribution and consumption programs.

Fourth, the Energy Conservation and Environment Office of FEA will promote efficiences in the use and development of energy resources, and coordinate Federal, State, and local energy conservation programs.

Fifth, the International Policy and Programs Office will concentrate on all international and national security factors that are specifically energy oriented.

Sixth, the Energy Resource Office will facilitate implementations of the President's program to develop the capability for national self-sufficiency in energy supplies and to assure that this goal is met with adequate protection for our environment.

Mr. President, it is not without some concerns that I support a program which will have such far reaching ramifications on the lives of every American. It is with this in mind that I propose to insist that the administration of any Federal allocations program be undertaken with the following objectives clearly in mind:

First. Any adverse job impact of the energy shortage must be minimized to the greatest extent possible and held within tight limit;

Second. Allocation programs must be developed and promulgated in an atmosphere of openness and public hearing;

Third. The energy resources we have must be allocated fairly among all geographic areas of the country;

Fourth. Regulations must be simply designed and fairly enforced with a minimum degree of Government bureaucracy; and

Fifth. The FEA should study and recommend incentives to conserve on energy consumption of all kinds.

Mr. STEVENS. Mr. President, I want to associate myself with the remarks of the junior Senator from Washington (Mr. JACKSON) concerning Gov. John A. Love. Governor Love left a position of great responsibility as the Governor of one of our sovereign States to become an adviser to the President on energy matters. The record will show, I believe, that he spent almost half of his time in the past several weeks appearing before congressional committees and meeting with Members of Congress and in making public appearances to assure us all that the energy crisis is indeed a real crisis, not a contrived one. Governor Love is a man who has great ability. He has demonstrated that ability in the manner in which he performed his duties here in Washington and I, for one, earnestly hope that official Washington will see more of John Love.

By Mr. JACKSON (for himself, Mr. ABOUREZK, Mr. BARTLETT, and Mr. NUNN):

S. 2777. A bill to establish within the Department of the Interior an additional Assistant Secretary of the Interior for Indian Affairs, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I am introducing for Mr. ABOUREZK, Mr. BARTLETT, and myself a bill to establish within the Department of the Interior an Assistant Secretary who will be an additional Assistant Secretary responsible only for Indian Affairs. A similar bill (H.R. 620) was passed on October 1, 1973 by the House of Representatives. The administration has requested that this new position be established.

The Bureau of Indian Affairs was created on March 11, 1824, by order of the Secretary of War. The Congress, by the act of July 9, 1832 (4 Stat. 564) created the position of Commissioner of Indian Affairs, to be appointed by the President with the advice and consent of the Senate, under the direction of the Secretary of War. Under the act of March 3, 1849 (9 Stat. 395), the supervision of the Bureau of Indian Affairs was transferred from the Secretary of War to the Secretary of the Interior.

The Bureau and Commissioner of Indian Affairs have been and are in a third tier level within the administrative structure of the Department of the Interior, reporting to the Secretary through an Assistant Secretary of the Interior. This third-tier positioning of Indian matters within the Department of the Interior has had two detrimental effects.

First, it has aggravated the inherent conflicts of interest which exist in the Federal administration of Indian affairs. As trustee of Indian property, the United States is charged with a high fiduciary duty to protect and preserve Indian trust assets. Yet the Department of the Interior is also called upon to administer the Nation's resources, such as water, power, lands, timber, oil and minerals, for the greatest common good. When these non-Indian national interests come into conflict with Indian trust interests, all too often the Indian interest is sacrificed or compromised in favor of the non-Indian interest.

Second, despite the various policy statements of putting the "First American" first on the Nation's agenda, the visibility and importance of Indian matters within the Department remain at a low level.

Enactment of my bill would ameliorate the conflicts of interest which have plagued Indian affairs and would raise Indian affairs in the Department to its proper level. The first three sections of this bill would create a new Assistant Secretary of the Interior for Indian Affairs, reporting directly to the Secretary, and would abolish the existing position of Commissioner of Indian Affairs.

The two major differences between the proposal submitted by the President and sections 1 through 3 of my bill are as follows: So that no debilitating competition exists between officials speaking on Indian matters, my bill abolishes the post of lesser Commissioner of Indian Affairs. To insure that the Indian affairs are not again subordinated to other matters within the Interior Department's jurisdiction, the responsibilities of the new Assistant Secretary are limited in my bill to Indian matters. The House-passed bill also abolishes the Commissioner's post and focuses the Assistant Secretary's duties on Indian affairs.

Section 4 of my bill is not found in the House-passed bill or the administration's proposal. It would amend perhaps the most important legislation in recent years in the Indian field: the Alaska Native Claims Settlement Act.

Serious questions have been raised concerning the fairness of the election held pursuant to the Alaska Native Claims Settlement Act to determine whether a 13th region outside of Alaska should be created for Alaska Natives who are not residents of Alaska.

The election provisions in the act were sponsored by me for the purpose of allowing nonresident Natives to determine their own destiny. Many Natives may have intimate ties back to their villages and regions and wish to share in the land distribution and in the expenditure of claims funds for public facilities and other projects to benefit resident Natives. Other nonresident Natives who have no remaining ties and wish to stake their future in the lower 49 States may wish to receive the claims funds through a new regional corporation which represents their interests.

Recently the Department of the Interior announced that the election results have been tabulated and that the 13th region has failed. A storm of protests resulted from this announcement. Facts gleaned from the web of conflicting interpretations, charges, and explanations given to me and to staff of the Interior Committee in discussions with and papers submitted by personnel of the Department of the Interior and representatives of organizations of nonresident Natives strongly suggest that the cumulative effect of the many inequities in the treatment of the enrollment of resident Natives and nonresident Natives resulted in the alteration of the final election results—after appeals are counted—from a "yes" to a "no" vote for the 13th region. The inequities include failure to communicate critical information on changes in procedures and deadlines to nonresident Natives and their organizations; refusal to provide enumerators to nonresident Natives until very late in the enrollment process; the summary denial, prior to the August deadline for amendments to enrollment applications, of over 2,000 amendments which purportedly requested a change from resident to nonresident status and contained a "yes" vote on the 13th region; and, most of all, the counting of abstentions for the purpose of determining whether a majority voted for the 13th region—thus making all abstentions the same as "no" votes.

These inequities, unless corrected, will not only leave a legacy of bitterness among many Natives both outside and in Alaska and leave strong, lingering doubts as to whether the election was truly democratic, but will also insure lengthy delays in the implementation of the Alaska Native Claims Settlement Act. Preparation of the final roll and distribution of settlement funds which are to begin shortly after the 17th of this month, selection of land by the Natives, and the setting aside of the so-called d-2 lands for national parks, forest, wild and scenic rivers, and game and wildlife refuges may be postponed indefinitely while the election results are challenged in the courts.

One such challenge has already been made. On November 30, 1973, a class action lawsuit naming the Secretary, the Commissioner of Indian Affairs, and others was filed in the U.S. District Court in the District of Columbia (No. 2133–73) by the Alaska Native Association of Oregon and several nonresident Alaska Natives challenging the enrollment and election. A hearing is already scheduled on a motion for preliminary injunction which would, among other things, hold up final completion of the roll. A second lawsuit reportedly is being filed in the same court on December 4, 1973 by the Alaska Federation of Natives International. This suit also seeks injunctions, but also requests the court to declare that the election is void and a 13th region has been established. Attorneys for the plaintiffs inform me that other suits will likely be filed and that the litigation could take a year or two, or even more, to complete.

Section 4 of the bill I introduce today is designed to correct the inequities and reduce the possibility of such delays. Section 4 would direct the Secretary to call for a new election to be completed—and the results announced—within 90 days of the bill's enactment. The language of the bill is designed to correct the procedural inequities of the last election and to remedy the erroneous interpretation of the language of the Settlement Act which led to the counting of abstentions in a manner which rendered them "no" votes. The bill concludes with a subsection which insures that no delay of the distribution of funds under the Settlement Act would result from the necessity of holding a new election.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be in the Department of the Interior, in addition to the Assistant Secretaries now provided for by law, one additional Assistant Secretary of the Interior for Indian Affairs, who shall be appointed by the President by and with the advice and consent of the Senate, who shall be responsible for such duties as the Secretary of the Interior shall prescribe with respect to the conduct of Indian affairs, and who shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of the Interior.

SEC. 2. Section 5315 of title 5 of the United States Code is amended by striking out "(6)" at the end of item (18) and by inserting in lieu thereof "(7)".

SEC. 3. Section 462, Revised Statutes, as amended and supplemented (25 U.S.C. 1), and paragraph (45) of section 5316 of title 5 of the United States Code, are hereby repealed.

SEC. 4. The Alaska Native Claims Settlement Act (85 Stat. 688) is hereby amended by inserting at the end thereof a new Section 28, as follows:

"SEC. 28. (a) All votes cast, and all abstentions from voting, concerning enrollment in a thirteenth region for Natives who are non-residents of Alaska pursuant to subsections 5(c) and 7(c) of this Act are hereby declared to be null and void. Within seven days of the date of enactment of this amendment, the Secretary shall call for a new election (hereinafter referred to as "the election") to be conducted no later than sixty days after the date of enactment of this amendment. The Secretary shall cause to be sent a ballot and instructions to all Natives whose applications for enrollment were received on or before March 30, 1973. Each Native who is eighteen years of age or older and who was not a permanent resident of Alaska and was eligible for enrollment on the date he filed an application for enrollment pursuant to this Act (hereinafter referred to as an "eligible voter") shall have the opportunity to cast a vote in the election on the single question of whether he wishes to be enrolled in a thirteenth region for Natives who are non-residents of Alaska.

"In order to insure wide participation in the election, the ballot, instructions, and the voting procedures shall be made as simple as practicable and the Department shall provide enumerators who shall make every effort to assist each eligible voter to cast his vote in full compliance with such procedures. The enumerators shall be selected by the Secretary; must have no financial, personal, or other interest in the outcome of the election; and shall maintain a strict posture of neutrality in providing assistance pursuant to this section.

"(b) If a majority of all eligible voters who cast votes in the election elect to be enrolled in a thirteenth region for Natives who are non-residents of Alaska, the Secretary shall establish such a region for the benefit of the Natives who elected to be enrolled therein, and they may establish a Regional Corporation pursuant to this Act. If a majority of all eligible voters who cast votes in the election elect not to be enrolled in such thirteenth region, each eligible voter shall be enrolled as provided in subsection (b) of section 5. The choice of each eligible voter shall apply to all dependent members of his household who are less than 18 years of age, but shall not affect the enrollment of anyone else. The ballot of any eligible voter who abstains from casting a vote for or against enrollment in a thirteenth corporation shall not be counted for the purpose of determining whether a majority has or has not elected to be enrolled in a thirteenth region.

"(c) Any rules, regulations, or information concerning the election shall be transmitted directly to all known organizations representing Natives who are not residents of Alaska, the twelve regional corporations in Alaska, and, wherever possible, all eligible voters.

"(d) No moneys distributed or to be distributed pursuant to this Act may be expended or obligated by any Native, Native corporation, Native organization, representative thereof, or advisor thereto, to assist in, communicate on, or otherwise influence the election.

"(e) The results of the election shall be tabulated and announced no later than 90 days after the date of enactment of this amendment. The roll of Natives required by section 5 of this Act shall not be completed until the results of the election pursuant to this section have been incorporated therein. The completed roll, reflecting any changes required as a result of the election, shall be the roll upon which distribution of moneys from the Alaska Native Fund and land selection pursuant to this Act shall be based. Notwithstanding any delay, made necessary by the implementation of this section, beyond the December 17, 1973 deadline for completion of the roll provided in subsection 5(a) of the Act, distribution of moneys in the Fund pursuant to subsection 6(c) may be initiated on the basis of the incomplete roll available on that date. Distribution of moneys in the Fund pursuant to subsection 6(c) shall not be delayed pending the completion of the election results. The Secretary shall make provision for adjustments in such distribution or the recovery and redistribution of any funds already distributed in order to insure a final distribution of such funds in accordance with the completed roll."

By Mr. STENNIS (for himself and Mr. THURMOND) (by request):

S.J. Res. 176. A joint resolution to authorize the production of petroleum from naval petroleum reserve. Referred to the Committee on Armed Services.

Mr. STENNIS. Mr. President, the bills and joint resolution I introduce are of interest to a number of Senators who have been asking about them.

By request for myself and the senior Senator from South Carolina (Mr. THURMOND), I introduce, for appropriate reference and by request a joint resolution providing for production of petroleum from Naval Petroleum Reserve No. 1.

I would observe, Mr. President, that this matter would come before the Committee on Armed Services since this committee has jurisdiction over the naval petroleum reserves.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and other material explaining its purpose be printed in the RECORD immediately following my remarks and the printing of the joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STENNIS. My position is this: That I strongly insist on protection of our military oil reserves for the benefit of all the armed services.

I shall further insist that all military services reduce oil and gas consumption and reduce training and other operations when reasonably possible.

This legislation is designed to permit expanded production of oil for national defense purposes from the Elk Hills Naval Petroleum Reserve in California, a move that would substantially offset military demands on dwindling civilian petroleum supplies.

The Elk Hills oil field, known as Naval Petroleum Reserve No. 1, was established September 2, 1912, by an Executive order signed by President Taft. It was enlarged October 15, 1942, by an Executive order signed by President Roosevelt.

By law, the reserve produces only small amounts of petroleum unless it is found that increased production is necessary for national defense and is authorized by a joint resolution of Congress.

The Secretary of the Navy has determined that U.S. Armed Forces are unable to procure on the open markets enough petroleum products to maintain desired levels of military readiness and has requested increased production by Naval Reserve No. 1.

It is estimated that the reserve could produce 100,000 barrels of oil per day within 60 days after the start of the increased rate of production and that production could be increased to 160,000 barrels per day with the expenditure of additional funds.

This joint resolution will be referred for what I think is an important hearing, and I have asked the Senator from Nevada (Mr. CANNON) that his subcommittee conduct these hearings and report the resolution to the full committee.

EXHIBIT 1

S.J. RES 176

Whereas chapter 641 of title 10, United States Code, directs the Secretary of the Navy, among other things, to use and operate all properties within the naval petroleum reserves as are or may become subject to the control and use by the United States for production of petroleum whenever and to the extent the Secretary, with the approval of the President, finds such production required for the national defense: *Provided, however*, that no petroleum shall be produced pursuant to such a finding unless authorized by the Congress by joint resolution; and Whereas such a finding of the necessity for such production to the extent herein authorized has been made by the Secretary of the Navy in his action dated 6 November 1973 which finding has been approved by the President:

Therefore be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

AUTHORITY FOR PRODUCTION

That the production of petroleum (including crude oil and associated gas and other hydrocarbons) from Naval Petroleum Reserve No. 1 is hereby authorized at a rate to help ensure that the needs of national defense are met, but not to exceed the maximum efficient rate in accordance with sound engineering and economic principles. Such production (to the extent in excess of that otherwise authorized by chapter 641 of title 10, United States Code) is to commence within forty-five days after the effective date of this Resolution, and to continue for a period of not more than one year after production commences.

DISPOSITION OF PRODUCTION

SEC. 2. The Secretary of the Navy shall dispose of the production herein authorized as provided in chapter 641 of title 10, United States Code, by means of sales, uses, or exchanges effected, determined, or agreed upon after the effective date of this resolution. As required by said United States Code, all sales shall be effected by competitive bid. The terms of the dispositions shall be so arranged as to give full and equal opportunity for acquisition of the oil by all interested companies, including major and independent oil refineries alike.

DISPOSITION OF RECEIPTS

SEC. 3. (a) There is hereby established on the books of the Treasury Department the Naval Petroleum Reserve Account. This account shall be administered by the Secretary of the Navy under such regulations as the Secretary of Defense may prescribe. Into such account there shall be transferred or credited during the period of increased production authorized by this Act or as may be hereafter authorized (1) unobligated balances of appropriations made available to the Department of the Navy for fiscal year 1974, for exploration, prospecting, conservation, development, use, and operation of the naval petroleum and oil shale reserves, (2) all proceeds realized (i) under chapter 641 of title 10, United States Code, from the sale of petroleum or refined products, oil and gas products, including royalty products, and (ii) the net proceeds realized from sales within the Department of Defense of refined petroleum products accruing to the benefit of the Department of Defense as the result of exchanges, and, (3) such funds as may be appropriated for the Naval Petroleum Reserve Account, to remain available until expended.

(b) Funds available in the Naval Petroleum Reserve Account shall be available for the expenses of: (1) production, including preparation for production, as authorized by this resolution and as may hereafter be authorized, (2) all capital costs necessary for facilities both within and outside the reserve incident to production and delivery of crude petroleum, and (3) exploration, prospecting, conservation, development, use, and operation of the naval petroleum and oil shale reserves as authorized by chapter 641 of title 10, United States Code.

THE WHITE HOUSE,
Washington, D.C., November 7, 1973.
Hon. JAMES O. EASTLAND,
President pro tempore of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a letter from the Acting Secretary of the Navy which provides his finding of the need for increased production of petroleum from the Elk Hills Naval Petroleum Reserve for national defense purposes. I approve his findings and conclusions and urge adoption of the enclosed proposed joint resolution which would give the approval of the Congress as required by Chapter 641 of Title 10, United States Code.

I request that the Congress act upon this resolution at the earliest possible time.

Sincerely,

RICHARD NIXON.

DEPARTMENT OF THE NAVY,
Washington, D.C., November 6, 1973.
THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: In accordance with the provisions of Chapter 641 of Title 10, United States Code, there is enclosed my finding that production of petroleum from the Elk Hills Naval Petroleum Reserve is needed for the National Defense, and a proposed joint resolution by which the Congress would give its approval so that production may begin.

I hereby request that you approve my finding and transmit the proposed joint resolution to the Congress.

Sincerely,

JACK L. BOWERS,
Acting Secretary of the Navy.

DEPARTMENT OF THE NAVY,
Washington, D.C.

SECRETARIAL DETERMINATION OF NEED WITH RESPECT TO NAVAL PETROLEUM RESERVE NO. 1

Whereas, chapter 641 of title 10, United States Code, authorizes the Secretary of the Navy to determine that the production of naval petroleum reserves is needed for national defense; and

Whereas, the Armed Services of the United States are currently unable to procure on the open market necessary petroleum products to maintain the desired military readiness posture. Present supplies of petroleum are not sufficient, even through mandatory allocation, to meet both the needs of military readiness and essential civilian needs, including those vital to defense. As a consequence, adequate petroleum to meet defense needs cannot be assured from normal sources of supply. In addition and contributing more seriously to the growing deficit in sources of military petroleum supply, certain international events have led to reduced availability from sources outside of the domestic United States. Since the Armed Services normally procure 50% of their needs from these international sources, the military petroleum shortage is even more critical.

Now, therefore, I find that the production of Naval Petroleum Reserve No. 1 is needed for national defense.

In order to authorize production of an amount which will help to insure that the needs of national defense are met, yet not seriously deplete the reserve, it is concluded that the production should be at a rate not to exceed maximum efficient rate in accordance with sound engineering and economic principles. Further, since it is anticipated that other Government agencies will be working aggressively to solve the current problems of energy shortage, the production should continue for a period of one year only. In order to provide for an initial period during which the full production rate can be established, the one year production span should commence 45 days following approval of this Determination of Need by the President and joint resolution of the Congress.

Noting that the Naval Petroleum Reserves are still not fully explored and developed, with the most valuable resources in Naval Petroleum Reserve Number Four almost wholly unexplored, it is further determined that it will be in the interest of the United States to take aggressive action toward such exploration. The Department of the Navy completed a plan in April of 1973 to guide such exploration and development and it is proposed that the first step in implementing this plan be taken concurrently with production of Naval Reserve Number One. To implement this action most directly, it is proposed that the Congress, by the same resolution with which it orders production, order that funds derived from the sale of Naval Petroleum Reserve Number One oil be made available for such exploration and development. All funds received would be applied to this purpose after having first provided for the operations at Naval Petroleum Reserve Number One during the one-year period and providing for facilities necessary to that production and delivery of oil. By this action the Congress can, without using other sources of funds, greatly enhance the capacity and readiness of the Naval Petroleum and Oil Shale Reserves to respond in the future.

JACK L. BOWERS,
Acting Secretary of the Navy.

Dated November 6, 1973.

By Mr. DOMENICI (for himself, Mr. DOMINICK, Mr. EASTLAND, and Mr. HUMPHREY:

S.J. Res. 177. A joint resolution to authorize the administrator of any direct Federal loan program or any federally guaranteed loan program to renegotiate or reschedule repayment by any person or business suffering severe economic harm as a result of the energy crisis on a loan under any such program. Referred to the Committee on Government Operations.

Mr. DOMENICI. Mr. President, we are all aware that governments at all levels are gearing up to deal with the energy crisis which with every passing day becomes more ominous. We have passed emergency energy conservation legislation and the President has instituted administrative measures to conserve energy. In addition, our citizens have been asked to comply voluntarily with some stringent, yet very necessary energy saving steps.

I am concerned, Mr. President, that these factors will combine to create economic hardships on individuals and businesses. Of course, some hardship, some disruption of normal business activity is inevitable under these circumstances and we must all be prepared to bear an equitable part of that burden. There is no doubt in my mind that the American people will respond to this challenge as magnificently, as unselfishly as they have at times in this Nation's history when sacrifices and sharing have been the order of the day for the common good.

Today I address a specific problem which will be generated by compliance with energy conservation measures. Mr. President, there are many thousands of individuals and businesses across this country who have been able to take advantage of the programs of the Federal Government to loan or guarantee the loan of money for business or personal purposes. Undoubtedly many of these persons and businesses will suffer economic losses due to the energy shortage and conservation measures implemented to equitably distribute the shortage while carrying on the vital activities on which our continuance as a strong, free nation depends. Undoubtedly, some of these losses will be so great as to prevent repayment of Federal loans, both direct and guaranteed, on schedules established prior to conservation measures to meet the energy shortage.

These conservation measures instituted by the Government are in the public interest. Of that, there is no doubt. It is, therefore, in the public interest for individuals and organizations to comply and cooperate to the fullest extent with all conservation measures. In other words, Mr. President, the countermeasures to the energy crisis, mandated by the Federal Government in the public interest, could in many instances, work very serious hardships on individuals and businesses now operating under Federal loans. It is encumbent on the Government, in my opinion, to insure that these entities do not suffer out of proportion because of the national effort to respond to the energy crisis. This is entirely consistent with the basic premise which is the stated Government policy and the intent of Congress, that all Americans should share an equal part of the burden.

The joint resolution I introduce today directs appropriate Federal agencies to make adjustments and allowance with regard to repayment of Federal direct and guaranteed loans where adherence to the original terms of such loans becomes impossible as a direct result of Federal programs to conserve energy.

Mr. President, literally thousands of these situations could be conceived, but I want to cite at this point just a couple of examples of business enterprises in New Mexico that have already experienced severe adverse economic impact. For that purpose I request unanimous consent that the lead article from the November 27 edition of the Albuquerque Tribune headlined "Ski Resorts, Gas Dealers Hit Hard In Energy Move" be printed in the Record at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. **DOMENICI.** As that article points out, service station operators in New Mexico depend on weekend sales for a great deal of their business. Closing on Sunday, in compliance with the President's request, will result in such economic losses to some dealers that they may be forced out of business. At the very least, many who have loans from the Federal Government or guaranteed by the Federal Government will be unable to meet the original repayment schedule on these loans.

The situation may be even more critical for the recreation industry in New Mexico since most of those businesses depend heavily on weekend activities and since many of them require more than a tankful of gas in the round-trip from major population centers. A drastic decline in business is the probable result when the full range of energy conservation measures have been implemented.

I am concerned and disturbed that vacation and recreation plans of countless people will be interfered with, but I am even more concerned for the people who depend for their livelihood on recreational enterprises—those who own and operate the business and those who are employed by those businesses. The ripple effect in the small communities in New Mexico would be disastrous. We coud ease those hardships by allowing rescheduling of Federal direct and guaranteed loans to affected businesses.

To do less, in my opinion would be a dereliction of our duty, feeling as I do that when we authorize the intrusion of the Government into people's livelihood, albeit in a good purpose, we have the obligation to mitigate the adverse effects of that intrusion to the maximum extent possible. Certainly included with this obligation is the rescheduling of loans controlled by the Federal Government.

Another important segment of the economy in New Mexico is the general aviation industry. New Mexico shares with only a few other States its immense dispersion of major population areas and centers of commerce which dictates the conduct of business by aircraft to a far greater extent than in most States. Information available to me indicates that there are approximately 5,500 licensed pilots in New Mexico and that there are approximately 3,500 aircraft in the general aviation category. Of the total flying hours by these pilots in these aircraft, fully 50 percent is related to transaction of business. In other words, the use of aircraft is critical to business and commerce in New Mexico. Consequently, the fuel restrictions proposed for general aviation will be felt much more severely in New Mexico than in most other States. I want to provide a means to allow those who cannot meet Federal loan repayment schedules as a result of the fuel reductions to be able to reschedule those payments rather than lose the business or default on the payment.

Mr. President, authority to reschedule and negotiate loans of these kinds may already exist, but I want to make sure that such flexibility is assured in these circumstances and that it is utilized by the appropriate Federal agencies. As I said previously, Mr. President, literally thousands of such situations could be conceived, but the main point is that we cannot penalize innocent parties who are victims of a situation the Federal Government can do something about.

In conclusion, Mr. President, this is simply a directive by the Congress that the Federal Government should use some discretion, intelligence, common sense, and compassion in dealing with a national emergency so as to avoid more problems than it solves. I urge its immediate and favorable consideration by my colleagues.

I request that this joint resolution be printed in the Record at this point.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. RES 177

Joint resolution to authorize the administrator of any direct Federal loan program or any federally guaranteed loan program to renegotiate or reschedule repayment by any person or business suffering severe economic harm as a result of the energy crisis on a loan under any such program

Whereas severe shortages of crude oil, residual fuel oil, and refined petroleum products caused by insufficient domestic refining capacity, inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist;

Whereas such shortages jeopardize the normal flow of interstate and foreign commerce and constitute a nationwide energy emergency which is a threat to the public health, safety, and welfare;

Whereas, in view of the above, drastic energy conservation steps to ensure that the shortage will be equitably borne by all Americans, including enactment of legislation and administrative action by the executive branch, have become necessary;

Whereas these conservation measures may create economic disruptions and hardships, including loss of jobs, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods;

Whereas the government has the duty to mitigate disruptions and hardships due to compliance with energy conservation measures, both voluntary and statutory: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That any officer or agency of the United States which administers a direct loan program or guarantees a loan program may renegotiate, extend the maturity of, or in any other way reschedule the repayment of any direct or guaranteed loan under that program by any person or business that suffers severe financial hardship as a direct result of the national effort to conserve energy during the energy crisis.

SEC. 2. This Act applies to any direct or guaranteed Federal loan, final payment of which is due after December 31, 1973.

EXHIBIT 1

SKI RESORTS, GAS DEALERS HIT HARD IN ENERGY MOVE

(By Katy Woolston)

New Mexico's ski resort and service station owners apparently will be the hardest hit by President Nixon's latest proposals to cut back the use of energy.

And the state finance director says fuel conservation programs definitely will affect the state's economy.

Taos Ski Valley will lose from $350,000 to $500,000 this season if Congress bans the sale of gasoline for recreational travel on Sundays, Ernie Blake said today.

"This will cut our business in half," said Mr. Blake, who operates Taos Ski Valley.

Raymond McDonald, president of the Albuquerque Chapter of the New Mexico Gasoline Retailers Association, said:

"There's no question but what the dealers—with very few exceptions—will close their stations voluntarily on Sundays as Nixon asks.

"But it will be the death blow for a large number of smaller dealers.

"Fifty per cent of them will be out of business forever.

"President Nixon says he doesn't think closing stations down on Sundays will create any hardships, but I think he forgot the families most involved—those in the service station business.

"This will dramatically affect their lives."

Mr. McDonald said he closed his McDonald's Auto Clinic here Sunday for the first time in two years to go along with the President's request.

While cutbacks in weekend gasoline sales will hurt remote ski resorts such as Taos Ski Valley and Ruidoso, they may stimulate skiing at Sandia Peak Ski Area.

Ben Abruzzo, president of Sandia Peak Ski Area, said it "probably will result in more people skiing at home."

"Our Sandia Peak skiers may do more skiing here instead of traveling to a more remote area," he said.

Most of New Mexico's ski areas rely on weekend skiers for the bulk of their income. Areas which are more than a tankful of gas round trip from major population centers will feel a decline in their Sunday business. Those areas may include Taos, Red River and Angel Fire.

Areas which are further from major population centers and rely on skiers who spend a weekend could also be hurt. Many of the skiers who come to New Mexico are from Texas and live in communities which are more than a tankful of gasoline away.

Kingsbury Pitcher, owner of Santa Fe Ski Basin, predicts about 25 per cent reduction in business at his area.

"We don't necessarily see that as a disaster, but there will be an obvious reduction," he said.

Roy Parker, manager of Sierra Blanca Ski Area near Ruidoso, said he would prefer gasoline rationing to a complete ban on Sunday sales.

Blake said that the Sunday gasoline sales ban will contribute to a kind of "wartime atmosphere" and said that people will be more inclined to stay at home.

"In the next three or four years we expect the ski business to be down," he said. "A lot of people are just not going to travel."

Fabian Chavez, state tourist director, said the ban on gasoline sales "won't damage the state's tourist industry too much."

"People will eventually find some way to travel," Mr. Chavez said. "I'm more concerned that the President might call for rationing of gasoline or higher taxes on it."

Chavez said he doesn't believe that the President's order to cut fuel supplies to airlines will affect state tourism, "although I think we'll see more crowded planes."

Bill Roller, executive secretary, Winrock Merchants Association, said that Winrock Center's outside Christmas lights—turned on last Friday—will be turned off.

"They'll go out as soon as we locate all the switches," he said. Switches for the outdoor lights are so numerous that it takes about three hours to turn them all off, he said.

President Nixon, in his broadcast Sunday, had called for an immediate ban on electrical, outdoor Christmas displays by businesses and homes.

Coronado Center, for the first time in its history, had made the decision earlier not to have electrical holiday displays this season.

G. P. Reyes, Coronado Center manager, said that the center is "decorated only with plain decorations that still carry out the spirit of Christmas.

"If an industry is any good, it will voluntarily regulate itself," he added.

In other reactions to the President's speech, Associated Press reports that:

Gov. Bruce King says he feels the 50 mile an hour limit for passenger cars stated Sunday by the President is more related to automobile travel in the eastern seaboard states. It is an unrealistic speed limit in the wide open areas of the west, he said.

"I think by all means it ought to be 55 miles for passenger cars, if it can't be 60," Gov. King said.

The governor said he plans to discuss the speed limits with other governors next week when he attends the annual meeting of the Interstate Oil Compact Commission in New Orleans, La.

Some members of New Mexico's congressional delegation and the Governor's top energy adviser feel President Nixon didn't go far enough with his proposals to cope with the energy crisis.

U.S. Sen. Joseph Montoya, said the President's message was a reaction to the energy crisis and didn't offer solutions.

"It's not a positive message assuring us of any increase in supply.

"The American people are willing to undergo personal sacrifice but they expect some positive action from the government to accelerate an aggressive program of meaningful research and technology which will put us on the track to self-sufficiency," Sen. Montoya said.

The senior senator added that Congress is ready and willing to follow this kind of leadership.

State Finance Director Robert Kirkpatrick said today the state will be watching very closely the impact the energy crisis and related conservation programs will have on New Mexico's economy.

Mr. Kirkpatrick said fuel conservation programs definitely will affect the state's economy.

Kirkpatrick pointed out a mainstay of New Mexico's economy is tourism, which is bound to be adversely affected by the energy conservation programs.

The impending ban on Sunday gasoline sales, announced by President Nixon Sunday night, obviously will have an adverse effect on tourism.

A decline in tourism will mean a decline in business volume for the motels, hotels, restaurants and service stations which depend to a great extent on tourism.

U.S. Sen. Pete Domenici, said he has real doubts the country will get by with just the cutbacks the President called for in his speech.

"Unless we have all good breaks, it's going to be very hard to have a basically voluntary program. I think it is incumbent upon Congress to pass legislation that will move us towards a better supply of fossil fuels and other sources of energy," Sen. Domenici said.

He said one of the terrifying aspects of the energy crisis is the impact that the shortage of oil could have on the economy through unemployment. "I hope we can make rational adjustments rather than have this turn into an economic disaster," said Domenici.

Domenici said regardless of the controls imposed by the federal government, local authorities must have authority to make exceptions to the policy in the face of particular local problems.

Congressman Harold Runnels said he's been expecting this much and a "lot more to come in the future."

Runnels said, "Those of us who have been in the oil industry have been advocating for a long time that our exploration has not matched our increasing needs.

"It's just beginning to dawn on some people that we really have an energy crisis."

Runnels, who just returned from a Middle East fact finding trip, said the oil pinch could be eased quickly if a settlement could be reached between Israel and the Arab nations and the oil boycott lifted.

"I'm just not sure closing gas stations on Sunday is going to solve anything," said Runnels. He also said we must continue to produce in petro-chemical industries or the economic effects could be disastrous.

Gov. Bruce King's energy adviser, Frank DiLuzio, said most of the President's proposals were "psychological."

He said cutting down on gasoline production now will just lead to a severe shortage of that fuel in the future.

The governor's adviser said Nixon avoided the important problems of the propane shortage in many areas, including rural parts of New Mexico, and industries using petroleum in production.

"New Mexico might be uncomfortable, but at least we don't have to worry about putting a lot of petroleum related jobs on the line," he said.

DiLuzio said the big problem in New Mexico is getting enough propane to heat rural homes and schools.

He also criticized the President's approach as being unfair because it places the responsibility for conserving fuel on the consumer while industry is coming off with a very profitable year.

DiLuzio said the President is asking consumers to pay more money for colder homes.

ADDITIONAL COSPONSORS OF BILLS

S. 2126

At the request of Mr. Eagleton, the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S. 2126, The Educational Technology Act.

S. 2488

At the request of Mr. Kennedy, the Senator from South Dakota (Mr. Abourezk), the Senator from Nevada (Mr. Bible), the Senator from Massachusetts (Mr. Brooke), the Senator from Idaho (Mr. Church), the Senator from Missouri (Mr. Eagleton), the Senator from Maine (Mr. Hathaway), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Rhode Island (Mr. Pell), the Senator from Connecticut (Mr. Ribicoff), and the Senator from California (Mr. Tunney) as cosponsors of S. 2488, to extend title VII of the Older Americans Act of 1965, the nutrition for the elderly program.

S. 2744

At the request of Mr. Ribicoff, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 2744, The Energy Reorganization Act of 1973.

NATIONAL FUELS AND ENERGY CONSERVATION ACT OF 1973—AMENDMENT

AMENDMENT NO. 757

(Ordered to be printed and to lie on the table.)

Mr. JACKSON. Mr. President, on behalf of myself and Senators Magnuson and Randolph, I send to the desk and ask to have printed an amendment in the nature of a substitute for S. 2176, the National Fuels and Energy Conservation Act of 1973.

S. 2176 was introduced by me on

July 13, 1973. On September 27, 1973, the measure was reported by the Committee on Interior and Insular Affairs and was re-referred jointly to the Committees on Commerce and Public Works. On November 15, 1973, an amended S. 2176 was reported by the Commerce Committee.

The amendment which Senators MAGNUSON, RANDOLPH, and I are introducing today includes revisions of the amendment to S. 2176 reported to the Senate by the Commerce Committee last month. It also includes amendments proposed by members of the Public Works Committee.

This amendment represents an attempt to incorporate the changes suggested by members of all three Senate committees participating in the national fuels and energy policy study. It is the product of extensive negotiation and consultation between the members and staffs of these committees. It bears the endorsement of all three committee chairmen.

This approach, we hope, will reduce the number of amendments to be offered on the floor and enable the Senate to act expeditiously on this important legislation.

EDUCATION AMENDMENTS OF 1973—AMENDMENT

ADMENDMENT NO. 758

(Referred to the Committee on Labor and Public Welfare.)

TEACHER CORPS AMENDMENTS OF 1973

Mr. NELSON. Mr. President, I submit an amendment to the education amendments of 1973, S. 1539 now pending before the Senate Subcommittee on Education.

The purpose of my amendment is to shift the focus of the successful Teacher Corps program from the recruitment and training of new teachers for poverty areas to helping local schools reform and improve the education offered poor children by retraining present staff.

The basic purpose of the teacher corps as we drafted it in 1965 would remain the same: "to strengthen the educational opportunities available to children in areas having concentrations of low-income families and to encourage colleges and universities to broaden their programs of teacher preparation."

And it would continue to attract and train Teacher Corps interns as it has done so successfully since the first young Americans stepped forward for the program in 1966. For despite the overall surplus of teachers in the Nation, there is not an adequate supply of teachers trained and dedicated to teaching in poverty areas.

But the very format that made the Teacher Corps a success—the Teacher Corps team, the drawing together of local school and local university to plan and carry out a program of reform, the involvement of the community—can now be put to the wider use of helping local schools improve the quality of education throughout entire schools by including in the program not only new teacher-interns but also experienced teachers within the school.

Over the last decade a number of promising new techniques for training and using teachers have been developed or refined—team teaching, individualized instruction and the training and certification of teachers based on competence rather than accumulated course credits. The Teacher Corps has been an important instrument in the hands of local university and school officials in developing these newer teacher training techniques.

But moving these newer methods into the classroom requires the often retraining of the entire school staff. It is in this area that the new Teacher Corps legislation offers hope.

Just as newer techniques for teacher training first attempted with Federal dollars and Teacher Corps interns are now being adopted widely in schools of teacher education, so newer teaching and retraining methods, tested on a substantial scale under the legislation I am proposing today, could lead the way for wider use by school systems.

A measure of the success of the Teacher Corps program is that it continues to attract 100 applications for every 17 slots, that it has pioneered recruitment and training of minority young people—over half the present corps members are black or Spanish surnamed, and 6 percent are American Indian. And, according to an Office of Education report, over 70 percent of the Teacher Corps graduates remain in poverty area teaching.

This legislation would make it possible to use this proven Teacher Corps format for retraining existing teaching staff alongside the training of intern teams.

I am happy to say that the concept has the support of the Commissioner of Education, Mr. John Ottina. I look forward to working with him and his office in a cooperative manner as consideration of this legislation proceeds. I ask unanimous consent that my letter to Commissioner Ottina, dated November 26, and his reply be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON. Let me point out that these amendments are not the first extension of the Teacher Corps concept. In 1969 we added language to bring the Teacher Corps format to the corrections field and the Teacher Corps now spends some $2 million a year in training people to work with young offenders. And we also approved legislation to create a voluntary tutoring program to work alongside existing Teacher Corps programs. It too has worked out well with some 769 volunteers enrolled last year.

The Teacher Corps is now operating on $37.5 million a year. There are now some 2,500 interns and 1,500 experienced teachers and volunteers in the program. Each year 39 or 40 new projects begin. The programs now last 2 years, long enough for the interns to earn a masters degree in education.

In summary the new legislation would make the following changes:

First. Including retraining of existing teachers and other staff as a major aim of the Teacher Corps program;

Second. Increase authorizations from the present $37.5 million to $100 million over a 3-year period, $50 million for fiscal year 1975, $75 million for 1976, and $100 million for 1977;

Third. Lengthen the term of service in the program to 5 years from the present 2 years; and

Fourth. Set aside 10 percent of Teacher Corps funds—but not more than $4 million—for technical assistance, evaluation, and dissemination of Teacher Corps findings.

EXHIBIT 1

COMMITTEE ON LABOR AND
PUBLIC WELFARE,
Washington, D.C., November 26, 1973.

Mr. JOHN OTTINA,
Commissioner of Education, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. COMMISSIONER: Since its enactment in 1965, the Teacher Corps has proven to be an extraordinarily successful program, for drawing into the teaching profession, and training for service in low-income area schools, persons with energy and commitment. An Office of Education report on the progress from 1966 to 1973 states that 77 percent of the graduates take jobs in poverty area schools.

The success of the program is based in part on the commitment young Americans are willing to make to the difficult task of education in poverty areas. The Teacher Corps format is also crucial. It gives local schools and local colleges of teacher education and local community people the opportunity to work together in designing and carrying out innovative programs for training teachers and using them within their schools.

The acute crisis in the supply of teachers that faced us in the mid-60's has eased. It is still the case that shortages remain for teachers of the handicapped and the disadvantaged, especially teachers dedicated and well trained for these purposes.

It is my belief that the Teacher Corps program could be made even more effective, and could meet more precisely the challenge of the 1970's if its focus were broadened to include not only training teams of young teacher interns, as it has in the past, but also other teachers, para-professionals and administrators within schools primarily in low income areas.

In 1969 amendments authorizing student tutorial programs in association with ongoing Teacher Corps programs were approved by Congress. I am pleased to note the volunteer Teacher Corps program has been a success.

I intend to introduce legislation soon to broaden the format of the Teacher Corps further to include the training and retraining of the regular staff within schools that have Teacher Corps teams.

Among the advantages of this concept is that it would be possible to extend the reach and effectiveness of the Teacher Corps while lowering substantially the cost per average participant. For while the program must pay a stipend as well as the university training costs for each intern, the cost of re-training teachers within schools would be relatively modest.

As you know, the Congress is most concerned that decisions regarding educational content remain strictly the responsibility of local educational authorities. This is the way it has always been with the Teacher Corps. So it would be under the expanded format. However, there are a number of newer concepts in education—differentiated staffing, individualized instruction, competency based teacher education—that have been widely utilized by local school systems and universities in training Teacher Corps interns and which could be expanded to include larger groups of teachers within the schools programs. As the Teacher Corps intern program has helped in developing new ways of training beginning teachers, the new format could lead to constructive innovations in classroom teaching.

From the beginning, the Teacher Corps has been a bi-partisan program in both houses of Congress. The support and suggestions of Senator Javits and other Senators on the Labor and Public Welfare Committee have been particularly valuable. And the Office of Education—through two administrations—has continued its support of the concepts behind the program. Let me note that, although this year there were substantial cuts in many domestic programs, the Administration's budget called for the same $37.5 million for the Teacher Corps as in the previous year. It is my hope that this spirit of cooperation may continue as we move to consideration of this new stage in the development of the Teacher Corps program.

It is my understanding that your office has been re-examining the Federal role in teacher training. This letter is to ask for your comments on the proposed new use for the Teacher Corps format.

Let me thank you for your consideration in this matter. I look forward to hearing from you.

Sincerely yours,

Gaylord Nelson,
U.S. Senator.

Department of Health, Education, and Welfare, Office of Education,
Washington, D.C., December 4, 1973.

Hon. Gaylord Nelson,
U.S. Senate
Washington, D.C.

Dear Senator Nelson: I appreciate very much your invitation to comment on your plans for introducing legislation to broaden the format of the Teacher Corps. As you note, support for the Corps has been bipartisan since its earliest days. It makes great sense to me to continue this tradition in consideration of new directions for the Corps.

The apparent gross surplus of teachers, coupled with the questionable success of some of the Federal training efforts of the past, certainly indicates the need for reexamination of the Government's role in support of teacher training. Such an examination has been underway for some time, and, although it is not complete, the results should be reflected in future legislative and budget requests.

It is clear, however, that there remains a pressing need for improving the quality of teaching, especially in schools serving low-income populations. In my opinion, the appropriate Office of Education role in this is not in supporting the retraining of large numbers as such of present staff in those schools, but in supporting the installation by local educational authorities of new ways of training and retraining those staffs, and determining what works best and what doesn't work as well. The original purposes of the Teacher Corps seem well suited for this task.

The changes you propose, broadening the membership of the Corps to include experienced teachers, paraprofessionals, administrators and other school staff; and placing more emphasis on its innovative role, therefore appear to be useful and timely. It seems to me that the following changes would also be useful:

1. Providing for longer term projects, perhaps up to five years in length.

2. Providing sufficient flexibility in setting stipend rates to accommodate broadened membership eligibility. Your point on the possibility of substantial participant cost reduction is well taken.

3. Some project support should be permitted outside of low-income areas to confirm the general validity of teacher training improvements made for the low-income schools. This should probably not exceed ten percent of the program.

I hope these suggestions are helpful. Please let me know if my staff and I may be of further assistance. Thank you again for the opportunity to comment on your plans.

Sincerely,

John Ottina,
U.S. Commissioner of Education.

INDEPENDENT SPECIAL PROSECUTOR ACT OF 1973 (S. 2611)—AMENDMENT

AMENDMENT NO. 759

(Ordered to be printed, and to lie on the table.)

Mr. PERCY (for himself and Mr. Baker) submitted an amendment intended to be proposed by them jointly to the bill (S. 2611) to insure the enforcement of the criminal laws and the due administration of special justice; establish an independent special prosecutor.

INDEPENDENT SPECIAL PROSECUTOR ACT OF 1973 (S. 2642)—AMENDMENT

AMENDMENT NO. 760

(Ordered to be printed, and to lie on the table.)

Mr. PERCY (for himself and Mr. Baker) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 2642) to establish an Independent Special Prosecution Office, and for other purposes.

EXPANSION OF NATIONAL FLOOD INSURANCE PROGRAM—AMENDMENT

AMENDMENT NO. 761

(Ordered to be printed, and to lie on the table.)

Mr. BAYH submitted an amendment, intended to be proposed by him, to the bill (H.R. 8449) to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring non-flood-prone communities to participate in the program, and for other purposes.

NATIONAL ENERGY RESEARCH AND DEVELOPMENT POLICY ACT OF 1973

AMENDMENT NO. 762

(Ordered to be printed and to lie on the table.)

Mr. TUNNEY. Mr. President, I offer the following amendment to S. 1283, the National Program for Research and Development and Demonstration; to initiate a coordinated effort for the foreign exchange of energy and energy-related technologies in the areas of magnetohydrodynamics, coal mining, geothermal, solar, and other technologies.

The United States has been rudely plunged into an energy crisis. This dramatic change has manifested itself in almost every sector of our private and public lives. We join with Europe and Japan in a dependence on imported oil. The Japanese are deeply concerned with the problems of growth-rate modification, especially in light of the fact that the country lacks energy resources of its own. It is, therefore, in our mutual interest and benefit to exchange ideas in this area. I believe this is the time for energy consumers and producers to begin thinking and working together quietly and thoughtfully.

Work already occurring within the United States-Japan Natural Resources Panel and the United States-German Natural Resources Panel provides for a number of alternative energy resource options to be explored simultaneously and thus shorten the leadtime needed to achieve the most meaningful results.

Foreign scientists and institutional facilities with different perspectives than those in the United States may develop new insights into the resolution of technical problems particularly in energy and energy-related technologies. Field locations abroad often offer an exceptional opportunity for work comparing domestic sites and contacts stemming from cooperative research for a respository of past and future research data and expertise that would not otherwise become available to the United States.

Our new conciousness of shared interests should extend to the technology we need for increased self-reliance. In the long run, development of alternative sources holds much promise towards expanding the range of our energy supplies and reducing our reliance on purchases from abroad. The United States, Japan, Europe and other foreign countries all have active and highly advanced programs of energy research and development. We are now in a position to come together and identify new or expanded opportunities for our respective programs, to reinforce, to reinvigorate and to compliment each other.

I ask unanimous consent that my amendment be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 762

On page 63, after subsection (f) on line 7, add a new subsection (g) to Committee Prints Number 4: (g) to provide for a program of exchange to include, but not be limited to, a coordinated effort for the exchange of energy and energy-related foreign technologies in the areas of magnetohydrodynamics, coal-mining, geothermal, and solar technologies.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 697

At the request of Mr. Kennedy, the Senator from New Jersey (Mr. Case), the Senator from Connecticut (Mr. Ribicoff), the Senator from Massachusetts (Mr. Brooke), and the Senator from Vermont (Mr. Stafford) were added as cosponsors to amendment No. 697, intended to be proposed by him to H.R. 9142, the Midwest and Northeast Rail System Development Act.

AMENDMENT NO. 698

At the request of Mr. Kennedy, the Senator from New Jersey (Mr. Case), the Senator from Connecticut (Mr. Ribicoff), the Senator from Massachusetts (Mr. Brooke), and the Senator from Vermont (Mr. Stafford) were added as cosponsors of amendment No. 698, intended to be proposed by him to amendment 456 to S. 2188, the Midwest and Northeast Rail System Development Act.

AMENDMENT NO. 699

At the request of Mr. Kennedy, the Senator from New Jersey (Mr. Case), the Senator from Connecticut (Mr. Ribicoff), the Senator from Massachusetts (Mr. Brooke), and the Senator from Vermont (Mr. Stafford) were added as cosponsors to amendment No. 699, intended to be proposed by him to S. 2188, the Midwest and Northeast Rail-System Development Act.

NOTICE OF HEARINGS ON SENATE JOINT RESOLUTION NO. 5

Mr. BAYH. Mr. President, the Senate Subcommittee on Constitutional Amendments is scheduling hearings on Senate Joint Resolution 5. These hearings will take place on Tuesday, December 11, in room 2228 of the Dirksen Senate Office Building at 2:30 p.m.

Senate Joint Resolution 5 proposes a constitutional amendment to lower the age of eligibility for Congress by 3 years. Thus, a person could run for the Senate at age 27 instead of 30 and in the House the age of eligibility would be 22 instead of 25. The lowering of the eligibility age for Congress by 3 years would correspond with the 26th amendment, which lowered the voting age by 3 years, from 21 to 18.

Any persons wishing to testify or submit statements for the hearing record should contact J. William Heckman, chief counsel of the subcommittee, room 300, Russell Senate Office Building, Washington, D.C. 20510, as soon as possible.

NOTICE OF FEDERAL ADVISORY COMMITTEE HEARINGS

Mr. METCALF. Mr. President, on Thursday and Friday, the full Government Operations Committee will hold hearings regarding the proposed Federal Energy Administration. In order to devote full time to these hearings, I have canceled the scheduled December 6 hearings by the Subcommittee on Budgeting, Management and Expenditures relating to the Federal Advisory Committee Act. The hearings have been rescheduled for Thursday, December 13. They will begin at 10 a.m. in 1318 Dirksen Senate Office Building.

On December 13, the subcommittee plans to receive testimony from Congressman William Moorhead, chairman of the House Subcommittee on Foreign Operations and Government Information, and Ronald Plesser, an attorney with the Corporate Accountability Research Group of Washington, D.C.

Information concerning these hearings may be obtained from the Subcommittee on Budgeting, Management and Expenditures, 225–1474.

ADDITIONAL STATEMENTS

SENATOR RANDOLPH RECOGNIZED FOR FORESIGHT IN INITIATIVE AND ACTION ON CREATING POLICY ON ENERGY

Mr. ROBERT C. BYRD. Mr. President, it is gratifying to West Virginia citizens and to me that columnists and editorial writers have in recent weeks recognized the foresight and early initiative of my colleague from West Virginia (Mr. Randolph) in the efforts to develop a national fuels and energy policy.

Senator Randolph since 1959 has been attempting to develop a basic governmental structure and commitment to insure that our Nation has the necessary energy resources to maintain a strong and viable economy. In fact, Mr. President, had this country heeded his prophetic warnings and acted affirmatively on his recommendations, we would not be confronted with the critical energy crisis we have today.

Another native West Virginian, Holmes Alexander, the syndicated columnist, appropriately stresses the activities of Senator Randolph in a column entitled "Plenty of Warning About Fuel Shortage."

Mr. Alexander calls attention to the fact that the last four Presidents have had placed before them the warnings of Senator Randolph and have been urged to take action.

Mr. Alexander writes that:

> President Nixon, to take him first, shows a nerve of brass whenever he blames Congress for the energy shortage. More than three years ago, June 16, 1970, Randolph introduced a well-sponsored bill to create a National Commission on Fuels and Energy. It was opposed by the President who said it would overlap studies by his Domestic Council, then headed by John Ehrlichman. "If such studies were in fact ever made by the Domestic Council," groaned Sen. Scoop Jackson recently, "They have never seen the light of day."

He notes that:

> President Johnson, throughout his entire tenure, had before him the voluminous findings of the Senate National Fuels and Energy Study Group (Senate Document Nos. 87–159) which identifies 12 energy policy issues. Among other observations there is this: 'The nation has the ability to be self-sufficient in oil if it so wills."

And Mr. Alexander carries this history back to the early 1960's and late 1970's when he outlines these facts:

> President Kennedy and his Interior Secretary Stewart Udall were too bemused with aesthetic conservation to heed Randolph's S. Res. 105 (with 63 cosponsors) and its warning. 'This nation has a foreign policy, a defense policy, a farm policy and the beginnings of a transportation policy," said Randolph. "But not one of them is so basic to our national security and economy as would be a national policy in respect to these energy fuels. . . ."
>
> President Eisenhower, nudged by still another Randolph Senate resolution with 43 sponsors, issued in 1959 an executive order and created a mandatory oil import quota. At the Conventions of 1960 each party platform called for "a national fuels policy." But there was little attention and less action devoted to increasing domestic production and decreasing the dependence on foreigners.

Finally, Mr. President, Holmes Alexander calls attention to a quality of Senator Randolph of which all Members of this body are aware:

> I have talked with Senator Randolph who is not a man for recriminations, but who knows this subject too well to believe in instant solutions.

ACCURACY—AND HONESTY—IN MEDIA

Mr. BUCKLEY. Mr. President, I do not believe it is necessary to point out that there is a great and widspread distrust of printed and electronic journalism in this country. Contrary to what some media spokesmen would have us believe, this widespread distrust is not a result of what Walter Cronkite once called a "conspiracy" by the present administration against the media. Rather, it results from a common understanding that much of our interpretive reporting is dominated by a single point of view; and one, at that, which differs significantly from that of the average American. Thus when a Spiro Agnew calls for a better balance in reporting, he strikes a responsive chord.

For the simple fact is that there is an obvious and demonstrable bias in the media, one which it is no longer possible to deny.

Mr. President, at the conclusion of my remarks, I will ask unanimous consent to have printed in the Record certain articles illustrating the enormous impact that a less than objective attitude to reporting can have on our understanding of world realities. They illustrate the extent to which some of our most influential media have fallen down on their responsibility to keep the American public fully and fairly informed.

These pieces speak for themselves. I do not know if Mr. Eric Sevareid has responded to the very reasonable request of accuracy in media that he present some support for his claim that the massacres in Hue were "heavily reported." I also do not know if the Newsweek reporter has answered the charges of unprofessionalism leveled against him by the Wall Street Journal's analyses. But surely, given the thoughtful and informed comments made by accuracy in media and in the columns of the Wall Street Journal, we can do without the sanctimonious arrogance with which so many in the media react to honest and well-documented *criticism*.

Mr. President, I ask unanimous consent that the following articles be printed in the Record: "Eric Sevareid Versus Alexander Solzhenitsyn on News Media Coverage of the Hue Massacres of 1968," Accuracy in Media, November, 1973 pp. 1–6; "Slaughterhouse in Santiago," Newsweek, October 8, 1973, "Those Horror Tales From Chile," Pablo Huneeus, the Wall Street Journal, November 2, 1973, page 8; "and a Few Loud Echoes From Academia," Everett G. Martin, the Wall Street Journal, November 2, 1973, page 8.

There being no objection, the material was ordered to be printed in the Record, as follows:

ERIC SEVAREID VERSUS ALEXANDER SOLZHENITSYN ON NEWS MEDIA COVERAGE OF THE HUE MASSACRES OF 1968

Did the American news media heavily report the massacre by Communist troops of some 3,000 civilians in the Vietnamese city of Hue during their 25-day occupation of that city in February 1968? Or was this bestial atrocity only lightly noticed?

Alexander Solzhenitsyn, the Nobel Prize winning Soviet author and a courageous critic of the Soviet regime, published a

3,000-word letter in the Norwegian newspaper, *Aftenposten*, on September 11, 1973, in which he charged that the Hue atrocity "had been lightly noticed and almost immediately forgiven" in the West because "the sympathy of society was on the other side."

Solzhenitsyn added: "It was just too bad that the information did seep into the free press and for a time (very briefly) cause embarrassment (just a tiny bit) to the passionate defenders of that other social system."

This was but one example of several cited by Solzhenitsyn to demonstrate the existence of "a lopsided moral outlook" on the part of many Western intellectuals. Other examples he cited were the insensitivity of former Attorney General Ramsey Clark to torture of American POW's in North Vietnam, British Labor Party leader Harold Wilson's forgiving visit to Czechoslovakia in 1972, the expressions of moral outrage over the sins of South Africa compared with the tolerance of the oppression perpetrated by the Soviet Union, and the fervent protests by Australia and New Zealand of French atomic tests, unmatched by equal protests against Chinese atomic tests.

SEVAREID SCOLDS SOLZHENITSYN

This was too much for Eric Sevareid, the ace commentator for CBS News. Sevareid discussed Solzhenitsyn's criticism in his commentary on CBS television and radio on the evening of September 12. After paying tribute to Solzhenitsyn for his courageous stand for civil liberties in the Soviet Union and describing him as "quite possibly the world's most important living writer," Sevareid said:

"Solzhenitsyn, proposing Sakharov for the Nobel Peace Prize, now makes a detour, attacking the American Democratic Party, Senate investigators of Watergate, and those American critics of the Vietnam war who he thinks have been morally harder on South Vietnam than on the Communist North. And he suggests that the United States is in the same state that Russia was in the last days of the Czars. In all this he reveals that his profound understanding of his homeland is matched by a profound misunderstanding of this country. Like so many West European intellectuals, he sees America through the prism of European experience and social ethic. He makes the mistake of classifying the cancerous abuse of power revealed by Watergate as just another example of American political chicanery. He claims that American war critics were scarcely bothered by the frightful massacres committed during the Tet offensive by the North Vietnamese. He criticizes Australia and New Zealand for criticizing the French nuclear tests in the Pacific but not the Chinese tests."

He is saying in general that Western liberals tend to excuse the profound inhumanity of communist regimes. Some do. But this theme of Solzhenitsyn requires some rebuttal. *The Hue massacres were heavily reported*. Many other brutalities by the North were missed or reported sketchily at second hand, simply because we could have no reporters or cameras with the enemy forces. *Australia and New Zealand protested the French atomic tests because they took place in their neighborhood.*

WERE THE HUE MASSACRES HEAVILY REPORTED, AS SEVAREID CLAIMS?

Sevareid's rebuttal of Solzhenitsyn was of particular interest to AIM because it raised the much neglected question of how the American news media had reported the Hue massacres. Sevareid said they were heavily reported and this meant that Solzhenitsyn had simply been careless with his facts in stating the contrary.

Who is right, Sevareid or Solzhenitsyn?

On the very evening that Mr. Sevareid broadcast his rebuttal of Solzhenitsyn, AIM's chairman, Reed J. Irvine, sent a letter to Eric Sevareid, describing what his clipping file on Vietnam revealed about the reporting of the Hue massacres.

Here are some excerpts from Mr. Irvine's letter:

I have checked my clipping files on Vietnam for evidence of this heavy reporting of the Hue massacres. I am sorry to say that I cannot find it. The first clipping I find on the massacre was in *The New York Times* of February 12, 1968. The Times devoted all of 5-column inches on page one to a charge by the mayor of Hue that the enemy had executed 300 South Vietnamese civilians and buried them in a common grave.

On May 1, 1968, *The Times* had another page one story headed: "U.S. Mission Says Enemy Slaughtered 1,000 Hue Civilians." The story was given 4-column inches on page one and 19.5 column inches on the inside. The same day, *The Washington Post* put this story on page 22, giving it 11-column inches. *The Post* did follow this with a short, 150-word editorial on May 2 which condemned the slaughter. I could find no editorial comment in *The New York Times*. Neither of these papers carried any photos of the mass graves, corpses or coffins.

The next story I find on this subject was published in *The Washington Post* over a year and a half later, on December 7, 1969. In fact, *The Post* had two stories on the subject that day, one from Hue, saying that 2,750 bodies had been discovered so far, and the other from Hong Kong reporting on Douglas Pike's analysis of the massacre.

While I may have missed something in between, my file gives no indication that the Hue massacre story was subject to anything that could reasonably be called "heavy" reporting. On the contrary, I would consider it one of the most under-reported stories of the decade. . . . Of course, you may consider two front page stories in *The New York Times* "heavy" coverage, but I suggest that you contrast this with the coverage The Times gave to the My Lai massacre, an atrocity which did not begin to compare with the Hue butchery. This story broke in November 1969. *The New York Times Index* for 1969 alone contains 3½ pages of entries (over 50 entries per page) on My Lai plus one page of photos.

It is remarkable that Solzhenitsyn, lacking access to the American press, perceived so accurately the disproportion in the attention devoted to the massacre at Hue and that at My Lai, while you, with all the resources at your disposal, should have failed to note this glaring disparity. Surely on this point you owe Solzhenitsyn an apology and your audience a correction.

SEVAREID REFUSES TO COMMENT

After some prodding, AIM received the following reply from Eric Sevareid:

When your organization was founded I took it to be what its title implied, an agency designed to focus a politically neutral, objective scrutiny of the media. I thought it might be helpful, to the press as well as the reading and listening public.

Since then it has become clear that AIM is, in fact, ideologically motivated. Its only interest lies in refuting inaccuracies or alleged inaccuracies that reflect adversely on the right wing philosophy, right wing interests and the miltary establishment.

This is why I have not replied to your queries about my broadcast piece on Solzhenitsyn, and why I shall not acknowledge your queries or protests in the future.

AIM SCORES SEVAREID FOR REFUSING TO DEFEND OR CORRECT HIS STATEMENT

Evidently, Eric Sevareid could not demonstrate that the news coverage of the Hue massacres had been "heavy." Nevertheless, he did not want to admit to a serious error and make a public correction of it. His escape was to make a totally unjustified attack on AIM, using that as an excuse for his refusal either to prove that he was right or admit he was wrong.

Abraham H. Kalish, AIM's Executive Secretary, immediately responded to Sevareid, making the following points:

1. It is true that AIM has an ideology in the sense that we believe in freedom and democracy. We do not conceal that ideological bias, but we do not think that all believers in freedom and democracy should be labeled "right wing."

2. Mr. Sevareid knows very little about AIM and how it operates, apparently not knowing that AIM does very little monitoring of TV news and depends almost entirely on complaints received about inaccuracies and bias. We have never refused to investigate any complaint of substance and would not do so on ideological grounds.

3. It is surprising that Sevareid should refuse to accept criticism from those who might differ with him politically even if it relates to questions of factual accuracy. This conflicts with the following statement by Walter Cronkite, Mr. Sevareid's colleague at CBS, on May 18, 1971:

No one doubts the right of anyone to seek to correct distortion, to right untruths. Newsgathering is not an exact science. We commit errors of fact and the offended *always* must have the right to bring us to task when such occurs by sloth or inadvertence. (Italic added).

4. A Freedom House panel composed of distinguished scholars and journalists recently issued a report on the news media and government, which included the following statements that had been agreed upon unanimously:

The Constitutional freedom of the press includes the right of all news media to inform, but they must not resist legitimate inquiries by the public into their performance.

We urge that the press be sensitive to the complaint of *any* segment of the community which feels that it has insufficient access to the media.

Responsible journalism provides a balance so that adequate play is given to all sides of controversial news.

5. AIM has the support of both liberals and conservatives, but even if it were all liberal or all conservative, it would still be a part of the community and would be entitled to make inquiries into media performance and would be entitled to be treated with politeness and respect, if not love and affection.

6. Proven errors should be corrected, regardless of the source of the complaint, since the correction is not for the benefit of the complainant alone, but for the benefit of the audience.

7. Unless Eric Sevareid can dispute the factual accuracy of the AIM criticism, he has an obligation to Alexander Solzhenitsyn and to his audience to make a correction.

CBS REFUSES TO MAKE A CORRECTION

The above letter did not succeed in touching the conscience of Eric Sevareid, as far as we know, but we did finally pry a comment out of a CBS official. Mr. David Klinger, a Vice President of CBS News, wrote to us on October 2, saying that the President of CBS News, Mr. Richard S. Salant, would not require Mr. Sevareid to be responsive to AIM inquiries. He also informed us that CBS News would not broadcast any correction of Mr. Sevareid's statement about Solzhenitsyn "because we do not agree that the statement was factually incorrect."

Mr. Klinger, however, failed to provide any evidence to support his statement, including any record of the amount of coverage CBS News had given to the Hue massacres. We have therefore asked Mr. Klinger and Mr. Salant to furnish the evidence that will back up the claim that Sevareid was on sound ground. We have submitted to them additional evidence that press coverage of the Hue massacres was scanty, citing an article by James Jones in *The New York Times Magazine* of June 10, 1973, which fully confirms Mr. Solzhenitsyn's description of the paucity of news coverage of this terrible atrocity. Mr. Jones wrote:

The battle for Hue itself received enormous publicity in America in 1968, but the aftermath (the massacres) didn't . . . Some pieces were written about it in America but dropped from sight quickly. It was not until a year later that many of the mass graves were discovered. And it was not until November 1969, when a Nixon speech used Hue as a justification for slow withdrawal, that the subject got additional attention in the press. But at that time, few American reporters saw fit to take it on and go into it. Nobody tried to do a serious expose. Hue was no longer news. Anti-U.S. feeling was high at home. Why buck it in the cause of unpopular truths? Much better to concentrate on our own rottenness at My Lai.

THE SEVAREID SYNDROME

Does it really matter whether Eric Sevareid was right or wrong? Is a correction of his misstatement of any importance?

We think it is important. The failure of the American news media to expose fully the Hue massacres and to arouse the American people to an awareness of what happened at Hue is a serious blot on American journalism. It is a reflection of the "lopsided moral outlook" that Alexander Solzhenitsyn tried to call attention to in his letter to *Aftenposten*. Since Eric Sevareid refuses to acknowledge its existence even when it is clearly demonstrated for him, and since he is one of television's most prestigious journalists, the attitude deserves to be called "the Sevareid Syndrome."

In an article in TV Guide of October 6, 1973, Edward Jay Epstein shows that TV reporting of the Tet offensive in 1968 played a decisive role in undermining popular support for the war in the United States. Tet was an enormous military defeat for the communists, and the unbelievable atrocities they committed at Hue, if reported with anything like the attention given to My Lai, would have produced an even more serious moral and psychological defeat.

In his memoirs, *The Vantage Point*, President Lyndon B. Johnson wrote:

There was a great deal of emotional and exaggerated reporting of the Tet offensive in our press and on television. The media seemed to be in competition as to who could provide the most lurid and depressing accounts. (Popular Library Edition, p. 384)

In his *TV Guide* article, Epstein writes:

In late 1968, Jack Fern, a field producer for NBC, suggested to Robert J. Northshield a three-part series showing that Tet had indeed been a decisive military victory for America and that the media had exaggerated greatly the view that it was a defeat for South Vietnam. After some consideration the idea was rejected because Northshield said later, Tet was already "established in the public's mind as a defeat and therefore it was an American defeat."

Epstein adds: "In a very real sense, he was correct."

But what is important is that it was not a military defeat, but a defeat inflicted by America's own news media, which behaved with incredible perversity to convey a false impression of what had really happened in Vietnam.

The best explanation for that perverse conduct would appear to be the prevalance of the Sevareid Syndrome, which leads even distinguished and veteran journalists to mistake fiction for fact.

The Sevareid Syndrome is dangerous and can result in great harm. But it can be cured if only those afflicted with it can be brought to recognize that they have a problem. They must first overcome their arrogance.

WHAT YOU CAN DO

You can help bring home an awareness of the problem by writing to Eric Sevareid, CBS News, 2020 M Street, N.W., Washington, D.C. 20036. You might suggest to Mr. Sevareid that the record seems to suggest that he was in error in his rebuttal of the Solzhenitsyn broadcast on September 12. Ask him either to demonstrate that he was correct or that he is big enough to correct his error on the air.

Send copies of your letter to AIM and to Richard S. Salant, President, CBS News, 524 West 57th St., New York, N.Y. 10019. We would be interested in any replies that you may receive.

SLAUGHTERHOUSE IN SANTIAGO

Pablo Neruda, Chile's Nobel Prize-winning poet, was dead of cancer, and even as his body was lowered into its grave, his countrymen set about trying to murder his words. Books of all kinds, not only Neruda's but those by Mao and Marx and Marcuse, were seized by the tens of thousands from homes, bookstores and libraries and then fed to bonfires in the streets of Santiago. And the military junta that has ruled Chile for three weeks didn't stop there. Chilean universities, once proud bastions of independence, were purged of suspected leftists, and ordinary people learned to dread the midnight knock on the door. All that was bad enough, but NEWSWEEK correspondent John Barnes discovered last week that the reign of terror has already gone much further than most people thought Below, Barnes report:

The military junta will not admit that there have been mass executions since the overthrow of Salvador Allende's Marxist government. "We have executed perhaps eight people since then for shooting at troops," Col. Pedro Ewing told newsmen. But that simply is not true. Last week, I slipped through a side door into the Santiago city morgue, flashing my junta pass with all the impatient authority of a high official. One hundred and fifty dead bodies were laid out on the ground floor, awaiting identification by family members. Upstairs, I passed through a swing door and there in a dimly lit corridor lay at least 50 more bodies, squeezed one against another, their heads propped up against the wall. They were all naked.

Most had been shot at close range under the chin. Some had been machine-gunned in the body. Their chests had been slit open and sewn together grotesquely in what presumably had been a pro forma autopsy. They were all young and, judging from the roughness of their hands, all from the working class. A couple of them were girls, distinguishable among the massed bodies only by the curves of their breasts. Most of their heads had been crushed. I remained for perhaps two minutes at most, then left the building.

The next day I returned to the morgue with a Chilean friend so that I would have a witness. I also took along a camera. As I walked through the swing doors of the corridor, the sickly sweet smell of the decomposing bodies almost knocked me back. There were more bodies, perhaps 70, and they were different from the day before. Just as I was pulling the camera from my jacket, a man in a white coat walked through the doors at the other end of the corridor. "What do you want?" he asked. "I'm looking for the bathroom," I said. "Come with me," he said. As I followed him, I took a sharp right and ran out of the building. He shouted after me but did not try to follow. I did not have the courage to try again. Later, in my hotel room, my friend burst into tears. "These were my countrymen," he cried. "My God, what has happened to us?"

BODIES

Workers at the morgue have been warned that they will be court-martialed and shot if they reveal what is going on there. But I was able to obtain an official morgue body-count from the daughter of a member of its staff: by the fourteenth day following the coup, the said, the morgue had received and processed 2,796 corpses.

No one knows how many have been disposed of elsewhere; a gravedigger told me of reports that helicopters have been gathering bodies at the emergency first-aid center in central Santiago, then carrying them out to sea to be dumped. One priest informed me that on the Saturday after the coup he had managed to get into the City's Technical University, which had been the scene of heavy fighting, on the pretext of blessing the dead. He told me he saw 200 bodies, all piled together. Tales like that abound in Santiago, and though information is almost nonexistent for the rest of Chile, the presumption is that the executions have followed a similar pattern in other cities. But the morgue count alone sets the regime's kill rate at an appalling 200 Chileans a day—just for the capital.

With hardly an exception, the victims come from the *poblaciones*—the slums that encircle Santiago and house half the city's 4 million inhabitants. During the three turbulent years of Salvador Allende's administration, the poor of the poblaciones never wavered in their support of his government, for the fact was that the *rotos* (broken-down ones, as they are contemptuously called by the more affluent) had never had it so good. Despite the soaring inflation, they earned enough money to buy undreamed-of luxuries like new clothes, radios, television sets, refrigerators. Community food-distribution centers in the poblaciones were always well stocked, while the shelves of stores elsewhere remained barren. Presumably, the junta believes that since the poblaciones provided the former government's main support, they must be terrorized into accepting the fact of its demise. So the local leaders are now paying with their lives for their love of Allende. Not one población has escaped the terror.

ROUNDUP

I spoke with three women from the Pincoya población. One of them, a mother of two, had just found out that she was a widow. She told me this tearful story: "Soldiers raided our población last Saturday at 8 in the morning. In the section where we live, they rounded up about 50 men and held them until a police lieutenant came to take his pick. When the lieutenant saw my husband, he made him step forward and told him: 'Now you will pay for all you people have done.' The *carabineros* took him and a few others to the police station, and the rest were arrested by soldiers." For three days, she and the other women of Pincoya searched for their men in police stations and the two soccer stadiums where thousands are incarcerated. It was only after they heard that a 17-year-old boy from their block had been found at the morgue—shot in the head and chest—that they made the journey to see the lists of the dead. There they found her husband, Gabriel, as well as every adult male from one block of their población.

I joined a funeral procession of weeping families following three coffins to burial. Carabineros, I was told, had raided a home in the Parque Santa María población and had picked up three petty thieves aged 18, 19 and 20. A sergeant told them they would be released if they paid 7,000 escudos—only $5, but a lot of money to the población poor. Their barrio raised the money and the youths returned home. But two hours later, a carabinero patrol came back to get them. That was the last their families heard, until they found their names on the morgue list. One of the boys was so riddled with bullets that they could hardly dress him for burial. But the fate of the other two was worse. Coffins in Chile have small window doors over the face of the dead, and the women opened them for me. There were no heads inside.

Orlando Contreras, who lives with his wife and seven children in the José María Caro población, is in daily dread of an official knock at his door. He is a laborer who worked in Santiago's office of social development, a particular target of the new regime. And he is well aware of the danger he faces, should the soldiers come after him. On the day the coup took place, he told me, he and one of his sons saw ten high-school students marched from their school, their hands over their heads, after a brief skirmish with carabineros. They were forced to lie face down on the ground, and then a policeman walked the line of prone youngsters, spraying them with machinegun fire.

The stories of atrocities are endless, and by now, inhabitants of the poblaciones are utterly terrified. "I am too afraid to look for him," says a woman from the Ultima Hora población, whose husband was last seen covered with blood being hauled away in a police truck. "I am afraid that they will take me, too, and what would happen then to my four children?" Many are now afraid even to associate with families that had any connection with Allende's regime—whether as party members, union leaders or employees in the food-distribution centers. "They can kill whomever they want to kill," says Contreras bitterly. "There is nothing, absolutely nothing, that we can do about it."

Because of the total censorship of domestic reporting, most middle- and upper-class Chileans have no idea what is happening. They hear rumors, but their hatred for Allende compounded by their historic contempt for the *rotos* leaves them little desire to verify them. Many do not believe the stories about slaughter in the poblaciones; many simply don't much care. "Why should we?" a Chilean lawyer asked me over an expensive lunch in a wealthy section of Santiago. "I don't believe the stories you tell me, but after the things the supporters of Salvador Allende have done to Chile, they deserve whatever happens to them."

[From the Wall Street Journal, Nov. 2, 1973]

THOSE HORROR TALES FROM CHILE * * *

(By Pablo Huneeus)

SANTIAGO, CHILE.—The military coup turned Allende's comedy into Chile's tragedy. But the Newsweek article "Slaughterhouse in Santiago," Oct. 8, turned our tragedy into a horror tale. It caused such a misunderstanding as to the true nature of what happened down here that I decided to retrace the steps of Newsweek's correspondent John Barnes to double check the information that he said came from the Santiago morgue.

Known here as the Medical Legal Institute it is a small, neat grey building near the General Cemetery. It looks like a hospital except that all the people lying on the stretchers are dead. An autopsy is the only operation performed by its doctors.

Over two days I interviewed a random sample of seven doctors, five clerks, three typists and four porters. To each I showed or translated the Newsweek article and questioned them about their reactions. Here's a summary of what they said:

1. Without a single exception all uttered comments like "lies," "what an exaggeration," "brilliant imagination," or "absolutely false." Dr. Vargas, an elderly experienced pathologist, dismissed the whole story on the grounds that the Newsweek correspondent suffered what is called "perception shock." When exposed to a couple of bodies, he explained, the shock alters perception capabilities. "When there are 10 bodies together many persons can't even recognize their wives or fathers. That must have happened to that correspondent," he said, presuming he ever got in the morgue."

2. Also without exception, the staff doubted that he was ever inside the morgue because his descriptions didn't fit. For example, Newsweek describes a corridor with 50 bodies in it, but there isn't any corridor large enough to hold that many bodies. The only corridor in which there are bodies to be seen under normal conditions is outside the autopsy rooms and it can handle only a few in line. Mr. Barnes also claims to have seen bodies upstairs, but the staff says none have ever been taken up there. Upstairs there are only offices and laboratories. The autopsy rooms are on the ground floor and the refrigeration storage rooms in the basement.

3. A picture of a man with a missing leg published by Newsweek with the caption, "A dead amputee in Santiago: The reign of terror was worse than anyone imagined," is actually a man who died some time earlier in a traffic accident. He was run down by a Chevrolet pick-up truck.

4. By far the worst misrepresentation in the Newsweek article was the report during the two week period after the coup 2,796 bodies had come to the morgue. Newsweek says ". . . though information is almost nonexistent for the rest of Chile, the presumption is that the executions have followed a similar pattern in other cities."

Every dead body that arrives receives a number that goes up on a list posted outside with the name. Number one begins on January first. The Newsweek figure is for all the bodies received at the morgue from the beginning of the year to Sept. 21. It's this figure that is being quoted all around the world as the casualty rate in Santiago alone for the first 14 days of the coup.

(Kenneth Auchincloss, executive editor of Newsweek, says he has "complete confidence" in Mr. Barnes, "he's covered wars before." Mr. Auchincloss says Mr. Barnes was given the 2,796 dated figure by a daughter of a member of the morgue staff, adding, "I think it is conceivable that there was a misunderstanding. But that is pure speculation on my part. I haven't checked it out with Mr. Barnes. There is no reason to doubt his reporting.")

This is enough to demonstrate the falsehoods in the Newsweek story. To me it's a case of journalistic imperialism. A rich American magazine sends from London a British correspondent a week after the coup. He makes no effort to understand what is really going on here. He only wants to use us for a story that will sell. He knows the market wants a horror story. He flavors his story with an underlying contempt for Chile and its people, tops it with a total lack of respect for the truth and cooks it with imaginative fiction writing. It brings glory to him and disgrace to us.

Not that I am happy with the junta. Every Chilean feels that no matter how low the death toll, what happened is a tragedy. We are accustomed to see our presidents end their constitutional term and walk quietly home. But the military intervention is the logical outcome of a Marxist regime. I am no wizard, but in a book I wrote a year ago I said that Chile was heading towards a military regime. There was such hatred among Chileans that the only way of holding us together was through force.

This hatred springs from a long history of frustration with politicians. By 1970 we had already tried most political formulas: a populist government with Ibanez, a conservative right wing one with Alessandri and a liberal Christian Democrat one with Frei. All failed to give us the results we wanted and so we tried Marxism.

It was the great experiment. But the guinea pigs rebelled.

But intellectuals throughout the world doted on the Allende regime. Soon it was evident that under the cover of clever public relations, a machine aimed at taking over total power was being built. In the first months of his term, Allende admitted to Debray that his respect for the constitution and democratic institutions was only a tactic to gain power.

The country unanimously agreed on nationalizing copper and monopolistic corporations. But soon para-military brigades began roaming the countryside and seizing farms by force and expelling farmers at gun point. Industries, even very small ones, were seized; workers who opposed were suppressed or beaten; an opposition leader was assassinated; technicians were fired for political reasons. Because of the imported doctrine of class warfare, the official gospel was hate. Dr. Allende started it when he declared at the beginning of his term that he was *not* the president of all Chileans.

Our technicians left the country and we began to import slogans from China, educational programs from East Germany, high-government officials from Cuba and terrorists from all over Latin America. Our president imported guns labeled art objects. He had a guerrilla training camp in his house and there were finally enough arms in the country to supply 20,000 irregulars.

Allende lost all legitimacy. It was worse than Watergate. We were sinking and the man at the helm was unable to govern. Even Marxists agreed that we were sinking, the only debate was over whose fault it was.

I would have preferred a democratic solution, a plebiscite or a new election for congress and the presidency as the opposition leaders proposed. But Allende refused to compromise and he refused to follow the majority's will. He was determined to persuade us with guns.

That's why this deadly war machine was unleashed. It's sad so many died, but it's good so many survived.

SLAUGHTER IN SANTIAGO

"Last week I slipped through a side door into the Santiago city morgue. . . . One hundred and fifty dead bodies were laid out on the ground floor. . . . Upstairs I passed through a swing door and there in a dimly lit corridor lay at least 50 more bodies. . . . Most had been shot at close range under the chin. Some had been machinegunned. . . . Their chests had been slit open and sewn together grotesquely. . . . They were all young and, judging from the roughness of their hands, all from the working class. . . . Most of their heads had been crushed. I remained for perhaps two minutes at most, then left the building. . . . Workers at the morgue have been warned that they will be court martialed and shot if they reveal what is going on there. . . . But the morgue count alone sets the regime's kill rate at an appalling 200 Chileans a day—just for the capital."—Correspondent John Barnes in Newsweek, Oct. 8.

Correspondent Barnes' vivid account of the Chilean coup has turned into one of the most effective bits of journalism in years. Senator Kennedy placed it in the Congressional Record. It is being used in advertisements by organizations opposed to the present Chilean regime. Its staggering casualty figures have been accepted as gospel in many European countries. It may have been instrumental in causing the U.S. to delay aid to Chile "until Human Rights are restored." But was it true?

Dissenting is Pablo Huneeus, a Chilean journalist and professor of sociology at the University of Chile, who previously has assisted American correspondents, including those of The Wall Street Journal and Newsweek, in preparation of reports on Chile.

. . . AND A FEW LOUD ECHOES FROM ACADEMIA

(By Everett G. Martin)

So many misleading reports and analyses of the events surrounding the military coup in Chile have appeared in reputable publications, in special programs on public television and on radio that it's probably impossible now to set the record straight on even a few points.

It's not just opinions that differ. Interpretations, mostly by members of the academic community and by journalists who look more to what excites their editors than at what Chile is about, have distorted the events out of all sense of reality.

Thus Chile, which is one of the most complex nations in the world, has been turned into a simple black and white situation of good guys (the Marxist followers of the late

President Salvador Allende) and the bad guys (anyone who opposed them). The remorseless villain of this simplistic plot is Washington, which by merely turning off the spigot of low-interest loans was able to destroy all the achievement of the good guys and send the Chilean people (usually called the masses) back into slavery.

Newsweek's convincing-sounding account of the military slaughtering victims at the rate of 200-a-day in the capital city of Santiago alone seems to have been based on events which didn't happen and figures that were misinterpreted. Even though other publications have carried more moderate stories, and a recheck of the Newsweek reporting by The New York Times found many exaggerations, the Newsweek report is still being taken as the final word on the coup in many places around the world.

Yet as bad as Newsweek's misrepresentation of the facts was, it was at least in the general direction of the target because there have been killings and executions that certainly seem excessive. (The military junta last week finally ordered an end to summary executions, but executions after sentencing by military tribunals will continue.)

Much more insidious and subtle are articles such as the one appearing in the Oct. 29 issue of The Nation magazine written by E. Bradford Burns, professor of Latin American history at the University of California at Los Angeles. Cloaked in scholarly authority, one would think that a Professor Burns would be someone who could be believed; but consider what he has to say.

He was an eyewitness, he claims, on September 4, exactly one week before the coup, to the gathering of 800,000 Chileans in front of the government palace to celebrate the third anniversary of Dr. Allende's election. It was the largest political rally in Chile's history, he writes, equal to nearly a tenth of the national population. Britain's venerable Guardian makes the same point, but sets the crowd total even higher: at 1,250,000.

I was there too. The rally was held in the smaller of the two plazas on either side of the government palace, the side that savvy Chilean leaders always use when they expect a bad turnout because the crowded quarters makes it seem like more people This time they didn't even fill that plaza. With two other journalists, we estimated 20,000 people; and we noted that a large contingent marched around and around one block to make it look larger. Police later put the figure at 18,000 persons.

This argument over crowd size may sound picayune. But The Nation and The Guardian articles use their figures as evidence that Dr. Allende's popularity had reached new heights before the coup. Professor Burns suggests that it was the sight of this rising popularity that caused the military, urged on by the representatives of the rich, to stage the coup without further delay. Professor Burns not only inflated the crowd count 40 times to make his point, but he conveniently ignored a rally the next night that really was several hundred thousand strong of people demanding Dr Allende's resignation.

Professor Burns, like many other scholarly writers, also plays games with Chilean election figures to make the claim of Dr. Allende's rising popularity.

Earlier this year members of the academic community excoriated the U.S. press for referring to Dr. Allende as a minority president based on the fact that he had won with only 36.2% of the vote in the 1970 presidential election. They argued, and with reason, that in the April, 1971, municipal elections his followers won practically half the vote.

I accepted their argument; so when Dr. Allende's forces got a reported 44% of the vote in congressional elections last March, it followed logically that his support had declined. Now, however, the professors want to forget about the municipal elections and talk only about Dr. Allende's popular support rising from 36% to 44%.

They also choose to ignore the fact that 56% of the country voted against Dr. Allende, and that it was a relatively united opposition. It wasn't a simple case of president with a commanding party facing a splintered opposition ranging from Left to Right as in the past. They also don't mention the mounting evidence that there was considerable fraud during the congresional election to achieve the 44% total.

Professor Burns and others hammer and pound Chilean reality like soft copper to make it fit their pre-conceived notions. For them, the struggle must be between all the workers on one hand and "the bitter opposition of the middle and upper classes, a combined group which composed no more than 30% of the population," to use Professor Burns' words.

Who, then, were the 56%—or more likely the 60%—who voted against the Marxists? If they were all the wealthy and their well-to-do middle-class allies then perhaps Chile never had a serious problem of poor income distribution after all.

It's clear that the scholars don't consider this majority as Chileans with any rights, which is a curious comment on their concept of democracy.

The Nation article implies that the military played the role of devious plotters against the Allende government, continually being supplied by U.S. aid and imbued with U.S. military training. That's what some would like to believe in retrospect, but the facts are that the armed forces were loyal to the government until the last week and were the last to turn against him. Three times they joined his cabinet to help him against the opposition during national crises.

It was Dr. Allende's opponents who resented the U.S. aid to the Chilean military, whose commanding general had for the first time in recent history committed the armed forces to support a government's political program.

Few articles on the Chilean coup even mention the large arms buildup by private Allende forces, the training of a guerrilla army by foreign "revolutionaries" numbering in the thousands, or the infiltration by the left of the military's ranks. Any kind of investigation of this claim leaves little doubt that these clandestine forces existed and were soon to be used against the military. It also happens to be exactly the same strategy that the Communist Party of Indonesia attempted in 1965.

Writers such as Professor Burns give the Marxist economic disaster only passing reference, saying that Chile has always had economic problems and anyhow all the difficulties were caused by the U.S. credit blockade.

It's true there was a credit blockade by the multinational lending institutions and by the Export-Import Bank, but to lay all the blame on this for Chile's greatest economic disaster in history is ludicrous—American egocentrism at its worst. Despite the credit blockade, Dr. Allende's regime received more international credit than any other Chilean government in history. And how could U.S. bankers and companies with investments in Chile be expected to operate differently, since the Allende government wasn't paying its debts to most of them?

Besides this there was a startling degree of corruption within the regime, officials feeding into the black market merchandise they had illegally obtained. Last June Dr. Allende's own nephew, Eduardo Grove Allende, who was a loyal supporter of his uncle and the first head of the nationalized textile industry, told me that within the ruling circles "there's no more ideology, everything is corrupt. All they think about is power and money."

In a nutshell, the grand experiment that was supposed to be taking place had foundered some time ago and was replaced by a naked, almost conventional, struggle for power. Many aspects of the famed Chilean democracy, such as rule-of-law and the art of compromise, had died long before the military moved in with the *coup de grace*.

And when the analysts in the Kremlin sit down to analyze what went wrong in Chile, as they inevitably will, it's doubtful that they will find much that's accurate or useful in the colored accounts the U.S. academic community is currently putting out on the subject.

THE PASSING OF DAVID BEN-GURION

Mr. HATHAWAY. Mr. President, I would like to join with the people of Israel and those throughout the world, both Jew and gentile, who mourn the passing of Israel's first Premier, David Ben-Gurion. Here was a man who saw a dream realized, who built a nation, and who received the recognition of history during his lifetime.

On May 14, 1948, when David Ben-Gurion read the Declaration of Independence and pronounced the existence of the State of Israel, the Jews were at war with the Arabs. His passing comes as the Jews and Arabs end what the world hopes is their final war. May the peace which David Ben-Gurion realized was so essential to the future of Israel now come to pass.

Mr. President, I would like unanimous consent to have an article written by Alvin Rosenfeld which appeared in the Washington Post on Monday, December 3, 1973, printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Ben-Gurion Lies in State

(By Alvin Rosenfeld)

Jerusalem, December 2.—They knew him as *Ha'zaken*, "the old one," who had symbolized the ideals of Jewish statehood and self-reliance for as long as any of them could remember, and they came in a steady stream to say farewell to David Ben Gurion.

Thousands were waiting in line when the gates of the Knesset (Parliament) opened this morning. At night crowds were still passing by the coffin at the head of the vast Knesset Plaza.

Intermittent rain did not deter the mourners. Before midnight more than 200,000 persons—close to 10 per cent of Israel's population—had passed the bier.

There were women dressed in the latest fashion and others wearing the turbans of the East. There were businessmen and workmen. They came as they were. Bearded soldiers in wrinkled uniforms and dusty boots, in from the Suez, walked past the coffin singly or in groups.

School children came in organized groups, sometimes following a school flag, but there were also youngsters who came on their own, carrying their books with them. Some children wore their gym clothes.

Women walked past with children in their arms. Men filed past wheeling baby carriages. A three-year-old girl clutching her mother's hand walked past softly singing a song of the approaching Hanukah holiday.

The boys and men automatically covered their heads with a hand or a handkerchief as they passed the bier. Most people were silent, but some stopped for a moment to murmur a prayer.

A man with a briefcase stopped and spoke to Ben Gurion briefly, but no one could hear what he said. A man walked along with his eyes on an open prayer book.

The VIPs had all paid their respects before the gates were opened to the public, but some public figures made a second visit in the slow-moving files of ordinary citizens.

Among them was the man who prosecuted Nazi war criminal Adolf Eichmann, brought to Israel from his Argentine hiding place on Ben Gurion's orders.

The crowds did not stop coming. It was the public's only opportunity for a personal association with the passing of Ben Gurion. Because Israel is still at war, there will be no formal procession or state funeral, only a brief service at the Knesset before a small group of invited guests.

Ben Gurion, who despised pomp, had asked for simplicity at the end. The coffin, placed before the slender columns of the Knesset building, was a plain wooden box, unpainted, unvarnished, its simplicity was covered with Israel's blue-and-white colors.

The catafalque stood before two tall candlesticks burning jets of gas. The pedestal was unadorned except for the seal of Israel. A Knesset guard stood at each of the four corners. On each side stood an army rabbi, reading silently from the Book of Psalms.

The wreaths of flowers hanging behind the coffin included one from the town council of Rishon L'Zion, where the young immigrant Ben Gurion worked in the fields and sometimes made do with a single loaf of Arab bread a day.

Another wreath was from Dimona, the town planted in the Negev Desert on Ben Gurion's instructions because he believed that the future lay in development of the wilderness.

There was a wreath from the Security Service, Israel's CIA, which carried out the Eichmann kidnaping and many other assignments from Ben Gurion. Another wreath came from the families of fallen soldiers.

There were signs of Ben Gurion's influence everywhere. The Knesset guards carried Uzi submachine guns, developed here when Ben Gurion was preaching that Israel had to be as self-sufficient militarily as possible.

Order was maintained by the officers of an army he molded as a nonpolitical force. The state seal bore the name Israel, which he chose over Judea and other suggestions.

There were few tears and no apparent sense of tragedy. The public seemed to feel that here was a man who had lived a full life and was taken in the fullness of years.

There was, however, a sense of history. Asked why they had come, people answered in much the same way: "To honor him. . . . It's the least we could do. . . . He symbolized an era. . . . He is part of a myth. . . . He deserves all honor. . . . It's an act of identification—with him and with the state. . . ."

A high school girl said, "We haven't learned very much about him at school. You know, we learn more Bible than modern history. But it's enough to know he built the state. I came to give him a last honor."

CAMPAIGN FINANCING ISSUES

Mr. TAFT. Mr. President, I take this time to comment on the resolution of the public financing issue as related to the debt ceiling legislation. I felt compelled throughout to support the position of eliminating the campaign financing legislation from the debt ceiling, because of the immediate financial crisis that the country faced and because I felt the public financing of the campaigns have not been given the careful consideration that it deserves by the proposed amendment. The attempt to compromise this at the last minute with a lesser House version did not help the situation much.

My feeling is that the time has arrived to consider public campaign financing for national office, but this should be done carefully and should avoid many of the pitfalls that characterized the Kennedy amendment. On the action now taken in leaving the matter with the Rules Committee, hopefully the committee will examine those pitfalls.

The first serious problem was that of control of administration of the program. The Kennedy amendment put this in one man, the Comptroller General. At the very least, the control body should be made up of a number of men and women and should be bipartisan and nonpartisan in its makeup.

I share deep concern for the problems of campaign financing and was happy to support the Federal campaign reform bill of 1973 which passed the Senate, but has bogged down in the House committee. If this committee wished to, it could report a public financing bill pronto. I would expect to support sound public financing legislation as well.

One of the major problems with regard to the Watergate scandals was the fund raising situation for the 1972 Presidential election. The entire direction and management of the campaign was done not through the Republican National Committee at all, but rather through a completely separate and independent committee—CREP—for which funds were raised separately under heavy pressure. As we have seen, this determined the entire course of the campaign. Senator KENNEDY's legislation would have perpetuated this by requiring "authorized" committees with enormous amounts of publicly supplied money to spend. The national party and State party committees would get no public funds and would be limited to spending less than one-seventh of the amount the "authorized" committees could spend. In essence, this approach undermines the two-party system and, indeed, the entire political system.

Additionally, the public funds to be provided through this legislation would come from you, the taxpayer, through the voluntary income tax checkoff system. If the checkoff system did not produce enough money—which it would not and has not to date—the balance would be taken from the general revenue. Moreover, these funds would have even become available not only to nominated candidates but to any adventurer, who, with minimum support, decided to enter a Presidential nomination race.

I firmly believe that the targets of public financing legislation should be confined to preventing corruption, bribery, and the "buying" of elections in return for favors. The Senate Rules Committee is currently studying the entire area of public campaign financing, and should be given time to present a fair and workable bill.

MARILYN P. DESAULNIERS

Mr. ERVIN. Mr. President, while the Senate was in recess over Veterans Day, a lovely lady died, leaving not only her family grief stricken, but many coworkers all over the country. Marilyn P. Desaulniers of Springfield, Va., died suddenly Monday, October 22, of a heart attack. My acquaintance with Mrs. Desaulniers has spanned the last 2 years in which she has been very active in fighting ratification of the equal rights amendment. As coordinator of the National Coalition for Accountability, an organization formed for the purpose of coordinating efforts on the State and local levels to defeat the ERA, Mrs. Desaulniers has been very active in convincing State legislators that the amendment would not be in the best interest of women and should be rejected. As many Members of Congress are aware, her efforts were not in vain and many State legislatures have rejected the amendment and one State has rescinded a prior ratification. In her own State of Virginia, the amendment was defeated almost unanimously, the result of a successful lobbying effort by Mrs. Desaulniers and her many supporters in Virginia.

There is no doubt that Mrs. Desaulniers will be sorely missed in the continuing fight against ratification of the ERA. My heartfelt sympathy goes out to her husband, John, and three children, John, Jr., Laura, and Patty, for their great loss and ours.

I ask unanimous consent to have an article from the Washington Post on October 27, 1973, about Mrs. Desaulniers printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EDUCATION LECTURER AND AUTHOR

Marilyn Patricia Desaulniers, 42, an author and speaker on controversial issues involving education and intergovernmental relations, died Monday at her home, 6117 Greeley Blvd., Springfield, Va., after a heart attack.

Born in Boston, Mrs. Desaulniers was a graduate of Boston Latin School.

She became active in a number of organizations in 1969, after moving to Northern Virginia when her husband, Army Lt. Col. John J. Desaulniers, was assigned to duty here.

Mrs. Desaulniers was a founder and coordinator of the National Coalition for Accountability, which has been fighting the Equal Rights Amendment. The group favore equal rights for women but opposes the wording of the amendment.

Mrs. Desaulniers also was a member of the Leadership Foundation and the Taxpayers Alliance of Northern Virginia. She had also worked closely with Accuracy in Media.

In addition to her husband, she is survived by three children, Patricia, Laura and John, all of the home; her mother, Marion Adams of Fitchburg, Mass., and a sister, Jane Rostoker, Framingham, Mass.

ST. ALBANS HOSPITAL

Mr. JAVITS. I am gratified to note that the House Appropriations Committee reported H.R. 11575, the defense appropriations bill which contained provisions and recommendations for the continued operation of St. Albans Naval Hospital in New York City. As stated by the House committee, it would be a waste of Government funds not to keep this medical facility open and available to eligible persons in the New York area. This has now been approved by the House of Representatives.

I am strongly for keeping St. Albans Hospital open, which serves the largest concentration of retirees and active military personnel in the Nation. The medical facilities of New York State are so strained now that it would be impossible to load new responsibilities on existing facilities.

Therefore, I certainly support the action already taken and trust that the

Senate Appropriations Committee would similarly support it.

I ask unanimous consent that a letter from Senator Buckley and myself urging the committee to support the House action be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

December 3, 1973.

Hon. John L. McClellan,
Chairman, Senate Appropriations Committee,
Washington, D.C.

Dear Senator McClellan: On Monday, the House Appropriations Committee reported H.R. 11575, the Defense Appropriations bill, which contained provisions for the continued operation of Saint Albans Hospital in New York.

This facility serves over 340,000 retirees and active military personnel living in the Queens borough alone, as well as all of Long Island, New York City, New Jersey and as far north as Syracuse, which constitutes the largest concentration of veterans in the nation. The medical facilities of New York State are so strained now that it would be impossible to load new responsibilities on existing facilities. The House Committee found that it would be a waste of Government funds not to keep this medical facility open and available to eligible persons in the New York area.

In view of this clear need and the important work of this hospital, we urge the Senate Appropriations Committee to similarly support this much needed medical facility.

With best wishes,

Sincerely,

Jacob K. Javits,
James L. Buckley.

DR. ARTHUR LOGAN

Mr. HUMPHREY. Mr. President, I was saddened to learn of the death of a good friend, Arthur Logan.

In a Washington Post article entitled "He Fed Us Strength," Roger Wilkins has captured the spirit of this physician and civic leader whose intelligence and achievement were matched only by his boundless compassion.

As Mr. Wilkins points out, Arthur Logan was in many ways a privileged man, with access to education and the creature comforts that can be so easily taken for granted. His father was treasurer of Tuskegee Institute. Arthur himself was one of the first blacks to attend Williams College, where he graduated Phi Beta Kappa, and then Columbia University's College of Physicians and Surgeons.

He could have moved into the upper stratum of society and blocked from view the pain and suffering that are endured by those less fortunate. But that was not his way.

Arthur Logan was not a showboater. His motive was not to capture headlines. He lived his own special brand of black power, defined not in terms of radical rhetoric or violence, but instead in quiet pursuit of the goals we have fought so hard to reach—decent health care, economic independence and educational opportunity.

Among his friends were such great national figures as Dr. Martin Luther King, Jr., Bayard Rustin, Duke Ellington, Jackie Robinson and many, many others who have been instrumental in the fight for civil rights.

Yet his friendship and compassion were not limited to the great. As a physician and surgeon, he could have limited his services to the affluent. But his arms were big enough to comfort the poor old lady in Harlem who suffered alone in quiet desperation, sick and friendless.

It was my privilege to count Arthur Logan among my friends. I was among those who called on him for inspiration in the often difficult days of the civil rights struggle, during the battle to remove the legal barriers to true equality for all Americans.

My sympathy is with his wife, Marian, and his children. I was fortunate to be associated with his son-in-law, Clifford Alexander, and his wonderful wife Adele during my term as Vice President.

His death is a personal loss. He will be missed, not only by those who were the direct beneficiaries of his wisdom and courage, but by those he never knew—those whose lives his efforts have enhanced, both in the field of medicine and through a determination to see a better day for black people.

Mr. President, I ask unanimous consent to have printed in the Record the article by Mr. Roger Wilkins and a New York Times article by Judith Cummings.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Nov. 30, 1973]

He Fed Us Strength

(By Roger Wilkins)

Arthur Logan is dead. That doesn't mean much to most folks, but when Arthur died the other day, the amount of good in the world dropped perceptibly. He was that much of a man.

Arthur was a black man with white skin, light eyes, straight hair and a sense of black power that came not from mindless exhilaration at some rally, but from a powerful and sustained love of black people. He was a 64-year-old Harlem doctor who showed all the signs of bourgeoise achievement that the young black radicals said they hated so much. Arthur lived well. He had a nice house in Manhattan, but he wasn't rich and didn't seem to care to be. His daughter went to Radcliffe, came to Washington with her husband, moved with him through the Kennedy-Johnson White Houses to live with grace and style in this town. Arthur and his last wife, Marion, ran the most eclectic and exciting informal salon in Manhattan. One night it might be pork chops, good wine and Murray Kempton. The next it would be pig knuckles and Martin Luther King. Arthur usually cooked the meat.

So, where's the black power in that? Arthur sure didn't shout, "Black Power!" And, if he had, people would have laughed—he was too white. Adam Powell—ruddy white with flowing hair—once clapped Arthur to his bosom and said, "Us black folks got to stick together." They gleamed white together. It was absurd, but absolutely real. Each man, in his own way, knew precisely about the pain in the black psyche and touched it as best he could through the foreshortened days of his life. Each man paid a price. Each of them is dead.

Arthur Logan was a lot of things. He was certainly a "civic leader." And he was also one of those "first Negroes." There is all the stuff for solid obituaries—member of the board of the New York City Health and Hospitals corporation, chairman of the New York Poverty Corporation, chairman of Haryou-Act, founding member of the Upper Manhattan Medical Group, son of the treasurer of Tuskegee Institute, one of the first blacks to go through Williams College and then go on to graduate from Columbia University's College of Physicians and Surgeons—and so on. That's all good enough to make him an honorable poobah, but the question persists, where's the black power?

It was in the love. Arthur didn't have to wait until 1966 to learn to respect himself, to learn to love other black people or to know the honor that comes from patiently and carefully putting building blocks into place in black communities for decent things that he might never see. He knew about the diseases in black folks' bodies and of the pain in their hearts. He doctored on the first and "pastored" to the other.

Percy Sutton, the black borough president of Manhattan, said, a couple of days ago, "Arthur was the glue. We hurt and he gave. So we asked some more. He fed us strength and we got the headlines. He may have been the best of all."

Arthur looked at Harlem and saw people needlessly sick, so he became the apostle of preventive medicine. He looked at the whole family and knew there was a need for comprehensive treatment so he pushed for the creation of a medical group that could treat a child or a grandpa or one man's eyes, toes and liver all in one fell swoop. The dream of his last years was a drastic expansion of hospital facilities for the people of West Harlem. Nobody had to preach the gospel of "black community" to Arthur. He lived it—and he didn't have to. He could have taken his medical degree and fled the pain to affluent stupefaction. Most black doctors of his generation did that with no compunction.

So there was that—patience and institution building in a black community for days he might not see and for people he did not know. But there was more. There was the "pastoring."

Rep. Andrew Young (D-Ga.), once one of Martin Luther King's closest aides, said that when Dr. King was down and in trouble, he would go to Arthur. "Arthur was one of the few people who could pastor to Martin," Young said. "It wasn't talk about strategy and all of that, it was when Martin felt bad about not seeing his kids enough—things that were deep and that hurt him. That's when he would to to Arthur." And so did Duke Ellington and Whitney Young, Jackie Robinson, Bayard Rustin—and hundreds of other blacks who nobody ever heard about, but who were stretched almost to the breaking point and needed patching up in order to do the next day's battle.

And he nourished young blacks. One night at a party at his house, he got a young black woman, who no one there then knew, to play the piano and to sing some songs. When she sat, Arthur said to Ellington, "Duke, this is the girl I told you about. Now listen." The maestro's heavily bagged eyes narrowed to a weary and sophisticated slit. He nodded and wasn't interested—until the music started. Then Duke became young, interested and an instant fan. He may have helped her on her way, for all I know. At least it was clear that was what was in Arthur's mind. "The first time ever I saw his face," she sang. She worked then at Mr. Henry's up on the hill, and pretty soon everybody knew about Roberta Flack.

But, there wasn't just music at the house. There was talk, too. If you wanted to raise money to fight the drug traffic in Harlem, help make Charlie Evans the first black mayor in Mississippi, send some black South African kid to school, help Martin march across Alabama or do anything that touched the heartstrings and built the world, all you had to do was to call Arthur and Marion. They would open their doors, provide the booze and let the speakin' begin. After it was over, they would put their son, Chip, to bed and lay the first cash money on the line.

So that was Arthur. The kind of fellow who would get out of bed at two in the morning to see some sick black person. It might be Martin and it might be some nameless old lady five flights up who nobody else cared enough to see. They were black and they needed love, so he went. It was all the same to him.

Black power to you, Arthur Logan.

[From the New York Times, Nov. 30, 1973]

Two Thousand Pay Tribute at Dr. Logan's Funeral

(By Judith Cummings)

The funeral of Dr. Arthur Courtney Logan filled Riverside Church to the balconies yesterday with friends and associates, the powerful and the ordinary, in tribute to the surgeon and civic activist who was regarded as one of the most influential black men in the city.

Dr. Logan, a board member of the city's Health and Hospitals Corporation and a long-time supporter of the civil-rights movement and a wide range of community causes, died last Sunday at the age of 64 after falling from a viaduct over the Henry Hudson Parkway in upper Manhattan.

Well before the noon service began, mourners approached out of the blustery chill. Several buses from the Department of Hospitals pulled up, discharged their passengers and waited. Roy Wilkins, executive director of the National Association for the Advancement of Colored People, arrived in a limousine direct from a flight from San Francisco. Six medical workers from Harlem Hospital uniforms.

Mr. Wilkins was one of five friends of the physician and surgeon who paid special tribute to him in brief remarks during the service. The others were Robert C. Weaver, former Secretary of Housing and Urban Development; former Mayor Robert F. Wagner; Dr. George Cannon, a medical colleague; and Ramsey Clark, the former United States Attorney General.

TWO THOUSAND ATTEND SERVICES

The service, attended by more than 2,000 people at the church on Riverside Drive at West 120th Street, lasted nearly two hours.

Mr. Wagner, who appointed Dr. Logan to head the city's Council Against Poverty in 1965, called him "a person of absolute integrity," who "never shied from unpopular causes."

"Together we explored the art of compromise and made progress," the former Mayor said.

One of Dr. Logan's unfinished projects, to which he had in recent years devoted much of his time in planning and fund-raising, was the proposed creation of a new medical facility to take the burden off Knickerbocker and Sydenham Hospitals in Harlem. Dr. Weaver noted that the physician's plan "included housing for the people who lived in the area" as part of his "concern for the future of upper Manhattan."

Mr. Wilkins called Dr. Logan "one of the most successful local men who did not forget his less fortunate fellow citizens."

The civil-rights leader noted that Dr. Logan's active concerns ranged far beyond medical services to encompass all areas of human rights. "He realized that people need access to a psychological atmosphere in which they would be free to make their way unfettered by the petty obstacles of skin and color," Mr. Wilkins said.

Beginning with the singing of "Lift Ev'ry Voice and Sing," known as the black national anthem, by the entire congregation on its feet, the service took on something of the flavor of a "down home" funeral within the church's majestic carved stone walls. A red-and-white-robed choir from the Canaan Baptist Church of Christ sang spirituals, throbbing out the verses of "I Shall Be Free Someday."

ROBERTA FLACK SINGS

A popular recording artist and friend of the Logan family, Roberta Flack, sat at the piano and sang "It Is Well With My Soul," and at one point the widow, Mrs. Marian Bruce Logan, raised her arm in an apparent sign of affirmation.

Among the mourners who filled the church were Mayor Lindsay, with the city Human Rights Commissioner, Mrs. Eleanor Holmes Norton; the Rev. Ralph David Abernathy of the Southern Christian Leadership Conference; Vernon Jordan, executive director of the National Urban League, and Mrs. Evelyn Cunningham, director of the women's unit in the Governor's office.

The eulogy was delivered by the Rev. Wyatt Tee Walker of Canaan Baptist Church of Christ, who recalled that Dr. Logan, despite his many community activities, was a practicing physician who did not place himself above making house calls. Early Saturday morning, the day before his death, Dr. Logan visited one of the minister's parishioners in a four-flight walk-up in Harlem, the minister said.

Percy E. Sutton, Manhattan Borough President, remarked in presenting the obituary that a number of black people who now hold elective offices in the city—he included himself and Representatives Charles B. Rangel and Shirley Chisholm, who were present—could not have attained such office without the friendship of Dr. Logan and his wife.

"It was in their home that we had access to the giants and those who support the giants," he said.

CONSERVATION OF ENERGY

Mr. HARRY F. BYRD, JR. Mr. President, correspondence I have received indicates that many Virginia firms and individuals are responding vigorously to the President's appeal for conservation of energy.

One organization which has announced a major energy-saving program is Virginia National Bank. This bank's effort goes beyond the President's recommendation.

I commend Virginia National Bank and the many other Virginia companies and citizens who are working to conserve scarce fuel resources.

I ask unanimous consent that the text of a news release announcing the Virginia National Bank program be printed in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

Virginia National Bank News Release

Norfolk.—The state's largest bank has joined the fight to conserve power during the energy crisis. Eliminating the lighting of all outdoor signs is just one step which Virginia National Bank is taking to help alleviate the country's growing energy shortage.

In his most recent energy message Sunday night, President Nixon requested the elimination of commercial lighting except signs identifying places of business. However, Virginia National has taken the President's recommendation one step further by voluntarily extinguishing all outdoor lighting at the bank's 116 offices in Virginia. This action should mean a cut in power consumption of more than 1200 kilowatts per day.

Following the President's earlier recommendations, Virginia National has already lowered the thermostats in its offices to 68 degrees. All other lighting not necessary for building maintenance and the safe operation of bank facilities, including nighttime floodlighting of buildings, has been cut out. Also, the hot water temperature in bank restrooms has been reduced. And the only energy expended in dressing VNB up for the Christmas season will be the human energy required to hang Yuletide decorations since no lighting will be used.

Bank officials expect these actions will mean a considerable reduction in power consumption since they are being put into effect at all 116 VNB offices. These measures should produce a major cut in energy use at the Virginia National headquarters building alone. The headquarters at One Commercial Place in Norfolk is the largest private office building in the state.

A spokesman for the Virginia Electric and Power Company said he is pleased by VNB's energy conservation program. Vepco marketing official John Marsh pointed out that the lights on one Christmas tree normally consume some 300 kilowatts of electricity in a month. Referring to Virginia National's actions, Marsh said: "If every company would take these steps, we'd see a considerable saving in energy."

Marsh noted that while Vepco does get nuclear power from its Surry facility, most of the company's power plants still rely on petroleum for fuel. By reducing its power consumption, VNB expects to reduce Virginia's consumption of dwindling oil supplies.

HYDROELECTRIC POWER CAPACITY

Mr. HATHAWAY. Mr. President, the hydroelectric power potential of this Nation is one of our most valuable untapped natural resources in this time of energy shortage. It is valuable both in terms of potential power generation, and in terms of its nonpolluting, renewable nature.

Yet, according to official estimates of the Federal Power Commission, only about 30 percent of the total conventional hydroelectric power capacity of the United States has been developed to date.

For years I have spoken of the necessity of constructing the Dickey Lincoln School Hydroelectric Power project in northern Maine. For months I have been saying that the energy crisis adds an element of urgency to the need for constructing Dickey Lincoln. Now, paraphrasing an old adage, "figures speak louder than words," I would like to call the attention of my colleagues to the following statistics:

In order to get the equivalent of the 1.2 billion kilowatt hours that Dickey Lincoln would produce annually, you would have to use the following quantities of natural resources: 10 billion cubic feet of natural gas; or 1,700,000 barrels of oil; or 71,400,000 gallons of oil; or 600,000 tons of coal; or 8,300 acres of redwoods; or 180,000,000 square feet of solar cells; or 1,000 pounds of uranium; or 30 tons of uranium ore concentrate—based on a 1,700,000 kilowatt powerplant operating at 80 percent base load.

These figures leave little doubt that Dickey has a vital role to play in this Nation's future power picture. Let us get on with building it, and other hydroelectric power projects, wherever feasible, throughout the country.

MAYOR TOM BRADLEY OF LOS ANGELES ON THE ENERGY CRISIS

Mr. CRANSTON. Mr. President, last Sunday night Mayor Tom Bradley of Los Angeles made a television-radio address about the effects of the energy crisis on Los Angeles.

Mayor Bradley's talk, by coincidence, followed that of President Nixon on the same subject.

The effect of both of their appeals for action to conserve energy points up once again the enormous problems we are facing in this current energy shortage.

The plight of Los Angeles in the energy crisis is by no means unique.

Residents of other cities—especially in the Northeast and Midwest—may suffer a great deal more than Los Angeles this winter. We have the benefit in southern California of a mild climate all winter long.

Nevertheless, there are enormous economic consequences of the energy shortage for Los Angeles. We have in this area, I believe, more automobiles and other gasoline and diesel-fueled vehicles than any other area in the world. Our economy and living style are vitally dependent on keeping those cars and trucks rolling with gasoline and other petroleum products. Mass rapid transit systems do not exist. Buses are available to only a small fraction of the working population and our industry is heavily dependent on petroleum and natural gas fuels.

Mayor Bradley, in the short time he has been in office, has been providing leadership in the fields of transportation, energy and smog control—all of which are closely interrelated.

His example is worth noting. His ideas are stimulating and challenging. Those of us in Congress can benefit from those ideas and his leadership.

Mr. President, because I think other cities might benefit from Mayor Bradley's suggestions and programs for energy conservation I ask unanimous consent that his address be printed in the Record.

There being no obection, the address was ordered to be printed in the Record, as follows:

Address by Mayor Tom Bradley on the Energy Crisis, November 25, 1973

Good evening. The news that I have tonight is not good. It is news that will affect every one of us, and affects us for the worse. It is going to mean inconvenience, perhaps hardships for many. And it is news about a problem which we can at best ease, rather than solve soon.

I am talking about what we are calling the energy crisis. There may be debate about whether there is an ample supply of fossil fuel under the earth . . . But the crisis arises because we cannot guarantee delivery of the oil where we need it and when we need it. There is not enough fuel available to run our automobiles, fuel to meat our homes and schools and offices and hospitals, and fuel to power our machines. Suddenly, in 1973, the United States of America seems literally to be running out of gas—and the consequences touch me and you and all of us. Because nothing we do with our lives—from going to work or to market, to cooking dinner, to watching television, to working a lathe or a blow torch—nothing is exempt from the need for fuel. And as of now, neither the city of Los Angeles, nor any other part of the United States, will have enough of this fuel.

The crisis is complicated because there just isn't enough fuel to go around. Gasoline consumes 41%, oil for electrical generating plants 18%, diesel fuel and heating oil consume 24%, and other products take up 16% of our fuel supplies. We cannot make any cuts in three of these areas. Therefore, the only place where a cut can be made is in gasoline, so we have to shift gasoline supplies to these other scarce fuels.

Many of you will not believe how serious this problem is. You have seen the news on a big screen television, heard the grim prophecies in an air-conditioned automobile, laughed at requests for 50 mile-an-hour speed limits, seen your neighbors enjoying their life style, free from Government restrictions. Many of you may say, "It's another overgrown crisis that sells newspapers and fills news programs—or perhaps a ploy by the giant oil companies to pad their profits."

You have reason for being skeptical about Government pronouncements. The last year has proven that. The Federal Government did not take the necessary actions to plan for, and even possibly avert, the current crisis. And there is no question that, when the time comes to apportion blame, our oil giants also are going to bear very heavy responsibility. For all of the tens of billions of dollars in special tax breaks given them over years to insure a flow of oil, for all of the special laws banning imports to keep our companies producing, and despite record-breaking profits this last year, we now learn that these companies cannot keep that commitment which won them all these billions: the commitment to keep the flow of oil moving.

For a generation, all of us have heard dire prophesies—depression, war, famine. We have survived those dire predictions. We have come to believe that somehow, if we can sit back and wait, the "crisis" will go away.

This time I am convinced that the problem won't go away—we are going to feel this fuel shortage and we are going to feel it directly and seriously. And when it begins to be felt widely, we must not panic and adopt ill-conceived measures which will undo things we have tried to achieve for years. For instance, it is being said by some that air quality laws should be suspended. I disagree.

In reality, the major source of both air pollution and energy shortages lies in wasteful use of limited resources. It is true that we may have to permit, however relunctantly, the burning of some high sulfur oil in our power plants. But it should be the last resort . . . and only *under the most carefully controlled circumstances*. This crisis must not change our determination to retain hard-won progress in air quality. Twenty years in the future, shall we tell our children that we could not control our desire for more "convenience," and so gave up the effort to assure them good health?

Now let's discuss the problem we are faced with today. Our current needs would require us to burn 24 million barrels of oil in the year from mid 1973 to mid 1974.

However, a failure to anticipate an extremely high rate of growth in the demand for energy—energy to power expanding industries, to run more household appliances, to light, heat, and air condition homes, offices buildings, new shopping centers, and the failure to consider the possible interruption of our major source of supply in the middle east has presented us with (chart 11) this situation:

This chart shows the same year, the same demand, *but we can no longer count on delivery of 48% of the oil we expected to receive*. The area in red represents this shortage, the arrow half way across indicates where we stand at this moment.

This means that we cannot count on this oil—almost half the year's supply. It also means that we must carefully plan the way we will use that which we are certain of getting.

Even if the Arab embargo were lifted today, the high growth rate in demand for energy would still impose upon us many of the special measures I must describe tonight.

More importantly, I must also tell you that long ago the Department of Water and Power made the decision to place its largest orders for oil with Arab Bloc Nations. As a result of the Arab embargo, our potential shortage is more than *twice* that of other American cities. For instance, New York City will fall 20% short of its needs compared with our 48%. . . .

Therefore, I am pleased that the city council took quick action on the department of water and power's five-step plan for curtailment of uses of energy . . . steps which grow more and more restrictive as the supply of oil on hand grows shorter. These five steps are (1) conservation—or careful elimination of wasteful uses of energy; (2) voluntary cutbacks in energy use which all of us will make by ourselves; (3) mandatory cutbacks on everyone's electricity required by law; (4) variances, granting electric power plants permission to use the high sulfur content fuel, and finally; (5) rolling blackouts—or turning off all electricity—on a rotating basis in entire sections of the city for as much as three hours a day. I now ask you to begin voluntary cutbacks. If this phase fails, we will have no choice except to turn to mandatory cutbacks, and then perhaps rolling blackouts.

What would be the real effect of rolling blackouts, which could occur early next year? There would, of course, be great inconvenience in our homes, as our lights, refrigerators, stoves, clocks, television sets, and so on, would go off for three hours each day. Much greater problems will arise at our work places—in retail businesses, in commerce, industry and manufacturing. It is not hard to imagine the effect of a three hour blackout on elevators in office buildings, for instance, or what would happen to a machine shop which relies on electricity to drive its lathes and drill presses . . . or an automobile assembly line. What about service businesses which represent the electronic brains of our banking and commercial exchanges? The computer centers which code, sort, and forward millions of checks, credit card receipts, and inventory accounts each day would be stopped.

There are more serious considerations yet. Unemployment might well double its present rate—to 8 or 9%. In some special trades and professions it might reach 10 or 12%. And among minority males who are between 16 and 24 years old, unemployment could soar to 40%. Where will returning Vietnam veterans find work in such a situation?

I must also state that 20 months ago I presented a motion in the city council requesting the department of water and power to develop a long-range energy plan anticipating shortages and setting a policy of stabilizing the growth of energy use. If the department of water and power had implemented such a plan then, the crisis we now face might not have been so severe.

But blame-fixing will be cold comfort—literally—in the months ahead. Whether the fuel we need is missing because of Arab embargo, or corporate greed, or environmental pressure, or shortsighted leadership, it is not here. And that is the problem we must face openly and directly. What must be done now?

Let me say a few words on what government can do:

Here in Los Angeles we have already begun to put our house in order.

I have directed city employees to:

Drive city vehicles at 50 mph maximum speed, and not to use car air conditioners except in extreme heat.

Lower thermostats to maintain a 65–68° temperature.

Turn off all lights in unoccupied rooms.

Turn off all decorative lights.

Turn off all air conditioners and open windows.

Turn off all decorative water fountains.

Ban use of individual electric heaters.

We are eliminating or reducing use of city vehicles. We have begun to replace big cars with compacts and sub-compacts. Currently we are exploring the conversion of city cars to natural gas.

We are creating a city inter-departmental committee on energy conservation. It was created to develop even further programs to reduce energy use within the city.

We have already begun city employee car pooling. We are in the process of establishing a city subscription bus program. It is our intent to expand both programs to county, state and federal employees working in the downtown area.

The city council has recently created a number of street lighting districts. In view of the current energy crisis, I believe the council should reassess its position on establishing these districts. On Monday I will be sending a message to the council requesting that they curtail the approval of street lighting districts during this crisis period.

The most important role of this government will be to assure every individual in our city that he or she will not have to carry an unfair share of the burden while others escape. I pledge that we will be untiring in our efforts to prevent the inequities which can easily happen under these circumstances of "not enough to go around."

We will take special care to protect the health and safety of those aged and infirm citizens who would be most endangered by these shortages.

As I have already stated, I do not believe that air quality laws should be suspended.

In our efforts to solve the energy crisis we recognize that the government cannot ask its citizens to move from its cars to transportation which is not adequate to the new public demand for services. In my first months in this office I have given highest priority to development of immediate and long-range programs toward a balanced transportation system.

I now ask your help in this endeavor—help with your representatives in the state capital and Washington.

At the state level I call upon the legislature and the governor to:

Adopt a 50 mph State speed limit.

Enact legislation proclaiming a "State energy emergency." It should require development of a statewide energy conservation and curtailment plan for reducing petroleum consumption. It should plan the continuation of vital public services in the event of severe fuel shortages.

I call upon the Congress and the President to:

Speed adoption of the "National Energy Emergency Act of 1973";

To pass emergency legislation of year-round daylight savings time.

To pass emergency legislation to sharply increase funding for mass transit, including subsidies for reduced fares. The Federal highway trust fund must be substantially opened to provide these funds:

To pass legislation to establish an excess profits tax for energy producers. This tax should be applied to development of new and clean energy sources or increased energy supplies. We are entitled to more controls on the producers and distributors of energy to assure that fairness will prevail. No unfair profit must be made on the suffering and inconvenience of all of us;

The President should allocate, on a priority basis, low sulfur fuel to those regions of the country, such as Los Angeles, because of the public health dangers from burning high sulfur fuel;

To pass emergency legislation to open the Elk Hills oil reserve near Bakersfield. Priority allocation of the oil should go to California. Utilization safeguards must be taken to avoid the creation of economic windfalls to only one company.

To regulate wholesale and retail prices of oil and refinery products to assure adequate allotments of gasoline, diesel and heating fuels.

To start congressional review of tax laws, such as the oil depletion allowance, to see whether they are encouraging increased exploration and production;

To pass emergency legislation to establish strong controls on the export of domestically produced oil.

When there has been a failure to anticipate fuel shortages . . . and when our companies are still exporting a million barrels of oil a year . . . and low sulfur coal . . . and when Congress and State legislatures can't get facts about oil reserves, production plans and pricing information from the giant oil companies, I think the time has come for the Congress to consider strictly regulating such companies as they do other public utilities.

It is important that the President sign the mandatory fuel allocation legislation to assure that vital public services, such as buses, receive adequate fuel to continue operation.

I call upon the Congress and the President to set aside ill-conceived proposals for surcharge taxes on gasoline or a ban on Sunday driving or weekend closing of gas stations. These would punish the people who could least afford it. Instead, and only if absolutely necessary—and I now think this to be the case—a carefully structured system of gasoline rationing should be adopted. Any rationing plan must be fair to all with provision for relief in hardship cases.

In the private sector, I call upon all individuals, organizations, businesses, and corporations to set a goal of a 20% voluntary cut of all uses of energy; and

2. To establish a company energy conservation committee to suggest and monitor energy conservation programs.

In this endeavor, commerce and industry should establish and publish individual and industry-wide conservation plans.

3. Commerce must curtail lighting of outdoor signs. The outdoor advertising industry should adopt immediately a plan for voluntary cutback of lighted billboards.

4. I call on retail stores to reduce their business hours to no more than 50 a week. Such plans should go into effect by January 1974.

5. Retailers can further conserve by consolidating deliveries.

6. I ask schools everywhere to join in exploring the problem and to start special educational programs, including essay and poster competitions. What the children learn in school they will take home to their parents. They can also be effective monitors at home to remind parents when they forget to follow conservation recommendations.

Now a few words on what we all can do.

It is absolutely essential that every citizen of Los Angeles do everything he or she can to reduce consumption of petroleum products. Your individual efforts can help. In fact, the effort cannot succeed without everyone's help.

There are two ways each of us can help the most—we must significantly reduce the use of our automobiles, and the heating, lighting, and use of electrical appliances in our homes.

First, each driver in Los Angeles should set himself a personal goal of at least a 20% reduction in gas consumption.

Here's now:

50 mph speed limit.

Do not use air conditioners in the car.

Eliminating all unnecessary trips, by planning ahead to combine shopping, visiting, and commute trips as much as possible.

Take a bus instead of driving.

Join a carpool for commuting to work and double up with friends who may be going to the same sports or social events.

When we *must* use our cars, there are ways to minimize gas consumption: Avoid quick starts and drive at a steady speed.

Keep our cars well tuned . . . this helps greatly but is one measure which is easy to delay or overlook.

Make the most sparing use of recreational vehicles.

The second place we can make the most significant difference is in our homes. Most of the measures I will mention here are becoming familiar in the news. But we in Los Angeles must realize them in our homes as soon as we can:

1. Let us turn down our thermostats so that our homes will be heated from 65 to 68 degrees this winter. This can save as much as 10% in the use of fuel.

2. Close off rooms which are not in use.

3. Let us seal and insulate our houses so that less fuel will be required to reach the new setting. These are simple measures that can be done quickly, and often by the homeowner or renter, himself.

4. Limit your trips to the refrigerator. Every time that door is opened, there is a heavy drain on electricity.

Lighting of homes is an area where we can save with relatively little inconvenience. We should set ourselves a goal of reducing by ⅓ the electric lighting we are accustomed to:

Easiest of all, we can simply turn off lights when we leave a room.

Turn off outdoor flood lights and decorative lights, try using lower wattage bulbs. Fluorescent bulbs use far less electricity and they are now available in the screw-in types.

We need not use our air conditioners this winter, and sparingly—if at all, next spring. Open the windows instead!

The TV set uses as much electricity as all the lights together in most homes. I ask that you operate only one set at a time . . . and as sparingly as possible.

Swimming pools consume large amounts of electrical power *and* heating fuel. Turn off the heater.

Finally, conscience requires me to make a difficult request. Although Christmas decorations use relatively little energy, as a symbol of our determination to meet this crisis in earnest, I must ask that we all not use lighted Christmas decorations this year.

We can no longer retreat, each from each, into our homes and automobiles and private lives, secure in the knowledge that unlimited, cheap energy will be ours to consume at will.

That era is over. It will not come again for three, perhaps five years, perhaps more. We do not know. But we do know that some of our habits, which in the past have been simply wasteful, are now habits which cannot be followed any longer. We must change by choice now, or we will surely be forced to change more drastically later. It may be that it is already too late to avoid some of the harsher steps; it may be that whatever we do, there will be further costs to pay.

But if we begin now, we can at least try to make the burden of the energy crisis as limited, and as equally borne, as is humanly possible. If we begin to use what we have wisely, we just may get through the worst of the energy crisis without paying the highest price.

Los Angeles, with its mobility, its freedom and independence, has been called a model for all cities of the future. Perhaps, as the first of the new world cities, it was destined to be first to experience the full burden and challenge of this new era of cooperation or collapse. With your help I cannot doubt a successful outcome. And in gaining this new freedom born of necessity, this wonderful collection of people, this City of the Angels, will again light the way for the world.

We will make preparations because we have no choice. We will work together. We will share burdens now to lift them a few years from now. We will stand together the way we did when a depression threatened our survival, when a war threatened our freedom.

This is a hard time ahead. But I have noticed that, after hard times pass, Americans look back with a sense of pride at the way they banded together and helped each other out, and got by. If we can capture that spirit again, we have nothing to fear.

Thank you.

GENOCIDE CONVENTION: A CONSTRUCTIVE ATTEMPT

Mr. PROXMIRE. Mr. President, day after day I rise to implore the Senate to ratify the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

Critics might call those of us who call for approval of the Genocide Treaty idealists for believing that the Genocide Convention is necessary to prevent the destruction of a national ethnic, racial, or religious group. I would like to answer them by quoting the words of the late President Woodrow Wilson:

> Sometimes people call me an idealist. Well, that is the way I know I am an American. America is the only idealistic nation in the world.

Since 1776 Americans have created ideals and strived to fulfill them. We can attribute the success of our country to the ideals which we have established for ourselves.

Idealism pervades our most cherished documents. The Declaration of Independence, for example, is the paragon of idealism. And yet opponents of the Genocide Convention argue that the convention is too idealistic.

How idealistic is the Genocide Convention? The Genocide Convention puts the lofty principles embodied in the Declaration of Independence into the framework of international law.

It is a constructive attempt to diminish the threat of genocide, outlawing it, and establishing procedures for trying and punishing it.

The Senate cannot reject the Genocide Treaty on the grounds that it is too idealistic. Idealism is a characteristic of any treaty.

Mr. President, I ask the Senate to ratify the Genocide Convention without further delay.

DEATH OF DR. EDWARD WILSON DAVIS, OF SILVER BAY, MINN.

Mr. MONDALE. Mr. President, it was with great sorrow that I learned of the death yesterday of Dr. Edward Wilson Davis, of Silver Bay, Minn.

Long regarded as one of the world's foremost authorities on taconite mining and processing, Dr. Davis was the driving force behind the discovery of the process of liberating high-grade iron ore concentrate from the virtually useless rock called taconite.

As director of the University of Minnesota's Mines Experiment Station for 33 years, Dr. Davis began the first pioneering research on taconite rock, in which is embedded fine particles of magnetic iron ore. When he began his research, Dr. Davis was virtually alone in his belief that the apparently worthless rock would someday yield its richness to man for steelmaking. It was largely through his ability, confidence, perseverance, and dedication that a valuable resource was discovered.

In 1951, Dr. Davis became associated with Reserve Mining Co., then constructing a $350 million taconite mining and processing operation at Babbitt and Silver Bay, Minn. It was at a time when two World Wars and a national industrial expansion had virtually depleted Minnesota's great deposits of natural iron ore that Dr. Davis began his efforts to put his discoveries into use in Minnesota.

Following retirement from the university in 1955, Dr. Davis served as a technical consultant to Reserve until the time of his death.

As a result of Dr. Davis' pioneering work, five companies now produce millions of tons of high grade iron ore from Minnesota's taconite. Reserve Mining alone produces one-third of all the iron ore pellets made in Minnesota and one-fifth of all the pellets produced in the United States and supplies 15 percent of the Nation's domestic supply of iron ore.

Among the many honors that have come to Dr. Davis are: Honorary doctor of science from the University of Minnesota; honoray doctor of engineering from Purdue University; the Richards Award of the American Institute of Mining, Metallurgical and Petroleum Engineers; the legion of honor of that association; the John Scott Award of the Trustees of the City of Philadelphia; Minnesota's Outstanding Senior Citizen Award; the Award of Merit from the American Association of State and Local History; and the certificate of merit from the regents of the University of Minnesota.

The State of Minnesota and the United States of America are grateful for the work of Dr. Edward Wilson Davis and mourn his passing.

DAVID BEN-GURION, FOUNDING FATHER OF ISRAEL

Mr. MONDALE. Mr. President, I join the world in mourning the death of Israel's first Prime Minister, who did more than any other human being to reestablish a Jewish homeland. The death of David Ben-Gurion, the man who proclaimed to the world the independence of Israel in 1948, comes less than 3 weeks before the opening of the historic peace conference in Geneva.

Ben-Gurion was fond of saying:

> If you don't believe in miracles, you're no realist.

Hopefully, these peace negotiations will realize the miracle which Ben-Gurion pursued since he first arrived in Palestine in 1906—Arab acceptance of a Jewish homeland as a fact of life.

Twenty-five years ago, on the 14th day of May 1948, Ben-Gurion read a brief declaration which stated:

> We appeal—in the very midst of the onslaught launched against us now for months—to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions.
>
> We extend our hand to all neighboring States and their peoples in an offer of peace and good neighborliness, and appeal to them to establish bonds of cooperation and mutual help with the sovereign Jewish people settled in its own land. The State of Israel is prepared to do its share in common effort for the advancement of the entire Middle East.

These same sentiments hold true today and I hope that the miracle of peace will be soon achieved as the most appropriate memorial to this great statesman. I ask unanimous consent that the following two articles about Ben-Gurion's life be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Dec. 2, 1973]

DAVID BEN-GURION: SHAPED MODERN ISRAEL

(By Stephen Klaidman)

For 2,000 years the Jewish collective consciousness harbored a dream of nationhood. From that dream emerged a prophet, a statesman and a leader. The prophet was Theodore Herzl, the statesman Chaim Weizmann.

The leader was David Ben Gurion, first prime minister of modern Israel.

Herzl, who planted the seed, did not live to see the Promised Land reclaimed. Weizmann, old and sick, went there to die. But Ben Gurion, at the peak of his powers, tilled its sand and rock and brought forth fruit.

The regeneration of Palestine as a Jewish state was not his idea, but his heritage. And for a Jew in late 19th Century Russia, confined to the Pale and the ghetto, it was a heritage that cried out for fulfillment.

Ben Gurion conceived of Judaism as a nationality and therefore believed that Palestine was the natural and proper home for all Jews. He considered Zionism without immigration a hollow ideology and though he softened toward the end, throughout most of his later life he found it bitterly disappointing that more American Jews did not settle in Israel.

But despite opposition, sometimes even hatred, in Israel and abroad, few would argue that his life and accomplishments were not remarkable.

His messianic convictions about Jewish statehood carried him from a ghetto childhood in Plonsk, Russian Poland, through a malaria-wracked period as a youthful agricultural worker in Palestine, into ideological conflict with Zionists of varying persuasions and into physical conflict with marauding Arabs.

Later he turned to international diplomacy, the molding of a modern army and finally, the shaping of a Jewish state.

On May 14, 1948, he proclaimed the existence of Israel. He reflected on that day in response to a question by Moshe Pearlman in the book, "Ben Gurion Looks Back":

"For centuries we had been like flowers in a wood, some plucked by friendly hands, given water and nurtured, others trampled underfoot and crushed. At no time could we be ourselves, enjoy independence, with our own soil, making our decisions affecting our destiny. Now the hour had struck. We were independent once again."

Before many more hours had struck, Arab armies stormed across the new state's borders on three fronts. Egyptian planes bombed Tel Aviv, the Arab Legion struck at Jerusalem from Transjordan and Syrian and Iraqi forces move into Galilee and the Judean Hills.

By this time, the 62-year-old Ben Gurion was in battle dress leading what was to be the first victorious Jewish campaign since Judah Maccabee led an army against the Syrians 2,000 years earlier.

Israel's supreme weapon, Ben Gurion believed, was will. It was, more precisely, virtually her only weapon. She had no planes, no tanks, no artillery, almost no automatic weapons and even *rifles* were scarce. But despite the odds, Ben Gurion told Pearlman, "we had to seize the historic moment" and "we were certain we would win."

The primary instrument of victory was Haganah, at the time an army only by the loosest of definitions. It was a tiny ill-equipped underground force trained for static, small-scale defensive operations. In March, 1948, for the first time, it had committed a force as large as a brigade. In comparison Arab legions were vast, in possession of standard armaments and trained in traditional warfare.

Ben Gurion's tactics and methods were sometimes questioned, sometimes bitterly disputed. Two examples were the massive effort to lift the siege of Jerusalem, which many considered costly far beyond its military value, and the case of the Altalena.

The Altalena was an arms ship run ashore near Tel Aviv during a U.N. truce by the Irgun Zvai Leumni, a Jewish terrorist force whose tactics were at sharp odds with those of the disciplined Haganah. Ben Gurion ordered his troops to prevent the arms and Irgun volunteers aboard from coming ashore. Haganah soldiers fired, the ship was set ablaze and men were killed on both sides.

Some Israelis never forgave Ben Gurion for depriving Israel of the needed arms. Others considered it one of this most statesmanklike acts. Had he not asserted his authority so firmly, they argued, his army and his government could have been undermined to the point of anarchy.

But none argued with victory. Almost no one would dispute that the Israeli army of today—which was shaped under his guidance by a series of remarkable officers including Yigael Yadin, Moshe Dayan, Yigal Allon and Yitzhak Rabin—is one of history's great fighting forces, for its size and mission.

Shimon Peres, one of Ben Gurion's proteges and closest associates, once said that Ben Gurion's special strength is that "he is a Jew not afraid of Gentiles; so he doesn't hate them. What made him unique was that he wasn't afraid of Jews either. For this reason, he could fight them as well, whenever the occasion arose."

Ben Gurion's national political leadership, at times, was as controversial as his military command. Nine times he resigned from office. Eight times he was called back. Members of the coalitions that have always governed Israel quarreled with him, sharply challenged him, even cursed him, but time and time again they called the Old Man back.

Events that shook his government and divided the nation included the Lavon affair, involving an Israeli terrorist operation in Cairo in 1954, and the decision to bring Adolf Eichmann to trial in Israel. The latter divided opinion throughout the world.

The Lavon affair has never been fully explained, primarily because of the nature of the operation. It was believed to have been involved a plan to blow up American and British consular facilities in Cairo in order to sabotage U.S. and British relations with Egypt. Ben Gurion, at the time was temporarily out of the government and living at Sde Boker, a kibbutz (collective) in the Negev Desert to which he eventually retired to write history and memoirs.

The government of Prime Minister Moshe Sharett conducted hearings and failed to establish whether Pinhas Lavon, the defense minister, had ordered the operation, as was charged by a senior military officer. Lavon resigned and several months later became head of the powerful Histadrut, an Israeli superagency combining many functions of the U.S. Department of Labor and Health, Education and Welfare.

Ben Gurion returned to the government in 1955 as defense minister and shortly afterward became prime minister again. In 1960 Lavon asked Ben Gurion to rehabilitate him. The prime minister said only a court could do that. Lavon was not satisfied. He arranged to have the matter reopened by the Committee for Foreign Affairs and Security of the Knesset (parliament).

The committee sessions were closed, but there were leaks resulting in banner headlines outraged charges and bitter counter charges. The committee dealt with substantive issues—although Ben Gurion always contended it was not constituted to do so—and exonerated Lavon placing blame for the misconceived and unsuccessful operation on the senior officer.

On the ground that a judicial inquiry had not been held, Ben Gurion felt there had been a miscarriage of justice. He resigned in January, 1961, only to be recalled immediately to form another government. He was forced to call new elections and his Mapai Party droped from 47 to 42 seats in the 120-man-parliament. Despite his public disavowal of the Knesset committee's finding in the Lavon affair he received a vote of confidence. He continued to press unsuccessfully for what he considered justice even after his retirement from the premiership in June, 1963.

In reminiscing about it with Moshe Pearlman, he said:

"After reading all the old and new material on the subject of 'the affair.' I became convinced that there had been a distortion of justice—by the highest bodies of the State. Many came to me, urging me to stop pressing for further investigation for fear of a split in Mapai (Ben Gurion's party) and the government to consider."

"To each one I put the question: 'What would you do if you were convinced—as I am—that an injustice has been done? Would you remain silent?' Most of them do not reply to this. Some say: 'Ah, but there are the higher interests of the party and the government to consider.'

"This I reject outright. I think there can be no higher interest of the State—although not the only one—than the purpose of truth and justice; even if it leads to a split in my own party which I helped to found, the party which put me in power; even if it leads to the fall of a government dominated by my own party colleagues. Political parties may be ephemeral and governments come and go; but the State continues, and it cannot continue and educate its people to become a model society if it turns a blind eye to injustice."

His commitment to the Lavon affair, whether for an exalted moral purpose or, as many thought, for self-vindication, was one of the major factors leading to his final resignation as prime minister. He was succeeded by a former protege, Levi Eshkol, with whom he split in anger over that complex, mysterious and highly emotional security case.

The impact of the Lavon affair plus Ben Gurion's controversial positions in favor of diplomatic relations with West Germany and against terrorist attacks on Nazi scientists in Egypt, combined to force his return to Sde Boker in the desert.

Ben Gurion had said that from earliest childhood he was determined to help build a Jewish state in Palestine. His grandfather began teaching him Hebrew through word games at the age of three.

His home in Plonsk, 40 miles northwest of Warsaw, was traditional, but not orthodox. His grandfather, however, was an orthodox Jew and Ben Gurion recalled decades later that at age seven he himself was under a spell of religious orthodoxy. Later, however, religion was perhaps less than first among equals in his concept of Judaism that included history, language and nationhood.

Ben Gurion's father, Avigdor Green, was by ghetto standards a modern man of comfortable means. He did not wear the long coat and fur hat of the pale. Instead he dressed in a fashionable frock coat and top hat and wore a clipped imperial beard. Although unlicensed, he worked as an attorney.

Ben Gurion's mother, Sheindal, who died while giving birth to her 11th child, was a small, dark-haired woman with a warm manner who regularly went out of her way to care for the sick and feed the poor of the Plonsk ghetto.

Many years later, during a debate in the Knesset on a bill to assure equal rights for women, Ben Gurion said:

"My mother died when I was 10 years old, but I remember her as well as if she were still alive. To me, she will always represent the embodiment of purity, love, human nobility and devotion."

Ben Gurion was born not only with a birthright of Zionism, but into a home filled with its atmosphere. His father was deeply involved in a organization called the Lovers of Zion.

As a schoolboy Ben Gurion joined the labor Zionist movement and began his career as a polemicist trying to convince the "so-called" Zionists that Zionism meant immigration, and at the same time trying to instill a love of Zion in the deeply anti-Zionist Bund, whose members were the leading Jewish socialists of the day.

In 1906, at the age of 19, David Green who changed his name to Ben Gurion, traveled over and through the Russia of the anti-Semitic and repressive Czar Nicholas II to Odessa and from there sailed fourth class aboard a rusted 5,000-ton cargo ship which stopped in Salonika, Smyrna, Alexandretta and Beirut before reaching Palestine.

He set to work immediately picking oranges in the groves of Petah Tikah for pennies a day. He worked between bouts of malaria that recurred frequently throughout the first year. He then went to work at Sejera between Tiberias and Nazareth in lower Galilee.

During the next several years Ben Gurion was a laborer, labor organizer and journalist. He also left Palestine several times for various reasons.

The first time he left was in 1908 to be conscripted into the Russian army, from which he immediately deserted and returned to Palestine. The purpose of that maneuver was to save his father from paying a heavy fine that would have been levied had he not been available for conscription.

The next trip out was in 1912, this time to Salonika and Constantinople to learn the Turkish language and Turkish law so that he would be able to deal more effectively with Palestine's Turkish rulers. It was in Salonika that Ben Gurion first came into contact with Sephardic Jews, descendants of those expelled from Spain in 1942.

When asked long afterwards what he would change if he had his life over again, Ben Gurion said, of course I would return as a Jew, but this time a Sephardic one. He did not learn Ladino, the largely Spanish language of the Sephardic, for which he expressed regret much later when as prime minister he taught himself Spanish to "Don Quixote" in its original language.

He did, however, learn Turkish and French, the languages required for his law studies. Ultimately he spoke or read 10 languages, including German, English, Greek, Russian, Polish and Latin. He learned Greek to read Plato and the Septuagint Bible.

Shortly after returning to Palestine in 1914, Ben Gurion was jailed and then expelled—"never to return again"—for his Zionist activities. By the summer of 1915 he was in New York, where he was to acquire new converts for Zionism, a new language and a wife.

Together with Itzhak Ben Zvi, a future president of Israel, who was also expelled by the Turks, Ben Gurion founded in the United States an organization called Hechalutz (pioneers) in which young American Jews were taught Hebrew and farming techniques in preparation for settlement in Palestine.

This observation on the American experience from "Ben Gurion Looks Back" is perhaps at the core of his thinking:

"We found in America, unlike in Plonsk, of course, an atmosphere of freedom for the Jews which they had never known in Russia or Eastern Europe. At no moment were we lulled into the illusion that this was real Jewish freedom, freedom for the Jewish people, the answer to the Jewish problem; but we were not effective in converting the bulk of American Jewry to our point of view."

In 1917, at New York's City Hall, he married Paula Munweiss, an outspoken nursing student and daughter of an immigrant from Minsk.

Also in 1917, the Balfour Declaration established British acceptance of the principle of a Jewish homeland in Palestine. Shortly thereafter, World War I broke out and Ben Gurion returned to the Middle East as a corporal in the Royal Fusiliers' 29th battalion, one of two Jewish units he helped organize in the United States and Canada. He served in Egypt, but saw no action.

After the war he worked to unify the disparate political and labor groupings on the Jewish community of Palestine with the resulting formation in 1920 of Histadrut, as a general federation of labor. Ben Gurion became its first secretary general. Ten years later, the founding parties of Histadrut merged to form Mapai, Israel's dominant political organization until Ben Gurion's retirement from public life.

With the Balfour Declaration and Britain's subsequent mandate from the League of Nations to administer Palestine, it became clear to Ben Gurion that Jewish settlement was the only force that could demonstrate and dramatize the need and ardent desire for statehood.

Ben Gurion, with Chaim Weizmann in London, was the soul of the movement as fund-raiser, evangelist, organizer and strategist. Through Histradrut he began developing much of the machinery of modern Israel, including Haganah and a comprehensive national health service.

In the 1930s Histradrut became the most powerful force in Zionism and Ben Gurion, as its leader, made the logical jump to chairman of the Jewish Agency, executive body of the world Zionist organization.

He was with Weizmann—whom he was to propose as Israel's first president—in London in 1936 for testimony before the Peel Commission, which was established after a wave of anti-Jewish terrorism by Arabs in Palestine. According to Ben Gurion, Weizmann, who was president of the Zionist organization, spoke that day of the clear danger to millions of European Jews in his impassioned plea for the creation of a Jewish state.

The British Royal Commission, headed by Earl Peel, proposed partition of Palestine into Jewish and Arab states. The Jewish state, as outlined, would have included only the territory then settled by Jews, excluding the Negev, and leaving a tiny land incapable of supporting itself and absorbing hundreds of thousands of immigrants.

Ben Gurion, nonetheless, supported the partition plan at the 20th World Zionist Congress, which met in Zurich in August, 1937. He had few followers, but it proved academic when the Woodhead Commission, which had been appointed to work out a plan for implementing partition, reached an impasse. Britain finally rejected the idea completely.

In the next eight years, despite the fact that Weizmann's warning became a reality, events pushed the question of a Jewish homeland to the bottom of Britain's list of priorities. Europe was engulfed by total war. It emerged shattered, but most of its Jews did not emerge at all. For those who did, there seemed a clear need for Israel.

Ben Gurion toured the death camps from Dachau to Belsen while Ernest Bevin, Britain's foreign secretary, cooly deliberated in London. The need for massive and immediate immigration was evident to Ben Gurion, who had seen what he called "the pitiful relic of European Jewry." But Bevin set the immigration figure at a trickle—1,500 persons a month.

Two years of intense diplomatic battling with the Labor government of Clement Attlee—especially with Bevin—finally came to an end Sept. 1, 1947, when the United Nations recommended partition. In the meantime, illegal immigrant and arms ships bolstered the strength of the emerging state.

The War of Independence began with Ben Gurion's proclamation on May 14, 1948, and ended July 20, 1949, when Syria signed an armistice agreement negotiated for the United Nations by Dr. Ralph Bunche. Egypt, which initiated the armistice talks, had already signed, as had Jordan. Iraq never signed the agreement, but its troops had been driven out of Israel months earlier.

In January of the following year, Ben Gurion became Israel's first elected prime minister when his Mapai Party won 35.7 per cent of the vote.

Under the Israeli system in which votes are cast for party lists rather than individual candidates, it has always been necessary to form coalition governments. Ben Gurion fought the system for years, favoring the American-style two-party format.

Electoral reform was one of several changes Ben Gurion sought and failed to achieve in his lifetime. Another was universal free education. Tuition payments are still required in Israeli secondary schools.

In the case of free education, money was the obstacle. Electoral reform foundered on political opposition.

Part of the fallout of the political system, because of the need to form coalition governments, was what Ben Gurion considered excessive power for the religious parties. Some of his own views on religion were expressed in an interview with the London Observer:

"In Israel I've only been to a synagogue once—the day before the state was proclaimed. But I do go when I'm abroad . . . Most of the people who came to Israel were not religious. I believe the sanctity of the family is the essence of Jewry. If somebody wants to be a Jew, that's enough for me."

But failure and defeat were essentially alien to Ben Gurion. Only once during his tenure as prime minister did he step down for a significant period of time. In December, 1953, he simply said he was tired and he turned over national leadership to Moshe Sharett. He went to Sde Boker, his beloved kibbutz in the desolate Negev, and turned to writing, study and agricultural labor.

There in the desert, surrounded by his imposing library and the hardworking, kibbutzniks of Sde Boker, he could relegate politics to the dustier corners of his mind and concentrate on the thought of Aristarchus of Samos read Chinese history and absorb Indian philosophy. But his retirement lasted only 14 months. He assumed national leadership again in July, 1955.

Within a year another of Ben Gurion's controversial military policies emerged. Both Syria and Jordan were to feel the weight of Israel's "massive retaliation." The policy of striking back at the Arabs with tenfold force is followed more or less to this day, but many have argued that its sole effect is to keep tensions high.

On Feb. 28, 1955, Israel staged a major raid in the Gaza Strip causing more than 40 Arab casualties. It has been argued that this raid, ordered by Ben Gurion, was a critical factor in driving Egypt and ultimately other Arab countries into the arms of the Soviet Union.

The more conventional wisdom on this subject, however, is that the failure of the United States to supply funds for construction of the Aswan High Dam and the failure of Egypt's ex-Nazi scientists to design a supersonic jet aircraft were responsible for the Czechoslovak-Soviet arms deal with Egypt in September, 1955, which marked the beginning of large-scale Soviet-Arab military cooperation.

Ben Gurion did not forget, however, that "the Russians were the only power in the world that helped us in 1948." But he added a footnote in his interview with the Observer. "Of course, I understood that their real interest was not Israel, but to ensure the departure of Britain from Palestine."

Middle East tensions reached a climax in 1956, when Israeli forces overran the Gaza Strip and knifed deep into Sinai. Meanwhile, by prearrangement, British and French troops seized the Suez Canal. Militarily the operation was a total success.

But the United States intervened, formally through the United Nations, and forced Britain and France to evacuate the canal area.

Ben Gurion, however, ordered the Israeli forces to remain where they were. He wanted a guarantee that the Gulf of Aqaba—the same body of water over which the six-day war of June 1967, was fought—would be open to Israeli shipping.

After several weeks and several General Assembly demands for Israeli evacuation of Egyptian territory, President Eisenhower finally warned Ben Gurion to get out or face severe pressure from the United States. Despite countervailing pressure from his government, Ben Gurion was forced to order withdrawal.

In 1960, Ben Gurion courted world disfavor by bringing Adolf Eichmann to trial in Jerusalem. The trial, however, was sober and judged fair by most observers throughout the world. It certainly did no damage to Ben Gurion's reputation as a statesman.

When in 1963 he left high public office for the last time, it was for a life that could hardly be called retirement. He spent his time working on a massive history of modern Jewish settlement in Palestine, studying biology among other things and taking long walks in the desert.

Toward the end of his life, in the clear arid atmosphere of Sde Boker, he said this to an interviewer:

"I am very near the conception of Spinoza's pantheism—that God and nature are one thing."

[From the New York Times, Dec. 2, 1973]

Ben-Gurion, Symbol of the Tough State of Israel, Achieved a Lifelong Dream

(By Homer Bigart)

David Ben-Gurion symbolized the tough little state of Israel. Short, round, with a nimbus of white hair flaring angrily from a massive head, "B–G," as he was known to many, attained world leadership by firmly concentrating on the achievement of a dream.

That dream, the birth and triumphant survival of a Jewish homeland amid a sea of hostile Arabs, led Mr. Ben-Gurion through a lifetime of turmoil.

He was chairman of the Jewish Agency, the executive body of the World Zionist Organization, through the critical years of rising Arab nationalism, of Nazism, of World War II and of the postwar diplomatic struggle between Britain and the Jews of Palestine. When Britain finally gave up the Palesstine mandate, it was Mr. Ben-Gurion who proclaimed the Jewish state.

This was his moment of supreme test. For on that same day, May 14, 1948, the Arab armies began their invasion of the fledgling state. Jerusalem was besieged by Transjordan's Arab Legion. In the Judean hills and in Galilee, Jewish settlements were under attack by Syrian and Iraqi forces, while Egyptians invaded from the south.

BATTLE DRESS AT 62

Exhilarated by the challenge, the 62-year-old leader put on battle dress and assumed the direction of military operations. He was de facto Premier and Minister of Defense.

Some of his decisions were questionable. He ordered a costly and ineffective attack to drive the Arab Legion from Jerusalem. But he had surrounded himself with young and competent officers such as Yigal Yadin, Yigal Allon and Moshe Dayan. The Arabs, who lacked unity of command, were soon routed.

To Mr. Ben-Gurion fell most of the credit for having won the first Jewish campaign since that of Judas Maccabaeus 2,000 years before.

He became an almost mystical figure to many Zionists: the wise patriarch who embodied all the traditional virtues and who would ultimately lead Israel to triumph over the ring of Arab enemies.

But he embittered millions of others. He alarmed the United Nations and insured the continued hatred of the Arab states by adopting a policy of swift and ruthless retaliation for Arab raids on Israel. Although an armistice was arranged by the United Nations, technically Jordan, Lebanon, Syria and Egypt remained at war with Israel, and border incidents were frequent after the war of 1948-49.

ANGERED U.S. JEWS

Mr. Ben-Gurion also alienated many American Jews by insisting that all true Zionists must live in Israel. Distributed by the influx of Oriental Jews, which he feared would transform Israel into "just another Levantine state," Mr. Ben-Gurion dreamed of a vast migration of Jews from the Soviet Union and the United States.

In the early years only 5,000 American Jews were "ingathered," a scant migration that drew scornful reproaches from Mr. Ben-Gurion.

A fued between Mr. Ben-Gurion and a large segment of American Jewry dated from August, 1957, when he said at a Zionist ideological conference in Jerusalem that a sound Jewish life was not possible outside Israel.

"There seems to be a general agreement," he said, "that a Jew can live in America, speak and read English and bring up his children in America and still call himself a Zionist. If that is Zionism I want no part of it."

In subsequent speeches Mr. Ben-Gurion reiterated his belief that Jewish life in the outside world had a dim future. His dogmatism alienated potential friends of Israel among both Jews and gentiles. Non-Zionist Jews resented his insistence that Judaism was not a mere religion but a nationalistic ethos. Almost every Zionist faction in the United States joined the mounting protest.

ADAMANT ON ISRAEL'S ROLE

Stubbornly, though, Mr. Ben-Gurion insisted that essentially Judaism was a nationality and Israel was the only soverign spokesman for the world's Jews.

In June, 1962, he again infuriated American Jewish leaders at a Jerusalem conference by equating Judaism with nationality. Stanley H. Lowell, chairman of the New York City Commission on Intergroup Relations, retorted:

"You aren't the only answer to Jewish living, Jewish creativity and Jewish survival. This generation and the next generation and the next generations to come shall and will remain part and parcel of the great American experience of democracy."

In later years, though, with the 1967 and 1973 wars and increased United States aid, the old man's idea of Zionism came to be the accepted one. The anti-Zionist organizations became virtually extinct; by 1970, American immigration to Israel was reaching 10,000 a year.

At home, Mr. Ben-Gurion managed to roll elements of the population, even members of his own Mapai party, by methods that often seemed autocratic. He never enjoyed sharing authority, and he chafed under Israel's system of proportional representation, which assures religious parties of representation in the government. These parties were often in bitter disagreement with Mr. Ben-Gurion, who opposed their dream of a theocracy.

The Mapi party, although dominant, was never able to win a clear majority in the Knesset, or Parliament; this was a cause of the formation of 11 coalition governments in Israel, including the provisional government that was set up in April, 1948. (In March, 1949, Mr. Ben-Gurion became Premier in the first regularly constituted Government of Israel.)

These political marriages into coalitions were usually brief and stormy. The Socialist Mapai had little in common with the small left-wing labor parties and religious groups that were persuaded to join coalitions in exchange for concessions in legislation or for a ministerial post or two.

Sometimes Mr. Ben-Gurion would become so frustrated that he would resign and retire to his four-room cottage in Sde Boker, a kibbutz that was his favorite retreat, in the stony Negev Desert.

Usually the mere threat of resignation was enough to force the concessions Mr. Ben-Gurion demanded. The only Israeli with enough stature to offer alternative leadership was Moshe Sharett, another Mapai stalwart. But Mr. Sharett was considered too cautious, too temporizing. Israelis thought they needed daring leadership to meet the growing threat brought on by Egypt's acquisition of Communist-bloc arms, by the nationalization of the Suez Canal and by the military alliance between Egypt and Syria.

Mr. Ben-Gurion resigned several times, but his retirements to Sde Boker were fleeting except for one interval: In December, 1953, he turned over his office and leadership to Mr. Sharett, explaining that he felt "tired, tired, tired."

For 14 months he stayed in Sde Boker compling "Rebirth and Destiny of Israel," a collection of his addresses and essays, and working at agriculture in the kibbutz while his wife helped in the communal kitchen.

Even in retirement he cast his long shadow over the country; soon, in February, 1955, he was called to Jerusalem to resume the post of Minister of Defense, which he had held throughout his Premiership. He also assumed leadership of the Mapai and again became Premier in November, 1955.

Under Mr. Ben-Gurion, Israeli adopted a policy that led to war. There had been a flurry of frontier incidents. Israel complained that the United Nations truce supervision teams were futile instruments for checking Arab commando raids. Mr. Ben-Gurion mounted large-scale retaliatory operations aimed at destroying what he called guerrilla bases across the frontier.

To United Nations observers the border incidents about which the Israelis complained often appeared hardly serious enough to warrant the thunderous retaliation visited upon the Arabs by the Israelis. In balance, at least five or six Arabs died for every Israeli killed.

ATTACK IN SYRIA

In December, 1955, after Syrians had fired on Israeli fishing craft in the Sea of Galilee, Mr. Ben-Gurion ordered his army into Syrian territory. A network of Syrian coastal positions was blown up, and 50 Syrian soldiers were killed.

The raid was ill-timed politically. On that same day the temperate Mr. Sharett, then Foreign Minister, was waiting in Washington for an answer to his request for Western arms to offset Communist arms that were reaching Egypt. News of the raid shocked and vexed the State Department. Mr. Sharett returned empty-handed, furious with Mr. Ben-Gurion, whom he accused of having undermined his mission.

Mr. Ben-Gurion not only refused to modify his retaliation policy but also told Mr. Sharett that diplomacy was to be subordinated to security. In June, 1956, he ousted Mr. Sharett and chose as his new Foreign Minister Mrs. Golda Meir, a former Milwaukee teacher, whom he could trust to follow his line.

Tension rose during the summer of 1956, and in September a major retaliatory action led by Dayan, then chief of the Israeli armed forces, resulted in the death of 37 Jordanians.

NASSER TERMED FASCIST

Such actions Mr. Ben-Gurion defended as "self-defense," and he told his Parliament that the greatest menace to Israel was an impending attack by "the Egyptian Fascist dictator," President Gamal Abdel Nasser. He proclaimed: "We will never start a war. We do not believe that wars provide comprehensive solutions to historic problems."

Two weeks after he had spoken those words Mr. Ben-Gurion, in complicity with France and Britain, launched a "preventive war" to knock out Nasser's army. Israeli forces overran the Gaza Strip, the tiny corner of the old British Palestine mandate administered by Egypt, and plunged deep into Sinai.

Mr. Ben-Gurion's objective was the fall of President Nasser and the signing of a peace treaty with Egypt.

By prearrangement, Britain and France moved to seize the Suez Canal. Port Said fell to the British and French forces. The invasion by the three nations was on the verge of success.

Then the roof fell in. President Dwight D. Eisenhower was furious at Britain and France for having committed open aggression while the West was reaping moral capital over the Hungarian revolt. So the United States supported United Nations demands that the invading forces vacate Egypt promptly and unconditionally.

Confronted also by threats of Soviet intervention, Britain and France withdrew their forces in 27 days.

Israel balked. Mr. Ben-Gurion wanted to keep the Gaza Strip. He also wanted assurances that the Gulf of Aqaba, the northern arm of the Red Sea, would be open to Israeli shipping. The gulf had been denied to Israeli ships for six years by Egyptian guns commanding the narrow passage at Sharm el Sheik.

President Eisenhower insisted that no nation invading another in the face of United Nations disapproval should set conditions on its withdrawal. Aggression, he said, must not be rewarded.

Mr. Ben-Gurion defied the world for weeks, flouting six successive General Assembly orders to get out of Egypt. His Parliament had approved a defiant resolution committing Israel never to yield either the gulf or Gaza.

But when President Eisenhower cut short a vacation to warn of "pressure" if Israel failed to cooperate, the tough little Premier knew the game was up.

Pale and drawn from pneumonia contracted after a PT-boat ride in the Gulf of Aqaba, Mr. Ben-Gurion went before his Cabinet to propose more flexibility in Israel's position. Knesset politicians were insisting on all-out defiance.

NOOSE IS TIGHTENING

"The noose is tightening around our neck," a bearded, skullcapped member cried.

"The devil with this," snapped Mr. Ben-Gurion. "The devil with the coalition." He threatened to quit and form a new government. Finally he got the leeway he needed.

Israel agreed to withdraw from Gaza and Sharm el Shiek on these "assumptions"; that freedom of navigation would prevail on the Gulf of Aqaba; that the Gaza Strip would be administered by the United Nations pending a peace settlement between Egypt and Israel; and that Israel had the right, under the self-defense guarantee of the United Nations Charter, to send ships through the Gulf of Aqaba by armed force if there should be interference and to "defend its rights" in the Gaza Strip if raids were renewed.

The collapse of the Sinai adventure was the bleakest moment in Mr. Ben-Gurion's career. That he survived it politically was considered a tribute to his toughness, his resilience, his ability to persuade most Israelis and a great segment of world Jews that his action was morally sound.

Again in 1960 Mr. Ben-Gurion risked alienating world opinion; he decided to try Adolph Eichmann, the Gestapo colonel who had shipped millions of Jews to death camps in World War II.

There was little or no sympathy for Eichmann, but there was widespread resentment over the way he was brought to justice. The Nazi was kidnapped in Argentina, put aboard an El Al Israel Airlines plane and eventually exposed to a show trial in a Jerusalem theater converted into a courtroom.

There were protests that Eichmann could not possibly have a fair trial in Jerusalem, that the case should be heard by a German court or an international tribunal. Many Jews assailed the "arrogance" of Mr. Ben-Gurion's contention that Israel, as the sovereign Jewish state, was "from a moral point of view" the only place where Eichmann could be tried.

The furor died quickly as the trial unfolded. The Israeli judges seemed impeccable in the hearing during the spring and summer of 1961. After they had condemned Eichmann to the gallows, Robert Servatius, his West German lawyer, conceded that the defendant had had a fairer trial than he would have got in West Germany.

The trial enhanced Mr. Ben-Gurion's exalted status in his own country. By bringing Eichmann to trial he had taught the new generation of Israelis that "Jews are not sheep to be slaughtered, but a people who can hit back—as Jews did in the War of Independence."

BORN GREEN, A POLE

Israel's man of decision was born in Plonsk, Poland, on Oct. 16, 1886. His name was David Green, and his father was Avigdor Green, an unlicensed lawyer who wore a silk top hat and a frock coat rather than the fur hat and caftan traditionally worn by the men of his community. David was to adopt the pen name of "Ben-Gurion" as a journalist in Jerusalem. He thought it had a resonant Old Testament ring—it was the name of one of the last defenders of Jerusalem against the Roman legions. The Hebrew word "Ben" means "Son of," and "Gurion" means "Lion Cub."

Mr. Ben-Gurion's mother, Sheindal, died during the birth of her 11th child. David, her sixth, was 10 years old at the time.

The tone of the family was vigorously intellectual. There were discussions of Socialism and the newly re-emerged Zionism advocated by the Viennese journalist Theodor Herzl at the historic Jewish conference at Basel, Switzerland, in 1897.

Mr. Ben-Gurion's formal education did not go much beyond the Plonsk Jewish schools, but he acquired an excellently stocked mind through wide reading, particularly in history. Possessed of tremendous concentration, he became in his lifetime a keen student of Greek and Eastern philosophies. He achieved a brilliant reputation as a linguist through his mastery of English, Russian, Greek, Yiddish, Turkish, French and German. He read but did not speak Arabic. He also studied Spanish.

ACTIVE SOCIALIST ZIONIST

In Plonsk he was active in the Poale Zion movement, which combined Zionism and Socialism. Plonsk was in Russian Poland, and the revolutionary movement against the Czars was followed by pogroms there. Many Polish and Russian Jews emigrated. In 1906, kindled by Herzl's aim for a Jewish commonwealth, David Green was one of a group of young Plonsk Jews who went to Palestine.

Of his first night in Palestine he wrote in a letter to his father:

"I did not sleep. I was amid the rich smell of corn. I heard the braying of donkeys and the rustle of leaves in the orchards. Above were massed clusters of stars against the deep blue firmament. My heart overflowed with happiness."

But Mr. Ben-Gurion was repelled by the political apathy of the Jewish settlers—there were about 60,000 Jews in Palestine when he arrived. He joined the small Workers party, Poale Zion, which was to emerge as Mapei, and soon became one of its leading organizers and propagandists. Today Mapai is moderately Socialist, probably no more leftist than the British Labor party, and has little in common with doctrinaire Marxism.

ONE MEAL A DAY

Mr. Ben-Gurion worked for a time as a farm laborer for wages just sufficient to provide him with a room and one meal a day. He displayed a natural ability to negotiate in labor disputes, and he soon had considerable prestige among his fellow workers.

Articles signed Ben-Gurion began to appear in the Poale Zion party newspaper, and Mr. Ben-Gurion was elected to the three-man administrative presidium of the party at the 1907 Jaffa conference. At that conference he succeeded in having this platform plan adopted: "The party will strive for an independent state for the Jewish people in this country."

In that year, to prevent difficulties for his father in Plonsk, Mr. Ben-Gurion returned to Russia to do his military service. He served for one week, deserted and made his way back to Palestine.

The success of Enver Pasna's "Young Turk" movement in Turkey in 1908 led Mr. Ben-Gurion and many of his associates to believe that reasonable coexistence could be established between the new and supposedly liberal Turkish Government and the Jewish community in Palestine, which was in the Ottoman Empire. Mr. Ben-Gurion and several other Zionist leaders went to Constantinople to study Turkish law and administration, hoping to enter the Turkish Government as representatives of Jewish Palestine.

EXPELLED BY TURKS

Early World War I, Mr. Ben-Gurion wrote articles advocating the creation of a Jewish battalion in the Turkish Army. But the Turks suspected his motives and expelled him as subversive. With his chief collaborator, a young Ukranian Jew named Itzhak Ben-Zvi, who was to become the second President of Israel, Mr. Ben-Gurion made his way to the United States in 1915.

It was in New York that Mr. Ben-Gurion and Mr. Ben-Zvi founded Hechalutz (the Pioneers), which created Jewish settlements in Palestine between the world wars. And it was here that he met Paula Moonwess, daughter of an immigrant from Minsk. She was a student at the Brooklyn Jewish Training School for Nurses. They were married at City Hall in 1917.

Paula, a direct and unihibited woman, was to become a legend in Israel. She is said to have startled Dag Hammarskjold, the late Secretary General of the United Nations, by saying to him, "Why don't you get married and leave the Jews and Arabs alone?" Mr. Hammarskjold remained a bachelor.

SERVED IN EGYPT

Until Russia had left the war and the United States had entered it, Mr. Ben-Gurion believed that the best interests of the Palestine Jews lay with Turkey. But by 1917 there were indications that the Turks might not be on the winning side. Mr. Ben-Gurion helped organize two Jewish battalions in the United States and Canada to serve with the British in the Middle East. He served as a corporal in one of the battalions, with the Royal Fusliers in Egypt, but saw no action.

The Balfour Declaration of 1917 established the principle of a Jewish homeland in Palestine, and in 1922 the British were entrusted by the League of Nations with a mandate for Palestine.

Dr. Chaim Weizmann, the intellectual who was to become the first President of Israel, headed the world Zionist movement mostly from London. Mr. Ben-Gurion preached Jewish working-class solidarity on the scene in Palestine.

To a group of Zionist delegates he once said:

"Let me inform you gentlemen that Zionism has no content if you do not constantly bear in mind the building of the Jewish state. And such a state is only possible on the basis of a maximum number of workers, and if you cannot understand that, woe to your Zionism."

The Jewish Legion had been formed too late to contribute much to the defeat of Turkey but its existence provided Mr. Ben-Gurion with a fine channel for propaganda. He proselytized for the Poale Zion party among the 3,000 legionnaires. It was largely because of his initiative that Histadrut, the General Federation of Labor, was formed in 1920, with Mr. Ben-Gurion as Secretary General.

This powerful body, now quartered in a modern Tel Aviv skyscraper that enemies of Mr. Ben-Gurion called the Kremlin, expanded into banking, health plans, contracting, agriculture, marketing, education, insurance, transportation, employment agencies, collectives and cooperatives of every kind.

For the next five years Mr. Ben-Gurion campaigned for the union of Palestine's labor parties, and in 1930 the Mapai was formed. In 1935, he became chairman of the Jewish Agency, the executive body of Zionism.

OPPOSED BY MANY

Mr. Ben-Gurion had many opponents in the general Zionist movement. Vladimir Jabotinsky was one leader of a nationalist movement opposed to what many Zionists believed to be Mr. Ben-Gurion's strong Socialist views.

In 1936, Palestinian Arabs staged a bloody revolt against increasing Jewish influence, and the next year Mr. Ben-Gurion favored a partition of Palestine as recommended by a Royal Commission under Earl Peel. The Arabs rejected the proposal, and the British dropped the plan.

British policy became clearly pro-Arab, and in 1939 the British Government issued a White Paper that limited Jewish immigration to Palestine and land purchases there and was aimed at insuring a permanent minority status for the Jews there.

When Britain declared war on Germany, the Jews in Palestine pledged support against the common enemy but continued their resistance to the British policy, which they considered a threat to their existence.

Mr. Ben-Gurion put it this way: "We shall fight in the war against Hitler as if there were no White Paper, but we shall fight the White Paper as if there were no war."

During the war years he was preoccupied with these aims and internal matters in Palestine. And the mass extermination of German Jews intensified his desire to establish a Jewish homeland.

In 1945 he visited displaced-persons camps in Germany and the next year told a conference of survivors: "We shall not rest until the last one of you who so desires shall join us in the land of Israel to build the Jewish state together with us."

Mr. Ben-Gurion believed that if the Jews in Palestine could not defend themselves they would be driven out by the Arabs. From 1907, when he was with "Hashomer," the armed guard movement, while he was a labor leader in Sejera, a small isolated village in Sejera, a small isolated village in Gallilee, he acted in the belief that the Palestinian Jews would have to protect themselves.

After the United Nations, on Nov. 29, 1947, resolved to partition Palestine into Jewish and Arab states, Mr. Ben-Gurion assumed the security portfolio of the Jewish Agency Executive.

He planned and supervised the transformation of the Haganah from an illegal underground military arm of the Jewish Agency into the Israel Defense Forces. He sent men to Europe to buy arms, including World War II surplus equipment, and to recruit Jewish war veterans to operate the planes, tanks and artillery with which the Haganah had had no experience.

Volunteers came from the United States, Canada, South Africa, South America and most European countries. Mr. Ben-Gurion obtained funds from Jews in the United States and bought machinery to establish an arms industry.

COOPERATION WITH BRITISH

From time to time Mr. Ben-Gurion cooperated with the British against terrorists, and armed clashes were narrowly averted.

During the mandate the Irgun Zvai Leumi, an extreme nationalist group, had conducted terrorist activities against the British Government. Unlike the Haganah, it had spurned the authority of the official Jewish leadership.

During a United Nations truce, the Irgun ran the landing ship Altalena ashore at Tel Aviv with weapons and volunteers. Mr. Ben-Gurion ordered Haganah troops to fire at the ship, which blew up. Men were killed and wounded on both sides.

The Altalena affair was one of the most controversial events in Mr. Ben-Gurion's career as Premier. Many Israelis never forgave his order, which deprived Israel of badly needed weapons and nearly touched off a civil war. Others said it had been one of the most courageous and statesmanlike actions of his career. They believed that by handling the situation firmly in that crucial period. Mr. Ben-Gurion had established once and for all that there was no authority in the state but the Government of Israel and in fact averted a civil war.

After the truce, renewed sharp fighting with the Arabs secured for Negev and central Galilee for Israel. Armistice agreements with Egypt, Lebanon, Syria and Jordan in 1949 ended the hot war for the time being.

DRASTIC ECONOMIC STEPS

Because large-scale immigration had nearly doubled the population and it was still necessary to maintain military preparedness, the Israelis by 1951 found it necessary to take drastic steps to bolster the country's economy.

Premier Ben-Gurion came to the United States on a fund-raising drive, He was received with enthusiasm and initiated the sale of $500-million in Israeli Bonds.

At this time Israel abandoned her foreign policy of "nonidentification" and openly aligned herself with the United States in the cold war. Previously, Israel, in her independence struggle, had bought arms from Soviet-block countries and had enjoyed good relations with the Soviet Union, one of the first nations to recognize the State of Israel.

At home Mr. Ben-Gurion wrestled with succeeding Cabinet crises until the day in 1953 when he decided that he had had enough for a while.

In an article written for The New York Times from his retreat at Sde Boker on his retirement, he said:

"No single person alone can determine the fate of a nation. No man is indispensable. In war there may be a commander or statesman on whom much or even all depends. Not so in time of peace. The fate of a country depends upon its own character, its ability, its capacity, its faith in itself, its sense of responsibility, both individual and collective. A statesman who sees himself as the determining factor in the fate of his country is harmful and dangerous."

Yet for 15 years Mr. Ben-Gurion made most of the decisions for Israel, and the most fateful were to come after he had returned to Jerusalem in 1955 and had begun leading the nation on a more adventurous path.

Although his country was in reality a ward of the United States, absolutely dependent on financial aid from Washington and from American Jewish groups, Mr. Ben-Gurion refused to permit any outside meddling in her affairs.

He showed his freedom from American controls early by ignoring strong Washington pressure to put Israel's capital in Tel Aviv, rather than in Jerusalem, which the United Nations has proposed as an international city. (The United States has refused to move its embassy from Tel Aviv to Jerusalem.)

In domestic politics, Mr. Ben-Gurion also defied strong forces, notably the ultra-Orthodox religious groups. Once, during an interminable Knesset debate over whether swine—forbidden to Jews as food—should be bred in Israel, Mr. Ben-Gurion remarked that if the Lord had objected to pigs He wouldn't have led them to Noah's Ark.

At another time he shocked rabbis in the Knesset by announcing that after a study of Exodus he had concluded that only 600 Jews—not 600,000 as the Bible maintained—could have left Egypt and crossed the Sinai Desert.

STUDENT OF BIBLE

Mr. Ben-Gurion was a profound student of the Bible. His speeches were enriched with references to the heroes and Prophets of the Old Testament. He had little formal education, but his intellectual curiosity led him, at 56, to learn Greek so he could read the Septuagint, the Greek version of the Old Testament. At 68 his interest turned to the Dialogues of Buddha, and he began learning Sanskrit to understand them fully.

He already knew enough yoga to stand on his head, and photos of Mr. Ben-Gurion in wry comment. Friends insisted however that Hazaken—the Old Man—as he was affectionately called, was sharper-witted upside down than most of his opponents right side up.

The most serious domestic challenge to Mr. Ben-Gurion's rule came as a result of the celebrated "Lavon affair."

A former protégé of Mr. Ben-Gurion, Pinhas Lavon, had risen in the Histadrut until his political influence was so considerable that he was regarded as a possible heir to the national leadership.

But Mr. Ben-Gurion fell out with Mr. Lavon and sought to destroy his power. A cloak-and-dagger fiasco, involving the collapse of an Israeli spy network in Egypt, gave Mr. Ben-Gurion the chance in 1955 to force Mr. Lavon's resignation as Defense Minister.

CENSORS VEILED AFFAIR

The scandal smoldered for six years. Few Israelis knew what the affair was about. The press was allowed to print only the state censor's approved phrase, "a security disaster in 1954." The Egyptian Government charged in 1954 that it had uncovered an Israeli spy ring that planned to blow up British and American consular offices to sabotage relations between Cairo and the Western powers.

Then, in December, 1960, the Lavon affair burst into the news again. Lavon was able to prove at a meeting of the Israeli Cabinet that forged papers had been part of the evidence that forced him from office. Mr. Ben-Gurion stormed from the room, but even this did not prevent his Cabinet from clearing Mr. Lavon of responsibility for the 1954 fiasco.

Mr. Ben-Gurion followed his usual tactic of bringing down the Government by resigning. But this time other members of his six-party coalition were so disturbed that they refused to join him in a new government. Hoping to silence his critics, Mr. Ben-Gurion called for new elections. The results, he conceded, were "a national disaster," for Mapai slipped from 47 seats to 42 in the 120-seat Knesset. After lengthy dickering, however, he formed a new Cabinet, and meanwhile the Mapai Central Committee had destroyed Mr. Lavon's base of power by ousting him as Secretary General of the Histadrut.

Eventually Mr. Ben-Gurion suffered the bitter fate that overtakes a statesman who has been around too long. He became a bore to his people, and they rejected him.

He resigned as Premier in June, 1963, because of "personal needs." He said later that he wanted to write a history of the Jews' return to their homeland. But in semiretirement he erupted sporadically, like a cooling volcano. He became increasingly critical of Levi Eshkol, the new Premier, and the estrangement between the two grew wider when Mr. Ben-Gurion proclaimed that Mr. Eshkol was "unfit to lead the nation."

He demanded a reopening of the Lavon affair. But the country was bored by the 10-year-old scandal, and Premier Eshkol refused a judicial inquiry into the almost-forgotten fiasco.

Mr. Ben-Gurion's efforts to return to active politics ended in humiliation. The Mapai Central Committee refused to put him on the party's list for the 1965 election. So he formed Rafi, a splinter party, taking with him a handful of younger politicians including General Dayan, the former Chief of Staff. The new party ran a poor fourth with less than 9 per cent of the vote, and won 10 seats in Parliament.

Mr. Ben-Gurion's wife died in 1968 and the old warrior spent much of his time thereafter in solitary contemplation. In 1968, after his small Rafi party decided to join the newly formed Israel Labor party, a number of Rafi members led by Mr. Ben-Gurion broke away. They formed the Independent National List and won four Knesset seats in 1969.

He remained in the Knesset until 1970, when he delivered a hand-written resignation note to the speaker, Reuven Barkatt and, dry-eyed, left the chamber for good.

Soon afterward, he told a visitor to Tel Aviv that he had found farm work more satisfying than politics. And he had this to say about Soviet intentions in the Middle East:

"They want to get the two oceans, the Atlantic and the Pacific. So first of all they must have the Mediterranean, and it is not easy to get that without the Arabs. They want the Arabs. I do not think they are interested in destroying Israel, because if they do, the Arabs will not need them."

VIEWS ON TERRITORIES

Concerning the territories that Israel occupied in the 1967 Arab-Israeli war, Mr. Ben-Gurion took a relatively dovish position:

"I consider peace more important than territory," he said. "The area we had before the six-day war would be enough to take in all the Jews."

He continued: "For peace, I would be for giving back all the captured areas, with the exception of Jerusalem and the Golan heights."

Turning to his old theme of the need for further immigration, he said Israel still needed "another five or six million" Jews. But he observed wryly, "I don't believe that all Jews will settle in Israel—unless the Messiah comes."

On the sometimes controversial question of what constitutes being a Jew, Mr. Ben-Gurion later told a visitor to Sde Boker, "The essence of being a Jew, in my opinion, is the idea of the Prophets—not the Torah, but the Prophets. They have two ideas: You must love one single God and you must lead a moral life. That is all that matters."

"Later on," he continued, "when we Jews lost our independence and we had to live in ghettos and were hated, then our leaders provided other things and rules about things to wear and say. They needed these things to keep Jews together as a nation."

But he said that now that Jews again had a homeland and independence, the rituals and practices had faded in significance against the Prophets' more general messages.

In his last years Mr. Ben-Gurion aged considerably. His nimbus of white hair seemed to grow wispier, and his thoughts sometimes rambled.

He spent much of his time in his cluttered study at Sde Boker, living among his books and in the past. There was a large portrait of his wife, a map of Israel, a vase of desert roses among the awards and mementos. On his desk, there was always a Bible and a bottle of apple juice.

When he was well, he participated in kibbutz activities—dedicating a new garden, leading a Bible-study group, pressing Tel Aviv for a teachers' training institute for the settlement.

His time was devoted to study, reflection, writing, and a teeming correspondence with Jews all over the world. He produced three big books in his last years, including the 862-page "Israel: A Personal History," published here in 1971.

On rare occasions, he made public appearances. In early 1971, he toured the fortifications along the Suez Canal with Gen. Haim Bar-Lev, then the Chief of Staff, engaging in the banter he loved.

The old man was shown a bunker. "What kind of Hebrew word is 'bunker'? he asked. An escort explained: "We use 'bunker." because we have not yet got around to Hebraizing defense terminology. On offense, we have no foreign words."

Mr. Ben-Gurion talked with a soldier. "You're younger than I," he said, "perhaps you can tell me when there will be peace." The soldier replied: "Who knows? It depends on the Arabs."

"And on us!" the patriarch put in.

Later in 1971, on his 85th birthday, he publicly rejected an appeal from Mrs. Meir that he give up his splinter party and rejoin Mapai. Mrs. Meir nonetheless went to the celebration in Sde Boker, and they talked for a bit—after five years of silence.

His last appearance was in May in Tel Aviv for Israel's 25th anniversary. He sat bent over in a grandstand watching the pomp, wearing a farmer's hat.

SYMBOL OF PAST

He had become a symbol of the past, a much-loved grandfather hovering at the edge of the thoughts and aspirations of the embattled nation.

He said little about the October war, though he was quoted as having referred sarcastically to the arguments among Israeli generals following the Egyptian and Syrian surprise attacks: "They think they're generals now."

Sometimes in his last years Mr. Ben-Gurion argued that the Israeli Government was not genuinely democratic. Old opponents replied that it was Mr. Ben-Gurion himself who had introduced authoritarian ways into Israel during his years as Premier.

But even these opponents conceded that he and his wife had never stood much on ceremony. When Mrs. Ben-Gurion was asked once whether her husband should be addresed as "Prime Minister" or "Mr. Ben-Gurion," she reportedly said, "Call him Ben-Gurion. Anyone can be a prime minister, but not everyone can be a Ben-Gurion."

AN INDEPENDENT SPECIAL PROSECUTOR

Mr. BAYH. Mr. President, on yesterday the Judiciary Committee filed its report on S. 2611, a bill designed to guarantee the independence of the Special Prosecutor by vesting his appointment in the courts. I hope the Members of the Senate will be able to find the time to read this document which I believe deals fully and conclusively with the issues which will be debated when this bill reaches the floor. The House will soon act on a similar bill, and I would draw the Senate's attention to an editorial which appeared in today's New York Times supporting what it calls this "essential" legislation. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 4, 1973]

TRULY INDEPENDENT

In reporting out its bill to provide for a court-appointed Watergate prosecutor, the House Judiciary Committee declared that "the only way to assure that the American people will have complete trust and confidence in the aggressiveness and independence of the special prosecutor is to make him truly independent of the Executive, give him tenure, and legislate limited grounds for his removal."

The bill meets those essential requirements. A three-judge panel of the United States District Court for the District of Columbia would appoint the special prosecutor for a term of three years. The three judges would have the sole power of removal and only on grounds of gross impropriety, gross dereliction of duty, or physical or mental incapacity.

At present, the past of special Watergate prosecutor is occupied by Leon Jaworski. He has a distinguished record as a corporate attorney in Texas and as former president of the American Bar Association. But the most convincing testament to Mr. Jaworski's independence and determination to do the job lies not in his own protestations but in the fact that he has retained the entire staff of his dismissed predecessor, Archibald Cox. In a sense, Mr. Jaworski is hostage to his own subordinates. Nevertheless, the President's power to fire him, though somewhat hedged about, it still real.

Many legal scholars have agreed that a court-appointed special prosecutor is constitutional. Such an appointment would help restore public confidence in the special prosecutor's independence, particularly as the White House has begun the same sniping at Mr. Jaworski that it had leveled against Mr. Cox. Congress has already delayed unduly long in enacting this essential statute.

FUEL RATIONING

Mr. BAYH. Mr. President, it appears that the Nixon administration, so intent on avoiding fuel rationing by coupons, is instead going to ration fuels by prices.

Treasury Secretary George Shultz said as much in a television interview Sunday. And the elevation of William Simon, Mr. Shultz' top assistant, to the head of a new Federal Energy Administration would seem to confirm that a decision has already been made to let gasoline and oil prices rise sharply. Mr. Simon previously has gone on record in favor of such an approach.

It is unclear whether the higher prices would be a simple product of market forces—in which the oil companies are permitted to exploit the fuel shortage for windfall profits—or through higher Federal taxes, or a combination of the two devices.

In any event, pricing alone is the wrong way to cope with the problem and suggests that the Nixon administration has yet to come to grips with sound energy policy.

Make no mistake, controlling the demand for fuels by raising prices is rationing. However, instead of rationing fuel according to need, the price approach rations fuel according to one's ability to pay the higher prices. Low- and middle-income Americans, already reeling under months of unprecedented inflation, can little afford a sharp increase in their fuel bills. On the other hand, those Americans with greater means could continue to have all the fuel they want. This is completely inequitable. Under the guise of free market economics such an approach would deny an essential commodity to millions of Americans.

If higher prices were used to ration fuels, thus increasing oil company revenues, it would mean a further sharp increase in the record profits already being realized by those oil companies. This would place the Government in the unwelcome position of legitimizing profiteering, and discourage necessary public support for Federal energy programs.

Raising consumer prices through significantly higher fuel taxes would be highly regressive. For example, in my own State of Indiana there are many factory workers who travel as many as 500 miles a week to and from their jobs. A sharp rise in gasoline taxes would place a totally unacceptable burden on these individuals, making it unprofitable for them to work.

Furthermore, no matter what device is used to raise prices for fuels, a sharp increase in the cost of this essential commodity would have a severe and unacceptable inflationary effect. The cost of living rose last month at an annual rate of 9.6 percent. It is painfully obvious that we cannot stand further inflation, and it would be especially ironic if the administration's response to the energy crisis was so poorly considered that it worsened our already excessive inflation.

It is important to note that increases in fuel costs fall unjustly on average wage earners in two ways. First there is the cost increase of an essential commodity, the gasoline that takes a person to and from work. Second, and perhaps even worse in the long run is the general inflationary effect of such price increases on all other consumer products. At the very least the cost of all products will be increased by raising fuel costs since transportation is a significant factor in the sale price of any product. But even beyond the increase in transportation costs is the fact that many products, from fertilizer to children's sneakers, from plastic food wrapping to automobile tires, depend, in part, on petroleum. The cost of these, and many other products such as chemicals, plastics, drugs, et cetera, will be seriously affected by raising the cost of oil. And, as is always the case when inflationary pressures mount, the American worker and his family will end up bearing the brunt of such price increases.

Mr. President, the Congress must make clear to the administration our unwillingness to tolerate rationing through pricing policy. Such a misguided policy would not only impede constructive programs for dealing with the energy crisis, it would do further damage to an economy already shaken by the unprecedented combination of inflation, high unemployment, and shortages in many major industries.

THE FAO CONFERENCE

Mr. HUDDLESTON. Mr. President, it was my privilege and pleasure to serve as a representative of the Senate at the Food and Agricultural Organization—FAO—conference, 17th session, in Rome.

There have, undoubtedly, been few times when an FAO conference was as timely and significant as the one just completed. In our own Nation this year, food prices have soared and we have witnessed, at times, scarcities of many familiar items. In Japan and Western Europe, higher incomes and a desire for additional protein have increased demand for certain foodstuffs, pushing already expensive food prices upward. In a number of the less-developed countries, such as India and Pakistan, the food situation has been tight and in the Sahelian zone of Africa it has been a tragedy.

The difficulty of coming to grips with world food problems is compounded by the difficulty of distinguishing short-term trends from longer ones, of identifying and providing for the supportive agricultural elements, such as fertilizer and energy supplies, and of analyzing and developing a policy which recognizes the North American Continent as a world granary.

In 1972, probably for the first time since World War II, world agricultural production fell, as did fishery production. While the overall decline was only about 1 percent, the decline in the production of coarse grains—which provide the major source of food in less developed countries and which contribute to the availability of high-protein foodstuffs such as meat—fell by about 3 percent. World rice production was reduced by about 4 percent over the 1971 figure.

AGRICULTURAL TRENDS

The decline—particularly in wheat and feed grain production—was attributable to several short-term factors, with weather being a principal one. In the early part of the year, hurricanes struck several areas in the United States which normally produce feed grains. Later, wet weather delayed and retarded the harvest; then, subsequently prevented early plantings of soybeans for 1973. Drought in several parts of the world—including Australia which is a traditional wheat exporting nation—exacerbated the problem.

The Peruvian anchoveta catch, which usually provides fish meal equal to 125 million bushels of soybeans, declined as the cold Humboldt current switched its course. The result was a greater demand for soybeans as animal feed.

The Soviet Union, which is normally self-sufficient and often an exporter of grains, experienced a major shortfall in production and entered the world market to purchase on a large-scale basis, aided in the United States by credit, shipping, and subsidy policies pursued by the Government.

Furthermore, the devaluation of the U.S. dollar made American farm products a good buy. In Japan, for example, which is the largest single importer of U.S. agricultural products, the dollar declined about 26 percent in value against the yen during the past 2 years.

Over the longer run, world population continued to expand, increasing about 2 percent per year; spreading affluence in Western Europe and Japan resulted in heightened demand for protein-rich foods; the Soviet Union embarked upon a program to improve its people's diets. In addition, there was evidence to suggest that worldwide weather patterns are changing and that certain waters, including those near Peru, have been overfished and will not, consequently, return to the production levels of previous years.

SUPPORTIVE FACTORS

In addition to the short- and long-term trends which affect the future of agricultural production and demand, a number of supportive elements or imputs also have vast ramifications.

In our own Nation, the most pressing problems in terms of inputs include fertilizer, energy supplies, and transportation facilities.

Nitrogen and phosphorous, two of the three main elements in fertilizer, are in short supply as in natural gas, which serves as a feedstock in production. As a result, world prices for these components soared, as they did for potassium, a supply of which is more available. Furthermore, until the latter part of October, fertilizer products came under ceiling prices administered by the Cost of Living Council, which were well below world market prices. This meant that U.S.-produced fertilizer often went abroad rather than remain at home. On October 25, the Cost of Living Council lifted the price controls and U.S. manufacturers agreed to concentrate on the domestic market. But, many export contracts had already been signed and by the latter part of November the need for an export licensing system had become evident.

About 30 percent of U.S. feed grain production is attributed to fertilizer, with nutrients being used on 96 percent of corn acreage, 62 percent of wheat acreage, and 31 percent of soybean acreage. It has been estimated that a shortfall of a million tons of nutrients, which is considered possible, could result in a reduction of up to 20 million tons of feed grains.

In addition to the shortage of natural gas, which is likely to affect fertilizer production, a lack of propane could threaten the drying of grains and a general scarcity of fuel could have an impact on planting, harvesting, and transporting farm products.

Transportation of grains, particularly at harvest time, has traditionally posed difficulties in the United States The energy shortage, together with increased demand for transportation, will undoubtedly bring new problems.

Both in the United States and the world, land is becoming a scarce commodity. With 1974, the United States will do away with set asides, encouraging cultivation of most available acreage—there are, however, some indications that farmers are not going all out on production.

In many other parts of the world, the major portion of cultivable land is in use, especially that which has moisture or is easily irrigated.

Furthermore, the less developed world is plagued by land tenure problems; a lack of basic infrastructures; unavailability of capital; and problems of communication and education. While two-thirds of those in the developing nations earn their living from farming, the average farmer may not own his land, may not have the funds to purchase high-yielding seed or the nutrients necessary to the seed, may not have access to a farm-to-market road or storage facility and may have no idea how to obtain the information and knowledge necessary to improve his farming methods.

EXISTING STOCKS

To complete the picture of the current world agricultural scene, one must add the existing stocks of grain to production trends and availability of inputs. We now have the lowest world grain reserves in 20 years. Furthermore, U.S. stocks are down—a matter of some importance since the United States, during the last decade, has supplied more than half of all carryover stocks from year to year.

The U.S. carryover of wheat and feed grains at the end of the current year—June 1974—is expected to be small, contributing to further tight supplies and continuing high prices for the raw grains and for flour- and feed-based foods.

These factors take on new importance in light of the fact that in recent years North America—the United States and Canada—has become the foremost world trader in grain. As the following chart prepared by the Overseas Development Council clearly indicates, there is simply no competition:

THE CHANGING PATTERN OF WORLD GRAIN TRADE

[Millions of metric tons]

Region	1934–38	1948–52	1960	1966	[1] 1972
North America	+5	+23	+39	+59	+84
Latin America	+9	+1	0	+5	−4
Western Europe	−24	−22	−25	−27	−21
East Europe and USSR	+5	....	0	−4	−27
Africa	+1	0	−2	−7	−5
Asia	+2	−6	−17	−34	−35
Australia	+3	+3	+6	+8	+8

[1] Preliminary.

Note: Plus equals annual net exports; minus equals annual net imports.

In addition, the United States is responsible for over 90 percent of the world's soybean exports and is currently the principal exporter of rice.

U.S. POLICIES

The world food and agricultural situation has direct implications for U.S. policies in at least three fields: first, farm programs; second, trade; and third, development assistance to foreign nations.

During most of the post World War II period, the United States lived with agricultural surpluses, a set-aside program which idled close to 50 million acres of farmland; a support program which led to Government acquisition of grains, and relatively low food costs. In 1972, those situations changed. Surpluses were gone, food costs rose, set-asides were abandoned over the upcoming 2-year period, the Government removed itself from the acquisition process and a new agriculture program which will provide support payments only when farm prices fall below "target levels" was adopted. In other words, a decision was made to go all out on production and to leave supplies in private hands.

Over the next several years, the production policy appears desirable. At the moment, 1974 and even 1975 are years of anticipated tight supplies. During those years, we must monitor the trends to determine whether the short- or long-term ones are persisting and to determine whether the current period is an aberration or whether it marks a true change in the supply/demand equation. If we return to surplus production—and the change from scarcity to surplus is small percentagewise—one policy will be required. If we face the prospect of continuing scarcities and tight supplies, another will be necessary.

During this period, decisions will also be required on proposals to establish domestic grain stocks and to create a world food security program. I am a cosponsor of a bill to provide for a minimal domestic reserve designed to protect our basic foods and believe careful consideration should be given to an international program—as well as the attendant problems of who will pay, who will administer and how—which the latter raises. Undoubtedly, the best forum for discussion of the latter is the world food conference proposed by Secretary of State Kissinger.

Special attention must be given to the supportive factors. As previously noted, the Cost of Living Council acted recently to lift the ceiling on domestic fertilizer costs and a licensing system has been imposed to help stem the movement of fertilizer abroad. But, this situation too must be monitored in the upcoming months and efforts made to increase domestic production.

In the meantime, efficient use should be made of the plant nutrients which are available. For example, soils should be tested to determine where fertilizers are needed—and where they are not needed. Liming should be used where it can improve the soil. Manure and crop residues should be utilized when they are available and will not pollute water supplies.

Priority in propane and petroleum allocations must continue both for production and distribution of foodstuffs.

Research should be expanded, especially in soybeans. World demand for soybeans is growing, as is production. Yet, most of the recent increase in production has resulted from the planting of additional acres, not from increased yield per-acre. With the increasing demand—particularly if the anchoveta catch does not return—and the declining number of available agricultural acres, we should strive for a breakthrough on per-acre yield.

TRADE

A second policy closely related to the food and agricultural situation is that of trade. In recent years, U.S. farm products, emanating from a capital and technologically intensive agricultural system, have proven to be a bright spot on the trade spectrum. The U.S. farmer is efficient and he can produce grains at a competitive cost.

During the 1972–73 year, U.S. agricultural exports reached $12.9 billion and contributed $5.6 billion to the trade balance—exports minus imports. Projections for the upcoming year suggest the figures may reach $19 billion and $10 billion, respectively.

There are several important implications of this trade. First, it helps stabilize the U.S. dollar abroad and assists in offsetting the expenditures which the United States must make in other countries for raw materials we lack and items in scarce supply at home.

Second, it allows the United States to pursue full production without causing a glut on the domestic market. The U.S. production picture, taken alone, is not a bleak one. Even with the reduced production of 1972, total wheat harvested in the United States was twice that required for domestic use. When the previous year's carry-in is added, the U.S. domestic requirements accounted for only one-third of overall supply. In 1973, a record wheat harvest of 1.7 billion bushels is anticipated, but only between 750 to 780 million bushels will be used domestically for food, seed, and livestock feed. With corn, 5.5 billion bushels will probably be harvested, while domestic disappearance is estimated at 4.7 billion bushels. Thus, exports are essential to the well-being of U.S. agriculture.

The problem lies in the handling of those exports.

During the past year, the export situation simply got out of hand, forcing our Nation to embargoes, export controls, and the institution of a monitoring or export reporting system.

Every nation must, of course, seek to protect its own food supply. The United States is no different. At the time they were initiated the controls were probably necessary—the situation had degenerated to that point. But, what we should strive for is a policy which will preclude the necessity for "drastic" actions—to use the administration's own terminology—on exports.

The monitoring system now in effect can be improved. Information on exports should be obtained more promptly and additional data on exports held for "unidentifiable" destinations should be required.

Consideration should be given to licensing of the export of any commodities expected to be in especially tight supply. Any such licensing considered should, however, go hand in hand with planning and should be implemented when data collections warn of potential shortages—not after some crisis is upon us.

Furthermore, improvements should be made in data collection and dissemination with new attempts to include expanded information on the Soviet Union and People's Republic of China.

Coupled with this should be a policy for fulfilling obligations should trade restrictions become necessary. For years, the United States has been encouraging the European Community and Japan to import additional U.S. grains. The summer embargo and then licensing of soybean exports dealt a blow to U.S. arguments for increased grain trade and raised questions about the stability of the United States as a supplier nation, which we, in effect, are. Thus, it would appear advisable to develop a policy, known to our trading partners, for dealing with scarce situations—a policy which should seek, after protecting our own interests, to protect the traditional U.S. purchasers—the ones who have been there in years past and will be there in the future—and then to provide assistance to those nations where it may make a difference in terms of survival. Development of such a policy would not only lend credibility to the United States as a supplier, but would also contribute to more stable trade patterns.

Movement toward such a policy might also provide the incentive for those nations which are now outside the major trade patterns but which can disrupt the market—notably the Soviet Union and the People's Republic of China—to become more cooperative on trade matters.

In short, each nation can proceed on the basis of pure self-interest and haphazard planning, fulfilling its own needs and then letting the trade chips fall where they may. Or nations can seek to utilize a mechanism—perhaps the General Agreement on Tariffs and Trade—GATT—which would allow them to protect their own supplies but also one which would provide policy guidelines and bring order to the distribution of scarce commodities when exports must be restricted.

DEVELOPMENT ASSISTANCE

Some 2 billion people live in the developing nations of Asia, Africa, and Latin America. More than two-thirds of these people live in rural areas and most of them earn their living by farming.

Yet, in these areas, a large segment of the population spends as much as 80 percent of its income on food, and these countries annually import billions of dollars of foodstuffs from the industrialized nations.

Insuring an adequate supply of food for these nations, especially when supplies are limited and affluent nations can bid prices up, is a major concern. If no provision is made, millions can starve; stability can be threatened in many parts of the world; and development which would enable these nations to participate in the world trade flow is retarded. Thus, humanitarian concerns, security and economic well-being, especially in a time of resource and raw material shortages, argue for attention to the needs of these peoples and nations.

To permit the industrialized nations' preoccupation with their own needs and the prevailing disillusionment with development aid to eliminate concern for the requirements of two-thirds of the world's inhabitants would be a long-term mistake.

There are, furthermore, steps which can be taken. Voluntary population control programs can be pursued and expanded. Despite the efforts that have been made, population increases in the less-developed nations continue at more than twice the rate in most industrialized countries, enlarging the youth population which drains from rather than contributes to development.

New efforts can be made with fortified and formulated foods—and with the distribution and educational activities necessary to guarantee that such foods are properly utilized.

The directions taken by the World Bank and U.S. Agency for International Development to improve the infrastructure of agriculture in LDC's should be supported and encouraged. The average farmer cannot benefit from the development of a new variety of wheat or rice if he is unable to obtain the seed, to gain the knowledge and technology to grow the crop, to have access to a road to get his product to market.

Finally, careful study should be given in the GATT negotiations to the needs of the LDC's. Without access to markets for products which they do grow and manufacture the LDC's cannot secure the foreign currency required to purchase foodstuffs and technology they need or to pay the growing debt service charges on loans which are essential to development.

INTERRELATIONSHIPS

As in the case of energy supplies, or security arrangements and of so many other areas, food and agricultural production at home and abroad are part of a complex—and often frustrating—web of interrelationships. Lacking—and badly needed—is a guide to that web so that we can know and pursue the correct direction.

The next year to 18 months are critical on many fronts. It is during that time that the impact of short-term versus long-term trends should become clearer. It is during this time that the policies to see us through the period which evolves must be determined. And, while we may not now be able to fill in all the detail and legislative footnotes, we must begin to monitor and analyze the trends and develop the policy outlines and objectives to guide us in the all-important area of securing man's food supply.

U.S. FERTILIZER NEEDS

Mr. HUMPHREY. Mr. President, in September and October of this year, I addressed this body with respect to a predicted fertilizer shortage which I felt and still feel could seriously threaten crop production for the coming year and possibly years to follow.

Government policy at that time imposed price ceilings on fertilizer sold for domestic use but not on fertilizer for export—resulting in higher exports of U.S. fertilizer and lower imports of foreign fertilizer.

The Cost of Living Council on October 25, 1973, dropped phase IV price controls on primary fertilizer materials, an action predicated on a series of steps taken by the fertilizer industry to increase fertilizer production. The CLC, in announcing this action, said that if the two-market pricing system were allowed to continue, net supplies of nitrogen for U.S. farm use could be expected to fall 10 percent short of requirements for 1974, or a shortage of approximately 1 million tons of nitrogen fertilizer and 700,000 tons of phosphate fertilizer.

Many experts felt that, with the lifting of these controls, domestic prices would rise and therefore be more in line with the world market price and the shortage could possibly be stemmed.

In 1972–73 total use of fertilizer was an estimated 42.5 million tons of which 85 percent—36 million tons gross weight—of this was used in commercial agriculture and some 70 percent of this is applied in the spring.

Have we seen the kind of results we were hoping for with the decontrol of prices? When prices were decontrolled, some 40 fertilizer producers indicated they would make an estimated 1.5 million tons more fertilizer available to U.S. farmers during the remaining months of 1973 and the first half of 1974. "Available" means that the fertilizer would be offered at market prices. And still, we cannot be certain this is being done.

At the wholesale level, some fertilizer prices were as much as 65 percent over the market price prior to decontrol. These price advances carried through the retail level as can be seen from the tables at the end of this statement.

The United States has historically operated with surpluses of its most valuable commodities. But in 1972, a lack of Peruvian fishmeal and other protein sources for feedstuffs, coupled with an unusually large foreign demand for our products, left the "Land of Plenty" with short supplies of food and fiber and skyrocketing prices.

So, the Department of Agriculture announced a policy to eliminate its set-aside program which in 1972 accounted for 60 million acres being taken out of production, and encouraged increased agricultural production. USDA has estimated that farmers will plant 246 million acres of wheat, soybeans, and feed grains in the 1974 crop year, an increase of 28.9 million acres, or 13.3 percent over 1972. This means increased needs in fuel and fertilizer to accommodate such increased production.

It is probable that the output of most fertilizers will be curtailed to some extent by the short supply of energy. Ammonia production may be cut 2 to 4 percent by curtailment of the use of natural gas. Phosphate rock mining may be slowed by a reduction in electric power in Florida. The phosphate mines account for about 10 percent of the electric power used in Florida and demand can exceed generating capacity in the summer months. Natural gas also is used in the potash production process. Although gas requirements are considerably below those in other segments of the fertilizer industry, its use is essential.

Again, North American potash supplies are more than adequate. New phosphate plants now being constructed will add some 1 million tons P_2O_5 by the end of 1974 to our present capacity, according to the Department of Agriculture. Another million tons is scheduled to come onstream in 1975. But this still does not give our farmers any reassurance about this coming year's crop.

Nitrogen output will be our biggest problem and the most difficult to solve on a strictly domestic basis. The major obstacle is the availability of a natural gas contract over a long term of 15–25 years. A ton of ammonia requires 35,000 cubic feet of gas. This means a 1,000-ton-a-day ammonia plant needs 35 million cubic feet of gas per day or 11.9 billion cubic feet per year for 340 operating days.

While we have organic fertilizers such as garbage, animal manure, human excretion—all of which are valuable sources of plant nutrients, unfortunately, the supply of nutrients per ton of manure is quite low so there is simply not enough to supply our plant nutrient needs.

Inasmuch as we have an existing shortage of fuel which will necessarily affect the production of fertilizer and inasmuch as we have asked farmers for all out production—an estimated 28.9 million more acres than last year—undoubtedly farmers will again be faced with a severe short supply of certain fertilizers next year.

It seems inconceivable that plants operating at over 90 percent capacity can increase further. It further seems inconceivable to me that the foreign demand will diminish materially. As a result, in the short run we have a choice that will be extremely difficult to make—but will have to be made.

One step already taken by the Department of Commerce has been to monitor exports of fertilizer, domestic supply and pricing of certain fertilizers. I think that this was a prudent step in view of the imponderables that face farmers in the coming year.

Mr. President, you will remember that some time ago I wrote the Secretary of Agriculture urging the creation immediately of an interagency task force on the fertilizer shortage. To date we are limited to the recently announced monitoring system of the Department of Commerce. I question the accuracy of this system in providing us hard figures on supply and demand. I repeat that unless we utilize the expertise of our various Government agencies as well as the private sector in complete cooperation and on a continual basis, we will find ourselves in the case of fertilizer and its effect on crop production—without food for our tables.

Mr. President, I ask unanimous consent to have printed in the Record some recent figures showing increased fertilizer prices as a result of deregulation.

There being no objection, the material was ordered to be printed in the Record, as follows:

Some firms have now posted wholesale fertilizer prices after deregulation at 3:30 p.m., Thursday, October 25.

These are the official prices charged by one large firm for domestic sales. For comparison, the open market prices posted in New York City in the *Chemical Marketing Reporter* also are shown.

Dollars per short ton, f.o.b. Florida

Material	CMR	Producer	Percent increase
Diammonium phosphate	$75	$110	47
Concentrated superphosphate	55	91	65
Ammonia, delivered, east of Rocky Mountains except East coast	63	100	59
Urea, same basis	72	104	44

Percentage increases during the first week of decontrol ranged upward to as much as 56% at the U.S. level for specified fertilizers.

The ASCS survey of fertilizer prices at retail as of October 25, 1973, and a week later shows these increases in average prices for the United States.

Fertilizer	Dollars/ton		Percent increase
	Oct. 25	Nov. 2	
Ammonia	$102	$136	33
Ammonium nitrate	75	101	35
Urea	100	126	26
Concentrated superphosphate	73	114	56
Diammonium phosphate (18-46-0)	118	146	24
Potash	68	75	10

Source: USDA Nov. 20, 1973.

As a comparison, see retail price data for the States of Illinois and Minnesota below.

These are the results of the ASCS telegraphic survey of fertilizer prices on the day they were decontrolled and the following 2 weeks. These are retail price averages in the State of Illinois.

Fertilizer	Dollars per ton		
	Oct. 25, 1973	Nov. 2, 1973	Nov. 9, 1973
Ammonia	87	132	146
Ammonium nitrate	80	106	107
Urea	108	143	148
Concentrated Superphosphate	107	146	146
DAP—18-46-0	125	168	175
Potash	64	72	75

These are the results of the ASGS survey of fertilizer prices on October 25, 1973, and 2 weeks later. These are average retail prices for Minnesota.

Fertilizer	Dollars per ton		Percent increase
	Oct. 25	Nov. 19	
Ammonia	$111	$133	20
Ammonium nitrate	82	96	17
Urea	112	136	21
Concentrated superphosphate	99	122	23
Diammonium phosphate	128	150	17
Potash	65	70	8

IMPROVEMENTS IN BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Mr. MONDALE. Mr. President, as you and many of my colleagues are aware, I and many other Senators have been struggling for some time to assure that the newest program of Federal scholarship aid to college students is administered in a fair and equitable way, generally, and in a way that does not discriminate against children of farm families and small business families in particular. In response to our concerns, the Commissioner of Education announced a significant improvement in the program this past Friday. While this change does not begin to solve all of the problems that exist, it is an important step in the right direction—one I want to bring to the attention of my colleagues and the public, and one for which I want to commend Commissioner Ottina.

As we are all aware, one of the most encouraging elements in the Education Amendments of 1972 was the creation of the basic educational opportunity grant program. This new student aid program represents a major and long overdue improvement in our national commitment to student aid. If the regulations governing this program are equitable, and if this program receives adequate funding, it could go a long way toward reducing financial barriers that currently keep hundreds of thousands of talented and scholastically able students from continuing their education after high school.

FAMILY CONTRIBUTION SCHEDULE

Perhaps the single most important feature of this program is the assumptions it makes about how much financial help families of different incomes and different sizes can reasonably be expected to contribute to the costs of higher education for their children. These assumptions, as much as any other factors in the program including its appropriations, determine whether or not adequate scholarship aid will be available to help young people attend college. Under a set of general guidelines the law authorizes the Commissioner of Education to make these determinations—in the form of family contribution schedules—and submit his recommendations to the Congress. The expected family contribution is then subtracted from $1,400 to determine the amount of financial aid a student is entitled to—provided this amount does not exceed one-half of the cost of attending college.

In short, if the family contribution schedules are realistic and equitable then the BEOG program will authorize the kind of adequate scholarship aid that the law intended and many families need. On the other hand, if the family contribution schedules include unreasonably high expectations about the capacity of low- and middle-income families to contribute to the costs of higher education for their children, the BEOG will not be able to provide the kind of help necessary and thousands of talented young people in this country will continue to be denied the opportunity to further their education after high school.

CONGRESSIONAL OVERSIGHT

Mr. President, I am proud to say that the appropriate committees in both the Senate and the House of Representatives have been following the administration's proposals for family contribution schedules very carefully. Both the Education Subcommittee in the Senate and the Special Education Subcommittee in the House of Representatives, under the able leadership of Senator Pell and Congressman O'Hara, respectively, have been providing the kind of active review and oversight that this issue requires.

These hearings have identified a number of serious problems in the administration's proposed family contribution schedule. At the Senate hearings last February 22, it became very clear that the originally proposed contribution schedule placed an unrealistically high expectation on the ability of families generally to contribute to the higher education of their children, and placed particularly unrealistic expectations in regard to the families of farmers or small businessmen. These proposed family contribution schedules for the BEOG program required many families to pay for their children's college costs than the schedules currently used by most colleges to determine student aid. For example, OE's original proposal would have denied aid entirely to the children of farmers or small businessmen with assets of $34,000 or more, even if they had received no income at all the previous year.

In addition, this initial proposal would have provided substantially less assistance to many children of large families than they would have received under either of the two independent scholarship services—the American college testing program and the college scholarship service.

As a result of these hearings, at which we received excellent testimony from Mr. Richard Hawk, the executive director of the Minnesota Higher Education Coordinating Commission, I initiated a letter to Commissioner-designate Ottina, signed by Senator Pell and 31 other Senators, expressing our concerns in these areas and recommending that the proposed contribution schedule be adjusted.

I ask unanimous consent that a copy of that letter and a copy of the testimony and other materials submitted by Mr. Hawk be printed in the Record at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONDALE. Mr. President, in reply to our concerns the Office of Education made some minor modifications in the middle of May. These modifications did not, however, even begin to adequately address the problems we had identified. But, because the 1973 fall term of college was rapidly approaching, I wrote to the Commissioner indicating that I believed these changes represented a small step in the right direction and urged him to implement the program immediately on an interim basis, so that grants would be available in the fall. In that same letter, however, I underscored my continuing concerns and recommended several more significant modifications to assure the necessary relief in time for the second year of the program.

Mr. President, the Education Subcommittee held further hearings on this problem on October 11. These hearings illustrated the problems we had identified last spring and the inadequacy of the modest modifications the Office of Education had made in the interim. For example, the Office of Education testimony revealed how children of farm families or families with small businesses were qualifying for aid under this program at a substantially lower rate than applicants as a whole. And it was revealed that similar problems existed for the children of widows and widowers, and young people receiving social security benefits.

At that hearing, I continued to urge Commissioner Ottina to make the major kinds of adjustments that are required. I ask unanimous consent that a copy of the Commission's testimony appear at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

RECENT ANNOUNCEMENTS

Mr. MONDALE. Mr. President, I am delighted to say that in response to our continuing concern the Office of Education has now made an important change in the family contribution schedule. This change will be particularly helpful to many children from farm families or families with small businesses; children of widows or widowers; and children from lower income families who have built up equity in their homes over a number of years. The Office of Education described this change in a statement by Commissioner of Education, John Ottina, before the Special Subcommittee on Education of the House of Representatives last Friday, November 30, 1973, and provided those of us on the Senate Education Subcommittee with a copy of the testimony at the same time.

I ask unanimous consent that a copy of that statement appear in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. MONDALE. Mr. President, this change provides a far more equitable treatment of assets for some of the applicants under the BEOG program. While the details of this change are too technical and complex to discuss, let me, by way of example, point out what these changes mean.

Under the previous regulations, a farm family of four with one son or daughter going to college and an annual income of $3,000 or less and farm assets of $34,000 would have qualified for no scholarship help at all. Under the recent change in the regulations, that same family can now qualify for up to $1,375 in scholarship aid for their son or daughter. In total, this change could make up to $100 million of additional funding available to help young people pay for the cost of attending college.

I commend Commissioner Ottina for proposing this much-needed and very important change. But while it represents a very important step toward resolving some of the problems in the earlier family contribution schedule, it is only a first step.

Serious problems remain in other areas and I intend to continue urging appropriate action—hopefully through the administrative modifications, but through legislation if necessary—to remove these remaining problems.

REMAINING PROBLEMS

First, the so-called family-size offset in the administration's proposal is simply too low. This is the amount of income a family is permitted to deduct before the regulations expect a family contribution toward the costs of higher education for its children. This family size offset figure is currently at a level almost equal to the poverty level. A family of four, for example, is expected under the current schedule to be able to provide for its subsistence needs with an income of $4,300. That family is then expected to contribute to the cost of college 20 percent of any income in excess of $4,300—with the exception of Federal taxes paid, unusually high medical expenses or employment-related expenses. This expectation is simply not realistic. The family offset—that is the point at which family contributions are required—should be adjusted upward at once. The Office of Education has indicated that it will adjust the existing family size offset to reflect inflation during the previous year, but this is simply not enough.

Mr. Richard Hawk proposed, for example, that family size offsets be derived from the low standard of living budget calculated by the Bureau of Labor Statistics—as they are in the American college testing program. Table 2 in the material from Mr. Hawk which will appear at the end of my remarks indicates what this kind of modification would mean. A change of this kind makes a great deal of sense to me. And if it were coupled with an increase in the asset exemption, either to a higher flat rate or, as Mr. Hawk suggested, in a manner to reflect family size, the BEOG program would be considerably fairer and more equitable for families across the board.

Indeed, the entire problem of assets is still a long way from being resolved. The recent change announced by Commissioner Ottina helps provide much-needed relief to some farm families, but many still face serious problems. The National Association of Student Financial Aid Administrators and 10 other organizations recently proposed exempting 50 percent of farm and small business assets and raising the asset exemption from $7,500 to $15,000, and I endorse that recommendation.

Second, it is very clear that a change has to be made in the treatment of social security benefits paid to a young person, because he or she is a student. Currently the regulations require that 100 percent of that social security income be used by students to pay for higher education expenses. No recognition is given to the fact that in many families part or all of these funds are relied upon for subsistence. I am pleased that Commissioner Ottina indicated in his testimony that while he did not have a specific change in mind, the Office of Education would definitely change and reform its treatment of this kind of social security benefits. It is clear that treatment of these benefits should be liberalized substantially.

Finally, Mr. President, I think it is becoming increasingly clear that some way must be found to simplify the application forms for the BEOG program. Applications for assistance under this program are simply not being submitted at anywhere near the anticipated rate and reports suggest that one of the problems is the difficulty and confusion generated by the application forms themselves. It is absolutely tragic that thousands of young people who need financial aid to attend college are not applying for it under the BEOG program. Part of the problem, in my judgment, is the unnecessarily restrictive regulations—such as the low family size offset—that make ineligible many of the young people I believe were originally intended to be served by this program. But another very important factor, it appears, is the application forms themselves. The Office of Education is redoubling its efforts to encourage all eligible students to apply and it is planning to extend the deadline for application forms from February 1 to April 1. While I commend both of these efforts, I also wonder whether serious thought should not be given to revising and simplifying this application—perhaps changing it from a self-computation method.

Mr. President, the change the Office of Education has announced with respect to the treatment of assets and the additional help it means to young people from farm families, from families with small businesses, and for other families is very significant. I commend Commissioner Ottina for making this modification and I am hopeful that it will lead to further changes in areas such as the ones I have listed above. The basic educational opportunity grant program is one of the most promising and important programs enacted in recent years. I hope very much that we can, through further modifications of some of its existing regulations, improve it to the point where it can truly provide the kind of assistance so desperately needed by many families and young people across the country.

EXHIBIT 1

U.S. SENATE,
Washington, D.C., March 28, 1973.

Hon. JOHN OTTINA,
U.S. Commissioner of Education Designate, Department of Health, Education, and Welfare, Washington, D.C.

DEAR COMMISSIONER: We would like to register our deep concern over the family contribution schedule recently proposed by the Office of Education for the Basic Educational Opportunity Grant Program.

During the Education Subcommittee hearing at which you testified on this proposal, it became apparent that your schedule would require many families to pay more of their children's college costs than the schedules currently used by most colleges to determine student aid.

There are two aspects of this proposal which present particular problems: First, the schedule would make it difficult, if not impossible, for many children of farmers or small businessmen to receive the scholarship aid they need to attend college or post-secondary vocational schools. As we know, the family farmer or the small businessman needs investments in buildings, land and equipment just to eke out a living. Yet, these proposals would deny aid to the children of small businessmen in Rhode Island or elsewhere in this country who have assets of $35,000 or more, even if their income was below the poverty line. And they would deny scholarship aid to children of a farmer in Minnesota whose income is $3500 a year or less, if his farm is worth $35,000.

Secondly, this proposal would make it difficult for many children in large families—both poor and middle-income families—to secure the assistance they need.

In both these areas your proposal would provide substantially less assistance to young people than they would receive under either of the two current independent scholarship services—the American College Testing and the College Scholarship Service.

We are very proud of this legislation and pleased that the Administration has asked for full funding of it next year. We believe there is no disagreement between those of us in the Congress and those in the Executive Branch about the need to remove financial barriers to post-secondary education and we hope to continue working with the Administration to achieve this goal.

We feel strongly, however, that at the very least, the schedule should be adjusted immediately in these two areas so that all deserving young people can attend college next fall.

With warmest personal regards.

Sincerely,

WALTER F. MONDALE,
Chairman, Subcommittee on Children and Youth.

CLAIBORNE PELL,
Chairman, Subcommittee on Education.

LIST OF COSPONSORS

Jacob K. Javits, Edward W. Brooke, Jennings Randolph, Edward M. Kennedy, Alan Bible, Philip A. Hart, Gale W. McGee, Adlai E. Stevenson III, Quentin N. Burdick, Alan Cranston, Harrison A. Williams, Jr., Birch Bayh, Thomas S. McIntyre, Thomas F. Eagleton, Hubert H. Humphrey, Abraham A. Ribicoff, Ernest F. Hollings, Dick Clark, Frank Church, George S. McGovern, John G. Tunney, James Abourezk, William D. Hathaway, John O. Pastore, Frank E. Moss, Harold E. Hughes, and Robert T. Stafford.

[From the CONGRESSIONAL RECORD, July 13, 1973]

STATEMENT BY RICHARD C. HAWK, EXECUTIVE DIRECTOR, MINNESOTA HIGHER EDUCATION COORDINATING COMMISSION

(Prepared for the U.S. Senate Education Subcommittee, Feb. 22, 1973)

Mr. Chairman, members of the Committee, thank you for this opportunity to comment on proposed regulations for the Basic Educational Opportunity Grant Program, which potentially can make post-secondary education available to many students previously excluded from education beyond high school.

Making post-secondary education realistically accessible to all citizens, regardless of family economic status, is an important national goal and a serious problem worthy of your continuing attention. The Basic Opportunity Grants Program can be a significant means to achieve this goal, if implemented properly. The Congress and the Education Subcommittee are to be commended for establishing such a well formulated program. Those of us who are striving to improve access to post-secondary education in Minnesota have been especially gratified by the persistent interest and effort of our own distinguished senator, Walter F. Mondale.

While some provisions of the proposed BEOG regulations are commendable, other provisions are so deficient as to impair the potential effectiveness of the program. Implementation of the program under the proposed regulations would effectively preclude grants to a significant portion of the most needy students in Minnesota and many other states—those whose families derive their income from farming or operation of small business establishments.

The BEOG Program is appropriately directed to the students who are least able to afford post-secondary education, because as we have found in Minnesota, it is the students from low income families to whom post-secondary education is least accessible.

Indeed, a major thrust of the efforts of the Minnesota Higher Education Coordinating Commission this year has been concerned with mechanisms to improve access to post-secondary education for low-income and disadvantaged students. The BEOG Program, based on an entitlement principle, can complement our efforts by providing a base upon which state efforts can build.

It is as an entitlement determination system that I have reviewed the proposed guidelines, and it is in this context that my comments are made. I note this context because when balanced against the existing procedures used to determine family ability to pay, the proposed procedures suffer from serious problems. Social security payments and state income tax payments, for example, vary directly with family income level (and coming from Minnesota with a rather hefty state income tax, I should note that income tax varies considerably by state also). The variation is not reflected in the stable allowance which, I assume, is included in the Family Size Offset. Similarly, a family's disposable income is directly affected by the amount of property tax it is required to pay. Although I presume that a housing allowance included in the Family Size Offset includes a standard property tax allowance, it is quite clear that the property tax paid (either directly or indirectly through rent payments) will vary from the standard allowance and will as a consequence, affect the individual family's disposable income and ability to pay in a manner not reflected in the procedure proposed in the guidelines.

I do not, however, consider these problems significant given the entitlement purpose incorporated in the BEOG Program. Given the entitlement concept, the system used to determine eligibility should be sufficiently simple and straight-forward for students to estimate the approximate size of the grant for which they might qualify. The proposed procedure would accomplish this.

The proposed guidelines makes another important contribution by establishing standards and definitions that have been problematic in student aid for many years. I refer here to the definition of procedures for Independent Student, for determining what year of income information to use, for identifying what should be counted as unusual expenses, and for defining what should be included as an asset. For years, these concepts have been debated and various procedures and definitions have been used by financial aid administrators. By establishing standard procedures, the guidelines will facilitate greater horizontal equity among students by treating similar students in a similar manner.

There are, however, four problems in the proposed guidelines which need attention. First, there appears to be no appeal procedure for those students whose family or financial situation changes dramatically between the base year (1972 for applicants for the 1973–74 year) and the year in which the students will be enrolled. Although the majority of students are not affected, the student whose family experiences a sudden loss of income (through the death of a father, loss of the father's job, or some other unpredictable event), could be excluded from eligibility to the BEOG Program and, as a consequence, could be deprived of post-secondary education. The system should provide a procedure to meet needs of students who experience sudden income losses.

Second, the proposed procedure for evaluating family assets would effectively exclude the majority of low income farm and small business families. This is a particularly serious problem for a state such as Minnesota where approximately 12 percent of our population is on the farm and roughly seven percent of the families are small business owners. Table 1 indicates that the median adjusted gross income for farmers in Minnesota is approximately $3,500 per year. This would clearly identify students from these families as a target for the BEOG Program because of the very limited disposable income of these families and their relative and absolute inability to bear the post secondary educational expenses of their children. We know also that farmers require significant investment in capital—both land and equipment—to earn an income. The typical farmer needs net capital assets (as opposed to liquid assets) in excess of $34,000 merely to earn a living. Yet, under the proposed guidelines, any family with net assets (regardless of their purpose or nature) in excess of $34 000 is automatically excluded from the BEOG Program. Thus, the effect of these guidelines would be to exclude from the BEOG Program the majority of farm families and a high proportion of small business families who would otherwise qualify because of their low incomes and their inability to pay for the post-secondary expenses of their children. More than 8,000 students from farm families are graduated from Minnesota high schools annually.

Third, the proposed guidelines suggest an ability to contribute from both income and assets that is not realistic when compared to the assessments made by the American College Testing Program and the College Scholarship Service. Table II contains a comparison of the contribution expected from parents with income of $7500 and assets of $15,000 under the system proposed in the guidelines and the ACT and CSS need analysis systems. It can be observed that for all family sizes the contribution expected by the procedure outlined in the guidelines, from both income and assets, is considerably in excess of that expected by the two other systems. This suggests that the use of the proposed system will not provide the necessary assistance for the target population to pursue post-secondary education because of an unrealistic expectation of what the family can provide. The danger of this procedure is that it will undermine the significant potential of the BEOG Program by promising more than it will deliver.

My final point is also exemplified in Table II. As family size increases, the difference in the contribution expected by the proposed procedure increases when compared to the ACT and CSS systems. This is undoubtedly caused by inadequate Family Size Offsets in the procedure outlined in the guidelines. Indeed, this should not be surprising when one considers that the proposed allowance for the summer expenses of an Independent Student are set at $700 and the proposed allowance for the expenses of maintaining a two-person family are set at only $2800 for an entire year. It would appear that the Family Size Offsets are considerably below that which is required to maintain a family and that, as family size increases, the Family Size Offsets are increasingly inadequate. The negative potential created by this procedure is emphasized by the fact that large families tend to be concentrated among the lower income segments of the population.

Before concluding, I should like to call your attention to three additional potential problems. Realizing the potential of this program depends on a succesful beginning. I would hope, therefore, that the BEOG Program will be implemented by the middle of April at the latest. By this time, institutions have made their awards and are in the process of notifying students. If the program is implemented much later, both students and institutions are likely to be confused by the process.

Second, since the program is based on an entitlement concept, adequate funding is crucial. We cannot afford to raise false hopes. When low income students learn that they are entitled to a grant because they meet the criteria (presumably realistic criteria), the funds necessary to meet students' expectations must be available. Their confidence in this society's ability to deliver on promises is at stake; their confidence in governmental processes hangs in the balance. That is not, I would submit, an insignificant challenge.

Finally, I would appeal to you to provide funding for other student aid programs. The BEOG is appropriately targeted to those students most in need. But, college costs are increasing faster than family incomes, and meeting the rising costs is increasingly difficult for students from middle-income families. It is of interest that a survey of a sample of Minnesota banks revealed that 58 percent do not plan an increase in student loans and 62 percent do not plan to make loans in excess of the subsidized proportion available under the new FISL regulations. Proposed guidelines for the BEOG Program must be reviewed and funding for other student aid programs must be considered in the context of raising costs and inadequate aid for both low and middle income students.

Summarizing, Mr. Chairman, I would propose the following recommendations:

(1) An appeal procedure should be incorporated into the proposed BEOG process to accommodate sudden financial changes for individual students.

(2) The evaluation of family assets should be modified to prevent the systematic exclusion of low income farmers and small business owners from the BEOG Program.

(3) The Family Size Offsets should be adjusted upward to more realistically represent the living expenses of larger families and to provide a more accurate assessment of parents' ability to pay regardless of the family size.

In addition, I would urge this committee to encourage a timely implementation of the BEOG Program, to seek adequate funding of the program and to strive for adequate funding for the other Federal student aid programs.

Thank you, Mr. Chairman, for the opportunity to meet with you. I hope my comments will be helpful in your deliberations.

TABLE I.—DISTRIBUTION OF MINNESOTA FARMS BY AMOUNT OF SALES AND NET INCOME, 1970

Sales	Number	Percent	Net income
Under $2,500	21, 722	19. 6	$1, 059
$2,500 to $4,999	14, 144	12. 8	2, 049
$5,000 to $9,999	20, 976	18. 9	3, 492
$10,000 to $19,999	27, 081	24. 5	6, 208
$20,000 to $39,999	19, 509	17. 6	9, 962
$40,000 and over	7, 315	6. 6	25, 664
Total	110, 747	100. 0	

Note: Medians: Sales $9,950; net income $3,473. Farm population equal 455,000 or 11.9 percent of total population.

TABLE II.—COMPARISON OF EXPECTED FAMILY CONTRIBUTION FROM INCOME AND NET WORTH DERIVED FROM FEDERAL, CSS AND ACT COMPUTATION PROCEDURES

Computation procedure	Number of dependent children 1	3	5	7
Expected family contribution from income:				
Federal	$701	$412	$208	0
CSS	635	167	(30)	($133)
ACT	690	70	(100)	(340)
Expected family contribution from net worth:				
Federal	375	375	375	375
CSS	319	238	165	162
ACT [1]	0	0	0	0
Expected family contribution composite:				
Federal	1, 076	787	583	375
CSS	954	405	135	29
ACT	690	70	(100)	(340)

[1] Excludes net assets in excess of $15,000 for retirement allowance.

Note: Case data: 2 parents, 1 parent employed; father age 43. Adjusted gross family income equal $7,500 Net worth equal $15,000. Only adjustment to family income is the amount of Federal income tax liability.

EXPECTED FAMILY CONTRIBUTION FOR DEPENDENT STUDENTS, ACADEMIC YEAR 1973–74

Wage earner, two dependent children, one in college with $200 savings.

Taxable income, $7,700.

Net assets, $14,600.

Summary of calculations—Proposed method

[In dollars]

1. Parent's adjusted gross income in 1972	7, 670
2. Other parental income in 1972	30
3. Parent's adjusted annual income in 1972	7, 700
4. Parent's Federal income tax paid in 1972	540
5. Effective family income in 1972	7, 160
6. Family size offset	5, 310
7. Unusual expenses	0
8. Employment expense offset	0
9. Total offsets against income (lines 6 plus 7 plus 8)	5, 310
10. Discretionary income (line 5 minus line 9)	1, 850
11. Multiply discretionary income by applicable rate to obtain standard contribution × .20	370
12. Determine net assets of parents	14, 500
13. Subtract asset reserve	10, 500
14. Available parental assets	4, 100
15. Multiply available assets by 0.05	
16. Parental contribution from assets	205
17. Add lines 11 plus 16 to obtain standard contribution from income and assets. 370 plus 205	575
18. Multiply standard contribution by multiple student rate to determine expected family contribution for each family member in postsecondary education	575
19. Effective income of student	0
20. Determine net assets of students	200
21. Multiply student's net assets by 0.33	
22. Students contribution from assets	67
23. Total family contribution equals sum of lines 18 plus 19 plus 22	642

Maximum BEOG eligibility, $1,400 minus $642 equals $758.

Negative figures in parentheses.

Wage Earner, Two Dependent Children, One in College with $200 Savings.

Taxable Income, $7,700.

Net Assets, $14,600.

(BEOG guidelines from Federal Register)

Summary of calculations—Proposed method

[In dollars]

1. Parent's adjusted gross income in 1972	7, 670
2. Other parental income in 1972	30
3. Parent's adjusted annual income in 1972	7, 700
4. Parent's Federal income tax paid in 1972	540
5. Effective family income in 1972	7, 160
6. Family size offset	4, 300
7. Unusual expenses	0
8. Employment expense offset	0
9. Total offset against income (lines 6+7+8)	4, 300
10. Discretionary income (line 5 minus line 9)	2, 860
11. Multiply discretionary income by applicable rate to obtain standard contribution (×0.20)	572
12. Determine net assets of parents	14, 600
13. Subtract asset reserve	7, 500
14. Available parental assets	7, 100
15. Multiply available assets by 0.05	0
16. Parental contribution from assets	355
17. Add lines 11 plus 16 to obtain standard contribution from income and assets 572+355)	927
18. Multiply standard contribution by multiple student rate to determine expected family contribution for each family member in postsecondary education (×1.00)	927
19. Effective income of student	0
20. Determine net assets of students	200
21. Multiply student's net assets by 0.33	0
22. Students contribution from assets	67
23. Total family contribution equals sum of lines 18 plus 19 plus 22	994

Maximum BEOG Eligibility = $1,400 − 944 = $406.

Negative figures in parentheses.

CASE NO. 1

Farm family, three dependent children, one in college with $200 savings.

Taxable income, $3,690.

Net assets, $34,900.

Summary of calculations—Proposed method

[In dollars]

1. Parent's adjusted gross income in 1972	3, 690
2. Other parental income in 1972	0
3. Parent's adjusted annual income in 1972	3, 690

Summary of calculations—Proposed method—Continued

[In dollars]

4. Parent's Federal income tax paid in 1972	0
5. Effective family income in 1972	3, 690
6. Family size offset	6, 420
7. Unusual expenses	0
8. Employment expense offset	0
9. Total offsets against income (lines 6+7+8)	6, 420
10. Discretionary income (line 5 minus line 9)	2, 730
11. Multiply discretionary income by applicable rate to obtain standard contribution (×0.20)	546
12. Determine net assets of parents	34, 900
13. Subtract asset reserve	12, 000
14. Available parental assets	22, 900
15. Multiply available assets by 0.05	
16. Parental contribution from assets	1, 145
17. Add lines 11 plus 16 to obtain standard contribution from income and assets $1,145–$546	599
18. Multiply standard contribution by multiple student rate to determine expected family contribution for each family member in postsecondary education (×$1)	599
19. Effective income of student	0
20. Determine net assets of students	200
21. Multiply student's net assets by 0.33	
22. Students contribution from assets	67
23. Total family contribution equals sum of lines 18 plus 19 plus 22	666

Maximum B.E.O.G. eligibility, $1,400 minus $666 equals $734.

Negative figures in parentheses.

Farm family, three dependent children, one in college with $200 savings.

Taxable income, $3,690.

Net assets, $34,900.

(BEOG guidelines from Federal Register)

Summary of calculations—Proposed method

[In dollars]

1. Parent's adjusted gross income in 1972	3, 690
2. Other parental income in 1972	0
3. Parent's adjusted annual income in 1972	3, 690
4. Parent's Federal income tax paid in 1972	0
5. Effective family income in 1972	3, 690
6. Family size offset	5, 050
7. Unusual expenses	0
8. Employment expense offset	0
9. Total offsets against income (Lines 6+7+8)	5, 050
10. Discretionary income (line 5 minus line 9)	0
11. Multiply discretionary income by applicable rate to obtain standard contribution (0.20x0)	0
12. Determine net assets of parents	34, 900
13. Subtract asset reserve	7, 500
14. Available parental assets	27, 400
15. Multiply available assets by 0.05	
16. Parental contribution from assets	1, 370
17. Add lines 11 plus 16 to obtain standard contribution from income and assets	1, 370
18. Multiply standard contribution by multiple student rate to determine expected family contribution for each family member in postsecondary education (x1.00)	1, 370
19. Effective income of student	0
20. Determine net assets of students	200
21. Multiply student's net assets by 0.33	
22. Students contribution from assets	67
23. Total family contribution equals sum of lines 18 plus 19 plus 22	1, 437

Maximum BEOG eligibility=$1,400−$1,437=0.

Negative figures in parentheses.

Gas station attendant, one child in college with $200 in savings.

Taxable income, $5,200.

Net assets, $8,400.

Summary of calculation—Proposed method

[In dollars]

1. Parent's adjusted gross income in 1972	5, 200
2. Other parental income in 1972	0
3. Parent's adjusted annual income in 1972	5, 200
4. Parent's Federal income tax paid in 1972	320
5. Effective family income in 1972	4, 880
6. Family size offset	3, 950
7. Unusual expenses	0
8. Employment expense offset	0
9. Total offsets against income (lines 6+7+8)	3, 950
10. Discretionary income (line 5 minus line 9)	930
11. Multiply discretionary income by applicable rate to obtain standard contribution X. 20)	186
12. Determine net assets of parents	8, 400
13. Subtract asset reserve	9, 000
14. Available parental assets	0
15. Multiply available assets by 0.05.	
16. Parental contribution from assets	0
17. Add lines 11 plus 16 to obtain standard contribution from income and assets	186
18. Multiply standard contribution by multiple student rate to determine expected family contribution for each family member in postsecondary education (X 1.00)	186
19. Effective income of student	0
20. Determine net assets of students	200
21. Multiply student's net assets by 0.33.	
22. Students contribution from assets	67
23. Total family contribution equals sum of lines 18 plus 19 plus 22	253

Maximum B.E.O.G. Eligibility=$1400—$253=$1,147.

Negative figures in parentheses.

Gas Station Attendant, One Child in College, with $200 in Savings.

Taxable Income, $5,200.

Net Assets, $8,400.

(BEOG guidelines from Federal Register)

Summary of calculations—Proposed method

[In dollars]

1. Parent's adjusted gross income in 1972	5, 200
2. Other parental income in 1972	0
3. Parent's adjusted annual income in 1972	5, 200
4. Parent's Federal income tax paid in 1972	320
5. Effective family income in 1972	4, 880
6. Family size offset	3, 350
7. Unusual expenses	0
8. Employment Expense offset	0
9. Total offsets against income (lines 6 + 7 + 8)	3, 350
10. Discretionary income (line 5 minus line 9)	1, 530
11. Multiply discretionary income by applicable rate to obtain standard contributon (x 0.20)	306
12. Determine net assets of parents	8, 400
13. Subtract asset reserve	7, 500
14. Available parental assets	900
15. Multiply available assets by .05	
16. Parental contribution from assets	45
17. Add lines 11 plus 16 to obtain standard contribution from income and assets	351
18. Multiply standard contribution by multiple student rate to determine expected family member in postsecondary education (x 1.00)	351
19. Effective income of student	0
20. Determine net assets of students	0
21. Multiply student's net assets by .33.	
22. Students contribution from assets	67
23. Total family contribution equals sum of lines 18 plus 19 plus 22	418

Maximum BEOG Eligibility=$1,400−$418=$972.

Negative Figures in Parentheses.

SUPPLEMENT TO THE STATEMENT BY RICHARD C. HAWK, EXECUTIVE DIRECTOR, MINNESOTA HIGHER EDUCATION COORDINATING COMMISSION

Prepared for the United States Senate Education Subcommittee, February 22, 1973

My testimony recommends three modifications to the proposed BEOG guidelines:

(1) An appeal procedure should be incorporated into the proposed BEOG program to accommodate sudden financial changes for individual students.

(2) The evaluation of family assets should be modified to prevent the systematic exclusion of low income farmers and small business owners from the BEOG Program.

(3) The Family Size Offsets should be adjusted upward to more realistically represent the living expenses of larger families to provide a more accurate assessment of parents' ability to pay regardless of the family size.

Since the U.S. Office of Education is developing an appeal procedure for the BEOG Program, this statement will describe specific procedures for accomplishing the latter two recommendations.

Procedures proposed by the U.S. Office of Education for deriving a composite estimate of a family's ability to contribute toward educational costs treat income and net assets independently. Exclusive consideration of these two elements of a family's financial strength may, and often does, result in gross inequities in the computation of Expected Family Contributions. The financial strength of families varies by (1) the level of disposable income, (2) the amount and nature of net assets, and (3) family size. A change in any of these factors significantly affects a family's ability to meet basic maintenance and other costs.

A need assessment procedure, even in a simplistic form, should include and consider these related factors simultaneously. Computation procedures based on these principles have been validated by economists and demonstrate that when net assets are considered together with income level, the distribution of families by order of financial strength varies considerably from the distributions obtained when income and net assets are considered exclusively.*

When current income is less than that required to provide for basic maintenance of the family, net asset resources would be utilized and thereby reduced to enable the family to meet day to day expenses. Consequently, a family ability to contribute toward educational costs from its stock of net assets should be diminished in direct proportion to its income deficiency. Therefore, when family income is below the level of basic maintenance requirements, the negative expectation from income should be used to reduce the positive expectation from net asset resources. That proportion of net asset resources required to supplement income to provide for basic maintenance should not be "taxed" to obtain an index of the family's ability to contribute toward educational costs. The "Tax" on discretionary income must, therefore, take into consideration the element of income deficiency (negative discretionary income) as well as the positive. Each of the examples which follow illustrate the principle of offsetting negative expectations from income with expectations from net assets. The net effect of this procedure is to consider the income and assets of the family together and to minimize the extent to which low income farmers with large capital assets would be systematically excluded from the BEOG Program.

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* Weisbrod, B. A. and Hanson, W. G., "An Income—Net Worth Approach to Measuring Economic Welfare." *The American Economic Review*. December, 1968 pp. 1315–1329.

An additional adjustment to the treatment of assets should be made to more adequately reflect the potential drain on the Asset Reserve provided in the regulations. Both the income and net assets of a family are measures of its financial strength. Both the flow and the stock of economic goods can support current consumption. Assessment of a family's ability to pay for education must consider both of these resource elements. Given a level of income and a stock of economic goods, a family's ability to provide for education expenses will vary with the number in the family unit requiring support.

The function of an asset reserve is to provide for basic maintenance of the family unit in the event of unforeseen emergencies, e.g., temporal unemployment, unusual medical expenses during prolonged illness, losses from catastrophes or in the case of death of a member of the family, for burial expenses.

Just as a proportion of family income, varying by family size, must provide for current maintenance expenses at a minimal level, so must a proportion of net assets be reserved to provide a financial resource for emergencies. The need for such reserves is directly related to the number of members in the family. The larger the family, the greater the potential for disaster as a consequence of unusual events. Therefore, the amount of the Asset Reserve should relate to family size similarly to that proportion of family income required to provide for basic maintenance for each member of the family unit. On the average, to provide equitable consideration for family size, it is fair and reasonable that the Asset Reserve should provide a financial resource approximating two units of current income required to provide for basic maintenance as proposed in Table I.

TABLE I.—PROPOSED NET ASSET RESERVE BY FAMILY SIZE

Family size	Reserve	Differential
2 (1 p, 2 ch)	7,500	
3 (2 p, 1 ch)	9,000	1,500
4	10,500	1,500
5	12,000	1,500
6	13,500	1,500
7	15,000	1,500
8	16,500	1,500
9	18,000	1,500
10	19,500	1,500
11	21,000	1,500
12	22,500	1,500

The other problem in the proposed regulation relates to the unrealistic contribution expected from family income, particularly from the income of large families.

The Family Size Offsets are, as pointed out in my testimony, quite small and the increments for additional family members appear to have little relation to the increment in expenses that a family would actually experience from adding another member to the family.

Alternative Family Size Offsets are provided below in Table II. Even though they are derived from a low standard of living budget, the allowances for family living expenses are considerably above those contained in the proposed regulations, and they provide Family Size Offsets that more realistically represent the expenses families would encounter from an additional family member.

TABLE II.—A COMPARISON OF FAMILY SIZE OFFSETS FOR THE FAMILY CONTRIBUTION SCHEDULE FOR THE BEOG PROGRAM

Family members	Family size offsets contained in the guidelines	Differential	Alternative family size increments	Differential
2	$2,800		$2,800	
3	3,350	$550	3,950	$1,150
4	4,300	950	5,310	1,360
5	5,050	750	6,420	1,110
6	5,700	700	7,380	960
7	6,300	600	8,120	740
8	7,000	700	8,780	660
9	7,700	700	9,400	600
10	8,400	700	10,100	660
11	9,100	700	10,760	660
12	9,800	700	11,420	660

The Alternative Family Size Offsets are those used in the need analysis system of the American College Testing Program. (For a detailed explanation of the derivation of these Offsets see the American College Testing Program, *1972 Revisions in the ACT Student Need Analysis Service*, Iowa City, Iowa, 1972, pp. 10–16.)

It should be emphasized that these alternative Family Size Offsets are not derived from a budget that allows liberal living expenses for the family. Rather, they are derived from the consumption expenditures, adjusted to December 1971, that the Bureau of Labor Statistics identified as associated with a low standard of living in the United States. They represent an approximation of the basic expense required to maintain a family at a living standard that is above the poverty level but considerably below the living standard experienced by a family living at the median family income level. (By comparison, the consumption expenditures from the BLS moderate budget would be approximately 59 percent higher and for the BLS high standard of living budget they would be 105 percent higher.)

The three modifications proposed above are responsive to the recommendations made when I testified before your committee; their adoption would provide for more equitable treatment of students under the BEOG Program. By considering assets and income together, applying the concept of negative discretionary income, low income farmers will not automatically be excluded from the BEOG Program. Similarly, the graduation of the Asset Reserve by size of family would provide more equitable assessment of the contribution that can be provided from family assets by recognizing that the potential drain on assets and the ability of families to accumulate assets are both directly affected by the size of the family. Finally, the Alternative Family Size Offsets indicated in Table II would result in more realistic expectations from family income when actual expenditures required to maintain larger families are given proper consideration.

For your convenience and information, I have attached a comparison, for selected cases, of the expected contribution that would be produced by the procedure outlined in the regulations and by the procedures as they would be modified by proposals outlined in this statement. I should add that each of the modifications I have proposed could be easily accommodated in the procedure contained in the regulations without changing the data collection instrument or the calculation schedule.

EXHIBIT 2

STATEMENT BY HONORABLE JOHN OTTINA, U.S. COMMISSIONER OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Dr. Ottina is accompanied by:

Peter P. Muirhead, Deputy Commissioner for Higher Education, OE.

Peter K. U. Voigt, Acting Coordinator, Basic Educational Opportunity Grant Program, OE.

Charles M. Cooke, Deputy Assistant Secretary for Legislation (Education), DHEW.

Mr. Chairman and Members of the Subcommittee: I am pleased to be with you this morning to present the Family Contribution Schedule for use during Academic Year 1974–75 in the Basic Educational Opportunity Grant program and to share with the Subcommittee data which we have collected on the operation of the BEOG program thus far.

As you know, Mr. Chairman, Section 411 of the Higher Education Act of 1965, as amended, currently requires the U.S. Commissioner of Education to submit to the Congress a proposed schedule of expected family contributions not later than February 1 of each year. This schedule is then used to determine family contributions during the succeeding academic year, unless either body of Congress objects.

We have chosen to submit the schedule for the 74–75 academic year well in advance of the February 1, 1974, deadline in the hope that we could have some clear indication from the Congress of the acceptability of the schedule prior to the May 1 deadline which the Congress has allowed itself in the statute. Our experience earlier this year has convinced us that the May 1 date does not permit students, parents, and educational institutions sufficient time to make effective decisions concerning choice of institution and packaging of student financial aid resources.

Ideally, of course, we would hope that ment to Section 411 which would move the this Subcommittee would approve an amend- date for submission of the schedule to the Fall of the preceding year. One bill, H.R. 9193, has already been introduced on the House side. We believe that the dates for final Congressional action proposed in that measure—December 15 for 1973 and November 1 in succeeding years—are quite acceptable and would assure sufficient time for all concerned to make informed choices.

Since all the members of this Subcommittee were also members when I appeared in February of this year to explain how the Family Contribution Schedule for 1973–74 would work, I believe that your needs would best be met, Mr. Chairman, if I omitted a detailed explanation of that procedure. If it is agreeable to you and the other members of the Subcommittee, Mr. Chairman, I would propose to submit a copy of the proposed schedule for 1974–75 for the record and spend the remainder of my time this morning in an examination with you of the statistics which we have thus far collected on the operation of the BEOG program, including detailed information concerning the family financial situation of persons who have applied for aid from this program.

Before I do that, however, I should make one further comment about the proposed schedule for 1974–75.

As you have probably noticed, Mr. Chairman, the proposed schedule for 1974–75, as published, is exactly the same as the schedule we are using for 1973–74. This does not mean, however, that we currently intend to operate the analysis system next year without change.

We felt that it was extremely important to begin the public debate and comment period on the 1974–75 schedule as soon as possible. To accomplish that, we chose to publish the schedule in the form which I noted. In addition, we have provided for a sixty-day comment period, rather than the more typical thirty-day period. At the end of that period, we intend to take into account all comments received, both from the public and from the Congress, and to propose necessary modifications to the schedule as published.

I should note that we feel that certain modifications in the schedule are probably necessary and I will point these out as I discuss our data with you.

If there are no objections, Mr. Chairman, I will now turn to that task.

TABLE I.—*Summary statistics—Basic grant program*

1. Number of applications received as of 9/14/73, 243,889.

2. Number of Applications Returned (Insufficient Data), 33,076.

3. Error Rate, 13.6%.

4. Number of Valid Applications (Used in Analysis), 210,813.

5. Number of Applicants Qualified, 102,951.

6. Number of Applicants Not Qualified, 107,862.

7. Percentage of Valid Applications Qualifying, 48.8%.

Data Summary of the Valid Applications

1. Dependent students

Number of Valid Applications from Dependent Students, 198,840.

Percentage of Valid Applications from Dependent Students, 94.4%.

Number of Dependent Applicants who Qualify, 96,117.

Percentage of Dependent Applicants who Qualify, 48.3%.

2. Independent students

Number of Valid Applications from Independent Students, 11,973.

Percentage of Valid Applications from Independent Students, 5.6%.

Number of Independent Applicants who Qualify, 6,834.

Percentage of Independent Applicants who Qualify, 57.0%.

3. Applicants with farm assets

Number of Dependent Applicants with Farm Assets, 13,945.

Percentage of Dependent Applicants with Farm Assets, 7.0%.

Number of Dependent Applicants with Farm Assets who Qualify, 5,266.

Percentage of Dependent Applicants with Farm Assets who Qualify, 37.7%.

4. Applicants with business assets

Number of Dependent Applicants with Business Assets, 12,861.

Percentage of Dependent Applicants with Business Assets, 6.5%.

Number of Dependent Applicants with Business Assets who Qualify, 5,251.

Percentage of Dependent Applicants with Business Assets who Qualify, 40.8%.

5. Social security educational benefit recipients

Number of Applicants Receiving Social Security Educational Benefits, 23,176.

Percentage of Applicants Receiving Social Security Educational Benefits, 10.9%.

Number of Applicants Receiving Social Security Educational Benefits who Qualify, 5,988.

Percentage of Applicants Receiving Social Security Educational Benefits who Qualify, 25.3%.

6. Veterans educational benefit recipients

Number of Applicants Receiving Veterans Educational Benefits, 8,167.

Percentage of Applicants Receiving Veterans Educational Benefits, 10.9%.

Number of Applicants Receiving Veterans Educational Benefits who Qualify, 788.

Percentage of Applicants Receiving Veterans Educational Benefits who Qualify, 8.6%.

TABLE II.—DEPENDENT APPLICANTS BY ELIGIBILITY STATUS AND INCOME RANGE

Dependent applicants	Income range—						
	$0 to $2,999	$3,000 to $4,499	$4,500 to $5,999	$6,000 to $8,999	$9,000 to $11,999	$12,000 plus	Total
Qualifying (percent)	80.5	79.3	77.2	72.8	55.0	13.7	48.3
Nonqualifying (percent)	19.5	20.7	22.8	27.2	45.0	86.3	51.7
Total percentage	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Total number of dependent applicants	18,728	13,173	15,113	35,695	41,239	74,892	198,840
Number of qualified dependent applicants	15.093	10,445	11,668	25,995	22,695	10,221	97,117
Percentage of qualified applicants within each income range	15.7	10.9	12.1	27.1	23.6	10.6	100

TABLE III.—FAMILY CONTRIBUTION BY LEVEL OF FAMILY INCOME FOR QUALIFIED DEPENDENT APPLICANTS

[Total number of persons and percent within each income range]

Expected family contribution	Income range—						Total qualified applicants by level of family contribution
	$0 to $2,999	$3,000 to $4,499	$4,500 to $5,999	$6,000 to $8,999	$9,000 to $11,999	$12,000 plus	
0 to 199	11,270	7,326	6,761	6,282	988	314	32,941
Percent	(74.7)	(70.1)	(57.9)	(24.2)	(4.4)	(3.1)	(34.1)
200 to 399	1,018	1,024	1,865	5,506	1,896	295	11,604
Percent	(6.7)	(9.8)	(16.0)	(21.2)	(8.4)	(2.9)	(12.1)
400 to 599	773	709	1,175	5,190	3,701	758	12,306
Percent	(5.1)	(6.8)	(10.1)	(2.0)	(16.3)	(7.4)	(12.8)
600 to 799	712	522	755	4,200	5,314	1,733	13,236
Percent	(4.7)	(5.0)	(6.5)	(16.1)	(23.4)	(17.0)	(13.7)
800 to 999	689	434	609	2,899	5,912	3.102	13.645
Percent	(4.6)	(4.2)	(5.2)	(11.1)	(26.0)	(30.3)	(14.3)
1,000 to 1,150	631	430	503	1,918	4,884	4,019	12,385
Percent	(4.2)	(4.1)	(4.3)	(7.4)	(21.5)	(39.3)	(13.0)
Total	15,093	10,445	11,668	25,995	22,695	10,221	
Percent	(100)	(100)	(100)	(100)	(100)	(100)	
Percent of qualified applicants in each income range	(15.7)	(10.9)	(12.1)	(27.1)	(23.6)	(10.6)	(100)

TABLE IV.—NET ASSETS BY TOTAL INCOME, QUALIFIED DEPENDENT APPLICANTS FOR TOTAL POPULATION, BUSINESS OWNERS, AND FARM OWNERS

	Family income—					
	$0 to $2,999	$3,000 to $4,499	$4,500 to $5,999	$6,000 to $8,999	$9,000 to $11,999	$12,000 plus
Total dependent applicants:						
Average	$2,783	$4,391	$5,787	$7,024	$7,670	$8,204
Median	0	305	1,176	3,735	5,320	6,830
Applicants with business assets:						
Average	11,280	12,673	14,034	14,272	12,559	12,902
Median	7,450	9,766	11,004	11,390	9,894	10,066
Applicants with farm assets:						
Average	11,202	13,832	15,524	15,169	13,662	13,437
Median	7,035	10,595	12,136	11,784	10,633	10,201
Other applicants						
Average	1,693	2,973	4,255	5,924	7,199	7,906
Median	0	0	781	2,720	4,923	6,623

TABLE V.—AVERAGE FAMILY CONTRIBUTION BY TOTAL INCOME, QUALIFIED DEPENDENT APPLICANTS FOR TOTAL POPULATION, BUSINESS OWNERS, AND FARM OWNERS

	Family Income					
	$0 to 2,999	$3,000 to $4,499	$4,500 to $5,999	$6,000 to $8,999	$9,000 to $11,999	$12,000 plus
Total dependent applicants	$186	$202	$261	$473	$744	$871
Applicants with business assets	315	373	424	600	772	837
Applicants with farm assets	349	428	490	614	793	900
Applicants without farm or business assets	167	170	228	454	741	872

TABLE VI.—NET ASSETS BY TOTAL INCOME, ALL DEPENDENT APPLICANTS FOR TOTAL POPULATION, APPLICANTS WITH BUSINESS ASSETS, AND APPLICANTS WITH FARM ASSETS

Family Income

	$0 to $2,999	$3,000 to $4,499	$4,500 to $5,999	$6,000 to $8,999	$9,000 to $11,999	$12,000 plus
Total dependent applicants:						
Average	$5,952	$8,280	$10,453	$12,761	$14,731	$18,756
Median	0	926	3,105	6,247	9,181	12,238
Applicants with business assets:						
Average	21,442	20,071	22,849	5,857	27,286	35,835
Median	11,498	12,580	14,880	17,945	19,775	26,260
Applicants with farm assets:						
Average	25,170	28,000	31,315	33,100	36,200	42,346
Median	15,000	19,245	22,060	25,245	26,115	31,450
Applicants with no farm or business assets:						
Average	3,142	5,068	6,679	9,088	12,022	16,572
Median	0	336	1,168	6,855	8,255	11,596

TABLE VII.—AVERAGE FAMILY CONTRIBUTION BY TOTAL INCOME

[All dependent applicants for total population, applicants with business assets, and applicants with farm assets]

	Family income—					
	$0 to $2,999	$3,000 to $4,499	$4,500 to $5,999	$6,000 to $8,999	$9,000 to $11,999	$12,000 plus
Total dependent applicants	$433	$480	$573	$783	$1,137	$1,662
Applicants with business assets	635	666	772	1,046	1,349	1,738
Applicants with farm assets	763	872	978	1,159	1,431	1,687
Applicants with no farm or business assets	388	420	503	714	1,098	1,656

TABLE VIII.—TOTAL DEPENDENT APPLICANTS WITH SOCIAL SECURITY EDUCATIONAL BENEFITS

Income range	Number of dependent applicants receiving Social Security benefits	Percent in income range	Average annual benefits	Number and percent of dependent applicants receiving Social Security benefits and qualifying for basic grants	
				Number	Percent
0 to $2,999	5,415	23.5	$1,163.43	2,559	47.25
$3,000 to $4,499	3,217	13.9	1,229.42	1,173	36.46
$4,500 to $5,999	3,165	13.7	1,271.73	894	28.24
$6,000 to $8,999	5,238	22.7	1,270.39	925	17.65
$9,000 to $11,999	3,153	13.7	1,237.10	217	6.88
$12,000 plus	2,885	12.5	1,244.67	97	1.62
Total	23,073	100.00	1,231.99	5,815	25.20

TABLE IX.—TOTAL DEPENDENT APPLICANTS WITH VETERANS EDUCATIONAL BENEFITS

Income range	Number of dependent applicants receiving veterans benefits	Percent in income range	Average annual benefit	Average annual benefits utilized in basic grant program	Number and percent of dependent applicants receiving veterans benefits and qualifying for basic grants	
					Number	Percent
0 to $2,999	1,202	19.2	$1,918	$959	202	16.80
$3,000 to $4,499	734	11.7	1,886	943	89	12.12
$4,500 to $5,999	817	13.1	1,907	953	56	6.85
$6,000 to $8,999	1,581	25.3	1,862	931	84	5.31
$9,000 to $11,999	945	15.1	1,879	939	17	1.79
$12,000 plus	974	15.6	1,925	962	5	.51
Total	6,253	100.0	1,894	947	453	7.24

TABLE X.—HOME EQUITY FOR ALL QUALIFIED DEPENDENT APPLICANTS BY TOTAL INCOME

Income range	Number and percent of applicants				Average equity	
	Homeowners		All applicants			
	Number	Percent	Number	Percent	Homeowners	All applicants
$0 to $2,999	6,282	10.9	15,093	15.7	$5,964	$2,487
$3,000 to $4,499	4,863	8.4	10,445	10.9	6,783	3,158
$4,500 to $5,999	6,104	10.5	11,668	12.1	7,148	3,716
$6,000 to $8,999	16,025	27.7	25,995	27.1	7,516	4,634
$9,000 to $11,999	16,492	28.5	22,695	23.6	7,564	5,497
$12,000 plus	8,088	14.0	10,221	10.6	7,852	6,214
Total	57,854	100.0	96,117	100.0	7,307	4,399

TABLE XI.—HOME EQUITY FOR ALL NONQUALIFIED DEPENDENT APPLICANTS BY TOTAL INCOME

Income range	Number and percent of applicants: Home owners: Number	Percent	All applicants: Number	Percent	Average equity: Home owners	All applicants
$0 to $2,999	2, 325	2. 7	3, 635	3. 5	$17, 221	$11, 015
$3,000 to $4,499	1, 897	2. 2	2, 728	2. 7	15, 712	10, 925
$4,500 to $5,999	2, 488	2. 9	3, 445	3. 3	15, 634	11, 921
$6,000 to $8,999	7, 434	8. 6	9, 700	9. 4	16, 894	12, 947
$9,000 to $11,999	15, 735	18. 0	18, 544	18. 1	15, 616	13, 251
$12,000 plus	57, 019	65. 6	64, 671	63. 0	15, 124	13, 335
Total	86, 898	100. 0	102, 723	100. 0	15, 448	13, 067

TABLE XII.—HOME EQUITY FOR ALL DEPENDENT APPLICANTS BY TOTAL INCOME

Income range	Number and percent of applicants: Home owners: Number	Percent	All applicants: Number	Percent	Average equity: Home owners	All applicants
0 to $2,999	8, 607	5. 9	18, 728	9. 4	$9, 004	$4, 138
$3,000 to $4,499	6, 760	4. 7	13, 173	6. 7	9, 228	4, 766
$4,500 to $5,999	8, 592	5. 9	15, 113	7. 6	9, 605	5, 460
$6,000 to $8,999	23, 459	16. 2	35, 695	17. 9	10, 488	6, 893
$9,000 to $11,999	32, 227	22. 3	41, 239	20. 7	11, 496	8, 984
$12,000 plus	65, 107	45. 0	74, 892	37. 7	14, 219	12, 362
Total	144, 752	100	198, 840	100	12, 194	8, 877

TABLE XIII.—AVERAGE OTHER ASSETS BY TOTAL INCOME FOR ALL DEPENDENT APPLICANTS

Income	Dependent total applicants	Dependent qualifying	Dependent non-qualifying	Percent of total applicants having other assets over $7,500
0 to $2,999	$431	$269	$1, 105	1. 2
$3,000 to $4,499	497	341	1, 094	1. 2
$4,500 to $5,999	674	448	1, 443	1. 7
$6,000 to $8,999	801	548	1, 481	1. 8
$9,000 to $11,999	984	630	1, 418	2. 2
$12,000 to $14,999	1, 269	658	1, 366	3. 5
Total	951	500	1, 372	2. 4

EXHIBIT 3

STATEMENT BY HON. JOHN OTTINA, COMMISSIONER OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Dr. Ottina is accompanied by Peter K. U. Voigt, Acting Director, Basic Educational Opportunity Grant Program, OE; and Charles M. Cooke, Jr., Deputy Assistant Secretary for Legislation (Education), DHEW.

Mr. Chairman and Members of the Subcommittee: I am pleased to be with you this morning to discuss the operation of the Basic Educational Opportunity Grants program this year and to share with you our proposals for amending the Family Contribution Schedule for the academic year 1974–75.

As you know, Mr. Chairman, Section 411 of the Higher Education Act of 1965, as amended, currently requires the U.S. Commissioner of Education to submit to the Congress a proposed schedule of expected family contributions not later than February 1 of each year. This schedule is then used to determine family contributions during the succeeding academic year, unless either body of the Congress objects.

We have chosen to submit the schedule for the 1974–75 academic year well in advance of the February 1, 1974, deadline in the hope that we could have some clear indication from the Congress of the acceptability of the schedule prior to the May 1 deadline which the Congress has allowed itself in the statute. Our experience earlier this year has convinced us that the May 1 date does not permit students, parents, and educational institutions sufficient time to make effective decisions concerning choice of institutions and packaging of student financial aid resources.

Ideally, of course, we would hope that this Subcommittee would approve an amendment to Section 411 which would move the date for submission of the schedule to the Fall of the preceding year. H.R. 9196, which you have introduced, Mr. Chairman, would reach this end. We believe that the dates for final Congressional action proposed in that measure—December 15 for 1973 and November 1 in succeeding years—are quite acceptable and would assure sufficient time for all concerned to make informed choices. We hope that the Subcommittee will act affirmatively on H.R. 9196 at an early date.

Since all the members of this Subcommittee were also members when I appeared in February of this year to explain how the Family Contribution Schedule for 1973–74 would work, I believe that your needs would best be met, Mr. Chairman, if I omitted a detailed explanation of that procedure. If it is agreeable to you and the other members of the Subcommittee, I propose to spend the remainder of my time with you this morning in an explanation of the differences between the schedule for the current academic year and our recommendations for 1974–75.

As you probably realize, the schedule which we had printed in the *Federal Register* on September 24 of this year was exactly the same as that used for this year. As we explained at the time, however, that did not mean that we intended to operate the analysis system next year without change. Rather, we felt that it was extremely important to begin the public debate and comment period on the 1974–75 schedule as quickly as possible. To accomplish that, we chose to publish the schedule in the form which I noted. In addition, we provided for a sixty-day comment period, rather than the more typical thirty-day period. During that time, we hoped to receive comment from the Congress and from members of the public, and then to propose necessary modifications to the schedule as published.

We have already appeared before the Senate Subcommittee on Education and benefitted from their thoughts on this matter.

In addition, we have received some twenty-eight comments from the public. It might interest you to know that 18 of these comments dealt with the treatment of Social Security benefits, 23 mentioned the treatment of assets, and 6 proposed changes in the Family Size Offset.

Mr. Voigt recently conducted a day-long session with representatives of the National Association of Student Financial Aid Administrators and other interested parties and received several useful comments and suggestions from that meeting.

And finally, but certainly not least, we have had the benefit of the testimony elicited by this Subcommittee recently in its hearings dealing with the theory and practice of needs analysis.

Because the time remaining in the first session of this Congress is rapidly growing short, and since we still hope to be able to provide all concerned with definitive guidance concerning next year's schedule, rather soon, we have decided to present our proposed revisions this morning, rather than waiting until after our appearance here today. I might also add that I have had copies of this testimony delivered to the Senate Subcommittee on Education today.

After this somewhat lengthy introduction, I should now like to describe those changes and then to go briefly through some rather detailed statistics which we have gathered on the operation of the program thus far.

ASSET TREATMENT

I know that you, Mr. Chairman, and others on this Subcommittee have previously expressed publicly your concern for the treatment of home equity in the determination of BEOG eligibility—particularly in those cases where lower-middle income families who have built up rather large home equity over several years have been found to be ineligible.

Similarly, we have heard a certain amount of concern expressed in the other body by those Senators from farm States, since farm families with very low incomes have also been ineligible in a great many cases because they possess assets to a much greater extent than the population at large.

We too have received a large volume of mail from members of both these classes, as well as from a third group. These persons are the widows and widowers who may have an unusually large asset position—through inheritance of a house or insurance proceeds paid upon the death of their spouse—although annual income may be quite small.

A trait common to members of all three groups is the unique combination of rather low income and uncommonly high assets.

We are proposing to change our treatment of assets so that students from many of these families will become eligible to receive a Basic Grant.

Our proposed method for accomplishing

this is to provide for an offset against the contribution from assets in those cases where allowable deductions from income exceed the family's income. Thus, whenever the difference between the family's income and the allowances for family maintenance, employment expenses, Federal taxes and unusual expenses is a negative figure, this negative difference would be deducted from the amount we would expect as the contribution from assets.

I think you can readily see the effect of this proposal if you look at the sample at the end of this testimony. In this instance, we have a farm family of four with $3,000 in income and $34,000 in net assets. Our current system would expect no contribution from income, but would expect $1,260 from assets. Subtracting this amount from $1,400 leaves a need of $140, thus rendering a student from this family ineligible for a grant, since the law provides that no student may receive a grant of less than $200 at full funding.

Under our proposal, we would still expect no contribution from income, but the expectation from assets would be reduced to $25. Thus a student from the family would now be eligible.

Although our example shows a typical farm family, similar results would be achieved for low income widows and widowers and for low income persons who held large home equity positions.

Adoption of this proposal would increase the cost of fully funding the BEOG program by up to $100 million, according to our calculations.

TREATMENT OF SOCIAL SECURITY AND VETERANS' EDUCATION BENEFITS

The authorizing legislation for this program provides that the Commissioner of Education is to consider one-half of veterans' education benefits and all Social Security benefits paid to a person because he is a student as effective income of the student; however, the statute is silent as to how the Commissioner is to deal with this effective income of the student.

The schedule which we are currently using provides that 100 percent of this income is to be considered as a direct contribution from the student.

The application of this rule has meant that only 27.6% of the Social Security recipients and 15.7% of VA benefits recipients have been found eligible for Basic Grants. Although there has been almost no comment on the treatment of veterans' benefits, the treatment of Social Security benefits has raised considerable concern. In fact, almost one-third of the 1,500 or so letters received weekly by the Basic Grants staff have dealt with this rule.

The problem most often mentioned is that low income families think of Social Security benefits as the primary source of funds to be used for family maintenance.

In the very lowest income group, Social Security often is the only source of income. It becomes quite difficult to explain to a family wthich has relied on these benefits for subsistence that a significant portion of their income is to be used solely for the education of one family member. On the other hand, however, most families would not receive the SSA funds paid on behalf of a family member who is older than 18 if he were *not* still attending school.

In our search for an equitable solution to this problem, we have considered a couple of alternatives. One solution might be to combine effective income of the student with family income. This sum would then be subject to the 20 or 30 percent taxation now used for family income. Another possibility would be to permit any negative balance remaining after reducing family income by allowable deductions to be taken against effective income of the student.

There is a further complicating factor here, however, as we search for an equitable solution. That is that whatever we do for Social Security payments we must also do for VA payments.

Frankly, we have not yet reached a conclusion as to the best solution in this area, and we would welcome any advice the Subcommmittee might have to offer.

REMOVAL OF "OTHER" ASSETS

Primarily because of concern in the other body, we have included an expectation from "other" assets in the current schedule. These assets are defined as including consumer durables and personal assets such as automobiles, boats, art objects, electronic sound and visual equipment, jewelry, antiques, and cameras, to the extent that each has a value of $500 or more.

Our statistical data show that only 1% of the total dependent applicants has been affected by this provision. On the other hand, since all applicants must report current market value of and liabilities against these assets, the inclusion of these types of assets has resulted in a seemingly unnecessary complication to the system.

Accordingly, we would recommend that this provision be dropped from the schedule.

We estimate that the increased cost at full funding would be less than $750,000.

ADJUSTMENT TO FAMILY SIZE OFFSET

We believe that the family size offset currently in use, with an adjustment for 1973 inflation, should be maintained in the 1974–75 schedule, Mr. Chairman.

I realize that some have suggested to this Subcommittee that other amounts might be more desirable.

However, we believe that the changes which we have proposed to make in the treatment of assets and the increased family size offset and will solve the concerns of nearly all who have testified before you.

I would also point out that a change to a different base for the family size offset, if combined with our recommended changes, would greatly inflate the cost of these changes, since such an increase in offset would result in a dollar for dollar increase in negative income.

An amendment to the statute which we would strongly urge the Subcommittee to adopt relates to the authority of the Commissioner to carry over funds not expended in one fiscal year for BEOG payments to the succeeding fiscal year; or, conversely, to use funds appropriated for the BEOG program for the succeeding fiscal year to make payments in the current fiscal year.

Under current law, we are required to use funds not spent by the end of the fiscal year to make additional, or "bonus", payments to those BEOG recipients who did not receive full payment of their maximum awards.

We hope, of course, that all funds will be distributed to eligible students and, therefore, that no funds will remain unspent at the end of this fiscal year; and we are redoubling our efforts to inform eligible persons of their right to apply for benefits from the Basic Grants program. In the past few weeks we have corresponded with all financial aid officers and met with them in regional meetings to encourage them to seek out eligible students and to suggest to these students that they send in their applications. We recently held a conference call with all regional commissioners and higher education directors, during which they were urged to make personal contact with institutions to increase efforts to get students to apply.

The ACT and CSS have provided us with the names of students who have applied under their systems and who fall into the Basic Grant range of eligible family contributions. These students have all been sent a followup letter and institutional financial aid officers have been sent the names of these students.

In addition, we have sought the assistance of the various higher education associations in our efforts to insure that all institutions were aware of this program.

Finally, we are planning to extend the deadline for the submission of student applications from February 1 to April 1. This extension will permit additional students to participate in the Basic Grant program.

Despite our best efforts, however, it is unlikely that we will ever be sufficiently wise to produce a schedule of payments which will exactly equal the available appropriation. In the case of either an overrun or a shortfall, however, we would expect the sums involved to be a very small percentage of the total appropriation.

In those instances where we are left with excess funds in any fiscal year, we believe that the current requirement to make additional payments to BEOG recipients will pose most severe administrative problems, particularly for postsecondary institutions.

We have had strong indications that schools are very concerned about the possibility that an additional BEOG payment, together with awards made by the institutional aid officer under the college-based programs, will produce an amount which exceeds a student's demonstrated need. Thus, financial aid officers will be open to the charge that they have overawarded funds which they control in violation of OE regulations.

An additional factor which will further complicate this situation is the high percentage of students who drop out of school during their first year. Schools will face great difficulty in finding these individuals, and may well incur inordinate administrative expenses in an attempt to make what will likely be quite small payments to specific individuals.

The other side of this coin, of course, is that we may underestimate the number of eligible students, thereby producing a payments schedule which provides in total for awards to students which will exceed the available appropriation. If this were to happen, our normal course would be to return to the Congress and to ask for a supplemental appropriation. As you know, however, this process can be quite time consuming. An alternative approach is that suggested in our amendment.

If an appropriation for the Basic Grants program had already been enacted for the succeeding fiscal year, the Commissioner of Education would be authorized to transfer sufficient funds from that year to the current year. This would insure that students would not suffer while a supplemental appropriations bill was sought and enacted.

For the reasons I have just enumerated, Mr. Chairman, we would recommend that the Congress amend the law to permit this limited transfer of funds. As I indicated, we do have suggested language which I would be pleased to share with the Subcommittee.

These are the changes which we are recommending be made to the 1974–75 Family Contribution Schedule, Mr. Chairman. In sum, we believe that they will serve to strengthen the Basic Grants program and will further promote the quest for equality of educational opportunity which we all share.

In the time remaining Mr. Chairman, perhaps I might review briefly the statistical material which we have provided and then answer questions.

Illustration of proposed change in the treatment of assets

Family of 4—1 parent working: Family income—$3,000; Income tax paid—$0; Net Assets of Family—$34,000; One child in college.

	Present method	Proposed change
Family income	$3,000	$3,000
Less family size offset	4,300	4,300
Discretionary income	−1,300	−1,300
Times expectation rate	.20	.20
Expectation from income	0	0
Net assets	34,000	34,000
Offset from discretionary income	−1,300	
Less asset reserve	−7,500	7,500
Available assets	25,200	26,500
Times expectation rate	.05	.05
Expectation from assets	1,260	1,325
Offset from discretionary income		−1,300
Expectation from income plus assets equals family contribution	1,260	25

ARAB OIL EMBARGO: A CHALLENGE FOR AMERICA

Mr. HUMPHREY. Mr. President, the United States faces the greatest oil shortage, indeed the most serious energy crisis in its history. Even as I speak, the economic dislocation and human suffering are mounting, and each day of delay in taking strong measures deepens the problem.

A recent report by Mr. David M. Lindahl, an analyst in environmental policy for the Congressional Research Service of the Library of Congress, provides an excellent overview of the fuel shortage situation in this country.

It is my firm belief that the people of this Nation can meet this challenge, can rise to the occasion as they have during other crises throughout our history. But first, we must understand the problem—in this case the severity of our fuel shortages—before we can take intelligent long-range action. Mr. Lindahl's analysis takes a step in this direction.

For instance, he notes that for the past several years there have been fuel oil shortages in the winter. Last year the shortages would have been much worse if many parts of our country had not experienced a mild winter. And this was before the Arab oil cutoff we now face.

Here are some statistics noted in Mr. Lindahl's report, statistics which should serve notice on the administration and on the Congress that soft, temporary measures will not be enough.

The demand for distillate oil, used primarily for heating, will increase by more than 10 percent over last winter, equal to about 380,000 barrels a day more than last winter. If this winter turns out to be colder than last, we might need another 120,000 barrels a day on top of that.

But that is far from the whole picture on the heating oil situation. Because of a natural gas shortage, the demand for heating oil could increase an additional 130,000 barrels a day so that people who have run out of natural gas will not freeze.

So far, we have talked only about fuel oil. Mr. Lindahl notes that demand for other petroleum derivatives is expected to grow at comparable rates. Those products include gasoline, propane and a number of other derivatives.

The United States now produces less than 70 percent of the petroleum it needs for domestic use, and with the exception of the addition of the Alaskan North Slope fields, the capacity to produce has been dropping, as has actual production.

Residual fuel oil, used largely by electric companies and heavy industry for boiler fuel, is in a more acute shortage than heating oil. In short, Mr. Lindahl concludes that we have become ever more dependent on imported petroleum and that for the short range we are going to have to tighten our belts because of the Arab oil cutoff to this country.

If things continue in their present pattern of production and consumption in this country, Mr. Lindahl predicts the United States may have to import more than 50 percent of its oil. This winter, the United States may have to import 640 million barrels of crude oil to avert a serious shortage. Even if this is somehow available on the world market, this would represent an increase of 50 percent over 1972 imports. That is a staggering increase.

Distillate fuel oil was imported at the rate of 400,000 barrels a day during last winter's shortage, and it is estimated that during cold spells we may need as much as 800,000 barrels a day. Most of that came from Caribbean refineries, with the rest imported from Europe. Because the Arab oil embargoes and the rising worldwide demand, it is unlikely that as much will be available this winter from those sources.

Adding all the possible shortages in the face of the rising demands, Mr. Lindahl concludes that the total shortfall this winter could reach 35 percent. But that is only an average, and New England and the Upper Midwest—where the winters are most severe—could experience more drastic consequences than the rest of the country. In addition to heating oil shortages, New England could lose 35 percent of its electric generating capacity.

Again, I say that the time has come for strong leadership in the administration and in the Congress to relieve both our short-range and long-range energy problems.

Mr. Lindahl's analysis serves to make us aware of some of these problems, although there are many more.

Mr. President, I ask unanimous consent that his report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE ARAB OIL EMBARGO AND ITS IMPACT ON WINTER FUEL SHORTAGES

(By David M. Lindahl)

I. INTRODUCTION

The United States has been concerned over the possibility of a winter fuel crisis for the past year. Rising demand and falling supply have created a situation in which a shortage was extremely likely. The Arab oil cutoff has made that shortage inevitable and threatens to produce economic dislocations as well as personal inconvenience and discomfort. The factors behind the shortage, its impact on the Nation, and possible corrective measures are complex and subject to extensive analysis. This report, however, is a brief overview which is intended to place these actions and reactions in perspective.

II. DOMESTIC DEMAND

For the past several years, shortages of fuel oil have occurred during the winter months. Part of the recent shortages can be attributed to the appearance of new users who were unable to obtain natural gas because of curtailments starting in 1971 and were not permitted to burn high-sulfur fuels because of air-quality regulations. The shortage was particularly acute during last winter (1972–1973) because demand rose much more rapidly than did supply. The shortage could have been much worse, however, had it not been for the unusually mild weather experienced by many parts of the country.

Fuel oil demand for the winter of 1973–1974 is expected to be higher than for last year. The Department of the Interior has estimated that distillate demand this winter will increase 10.4% over last year (4,048,000 b/d in 1973/1974 compared to 3,668,000 b/d in 1972/1973).[1] If temperatures are colder than normal and increase demand by 3.9%, an extra 120,000 b/d would be required to prevent a shortage.[2] The effect of cold weather on the demand for distillate fuel oil can be seen in Table 1.

TABLE 1.—MONTHLY CONSUMPTION OF DISTILLATE FUEL OIL UNDER DIFFERENT ASSUMPTIONS OF WEATHER

[Consumption in millions of barrels]

	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.
Case A. 6 percent increase over last winter	87.2	102.0	131.3	132.0	115.6	109.7
Case B. Warm winter	75.2	87.0	115.6	118.1	101.1	97.0
Case C. Cold winter	89.9	110.3	148.1	153.7	131.1	119.5
Case D. Warm early/cold late winter	79.6	93.9	126.8	144.4	121.7	113.0
Case E. Increase over last winter	90.5	105.9	136.3	137.0	120.0	113.8

Source: Winter Heating Outlook, P. K. Verleger, Jr., and S. Haltmaier, "DRI Review," Oct. 10, 1973, p. 3.

In addition to the normal growth rate in heating oil demand and the possible effects of unseasonably *cold* weather, an increase of 130,000 b/d may result from the curtailment of natural gas sales because of shortages.[3] The combined total of these demand factors indicates a distillate demand of 4,048,000 b/d over last year's figure of 3,668,000 b/d. This increase of 380,000 b/d, shown in Table 2, does not include crude oil or other refined products which would increase the total demand to over 17,000,000 b/d.

The U.S. demand for petroleum products of all types is estimated by the Bureau of Mines at 17,455,000 b/d.[4] Much of this in 1974 is predicted by the Independent Petroleum Association of America (IPAA) to rise to 18,525,000 b/d.[4] Much of this increase can be attributed to the greater use of fuel oil, but demand for other petroleum derivatives is also expected to grow at comparable rates. The requirements for gasoline, propane, and petrochemical feedstocks are unprecedented, and shortages are likely to recur for those products as well as for fuel oil.

Footnotes at end of article.

TABLE 2.—U.S. DISTILLATE DEMAND BY QUARTERS AND WINTER SEASON 1971 THROUGH 1974

[Millions of barrels daily]

	1971	1972	1973	1974
1st quarter	3.695	3.788	3.885	4.570
2d quarter	2.258	2.406	[1] 2.500	2.630
3d quarter	1.886	2.011	[2] 2.150	2.264
4th quarter	2.955	3.458	3.538	3.680

Winter season	Millions of barrels daily	Percent increase
1971 to 1972	3.369	3.7
1972 to 1973	3.668	8.9
1973 to 1974	4.048	10.4

[1] Estimated.

[2] Forecast thereafter.

Source: The distillate fuel oil situation winter 1973–74, Department of the Interior, Sept. 15, 1973.

III. DOMESTIC SUPPLY

The United States currently produces less than 70% of the petroleum it needs to meet domestic demands. With the exception of the addition of the Alaskan North Slope fields, productive capacity has been dropping as has actual production. During the shortage of last winter, it was apparent that the oil industry no longer had the capability of increasing production to match the peak demand.

This trend is likely to continue indefinitely. Domestic production of petroleum for 1973 has been estimated by the Bureau of Mines to be 10,961,000 b/d, compared to a demand of 17,455,000 b/d. Of the 6,494,000 b/d shortfall between domestic demand and supply, 6,251,000 b/d were expected to be made up by imports, leaving a shortage of 223,000 b/d. The IPAA predicted that domestic production would drop to 10,788,000 b/d, even though demand is likely to rise over 1,000,000 b/d compared to last year.[5] Of the 7,737,000 b/d deficit forecast between supply and demand, 7,435,000 b/d were expected, before the Arab oil cutoff, to be made up with imported oil, leaving a net shortage of 302,000 b/d.

The most immediate supply problem as for fuel oil because of the onset of the heating season. Stocks of distillate fuel in November (203,656,000 bbl) are only slightly higher than they were a year ago (197,750,000 bbl.).[6] The gain in supply (3%) has been more than offset by increased demand (10%) with the net effect being a shortage 7% worse than last year.

The shortage of residual fuel oil, which is used primarily by electric utilities and heavy industry as a boiler fuel, is even more acute. Stocks of residual fuel oil on Oct. 26, 1973 were only 56,891,000 bbl. In contrast with 63,990,000 bbl. a year ago.[7] With greatly increased demand pressures and lower stocks, a serious residual shortage appears inevitable. A further complication is that most of the residual fuel oil used in the U.S. is imported, and reductions in foreign production may worsen the supply situation here.

IV. IMPORTS

A. Requirements

As has already been indicated, imports figure prominently in the supply/demand situation for petroleum. U.S. dependence on foreign sources of oil has grown rapidly in recent years, and it would now be impossible to prevent severe shortages without substantial imports. In 1972 imports accounted for 18.8% of the U.S. crude oil supply (see Table 3).[8] Imports now constitute over one-third of our petroleum consumption, and the trend is toward even greater dependence on foreign producers. By 1980 the U.S. may be importing over 50% of its oil. Most of that increase was expected to come from the Middle East because of its extensive reserves. The supply of some products such as residual fuel oil is already dependent on foreign production. The demand for residual oil in 1972, for example, was 925,647,000 bbl. Of this, 637,401,000 bbl. was imported, amounting to over two-thirds of the total.[9]

TABLE 3.—CRUDE OIL IMPORTS INTO THE UNITED STATES

Country of origin	Annual total for 1972 (in 42-gallon barrels)	Posted price per barrel, Oct. 1, 1973	Posted price per barrel, Oct. 31, 1973	U.S. export embargo (by percent)	Middle East monthly production cut (by percent)
Canada	312,440,000				
Colombia	1,695,000				
Ecuador	5,331,000	3.600	5.250		
Venezuela	93,300,000	4.610			
Algeria	31,753,000	5.000	7.000	100	10
Egypt	3,091,000			100	5
Libya	40,069,000	4.604	8.925	100	5
Nigeria	88,887,000	5.000	5.000		
United Arab Emirates	26,873,000	3.110	5.538	100	5
Iran	49,700,000	2.995	5.091		
Iraq	1,315,000			100	10
Kuwait	13,205,000	2.884	4.903	100	10
Qatar	1,263,000	3.143	5.343	100	10
Saudi Arabia	63,626,000	2.884	4.903	100	10
Indonesia	59,633,000	5.000	5.000		
Others	18,954,000				
Combined total	811,135,000				

Note: Total does not include indirect imports of refined products made from Middle Eastern crude.

Source: API Annual Statistical Review, Apr. 1973, p. 9–10; Oil and Gas Journal, Oct. 29, 1973, p 50; Oil Daily, Oct. 26, 1973, p. 6.

Because of the drop in domestic production and the increase in demand for petroleum products, an estimated 640 million barrels of crude oil will have to be imported during the last quarter of 1973 and the first quarter of 1974 to avert a serious shortage.[10] If available on the world market, this much oil would represent an increase of 50% over 1972 U.S. imports. The Middle East is currently the only producing area in the world that has the proven reserves and productive capacity to meet those increasing requirements. The added cost of the incremental imports over last years' total would depend upon the price per barrel, which is rapidly escalating upward, but would probably be near $8 billion.[11]

The level of imports needed to meet the demand for distillate fuel oil also will be substantial. The Department of Interior has estimated that if domestic refinery capacity is to be used as expected and inventories are to be maintained at a level of 100,000,000 barrels or above, then imports of distillate must average more than 650,000 b/d.[12] If the weather is exceptionally cold, imports of 800,000 b/d may be needed during the could spells Even in normal circumstances such quantities may not be available for the United States on world markets. During the shortage last winter, for example, distillates were imported at an average rate of 400,000 b/d. Most of that distillate (80 to 85%) came from refineries in the Caribbean, with the remainder imported from Europe. Most of the Europeans distillate and a substantial amount of the Caribbean distillate was made from Middle Eastern crude oil.

It is unlikely that as much distillate fuel oil will be available fom Europe as that obtained last winter Europe imports more distillate than it exports, and was able to provide extra distillate last year only because of mild weather. The largest quantity of distillate that the U.S. could reasonably expect to obtain from Europe this season is 165,000 b/d.[13] A cold winter would reduce that amount considerably.

B. The oil producer's boycott

The availability of oil to import into the United States has been drastically reduced as a result of renewed hostilities in the Middle East. The Arab countries that export oil have agreed to boycott the U.S. market in an attempt to influence U.S. policy towards Israel and generally to modify its Middle-Eastern policy. The use of oil as an instrument of diplomacy is not new, but it has never been applied as effectively or as large a scale as at present. The U.S. has been wholly cutoff from Middle Eastern oil, as has the Netherlands, because of its pro-Israeli policies. Canada has also been denied Arab oil for fear that it would send part of it to the U.S. The Arab states have also reduced production 10% initially for European customers and plan to cut it 5–10% each month thereafter. Additional cuts have been threatened and may be implemented. These actions are of vital concern to Europe and Japan where imports from the Middle East comprise 85% of their petroleum supply (Fig. 1).

The Arab oil cutoff is certain to have a serious impact on the Nation's petroleum supply and upon the winter distillate inventories in particular. As Table 4 indicates, the 1972 shipments to the United States totaled 687,900 b/d, which amounted to 5% of the U.S. demand of 16,300,000 b/d. The level of imports in 1973, prior to the war, was much higher with Saudi Arabia exporting in July as much crude oil as all the Arab countries combined had exported in July of 1972. As table 4 shows, imports of Arab crude oil in July were 1½ times the rate a year earlier.

MAJOR IMPORTERS OF MIDDLE EAST OIL

Country	Oil imports from Middle East (1,000 b/d)	Percentage of total oil imports
Japan	3,800	85
Italy	2,000	85
United Kingdom	1,800	84
West Germany	1,500	75
France	1,200	62
Netherlands	1,200	88
Spain	600	81
United States	380	10

Footnotes at end of article.

TABLE 4.—U.S. IMPORTS OF ARAB CRUDE OIL, JULY 1973 VERSUS JUNE 1972

Producing country	Crude shipments to United States barrels per month	
	June 1972	July 1973
Algeria	2,380,000	4,595,000
Egypt		653,000
Iraq		
Kuwait	1,012,000	482,000
Libya	3,192,000	3,599,000
Qatar		185,000
Saudi Arabia	5,145,000	19,958,000
Tunisia		205,000
United Arab Emirates	1,452,000	3,169,000
Total	13,181,000	32,661,000

Source: Oil and Gas Journal, Oct. 15, 1973, p. 40.

C. Severity of the shortage

When the production cutbacks and cutoffs were announced by the Arab oil-producing states, the initial reaction in the U.S. was that the loss of Mid-East supply was a minor complication that could be easily accommodated. It was reasoned that since only 2½% of our oil consumption in 1972 was met with oil from the Middle East, the impact would not be very great. Those initial assessments, however, appear to be overly optimistic because they did not include several important considerations. First, the direct imports of Arab oil have averaged about 250% more for 1973 than for 1972, and were even higher in the period immediately preceding the cutoff. The direct imports of crude oil from the Middle East in 1973 amount to 1.1 million b/d compared to the estimated U.S. demand of 17.5 million b/d.[14] Second, the United States imports petroleum products, especially residual and distillate fuel oil, which are refined in Western Europe and the Caribbean from Middle Eastern crude oil. If both direct and indirect shipments of Arab oil are affected, the reduction in supply may amount to 3 million b/d or 18% of the U.S. daily demand. Third, Canada, which supplies the U.S. with more than any other country (1.1 million b/d in 1972), traditionally for geographical reasons has imported as much oil as it exported. Because Canada's producing areas are in Western Canada, it was expedient to sell the surplus oil there to the U.S. rather than to transport it to Eastern Canada. Now that Canada's imports are threatened, it has placed strict controls on oil exports and is planning to redistribute as much of its western production as is necessary to meet the requirements of its eastern provinces. The effect of this will reduce Canadian exports to the United States by a comparable amount (possibly 500,000 b/d), and probably would push the U.S. shortfall over 20%. Fourth, the general production cuts imposed by the Arabs have tightened world supply to the point where competition for the oil of Venezuela, Nigeria, Iran, Indonesia, and others may make it difficult for the U.S. oil industry to buy as much petroleum from those sources as it did last year. If the shortages resulting from normal demand growth, natural gas curtailments, low inventories, and an exceptionally cold winter are added the total shortfall could be as much as 35%. While that is the worst possible case, it is unlikely that even an end to the Arab oil embargo and a relatively mild winter could reduce the shortage to 20% or less. That case, if it occurred would minimize the gasoline problems that would otherwise develop next summer, but would come too late to prevent shortages this winter.

Worldwide, the cutoff of Middle East oil has reduced world oil supplies by 4.7 million b/d.[15] It is expected that the production loss in November will be about 6 million b/d.[16] The *Oil and Gas Journal* reports that there is no alternate supply readily available to offset a reduction of this magnitude. Most non-Arab producers are already operating near capacity and are not likely to increase exports to the U.S., except for Indonesia which has offered to increase production slightly.

The impact of these shortages is certain to be felt by all consuming nations, but the U.S. and the Netherlands will likely be affected to the greatest extent, assuming that the complete embargo is not extended to other countries. Europe will be adversely affected since it gets approximately 87.8% of its oil from Arab states. The cutoff for Europe is not total, however, and many countries there have strategic reserves of approximately 90 days. The U.S., on the other hand, is now subject to a 100% embargo, has no strategic oil shortage system, and expects domestic oil production to decline.

No one can say with certainty just how severe the shortage will be. It was widely predicted that there would be a fuel oil shortage this winter and that now appears to be inevitable. The foreign fuel oil that was imported last year will not be available this year because exporters face possible shortages in their own countries and could be cut off entirely from Middle East oil if they transship crude oil or petroleum products to the United States.

The real effects of the cutoff have not yet been felt in the United States because oil that was shipped before the embargo is still in transit and the peak demands of the heating season will not be reached until late December. The shortage will be the most severe since World War II and will affect every energy consuming phase of American life. At the worst, some factories, schools, and businesses may have to close or limit operations and many personal activities may have to be curtailed. Many homes may be cold and many electric utilities may have to limit output because of fuel restrictions. If the shortage is severe and protracted, serious strains could develop in the U.S. economy.

The region of the United States that will probably be affected the most will be New England, and to a lesser degree, the upper Midwest. Half of the residual fuel oil imported to the East Coast is made from Arab oil. That oil is used primarily to produce 70% of New England's electricity. If the oil supply is reduced by half, 35% of New England's generating capacity will be cut. Some power systems in New England are totally dependent on Mid-East oil and will have difficulty finding other sources, because residual fuel oil is not yet subject to mandatory allocation. The oil shortage problems of the Northeast and Midwest will be compounded by the fact that winters are usually colder there than in the rest of the country and consequently per-capita heating requirements are higher.

V. POLICY OPTIONS

The increasing U.S. dependence on foreign oil has greatly reduced the alternative courses of action available to the U.S. For the most part, it is unlikely that the two extreme options of total capitulation to Arab demands or of military intervention to restore supply lines would be used. The U.S. can respond in other ways that can be effective to varying degrees over both the short and long term.

A. Increased domestic production

An immediate increase in domestic production is, at best, only a partial solution. Certainly there is insufficient productive capacity, even including Naval Petroleum Reserves, to meet a shortfall of 4 to 4½ million b/d. To the extent that this oil is available, however, the shortage can be reduced accordingly. During the oil shortage last winter, production controls were lifted on many U.S. fields but with only marginal success.

It is doubtful that U.S. production for this winter will match last year's total, let alone meet the greater demand of this year. The *Oil and Gas Journal* reported that U.S. oil fields do not have sufficient productive capacity to compensate for an Arab oil cutoff.[17] The *Journal* estimated that only 100,000 b/d of extra domestic production could be made immediately available. After 90 days, the *Journal* predicted, 250,000 b/d could be produced if pipeline capacity were increased, gas and brine-handling facilities were expanded. A maximum of 445,000 b/d could be obtained at the risk of reservoir damage, wasted natural gas through flaring, and pollution. This increase falls far short of the 1,053,600 b/d of crude oil imported from the Middle East in July 1973. It should also be noted that the 445,000 b/d increase is considered optimistic by many. The Texas Railroad Commission which oversees the production of oil in Texas, has indicated that there is no excess capacity and that production could be increased only by damaging the reservoirs which would reduce even more the eventual production.[18] The major oil companies contend, on the other hand, that increased production is possible and have petitioned for increased allowables. Even the most optimistic estimates, however, predict that the cutoff will result in a *substantial* shortfall in supply at a time when inventories should be building up for the high demands of winter's heating season.

B. Strict conservation measures

Mandatory allocations of distillate fuel oil and propane were implemented earlier this year to deal with the predicted winter shortage. As the President indicated in his message of November 8, 1973, the Arab oil cutoff may require more extreme measures, and rationing may be necessary. Senator Henry M. Jackson has introduced a bill (S. 2176) which he claims could result in savings or additions to supplies of over 3 million b/d within 5 months.[19] The proposed legislation would require a declaration of national emergency when the shortage exceeds 5%, and would direct the President to issue requirements for rationing and conservation plans to be developed by state and local governments. The goal of the conservation plans would be to reduce energy consumption by 10% within 10 days and by 25% within 4 weeks after implementation.[20] Some of the measures may include maximum speed limits of 50 m.p.h. or less; mandatory tuneups of motor vehicles; a ban on advertising to promote the consumption of energy; mandatory inspection of commercial and industrial heating and air conditioning units; temperature limits of 65°F. in winter and 80°F. in summer for all buildings owned or leased by the Federal Government; and mandatory carpooling. Temporary relaxation of air quality standards might be allowed to permit utilities to burn high-sulfur coal instead of oil, which would then be available for transportation and space heating.

President Nixon, in his November 7th nationwide address on the energy situation, proposed a broad energy conservation plan that would give him the authority to ration gasoline and fuel oil, reduce speed limits, exempt industries from environmental controls, and to impose taxes on excessive energy use. The President asked the Congress to return the United States to permanent daylight saving time and ordered immediate cuts in the use of energy by the Federal Government in addition to the 7% cut ordered earlier. He ordered that Federal offices be heated to no more than 68° F. and that Federal vehicles not travel more than 50 m.p.h. In addition, the Atomic Energy Commission was asked to accelerate the rate at which nuclear power plants are being licensed and built. He directed that industries which presently use coal be prevented from switching to oil and encouraged utilities now using oil to convert to coal utilization. In-

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Footnotes at end of article.

dividuals were asked to lower their thermostats, to form carpools, and generally reduce their consumption of energy. He urged that the following steps be taken at the state level: halt unnecessary lighting, stagger working hours, encourage greater use of mass transit, and adopt a 50 m.p.h. speed limit. In the legislation requested by the President was the authority to enable regulatory agencies to adjust the schedules of planes, ships, and other carriers in order to conserve energy.

C. Commitment to energy self-sufficiency

One consequence of the Arab oil cutoff is an intensified interest in developing energy self-sufficiency within the United States. While such a goal would take years to realize, the U.S. does have large quantities of coal, oil shale, and offshore and Alaskan oil that ultimately could reduce dependence on foreign sources of oil. To accomplish a task of such magnitude would require a major commitment by the United States to that goal. As seen by Members of Congress, particularly Senator Jackson, attaining this goal would require a coordinated national energy policy fortified with adequate funds and manpower. Such a program would be designed to reduce the economic and technological barriers that stand in the way of large scale use of coal gasification and liquefaction, solar energy, breeder reactors, and fusion reactors.

Even if such a national energy program were initiated and were ultimately successful, it would probably not have much effect on energy supply for at least a decade. In the meantime, the United States may find it expedient to launch large-scale exploration and development operations in promising but politically secure areas of the world. The Orinoco heavy oil reserves of Venezuela may hold close to one trillion barrels of oil. Canada's Athabascan tar sands 300 billion barrels, the Green River oil shale formation 600 billion barrels and the Naval Petroleum Reserve No. 4 in Alaska an undetermined amount.[21] The Atlantic Outer Continental Shelf which has not yet been explored may also contain large oil and gas reserves.

The lead time required to develop these reliable sources would be 8 to 15 years,[22] so they could not be immediately brought to bear on the present situation. A national commitment to these resources, however, would be useful in negotiations with Middle-Eastern producers. This combined with the creation of an organization of oil consuming nations could conceivably reduce the prospect of arbitrary supply interruptions in the future and could promote international cooperation in the search for new sources of energy.

FOOTNOTES

[1] The Distillate Fuel Oil Situation, Winter 1973–74, Dept. of the Interior, Sept. 15, 1973, p. 3.

[2] *Ibid.*, p. 4.

[3] The Distillate Fuel Oil Situation, p. 4.

[4] Report of the Supply and Demand Committee, IPAA Houston Meeting, Oct. 22–23, 1973, p. 7.

[5] Report of the Supply and Demand Committee, p. 7.

[6] API Weekly Statistical Bulletin, Oct. 26, 1973, p. 2.

[7] *Ibid.* p. 2.

[8] The Distillate Fuel Oil Situation, p. 4.

[9] API Annual Statistical Review, April 1973, p. 45.

[10] Winter Heating Outlook, P. K. Verleger, Jr., and S. Haltmaier, *DRI Review*, Oct. 10, 1973, p. 6.

[11] *Ibid.* p. 6.

[12] The Distillate Fuel Oil Situation, p. 1.

[13] *Ibid.*, p. 12.

[14] "U.S. Moves to Offset Loss of Arab Oil," *Oil & Gas Journal*, Oct. 29, 1973, p. 53.

[15] "World Shaken by Arab Oil-Export Cuts, Price Hikes," *Oil and Gas Journal*, Oct. 29, 1973, p. 49.

[16] "An Arab Oil Squeeze that Works," *Wall Street Journal*, November 6, 1973.

[17] "U.S. Fields Unable to Fill Gap If Arab Oil Is Cutoff," *Oil and Gas Journal*, Oct. 15, 1973, p. 39.

[18] *Ibid.*, p. 40.

[19] *Oil and Gas Journal*, p. 53.

[20] *Ibid.*

[21] "The Oil Crisis: This Time the Wolf Is Here," James E. Akins, Foreign Affairs, April 1973, p. 489.

[22] *Ibid.*, p. 480.

TRIBUTE TO DAVID BEN-GURION

Mr. HOLLINGS. Mr. President, in this modern day, they are few indeed who are accorded the name "nation builder," the great leaders who took the hopes of a people and transformed them into the reality of nationhood seem to belong to the days of long ago. Their works are the works of history, and the stage today seems somehow peopled by men of lesser stature.

With the passing of David Ben-Gurion, the world has lost not only one of its preeminent contemporaries, but also one of its greatest nation builders. His is a name which will live in history for however long men still praise the achievements of their ancestors.

It takes no great imagination to see Ben-Gurion's monument. No rhetoric is needed to exaggerate the deeds of the man. His monument is Israel. His last will and testament is a thriving, dedicated land moving fast and fearlessly into the future.

David Ben-Gurion's life is clear testimony that man makes history and that the individual does make a difference. Those who would argue that we are all captive of the inscrutable and irreversible tides of history need only ponder the accomplishments of Ben-Gurion to see the folly of their thought. No man builds a nation alone, of course. But without the right men at the right place at the right time, no nation gets built. For Israel, the indispensable man was David Ben-Gurion. He led the cause. He showed the way. He took the spirit of his people and made of them a proud and determined nation.

If his life was motivated by an abiding idealism—and it was—Ben-Gurion was also an eminently practical man. He knew when to move and when not to move, when to advance and when to remain in place. He was a master of politics and diplomacy. He was a shrewd and sagacious leader.

His success resulted from this happy combination of idealism and pragmatism. The achievement of his dream was due in no small part to the practical side of his nature. And the vindication of his pragmatism is that it was always guided by a higher idealism.

Imbedded deep in David Ben-Gurion's personality, I found also a strong disposition toward reconciliation. He had built a nation, and he was interested in the survival of his nation. He knew that Israel could not endure in a sea of eternal hostility. And he knew that the best thing would be to talk with neighboring countries and attempt to work out an accommodation which could provide survival and security to all of the nations in that troubled part of the world. When I visited him in 1971, he seemed hopeful, and he believed that a just peace could one day soon be achieved.

Now he is gone. But his belief in the possibility of a just and lasting peace in the Middle East is more alive today than at an time in recent history. The opportunity for such a settlement may not come against for many years. Our hope today is that the leaders and people of each side realize the critical importance of the present hour, as their departed leader realized it.

Just as this wise and good man brought the dream of his people—a Jewish state—to reality, so now ought we all to strive so that his goal of peace may also become a reality.

Mr. President, the democracy of Israel has lost its greatest leader. Today the democracy of the United States pays tribute to that leader in recognition that we shall not soon again see his equal. I join my colleagues in extending heartfelt condolences to the people of Israel—and to freedom-loving people everywhere.

POISONING THE SEAS

Mr. HOLLINGS. Mr. President, the Senate Subcommittee on Oceans and Atmosphere recently conducted a symposium on ocean pollution. The findings of that symposium soon will be published by the Committee on Commerce and made available to the public and scientific community.

It is because of my interest in the matter of ocean pollution that I came across an article appearing in the November 20 issue of the Saturday Review entitled "Poisoning the Seas" by Richard Bernstein. This article is an excellent account of the problem facing policy makers in governments around the world in how to deal with pollution of the sea. It is especially timely since our own Government is looking toward the Atlantic Outer Continental Shelf for the protection of additional oil and gas to meet domestic needs.

I commend this article to the attention of my colleagues and ask unanimous consent that it be printed in its entirety in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Poisoning the Seas: Chance Oil Spills and the "Deep Sixing" of Sludge, Sewage, and Atomic Waste May Well Convert Our Life-Abundant Seas Into Trackless Graveyards of Civilization

(By Richard Bernstein)

Two years ago yacht basins on Oyster Creek, along the New Jersey coast, were unaccountably attacked by wood-destroying organisms. Pilings that supported the docks were weakening; yacht hulls were developing spots of rot. After several months it was apparent that the wharves might well eventually collapse into the creek. For generations nothing had ever happened to these facilities; so the discovery of the source of the trouble came as something of a surprise to the marinas' membership: Embedded in the hull of a boat, like Blake's invisible worm, were specimens of Teredinidae, otherwise known as shipworms or pileworms, a type of wood-boring clam. The area, it turned out, was infested with them.

Found often enough along the U.S. coast, the various species of the teredo are common harbor pests known to have demolished entire piers. But they do not survive in upstream fresh-water areas like Oyster Creek. How they got there illustrates how subtle a matter the pollution of the coastal waters is. The fault, explains Dr. Ruth Turner of the Harvard Museum of Comparative Zoology, lies with the Oyster Creek Nuclear Power Plant. Built just the year before at the headwaters of Oyster Creek and Forked River, the plant had produced environmental changes that transformed the creek: Where it had been forbidding, it was now congenial to the wood-boring pests. The changes came about in this way: Needing vast amounts of water for its cooling system, the plant reversed the flow of the Forked River, drawing in through the river channel salt water from the nearby sea. Later the used water was discharged, warm and still salty, into Oyster Creek at the rate of about 400,000 gallons each minute. In this way three environmental changes were brought about, all of which were favorable to the teredo. First, the creek became salty. Second, the addition of large amounts of water to the creek reduced the concentration of humus (i.e., decomposed plant and animal matter), which is an important inhibitor to the spread of one type of larva. Third, the warm wastes flowing into the creek raised the water temperature, thus enabling the marine borers to grow more rapidly and to breed more frequently, while at the same time protecting them from the winter kill-off that normally would have kept the population under control. "The whole life cycle was accelerated," says Dr. Turner. "Birth, growth, reproduction, and death were all speeded up by the warm water." Before the plant was built, only an occasional teredo was found near the mouth of the creek. Now, inadvertently, almost ideal circumstances for the proliferation of the pest had been brought about.

We can expect similar occurrences elsewhere. By 1986 the utility companies of New Jersey and Pennsylvania plan to install forty-two power plants along the Delaware River and its tributaries alone. At current rates of growth there will be in the year 2000 one nuclear power plant for every ten miles of coastline. And wherever these plants or other warm-water sources are built, variations on the Oyster Creek theme can be expected. Each nuclear reactor will affect only a few square miles of coastline; it will not create a global problem. Ecologically, some say, this is a small price to pay to satisfy our energy requirements. But considering that there is only so much coastline, we cannot afford to turn our oceans into a huge warm-water sink without at the same time having to pay a gigantic ecological price.

Pollution of the sea is difficult to assess, precisely because of its frequently localized nature. A ruined dock here, a fish kill there—these are not pleasant to hear about, but they do not inspire worldwide alarm. Who, after all, can estimate the requirements of the human advance? If every death or environmental dislocation were allowed to stop progress, mankind never would have arisen from the Stone Age. Even now, marine biologists are reluctant to talk of anything except local effects. "The fact is that we don't understand what happens to the ocean when we pollute it with anything," says Dr. Guy McCloud of the New England Aquarium. Though there are some, like Jacques Cousteau, who warn that it is only a matter of decades before we ruin the oceans unalterably, most scientists remain unwilling to return any cosmic verdicts on the ultimate fate of life in the sea.

Still, the data coming in from various scientific sources during the past couple of years has begun to paint a more alarming picture. Investigations of the effects of various contaminants are beginning to reveal problems of a far wider scope than heretofore realized, regarding not only the sheer volume of marine contamination but its extremely poisonous effects on the environment as well.

Oil provides a graphic example. Ironically, though the most visible and highly publicized form of marine contamination, oil traditionally has been thought by the scientific community to have little harmful effect on the marine ecosystem. As late as their 1971 meeting in Rome, the Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP) concluded that "a single heavy contamination of the flora and fauna of the intertidal zone has a negligible effect [on marine life]." Most studies of oil spills rely on subjective visual measurements or else on statistical analyses of adult fish; this has led to the belief that spills do little biological damage to the seas. Indeed, since oil spills do seem to disappear after a couple of weeks, many scientists have concluded that a combination of evaporation and biological degradation of the oil rids the water of contamination after a very short period of time.

More recent, sophisticated studies have effectively challenged this view. At the Woods Hole Oceanographic Institution, for example, an interdisciplinary group of scientists has studied over a period of almost four years a small oil spill that took place in Buzzards Bay, Massachusetts. Studying not adult fish but the subtidal organisms that live in the marine sediments and cannot swim away from the contamination, the Woods Hole group established three important findings: The oil persisted in the environment far longer than had been thought possible, it continued to spread over the ocean floor months after the accident, and its toxic effects on wide varieties of marine life lasted not for days or weeks but for months or even years.

The immediate kill in the heavily affected area of Buzzards Bay was, as expected, virtually complete. Some 95 percent of the fish, crabs, lobsters, clams, and other invertebrates were dead within hours of the spill. What was unexpected was the spread of the oil in the sediments beneath the surface. Immediately after the accident, a control station was set up beyond the area of expected contamination. Within three weeks oil was found at this station, along with a lot of dead marine organisms. A second control station twice as far from the shore was then established, and it, too, was overtaken by oil spreading on the ocean floor with still another kill of bottom-living animals. Eight months after the spill, the polluted offshore area had grown to ten times the area initially affected, eventually covering twenty-two square kilometers of offshore water, tidal river, and marsh.

Thus, although shortly after the accident the area returned visually to its former state of natural beauty, chemically and biologically the ill effects of the spill stil were present over a large area of the shore line. A year of evaporation and bacterial action on the oil did not remove many of its most highly toxic components. Young blue mussels that were affected by the spill in 1969 were sterile in 1970; oysters that had been contaminated by the oil were kept in clean, running sea water for six months; yet a substantial residual component of fuel oil remained in their tissues at the end of that time. In all, the evidence added up to a far more incriminating picture of the problems of oil than had been envisaged.

Still, the scientists at Woods Hole steer clear of anything resembling an apocalyptic judgment. "Our understanding of this problem is very meager," says Dr. Howard Sanders. "It's extremely dangerous to make these self-satisfied and assured statements that are way out. It may even be that the economic aspects of this are of overriding importance. But we still have to find out what the effect is. That's the important thing."

But one need be no prophet to see that the problem threatens to get worse, not better. Already signs are evident that certain types of contamination are becoming global in scope. Golf-ball-sized pieces of tar, formed from the heavier, more viscous components of oil, have been found in massive proportions throughout the Atlantic Ocean, affecting some 665,000 square miles of surface water. Last summer, widely scattered research vessels on duty between Cape Cod and the Caribbean repeatedly found their plankton-collecting nets fouled by thick clumps of oil. Half the plankton samples gathered from surface areas proved to be oil contaminated. Similarly, tiny plastic spherules, each half the diameter of a pinhead, have been found throughout the American continental shelf, in the Caribbean, and in the open Atlantic. These have been identified as polystyrene "suspension beads," the kind of material that goes into insulation and such common items as disposable coffee cups. In one study, conducted by Dr. Edward Carpenter along the coast of southern New England, they were found in the stomachs of eight of fourteen species of fish collected. While it is unclear whether tar balls or plastic spherules will have severe harmful effects on the environment, their presence in large concentrations throughout such vast tracts of oceans indicates, if nothing else, that some forms of contamination are far from local problems.

Also, the spread of certain heavy metals and potentially dangerous insecticides is now reaching alarming proportions. The Rome meeting of GESAMP reported that something in the range of 40 to 60 percent of all organochloride pesticides (like DDT) manufactured each year ends up in the sea, carried there primarily by air currents. Similarly, GESAMP has found that enormous quantities of lead are being introduced into the marine environment. Used as an anti-knock agent in motor fuel, lead is released into the atmosphere in exhaust fumes and then rained into the sea, as much as 2×10^5 tons annually. Though man will suffer no known ill effects if he eats fish whose tissue has absorbed lead from the water, "the rapid increase of the level of lead in the marine environment," the GESAMP report concludes, ". . . must be viewed with alarm."

The list of globally significant pollutants could go on indefinitely. PCBs (polychlorinated biphenyl compounds) are believed to be as widespread in the seas as DDT and other organochloride compounds. About 4000 to 5000 tons of mercury are dumped into the ocean each year in the form of industrial waste; an equal amount is released into the atmosphere by the burning of coal and oil and later washed into the oceans. Not all forms of mercury are harmful to man, but methyl mercury, which can be formed in the sea from the decomposition of other mercuric compounds, is the substance that killed forty-one people in Minamata, Japan.

Like other forms of pollution, that of the oceans is a by-product of economic growth and thus to an extent inevitable. Most of man's waste products directly or indirectly pollute the ocean. Sewage, automobile exhaust, industrial waste, warm water, the grease that mechanics wash from their hands at the end of a hard day—all of these contaminate the seas. And, as long as most nations continue to be committed to further growth, the danger increases that our oceans will be converted from inexhaustible treasure houses into trackless graveyards of civilization itself.

What then can be done? What is being done?

An ambitious and comprehensive undertaking is being planned at the United Nations. A conference on the Law of the Sea, now in the planning stages in New York, will consider a wide-ranging marine pollution convention. This legislation envisages a combination of global, regional, and national controls that, it is hoped, will comprise a complete pollution-control package. Globally, minimum standards would be set for the preservation of the marine environment; regional and national provisions then would deal more specifically with special situations in the various parts of the globe.

But the number of conflicts that any effective legislation would create ensures that the process of coming to international agreement will be at best a slow one. There will be problems of jurisdiction and enforcement, themselves related to divergences in national interest. There will be innumerable local, practical problems. If discharges are to be regulated (they will not be prohibited), the question arises, Who is to discharge how much, when, and where? There will be problems relating to national strategic interests. Will one nation, for example, be able to restrict the passage of nuclear subs through its coastal waters because an accident would be disastrous to the environment? Might pollution controls be used as a pretext to cause inconvenience to the shipping, military or commercial, of rival states?

Perhaps the most serious problem concerns economic competition. Pollution control costs money, and spending money creates competitive disadvantages. Particularly to the less-developed world, already suffering from serious disadvantages in other spheres, the prospect of pollution control may prove less than agreeable. After all, the industrialized nations enjoyed the luxury of development without expensive environmental concerns. Now the majority of mankind that lives in the rest of the world is being asked to dispense with the same luxury. They may not be very willing.

This is the real crux of the issue. Like all environmental concerns, marine pollution boils down to a question of austerity—global austerity. It's a problem of willingness to make do with less. Two cars in every garage, even only one, means continued pollution of the seas. Or, as one marine biologist in Boston put it, "The solution is really very simple. You've just got to be prepared to walk to work."

NATIONAL FUELS POLICY

Mr. HARTKE. Mr. President, the energy crisis has taken much of this Nation by surprise. It has crept up and awakened us from what was a long period of overconfident unawareness. More than 13 years ago, on April 21, 1960, I spoke on this Senate floor of the need for a national fuels policy. The words I spoke then seem so appropriate today, that I would like to repeat them for the benefit of my colleagues:

> Mr. President, fuel for energy is basic to the growth of our economy and to maintaining national security. It is obvious, therefore, that our continued well-being as a Nation depends on an assured supply of low-cost, high-yield fuels.
>
> Conservative projections of America's growth set our 1980 population at roughly 250 million persons. If the standard of living enjoyed by this Nation is to keep pace with this skyrocketing growth, our industrial capacity must be expanded tremendously. An expanding industrial capacity means, in turn, that our consumption of energy fuels will grow, not only correspondingly, but at an even greater rate.
>
> Resources for The Future, Inc., a non-profit research group concerned with the development, conservation, and use of our natural wealth, has estimated that in the 20 years from 1955 to 1975, our power needs will grow by 120 percent in the use of hydroelectric power, 107 percent in the use of oil and 75 percent in the use of bituminous coal. This seems fantastic for a scant 20 years, but I am assured it is realistic.
>
> Where is this vast power to come from? We are today rich in power. I am not one to subscribe to the scare statistics that purport to show that we shall, in a few short years, waste away our inheritance of natural wealth. Yet our natural resources are not unlimited. Only a certain amount of oil, coal, gas, uranium, or any other source of energy is available anywhere.
>
> It is possible to talk to 10 energy economists and come up with 10 different predictions of exactly when all of the fuel in the United States will be exhausted. Naturally, these predictions are always hedged with various qualifying phrases such as "at current levels of consumption." But we are not interested in current levels of consumption. We hope we are facing a growth rate unprecedented in history—a demanding growth rate; and we must have the raw materials with which to meet this challenge successfully.
>
> Meeting this challenge requires planning. It is essential that we know what we have, how it is being used, and what we can expect to have in the future. We cannot proceed blithely down the path of carefree extravagance, allow our vital industrial machinery to grind to a rusty halt, and then wonder what we should have done to avoid our plight. And I may point out here that the wheels of industry will halt long before our fuel supplies are exhausted. All that is required to suspend or cripple industrial activity, thus causing nationwide unemployment, is for fuels to become so expensive, because of the short supply or high cost of production, that their use becomes prohibitive.
>
> Consequently, we must plan for the future. That is the basic purpose of Senate Concurrent Resolution 73. It is a purpose which I endorse wholeheartedly.
>
> I know that some Senators object to the word "plan." Many persons feel that we in the United States should enjoy a free, unplanned society. They believe that planning is the method of the Soviet Union—a method which is not free and with which our ideology conflicts.
>
> But, merely because the Soviet Union states that it plans its affairs to insure the best use of its economic strength, it does not mean that we should be aimless, mindless, and wandering. Past administrations have brilliantly shown that planning our Nation's future need not necessarily lead to a regulated and regimented society. I am convinced that, if we drift, our destiny will be upon us much more rapidly than we think—and it will not be a happy arrival.
>
> We are not concerned here with stringent Government regulation of the various energy industries. I do not think the Government should set up additional bureaucratic machinery to say "Thou shall" and "Thou shall not," to these important segments of our economy. What I am urging is the speedy approval of Senate Concurrent Resolution 73, a document that says nothing of Federal regulation or end-use control. The congressional committee envisioned under this resolution would be dedicated solely to determining exactly where the public interest lies in this vital matter of energy supplies. This, I think is a far different matter than establishing absolute Federal regulation, as some of the critics of this proposal have claimed it would do.
>
> This entire subject of the public interest is one that concerns me greatly and which, I am sure, is of great concern to all my colleagues, as well. Ignorance of the public interest is one of the few certain ways in which a nation, if history is a reliable guide, can bring catastrophe upon itself. And on a smaller scale, we have many precedents in our own experience to indicate why concern for the public interest must be of overriding importance in the legislative activities of this body. As the late Henry L. Stimson stated, government is not "a mere organized police force, a sort of necessary evil, but rather an affirmative agency of national progress and social betterment."
>
> Consider the simple matter of conservation. When the first westwardbound pioneers reached the summit of the Appalachians, they saw virgin forests stretched before them, with abounding game, swift streams, with easily harnessed power. They had found a land of infinite promise.
>
> We all know what happened. As the pioneers moved west, the exploiters followed, filling the vacuum. Vast stands of timber that had taken hundreds of years to grow were mowed down in months. The herds of the Great Plains were slaughtered without reason. Streams were diverted for frivolous purposes and the power diminished.
>
> Finally, of course, the public was aroused and the public interest was considered. A simple determination was made—that conservation of our natural resources was to be encouraged. This straightforward declaration of policy has had, as I am sure all Senators are aware, a profound effect. Take timber, for example. Where once logging companies stripped timberland and moved on without a backward glance, now grow tree farms dedicated to an assured supply of wood for future generations. This is the sort of policy declaration that must be made concerning our energy fuels.
>
> Indeed, the situation in our energy industries is quite similar to the situation that gave rise to the earlier policy decision on the conservation of woodlands. At first discovery, our fuels resources—coal, oil, and natural gas—seemed inexhaustible. They were consequently used without question. There was always "plenty more where that came from." And there still is plenty more. But all three sources of energy are, at the present time, to varying extents, depleted. It has become obvious that these vital ingredients of national growth are, in fact, limited, although in many cases those limits are still a long while away. It has become just as obvious that it is time for a thorough, unbiased reappraisal of America's energy situation and its relation to the national interest—not only of today, but of the future.
>
> This reappraisal is even more urgently indicated by the unhealthy economic conditions prevailing in our energy industries. The petroleum industry is facing a mammoth glut of oil, not only in this country, but on a worldwide scale. This oversupply naturally leads to depressed prices and basically uneconomic marketing practices. The gas industry, controlled as it is by Federal regulation, has been unable to make the proper adjustments to its role in the economy. Wellhead prices for this product have continued to be so low that sufficient incentive for exploration is lacking. The result is that the life index of natural gas has steadily decreased. And the coal industry is in the economic doldrums, causing widespread economic disaster to vast areas of this country.
>
> Other countries of the world are not so naive as we. Many of them have already realized the importance of energy supplies to their economic progress and have consequently formulated fuels policies to guide them. Perhaps foremost in this movement is the European Coal and Steel Community—the group of six continental countries banded together for mutual economic growth. I have personally visited with their representatives in France, Luxembourg, and West Germany. Our good neighbor to the north, the Dominion of Canada, was also quick to realize the necessity of an energy policy. They have established a National Energy Board designated

to "study and keep under review all matters relating to energy within the jurisdiction of the Parliament of Canada, and shall recommend to the Minister of Trade and Commerce such measures as it considers necessary or advisable in the public interest." We cannot afford to lag behind the rest of the world in this field.

Because the economic ramifications of our fuels industries are so widespread on American life, the fuels study proposed here must be conducted on a very broad scale. It must delve into all aspects of energy supplies, energy needs, and the great mass of data that pertains to the economic future of the United States. As one leading fuels economist has pointed out:

"The development of an integrated national fuels policy calls for a consideration of all factors affecting the national supply of and requirements for all fuels and energy sources. The purpose of such a study is to determine what course of action is necessary to achieve the lowest overall cost of fuel and energy consistent with security of supply."

I, of course, cannot describe in detail what would be considered by the study group in their investigation. I cannot even tell Senators how long an effective study of this vital matter might take. But I can, in all conscience, assure Senators that such a study is an absolute necessity to the United States at this time.

Mr. President, I, of course, cannot describe in detail all of these things, but this is not simply a personal opinion. Over the years, many authoritative panels and commissions have had occasion to examine our energy situation. It has been a consistent recommendation of these groups that a study aimed at providing a national fuels policy was necessary. Let me cite just a few of these authorities.

A subgroup of the National Resources Committee recommended in 1939:

"The energy resource—coal, petroleum, natural gas, and waterpower—lies at the foundation of our industrial civilization. * * * From the evidence reviewed in this study, it appears beyond argument that the Nation's patrimony should be safeguarded, that a sound national policy must be concerned with the conservation and prudent utilization of these basic resources."

In 1951, an important committee of this body recommended in the words of its chairman, the senior Senator from Wyoming:

"We must still give consideration to the formulation of a broad 'national fuels policy to meet the needs of the United States in times of peace and war.'"

The President's Materials Policy Commission, commonly called the Paley Commission, reported in 1952:

"But on one point the Commission is very clear—the hydra heads of energy policy must be reined together. This can be accomplished only if all parties concerned—the President and Congress, the State and Federal agencies, and the energy industries—work from a common base of understanding of the total energy outlook, the interrelations within the energy field, and of the relations between energy and the rest of the economy."

And just a few short months ago Vice Chairman William R. Connole, of the Federal Power Commission, asserted:

"When we think that our energy resources are consumed at such an incredible rate that, for an example, all the fossil fuel consumed in the history of the world up to the year 1900 would last only 5 years at today's rate of consumption, we know how important this whole subject is to all the peoples of the world."

While these authorities are all concerned primarily with the needs of a peacetime economy, the realities of national security present a further demand for a national fuels policy. Our experiences in two world conflicts have shown us that the extravagances of war require a tremendous increase in our energy output. We have no source of energy which can be greatly developed or expanded overnight. It is estimated by spokesmen for the domestic oil industry, that it takes from 3 to 5 years to establish a new producing oil well. The gas industry, with its pipeline capacity already committed, would, of course, face delays because of the time necessary for additional construction. And the bituminous-coal industry reports that it takes up to 4 years to develop a modern coal mine and almost as long to train a miner in the use of the modern machinery of present-day mining.

With our retaliatory power strongly oriented to industrial capacity, our expanding need for energy fuels in the case of a national emergency is well documented. Overseas supply lines will be in jeopardy, domestic petroleum production will be consigned almost entirely to military uses, and our vital production might must be fueled by the remainder of our energy industries—primarily coal. Consequently, the maintenance of a strong, stable energy base becomes essential if this country is to be able to meet the exigencies of a future emergency. This resolution will insure that this is done.

Nor can we ignore the economic challenge which has been thrown down by the Soviet Union. The cold war, as we all know, is now being fought in economic terms as well as diplomatic ones and, of the two, the economic competition is the more crucial area. The Communists are well aware of the importance of fuels to this strife. An Izvestia article more than a year ago emphasized this. It said:

"In the 7-year plan for the development of our national economy, it is extremely important to find a practical solution to the problems connected with the integrated use of natural fuels resources."

And a second article asserted:

"Therefore, in our long-range plan for development of our natural fuel resources we are planning for the extensive but intelligent use of oil, natural gas, and coal for powerplants, for our industry and the everyday needs of community living."

Recent reports of economic planning in the Soviet Union indicate that these assertions may be rapidly realized. The most recent figures available reveal that the Soviets expect to increase their consumption of energy by approximately 70 percent by the year 1965, as compared with 1958. In this country, on the other hand, the best estimates of our energy use show an increase of only 25 percent from 1958 to 1965.

It is also worth noting that the Soviet Union, for the first time in history, surpassed the United States in coal production in 1958, producing 560 million tons to our 430 million tons. Soviet propagandists also claimed that the production of oil in their country in 1959 ousted Venezuela from its historical spot as the second largest petroleum producer in the world. These signs of growth, and their economic implications, cannot be ignored by the United States.

Since the introduction of Senate Concurrent Resolution 73 late in the last session of this Congress, a certain amount of controversy has arisen among the various fuels industries concerning it. From the start the resolution has had the enthusiastic support of the coal industry. Some segments of the petroleum industry and the producers of natural gas, however, were more reluctant to urge approval of this measure. Yet domestic oilmen have swung around to approving this important idea. The president of the Texas Independent Producers and Royalty Owners, Harry C. Jones, recently stated that his organization had little to gain by opposing a fuels policy study, and added, "Our most realistic and productive course might well be to participate in such studies and discussions."

The controversy has now boiled down to a simple one. The bulk of the opposition now comes from four or five international oil companies. These are the principal importers of the foreign residual oil which has flooded the eastern seaboard of the United States, tending to render us dependent on oversea sources of supply for such a vital domestic need.

There was at one time an objection raised that this resolution would lead to so-called end-use controls on America's energy fuels. The sponsors of the resolution never intended this, and they have eliminated the language that led to this interpretation. End-use controls are no longer an issue in this discussion.

Still, Standard Oil of New Jersey has published a lengthy treatise discussing this proposal in terms of a regulated economy versus the free choice of consumers. As might be expected when the issue is presented in these terms, the company stands firmly on the side of freedom. But this means little, since the issue is considered in basically unrealistic terms. The distinction between opponents and proponents of a national fuels policy study cannot be drawn along the line of Government controls as opposed to a free economy.

The distinction at issue is whether or not this country is to maintain the security of its fuel supplies. Those few great oil corporations who stand opposed to the resolution decry the security of energy supply as a tenet of national policy. Senators may wonder, as I do, if it is because Jersey Standard and other opponents use foreign oil for higher profits.

I cannot understand continuing objections after questionable provisions have been deleted from the resolution. I cannot understand the insisting on a policy of ignorance rather than enlightenment.

I suspect some oppose this important forward step in order to try to remain relatively unhindered in importing. Some apparently wish to be free to increase the flood of imported oil, particularly residual oil, which has been so detrimental to our domestic fuels industries and which can cause nothing but harm in the future.

Despite these objections, we must go forward with this fuels study. It is a vast problem that we are discussing. This area of energy supplies and needs is so broad and so crucial to our Nation that we must put our best brains to work assembling facts and extrapolating opinions to assure the country that its progress will not be impeded by a lack of energy.

Mr. President, we cannot long exist as a strong Nation without a fuels policy. We cannot afford to allow shortsighted or selfish individuals to stand in the way of our national growth. We cannot willingly permit a few companies to seek profits at the expense of America's national security. We must pursue our national destiny with all the logic and intelligence at our command, and this pursuit necessarily means the formulation and adoption of a national fuels policy without delay.

THE DISPUTE IN THE GRAPE INDUSTRY

Mr. KENNEDY. Mr. President, a week ago, I placed in the RECORD copies of two resolutions adopted by the National Conference of Catholic Bishops.

Prior to the adoption of these resolutions, Bishop Joseph F. Donnelly, chairman of the Bishops' Committee on Farm Labor issued a report on the table grape strike.

That report has now been made available to me. I ask unanimous consent that this summary, by an individual who has observed succeeding developments in this dispute at firsthand, be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

REPORT OF BISHOP JOSEPH F. DONNELLY, CHAIRMAN, BISHOPS' COMMITTEE ON FARM LABOR, NCCB MEETING, WASHINGTON, D.C., NOVEMBER 13, 1973

The Bishops' Committee on Farm Labor was established in November 1969 at the annual Fall meeting of the National Conference of Catholic Bishops. The NCCB authorized the Committeee to study the table grape strike and empowered the members of the Committee "to issue appropriate statements as in their estimation the facts warranted."

During the floor discussion of the Committee's purpose and role, it was made a matter of official record that if the Committee's efforts to persuade the parties to negotiate were unsuccessful, the NCCB was prepared to take further action. This meant, in context, that, if necessary, the NCCB might at the appropriate time come out in favor of the boycott.

Pursuant to this NCCB mandate, the Bishops' Committee held an extensive series of meetings in California with the top officers of the United Farm Workers and with a number of representative growers. As a result of these meetings, which extended over a period of several months, the parties eventually resolved their long-standing dispute in the table grape industry through the normal processes of collective baragaining. Representatives of the Bishops' Committee, by invitation of the parties, sat in as observers at most of the bargaining sessions and, in some cases, were called upon to mediate between the parties.

In summary, I think it can be said that the Committee played an indispensable role in settling the table grape dispute.

The table grape controversy was finally resolved in July 1970 when the so-called Delano growers signed collective bargaining contracts with UFW. Shortly thereafter a substantial number of lettuce growers in the Salinas Valley secretly signed agreements with the Teamsters who could not claim to represent the workers involved. (The California Supreme Court subsequently ruled that these Teamsters contracts were collusive.)

The United Farm Workers immediately called a massive strike in the Salinas Valley. Thereupon representatives of the Bishops' Committee were invited to mediate between the UFW and the Teamsters in an effort to resolve this unexpected crisis. With Committee representatives serving as mediators, the parties worked out an agreement which ceded jurisdiction over field workers to the UFW. Under the terms of this agreement, the Teamsters retained jurisdiction over the packing sheds and food processing plants which they had organized many years ago. The pact further stipulated that the Teamsters would use their best efforts to persuade the growers voluntarily to rescind their Teamster contracts and renegotiate them with the UFW. As it turned out, only a handful of lettuce growers took advantage of this offer within the period of time specified in the jurisdictional pact. The other growers refused to rescind their contracts and, to this day, they are still adamant in their refusal to deal with the UFW.

Faced with this dilemma, the UFW subsequently called a national lettuce boycott—and the battle was on again. Some months later, the Teamsters and the UFW sat down to work out a second jurisdictional pact—this time under the auspices of the national AFL-CIO and the Western Conference of Teamsters, with representatives of Bishops' Committee serving again as observers. This second pact also failed to achieve its stated purpose. In other words, the growers again refused to rescind their Teamsters contracts.

Even at that, the United Farm Workers continued to negotiate for several months with a number of interested growers. In the end, however, their negotiations broke down and, in due time, the lettuce boycott was renewed. Shortly thereafter, in an effort to mediate between the parties, the Bishops' Committee, on its own initiative, held a series of three meetings with the top officers of the Teamsters International and the Western Conference of Teamsters. Two of these meetings took place in Washington, D.C. and one at the headquarters of the Western Conference in Burlingame, California. At the conclusion of the third meeting, after representatives of the Committee had made their presentation and had been excused, the Teamsters went into executive session and, a few hours later, publicly announced that they had decided to take the UFW on and to organize the farm workers all over the State of California without regard to the two jurisdictional pacts referred to above.

In April of this year, upon the expiration of the UFW table grape contracts in the Coachella Valley, it was announced that the Teamsters had secretly signed up all but two of the growers in Coachella. This was a clear signal that the Teamsters—who did not represent the workers in the Coachella Valley—were determined, in collusion with the growers, to destroy the UFW.

The UFW, understandably, was appalled by this development and immediately called a strike in Coachella and also called for another table grape boycott. Subsequently, the Executive Council of the AFL–CIO voted to supply the UFW with a strike fund of $1.6 million. The Federation also sent experienced organizers to Coachella and invited all of its affiliated unions to send organizers from their own staffs.

On September 28 the Teamsters, at the prodding of the national AFL–CIO, tentatively agreed to a third jurisdictional pact with the United Farm Workers Union. It was generally thought that this pact, unlike the earlier Teamster-UFW agreements, would stick and that it would prepare the way for an orderly and peaceful settlement of the farm labor dispute. Unfortunately, however, the Teamsters announced a week or two ago that they could not and would not abide by the terms of the proposed agreement.

In the face of this development, the United Farm Workers Union had no recourse but to accelerate its national consumer boycott of head lettuce and table grapes as the only non-violent instrument of power left to it. We must be clear about the fact that the very existence of the UFW is at stake in this struggle.

The Bishop's Committee on Farm Labor has met to reconsider its own role in the light of this urgent crisis. The Committee is convinced that the cause represented by Cesar Chavez and the United Farm Workers Union is a just cause. We are persuaded that the UFW represents the best interests of the nation's agricultural workers and that it deserves our wholehearted support in its struggle to protect the legitimate economic rights of one of the most disadvantaged groups of workers in the American economy.

Accordingly, the Committee makes the following recommendations:

(1) The Committee *unanimously* recommends that the NCCB go on record in support of the UFW's demand for free elections to determine which union should represent the field workers in the agricultural industry and further recommends that the NCCB call upon the growers and the Teamsters to accede to this demand without further delay.

(2) *By majority vote,* the Committee recommends that the NCCB endorse and support the UFW's consumer boycott of table grapes and head lettuce until such time as the Teamsters and the growers agree to secret ballot elections.

Mr. Chairman, I move the adoption of these two resolutions.

Following the presentation of Bishop Donnelly's report and a one-hour discussion of his report on the floor of the National Conference of Catholic Bishops' meeting, the NCCB unanimously adopted the following resolutions:

(1) It was moved that the National Conference of Catholic Bishops go on record in support of the right of the field workers in the agricultural industry to free secret ballot elections which will determine whether or not they want union representation and which union they want to represent them. The NCCB calls upon the growers and the Teamsters to accede to this demand of the United Farm Workers without further delay. The motion was carried unanimously.

(2) The National Conference of Catholic Bishops endorses and supports the United Farm Workers' consumer boycott of the table grapes and head lettuce until such time as free secret ballot elections are held. The motion was carried unanimously.

[From the Washington Post, Nov. 17, 1973]

PRIESTS SUPPORT UFW

The nation's Roman Catholic bishops yesterday threw their support behind the organizing efforts of the United Farm Workers union and called on Catholics to shun non-UFW lettuce and table grapes.

Meanwhile, AFL–CIO President George Meany issued a statement accusing Teamsters President Frank E. Fitzsimmons of reneging on an agreement to cede the right to organize field workers to Cesar Chavez's UFW.

Fitzsimmons said in San Diego Thursday that no such agreement ever existed, but Meany's statement included what he said was the text of the agreement.

Referring to fieldworkers contracts the Teamsters have signed with a variety of California growers. Meany said, "It appears the Teamsters have decided that their interests lie in maintaining the alliance they have created with these employers, rather than in maintaining their integrity as trade unionists."

The bishops' decision, made by voice vote here as they concluded their five-day annual meeting, for the first time put the Catholic hierarchy in official support of one of the parties to the lingering dispute involving the UFW, the Teamsters and California growers.

CHAOS IN CAPITAL PUNISHMENT

Mr. HARTKE. Mr. President, in 1962, the Congress took what it thought was an initial step in bringing to a halt the taking of life by the command of law. It passed a law applicable to the District of Columbia and gave to the jury and judge the discretion to weigh all the factors in each case prior to execution of the death sentence. I sponsored that bill, along with Senator Wayne Morse, and humanized the imposition of the death penalty. As we all know, the Supreme Court in Furman against Georgia, held the discretionary imposition of the death penalty unconstitutional.

Mr. President, Clayton Fritchey had a very informative column in the Washington Post, November 24, 1973. I ask unanimous consent that Mr. Fritchey's article be printed in the RECORD following my remarks, as he very capably sums up the present status of capital punishment in the United States.

The Subcommittee on Criminal Laws and Procedure has held hearings, during the past 2 years, into the Federal application of the death penalty. I could not help but note the expert testimony of my friend, the former Governor of Ohio, the Honorable Michael V. DiSalle, where he stated:

> It is not our privilege to play God; because death is no deterrent; because death makes an error horribly irrevocable; because vengeance is no substitute for justice; because man is not merely an entity that is three-fourths water and the rest mineral and organic products.

For those who advocate the death penalty as a deterrent for violent crime, let them view other societies which have abolished the death penalty. I am here cognizant of the American frontier traditions of our country, but we must lead, and in leading, the first order of business should be the direction of our society in this civilization. History has taught us that violence begets violence, and peace and compassion beget each other. It is not until we begin to believe in the towns and villages of America, that the problems of one are the problems of another that we will begin to believe that such remedies as the death penalty actually lead to violent crime instead of peace and security in our homes.

Mr. President, we must strictly interpret the commandment "Thou shalt not kill," and do away with the exceptions thereto. The deterrent to violent crime is not in the penalty but in the direction our society is led by its leaders.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 24, 1973]

CHAOS IN CAPITAL PUNISHMENT

(By Clayton Fritchey)

Although capital punishment has been hotly debated in America since the founding of the republic, its legal status is now more confused and uncertain than ever before. No one can foresee what the outcome is going to be.

When the first Congress of the United States was considering the Bill of Rights, it was warned that the prohibition against "cruel and unusual punishment" in the Eighth Amendment might someday rule out capital punishment. Last year, more than 182 years later, it looked as if that day had come when the Supreme Court appeared to have outlawed legal execution as a violation of the Eighth Amendment. That decision emptied "death row" of some 600 prisoners awaiting execution.

But today another death row is already growing in various penitentiaries as a score of states have rushed through new capital punishment laws designed to take advantage of real or imaginary loopholes in the Supreme Court's 5–4 decision.

The court was split so badly that all nine judges wrote separate opinions. The net effect was not to bar capital punishment per se, but to bar the haphazard manner in which it was imposed. The majority agreed that the penalty had been erratically and unfairly applied, especially against the black and the poor.

The minority opinion of Chief Justice Warren Burger, one of the principal dissenters, seemed to suggest that the court's objections could be overcome by the states if they rewrote their laws. "Legislative bodies," he said, "may seek to bring their laws into compliance with the court's ruling by providing standards for juries and judges to follow in determining the sentence in capital cases or by more narrowly defining the crimes for which the penalty is to be imposed."

That was enough to encourage campaigns in various states to enact new laws. The National Association of Attorneys General voted 32–1 for such legislation. In the last year, 20 states have reinstated the death penalty, with the result that a whole new crop of condemned men are now in death row awaiting they know not what, for the new bills will have to be reviewed by the Supreme Court before anybody can be executed under them.

When the first of these rewritten laws—New York's—reached the Supreme Court last week, it failed to pass muster. But this won't deter other states from trying to find a formula that the high court will ultimately accept. Meanwhile, all is chaos.

The strangest thing about the court's landmark decision is that it appears to have ignited, rather than dampened, public support for capital punishment. For years prior to the ruling, the issue was more or less dormant. Even though a majority of states had capital punishment, almost no one was executed. Now, of a sudden, the public is clamoring for the death penalty. The latest Harris poll shows a 59-31 majority for it. Three years ago the majority was only 47-42. The Gallup poll is similar, except that a few years ago it showed a majority against capital punishment. Much of the present trend can doubtless be traced to political agitation. President Nixon, for instance, has been calling on Congress to restore the death penalty for certain federal crimes.

Is death a deterrent? Now, as always, that is the key question. While the Harris poll showed almost a 2–1 majority for capital punishment, it simultaneously found that a large majority (48–35) would oppose it if it could be shown that life imprisonment was an equal deterrent.

The criminologists, penologists and even presidential crime commissions have for years produced volumes of testimony to prove that capital punishment is not a superior deterrent. But they don't get the kind of attention enjoyed by the President when he says, "Contrary to the social theorists, I am convinced the death penalty can be an effective deterrent." He offered no supporting evidence—maybe because there isn't any.

A new Canadian crime commission study reports that when picking pockets was a capital offense in England, "pickpockets made their biggest hauls during public executions when all eyes were riveted on the gallows." (Note: The Oklahoma Senate, in reviving capital punishment, almost approved the televising of executions.)

Richard McGee, while California's director of corrections under four governors, presided over the execution of 170 men and women. His conclusion, upon retiring, was: "As a practical man, I have been convinced on purely rational grounds that the death penalty is futile and inappropriate in a modern society." Is Mr. Nixon sure he knows better?

THE CONTINUING STRUGGLE OF THE TEXTILE WORKERS UNION

Mr. KENNEDY. Mr. President, one of the bleakest chapters in recent labor relations history is the 10-year struggle of the Textile Workers Union of America to obtain collective-bargaining agreements covering workers at various plants of J. P. Stevens & Co.

Despite an endless series of NLRB and court decisions based on company violations of the rights guaranteed to American workers under law—including a contempt decree for violations of previous court orders—the company has continued to impede union organizations' efforts.

The latest episode in this unfortunate history has been described in an article by James G. Driscoll appearing in the October 6, 1973, issue of the National Observer. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the National Observer, Oct. 6, 1973]

LABOR ASSAULTS A SOUTHERN FORTRESS

(By James G. Driscoll)

Last Oct. 31 Al Motley, a union organizer, drove 80 miles from his Charlotte, N.C., home to this cotton and soybean region of South Carolina. He crossed the Great Pee Dee River, entered Marlboro County, and checked in at a motel across the road from two textile plants of the J. P. Stevens Co.

He was there to persuade Stevens employes to join the Textile Workers Union. To that end Motley held many meetings in his room with Stevens employes and other organizers. Through November, December, and most of January they discussed over-all strategy and specific tactics.

Until, on Jan. 24, they found out that the room was bugged.

The union contended that Stevens was behind the bugging and filed a $64 million damage suit against the company, alleging violation of Federal and state laws on individual privacy and freedom from trespass. The company denied prior knowledge of the bugging, condemned it, suspended three Stevens employes who "appear to be involved in the investigation," and filed an $80 million countersuit alleging libel and slander on the union's part.

ROMAN NUMBERING

This was another in a long series of tenacious battles between a big, tough union and a big—and, so far, tough—company. For 10 years Stevens and the Textile Workers have wrestled like two giant beasts, neither giving quarter, neither giving up. Their lawyers are busy fighting through the courts and the National Labor Relations Board (NLRB). The union now labels the court cases with Roman numerals to keep them straight; "Stevens XII" is the latest.

Consider the J. P. Stevens Co. The world's second-largest textile company—next to Burlington Industries—Stevens employs 40,000 people in 80 plants, mostly in the South, and last year's sales totaled $947 million. The Stevens stance is unequivocally antiunion. The company has stuck to that position, although it was forced to pay $1.3 million in back wages to employes who the NLRB determined were illegally fired during organizing campaigns.

Consider the Textile Workers Union of America, AFL–CIO. The union represents 200,000 workers in the United States and Canada and has net assets of $14.2 million. The union has organized about 10 per cent of the South's 700,000 textile workers, mostly in smaller plants, but hasn't dented Stevens, its principal target, except for a plant in Statesboro, Ga.

RELUCTANT TALKS

Stevens employes at Statesboro voted against the union, but the NLRB set aside the election on grounds that the company was involved in unfair labor practices. The

NLRB ruled—and the courts agreed—that the union had won bargaining rights on the basis of union-membership cards signed by more than half the employes. So Stevens reluctantly entered contract negotiations with the union more than a year ago, but there's been no agreement.

Here at Wallace the year-long effort to organize 1,000 workers is typical of the stubborn struggles between company and union. Idealistic labor organizers have come up against strong-minded company officials in a manner reminiscent of the 1930s. It's almost as if Wallace is encased in a time capsule, and Walter Reuther and Henry Ford will appear at any moment to do battle.

After the bugging incident, organizers Motley and Mike Krivosh moved to a motel in nearby Cheraw to continue their work. Joined later by Louis Washington and other organizers—from the Textile Workers and AFL–CIO's Industrial Union Department—they concentrated first on the grueling job of visiting workers' homes in hopes of persuading them to support the union.

Says Krivosh: "You run into two kinds of opponents. One is the guy who says he's with you, but he can't say anything in public. The other kind is the guy who won't listen to you at all. We don't count on either kind."

"WE HAD A WINNER"

This is the first organizing campaign for Krivosh, who is 26, idealistic, and from a Steelworkers Union family in Pennsylvania. "We always talked union at home," he recalls. "I figure my father's union wages put me through college."

Krivosh is convinced that the representation election, scheduled for Sept. 19, would have gone the union's way. "We had a winner here," he asserts. "The company *knew* we had a winner here. We were going in with 65 per cent of the employes on our side."

But the election wasn't held. Two days before it was scheduled, the company conducted employe meetings in the plants to present Stevens' view on the election. At each meeting, two or three prounion employees stood up and asked questions; 22 of them were fired. The union filed charges of unfair labor practices with the NLRB, which postponed the election until the charges can be investigated and a decision on them reached.

The workers say they were fired just for asking questions. The company contends they were fired for "deliberately disrupting" the meetings. The disruptions "were obviously prearranged," the company asserts.

Moses Dixon, one of those fired, had worked nine years at the plan and was making $3.48 an hour as an electrician. He's 27, married, with a 4-year-old son. At the meeting he asked why the company wouldn't debate the union on what union membership would mean to an employe. The meeting was adjourned immediately, and he was told to pick up his check and "clock out." Thirteen others were fired that day.

Tommy Cassidy, 20, was making $2.47 an hour for inspecting cloth for water spots or other flaws. At the meeting "I asked how much they paid their lawyers to write that speech," says firebrand Cassidy, "and then we had kind of a little debate, and they told me to sit down." He and seven others were suspended until the day after the scheduled election; then they were fired.

The 22 who were fired made up the backbone of the union effort here. All were either on the organizing committee or closely associated with it.

More than three-fourths of the committee members were black, which reflects a delicate racial problem. Though about 60 per cent of the Stevens employes here are white, the majority of those who signed union cards are black. Blacks generally have less seniority and poorer-paid jobs than whites and are more receptive to unionization. Some union men, however, believe it's a mistake to sign up blacks first; they say blacks tend to dominate the local union movement and scare off whites, who hold the balance in the election.

NO INTERVIEWS

Stevens officials are reluctant to talk to the press, and spokesman Paul Barrett turned down a reporter's request to interview either of the plant managers here. Instead, Barrett stuck largely to a prepared statement on the firings, in which the company said:

"It appears that there has been a strong trend developing among the employes against the union. It seems very likely that these incidents [at the meetings] were planned in order that the resulting terminations would give the union an excuse to file charges with the labor board . . . thereby blocking the holding of the election."

Sometimes Stevens has had to back down. In battling some of the back-pay cases the company fought a contempt-of-court citation by the U.S. Court of Appeals in New York and finally was turned down for review by the U.S. Supreme Court. At one point the appeals court said: "In a continuing attempt to dissuade employes from joining the Textile Workers Union . . . the company and its management personnel in various plants, despite our prior orders, have continued to resort to such unlawful tactics as engaging in surveillance of organizing activities, interrogating employes about their union inclinations, threatening prounion employes with discharge and other reprisals, discriminatorily altering their working conditions, and discharging them because of their union activites."

FIRST THINGS

The NLRB plans to file further contempt actions against Stevens for alleged failure to carry out NLRB orders. Union-representation elections will be scheduled this fall at Stevens plants at Aberdeen, N.C., and Walterboro, S.C. And a Federal grand jury in Columbia, S.C., is said to be looking into the motel bugging incident.

As for the union effort here, it's back to first things. The union's organizing committee is broken, so Mike Krivosh will be back in the neighborhoods, door to door, visiting workers at their homes.

THE DEATH OF JOSEPH MURTAUGH OF THE ASSOCIATION OF AMERICAN MEDICAL COLLEGES

Mr. KENNEDY. Mr. President, it is with a deep sense of loss that I bring to the attention of my colleagues the passing of Mr. Joseph Murtaugh of the Association of American Medical Colleges.

Joe Murtaugh was a truly remarkable man. From the time of his graduation from the College of St. Thomas in St. Paul, Minn., in 1933, he dedicated his life to human service. His professional career spanned the Works Progress Administration, the National Youth Administration, the United Nations Relief and Rehabilitation Administration, the Public Health Service and the National Institutes of Health, where he served as director of program planning until his retirement from Federal service in 1968.

His contributions as a civil servant for more than three decades epitomized the very best that one can expect in the formulation and implementation of public policy. Mr. Murtaugh was one of the key members of a small group of creative individuals who, under the leadership of the former director of the National Institutes of Health, Dr. James Shannon, was directly responsible for the growth and development of the National Institutes of Health. This remarkable and successful effort has made the United States preeminent in biomedical research.

As chairman of the Senate Health Subcommittee, I have had the opportunity of having Mr. Murtaugh appear before the subcommittee on several occasions. His testimony was invariably broad-gaged, lucid, and honest.

At this time, I want to convey my sympathies to his wife, Dorothy, and their four children.

THE FOREIGN AID PROGRAM

Mr. ABOUREZK. Mr. President, this year two experts on foreign aid development, William and Elizabeth Paddock, completed an independent study on a number of American aid programs which have been touted as having been highly successful. The results of that study have been published in a book entitled, "We Don't Know How," which has just come out. According to the Paddocks, the goal of the study was to view the foreign aid program in light of the very best that we could expect it to accomplish. In light of this approach, the results of the inquiry were most disturbing. Even among the programs which have been considered the most successful, the Paddocks could find little in which we can consider a lasting contribution. Furthermore, many of the programs studied actually showed a negative effect and should not have even been started.

The Paddock's study is especially timely since the Senate will soon take up consideration of the Foreign Assistance Conference Report. Although much of what is discussed in the book deserves to be mentioned, I found the comments expressed in the epilog of particular interest. I ask unanimous consent that this excerpt from the book be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

[Epilog]

LET US FIRST LEARN HOW

"The admission of ignorance is the beginning of knowledge."—ANON.

Astounding surges forward have been made in the economic well-being of some of the areas I studied, such as Monterrey, San Pedro Sula, and Ciudad Obregon. In addition. I found the capital cities of the area bristling with new buildings and in most cases one can now safely drink the water and find an acceptable hotel room. The suburbs have inflated. The roads are better. The universities are bigger. Television aerials are most everywhere. Cars and their fumes bedevil the cities.

But these changes were due to the natural continuation of previous historical development, to the modern centralization of the region's economy into a few major cities, and to the countries' own normal growth under the influence of the post-World War II boom—growth accelerated by bigger populations and huge debts. The changes are not, so far as I can see, the result of any catalytic stimulus brought about by external foreign assistance.

In my research I learned two things:

First, development professionals do not know how to carry out an effective economic development program, either a big one or a small one. *No one knows how*—not the U.S. government, not the Rockefeller Foundation, not the international banks and agencies, not the missionaries. I don't know how. You don't know how. No one knows how.

Second, we don't know that we don't know how. Those who give the money are thousands of miles removed from where it is spent. No channel is provided whereby they can get unbiased opinions about their projects in the field in place of the usual fulsome reports of "great success." One barrier to this is that those who exercise their profession in the field, who "work among the natives," soon acquire a Messiah complex. To wit: a corn breeder in Iowa does not talk about his program SAVING Iowa. But a corn breeder from Iowa who goes to Guatemala does talk of his program as saving not only Guatemala but all Central America and maybe even all the tropics. Such men are biased sources of information about how well they are spending the money given them. Yet they are the only usual sources of information available to the journalist, the congressman, or their own officials back home. Add to this the fact that our aid programs maintain no memory banks. Both the files and the personnel are ignorant of previous programs, ignorant as to the reasons why they were started, ignorant as to what the prevailing conditions were then, ignorant as to why they failed and were abandoned.

The result: We do not know that we do not know how. We have no knowledge of our own ignorance.

I write this on the 26th anniversary of Nazi Germany's surrender to American forces under Eisenhower and remember my own confidence in the future, even though I cheered the victory from a bed in a Marine field hospital in the Pacific. Eisenhower's "Crusade in Europe" had indeed been a crusade. We had fought for a good cause and we had won. Soon Japan would also surrender. We had saved the world through dint of our arms. Perforce, we had also become a supremely confident nation. Part of this confidence was later transplanted into massive foreign aid efforts to "develop" the world we had saved.

I was as certain as anyone in the postwar days that we could do the job. In making a plea that the American agricultural scientist should turn his talents to increasing the crop yields in the hungry nations, I wrote: "For, like the Triton among the minnows, the [scientist's] power to increase agricultural production in an underdeveloped area might dwarf the increases he could perform in our own highly technological agriculture . . . One cannot minimize the importance of a science which seeks to destroy that on which communism feeds—hunger."

We all thought then that science and technology, combined with our national energy and ability, had the answer for everything. All of us—certainly all of us in the development profession—passionately justified and tried to implement throughout the developing world great new programs which had barely been tested elsewhere, if at all. To us in the various branches of foreign aid, the glamour of a problem 10,000 miles across an ocean and down a winding jungle trail proved more compelling and exciting than the mundane problems at home. We were so sure of ourselves we did not even bother to set development priorities. To have done so would have been to acknowledge we had limitations.

When in 1949 President Truman asked that we share our technical skills (which he called "inexhaustible") with the developing world we had only 660,000 men under arms (today we have 1.3 million), our population was 25 percent smaller, we had $25 billion in gold and owed less than $4 billion (today we have $11 billion and owe more than $15 billion), our campuses were tranquil ("Black Power" was unborn). In 1949 only a few knew the word "ecology" and still fewer were aware of our accelerating environmental degradation.

Nevertheless today we continue our foreign aid as though it should have the same priority, the same urgency, and the same goals it had in 1949. Those who today are dedicating their lives to helping the hungry world still speak with the same passion and with the same phrases they used in the 1950s. Note that the following statements were all made in 1970:

"We must continue our assistance to the developing nations because the very survival of our civilization is at stake." (Averell Harriman)

Foreign aid is man's "rendezvous with destiny"; if he cannot continue it "then possibly we are destined not to see but to foresee a planet empty—still spinning but no longer carrying the human race." (Barbara Ward)

"A planet cannot survive half slave, half free, half engulfed in misery, half careening along toward the supposed joys of almost unlimited consumption." (Lester Pearson)

Reduction in aid will mean world "disaster." (Jan Tinbergen, Nobel Laureate)

Now, looking back from the vantage point of the early 1970s, we realize that appalling changes have been rising to the fore at home, although few saw the handwriting on the wall. Even now much of the development profession has yet to recognize the effect these changes must inevitably have on the future course of foreign aid. They do not recognize that crusades which once were given such high priority must now be superseded.

A bipartisan group of U.S. senators can accurately say, "Today . . . citizens bludgeon each other in the streets of New York, students die in a campus eruption. Buildings explode. Banks burn. The nation's colleges are shut down. The population is polarized, and there are parades of protest everywhere. Not since the days of the Civil War have Americans treated each other like this."

Those who have so long advocated the need for America to use its energies and talents in helping the hungry nations can no longer ignore these frightening changes at home. To paraphrase Senator Philip A. Hart, "It's exciting to build a power plant in Brazil, but it's important, also, to go shopping around the corner without a police escort."

No one, including myself, would question the wisdom of the U.S. government having spent, since 1946, $100 billion (plus the monies of foundations, missions, individuals, etc.) in foreign assistance if its primary objective had been achieved, namely, world stability (or a semblance of it) through a greater well-being for mankind. Indeed, no one would object to committing another $100 billion—and another and another—if it would buy us that dream.

The advocates of foreign aid condemn those who would now curtail it by labeling them "isolationists." But he who is against foreign aid is not automatically an isolationist, just as an internationalist is not automatically in favor of foreign aid. As for myself, I do not say to withdraw from the United Nations, or to stop paying our political assessments due the United Nations development agencies, or to alter our military posture throughout the world, or to modify our 4 500 "treaties and agreements" which bind us to the community of nations.

Yet I can no longer advocate foreign aid until we first learn how to make it achieve its goals. Hence I urge that we first use our own country as a laboratory:

To make hillside farming in Honduras profitable, let us first learn how to solve the problems of subsistence farming in Appalachia.

To motivate Catholic Colombians to limit their family size, let us first learn how to motivate Puerto Ricans to cut their population growth.

To provide housing in restless Bombay, let us first learn how to rebuild our own ghettos.

To serve the medical needs of Ecuadorian Indians, let us first learn how to provide medical care to the Indians in Arizona.

To advise how to improve governmental procedures in Nicaragua, let us first learn how to modernize our own government, ranging from the problem of eliminating the stultifying seniority system in Congress to the problem of bringing the parasite suburbs into their proper municipal system.

To eradicate malaria in Ceylon let us first learn how to eliminate gonorrhea in Los Angeles.

To advise how to prevent Uruguay's socialism from destroying the nation's stability, let us first learn how to make Medicare pay as it goes.

To make the wheat farmers of India competitive with the world, let our cotton growers first learn how to farm without subsidies.

To eliminate the electrical power shortage in Rio de Janeiro, let us first learn how to do this in northeast United States.

To induce Pakistan to cut spending on armaments, let us first learn how to curtail our own $80 billion military budget.

To advise how to prevent political activists from disrupting the University of Caracas, let us first learn how to do this at the University of Wisconsin.

To help control the inflation which hobbles development in Indonesia, let us first learn how to control it at home.

To stop the disruptive migration to the cities in Peru, let us first learn how to slow the migration to our own suburbs.

To lower the sewage content of the Ganges, let us first learn how to clean up the Hudson and the Missouri.

To make literacy a development resource in Costa Rica, let us first learn how to profitably employ the unskilled among our own population.

To eliminate hunger in the world, let us first learn how to improve the diets of the 5 million malnourished Americans who cannot afford the food they need.

To advise how to stop kidnappings and terrorist bombings in Guatemala, let us first learn how to do this in New York City and San Francisco.

The list can be as long as the problems found throughout the hungry nations.

DESIGN FOR DISASTER—THE PROPOSED NEW REGULATIONS ON ALLOCATION OF NO. 2 FUEL OIL

Mr. RIBICOFF. Mr. President, on Tuesday, November 27, the Energy Policy Office proposed new regulations to govern the allocation of No. 2 fuel oil. They would repeal the current smooth working distribution system founded on a base period, closely tied to the market mechanism, with an unworkable, bureaucratic nightmare based on individual guesses of future needs by thousands of retail and wholesale dealers.

The present regulations require refiners and wholesalers to deliver the same quantity of fuel oil in the first quarter of 1974, as they did in the first quarter of 1972. This assures that substantial supplies will be available in Connecticut during the peak of the winter season.

In place of this efficient system, the proposed regulations would substitute a chaotic, three-tier series of estimates of future demand by retailers, wholesalers, and refiners. Under it, retailers must inform wholesalers of anticipated demand by the 15th of the month for the coming month. On that day, the wholesaler totals the retailers requests, and advises the refiner of the amount he will require. The refiner then allocates his production according to a complex formula.

Since no one can accurately forecast the weather 6 weeks in advance, and hence demand for fuel oil, the proposed scheme will encourage overestimation by dealers. It will also open the doors to bribery and blackmarketeering in the distribution of fuel oil. In place of the current, effective reliable system, we will have an uncertain allocation based on individual guesses and prone to abuse.

This is the formula for disaster. It virtually guarantees shortages in Connecticut in the coming months for there will be no guaranteed supply. I strongly urge the Nixon administration to abandon this ill-advised scheme and retain the present system, which has operated efficiently since it began only 4 weeks ago, on November 1.

FURTHER SUPPORT RECEIVED FOR THE ESTABLISHMENT OF AN INDEPENDENT, COURT-APPOINTED SPECIAL PROSECUTOR

Mr. KENNEDY. Mr. President, last week the Judiciary Committee reported out two Special Prosecutor bills—one which keeps the office within the executive branch of Government, and the other, cosponsored by 55 Senators, which establishes the office as an independent operation appointed and removable by the Federal district court.

The history of the Special Prosecutor's office thus far has been one of sincere and dedicated attempts to follow the Watergate investigation wherever it leads in the face of repeated efforts by the White House to restrict the scope of that investigation. It was at the insistence of the White House that Archibald Cox was ordered to cease and desist from his attempt to secure Presidential papers which led to the resignations of Elliot Richardson and William Ruckelshaus, although it is becoming more and more apparent that the dismissal of Mr. Cox had little to do with this controversy, but rather reflected his persistence over the entire course of the investigation in following up on all meaningful leads.

It is imperative that we avoid repetitions of this interference with the Watergate investigation. It is certainly no reflection on Mr. Jaworski or any other subsequently named Special Prosecutor that we should properly insist that their appointment and functioning be fully independent of interference from the very officials they are investigating. In this connection, I want to apprise the Senate of three additional sources of support for the court-appointed Special Prosecutor legislation. The first is a resolution of the distinguished Massachusetts House of Representatives, urging the Congress to establish the Special Prosecutor's office outside of the executive branch. The second is a resolution from the prestigious New York City Bar Association urging the same course of action on this body. The third is a November 9 Washington Post article written by a respected Washington attorney, Leon E. Irish, which succinctly and persuasively establishes the constitutionality of the court-appointed Special Prosecutor.

I am most grateful to Mr. Irish, the New York City Bar Association, and its president, Orville H. Schell, Jr., and chairman of its executive committee, Leslie H. Arps, and to the Massachusetts House of Representatives for their affirmation of support for this desperately needed legislation, and I ask unanimous consent that the text of this material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Resolutions Memorializing the Congress of the United States To Reestablish the Independent Office of Special Watergate Prosecutor and To Continue Its Inquiry Into Allegations of Misconduct Arising Out of the Watergate Case and Related Matters

Whereas, The Office of Special Watergate Prosecutor was authorized by the President of the United States and created by the Department of Justice at the urging of the United States Congress to independently pursue the resolution of issues related to the Watergate Case and related matters; and

Whereas, The person appointed to the Office of Special Watergate Prosecutor has been discharged; and

Whereas, The United States Congress has been conducting its inquiry into allegations of misconduct arising out of the Watergate Case and related matters; and

Whereas, Methods available to the United States Congress to help maintain the rule of law include the reestablishment of the Office of Special Watergate Prosecutor independent of the executive branch of government and the continuance of its inquiry into allegations of misconduct arising out of the Watergate Case and related matters; therefore be it

Resolved, That the Massachusetts House of Representatives urges the United States Congress to reestablish the Office of Special Watergate Prosecutor independent of the executive branch of government; and be it further

Resolved, That the Massachusetts House of Representatives urges the United States Congress to continue to conduct a thorough inquiry into allegations of misconduct arising out of the Watergate Case and related matters; and be it further

Resolved, That copies of this resolution be forwarded by the Secretary of State to the presiding officer of each branch of Congress and to members thereof from this Commonwealth.

Resolutions

To Members of the Congress:

On November 7, 1973, the Executive Committee adopted the following resolutions which state the position of the Association on two significant so-called "Watergate" questions:

Resolved that The Association of the Bar of the City of New York approves and supports the action taken by the Judiciary Committee of the House of Representatives to investigate whether or not impeachment proceedings should be instituted against the President of the United States. Because of the public importance of this issue, we urge that the Committee report its conclusions at the earliest practicable time.

* * * * *

Resolved that The Association of the Bar of the City of New York supports action by the Congress to enact legislation which will provide for a Special Prosecutor who will be independent of the White House and of the Department of Justice, who will be appointed by the Courts and who will investigate and prosecute possible violations of law and official misconduct in connection with all aspects of the 1972 Presidential election and other possible illegal or official misconduct on the part of the President, the White House Staff or Presidential appointees.

Further resolved that the foregoing resolution is not intended to reflect upon the personal integrity and competence of Mr. Jaworski, appointed on November 5, 1973 as Special Prosecutor in the Department of Justice, but solely to reflect the views of the Association that independence of the Office of the Special Prosecutor from the Executive branch is essential.

The Executive Committee believes that it is in the best interest of the country that the actions called for by these resolutions be carried out without delay.

Orville H. Schell, Jr.,
President.

Leslie H. Arps,
Chairman of the Executive Committee.

[From the Washington Post, Nov. 9, 1973]

Independent Prosecutor

(By Leon E. Irish)

Acting under powers delegated to him by Congress, Atty. Gen. Elliot Richardson last May created the Office of Watergate Special Prosecution Force. Archibald Cox was appointed Special Prosecutor, and detailed regulations were published authorizing Cox to investigate all offenses arising out of the 1972 presidential election and all allegations involving the President, members of the White House staff or presidential appointees. These regulations gave Cox plenary investigative and prosecutorial powers and bore the promise that "the Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part."

On Oct. 20, on orders from President Nixon and after Richardson and William Ruckelshaus had resigned, acting Atty. Gen. Bork revoked the regulations, abolished the Special Prosecutor's office and fired Cox. On Nov. 1 Bork reestablished the Office of Special Prosecutor, reissued the original regulations, and appointed Leon Jaworski as the new Special Prosecutor.

The principal change in the regulations under which Mr. Jaworski will operate is that they state that he will not be relieved of his responsibilities without consultation with the majority and minority leaders of both houses and the senior majority and minority members of the Senate and House Judiciary Committees. This promise is presumably as revocable as the promise that Cox would not be removed except for extraordinary improprieties.

One of the responsibilities of the Special Prosecutor is to investigate allegations concerning the President. Congress must now decide whether a man selected by the President—even one as eminent as Leon Jaworski—can satisfy the demands of truth and justice. In the deliberations on this important question, there should be no doubt that Congress may by statute make the Watergate Special Prosecutor independent of the President and may withdraw from the President and the Attorney General any power to appoint or remove the Special Prosecutor.

The critical provision of the Constitution (Art. II, sec. 2, cl. 2) states that the advice and consent of the Senate is required for appointment by the President of "Officers of the United States," and that "the Congress may by law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

Several things are made clear by this provision: First, the President has no inherent, constitutional authority to create offices of the United States, including an Office of Special Prosecutor. It lies with Congress to create by statute such offices as it deems proper for exercising the powers of the United States government, and to decide which shall be "inferior offices." The President has his usual veto powers over such legislation, but he has no independent power to create offices.

Second, the President has no independent, constitutional power to appoint the persons who will fill the offices created by Congress. The President's power to appoint "Officers of the United States," such as the Attorney General, is subject to the advice and consent of the Senate. As to the appointment of lesser officers, the Constitution says merely that Congress may give appointment powers to the President, the courts or department heads. Thus, whatever power he may have to choose personal advisers the President cannot appoint officers to act for the United States without a delegation of authority from Congress to do so. Furthermore, whether any such appointment will require the advice and consent of the Senate is basically for Congress to decide.

Finally, it is implicit in the constitutional provision just quoted that Congress may itself retain and exercise the power to appoint lesser officers, such as a Special Prosecutor, which it might otherwise delegate to the President, department heads or the courts.

In short, it is clear from the Constitition that Congress has the power to create an Office of Special Prosecutor. It is equally clear that Congress may withdraw from the President or the Attorney General any previously delegated power to create a Special Prosecutor and, by doing so, terminate the powers of any incumbent prosecutor. Congress may determine the jurisdiction and the powers of the Special Prosecutor it creates and either choose the individual who will hold that office or delegate that function to the courts.

The fact that a Special Prosecutor had been appointed by a court or directly by Congress would not make him a judicial officer incapable of acting as a criminal prosecutor, or a mere arm of the legislature. The Special Prosecutor would have whatever powers and independence Congress conferred upon him by statute, and he could unquestionably be placed beyond the control or removal of the appointing body other than for gross improprieties or malfeasance.

The belief that there is a constitutional impediment to creating a Special Prosecutor independent of the President derives partly from the fact that we have not previously in our history faced the necessity to do so, and partly from the myth that our Constitution divided government into three watertight compartments.

The necessity for an independent Special Prosecutor arises from the uniqueness of our present crisis. The Constitution enjoins the President "to take Care that the Laws be faithfully executed." When a criminal investigation requires examination of allegations involving the President and his closest personal advisers, however, the appearance and perhaps the actuality of faithful execution of the laws is possible only through a Special Prosecutor with sufficient independence and power to follow wherever the trail of evidence may lead.

As to separation of powers, the realities of government do not present themselves neatly creased in three labeled piles, nor does the Constitution require that we force all governmental functions into three preconceived molds. By virtue of congressional enactment, there already exists a "headless fourth branch" (*e.g.*, the independent regulatory agencies) which for all practical purposes operate independently of Congress, the President or the courts.

Strong arguments can be made that Congress could not force the courts to act in a way which would impair their independence and integrity, nor remove from the President's realm certain irreducibly "Executive" functions, such as the conduct of foreign affairs. These inhibitions are not involved in the present dispute, however, and there is simply no significant constitutional impediment to making the Special Prosecutor independent of the President by statute.

The Watergate crisis has gone too far for any turning back. No scaling down of the investigation or withholding of evidence can be tolerated. Faith in our government and its leaders will not be restored unless and until the truth has been pursued to the limit, relentlessly and fearlessly. Congress manifestly has power to create a Special Prosecutor independent of the President. The only danger to our country and our Constitution lies in the possibility that Congress may fail to do so.

ESTABLISHING AN INDEPENDENT SPECIAL PROSECUTOR

Mr. HART. Mr. President, on October 26, 54 Senators joined me in sponsoring S. 2611, a bill to establish an independent Watergate Special Prosecutor outside the executive branch, appointed and removable only by the courts.

This effort was in response to the drastic loss of public trust in the integrity of government and criminal justice. For more than a year, an endless series of deceptions, disclosures, and admissions have marched across the headlines, culminating in the "Saturday Night Massacre" on October 20, when Archibald Cox was fired by the President.

It was clear to all of us that the first step in restoring people's trust was the necessity of complete public confidence in the Watergate investigation conducted by the Special Prosecutor.

The Senate will consider this matter next week. In addition to my bill, there are two other principal proposals for establishing a Special Prosecutor by statute: the Taft-Hruska bill (S. 2642) provides for appointment by the Attorney General, who could remove the Special Prosecutor for cause after advance notice to Congress and the Percy-Baker bill (S. 2734) calls for appointment by the President, Senate confirmation, and statutory restrictions on the President's removal of the Prosecutor, including congressional veto.

I urge continued support for S. 2611. I remain convinced that its enactment is necessary to fulfill our responsibility.

The Senate Judiciary Committee has recently completed 11 days of hearings on the Cox firing and on proposed Special Prosecutor legislation. Both Archibald Cox and Elliot Richardson testified to frequent White House inquiries into matters under investigation by Cox, constant efforts to limit his jurisdiction, and chronic refusals to supply documentary evidence. It also became clear that the White House had contemplated getting rid of Cox long before the so-called "tapes compromise" became an issue.

Against this background, the report of the Judiciary Committee on S. 2611 states the crux of the issue now before us:

> We are convinced that the central point emphasized by numerous Congressional leaders, the American Bar Association, 49 law school deans, the nation's leading legal scholars, and many media and public interest spokesman is a point intuitively clear to every American: If the President or his subordinates select the Special Prosecutor, or have any opportunity to restrict or influence him, it will cast a cloud over the credibility of the investigation—no matter what the Prosecutor's personal reputation and no matter what the purported safeguards.
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> * * * * *
>
> 'We must remove the Special Prosecutor, in appearance and fact, as far as is constitutionally permissible, from the possibility of White House influence. We are convinced Congress can constitutionally establish a Special Prosecutor wholely outside the Executive Branch and completely removed from the shadow of the Oval Office.

The committee report on S. 2611 details the case for S. 2611. Since the committee was evenly divided between S. 2611 and the Taft-Hruska bill, S. 2641, both were reported without recommendation. The separate report on each bill represents only the views of its proponents and not a majority of the committee.

Despite Cox's dismissal, it would be shortsighted to focus only on the danger of a new Special Prosecutor being fired. As the committee report notes, it is equally important to insure that the public will have confidence in the ultimate results of the investigation:

> If the investigation produces charges against the President, many will suspect the Special Prosecutor was forced to be excessively zealous or unfair in order to demonstrate his independence.
>
> But most dangerous is the third possible outcome of such an investigation. If a presidentially appointed Prosecutor *is not dismissed,* if he *is able to "work out" disputes with the White House,* and if after another year or more *the Prosecutor presents no charges against the President,* there will be far too little public confidence in the result . . .
>
> The proceedings in the months ahead will, inevitably, be too trying—and the final stakes too great—for us to risk inconclusive results under a cloud of public suspicion.

The arguments raised by the opponents of S. 2611 boil down to two claims:

That S. 2611 might be an unconstitutional violation of the Separation of Powers doctrine; and

That if it ultimately were found unconstitutional by the courts, hard-won convictions of Watergate defendants might be lost.

Neither will withstand close scrutiny.

S. 2611 rests squarely on the express congressional power under article II, section 2 of the Constitution, to vest the appointment of officers it deems appropriate in the courts. The bill does not require any loose constitutional construction.

Whether prosecution is "inherently" or "exclusively" a function of the executive branch as a matter of constitutional law, or merely has become centered in our executive branch by tradition, is a nice question for historians and scholars to debate. But it is irrelevant, because the Supreme Court has flatly said that article II, section 2 of the Constitution permits Congress to vest the appointment power in the court, even of officers whose duties are "entirely executive" in nature. That is the holding in Ex Parte

Siebold, acknowledged to be the controlling case.

The Supreme Court has set outer limits on the use of this provision in article II. The appointing power cannot be "incongruous" or inappropriate for judges to make, given the nature of the office. Thus, the specter which has been raised of Congress setting a precedent for the courts to appoint the NATO commander in chief, or the like, is simply a red herring.

Obviously, the courts which participate in the criminal justice process have a clearer relationship to prosecutors than they do to school board members, election supervisors, or steamboat inspectors, all of whom have been appointed by the courts at the direction of Congress. And it is hardly "incongruous" for Congress to place the appointment of the Watergate Special Prosecutor outside the executive branch if he must investigate the White House.

Finally, under these extraordinary circumstances, the Separation of Powers doctrine will be far better served by a court appointment. In our Constitution, power is dispersed among the three separate branches so that each might check and balance the others—not to insulate any one of them from effective control. To argue that the Separation of Powers doctrine prevents independent investigation of criminal conduct in the executive branch is to stand the doctrine on its head.

As to limiting the President's power of removal, strange as it may seem to those who have not studied the constitutional principles involved, if any bill presents constitutional problems, it is S. 2734, the Percy-Baker bill, rather than S. 2611, the bill I introduced. Why is this so?

An early leading case, Myers against United States, indicated that where the President appointed an executive officer, his power to remove that officer could not be restricted. Subsequent cases—notably Humphrey's Executive and United States against Weiner—said Myers did not apply where offices, such as the independent regulatory commissions, by their nature, required independence from the White House.

Senator Percy contends that the office of Special Prosecutor clearly fits this exception to the Myers rule and that the President's appointment power may be curtailed. I agree with his analysis. But the Acting Attorney General, Mr. Bork, testified on behalf of the administration that the President's removal power could not constitutionally be limited.

The situation facing us, then, is this: If Senator Percy and I are correct that the Special Prosecutor's office falls within the exception to Myers set forth by the Supreme Court in subsequent cases, then the removal provisions of both his bill and mine are constitutional.

But suppose a court should agree with the administration and find that the Special Prosecutor's office is covered by the Myers decision. Senator Percy's bill would be unconstitutional, because it tries to do precisely what Myers forbids: Limit the President's power to remove an executive branch office whom he has appointed. However, in Myers, the Supreme Court also reaffirmed the general rule that the power to remove follows the power to appoint. Since my bill, S. 2611, transfers both the appointment power and removal power from the President to the Court, it would still be constitutional.

But what if S. 2611 should be found unconstitutional? Although four of the Nation's most eminent constitutional scholars testified they saw no substantial doubt of its unconstitutionality, we cannot predict with absolute confidence that the Supreme Court would agree. Of course, one can never make that guarantee for a bill we enact, but I appreciate the particular concern in this situation that after lengthy trials and appeals, a conviction ultimately might be overturned by successful constitutional challenge to the Special Prosecutor's authority. As the committee report explains, this danger has been eliminated by the provisions for an early, expedited court test of the bill:

> While we are convinced the entire bill would be upheld, S. 2611 provides several channels for a rapid test of its constitutionality. In particular, the risk of any convictions being voided has been eliminated. Defendants would have to challenge the act promptly upon their indictment with an expedited appeal to the Supreme Court. . . .
>
> Thus, one way or the other, there would be an early, definitive court test of the constitutionality. The expert witnesses agreed this procedure itself is constitutional. It parallels present rules of criminal procedure in federal court which require raising a challenge to the constitutional authority of the prosecutor at a very early state . . .
>
> Even if an indictment were voided by a decision that part of the bill was unconstitutional, a superseding indictment could issue. The bill provides that if the authority of the prosecutor to sign indictments or prosecute is not upheld, he will still be deemed to have been a person lawfully in the grand jury room. Therefore, such a decision will not undo or invalidate the work of the grand jury.
>
> Nor is there any danger that a claim of double jeopardy would arise. "Jeopardy" in the constitutional sense does not attach until the jury is empaneled for the actual trial itself, and the challenge would have been disposed of before that point.

In addition to being constitutional, S. 2611 reflects a sound policy balance. It would establish a truly independent Special Prosecutor without either placing inappropriate burdens upon the judiciary or unleashing a superpowered officer beyond restraint. Both of these inconsistent charges have been leveled against S. 2611.

On the one hand, it has been argued the bill puts the judiciary in the "prosecution business" by giving them prosecutorial duties in the supervision of the Special Prosecutor. On the other hand, the same critics suggest that the Special Prosecutor would have unprecedented controlled power, without restraint by anyone.

The Special Prosecutor can hardly be subject to improper supervision by the judiciary and, at the same time, have unbounded authority. In fact, both charges misrepresent the actual operation of S. 2611. The Special Prosecutor would be subject to a whole series of checks against abuse: First, he would be removable for gross impropriety, dereliction of duty, or incapacity; second, persons could challenge action he took outside his statutory jurisdiction; third, as a Federal civil officer, he would be subject to impeachment; and fourth, Congress could always abolish the Office of Special Prosecutor simply by repealing the statute and thereby extinguish the Special Prosecutor's authority in toto.

However, with the exception of these safeguards against abuse of his authority, the Special Prosecutor is insulated from interference or removal by the Executive or the judiciary. Specifically, the court has no duty to supervise the Special Prosecutor, apart from removal for specified cause, and is prohibited from interfering with his lawful exercise of independent discretion in the conduct of his office.

In short, the bill does not put the judiciary in the "prosecution business," a result which I, too, would oppose. We do not say the President performs judicial duties merely because he appoints Federal judges; Congress does not do so if it removes judges by impeachment. And when courts appoint counsel for indigent defendants, they do not thereby perform the duties of trial counsel.

As they compare S. 2611 with the Taft-Hruska bill and the Percy-Baker bill, I hope my colleagues will keep several additional points in mind.

On November 30, Senator Percy made a comprehensive, thoughtful statement to the Senate in support of his proposal S. 2734. He cogently outlined the clear shortcomings of the Taft-Hruska bill. That measures offers too little, too late, after all that has happened.

Understandably, I do not find his dissatisfaction with our bill quite as persuasive. As his statement points out, we seek the same objective, but I do not believe what he is prepared to give up in abandoning the court-appointed Special Prosecutor is offset by any significant benefits which would be gained from passing S. 2734 instead.

Senator Percy suggested that his bill has adequate safeguards to insure public confidence in the investigation. I cannot agree. As I noted earlier, it is not merely a question of preventing improper dismissal, but of assuring public confidence in the ultimate results of the investigation.

It is true that the sooner we act on a Special Prosecutor bill, the sooner Congress will have met its responsibility in this matter to the American people. Nevertheless, it would be tragic if, in our haste to act, we risked the possibility that a year or more from now, when the investigation is all over, a substantial segment of the American public had doubts about the results, because of the opportunities for improper influence on an investigation conducted by the President's own appointee and carried out within the executive branch.

The issue is not our regard for Leon Jaworski. It is bigger than any personal vote of confidence. There is no suggestion he has curtailed the investigation in any way. Having served with him on the Violence Commission, I have enormous respect for his integrity, ability, and devotion to duty, as I am sure do all those who know him.

But those of us who insisted on Archibald Cox's appointment had enormous confidence in Elliot Richardson, as well. Yet we realized the public's perception of an independent investigation could not hinge on our personal knowledge of either man. There had to be the appearance of complete independence.

Similarly, the Board of Governors of the American Bar Association, of which Mr. Jaworski is a recent past president, reaffirmed their support for a court-appointed Prosecutor even after he had been appointed to his present post.

Senator PERCY is correct that a court could appoint Mr. Jaworski, because he is already on the job and appears to be doing it well. That may well be true, but it misses the point. If Mr. Jaworski remains a Presidential appointee, the public will only know that he has been approved by the White House. Suspicions will remain regarding anyone so selected at this point. However, if Mr. Jaworski is reappointed by the court, then the public will perceive him to be less beholden to the White House and to have been judged someone who would preserve the integrity of the investigation by the nonpoliticical branch of Government.

Senator PERCY suggested in his testimony at the hearing that early test litigation would under S. 2611 delay the Special Prosecutor getting on with his work. He suggested this problem was avoided under his measure, because there was no issue whatsoever about the constitutionality of the appointment provisions of his bill. He argues that the question of removal would only be litigated if in fact the Special Prosecutor were improperly dismissed by the President in violation of the provision in S. 2734.

Nevertheless, defense counsel could also challenge the authority of the Special Prosecutor's authority under the Percy bill at the outset. An astute attorney could reasonably argue that the whole purpose of the statute turned on the ability of Congress to restrict the President's removal power—that the removal provisions were an integral part of the entire statutory scheme and, therefore, his client could challenge the constitutionality of the bill on its face at the outset.

Even if the trial court were to disagree and hold that the provisions were severable, that decision could be appealed all the way up to the Supreme Court. Whether it ultimately resulted in a full-blown test of the bill's constitutionality or not, there would be the same initial delay as would be occasioned by test litigation under our bill—but without the procedures for an expedited hearing which we have provided in S. 2611.

Finally, proponents of the Percy-Baker bill claim that the President might veto my bill. They argue that while we normally should still pass the measure we think preferable, this would set us back to square 1 at a time of urgency. But since the administration also maintains that we cannot constitutionally restrict the President's removal power over officers appointed within the executive branch, it is also quite possible that the President would use this point to veto S. 2734, the Percy-Baker bill.

In any event, should the President veto either measure—and if the veto were not overridden—Congress would have discharged its responsibility and could still pass the next strongest measure possible, or take other appropriate action. But the extra weeks of delay which might result are little compared to the year or two of effort ahead—effort to restore public confidence and effort which may be seriously impaired in the long run if we do not have a court-appointed prosecutor.

I ask unanimous consent that the editorial which appeared in today's New York Times captioned "Truly Independent," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TRULY INDEPENDENT

In reporting out its bill to provide for a court-appointed Watergate prosecutor, the House Judiciary Committee declared that "the only way to assure that the American people will have complete trust and confidence in the aggressiveness and independence of the special prosecutor is to make him truly independent of the Executive, give him tenure, and legislate limited grounds for his removal."

The bill meets those essential requirements. A three-judge panel of the United States District Court for the District of Columbia would appoint the special prosecutor for a term of three years. The three judges would have the sole power of removal and only on grounds of gross impropriety, gross dereliction of duty, or physical or mental incapacity.

At present, the post of special Watergate prosecutor is occupied by Leon Jaworski. He has a distinguished record as a corporate attorney in Texas and as former president of the American Bar Association. But the most convincing testament to Mr. Jaworski's independence and determination to do the job lies not in his own protestations but in the fact that he has retained the entire staff of his dismissed predecessor, Archibald Cox. In a sense, Mr. Jaworski is hostage to his own subordinates. Nevertheless, the President's power to fire him, though somewhat hedged about, is still real.

Many legal scholars have agreed that a court-appointed special prosecutor is constitutional. Such an appointment would help restore public confidence in the special prosecutor's independence, particularly as the White House has begun the same sniping at Mr. Jaworski that it had leveled against Mr. Cox. Congress has already delayed unduly long in enacting this essential statute.

EMERGENCY DAYLIGHT SAVING TIME ENERGY ACT OF 1973

The PRESIDING OFFICER (Mr. HATHAWAY). Under the previous order, the Senate will proceed to the consideration of S. 2702, which the clerk will report, and the unfinished business, S. 1867, will be temporarily laid aside until the disposition of S. 2702 or the close of business today, whichever is earlier.

The assistant legislative clerk read as follows:

A bill (S. 2702) to provide that daylight saving time shall be observed on a year-round basis.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be charged against neither side on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, would the Chair state the pending order of business for the RECORD?

The PRESIDING OFFICER. The pending order of business is S. 2702.

The Senator from Washington is recognized.

Mr. MAGNUSON. Mr. President, this is a bill out of the Commerce Committee, approved by a great majority of the committee. I have a short statement on the bill as reported which I would like to present to the Senate at this time. There is an energy crisis and a change to daylight saving time may do something to reduce the use of energy. We had hearings on the matter. I know this has been a controversial subject in the past. I remember distinctly years ago several Senators had signs on their doors, "This office operates on God's time." Summer daylight saving time became quite an emotional and bitter issue. At that time, the justification was not energy problem; it was to allow people more recreation time. It made sense to extend the daylight hours.

Now there is an added factor. Most of the experts in the field thought it would conserve electrical consumption at least to 1½ percent, and maybe 2 percent. It is impossible to get exact figures for the wintertime, because we have never tried it.

Anyway, every American must accept his individual responsibility to save energy where he can, and I think we have the responsibility to enact appropriate national energy conservation policies. Year-round daylight saving time will contribute directly—perhaps only in a small amount, but contribute directly—to energy savings. Additionally it will remind each of us daily of our obligations to conserve the Nation's precious energy resources.

S. 2702 will alleviate the national energy shortage by imposing 1 hour advanced time on the Nation for the period of October through April during the next 2 years. The House bill provides 2 years. There was some discussion in the Commerce Committee as to whether it should be 1 or 2 years. Someone suggested permanent national daylight saving time. But we thought a 2-year period was best.

S. 2702. Would preserve the power in the President to use his discretion to exempt any State, upon a finding by the Governor of that State that such an exemption from uniform advanced time is necessary to avoid undue hardship to conserve fuel.

S. 2702 would also allow States the option to go permanently on year-round daylight saving time, and it mandates a study of the energy savings resulting from year-round daylight saving time by the Secretary of the Interior.

The President stated, in his energy

crisis address of November 8, 1973, that he would seek legislation to "authorize an immediate return to daylight saving time on a year-round basis." S. 2702 is responsive to the authority sought by the President.

We know the United States faces a serious energy crisis. As the days grow shorter and the Nation moves into deep winter, we must take those steps necessary to preserve services essential to our national economy and comfort. The cutoff of oil from the Middle East aggravates the serious predicted shortages of wintertime petroleum supplies. We must turn toward measures which will cut unnecessary energy consumption without seriously harming the economy or the comfort of the citizens.

A classic example of unnecessary energy consumption by our society is the continuation of standard time when the simple expedient of shifting the clocks 1 hour might result in some energy savings.

Daylight saving time was last extended year-round during World War II. In that time of national emergency, it proved an effective method for conserving fuel resources.

I recognize that an extension of daylight saving time will affect each of us. Many people find daylight saving time inconvenient. But I am satisfied that a substantial saving of energy can be obtained in this relatively painless manner. I believe the energy crisis is most serious. I believe the entire Congress shares my determination to see that the Nation is not cold this winter and does not lose jobs as a result of short energy supplies. By passing this bill, we could make a contribution, toward stopping that catastrophe. So I suggest that the Senate pass the bill. We can go to conference with the House almost immediately, and the bill can be placed on the President's desk within a very few days.

Mr. President, I yield to the distinguished ranking minority member of the committee, the Senator from New Hampshire (Mr. COTTON).

Mr. COTTON. Mr. President, I yield myself such time as I may require to make a very brief opening statement.

Mr. MAGNUSON. Mr. President, may I ask a question? Do we have any time limitation on the bill?

The PRESIDING OFFICER. Yes; there is a 2-hour time limitation.

Mr. MAGNUSON. Divided between the Senator from New Hampshire and myself?

The PRESIDING OFFICER. The Senator from Washington is correct.

Mr. MAGNUSON. The Senator can speak on his own time.

Mr. COTTON. Mr. President, as one who, along with the distinguished Senator from Wyoming (Mr. McGEE), had a great deal to do with drafting of the Uniform Time Act of 1966, I wish to express my support for the bill, S. 2702, which would amend that act to help alleviate the national energy shortage.

Mr. President, to refresh the recollection of my colleagues in the Senate concerning the Uniform Time Act of 1966, I would simply note that the distinguished Senator from Wyoming (Mr. McGEE) and I had a long, hard fight for two Congresses—I do not mean two sessions, I mean two full Congresses—trying to bring some order out of chaos with respect to the observance of daylight saving time, in contradistinction to standard time. We faced a great deal of opposition, and unlike today, when we are confronted with the energy crisis, we did not consider advocating the observance of daylight saving time all the year-round because at that time nobody as far as we knew desired that, but since that time with the energy crisis, some States, such as Massachusetts, I believe, have indicated a desire to observe daylight saving time all the year round, but have been precluded by the act of 1966.

However, in 1966 we succeeded in getting the legislation enacted into law by permitting each State to determine whether it wished to exempt itself from the observance of daylight saving time during the stated period of observance, commencing at 2 a.m. on the last Sunday of April of each year and ending at 2 a.m. on the last Sunday of October of each year.

At the time we were considering the legislation which became enacted as the Uniform Time Act of 1966, 15 States began their observance of daylight saving time on the last Sunday in April, but in parts of 16 other States, daylight saving time started on some 11 different dates throughout the month of May and into early June. Then, during the fall season the switchback came on a score of different dates, ranging from August through October so that not even the 15 States which then started the observance period together ended on the same date. The Uniform Time Act of 1966, Mr. President, put an end to this kind of "clock madness."

Mr. President, this "clock madness," prior to enactment of the Uniform Time Act of 1966, cost untold millions of dollars for businesses such as airlines, railroads, and bus companies in juggling their schedules and trying to conform to conflicting periods of observance of daylight saving time.

Indeed, in some instances in this country, a person traveling 75 miles passed through several different time zones. This resulted in a very serious drain on the country's resources.

Unfortunately, Mr. President, when considering the Uniform Time Act of 1966, we did overlook one option to the States, which would be in addition to that presently provided in the 1966 act for the States to exempt themselves from observance of the statutory period of daylight saving time. That option, Mr. President, would be to provide the States the alternative to act affirmatively and to choose year-round advanced time, in the same manner as the States presently exempt themselves from the present April–October period of observance of advance time under the Uniform Time Act of 1966. The necessity for this further option has been amply demonstrated by the fact that several of the States, which in recent months have desired to observe daylight saving time year-round in order to conserve energy, have not been able to owing to the present provisions of the Uniform Time Act of 1966.

Mr. President, S. 2702 would correct this omission and provide this further option to the several States to observe daylight saving time on a year-round basis, if they so choose. This provision allowing States the option during the winter period will not have any practical effect until October-April period of 1975–76, the first winter period after the determination of nationwide advance time for energy conservation purposes mandated by S. 2702. However, after the expiration of the mandatory winter period of advanced time, each State may act to continue to have advanced time on a year-round basis if it so desires. I believe such an additional option, Mr. President, to be a most worthy one.

Mr. President, the bill which is before the Senate was the subject of hearings presided over before the committee by the distinguished Senator from Washington, who is presently on the floor, and by the distinguished Senator from Illinois (Mr. STEVENSON).

The bill provides for the observance of daylight saving time throughout the Nation for a 2-year period to cover an emergency.

It was recognized during the consideration by the committee and brought forth very clearly by certain members that in some cases hardships might be worked by this universal application. For instance, Hawaii would be in a situation different from that of the mainland.

Also, the Senator from Alaska called to our attention that State's unique situation. Moreover, there are certain States, such as Kentucky, that find themselves, or at least part of the State, on the edge of a time zone. Such States represent that this universal application would work a hardship upon them.

Another example is the case of Hawaii, where year-round observance may not lead to any conservation of energy.

So, rather than trying to legislate exceptions for any individual State, or for parts of a State, the committee provided in the bill that the President have authority during this 2-year period to remedy situations in which one of two conditions prevail.

First, where there is a condition of "undue hardship" in a State or in part of a State. Or, second, where there is a situation which leads to the expenditure of energy rather than to the conservation.

Thus, on application of the State, the President is empowered under the pending bill to make these exceptions, even to temporarily changing during the 2-year period, the time zone alinement, in such instances in order to bring about a remedy to the specified conditions.

The only change in the present law—the Uniform Time Act of 1966—that would come into effect at the expiration of the 2-year period, if the pending bill is passed as it now stands, is that the States would have three options—first, having no daylight saving time at all. Second, there would be the option of having daylight saving time during part of the year, starting on the last Sunday of April and ending on the last Sunday of October.

Third, and this is the only change in the present law, the States would have the option of having year-round daylight saving time, if they so determined, after the expiration of 2 years.

Mr. President, this has been a very controversial subject. I do not know of any subject that has generated more controversy than tinkering with the time.

I would like to say to my distinguished chairman, with whom it is such a pleasure to work, that he referred back to the days of yore when we were fighting on this matter and that some Senators had signs on their door saying, "This office is on God's time." But, they had just thought they were on God's time. They were not, because formerly, in the early days of the Republic, before we established time zones, the time went with the sun. This meant that the time of Congress, sitting here on Capitol Hill, would be ahead of the White House—a situation which, in the opinion of many, has prevailed ever since.

But, back in those days, God's time simply moved with the sun as the world revolved, and changed as one went from city to city and State to State. There was a gradual change. It was when the time zones were established that we found ourselves in this present situation that has caused us so much trouble.

Mr. President, I think that any hardships under this bill can be taken care of, either by an amendment, or by the authority to be conferred upon the President by the pending bill to remedy those situations.

Therefore, in the interests of the conservation of energy and in the interests of orderly procedure of business and of the general conditions of life in this country, I urge favorable consideration by the Senate of the bill (S. 2702). I hope that the bill will be passed as reported by the committee.

Mr. MAGNUSON. Mr. President, before I yield to the Senator from Illinois, who has done so much to enact daylight saving time, both in the committee and outside, I send to desk three amendments to perfect the bill.

The purpose of the first amendment is to clarify the scope of authority granted the President in section 3 of S. 2702. The new wording makes it clear that the President has the decision to grant the exemption that he believes most beneficial in carrying out the purposes of the act. The President should have total discretion to grant the exemption that he considers appropriate, even if that exemption is not exactly parallel to the exemption requested by the Senate.

Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. COOK. Mr. President, reserving the right to object, could we hear all three amendments, and then have the request?

Mr. MAGNUSON. Yes.

Mr. COOK. Will the Senator withdraw his request?

Mr. MAGNUSON. Yes; I withdraw my request.

The purpose of the second amendment is to allow the Secretary of the Interior sufficient time to conduct a thorough and complete study of the energy saving aspects of daylight saving time. The current form of S. 2702 allows the Secretary only 6 months in which to draw conclusions about the impact of daylight saving time. This is not sufficient time because the country will have experienced neither one complete winter nor one complete summer on which to base a comparison.

It is important that the Secretary have the necessary breadth of authority to conduct a thorough and complete study of all aspects and effects of year-round daylight saving time. It is counterproductive to require a thorough study and, at the same time, not provide sufficient time in which to conduct a study.

The third amendment is the one which deals with the hardship on daytime broadcast licensees under winter daylight saving time.

I ask unanimous consent that the amendments be agreed to en bloc, and then we can discuss them as we go along.

The PRESIDING OFFICER. Is there objection?

Mr. COOK. Mr. President, reserving the right to object, I wonder if the distinguished chairman of the Commerce Committee would ask that the first two amendments be considered en bloc, and that the third amendment might be held, so that we might discuss that one more closely.

Mr. MAGNUSON. I can do that. I ask unanimous consent that the first two amendments be considered now en bloc, and then I will submit the other amendment, and it will lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered, and the two amendments are agreed to en bloc.

Mr. MAGNUSON's amendments agreed to en bloc are as follows:

> On page 5, line 21, strike the word "such" and insert in lieu thereof the word "an"; on line 22, after the word "realignment" and before the period, insert the words "to such State."
>
> On page 6, line 8, insert the following: strike the word "1974" and insert in lieu thereof "1975".

Mr. MAGNUSON. I submit the third amendment, and ask that it be received and lie on the table.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 6, line 9, insert the following:
>
> "SEC. 5. Notwithstanding any other law or any regulation issued under any such law, the Federal Communications Commission shall, consistent with any existing treaty or other agreement, make such adjustment by general rules, or by interim action pending such general rules, with respect to hours of operation of daytime standard amplitude modulation broadcast stations, as may be consistent with the public interest, including the public's interest in receiving interference-free service. Such general rules, or interim action, may include variances with respect to operating power and other technical operating characteristics. Subsequent to the adoption of such general rules, they may be varied with respect to particular stations and areas because of the exigencies in each case."

Mr. MAGNUSON. Mr. President, the pending order of business would be this amendment, which deals with the broadcasting stations. I ask unanimous consent that discussion of this amendment be put over until after 2 o'clock, since there is a Republican caucus going on, and there are several Senators who want to discuss portions of this amendment. I have a statement which I will read later.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MAGNUSON. May I add that I have agreed we will not have any votes until after 2 o'clock on this bill. I yield to the Senator from Illinois.

Mr. STEVENSON. Mr. President, about 6 weeks ago when I introduced a year-round daylight saving time bill as part of a nationwide energy conservation campaign, the Nation faced an energy shortage estimated at 3 to 5 percent.

Today those estimates for the winter months have increased to as much as 35 percent.

What was reasonable several weeks ago is now imperative.

Given the energy shortages we cannot afford to put off an energy conservation measure as easy and productive as year-round daylight saving time:

It is a simple procedure;

It can be instituted quickly;

It will save substantial amounts of energy;

It will affect every person in the Nation by involving them in an ongoing act of energy conservation;

It will decrease crime;

It will decrease traffic accidents;

It will add to the personal convenience and safety of a large majority of citizens; and

It has widespread public support.

At the Senate Commerce Committee hearings on the bill now before us, the Director of the Office of Energy Conservation in the Department of the Interior told the committee:

> The chances for net U.S. energy savings from winter daylight saving time are high . . . in terms of actual changes in energy consumption, winter daylight saving time could save at the rate of about *one* percent—a very significant amount.

The American Public Power Association testified:

> Daylight saving time would result in savings, for our segment of the industry, within the range of one to two percent in kilowatt hour sales, on a year-round basis . . . it would appear that our . . . industry could save the equivalent of between 4.3 and 8.6 million barrels of oil . . . this winter if year-round daylight saving time were in effect . . . these figures cover only the local publicly-owned segment of the electric industry, which accounts for about 13 percent of total sales.

Consolidated Edison Co. of New York testified that—

> Our engineers estimate that year-round daylight saving time would result in total electric savings of between 3 billion and 5 billion kilowatt hours annually. . . . The lower figure . . . is equivalent to one month's average use in the area we serve, New York City and Westchester County. It is also equivalent to more than 4 million barrels of oil.

The National Rural Electric Cooperative Association, despite rural America's traditional opposition to year-round daylight saving time, told the committee:

> Indications of major potential savings in total energy . . . are sufficient to warrant our support for implementing, on a trial basis, a wintertime daylight saving plan. . . . We feel the potential is sufficient to merit the support of our farmer members. Farmers as a group have always responded well to emergency measures undertaken in times of crisis.

The detailed analysis submitted to the committee by Mr. William Harris of the Rand Corp. concluded:

> Net national fuel savings associated with daylight saving time in October to April might be as high as one to one and one-half percent, and might be as low as a modest fraction of one percent. . . . In a year of fuel shortages, even a fractional percentage savings could be of significance.

The Department of Water and Power of the city of Los Angeles told us it would save 200,000 barrels of oil annually from year-round daylight saving time. Southern California Edison Co. estimated it would save 500,000 barrels per year.

Year round daylight saving time would probably reduce energy consumption by about 1 percent. As the distinguished Senator from Washington mentioned, the experts are in disagreement. They all agree that it will decrease the consumption of energy, but they disagree by how much.

When the country returned to standard time on October 28 last, electrical generation instantly went up in the country. It went up in the first week after the return to standard time by 2.2 percent. That represents an increase of over one-half of 1 percent of total energy consumption in the country just from the increased generation of electricity. That is at the lower end of the range by all of the experts, but if roughly one-half of 1 percent can be saved as a result of just decreased electrical generation, it is very likely that daylight saving time would decrease total energy consumption by at least 1 percent and perhaps as much as 1½ percent.

Inasmuch as any other conservation measure, it can help rally the Nation to its difficult task of, day in and day out, the saving of energy.

The shift to year-round daylight saving time has been proposed often in recent years. But this is the first time since World War II that it has been suggested primarily as a conservation measure and at a time of serious energy shortages. It is the first time it has received such widespread public support.

Hundreds of radio, TV, and newspaper editorials across the Nation have endorsed the concept.

Thousands of letters supporting it have flowed into Washington in the last month. Mail in my own office is running 20 to 1 in favor of the proposal. A poll reported yesterday that 74 percent favors it.

In addition to offering substantial fuel savings, year-round daylight saving time would also help reduce crime, improve traffic safety, produce more daylight for the convenience and pleasure of most people, and eliminate the confusing twice-yearly time changes. Work and school schedules could be adjusted to the convenience of those adversely affected by early morning darkness resulting from daylight saving time.

The experts tell us daylight saving time will save energy. The people tell us that they are in favor of it. The time has come to make year-round DST a reality.

The stakes are simply too high and the need too great to ignore a measure as promising as year-round daylight saving time.

The President supports it. The House has already acted. The Senate, under the leadership of the distinguished Senator from Washington (Mr. MAGNUSON) and the ranking member the Senator from New Hampshire (Mr. COTTON), acted diligently in taking this matter up in the committee and bringing it to the floor of the Senate.

If the Senate now acts, the country can be back on daylight saving time on Sunday, December 30, 1973, conserving energy.

I urge the Senate to act.

Mr. President, I ask unanimous consent that during consideration of any amendment offered by the Senators from Colorado and Ohio (Mr. DOMINICK and Mr. TAFT), the following members of the Committee on Labor and Public Welfare may be granted access to the floor: Nick Zapple, Gerry Feder, Eugene Mittelman, Donald Elisburg, Roger King, Charles Woodruff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, the Senator from New Hampshire inadvertently failed to do justice to the distinguished Senator from Illinois (Mr. STEVENSON). I referred in my opening statement to the fact that the Senator from Illinois had presided over the hearings. I did not refer to the fact that he has produced the bill. He worked with great diligence and should receive the lion's share of the credit.

Also, I believe that if the distinguished Senator from Wyoming (Mr. MCGEE) were here, the Senator from Illinois would also have the heartfelt sympathy of both Senator MCGEE and myself who had troubles with this problem back in 1965–66. But, the Senator from New Hampshire wishes to correct what he inadvertently failed to do in just mentioning the Senator from Illinois as having presided over the hearings. The Senator from Illinois did far, far more than that. He asserted fine leadership in this matter.

Mr. STEVENSON. Mr. President, I want to thank the Senator for his kind remarks and to commend him. He has been involved in this issue for many years. Without his assistance, we might not have been able to bring this bill to the floor today.

Mr. HUDDLESTON. Mr. President, everyone acknowledges that we do indeed face an energy crisis—and that we must act to conserve our limited fuel supplies and work toward a goal of national self-sufficiency.

But in the rush to meet the crisis, we must guard against being stampeded into enacting any and every proposal that is presented in the name of saving energy supplies. Undue haste and reckless alarm can lead to unwise legislation.

I think that is the case with the year-round daylight saving bill as it applies to certain regions. We are on the verge of enacting legislation based on nothing more than a "hope" that it will save energy—at the cost of inconvenience and hardship to millions of Americans—legislation which may, in fact, cost us precious energy in certain regions of the country.

Even sponsors of the bill acknowledge there is no certainty that energy consumption will be reduced by year-round daylight saving time. Daylight saving will not change the total amount of daylight. In areas like my State of Kentucky, the energy saved by extra daylight in the evening will be offset by the necessity of using even greater amounts of light and heat in the early morning hours.

And the inconvenience to schoolchildren, who will have to meet the schoolbus in the dark, and farmers, who will have their work schedules disrupted will be great. If we had conclusive proof that daylight saving throughout the country would indeed help meet the energy crisis, I would be more than ready to support this bill—and so would the people of my State. But we have no such assurances—we have only some estimates based on educated guesses.

If we really wanted to save energy a much more effective way of doing it would be to restrict the hours which retail outlets are open. By providing a uniform restriction—except in the case of stores whose primary function is to provide vital services to the public after normal shopping hours while using limited energy; that is, curb markets, small food stores, some drug stores, et cetera—that would prevent any unfair advantages, we would save energy for sure. There would be no uncertainty about the effectiveness of such an action. And other than perhaps eliminating some very late night shopping, we would cause a minimum of inconvenience to the American people.

Instead of enacting a bill based on uncertainty, we should enact one based on the sure knowledge that it would indeed save energy. Let us not use the energy crisis as a "gimmick" to get year-round daylight saving.

My State of Kentucky, like some others, is unique in that the State is divided into two time zones. In recent years the eastern time zone has been moved westward so that now my home county of Hardin is on the western-most boundary of the eastern time zone.

By moving to eastern time, we have already provided more than a half-hour of what daylight time is supposed to accomplish . . . and this is true in much of the central part of the Nation.

I recognize that a better case can be made, that daylight saving time would save energy on the east coast than in the middle of the country. But even there the claims of fuel savings are indefinite and inconclusive—while the inconvenience and hardships to much of the country are very real and certain.

Mr. President, let me conclude by again warning against enactment of any and everything presented in the name of saving energy. Year-round daylight saving is one case in point. Another would be the enactment of a gas tax. Still another would be relaxation of environmental guidelines beyond what is absolutely necessary to meet our energy needs.

If we are not careful, we could do great long-term harm while trying to solve some short-term problems.

Mr. President, I have looked through the report from the committee relating to this measure, and it is a very revealing report. First of all, it points out—and the measure itself demonstrates—that there is absolutely no certainty, no real indication, that the pending measure would in any way conserve energy. The bill provides that the Secretary of the Interior shall conduct a study to determine whether or not, in fact, any energy would be saved by this bill. It seems to me that if such a study is required, it should be done before legislation is passed and before the bad effects of this legislation are imposed upon a great many American people.

The report suggests that this bill might also be a safety measure; that in some way there might be a decrease in accidents because some workers would be going home in daylight time rather than after dark. The report does not explain why it is more dangerous to go home in the dark than it is to go to work in the dark, which is the case that would exist in most of the country.

The bill provides that the President shall have the authority to look at the boundaries of our present time zones and make such adjustments as he might deem necessary. I point out to the Senate that the boundaries of our time zones are not there accidentally. They did not come about by any precipitate action of any individual. The adjustments that have been made were made after long and extensive hearings, formerly by the Interstate Commerce Commission, more recently by the Department of Transportation, which was given jurisdiction. There were long public hearings, in which all aspects were considered, and the movement of these lines is not something that can be done easily and simply.

I also have some concern about the requirement of the bill that permits States to determine whether or not they should observe daylight saving time during the winter months. I think it is reasonable to assume that far more States will exempt themselves from daylight saving time during the winter than we have experienced during the present bill. At present, only one State in the continental United States, Arizona; Hawaii, which is a special case; and portions of Indiana are exempt. So we did, in effect, achieve uniform time with the present law.

But what this bill is going to open up, in my judgment, is a very checkered pattern of time zones across the United States, as many, many States exempt themselves from daylight saving time during the winter months; and the uniform aspects of our present time situation therefore will be obviated.

I should like to say one thing about the broadcasting provisions, including the amendment that has been presented at this time. I think the Senate should understand that the amendment that has been proposed would not eliminate the very difficult situation that would evolve with the AM broadcasting situation in this country.

It is one thing to say that only 300 stations are involved because they are the stations whose actual operating hours would be affected. They are directly affected. But the fact is that 4,400 AM stations in the United States and those in Canada and Mexico also would be subjected to an adverse impact because of this bill; because there is one thing that the Senate and Congress and all its power and all its wisdom cannot revoke, cannot alter, cannot change in any way, and that is the law of physics and technology which applies to broadcast signals in this country. Radio signals act differently during the daytime and during the dark time, and nothing we can do can change that situation. So the interference involved from stations going on the air during the dark hours, when they have been licensed for daytime operation, will have an effect all over the entire country. The mere reducing of power is not as easy as might be indicated here; it is not as simple as throwing a switch. In some cases, an entirely new transmitter may be required. This will not solve all the problems of interference.

Beyond that, we have our treaty arrangements with Mexico, the Bahamian Islands, and Canada; and a stroke of the pen simply cannot change these situations.

Beyond that, the very solution suggested by the amendment, instead of conserving energy, will bring about a considerable increase in the use of energy. The measure provides that some broadcasting stations will be permitted to go on the air and stay on the air as many as 2 additional hours a day. I can assure Senators that the use of electricity by a broadcasting transmitter is considerable; and whatever saving might be brought about by this bill—to some degree, at least—will be eliminated by this move.

Mr. President, I have read the report. There is not a single statistic in this report, there is not a single fact in this report, there is not really a single assertion in this report that would say to the Senate and to the American people that one scintilla of energy will be saved by putting this Nation on daylight saving time. It is just as reasonable, it is just as valid, to assert the opposite. Certainly, one can designate instance after instance in which going on daylight saving time during the winter months would bring about an increase in the consumption of fuel, rather than a decrease, certainly in some parts of the country.

I say again that we ought to be careful about allowing the proponents of certain types of legislation to seize upon this opportunity to exploit the crisis we are faced with in this country in energy, to pass legislation which otherwise would not be acceptable to Congress and would not be acceptable to this Nation on its merits. I urge the Senate to give very careful consideration to this measure and to reject it.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, will the Senator from New Hampshire yield me 5 minutes?

Mr. COTTON. I am glad to yield to the Senator.

Mr. COOK. Mr. President, I commend my colleague from Kentucky (Mr. HUDDLESTON) for his remarks, because I think he has elaborated on the fact that, in 2 short days of hearings and 1 day of markup in the Commerce Committee, we really did not look at this matter in its full import.

As the Senator from New Hampshire well knows, the bill as it originally was proposed by our distinguished chairman, the Senator from Washington, allowed a State to opt in or opt out. The debate on that matter took a little time, and the vote on it, I believe, was 7 to 6 or 6 to 5. It was defeated by one vote. The chairman of the committee voted to leave in that section.

With all the conversation about there now being a great necessity to push forward and to roll over all sections of the country, my colleague from Kentucky, Senator HUDDLESTON, and I are talking about the unfortunate group of people who happen to live along the edge of the thin, gray line.

I am sorry that more Members of the Senate are not present, because this is a difficult environment in which to plead one's case, especially when he has an advocate over there and three people who are committed to the bill are on the floor, and that is all we have here.

But I should like to describe the situation in which we find ourselves in Senator HUDDLESTON's hometown community of Elizabethtown and my hometown community of Louisville, and all those people who live in that region.

It is fine on the east coast of the United States if one is from here, and even if one is not from here. It is fine if you are a Senator who lives here and who does not have to be concerned about those things that happen along that thin, gray line. But let me explain what is going to happen in Louisville, Ky., and Elizabethtown, Ky., from the 1st of January until the 10th of January.

The sun is going to come up at 9 o'clock in the morning because, under the official table of sunrises and sunsets, Louisville, Ky., eastern standard time, prepared by the Nautical Almanac Office, U.S. Naval Observatory, Washington, D.C., in that part of the eastern time zone, which is the extreme western edge, from the 1st of January to the 10th of January, daylight is officially at 9 o'clock under daylight saving time. From the 11th of January until the 15th of January, the sun will rise at 8:59. We then save 1 minute.

The point I am trying to make is that the distinguished Senator from Illinois pointed out that with this time change people in schools can change their schedules. Let us evaluate that; I think that it is interesting. It seems that all we have to do is to say that someone can change his schedule and that is easy to accomplish; however, the oversimplification is far from correct.

In my county, outside the city of Louisville there are 500 schoolbuses, and in those 500 schoolbuses ride 80,000 students. They now start school at 8 o'clock, 8:15, and 8:30 a.m. Some of those students get on those buses as early as 7 o'clock in the morning. By the way, it is dark in Louisville, Ky., at 7 o'clock these mornings. It is light here, but it is absolutely, totally dark in that community. Some students in that rural county have to get on schoolbuses before 7 o'clock. It is absolutely, totally dark.

I have received letters from mothers who say, "There is going to be an increase in fuel consumption because I am going to have to drive my children to school. I will not let my first, second, third, fourth, fifth graders stand along a county road in absolute dark."

The Senator from Illinois (Mr. STEVENSON) said, "Let us switch times." In the committee he said instead of going to school at 8 o'clock make it 9 o'clock in the morning. If school starts at 9, 9:15, and 9:30 in the morning it means we are picking up children in the dark because the sun is not going to come up until 9 o'clock. We have another problem because one of the main reasons schools start at 8, 8:15, and 8:30 is so they can close at 3, 3:15, and 3:30 and get those 80,000 youngsters home and those 500 buses off the roads with their red lights to stop traffic, before people come home from working and before people leave the factories.

Let us put the schoolbuses on the road. Instead of 3, 3:15, and 3:30, let us put them on the road at 4, 4:15, and 4:30. The Jefferson County School Board estimates the 500 buses will be on the road 45 minutes to an hour and 15 minutes longer. That would be 500 buses using 45 minutes to an hour and 15 minutes additional fuel every day and yet this legislation is billed as a fuel-conserving measure.

If it takes the buses 45 minutes to an hour and 15 minutes longer every time that bus stops on a main thoroughfare and those red lights flash on the front and back they are going to stop all traffic going home, cars containing people from plants, offices, whatever it may be, and the consumption of fuel by those vehicles is going to be increased by that percentage of time lost in getting home.

This is the problem we face along that thin gray line and we should, therefore, be given consideration. At the proper time this Senator will offer two amendments: One, the amendment for which I give full and complete credit to my chairman, the Senator from Washington, which was the language in his original amendment, and which in committee he voted to maintain in the bill, specifically that is that a State can opt in or out. It is not in his language, however, we might be able to find some language that says a State can opt in or out if they are going to consume fuel by not giving them that opportunity.

My colleague from Kentucky (Mr. HUDDLESTON) has laid the matter out very clearly. There is not a specific point in this record that says how much fuel will be saved. There is an estimate of from 1 to 1½ percent.

I have argued with the Senator from Illinois, and I am sorry he is not in the Chamber. He is fortunate enough to come from the major metropolitan area of Chicago. It is right on the eastern edge of the central time zone and yet Indianapolis, which is almost directly south of him, is on the western edge of the eastern time zone. So when he is going to be delighted to have sunrise when it comes, it is going to be an hour later in Indianapolis and they are going to be dark. That does not make sense.

If we are really talking about conserving fuel, then we must answer the question, when is the coldest part of the day in winter? It is from 4 to 5 and 6 o'clock in the morning, and that is when you are going to make everybody get up, everyone who lives on the western edge of a time zone. Every light is going to go on in the house and every light in every school will go on at 7 o'clock because we have social programs passed here which provide breakfast and other feeding programs that require the schools to be open earlier. So even if we make it 9 o'clock the schools have to open at 8 o'clock, which means every light will be on an hour before sunrise. This just does not make sense.

I know we should have a bill and I know that we ought to have an energy conservation bill, but give the areas that find themselves in conflict the option to make a determination whether they can save energy because we are not going to save in many parts of the country under this bill.

As a matter of fact, more energy will be used. My colleague (Mr. HUDDLESTON) was correct in stating that the bill refers totally and completely to the fact that they are going to have more daylight in the evening. That is fine if you want daylight to have exercises and play golf in certain parts of the country, but what does that have to do with energy conservation? We are talking about the fact whether you are going to say that Louisville, that is in the eastern time zone and does business with New York, is going to tell people in every office that has to do business with New York, because it is an hour ahead by way of the sun but not the time, that they have to come to work earlier when most of their business is conducted with areas in the East? That does not make sense and no one here is going to say that it does make sense.

The only thing this Senator really wants is the option proposed in the original bill in amendment form by the Senator from Washington: That the only time they can exercise that option is when their legislature can establish it will conserve energy. If the Senator will put that language in I would agree with him, but when they tell me and the President of the United States on television tells this Republican that we are going to save energy in my State because we are going on daylight saving time and daylight is not going to be until 9 o'clock on the 1st of January until the 10th of January and for the next days it will be at 8:59 a.m., and he is going to tell me we are going to help the great energy problem in this country and we are all going to sacrifice, I will tell him and the members of the committee that the only way we can save energy during that time is to light candles and not turn on lights in the morning.

Mr. COTTON. Mr. President, would the Senator yield?

Mr COOK. I yield.

Mr. COTTON. Mr. President, may I inquire how much time is left from my hour?

The PRESIDING OFFICER. The Senator has 30 minutes remaining from his hour.

Mr. COTTON. I merely want to suggest to the distinguished Senator from Kentucky (Mr. COOK) that he is making a very eloquent speech, a very logical speech, and one that I find very moving. Far be it from me to withhold any time from him, but he is going to be sorry later today, because, as he just noted, we have only a few Senators here, a couple of whom, at least, may not be in agreement with him. Sometime later he may want more of the hour provided on the bill to our side to say what he is saying now when more Senators are listening. I think we would be wise to try to recess until 2 o'clock.

Mr. COOK. Mr. President, if the Senator will yield, I have 1 hour on each of my amendments, and I do not mind making this same speech again, because it is important to get this into the RECORD.

Mr. COTTON. Will the Senator from Kentucky offer an amendment?

Mr. COOK. It would be ridiculous for me to offer an amendment to make that speech now with the condition we find on the floor now.

Mr. COTTON. I am sure the Senator knows of my high regard and my respect for him. But, I am sure he understands that I have only half of my time left to give to other Senators.

I do not want to usurp the role of the leadership, but in view of the fact that at 2 o'clock the Republicans will be in here from their conference, at which time we can start considering these amendments, I was going to suggest that we recess.

Mr. MAGNUSON. Mr. President, the Senator has time on his amendment.

Mr. COTTON. I was going to ask for a recess until 2 o'clock.

Mr. DOLE. Then we will have ample time after 2 o'clock to hear amendments?

Mr. COTTON. Is that all right?

Mr. DOLE. Yes.

RECESS TO 2 P.M. TODAY

Mr. COTTON. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

There being no objection, at 1:32 p.m. the Senate took a recess until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. WILLIAM L. SCOTT).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations.

The message also announced that the House had passed a bill (H.R. 11710) to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969, to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 1618. An act to name the headquarters building in the Geological Survey National Center under construction in Reston, Va., as the "John Wesley Powell Federal Building";

S. 2503. An act to name a Federal office building in Dallas, Tex., the "Earle Cabell Federal Building";

S. 2641. An act to confer jurisdiction upon the court of the United States of certain civil actions brought by the Senate Select Committee on Presidential Campaigns Activities and for other purposes;

H.R. 974. An act designating the Texarkana Dam and Reservoir on the Sulphur River as the "Wright Patman Dam and Lake";

H.R. 1284. An act to amend title 5, United States Code, to improve the administration of the leave system for Federal employees;

H.R. 1694. An act for the relief of Ossie Emmons and others;

H.R. 3436. An act to provide for the conveyance of certain mineral rights in and under lands in Onslow County, N.C.;

H.R. 5379. An act for the relief of John B. Clayton;

H.R. 6007. An act for the relief of Swiff-Train Co.;

H.R. 6768. An act to provide for participation by the United States in the United Nations environment program;

H.R. 7210. An act for the relief of George Downer and Victor L. Jones;

H.R. 8528. An act to provide for increasing the amount of interest paid on the permanent fund of the U.S. Soldiers' and Airmen's Home; and

S.J. Res. 155. A joint resolution authorizing the securing of storage space for the U.S. Senate, the U.S. House of Representatives, and the Office of the Architect of the Capitol.

(The enrolled bills and joint resolution were subsequently signed by the Acting President pro tempore (Mr. METCALF).)

EMERGENCY DAYLIGHT SAVING TIME ENERGY CONSERVATION ACT OF 1973

The Senate continued with the consideration of the bill (S. 2702) to provide that daylight saving time shall be observed on a year-round basis.

The PRESIDING OFFICER. The pending question is on the amendment by the Senator from Washington (Mr. MAGNUSON).

Mr. MAGNUSON. Mr. President, I ask unanimous consent to suggest the absence of a quorum with the time not to be taken out from consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, in order that we may get along with this bill, I express the hope, with respect to the amendment which is going to be offered by the distinguished Senator from Colorado, without seeking to dictate to the Chair, that the Senator from Colorado would be recognized as we resume the consideration of the bill, so that we can dispose of his amendment.

The PRESIDING OFFICER. The Chair announces that the pending question is on the amendment of the Senator from Washington.

Who yields time?

Mr. DOMINICK. Mr. President, I am not sure what is meant by the "pending amendment." Is this the bill?

The PRESIDING OFFICER. The Chair informs the Senator that an amendment to this bill, S. 2702, has been offered by the distinguished Senator from Washington.

Mr. MAGNUSON. Mr. President, the pending order of business is the amendment I presented to alleviate the hardships of daylight saving time on the smaller radio stations that operate on a sunrise to sunset basis.

The purpose of this amendment is to insert in the bill language requested by the Federal Communications Commission to alleviate the hardship on daytime broadcast licensees under winter daylight saving time.

The Committee on Commerce has maintained very close liaison with the Federal Communications Commission in developing the proposed year-round daylight saving time bill. The Federal Communications Commission originally communicated with the committee through a letter which is printed in the committee report of the bill. Since the reporting of the bill by the committee, the FCC has conducted further investigations and analyses of the problem. Recently, I received a followup letter from the Chairman of the Federal Communications Commission which I ask unanimous consent to have it printed in the RECORD.

There being no objection, the material ordered to be printed in the RECORD, as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C.
Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is to supplement my letter of November 13, concerning the effects of year-round daylight saving time on certain AM broadcast stations licensed to operate daytime only.

Committee staff was previously supplied with a Public Notice of the Commission's November 14 instructions to its staff to prepare, on an expedited basis, a Notice of Inquiry and Proposed Rule Making designed to consider possible relief for daytime only stations and to report back to the Commission by November 21. A copy of that instruction to the staff is enclosed.

The Commission met on November 21 and again today and discussed the matter further. As a result of those further discussions, I would like to make a few additional observations.

The Commission continues to believe the language of Senate Report 93-504 will be helpful to us in our efforts to grant some relief to certain daytime only broadcast stations which, under the pending legislation, would otherwise begin operations one hour later in the morning.

It is the Commission's intention to initiate a general rule making proceeding promptly upon congressional approval of year-round daylight saving time. Because rule making proceedings can be time consuming, we also contemplate granting appropriate interim relief. A November 23 Public Notice to this effect is also enclosed.

Although, as previously indicated, we do not consider it necessary to have specific language in the bill to deal with the daytime broadcast situation in the context of a general rule making proceeding, inclusion of appropriate statutory language specifically authorizing the Commission to grant interim relief pending completion of general rule making would be helpful. This would obviate any problems that might otherwise arise under section 316 of the Communications Act with respect to any exercise of interim authority.

If statutory language is included, it could be as a new section 5 at page 6, line 9 of S. 2702 to add the phrase "or by interim action pending such general rules" following "general rules" in the first sentence and the words "or interim action" after the phrase "general rules" in the second sentence of section 5 of H.R. 11324 as reported.

Additionally, deletion of the phrase "which are not eligible for pre-sunrise operating authority" from the first sentence of section 5 of H.R. 11324 as reported would enable the Commission to grant interim relief not only to those AM standard broadcast stations not presently eligible for pre-sunrise operating authority but also to other AM stations presently eligible for, but not operating pursuant to, pre-sunrise operating authority or operating with severely restricted pre-sunrise facilities.

Thus, appropriate language could read as follows:

"SEC. 5. Notwithstanding any other law or any regulation issued under any such law, the Federal Communications Commission shall, consistent with any existing treaty or other agreement, make such adjustment by general rules, or by interim action pending such general rules, to permit daytime standard amplitude modulation broadcast stations to operate not in excess of one hour prior to local sunrise, as may be consistent with the public interest, including the public's interest in receiving interference-free service. Such general rules, or interim action, may include variances with respect to operating power and other technical operating characteristics. Subsequent to the adoption of such general rules, they may be varied with respect to particular stations and areas because of the exigencies in each case."

The Commission shall, of course, advise the Committee of whatever further action we take to ease the impact of such legislation on some broadcasters.

This letter was adopted by the Commission November 26, 1973; Commissioners Johnson and H. Rex Lee absent.

By direction of the Commission.

DEAN BURCH,
Chairman.

STAFF INSTRUCTIONS ON IMPACT OF DAYLIGHT SAVING TIME LEGISLATION

The Federal Communications Commission today instructed its staff to prepare on an expedited basis a Notice of Inquiry and Proposed Rule Making, raising for immediate consideration any and all measures that might ameliorate the impact on daylight-only standard broadcast stations of legislation extending daylight savings time throughout the year.

The Commission staff was directed to report back to the full Commission no later than Wednesday, November 21, 1973.

IMPACT OF DAYLIGHT SAVING TIME LEGISLATION ON DAYTIME-ONLY STATIONS

The Commission, on November 14, 1973, issued a public notice announcing that it had instructed the Broadcast Bureau staff to prepare proposed rule revisions to ease the impact of pending Federal daylight saving time legislation on AM stations limited to sunrise to sunset operation.

The Commission has received a draft of proposed rule making from the Broadcast Bureau. Consistent with Congressional action, the Commission is prepared to grant, for the duration of national daylight saving time, appropriate temporary relief and to initiate a rulemaking proceeding to afford relief to daytime-only stations which are presently ineligible for pre-sunrise service authorizations (PSA's), where such action is consistent with treaty commitments, and with due regard to the protection of nighttime services rendered by U.S. clear channel stations during the pre-sunrise hours.

Mr. MAGNUSON. The purpose of the recommended amendment is twofold. First, it would guarantee that the FCC moves as expeditiously as possible to conduct general rulemaking to alleviate the economic hardship on daytime broadcasters. Second, it will grant the FCC the necessary interim authority to provide temporary relief to certain stations pending the outcome of the general rulemaking proceedings.

I believe there is great merit in my amendment which is similar to the wording recommended by the Federal Communications Commission. It is similar to the amendment which has been adopted by the House of Representatives in its version of the year-round daylight saving time bill. There is no reason to ignore the economic hardship which will be visited on this limited sector of the Nation's economy through year-round daylight saving time. We have an obligation to alleviate to the extent possible, the problems which daytime broadcasters will face under winter daylight saving time.

I note for the record two remaining difficulties which daylight saving time will cause a small number of broadcasters. First, some broadcasters are on frequency bands shared by our international neighbors. The use of these frequencies is covered by international treaties. I want the record to show clearly our intent that the State Department should move quickly to open negotiations with countries that are parties to these treaties. The State Department, together with the Federal Communications Commission, should attempt to help the daytime radio broadcasters who are limited in their broadcast hours by international treaty. I expect the State Department to act quickly, and I am sure that everyone else here today agrees.

The second problem which certain daytime broadcasters face is not susceptible to legislative solution. Many broadcasters are licensed on frequencies where interference problems with other stations can be quite significant. In many cases, the interference problems can be alleviated through station-by-station adjustments in the licensing criteria by the FCC in the course of its general rulemaking proceedings under this amendment. My amendment will help these broadcasters to the fullest extent possible through legislative action.

Mr. HUDDLESTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. The amendment is at the desk. No one has more expertise in this matter than the distinguished Senator from Rhode Island. I would ask him to answer any questions, if he will.

Mr. HUDDLESTON. Mr. President, will the Senator yield to me for 2 minutes?

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Does the Senator from Washington yield his time to me?

Mr. MAGNUSON. I yield.

Mr. PASTORE. I yield 2 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. HUDDLESTON. Mr. President, I am not opposed to this amendment, but I think the Senate should not be under any illusions that the amendment resolves the problem that the pending legislation would create for broadcasters in this country.

In effect, the amendment provides that the FCC is to do the best it can to resolve some of the problems that are going to result from this legislation. The FCC probably can take care of those directly affected by having the hours of operation reduced, but neither the FCC, the Senate, the House of Representatives, nor the President, nor all combined can change the physical law and technology that applies to broadcast signals in this country. There will be a considerable amount of interference.

In addition we have the matter of the treaties this Nation has with Canada, Mexico, and the Bahama Islands relating to broadcast signals.

The fact is that broadcast signals behave differently in daylight hours than in nighttime hours. However, Congress may move to change the hardships that may evolve for some specific stations, it cannot prevent the interference that would come from stations that operate in the daytime, when they operate in the nighttime or in the dark hours.

Another point is that one solution suggested is that they would be permitted an extra hour of operation. I wish to point out that radio transmitters consume a considerable amount of energy in the form of electricity, so to this extent at least the pending legislation permitting daylight saving the year around would amount in a considerable increase in the consumption of electricity.

Mr. PASTORE. There is a great deal of merit in what the Senator just said. No one here disputes it, but we have to look at the large question. The big question is, Do we legislate to provide a daylight system that is nationwide in order to conserve fuel or do we not? If we are going to save fuel during daylight saving the year around, then we should act.

Naturally, that raises some problems, and this is one of the problems. The best way to straighten it out is to give authority to the FCC to work it out. If anyone is opposed to the law in totality, I suppose he could raise a lot of arguments, but the major question is, Do we have it or not? If we are going to have daylight saving, it is going to raise problems, and it is best to have this in the act. Does the Senator agree with that?

Mr. HUDDLESTON. The Senator is correct.

Mr. PASTORE. That is the question. I do not think I need to say anything else.

Mr. President, as the committee noted in its report accompanying S. 2702, the legislation will cause temporary difficulties for some of those AM radio stations licensed to operate during daytime hours only; that is, from actual sunrise to actual sunset.

The "sign-on" and "sign-off" times of these stations are assigned in relation to the physical laws of the universe.

Because of the peculiar characteristics of these laws, more AM stations are able to operate during daytime than at night.

These laws are, of course, immutable. So even though we may set the time by which the Nation operates ahead 1 hour through legislative fiat, actual or sun time cannot be changed.

As a consequence, unless the FCC moves to adjust the hours of operation of those daytime only stations, they will begin operations 1 hour later in the morning than usual if S. 2702 is enacted.

Such delayed "sign-ons" will in turn disrupt the listening habits of many people who rely on vital early morning weather and other information.

The later "sign-on" time may also affect the economic well-being of many of these stations.

For example, S. 2702 will mean that a 7:30 a.m. "sign-on" in December and January will suddenly become an 8:30 a.m. advanced time "sign-on"—by which time many listeners will have reached their work or school with the resulting loss in "drive-time" audience. Many stations thus affected could not entirely recoup early morning advertising losses during the additional hour provided at the end of the day.

The FCC has informed the committee that if S. 2702 is enacted it intends to proceed through general rulemaking to adjust the hours of operation of many of those "daytime stations" adversely affected by the legislation. I would suggest no less, and I think it is a necessary amendment if the law is to be enacted.

It also informed the committee that inasmuch as rulemaking proceedings can be time consuming, the Commission also contemplates granting interim relief where appropriate.

Mr. President, the interim relief which the FCC contemplates will, in my judgment, prove highly desirable in many instances because it may be granted expeditiously.

The Commission has also informed the committee, however, that if it is to exercise this interim relief it would be helpful to have specific language in the bill specifically authorizing it to use this remedy.

While the House has included such language in the measure it passed, the FCC has furnished the committee with statutory language which it prefers the Congress adopt.

Mr. DOLE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Kansas?

Mr. COTTON. Mr. President, how much time does the Senator want?

Mr. DOLE. Five minutes.

Mr. COTTON. I yield 5 minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, the proposal to establish daylight saving time on a year-round basis in an effort to help deal with the energy crisis raises a number of serious questions—particularly for those who live and work in the rural areas of our country. Early to bed, early to rise is a fairly accurate description of the personal and business lives of these Americans. And when winter comes, they are very much aware of the lateness at which sunrise and daylight comes.

Radio in rural America provides a very valuable service which is heavily relied upon. It brings local and community news, notices of coming events, weather reports, school openings or closings, and much additional information which is indispensible to many citizens. These areas do not usually have morning newspapers and many people are out in their cars and trucks away from television. So radio is an essential link to the locality and the rest of the world.

Many of these nearly 2,300 radio stations are small community stations which are limited in the hours they may broadcast and their signal strength. These restrictions are imposed for a variety of reasons including treaty obligations with neighboring countries, and Federal Communications Commission policies governing interference protection.

Some 625, under the presently applicable rules and regulations, are prohibited from operating before sunrise. Of course, this means that they go on the air earlier in the summer and later in the winter so their audiences must adjust their early morning tune-in times accordingly. These changing hours currently do not present much difficulty, for they get on the air by 7:30 to 8 a.m. even in the shortest days of winter. Their listeners can still get their news weather reports and local bulletins before their days are underway.

But I believe it is easy to see that winter daylight saving time would make a major difference, for under it small radio stations which broadcast only during daylight hours would be kept off the air some months until nearly 9 a.m. The same would be true, too, of full time stations that are required to operate at reduced power during the night.

As I pointed out, the early morning hours are the most important times for many of their listeners to get news of weather forecasts, school closings, stock warnings, and other important matters.

These people get up early and need to have the up-to-the-minute information that only their radio stations can provide. Lives, businesses, and the safety of children and others can depend on this news.

If the energy emergency makes winter daylight time necessary, it should not have the side effect of limiting the quality or quantity of radio broadcast information in rural America.

Unfortunately, out of 625 daytime stations which do not now have presunrise authority—PSA—368 are not now eligible for any form of such privileges.

Therefore, I submitted an amendment to provide the Federal Communications Commission with the statutory authority, within existing treaty requirements, to provide temporary relief for this class of radio station. This amendment, number 735, reflected the language adopted in the House version of this legislation. It has been further refined and modified in the amendment offered today by the Senator from Washington (Mr. MAGNUSON).

The committee report on the bill discusses the problem raised for these broadcasters and expresses the hope that the FCC will give priority attention to this problem. But I feel that statutory language is necessary to make the intent and the resolve of Congress clear in this matter so I would hope that the Senate will also view it as necessary and worthwhile.

I was pleased to have as cosponsors to my amendment the distinguished Republican leader and senior Senator from Pennsylvania (Mr. SCOTT), the Senator from South Carolina (Mr. THURMOND), and the Senator from North Carolina (Mr. HELMS).

By way of additional explanation of the problem, I ask unanimous consent to have printed in the RECORD at this point two letters from FCC Chairman Dean Burch to the distinguished chairmen of the House and Senate Commerce Committees.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, Washington, D.C.

DEAR MR. CHAIRMAN: This is to supplement my letter of November 13, concerning the effects of year-round daylight saving time on certain AM broadcast stations licensed to operate daytime only.

Committee staff was previously supplied with a Public Notice of the Commission's November 14 instructions to its staff to prepare, on an expedited basis, a Notice of Inquiry and Proposed Rule Making designed to consider possible relief for daytime only stations and to report back to the Commission by November 21. A copy of that instruction to the staff is enclosed.

The Commission met on November 21 and again today and discussed the matter further. As a result of those further discussions, I would like to make a few additional observations.

The Commission continues to believe the language of Senate Report 93–504 will be helpful to us in our efforts to grant some relief to certain daytime only broadcast stations which, under the pending legislation, would otherwise begin operations one hour later in the morning.

It is the Commission's intention to initiate a general rule making proceeding promptly upon congressional approval of year-round daylight saving time. Because rule making proceedings can be time consuming, we also contemplate granting appropriate interim relief. A November 23 Public Notice to this effect is also enclosed.

Although, as previously indicated, we do not consider it necessary to have specific language in the bill to deal with the daytime broadcast situation in the context of a general rule making proceeding, inclusion of appropriate statutory language specifically authorizing the Commission to grant interim relief pending completion of general rule making would be helpful. This would obviate any problems that might otherwise arise under section 316 of the Communications Act with respect to any exercise of interim authority.

If statutory language is included, it could be as a new section 5 at page 6, line 9 of S. 2702 to add the phrase "or by interim action pending such general rules" following "general rules" in the first sentence and the words "or interim action" after the phrase "general rules" in the second sentence of section 5 of H.R. 11324 as reported.

Additionally, deletion of the phrase "which are not eligible for pre-sunrise operating authority" from the first sentence of section 5 of H.R. 11324 as reported would enable the Commission to grant interim relief not only to those AM standard broadcast stations not presently eligible for pre-sunrise operating authority but also to other AM stations presently eligible for, but not operating pursuant to, pre-sunrise operating authority or operating with severely restricted pre-sunrise facilities.

Thus, appropriate language could read as follows:

"SEC. 5. Notwithstanding any other law or any regulation issued under any such law, the Federal Communications Commission shall, consistent with any existing treaty or other agreement, make such adjustment by general rules, or by interim action pending such general rules, to permit daytime standard amplitude modulation broadcast stations to operate not in excess of one hour prior to local sunrise, as may be consistent with the public interest, including the public's interest in receiving interference-free service. Such general rules, or interim action, may include variances with respect to operating power and other technical operating characteristics. Subsequent to the adoption of such general rules, they may be varied with respect to particular stations and areas because of the exigencies in each case."

The Commission shall, of course, advise the Committee of whatever further action we take to ease the impact of such legislation on some broadcasters.

This letter was adopted by the Commission November 26, 1973; Commissioners Johnson and H. Rex Lee absent.

By direction of the Commission,

DEAN BURCH,
Chairman.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., November 13, 1973.
Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
Washington, D.C.

DEAR MR. CHAIRMAN: This refers to legislative proposals currently pending before your Committee which look toward the establishment of Daylight Saving (advanced) time throughout the nation, on a year-round basis, during the current energy crisis. The proposed legislation would amend the Uniform Time Act of 1966, under which most of the country now observes advanced time for six months each year.

The Commission is, of course, sympathetic to measures designed to reduce current levels of energy consumption in the United States. The extent to which this particular proposal will reduce the overall demand for energy is a matter which we are not qualified to judge. For the record, however, I would like to bring to the Committee's attention the probable impact of such legislation on the 4435 standard (AM) broadcast stations presently operating in the United States.

The expressions of concern we have received thus far have come mainly from stations licensed to operate during daytime hours only. There are approximately 2,270 stations of this category, with the majority assigned to the 41 regional (Class III) channels which they share with a smaller number of full time stations. Since signals transmitted in the AM broadcast band propagate over vastly greater distances at night than during daytime hours, it has been possible to allocate approximately three daytime stations to every fulltime station on these channels. Hence, on a typical regional channel, there are perhaps 50 daytimers and 16 fulltimers.

In addition, a substantial (but lesser) number of daytimers are assigned to U.S. and foreign clear channels. The dominant station on these clear channels, which enjoy a high degree of nighttime interference protection, are designed to render nighttime skywave service to remote regions unserved by any primary (groundwave) signal source.

In either case, and in order to control skywave interference to fulltime stations assigned to the same channels, the basic license issued to each daytime station specifies sign-on and sign-off times for each month of the year. In accordance with the 1950 North American Regional Broadcasting Agreement (NARBA) and the 1970 U.S.-Mexican standard broadcasting agreement, to which the United States is a party, these sign-on and sign-off times reflect actual "sun" time, and are expressed in standard (non-advanced) time for the entire year. Daytime only stations are precluded by these treaties from operating earlier than sunrise or later than sunset—except for specific pre-sunrise authorizations (PSA's) granted to certain classes of AM stations on a reciprocal basis under supplemental agreements negotiated with Canada and Mexico over the past six years.

Except for daytime stations on clear channels located west of a co-channel dominant station and therefore precluded from signing on prior to sunrise at the dominant station, these PSA's generally permit a uniform, year-round 6:00 a.m. sign-on with a power of 500 watts (or less when necessary to meet foreign protection requirements). The PSA mode of operation is continued until local sunrise, when the station switches to full daytime power. PSA's have been issued to 1,650 daytime stations, or 73% of all daytime stations. In contrast to the basic station license, the PSA is keyed to local time rather than to standard (non-advanced) time.

The *local* time was negotiated on the basis of minimizing schedule disruption resulting to stations in the United States at the beginning and end of daylight saving time for a few days at the end of April and a few days in October. The disruptions resulted from the fact that daylight savings time begins the last Sunday of April and extends to the last Sunday of October, whereas the operating schedules of stations are based on monthly considerations. Therefore, extension of daylight savings time to periods beyond the April to October time frame may be a problem with Canada and Mexico since it was not contemplated when the Agreements were negotiated.

In assessing the dislocations that are apt to arise if the present six-month advanced time is extended throughout the entire year, in the absence of Commission action most of these 1,650 stations holding PSA's would pick up an additional hour of early morning operating time between the last Sunday of October and the last Sunday of April. This operation would occur in darkness, under essentially nighttime conditions, and may therefore cause additional skywave interference to fulltime stations assigned to the same frequencies.

The protected nighttime service areas of fulltime domestic stations would be affected in varying degrees. The result would be that the listening habits of an undetermined number of people could be affected by the creation of new zones of interference. This would occur largely in "fringe" reception areas around large markets where people are presently accustomed to receiving early morning service from fulltime regional stations. Clear channel stations would receive interference primarily in rural areas. After a period of adjustment, these dislocations may be tolerated, both by the public and by the fulltime stations affected, since the added interference would dissipate with the approach of sunrise.

A more serious problem, from the standpoint of the broadcast industry, would be the plight of the approximately 625 daytimers *without* PSA's and particularly those competing in the same market with daytimers holding such authorizations. As already mentioned, most PSA-holders would be picking up an additional hour of early morning operation during the late fall, winter, and early spring, thus further exacerbating the competitive imbalance already existing between these two types of daytimers. Of the 625 daytimers not presently holding PSA's approximately 257 are eligible therefor, while 368 are ineligible for pre-sunrise operating privileges in any form.

Examples of stations in this ineligible group are 243 Class II stations assigned to Canadian and Bahamian I–A clear channels; Class II stations assigned to U.S. I–A clear and located east of the dominant station; Class II stations located with the 0.5 mVm 50% skywave contour of a Class I–B clear channel station; and Class II and Class III stations so located that they cannot meet foreign cochannel protection requirements.

Because of the treaty and interference protection requirements within which the Commission must operate, the handicap of time advancement cannot promptly be redressed insofar as the 368 ineligible stations are concerned. For many of these stations, the proposed legislation will mean that a 7:30 a.m. sign-on in December and January will suddenly become an 8:30 a.m. advance time sign-on—by which time many listeners will have reached their work or school, with the resulting loss in "drive-time" audience. Many stations thus affected could not entirely recoup early morning advertising losses during the additional hour provided at the end of the day.

It should be remembered that the act of setting clocks ahead in no way affects the physical laws under which AM broadcast stations are assigned and regulated. Apart from the problems of transient interference, delayed sign-on, and competitive imbalance noted above, the main effect of the proposed advancement would be the change that would occur in the listening habits of some people unable to listen to the stations to which they are now accustomed. In most cases, however, alternate sources of programming would be available from other AM and FM stations.

To summarize, most of the 1,650 daytime stations with pre-sunrise authority would not be seriously affected by this legislation. The burden imposed by the proposed legislation would fall most heavily on the 625 daytime stations not presently holding PSA's, and particularly on the 368 daytime stations presently ineligible for pre-sunrise operation in any form. Of the 368 ineligibles, more than half (243) operate on Canadian or Bahamian I–A clear channels which, under existing international agreements, are not available for pre-sunrise use in the United States. The status of these stations could be altered only by the negotiation of supplemental international agreements. Because of the great importance attached by Canada to the role played by its seven Class I–A clear channel stations in providing nighttime skywave service to remote regions of that country, its acquiescence to any broadcasting of the PSA program to allow for pre-sunrise operation on these channels in the United States is extremely doubtful.

Most of the remaining 125 stations presently ineligible for PSA's are assigned to frequencies on which the United States has I-A or I-B clear channel priorities during the night-time hours. As to those, it is possible that the Commission could initiate rule making proceedings to consider relief where none now exists. While this effort could proceed without consultation with foreign governments it would, as you will appreciate, raise difficult questions in light of interference which would affect service from clear channel stations. In any event, any precipitous change in the interference protection presently enjoyed by U.S. clear channels stations would be difficult to accomplish, especially in light of the hearing rights conferred by section 316 of the Communications Act.

At this moment, it is impossible to assess the short-term and long-term economic hardship befalling stations which under the proposed legislation would lose up to one hour of morning operation. Presumably, the onus would fall most heavily on AM licensees lacking an FM affiliation.

In common with other agencies of government called upon to comment on the proposed legislation, there has not been sufficient time to analyze its impact fully and to examine all of the options available to us in dealing with the problems outlined above. I am forwarding copies of this letter to the other Commissioners for discussion at our Wednesday meeting, and will promptly inform you of any additional views or comments they may have.

Please let me know if I may be of further assistance on this matter.

Sincerely,

DEAN BURCH,
Chairman.

Mr. DOLE. I recognize and appreciate the many limitations and policy considerations the FCC must weigh in making any changes in its rules, guidelines, and regulations regarding frequency assignments and operating power. But I believe the serious difficulties for many broadcasters and their listeners which would flow from year-round daylight saving time require the Commission to do everything possible to reduce the hardship.

Thus, I am hopeful that this amendment will give the Commission the direction and authority necessary to avoid the most serious broadcasting problems related to winter daylight saving time.

I would also hope that the Commission, through the Department of State, will undertake discussions with Canada, Mexico and other concerned nations with a view to altering or accommodating our existing international broadcast agreements to the circumstances of winter daylight time.

The broadcast hours of many daytime and full-time American stations are controlled, not by the FCC, but by our treaty agreements, particularly those with Canada and Mexico. The Commission cannot authorize operations contrary to these treaty provisions, so diplomatic efforts are the only possibility for providing relief.

I do not know if these nations might be willing to agree to such changes, but exploratory negotiations certainly appear to be in order. It might well be that changes would be in these countries' best interests, too, and agreement could be reached without undue difficulty. In any event I believe the possibility should be fully explored.

Mr. President, I might say, as the Senator from Washington and the Senator from Rhode Island know, there is a great deal of interest in this approach by a number of Senators, including the distinguished Senator from South Carolina (Mr. THURMOND), the distinguished Senator from North Carolina (Mr. HELMS), the distinguished Senators from Pennsylvania (Mr. HUGH SCOTT and Mr. SCHWEIKER), and a number of other Senators. I share the view expressed by the Senator from Rhode Island and believe the FCC should make the determination.

We have had at least two questions raised by full-time stations in the State of Kansas, and I prepared a couple of questions which I hope by now have been delivered to the Senator from Rhode Island.

Mr. PASTORE. I have not seen them yet.

Mr. DOLE. I think the Senator's counsel has them. I can state the question, and then the Senator can supply the answer.

To touch on another aspect of these winter daylight saving time problems, I would ask the manager of the bill or the Senator from Rhode Island how he views the situations faced by many full-time stations which operate at reduced power or with a limited directional signal at night until sunrise. Does the amendment as it is now being considered offer any relief for this class of station?

Mr. PASTORE. Well, I would hope that the FCC, which is the agency in charge of the administration of the Federal Communications Act of 1934, would use its judgment and its wisdom in order to do justice and equity in every respect. I realize that this is going to raise some serious problems. We all recognize that. Just how to adjust it at this moment, I do not think anyone has the precise answer, but I think this debate is very helpful for the reason that it will impress the FCC that it has a momentous decision to make, and I think it will adjust itself accordingly, so that we will have the least disruptions possible.

Mr. DOLE. I appreciate the comment of the distinguished Senator from Rhode Island. I think it does indicate that there must be some flexibility which would provide these full time stations with some relief to offset the extra early morning hour of reduced power operation which winter daylight time would impose on them.

Perhaps it is not helpful to attach language to the amendment applying the amendment's provisions to full time stations whose nighttime authority requires them to broadcast at substantially reduced power. But I believe, in raising the question and the response that the Senator from Kansas has had from the Senator from Rhode Island, hopefully the FCC will take a look at it in order to do justice and equity.

Mr. PASTORE. I assure the Senator we intend to view this question very closely from now on, just to see what the behavior will be on the part of the FCC, what the consequences are going to be of the decision, to see that justice is done with the least possible disruptions. I do not know where else we can place this authority unless it be in the FCC.

Mr. DOLE. I understand that the FCC does not favor attempting to do it by rigidly legislating——

Mr. PASTORE. No. because we may have more problems than we will solve. I think that would be a dangerous course to follow.

Mr. DOLE. So I have no objection to the amendment. In fact, if there is no objection, I ask that I be made a cosponsor of the amendment of the Senator from Washington.

Mr. MAGNUSON. Mr. President, I just want to add that the FCC asked for this amendment, so that they could help the daytime broadcasters exactly as the Senator from Rhode Island thinks they should. They would not ask for it if they did not intend to follow through and carry out the intent of the Congress. This is the language they think would most help them take care of the problem.

Mr. PASTORE. Precisely.

Mr. President, I am ready to yield back my time.

Mr. MAGNUSON. Mr. President, the Senator from Arkansas (Mr. FULBRIGHT) wanted to put into the RECORD at this point a statement by him and a letter from the Arkansas Broadcasters Association which deals with the same point. I want to say for him that he was very anxious to speak on the subject of treaty restraints on daytime broadcasters and to call on the State Department to begin renegotiations of those treaties where appropriate. I talked with him yesterday. He seems to be assured that this amendment will start to do the necessary job.

I ask unanimous consent to put the statement of the Senator, together with the letter, in the RECORD at this point.

There being no objection, the statement and letter were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR FULBRIGHT

Mr. President, I am deeply concerned about the effect year around Daylight Savings Time may have on Arkansans served by six radio stations in Arkansas which operate on Canadian or Bahamian I-A clear channels. These stations, under existing international agreements, may not operate before sunrise. Therefore, if Daylight Savings Time is extended, they will frequently not be able to go on the air until 8:00 AM or later.

For many Arkansans, it is important to receive up to the minute news, weather, and crop reports in the morning before going out to their place of business or into the fields For my constituents who depend on the six stations which operate on Canadian or Bahamian I-A clear channels 8:00 AM will often be too late. These Arkansans, especially the farmers, will in many cases have left home before 8:00 AM and hence will have to begin work without the information they need. Such information is often vital, particularly to farmers who need accurate knowledge of weather conditions. The six Arkansas stations which operate on the Canadian and Bahamian channels are KOSE (Osceola), KBBA (Benton), KWRF (Warren), KZRK (Ozark), KPCA (Marked Tree), and KFPF (Van Buren).

This problem which affects radio stations throughout the United States can only be alleviated by negotiation of supplemental international agreements. It is my hope that the Administration will move quickly to open such negotiations. It could be that early morning signals from many of the stations which operate on Canadian or Bahamian I-A clear channels will not, in fact, interfere with the Canadian or Bahamin channel. Possibly an agreement could be worked out for the use of a weaker signal before sunrise by the stations in the United States.

The letter I have received from Mr. Ted Snider, President of the Arkansas Broadcasters Association, is submitted for the RECORD.

ARKANSAS BROADCASTERS ASSOCIATION,
Little Rock, Ark., November 19, 1973.
Hon. J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR MR. FULBRIGHT: President Nixon has proposed year-round daylight savings time. Unless special provisions are made for small town, local day-time only radio stations, they will be adversely affected by this proposal. Daytime only radio stations, which cannot sign on until sun-up, would be in many instances, be unable to go on the air until 8:00 A.M. Since one of the most important times of the day for imparting information to its listeners is between 6:00 and 8:00 A.M., the listeners would be the losers in these small towns. Listeners depend on such information as school closings, street and highway problems, weather, time, crop information, etc. It is the kind of information that only a local radio station can provide.

The Arkansas Broadcasters urge you to make sure any such proposal for year-round daylight savings time would include special provisions to allow daytimers to begin broadcasting at 6:00 A.M. This is a critical matter and we feel deserves your urgent attention. Most of your constituents are affected.

Thank you for your consideration of our problems. Please call on any broadcaster whenever you need our help.

Sincerely yours,

TED SNIDER,
President.

Mr. DOLE. Mr. President, I am certain every Senator can think of one or two stations which would be affected, such as Stations KLEO and KFDI in Wichita, Kans., full-time stations which need some relief to offset extra early morning hours of reduced power operation, and which are seeking some adjustment. I think it is fair.

The Senator from Washington has addressed himself to it, as has the Senator from Rhode Island. I hope the FCC will provide that equity.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may be a coauthor of the amendment offered by the distinguished Senator from Washington concerning the daylight saving time bill, on the time that radio stations can begin broadcasting.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, in order to understand the impact this daylight saving time bill will have on those AM radio stations which are allowed to operate during daytime hours only, it is first necessary that we have a basic understanding of the radio broadcast picture in general.

There are two main categories of radio stations: full-time stations that are licensed to operate 24 hours a day and "daytimer" stations which are licensed to operate during daytime hours only. All these stations operate on one of three types of channels: regional channels, U.S. clear channels and foreign clear channels.

Of the approximate 2,270 daytime stations in this country, the vast majority are assigned to the 41 regional channels which they share with a smaller number of full-time stations.

The remainder of these daytime stations are assigned to the United States and foreign clear channels. Each of these clear channels has one dominant station which is allowed a high degree of nighttime interference protection. The purpose of this protection is to enable these dominant stations to reach remote regions at night which are not served by other sources.

In either case, in order to protect the signals of these full-time stations at night, when radio signals travel greater distances than they do during daylight hours, the licenses issued to the daytime stations assigned to that same channel specify sign-on and sign-off times for each month of the year. These times basically reflect the local time of sunrise and sunset.

In the winter months sunrise occurs at times ranging from 7:15 to 7:45, and that is when these "daytimers" can begin to operate. Under Daylight Savings Time, however, the time of sunrise will be 1 hour later, from 8:15 to 8:45. Accordingly that is when these stations will be allowed to begin broadcasting unless we adopt this amendment.

Mr. President, in many of the towns and rural areas which these small daytime stations serve, there is no daily morning newspaper and no early morning television that the people can turn to for necessary morning news and information. They must know whether the schools will be open that day, whether the roads have become impassable due to snow and ice during the night, whether the plant in which they work will be operating that day, what the various farm prices are and all sorts of other information. Obviously, they must know these things before they leave for school, work or town. Unless some sort of relief is given to these radio stations to allow them to begin operating at their regular times, these people will simply not receive this information in time. Furthermore, these stations are likely to lose their sponsors in proportion to their loss of their early morning "drive-in" audience. It is doubtful that these advertising losses could be recouped during the additional hour provided at the end of the day.

Mr. President, of these 2,270 daytime stations, approximately 1,645 or 73 percent have been granted presunrise authority pursuant to supplemental agreements to treaties negotiated with Canada and Mexico over the past 6 years. They are generally permitted to sign on at 6 a.m. with a power of 500 watts year round. Then, at sunrise, they switch to their full daytime power.

Of the remaining 625 daytime stations, there are 243 which operate on foreign clear channels. This means that the dominant stations on those channels are foreign ones. But due to the importance of those foreign stations to their countries, it is extremely doubtful that any supplemental agreements will be negotiated here to allow presunrise authority. For example, in Canada, there are many remote areas where there are no local stations and the Canadians are justifiably determined to preclude interference with the nighttime signals from their dominant stations which serve these areas.

However, this leaves 382 stations and it is to them that we should focus our concern. Of this number, approximately 257 are eligible for presunrise authorization but for various reasons have not yet applied for it. This amendment would facilitate and expedite that process.

Most of the remaining 125 daytime stations are on U.S. clear channels where the dominant station is in the United States. Thus, the obstacle of international negotiations is not present here.

Mr. President, it is still desirable today as it was 25 years ago that we protect the signals of these dominant stations, for they provide information to many areas where there are no local stations. But we should also recognize the fact that many towns and rural areas now have their own local daytime stations and that these stations and the interests of their local communities should also be protected.

This amendment provides such protection. It provides that the Federal Communications Commission shall take the appropriate action to allow these daytime stations without presunrise authority to begin broadcasting prior to the new sunrise time. Thus, they generally will be able to reach their regular audiences at their accustomed times.

Although it is not necessary that these stations broadcast for this presunrise period at their full daytime powers, it is understood that they will be allowed to operate at power levels which are adequate to effectively provide the services their communities so urgently need.

Mr. President, during the energy crisis it is only just that we all share the burden imposed by the various restrictions. It is unfair that these daytime radio stations and their local communities be made to bear the whole burden of this daylight savings time measure when there is such a ready avenue for fair relief. For these reasons I urge my colleagues to vote favorably on this amendment.

Mr. HUMPHREY. Mr. President, I have at the desk an amendment No. 743 to S. 2702, a bill to provide that daylight saving time shall be observed on a year-round basis.

Mr. President, this is a technical amendment which relates to the operations of standard AM radio broadcast stations. The amendment is identical to section 5 of the House-passed version of S. 2702, that is, H.R. 11324. According to Mr. STAGGERS, this language has been proposed by the Chairman of the FCC. My amendment is identical to the amendment by the Senator from Washington (Mr. MAGNUSON).

This amendment would permit the FCC to take interim action, before general rules are adopted, that would allow the stations to operate 1 hour before sunrise. It would also permit the FCC to take into consideration those stations now not operating with presunrise authorizations or which are not eligible for such authorization so as to permit them to operate 1 hour before sunrise.

Mr. President, these daytime radio stations play a vital role in many communities in Minnesota and throughout the Nation. They provide valuable information on the weather, road conditions, school closings and hour changes, and the like that the general public, particularly in the rural north in the winter, needs.

If we are going to set our clocks ahead to conserve on energy, then we must allow as many of these stations as possible to come on the air 1 hour earlier in the morning, so that they can continue to provide the same valuable public service they are providing today.

I support the Magnuson amendment and will not call up my amendment No. 743. The two amendments are identical.

Mr. SCHWEIKER. Mr. President, I am privileged to join as a cosponsor of this amendment to the emergency daylight saving time bill to provide relief to radio stations, and the communities they serve.

More than 600 radio stations in the country, including many in Pennsylvania, are only permitted to operate during daylight hours, from sunrise to sunset, because of overall radio frequency interference problems at night. If daylight saving time is instituted during the winter months, these radio stations would be unable to go on the air until approximately 8 o'clock in the morning, or later, because sunrise would occur at those times.

This situation is undesirable, and deserving of the legislative relief this amendment provides.

For instance, it would injure these stations by denying them the opportunity of a listening audience as people get up and go to work, or to school, or otherwise begin their daily activities. The hours between 6 and 8 in the morning represent "prime time" hours for radio stations. Stations that could not be permitted to begin broadcasting until after this time would completely lose this "prime time" audience during winter months.

In addition, however, the communities of these radio stations would also be deprived the availability in the early morning hours of localized radio service. Local radio stations can provide up-to-date weather information, school closings in bad weather, or other forms of emergency information that distant stations do not provide. If a local radio station authorized only for daytime operation is prevented from boadcasting until daybreak, some communities could be totally without such localized service in winter months under daylight saving time.

This amendment to the emergency daylight saving bill makes a significant step toward solving these situations by providing for daytime stations to begin operations an hour prior to sunrise during the months when we normally would be on standard time. It does not solve every situation, because of complex international treaty arrangements involving radio frequency issues, and clear channel issues. Nevertheless, it is a positive step that insures that daytime only radio stations not encumbered by these more complex situations can conduct operations in accordance with this legislative exemption. The amendment also specifically directs the Federal Communications Commission to evaluate these complex situations in such a way that the public interest in expanding predawn local radio broadcasting is maximized. Expedited review by the FCC of special station and area exigencies on a case-by-case basis can provide additional relief to communities affected by year-round daylight saving time.

The energy crisis that has brought about the need for this emergency daylight saving bill is serious. Congress must take swift action in a number of areas to deal with the energy crisis that will be affecting us in many ways this winter. Institution of year-round daylight savings time as an emergency measure is one step I support. But it is vital that we at the same time provide adequate legislative protection for radio stations and their local communities by allowing daytime radio stations to begin broadcasting during the predawn hours when the public is getting up, listening to the radio, and in many cases, dependent on local radio stations for vital community information.

I am cosponsoring this radio exemption amendment, and urge the support of all Members of Congress.

Mr. COOK. Mr. President, the imposition of daylight savings time during the winter months would also create serious problems in certain areas of the broadcasting industry. As my colleagues may know, six frequencies used in the United States are referred to as Canadian clear channels. By virtue of a treaty with the Canadian Government, stations using these frequencies—and there are 240 of them throughout the country—may broadcast only during the daylight hours.

Most of these stations, especially those which serve rural areas, provide invaluable public services during the early morning hours. They report on road conditions, traffic flow, and school and plant closings. If daylight savings time is imposed during the winter months, much of the value of these services will be eliminated.

For example, there are several stations in the Commonwealth of Kentucky which are located in the western portion of the eastern time zone. Without daylight savings time, these stations will be "signing on" at the following times: 7:45 a.m. in December; 8 a.m. in January; and 7:39 in February. If daylight savings time is implemented during those months, those stations will be "signing on" at 8:45 a.m., 9 a.m. and 8:39 a.m. respectively. By that time, the rush hour traffic will be in full force and children will already be in route to school. Many people may have already been stuck on snow covered roads.

Please remember that this situation recurs in at least 240 locations throughout the United States, and in some cases, these stations are the only ones for 30 or 40 miles.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that Senator Hollings, Senator Stevens, and Senator Schweiker be added as cosponsors of the amendment which deals with the FCC.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I ask unanimous consent that the name of the Senator from Kansas be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I yield back our time.

Mr. COTTON. Mr. President, I yield back our time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from Washington.

The amendment was agreed to.

Mr. DOMINICK. Mr. President, I call up my amendments No. 718.

The legislative clerk proceeded to read amendments No. 718.

The PRESIDING OFFICER. The Chair will inquire of the Senator if this is the amendment for which there is an agreed upon limitation of 1½ hours.

Mr. DOMINICK. Yes.

I yield myself 15 minutes, to start with.

The PRESIDING OFFICER. Without objection, the amendments will be printed in the Record.

Amendment No. 718, offered by Mr. Dominick for himself and Mr. Taft, is as follows:

On page 6, line 9, insert the following new title II:

"TITLE II—MINIMUM WAGE AMENDMENTS

"Sec. 201. This title may be cited as the 'Fair Labor Standards Amendments of 1973'.

"DEFINITIONS AND APPLICABILITY TO GOVERNMENT EMPLOYEES

"Sec. 202. (a) Section 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203 (d)) is amended to read as follows:

"'(d) "Employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee, including the United States, any State or political subdivision of a State, and any agency or instrumentality thereof or interstate governmental agency, but shall not include any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.'

"(b) Section 3(e) of such Act is amended by adding at the end thereof the following: 'In the case of any individual employed by the United States, "employee" means any individual employed (i) as a civilian in the military departments as defined in section 102 of title 5, United States Code, (ii) in executive agencies as defined in section 105 of title 5, United States Code (including employees who are paid from nonappropriated funds), (iii) in the United States Postal Service and the Postal Rate Commission, (iv) in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and (v) in the Library of Congress. In the case of any individual employed by a State, or the political subdivision of any State or an interstate governmental agency the term "employee" shall include any employee of that State political subdivision, or agency but the term shall not include any individual elected to public office in any State or political subdivision of any State by the qualified voters thereof or any person chosen by such officer to be on such officers' personal staff, or an appointee on the policymaking level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office. The exemption set forth in the preceding sentence shall not include employees subject to the civil service laws of a State government or political subdivision or applicable to an interstate governmental agency.'

"(c) Section 3(h) of such Act is amended to read as follows:

"'(h) "Industry" means a trade, business, industry, or other activity, or branch or group thereof, in which individuals are gainfully employed.'.

"(d) The last sentence of section 3(m) is amended to read as follows: 'In determining the wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 50 per centum of the applicable minimum wage rate, except that the amount of the increase on account of tips determined by the employer may not exceed the value of tips actually received by the employee. The previous sentence shall not apply with respect to any tipped employee unless (1) such employee has been informed by the employer of the provisions of this section, and (2) all tips received by such employee have been retained by the employee, except that nothing herein shall prohibit the pooling of tips among employees who customarily and regularly receive tips.'.

"(e) (1) The first sentence of section 3(r) of such Act is amended by inserting after the word 'whether' the words 'public or private or conducted for profit or not for profit, or whether'.

"(2) The second sentence of such subsection is amended to read as follows: 'For purposes of this subsection, the activities performed by any person in connection with the activities of the Government of the United States or any State or political subdivision shall be deemed to be activities performed for a business purpose.'.

"(f) The first sentence of section 3(s) of such Act is amended by inserting after the words 'means an enterprise' the parenthetical clause '(whether public or private or operated for profit or not for profit and including activities of the Government of the United

States or of any State or political subdivision of any State)'.

"(g) Section 4 of such Act is amended by adding at the end thereof the following new subsection:

" '(f) The Secretary is authorized to enter into an agreement with the Librarian of Congress with respect to any individual employed in the Library of Congress, to provide for the carrying out of his functions under this Act with respect to such individuals. Notwithstanding any other provision of this Act, or any other law, the Civil Service Commission is responsible for administering the provisions of this Act with respect to any individual employed by the United States (other than an individual employed in the United States Postal Service and Postal Rate Commission). Nothing in this subsection shall be construed to affect the right of an employee to bring an action for unpaid minimum wages, or unpaid overtime compensation, and liquidated damages under section 16(b) of this Act.'.

"(h) Section 13(b) of such Act is amended by striking out the period at the end of paragraph (19) and inserting in lieu thereof a semicolon and the word 'or' and by adding at the end thereof the following new paragraph:

" '(20) any employee employed by the United States (A) as a civilian in the military departments as defined in section 102 of title 5, United States Code, (B) in executive agencies as defined in section 105 of title 5, United States Code (including employees who are paid from nonappropriated funds), (C) in the United States Postal Service and the Postal Rate Commission, (D) in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and (E) in the Library of Congress; and any employee employed by any State or a political subdivision of any State and any agency or instrumentality thereof or interstate governmental agency.'.

"INCREASE IN MINIMUM WAGE

"SEC. 203. (a) Section 6(a)(1) of the Fair Labor Standards Act of 1938 is amended to read as follows:

" '(1) (A) not less than $1.80 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1973,

" '(B) not less than $2 an hour during the second year from the effective date of such amendments,

" '(C) not less than $2.10 an hour during the third year from the effective date of such amendments,

" '(D) not less than $2.20 an hour during the fourth year from the effective date of such amendments, and

" '(E) not less than $2.30 an hour thereafter.'.

"(b) Paragraph (5) of section 6(a) is amended to read as follows:

" '(5) if such employee is employed in agriculture, not less than $1.50 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1973, not less than $1.70 an hour during the second year from the effective date of such amendments, not less than $1.90 an hour during the third year from the effective date of such amendments, and not less than $2 an hour thereafter.'.

"(c)(1) Section 6(b) of such Act is repealed.

"(2) Subsections (c), (d), and (e) of section 6 of such Act are redesignated as subsections (b), (c), and (d), respectively.

"EMPLOYEES IN THE CANAL ZONE

"SEC. 204. Section 6(a) of the Fair Labor Standards Act of 1938 is amended by striking out the period at the end of paragraph (5) of such section and inserting in lieu thereof a semicolon and the word 'or', and by adding at the end thereof the following new paragraph:

" '(6) if such employee is employed in the Canal Zone not less than $1.60 an hour.'.

"EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

"SEC. 205. Paragraphs (A) and (B) of section 6(b)(2) of the Fair Labor Standards Act of 1938 (as redesignated by section 3(c)(2) of this Act) are amended to read as follows:

" '(A) The rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1973 increased by 12.5 per centum unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary to the recommendations of a review committee appointed under paragraph (C). Such rate or rates shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1973, or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

" '(B) (i) Effective one year after the applicable effective date under paragraph (A), the rate or rates prescribed by paragraph (A), increased by an amount equal to 12.5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1973 unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendation of a review committee appointed under paragraph (C).

" '(ii) Effective two years after the applicable effective date under paragraph (A), the rate or rates prescribed by subparagraph (i) of this paragraph increased by an amount equal to 12.5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1973 unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendation of a review committee appointed under paragraph (C).'.

"PROOF OF AGE REQUIREMENT

"SEC. 206. Section 12 of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof the following new subsection:

" '(d) In order to carry out the objectives of this section, the Secretary may by regulations require employees to obtain from any employee proof of age.'.

"CHILD LABOR IN AGRICULTURE

"SEC. 207. (a) Section 13(c)(1) of the Fair Labor Standards Act of 1938 is amended to read as follows:

" '(c)(1) Except as provided in paragraph (2) the provisions of section 12 (relating to child labor) shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee—

" '(A) is employed by his parent, or by a person standing in the place of his parent, on a farm owned or operated by such parent or person, or

" '(B) is fourteen years of age or older, or

" '(C) is twelve years of age or older, and (i) such employment is with the written consent of his parent or person standing in place of his parent, or (ii) his parent or such person is employed on the same farm.'.

"(b) Section 13(d) of such Act is amended to read as follows:

" '(d) The provisions of sections 6, 7, and 12 shall not apply with respect to any employee engaged in the delivery of newspapers to the consumer, and the provisions of section 12 shall not apply with respect to any such employee when engaged in the delivery to households or consumers of shopping news (including shopping guides, handbills, or other type of advertising material) published by any weekly, semiweekly, or daily newspaper.'.

"EXPANDING EMPLOYMENT OPPORTUNITIES FOR YOUTH; SPECIAL MINIMUM WAGES FOR EMPLOYEES UNDER EIGHTEEN AND STUDENTS

"SEC. 208. Section 14(b) of the Fair Labor Standards Act of 1938 is amended to read as follows:

" '(b)(1) Subject to paragraph (2) and to such standards and requirements as may be required by the Secretary under paragraph (4), any employer may, in compliance with applicable child labor laws, employ, at the special minimum wage rate prescribed in paragraph (3), any employee—

" '(A) to whom the minimum wage rate required by section 6 would apply in such employment but for this subsection, and

" '(B) who is under the age of eighteen or is a full-time student.

" '(2) No employer may employ, at the special minimum wage rate authorized by this subsection—

" '(A) for a period in excess of one hundred and eighty days any employee who is under the age of eighteen and is not a full-time student; or

" '(B) for longer than twenty hours per week any employee who is a full-time student, except in any case in which any such student (i) is employed by the educational institution at which he is enrolled, or (ii) is employed during a school vacation in a retail or service establishment or in agriculture.

" '(3) The special minimum wage rate authorized by this subsection is a wage rate which is not less than the higher of (A) 85 per centum of the otherwise applicable minimum wage rate prescribed by section 6, or (B) $1.30 an hour in the case of employment in agriculture or $1.60 an hour in the case of other employment, except that such special minimum wage rate for employees in Puerto Rico, the Virgin Islands, and American Samoa shall not be less than 85 per centum of the industry wage order rate otherwise applicable to such employees, but in no case shall such special minimum wage rate be less than that provided for under the most recent wage order issued prior to the effective date of the Fair Labor Standards Act of 1973.

" '(4) The Secretary shall by regulation prescribe standards and requirements to insure that this subsection will not create a substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized by this subsection is applicable.

" '(5) For purposes of sections 16(b) and 16(c)—

" '(A) any employer who employs any employee under this subsection at a wage rate which is less than the minimum wage rate prescribed by paragraph (3) shall be considered to have violated the provisions of section 6 in his employment of the employee, and the liability of the employer for unpaid wages and overtime compensation shall be determined on the basis of the otherwise applicable minimum wage rate under section 6; and

" '(B) any employer who employs any employee under this subsection for a period in excess of the period prescribed by paragraph (2) shall be considered to have violated the provisions of section 6 in his employment of the employee during the period in excess of the authorized period.'.

"CIVIL PENALTY FOR CERTAIN LABOR VIOLATIONS

"SEC. 209. Section 16 of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof the following new subsection:

" '(e) Any person who violates the provisions of section 12, relating to child labor, or any regulation issued under that section, shall be subject to a civil penalty of not to exceed $1,000 for each such violation. In determining the amount of such penalty, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, may be—

" '(1) deducted from any sums owing by the United States to the person charged; or

" '(2) recovered in a civil action brought by the Secretary in any court of competent jurisdiction, in which litigation the Secretary shall be represented by the Solicitor of Labor; or

" '(3) ordered by the court, in an action brought under section 17 to restrain violations of section 15(a)(4), to be paid to the Secretary.

Any administrative determination by the Secretary of the amount of such penalty shall be final, unless within fifteen days after receipt of notice thereof by certified mail the person charged with the violation takes exception to the determination that the violations for which the penalty is imposed occurred, in which event final determination of the penalty shall be made in an administrative proceeding after opportunity for hearing in accordance with section 554 of title 5, United States Code, and regulations to be promulgated by the Secretary. Sums collected as penalties pursuant to this section shall be applied toward reimbursement of the costs of determining the violations and assessing and collecting such penalties, in accordance with the provisions of section 2 of an Act entitled "An Act to authorize the Department of Labor to make special statistical studies upon payment of the cost thereof, and for other purposes" (48 Stat. 582).'.

"PENALTIES

"SEC. 210. (a) The first three sentences of section 16(c) of the Fair Labor Standards of 1938, as amended are amended to read as follows:

" 'The Secretary is authorized to supervise the payment of the unpaid minimum wages or the unpaid overtime compensation owing to any employee or employees under section 6 or 7 of this Act, and the agreement of any employee to accept such payment shall upon payment in full constitute a waiver by such employee of any right he may have under subsection (b) of this section to such unpaid minimum wages or unpaid overtime compensation and an additional equal amount as liquidated damages. The Secretary may bring an action in any court of competent jurisdiction to recover the amount of the unpaid minimum wages or overtime compensation and an equal amount as liquidated damages. The right provided by subsection (b) to bring an action by or on behalf of any employee and of any employee to become a party plaintiff to any such action shall terminate upon the filing of a complaint by the Secretary of Labor in an action under this subsection in which a recovery is sought of unpaid wages or unpaid overtime compensation under sections 6 and 7 or other damages provided by this subsection owing to such employee by an employer liable under the provision of subsection (b), unless such action is dismissed without prejudice on motion of the Secretary.'

"(b) Section 11 of the Portal-to-Portal Pay Act of 1947 is amended by deleting '(b)' after 'section 16'.

"NONDISCRIMINATION ON ACCOUNT OF AGE IN GOVERNMENT EMPLOYMENT

"SEC. 211. (a)(1) The second sentence of section 11(b) of the Age Discrimination in Employment Act of 1967 is amended to read as follows: 'The term also means (1) any agent of such a person, and (2) a State or political subdivision of a State and any agency or instrumentality of a State or a political subdivision of a State, and any interstate agency, but such term does not include the United States, or a corporation wholly owned by the Government of the United States.'.

"(2) Section 11(c) of such Act is amended by striking out ', or an agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance'.

"(3) Section 1(f) of such Act is amended to read as follows:

" '(f) The term "employee" means an individual employed by any employer except that the term "employee" shall not include any person elected to public office in any State or political subdivision of any State by the qualified voters thereof, or any person chosen by such officer to be on such officer's personal staff, or an appointee on the policymaking level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office. The exemption set forth in the preceding sentence shall not include employees subject to the civil service laws of a State government, governmental agency, or political subdivision.'.

"(4) Section 16 of such Act is amended by striking the figure '$3,000,000', and inserting in lieu thereof '$5,000,000'.

"(b)(1) The Age Discrimination in Employment Act of 1967 is amended by redesignating sections 15 and 16, and all references thereto, as section 16 and section 17, respectively.

"(2) The Age Discrimination in Employment Act of 1967 is further amended by adding immediately after section 14 the following new section:

" 'NONDISCRIMINATION ON ACCOUNT OF AGE IN FEDERAL GOVERNMENT EMPLOYMENT

" 'SEC. 15. (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code, in executive agencies as defined in section 105 of title 5, United States Code (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Rate Commission, in those units in the government of the District of Columbia having positions in the competitive service, and in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and in the Library of Congress shall be made free from any discrimination based on age.

" '(b) Except as otherwise provided in this subsection, the Civil Service Commission is authorized to enforce the provisions of subsection (a) through appropriate remedies, including reinstatement or hiring of employees with or without backpay, as will effectuate the policies of this section. The Civil Service Commission shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under this section. The Civil Service Commission shall—

" '(1) be responsible for the review and evaluation of the operation of all agency programs designed to carry out the policy of this section, periodically obtaining and publishing (on at least a semiannual basis) progress reports from each such department, agency, or unit;

" '(2) consult with and solicit the recommendations of interested individuals, groups, and organizations relating to nondiscrimination in employment on account of age; and

" '(3) provide for the acceptance and processing of complaints of discrimination in Federal employment on account of age.

The head of each such department, agency, or unit shall comply with such rules, regulations, orders, and instructions of the Civil Service Commission which shall include a provision that an employee or applicant for employment shall be notified of any final action taken on any complaint of discrimination filed by him thereunder. Reasonable exemptions to the provisions of this section may be established by the Commission but only when the Commission has established a maximum age requirement on the basis of a determination that age is a bona fide occupational qualification necessary to the performance of the duties of the position. With respect to employment in the Library of Congress, authorities granted in this subsection to the Civil Service Commission shall be exercised by the Librarian of Congress.

" '(c) Any persons aggrieved may bring a civil action in any Federal district court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this Act.

" '(d) When the individual has not filed a complaint concerning age discrimination with the Commission, no civil action may be commenced by any individual under this section until the individual has given the Commission not less than thirty days' notice of an intent to file such action. Such notice shall be filed within one hundred and eighty days after the alleged unlawful practice occurred. Upon receiving a notice of intent to sue, the Commission shall promptly notify all persons named therein as prospective defendants in the action and take any appropriate action to assure the elimination of any unlawful practice.

" '(e) Nothing contained in this section shall relieve any Government agency or official of the responsibility to assure nondiscrimination on account of age in employment as required under any provision of Federal law.'.

"EXEMPTION REVIEW

"SEC. 212. The Secretary of Labor is hereby instructed to commence immediately a compresensive review of the exemptions under section 13 of the Fair Labor Standards Act of 1938 and submit to the Congress not later than three years after the date of enactment of this Act a report containing: (1) an analysis of the reasons why each exemption was established; (2) an evaluation of the need for each exemption in light of current economic conditions, including an analysis of the economic impact its removal would have on the affected industry; and (3) recommendations with regard to whether each exemption should be continued, removed, or modified.

"SEC. 213. (a) The Secretary shall contract for a study to determine the extent, if any, of the impact on employment of the increase in minimum wages prescribed pursuant to the amendments made to the Fair Labor Standards Act of 1938 by each of sections 3 and 5 of this Act, and to develop statistical information and techniques designed to predict the probable impact, if any, on employment of future increases in minimum wages. Each such study shall contain statistical information with respect to such impact on categories of employment and unemployment including but not limited to age, sex, occupation, education, ethnic origin, size and business of employer, and geographic area, including Puerto Rico, the Virgin Islands, and the Panama Canal Zone.

"(b) The Secretary shall prepare and furnish the Congress on an annual basis, beginning nine months after the effective date of the Fair Labor Standards Amendments of 1973, with reports on the interim findings of each such study, and with a final report on the findings of each such study within twenty-one months after the highest minimum wage rate prescribed by each of said sections shall have become effective.

"(c) Ninety days prior to the effective date of each increase in minimum wages prescribed pursuant to the amendments made to the Fair Labor Standards Act of 1938 by sections 3 and 5 of this Act, the Secretary shall provide the Congress with an employment impact statement establishing category of employment of each such prospective increase, together with a summary of the basis for each statement.

"TECHNICAL AMENDMENTS

"SEC. 214. (a) Section 6(c)(2)(C) of the Fair Labor Standards Act of 1938 is amended by substituting '1973' for '1966'.

"(b)(1) Section 6(c)(3) of such Act is repealed.

"(2) Section 6(c)(4) of such Act is redesignated as 6c(3).

"(c)(1) Section 7(a)(1) of such Act is redesignated as 7(a).

"(2) Section 7(a)(2) of such Act is repealed.

"(d) Section 14(c) of such Act is repealed and section 14(d) is redesignated as 14(c).

"(c) Section 18(b) is amended by striking out 'section 6(b)', and inserting in lieu thereof 'section 6(a)(6)', and by striking out 'section 7(a)(1)' and inserting in lieu thereof 'section 7(a)'.

"EFFECTIVE DATE

"SEC. 215. Except as otherwise provided in this Act, the amendments made by this Act shall take effect sixty days after enactment. On and after the date of enactment of this Act, the Secretary is authorized to promulgate necessary rules, regulations, or orders with regard to the amendments made by this Act."

On page 1, change the purpose clause to read as follows: "To provide that daylight saving time shall be observed on a year-round basis, and for other purposes.".

On page 1, line 3, strike the word "Act", and in lieu thereof insert the word "title".

On pages 1, 3, and 5, renumber sections 2, 3, and 4 as sections 102, 103, and 104, respectively.

Mr. DOMINICK. Mr. President, I ask unanimous consent that Charles Woodruff and Roger King of the staff of the Labor and Public Welfare Committee be allowed the privileges of the floor during the consideration of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, will the Senator yield for a similar request?

Mr. DOMINICK. I yield.

Mr. EAGLETON. I ask unanimous consent that Jack Lewis, of the staff, be allowed the privilege of the floor during the consideration of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, may I inquire who has control of the time in opposition to the amendment?

The PRESIDING OFFICER. The manager of the bill, under the order, would have control of half of the time, and the Senator from Colorado would have 45 minutes.

Mr. DOMINICK. Mr. President, last week, when the minimum wage bill, sponsored by the Senator from Ohio (Mr. TAFT), the Senator from Maryland (Mr. BEALL), and myself was placed on the Senate Calendar, we indicated our intention at that time to offer it as an amendment to the daylight saving bill. The amendment which I have before the Senate today contains the provisions of S. 2727.

I say that so that no one will think that this is an amendment by which we are taking anybody by surprise.

When the Senator from Montana, the distinguished majority leader, got up and asked unanimous consent, I was forced to object, because it is obvious that the minimum wage bill is not germane, unless we could get permission to bring it up, which we subsequently did.

Before I summarize the provisions of this amendment, I want to point out to my colleagues that this is not an intention to slow up the daylight saving bill. On the contrary, our intent is simply to get congressional action on a minimum wage bill increase this year. I doubt very much, if we do not do something of this kind, that we will get any action at all.

We have chosen the daylight saving bill as a vehicle because it is one of the few pieces of legislation that seem sure to clear both Houses before this session of Congress adjourns. In order to avoid jeopardizing passage of S. 2702, we have entered a time agreement—namely 1.5 hours—under which this amendment can be considered without unnecessary delay. And we hope in so doing that we can persuade the proponents of the daylight saving time bill, the Senator from Washington and the Senator from New Hampshire, to let us get further with this particular proposal.

We believe this amendment is a reasonable compromise between the administration's minimum wage proposal and the bill (H.R. 7935) which was vetoed earlier this year. It provides for a substantial increase in minimum wage rates—from $1.60 to $1.80 immediately, and ultimately to $2.30 for covered nonfarmworkers in the next 4 years.

I say this because of the fact that during the debate on the original minimum wage bill, I emphasized strongly the inflationary effect of the bill as it was reported out of the committee and suggested that it stood a very good chance of being vetoed, and it was vetoed.

Mr. President, may I have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator is entitled to be heard.

The Senator from Colorado may proceed.

Mr. DOMINICK. Mr. President, the bill was vetoed and the veto was sustained by the House.

A similar bill would, I am sure, be vetoed again and the veto would again be sustained.

So, we are trying to work out a compromise so that we can give people who are under the minimum wage the wage to which they believe they are entitled if for no other reason—and I think there are many other reasons—just on account of the inflation that occurred since 1967.

Obviously a minimum wage which may or may not have reflected the recent increases since 1966 no longer represents a reasonable position. This bill, as I have said, would go from $1.60 an hour to $1.80 an hour immediately and $2 in a subsequent year and ultimately to $2.20 for noncovered farmworkers.

The important point is that these increases would be stretched out over a 4-year period in order to minimize their inflationary and disemployment effects. The vetoed bill would have increased the minimum wage for these employees to $2 immediately, and to $2.20 on July 1 next year, forcing the economy to absorb this 37.5-percent increase in 8 months. This seems to me to be inflationary in nature.

This amendment would increase the minimum wage for covered farmworkers from the present level of $1.30—which is obviously inadequate today—to $2 in four steps over a 3-year period.

Additionally, the amendment would extend minimum wage—not overtime—coverage to the remaining Federal, State, and local government employees not covered by the 1966 amendments.

Unlike the vetoed bill, which would have repealed or phased out many of the minimum wage and overtime exemptions recognized under the existing law, this amendment would make no changes at the present time. Instead, it would direct the Labor Department to undertake for the first time a comprehensive study of these 36 or more exemptions and submit to Congress a report containing recommendations as to whether each should be retained, repealed, or modified, because after all Congress put each one of these exemptions in the bill in order to accomplish a particular purpose. By just eliminating many or most of them, we do not accomplish what that purpose was. And we do not know whether the exemptions have fulfilled the purpose for which Congress passed them.

To avoid worsening the high teenage unemployment rate—and this is a sticky question, I know, since that unemployment rate is in the neighborhood of 14 percent for the nonwhite group—the amendment provides for a youth differential of 85 percent of the new rates. However, we have tried to modify this provision so that it would be more acceptable to the unions in particular, who have been fighting the youth differential very hard. It would apply only to youths under the age of 18, and apply to them only during their first 6 months on the job. It also would apply to full-time students under 18. They can be students or nonstudents, but it would apply only for the first 6 months. It would apply to full-time students working on part-time jobs. It would mean they would still be able to go ahead under the minimum wage youth differential system when working on campuses or when they have any leisure time—if they can get any in today's educational world.

Mr. President, employers could use the youth differential rate only in accordance with Department of Labor regulations, which would be designed to insure that adult workers would not be displaced.

When we put these provisions together, for the life of me I cannot understand why we still have objections from labor union leaders. But we still have them. I am not going to deceive any Senator by saying that we do not. It seems to me to be a very sensible, reasonable provision, particularly when we consider the employment rate at which youths are being paid.

These are the major provisions of the amendment.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed at this point in the Record.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

Section-by-Section Analysis of Amendment No. 718 to S. 2702

SECTION 202

Amends section 3(d) and 3(e) of the Fair Labor Standards Act to include under the definitions of "employer" and "employee" the United States and any state or political subdivision of a state. This would extend minimum wage coverage to an estimated 5 million federal, state and local government employees (1.7 million federal, 3.3 million state and local government). Military personnel, professional, executive and administrative personnel, employees in non-competitive positions, and volunteer-type employees, such as Peace Corps and VISTA, would not be included in the extension of coverage, nor would elected officials or their personal staff.

Also amends section 3(m), under which tips, up to 50 percent of the applicable minimum wage rate, may be included for purposes of computing wages paid employees. New requirement added, that in order for employer to qualify for tip credit, employees must be informed of the law, and must actually retain all tips received.

SECTION 203

Amends section 6(a)(1) of the Fair Labor Standards Act to raise the minimum wage for non-agricultural employees to $2.30 an hour in five steps over a four-year period. The minimum wage would be raised to $1.90 an hour on the effective date of these amendments; to $2.00 an hour one year later; to $2.10 two years after the effective date; to $2.20 three years after the effective date, and to $2.30 four years after the effective date. These increases would apply equally to all non-agricultural employees within the coverage of the Act, regardless of when they were first covered.

Amends section 6(a)(5) of the Act to raise the minimum wage for agricultural employees to $1.50 an hour during the first year after the effective date of these amendments, $1.70 an hour during the second year, $1.90 an hour during the third year, and $2.00 an hour thereafter.

SECTION 204

Amends section 6(a) of the Fair Labor Standards Act to retain the present minimum wage of $1.60 an hour for employees in the Canal Zone.

SECTION 205

Amends section 6(c) of the Fair Labor Standards Act to raise the minimum wage in Puerto Rico and the Virgin Islands by three 12½ percent increases over the most recent wage order rate, the first increase to be effective either 60 days after enactment of the bill or one year after the effective date of the most recent wage order, whichever is later. The second increase would be effective one year after the first; the third increase would be effective one year after the second.

SECTION 206

Amends section 12 of the Fair Labor Standards Act to authorize the Secretary of Labor to require employers to obtain proof of age from any employee. This would facilitate enforcement of the child labor provisions of the Act.

SECTION 207

Amends section 13(c)(1) of the Fair Labor Standards Act, which relates to child labor in agriculture, to prohibit employment of children under 12 except on farms owned or operated by parents; and to prohibit employment of children aged 12 and 13 except with written consent of their parents, or on farms where their parents are employed.

Amends section 13(d) of the Act to extend the existing child labor exemption for newsboys delivering daily newspapers to newsboys delivering advertising materials published by weekly and semi-weekly newspapers. Does not create a new minimum wage or overtime exemption.

SECTION 208

Amends section 14(b) of the Fair Labor Standards Act to establish a special minimum wage rate for youth under 18 and full-time students of 85 percent of the applicable minimum wage or $1.60 an hour ($1.30 an hour for agricultural employment), whichever is higher. The special minimum wage for the same employees in Puerto Rico, the Virgin Islands, and American Samoa would be 85 percent of the industry wage order rate applicable to them, but not less than the rate in effect immediately prior to the effective date of the Fair Labor Standards Amendments of 1973.

Non-students under 18 would qualify for the "youth differential" rate only during their first 6 months on a job. Full-time students would qualify for the differential rate (a) while employed at the educational institution they are attending; or (b) while employed part-time (not in excess of 20 hours per week) at any job, except that they could work full-time during school vacations at jobs in retail-service industries or agriculture.

The existing requirement in the Act that employers receive Labor Department certification prior to employment of youth at the special minimum rate would be removed. The Secretary of Labor would be required to issue regulations insuring against displacement of adult workers. Employers violating the terms of the youth differential provision would be subject to existing civil and criminal penalty provisions of the Act.

SECTION 209

Amends section 16 of the Fair Labor Standards Act to provide for a civil penalty of up to $1,000 for each violation of the child labor provisions of section 12 of the Act.

SECTION 210

Amends section 16(c) to allow the Secretary of Labor to bring suit to recover unpaid minimum wages or overtime compensation and an equal amount of liquidated damages without requiring a written request from an employee. In addition, this amendment would allow the Secretary to bring such actions even though the suit might involve issues of the law that have not been finally settled by the courts.

SECTION 211

Amends the Age Discrimination in Employment Act of 1967 (P.L. 90–202) to extend its coverage to federal, state and local government employees.

SECTION 212

Requires the Secretary of Labor to undertake a comprehensive review of the minimum wage and overtime exemptions under section 13 of the Fair Labor Standards Act and to submit to Congress within three years a report containing recommendations as to whether each exemption should be continued, removed or modified.

SECTION 213

Directs the Secretary of Labor to contract for a study estimating the impact which the minimum wage increases provided for in this bill will have on employment among various categories of workers. The study will also develop the methodology necessary to predict the employment effects of future minimum wage increases.

SECTION 214

Technical amendments.

SECTION 215

Provides that the amendments made by this title would become effective on the first day of the second full month after enactment of this Act.

Mr. DOMINICK. Mr. President, when the conference report came back to the Senate, the conferees had taken the Senate bill, which was already in grave jeopardy of being vetoed as it stood—in fact I almost guaranteed it would be—and brought it out of conference in a condition which I think is even worse than when it went in. I said so.

Let me make some comments about the conference bill, which is similar to the one that the Senator from New York (Mr. Javits) and the Senator from New Jersey (Mr. Williams) have now pressed. They have proposed it again. It provides for the same extensive wage increases. We have put them into effect over an even shorter period of time than did the Senate bill. It extended the overtime coverage to Federal, State, and local employees, and that issue is going to come back to haunt us, and will still haunt us if the bill is enacted, when we consider the problem this poses for municipalities in connection with their police and fire departments, most of whom now work under the overtime provisions of the Fair Labor Standards Act, and also the compensatory time provisions. No provision was made for the type of agreement which is worked out, in most cases, by collective bargaining with municipal employees. So if the Williams-Javits bill were not vetoed, we would have had a lot of trouble with these provisions throughout the country.

The potential cost to State and local governments of overtime coverage would be as high as $3.5 billion a year, according to Labor Department estimates, and the brunt of it, as I say, would be borne by the South and by the local governments in rural areas in the North.

The provisions of the conference report also extended coverage to domestics, coverage in a broader sense than the one which we passed when it first went through the Senate. We extended minimum wage coverage only, and did not include babysitters, but the conference report includes both minimum wage and overtime coverage, and does include babysitters, except those employed on a "casual basis," whatever that means.

In other words, if you have a daughter who advertises in the local newspaper that she and a group of her friends are eligible to be babysitters while out of school in the summer months, you are going to have to pay them not only a minimum, but overtime as well, if they work sufficient hours within a certain period of time.

To me, when they are trying to pick

up as much money as they can to help them in their education and with their pin money, to require reports on this quarterly by every housewife in the country would be enough to say, "Well, babysitting is going to be cut out."

It would put many domestic employees out of work and onto welfare, there is no getting around that. It was one of the flatout statements made by the Secretary of Labor when he came before our committee that the coverage of domestics would create more unemployment than any other single provision he could think of on that bill.

Also, it was stated that we can take consolation that domestic workers who earn less than $50 a quarter are not covered. But how many of us would that include? It means that if you pay a teenager $5 to mow your lawn every weekend, he is covered, because he earns $60 a quarter, and then you have to file monthly reports with the Wage and Hour Division and the Labor Department on your neighbor's boy, because you want to give him some work so he can earn some money and make his own way during the summer, on his off time.

The Senate bill, as passed by this body originally, contained a provision by Senator Buckley which authorized the Labor Department to contract for a study regarding the effects of minimum wage increases in the bill on employment. The thought was that since there is real disagreement on the effect of minimum wage increases, and that this is a pretty important issue, Congress could benefit from having access to carefully and impartially developed information about it. But the conference report does not contain that provision, so once again we have no definitive study we can go back to to find out what the effect is on employment insofar as the minimum wage increases are concerned.

The conference report also does not attempt to lessen the impact of wage increases on unemployment. Though it would improve the existing student certification program by extending it to educational institutions and by removing precertification and the historic experience test requirement for firms that hire less than five students, it would do nothing about the ones who really need jobs today, the teenagers who are not in school. Again, the unemployment rate for teenagers is very high—almost 15 percent, and for nonwhite teenagers it is 31 percent. So it seems rather unfortunate that the conference bill, which the Senator from New Jersey and the Senator from New York have reintroduced, fails to deal with this very serious problem.

The other day we had a discussion in my own office. For reasons I do not quite understand, one of our newspapers published an article which was rather critical, I would say, of the effort that I have been trying to make, along with Senator Taft and Senator Beall, on raising the minimum wage. I received, under date of November 29, 1973, a copy of a wholly unwarranted letter from a man by the name of Mr. Barr, whom I may have met and may not, who comes from Denver, writing to the author of this particular article, talking about minimum wage legislation.

One of the things he points out is that it is very easy to talk in terms of a minimum wage, and the fact that $1.60 is not nearly enough, and neither is $2, et cetera, but what people forget and what we have tried to emphasize in the previous debate—and unfortunately did not convince enough people—is the ripple effect. He is talking as a businessman in the Weyerhaeuser Co., about the ripple effect and the reasons why there are distinctions between wage levels, how everyone wants to keep those distinctions, and how the increase in the minimum wage, no matter how you look at it, creates an upsurge in wage rates for every class of worker; and it is probably, therefore, of more benefit from a monetary point of view to the most skilled worker than it is to the minimum wage earner, because they want to keep their differential, and if they are making $7 an hour and you raise it 33 percent, or a third, I should say, insofar as the minimum is concerned, that means over a $2 an hour increase in their wage rate.

So we have a problem here in ascertaining what this ripple effect is. But we can be sure that the overall impact on inflation is going to be absolutely enormous.

I ask unanimous consent that the letter to which I have referred be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Weyerhaeuser Co.,
Denver, Colo., November 29, 1973.

Mr. Leonard Larsen,
Washington Bureau Denver Post,
650 15th St.
Denver, Colo.

Dear Mr. Larsen: Your article on minimum wage legislation has upset my tranquil Sunday morning. It is obvious that you have never had to meet a payroll or administer pay levels within a company.

A jump to $2.20 would trigger an instant round of inflation. Your figures of 3.8 million workers and 4 percent must be examined in far more depth.

I suspect that the 3.8 million is the number presently employed at $1.60 per hour. If so, what happens to all the workers presently at $1.70 or $2.00, etc., when the minimum goes to $2.20?

Let's consider the practical (and difficult) aspect of any company's pay program, *peoples feelings*. The rate of pay an employee receives is a source of pride. It shows he has greater skill and greater value, than the workers receiving lower pay scales. Conversely, he has incentive to further increase his value in order to move up into higher pay ranges.

It is very important to his self esteem to feel that he is of more value to the company than less skilled workers, and to be confident that his greater value is reflected in his pay rate.

The practical result of this is a stratification of pay scales into pay ranges in which workers performing certain tasks, considered of about equal value, are paid about the same scale; say between $1.80 and $2.00. Another group with higher skills might have a range of $1.95–$2.25 and so on.

For pride, job satisfaction, and fairness, it is absolutely imperative that the increments between skill groups be maintained.

The base group is the minimum wage group, even in companies which employ no one at the minimum wage.

If the minimum wage goes to $2.20, those workers *now* receiving $2.20 have every right to expect an increase to $3.00. Their skill was rated as 37% greater than the unskilled group. That spread should be maintained. And so on up the ladder.

This process takes time, but is undeniable. It is my opinion that the $1.60 minimum wage has only recently been fully absorbed by our economy. If it has been fully absorbed, then we are at a point where a *realistic* minimum wage policy can be implemented. This would involve an automatic annual increase in the minimum wage equal to the increase in a cost of living index.

We cannot, by legislation, increase the economic value of any group. This is most clearly apparent by the extreme supposition of an immediate jump to a $10.00 per hour minimum wage. The same principles apply whether the jump is $.60 or $8.40. Only the violence of the reaction varies.

I personally know quite a few $1.60 per hour people. Not one is supporting a family of four. In fact, none is even supporting themselves. They are students, wives, handicapped, or part time workers. Some of these might lose their jobs if the minimum goes to $2.20. Of the 3.8 million you quote, how many are supporting a family on their income alone?

Undoubtedly some are. In those cases, direct aid and job training are the answers, not a jump in the minimum wage.

Yours very truly,
O. James Barr III.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. I yield to the Senator from Maryland.

Mr. BEALL. Mr. President, I would like to ask the Senator a few questions. I am sorry that I was out of the room when the Senator started his remarks and was not able to catch all of his remarks, but I suspect that the Senator has put this whole matter in proper perspective, as he generally does.

What we are really talking about here is getting an opportunity to give an increase in the minimum wage to people who really need it, is that not true?

Mr. DOMINICK. The Senator is correct.

Mr. BEALL. Because a short time ago the President vetoed a minimum wage bill that went pretty far beyond increasing the minimum wage; it changed a lot of exemptions, and more importantly, it did not make any provision for a youth differential.

Some of us feel pretty strongly that it is absolutely necessary, if we are going to eliminate the disincentives for employment of young people, to have a wage differential, so that marginal employers, in particular, who will employ young people after school and in the summertime on a part-time basis, do not have to pay these people the same wage they pay their full-time employees. Many people have testified that they would not be able to provide this employment if they did not have a differential.

So one of the issues which led to the veto was the administration's feeling that there should be a differential, so that we would have the incentive for employers to employ young people during the summer and after school hours.

Mr. DOMINICK. The Senator is absolutely correct. I might say that the certification we have for the differential, except for one industry, simply does not work. Therefore, we ought to make some changes in it. But there is such disagreement between members of our committee and also on the Senate floor that it is going to be very difficult to get anything done on this matter in the remaining days of the session.

Mr. BEALL. Yes; I think that is important also because the House of Representatives, in its wisdom, upheld the veto of the President of the United States in this regard. So if we want to have an increase in the minimum wage, it seems we ought to start moving in a way that will be acceptable, not only to the President, but also to Congress and more particularly the Members of the House. Therefore, I commend the Senator from Colorado for introducing this amendment because it is a sincere and honest attempt to get for some people who have suffered since 1966 some increase in the wages for which they have been working. I am happy to support the amendment.

Mr. DOMINICK. Mr. President, I very much appreciate the comments of the Senator from Maryland. We might think that we were trying to murder our mothers from some of the comments I have heard here, when all we are trying to do is to raise the minimum wage rate, sadly weakened from 1966 to 1973.

I would hope that we can get this accomplished in this session and on this bill.

Now, Mr. President, I yield 5 minutes to the Senator from Ohio (Mr. TAFT).

The PRESIDING OFFICER. The Senator from Ohio is recognized for 5 minutes.

Mr. TAFT. Mr. President, I thank the distinguished Senator from Colorado for yielding me this time. I want to associate myself with the remarks that he has made. I think that we might go into a little modern history of what the present status of the situation is.

At the present time, amendment No. 718, is the business before the Senate.

This amendment is exactly the same as S. 2727 which is pending on the calendar. The distinguished chairman of the committee and the ranking member of the committee, as I understand it, have introduced S. 2747 which is basically the bill which was vetoed.

As has been said, the issues involved here relate to disputes on four issues; namely, wage rates; extension coverage; repeal of exemptions; and the minimum rate for certain categories of youth;

Mr. President, of these four issues I think, really, there is very little disagreement on wage rates. The disagreements relate mainly to the other three areas. These disagreements have yet to be resolved, especially with regard to the question of a youth subminimum.

We also attempted to arrive at some agreement on the question of extension coverage without again arriving at any particular conclusion. One of the problems we talked about a good deal when the bill was on the floor the first time was the disemployment incentive involving an increase in the wage rate. I stressed the point with regard to certain workers where I fear there is likely to be a considerable disemployment effect. I think this is true and not merely related to the wage rates but also to the question of extension of coverage and repeal of exemptions.

Today, because of the energy crisis, the possibility of an increase in the rate of unemployment makes the problem of disemployment even more serious than ever, perhaps.

With regard to youth, the Senator from Colorado and I have felt strongly from the beginning, as well as the Senator from Maryland (Mr. BEALL) and others, that any change in the minimum wage law should not have the effect of increasing the already serious problem in this country of youth unemployment, particularly minority youth unemployment which is at a totally unsatisfactorily high level today.

Here I feel that the job market problems that I have just mentioned have become more serious and look as though they may well have more serious aspects, due to the fuel shortage. Once more, it seems to me there should be some "give" on both sides on this particular issue.

I wish these issues could have been resolved. I had hoped that we would have been able to reach agreement. But I have to report to the Senate that that has not happened. I, for one, regret that it has not happened. It has made appropriate and timely the approach that the Senator from Colorado and I have taken in introducing this amendment today to the daylight saving bill.

It has been said by floor leader and perhaps by others, and in the press, that somehow we are attempting to sabotage or to hold up the daylight saving legislation by this tactic. We are not doing that. I have some reservations, I must say, to the bill, as I live on the western edge of a time zone, which means that many schoolchildren in my area of Ohio will have to get up earlier in the morning and will go to school in the dark or to take the buses in the dark. I see real problems there.

I have considerable doubt, insofar as the economy of the State of Ohio is concerned, as to whether there will really be any material savings in the actual energy used because of the change to daylight saving time. But that is not the point I make here. We have agreed to a limited time agreement, and we are not in any way trying to hold up this legislation.

Mr. President, I should like to propose to the Chair a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Ohio will state it.

Mr. TAFT. It is my intention and desire at this time, or whenever appropriate, to offer an amendment in the nature of a perfecting amendment to the Dominick amendment. Would the Chair advise as to what the parliamentary situation is in that regard?

The PRESIDING OFFICER (Mr. WILLIAM L. SCOTT). It would be in order when all time is used or yielded back, or by unanimous consent.

Mr. TAFT. I have completed the remarks that I wanted to make on the bill, Mr. President. I do have such an amendment and expect to offer it at the appropriate time. There would be time, of course, of 1 hour to debate that perfecting amendment. I do not know what the desires of the Senator from New Jersey (Mr. WILLIAMS) or the Senator from Washington (Mr. MAGNUSON) may be in this regard, or of the Senator from Colorado (Mr. DOMINICK).

I merely announce my intentions and ask them, without losing my right to the floor, what the situation is in that regard.

Mr. MAGNUSON. Mr. President, it is my understanding that the time allotted on this amendment is an hour and a half, 45 minutes to each side, and the Senator from Colorado and the Senator from Ohio have used up part of that time. I intend to yield my 45 minutes to the Senator from New Jersey, at his disposal, who will speak in opposition to the amendment.

As I understand the Chair's ruling, after the time is yielded on the original amendment that was presented by the Senator from Colorado and the Senator from Ohio, it will be in order to present perfecting amendments. An hour would be allowed on each of those amendments, under the unanimous-consent agreement. I ask the Chair whether my understanding is correct.

The PRESIDING OFFICER. The Senator is correct.

Who yields time?

Mr. WILLIAMS. Mr. President, as I understand, the time in opposition to this amendment has been assigned to me.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. WILLIAMS. I yield myself 5 minutes.

Mr. President, the Senator from Colorado, in beginning his remarks on his amendment, said, in effect, that he thought the introduction of a bill, S. 2727, and then the offering of that bill as an amendment at this time to the daylight saving time bill, is probably the only way to get action again this year on a minimum wage bill.

I will say that I am impressed that the action taken by the Senator from Colorado today, joined as he was by the Senator from Ohio (Mr. TAFT) and the Senator from Maryland (Mr. BEALL) in this amendment, suggests to me that that might well be the first solid evidence we have had that there should be a chance for action again this year on a minimum wage bill. I say that because of the chronology I would like to run through briefly.

As we know, the minimum wage bill passed the Senate, passed the House, there was a conference, and it went to the President; and he had it and disposed of it by veto on September 6 of this year. The House of Representatives was the first body to be in a position to act on the veto, and an override was attempted on September 19 of this year. That failed.

Immediately, the Senator from New York and I first directed our respective staffs to go to work to see if another compromise could be arrived at so that action could be taken this year on a minimum wage bill. I say "another compromise" because the bill that passed the Senate represented many, many compromises among the members of the committee—and here on the floor, too. It was a different bill from that which was originally introduced by the Senator from New York and by me. There had been compromises, but then, with the override, we knew there had to be another effort; and we instituted what we thought should have been productive talks.

First of all, our staff people talked with representatives of the administration, deputies of Secretary of the Treasury Shultz, in his capacity as economic adviser down there. I will say that we did not go hat in hand, but we went; and there was no beginning of a change from the adamant position of the veto message. I understand, too, that the staff members talked with the staff of those who sit on our committee who are in the minority of the minority.

The Senator from Colorado, the Senator from Ohio, and the Senator from Maryland, throughout our long list of substantive issues that were voted on in committee, stood as three against the rest of the committee. That was true on the last action, which was reporting the bill to the ful Senate. It was 13 to 3. So they are obviously the ones to whom we should direct our attention first, at the staff level, in an effort to see whether some adjustments could be made to make it possible for the lowest people on the economic ladder to get an increase—and this year.

I open by saying that perhaps the action here is a hope that we can arrive at something. I will say that I do not live in isolation. I am chairman of the Committee on Labor and Public Welfare. I think I have been available to all the members of that committee. I certainly am available to them when they want to put on staff or to see that emoluments of their staff are appropriately represented in terms of salary. I can assure Senators of that. I am available.

This was the first proffer of any offer at compromise that I have had from the minority of the minority—the Senators from Colorado, Maryland, and Ohio. So I am grateful for it. I believe the ranking member of the committee, with whom I have been coauthor of the various bills we have dealt with, which have passed the Senate, feels the same.

We will accept this bill, and now this amendment, as the opening opportunity for constructive suggestions. I will say that there is evidence that we are ready to make some changes. The bill that Senator Javits and I recently introduced has a substantial difference from the vetoed bill in respect to the scheduling of the increase of the minimum wage.

I see very little change in the amendment offered by the Senators, which is now before us. I see very little change between this amendment and the substitute they have offered on the floor on two occasions, that was voted on and defeated on two occasions.

The only difference I have been able to see, and I will be corrected if I am wrong, of course, is an additional provision for an additional study in an area that has been studied, and studied, and restudied—the effect of the differences of minimum wages on the economy. This one is priced out by the Labor Department as a $10 million study. That is their price and not mine. That is the only difference I see between this amendment and the substitute we adopted: An additional $10 million administrative expense.

Saying that, and I know it is the intention of the manager of the bill before us at an appropriate time or times to move to table, I welcome at least this sign that there might be a constructive opportunity for us to meet, not 40 feet across this Chamber of the Senate, but in the committee room on the bill that has been introduced by the Senator from New York and me, which has been referred and which is in the committee room waiting for us.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. BEALL. Does that bill have a youth differential provision?

Mr. WILLIAMS. Yes. For students.

Mr. BEALL. For noncollege students; for nonstudents?

Mr. WILLIAMS. As I indicated, the only difference between the bill that we have introduced and the bill that passed as a conference report deals with the scheduling of other increases of the hourly rate. We stripped that out. The second increase would run a full year after the first increase to $2, and each would be a full year thereafter.

The provisions on youth and the differential are the same as those that the Senate has voted on twice, as a bill and a conference report.

Mr. BEALL. The Senator alluded to something that is of great interest to me in talking about staff. As a junior member of the Committee on Labor and Public Welfare I have no staff. It is of great interest to me. Legislation being the art of compromise I would be very happy to talk with the Senator about staff at any time.

Mr. WILLIAMS. The Senator has an agent and a very able agent, a ranking member of the committee. He battles for the Senator's side and very effectively.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. JAVITS. Mr. President, I shall make a few remarks on my own. First, I would like to speak to the student and nonstudent differential.

It is true that this has been a real deadlock between the administration and the trade unions. It is a deadlock that I deprecate. It is shameful that it should exist. But in all fairness, it is necessary to note that any kind of willingness to accept a little responsibility would break this deadlock because present law gives the Secretary of Labor a great deal of authority in this area. I would like to read section 14(a) of the present FLSA:

"Sec. 14. (a) The Secretary, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulations or by orders provide for the employment of learners, of apprentices, and of messengers employed primarily in delivering letters and messages, under special certificates issued pursuant to regulations of the Secretary, at such wages lower than the minimum wage applicable under section 6 and subject to such limitations as to time, promotion, and length of service as the Secretary shall prescribe."

It was contended for a long time that there was some Democrat there who was very pro labor, so he was not going to use this provision with any degree of flexibility in connection with substantial numbers of people. But now we have a Republican Secretary. True, he is a labor man, but everyone is aware of the problems he has had with the leadership of the trade union movement.

It seems to me as if this problem could be solved if the administration simply declared it would use this program, that it might use it in substantial numbers. It is there to be tried.

I feel something has to give somewhere so the approach which the Senator from New Jersey (Mr. Williams) and I took, which encourages the use of this section, is a sound one.

Mr. President, while I am on my feet I note with a great deal of interest that the amendment of the Senator from Ohio (Mr. Taft) to the substitute would simply strip it of everything except the minimum wage, which means having gone up the hill we would go far back down the hill again on all kinds of overtime and other provisions in the bill, including certain child labor provisions. I can hardly conceive our doing that.

Second, I notice with great interest the statement of the Senator from Colorado. I would like to confirm that the traditional accommodations and courtesies between members of the Committee on Labor and Public Welfare have been more than observed and that is a matter of great pride to me as the ranking minority member, because the ranking minority member has mighty little jurisdiction over anything except things like that. We had notice and we knew what they were going to do and they had notice and knew what we were going to do and no one was left in the dark or caught by surprise in respect to this matter.

The Senator from Colorado (Mr. Dominick) said, "We are trying to work out a compromise." Well, we are trying to work out a compromise. But in the popular phrase. "It takes two to tango." If there is to be a compromise there must be an agreement between the parties.

The Senator from New Jersey (Mr. Williams) and I, in introducing the bill, which is essentially the vetoed bill except for our not using the June 30 date for subsequent increases in the minimum wage, will do our utmost, one, to rally our committee, but even more importantly, to try to work out some compromise with the administration. After all, the Senate and the House passed the bill and the President vetoed it. That is where the compromise has to be worked out.

We believe, and this lays aside Watergate and collateral issues—matters of great importance, but collateral—there is a willingness in the White House to try to work out these bills. I think the President has shown this. We may not agree with the conditions he sets, but they are ongoing; probably a half-dozen negotiations of the same type. We believe that is sensible and fair and should go forward, and we intend to do so. I think that is the way to compromise and I do not believe, in all honesty, that going this route of adopting this amendment here, with or without the Taft amendment, is going to advance us along that line.

To compromise there will have to be something compromised on the wage rate, on the domestics issue; and something on the exemptions and other issues. For example, one of the exemptions at issue is the exemption for chainstores, enterprises doing more than $250,000 a year.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. JAVITS. If I may, I would like to finish my remarks.

As to the wage rate proposition, there are different schedules. It is very significant, and I would like to call to the attention of the Senate that if we had adopted the approach of the Senator from Colorado (Mr. DOMINICK) to this matter last year we would now be at the $2-an-hour phase because 1 year has elapsed, yet the bill submitted to us as an amendment carries a $1.80 minimum wage for 1973 and does not take us to the $2 rate even under the Taft-Dominick proposal until 1974.

Mr. President, one final word and then I shall yield. The Senate rejected this approach on July 18, 1973, by a vote of 57 to 40. It rejected in substance the same approach in 1972 by a somewhat closer vote of 48 to 46. This approach has been rejected by the House quite recently, again by a relatively close vote, but rejected. It seems to me under all those circumstances that the sounder course for us to pursue is to go forward on the effort which the Senator from New Jersey (Mr. WILLIAMS) and I initiated here to try to bring about what would really be worked out as a compromise, to wit, working out some bill with the administration, hopefully with the concurrence of the Senator from Colorado and the Senator from Ohio, who are distinguished and constructive members of our committee, in the hope that a compromise will become law and do all the things which all of us want it to do.

Mr. DOMINICK. Mr. President, I thank the Senator for those kind words, and I am happy to reciprocate so far as he and the Senator from New Jersey (Mr. WILLIAMS) are concerned, and many others, but I wonder if the Senator would agree with me that the major areas of disagreement are in connection with what I would say may be extraneous matters. They are not extraneous, but they are more difficult to resolve; namely, youth differential, extension of coverage, number of exemptions, overtime provisions for additional coverage, and things of that kind, as opposed to just the wage rate.

Mr. JAVITS. I would say this: The differences which the Senator has mentioned exist and are significant, but I would not like to say, because it is not true, just the wage rate. After all, a 20-cents difference in the wage rate is 10 percent. That is not just the wage rate. That is a considerable amount as a base under the whole wage structure.

So while I would agree with the Senator that other issues are important, I would also have to contend that the wage is important and that it is a material factor that the Senator again, even after 2 years, starts with the $1.80.

Mr. DOMINICK. Would the Senator also agree with me that an increase from $1.60 to $2, whether we did it 2 years ago or this year, has in it just exactly the same rate of increase?

Mr. JAVITS. Yes; it is the same rate of increase, but let us remember that if we take the $1.60 and lay it side by side with the cost of living increase, the minimum wage should be, if my memory serves me correctly, exactly $2.14. So the longer we wait, not only are we behind the times, but the rougher it gets on the people who are drawing the minimum wage, and it gets more and more difficult to bridge the gap.

Mr. DOMINICK. If I may say so, this is why I wish we could have gotten my amendment 2 years ago.

Mr. JAVITS. I understand the Senator's view. Unhappily for all of us, these differences exist and result in the kind of deadlocks we now face.

I deeply believe the best way to resolve the deadlock is by agreement with the administration to pass a bill which the President will sign, and if we do what the Senator from Colorado and his colleagues wish us to do now I think we would abort that process. It is for that reason that I oppose the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, if the Senator from New Jersey is ready, I am willing to yield back the remainder of my time so the perfecting amendment can be offered and perhaps we can get a vote on that.

Mr. MAGNUSON. Mr. President, what is the time still remaining on the first amendment, the Dominick-Taft amendment?

The PRESIDING OFFICER. The Senator from New Jersey has 26 minutes. The Senator from Colorado has 11 minutes.

Mr. MAGNUSON. The Senator from New Jersey has 26 minutes. How much does the Senator from Colorado have?

The PRESIDING OFFICER. Eleven minutes.

Mr. DOMINICK. Mr. President, I am willing to yield that time back and get 1 hour on the amendment.

Mr. WILLIAMS. Mr. President, I will yield back my time on the Dominick amendment.

The PRESIDING OFFICER. The Senator from Colorado yields back his time.

Mr. DOMINICK. Mr. President, I yield back my time provided the Senator from Ohio (Mr. TAFT) is to be recognized.

The PRESIDING OFFICER. The Chair understands that the Senator from Ohio has an amendment to the amendment.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. If the Senator from Ohio presents his amendment, which is a perfecting amendment to the one on the desk, that will allow one-half hour to each side. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Chair will state that the mover of the amendment, the Senator from Ohio, would have one-half hour and the Senator from Washington or his designee would have one-half hour.

Mr. MAGNUSON. I yield my time to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. TAFT. Mr. President, I thank the Senators for their consideration in yielding back their time so that I may offer the perfecting amendment.

Mr. President, I have sent to the desk a perfecting amendment in the second degree to the printed amendment No. 718.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment to the amendment, as follows:

On page 1, line 5, beginning with the word, "definitions", strike through page 6, line 3.

On page 6, line 5, renumber section 203 as section 202.

On page 7, line 3, beginning with, "(c)", strike through line 6, and in lieu thereof, insert the following:

"(c) Section 6(b) of such Act is amended—

(1) by inserting after the words "Fair Labor Standards Amendments of 1966," the words "title IX of the Education Amendments of 1972, or the Fair Labor Standards Amendments of 1973,";

(2) by striking out paragraphs (1) through (5) thereof and inserting in lieu thereof the following:

(1) not less than $1.90 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1973;

(2) not less than $2.00 an hour during the second year from such date;

(3) not less than $2.10 an hour during the third year from such date;

(4) not less than $2.20 an hour during the fourth year from such date; and

(5) not less than $2.30 an hour thereafter.

On page 7, line 8, renumber section 204 as section 203.

On page 7, line 16, renumber section 205 as section 204.

On page 9, line 5, beginning with the word, "Proof", strike through page 21, line 19.

On page 21, line 21, renumber section 214 as section 205.

On page 22, line 3, beginning with "(c)", strike through line 18, and in lieu thereof, insert the following:

"EFFECTIVE DATE

"SEC. 206. The amendments made by this title shall take effect on the first day of the second full month which begins after the date of enactment of this Act."

Mr. TAFT. Mr. President, I might say I do not believe there is a sufficient number of Senators on the floor at the present time, but it is my intention, as soon as we have a sufficient number of Senators, to ask for the yeas and nays on this amendment.

Mr. President, the amendment I have just sent to the desk is a perfecting amendment which strikes all of amendment No. 718 with the exception of modifications to the wage rate structures. Modifications to this section include the following: First, the change of the effective date from 60 days after enactment for wage increments to the first day of the second full month after enactment; and second, increases from $1.80 to $1.90 the initial wage increment for pre-1966 nonfarm employees.

In making that change I might say we have taken into account the very fact the distinguished Senator from New York has called our attention to—that a good deal of time has passed since the original action upon minimum wage legislation.

The remaining sections pertaining to wages remain unchanged with $2.30 the maximum level contained in the proposal.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. TAFT. I am glad to yield without losing my right to the floor.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered.

Mr. TAFT. Mr. President, we are having distributed to each Senator at his desk a memorandum from the Senator from Colorado and myself explaining the provisions of this unprinted amendment. I will not read it in detail. I will point out that on the second page there is a table showing, in the top classification, the wage rates which would be implemented under this amendment if it should be adopted and become law. The memorandum also shows, by way of comparison, the differences between this bill and the vetoed bill that was acted upon earlier by the Congress.

As the Senator from Colorado (Mr. DOMINICK) has stated, our intent in offering amendments to the Federal minimum wage is not to jeopardize the passage of S. 2702. We have agreed to time limitations under which our amendments may be disposed of expeditiously. I do not intend to belabor the point. I think the nature of the perfecting amendment is relatively clear. Our intent is to provide a constructive wage increase for millions of American workers before the end of this session of Congress. We think we have waited far too long to enact such a constructive wage increase in that the cost of living has significantly increased since 1966, the last time the Fair Labor Standards Act was amended.

The debate about minimum wage legislation over the last 2 years has centered essentially around four issues: wage rates, extension of coverage, repeal of exemptions, and a subminimum rate for certain categories of youth. The amendment I have just sent to the desk is only addressed to the wage rate issue. I cannot stress this point enough, as it in no way would involve consideration of the controversial aspects regarding this matter that have arisen during the last two Congresses.

As Senators know, suggested compromise proposals have failed and the outlook for an increase in the Federal minimum wage this year does not appear to be imminent.

And I might say, to make the record abundantly clear, that while there has not been a formal meeting with the committee, there have been protracted discussions between the staff of the committee, including the staff of what has been called the minority of the minority.

By taking this approach of only asking for consideration by the Senate of the wage rate issue, we are by no means suggesting that other areas, such as youth submission, extensions of coverage, and revision of exemptions, are not important. What we are suggesting, is that extensive negotiations remain with regard to these issues before agreement can be reached. I believe that has been evidenced here on the floor of the Senate this afternoon. So, I think the choice of the Senate is clear.

I think it, therefore, would be untenable to continue to hold a wage increase for our lowest paid workers hostage until such an agreement can be reached.

All of the issues in dispute, no matter how meritorious they may be, are held hostage. Why should we delay an increase for the lowest paid workers until we are able to agree on all other matters?

Further, the longer a wage increase is postponed, the greater the pressure will be for a sudden and extensive increase over too short a period of time; thus, maximizing the inflationary and disemployment effects in the economy. This point cannot be stressed enough in light of the energy crisis before the country, in that predictions of unemployment of 8 percent or more have been forecast for some for next year.

A constructive minimum wage increase is needed now. The chairman of the Senate Labor and Public Welfare Committee stated earlier last week on the floor that:

> The key issue in the minimum wage legislation is and always has been the wage rate and its effective date.

We concur with this statement as the wage rate structure is the issue in which the vast majority of Americans are interested. Constituents question how Congress can increase the wages of Federal employees without providing a similar increment in the minimum wage. We believe they deserve an honest answer by an up and down vote on this proposal.

We understand that some of our colleagues intend to offer the previously vetoed minimum wage bill as a substitute for our amendment, or to offer a motion to table our amendment. That would be unfortunate. Since the vetoed bill addresses issues other than the wage rate which do not appear to be close to resolution, the likely effect—presumably the intended effect—would be to defeat a minimum wage increase this year.

A motion to table would have the same effect in blocking a wage increase for millions of working Americans. They have desperately needed a constructive minimum wage increase for a long time, and are justly entitled to action during this session of the Congress.

Mr. President, it is extremely unfortunate that the Senator from Washington (Mr. MAGNUSON) has moved to table the amendment. As I stated earlier, the longer a wage increase is postponed, the greater the pressure will be for an extensive increase over too short a period of time; thus, maximizing the inflationary and disemployment effects in the economy. As the Senator from Washington knows, sizable unemployment can severely affect the economy of the Nation or a State. In fact, if I am not mistaken, the Senator's State particularly felt the blunt of high unemployment in aerospace industry cutbacks.

If the projections of many economists are correct, the energy crisis may move the current rate of unemployment from 4.5 to 8 percent and more. In fact, it has been reported in the press that the Department of Commerce has unreleased unemployment forecasts of up to 14 and 16 percent because of the energy crisis. Even if unemployment only increases to 6 percent, a disemployment effect of a sizable minimum wage increase next year will be significant. The Congress must be extremely careful and stretch out any increments in the minimum wage over a responsible period of time.

The amendment that Senator DOMINICK and I have offered would accomplish this goal in that the last increment for nonagriculture employees would not become effective until 1977. The increase in the wage structure would be a gradual one with 10 cents yearly increments for employees covered prior to 1966 after the initial 30-cent jump from $1.60. The same type of gradual increase would be true for employees covered after 1966, in that after two initial increments of 20 cents, the remaining increases would be 10 cents a year from 1975 to 1977.

This proposal is a compromise from our original position and is quite close to the wage rate provisions of the vetoed bill, H.R. 7935, and to the position expressed by Secretary of Labor Brennan. In fact, when Senators review the chart we have attached with our memorandum, they will see that the amendment before them is 10 cents higher than the bill approved by the Senate earlier this year and only 10 cents less than the vetoed bill with respect to initial increases for employees covered prior to 1966. Additionally, our amendment adopts the conference committee language in that it implements wage increments the first day of the second full month after enactment; thus, if the Congress were to enact our proposal, wage increments would begin on the 1st of February next year for millions of American workers.

We can see no reason why constructive increments in the minimum wage should be held hostage to other parts of the minimum wage package that agreement cannot be reached. For instance, the question of youth subminimum for nonstudents is an issue which majority staff of the Labor Committee and organized labor have expressed no room for compromise whatsoever. This, of course, is unfortunate, but a fact of life. There are other areas in which significant disagreement exists in that Senators have problems with complete repeal of exemptions under the Fair Labor Standards Act and certain proposals for extension of coverage.

The distinguished chairman of the Senate Labor and Public Welfare Committee stated on the floor earlier this year in reference to the necessity of enacting minimum wage legislation:

> I would say again that the basic issue which Congress must face now is whether we are going to provide an adequate wage

level for millions of low-wage workers now—not in 1974, 1975, or 1976, but now.

The ranking minority member of the Labor and Public Welfare Committee, Senator JAVITS, stated on the floor:

> The issue before the Senate is not whether the minimum wage should be raised—most agree that an increase is warranted—but rather how much and how soon it should be raised. Even the most cursory glance at the cost of living figures shows that the increases provided for in S. 1861 are, at most, barely adequate to compensate low income workers for inflation since 1966, the last time minimum wage legislation was enacted.

We are, therefore, at a loss to see how anyone can move to table Senate consideration of this proposal. If they do, we feel that they should be prepared to bear the responsibility in prohibiting Senate consideration of needed increases in the minimum wage to millions of American workers.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. TAFT. I would be glad to yield the Senator from Colorado 5 minutes.

Mr. DOMINICK. Mr. President, I appreciate that very much.

I just want to say to my colleagues that Senator TAFT and I are in total agreement on this matter. We thought that the first printed amendment and the bill we voted on earlier this year were good bills. However, we were defeated by the Senate as a whole and, of course, in committee. It was obvious today from the colloquy we had that we would have a ferocious debate on that matter again and that we would have the usual disagreements we have had in the past, namely the youth differential, the difference in coverage, the difference in overtime and the question of which exemptions are knocked out.

Senator TAFT and I decided to get away from the side issues and talk about what our chairman said was the most important single thing, and that was to raise the minimum wage rate.

We have put this in and now have the yeas and nays on the question. As far as we are concerned, this would, if passed, give us an opportunity to raise the minimum wage rate and do it this year so that we can get on to the other problems in further hearings in committee or wherever else we might want to do it. We can then see if we can resolve the questions. I do not have any anticipation, frankly, that they can be resolved. I do not think that we can do it without extended debate. And while we may be debating back here in Washington, the guy who is getting $1.60 an hour will be still getting $1.60 an hour.

We would like to see it go up. As the Senator from New York has said, if my amendment had been agreed to 2 years ago, they would have been at $2 now.

But no matter how you slice it, you jump from $1.60 to $2, whether you do it 2 years ago or whether you do it today, and you have got a massive impact on the economy of this country. This system which the Senator from Ohio and I have suggested eases us into this rather readily and rather rapidly—$1.80 within 60 days, $2 within a year—and we will be on our way to get something done about the increase in the minimum wage, which I personally think is needed and is necessary.

I thank the Senator from Ohio.

Mr. JOHNSTON. Mr. President, will the Senator from New Jersey yield a minute to me, so that I may ask a question of the distinguished chairman?

Mr. WILLIAMS. Yes; I yield the Senator from Louisiana such time as he may require.

Mr. JOHNSTON. Is it the chairman's understanding that the intent of the committee is that the President, in granting hardship exemption to a State upon a finding of undue hardship or no conservation of energy, shall take into consideration the unusual situation of the Commonwealth of Puerto Rico and the Virgin Islands, nearer to the equator than the continental States and thus with less variation between long and short days, and having a commercial and societal need to operate on the same time as the Atlantic seaboard?

Mr. MAGNUSON. The Senator is quite correct. He may be sure that the managers on the part of the Senate will, in ironing out the differences between the House and Senate versions of emergency daylight saving time bills, ask that full consideration be given to the needs of the Commonwealth of Puerto Rico and the Virgin Islands. I think we can work it out.

Mr. JOHNSTON. I thank the chairman very much.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, the Senator from New Jersey has the time allocation.

Mr. WILLIAMS. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Ohio has 13 minutes remaining. The Senator from New Jersey has 28 minutes.

Mr. WILLIAMS. Mr. President, I yield myself such time as I may use within the time limitation.

I am not sure I followed completely the logic of the Senator from Ohio and agreed to by the Senator from Colorado, but I get the impression that they feel that this perfecting amendment deals with an area of need that is manifest. That I agree with.

Then it is suggested that this is an area that is not in substantial disagreement, the minimum wage rate and the scale on which it is increased. Well, I would hope that is true, but that is certainly not the way it comes back from the White House, which had the opportunity to deal with this issue. The President had it after we passed it by an overwhelming vote and sent it down there, and it was vetoed, and this is the first area that the President singled out in his veto message as a reason for the veto. He deals with and labors long and hard over the proposition that appealed to him, that this wage rate was inflationary and sharp increases in the minimum wage rate are inflationary.

Inflationary. Inflationary, when we went to $2 an hour, and then to $2.20.

Perhaps this is not a matter of great appreciation of difference among Senators, but certainly when we think wages cannot go that route again, and we pass a bill, send it down, and have it vetoed because the rate is inflationary, I think what we have to do is deal with the subject matter as we have over the last 3 years—not only the rate, but how it is to be covered under the basic Fair Labor Standards Act.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. JAVITS. I think the Senator has put his finger on something critically important. This amendment, which comes to us from the Senator from Colorado and the Senator from Ohio, is not represented to us as even an administration measure, having administration backing. It is essentially the idea of those two Senators—fine Senators—which they authored as Senators. It is just like our proposal, which at least is composed of the views of the conferees of the House and Senate previously.

So really, with all respect, both the amendment of the Senator from Ohio and basic amendment of the Senator from Colorado are very premature. We have got to act to work out an agreement in which the major people in the other body and this body concur with the administration; or we have got to gather up enough strength to override a veto. As the Senator from New Jersey (Mr. WILLIAMS) made very clear, that may be the only course open to us, in which case, through compromise, we would have to involve the other body as well as the Senate. But simply to sail into this essentially original presentation of two Senators seems to me to be very unwise. Therefore, I very much hope that the Senate will reject the proposal.

Mr. TAFT. Mr. President, I yield myself 2 minutes.

I do not want to have any confusion about the source of the amendment. The source of this amendment is the conviction of the Senator from Ohio and the Senator from Colorado that there ought to be an increase in the *minimum* wage. This is not an administration-initiated move.

Since the point or the question has been raised as to whether the administration would go along with the minimum wage increase that we are proposing, if Senators will look at the second page of the material that has been distributed, and which each Senator has on his desk, and will look at the first three lines, they will be able to make a direct comparison between the Dominick-Taft proposal and the administration proposal.

The only difference that I can find is that the administration bill would increase the minimum wage only slightly faster than the Dominick-Taft substitute. We arrive at $2.30 in 1977; they arrive at $2.30 in 1976. That, for all basic purposes, is the only difference. So to give the impression that the administration would not for certain go along with this amendment I believe is incorrect. I do not know what the administration would do if the measure were to be approved by the Congress.

I would strongly argue, just as I argued with the sponsors of the bill, that we should not be holding minimum wage increases hostage to other issues. I do not care what side Senators are on with respect to other issues. The White House may tell us that they have to have a wage differential, or we will not have a bill. I do not think they would do that. I think that basic justice for this proposal ought to be enough to carry it through the White House and the House of Representatives.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. JAVITS. If Senators who are moving in this way wish a minimum wage bill to be passed at this session, I think that we can come to a compromise with them and then seek a compromise with the other body. That, I believe, holds some promise. We certainly want a minimum wage bill. We have contended for it for a long time. It seems to me that that is the way to get at it. These extrapolations that maybe it is and maybe it is not close to what the administration wants, the administration may change its mind—it has done it before—because of an energy crisis, or for some other reason. So even if we did what our colleagues want us to do, the President might veto this bill, and we would be not one step further along, but would be further behind than we are today.

Thus, I deeply believe that these steps, which are well intentioned, are premature, that the road is clear by which we might get some action, but this is not it. I hope very much that the Senate will decide accordingly.

Mr. DOMINICK. Mr. President, I want to reply for the record—because I do not think we are convincing anyone in the Chamber at the moment one way or the other—but I want to reply to the Senator from New York. Both he and I know that the Senator from New Jersey said the crucial issue is to try to raise the minimum wage for this who are under it.

That is what this amendment does. It gets away from all the other issues which have created the problem. We can argue about the other issues this year, next year, whenever it may be, but in the meanwhile, people who are under minimum wage are not getting the increase they deserve. If we vote for this, they will get it, and we can argue out the other issues later.

I would be happy to commit myself—for whatever good that will do—to try to urge upon our House colleagues and also the administration, to adopt this, if it is passed today.

Mr. TAFT. Mr. President, I am ready to yield back my time.

Mr. MAGNUSON. Mr. President, I should like to make a short statement of about 2 minutes. I have voted for minimum wage bills, I guess, long before anyone who is now in this Chamber that I can see. It has been a struggle year by year. I do not want to be in the position of stymieing or doing anything that would prevent some reasonable minimum wage. But this is a matter that the committees have been working on. This is a matter on which the Senate should have more notice as to what the proposals are.

I listened intently to the debate and I am not quite sure just what the proposals are or what all the ramifications of the minimum wage bill proposed by Senator DOMINICK will be. I do not like to be put in the position that I am against any improvement in the minimum wage. I am not. For the past 38 years I have voted for them. So I do not want to be put in that position. I hope the Senator from Colorado will forgive me, I do not know what I could do in a conference with the House on a minimum wage bill. I would have to call in people who were expert on the proposal and know all about it. This is not the place for this.

So, therefore, I am restrained a little bit but I must make a motion to table the Dominick amendment.

Mr. TAFT. Mr. President——

The PRESIDING OFFICER (Mr. WILLIAM L. SCOTT). The Chair will state that the motion of the Senator from Washington is not in order until all time has expired on the amendment.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays.

Mr. MAGNUSON. Is my motion in order?

The PRESIDING OFFICER. When all time has expired on the amendment——

Mr. MAGNUSON. I make the motion to table——

The PRESIDING OFFICER [continuing]. Of the Senator from Ohio and all time has been yielded back.

Mr. TAFT. Mr. President, I have not yielded back my time yet. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio has 8 minutes remaining.

Mr. MAGNUSON. I will wait until the Senator has consumed his time.

Mr. TAFT. Mr. President, I do not anticipate taking a great deal more time. I was ready to yield back my time, but this question has been raised by the chairman of the committee, and so I want to make sure that every Senator, including the distinguished chairman, understands what the proposal is.

The proposal is very, very simple; that is, to change no provision, no technical provision at all in the minimum wage law, as to coverage, as to the youth differential, as to the exemptions, or anything else, other than the minimum wage rate. That is the only issue before the Senate at this time.

We have distributed to every Senator's office a memorandum which indicates exactly what the minimum wage would be. Let me repeat it here again.

The amendment would raise the present minimum for nonfarm, pre-1966 employees, to $1.90 the first day of second full month after the bill goes into effect; $2 a year thereafter; $2.10 a year thereafter; $2.20 a year thereafter; and $2.30 in the final year, which will be 1977, I believe.

As to the pre-1966 employees, it will be $1.80, $2, $210, $2.20, $2.30. For the farm employees, $1.50, $1.70, $2. So there is no change.

I might say that I have not been in the Senate for as long a time as the distinguished chairman, but I have every confidence in his ability to go to any conference and understand the issues contained in a minimum wage bill. I know he has the great knowledge to handle the problem most competently.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, I yield back the remainder of my time.

Mr. WILLIAMS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

Mr. MAGNUSON. Mr. President, I move to table the Dominick amendment.

Mr. TAFT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDENT OFFICER. The Senator from New York will state it.

Mr. JAVITS. As I understand the motion——

The PRESIDING OFFICER. The Chair cannot hear the distinguished Senator from New York. Would the Senator please restate his parliamentary inquiry?

Mr. JAVITS. Mr. President, the question is, Is this a motion to table the Dominick amendment?

Mr. MAGNUSON. That is my motion, yes.

The PRESIDING OFFICER. It is the understanding of the Chair that——

Mr. JAVITS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. If the Dominick amendment is tabled, does that table, then, the amendment proposed by the Senator from Ohio?

The PRESIDING OFFICER. The Chair is informed that both amendments go together.

Mr. MAGNUSON. Mr. President, one vote. That is the purpose of this.

The PRESIDING OFFICER. Does the Senator from Ohio have a further parliamentary inquiry?

Mr. TAFT. No, I think that is it.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

Mr. MAGNUSON. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Washington to table the amendment of the Senator from Colorado. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Colorado (Mr. HASKELL), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. McGovern) and the Senator from Rhode Island (Mr. Pell) are absent on official business.

I also announce that the Senator from Missouri (Mr. Symington) is absent because of illness.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. McIntyre), the Senator from Wyoming (Mr. McGee), the Senator from Rhode Island (Mr. Pell), and the Senator from South Dakota (Mr. McGovern) would each vote "yea."

Mr. HUGH SCOTT. I announce that the Senator from Tennessee (Mr. Baker) and the Senator from Michigan (Mr. Griffin) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) is absent by leave of the Senate on official business.

The Senator from Nebraska (Mr. Curtis) is absent by leave of the Senate.

The Senator from Oregon (Mr. Packwood) is absent on official business.

The Senator from Florida (Mr. Gurney) is detained on official business.

The result was announced—yeas 55, nays 29, as follows:

[No. 552 Leg.]

YEAS—55

Abourezk
Aiken
Allen
Bayh
Bentsen
Bible
Biden
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Eagleton
Ervin
Gravel
Hart
Hartke
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Javits
Johnston
Kennedy
Magnuson
Mansfield
Mathias
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Tunney
Weicker
Williams

NAYS—29

Bartlett
Beall
Bellmon
Bennett
Brock
Buckley
Byrd, Harry F., Jr.
Cotton
Dole
Domenici
Dominick
Eastland
Fannin
Fong
Hansen
Hatfield
Helms
Hruska
Long
McClellan
McClure
Metcalf
Nunn
Roth
Saxbe
Taft
Thurmond
Tower
Young

NOT VOTING—16

Baker
Curtis
Fulbright
Goldwater
Griffin
Gurney
Haskell
Hughes
Inouye
McGee
McGovern
McIntyre
Packwood
Pell
Symington
Talmadge

So Mr. Magnuson's motion to table Mr. Dominick's amendment (No. 718) was agreed to.

Mr. HUGH SCOTT. Mr. President, with the vote just concluded the Senate broke its alltime record for the number of votes cast in a single session of Congress. We are up to 533 now—the old record was 532, achieved last year.

Although the single-session record was set last year, the 92d Congress with 955 votes fell short of the whopping alltime high 47th Congress in which the Senate cast 986 votes. The 93d Congress seems well on its way to breaking that record.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma (Mr. Bartlett).

Mr. BARTLETT. Mr. President, I ask unanimous consent for the yeas and nays on my amendment No. 756.

The PRESIDING OFFICER. Is there a sufficient second? The yeas and nays are ordered——

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. MAGNUSON. Is the Senator asking for the yeas and nays on his amendment?

The PRESIDING OFFICER. The Senator asked unanimous consent. Is there objection? Without objection, it is so ordered——

Mr. MANSFIELD. Mr. President, I object for the time being, just for the purpose of giving the Senator from Washington a chance to establish a colloquy.

Mr. BARTLETT. I have two amendments. On the one I discussed with the Senator, I did not ask for the yeas and nays.

Mr. MAGNUSON. All right. We are going to accept that one.

It is getting so around here that if somebody moves to take a comma from line 15 and add it to line 17 and the Senator in charge of the bill says, "You are right. It belongs on line 17. I will accept it," the next comment is, "Yeas and nays." [Laughter.]

Mr. MANSFIELD. Mr. President, I remove my objection to the request.

Mr. COTTON. Mr. President, reserving the right to object, are the yeas and nays being requested on an amendment when we do not know what it is?

Mr. BARTLETT. I asked for the yeas and nays on my amendment No. 756, a printed amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BARTLETT. Mr. President, I have at the desk an unprinted amendment, which I now call up and ask to have read.

The PRESIDING OFFICER. The clerk will read the amendment.

The second assistant legislative clerk read the amendment, as follows:

On page 6, after line 8, add a new section as follows:

"The Secretary of Interior, in coordination with the Secretary of Transportation shall investigate the effect of this act upon [traffic safety, including the] safety of children traveling to and from school and shall investigate the effect on the hour for opening of schools and shall make an interim report, such report to include the estimated savings of energy and the total effect impact of this act to the President and Congress not later than June 30, 1974."

Mr. BARTLETT. Mr. President, the effect of this amendment is very simple. It merely requires the Secretary of the Interior, in coordination with the Secretary of Transportation, to make an interim report. That is required just exactly 1 year later by the bill as it now stands.

It is my understanding that this amendment is agreeable with the Senator from Washington.

The PRESIDING OFFICER. Who yields time?

Mr. HUDDLESTON. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Kentucky?

Mr. MAGNUSON. I yield to the Senator from Kentucky.

Mr. HUDDLESTON. I would just like to point out to the Senator——

Mr. MAGNUSON. Mr. President, a parliamentary inquiry. The Senator has two amendments, one which I think the Senator from New Hampshire and I will be glad to accept. The other is a fundamental amendment. One proposes a study. The other one the Senator is proposing now is very fundamental.

Mr. BARTLETT. It is the other way around.

Mr. MAGNUSON. It makes daylight saving time only 1 year instead of 2 years.

Mr. BARTLETT. No. If I may say to the distinguished Senator from Washington, chairman of the committee, this is not the one I asked for the yeas and nays on. The one we have before us now is the one to which the Senator from Washington agreed.

Mr. MAGNUSON. Has that been passed on?

Mr. BARTLETT. No. I just made my opening remarks, which were very simply that it calls for a study 1 year ahead of the date provided in the bill.

Mr. MAGNUSON. Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator from Kentucky had asked for recognition.

Mr. MAGNUSON. I will ask the Senator from Kentucky on which amendment he is going to speak.

Mr. HUDDLESTON. The pending amendment.

Mr. MAGNUSON. Very well.

Mr. HUDDLESTON. Mr. President, I would like to point out that this is another demonstration of the unwisdom of the legislation we are considering. The legislation already calls for a study to see whether or not this legislation will in fact do what the proponents say it ought to do, and that is whether or not it will conserve energy. And now at least one Member of this body finds it necessary that a study also be made to determine whether or not this legislation will adversely affect the safety of the children of this country.

I just would like Senators to keep in mind the nature of the legislation we are passing as we move forward on this bill to provide for year-around daylight saving time.

Mr. BARTLETT. May I say to the distinguished Senator from Kentucky that the purpose of this amendment is to require an interim study to be made available to the Congress, the President, and the people so they can assess, as best they can, next year the results and effects of this act on all concerned and the savings that would be realized in energy. So it expedites the availability of information for the purpose of the people of this country to make a judgment on the act we are about to pass. I think that is very vital and very important.

Mr. COOK. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. COOK. May I say to the Senator from Oklahoma that I have no objection to the amendment, and I assume my colleague from Kentucky (Mr. HUDDLESTON) has no objection to it, either. The only point he is making—and I would like to reiterate it—is that we have been told by the managers of the bill and by those who conducted the hearings that it is going to save between 1 and 1.5 percent of the energy required throughout the country.

What the Senator from Oklahoma is saying is that he wants a study to be made to determine whether this is true or not. He is also saying he wants to find how this relates to the safety of the children, in the early morning hours.

I want to say to him I am not really sure what kind of job the department is going to do, because I think any of us who call any of our school superintendents will find themselves in the position—that this Senator from Kentucky does; that is, that—where sunrise is not going to be until 9 o'clock in the morning, a number of difficulties arise. We do not know how we are going to get out of the situation of sending hundreds of thousands of children to school in the dark. I do not know what might be studied to make that determination. We can tell you already that the solar charts of where the junior Senator from Kentucky and I come from shows that if this bill goes into effect in its present form that from January 1 to January 10 the sun is going to come up in our communities at 9 o'clock in the morning, and that from January 11 until the 20th it is going to come up at 8:59. We have gained 1 minute.

Even if we say that our schools ought to start at 9 o'clock in the morning, our children are going to have to be picked up by school buses in the dark to get there by sunrise.

Mr. BARTLETT. I would like to respond to the Senator from Kentucky. I believe this amendment would not only have the effect of showing the effects on the hour of sunrise, but the effect on the schoolchildren of this country and the results that will be realized in the saving of energy. So I hope it will be an effectual survey and available to the people of this country so they can judge whether or not this body or the other body should continue this legislation.

This is an experimental type of approach, and I think it is vital that we take a look at it this first winter.

So, Mr. President, I yield back my time.

The PRESIDING OFFICER. Does the Senator from Washington yield back his time?

Mr. MAGNUSON. Mr. President, as I said before, the committee is willing to accept this amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on the adoption of the amendment.

The amendment was agreed to.

The Senator from Oklahoma is recognized.

AMENDMENT NO. 756

Mr. BARTLETT. Mr. President, I call up my amendment No. 756.

The PRESIDING OFFICER. The clerk will report the amendment.

The second assistant legislative clerk read as follows:

> On page 5, beginning in line 4, strike out the phrase "and during the period which commences at 2 o'clock antemeridian on the last Sunday of October 1974 and which ends at 2 o'clock antemeridian on the last Sunday of April 1975,".

Mr. BARTLETT. Mr. President, I realize that if this amendment were adopted, the section that was just amended would have to be altered in order to conform.

The purpose of the amendment is to lop off 1 year so that the period affected by the bill would be a little over 1 year. I believe it would give ample opportunity for a study to determine just what effect there is on schoolchildren traveling to and from schools and on their parents and what the effect would be in the savings of energy.

I know that there have been some decisions from very reputable people who claim that there will be a rather large savings of energy. I certainly hope this is the case. However, I also realize that in our State, which is on the western side of the central time zone, currently those youngsters who are going to schools from the rural areas and within the city by bus transportation are standing in the streets at the corners along thoroughfares and highways at a very early hour in the morning, 1 hour or 1½ hours prior to sunrise. This, of course, has its danger. This proposal which is certainly in the interest of conserving energy would require them to stand out there 1 hour earlier.

I realize that the argument could be made that the hours of school could be changed. However, I am not certain they could be changed so readily as people contend, because there are other inconveniences created if the hour is adjusted, and that is why the hour is the way it is now.

I feel that the bill with this amendment in it would conform with the time schedule as originally introduced, would provide sufficient time in order to assess the value of this program as to the savings in energy, and also the effect of the program as to the dislocation or as to the effect on the schoolchildren who are standing on the streets at a very early hour in the mornings waiting for their buses to take them to school.

I do not believe it is possible for this body to know exactly what this effect may be. I certainly do not claim that I know what it will be. However, I do think that this is somewhat of an experimental approach. I plan to support it. However, I also think that it makes more sense for this body to have all of the studies that we could have by April of next year and have the summer and early fall to evaluate whether we want to enter into this act.

Our decision could depend upon the situation with energy and what effect the bill would have had on the schoolchildren and the other people of this Nation.

So, while this is one approach, it certainly is not aimed at eliminating the bill or hampering it. I believe it gives us an ample opportunity to make up our minds as to whether to continue with it next year.

Mr. MAGNUSON. Mr. President, I am going to have to oppose this amendment. The committee went into this matter and whether daylight saving time should be 1 or 2 years. As a matter of fact, some members of the committee wanted to provide that it would have no time limitation at all.

We finally arrived at 2 years which is the same time set by the House bill. This amendment would limit it to 1 year. That is not satisfactory at all. We do not know what our experience may be in this matter of year round daylight saving time. So, I would have to oppose the amendment.

Mr. President, I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I, too, regret that I must oppose the amendment offered by the Senator from Oklahoma. His purpose is excellent. I think he is right that we do not know with certitude. We must study how this thing is going to work. However, we have already accepted a very good amendment which calls for an interim report by the end of the first year.

Mr. President, if there is anyone in the Senate, except the Senator from Wyoming (Mr. McGEE), that can personally testify about the vicissitudes and problems that come when anyone starts monkeying with time, the Senator from New Hampshire is the one.

I well remember that for 4 long years—through two Congresses—I was requested not to take away from the States their right to elect what standard of time they wanted to observe. For 4 long years we fought that issue.

My experience is that any time we try to do anything about the time situation we encounter controversy. I am not blaming anyone since it is a subject that the people in the country worry about.

If we can pass this bill with the Senator's study amendment to alert us to any trouble, we can do something about it.

We also have on page 5 of the bill the following provision which we carefully included in the bill:

> Notwithstanding any other provision of law, if a State, by proclamation of its Governor, makes a finding prior to the commencement of a period of advanced time under this subsection that an exemption from the operation of this subsection or a relinement of time zone limits is necessary to avoid undue hardship or to conserve fuel in such State or part thereof, the President may grant such exempton or realinement.

We have that provision in as a safety valve. Certainly, if a Governor of a State approaches the President with a worthy cause, it will be given every consideration.

In view of the fact that we have accepted the other amendment, let us not doom ourselves to have inevitably to march up the hill and back down again within 1 year.

If the thing works fairly well and the President is cooperative where hardships are involved, it will work out satisfactorily. Let us not agree to take it up again next year.

I think the other amendment was a good amendment. It was agreed to. I would have to oppose this amendment.

Mr. DOMENICI. Mr. President, I would like to support my friend, the Senator from Oklahoma. However, it seems to me that on his first amendment, which was accepted by the Senate, we will have a study and a determination of the study within 1 year of the effect of this legislation. That would preclude us from canceling it out 1 year hence in case the report is constructive.

Mr. COTTON. Mr. President, I say to the Senator, with greatest respect for the Senator from Oklahoma who is naturally prudent, if this does not work or if it has an adverse effect on the schools, the people studying this will report back to the Senate. He also will get enough complaints so that Congress will act.

Mr. DOMENICI. So the Senator is saying that we are gambling on the long side, but we can bring it back into focus if we need to, and the Senator would rather do that than having, 1 year hence, to do it all over again.

Mr. COTTON. To have to do it all over again, that is exactly what I am saying. And, I am sure that if this works a hardship, every Member of Congress will hear from his folks fast enough so that we can remedy it. That is exactly my point.

Mr. DOMENICI. I thank the distinguished Senator. I would comment that I think the distinguished Senator from Oklahoma, by submitting his first amendment, has contributed considerably to our ability to evaluate in a thorough manner the entire question.

Mr. COTTON. I agree with the Senator, and I, too, thank the Senator from Oklahoma.

Mr. STEVENSON. Mr. President, will the Senator yield?

Mr. COTTON. I yield to the distinguished Senator from Illinois.

Mr. STEVENSON. I think I understand the purpose of the Senator from Oklahoma, in that the bill I introduced provided for a 1-year experimental period, with a study during that 1-year period. But all of the witnesses in the hearings on that subject, including the witnesses from the Office of Energy Conservation, testified that it would take more than 1 year.

It was for that reason that we changed the bill to provide for a 2-year period. A 2-year period is essential to assure that there are studies. The Senator from New Mexico mentioned that if before the end of that 2-year period there is an interim report or some other basis for concluding that the savings are not significant, then Congress could reconsider and discontinue the year-round daylight saving time, but at this point it appears to be absolutely essential to provide for a 2-year experimental period, in order to assure a thorough study.

The PRESIDING OFFICER. Who yields time?

Mr. BARTLETT. Mr. President, I thank very much the distinguished Senators from Washington, New Hampshire, New Mexico, and Illinois. I know that their interest here lies in saving energy, and also in having a very sincere concern for all those who would be affected by this bill, particularly the schoolchildren. I think the Senator from New Hampshire described my feelings as well as his own very accurately. I guess where I differ is that while I would certainly recognize that if the effect of this bill happened to be very bad for the young people and schoolchildren. I would expect we would act very quickly next year, and not continue it as least as it is designed now, on the other hand, if there were some unfairness or some question as to whether this did affect some children in certain time zones or parts of time zones more adversely than others, I can see where, if the bill were automatically carried through for another year, there would have to be another march up the hill, and because this does affect the schoolchildren, and will possibly affect them adversely, I think it is very wise and prudent for us to take that march up the hill, if that is what is required, in order to save the energy.

Certainly I favor saving energy. I have introduced bills to do that, that were designed to encourage car pooling and encourage smaller cars, but I do have a concern, and I guess I would put the priority on that concern and be willing to take enough effort, if required, to extend this in the future as long as we might consider that the emergency conditions exist.

I would inform the Senator from Washington that I am ready to yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. WILLIAM L. SCOTT). All remaining time having been yielded back, the question is on agreeing to the amendment (No. 756) of the Senator from Oklahoma (Mr. BARTLETT). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Colorado (Mr. HASKELL), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Georgia (Mr. TALMADGE), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I also announce that the Senator from Missouri (Mr. SYMINGTON) is absent because of illness.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "nay."

Mr. HUGH SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Maryland (Mr. MATHIAS), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent by leave of the Senate on official business.

The Senator from Nebraska (Mr. CURTIS) is absent by leave of the Senate.

The Senator from Oregon (Mr. PACKWOOD) is absent on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 31, nays 51, as follows:

[No. 553 Leg.]

YEAS—31

Abourezk
Allen
Bartlett
Bayh
Bellmon
Bennett
Biden
Brock
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Church
Cook
Ervin
Fannin
Fong
Hansen
Helms
Hollings
Hruska
Huddleston
Long
McClellan
McClure
Nunn
Randolph
Scott, William L.
Sparkman
Thurmond
Young

NAYS—51

Aiken
Beall
Bentsen
Bible
Brooke
Buckley
Cannon
Case
Clark
Cotton
Cranston
Dole
Domenici
Dominick
Eagleton
Eastland
Gravel
Gurney
Hart
Hartke
Hatfield
Hathaway
Humphrey
Jackson
Javits
Johnston
Kennedy
Magnuson
Mansfield
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Taft
Tower
Tunney
Weicker
Williams

NOT VOTING—18

Baker
Curtis
Fulbright
Goldwater
Griffin
Haskell
Hughes
Inouye
Mathias
McGee
McGovern
McIntyre
Packwood
Pell
Percy
Stennis
Symington
Talmadge

So Mr. BARTLETT's amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOLE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. 5. Notwithstanding any other provision of law, the President of the United States, his delegate, or any other department, agency, or instrumentality of the United States, shall take no action, involving the carrying out of any emergency energy rationing or conservation program, involving the allocation of refined petroleum products among users, or involving restrictions on amounts thereof which may be sold to users, which would result in unreasonable discriminations among such users or classes of users, or in an unreasonable classification of such users: *Provided, however,* That this section shall not apply to actions taken under the authority of the Defense Production Act of 1950 as amended.

Mr. DOLE. Mr. President, this amendment is intended to deal with a problem that is intrinsic within any fuel allocation program—the problem of equitable distribution.

It is difficult to define what an equitable distribution might be. Generally, it would seem fair and equitable to require that every sector of the economy bear an equal percentage of the total reduction required by the shortage. Yet this precludes giving a specific usage or an emergency need special consideration. The equity requirement, combined with the desirability of maintaining flexibility in any allocation program, makes it nearly an impossible task to legislatively define what an equitable program would be.

But though the task is difficult, I do feel that it is essential that we demonstrate clearly a legislative intent that any allocation program be as fair and equitable to all sectors of the economy as is possible, given the flexibility that is required.

I am therefore offering this amendment which would require that any allocation program which has been made operative to date or which shall be made operative hereafter shall not unreasonably discriminate among users or classes of users.

The need for such an amendment was illustrated by the recent fuel allocation reductions imposed upon the general aviation industry. As initially announced, a 42-percent reduction in fuel for general aviation would have been implemented, even though commercial aviation was reduced by a substantially smaller percentage and other modes of transportation would have incurred an even smaller reduction in fuel allocations. Since the initial allocation reduction was announced, the administration has modified its proposed reductions, and it now appears that only about a 25-percent overall reduction in fuel will be imposed on the general aviation industry. Yet in the 1-week period following announcement of the 42-percent reduction proposal, the impact on the general aviation industry, in general, and on Wichita, Kans.—the leading city in the general aviation industry—was almost unbelievable.

More than 2,400 employees were laid off at a plant in Wichita, and without the adjustments which were later made by the administration, it is estimated that as many as 8,000 aviation employees could have lost their jobs in Wichita alone, and as many as 100,000 jobs would have been jeopardized nationwide. When the impact of the aviation job reduction is measured on the total economy it is estimated that this could have cost the city of Wichita 20,000 jobs, and the country as a whole 250,000 jobs over the next few months.

The impact of the decision regarding general aviation fuel allocation was so great that special action was needed. In the first place, it appears that the decision was particularly harsh on the aviation industry in comparison to the cutbacks that were being imposed on other sectors of the transportation field. And secondly, the severe impact the proposed allocation would have had on the economy of Wichita and numerous other cities across the country gave the issue a priority of a different nature which deserved special consideration, given the existing needs and fuel supplies.

The amendment I am offering today is intended to express legislatively the concept that the allocation program should not unreasonably discriminate among various users and classification of users. It requires that pleasure driving not be given a higher priority than pleasure flying, that business driving not be treated differently than business flying—in other words, that there be no discrimination between users and classes of users of fuel for a given purpose.

The amendment is not intended to destroy the flexibility of the program. It will not prevent fuel allocations from reflecting priority or emergency needs. If additional fuel supplies are needed in agriculture to assure an adequate supply of food, or if additional supplies of fuel are needed for home heating purposes, the emergency needs must be met. But considering the limited supplies of fuel that are available, we must insure that classes of users or individual users of fuels which have equal priorities be equally treated. All users of fuel having the same priority should bear equally the burden of the fuel shortage.

The amendment I am now proposing limits the administraitve discretion which Congress allows the President under any fuel allocation authority. But at the same time, it does not tie the hands of the administration or take away the flexibility needed to meet emergency situations. It would prevent arbitrary decisions from being rendered. It would also prevent any user or classification of user from being unfairly treated because of its high visibility because it would serve as a good example of our effort to limit fuel consumption. It would also prevent decisions from being made for purely political reasons.

The life of every American will be affected by the fuel shortages, and we must all bear our share of the inconveniences, burdens, economic hardships, and difficulties which are sure to come in the next few months. But it is important, and I feel Congress has the responsibility, of assuring that the burden of the fuel shortage be distributed equitably among Americans and sectors of the economy. I therefore urge my colleagues to consider my amendment favorably in the interest of insuring that, in this difficult energy crisis, the sacrifices which are sure to be required, may be shared as equitably and fairly as possible.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the Wichita Eagle of November 28, 1973, and a letter dated December 1, 1973, addressed to me, from James B. Taylor, vice president of Cessna/Citation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A QUESTION OF FAIRNESS

President Nixon's recommendations on energy conservation leave a great deal to be desired insofar as a fair and equitable overall solution to the present crisis is concerned.

Some proposals are broad enough in scope to affect all parties in an equal manner. Others will cause undue hardship on certain segments of industry and the population. The reduction of home heating oil to residential, commercial and industrial users, the closing of service stations on Sundays, the allocation of airline jet fuel, the reduction in speed limits, the ban on residential ornamental lighting and unnecessary commercial lighting at least have some semblance of uniformity in application. However, the proposed 40 per cent fuel cut for business flying is not only discriminatory but dangerous in its implications.

Executives of Beech, Cessna and Gates Learjet are unanimous in criticizing the proposed highly restrictive fuel regulations on business and general aviation as a whole. Layoffs are already being felt in the general aviation field and the impact of the President's recommendations will cause severe hardships if implemented.

It is ridiculous and unfair to concentrate the heaviest restrictions in an area which consumes only seven-tenths of one per cent of the total fuel used in all transportation.

This seems to be only a further extension of governmental pressures to undermine the viability of general aviation as a whole. Even without the proposed fuel restrictions, the Department of Transportation's high-handed bureaucratic approach in regulating general aviation continues to undermine the health and future growth possibilities of a very important segment of the American economy. Equipment requirements, cost allocation recommendations, general aviation services reductions, etc., clearly indicate the attitude of the administration towards general aviation.

Citizens should write their senators and respective representatives to express opposition to the general aviation fuel proposal and at the same time enthusiastically support the aviation industry.

Government listens only if the public speaks loudly.

CESSNA/CITATION,
December 1, 1973.

HON. BOB DOLE,
The U.S. Senate, Senate Building, Washington, D.C.

DEAR BOB: In attempting to reduce America's fuel consumption by 17 per cent during the energy crisis, President Nixon has singled out one industry—general aviation—for a staggering FIFTY per cent cutback!

This is to urge your prompt and vocal support of pending legislation SR 2589 to correct this damaging inequity.

The President's proposal can only be based on two totally false conceptions.

First: That general aviation flying is largely for non-essential, recreational purposes, and

Second: That it accounts for a significantly large portion of the nation's fuel usage.

Neither of these assumptions is even close to the truth.

The Fact: Fully 70 per cent of general aviation flying is for business and commercial purposes.

General aviation planes transport 70 million Americans a year. This is 33 percent of ALL U.S. intercity air passengers.

Most business flights are between the nation's 10,000 secondary airports, which are not served by ANY commercial airline.

The Fact: General aviation accounts for less than 4 per cent of jet fuel consumed nationwide, only 7/10ths of 1 per cent of total fuel used for transportation.

Naturally general aviation is anxious to join in national fuel conservation programs, and asks only to be treated fairly in relation to other forms of transportation.

But the President's proposal, tantamount to a slash of 42-1/2 per cent in all business flying, would devastate an entire industry, with the loss of tens of thousands of jobs, and seriously impair the nation's transportation system and economy—to accomplish little more than a token overall fuel savings.

Business flying affects a VITAL segment of America's economy. Companies using business aircraft account for 2/3rds of the GNP, with the top 500 users making 2/3rds of all sales, 3/4ths of all profits, and employing 3/4ths of U.S. industrial workers. The aerospace industry is the largest single contributor to a positive balance of trade (4.5 billion dollars in 1973).

We respectfully ask you to support the Goldwater/Rooney Amendment to SR 2589 immediately.

Sincerely,

JAMES B. TAYLOR,
Vice President.

Mr. DOLE. Mr. President, I have discussed this amendment at length with the distinguished chairman of the committee, Mr MAGNUSON, and with the distinguished Senator from New Hampshire (Mr. COTTON). The amendment has the support of the senior Senator from Kansas (Mr. PEARSON), a member of the committee, the Senator from Pennsylvania (Mr. HUGH SCOTT), and others.

I am prepared to yield back the remainder of my time, unless the distinguished Senator from Washington has some questions.

Mr. MAGNUSON. Mr President, the Senator from Kansas has an amendment which I will accept. This is a matter that has come up since we had hearings on the bill. It is a matter, to coin a phrase, on which there are some time problems, not including setting clocks back.

The amendment provides that the executive branch shall take no action "involving the carrying out of any emergency energy rationing or conservation program, involving the allocation of refined petroleum products among users, or involving restrictions on amounts thereof which may be sold to users, which would result in unreasonable discriminations among such users or classes of user."

That would include anyone who suffered an unreasonable discrimination. Senator DOLE does not suggest that these people should not be rationed—and I do not—nor that there should be no limitation or allocation. But the discrimination among users cannot become unreasonable—I know that this may apply to the aviation field, as an example, but it could also apply to marinas or boats or anything else.

Mr. DOLE. Or to classes of motor vehicles, boats, airplanes, and modes of transportation as well as other users of fuel.

Mr. MAGNUSON. Or an ambulance that might not have the right gas.

I cannot say what will happen to this amendment in conference. I do not know. But I am hopeful that between now and the conference, some of the people who are involved in this, who made some of these quick decisions without thinking—and I understand they are now reviewing it downtown—may clear up this whole situation, even before we get this bill to the White House. The complaints exist in all kinds of transportation modes and they are reasonable complaints. We need to correct unreasonable discrimination.

Mr. DOLE. This is right.

Mr. MAGNUSON. If they are unreasonable, somebody ought to do something about it. Perhaps the very fact that we take this amendment to conference will stir somebody into action to correct what I think have been some very unreasonable decisions.

Mr. DOLE. Let me cite one example of an unreasonable restriction—the fuel reduction for general aviation. Soon after the announcement was made 2,400 employees in Wichita found their jobs terminated. The anticipated unemployment in that city alone, had the unreasonable measure stayed in effect, could have affected as many as 20,000 persons, just because of one decision made by one person, without justification in my opinion. It was unreasonable. The purpose of this amendment is to prevent that in the future. That is the sole purpose of the amendment.

I might say that I understand in the House Commerce Committee, 27 members are sponsoring an amendment identical to this one. The amendment was developed and introduced in the House by Congressman BARRY GOLDWATER, JR. of California and Congressman FRED ROONEY of Pennsylvania and they deserve much credit for the fine work they have done. With 27 sponsors, I would hope that when the bill goes to conference, there will be strong support for the concept.

Mr. MAGNUSON. I know how they feel.

Some of the decisions were made quickly, without looking at the overall situation. Everyone will have to take some cut in fuel allocations. But we must not allow unreasonable discriminations.

Mr. DOLE. They are willing to make sacrifices.

Mr. MAGNUSON. There is going to be some unemployment. But the cuts must be reasonable and fair.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. CANNON. I am delighted to support the amendment of the distinguished Senator from Kansas. I made a speech on the floor last week in which I pointed out three specific areas that were being discriminated against or in which discrimination was occurring under the proposed rules. One of those was the area of general aviation, as the distinguished Senator has pointed out. Another was in the area of commercial aviation, of scheduled air transport, which is also discriminated against to a degree. The third was in relation to the Sunday closure, which clearly discriminates against my State of Nevada, rather than giving us some other day of closure to elect because of the particular type of industry in which we are engaged—the tourist-oriented industry.

So I am delighted to support the amendment of the Senator. I hope that the bureaucrats who make these off-the-cuff decisions will be a little more careful and a little more cautious in making spontaneous decisions without studying the impact they will have on the overall economy of our Nation.

Mr. DOLE. I was aware of that speech, having read it and was hopeful the Senator from Nevada (Mr. CANNON) would support the amendment. The points mentioned by the Senator from Nevada on the Senate floor are covered by this amendment. I believe the amendment will be helpful.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield such time as the Senator from West Virginia may require.

Mr. RANDOLPH. Mr. President, I support the amendment offered by the Senator from Kansas. In my judgment there is a reasonableness in his approach. Frankly, I am very alarmed about the trend toward too many instant answers which are being given in connection with such cases as have been mentioned here today.

Of course the conservation of energy—the sacrifices—must be made across the board. That is exactly what the American people, regardless of their individual or organizational interests and concerns, desire and are willing to accept. But if there exists in any segment of our society the feeling that we cannot rely upon the fairness of the judgments that are being made, then certainly we are in difficulty.

I am not a constant critic of the administration and the executive branch. But I think that the Senator from Kansas will agree with me that we must come to grips, all of us, with a commitment to reasoned judgments in connection with the rules that may come from the Executive and the laws from the Congress. The regulations for allocation and conservation—and I do not advocate indecision—must not be initiated until the necessary time has been taken to really inquire into the facts of the cases. I question whether this is being done at this time.

The Senator from Kansas has called attention to the inequities in the treatment of general aviation and I agree with him. At first glance, it may seem reasonable to press for cuts in general aviation fuel in very large proportions. A detailed analysis of general aviation travel and the impact on employment demonstrates clearly that such judgments cannot be and must not be made "at first glance."

This afternoon I had a telephone call from a good American, a citizen of a mountain county in West Virginia, who is faced with a hardship case in connection with the production of timber. He, of course, needs a certain amount of fuel. I shall not go into the facts, but he has been told, in essence, that he will receive a fuel allocation which is about one-fifteenth of what he says he thinks he has a right to have if the timbering operation he heads is to move forward. Without the necessary fuel, men in the woods will lose their jobs, and the men in the mills will lose their jobs.

The reason I tell the story is not that this man does not want to be treated on a basis of equity, but because he was told to go to Charleston, W. Va.; there he was told to go to Pittsburgh, Pa.; from there he was told he must go to Philadelphia, Pa., and he did not get the chance to outline his problem. He called and he is frustrated. All he wants is an opportunity to explain the situation and tell his story.

American citizens expect this opportunity and have a right to do this collectively and individually. I think that is what the Senator from Washington has been saying, as well as the Senator from Nevada and the Senator from Kansas.

Someone said there must be unemployment. I look for 8 percent unemployment in the United States, and I do not throw the figure out lightly. I believe it is in the making.

I know one company now making bodies for school buses. The base for its operation is not in our State. The energy comes from natural gas. In that company 3,100 employees already are out of work. I know of another company in West Virginia that makes plastics, where the employment of 2,000 people is in jeopardy. This plant is a user of natural gas for its production process and its raw materials come from oil. Yet, the plant manager after conferences with officials of the Office of Energy Policy questions whether the economic impact, if his plant were to close, is fully understood. This plant manager does not ask for a preference, but he is asking for an equitable allocation system and the recognition of possible impacts on the economy.

We are going to face these situations by literally not hundreds of instances but by the thousands of instances in this country. We realize that unemployment will take place. I am saying only what has been emphasized here in this debate. We must have reasoned regulations and judgments that are based on the facts. Then the American people will respond.

Mr. BAYH. Mr. President, will the Senator yield to me for a half minute for a unanimous-consent request?

Mr. MAGNUSON. I yield.

Mr. BAYH. Mr. President, I ask unanimous consent that Carl Lester, of my staff, may have the privilege of the floor during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, will the Senator yield for one moment?

Mr. DOLE. I yield.

Mr. DOMENICI. Mr. President, in complimenting the Senator from Kansas on his amendment, I wish to call to the attention of Senators present another problem. We should understand that States have different problems with reference to the Federal Government trying to designate one use by allocation in one place, to be applied to another area. I cite the State of New Mexico where the little airplane is a common, ordinary method of transportation. Yet perhaps in Government there are those who think if one owns a private airplane, it is for pleasure and not business and getting around and required in day-to-day affairs.

We have 5,500 airplanes, over one-half used by small businessmen. If the Government treats them as such, it cuts them back to 40 or 50 percent. We have literally hundreds of people who cannot conduct day-to-day business.

I compliment the Senator for calling to the attention of those who will allocate, the necessity of being reasonable, not to make quick judgments, and understanding that the States have different needs in connection with private airplanes and the like.

Mr. DOLE. I thank the Senator from New Mexico. I thank the Senator from West Virginia, because this is an effort to be reasonable, as he pointed out. That is the only purpose and intent of the amendment.

Mr. President, I ask unanimous consent that the Senator from West Virginia (Mr. RANDOLPH) may be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I yield briefly to the Senator from Alaska.

Mr. STEVENS. Mr. President, I wish to ask the Senator from Kansas about the interpretation of the amendment. As the Senator knows, we are about to embark on the largest single project in private enterprise in history in trying to build the Alaskan pipeline. We will need increased allocations of fuel. I want to make certain the interpretation of this amendment would not prevent increased allocations to areas such as Alaska, where there will be massive new requirements for oil.

I support the general intent of the amendment, but in reading it, I want to make certain it is not to be interpreted as requiring a totally equitable allocation based on past usage of fuel in a particular area. There are no implications such as that in the amendment, are there?

Mr. DOLE. There are no implications such as that as far as the Senator from Kansas is concerned. Quite to the contrary. The only things we seek to avoid are those rare occasions when there might be unreasonable discrimination among users or within classes of users. The answer to the question is in the affirmative. That is not the intent.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. DOMINICK. Do I understand this amendment is dealing in part with the allocation that has been made originally to private aircraft, private aviation, which now has been modified somewhat, but not very much.

Mr. DOLE. Yes, it does deal with that.

Mr. MAGNUSON. That would be included.

Mr. DOMINICK. That would be included.

Mr. MAGNUSON. This goes across the board.

Mr. DOLE. Not only aviation.

Mr. DOMINICK. It would take care of private aviation problems.

Mr. DOLE. I believe general aviation was generally satisfied with the action taken Saturday by the administration, because it did change the reduction for personal and pleasure flying from 50 to 35 percent, for business from 40 to 25 percent and for high priority cases, like air taxis and agricultural spraying from 20 to 15. It did put it in line with treatment of the commercial airlines. But this amendment offers another safeguard that there will be no further unreasonable discrimination between users in any class.

Mr. DOMINICK. I congratulate the Senator from Kansas, as I know full well, having a friend at Lear, how that company and Beechcraft would really have a problem in the private aviation field. I can talk from personal experience on this since I flew my personal airplane to Colorado over the Thanksgiving weekend and had a whale of a time getting enough gasoline, because of the allocation problem. At Dulles they gave me 30 gallons. I do not know how they thought I could get to Colorado on 30 gallons. Once I got away from Dulles I was all right, except for fields that were closed down entirely, where I could not get any at all, and there were plenty of those.

I think most people fail to understand the enormous influence of private aviation on the economy of this country, and if we over-allocate the shortage in their direction, we are really going to create a whale of a lot of problems.

If the Senator will permit, I would like to be added as a cosponsor of the amendment.

Mr. DOLE. Mr. President, I ask unanimous consent that the name of the Senator from North Dakota (Mr. BURDICK), the Senator from Colorado (Mr. DOMINICK), and the Senator from Alaska (Mr. STEVENS) be included as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so orderded.

Mr. DOMENICI. Mr. President, will the Senator add the name of the Senator from New Mexico as a cosponsor?

Mr. DOLE. Yes. I ask unanimous consent to include the name of the Senator from New Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that Senators ROTH, HOLLINGS, THURMOND, CANNON, COOK, PEARSON, and MAGNUSON be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I yield back my time on the amendment.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. EAGLETON. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment offered by Mr. EAGLETON for himself as follows:

At the end of bill, insert the following:

That the President is authorized and directed to issue such orders and regulations as may be necessary to reduce or stabilize insurance premiums for personal injury, property damage, and medical expense coverage in the automobile insurance industry in order to prevent or eliminate windfall profits by persons engaged in the business of issuing such insurance as a result of reduced casualty rates experienced by such persons attributable to Federal, State, or local official action pursuant to this Act, to section 203(a)(3) of the Economic Stabilization Act of 1970 or under any other provision of Federal, State, or local law authorizing the rationing, allocation, or conservation of petroleum products.

SEC. 2. Nothing in this Act shall be construed to authorize the President to prescribe an insurance rate or formula in any State which is in excess of that rate or formula prescribed under applicable State law.

Mr. EAGLETON. Mr. President, this is the antiwindfall insurance premium amendment. The energy crisis, a matter that has been debated at great length on the floor. Also has ramifications with respect to the insurance industry.

Unlike some amendments which have been debated on the floor, this amendment is perhaps the only silver cloud in an otherwise very gray and bleak horizon. As a result of the energy crisis, with reduced automobile speeds and reduced automobile usage, there will also be, happily, a concomitant reduction in automobile accidents and automobile deaths.

This is not just speculation on my part, Mr. President. Over the Thanksgiving Day holiday, Thursday through Sunday, 14 of the 50 States enforced a 50-mile-an-hour speed limit—only 14 out of 50—and even with only that small number of States enforcing the 50-mile speed limit, there was a 22.7-percent reduction in deaths and serious accidents over the Thanksgiving holiday.

I repeat, this may be the only happy thing, the only silver cloud, on an otherwise bleak horizon.

The National Safety Council has projected an overall 20- to 25-percent reduction in the number of fatalities based on just a 15-percent cut in gasoline production and the utilization of a 50-mile-an-hour speed limit.

Further, insurance premiums in the automobile liability field are geared to the death and accident rate. As accidents increase and the number of deaths increase, on an actuarial basis the premiums for one's automobile liability insurance automatically go up. Likewise, concomitantly, as the accident rate goes down, as the death rate goes down, insurance premiums should go down. I emphasize the word "should."

So what this amendment, the antiwindfall amendment, does is to give to the President authority similar to that which he has already been given under the Economic Stabilization Act, to issue orders and regulations as may be necessary to reduce or stabilize insurance premiums for personal injury, property damage, and medical expense coverage in the automobile insurance industry so as to prevent or eliminate windfall profits.

Mr. President, I submitted last week this proposal in bill form earlier. I sent the bill to the Secretary of Transportation and the automobile insurance industry. I did not expect an answer back in that short a period of time.

I think the authority proposed by this amendment to have the President stabilize insurance premiums will be very therapeutic in its effect, because it will encourage the insurance companies to reduce their premiums as the accident rates continue to decline.

Mr. President, may I address a question to the Chair as to whether there are time limits on all amendments?

The PRESIDING OFFICER. There is a 30-minute limit to each side.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. EAGLETON. I yield for a question.

Mr. COTTON. I am sure the object of the Senator's amendment is entirely logicaly and most praiseworthy, based as it is on the relationship between the reduction of speed of automobiles with fewer accidents and injuries, and effect of such reduction upon the rates for automobile insurance. And, if accident costs are reduced, then the insurance companies should not be able to continue to collect the same rates.

Mr. EAGLETON. That is correct.

Mr. COTTON. Since this amendment was not considered by the Commerce Committee, I would like to ask the Senator does he not think that if experience indicates—State by State—that there is a reduction in accidents and injuries, the insurance commissioners in such States can be depended upon to take steps to see to it that the companies do not get their windfall? I am a little worried about taking away from the States this authority and handing it to the President, as I understand the Senator's amendment proposes.

Mr. EAGLETON. May I respond to the Senator from New Hampshire by saying I think that is a very worthy question. I will answer it in this way: We have already in part taken this decision away from the States insofar as health and medical insurance is concerned. That area of insurance is already being regulated in part by the Cost of Living Council.

Further, the Senator is correct that, since the enactment of the so-called McCarran Act, these matters have traditionally been left to the States. However, I am not as sanguine as is the Senator from New Hampshire about what the insurance commissioner might do in my State or in some of the other States.

I will just speak of the State of Missouri. I can assure the Senator from New Hampshire that if we wait for the Commissioner of Insurance of the State of Missouri, it might be a very long wait.

Mr. COTTON. Mr. President, I would say to my good friend, the Senator from Missouri, that he said something possibly in seriousness and possibly in humor. However, our experience is greatly different from that of Missouri. We have a very aggressive insurance commissioner who has fought the insurance companies and has got the rates down. So perhaps we have had better experience than the State of Missouri.

However, it would seem to me that the people of the State of Missouri or the people of any other State, if the information were to come out in the paper as it already has in my State, that serious accidents and fatalities are declining because the laws are being obeyed, then the people would get real busy and see to it that action is taken in that State.

I am a little surprised in view of the developments in recent days and months that the State of Missouri is different from the State of New Hampshire.

I might say, somewhat facetiously, that if the Senator from Missouri would trust the President of the United States more than he would the Governor or the Lieutenant Governor or the people of the State of Missouri, then it is a vote of confidence for the President.

Mr. EAGLETON. My confidence in the President depends on the subject matter being considered.

The Senator will recall that on April 30 of this year, as part of the Economic Stabilization Act, I offered my amendment which gave the President the authority to go to gas rationing or mandatory fuel allocation or whatever. This amendment has not been implemented until recently.

The same situation would apply here, if the President is given this authority and he can exercise his discretion.

The Senator from New Hampshire has indicated that he believes the insurance commissioners would act. I say to the Senator from New Hampshire that the President of the United States could say to every insurance commissioner, "I have been given this authority to roll back insurance premiums. Before I precipitously do this, I urge you, since you have State jurisdiction over insurance premiums, to get moving on this in your own States."

Mr. MAGNUSON. Mr. President, this is an amendment that would do something that we all say ought to be done. We have been working for weeks and for months on this one feature of no-fault insurance.

We have the no-fault bill ready. The Judiciary Committee started hearings this morning. Senator EAGLETON's proposal would shortcut our well-thought-out bill.

American people pay more than $18 billion in premiums to the auto insurance companies every year. And the claims paid out amount to $8.4 billion. That cannot go on long. This is what the Commerce Committee has been working on.

The Senator knows the saying, "You are in good hands with Allstate. Give me your dollar, and now you have a chance at 50 cents." Las Vegas has better odds than that.

I commend the Senator for being concerned about this problem. However, I do not know why we want this provision on this bill and why we cannot wait to do the job we are going to do.

I have no objection to the idea. I do not know what my colleague, the Senator from New Hampshire, thinks. However, I would suggest the Senator change his amendment, to create a new title, title 1, title 2, or whatever it may be and then take out of the first line, "The President is authorized and directed * * *"

I do not intend to compliment the White House or predict what may happen down there. I do not care who the President of the United States might be. If we direct him to act on insurance matters, he would have to hire 85 accountants and 75 Philadelphia lawyers to get even started. This is not a job for any President, no matter who he may be.

If the Senator from New Hampshire is agreeable, I will take the proposal to conference and see what the House will do. However, I wish the Senator would take out the word "directed." That is very impractical.

I applaud the Senator. I know what he is talking about. And I think that the Senator should take out the word "directed" and say instead that the President is "authorized" to issue such orders. I just do not know how he could do this as a practical matter within the next few months.

This is a little like changing life insurance policies in the health field. Does the Senator know that the longevity of the American people has gone up some 17 years in the last 20 years? That is pretty good longevity.

I have often said that the life insurance companies should take that fact into consideration. That is similar to what the Senator is talking about for automobile insurance, but in a different way.

Mr. EAGLETON. Mr. President, if I may respond to the Senator from Washington, I can agree with much that he has said. However, I must dissent, at least in part. The Senator is correct that this country spends over $18 billion a year on auto premiums. If we wait for no-fault insurance to come and the Senator knows I have some misgivings about certain aspects of that——

Mr. MAGNUSON. I do not. It is my bill.

Mr. EAGLETON. I know that the Senator does not. However, if we wait for the ultimate passage of the no-fault bill, we may have a long wait.

I do not think that is going to come about in the next few months. What I am anxious to have is an immediate reduction in insurance premiums based on today's actuarial statistics. Automobile accidents are going down. That is good. Deaths and highway fatalities are going down. That is good.

Mr. MAGNUSON. Well, they have not gone down——

Mr. EAGLETON. I do not think we should wait until some rather vague, amorphous date, for the enactment of no-fault, to begin to give the American people what is their just due. And what is their just due? A refund or a rebate of excessive insurance premiums.

I do have a suggestion with respect to language which I hope will satisfy the Senator from Washington, as follows: Rather than saying "The President is authorized and directed", I would say "The President is authorized and directed to begin preparations to issue."

This will permit the President to get a game plan in being. He does not have to issue an edict tomorrow, but we will give him authority to begin preparations.

Mr. MAGNUSON. Mr. President, I do not think any President should be put into the insurance business. I think the Senator is going at it in an improper way. I do not share the pessimism of the Senator from Missouri about no-fault. No-fault is an idea whose time has come, and it is going to be here before we finish this Congress.

Mr. EAGLETON. That might be a year from now.

Mr. MAGNUSON. All right, but we are going at it in the regular way.

Mr. EAGLETON. For that calendar year, the automobile insurance companies of this country will be collecting a windfall bonanza.

Mr. MAGNUSON. If you relate it to the energy crisis, then you may have a point.

Mr. EAGLETON. That is the whole thrust of the amendment.

Mr. MAGNUSON. But for the permanent business of setting rates in the insurance field, I do not think the States would allow that, No. 1, and I do not believe any executive——

Mr. EAGLETON. The amendment refers to the energy crisis, to eliminate windfall profits during these times.

Mr. MAGNUSON. The Senator has no time limitation on it. When does the energy crisis end?

Mr. EAGLETON. The basic time limitation on the bill to which I am trying to attach the amendment is 2 years; is that correct?

Mr. MAGNUSON. On daylight saving.

Mr. EAGLETON. That is the bill to which we are offering it.

Mr. MAGNUSON. But it does not say 2 years here.

Mr. EAGLETON. Well, the energy crisis, I daresay, will not be resolved in 2 years.

Mr. MAGNUSON. But there ought to be some time limitation. We might be better off to have Federal liability insurance, and set up a whole new agency and let them sell it.

Mr. EAGLETON. I think, as a practical matter, the time limitation itself might well be the enactment of the no-fault bill, whenever or if ever that comes about.

Mr. MAGNUSON. There is not in this amendment any time limitation at all.

Mr. EAGLETON. Would the Senator feel better with the words "begin preparations to issue"?

Mr. MAGNUSON. I do not think the amendment belongs on this bill.

Mr. EAGLETON. I might point out to the Senator from Washington that his FCC amendment did not technically belong on this bill, either.

Mr. MAGNUSON. Oh, yes, it did. That dealt with the impact of daylight saving time on radio station operations.

Mr. EAGLETON. The amendment dealt with modification of FCC regulations.

Mr. MAGNUSON. That was the only way you could handle it.

Mr. EAGLETON. And the insurance companies work on actuarial statistics and actuarial risks.

Mr. MAGNUSON. Well, it depends on who is the actuary.

Mr. EAGLETON. Mr. President, I ask unanimous consent to amend my amendment, on line 1 of the operative language thereof, by inserting, after the word "directed" the words "to begin preparations," so that the amendment would read "directed to begin preparations to issue."

The PRESIDING OFFICER. The Senator has a right to modify his amendment, and it is so modified.

Will the Senator send his modification to the desk?

Mr. EAGLETON. I send my modification to the desk, modified to include the words "to begin preparation."

Mr. EAGLETON's amendment, as modified, is as follows:

At the end of bill, insert the following:

That the President is authorized and directed to begin preparations to issue such orders and regulations as may be necessary to reduce or stabilize insurance premiums for personal injury, property damage, and medical expense coverage in the automobile insurance industry in order to prevent or eliminate windfall profits by persons engaged in the business of issuing such insurance as a result of reduced casualty rates experienced by such persons attributable to Federal, State, or local official action pursuant to this Act, to section 203(a)(3) of the Economic Stabilization Act of 1970 or under any other provision of Federal, State, or local law authorizing the rationing, allocation, or conservation of petroleum products.

SEC. 2. Nothing in this Act shall be construed to authorize the President to prescribe an insurance rate or formula in any State which is in excess of that rate or formula prescribed under applicable State law.

Mr. EAGLETON. Mr. President, I am prepared to yield back the remainder of my time. Because I think this matter is of some significance, I am going to ask for the yeas and nays.

Mr. President, I ask for the yeas and nays.

Mr. MAGNUSON. Wait a minute, I have not yielded back my time.

Mr. EAGLETON. No, I said I was asking for the yeas and nays.

The yeas and nays were not ordered.

Mr. MAGNUSON. I suggested to the Senator he could amend the amendment to have a new title, and take out the word "directed". He did not seem to want to do that.

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. EAGLETON. Mr. President, I am prepared to yield back the remainder of my time on the amendment.

Mr. MAGNUSON. Mr. President, I want to ask the Senator from Missouri again what he considers would be the duration of his amendment, so we will have a legislative record on it.

Mr. EAGLETON. The duration of this amendment, Mr. President, would be geared to the duration of the Economic Stabilization Act. If that act were extended, this authority would likewise be extended.

Mr. MAGNUSON. Then, as of now, it would go until April 30?

Mr. EAGLETON. If the Economic Stabilization Act is not renewed and thus expires on April 30, so would this authority.

Mr. MAGNUSON. And if the Economic Stabilization Act was extended for a year or 2 years——

Mr. EAGLETON. This would automatically be extended.

Mr. MAGNUSON. This would go along with it?

Mr. EAGLETON. Yes, sir, the Senator is correct.

Mr. MAGNUSON. Mr. President, I do not think we need a rollcall. With the modification, as far as I am concerned, we can accept it and take it to conference.

Mr. EAGLETON. The yeas and nays on a rollcall vote have been ordered, so I would prefer to go ahead with the rollcall vote.

Mr. MAGNUSON. Oh, well now——

Mr. EAGLETON. I would—sorry.

The PRESIDING OFFICER (Mr. Burdick). Do Senators yield back their time?

Mr. EAGLETON. A rollcall has been ordered. I am prepared to yield back my time, and so do, Mr. President.

The PRESIDING OFFICER. Does the Senator from Washington yield back his time?

The Chair repeats, does the Senator from Washington yield back his time?

Mr. PASTORE. Mr. President. I should like to ask a question. What is this amendment all about?

Mr. MAGNUSON. This amendment—let the Senator from Missouri—well, I will explain it to the Senator. This is an amendment that says the President shall roll back insurance rates if the gasoline rationing and the energy crisis reduces accidents, and that the President shall develop regulations that shall go into effect in the event the insurance companies do not voluntarily reduce premiums as the reductions in auto accidents occur. This is the same thing as "no-fault" in a sense. The Senator modified his amendment. He first said that the President is authorized and directed to issue such orders, and he has taken that out and now it says, "shall make preparations"—is that correct?

Mr. EAGLETON. The Senator is correct. The President is directed to make preparations to issue—to begin preparations.

Mr. MAGNUSON. To begin preparations to roll back insurance premiums because we will drive less and maybe we will have fewer automobile accidents. That is what it means, but I have suggested that it is not appropriate because we have a Federal "no-fault" insurance bill pending which does the same thing.

Mr. PASTORE. Will the manager of the bill admit that it would have his support in the conference which would do a lot more good than a rollcall vote?

I would not want to see the manager of the bill weaken his position on the bill on such a noble amendment. I am sure the Senator from Missouri would reconsider, and leave his confidence in the hands of the distinguished manager of the bill. I would rather repose it there than repose it in the White House, to be truthful about it.

Mr. EAGLETON. In answer to the Senator from Rhode Island, this is not meant as any disrespect to the Senator from Washington. This is a matter of some considerable significance. The Senator from Washington says the premium rates are $18 billion a year. The National Safety Council estimates that accidents can be cut 20 to 25 percent. Such a cut would reduce premiums by $3.6 billion. Therefore, I think this is a matter on which the Senate should express itself in a rollcall. This will not hamper the Senator from Washington——

Mr. PASTORE. But we will have the Record to show by a voice vote that it was unanimous and we will indicate that, but we leave the judgment up to the acumen of the distinguished manager of the bill.

Mr. EAGLETON. We could have had our rollcall vote in all the time it has taken for this colloquy on the question of a rollcall.

Mr. PASTORE. Oh, no. That really takes a long time.

Mr. EAGLETON. Mr. President, I ask unanimous consent that this be a 10-minute rollcall vote.

Mr. PASTORE. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator from Washington yield back his time?

Mr. MAGNUSON. Yes, Mr. President, I yield back my time. I think I understand the amendment. I am compelled to vote no. The Senator from Missouri is, I think, putting us in a position, those who have worked so long and so hard on this matter, which is not quite fair, in my opinion. Until we can get at auto insurance properly, I am compelled to vote no. After years and years of work—long before the Senator from Missouri was even around here, I have been working for insurance reform and we are getting it accomplished despite the energy crisis.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri (Mr. Eagleton).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. Fulbright), the Senator from Colorado (Mr. Haskell), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), the Senator from Mississippi (Mr. Stennis), the Senator from Georgia (Mr. Talmadge), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. McGovern) and the Senator from Rhode Island (Mr. Pell) are absent on official business.

I also announce that the Senator from Missouri (Mr. Symington) is absent because of illness.

Mr. HUGH SCOTT. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Michigan (Mr. Griffin), and the Senator from Illinois (Mr. Percy) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) is absent by leave of the Senate on official business.

The Senator from Nebraska (Mr. Curtis) is absent by leave of the Senate.

The Senator from Oregon (Mr. Packwood) is absent on official business.

Also, the Senators from Maryland (Mr. Beall and Mr. Mathias) and the Senator from Utah (Mr. Bennett) are necessarily absent.

If present and voting, the Senator from Illinois (Mr. Percy) would vote "nay."

The result was announced—yeas 15, nays 64, as follows:

[No. 554 Leg.]

YEAS—15

Abourezk
Brooke
Byrd, Robert C.
Case
Clark
Cranston
Eagleton
Hart
Hathaway
Huddleston
Kennedy
Mansfield
Mondale
Muskie
Schweiker

NAYS—64

Aiken
Allen
Bartlett
Bayh
Bellmon
Bentsen
Bible
Biden
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Cannon
Chiles
Church
Cook
Cotton
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Gravel
Gurney
Hansen
Hartke
Hatfield
Helms
Hollings
Hruska
Humphrey
Jackson
Javits
Johnston
Long
Magnuson
McClellan
McClure
Metcalf
Montoya
Moss
Nelson
Nunn
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stevens
Stevenson
Taft
Thurmond
Tower
Tunney
Weicker
Young

NOT VOTING—21

Baker
Beall
Bennett
Curtis
Fulbright
Goldwater
Griffin
Haskell
Hughes
Inouye
Mathias
McGee
McGovern
McIntyre
Packwood
Pell
Percy
Stennis
Symington
Talmadge
Williams

So Mr. Eagleton's amendment was rejected.

AMENDMENT NO. 754

Mr. BAYH. Mr. President, I call up my amendment No. 479.

The PRESIDING OFFICER (Mr. Harry F. Byrd, Jr.). The amendment will be stated.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will not proceed until the Senate comes to order.

The Chair inquires of the Senator from Indiana whether he means amendment No. 754?

Mr. BAYH. I am sure that is what the Senator from Indiana meant. I appreciate the Presiding Officer correcting me.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

At the appropriate place, insert the following:

Sec. . Notwithstanding any other provision of law, the head of any department, agency, or instrumentality of the Federal Government is directed to negotiate and seek in good faith to enter into an agreement with any contractor of that department, agency, or instrumentality for the purpose of modifying the provisions of any contract between the department, agency, or instrumentality and such contractor if the head of that department, agency, or instrumentality determines that—

(1) the contractor's ability to perform the contract in a timely manner during a period of nationwide energy emergency is materially impaired by a shortage of petroleum, petroleum products, or other energy-producing material beyond the control of such contractor; and

(2) a modification of such contract is not inconsistent with the national interest.

The PRESIDING OFFICER. The Senate will delay until the Senate comes to order. The Senate is wasting a lot of time.

Mr. BAYH. Mr. President, the hour is late. I have discussed this amendment with the distinguished Senator from Washington as well as the distinguished Senator from New Hampshire, and I understand that they are in concurrence with it. Instead of getting involved in a long-winded explanation, let me just read the amendment.

Mr. MAGNUSON. Mr. President, I have discussed this amendment not only with the Senator from Indiana but also with my counterpart on the Republican side, and I am willing to take it to conference.

The PRESIDING OFFICER. The Senator from Virginia asks that the amendment be read.

The assistant legislative clerk read as follows:

At the appropriate place, insert the following:

Sec. . Notwithstanding any other provision of law, the head of any department, agency, or instrumentality of the Federal Government is directed to negotiate and seek in good faith to enter into an agreement with any contractor of that department, agency, or instrumentality for the purpose of modifying the provisions of any contract between that department, agency, or instrumentality and such contractor if the head of that department, agency or instrumentality determines that—

(1) the contractor's ability to perform the contract in a timely manner during a period of nationwide energy emergency is materially impaired by a shortage of petroleum. Petroleum products, or other energy-producing material beyond the control of such contractor; and

(2) a modification of such contract is not inconsistent with the national interest.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

Mr. COOK. Mr. President, I send to the desk an amendment on behalf of myself, Senators Fong, Huddleston, and Stevenson.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will not proceed until the Senate comes to order. The Senate has wasted at least 10 to 15 minutes tonight by refusing to be in order.

The amendment will be stated.

The assistant legislative clerk read as follows:

On page 5 between lines 14 and 15 insert the following:

However any state with parts thereof in more than one time zone, and any state that lies entirely within one time zone and is not contiguous to any other state, may by law exempt the entire area of the state lying within one time zone from the operation of this subsection.

Mr. COOK. Mr. President, it is my understanding that the language of this amendment is now acceptable. I might say it has been my effort all day long to try to get some language that would allow States to opt out of this program if they wished to do so, and particularly States that find themselves in the position of being divided by time zones. I refer to my State of Kentucky, and the States of Texas, North Dakota, South Dakota, Utah, Arizona, Michigan, Tennessee, Alaska, Hawaii, Indiana, and Florida.

I explained earlier that the unfortunate part about this so-called energy saving bill is that in States found on the western edges of the time zones increased rather than decreased amounts of energy will be consumed. Under the present language of the bill, if daylight saving time becomes year-round a State cannot opt between one time or the other. Without the language of my amendment in it, Louisville, Ky., which is my home between the 1st of January and the 10th of January will formally and legally have sunrise at 9 o'clock in the morning, and thereafter for the next 10 days we will be fortunate because it will be at 8:59.

That will raise havoc with our school systems. We cannot send our children to school later unless we are going to burn more energy because we will be putting those buses on the road when traffic is returning home and at which time it will take an hour to an hour and 15 minutes longer than usual, with traffic stopping while the buses let the children off at the bus stops.

This is an option that States can exercise. However, there is only one option within the confines of the bill; whether a State will opt out in order to take advantage of the time situation in the eastern or western part of the State.

I address my remarks on this energy saving daylight savings time bill today, specifically to the Senators of Texas, North Dakota, South Dakota, Utah, Arizona, Michigan, Tennessee, Alaska, and Hawaii because all or part of each of these States will be drastically affected by this bill.

The ostensible purpose of S. 2702 as written is to have the entire Nation share in the energy problem by adopting year-around daylight savings time, thereby saving electricity. However, this bill will not accomplish this aim as far as the aforementioned States are concerned. Although the bill is written with the intent of conserving energy—which may well be accomplished on the East Coast—my State and others with areas lying on the western fringes of time zones will actually use increased amounts of energy. Thus, Kentucky's schoolchildren and its farmers are placed in a situation which will result in the consumption of more energy rather than the conservation of this increasingly precious commodity. In effect, the very object of the bill is thwarted when it comes to a geographical situation like Kentucky. As Kentucky is located 700 miles west of the Atlantic seaboard, there is no sun at the earlier times which means increased use of energy in schools, farm buildings, homes, and factories.

I should also like to point out that darkness presents increased hazards for early morning drivers. As we all know, on a percentage basis dawn and dusk periods produce the highest automobile accident rates. Now with this time imposition the driver is confronted with added hazards of increased early morning ice, sleet, fog, and snow during the winter months. As I said in the recent hearings on this bill, I would not want the situation as it exists today to somehow stampede us into a permanency that we really might well regret some day.

Unfortunately, we seem to look at things relative to New York and relative to Los Angeles and relative to the major metropolitan areas where most of us come from. I do not think that we fully realize the significance of school buses picking up children at 6:15 in the morning when the Sun really does not come up until after 7 o'clock; or of a farmer going out to milk cows an hour earlier to meet the urban markets.

I think we should all share in a crisis when it does occur, but I do not think we should utilize that crisis to accomplish something that we know many people in the United States are violently opposed to and which has a direct effect on their operations in the economic system, their ability to produce, and their ability to meet urban market demands and schedules. Many people in the United States who live on the western fringe of a time zone dread, fear, and resent such controls as this bill in its present form seeks to impose.

What we need is a reorientation of time zones and/or the right to an exemption due to a particular geographical location. And, therefore, in order to properly accomplish these aims we need to reestablish the State options as originally contained in Chairman Magnuson's bill.

Therefore, I offer the amendment which allows for State option thereby allowing those States which would, in effect, be using increased energy under the bill in its present form to opt out.

Mr. PASTORE. Mr. President, this matter came up before the committee and the Senator from Kentucky was very persuasive. His State has a very special problem which needs particular attention. This is a fine amendment and there should be no doubt about its acceptance. I hope the Senate agrees to the amendment.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. COTTON. Mr. President, I would like to say that for many months—in fact for the last few years—the Senator from Kentucky has been most faithful to the interests of his people. He has worked long and hard to rectify a situation which clearly works a hardship on at least a part of the State of Kentucky and perhaps the entire State. The Senator has left no stone unturned. As a member of the Committee on Commerce, I can testify to the fact that his people have every reason to be grateful to him for his faithfulness and persistence in this matter. He is now showing a very fine spirit in presenting an amendment to take care of the situation.

I congratulate the Senator from Kentucky (Mr. Cook) on the constructive work he has done on this matter and the way he has persisted in the cause of his people. I hope the Senate accepts the amendment. We will not just take it to conference but will do all to see that the amendment is adopted in conference.

Mr. MAGNUSON. Mr. President, the Senator from New Hampshire has stated the situation very well. I suggest that we are very grateful to the Senator from Kentucky for helping all of us work out a serious problem. I am sure the Senator from New Hampshire will agree that when we get to conference we will do our best to retain the amendment.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. STEVENS. Mr. President, the modification of the amendment states that any State "may by law exempt the entire area of the State lying within one time zone from the operation of this subsection."

There is no attempt to exempt more than one time zone, is there?

Mr. COOK. No. The language deals with States not contiguous to any other State and it is stated specifically for the States of Alaska and Hawaii, so that the situation there can be resolved and handled the way they wish to do it. Basically those are the only two States within the framework of this language that can opt for standard time if they wish to do so, because they are not contiguous to another State.

Mr. STEVENS. But the implication is we can only exempt one time zone.

Mr. COOK. If there is more than one time zone in the Senator's State, he may exempt all those time zones.

Mr. FONG. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. FONG. I would like to ask a question. This bill will go into effect as soon as we pass it. What happens between now and the time the legislature goes into session.

Mr. COOK. When does the Senator's State legislature go into session?

Mr. FONG. Around the latter part of January. Could we have language here that would take care of that situation?

Mr. COOK. In the language that follows this sentence, the Governor of the Senator's State, and the Senator as a Member of the Senate, and the State delegation could petition the President pursuant to the language we have in the bill saying you have assurance from your Governor or you have assurance from your legislature that they will take action, and the President has authority to exempt you prior to this act taking effect.

Mr. FONG. With that explanation I am satisfied.

I rise in support of Senator Cook's amendment.

My State of Hawaii during World War II, under martial law, had almost 4 years of daylight saving time by order of the military governor from February 9, 1942, to September 30, 1945.

May 19, 1947, Hawaii modified its standard time and accepted a permanent one-half hour of daylight saving time. This placed Hawaiian clocks permanently 30 minutes ahead of the Sun. And, it permanently established a 2-hour differential between Hawaiian standard time and Pacific standard time during the winter and a 3-hour differential during the summer when daylight saving time is in effect on the Pacific coast. This time schedule has been in effect ever since.

This schedule through the years has proven ideal for maximum use of daylight hours, for maximum energy conservation, for public safety, and for mainland-Hawaii time-zone travel convenience.

In addition, Hawaii's cultural patterns include early rising for nearly all segments of island society. Except for our tourists who enjoy the pleasures of Waikiki, our agricultural workers are up before dawn, our State government offices begin work at 7:45 a.m.; shipyard workers start between 6:30 and 7 a.m. We are a people who are truly "early to rise and early to bed."

We already have a 30-minute de facto daylight saving time. To impose an additional hour of daylight saving would not conserve major energy resources in Hawaii but merely transfer energy use from night to morning hours.

In the interest of efficiency, rather than go through the process of a proclamation of the Governor and then a Presidential grant of an exception, I believe extending to the winter—October to April—period the same system of State action to obtain an exemption as we now have available for the summer—April to October—period would be more preferable. However, with the explanation of the senior Senator from Kentucky, for the first period, as a matter of expediency, it may be necessary for us to resort to a Presidential exemption pending Hawaii's Legislature convening in January 1974, and enacting the necessary legislation to exempt Hawaii from daylight saving time.

Several Senators. Vote! Vote!

The PRESIDING OFFICER. The Senate will be in order. The Senator from Kentucky has the floor.

Mr. COOK. Mr. President, I ask unanimous consent to have printed in the Record an editorial from the Courier-Journal, Louisville, Ky.

There being no objection, the material was ordered to be printed in the Record, as follows:

A Simple Way To Beat Fast Time

Year-round daylight saving time now appears to be inevitable. A bill forcing the nation to set clocks ahead one hour has passed the House, and the Senate is expected to act on a companion bill today. President Nixon's signature is assured, and the clocks could be set forward an hour before Christmas.

The valid complaints—made by Kentucky's Senator Marlow Cook and others—that people living at the western fringes of the eastern time zone will suffer unduly from the extra hour of darkness in the morning have been brushed aside in favor of the advantage to the whole nation of an estimated one per cent saving in energy and the psychological effect that this "crisis legislation" could have. All that Kentuckians can hope for now is some local mitigation of the worst aspects of "fast time."

THE DARKNESS SCHOLARS

The problem that appears to be most acute concerns children walking to school or waiting at bus-stops in deep darkness. It's one that we face every fall, as the summer daylight saving time extends into late October; in December and January the situation is bound to be even worse. As schools which have been on double sessions know, children can get to and from school in darkness safely, even though it may not be very desirable, especially for the younger ones. But if there is a way to avoid such hazards, most parents and school administrators would prefer it.

One possible escape route might be found in the federal legislation. The House bill would permit states divided by a time zone boundry, such as Kentucky and Indiana, to exempt the most eastern of the two zones from fast time, so that both parts of the state would then be on the same time schedule. The only exemption provision that the Senate bill contained when it came out of committee was for a governor to petition the President to exempt his state because of undue hardship. Either way, it could take time for the exemption to take effect; to benefit from the House loophole, Kentucky would have to wait for the General Assembly to meet in January. And putting the eastern half of Kentucky out of step with the eastern time zone would undoubtedly cause complications in many business and commercial schedules.

A more flexible approach would be to change school operating hours. Nothing in the state Constitution requires schools to be open only between the hours of 8 a.m. and 3 p.m. Bell County, where many children have long walks down mountain hollows just to get to the school buses, switched to a 9 a.m. to 4 p.m. schedule for the last few weeks of this year's daylight saving time. Some complaints were heard, especially from those who dropped off children or school-teacher spouses at school while enroute to work. But the problems were minor and the experience was generally favorable.

Such a solution might not necessarily work everywhere. In the Louisville school district, for example, where public transport takes the place of school buses and where more dislocations of working parents' arrangements would be likely, later hours might not be feasible. But the flexibility of this solution—leaving it to individual school boards to make their own decisions for their own districts—has much to recommend it. In each district, too, the length of time that the changed hours remain in effect could be varied according to local needs.

It still has to be proved that daylight saving time is going to ease our energy problems significantly. But the only way to find out is to try it. There's no reason, however, why Kentuckians should have to put up with all the disadvantages such a changeover would bring, particularly when the remedies are as simple as starting school an hour later.

Mr. COOK. Mr. President, this is not the language I would have liked and the Senator from Washington knows it. The Senator from Washington started on the basis that really and truly the State should have the option to decide if it wanted to opt or not. This Senator has come to the realization that every State has to make a sacrifice if under this bill it is proven this will save energy. Therefore, the best I could hope for was a method by which the section of my State which is in the eastern time zone could opt out if its legislature desires to join the western part so they could all be in the same time zone and we could seek to be under standard time, and the eastern section would be under standard time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that H.R. 11324, a bill similar to the pending measure, be laid before the Senate and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 11324) to provide for daylight saving time on a year-round basis for a two-year trial period, and to require the Federal Communications Commission to permit certain daytime broadcast stations to operate before local sunrise.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill, H.R. 11324.

Mr. MAGNUSON. Mr. President, I move to strike out all after the enacting clause of the bill, H.R. 11324, and insert in lieu thereof the language of S. 2702 as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CHILES (when his name was called). On this vote I have a pair with the distinguished Senator from Georgia (Mr. Talmadge). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. Fulbright), the Senator from Colorado (Mr. Haskell), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), the Senator from Mississippi (Mr. Stennis), the Senator from Georgia (Mr. Talmadge), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. McGovern) and the Senator from Rhode Island (Mr. Pell) are absent on official business.

I also announce that the Senator from Missouri (Mr. Symington) is absent because of illness.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pell), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), and the Senator from New Hampshire (Mr. McIntyre) would each vote "yea."

Mr. HUGH SCOTT. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Michigan (Mr. Griffin), and the Senator from Illinois (Mr. Percy) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) is absent by leave of the Senate on official business.

The Senator from Nebraska (Mr. Curtis) is absent by leave of the Senate.

The Senator from Oregon (Mr. Packwood) is absent on official business.

Also, the Senators from Maryland (Mr. Beall and Mr. Mathias) and the Senator from Utah (Mr. Bennett) are necessarily absent.

If present and voting the Senator from Maryland (Mr. Beall) and the Senator from Illinois (Mr. Percy) would each vote "yea."

The result was announced—yeas 68, nays 10, as follows:

[No. 555 Leg.]

YEAS—68

Abourezk
Aiken
Bartlett
Bayh
Bellmon
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Burdick
Byrd,
Harry F., Jr.
Cannon
Case
Church
Clark
Cook
Cotton
Cranston
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Gravel
Gurney
Hansen
Hart
Hartke
Hatfield
Hathaway
Hollings
Hruska
Humphrey
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
McClellan
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott,
William L.
Sparkman
Stafford
Stevens
Stevenson
Thurmond
Tower
Tunney
Weicker
Young

NAYS—10

Allen
Byrd, Robert C.
Dole
Helms
Huddleston
Mansfield
McClure
Nunn
Saxbe
Taft

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Chiles, for

NOT VOTING—21

Baker
Beall
Bennett
Curtis
Fulbright
Goldwater
Griffin
Haskell
Hughes
Inouye
Mathias
McGee
McGovern
McIntyre
Packwood
Pell
Percy
Stennis
Symington
Talmadge
Williams

So the bill (H.R. 11324) was passed.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the bill, H.R. 11324, be printed in the Record as passed.

The PRESIDING OFFICER (Mr. Harry F. Byrd, Jr.). Without objection, it is so ordered.

The bill H.R. 11324 as passed is as follows:

H.R. 11324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Daylight Saving Time Energy Conversation Act of 1973".

Sec. 2. The Congress hereby finds and declares—

(a) that the United States faces severe energy shortages, especially in the winter of 1973–1974 and in the next several winters thereafter;

(b) that various studies of governmental and nongovernmental agencies indicate that year-round daylight saving time would produce an energy saving in electrical power consumption;

(c) that daylight saving time may yield energy savings in other areas besides electrical power consumption;

(d) that year-round daylight saving time could serve as an incentive for further energy conservation by individuals, companies, and the various governmental entities at all levels of government, and that such energy conservation efforts could lead to greatly expanded energy savings and help meet the projected energy shortages, and that such energy conservation efforts could include but not be limited to such actions as:

(1) lowering office, home, and store thermostats several degrees;

(2) limiting unnecessary automobile travel and holding down the speed of necessary automobile travel;

(3) using energy efficient automobiles;

(4) using public transportation whenever possible;

(5) turning off office air-conditioners and heating plants an hour earlier in the afternoon; and

(6) limiting unnecessary use of electric lights;

(e) that the use of year-round daylight saving time could have other beneficial effects on the public interest, including the reduction of crime, improved traffic safety, more daylight outdoor playtime for the children and youth of our Nation, greater utilization of parks and recreation areas, expanded economic opportunity through extension of daylight hours to peak shopping hours and through extension of domestic office hours to periods of greater overlap with the European Economic Community; and

(f) that the emergency nature of an energy shortage in the winters of 1973–1974 and 1974–1975 require the temporary enactment of daylight saving time for the winter months.

SEC. 3. Section 3 of the Uniform Time Act of 1966 (15 U.S.C. 260a) is amended by—

(a) amending subsection (a) thereof by striking out all after the semicolon and inserting the following in place thereof: "however,

"(1) any State that lies entirely within one time zone may by law,

"(A) exempt itself from the provisions of this subsection providing for the advancement of time, but only if that law provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable during that period, or

"(B) provide that the standard time observed during the entire year shall be the standard time of such zone for the purposes of the Act of March 19, 1918, as amended, advanced by one hour, but only if that law provides that the entire State (including all political subdivisions thereof) shall observe such standard time advanced by one hour; and

"(2) any State with parts thereof in more than one time zone may by law,

"(A) exempt either the entire State as provided in (1)(A), or may exempt the entire area of the State lying within any time zone, or

"(B) provide that the standard time observed during the entire year within the entire State shall be advanced by one hour as provided in (1)(B), or provide that the standard time observed for the entire year within the entire area of the State lying within any time zone shall be advanced by one hour."

(b) redesignating subsections "(b)" and "(c)" thereof as subsections "(c)" and "(d)" thereof respectively; and

(c) inserting a new subsection (b) as follows:

"(b) During the period which commences at 2 o'clock antemeridian on the fourth Sunday after the date of enactment of this subsection and which ends at 2 o'clock antemeridian on the last Sunday of April 1974, and during the period which commences at 2 o'clock antemeridian on the last Sunday of October 1974 and which ends at 2 o'clock antemeridian on the last Sunday of April 1975, the standard time of each zone established by the Act of March 19, 1918, as amended (15 U.S.C. 261–265), shall be advanced by one hour. Such time, as so advanced, shall be the standard time of such zone during each such period for the purposes of the Act of March 19, 1918, as amended (15 U.S.C. 261–265). The provisions of clauses (1) and (2) of subsection (a) of this section shall not apply to this subsection.

However any State with parts thereof in more than one time zone, and any State that lies entirely within one time zone and is not contiguous to any other State, may by law exempt the entire area of the State lying within one time zone from the operation of this subsection. Notwithstanding any other provision of law, if a State, by proclamation of its Governor, makes a finding prior to the commencement of a period of advanced time under this subsection that an exemption from the operation of this subsection or a realinement of time zone limits is necessary to avoid undue hardship or to conserve fuel in such State or part thereof, the President may grant an exemption or realinement to such State."

SEC. 4. The Secretary of Interior shall (1) make an investigation and study for the purpose of determining the amount of energy in its various forms which is conserved as a result of the extension of daylight saving time pursuant to this Act, and (2) in coordination with the Secretary of Transportation, review the appropriateness of the limits of each standard time zone, and (3) report the results of such investigation and study, together with his recommendations and those of the Secretary of Transportation, with regard to the present limits of time zones, to the President and the Congress not later than June 30, 1975.

SEC. 5. Notwithstanding any other provision of law, the President of the United States, his delegate, or any other department, agency, or instrumentality of the United States, shall take no action, involving the carrying out of any emergency energy rationing or conservation program, involving the allocation of refined petroleum products among users, or involving restrictions on amounts thereof which may be sold to users, which would result in unreasonable discriminations among such users or classes of users, or in an unreasonable classification of such users: *Provided, however,* That this section shall not apply to actions taken under the authority of the Defense Production Act of 1950 as amended.

SEC. 6. Notwithstanding any other provision of law, the head of any department, agency, or instrumentality of the Federal Government is directed to negotiate and seek in good faith to enter into an agreement with any contractor of that department, agency, or instrumentality for the purpose of modifying the provisions of any contract between that department, agency, or instrumentality and such contractor if the head of that department, agency, or instrumentality determines that—

(1) the contractor's ability to perform the contract in a timely manner during a period of nationwide energy emergency is materially impaired by a shortage of petroleum, petroleum products, or other energy-producing material beyond the control of such contractor; and

(2) a modification of such contract is not inconsistent with the national interest.

SEC. 7. The Secretary of Interior, in coordination with the Secretary of Transportation shall investigate the effect of this Act upon traffic safety, including the safety of children traveling to and from school and shall investigate the effect on the hour for opening of schools and shall make an interim report, such report to include the estimated savings of energy and the total effect of this Act, to the President and Congress not later than June 30, 1974.

SEC. 8. Notwithstanding any other law or any regulation issued under any such law, the Federal Communication Commission shall, consistent with any existing treaty or other agreement, make such adjustment by general rules, or by interim action pending such general rules, with respect to hours of operation of daytime standard amplitude modulation broadcast stations, as may be consistent with the public interest, including the public's interest in receiving interference-free service. Such general rules, or interim action, may include variances with respect to operating power and other technical operating characteristics. Subsequent to the adoption of such general rules, they may be varied with respect to particular stations and areas because of the exigencies in each case.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the secretary of the Senate be authorized to make technical and clerical corrections on the enrollment of H.R. 11324.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that Calendar Order No. 479, S. 2702, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. PASTORE, Mr. MAGNUSON, Mr. STEVENSON, Mr. COTTON, and Mr. STEVENS conferees on the part of the Senate.

ORDER FOR TIME LIMITATION ON DEBATE ON FOREIGN AID CONFERENCE REPORT, S. 1443

Mr. ROBERT C. BYRD. Mr. President, the following unanimous-consent agreement has been cleared with the distinguished manager of the conference report on foreign aid and with the distinguished ranking minority member of the committee, the Senator from Vermont (Mr. AIKEN), and with the leadership on the other side of the aisle. I am authorized by the distinguished majority leader to make the request.

Ordered, That, during the consideration of the conference report on S. 1443, the foreign aid bill, debate thereon be limited to 2 hours, to be equally divided and controlled by the distinguished manager of the conference report, the Senator from Minnesota (Mr. HUMPHREY), and the distinguished Senator from Vermont (Mr. AIKEN).

Ordered further, That, debate on any motions or appeals relating to the conference report be limited to 20 minutes, to be equally divided and controlled by the manager of the conference report and the mover thereof.

Ordered further, That, should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided and controlled by the manager of the conference report and the Senator from Vermont, and should any motion be made to instruct the conferees before the conferees are named, any debate on any such motion shall be limited to one-half hour, to be equally divided and controlled by the mover of such and the manager of the conference report, and debate on any amendments to any such instructions shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the conference report. In all cases, when the manager of the conference report is in favor of a motion or appeal or amendment, the time in opposition shall be under the control of the minority leader or his designee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER FOR ADJOURNMENT TO 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS GRIFFIN AND MANSFIELD, FOR TRANSACTION OF ROUTINE MORNING BUSINESS, AND FOR CONSIDERATION OF CONFERENCE REPORT ON FOREIGN AID AUTHORIZATION ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, the distinguished minority whip, the Senator from Michigan (Mr. GRIFFIN), be recognized for not to exceed 15 minutes, that he be followed by the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), for not to exceed 15 minutes; after which there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements made therein limited to 3 minutes; at the conclusion of which the Senate proceed to the consideration of the conference report on the foreign aid bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ENERGY RESEARCH AND DEVELOPMENT ACT OF 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at this time the Senate proceed to the consideration of S. 1283, with the understanding that there be no action on this bill tonight.

The PRESIDING OFFICER. The clerk will report the bill by title.

The second assistant legislative clerk read as follows:

> Calendar No. 567 (S. 1283), a bill to establish a national program for research, development, and demonstration in fuels and energy and for the coordination and financial supplementation of Federal energy research and development; to establish development corporations to demonstrate technologies for shale oil development, coal gasification development, advanced power cycle development, geothermal steam development, and coal liquefaction development; to authorize and direct the Secretary of the Interior to make mineral resources of the public lands available for said development corporations, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "National Energy Research and Development Policy Act of 1973".

TITLE I—COORDINATION AND AUGMENTATION OF FEDERAL SUPPORT FOR RESEARCH AND DEVELOPMENT OF FUELS AND ENERGY

STATEMENT OF FINDINGS

SEC. 101. The Congress hereby finds that—

(a) The United States is currently suffering a critical shortage of environmentally acceptable forms of energy.

(b) Compounding this energy shortage is our past and present failure to formulate a comprehensive and aggressive research and development strategy designed to make available to American consumers our large domestic energy reserves including fossil fuels, nuclear fuels, geothermal resources, solar energy, and other unconventional forms of energy. This failure is partially a result of economic factors which have inhibited the timely development of new energy technologies.

(c) The responsibilities of the Federal Government for conducting and assisting energy research, development, and demonstration projects are fragmented among many agencies and departments and have not been planned and managed in a rational and coordinated manner.

(d) Present inadequate organizational arrangements and levels of funding for energy research, development, and demonstration have limited the Nation's current and future options for dealing with domestic energy shortages.

(e) The urgency of the Nation's critical energy problems will require a commitment similar to those undertaken in the Manhattan and Apollo projects; it will require that the Nation undertake, at a minimum, a ten-year $20,000,000,000 research, development, and demonstration program.

STATEMENT OF POLICY

SEC. 102. The Congress declares as the purpose of this Act the development within ten years of the option and the capability for the United States to become energy self-sufficient through the use of domestic energy resources by socially and environmentally acceptable means. In the achievement of this national goal, it is hereby declared to be the policy of the Congress to establish and maintain a national program of basic and applied research and development in the discovery, production, transportation, distribution, and conversion of energy resources and fuels adequate to meet the following objectives—

(a) encourage the conservation of limited energy resources and maximize the efficient development, production, conversion, and use of nonrenewable and limited primary energy resources;

(b) insure adequate, reliable, economical, and environmentally acceptable energy supply systems necessary to support the goals and essential needs of modern society including the established social objectives of Federal, State, and local government;

(c) to foster the expeditious transfer of the results of research on new energy technologies into the commercial application by the private sector through Federal assistance and participation in the demonstration and improvement of energy technologies to determine the engineering and economic feasibility, including the societal, economic, and environmental costs and benefits of said energy technologies;

(d) to develop an aggressive research strategy and priorities for solutions to the short-term (to the early 1980's) energy supply system and associated environmental problems:

(e) to develop an aggressive Federal research strategy and priorities including the information base, to support the development of the widest possible range of energy supply system options for the utilization of domestic nonnuclear energy resources to satisfy middle-term (the early 1980's to 2000) and long-term (twenty-first century) United States energy needs consistent with environmental policies; and

(f) establish within the Federal Government a central responsibility and institutional capability for maintaining continuing assessment and overview of the energy research, development, and conservation activities of the Federal Government, private industry, and nonprofit organizations pending the reorganization of the Federal energy agencies and activities to attain and support the objectives of this Act and a national energy policy.

ENERGY RESEARCH MANAGEMENT PROJECT

SEC. 103. (a) There is hereby established an Energy Research Management Project (hereinafter referred to as the "Management Project") which shall be composed of—

(1) one Assistant Secretary of the Interior who shall be designated by the Secretary of the Interior;

(2) one Commissioner of the Atomic Energy Commission who shall be designated by the Chairman of the Commission;

(3) one Commissioner of the Federal Power Commission who shall be designated by the Chairman of the Commission;

(4) the Director of the National Science Foundation;

(5) one Assistant Administrator of the Environmental Protection Agency who shall be designated by the Administrator of the Agency;

(6) one Assistant Administrator of the National Aeronautics and Space Administration who shall be designated by the Administrator;

(7) the Director of the National Bureau of Standards; and

(8) such appropriate representatives of other executive agencies which the President finds have a significant and continuing role in energy research and development.

(b) The Management Project shall have a Chairman who shall also serve as the Staff Director. The Chairman shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. During his term of service, the Chairman shall not hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

DUTIES

SEC. 104. The Management Project shall—

(a) review the full range of Federal activities in and financial support for fuels and energy research and development, giving consideration to research and development being conducted by industry and other non-Federal entities, to determine the capability of ongoing research efforts to carry out the policies established by this Act and other relevant Federal policies, particularly the National Environmental Policy Act of 1969 (83 Stat. 852);

(b) formulate a comprehensive energy research and development strategy for the Federal Government which will expeditiously advance the policies established by this Act, and insure that full consideration and adequate support is given to:

(1) improving the efficiency, conservation, and environmental effects of the conventional sources of energy including discovery, production, conversion, transportation, use, and disposal of waste products;

(2) advancing energy research, development, and demonstration of unconventional energy sources and technologies including but not limited to—solar energy, geothermal energy, magnetohydrodynamics, fuel cells, low head hydroelectric power, use of agricultural products and wastes as energy sources, tidal power, ocean current and thermal gradient power, wind power, automated mining methods, in situ conversion of energy resources, cryogenic transmission of electric power, electrical energy shortage methods,

alternatives to internal combustion engines, solvent refined coal, utilization of waste products for fuels, direct conversion methods, utilization of hydrogen for fuel; and

(3) improving management techniques and the effectiveness of management of existing energy systems through quality control; application of systems analysis, communications, and computer techniques; and public information to improve the reliability and efficiency of energy supplies and encourage the conservation of energy resources.

(c) utilize the funds authorized by section 120(b) of this Act to advance the energy research and development strategies pursuant to this Act by—

(1) supplementing by fund transfers the on-going energy research and development programs of Federal agencies; and

(2) initiating and maintaining, by fund transfers, grants, or contracts, new energy research and development programs or activities utilizing the facilities, capabilities, expertise, and experience of Federal agencies, national laboratories, universities, nonprofit organizations, and industrial entities which are appropriate to each type of research and development.

(d) in the exercise of its duties and responsibilities under this Act, establish procedures for periodic consultation with representatives of science, industry, environmental organizations, and such other groups who have special expertise in the areas of energy research, development, and technology.

SEC. 105. The Chairman in consultation with the Management Project is authorized and directed to—

(a) identify opportunties to accelerate the commercial applications of new energy technologies by providing Federal assistance for or participation in pilot plants demonstrating technological advances and field demonstrations of new methods and procedures, and demonstrations of prototype commercial applications for the exploration, development, production, transportation, conversion, and utilization of energy resources; and

(b) conduct preliminary investigations and to explore potential cooperative agreements which may be entered into with non-Federal entities in order to develop recommendations for Federal participation or assistance in demonstrations of the technical feasibility and economic potential of energy technologies on a prototype or full-scale basis.

RESEARCH PRIORITIES

SEC. 106. Pursuant to the authority and directions of this Act, the Chairman shall transmit to the Congress—

(a) Within six months from the date of enactment of this Act, the Chairman's recommendations for an aggressive Federal research strategy and priorities designed to achieve solutions to immediate and short-term (to the early 1980's) energy supply system and associated environmental problems. Such recommendations shall include, but not be limited to, specific anticipated actions and proposals pursuant to sections 105 and 107 for the most effective approach, through Federal assistance—

(1) to accelerate the commercial demonstration of technologies for producing a low-sulfur fuel suitable for boiler use;

(2) to accelerate the commercial demonstration of technologies for producing substitutes for natural gas, including coal gasification: *Provided*, That the Chairman shall invite proposals from potential participants based upon Federal assistance and participation in the form of a joint Federal-industry corporation, and recommendations pursuant to this clause shall be accompanied by a report on the viability of using this form of Federal assistance or participation;

(3) to accelerate the commercial demonstration of technologies for producing syncrude and liquid petroleum products from coal: *Provided*, That the Chairman shall invite proposals from potential participants based upon Federal assistance and participation through guaranteed prices or purchase of the products, and recommendations pursuant to this clause shall be accompanied by a report on the viability of using this form of Federal assistance or participation;

(4) to accelerate the commercial demonstration of advanced power cycles for the generation of electricity from coal, including technologies which employ the production of low British thermal unit gas from coal;

(5) in accordance with the program authorized by title II of this Act, to accelerate the commercial demonstration of geothermal energy technologies;

(6)(A) to accelerate the commercial demonstration of the production of syncrude from oil shale, and (B) to assist the research and development of in situ methodologies for the production of syncrude from oil shale;

(7) to demonstrate new and improved methods for the extraction of petroleum resources, including secondary and tertiary recovery of crude oil;

(8) to demonstrate new and improved methods for the extraction of coal resources: *Provided*, That the Chairman shall invite proposals from potential participants in joint Government-industry operated mines for the purpose of demonstrating new and improved mining technologies and methods and of training the associated personnel;

(9) to demonstrate the economics and commercial viability of solar energy for residential and commercial energy supply applications;

(10) to accelerate the commercial demonstration of environmental control systems including particulate and sulfur oxides emission control systems, necessary for the timely implementation of air pollution standards and water pollution standards established pursuant to Federal or State law; and

(11) to demonstrate new and innovative energy conservation technologies.

(b) Within one year from the date of enactment of this Act, the Chairman's recommendations for an aggressive Federal research strategy and priorities designed to achieve solutions to middle-term (the early 1980's to 2000) energy supply system and associated environmental problems. Such recommendations shall include, but not be limited to, specific anticipated actions and proposals for the most effective approach—

(1) to improve the economics and cost-effectiveness of the technologies set forth in the research strategy recommended pursuant to subsection (a);

(2) to advance improvements in the methods and technologies for the transportation and storage of electric energy;

(3) to commercially demonstrate advanced power cycles for the generation of electricity which represent significant improvements in the efficiency of conversion of energy resources to electricity;

(4) to commercially demonstrate hot dry rock geothermal energy technologies;

(5) to commercially demonstrate advanced solar energy technologies;

(6) to determine the economics and commercial viability of the use of hydrogen as a primary energy source;

(7) to commercially demonstrate the use of fuel cells for central stations electric power generation; and

(8) to determine the economics and commercial viability for producing synthetic energy supplies from agricultural products and wastes.

(c) Within eighteen months from the date of enactment of this Act, the Chairman's recommendations for a Federal research strategy and priorities designed to achieve solutions to long-term (beyond 2000) energy supply systems and associated environmental problems. Such recommendations shall include, but not be limited to, specific anticipated actions and proposals—

(1) to further improve the economics and cost-effectiveness of the technologies set forth in the research strategy recommended pursuant to subsections (a) and (b);

(2) to commercially demonstrate nuclear fusion; and

(3) to commercially advance the use of hydrogen as a primary energy source.

FORMS OF FEDERAL ASSISTANCE

SEC. 107. (a) In developing proposals pursuant to section 105, the Chairman shall consider various forms of Federal assistance and participation which may include but are not limited to—

(1) joint Federal-industry corporations consistent with the provisions of section 108;

(2) contractual arrangements with non-Federal participants including corporations, consortia, universities, governmental entities, and nonprofit institutions;

(3) contracts for the construction and operation of federally owned facilities;

(4) Federal purchases or guaranteed price of the products of demonstration plants or activities consistent with the provisions of section 109; and

(5) Federal loans to non-Federal entities conducting demonstrations of new technologies.

(b)(1) A financial award under this Act may be made only in the amount of the Federal share of the estimated total design and construction costs, plus operation and maintenance costs; and

(2) For the purposes of this Act the non-Federal share may be in any form, including, but not limited to, lands or interests therein needed for the project or personal property or services, the value of which shall be detemined by the Chairman.

(c) The Chairman shall, within ninety days of enactment of this Act, promulgate regulations establishing procedures for submission of proposals to the Management Project for the purposes of this Act. Such regulations shall establish a procedure for selection of proposals which—

(A) provides that projects will be carried out under such conditions and varying circumstances as will assist in solving energy extraction, transportation, conversion, and end-use problems of various areas and regions, under representative geological, geographic, and environmental conditions; and

(B) provides time schedules for submission of, and action on proposal requests for the purposes of implementing the goals and objectives of this Act.

Such regulations also shall specify the types and form of the information, data, and support documentation that are to be contained in proposals for each form of Federal assistance or participation set forth in subsection (a): *Provided*, That such proposals to the extent possible shall include, but not be limited to—

(A) specification of technology;

(B) description of prior pilot plant operating experience with the technology;

(C) preliminary design of the demonstration plant;

(D) time tables containing proposed construction and operation plans;

(E) budget-type estimates of construction and operating costs;

(F) description and proof of title to land for proposed site, natural resources, electrical and water supply and logistical information related to access to raw materials to construct and operate plant and to dispose of salable products produced from plant;

(G) analysis of environmental impact of the proposed plant and plans for disposal of wastes resulting from the operation of the plant;

(H) plans for commercial use of technology if demonstration is successful;

(I) plans for continued use of plant if demonstration is successful; and

(J) plans for dismantling of plant if demonstration is unsuccessful or otherwise abandoned.

(d) The Chairman shall from time to time review and, as appropriate, modify and repromulgate regulations issued pursuant to this section.

MODEL CORPORATION

SEC. 108. Joint Federal-industry corporations proposed pursuant to section 107 shall conform to the following guidelines:

(a) Each such corporation shall have the function to design, construct, operate, and maintain one or more full-scale, commercial-size facilities or other operations which will demonstrate the technical, environmental, and economic feasibility of a particular unconventional energy technology. In carrying out this function, the corporation shall be empowered, either directly or by contract, to utilize commercially available technologies, perform tests, or design, construct, and operate pilot plants as may be necessary for the design of the full-scale facility.

(b) Each corporation shall have—

(1) a Board of nine Directors consisting of individuals who are citizens of the United States, of whom one shall be elected annually by the Board to serve as Chairman. The Board shall be empowered to adopt and amend bylaws. Five members of the Board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and four members of the Board shall be appointed by the President on the basis of recommendations received by him from any non-Federal entity or entities entering into contractual arrangements to participate in the corporation;

(2) a President and such other officers and employees as may be named and appointed by the Board (the rates of compensation of all officers and employees shall be fixed by the Board); and

(3) the usual power conferred upon corporations by the District of Columbia Business Corporation Act.

(c) An appropriate time interval, not to exceed twelve years, shall be established for the term of Federal participation in the corporation at the expiration of which the Board of Directors shall take such action as may be necessary to dissolve the corporation or otherwise terminate Federal participation and financial interests. In carrying out such dissolution, the Board of Directors shall dispose of all physical facilities of the corporation in such manner and subject to such terms and conditions as the Board determines are in the public interest, and a share of the appraised value of the corporate assets proportional to the Federal participation in the corporation, including the proceeds from the disposition of such facilities, on the date of its dissolution, after satisfaction of all its legal obligations, shall be made available to the United States and deposited in the Treasury of the United States as miscellaneous receipts. All patent rights of the corporation shall, on such date of dissolution, be vested in the Administrator of General Services: *Provided*, That Federal participation may be terminated prior to the time established in the authorizing Act upon recommendation of the Board of Directors.

(d) Any commercially valuable product produced by demonstration facilities shall be disposed of in such manner and under such terms and conditions as the corporation shall prescribe. All revenues received by the corporation from the sale of such products shall be available to the corporation for use by it in defraying expenses incurred in connection with carrying out its functions under this title.

(e) The estimated Federal share of the construction, operation, and maintenance cost over the life of each corporation shall be determined to facilitate the congressional authorization of the full amount at the time of establishment of the corporation.

(f) The Federal share of the cost of each such corporation shall reflect (1) the technical and economic risk of the venture, (2) the probability of any financial return to the non-Federal participants arising from the venture, (3) the financial capability of the potential non-Federal participants, and (4) such other factors as the Chairman may set forth in proposing the corporation: *Provided*, That in no instance shall the Federal share exceed 90 per centum of the cost.

SUPPORT THROUGH PRICE GUARANTEES

SEC. 109. Competitive systems of price supports proposed pursuant to section 107 shall conform to the following guidelines:

(a) The Chairman shall determine the types and capacities of the desired full scale, commercial size facility or other operation which would demonstrate the technical, environmental, and economic feasibility of a particular energy technology.

(b) The Chairman may award planning grants for the purpose of financing a study of the full cycle economic and environmental costs associated with the demonstration facility selected pursuant to subsection (a) of this section. Such planning grants may be awarded to industrial entities, Federal agencies, national laboratories, universities, or nonprofit organizations. Such planning grants may be awarded to industrial entities, Federal agencies, national laboratories, universities, or nonprofit organizations. Such planning grants shall also be used by the grantee to prepare a detailed and comprehensive bid to construct the demonstration facility.

(c) Following the completion of the studies pursuant to the planning grants awarded under subsection (b) of this section, the Chairman shall invite bids from all interested parties to determine the minimum amount of Federal price support needed to construct the demonstration facility. The Chairman may designate one or more competing entities each to construct one commercial demonstration facility. Such designation shall be made on the basis of those entities' (1) commitment to construct the demonstration facility at the minimum level of Federal price supports, (2) detailed plan of environmental protection, and (3) proposed design and operation of the demonstration facility.

(d) The construction plans and actual construction of the demonstration facility, together with all related facilities, shall be monitored by the Administrator of the Environmental Protection Agency. The Administrator of the Environmental Protection Agency is authorized and directed to require the application of the best available pollution control technologies as determined pursuant to the Clean Air Act, as amended (42 U.S.C. 1857 et seq.), and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.) on all demonstration facilities constructed pursuant to this section. If such additional environmental requirements are imposed after the designation of the successful bidders and if such additional environmental requirements result in additional costs, the Chairman is authorized to renegotiate the support price to cover such added costs.

(e) The estimated amount of the Federal price supports of the demonstration facilities' product over the life of such facilities shall be determined by the Chairman to facilitate the congressional authorization of the full amount of such support amounts at the time of the designation of the successful bidders.

(f) There shall be established in the Treasury of the United States a Competitive Research and Development Price Support Fund which shall be available to the Chairman for carrying out the price-support program authorized by this Act, including the payment of administrative expenses incurred in connection therewith.

CONGRESSIONAL APPROVAL

SEC. 110. (a) For each proposal which is considered pursuant to section 105, and in which the potential Federal investment is estimated to exceed $10,000,000 the Chairman shall prepare and transmit to the Congress a report setting forth the following:

(1) the anticipated, research, development, and application objectives to be achieved by the activities or facilities proposed;

(2) the economic, environmental, and societal significance which a successful demonstration may have for the national fuels and energy system;

(3) the relationship of the proposal to the criteria of priority set forth in section 111;

(4) the availability of non-Federal participants to construct and operate the facilities or perform the activities associated with the proposal and to contribute to the financing of the proposal;

(5) the total estimated cost and the probable time schedule;

(6) the proposed participants and the proposed financial contributions of the Federal Government and of the non-Federal participants; and

(7) the proposed cooperative arrangement agreements among the participants, and form of management of the activities.

(b) If the total estimated amount of the Federal contribution to the proposal does not exceed $50,000,000 the Chairman is authorized to proceed with the negotiation of agreements and implementation of the proposal as set forth in the report subject to the availability of funds under the authorization of appropriations granted in section 120 (b) of this Act: *Provided*, That if said Federal contribution exceeds $10,000,000 no funds may be expended for any proposal under the authority granted by this subsection prior to sixty calendar days (which sixty days, however, shall include days on which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain) from the date on which the Chairman's report is received by the Congress.

(c) Proposals for which the total estimated amount of the Federal contribution exceeds $50,000,000 shall be implemented by the Chairman only if the implementation and the necessary appropriations are specifically authorized by the Congress in subsequent legislation: *Provided, however*, That such proposal shall recommend whether an authorization is being sought for the total estimated amount of the Federal contribution in block or on an annual basis.

DETERMINATION OF NEED FOR FEDERAL PARTICIPATION IN RESEARCH AND DEVELOPMENT

SEC. 111. In evaluating proposed opportunities for particular research and development undertakings pursuant to this Act, the Chairman shall assign priority to those undertakings in which—

(1) the urgency of public need for the potential results of the research, development, or demonstration effort is high, and it is unlikely that similar results would be achieved in a timely manner in the absence of Federal assistance;

(2) the potential opportunities for non-Federal interests to recapture the investment in the undertaking through the normal commercial exploitation of proprietary knowledge appear inadequate to encourage timely results;

(3) the extent of the problems treated and the objectives sought by the undertaking are national or widespread in their significance;

(4) there are limited opportunities for regulatory actions and incentives other than direct Federal financial assistance, including, but not limited to, end-use controls, tax and price incentives, and public education, to induce non-Federal support of the undertaking;

(5) the degree of risk of loss of investment inherent in the research is high, and

the availability of risk capital to the non-Federal entities which might otherwse engage in the field of the research is inadequate for the timely development of the technology; or

(6) the magnitude of the investment appears to exceed the financial capabilities of potential non-Federal participants in the research to support effective efforts.

PATENT POLICY AND MANDATORY LICENSURE

SEC. 112. (a)(1) All research, development, or demonstration contracted for, sponsored, or cosponsored by the Government pursuant to this Act, shall require as a condition of Federal participation that all information resulting from federally assisted research shall be made available at the earliest practicable date to the general public, including nongovernmental United States interests capable of bringing about further development, utilization, and commercial applications of such results. The disposition of patent rights in inventions or discoveries arising out of resarch under this Act shall be governed by the President's Statement of Government Patent Policy issued on August 23, 1971 (31 F.R. 16887, August 26, 1971) and amended in September 1973 (38 F.R. 23782, September 4, 1973).

(2) The Chairman in administering patents pursuant to this Act shall make a determination, on a case by case basis, as to whether a requested license shall be granted on a royalty-free basis or upon a basis of charges designed to recover part or all of the costs of the research.

(3)(A) Where a participant in an energy research and development project holds background patents, trade secrets, or proprietary information which will be employed in and are requisite to the proposed research and development project, the Chairman shall enter into an agreement which will provide equitable protection to the participant's rights: *Provided*, That any such agreement must provide that when the energy research and development project reaches the stage of commercial application any of the participant's previously developed background patents, trade secrets, or proprietary information necessary to commercial application of the energy process or system developed under this title, but not embodied in any commercially available equipment, devices, or apparatus useful in such commercial application will be made available to any qualified applicant on reasonable license terms including suitable confidentiality agreements, reasonable royalties and such other conditions as may be applicable, which shall take into account that the commercial viability of the total energy process or system was achieved with the assistance of public funds.

(B) As employed herein, the term "background patent" means a United States patent owned or pending by a contractor, grantee, participant, or other party conducting research or development work, or both, pursuant to this Act for or under the sponsorship or cosponsorship of the chairman of a corporation established pursuant to this Act which would be infringed by the practice of any new technology developed under the research or development work, or both, contracted for, sponsored or cosponsored pursuant to this Act, or any demonstration-type or commercial-size facility authorized by any corporation thereunder.

(b)(1) Any corporation established pursuant to this Act shall receive a royalty-free license to practice such inventions or discoveries in connection with any demonstration-type or commercial-type facility provided for hereinafter. Such license shall include the right to make, use, and sell, and shall be without territorial limitation. As used herein, the term "research" includes "development" within its scope.

(2) Any corporation established pursuant to this Act shall license to responsible parties at reasonable terms, including reasonable royalties, any patent obtained by the corporation with respect to any invention or discovery made in performance of any activity conducted pursuant to this title. Any net royalty income shall accrue to the corporation during its existence and shall be available for use by the corporation in the advancement of its purposes. On and after the dissolution of the corporation, the Administrator of General Services shall administer such patent and shall have the sole right to issue licenses thereunder: *Provided*, That participants in the corporation shall receive a royalty-free license during and after the life of the corporation: *And provided further*, That the Chairman may recommend variations from this policy which he believes to be in the public interest for the consideration of the Congress when specific corporations are proposed for authorization.

(c) Whenever the Attorney General determines, upon application of the Chairman—

(1) that—

(A) in the implementation of the requirements of this Act a right under any United States letters patent, which is being used or intended for public or commercial use and not otherwise reasonably available, is necessary to the development or demonstration of an energy system or technology pursuant to this Act, and

(B) there are no reasonable alternative methods to accomplish such purpose, and

(2) that the unavailability of such right may result in a substantial lessening of competition or tendency to create a monopoly in any line of commerce in any section of the country,

the Attorney General may so certify to a district court of the United States, which may issue an order requiring the person who owns such patent to license it on such reasonable terms and conditions as the court, after hearing, may determine. Such certification may be made to the district court for the district court in which the person owning the patent resides, does business, or is found.

PRESIDENTIAL REVIEW

SEC. 113. (a) The President shall—

(1) in connection with any reorganization plan which he has proposed or may propose which has significant impacts upon the agencies represented on the Management Project, or

(2) immediately upon the authorization by the Congress of any reorganization which has significant impact upon the agencies represented upon the Management Project,

make his recommendations to the Congress concerning the appropriate agency and organizational arrangements to perform the functions authorized by this title.

(b) Not later than two years from the date of this Act, unless a permanent reorganization of the energy research and development functions of the Federal Government has been accomplished in the interim, the President shall report to the Congress on his evaluation of the progress of fuels and energy research and development and his recommendation for further management of the Federal research and development programs, including but not limited to—

(1) the necessity for continuing the Management Project,

(2) the appropriate membership of the Management Project if it is continued, and

(3) the appropriate agency to receive the duties, funding, and staff of the Management Project if it is to be terminated.

ADMINISTRATIVE PROVISIONS

SEC. 114. The Chairman shall be compensated at the rate provided for level II of the Executive Schedule Pay Rates (5 U.S.C. 5313).

POWERS

SEC. 115. (a) The Chairman may employ such officers and employees as may be necessary to carry out the functions of the Management Project under this title and may employ and fix the compensation of such experts and consultants as may be necessary, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof);

(b) The Management Project may—

(1) acquire, furnish, and equip such office space as is necessary;

(2) use the United States mails in the same manner and upon the same conditions as other agencies of the United States;

(3) purchase, hire, operate, and maintain passenger motor vehicles;

(4) enter into contracts or agreements for studies and surveys with non-Federal public and private organizations and transfer funds to Federal agencies to carry out aspects of the Management Project's duties; and

(5) incur such necessary expenses and exercise such other powers as are consistent with and reasonably required to perform its functions under this title.

(c) The Chairman shall have the authority and be responsible for—

(1) the supervision of personnel;

(2) the assignment of duties and responsibilities among personnel; and

(3) the use and expenditure of funds.

COOPERATION OF FEDERAL AGENCIES

SEC. 116. Upon request of the Chairman, the head of any Federal department or agency is authorized—

(1) to furnish the Management Project within the limits of available funds, including funds transferred for that purpose pursuant to section 115(b) of this Act, such information as may be necessary for carrying out its functions, and

(2) to detail to temporary duty with the Management Project on a reimbursable basis such personnel as it may require for carrying out its functions pursuant to this Act, each such detail to be without loss of seniority, pay, or other employee status.

CONGRESSIONAL ACCESS TO INFORMATION

SEC. 117. The Chairman shall keep the Congress fully and currently informed of all the Management Project's activities and shall submit to the Congress an annual report.

ENVIRONMENTAL EVALUATION

SEC. 118. (a) The Council on Environmental Quality established under the provisions of the National Environmental Policy Act (83 Stat. 852) is authorized and directed to carry out a continuing analysis of the conduct of research and development of energy technologies to evaluate—

(1) the adequacy of attention to energy conservation methods,

(2) the adequacy of attention to the probable environmental effects of the application of technology, and

(3) the adequacy of attention to environmental protection in connection with energy processes.

(b) The Council on Environmental Quality, in carrying out the provisions of this section, may employ consultants or contractors and may by fund transfer employ the services of other Federal agencies for the conduct of studies and investigations.

(c) The Council on Environmental Quality shall hold annual public hearings on the conduct of energy research and development and the probable environmental consequences of trends in the application of energy technology, and the transcript of the hearings shall be published and made available to the public.

(d) The Council on Environmental Quality shall make such reports to the President, the Chairman, and the Congress as it deems appropriate concerning the conduct of energy research and development, and the President as a part of the annual Environmental Policy Report required by section 201 of the National Environmental Policy Act (83 Stat. 854) shall set forth the findings of the Council on Environmental Quality concerning the conduct of energy research and development and the probable environmental consequences of trends in the application of energy technology.

ACQUISITION OF ESSENTIAL MATERIALS

Sec. 119. To achieve the purposes of this Act, the President is authorized to take such action as may be necessary to obtain or allocate materials which are or may be in critical supply and which are essential to the expeditious progress of energy research and development efforts.

APPROPRIATIONS

Sec. 120. (a) There are authorized to be appropriated to the Chairman to remain available until expended $2,000,000 for fiscal year 1974 and $10,000,000 annually for fiscal years 1975 and 1976 for the expenses of the Management Project in administering this Act including such amounts as may be expended for consulting services and including funds transferred to other Federal agencies in compensation for personal services in assisting the Management Project with the administration of this Act.

(b) There are authorized to be appropriated to the Chairman to remain available until expended not to exceed $800,000,000 for each of the fiscal years ending June 30, 1974, and 1975, and such amounts as may be authorized by annual authorization Acts in fiscal year 1976 to carry out the provisions of subsections 104(c), 105, 106, and 107 of this Act: *Provided,* That 1 per centum of such amounts as may be appropriated in each fiscal year under the authority of this subsection shall be made available by fund transfer to the Council on Environmental Quality for the purposes authorized and directed by section 118.

(c) The Chairman of the Management Project, in conjunction with his recommendations for annual appropriations pursuant to subsection (b) of this section, shall report to the Congress on the activities of the previous calendar year, the expenditure of funds, the new projects initiated, the projects which have been terminated, and any new contractual arrangements entered into, and the progress which has been made during that year toward attaining the capability of domestic energy self-sufficiency for the United States within ten years of the date of enactment of this Act. In each instance where delays in scheduled accomplishments are reported, the reasons for the delays shall be set forth along with recommendations for actions, including specific estimates of additional funding, or requirements for new legislative authority which would assist in regaining the schedule.

TITLE II—GEOTHERMAL ENERGY

Sec. 201. This title may be cited as the "Geothermal Energy Act of 1973".

LOAN GUARANTEE PROGRAM

Sec. 202. (a) The Congress, in consideration of the Federal responsibility for the general welfare, to facilitate commerce, to encourage productive harmony between man and his environment, and to protect the public interest, finds that the advancement of technology by private industry for the production of useful forms of energy from geothermal resources is important to all of those areas of responsibility. It is the policy of the Congress, therefore, to encourage and assist in the commercial development of practicable means to produce useful energy from geothermal resources with environmentally acceptable processes. Accordingly, it is the policy of the Congress to facilitate such commercial development by authorizing the Secretary of the Interior to guarantee loans for such purposes.

(b) In order to encourage the commercial production of energy from geothermal resources, the Secretary of the Interior, hereinafter referred to as the Secretary, is authorized to guarantee, and to enter into commitments to guarantee, banks or other financial institutions against loss of principal or interest on loans made by such institutions to qualified borrowers for the purposes of acquiring rights in geothermal resources and performing exploration, development, and construction and operation of facilities for the commercial production of energy from geothermal resources.

(c) Any guaranty under this title shall apply only to so much of the principal amount of any loan as does not exceed 75 per centum of the aggregate cost of the project with respect to which the loan is made.

(d) Loan guaranties under this title shall be on such terms and conditions as the Secretary determines: *Provided, however,* That a guaranty shall be made under this title only if—

(1) the loan involved is at a rate of interest which does not exceed the prevailing interest rates for conventional construction loans;

(2) the terms of such loans require full repayment within thirty years after the date thereof;

(3) in the judgment of the Secretary, the amount of the loan (when combined with amounts available to the qualified borrower from other sources) will be sufficient to carry out the project; or

(4) in the judgment of the Secretary, there is reasonable assurance of repayment of the loan by the qualified borrower of the guaranteed indebtedness.

(e) The Secretary shall not guarantee any loan for any project the amount of which exceeds $25,000,000, nor guarantee any combination of loans for any single qualified borrower in an amount exceeding $50,000,000.

Sec. 203. (a) With respect to any loan guaranteed pursuant to this title, the Secretary is authorized to enter into a contract to pay, and to pay, the lender for and on behalf of the borrower the interest charges which become due and payable on the unpaid balance of any such loan if the Secretary finds:

(1) that the borrower is unable to meet interest charges, and that it is in the public interest to permit the borrower to continue to pursue the purposes of his project, and that the probable net cost to the Government in paying such interest will be less than that which would result in the event of a default, and

(2) the amount of such interest charges which the Secretary is authorized to pay shall be no greater than an amount equal to the average prime interest rate for the preceding fiscal year as determined by the Secretary of the Treasury, plus one-half of 1 per centum.

(b) In the event of any default by a qualified borrower on a guaranteed loan, the Secretary is authorized to make payment in accordance with the guaranty, and the Attorney General shall take such action as may be appropriate to recover the amounts of such payments from such assets of the defaulting borrower as are associated with the project.

Sec. 204. No loan guaranties shall be made, or interest assistance contract entered into, pursuant to this title, after the expiration of the ten-calendar-year period following the date of enactment of this title.

Sec. 205. There is established in the Treasury of the United States a Geothermal Resources Development Fund (referred to in this title as the "fund"), which shall be available to the Secretary of the Interior for carrying out the loan guaranty and interest assistance program authorized by this title, including the payment of administrative expenses incurred in connection therewith. Moneys in the fund not needed for current operations shall be invested in bonds or other obligations of, or guaranteed by, the United States.

Sec. 206. There shall be paid into the fund the amounts appropriated pursuant to section 207 of this title and such amounts as may be returned to the United States pursuant to section 203(b) of this title, and the amounts in the fund shall remain available until expended: *Provided,* That after the expiration of the ten-year term established by section 204 of this title, such amounts in the fund which are not required to secure outstanding guaranty obligations shall be paid into the general fund of the Treasury.

Sec. 207. There are authorized to be appropriated (1) to the fund not to exceed $50,000,000 annually, and (2) such amounts as may be required for the administrative costs of carrying out the provisions of sections 201 through 206 of this title.

Sec. 208. Business-type financial reports covering the operations of the fund shall be submitted to the Congress by the Secretary annually upon the completion of an appropriate accounting period.

COORDINATION OF FEDERAL ACTIVITIES IN GEOTHERMAL ENERGY EXPLORATION, RESEARCH, AND DEVELOPMENT

Sec. 209. The Congress, in consideration of the Federal responsibility for the general welfare, to facilitate commerce, to encourage productive harmony between man and his environment, and to protect the public interest, finds that the advancement of technology with the cooperation of private industry for the production of useful forms of energy from geothermal resources is important to all of those areas of responsibility. It is the policy of the Congress, therefore, to encourage and assist private industry through Federal assistance for the development and demonstration of practicable means to produce useful energy from geothermal resources with environmentally acceptable processes. Such means shall accordingly include resource inventory, research, and financial and technical assistance in the construction of pilot plants and demonstration developments with the objective of reaching commercialization in the most timely and practicable manner.

Sec. 210. The Secretary, acting through the Geological Survey, is authorized and directed to:

(a) develop and carry out a general plan for the orderly inventorying of all forms of geothermal resources of the Federal lands and, where consistent with property rights and determined by the Secretary to be in the national interest, of non-Federal lands;

(b) conduct regional surveys, based upon such a general plan, using innovative geologic, geophysical, geochemical, and drilling techniques, which will lead to a national inventory of geothermal resources in the United States;

(c) publish and make available maps, reports, and other documents developed from such surveys to encourage and facilitate the commercial development of geothermal resources for beneficial use and consistent with the national interest;

(d) make such recommendations for legislation as may from time to time appear to be necessary to make Federal leasing policy for geothermal resources consistent with known inventories of various resources types, with the current state of technologies for geothermal energy development, and with current evaluations of the environmental impacts of such developments; and

(e) participate with the Atomic Energy Commission, the National Aeronautics and Space Administration, and the National Science Foundation in research to develop, improve, and test technologies for the discovery and evaluation of all forms of geothermal resources, and conduct research into the principles controlling the location, occurrence, size, temperature, energy content, producibility, and economic lifetimes of geothermal reservoirs.

SEC. 211. The Secretary shall coordinate the development and implementation of the inventory authorized by section 210(a) and the applied research authorized by subsection 210(e) with the geothermal research and development program of the Atomic Energy Commission to insure that information is developed in a timely manner for the optimum progress of geothermal development.

SEC. 212. In preparing or implementing the resources inventory plan, the Secretary is authorized to:

(a) employ contractors and consultants;

(b) acquire by fund transfers the services of employees and facilities of other Federal agencies; and

(c) cooperate and enter into contracts with State, regional, and local governmental agencies and educational and research institutions.

SEC. 213. The Administrator of the National Aeronautics and Space Administration, hereinafter referred to as NASA, is authorized and directed to prepare and transmit to the Secretary within six months from the date of enactment of this title a proposal for the employment of space technologies and the services and facilities of NASA for inventorying and mapping of geothermal resources.

SEC. 214. The Secretary is authorized and directed to transmit to the President and the Congress, not later than one year from the date of enactment of this title, the general plan including a schedule and objectives, for inventory of, and applied research on, geothermal resources required by section 210, and each year thereafter a report on the status of activities authorized to be performed by the Secretary under the provisions of this title.

SEC. 215. (a) The Atomic Energy Commission in cooperation with private industry is authorized and directed to:

(1) conduct, encourage, and promote basic and applied scientific research to develop effective, economical, and environmentally acceptable processes and equipment for the purpose of utilizing all forms of geothermal resources for the production of useful energy forms;

(2) pursue the findings of research authorized by this title having potential applications in matters other than geothermal energy to the extent that such findings can be published in a form of utilization by others;

(3) conduct engineering and technical work including the design, construction, and testing of pilot plants to develop and improve geothermal energy processes and plant design concepts to the point of demonstration on a commercial scale;

(4) conduct laboratory and field experiments and tests of technologies necessary for the successful development of all forms of geothermal resources;

(5) study methods for the reduction and elimination of undesirable environmental impacts of geothermal development;

(6) study methods for the recovery and marketing of byproducts resulting from the production of energy from geothermal resources; and

(7) undertake engineering and economic studies to determine the potential for energy from geothermal resources to contribute to energy requirements on national and regional levels.

(b) The Commission shall coordinate the research and development activities authorized by this section with the activities of the Department of the Interior relating to geothermal resources research to insure the full utilization of expertise and information and to prevent duplication of efforts.

SEC. 216. (a) The Commission is authorized to investigate, negotiate, and enter into cooperative agreements with non-Federal utilities, industries, and governmental entities for the construction, operation, and maintenance of demonstration developments for the production of electric or heat energy, water supplies, or minerals from geothermal resources.

(b) No agreement shall be entered into under the authority granted by this section unless the Commission determines that:

(1) the nature of the resource the geographical location, the scale and engineering design of the facilities, the techniques of production, or other significant factors of the proposal offer opportunities to make important contributions to the general knowledge of its development, or public confidence in the technology;

(2) the potential non-Federal cooperating entities are willing and capable to make contributions toward the capital cost of the development, to operate the facilities, and to provide a market for the energy produced;

(3) no benefits have been obtained through the loan guaranty provisions of this title and applied to development of any facility for which funding assistance pursuant to this section is proposed;

(4) the development or the practical benefits of the development as set forth in clause (1) of this subsection are unlikely to be accomplished without Federal assistance or through the assistance provided by this title; and

(5) the Federal investment in each such development project will not exceed $10,000,000.

(c) The Commission is authorized to investigate potential agreements for the cooperative development of major facilities to demonstrate the feasibility of the production of energy from geothermal resources and to submit engineering and financial proposals to the Congress for consideration of authorization to proceed with implementation of said proposals. The Commission may consider:

(1) cooperative agreements with non-Federal governmental entities and utilities for construction of facilities to produce energy for commercial disposal;

(2) cooperative agreements with other Federal agencies for the construction and operation of facilities to produce energy for direct Federal consumption.

(d) Before favorably considering proposals under subsection (c) of this section, the Commission must find that:

(1) the nature of the resource the geographical location the scale and engineering design of the facilities the techniques of production or other significant factor of the proposal offer opportunities to make important contributions to the general knowledge of geothermal energy the techniques of its development or public confidence in the technology;

(2) the development or the practical benefits as set forth in clause (1) of this subsection are unlikely to be accomplished without such cooperative development; and

(3) where non-Federal participants are involved the proposal is not eligible for adequate Federal assistance under the loan guarantee provisions of this title.

SEC. 217. There are authorized to be appropriated to remain available until expended to carry out the purposes of section 210 through 216:

(a) $10,000,000 for fiscal years 1974, 1975, and 1976 to the Secretary of the Interior;

(b) $35,000,000 for fiscal years 1974, 1975, and 1976 to the Atomic Energy Commission;

(c) such amounts as may be required in fiscal years 1974, 1975, and 1976 to NASA.

SEC. 218. As used in this title, the term

(a) "geothermal resources" means (A) all products of geothermal processes embracing indigenous steam, hot water, and brines; (B) steam and other gases, hot water, and hot brines resulting from water, gas, or other fluids artifically introduced into geothermal formations; and (C) and byproduct derived from them;

(b) "qualified borrower" means any public or private agency, institution, association, partnership, corporation, political subdivision, or other legal entity which the Secratary has determined has presented satisfactory evidence of a property interest in a geothermal resource identified in a manner acceptable to the Secretary, as being of sufficient interest for research objectives or the development and production of energy, and which has the financial responsibility to establish and operate, utilizing such resource, a commercial facility;

(c) "pilot plant" means an experimental unit of small size used for early evaluation and development of new or improved process and to obtain technical and engineering data; and

(d) "demonstration development" means a complete facility which produces electricity or heat energy for commercial disposal from geothermal resources and which will make a significant contribution to the knowledge of full-sized technology, plant operation, and process economics.

ORDER FOR CONSIDERATION OF S. 1283 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the disposition of the conference report on the foreign aid authorization bill, the Senate resume its consideration of calendar No. 567, S. 1283, the so-called energy research and development bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, may I ask the Chair as to whether or not the amendments to bills S. 979, S. 584, and S. 1039, Calendar Order Nos. 568, 569, and 571, respectively, are at the desk?

The PRESIDING OFFICER. They are at the desk.

Mr. ROBERT C. BYRD. Mr. President, may I say to the distinguished acting Republican leader, the Senator from Vermont (Mr. STAFFORD), that earlier today these three bills were cleared for action. However, because the amendments were not at the desk, the request to take them up was withdrawn.

I therefore renew the request at this time.

CALL OF THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders Nos. 568, 569, and 571.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

SPRINGFIELD ARMORY NATIONAL HISTORIC SITE, MASS.

The Senate proceeded to consider the bill (S. 979) to authorize the establishment of the Springfield Armory National Historic Site, Mass., and for other purposes which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 3, at the beginning of line 2, strike out "such sums as may be necessary to carry out the purposes of this Act" and insert "not to exceed $5,365,000 for development of the historic site"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership for the benefit and inspiration of the people of the United States the property comprising the historically significant Springfield Armory, commissioned by President Washington in 1794 and, until deactivation in 1968, the oldest manufacturing arsenal in the United States, and the site of the defeat of insurgent farmers in Shays' Rebellion (1786–1787), the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation such real or personal property or interests therein which constitute a part of, or are located upon, the historic Springfield Armory property, Springfield, Massachusetts, as in his judgment will constitute an administrable unit, for establishment as the Springfield Armory National Historic Site.

Sec. 2. The Secretary shall establish the Springfield Armory National Historic Site by publication of a notice to that effect in the Federal Register when (a) he has accepted title to the real and personal property described in section 1 of this Act, (b) he has reached a satisfactory agreement with the Commonwealth of Massachusetts, or any agency or instrumentality thereof, for preservation of historic buildings and the physical setting of lands not in Federal ownership which comprised part of the historic Springfield Armory, and (c) he has reached a satisfactory agreement with the Secretary of the Armory concerning the retention or transfer of the arms collection and other museum objects at the Armory. Prior to such establishment and thereafter, the property acquired for the Springfield Armory National Historic Site shall be administered by the Secretary in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.)

Sec. 3. There are hereby authorized to be appropriated not to exceed $5,365,000 for development of the historic site.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIANA DUNES NATIONAL LAKESHORE

The Senate proceeded to consider the bill (S. 584) to amend the act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1. line 3, after the word "That", strike out "section 10 of"; in line 6, after the word "amended", strike out "to read"; after line 6, insert:

(a) Delete the period at the end of subsection 6(a), insert in lieu thereof a colon and the following: "Provided, That, whenever an owner of property elects to retain a right of use and occupancy as provided for in this Act, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1899), and for the purposes of those sections such owner shall not be considered to be a displaced person as defined in section 101(6) of that Act.

(b) Amend section 0 to read as follows:

And, on page 2, line 10, strike out "$32,600,000" and insert "$35,526,000"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (80 Stat. 1312), is amended as follows:

(a) Delete the period at the end of subsection 6(a), insert in lieu thereof a colon and the following: "*Provided,* That, whenever an owner of property elects to retain a right of use and occupancy as provided for in this Act, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1899), and for the purposes of those sections such owner shall not be considered to be a displaced person as defined in section 101(6) of that Act.

(b) Amend section 10 to read as follows: "Sec. 10. There are hereby authorized to be appropriated not more than $35,526,000 for the acquisition of land and interests in land pursuant to this Act."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to amend the Act entitled 'An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes', approved November 5, 1966."

LAND ACQUISITION FOR THE NATIONAL PARK SYSTEM

The Senate proceeded to consider the bill (S. 1039) to authorize appropriations for additional costs of land acquisition for the National Park System, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 2, after the word "appropriated", to strike out "such sums as may be necessary" and insert "not to exceed $8,400.000"; and, after line 7, insert a new section, as follows:

Sec. 2. Whenever an owner of property elects to retain a right of use and occupancy pursuant to any statute authorizing the acquisition of property for purposes of a unit of the national park system, such owner shall be deemed to have waived any benefits under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all instances where authorizations of appropriations for the acquisition of lands for the national park system enacted prior to January 9, 1971, do not include provisions therefor, there are authorized to be appropriated such additional sums as may be necessary to provide for moving costs, relocation benefits, and other expenses incurred pursuant to the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646; 84 Stat. 1894). There are also authorized to be appropriated not to exceed $8,400,000 in addition to those authorized in Public Law 92–272 (86 Stat. 120) to provide for such moving costs, relocation benefits, and other related expenses in connection with the acquisition of lands authorized by Public Law 92–272.

Sec. 2. Whenever an owner of property elects to retain a right of use and occupancy pursuant to any statute authorizing the acquisition of property for purposes of a unit of the national park system, such owner shall be deemed to have waived any benefits under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101 (6) of that Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR KENNEDY ON THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday, after the two leaders or their designese have been recognized under the standing order, the distinguished senior Senator from Massachusetts (Mr. Kennedy) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at the hour of 11 o'clock a.m. tomorrow.

After the two leaders or their designees have been recognized under the standing order, the distinguished minority whip (Mr. Griffin) will be recognized for not to exceed 15 minutes, after which the distinguished majority leader (Mr. Mansfield) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Senate will proceed to the consideration of the conference report on S. 1443, the foreign aid authorization bill.

There is a time limitaiton thereon. There will be at least one yea-and-nay vote, I am sure, on the adoption of the conference report, and there may be other votes.

On the disposition of the conference report on the foreign aid authorization bill, S. 1443, the Senate will take up Calendar Order No. 567, S. 1283, the so-called energy research and development bill. I am sure there will be yea and nay votes on amendments thereto tomorrow. Final action on that bill is not contemplated tomorrow. The Senate will resume consideration of the bill on Thursday.

Does the distinguished acting Republican leader have anything to state?

Mr. STAFFORD. Nothing further, I would say.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Vermont.

ADJOURNMENT TO 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 11 o'clock a.m. tomorrow.

The motion was agreed to; and at 6:45 p.m., the Senate adjourned until tomorrow, Wednesday, December 5, 1973, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate December 4, 1973:

DEPARTMENT OF STATE

Harry G. Barnes, Jr., of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

Heyward Isham, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Haiti.

Joseph J. Jova, of Florida, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

Ralph J. McGuire, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Anthony D. Marshall, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Francis E. Meloy, Jr., of the District of Columbia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Guatemala.

DEPARTMENT OF JUSTICE

Charles D Loos, of Indiana, to be U.S. marshal for the southern district of Indiana for the term of 4 years. (Reappointment.)

Anthony E. Rozman, of Michigan, to be U.S. marshal for the eastern district of Michigan for the term of 4 years. (Reappointment.)

Denny L. Sampson, of Nevada, to be U.S. marshal for the district of Nevada for the term of 4 years. (Reappointment.)

EXTENSIONS OF REMARKS

SENATOR RANDOLPH RECEIVES RECOGNITION FOR AVIATION LEADERSHIP

HON. TED STEVENS

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Tuesday, December 4, 1973

Mr. STEVENS. Mr. President, on November 17 it was my privilege to accompany the distinguished senior Senator from West Virginia (Mr. RANDOLPH) to his hometown of Elkins to participate in the dedication of a new terminal building at the Elkins-Randolph County Airport. With us on that important occasion were many nationally known persons who have worked and pioneered in aviation programs over a period of many, many years. It was fascinating to me to listen to these leaders—men such as C. R. Smith, chairman of the board and chief executive officer of American Airlines; Lt. Gen. Pete Quesada, first Administrator of the Federal Aviation Administration; Representative DON CLAUSEN, president of the Congressional Flying Club, and former astronaut Mike Collins—describe their years of association with Senator RANDOLPH and his effective efforts in the development of aviation and air travel.

Mr. President, I personally was aware that the Senator from West Virginia has been deeply involved in almost every legislative effort since the early 1930's to strengthen and improve aviation programs. Nevertheless, to hear C. R. Smith state that "when the history of aviation is written there will be a bright shining golden page there for JENNINGS RANDOLPH and he will certainly deserve it," brought home to me and to those present the unique role that Senator RANDOLPH has exercised in the realization of aviation progress.

Members of this body know that Senator RANDOLPH is concerned with constructive results in the activities in which he participates. However, on this day in Elkins there was one activity which had been purposely kept from him by the people of his hometown, his staff, and citizens who were to participate in the program. In addition to the dedication of the new terminal building, the Elkins City Council and the Randolph County Court had voted some time before to designate the airport as Jennings Randolph Field in recognition of his work in the establishment of the airport in 1934 and the improvements to it since that time, and as a tribute to their own Senator for his aviation leadership at the national level.

Mr. President, I ask unanimous consent that the program for the ceremony and two articles from the Elkins, W. Va., Inter-Mountain be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEDICATION—JENNINGS RANDOLPH FIELD, ELKINS-RANDOLPH COUNTY AIRPORT, NOVEMBER 17, 1973

A TRIBUTE TO "MR. AVIATION"

"He has led us in aviation . . . more than any other man", said L. Welch Pogue, former chairman of the Civil Aeronautics Board.

"He's the best friend civil aviation ever had", said John Shaffer, former chief of the Federal Aviation Administration.

Both were speaking of U.S. Sen. Jennings Randolph—known in the field of aviation and in the halls of Congress as "Mr. Aviation".

By presenting the first bill in Congress for federal aid to airports, he helped establish airports across the nation.

Back in his hometown of Elkins, there is no greater friend of the local airport than Sen. Randolph.

That friendship started in 1932 when as a young professor and athletic director at Davis and Elkins College, Jennings Randolph was elected to the U.S. House of Representatives. Working from his Washington office with a group of Elkins aviation enthusiasts, he became a dynamic force in a movement to establish the original Elkins Municipal Airport in 1934.

When the Elkins airport was expanded, the runways enlarged and the terminal building moved and renovated in 1944, it was again Congressman Randolph who helped Elkins leaders secure federal financing for the airport development.

Elkins was the second city in West Virginia to be served by a commercial airline—American Airlines came to Elkins in 1934 at the urging of Jennings Randolph.

And on May 12, 1939, Elkins was one of the first cities on the experimental Air Mail Pickup Service route. It was Congressman Randolph who authored the Air Mail Pickup legislation.

When the Weather Station was terminated in Elkins, he was instrumental in getting it reinstated.

And always, he is in the forefront to keep the vital Federal Aviation Administration's flight service station in Elkins.

Many, many cities much larger than Elkins have no scheduled air carrier service. Sen. Randolph has been influential in the continuation of scheduled air carrier service in his hometown.

And today, 39 years after the original airport was built, Sen. Randolph has been a key figure in obtaining a new airport terminal building for Elkins.

Emerson Phares, president of the Elkins-Randolph County Airport Authority speaking for officials and citizens, paid this tribute to Sen. Randolph:

"Sen. Randolph consistently has been the strongest single force and advocate of better and improved aviation facilities to serve Elkins and Randolph County. He has been eager to assert his important office with dispatch when a need arises. Without question, we would not have this fine airport, nor would we now be dedicating this new terminal building if it had not been for Sen. Randolph".

PROGRAM

Flag Raising—West Virginia Highlanders Bagpipe Band, Color Guard, American Legion Post 29.

Invocation—Dr. Duard H. Estep, Pastor of First Baptist Church.

Master of Ceremonies—Judge Robert E. Maxwell, U.S. District Court of Northern West Virginia.

Welcome—Mayor James Gladkosky.

Remarks—Lt. Gen. Elwood R. Quesada USAF (Ret.), First Administrator of Federal Aviation Administration.

Introductions—James E. Wallace, Elkins-Randolph County Airport Authority.

Remarks—James E. Dow, Deputy Administrator, Federal Aviation Administration.

Remarks—Leslie J. Barnes, President of Allegheny Airlines.

Special Comments—Former Astronaut Mike Collins, Director of National Air and Space Museum.

Introduction of Honored Guest—Master of Ceremonies.

Introduction of Speaker—U.S. Sen. Jennings Randolph, Honored Guest.

Address—C. R. Smith, Chairman of the Board and Chief Executive Officer of American Airlines.

(Address preceded by ceremony designating this Airport Jennings Randolph Field.)

Response—U.S. Sen. Jennings Randolph.

Benediction—Dr. Duard H. Estep.

Airport Open House 11:00 a.m. to 4:00 p.m. Guided tours by Xi Alpha Alpha Chapter of Beta Sigma Phi. Refreshments by Elkins High School Boosters Club.

ASSISTING ORGANIZATIONS

Mayor of Elkins, James P. Gladkosky.

Elkins City Council

James DeCarlo, Harry Scott, Patrick Dugan, Thomas Waller, H. A. Smith, Jr., Joseph Martin, G. R. Hammer, Clair Metheny, Howard Whetsell, and F. E. Nutter.

Randolph County Court

Barrett Liggett, President; Fred Poling, and John W. Scallon (deceased).

Airport authority members

Emerson Phares, Chairman; John P. Carr, Jack R. Nuzum, Ralph S. Shepler, and James E. Wallace.

[From the Elkins (W. Va.), Inter-Mountain, Nov. 19, 1973]

A Senator of the Country—Aviation "Stars" Call Randolph

(By Yvonne Schiavoni)

"While you may look at Sen. Jennings Randolph as the Senator from West Virginia, we look at him as a Senator of the country. He is representative of everything great in aviation and in the country. He's what we really need."

The words belonged to James Dow, deputy administrator of the Federal Aviation Administration and one of the many aviation "stars" who came to Elkins Saturday not only to dedicate a new airport but to honor a man—U.S. Senator Jennings Randolph.

Dow was speaking at a luncheon at the Tygart Hotel following ceremonies Saturday which designated the Elkins-Randolph County Airport as Jennings Randolph Field.

The cold biting wind kept speeches at the airport short. C. R. Smith, chairman of the board and chief executive officer of American Airlines and longtime friend of Jennings Randolph, summed up his fellow speakers' feelings when he said, "He's been one of the strong men in aviation for a very long time. When the history of aviation is written, there will be a bright shining golden page on there for Jennings Randolph and he will certainly deserve it."

Shortly thereafter, the bunting concealing the word "Jennings Randolph Field" was dropped and the senator learned for the first time that the airport had been designated in his honor.

Visibly touched, the senator said simply, "I am grateful. I shall always remember this minute, these 60 seconds, that I've stood here after learning of this honor. Thank you very, very much."

The senator's friends, once inside the warm Engine Room at the Tygart Hotel, no longer restrained themselves in praises for their friend and colleague.

Lt. Gen. Elwood "Pete" Quesada, who had been a close associate of late President Dwight D. Eisenhower, compared Randolph to the late president. "Eisenhower was a man with an exaggerated sense of equality and patriotism . . . characteristics possessed by Jennings Randolph . . . He treated his colleagues with great respect, understanding the views of his colleagues even when they differed with his own . . . more characteristics shared by Jennings Randolph."

Quesada continued: "Eisenhower had an aversion to vulgarity and those who used obscenity and vulgarity as a means of expression, quickly gained his rebuke. And though I have never seen this characteristic in Jennings Randolph, I have always suspected it was there."

Sen. Ted Stevens (R-Alaska) said Sen. Randolph is one of the few men in Congress who take the time to help newcomers to that body, calling him a man who looks beyond his own problems to help others.

Stevens outlined the help Randolph gave in the passage of the Alaska pipeline bill. "You may ask what a senator from a coal state was doing helping a senator from an oil state," Stevens said. "He was one of the few who saw the necessity of the pipeline. I knew there was no way of getting the bill passed without getting Jennings Randolph involved. So I went to him and asked for his help. He not only helped us with his own vote, but he went out and talked to others to explain the necessity of the pipeline. The bill passed on a vote of 50 to 49."

Rep. Don H. Clausen (R-Calif.) called Sen. Randolph a man of perspective. "He demonstrated years ago that he was a man of perspective, a man ahead of his time. It is men of perspective, these born leaders that are needed in this country now," the Congressman said.

Leslie Barnes, president of Allegheny Airlines, said of the senator: "There is no one I know in Congress who is visited more often for counsel, advice, and assistance, no one who is more concerned with national progress, problems and crises. And there is no one I know in Congress or in the federal government who is more versed in or more concerned about national problems than Jennings Randolph."

Former astronaut Michael Collins told of how Jennings Randolph and Gen. Hap Arnold conceived the idea of an aviation museum to preserve the heritage of the country's aviation past, present, and future. It was Randolph who authored legislation which created the National Air and Space Museum of which Collins is now director.

C. R. Smith reminisced about the first dedication of the Elkins Municipal Airport back in 1934 which he attended with Randolph. He ended by saying "Jennings, you're a good man" a thought echoed by everyone in the room.

And finally Sen. Randolph himself, humbled by the honor bestowed him that day by the people of his adopted hometown of Elkins, reminiscing about those early days of the Elkins Airport and his first meeting with C. R. Smith, then president of American—a meeting which resulted in Elkins receiving air flight service from American with two stops daily based on a verbal agreement between the two men.

"With any recipient of an honor," the senator said, "the honor is not due him but only what he represents."

He talked about his parents. "They taught me to work. What a great thing they taught me when they taught me that," he said.

He talked about the two men responsible for causing him to originally run for Congress: his father and Earl Maxwell, father of U.S. District Judge Robert E. Maxwell.

"Though he never told me, I knew that my father wanted me to do what he had failed to do in 1916 and 1918 when he ran for Congress and lost. I tried for him," the Senator said.

"And Earl Maxwell . . . who told me 'A person who has a right to criticize is a person who has a heart to help' . . . who talked and counseled me. We ran and we lost . . . but we came back and tried again and we won," the Senator continued.

"It is time for us to think in terms of a 'heart to help' because in the future our very survival in society may rely on that . . . Think of the past, but confront the problems of the future," he concluded.

The standing ovation, the applause of that group of people in the Engine Room was sincere.

The appreciation, respect, and admiration were mutual.

Prior to introducing C. R. Smith to the audience at the airport Saturday, Sen. Randolph reminisced about the airport's history. He had asked Mrs. Georgia Harper to sit on the speakers' platform with him.

"Dice and Georgia Harper worked together in another period in the development of this facility," Sen. Randolph said, telling about the history of what was then Harper Field. "The Harpers sold their 100 acres for $30,000 when it was worth twice that amount. But the Harpers wanted to help—that was the spirit of those days."

He recognized Blanche Noyes, also seated on the speakers' platform, a female pilot for the FAA who had attended the first dedication of Elkins Municipal Airport in 1934. "Blanche, you are the woman who placed 70,000 air markers on the tops of buildings all across the country, including the one at Elkins," the senator said.

Randolph's introduction of C. R. Smith was a tribute to the man. "I remember C. R. Smith when he was a tall, gangling Texan who came out of the Southwest to start American Airways. His goal then was to build a better America and that's his goal now," the senator said.

"This man was called back at the age of 74 to the presidency of an airline which employs 37,000 workers, called back to do a job of pulling back together an airline that needed the reasoned judgment and guidance of this man," Randolph continued. "He didn't come back because he wanted to. He came back because of the pleading of American Airlines executives . . . because they needed him in this hour of trouble."

Randolph said Smith had been to the first airport dedication in 1934. "It's appropriate that C. R. Smith should be our principal speaker this afternoon."

Randolph Visibly Touched by Surprise Unveiling

(By Phyllis Morris)

At 11 a.m. Saturday, very important people gathered to dedicate a very important place—the new Elkins-Randolph County Airport.

But of all the VIPs present one man was unique—a man who remembers and is remembered by old friends, a man who, transcending the partisanship of his profession, has achieved non-partisan approbation, a man respected by the successful and emulated by those striving for success.

And it was this man for whom the new Elkins-Randolph County Airport was designated the "Jennings Randolph Field."

Visibly touched at the surprise unveiling of his name on the new terminal building, Senator Randolph, after a long pause, said simply, "I am grateful." The feeling was mutual.

About an hour before the ceremony, the arrival of a small fleet of state police signaled a big event.

Another sign was the presence of the West Virginia Highlanders in their red and yellow tartans. Now piping, now pacing to keep warm on the chill November day, they brought to mind the age-old question regarding kilts.

The smell of fresh coffee greeted visitors who viewed the prints of West Virginia scenes in the airport lobby or reminisced and laughed over pictures of both the airport and its guests in their youth.

Among the first aviation dignitaries to arrive was the tall, handsome president of Allegheny Airlines, Leslie Barnes. "I think it's a beautiful building," he commented, "and as far as the occasion is concerned, I think it's great that people have a vision for the future. There's so much doom and gloom right now."

"I know this has been a dream of the community for a long time," he continued. "I'm glad I was invited to attend."

A flurry of excitement marked the arrival of Mike Collins, dressed like a businessman rather than an astronaut but instantly recognizable from his days as pilot of the command module Columbia of Apollo II fame.

A Star-Trek fan wanted to know if Collins watched this series. "I hate to tell you this," he answered, "but I've never watched it. My kids do. I really don't do much TV watching."

In answer to what do you do in your spare time, he grinned and said, "I come to West Virginia."

Mrs. Georgia Harper happily greeted old friends. Remembering Elkins Airport when it was Harpers Field, she stated, "It's a little bigger than it was 39 years ago."

Now visiting dignitaries arrived by the plane load—Lt. General Elwood Quesada, James Dow (deputy director of FAA), Ted Stevens (U.S. Senator from Alaska), Don H. Clauson (U.S. Representative from California) and others, including featured speaker C. R. Smith, a crusty, rangy Texan who at the age of 74 has been called out of retirement to serve again as president of American Airlines.

Of his "new" job, Smith said, "It's good to be back." Someone said, we hear you're moving airline operations from New York to Texas. "No, that's just a rumor," he responded.

The dedication ceremony began officially at 11 a.m. with the raising of the American flag. The sun broke through the clouds.

A trick of light, or the imagination, transformed a black poodle, present at the occasion, into Snoopy the Red Baron, complete with helmet and goggles.

Allegheny Airlines flight No. 216 from Charleston arrived and departed on schedule.

Mayor James Gladkosky's flamboyant greeting set the tone. "Welcome to the State of West Virginia, County of Randolph, City of Elkins," he said, making the Jennings Randolph Field sound like a very important place.

And so it is.

Angelo Koukoulis of Clarksburg, president of Aeromech, Inc., which operates Elkins commuter flights through a contract with Allegheny Airlines, was among those participating in Saturday's dedication ceremonies.

Mrs. Marian Marson, who donated the furniture for the terminal building pilot's lounge in memory of her husband, the late Harry Marson, also attended. Harry Marson, a Randolph County coal operator, was killed in a helicopter crash.

AMERICANISM

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. SHOUP. Mr. Speaker, two articles given me by Robert C. Hendon of Alexandria, Va., seem most appropriate and I publish it in the RECORD for the information of my colleagues.

THANKSGIVING, U.S.A.

I. THE PRIVILEGE

(By Janina Atkins)

Just over nine years ago, I came to this country with $2.60 in my purse, some clothes, a few books and a beautiful china tea set for 12—a going-away gift from my friends. I was an immigrant girl from Poland hoping for a new life in a strange new country.

This month I shall celebrate Thanksgiving Day as an American citizen and, as for millions of Americans before me, this will be a day of gratitude.

Mine is not a spectacular success story, nor is that of my husband. We both left the "old country" in 1964. We did not know each other at that time, but when we met in New York City we had to face the same problems. We had language difficulties, no steady jobs, no family, few friends. It was easy to be despondent.

But, slowly, times changed. There is something in the air of America that filled my soul with a feeling of independence, and independence begot strength. There is no one here to lead you by the hand, but also no one to order you about. Once you land in America you are left to yourself, to shape your own future, to test yourself. This, I suppose, is what living in freedom means.

Working by day—I as a secretary, my husband as a clerk—and studying by night, we took the old route so many Americans have taken. Whatever we earned went for rent, food, tuition. We believed in the future. And the future did not disappoint us.

Today we work as librarians. My husband is studying for his doctorate. We live in a comfortable apartment in Manhattan. Weekends we drive to the country, and every year we travel to some faraway place. All this, we know, we owe to ourselves. And to the most hospitable and beautiful country in the world.

Among some of our American-born friends it is not fashionable to be enthusiastic about America. There are drugs, urban and racial conflicts, poverty, inflation, the Watergate affair. Undoubtedly this country faces serious problems. But what we, the newcomers, see are not only the problems but also democratic solutions being sought and applied. On Thanksgiving Day we might well remember that there is much in America to be grateful for.

I love America because people accept me for what I am. They do not question my ancestry, my accent, my faith, my political beliefs. I love this country because when I want to move from one place to another I do not have to ask permission—I just go. I love America because I do not have to stand in line for hours to buy a piece of tough, fat meat. I love America because America trusts me. When I go into a shop to buy a pair of shoes, I am not asked to produce my identity card. My mail is not censored. My conversation with friends is not reported to the secret police.

Sometimes, when I walk with my husband through the streets of New York, all of a sudden we stop, look at each other and smile and kiss. People think we are in love—and it is true. But we are also in love with America. Standing in the street, amid the noise and pollution, we suddenly realize what luck and what joy it is to live in a free country.

II. AND THE RESPONSIBILITY

(By Michael Drury)

Late one April afternoon, I hailed a taxi in Washington, D.C., and set out for the Lincoln Memorial, feeling oddly pleased and expectant. Although I've been in the nation's capital half a dozen times, it was always on business. Now I was going like any visitor to look at the memorial to a man whose mind and spirit had always engaged my sensibilities—not only as President but as a person. What I felt was in a degree, I suppose, what I would have felt if I'd been invited to meet the living man.

In blue spring twilight, I mounted the broad steps and, as I walked between the great columns, I saw at once the heroic statue, seated, "a man of sorrows" and yet content, satisfied. The bigness of it dwarfed me. I stood reassembling my scattered emotions, and slowly became aware that there was another woman there, with a girl of nine or ten whom I took to be her daughter. They were walking and talking quietly as one does in a church or a deep forest. They paused beside me, at the foot of the statue, and we smiled without speaking. Then, in that silent place, the little girl began to read aloud the "Gettysburg Address" on the plaque in front of her.

She read it all the way through. Her mother and I stole one glance at each other; there were tears streaming down both our faces. When the child finished, we turned as if we'd rehearsed it and walked out to our respective cabs without a word. At the bottom of the steps, I turned to the child, who was somehow myself, her mother and her own self as well, and said, "Thank you."

"You're welcome," she replied gravely, and we went our ways.

That episode haunted me for months. It made me aware of something I had not known before, but I could not say what it was. Like most Americans of my time. I had been brought up with a love of my country as a component of everyday life. It was a background fact like summertime and senior proms and baseball. But now there was a hint of something more rewarding and, at the same time, more demanding. I had the feeling that I was missing something.

Some years later, when a friend and I were driving along the Pennsylvania Turnpike, we decided to stop at Gettysburg. Neither of us had been there, and we chose by chance a motel that bordered immediately upon the historic battlefield. The gravestones were almost close enough to touch from the terrace outside our room.

It was early November, and when we returned from dinner a brief snow flurry had powdered everything. I stood a long time in the storied darkness, wrapped in a blanket. I was stunned by the terrible reality of it. Here slept the men who fell in a battle that for me—until that moment—had just been something studied in a history book. Here stood the President after the barrage was stilled, and named them "these honored dead."

As a child I had had to learn that brief address, and now it repeated itself in my head. But the voice I heard was not my own. It was that of the little girl in Washington: "It is for us the living to be here dedicated . . . to the great task remaining before us. . . . We here highly resolve . . ." Resolve what? Suddenly, I understood.

In the interval between that evening at the Lincoln Memorial and standing here, I had seen my country battered by racial strife and seared by assassins' bullets; denounced by some who fled it; mocked by some who remained; polluted by the effluvium of mixed-up thinking as well as by social and industrial waste. And all of it because somehow the idea spread that the nation ought to have been handed over to us completely realized, fully possessed of its high goals. And that is impossible.

A nation, like its people, will always be in one sense "unfinished work remaining before us," because it, too, is alive. What Lincoln challenged us to resolve was to get on with the unending job. What is handed over to each generation is not a past accomplishment but a present obligation to dedicate ourselves anew to living into reality the ideals we profess.

For most of us, it is seldom that we are asked to serve our country in any great manner, but it is all the more important for us the living to serve it in the daily bits that come our way. As one lone citizen, I can't do much about international war, but I can refuse to war with my neighbor. I can accept the painful necessity of changing my attitudes when they are shown to be unjust. I can let my representative know my views instead of sitting back cynically; I can vote instead of letting my decisions go by default; I can seek to correct the law by lawful means, rather than by rioting or yammering. I can pick up after myself in public places. I can refuse to despair or to cry after a perfect society which no one living has ever had.

Citizenship is a right, but one must take that right—it doesn't just happen. I was born in the United States, but it was in the middle of my life—on that cold night in Gettysburg—that I became its citizen.

DR. A. L. JONES—SPEECH ON TECHNOLOGY AND THE ENVIRONMENT

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Tuesday, December 4, 1973

Mr. TAFT. Mr. President, at the November 15 joint meeting of the Commonwealth and Commercial Clubs of Cincinnati, Ohio, Dr. A. L. Jones presented a paper on technology and the environment. Dr. Jones is presently with the Standard Oil Co. of Ohio as senior research associate. He has previously been the organizer of Sohio's satellite tracking station, prior to its relocation at Ohio University. He is the author of papers on organic analytical reagents, magnetic susceptability, hydrocarbon separations, liquid thermal diffusion, physical techniques in petroleum research, fuel cells, and radio satellite tracking. In addition, Dr. Jones has invented and coinvented several types of thermal diffusion apparatuses and was the recipient of the Aerospace Award in 1963.

His paper deals with the causes of some of our environmental problems and many of the myths we believe to be causes. I commend the paper to my colleagues and ask unanimous consent to print it in the Record.

There being no objection, the paper was ordered to be printed in the Record, as follows:

TECHNOLOGY AND THE ENVIRONMENT

(By Dr. A. L. Jones)

These are days when people have genuine concerns for the future welfare of mankind. Many fear that our technology has gotten the best of us because some think we have passed the "point of no return". It is extensively believed that we are likely to die in our own polluted soup and that we will be lucky to make it to the year 2000. A spirit of mistrust has risen amongst us. The credibility of practically everybody is being seriously questioned.

Three years ago I started to evaluate the premises upon which some of our major environmental concerns are based. The evidence that I have been able to find has proved to be quite encouraging to me. My findings have changed my attitude from one of pessimism for the future of mankind to one of confidence that we can solve our major environmental problems if we are willing to use rational approaches and pay the cost. This is what I want to talk to you about.

I wish to make it quite clear that I am speaking to you as a scientist and not as an emotional supporter of any particular "side" of ecology. I would like to remind you that useful science is based on reproducible evidence or principles that can be repeated and verified by others. As scientists we must work in terms of what we know rather than what we do not know. Unless the pronouncements we make are verifiable by others, they are worthless. Our job is to seek the truth. Our success as scientists depend on finding the truth and relating it to the needs and interests of man.

Some of the facts I present today may surprise many of you. I can assure you my conclusions are supported by evidence that is difficult to interpret in any other way. They can be verified by anyone who wishes to do so.

My first surprise concerns the air we breathe. Throughout my formal education I have been taught that the oxygen in our atmosphere is supplied by green plants using the process of photosynthesis. It is known that plants take in carbon dioxide and, through activation by sunlight, combine it with water to make starches and cellulose and give off oxygen. In this way the whole chain of plant and animal life is sustained by energy from the sun. When the vegetable or animal materials thus produced are eaten, burned, or allowed to decay they combine with oxygen and return to the carbon dioxide and water from which they came. We all know this. What is the surprise?

The surprise is that most of the oxygen in the atmosphere doesn't come from photosynthesis. The evidence is now overwhelming that photosynthesis is quite inadequate to have produced the amount of oxygen that is present in our atmosphere. The reason is that the amount of oxygen produced by photosynthesis is just exactly enough to convert the plant tissue back to carbon dioxide and water from which it came. In other words, the net gain in oxygen due to photosynthesis is extremely small. The oxygen of the atmosphere had to come from another source. A most likely possibility involves the photodissociation of water vapor in the upper atmosphere by high energy rays from the sun and by cosmic rays. This process alone could have produced, over the history of the earth (4.5 x 10^9), about seven times the present mass of oxygen in the atmosphere. Two important articles on this subject have been published in *Science* within the last 18 months by Professors Leigh Van Valen of the University of Chicago and W. S. Broecker of Columbia University.

Other scientists predict that man is bringing disaster upon himself by depleting atmospheric oxygen by burning fossil fuels and poisoning the phytoplankton of the oceans by pesticides. Dr. Paul Ehrlich of Stanford predicts an oxygen shortage by 1979. Fortunately, accurate measurements of the oxygen content of the air have been made and recorded routinely since 1910. The National Bureau of Standards has made an abundance of measurements over the years. In 1910, the oxygen content of the air was found to be 20.946% by volume. In 1973, the percentage of oxygen is still 20.946%. There is no change, even in the third decimal place. Dr. R. C. Robbins of the Stanford Research Institute has found that ancient trapped air samples from ice cores removed from the Antarctic ice cap and Greenland glaciers, dating back to 500 BC, show no change from modern air samples. This is direct evidence that the industrial activities of man have produced no measurable change in the oxygen content of the atmosphere.

The significance of this information is that the supply of oxygen in the atmosphere is virtually unlimited. It is not threatened by man's activities in any significant way either now or in the unforseeable future. If all of the organic material on earth were oxidized it would reduce the atmospheric concentration of oxygen by less than 1 percent. We can forget the depletion of oxygen of the atmosphere and get on with the solution of more serious problems.

We have heard much in recent years about the death of Lake Erie. It is true that the beaches are no longer swimmable in the Cleveland area and that the oxygen content of the bottom of the lake is decreasing. This is called eutrophication. Heavy blame has been placed on phosphates as the cause of this situation. Housewives have been urged to curb their use of phosphate detergents. The State of New York has signed into law a measure to forbid the sale of detergents containing phosphates by 1973. Many other areas of the country have similar regulations.

The scientific evidence I have been able to acquire on this subject shows that the cause of the eutrophication of Lake Erie has not been properly defined. This evidence suggests that if we totally stopped using phosphate detergents it would have no effect whatever on the eutrophication of Lake Erie. Many experiments have now been carried out which show that it is the organic carbon content from sewage that is using up the oxygen in the lake and not the phosphate in detergents. The reason the Cleveland area beaches are not swimmable is that the coliform bacterial count, from feces, is too high, not that there is too much detergent in the water. Enlarged and improved sewage treatment facilities by Detroit, Toledo, and Cleveland will be required to correct this situation. Our garbage disposal units do far more to pollute Lake Erie than do the phosphate detergents. If we put in the proper sewage treatment facilities, the lake will sparkle blue again in a very few years.

As many of you know, the most toxic component of automobile exhaust is carbon monoxide. Each year mankind adds over two hundred million tons of carbon monoxide to the atmosphere. Most of this comes from automobiles. Until recently I had been concerned about the accumulation of this toxic material because I use it daily in my research and know that it has a life in dry air of about 3 years in the laboratory.

For the past several years, monitoring stations on land and sea have been measuring the carbon monoxide content of the atmosphere. Since the ratio of automobiles in the northern and southern hemispheres is 9:1 respectively, it was expected that the northern hemisphere would have a much higher concentration of atmospheric CO. Measurements show that there is no difference in CO amounts between the hemispheres and that the overall concentration in the air is not increasing at all.

Early in 1971, scientists at the Stanford Research Institute in Palo Alto disclosed that they had run some experiments in smog chambers containing soil. They reported that carbon monoxide rapidly disappeared from the chamber. They next sterilized the soil and found that now the carbon monoxide did not disappear. They quickly identified the organisms responsible for CO removal to be fungi of the aspergillus (bread mold) and penicillium types. These organisms, on a world wide basis, are using all of the 200 million tons of CO made by man for their own metabolism, thus enriching the soils of the forests and the fields. More recently, scientists at Queens University in Canada have found that green plants, such as beans, use CO in their metabolism and that they consume as much atmospheric CO as do the fungi in the soils.

This does not say that carbon monoxide is any less toxic to man. It does say that, in spite of man's activities, this material will never build up in the atmosphere to dangerous levels except on a localized basis. To put things in perspective, let me point out that the average concentration of carbon monoxide in the open air is less than 1 part per million. In downtown Cleveland, in heavy traffic, it sometimes builds up to 15 to 20 ppm. In Los Angeles it gets to be 35 ppm. In parking garages and tunnels it is sometimes 50 parts per million. These are the worst conditions.

Here is another surprise for many of you. Do you know that the carbon monoxide content of cigarette smoke is 42,000 parts per million? The CO concentration in practically any smoke filled room grossly exceeds the safety standards we permit in our laboratories (10 ppm). I do not mean to imply that 35 or 50 ppm of carbon monoxide should be ignored. I do mean to say that many of us subject ourselves to CO concentrations voluntarily (and involuntarily) that are greater than those of our worst polluted cities, including those in the Holland Tunnel in New York, without any catastrophic effects. It is not at all unusual for CO concentrations to reach the 100–200 ppm range in poorly ventilated smoke filled rooms. If a heavy smoker spends several hours without smoking in polluted city air containing 35 ppm of CO, the concentration of CO in his blood will actually decrease! In the broad expanse of our natural air, CO levels are totally safe for human beings.

No one in his right mind would condone air pollution. But we must think of things in their proper perspective. We need to ask the question about whether the air in our living rooms presents a greater hazard to health than does the outside city air. I think we should strive to clean up both of them.

The general public has been led to believe that there is a serious health hazard resulting from increased dispersion of lead into the biosphere by man. The principal sources of lead in the atmosphere are the combustion of gasoline and the burning of coal. The contributions from both of these sources are now of the same order of magnitude but in the past, the greater contribution was from coal. During the past 100 years, over one hundred million tons of lead have been dispersed by man into the biosphere.

Careful studies of possible health effects of airborne lead have been carried out by the National Academy of Sciences, the World Health Organization (WHO) and the American Medical Association (AMA). They have found no evidence of a single case of lead poisoning that can be attributed to breathing ambient air polluted with lead. The WHO reports that "there has been no increase in lead levels in the population in the last two decades". Other studies show that there has been no increase in lead concentration in either blood or urine in the U.S. population during the last 50 years. The lead levels in the blood of New Guinea aborigines are higher than those in the blood of either urban or rural Californians. The lead levels in the bones of present day man are not significantly different from those found in human bones from the third century.

Scientists at Michigan Technological University have reported in *Science* that analyses of human hair for lead show that in the period from 1871–1923 (when lead tetraethyl was introduced into gasoline) the lead in the hair was 10 times greater than in the period from 1923–1971. They attribute the higher amount in the earlier period to the ingestion of lead from collection of water from lead roofing, storage of water in leaded jugs, lead glazed earthenware, pewter utensils, leaded paints and cosmetics.

It is hard to imagine that airborne lead is not a serious hazard to human health but the evidence is overwhelming that the lead levels in the population have not increased in recent years, in spite of increased dispersion of airborne lead. It would appear that the most important reason for removing lead from gasoline at this time is that lead poisons the catalysts in catalytic afterburners for automotive exhaust emission control. The AMA reports "subtle and unrecognized or 'unrecognizable' changes are not occurring in the general population as a result of its exposure to environmental lead". There is such a thing as lead poisoning but people usually get it by swallowing rather than breathing lead particulate matter.

One of the problems of considerable international interest concerns the use of the pesticide DDT. I find that DDT has had a miraculous impact on arresting insect borne diseases and increasing grain production from fields once ravaged by insects. According to the World Health Organization, malaria fatalities alone dropped from 4 million a year in the 1930's to less than 1 million per year in 1968. Other insect borne diseases such as encephalitis, yellow fever and typhus fever showed similar declines. It has been estimated that 100 million human beings who would have died of these afflictions are alive today because of DDT.

DDT and other chlorinated compounds are supposedly endangering bird species by thinning of the egg shells. I am not sure this is true. The experiments I found concerning this were not conducted in such a manner that positive conclusions could be drawn from them. (The evidence is that Dieldrin, PCB, and other pesticides are more likely responsible for it, not DDT). Even if it is true, I believe that the desirable properties of DDT so greatly outnumber the undesirable ones that it might prove to be a serious mistake to ban entirely this remarkable chemical.

The United States has banned the use of DDT as of the beginning of 1973. This is a clear-cut example of a modern day decision based more on fear than it is on knowledge. We know that DDT has saved the lives of 100 million people. We know that food production is increased in both quantity and quality through the use of DDT. We know that there is not a single fatality of man that can be attributed to DDT in the food chain. We know that no effective substitute has been discovered for DDT.

DDT was banned because we fear that, in spite of not having done so after 28 years of use, we may find that "man may be exposing himself to a substance that may ultimately have a serious influence on his health". Can a modern society afford to use fear and speculation rather than knowledge as a sound basis for decision making on matters that will affect the lives and welfare of millions?

Many people feel that mankind is responsible for the disappearance of animal species. I find that in some instances man may hasten the disappearance of certain species. However, the abundance of evidence indicates that he has little to do with it. About 50 species are expected to disappear during this century. But it is also true that 50 species became extinct last century and the century before that. Dr. T. H. Jukes of the University of California points out that about 100 million species of animal life have become extinct since life began on this planet about 3 billion years ago. Animals come and animals disappear. This is the essence of evolution as Mr. Darwin pointed out many years ago. Mankind is a relatively recent visitor here. He has had nothing to do with the disappearance of millions of species that preceded him.

It is of interest to note that man has not been successful in eliminating a single insect species, in spite of his all-out war on certain undesirable ones in recent years. He also has not felt kindly towards snakes and rats, but no species of them have disappeared to my knowledge.

The world supply of fossil fuels (oil, gas, coal) is limited. Fossil fuels are composed primarily of hydrocarbons. Each year the activities of man result in 27 million tons of hydrocarbons escaping into the atmosphere. The sources of most of this escape are partially burned fossil fuels and the direct evaporation of fuels and solvents. For the most part, it is advantageous to minimize this loss for reasons of efficiency, fuel conservation and reduction of air pollution.

It is well established that in sunny places, where the air is stagnant, certain hydrocarbons, when oxidized, produce photochemical smog. This results in the growth of aerosol particles which produce a haze. The color and odor of the haze is influenced by the kind of hydrocarbon involved.

It is not so well known that, on a global basis, nature releases at least 5 times more volatile hydrocarbons into the air than man does. Practically *all* types of forest trees emit substantial quantities of terpene hydrocarbons. In addition to pine trees, from which hydrocarbon turpentine is obtained, trees such as aspen, locust, cottonwood, willow, oak, sweetgum, sycamore, yellowwood, mulberry, buckthorn, and Oregon grape emit substantial quantities of isoprene and ethylene. The Blue Ridge and Smoky mountains of the eastern U.S. are so named because of the characteristic haze generated by photochemical reactions involving hydrocarbons emitted by the trees. Nature releases an estimated 175 million tons of hydrocarbons each year in this way.

In addition to volatile ones, practically all plants contain hydrocarbons such as waxes and resins that do not evaporate. Did you know that the red color in watermelons, tomatoes and pink grapefruit is a non-volatile hydrocarbon? The wax in your ears is also.

In the middle-east there is a bush, with the botanical name of Dictamnus Fraxinella, which gives off so much terpene hydrocarbons that explosive mixtures are generated in the air surrounding the plant. This plant is believed by some to be the burning bush which Moses saw. Man has been accused of being a major polluter of the air and the water with hydrocarbons but we must also recognize the greater amounts emitted by nature.

For those who wish to return to the "good old days" when we didn't have dirty industries and automobiles to pollute the air, let's consider what life was really like in America before the Civil War. For one thing, life was very brief. The life expectancy for males was less than 40 years. Those 40 years were exhaustive, back-breaking years. The work week was 72 hours. The average pay was $300 per year. The life of a woman was far from "women's lib." They worked 98 hours a week, scrubbing floors, making and washing clothes by hand, bringing in firewood, cooking in heavy iron pots and fighting off insects without screens or pesticides. Most of the clothes were very inferior by present day standards. There were no fresh vegetables in winter. Vitamin deficiency diseases wer prevalent Homes were cold in winter and sweltering in summer.

Every year an epidemic could be expected and chances were high that it would carry off someone in your immediate family. If you think that water pollution is bad now, it was more deadly then. In 1793, one person in every five in the city of Philadelphia died in a single epidemic of typhoid fever as a result of polluted water. I wonder how many informed people want to return to the "paradise" of the good old ante-bellum days. Perhaps the simple life is not so simple.

Many of us are alarmed by the dire announcements made by technically untrained people and by scientists who have not bothered to check their assumptions against the evidence. These alarms have made us go off half-cocked with expensive measures in some cases to solve problems that are sometimes more imaginary than real. For example, the construction of some nuclear power plants has been held up because of the fear of thermal pollution by the effluent cooling water. In some cases, multimillion dollar cooling towers have been required before construction could proceed. The evidence I can find is that when the plants are located on large bodies of water, such as Lake Erie, cooling towers represent expensive monuments to misinformation. The public will have to pay for these and will receive no measurable benefit from the expenditure.

My investigation of the thermal pollution problem reveals that, beyond any question of doubt, the sun is by far the greatest thermal polluter of Lake Erie. Governor Gilligan of Ohio announced that he would "back legislation making it unlawful to increase the temperature of the (effluent) water by more than one degree over the natural temperature." As we all know, the natural temperature of the lake is changed by the sun more than 40°F every year between winter (33°) and summer (75+°). The natural life in the lake accommodates this drastic change in great fashion, as it has for many thousands of years.

I have determined that if we could store up all of the electricity produced in Ohio in a whole year and use it exclusively for heating Lake Erie all at one time, it would heat the entire lake less than three tenths of one degree (0.3° F).

In terms of localized heating, we must remember that we already have many hundreds of power plants pouring warm water into streams and lakes. Twenty-five of these are nuclear power plants. Evaluation of the effect of these from an ecological point of view is that "thermal pollution" is a less descriptive and less appropriate term than is "thermal enrichment". There are no species disappearing. No ecological catastrophes or problems have appeared. Some of the best fishing locations in the country are near the warm water outlets of power plants. An excellent scientific report on this subject may be found in the March 1972 issue of Environmental Science and Technology.

In every age we have people practicing witchcraft in one form or another. I used to think that the people of New England were particularly irrational in accusing certain women of being witches without evidence to prove it. Suppose someone accused you of being a witch. How could you prove you were not? It is impossible to prove negative evidence. Yet this very tactic is being used to deter the construction of nuclear power plants. The opponents are saying, in effect, that these plants are witches and it is up to the builders to prove that they are not.

The positive scientific evidence is that the nuclear power plants, constructed to this date, are the cleanest and least polluting devices for generating electricity so far developed by man. Lightning and snakebite have proven to be greater hazards to the health and safety of the public than nuclear power plants. The amount of radiation escaping from a well designed nuclear plant is less than that from the cosmic rays to which I was exposed on the jet aircraft flight to this conference. Carelessness and irresponsibility are inexcusable in potentially hazardous operations. I can find no evidence of any such behavior in our industrial nuclear operations.

The energy crisis in the United States is quite real. If we are to maintain our standard of living and avoid a rapidly increasing deficit in our balance of payments, because of greater oil imports, we must construct nuclear power plants with the greatest of urgency. They are the only demonstrated and economically feasible alternative we have for electric power generation. We cannot afford to let fear and superstition impede the attainment of the improved quality of living which we can achieve.

From what we read and hear it would seem that we are on the edge of impending doom. A scientific evaluation of the evidence does not support this conclusion. We clearly have some undesirable problems attributed to technological activities. The solution of these problems will require a technical understanding of their nature. The problems cannot be solved unless they are properly identified. This will require more technically trained people, not less. These problems cannot be solved by legislation unless the legislators understand the technical nature of the problems.

In my estimation, the most serious problem we face is the rapidly increasing human population on a world-wide basis. The pollution of our natural waters with sewage and chemicals is perhaps the second most serious one. Nothing good has been found for either sulfur oxides or particulate matter in our air. Hydrocarbon emission from our automobiles can be hazardous, especially in poorly ventilated locations. I have not been able to identify any problems that we do not already know how to solve. It is strictly a question of economics. The back to nature approach of withdrawing from reality will accomplish nothing.

I believe, as Thomas Jefferson did, that if the public is properly informed, the people will make wise decisions. I know that the public has not been getting all of the scientific facts on many matters relating to ecology. That is why I am speaking out on this subject today as a scientist and as a citizen. Some of the information I have given you may be contrary to the things you are being led to believe but I am willing to support my conclusion on evidence good enough for me to urge any of you to evaluate it for yourselves. I have no fear of staking my reputation on what I have presented to you.

We are all familiar with the Aesop fable about the shepherd boy and the wolf. The moral for the fable is: those who are found to misrepresent facts are not believed even when they speak the truth.

In recent months, we have heard cries of wolf with respect to our oxygen supply, the build-up of carbon monoxide, the disappearance of species, DDT, phosphates in the lake, thermal pollution, radiation effects on health from nuclear power plants, the Amchitka nuclear tests, lead in gasoline, and mercury in fish, to name a few. For the most part, these cries have not been malicious but have been based largely on fear, ignorance, or misinformation. The people have listened to these cries and have come running to the rescue but they are not finding many wolves.

Let us not cry wolf until we are reasonably certain that we have done enough homework to know what a wolf looks like. Otherwise we may undermine our credibility and not be believed by the people when we warn them of the real wolves that do exist. We cannot solve our recognized problems unless we attack them on the basis of what we know rather than what we don't know. We must use our knowledge and not our fears to solve the real problems of our environment. Our future can be better than most of our past if we choose it so.

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H.R. 9320

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. ARENDS. Mr. Speaker, on June 22, 1971, I introduced H.R. 9320, a bill to amend the National Labor Relations Act, and it was referred to the Committee on Education and Labor.

In my remarks at the time I introduced that bill, Mr. Speaker, at pages 21723-4 of the Record I cited a variety of undesirable conditions stemming from decisions of the National Labor Relations Board and the courts, conditions which would have been corrected by the enactment of H.R. 9320.

Mr. Speaker, no action was taken on H.R. 9320 by the 92d Congres, and the conditions it was designed to correct are as much in need of correction today as they were in June 1971. I will not burden the Record at this time, Mr. Speaker, with a detailed analysis of Labor Board and court actions these past 2 years in areas covered by this legislation. Suffice to say those actions have not materially altered the situation. It is still in need of correction, as it was in 1971.

Accordingly, Mr. Speaker, I reintroduce this same bill today for appropriate reference. It deals with these six separate areas under the National Labor Relations Act: first, the status of economic strikers; second, coalition bargaining; third, the gerrymandering of bargaining units; fourth, the consolidation of bargaining units and the existence of a collective bargaining contract as a bar to an employee election in a particular unit; fifth, preservation of certain multiemployer units; and sixth, clarification of an employer's right to ask for an NLRB election among his employees.

Mr. Speaker, I urge early hearings and early House action on this legislation. Its enactment into law is long overdue.

ENERGY CONSERVATION

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. COTTER. Mr. Speaker, on October 17, 1973, I wrote to the Insurance Association of Connecticut and the Connecticut Business and Industry Association urging them to prod their respective corporate members to participate wholeheartedly in a voluntary energy conservation program. This, of course, was prior to the President's first energy crisis message which brought energy conservation from the back burner to the front.

One of the more encouraging responses I have received to this call came from Connecticut General Life Insurance Co., in Bloomfield, Conn. The energy savings that company projects are quite impressive.

I would like to share with my colleagues a statement from Connecticut General on energy conservation.

STATEMENT BY CONNECTICUT GENERAL

Connecticut General Life Insurance Company is achieving its goal of cutting fuel consumption by 25 percent in its home office in Bloomfield.

During November, the first month of the company's intensified conservation efforts, some 27,500 gallons of heating oil were saved, according to John F. Barnaby, senior associate of Dubin-Mindell-Bloome Associates, a consulting engineering firm hired by CG to help find ways to cut fuel consumption.

The figures include adjustments for weather variances such as degree days and sunlight.

If the oil savings rate can be maintained, CG would save 118,000 gallons of oil during the winter season, ending April 15, enough to heat approximately 100 Greater Hartford homes for that period.

In addition, Barnaby reported, electricity usage was cut 20 percent in the company's 854,000-square-foot main building. Total electricity usage by CG was down 11 percent from last November even with the addition of a new 100,000-square foot printing and supply building, which uses electric heat. Donald N. Brothers, senior energy consultant for Hartford Electric Light Company, said that the 11 percent rate of savings represents enough electricity to meet the normal needs of 480 average homes for a full year.

John S. Wyper, Connecticut General vice president, said, "We're delighted with the progress, so far. The best part about it is that these energy reductions have been achieved without any interruptions of our business and with a minimum of discomfort and inconvenience for our employees.

"It's a little cooler and a little darker around here, but our employees have been most understanding. They seem to appreciate that what we're trying to do is in the public interest.

"If our initial experience proves typical for a large number of office buildings throughout the country, this could be good news in the effort to help solve this winter's energy shortage," Wyper said.

Connecticut General has turned down its thermostats from 74 degrees to 68 degrees and has taken advantage of the natural lighting provided by its glass wall construction to reduce artificial lighting in corridors, the cafeteria and work areas. It has curtailed elevator and escalator service and adjusted evening cleaning crew schedules to turn off lights early. "It may not always appear that way from the outside," Wyper said, "but our evening lighting is way down."

In addition, CG and Dubin-Mindell-Bloome are investigating a variety of ways to adjust the home office building's heating, ventilation and air conditioning systems so they will use even less energy in the future.

THE ENERGY CRISIS: HIGHER TAXES OR RATIONING?

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. LONG of Louisiana. Mr. Speaker, the energy crisis is no longer a mere expression; it is now a stark reality. We are running out of petroleum supplies.

Nothing we do now will increase our petroleum supplies for this winter. Our immediate goal for the next few months must be to minimize the costs—social and economic costs—of the fuel shortage.

Everybody across this great land hopes that voluntary steps will reduce our gasoline consumption and allow our refineries to produce more heating oil. Though I wholeheartedly support efforts to avoid wasteful use of gasoline, I realize at the same time that our Nation depends on it as a fuel for automobiles, by far our most used method of transportation. We can reduce driving and the waste of gasoline, but our requirements for enormous quantities of fuel will still exist.

If voluntary action does not reduce demand enough, and the signs indicate that it will not, we will have to create a system to bring down the level of consumption. The system that we create must recognize the national dimension of the shortage. The sacrifices to be required should such a system ever be adopted must not fall unfairly on any single group.

One of the suggestions brought forward as the best way to reduce gasoline use calls for sharp increases in taxes. There can be no doubt that increased taxes on gasoline would sharply curtail driving, but the burden of the reduction would fall savagely upon the shoulders of working people who need their automobiles for getting to and from their jobs. The more wealthy drivers, who account for most of the nonproductive pleasure driving, would pay more for their gasoline, which they would be able to buy because the workingman needs all of his resources to provide shelter, food, and clothing for his family.

The simple and grossly unfair result of higher gasoline taxes would be to deny automobile transportation to working people and place some restrictions on people with moderate incomes, but would have no effect whatsoever on the driving habits of the well-to-do.

The only way to fairly share a reduction in gasoline consumption is through a system of rationing that will assure every American a chance to buy a fair share of our country's limited supply of gasoline.

Nobody likes rationing. Any system of allotted purchases will be inefficient. Everybody will be inconvenienced. But under a rationing system at least everybody will be treated equally, and no group of citizens will sacrifice so others may continue their old driving practices.

Our energy problem will not be solved overnight. Our best course is to spread our supplies as far as they will go, and the best way to do that is to remember that America is a land of equality. High taxes to discourage driving would shatter this ideal. If our gasoline supply is not large enough to meet demand, a system of fair rationing must be created.

"LETS HEAR IT!" FOR UNITED STATES

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. HILLIS. Mr. Speaker, just what is right with America? Anything? In recent years we have heard both here and abroad comments which would lead us to believe that everything is wrong with America. I have been distressed on many occasions and felt that these dissenters needed to be set on the right path.

I have heard many attempts to do so but none as effective and meaningful as an editorial by Gordon Sinclair, a Canadian radio and TV commentator. And more impressive—here is someone who is not even an American but sees fit to defend her. Mr. Sinclair's commentary comes at a most appropriate time and I believe it to be excellent reading for everyone.

While Mr. Sinclair's thoughts have previously been inserted into the CONGRESSIONAL RECORD by another colleague, I want today to again share his commentary. It is indeed heartening to know that there are individuals like Gordon Sinclair. I salute him.

"LET'S HEAR IT!" FOR UNITED STATES

(NOTE.—In these days of unrelieved foreboding and gloomy news, all of us in this country could do with a little bucking up.

It isn't often that we get a chance to see ourselves as a neighbor sees us—and be cheered by the image.

Some time ago Gordon Sinclair, the Canadian radio and TV commentator, broadcast an editorial from Toronto. Any number of people in this country heard it or have since read it, as it has been widely reprinted in newspapers in the U.S. It was inserted in the "Congressional Record" and became the subject of many editorials.

Mr. Sinclair's commentary makes especially heartening reading right now. For the benefit of those who have missed it, excerpts are presented here.—Howard Fliege, Editor.)

This Canadian thinks it is time to speak up for the Americans as the most generous and possibly the least appreciated people on all the earth. . . .

Germany, Japan and, to a lesser extent, Britain and Italy were lifted out of the debris of war by the Americans who poured in billions of dollars and forgave other billions in debts. None of these countries is today paying even the interest on its remaining debts to the United States.

When the franc was in danger of collapsing in 1956, it was the Americans who propped it up, and their reward was to be insulted and swindled on the streets of Paris.

I was there, I saw it.

When distant cities are hit by earthquakes, it is the United States that hurries in to help. . . . This spring, 59 American communities (were) flattened by tornadoes. Nobody helped.

The Marshall Plan and the Truman Policy pumped billions upon billions of dollars into discouraged countries. Now newspapers in those countries are writing about the decadent, warmongering Americans.

I'd like to see just one of those countries that is gloating over the erosion of the United States dollar build its own airplanes.

Come on, let's hear it!

Does any other country in the world have a plane to equal the Boeing Jumbo Jet, the Lockheed Tristar or the Douglas 10?

If so, why don't they fly them? Why do all the international lines except Russia fly American planes?

Why does no other land on earth even consider putting a man or woman on the moon?

You talk about Japanese technocracy, and you get radios. You talk about German technocracy, and you get automobiles.

You talk tbout American technocracy, and you find men on the moon—not once but several times—and safely home again.

You talk about scandals, and the Americans put theirs right in the store windows for everybody to look at.

Even their draft-dodgers are not pursued and hounded. They are here on our streets, and most of them—unless they are breaking Canadian laws—are getting American dollars from Ma and Pa at home to spend here. . . .

When the railways of France, Germany and India were breaking down through age, it was the Americans who rebuilt them. When the Pennsylvania Railroad and the New York Central went broke, nobody loaned them an old caboose. Both are still broke.

I can name you 5,000 times when the Americans raced to the help of other people in trouble. Can you name me even one time when someone else raced to the Americans in trouble?

I don't think there was outside help even during the San Francisco earthquake.

Our neighbors have faced it alone, and I'm one Canadian who is damned tired of hearing them kicked around.

They will come out of this thing with their flag high. And when they do, they are entitled to thumb their nose at the lands that are gloating over their present troubles.

I hope Canada is not one of these.

THE FOOTBALL CAPITAL OF THE SOUTH

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. NICHOLS. Mr. Speaker, on this past Saturday I attended, with more than 70,000 other Alabamians, the annual Auburn-Alabama football classic at Legion Field, Birmingham, Ala., "The Football Capital of the South." This game was viewed by millions of Americans throughout the United States on national television. Although I was hopeful that my Auburn team would come out victorious, there was just no way to win out over the Nation's No. 1 football team, the University of Alabama.

In this day and time, when skepticism and pessimism is in so many quarters, I was extremely heartened to note upon entering this great stadium, that taped to each of the 70,000 seats was an attractive brochure placed there by the Fellowship of Christian Athletes of Auburn University and the University of Alabama.

I have supported this fine organization for many years and I can personally attest to the outstanding religious leadership by the Fellowship of Christian Athletes in the high school, college, and professional ranks

I believe that the personal testimonials stated in this brochure by these great Alabama athletes are timely and certainly merit being placed in the annals of the CONGRESSIONAL RECORD. I appreciate the leadership that these young men have given this Nation, both as great athletes and great Christians, and I feel that their remarks are worthy of the reading of each and every Member of Congress.

THIS IS WHAT MAKES US TICK

We, along with hundreds of Alabama and Auburn students, as well as thousands of people around the world, have found a positive working solution to the problems of life. We have discovered real peace, security, happiness, and eternal life through knowing Jesus Christ personally.

Andy Steele, Auburn University, "It is no longer I who live, but Christ who lives in me. And in me He lives a life as full and abundant as can be lived. A life in fellowship with God's Son, Christ Jesus, a relationship characterized by His infinite love for me. A love . . . supplies all my needs through the riches of His grace. I thank God I have this relationship!"

David McMakin, University of Alabama, "Since I've become a Christian, I haven't become perfect. I've got many of the same wants, needs and desires as all of you do. Christ fulfills them, or gives me the patience to wait upon Him to act. This game may go either way, so I'm happy that my peace of mind is not dependent on the outcome. I depend on Christ."

Ed Butler, Auburn University, "Since becoming a Christian, I have come to realize that everything God has given me should be used for his own glorification, I have confidence now that whatever may happen will be for my own good as it fits into God's plan. The peace, the joy and the patience I found in Christ is unique and can be found nowhere else."

Gary Rutledge, University of Alabama, "During my life I have always been close to God. I could not go through many problems I have without Him. It is a great feeling to know He is with you, every minute of every day. I challenge each of you to let Him have control of your life, letting things work in your life as He would have it—not yourself. There's a saying by Texaco: 'Trust your car to the man who wears the star,' but for each of us it should be: Trust your life to the man who made the stars,—Jesus Christ."

Wayne Hall, University of Alabama, "For the first twenty years of my life, my god was football. In the third game of my freshman year I got hurt and sustained the first of a series of four knee operations, and at this time I saw my god disappear. Since then I have found a new God, One who will never leave or betray me, Jesus Christ."

Eddie Denton, Auburn University, "Jesus Christ has been the mainstay of my life for a long time. I have always depended on Him to care for my needs and direct my life. It was not until I came to college, however, that I realized the need for something more than a once-in-awhile God. Christ has supplied this extra need for me and showed me what a wonderful day-to-day relationship with Him can be like.

Randy Hall, University of Alabama, "I used to call myself a Christian, but I relied on my own strength and ability in my actions. Now since I have come to have a personal relationship with Jesus Christ and turned my life over to Him, I realize how wrong I was before. I am weak and can do nothing without His strength and guidance. I am so thankful for God's forgiving love expressed through my Lord and Saviour, Jesus Christ."

Jim Pitts, Auburn University, "I accepted Christ at an early age during a spring revival in my hometown. Since then I have really come to love and understand the Lord more fully as I have struggled to grow as a Christian. When I at times become selfish and self-centered, I remember what a sacrifice God made for me by sending His only Son to earth to be crucified that I might be saved and have eternal life."

John Croyle, University of Alabama, "In my life I have seen and heard about Christianity and I did not want what I saw, until it was explained to me that it was a relationship with Jesus Christ, not religion. When I asked Christ to come into my life, He did as He said he would and changed my life. I challenge you as the others have, to examine the exciting life Christ has to offer, to all who will give Him a chance. Jesus said, 'I come to give you an abundant life.'"

Billy Wood, Auburn University, "When I was coming up through high school I was the kind of guy who really thought he had it made. Footballwise and materially I was sitting on top of the world. Yet, I still lacked something in my life, and I found that to be Jesus Christ. And right now I can experience the abundant life he promised us in the midst of a problem filled world."

Phil Murphy, University of Alabama, "For years I tried to find life and searched for freedom in everything imaginable. Then one day through the testimony of a teammate I learned that man could never find life abundant or ever really be free, until He committed himself completely to the God who created Him. Today I can say thankfully through Jesus Christ I have life and certainly am free."

Rick Neel, Auburn University, "Everything in my life must involve Christ. Football is no exception. Without His gifts of a strong body and good mind, there is no way I could even play the game. Without His help I could do nothing and for this reason I shall always give Christ the glory for anything I accomplish—on or off the football field."

Steve Taylor, Auburn University, "Though I went to Church as a child, I never grasped or understood why my parents made me go. I couldn't make much sense of it. My Mother died when I was twelve so with the loss of her influence I drifted into all kinds of trouble. But then Christ came into my life and I knew I had found what I was searching for. God's gift of salvation through his only son Jesus has become the center of my life. I attribute my athletic ability to God's will and I know I can always count on his strength in any situation. Even in a crisis-filled world, Christ gives me peace and love like a river overflowing in my heart."

Steve Ford, University of Alabama, "I had always gone to church on Sunday morning, but never really knew or understood the claims of Jesus Christ or just who He was. One night Jesus and His claims were presented to me and I realized that He desired for me to give my life to Him, and receive Him as my Lord and Savior, which I did. Since then I have come to know Him as truly, "the way, the truth, and the life." As the Word teaches, unless one humbles himself before the Lord and opens up his heart to Him, he will never know of God's salvation or experience God's blessings."

We invite you, yes, challenge you, to receive Jesus Christ into your life today. Prayer is one way to express faith toward God. We invite you to pray a prayer something like this:

Lord Jesus, I admit I am a sinner and I realize I need you. Thank you for dying for me that I might have my sins forgiven. I invite you to come into my life, forgive my sins and make me the kind of person you want me to be. Amen.

THE IMPORTANCE OF THE TRADE BILL

HON. PHIL M. LANDRUM

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. LANDRUM. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

THE IMPORTANCE OF THE TRADE BILL

(By J. Stanford Smith, vice-chairman of the board, International Paper Co.)

We are here to give you facts regarding the importance of the trade bill to the American economy and to the forest products industry in particular. We strongly urge your support of it.

1. The trade negotiations that are getting underway will determine the economic pattern of the world. They will define the international trading system for years to come; so it is crucial that U.S. negotiators be well armed and well supported. They need to be as well equipped with negotiating authority as are their counterparts from other nations.

Only with such support can they reach agreements that reduce foreign barriers against U.S. exports and open new overseas markets for the United States. This can create thousands of new jobs and protect millions of existing jobs that will be endangered if we don't defend and extend our position in international trade. Furthermore, expanded trade and income from foreign investments are the cure for the U.S. balance-of-payments problem. It will take *expanded* export trade to provide funds to pay for imports such as oil that are vital to our national welfare.

2. The trade bill is important to the forest products industry. The United States forest products industry is a world cost leader. In other words, in terms of efficiency, quality, and customer acceptance, we are second to none. But the only way to maintain and enhance such world cost leadership is to be able to compete on a world basis. The more that U.S. negotiators can eliminate tariff and non-tariff barriers against wood and paper products around the world, the more this industry can grow in sales and jobs, and the more it can contribute to a favorable U.S. balance of trade.

International Paper, for example, exported $290 million worth of products last year. We imported certain types of pulp and papers which can be made most successfully from Canadian spruce and balsam that are not economic to grow in most of the U.S. But our favorable trade balance—the net of exports less all types of imports—was $155 million, which makes International Paper the tenth largest contributor among all companies to the U.S. balance of payments. Given a favorable trade bill, we can considerably increase this contribution.

3. Third, the trade bill is important to jobs in the United States. The forest products industry directly employs 1,300,000 people (500,000 in timber and wood products, 200,000 in sawmills and lumber mills, 600,000 in paper and allied products). International Paper directly employs 51,000 people—many of them in the Congressional Districts represented here this morning. In addition to this direct employment, our studies show that over 100,000 additional people are indirectly provided employment by our operations.

Nearly all of our primary paper mills do a significant export business—one of our mills is dependent on exports for 44 percent of its production. I don't have to tell you that if such a plant were to lose its export market, it would no longer be economically viable.

Further, the products of all of our mills go into industries which also stand to gain from the expansion of overseas trade. For example, the printing and publishing industry makes a very important contribution to the U.S. trade balance. This would not be possible without the world cost leadership of U.S. paper producers.

In addition, many of you know how important jobs in forest products are to localities in the Northeast, the South, and the West. Those who visit the Adirondacks, for example, quickly see that almost all economic activity in the Adirondacks revolves around the paper mills and the woodlands operations that support them. Virtually the only other business in the Adirondacks is the highly seasonal tourist industry. The forest products industry is the mainstay of many such areas in the United States.

My associates tell me that with international trade expansion we can provide several thousand more jobs in International Paper alone.

4. This nation needs the trade bill in order to deal with the new realities of international trade. For example, we must deal on a realistic basis with such facts as the unbelievable post-war economic recovery of Japan and Western Europe. We must deal with such facts as the expansion of the Common Market into a much larger trading community.

The Common Market in 1972 bought $1.2 billion worth of paper products. A third of these purchases—$406 million—were from the United States. Canada and the Scandinavian countries are the other major suppliers to the Common Market.

Today there is a 12 percent tariff on most paper products entering the Common Market from the U.S., Canada, or Scandinavia. With the expansion of the Common Market, however, that tariff will gradually be decreased to zero for the Scandinavian countries; it is crucial that U.S. negotiators be in a position to work out the same sort of tariff reduction for U.S. exports of paper to the Common Market. Thousands of U.S. jobs are at stake, and so also is the U.S. position of world leadership in the paper industry.

One important final note. The major labor union representing the employees in our mills and plants also supports the views I have expressed here on why foreign trade is essential to our industry.

I hope I've shown you why we believe the trade bill is important to this nation, why we believe it will build jobs for U.S. employees and sales for U.S. business, and why we urge you to favor it.

We welcome your questions and comments.

PENN CENTRAL PERVERSITY

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. BAUMAN. Mr. Speaker, recently the House passed H.R. 9142 which contained ample provisions and financing for upgrading of various Northeastern railroads including the Penn Central system. This provision is particularly important because of the substandard safety status of much of the Penn Central track.

It might have been expected that the Penn Central would have taken a more optimistic view of their future when they responded to an order of the Interstate and Foreign Commerce Commission requiring them to make track repairs. This order was issued almost 2 years ago and Penn Central did nothing until the last minute. At that point on October 16, 1973, instead of either making repairs or coming up with a suitable plan for repair, they closed a number of miles including many miles of track in my congressional district. The closure lasted for 1 day before the ICC granted a waiver for 1 month during which Penn Central was to produce a plan for repair and reconstruction. That plan has now been submitted and it is, to say the least, a farce.

As an example of the so-called good faith of Penn Central, I point to the statistics offered by the railroad regarding needed repairs of the 406.2 miles of track located in the Chesapeake Division which includes most of the Eastern Shore of Maryland. Penn Central's estimate of the number of ties needed to bring these lines up to safety standard was a total of 39,647 ties. However, an inspection by a qualified inspector of the Federal Railway Administration showed that there was no more than 5,000 new ties required, an estimate which was only 12.6 percent of the Penn Central total. Similarly, Penn Central estimated that the same rail lines required at least 716,100 feet of new rails. The Federal Railroad Administration inspector estimated only 1,200 feet of new rails. It is clear that Penn Central has adopted the old adage that "figures do not lie, but liars do figure."

I include an editorial from the Daily Times of Salisbury, Md., detailing just how unrealistic and unresponsive this safety plan is. It seems to me that if the Penn Central wants help from the Congress and the taxpayers of the United States, they had better change their attitude, and do so quickly. For the present time they had better immediately revise their track repair plans on a more realistic basis.

The editorial follows:

THE WRECK ON DELMARVA

Delmarvans who are worried over the possible loss of railroad service will find a fresh and strong basis for concern in a track repair timetable submitted last week by the Penn Central.

The bankrupt railroad system was ordered by the Federal Railroad Administration to either submit plans for repairing some 6,901 miles of sub-standard track or close down operations.

Release of the track repair program is just more bad news for Delmarva people who have been fighting to keep the freight trains running. It will be at least three years before the railroad might even begin to repair Delmarva tracks. Worse yet, the Penn Central is saying that much of it will not be started for at least five years. Two sections of tracks will have to wait seven years.

The railroad says its track repair needs total $49 million throughout the system in 16 states. It needs not only the labor to repair the rusting rails but it also must buy two million cross-ties, and close to 100,000 switch timbers.

And, even though there is a plan and a timetable, there's no starting date for any of it. It is dependent on financing. Indeed, the railroad is candid to say that it has no idea when the plan could get under way. Obviously, there's the ever-present hope of federal aid or subsidies as well as assistance by states in trying to preserve a railroad system vital to the well-being of a nation.

Here on Delmarva, it is unthinkable that the tracks will be allowed to rust away. Yet, that is what is going on, despite vigorous efforts by local groups to prod both the railroad and government on the problem. While service deteriorates.

Here is the schedule for repairing Delmarva track—the main line south of Salisbury, and the various branches. Presumably, the line from Delmar to Wilmington could be retained, even though the branches are lopped off:

Salisbury, Md.-Cape Charles, Va. (53 miles) 3rd year of the eight-year plan. Seaford, Del.-Cambridge, Md. (41.8 miles) 3rd year. Massey, Md.-Centreville, Md. (24 miles) 3rd year, Harrington, Del-Georgetown, Del.-Snow Hill, Md. (41 miles) 3rd year.

Queen Anne, Md.-Denton, Md. (6 miles) 3rd year. Massey, Md.-Chestertown, Md. (20.2 miles) 5th year. Queen Anne, Md.-Oxford, Md. (20 miles) 5th year. Georgetown, Del.-Rehoboth Beach, Del. (22 miles) 7th year Kings Creek, Md.-Crisfield, Md. (15 miles) 7th year.

Efforts to put the wrecked Penn Central back on the track are going on in the courts and in Congress. Some states are interested, Maryland among them. Gov. Mandel and the Economic Development Dept. are interested. Retention of most spur lines on the peninsula is vital to the future of this region. Yet, our own State of Maryland Dept. of Transportation reportedly has no policy as yet for dealing with rail transportation. We're going to need more than just one group or another getting up to proclaim the need for rail service yet lack the muscle and money to do something about it.

THE LATE THOMAS M. PELLY

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 1973

Mr. STEIGER of Arizona. Mr. Speaker, I wish to pay a final tribute to a good friend and a fine and dedicated Congressman, the late Thomas M. Pelly of the State of Washington.

With his passing comes the end of a long and distinguished career. For 20 years, from 1952 until his retirement in 1972, Thomas Pelly served the people of the First District of Washington—and served them well.

He was the ranking minority member of the Merchant Marine and Fisheries Committee and ranking minority member of the Fisheries and Wildlife Conservation Subcommittee. His legislative judgment and experience were evident often in his work on this committee and subcommittee. He also served with equal distinction on the Science and Astronautics Committee and was the ranking minority member of the Advanced Research and Technology Subcommittee.

With the death of Thomas Pelly, I have lost a good friend; and the House of Representatives and the citizens, not only of Washington, but of the entire Nation, have lost a man who, in the 20 years he served, was an able legislator and an honorable statesman.

NATION'S ENERGY PROBLEMS

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Miss HOLTZMAN. Mr. Speaker, I recently received a letter from the distinguished attorney general for the State of New York, Louis J. Lefkowitz, concerning the Nation's energy problems. He presents some most thoughtful proposals and I would like to recommend them to the attention of my colleagues:

NOVEMBER 30, 1973.

Hon. ELIZABETH HOLTZMAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSWOMAN HOLTZMAN: I am writing in connection with the pending bills containing measures to deal with the fuel shortage, H.R. 11031, 11202, 11450. There are certain fuel conservation measures which, if added to this bill, would make a more effective weapon in dealing with the Nation's energy problems.

(1) Emergency funding for rail transportation would be the single most effective means of reducing overdependence on the automobile and resulting unnecessary consumption of gasoline. The public must be promptly provided an efficient alternative to the automobile in the many high-traffic-density areas where none exist. Federal funds for urban mass transit under the Urban Mass Transportation Act and for Amtrak under the Intercity Rail Passenger Service Act should be augmented by emergency funding to make possible increases in service and to avoid fare increases. In addition, emergency funds should be specifically directed to Amtrak to provide rail service during periods of peak travel to ski resorts, beaches and summer vacation areas such as Cape Cod, the Adirondacks and the Berkshires. This step alone would eliminate the consumption of vast quantities of gasoline and would reduce air pollution and highway congestion as well.

(2) Federal funds should be advanced and earmarked for the construction and purchase of railroad and subway passenger cars and the modernization of trackage and stations where necessary to sustain passenger service.

(3) The cost of using public transportation to commute to work should be made deductible from Federal income tax.

(4) Electric advertising should be prohibited except for one sign on the premises of a retail store and only during the hours when the store is open to the public. The President's message in this regard was a step in this direction but it allowed advertising on the premises of any business. There is no reason for large electric signs consuming vast amounts of power on factories or other business establishments not open to the public.

(5) Decorative lighting on bridges, public buildings, monuments and the like should be eliminated for the duration of the fuel shortage.

(6) Federal funds should be appropriated for research into electric generation from refuse. This is now being done experimentally in some pilot projects. Its rapid expansion, which can be achieved more speedily through federally-sponsored research, would substantially reduce consumption of fuel oil used to generate electricity.

Finally, the Senate bill exempts any steps taken during the fuel shortage from the requirements of the National Environmental Policy Act. I believe that instead the law should contain a requirement that any challenge under the National Environmental Policy Act be commenced within 30 days after the announcement of the proposed Federal determination and that any such action be given a preference in the Federal courts. In my view a wholesale exemption from the mandate of NEPA for any decision related to the need to alleviate fuel shortages would create a most unfortunate precedent and would weaken the effectiveness of that important statute.

I hope you will agree as to the effectiveness of the proposals contained in this letter and will take steps to add them to the pending bill. I and my staff stand ready to assist in any way possible.

Best personal regards.

Sincerely,

LOUIS J. LEFKOWITZ,
Attorney General.

LOOKING TO THE PEOPLE FOR SOLUTION TO ENERGY SHORTAGE

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. ALEXANDER. Mr. Speaker, in the next few months we in the Federal Government are going to be called on to make many decisions to regulate the consumption of fuel in this country. To be successful, any of the programs that we establish must have the support and the cooperation of the American people, many of whom are already voluntarily cutting down on the amount of fuel they use in their homes and offices. In any decisions we may make, it is imperative that we be keeping in mind the suggestions and wishes of the people whom we represent. Today I wish to share with you letters I have received from Mr. B. J. Rosa, the superintendent of schools at Mountain View, Ark., and Mr. William E. Edwards, the owner of a motel in Fort Smith, Ark. I hope that my colleagues will review their comments and suggestions for possible sources of action.

The letters follow:

CONTINENTAL MOTEL,
November 21, 1973.

Mr. WILLIAM V. ALEXANDER,
U.S. Congressman,
House of Representatives,
Washington, D.C.

DEAR SIR: I urge you to support the President in all matters possible to insure unity of both parties and to pursue a course of action to raise the esteem of the Nation, and to stop the wasteful spending of money in the overrated Watergate Case. It is far past the time for the Congress and the President to pursue a course that will get the Nation back on a sound Economic basis.

The course of action taken in the current Energy Crisis can be very treacherous to the Economy, Industry, and the small Businessman. The Transportation Industry, The Motel Industry and related industries are in jeopardy at this time and are worthy of careful consideration. I would like to submit a possible solution to a small part of the many problems for your perusal.

Use the Federal Highways, and the Interstates (or Interstates only) during the hours of 7 P.M. to 7 A.M. exclusively for the Trucking and Commercial Transportation; and to use them from 7 A.M. to 7 P.M. for local and longdistance travel of Automobile Traffic. Exceptions to be made only in emergencies.

1. The trucks require the 70-75 mph due to scheduleing and gearing.

2. The absence of Automobiles will enable them to maintain a more constant speed and better economy with far more safety.

3. The lower Temperatures will give them 5 to 10 percent better performance and lower their maint. cost. They will get an additional 10 to 20 percent longer tire life and reduce the possible blowouts at the lower Highway Temperatures.

4. The Trucks would be in the Freight Terminals for loading and unloading during the working hours to secure more jobs.

5. In the event that Local Haulers and Trucks find it necessary to run during daylight hours they would be required to run at the reduced Automobile speeds.

Automobiles: 7 A.M. to 7 P.M.

1. Reduce the speed to the requested 50-60 mph speed and increase their mileage the 15-20 percent.

2. The Trucks would be off the highways and Reduce Congestion during the time workers travel; (to and from Work.).

3. In the event of rationing of gasoline the Commercial Automobiles and salesmen traveling with special gas Allotments would be curtailed from pleasure driving after 7 P.M.

4. Pleasure driving and unnecessary traveling by school age drivers and others would be curtailed, during the evening hours.

5. The lower speeds and the absence of trucks would improve the Safety Standards.

6. Issuance of W.W. II type (A.B.C.T.) window stickers would serve as a deterrant for the improper use of the vehicle during non business hours.

7. The Commercial man and or Salesman so vital to all industries would have the use of his vehicle and the necessary gasoline to successfully perform his job during normal business hours.

The Motel Industry, Restaurant Industry would be allowed to function in the normal 24 hour capacity which is necessary to be successful.

1. Some revenue would be derived from Truckers laying over during the daylight hours.

2. The Commercial Traveler (to 50 to 70 Percent lifeblood) would be available to the Motels in the Night to enable the Motels to survive without the Pleasure Seeking Tourists.

3. The Traveler would be in and off the road early in the evening and enable the Motels to cut off the Large Neon Signs, so necessary to Attract Travelers; thereby saving a great amount of Energy.

4. The lower speed would extend the time of the Travelers on the road and help stabilize the Motel Industry.

The successful achievement to the energy Crisis is everyone's Responsibility. I hope the ideas I submit to you will be of benefit in your search of successful solutions to our many problems.

Sincerely,

WILLIAM E. EDWARDS, *Owner.*

P.S. Stop unnecessary bussing of students. *Savings unknown.*

MOUNTAIN VIEW PUBLIC SCHOOL,
Mountain View, Ark., November 14, 1973.

Hon. BILL ALEXANDER,
U.S. Capitol,
Washington, D.C.

DEAR BILL: Although the energy crisis will certainly present a serious situation and bring hardships on many of us, I also believe it is an opportunity for our leaders to use this situation to unite this country in a team effort to overcome a serious problem within our country. We have been too wasteful and we have not taught our young people to take care of what they have.

We have not taught them to appreciate the conveniences they enjoy each day and consequently we have gotten ourselves into a serious situation. Not since World War II has there been a situation where people in this country could unite together and the average citizen could be made to feel an important part in solving a serious problem.

It is my hope that the leadership of this country will use this situation as a method of teaching conservation and appreciation to the people of this country.

The Mountain View School will formulate a plan involving student leaders and faculty members that we will implement at an early date, to conserve energy and to teach appreciation for what we have on the part of our faculty and students.

With kindest personal regards, I am

Your very truly,

B. J. ROSA,
Superintendent.

THE ENERGY SHORTAGE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. DRINAN. Mr. Speaker, last Sunday's edition of the Washington Star-News carried an excellent article on the energy shortage by former Congressman and Secretary of the Interior Stewart L. Udall and freelance writer Charles N. Conconi. The energy crisis is uppermost in the minds of all of us, and I am sure the economic, social, and political consequences of this shortage of crisis proportions will be prevasive and long term.

I am sure that all of my colleagues are anxious to have as much information and as many points of view about the energy crisis as possible, and for that purpose, I commend for their review the following article:

[From the Washington Star-News, Dec. 2, 1973]

ENERGY

(By Stewart L. Udall and Charles N. Conconi)

With a potential economic Pearl Harbor about 60 days away, it is incredible that a business-as-usual, slight-bump-in-the-road attitude still prevails in the Nixon administration. Despite warnings signs flashing everywhere, the President put on a remarkable display of insouciance a week ago when he advised the American people that a serious crunch could be avoided by reducing highway speeds, closing gas stations on Sundays, lowering thermostats, allocating fuel oil, and eliminating outdoor lighting.

On the apparent assumption that we need a good-news sugar-coating on our conservation pill, the President also insists on his prediction that the United States will achieve "energy independence" by 1980, although we can find no one in the higher echelons of his administration who believes there is any hope of attaining such a goal. And he continues to make glowing promises about the day when "We will once again have those plentiful supplies of inexpensive energy. . . ."

The truth is that the era of cheap energy is ending, and the script for the 1970s, a script that reads "shortages and conservation," already has been written. The energy crisis is not temporary, and whether the President or any of the rest of us likes it or not, the oil binge is over. We will face serious energy shortages of various kinds for the remaining years of this century and dramatic economic and social changes that will affect this country and the world.

In fairness to the President few politicians are willing to face the hard decisions about rationing and other restrictive measures that will be necessary.

We are a spoiled, self-indulgent society of optimists that always has demanded more than is needed, as though the society were blessed with some special right to anything it might take to make life more comfortable and convenient.

So it isn't very likely that we will face or listen to the Cassandra warnings now, any more than we listened to two decades of warnings about the rapidly diminishing oil supply.

Some oilmen have begun to level with the American people, and we believe their warnings should be taken seriously. In a recent speech at the University of Texas, Robert O. Anderson, chairman of Atlantic Richfield Co., an oil leader not given to exaggeration, described the energy situation as not just serious but potentially "catastrophic." Warning of an 8 or 9 percent unemployment rate, with possibly 8 million out of work, in 1974 unless the Arab oil boycott is lifted. Anderson said there is "nothing we can do that will save us from a major and lasting change in the American life style—indeed in the whole American system." The oil executive was markedly pessimistic about the near-term outlook. He said it would be "tragic" if Americans believe the current energy crisis can be solved by "nuclear power or solar power or any other kind of power save that derived from old-fashioned combustion of gas, oil and coal."

Anderson is right, big changes are ahead, and most of them involve leaner lifestyles for everyone. The swift events of the energy crisis are forcing us to recognize that, in practical terms, there are yet no "substitutes" for petroleum—and alternative sources of energy are 20 to 30 years away. We have been literally burning up the future as though there were no tomorrow, and the President must now admit that irretrievable "lead time" has been lost and cannot be regained.

From this point on, national prudence dictates that we operate from the most conservative set of assumptions about the future. Yet our over-weening approach to "progress" stands in the way of rational planning. Instead of hoping for the best and preparing for the worst, we have been unwisely preening ourselves on our ability to produce technological "miracles."

But we begin to perceive now that the phenomenal postwar American success story was founded far more on cheap oil than on the storied American know-how. The enormous quantities of cheap oil and gas which were the real economic foundation of our postwar production splurge.

The gluttonous oil appetite of the automobile, that eternal monument to inefficiency and waste, is the primary example of our irresponsibility. It represented such a significant part of our lives that former General Motors President James Roche could say without fear of being disputed: "I think the average American today would give up about anything before he gives up his automobile."

With much of the nation's economic well being tied to Detroit and its irrational ties to the energy-inefficient, gas-guzzling internal combustion engine, the projections of 179 million registered vehicles in the United States by 985 were welcome. Since roughly one-fifth of all jobs in the United States are directly or indirectly tied to the automobile, why shouldn't more cars obviously mean increased prosperity?

Such a growth projection, we now know, is not even possible. The U.S. automotive culture is at a point of climax: there will never be anything like it again in human history. There is no way we can increase U.S. oil production to supply the cars we want for ourselves in the 1970's, much less meet the mindless 1980's goal of the automaniacs. And with Arab oil skyrocketing toward a $10 per barrel price, the "Arab alternative" is not viable even if the embargo is lifted!

We are depleting oil reserves at a frightening pace—and even if the Arabs are placated, foreign oil will never again be cheap, nor will the highly touted Alaskan pipeline, draining the largest oil field in North America, give us more than a modest lift in the 1980's.

Strangely, there are still a few "boomer" oilmen around who believe that, given fresh tax incentives, their industry can expand its drilling and bail us out. The oil industry has some right to boast about its exploration record. For more than four decades it has found oil in the Arabian deserts, beneath the seas, in the Alaskan Arctic and in the backcountry of Australia. And it is undoubtedly true that new oil awaits discovery. But the days of easy, cheap wildcatting are over, as all oilmen know, and the environmental and economic costs of tapping increasingly hard-to-reach deposits will be great. The U.S. oil industry will be doing very well in the next decade if it keeps our production near its current level.

Extracting modest quantities of oil from Colorado oil shale may be possible in a few years, but no one believes oil from oil shale can be more than a supplemental petroleum resource in the 20th century.

In short, there are no easy answers and no technological quickie solutions. Nor will a super scientist or politician appear to break the bondage of oil over our lives. Drastic reforms are needed—and the sooner we initiate them the better.

The first step might be an immediate 10-cents per gallon federal tax on gasoline that, although regressive in that it is borne most heavily by low income people, could be earmarked for a special Emergency Transportation Fund. Such a fund, like the present Highway Trust Fund, could be used in a crash program to develop an extensive, free, or at least cheap public transportation system.

Existing intracity mass transit systems could be subsidized and the cities given billions to build and subsidize versatile mass transit systems, including everything from bikeways to monorails with the goal of making one-man-one-car transportation obsolete and making the second car an intolerable expense.

Railroads would be subsidized and encouraged to produce a new generation of fast trains that would shift much of our intercity passenger and freight traffic from highways and aircraft to fuel-saving railways.

Congress should enact a law, effective in 1975, that would mandate that no passenger cars could be manufactured unless their weight and horsepower are reduced sufficiently that a 25-miles-per-gallon performance is assured.

There would be many benefits to such a cutback on driving. The air pollution problems, which are primarily caused by the automobile, would be reduced; a slowing of the urban sprawl would save precious land; at least 15,000 lives would be saved annually, and the dollar devaluation crisis could be eased.

The discipline and self restraint proposed by the President is, of course, necessary. The immediate future is going to be difficult and economic setbacks are coming as a sensible transition is made in creating a society that is energy efficient and waste conscious.

A nation that bases any crucial national policy on myths is inviting disaster. We must stop living by our old illusions of omnipotence—or on the feckless assumption that Secretary Henry Kissinger can through sleight of hand maneuvers get the Arab oil taps turned on.

TRIBUTE TO TOM PELLY

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 1973

Mr. SHRIVER. Mr. Speaker, all of us were deeply saddened by the passing of our good friend and former colleague in the House of Representatives, Tom Pelly.

Tom Pelly served his constituents in the First District of the State of Washington with distinction for two decades. He fully understood what the term "representative" means to our form of government, and his integrity and willingness to work hard at the job served as an unforgettable example for us all.

Tom's service to his hometown of Seattle and the Puget Sound area began long before his "second career" as a legislator. His contributions to cultural and commercial enterprises in the years surrounding World War II led to his being awarded the coveted "First Citizen of Seattle" honor in 1950.

Most of us, however, were more familiar with his service as a highly respected Member of Congress and a fighter for his district. Since I also have a Boeing Co. facility in my district, I well remember how Tom reacted whenever that company, with all its impact on the economy of the Seattle area, was threatened with what he considered to be arbitrary and unwise Federal actions.

All of us also remember Tom's dedication to sound Federal fiscal policies and his strong and articulate opposition to uncontrolled "backdoor" spending. We need more like him, not less, in the Congress.

This was a man of strength, of honesty, courtesy, and decency. He served his constituents and his country well. He surely earned a long and rewarding retirement, but this was not to be. We will miss him.

Mrs. Shriver joins me in expressing our heartfelt sympathy to Mrs. Pelly and their family in this time of great sorrow.

CITIZEN INVOLVEMENT IN URBAN PLANNING

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. FAUNTROY. Mr. Speaker, on Friday, November 16, 1973, I had the privilege of speaking before the National Capital chapter of the American Institute of Planners. I used this opportunity to express my strong belief that those affected by urban development should be allowed to take role in its planning. I have always considered this issue to be of high importance and have consistently urged and fought for the largest possible measure of citizen participation in the planning of urban development and zoning projects. I would like to share my speech to the planners with my colleagues in the House of Representatives as I am sure that it is a topic of interest to them.

The speech follows:

Statement of Congressman Walter E. Fauntroy Before the National Capital Area Chapter of the American Institute of Planners

I welcome this opportunity to meet and discuss with you some of the planning possibilities which will arise from passage of the Home Rule Bill. Urban planning and development, as many of you know, is for me an avocation. From the time that I returned to this city as the minister of my home church in the inner city and was confronted with the short and long range effects of urban renewal on this my native city, urban planning and development have been a passion for me. After nearly five years of study and preparation, I came up with and began implementing what I call the "Shaw Urban Renewal Process." Therefore, I'm right at home with the subject you've asked me to address.

Before I discuss some specifics of the bill, let me remind you of two important prerequisites to meaningful planning that my experience has taught me.

First, irrespective of the mechanism used, planners must talk with the people for whom they are planning. This "people perspective" in the planning process is essential for workable city development plans—thus, my emphasis upon planning with and for the people affected by community development actions in the Shaw Renewal concept.

Second, planning must be comprehensive, taken in the context of the needs and desires of the entire city. When I was developing the planning concept for Shaw, I put it this way in a statement before the National Capital Planning Commission:

"Let us together fashion an attack upon the problems of the Shaw area that would coordinate and concentrate all available Federal resources—in housing construction, in job training, in health facilities, in recreation, in welfare programs, in education, transportation, and municipal services—to improve both physical and social conditions for the people who live and work there. Nothing less than such an approach, planned and carried out with the continuing participation of residents of the area can revitalize the Second Precinct, U Street business district. In short, we want the area renewed both physically and socially by and for the people who presently live and work there."

The future of this city must be in the hands of all its citizens. The specific element of the planning process should be based on carefully thought through social and environmental objectives as well as economic objectives.

I would be among the first to agree that there have been several bad planning decisions recently. In recent years, the appointed Mayor and the members of the City Council who serve on the Zoning Commission have sought to convert the Commission from its quasi-judicial functions into a tax revenue office, handing out building rights, as if they were for sale, to developers promising the highest short-range tax benefits. This has meant a wholesale repudiation of the idea of a comprehensive plan for the District since the opportunity for speculative profits is greatest if high-rise office buildings are constructed in a neighborhood planned to be predominantly residential or low-density commercial.

Throughout the city, developers have rushed in to buy cheap land and to propose high-rise developments in repudiation of the comprehensive plan in the hopes of securing quick profits. Consistently, a majority of the presently-appointed Zoning Commission has given them a green light to do so. This was true in Friendship Heights, in McLean Gardens, on Capitol Hill, on 14th and Pennsylvania Avenue, S.E., and on the Georgetown Waterfront, just to name a few of several such cases.

Under the provisions of the Home Rule Bill, the Congress is about to approve, the allocation of planning responsibility and authority will become an executive staff function under the direct control of the elected Mayor. The Bill specifically states that the Mayor "shall be the central planning agency for the District of Columbia . . .". The Mayor "shall be responsible for coordinating the planning activities of the District Government and for preparing and implementing the District elements of the comprehensive plan for the national capital region, including a multi-year program of public works for the District.

The main functions of the central planning staff under the Mayor will be:

1. Coordination of all physical, social, economic, redevelopment, and transportation planning of District Agencies. I hope that "coordination" will be taken to mean involving agencies in the *preparation* of comprehensive plans as well as making sure that agency plans are consistent with overall plans and with the plans of other agencies;

2. Preparation of comprehensive plans and sectional plans for citizen review and adoption by the Mayor and City Council and review by the NCPC;

3. Preparation of zoning text and map changes and preparation of case reviews for the Zoning Commission and the Board of Zoning Adjustment;

4. Provision of a framework for citizen participation in the planning/zoning process. This should include improved hearing and public notice procedures. The Bill specifically states that public hearings must be held before the Mayor submits planning recommendations to the City Council;

5. Additional staff functions such as: review of federal projects for advice to D.C. NCPC Board Members, as well as staff work for D.C. representatives to COG and WMATA.

The Mayor shall submit, following appropriate public hearings, each District element of the comprehensive plan and any amendments thereto, to the City Council for revision or modification, and adoption, by act, following public hearings. Following final adoption by the City Council, the act must then be submitted to the expanded NCPC which has 60 days to review for their impact on the federal establishment. If the NCPC takes no action within that 60 days, the act shall be enforced. If, however, the NCPC certifies the plans have a negative impact, the Council may either accept the NCPC recommendations and modify their plans, or reject the NCPC recommendations and resubmit its plans. The Commission then has 30 days to do a second review. If the Council makes modifications, the Commission has 60 days for a second review. If following the second review, the NCPC certifies a negative impact, the act cannot be implemented.

Throughout this process, the citizens will have an opportunity to make their desires felt. The Mayor *must* hold public hearings before submitting plans to the Council. The Council and the NCPC can each schedule public hearings. It is my hope that the city officials will make the process as open as possible. It is far better to err on the side of citizen involvement than on the side of expedience.

Under this bill, the NCPC will have 12 members: 7 ex-officio members (Secretary of Interior, Defense, the Administrator of the GSA, the Mayor, the Council Chairman, Senate and House District Committee Chairmen) and 5 citizen members—3 appointed by the President, 2 by the Mayor, both of whom must be bona fide residents of D.C. One presidential-appointee must be from Maryland and one from Virginia.

In addition, the bill creates a 5-member Redevelopment Land Agency appointed by the Mayor with Council approval as an instrumentality of the D.C. Government. The National Capital Housing Authority is transferred to the D.C. Government along with all employees, property, and funds.

Under the bill, it will be possible for the city government to prepare its comprehensive plans on city-wide, service area, and sub-service area basis. It is most important that the initial planning and citizen involvement be on the smallest geographical scale possible.

With elected officials and the authority for self-determination, the District Government will finally have the authority, indeed the mandate, to become responsible and responsive to the needs of this community. With a constituency for the first time, the elected leaders of this city will not only have the legal right of decision-making, but the political incentive as well, and will no longer be able to shift responsibility onto someone else's shoulders. It has always been a temptation to attempt to shift all responsibility to Congress because in actual fact, that's where much of the responsibility has lain—much but not all. Next year, the city officials must face their constituencies.

It will now be the responsibility of the Mayor to develop a human planning process, a planning process which can check the blind developer interest, a process which will respond to the citizen's interests. Perhaps now we will be able to operate on the principle that government does not exist for profit, it exists for people. The most important aspect of planning under home rule will be that the citizens will have an effective check on the process through their power to elect, re-elect, or defeat those officials who hold the responsibility.

Let me now turn to one aspect of the planning process which I think is most crucial to the future of our city: housing. The District needs a workable means to mount a coordinated and well-financed effort to meet the housing problems confronting this city. Recently, I introduced a bill that would create an Urban Development Corporation in the District.

This Urban Development Corporation, similar to the New York Corporation which has developed housing and other land uses could be operated as a non-profit corporation under a Board of Directors made up of local citizens. It could be established through an act of Congress and operate to acquire, construct, reconstruct, rehabilitate or improve residential, commercial, industrial, public, cultural, recreational, and transportation facilities.

It should have the power to clear, to plan, to replan, build, reconstruct, and rehabilitate substandard, insanitary or vacant areas. For these purposes, it should be able to spend public money and be able to acquire private property through the exercise of the power of eminent domain. It should pursue a policy for the District of Columbia to maximize a high level of urban design in preparation for the Bicentennial and to maximize a multitude of uses at Metro stations and in other areas available for private development including government employment sites.

The Corporation should aim at developing mixed-income communities, providing a variety of housing and drawing upon a variety of government programs: rent supplement, and below market interest rate mortgage subsidies together with private market rents to get people of diverse income, ages, and family sizes together and in proximity to transportation, shopping, and recreational facilities.

The Corporation should have all of the authority traditional for the exercise of private powers and should be able to borrow money, issue bonds and other obligations of indebtedness and to provide for the rights of the holders of those bonds and indebtedness; it should be able to make and execute contracts, to acquire property and hold it for immediate or future use, to improve or rehabilitate it, to sell or sign, change, transfer, convey, lease, mortgage, or otherwise dispose of it; the UDC should be able to loan or grant monies, to conduct, assist, promote and encourage technical assistance, social service consultant services, planning, research, architectural, and engineering studies, and to manage a project or to enter into agreement with others to undertake the management; it should be able to invest funds, procure insurance, sell, lease, assign, transfer, convey, exchange, mortgage or otherwise dispose of or encumber any project.

It could form satellite corporations in specific neighborhoods and it could draw upon government programs such as "Title Seven" of the 1970 Housing Acts and provisions available to public housing agencies and non-profit sponsors of moderate and low income housing. This Corporation should be able to deal with buildings on a spot basis in residential areas or to undertake larger civic projects.

To carry out this activity, the corporation will need some front money from the Congress to carry it through a formative period. Thereafter, it should be able to issue bonds which could be sold at public or private sales and may be exempt from tax.

The full faith and credit of the Corporation for all obligations shall be pledged in the bonds and the monies could be held by the U.S. Treasury Department. This Corporation would be able to spearhead that initiative for the people of the District of Columbia which the President has indicated he is willing to leave to the people of local jurisdictions.

If the appointed leaders of this city are serious about dealing with the imperative challenge of substandard housing in the District, they will put their weight publicly and privately behind this legislation. If they think this bill is inadequate, they have been promising to submit legislation for several years now. Let's see it. If not, let's move on this bill—for the city's sake. Now is the time for action for our city, not next year during an election campaign.

QUESTIONNAIRE

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. MOSS. Mr. Speaker, early in November, I again sent out my annual questionnaire to determine the views of my constituents on a number of major issues facing the Nation. The more than 40,000 responses, which represent a remarkable 20-percent return, have been tabulated by computer as follows:

1. OF THE FOLLOWING ISSUES, WHICH DO YOU CONSIDER TO BE THE MOST IMPORTANT (CHOOSE AS MANY AS 5)

	Total	His	Hers
Total sample	39,919	20,102	19,817
Percent	100	100	100
A. Cost of living	30,967	15,499	15,468
Percent	77.6	77.1	78.1
B. Crime	16,756	8,194	8,562
Percent	42.0	40.8	43.2
C. Energy crisis	21,876	11,123	10,753
Percent	51.8	55.3	54.3
D. Environment	14,558	7,266	7,292
Percent	36.5	36.1	36.8
E. Watergate	18,966	9,712	9,254
Percent	47.5	48.3	46.7
F. Drug Abuse	10,442	4,868	5,574
Percent	26.2	24.2	28.1
G. Federal tax reform	16,590	8,929	7,661
Percent	41.6	44.4	38.7
H. Consumer protection	11,621	5,650	5,971
Percent	29.1	28.1	30.1
I. Health care	15,465	7,292	8,173
Percent	38.7	36.3	41.2
J. Education	8,786	4,128	4,658
Percent	24.0	20.5	23.5
K. Unemployment	9,710	4,793	4,917
Percent	24.3	23.8	24.8
L. Rising highway fatalities	3,248	1,591	1,657
Percent	8.1	7.9	8.4

Ranking:
His: A, C, E, G, B, I, D, H, F, K, J, L.
Hers: A, C, E, B, I, G, D, H, F, K, J, L.

2. HOW DO YOU RATE THE WORK OF CONGRESS THUS FAR THIS YEAR

Total sample	37,992	19,240	18,752
Percent	100	100	100
A. Good	4,320	2,065	2,255
Percent	11.4	10.7	12.0
B. Fair	18,319	8,856	9,463
Percent	48.2	46.0	50.5
C. Poor	15,353	8,319	7,034
Percent	40.4	43.3	37.5

3A. HOW DO YOU RATE THE LEADERSHIP OF PRESIDENT NIXON ON FOREIGN AFFAIRS

Total sample	38,739	19.551	19,188
Percent	100	100	100
A. Effective	17,122	9,060	8,062
Percent	44.2	46.3	42.0
B. Not effective	14,916	7,517	7,399
Percent	38.5	38.4	38.6
C. Undecided	6,701	2,974	3,727
Percent	17.3	15.3	19.4

3B. HOW DO YOU RATE THE LEADERSHIP OF PRESIDENT NIXON ON DOMESTIC AFFAIRS

Total sample	38,040	19,214	18,826
Percent	100	100	100
A. Effective	4,290	2,222	2,068
Percent	11.3	11.6	11.0
B. Not effective	30,148	15,344	14,807
Percent	79.3	79.8	78.7
C. Undecided	3,602	1,651	1,951
Percent	9.4	8.6	10.3

4A. DO YOU BELIEVE THE PRESIDENT IS INVOLVED IN THE WATERGATE COVERUP

	Total	His	Hers
Total sample	39,239	19,735	19,504
Percent	100	100	100
A. Yes	29,817	15,012	14,792
Percent	76.0	76.1	75.6
B. No	5,668	2,902	2,769
Percent	14.4	14.7	14.6
C. Undecided	3,754	1,812	1,942
Percent	9.6	9.2	9.9

4B. IF UNLAWFULLY INVOLVED, SHOULD HE BE IMPEACHED

Total sample	38,891	19,563	19,328
Percent	100	100	100
A. Yes	28,789	14,667	14,122
Percent	74.0	75.0	73.1
B. No	7,163	3,606	3,557
Percent	18.4	18.4	18.4
C. Undecided	2,939	1,290	1,649
Percent	7.6	6.6	8.5

4C. SHOULD THE PRESIDENT BE IMPEACHED IF HE REFUSES TO OBEY A COURT ORDER

Total sample	38,952	19,598	19,354
Percent	100	100	100
A. Yes	26,834	13,591	13,243
Percent	68.9	69.3	68.4
B. No	8,163	4,209	3,963
Percent	21.0	21.4	20.5
C. Undecided	3,555	1,807	2,148
Percent	10.1	9.3	11.1

5. ARE YOU SATISFIED WITH YOUR MAIL SERVICE

Total sample	37,534	18,985	18,549
Percent	100	100	100
A. Yes	21,960	11.221	10,739
Percent	58.5	59.1	57.9
B. No	13,943	6,981	6,968
Percent	37.2	36.8	37.6
C. Undecided	1,625	783	842
Percent	4.3	4.1	4.5

6. SHOULD THE PRESIDENT BE PROHIBITED FROM IMPOUNDING FUNDS THAT HAVE BEEN VOTED BY CONGRESS FOR SPECIFIC PROGRAMS

Total sample	37,330	18,891	18,439
Percent	100	100	100
A. Yes	26,375	13,054	13,321
Percent	70.7	69.1	72.2
B. No	8.301	4,650	3,651
Percent	22.2	24.6	19.8
C. Undecided	2,654	1,187	1,467
Percent	7.1	6.3	8.0

7. SHOULD NO-FAULT AUTO INSURANCE BE ADOPTED AS A NATIONAL POLICY

Total sample	36,949	18,716	18,233
Percent	100	100	100
A. Yes	24,769	13,179	11,590
Percent	67.0	70.4	63.6
B. No	5,388	2,664	2,724
Percent	14.6	14.2	14.9
C. Undecided	6,792	2,873	3,919
Percent	18.4	15.4	21.5

8. SHOULD PART OF THE HIGHWAY TRUST FUND BE DIVERTED FROM ROADBUILDING TO HELP FINANCE LOCAL TRANSIT SYSTEMS

Total sample	37,094	18,780	18,314
Percent	100	100	100
A. Yes	26,123	13,141	12,982
Percent	70.4	70.0	70.9
B. No	8,224	4,471	3,753
Percent	22.2	23.8	20.5
C. Undecided	2,747	1,168	1,579
Percent	7.4	6.2	8.6

9. SHOULD WAGES, PRICES, RENTS, AND INTEREST RATES BE CONTROLLED TO FIGHT INFLATION

	Total	His	Hers
Total sample	36,913	18,656	18,257
Percent	100	100	100
A. Yes	21,897	10,981	10,916
Percent	59.3	58.9	59.8
B. No	9,561	5,265	4,236
Percent	25.9	28.2	23.5
C. Undecided	5,455	2,410	3,045
Percent	14.8	12.9	16.7

10. SHOULD WE CONTINUE TO BUILD AND OPERATE NUCLEAR POWERPLANTS (SUCH AS RANCHO SECO) TO HELP MEET OUR ENERGY NEEDS?

Total sample	37,096	18,759	18,337
Percent	100.0	100.0	100.0
A. Yes	27,963	14,812	13,151
Percent	75.4	79.0	71.7
B. No	4,489	2,047	2,442
Percent	12.1	10.9	13.3
C. Undecided	4,644	1,900	2,744
Percent	12.5	10.1	15.0

11. WOULD YOU SUPPORT LEGISLATION BARRING SMOKING IN PUBLIC PLACES SUCH AS RESTAURANTS, THEATERS, PLANES, BUSES, TRAINS, AND OTHER CONFINED AREAS?

Total sample	37,435	18,881	18,554
Percent	100.0	100.0	100.0
A. Yes	22,698	11,143	11,555
Percent	60.6	59.0	62.3
B. No	13,033	6,907	6,126
Percent	34.8	36.6	33.0
C. Undecided	1,704	831	873
Percent	4.6	4.4	4.7

12. SHOULD A JOURNALIST HAVE THE RIGHT TO PROTECT HIS SOURCES?

Total sample	37,237	18,821	18,416
Percent	100.0	100.0	100.0
A. Yes	27,710	13,897	13,813
Percent	74.4	73.8	75.0
B. No	6,208	3,380	2,828
Percent	16.7	18.0	15.4
C. Undecided	3,319	1,544	1,775
Percent	8.9	8.2	9.6

13. SHOULD THE UNITED STATES GIVE ECONOMIC AID TO NORTH VIETNAM?

Total sample	37,374	18,850	18,524
Percent	100.0	100.0	100.0
A. Yes	3,610	1,991	1,619
Percent	9.7	10.6	8.7
B. No	30,319	15,372	14,947
Percent	81.1	81.5	80.7
C. Undecided	3,445	1,487	1,958
Percent	9.2	7.9	10.6

14. SHOULD WE CUT OUR MILITARY FORCES IN EUROPE?

Total sample	37,143	18,758	18,385
Percent	100.0	100.0	100.0
A. Yes	21,402	11,086	10,316
Percent	57.6	59.1	56.1
B. No	10,685	5,544	5,141
Percent	28.8	29.6	28.0
C. Undecided	5,056	2,128	2,928
Percent	13.6	11.3	15.9

15. SHOULD WE CONTINUE TO SELL WHEAT AND OTHER FOOD PRODUCTS TO RUSSIA AND CHINA, EVEN IF IT MEANS POSSIBLE SHORTAGES AND HIGHER PRICES AT HOME?

Total sample	37,585	18,944	18,641
Percent	100.0	100.0	100.0
A. Yes	2,497	1,492	1,005
Percent	6.6	7.9	5.4
B. No	33,368	16,587	16,781
Percent	88.8	87.6	90.0
C. Undecided	1,720	865	855
Percent	4.6	4.5	4.6

16. DO YOU THINK THE FEDERAL GOVERNMENT IS PROVIDING ADEQUATE MEDICAL CARE AND FINANCIAL ASSISTANCE TO THOSE IN NEED?

	Total	His	Hers
Total sample	37, 406	18, 848	18, 558
Percent	100	100	100
A. Yes	9, 906	5, 308	4, 598
Percent	26. 5	28. 2	24. 8
B. No	22, 908	11, 266	11, 642
Percent	61. 2	59. 8	62. 7
C. Undecided	4, 592	2, 274	2, 318
Percent	12. 3	12. 0	12. 5

RUSH TO THE SOVIET UNION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. ASHBROOK. Mr. Speaker, a rush is on to see who can help the Soviets the most. Neither our Government nor many in the business community seem to be hesitant when it comes to building the Soviet Union. I have been pointing out the direct links between the buildup of Soviet industry and the buildup of the Soviet military machine.

Unfortunately, these warnings seem to have fallen on deaf ears in the executive branch of the Government. The American people showed their disapproval of the Soviet wheat deal in letters to congressional offices and a number of other ways. Once, the full impact of present moves in Soviet "trade" are felt, I do not doubt that there will be an even larger public outcry.

It seems that each week the newspapers contain more articles on expanded dealings with the Soviet Union. Two recent deals are detailed below in stories from the Washington Star-News of November 26, 1973 and from the Daily News Record of the same date. The Star-News article details the building of plant manufacturing a chemical which is one of the building blocks of the petrochemical industry. The texts of the articles follow:

[From the Washington Star-News, Nov. 26, 1973]

U.S. FIRMS TO DELIVER FACTORY TO UKRAINE

ST. LOUIS, MO.—Monsanto Co. of St. Louis and a New Jersey firm signed a $45 million agreement with the Soviet Union on Friday for the design and the technology of a chemical plant in the U.S.S.R.

The $45 million covers the licensing fee for the technological rights from Monsanto and the cost of design and planning. Construction will be handled by Soviet construction ministries.

Spokesmen for Monsanto and the Lummus Co. of Bloomfield, N.J., said the deal was the first between the United States and Russia to involve a completely equipped production plant. Previous deals were for separate pieces of equipment only.

The deal was concluded with Techmashimport, the Soviet agency responsible for importing technological processes.

Under the agreement, the Soviet Union will provide a 10 percent down payment and the rest will be financed in the United States. Spokesmen for the two American firms said the financial arrangements have not been completed.

However, they said the Export-Import Bank was expected to extend its "standard" terms which would range from eight to 15 years.

The two firms will design and deliver an acidic acid plant to be erected in the Ukrainian city of Sverdlovsk. The plant will produce 150,000 tons of acetic acid annually by 1978. Spokesmen explained that the chemical is a major "building block" of the petrochemical industry.

The acetic acid production process was developed recently by Monsanto and is used at the firm's Texas City, Tex., plant. Soviet engineers will be trained there before the Sverdlovsk factory begins production.

[From the Daily News Record, Nov. 26, 1973]

TWO U.S. FIRMS PLAN PLANT FOR RUSSIA

(By Matthew Kasten)

NEW YORK.—Willcox & Gibbs, Inc., and an unnamed American producer of men's and women's outerwear are planning to jointly build a turnkey manufacturing plant in Russia.

The plans are a result of a 14-day U.S. Apparel Trade Mission visit in October to Belgrade, Budapest, Prague and Moscow.

Alfred O P. Leubert, president and chief executive officer of Willcox & Gibbs, in revealing the plans, said his firm and the outerwear producer, which he declined to identify, "see eye-to-eye" on the project. Leubert plans to visit Russia again in about five months in line with the turnkey project.

"It's a market we can't say no to. The Russians are keenly interested in turnkey programs. It's the big market for sales of sewing machinery," he emphasized.

The other countries the group visited are more interested in exporting apparel products. The Russians are not producing enough apparel items for home consumption, he said.

The mission was organized by the American Apparel Manufacturers Association and sponsored by the U.S. Department of Commerce. It was said to be the first major U.S. trade mission in consumer goods to the USSR and the other Eastern European countries.

Leubert said he feels Russian consumers are putting pressure on the government to make more merchandise available and to put more styling into apparel.

"One of the Russian ministers asked one of the American mission members why it was necessary for his shirt to have a stripe pattern," Leubert related. Before the American could answer, Leubert said, "the female Russian interpreter asked the minister why the fashion stripe should not be there."

There is a very limited amount of apparel styling in Russia, although some young women were seen with fashionable hair styles. Apparel plants operate under a five-year plan in Russia and manufacture a quantity of a product which must be almost completely sold out at the retail level before it goes into production again, Leubert explained. In addition, the quality of the merchandise is poor and there appears to be no quality control at the plants.

Also, the prices are very high. There is no relationship between production cost and retail price. "We saw Yugoslavian-made apparel priced way out of line," Leubert said.

The mission wasn't permitted to visit a Russian apparel plant, but it is believed the plants do have good equipment. The problem there, as in plants the mission visited in Yugoslavia and Hungary, is that there is no knowhow, initiative, planning or utilization of equipment to the fullest capacity.

The U.S. mission saw no automated sewing equipment at sites it visited and believes there are none in any of the Russian plants.

"There is no labor shortage in Russia," Leubert said, "consequently there is no need for any of the sophisticated devices or equipment available from Western countries. That includes such items as automatic needle positioners, automatic thread cutting and fabric transport systems.

"In addition the work pace at the plants in those four countries is considerably slower than in the U.S. In Yugoslavia, productivity is about 50 per cent of what it is in the U.S., and in Hungary it is about 60 per cent. In Russia, it takes up to six hours to make an outerwear garment that takes about 1¼ hours to make in the United States."

The Russians, it is believed, make some of their own sewing room equipment and buy some from East Germany.

The plant the mission visited in Yugoslavia had 5,000 employes and fairly recent Italian-made machinery, some German-made and a few Japanese. But work handling methods and the pace of operation weren't up to U.S. standards.

The country is seen as a very good market for sewing machine sales.

Garments are being made for export to Western Europe and to major department stores throughout the U.S., he said.

This one plant made a wide variety of products—suits, slacks, sport coats, rainwear, and heavy outerwear. It is Government owned on a co-operative employe basis. Private enterprise is permitted where a plant has 25–30 employes.

In Hungary, the picture was not too dissimilar from Yugoslavia's. Equipment wasn't the latest available and material handling and quality control problems were evident. The plant did only cut-and-trim work, and, as in Yugoslavia, pay was very low. Garments were being made for export to East and West European countries.

Leubert noted that there were some U.S. joint ventures in Yugoslavia, but that none is permitted in Hungary at this time although applications for them are being taken. Leubert said he sees Hungary ripe for a joint venture involving its Sunbrand operation.

The trade mission found Czechoslovakia to be in a highly depressed state because of its political situation.

Styling was missing on the clothing items seen at Czech stores and Hungary retailers showed more fashion-oriented items than those in the other three countries, he said.

Although the group couldn't visit a garment producing facility, it was told machinery used is made in Italy and in East and West Germany.

Wilcox & Gibbs, Leubert said, was able to arrange for a sales representative in Czechoslovakia.

U.S. production know-how far exceeds that found in the four countries toured and has become an even more important factor in recent years as the labor shortage—skilled and unskilled—continues to worsen.

WHBF EDITORIAL

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. RAILSBACK. Mr. Speaker, recently I had the opportunity to review a WHBF editorial which was broadcast from Rock Island, Ill. Because I believe there is a lot of truth in this broadcast, I insert it in the CONGRESSIONAL RECORD immediately following my remarks for the review and interest of my colleagues:

> ### Once More, One World
>
> (By Dick Gage)
>
> November 27, 1973.
>
> While he labors on the fuel shortage, President Nixon talks of the years down the road, of making the United States self-reliant for sources of energy in seven years. We trust his thinking also touches eternity, for the hope of coming generations all over this plundered planet lies in cooperative sharing of all the resources that are left.
>
> Richard Nixon may be the man to get everybody working on it.
>
> He calls his American energy goal for 1980, Project Independence. For the longer pull, we in the world are interdependent, each people tied to each other people by the shortfall of so many materials that our ravenous, superproductive society gobbles up.
>
> Crude oil and natural gas will be gone in perhaps 50 years, from all the world. Reserves of uranium 235 may last only 30 years; copper, lead, zinc and tin, and the precious metals will run out sooner. In 25 years, we'll be importing more than half of our raw materials, at frightening prices.
>
> If these dismal prospects are to be well handled, all the world must participate.
>
> Mr. Nixon, prideful in his rapport with leaders around the globe, is one man who could begin Project Interdependence, an exploration of how to preserve the constricting material world for all peoples. We can't think of higher service.

FIFTY-FIVE MILES PER HOUR SPEED LIMIT WRONG FOR THE WEST

HON. JOHN MELCHER

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. MELCHER. Mr. Speaker, I am very disappointed in the action by the House Monday in passing H.R. 11372, the Emergency National Maximum Speed Limit Act, without regard for regional differences which might drastically alter the effect of this legislation.

Under the act, States which do not, within 60 days, reduce speed limits on all public highways to 55 miles per hour or less would stand to have projects under the Federal-Aid Highway Act rejected. I oppose this legislation because I am not at all certain that any fuel saved will offset the impractical disadvantaged in Montana and other Western States.

In Montana, where there are both long stretches of flat country with intermittent steep grades in mountain areas, no one has shown me where cars or trucks operated for longer periods at 55 miles per hour are going to save more fuel than those same vehicles running at 60 or 65. In addition, I believe there is going to be considerably worse mileage gotten by trucks and buses which need more speed to keep from having to gear down on grades.

Montanans know full well the absolute necessity of conserving fuel—whether it is to keep from being stalled on a barren stretch of highway miles from shelter, or to heat their homes when the outside temperature is 20 below. And, especially as we face a national crisis, they are willing to do their part and more. But I believe H.R. 11372 is a hasty and improper fuel conservation measure with defects that, in the West, offset any value. The wiser course would be to recognize regional differences and needs. Unfortunately, under the procedure of suspension of the rules of the House, as we consider this bill today it cannot be amended.

I hope the Senate will review and amend it to take into account regional differences such as those of the West.

DAVID BEN-GURION: THE COURAGEOUS, EXTRAORDINARY STATESMAN AND BUILDER OF MODERN ISRAEL

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. KEMP. Mr. Speaker, Israel has lost a gallant leader with the passing of David Ben-Gurion, that brave nation's first Prime Minister.

And the world has lost an extraordinary and respected statesman.

Few men in contemporary times have made as great a contribution to human freedom and battled so heroically and successfully against such extraordinary adversities as this great leader.

Ben-Gurion's unrelenting quests for a homeland for his people and lasting peace took varied forms. His efforts turned his dreams into realities. He was a scholar, a skilled political leader, and a nation builder.

At an early age, he was imbued with his belief in the possibility of establishing a Jewish State.

A native of Plonsk, Russian Poland, he was 19 years old when he and several friends journeyed to Palestine. Years which followed, found his footsteps in such lands as Turkey, Great Britain, the United States, and on the European Continent as he skillfully labored and organized for creation of a new Promised Land.

Finally, on May 14, 1948, he was able to triumphantly proclaim the birth of today's free, modern, and proud Israel.

As Premier, Ben-Gurion not only led his nation to victory in early battles for survival and struggled to secure diplomatic recognitions, but he set his fellow Israelis upon a course of national development which won worldwide respect.

Men and women put forth old and new skills as farmers-soldiers, technicians, and educators as well as myriad other efforts in a nation-building effort without historic parallel. Under Ben-Gurion's leadership, Israel grew from a political entity into an enterprise for human dignity, superbly conceived with blending ingredients of idealism and practicality.

Mr. Speaker, throughout Ben-Gurion's tumultuous lifetime, his pursuit for scholarship never faltered. He authored more than 15 books, mastered several languages, and steeped himself in philosophies and religious practices.

He was, it must be said, not only a rare human being but a complete man.

As the New York Times' December 2 editorial observed, this giant man of mind and courage believed:

> Abstract thought and concrete action were interdependent qualities of mankind, inextricable; both were intoxicating, both were fulfilling.

Mr. Speaker, the Buffalo Evening News editorial of December 3 sheds further light on Ben-Gurion's presence among us. At this point, I would like to include it with my remarks:

> ### Ben-Gurion—Symbol of a Nation
>
> David Ben-Gurion was Israel. If any one man can be said to be the founder of a nation, he was that man. Mr. Ben-Gurion dreamed of the new land, he proclaimed its birth and he led it as prime minister through its early struggles. Even in retirement, his guiding presence continued to be felt.
>
> From the age of 19, when he came to troubled Palestine from a Czarist-ruled Polish town, Mr. Ben-Gurion lived and helped to create the history of Israel. Like the Biblical David, he fought the giants, struggling against the Turks, the British and then the Arabs. "Ben-Gurion" means "son of a lion cub," and that, too, symbolized the spirit of those early pioneers. As a young farm hand, he worked in a kibbutz, helping to "make the desert bloom," and then he oversaw the transformation of Israel into a modern industrial state.
>
> His resolute policies were often subject to controversy, especially his preemptive war in 1956. His desire to triple the population of Israel stirred bitter Arab resentment. Mr. Ben-Gurion saw, however, that Israel's final destiny was to achieve peace with the Arabs. "Once we were at peace, and we worked together," he recalled recently.
>
> Israel mourns his death at a time when it also mourns the dead of the latest war and when the nation faces further severe tests in the face of gathering Arab military and diplomatic strength. Israel as a nation retains his courage and strength of will. That spirit may someday bring the final peace Mr. Ben-Gurion envisioned.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 52

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. HARRINGTON. Mr. Speaker, Raymond Carter was shot to death in New York City last month.

Five lines in the New York Times was his epitaph.

Nothing can make Raymond Carter's death worthwhile; but gun control legislation can help prevent similar senseless killings.

Included below is the November 11 article from the New York Times:

> A man fired five shots through the glass door of a Harlem tavern at 570 Lenox Avenue, near 139th Street, at 2:30 a.m., killing Raymond Carter, 42, of the same address, and seriously wounding James Jennings, 35, of 176 West 137th Street.

MINING

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. SHOUP. Mr. Speaker, at a recently held public meeting in Thompson Falls, Mont. sponsored by the Western Montana Mining Association, I received several written statements expressing the feelings of the majority of those in attendance. I would like to share these thoughts with my colleagues and insert them to be printed in the RECORD:

PRESENTATION TO CONGRESSMAN SHOUP AT THOMPSON FALLS, MONT., NOVEMBER 20, 1973

Congressman SHOUP, ladies and gentleman: On behalf of the Sanders County Chapter of the Western Montana Mining Association I am Art Dettwiles and wish to welcome you to this area again and thank you for your attention at previous sessions.

As you are aware, our association has grown from a small group in Beaverhead and Madison Counties to over 500 active members in 18 chapters throughout the State. This sudden growth was attributed to the threat to our way of life by an anti-business orientated State government and legislature, adverse federal regulations administered by hostile bureaus and adverse attacks on our industry by environmental groups. The association has become aggressive in presenting our cause thru our lobbyist and active members. We are continuing to grow and express our rights thru voting and publicity.

I would like to bring to your attention several points of interest and concern to our chapter.

1. The wilderness area program continues to remove land from our use which this nation can not afford. We wish to recommend continued multiple use of our lands over an excessive lock up policy.

2. The 1872 mining law still continues to be basically sound and necessary for our future mineral needs. We recommend this concept be maintained for private ownership instead of reverting to public ownership of our minerals. It can be shown how mineral exploration is stifled in other nations where this task was left up to the government.

3. We wish to ask you to do everything in your power to help maintain a healthy smelter industry. If we should lose our smelters in this State and other States, the mining industry will be crippled in the same manner the oil industry is through shutdowns of refineries and a consequent fuel shortage.

4. This chapter and its members strongly recommend return to private gold ownership by our citizens. We only wish to be allowed to be free to own gold as other free people in the world and not be treated as second-class citizens.

5. In addition we feel the restrictions by our bureaus of issuing patents for mineral lands is wrong. A policy of allowing private ownership of mineral lands is urged.

6. Again I wish to thank you for your attentive ear and becoming more aware of our needs in Congress.

KNUTE KIRKEBERG,
Thompson Hall, Mont.,
November 20, 1973.

Congressman Shoup, ladies and gentlemen: My name is Knute Kirkeberg. I am a miner and a member of the Western Montana Mining Association.

Today we are suddenly aware of an energy crisis, but how many of you are aware of an impending mineral crisis? Because of increased population and consumer demands, our mineral needs are rapidly increasing beyond our reserves. Nevertheless, our Congress and State legislature continues to lock up land necessary for our mineral needs. The Wilderness Land Grant continues under the direction of people who do not know and care less for the impending shortage of minerals.

It may be only a warning but I wish to impress upon my concern of a minerals crisis.

Very little is known geologically of this area in Sanders County. Considerable exploration has taken place in the past 10 years, however little public information is available to the geology and mineral potential in this county on public lands, I would like to see a crash program by the USGS to detail geologic map this part of Montana on a 7½ minute topographic map, this should be a valuable tool in preparation for renewed exploration when the impending mineral shortage strikes. Time is important. Remember lag time from discovery to production of mineral deposits is often 2 to 5 years under the best circumstances.

It seems ridiculous to have the consumer "protected" on one hand from increased prices and possible rationing on the other with our government sponsored regulations. All this while we maintain a false price freeze on metals. We cannot compete on the world market in this manner while we know what economic isolation will do to us. Prices go up on minerals because we have a scarcity. If we keep prices down artificially we stifle our domestic exploration and mineral development. Let us join the free world market again.

In closing I would like to support the statement of the Sanders County Chapter of the Western Montana Mining Association.

SHOUP MEETING,
Thompson Falls, Mont., Nov. 20, 1973.

STATEMENT—WESTERN MONTANA MINING ASSOCIATION

Honorable Congressman Dick Shoup: The Western Montana Mining Association appreciates your meeting with the people of Sanders County here tonight.

Given this opportunity to make representative government work, our association is presenting a policy statement on the following items for your consideration:

1. REVENUE SHARING

We favor general revenue sharing and the present method of distribution to local governments. We hope that special revenue sharing can be distributed under the same formula. We oppose the regional concept of government in the United States and the various states. It tends to destroy the federal, state, local government concept, but worse yet, it gives people who are not duly elected by the people too much authority in decision making, usually through rules and regulations—(not law).

2. GAS RATIONING

The Congress through its actions, and in certain cases inaction, created the energy crisis, therefore we oppose any additional fuel tax reverting to the federal government.

3. ENVIRONMENTAL PROTECTION ACT

Far too much power was given this government agency by the Congress. We recommend that this act be amended to:

A. Create a better balance between the economy and jobs, and the environment.

B. That the environmentalists who institute legal action to delay projects, be made to furnish bond to help pay for delayed costs on unsuccessful cases.

C. That the agency be held responsible for their irresponsible decisions. (Example—millions of acres of forests destroyed by the moth in Oregon and Washington.)

4. METAL PRICES OF LEAD AND ZINC

The Cost of Living Council under Phase IV controls the price of zinc at 19.8¢ per lb., while Canadians sell zinc to American consumers at 0.28¢ per lb., and South Americans receive 0.42¢ per lb. from American consumers—while the London metal price is 0.50¢ per lb. and, on Nov. 7th, 1973, reached 63.4¢ per lb.

How can these government policies be conducive to a healthy mining industry in the United States with this kind of fuzzy thinking. The Congress is creating a metal crisis within the near future.

5. PUBLIC LANDS

While federal law states that the Forest Service shall foster and encourage the prospecting, discovery and development of minerals on federal lands, in most cases the opposite is true. We need this pointed out to these administrators of the public lands. (Example—it took the Hiedelberg Mining Company nine (9) years to get a patented mill site on Rock Creek near Noxon.)

6. S.B. 268 AND H.R. 10294

Both of these proposed pieces of legislation are very dangerous to the concept of private property rights. We *oppose both* of these proposed pieces of legislation. We recommend that any legislation on land-use planning encompass the following:

1. Protect (as granted in the constitution) an individual's right to own property, and that it cannot be taken away from him without proper procedure and just compensation.
2. Encourage and assist the states to formulate and implement land-use plans.
3. Allocate planning money to the states on a fair and equitable basis.
4. That each state be guaranteed to plan and implement their own land-use plan without federal dictate, rules and regulations, or domination.

Respectfully submitted,

WESLEY W. STEARNS,
Director, Western Montana Mining Association.

WALL STREET JOURNAL TO BE PRINTED IN FLORIDA FOR SOUTHEAST AREA

HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. GUNTER. Mr. Speaker, I want to bring to the attention of my colleagues the opening of a new printing plant by Dow Jones & Co., publishers for the Wall Street Journal in Orlando, Fla. As a representative of central Florida, I am very pleased that my State will be able to receive this fine publication the day it is published. I know the benefit that all the people of Florida will derive from this, and I welcome this addition to the news community of the Southeast.

I am enclosing the announcement of this development which appeared recently in the Wall Street Journal:

[From the Wall Street Journal, Nov. 29, 1973]

WALL STREET JOURNAL PLANS PRINTING PLANT TO SERVE SOUTHEAST—FACILITY AT ORLANDO, FLA., SLATED FOR OPERATION IN EARLY 1975, WILL BE 10TH PRINTING CENTER

NEW YORK.—Dow Jones & Co., publisher of The Wall Street Journal, bought 6.7 acres of land in Orlando, Fla., for the construction of a new printing plant.

The facility is expected to be completed by late 1974 and in operation early in 1975. Land, building, and equipment costs will exceed $2 million, the company said.

The Orlando plant, the 10th Journal printing center in the U.S., will be used to service subscribers in Florida and other parts of the Southeast.

"We expect the Orlando plant to make prompt, morning-of-publication delivery possible for our many subscribers in Florida and nearby states, and also to permit expansion of Journal circulation in the Southeast," George W. Flynn, Dow Jones' vice president-operations, said. "Subscribers in the area now have their papers flown in from our plants in the Northeast, and because of the distance and sometimes uncertain air and postal service, delivery is often delayed and erratic."

The Journals in the Orlando plant would be printed through the use of a long-range facsimile transmission system originating, under current plans, in Chicopee, Mass. A Goss Metro offset press, capable of producing 60,000 papers an hour, will be installed in the new plant.

The plant will be located in Orlando Central Park, an industrial development within the city.

Dow Jones also publishes The National Observer, Barron's financial weekly, and the Dow Jones News Service. A subsidiary, Ottaway Newspapers Inc., publishes 12 general-circulation dailies and five Sunday newspapers.

PRESIDENT MILLARD FILLMORE OF BUFFALO: STATUARY HALL MARKER REMARKS OF MR. DULSKI

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. DULSKI. Mr. Speaker, I am very pleased with the approval of legislation to authorize suitable markers in the floor of Statuary Hall for location of the desks of nine former Members of the House of Representatives who became President.

The Honorable Millard Fillmore, who served in the 23d, 25th, 26th, and 27th Congresses before becoming our 13th President, was from the district I have the privilege of representing.

A self-educated man, Millard Fillmore was apprenticed to a wool carder and clothdresser at the age of 15. He taught school at Scott, N.Y., before being admitted to the bar in 1823. He served in the New York State Assembly and then was elected to the U.S. House of Representatives. During the Mexican War he commanded a corps of Home Guard, and was New York State controller from 1848 to 1849.

Elected to the second highest office in the land on the ticket with Zachary Taylor, Fillmore was sworn in as President less than a year and a half later, upon Taylor's untimely death.

After completing his term of office in the White House, he returned to Buffalo where he was chancellor of the University of Buffalo and resumed his law practice. He is buried at Forest Lawn Cemetery in Buffalo.

It is perhaps particularly appropriate that Millard Fillmore's marker should be situated in the Old House Chamber, as it was during his Presidential term that the cornerstone was laid for the present location of the House Chamber, and that the first known photograph of the Capitol was taken.

Ten million people a year visit our Nation's Capitol to see firsthand the site of the legislative branch of their Government. Historic Statuary Hall always can be found filled with visitors studying the names and statues of the States' foremost citizens. It is most fitting that we add the markers for the nine Members who also served in the executive branch and so, in the words of the House report accompanying House Resolution 605, "greatly enrich the Capitol itself and the experiences of the millions of Americans who visit it."

STOPPING PETROLEUM EXPORTS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. WYMAN. Mr. Speaker, recent news accounts of continuing U.S. petroleum exports have given rise to increasing concern among my constituents who are being asked to reduce oil consumption. At a time when thermostats are being lowered, automobile trips curtailed, and the possibility of gas rationing being discussed, many ask why the United States is supplying scarce petroleum to others.

As is pointed out in the following material from the Office of Oil and Gas and the Energy Division of the Cost of Living Council, some of the exported crude oil is returned to the United States as a refined product. Other petroleum exports are said to be genuinely surplus to domestic needs.

There is no denying the fact, however, that the United States does export a quantity of oil at a time when American citizens are being asked to do without. This is wrong.

Accordingly, I have introduced legislation to require a ban on all oil exports unless the President determines that the particular exported product is surplus to United States needs. I urge my colleagues on the House Banking and Currency Committee to consideration of this bill as a matter of priority.

The report to me from the Office of Oil and Gas and my bill are of relevance to an understanding of this problem:

U.S. Department of the Interior,
Office of Oil and Gas,
Washington, D.C.

Hon. Louis C. Wyman,
House of Representatives,
Washington, D.C.

Dear Mr. Wyman: Thank you for your letter of November 14, 1973, concerning exports of petroleum products.

We have been watching very closely the reports of exports of distillates. The attached news release indicates the quantities exported and the receiving countries.

The shipments to Venezuela and to the Netherlands Antilles represent oil moved to these areas for the purposes of diluting crude oil to enable it to be moved and to reduce the sulphur content of residual fuel oil. In each case the mixture was moved to the east coast of the United States. We have no special knowledge of the shipment to Japan, but its small size indicates it was a special situation. The shipments to Mexico follow a historical pattern and are probably cross border trade. The shipments to Europe occurred in the last two months and are of more concern.

It is estimated that exports of all types petroleum products during 1973 will be approximately 237,000 B/D. The United States imported approximately 4.7 million barrels daily during 1972 and absent the Arab embargo would have imported about 6.5 million barrels per day during 1973. Of the 237,000 B/D exported approximately 40 percent is coke and 18 percent is lubricating oil. A substantial fraction is residual fuel oil of which much has a high sulphur content. *All these latter commodities are surplus to the U.S. requirements.*

Most of the quantities exported are surplus to U.S. needs because of the nature of the product or the export follows a historical pattern. *We believe these exports should be continued.* Also, in view of the fact that the United States is a substantial net importer of petroleum and petroleum products any decision to restrict exports should receive very careful consideration, because it would be inadvisable to invite retaliation.

The small volume of exports of products that are apparently not surplus to U.S. needs have not as yet reached a volume constituting a threat to U.S. supply; however, any export of this type for the purpose of profiteering should not be permitted. Although no procedure presently exists which would permit us to directly prohibit such exports, we are reviewing the possibility of using the Mandatory Allocation Program to discourage such exports.

If anything further is needed, please let us know.

Sincerely yours,
J. Roy Goodearle,
Associate Director.

Heating Oil Exports—A Study Prepared by the Energy Division, Office of Price Stabilization Cost of Living Council

SUMMARY

The available statistics combine No. 2 heating oil, No. 4 heating oil and light diesel fuel, all of which are categorized together in the U.S. Government Schedule "B" of Classifications. Statistics for No. 2 heating oil are not segregated, within the Schedule "B" Classification.

The Comparative Analysis includes:

(1) Domestic distillate production
(2) Volume of distillate reports
(3) Sales value of exports
(4) The average price per barrel of exports
(5) Port of export
(6) Destination

The available statistics do not segregate exports which return to the United States after foreign processing.

Federal Regulations do not allow U.S. Census Bureau, the agency responsible for this information, to divulge the identity of the firms involved in these transactions.

The export statistics from 1969 through August 1973 were included in this report in order to compare the 1973 projection to historical data.

An analysis of the available data reveals:

(1) That although projected 1973 totals will more than double 1972 totals, a comparison including the historical base reveals that 1972 was a depressed year in volume of barrels.

(2) That since 1972 was a depressed year in volume, the 1973 increase as compared to 1972 appears to be a return to a historical export level.

(3) That since 1973 volumes do not exceed historical volumes, while 1973 prices do, the 1973 volume appears to be a continuation of transactions with an historical foundation.

(4) That distillates amount to approximately 22% of the U.S. refinery production and that our annual export totals during the period studied range from .04% to .2% of the distillate production.

(5) That each of the annual distillate export totals for the period studied are substantially less than an average day's consumption of distillates in the U.S.

ANALYSIS; DISTILLATE EXPORT VOLUMES FROM 1969 THROUGH AUGUST 1973 AND A PROJECTION FOR THE ENTIRE YEAR 1973

Year	Volume (barrels)	Total value	Average per barrel
1969	1, 859, 825	$6, 567, 645	$3. 53
1970	1, 444, 525	4, 329, 902	3. 00
1971	1, 858, 471	7, 909, 468	4. 25
1972	448, 433	1, 797, 960	4. 01
January to August 1973	850, 067	4, 934, 185	5. 80
Projection 1973	1, 275, 101	7, 401, 278	5. 80

PERCENTAGE RELATIONSHIP OF 1973 TO EACH OF THE PRECEDING

[In percent]

Year	Volume barrels	Total value	Dollar average per barrel
1973/1969	69	113	164
1973/1970	88	171	193
1973/1971	69	94	136
1973/1972	284	412	145

MONTHLY VOLUME FOR JANUARY-AUGUST 1973

Month	Volume barrels	Average price per barrel
January	256, 618	$5. 01
February	22, 495	6. 66
March	4, 429	3. 95
April	123, 012	6. 05
May	5, 586	4. 43
June	196, 928	5. 80
July	40, 926	5. 44
August	200, 073	6. 73

PERCENTAGE RELATIONSHIP OF THE EXPORT VOLUMES TO DISTILLATE PRODUCTION

Year	Export volume barrels	Percent of total distillates produced	Average percent distillate of refiners produced
1971	1, 858, 471	0. 2	22. 05
1972	448, 433	. 04	22. 21
January/June 1973	609, 068	. 1	22. 30

DESTINATION AND PORTS 1973 EXPORTS

Month	Destination, port	Volume barrels
January	Mexico, Galveston, Tex	60, 346
	Netherlands Antilles, Galveston, Tex.	195, 812
April	Mexico, Galveston, Tex	113, 647
	Denmark, Port Arthur, Tex	
June	Mexico, Galveston, Tex	128, 695
	Japan, Seattle, Wash	60, 000
August	Panama, Port Arthur, Tex	49, 228
	Denmark, Port Arthur, Tex	148, 221

Since our average consumption of distillates is 2,730,000 barrels daily it is readily apparent from the foregoing export statistics that we are discussing a volume that is more than 800,000 barrels less than our average daily consumption.

H.R. 11684

A bill to amend the Export Administration Act of 1969, to prohibit the export of oil from the United States until the President determines that oil is no longer in short supply

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Export Administration Act of 1969 (50 U.S.C. App. 2401 et seq.) is amended by redesignating sections 10 through 14 as sections 11 through 15, respectively, and by inserting immediately after section 9 the following:

"OIL EXPORT PROHIBITION

"SEC. 10. (a) Notwithstanding any other provisions of this Act and except as provided by subsection (b), no oil may be exported from the United States until the President determines that it is not in short supply in the United States.

"(b) The prohibition on the export of oil described in subsection (a) shall not apply to oil exports to Canada and Mexico."

AMERICA THE GENEROUS

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. FROEHLICH. Mr. Speaker, recently one of my constituents sent me the text of an editorial broadcast by Mr. Gordon Sinclair of Toronto. It contains an important message for Americans who are obsessed and disheartened by our present difficulties.

As we look to the future, we cannot rest on our laurels. But we should not paralyze ourselves with guilt or pessimism. America is a great country. Let us not forget it.

The editorial follows:

AMERICA THE GENEROUS

(By Gordon Sinclair)

This Canadian thinks it is time to speak up for the Americans as the most generous and possibly the least appreciated people on all the earth.

Germany, Japan and, to a lesser extent, Britain and Italy were lifted out of the debris of war by the Americans who poured in billions of dollars and forgave other billions in debts. None of these countries is today paying even the interest on its remaining debts to the United States.

When the franc was in danger of collapsing in 1956, it was the Americans who propped it up, and their reward was to be insulted and swindled on the streets of Paris.

I was there. I saw it.

When distant cities are hit by earthquakes, it is the United States that hurries in to help. . . . This spring, 59 American communities (were) flattened by tornadoes. Nobody helped.

The Marshall Plan and the Truman Policy pumped billions upon billions of dollars into discouraged countries. Now newspapers in those countries are writing about the decadent, warmongering Americans.

I'd like to see just one of those countries that is gloating over the erosion of the United States dollar build its own airplanes. Come on, let's hear it!

Does any other country in the world have a plane to equal the Boeing Jumbo Jet, the Lockheed Tristar or the Douglas 10?

If so, why don't they fly them? Why do all the international lines except Russia fly American planes?

Why does no other land on earth even consider putting a man or woman on the moon?

You talk about Japanese technocracy, and you get radios. You talk about German technocracy, and you get automoblies.

You talk about American technocracy, and you find men on the moon—not once but several times—and safely home again.

You talk about scandals, and the Americans put theirs right in the store window for everybody to look at.

Even their draft dodgers are not pursued and hounded. They are here on our streets, and most of them—unless they are breaking Canadian laws—are getting American dollars from Ma and Pa at home to spend here. . . .

When the railways of France, Germany and India were breaking down through age, it was the Americans who rebuilt them. When the Penn Central Railroad went broke, nobody loaned it an old caboose. It is still broke.

I can name you 5,000 times when the Americans raced to the help of other people in trouble. Can you name me even one time when someone else raced to the Americans in trouble?

I don't think there was outside help even during the San Francisco earthquake.

Our neighbors have faced it alone, and I'm one Canadian who is damned tired of hearing them kicked around.

They will come out of this thing with their flag high. And when they do, they are entitled to thumb their nose at the lands that are gloating over their present troubles.

I hope Canada is not one of these.

E-BONDS AS AN INVESTMENT

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mrs. GREEN of Oregon. Mr. Speaker, an article has recently been sent to me by a constituent suggesting it would be of general interest. It concerns U.S. Government E-bonds.

Thousands of middle-income Americans are told by the Federal Government each year that E-bonds are a good economic investment. They buy them expecting a reasonable return in their retirement years.

At this point in the RECORD I will insert the article prepared by the Boston Consulting Group, an organization specializing in management and corporate consulting and planning:

THE E-BOND AS AN INVESTMENT

The E-Bond is the U. S. Savings Bond for the average person. He is being mistreated. The E-Bond is represented as a good investment. It is not, it is one of the worst. Businesses, banks, advertising media and businessmen are drafted to donate their services to plug E-Bonds as a "good investment." The power of the government is used to con the common man. That is immoral. It is not truth in advertising.

E-Bonds pay far less interest than most government bonds. They pay far less than the prime rate. They pay far less than certificates of deposit. They pay less than any of the investments available to a larger or more knowledgeable investor. The E-Bond appears to be deliberate discrimination against the small investor.

There is much concern at present about pensions for the average man. If he cannot save enough for his own old age, then inevitably he becomes dependent on corporate pension plans or the government. If he is self-employed, he really has little chance to help himself. E-Bonds are a natural way for him to save for his retirement on his own initiative. Yet E-Bonds pay less than inflation plus the minimum income tax on their income. It should not be necessary to be dependent on either bureaucracy or corporate largesse in retirement.

Justice can be done. There can be truth in advertising. The E-Bond could be a good investment. The average man and woman could be permitted to provide for their own retirement income. Fair play and the good of the country as well as morality can be served by changing the E-Bond to make it a good investment. Saving instead of spending is also the most potent of all weapons against inflation.

The E-Bond should pay the highest interest rate of any government bond or government backed bond. Why not? Who deserves it more than the small investor?

E-Bonds should be tax exempt if they are not cashed until after retirement age. Why not? Is there any reason to tax retirement or pensions?

There is now a limit to the value of E-Bonds that can be owned by a person. Its investment value is limited to the average person, not the well-to-do. E-Bonds are registered in the name of the owner. E-bonds should be not only the safest but the best investment for retirement in the full meaning of best investment. They should be the cornerstone of everyone's personal retirement planning to the limit permitted for each person by law. To justify this, the present E-Bond would require radical improvement.

Perhaps the name as well as the terms of E-Bonds should be changed. They started life as War Bonds. Now they are Retirement Bonds. They should be made worthy of their purpose.

Current interest rates (August 1973)

	Yield Percent
E-Bonds	5½
Savings Bank, 90 day deposits	5¾
Savings certificates of First Federal of Lowell, Mass	
Five Year	7.93
Six Year	8.17
Seven Year	8.43
Prime Rate	9¾
Three Month Treasury Notes	8.9
Treasury 4's, 1980 February	7.55
U.S. Notes, 6⅞ %, 1980 May	7.55
World Bank, 4¾ %, 1980 November	8.05
FNMA, 6.8%, 1975 September	8.22
AT&T, 8¾ %, 2000	8.3
Litton, 8¾ %, 1976	9.4
Westinghouse, 8⅝ %, 1995	8.4
U.S. Treasury Notes, 7¼ %, May 1974	8.7

BRUCE D. HENDERSON.

STUDENTS INITIATE RECYCLING CENTER

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. WALSH. Mr. Speaker, in this world of the three big crises—energy, ecology, and economy—it is refreshing to learn that a group of young people have devised a project that will do its part in alleviating those three serious situations.

The project in question is a recycling center started by students at the Canadaigua Academy in the Ontario County community of Canadaigua. The center was opened 2 years ago and has been a total success.

That success and the continued operation of the center have been made possible only by student involvement. The center is entirely student-run. Residents of the area, many coming from as much as 15 or 20 miles away, bring their paper, metal, and glass waste to the miniplant. The students sort the garbage into separate containers and then transport it to larger factories and plants in the area where it is recycled.

The plants pay the students for that delivery and so many have been made, the center has been able to buy a new dump truck.

The students are to be congratulated for their initiative and resourcefulness. It appears the center will continue to expand and thus better serve the community.

Also to be congratulated are the principal of Canadaigua Academy, John Wilcox, and the faculty adviser for the project, Stephen Austin, who teaches ecology at the academy. They can take a large measure of credit for the success of the project because of their encouragement and counsel to the students.

EVERYTHING YOU ALWAYS WANTED TO KNOW ABOUT THE ENERGY CRISIS AND WERE AFRAID TO ASK

HON. SAMUEL H. YOUNG

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. YOUNG of Illinois. Mr. Speaker, all of us in the Congress are receiving many requests from citizens in our districts asking for suggestions as to what individuals can do to ease the energy shortage. The attitude of cooperation that I find among the citizens of the 10th Illinois Congressional District is inspiring, and I am sure that other Congressmen are receiving the same comments and requests, and that they are similarly inspiring.

In order to be specific, members of my staff and myself collaborated to prepare the following document, which I would like to share with my colleagues:

EVERYTHING YOU ALWAYS WANTED TO KNOW ABOUT THE ENERGY CRISIS AND WERE AFRAID TO ASK

What is the Energy Crisis and why does it exist?

The "energy crisis" is a critical shortage of the basic fuels needed to provide power for the machines that perform work for mankind. Consumption of energy in the United States is the highest in the world. We use 35% of the world's total energy although we only comprise 6% of the world's population. Unfortunately, energy demands have been outpacing fuel supplies for some time, but many persons have only become aware of this quite recently. As our needs for energy increase or even stay the same, our supply of fuels is either diminishing or growing at an insufficient rate.

What are the sources of energy?

There are numerous sources of energy. These include

FOSSIL FUELS (NON-RENEWABLE)

Oil—One of the most common fuel sources.

Coal—A fuel source of which there is a substantial supply. Until the past two decades this was one of the most common sources of energy. However, since coal burning has a severe effect on the environment its use has been increasingly limited.

Natural Gas—A low polluting source of energy but one which has an extremely limited supply.

Propane Gas—An artificially produced gas which is also in limited supply.

OTHER ENERGY SOURCES

Solar Energy—This is energy from the sun. Since it is free and non-polluting it is potentially an ideal fuel source.

Geothermal Energy—This is produced by natural heat created beneath the earth's surface (the same type of heat which creates volcanos and geysers). It results in little pollution but potentially damaging effects to the sub-surface of the earth are not fully known.

Hydro-electric Power—This is power created by water and harnessed through the use of dams. Much of our electricity is produced this way.

Many environmentalists feel that it causes damage to the natural life cycles of many fish and animals.

Nuclear power—There are several sources of nuclear energy that are now in use or are being developed. Generally nuclear energy is efficient and clean although the fuel sources such as Uranium and Plutonium are relatively scarce. Environmentalists are concerned about the vast quantities of water used to cool traditional nuclear plants. This water is often returned at higher temperatures which can effect the ecological balance in rivers. Experimental techniques such as the Nuclear Breeder Reactor and Thermonuclear fusion could eliminate some of these problems.

Chemical sources—These include fuel cells, commonly known as batteries where chemical energy is converted into electrical energy. Increasing use of fuel cells (e.g. to power automobiles) has been developing.

How can I help conserve energy?

Everyone can do their share in conserving energy by cutting down on unnecessary energy-consuming activities and through better utilization of existing sources.

How can I use less energy in heating and cooling my home?

A large portion of all energy used in the United States is consumed for heating and cooling homes and offices. Savings in fuel and money could be made if the following techniques were used:

Cutting heat loss through insulation—As much as 30% of fuel costs are lost through heat that escapes through leaks and cracks in windows, doors and other openings. This can be prevented by insulation, weather stripping, use of storm windows, and caulking.

Close fireplace openings when not in use.

Lower thermostats to 68 during the day and 60 at night.

To conserve air conditioning in the summer, light fixtures should be turned off where possible, draperies (preferably light colored to repeal sunlight) should be closed, and windows shaded from direct sunlight by awnings or trees.

How about transportation? Can use of energy be cut down?

Americans are highly mobile people and a great amount of all energy is consumed by transportation. There are many ways you can help:

Form car pools.

Use public transportation where possible.

Switch to a smaller car. A car weighing 5,000 lbs. generally uses more fuel than a compact car. Air conditioning and other power accessories use up more gasoline energy than cars without.

Drive slower. As speed increases, so does fuel consumption. The increase is most significant at speeds over 50 MPH for autos.

Do not race your engine, accelerate slowly and turn the car off while waiting for more than a few minutes.

Have your car tuned up and air filter changed periodically. Keep tires properly inflated.

Do home appliances use up much energy? How can this be helped?

Home appliances use considerable energy. Americans, due to our high standard of living and high degree of technology, have more electrical and gas powered appliances than any other country. The next time you use an appliance, ask yourself if the job could be done effectively without. In new purchases consider manual appliances (lawnmowers, toothbrushes, scissors, etc.). Energy used for major appliances such as washers and dishwashers can be conserved by waiting for full loads and using cold water cycles. Gas powered appliances use less energy than electrical ones. Frost-free and double door refrigerators consume more energy than refrigerators without such conveniences.

How else can energy be saved?

Fluorescent lights are more efficient and last as much as 5 times longer than conventional lighting. All non-essential lighting can be restricted.

Recycling of materials saves energy since it takes less energy to recycle a product such as paper or aluminum than to manufacture it originally. By buying recycled products you are encouraging the conservation of energy as well as raw materials.

Be a discerning consumer. Avoid products that wear out quickly if a longer lasting substitute is available. Avoid unnecessary power operated accessories on appliances and automobiles. Compare energy consumption of products you buy and ask dealers and manufacturers to provide this information for you.

Man created the energy crisis and man can solve it—through his own source of energy—creative energy.

Investigate and support efforts to save energy in your community:

Burning of municipal trash is a potential source of heat and electricity, that is currently being utilized in Europe and at least one U.S. city.

Schools, hospitals and other large facilities that generate their own electricity can recapture waste heat from the generating process to be utilized to heat its own buildings.

Certain procedures are available to convert organic wastes to gas and oil.

Support efforts to study development and use of other sources of energy.

Promote recycling efforts by taking newspapers and bottles to recycling centers.

OSHA

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. FISHER. Mr. Speaker, under leave to extend my remarks, I include a second in a series of three articles on OSHA, written by R. D. Patrick Mahoney, which appeared in the November 7, 1973, issue of the Texas Tribune. The article follows:

OSHA

(By R. D. Patrick Mahoney)

The statement by Congressman Charles Thone (R-Neb.), quoted in the Tribune's October 17 Occupational Safety and Health Act article, deserves repeating here: "It seems that most of them (the Congressmen) couldn't make a living back home under the laws they passed when they were back here in Congress. I think OSHA might be Exhibit A in that regard."

Graham Purcell, former Democratic Congressman from Texas' Thirteenth District, has stated before the Select Committee on Small Business: "Hidden officials within an executive department have worked their mysterious ways on it (OSHA), however, and turned it into a monster. We can put a stop to it, and toward that end I respectfully urge this subcommittee to move with all haste."

Bob Price, Republican Congressman from Texas' Eighteenth District who originally voted for OSHA, later reversed himself and testified against the Occupational Safety and Health Act on behalf of some eighteen oil and gas companies representing several thousand small businessmen. It was his contention that the countless regulations listed in OSHA would cause severe unemployment and costly expenditures by small businesses in efforts to comply with regulations—regulations which represented an almost total lack of knowledge of business operations on the part of the administrators and enforcers.

Price further stated, referring to the men he represented: "These men know more in five minutes about the requirements than some of these field men that OSHA is sending out that are inexperienced, yet are threatening these people with regulations in a rude manner."

The prohibitive cost of refurbishing oil equipment to conform to OSHA standards is best illustrated by an examination of one particular OSHA regulation. This section requires that all cast iron valves on oil storage tanks be replaced with steel valves. Compliance with this regulation would mean that thousands upon thousands of these valves would have to be replaced—at a cost estimated by Congressman Price of from $10 to $10,000 for each valve—despite the fact that these parts have absolutely no bearing on safety.

The most damning testimony on the Occupational Safety and Health Act came on June 21, 1972, when there appeared before the Select Committee on Small Business Charles A. Bade, president of the Missouri Oil Jobbers Association; Gregg Potvin, General Counsel of the National Oil Jobbers Council; and Lewis Barbe, then vice president of the Loss Control Division of Houston General Insurance Company in Fort Worth.

Barbe's testimony, dealing with conclusions gathered both from painstaking personal research and from a safety expert, was particularly incriminating. Bade's Oil Jobbers Council represented 75% of all fuel oil sales and one-third of all automotive gasoline sales in America. On behalf of all the small businessmen—numbering some 156,000—Bade commended the chairman of the Select Committee on Small Business for "leading this move to protect the nation's small businessmen against the unwarranted and ruinously expensive requirements of the Occupational Safety and Health Administration requirements."

Bade noted that under the mandate of OSHA, the Secretary of Labor was to set safety standards as promulgated by a nationally recognized standards-producing organization such as the National Fire Protection Association. The NFPA had issued standards which Bade and those he represented had followed to the letter.

Bade cited OSHA regulations which not only contradicted previous national standards—such as those of the NFPA—but which also would result in the closure of oil storage plants or bulk plants located through mid-America and the South.

In Bade's plant alone, according to Counsel Potvin, compliance with the regulations "would necessitate his moving his entire plant and building a new one, and it would cost not less than $40,000. As a somewhat typical small jobber, I think that gives you a grasp of the order of magnitude we are talking about here."

Then it was Barbe's turn. His testimony—as an insurance man—was particularly germane because it has been the insurance companies which have had to pay for the small businessmen's losses for failure to comply with OSHA regulations. It is interesting to note here that in his research, Barbe discovered that 51 standards—with which OSHA stated small businesses must comply—were not available. In fact, Barbe noted, when Senator Curtis of Nebraska (who had access to the entire facilities of the Library of Congress) began to look for the regulations, he came back with a stack of OSHA standards 48 inches high. The Library of Congress, which is responsible for retaining every regulation that ever originated in government, could only come up with two-thirds of them. In fact, one of the OSHA standards had been out of print since 1939!

Barbe further observed: "The law includes all small business people, but it does not include the federal government. When we made these points that the Department of Labor, the Post Office Department, the federal buildings, and all these buildings, do not comply with the federal laws, the small business people reacted very strongly in that they have a police state telling them what to do but they don't even comply with the laws themselves."

Barbe's statement is quite accurate. In the spring and summer of 1972, visitors to the Cannon House Office Building noticed the complete lack of propriety and safety as workers sand-blasted the Congressional Office Building—with no guard rails, as workmen stood on wooden planks with questionable rope support and afforded practically no protection to either pedestrians or automobiles from the filthy sand permeating the air.

The cafeteria in the Longworth House Office Building basement has some questionable health standards of its own; it's often a standoff to see who gets more food, the cockroaches or the customers.

Subpart J, Section 1910.141(c)(ii) of the OSHA regulations states: "Toilet facilities so located that employees must use more than one floor-to-floor flight of stairs to or from them are not considered readily accessible." If an agent from OSHA were to pay a visit to the Library of Congress, he would have to come back with penalty papers in hand, as employees there must make it up or down two flights of stairs.

Barbe's excerpts continued: "An employer does not have a chance to face his accusers. Under the Department of Labor money, I teach for the University of Minnesota. I teach basically union employees. I do not and have not received money to teach small businesses . . . We do this at our own cost and raise our own funds. But the Department of Labor grants money to train union employees and provides the materials to teach an employee basically how to file a complaint in secrecy against his employer. This is not right . . . We requested copies of the training material from the Department of Labor and what they gave to their inspectors and how to interpret these standards. They denied us this material . . . said it was secret and confidential. If I or any other safety engineer recommended a change in work environment, it is basic, fundamental and primary that we would do a system safety cost analysis. Why didn't the Department of Labor do such a study when they knew it was part of the recognized safety procedure?

"As an explicit example, take the regulation on toilet seats. The cost to change toilet seats has not been rescinded and will cost us a quarter of a billion dollars. (Ed. note: This regulation states that all toilet seats that are round must be changed to those with open fronts.) I personally was told by underwriters at Lloyds of London that they cannot insure against the whims of the law enforcement officials at the Department of Labor.

"There is a purposeful, willful, malicious inflation of the accident statistics to indict business and industry. If a girl who is working in an office cuts her finger on a piece of paper, and she cannot use that finger for the rest of the day, the employer has to fill out a supplemental form, post it to a log, and post that to a summary.

"Last, but not least, why does the area director in Dallas make press releases and call a TV news interview two days before the employer even receives his citation? Does not this destroy confidence in the law for small businesses . . .?"

In the first of his series of articles on OSHA, mention was made of the Big Brother tactic of "two steps forward and one backward." Perhaps legislators should recall the justified pleading of Barbe in his concluding testimony before the Select Committee on Small Business: "Therefore, gentlemen, please stop what is going on and let's all take two steps backward and abolish what we have done. And then take one step forward and redo everything with logic and reason. In other words, stop what is going on and go back and do it correctly and fairly with common sense."

Enter from stage left, the personages from Washington who administer OSHA—the Secretary and the Chairman of the Review Commission. First, Assistant Secretary of Labor for OSHA George C. Guenther, who attempting to rebut 400 pages of opposing testimony, stated: "This is a most difficult thing to get across to people, the approach that is low key, responsible, reasonable, helpful, and at the same time makes the point that the Williams-Steiger Act is here to stay and employers must make it their business to become more familiar . . . as cases are contested, if they are—and as Chairman Moran has observed, 95% of the citations have not been contested by employers; only 5% to date have been contested—when they are contested, adjustments may be made in the penalties."

Then, appearing from the wings to upstage Guenther, was his close friend from their old days together in the Labor Department, Chairman Robert D. Moran of the OSHA Review Commission. He piously delivered his version: "As you know the Review Commission's role under the Act is strictly adjudicatory. We do not conduct, initial, or order any inspections or workplaces. We are a court. We have no control over either the kind or number of cases that come to us for decision."

Three pages later, Moran cited the important case of a Newport Beach, California, boatyard owner which the Commission "adjudicated": "I am sure his case demonstrates that the Review Commission procedures are not so onerous that they prevent a small businessman from obtaining justice when he feels he has been wronged by an OSHA inspection. Let me conclude by saying that employers have very substantial rights under the Occupational Safety and Health Act. They are assured of due process of law at every stage of the proceeding."

A closer examination of the case of Blackie Gadarian, the boatyard owner in Newport Beach, reveals that he was cited because he didn't have a ladder nailed to his dock. The inspector who penalized him didn't even have a copy of the federal regulation Gadarian violated—nor were any available.

Concerning the 95% of the small businessmen who don't appeal the decisions of the OSHA inspectors, the following testimony of Walter Gerson, Director, Government Relations for the National Association of Plumbing-Heating-Cooling, is quite revealing:

"On one day we are told all about the appeals procedure that must be employed by a contractor who feels that he has been unfairly cited. On the same day we receive a news release from the Occupational Safety and Health Review Commission in which Chairman Robert D. Moran triumphantly proclaims that of 25,000 employers who have been cited, 95% have voluntarily paid the proposed penalty. He goes on to cite this as proof of the fairness of the Review Commission's fair handling. We choose to believe that the fact that more firms do not appeal is a function of their total confusion and despair. Certainly this is analogous to a local traffic court, where one rarely wins. Let's not credit the Review Commission with this phenomenon. During the first ten months of the current fiscal year, proposed penalties have amounted to a cool $1,711,995, representing 75,864 alleged violations in 18,449 citations."

This phase closes as the nightmare of OSHA slowly reaches the lesser but still bothersome stage of insomnia.

MR. FORD AND THE EMOLUMENTS CLAUSE

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Ms. HOLTZMAN. Mr. Speaker, a question has been raised about whether the emoluments clause of the Constitution—article I, section 6—will bar Gerald R. Ford from assuming the Vice-Presidency if confirmed by Congress.

This term, Congress passed Public Law 93–136, effective October 24, 1973, which raised certain civil service retirement benefits for Federal employees, including the Vice President. We have been advised by the Library of Congress that Public Law 93–136 probably constitutes an "emolument" within the meaning of article I, section 6.

The crucial question is therefore whether Mr. Ford, if confirmed, will have been "appointed to any civil office under the authority of the United States" within the meaning of the Constitution.

Since the confirmation vote on Mr. Ford is scheduled for Thursday, I respectfully draw my colleagues' attention to the following analysis of the constitutional question by Prof. Barbara Underwood of the Yale Law School. This analysis indicates that the Constitution may well bar Mr. Ford from becoming Vice President, at least without remedial legislation to nullify the increasd emolument.

The analysis follows:

IMPLICATIONS OF EMOLUMENT CLAUSE TO THE OFFICE OF THE VICE PRESIDENT

The nomination of Congressman Gerald Ford as Vice President of the United States is barred by Article I, Section 6 of the Constitution, at least unless steps are taken to remedy the difficulty. That clause provides:

> No Senators or Representatives shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the emoluments whereof having been encreased during such time; . . .

The Congress increased the emoluments of the Vice Presidency in P.L. 93–136 which became effective on October 24, 1973. Accordingly, the clause quoted above on its face bars Congressman Ford, and every other Congressman or Senator, from being appointed to that office during his or her present term in the legislature. It may be that the constitutional prohibition can be avoided by legislative action repealing the increase in benefits; after such a repeal, it is arguable, though not clear, that the office of the Vice Presidency would not be one whose emoluments have been increased during the present term.[1]

First, a Vice President selected in the manner set forth in the 25th Amendment is "appointed" within the meaning of the clause. The primary purpose of the clause was to preserve the independence of the legislature; the term "separation of powers" was invoked in the debates. The Framers sought to avoid the risk that Congressmen or Senators might tailor their votes to the President's wishes, in an effort to obtain desirable appointments for themselves. That risk obviously has no application to an office which is filled, by elections, as the Vice Presidency ordinarily is. Now that the Vice President may be selected by the President rather than by the electorate, however, the office becomes a prize within the power of the Executive to confer, presenting precisely the same threat to legislative independence as any other appointed office.

It is true that the 25th Amendment provides that the President shall "nominate" rather than "appoint" the Vice President, subject to confirmation of the nominee by a majority of both Houses of Congress. Nevertheless, the President's role in this process is precisely the same as his role in the selection of ambassadors and other officers who are universally regarded as "appointed": the President makes the initial selection, and that selection is subject to legislative approval. While the President's selections must be confirmed by a majority of both Houses in the case of the Vice President, and by 2/3 of the Senate in the case of other officers, that difference does not change the character of the President's role in the selection process.

Second, the Vice Presidency is a "civil office" within the meaning of the clause. If the clause said simply "any Office under the Authority of the United States" there could be no question about its application to the office of the Vice President. "Any Office" is the term used in the second part of Article I, Section 6; that part bars Members of Congress from holding "any Office under the United States" while they are also serving in Congress. That prohibition surely applies to the Vice Presidency and the Presidency, as well as to any other office.

But while the bar on simultaneous service extends to "any Office", the bar on subsequent service in a new or improved office extends only to "any civil Office." The problem, then is to determine the purpose and meaning of that limitation. The legislative history of the clause makes it quite clear that the limitation was designed to exclude military officers. The clause represented a compromise. Some participants in the debates wanted to bar legislators from "any Office," and to make the bar absolute for a fixed period of time after the end of the legislator's term. Others wanted no bar at all, for fear that it would deprive the nation of the services of its most qualified leaders at some critical time. The result was a limited bar, leaving legislators free to take any military office at all, because the new nation's military needs were given the highest priority; the clause also left legislators free to take any non-military office, so long as that office was not either newly created or newly enriched.

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[1] Literally, of course, it would be the case that the emolument had been first increased and then decreased. It seems fair to characterize that sequence of events, however, as an absence of needed change, but in the absence of legislative action repealing the increase in benefits, the constitutional bar is plainly applicable.

No contrary conclusion is suggested by the use of the term "civil Officers" in Article II, Section 4. That clause provides for impeachment and conviction of "the President, Vice President, and all civil Officers of the United States." The enumeration of the President and the Vice President was arguably redundant even at the time that it was written, and made simply to avoid ambiguity. Alternatively, it is likely that the term "civil Officers" connoted to the Framers one who held an appointed rather than an elective office. For purposes of the impeachment clause, it was one thing to provide a method by which Congress could remove appointed officer, and another matter, worthy of explicit statement, to authorize Congress to remove an officer who had been selected by the electoral process. Accordingly, the term "civil Officer" may not have included the Vice President at a time when he could not be appointed. But a Vice President who is appointed is thereby brought squarely within even this limited reading of the original understanding of the term.

BAN THE HANDGUN—VIII

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. BINGHAM. Mr. Speaker, the senseless killing of thousands of people each year by handguns can only be attributed to the many avenues through which these weapons may be obtained. Large gun manufacturers are not the only ones profiting from the handgun sales epidemic. Petty criminals are finding the street corner gunrunning enterprise highly lucrative in the quest for the quick buck. An article in the December 2 New York Times reveals the futile efforts of the New York Police Department to end the illegal gun trade absent Federal gun control legislation.

The article follows:

Illegal Market in Pistols Found Flourishing Here

(By Michael T. Kaufman)

Rings of gunrunners are selling thousands of cheap pistols here in a lucrative black market that according to a recent study, is flourishing in bars and on street corners of the city.

The firearms are for the most part purchased in large lots in four Southern states at prices ranging from $15 to $25 each. They are sold in New York City, which has the most stringent gun laws in the country, for $90 to $150.

In an attempt to stop, or at least lessen, the flow of such illegal weapons, the Police Department four weeks ago established a special gun squad. Its undercover operatives are currently "making buys" on the streets, attempting to trace and break the small and apparently independent gunrunning bands.

The scale of the problems here is sketched out in the statistics of Project Identification, the just-completed study in which the Treasury Department's Bureau of Alcohol, Tobacco and Firearms traced the origins of 1,254 pistols confiscated by the police in connection with a number of arrests made since last August.

Of this group, the Federal agents found that 953 had been purchased in other states, eight had been bought in other countries and 242 were stolen from owners, dealers or manufacturers all over the country.

Of those coming from other states, 692, or 69 per cent, were bought from licensed gun dealers in Florida, Georgia, South Carolina and Virginia. Almost all of these were so-called Saturday-night specials—the cheaply made cast-metal pistols whose manufacture and sale is illegal in New York City.

According to Mayor Lindsay, long an advocate of tightened Federal gun controls, the proliferation of such pistols here through illicit channels has paralleled a tremendous increase in the criminal use of such weapons. It was the Mayor who requested the Federal agency to do the gun-tracing study.

The Mayor's office reports that in 1960 only 19 per cent of the city's total of 390 homicides involved pistols. Twelve years later the number of homicides had grown to 1,691 and the percentage involving handguns to 49.

No one knows just how many pistols there are in the city. The Treasury Department estimates 1.3 million, but other police and City Hall guesses range downward to 250,000.

Whatever the total is, 28,000 belong to permit-holders who, after screening and investigation, have been licensed by the police. The rest are illegally owned.

HISTORY OF ONE RING

How these unregistered guns got here and are continuing to get here can be seen in the case history of one gunrunning ring that, according to Federal officials, transported 3,600 pistols to the New York area between February and October of last year. Authorities estimate that the nine-member ring realized close to $300,000 in profits from this interstate bootlegging and sale.

Twenty-five of the guns sold here by this ring have been confiscated by the police here from men they have arrested. These weapons have been linked to one murder, two attempted murders, an assault on a policeman and a dozen armed robberies.

The Federal and city police agents who helped smash this band said that its operation began in Greenville, S.C.

There, according to the authorities, four residents of South Carolina who had been recruited for the ring made weekly purchases of cheap .38-caliber pistols from Rufus Roberts, a dealer licensed to sell weapons under a 1968 Federal law.

South Carolina is one of 31 states that require no permit or license to buy a pistol. It is perfectly legal in these states for people to carry handguns strapped to their waist in plain view, and in Vermont it is legal to carry a concealed weapon with no licensing requirement.

However, under the 1968 Federal law, a purchaser of a handgun anywhere in the United States is obliged to sign Form 4473, declaring that he is not an alcoholic or a felon and has no history of mental illness.

He must also show identification proving him to be a resident of the state, but no check is made on the buyer and no finger prints are taken. The form is merely signed at the gun shop at the time of purchase.

The four South Carolinians signed such declarations as they made weekly purchases of as many as 600 Saturday night specials. Despite the large number of guns there was nothing illegal about these sales. However, when the buyers transferred the guns to two men in North Carolina, they violated Federal statutes. These laws were again broken when the men in North Carolina trucked the weapons to three men in the South Bronx, who sold the guns on the street.

SIMILAR ARRESTS CITED

These three, identified as Edwin Acedado, Jose Antonio Rosario and German Rosario, were the alleged masterminds of the rings. Along with the Southerners they were convicted of conspiracy to violate the Federal gun law and sentenced to five years in prison.

The case was cited as typical by Michael LaPerch, special agent in charge of the Bureau of Alcohol, Tobacco and Firearms unit here. He said that arrests of similar rings were running about 20 a month here.

As to who is buying such weapons, Deputy Inspector Robert J. Howe of the police intelligence division, said: "It is fashionable in some areas of the city to have guns. It's not just the criminal element, but also people who think that everyone around them has guns and feel they need something for protection."

Steven Brill, an assistant to Mayor Lindsay who is City Hall's resident expert on guns and gun control, said the situation has become so severe that in some areas of the city police responding to minor calls automatically assume that civilians may be armed.

"It happens all the time," Mr. Brill said. "Two men get into an argument because their dogs were fighting and one draws a gun and shoots the other, or a minor automobile accident ends with one guy shooting the other."

Mr. Brill said that retail outlets for the illicit gun trade were almost everywhere—bars, juice bars, social clubs.

The Mayor, the Police Commissioner and major police officials believe that increased Department and the new gun squad will certainly hurt the traffickers. But, they say, the only real remedy rests with Federal legislation that will end once and for all the crazy-quilt of state and local guns laws, which lay at the basis of the black market here.

HOPEFUL SIGN SEEN

Inspector Howe said that one hopeful sign has come in the passage recently in South Carolina, as well as in Illinois, of a "Fahrenheit law," which prohibits the sale of handguns that will melt at 800 degrees Fahrenheit. In effect, this bars the sale of the Saturday night specials.

Law enforcement officials speculate that if these guns, assembled in the country from foreign made parts, were to be outlawed generally, it would sharply dent the black maket sale of weapons. They reason that since quality handguns retail for a maximum of $100, black marketeers would have to sell them for about upward of $300 and they doubt that there would be many buyers at that price.

But the solution advocated most strenuously by Mayor Lindsay is a nationwide restriction on hand gun ownership, with licensing on the New York City model. He called the general policy of permissiveness on guns "suicidal."

To get a license to carry a handgun in New York City the applicant must be fingerprinted. He must also pass a Police Department screening that denies a license to anyone with a felony or major misdemeanor on his record, or who has a record of alcoholism, drug addiction or similar instability.

Mayor Lindsay pointed out that in Tokyo, where the ownership of handguns is absolutely illegal, only three people were murdered with handguns in 1970. In that same year 538 people were killed with handguns here.

UNITED STATES ENTERTAINS ROMANIAN COMMUNIST

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. RARICK. Mr. Speaker, the Red Party boss of Romania, Nicolae Ceausescu, is to be our national guest of honor this week. So the American people can expect to be told what a great friend and independent Communist ruler he is. Nevertheless, Ceausescu is a dedicated Communist and has been one since 1933. But he has not come to discuss the absence of a two-party political system in his country or the suppression of free speech and political prisoners. Rather, he is to be praised for his great efforts in getting Dr. Kissinger into Peking and to be honored for his country's pro-Israel stance during the Middle East war. In fact, we are even told that he may discuss the sale of Romanian petroleum products if the American people are ready to meet his price.

I include a related newsclipping at this point:

[From the Washington Star-News, Dec. 3, 1973]

Romania Chief Scores With United States

(By Jeremiah O'Leary)

Romania's independent-minded President Nicolae Ceausescu arrives in Washington tomorrow to begin a two-day state visit here followed by a whirlwind tour around the United States. He leaves Dec. 10.

Ceausescu is popular with President Nixon and Secretary of State Henry A. Kissinger because he was instrumental in setting up the new friendship between the United States and China. Not only was Ceausescu helpful in arranging Kissinger's first surprise mission to Peking, but his nation also was the only member of the Warsaw Pact that did not sever relations with Israel after the 1967 war.

It is understood that Ceausescu is even prepared to discuss sale of more refined petroleum products from Romania if the price is right.

The Romanian president arrives at Andrews Air Force Base on a flight from Bucharest at about 3 p.m. tomorrow and will go directly to Camp David, Md., to spend the night at the Presidential retreat.

He will fly to the White House by helicopter for a welcome ceremony on the lawn which the administration reportedly intends to be enthusiastic. After conferring with Nixon after the formalities of the arrival ceremony, Ceausescu will stay at Blair House for two days.

Highlights of the visit will be a formal state dinner at the White House sessions with Secretary Kissinger. Later, Ceausescu will inspect a nuclear power installation in Wilmington, N.C., visit Cleveland, where many former Romanians and descendants of Romanians live, meet oil men in Houston, Texas, then go to Hartford, Conn., and Cape Canaveral, Fla.

Nixon is known to want to roll out the red carpet for Ceausescu with special warmth of welcome because in 1969 Nixon was the first United States President to visit Romania. Ceausescu came to Washington on a similar visit in October 1970, during which Nixon took great care to underline Romania's policy of independence.

No one, least of all the Russians, doubt Ceausescu's militant independence. He was in the forefront of those European leaders in opposition to the Soviet invasion of Czechoslovakia in 1968. He also has visited Russia's mortal enemy, China, and has exchanged cordial visits with Israel's Prime Minister Golda Meir.

Nevertheless, Ceausescu is a dedicated Communist and has belonged to the party since 1933, when he was 15 years old.

TRIBUTE TO THE HONORABLE LESLIE C. ARENDS

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. ROONEY of New York. Mr. Speaker, the recent announcement by my colleague and good friend, the distinguished gentleman from Illinois, the Honorable Leslie C. Arends, that this is to be his last term in this great and august body came to me, as I am sure it did to all of us, as a great shock.

The decision of Les Arends to leave the House of Representatives after nearly 40 years of service is a great loss to the people of Illinois, to this body, and to the entire country. Few, if any, retirements in my time will be felt more deeply or will be a greater loss to the House of Representatives than that of the wonderful and dedicated, knowledgeable and decent, friendly and humble gentleman from Illinois.

Les has served his country well in several fields of endeavor including service in the Navy during the First World War; as a district commander of the American Legion and finally as a Member of the U.S. House of Representatives. As a Member of the House, he served on several important committees including the old House Committee on Military Affairs; on the House Committee on Armed Services, and on the House Committee on Standards of Official Conduct.

With all of that Mr. Speaker, perhaps Les' greatest accomplishment was that he held the post of Republican Party whip here in the House for nearly 30 years. While other members of the Republican leadership came and went, Les was always there to provide the kind of stability and internal leadership that is so important to a republic.

I know of no more effective legislator than Les, and know of no finer gentleman than Les Arends. I know all of us will miss him; the House will miss him and I will miss him. I hope it will be possible for me to continue my personal friendship with him in the years to come.

Mr. Speaker, the State of Illinois will lose a great advocate when Les Arends retires. There has never been a greater champion for his home State than Les Arends.

Mr. Speaker, I extend to Les and to his lovely wife, Betty, sincere and best wishes. I hope that it will be possible for Les to continue in some way to contribute to his State and his country all of the knowledge and experience that he has accumulated in his many years of public service. In the meantime, Les, enjoy your retirement years. You have earned them.

AMERICANS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. HOGAN. Mr. Speaker, my friends at WWDC radio station have been broadcasting some comments made last June by a Canadian radio announcer named Gordon Sinclair.

Because they are even more appropriate now than when they were made, I am inserting them in the Record:

Americans

(By Gordon Sinclair)

The United States dollar took another pounding on German, French and British exchanges this morning, hitting the lowest point ever known in West Germany. It has declined there by 41% since 1971 and this Canadian thinks it is time to speak up for the Americans as the most generous and possibly the least-appreciated people in all the earth.

As long as sixty years ago, when I first started to read newspapers, I read of floods on the Yellow River and the Yangtse. Who rushed in with men and money to help. The Americans did.

They have helped control floods on the Nile, the Amazon, the Ganges and the Niger. Today, the rich bottomland of the Mississippi is under water and no foreign land has sent a dollar to help. Germany, Japan and, to a lesser extent, Britain and Italy, were lifted out of the debris of war by the Americans who poured in billions of dollars and forgave other billions in debts. None of these countries is today paying even the interest on its remaining debts to the United States.

When the franc was in danger of collapsing in 1956, it was the Americans who propped it up and their reward was to be insulted and swindled on the streets of Paris. I was there. I saw it.

When distant cities are hit by earthquake, it is the United States that hurries in to help . . . Manague, Nicaragua is one of the most recent examples. So far this spring, 59 American communities have been flattened by tornadoes. Nobody has helped.

The Marshall Plan . . . the Truman Policy . . . all pumped billions upon billions of dollars into discouraged countries. Now newspapers in those countries are writing about the decadent war-mongering Americans.

I'd like to see just one of those countries that is gloating over the erosion of the United States dollar build its own airplanes.

Come on . . . let's hear it! Does any other country in the world have a plane to equal the Boeing Jumbo Jet, the Lockheed Tristar or the Douglas 10? If so, why don't they fly them? Why do all international lines except Russia fly American planes? Why does no other land on earth even *consider* putting a man or woman on the moon?

You talk about Japanese technocracy and you get radios. You talk about German technocracy and you get automobiles. You talk about American technocracy and you find men on the moon, not once, but several times . . . and safely home again. You talk about scandals and the Americans put theirs right in the store window for everybody to look at. Even the draft dodgers are not pursued and hounded. They are here on our streets, most of them . . . unless they are breaking Canadian laws . . . are getting American dollars from Ma and Pa at home to spend here.

When the Americans get out of this bind . . . as they will . . . who could blame them if they said 'the Hell with the rest of the world'. Let someone *else* buy the Israel bonds. Let someone else build or repair foreign dams or design foreign buildings that won't shake apart in earthquakes.

When the railways of France, Germany and India were breaking down through age, it was the Americans who rebuilt them. When the Pennsylvania Railroad and the New York Central went broke, nobody loaned them an old caboose. Both are *still* broke. I can name to you 5,000 times when the Americans raced to the help of other people in trouble.

Can you name me even *one* time when someone else raced to the Americans in trouble? I don't think there was outside help even during the San Francisco earthquake.

Our neighbours have faced it alone and I'm one Canadian who is damned tired of hearing them kicked around. They will come out of this thing with their flag high. And when they do, they are entitled to thumb their nose at the lands that are gloating over their present troubles.

I hope Canada is not one of these. But there are many smug, self-righteous Canadians. And finally, the American Red Cross was told at its 48th Annual Meeting in New Orleans this morning that it was broke.

This year's disasters . . . with the year less than half over . . . has taken it all and nobody . . . but nobody . . . has helped.

THOUGHTS OF MAN—1973

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. CONTE. Mr. Speaker, on December 5, "Thoughts of Man—1973," a traveling exhibition sponsored by the Cotton Fiber Paper Council, many of whose members are located within my congressional district, officially opens in Washington for a month-long public display at the Martin Luther King Memorial Library.

The thoughts of more than 100 prominent Americans, including many within this body, are communicated in the venerable form of the letter, and address themselves to the question, "Is there a need for central cities in America's future?"

Critical and public acclaim for "Thoughts of Man" has been widespread in the cities in which it has been viewed. By presenting an eclectic philosophical overview of the city in American life, the council, the trustees of the Martin Luther King Library and Mayor Walter Washington, the cosponsors, have helped us to focus on perhaps the most significant and far-reaching challenge facing our Nation. The multifaceted complex of people, buildings, and the processes which they are a part of, can here be examined and considered by those effected.

It was Robert Frost, in his poem "The Gift Outright," read at the inauguration of President John F. Kennedy, who said, "The land was ours before we were the land's." Without our cities, we would have been wholly unable to become the land's. Scholars note that the rise of the city is the hallmark of civilization, its organizational nucleus. From the very first, the development of the large American cities was an integral part of the development of the country. Only in their establishment could the various transactions and cooperative efforts of millions demanded by the settling of a vast wilderness be orchestrated. Without them, nothing of what we have built could have been achieved.

In the settling of our land, and the conflicts that have robbed us of time and energy throughout our history, certain aspects of city life have fallen into neglect.

Our attention was turned to great tasks, the likes of which were unprecedented in human history. Growth was often so rapid as to preclude planning. This was not to the discredit of any one or more individuals, but rather characteristic of the youthful American spirit and the Nation which it spawned. But at last, the spirit of wilderness seems to have taken refuge in our cities, and we are obliged to refine them.

In the final analysis, man, who built the city will preserve the city, but only through collective effort, depending upon communication. In selecting cities as the theme of "Thoughts of Man," and the written word as the form of comment on that theme, the Cotton Fiber Paper Council has made a point worthy of consideration. In a world of increasingly complex and technological communications networks, a man with pen in hand remains a singularly powerful expressive entity.

NEW LEGISLATION TO MODIFY THE TEACHER CORPS PROGRAM

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. QUIE. Mr. Speaker, I am introducing today a bill which will modify the Teacher Corps program. There are several reasons why this program, which is currently spending $37.5 million to train new teachers should be modified to meet current conditions. The modifications currently spending $37.5 million to train already employed teachers as well as to continue training new teachers for poverty areas.

The new program will continue the Teacher Corps program which has had local school districts work with colleges and universities in the area to develop coordinated plans for training teacher-interns. The basic change proposed by this legislation is that already employed teachers can take part in the program along with the interns. This program will be initiated at the request of local school districts which meet the conditions of need written into the original legislation.

The original Teacher Corps law was enacted on November 8, 1965. This was a period when we did not have enough teachers to meet our needs. The shortage was most evident in the central cities and the remote rural regions where pay was not as high and working conditions were often not as attractive as they were in the suburban areas and the towns of America. The Teacher Corps was designed to find college students who had not trained for a career in education, but who were interested in becoming teachers. The next step was to give the student an intensive summer session in education theory and techniques before he started teaching school in the fall. This was followed for the next 2 years with in-service training and summer sessions which developed as a coordinated program between the teacher, training school, and the local school district until the person was certified as a regular teacher.

This law helped meet our need for new teachers at that time, but 8 years later we have just the opposite set of conditions. There is currently a declining number of schoolchildren and an excess number of prepared teachers. Some districts are being forced to release teachers already on the payroll due to declining enrollments.

My proposals will modify the Teacher Corps to fit with this new reality. The major emphasis of the new legislation will enable the corps to bring experienced teachers into the corps for retraining. The legislation will also support demonstration projects which will allow better evaluation of new teaching techniques. The corps will have a stronger research evaluation component so that more can be learned about what works and what does not work in the improvement of teacher training. The emphasis will continue to be on training teachers to work in poverty areas. These amendments would be effective in 1975.

This bill will help alleviate the new educational problems in the United States today. Too often we merely count the number of teachers in the classroom and assume that our job is done. The last major era in education posed the problems of growth. This era poses the more complex problem of educational quality. The schools that need the most help are those strapped by lack of funds such that they cannot afford the cost of retraining on their own. The first step in developing educational quality is to help these districts revitalize their teachers and their programs. All professionals need the time and support to keep abreast of new techniques in their fields. My bill will make it possible for working teachers to take courses in universities and colleges as well as in-service programs which have been designed and coordinated to meet the express needs and concerns of the local school district.

This bill will also provide for better field research in teacher training techniques. This is an area which many people concerned with the quality of education feel can be improved. In the long run this type of research can pay high returns by allowing us to see more clearly what type of teacher training seems to be most effective. Many times we do not believe something new will work until we see for ourselves. These demonstrations and evaluations will help disseminate the new and improved teaching techniques across the country and allow teachers to see how they work in the classroom.

I hope all of you will join me in supporting this legislation which is so necessary in helping all our children receive the kind of training and education that our country needs. Without insuring the quality of teachers in our schools, we are shortchanging the future of America.

DAVID BEN-GURION

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. HELSTOSKI. Mr. Speaker, one of the world's greatest statesmen, David Ben-Gurion, died December 1 at the age of 87. More than any other single individual, he embodied the spirit and integrity of the State of Israel. Though criticized by some for his tactics and philosophies, it was Ben-Gurion who steadied the State through its infancy and insured that the new land would survive.

He leaves behind a country plagued with complex problems; his death comes at a time when his beloved nation is wrought with anxiety. However, more significant is the fact that he does leave behind a nation—a young, vibrant homeland for Jews, which had been his lifelong dream. Not only will his memory be an inspiration for Jews, but the story of Ben-Gurion will be told and retold by all who love freedom.

Mr. Speaker, an excellent editorial on the death of David Ben-Gurion appeared December 3 in the Washington Post. Because it captures the spirit of the man and what he meant to his people, I would like to take this opportunity to share it with my colleagues. The article follows:

DAVID BEN-GURION

David Gryn of Plonsk, Russian Poland, began studying Hebrew at age 2. By age 10 he had determined to live in Palestine. At 20, he arrived there and took the name Ben-Gurion, after a Jew who had died defending Jerusalem from Roman capture in 70 A.D. Across the intervening centuries of pain and travail, he believed, the Jewish people had dedicated themselves to returning to their homeland. To serve and then to lead that movement, known as Zionism, became David Ben-Gurion's mission, which he pursued with an aweing Old Testament relentlessness. A socialist who believed that Jews must redeem their own land by their own labor, he became head of the Palestinian Jewish labor movement. The rise of Hitler sharpened his sense of the urgency of gathering more Jews to Palestine, and of readying Palestine for more Jews. He knew that, if created at all, a Jewish state could not endure without administrative infrastructure, foreign ties, and its own defense force. These he brought into being, he and his group of extraordinary Russian Jews. Ben-Gurion signed the document creating Israel on May 14, 1948, and became the first prime minister, leading the state through most of its first 15 tumultuous years. He retired in 1963 to the desert kibbutz Sde Boker, there to model the lifestyle he valued most, pioneering. He died on Saturday at age 87.

Few public men have ever lived a life of the prophetic intensity and historical achievement of David Ben-Gurion. Certainly no modern figure has been of more central and comprehensive importance to the whole life of his people. In a real sense, Israel is his personal monument. But of course a state is not a stone carved and polished in studio tranquillity. "We have been working to build up our land," he told the remnants of European Jewry in 1945, "so that you may come there to live as decent human beings again among your own people and where you will not fear again." But the citizens of Ben-Gurion's Israel fear still. Neither he nor his successors could gain the trust of their Arab neighbors. Early on, Ben-Gurion had acknowledged the need "to find the way to the heart of the Arab people." He never found that way. Could anyone? Was the fault in Ben-Gurion's hard approach to the Arabs, in his zeal to give first priority, whatever the consequences, to providing a homeland for Jews? Did Hitler's genocide leave any alternatives? Could Arabs have accepted waves of Jews, or a Jewish state, under any conditions? Ben-Gurion's life did not answer—indeed, it kept open—these questions. But he left the state of Israel.

GILMAN PROPOSES GEOTHERMAL PROGRAM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. GILMAN. Mr. Speaker, I am introducing legislation today establishing a governmental program for the development of geothermal energy sources.

Geothermal energy is one of the best untapped resources of energy that we have. Lying near earthquake faults, volcanic regions and geysers, many promising areas of potential energy exist in the United States that have thus far remained untapped.

The basic principle of geothermal energy is a simple one. The unlimited potential of the Earth's heat is used to make steam to turn the turbines of our electric generators. Accordingly the heat of the Earth's core is substituted for the heat created by the burning of fossil fuels or by the splitting of uranium atoms in a nuclear reactor.

In a day where our conventional energy resources are rapidly dwindling, we must do all we can to encourage the exploration and development of new sources of energy. While geothermal energy will not provide immediate relief from the energy crisis of 1973, in several years it will be an important resource. Furthermore, unlike other power sources, geothermal energy can provide us with virtually an unlimited reservoir of potential power that will be pollution free.

To date, the United States has not undertaken any significant, systematic exploration of geothermal energy. Under the provisions of this bill, the Director of the National Science Foundation will initiate and support basic research relating to geothermal energy. In addition, the National Aeronautics and Space Administration will carry out a demonstration program for the development of the commercial use of geothermal resources so that our citizens may soon benefit from this new power supply.

I urge my colleagues to join me in support of this measure so that we can help to implement the President's goal of energy independence by 1980. I include the full text of my bill in the RECORD, as follows:

H.R. —

A bill to further the conduct of research, development, and commercial demonstrations in geothermal energy technologies, to direct the National Science Foundation to fund basic and applied research relating to geothermal energy, and to direct the National Aeronautics and Space Administration to carry out a program of demonstrations in technologies for commercial utilization of geothermal resources including hot dry rock and geopressured fields

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Geothermal Energy Research, Development, and Commercial Demonstration Act of 1973".

FINDINGS

SEC. 2. The Congress hereby finds that—

(1) the Nation is currently suffering a critical shortage of environmentally acceptable forms of energy;

(2) the inadequate organizational structures and levels of funding for energy research have limited the Nation's current and future options for meeting energy needs;

(3) electrical energy is a clean and convenient form of energy at the location of its use and is the only practicable form of energy in some modern applications, but the demand for electric energy in every region of the United States is taxing all of the alternative energy sources presently available and is projected to increase; some of the sources available for electric power generation are already in short supply, and the development and use of other sources presently involves undesirable environmental impacts;

(4) the Nation's critical energy problems can be solved only if a national commitment is made to dedicate the necessary financial resources, and enlist the cooperation of the private and public sectors, in developing geothermal resources and other nonconventional sources of energy;

(5) the conventional geothermal resources which are presently being used have limited total potential; but geothermal resources which are different from those presently being used, and which have extremely large energy content, are known to exist;

(6) some geothermal resources contain energy other than heat; examples are methane and extremely high pressures available upon release as kinetic energy;

(7) some geothermal resources contain valuable byproducts such as potable water and mineral compounds which should be processed and recovered as national resources;

(8) technologies are not presently available for the development of most of these geothermal resources, but technologies for the generation of electric energy from geothermal resources are potentially economical and environmentally desirable, and the development of geothermal resources offers possibilities of process energy and other nonelectric applications;

(9) much of the known geothermal resources exist on the public lands; and

(10) Federal financial assistance is necessary to encourage the extensive exploration, research, and development in geothermal resources which will bring these technologies to the point of commercial application.

FUNDING OF GEOTHERMAL ENERGY RESEARCH BY NATIONAL SCIENCE FOUNDATION

SEC. 3. (a) Section 3 of the National Science Foundation Act of 1950 (42 U.S.C. 1862) is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

"(e) The Director shall initiate and support basic and applied research relating to geothermal energy development, as provided in section 3(b) of the Geothermal Energy Research, Development, and Commercial Demonstration Act of 1973.".

(b) The Director of the National Science Foundation is authorized and directed to initiate, support, and fund basic and applied research activities related to geothermal energy in support of the objectives of this Act. These research activities shall, insofar as practicable, support the new geothermal energy technologies demonstrated or to be demonstrated by the National Aeronautics and Space Administration pursuant to section 4 of this Act. For these purposes the Director of the National Science Foundation is authorized to utilize funds appropriated to the Foundation pursuant to law or transferred to it from the National Aeronautics and Space Administration or other Federal agencies.

COMMERCIAL GEOTHERMAL ENERGY DEMONSTRATIONS BY NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 4. (a) Section 203 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473) is amended by redesignating subsection (b) as subsection (c), and by inserting immediately after subsection (a) the following new subsection:

"(b) The Administration shall initiate and carry out commercial demonstrations and conduct related activities (including research and development) in geothermal energy technology, as provided in section 4(b) of the Geothermal Energy Research, Development, and Commercial Demonstration Act of 1973.".

(b)(1) The National Aeronautics and Space Administration (hereinafter in this section referred to as the "Administration") is authorized and directed to undertake and carry out a program, as provided in this subsection, for the development and demonstration of the commercial use of geothermal resources for the production of energy in support of the objectives of this Act.

(2) The program under this subsection shall encompass research, development, commercial demonstrations, and related activities involving geothermal resource bases such as hot dry rock and geopressured zones.

(3)(A) In carrying out the program under this subsection, the Administration is authorized to establish with respect to each geothermal resource base involved a separate demonstration project, which shall include, as appropriate, all of the exploration, siting, drilling, pilot plant construction and operation, commercial demonstration plant construction and operation and other facilities and activities which may be necessary for the generation of electric energy and the utilization of geothermal resource byproducts.

(B) Plants and other real property utilized or involved in any such project may be purchased, leased, constructed, or otherwise established or obtained by the Administration either directly, through its own facilities and personnel, or under appropriate contracts or arrangements with other public or private persons or agencies.

(C) Basic and applied research needed for or in connection with any demonstration project under this paragraph, and related research and development activities, shall be conducted or performed by the Administration but shall be coordinated to the maximum extent possible with related activities of the National Science Foundation (particularly those provided for in section 3(b) of this Act), the Department of the Interior, the Atomic Energy Commission, and other appropriate public agencies and private entities.

(4)(A) During the conduct of any demonstration project under paragraph (3) the Administration shall take such steps as may be necessary to dispose of all of the electric energy and other geothermal resource byproducts of such project, in such manner and on such terms and conditions as the Administration may determine to be feasible and in support of the objectives of this Act.

(B) To the maximum extent possible the disposition of byproducts under subparagraph (A) shall be accomplished through the sale of such byproducts for commercial utilization, on such terms and conditions and in accordance with such plans as the Administration may prescribe or develop.

(5) At the conclusion of the program under this subsection or as soon thereafter as may be practicable, the Administration shall, by sale, lease, or otherwise, dispose of all projects undertaken pursuant to paragraph (3) (including mineral rights therein) on such terms and conditions as it determines to be reasonable, or, if the dispostion of any such project or any part thereof on reasonable terms and conditions is not possible or feasible, shall under appropriate contracts or other arrangements provide for the disposition of all of the electric energy and other geothermal resource byproducts of such project or part thereof.

(6) In the conduct of its activities under this subsection, the Administration shall place particular emphasis upon the objective of assuring that the environment is effectively protected and that such activities do not threaten the safety of persons or property; and the program under this subsection shall include such special research and development as may be necessary for the achievement of that objective.

(7)(A) The Administration shall submit to the President and the Congress at least every six months during the period of the program under this section a full and complete report of its activities under this section, including such projections and estimates as may be necessary to evaluate the progress of the program under this section and to provide the basis for as accurate a judgment as is possible concerning the extent to which the objectives of this Act will have been achieved by the close of such period.

(B) No later than one year after the close of the period of the program under this section, the Administration shall submit to the President and the Congress a final report on its activities under this section, including its recommendations with respect to any further legislative, administrative, and other actions which should be taken in support of the objectives of this Act.

(c) There are authorized to be appropriated to the Administration, for the first six fiscal years begining after the date of the enactment of this Act, such sums, not exceeding $80,000,000 in the aggregate, as may be necessary to carry out this section.

SOVIET OIL AND UNITED STATES TECHNOLOGY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. ASHBROOK. Mr. Speaker, with the energy shortage in the United States, we should realize that the Soviet Union is facing energy problems. At least one Western analyst forecasts the Soviet Union will be a major consumer of Middle East oil by 1980. By 1985 or 1990 due to their own immense reserves the Soviets could reduce their need of Arab oil and become self-sufficient. However, this may not happen as the Soviets export oil to Eastern Europe. This export keeps Eastern Europe dependent on the Soviet Union—a dependency the Soviet Union wishes to maintain. Additionally, the Soviet Union exports oil and gas to Western Europe to earn hard currency. As much as 30 percent of the hard currency they earn may come from such exports.

Two other inhibiting factors in Soviet efforts to increase oil and gas production are the shortage of investment capital and the lack of technology and technological skill. The Soviets seem to have been unable to develop the advanced technology for extraction of their resources. Also, refinery capacity must be greatly expanded to handle any increase in oil production.

We must remember that oil and other energy sources are a vital part of any nation's military capacity. Factories which produce weapons need energy to operate their equipment. The Soviet navy—considered to be the most modern in the world—needs oil to propel its destroyers, submarines, transport ships, and other vessels. Soviet tanks, troop vehicles, armored personnel carriers, and jeeps all need oil—be it engine oil, gasoline, or diesel fuel—to operate. The Soviet Air Force needs jet fuels to keep its Mig's in the air. Obviously petroleum and petroleum products keep a military machine going. Soviet ships transporting weapons of war to Vietnam or the Middle East were able to do so because the Soviets had the petroleum.

Let us briefly look at the history of the Soviet petroleum industry and their development of technology.

By 1900 the Caucasus oil fields of Russia were producing more crude oil than the United States. After the Russian Revolution due to lack of necessary activity, many of the wells became a mixture of oil and water. By 1922, half of the wells of the Baku field—the most important of the Caucasus fields—were idle while the remainder were producing even greater quantities of water.

To solve the problems, Serebrovsky, Chairman of the Soviet petroleum combine, had a solution. He stated:

> American capital is going to support us. The American firm International Barnsdall Corporation has submitted a plan. . . . Lack of equipment prevents us from increasing the production of the oil industry by ourselves. The American firm . . . will provide the equipment, start drilling in the oil fields and organize the technical production of oil with deep pumps.

The Barnsdall Corp. did what Serebrovsky said it would. Soviet oil drilling technology changed from labor-intensive methods to the American developed rotary drilling techniques. Similar advances were made in pumping technology.

Electrification came to these oil fields in the 1920's through Metropolitan-Vickers, Ltd.—United Kingdom, a subsidiary of Westinghouse, and the introduction of General Electric Products.

Oil pipelines were built in the 1920's from Western materials and by Western companies. Between the Russian Revolution and 1930, 19 refineries and cracking plants were built. One which was built under British technical supervision had some units manufactured in the U.S.S.R.

In the early 1930's the Soviets began building their own refinery equipment from Western designs. Progress was slow and limited. In 1936 American refinery construction companies came back to help the Soviets expand their refining capacity. Hydrogenation units were built by Universal Oil Products, an American company, to convert gasoline into aviation gasoline. Deliveries of refinery equipment also were made after agreements were signed in 1945.

The Soviet petroleum and energy industry has been highly dependent on Western technology including American.

On October 2, 1973, the American Communist Party's newspaper Daily World reported that the U.S.S.R. has placed orders and bought oil-extracting and other petroleum industry goods. Discussions have taken place and tentative agreements reached on the U.S. providing the technology to develop Siberian gas reserves.

A recent United States-Soviet trade conference sponsored by the National Association of Manufacturers included Soviet officials who discussed their desire for resource development, particularly in the oil and natural gas sectors. In these areas, the Soviets are presently placing in the words of the "Proceedings" of the conference, "a heavy emphasis on the importation of advanced Western machinery, equipment and technology." Thus, the Soviets still need Western technology for the development of their energy resources.

At a time when refinery capacity should be increased in the United States, at a time when the United States should be involved in serious energy exploration at home, the U.S. Government and American businessmen are helping the Soviets increase their energy industry. Remember it takes petroleum to move a military machine. Trucks, tanks, airplanes and ships all need petroleum.

One of the arguments put forth by the proponents of building Soviet industry with American technology and credits is that the United States can turn to the Soviet Union for importation of petroleum and gas. Occidental Petroleum and El Paso Natural Gas Co. signed a letter of intent with the Soviet Government to develop Siberian gas fields. Financial support would have to come from a consortium of American banks plus the backing of the U.S. Export-Import Bank.

Once the fields were developed, the United States is supposed to receive gas. The gas would go first by pipeline to the Soviet coast and then by tanker to the American west coast.

Questions have been raised as to the extent and the amount of Soviet reserves. The amount of energy resources that the U.S.S.R. may be able to supply might be limited by growing internal domestic needs and commitments.

One reason not mentioned by many experts stands above all others when speaking of the United States receiving petroleum from the Soviets. The United States right now is suffering from an Arab oil shut-off—an oil shut-off being masterminded by Arab countries previously considered friendly to the United States such as Kuwait and Saudia Arabia. The Soviet Union has never had such a history of friendship with the United States. Soviet aims in the Middle East, Southeast Asia, Cuba, Eastern Europe, and numerous other places on this globe have been directly counter to the interests of the United States. The Soviets understand power and use it. American dependence on the Soviets for energy supplies—be they petroleum or gas—would give the Soviets a very influential lever to use against the United States. If we wish to maintain our freedom and even our national existence, this is a power that we do not want the Soviets to have.

Who would be so foolish to think that the Soviets would treat us any better than the Arabs? Who is so foolish to think that Soviets would not use American dependence on Soviet gas or oil as a weapon—perhaps not today but surely tomorrow—against American interests and even existence.

We must not confuse the U.S. Government with the Soviet Government. The U.S. Government may be unwilling to use trade with the Soviets as a weapon to further American interests but the Soviets have never shown such unwillingness. The kulaks, the Russian Baptists, the Russian Jews, the dissidents have all tasted Soviet power. Poland, Latvia, Estonia, Lithuania, Hungary, Czechoslovakia—to mention a few—also have all felt Soviet power. Let us not confuse our own proclivities with those of the Soviets. The Soviets view our humaneness as weakness; our search for peace as a desire to be manipulated for their own ends; our discussion of building their energy resources as a weapon to be used against us.

Let us begin to look with realism at Soviet needs and desires. Let us not confuse our own wishes with those of the Soviets. And let us not think that the Soviets want to help us out of our energy crisis. They want our help to make themselves an even stronger threat to our liberty, property, and even lives.

COMPREHENSIVE MANPOWER ACT OF 1973

HON. IKE F. ANDREWS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. ANDREWS of North Carolina. Mr. Speaker, on Wednesday, November 28, the House debated H.R. 11010, the Comprehensive Manpower Act of 1973, and during that debate I pointed out some reservations about this bill.

I read into the Record a letter to me from Mr. George Autry, president of the North Carolina Manpower Development Corp. His letter addressed in some detail the problem that concerns me and a number of others from the South—that is, in supporting a bill whose purpose is to help unemployed and underemployed citizens, but who funding allocation formula specifically does not include underemployed persons.

The importance of underemployment in a State such as North Carolina, which has a large, rural, agricultural population, cannot be stressed too greatly.

Other major concerns expressed in the letter, concerns with which the House and Senate conferees need to deal, are sharp reductions in funding levels for North Carolina and the South and the very real possibility that H.R. 11010 will gut the State's role as policy planner and coordinator of manpower services.

I expressed these reservations about H.R. 11010 to my distinguished colleagues Hon. Carl Perkins, committee chairman, and Hon. Dominick Daniels, subcommittee chairman, and others. The consensus was that the funding allocation formula of the bill is far from perfect and that it does discriminate against North Carolina and some other States, particularly those in the Southeast. I was assured by these gentlemen that they will work in the House-Senate Conference Committee to improve the bill's formula as it affects the States in the Labor Department's region IV.

I think it is in order here to emphasize H.R. 11010's faulty allocation formula with some figures.

It is estimated by the North Carolina Manpower Council that, without a poverty factor in the formula, North Carolina will lose $2.066 million in fiscal 1975.

Region IV, which includes North Carolina, will face a total funding loss of $17.26 million.

Here are the figures that I have been provided by the North Carolina Manpower Development Corp. for region IV, which is served by the Atlanta office of the Department of Labor:

State	Funding, using 3 factors[1]	Funding, using 4 factors[2]	Funding loss
Alabama	$13,617,000	$16,507,000	$2,890,000
Florida	21,717,000	23,263,000	1,546,000
Georgia	16,456,000	18,286,000	1,830,000
Kentucky	16,286,000	19,108,000	2,822,000
Mississippi	8,999,000	11,654,000	2,655,000
North Carolina	18,951,000	21,017,000	2,066,000
South Carolina	11,026,000	12,151,000	1,125,000
Tennessee	15,924,000	18,251,000	2,327,000
Total loss region IV			17,261,000

[1] Using formula that includes the factors of labor force, prior-year funding, and unemployment.

[2] Using formula that includes the above 3 factors and the factor of adult poverty.

What these figures show is that, if some form of poverty index is not included in the allocation formula, the purpose of manpower reform will not be achieved. This is not a parochial concern limited to my State or to the South; rather, it is the heart of the legislation as intended. If poverty is dropped, you lose one of the elements of manpower reform. Indeed, without a poverty factor, you destroy the elements embodied in the manpower-related efforts of the Office of Economic Opportunity.

Adding to the problem, the House bill now contains only the two factors of prior-year funding and unemployment, and the question looms even larger whether the contemplated allocation formula will result in equitable distribution of manpower funds to the States, especially those in the Southeast.

Mr. Speaker, I would not be quite so concerned about this legislation if it were not my conviction that it is indicative of the way in which the Congress often deprives States in the Southeast of their fair share of Federal revenues.

Please let me make it clear that I do not think any Member of this body is guilty of any geographic discrimination. Rather, there seems to be somewhat of an inability to comprehend the needs of the South and the methods by which those needs can be met.

The assurance that my colleague, Congressman DANIELS, gave me on the House floor last week represented a step toward insuring geographic equality. Based on this assurance, in which he said, "we will try to work out a formula which will be equitably spread amongst all the States," I voted for H.R. 11010 on final passage.

I am heartened by the assurance I have been given that the House-Senate conferees will work to develop a more equitable formula when they meet on Wednesday and Thursday this week. Although instant perfection is impossible, I do hope that we can attain a better formula now and that the long-range goal of developing the best possible funding allocation formula will become a prime goal of the National Institute of Manpower Policy set forth in title IV of the bill.

Further, I hope that the conferees will report out a bill agreeable to all of us who are working to see that the comprehensive manpower legislation of 1973 is of lasting benefit to the economically disadvantaged of all States and is a useful addition to the provision of capable and trained workers for our economy.

FUEL FOR GENERAL AVIATION

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. McKINNEY. Mr. Speaker, yesterday, I indicated my general concern over the emergency energy legislation which passed the Senate on November 19. The inequities which have already followed the uneven and confused administration of certain energy measures is a well documented fact. I need only cite the now defunct voluntary fuel allocation program.

Unfortunately, misdirected administrative action often causes untold economic hardships, especially for the small businessman. In this regard, I seriously question the President's proposed 42.5 percent reduction of fuel for general aviation. I support reduction but not selective elimination.

In times of crisis, we must be wary not to handicap the smallest or the most vulnerable party to appease the public cry for action. I would like to bring to my colleagues' attention a letter which I received from Edward G. Tripp, publisher of Air Progress magazine, which I think adequately outlines the problems of the general aviation industry:

NOVEMBER 27, 1973.

Re House bill 11031.
Hon. STEWART B. MCKINNEY,
House of Representatives,
Cannon Building,
Washington, D.C.

DEAR STEW: I'm deeply concerned about the President's statement on Sunday night. It represents an immediate, disastrous economic impact on general aviation businessmen and subsequent effects on many aspects of our national well-being.

The President singled out the many applications of light aircraft for fuel allocation averaging a 42.5 percent reduction. No other user group of fossil fuels is so selected or restricted.

General aviation as an industry represents nearly a five billion dollar contribution to our national economy (and more than 220 million dollars in export sales—a consistent and significant contribution to our balance of payments) and consists of many manufacturers and local service industries.

In a brief discussion today of the immediate impact of the President's intent, several businessmen estimated their immediate reduction in employment would reach 70 percent of their work force—more than 100,000 jobs lost in less than six months.

The economic uncertainty facing the industry as a result of fuel shortages has already been demonstrated through several million dollars of cancelled or deferred orders for equipment, suspension of plant and facility expansion in many parts of the country and withdrawal of research and development programs.

Many aviation businessmen are small, local operators who depend upon fuel services and related business to remain viable and solvent. They employ an average of thirteen people and are the sole air transportation link for thousands of small communities.

Many of these businesses—literally—will not survive three months if the specific fuel allocation proposed for general aviation applications is imposed.

It's possible that the "ripple effect" of such allocation will go far beyond the decimation of one industry. General aviation's role in air transportation and air commerce is singular, in that, as I mentioned, thousands of communities would be without air transportation without it. Many businesses have grown through decentralization to outlying, smaller communities. The economic impact of these businesses on smaller communities is strong; many of them have stated they would not have expanded or decentralized without the transportation and communications values of general aviation.

Many companies, large and small, depend on general aviation aircraft for the transportation of critical parts (one farm machinery manufacturer has stated that 40% of all critical machinery for production lines and essential services are shipped in this way).

I've even been told that many banks and finance companies have become concerned about the effect on them, through their financing and leasing support to aviation businessmen and to user companies, of devaluation of their outstanding value in general aviation equipment and through the spectre of massive repossessions.

It's essential that Congress understand the intent of the Administration toward general aviation—and other users of petroleum products—if the emergency powers are passed as proposed.

Attached is a proposal to amend the sense of House Bill 11031 to provide equal treatment for all users. It's my hope that all segments of our nation will share the burden of the emergency. The alternative is a disaster for an entire industry, with its attendant effect on thousands of individuals and the economy as a whole.

House Bill 11031 (HR–11450) is before the Committee on Interstate and Foreign Commerce at this very moment. I hope the attached amendment can be put on this bill. Because of the crisis nature of the legislation and the great pressure upon the Congress to act on it swiftly, I've barely outlined one aspect of its effect. Should you desire more, or more detailed, information, I'd be happy to help in any way possible.

Thank you for your interest and concern.

Sincerely yours,

EDWARD G. TRIPP.

NEW CANAAN, CONN.

THE CACHE RIVER: WHAT THE FUSS IS ABOUT

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. ALEXANDER. Mr. Speaker, in recent months I have received several inquiries from my colleagues from other States regarding a drainage project located primarily in the First Congressional District of Arkansas. Court action has temporarily halted work by the Corps of Engineers on a plan to provide drainage for the Cache River-Bayou DeView basin until a new environmental impact statement is filed. Both the House and Senate passed authorization last year for purchase of land and easements for mitigation purposes in the basin. However, the provisions were included in the omnibus public works bill vetoed by the President, although the $1 million appropriation for purchase of mitigation lands was signed into law. Both Houses of Congress have again this session passed authorizing legislation, but there are differences between the two versions which must be worked out in conference.

In response to the questions of my colleagues and in an effort to help them respond to the communications they have received from their constituents on this project, I would like to share an article published recently in the Arkansas Gazette which I believe sets out the controversy in an objective manner:

[An interview of Trusten Holder by John Fleming, Arkansas Gazette, Nov. 18, 1973]

THE CACHE RIVER: WHAT THE FUSS IS ABOUT

(EDITOR'S NOTE.—The following interview with Trusten Holder on the subject of the Cache River-Bayou DeView controversy was conducted at several different meetings over the period of a month between John Fleming, the Gazette's outdoor editor, and Holder. The purpose is to try and present in an objective manner the problems involved with this million-acre Eastern Arkansas basin.

Trusten H. Holder carries the title of Chief, Environmental Preservation, Arkansas Department of Pollution Control and Ecology. His duties include reviewing and making ecologically oriented recommendations on plans, programs and legislative proposals of state and federal agencies. He also serves as a member of the Governor's Committee and Land Use. During a period of 29 years (with time out to serve as an infantry officer during World War II) he was employed by the Game and Fish Commission. His duties included operational control of research, land acquisition and development activities.

Holder is author of the book "Disappearing Wetlands in Eastern Arkansas" and its sequel, "Progress in the Preservation of Delta Wetlands." He served for 12 years as a member of the Arkansas Pollution Control Commission. He is widely known as an avid fighter for the protection of the environment and has won several national and state awards for his efforts in behalf of conservation.)

Fleming: Trout, before we get into the pros and cons of the Cache-Bayou DeView argument I would like to get on the record a simple statement of your position and mine. I have gone over every word I've ever written about the Cache project and there is no place where I've ever advocated a ditching project. My position is that we are faced fundamentally with a proposition wherein it will be necessary to compromise on the ditching project in order to save from 30,000 to 70,000 acres of wetlands that otherwise will go into agriculture. Is this essentially your position?

Holder: John, I haven't advocated the channelization either. It would be nice if we could get the mitigation without the ditch but you and I both know that this isn't likely to happen. That's why I think it is best to have the mitigation even if we do have to accept the ditch. Keep in mind, however, that this is a complex problem and, unfortunately, it has become involved in a highly emotional controversy. Anyhow, your statement of the proposition will give us a jumping off place for this question and answer session.

Fleming: Let's clear up one vital point right here. If the Cache-Bayou DeView Drainage Project is abandoned, will this save the existing wetlands?

Holder: Those woodlands that do remain within the Basin are vulnerable to destruction even if the Corps never does complete the drainage project. With the exception of woodlands in a few cypress breaks, I doubt if there are any woodlands from stem to stern within the Basin which are lower in elevation or any wetter than other formerly wooded tracts that have been cleared.

Fleming: Why would a farmer want to gamble on losing his crop to overflow?

Holder: If you listen to the farmers they will try to convince you that farming is a risky business even under the best of conditions. Anytime someone tries to farm land within the overflow bottoms he takes on the added risk of having his entire crop drowned out. The risks are great but they aren't sufficiently great to prevent farmers from clearing the land and taking the risks. Forget the drainage project for a minute and consider the fate of the remaining woodlands within the Basin without drainage. There are two overriding factors which control the destiny of the private-owned wooded tracts. The first is the economic factor and the second is water condition.

Fleming: Let's consider the economic factor first. How much more money can a farmer make from soybeans if he clears the land and uses it for this puropse?

Holder: Most of the woodlands which have been cleared in the overflow bottoms were cleared when beans were selling just a little above the support price which is $2.25 a bushel. Now the price of beans is hovering around $5 a bushel. And, the cash price is not the only factor. Futures on the commodity market also have some effect on land clearing to grow beans. At one time the price of beans rose above $12 a bushel on the commodity market. Some Arkansas farmers contracted last June or July to sell their 1973 crop of beans at prices above $8 a bushel.

Fleming: In other words, the possibility of a return of something well over $100 an acre on land planted in soybeans makes the risk desirable.

Holder: Those of us who would like to save most of the remaining woodlands within the Basin sure can't get any comfort when we consider the financial advantages of raising soybeans instead of timber.

Fleming: Okay, now that it has been established that farmers can make maybe 10 times as much from soybeans as from timber, what is the extent of the risk they are taking. What I'm doing is getting to the second overriding factor. How about water conditions?

Holder: In this respect the fate of the woodlands is not controlled by how high the water gets in the winter but, rather, how low it gets during the normal crop growing season of most years. Take a look at the chart. Say the top line represents how high the water gets in the winter and the bottom line represents how low it stays during the crop-growing season of most years. Now, where is the elevation of the land that supports the growth of hardwoods in relation to those two lines? I am referring now to the land where oaks, hickories, elm and hackberry grow. We know, without running any elevation lines anywhere within the Basin, that the dashed line is a fairly accurate representation of the approximate elevation of the land that supports the hardwoods. How do we know for sure that it's somewhere above that bottom line? Because, all a landowner has to do to convert hardwoods to cultivate land, as far as the water level in the Cache River or Bayou DeView is concerned, is clear off the timber and start farming. A little land leveling or interior ditching may be desirable but the water levels in the River or Bayou during the growing seasons of most years stay considerably below the land elevations of where the hardwoods grow.

Fleming: How about a level that will support trees such as cypress, tupelo, etc.?

Holder: I'm sure your referring now to the cypress brakes in relation to the two solid lines and the dashed line. Lets consider the cypress brakes and shallow sloughs that support the cypress, tupelo, button willow and other water tolerant species of trees. Some of these brakes are located out in the overflow bottoms at various distances from the River or the Bayou. Here, again, we know, without having to run any engineering surveys, that the elevations of the bottoms of at least a vast majority of these shallow brakes and sloughs have to be somewhere between the dashed line and the bottom line—generally as represented by the dotted line. We know this because in numerous instances narrow and shallow ditches have been dug through cypress brakes and sloughs and on out to the River or Bayou. Where the ditches have been dug, all the water has drained out into the River or the Bayou.

Fleming: Is this a general practice?

Holder: In hundreds of such places, the land has been cleared and successful crops of soybeans have been grown right in the bottom of the shallow brakes and sloughs during at least three of the last five years. It is interesting to note that all of this has been done without any ditching whatsoever in the main stems of the River and Bayou except in the upper two-thirds of the basin which has already been ditched by drainage districts.

Fleming: What does the line of "Ls" represent under the bottom line?

Holder: That represents the land in the bottom of the deeper lakes and sloughs. These are the cypress-lined, open-water lakes and sloughs. We know that the bottom of many of them are at lower elevations than the summer time levels of the River of Bayou because some of them stand at least partially filled with water right in the middle of a big soybean field. Also some of the others have direct connections to the River or Bayou and they fail to drain dry as the water recedes to the summertime levels.

Fleming: Considering then these two factors—economic and water conditions—you are convinced that most of the hardwoods in the Cache and Bayou DeView Basin can be cleared for agricultural purposes?

Holder: Much worse than that, John. After looking at some tracts which I would have thought would not have been feasible to clear, and yet have now been cleared, I doubt if there is a single tract of hardwood timber anywhere in Eastern Arkansas which could be definitely classified as being safe from being cleared.

SOME OF THE OBJECTIONS

Fleming: I'd like to get into some of the objections to the drainage project. It seems to have been established that the flood risks aren't great enough to stop the land from being cleared. How about the contention that most of the benefits of the drainage project will accrue to the large landowner?

Holder: The only land ownership of more than 10,000 acres is located at the extreme lower end of the project. Most of this ownership has already been cleared and when the ditch is completed all of it will be subjected to increased flood risks. According to the Corps of Engineers there are approximately one million acres in the flood plain of the Basin. Approximately 30,000 of these acres are in Missouri and the rest in Arkansas. The average size of the 1,444 ownership tracts, excluding small urban ownership, is 155 acres.

Fleming: Are all the large tracts in the Basin actually farmed by the big conglomerates?

Holder: The size of the ownerships, regardless of what is is, does not reveal some of the more important considerations. It's real easy to sit back and agree with some of the more intense environmentalists who claim the whole project is just a grandoise scheme for a few rich people to get richer. True, an individual tract may be owned by a wealthy person but in many cases this owner is absentee and the land is farmed by sharecropping. The "rich landowner" usually gets one-fourth of the value of the crop. The sharecropper, on the other hand, probably borrowed the money for seed, fertilizer and all other expenses, he furnished all the equipment and labor used in the growing of the crop. When the water comes up, like it did in October of 1972, all the sharecropper can do is stand there and watch his three-fourths disappear.

Fleming: Isn't the whole purpose of the project to reduce flood risks so the landowners can clear the remaining tracts of woodlands at the taxpayers' expense?

Holder: A look at the aerial survey map made in July of this year should correct this erroneous impression. There are approximately 142,000 acres of delta woodlands in the Basin (less than 15 per cent). The straightline distance of the flood plain from Missouri to the lower extremity is approximately 150 miles. About 110 miles of this line is above Highway 64. The remaining distance is, of course, below that highway. However, most of the remaining woodlands are below Highway 64. The reasoning here is quite simple. The farmers above Highway 64 don't have many woodlands to clear. They are concerned only about flood control on land already cleared.

Fleming: What does this do to the land at the lower end of the project?

Holder: Any drainage project that takes water off the upper end of a basin and scoots it down to the lower end will cause an increase in flood flow at the lower end. The Corps has estimated that the height of the flood flow will be increased about four inches at the lower end. This increase in flood flow is one of the reasons why some persons on the lower end are opposing the project.

Fleming: I want to get into the mitigation question later but right now I'd like to ask you about the contention that mitigation is a "horrible hoax" because, if the ditch is completed the trees will die anyhow?

Holder: There are drainage ditches in many parts of Arkansas that operate more efficiently than this ditch would operate. You don't see a lot of dead trees in any of these areas except where they have been poisoned with herbicides, girdled or flooded all year by either beaver dams or man-made impoundments.

Fleming: But what will happen in the Cache Basin?

Holder: In the upper part of the Basin where the ditch will operate efficiently and where there will be a drop in the ditch will operate efficiently and where there will be a drop in the water table adjacent to the ditch, the growth rate of the standing crop of trees will be slowed considerably. Trees, like all other living things, die eventually. I would expect death to be hastened for some of the individual trees that are approaching maximum age and for some that have been previously weakned by one cause or another.

Fleming: How about species composition?

Holder: There will also be a gradual change in species composition. This change will favor those varieties which do not require flood conditions for either regeneration or best growth. To answer your question another way, those varieties of trees which are more adaptable to environmental changes will continue to reproduce and flourish. To verify this you can drive through any lowland portion of Eastern Arkansas that has been drained. You can see what has happened where landowners have permitted trees to grow. This growth permission is highly limited but where it has occurred (in little spots or narrow lanes) the areas support good growth of pin oaks and other varieties of trees.

Fleming: What about report that there are some tracts that landowners have cleared in recent years but are reverting to forest growth because the farmers haven't been able to farm them?

Holder: This isn't too unusual. Landowners frequently clear more land than they can farm successfully for the first few years. I'm sure that in some cases they have cleared land they wished they hadn't cleared but this doesn't save the woodlands. In some places they constructed a levee completely around a tract and installed a big pump to keep the tract dry during the growing season. Now that the price of soybeans has increased so much during the last few months leveeing and pumping will increase.

Fleming: Why have some of the wooded tracts been cleared and others in private ownership are still standing?

Holder: The tracts that remain as woodlands are still wooded for a variety of reasons. Some of these tracts are tied up in estates at least for the time being. Some of the small landowners don't have the ready cash to invest in land clearing. Some are not ready to assume the added risk of farming in the lower part of their land. Some of the woodlands are owned by lumber companies which are still trying to stay in the lumbering manufacturing business even though they may have already cleared for beans other portions of their timberlands. Some of the woodlands are being used for hunting clubs and some of the landowners simply don't want to clear their remaining woodlands.

SPORTSMEN'S INTEREST

Fleming: You mention the private hunting clubs. This is a good place to discuss this angle of the proposed project. What happens to the hunting clubs?

Holder: I don't believe there is much danger of the federal government taking away any of these lands unless the club owners decide they want to sell. Of course, in some cases the members do not own the land. Included in the mitigation proposal, which I am sure we will get to later, there are plans to acquire perpetual easements. The primary purpose of these easements would be to retain the wooded character of the individual tracts. There should be no need for private hunting clubs, or any landowner for that matter, to give up hunting rights if they don't want to. I believe in most cases it would be to the landowners financial advantage to donate perpetual easements to the federal government and claim an income tax deduction for this donation rather than accept cash payments. The only right they would be losing would be the right to clear their land and this, of course, would be a substantial contribution to environmental conservation.

Fleming: How much would this contribution be worth tax-wise?

Holder: In my opinion a donated perpetual easement of this type would have a minimum value of $100 an acre.

Fleming: What public benefits would accrue from such a donation?

Holder: There is absolutely no doubt that such a donation would benefit even though the public would not receive hunting rights. These benefits would include helping to sustain the populations of small perching birds and other forms of wildlife, the preservation of scenic qualities, the bolstering of the segment of the wood products industry which is dependent on delta hardwood timber (which is sagging badly) plus the benefits to air and ground water quality.

Fleming: Most of the states on the northern end of the Mississippi Flyway have entered the law suit. What do you think of this?

Holder: This is hard to understand. For years, at the Flyway Council meetings, these northern states attempted to set the framework of the duck season so the season would close soon after the ducks migrated from their states. They reasoned that if a lot of ducks were killed on the lower end of the Flyway it would affect their hunting the next season. If they really were well informed they would not be opposing the project unless, of course, they just want to participate in a vendetta against the Corps of Engineers. I don't have any particular objection to their fighting the Corps if they receive any pleasure from it. However, I don't want them to do it at the expense of saving some of the woodlands in the Cache River Basin.

Fleming: The opponents of the project, including these northern states, claim the ditching will have an adverse effect on the duck population. Is this a tenable position?

Holder: Clearing of the woodlands has already had a very detrimental effect on the sport of duck hunting. It has also had a detrimental effect on wood ducks because they nest in trees within our state. If you consider reducing the kill on wintering grounds, the land clearing has had a beneficial effect on the mallard population.

Fleming: This might explain the interest of the northern states. I'm interpreting what you are saying is that, if the land is cleared, the duck hunters can't kill as many mallards and, consequently, the northern states will accomplish what they've been trying to do by getting early seasons. Can you elaborate?

Holder: All right, consider what happened during the 1972–73 duck season. Last season was the first duck season when we have had high water since major portions of the overflow bottoms were cleared. The vast majority of the ducks completely deserted the flooded timber and the dead timber reservoirs. They concentrated in those tremendous soybean fields which had become open-water lakes with plenty of food. It was the most frustrating season the hunters ever had. These big soybean fields served as natural refuges. The ducks refused to respond to a duck call and it was virtually impossible to slip up on them. If they were scared, they merely flew a mile or so to where another 30,000 or 40,000 of their kind were enjoying each other's company. The duck kill last season was very, very light.

Fleming: Wouldn't digging the ditch have an adverse effect on fish life and on ground water?

Holder: It sure would have adverse effects. There are, however, structural measures which will lessen these effects. Also, the retention of significant portions of the remaining woodlands would soften these detrimental effects. Besides, as it now stands there is some danger of having the ditch and no mitigation.

Fleming: What is the status in Congress of the mitigation or, as some would prefer, the tradeoff proposal?

Holder: Both the House and the Senate passed an authorization last year to purchase 30,000 acres and to obtain easements to preserve woodlands on an additional 40,000 acres. This authorization was part of the omnibus bill which President Nixon vetoed. The House and Senate also passed an appropriation to purchase $1 million in mitigation lands. The President signed that bill but the million dollars is still there waiting for authorization.

Fleming: What's happened in this session of Congress?

Holder: The authorization has been passed this year by both the House and the Senate but there are some differences in the two bills. Senator McClellan is attempting to settle the differences but he wants the Cache River project opponents to support the proposal.

Fleming: What does the Conference Committee proposal include?

Holder: It includes the overall authorization to purchase 30,000 acres, to obtain easements to preserve an additional 40,000 acres of woodlands, to authorize the outright expenditure of $6 million for the mitigation plus an additional $1 million for mitigation purposes to be matched by local funds. It also includes a requirement that no less than 20 per cent of future appropriations for the project be allocated to mitigation until all the authorized mitigation has been completed.

Fleming: If and when the mitigation lands would be acquired *wouldn't this* include about half of the remaining woodlands in the Cache River Bayou DeView flood plain?

Holder: It would include more than half by quite a bit. Of the approximately 142,000 acres involved, the Game and Fish Commission now owns approximately 16,000 acres. Another 30,000 acres is widespread in small plots and borders. This leaves 96,000 acres actually involved. If my arithmetic is correct this would be 73 per cent.

Fleming: Early in the interview you said there was some chance that the ditch could be dug without the state getting any mitigation at all. Will you elaborate on this?

Holder: This project is authorized by an Act of Congress. It was started by the Corps of Engineers and halted by the 8th Circuit Court of Appeals at St. Louis on the grounds that the environmental impact statement was inadequate. The Engineers are now preparing a more detailed impact statement. If the appeals courts approve this new statement and funds are appropriated there is nothing to stop the completion of the project with no mitigation whatsoever.

Fleming: Do you recommend that the opponents withdraw their opposition?

Holder: Not yet. I think the opponents should only certify that they will withdraw their opposition after the mitigation authorization is in the bag and after the Corps of Engineers has demonstrated good faith in carrying out the mitigation proposals.

VANDALISM AND THE SAFE SCHOOLS ACT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. BINGHAM. Mr. Speaker, vandalism of school property has become a major problem confronting educators across the country.

The Los Angeles Times article of April 2, 1973, reprinted below reveals some of the dimensions of the epidemic and, in my opinion, is evidence of the need to enact the Safe Schools Act forthwith.

The article follows:

SOMETHING EXTRA FOR THE TAXPAYER

(By Richard West)

All the fortress-like buildings—doors wrought of steel, windows of unbreakable laminated plastic—would be guarded by radar and silent alarm systems sensitive enough to be activiated by a sound or a ray of light.

When an invader triggers the alarm, it would cause a red beacon light atop the building to flash on and off. Crews of patrolling helicopters would spot the light. They would radio ground units to move in swiftly.

The prowler would be caught in the act by police or guards specially trained for this type of situation.

All this smacks of a joint CIA–FBI operation or a security plan for a nuclear weapons installation or Ft. Knox. Actually, it is just a system devised by the city of Los Angeles to keep vandals out of its schools nights and weekends.

COST KEEPS RISING

Acts of arson, burglary and malicious mischief last year cost Los Angeles $2.5 million (the price of three or four new elementary schools), up from $2.2 million in 1969–70, $1.8 million in 1968–69 and about $1 million in 1967–68.

Or rather, the acts cost Los Angeles taxpayers these sums. The school system can no longer afford to carry insurance: Premiums are astronomical, and carriers want the city to foot the first $100,000 loss of every incident.

Other Los Angeles area school districts are so desperate in seeking solutions to the vandalism problem that they are experimenting with German shepherd guard dogs and toying with the idea of offering cash bounties for the arrest and conviction of vandals.

The Los Angeles City Council, the Police Department, school officials and a special district attorney's task force are all involved in the problem, which a psychiatrist defines as an act of rebellion by some young people against "a symbol of social authority."

NATIONAL PROBLEM

School vandalism, of course, is not a problem unique to the Los Angeles area. It is a national problem, in rural areas as well as the big cities, and it is getting worse every year.

In California alone the average cost of school arson, burglary and malicious mischief is estimated to be running at $10 million a year.

The 88 educational facilities operated by the county outside of the city of Los Angeles have so far escaped massive vandalism, mainly because most of them are small and "not Establishment representing," thus offering "less exposure," said Dr. John Hamilton, the system's business manager.

Installation of burglar alarms and other devices in each facility some time ago also has helped "forestall serious trouble so far," he said.

But in Orange County, vandals committed 6,272 destructive acts that cost $777,026 in repairs and replacements over a two-year period ending last December.

The alarm system that would employ flashing red beacons and surveillance helicopters (officials can give no estimate yet how much it will cost) is still in the planning stage, but the radar, light and sound alarms already have been installed in 75 schools in the southwest, east and central areas of the city.

Alarm systems are now built into Los Angeles schools as they are constructed or renovated.

Between 3,500 and 4,000 acts of vandalism are perpetrated in Los Angeles city schools each year, Paul Engle, the system's chief security officer, estimated. These acts range from scratching an obscene word on a wall to setting a fire causing $100,000 or more damage.

Engle believes the rate of incidents has about leveled off here, noting that the cost of vandalism last year was only $300,000 above the previous year and that the rise was probably due to inflation.

TWENTY-FIVE GUARDS

The Los Angeles system has only 25 men to guard its 630 school nights and weekends.

Proposals that men on welfare be required to work as school guards do not seem practicable to Engle.

If the time they work is based on the amount of their welfare checks, they would put in only a few hours a day, Engle said. And they would undoubtedly want to be assigned to schools in their neighborhood.

"You would have 15 to 30 people at one location," he said. "It would cost you more to supervise them than what you would get out of it."

Engle believes that one of the best ways to fight vandalism is to enlist the cooperation of persons living around schools. If they would call police whenever they saw something unusual going on at a school after hours, many vandals would be caught.

A telephone call to police from a citizen early last Monday resulted in the arrest of eight boys as they emerged from the Murchison Street Elementary School, 1500 Murchison St. The youths had damaged the contents of two classrooms and set fire to a classroom bungalow. The loss will run into "the thousands of dollars," firemen estimated.

Just how much can a city afford to pay to protect its schools from nighttime and weekend marauders?

"The entire problem of school vandalism," as City Administrative Officer C. Erwin Piper, a former FBI agent, has observed, "is but one of several social problems resulting from a public disregard of public or personal property rights.

"It should be accepted that the problem is of a continuing nature, and that the security measures necessary to appreciably reduce vandalism may well be more costly than the costs for restoration of damaged facilities."

In other words, it might be cheaper in the long run to take reasonable precautions and a chance on vandals severely damaging a school once in a while than installing such elaborate space age safeguards as tend to bankrupt school finances.

A relatively inexpensive system is being given a six-month test by the Hacienda-La Puente Unified School District with favorable results. Its main element consists of seven German shepherd dogs which the district rents for $100 a month each.

GUARD DOGS

Since the dogs started guarding four schools in January, vandalism incidents have dropped considerably, reported Charles Cheatham, the district's director of operations.

Perhaps the immediate threat of being attacked by a dog makes more of an impression on a would-be vandal than the possibility of triggering an alarm and then being outrun by a policeman or guard.

Actually, the dogs are trained not to bite but only to knock down an intruder and hold him on the ground until help arrives.

The dogs stand guard alone. A handler comes around every two or three hours and checks them. He has a radio in his truck to summon help should one of the dogs, which weigh from 75 to 110 pounds, be sitting on a prowler.

Prowlers are not sure just which of the district's 40 schools are being guarded by the dogs, so they think twice before climbing the fence of any school, Cheatham said.

Simi Valley Unified School District has established a task force to study proposals to fight vandalism, including one that bounties be paid to persons who supply information which results in the arrest and conviction of vandals.

This custom of the Old West was revived by three teachers at the district's Hollow Hills Elementary School after vandals scrawled obscene words on classroom walls, poured paint into sinks and stole equipment.

The teachers donated $75 of their own money for a reward. Information quickly came in and four suspects were arrested.

However, Simi Supt. Walter Ziegler does not think much of a bounty system.

"BETTER SURVEILLANCE"

"It's my feeling we should train students to be responsible citizens without a reward," he said. "I think vandalism can be handled in another manner, perhaps through better surveillance, utilizing electronic equipment or neighborhood participation."

The Los Angeles City Council started taking a hard look at school vandalism a year ago at the urging of Councilman Thomas Bradley and former Councilman James B. Potter, Jr.

They called on the council's Police, Fire and Civil Defense Committee to conduct an investigation into vandalism which, they said, "with each passing week . . . reaches new and alarming proportions."

City Administrative Officer Piper, asked by the committee for his views, came up with several ideas.

"More intensive use of school facilities, including early and evening classes, should be economically beneficial and might tend to reduce the opportunity for vandalism," he said.

However, security chief Engle said that most acts of vandalism occur after night classes end at 10 p.m. "You'd have to run all night," he said.

Piper also suggested the use of alarms, plastic windows and "camera systems used in banks" and the stationing of full-time caretakers or security guards at schools most subject to vandalism.

Asst. City Atty. James A. Doherty advised the council committee that "some progress could be made if alarm systems were built into installations at the time of construction or renovation." This is being done now.

Doherty urged city sponsorship of state legislation which would raise the amount parents are liable for acts of their children from $1,000 to $5,000.

"Faced with such liability, some parents would probably exercise stricter control over their minor children," he said.

The Police Department, which made a study of school vandalism for the committee, came up with the idea of the flashing red light atop schools which could be spotted by police and sheriff's helicopters.

SPLASHING PAINT

What motivates a youngster to break into a school—an institution dedicated to serving him—and commit such outrageous acts as smashing furniture, splashing paint on walls, destroying records and even setting fire to the building?

"One of the basic problems in growing up is coming to terms with authority," commented Dr. Edward Stainbrook, a psychiatrist and professor and chairman of the department of human behavior in the USC school of medicine, "and school is one of the most important authorities in a child's life.

"The school is a symbol of social authority, and he keeps attacking it if he can, retaliating and rebelling."

Stainbrook also believes that vandalism has "something to do with social class."

"A member of what we regard as the upper class deals with his problems symbolically, not letting them spill over into rebellion and assault," he said.

But to a member of the lower class, he said, school is "a kind of substitute for total society" which he wants to attack because he feels it has rejected or failed him.

"If authority really is rejecting or not understanding or punitive, then the child, of course, learns that's how authority is and takes his own steps to counteract it," Stainbrook said.

School administrators and teachers and others "have to be firm" in maintaining discipline but at the same time they must devote "much more attention to handling tensions in the community and classroom," he went on.

For it is these tensions which spill over at night and during weekends and take the form of school vandalism.

"If people can act effectively, they won't act destructively," Stainbrook said. "A lot of studies show that in schools where there is an effective handling of classroom tensions, during the summer you can count the success by the diminishing number of broken windows.

GOOD STUDENTS

"If a child is effective inside school, he is not going to destroy it."

Dr. Bernard Greenberg, a systems analyst for the Stanford Research Institute who has made studies of school vandalism, had a further thought along this line.

"One of the problems is that police are called in too frequently to handle school disciplinary problems, and the kids get caught up with the police," he said.

"School administrators don't want to handle problem children. It takes up too much of their time—time they feel they should be using to educate the majority. They don't feel they should spend 60% of their time coping with the 5% of students who cause 95% of the trouble.

"This is one of the reasons why kids are turning against the schools."

Greenberg said his studies also indicate that many youths break into schools to steal office equipment, musical instruments and other valuable items to raise money to support their drug habits.

A local study of school vandalism is being made by a 32-member task force coordinated by Alva Collier, an assistant chief field deputy to Dist. Atty. Joseph P. Busch initiated the study last November.

The task force is delving into four major aspects of the problem—legislation and law enforcement, education and communication, research evaluation and resources and prevention and program action.

DIFFERENT GROUPS

Questionnaires have been sent out to 300 different groups in the county to determine the extent of the problem, Collier said. The task force hopes to come up with a report in three or four months.

Collier said one facet that has already come to light is "the paucity of convictions" that result from school arson.

The task force is working to effect a program where "every act of vandalism is reported and something done about it," Collier said.

"We are contacting law enforcement, officers, judges, school administrators and everyone else involved in the problem and trying to get them to all pull together."

VIRGINIA NATIONAL BANK NEWS RELEASE

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. WHITEHURST. Mr. Speaker, with this Nation in the midst of an energy crisis, it is indeed heartening to know that Virginia's largest bank, Virginia National Bank, has voluntarily taken steps that go even beyond the recommendations of the President in an effort to conserve as much energy as possible.

So that my colleagues may be apprised of what one institution is doing, I am inserting at this point in the RECORD a recent press release from Virginia National Bank outlining the steps it has taken. VNB is setting an example that others would do well to follow.

The press release follows:

NEWS RELEASE FROM VIRGINIA NATIONAL BANK, NOVEMBER 26, 1973

NORFOLK.—The state's largest bank has joined the fight to conserve power during the energy crisis. Eliminating the lighting of all outdor signs is just one step which Virginia National Bank is taking to help alleviate the country's growing energy shortage.

In his most recent energy message Sunday night, President Nixon requested the elimination of commercial lighting except signs identifying places of business. However, Virginia National has taken the President's recommendation one step further by voluntarily extinguishing all outdoor lighting at the bank's 116 offices in Virginia. This action should mean a cut in power consumption of more than 1200 kilowatts per day.

Following the President's earlier recommendations, Virginia National has already lowered the thermostats in its offices to 68 degrees. All other lighting not necessary for building maintenance and the safe operation of bank facilities, including nighttime floodlighting of buildings, has been cut out. Also, the hot water temperature in bank restrooms has been reduced. And the only energy expended in dressing VNB up for the Christmas season will be the human energy required to hang Yuletide decorations since no lighting will be used.

Bank officials expect these actions will mean a considerable reduction in power consumption since they are being put into effect at all 116 VNB offices. These measures should produce a major cut in energy use at the Virginia National headquarters building alone. The headquarters at One Commercial Place in Norfolk is the largest private office building in the state.

A spokesman for the Virginia Electric and Power Company said he is pleased by VNB's energy conservation program. Vepco marketing official John Marsh pointed out that the lights on one Christmas tree normally consume some 300 kilowatts of electricity in a month. Referring to Virginia National's actions, Marsh said: "If every company would take these steps, we'd see a considerable saving in energy."

Marsh noted that while Vepco does get nuclear power from its Surry facility, most of the company's power plants still rely on petroleum for fuel. By reducing its power consumption, VNB expects to reduce Virginia's consumption of dwindling oil supplies.

CPB'S MINORITY FUNDING

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. CLAY. Mr. Speaker, the Corporation for Public Broadcasting held its first public board meeting on Thursday, November 8, 1973. A broad spectrum of witnesses testified. The overwhelming theme was the lack of black programing.

The statements made at this meeting, as reported in the Washington Post, should be of interest to all Members of Congress. Hopefully, this will help to make others aware of the inadequacies of public television in this area.

The article entitled "CPB's Minority Funding" follows:

CPB'S MINORITY FUNDING

(By Joel Dreyfuss)

The Corporation for Public Broadcasting (CPB) held its first public board meeting yesterday and testimony was dominated by criticism of the handling of black programs by public television.

A broad spectrum of witnesses called on CPB to make additional funds available for the public affairs program "Black Journal" and for "Soul," the variety show, two nationally distributed programs cut back drastically this season, and to give a larger share of the agency's funds to minority programming in general.

Tony Brown, executive producer of "Black Journal" and dean of Howard University's school of communications, called for the creation of a panel to monitor the performance of public television and insure adequate input.

Other witnesses asked for increased use of instructional programs, special programs for the deaf and more accurate portrayals of women and ethnics.

"The meeting was productive beyond the board's expectations," said Robert S. Benjamin vice chairman of the CPB board, whose members declined to comment on statements by more than 20 witnesses.

Several of those supporting "Black Journal" charged that it served as a symbol of CPB's lack of concern about black programing. CPB officials disagreed, saying the shows had fallen victim to last year's battle between the corporation and the Public Broadcasting Service (PBS) for control of public television.

CPB officials noted that "Black Journal" received the same agency grant ($345,000) this year as last, and said its problems stemmed from a failure to draw private funds. As a result, Brown estimated he would only be able to produce two or three half-hour segments of "Black Journal." "Soul," at one time also a weekly program, was given

$175,000 this year by CPB for two one-hour specials.

CPB allocated $345,000 to a new show, "Interface" for nine half-hour programs which will explore the relationship between blacks and whites. The corporation also points out that half its budget goes to children's programs said to reach a considerable number of black children.

Both Brown and Ellis Haizlip, producer of "Soul," dismissed "Interface," charging that it was not a "black show" but one that was also intended to cater to whites.

"The fundamental question is whether our access to the public airwaves is a civil right," said Rev. Jesse Jackson, president of the black achievement organization Operation PUSH. "We as black people have a distinct point of view and our tax investment in public broadcasting obligates public broadcasting to hear us.

"Either give black people our percentage share of that which presently exists or give us 15 per cent of the budget and we will establish our own," Jackson said.

Brown charged that the real issue with "Black Journal" was its emphasis on "black people solving black problems and black people speaking for black people."

CPB President Henry Loomis denied that the show's content had an adverse effect on its funding.

"The problem with 'Black Journal' is not objections to it but that Tony Brown has one particular point of view," Loomis said. "We feel there should be other points of view." He said the decision not to give additional funds to the program was made by its parent station, WNET in New York.

Officials there blamed the Ford Foundation's failure to specifically allocate funds to "Black Journal" and "Soul," and claimed that CPB has made efforts to move away from public affairs and controversial programing under the Nixon administration.

Tinka Nobbe, a program officer in the Office of Public Television at Ford, declined responsibility. "We make block grants to our grantees and they decide what to do with it," she said.

A study of public television's relationship to minorities commissioned by the Ford Foundation and directed by Washington Post associate editor and ombudsman Robert C. Maynard was released last week.

The study called for increased black programing and suggested that "Black Journal" be expanded to provide a broader range of views.

"We don't feel our role is to respond to those recommendations," said Mrs. Nobbe, pointing out the foundation's efforts to withdraw its financing of public television so other forms of support can be developed.

Statements by several of the witnesses at the CPB board meeting charged that only $650,000 was being made available for black programing out of a two-year CPB budget of $130 million.

However, CPB officials said that the agency is still operating on a $35 million "continuing resolution," of which only $12 million is for programing. The $130 million appropriation for CPB is tied up in the HEW-Labor bill which may be vetoed by President Nixon, as it was last year.

MISSING THE BOAT IN THE MIDEAST

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Ms. HOLTZMAN. Mr. Speaker, we are all concerned about the wisdom and efficacy of our Government's policies in the Middle East and especially toward Israel. In a recent article in the Washington Post a research assistant for the Brookings Institution has raised thoughtful and extremely disturbing criticisms of the way in which the Nixon administration has handled the Middle East problem. He claims that by failing to request an end to the oil embargo as a price for a cease-fire, the administration has left Israel in a much more vulnerable position than it would have been otherwise. I commend this important article to the attention of my colleagues:

MISSING THE BOAT IN THE MIDEAST

(By Martin E. Weinstein)

There is a widespread illusion that the Nixon-Kissinger policy in the Middle East crisis has been a diplomatic success. It has been widely publicized as a masterpiece of timing, agility and firmness that saved the structure of peace, got the Arabs and Israelis moving toward a lasting settlement, and restrained the Soviets from sending their forces into the war.

Like most illusions, this one has shreds of evidence and wisps of logic to hold it together. After all, a cease-fire is in effect, Arab-Israeli negotiations are being planned, and the Soviets didn't send in their troops.

But the harsh truth behind the illusion is that the Nixon-Kissinger policy has conceded to the Soviet Union military predominance in the Middle East and has confirmed the Arabs in their belief that they can rely on Soviet military protection in the pursuit of their policies, either on oil or Israel. The U.S. policy also has seriously, and perhaps irreparably, damaged our vital alliances with Western Europe and Japan—the relationships which are the basis of American security and prosperity. And, finally, it is leading the United States, along with the rest of the non-Communist world, toward an economic abyss—a severe depression, induced by a shortage of oil and complicated by short-sighted economic nationalism.

UNDERESTIMATING THE EMBARGO

The major flaw in the administration's Middle East policy has been its underestimation of the Arab oil embargo and its consequent failure to have that embargo lifted. The embargo was threatened within a few days of the Egyptian-Syrian attack on Oct. 6, and was officially announced on Oct. 17. From the moment the embargo was declared, it constituted a terrifying threat to American interests—not simply to our interests in the Middle East, but to our entire position as a world power—a threat which Mr. Nixon and Kissinger did not perceive.

The immediate effect of the embargo, as President Sadat and King Faisal intended, and as the Soviets must have understood, was to give an unprecedented battering to the Western Alliance, and by so doing to push the United States toward diplomatic isolation. The Western Europeans and Japanese, whose industries would be crippled without Arab oil, had to choose between placating the Arab producers or backing the United States in its "even-handed" policy of equivocal support for Israel. The administration minimized the importance of the oil embargo, brushed off the allies' economic concerns as selfish, and left them no alternative but to appease the Arabs. That, of course, is what they have proceeded to do.

Our position, however, was not irretrievable. Within a few weeks of the war's outbreak, the administration was given an opportunity to correct its initial errors and to act positively on the oil embargo. By Oct. 20, when Secretary Kissinger flew to Moscow to negotiate a cease-fire, it was obvious that the Egyptians and Syrians, despite the advantage of a coordinated, surprise attack and ample supplies of advanced Soviet weapons, were getting into military difficulties. It was a mistake for Secretary Kissinger to have flown to Moscow at all. It was the Arabs and the Soviets who needed a cease-fire, and he should have let them come to him. Instead, he rapidly worked out a cease-fire scheme with the Soviets and rushed it through the U.N. Security Council on Oct. 21, with the stipulation that the cease-fire was to take effect on Oct. 22.

By Oct. 22, however, the Israelis had a sizeable task force West of the Suez Canal. The Egyptians, after underestimating the scope and power of the Israeli crossing, belatedly realized that the Israelis were moving into a position from which they could cut off the Egyptian forces east of the canal and simultaneously attack the Egyption reserves or even threaten Cairo. Given these circumstances, it is understandable that both sides ignored the cease-fire on Oct. 22 and 23—the Egyptians in the hope of preserving their initial gains and the diplomatic advantages inherent in those victories, the Israelis to compensate for their early setbacks and to strengthen their bargaining position in the expected negotiations.

By the next day, Oct. 24, it was clear that the Israelis were winning decisively. Suez City was in their hands and the Egyptain 3d Army was cut off from its supplies, including its food and water. Unless the cease-fire was immediately honored, Egypt faced a military disaster.

THE SOVIET NOTES

The Soviet leaders, fully realizing the desperate position of the Egyptians, sent President Nixon several urgent notes, correctly pointing out that the cease-fire was being violated and insisting that we act together to enforce it, especially on the Israelis. According to administration accounts, in one of these notes the Soviets proposed joint Soviet-American intervention to stop the fighting and stated that if the United States did not act together with the Soviet Union, "we the Soviets should be faced with the necessity urgently to consider the question of taking appropriate steps unilaterally."

In plain language, the Soviets were telling the President either to put a leash on the Israelis or the Soviet Union might send in its own forces to save the Egyptians.

The Soviet notes should not have been a shock. They hinted at unilateral intervention but left room for diplomatic maneuver. And why not? They had successfully rattled their missiles in the 1956 Suez Canal crisis. Why not threaten intervention again in 1973, especially since the United States and its allies already had shown themselves weak and divided in their reaction to the oil embargo.

Mr. Nixon and Kissinger responded to this quasi-ultimatum by promptly stopping the Israelis and simultaneously called a worldwide strategic alert. Then, on Oct. 25 and 26, the secretary and the President held televised news conferences at which they stated that their alert had averted a superpower military confrontation in the Middle East. The President announced that this was "the most serious crisis we have had since the Cuban confrontation of 1962," and he strongly implied that he had faced the Soviets down.

A number of critics of the administration promptly charged that the alert was unjustified, that the President had staged a military crisis to divert attention from his Watergate problems. These critics were wrong. The President did face a serious contest with the Soviets. But he avoided it. He did not save the day with his alert. Rather, he avoided a crucial test by giving the Soviets what they demanded and what Egypt desperately needed—an immediate honoring of the cease-fire.

WHAT SHOULD HAVE BEEN

But what of the oil embargo? There is not the slightest evidence that Mr. Nixon or Kissinger ever saw a connection between the cease-fire and the embargo. It should have been clear to them by Oct. 20 that the oil embargo is a more potent weapon in the Middle East war than the Egyptian and Syrian forces, or Soviet arms, and that it is a weapon aimed only indirectly at Israel but directly and menacingly at the United States and the entire Western alliance.

In brief, the administration should have made the lifting of the Arab oil embargo the prerequisite for our support of the cease-fire. This should have been our stand throughout the crisis. Our government should have told the Soviets and the Arabs that we favored a cease-fire and that we wanted negotiation for a lasting peace settlement, but that we could not work for a cease-fire or participate in negotiations while the embargo continued. How could we be expected to press the Israelis to stop fighting in Egypt and Syria while the Arab oil producers persisted in their economic warfare against the United States? If the fighting was to stop, it must stop on both the military and the economic fronts.

The sensible, unprovocative policy the United States should have followed was to stand firmly on the necessity of the embargo being rescinded as part of the cease-fire agreement while opposing intervention in the war by the armed forces of either of the superpowers.

Such a policy would have distributed the tasks of peace-making equitably. It would have breathed life into Secretary Kissinger's repeated but still hollow declarations that he intends to revitalize our alliances with the Europeans and the Japanese. And, most importantly, such a policy would have made it clear to the Arabs that the Soviet Union is not an omnipotent protector and that they cannot use the oil weapon wih impunity.

If the administration has perceived the crucial importance of the oil embargo, and had stood fast on the necessity of the embargo being rescinded, then the President's claim to firmness and to coolness under fire would have substance and the secretary's reputation as a diplomatic genius would be at least debatable. As it is what we have are merely illusions.

THE FIRING OF RUTH BATES HARRIS THREATENS FEDERAL COMMITMENT TO EQUAL EMPLOYMENT OPPORTUNITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. RANGEL. Mr. Speaker, the firing of Mrs. Ruth Bates Harris by the National Aeronautics and Space Administration, as shocking and unwarranted an action as it was, carries greater significance than the loss of an able and dedicated public servant to an agency whose record of equal employment opportunity is so dismal that it can ill afford such a loss.

The firing of Mrs. Harris is, I am afraid, symbolic of a general retreat by the Federal Government under this administration from the goals of equal employment opportunity for minorities. When an agency whose equal employment record is so deficient that it is projected that NASA will only have 9 percent minority employees by the year 2001, finds it cannot live with a person like Mrs. Harris because of her dedication to move forward faster, we have come to the point where we in this body can no longer remain silent. If we are to make our commitment to the civil rights laws we passed in the mid-1960's more than empty rhetoric, we must insist that the Federal Government honor this commitment by enforcing these laws and providing true equality of opportunity.

We can begin to prove our commitment by insisting that NASA rehire Mrs. Harris.

To fully acquaint my colleagues with the circumstances of the Harris dismissal and what is at stake, I include in the CONGRESSIONAL RECORD an article by Constance Holden from the November 23, 1973, issue of Science magazine:

[From Science magazine, Nov. 23, 1973]

NASA: SACKING OF TOP BLACK WOMAN STIRS CONCERN FOR EQUAL EMPLOYMENT

On 25 October, James Fletcher, administrator of the National Aeronautics and Space Administration, summoned Ruth Bates Harris, deputy assistant administrator for equal opportunity, into his office and fired her. In so doing, Fletcher may have precipitated just the sort of pressure for improving NASA's employment performance with women and minority group members that critics say it has so far managed to resist.

NASA was pushed into the spotlight as civil rights and women's groups rushed to the defense of Harris and members of Congress demanded explanations from Fletcher. The issue also points up the frustrations and conflicts in many government agencies over programs to advance minority groups at a time when the watchword, more than ever, is economy.

Ruth Bates Harris is a black woman who gained a national reputation in the 1960's for her work as director of the Human Relations Commission in the District of Columbia. When NASA established a separate office for equal employment opportunity and contract compliance in 1971, they asked Harris, then human relations director for the Montgomery County, Maryland, school system, to head it.

Harris says there were problems right from the beginning, when she found her title was not to be director, but deputy director, and that the Office of Equal Employment Opportunity (EEO) would be supervised by the director of industrial relations. Harris says that she was frustrated by middle management's undermining of her office's authority and by lack of firm support from the top and that several times she considered resigning.

Finally, last April, following pleas from her and her staff, the EEO office was elevated to a position where its chief had direct access to Fletcher. But instead of naming Harris assistant administrator for equal opportunity (the new title), they put Dudley McConnell, a black physicist and former head of the NASA Scientific and Technical Information Office, in the position and named Harris his deputy.

It was apparently clear from the beginning that McConnell's approach was incompatible with that of the people who ran the two major components of the office: Harris, who, in addition to being his deputy, supervised the in-house affirmative action programs, and Joseph Hogan (who is white), who headed the contractor compliance division.

According to Harris and several of her former associates, there was a great deal of frustration in the office arising from their belief that McConnell was not committed to real change and that he was turning the office into a public relations outfit. They felt that McConnell, who at 37 is NASA's only black in the administrative stratosphere of "supergrades," was a servant of the establishment and did not identify strongly enough with the needs of minorities. McConnell says that Harris continued to act as though she were running the office, that she was uncooperative and uncompromising, and that she did not seem to be fully aware of the bureaucratic restrictions government employees must work under.

At any rate, Harris, Hogan, and Samuel Lyon, a black contract compliance officer, decided the office was going nowhere. "After months of agonizing," she says, the three of them put together a report—on their own time and money—documenting their belief that NASA's equal opportunity effort was "a sham."

The report, submitted to Fletcher in late September, points out that the number of people in minority groups employed by NASA has gone up only 1 percentage point—from 4.10 percent to 5.19 percent—since 1966. Women (almost all of them clerical workers) make up 18 percent of the NASA work force. Most women and blacks hold civil service grades below GS 9, despite the fact that 70 percent of all NASA employees are at GS 10 or above. "At the present rate of increase, NASA would reach only 9 percent minority employment by the year 2001!" laments the report. The authors said efforts by the office to speed things up had been thwarted by the fact that its recommendations on hiring were often ignored or overruled and that the quantity and quality of equal opportunity officers at NASA's ten research and space centers left much to be desired.

The report rounds off by raking McConnell over the coals and asking that he be removed from office. McConnell is accused of "an apparent lack of integrity" in his communications between management and staff and "immaturity in relation to people." (A case in point was McConnell's use of a little bell to summon his secretary, a practice that, says Harris, earned him the sobriquet of "Mr. Ding-a-ling" and made the EEO office a "laughingstock" within NASA. McConnell, wincing at the memory, says the bell was a souvenir given him by his wife and he is very sorry indeed about having used it.) In sum, wrote the authors, in only 5 months, "he has impaired the integrity of the office and made a mockery of the office and made a mockery of the equal opportunity program."

Hogan, Lynn, and Harris delivered the report in person to Fletcher and went over it with him point by point. Fletcher, they say, agreed that NASA's record was dismal and arranged to meet with them again after he had had time to further absorb their message. It was at the second meeting that he dismissed Harris, transferred Hogan (who, unlike Harris, is protected by Civil Service) to another department, and warned Lynn that, if he couldn't get along with McConnell, he would be expected to resign.

Fletcher indicated that this action had nothing to do with the report, which contained information that was already well documented. Rather, it was that Harris had become a "divisive" force and that "there was a basic incompatibility in the organization in which she was placed." Harris says the effort to lay the dispute to personality differences is a "smokescreen" to cover the fact that top management was simply not prepared to take the "painful" measures necessary to make the program really work.

Indeed, the inference that Harris modeled herself along the lines of Angela Davis does not wash with some of her former colleagues, who regard her as thoughtful, reasonable, and easy to get along with. It is also difficult to imagine that it took NASA 2 years to discover that the woman was a "divisive" personality.

McConnell's side of the story is that things never went smoothly under the Harris leadership—that she lacked administrative experience and never troubled to learn the workings of the bureaucracy. He implied that her efforts, however heartfelt, were not particularly effectual. Asked if it were not undemocratic to demand that the heads of the two major components of the office subordinate their ideas to his, McConnell compared himself to the captain of a ship who is confronted with unruly crew members—"If the catpain has the responsibility, he should also have the authority." McConnell, who comes across as soft-spoken, ingratiating, exceedingly articulate, and strong-willed, says he had no inkling that people felt he lacked the human touch until a black female contract compliance officer quit last summer, complaining in a letter to Fletcher that, while McConnell undoubtedly thought he was doing his best, he was "not sensitive" to the mission of the office and "close to hostile with regard to the concerns of women."

At any rate Fletcher's Nixonesque purge appears to have opened up a can of worms NASA may not have bargained for. Some 70 headquarters personnel sent a memorandum to Fletcher expressing concern about the future of NASA's EEO program and asking for his reassurance, and representatives of civil rights and women's groups at several NASA centers have publicly pledged support for Harris. The Association of Women in Science, the NAACP Legal Defense Fund, and the Leadership Conference for Civil Rights have been holding meetings and plotting action. Harris says newspaper stories on her firing have elicited calls from all over the world. "People have come out of the woodwork and out of retirement." Members of Congress are also stirring. Representative Charles Rangel (D-N.Y.) has asked Fletcher to reinstate Harris and come across with a full explanation of the matter, and Representative Charles Mosher (R–Ohio), a member of the House Science and Astronautics committee, has asked his staff to look into the matter. What's more, Senator Frank E. Moss (D-Utah), chairman of the Senate's Committee on Aeronautical and Space Sciences, and committee members James Abourezk (D-S.D.) and Floyd Haskell (D-Colo.) have asked for explanations from all concerned and may hold hearings.

An employee of the Association for Women in Science says that many people involved with employment opportunity in government find it particularly alarming that someone with Harris's stature could be so summarily dismissed—"the attitude is that, if this can happen to Ruth Bates Harris, it can happen to anyone," she says.

Harris herself has petitioned the Civil Service Commission for reinstatement on the grounds that her dismissal was a "reprisal." But she believes that congressional hearings are the only way to get to the bottom of the matter. She says she has discovered ominous things she didn't know about while working at NASA—"We've *got* to have a hearing . . . we've learned so much more since then . . . it's frightening."

Fletcher was prompted by all the turmoil to send a memorandum to all NASA employees explaining the situation. He said Harris wanted to centralize equal opportunity authority at the headquarters office, thus robbing centers of the autonomy they enjoy in other matters, and that she wanted EEO personnel exempted from the universal reductions in force NASA has been suffering. He said that, while he admired Harris's "dedication and enthusiasm," she lacked the "necessary administrative and management skills." She was "unwilling to share the broader problems of management with her peers, and because she became a seriously disruptive force within her own office," he concluded it was time for her to go.

Fletcher acknowledged that the NASA record was "not a record in which we can take pride," but said all that was changing under McConnell's leadership. He pointed to the fact that goals and timetables are now being developed and programs are being formulated for recruiting women and minority members, hiring students to do stints as paid NASA employees, and helping jog people out of "deadend jobs. Fletcher finished by saying, ". . . my major concern is that Mrs. Harris's termination might discourage other employees from making their ideas and criticisms known to the Administrator for fear of jeopardizing their own jobs," and that he and deputy director George Low were "*very* interested" in hearing any complaints. Harris supporters find this ironic, since they believe she was fired for "doing her job."

Even granting NASA the best of intentions, it faces special difficulties in increasing its professional female and nonwhite personnel. As an agency strongly preoccupied by its dramatic scientific missions, it has tended to be dominated by scientific and technical rather than administrative types. Almost half the NASA work force is made up of scientists and engineers, but the national manpower pool contains few women and minority members. Only 1 percent of engineers are female, for example, and 3 percent are nonwhite, Critics point out that NASA contractors, who draw from the same pool of talent, have a far better record in equal employment than NASA. But contractors do not operate under the Civil Service constraints, veterans' preference, and periodic reductions in force that characterize the NASA of the 1970's. What's more, the Office of Federal Contract Compliance is a considerably stronger enforcement agent than the Civil Service Commission, which is responsible for seeing that affirmative action is taken within the government.

Nonetheless, the overwhelming white male domination of NASA is making it an increasingly conspicuous and embarrassing anomaly among government agencies. "You have to take a Kamikaze attitude to work there," says one woman, a consultant, who says she never walks down the hall with a bunch of papers in her hand because "they'll think I'm going to the Xerox machine."

It would appear that considerably stronger pressure than has hitherto been exerted is needed to get NASA moving. It may be that the current uproar will culminate in such pressure.—CONSTANCE HOLDEN

FEDERAL ENERGY ADMINISTRATION

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. MACDONALD. Mr. Speaker, I am introducing today legislation to create a Federal Energy Administration which will have the responsibility for developing and coordinating Federal energy policy.

As chairman of the Commerce Subcommittee on Power and as a ranking member of the Government Operations Committee, I am pleased to lend my support to this bill especially because of the man who has been chosen to serve as the head of this new agency—Deputy Treasury Secretary William Simon.

Bill Simon will be assuming a tough assignment, but he brings to the task a dedication and sense of purpose that are well recognized by those of us in the Congress who have been dealing with him on energy matters throughout the past year.

I hope and fully expect that the choice of Secretary Simon will mark an end to the administration's shuffling of so-called energy czars and foot dragging on energy policy. There is little doubt in my mind that the past 6 months of indecision at the White House have served to make a very serious energy crisis even more severe. Up until now the American people have looked to the President for leadership and direction, only to be disappointed again and again by contradictory promises and halfway measures.

I have already detailed on several occasions for my colleagues in this Chamber the pattern of delay on key energy measures by the administration. Instead of working with Congress to provide solutions, the President often chose to work against Congress with the result that the problems themselves were made worse.

Bill Simon was one of the few within the administration who sought to cooperate with Congress and offered concrete proposals to alleviate the present emergency. In July during testimony before the Commerce Committee, Secretary Simon, appearing as Chairman of the Oil Policy Committee, endorsed a strong mandatory system for the allocation of fuels to replace the unsuccessful voluntary program which existed at that time.

Following his commitment to me that the administration plan would be forthcoming within a week from that date, Bill Simon was shuffled around by the administration and was replaced as "energy czar" by Gov. John Love. From that time until last weekend, Governor Love was supposedly the source of energy policy in the White House. The absence of any significant action by the President until now and the general confusion in the White House as to energy planning are good indications of how well Governor Love did his job.

I was pleased when Bill Simon called me last Saturday to inform me that he had accepted this new position. I can only hope that Bill Simon will have the same level of support and cooperation within the White House as he will have in the Congress. I have confidence in his ability and in his desire to formulate a comprehensive energy program which will come to grips with the real sources of the energy crisis.

I can assure Bill Simon that he will have my support and, I am certain, that of the other members of the subcommittee. My only regret is that the President failed to take this definitive step many, many months ago.

The text of the Federal Energy Administration Act follows:

A bill to provide for the effective and efficient management of the Nation's energy policies and programs

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Energy Administration Act."

ESTABLISHMENT OF FEDERAL ENERGY ADMINISTRATION

SEC. 2. (a) There is hereby established an independent executive agency to be known as the Federal Energy Administration hereinafter referred to as the Administration. The Administration shall be headed by an Administrator and Deputy Administrator each of whom shall be appointed by the President by and with the advice and consent of the Senate.

(b)(1) The functions and powers of the Administration shall be vested in and exercised by the Administrator.

(2) The Administrator may from time to time, and to the extent permitted by law, delegate such of his functions as he deems appropriate.

(c) The Administration is authorized to have six Assistant Administrators and three Assistants to the Administrator, each of whom shall be appointed by the Administrator.

(d) The Administration shall have a General Counsel, appointed by the Administrator. The General Counsel shall be the chief legal officer of the Administration.

(e) The Assistant Administrators, the General Counsel, and the Assistants to the Administrator shall perform such functions and duties as the Administrator may prescribe.

(f) The Administrator shall designate the order in which the Deputy Administrator and other officials shall act for and perform the functions of the Administrator during his absence or disability or in the event of a vacancy in his office.

FUNCTIONS OF THE FEDERAL ENERGY ADMINISTRATION

SEC. 3. (a) The Federal Energy Administration shall be responsible for assuring that adequate provision is made to meet the energy needs of the Nation for the foreseeable future. To that end, the Administration shall plan, direct and conduct programs related to the production, conservation, use, control, distribution, and allocation of all forms of energy.

(b) The Administrator of the Federal Energy Administration shall be the President's adviser with respect to the establishment and integration of domestic and foreign policies relating to energy matters.

TRANSFERS

SEC. 4. (a) There are hereby transferred to and vested in the Administrator all functions of the Secretary of the Interior, the Department of the Interior, and officers and components of that department:

(1) as relate to or are utilized by the Office of Petroleum Allocation;

(2) as relate to or are utilized by the Office of Energy Conservation;

(3) as relate to or are utilized by the Office of Energy Data and Analysis; and

(4) as relate to or are utilized by the Office of Oil and Gas.

(b) There are hereby transferred to and vested in the Administrator all functions of the Chairman of the Cost of Living Council, the Executive Director of the Cost of Living Council, and the Cost of Living Council, and officers and components thereof as relate to or are utilized by the Energy Division of the Cost of Living Council.

(c) Notwithstanding any other provision of law, the President may transfer to the Administrator any function of any other Executive agency, as defined in Section 105 of title 5 of the United States Code, if he determines that such transfer would further the accomplishment of the intent and purposes of this Act. The President shall notify the President of the Senate and the Speaker of the House of Representatives forthwith of each such transfer and his reasons therefor, and shall publish a notice of each such transfer in the Federal Register. If either the Senate or the House of Representatives, within sixty calendar days after the date of delivery of any such notice, shall adopt a resolution disapproving the transfer involved, the functions involved shall immediately revert to the Executive agency from which they were transferred. Nothing in this subsection shall be deemed to permit any transfer or group of transfers the effect of which would be inconsistent with the provisions of subsection (a) of Section 905 of title 5 of the United States Code. Each function that is transferred to the Administration pursuant to this subsection shall revert to the Executive agency from which it was transferred upon the expiration of this Act or upon such earlier date as the President, or the Congress by law, may prescribe.

ADMINISTRATIVE PROVISIONS

SEC. 5. The Administrator of the Federal Energy Administration may:

(1) appoint, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and prescribe their authority and duties; except that 55 officers and employees may, under this provision, be compensated at rates not in excess of the rate prescribed for GS-18 under Section 5332 of title 5 of the United States Code, and that of such 55 officers and employees, 15 may, under this provision, be appointed without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service;

(2) employ experts, expert witnesses, and consultants in accordance with Section 3109 of title 5 of the United States Code, and compensate such persons at rates not in excess of the maximum daily rate prescribed for GS-18 under Section 5332 of title 5 of the United States Code for persons in Government service employed intermittently;

(3) appoint advisory committees composed of such private citizens or officials of Federal, State, and local governments as he deems desirable to advise him, and compensate such persons other than those employed by the Federal Government at rates not in excess of the maximum daily rate prescribed for GS-18 under Section 5332 of title 5 of the United States Code for each day they are engaged in the actual performance of their duties (including travel time) as members of a committee and pay such persons travel expenses and per diem in lieu of subsistence at rates authorized by Section 5703 of title 5 of the United States Code for persons in Government service employed intermittently;

(4) promulgate such rules, regulations, and procedures as may be necessary to carry out the functions vested in him;

(5) utilize, with their consent, the services, personnel, equipment, and facilities of Federal, State, regional, local, and private agencies and instrumentalities, with or without reimbursement therefor, and transfer funds made available pursuant to this Act to Federal, State, regional, local, and private agencies and instrumentalities as reimbursement for utilizaton of such services, personnel, equipment, and facilities;

(6) accept voluntary and uncompensated services, except where such services involve administrative proceedings, investigations, or enforcement powers notwithstanding the provisions of Section 3679 of the Revised Statutes;

(7) adopt an official seal, which shall be judicially noticed, and the provisions of Section 709 of title 18 of the United States Code shall apply to the use of the seal, after its adoption and publication in the *Federal Register*, except as provided by regulations prescribed by the Administrator;

(8) accept unconditional gifts or donations of money or property, real, personal, or mixed, tangible or intangible;

(9) subject to appropriation Acts, enter into and perform contracts, leases, cooperative agreements, or other transactions with any public agency or instrumentality or with any person, firm, association, corporation, or institution; and

(10) perform such other activities as may be necessary for the effective fulfillment of his duties and functions.

COMPENSATION

SEC. 6. (a) Section 5313 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(2) Administrator of the Federal Energy Administration."

(b) Section 5314 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(62) Deputy Administrator of the Federal Energy Administration."

(c) Section 5315 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(99) Assistant Administrators, Federal Energy Administration (6).

(100) General Counsel, Federal Energy Administration."

(d) Section 5316 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(132) Assistant to the Administrator, Federal Energy Administration (3)."

(e) In the event that any individual at the time of entering upon any one of the positions described in subsections (a) through (c) of this section then holds another position in the executive branch, he may continue to hold such original position but shall be entitled, for as long as he holds both positions, to receive the pay for only one such position: *Provided*, That he shall be entitled to receive the greater pay if different rates of pay are prescribed for the two positions.

(f) Appointments to the positions described in subsections (c) and (d) of this Section may be made without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service.

TRANSITIONAL AND SAVING PROVISIONS

SEC. 7. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Administrator, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceeding pending, at the time this Section takes effect, before any department or agency (or component thereof) regarding functions which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued if this Act had not been enacted.

(c) Except as provided in subsection (e)—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and,

(2) in all such suits proceedings shall be

had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

(d) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or such official as may be appropriate and, in any litigation pending when this Section takes effect, the court may at any time, on its own motion or that of any party, enter any order which will give effect to the provisions of this Section.

(e) If, before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act any function of such department, agency, or officer is transferred to the Administrator, or any other official, then such suit shall be continued as if this Act had not been enacted, with the Administrator, or other official as the case may be, substituted.

(f) Final orders and actions of any official or component in the performance of functions transferred by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders or actions had been made or taken by the officer, department, agency, or instrumentality in the performance of such functions immediately preceding the effective date of this Act. Any statutory requirements relating to notices, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the performance of those functions by the Administrator, or any officer or component.

(g) With respect to any function transferred by this Act and performed after the effective date of this Act, reference in any other law to any department or agency, or any officer or office, the functions of which are so transferred, shall be deemed to refer to the Administrator or other officials in which this Act vests such functions.

(h) Nothing contained in this Act shall be construed to limit, curtail, abolish, or terminate any function of the President which he had immediately before the effective date of this Act; or to limit, curtail, abolish, or terminate his authority to perform such function; or to limit, curtail, abolish, or terminate his authority to delegate, redelegate, or terminate any delegation of functions.

(i) Any reference in this Act to any provision of law shall be deemed to include, as appropriate, references thereto as now or hereafter amended or supplemented.

(j) Except as may be otherwise expressly provided in this Act, all functions conferred by this Act shall be in addition to and not in substitution for functions existing immediately before the effective date of this Act and transferred by this Act.

(k) The provisions of this section shall apply to functions transferred to the Administration pursuant to Section 4(c) of this Act, except that reference in this section to the effective date of this Act shall be deemed to be references to the date of the transfer of the functions involved.

INCIDENTAL TRANSFERS

SEC. 8. The Director of the Office of Management and Budget is authorized to make such additional incidental dispositions of personnel, personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with functions transferred by this Act, as he may deem necessary or appropriate to accomplish the intent and purpose of this Act.

DEFINITIONS

SEC. 9. As used in this Act—

(1) any reference to "function" or "functions" shall be deemed to include references to duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be; and

(2) any reference to "perform" or "performance", when used in relation to functions, shall be deemed to include the exercise of power, authority, rights, and privileges.

EFFECTIVE DATE AND INTERIM APPOINTMENT

SEC. 10. (a) Any of the officers provided for in Section 2 of this Act may be nominated and appointed, as provided in that Section at any time after the date of enactment of this Act. Funds available to any department or agency (or any official or component thereof), any functions of which are transferred to the Administrator by this Act, may, with the approval of the President, be used to pay the compensation and expenses of any officer appointed pursuant to this subsection until such time as funds for that purpose are otherwise available.

(b) In the event that any officer required by this Act to be appointed by and with the advice and consent of the Senate shall not have entered upon office on the effective date of this Act, the President may designate any officer, whose appointment was required to be made by and with the advice and consent of the Senate and who was such an officer immediately prior to the effective date of this Act, or any officer who was performing essentially the same functions immediately prior to the effective date of this Act, to act in such office until the office is filled as provided in this Act. While so acting, such persons shall receive compensation at the rates provided by this Act for the respective offices in which they act.

APPROPRIATIONS

SEC. 11. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

EFFECTIVE DATE

SEC. 12. This Act shall be effective on such date as the President shall prescribe and publish in the Federal Register, and shall terminate two years after such effective date.

LET US SET THE EXAMPLE

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. FORSYTHE. Mr. Speaker, recently I received from a constituent a letter expressing irritation that while she was dutifully observing the 50-miles-per-hour speed limit, a car with congressional tags sped past her at a high rate of speed.

While there may have been good reason for this, it does cause a certain feeling of "who does that guy think he is."

It is my view that we in the Congress should be setting a positive example during this period of enforced self-denial. For this reason, I am herewith including the text of my constituent's letter for your perusal:

LETTER

I just want to express my feeling of annoyment, disgust and frustration with one of your fellow Congressmen.

We all know about the energy crisis and how we are to conserve gasoline, home heat, etc. I just want to know how government members, expect the "common people" to follow rules, and energy conservation when they blatantly go speeding along for all of us to see.

I was on the New Jersey Turnpike this past Friday, November 16, heading north driving along at the new speed limit of 50 m.p.h., when we were passed at 11:30 a.m., as if we were standing still by a car with the license U.S. Congress.

I would appreciate knowing how we can willingly conserve energy when elected representatives just flaunt these measures, such as a lower speed limit.

I do hope you will let this person know his actions did not go unnoticed.

FACTS TO BE REMEMBERED ABOUT ENERGY SITUATION

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. MOLLOHAN. Mr. Speaker, the continuing debate over the many facets of our current energy problems often obscures some vital points that need to be made.

For example, the administration has suggested on several occasions that the Congress is to blame for not moving forward with enough foresight to deal with this situation before it became what is now being called a "crisis."

However, I call your attention to the editorial reprinted below entitled "The Energy Crisis and Mr. Nixon." It appeared in the November 28 edition of the Wheeling News-Register in my district. This very perceptive and well-researched piece of journalism points to efforts made in the past by Congress to deal with our developing energy problems. More importantly, it stresses that most of the recommendations and warnings issued by Congress have up until now been ignored by the administration.

As the News-Register so aptly explains, the record simply will not support that charge that Congress is to blame for the present energy crunch.

In another editorial, this one published on November 26, the News-Register comments on the lack of wisdom with which our Nation has approached environmental protection legislation.

> We have no argument against cleaning up the environment—it has to be done.

The paper states:

> Our argument is with the hastily conceived standards based on emotion and not fact. Standards that fail to consider the world in which they are to be applied and without sufficient research to support their necessity can prove harmful to all of us.

I believe my colleagues will profit by reading these perceptive News-Register editorials, which are reprinted below in their entirety:

ENERGY CRISIS AND MR. NIXON

Reaction to President Nixon's latest efforts to conserve energy has been mixed as was to be expected. Much of the opposition to the President's proposals stems from his larger credibility problems. The doubts about

Watergate spill over into everything he says and does.

Meanwhile, many persons still aren't convinced that the energy situation requires the drastic action being called for by the Administration. There is a feeling that it is the "little fellow" who is being asked to sacrifice the most while big business rolls merrily along. It is not overlooked, for example, that Gulf Oil recently reported a quarterly profit gain of 91 per cent.

The real rub comes from Mr. Nixon's announcement that effective Jan. 1, home heating oil will be rationed. Deliveries will be reduced by 15 per cent for homes but only 10 per cent for industry. As one gasoline dealer put it, "It's the same old Nixon; take care of big industry and forget about everybody else."

Furthermore, it is the consumer who is being asked to make adjustments not the oil companies. It is to be noted that gasoline is more profitable to produce under the Administration's Phase II and Phase IV economic program, and oil companies will not of themselves ask their refineries to produce less gasoline and more heating oil, although this could be done.

There is no question that energy consumption in this country has gone out of bounds. But all of the blame does not rest with the consumer. The energy producers have promoted unlimited consumption as though there was no tomorrow until this latest crunch hit.

Now the President adds to his credibility problem by seeking to assign blame to the Congress for the seriousness of the current energy crisis. The record won't support him in this stand.

It may be recalled that on July 16, 1970, West Virginia's own U.S. Senator Jennings Randolph introduced legislation to establish a National Commission on Fuels and Energy. This was to be a joint Executive-Legislative body to make a comprehensive study of the Nation's energy needs and how best to meet them.

The Administration opposed creation of this commission on the ground that its work would overlap with studies by the Domestic Council—studies that were announced after Sen. Randolph's bill was introduced. If such studies were in fact made by the Domestic Council, they have never seen the light of day. But it is significant that the Administration was on notice, more than three years ago, of deep Congressional concern about emerging energy problems.

Because a serious study was obviously needed, Sen. Randolph sought to authorize a unique cooperative effort in the Senate early in 1971 when he introduced legislation authorizing the National Fuels and Energy Policy Study by the Senate Interior Committee, with participation by the Committees on Commerce and Public Works and the Joint Committee on Atomic Energy. This study is continuing. Much of the energy legislative program now moving through Congress emerged from the study.

The disarray in the Administration on energy issues was reflected in the fact that it took four months to produce a Presidential energy message for Congress. The message that was first promised for January finally came in April. It then proved necessary to bolster this message with a second one in June.

Even in the area of coal research the Administration has dragged its feet. Again it was another U.S. Senator from West Virginia that took the lead in getting more funds to explore better use of our massive coal reserves. Sen. Robert C. Byrd in this year alone succeeded in adding almost $40 million to the Administration's budget to accelerate research on coal gasification, coal liquefaction and improvements in mining technology.

It is a combination of all these circumstances that causes the public to rebel and question the need for the drastic measures now being imposed to save fuel. Nevertheless, once the Congress does act to make the President's recommendations mandatory, it is unlikely that there will be open defiance of the regulations. Until the proposals do become law, however, voluntary compliance with Mr. Nixon's energy program is expected to be spotty.

COMPROMISE NECESSARY

It must be evident by this time that some of the hastily enacted environmental cleanup legislation is in direct conflict with the Nation's ability to meet the country's energy needs.

Scores of other environmental laws, most of them conceived in the atmosphere of "the sky is falling" have led to the confusion and even to a detrimental effect on the environment.

The time is now to make a careful analysis of both the environmental and energy needs of the Nation and arrive at compromises that will stand the test of time.

Even though there have been early warnings about the fuel crisis, it was not until the Middle East oil boycott that legislation began to roll from Congress. Again, it appears that much of it is being stamped out in an emotional and in an emergency atmosphere.

Energy suppliers indicate that the Nation will have fuel problems well into the 1980s. The environmental problem continues to be with us and needs to be met. After all, this is, as the environmentalists tell us, the only planet we have on which to live.

The environmental bandwagon that started to roll with the first Earth Day in 1970 must now be evaluated and adjustments made.

For example—some agriculture experts are now saying that the restrictions on the emission of sulphur dioxide from smoke stacks are too stringent. Plants need sulphur to grow and the emissions from smoke stacks supplied this sulphur to the plants. When the Nation's smoke stacks are cleaned up—farmers will need to add sulphur to the soil to properly nurture growth. No one has yet determined just how much sulphur dioxide is harmful.

For example—The Wall Street Journal last summer carried a series of articles in which the writer claimed that automobile emission standards were far too strict. The series said that the standards were based on the report of one scientist and as the proposed standards moved through agency after agency, each agency tightened the restrictions as they added safety factors.

For example—state after state banned phosphate from detergents. The detergents substituted in nicrolotriacetic acid for the phosphate and a far more dangerous product resulted. The growth of aquatic plants, which the phosphate ban was supposed to slow, has continued with no abatement in the areas that banned phosphates.

For example—the Clean Water Act, that calls for a complete stream cleanup by 1985 is so stringent in its standards and timetable that the Nation will never be able to find the money to accomplish its requirements.

For example—cyclamates were banned early this year. Now reports are filtering out of the Washington departments that cyclamates made by substituted saccharin may be more harmful than cyclamates.

We have no argument against cleaning up the environment—it has to be done. Our argument is with the hastily conceived standards based on emotion and not fact. Standards that fail to consider the world in which they are to be applied and without sufficient research to support their necessity can prove harmful to all of us.

ISRAEL COMPLAINT OF VIOLATIONS OF GENEVA CONVENTION

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. DRINAN. Mr. Speaker, I would like to bring to the attention of my colleagues a copy of the complaint submitted to the International Committee of the Red Cross by the Government of Israel regarding the treatment of Israeli soldiers still being detained in Syria.

Documents and photographs show that Israeli prisoners captured by the Syrians have been bound, blindfolded, mutilated, and shot or stabbed to death. These actions clearly constitute grave violations of the Geneva Convention requirements relative to the treatment of prisoners of war.

I have joined with 78 of my colleagues in urging Secretary of State Kissinger to instruct our United Nations Representative to introduce a Security Council resolution calling on Syria to fulfill these Geneva Convention requirements and urging an immediate exchange of wounded prisoners.

The text of the Government of Israel's statement and the letter to Secretary of State Kissinger follow:

COMPLAINT BY THE GOVERNMENT OF ISRAEL RESPECTING GRAVE VIOLATIONS OF THE GENEVA CONVENTION OF AUGUST 12, 1949, RELATIVE TO THE TREATMENT OF PRISONER OF WAR PERPETRATED BY THE SYRIAN ARMY IN THE COURSE OF THE BATTLES ON THE GOLAN HEIGHTS IN OCTOBER 1973

INTRODUCTION

1. The Government of Israel submits to the International Committee of the Red Cross a grave complaint respecting crimes of murder and mutilation committed on the person of Israeli prisoners-of-war officers and men of the Israel Defence Forces, who were taken prisoner by the Syrians in the region of the Golan Heights. These barbaric and inhuman crimes of Syria's military forces constitute grave violations of the Geneva Convention of 12 August 1949 relative to the treatment of prisoners-of-war.

MURDER OF PRISONERS-OF-WAR

2. After the Syrian forces that had penetrated the region of the Golan Heights had been driven back, Israel Defence Forces troops discovered proof that 28 Israeli soldiers, who had been taken prisoner by the Syrian, had been murdered in cold blood after their capture by soldiers of the Syrian army. Particulars of the localities, and of the number of murdered Israeli POW's found in them, are as follows:

i. The bodies of 11 Israeli soldiers were found at the Hushneyah crossroads.

ii. 7 bodies were found at Hushneyah village.

iii. 3 bodies were found at Tel Faris.

iv. At least 7 Israeli POW's were murdered by the Syrians at the Irsael Defence Forces strong-point on Mount Hermon.

3. In the light of the condition in which the bodies were found, it is clear that the Israeli soldiers were murdered systematically and in cold blood after they had been taken prisoner: they were blindfolded, their hands were bound, and in certain cases their legs also.

4. The facts in respect of each of the locations are as follows:

HUSHNEYAH

The bodies were found in a wadi concealed methodically, but not completely, by stones and shrubs. In every case, their hands were bound behind their backs with laces taken from their own boots, and their eyes were blindfolded with rags or bits of clothing. Some of the bodies were found unclothed and unshod. Examination of the bodies discloses that the prisoners were shot at very close range. Every body was riddled by a number of bullets. Considering that some of the bodies were found unclad and stripped of all their personal belongings, including identity discs, it has been possible to identify only six by name.

HUSHNEYAH VILLAGE

The murdered Israeli POW's were found all together in a field near the village their hands bound, their eyes blindfolded. Of the seven bodies, only three could be identified by name. Five of the bodies were found with their upper parts bare. Two other bodies were discovered dressed only in undershirts. All the bodies were found, as said, together in one spot. Beside the bodies were found shirts of the murdered men. On examination, it was seen that the shirts were intact and not pierced by bullets. Empty cartridges were found only a metre away from the bodies. One of the murdered men was found with his legs bound.

TEL FARIS

Here the bodies were found in a ditch, the hands of all three of the murdered men tied with ropes. The men were clad in their underwear only. All had been shot at very close range. All have been identified by name.

MOUNT HERMON STRONG-POINT

At least 31 soldiers of the Israel Defence Forces surrendered on 8 October 1973 to a Syrian force which surrounded the position. According to the testimony of Syrian officers and men who were taken prisoner by the Israel Defence Forces, the last 5 of the 31 Israel soldiers to emerge from the strong-point when the garrison gave itself up were shot dead while their heads were raised and they were unarmed. The testimony in question affirms that the 5 Israeli prisoners who were shot were murdered on the specific orders of the officer commanding the Syrian battalion on the spot.

Two other Israeli soldiers were murdered as the line of prisoners marched towards the neighbouring Syrian strong-point. According to the evidence of the Syrian prisoners, orders were given to the Syrian escort to kill every Israeli prisoner who lagged behind. Two of the prisoners had difficulty in walking because they were wounded, and they were accordingly shot dead by the Syrian soldiers.

5. Five photographs are attached which show with horrifying clarity what was seen by the Israeli soldiers who found the bodies of the murdered Israeli prisoners-of-war. It is possible to distinguish plainly that the prisoners were concentrated in a single group and then were shot at point-blank range. It can also be seen that all of them had been blindfolded with bits of clothing and rags, and that the hands of every one of them had been bound behind his back.

6. The circumstances of the murder of all the Israeli prisoners-of-war, as described above, bound hand and foot and helpless, prove that these were acts of deliberate mass murder of Israeli prisoners-of-war who had fallen into Syrian hands.

7. The fact that four separate groups of bodies of Israeli prisoners-of-war were found in different places leads to the conclusion that this was methodical murder perpetrated in accordance with plans and orders emanating from a high central authority.

8. The murder of prisoners-of-war constitutes a violation of Article 13 of the Geneva Convention relative to the treatment of prisoners-of-war. Under Article 130, the deliberate murder of a prisoner-of-war is a grave violation of the Convention. Needless to say, the murder of prisoners-of-war constitutes the most serious imaginable infringement of the whole basis of the Convention and of the principles of humanity accepted among civilized peoples.

9. According to the first paragraph of Article 12 of the Convention: "Prisoners-of-war are in the hands of the enemy Powers, but not of the individuals or military units who have captured them."

In accordance with the Article, it is the detaining Power which is responsible for the attitude adopted towards prisoners-of-war who fall into its hands. There is, therefore, no doubt that the Syrian authorities bear the responsibility for the shameful crime committed by Syrian soldiers.

10. So as not to cause anguish to the families of the murdered men, the Government of Israel has refrained until now from bringing these dreadful facts, in all their tragic detail, to the knowledge of the general public. Since, however, the story has been widely reported in the press, the Government of Israel regards it as its bounden duty to bring the shocking findings which have come to light to the knowledge of the International Committee of the Red Cross.

11. The Government of Syria bears unequivocal responsibility for these methodical crimes.

DEMANDS OF THE GOVERNMENT OF ISRAEL

12. The Government of Israel calls upon the International Committee of the Red Cross to take, at once, the necessary steps to condemn the barbaric and disgusting crimes that have been described, and to ensure that proper and full protection be extended to Israeli prisoners-of-war. It demands that every means be adopted immediately to guarantee the health, welfare and honour of the Israeli prisoners-of-war held captive in Syria, as the Geneva Convention requires.

13. The Government of Israel demands of the Syrian authorities that they give firm guarantees and issue clear instructions to enure that there shall be no repetition of the horrendous crimes, such as described in this complaint, and that the Government of Syria will respect the laws of war and international Conventions.

Letter to Secretary of State Kissinger

Dear Mr. Secretary: As members of the U.S. House of Representatives, we want to raise with you an issue of great humanitarian concern that has developed as a result of the war in the Middle East.

The governments of Israel and Egypt have recently completed an exchange of prisoners, and it is widely recognized that this expeditious action has made a significant contribution to the prospect for peace talks between Israel and Arab nations.

A similar exchange of prisoners with Syria has been proposed by the government of Israel. To date, the government of Syria has not only refused to agree to such a procedure, but it has also neglected to fulfill its obligations under the Geneva Convention and international law with regard to the treatment of prisoners. The government of Syria has failed to provide the International Red Cross access to the Israeli prisoners and has also denied a request for an immediate exchange of wounded prisoners.

The Syrians are believed to be holding approximately 125 Israeli prisoners. It is our understanding that Israel has given the Red Cross a list of approximately 350 Syrian captives it is holding and has given this organization an opportunity to inspect prisoner and hospital facilities and to talk with prisoners of Syrian nationality.

Unfortunately, there is cause for great concern as to the treatment of Israeli soldiers detained in Syrian. A group of House members which recently visited Israel was shown documentation and photographs indicating that Israeli soldiers captured by Syrian forces have been bound, blindfolded, mutilated, and shot or stabbed to death. The bodies of approximately 30 Israeli soldiers, apparently killed after their capture, were located at various sites in the Golan Heights.

War is in itself tragic and inhumane. However, there are well-established laws and international agreements with respect to the handling of prisoners of war, and it is assumed that responsible governments will honor these obligations.

We therefore, are calling on you to instruct the U.S. Representative to the United Nations to introduce a Security Council resolution asking Syria to fulfill Geneva Convention requirements by providing the International Red Cross with a list of prisoners of Israeli nationality and permitting the Red Cross to contact the captives and to visit POW facilities. The resolution should also call for an immediate exchange of wounded prisoners.

The United States should appeal to all members of the UN Security Council, regardless of their position on the political issues involved in the Israeli-Arab dispute, to support such a resolution on the grounds of simple humanitarianism and respect for international law. Certainly, there can be no doubt that action by the UN on this issue would be an important step toward relieving world tensions and achieving peace.

THE PROPOSED MULHOLLAND NATIONAL SCENIC PARKWAY

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. BELL. Mr. Speaker, on October 30, 1973, accompanying legislation to create a Mulholland National Scenic Parkway (H.R. 11163), I made a statement for the Record describing the 50-year history of Mulholland Drive and Highway in Los Angeles, explaining my conception of the improvements which would be desirable or necessary to convert the 53½-mile road to a national scenic parkway, and detailing briefly the elements of city, county, State, and Federal participation which are basic to this proposal.

Over the last 5 weeks this legislation in principal has been endorsed by the Governor of California, the mayor of Los Angeles, the director of the State department of parks and recreation, the Los Angeles County Parks and Recreation Commission, the Los Angeles City Recreation and Parks Commission, the Sierra Club, the Friends of the Santa Monica Mountains' and Seashore, the Federation of Hillside and Canyon Association—representing 11 property owners groups along the proposed parkway route—the Los Angeles Times and the Los Angeles Herald Examiner. Senator John Tunney, of California, has introduced a companion bill in the Senate cosponsored by Senator Alan Cranston, of California.

In addition, the following California Members of Congress cosponsored my bill when I reintroduced it on November 15, 1973: Mr. Anderson, Mrs. Burke of California, Mr. Burton, Mr. Corman, Mr. Goldwater, Mr. Hawkins, Mr. Hosmer, Mr. McCloskey, Mr. Moorhead of California, Mr. Moss, Mr. Rees, Mr. Roybal, Mr. Stark, and Mr. Charles H. Wilson of California.

In due course I will place in the Record the statements of each of the endorsing individuals and agencies. Today, however, I wish to offer answers to 10 questions which have been put forward by interested Los Angeles residents regarding my intent in the introduction of this legislation. The responses to these questions have already been forwarded to the Department of the Interior, the National Park Service, the House Interior and Insular Affairs Committee, and to Senators Tunney and Cranston, as an amplification of my legislative intent.

The questions and answers follow:

THE PROPOSED MULHOLLAND NATIONAL SCENIC PARKWAY—QUESTIONS AND ANSWERS

(By Congressman Alphonzo Bell)

1. What do you estimate to be the cost of the proposed Mulholland National Scenic Parkway?

Answer: I envisioned participation to be approximately $30 million.

Ideally, this would be provided at the rate of $4.8 million a year for six years divided equally between Parkway improvement projects in Los Angeles City and Los Angeles County.

An additional $1.2 million (made available at the rate of $200,000 a year for six years) would go to Ventura County for trails and other improvements linking Point Mugu State Park with the Scenic Parkway.

This does not take into account the cost of City, County, and State projects, already planned, on and adjacent to Mulholland.

2. How will present and contemplated City, County, and State programs involving Mulholland Drive and Mulholland Highway be affected by this legislation?

Answer: Section 4 of the bill requires the Secretary of the Interior to coordinate development of the Parkway with Los Angeles City and County agencies and with the California Department of Parks and Recreation.

Section 4 also requires the Secretary to act to "assure that the National Parkway program will augment and not supersede" present City, County and State programs on the Mulholland route.

National Scenic Parkway legislation can only be helpful to City, County, and State programs involving Mulholland.

3. Who would administer the Mulholland National Scenic Parkway?

Answer: The bill calls for the Secretary of the Interior to administer the Parkway in accordance with the Act of August 25, 1916, as amended and supplemented.

However, the Secretary under this Act has considerable discretionary authority to issue licenses covering the use of parkway lands and this quite likely would result in some, if not all, administrative responsibilities being assigned to a County, or a specially created City-County-State, agency.

It should be remembered that the National Parkway will be located on what are now City and County roadways and that recreation and beautification projects will, in many cases, be undertaken on City and County rights-of-way and adjacent State and local parklands.

I do not anticipate difficulty in the negotiations regarding administration. There is ample precedent for the National Park Service to relinquish areas or aspects of administrative responsibility for its facilities.

4. Is there precedent for a combined City-County-State-Federal undertaking such as the Mulholland National Scenic Parkway?

Answer: Not to my knowledge. Nor is there a comparable facility in the National Park system which is located almost entirely in an urban area.

But, particularly with the present energy crisis, it makes sense for the Department of the Interior to begin sponsoring innovative federal recreational programs closer to our population centers.

The Mulholland proposal has the added advantage of allowing the federal government to build on major recreational and roadway investments already made at other levels of government.

The cost of this plan from scratch (including construction of the 53.5 miles of mountain roadway) would be considerably more than a billion dollars and would not even be considered by the Congress or the Department of the Interior.

5. What would the Mulholland National Scenic Parkway legislation accomplish?

Answer: The Mulholland National Scenic Parkway would link together City, County and State Recreational facilities in the Santa Monica Mountains which are located on Mulholland Drive or Mulholland Highway.

These include Leo Carillo State Beach, the projected Century Ranch State Park, the 7,200 acre Santa Monica Mountain Urban State Park, the projected City Wilderness Park (on what had been Nike Base 96), and the Hollywood Bowl.

In addition, separate ancillary Mulholland Trails (of 5 to 10 miles each) would link Griffith Municipal Park and the Pilgrimage Theater to the Parkway in the east; Point Mugu State Park in the West; and Will Rogers State Historic Park near the center of the Santa Monica Mountain Range.

The plan would anticipate the placement of additional secondary parks and picnic areas, parking cut-outs, scenic overlooks, hiking and labeled nature trails, bicycle trails, equestrian trails and, perhaps, a network of hostels along the route.

All of this would be done as part of a Master Plan to beautify the 53.5 miles of Mulholland Drive and Highway.

6. Will it be necessary to widen Mulholland Drive and Highway in order to establish the Scenic Parkway?

Answer: No. The widening of Mulholland is an issue which will be resolved at local levels of government.

The proposed National Scenic Parkway could be adjusted to whatever decisions are made by City and County agencies.

My personal preference, however, is that Mulholland not be widened and, in fact, not be considered a major east-west artery but, instead, be regarded as a 53½ mile ribbon park.

7. Would passage of the Mulholland National Scenic Parkway legislation preclude federal acquisition of parkland in the Santa Monica Mountains?

Answer: The State Department of Parks and Recreation has taken the position that land acquisition in the Santa Monica Mountains should be funded by state government with the Mulholland connecting corridor being developed as a federal project, as proposed in the legislation which has been introduced.

State Director William Penn Mott, Jr. has defined an initial land acquisition program totaling 40 to 50 thousand acres in three areas of the Santa Monica Mountains and (after ten years and an investment of $40 million) has made substantial progress toward that end.

Mott has, moreover, also stipulated that even this commitment is not intended as a terminal goal for recreational development and preservation of the Santa Monica Mountains.

Accordingly, at least the first stage of the Mulholland National Scenic Parkway concept focuses on the improvement and linking up of already available land with only limited acquisition of new land and new rights-of-way.

There is, however, a point of view advanced by the Friends of the Santa Monica Mountains' Parks and Seashore that "federal funding for park roads should not exclude federal funding for direct park and beach land acquisition."

Those who share this position will not necessarily be compromised by supporting the Mulholland National Scenic Parkway legislation because the goals are not mutually exclusive.

For example, the first five parkways in the National Park system included a total of 130,410 federal acres, averaging slightly less than 25,000 acres per parkway. More than 23,000 acres have been authorized for the most recent John D. Rockefeller, Jr. Memorial Parkway in Wyoming.

It should also be noted that Senator Tunney, the author of the bill to create a Santa Monica Mountain and Seashore National Urban Park (S1270), introduced Mulholland Parkway companion legislation last week in the Senate.

In the past the Department of the Interior has expressed concern about the "full use" potential of land in the Santa Monica Mountains. These objections, however, would not apply to the Scenic Parkway program.

And even if establishment of the Mulholland National Scenic Parkway did not encourage the Department of the Interior subsequently to increase its investment in the area (as often happens with National Park facilities) the Parkway might very well have that effect on the State Department of Parks and Recreation and even on city and county agencies.

8. Are there other National Parkways in our National Park System?

Answer: Yes. There are six others. The most recently dedicated is the 82 mile John D. Rockefeller, Jr. Memorial Parkway which links Yellowstone and Grand Teton National Parks.

The 29 mile Baltimore-Washington Parkway provides a good example of special jurisdictional arrangements which can be made for National Parkways.

Nineteen miles of this Parkway are administered by the National Park Service. Ten miles are administered by the State of Maryland.

9. Will federal investment in the Mulholland Parkway stimulate demands for similar projects in or near other population centers?

Answer: There are no comparable opportunities in any major city in the United States.

The Mulholland project is possible only because (thanks to the initiative of Los Angeles residents beginning fifty years ago) Mulholland Drive and Highway now exists and (thanks to City, County and State Recreation Departments (major park facilities have already been established on the 53.5 mile route.

It is, however, reasonable that other urban areas should propose similarly innovative cooperative park ventures to the Department of the Interior based on shared costs by City, County, and State agencies.

And I believe they should be given a sympathetic hearing because I believe our urban areas ought to be better served by our National Park system.

10. Does the Mulholland National Scenic Parkway proposal have significant community support?

Answer: Yes. The legislation is supported by the California Department of Parks and Recreation, by the Los Angeles County Department of Parks and Recreation, and by the Los Angeles City Recreation and Parks Commission.

It has been endorsed by Mayor Bradley. It will be cosponsored in the U.S. Senate by Senator Alan Cranston and Senator John Tunney of California.

A resolution has been introduced in the Los Angeles City Council (proposed by Councilman Wachs, seconded by Councilman Braude) expressing support for the legislation.

Both the Los Angeles Times and the Los Angeles Herald Examiner have editorialized in behalf of the proposal. And we understand other local publications and citizens' groups are also preparing supporting statements.

TRIBUTE TO MARIE McDOWELL, OF ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. YOUNG of Alaska. Mr. Speaker, I would like to join my fellow Alaskans in expressing deep sorrow at the passing of Marie McDowell, dedicated member of Alaska's State Board of Education since 1971. I wish to take this opportunity to recognize the high principles and strong convictions she demonstrated during her tenure on the State board of education.

Marie McDowell was a concerned individual and advocate of the youth, who contributed much to the betterment of Alaska's educational system. All of Alaska will feel the loss of her wisdom and devoted service.

SENATE—*Wednesday, December 5, 1973*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

Dr. Frank E. Gaebelein, headmaster emeritus, the Stony Brook School, Stony Brook, N.Y., offered the following prayer:

O God of all love and compassion, Thou who dost work redemptively among men, we confess our need of Thy cleansing and healing power in our lives and in our country. Thou art ever gracious to forgive us our sins when we truly turn to Thee. Teach us, therefore, to be forgiving in all our dealings with others. Thou art just and righteous in all Thy ways. Increase, therefore, our sensitivity to injustice and quicken our concern for the poor and oppressed.

Sustain and encourage, we beseech Thee, all who bear the burdens of governing our Nation. May the Members of this body be given discernment in knowing Thy will and integrity in doing it. And grant, O gracious God, that with clarity of mind and soundness of judgment they may glorify Thee in all their work today.

In the name of Him who is the Way, the Truth, and the Life. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, December 4, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICAN INDIAN POLICY REVIEW COMMISSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 572, Senate Joint Resolution 133.

The PRESIDENT pro tempore. The joint resolution will be stated.

The legislative clerk read as follows:

S.J. Res. 133, to provide for the establishment of the American Indian Policy Review Commission.

The PRESIDENT pro tempore. Is there objection to the consideration of a joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 5, line 14, after the word "Senate", insert "Committee on Interior and Insular Affairs"; in line 16, after the word "House", insert "of Representatives"; in line 21, after the word "Representatives", insert "Committee on Interior and Insular Affairs"; on page 6, line 21, after the word "above", insert "Indian members"; in line 23, after the word "any", insert "one"; on page 7, at the beginning of line 13, strike out "$150 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties." and insert "$100 for each day such member is engaged in the actual performance of duties vested in the Commission, but not to exceed sixty days in any one calendar year. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service."; on page 9, line 1, after the word "to", strike out "Indians;" and insert "Indians, and provide specifically for a management study of the Bureau of Indian Affairs utilizing experts from the public and private sectors;"; on page 12, line 1, after the word "this", strike out "Act and such moneys as may be appropriated shall be available to the Commission until expended" and insert "Act"; at the beginning of line 5, strike out "the civil service laws and regulations and without regard to the Classification Act of 1949, as amended," and insert "provisions of title 5, United States Code, governing appointments in the competitive services, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates,"; and, in line 24, after "(d)", strike out "service of an individual as a member of an ad hoc committee, or employment by the Commission of an attorney or expert in any job or professional field on a part-time or full-time basis with or without compensation shall not be considered as service or employment bringing such individual within the provisions of the act of October 23, 1962 (76 Stat. 1119)." and insert "Any individual serving as a member of an ad hoc committee, or any attorney or expert in any job or professional field employed by the Commission on a part-time or full-time basis with or without compensation, shall, while engaged in such service or employment, be deemed a "special Government employee" within the meaning of section 202 of title 18, United States Code."

The amendments were agreed to.

The joint resolution, as amended, was passed.

The preamble was agreed to.

The joint resolution, as amended, with the declaration and preamble, reads as follows:

DECLARATION OF POLICY

It is hereby declared to be the policy of Congress that the unique and longstanding legal relationship between the American Indian people and the Federal Government shall—

(a) be fully recognized and respected; and

(b) serve as the foundation for a fundamental reform of Federal-Indian relations so as to develop and implement a new national Indian policy to encourage and assist the full development of the unique human and natural resources of Indian people.

DECLARATION OF PURPOSE

Recognizing that the unique relationship of the American Indian people and the Federal Government is based upon the Constitution, numerous treaties and a still-growing body of statutory law and court decisions, that this relationship carries with it a Federal trust responsibility for the protection of Indian land and rights to other natural resources and for the provision of public services to Indian people, that this solemn and legal responsibility has not been adequately fulfilled, that the Indian people have been denied the opportunity to realize the full potential of their human and natural resources, and, therefore, that those results demonstrate that the national Indian policy and the administration of Indian affairs is not in the best interests of the Indian people, the general public, and the Federal Government, the Congress declares that it is timely and essential to conduct a comprehensive review of the historical and legal developments underlying the Indians' unique relationship with the Federal Government in order to determine the nature and scope of necessary revisions in the formulation of policies and programs for the benefit of Indian people.

Whereas article I, section 8, clause 3, of the Constitution of the United States, gives to Congress the power "to regulate commerce * * * with the Indian tribes;" and this clause has been consistently interpreted to give Congress plenary power over Indians and Indian tribes; and

Whereas the Congress has not exercised such plenary power to bring about fundamental reform to Indian affairs since approval of the Act of June 18, 1934 (48 Stat. 987), the Indian Reorganization Act; and

Whereas the Constitution, numerous treaties, statutes, and judicial decisions have charged the Federal Government with a special trust responsibility to protect and enhance Indian lands, water, and other natural resources; and

Whereas the national American Indian policy, from the beginning of this special Federal trust responsibility, has followed an inconsistent pattern and has failed to assist Indian people to achieve their individual, family, and community goals; and

Whereas the administration of Indian affairs by the governmental institutions charged with fulfilling the special Federal trust responsibility to Indians is characterized by a morass of conflicting policies and practices that serve to inhibit the exercise, rather than encourage the fulfillment, of such responsibility to Indians; and

Whereas, as a direct outgrowth of the inconsistent policy pattern followed by the Federal Government, generations of Indian people have suffered social and economic deprivation unparalleled by any other segment of society; and

Whereas such social and economic deprivation is illustrated by the following:

(1) The infant mortality rate for Indians is 23.8 deaths per 1,000 live births compared to 19.2 for all races;

(2) The life expectancy for Indians is 64.9 compared to 70.8 for all races in the Nation;

(3) Typical Indian families of five or six live in one- or two-room houses, 24 per centum of which lack running water and adequate sanitation facilities;

(4) Forty-three per centum of Indian students drop out of school before graduation, and the average number of years of schooling completed by Indians is 8.4 compared to the national average of 10.6;

(5) Unemployment among Indian people averages 40 per centum, and runs as high as 58 per centum on some reservations during the winter months;

(6) The average annual per capita income for Indians is $1,184, as compared to a national average of $3,344; and

Whereas the failure of governmental institutions to enable individual Indians to enjoy good health, to receive meaningful academic and vocational training, to find satisfying employment, to live in decent and acceptable housing, and to enjoy fundamental civil rights has contributed to feelings of despair, frustration, and alienation among young and older Indians alike; and

Whereas the despair, frustration, and alienation experienced by many Indian people have led to deep division in the Indian community and such division having already manifested itself through serious eruptions which conceivably could recur; and

Whereas the Congress deems it timely and essential to undertake a comprehensive review of the historical and legal developments underlying the Indians' unique relationship with the Federal Government to support the formulation of more positive and effective national Indian policies and programs; and

Whereas as used in this resolution the term "American Indian" or "Indian" shall include "Alaskan Native"; and

Whereas the President is to be commended for submission of a legislative package to Congress which is designed to implement a self-determination policy for American Indian people; and

Whereas the proposed comprehensive review of the historical-legal basis underlying the unique Federal relationship with American Indian people would not preclude congressional consideraton of the President's Indian legislative proposals and other important Indian measures: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of Congress that—

(1) (a) In order to carry out the purposes described above, there is hereby established a commission to be known as the American Indian Policy Review Commission, hereinafter referred to as the "Commission".

(b) The Commission shall be composed of fifteen members, as follows:

(i) two majority members of the Senate Committee on Interior and Insular Affairs and one Member of the Senate at large to be appointed by the majority leader of the Senate and two minority Members of the Senate Committee on Interior and Insular Affairs to be appointed by the minority leader of the Senate;

(ii) two majority members of the House of Representatives Committee on Interior and Insular Affairs and one Member of the House of Representatives at large to be appointed by the Speaker of the House of Representatives and two minority Members of the House of Representatives Committee on Interior and Insular Affairs to be appointed by the minority leader of the House of Representatives;

(iii) there shall be elected from the foregoing ten members a Chairman and a Vice Chairman of the Commission at an organizational meeting called at such time and place as may be specified in a call issued jointly by the senior member appointed by the majority leader of the Senate and the senior member appointed by the Speaker of the House of Representatives;

(iv) five Indian members who shall be selected by the ten congressional Members, by majority vote, at their organizational meeting immediately following the election of a Chairman and Vice Chairman from the following segments of the Indian community:

(1) three members shall be selected from tribes that are recognized by the Federal Government, one of whom must presently reside off the reservation;

(2) one member shall be selected to represent urban Indians; and

(3) one member shall be selected who is a member of an Indian group not recognized by the Federal Government.

None of the above Indian members shall be employees of the Federal Government at the time of selection, nor shall there be more than one member from any one Indian tribe.

(c) Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

(d) Eight members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings.

(e) Members of Congress who are members of the Commission shall serve without any compensation other than that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(f) The selected Indian members shall each receive $100 for each day such member is engaged in the actual performance of duties vested in the Commission, but not to exceed sixty days in any one calendar year. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

DUTIES OF THE COMMISSION

(2) (a) The Commission shall—

(i) appoint an Executive Director, whose responsibility will be to supervise the Commission staff and assign and arrange for the preparation of the necessary reports;

(ii) appoint a General Counsel, whose duties will be to advise the Commission, the Executive Director, and the staff on legal matters and supervise the carrying out of those contracts which involve legal expertise;

(iii) contract with organizations and individuals whose professional expertise, experience, work, and credibility are generally recognized and accepted;

(iv) create such advisory groups to examine particular issues as the Commission deems necessary to achieve adequate Indian involvement on those issues;

(v) conduct hearings in various regions and on selected Indian reservations where Indians can most easily attend and make their views known directly to the Commission and where particular illustrations of fact situations may be more easily documented;

(vi) study and analyze the Constitution, treaties, statutes, judicial interpretations, and Executive orders to determine the attributes of the unique relationship between the Federal Government, Indians, and Indian tribes, and concerning the lands they possess;

(vi) review the policies, practices, and structure of the Federal agencies charged with protecting Indian resources and providing services to Indians, and provide specifically for a management study of the Bureau of Indian Affairs utilizing experts from the public and private sectors;

(viii) examine the statutes and the procedures for granting Federal recognition and extending services to Indian communities and individuals;

(ix) collect and compile the data necessary to understand the *extent of* Indian needs which presently exist or will exist in the future;

(x) explore the feasibility of alternative election bodies which could fully represent Indians at the national level of Government to provide Indians with maximum participation in policy formulation and program development;

(xi) consider alternative methods to strengthen tribal government so that the tribes might fully represent their members, and, at the same time, guarantee the fundamental rights of individual Indians; and

(xii) recommend such modification of existing laws, procedures, regulations, policies, and practices, as will, in the judgment of the Commission, best serve to carry out the policy and declaration of purpose as set out above.

(b) The Commission shall submit to the President of the Senate and the Speaker of the House of Representatives an interim report, not later than one year after the passage of this resolution, which shall contain recommendations based upon their preliminary findings for legislative consideration and specific legislative action to better fulfill the needs of Indian people. Not later than two years after the passage of this resolution, the Commission shall submit to the President of the Senate and the Speaker of the House of Representatives its final report. The Commission shall cease to exist six months after submission of said final report. All records and papers of the Commission shall thereupon be delivered to the Administrator of the General Services Administration for deposit in the Archives of the United States.

POWERS OF THE COMMISSION

SEC. 2. (a) The Commission or, on authorization of the Commission, any committee of two or more members, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued only on the authority of the Commission and shall be served by anyone designated by the Chairman of the Commission.

A witness may submit material on a confidential basis for the use of the Commission and, if so submitted, the Commission shall not make the material public. The provisions of sections 192–194, inclusive of title 2, United States Code, shall apply in case of any failure of any witness to comply with any subpena when summoned under this section.

(b) The Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this Act and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission and to conduct such studies and surveys as may be requested by the Chairman or the Vice Chairman when acting as Chairman.

(c) If the Commission requires of any witness or of any Government agency the production of any materials which have theretofore been submitted to a Government agency on a confidential basis, and the confidentiality of those materials is protected by statute, the material so produced shall be held in confidence by the Commission.

APPROPRIATIONS, EXPENSES, AND PERSONNEL

SEC. 3. (a) There is hereby authorized to be appropriated a sum not to exceed $2,000,000 to carry out the provisions of this Act.

(b) The Commission is authorized, without regard to provisions of title 5, United States Code, governing appointments in the competitive services, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates, to appoint and fix the compensation of its staff director, and such additional personnel as may be necessary to enable it to carry out its functions except that any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege.

(c) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this resolution to carry out such aspects of the review as the Commission determines can best be carried out in that manner.

(d) Any individual serving as a member of an ad hoc committee, or any attorney or expert in any job or professional field employed by the Commission on a part-time or full-time basis with or without compensation, shall, while engaged in such service or employment, be deemed a "special Government employee" within the meaning of section 202 of title 18, United States Code.

Mr. HUGH SCOTT. Mr. President, I would simply suggest that this bill comes a little late. Perhaps it should have been passed in 1491.

Mr. MANSFIELD. Before Columbus got here?

Mr. HUGH SCOTT. Yes, sir. An Indian policy review seems to have begun the very next year.

Mr. MANSFIELD. The Senator may be right.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar beginning with New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. ABOUREZK). The nominations on the Executive Calendar, beginning with New Reports, will be stated.

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

The second assistant legislative clerk read the nomination of Robert W. McVay, of Missouri, to be a member of the Federal Metal and Nonmetallic Mine Safety Board of Review.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Public Health Service which had been placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized under the standing order.

Mr. HUGH SCOTT. Mr. President, I yield back my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan (Mr. GRIFFIN) is recognized for not to exceed 15 minutes.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum with the time to be charged against my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order the Senator from Montana (Mr. MANSFIELD) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPACT OF THE TWA STRIKE AND THE AIRLINE MUTUAL AID PACT

Mr. DOLE. Mr. President, it has now been nearly 30 days since the strike by Trans World Airlines cabin attendants first halted air service by that airline. Many who travel to Kansas City or other points across the country are painfully aware of the existing inconveniences. Passenger inconvenience is one thing, but more devastating is the economic impact of the strike felt by the TWA employees and the communities across the country served by TWA.

In Kansas City, for example, the reduction in the TWA payroll means a drop from nearly $13 million per month before the strike, to approximately $3 million per month at the present time.

Other inconveniences are numerous. There is a 1-day delay in mail going in and coming out of the Kansas City area due to the diminished air services. Passengers across the country must be rerouted if their flights depend on TWA connections. Canceled business conventions in Kansas City and across the country have resulted in complications and decreased business activity for the convention cities.

The strike was called by the Transport Workers Union of America when they were unable, after 17 months of negotiations, to reach a contract agreement with TWA. There are, of course, significant differences between the demands presented by both sides, and while it would not be proper for me to intrude in collective bargaining, I am hopeful that an early settlement can be concluded.

MUTUAL AID PACT

I am, of course, aware of charges that the mutual aid pact existing between the airlines provides disincentives against real negotiations.

The mutual aid pact is an agreement initially reached October 30, 1958, by six of the major airlines. Over the years the membership has grown to include nearly all major airlines and many local service airlines. Members consent to pay any party to the agreement who is being struck certain amounts of money to cover the losses incurred during the strike, theoretically enabling the struck carrier to meet its capital and operating expenses during the strike period. Supplemental payments have been increased to as high as 50 percent of normal operating costs in recent years. Payments of this nature to TWA are alleged to be in the neighborhood of $2 million per day.

Because of the serious economic impact and the allegations that the existing airline mutual aid pact provides disincentives which retard negotiations, I believe the matter deserves a review by Congress.

In an effort to determine whether the airlines mutual aid pact is, in fact, in or adverse to the public interest, I have requested that the Senate Commerce Committee hold hearings. In the meantime, I am hopeful that meaningful negotiations will continue and that a just settlement will be reached soon.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MANSFIELD. Mr. President, will the Senator withhold that request?

Mr. DOLE. I withhold my request.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, how much time do I have remaining.

The PRESIDING OFFICER. The Senator from Montana has 5 minutes remaining.

Mr. MANSFIELD. I yield back my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATIONS FOR FISCAL 1974

A communication from the President of the United States transmitting proposed supplemental appropriations for the fiscal year 1974 in the amount of $10,675,000 for the Foreign Claims Settlement Commission, International Radio Broadcasting, and the U.S. Information Agency (with accompanying papers). Referred to the Committee on Appropriations.

SUPPLEMENTAL ESTIMATE OF APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE—THE FOOD STAMP PROGRAM

A letter from the Deputy Director of the Office of Management and Budget reporting, pursuant to law, that the appropriation to the Department of Agriculture for the food stamp program, Food and Nutrition Service, for the fiscal year 1974, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriations. Referred to the Committee on Appropriations.

SUPPLEMENTAL ESTIMATE OF APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE—FOREST SERVICE

A letter from the Deputy Director of the Office of Management and Budget reporting, pursuant to law, that the appropriation to the Department of Agriculture for "Forest Protection and Utilization," Forest Service, for the fiscal year 1974, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriations. Referred to the Committee on Appropriations.

HAZARDOUS MATERIALS CONTROL

A letter from the Secretary of Transportation transmitting, pursuant to law, a report on hazardous materials control (with an accompanying report). Referred to the Committee on Commerce.

INVOLUNTARY DISCHARGE OF CERTAIN COMMISSIONED OFFICERS IN THE ARMY

A letter from the Secretary of the Army transmitting a draft of proposed legislation to provide that commissioned officers of the Army in regular grades below major may be involuntarily discharged whenever there is a reduction in force (with accompanying papers). Referred to the Committee on Armed Services.

REPORT OF THE MIGRATORY BIRD CONSERVATION COMMISSION

A letter from the Sercetary of the Interior transmitting, pursuant to law, the report of the Migratory Bird Conservation Commission for the fiscal year ended June 30, 1973 (with an accompanying report). Referred to the Committee on Commerce.

RECOMMENDATIONS, RESOLUTIONS, AND ORDERS ADOPTED AT 19TH ANNUAL SESSION OF NORTH ATLANTIC ASSEMBLY

A letter from the Secretary General of the North Atlantic Assembly transmitting, for the information of the Senate, the texts of the recommendations, resolutions, and orders which were adopted at the 19th Annual Session of the North Atlantic Assembly, held in Ankara in October 1973 (with accompanying papers). Referred to the Committee on Foreign Relations.

REPORT OF THE NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL POLICIES

A letter from the Secretary of the Treasury transmitting, pursuant to law, a report of the National Advisory Council on International Monetary and Financial Policies covering the period July 1, 1972, to June 30, 1973 (with an accompanying report). Referred to the Committee on Foreign Relations.

UNITED NATIONS EMERGENCY FORCE IN THE MIDDLE EAST

A letter from the Assistant Secretary of State transmitting a draft of proposed legislation to authorize payment by the United States of its share of the costs of the United Nations Emergency Force in the Middle East (with accompanying papers). Referred to the Committee on Foreign Relations.

REPORTS OF THE COMPTROLLER GENERAL

Two letters from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Audit of Payments From Special Bank Account to Lockheed Aircraft Corp. for the C–5A Aircraft Program During the Quarter Ended September 30, 1973," and a report entitled "Proposed Elimination of the Apportionment Requirement for Appointments in the Departmental Service in the District of Columbia" (with accompanying reports). Referred to the Committee on Government Operations.

ADJUSTMENT OF DEBTS AGAINST INDIVIDUAL INDIANS OR TRIBES

A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, a copy of an order of the Department of the Interior covering cancellation and adjustment of charges of the Government of the United States existing against individual Indians or tribes of Indians (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

PROCEEDINGS OF THE MEETING OF THE JUDICIAL CONFERENCE

A letter from the Chief Justice of the United States transmitting a copy of the proceedings of the meeting of the Judicial Conference of the United States held in Washington, D.C., on September 13 and 14, 1973 (with an accompanying report). Referred to the Committee on the Judiciary.

ORDER OF THE IMMIGRATION AND NATURALIZATION SERVICE

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, a copy of an order suspending deportation in the case of a certain alien (with accompanying papers). Referred to the Committee on the Judiciary.

ORDERS SUSPENDING DEPORTATION

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders suspending deportation, together with a list of the persons involved (with accompanying papers). Referred to the Committee on the Judiciary.

ORDERS ENTERED IN THE CASES OF CERTAIN ALIENS FOUND ADMISSIBLE TO THE UNITED STATES

A letter from the Commissioner of Immigration and Naturalization transmitting, pursuant to law, copies of orders entered in the cases of certain aliens who have been found admissible to the United States (with accompanying papers). Referred to the Committee on the Judiciary.

ORDERS OF THE IMMIGRATION AND NATURALIZATION SERVICE RELATING TO CERTAIN PERSONS

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders entered relating to certain persons (with accompanying papers). Referred to the Committee on the Judiciary.

ORDERS OF THE IMMIGRATION AND NATURALIZATION SERVICE

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders entered in the cases of certain aliens (with accompanying papers). Referred to the Committee on the Judiciary.

REPORTS CONCERNING VISA PETITIONS

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, reports concerning visa petitions which have been approved (with accompanying papers). Referred to the Committee on the Judiciary.

REPORT OF THE NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

A letter from the Chairman of the National Advisory Council on Education Professions Development transmitting, pursuant to law, a report entitled "Evaluation of Education: In Need of Examination" (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

REPORT ON THE SPECIAL BRIDGE REPLACEMENT PROGRAM

A letter from the Secretary of the Interior transmitting, pursuant to law, a report on the special bridge replacement program as authorized and directed by the Federal-Aid Highway Act of 1970 (with an accompanying report). Referred to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submited:

By Mr. KENNEDY (for Mr. BIBLE), from the Committee on Interior and Insular Affairs, with amendments:

S. 210. A bill to authorize the establishment of the Boston National Historical Park in the Commonwealth of Massachusetts (Rept. No. 93-599).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BEALL:

S. 2778. A bill to amend the Internal Revenue Code of 1954 to remove the 2-year limitation during which an individual may qualify as a surviving spouse. Referred to the Committee on Finance.

By Mr. MOSS:

S. 2779. A bill to authorize the Secretary of the Interior to construct necessary drainage works for the Vernal Unit of the Central Utah Project and the Emery County Project, participating projects, Colorado River Storage Project. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEALL:

S. 2778. A bill to amend the Internal Revenue Code of 1954 to remove the 2-year limitation during which an individual may qualify as a surviving spouse. Referred to the Committee on Finance.

Mr. BEALL. Mr. President, I send to the desk a bill designed to correct an "inequity" in our Federal tax laws with regard to widows with children. This bill would extend to such widows on a permanent basis the right to continue to take advantage of the joint return tax rate.

This measure is identical to S. 2234, which I introduced on July 8, 1971. No action, unfortunately, was taken on the proposal. I hope that the House Ways and Means Committee and the Senate Finance Committee, during consideration of tax reform in this Congress, will take action on this bill.

Under present law, a widow may file a joint return for the taxable year in which her spouse dies. In addition, a widow, who has not remarried and who maintains a household for a dependent child or stepchild, may also use the joint return tax rate for 2 additional taxable years following the year in which the spouse died.

Certainly the death of a father to a family is not only a great personal loss, but often is an economic disaster for a family. This problem was first brought to my attention by a Maryland constituent, Mrs. Richard Schwartz, who had this to say about the problem:

> The family's greatest casualty is the loss of the father, companion, head of the household and breadwinner. Yet, the widow and children are taxed at a higher rate on the income received than couples filing joint income tax returns. Why can't widows claim the true loss (casualty) of income? Because this inequity requires action by Congress for any change. The widows do not have a lobby representing their cause in Congress. They are too busy trying to make up for the loss of a father to their children and supporting and educating the children to the best of their ability.
>
> Thus, this precludes the widows of organizing as a group to lobby Congress for a tax that meets "ability to pay." This has always been a basic principle underlying the income tax laws of the United States. The widow with children pays 20% more taxes for equivalent income than other family units.
>
> Is not the loss of a father the greatest loss the family experiences; and yet the family pays 20% greater tax for this loss.

I agree, Mr. President, that the loss of the father in most cases is a great economic blow to a family, a family which then needs as much help as it can in order to continue, following the loss of one who is normally the principal breadwinner.

To do equity for such widows with minor children and to ease her problems and burdens somewhat, I reintroduce this measure today and would hope that the Congress will give favorable consideration to it.

By Mr. MOSS:

S. 2779. A bill to authorize the Secretary of the Interior to construct necessary drainage works for the Vernal unit of the Central Utah project and the Emery County project, participating projects, Colorado River storage project. Referred to the Committee on Interior and Insular Affairs.

DRAINAGE WORKS FOR VERNAL AND EMERY RECLAMATION PROJECTS

Mr. MOSS. Mr. President, I am today introducing a bill to provide for additional construction of drainage works and amendments to the respective repayment contracts for the Vernal unit, Central Utah project, and the Emery County project. Both are participating projects under the Colorado River storage project.

The repayment contract negotiated with the Uintah Water Conservancy District and signed July 14, 1958, provides for the construction of all drainage facilities for the Vernal unit which the Secretary of the Interior feels are necessary for project purposes at a cost not to exceed $675,000. Such costs are to be held within the limit of funds made available by Congress.

Similarly, the repayment contract with the Emery Water Conservancy District of May 15, 1962, provides for the construction of drainage facilities which the Secretary of the Initerior says are necessary at a cost not to exceed $990,000, and again within the limit of funds made available by Congress.

Since the time of the contract negotiations, water delivery features for the Vernal unit have been completed for 14,700 irrigable acres. In the operation of the project it has become evident that more acres have a drainage deficiency than originally anticipated. Project drains have been completed and are now serving about 1,250 acres. Drainage facilities are needed for about 3,450 additional acres in order to complete a viable project capable of yielding the benefits agreed upon at the time of authorization.

Delivery features on the Emery County project have been completed for 18,775 irrigable acres since the contract was negotiated. There is also a drainage deficiency on this project. Project drains have been completed and are now serving about 440 acres. Facilities are needed for about 1,350 more acres to make the project viable.

The present estimated cost of the entire Vernal unit drainage system is about $2 million, an increase in cost from the $657,000 estimate. The increase results from the additional area requiring drainage together with escalation of construction costs. The estimated cost of the entire drainage system of the Emery County project is about $2.2 million, an increase in the original estimated cost of $990,000. Again, it also results from increased drainage needs and increased construction costs.

Legislation is required to authorize the construction of the additional drainage works for these two projects, and it is also necessary to amend the repayment contracts in both instances to increase the cost ceiling for drainage facilities that are considered necessary to sustain the crop production anticipated under the original project authorization without increasing the obligation of the water users.

Repayment of the additional costs on both projects would not require additional appropriations, but would be taken from power revenues of the Colorado River Basin Fund.

I ask unanimous consent that a copy of the bill I am introducing today be printed in the RECORD at the close of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to construct drainage facilities for the Vernal Unit of the Central Utah Project and the Emery County Project to the extent that he determines necessary for the sustained crop production on the irrigable lands of these projects. The Secretary is further authorized to negotiate and execute amendments to contract No. 14-06-400-778, dated July 14, 1958, between the United States and the Uintah Water Conservancy District and Contract No. 14-06-400-2427, dated May 15, 1962, between the United States and the Emery Water Conservancy District to provide for the cost of such drainage works to be paid from the Colorado River Storage Project basin fund without increasing the repayment obligation of the water users of either project.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1283

At the request of Mr. Jackson, the Senator from California (Mr. Cranston) was added as a cosponsor of the bill (S. 1283) to establish a national program for research, development, and demonstration in fuels and energy and for the coordination and financial supplementation of Federal energy research and development; to establish development corporations to demonstrate technologies for shale oil development, coal gasification development, advanced power cycle development, geothermal steam development, and coal liquefaction development; to authorize resources of the public lands available for said development corporations; and for other purposes.

S. 2650

At the request of Mr. Cranston, the Senator from Minnesota (Mr. Mondale) was added as a cosponsor of S. 2650, a bill to provide for the early commercial demonstration in residential housing and other buildings of technology for solar heating and combined solar heating and cooling by the Secretary of Housing and Urban Development, to establish a National Solar Energy Coordinating Council, and for other purposes.

NATIONAL ENERGY RESEARCH AND DEVELOPMENT POLICY ACT OF 1973—AMENDMENTS

AMENDMENT NO. 763

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted an amendment intended to be proposed by him to the bill (S. 1283) to establish a national program for research, development, and demonstration in fuels and energy and for the coordination and financial supplementation of Federal enregy research and development; to establish development corporations to demonstrate technologies for shale oil development, coal gasification development, advanced power cycle development, geothermal steam development, and coal liquefaction development; to authorize and direct the Secretary of the Interior to make mineral resources of the public lands available for said development corporations, and for other purposes.

AMENDMENT NO. 764

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK submitted an amendment intended to be proposed by him to the bill (S. 1283), supra.

AMENDMENT NO. 765

(Ordered to be printed and to lie on the table.)

Mr. SCHWEIKER submitted an amendment intended to be proposed by him to the bill (S. 1283), supra.

AMENDMENT NO. 766

(Ordered to be printed and to lie on the table.)

Mr. HART (for himself and Mr. Long) submitted an amendment intended to be proposed by them jointly to the bill (S. 1283), supra.

AMENDMENT NO. 767

(Ordered to be printed and to lie on the table.)

Mr. BUCKLEY. Mr. President, on behalf of Senators Allen, Bartlett, Bellmon, Bennett, Brock, Cook, Cotton, Curtis, Dole, Domenici, Dominick, Fannin, Fong, Hansen, Hatfield, Helms, Hruska, McClure, Pearson, Randolph, William L. Scott, Stevens, Taft, Thurmond, Tower, and myself, I submit an amendment to the bill (S. 1283) the National Energy Research and Development Policy Act of 1973, and I ask unanimous consent that its text be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 767

TITLE III—AMENDMENTS TO NATURAL GAS ACT

Sec. 301. This title may be cited as the "Natural Gas Act Amendments of 1973".

Sec. 302. Section 1(b) of the Natural Gas Act is amended by inserting before the period at the end thereof the following:

"or to the sale of natural gas delivered for the first time in interstate commerce or sold in interstate commerce upon the expiration of an existing contract on or after the effective date of the Natural Gas Act Amendments of 1973, or produced from wells commenced on or after such date."

Sec. 303. Section 2 of the Natural Gas Act is amended by adding at the end thereof the following:

"(10) 'affiliate' of another person means any person directly or indirectly controlling, controlled by or under common control with such other person".

Sec. 304. Section 5 of the Natural Gas Act is amended by inserting at the end thereof the following:

"(c) In any case where a natural gas company purchases natural gas from an affiliate the Commission may disallow any portion of a rate or charge by such company which is based on the amount paid for such purchase in excess of current prices paid for comparable gas to non-affiliates.

"(d) The Commission shall not authorize any increased rate or charge for natural gas on the basis of the renegotiation of any contract for the sale of natural gas, being carried out before the effective date of the Natural Gas Act Amendments of 1973, prior to the date on which performance is completed under such contract in accordance with its terms; provided that the Commission may approve such renegotiation where adjustment in contract terms is required to assure optimum production from producing reservoirs."

AMENDMENT NO. 768

(Ordered to be printed and to lie on the table.)

Mr. METCALF submitted an amendment to be proposed by him to the bill (S. 1283), supra.

AMENDMENTS NOS. 769, 770, 771, AND 772

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted four amendments intended to be proposed by him to the bill (S. 1283), supra.

AMENDMENT NO. 773

(Ordered to be printed and to lie on the table.)

Mr. NUNN submitted an amendment intended to be proposed by him to the bill (S. 1283), supra.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 774

At the request of Mr. Moss, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of amendment No. 744, intended to be proposed to the bill (H.R. 8214) to modify the tax treatment of members of the Armed Forces of the United States and civilian employees who are prisoners of war or missing in action, and for other purposes.

NOTICE OF HEARING ON THE OUTER CONTINENTAL LEASING PROGRAM

Mr. METCALF. Mr. President, the oil and gas resources of the Outer Continental Shelf can play a major role in meeting the Nation's short and long term oil and gas needs. One of the critical factors in the development of these resources is the leasing policies and practices followed by the Department of the Interior. In order to begin a reexamination of these policies and practices, the Subcommittee on Minerals, Materials, and Fuels has scheduled an information hearing on the Outer Continental Shelf oil and gas leasing program for Tuesday, December 18. We have invited four witnesses representing Government, industry, and independent analysts to comment on the program. We have specifically asked them to address the following questions:

First, what are the estimated oil and gas reserves on the OCS? If possible, break this down by Atlantic, Gulf of Mexico, Pacific, and Gulf of Alaska.

Second, what is the rationale for the OCS leasing schedule released by the Burea of Land Management on July 11? What is the estimated annual and total production of oil and gas if the schedule is followed? What percentage of national needs would this production meet?

Third, what are the major obstacles—administrative, economic, environmental, legal, technical, and so forth—to implementation of this schedule and to acceleration of it?

Fourth, would alternative leasing systems, such as royalty bidding rather than bonus bidding, lead to increased production?

Fifth, what technological and regulatory improvements have been made in the last 5 years—since the Santa Barbara oil spill—in OCS development?

Sixth, how does OCS oil and gas production compare with alternative energy sources, including upland oil and gas production, oil shale, and coal, with respect to its environmental hazards, economic and technological feasibility, potential for energy production, and difficulty of administrative regulation?

I hope that all interested Senators, their staffs, and members of the public will attend this hearing. It will begin at 10 a.m. in room 3110, Dirksen Senate Office Building.

NOTICE OF HEARING ON OIL SHALE LEASING PROGRAM

Mr. METCALF. Mr. President, last week the Secretary of the Interior announced approval of a prototype oil shale leasing program for commercial-shale oil production on public lands in Colorado, Utah, and Wyoming. Oil shale has long been recognized as a potential domestic source of an enormous amount of oil. In the past, it has not been technologically feasible or economically practical to develop oil shale reserves, the bulk of which are owned by the Federal Government. Furthermore, there are substantial environmental risks associated with the mining and processing of oil shale. The prototype program is designed to provide information which will help us to determine whether our 600-billion-barrel oil shale reserves can be developed at acceptable economic and environmental costs.

Members of the Subcommittee on Minerals, Materials, and Fuels and other Senators have long been interested in and concerned about oil shale development. The subcommittee intends to review the prototype leasing program closely. To begin this review, the subcommittee has scheduled an information hearing on Monday, December 17. Representatives of the Interior Department will give the subcommittee a complete briefing on the leasing program. I hope that all interested Senators, their staffs, and members of the public will attend this hearing. It will begin at 10 a.m. in room 3110, Dirksen Senate Office Building.

NOTICE OF HEARING ON NOMINATION

Mr. WILLIAMS. Mr. President, I wish to announce that the Committee on Labor and Public Welfare will hear testimony on the nomination of John H. Powell, Jr., of Maryland, to be a member of the Equal Employment Opportunity Commission on Wednesday, December 12, 1973. The committee's hearing will be held in room 4232, Dirksen Senate Office Building, and will begin at 10 a.m.

ADDITIONAL STATEMENTS

THE ENERGY PROBLEM

Mr. TOWER. Mr. President, I am very pleased by the announced creation of a new agency—a single agency—to oversee all aspects of the energy situation. The existing structure is entirely unworkable and simply is unable to respond quickly and unequivocably to the numerous problems plaguing our Nation with respect to energy and energy-related industries.

Recognizing the numerous cross-currents and cross-purposes which exist in the executive branch and the damaging effects these were having on our essential energy-related industries, last week I called for an immediate end of Cost of Living Council control on these industries. I am pleased that this latest announcement moves in that direction by centralizing the decisionmaking process in one agency whose propensity for conflicting and counterproductive guidelines, it is hoped, will be less than has been experienced under the present arrangement.

I am also pleased by the selection of William E. Simon to create and head the new agency. He is a man of untiring energy, intellect, and enthusiasm and is uniquely qualified for this assignment because he is one of the country's foremost authorities on "markets."

He knows the tremendous advantages of the free market system, yet he is also familiar with and able to identify the undesirable traits in the market system. I am much more confident not only that we will come out of this energy crunch in the best manner possible under the circumstances but also that the strengths, vitality, and innovativeness of the free market system will be utilized to the utmost and in the best interest of the American citizen.

FOREIGN AID

Mr. BIDEN. Mr. President, near the end of October, I received an interesting letter from one of my constituents, Mr. Robert M. Penn of Wilmington. Mr. Penn's letter addressed itself to our foreign problems. I discussed Mr. Penn's views in a private conversation with another Senator. I now feel, however, that Mr. Penn's position deserves the attention of all my colleagues. And accordingly, Mr. President, I ask unanimous consent that the entire text of Mr. Penn's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 22, 1973.

DEAR SIR: I have no objection to selling the military supplies needed by Israel or to any other nation but even though I was a "hawk" on Vietnam I don't want even one American Serviceman or a so-called adviser sent to fight or to advise in the Mid-East War.

I have no objection to selling military or civilian supplies needed by any nation to defend its freedom but I want you to enter a separate bill or a rider that states, specifically, that neither the President, nor any Cabinet member, nor any government agency may cancel, reduce or settle any debt owed to the United States for less than one hundred cents to the dollar. The sole exception would be that any nation that pays its debt on time, in gold, silver or oil would be given a reduction not to exceed ten percent of the total debt and the interest on such a debt.

I think that such a bill should have a recorded, not a voice vote by both the Senate and the House.

Would you please enter such a bill or a bill with minor changes or if you wouldn't enter such a bill would you please explain why.

I also do not like the United States threatened as the Arab nations did on oil. I am tired of the United States being played for a fool, (I wish we could get some diplomats or officials who could bargain in the U.S. favor once in a while) therefore I want economic retaliation by reduction of the supplies we send to the nations that threaten us and their removal from "favored nation" status.

The reason for asking for such a bill is that it seems that the President and Congress can appropriate vast sums for foreign nations that are later canceled even though we are repayed with criticism, hatred and aid to our enemies and it is even more ironic that this is done while we cannot do the same for our own aged, ill, and poor.

Also, Congress should stop playing games and protect the American people from such stupid deals as the wheat deal with Russia. Congress can't blame it all on the President.

Sincerely,

ROBERT M. PENN.

FUEL SHORTAGE

Mr. BEALL. Mr. President, last week I commended the Department of the Interior and its Office of Petroleum Allocation for revising its procedures so as to allow priority users, such as farmers, mass transit, and energy-related industries to apply directly to their suppliers for additional fuel allocations, without formal petition to or approval from Federal officials. Unfortunately, this order affected only diesel fuel, and at that time I emphasized my concern that such procedures ought to be expanded to include gasoline.

Such action has not taken place yet; and as a result, America's farmers still face the real possibilities of disaster. To illustrate this situation, I ask unanimous consent that a letter I recently received from the Honorable Young D. Hance, secretary of agriculture for the State of Maryland, and an enclosed summary detailing the gasoline situation in Maryland, be included at the conclusion of my remarks. Additionally, I ask unanimous consent that a copy of a letter I have written today to the Honorable Rogers C. B. Morton, Secretary of the Interior, be printed in the RECORD.

Mr. President, I once again call upon the Federal Government to expedite the flow of gasoline to our Nation's farmers and marine industries before a food shortage becomes as real as the current energy crisis.

There being no objection, the summary and letter were ordered to be printed in the RECORD, as follows:

STATE OF MARYLAND,
DEPARTMENT OF AGRICULTURE,
Annapolis, Md., November 28, 1973.
Hon. J. GLENN BEALL, Jr.
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BEALL: The enclosed statement pertaining to the fuel shortage in Maryland is sent to you in order to keep you informed regarding the agricultural situation. Something needs to be done immediately in order that we not find chaos in the agriculture and food industry.

Sincerely,

YOUNG D. HANCE,
Secretary.

GASOLINE SITUATION IN MARYLAND

Although the voluntary allocation program of gasoline remains in effect, our recent experiences indicate that generally gasoline suppliers are disregarding the procedures for supplying priority users.

This résumé concerns itself with farmers, related farm businesses, and the food industry. Prior to November 15, 1973, we conducted a very effective program to obtain supplemental supplies of gasoline for priority users in the aforementioned categories. This was accomplished by the users contact with local ASCS (Agricultural Stabilization and Conservation Service) offices which in turn referred requests for supplemental gas supplies to the State ASCS office. The State ASCS office then referred requests to the State Department of Agriculture, and with the cooperation of the Gasoline Tax Division of Maryland, were able to secure gasoline supplies to satisfy the requests. Many times this was accomplished in a matter of hours; seldom longer than two days. This method was securing additional gasoline but now it is unsuccessful.

Since November 15th, farmers and other priority users are being denied additional delivery. Efforts by ASCS through local distributors have met with little success. Local distributors refuse to deliver an excess of allocation without further authority. Consequently, county ASCS offices have referred these cases to the State ASCS office. Upon contact, numerous suppliers suggested that the user call their office; this method was used on November 26th but without success. In most cases, this procedure resulted in "buck passing".

EXAMPLES OF CURRENT PROBLEMS

(1) Two dairy farmers in Harford County are completely out of gas. Their distributor advises he is completely out of gas and recommended contact with the Exxon office in Baltimore. Farmers must clean barns daily to meet Health Department specifications. They need to grind feed in order to continue their operations. One of these dairy farmers has 30 acres of corn standing in the field and cannot harvest.

(2) An individual operating a seafood business is out of gas but has continued to operate by obtaining gasoline from the State of Virginia. He was denied gas at local service stations. His distributor has advised him that he cannot supply him gas.

(3) A number of businesses engaged in spreading lime and fertilizer on farms are out of gas. Attempts to secure supplemental supplies have been unsuccessful. Attempts made by the ASCS offices to supply these requests have failed. There appears to be little ASCS or anyone else can do to obtain additional gasoline for agriculture.

DECEMBER 4, 1973.

Hon. ROGERS C. B. MORTON,
Secretary of the Interior,
U.S. Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: As you know, on November 20 I contacted you with respect to the delays being caused by slow administrative action on the movement of fuel to our Nation's farmers. I was therefore pleased at the new procedures subsequently announced by the Office of Petroleum Allocation which revised the supply regulations with respect to diesel fuel. However, I must contact you again today to reemphasize the problems facing agriculture, specifically as they relate to a shortage of gasoline to these priority users.

In spite of their categorization as priority users, farmers and watermen are not receiving the additional allocations of gasoline needed for essential purposes. I urge you to immediately move to rectify this situation by insuring that priority users receive sufficient quantities of all fuels for essential agricultural and marine operations. The Federal Government must take steps to expedite the flow of fuel to our food-producing industries before a food shortage becomes as real as the energy crisis.

With best wishes, I am
Sincerely yours,
J. GLENN BEALL, Jr.

A DANGEROUS LAW

Mr. ABOUREZK. Mr. President, I have long advocated that the recently passed war powers bill was little more than an artificial attempt to strengthen the resolve of future Congresses to meet the Presidential challenge to warmaking authority. The war powers bill abandons the constitutional requirement that no war be entered into without prior congressional declaration. It gives Presidents the right to claim that Congress has legitimized executive warmaking.

Although the recent override of President Nixon's veto on the bill was hailed by almost everyone as a reassertion of congressional authority and responsibility, the frightening truth is that this bill may come back to haunt this Congress even sooner than those of us who opposed it thought possible.

With the possibility of a new outbreak of war in Southeast Asia becoming increasingly more of a probability, Secretary of Defense Schlesinger and other high administration officials have already forewarned the Congress and the American people that the President interprets the war powers bill as allowing him complete freedom and independence to commit the United States to new bombing missions and even to moving troops into South Vietnam should he consider it necessary for a period of up to 60 days. We can only hope that he consults with Congress in the spirit of unity before making such a decision.

The Senator from Missouri, Senator EAGLETON, has devoted a great deal of time and effort into this question. He was one of the leaders in opposing the conference version of the war powers bill and has continued to speak out on this issue. Recently, he wrote an excellent and thoughtful analysis of the bill which appeared in the New York Times. Senator EAGLETON raises some very compelling arguments which I believe everyone ought to consider.

I ask unanimous consent to have this analysis printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

A DANGEROUS LAW

(By Thomas Eagleton)

WASHINGTON.—Congress's recent override of President Nixon's war powers veto has been acclaimed as a "historic recapture" of the Congressional prerogative to declare war. But the opposite is true. After struggling for three years to re-establish its primacy in the war-making area, Congress has now legally relegated itself—unconstitutionally, in my opinion—to the secondary role it has sadly and mistakenly accepted in the contemporary era.

According to the new law, a President must come to Congress only *after* American forces are committed to battle. Despite disclaimers contained in the legislation that the constitutional schema is left undisturbed, the recently enacted formula allows up to ninety days of unilateral Presidential war-making before any specific Congressional consent is required.

Under a "Purpose and Policy" section, which has no statutory effect, the bill states that the President's war powers "are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by an attack on the United States . . . or its armed forces." That is acceptable language, but it is legally meaningless: it is, to use a White House term, inoperative. Lest this escape the President's attention, the conferees have stated in their managers' report that the operative sections of the bill "are not dependent upon the language" in the "Purpose and Policy" section. Thus the enacted law completely skirts the constitutional impasse over prior authority that originally inspired war powers legislation.

The President assumes the inherent right to initiate war. By remaining silent about this assertion and attempting only to impose an after-the-fact review, Congress has new provided a legal basis for the President's erroneous claim. Instead of curbing executive power, the bill has dangerously expanded it.

The Constitution says "Congress shall declare war," not "Congress shall stop war." The legislative branch is simply not constituted to act as a brake after the flag has been committed.

It will now take a majority vote to stop a Presidentially initiated war. But even during the long years of our most unpopular conflict, how many times did cut-off amendments muster even a simple majority? Nine years later and only after the troops came home was Congress willing to act to stop the Indochina war. And even then, the end came by compromise, on the President's terms.

If Congress is going to revitalize the war powers clauses of the Constitution it must spell out those emergency powers which adhere to the President by reason of his status as Commander in Chief. We must either ratify or reject previous court decisions which have recognized his limited unilateral authority to repel attacks upon the nation, its forces and its citizens abroad. And in all other cases, we should make clear that Congress must authorize involvement in hostilities before the flag is committed.

When the President vetoed the War Powers Resolution he mistakenly saw limitations on his power where in reality the opportunity for expansion exists. The 90-day clause, which was cited in the veto message as restricting executive action, will no doubt soon be transformed into the 90-day battle plan.

We cannot ignore the Constitution, even to deal with those who refuse to be guided by it. The war powers resolution is a dangerous law, and it should be amended before it is used to undermine the intent of that great document.

It has been reported that the Administration is reviewing the war powers resolution to determine whether it can be used as legal authorization for a resumption of U.S. military involvement in Indochina. I do not believe that it can. Public Law 93–126 contains a provision stating that no funds can be expended for combat activity in Indochina "unless specifically authorized hereafter by the Congress." The war powers resolution, while a blank check for all other areas of the world, cannot be construed as specific authorization to resume bombing in Indochina within the meaning of the public law.

CARPOOLING

Mr. DOMENICI. Mr. President, a few weeks ago, I was discussing with my staff the suitability of establishing car pooling plans in a number of cities in my home State of New Mexico and particularly in

Albuquerque, our largest, which is the home of a number of large employers which makes carpooling even easier. As it turned out, the good people of Albuquerque also recognized those possibilities. Yesterday, this news article, entitled "Carpool Plan Set for City," appeared in the Albuquerque Journal.

According to the article, the concept was developed by Darrell Sever of Theron Development Product Corp. of Albuquerque, an electronics firm in alarm-systems. For a membership fee of $3 for processing, each potential carpooler would receive the names of 20 persons headed daily in the same direction at the same time and returning home daily at the same time. The first four names are those living the closest. The matching of the names would be done on a Theron-owned computer programed by Phillip Anderson, president of Theron. Mr. President, I ask unanimous consent that this news article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Carpool Plan Set for City

A new car pool computer program for Albuquerque is scheduled to be kicked off Wednesday as an attempt to cope with the energy crisis and particularly a gasoline shortage.

Known as Albuquerque Car Pool Coordination, anyone within the city—for a cost of $3—can be assured of a riding partner to and from work daily.

The concept, developed by Darrell Sever, uses the computers of Theron Development Product Corp., of 317 Commercial NE, to match up drivers and riders leaving the same sections of the city at the same times—to and from work.

"Actually, this is a pilot program which will determine if we extend it to other parts of the nation. On Wednesday we intend to saturate the city with a leaflet explaining the concept—asking those interested in using a car pool to return the information desired and $3 to us," said Sever.

The success of the program depends on a large return so that persons can be properly matched. "We believe we can reduce fuel consumption (gasoline) by as much as 50 per cent if people will make use of our service," he added.

The concept works like this. The $3 fee is an annual membership fee. On payment of the fee and information requested on the membership form, the new member will receive 20 names of persons headed daily in the same direction at the same time and returning home daily at the same time.

"The matching of names comes from a computer programmed by Phillip Anderson, president of Theron Corp. The first four names are names of persons living closest to the new member."

Thereon Corp. was incorporated in July, 1973, as an electronics firm specializing in alarm systems.

Mr. DOMENICI. Mr. President, two major themes jump out at me from this article. First, I am awed and marveled again by the initiative, ingenuity, and adaptability of the free enterprise system that we have here in the United States. Just when some factions begin to question its effectiveness, they do something like this. Here we have a national energy crisis, a possibility of gas rationing, and a national call for voluntary carpooling to conserve energy, and our free enterprise system is able to respond magnificently. Take a city with initiative like Albuquerque and a company with an idea like Theron, and they come up with a plan that not only achieves the objective brilliantly, but also can sustain itself, or even potentially show a profit, on only a $3 annual membership charge. They estimate that with good participation by the people of Albuquerque, they can reduce gasoline consumption by 50 percent. Think of it; 50 percent. That to me is the free enterprise system in its glory.

The second major theme that I get from this article is the tremendous potential value of carpooling in our overall national effort to conserve energy. If we could get an Albuquerque type plan going in every major and middle-sized city in this country, we would not have an energy crisis today. Some time ago, I introduced a bill providing for demonstration grants and economic incentives for carpooling. Essentially similar language was contained in an amendment by the distinguished Senator from Minnesota (Mr. Humphrey) and of which I was an original cosponsor, which we passed with the Emergency Energy Conservation bill that now is under consideration by the House. I think it is incumbent on us that we take every possible step to see that this language, either as an amendment or as a clean bill, be enacted into law. Carpooling has the advantages not only of achieving our objectives with ease and with existing technology, but also of bringing immediate energy conservation.

A POTATO FAMINE APPROACH TO THE FUEL CRISIS

Mr. HUMPHREY. Mr. President, it appears that the White House power struggle over handling of the fuel shortage has reached at least a temporary conclusion. And it appears the winners were those opposed to rationing—the so-called free market forces.

It is true that a goodly number of economists and others feel that the way to ration any product in limited supply is simply to let nature take its course, so to speak. That is, to let the market price rise to whatever level the purchaser can bear.

Putting aside the immediate question of whether or not to ration gasoline and other fuel products, let us consider for a moment another example of the use of free market principles to handle a problem of scarcity.

Prof. Paul A. Samuelson, professor of economics at the Massachusetts Institute of Technology, was the author of an article in Sunday's New York Times. He uses a great example of the effectiveness of free market principles—the Irish Potato Famine of 1845 to 1849.

When the potato crop failed, the wheat price was allowed to rise to clear the market, and indeed, a little wheat from America was sold to the Irish because of the high price the Irish would pay. In turn, that wheat did feed those who could afford it, and those with wheat to sell profited.

Professor Samuelson noted that in classical economic terms there was no food crisis.

"As a classical economist of the day would say," he wrote:

> Why speak of a food crisis? There is no crisis. There is simply a need for a higher price to ration the excess demand down to the scarce supply, to coax out higher supplies in the future.

So what is the matter with this approach, you might ask. I will tell you what is the matter with it. If you will check your history books you'll find out that thousands of men, women and children died of starvation while this "solution" was working itself out.

In strictly theoretical terms, scarcity may be an impossibility, but you try to tell that to a man or woman who is supporting a family which no longer can enjoy a warm home or electric lights at night. Worse yet, try to tell that to someone who just lost a job because an employer could not get enough fuel to carry on the work.

The free movement of price equates supply with demand, the theory goes. But that means only those who can afford the product can buy it. Food and energy and jobs for the person who is well off. Hunger and dark, cold houses and unemployment for the poor and unfortunate.

Mr. President, I believe that the fuel policy now espoused by the top administration spokesmen—while it may be interesting economic theory, it is bad public policy and must be evaluated by how it affects the general welfare, the quality of life of most Americans.

Otto Eckstein, a former White House adviser and now a Harvard professor, has been quoted recently in the Wall Street Journal as saying if the Nixon administration decides to ask a 30-cent-a-gallon gasoline tax to discourage consumption, the increase in inflation would be "very spooky." He estimated that if such a tax were imposed on January 1, the Consumer Price Index would be pushed up for the first quarter to a 19.3-percent annual rate.

And yet, the Chairman of the President's Council of Economic Advisers has been quoted this week as saying that allowing gasoline prices to rise is preferable to rationing.

This is one Senator who believes that we cannot take the theoretical approach to the fuel shortage. I have said it before on this floor and I will say it again. If rationing is the only way to evenly and fairly distribute fuel supplies this winter, then we'd better get on with it.

Let us not apply the "Potato Famine" approach to the distribution of our precious fuel supplies. The stakes are too high.

Mr. President, I request unanimous consent that Professor Samuelson's article of December 2 be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Not a Drop to Spare

(By Paul A. Samuelson)

Cambridge, Mass.—Political economy, which was long the science of scarcity, tells us how an energy crisis ought to be handled. Measuring President Nixon's limited proposals against its principles, we must conclude that his is a minimum program that can work out well only if the flow of Arab oil is restored soon after the turn of the year.

When any good is scare, its limited supply must somehow be rationed.

Letting its market price be bid up to whatever level is needed is the traditional capitalistic way of meeting shortages. It does work according to its own logic—sometimes too well. The Irish potato famine was handled in this fashion. When the potato crop failed, letting the price of wheat rise to clear the market did draw some little wheat from the New World. It did discourage people from wasting wheat. It did put wheat into the hands and stomachs of those with cash purchasing power and, of course, enrich those with stocks of wheat. As a classical economist of the day would say, "Why speak of a food crisis? There is no crisis. There is simply a need for a higher price to ration the excess demand down to the scarce supply, to coax out higher supplies in the future." Read Cecil Woodham-Smith's book, "The Great Hunger," to learn how literally millions of men, women, and children died of hunger from this capitalistic solution in the 1845–49 Irish potato famine.

Outright rationing and allocations of scarce goods is the command solution used in Eastern Europe or China, and also in most capitalistic countries in time of war when shortages are to be equitably shared.

Finally, a mixed economy can put taxes on fuel oil and gasoline short in supply, in demands, offsetting the energy taxes by rebates in the income tax. This achieves a greater measure of equity at the same time that it gives every citizen and corporation an incentive to economize in the use of fuel and gasoline. (Mathematically equivalent to this order to raise their prices and limit their is any scheme, like the one I recently proposed, in which ration tickets are made legally salable in a white market. When you realize that not using your ration ticket for unimportant driving will save $1 a gallon, you are induced to conserve fuel without any bureaucratic prodding.)

Alas, President Nixon has relied not on any of these tried and true methods. Instead he is taxing our limited supply of patriotism and civic altruism, and is asking us to restrict largely voluntarily, our use of heat and gasoline. This can be counted on in the short run. But patriotism is an exhaustible resource that we may need to husband for worse crises to come. And it tends to evaporate when cooperating citizens see chiselers and finaglers being rewarded for their lack of civic conscience.

That leaves President Nixon dependent on congestion rationing, the most inefficient form of all. If we have to spend enough time waiting in lines on Saturday nights and Monday morning that will in the end chop down the demand to the size of the Procrustean bed of reduced supply.

What, though, of the longer run? Can Europe and the United States operate the rest of this decade at the mercy of diplomatic events in the Middle East? We should be getting on with the task of generating alternative sources of supply to the Persian Gulf. This means subsidies to crash programs for:

nuclear safety and ecological safeguards.

liquefaction and gasification of coal.

altered car designs and public-transport facilities.

It also means pervasive changes in the way we live. Jolly fireplaces that operate in summer with air conditioning to remove their heat must go the way of other Veblenian pathologies of conspicuous consumption.

Lastly, the oil monopoly of O.P.E.C. predates the October Mideast war and will remain after any peace settlement. Fire cannot be fought, I think, by fire if by this we mean that the West is to refuse the Arabs wheat so long as they refuse us oil. Aside from the morality of such a proposal it is tactically and strategically silly to think that we possess any such leverage with countries that are swimming in gold and also have Russia as an ally.

To fight monopoly you need countervailing power: organization of consuming countries—so that Holland and Japan are not left in the lurch, as each helpless nation is one by one to be picked off by the monopolists. Also, we should provide premium payments to Iran or Iraq or any source that will supply oil when others won't. (One pays more for moonlight than for sunlight, not because the moon's luminosity is greater, but because the moon shines its rays at night when we need it most!)

Yet, in the long run our primary need is for sources of supply alternative to the O.P.E.C. powers, whether these alternative supplies come from Texas, the North Slope, or the fusion laboratory yet unperfected.

PUBLIC DEBT LIMIT—CAMPAIGN FINANCING BILL

Mr. ROTH. Mr. President, I strongly believe that campaign reform is among the most important matters before the Congress. Despite this conviction, I did not think it was appropriate to attempt to ramrod through Congress a plan for the Federal financing of Presidential election campaigns, by suddenly attaching it as a completely nongermane amendment to the totally unrelated public debt ceiling bill.

Reform of the Presidential election campaign process is too important a matter for Congress to deal with it in such a cavalier manner. Public confidence in government must be restored; and Congress can only do this by passing responsible legislation which takes effect before the next Presidential election. I am determined that we will have legislation which is carefully considered and comprehensive in coverage.

One of the reasons I think the public-financing amendment to the debt limit bill was premature was that we do not yet have the report of the Watergate Committee. The whole purpose of the Senate in chartering the Committee on Presidential Campaign Activities—the Watergate Committee—by a unanimous vote of 77 to 0 on February 7, 1973, was to obtain a full investigation of all illegal and improper activities in the 1972 election, and most importantly to obtain a report from the committee by February 1974 on recommended legislation to prevent abuses and safeguard the Presidential electoral process. Since the amendment we had before us would first apply to the Presidential election of 1976, I thought there was ample time to allow the Ervin committee to complete its work, and to make its recommendations.

It is also true, as Senator Ervin pointed out on the floor on December 2, the Rules Committee is still studying the Kennedy/Scott financing proposal when the Kennedy amendment was abruptly and unexpectedly offered as an amendment to the debt ceiling bill. Senator Ervin termed the amendment's requirement that campaigns be financed from the Federal Treasury extreme, and raised several questions, which I agree, the Rules Committee should consider before it approves this proposal. I might just note that Senators Gurney, Weicker, and Talmadge—also members of the Watergate Committee—voted against adding this hastily introduced financing measure.

It is for these reasons that I am glad that the Senate decided to delay action on public financing until early next year. It will enable the Senate to consider election reform fully and separately, on its own merits, after the reports from the Watergate and Rules Committee become available.

This approach seems to be far more responsible. It is more likely to yield legislation that will stand up to court tests, that will be comprehensive in its coverage, and that will have fewer of the sort of loopholes and weaknesses that legislation adopted hastily by parliamentary surprise maneuver too often contains.

OIL CONTRIBUTIONS, PROFITS, AND PUBLIC POLICY

Mr. McGOVERN. Mr. President, the noted Columnist, Mr. Jack Anderson, has written a most revealing column which appears in the December 2 issue of the Washington Post. It indicates the way large oil companies have not only made huge campaign contributions to the reelection of Mr. Nixon, but have also drastically increased their profits as a consequence of the fuel shortage and public policy.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Flow of Profits and Contributions

(By Jack Anderson)

Hidden in an ant bed of campaign statistics is evidence that the oil barons invested in politics last year even more heavily than their critics realize. We have now painstakingly traced at least $5 million from oil and gas sources into President Nixon's campaign.

This may help explain why the great oil crisis doesn't seem to have hurt the big oil companies. Only their customers are suffering.

The first signs of an oil shortage appeared as early as 1969. Yet most oil companies wanted to hold down imports in order to keep prices up. The President listened to the oilmen until the warnings became more urgent. Not until late 1971 did he finally increase import quotas slightly.

By the spring of 1972, a shortage of 350,000 barrels a day was predicted. Still the oil industry's fixer in the White House, Peter Flanigan, fought against more imports. This was the same time that the oil money was gushing into Nixon's campaign coffers. Result: our oil reserves weren't replenished with Arab oil when it was available.

The more critical the shortage became, the higher oil profits soared. It should be pointed out, of course, that the oil companies don't always present a united front but often make conflicting demands upon the government. Yet out of the turmoil has come government policies, which usually have made money for the oil and gas industry.

Most of these policies seem to have originated with the American Petroleum Institute and the National Petroleum Council. These two powerful bodies, which advise the Nixon administration on gas and oil, are loaded with Nixon contributors.

Our search of the records produced 450 high-level oil and gas men, who contributed from $100 to $1 million to the Nixon campaign. Of these, 87 were members of the Institute or the Council (or both).

Major oil company officials, ranging from Exxon to Signal, coughed up a staggering $4 million for Nixon. The other $2 million came from an assortment of oil and gas figures.

Some contributions were made before, some after, the new reporting requirement lifted the curtain a little on April 7, 1972. Some were never reported at all until they were flushed out by the Watergate investigation.

Consider the Exxon-Nixon connection, for example. The company's major stockholders, directors and officers laid out $442,000 for the President's re-election. Exxon's man in Greece, Tom Pappas, kicked in more than $100,000.

The sacrifice was quickly recouped. Exxon squeezed out a $1.6 billion profit for its first three quarters in 1973, an increase of 59 per cent over 1972.

Gulf Oil's contributors gave $1,169,400, if Gulf heir and banker Richard Scaife's $1 million is counted. The Gulf gift included an illegal corporate contribution of $100,000, which was laundered through a subsidiary in the Bahamas.

The President wasn't the only beneficiary of Gulf's largess. Another $15,000 and $10,000, respectively, were pumped into the abortive presidential campaigns of Rep. Wilbur Mills (D-Ark.) and Sen. Henry Jackson (D-Wash.).

Gulf got a better return than Exxon, with a 60 per cent increase over 1972 for the first three quarters of 1973.

Two other oil companies, Ashland and Phillips, pleaded guilty to slipping the Nixon campaign illegal contributions of $100,000 apiece. The Ashland payment, all in $100 bills, was routed through an oil-drilling subsidiary in Africa.

All told, we were able to find a record of $101,000 from Ashland executives and $116,000 from Phillips officials. The figures for a few other oil companies: Amerada Hess, $268,500; Standard of California, $90,000; Sun Oil, $145,000.

Occidental's Armand Hammer, who got U.S. encouragement in negotiating a multi-billion deal with Russia for the development of natural gas, donated $48,000 to the Nixon campaign.

John Shaheen, a former Nixon law client, contributed $104,000. His company, Shaheen Natural Resources, got U.S. approval in building a huge refinery in Canada.

Tenneco, a giant gas transmission empire, has profited handsomely from recent actions by the Federal Power Commission and other government agencies. We have counted more than 50 big Nixon contributors among Tenneco bosses.

Belco Petroleum's chairman Arthur Belfer, gave $12,000 to the campaign; a few months later, he won a favorable FPC decision. The FPC, of course, is stacked with industry yesmen. Two of the four commissioners came out of the industry; the other two usually vote with the oil and gas interests.

The links between campaign contributions and government benefits, of course, aren't easy to pinpoint. But as the Washington gadfly, I. F. Stone, suggested wryly: "It would shake investor faith in American capitalism if it turned out that so many of our biggest corporations indulgently gave away all that quid without some quo."

Footnote: Spokesmen for the oil industry denied that political contributions had bought them favored government treatment. Oilmen were pressured for donations and feared government retaliation if they didn't cough up, said the spokesmen. They contended that oil profit increases in 1972 were among the lowest in the country. They caught up this year, which made the 1973 increases seem abnormally high. The spokesmen claimed that the industry had been ahead of the government in proclaiming an oil crisis and urging government action to prepare for it.

NEW HAMPSHIRE LEGAL ASSISTANCE

Mr. COTTON. Mr. President, Hon. Meldrim Thomson, Governor of New Hampshire, has some strong convictions regarding New Hampshire legal assistance, a branch of the Office of Legal Services which functions within the Office of Economic Opportunity.

Governor Thomson recently caused a study to be made to ascertain how effectively legal assistance functions in the State of New Hampshire. As a result, the Governor has issued a statement reviewing the whole situation and furnished me with a copy accompanied by a summary of the special conditions which he feels necessary should be agreed upon before he would accept any grant for the State of New Hampshire.

In view of the fact that the Senate is about to consider the proposed Legal Services Corporation Act, I believe that it is essential that the Governor's findings be available to every Member of this body.

I ask unanimous consent that the Governor's statement, together with the conditions suggested by him be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

New Hampshire Legal Assistance

(By Gov. Meldrim Thomson)

New Hampsire Legal Assistance, an expanding legal entity masquerading as a voice of the poor, is growing steadily as a cancer on the body politic and democratic process in the Granite State.

Leaders of the federally financed agency have directed it as a political force, focusing primarily on the state legislature and some state departments. The effort threatens the grass roots grasp of government at the local and state level the citizens of New Hampshire have stubbornly clung to throughout the decades through a large legislature and the traditional town meetings.

The agency seeks to wrest from the state's citizens control of state spending and plunge the state into a wallow of social programs and irresponsibility which would soon lead to bankruptcy.

The agency has attempted to permeate every facet of life in the Granite State by pressuring and harassing officials at every level with lawsuits and threats of lawsuits. It has attempted to rewrite the lawbooks, not only through court test but through blatant lobbying in the legislature and at the local level. At times, it has criticized legitimate appointments by public officials and demanded a change in the term of some state officials.

Its resources are equal to or larger in legal manpower than most, if not all, of the law firms in the state. It has risen to at least parity with the staff of the state attorney general's office—an office which not only must advise and represent all segments of state government but also must spend a large portion of its time prosecuting criminal cases, thus canceling the equality of manpower indicated by numbers alone.

New Hampshire Legal Assistance represents a callous thrusting aside of the state's right of self-determination for a small state with the weight of federal funds and power, concentrated in the hands of a dictatorial few.

ORGANIZATION

Legal Assistance operated on a budget of $437,500 for Fiscal Year 1973 with $350,000 of the money in federal funds from the national Office of Economic Opportunity. In addition, the agency has had some programs such as those for summer interns financed by federal funds in the past. Also, Legal Assistance obtained $80,000 to set up a splinter lobbying group last winter.

Its staff ranged from 18 to 20 attorneys, including Vista attorneys and students practicing under special rules issued by the state Supreme Court. In addition, the staff includes various support personnel and some Vista workers who organize on the community level. Salaries range from around $10,000 to the $20,000 area for the director—almost all of them above the average annual family income in New Hampshire.

Many of the attorneys have been recruited from outside New Hampshire, and at least one had a criminal conviction on his record in a neighboring state.

The agency's director is George Bruno, a New York native with a history of legal service work in New Jersey and a term in 1965 as an assistant in the Washington office of the late Sen. Robert F. Kennedy.

The board which presumably governs must have 51 percent representation from the legal field, according to Bruno. The bulk of these legal representatives are named by the Community Action Programs agencies in the state, some by the New Hampshire Bar and one by the American Civil Liberties Union. Other board members are selected as "Community representatives" by activist groups, some of which have been formed and aided by the legal assistance agency. The four "lay" members include another Community Action Program director, a representative of an education group (with a Dartmouth College designee) and another social services representative.

In an interview, Mr. Bruno made it clear the agency aims only for board members totally in sympathy with the work and direction of the agency. He could find no justification for even one representative taxpayer who was unaffiliated with the legal profession or related interest groups.

There are indications that the staff, headed by Mr. Bruno, dominates selection of the board members. It was learned through a source that he recently harassed one of the designating agencies for naming to the board an attorney whose philosophy might differ from his own.

CASES

A measure of the bent of the agency is its case breakdown for 1972 which showed the staff accepted 965 cases involving welfare, social security, workmen's compensation, veterans administration, and unemployment insurance. This was only one segment of the continuing crusade against governments at all levels, and does not include areas such as housing, zoning, wage claims, school cases, commitment procedures and other categories which include hundreds of cases involving government, its agencies and its processes.

A review of several of the agency's reports to the board which includes the staff's spotlighted cases indicated that more than 50 percent were actions involving government agencies. Of 109 cases outlined in the reports, 62 fell into this category.

The prime targets in New Hampshire at the state level are the Division of Welfare and the Department of Employment Security, both agencies designed to battle poverty. Attacks on the latter agency have definite overtones of politics which will be explored in another section of this report.

As the agency practices its poverty role, it appears to be arbitrary. Reports on divorces it handles give no indication of a check on the financial status of the party other than the one the agency chooses to represent—although it would seem highly unlikely that the financial status of man and wife would always be so disproportionate.

Probably the most glaring example of injustice for the poor in the name of the poor was a suit brought by Legal Assistance on behalf of a family against an elderly couple in Loudon. The target of the suit and $50,000 writ of attachment was a retired couple living in a $13,000 home on $219 a month Social Security. The couple was left with no alternative but expensive legal fees for defense in an onerous prosecution of the very kind of person Legal Assistance pretends to represent.

The very fact that the suit also was fee-generating in nature put the agency in violation of its own policies and guidelines.

It appears the decision on many agency cases may be governed by the thought expressed in one of the reports to the board which carries the statement: "Lois Woocher awaits a case in which to try out a new tort theory on creditors harassment." Or another in the same report: "We should all be looking for a case to test the constitutionality of a bond requirement to appeal a judgment for possession." Another: "We should look for a suit challenging the distributional facilities and times of the counties and towns . . . We would work toward developing an alternative distributional source."

The same report includes more of the same:

"We should propose legislation and, if necessary, *develop* lawsuits to rectify the state's archaic registration and voting laws."

"One strongly *suspects* rehabilitation facilities in New Hampshire are deplorable. Mike Caccaro and Phil Houle have initiated an inquiry into this area which should be expanded."

"We should all move more vigorously to assure that local housing authorities a) utilize their leased housing reservations. b) implement the HUD model lease and grievance procedure."

The same report includes statements which urge apparently unsupported attacks on welfare, bankruptcy filing fees, evictions, laws governing such things as hitchhiking, tax policies, credit at New Hampshire banks which are described as "extremely conservative, and police practices."

The agency attitude and its resulting direction is best summed up in a statement in its financial guidelines: "Law reform is to be considered, if not the primary purpose of Legal Services, certainly a major purpose." Staff members are advised in the document not to allow the guidelines to become "an obstacle" to that purpose.

Thus, from Legal Assistance, New Hampshire has seen a parade of cases seeking to force what properly should be decisions of the people through elected representatives if they so choose:

A federal court suit to force the welfare system to broaden its program to include as disabled those suffering mental ailments.

A suit in federal court to force the Department of Employment Security to pay benefits until it holds a hearing on a notice of cutoff.

Several suits against the surplus food distribution system, including one which threatened to end surplus food distribution by officials in two towns.

Suits against local housing authorities.

Suits challenging the suspension of drivers licenses under preventive safety laws.

Suits against town welfare administrators.

Suits challenging the state child neglect laws and removal for abuse.

Suits against town tax systems.

Suits against laws governing voting hours and registration hours.

Suits against town and cities over zoning ordinances.

"ADVOCACY" AND POLITICS

Under the guise of a thing called "advocacy", which is merely a word used as a shield for high-pressure lobbying and threatening officials, New Hampshire Legal Assistance and its staff have launched a campaign to remold New Hampshire into the image they prefer.

Throughout the agency's literature and statements runs a thread of preconceived opinion and idea. The important thing is not to respond to the needs of the poor but to dictate to poor what they should have and to the governments what they should do. There is no evidence of research for action—merely action based on whim.

For example, we get this premise as a reason for promoting housing legislation: "Housing is a very basic need. Government in New Hampshire must deal with this need."

One report to the directors pontificates that poverty "is largely caused by institutional imperfections in our society which could be rectified by appropriate legal action."

With little evidence of acting on complaints or requests, the agency fights utility rate hikes before the Public Utility Commission, lobbies bills in the legislature, writes legislation and seeks a sponsor, browbeats administrators with queries which have overtones of legal action when administrative changes are announced and seeks to invade legally private meetings of governmental boards. The agency also sends to legislators lists of bills it approves.

A report to the agency directors boasts:

"House Bill 39, a new landlord-tenant law, has passed both the House and Senate, largely as a result of staff attorney Bob Johnson's (Laconia) strenuous lobbying efforts. Bob's hard work had impressive results. . . . I think this experience proves that institutional change is possible working through the legislature. It is our hope to make an even greater legislative effort in the next session. . . ."

And, at the next session, the agency, in another report to its directors, unveiled plans for a number of bills at the 1973 session. "Important," the report said. "We would appreciate it if at this meeting you could indicate whether you know any state legislators well enough to ask for their support on some of *our* bills."

The agency is not bashful about using the threat of suit to achieve its legislative goals. An article from the Concord Monitor concerning a tenants rights bill amended to provide statewide standards for food distribution programs reports: "New Hampshire Legal Assistance, which has brought court action against some towns over their determination of eligibility for such programs, has promised to drop the suits if the legislation passes."

The agency's attempt to interfere in conduct of business in a state department is best shown by the announcement by the state Welfare Division, a favorite agency target, that it would adopt the flat grant system which has been effective in cutting down errors and overpayments in other states. Mr. Bruno immediately issued a press release, contending the program might be good for administrators but "hard on poor families." The next day, in another press statement, he urged delay of implementation of the program. On November 28, he wrote Welfare Director Thomas Hooker, asking whether his office "has any plans to request an additional appropriation in the area of welfare during the forthcoming special session of the legislature." He suggested to Mr. Hooker a change in the program that would demand considerable increased funding.

On October 15, he wrote the legal counsel to Governor Meldrim Thomson, voicing his concern that an aide had said a food stamp program would not need legislation. The aide's statement came after numerous hours of conference with USDA officials over the guidelines Mr. Bruno attempted to summarize in a paragraph.

The agency is not content to utilize only its own staff to reach its legislative goals or its goals on the local level. It organizes and aids other groups from every level, even doing press releases for them.

The agency also solicits people to lobby with messages such as this: "if you don't have transportation to Concord, maybe we can find somebody to give you a ride. Give us a call."

It also seeks to expand its own influence by attempting to use other agencies and their employees such as those involved with "Operation Mainstream."

The agency also has been pushing New Hampshire prison authorities to establish a legal position with a paid attorney at the New Hampshire Prison.

But the most impressive clue to its determination to impose its will on the state is its creation and financing of a group called the "New Hampshire Advocacy Program" with an $80,000 federal grant. Speeches, press releases, "persuasion," lobbying and litigation are all listed as skills to be employed by that outfit. The program proposal by the Legal Assistance staff described it as one would an arm of the agency:

"The advocate would develop positions on significant issues. He would meet regularly with the other Advocates to coordinate progress and exchange substantial information. Equally important the Advocates, as a body, would tend to more closely tie the work of all the CAPS and NHLA into each other.

This past summer, NHLA and Child and Family Services, a private social agency with six offices throughout the state jointly hired three law students. These students reported directly to the Director of NHLA and the Family Advocate of Child and Family Services.

A number of significant accomplishments resulted from this experiment. First, through research, negotiation and then *threat*, we managed to "persuade" the State Division of Welfare to eliminate its illegal 90-day waiting period for AFDC recipients. This change benefited countless poor people throughout the state.

Secondly, the groundwork was laid for a challenge to the general assistance program throughout the state. We expect sharp changes in the administration of general assistance in the months ahead as a result of this research and advocacy.

Recently through negotiation, NHLA secured a procedural change from the Division of Motor Vehicles that will help many poor people. Licenses of uninsured drivers now may not be suspended after an accident until a hearing has been held over the issue of fault. In departing from prior policy, a driver's license may not be suspended if a driver was not at fault."

The Advocacy group was an obvious outgrowth of something Legal Assistance describes in its reports as "Para-Professional Activity." For example, one report to the agency's directors includes these items:

"Joe Dubiansky, Dick Grimsrud and Anne Cotton have held the first of the incipient State Welfare Rights Organization. Much interest has been shown, and a second meeting has been scheduled."

Phil Houle and Dick Grimsrud have held the second meeting of the State Mobile Home Occupants Association, and a nonprofit corporation is being organized.

The direction of legal assistance has been criticized even by those officials who have been sympathetic to the problems of the poor and who administer programs to combat poverty. State Health and Welfare Commissioner Gerald J. Zeiller was quoted: "Its young, capable lawyers seem to want to practice constitutional law in broad class actions rather than their mandated function of protecting the indigent from abuses in terms of evictions, loan sharking and consumer frauds."

Interjection of the agency into politics has become blatant with Director Bruno jumping quickly into political situations without hesitation.

In July when Governor Thomson appointed veteran Republican Rep. Shirley Merrill, a former Lebanon Mayor, to the state Public Utilities Commission, Bruno immediately criticized him for exercising this legal responsibility of his office. He issued newspaper and radio statements. Bruno said the appointment was "Strictly political in nature." He charged there are no consumer advocates on the commission and that it is stacked with industry and commercial interests. He even went so far as to predict the commission would approve a nuclear power plant and an oil refinery in the state. The commission and its functions are purely matters of concern to the state legislature and the proposals before it are governed by state laws approved by the legislature.

Probably the most glaring of the agency's political activities is its crusade against the state Department of Employment Security and its commissioner Benjamin Adams.

Aside from countless suits, the agency has pressed continually for legislation to shake up the department and its administration.

The bills the agency pushed included a measure which would have changed the term of its commissioner—a term set by the legislature. Thus, Mr. Bruno openly joined a small group of politicians who for many years have tried to change the term of the commissioner and oust him for political reasons.

And, Mr. Bruno and his agency have spewed forth a continuing stream of public comments criticizing the commissioner and his agency.

An Associated Press story gives this lead paragraph: "New Hampshire Legal Assistance officials say they believe the state's unemployment compensation system is being run more for the benefit of employers than for those out of work."

Another Associated Press story on a special committee hearing in October of this year quotes Bruno as saying "The Department of Employment Security is the only department in state government that enjoys an exclusion from the Right-to-know law. Government should be open, responsible to the people, and shouldn't operate in secrecy." There was no acknowledgement of federal guidelines governing release of the information nor of the highly personal information on individuals contained in the department's files.

In another October newspaper story in the New Hampshire News Mr. Bruno criticized the department's appeals tribunal and the method of selecting its members—a system set up by state law. He is quoted: "There are a lot of retired people on the tribunals, and they like the extra money." He said they serve at the commissioner's pleasure and tend to vote his way.

A newspaper column in the Concord Monitor places Mr. Bruno at a meeting of the department's advisory commission, accusing the commission of operating wrongfully by reviewing legislation affecting the department. Mr. Bruno appeared chagrined that the commission's assessment of bills had great weight in the legislature.

Another newspaper article, this by the State News Service, finds Mr. Bruno supporting a "reform" package of legislation for the same department. He demanded "public" members on the unemployment advisory council and removal of the commissioner's power to nominate members of the council. "He also wants the commissioner's term to be limited to four years," the story reported.

The agency's political activity is not limited to the state level. An article in the Lebanon Valley News describes the presentation of petitions by a group of residents. The petitions were presented to the city manager by Guy E. Lescault, described as a Vista attorney. The clipping was included in a list of "accomplishments" by New Hampshire Legal Assistance.

New Hampshire Legal Assistance is political.

SPECIAL CONDITIONS APPLICABLE TO GRANTEE NO. 10036–74/01

1. The Governor shall appoint a nine-member advisory council to assist the corporation in fulfilling the terms of its grant of funds from the Treasury of the United States. Five of the appointees shall be members of the bar of New Hampshire and at least one shall be a member of the judiciary. The members shall be appointed for staggered terms of one, two and three years in groups of three. They shall be charged with notifying the corporation of any violation of the terms of its grant or any other applicable rules or guidelines. The council shall meet at least four (4) times a year. At all times the president of the New Hampshire Bar Association shall be a non-voting, ex officio member of the council.

2. No attorney shall receive any compensation, either directly or indirectly, for the provision of legal assistance under this Act, unless such attorney is admitted to practice in New Hampshire.

3. The corporation shall insure that its employees refrain from participation in, and refrain from encouragement of others to participate in any picketing, boycott, or strike, and shall at all times during the period of their employment refrain from participation in, and refrain from encouragement of others to participate in any picketing, boycott, or strike, and shall at all times during the period of their employment refrain from participation in, and refrain from encouragement of others to participate in: (A) rioting or civil disturbance; (B) any form of activity which is in violation of an outstanding injunction of any Federal, State, or local court; or (C) any illegal activity.

4. The corporation shall not participate in litigation on behalf of clients other than the corporation.

5. No part of the income or assets of the corporation shall inure to the benefit of any director, officer, or employee, except as reasonable compensation for services.

6. The corporation shall not contribute or make available corporate funds or program personnel or equipment directly or indirectly to any political party, political association, or candidate for elective office.

7. The corporation shall not contribute or make available corporate funds or program personnel or equipment for use directly or indirectly in advocating or opposing any ballot measures, initiatives, referendums, or similar measures.

8. The corporation shall insure the maintenance of the highest quality of service and professional standards, adherence to the preservation of attorney-client relationships, and the protection of the integrity of the adversary process from any impairment in furnishing legal assistance to eligible clients.

9. The corporation shall insure that no funds or personnel shall be used at any time, directly or indirectly, to undertake to influence any executive order or similar promulgation of any Federal, State, or local agency, or to undertake to influence the passage or defeat of legislation by the Congress of the United States, or by any State or local legislative bodies, except that the personnel may testify or make a statement when formally requested to do so by a governmental agency or by a legislative body or a committee thereof.

10. Full time staff attorneys of New Hampshire Legal Assistance, Inc., shall not engage in any outside practice of law.

11. Corporation personnel shall refrain from—

(A) any political activity as defined in the Federal Hatch Act and civil service rules; or

(B) any activity to provide voters or prospective votes with transportation to the polls or provide similar assistance in connection with election (other than legal representation in civil or administrative proceedings); or

(C) any voter registration activity (other than legal representation);

and insure that staff attorneys refrain at any time during the period for which compensation is received from the corporation from the activities described in clauses (B) and (C) and from taking an active part in partisan or nonpartisan political management or in partisan or nonpartisan political campaigns.

12. The corporation shall solicit the recommendations of the organized bar in the community being served before filling staff attorney positions and give preference in filling such positions to qualified persons who reside in the community to be served.

13. The corporation shall insure that all attorneys, while engaged in legal assistance activities supported in whole or in part by the corporation, refrain from the persistent incitement of litigation or any other activity prohibited by the Canons of Ethics and Code of Professional Responsibility of the American Bar Association, and insure that such attorneys refrain from personal representation for a private fee for a period of two years any cases which were first presented to them while engaged in such legal assistance activities.

14. The corporation and its funds and personnel shall not be used directly or indirectly to finance, to organize, to assist to organize or to encourage to organize, or plan for, the creation or formation of, or the structuring of, any organization, association, coalition, alliance, federation, confederation, or any similar entity.

15. The corporation shall not provide legal assistance to any person under eighteen years

of age without the written request of one of such person's parents or guardians or any court of competent jurisdiction except in child abuse cases and custody proceedings.

16. The corporation shall not provide legal assistance with respect to any proceeding or litigation which seeks to procure a nontherapeutic abortion or to compel any individual or institution to perform an abortion, to assist in the performance of an abortion, or provide facilities for the performance of an abortion, contrary to the religious beliefs or moral convictions of such individual or institution.

17. Non-Federal funds received by the corporation shall be accounted for and reported as receipts and disbursements separate and distinct from Federal funds, but shall not be expended for any purpose prohibited by the special conditions of this grant.

18. Corporation attorneys may not seek out or solicit clients for the purpose of becoming parties to litigation in violation of Informal Opinion 1234 of the American Bar Association's Committee on Ethics and Professional Responsibility (dated July 19, 1972).

19. The corporation shall not initiate or file suit against any federal, state or local governmental agency or official for the purpose of changing any law, rule, guideline or regulation.

20. The corporation shall not advertise its locations or services other than is permitted private practitioners under applicable sections of the Code of Professional Responsibility of the American Bar Association.

ENVIRONMENTAL PROTECTION AGENCY SEVERS SUBSIDY TO INDUSTRY RESEARCH GROUP

Mr. MUSKIE. Mr. President, 2 months ago, during the confirmation hearings for Russell Train to be Administrator of the Environmental Protection Agency, I requested a report from Mr. Train on the appropriateness of EPA's continuing support for the Coordinating Research Council. The Coordinating Research Council, as I have indicated in previous statements, is a group dominated by representatives of the auto industry and the oil industry. It does research, particularly supported by EPA, which has been used as a basis for regulations affecting the auto industry and oil industry.

In the Congressional Record of September 6, 1973, beginning on page 28681, I placed documents in the Record providing background for my concern over the direction of EPA's research program.

I am happy to provide for the Record today three letters that announce the decision by Administrator Russell Train to sever the Agency's relationship with the Coordinating Research Council. I believe that is a very wise decision which will serve the public interest. Administrator Train points out in his letter that he has conducted a thorough review of the relationship that has existed between EPA and the Coordinating Research Council. Of particular interest here is Administrator Train's October 26 letter to Mr. M. K. McCloud, of the Coordinating Research Council. EPA now plans to take over and manage three projects that have previously been delegated to CRC.

I applaud the decision made by Administrator Train. It will insure that objective work is completed, and that the appearance of objectivity, also crucial to the development and an independent regulatory agency, will be maintained.

Because there may continue to be some doubt about the wisdom of severing ties with the Coordinating Research Council/Air Pollution Research Advisory Committe, I will also introduce for the record new and disappointing evidence of the inappropriateness of EPA's support for the CRC. I have a memorandum prepared at EPA discussing EPA's development of regulations for control of emissions from trucks and other heavy duty vehicles. That memorandum discusses the fact that these regulations are being developed, not by EPA as an independent regulator, but through a cooperative effort with the Coordinating Research Council representing the industry that is to be regulated.

EPA's decision to take such functions into its own research programs will do much to rectify an intolerable situation. The public, which also has a significant interest in the control of emissions from trucks and other heavy duty vehicles, has been excluded from the deliberations of the CRC.

The memorandum notes that in developing this regulation a representative of one of the Nation's engine manufacturers states that the CRC-dominated program to develop test procedures for vehicles was the most effective coup that the industry has pulled off on EPA. The memorandum goes on to state that this engine company representative took this position because the CRC action commits EPA to a long and complicated project which is bound to result in additional delays which could postpone instituting controls for heavy duty engines for many years. The memorandum then notes that—

> This could be a very sensitive point for EPA in light of recent criticisms that have been raised about the EPA/industry joint CRC/APRAC projects.

Compromise of EPA's regulatory activities by the auto industry and the oil industry—through the CRC—are expressed clearly here in EPA's own memorandums. This reveals quite clearly why it was necessary for EPA to sever its funding relationship with CRC. If properly implemented, Administrator Train's decision should help restore some confidence about the independence of EPA's regulatory activities. I ask unanimous consent that the three letters mentioned previously, plus the two enclosures to the letter to Mr. McCloud, the EPA memorandum dated June 25, 1973, and the Ford Motor Co. letter to Mr. Stork, be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Environmental
Protection Agency,
October 26, 1973.

Hon. Edmund S. Muskie,
Chairman, Subcommittee on Air and Water Pollution, Committee on Public Works, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: During the hearings on my nomination I promised to review this Agency's relationship with the Coordinating Research Council and to provide you a further report.

A thorough review has been undertaken and it is my decision that the Agency terminate its formal relationship with the Council and we will not enter any new jointly-funded projects with the Council. Although we will continue to maintain normal professional communications with the Council, we will withdraw from formal participation in the CRC planning process. There are a number of projects for which funds are currently obligated but not yet fully expended; on these projects EPA will continue its participation until completion. In addition, there are very few joint projects which are especially important to EPA; we will propose to the Council that EPA completely take over, fund and manage these projects by our own research and development program elements.

This represents the thrust of my decision and it has been informally communicated to the GRC staff. My own staff is now preparing a letter to the Council spelling out the details and I will of course supply you with a copy of that letter after it has been delivered to the Council.

Sincerely yours,
Russell E. Train,
Administrator.

November 16, 1973.

Hon. Edmund S. Muskie,
Chairman, Subcommittee on Air and Water Pollution, Committee on Public Works, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: In his recent letter, Administrator Train promised to supply you with a copy of his letter to the Coordinating Research Council.

I am pleased to enclose a copy of Mr. Train's October 26 letter to Mr. M. K. McLeod.

Sincerely yours,
Robert G. Ryan,
Acting Director, Office of Legislation.

Environmental Protection Agency,
Washington, D.C., October 26, 1973.

Mr. M. K. McLeod,
Coordinating Research Council,
New York, N.Y.

Dear Mr. McLeod: This will formally advise you of our intention to withdraw from the CRC/APRAC Program. This decision has been reached with considerable personal regret by myself and my colleagues within EPA.

As you know, EPA's role in APRAC, particularly our joint funding of projects with industry, has received rather intensive criticism in recent months. We have considered this situation very carefully, both as regards technical and non-technical issues. I am satisfied from my review of the program that EPA's past participation in CRC/APRAC has been entirely constructive from every standpoint, and that the data generated under CRC/APRAC auspices have been free from bias. Nevertheless, not only the fact of objectivity but also the appearance of objectivity must be considered when it comes to evaluating continued EPA participation in this activity. The fact that in the minds of at least some people deeply concerned with environmental matters there now is a serious question as to the objectivity and freedom of bias of CRC/APRAC research projects makes it necessary to assuage those doubts.

Therefore, our continuing participation in APRAC itself and in all but three of the jointly funded projects under APRAC will be discontinued, on an orderly basis, on the date when each current project reaches a stage where contracts based on presently committed EPA funds are complete, but in no case later than August 31, 1974.

Three projects of particular relevance to program priorities of EPA's Office of Research and Development will, if acceptable to CRC/APRAC, be taken over to be funded and managed solely by EPA until their completion. The enclosures to this letter set forth our views on appropriate groundrules for this systematic disinvolvement.

I must add that this in no way suggests an Agency position precluding participation of EPA technical staff on Committees and other cooperative industry/government activities to the extent that these are comparable with the interest and objectives of EPA.

It is my hope that informal cooperation will continue between APRAC and members of the EPA technical staff, and that the information deriving from both CRC/APRAC and EPA research in related areas be shared as expeditiously as possible through periodic meetings for exchange of information as well as through exchange of reports covering such investigations.

Sincerely yours,

RUSSELL E. TRAIN,
Administrator.

ENCLOSURE 1

GENERAL GROUND RULES FOR CONCLUDING EPA/APRAC RESPONSIBILITIES

(1) EPA will not participate in the management or funding of any new projects initiated by CRC–APRAC.

(2) EPA proposes to assume sole responsibility for completing projects CAPA–8, CAPA–9, and CAPA–11, with copies of all contract reports to be forwarded to CRC–APRAC. (See Enclosure 2)

(3) EPA will end its participation in all other CAPE, CAPM, and CAPA projects at the time of approval of the last contract report which covers work currently funded by EPA. In all of these projects, EPA participation will terminate by no later than August 31, 1974.

ENCLOSURE 2

CURRENT APRAC PROJECTS FOR WHICH EPA PROPOSES TO ASSUME FULL RESPONSIBILITY

Project

CAPA–8, Determination of Formation Mechanics and Composition of Photochemical Aerosols (Physical Study).

CAPA–9, Chemistry of Nitrogen Compounds in Air.

CAPM–11, Effects of Low Levels of Oxidants Upon Humans.

Recommendation

Increase EPA funding to 86 K for FY 1974—assume complete responsibility for project direction.

As above, but EPA funding increasing to 93 K.

As above, but EPA funding increased to 105 K.

U.S. ENVIRONMENTAL PROTECTION AGENCY

PURPOSE

The purpose of this memorandum is to summarize some information on industry programs and attitudes as they relate to EPA's and California's program to control emissions from heavy duty engines.

BACKGROUND

The 1974 federal standards for the control of gaseous emissions from heavy duty engines will require no reductions for diesels and as a practical matter will have little effect on reducing emissions from gasoline engines over pre-controlled levels.

EPA has programmed a long-term program in conjunction with CRC–APRAC to develop data which will be used to develop a new test procedure. It is anticipated that this test procedure would be used to set more stringent standards sometime around 1979 to 1980.

There is currently a reassessment of the heavy duty situation going on within MSAPC to determine if additional action should be taken based on present type test procedures in advance of the standards anticipated in 1979–1980.

California has adopted standards for heavy duty engines in 1975 which represent a 38% reduction for CO and a 70% reduction for HC and NOx over levels promulgated by the Federal Government to take effect in 1974.

DISCUSSION

In informal conversations with employees from Cummins Engine and Detroit Diesel (G.M.) it was indicated that both companies would be able to produce diesel engines that meet the California standard in 1975. (Cummins and Detroit Diesel sell between 80% to 90% of the diesel engines used in over-the-road applications). It was indicated that diesel engines built to meet the California standard will result in an increase in the initial cost of those engines (probably a larger percentage increase in initial costs than will be required of the gasoline engine). It was specifically stated by Cummins, however, that their new low emission engines will result in substantial *improvements* in fuel economy. Control techniques for diesels to meet the California levels could include new injectors, turbocharging, modification of aftercooling, raising the compression ratio, retarding timing, variable timing, combustion chamber changes, and larger camshafts.

In informal contacts with selected heavy duty gasoline manufacturers (General Motors and International Harvester) it was indicated that it is feasible to produce engines that meet the California levels in 1975. Engines built to meet the California standards will result in higher initial costs but probably not as large percentage-wise as those that are expected for diesel engines. It is anticipated, however, that there will be a fuel penalty associated with heavy duty gasoline engine emission control. Control techniques for gasoline engines could include EGR, air pumps and carburetor modifications. Some manufacturers have catalyst backup programs with an eye to substituting catalyst control for EGR to avoid adversely affecting fuel economy.

Cummins indicated that they anticipated a larger increase percentagewise in the price of diesel fuel versus the price of gasoline.

In a very candid discussion on June 8, 1973 at the Ann Arbor lab between representatives of Cummins Engine and EPA technical staff members, several points were made by the Cummins people which provide some perspective on the industry and the California and Federal programs to control heavy duty emissions. Although the Cummins representative would probably not want to be quoted, he indicated that it was his opinion that the CRC–APRAC (Cape 21) program to develop new test procedures for heavy duty engines/vehicles was the most "effective coup that the industry has pulled off on EPA" as it commits EPA to a long and complicated project which is bound to result in additional delays which could postpone instituting controls for heavy duty engines for many years. This could be a very sensitive point for EPA in the light of recent criticisms that have been raised about the EPA/industry joint CRC/APRAC projects.

The Cummins people indicated that their primary purpose in requesting the meeting with EPA was to learn if requirements similar to these in California were being considered for adoption nationwide. The emissions people from Cummins indicated that the amount of effort devoted to emission control within their company was in the process of being cut back due to speculation that EPA has no intention of instituting nationwide standards similar to California and that any additional controls would not be instituted by EPA until after the CRC/APRAC work was completed. The Cummins people indicated that the big rumor in the industry was that Detroit Diesel had "thrown in the towel" on emissions work and did not anticipate nationwide standards.

The situation is complicated by the question of whether the California standards will be enforced. The California requirement for heavy duty applies to engines and/or vehicles "first sold *and* registered in California". As with the 1975 interim standards in the light duty situation, this could provide an incentive to import vehicles and engines into the state that were initially sold elsewhere. A check with California on this enforcement problem indicated that in the heavy duty situation they would probably attempt to get additional authority to prevent importation and if this failed it is conceivable that the requirement could be postponed with a request that it be made nationwide. The local California HD engine dealers would, of course, stand to lose if engines were imported from out of state and can be expected to raise a protest.

CONCLUSION

That the MSAPC effort to develop recommendations on what action EPA should take with respect to heavy duty be given a much *higher priority*. Considerable confusion presently exists in the industry which is resulting in a *slowdown* in work related to emission control. Definitive guidance and/or rules need to be provided by EPA to the industry as soon as possible.

FORD MOTOR CO.,
Dearborn, Mich., July 27, 1973.

Mr. L. O. STORK,
Deputy Assistant Administrator, Mobile Source Pollution Control, Environmental Protection Agency, Washington, D.C.

DEAR MR. STORK: In the EPA Hearing on Remand in respect to 1975 model emission standards the Administrator asked us specifically about our experience in respect to catalyst usage on light trucks. We stated we had essentially no experience with catalysts on trucks in customer usage and urged that standards be adopted which would not require these control systems on that type of vehicle. The public record indicates similar testimony was received from other automotive manufacturers. There was evidence that driving patterns of trucks in the hands of the customer was different than passenger cars. Based on the record we anticipated that EPA would adopt light truck standards that would not require catalysts.

Recently we have heard considerable public speculation that the proposed light duty truck standards for 1975 will be 2.0 gpm HC, 20 gpm CO and 3.1 gpm NOx. On that basis we would plan that between 8.3 to 25.1% of our trucks may require catalysts. Generally speaking, these would be on six cylinder engines or small eight cylinder engines.

We do not yet know the disposition of California's waiver request for 1975 light trucks. Accordingly, potential additional catalyst usage in that state is not included in the above projection.

For 1975 we are currently forced to assume the use of catalysts on all California heavy truck engines in order to meet the standards for which California received a waiver several years ago. There are obvious problems in respect to filler necks on heavy duty trucks in California and the test fuels to be utilized for certification of 1975 truck engines. We have mentioned some of these potential difficulties to the Executive Officer of the California Air Resources Board.

To sum up the problem we want to point out that we have had practically no experience with catalyst usage on trucks. What experience we have had has been extremely negative. We do not believe that it is technologically feasible to utilize catalyst control systems on 1975 model trucks and yet we are faced with potential requirements for a national standard that could result in a considerable portion of our light trucks using them. We also know that California has a pending waiver which would require catalysts on light trucks in 1975 and an existing waiver which would require catalysts on heavy truck engines in 1975.

To our mind this diversion of effort will seriously jeopardize our attempts to meet the stringent 1975 passenger car standards in California and in the 49 states.

We would, therefore, urge reconsideration of proposed light duty truck standards; denial of the pending California waiver request; and reconsideration of the 1975 heavy duty gasoline truck engine waiver for California.

Sincerely yours,

D. A. JENSEN.

WATER POLLUTION PERMIT PROGRAM

Mr. MUSKIE. Mr. President, another question raised at the confirmation hearings of Mr Train dealt with the adequacy of manpower in the Enviornmental Protection Agency to process the permits for all dischargers subject to the National Pollutant Discharge Elimination System. In response to those questions, I recently received a letter from Administrator Train discussing the adequacy of staffing the permit program at EPA.

The Administrator's response on this issue indicates there will be a clear need for the Subcommittee on Air and Water Pollution of the Senate Public Works Committee to monitor continually EPA's activities and its relationship with State agencies in granting permits. Mr. Train's optimism about the adequacy of EPA manpower to handle this job is based in part on an assumption that a number of sources may be allowed to be ignored in the permit granting process. This is a very questionable assumption. Moreover, the lack of adequate numbers of State personnel to administer this permit program is acknowledged by the Administrator, though his letter indicates an expectation regarding State assumption of the program:

> We expect about twenty [States] to have the authority by the end of this fiscal year.

Obviously, continual surveillance of the problems associated with the permit program will be needed. I believe that the public record ought to contain Administrator Train's letter on this subject, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., November 26, 1973.

Hon. EDMUND S. MUSKIE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MUSKIE: During my confirmation hearings, you asked me how many people it would take to process, by December 31, 1974, permits for all dischargers subject to the National Pollutant Discharge Elimination System. (After this date, dischargers whose permit applications have not been administratively completed lose immunity from citizen suit.) At the time, it seemed that a rather simple arithmetic calculation could determine this number, but I am now convinced that it is not quite that simple. I did believe, as you appeared to believe, that additional people would be necessary to meet this goal; however, I no longer have that view.

We have just completed an intensive internal analysis of the Permit Program, looking at the more successful aspects as well as those that appear to be causing delays. The conclusion reached is that, although it is still too early to be as precise as you and we would like, the Environmental Protection Agency has the present capability essentially to reach the goal that Congress has established for December 1974. I say we can "essentially" meet this goal because we feel we will, by this date, have been able to issue permits to all significant industrial and municipal dischargers—thereby encompassing the vast majority of all effluent discharged—and have permits either issued to or drafted for a very substantial portion of minor dischargers. I also anticipate that we will make very substantial headway in the area of agricultural discharges, particularly if our present expectation of the number of sources requiring permits is correct. If the lawsuits challenging our right to identify minor dischargers not needing permits are sustained, however, issuance of permits to minor dischargers could be somewhat more delayed.

We are now seeing the "pay-off" from the experience gained by operating the national Permit Program for three years, and by actually issuing over 1,000 permits, mainly within the past year. We feel that we have basically passed the most difficult stage of the Program by setting up the processing machinery. Many of the initial problems have been worked out; others have been identified and solutions are forthcoming.

The Regions are gaining momentum and are heavily concentrating on the major industrial dischargers. The availability of the Effluent Guidelines and load allocation data for the water quality limited streams will significantly expedite processing. Precedents set by the adjudicatory hearings now underway should also remove many of the potential future hurdles to succesful permitting of dischargers.

While only five States have been granted the authority to issue NPDES permits, we expect about 20 to have the authority by the end of this fiscal year. In many other States, agreements have been worked out between the State and the Regional Office on joint preparation and issuance of NPDES permits. This has been encouraged, particularly in those States which, for one reason or another, are unable to receive authority to carry out the Program. Involving the States as much as possible before they receive permit authority puts maximum staff resources behind the Program, minimizes duplication, and acquaints the States with the Program's procedures and requirements, which are often different from their own.

While it might be assumed that once the Program is turned over to the States the Federal staffing level would be reduced, we do not foresee this happening right away. Even after the States receive the authority, it may be necessary to continue working together on permit issuance in order to process the applications of the significant dischargers by December 31, 1974. I say this because present staffing shortages in most States will be a hindrance to efficient processing. Even in the States that do assume the major role, EPA staff can still be used to draft permits in selected areas, although the States will actually issue the permits.

In summary, my previous opinion was based on the theoretical assumption that more EPA staff could get the job done somewhat faster, but I do not now believe this is the case. There are 521 positions officially assigned to the Permit Program, and there are hundreds of positions in other elements of the Agency which are also supporting the issuance of permits. We may already be close to the point of diminishing returns as far as the number of people processing permits relates to actual permit output. The problems of startup were such that additional staff at the onset would not have speeded up the process or brought us any closer to the goal we all seek.

We are now gaining the understanding and cooperation of most States, and we feel that their participation will do more toward meeting the goal than will adding (and having to train) Federal staff. We also believe that increasing the Federal staffing at this time could cause some States to decide to stop their participation and cooperation entirely. This is not desirable.

I sense that the Permit Program, with all its complicating factors, is an activity that is pulling the States and EPA into a closer partnership, one that utilizes all available manpower in the most productive way. That is, in my opinion, a healthy relationship.

Sincerely yours,

RUSSELL E. TRAIN.

DINNER CHAIRMAN TERRY KASTOFF ANNOUNCES LOYAL LEAGUE, HONORS MORTIMER JANIS

Mr. BUCKLEY. Mr. President, on December 15 one of our Nation's finest charitable organizations, the Loyal League Philanthropies, Inc., will hold its annual dinner dance at the Waldorf Astoria in New York City. This 50-year-old event is held to raise funds to support the many worthwhile philanthropic causes to which the league and its distinguished membership has turned its attention year after year. This year the dinner will salute New York City as the fashion capital of the world, out of respect to the many presidents of major New York retail and wholesale fashion organizations who have contributed so much to the growth of their good works.

Guest of honor this year will be Mortimer L. Janis, president of Franklin Simon. A native New Yorker, Mr. Janis is a member of the executive committee of the Metropolitan New York Retail Merchants Association and the Board of Directors of the Fashion Institute of Technology. He has also been active on behalf of the Boy Scouts of America, the Jewish Hospital of Denver, and other charitable activities.

I am delighted to join with all of the friends and members of Loyal League of Cities in honoring Mr. Mortimer Janis for his achievements as a businessman and philanthropist.

Mr. President, the cochairman of the Loyal League dinner has issued a statement outlining the many charitable activities of this organization and I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE LOYAL LEAGUE

Each year in December the Loyal League Philanthropies, Inc., holds its Annual Dinner at the Waldorf Astoria. This is the only fund raising activity of this organization. The dinner is held in honor of a well known philanthropist, especially one who is interested in and has contributed time, effort and money to help in some measure to improve the condition of the underprivileged.

What do we do with the proceeds of this affair—the only expenses of which are the cost of the dinner and the incidental expenses related thereto? We have no paid solicitors. This year we have made, among others, the following donations for scholarships to young men who otherwise would have been unable to go to college.

Among the colleges to whom this money was donated were:

Albert Einstein College of Medicine, University of Haifa, City College of New York,

Columbia University, and Columbia Law School.

Yeshiva University, New York University, The Johns Hopkins School of Medicine, New York Medical College, and New York University Law School.

Brandeis University, Yale Law School, Yale Medical School, and Fordham University.

Rutgers University, Mass. Institute of Technology, and Harvard University Graduate School of Business Administration.

We also donate ten scholarships to young men on the high school level to Bronx High School of Science and Midwood High School of Brooklyn, to the Green Chimneys School and the Stephen Gaynor School.

We have supported and contributed to The Optometric Center of New York, Anti-Defamation League of the B'nai B'rith, Pearl Socoloff League for Retarded Children and the American Jewish Committee.

We helped to build and continue to support Camp Loyaltown in Hunter, New York, which affords 606 poor children of the metropolitan area the privilege of spending 9 weeks in the country in groups of 200 every 3 weeks. The Ed Sullivan Recreational Building, the Lou Pitofsky Library, the Rosalie Fox Arts and Crafts Wing, the Bernard Weiss Athletic Field Compound are but part of our continuing support of this worthy project.

We are also very happy about our Ruth Hurwitz Memorial Library at Columbia University and the Jay E. Lenley Memorial Library Room at New York University. Truly great tributes.

We have supported and allocated a good deal of money in the field of medical research, specifically the great work of Dr. Conrad Riley at the Babies Hospital of the Presbyterian Hospital which has resulted in the control of Nephrosis and Nephritis. Also that of Dr. Sidney Cohlan, formerly of Beth Israel Hospital with respect to Vitamin A and Congenital Abnormalities. Also the splendid work of Dr. Harold W. Dargeon of Memorial Center on the effect of radiation in the treatment of cancer in children.

In former years, we have constructed a building in the Dr. Israel Goldstein Youth Village in Israel for the teaching of carpentry trade.

Loyal League has also provided the Brookdale Medical Center with the most modern scientific equipment to take care of children suffering from serious heart or lung ailments, gratis, in the Jewel Weiss Cardio-Pulmonary Surgical Suite.

In recognition of our many, many contributions to the Beth Israel Hospital in New York City, the Chas. H. Silver Clinic has designated one of its floors, which takes care of out-patients—"The Loyal League Pediatric Floor".

All this has been made possible by our generous support and contribution and in behalf of myself and the trustees I express to you our thanks and gratitude.

RUNAWAY PRICES—BACKDOOR RATIONING

Mr. EAGLETON. Mr. President, even while the Congress and the public debate the relative merits of fuel rationing versus some form of Federal tax, the administration appears to have quietly signaled the Cost of Living Council to implement its plan for rationing and conserving fuels through higher consumer prices.

That is the only conclusion I can draw from the acquiescence of the Council in repeated fuel price increases that appear to have no justification other than that the market in this period of shortage will bear it.

In the past 6 months alone, the price of gasoline and motor oil has increased by 10.5 percent and the price of fuel oil and coal by 22.7 percent. Those figures do not include the latest round of increases announced last weekend which ranged from 2 to 3.2 cents per gallon of gasoline and up to 4.5 cents per gallon of heating oil. Even larger increases have been noted in the price of propane.

Some increase in the price of fuel was predictable in the wake of the Arab oil boycott and the general increase in the cost of imported crude oil. But I can find no basis whatever for the kind of price increases now being freely passed through the Cost of Living Council to the American public.

More and more, the people who have to pay these prices are asking how is it that the oil companies can be so hard up and still manage to register the greatest profits in their history.

During the first 9 months of this year when consumer prices for oil products of various kinds were increasing by 15 and 20 percent oil industry profits rose by an average of 47 percent over what they were a year ago—63 percent in the last 3 months. That was the industry average. Many individual companies did much better than that, for example, Occidental Petroleum profits were up by 417 percent, Clark Oil by 350 percent, Amerada Hess 88 percent, Standard Oil of Ohio 55 percent.

The administration owes the American people an explanation of these awkward and embarrassing facts. Is the oil industry under price controls or is it not? For starters, I believe it should order an immediate rollback of the latest round of price increases followed by a top to bottom investigation of possible profit gouging by the oil industry.

That is what should be done but, frankly, I am not optimistic that it will be done. It is apparent that what is happening to oil industry prices accords too well with the Marie Antoinette economic theories of some of this administration's leading economic planners.

Their view which seems to prevail over alternative approaches for the time being is that sharply increased consumer prices by themselves will work to discourage fuel consumption, serve as a means for deciding who gets what of the available supply and, in the bargain, give the oil companies a profit incentive for developing new sources of fuel.

That is a very neat theory, but fatally flawed on at least two counts.

First, and most obvious, rationing through higher prices would work serious hardship on lower income groups. If ability to pay becomes the test for determining who can operate their cars and who can heat their homes, much of America will have a long cold winter indeed.

The second problem with this approach is that it is impossible to isolate the price of fuel from all other prices in the economy. Fuel is the very lifeblood of that economy. An increase in fuel costs broadcasts itself throughout the economy and is reflected in increased costs of everything we buy from a pound of butter to aspirin tablets. Rationing through higher prices thus boils down to prescription of general inflation as the answer to our fuel shortages.

Many of these same problems are inherent in proposals to apply a stiff Federal tax on fuel, but that approach has the partial merit at least of keeping the increased costs in the Public Treasury where the money can be used to finance new energy research and development programs.

There are steps we can and must take now to minimize the impact of the crisis in the short run and bring us through the worst part. But what has been offered so far by the administration falls far short of the kind of energetic action and leadership we must have.

In my view we must face the unpleasant reality and take the hardest steps now by establishing a system for rationing and allocating fuels of all kinds. It is not a pleasant prospect and clearly not without problems of its own. But it appears to be an inescapable decision that will become only harder for its postponement.

To continue to stumble along with halfway measures or to impose on the American people a system to let higher prices decide who gets fuel could plunge this country into one of the most serious crises it has ever faced, one that no amount of belated leadership will do much to ease.

THE DOLE AMENDMENT TO DAYLIGHT SAVING TIME BILL

Mr. DOMENICI. Mr. President, yesterday I cosponsored legislation that passed the Senate which will prevent unreasonable discriminatory fuel cutoffs against any user or class of users of refined petroleum products. This legislation is identical to the Goldwater-Rooney bill in the House. I supported this measure because I am deeply concerned that ill-advised actions in the name of fuel conservation could destroy or cripple entire segments of our economy.

The focus of my concern at the moment is the proposed fuel reductions for general aviation. I feel that the initial fuel reductions proposed by the executive branch for general aviation—an average of 42.5 percent—were ill advised in that it would have dealt a severe blow to civil aviation, perhaps a death blow.

So, I was pleased when the President announced a modification of the proposed reductions so that general aviation's overall reduction will be only 25 percent as compared to the original 42.5 percent. This may still be too much of a reduction for States like New Mexico which depend so heavily on light aircraft for business and commerce. As I pointed out on the Senate floor yesterday, New Mexico has 5,500 general aviation type airplanes of which at least half are used for business purposes. I further emphasized that it is extremely important for Federal agencies to take unique circumstances, such as this direct connection between general aviation and business in New Mexico, into account when formulating national policies for dealing with national problems. It is a difficult thing to do, I know, but it must be done.

The legislation approved yesterday would require that kind of consideration of local conditions before a Federal agency with all good intentions, unwittingly singles out a particular segment of the economy or part of the country to bear a disastrous burden in the overall program to conserve energy.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, for the past 6 years I have daily urged the Senate to take action on the genocide and other human rights conventions. The Genocide Convention has been widely supported by this and previous administrations, many of the most prominent members of the bar, and statesmen throughout the world.

In March 1971, hearings were completed by a special subcommittee of the Committee on Foreign Relations on the Genocide Convention. As was the case during earlier hearings in 1950 and 1970, the testimony was overwhelmingly in support of the Genocide Convention. In March 1973, the Genocide Convention was once again favorably reported to the Senate. The wealth of testimony in support of this Convention attests to the intense interest in the treaty and widespread support for human rights. Indeed, resistance to ratification of this treaty seems to have abated in the quarter century since the treaty was first proposed.

I believe that this lessening of resistance can be attributed to the broader and deeper understanding of the convention's provisions. It is most helpful that those provisions which initially raised so many questions and doubts have now been debated and explained by a great many eminent members and scholars of the bar, officials of the administration and representatives of the United Nations.

I urge the Senate to ratify this outstanding human rights document in the 93d Congress.

THE JUDGMENT PRONOUNCED AT KARLSRUHE CONCERNING THE CONSTITUTIONALITY OF THE BASIC TREATY

Mr. BUCKLEY. Mr. President, the recent decision by the West German Supreme Court concerning the basic treaty between East and West Germany has great significance for the United States because our policy of détente has been very much tied to the Ostpolitik initiatives of West German Chancellor Brandt. The interpretation of the treaty by the supreme court as outlined by foreign policy specialist Rupert Dirnecker should occasion a rethinking of détente by the architects of our own policies, and toward that end, I am going to ask unanimous consent that the entire statement be placed in the Record.

I might add that I am particularly pleased to see Dr. Dirnecker's useful work on this subject. He served with great distinction in West German Embassies in both Moscow and Washington and as a foreign policy expert for the CDU/CSU opposition parties, his balanced viewpoint, seasoned by his practical diplomatic experience, sheds a great deal of light on this most complex issue.

Mr. President, I ask unanimous consent that Dr. Dirnecker's essay be printed in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

The Judgement Pronounced at Karlsruhe Concerning the Constitutionality of the Basic Treaty

(By Rupert Dirnecker)

I

The 31st of July 1973 will go down in the constitutional history of Germany as a landmark.

The judgement of the Federal Constitutional Court pronounced on that date in the proceedings regarding the conformity with the Constitution (Basic Law) initiated by the Bavarian Administration on the constitutionality of the Basic Treaty confirms the continuity of the constitutional reality as the legislator of the Basic Law had visualized it, and as it had served as a basis for the joint political actions with respect to Germany of all democratic parties in the Federal Republic of Germany from 1949 to 1969, as well as for the jurisdiction of the Federal Constitutional Court.

At the same time, however, the Federal Constitutional Court has also availed itself of the opportunity created by the proceedings initiated by Bavaria—almost two decades after the directive judgements on the constitutional situation of Germany (Saar judgement; judgement prohibiting the Communisty Party of Germany in 1955/56) at a turning-point in German history—to redefine the legal bases for the existence of a German nation, and to incorporate the developments which have occurred in the meantime—to include the recognition, under constitutional law, of the German Democratic Republic carried out by the Social-Democratic/Free-Democratic Government in 1969 (according to Governmental Declaration dated 28 October 1969: two nations in Germany which do not constitute foreign countries for each other, and the relationship of which is of a special nature)—into this constitutional framework.

In addition, the Court has established binding restrictions and guidelines with respect to future political actions concerning Germany.

II

In its formal statements regarding the interpretation of the Treaty and the procedure regarding standards control, the Federal Constitutional Court has reminded all bodies of the Federal Republic of Germany again of the principles of constitutional division and power—to include, above all, the status and authority of the constitutional jurisdiction—after certain trends had spread within the Government demanding the adaptation of the law to politics, the Basic Law to the Basic Treaty, and the constitutional jurisdiction to the plebiscitic will of the people.

In detail:

II.1. The Federal Constitutional Court has not simply declared the Basic Treaty to be consistent with the Basic Law, but only on condition that it is interpreted "according to the interpretation following from the opinion given in the judgement". This interpretation has normative effect (Para. 31, Subpar. 1 of the Federal Constitutional Court Law). The Court expressly points out, in addition to the tenor of the judgement, on page 45 of the opinion:

"All statements of the opinion given in the judgement, and even those which do not exclusively refer to the contents of the Treaty itself, are required, i.e. within the meaning of the jurisdiction exercised by the Federal Constitutional Court, they are part of the reasons supporting the decision."

In accordance with the above, the Basic Treaty cannot be understood by itself, but rather only in the interpretation of the judgement rendered at Karlsruhe. Every German constitutional body must advocate this interpretation not only internally, but also externally. No other power, and especially not the immediate partner to the Treaty, the German Democratic Republic, can object to this interpretation on the grounds that it is contrary to the Treaty. For the German Democratic Republic has ratified this Treaty while being fully aware of the fact that our side will only be able to comply with the Treaty on the basis of an interpretation consistent with the Basic Law which will be established by the Federal Constitutional Court and will be binding. (cf. Pages 46/47 of the opinion given in the judgement)

II. 2. As far as the manner is concerned in which this legally binding interpretation is to be achieved, the Federal Constitutional Court has stated clearly:

The proceedings regarding the constitutionality shall be governed by the Basic Law the binding interpretation of which is the responsibility of the Federal Constitutional Court;

A tense relationship between political reality and constitutional principles cannot be eliminated by believing that the constitutional regulations in force can be changed by a Treaty. This neither created substantive constitutional law nor could it be used for the purpose of interpreting the Basic Law;

Rather, the opposite would apply: a Treaty which was inconsistent with the constitutional law in force, could be brought into line, with respect to the Constitution, with the Basic Law only by an appropriate constitutional amendment (Page 15 of the opinion given in the judgement).

By issuing these principles, the Federal Constitutional Court flatly refused the request made by the representative of the Federal Republic of Germany in the oral proceedings on 19 June 1973 (MD. Bahlmann, Federal Ministry of Justice) to adapt the Basic Law to the Basic Treaty and the politics supporting it.

He had been of the opinion that he would have to urge the Federal Constitutional Court to adapt the Basic Law to the new political facts concerning the political actions regarding Germany created as a result of the political course followed by the Government and ostensibly confirmed by the popular verdict in the Federal Diet elections.

II. 3. Moreover, the Federal Constitutional Court also reproached the Federal Republic of Germany in its formal statements. With reference to the pressure regarding the time schedule which the Federal Republic of Germany exerted upon the Court as a result of its announcement that the Treaty would be put into force—which was said to be unavoidable—even before the judgment would be pronounced which was scheduled for 31 July 1973, the judges point out:

"It follows from these deliberations that it is of decisive importance that a decision concerning the proceedings regarding the constitutionality which is in reference to a Treaty must be rendered before it is put into force. All constitutional bodies must . . . take this into account. This means, on the one hand, that the Federal Constitutional Court concludes the constitutional review as soon as possible. It means, on the other hand, that the remaining constitutional bodies include the responsibility of the Federal Constitutional Court to carry out this review in their considerations regarding the time-schedule for the proceedings which will bring about the ratification of the Treaty, and to refrain from doing anything which would render it difficult, or impossible, for the Federal Constitutional Court to exercise its authority in a timely and effective manner. It is contrary to the intent of the Basic Law that there should be comprehensive constitutional jurisdiction that proceedings pending before the Federal Constitutional Court are disregarded by the Executive. If, by the way of an exception, a situation occurs, as in this case, where the Executive feels that it is absolutely necessary that a Treaty be put into force before proceedings before the Federal Constitutional Court have been concluded, those constitutional bodies who are responsible therefor will have to answer for the consequences which might possibly result therefrom." (Page 17 of the opinion given in the judgement.)

II. 4. Furthermore, the Federal Constitutional Court notes, in a binding manner, that in case of expansion of the Basic Treaty, "each of these further legal measures must not only be in accordance with the Treaty, but also in accordance with the Basic Law"—"already today it must be made quite clear that everything that will occur with reference to the Treaty as far as any further legal measures are concerned, is not already legally valid solely because the contractual basis (the Treaty) cannot be objected to from a constitutional standpoint". (Page 25/26 of the opinion given in the judgement.)

Thus, the Federal Constitutional Court establishes constitutional restrictions and positive guidelines as far as the future political actions concerning Germany are concerned. This constitutes one of the most significant elements of the judgement.

The Federal Government is taken at its words by the Federal Constitutional Court. By taking over the interpretation which had been presented, for internal use, by the Federal Government before "parliament" and the Federal Constitutional Court, and by developing it to be even more favorable as far as the Basic Law is concerned, the Court was able to declare the Basic Treaty in this—and only this interpretation—as being consistent with the Basic Law. It has, however, definitely laid down in writing this interpretation for the future and has imposed upon all bodies of the Federal Republic of Germany the legal obligation to advocate it not only internally, but also externally. Thus, a legal stop has been put to the drawing-back of the Brandt Government, *step* by step, from its own political positions regarding the Eastern countries, and Germany as it was documented since the Governmental statement on 28 Oct 1969 on Erfurt, Kassel, the Moscow Treaty, and the negotiations regarding the Basic Treaty, which stop is stronger than the political resolution of the German Federal Diet regarding the "Eastern Treaties" which was taken on 17 May 1972.

The justification attempts of Mr. Egon Bahr to make the political truth, in each case, dependent on the existing parliamentary majority, have thus also been obviated. It is not unjustly that the commentary contained in the "Bonner Generalanzeiger" dated 1 Aug 1973 points out that "in some places, the judgement reads like an official regulation directed to Mr. Bahr's address."

At the same time, however, the judgement has also quite openly *exposed* the *ambiguity between the partners to the Treaty.* By virtue of the judgement, the Federal Government has now been legally compelled, in its discussions with the Government of the German Democratic Republic regarding the interpretation, handling, and expansion of the Basic Treaty—and toward the rest of the world—to abide by the interpretation declared to be binding by the Federal Constitutional Court. It will no longer have to accept, without much contradiction, the interpretation of the Treaty by the other side which is diametrically opposed as it has done as far as the presentation by Foreign Minister Winzer of the German Democratic Republic on 13 June 1973 (on the occasion of the passage of the Basic Treaty in the lower house of the German Democratic Republic) was concerned.

II. 5. The Court has unmistakably confirmed the *precedence of the Constitution* and the *division of power in a constitutional state* embodied in it.

The political actions of the Executive must be integrated into the legal restrictions of the Basic Law, and must be measured by its standards. This constitutes the function of constitutional jurisdiction which cannot be dispensed with in a liberal constitutional state.

Just how necessary it was for the Federal Constitutional Court to clarify this point is shown by the fact that influential circles which, among others, are articulated by "Vorwaerts," are not willing to submit to this basic principle of a democracy in a constitutional state even after the judgement pronounced at Karlsruhe, and thus display an understanding for the Constitution which alarmingly reminds of the totalitarian attitude of the National Socialists or the "Socialists" of the "People's Democrats."

On 2 August 1973, "Vorwaerts" affords such voices a chance to speak:

"By negatively assessing the Basic Treaty, the Federal Constitutional Court would have assumed a position which would have been directly opposite to that of the people from which, according to the contents of the Basic Law, all supreme power—even that of the Court itself—is derived. A confrontation of this nature is, it is true, possible in case of a liberal Constitution such as the Basic Law constitutes because the constitutional jurisdiction is intended to also create a bulwark against the unrestricted sovereignty of the people. It cannot, however, be considered poltically desirable; for inevitably the question would have arisen whether the people or the Constitution were the sovereign in the state.

This confrontation would also not have been advantageous as far as the institution of the Federal Constitutional Court itself is concerned. An authority which has the responsibility to safeguard the Constitution which, due to its right to review, replaces a decision by elected representatives of the people, must represent itself the general views of a people in order to be recognized. It is a matter of course that a rejection of the Basic Treaty which had just been indirectly approved by the people, would have impaired this recognition."

("Vorwaerts" dated 2 August 1973, Article by Peter Eichenborn, "How to wake up sleeping dogs").

III

III. 1. In its substantive statements regarding the interpretation of the Basic Law as a standard for the Basic Treaty, the Court has illustrated the pertinent provisions of the Basic Law applicable to the interpretation, handling, and expansion of the Basic Treaty, and has thus established restrictions and guidelines for future political actions regarding Germany.

The Court has—true to the precept of its continuous administration of justice "that, among several possible interpretations, that specific interpretation must be selected according to which the Treaty would be valid as far as the Basic Law is concerned" (Page 16 of the opinion given in the judgment)—declared an interpretation of the Basic Treaty to be binding which largely eliminates its ambiguity—and thus one of its most decisive defects.

Thus, the Court has prevented the danger rightfully feared by the opposition that, through the Basic Treaty, the Basic Law and the constitutional responsibility embodied in it are excavated for the purpose of "the accomplishment of the unity and liberty of Germany with free self-determination".

The most important objective of the Bavarian legal action has been achieved with this binding interpretation of the Basic Treaty which is in conformance with the Basic Law.

The judgment may constitute a contribution to the internal pacification in our nation if it is recognized by all political powers bound to the liberal democracy as a joint basis for political actions concerning Germany brought into line with the Basic Law.

The Christian-Democratic Union/Christian-Social Union has immediately—not only from respect for the Federal Constitutional Court, but also from inner conviction—adopted the interpretation of the Court. It was able to do that since this interpretation of the Basic Law as well as the Basic Treaty is by far closer to the demands made by the CDU/CSU of an internal German Treaty than the ambiguous and contradictory interpretations which could be heard from the camp of the coalition.

The judgment pronounced in Karlsruhe becomes a touchstone where the minds will separate.

On 9 August 1973, Radio Moscow has struck the key-note for the discussions to come in the first substantive comment from the Communist side:

Total rejection of the judgement, especially of its supporting observations regarding the identity of the Federal Republic of Germany with the German "Reich" which continues to exist, the fact that Berlin is covered by the Basic Law, the unity of the nation as the unity of the all-German national people, the special relationship between the two nations in Germany, the responsibility of the Federal Republic of Germany for Germany as a whole and all Germans.

Nobody in Germany will now be able to avoid the decision either to advocate the interpretation of the Basic Treaty given, in a binding manner, by the Federal Constitutional Court, and thus a future free Germany according to the model of the liberal democracy in a constitutional state, or to submit to the communist interpretation of the Treaty, and perhaps even to "do the dirty work" for a future communist campaign for unity.

In this case, the dividing line will not be found between coalition and opposition, but within the larger Government party which now will no longer be able to avoid an internal elucidation.

III. 2. In the observations regarding the legal status of Germany, the Court has confirmed the message of the Basic Law and its own jurisdiction up to that date within the meaning of the theory of identity:

"The Basic Law—and not only a thesis of the international law doctrine, and the political law doctrine!—proceeds on the assumption that the German "Reich" has outlasted the fall in 1945 and has not gone down either with the capitulation, or through the exercise of supreme power in Germany by foreign nations in the form of the allied occupational forces, or at a later date . . .

The German "Reich" continues to exist, it continues to possess legal capacity; however, in the absence of an organizational structure, it . . . itself does not have capacity to act as an overall nation.

The idea of the all-German national people and of the all-German supreme power is also "embodied" in the Basic Law.

The responsibility for "Germany as a whole" is—also—borne by the four powers.

(Page 18 of the opinion given in the judgement)

"With the establishment of the Federal Republic of Germany, not only was a new West German nation founded, but a part of Germany was reorganized."

"Thus, the Federal Republic of Germany is not the 'legal successor' to the German

'Reich', but rather, as a nation, it is identical with the nation called German 'Reich'—with reference to the area covered, however, it is 'partly identical' so that, insofar, the identity does not claim exclusiveness" . . .

"It (the Federal Republic) restricts its sovereignty to the 'area covered by the Basic Law' . . ., but also feels responsible for the entire area of Germany" . . .

"At the present time, the Federal Republic consists of the "lands" as mentioned in Article No. 23 of the Basic Law, to include Berlin. . . ."

"The German Democratic Republic is a part of Germany, and in its relationship with the Federal Republic of Germany, it cannot be considered a foreign nation"—(Page 19 of the opinion given in the judgement)

With this, the Federal Constitutional Court counters the Communist position regarding the "fall of the German 'Reich' " and the "creation of two new nations" and the "special political entity of West Berlin" with the position of the Basic Law regarding the legal continuity of the German "Reich" and the identity of the Federal Republic of Germany therewith.

The Law by virtue of which the Federal Republic of Germany has come into existence in 1949 is also confirmed without doubt with respect to those trends in the Federal Republic of Germany which already wanted to shelve the theory of identity and which, in their sickly historical vainglory, felt that they had to "liberate" the Federal Republic of Germany from its all-German responsibility and the continuity of German history.

While the counsel for the Federal Government, Prof. Kriele, representing it in the proceedings regarding the constitutionality with respect to the Basic Treaty, had still agreed, in the oral proceedings on 19 June 1973, with the party bringing the action on the continued existence of the German "Reich", he did object to the theory of identity:

5. "Therefore, the Basic Law does not contain any commitment to the thesis of identity . . ." (Page 18 of the pleadings)

6. The thesis of identity brought forward by the parties initiating the proceedings, therefore, does not constitute valid constitutional law . . . the use of the thesis of identity which has occasionally occurred is "obiter dicta" (of the Federal Constitutional Court) . . ." (Page 36 of the pleadings)

Numerous statements by politicians of the Government coalition show the same tendencies, such as:

Minister President Kuehn (Social-Democratic Party of Germany) in accordance with the minutes taken in the Federal Upper House on 2 February 1972:

"A chapter of German history after the war which was characterized by terms such as 'claim to sole representation', 'Hallstein doctrine' and 'theory of identity', has been concluded".

Vice President of the Federal Diet, Prof. Carlo Schmid on 15 January 1970 in the Federal Diet:

"But none of these nations is identical with the German 'Reich', none is, within the strict sense of the word, the legal successor to the former German 'Reich' ".

Federal Minister of the Exterior Scheel in the German Federal Diet in answer to the question raised by the delegate of the Christian Democratic Union, Dr. von Bismarck, regarding the theory of identity on 29 April 1970:

"The Federal Republic of Germany acted on its own behalf; he did not want to base the manner of proceeding of the Federal Government on a theory, but measure it by the requirements in practice".

With respect thereto, Federal Chancellor Brandt pointed out to Dr. von Bismarck in private:

"This was true; the Federal Government would give up the theory of identity."

III. 3. Above all, the Federal Constitutional Court has also confirmed the precept of reunification laid down in the preamble to the Basic Law in its full legal content, and has, insofar, illustrated the Saar judgement, and the judgement concerning the Communist Party of Germany:

"The reunification is a constitutional precept" . . .

"From the precept of reunification, it follows first of all: No constitutional body of the Federal Republic of Germany may abandon the restoration of the national unity as a political objective, all constitutional bodies are obliged to work toward the achievement of this goal in their political actions—this includes the demand to keep the claim to reunification alive internally, and to persistently advocate it externally—and to avoid doing anything which would prevent the reunification . . ."

(Page 21 of the opinion given in the judgement).

The judgement establishes an inner relationship between the precept of reunification (Sentence 3 of the Preamble to the Basic Law) and the "preservation of the national and political unity" of the German people (Sentence 1 of the Preamble), and it gives a clear content to the precept of reunification; i.e. in view of the open ambiguity regarding the "national issue" in the Preamble to the Basic Treaty:

"The 'national issue' for the Federal Republic of Germany is more concretely the precept of reunification of the Basic Law which is aimed at the 'preservation of the national unity of the German people' ". (Page 31 of the opinion given in the judgment)

Thus, the Court again puts primary emphasis on a clear-cut constitutional category, the national unity, as against all those tendencies which speak of German unity only in more and more vague political terms such as "unity of the nation" any more. According to this judgement, there is no switching-over any more to an indefinite political term of a "German nation" or even to the non-political term of the cultural nation.

The Court expressly emphasizes:

"The clear legal position of any Government of the Federal Republic of Germany is:

"We have to proceed on the assumption of the existence of a Germany as a whole with a German (overall) political people and an (all-) German supreme power.* If, today, one talks about the "German nation" which constitutes one bracket for Germany as a whole, then there are no objections to that if this is also understood to mean a synonym for the "German political nation", i.e. that specific legal position is adhered to, while a different formula is used merely for political considerations.

"If, however, only the concept of a linguistic and cultural unit existing in the minds of the people was hidden behind this new formula of a "German nation", then this would legally constitute the abandonment of a legal position which we cannot give up.

"The latter would be contrary to the precept of reunification as an objective which must be aspired by the Federal Government with all permissible means". (Page 22/23 of the opinion given in the judgment)

Numerous statements made by circles of the Federal Government and the Government coalition can no longer be brought into line with these unequivocal observations by the Federal Constitutional Court which, during recent years, have entailed the danger that the political terms and objectives concerning Germany would vanish in the fog of non-commitment:

Thus for example:

Federal Chancellor Brandt in the New Times dated 29 April 1973:

"The realization and the acceptance of the realities which were left behind by the Second World War which was started by Hitler and lost by Germany was—like the fulfillment of many a requirement—a painful act of liberation. Before the Moscow and Warsaw Treaties, the German contributions to the Quadripartite Agreement on Berlin and the Treaty which normalizes our relations with the second German nation, an unjust reservation was imposed on all our political actions that the Germans might try in the end after all to subject the tragic history of this century to highly questionable review proceedings. We have put an end to this illusion. Perhaps, we have thus liberated ourselves from the burden of a "special" fate and have finally become what we want to be: a proper European nation the inhabitants of which know that the world is tired of being confronted, generation after generation, with the torment of a "German issue" articulated differently in each case.

III. 4. The Federal Constitutional Court warns of an inadmissible abandonment of a legal title, and of the disregard of the positions of the Basic Law governed by constitutional law as mentioned above:

"The political responsibility therefor (for assessing the chances of a political decision) rest solely with the political authorities.

A restriction which must, however, be illustrated, defined, and—if required—enforced by the Federal Constitutional Court, exists in the legal and constitutional nation of the Federal Republic of Germany in that the Constitution prohibits that the Federal Republic of Germany renounce a legal title (a legal position) under the Basic Law by means of which it is able to work toward the realization of the reunification and self-determination, or create a legal title which is inconsistent with the Basic Law, or take part in the establishment of such a legal title which can be put in the way of its efforts to achieve this objective. . .

One can . . . put up with the realities politically. The Basic Law demands, however, that insofar no legal title laid down in it be abandoned which could, now or later, provide a reason for the enhancement of the efforts to bring about a reunification. Accordingly, the same applies if the case is reversed: Political actions may turn out later on to have been "calculated wrong", and the Federal Republic of Germany might be politically reproached by others regarding its efforts to effect a reunification; these facts on which the Federal Constitutional Court does not comment with one single word differ significantly from the others where the Federal Republic of Germany is instrumental in a legal instrument which others would be able to put in its way in its efforts to bring about a reunification." (Page 21/22 of the opinion given in the judgment.)

The deprecatory statements concerning "legal terms stuff" which Federal Chancellor Brandt is said to have made, do not go with this observation of the Court.

Federal Chancellor Brandt in Oslo on 10 December 1971 (Bulletin of 13 December 1971):

"I said real situation. One does not realize this if one falls victim to self-deception or mistakes politics for jurisprudence."

III. 5. The Court warns particularly of neglecting the constitutional basis for the legal continued existence of Germany as a whole, and the political efforts to achieve a reunification based thereon, and only to gear it any more to the responsibility of the Four Powers as a last bracket under international law.

"The same (renunciation of legal positions contrary to the Basic Law) would apply if the reference to the responsibility of the Four Powers for Germany as a whole would mean that this alone would constitute a (last) legal bracket for the continued existence of Germany as a whole; it is only constitutional—as it is also understood by the

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*As presupposed in the Basic Law, and "embodied" in it.

Federal Government itself—that it forms a further legal basis for the efforts of the Federal Government to achieve a reunification, i.e. a basis "under international law" besides the one "under constitutional law".

(Page 23 of the opinion given in the judgement)

While the Court exempts the Federal Republic from such a reproach, this seems to have been done more with the intention to commit the Federal Government to this position.

The observation of the Court, however, is objectively required since some statements at least create the impression as if Germany only existed as an "allied reservation" any more.

IV.

In the course of the legal valuation of the Basic Treaty itself by virtue of the political standards of the Basic Law regarding Germany, the Court has established numerous road markings for the interpretation, handling, and expansion of the Basic Treaty.

IV. 1. In the opinion of the Court, the Basic Treaty does not constitute an agreed "modus-vivendi-treaty", "no action which can be corrected at will", but "a basis for political actions designed for long-term effectiveness (without any time limit and any provision regarding termination)", a "historic throwing of switches on the basis of which it is intended that the relationship between the Federal Republic of Germany and the German Democratic Republic be reshaped". For the "legal elaboration on the new co-existence and co-operation of the two nations" required on the basis of this Treaty (cf. Article 7 of the Treaty), "constitutional restrictions" for the later "expansion" of the Treaty are laid down in the judgement already now. In addition, any subsequent agreement will—as it is expressly pointed out by the Court—have to be reviewed as to whether it is not only in accordance with the Basic Treaty (in the interpretation of the Basic Treaty as contained in the judgement) but also in accordance with the Basic Law.

IV. 2. The Court attaches particular value to the observation that the treaties which have been concluded in the past are not affected by the Basic Treaty (Article 9).

In this connection, it quotes Article 7 of the Treaty on Germany of 1952/54 according to which the Federal Republic of Germany, as well as the Federal Republic of Germany and the Three Powers are, as before, obliged to make a joint effort "in order to realize their joint objective with peaceful means: a reunited Germany which possesses a liberal-democratic constitution similar to that of the Federal Republic of Germany, and which is integrated into the European community".

With that, the Court subjects the Basic Treaty to the decision, on principle, of the German and Western political actions after the war toward a reunification of Germany under a liberal and European omen.

The judgment also puts the "document regarding the German unity" into this context:

"This document which must be understood in the light of the constitutional situation as described above, and the contractual obligation under Article 7 of the Treaty on Germany undertaken at an earlier date which was quoted above, only confirms that which ensues from the interpretation of the Treaty itself:

. . . For the Federal Republic of Germany, the "national issue", in more concrete terms, consists of the precept of reunification of the Basic Law which is aimed at the "preservation of the national unit of the German people . . ."

The observations of the Court regarding Article 23 of the Basic Law "which has neither become out of date due to the political developments, nor has it become obsolete for any reason, (but) continues to apply unchanged", point in the same direction of a political platform aimed at a liberal reunification (Page 36 of the opinion given in the judgment).

The judgment stipulates in this connection:

"Article #23 of the Basic Law says: This Basic Law, for the time being, applies within the area of the "lands" . . . . . In other portions of Germany, it shall be put into force after their accession. It is obvious that this provision is directly connected with the precept of reunification. But this it not the important issue in this case. The provision has its own significance and belongs, according to its contents, to the central regulations which give to the Basic Law their special character. It says that this Federal Republic of Germany regards itself as incomplete as far as its territory is concerned that it is obliged, by virtue of this constitutional provision, to do everything required therefor on its own as soon as this becomes feasible, and as soon the preparedness of other portions of Germany to accede exists, and that it will only be "completely" that which it desires to be if the other portions of Germany belong to it. This "legal openness" toward the desired addition specifically consists of the fact that it, the Federal Republic, is the sole legal master of the decision regarding the admission of the other parts so soon as they have decided to accede. Consequently, this provision prohibits the Federal Government from becoming, as a result of a treaty, subject to a dependence according to which it is no longer legally able to realize the integration alone, but only in agreement with the party to the Treaty . . . ."

(Page 35 of the opinion given in the judgment.)

This integration of the other portions of Germany into a free German nation which must remain legally possible also after the Treaty has been put into force, constitutes the legal position to be observed as a general principle which must be held against the political conception of the German Democratic Republic that a unification would only be possible in a Communist German nation of the future. (Page 37 of the opinion given in the judgment.)

On account of these three determinations, the judgment demands of an active reunification policy which is consistent with the Basic Law and the Basic Treaty (in the interpretation given in the judgment) that it be aimed at achieving an all-German nation on the basis of the model of the liberal order of the Federal Republic of Germany which is integrated into the European community.

Any concluding of pacts in the fashion of the "people's front" with the "reunification campaign under the red flag" to be expected from East Berlin would thus be inconsistent with the Basic Law and the Basic Treaty (in the interpretation of the Court).

Thus a reunification according to the "Yugoslav model" or the Bahr model of a neutralistic Germany as a whole which would have to withdraw from the European integration would be just as contrary to the Basic Law.

Thus, Egon Bahr had stated during an interview on 4 June 1970:

Gaus. Why is it that important for you to achieve the national-political reunification at the end of this long-drawn-out, step-by-step process? Why?

Bahr. I do not expect that there will be a European Federal State up to then in which the identities of the nations are dissolved.

Gaus. And you would not actually want that; haven't you secretly always considered de Gaulle to be a bliss?

Bahr. I regarded him as a realist with respect to this issue.

Gaus. Let us assume that you would have the choice between the Europe of the national-political individual countries and the Europe which has left the national unities behind, let us assume, as regards the sentimental value of which you have said that the full-fledged political person needs it, and which might be inherent in one or the other, would you decide for the national-political solution?

Bahr. Yes, of course, since it includes the immense progress toward Eastern Europe and the Eastern European nations, while, in the other case, I am afraid—this might not be true, but I fear—that the other one could only be obtained by paying the price of turning away.

Gaus. You believe that Eastern Europe would be unable to go along on the other course?

Bahr. Yes.

On 29 January 1973, Herbert Wehner stated in the "Augsburger Allgemeine" that "an approximation of the social orders of the Federal Republic and the German Democratic Republic might be possible as a consequence of the effects of the Basic Treaty".

IV. 3. In a negative respect, the judgement—as a logical consequence—prohibits the recognition, under international law, of the German Democratic Republic by the Federal Republic of Germany:

"Within the meaning of international law, the German Democratic Republic is a nation and as such subject to international law. This observation is independent of a recognition, under international law, of the German Democratic Republic by the Federal Republic of Germany. Not only has the Federal Republic of Germany never formally pronounced such a recognition, but—on the contrary—has expressly refused to do so on repeated occasions. If one considers the manner of proceeding of the Federal Republic of Germany in the course of its policy of easing of tensions as regards the German Democratic Republic, and particularly the conclusion of the Treaty, as a factual recognition, then it can only be understood as a factual recognition of a special nature."

"It is the special character of this Treaty that it is, it is true, a bilateral Treaty between two nations, to which the regulations of international law apply, and which possesses the validity that any other Treaty under international law has, but between two nations which are portions of a comprehensive nation of Germany as a whole—which is still in existence, even if it is unable to act because it has not yet been reorganized—with a uniform national people the borders of which need not be exactly defined at this point.

This brings about the special legal proximity in which the two nations are to each other; as a logical consequence, the provision in Article 8 results therefrom under which both nations do not exchange ambassadors, but permanent representatives at the seat of the particular Government . . . ." (Pages 27/28 of the opinion given in the judgment).

With this observation in principle, the Court opposes all tendencies to recognize the German Democratic Republic either directly or in an implied manner under international law.

Certainly, the demand of the Young Socialists during the Federal Convention of Young Socialists in Munich in 1969 was inconsistent therewith:

"The Federal Government must make it clear that it recognizes the German Democratic Republic under international law. . ."

These considerations are inconsistent with the refusal, as a matter of principle, to recognize the German Democratic Republic by the Federal Republic under international law as had been emphasized by the Court, that with the release of the international consolidation of the German Democratic Republic by the Federal Republic of Germany the ground might, in the final analysis, be cut from under the policy of non-recognition, which constitutes a development which was no longer precluded by Wehner already in 1970:

"I have held that the recognition under international law is not an absolute matter, that we must bring about a situation in which it might, by all means, be conceivable that we might modify or completely change this non-recognition." (Spiegel, 26 January 1970).

For the political actions in practice, this determination of the Court will gain acute significance already in the near future:

On the one hand, agreements are not indicated in the impending negotiations with the German Democratic Republic on the establishment and the legal status of the mutual "Permanent Representations" which might permit the assumption that the German Democratic Republic is recognized, in an implied manner, by the Federal Republic of Germany under international law, such as, for instance: Accreditation of the "authorized representatives" with the head of the state; integration into the diplomatic categories of the Vienna Convention on Diplomatic Relations; inclusion in the list of the Diplomatic Corps; addressing as ambassador, etc.

On the other hand, it is a consequence of the non-recognition policy demanded by the Court that the Federal Government is obliged to prevent, in this respect, undersired results of the simultaneous accession of both nations to the United Nations beyond all doubt by means of a declaration of reservations that this does not constitute a recognition, under international law, of the German Democratic Republic by the Federal Republic of Germany.

IV. 4. The qualification of the inner-German border as a border, under constitutional law, between two nations is particularly noteworthy in the judgement, the 'peculiarity' of which it is that they exist on the basis of the nation 'Germany as a whole' which is still in existence." (Page 32 of the opinion given in the judgement)

". . . one must proceed on the assumption that Article 3 Par. 2 of the Treaty contains a new and additional (to the Moscow Treaty) recognition, under the Treaty, of the border between the Federal Republic of Germany and the German Democratic Republic, and that it guarantees this border constitutively. In the qualification as set forth above (and only in this qualification) it is consistent with the Basic Law."

(Page 34 of the opinion given in the judgment)

In view of this clear observation, it must be considered as being disquieting when Mr. Bahr talks of "quite a normal border between the Federal Republic of Germany and the German Democratic Republic" just like between other nations.

These determinations—qualification of the border and the prohibition of the recognition, under international law, of the German Democratic Republic—also prohibit it that the German Democratic Republic be treated as a foreign nation in subsequent treaties.

This concerns particularly the following:

Agreements regarding the trade (the judgment itself already prohibits expressly that "the trade between the Federal Republic of Germany on the basis of the existing agreements as referred to in the additional minutes supplementing Article 7, #1, must not become foreign trade in the course of the continued development, i.e. no customs border must be agreed upon in this area.") (Page 43)

Regarding the postal and communications agreement as provided for in the additional minutes supplementing Article 7, #5, no agreement can thus be concluded either which would make postal traffic a foreign traffic.

Insofar, it is surprising why the Court has not dealt, as a matter of consequence, with the conclusion of a postal and communications agreement on the basis of the statutes of the Universal Postal Union (UPU) and the International Communications Treaty (UIT) as provided for in the "correspondence regarding postal and communications matters" and in the additional minutes supplementing the Basic Treaty (to Article 7, #5), which—if it were brought about without appropriate reservations—would make the inner-German postal and communications traffic a foreign traffic.

Section 11 of the Transportation Treaty dated 26 May 1972 between the Federal Republic of Germany and the German Democratic Republic will yet have to be examined in this connection by virtue of which both nations have joined the International Conventions regarding the Railroad Passenger and Baggage Transportation (CIV) and regarding freight transportation (CIM) and have made their bilateral railroad traffic subject to these international agreements which are applicable to foreign traffic.

IV. 5. Without special emphasis, the Court objects—in connection with its observations regarding the legal status of Germany—to legally excluding Berlin from Germany, and to the creeping consumption of the vital ties of West Berlin to the Federal Republic of Germany.

In an imploring manner, it reminds all constitutional bodies of the position of Berlin which, up to date, has been jointly maintained:

"The Treaty does not change the legal situation of Berlin as it has, at all times, been defended by the Federal Diet, the Federal Upper House and the Federal Government, the "Lands" of the Federal Republic and the Federal Constitutional Court jointly by making reference to the Basic Law. The Basic Law obliges all constitutional bodies within the Federal Government and the "Lands" also for the future to assert this legal position without restriction, and to advocate it. It is only in this context that the statements of both sides with respect to Berlin (West) can be interpreted and understood." (Pages 40/41 of the opinion given in the judgment)

As far as the political application in practice is concerned, and especially as regards the subsequent agreements to the Basic Treaty, it is, besides this strict adherence to the legal positions of the Basic Law with respect to Berlin, the ensuing "obligation, under the Basic Law, of those bodies acting on behalf of the Federal Republic of Germany" "to insist, with any convention and with any agreement concluded with the German Democratic Republic which, according to their contents, could be extended to include the "Land" of Berlin and its inhabitants, that they be extended to include Berlin, and only to to conclude these if the legal status of Berlin and its inhabitants as compared to the legal status applicable within the purview of the Basic Law—subject to the allied reservation applicable to Berlin, and "in accordance with the Quadripartite Agreement dated 3 September 1971"—is not curtailed." (Page 41 of the opinion given in the judgement)

As a particularly rigid consequence, the Court permits an interpretation of the Basic Treaty only to the extent that the margin of discretion ("There is an understanding that it can be agreed upon in each particular case that those conventions and arrangements as provided for in the additional minutes supplementing Article 7 be extended to include Berlin (West)") as granted to the parties to the Treaty in the correspondence re the Basic Treaty (on the extension of subsequent agreements to include Berlin (West)) is understood to mean "an obligation under the Basic Law", a "must" for all Federal bodies.

With that, the damage to Berlin to be feared as a result of one of the decisive defects of the Basic Treaty has been prevented to the extent that this is possible within the scope of the interpretation of a Treaty. The complaisance as regards the Communist pressure which was displayed during the Berlin negotiations and during the negotiations with respect to the Basic Treaty by the chief negotiator of the Federal Government now meets with a constitutional barrier which the Court felt a particular necessity to remind us of.

Just as significant is the express obligation, under constitutional law, of the "Land" of Berlin by the Court to make use of the possibility of "agreements between the German Democratic Republic and the Senate" as granted in Para. 3 of the declaration by both sides regarding the extension of subsequent agreements to include Berlin (West) only in such a manner which is consistent with the provisions of the Basic Law.

This obligation was all the more necessary since, with these direct special agreements between the Berlin Senate and the German Democratic Republic which have express precedence of the subsequent agreements between the German Democratic Republic and the Federal Republic of Germany ("remain unaffected"), the extension of subsequent agreements between the Federal Republic and the German Democratic Republic to include West Berlin which had been considered possible, could have been thwarted.

The Court was not able, it is true, to gain back everything that the negotiator of the Federal Government "paid"—in view of the elections for the Federal Diet—at the expense of Berlin for the accelerated conclusion of the negotiations regarding the Basic Treaty. It has, however, still done everything in its power in order to stem off any further infringements on the status and the association of the "Land" of Berlin with the Federal Republic of Germany. Not only the opposition which has always pointed out the inexcusable neglect of Berlin's interests in the Basic Treaty, but also the Federal Government and the Senate of Berlin, let alone the Berliners should be grateful therefor to it.

IV. 6. The gratifying clarification of the legal status of Germany by way of the judgement finds its equivalent regarding the legal status of individuals with reference to which the Court makes legally binding observations regarding questions of citizenship and the obligation of the Federal Republic of Germany to provide for the welfare of all Germans within the meaning of the Basic Law which are just as gratifying.

The Court did not settle for the statement of the Federal Republic of Germany in the minutes "that matters concerning citizenship had not been provided for in the Treaty", and the assertion incorrectly made by the Federal Government that thus the issue of citizenship would not be affected at all by the Basic Treaty.

On the contrary: the Court confirmed the all-German citizenship of all Germans within the meaning of the Basic Law as referenced in Articles 16 and 116 of the Basic Law, no matter in which "portions of Germany" they resided. It unequivocally prohibits a curtailment of this German citizenship to the inhabitants of the Federal Republic, and particularly does not permit a curtailment of the legal status of the Germans residing in the German Democratic Republic.

The Court observes, by way of a warning:

"If the Treaty would have to be understood to mean that the inhabitants of the German Democratic Republic within the purview of the Basic Law can no longer be treated as Germans within the meaning of Article 16 and Article 116, Para. 1, of the Basic Law, it would clearly be contradictory to the Basic Law.

Therefore, in order to be in concurrence with the Constitution, the Treaty requires the interpretation that, also in this respect, the German Democratic Republic had not become a foreign country for the Federal Republic of Germany after the Treaty has been put into force. (Pages 38/39 of the opinion given in the judgment).

Thus any considerations being entertained by Mr. Egon *Bahr*—should they be realized—have already, as a matter of precaution, been made subject to the verdict of being inconsistent with the Basic Law.

During a press interview with the State Secretary of the German Democratic Republic, Mr. Kohl, Bahr had stated in East Berlin on 21 December 1972:

"For me, that is not a foreigner. But for me, it is a permanent resident of the German Democratic who is subject to the civil rights of that nation and whom we cannot claim under our civil rights."

(Press report by the Federal Press Office dated 22 Dec. 1972)

It was with just as much gratifying clearness that the Court has drawn the conclusion from this observation under constitutional law that the Basic Treaty must not mean any restriction of the obligation, under the Basic Law, of the Federal Republic of Germany to provide for the care and welfare of all Germans within the meaning of the Basic Law, nor must it ensue therefrom.

"The Treaty, furthermore, requires the interpretation that—notwithstanding any provisions regarding the citizenship status in the German Democratic Republic—the Federal Republic of Germany will treat any inhabitant of the German Democratic Republic who comes into the area protected by the Federal Republic of Germany and its Constitution, as a German like any citizen of the Federal Republic in accordance with Article 116, Para. 1, and Article 16 of the Basic Law. He therefore enjoys, to the extent that he comes into the purview of the Basic Law, also the full protection of the courts of the Federal Republic and all guarantees of the basic rights under the Basic Law, to include the basic right under Article 14 of the Basic Law. Any curtailment of the protection, under constitutional law, which is granted by the Basic Law, by means of the Treaty or an agreement for the expansion of the Treaty, would be inconsistent with the Basic Law.

It ensues from the special nature of the Treaty as described that the Treaty also is not inconsistent with the obligation imposed upon the Federal Government under the Basic Law to afford all Germans within the meaning of Article 116, Para. 1, of the Basic Law protection and welfare. It is, as before, authorized, within the purview of the Basic Law,—through all their diplomatic representations, and in all international bodies of which it is a member—to raise its voice, to assert its influence, and to advocate the interests of the German nation, for the protection of the Germans within the meaning of Article 116, Para. 1, of the Basic Law, and also to render assistance to each individual one of them who appeals to an agency of the Federal Republic of Germany with the request for effective support in defending his rights, particularly his basic rights. In this area, no legal distinction will exist also in the future for the Federal Republic of Germany between the citizens of the Federal Republic of Germany and "the other Germans"."

Thus, the Court rejects, with commendable clarity, the abstinence advocated by the Federal Government with respect to their obligation to provide for the welfare as regards the Germans in the German Democratic Republic.

IV. 7. If the Federal Government felt that, in consideration of their "normalization policy" as regards the Communist nations which was formulated and carried out in a peculiar manner, they had to interpret their obligation, under the Basic Law, to provide care and welfare for all Germans in a restrictive manner, in order to prevent inconvenient interferences with their "policy of easing of tension", they had to actually submit to a distinct correction by the Federal Constitutional Court.

With its pertinent interpretation of the Basic Treaty, the Court even goes beyond what has been said so far (IV.6.).

The dimension of the precept of reunification, under the Basic Law, and the obligation, under the Basic Law—which is in accordance therewith—of all governmental power of the Federal Republic of Germany to provide for the welfare as regards Germany as a whole and all Germans, is expanded by the Court to constitute an obligation under the Basic Law, and brought up to date, not to do anything, or to permit anything to be done, in connection with the handling and expansion of the Basic Treaty, which could restrict the personal freedom of the inhabitants guaranteed by the basic rights catalog of the Basic Law, but, on the contrary, to do everything in order to activate the public awareness for the debate concerning a liberal Germany of the future.

The Court prohibits—as it states—"for example":

"The postal and communications agreement as provided for in the additional minutes supplementing Article 7, #5, must not contain, either for the Germans in the Federal Republic of Germany or for the Germans in the German Democratic Republic, a curtailment or "relaxation" of the guarantee of the sanctity of letters, the mails and communications (Article 10 of the Basic Law), or a restriction of the free exchange of opinions and information not provided for in Article 5 of the Basic Law." (Page 42 of the opinion given in the judgement).

"The Basic Treaty must not serve as a legal basis for stopping, through appropriate legal or administrative measures, radio and television transmisisons which are undesirable to the German Democratic Republic, and thus restricting the freedom of thought and speech in the Federal Republic of Germany which is guaranteed by the Basic Law."

(Pages 42/43 of the opinion given in the judgment).

"The same shall apply to the basic right of the freedom of association. The formation of associations which are undesirable to the other side on account of their program can . . . also not be curbed. . . ." (Page 43 of the opinion given in the judgment)

"By the same token, the Treaty must not be understood to mean that it releases the Federal Government and all remaining bodies in the Federation and the 'Lands' of their constitutional obligation to keep the public awareness alive not only as far as the existing commonness is concerned, but also regarding the question which are the ideological, political and social differences that exist between the rules of life and the legal order of the Federal Republic of Germany and the rules of life and the legal order of the German Democratic Republic. Any attempt to restrict the Federal Republic of Germany in this area in its freedom and its constitutional advocating of the interests of the liberal-democratic basic order by maintaining that it violates the content and the spirit of the Treaty, and that it interferes with the internal affairs of the German Democratic Republic, i.e. that it acted contrary to the Treaty, constitutes itself an inconsistency with the Treaty." (Page 44 of the opinion given in the judgment)

"Finally, it must be evident that the measures presently being practiced at the border between the Federal Republic of Germany and the German Democratic Republic, i.e. the wall, barbed wire, death patrols, and firing order, are downright inconsistent with the Treaty." (Page 44 of the opinion given in the judgment)

Compared to these clear demands made by the Court of the Basic Treaty and of a policy regarding Germany which is in concurrence with the Constitution, the appeasement attempts of the Federal Government towards their partner to the Treaty, and the accompanying music of their journalistic helpers have an almost miserable and depressing appearance.

The Federal Government has their State Secretary in the Federal Chancellery, Mr. Grabert, think out loud about how one could, would be allowed to, and would have to provide assistance to the Germans behind the wall and barbed wire in order to escape, and thus gives the cue to the potentates of the German Democratic Republic for extortionary demands on account of the alleged "improper use of the means of transit".

Federal Minister Bahr defames the demand for abolition of the firing order as being "unrespectable". (WELT, 17 July 1973)

Delegates of the Social-Democratic Party of Germany to the Federal Diet demand the discontinuance of the transmissions by "Radio Free Europe" and "Radio Liberty", as well as intervention, on the part of the Government, regarding the transmissions by the "Broadcast Germany" and the "German Wave-Length", to include the withdrawal of the financial assistance for expellee associations and other organizations.

The Federal Government has restricted to an increasing extent, the objective studies and analyses regarding the division of Germany, and the unjust conditions prevailing in the German Democratic Republic, and has refused to submit, on the occasion of the accession of both nations to the United Nations, a memorandum on the violation of the human rights in the German Democratic Republic.

V

In making an overall assessment of the judgement, it is futile, in view of these contradictions, to ask who are the winners and the losers in the proceedings regarding the conformity of the Basic Treaty with the Constitution (Basic Law).

The restrictions under the Constitution, and the guidelines contained in the judgement, which were established by the judgement concerning the interpretation, handling, and expansion of the Basic Treaty, make it clearly subject to the demands set forth in the Basic Law, and give binding outlines to the future policy regarding Germany within the meaning of a liberal democracy and a constitutional nation. The continuity of the status of Germany as a nation has been defended in the judgement just as much as the identity of the Federal Republic as the responsible supporter thereof, and as the model for a future free Germany as a whole.

The erosion of the German nationalism threatening in the past few years, and the lapsing of Germany into a shapeless cultural nation and consumer association have been contrasted by clear constitutional and political "categorical imperatives."

The policy of a Germany consisting of two nations which has irrevocably been effected by Mr. Brandt and Mr. Bahr, has been declared as being consistent with the Basic Law only on condition that it does not forsake the foundation of the status as a nation of Germany as a whole which is still in existence, that it pursues, with all available means, the tying-together of both parts of Germany as "two nations in Germany" by means of expanding the "special inner-German relationship" which can only be found in the Basic Law in conventional remainders and first beginnings any more, and that it keeps its eye on the objective of achieving a free Germany as a whole according to the model displayed by the Federal Republic of Germany.

On the basis of this judgement, the constitutional nation and its constitution has won as the foundation and legal criterion of the political actions. The liberal-democratic and European tendency of German constitutional development has won.

Insofar, the judgement issued by the Federal Constitutional Court, and the interpretation of the Basic Law and the Basic Treaty contained therein, might serve as a joint platform for all those political powers in Germany who feel bound to the Basic Law, i.e. the principles of the liberal and constitutional democracy, and who are prepared to advocate a political course leading to a future free Germany. With respect to defending the judgement pronounced at Karlsruhe against the attacks by the Communists and their illusory helpers and hidden stooges which have already been initiated, the minds will part.

Bonn, 14 August 1973.

(Translated by Helga Mayorga, B.A.)

ON THE IMPEACHABLE OFFENSES OF RICHARD NIXON

Mr. MONDALE. Mr. President, on November 27, Mr. Joseph A. Califano, Jr., addressed the District of Columbia Chapter of the Federal Bar Association. Mr. Califano's address was entitled "On the Impeachable Offenses of Richard Nixon."

Mr. Califano is a highly respected lawyer, an active member of the Democratic Party, and a distinguished American. He is a graduate of Harvard Law School and is currently practicing law in Washington, D.C. His service to the Democratic Party included serving as general counsel to the Democratic National Committee. He has served his country in many capacities. From 1965 to 1969, for instance, he served as special assistant to President Lyndon Baines Johnson.

Mr. Califano's broad experience in government, in politics, and in law uniquely qualifies him to speak to the subject of his Federal Bar Association address.

Although, as a potential juror in a Senate impeachment trial, I have refrained, and will continue to refrain, from passing judgment on the impeachability of the President, it is a subject much on the minds of the Members of this body and of the American people.

Given the timeliness of the topic and the scholarly nature of Mr. Califano's address, I believe many Members of the Senate and many readers of the Record will pause to consider Mr. Califano's presentation.

I ask unanimous consent that Mr. Joseph A. Califano, Jr.'s, speech entitled "On the Impeachable Offenses of Richard Nixon" be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Address by Joseph A. Califano, Jr., on the Impeachable Offenses of Richard Nixon

Any discussion of the impeachable offenses of Richard M. Nixon must begin with the Constitution of the United States. Article II, Section 4 provides that "The President . . . shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." Under Article I, Section 2, the House of Representatives has "the sole Power of Impeachment," and must, by majority, vote Articles of Impeachment. Those Articles are then sent to the Senate which, with the Chief Justice of the Supreme Court presiding, sits as a one hundred man jury, with a vote of "two-thirds of the Members present" necessary for conviction. But Impeachment is not necessarily the end of the road for the President: Article I, Section 3 specifically provides that "the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law."

In treatises on impeachment, the House is often analogized to a criminal grand jury with a duty to indict on the basis of "probable cause;" the Senate is compared to a petit jury, voting guilty only if convinced "beyond a reasonable doubt." Any intelligent discussion of impeachment must note the parallels between the criminal judicial process and impeachment. But any such analysis must recognize the sharp difference in forums between a court and the Congress. Just as the Founding Fathers carefully tried constitutionally to insulate criminal court proceedings from political pressures, they deliberately placed impeachment proceedings right in the middle of the political process. In a very real sense, impeachment is a political proceeding with sufficient judicial trappings to assure the basic elements of fairness, not a judicial proceeding with some political ramifications.

This is not to say that an impeachment proceeding should be a partisan romp. The constitutionally shaped politics of impeachment are essentially apartisan. They are very much founded in the deep American tradition that an informed electorate will set some minimal standards of political decency and morality as a continuing condition of maintaining the legitimacy of electoral power as Chief Executive of the United States—and prod its elected representatives to action where that condition is not met. Indeed, the Constitutionally mandated impeachment responsibilities of the House and Senate were undoubtedly designed to give the suspect President and the constituent citizens full benefit of a politically informed judgment by Representatives and Senators, who are personally familiar with and subject to the election process.

The political nature of impeachment is recognized by all parties to the present proceeding, from Richard Nixon in the White House to the lowest ranking majority and minority members of the House Judiciary Committee. The initial expression of the politics of impeachment in the House Judiciary Committee was evidenced by the party line to give subpoena power to the Chairman. At a much more profoundly democratic (and non-partisan) level, however, the politics of impeachment began with the thousands of telegrams, letters, and phone calls from housewives and their blue collar husbands, from matrons and their professional spouses, from blacks and whites, from secretaries and socialites, in the wake of the Cox-Richardson-Ruckelshaus purge. These messages charged the latent batteries of Congressional anxiety and reflected a constituent concern more deeply shared by American citizens than most Congressmen realized and certainly more sharply expressed than the President and his White House staff anticipated. Even Richard Nixon is likely to admit today that he blew the fuse of American public opinion with the "Saturday-night massacre;" what neither he nor the Congress may have realized was that the circuit of American political tolerance was already overloaded when he pulled the switch on Cox, Richardson and Ruckelshaus. It may not have been the act of Presidential self-electrocution hoped for by the American left; but it certainly jolted the House into action.

Perhaps, more than any other factor, the bruising impact of the American constituents on their Congressmen and Senators most clearly distinguishes impeachment proceedings by the House and the Senate from criminal juries. As a nation we go to great lengths to insulate our grand and petit juries from outside pressures. By contrast, the Founding Fathers deliberately put the President's fate in impeachment proceedings in the hands of that branch of government most sensitive to constituent concerns, particularly by placing the initial "probable cause" stage in the House of Representatives, each of whose members must go to the people every two years to remain in office. Moreover, unlike judges and juries who often recuse themselves or are excused for prejudice or conflicts of interest, there is no such disqualification in the House or Senate. The most avid Nixon hater and the most uncritical Nixon admirer have a duty to vote on the impeachment issues.

Richard Nixon appreciates the political aspect of impeachment. We do not have to accept Majority Leader Thomas P. O'Neill's pejorative characterization of the President "currying favor" with the jurors to recognize that the Nixon meetings with Congressmen and Senators are quite frankly and legitimately designed to influence the impeachment jury. Moreover, the present round of speeches and press conferences are obviously designed to defuse the constituents who so charged up the Congress three weeks ago; indeed they are shrewdly calculated to persuade southerners, in recognition of the political reality that Southern Democrats may well hold the balance of power in any impeachment vote in either the House or the Senate.

The Founding Fathers placed the impeachment process in the hands not only of a politically sensitized branch of government, but also of a politically expert one. The House and Senate are about as blue ribbon politically as juries could be. In one sense, the Congress is likely to have a better understanding of and high tolerance for political activity which may be unsavory and undesirable, but is not impeachable. This may help Mr. Nixon. In another sense, however, they will understand better than most of us how political leaders operate—and this may hurt him. The political leaders in the Congress are more likely than most citizens to conduct impeachment proceedings in the context of a realistic understanding of what it takes to succeed in politics—particularly the enormous need for attention to detail.

Presidents from Washington through Nixon have had different personalities: some have been outgoing, others introverted; some ideological, others pragmatic; some interested only in broad policy, others concerned with the day-to-day operations of government. But every successful American politician, and Presidents are the most successful, like successful lawyers, businessmen and doctors, makes his own decisions and pays close attention to details. By this I mean more than a statement than "the buck stops here," that full responsibility for Bay of Pigs disasters rest at the top or that Vietnam wars, like any others, are waged by Commanders-in-Chief. Whether a President has the publicly seductive style of John Kennedy, the overbearing intensity of Lyndon Johnson or the introverted insecurity of Richard Nixon, he will personally direct every move on major issues, particularly when those moves could decisively affect the marrow of his contemporary political career and historical judgments on the long term value of that career. Thus John Kennedy was involved minute by minute in the desegregation of the University of Mississippi and was so deeply concerned about his 1964 reelection that he went to Texas to try and heal local political scars. Lyndon Johnson followed major legislative proposals which bore his name, witness by witness through Committee hearings, and congressman by congressman during debate on the House floor. Kennedy was not misled by bad advice when there was death and violence on the campus at Oxford, Mississippi. Johnson was not misled by bad advice when he lost the D.C. Home Rule discharge petition on the House floor. Each man was deeply involved in the tactical discussions and decisions relating to the dramatic events.

And Richard Nixon is not misled by bad advice, or unaware of what his closest aides do. Reasonable men may doubt his advance involvement in the DNC Watergate bugging and burglary; they must recognize that he would have been unworthy of his political success if he were not deeply involved in everything that followed the capture of the burglars on June 17, 1972.

Every one of those presidents was intimately involved on a daily basis with his closest staff members—and those members do not act on their own authority in matters intimate to the President. The concept of a White House staff is that a President is entitled to a group of people whose loyalty runs only to him, not to the Congress and not to constituent pressure groups which often vie for the attention of cabinet and agency heads. Even granting that Lyndon Johnson was much more involved in the minutia of American government than Richard Nixon, it is inconceivable to me that Richard Nixon has not been involved in every aspect of the Watergate scandals since June 17. I do not believe that Ronald Zeigler or Gerald Warren could brief the press without clearing their statements with Richard Nixon directly. My own hunch would be that an analysis of the Presidential logs of Mr. Nixon would show that Mr. Zeigler or Mr. Warren, or whoever was doing the press briefing on a particular day, checked either that day or the night before with Richard Nixon to find out what to tell the White House press corps. A playing of each day's tapes would show the President much more aware of the details of what his press secretaries say than most citizens realize.

This is particularly true where what is at stake is the very continuation of Mr. Nixon's Presidential career. For what Watergate and its surrounding events involve is Mr. Nixon's place in history, Mr. Nixon's personal reputation, and whether he will be convicted of a crime or impeached, remembered as the man who opened the door to China or as the man who headed the most corrupt administration in the history of the free world. Even White House aides as apparently trusted as Messrs. Haldeman and Erhlichman would not be permitted by the President to deal, on their own, in areas as central to Mr. Nixon's personal and political life and reputation as those involved in the present scandals.

From my own perspective as a former White House aide, if the press is to be criticized in connection with its reporting of these scandals, it is not, as Messrs. Nixon and Agnew suggest, because it has been careless in printing unverified charges. It is, rather, because of its acceptance, with so little skepticism, of the myth that Mr. Nixon is somehow the uninformed victim of aides and cabinet officers whose political enthusiasm spilled over into criminality. Yet, this myth defies the reality of Presidential power and the personal, political and historical ambition that accompany the exercise of such power. We do not have to plow through the pages of "Six Crises" to know that Mr. Nixon is most attendant to details that intimately affect his political career. One need not work at the White House to reach that conclusion about any President who served there. One need only understand human nature, politics and fathers who are bound to be concerned about what their children think about them. Any analysis of impeachable offenses must be made against this background.

Scholars and legislators disagree about what actions constitute impeachable offenses. Proposed definitions are as limited as violations of federal criminal statutes in the course of official duties or as broad as Gerald Ford's suggestion that an impeachable offense is whatever the Congress says it is. My own reading of history and precedent leads me to conclude that there are probably three areas of impeachable offenses against which any President must be judged:

1. Violations of criminal statutes.
2. Failure to fulfill his constitutional obligation faithfully to execute the laws of the United States and "preserve, protect and defend the Constitution of the United States."
3. Egregious breach of the public trust the President owes the American people.

Criminal laws provide the narrowest standard—and the least political one—by which a potentially impeachable President may be judged. Even under this limited definition of "impeachable offenses," it is patent nonsense to claim that there is no basis for conducting any impeachment inquiry with respect to Richard Nixon. Solely on the basis of sworn testimony and essentially uncontested news reports, there is ample justification for a healthy suspicion that Richard Nixon has violated at least thirty-eight federal criminal statutes.

The potential violations basically fall into three broad categories: personal corruption and fraud, political corruption, and obstructions of justice. The specific criminal statutes relating to each of these areas must be considered in the context of four basic criminal sections of Title 18—sections 2, 3, 4 and 371:

Section 2 defines a "principal" to a crime as anyone who "commits an offense against the United States, or aids, abets, counsels, commands, induces or procures its commission" or who "willfully causes an act to be done which if directly performed by him or another would be an offense . . ."

Section 3 defines an "accessory after the fact" of a crime as one who "knowing that an offense . . . has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment . . ."

Section 4 provides that anyone who, "having knowledge of the actual commission of a felony . . . conceals and does not as soon as possible make known the same to some judge . . ." himself commits the crime of misprison of felony.

Section 371 provides that "[i]f two or more persons conspire either to commit any offense against the United States, or to defraud the United States . . . and one or more of such persons do any act to effect the object of the conspiracy," then each of the conspirators is guilty of a felony.

These four basic and well-defined statutes provide the framework against which many of the actions of the President must be judged.

PERSONAL CORRUPTION

Mr. Nixon's personal financial activities give rise to strong suspicions of possible violation of at least seven additional criminal statutes. Four of these statutes relate to tax fraud and tax evasion; three relate to the conversion of government property and defrauding the United States.[1]

The acts which give rise to the suspicions are in large measure on the public record: (1) the tax benefits Mr. Nixon derived from the alleged donation of his personal papers raise questions as to the timing of the donation, the valuation of the papers, and, indeed, whether or not a gift was actually made to the government; after all, Mr. Nixon never signed a deed of gift and the General Services Administration never formally accepted any gift: (2) the possible use of campaign contributions for personal purposes (for example, the $100,000 in cash that Howard Hughes gave to Bebe Rebozo, the early cash from the dairy industry, and the millions of dollars in cash that flowed among Mr. Nixon's personal friends, attorneys and Re-election Committee aides); (3) the issues relating to whether certain improvements to his Key Biscayne and San Clemente properties were justified expenditures of public funds, should have been reported as personal income by Mr. Nixon, or constituted conversion of U.S. government property to his own use; (4) the financial transactions by which he acquired Key Biscayne and San Clemente in the first place, and whether the generous loans of Messrs. Rebozo and Abplanalp should have been reported (at least to some degree) as income by Mr. Nixon.

POLITICAL CORRUPTION

Political corruption may involve Mr. Nixon in an additional nineteen criminal statutes. In the area of election corruption alone, we have some of the more publicized Watergate revelations: the forged Muskie "Canuck" letter; the sexual misconduct letters condemning Senators Humphrey and Jackson; the illegal wiretapping of Democratic National Committee headquarters; the political slush funds which may have been created within government departments, such as the 1 million dollar fund allegedly earmarked by Commerce Secretary Maurice Stans; the solicitation of corporate campaign contributions from any number of large companies and government contractors; the participation in campaign and fund raising activities by federal government employees, most notably the dual role of Attorney General and de facto CREEP Chairman John Mitchell; and, in an apparent attempt to cover-up these activities, the possible filing of false reports with the General Accounting Office and the Clerk of the House and Secretary of the Senate.

At least nine criminal statutes are involved in this election area alone. Some, like the prohibition against corporate contributions, have been on the books for most of this century; others went into effect with the new campaign contribution law.[2] Beyond these matters there is reason to believe that the illegal activities of the Nixon Administration went far beyond corrupting the election process itself. Across the broad spectrum of politics his aides and agents, his lawyers and appointees have been accused or have admitted on the public record the commission of acts which seem on their face to constitute criminal offenses. There are, for instance, numerous instances of the apparent sale and attempted sale of ambassadorial positions to the highest bidder. So blatant has the cash market in ambassadorial posts become that the Senate Foreign Relations Committee today routinely demands complete revelation of political contributions by all Nixon nominees. Perhaps the most notable recent example is Mrs. Ruth Farkas, who was named Ambassador to Luxemburg after pledging some $300,000 to President Nixon's campaign, $200,000 of which was not even paid until after the re-election of the President at a time when his campaign coffers groaned under a substantial surplus. More recently, there have been reports that Cornelius Whitney was promised the ambassadorship in Spain in return for a $250,000 contribution; when the ambassadorship did not come through, the contribution was returned. There is enough evidence for an examination of the relationship between campaign contributors and the promise of appointment or nomination for appointment of individuals to a host of other government posts as well.

Washington abounds with sworn testimony and newspaper stories about contributions which constitute bribes or extortion or both, by any number of companies or industries who critically depend on the federal government. The most notable and publicized relate, of course, to the cozy treatment of

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Footnotes at end of article.

IT&T, particularly in the Presidential approval of its Hartford Insurance merger, just as IT&T's Sheraton Hotel subsidiary was promising $400,000 to the 1972 Republican Convention; and to the hundreds of thousands of dollars of cash and other contributions provided by the dairy industry just as Mr. Nixon was raising milk price support levels and changing foreign trade regulations to push up the price of milk and increase the revenues of the industry by hundreds of millions of dollars.

There are other questionable activities as well where the public record provides sufficient information to justify a healthy suspicion of illicit Presidential activity even though the record has not been as fully developed as it has with respect to the IT&T and milk transactions. These activities include the Presidential parole of former Teamsters Union president James Hoffa and the statements by representatives of Ashland Oil, Braniff Airlines and others that CREEP financial chairman Maurice Stans imposed $100,000 quotas in his politically avaricious quest for a $60 million campaign kitty.

At least five additional criminal statutes may have been violated in this political corruption area. For example, it is a felony to solicit or accept anything of value as a political contribution in consideration of any promise of influence in obtaining a federal job; and bribery and extortion statutes may have been violated in connection with many of the corporate contributions.[3]

A wide range of criminal civil rights violations has been perpetrated by the Nixon Administration. Although this discussion is limited to specifically criminal violations, we should not forget that in many cases violations involve arrogant abridgement of the Fourth Amendment rights of every American citizen to be free from unreasonable searches and seizures. The break-in and burglaries of the offices of Daniel Ellsberg's psychiatrist and the Democratic National Committee, and the wiretapping of White House aides and reporters provide the most offensive known incidents of civil rights violations. But there is every indication that they were part of a much larger scheme; we may well not yet have closed the book on the individual liberties that were crushed under the hobnailed boots of the "plumbers."

The context, of course, is the Recommendation and Decision Memoranda of White House staffer Tom Charles Houston and Richard Nixon—the Mein Kampf of the Nixon government. The following excerpts from Mr. Houston's Recommendation Memorandum to President Nixon are essential to an understanding of what happened at the Watergate and in Los Angeles:

C. Mail Coverage

Recommendation:

Restrictions on legal coverage should be removed. Also, present restrictions on covert coverage should be relaxed on selected targets of . . . internal security interests.

Rationale:

* * * * *

Covert coverage is illegal and there are serious risks involved. However, the advantages to be derived from its use outweigh its risks.

D. Surreptitious Entry

Recommendation:

* * * * *

Also, present restrictions should be modified to permit selective use of this technique against other urgent security targets.

Rationale:

Use of this technique is clearly illegal; it amounts to burglary. It is also highly risky and could result in great embarrassment if exposed.

* * * * *

On July 15, 1970 Mr. Houston issued the Presidential Decision Memorandum which reflected Richard Nixon's personal response to these recommendations, a response verified by Mr. Nixon's own statement of May 22, 1973. The relevant excerpts are:

The President has carefully studied the special report of the Interagency Committee on Intelligence (ad hoc) and made the following decisions:

* * * * *

3. Mail Coverage.

Restrictions on legal coverage are to be removed, restrictions on covert coverage are to be relaxed to permit use of this technique on selected targets of priority foreign intelligence and internal security interests.

4. Surreptitious Entry

Restraints on the use of surreptitious entry are to be removed. The technique is to be used . . . against other urgent and high priority internal security targets.

Aside from the ominous nature of these papers in terms of our democratic system of government, and aside from the obvious violations of state criminal felony statutes the President's approval countenanced and potentially set in motion, there are profoundly serious violations of federal criminal laws. These include 18 U.S.C. Section 241, the criminal civil rights statute, and 18 U.S.C. Section 2511, the anti-wiretapping statute, to say nothing of the network of criminal provisions designed to prevent interference with and protect the privacy of the mails, among them: 18 U.S.C. Section 1701, which makes one a criminal who "knowingly and willfully obstructs or retards the passage of mail"; Section 1702, which makes it a felony to take any letter out of the post office "before it has been delivered to the person to whom it was directed with design to . . . pry into the . . . secrets of another."; and Section 1703, which makes it a crime for a Postal Service Officer improperly to detain, delay or open any letter.

Obstruction of Justice

The third area of specific criminal activity by the President relates to obstructions of justice. Each day brings us new facts about the actions of the President in this area. But there is already reason to suspect a variety of Presidential actions in connection with the investigations relating to the Watergate break-in: Presidential actions to limit the criminal investigations; hush money paid to defendants to plead guilty; the suborning of perjury by Mr. Magruder and the attempt with respect to Mr. Sloan; the pressure on any number of witnesses and potential prosecutors to inhibit any number of investigations relating to illegal activities; and, of course, the attempt to seduce Judge Matthew Byrne with the F.B.I. Directorship.

At least nine additional Federal criminal statutes are involved here relating to obstruction of justice, the making of false statements, the suborning of perjury and the removal and destruction of records and documents.[4]

It is with respect to the suborning of perjury that the most careful investigation should be made. For the record abounds with examples of Nixon aides and cabinet officials who may have committed perjury and who have certainly made statements inconsistent with either the statements or records of others. Jeb Stuart Magruder has admitted perjury. Hugh Sloan has testified that he was pressured to commit perjury. Richard Kleindienst faces possible perjury charges stemming from his testimony that there was no White House pressure on him with regard to the IT&T case. John Mitchell faces possible perjury charges stemming from his sworn testimony that he never discussed the IT&T case with the President and that he was not involved with CREEP until he left his office as Attorney General. Messrs. Mitchell and Maurice Stans have been indicted for perjury in the Vesco case in New York. John Ehrlichman has been charged with perjury for his testimony before the grand jury in California. The testimony of Mr. Ehrlichman and his colleague Mr. Haldeman before the Senate Watergate Committee presents sufficient conflict with the sworn testimony of others to subject them to possible perjury indictments. Secretary of Agriculture Butz has been accused of perjury in connection with his wheat deal testimony before a Senate Subcommittee. Even without unraveling the truth about the White House tapes this brief recital already includes Mr. Nixon's two closest assistants, two other high White House aides, and at least three of his cabinet officers. As for Mr. Nixon, 18 U.S.C. § 1622 provides that "whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined not more than $2,000 or imprisoned for not more than five years, or both."

Thus, there is sufficient evidence to justify suspicion of the violation of at least thiry-eight criminal statutes by the President of the United States. Many of those statutes may have been violated more than once. This alone is sufficient to provide the basis for articles of impeachment under the most narrow definition of the term "impeachable offenses", but there are other activities of the President which bear scrutiny by the House of Representatives in a broader and politically realistic definition of what constitutes an impeachable offense.

Failure to Execute Laws

Richard Nixon, by his oath and by the duties imposed under the Constitution of the United States, is required faithfully to execute the laws passed by the Congress. There are repeated judicial decisions holding that Mr. Nixon has violated that duty. The most notable and publicized involve the impoundment of funds which, in practical terms, constitutes an arrogant refusal to execute the laws passed by the Congress and signed by the Chief Executive. The most recent decision came only last week when Federal District Judge Waddy held that it was illegal and unconstitutional to withhold $380,000,000 of appropriated funds from our educational institutions. Mr. Nixon was also held to have maintained Howard Phillips, the former OEO Director, in office illegally and was accused last week by Senator Proxmire of holding Acting Attorney General Bork in office illegally beyond the thirty-day statutory period. There is no question of Mr. Nixon's involvement here. Indeed, he publicly, proudly and frequently proclaims his defiance of the Constitution and the laws with each new impoundment. Moreover, any arguments that in the early days of his impoundment orgy Mr. Nixon thought he had the legal authority to take these actions can be given little credence in the wake of (at last count) twenty-five court decisions holding his actions to be illegal and unconstitutional.

BREACH OF PUBLIC TRUST

The third area of inquiry into impeachable offenses relates to the breach of public trust by the President. There are well defined analogies in the law of trusts concerning the duties of trustees and the grounds for their removal. Thus, for example, a trustee who converts the funds of a trust to his own use may be removed. Similarly, a trustee who lies to or defrauds the beneficiaries of the trust may be removed.

It is an essential element of the public trust a President holds that he tell the truth to the American people. A citizen who lies to the state commits a felony, the felony of perjury. It is, of course, not a specifically defined crime for the state to lie to its citizens. Indeed, there are generally acceptable areas of exaggeration and political comment within which public officials are usually given wide latitude in communicating

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Footnotes at end of article.

with the citizens they serve. Thus, politicians in election campaigns and Presidents in messages to the Congress to secure legislation often exaggerate the performance that can reasonably be expected in their promises of new worlds and new cures. To the extent that Mr. Nixon has engaged in this kind of political dialogue, he is, of course, not guilty of any impeachable offense.

But to the extent that he has gone far beyond the bounds of political exaggeration, the President should be subject to impeachment. Thus, the various statements about Cambodian bombing filed by Mr. Nixon's subordinates at his direction with authorized oversight committees of the Congress cleared for Top Secret Information should be examined carefully. The false statements of his Press Secretary Mr. Zeigler may also constitute grounds for impeachment; and the President's own statements to the American people should be subject to careful scrutiny by the House Judiciary Committee as well. For the standard of truth required by the Head of State in dealing with the citizens he serves should be at least as high as the standards applied to the citizens in dealing with the state that serves them.

Unlike the Senate Watergate Committee and the courts, the inquiry of the House is not directed largely or primarily at individual White House aides, corporate officials or cabinet officers. The House inquiry has one investigatory subject: the President of the United States. In this connection, the performance of the constitutional duty of the House to draft articles of impeachment carries with it clear and unequivocal authority to obtain documents and materials that under other circumstances might be subject to claims of executive privilege. Thus, for example, tax returns of the President which would otherwise be confidential must be scrutinized by the House Committee to determine whether the President has committed tax fraud, certainly an impeachable offense under any definition of that term.

The very issue involved in the impeachment proceedings is the extent of the President's personal knowledge and willful activity in connection with an array of crimes that may have been committed by his aides (some of whom have already confessed to criminal activity) and his cabinet officers. The duty of the House to investigate its Presidential subject carries as a necessary corollary the authority to examine the communications between the President and his staff. No squirreling of Presidential papers for personal protection or selected release by a library curator is justified on the grounds of executive privilege during this inquiry.

Impeachment procedings are not likely to be short and they will test the singularly impatient attention span of the American people. Andrew Johnson's impeachment proceedings took over one year and involved two Congresses. But to say that the country cannot stand impeachment proceedings over an extended period is to say that we cannot seek the truth, much less face it; that we cannot pointedly ask and candidly answer the question whether the President has committed any impeachable offenses. It is, sadly, to say that we are no longer strong enough to live under the most remarkable Constitution ever devised by man. It is the stuff of a weak and tired people who are so exhausted by democracy that they prefer to end their days in politically hedonistic amorality. It is the stuff of a tired generation that seeks to avoid one more trauma of their own even if that involves betrayal of their trust to succeeding generations. And this is the most important point.

For whether Lord Acton overstated his point, history clearly teaches us that, without exception, power creates its own need and desire for more power. Every White House aide can testify that each President takes the precedents of his predecessors in the exercise of power and moves to the next step. Some of us might have trouble even conjuring what the next step after Nixon might be, but there is one person who will figure it out if Mr. Nixon leaves office without reproach—a future President of the United States.

FOOTNOTES

[1] The specific statutory provisions are:

(1) 26 U.S.C. § 7201: "Any person who willfully attempts . . . to evade . . . any tax . . . shall . . . be guilty of a felony. . . ."

(2) 26 U.S.C. § 7203: "Any person required . . . to pay any . . . tax . . . who willfully fails to pay such . . . tax . . . shall . . . be guilty of a misdemeanor. . . ."

(3) 26 U.S.C. § 7206: "Any person who (1) . . . willfully makes and subscribes, any . . . statement . . . under the penalties of perjury, and which he does not believe to be true and correct . . . shall be guilty of a felony. . . ."

(4) 26 U.S.C. § 7207: "Any person who willfully delivers . . . any statement . . . known to him to be fraudulent . . . shall be fined . . . or imprisoned. . . ."

(5) 18 U.S.C. § 286: "Whoever enters into any . . . conspiracy to defraud the United States . . . by obtaining . . . payment . . . of any . . . fraudulent claim. . . ."

(6) 18 U.S.C. § 287: "Whoever . . . presents . . . any claim upon . . . the United States . . . knowing such claim is false. . . ."

(7) 18 U.S.C. § 641: "Whoever embezzles . . . or knowingly converts to his use . . . any . . . thing of value of the United States . . . shall be fined . . . or imprisoned. . . ."

[2] The specific statutory provisions are:

(1) 18 U.S.C. § 595: "Whoever, being a person employed in any administrative position by [any government], in connection with any activity which is financed in whole or in part by loans or grants made by the United States, . . . uses his official authority for the purpose of . . . affecting . . . the nomination or the election of any candidate for [any . . . federal elective office] shall be fined . . . or imprisoned. . . ."

(2) 18 U.S.C. § 600: "Whoever . . . promises any employment, contract . . . or other benefit, provided for . . . in whole or in part by any Act of Congress, or any special consideration in obtaining such benefit . . . as consideration . . . for any political activity . . . shall be fined . . . or imprisoned. . . ."

(3) 18 U.S.C. § 603: "Whoever, in any . . . building occupied in the discharge of official duties by any [government employee] . . . solicits or receives any contribution . . . for any political purpose, shall be fined . . . or imprisoned. . . ."

(4) 18 U.S.C. § 610: "It is unlawful for any . . . corporation whatever . . . to make a contribution . . . in connection with any election at which [a federal elected official is] to be voted for, or in connection with any primary election or political convention . . . or for any candidate, political committee or other person to accept . . . any [such] contribution. . . ."

(5) 18 U.S.C. § 611: "Whoever . . . (a) entering into any contract with the United States . . . makes . . . or promises . . . any . . . contribution, to any political party committee, or candidate . . . or . . . (b) knowingly solicits any such contribution from any such person . . . shall be fined . . . or imprisoned. . . ."

(6) 18 U.S.C. § 612: "Whoever willfully publishes or distributes . . . any . . . statement relating to . . . any person who has publicly declared his intention to seek [federal elective office] . . . which does not contain the names of the persons . . . responsible . . . shall be fined . . . or imprisoned. . . ."

(7) 18 U.S.C. § 653: "Whoever, being a dispensing officer of the United States . . . in any manner converts to his own use . . . any public money entrusted to him . . . is guilty of embezzlement . . . ."

(8) 18 U.S.C. § 1001: "Whoever [in any matter within the jurisdiction of the United States] . . . willfully falsifies, conceals or covers up . . . a material fact, or makes any false . . . statements, . . . or . . . uses any false . . . document knowing the same to [be false] . . . shall be fined . . . or imprisoned . . . ."

(9) 18 U.S.C. § 2511, which prohibits the interception and disclosure of wire or oral communications.

[3] The specific statutory provisions are:

(1) 18 U.S.C. § 201: "(b) Whoever . . . corruptly gives, offers or promises any thing of value to any public official . . . with intent—

(1) to influence any official act [or]

(c) Whoever, beng a public official . . . corruptly . . . solicits [or] accepts . . . anything of value . . . in return for:

(1) being influenced in his performance of any official act

Shall be fined . . . or imprisoned . . . ."

(2) 18 U.S.C. § 203 "(a) Whoever . . . receives . . . or . . . solicits . . . any compensation for any services . . .

(2) at a time when he is an officer . . . of the United States . . .

in relation to any proceeding . . . for a . . . contract [or]

(b) Whoever, knowingly . . . promises . . . any compensation for any such services . . .

Shall be fined . . . or imprisoned . . . ."

(3) 18 U.S.C. §§ 210 and 211, which deal with soliciting, offering or accepting anything of value "either as a political contribution, or for personal emolument," in consideration of any "promise" of "influence" in obtaining a federal job.

(4) 18 U.S.C. § 599: "Whoever, being a candidate, . . . promises . . . the appointment, or . . . his influence . . . for the appointment of any person to any public or private position . . . for the purpose of procuring his support . . . shall be fined . . . or imprisoned. . . ."

See also 18 U.S.C. §§ 600 (promises of anything provided by Act of Congress), 610 (corporate campaign contributions), and 611 (government contractor contributions), cited earlier.

[4] The specific statutory provisions are:

(1) 18 U.S.C. § 1503: "Whoever corruptly, or by threats . . . endeavors to influence . . . any witness . . . or any . . . juror, or officer . . . of any court of the United States . . . in the discharge of his duty . . . or corruptly or by threats or force . . . endeavors to influence, obstruct, or impede, the due administration of justice, shall be fined . . . or imprisoned. . . ."

(2) 18 U.S.C. § 1505: "Whoever corruptly, or by threats or force . . . endeavors to influence, intimidate, or impede any witness . . . in connection with any inquiry or investigation being had by either House . . . or Whoever corruptly, or by threats or force, . . . endeavors to influence, obstruct, or impede . . . the due and proper exercise of the power of inquiry under which such inquiry or investigation is being had by either House . . .

Shall be fined . . . or imprisoned. . . ."

(3) 18 U.S.C. § 1510: "(a) Whoever willfully endeavors by means of bribery, misrepresentation, intimidation, or force or threats thereof to obstruct, delay, or prevent the communication of information relating to a violation of any criminal statute of the United States by any person to a criminal investigator;

* * * * *

Shall be fined . . . or imprisoned. . . ."

(4) 18 U.S.C. § 1018: "Whoever, being a public officer . . . authorized by any law . . . to . . . give a . . . writing, knowingly makes and delivers as true such a . . . writing, containing any statement which he knows to be false, in a case where the punishment thereof

is not elsewhere expressly provided by law, shall be fined . . . or imprisoned. . . ."

(See also 18 U.S.C. § 1001, the basic statute on false statements, above.)

(5) 18 U.S.C. § 1621: "Whoever, having taken an oath . . . that he will testify . . . truly . . . willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall, . . . be fined . . . or imprisoned. . . ."

(6) 18 U.S.C. § 1622: "Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined . . . or imprisoned. . . ."

(7) 18 U.S.C. § 1623: "Whoever under oath in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration . . . shall be fined . . . or imprisoned. . . ."

(c) An indictment or information for violation of this section alleging that, in any proceedings before or ancillary to any court or grand jury of the United States, the defendant under oath has knowingly made two or more declarations, which are inconsistent to the degree that one of them is necessarily false, need not specify which declaration is false if—

(1) each declaration was material to the point in question, and

(2) each declaration was made within the period of the statute of limitations for the offense charged under this section

In any prosecution under this section, the falsity of a declaration set forth in the indictment or information shall be established sufficient for conviction by proof that the defendant while under oath made irreconcilably contradictory declarations material to the point in question in any proceeding before or ancillary to any court or grand jury. It shall be a defense to an indictment or information made pursuant to the first sentence of this subsection that the defendant at the time he made each declaration believed the declaration was true."

(8) 18 U.S.C. § 2071: "(a) Whoever willfully and unlawfully conceals, removes or destroys . . . any . . . thing, filed or deposited . . . in any public office, . . . shall be fined . . . or imprisoned. . . ."

(b) Whoever, having the custody of any such . . . thing, willfully and unlawfully conceals, removes . . . or destroys the same, shall be fined . . . or imprisoned. . . ."

(9) 18 U.S.C. § 2232: "Whoever, before, during or after seizure of any property by any person authorized to make searches and seizures, in order to prevent the seizure or securing of any goods . . . by such person, . . . destroys, or removes the same, shall be fined . . . or imprisoned. . . ."

LATVIAN INDEPENDENCE

Mr. BEALL. Mr. President, last month free men around the world marked the 55th anniversary of Latvian independence. I join with many of my colleagues in the Congress, and many Americans in all walks of life, in extending my congratulations to all my fellow countrymen of Latvian heritage on this milestone, and renew my hope that someday the priceless gift of self-determination can be restored to the people of Latvia.

As we move toward more peaceful relationships with the Soviet Union, let us not forget the plight of all the citizens of the world who live daily under the heavy burdens of oppression. Thirty-three years ago, the light of liberty was extinguished in Latvia; but the hopes of its people for freedom were not dashed in the slightest. As the symbol of human freedom and dignity to all the world, this Nation cannot fail to remember the needs and the fervent wishes of the peoples of the Baltic States. We must mark this anniversary of Latvian independence with a pledge of continuing support for the goals of equal rights and self-determination for Latvia.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following House bills in which it requests the concurrence of the Senate:

H.R. 1466. An act for the relief of Luigi Santaniello;

H.R. 4445. An act for the relief of Diana L. Ortiz;

H.R. 6074. An act to amend the act of May 20, 1964, entitled "An act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States, and by persons in charge of such vessels"; and

H.R. 8529. An act to implement the shrimp fishing agreement with Brazil.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 11) with amendments in which it requests the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 1747) to amend the International Travel Act of 1961 with respect to authorizations of appropriations, with amendments in which it requests the concurrence of the Senate.

HOUSE BILLS REFERRED

The following House bills were severally read twice by their titles and referred as indicated:

H.R. 1466. An act for the relief of Luigi Santaniello; and

H.R. 4445. An act for the relief of Diana L. Ortiz; to the Committee on the Judiciary.

H.R 6074 An act to amend the act of May 20, 1964, entitled "An act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States, and by persons in charge of such vessels"; and

H.R. 8529. An act to implement the shrimp fishing agreement with Brazil; to the Committee on Commerce.

FOREIGN AID ASSISTANCE ACT OF 1973—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report on S. 1443, which the clerk will state by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of all the conferees.

The Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of November 27, 1973, at page 38010.)

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Are we operating under controlled time?

The PRESIDING OFFICER. Yes. Time for debate on this report is limited to 2 hours, to be equally divided between and controlled by the manager of the conference report, the Senator from Minnesota (Mr. Humphrey), and the Senator from Vermont (Mr. Aiken), with any time on any motion or appeal relating to the conference report to be limited to 20 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time not to be taken out of either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Mansfield). Without objection, it is so ordered.

How much time does the Senator from Minnesota yield himself?

Mr. HUMPHREY. Mr. President, I yield myself 25 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 25 minutes.

Mr. HUMPHREY. Mr. President, we are now considering the conference report on the foreign assistance authorization bill. This conference report, in my judgment, represents a fair and reasonable compromise between the Senate's two foreign aid bills—one of military assistance and one of foreign economic assistance, and the combination package passed by the House of Representatives. It does not contain all the provisions many of us would like to have in a foreign aid bill. But it does not contain all that the House wanted either. It is a product of a genuine compromise, where both sides met in the middle on many issues that each felt strongly about.

It was a tough conference, with hard bargaining over 11 meetings needed to settle a total of 175 differences between the Senate and the House positions. Many of these differences, however, were attributable to the fact that the Senate bill completely rewrote the statutory framework for the foreign military grant aid and sales programs, whereas the House bill, following the traditional approach, merely extended existing law.

A basic question that the conferees had to settle was whether to have one or two bills. Although it was agreed this year to report out a single bill, combining economic and military assistance, the House conferees assured us that this is the last time the two types of assistance will be joined together.

Let me first discuss the amounts involved in the agreement. The conference report authorizes a total of $2,392,234,000 for this fiscal year, a reduction of $395,266,000, or 15 percent, from the executive branch request and a reduction of $209,400,000 from the amount appropriated for these programs under the continuing resolution for the last fiscal year.

I would like to make it clear in this Record that we did make a 15-percent cut in the administration's request. And we did make a cut of almost $210 million in the authorization below what was appropriated under the continuing resolution for the last fiscal year. All of us in this body know that appropriations are generally below authorizations.

So in this particular bill, we have a saving or an economy measure of $209,400,000 below the amount appropriated for these same programs under the continuing resolution for the last fiscal year.

For economic assistance, the conference agreed to an authorization of $1,429,734,000 for the 1974 fiscal year, splitting the difference between the Senate and House figures. For fiscal year 1975 the report authorizes a total of $921,934,000. The authorization is substantially less than that for the current fiscal year since neither the Senate nor the House bill authorized economic aid to Indochina for the 1975 fiscal year.

Both bills authorized funds for military assistance and credit sales for fiscal year 1974 only. The conference agreement for military assistance and sales is $962,500,000, which represents an exact split between the Senate and House amounts.

The conferees were scrupulous in splitting the difference between funding levels on practically every major authorization category, ranging from food and nutrition programs to military credit sales. On the economic side of the bill, the difference between the conference split and a perfect mathematical split was only $15 million—less than one-half of 1 percent. And, as I have said before, on the military side that difference was absolutely zero dollars.

I ask unanimous consent to have printed in the Record following my remarks a comparative table of the programs and amounts authorized by the conference agreement, and a fact sheet.

The PRESIDING OFFICER (Mr. Mansfield). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUMPHREY. A number of policy amendments were added on the Senate floor to both the economic and the military aid bills. Rather than take up the Senate's time by discussing the action taken on each in the conference, I will be glad to respond to inquiries from members who are interested in particular provisions.

ECONOMIC ASSISTANCE

There were few substantive differences between the House and the Senate on authorizations for economic aid. Both bodies had approved sweeping changes in economic aid policy, designed to insure that American assistance gets down to the grassroots level. There was no difference between the two houses over basic policy initiatives, only in several details for implementation.

One difference was over the use of loan repayments. The Senate bill, through the Church amendment, prohibited use of loan repayments for further lending in the aid program. But the House bill expanded the authority to use loan repayments. The problem was compromised by allowing one-half of the scheduled reflows—that is, scheduled loan repayments—to be used for further lending in fiscal years 1974 and 1975, and the basic authority will then be repealed. I make note of the fact that it seems to me that is about as fair a compromise as you could get. While the House had provided full authority for the use of loan reflows, the Senate had canceled that authority; so what was done in the conference report was to allow one-half of the scheduled reflows for the years 1974 and 1975, and then the basic authority will be terminated.

Both the economic and military bills approved by the Senate contained provisions to assure that Congress had proper access to executive branch information concerning the foreign aid program. Recently the President vetoed a U.S. Information Agency authorization bill because it contained a comparable provision and, in his veto message, stated his opposition to the Senate provisions contained in the foreign aid bills. It was clear that the Senate's foreign aid bills faced a veto if these provisions were kept in. In the conference no satisfactory substitute language could be found which both protected the prerogatives of the Congress and would be acceptable to the President. In view of this, the Senate reluctantly receded on the issue.

I hope that Congress will soon pass general legislation dealing with the access-to-information problem.

It is my understanding that such legislation is now in committee and will be brought before Congress for affirmative action. If not, the Committee on Foreign Relations may again find it necessary to try to come up with a legislative remedy for its own access problem.

There has been widespread interest in the Helms amendment, which prohibited the use of foreign aid funds for abortions. The compromise agreed to is, I think, a reasonable solution. The conference modified the provision to retain a prohibition on use of foreign aid funds for abortions, but at the same time will not unduly impair carrying out other aspects of the population-planning program.

MILITARY ASSISTANCE AND SALES

By way of background on the military portions of the conference report, I point out that the Senate bill, as reported from the Foreign Relations Committee, was primarily designed to phase out the military grant assistance program. But by a narrow margin the Senate rejected that approach. In conference, the Senate's rewrite of the military aid and sales statutes was dropped since, with the defeat of the basic policy initiative, there was no longer any justification for a complete revision of existing law. The bill passed by the Senate, however, did make a number of other significant policy changes, and a number of these have been retained in the conference agreement.

The House insisted on retaining the present system under which Congress authorizes and appropriates a lump sum for military aid which is then allocated by the President to individual countries. However, in return the statutory restriction on the number of countries eligible to receive grant aid was reduced from 40 to 31.

The conferees agreed to a provision which will allow the President to draw on Department of Defense stocks to provide additional ammunition to Cambodia, which he has said is needed—and a request, of course, has been made to Congress for it—thus taking this extraneous issue out of the pending request for military aid to Israel. This agreement in effect leaves a general purpose fiscal year 1974 drawdown authority of only $50 million—$50 million above the Senate's zero, but $250 million below the House's $300 million.

The conference also agreed to return funding of military aid to Laos to the regular military aid program beginning with the next fiscal year, but funding of military aid for Vietnam was left in the Defense Department budget for the time being.

The conference agreed to a number of Senate provisions which will put further restrictions on the military aid and sales programs, such as curtailing the authority for giving excess defense articles to foreign countries. All in all, the agreement provides for tighter, more effective control of the military aid and sales program at less cost to the American taxpayer.

It is my judgment that that is what we in the Senate were trying to obtain in our military assistance bill as passed by the Senate.

I point out that the military programs are authorized only for 1 year and this entire program will be studied again in detail next year by the Foreign Relations Committee.

Mr. President, I am fully aware that the foreign aid bill is one of the most controversial pieces of legislation to come before Congress for action. The Foreign Relations Committee has worked long and hard this year to revise both the economic and military aid programs to gear them to the realities of the national interest today and for the future, and to break away from the policies of the past. This bill still reflects a significant portion of that work, especially on the economic aid side.

Mr. President, if I had been writing this bill all by myself, I would have put in lower figures on the military side. And, by the way, I would have put in higher figures for development assistance. But I do not think the figures are at all out of line, given the two versions, House and Senate, that the conferees had to work with.

Now, I suppose the Senate conferees could have insisted on all the provisions in the Senate bill, and we would have completely upheld the Senate's position—and had another deadlocked conference, the way we did last year. But we did not want to end up with a deadlocked conference; we wanted to come to an agreement and get a bill—a new bill—out.

Mr. President, I do not think it is wise policy to live by what we call continuing resolutions. Those continuing resolutions do not take into account changes that may be taking place worldwide, and changes in our official policy. Therefore, we wanted to come to an agreement, and do it without dragging our feet about it; the fiscal year is getting to be half over, and the Appropriations Committees are waiting for this bill to be passed before they can get to work to provide the fund. And may I say once again, of course, these are authorization figures, and all of this battle about how much money will be allocated for different programs to effectuate certain policies will again have to be battled out before the Appropriations Committees of the House of Representatives and the Senate, and then again subsequently on the floor of each body.

Last year, there was no authorization bill at all, because of a deadlock in the authorization conference. As a result the programs have been funded for almost a year and a half now on the basis of continuing resolutions. Before that, the appropriation bill was passed so late, again as a result of a deadlock in the authorization conference, that the programs operated for nearly three-quarters of the year on continuing resolutions and only the last quarter on regular appropriations.

The conferees had, and we all still have, a clear duty to enact legislation in the area of foreign aid and not let the programs limp along by default for another year on continuing resolutions. So the conferees did not sit back and say, "You take our bill or there will not be any bill at all." Instead, in the spirit of conference, we compromised our differences, because that is the name of the game in conference. You get the best deal you can, but if you want a piece of legislation, you compromise.

We have to make adjustments and compromises. As I noted earlier in my remarks, it seems to me that we have done fairly well when it came to the compromises because on the economic side of the bill, the difference between the conference split and a perfect mathematical split was $15 million or about one-half of 1 percent. On the military side the difference was absolutely zero. So on the basis of fair play between the two Houses, we did split the difference, as we say; yet we did not abandon the policy positions which the respective Houses had sought to maintain.

But let me tell you also, Mr. President, that we did not lose our shirts, as some have alleged about the bill. Not only did we get a fair deal on money figures, but there are a lot of substantive provisions in the bill that the Senate originated. For example: amendments on the world food problem, on the Asian Development Bank, on expropriation policy, on the use of cooperatives, on integrating women into national economics, on host country contributions to projects, on notification to Congress of licensing of munitions exports, on financing military operations in or over Indochina, or on denying aid to countries with political prisoners, and on aid to Chile. On all items which the Senate itself took the initiative on, and most were items taken up right here on the Senate floor, they were not tossed out or compromised away. They were kept in the legislation.

Of special importance, all public safety activities overseas will be ended. In other words, police training, the major item of discussion in the Senate. There will be no more training, advising, or providing of equipment by AID overseas and the public safety advisers stationed overseas will be returned home.

The Senate also wanted us to deny AID the automatic use of reflows. We have done that, too, but agreed to let AID use half of these reflows for 2 more years as a phaseout period, so that they can adjust their programs without too much abrupt dislocation.

We did not get everything we wanted. Neither did the House. But we got a bill out. It is a good bill, not a bad one—in fact, it is the best foreign aid bill we have had in a long time, because it redirects our economic aid program to make it more effective in dealing with the basic human problems of the poor.

I realize that there are Members of the Senate who will not vote for the measure before us today. As I know—we all know—this is a controversial matter. But let me remind my colleagues that we live in a world where the most urgent of our domestic problems cannot be solved by domestic actions alone.

More and more we must turn to other nations or to international systems or institutions for cooperation in solving what used to be purely internal problems. The stability we need for the orderly functioning of the world depends as much on the cooperation between rich and poor nations as it does on the mutual restraint of the nuclear powers. In fact, the détente we seek will be useless without an underpinning of growing stability in the developing world. That stability is dependent on the 100 poor nations believing that there are sufficient benefits from cooperating with us that they want vital international arrangements to work.

Mr. President, I can think of no time more important than now for the United States to have a program of working with some of the countries in Africa and Asia. These parts of the world are areas in which there are vital natural resources that this Nation of ours will need, areas of the world which are having a great effect on international and national security and international diplomatic policy. We need to have good working relationships with them. The foreign aid program provides us with one of the tools that we need.

The notion that we can somehow refuse to help the people of these nations to solve their most urgent problems and then expect their economic and political cooperation in our own enrichment is sheer folly.

Finally, Mr. President, I want to state that I reject the premise that by helping others we postpone providing for the urgent needs of our own people. This is a two bit, phony argument. Neither I, nor any Member of Congress, would propose or support a program which places the needs of others before our commitment to the American people.

We have the resources to continue a modest and sensible program of economic assistance to the world's poor and still help those Americans in need. It is not merely a question of money. It is a question of will.

I might add that the vast majority of all the funds authorized in this bill, when expended, will be expended right here in the United States. It may very well be, as we look to the coming months, in light of the commentary of the economists that there will be a rising tide of joblessness, that we may be facing a recession, that a program such as this that provides for the production of goods and services may very well be a stimulant for the economy. It is not all playing Santa Claus, of being a good guy. Foreign aid is a matter of national self-interest as well as mutual cooperation.

We need the cooperation of other people. We need, for example, today, the cooperation of a country like Nigeria, which will benefit under this bill. It is one of the major oil exporting nations to the United States which has not put an embargo on us. We will need their help. We will need the help of other countries. This country is short of many vital materials necessary for its existence. We will need friends, not only goods and commodities.

I think that we would be well to remember what Adlai Stevenson said concerning America's role in the world:

> You can't turn out almost two-thirds of the entire world's production and not be concerned with customers. You can't be the richest man in town and not be concerned with insurance. And you can't be happy and free surrounded by misery and slavery.

Those words, spoken 26 years ago, are, in the main, still valid today.

Mr. President, it is because of my feeling about the philosophy of Adlai Stevenson, and what I believe over the long run would have been the benefits of a foreign aid program, that I urge adoption of this conference report.

Might I also add, Mr. President, for the interest of some who have shown particular interest in certain parts of the world, that in this bill there is, for the State of Israel alone, which is in the forefront of much of our thinking today because of the crisis in the Middle East, $50 million in supporting assistance, which this little country so desperately needs; $300 million are earmarked on foreign military sales; $25 million in housing guarantees; and between $5 million and $10 million in American schools and hospitals abroad.

This bill also provides some assistance for working out a negotiated settlement in the Middle East. We are going to have to do something with the Arab States. We cannot look on them as mortal enemies. We are going to have to have some bargaining power. There needs to be a viable and independent Jordan. The King of Jordan and the State of Jordan have been basically friendly to the United States. We have been generous with that country. We need to continue to be generous. In other words, the foreign assistance bill, economic and military, is not designed to show that we are just nice people. It is designed to be part of our national security. It is designed to be of mutual benefit to those countries that receive the assistance and to our country that provides it.

May I say to the business and economic community that it is designed to help maintain the economy. That is why the American labor movement supports foreign assistance and vigorously supports it—the organized labor movement of this country. That is why the business communities of America support foreign assistance, because they know, out of practice and out of realistic economics, what it means to the economic structure of the United States.

Mr. President, I repeat, this bill represents a substantial reduction in authorizations over the appropriations of last year, almost $210 million less than was appropriated last year.

This bill represents a 15-percent reduction in the administration request. Therefore, we have practiced what I think is prudent economy.

The bill, furthermore, represents an effort on the part of the two Houses to come to grips with the modern needs of foreign economic assistance. The emphasis upon food production, population, and family planning, health and education, economic development for the poorest of the poor countries—that is what we have here. Almost all this money, more than 80 percent of the money in this bill, will be expended right here in the United States to buy goods produced by American workers in American factories, to buy services produced by the American people to help other people in other parts of the world, so that they, in turn, might be of some help to us. Surely, the times in which we live indicate the necessity of that kind of cooperation.

Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

EXHIBIT 1

FOREIGN ASSISTANCE AUTHORIZATION—FISCAL YEAR 1974

[In millions of dollars]

	Executive request	House [1]	Senate [2]	Conference agreement [3]
Economic assistance:				
Indochina postwar reconstruction for South Vietnam, Laos, and Cambodia	632.0	632.0	376.0	504.000
International organizations	124.8	127.8	127.822	427.800
Indus Basin grants	15.0	15.0	14.0	14.500
Old development loan/grant categories:				
Loans (including Alliance for Progress)	351.4			
Grants (including Alliance for Progress)	251.8			
Population	(116.0)	(4)	(4)	(4)
New development assistance categories: [5]				
Food and nutrition		300.0	282.0	291.000
Population planning and health		150.0	141.0	145.000
Education and human resources		90.0	94.0	90.000
Selected development problems		60.0	47.0	53.000
Selected countries and organizations		50.0	28.0	39.000
Miscellaneous categories:				
American schools and hospitals abroad	10.0	[6] 20.0	[6] 19.0	[6] 19.000
International narcotics control program	42.5	50.0	40.0	42.500
Contingency fund	30.0	30.0	23.5	30.000
Partners of the Alliance		.968	.9	.934
Administrative expenses (AID)	53.1	53.1	24.0	45.000
Arab refugees		2.0		2.000
African famine relief		[7] 30.0		[7] 25.000
Albert Schweitzer Hospital			1.0	1.000
Total economic assistance	1,510.6	1,610.868	1,218.222	1,429.734
Military assistance:				
Grant military assistance	652.0	550.0	420.0	[8] 512.500
Security supporting assistance (outside Indochina)	100.0	125.0	125.0	[9] 125.0
Military credit sales	525.0	450.0	200.0	[10] 325.0
Military training	(8)	30.0	25.0	(8)
Total military assistance	1,277.0	1,155.0	770.0	962.5
Total economic and military assistance	2,787.6	2,765.868	1,988.222	2,392.234

[1] Economic aid authorizations are for fiscal year 1975 also except for African famine relief, Indochina assistance, and international organizations (open ended authorization for fiscal year 1975).

[2] The same amounts are authorized for fiscal year 1975 for all economic aid programs with the exception of: (1) the international narcotics control program for which $30,500,000 is authorized for fiscal year 1975, and (2) American schools and hospitals abroad, the Albert Schweitzer Hospital, and Indochina postwar reconstruction, for which funds are authorized only for fiscal year 1974. The amounts for military assistance are for fiscal year 1974 only.

[3] The same amounts are authorized for fiscal year 1975 for all economic aid programs with the exception of the Albert Schweitzer Hospital, Indochina postwar reconstruction assistance, and African famine relief. For fiscal year 1975, the amount authorized for international organizations is $150,000,000. The amounts authorized for military assistance are for fiscal year 1974 only.

[4] A separate appropriation of $116,000,000 was requested by the executive branch. The Senate earmarked $125,000,000 out of economic assistance funds for population programs in fiscal year 1974 and $150,000,000 in fiscal year 1975. The House earmarked $125,000,000 for each of fiscal years 1974 and 1975. The conferees approved $125,000,000 for fiscal year 1974 and $130,000,000 for fiscal year 1975.

[5] Not more than 50 percent of the amounts appropriated for the categories may be used for grants under the Senate bill. In addition, repayments on outstanding foreign assistance loans would be available for new loans in fiscal year 1974 under the House bill.

[6] In addition, excess foreign currencies are authorized ($6,500,000 in the Senate bill; $7,000,000 in the House bill). The bill authorizes $6,500,000 in excess foreign currencies for each of the fiscal years 1974 and 1975. The bill authorizes $6,500,000 in excess foreign currencies for each of the fiscal years 1974 and 1975.

[7] To remain available until expended.

[8] $27,500,000 of this approved for military training. The Executive requested an open end authorization for this purpose. The Executive appropriations request was $33,000,000.

[9] $50,000,000 earmarked for Israel.

[10] A ceiling of $730,000,000 established, of which $300,000,000 earmarked for Israel.

FOREIGN AID CONFERENCE REPORT FACT SHEET

Senate and House Split Difference on New Authorizations:

	Senate bill	House amendment	Conference split
Economic assistance (less for fiscal year 1975)	$1,218,222,000	$1,610,868,000	$1,429,734,000
Military assistance (fiscal year 1974 only)	770,000,000	1,155,000,000	962,500,000
Total assistance (table attached)	1,988,222,000	2,765,868,000	2,392,234,000

Conferees Compromise in Redirecting Economic Assistance Policy:

1. Conference bill places primary emphasis on most common and most pervasive problems in poor countries.

a. Food and Nutrition—$291 million (split);

b. Population Planning and Health—$145 million (split);

c. Education and Human Resource Development—$90 million (lower).

2. Conference bill requires that projects be selected so as to most directly benefit the poorer majority of the people.

3. Conference bill requires improved coordination of all U.S. activities that bear on development, including trade and financial policy as well as development aid.

4. Senate policy provision accepted—requires increased concentration on sharing American technical expertise.

5. House policy provision accepted—requires that programs reflect the role of U.S. private investment.

6. House receded from policy urging continuation of bilateral aid and Senate receded from policy urging shift to multilateral aid.

7. House receded from insistence on changing name of Act and Agency.

Conferees Agree to Establish New Program Policy for Economic Assistance:

1. Senate policy provision accepted—requires recipient country to pay 25 percent of program costs (Chiles/Case).

2. Senate policy provision accepted—limits grant projects to three years (Chiles).

3. Senate earmarking provision accepted—requires use of at least $20 million through cooperatives (Humphrey).

4. Senate policy provision accepted—encourages the integration of women into the national economies of developing countries (Percy).

5. Senate policy provision accepted—limits use of Contingency Fund primarily for disaster relief (Eagleton).

6. House policy provision accepted—requires President to seek the establishment of independent audit units within the U.N. and multilateral assistance organizations.

7. House authorizing provision accepted—permits the use of program funds to pay the shipping differential between U.S. and foreign flag rates.

8. Senate receded from prohibition against "follow-on" aid projects (Chiles).

9. House receded from authorization for an earmark of $2 million for use for developed countries.

10. Senate receded from 50 percent grant ceiling (Chiles), but an appropriate dollar limit is anticipated in annual appropriations legislation.

11. House receded from policy provision permitting waiver of prohibition on assistance to countries which ship to North Vietnam.

12. Senate earmarking provision for $150 million for population programs for FY 1975 (Taft) reduced to $130 million to reflect lower authorization for all health programs ($145 million).

Conferees Compromise on Use of Loan Repayments:

1. Conferees split the difference on loan repayments for two years—permit one-half to be used for new loans and require balance to revert to Treasury.

2. Senate receded from insistence on immediate end to use of repayment for new loan (Church).

3. House receded from insistence on use of all repayments for new loans.

4. Senate receded from limit on use of repayments to one-third for any functional sector (Humphrey), having won total limit of one-half for all five sectors.

Conferees Agree to Mandate Specific Prohibitions on Aid:

1. Senate prohibition modified and accepted—prohibits use of funds for police training and related programs administered use of funds for police training and related programs administered by A.I.D. but permits operation of International Police Academy in Washington and permits phase-out of existing private contracts.

2. Senate prohibition modified and accepted—prohibits the use of funds for the performance of abortions or to motivate or coerce any person to practice abortion.

3. House prohibition accepted—no aid to North Vietnam.

4. Senate prohibition accepted—no funds for U.S. troops in or over Cambodia, Laos or South Vietnam (McGovern).

5. Senate prohibition accepted—no funds to support third country combat troops in Southeast Asia (Case).

6. Senate prohibition accepted—no foreign currency generated by assistance sales may be used for military purposes.

7. Senate prohibition accepted—no assistance to countries with U.S.-financed military bases unless the country allows access to those bases by U.S. media.

8. Senate receded from prohibition on assistance to countries unless President affirmatively determines country is taking specific steps to control narcotics (Hartke).

Conferees Accept Senate Provision on Expropriation Policy:

1. Senate provision accepted—permits national interest waiver of the FAA provision which requires semi-automatic termination of assistance to countries expropriating any property beneficially-owned by American citizens.

2. House receded from trigger-type suspension provision for any expropriation, regardless of national interest.

Conferees Compromise to Assure Reasonable Private Investment Continuation:

1. Conferees accept lower dollar ceiling of $305 million (House) and shorter time extension, through FY 1975 (Senate), for housing investment guaranty program.

2. Conferees split difference on continuation of OPIC and permit extension to December 31, 1974, with a thorough review expected.

3. Conferees split difference and authorize $945,000 for National Association of Partners of the Alliance.

Conferees Require New Reports to Oversee Foreign Aid:

1. House report accepted—annual report on debt burden of less developed countries.

2. Senate report accepted—annual foreign assistance report including all significant defense articles on U.S. munitions list.

3. House report accepted—semi-annual report on status of all obligations to U.S. and on all international financial transactions in which U.S. is a party.

4. Senate report accepted—evaluation of the American Schools and Hospitals Abroad Program, including recommendations on which agency should administer program.

5. House report accepted—quarterly report on narcotics programs and obligation and semi-annual report on activities and operations.

6. Senate receded on provision requiring access to all internal working documents in foreign policy agencies but retained existing provision requiring documents on foreign aid programs or certification of reasons for non-disclosure.

7. House receded from insistence on annual report on NATO costs.

Conferees Reject All Open-Ended Authorizations:

1. House receded from insistence on permanent open-ended authorization for Contingency Fund for extraordinary disaster relief.

2. House receded from open-ended authorization for international organizations for FY 1975.

Conferees Compromise on Indochina Postwar Reconstruction:

1. Conferees split difference on funding level down the middle and authorize $504 million.

2. House receded from statement of policy and Senate receded from amended policy statement (Kennedy).

3. Senate provision accepted—earmarks $712,000 for Plastic Surgery Center in Saigon (Chiles).

4. Senate receded from earmarking of $10 million for International Red Cross for Indochina (Kennedy), upon understanding that $2 millilon is programed for such expenditures.

5. House provision accepted—prohibits use of local currency generations and dollar assistance for support of police, prison construction or administration within South Vietnam.

Conferees Compromise Senate Proposed Policy Amendments:

1. Conferees accepted an amendment expressing the sense of Congress that assistance should be denied to any country which imprisons its citizens for political purposes (Abourezk, as accepted by Senate Foreign Relations Committee).

2. Conferees rejected an amendment expressing the sense of Congress that no assistance should be provided to any party to the Indochina peace agreements which does not comply with the agreements (Pell).

3. Conferees accepted an amendment expressing the sense of Congress that the Pathet Lao and the Royal Laotian Government be required to account for POWs and MIAs (Nelson).

4. Conferees rejected an amendment prohibiting the U.S. from settling the India debt for rupees (Byrd of Va.) but required prior Congressional consultation in the Statement of Managers.

5. Conferees accepted, as modified, an amendment expressing concern for world food shortages and directing the President to take specific steps to help alleviate the problem (Humphrey/Javits/Dole).

6. Conferees rejected an amendment authorizing the use of $6 million in FY 1974 appropriations for use to support the repatriation of the people of Bangladesh and Pakistan (Javits/Muskie/Kennedy) but noted in the Statement of Managers that such authority exists.

7. Conferees accepted, as modified, an amendment expressing the sense of Congress that the President should request the Government of Chile to protect human rights in Chile (Kennedy).

8. Conferees rejected an amendment expressing the sense of the Senate to urge Austria to take action to facilitate the travel of Soviet refugees (Mondale).

9. Conferees accepted an amendment authorizing $1 million for the Albert Schweitzer Hospital in Gabon (Brooks).

10. Conferees rejected an amendment expressing the sense of Congress that the Department of State establish a Bureau for Humanitarian and Social Services (Kennedy).

Conferees Continue Military Assistance Program at Reduced Levels and With Important New Policy Restrictions:

1. The Conference retained the existing statutory framework for the Military Assistance Program instead of adopting the Senate's rewrite. This avoided the need for numerous technical and administrative amendments.

2. The Senate's requirement that excess defense articles be furnished in lieu of new items wherever practicable was retained.

3. The Senate prohibition on the loan of defense articles was eliminated but existing authority was restricted and the law amended to require that the articles loaned are to be charged against appropriations.

4. The authorization of appropriations for military assistance and training was compromised on a 50–50 basis, the Senate limitation of assistance (other than excess) to eight countries was dropped but the number of countries eligible to receive MAP was reduced from 40 to 31. The Senate open-ended authorization for South Vietnam and Laos was dropped.

5. The Senate requirement that local currency proceeds from sales by recipients of used equipment be available for U.S. uses was retained.

6. The House provision extending authority to draw down from existing defense stocks with reimbursement from MAP funds was accepted but the ceiling was reduced from $300 to $250 million and a conference statement was added that up to $200 million of this authority be used for Cambodia emergency needs.

7. Ceilings on military assistance and sales to Latin America and Africa were changed eliminating cash sales from their computation but the President's existing authority to raise the ceilings by 50 percent was eliminated as proposed in the Senate bill.

8. The Senate provision requiring transfers of authorizations of military assistance for Laos and South Vietnam from DOD to the Foreign Assistance and Military Sales Acts as of last June 30 was modified to apply only to Laos and to take effect at the end of this fiscal year. Action on South Vietnam was deferred.

9. The House repeal of the requirement for

special foreign currency accounts was accepted.

10. The Senate authorization of Security Supporting Assistance was retained except that the earmarking of $65 million for Jordan was eliminated.

11. The Senate provision requiring an interruption of military assistance to Greece (Pell) was rejected, leaving intact the existing ceiling on such assistance.

12. The new Senate provision requires public identification of military assistance recipients and the amounts of assistance was replaced with language in the Conference Report which construes existing law to require public disclosure except during periods of critical international developments.

13. The Senate requirement that articles not be eligible for donation unless unneeded by any DOD component was included.

14. The Senate requirement that there be an annual report of all exports of significant defense articles was retained. The House requirement of a report on US NATO costs was eliminated. The Senate requirement that Congress be notified of licenses issued for export of items on the munitions list of $100,000 or more was retained.

15. The Conference retained, with technical changes, a Senate prohibition on furnishing sophisticated jets or other weapons to countries transferring defense articles on breach of their agreements with the U.S.

16. The Senate provision (Tunney) prohibiting assistance to Portugal upon a Presidential finding that any such assistance was used to support Portuguese actions in its African territories was amended to apply to any non-African country, to require a prompt report, but leave suspension for later consideration.

17. The Senate provision amending Section 104(c) of PL–480 to require specific Congressional authorization for agreements permitting PL–480 sales proceeds to be used for common defense was replaced with a Conference statement to the same effect in order to avoid germaneness problems on the floor of the House.

Conferees Compromise Major Issues on Foreign Military Sales Act:

1. Authorizations for appropriations and ceilings on sales amounts were compromised 50–50 with the House; the ceiling is set at $730 million with $300 million earmarked for Israel.

2. The Senate provision requiring purchasers of defense articles for cash to pay related administrative costs was replaced with conference language requiring that a charge be made for overhead expenses where feasible; the Senate provision eliminating the President's authority to sell defense articles on a fixed price basis was retained. The prohibition on sales to developed countries if commercial channels are available was eliminated.

3. The House provision softening repayment terms by extending the maximum repayment period from 10 to 20 years was deleted.

4. The Senate provision allowing sales repayable in local currencies to countries now receiving grant assistance was eliminated. The Senate provision requiring a reduction in sales, credit sales and guarantees to the maximum extent practicable was retained.

5. House technical amendments with respect to the guarantee authority were compromised with the Senate requiring deletion of the authority to issue guarantees to persons doing business outside the U.S.

6. The Senate provision authorizing either House to veto any sales agreement in excess of $25 million by adoption of a resolution disapproving the sale was not accepted.

7. The Senate provision directing the President to convene an international conference of arms supplies to negotiate ceilings on arms transfers was replaced with a Conference statement that the President should make every effort to negotiate with other powers for workable controls over arms transfers.

OTHER MATTERS

1. Excess Defense Articles—The House continued authority to furnish excess defense articles without changing the MAP appropriation up to the existing $185 million ceiling. The Senate eliminated this authority. The Conference lowers the ceiling to $150 million and requires charges against MAP appropriations except for articles generated outside the U.S.

2. The Senate provision for further control over loans or sales of military vessels was not accepted although the loan authority for MAP was restricted, as noted above.

Mr. HELMS. Mr. President, will the distinguished Senator from Minnesota yield for a question?

Mr. HUMPHREY. I yield.

Mr. HELMS. The new language of the antiabortion amendment has been previously released to the public by the House Foreign Affairs Committee because of the widespread interest in the topic. Some of my constituents expressed concern because the language of the amendment as it passed the Senate was modified by the conference. I presume that the distinguished Senator from Minnesota has also had constituent inquiries on the matter. Can the Senator give assurances to the Senate that, in his opinion, the language adopted by the conferees is a tough amendment and one that will effectively stop the performance of abortions as a method of family planning with funding authorized in this bill?

Mr. HUMPHREY. That is correct. It does not, however, interfere with what we call family planning services and the research that goes into family planning.

Mr. HELMS. I understand, and I thank the Senator.

Mr. CASE. Mr. President, as a member of the House-Senate conference committee on S. 1773, the Foreign Assistance Act of 1973, I would like to comment briefly on section 114 Limiting Use of Funds for Abortions.

The conferees intended in this section to prohibit the use of AID funds to pay special fees or incentives for the performance of abortion. Such payments have been considered in some countries to encourage family planning but the conference committee wished to make clear that it did not want U.S. bilateral assistance funds to be used by other governments to provide financial incentives for abortion as a method of family planning. We wanted also to be sure that AID would not support programs to motivate or coerce women to practice abortion either as a substitute for preventive measures of family planning or against individual wishes or conscience.

The Congress, which has strongly supported family planning and other programs related to population growth, has consistently stressed that:

> No individual will be coerced to practice methods of family planning inconsistent with his or her moral, philosophical, or religious beliefs.

Section 114 should not be construed as an attempt to dictate medical procedures to individual women in developing countries or to medical practitioners following the prevailing local customs and medical practice or to foreign governments. That is a matter of medical and personal judgment wholly beyond congressional authority and rightly so. Similarly, section 114 does not affect the policies and programs of international agencies that respond to local requests and circumstances.

Section 114 is designed to support additional research on all aspects of fertility control and to help medical practitioners to deal with the existing problems of self-induced abortion, hazardous late abortions, and various illegal procedures to which millions of women resort.

As the world faces new shortages of food and energy and therefore also of fertilizer and other vital commodities, it becomes ever more important to make available safe, acceptable and voluntary methods of family planning.

Mr. HELMS. Mr. President, I commend the Senate conferees for keeping the antiabortion language in the foreign aid bill. It was the will of the Senate that no U.S. Government funds be used for abortions, and the conference has returned language which will assure that this is the case. I know how hard it is to retain an amendment in conference which has been passed by only one body, but evidently the House conferees were confident that the House would support such language.

I am not surprised that such was the case, even though this will be the first time that Congress has gone on record as a statement of policy against the use of foreign aid funds for abortion. In years past, no one would ever have thought that it was necessary for Congress to take this step, but since AID has taken it upon itself in recent years to form its own policy, congressional action was necessary. This is an important step forward, therefore, and one that will have international implications for a better world.

I would also like to comment upon the outpouring of popular support for this amendment which came from all parts of the country. It was a stirring demonstration of the national sentiment on this issue, and it came from the grassroots itself. The major media saw fit to give little or no publicity to the fine action of the Senate in approving the amendment unanimously, yet the little people, the home-town folks, managed to get the message and to make their support felt strongly in the Congress. I know that the Members of Congress were impressed and gratified by the widespread expressions of reassurance and support, and that the response will not be forgotten when the proposals for constitutional amendments reaffirming the right to life come up for discussion.

Although the language approved by the Senate was modified in conference, I think that we can all be pleased with the results. It is now direct and simple, and in some respects stronger than the original version. It adds direct prohibitions against motivating or coercing any person to practice abortion, prohibitions which were not in the original, and which emphasize more emphatically the opposition of the Congress to abortion. These additional provisions highlight the moral nature of the problem of abortion, and the repugnance with which Congress views any attempt to enlarge or expand the practice of abortion. I once again commend the conferees for their action in adopting language that is bolder and more effective than before.

I am also pleased that the conferees phrased the denial of funds for the "performance" of abortions. Performance is a word which has a very wide latitude of interpretation, and includes everything associated with "performance," including not only physicians' and hospital fees, salaries, or expenses, but also associated equipment and necessities, such as drugs, medical instruments, and other devices specifically designed to effect or to assist in effecting abortions.

It is also to be noted that the language specifically talks not just about abortions, but abortions as a method of family planning. I would think that this would include counseling abortions as a method of family planning, as well. After all, the first step in receiving an abortion would undoubtedly be a counseling session or attending clinics where abortion is presented as an acceptable option in family planning. This amendment clearly forbids U.S. Government funds from being used in programs which offer abortion counselling. This prohibition is reinforced by the language I have already referred to above; namely, the further prohibition against motivating people to practice abortion.

The language on motivation is also broadly drawn to include both women who might practice abortion upon themselves, and medical practitioners who might practice abortion upon others. This rules out training programs which have as a principal object the training of medical personnel to practice abortion. Such a program for example, is scheduled to start in January at Washington University in St. Louis, with others at Johns Hopkins University in Baltimore, Western Pennsylvania Hospital in Pittsburgh, and American University in Beirut. Each of these programs is getting $250,000 to $300,000 a year. While other techniques are also taught, I think it is plainly the intention of the Congress to halt the abortion component of such programs immediately.

Finally, it is quite clear that this language rules out any clinical testing or experimentation on human beings which has the effect of aborting or expelling the fetus. Whether such abortions are accomplished by pill or injection or surgery, they fall within the ambit of the prohibition against the performance of abortions. As I pointed out on October 1, there is a wide range of testing underway paid for with AID funds, with experiments being tried both upon U.S. citizens in this country and upon foreign citizens abroad. This abortion activity should cease.

I think it is incumbent upon AID to take steps as soon as this bill becomes law to prevent the use of U.S. Government funds from being used for any of the forbidden practices, including the spread of informational, propagandistic, or other motivational materials in support of abortion. At the very least this will require negotiation of tight agreements with international associations and funding agencies which act as a conduit for AID funds. There should be no commingling of funds used for abortions or propaganda programs with funds received directly or indirectly from AID.

Such precautions would scarcely have to be mentioned, except that AID's past concern over the efficient use of the funds it distributes has been minimal. I cite, for example, the GAO report on "U.S. Grant Support of International Planned Parenthood Federation Needs Better Oversight," study No. B-173240, dated September 14, 1973. The report sharply criticizes AID's sloppy and casual handling of audit requirements on IPPF grants. As examples, GAO cited:

Balance sheets and income and expenditure statements were not always presented.

Not all reports accounted for IPPF-granted commodities, and, when commodities were reported, there was no uniform treatment.

Some audits were not made by independent auditors.

Some reports were expressed in local currency.

Depreciation was not uniformly treated.

Many audit reports were not timely received.

These problems can be attributed to IPPF's failure to issue audit guidelines.

In addition, GAO reported that IPPF lacked sufficient qualified central office personnel or any system for periodic reassessment of programs. These criticisms are serious when it is realized that IPPF's overall budget increased from a mere $30,000 in 1961 to $32.5 million in 1973. About $11.5 million is contributed directly from AID funds. In addition, IPPF spends another $7.1 million which includes a large chunk of money supplied by local AID missions direct support.

GAO therefore recommended that the Administrator of AID provide for a specific phased plan for:

Timely submission of accurate and reliable reports and data from national associations;

More field reviews, inspection, and reports by IPPF central and regional offices;

Improvements in the extent and quality of independent audits of associations' programs and management; and

More effective evaluation and reporting by IPPF's central office to AID.

In view of the fact that AID has been a major proponent of abortion and abortion-related activities, I think that it is indispensable that this list of recommendations be further broadened to include effective and practical controls to make sure that none of AID's funds find their way into IPPF's abortion activities. In the same way, agreements should be negotiated with the U.N. Population Fund for similar audits to prevent the commingling of U.S. funds with abortion activities.

I call upon the Administrator of AID to take such steps immediately.

Finally, Mr. President, I would like to make a comment upon the language in the conference report, namely,

> This provision is not intended to interfere with or curtail support for preventive maternal and child health and family planning services and related research which are provided on a voluntary basis and in accordance with the prevailing local customs and medical practice.

This language preserves the careful distinction which I made in my statement of October 1. My amendment in its prohibitions reached only to, abortion and not to contraception. It was never intended to reach programs of a contraceptive nature. The distinction is not difficult. Contraception is prevention. It prevents life from beginning. Abortion is in no sense preventive; it kills life after it has begun. That is why the language adopted by the conferees completely eliminates abortion as a method of family planning. But local customs and medical practice differ on preventive methods and the conference report makes it clear that preventive methods of family planning, that is to say contraceptive methods, are not forbidden from support with U.S. Government funds. Research, distribution of materials, and clinical support may continue on preventive methods, but not for abortifacient methods.

I congratulate my colleagues for working so hard on this amendment, to so good a result.

Mr. President, I recently wrote to the new Administrator of AID, Mr. Daniel Parker, and asked him whether or not it was the policy of AID to support and encourage the killing of innocent unborn children through abortion. Mr. Parker has kindly written back under the date of November 21 and answers succinctly and to the point:

> Surely you must realize that it is not A.I.D.'s policy to support or encourage the killing of innocent unborn children through abortion. It is A.I.D.'s policy to conduct a vigorous program supporting, without any coercion whatsoever, the development of effective family planning programs in less developed countries. The purpose of our policy is to attempt as best we can, to help to avoid the disastrous worldwide consequences of continued unchecked population growth.

I want to thank Mr. Parker for his clear and unequivocal statement. It sets a new course for AID, as is entirely proper with the arrival of a new Administrator in the job. In conjunction with the language adopted in the conference, it sets forth new guidelines against which to measure AID's activity in this field.

Mr. Parker, in the rest of his letter, emphasizes the great need for the lack of coercion and the emphasis on voluntariness in such programs. It is a statement with which I could not agree more. The slightest suspicion that the United States was imposing its own views or the views of international groups on population growth on the recipients of foreign aid would definitely be counterproductive. That is one reason why I offered my amendment in the first place. If we fund programs which offend governments or which offend large population groups even if the governments approve, we will be working against our best interests abroad. Such funding implies tacit approval, and we should not take sides one way or the other.

That is the reason why my original language, and the language of the conferees' version also, would only restrict the use of U.S. Government funds under the act for abortion. It would not put any restrictions whatsoever upon the programs of foreign governments and international organizations which fund abortion programs from other sources. Neither version would dictate what practices in other countries should be. But just as other countries should not be coerced to follow our values, so, too, U.S. taxpayers should not be coerced, under the law, to pay taxes to finance abortions. Since there is no effective way to make taxes voluntary, the only solution is to prevent the use of taxpayers' funds from being used for abortions.

Thus, the new language is in accord with the original policy set for AID in title X. As I have said before, I doubt that anyone who voted for title X originally would have considered that the concept of "family planning" would be perverted to include the killing of innocent unborn children through abortion.

Mr. President, I ask unanimous consent that the letter from Mr. Daniel Parker be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE, AGENCY FOR
INTERNATIONAL DEVELOPMENT,
Washington, D.C., November 21, 1973.

Hon. JESSE HELMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HELMS: We have your letter postmarked November 9 which unfortunately was not received by us until November 15. We do apologize but this accounts for our delay in responding.

Your letter raises an extremely serious and complicated subject. I would like first to answer your short and direct question in a short and direct way.

Surely you must realize that it is not A.I.D.'s policy to support or encourage the killing of innocent unborn children through abortion. It is A.I.D.'s policy to conduct a vigorous program supporting, without any coercion whatsoever, the development of effective family planning programs in less developed countries. The purpose of our policy is to attempt, as best we can, to help to avoid the disastrous worldwide consequences of continued unchecked population growth.

Title X of the Foreign Assistance Act of 1961, as amended, expresses the sense of Congress that . . . ". . . every nation is and should be free to determine its own policies and procedures with respect to problems of population growth and family planning within its own boundaries, . . ." That principle has formed a basic policy directive which has guided our family planning efforts. We have attempted to provide, within the words of Title X, ". . . voluntary family planning programs to provide individual couples with the knowledge and medical facilities to plan their family size in accordance with their own moral convictions and the latest medical information, . . ."

The question of abortion has arisen before on a number of occasions during Congressional considerations of the Title X program. Heretofore, Congress has chosen to continue the authorization after careful review without any restrictive provision attempting to dictate what practices in other countries should be.

A.I.D. believes the policy direction originally set for it in Title X is a wise and proper one. We are acutely aware of the widely divergent viewpoints in this country on the difficult and sensitive family planning issue. Practices in other countries reflect a similar diversity. That is to be expected on matters which are so closely related to the customs and morals of different peoples and of so uniquely personal in nature. We believe that such subjects should be left to each country in which family planning programs are undertaken.

Sincerely,

DANIEL PARKER.

Mr. AIKEN. Mr. President, I yield 15 minutes to the distinguished senior Senator from Idaho.

Mr. CHURCH. Mr. President, I hope the Senate will reject this conference report.

Americans are generous and compassionate people who have never been found wanting in contributing to the relief of suffering and hunger at home or abroad. Since the end of World War II, the United States has paid out some $180 billion in foreign aid, $857 for every man, woman, and child in America. But Americans have good reason to question whether their money has been wisely spent, when their tax dollars end up in the Swiss bank accounts of Cambodian generals or in the form of U.S. supplied tanks used to kill Greek and Thai students. It is false and misleading advertising to say that the current foreign aid program is for humanitarian purposes. Only a small portion of foreign aid can be labeled legitimately as humanitarian aid. The principal purpose of foreign aid today is to subsidize vested interests here and abroad. The program is kept alive through bureaucratic momentum and the willingness of Congress to bite the bullet and call a halt.

Mr. President, I did not sign the conference report for two basic reasons. First, the conference agreement lumps military and economic aid together into one legislative package; and second, the the amounts authorized by the bill are much too high. Let me discuss each of these briefly.

For years the Committee on Foreign Relations has called for the separation of military from economic aid so that Members of Congress would have an opportunity to consider each type of aid on its own merits. Two years ago the Senate, for the first time, defeated a House-approved combination foreign aid bill, partly because Members were not permitted to choose between economic and military aid. They had to take the good with the bad, the bitter with the sweet. As a result, the Senate rejected both. Afterwards, the Senate resurrected the program by passing two bills separating economic from military aid, only to have them combined later into one bill in conference.

This year, the Senate again passed two separate foreign aid bills. Again, the conference performed a forced marriage, creating another omnibus monstrosity. In this bill, Senators are asked to endorse another $370 million in military aid for Cambodia sweetened with $25 million for famine relief in Africa. This Mulligan's stew of objectives is indigestible.

Congress has a responsibility to legislate in an open, understandable manner. This bill is a step backward, a procedure calculated only to gain a few more votes in the House by piggybacking economic aid through on the back of an only slightly less unpopular military aid program. The Senate should refuse to be a party to such ramrod tactics. These are two separate programs, with separate and distinct objectives, run by different agencies. Each should stand on its own bottom. The conference agreement takes away the Senate's freedom of choice and forces Members to accept—or reject—the good with the bad.

The Senate should reaffirm its action of 2 years ago and vote down this approach.

Now, as to the amounts involved, the total foreign aid available under the conference bill is almost $1 billion more than was allowed in the two original Senate bills. Yet the table in the conference report shows $404,021,000 more than the Senate approved. This is but a bit of sleight of hand. The table in the conference report does not take into account the $561,500,000 in additional foreign assistance, not in the Senate bill, that will be available under the conference agreement from loan repayments, drawdown of Defense Department stocks, and surplus arms and equipment that can be given away. Not only is the conference total vastly higher than the Senate figure, but it is also $335,534,000 more than the annual spending rate allowed under the continuing resolution.

Mr. President, this bill alone will increase by a third of a billion dollars the present level of spending for the regular foreign aid program and that is just the beginning for, as the Senate well knows, there will be supplementary bills to follow.

As a matter of fact, even without the supplementaries, this bill represents only a part of the Nation's overall foreign aid program. The total of all the bits and pieces of the foreign aid program proposed by the executive branch for this fiscal year comes to a staggering $8,643,349,000.

Our Nation's economy is in serious trouble, with even more difficult times ahead. Responsible economists and businessmen predict an unemployment rate of 8 percent or more within the next year or so. Inflation and increased taxes are taking more out of the pocketbooks of Americans every day; this is the worst inflation experienced by the American people in 25 years.

A few days ago, the Senate voted to raise the Federal debt limit to $475.7 billion. It is currently estimated that this year's budget deficit will reach $15 billion. But this does not take into account the $2.2 billion supplemental aid request for Israel, the multibillion dollar supplemental being planned for the Defense Department, or the impact of the energy crisis on the economy and tax revenues. Make no mistake about it, the bill now before us will add $3 billion to the Federal debt. This is no time for a business-as-usual foreign aid bill.

I cannot believe, in view of the seriousness of the current inflation, our depleted Treasury, our devalued dollar, and the prospect of further economic troubles to come, that the Senate wants to increase by a third of a billion dollars the regular foreign aid program, particularly in view of the supplemental requests still to come.

I read in the newspaper this morning that the House Appropriations Committee has just voted out appropriations for foreign aid this year. I wish to read portions of that newspaper report which appeared in today's edition of the Washington Post. The article states:

> The House Appropriations Committee yesterday approved a foreign aid spending bill of $5.8 billion, biggest since the Korean War.
>
> The bill includes $2.4 billion for emergency military aid to Israel and Cambodia requested by President Nixon Oct. 19.
>
> House Appropriations Chairman George Mahon (D-Tex.), said last week the request would almost certainly break the administration's 1974 "anti-inflation" budget goal of $268 billion.

Mr. Mahon also reported that this is the largest foreign aid appropriation that has come before Congress since 1953.

Mr. President, I ask unanimous consent to have printed in the Record the article printed in the Washington Post this morning, to which I have just made reference.

There being no objection, the article was ordered to be printed in the Record, as follows:

> $5.8 Billion in Aid Voted by Hill Unit
>
> The House Appropriations Committee yesterday approved a foreign aid spending bill of $5.8 billion, biggest since the Korean War.
>
> The bill includes $2.4 billion for emergency military aid to Israel and Cambodia requested by President Nixon Oct. 19.
>
> House Appropriations Chairman George Mahon (D-Tex.) said last week the request would almost certainly break the administration's 1974 "anti-inflation" budget goal of $268 billion.
>
> The bill was approved on a voice vote after the committee restored $500 million of emergency funds for Israel chopped out last week by the Foreign Operations Subcommittee.
>
> Subcommittee Chairman Otto Passman (D-La.) said he personally proposed restoring the money after being given additional information by the White House, Secretary of State Henry A. Kissinger and Defense Secretary James Schlesinger.
>
> Israel's share of the bill actually comes to $2.6 billion, because other sections would give it an additional $400 million in military and refugee resettlement aid.
>
> The committee wrote in provisions requiring an immediate presidential report if more than $1.7 billion of the emergency funds were spent, and it suggested giving Israel 25 years to repay loans under the act.
>
> Other money in the bill, biggest since the $6.6 billion of 1953:
>
> $2.4 billion for regular foreign assistance.
>
> $325 million for foreign military sales.
>
> $1 billion for projects not administered by the Agency for International Development, such as the Peace Corps, international banks and refugee relief.
>
> $150 million in emergency relief funds for the famine-stricken Sahel region of West Africa.
>
> The House meanwhile passed the authorizing bill for regular foreign assistance on a 210-to-193 vote and sent it to the Senate where it faces a possible floor fight.

Mr. CHURCH. Mr. President, in the face of this reality, what point is there to the juggling of figures that make it seem as though Congress is cutting back on this or that provision of the bill? If this conference report is approved by the Senate today, it will authorize a regular foreign aid program that is approximately a billion dollars larger than that authorized by the Senate when the two original bills were before us.

I urge the Senate to reject the conference report.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I am very much impressed with the facts being developed by the able senior Senator from Idaho. I wish to ask this question: What is the total amount involved in the legislation before the Senate now?

Mr. CHURCH. The total amount involved is $2.9 billion, just under $3 billion.

Mr. HARRY F. BYRD, JR. One might say in round figures $3 billion?

Mr. CHURCH. Yes, $3 billion.

Mr. HARRY F. BYRD, JR. Which is $1 billion more than the Senate previously approved.

Mr. CHURCH. The Senator is correct.

Mr. HARRY F. BYRD, JR. This legislation is only a part of the total foreign aid and foreign assistance program, is it not?

Mr. CHURCH. The Senator is correct. It represents less than one half of the total foreign aid program as originally requested by the administration.

Mr. HARRY F. BYRD, JR. Did I understand the able Senator from Idaho to say that the foreign aid appropriation bill now before the House will be the highest for any year since 1955?

Mr. CHURCH. Since 1953.

Mr. HARRY F. BYRD, JR. Since 1953. We are appropriating more money for foreign assistance now than we have in any year since 1953. That is an astonishing fact.

The American people have been told, told by the Senate, in speeches made in the Senate, that we are reducing foreign aid. The fact is that we are increasing foreign aid.

No wonder the American public does not have much confidence in the credibility of their Government.

I thank the Senator for yielding.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. CHURCH. I shall be glad to yield, but first I wish to respond to the Senator from Virginia.

The Senator is quite correct. I think that the action of the Senate—should we approve this conference report—is even less defensible in light of the fact that we solemnly pledged ourselves, at the commencement of this session, to respect an overall spending limit of $268 billion.

But now, if the chairman of the House Appropriations Committee is to be believed, the foreign aid appropriation will break that ceiling wide open.

Yet I cannot count the number of times the Members of the Senate pledged themselves, earlier this year, to a substantial reduction in foreign aid as well as a reduction in military spending and space spending in order that we might at least bring expenditures within the ceiling asked by the President and pledged by Congress.

Mr. HUMPHREY. Mr. President, will the Senator yield, either on my time or his time?

Mr. CHURCH. I yield on the Senator's time, because I think I am a little short of time.

Mr. HUMPHREY. Mr. President, on my time, I will just take 2 minutes.

First of all, I think the record should be clear that this bill is $359,234,000 less than the administration's request for this fiscal year. That is a reduction. When the President sent down to us his budget ceiling of $268 billion, it included a higher foreign aid figure than the conference report provides. This is a reduction of almost $400 million.

Second, it is approximately $210 million less an authorization than we appropriated last year. I do not care how you play with the figures—that is a fact.

When we talk about this being the highest foreign aid bill we have had, it must be remembered that the House has added $2 billion for aid to Israel as a special item in which this country has a great interest, and it is that overall assistance and military assistance which makes the figure high.

May I point out that 1953 dollars bought a whole lot more than 1973 dollars do. I wonder how Senators would like to have their salaries paid on the basis of 1953. I wonder how we would like to have committee expenses on the basis of 1953. I think we would even like to have gasoline at 1953 prices.

So when we consider the figures on the basis of what they buy, it is approximately 50 percent less than they bought in 1953. Therefore, we are getting a great reduction in the actual expenditures for goods and services.

I do not think anyone can deny that. The facts are here and they speak for themselves.

Mr. CHURCH. I would like to reply to the argument of the able Senator from Minnesota. He has given us accurate figures. It is true that this authorization bill is below the amount originally requested by the administration, and it is also true, as he has pointed out, that the action taken by the House Appropriations Committee does include supplemental money for Israel. But if we are going to determine how much money we shall spend for foreign aid this year, we cannot confine ourselves to this particular bill. We must look at all the expenditures we are likely to approve, and when we look at all of them, when we consider the action the House has already taken, it is obvious that we are in the process of approving a foreign aid program that is larger than any since 1953.

Now let us return to this bill. Even though this bill is below the level of spending requested by the administration, it is nonetheless about $1 billion above the level that was previously approved by the Senate, when it considered the economic and military aid bills separately. What has the conference committee done? It has put the two bills together and has added $1 billion to what the Senate previously authorized. Moreover, the level of spending in this bill is substantially above the authorized level under the current continuing resolution.

So, no matter how you cut it, this bill adds a lot of money to foreign aid.

The Senator from Minnesota says the bill represents only a ceiling, and we must wait to see what the Appropriations Committee will do. Well, we always have to wait to see what the Appropriations Committee will do. Nevertheless, just 2 months ago, I heard the Senator, in connection with a different matter, argue that the place to start economizing is with authorization bills, to lower the ceiling.

Mr. HUMPHREY. And I agree.

Mr. CHURCH. And then we can cut the appropriations.

Mr. HUMPHREY. I agree, and we lowered the ceiling by $400 million. Not bad.

Mr. CHURCH. I think that is legerdemain, because the important figure is the present level of authorized spending as compared with the level provided by this bill. That is the way to determine whether we are going up or down. No matter how you look at it, we are going up.

Mr. HUMPHREY. The Senator will note there is an authorization of $209 million less than we appropriated last year. That cannot be disputed.

Mr. CHURCH. As the Senator well knows, how much will be appropriated this year, nobody can foretell. All we can do now is set the new spending ceiling. That is where we should begin to economize, and we cannot do it with this conference report, because it calls for an authorized ceiling for spending that is one-third of a billion dollars above the present one.

Such are the figures. Let us not fool ourselves. We are raising the ceiling for the foreign aid program with the passage of this bill.

And this is only the beginning. We will have the supplemental bill to consider, which will add at least $2 billion more, and the other items contained in the measure recommended by the House Appropriations Committee, items that relate to Peace Corps money, to money for emergency relief for the famine-stricken areas in Africa, and money for the multilateral banks.

All of this, taken together, represents the largest foreign aid package presented to the Congress since 1953.

Mr. President, Members of the Senate know how I feel about the bilateral foreign aid program. It has failed, and I have called for a very different kind of program. The only way I know to restructure foreign aid to design a program that will achieve, through multilateral agencies, long-term economic development, one that will drastically cut back on military assistance for corrupt, despotic governments all over the world, is to call a halt to the present program. That is what we must do. And until we do it, we will not get meaningful reform, just more cosmetic changes of the kind contained in the pending conference report.

There is but one solution: Reject this conference report and force upon Congress and the administration a new and different approach to the foreign aid question.

Mr. President, in closing, I ask unanimous consent that two tables on foreign aid spending be included here in the Record.

There being no objection, the tabulations were ordered to be printed in the Record, as follows:

TRANSFERS OF U.S. RESOURCES TO FOREIGN NATIONS—WORLDWIDE DISTRIBUTION BY PROGRAM

[In thousands of dollars]

	Fiscal year—		
	1972 actual	1973 estimated	1974 proposed
Grand total of all U.S. resources transferred	9, 278, 578	9, 511, 259	8, 643, 349
Security assistance (subtotal)	6, 040, 038	5, 945, 192	4, 111, 417
Military assistance program	549, 892	589, 100	771, 500
Distributed by country	(527, 813)	(453, 028)	(648, 727)
Not distributed by country	(22, 079)	(136, 072)	(122, 773)
Int. mil. education and training program			33, 000
Distributed by country			(30, 123)
Not distributed by country			(2, 877)
Military assistance service funded	2, 584, 100	2, 735, 000	1, 870, 800
Distributed by country	(2, 584, 100)	(2, 735, 000)	(1, 870, 800)
MAAG administrative costs			
Military department funded	95, 157	96, 110	52, 409
Distributed by country	(95, 157)	(96, 110)	(52, 409)
Transfer of defense stocks	252, 421		
Distributed by country	(252, 421)		
Excess defense articles	107, 318	185, 000	185, 000
Distributed by country	(107, 316)	(184, 000)	(185, 000)
Not distributed by country	(2)	(1, 000)	
Ships transfers, distributed by country	159, 696	121, 000	6, 500
Real property transfers	631, 128	721, 091	244, 553
Security supporting assistance	593, 226	627, 891	124, 055
Distributed by country	(577, 883)	(606, 786)	(117, 500)
Not distributed by country	(15, 343)	(21, 105)	(6, 555)
Foreign military credit sales	550, 000	550, 000	760, 000
Distributed by country	(550, 000)	(550, 000)	(760, 000)
Export-Import Bank military loans	190, 000	100, 000	NA
Distributed by country	(190, 000)	(100, 000)	NA
Public Law 480 (sec. 104(c), distributed by country	(67, 060)	(157, 900)	(162, 080)
Purchase of local currency (Vietnam)	327, 100	220, 000	63, 600
Indochina postwar reconstruction (subtotal)			630, 945
Distributed by country			(614, 000)
Not distributed by country			(16, 945)
Development assistance (subtotal)	3, 238, 540	3, 566, 067	3, 900, 987
Agency for International Development	(1, 474, 228)	(1, 334, 491)	(1, 338, 314)
Development loans, distributed by country	535, 700	493, 400	596, 000
Not distributed by country	68, 350	99, 600	49, 000
Development grants, distributed by country	111, 726	98, 603	102, 725
Not distributed by country	66, 657	73, 897	84, 525
Population programs, distributed by country	27, 842	32, 717	37, 071
Not distributed by country	11, 904	11, 306	9, 675
South Asian relief	194, 422	101, 100	500
American schools and hospitals abroad, not distributed by country	19, 987	25, 532	10, 000
International organizations and programs, not distributed by country	182, 037	145, 631	177, 122
Administrative expenses, not distributed by country	58, 628	57, 159	57, 875
Administrative expenses, State	4, 448	4, 420	5, 100
International narcotics control and contingency fund, distributed by country	49, 812	12, 617	20, 481
Not distributed by country	17		
Contingency fund, undistributed		12, 773	30, 300
Narcotics, undistributed			9, 738
Program support and interregional activities, not distributed by country	142, 696	165, 736	148, 202
Peace Corps, distributed by country	50, 314	50, 715	51, 463
Not distributed by country	3, 855	7, 227	6, 543
General support	20, 931	22, 898	18, 995
Public Law 480, distributed by country	1, 025, 115	1, 072, 410	976, 575
Not distributed by country	96, 888	9, 790	22, 345
Ocean freight	190, 510	162, 500	117, 700
Grants of title I, sec. 204	3, 001	2, 000	1, 000
Private trade entities		13, 400	10, 000
Emergency reserve			19, 180
U.S. contributions to international financial institutions:			
IBRD:			
Paid-in capital	12, 300		
Callable capital	(110, 700)		
International Development Association		320, 000	320, 000
Inter-American Development Bank:			
Paid-in capital	75, 000	25, 000	25, 000
Callable capital	(136, 800)	(168, 400)	(168, 380)
Fund for special operations		225, 000	500, 000
Asian Development Bank:			
Paid-in capital			24, 200
Callable capital			(96, 800)
Special funds			100, 000
State Department migration and refugee programs, not distributed by country	14, 895	12, 067	7, 600
Inter-American Foundation	2, 847	3, 473	13, 285
Pan American Highway	343		
Darien Gap Highway	9, 755	20, 000	30, 000
Mutual Education and Cultural Exchange	29, 579	32, 563	38, 557
Nonregional	11, 226	12, 437	14, 443
Trust Territories of the Pacific	55, 581	63, 903	66, 000
Contributions to international organizations (State Department)	162, 172	176, 191	199, 787

COMPARATIVE DATA ON FISCAL YEAR 1974 FOREIGN AID AUTHORIZATION LEGISLATION

[In millions of dollars]

	Executive branch authorization request	Continuing resolution	House bill	Senate bill	Conference agreement	Difference from Senate amounts
I. ECONOMIC ASSISTANCE						
Indochina postwar reconstruction for South Vietnam, Laos and Cambodia	$632.0	$431.0	$632.0	$376.0	$504.0	+$128.02
International organizations	124.8	94.1	127.8	127.822	127.8	−.02
Indus Basin grants	15.0	9.0	15.0	14.0	14.5	+.5
Old development loan/grant categories:						
Loans (including Alliance for Progress)	351.4	310.2				
Grants (including Alliance for Progress	251.8	210.5				
Population	(116.0)	89.8	(125.0)	(125.0)	(125.0)	
New development assistance categories:						
Food and nutrition			300.0	282.0	291.0	+9.0
Population planning and health			150.0	141.0	145.0	+4.0
Education and human resources			90.0	94.0	90.0	−4.0
Selected development problems			60.0	47.0	53.0	+6.0
Selected countries and organizations			50.0	28.0	39.0	+11.0
Miscellaneous categories:						
American schools and hospitals	10.0	9.0	20.6	19.0	19.0	
International narcotics control program	42.5		50.0	40.0	42.5	+2.5
Contingency	30.0	22.4	30.0	23.5	30.0	+6.5
Partners of the Alliance			.968	.9	.934	+.034
Administrative expenses (AID)	53.1	45.9	53.1	24.0	45.0	+21.0
Refugee relief assistance (Bangladesh)						
Arab refugees			2.0		2.0	+2.0
African famine relief			30.0		25.0	+25.0
Albert Schweitzer Hospital				1.0	1.0	
Total economic assistance	1,510.6	1,221.9	1,610.868	1,218.222	1,429.734	+211.512
II. MILITARY ASSISTANCE						
Grant military assistance	652.0	493.9	550.0	420.0	512.5	+92.5
Regional naval training						
Security supporting assistance (outside Indochina)	100.0	107.8	125.0	125.0	125.0	
Military credit sales	525.0	358.6	450.0	200.0	325.0	+125.0
Military training			30.0	25.0		−25.0
Total military assistance	1,277.0	960.3	1,155.0	770.0	962.5	+192.5
Total economic and military assistance	2,787.5	2,182.2	2,765.868	1,988.222	2,392.234	+404.012
Other itesm:						
Loan reflows	323.0	251.0	323.0		161.5	+161.5
Drawdown authority for military aid	300.0		323.0		250.0	+250.0
Excess defense articles	185.0	185.0	185.0		150.0	+150.0
Total	808.0	436.0	808.0		561.5	+561.5
Grand total	3,595.5	2,618.2	3,573.868	1,988.222	2,953.734	+965,512

Mr. CHURCH. Mr. President, I also ask unanimous consent that a letter I have sent to my colleagues urging them to reject the conference report be included here in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., November 30, 1973.

DEAR COLLEAGUE: In the near future, the Senate will be voting on the foreign aid conference report which authorizes over $2.9 billion in both economic and military aid during this fiscal year.

In view of the commitment that Congress has made to impose a ceiling on spending, I declined—as a conferee—to sign the report, and I will vote against it when it comes before the Senate.

The amount authorized in the conference report is nearly $1 billion more than the amount originally approved by the Senate, and it is $335 million more than the amount spent in fiscal 1973 under the continuing resolution.

The need to hold down spending, rather than increasing it still more, was clearly indicated by the announcement November 26 by the Treasury Department that the Federal budget fell $5.5 billion further into the red during the month of October alone.

In passing judgment on the conference report, it should also be called to your attention that over the past 12 years—since fiscal 1962—we have expended $3,063,000,000 in foreign economic and military aid to the Arab nations, according to figures compiled by the Senate Foreign Relations Committee.

Yet, this aid has bought us nothing but the prospect of cold furnaces and empty gas tanks. For all the gratitude we've earned, we might better have kept the money here at home and burned it for fuel this winter.

In the face of this experience, increasing foreign aid this year should give every Senator pause. Obviously, the program produces neither gratitude nor reciprocal consideration from those who reecive the benefits. This would seem to be a lesson that we refuse to learn.

It seems to me it's time to call a halt. I hope you will join me in opposing the conference report.

Sincerely,

FRANK CHURCH.

Mr. CHURCH. Mr. President, if I have the time, I would like to read the letter into the RECORD at this point.

Mr. President, how much time do I have?

Mr. AIKEN. Mr. President, how long would it take?

Mr. CHURCH. Two or 3 minutes.

Mr. AIKEN. Go ahead and read it. I will yield the Senator 3 minutes.

Mr. CHURCH. I thank the Senator from Vermont for yielding me some additional time.

This is the letter. It reads as follows:

In the near future, the Senate will be voting on the foreign aid conference report which authorizes over $2.9 billion in both economic and military aid during this fiscal year.

In view of the commitment that Congress has made to impose a ceiling on spending, I declined—as a conferee—to sign the report, and I will vote against it when it comes before the Senate.

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In the face of this experience, increasing foreign aid this year should give every Senator pause. Obviously, the program produces neither gratitude nor reciprocal consideration from those who receive the benefits. This would seem to be a lesson that we refuse to learn.

It seems to me it's time to call a halt. I hope you will join me in opposing the conference report.

Mr. President, in conclusion, however one may feel about the foreign aid program, the size of it should be trimmed back to what we can presently afford, given the economic problems that now face the country. This is an objective that I think the American people overwhelmingly endorse.

Now is the time, and the means is to reject this conference report. Only then can we commence to restructure foreign aid in ways that make sense for the country.

RESPONSE TO SENATOR CHURCH'S LETTER

Mr. HUMPHREY. Mr. President, Senator Church's opening paragraph is misleading. He adds a contingent authority—MAP drawdown authority—an exemption for excess defense articles up to a certain value, and repayments of prior year loans to new obligational authority and calls the total—$2.9 billion—new obligational authority. To the contrary the conference report authorizes about $2.4 billion in new obligational authority, which is $374 million below the House bill and $404 million above the Senate bill—an almost even split. In fact, the economic assistance authorizations were split approximately 50–50. Senator Church further distorts the conference results by claiming that the report is nearly $1 billion above the amount originally approved by the Senate. Once again, he has added apples to oranges and called them all oranges. He adds to the $404 million increase above the Senate bill, $562 million that represents the military aid drawdown, excess defense article exemption and loan repayments—all of which do not require new obligational authority. Lastly, because Senator Church so distorts the figures, he can claim that the conference report is $335 million above the fiscal year 1973 continuing resolution. The fact is that the conference report actually represents a cut of about $20 million from what could be spent in fiscal year 1973 when Senator Church's extra items are accounted for.

Senator Church also implies that by defeating the conference report we will serve notice to the Arab nations that after having given them over $3 billion in the past 12 years, we are shutting off the tap. The truth is that the conference report authorizes modest amounts of development assistance for Morocco, Tunisia, and the Yemen Arab Republic—none of which are significant oil exporters. What is more important is that the defeat of the conference report could jeopardize our efforts to support certain moderate Arab governments who are expected to play an important role in our quest for a solution to the present Mideast crisis.

Mr. ABOUREZK. Mr. President, will the Senator yield?

Mr. AIKEN. Mr. President, how much time does the Senator require?

Mr. ABOUREZK. Mr. President, I would like to have 20 minutes, but perhaps it will not take that long, if I can be yielded that much time.

Mr. HUMPHREY. We have extra time.

Mr. AIKEN. Mr. President, I yield 20 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 20 minutes.

Mr. ABOUREZK. Mr. President, if I might state to the Senator from Idaho and the Senator from Minnesota, who is managing this bill, that if we are going to renew priorities in any way, shape, or form, we have a roughly $3 billion foreign aid bill. We are now considering voting on $1 billion more than the Senate has voted on in the two separate economic and military bills.

A couple of weeks ago, I heard testimony from an Assistant Secretary of Health, Education, and Welfare before the Indian Affairs Subcommittee. The hearings that I was chairing at the time were on the problems facing the Indian health service and the amount of money they might need to do their work.

According to the testimony of the Director of the Indian Health Service, as well as an Assistant HEW Secretary, they would need this year just to catch up and close the gap in order to provide adequate medical care for the Indian people of this country an additional $40 to $50 million.

The Rosebud Indian Reservation in South Dakota is the reservation on which I was born. A doctor in the Indian Health Service from that reservation at this time testified that there were 400 Indian patients walking around the reservation who needed surgery of one kind or another, and that they had neither the money or other resources that were necessary to perform this surgery.

The lives of every one of those persons is going to be shortened, because of the lack of facilities and money with which to perform the surgery needed by those people.

Every reservation in the Western States has about the same problem. And yet, in considering this kind of a foreign aid bill, part of which, as the Senator from Idaho has said, is humanitarian, and only a very small part, I think that we do damage to the concept of helping the people in this country and the people throughout the world.

Mr. President, I believe that we in Congress have in the past been derelict in not spelling out the guidelines necessary to the creation of a foreign assistance program consonant with the goals, ideals and interests of the American people. We have given too much discretionary power to the President and his appointees, and therefore, we have some responsibility to bear if our AID programs have increasingly been used for political purposes.

I further believe that there is not any necessary conflict between a sound concept of the national interest and a sound commitment and understanding of the goals of world development and the protection and promotion of human rights and dignity all over the world.

As a result of the cold war mentality—a mentality which I believe is now possible for us to overcome, even if it means some rethinking of assumptions and the examination of some well-funded programs—our foreign policy has come to focus largely upon questions that were called questions of "national security." We have become well-aware recently that "national security" has been used to justify secrecy about the public's business, an extension and abuse of police and surveillance powers, and an increasing callousness concerning human rights and dignity. In short, the paranoia of the cold war has caused the Government to be diverted from its proper end of "promoting the general welfare" and protecting and promoting the rights of its citizens to a competition of scarcely veiled power and threat against the alleged threat of other nations. To such a low estate has politics in this country—and art of diplomacy in most of the world—sunk, that few people dare talk about the rule of law rather than of arbitrary force.

In other words, we have come to embrace, in the "spirit" of the cold war, the ancient but not honorable dictum, that "might makes right." Our foreign policy has increasingly come to rely upon police power, military aid, military alliances, and support for repressive and authoritarian governments as a means of creating world "stability," instead of a foreign policy that promotes the respect for law and popular sovereignty, and the restraint of police and military power, and the promotion of justice, rather than unchallenged military power, as the surest basis for stability. I say that social peace and world peace can only be built upon the basis of justice and good will, and that all the arms in the world, and all the book-burning street parties of soldiers, and all the tortures and tiger-cages, and all the sophisticated equipment and tear-gas grenades that our Government gives to nations with what some call "chronic instability"—all this cannot produce peace.

Peace is the result of full participation of all peoples in the society in which they live, peace is the result of justice and dignity, peace is the result of rule by law. We cannot maintain peace here, nor help build it abroad, by continuing to try to be the policeman of the world. We cannot help build law, and constitutional government here, and abroad, by supporting those who break the law, and those who confuse the supposed efficiency of totalitarianism and militarism with progress. The time has come for us to take stock of our foreign policy and to recognize how far and dangerously we have allowed our foreign aid program to stray from the ideals for which the country stands. Exactly because we stand at the beginning of an as yet undefined new era—the post cold war era—we have a heavy responsibility to take an active part in the formulation of the themes of this period.

One of the Senate's most distinguished experts on foreign policy, Senator Church, remarked a few years ago when foreign policy drifts too far away from the national goals and ideals it will tend to lose the confidence of the people of that nation. Our Nation is today beset with a series of crises of self-doubt; we have begun to doubt ourselves, our dreams, our values, and our own integrity. We, as Members of Congress, must assume a role of leadership in the face of this crisis, even if it means running the risk of being misunderstood, and of criticism from those who have an entrenched interest in the maintenance of the existing attitudes and programs.

Our foreign policy is certainly one area in which the American people have begun to lose faith in their Government.

Powerful lobbies, representing private interests, lobby secretly to maintain military and foreign aid commitments in which only they have an interest, in that these programs represent neither the goals and aspirations of the American people, nor the goals and aspirations of the great majority of the people of the underdeveloped nations. Of course, there exist in other nations a willful and powerful elite that also wants to try to maintain its centuries-long dominance over the now restless majority, and which often finds common cause with our own military and AID elites. But let us not be misled: the majority of the people of the world do hunger for peace with justice, not stability enforced by ever-growing Military Establishments; the majority of the people of the world are poor, and this poor majority hungers for bread, not for bullets, for more teachers, not more policemen, for more doctors and nurses, not for more tanks and antiriot training for the nation's police.

Let us then move to reestablish the confidence of the American people in their foreign policy by bringing it in line with the traditional goals of the Nation, and making it consistent with those universal aspirations so well stated in the Universal Declaration of Human Rights, of the United Nations, whose 25th anniversary we celebrate this December 10. It is not an American model that we "seek to impose" on the world, it is the recognition of the rights of all persons to freedom and dignity as has often been stated as an aspiration by the United Nations that we seek to promote, often against willfull and self-serving minorities who cloak their repression behind appeals to anticommunism, and their antidemocratic bias by a refusal to answer charges publicly. Foreign aid has become pretty largely the instrument of a few, and not the arm of the Nation, it has become the servant of some multinational corporations against democratically elected governments, it has become a weapon in the cold war rather than in the world struggle against poverty, hunger, disease, and repression.

America believes itself to be "the land of the free, and the home of the brave." I believe that is America, but I do not want to have to add to that—

> And, the ally of the dictatorships, the supporter and supplier of police-states, the sustainer of repressive governments.

Instead of being the policeman of the world, let us be true to ourselves, true to the vision of the Founding Fathers, and true to our children, and their children: Let America be a friend of the weak and the champion of the oppressed.

That, Mr. President, is what this foreign aid bill does. I urge that the Senate reject the conference report, and I reserve the remainder of my time.

Mr. AIKEN. Mr. President, how much time do we have left?

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. AIKEN. Then I have 30 minutes left, and the Senator from Minnesota has 33.

Mr. HUMPHREY. I have 33.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Minnesota yield for a question?

Mr. HUMPHREY. Yes, I will be happy to yield to the Senator from Virginia for a question.

Mr. HARRY F. BYRD, JR. On page 50 of the conference report, it is pointed out that the Senate bill contained a provision which prohibited the transfer of combatant naval vessels to a foreign country except with specific approval by Congress. I am just wondering why the conferees dropped that proposal.

Mr. HUMPHREY. The real fact is, as one who is experienced in the art of, should I say the misery of, conference, that House was absolutely adamant on its position. It wanted to leave things exactly as they are now. We just were faced with a road block of stubborn opposition.

Mr. HARRY F. BYRD, JR. That provision was put into the bill by the Foreign Relations Committee. I might point out that not only was that provision put in this measure by the Foreign Relations Committee, but the Senate, some time ago, passed general legislation to do the same thing.

Mr. HUMPHREY. Yes.

Mr. HARRY F. BYRD, JR. And that legislation is now being considered by the House Armed Services Committee.

Mr. HUMPHREY. That is correct. So it is not a lost cause.

Mr. HARRY F. BYRD, JR. No, it is not a lost cause, but it is a lost cause so far as this bill is concerned.

Mr. HUMPHREY. But may I say that next year on military aid there will be separate bills, and we will not find ourselves in the same bind that we were this year. I will be very frank—you know, we have to level with each other——

Mr. ABOUREZK. Excuse me. Mr. President, will the Senator use his microphone?

Mr. HUMPHREY. I will state to the Senator from Virginia, I will just be very frank with him, this is one we argued over a great deal. The chairman of our committee (Mr. FULBRIGHT) felt very strongly about this, but we felt that in the light of the other concessions which we had obtained, we would have to recede on this one or we would have no agreement at all.

Mr. HARRY F. BYRD, JR. It is a very interesting situation that we find ourselves in. Under the law, the executive branch and the Defense Department cannot make loans to foreign countries of combatant vessels without the approval of Congress, but they can, on their own, sell the vessels at whatever figure they wish. It seems to me that is a very ridiculous position for Congress to be in.

Mr. HUMPHREY. I think it is, and I think it is one we ought to remedy. We do have the means of doing it by separate legislation, and I think that is the way to do it.

Mr. HARRY F. BYRD, JR. I thank the Senator. Will the Senator yield me time to speak on the conference report?

Mr. HUMPHREY. Yes; the Senator from Vermont has time and I have time. How much time does the Senator want?

Mr. AIKEN. Does the Senator wish to speak in opposition?

Mr. HARRY F. BYRD, JR. Yes; I oppose the conference report.

Mr. AIKEN. How much times does the Senator want?

Mr. HARRY F. BYRD, JR. Ten minutes.

Mr. AIKEN. I yield the Senator from Virginia 10 minutes. That leaves 10 minutes left for the Senator from South Dakota and 10 minutes left for who knows whom.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, I oppose the adoption of this conference report. I hope the Senate will vote it down. I hope the Senate will throw it out the window.

The conference report proposes a $3 billion authorization for the general foreign aid program. That is $1 billion more than the Senate authorized, and this is only a part of the total foreign aid and assistance which our Nation is giving to other countries.

When one analyzes the entire budget, one finds that scattered throughout the budget is a total of at least $10 billion in foreign aid and foreign assistance, and that does not include $8 billion of additional Export-Import Bank credits. So if you include the Export-Import Bank credits—and I am not certain in my own mind whether they should be included; they are in sort of an ambiguous position, and I am not clear as to whether they definitely should be included as a part of the foreign aid program, but if you include them as a part of the foreign aid program, then the total aid and assistance to foreign nations adds up to $18 billion.

But even if you do not include the Export-Import Bank credits, we still have a total of more than $10 billion. I say that that is not a very responsible thing for Congress to do; and I will tell you why I feel it is not responsible.

This Government is wallowing in debt. It is floating in red ink. We will have a Federal funds deficit this year, by the administration's own figures, of $19 billion. The interest on the national debt—just the interest charges, in this one budget—is $29 billion. That is twice as much as the Government will spend on weapons systems acquisition for the defense of the United States.

The able Senator from Minnesota in his comments stressed the fact that our country needs friends. That was one of the arguments the Senator from Minnesota gave for adoption of the conference report.

This country does need friends, but have we not learned, after 27 years and especially $200 billion of foreign aid, that we cannot buy friends?

I submit that individuals cannot buy friends and the history of the past 27 years shows that a government cannot buy friends. No government in the history of the world has ever given away to other countries the vast sums of money that this country has given away during the past 27 years.

We should completely reappraise our foreign aid programs, and drastically reduce the amount of money we siphon off from our taxpayers and ship overseas. We are asking our wage earners to take out of their pockets money for taxes to be paid into the Federal Treasury and then we are siphoning off at least $10 billion every year of that money into foreign countries.

Today, Mr. President, I say that we have fewer friends than we had 27 years ago when we started to give away the American taxpayers' money.

This conference report of $3 billion is, in my opinion, unjustified. I think it is not responsible or desirable to use this great amount of money for the purposes included in the conference report.

I shall vote against it and I hope that the Senate will defeat it.

I believe that if the American people could understand the way their elected representatives are handling their tax funds—it is a complicated matter, and there is no political sex appeal in financial matters—they would rise up in arms. But they have been led to believe, by speeches in this Chamber and in the House of Representatives, "Oh, we are reducing foreign aid." We are not reducing it at all. In a moment I will place some figures in the RECORD to show the vast amount of money that is in the present budget for foreign aid and foreign assistance.

Mr. President, even if the measure before us were more desirable than it is, in my judgment, I think that the Government, the President, and Congress, are going to have to cut somewhere, to reduce expenses somewhere, if we are not going to have more inflation, more taxes—or both.

These huge Government deficits represent the major cause of the inflation which is eating so heavily into the paychecks of our wage earners and into the grocery dollar of every housewife.

For the 5-year period ending next June, the total Federal funds deficit—the accumulated deficit—will total $116 billion. I repeat, $116 billion. That represents 25 percent of the total national debt of this country; yet here the Senate is today preparing to vote on a conference report on foreign assistance, a report totaling $3 billion, more than $1 billion more than the Senate approved just a short time ago.

Now, Mr. President, I hope that the conference report will be defeated. I think we would be serving the interest of the American taxpayer if we were to defeat it.

Now, Mr. President, I ask unanimous consent to have printed in the RECORD the following four tables:

A table prepared by the Subcommittee on Appropriations of the Committee on Foreign Operations of the House of Representatives, which committee is headed by Representative OTTO E. PASSMAN, of Louisiana. It gives the new requests in the current budget for authorization and/or appropriation for foreign aid and assistance contained in the fiscal year 1974 budget document.

A table I have prepared showing the deficits in Federal funds and the interest on the national debt, 1955 to 1974, inclusive.

A table I have prepared giving the receipts and expenditures for 1968 through 1973.

A table showing the gold holdings, total reserve assets, and liquid liabilities to foreigners—which, incidentally, have increased from $15 billion in 1957 to $93 billion in July of 1973.

There being no objection, the four tables were ordered to be printed in the RECORD, as follows:

New requests for authorization and/or appropriation for foreign aid and assistance contained in the fiscal year 1974 budget document

1. Foreign Assistance Act (includes military assistance)	$2,428,850,000
2. Overseas Private Investment Corporation	72,500,000
3. Foreign Military Credit Sales	525,000,000
4. Inter-American Development Bank	693,380,000
5. International Development Association	320,000,000
6. Asian Development Bank	100,000,000
7. Asian Development Bank (proposed)	108,571,000
8. Asian Development Bank (maintenance of value)	24,000,000
9. International Development Association (maintenance of value)	161,000,000
10. Inter-American Development Bank (maintenance of value)	510,000,000
11. Internat'l Bank of Reconst. & Dev't. (maintenance of value)	774,000,000
12. International Monetary Fund (maintenance of value)	756,000,000
13. Maintenance of Value Adjustment	25,000,000
14. Receipts and Recoveries from Previous Programs	394,464,000
15. Military Assistance (in Defense budget)	1,930,800,000
16. International Military Headquarters	85,800,000
17. MAAG's, Missions and Milgroups	168,100,000
18. Permanent Military construction-Foreign Nations	190,700,000
19. Export-Import Bank, Long-term Credits	3,850,000,000
20. Export-Import Bank, Regular Operations	2,200,000,000
21. Export-Import Bank, Short-term Operations	1,600,000,000
22. Peace Corps	77,001,000
23. Migrants and Refugees	8,800,000
24. Public Law 480 (Agricultural Commodities)	653,638,000
25. Contribution to International Organizations	199,787,000
26. Education (Foreign and Other Students)	59,800,000
27. Trust Territories of the Pacific	56,000,000
28. Latin American Highway (Darien Gap)	30,000,000
Grand total	18,003,191,000

NOTE.—Total appropriation requests for maintenance of value amount to $2,250,000,000.)

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1955-74 INCLUSIVE

[In billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1955	58.1	62.3	−4.2	6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.3
1958	66.6	69.7	−3.1	7.8
1959	65.8	77.0	−11.2	7.8
1960	75.7	74.9	+.8	9.5
1961	75.2	79.3	−4.1	9.3
1962	79.7	86.6	−6.9	9.5
1963	83.6	90.1	−6.5	10.3
1964	87.2	95.8	−8.6	11.0
1965	90.9	94.8	−3.9	11.8
1966	101.4	106.5	−5.1	12.6
1967	111.8	126.8	−15.0	14.2
1968	114.7	143.1	−28.4	15.6
1969	143.3	148.8	−5.5	17.7
1970	143.2	156.3	−13.1	20.0
1971	133.7	163.7	−30.0	21.6
1972	148.8	178.0	−29.2	22.5
1973	161.3	186.2	−24.9	24.2
1974[1]	181.0	199.8	−18.8	27.5
20-year total	2,056.2	2,270.6	−214.4	273.4

[1] Estimated figures.

Note: Prepared by Senator Harry F. Byrd, Jr., of Virginia.

Sources: Office of Management and Budget and Treasury Department.

[In billions of dollars]

	Fiscal year—						
	1968	1969	1970	1971	1972	1973	[1]1974
RECEIPTS							
Individual income taxes	69	87	90	86	95	103	116
Corporate income taxes	29	37	33	27	32	36	42
Total	98	124	123	113	126	139	158
Excise taxes (excluding highway)	10	11	10.3	10.5	9.1	9.9	9.9
Estate and gift	3	3.5	3.6	3.7	5.2	5.0	5.4
Customs	2	2.3	2.4	2.6	3.2	3.2	3.5
Miscellaneous	2.5	3.0	3.4	3.9	3.5	3.9	4.2
Total Federal fund receipts	116	143	143	134	149	161	181
Trust funds (social security, retirement, highway)	38	44	51	54	60	71	85
Total	154	188	194	188	209	232	266
EXPENDITURES							
Federal funds	143	149	156	164	178	186	200
Trust funds	36	36	40	48	54	61	69
Total	179	185	196	212	232	247	269
Unified budget surplus (+) or deficit (−)	−25	+3.1	−2	−24	−23	−15	−3
Federal funds deficit	27	6	13	30	29	25	19

[1] Estimated figures.

Note: Prepared by Senator Harry F. Byrd, Jr., of Virginia.

U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS, AND LIQUID LIABILITIES TO FOREIGNERS

[Selected periods in billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
Dec. 31, 1957	22.8	24.8	15.8
Dec. 31, 1970	10.7	14.5	47.0
Dec. 31, 1971	10.2	12.2	67.8
Dec. 31, 1972	10.5	13.2	82.9
July 31, 1973	10.5	12.9	93.1

Note: Prepared by Senator Harry F. Byrd, Jr., of Virginia.

Source: U.S. Treasury Department.

Mr. AIKEN. Mr. President, the distinguished Senator from New York (Mr.

Javits) is on his way. Perhaps we should suggest the absence of a quorum for about a minute——

Mr. HUMPHREY. Let me use 2 or 3 minutes here to fill in the record——

Mr. AIKEN. All right.

Mr. HUMPHREY (continuing). And then after that, we can have a quorum call. There are certain items which I feel should be emphasized for the clarity of the Record.

In my discussion with the distinguished Senator from Idaho (Mr. Church), I took issue with his claim that this was the largest foreign aid bill since 1953. I made note of the fact—and I repeat it—that he was talking of the House Committee on Appropriations on Foreign Aid, the action of that committee this year, which lumped together all the foreign ai ditems plus the emergency assistance to Israel of over $2 billion.

I do not believe that that is a fair presentation of the issue that surrounds the conference report that we have to deal with here today.

There are, indeed, many kinds of foreign aid. There are foreign aid programs on cultural exchanges, foreign aid programs on Public Law 480, and many other types of assistance that we offer the people of the world.

But this particular program we are addressing ourselves to today has its own purpose, its own programs, its own policies. We speak of it as the Foreign Assistance Act. I seek to compare apples with apples, and oranges with oranges, and not apples with oranges.

In other words, what I seek to do is to compare the Foreign Assistance Act of fiscal 1974 and 1975 with the Foreign Assistance Act for fiscal 1972 and 1973. Then we are on the same standards, and we are using the same framework around which we make our judgments.

The bill before the Senate, as a result of the conference between the House and the Senate, provides a reduction of $395,266,000, or a 15-percent reduction, below the executive branch request. That is the item that is important. There is talk here today about the spending ceiling. The President sent a suggestion to us of a spending ceiling of approximately $268 billion; but within that spending ceiling he had a foreign assistance program that was $395,266,000 more than we are authorizing in this bill.

I do not want the Record to be at all ambiguous or misleading as to what the facts are. The facts are that we have made a 15-percent cut in overall foreign economic assistance and military assistance below the administration's request. That is a reasonable cut; and below that authorization cut, further cuts will be made in the appropriation process.

The second item that I think is worthy of our note is that there were certain items in this bill, known as loan reflows, drawdown authority for military aid, and excess defense articles, which were not in the Senate bill. Yet, in our existing authority, under existing law, the House included those. We were in conference with the House. So we authorized the use of old reflows for a 2-year period at 50 percent of the reflow. We are indebted to the Senator from Idaho (Mr. Church) for seeking to stop any use of the reflow. But I want to make it clear that what we did was to put 50 percent for a 2-year period and then no more use of the reflow.

Second, on the drawdown authority for military aid, the entire committee unanimously approved the drawdown on military supplies for Cambodia of $200 million—I do not believe there was a dissenting vote—to get that item and issue away from the emergency request the President made for Israel and Cambodia.

Under existing authority in existing law, there is this drawdown authority. In the Senate bill, we did not provide for it at all. This is the first time we updated this authority. The House bill provided $300 million; we provided nothing. So we went to a figure of $250 million to take care of the $200 million for Cambodia, which the committee felt, I believe unanimously, was the proper way to handle that matter.

Likewise, with respect to the excess defense articles, the House bill provided $185 million, and the Senate bill provided nothing.

So when we add up these items, there is $561,500,000 extra that is merely an authority. It is not a commitment to expend. It permits the use of that much for loan reflows, drawdown authority for military aid, and excess defense articles. But the administration asked for $808 million. The committee provided $561 million—that is, the conference committee. The House, by the way, agreed fully with the administration. The Senate did not provide anything. We split the difference, so to speak, between the Senate figure, which was zero, and the administration and the House figure.

So when we say that there is a billion dollars more of foreign aid in this bill than the Senate provided, may I say that the reason for it is that the Senate excluded certain sections of the authority, such as drawdown, the use of loan reflows, and excess defense articles. We cut those out completely, and the House included them. When you have to go to conference, you go to conference, and you do not always come out with what you want.

I see that the Senator from New York is in the Chamber; and as I yield the floor to him, let me once again state that this bill is $209,400,000 less in authorization than the continuing resolution appropriation for fiscal 1973. So no one can say that it is in excess of fiscal 1973, because we all know that the authorizations are generally more than the appropriations. Yet, in this bill of authorization, we are almost $210 million less than authorizations for fiscal 1974, than we are for continuing resolution appropriations for fiscal 1973.

I yield to the Senator from New York. How much time does the Senator want?

Mr. JAVITS. I would like 10 minutes.

Mr. HUMPHREY. I yield 10 minutes.

Mr. JAVITS. Mr. President, I have engaged in debates on foreign aid for something over 25 years. The arguments are always exactly the same. I have heard them many times before. So have all the Members of this body. If we have not come to the realization by now that we cannot be the richest and most powerful nation on earth and live surrounded by abject poverty, then we never will be convinced of the propriety of foreign aid, but I believe we are convinced.

The question always becomes one of degree. Lest the mote in our eye—the energy crisis and inflation—blind us to the true state of where we stand in relation to the rest of mankind, let us immediately note that more than two-thirds of the world has a standard of living which is less than one-sixth of ours. When we think of how much privation we have, let us remember that in middle Africa millions of people are literally starving. And I have witnessed this tragedy personally. Indeed, one of the bright parts of this conference report is that it recognizes starvation in the Sahile countries of Africa and the rest of the world and tries to do something about it.

Mr. President, bearing that in mind, the old question always comes up; when a man is asked how beautiful his wife is, he asks compared to whom? Compared to the rest of the world, we do not do so well. The United States comprises 6 percent of the world's population. We have 50 percent of the world's production and close to that of the world's income. But we do not even remotely meet the 1 percent of our gross national product in both public and private foreign aid which the United States committed itself to when I served as the U.S. General Assembly Delegate to the UN in 1970. But many other nations do meet this standard, and they can afford it much less than we can, based on individual income. How much domestic trouble we have is no criterion. The question is, how much trouble do others have and, relatively speaking, how well off are we?

Mr. President, our country and its people, no matter what their disposition or ideology, in the best conscience, do not want to live in isolation from the miserable problems of mankind. I think the Senator from Minnesota, the manager of this conference report, has very adequately shown that we are paying due respect to the financial condition of the country in deciding how much we shall provide for foreign aid in this bill.

Let us remember, too, Mr. President, that a great part of this aid is military aid, provided mainly because it is less costly to send military assistance to foreign nations than to spend it on ourselves. We have demonstrated that time and time again. It would be very unwise to militarize ourselves to the degree that would be necessary and it is more economical.

Mr. President, it boils down to what we can afford to contribute. No matter how difficult the situation has been in this country, for decades American families, notwithstanding whatever might be their means, have always been generous in providing something. I think we have demonstrated very conclusively that: One, we are not measuring up to the standard of the rest of the world, now adopted in an authoritative way by the United Nations; two, we are giving complete respect to our own resources in this bill; and, three, new provisions in this bill add a new orientation to aspects of the foreign aid program and are very promising.

Mr. President, let us remember that the global figures cited in opposition to this report include an emergency resulting from a war in the Mideast which involves $2.2 billion in military aid alone. This bill represents an effort to bring about the righting of a grave crisis which resulted in serious imperilment of the economy of Europe and Japan—and damage to our own economy—as well as our effort to prevent the Soviet Union from sitting astride the Middle East and controlling its vital energy resources, which could "Finlandize" all of Europe.

These are tremendous important issues. In looking at the foreign aid bill, I hope Members will recall the towering example of statesmanship of Great Britain under Churchill, who in 1940, when he was on the threshold of being invaded by Hitler from the European continent, sent one of the two ready armed divisions in the British Isles to North Africa, knowing full well it is at such a time that one has to be bold, and that is the acid test of a nation's purposes and intentions. That is what we are faced with here.

There are some very admirable parts of the bill in addition to those already detailed by the Senator from Minnesota (Mr. HUMPHREY), and those that have been detailed by me. For example, there is a very comprehensive provision respecting world food shortages, which is an eloquent declaration of how U.S. agricultural resources should be most effectively organized, and that will have a very material and constructive effect upon the future.

There has been little notice given to a provision in this bill concerning American schools and hospitals abroad which carries the hopes and aspirations of millions of Americans who helped to finance a wide range of humanitarian activities all over the world. Let us not forget that, anyone who really investigates the situation will find that, with all our troubles, the one nation before all others that still enjoys some trust and confidence in this very beleaguered world is the United States. I heavily attribute that to the fact that the United States has always demonstrated its humanitarian interest toward the rest of mankind.

Mr. President, I wish to say that the decision of whether this Nation, compared with the rest of the world, can stand aside from the misery of mankind has to be made by every Member in his own conscience. I have made mine for over 25 years. I hope the majority of the Senate will make its determination in conscience as it always has.

It is necessary to strip the issue of all question as to whether we will vote $50 million for this item or $50 million for that, and look at the overall picture. I hope that the Senate will look at the overall picture. Senators may vote for it, but those who do not like the report will have the privilege of voting against it. That is the real issue when we get down to this last stage of consideration of the foreign aid bill.

In conclusion, I heard with the greatest interest one of my colleagues argue that we can only justify foreign aid if we can afford it.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. HUMPHREY. I yield an additional 2 minutes to the Senator from New York.

Mr. JAVITS. If we can afford it; if it would be of benefit to us.

I think that every American who has any religion in his heart—and that is practically all of America—would hang his head in shame if that were the only criterion by which we would aid hundreds of millions in the world who are in misery.

Another criterion in our country is, Do I care for my brother's welfare? If I do, what can I do to help, even if it represents some sacrifice to me? It is by that criterion that this bill should be judged. Any Senator who wants to judge the bill by the other criteria can very well vote against it. But I believe it is the latter criterion which is in the hearts and minds of the Senate, has been for years, and I know it is present now.

Mr. HUMPHREY. Mr. President, I yield 3 minutes to the distinguished Senator from Alabama.

Mr. SPARKMAN. Mr. President, I find myself in a very difficult position on this report, because the chairman of our committee has to be away today. I gave my word to him before he left that I would protect him by giving him a live pair with him. He was opposed to the report; I am in favor of it.

I simply want to say that the conference was a free and open conference. A reasonable compromise has been worked out with the House. I will ask the Senator from Minnesota if I am not correct in my understanding that the amount provided is far below the President's request.

Mr. HUMPHREY. The Senator is correct; it is about $400 million below the President's request.

Mr. SPARKMAN. It is considerably below what was actually appropriated last year?

Mr. HUMPHREY. About $210 million.

Mr. SPARKMAN. Yes. And it is one of the lowest bills, if not the lowest, since we have been handling the foreign aid program.

Mr. HUMPHREY. I think that is true.

Mr. SPARKMAN. I hope that the Senate will concur in the conference report that has been worked out reasonably and well, I think, with the House of Representatives, and certainly in relation to the President's request and with the previous history of the program.

Mr. HUMPHREY. I thank the Senator from Alabama.

Mr. President, I yield 3 minutes to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, first of all, I wish to compliment the members of the conference for coming forward with some excellent programs. First, I express appreciation to the House for receding from the original request to change the name of the agency called AID, a name which is well understood. It is symbolic of what the agency does. To change it to NBCR, with the tremendous cost that would be involved in changing the stationery and nameplates, and the like, and to go to another name, seemed to be senseless.

I appreciate the support that my motion received in the Senate markup sessions and in the conference committee for acceding to that request.

I also express appreciation to the Senator from Minnesota (Mr. HUMPHREY) for incorporating in the bill an amendment I had proposed that was accepted by the Senate—and the House receded—calling for the inclusion of women in the national economies in some countries. This would double the manpower in those countries. To deprive women of jobs and educational opportunities in developing nations is a situation which should be corrected. Certainly we ought to encourage the use of all human resources.

I was glad to see, also, the statement, under "Limiting Use of Funds for Abortions," that "This provision is not intended to interfere with or curtail support for preventive maternal and child health and family planning services and related research."

Finally, I would like to comment on the section relating to programs relating to population programs. I think the Senate figures which read $125 million in fiscal 1974 and $150 million in fiscal 1975, and the agreement worked out to increase the figure for 1975 to $130 million, are better than the original House proposal, but I tend to think that in a world now that is so conscious of energy consumption by every human being, I suppose now that it can be cloaked in the latest project and in the latest fad, so that the population control program can be wrapped up in the energy fad. The best way to reduce the requirements of energy is to work on population control throughout the world, certainly in the developing countries, which are running hard just to stand still without falling back, and population control should be a matter of the highest priority there.

I once again commend the manager of the bill and the conference committee for a very fine piece of work.

Mr. RANDOLPH. Mr. President, will the Senator yield, or does the Senator have time?

Mr. PERCY. I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUMPHREY. Mr. President, I yield 1 minute to the Senator.

Mr. RANDOLPH. I would like to say that the Senator mentioned the "energy fad." I would rather call it the energy tragedy.

Mr. PERCY. I accept completely a more apt description, but I think we have to recognize that we move in moods. We moved in the environmental mood. We had Earth Day. Now we have to be realistic about the fact that this is a hot issue today, but for a long period of time population control was a low-key study program, but there were a number of pioneers in that field, including the Ford Foundation and others.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. PERCY. And they have constructively contributed toward a resolution of that problem.

The PRESIDING OFFICER. The time has been charged equally to both sides for that interlude, since no one yielded time.

Who yields time?

Mr. AIKEN. Mr. President, does the Senator from South Dakota wish more time?

Mr. ABOUREZK. No. I am prepared to yield it back.

Mr. AIKEN. Mr. President, I yield myself 10 minutes.

Mr. President, when the economic assistance legislation was before the Senate in October, I agreed to cosponsor it because I think it is the Senate's duty to pass some legislation in the area of foreign aid.

The conference report now before the Senate is something of a minimilestone, considering the fact that similar legislation has not reached this stage of the legislative process in 2 years.

During much of that time, the entire air program has been carried along by one continuing resolution after another.

As far as I am concerned, that is no way to run a railroad, an aid program, or anything else involving the expenditure of public funds.

Accordingly, I object to settling again for a continuing resolution, which has, in the past, been the excuse for not doing our duty.

The issue remains the same now.

We should either legislate or say that it is time to liquidate our aid program.

If that is the decision of this body, then so be it. We will try to work out a new position in the world.

But I support the conference report because in this foreign policy bill are some matters of important public business, matters which indicate a new trend on our part.

In particular, I am concerned with encouraging the movement toward internationalizing the burden of reconstruction in Indochina.

In October there was a meeting in Paris of key European nations, Japan, and the United States, under the chairmanship of the World Bank, which started the process of building an international mechanism for Indochina reconstruction.

I am advised that Japan has taken a lead in this movement.

Already a significant supplier of bilateral aid to South Vietnam—$50 million this year for general imports and technical assistance—the Japanese want an international umbrella opened up over reconstruction aid to Indochina.

The World Bank has indicated that it will agree to hold the umbrella if enough nations favor it.

The French and Germans have indicated that they may be willing.

The British have already said that they are willing.

Opposition has been confined to some Scandinavian voices, a strange stand for those who usually put so much stock in international, as opposed to bilateral, assistance.

I am told that the World Bank, on its own, has decided that South Vietnam is now stable enough to warrant the extension of the World Bank credit, and that we shall soon see a credit from the Bank's International Development Association extended to the Government of South Vietnam.

There will be another meeting in March, if not sooner, out of which should emerge some formal structure.

I do not want to do anything at this time to suggest to other nations that the Congress might not be willing to contribute to such a structure if it is agreed to.

Nobody seems to talk much about Indochina these days, except perhaps to decry again our past involvement in that part of the world.

However, cutting off reconstruction aid to Indochina in order to erase the errors of the past makes no sense at all.

I am sure the American people understand why it must be a matter of honor as well as national interest to make the legitimate claims of Vietnam, Laos, and Cambodia on the international community, not just on the United States.

Congress must avoid steps that can only hamper, if not reverse the trend toward internationalizing the reconstruction problem there.

Besides, until the legitimate claims of the nations of Indochina are recognized as claims on the community of nations, not just the United States, there will be no escape from periodic renewals of the bitter and divisive debates over our past involvement in that part of the world.

Turning to the money issue, I believe this bill possibly authorizes too much for its sundry purposes, although there has been about a $400 million cut from the request of the administration.

However, I have confidence that the appropriations process will further reduce the amounts approved by the authorizing conference.

I cannot guarantee that the new labels on the aid program really mean that the contents will be new and different.

But, as I said back in September, much of the contents of this bill originated with the House Foreign Affairs Committee.

The members of that committee worked long and hard to produce something new in the field of economic assistance and got as many assurances from the administration as they could that AID, particularly, will not simply continue its practices of the past, but will leave much more of the work to private American organizations with the skills and motivations necessary to provide help where it is needed and wanted.

The Foreign Relations Committee voted to accept in large measure the work of the Committee in the House.

I am willing to let their ideas have a chance to prove themselves.

Finally, Mr. President, I submit that the matters of important public business to which this bill is related outweighed the danger that it will at the same time serve to perpetuate some past policies which ought to be terminated.

Mr. KENNEDY Mr. President, I vote in favor of the foreign aid conference report somewhat reluctantly today, because in many ways it represented a reversal of the action of the Senate to achieve substantive changes in the foreign aid program.

I am particularly concerned with the lumping together of the military and economic aid bills. The Senate passed two measures for the purpose of clearly separating out the military and economic portion of the aid package. Traditionally, we have seen the balance fall heavily on the side of military assistance. And even in this conference report, military aid represents a sizable share of the total amount authorized. In fact, when the aid for South Vietnam which under the conference report remains under the Defense Department is included, military aid again is far greater than economic assistance.

CHILE

Also I was disturbed to note the watering down of the amendment I introduced and which the Senate adopted unanimously to state the sense of the Congress that all nonhumanitarian assistance be denied the new junta until human rights of all individuals are protected

I seriously question extending direct governmental assistance, particularly military aid, to Chile while the denial of human rights continues.

However, I have been assured by the State Department that the amendment, in the form which remains, will be enforced and that the President will make such requests to the Government of Chile. I shall continue to follow this matter closely.

FOREIGN AID INNOVATION

Finally, let me emphasize that the conference report contains many innovative improvements in the economic aid program, particularly the concentration of resources on the problems of the poorest nations and on the marginal sectors of the population in those countries. In the past economic assistance programs have done far too little in benefiting the poorest sectors of the populations of developing countries.

Also, it is my understanding that the House conferees have agreed that this is the last time the two bills will be combined. This will enable us in the future to look with much greater scrutiny at the legitimacy of the military aid programs, particularly the military assistance groups whose main function appears to be in serving as worldwide weapons salesmen. In existing law, that program was to be phased out. I would hope we could move in that direction in the near future.

In addition, the bill does contain a break with the past in its final elimination of public safety programs. These programs, in Brazil, South Vietnam, and elsewhere have become tangible evidence of direct U.S. support for the more repressive aspects of these governments. Even when there is no actual connection, the very existence of these groups provides a wealth of material for anti-U.S. propaganda.

INDOCHINA AID

Mr. President, I am also troubled by the language, as well as the amount of assistance, the conference report authorizes for the countries of Indochina. I regret that the Senate conferees receded from my amendments changing the language of the authorization which stressed humanitarian aid, and deleted the earmarking of modest funds for the international relief effort of Indochina operations group of the International Red Cross.

Frankly, the record of this administration in the use of, and priorities for, American aid to Indochina is cause for deep concern. The original proposal of the administration provided only cosmetic changes in the quality, quantity, and purpose of American aid to Indochina. Especially for South Vietnam, last year's pacification funds became this year's request for reconstruction and humanitarian assistance. Last year's public safety programs were simply shifted to other quarters. Last year's supporting assistance became this year's stabilization fund. And the commercial import program, which helped create Saigon's Honda economy, suddenly is now considered to be a humanitarian program.

But it will take more than a change of labels for American aid to Indochina to become humanitarian. Every indicator strongly suggests that the administration is still prepared to continue our client relationships with Saigon, Vientiane, and Phnom Penh, and our direct involvement in the confrontations among political elements throughout the area.

Mr. President, the cease-fire agreement in Indochina provides the United States with its first opportunity in over a decade to change the character of our involvement, to reorder our priorities, to embark on new policies, and to finally practice some lessons from the failures and frustrations of the past. Our future aid to Indochina should encourage this transition—from providing military aid to fuel war, to humanitarian aid to help heal the wounds of war. We should also begin a transition in our direct, bilateral aid, to multilateral aid—using, to the maximum extent practicable, the fine services of international humanitarian organizations and voluntary agencies.

This was the purpose of my amendments: To emphasize this transition and to write it firmly into law. The current "general authority" in section 801 of the conference report does include the word "especially" for humanitarian assistance for refugees, civilian war casualties, and other persons disadvantaged by hostilities. But I doubt that this wording will be sufficient to substantively change the character of our aid to Saigon, or to turn around the basic priority of our aid mission toward general economic assistance rather than humanitarian aid.

The record to date—and the budget announced for the coming year—indicates that the humanitarian side of our aid program is being sharply cut back, even as the total amount of aid authorized is greater than that now available under the continuing resolution. For example, the public health budget for South Vietnam—which benefits refugees and civilian war casualties—is being nearly phased out. The refugee budget has been reduced, far more than comparable cuts in the commercial import program or other aid projects.

Proposals of the voluntary agencies—truly modest amounts—for aid to war orphans and for child welfare programs in South Vietnam, sit on the desk of our aid mission officials unsigned.

The total humanitarian assistance side of the aid request is only $85 million out of the authorized total of $504 million—in other words, less than 6 percent of our aid goes for purely humanitarian purposes.

Exactly how this can be considered aid "especially" for refugees and war victims, is hard to understand, and even harder to accept.

Clearly, the thinking of a wartime bureaucracy, preoccupied with how to maximize American influence and presence, still dominates our policy and aid programs in Indochina—even under today's new conditions and new rhetoric. Offers of international assistance—even for humanitarian purposes—are all but ignored. Recently, a study mission of the refugee subcommittee visited a number of capitals, and held lengthy discussions with officials of various governments and international organizations. And I can report today that the study mission returned greatly encouraged over the possibilities for an international humanitarian alliance for Indochina, if only the United States will support it.

The record is clear that a number of governments are prepared to support and contribute to humanitarian programs under international auspices.

In fact a number of governments have already earmarked funds for this purpose. The record is clear that Unicef is prepared to move at a moment's notice. The record is clear that the Indochina operations group of the International Red Cross—and many voluntary agencies—are prepared to upgrade and expand their efforts. But the record is also clear that not much word of encouragement or support—let alone any initiative—have come from our Government—or from its counterparts in Saigon, Vientiane, or Phnom Penh. And so we are needlessly locked into the tired patterns and policies of the past.

Mr. President, the United States is no longer directly involved in Indochina, and the countries of the region are clearly in a period of transition—difficult and violent still—but nonetheless a period of change.

Yet, this transition is not clearly reflected in this administration's announced plans for U.S. assistance to the area, nor is it seen in this conference report.

BUREAU OF HUMANITARIAN AND SOCIAL SERVICES

Mr. President, I also regret that the conference report dropped the Senate amendment establishing a Bureau of Humanitarian and Social Services within the Department of State.

As the amendment stated, the bureau would:

> Provide continuing guidance and coordination to policies, activities, and programs within the executive branch relating to humanitarian assistance for refugees and victims of natural disaster, migration and visa affairs, international human rights, liaison with the United Nations and other appropriate international agencies or non-governmental organizations, and such other humanitarian and social affairs as the Secretary of State may prescribe.

Mr. President, a very important part of our foreign relations, and assistance programs overseas, involves humanitarian issues and American support of international efforts in behalf of human rights and for refugees, migration, and disaster relief. Increasingly, international humanitarian issues mark the day-to-day work of our diplomats.

Many recent examples come to mind—the movement and resettlement of Soviet Jews, the continuing problems of Arab refugees, and the programs in Africa and Europe and Latin America of the United Nations High Commissioner for Refugees (UNHCR). There are human rights problems in Chile, the Soviet Union, and elsewhere, and in recent years there were manmade disasters in Bangladesh and Nigeria—and national disasters in the Philippines and other countries.

Direct expenditures for humanitarian programs overseas total at least $500 million annually. Unfortunately, the current administration of these efforts is hydra-headed and diffuse, which too often fosters neglect and indecision where action is needed.

Our country can no longer afford this approach. For in today's world, people problems are at the heart of too many international issues—and, on both humanitarian and political grounds—they increasingly demand high-level leadership and concern, by our own country and the international community.

Mr. President, the Judiciary Subcommittee on Refugees, which I serve as chairman, has closely followed for several years our country's response to human tragedy in the world—and the subcommittee has long advocated the creation of a bureau to better coordinate and implement American policies and programs.

Other committees in the Congress, including the Committee on Foreign Relations have also recognized the need in this area—and the committee's original report on this bill urged some administrative action by the President, in line with his previous foreign aid recommendations to the Congress. I should also add, that America's voluntary agencies—who often are the link between U.S. humanitarian programs and people in need—fully support the creation of a Bureau of Humanitarian and Social Services.

That is why, Mr. President, it is so regrettable that the conference report has dropped this provision. However, in light of the long-recognized need to better coordinate and implement our country's humanitarian policies and programs overseas, I am extremely hopeful that some administrative action will be taken this year in this area.

THE FOREIGN AID CONFERENCE REPORT—WHY THE SENATE SHOULD REJECT IT

Mr. BAYH. Mr. President, as a strong supporter of a reasonable foreign aid program, I am deeply disturbed by the actions of the conference committee in distorting the Senate's original decisions.

In these times of budgetary crunch, when worthwhile domestic programs are competing for limited dollars and being cut back as a result, I don't believe we can afford the profligate luxury of an additional $1 billion in foreign aid spending. And certainly not a $200 million rush job for Cambodia—without any hearings or any committee votes.

The details of the conference committee's actions in taking two separate bills—one dealing with military sales and assistance and the other with loans and grants for economic assistance—have been explained. Suffice it to say, it is an unacceptable procedure to combine the two and in the process produce a hybrid that drastically alters the original intent of the Senate.

Mr. President, there are a great many very worthwhile items in this bill, items that I wholeheartedly support. The assistance programs for Israel, for example, are extremely important in light of all that is involved.

I want a foreign aid bill as much as my colleague from Minnesota, but not at this price. The conference committee has acted unwisely. A bill that more accurately reflects the Senate's action, I am convinced, would be favorably received.

Mr. President, in voting to reject the conference report, I am not voting against foreign aid. On the contrary, my vote to reject is based upon a hope that the bill will be sent back to conference and resubmitted to the Senate without these clearly objectionable add-ons. In that way, we will have not merely a foreign aid bill, but a good foreign aid bill.

Mr. AIKEN. Mr. President, are there any further requests for time?

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. Mr. President, if there are no further requests for time, and the Senator from Minnesota is ready to yield back his time, I yield back my time.

Mr. ABOUREZK. Mr. President, if the Senator from Vermont is prepared to yield back his time, I will yield back the remainder of my time.

Mr. AIKEN. Mr. President, the Senator from Minnesota is willing that his time be yielded back. He has not much time to yield back.

Mr. JAVITS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Minnesota has 4 minutes remaining.

Mr. AIKEN. Mr. President, I yield back the remainder of my time.

Mr. HUMPHREY. Mr. President, if the debate has concluded, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SPARKMAN (when his name was called). On this vote I have a pair with the Senator from Arkansas (Mr. Fulbright). If he were present and voting, he would vote, "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. METCALF (after having voted in the affirmative). On this vote I have a pair with the Senator from Missouri (Mr. Symington). If he were present and voting, he would vote, "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. Fulbright), the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Wyoming (Mr. McGee), and the Senator from New Hampshire (Mr. McIntyre) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell) and the Senator from Georgia (Mr. Talmadge) are absent on official business.

I also announce that the Senator from Missouri (Mr. Symington) is absent because of illness.

I further announce that if present and voting, the Senator from Wyoming (Mr. McGee) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) is necessarily absent.

The Senator from Arizona (Mr. Goldwater) is absent by leave of the Senate on official business.

The Senator from Nebraska (Mr. Curtis) is absent by leave of the Senate.

The Senator from Oregon (Mr. Packwood) is absent on official business.

The result was announced—yeas 44, nays 41, as follows:

[No. 556 Leg.]

YEAS—44

Aiken
Bartlett
Beall
Bellmon
Bennett
Bentsen
Brooke
Buckley
Case
Cotton
Domenici
Dominick
Eastland
Fong
Gravel
Griffin
Gurney
Hart
Hathaway
Hruska
Humphrey
Jackson
Javits
Kennedy
Mathias
Mondale
Montoya
Moss
Muskie
Pearson
Percy
Ribicoff
Saxbe
Schweiker
Scott, Hugh
Stafford
Stennis
Stevens
Taft
Thurmond
Tower
Tunney
Weicker
Williams

NAYS—41

Abourezk
Allen
Bayh
Bible
Biden
Brock
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cook
Cranston
Dole
Eagleton
Ervin
Fannin
Hansen
Haskell
Hatfield
Helms
Hollings
Huddleston
Johnston
Long
Magnuson
Mansfield
McClellan
McClure
McGovern
Nelson
Nunn
Pastore
Proxmire
Randolph
Roth
Scott, William L.
Stevenson
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Metcalf, for
Sparkman, for

NOT VOTING—13

Baker
Curtis
Fulbright
Goldwater
Hartke
Hughes
Inouye
McGee
McIntyre
Packwood
Pell
Symington
Talmadge

So the conference report was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. AIKEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUGH SCOTT. Mr. President, I am glad that this measure has been acted on, and acted on favorably. I think it is worth note that the decision was certainly aided by strong administration support, and I am very glad that that was available when needed. I may say that I, personally, deeply appreciate it.

COMPREHENSIVE MANPOWER ACT OF 1973

Mr. NELSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1559.

The PRESIDING OFFICER (Mr. Nunn) laid before the Senate the amendment of the House of Representatives to the bill (S. 1559) to provide financial assistance to enable State and local governments to assume responsibilities for job training and community services, and for other purposes" which were to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Comprehensive Manpower Act of 1973".

STATEMENT OF PURPOSE

Sec. 2. It is the purpose of this Act to promote maximum employment opportunities by establishing a flexible and decentralized system of Federal, State, and local programs providing job training and employment opportunities for economically disadvantaged, unemployed, and underemployed persons.

TITLE I—COMPREHENSIVE MANPOWER SERVICES

DESCRIPTION OF PROGRAM

Sec. 101. It is the purpose of this title to establish a program to provide comprehensive manpower services throughout the Nation. Such program shall include the development and creation of job opportunities and the training, education, and other services needed to enable individuals to secure and retain employment at their maximum capacity. Comprehensive manpower services may include, but shall not be limited to, programs and activities designed to carry out the purpose of this title, such as:

(1) outreach to make persons aware of the availability of manpower services and persuade them to use such services,

(2) assessment of the individual and his potential in the labor market and referral to appropriate employment, training, or other opportunities,

(3) orientation, counseling, education, and institutional skill training to prepare the individual to enter the labor market or to qualify for more productive job opportunities,

(4) training on the job,

(5) payments or other inducements to public or private employers to expand job opportunities, but payments to employers organized for profit shall not exceed the difference between the costs of recruiting, training, and providing supportive services for low-income persons and those regularly employed,

(6) services to individuals to enable them to retain employment,

(7) payment of allowances to persons in training for which they receive no remuneration and payment of such allowances for transportation, subsistence, or other expenses incurred in participating in manpower services or employment as are necessary to enable the individual to participate therein,

(8) supportive services to enable individuals to take advantage of employment opportunities, including necessary health and medical services, child care, residential support, assistance in securing bonds, or any other necessary assistance incident to employment, and any other service needed to participate in employment or manpower services,

(9) development of information concerning the labor market and activities, such as job restructuring, to make it more responsive to objectives of the manpower services program,

(10) any programs authorized by part A of title III and by title VI of this Act, and

(11) transitional public service employment programs.

PRIME SPONSORS

SEC. 102. (a) The Secretary may make financial assistance available to a prime sponsor to enable him to carry out all or a substantial part of a comprehensive manpower program. A prime sponsor shall be—

(1) a State; or

(2) a unit of general local government which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary or which does not meet such population criteria and which has the largest population of a unit of general local government in the State; or

(3) any combination of units of general local government which includes any unit of general local government qualifying under (2) above; or

(4) any unit or voluntary combination of units of general local government, without regard to population, in rural areas as determined by the Secretary which have substantial outmigration and high unemployment; or

(5) a limited number of existing concentrated employment program grantees serving rural areas having a high level of unemployment which the Secretary determines have demonstrated special capabilities for carrying out programs in such areas and are designated by him for that purpose.

(b) (1) A State shall not qualify as a prime sponsor for any geographical area within the jurisdiction of any prime sponsor described in paragraph (2), (3), (4), or (5) unless such prime sponsor has not submitted an approvable comprehensive manpower plan for such area.

(2) A unit of general local government shall not qualify as a prime sponsor with respect to any area within the jurisdiction of another eligible unit of general local government unless such smaller unit has not submitted an approvable comprehensive manpower plan for such area.

(c) (1) To be eligible for prime sponsorship for any fiscal year, an otherwise eligible applicant must submit to the Secretary a notice of intention to apply for prime sponsorship by such date as the Secretary shall prescribe.

(2) The Secretary may not, prior to March 1, 1974, designate as a prime sponsor, any State or unit of general local government containing another unit of general local government meeting the requirements of subsection (a) (3) above unless such smaller unit has submitted to the Secretary written consent for such designation.

CONDITIONS FOR RECEIPT OF FINANCIAL ASSISTANCE

SEC. 103. (a) The Secretary shall not provide financial assistance for any fiscal year to a prime sponsor unless such sponsor submits a comprehensive manpower plan, in such detail as the Secretary deems necessary, which—

(1) sets forth a comprehensive manpower program which meets the purpose of this title, including (A) a description of the services to be provided, (B) assurance that such services will be administered by or under the supervision of the prime sponsor, (C) a description of the geographical areas to be served under the plan, and (D) assurances that to the maximum extent feasible manpower services, including the development of job opportunities, will be provided to those most in need of them, including low-income persons and persons of limited English-speaking ability, and that the need for continued funding of programs of demonstrated effectiveness is taken into account in serving such groups and persons;

(2) provides, in the case of prime sponsors who are recipients of funds under title II for the development of a public service employment program, that it is fully integrated with the services under this title in order to assure that persons employed in such a program are afforded a better opportunity to find regular employment not supported under this Act;

(3) (A) provides appropriate arrangements with community-based organizations serving the poverty community, and other special target groups for their participation in the planning of programs included in the plan; (B) provides for utilizing, to the extent deemed appropriate by the prime sponsor, those services and facilities which are available, with or without reimbursement of the reasonable cost, from Federal, State, and local agencies, including, but not limited to, the State employment service, State vocational education and vocational rehabilitation agencies, area skills centers, local educational agencies, postsecondary training and education institutions, and community action agencies, but nothing contained herein shall be construed to limit the utilization of services and facilities of private agencies, institutions and organizations (such as private businesses, labor organizations, private employment agencies, and private educational and vocational institutions) which can, at comparable cost, provide substantially equivalent training or services or otherwise aid in reducing more quickly unemployment or current and prospective manpower shortages; (C) provides that in making arrangements for institutional training priority shall be given (to the extent feasible) to the use of skills centers established under the authority of section 231 of the Manpower Development and Training Act of 1962; (D) provides arrangements to the extent feasible for the coordination of services for which financial assistance is provided under programs administered by the Secretary of Labor relating to manpower and manpower-related services;

(4) provides for paying the allowances and compensation provided by section 109;

(5) provides that any transitional public service employment programs meet the requirements of section 204(b) and section 207, and that persons hired to fill jobs created by such programs will be residents of the areas described under paragraph (1) (C).

(b) The Secretary shall not provide financial assistance for any fiscal year to a prime sponsor unless such sponsor certifies that—

(1) its plan meets all the requirements of this section, and

(2) it will comply with all provisions of this Act.

SPECIAL REQUIREMENTS FOR STATE PRIME SPONSORS

SEC. 104. (a) Any State seeking assistance under this Act shall submit a State comprehensive manpower plan to the Secretary for approval in accordance with the requirements of this section.

(b) The State comprehensive manpower plan shall in addition to meeting the requirements of section 103—

(1) provide satisfactory arrangements for serving all geographical areas under its jurisdiction except areas served by an eligible applicant who has filed a notice of intent under section 102(c), except that such plan may be amended to include areas served by an eligible applicant whose plan is finally disapproved without prejudice to the remedies available to such eligible applicant under section 107;

(2) provide for the cooperation and participation of all State agencies providing manpower and manpower-related services in the implementation of comprehensive manpower services plans by prime sponsors in accordance with the provisions of this Act;

(3) set forth an overall State plan for the development and sharing of resources and facilities needed to conduct manpower programs under its direct sponsorship without unnecessary and economical manner;

(4) provide for the coordination of programs financed under the Wagner-Peyser Act in accordance with such rules, regulations, and guidelines as the Secretary determines necessary for the purpose of providing coordinated and comprehensive assistance to those individuals requiring manpower and manpower-related services to achieve their full occupational potential in accordance with the policies of this Act;

(5) make adequate provision for the coordination of the manpower and related services to be provided by the State in areas to be served by prime sponsors other than the State, and that provision has been made for the establishment of a mechanism to (A) provide for the exchange of information between States and local governments on State and regional planning in areas such as economic development, human resource development, education, and such other areas that may be relevant to manpower planning; and (B) promote the coordination of all manpower plans in a State so as to eliminate conflict, duplication, and overlapping between manpower services.

(c) The prime sponsor shall annually certify compliance with all the requirements for State prime sponsors.

STATE MANPOWER SERVICES COUNCIL

SEC. 105. (a) (1) Any State which desires to be designated as a prime sponsor and to enter into arrangements with the Secretary under this title shall establish a Manpower Services Council (hereinafter referred to as the "Council") which shall exercise the powers and duties set forth in this section.

(2) The Council established pursuant to paragraph (1) shall—

(A) be appointed by the Governor (who shall designate one member thereof to be Chairman), and shall be composed of—

(i) representatives of the units or combinations of units of general local government in such State, who shall comprise at least one-third of the membership of the Council, which have a comprehensive manpower plan approved under section 106 (except that the initial appointments to the Council may consist of representatives of units or combinations of units of general local government described in clauses (2), (3), (4), and (5) of section 102(a) which have indicated an intention to submit a plan for approval under section 106), and such representatives shall be designated by the chief executive officers of the units or combination of units of general local government which qualify for representation under this section in accordance with procedures agreed upon by such chief executive officers;

(ii) one representative each of the State board of vocational education and the public employment service of such State;

(iii) one representative of each such other State agency as the Governor may determine to have a direct interest in overall manpower training and utilization within the State;

(iv) representatives of organized labor;

(v) representatives of business and industry;

(vi) representatives of the client community to be served under this Act (including, where persons of limited English-speaking ability represent a substantial portion of the client population, appropriate representation of such persons); and

(vii) representatives of the general public.

(B) be appropriately staffed and serviced by the State prime sponsor;

(C) meet at such times and in such places as it deems necessary.

(b) The Council shall—

(1) review the plans of each prime sponsor and the plans of State agencies for the provision of services to such prime sponsors, and make recommendations to such prime sponsors and agencies for the more effective coordination of efforts to meet the overall manpower needs of the State;

(2) continuously monitor the operation of programs conducted by each prime sponsor, and the availability, responsiveness, and adequacy of State services, and make recommendations to the prime sponsors, to agencies providing manpower services, and to the Governor and the general public with respect to ways to improve the effectiveness of such programs or services in fulfilling the purposes of this Act;

(3) make an annual report to the Governor which shall be a public document, and issue such other studies, reports, or documents as it deems advisable to assist prime sponsors or to otherwise help carry out the purposes of this Act.

APPROVAL OF PLANS

SEC. 106. (a) The Secretary shall not approve a comprehensive manpower plan or any amendment thereto until he determines that it meets the requirements of section 103, and in the case of a State plan section 104, and that the plan was submitted to, and an opportunity to comment thereon provided, the Governor of the State and appropriate officials in units of general local government of the area to be served.

(b) (1) The Secretary shall not finally disapprove any comprehensive manpower plan submitted under this title, or any modifications thereof, without first affording the prime sponsor submitting the plan reasonable notice and opportunity for a hearing.

(2) If the Secretary receives a formal allegation from an affected unit of general local government that a prime sponsor has changed its comprehensive manpower plan so that it no longer complies with section 103 or that in the administration of the plan there is a failure to comply substantially with any such provision, with any provision of the plan, or with any requirements of section 403 or 404, he shall, and, if he receives such an allegation from any other interested person, he may, after due notice and opportunity for a hearing to the prime sponsor, determine whether the allegation is true. If he determines such an allegation to be true, the Secretary shall notify the prime sponsor that no further payments will be made to the prime sponsor under the plan (or, in his discretion, that further payments will be limited to programs under or portions of the plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Secretary shall make no further payments to such sponsor under the plan (or shall limit payments to programs under the plan not affected by the failure).

(c) The Secretary shall not disapprove any plan solely because of the percentage of funds devoted to a particular program or activity authorized under section 101 of this Act.

JUDICIAL REVIEW

SEC. 107. (a) If any prime sponsor is dissatisfied with the Secretary's final action with respect to the approval of its comprehensive manpower plan submitted under section 103 or section 104 or with his final action under section 106, such prime sponsor may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which the prime sponsor is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. Thereupon the Secretary shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereuon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

AUTHORITY OF SECRETARY TO PROVIDE SERVICES

SEC. 108. In any area of a State which has not qualified as a prime sponsor and for which no other prime sponsor has qualified under paragraph (2), (3), (4), or (5) of section 102(a) or where the Secretary has taken an action under subsection (b)(2) of section 106 which results in such services not being provided in such area, the Secretary is authorized (out of the funds allotted to such State or local area under section 503 (a)) to provide directly the services authorized under this Act, and he may utilize any unit (or combination of units) of general local government, and any other public and private agencies, institutions, and organizations, in providing such services.

ALLOWANCES

SEC. 109. (a) Basic weekly allowances for individuals receiving training or education under this title for which no wages are payable shall be at a rate prescribed by the Secretary which when added to amounts received by the trainee in the form of unemployment compensation payments shall equal the minimum wage for a work week of forty hours under section 6(a)(1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State or local minimum wage law, and such basic allowances shall, in the case of an individual with dependents, be increased by $5 a week for each dependent over two up to a minimum of four additional dependents. The prime sponsor may waive the payment of all or part of the allowances when it determines, under regulations prescribed by the Secretary, that such waiver will promote the purposes of this Act. Trainees receiving public assistance or whose needs or income are taken into account in determining such public assistance payments to others, shall receive an incentive allowance of $30 per week. Such allowance shall be disregarded in determining the amount of public assistance payments under Federal or federally assisted public assistance programs. In prescribing allowances, the prime sponsor shall, in accordance with regulations prescribed by the Secretary, allow additional sums for special circumstances such as exceptional expenses incurred by trainees, including but not limited to meal and travel allowances, or he may reduce such allowances by an amount reflecting the fair value of meals, lodging, or other necessaries furnished to the trainee. The prime sponsor shall take such action as may be necessary to insure that such persons receive no allowances with respect to periods during which they are failing to participate in such programs, training, or instruction as prescribed herein without good cause. Notwithstanding the preceding provisions of this subsection, the prime sponsor shall, in accordance with such regulations as the Secretary shall prescribe, make such adjustments as he deems appropriate in allowances which would otherwise be payable under this title, including but not limited to adjustments which take into account the amount of time per week spent by the individual participating in such programs and adjustments to reflect the special economic circumstances which exist in the area in which the program is to be carried on. Allowances shall not be paid for any course of training having a duration in excess of one hundred and four weeks.

(b) Individuals receiving training on the job shall be compensated by the employer at such rates, including periodic increases, as may be deemed reasonable under regulations prescribed by the Secretary, considering such factors as industry, geographical region, and trainee proficiency, but in no event at a rate less than that specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State or local minimum wage law.

SUPPLEMENTAL VOCATIONAL EDUCATION ASSISTANCE

SEC. 110. (a) The Secretary shall make grants to State vocational education boards to assist them to provide needed vocational education services in areas served by local prime sponsors as defined in section 102(a) (2), (3), (4), or (5).

(b) All of the sums available to carry out this section shall be allotted among the States in the manner provided for allotting funds under section 503.

(c) Funds available to State vocational education boards under this section shall be used only for providing vocational education and services to participants in programs under this title in accordance with an agreement between the State vocational education board and the local prime sponsor.

TITLE II—PUBLIC EMPLOYMENT PROGRAMS

STATEMENT OF PURPOSE

SEC. 201. It is the purpose of this title to provide unemployed persons with transitional employment in jobs providing needed public services in areas of substantial unemployment and, wherever feasible, related training and manpower services to enable such persons to move into employment or training not supported under this title.

FINANCIAL ASSISTANCE

SEC. 202. (a) The Secretary of Labor shall enter into arrangements with eligible applicants in accordance with the provisions of this title in order to make financial assistance available in areas of substantial unemployment for the purposes of providing transitional employment for unemployed persons in jobs providing needed public services, and training and manpower services related to such employment which are otherwise unavailable, and enabling such persons to move into employment or training not supported under this title.

(b) Of the funds appropriated pursuant to this title which are used by an eligible applicant for public employment programs, not less than 90 per centum shall be expended only for wages and employment benefits to persons employed in public service jobs pursuant to this title.

ELIGIBLE APPLICANTS

SEC. 203. (a) Financial assistance under this title may be provided by the Secretary only pursuant to applications submitted by eligible applicants which shall be—

(1) prime sponsors qualified under title I;

(2) any unit of general local government

having a population of 50,000 or more persons;

(3) any combination of units of general local government which has an aggregate population of 50,000; or

(4) Indian tribes on Federal or State reservations and which include areas of substantial unemployment.

(b) For fiscal year 1974 only, eligible applicants shall include any entity eligible to be a prime sponsor under section 102(a).

(c) For the purpose of this Act "areas of substantial unemployment" means any area of sufficient size and scope to sustain a public service employment program and which has a rate of unemployment equal to or in excess of 7 per centum for three consecutive months as determined by the Secretary. Determinations concerning the rate of unemployment shall be made by the Secretary at least once each fiscal year.

(d) Whenever the Secretary makes any determination required by this section, he shall promptly notify the Congress and shall publish such determination in the Federal Register.

APPLICATIONS

SEC. 204 (a) Financial assistance under this title may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this title. Any such application shall set forth a public service employment program designed to provide employment, in jobs providing needed public services, for persons residing in areas of substantial unemployment who have been unemployed for at least thirty days and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, and to enable such persons to move into employment or training not supported under this title.

(b) An application for financial assistance for a public service employment program under this title shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or institution designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that only persons residing within the areas of substantial unemployment qualifying for assistance will be hired to fill jobs created under this title, and that the public services provided by such jobs shall, to the extent feasible, be designed to benefit the residents of such areas;

(4) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy. (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(5) assurances that special consideration in filling transitional public service jobs will be given to unemployed persons who served in the Armed Forces in Indochina or Korea on or after August 5, 1964, in accordance with criteria established by the Secretary (and who have been discharged under conditions other than dishonorable); and that the applicant shall (A) make a special effort to acquaint such individuals with the program, and (B) coordinate efforts on behalf of such persons with those authorized by chapter 41 of title 38, United States Code (relating to Job Counseling and Employment Services for Veterans) or carried out by other public or private organizations or agencies;

(6) assurances that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes;

(7) assurances that special consideration in filling transitional public service jobs will be given to unemployed persons who are the most severely disadvantaged in terms of the length of time they have been unemployed and their prospects for finding employment without assistance under this title, but such special consideration shall not authorize the hiring of any person when any other person is on layoff from the same or any substantially equivalent job;

(8) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(9) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(10) a description of unmet public service needs and a statement of priorities among such needs;

(11) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(12) the wages or salaries to be paid persons employed in public service jobs under this title and a comparison with the wages paid for similar public occupations by the same employer;

(13) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(14) the planning for and training of supervisory personnel in working with participants;

(15) a description of career opportunities and job advancement potentialities for participants;

(16) assurances that procedures established pursuant to section 206 will be complied with;

(17) assurances that the applicant will, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (A) providing those persons employed in public service jobs under this title who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (B) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields;

(18) assurances that all persons employed under any such program, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed persons;

(19) assurances that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged;

(20) assurances that not more than one-third of the participants in the program will be employed in a bona fide professional capacity (as such term is used in section 13 (a)(1) of the Fair Labor Standards Act of 1938), except that this paragraph shall not be applicable in the case of participants employed as classroom teachers, and the Secretary may waive this limitation in exceptional circumstances;

(21) a description of the manpower needs of local governments and of local education agencies within the area to be served together with the comments of such governments and agencies where appropriate, and assurances that due consideration be given to allocating jobs to such governments and agencies where the evidence of need warrants it;

(22) assurances that the jobs in each job category in no way infringe upon the promotional opportunities which would otherwise be available to persons currently employed in public service jobs not subsidized under this title, and assurances that no job will be filled in other than an entry level position until applicable personnel procedures and collective bargaining agreements have been complied with;

(23) assurances that jobs funded under this title are in addition to those that would be funded by the sponsor in the absence of assistance under this Act; and

(24) such other assurances, arrangements, and conditions, consistent with the provisions of this title, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 205. An application, or modification or amendment thereof, for financial assistance under this title may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this title;

(2) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and the Secretary;

(3) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary; and

(4) where a labor organization represents employees who are engaged in similar work in the same area to that proposed in the application, an opportunity has been provided such organization to submit comments with respect to the application to the applicant and to the Secretary.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 206. (a) The Secretary shall establish procedures for periodic reviews by an appropriate agency of the status of each person employed in a public service job under this title to assure that in the event that any person employed in a public service job under this title and the reviewing agency find that such job will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

(b) Where the Secretary determines that an Indian tribe on a Federal or State reservation is unable to submit an application to carry out a public service employment program which meets the requirements of section 204, the Secretary shall assist such tribe in preparing, submitting, and implementing a public service employment program. The provisions of section 207 shall apply to programs carried out under this subsection.

SPECIAL PROVISIONS

SEC. 207. (a) The Secretary shall not provide financial assistance for any program or activity under this title unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program (A) will result in an increase in employment opportunities over those which would otherwise be available, (B) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of non-overtime work or wages or employment benefits), (C) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed, and (D) will not substitute public service jobs for existing federally assisted jobs;

(2) persons employed in public service jobs under this Act shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such title applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(3) funds under this title will not be used to pay persons employed in public service jobs under this title at a rate in excess of $10,000 per year;

(4) all persons employed in public service jobs under this title will be assured of workmen's compensation, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(5) the provisions of section 2(a)(3) of Public Law 89–286 (relating to health and safety conditions) shall apply to such program or activity;

(6) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(7) no funds under this title will be used for the acquisition of, or for the rental or leasing of supplies, equipment, materials, or real property; and

(8) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) Consistent with the provisions of this title, the Secretary shall make financial assistance under this title available in such a manner that, to the extent practicable, public service employment opportunities will be available on an equitable basis in accordance with the purposes of this title among significant segments of the population of unemployed persons, giving consideration to the relative numbers of unemployed persons in each such segment.

(c) Where a labor organization represents employees who are engaged in similar work in the same area to that proposed to be performed under any program for which an application is being developed for submission under this title, such organization shall be notified and afforded a reasonable period of time prior to the submission of the application in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(e) The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this title and other federally supported manpower programs. Such data shall include information on—

(1) characteristics of participants including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per participant, including breakdown between wages, training, and supportive services, all fringe benefits, and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis, and shall include such information in the report required by section 208 of this title.

(f) The Secretary shall not provide financial assistance for any program under this title unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(g) The Secretary shall not provide financial assistance for any program under this title which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(h) The Secretary shall not provide financial assistance for any program under this title unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

SPECIAL REPORT

Sec. 208. The Secretary shall transmit to the Congress at least annually a detailed report setting forth the activities conducted under this title, including information derived from evaluations required by this title and information on the extent to which (1) participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs, (2) segments of the population of unemployed persons are provided public service opportunities in accordance with the purposes of this title.

UTILIZATION OF FUNDS

Sec. 209. Funds available under this title to an eligible applicant may, at its option, be utilized for residents of the areas of substantial unemployment designated under this title for programs authorized under titles I and III—A of this Act.

TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

Part A—Special Target Groups

SPECIAL MANPOWER TARGET GROUPS

Sec. 301. (a) The Secretary shall use funds available under this title to provide additional manpower services as authorized under titles I and II to segments of the population that are in particular need of such services, including youth, persons in correctional institutions, persons of limited English-speaking ability, older workers, and other persons which the Secretary determines have particular disadvantages in the labor market. The Secretary shall take into account the need for continued funding of programs of demonstrated effectiveness.

(b) With respect to programs for persons of limited English-speaking ability referred to in subsection (a), the Secretary shall establish appropriate procedures to insure that participants are provided with such manpower training and related assistance and supportive services which will increase the employment and training opportunities for unemployed and underemployed persons of limited English-speaking ability.

INDIAN MANPOWER

Sec. 302. (a) The Congress finds that (1) serious unemployment and economic disadvantage exist among members of Indian and Alaskan native communities; (2) there is a compelling need for the establishment of comprehensive manpower training and employment programs for members of those communities; (3) such programs are essential to the reduction of economic disadvantage among individual members of those communities and to the advancement of economic and social development in those communities consistent with their goals and life styles.

(b) The Congress therefore declares that, because of the special relationship between the Federal Government and most of those to be served by the provisions of this section (1) such programs can best be administered at the national level; (2) such programs shall be available to federally recognized Indian tribes, bands, and individuals and to other groups and individuals of native American descent such as, but not limited to, the Lummis in Washington, the Menominees in Wisconsin, the Klamaths in Oregon, the Oklahoma Indians, the Passamaquoddys and Penobscots in Maine, and Eskimos and Aleuts in Alaska; (3) such programs shall be administered in such a manner as to maximize the Federal commitment to support growth and development as determined by representatives of the communities and groups served by this part.

(c) In carrying out his responsibilities under this section, the Secretary shall, wherever possible, utilize Indian tribes bands or groups (including Alaska Native villages or groups as defined in the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688) having a governing body for the provision of manpower services under this title. When the Secretary determines that such tribe, band, or group has demonstrated the capability to effectively administer a comprehensive manpower program, he shall require such tribe, band, or group to submit to him a comprehensive plan meeting the requirements of section 103.

(d) Whenever the Secretary determines not to utilize Indian tribes, bands, or groups for the provisions of manpower services under this section, he shall, to the maximum extent feasible, enter into arrangements for the provision of such services with public or private nonprofit agencies which meet with the approval of the tribes, bands, or groups to be served.

(e) The Secretary is directed to take appropriate action to establish administrative procedures and machinery (including personnel having particular competence in this field) for the administration of Indian manpower programs authorized under this Act.

(f) Funds available for this section shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act.

(g) For the purpose of carrying out this section, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out titles I and III of this Act as is equivalent to that proportion which the total number of Indians and Alaska natives bears to the total number of low-income persons, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary.

(h) No provision of this section shall abrogate in any way the trust responsibilities of the Federal Government to Indian bands or tribes.

MIGRANT AND SEASONAL FARMWORKER MANPOWER PROGRAMS

SEC. 303. (a) The Congress finds and declares that—

(1) chronic seasonal unemployment and underemployment in the agricultural industry, substantially affected by recent advances in technology and mechanization, constitute a substantial portion of the Nation's rural manpower problem and substantially affects the entire national economy;

(2) because of the special nature of certain farmworker manpower problems, particularly those which are interstate in nature, such programs can best be administered at the national level.

(b) (1) Funds available for this section shall be expended for programs and activities consistent with the purposes of this section, including but not limited to programs and activities carried out by eligible applicants under other provisions of this Act.

(2) For the purpose of carrying out this section, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of persons in migrant farmworker families bears to the total number of low-income persons, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary: *Provided, however,* That not more than 5 per centum of the funds available shall be so reserved. For the purposes of this section, persons shall be deemed to continue to be members of migrant and seasonal farmworker families for such period of time, not in excess of five years, as the Secretary may determine, in accordance with regulations which he shall prescribe, that such persons generally can benefit from the special programs authorized by this part.

TRANSFER OF JOB CORPS

SEC. 304. (a) Part A of title I of the Economic Opportunity Act of 1964 is amended by striking out "Director" each place it appears and inserting in lieu thereof "Secretary of Labor", and section 102 thereof is amended by striking out "the Office of Economic Opportunity" and inserting in lieu thereof "the Department of Labor".

(b) Title I–A of the Economic Opportunity Act of 1964 as amended by subsection (a) is transferred to this Act and designated as title VI thereof with section numbers (and cross references) renumbered accordingly.

(c) The powers of the Director of the Office of Economic Opportunity under sections 602(h), 602(i), and 602(m)(2) of the Economic Opportunity Act of 1964 are hereby made applicable to the powers and duties of the Secretary of Labor in administering title VI of this Act.

YOUTH PROGRAMS AND OTHER SPECIAL PROGRAMS

SEC. 305. (a) The Secretary may provide financial assistance in urban and rural areas, including areas having large concentrations or proportions of low-income, unemployed persons, and rural areas having substantial outmigration to urban areas, for comprehensive work and training programs, and necessary supportive and follow-up services, including the following:

(1) programs to provide part-time employment, on-the-job training, and useful work experiences for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school;

(2) programs to provide unemployed, underemployed, or low-income persons (aged sixteen and over) with useful work and training (which must include sufficient basic education and institutional or on-the-job training) designed to assist those persons to develop their maximum occupational potential and to obtain regular competitive employment;

(3) jobs for economically disadvantaged youths during the summer months;

(4) special programs which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable, because of age, lack of employment opportunity, or otherwise, to secure appropriate employment or training assistance under other programs, and which, in addition to other services provided, will enable such persons to participate in projects for the betterment or beautification of the community or areas served by the program;

(5) special programs which provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community area served.

(b) To the maximum extent feasible, programs or components of programs conducted under this section shall be linked to comprehensive work and training programs conducted by prime sponsors under title I of this Act, but the Secretary may provide financial assistance to a public agency or private organization other than a prime sponsor to carry out one or more component programs described in subsection (a) when he determines, after soliciting and considering comments of the appropriate prime sponsor, if any, that such assistance would enhance program effectiveness. In the case of programs under subsection (a)(1) of this section, financial assistance may be provided directly to local or State education agencies, after consultation with the Secretary of Health, Education, and Welfare, for the operation of such programs.

CONSULTATION WITH SECRETARY OF HEALTH, EDUCATION, AND WELFARE

SEC. 306. The Secretary of Labor shall consult with the Secretary of Health, Education, and Welfare, with respect to arrangements for basic education and vocational training for individuals under this Act, and the Secretary of Health, Education, and Welfare shall solicit the advice and comments of State educational agencies with respect to such education and training. When the Secretary of Labor arranges for the provision of basic education and vocational training directly, pursuant to the provisions of this title, he shall obtain the approval of the Secretary of Health, Education, and Welfare for such arrangements.

PART B—RESEARCH, TRAINING, AND EVALUATION

SEC. 307. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of manpower research utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the Nation's manpower problems. This program will include, but not be limited to, studies, the findings of which may contribute to the formulation of manpower policy; development or improvement of manpower programs; increased knowledge about labor market processes; reduction of unemployment and its relationships to price stability; promotion of more effective manpower development, training, and utilization; improved national, regional, and local means of measuring future labor demand and supply; enhancement of job opportunities; skill training to qualify employees for positions of greater skill, responsibility, and remuneration; meeting of manpower shortages; easing of the transition from school to work, from one job to another, and from work to retirement, opportunities and services for older persons who desire to enter or reenter the labor force, and for improvements of opportunities for employment and advancement through the reduction of discrimination and disadvantage arising from poverty, ignorance, or prejudice.

(b) The Secretary shall establish a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations, or through contracts with other private organizations, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and training problems, however, nothing in this subsection shall authorize the Secretary to carry out employment programs experimenting with subsidized wages in the private sector or with wages less than those established by the Fair Labor Standards Act of 1938, as amended, for employment subject to that Act. In carrying out this subsection with respect to programs designed to provide employment and training opportunities for low-income people, the Secretary shall consult with such other agencies as may be appropriate. Where programs under this section require institutional training, appropriate arrangements for such training shall be agreed to by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(c) The Secretary shall conduct such research and investigations as give promise of furthering the objectives of this Act either directly or through grants, contracts, or other arrangements.

LABOR MARKET INFORMATION AND COMPUTERIZED JOB BANK

SEC. 308. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a national, State, local, or other appropriate basis, including but not limited to information regarding—

(1) the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

(2) job opportunities and skill requirements;

(3) labor supply in various skills;

(4) occupational outlook and employment trends in various occupations; and

(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends.

(b) The Secretary may develop and establish a computerized job bank program for the purpose of—

(1) identifying sources of available manpower supply and job vacancies;

(2) providing an expeditious means of matching the qualifications of unemployed, underemployed, and disadvantaged persons with employer requirements and job opportunities on a national, State, local, or other appropriate basis;

(3) referring and placing such persons in jobs; and

(4) distributing and assuring the prompt and ready availability of information concerning manpower needs and resources to employers, employees, public and private job

placement agencies, and other interested individuals and agencies.

Maximum effective use shall be made of electronic data processing and telecommunications systems in the development and administration of the program. The program established under this part shall be coordinated with the comprehensive manpower services program established under title I.

(c) For the purpose of carrying out the program established in subsection (b), the Secretary is authorized to make grants to State or local agencies for the planning and administration of the program, including the purchase or other acquisition of necessary equipment. The Secretary may conduct the program on a regional or interstate basis either directly or through grants, contracts, or other arrangements with public or private agencies and organizations. He may also conduct the program when he finds that a State or local program will not adequately serve the purposes of this part. The Secretary may require that any information concerning manpower resources or job vacancies utilized in the operation of job-bank programs financed under this part be furnished to him at his request. He may, in addition, require the integration of any information concerning job vacancies or applicants into a job-bank system assisted under this part.

(d) To assure the effectiveness of the program provided for in this section, the Secretary shall develop an early warning system and standby capability that will assure a timely and adequate response to economic dislocations arising from changing markets, rapid technological change, plant shutdowns, or business failure.

(e) Information collected under this section shall be developed and made available in a timely fashion to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act, the Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Peyser Act, the Vocational Education Act of 1963, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

EVALUATION

SEC. 309. (a) The Secretary shall provide for the continuing evaluation of all programs and activities conducted pursuant to this Act, including their cost in relation to their effectiveness in achieving stated goals, their impact on communities and participants, their implication for related programs, the extent to which they meet the needs of persons of various ages, and the adequacy of the mechanism for the delivery of services. In conducting the evaluations called for by this subsection, the Secretary shall compare the effectiveness of programs conducted by prime sponsors of the same class, of different classes, and shall compare the effectiveness of programs conducted by prime sponsors with similar programs carried out by the Secretary under section 108, or under title III. He shall also arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs.

(b) As a part of his activities under subsection (a); the Secretary shall measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act and under title IV–C of the Social Security Act. The data so developed shall include information on—

(1) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in training and employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per trainee, including breakdown between salary or stipend, training and supportive services, and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis.

(c) The Secretary is authorized to conduct, etiher directly or by way of contract, grant, or other arrangement, a thorough evaluation of all programs and activities conducted pursuant to this Act to determine the effectiveness of such programs and activities in meeting the special needs of disadvantaged, chronically unemployed, and low-income persons for meaningful employment opportunities and supporting services to continue or resume their education and employment and to become more responsible and productive citizens.

REMOVAL OF ARTIFICAL BARRIERS TO EMPLOYMENT AND ADVANCEMENT

SEC. 310. The Secretary, in consultation with appropriate departments and agencies of the Federal Government, shall conduct a continuing study of the extent to which artificial barriers to employment and occupation advancement, including civil service requirements and practices relating thereto, within agencies conducting programs under this Act, restrict the opportunities for employment and advancement within such agencies and shall develop and promulgate guidelines, based upon such study, setting forth recommendations for task and skill requirements for specific jobs and recommended job descriptions at all levels of employment, designed to encourage career employment and occupational advancement within such agencies.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 311. The Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, and other appropriate officials, where appropriate, shall provide directly or through grants, contracts, or other arrangements, preservice and inservice training for specialized, supportive, and supervisory or other personnel and technical assistance which is needed in connection with the programs established under this Act.

TITLE IV—GENERAL PROVISIONS

DEFINITIONS

SEC. 401. (a) As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and, except for the purposes of section 102 (a)(2), the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(3) "low-income person" and "person heading a low-income family" have the meaning given them in regulations of the Secretary, except that persons receiving benefits under a State plan approved under title IV of the Social Security Act, or food stamps or surplus commodities under the Agricultural Act of 1949 and the Food Stamp Act of 1964 shall be considered to be low-income persons or persons heading low-income families as the case may be. In developing such regulations, the Secretary shall consult with the Social Security Administrator, and shall take into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors.

(4) "health care" includes, but is not limited to, preventive and clinical medical treatment, family planning services, nutrition services, and appropriate psychiatric, psychological, and prosthetic services, to the extent any such treatment or services are necessary to enable the recipient of manpower services to obtain or retain employment.

(5) "unit of general local government" means any city, municipality, county, town, township, parish, village or other general purpose political subdivision which has the power to levy taxes and spend funds, as well as general corporate and police powers.

(6) "Wagner-Peyser Act" means "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 113), as amended (29 U.S.C. 49 et seq.)

(7) "manpower allotment" means sums distributed under title I of this Act and with respect to fiscal year 1973, funds available under title II of the Manpower Development and Training Act of 1962, and title I—B of the Economic Opportunity Act of 1964.

(8) "public service" includes, but is not limited to, work in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment, and community improvement.

(9) "unemployed persons" means—

(A) persons who are without jobs and who want and are available for work; and

(B) except for purposes of section 503 and 504, adults who or whose families receive supplemental security income or money payments pursuant to a State plan approved under title I, IV, X, or XVI of the Social Security Act or would, as defined in regulations to be issued by the Secretary, be eligible for such payments but for the fact that both parents are present in the home (1) who are determined by the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, to be available for work, and (2) who are either (i) persons without jobs, or (ii) persons working in jobs providing insufficient income to enable such persons and their families to be self-supporting without welfare assistance;

and the determination of whether persons are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed, but such criteria shall not be applied differently on account of a person's previous employment;

(10) "underemployed persons" means—

(A) persons who are working part-time but seeking full-time work;

(B) persons who are working full-time but receiving wages below the poverty level determined in accordance with criteria as established by the Director of the Office of Management and Budget.

(b) As used in section 207(c) of this Act, the term "area" means—

(1) where the applicant is an eligible unit of government or an Indian tribe, that geographical area over which the applicant exercises general political jurisdiction, or

(2) where the applicant is a public agency or institution which is a subdivision of an eligible unit of government, that geographical area over which such unit of government exercises general political jurisdiction.

LEGAL AUTHORITY

SEC. 402. (a) The Secretary may, in accordance with chapter 5 of title 5, United States Code, prescribe such rules, regulations, guidelines, and other published interpretations under this Act as he deems necessary. Rules, regulations, guidelines and other published interpretations or orders may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968. For the purposes of chapter 5 of such title any condition or guideline for receipt of financial assistance shall be deemed a rule to which section 553 applies.

(b) The Secretary may make such grants, contracts, or agreements, establish such procedures (subject to such policies, rules, and regulations as he may prescribe), and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of the Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act, but only in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

CONDITIONS APPLICABLE TO ALL PROGRAMS

Sec. 403. The Secretary shall not provide financial assistance for any program under this Act unless—

(1) the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs;

(2) such program does not involve political activities;

(3) he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(4) conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant;

(5) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on any project are established and will be maintained;

(6) appropriate workmen's compensation protection will be provided to all participants;

(7) the program will not result in the displacement of employed workers or impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(8) persons shall not be referred for training in an occupation which requires less than two weeks of preemployment training unless there are immediate employment opportunities available in that occupation;

(9) no person shall be referred for training authorized under subsection (3) or (4) of section 101 unless the Secretary or the prime sponsor, as appropriate, shall have determined that there is a reasonable expectation of employment for such person in the occupation for which he is being trained, in the area covered by the plan or program under which the training is being provided;

(10) funds will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this Act and not to supplant such other funds;

(11) the applicant will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure that funds are being expended in accordance with the provisions of this Act;

(12) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(13) the program has adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of inservice training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds; and

(14) the program makes appropriate provision for the manpower needs of youth in the area to be served.

SPECIAL LIMITATION

Sec. 404. (a) No authority conferred by this Act shall be used to enter into arrangements for, or otherwise establish, any training programs in the lower wage industries in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, or to assist in relocating establishments from one area to another. Such limitations on relocation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(b) Any amounts received under chapters 11, 13, 31, 34, and 35 of title 38, United States Code, by any veteran of any war, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this Act, shall not be considered for purposes of determining the needs or qualifications of participants in programs under this Act.

(c) Acceptance of family planning services provided to trainees shall be voluntarily on the part of the individual to whom such services are offered and shall not be a prerequisite to eligibility for or receipt of any benefit under the program.

(d) No non-governmental individual, institution, or organization shall evaluate any program under this Act if that individual or any member of such institution or organization is associated with that program as a consultant, technical adviser, or in any similar capacity.

ANNUAL REPORTS

Sec. 405. (a) The Secretary shall submit an annual report to the Congress on his activities under this Act.

(b) Each prime sponsor shall prepare for the Secretary, and make available, to the public, a report on its activities under the Act, including a detailed comparison of program performance with approved plan.

LABOR STANDARDS

Sec. 406. All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

ACCEPTANCE OF GIFTS

Sec. 407. The Secretary is authorized, in carrying out his functions and responsibilites under this Act, to accept in the name of the Department, and employ or dispose of in furtherance of the purposes of this Act, or any title thereof, an unconditional gift of any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise; and to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes of the United States.

UTILIZATION OF SERVICES AND FACILITIES

Sec. 408. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision with or without reimbursement.

INTERSTATE AGREEMENTS

Sec. 409. In the event that compliance with provisions of this Act requires cooperation or agreements between States, the consent of Congress is hereby given to such States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

REPEAL OF OTHER LAW

Sec. 410. Effective with respect to fiscal years after June 30, 1973, the Manpower Development and Training Act of 1962 and title I—B and I—E of the Economic Opportunity Act of 1964 are repealed. Unexpended appropriations for carrying out such Acts may be made available to carry out this Act, as directed by the President.

HATCH ACT

Sec. 411. State or local officers or employees engaged in programs assisted under this Act shall be considered for purposes of section 1501(4) of title 5, United States Code, to be individuals whose principal employment is in connection with an activity financed by grants made by the United States.

CRIMINAL PROVISIONS

Sec. 412. (a) Chapter 31 of title 18, United States Code, is amended by adding a new section 665 to read as follows:

"THEFT OR EMBEZZLEMENT FROM MANPOWER FUNDS; IMPROPER INDUCEMENT

"Sec. 665. (a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving financial assistance under the Comprehensive Manpower Act embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to this Act shall be fined not more than $10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Comprehensive Manpower Act, induces any person to give up any money or thing of any value to any person (including such grantee agency) shall be fined not more than $1,000, or imprisoned not more than one year, or both."

(b) The analysis of chapter 31 is amended by adding at the end thereof the following new item:

"665. Theft or embezzlement from manpower funds; improper inducement."

NONDISCRIMINATION

Sec. 413. (a) No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Act.

(b) Whenever the Secretary determines that a prime sponsor or eligible applicant has failed to comply with subsection (a) or an applicable regulation, he shall notify the prime sponsor or eligible applicant of the noncompliance and shall request the prime sponsor or eligible applicant to secure compliance. If within a reasonable period of time, not to exceed sixty days, the prime sponsor or eligible applicant fails or refuses to secure compliance, the Secretary, in addition to exercising the powers and functions provided for the termination of financial assistance under this Act, is authorized (1) to refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) to exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or (3) to take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a prime sponsor or eligible applicant is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

(d) The Secretary shall enforce the provisions of subsection (a) dealing with discrimination on the basis of sex in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such provisions of such subsection. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act.

RECORDS, AUDIT, AND REPORTS

Sec. 414. In order to assure that funds provided under this Act are used in accordance with its provisions, each recipient shall—

(1) use such fiscal, audit, and accounting procedures as may be necessary to assure (A) proper accounting for payments received by it, and (B) proper disbursement of such payments;

(2) provide to the Secretary and the Comptroller General of the United States access to, and the right to examine, any books, documents, papers, or records as he requires; and

(3) make such reports to the Secretary or the Comptroller General of the United States as he requires.

TITLE V—AUTHORIZATIONS AND ALLOCATIONS

APPROPRIATIONS AUTHORIZED

Sec. 501. (a) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1974, and for each of the three succeeding years for purposes of carrying out this Act.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

FUNDS AVAILABLE FOR SPECIFIC PROGRAMS

Sec. 502. (a) Of the amount appropriated to carry out this Act, the Secretary shall reserve and make available $250,000,000 in fiscal year 1974 and $500,000,000 in fiscal year 1975 for the purpose of carrying out public employment programs under title II.

(b) Of the amount appropriated to carry out the Act for any fiscal year, not more than 20 per centum shall be available to carry out title III and title VI.

ALLOCATION OF FUNDS UNDER TITLE I

Sec. 503. (a) Eighty per centum of the amount available for title I in any fiscal year shall be reserved and distributed in accordance with the provisions of this subsection. From such amount available, the Secretary shall reserve such sums as he determines are necessary (but not to exceed 1 per centum of such amount) to provide reasonable reimbursement to State prime sponsors for costs incurred in fulfilling their duties and responsibilities under section 105(a)(2)(B). The remainder of such amount available shall be allocated among the States so that equal proportions are distributed on the basis of (1) the relative number of unemployed within the State as compared to all the States; (2) the manpower allotment of the State in the prior fiscal year compared to the manpower allotment for all the States in that year: *Provided, however,* That at least $2,000,000 shall be allotted among Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands according to their respective needs. The sum available to each State shall be allocated among areas within the State on an equitable basis based upon the same factors.

(b) Not more than 5 per centum shall be available to the Secretary to encourage voluntary combinations formed under section 102(a)(3).

(c) Five per centum of the funds available under title I shall be available only for grants under section 110: *Provided*, That such grants shall not increase the funds available in any prime sponsor's area by more than 20 per centum of the amount allotted to such prime sponsors under subsection (a).

(d) The remainder of the funds shall be available in the Secretary's discretion. In exercising that discretion the Secretary shall take into account the need for continued funding of programs of demonstrated effectiveness.

(e) Grants made to prime sponsors designated under section 102(a)(5) shall be from funds not allocated under subsection (a).

ALLOCATION OF FUNDS UNDER TITLE II

Sec. 504. (a) Eighty per centum of funds available for any fiscal year under title II shall be allocated among eligible applicants in accordance with the number of unemployed residing in areas of substantial unemployment within the jurisdiction of the applicant compared to the number of unemployed residing in all such areas.

(b) The remainder may be distributed by the Secretary in his discretion taking into account the severity of unemployment within such areas.

TITLE VII—NATIONAL COMMISSION FOR MANPOWER POLICY

FINDINGS AND DECLARATION OF PURPOSE

Sec. 701. The Congress hereby finds and declares that the responsibility for the development, administration, and coordination of programs of training and manpower development generally is so diffused and fragmented at all levels of government that it has been impossible to develop rational priorities in these fields, with the result that even good programs have proved to be far less effective than could reasonably be expected. The Congress further finds that the lack of a coherent, flexible, national manpower policy reduces our prospects of solving economic and social problems which threaten fundamental national interests and objectives. Accordingly, the purpose of this title is to establish a National Commission for Manpower Policy which will have the responsibility for examining these issues, for suggesting ways and means of dealing with them, and for advising the Secretary on national manpower issues.

Sec. 702. (a) There is hereby established a National Commission for Manpower Policy (hereinafter referred to as the "Commission") which shall consist of sixteen members selected as follows—

(1) six members, as follows, serving ex officio: the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Defense, the Secretary of Agriculture, the Secretary of Commerce, and the Administrator of Veterans' Affairs; and

(2) ten members broadly representative of labor, industry, agriculture, commerce, education (including vocational-technical education), State and local elected officials involved with manpower programs, and of the general public appointed by the President.

(b) The Commission shall meet at the call of the Chairman, who shall be selected by the President and who shall be one of the ten appointed public members, but not fewer than three times a year.

(c) The Chairman (with the concurrence of the Commission) shall appoint a Director, who shall be the chief executive officer of the Commission and shall perform such duties as are prescribed by the Chairman. The Director may appoint, with the concurrence of the Chairman and the Secretary of Labor, such clerical staff as are necessary. The Commission may utilize such staff from the Department of Labor, the Department of Health, Education, and Welfare, and other Federal agencies as may be available to assist the Commission in carrying out its responsibilities.

(d) The Commission may accept in the name of the Department of Labor and employ or dispose of gifts or bequests, to carry out its responsibilities under this title.

(e) Members of the Commission who are not officers or employees of the Federal Government shall be paid compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the Commission, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

FUNCTIONS OF THE COMMISSION

Sec. 703. The Commission may—

(1) conduct such studies, hearings, research, or other activities as it deems necessary to enable it to formulate appropriate recommendations;

(2) examine and evaluate the effectiveness of any federally assisted manpower development programs (including those assisted under this Act), with particular reference to the contributions of such programs to the achievement of objectives sought by the recommendations under clause (1) of this section;

(3) examine and evaluate major Federal programs which are intended to (or potentially could) contribute to achieving major objectives of existing manpower and related legislation or those set forth in the recommendations of the Commission and particularly the programs which are designed (or could be designed) to develop information

and knowledge about manpower problems through research and demonstration projects or to train personnel in fields (such as occupational counseling, guidance, and placement) which are vital to the success of manpower programs; and

(4) make such other evaluations, investigations, or inquiries as it considers appropriate for carrying out the purposes of this title and for helping to make effective the programs authorized by this Act.

COORDINATION STUDY

SEC. 704. The Commission shall conduct a study of the utilization and interrelation of programs of manpower training with closely associated programs such as those conducted under the Wagner-Peyser Act, the work incentives program under part C of title IV of the Social Security Act, and others of similar nature, with a view to determining how they could be better coordinated and more effectively combined to serve individuals, particularly at the State and local levels, and shall make a report of their findings and recommendations to the President and the Congress not later than January 31, 1975.

REPORTS

SEC. 705. The Commission shall make at least annually a report of its findings and recommendations to the President and the Congress, and the first such report shall be transmitted not later than September 1, 1974. The Commission may make such interim reports or recommendations to the Secretary of Labor or to the heads of other Federal departments and agencies, and in such form, as it may deem desirable.

ENERGY STUDY

SEC. 706. The Secretary shall, immediately upon enactment of this Act, make a study of the impact of energy shortages, including fuel rationing, on manpower needs. The Secretary shall, within one year after enactment, make final a report of his findings and recommendations to the Congress and to the Commission, and shall make preliminary reports thereon beginning with March 1974. Upon receipt of the Secretary's report, the National Commission for Manpower Policy shall continue to make studies of such matters, and shall include its findings and recommendations with respect thereto in the reports required by section 705.

And amend the title so as to read: "An Act to assure opportunities for employment and training to unemployed and underemployed persons."

Mr. NELSON. Mr. President, I move that the Senate concur in the House amendments with a further amendment, to substitute, in lieu of the text of the House amendment, the amendment, which I am sending to the desk.

The PRESIDING OFFICER. The substitute amendment will be stated.

The assistant legislative clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Job Training and Community Services Act of 1973".

TITLE I—STATE AND LOCAL SPONSORSHIP OF PROGRAMS

STATEMENT OF PURPOSE

SEC. 101. It is the purpose of this Act to establish a flexible and decentralized system of State and local programs providing job training opportunities and community services for economically disadvantaged, unemployed, and underemployed persons, to make funds available to States and communities to meet locally determined needs consistent with the purposes of this Act, and to assure that training and other services lead to employment and enhanced self-sufficiency.

AUTHORIZATION

SEC. 102. (a) For the purpose of carrying out this Act, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1974, and for each of the three succeeding fiscal years.

(b) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(c) In order to effect a transition to the advance funding method of timing appropriation action, the provisions of subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

TRANSITIONAL PROVISIONS

SEC. 103. (a) To the extent necessary to provide for the orderly transition of supporting job training programs, and to provide continued financial assistance for such programs, prior to July 1, 1974, the Secretary is authorized to provide financial assistance in the same manner and on the same conditions as provided in the Manpower Development and Training Act of 1962, as in effect prior to June 30, 1973, title I of the Economic Opportunity Act of 1964, and the Emergency Employment Act of 1971, as in effect prior to June 30, 1973, from funds appropriated pursuant to this Act.

(b) The authority contained in this section shall not be construed to postpone or impede the prompt designation of prime sponsors and the implementation of other provisions of this Act, but the Secretary shall continue to provide financial assistance, by contract or otherwise, for carrying out national programs of demonstrated effectiveness through the fiscal year ending June 30, 1974.

PRIME SPONSORS

SEC. 104. (a) For the purposes of this Act—

(1) any State;

(2) any unit of general local government—

(A) which is a city having a population of one hundred thousand or more persons; or

(B) which is a county or comparable unit of general local government having a population of one hundred and fifty thousand or more persons (other than the number of persons therein included within the population of any city designated as a prime sponsor under clause (A) of this subparagraph);

(3) any consortium of adjoining units of general local government serving a labor market area or substantial portion thereof, including at least one unit of general local government described in clause (A) or (B) of subparagraph (2); or

(4) any unit of general local government or any consortium of such units, without regard to population, which is determined by the Secretary of Labor—

(A)(i) to serve a substantial portion of a functioning labor market area, or (ii) to be a rural area having a high level of unemployment; and

(B) to have demonstrated (i) that it has the capability for adequately carrying out programs under this Act, and (ii) that there is a special need for services within the area to be served, and (iii) that it will carry out such programs and services in such area as effectively as the State;

shall be eligible to be a prime sponsor of programs under this Act in accordance with the provisions of this section.

(b)(1) Where the area under the jurisdiction of a unit of general local government described in clause (B) of subparagraph (2) of subsection (a) includes any common geographical area with that covered by a unit of general local government described in clause (A) of subparagraph (2) of subsection (a), the Secretary shall designate to serve such common area the unit of general local government which demonstrates the capability for more effectively carrying out the purposes of this Act with respect to such area.

(2) Before designating a unit of general local government under paragraph (1) of this subsection, the Secretary shall—

(A) request the comments of the Governor of the State concerning the manner in which the proposed prime sponsorship arrangements for the area involved will relate to statewide planning arrangements;

(B) undertake reasonable steps, where appropriate and practicable in order to carry out more effectively the purposes of this Act, to seek an agreement among the units of general local government involved to enter into consortium arrangements as described in subparagraph (3) of subsection (a) of this section; and

(C) afford an opportunity to the units of general local government involved to submit comments with respect to proposed prime sponsorship arrangements to the Secretary.

(c) Any State or unit or consortium of units of general local government which is eligible to be a prime sponsor under subsection (a) shall be so designated by the Secretary if he determines that a satisfactory prime sponsorship plan has been submitted and that—

(1) the plan describes the prime sponsorship area to be served and evidences the capability for effectively carrying out programs under this Act throughout such area;

(2) the plan provides that the prime sponsor shall be responsible for submitting program statements and for the planning and development of programs in the prime sponsorship area;

(3) the plan was submitted to the Secretary by such date as the Secretary shall prescribe by regulation in order to provide a reasonable period of time for review in accordance with the provisions of this section;

(4) a copy of such plan has been submitted for comment thereon to the Governor of the State and the Governor has been provided a reasonable period of time to review and submit comments on such plan;

(5) in the case of a plan submitted by a State, satisfactory arrangements are set forth for serving all geographical areas under its jurisdiction except for areas for which a local prime sponsor is designated under subparagraph (2), (3), or (4) of subsection (a) of this section; and

(6) the plan was made public prior to submission to the Secretary.

(d) A plan submitted in accordance with this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such plan, including a statement of reasons therefor;

(2) a reasonable period of time to submit corrective amendments to such plan; and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

TITLE II—JOB TRAINING PROGRAMS

PROGRAMS AUTHORIZED

SEC. 201. (a) Programs receiving financial assistance under this title shall include provision of training opportunities and related services needed to enable economically disadvantaged, unemployed, and underemployed individuals, and others in need of training or retraining, to secure and retain employment consistent with their full potential, including—

(1) programs to acquaint men and women with the availability of training and related services and to encourage the full utilization of such services;

(2) assessment of the individual's needs, potential, and interests, with referral to appropriate training and related services;

(3) counseling, education, orientation, and institutional and on-the-job training to prepare the individual for work or to qualify for more productive job opportunities;

(4) allowances for training, and for transportation, subsistence, or other expenses incurred while participating in job training programs;

(5) supportive services to enable individuals to take advantage of employment and training opportunities, including basic education, necessary health care services, child care, residential support assistance in securing bonds, or any other necessary assistance incident to employment, and any other service needed to participate in employment and training programs;

(6) development of information concerning the labor market and activities, such as job restructuring, to make such activities more responsive to objectives of employment and training programs; and

(7) such other activities as are consistent with the provisions and purposes of this title.

(b) Programs assisted under this title may include, but are not limited to—

(1) Mainstream programs providing financial assistance for the support of projects which involve work activities directed to the needs of those chronically unemployed and economically disadvantaged persons who have particularly poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, or otherwise) to secure appropriate employment or training and related services under other programs. Such projects, in addition to other services provided, shall enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housing; the improvement of public facilities; and the improvement and expansion of health care, education, child care, antipoverty, and recreation services.

(2) New careers programs providing economically disadvantaged or unemployed persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or areas served in fields of public service, including but not limited to health care, education, welfare, recreation, child care, antipoverty, neighborhood redevelopment, and law enforcement, which provide maximum prospects for on-the-job training, promotion, and advancement and continued employment without Federal assistance.

(3) Neighborhood youth corps programs to provide (A) part-time employment, on-the-job training, and useful work experience for economically disadvantaged students who are in the ninth through twelfth grades of school (or of an age equivalent to that of students in such grades) and who are in need of earnings to permit them to resume or maintain attendance in school; (B) useful work and training (including sufficient basic education and institutional or on-the-job training) for unemployed, underemployed, or economically disadvantaged persons (aged sixteen and over) who are not in school designed to assist those persons to develop their maximum occupational potential and to obtain regular employment; and (C) job and related recreation opportunities for economically disadvantaged persons during the summer months.

(4) Opportunities industrialization centers designed to provide comprehensive employment services and job opportunities for low-income persons who are unemployed or underemployed. Such services shall include recruitment, counseling, remedial education, vocational training, job development, job placement, health care, child care, and other appropriate services and adequate provisions to assure that residents of the area to be served by such program are involved in the planning and operation of such center, and that business and labor in the area to be served by such programs are consulted in the development and operation thereof. Priority shall be given to programs serving residents of inner-city areas with substantial unemployment or underemployment.

(5) Jobs for progress and other programs designed to provide comprehensive employment opportunities and training and related services for economically disadvantaged persons who are unemployed or underemployed, including persons of limited Einglish-speaking ability, migrants, and others through the establishment of skill centers. Such services shall include recruitment, counseling, remedial education, vocational training, job development, job placement, health care, child care, and other appropriate services and adequate provisions to assure that the residents of the area to be served by such programs are involved in the planning and operation of such centers and that business and labor in the area to be served by such programs are consulted in the development and operation thereof.

(6) Job opportunities in the business sector and other programs to encourage and to provide incentives to private employers, nonprofit organizations, and public employers to train or employ economically disadvantaged, unemployed, or underemployed persons, including arrangements by direct contract reimbursing employers for the costs of recruiting and training such employees to the extent that such costs exceed those customarily incurred by such employer in recruiting and training new hires, payment for on-the-job counseling and other supportive services, transportation, and payments for other extra costs including supervisory training required by the program.

(7) Skill centers and other programs for the development of job opportunities through institutional training programs for economically disadvantaged, unemployed, or underemployed persons, providing recruitment, counseling, remediation, vocational training, job development, job placement, and other appropriate services.

(8) Special job development programs with public or private employers, including employment centers and mobile employment service units to provide recruitment, counseling, and placement services, conveniently located in urban and rural areas and particularly accessible to economically disadvantaged persons.

(9) Special manpower training programs and related educational and other services for offenders, including pretrial or other intervention programs, programs for offenders under sentence, prerelease job furloughs, bonding assistance, job development programs with public or private employers (including incentive payments), programs in residential and nonresidential centers and halfway houses, and programs to train professional and paraprofessional personnel to serve the training and employment needs of offenders and other activities to meet such needs.

(10) Programs and projects designed to meet the special needs of Indians for employment and training and related services.

(11) Programs and projects designed to meet the special needs of persons in migrant and seasonal farmworkers families for employment and training and related services.

(12) Programs and projects designed to meet the special needs of persons of limited English-speaking ability for employment and training and related services.

(13) Employment and training programs, counseling and related supportive services for middle-aged and older workers, including on-the-job, institutional, residential, and other training designed to improve the skills and capabilities of such workers, particularly in areas of high or chronic unemployment among middle-aged and older persons.

(14) Programs and projects designed to offer job counseling, training, placement, and other vocational assistance to unemployed and underemployed engineers, scientists, and technicians.

(15) Public service employment programs providing transitional employment for unemployed and underemployed persons in jobs providing needed public services, with training and related supportive services designed to lead to public or private employment not supported under this Act.

(c) Sums made available for public service employment programs from appropriations to carry out this Act shall be used only for public service employment programs meeting the requirements set forth in the provisions of the Emergency Employment Act of 1971 to the extent that such requirements are consistent with the provisions of this Act.

ALLOCATION OF FUNDS

SEC. 202. (a) The amounts available for any fiscal year for carrying out this title shall be allocated in such a manner that of such amounts—

(1) not less than 75 per centum shall be apportioned among the States, distributed equally according to the proportions which the total numbers of unemployed persons and of adults who or whose families have a total annual income below the lower living standard budget in each such State bears to such total numbers, respectively, in all the States, but not less than $1,500,000 shall be apportioned to any State, except that not less than $150,000 each shall be apportioned to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(2) the remainder shall be available to enable the Secretary to carry out his responsibilities under this title and title I.

(b)(1) The amount apportioned for use within each State under clause (1) of subsection (a) shall be apportioned geographically among areas served by prime sponsors and by program agents within each such State, distributed equally according to the proportions which the total numbers of unemployed persons and of adults who or whose families have a total annual income below the lower living standard budget in each such area bears to such total numbers, respectively, in the State.

(2) In apportioning the remaining funds within the State's prime sponsorship area, the State shall make apportionments among the remainder of local planning areas on an equitable basis, taking into account the total numbers of unemployed persons and of adults who or whose families have a total annual income below the lower living standard budget in each such area.

(c) In the event that appropriations for the fiscal year ending June 30, 1974, and each of the two succeeding fiscal years are not sufficient to provide to each State, and to each local area within each such State, an amount of funds for each such fiscal year at least equal to that which was made available for use within such area for the fiscal year ending June 30, 1972, in carrying out programs under the Manpower Development and Training Act of 1962 and parts B and E of title I of the Economic Opportunity Act of 1964, then the Secretary shall make necessary adjustments, in making apportionments among States under subsection (a)(1) and among areas served or to be served by prime sponsors and by program agents under subsection (b)(1), to ensure that no State and no local area, during the fiscal year ending June 30, 1974, and each of two succeeding fiscal years, receives any smaller proportion of the sums appropriated than such State and area received for such programs during such fiscal year 1972.

(d) Of the amounts geographically apportioned to each area within a State pursuant to subsections (b)(1) and (c), an amount equal to 15 per centum of each such apportionment shall be available to the State to provide services and activities to individuals of the area to which such funds are apportioned.

(e) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments made pursuant to subsections (a)(1), (b)(1), and (c) of this section. Apportionments under this section shall be based on the latest satisfactory data and estimates available. In determining the number of adults who or whose families have annual incomes below the lower living standard budget, the Secretary shall determine the number of families receiving annual incomes below the nearest income level for which satisfactory census data is available not less than the average lower living standard budget for a family of four in the United States for the year during which such census data was developed; and in making such determination for any State with respect to which the nearest such income level not less than the average lower living standard budget applicable to that State is a different level, the Secretary shall determine the number of families below the latter level in such State.

(f) The Secretary is authorized to make such reallocations under this title as he deems appropriate of the unobligated amount of any apportionment pursuant to subsections (a)(1), (b)(1), and (c) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. Apportioned amounts may not be reallocated for any reason before the expiration of the ninth month of the fiscal year for which such funds were appropriated and thereafter may be reallocated only if the Secretary has provided thirty days" advance notice to the prime sponsor for such area and to the Governor of the State of the proposed reallocation, during which period of time the prime sponsor and the Governor may submit comments to the Secretary. After considering any comments submitted during such period of time, the Secretary shall notify the Governor and affected prime sponsors of any decision to reallocate funds and shall publish any such decision in the Federal Register. Priority shall be given in reallocating such funds to other areas within the same State.

EMPLOYMENT AND TRAINING COUNCILS

SEC. 203. In order to be designated as a prime sponsor of programs under this title, each eligible prime sponsor under section 104 of this Act shall include in its prime sponsorship plan adequate provisions for establishing and maintaining an employment and training council which shall—

(1) provide that the chief executive officer or officers of the unit or units of government establishing such council shall appoint the members of the council, with equitable representation on such council to be afforded to each unit of government entering into a consortium under subparagraph (3) or (4) of section 104(a) or, where (pursuant to section 104(b)(1)) the Secretary designates a unit of government described in clause (B) of section 104(a)(2), to the unit not so designated;

(2) provide that the council shall include members who are representative of community action agencies; other community-based organization; the public employment service; education and training agencies and community postsecondary educational and training institutions; social service programs, including child care, environmental quality, health care, recreation, vocational rehabilitation, and welfare industrial development organizations; apprenticeship programs; veterans organizations; business; and labor; and not less than one-third of the membership of such council shall be representative of the significant segments of the population to be served;

(3) provide that one member of the council shall be designated as chairman who shall, with the approval of the council, appoint a staff director who shall supervise professional, technical, and clerical staff serving the council;

(4) provide that the council will be entitled to recommend program statements, basic goals, policies, and procedures, and will be responsible for annual and ongoing evaluation of employment and training programs conducted in the prime sponsorship area, and for establishing procedures for the certification (by either panels of representatives of labor and management established for that purpose or by the council, as required by the Secretary) that training and other services to be provided in such area under this title have a reasonable prospect of leading to appropriate employment opportunities;

(5) provide assurances that staff and other administrative expenses for the council will not exceed a reasonable per centum of the total cost of programs administered by each prime sponsor, as established by regulations which the Secretary shall prescribe;

(6) Set forth the council's responsibility for conducting on a continuing basis surveys and analyses of needs for employment, training, and related services in the area served by the prime sponsor to be used in the development of plans under this title;

(7) set forth appropriate arrangements for involving community action agencies, other community-based organization, educational agencies and institutions (including vocational education and community colleges), and vocational rehabilitation agencies, in the development of program statements and in the implementation of programs assisted under this title; and

(8) set forth plans for the council to provide for objective evaluations of the effectiveness of programs for which financial assistance is provided under this title.

PROGRAM STATEMENTS

SEC. 204. (a) In order to receive financial assistance under this title for any fiscal year, a prime sponsor shall submit to the Secretary a program statement, which shall include—

(1) a statement of employment and training needs and priorities in the area, descriptions of the services for which financial assistance received under this title will be used, and performance goals;

(2) the identification of any agencies or organizations designated to carry out such services under the supervision of the prime sponsor;

(3) any arrangements made for services to be performed, on a reimbursable basis or otherwise, by the public employment service or any other public or private agency, institution, or organization;

(4) a description of the areas to be assisted by such programs, including data regarding potential eligible participants;

(5) provisions designed to assure that funds under this title will be made available so as to serve on an equitable basis the significant segments of the population to be served in the prime sponsorship area, including—

(A) provisions to assure that adequate bilingual and other programs and activities are included as part of job training, employment, and related services designed to meet the special needs of persons of limited English-speaking ability;

(B) provisions to assure that adequate programs and activities are provided to meet the special needs of middle-aged and older men and women;

(6) provisions to assure the utilization, to the extent feasible, of those services and facilities which are available, with or without reimbursement of the reasonable cost, from Federal, State, and local agencies, including but not limited to the State employment service, State vocational education, and vocational rehabilitation agencies, area skills centers, local educational agencies, postsecondary training and education institutions, and community action agencies, but nothing contained herein shall be construed to limit the utilization of services and facilities of private agencies, institutions, and organizations (such as private businesses, labor organizations, private employment agencies, and private educational and vocational institutions) which can, at comparable cost, provide substantially equivalent training or services or otherwise aid in reducing more quickly unemployment or current and prospective manpower shortages;

(7) provisions to assure that priority will be given to employment preparation programs which provide, in connection with job training opportunities supported with funds under this title, for the making of commitments by prospective public and private employers to employ persons who satisfactorily complete their prescribed periods of training in jobs for which such persons received such training;

(8) assurances that training and related services for which funds are provided under this Act are designed to the maximum extent practicable, consistent with each individual's fullest capability, to lead to employment opportunities, to the extent available in the area to be served, for which wages will be paid at a rate not less than the higher of (A) the minimum wage would be applicable under the Fair Labor Standards Act of 1938 if section 6(a)(1) of such Act applied to such person and if he were not exempt under section 13 thereof, or (B) the State or local minimum wage for the most nearly comparable covered employment;

(9) such other information, assurances, statements, and arrangements consistent with the provisions of this Act as the Secretary shall prescribe by regulation, including provisions designed to assist the Secretary in carrying out his special responsibilities under section 205.

(b) The Secretary shall provide financial assistance to each prime sponsor under this title to carry out the program statement submitted by each such prime sponsor upon determining that—

(1) the program statement is consistent with the provisions of this title;

(2) the program statement was made public prior to submission to the Secretary;

(3) the prime sponsor has demonstrated maximum efforts (A) to implement the provisions in the prior year's program statement described in clause (7) of subsection (a) of this section, (B) to ensure that employment commitments made pursuant thereto were fulfilled by prospective employers making such commitments, and (C) in the case of the failure of such fulfillment, to place the persons receiving such training in comparable employment or to employ such person;

(4) an opportunity was provided for each appropriate area planning council estab-

lished in accordance with section 206(b)(3) of this Act to review and submit comments to the prime sponsor with respect to its proposed program statement prior to submission to the Secretary;

(5) an opportunity was provided to the Governor of the State to submit comments with respect to the program statement to the prime sponsor and to the Secretary;

(6) an opportunity was provided to officials of the appropriate units of general local government in the area to be served to submit comments with respect to the program statement to the prime sponsor and to the Secretary;

(7) an opportunity was provided to the appropriate State or local agency or agencies having responsibility for vocational education, vocational rehabilitation, and the public employment service, and to community action agencies and other community-based organizations in the area to be served, to submit comments with respect to the program statement to the prime sponsor and to the Secretary.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 205. (a) Out of the funds made available to the Secretary pursuant to section 202 (a)(2) for carrying out his responsibilities under this title, the Secretary shall establish procedures to assure that——

(1) not less than that portion of the funds appropriated for carrying out this title as is equivalent to that proportion which the total number of Indians bears to the total number of low-income persons in the Nation shall be made available to Indian tribes on Federal and State reservations, and to organizations (as determined by the Secretary) serving non-reservation Indians, for programs and projects under this title designed to meet the needs of Indians for employment and training and related services;

(2) not less than that portion of funds appropriated for this title as is equivalent to that proportion which the total number of persons in migrant and seasonal farmworker families bears to the total number of low-income persons in the Nation shall be available for programs and projects under this title designed to meet the special needs of persons in migrant and seasonal farmworker families for employment and training and related services.

(b) Out of the remaining funds available to the Secretary pursuant to section 202(a) (2) for carrying out his responsibilities under this title, the Secretary is, without limitation, authorized to—

(1) provide additional financial assistance to prime sponsors and public or private nonprofit agencies in order to continue ongoing programs and activities of demonstrated effectiveness;

(2) carry out, through contract or otherwise, a comprehensive program of research and experimental, model, demonstration, and pilot programs to conduct innovative efforts and otherwise improve understanding and methods of meeting employment and training needs;

(3) provide for an ongoing program of technical assistance and of monitoring and evaluating the effectiveness of programs and projects assisted under this title in carrying out the purposes and provisions of this title;

(4) develop a comprehensive system of labor market information on a national, State, local, or other appropriate basis, which shall be made publicly available in a timely fashion;

(5) establish and carry out a nationwide computerized job bank and matching program (utilizing the listing of all suitable employment openings with local offices of the State employment service by Federal contractors and subcontractors and providing for the special emphasis as required by section 2012(a) of title 38, United States Code) on a regional, State, and local basis, using electronic data processing and telecommunications systems to the maximum extent possible for the purpose of identifying sources of available persons and job vacancies, providing an expeditious means of matching the qualifications of unemployed, underemployed, and economically disadvantaged persons with employer requirements and job opportunities, and referring and placing such persons in jobs;

(6) carry out a Job Corps program in accordance with the requirements set forth in the provisions of part A of title I of the Economic Opportunity Act of 1964, as amended, to assist economically disadvantaged persons under twenty-two years of age who need and can benefit from an intensive program of training and related services, operated in a group setting, to become more responsible, employable, and productive citizens, through the establishment of residential and nonresidential centers in which enrollees participate in intensive programs of education, vocational training, work experience, counseling, and other activities;

(7) provide special services for middle-aged and older men and women including recruitment, placement, and counseling for such persons who are unemployed as a result of the closing of a plant or factory or a permanent large-scale reduction in the work force of a locality, and provide grants to or contracts with nonprofit volunteer agencies to assist such agencies in securing part-time or temporary employment for middle-aged and older persons;

(8) provide a system of support for special programs for offenders conducted under section 201(b)(9) and provide supplementary assistance to encourage the establishment of special model programs under section 206 (a)(5); and

(9) carry out a special program to demonstrate the efficacy of providing certificates or vouchers to economically disadvantaged, unemployed, and underemployed persons entitling private employers who provide employment, training, and services to each person volunteering to participate in such program to payment in amounts equal to the face value of the certificate for specified periods of time during which each such person may not be fully productive.

(c) In addition to financial assistance made available by prime sponsors to carry out programs pursuant to program statements submitted under section 204, the Secretary in carrying out his special responsibilities under subsections (a) and (b) of this section shall—

(1) give due consideration to job training programs serving individuals from population groups having special needs for such programs, including programs for middle-aged and older persons and bilingual programs for persons of limited English-speaking ability, and special services for low-income individuals who do not reside in low-income areas;

(2) assure the continuation of a system of efforts by the National Alliance of Businessmen and the private sector generally in the provision of job opportunities for economically disadvantaged, unemployed, and underemployed persons, with particular emphasis on development of jobs and training for economically disadvantaged persons and veterans, as well as in the provision of summer and year-round jobs for economically disadvantaged youth, employment for ex-offenders, and employment of public assistance recipients, while encouraging the use of resources available to the private sector for the training of such persons;

(3) assure the continuation of a system of opportunities industrialization centers, jobs for progress, and other programs designed to provide comprehensive employment services and job opportunities for low-income persons who are unemployed or underemployed, including those with limited English-speaking ability, assuring that the residents of the areas served are involved in the planning and operation of such centers and that business and labor are consulted in their development and operation;

(4) provide support, in conjunction with the Secretary of Health, Education, and Welfare, and the Attorney General, for programs providing manpower training and related services for offenders, including research programs, the dissemination of information, bonding assistance, the conduct of model, demonstration, and pilot programs and where necessary the provision of supplementary financial assistance as authorized under paragraph (1) of subsection (b) of this section;

(5) utilize resources available under this section to carry out fully and effectively his responsibilities for the assignment of assistant veterans employment representatives under section 2003 of title 38, United States Code, and his other responsibilities under chapter 41 of such title and for the listing of all suitable employment openings with offices of the State employment service by Federal contractors and subcontractors and providing for the special emphasis as required by section 2012(a) of such title; and

(6) give special consideration to job training programs servings individuals who are unemployed as a result of a closing of a facility or the substantial reduction of activities at a facility of the United States Government located in a labor market area in which the rate of unemployment for that labor market area has increased substantially due to the unemployment of such individuals.

COMPREHENSIVE STATE PLANNING ROLE

SEC. 206. (a) Funds available to each State under 202(d)(1) shall be used for—

(1) the provision of services throughout the State by State agencies responsible for employment and training and related services;

(2) providing additional financial assistance as incentives (A) for the designation of prime sponsors involving consortium arrangements among units of general local government, especially where areawide arrangements are made to serve a labor market area or substantial portion thereof, and (B) for special programs and services designed to meet the needs of rural areas outside major labor market areas;

(3) developing and publishing information regarding economic, industrial, and labor market conditions, including but not limited to job opportunities and skill requirements, labor supply in various skills, occupational outlook and employment trends in various occupations and economic and business development and location trends;

(4) providing, without reimbursement and upon request, to any prime sponsor serving an area without the State, such information and technical assistance as may be appropriate to assist any such prime sponsor in developing and implementing its programs under this title; and

(5) carrying out special model manpower training programs and related services for offenders and providing assistance to special programs for offenders conducted under section 201(b)(9) of this Act.

(b) Each State submitting a plan for designation as a prime sponsor of programs under this Act shall—

(1) provide for planning areas which together shall cover all of the State;

(2) provide that each planning area shall serve a geographical area covered by counties serving a total population of not more than five hundred thousands persons (other than the number of persons in such area included within the population served by any local prime sponsor designated under subpara-

graph (2), (3), or (4) of section 104(a) of this Act);

(3) provide, with respect to each planning area, for establishing and maintaining an area planning council consisting of members appointed or reappointed annually composed of (A)(i) one representative appointed by the governing body of each county in the area, and one representative appointed by the chief executive of each city which has a population of seventy-five thousand or more persons, and (ii) additional representatives appointed by each city or county having a population of seventy-five thousand or more persons (which is not served by a local prime sponsor designed under subparagraph (2), (3), or (4) of section 104(a) of this Act) so that each such city or county shall have a total number of such additional representatives proportionate to the relative numbers obtained when the numbers of persons in the population of each such city or county is divided by seventy-five thousand (excluding from the population of any such county, for purposes of this subclause (ii), the number of persons within the population of any county included within any city having a population of seventy-five thousand or more persons), and (B) such additional persons as the members appointed pursuant to clause (A) of this subparagraph shall elect in order to assure that the membership of the council shall include persons representing the general public, including community action agencies, and other groups representing the economically disadvantaged and other significant segments of the population to be served, educational and training agencies and institutions, the public employment service, social service agencies, veterans organizations, business, and labor;

(4) assure that each area planning council shall prepare and submit to the State those portions of the program statement which affect those parts of the planning area which are not served by local prime sponsors designated under subparagraph (2), (3), or (4) of section 104(a) of this Act, and shall have an opportunity to comment upon any revisions made in such portions of the program statement before the program statement is submitted by the State to the Secretary;

(5) provide for the area planning council to review and submit comments to local prime sponsors within the area with respect to their proposed program statements;

(6) set forth arrangements for delegating to any unit of general local government having a population of seventy-five thousand or more persons (excluding, in the case of counties, the number of persons within the jurisdiction of any such unit of general local government which is a city having a population of seventy-five thousand or more persons) the functions of program agent with administrative responsibilities for developing, funding, overseeing, and monitoring programs operated within the area of such jurisdiction, consistent with the program statement, but the provisions of this subparagraph shall not apply with respect to any such unit which does not desire or does not have the capability (as determined in accordance with regulations which the Secretary shall prescribe) for exercising such responsibilities;

(7) provide assurances that the establishment of planning areas and the operation of planning area councils will be coordinated, where appropriate, with other planning agencies in the State, including comprehensive health planning councils and economic development districts; and

(8) set forth arrangements for assisting the Secretary in enforcing the requirement for Federal contractors and subcontractors to list all suitable employment openings with local offices of the State employment service and provide special emphasis, as required in section 2012(a) of title 38, United States Code.

COORDINATION

SEC. 207. (a) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines with respect to assistance for services of a health, education, or welfare character under this title unless he shall have first obtained the concurrence of the Secretary of Health, Education, and Welfare. Such services include but are not limited to basic or general education; educational programs conducted in correctional institutions or for ex-offenders; institutional training; health care, child care, and other supportive services; and new careers and job restructuring in the health, education, and welfare professions.

(b) With respect to programs for offenders, the Secretary shall enter into appropriate agreements with—

(1) the Attorney General to assure the combining of resources and maximum coordination and joint planning between such programs and programs assisted pursuant to parts C and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Delinquency Prevention and Control Act of 1968, as amended, and other related provisions of Federal law; and

(2) the Director of the ACTION agency under which volunteers otherwise authorized to be recruited by the Director are made available as otherwise authorized to serve in such programs.

SPECIAL CONDITIONS

SEC. 208. The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant;

(2) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on any project are established and will be maintained;

(3) appropriate workmen's compensation portection will be provided to all participants;

(4) the program will not result in the displacement of employed workers or impair existing contracts for services or results in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(5) persons shall not be referred for training in an occupation which requires less than two weeks of preemployment training unless there are immediate employment opportunities available in that occupation;

(6) funds will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this title and not to supplant such other funds; and

(7) prime sponsors, program agents, and other recipients of financial assistance under this title will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure that funds are being expended in accordance with the provisions of this title.

ALLOWANCES AND COMPENSATION

SEC. 209. (a) The Secretary shall, where appropriate, provide for the payments of weekly allowances to individuals receiving services under this title. Such allowances shall be at a rate prescribed by the Secretary which, when adjusted to take into account amounts received by the trainee in the form of public assistance or unemployment compensation payments, shall not be less than the minimum wage for a workweek of forty hours under section 6(a)(1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State minimum wage law, or, where the trainee is being trained for particular employment, at a rate equal to 80 per centum of the weekly wage for such employment, whichever is greater. In prescribing allowances, the Secretary may allow additional sums for special circumstances, such as exceptional expenses incurred by trainees, including but not periods during which they are failing to participate in such allowances by an amount reflecting the fair value of meals, lodging, or other necessities furnished to the trainee. The Secretary shall take such action as may be necessary to insure that such persons receive no allowances with respect to periods during which they are failing to participate in such programs, training, or instruction as prescribed herein without good cause. The Secretary may, in accordance with such regulations as he shall prescribe, make appropriate adjustments in allowances which would otherwise be payable under this Act, including but not limited to adjustments which take into account the amount of time per week spent by the individual participating in such programs and upward adjustments to reflect the special economic circumstances which exist in the area in which the program is to be carried on. Allowances shall not be paid for any course of training having a duration in excess of one hundred and four weeks.

(b) For purposes of subchapter I of chapter 81 of title 5, United States Code, any person receiving services under this title shall, under such circumstances and subject to such conditions and limitations as the Secretary shall by regulation prescribe, be considered an employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply, except that, in computing compensation benefits for disability or death, the monthly pay of such a person shall be deemed to be his allowance for a month, if he is receiving one. Regulations prescribed by the Secretary under this subsection may include but are not limited to adjustments in the amount of compensation payable under this subsection to take into account entitlements to workmen's compensation under other applicable laws or arrangements.

TITLE III—COMMUNITY SERVICES FOR THE ECONOMICALLY DISADVANTAGED

FUNDS AVAILABLE

SEC. 301. Of the sums appropriated to carry out this Act for each fiscal year, an amount equal to 17.5 per centum thereof shall be made available by the Secretary to prime sponsors designated under section 104 of this Act for programs providing financial assistance in accordance with this title.

ELIGIBLE ACTIVITIES

SEC. 302. Each prime sponsor shall use funds made available to it under this title for the planning, conduct, administration, and evaluation of community services programs designed to assist economically disadvantaged persons to achieve self-sufficiency by providing financial assistance for programs and activities carried out by public or private nonprofit agencies or organizations, with due consideration for community action agencies. Such programs and activities may involve, without limitation, activities and services and supporting facilities designed to assist participants including the elderly poor—

(1) to secure and retain meaningful employment;

(2) to attain an adequate education;

(3) to make better use of available income;

(4) to provide and maintain adequate housing and a suitable living environment;

(5) to undertake voluntary family planning, consistent with personal and family goals, religious, and moral convictions;

(6) to obtain services for the prevention of narcotics addiction, alcoholism, and the rehabilitation of narcotic addicts and alcoholics;

(7) to obtain emergency assistance, through loans or grants, to meet immediate and urgent individual and family needs, including the need for health care services, nutritious food, housing, and employment-related assistance;

(8) to remove obstacles and solve personal and family problems which block the achievement of self-sufficiency;

(9) to achieve greater participation in the affairs of the community; and

(10) to make more frequent and effective use of other programs related to the purposes of this title.

ALLOCATION OF FUNDS

SEC. 303. (a) Of the sums available for purposes of this title, the Secretary shall allot not more than 2 per centum among Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, according to their respective needs. The remaining sums available for this title shall be allotted among the States, in accordance with the latest available data, so that equal proportions are distributed on the basis of (1) the relative number of public assistance recipients in each State as compared to all the States, (2) the relative number of unemployed persons in each State as compared to all the States, and (3) the relative number of persons who or whose families have a total annual income below the poverty line in each State as compared to all the States. The sum available to each State shall be allocated among areas within each such State on an equitable basis, based upon the factors set forth in the preceding sentence. The Secretary shall make necessary adjustments in allocations determined in accordance with this subsection in order to assure that no area served by a community action agency during the fiscal year ending June 30, 1972, shall receive any lesser amount of funds for use within that area in any fiscal year than an amount equivalent to the proportion of the sums available for this title that such area received during such fiscal year 1972.

(b) Any portion of an allotment under subsection (a) which the Secretary determines will not be needed for any fiscal year shall be reallotted by the Secretary to other areas which the Secretary determines can effectively use such funds. Such funds may be reallotted only if the Secretary has provided thirty days advance notice to the prime sponsor for such area of the proposed reallocation, during which period of time the prime sponsor may submit comments to the Secretary. After considering any comments submitted during such period of time, the Secretary shall notify the State and affected prime sponsors of any decision to reallocate funds and shall publish any such decision in the Federal Register. Priority shall be given in reallocating such funds to other areas within the same State.

TITLE IV—GENERAL PROVISIONS

FAILURE TO ADMINISTER ACTIVITIES AND PROGRAMS IN ACCORDANCE WITH NATIONAL PURPOSES

SEC. 401. (a) Whenever the Secretary determines, after notice and opportunity for a public hearing, that any prime sponsor designated to serve under this Act is—

(1) maintaining a pattern or practice of discrimination in violation of section 403(d) of this Act or otherwise failing to serve equitably the significant segments of economically disadvantaged, unemployed, or underemployed persons in the area it serves;

(2) incurring unreasonable administrative costs in the conduct of activities and programs, as determined pursuant to regulation;

(3) failing to give due consideration to continued funding of programs of demonstrated effectiveness, including those previously conducted under the Economic Opportunity Act of 1964 or the Manpower Development and Training Act of 1962, or failing to give special consideration to the programs referred to in section 205(c);

(4) failing to assure that training and other services have a reasonable prospect for leading to appropriate employment opportunities or enhancing self-sufficiency; or

(5) otherwise materially failing to carry out the purposes and provisions of this Act;

the Secretary shall revoke the prime sponsor's designation for the area, in whole or in part, and to the extent necessary and appropriate shall not make any further payments to such prime sponsor under this Act, and he shall notify such sponsor to return to him all or part of the unexpended sums paid under this Act during that fiscal year. The Secretary is authorized and directed to provide for continuing programs by making payments directly to public and private nonprofit agencies and organizations conducting activities which he determines are not in violation of the requirements of this section. To the extent necessary to assure the delivery of services in the areas served by any prime sponsor subject to the provisions of this section, the Secretary is authorized (if no other eligible prime sponsor is designated under section 104 of this Act to serve such area) to make grants to and enter into contracts with public and private nonprofit agencies and organizations in the same manner and to the same extent as if the Secretary were the prime sponsor for that area.

(b) The Secretary shall, prior to making any payments under this Act for any fiscal year, enter into an agreement with any prime sponsor receiving payments under this Act which contains provisions adequate to assure that the provisions of this section are carried out effectively.

DEFINITIONS

SEC. 402. As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor;

(2) "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(3) "city" means an incorporated municipality having general governmental powers;

(4) "county" means a political subdivision of a State having general governmental powers;

(5) "Indian" includes any individual who (A) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future a descendant, in the first or second degree, by the State in which they reside, or who is of any such member, or (B) is an Eskimo or Aleut or other Alaska Native;

(6) "lower living standard budget" means that income level (adjusted for regional and metropolitan, urban and rural differences and family size) determined annually by the Bureau of Labor Statistics of the Department of Labor and referred to by such Department as the "lower living standard budget".

(7) "health care" includes, but is not limited to, preventive and clinical medical treatment, voluntary family planning services, nutrition services, and psychiatric, psychological, and prosthetic services:

(8) "veteran" means a person defined as a "disabled veteran" or "veteran of the Vietnam era" in section 2011 (1) and (2) of title 38, United States Code;

(9) "offender" means any individual who is charged with or has been convicted of any criminal offense, including youthful offenders and juvenile delinquents;

(10) "youthful offender" means any person who has not attained eighteen years of age and who has violated a law of a State or an ordinance of a locality not punishable by death or life imprisonment and any person who has not attained twenty-five years of age and has not been previously convicted of a felony and who has violated a law of a State or an ordinance of a locality not punishable by death or life imprisonment.

SPECIAL LIMITATIONS AND CONDITIONS

SEC. 403. (a) The Secretary may prescribe such rules, regulations, guidelines, and other published interpretations or orders consistent with the provisions of this Act as he deems necessary. Rules, regulations, guidelines, and other published interpretations or orders issued by the Department of Labor, or any official thereof, for the purpose of carrying out this Act shall contain, with respect to each material provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based. All such rules, regulations, guidelines, and other interpretations and orders under this Act shall be published in the Federal Register at least thirty days prior to their effective date and copies thereof shall be transmitted to the appropriate committees of the Congress at such time.

(b) No authority conferred by this Act shall be used to enter into arrangements for, or otherwise establish, any training programs in the lower wage industries in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, or to assist in relocating establishments from one area to another. Such limitation on relocation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(c) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act. Such data shall include information on—

(1) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in training and employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per trainee, including breakdown between salary or stipend, training and supportive services, and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis.

(d) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(e) The Secretary shall not provide financial assistance for any program under this

Act which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(f) The Secretary shall not provide financial assistance for any program under this Act unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

(g) All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

(h) With respect to public service employment programs assisted under section 201(b)(15) of this Act, the Secretary shall establish appropriate procedures to ensure that all persons newly employed under any such program from funds made available from funds appropriated for fiscal years beginning after June 30, 1973, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed and underemployed persons who are from economically disadvantaged backgrounds or have been unemployed for not less than fifteen weeks immediately prior to employment under such program.

(i) With respect to programs for offenders under this Act, the Secretary shall establish appropriate procedures to ensure that the following basic criteria are met—

(1) participants are provided with such manpower training and related assistance, and, where appropriate, supportive services (including basic education, drug addiction or dependency rehabilitation, health care and other services) and certification of completion of such training sufficient to enable them to secure and retain meaningful employment;

(2) programs, whenever feasible, provide for—

(A) participation of representatives of industry, and labor, employment personnel from the private sector of the economy, educational and vocational educational personnel, and qualified correctional personnel, in the development and conduct of programs to be assisted;

(B) maximum utilization of work experience, work-release, and cooperative training and the use of training equipment comparable to that currently used in the job for which training is furnished;

(C) assurances that prior arrangements have been made with appropriate parole, probationary, or judicial authority for release of participating offenders upon satisfactory completion of training;

(D) assurances that arrangements have been made or will be made with public or private employers for subsequent employment opportunities for the major portion of offenders participating in such program, upon satisfactory completion of training;

(E) assurances that, where appropriate, the agency of or organization conducting the program will provide (itself or by contract or other arrangement) for additional manpower training and supportive services for participants for a period of no less than twelve months following release from charges or a correctional institution but in no case shall such additional training exceed twenty-four months following such release.

(j) With respect to programs for persons of limited English-speaking ability under this Act, the Secretary shall establish appropriate procedures to ensure that—

(1) participants are provided with such manpower training and related assistance and supportive services which will increase the employment and training opportunities for unemployed and underemployed persons of limited English-speaking ability;

(2) programs and activities shall include, but shall not be limited to—

(A) planning for and developing training courses to teach skills and occupations that do not require a high proficiency in English, particularly courses which would use materials in languages other than English;

(B) developing and implementing programs designed to increase the technical English vocabulary necessary for the performance of specific occupations likely to provide employment opportunities for persons of limited English-speaking ability;

(C) developing programs designed to increase the number and improve the quality of bilingual training instructors and bilingual placement personnel;

(D) establishing, maintaining, and operating programs (including the acquisition of necessary teaching materials and equipment) designed to increase employment opportunities and advancement opportunities for persons of limited English-speaking ability, including programs which, whenever feasible, provide for—

(i) teaching occupational skills in the primary language of any such persons for occupations that do not require a high proficiency in English;

(ii) teaching specific technical English vocabulary necessary in the performance of certain skills in occupations which are in demand and which such persons can be reasonably expected to perform;

(iii) developing programs, in cooperation with both existing and potential employers, designed to increase the English-speaking ability of such persons in order to enhance their opportunities for promotion;

(iv) assisting any such person to further develop and to capitalize on the bilingual ability of such person for jobs that require such skills;

(v) encouraging persons with limited English-speaking ability to seek employment, and encouraging employers to hire such persons;

(vi) disseminating to persons with limited English-speaking ability information in their primary language regarding the availability of jobs, regarding the availability of job training in their primary language, and regarding the availability of placement assistance by persons capable of conversing in the primary language of such persons; and

(vii) alternative scheduling of program or project activities designed to meet the needs of those individuals who might be unable to attend such training activities either during normal working hours or on a full-time basis.

NATIONAL EMPLOYMENT OPPORTUNITIES COUNCIL

SEC. 404. (a) The President shall appoint a National Employment Opportunities Council which shall consist of at least thirteen but not more than seventeen members and shall be composed of persons representative of labor, management, agriculture, public and private education, vocational education, vocational rehabilitation, employment and training programs, veterans organizations, women's organizations, and economic opportunity programs. From the members appointed to such Council, the President shall designate a chairman. Members shall be appointed for terms of three years except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. Such Council shall meet in open session and shall hold not less than two meetings during each calendar year.

(b) The National Employment Opportunities Council shall—

(1) identify the employment goals and needs of the Nation and assess the extent to which vocational education, institutional training, vocational rehabilitation, employment and training, economic opportunity, and other programs under this and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs and achieving such goals;

(2) review the administration and operation of the programs referred to in clause (1) and advise the Secretary of Labor and the Secretary of Health, Education, and Welfare and other appropriate officials as to the carrying out of their duties under this Act and related Acts;

(3) conduct independent evaluations of programs carried out under this and related Acts and publish and distribute the results thereof; and

(4) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of such programs including the programs authorized under this and related Acts.

(c) The National Employment Opportunities Council shall make an annual report, and such other reports as it deems appropriate on its findings, recommendations, and activities to the Congress and to the President. The President is requested to transmit to the Congress as a part of his report under section 405 of this Act such comments and recommendations as he may have with respect to such reports and activities of the National Employment Opportunities Council.

(d) The National Employment Opportunities Council may accept and employ or dispose of gifts or bequests, either for carrying out specific programs or for its general activities or for such responsibilities as it may be assigned in furtherance of subsection (b) of this section.

(e) Appointed members of the National Employment Opportunities Council shall be paid compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the National Employment Opportunities Council, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(f) The National Employment Opportunities Council is authorized, without regard to the civil service laws, to engage such technical assistance as may be required to carry out its functions; to obtain the services of such full-time professional, technical, and clerical personnel as may be required in the performance of its duties, and to contract for such assistance as may be necessary.

REPORTS

SEC. 405. (a) The Secretary of Labor shall make such reports and recommendations to the President as he deems appropriate pertaining to employment and occupational requirements, resources, use, and training, and his recommendations for the succeeding fiscal year, and the President shall transmit to the Congress within sixty days after the beginning of each regular session a report pertaining to manpower requirements, resources, utilization, and training.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall report to the Congress on the extent to which community colleges, area vocational and technical schools and other vocational educational agencies and institutions, and vocational rehabilitation agencies are being utilized to carry out training programs supported in whole or in part from provisions of this and related Acts, the extent to which administrative steps have been taken and are being taken to encourage the use of such facilities and institutions and agencies in the carrying out of the provisions of this Act and may further legislation that may be required to assure effective coordination and utilization of such facilities and agencies to the end that all federally supported employment and training, vocational education, and vocational rehabilitation programs can more effectively accomplish their objectives of providing employment and training opportunities to all persons needing occupational training.

(c) The Secretary shall transmit to the Congress at the earliest appropriate date, but not later than March 1, of each calendar year a report setting forth a description of summer work experience programs to begin in June of such year, including the number of opportunities in public and private agencies or organizations that will be provided to disadvantaged students in ninth through twelfth grades (and to youth of equivalent ages), in each of the several States and local areas within States, and a statement as to the total number of such persons who would be eligible for such programs, together with his recommendations, if any, for supplemental appropriations for such programs.

(d) The Secretary, through the Bureau of Labor Statistics, shall annually compile and maintain information on the incidence of unemployment among offenders and shall publish the results of the information obtained pursuant to this subsection in the report required under subsection (a) of this section.

(e) The Chairman of the United States Civil Service Commission, in consultation with the Secretary, shall report to the President and to the Congress no later than six months after the effective date of this Act on the extent to which and manner in which employment opportunities for offenders may be increased in the Federal service, with special reference to the criteria used in determining the suitability of offenders for Federal employment, including such recommendations for additional legislation as they deem advisable.

ADMINISTRATIVE PROVISIONS

SEC. 406. (a) The Secretary may make such grants, contracts, or agreements, establish such procedures (subject to such policies, rules, and regulations as he may prescribe in accordance with section 403 of this Act), and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

(b) The Secretary is authorized to exercise all powers necessary for the implementation of this Act, including the power (1) to rent or renovate real property without regard to any other law or regulation governing rental or renovation of such property, provided he first advises the Administrator of General Services Administration of his intent to do so and the reasons therefor, (2) to purchase real property for training centers, (3) to accept and use gifts and voluntary services for the benefit of the program, (4) to enter into contracts or agreements, (5) to make such payments in advance or by way of reimbursement as he may deem to be necessary or appropriate to carry out the provisions of the Act, and (6) to expend, without regard to the provisions of any other law or regulation, funds made available for purposes of this Act for printing and binding.

COOPERATION AND AGENCIES

SEC. 407. (a) Each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to provide such services and facilities as he may request for his assistance in the performance of his functions under this Act.

(b) The Secretary shall carry out his responsibilities under this Act through the utilization, to the extent appropriate, of all available resources for skill development available in industry, labor, public and private educational and training institutions, vocational rehabilitation agencies, and other State, Federal, and local agencies, and other appropriate public and private organizations and facilities, with their consent.

INTERSTATE AGREEMENTS

SEC. 408. In the event that compliance with provisions of this Act would be enhanced by cooperative agreements between States, the consent of Congress is hereby given to such States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

LABOR MARKET INFORMATION

SEC. 409. (a) In addition to the monthly national unemployment statistics, the Secretary shall gather by survey and publish on a regular basis data on unemployment, underemployment, and job vacancies by States, labor market areas, rural areas, cities, and poverty neighborhoods.

(b) For purposes of this section, underemployment shall include persons who have part-time work but desire full-time work, discouraged workers not in the labor force, and persons earning less than the Federal minimum wage. Separate data shall be collected and compiled showing the total number of persons earning wages at levels lower than that sufficient to provide an annual income at the level of the lower living standard budget, as determined annually by the Bureau of Labor Statistics of the Department of Labor.

(c) Vacancy data shall include information on (1) how many unfilled jobs are available in the economy, by industry and occupation, (2) what are the capability requirements of such jobs, (3) salaries, wages, and other benefits of such jobs, (4) where jobs are located, and (5) how many and what kind of jobs remain unfilled for sixty days and for ninety days.

(d) The Secretary shall set aside, out of sums available under section 202(a)(2) of this Act, an amount which he determines is necessary and appropriate to enable him to carry out the provisions of this section, and shall no later than thirty days after such sums are made available notify the appropriate committees of the Congress of the amount so set aside and the basis for his determination of need and appropriateness.

TITLE V—PUBLIC SERVICE EMPLOYMENT

STATEMENT OF FINDINGS AND PURPOSES

SEC. 501. The Congress finds and declares that—

(1) times of high unemployment severely limit the work opportunities available to both men and women in the general population, especially low-income persons and imigrants, persons of limited English-speaking ability, and others from socioeconomic backgrounds generally associated with substantial unemployment and underemployment;

(2) expanded work opportunities fail, in times of high unemployment, to keep pace with the increased number of persons in the labor force, including the many women who are entering or reentering the labor force, the many young persons who are entering the labor force, persons who have recently been separated from military service, and older persons who desire to remain in, enter, or reenter the labor force;

(3) in times of high unemployment, many low-income persons are unable to secure or retain employment, making it especially difficult to become self-supporting and thus increasing the number of welfare recipients;

(4) many of the persons who have become unemployed or under-employed as a result of technological changes or as a result of shifts in the pattern of Federal expenditures, as in the defense aerospace, and construction industries, could usefully be employed in providing needed public services;

(5) it is appropriate during times of high unemployment to fill unmet needs for public services in such fields as environmental quality, health care, housing and neighborhood improvements, recreation, education, public safety, maintenance of streets, parks, and other public facilities, rural development, transportation, beautification, conservation, crime prevention and control, prison rehabilitation, and other fields of human betterment and public improvement;

(6) programs providing transitional employment in jobs providing needed public services and related training and manpower services can be a useful component of the Nation's manpower policies in dealing with problems of high unemployment and dependency upon welfare assistance, and providing affected individuals with opportunities to develop skills and abilities to enable them to move into other public or private employment and other opportunities; and

(7) providing resources for transitional public service employment and related training and manpower services during an economic slowdown can help as an economic stabilizer both to ease the impact of unemployment for the affected individuals and to reduce the pressures which tend to generate further unemployment including a description of the special methods to be used to acquaint persons of limited English-speaking ability with the availability of public service jobs funded under this Act.

It is therefore the purpose of this Act to provide unemployed and underemployed persons with transitional employment in jobs providing needed public services during times of high unemployment and, wherever feasible, related training and manpower services to enable such persons to move into employment or training not supported under this Act.

FINANCIAL ASSISTANCE

SEC. 502. (a) The Secretary of Labor shall enter into arrangements with eligible applicants in accordance with the provisions of this Act in order to make financial assistance available during times of high unemployment for the purposes of providing transitional employment for unemployed and underemployed persons in jobs providing needed public services, and training and manpower services related to such employment which are otherwise unavailable, and enabling such persons to move into employment or training not supported under this Act.

(b) Not less than 85 per centum of the funds appropriated pursuant to this Act shall be expended only for wages and employment benefits to persons employed in public service jobs pursuant to this Act.

ELIGIBLE APPLICANTS

SEC. 503. Financial assistance under this Act may be provided by the Secretary only pursuant to applications submitted by eligible applicants which shall be—

(1) units of Federal, State, and general local government; or

(2) public agencies and institutions which are subdivisions of State or general local government, and institutions of the Federal Government; or

(3) Indian tribal organizations.

SPECIAL EMPLOYMENT ASSISTANCE

SEC. 504. (a) The Secretary shall enter into agreements with eligible applicants meeting the criteria set forth in subsection (b) in order to make financial assistance available, in accordance with the provisions of this Act, for the purpose of providing employment, for unemployed and underemployed persons residing in areas of substantial unemployment, in jobs providing needed public services.

(b) For the purpose of this section—

(1) "areas of substantial unemployment" means any area of sufficient size and scope to sustain a public service employment program and which has a rate of unemployment equal to or in excess of 6 per centum for three consecutive months as determined by the Secretary; and

(2) "eligible applicant" means any unit or combination of units of general local government or any public agency or institution which is a subdivision of any such unit, or an Indian tribe on a Federal or State reservation, which is or has within it an area of substantial unemployment.

(d) Whenever the Secretary makes any determination required by this section, he shall promptly notify the Congress and shall publish such determination in the Federal Register.

APPLICATIONS

SEC. 505. (a) Financial assistance under this Act may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this Act. Any such application shall set forth a public service employment program designed, in times of high unemployment, to provide transitional employment for unemployed and underemployed persons in jobs providing needed public services and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, and to enable such persons to move into employment or training not supported under this Act.

(b) Programs assisted under this Act shall, to the extent feasible, be designed with a view toward—

(1) developing new careers, or

(2) providing opportunities for career advancement, or

(3) providing opportunities for continued training, including on-the-job training, or

(4) providing transitional public service employment which will enable the individuals so employed to move into public or private employment or training not supported under this Act.

(c) An application for financial assistance for a public service employment program under this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any agency or institutions designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) plans for providing public service jobs supported under this Act to disabled veterans or veterans of the Vietnam era residing in the area served, including (A) the commitment that by the end of the fiscal year ending June 30, 1974, not less than 50 per centum of all public service jobs supported under this Act will be filled by such veterans and the specific steps to be undertaken during such fiscal year for progressing toward the achievement of such commitment, and the commitment to maintain not less than such per centum during the succeeding fiscal year, except that the requirements set forth in this clause may be modified (in accordance with regulations which the Secretary shall prescribe) to the extent appropriate where there are not a sufficient number of job openings in the program or the population of such area does not include a sufficient number of such veterans who are unemployed or underemployed, (B) descriptions of the types of jobs to be made available to such veterans, with special emphasis on the development of jobs which will utilize, to the maximum extent feasible, the skills which such veterans acquired in connection with their military training and service, (C) the special efforts to be made by the applicant to acquaint such veterans with the program and the public service jobs available to veterans under this Act, and (D) the method the applicant proposes to utilize to coordinate efforts in behalf of such veterans with those activities authorized by chapter 41 of title 38, United States Code (relating to Job Counseling and Employment Services for Veterans), or carried out by other public or private organizations or agencies;

(5) assurances that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes;

(6) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(7) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(8) a description of unmet public service needs and a statement of priorities among such needs;

(9) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration which participants would be assigned to such jobs;

(10) the wages or salaries to be paid persons employed in public service jobs under this Act and a comparison with the wages paid for similar public occupations by the same employer;

(11) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(12) the planning for and training of supervisory personnel in working with participants;

(13) a description of career opportunities and job advancement potentialities for participants;

(14) assurances that procedures established pursuant to section 507(a) will be complied with;

(15) assurances that agencies and institutions to whom financial assistance is made available under this Act have undertaken, or will undertake, analyses of job descriptions and reevaluations and, where shown necessary, revisions of qualification requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations prescribed by the Secretary, with a view toward removing artificial barriers to public employment of those whom it is the purpose of this Act to assist;

(16) assurances that the applicant will, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (A) providing those persons employed in public service jobs under this Act who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (B) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields;

(17) assurances that all persons employed under any such program, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed and underemployed [persons] persons who are from economically disadvantaged backgrounds or have been unemployed for not less than fifteen weeks immediately prior to employment under such program, except that the requirements set forth in this paragraph (a) are authorized to be modified (in accordance with regulations which the Secretary shall prescribe) to the extent appropriate to provide public service jobs for persons unemployed as the result of the closing of a Defense Department facility or reduction in activities at a Defense Department facility sufficient to cause a substantial increase in unemployment;

(18) assurances that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged;

(19) assurances that due consideration will be given to employing welfare recipients who want and are available for work and that appropriate linkages will be established and maintained with welfare agencies and with other programs making special efforts to assist welfare recipients to become self-sufficient;

(20) assurances that not more than one-third of the participants in the program will be employed in a bona fide professional capacity (as such term is used in section 13 (a)(1) of the Fair Labor Standards Act of 1938), except that this paragraph shall not be applicable in the case of participants employed as classroom teachers, and the Secretary may waive this limitation in exceptional circumstances; and

(21) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 506. An application, or modification or amendment thereof, for financial assistance under this Act may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this Act;

(2) the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement.

(3) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary;

(4) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary; and

(5) an opportunity has been provided to labor organizations representing employees who are engaged in similar work in the same area to that proposed to be performed under the application to submit comments with respect to the applications to the applicant and to the Secretary.

Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 507. (a) The Secretary shall establish procedures for periodic reviews by an appropriate agency of the status of each person employed in a public service job under this Act to assure that in the event that any person employed in a public service job under this Act and the reviewing agency finds that such job will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

(b) The Secretary shall review the implementation of the procedures established under subsection (a) of this section six months after funds are first obligated under this Act and at six-month intervals thereafter.

(c) The Secretary shall set aside for each fiscal year, out of sums available to carry out this title, an amount, not to exceed 1 per centum, which he determines is necessary and appropriate to enable him to provide for technical assistance to eligible applicants seeking to comply with the requirements of this Act (including such assistance as is necessary to assist such applicants to comply with assurances made pursuant to subparagraph (15) of section 505(c) of this Act) and a continuing evaluation of programs assisted under this Act and their impact on related programs; and shall no later than thirty days after such sums are made available notify the appropriate committees of the Congress of the amount so set aside and the basis for his determination of need and appropriateness."

SPECIAL PROVISIONS

SEC. 12. (a) The Secretary shall not provide financial assistance for any program or activity under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program (A) will result in an increase in employment opportunities over those which would otherwise be available, (B) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), (C) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed, and (D) will not substitute public service jobs for existing federally assisted jobs;

(2) persons employed in public service jobs under this Act shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(3) funds under this Act will not be used to pay persons employed in public service jobs under this Act at a rate in excess of $12,000 per year;

(4) all persons employed in public service jobs under this Act will be assured of workmen's compensation, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(5) the provisions of section 2(a)(3) of Public Law 89–286 (relating to health and safety conditions) shall apply to such program or activity;

(6) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(7) no funds under this Act will be used for the acquisition of or for the rental or leasing of supplies, equipment, materials, or real property;

(8) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment;

(9) no funds under this Act will be used to hire any person to fill a job opening created by the action of an employer in laying off or terminating the employment (except for cause pursuant to applicable personnel procedures) of any regular employee not supported under this Act.

(b) Consistent with the provisions of this Act, the Secretary shall make financial assistance under this Act available in such a manner that, to the extent practicable, public service employment opportunities will be available on an equitable basis in accordance with the purposes of this Act among significant segments of the population of unemployed persons, giving consideration to the relative numbers of unemployed persons in each such segment.

(c) Where a labor organization represents employees who are engaged in similar work in the same area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(e) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installations and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

(f) The Secretary shall not provide financial assistance for any program under this Act unles he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act and other federally supported manpower programs. Such data shall include information on—

(1) characteristics of participants including age, sex, race, health, education level, and previous wage and unemployment experience;

(2) duration in employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per participant, including breakdown between wages, training, and supportive services, all fringe benefits, and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis, and shall include such information in the report required by section 13 of this Act.

(g) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(h) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(i) The Secretary shall not provide financial assistance for any program under this Act unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

SPECIAL REPORT

SEC. 509. The Secretary shall transmit to the Congress at least annually a detailed report setting forth the activities conducted under this Act, including information derived from evaluations required by sections 507(c) and 508(f) of this Act and information on the extent to which (1) participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs, (2) segments of the population of unemployed persons are provided public service opportunities in accordance with the purposes of this Act.

DEFINITIONS

SEC. 510. (a) As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(3) "public service" includes, but is not limited to, work in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollu-

tion control, housing and neighborhood improvements, rural development, conservation, beautification, veterans outreach, and other fields of human betterment and community improvement.

(4) "health care" includes, but is not limited to, preventive and clinical medical treatment, voluntary family planning services, nutrition services, and appropriate psychiatric, psychological, and prosthetic services.

(5) "unemployed persons" means—

(A) persons who are without jobs and who want and are available for work; and

(B) adults who or whose families receive money payments pursuant to a State plan approved under title I, IV, X, or XVI of the Social Security Act (1) who are determined by the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, to be available for work, and (2) who are either (i) persons without jobs, or (ii) persons working in jobs providing insufficient income to enable such persons and their families to be self-supporting without welfare assistance;

and the determination of whether persons are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed;

(6) "underemployed persons" means—

(A) persons who are working part-time but seeking full-time work;

(B) persons who are working full-time but receiving wages below the poverty level determined in accordance with criteria as established by the Director of the Office of Management and Budget;

(7) "disabled veteran" means a person defined as a "disabled veteran" in section 2011(1) of title 38, United States Code and "veteran of the Vietnam era" means a person defined as a "veteran of the Vietnam era" in section 2011(2)(A) of such title;

(8) "veterans outreach" means the veterans outreach services program carried out under subchapter IV of chapter 3 of title 38, United States Code, with full utilization of veterans receiving educational assistance or vocational rehabilitation under chapter 31 or 34 of such title 38.

(b) As used in section 508(c) of this Act, the term "area" means—

(1) where the applicant is an eligible unit of government or an Indian tribe, that geographical area over which the applicant exercises general political jurisdiction, or

(2) where the applicant is a public agency or institution which is a subdivision of an eligible unit of government, that geographical area over which such unit of government exercises general political jurisdiction.

EFFECTIVE DATE

SEC. 511. The determination to be made under section 5(b) shall take into account the rate of unemployment for a period of three consecutive months even though all or part of such period may have occurred prior to the enactment of this Act.

The title is amended to read as follows: To provide financial assistance to enable State and local governments to assume responsibilities for job training and community services, and for other purposes.

Mr. NELSON. Mr. President, in July of this year, the Senate passed two separate bills in the manpower field: S. 1559, the Job Training and Community Services Act of 1973, and S. 1560, the Emergency Employment Amendments of 1973.

The House of Representatives has now passed a comprehensive manpower bill. The bill the House passed includes both manpower provisions and a public service employment title. The Senate had, as I have just pointed out, passed separate bills—one for manpower and the other for public service employment. The purpose of the pending motion is to get the comparable provisions of the separately passed Senate legislation on public service employment into conference along with the manpower legislation. The House, after passing their comprehensive manpower bill, proceeded in the usual manner to take the previously passed Senate manpower bill (S. 1559) off the Speaker's desk, and struck all after the enacting clause and inserted in lieu thereof the text of the House-passed bill. The House then adopted a motion to insist upon their amendments and asked for a conference with the Senate thereon.

Those actions by the House are set forth in the message from the House which I have just asked the chair to lay before the Senate.

The pending motion I have offered simply substitutes in lieu of the House amendments the text of the Senate-passed bill on manpower (S. 1559) and the public service employment legislation passed by the Senate (S. 1560)—with this exception: The authorization for the nationwide public service employment program—for which the Senate-passed bill had continued the fiscal year 1973 authorization of $1 billion—is dropped from the language we propose sending to conference.

The House did not include the nationwide program in their bill. In other words, the House bill only extends the program for areas of substantial unemployment. The House does make a significant change, however. The House-passed bill changes the definition of areas of substantial unemployment to include only local areas in excess of 7-percent unemployment. The Senate-passed bill extended the current law's definition of such areas as those having in excess of 6-percent unemployment. The pending motion would assure that there would be no doubt that the Senate-passed definition of areas of substantial unemployment would be an issue in conference.

Let me reiterate that the motion I am offering would not put in conference the issue of the $1 billion nationwide program. That is dropped from the bill at this time, because the House would not go along with it in reaching a compromise with the administration to avoid a veto.

In accordance with our agreement with the administration, all dollar authorizations are deleted and the Senate provisions going into conference would simply authorize such sums as may be necessary.

Mr. President, this has been agreed upon by both sides, as well as the administration representative, which the Senator from New York will confirm.

Mr. JAVITS. Mr. President, this procedure is satisfactory to me. Senator Taft joined us in a meeting yesterday, and it is satisfactory to him. He is the minority Senator who is very much interested.

It is simply a technique by which we can take two Senate bills and bring them to conference with the House, in order to meet the respective issues of both the positions of the House and of the Senate.

We have also consulted administrative representatives on this score, and they see no objection to endeavoring to bring the matter to issue in the House-Senate conference in this way.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin (Mr. Nelson) to concur in the House amendment with an amendment in the nature of a substitute.

The motion was agreed to.

Mr. NELSON. Mr. President, I move that the Senate insist upon its amendment to S. 1559 and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Nunn) appointed Mr. Nelson, Mr. Randolph, Mr. Kennedy, Mr. Mondale, Mr. Cranston, Mr. Hughes, Mr. Hathaway, Mr. Javits, Mr. Dominick, Mr. Schweiker, Mr. Taft, and Mr. Beall conferees on the part of the Senate.

The title was amended so as to read: To provide financial assistance to enable State and local governments to assume responsibilities for job training and community services, and for other purposes.

AMENDMENT OF THE INTERNATIONAL TRAVEL ACT OF 1961

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1747.

The PRESIDING OFFICER (Mr. Nunn) laid before the Senate the amendments of the House of Representatives to the bill (S. 1747) to amend the International Travel Act of 1961 with respect to authorizations of appropriations, which were to strike out all after the enacting clause, and insert:

That (a) the first sentence of section 6 of the International Travel Act of 1961 (22 U.S.C. 2126) is amended to read as follows: "For purposes of carrying out the provisions of this Act, there is authorized to be appropriated an aggregate amount not in excess of (1) $15,000,000 for the fiscal year ending June 30, 1974; (2) $20,000,000 for the fiscal year ending June 30, 1975; and (3) $25,000,000 for the fiscal year ending June 30, 1976.".

(b) In determining whether appropriations for the fiscal year ending June 30, 1974, for carrying out the International Travel Act of 1961 exceed $15,000,000 in the aggregate, any appropriation made to carry out such Act for such fiscal year before the date of enactment of this Act shall be included.

SEC. 2. (a) There are hereby transferred to and vested in the Secretary of Commerce all functions, powers, and duties of the Secretary of the Interior and other offices and officers of the Department of the Interior under the Act of July 19, 1940 (54 Stat. 773; 16 U.S.C. 18–18d).

(b) The assets, liabilities, contracts, property, records, authorizations and allocations, employed, held, used, rising from, available or to be made available in connection with the functions, powers, and duties transferred by subsection (a) of this section are hereby transferred to the Secretary of Commerce.

And to amend the title so as to read:

An Act to amend the International Travel Act of 1961 to authorize appropriations for fiscal years 1974, 1975, and 1976, and for other purposes.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretray of the Senate reported that today, December 5, 1973, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 1618. An act to name the headquarters building in the Geological Survey National Center under construction in Reston, Va., as the "John Wesley Powell Federal Building";

S. 2503. An act to name a Federal office building in Dallas, Tex., the "Earl Cabell Federal Building";

S. 2641. An act to confer jurisdiction upon the court of the United States of certain civil actions brought by the Senate Select Committee on Presidential Campaign Activities, and for other purposes; and

S.J. Res. 155. A joint resolution authorizing the securing of storage space for the U.S. Senate, the U.S. House of Representatives, and the Office of the Architect of the Capitol.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Nunn) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NATIONAL ENERGY RESEARCH AND DEVELOPMENT POLICY ACT OF 1973

The PRESIDING OFFICER (Mr. Nunn). Under the previous order, the Chair lays before the Senate S. 1283, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 1283) to establish a national program for research, development, and demonstration in fuels and energy and for the coordination and financial supplementation of Federal energy research and development; to establish development corporations to demonstrate technologies for shale oil development, coal gasification development, advanced power cycle development, geothermal steam development, and coal liquefaction development; to authorize and direct the Secretary of the Interior to make mineral resources of the public lands available for said development corporations, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. MANSFIELD Mr. President, in relation to the pending business, and on the authority of the distinguished chairman of the committee, the Senator from Washington (Mr. Jackson), I am empowered at this time, with the concurrence of the Republican leadership, to ask that on the motion to be laid before the Senate by the Senator from Illinois (Mr. Percy), to refer the pending bill to the Government Operations Committee for further study and, I think, report back within 60 days, there be a one-hour time limitation, with the time to be equally divided between the Senator from Illinois who will be the sponsor of the motion and the manager of the bill.

The PRESIDING OFFICER. (Mr. Helms). Is there objection to the request of the Senator from Montana?

Mr. CHILES. Mr. President, will the Senator from Montana yield?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I would suggest that the proposal be made now by the Senator from Illinois and start the debate.

Mr. CHILES. Mr. President, will the Senator from Montana yield to me briefly?

Mr. MANSFIELD. I yield to the Senator 1 minute from the time on the bill.

Mr. CHILES. I wanted to ask the majority leader a question. I have not been on the floor all of the time this morning, but I wonder whether he would give us any indication about what it looks like for the weekend, and whether he thinks that there will be a Sunday session or not? [Laughter.]

Mr. MANSFIELD. I did not get the last part of the question.

Mr. CHILES. I wonder whether we would have a Sunday session this Sunday.

Mr. MANSFIELD. There will be no Sunday sessions for the remainder of this year, but the notice which was sent out to all Senators indicates that we may spend a couple of days on the energy R. & D. bill. We hope that the HEW conference report will be available tomorrow or the next day. There will also be a conference report on military construction. There will be other measures, perhaps one having to do with legal services for the OEO. Then, next week, we will have the two Special Prosecutor bills. We will have the railroad bill. So, we can expect a pretty heavy schedule. But, to emphasize the point, there will be no more Sunday meetings.

Mr. CHILES. May I go back to Saturdays, to determine whether we will have Saturday sessions?

Mr. MANSFIELD. I cannot say at this time, but we should know for sure by tomorrow. If there is something we can accomplish constructively, we will be in on Saturday, but not just to be in on a Saturday.

Mr. HUGH SCOTT. Mr. President, is the distinguished majority leader prepared to make any comment on the status of the emoluments bill at this time, or is that pending some discussion?

Mr. MANSFIELD. No; that is being held at the desk because of an amendment which the House added to it. We will have to await the return of the Senator from Wyoming (Mr. McGee) who, I understand, is detained on official business and should be in shortly; then, when he returns, we will be able to find out what can be worked out.

I would like to see the emoluments bill brought up and passed as rapidly as possible, so that the way can be paved for the President to send down the nomination of Senator Saxbe.

Mr. HUGH SCOTT. That was the purpose of my question.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the motion to be made by the Senator from Illinois (Mr. Percy) to refer the pending bill to the Government Operations Committee. I ask that it be in order at this time, even though the motion has not been made.

The PRESIDING OFFICER (Mr. Helms). Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second. The yeas and nays are ordered.

Mr. PERCY. Mr. President, I send to the desk my motion and ask that it be stated.

The PRESIDING OFFICER. The motion will be stated.

The assistant legislative clerk read as follows:

Mr. Percy. Mr. President, I move that S. 1283, the National Energy Research and Development Policy Act of 1973, be referred to the Committee on Government Operations for a period not to exceded 60 days.

Mr. PERCY. Mr. President, as stated by the President in his energy statement of June 29, the administration has pressed for an Energy Research and Development Administration—ERDA—as the best organizational approach to the management of Federal energy research and development responsibilities. Legislation calling for the creation of ERDA, the related Nuclear Energy Commission—NEC—and the Department of Energy and Natural Resources—DENR—was transmitted to Congress at that time. Hearings were held in both the House and Senate Government Operations Committees in early August at which Mr. Ash, Governor Love, AEC Chairman Ray, and others stated the administration position.

On November 7, President Nixon again addressed the Nation on the energy shortage. In that statement, he asked for prompt congressional consideration of ERDA and NEC separate from the DENR proposal. This has been made possible by the separate introduction of H.R. 11510 and S. 2744, which propose the creation of ERDA and NEC. Hearings have just been completed in the House in which administration witnesses have explained this organization proposal in depth, and outside witnesses have also presented their views. Senate hearings are being conducted this week.

Throughout this entire period of time, various Executive Office people have backed up these public statements with extensive and continuous contacts and discussions with the principals and staffs of both Government Operations Committees, the Joint Committee on Atomic Energy, with the Interior Committee, and with others who had appropriate interests and concerns. To date there has been a gratifying spirit of cooperativeness on the part of both the majority and minority.

I think it has been clearly understood that the administration strongly prefers the ERDA/NEC organization concept to the several organizational approaches which have been included in successive drafts of S. 1283.

I understand that Senator JACKSON has, on a number of occasions, discussed the ERDA legislation (both S. 2744 and S. 1283) with Senator RIBICOFF who, as chairman of the Subcommittee on Executive Reorganization and Government Research of the Government Operations Committee has jurisdiction over S. 2744. The administration has discussed with Senator RIBICOFF its position on S. 2744 and its relationship with S. 1283.

I summarize these various Presidential statements, public hearings, and staff contacts because I believe they demonstrate a serious attempt by the administration to work with the Congress in the development and enactment of what we firmly believe to be a realistic and carefully conceived new organization which will be capable of a rapid buildup and effective management of a balanced program of energy research and development.

If, unfortunately, this has meant a conflict of views with respect to S. 1283, they have at least openly worked for what they thought was the best solution.

I am convinced of the soundness of the ERDA/NEC legislation, and feel we should continue to press for its enactment.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I ask unanimous consent to suggest the absence of a quorum with the time to be taken out of both sides equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I ask unanimous consent that the following staff members of the minority staff and my staff be given floor privileges during the debate and vote on S. 1283: Harrison Loesch, Fred Craft, David Stang, Roma Skeen, Jean Schiffman, and Maureen Finerty.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I oppose the referral of this bill to the Government Operations Committee. Many members of the Interior Committee have been working on this legislation for the past several months, trying to get something through that will be operational. We feel that we have accomplished a great deal in this bill. It would be regrettable for it to be delayed at all.

The problems now facing this Nation are critical. Consequently, it does not seem practical to delay this matter further. It is the hope of the committee members, both the minority and the majority, that we will be able to get the bill passed and over to the House and approved before the adjournment. It is essential that we do so if we are going to meet our obligations to the people of this Nation. We cannot just sit idly by and not take the actions that can be taken, which are essential to supplying energy for the people and for the industries which supply jobs for people and the critical needs we have throughout the country that are now being threatened.

It is absolutely necessary that we go forward with this legislation. We have been working diligently this year in committee conducting emergency meetings, conducting extensive hearings, and conducting many executive sessions. Consequently, it is essential that we go forward at this time.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. JACKSON. Mr. President, I ask unanimous consent that the following staff members of the Committee on Interior and Insular Affairs be permitted the privilege of the floor in connection with the measure now before the Senate: William J. Van Ness, Daniel Dreyfus, Grenville Garside, Lucille Langlois, Richard Grundy, F. J. Barnes, Gerry Kline, Brent Kunz, Nolan McKean, Ron Frank, and David Russell.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I shall be very brief.

I am amazed by this motion. I have heard these rumors. The Director of OMB once again is on the scene. The Office of Management and Budget had indicated, first, that Senator ERVIN was going to make this motion. I talked to Senator ERVIN, and he said he never heard of it. Then they said that Senator RIBICOFF was going to make the motion, and he had not heard of it.

At a time when the President is saying that we have not been moving in the Congress on some of these bills, it so happens that this bill was introduced in March 19 of this year. We have held extensive hearings. We commissioned a study which cost $11,000, an outstanding one—made by Resources for the Future—which is tied to this effort. We have held extensive hearings. No one from any committee has raised a question about this bill so far as the organization is concerned.

The original organization structure is basically what it was when it was introduced on March 19.

So, Mr. President, if Senators are interested in delaying a massive $20 billion R. & D. effort to make this Nation self-sufficient, they ought to vote for this motion.

Let us not try to kid anybody. We are getting near the end of this session, and a motion to re-refer this bill is a motion to delay it.

I am proud of the statement of the Senator from Arizona, the ranking minority member, who is opposing the motion. I am proud that we have proceeded on a bipartisan basis. Every member of the Interior Committee is cosponsoring this bill. If that is not enough, 50 Senators are cosponsoring the bill.

Where have these people been since March? Why did they not speak out about the energy problem? The language regarding the organization is almost exactly the way it was in March. I do not mind a little nonsense, but this is one of the biggest forms of nonsense.

We have had ample time to hear from other committees. We have worked closely with the administration.

The PRESIDING OFFICER. There will be order in the Senate. The Senator is entitled to be heard. Senators will take their seats.

Mr. JACKSON. Mr. President——

The PRESIDING OFFICER. The Senator will withhold until we have order in the Senate.

The Senator may proceed.

Mr. JACKSON. Mr. President, OMB has, of course, opposed the bill. The administration opposed the bill until July, when they announced a $10 billion program, which was outlined just the day before yesterday, by the way, in specific form. I do not know why the OMB comes around at the last minute. They favored a veto of the Alaskan pipeline bill and I am appreciative of the fact the President did not follow that bad advice.

I hope my Republican friends will not follow bad advice by voting to rerefer this bill. They could have come to the Interior Committee; they could have written a letter to the committee stating their concern; they could have asked to be heard, but they did not.

Mr. President, my position here is supported by a solid, bipartisan, unanimous group of the Committee on Interior and Insular Affairs that are acting as cosponsors of this measure.

Finally, is this the time to dawdle and refer this bill back when we are told, and it is obviously so, that we are in a serious energy crisis; when we have been working diligently on it since last March?

We provide here for an interim organization to administer this program; and when the permanent organization is worked out, then we will be in a position to assign this program to that permanent organization.

The organization started out the first of the year and I introduced the bill called DENR, the Department of Energy and Natural Resources. I introduced the bill and it had a provision on energy administration. But since then an ERDA program has been proposed that is very confused and needs a lot of study. If we were to wait until they iron out all the wrinkles in energy administration, we would endanger, in my judgment, the Nation from a military and a national security point of view. In addition, we would be endangering the health of our economy.

All one has to do is look at what is going on in the stock market these days, with the fear that we are getting into a recession, and I cannot think of any worse news to send to the economic community than that we have re-referred the bill, the thing everyone is working toward.

Mr. President, I conclude simply by saying I am proud of the support of the ranking minority member of the committee and the members of the committee who have supported the measure.

I yield to my good friend, the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I have asked the Senator from Washington (Mr. JACKSON) who is chairman of the Committee on Interior and Insular Affairs, to yield to me for the purpose of undergirding his comments about the more than 7½ months that this measure has been under active consideration in the Committee on Interior and Insular Affairs. Frankly, the provisions in this measure also have been under active consideration by the ad hoc fuels and energy policy study group which, in effect, is the Interior Committee, the Commerce Committee, the Public Works Committee, and the Joint Committee on Atomic Energy.

That group was commissioned by the Senate to study our fuel and energy problems, and, hopefully, to recommend national long-term fuels and energy policy—not just the short-range palliative for this present need to conserve fuels and energy. The long-term look is absolutely necessary.

I hope my colleague from Illinois will not feel that what I am now saying is not appropriate. But earlier today he referred to the "energy fad." This is not a "fad." There is, Mr. President, an energy crisis which deepens by the hour—perhaps even by the minute. I think that most Members of this body realize that we have a crisis condition that could grow, perhaps, into a chaotic condition which could stretch across the whole spectrum of the American society. The economy of our country, the gainful employment of our people, and certainly the need to become self-sufficient in energy supplies are at stake. The central premise of the legislation now pending before us is to build for the future through more adequate research and development.

Mr. President, I would not plead, of course, but I appeal to Members of the Senate to remember what the Senator from Washington (Mr. JACKSON) and the Senator from Arizona (Mr. FANNIN) have said—this is a bipartisan approach; this is the creation of diligent work at staff and senatorial levels on this bill over a period of 7½ months, and more than 2 years on the ingredients, as I have indicated, which are part and parcel of this measure.

I trust that Senators will have the opportunity, hopefully in a very few minutes, to give the go-ahead for immediate floor action so that debate may proceed on the measure. There will be enactment, and, yes, the signature of the President of the United States, because this is a vitally important proposition.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, will the Senator yield for a question?

Mr. RANDOLPH. I am happy to yield.

Mr. DOMENICI. Is it not true that the committee that considered this matter also invited on a regular basis, by formal notice, all members of the so-called 45 study group, and that group is made up of members of the Committee on Public Works—I am a designee in lieu of the Senator from Tennessee (Mr. BAKER)—the Committee on Commerce, and the Joint Committee on Atomic Energy. Each time they were notified and invited and, indeed, on a number of occasions they participated in deliberations regarding this bill.

Mr. RANDOLPH. The Senator is correct. There has been no effort to preclude participation by anyone in the Senate. In fact, we have brought to the consideration of this measure, as I must repeat, the broad substance of the bill over a period of more than 2 years and in the development of specific language, more than 7½ months.

Mr. JACKSON. Mr. President, the Senator from West Virginia introduced one of the first bills in 1961 in this area. Second, I would point out that this is not a reorganization plan; this is an interim administrative effort here to deal with the prosecution of an enormous nonnuclear research as fast as possible until a permanent program is worked out.

The Senator from New Mexico is so right in saying that we worked with other committees. The Senator from New Mexico participated in the markup. I have always followed that rule. Members of the Committee on Commerce participated. I am a member of the Joint Committee on Atomic Energy, and while it is not directly involved, they were invited. The Senator from New Mexico was most helpful in connection with the bill, and I commend him.

Mr. RANDOLPH. Mr. President, responding further to the question of the Senator from New Mexico, we should underscore the fact, and it is a fact, that in this measure we are attempting to bring private industry, with its knowledge, and government, with its responsibility for the people as a whole, into a partnership, a necessary partnership, if this job is to be done adequately and effectively.

Mr. DOMENICI. I thank the Senator. If I may have a moment or two, I wish to thank both Senators for their comments.

In all honesty I want to say that as a member of the Senate Resolution 45 group, and a designee of the Committee on Public Works, I was informed of every meeting in writing.

I attended, I participated, as if I were indeed a member of the Senate Interior and Insular Affairs Committee.

Further, I want to say as a new Member of this body I am frequently asked why it takes so long to get vital legislation. I do not intend, in supporting this measure and urging early action, to preclude anyone from offering his ideas or his amendments. I do not say we should act on it by tomorrow, or Monday, or Tuesday, but I think that the process of referring it to a committee is the kind of process that is of concern to the American people, particularly when it concerns the problem of energy and not a reorganization plan, when we talk about that or something about its being transferred to the permanent R. & D. agency.

I thank the Senator from Washington for having brought the measure to the point where it now is, and I support early dispatch of the bill.

Mr. RANDOLPH. Mr. President, just this comment. I say to my colleague from Illinois, for whom I have a personal affection, I listened carefully to the viewpoint he expressed. I feel this not only would be a delaying tactic, but that it has implications for disaster from the standpoint of the application of the Senate to the vital task of meeting the energy needs of this country now and in the future. I believe the American people want us to level with them. This is a measure that should move forward, with amendments being offered, of course, with careful consideration by Senators, with adequate debate, and then, of course, we should go directly to a final decision. I hope we can move speedily, but, of course, with due deliberation.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I yield myself 5 minutes.

Mr. President, while the distinguished majority leader is on the floor, and the floor manager of S. 1283, and the chairman of the Government Operations Committee, as well as my colleague from West Virginia—and I hold him in the highest regard in this matter—I would like to state, first, that there is no intention on the part of the Senator from Illinois to delay unnecessarily these proceedings.

The Senator from Illinois is as aware as anyone else of the crisis we face, and I have deplored the lack of foresight and the fact that we have to work now with such great speed. I have publicly expressed my admiration for the work of the distinguished Senator from Washington in these matters. But we have today a proliferation of agencies, an overlapping of responsibilities, functions, and duties that almost boggles the mind. The administration has a tremendous responsibility now to straighten some of those out, but we also have a responsibility. We have a Government Operations Committee that has the oversight responsibility over the organization of the Federal Government; and we have had a continuing responsibility in that respect that we should not shirk.

To demonstrate that the interest and intention of the mover of this motion is only to see that we follow the logical committee procedure in the Senate and that in our haste today we do not waste time by not taking account of what effect this is going to have organizationally, and on what we should have for the long pull ahead, the Senator from Illinois would be very happy to modify this motion to limit the time. It should be a reasonable period of time, adequate, I would hope, for the Government Operations Committee to exercise its responsibility with respect to this major legislation. But also a short enough period of time so that no one could presume there is any intention to delay action by the Senate on this important matter.

Second, I would be happy to modify

the motion I have offered, so that it would be perfectly clear that the oversight exercise of the Committee on Government Operations would be limited in scope to the organizational provisions of S. 1283, the National Energy Research Policy Act. After all, the substantive matters have been thoroughly gone into by other committees. They are very important. Our jurisdiction in the Government Operations Committee is mainly for structure and organization, and the motion can be modified so to provide. If it would make the floor manager of S. 1283 more comfortable—he is a member of the Committee on Government Operations—I would suggest that we work out a time limitation that would be agreeable, and that we limit the scope and authority of the Committee on Government Operations.

We have just reported unanimously a bill that we have been working on in the Government Operations Committee for many, many months. It was looked upon as urgent legislation. The distinguished chairman of the committee (Mr. Ervin) has labeled it the most important legislation that has ever been in Congress, in his judgment. Yet after our reporting of the bill unanimously, the leadership indicated that it should be referred to the Committee on Rules and Administration, and that has been established.

I appeal to Senators in this case, for this is a matter of principle. The Committee on Government Operations is concerned with the operations of the Federal Government. I am concerned for, and want to defend, the jurisdictional right of my own committee, which is clearly stated in the Senate rules.

The bill does set up in an agency, the energy research project. It has the authority to create projects as more or less public-private institutions. That is certainly a potential that could further complicate, confuse and fragment energy research and development at the Federal level. It may be that as a result of our oversight hearings, we might avoid overlapping. But at least the Committee on Government Operations should have the right, because it has the duty, to examine this legislation. Because we have an energy crisis we should not run pellmell ahead without any regard whatever for what this new organization does.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. PERCY. I yield myself 3 additional minutes.

The proposed legislation has certain aspects that may add to confusion, may add to further fragmentation, and may add more complexity to an already complex situation.

As I have stated earlier, the energy research management project is not proposed as a management agency. Rather, the role that is proposed is as a strategy planner and fund allocator.

We have as the distinguished Senator from Vermont knows from his work throughout the years in the Atomic Energy Commission and R. & D. in the AEC, Interior, EPA, and others, fragmentation will continue. Projects would not be integrated into a unified Federal research and development effort.

So there are several important issues that will be looked at. I think it would be a violation of the spirit and intent of the organization of Congress, and especially the Senate, if we set an example by saying that we are not going to look at this vast new Government function carefully. I think the committee with jurisdiction should have a reasonable period of time and an opportunity to do that.

Mr. President, in the motion that is before the Senate we ask for 60 days' consideration. Obviously we could not look at anything in less than 1 day. And the Government Operations Committee is in the middle of an emergency hearing on energy legislation that has been sent up by the administration, which is cosponsored by the distinguished Senator from Washington.

And if the distinguished Senator from Washington would indicate what he would consider to be a reasonable period of time and whether as a member of the Government Operations Committee he does not feel that the committee has the responsibility for organizational oversight—and there are organizational aspects in the present legislation—the Senator from Illinois would be happy to yield, on the Senator's time, for his response. Hopefully an amendment or modification could be worked out that would be acceptable.

Mr. JACKSON. Mr. President, I shall take about 1 or 2 minutes.

First of all, Mr. President, this is not a reorganization plan. This does not come within the jurisdiction of the Government Operations Committee. I have been on that committee ever since I have been a Member of the Senate, 21 years. I am familiar with the jurisdiction of that committee.

This is an interim management plan. We would be denounced if we delayed this bill or held it up. I am on the committee. I know what the backlog of the Government Operations Committee happens to be.

The administration has an emergency bill up here to direct the overall energy effort. Hearings start tomorrow. We will be on that for several days. And then we have the ERDA. We will be tied up in the Government Operations Committee until Christmas. That means that we could not get at it until January 1 or later.

Does the Senator want us to tie up research and development at a time when the whole world is looking to the United States to see if we are serious about implementing a program of energy self-sufficiency?

This bill has been subjected to exhaustive hearings, the most exhaustive hearings in many years. This has been a master research effort and a committing of the best minds in the country to focus on the problem.

The bill has been available since March 18. We have not received one communication from anyone objecting to this particular transitional organizational plan. We have not received a request that it be rereferred.

I think that the Senate has a very clear-cut decision: Whether or not we will delay the research and development after the hearings and a clear-cut opportunity to vote one way or the other. No matter how you look at this record, if one votes to recommit the bill, he is voting to delay and postpone a program that is unanimously supported by every member of the committee. The ranking minority member of the committee supports this bill and not a single member of the Government Operations Committee other than the Senator from Illinois supports a motion to recommit.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. PERCY. Mr. President, I yield myself such time as I might require.

The distinguished Senator from Washington has made the statement that not a single member of the Government Operations Committee supports this motion.

I have been advised by the Senator from New York (Mr. Javits), a distinguished and long-time member of our committee, that he would be agreeable to referring it for 1 week to the Government Operations Committee. Certainly that indicates the intention of the Senator to vote for and to expeditiously handle this matter.

It was the understanding of the Senator from Illinois that the distinguished Senator from Tennessee (Mr. Brock) would support the motion.

I would like to direct a question to the Senator from Washington. Is the Senator from Washington a cosponsor of the legislation commonly known as ERDA, the energy research and development legislation?

Mr. JACKSON. The Senator is correct. Did the Senator read my statement?

Mr. PERCY. I read the statement of the distinguished Senator and, in the Senator's absence—because he was not there at the time but merely gave the statement and had to leave as I stated for some overlapping responsibility—I felt obligated on behalf of the Senator to read certain of the statements that the Senator made in his opening statement to Mr. Ash. And I asked for his replies so that they could be on record.

I feel that when a Senator becomes a cosponsor of legislation it does indicate then some interest in seeing that that legislation is reported out and given consideration. Obviously it is here and is under consideration now.

As stated by the President in his energy message or statement of June 29, the administration has pressed hard for it. The administration has testified and the President has stated that in the judgment of the administration it is the best organizational approach to the management of Federal energy research and development responsibilities.

The legislation was introduced by the distinguished Senator from Connecticut (Mr. Ribicoff) and cosponsored by the Senator from Illinois and by the Senator from Washington, although in a subsequent statement he indicated some reservations about the legislation. However, he very fairly indicated that the legislation should at least have a chance to be considered along with other legislation.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. JACKSON. Mr. President, could the Senator explain why the administration, and the Office of Management and Budget in particular, did not avail themselves of the opportunity to send a letter specifically objecting to either this provision or to the bill in its entirety?

Mr. PERCY. S. 1283?

Mr. JACKSON. The Senator is correct.

Mr. PERCY. Mr. President, I was not familiar with whether the administration supported the bill all along.

Mr. JACKSON. They would seem opposed to the whole bill.

Mr. PERCY. This is why the Senator from Illinois put a question to the administration as to how they feel about S. 1283. That is the first time it was revealed to the Senator from Illinois. I had no knowledge whatsoever and had never discussed it with Mr. Ash, the Director of the OMB. This is the first knowledge I have had that the administration opposes the legislation.

Mr. JACKSON. Mr. President, does it not seem to the Senator a little late for the administration, having had since March, to now move to oppose all of S. 1283, a bill which has the unanimous support of the Committee on Interior and Insular Affairs?

I must say that this does not seem to me to be a responsive and cooperative effort to do the job on a bipartisan basis.

I do not think the views of OMB are really important to those in the administration who are truly familiar with the program and with the problems we face.

I think that a lot of the President's problems in the field of energy happen to come from OMB. And I am not alone in that view.

Mr. PERCY. Mr. President, I do not know the answer to why the administration for the first time, to my knowledge, testified that it opposed S. 1283.

Might I ask either one of my distinguished colleagues at what point an agency was designated or created as an agency in the legislation, or has that always been so?

Mr. JACKSON. Mr. President, when it was introduced. That was on March 18, 1973. Is not that long enough?

Mr. PERCY. Mr. President, the Senator from Illinois cannot explain, nor am I known to be a spokesman for the administration.

Mr. JACKSON. That is why I am confused by the motion.

Mr. PERCY. I have had no attitude concerning their views. What is important to me is the jurisdiction of the committee of which I am ranking Republican member, the Government Operations Committee—which has clear jurisdiction over the organizational aspects of this bill.

Mr. JACKSON. Mr. President, does the Senator realize why we have had such a foulup in the energy situation when the administration has had from March 18 until yesterday, at which time they at last advised us of their views?

Mr. PERCY. The Senator knows that they were at the hearings yesterday. And the Senator from Washington could not be present throughout the hearing.

But as I said yesterday in those hearings, I had never seen such a proliferation of alphabet-soup agencies, such a foul-up, and I asked Mr. Ash why it was necessary to have as many agencies of the Federal Government involved in overlapping, conflicting responsibilities and duties as we have in the energy field. We have the FEA, the FRDA, and DENR as well as S. 1283 proposed. We have the Energy Policy Office, the AEC, the EPA, the Interior Department, and Treasury.

It is for that very reason that the Senator from Illinois urges the Senate not to rush pell-mell ahead, without seeing what the overall organizational framework should be. The Senator from Illinois feels that there is an absolute right, a duty and an obligation of the Government Operations Committee to examine what effect S. 1283 would have on Government operations. Does it proliferate even further the problems we already have?

The unwillingness of the Senator from Washington to let the Government Operations Committee even take a short look at that one narrow aspect of the legislation amazes me. Haste makes waste in this kind of case. We have seen too many times when we have rushed pell-mell ahead without taking a good look.

Mr. JACKSON. Does the Senator feel we are rushing something through when it has been pending since March 18? This proposal to which the Senator is addressing himself has been before Congress since March 18. Are we rushing? Is that the Senator's position?

Mr. PERCY. I would say without any question that if the Senator would be unwilling to let the Government Operations Committee take, let us say, 7 days to look at this legislation, the Senator would be bearing the full responsibility for any complexity, for overlapping, for duplication and confusion that would result if this act became law.

Mr. JACKSON. Would the Senator——

Mr. PERCY. Mr. President, how much time does the Senator from Illinois have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. PERCY. I wish to reserve time to formally request modification of the amendment, but I yield myself 2 minutes for the purpose of advising my colleague as to the intention of the Senator from Illinois.

I first ask unanimous consent to modify the motion that is pending, so that it may be clear that the Government Operations Committee is limiting its jurisdiction only to organizational aspects of S. 1283, and so that the Government Operations Committee would have a period not to exceed 7 days.

Mr. JACKSON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. PERCY. But I will withdraw that unanimous-consent request for a moment, to indicate that if that request is objected to, it would be the intention of the Senator from Illinois to move that the motion before us be amended in accordance with the modification I have described, and that the vote occur on that amendment prior to the vote on the motion itself.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JACKSON. Is such a motion in order, with the yeas and nays ordered?

The PRESIDING OFFICER. When the time has expired, the Senator may submit an amendment to his motion, which would be in order.

Mr. JACKSON. I yield back my time.

Mr. PERCY. Mr. President, a parliamentary inquiry, for the information of the Senator from Illinois.

The PRESIDING OFFICER. The Senator will state it.

Mr. PERCY. The yeas and nays having been ordered, is it in order to ask unanimous consent to modify the pending motion?

The PRESIDING OFFICER. It is in order to ask unanimous consent.

Mr. PERCY. Mr. President, I ask unanimous consent that the pending motion be modified as follows: Strike the language following the words "Government Operations" and add "for a period of not to exceed one week. Provided, however, that the oversight exercised by the Government Operations Committee be limited to the organizational provisions of the National Energy Research and Development Policy."

The PRESIDING OFFICER. Is there objection?

Mr. JACKSON. Mr. President, reserving the right to object, I want to point out to the Senate that the Government Operations Committee is completely preoccupied, as the Senator knows or should know, through the next 7 days. We have the Federal Energy Administration bill before us, and we cannot do anything. We have hearings tomorrow and Friday. The first markup occurs on Wednesday, and that may take 2 or 3 days. So we cannot do it within a week. Therefore, I object to the unanimous consent request. It is not a reasonable request.

Mr. PERCY. Mr. President, that statement stretches credulity. These hearings are already scheduled, on this very issue. We could begin immediately, this afternoon, with the hearings chaired by Senator RIBICOFF, to take S. 1283 into account. There are narrow jurisdictional lines here. We are only looking at the organizational structure. It would certainly be wise to have all the witnesses appearing before us, including, tomorrow, the administration, be able to comment on the organizational effect of S. 1283, before the Senate rushes into a vote without having had the benefit of the views and counsel of the administration in this regard. I think that would be an act of irresponsibility, for the Senate not to be willing to listen to the administration in this matter, when we should be sharing responsibility, not trying to grab the credit, take the initiative, and rush ahead with our bill.

We have to remember that the legislature legislates, that we do not execute, we do not administer. We cannot force an organization down the executive branch's throat if they do not feel it wise or welcome, or have not even had a chance to comment, in the light of all the experience that we now have and the new situation that faces us.

I cannot understand why 1 week of careful looking at the matter would not benefit the Senate, and enable Senators to vote with far better breadth of experience and knowledge in this matter than just to rush ahead and vote, and then presumably say, "We have done something about the energy crisis." We know we have not. The House will not have acted. The House Government Operations Committee unanimously, today, voted out the ERDA bill, and I would say we would be wasting a great deal of time.

I therefore ask if there is any objection to the unanimous-consent request before the Senate.

The PRESIDING OFFICER. Objection has been heard.

Mr. PERCY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PERCY. The yeas and nays having been ordered on the pending motion, the Senator from Illinois wishes to move that the motion be modified. Would that motion be in order?

The PRESIDING OFFICER. The Senator cannot move that it be modified. He can send forward an amendment to his motion.

Mr. PERCY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

Mr. PERCY. I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois (Mr. Percy) amends his motion by striking out all the language after the words "Committee on Government Operations" and inserting "for a period of not to exceed one week, *Provided, however,* that the oversight exercised by the Government Operations Committee be limited to the organizational provisions of the National Energy Research and Development Policy Act."

Mr. Percy's motion, as sought to be amended, is as follows:

Mr. Percy. Mr. President, I move that S. 1283, the National Energy Research and Development Policy Act of 1973, be referred to the Committee on Government Operations for a period not to exceed one week. *Provided, however,* that the oversight exercised by the Government Operations Committee be limited to the organizational provisions of the National Energy Research and Development Policy Act.

Mr. JACKSON. Mr. President——

The PRESIDING OFFICER. The motion is not debatable.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JACKSON. Is this not a motion to perfect the original amendment? It is merely a perfecting of it, and therefore is subject to the unanimous-consent requirement, the yeas and nays having been ordered. This is, in effect, the same thing that the Senator from Illinois attempted to do by unanimous consent in asking that his motion be perfected.

The PRESIDING OFFICER (Mr. Helms). The Chair would say that he cannot modify, but he can amend. The question is on agreeing to the amendment of the Senator from Illinois.

Mr. JACKSON. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Helms). The question is on agreeing to the amendment of the Senator from Illinois (Mr. Percy) to his motion. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. Fulbright), the Senator from Indiana (Mr. Hart), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Virginia (Mr. Harry F. Byrd, Jr.) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell), and the Senator from Georgia (Mr. Talmadge) are absent on official business.

I also announce that the Senator from Missouri (Mr. Symington) is absent because of illness.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pell) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) is necessarily absent.

The Senator from Arizona (Mr. Goldwater) is absent by leave of the Senate on official business.

The Senator from Nebraska (Mr. Curtis) is absent by leave of the Senate.

The Senator from Oregon (Mr. Packwood) is absent on official business.

The result was announced—yeas 29, nays 57, as follows:

[No. 557 Leg.]

YEAS—29

Aiken
Bartlett
Bellmon
Bennett
Brock
Buckley
Chiles
Cook
Cotton
Dole
Dominick
Griffin
Gurney
Hansen
Helms
Hruska
Javits
Mathias
McClure
Percy
Roth
Saxbe
Schweiker
Scott, Hugh
Scott, William L.
Stafford
Taft
Thurmond
Tower

NAYS—57

Abourezk
Allen
Bayh
Beall
Bentsen
Bible
Biden
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Church
Clark
Cranston
Domenici
Eagleton
Eastland
Ervin
Fannin
Fong
Gravel
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Johnston
Kennedy
Long
Magnuson
Mansfield
McClellan
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Sparkman
Stennis
Stevens
Stevenson
Tunney
Weicker
Williams
Young

NOT VOTING—14

Baker
Byrd, Harry F., Jr.
Curtis
Fulbright
Goldwater
Hart
Hughes
Inouye
McGee
McIntyre
Packwood
Pell
Symington
Talmadge

So the amendment to the motion was rejected.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Illinois.

Mr. PERCY. Mr. President, I ask unanimous consent to withdraw the pending motion.

The PRESIDING OFFICER. Is there objection?

Mr. DOMINICK. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, will the Senator withhold that?

Mr. DOMINICK. I will withhold it temporarily, at the request of the Senator from Montana.

Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Virginia (Mr. Harry F. Byrd, Jr.), the Senator from Arkansas (Mr. Fulbright), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Wyoming (Mr. McGee), and the Senator from New Hampshire (Mr. McIntyre) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell) and the Senator from Georgia (Mr. Talmadge) are absent on official business.

I also announce that the Senator from Missouri (Mr. Symington) is absent because of illness.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pell) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) is necessarily absent.

The Senator from Arizona (Mr. Goldwater) is absent by leave of the Senate on official business.

The Senator from Nebraska (Mr. Curtis) is absent by leave of the Senate.

The Senator from Oregon (Mr. Packwood) is absent on official business.

The result was announced—yeas 6, nays 81, as follows:

[No. 558 Leg.]

YEAS—6

Bennett
Brock
Cook
Griffin
Percy
Scott, William L.

NAYS—81

Abourezk
Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bentsen
Bible
Biden
Brooke
Buckley
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cotton
Cranston
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Gravel
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Humphrey
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan

McClure
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevens
Stevenson
Taft
Thurmond
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—13

Baker
Byrd,
Harry F., Jr.
Curtis
Fulbright
Goldwater
Hughes
Inouye
McGee
McIntyre
Packwood
Pell
Symington
Talmadge

So Mr. PERCY's motion to refer S. 1283 was rejected.

Mr. PERCY. Mr. President, I should like to express appreciation to the majority leader and the floor manager of the bill for not objecting to the unanimous-consent request to withdraw the motion. It was perfectly obvious that, in the interest of expediting the work of the Senate, we should move ahead and that the Senate had expressed its opinion in defeating the amendment. The Senator from Illinois would have voted against his own motion, having heard the argument and recognizing that the Government Operations Committee, and Senators would expedite matters so that it could be cleared up in a week. I was sure, after having heard that, that 60 days was too long a period of time, and would have voted against my own motion except that other Senators had voted for it and I was unable to advise them that I would have voted against it. I think their judgment would have been the same.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 18, 48, 68, 75, and 81 to the bill and concurred therein; and that the House had receded from its disagreement to the amendments of the Senate numbered 1, 11, 16, 32, 51, 57, 62, and 79 and concurred therein severally with an amendment in which it requests the concurrence of the Senate.

CAMPAIGN SPENDING REFORM MUST MOVE FORWARD SWIFTLY

Mr. MATHIAS. Mr. President, I wish to call attention to an editorial which appeared in the Philadelphia Inquirer today, entitled "Campaign Spending Reform Must Move Forward Swiftly."

The editorial gives great credit to the distinguished Republican leader of the Senate, Mr. HUGH SCOTT of Pennsylvania, for his sensitive awareness of what needs to be done to bring about reform of campaign spending practices and for his efforts to achieve a legislative solution to their national problem.

It seems to me that the editors of the Inquirer are correct when they say that campaign spending reform must move forward swiftly. What further evidence do we need to get affirmative action? We have former cabinet officers under indictment. We have high government officials pleading guilty to criminal charges. And the root cause of all this trouble is the inadequacy of the existing system of financing campaigns.

While none of the alternatives to the present system have gained overwhelming approval, I think we have to move now to a new and a different system that removes the influence of "big money" in the political life of our country.

What Senator HUGH SCOTT of Pennsylvania advocated and what was strongly supported by the distinguished majority leader (Mr. MANSFIELD) and what I have urged was a proposal which, while new in practice, was not a new or unconsidered solution. It was a proposal that had been advocated by Presidents of the United States since Theodore Roosevelt first pressed for it in 1907. It was later urged by the distinguished Republican leader, Henry Cabot Lodge.

I believe the editorial correctly describes the firms positions taken by Senators HUGH SCOTT and MANSFIELD, and the leadership they exercised. I hope their efforts will be brought to a successful vote by the end of January.

I ask unanimous consent to include the editorial in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer,
Dec. 5, 1973]

CAMPAIGN SPENDING REFORM MUST MOVE FORWARD SWIFTLY

The attempt to make Presidential campaign financing a public matter was defeated Monday in the Senate. That defeat should surprise no one inured to the natural conservatism of elected officials concerning their own access to power.

Revolution is not to be undertaken casually. It cannot be disputed that the proposal to finance Presidential campaigning virtually entirely from tax funds is just that: a radical change in one of the most fundamental mechanisms of American politics.

But we believe it is a revolution long overdue. And we believe that the wisdom and necessity of the revolution is the most obvious and redundant lesson of the scandals that have been tearing at this nation's political heart for a year and more.

It was the need for money, in huge quantity, that corrupted the 1972 electoral process beyond the grimmest, most cynical limits of previous imagination.

Certainly, that dollar-lust derived from the appetite for power that motivates all political hopefuls, for better or worse. But it was the process of raising 60 million dollars for the re-election of Mr. Nixon that accounted for the most despicable crimes, and created the mood that led to other violations of both law and common decency that have driven the Nixon Administration to its present sad and battered state.

Money flowed in to the Committee to Re-Elect the President from thousands of sources, much of it shoddily, much of it in outright defiance of the law. Many of the contributors, practical men in a tough world, rightly or not could not distinguish between contribution and bribe. As George Spater, board chairman of American Airlines explained his own firm's illegal contributions, they were made "in fear of what could happen if (they) were not given."

Altogether, an estimated $500 million went into political campaigns in 1972. Raising and spending, and accounting for the contributions of, money in those proportions produces pressures on public servants that can only worsen unless the public-funding revolution is brought to pass.

In failing to cut off the filibuster Monday, the Congressional supporters of the first vital step in that revolution were thwarted, even though the practical possibility they were pressing for would have affected only Presidential campaigns, with Congressional campaign financing still to be dealt with.

There is considerable wisdom in exposing the Congressional campaign funding question to further examination—not because the principle is not sound, but because there are dangers of very substantial and unfair imbalances in any transitional approach. High among these is the enormous campaign-funding power of labor unions—which unlike corporations are now allowed to support candidates with little limitation.

That labor money is far too potent a force to be left unregulated and unlimited. The reform principle could greatly add to the power it represents, and thus to the influence of a small group of labor leaders with very specific political interests.

But that disbalance can be overcome, we are confident, with reasonable accommodation within the House and Senate.

Senate Minority Leader Hugh Scott deserves great credit in pressing for the unsuccessful reform despite heavy White House pressure. Working with Majority Leader Mike Mansfield he gained promise that a full campaign-spending reform bill will be reported out by the Rules Committee within 30 days of Congress's reconvening in January. That promise must be kept, and no time should be lost in fashioning it into law.

NATIONAL ENERGY RESEARCH AND DEVELOPMENT POLICY ACT OF 1973

The Senate continued with the consideration of the bill (S. 1283) to establish a national program for research, development, and demonstration in fuels and energy and for the coordination and financial supplementation of Federal energy research and development; to establish development corporations to demonstrate technologies for shale oil development, coal gasification development, advanced power cycle development, geothermal steam development, and coal liquefaction development; to authorize and direct the Secretary of the Interior to make mineral resources of the public lands available for said development corporations; and for other purposes.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. JACKSON. Mr. President, the Senate will begin consideration of S. 1283, a bill to provide for a National Energy Research and Development Program.

The comprehensive National Fuels and Energy Policy Study, which the Senate Interior Committee has had under way for a year and a half, has shown that the causes of our present energy crisis are varied and complex. Perhaps the most disheartening aspect of the problem, however, is that the necessary research and development efforts which could have provided us with the technological options and capabilities we now need so desperately were not undertaken in the past. Fragmented management, overall inadequate funding, and uncoordinated distribution of the meager funds which have been available have all helped to limit our energy alternatives today.

In the United States we now have for the first time very serious absolute shortages of natural gas and petroleum. In the *months* ahead, many regions of the Nation will face critical shortages of heating fuel, gasoline, and other petroleum products.

These shortages are the direct result of the Nation's failure to anticipate energy problems and to develop policies to deal with them.

Until recently, neither industry nor Government has fully appreciated the magnitude of the emerging energy crisis. This is especially true in the area of energy research and development. Even now that the crisis has been recognized, there continues to be a reluctance to undertake the aggressive research effort which is needed. We have failed to move from the realm of theory into the time of commercial demonstration.

Today in the United States there are adequate domestic supplies of energy to meet all of our requirements for the foreseeable future. We have huge coal reserves in Appalachia and in the West. The oil shale deposits in the western United States are an untapped energy resource of great potential. Geothermal power—the heat contained in the earth—could be a major source of energy. The basic scientific theory and laboratory experimentation exist to convert the domestic fuels we have in abundance to usable forms of energy. Using only existing technologies, we could construct capacity by 1985 to produce gas and oil from domestic coal and oil shale sufficient to reduce our projected dependence upon Mid-East petroleum by 20 percent. But the advanced technologies which would make these domestic energy sources commercially attractive within acceptable environmental and economic limits have not been developed.

At present no centralized program exists within the Federal Government to coordinate the research efforts of the various agencies. There is no research strategy nor plan for directing R. & D. efforts over the next few decades, and very little impetus to translate research to commercial application through development projects. In addition, funding levels, particularly for nonnuclear research, have historically been extremely low relative to need, reflecting in part a lack of both focus and urgency in energy research.

For example, the total budget for fiscal year 1970 was set at a $385 million level; of this amount, $283 million was spent on nuclear fission programs and $38 million on nuclear fusion programs. The remaining $64 million was spread among all other energy forms. By fiscal year 1973, the total energy R. & D. budget had increased to $633 million. However, the nuclear fission programs had grown to $412 million, and the nuclear fusion programs to $66 million. This left the remaining total R. & D. commitment at $155 million, of which $38 million was devoted to stationary source pollution control technologies.

The measure which we are considering today would initiate a program for energy R. & D. which will establish the dedication of purpose which has characterized successful national research efforts in the past. The urgency of the Nation's critical energy problems will require a commitment similar to those undertaken in the Manhattan and Apollo projects; it will require that the Nation undertake, at a minimum, a 10-year $20 billion research, development, and demonstration program.

S. 1283 provides guidelines for a comprehensive energy R. & D. strategy and greatly increases the level of funding of nonnuclear research and development. It provides the means for developing the option of choosing energy self-sufficiency within 10 years.

The bill establishes a Federal Energy Research Management Project which is authorized and directed to conduct research and development in several energy fields.

Specifically, the bill initiates action on a comprehensive Federal energy research and development strategy and provides for individual major demonstration proposals to be submitted to the Congress for separate authorization and implementation.

The bill further provides for immediate Federal research activities on the development of the following energy technologies: production of low sulfur boiler fuel; production of synthetic gas, as from coal gasification; production of syncrude and coal liquefaction; demonstration of advanced power cycles; demonstration of geothermal technologies; oil shale development; improved methods for extraction of petroleum and coal resources; demonstrations of solar energy for residential and commercial applications; improvements of environmental control systems; and demonstration of energy conservation technologies.

Mid-term research provided for in S. 1283 includes a continuation of these short term undertakings, plus improved transportation and storage by electricity; demonstration of the viability of hydrogen as a primary energy supply; demonstration of power generation from fuel cells; and development of synthetic energy supplies from agricultural products and wastes.

Additional long term research required by the bill includes demonstration of fusion power and commercial application of previously demonstrated technologies. Such a timely, well-funded and coordinated program is essential to achieving a goal of energy self-sufficiency.

This program would be conducted under an interim organizational arrangement which would not disrupt the ongoing research programs of existing agencies and which would not preempt the orderly permanent reorganization of Federal energy agencies.

There are currently several bills pending in the Senate which address the question of Federal energy organization and energy R. & D. Some of these involve major reorganizational changes within the Federal bureaucracy and must be given detailed study. However, we cannot afford to defer any longer the undertaking of a massive energy R. & D. effort. For this reason, S. 1283 establishes a management project to begin direction of a long range R. & D. effort, with provisions for merging that management group and its endeavors with whatever permanent agency is ultimately established to administer national energy policy.

Mr. President, S. 1283 as ordered reported by the committee provides for the kind of far-reaching and coordinated energy R. & D. strategy so urgently needed. I cannot overstate the urgency of this legislation and the need for a speedy enactment of a coordinated national energy R. & D. program. I would hope that the Senate will provide a strong impetus for an aggressive R. & D. effort aimed at energy self-sufficiency, and I urge the speedy adoption of S. 1283.

Mr. President, I ask unanimous consent that a summary of the bill and explanatory notes be placed in the Record at this time.

There being no objection, the material was ordered to be printed in the Record, as follows:

[Fact Sheet on S. 1283]

Energy Research and Development Policy Act

The Senate is now considering S. 1283, a bill to provide a massive energy R&D effort, funded at $2 billion a year for at least 10 years. This legislation represents a first important measure for assuring that the U.S. will achieve a capability for energy self-sufficiency.

The bill establishes a federal Energy Research Management Project headed by an independent chairman appointed by the President and assisted by representatives from various federal agencies now involved in energy research: Interior, AEC, Federal Power Commission, National Science Foundation, EPA, NASA, and National Bureau of Standards.

The chairman of the Management Project is directed to formulate a comprehensive R&D strategy including:

Improving the efficiency, conservation and environmental effects of energy production, conversion, transportation, and use disposal, and

Research and development and demonstration of the following technologies: solar energy, geothermal energy, magnetohydrodynamics, fuel cells, low-head hydroelectric power, use of agricultural products and waste as energy sources, tidal power, ocean current and thermal gradient power, wind power, automated mining methods, in situ conversion of energy resources, cryogenic transmission of electric power, electrical energy storage methods, alternatives to internal combustion engines, solvent refined coal, utilization of waste products for fuels, direct conversion methods, utilization of hydrogen for fuel.

Accelerated demonstration and commercial application of developed energy technologies.

In addition, the bill requires particular emphasis be given to the development of specific priority energy needs. The priority research areas established in the bill are:

Production of low-sulfur boiler fuel;

Coal gasification;

Production of cyncrude and coal liquefaction;

Advanced power cycles;

Geothermal energy;

Shale oil production;

Secondary and tertiary recovery of crude oil;

Improved methods of coal extraction;

Solar energy;

Improved environmental control systems;

Improved energy conservation;

Improved transportation and storage of electric power;

Use of hydrogen as a primary fuel; and

Use of fuel cells for central generating stations.

The bill divides these priority research needs into different time frames according to the period in which the results of the research would be forthcoming. They are classified as near term (through 1980), middle term (1980–2000), and long term (beyond 2000). A timetable for the evolution of these technologies is provided in the bill.

S. 1283 also requires the chairman to recommend to the Congress specific proposals for federal assistance for the timely demonstration of new energy technologies. The chairman is authorized to select an appropriate mechanism for federal assistance, including:

Contractual arrangements with non-federal entities;

Construction of federally owned facilities;

Federal purchases or guaranteed prices of demonstration products;

Federal loans; and

Loan guarantees.

The total expenditures which will be necessary for the implementation of this research strategy amount to $20 billion over ten years. Specific authorization of funds is included in S. 1283 for the next three fiscal years is as follows:

$22 million for administration for the Management Project;

More than $1.6 billion for non-geothermal research, of which one percent is allocated for environmental monitoring of the research program;

$50 million for a loan guarantee fund for geothermal research; and

$135 million for geothermal R&D.

PROVISIONS OF S. 1283 REGARDING THE NON-NUCLEAR RESEARCH BUDGET

Title I of S. 1283 specifically authorizes a budget of $800 million annually for the general non-nuclear research which will be supported by the chairman of the Energy Research Management Project established by the Act.

It is anticipated that the existing research programs of other Federal agencies will continue to be funded directly, but that increases in the levels of those programs in future years will be provided for out of the $800 million. The $800 million will, of course, also be used to initiate new research which will be done by Federal agencies, industry, universities, and other entities.

In addition to the general research budget, the measure requires proposals to be submitted to the Congress recommending cooperative ventures with industry for major demonstrations of new technologies (those which would involve Federal costs of more than $50 million each). The costs and timing of these demonstrations cannot be determined exactly, but the Congressional findings of the bill state that the total commitment should be expected to be at least $20 billion for the first ten years.

Attached to this statement is a tabulation which sets forth an approximate schedule for the ten-year expenditure program.

PROPOSED FEDERAL SUPPORT FOR NON-NUCLEAR ENERGY R. & D.

[In millions of dollars]

Fiscal year	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983
Existing programs	385	695	700	700	700	700	700	700	700	700
S. 1283 general research	800	800	800	800	800	800	800	800	800	800
Major demonstrations:										
Near term (coal technologies, oil shale, advanced power cycle, etc.)		342	507	507	507	507	507	265		
Longer range (geothermal, solar, etc.)					100	100	100	200	400	500
Total non-nuclear	1,185	1,837	2,007	2,007	2,107	2,107	2,107	1,965	1,900	2,000
Nuclear programs (not included in S. 1283)	(616)	(877)	(1,080)	(1,090)	(1,220)	(1,274)	(1,300)	(1,300	(1,300)	(1,300)

COMPARISON OF S. 1283 ENERGY R. & D. PROGRAM WITH CHAIRMAN OF AEC'S DECEMBER 1 REPORT TO THE PRESIDENT

On December 1, Chairman Ray of the AEC released a report to the President setting forth a five-year, $10 billion energy R&D program. The report also includes estimates for the subsequent 5 years resulting in an overall ten-year budget of $20 billion.

Although this latter amount is the same as that associated with S. 1283, it does not reflect identical programs. The AEC report includes a large increment of funding for future nuclear research and development; the amounts associated with S. 1283 are for non-nuclear research only and therefore reflect greater Federal expenditures for non-nuclear programs.

The programs set forth in the AEC report for general research in fossil fuels, geothermal energy, and solar energy are reasonably consistent with the strategy guidelines of S. 2183. The additional expenditures contemplated under the provisions of S. 1283 would be associated with the following programs.

Provisions of S. 1283 would lead to sizeable Federal expenditures to assist in financing the construction of commercial-size demonstrations of new energy technologies (coal gasification, oil shale, etc.). Authority does not presently exist to carry out such ventures, and the AEC report assumes they will be entirely funded by industry.

S. 1283 contemplates substantial support for research into the environmental aspects of energy technologies. The AEC report appears to assume most of this work will be done under other "support" programs.

The strategy in S. 1283 assigns greater urgency to programs aimed at longer term payoffs than does the AEC strategy.

S. 1283 assigns greater importance to exploring unconventional energy sources. It includes the broadest range of such technologies while the AEC report stresses only solar and geothermal research.

S. 1283 is not an itemized program document. It is a grant of authority and a framework of objectives, policy, and strategy guidelines which are intended to insure that a sound R&D program will be prepared. It is not possible, therefore, to compare it with the detailed AEC budget on an item-by-item basis.

RELATIONSHIP OF S. 1283 TO THE PROPOSED FEDERAL ENERGY ADMINISTRATION AND ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

S. 1283

The measure would create a small but authoritative coordinating group (the Energy Research Management Project) to initiate a massive non-nuclear energy R & D effort. The roles of existing agencies, their ongoing energy research, and their contracts with non-Federal researchers would be preserved. The Management Project is intended to be an interim arrangement and its functions could easily be reassigned to whatever permanent energy research organization is ultimately established.

FEDERAL ENERGY ADMINISTRATION (FEA)

The FEA, which has been proposed by the President, is being partially established by Executive Order, and will require legislation to be fully realized. The Senate Committee on Government Operations will be considering such legislation.

FEA will be chiefly responsible for the Federal programs involved in management of the existing energy systems, particularly for the emergency programs such as fuels allocations. It will have only minimal involvement with energy R & D programs.

Like S. 1283, the legislation to establish FEA immediately would provide only interim authority. A more deliberate and comprehensive reorganization proposal would be considered later.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION (ERDA)

The legislation pending before the Government Operations Committee to establish ERDA contemplates a permanent reorganization. It would also establish a new Nuclear Energy Commission to carry out licensing and regulation in the nuclear field. The pending Administration proposal also involved creation of a Department of Natural Resources.

The permanent establishment of ERDA involves the statutory transfer of agencies and programs from the:

Atomic Energy Commission;

Department of the Interior;

National Science Foundation; and

Environmental Protection Agency.

It also involves policy decisions regarding nuclear regulation and the ultimate coordination of energy R & D with the administration of other aspects of national energy policy.

PRESIDENTIAL REVIEW

SEC. 113. (a) The President shall—

(1) in connection with any reorganization plan which he has proposed or may propose which has significant impacts upon the agencies represented on the Management Project, or

(2) immediately upon the authorizaiton by the Congress of any reorganization which has significant impact upon the agencies represented upon the Management Project, make his recommendations to the Congress concerning the appropriate agency and organizational arrangements to perform the functions authorized by this title.

(b) Not later than two years from the date of this Act, unless a permanent reorganization of the energy research and development functions of the Federal Government has been accomplished in the interim, the President shall report to the Congress on his evaluation of the progress of fuels and energy research and development and his recommendation for further management of the Federal research and development programs, including but not limited to—

(1) the necessity for continuing the Management Project,

(2) the appropriate membership of the Management Project if it is continued, and

(3) the appropriate agency to receive the duties, funding, and staff of the Management Project if it is to be terminated.

Mr. MAGNUSON. Mr. President, I am pleased that the Senate is moving rapidly to establish a comprehensive energy research and development program. There appears to be universal agreement on the need for a greatly expanded research and development program. Various industry witnesses, consumers, environmentalists, and others have long sought increases in the research and development commitment of the Federal Government. More than 2 years ago, for example, the Consumer Federation of America adopted a resolution calling on the Federal Government to launch immediately a major research and development program comparable in magnitude to the effort which sent man to the Moon. We have long been calling for substantial efforts to clean up existing techniques and develop advanced technologies to increase economic and environmental efficiencies.

I have long had an interest in these matters and, on August 3, 1971, I first introduced the Federal Power Research and Development Act. This bill would have established a comprehensive research and development program to increase efficiencies of energy production and utilization, reduce environmental impacts, and develop new sources of clean energy. The Commerce Committee held lengthy hearings on this proposal in March 1972, and these efforts were largely responsible for the creation of the Electric Power Research Institute, a utility research program designed to greatly increase research and development efforts in that industry.

On January 12 of this year, I introduced an improved Federal Power Research and Development Act (S. 357). I am pleased to report that, since that time, the staffs of the Senate Commerce Committee and the Committee on Interior and Insular Affairs have been working closely together to develop a joint research program. The bill before the Senate today, S. 1283, is the product of many months of intensive efforts by both the Commerce and Interior Committees, as well as Public Works and the Joint Committee on Atomic Energy. Many suggestions from members of the Commerce Committee regarding the structure of the research program and the establishment of a competitive system of price supports were incorporated in S. 1283, as reported by the Interior Committee. The spirit of cooperation which prevailed in formulating this legislation is a model which I hope can be duplicated in the future in many legislative areas of interest to several committees.

Mr. President, I ask unanimous consent to insert in the RECORD my original introductory remarks on the Federal Power Research and Development Act which I introduced on August 3, 1971.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

FEDERAL POWER RESEARCH AND DEVELOPMENT ACT

Mr. MAGNUSON. Mr. President, the Nation's appetite for electric power has been doubling every 10 years—five times the rate of population growth—and current projections are that it will continue to grow at nearly this rate. Electricity is the cleanest form of energy at the point of consumption, but its generation and transmission already raise serious environmental and resource problems. These problems will get worse as electric consumption grows unless new technologies and new sources of energy are used.

Coal, our most abundant fossil fuel, is currently used to generate about half of our electric energy and even with the growth of nuclear power, coal will continue to be a major source of power. Unfortunately, its production and use raise serious problems. Coal production scars the landscape through heedless strip mining and subjects thousands of miners to both sudden and cumulative disaster through tragic accidents and the long-term ravages of black lung. Its use in generating electric power produces vast quantities of debilitating air pollutants—sulfur oxides, nitrogen oxides, particulates, and other pollutants such as traces of mercury—as well as mountains of solid waste—ash.

Oil used to generate electric power also generates air pollutants, although in lesser quantities. A key problem is that natural gas, our cleanest energy source, is in short supply. In some areas its use for electric power generation is being curtailed to conserve it for other uses.

As we learn more about the effects of variour products of combustion new pollutants will undoubtedly be added to the list. Currently there is a debate among scientists as to whether the combustion of fossil fuels will heat up the earth due to increased carbon dioxide or cool it due to fine particulates.

Nuclear power, the result of large R. & D. expenditures by the Federal Government over the past 25 years, eliminates most of these air pollution problems, but it raises serious problems of its own. There is always a risk, however small, that a serious accident will result in the release of significant amounts of radioactivity to a large segment of the public. In addition, the day-to-day releases of radioactive wastes as well as the transportation and storage of high level radioactive wastes will pose increasing problems as more reactors are built and operated.

Waste heat is another unhappy byproduct of both fossil fuel and nuclear generating processes using the steam cycle. To protect our lakes, rivers, and estuaries many new powerplants will have to use alternate means of cooling ponds and towers. These consume more water and cause environmental problems of their own.

In short, unless we develop new technology for electric power generation we are faced with a variety of environmental problems no matter whether we use nuclear power or fossil fuels.

And yet the blueprint for survival is not obscure. A number of new technologies now in the laboratories and in the field offer the promise of controlling harmful pollutants, increasing the efficiency of generation and transmitting electric power and tapping new clean sources of energy. Among them:

First, Fusion machines, using various processes, theoretically could supply an abundant supply of clean energy for hundreds of thousands of years. There are researchers who feel we are very close today to the demonstration of feasibility.

Second. Solar energy, which is the only real "income" energy available on spaceship earth, could fuel many important energy processes indefinitely into the future. This process appears especially attractive since it consumes no natural resources and produces no pollution.

Third. Magneto hydrodynamics, or MHD as it is known, could be used as a "topping cycle" for present-day technologies and increase thermal efficiencies as much as 50 percent.

Fourth, Extra-high-voltage transmission lines, high voltage direct current transmission lines, underground transmission and cryogenic transmission systems all need serious effort to help reduce the present 10 to 15 percent loss of energy to the transmission process.

Fifth. Fuel cells which could cleanly burn gas and/or hydrogen to produce electricity, have the particular advantage of efficiency in small units. This process could facilitate the decentralization of American society and at the same time eliminate high environmental and economic transmission costs.

Sixth. Geothermal energy, which is being used economically in many places of the world today requires more R. & D. to facilitate better energy extraction techniques from thermal sources in our planet.

Seventh. There exist still other untapped potential sources of energy to meet at least part of our energy requirements, among them: tidal, wind, ocean current and ocean thermal gradients. Each could be a potential source of a small but significant portion of a clean energy supply.

Yet these opportunities remain largely unexplored. The record of electric utility investment in research and development is hardly impressive—at present levels no more than one quarter of 1 percent of utility gross revenues. Moreover, since 1945, 87 percent of our national investment in energy R. & D.—both Government and private—has been narrowly focused on the development of nuclear fission processes.

To their credit, both public and private utility organizations are now seeking joint efforts in R. & D. But purely voluntary efforts are doomed to frustration.

As the chairman of the Edison Electric Institute observed in a recent speech:

"In our enterprise system, the profit motive normally stimulates investment in research and development. In the case of regulated utilities, which must pass along to the customer such benefits in the form of reduced rates, not only does the incentive not exist but the system actually works in a counterproductive fashion."

Ironically, the most adventurous and farsighted utility engaging in a vigorous R. & D. program runs the risk that an unsympathetic utility commission will refuse to include such expenditures in the rate base. Moreover, it would be inequitable to force the consumers of a few utilities to pay the lion's share of R. & D. which will benefit all sharing can only be achieved by a uniform, mandatory system of pooled research and development funding.

The energy R. & D. fund which I propose today will accomplish this objective. It will also place the full costs of electric energy production squarely where they belong: on those who benefit most from the production of electric energy—especially the massive industrial users.

U.S. industry spends an average of 3 percent of its gross revenues on R. & D. This bill will raise the utility industries R. & D. investment to only about 1 percent of its gross revenues, a modest enough surcharge.

In May 1970 the American Public Power Association, which is comprised of publicly owned electric utilities, adopted a policy statement recommending the establishment of a Federal research program with assessments to be made "on a kilowatt hour sales basis with the resultant funds to be expended on projects selected by a cooperative government-industry management group."

The chairman of the New York State Public Service Commission, Mr. Joseph C. Swidler, former chairman of the Federal Power Commission, in a speech delivered during February of this year, expressed his support for a "Federal tax on energy use," and urged that the funds from such a tax "be earmarked for research and . . . be administered by a joint Federal-industry council. Mr. Swidler also described the neglectful attitude taken thus far by the Federal Government in pursuing energy research when he stated:

"The government agencies in Washington deliver severe lectures on the need for improved technology for reliability and environmental protection, but the research budget in the energy area, except for nuclear systems, is minuscule in relation to the importance of the problems. There is no reason why research in the energy area should need to compete in the budget with welfare, national defense, education, the Mexican Boundary Commission and other expenditures in non-commercial areas. It would be easy for the Congress to earmark a special source of revenue to support a program of research which bore a realistic relationship to the urgency and importance of the reliability and environmental problems presented by the electric power industry."

As Charles Luce, chairman of the board of New York's Consolidated Edison has said:

> "[I]f we are serious when we say that *all* costs of producing energy, including environmental costs, must be included in the price of the energy, this sort of tax makes a great deal of sense."

SECTION-BY-SECTION SUMMARY

Section 401 creates the Federal Power Research and Development Board, consisting of five members drawn from among those with experience in environmental protection, electric power production and distribution, and technological research and development. The members are to be appointed by the President for 5 years in staggered terms with the advice and consent of the Senate. After 10 years, the Board will cease to exist, unless, of course, Congress renews its mandate.

Section 402 directs the Federal Power Commission to assess a fee of .15 mills per kilowatt hour consumed. The consumers of electric entities, including Federal, State and municipal cooperatives, are subject to the fee, as are those who generate more than 1 million kilowatt hours per year.

Section 403 establishes the Federal power research and development trust fund. It is anticipated that the charges levied by this act will generate a fund of approximately $300 million during its first years of operation. The funds collected while limited to use by the Board will be subject to the appropriation process so that Congress will be able to assure that funds allocated to the Board serve the objectives of the act.

Section 404 sets out the authority and the priorities of funding for the Board and requires that the Board develop an overall annual program for its research and development activities. It makes clear that funds allocated by the Board are to be utilized to augment—not to replace—existing research and development efforts, both public and private. The Board is directed specifically to seek means to first, increase the efficiencies of electricity generation, transmission, distribution, and consumption processes; second, decrease the adverse environmental impact of electricity generation and transmission processes; third, encourage and stimulate basic innovations in the production of environmentally compatible electricity generation; fourth, make increased efficiencies and improved technology directly available to all electric utilities, regardless of size or nature of ownership.

Section 404 contains a provision requiring that at least 5 percent of the funds spent shall be allocated to research into the adverse social, environmental, or economic effects of proposed or present energy-related technology and that the results of such research shall be compiled and published yearly. This provision is designed to assure that Congress and the public will have the necessary information to balance both the benefits and the risks of new technologies as they are developed.

Section 405 grants the Board standard operating powers to hire employees, utilize consultants, to prescribe regulations, rent office space, et cetera.

Section 406 provides for a detailed annual report which is to include a thorough description and appraisal of research and development activities funded during the preceding year, an evaluation of future funding needs, and an assessment of the impact of emerging technologies on the supply and demand of electricity, the economy and the environment.

Section 407 provides for the publication of a newsletter at least twice a month to provide basic and continuing information on the Board's activities to the scientific community, Congress, industry and to the general public. The newsletter will include abstracts of all approved projects comprehensible to informed laymen, the announcement of hearings and summaries of proposed developments, and other information required under the act.

Section 408 provides that at least 60 days before approval of any projects for more than $5 million, an abstract of the proposed grant be published in the Federal Register and the newsletter, to permit comment by interested parties. This section also provides for an annual public hearing on the Board's proposed appropriations request for the following year to be held at least 45 days after publication in the newsletter and 60 days after notification: The Board is to receive testimony from any interested party denying a request to testify only for good cause publishing its reasons for the denial. The Board's principal investigators shall be present to help resolve reasonable and germane questions raised by any party, which must be responded to on the record.

It is anticipated that the annual hearing process will enable the Board to benefit from the counsel and advice of environmentalists, consumers, public interest advocates, members of the scientific and technical community, and the affected industries.

Section 409 provides that patents developed all or in part with funds allocated by the Board shall remain in the public domain.

Section 410 provides for civil penalties of up to $10,000 for each violation of regulations promulgated under the authority of the act.

AMENDMENT No. 364

At the end of the bill, add the following new section:

SEC. 18. The Federal Power Act is amended by adding at the end thereof the following new title:

"TITLE IV—FEDERAL POWER RESEARCH AND DEVELOPMENT BOARD ESTABLISHED

"SEC. 401. (a) there is hereby established the Federal Power Research and Development Board, (hereinafter referred to as the 'Board'). The Board shall consist of five members appointed by the President, by and with the advice and consent of the Senate, one of whom shall be so appointed as Chairman of the Board. The members first appointed under this section, as amended, shall continue in office for terms of one, two, three, four, and five years, respectively, from the date this section, as amended, takes effect, the term of each to be designated by the President at the time of nomination. Their successors shall be appointed each for a term of five years from the date of the expiration of the term for which his predecessor was appointed and until his successor is appointed and has qualified, except that he shall not so continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of said fixed term of office, and except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term. Not more than three of the members shall be appointed from the same political party. No person in the employ of or holding any official relation to any licensee or to any person, firm, association, or corporation engaged in the generation, transmission, distribution, or sale of power, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold the office of member. Said member shall not engage in any other business, vocation, or employment. No vacancy in the Board shall impair the right of the remaining members to exercise all the powers of the Board. Three members of the Board shall constitute a quorum for the transaction of business, and the Board shall have an official seal of which judicial notice shall be taken. The Board shall have an official seal of which judicial notice shall be taken. The Board shall annually elect a vice chairman to act in case of the absence of disability of the chairman or in case of a vacancy in the office of chairman. The members shall be appointed from among those persons with experience and competence in the following areas: the environment and its protection; electric power reliability; and scientific and technical research and development. The chairman shall be compensated at the rate provided for by level III of the Executive Salary Schedule under section 5316 of title 5, United States Code. The remaining members shall be compensated at the rate provided for G.S. 18 under section 5332 of such title.

"(b) The authority under this title shall terminate ten years from the date of enactment of this Act.

"FEE ASSESSED

"SEC. 402. Every person purchasing electric energy for consumption, and every person generating more than 1,000,000 kilowatt hours per year of electric energy for his own consumption, shall pay a fee of .15 mills per kilowatt hour for all such electric energy purchased and consumed, or generated by any person for his own consumption.

"All persons distributing electric energy affecting interstate commerce including private companies, cooperatives, and agencies of local, State and the Federal Government shall include as part of the normal bill or invoice issued to any person purchasing electric energy for consumption an amount equal to .15 mills per kilowatt for all electric energy purchased and consumed. Such persons distributing electric power affecting interstate commerce are required to collect the fee imposed by this section and to pay an amount equal to all such fees collected to the Federal Power Commission.

Any person generating more than 1,000,000 kilowatt hours per year of electric energy for his own consumption affecting interstate commerce is hereby required to pay a fee of .15 mills per kilowatt hour for all electric energy generated to the Federal Power Commission.

The fees imposed by this section shall be paid by the person purchasing and consuming electric energy.

The fees imposed by this section shall not apply to sales of electric energy for resale.

"TRUST FUND ESTABLISHED

"SEC. 403. Revenues collected by the Commission from such fees and interest on such revenues shall be deposited in a trust fund, to be known as the Federal Power Research and Development Trust Fund, (hereinafter referred to as the 'Fund') which is in the Treasury of the United States to be available through the appropriation process only to the Board for use in carrying out all the provisions including administrative expenses of section 404 and other provisions of this title. Separate appropriations requests shall be submitted by the Board to the President for transmittal to Congress.

"RESEARCH PROGRAM AUTHORIZED

"SEC. 404. (a) The Board is authorized to conduct either directly or by way of contract, grant, or other arrangement, a program of research and development for the improved means of production, transmission, distribution and consumption electric energy with minimum impact on the environment. Payments under this section shall not exceed the amount of the fees collected pursuant to this Act. Such program shall be coordinated with and shall supplement research and development programs conducted or assisted by other Federal agencies, universities, electric power companies or other companies or individuals. Funds appropriated pursuant to this Act shall be allocated on the basis of their contribution to the attainment of the following goals—

"(1) increasing the efficiencies of energy generation, transmission, distribution and consumption processes;

"(2) decreasing the adverse environmental impact of present and future energy generation, transmission, and distribution processes;

"(3) achieving basic innovations for new means of reliably generating energy while protecting the environment;

"(4) making increased efficiencies and improved technology directly available to all electric utilities, regardless of size or nature of ownership.

"(5) other areas which the Board deems to be within the broad objectives of this title; and

"(6) in allocating the sums of the Fund under this title, the Board shall reserve not less than 5 per cent of such sums for projects which make a deliberate effort to search for adverse social, environmental, or economic effects of proposed or present technologies. Reports on such projects by the principal investigators shall be compiled and furnished to the Congress and the public annually.

"ADMINISTRATIVE PROVISIONS

"SEC. 405. (a) In carrying out its functions under this title, the Board is authorized to—

"(1) prescribe such regulations as it deems necessary governing the manner in which such functions shall be carried out;

"(2) appoint such officers and employees as may be necessary, and supervise and direct their activities;

"(3) utilize from time to time, as appropriate, experts and consultants, including panels of experts, who may be employed as authorized by section 3109 of title V of the United States Code;

"(4) accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by law for persons in the government service employed without compensations

"(5) rent office space; and

"(6) make other necessary expenditures.

"(b) If, in carrying out its functions under this section, the Board from time to time should require the services of personnel engaged in the generation, transmission and distribution of electric energy, it should seek such personnel from all segments of the electric power industry including investor owned, State and local public agencies, cooperatives, and Federal agencies.

"REPORT

"SEC. 406. The Board shall prepare and submit to the President for transmittal to the Congress not more than six months after the passage of this Act and on the same day annually after that, a comprehensive report on the administration of this title for the preceding calendar year. Wherever possible, judgments contained in the report shall include a clear statement of the assumptions and data used. Such report shall include—

"(1) a thorough analysis and evaluation of research and development activities funded under this title;

"(2) a comprehensive evaluation of the areas most in need of research and development funding in the future;

"(3) an analysis of the possible and probable impact of emerging technologies on the present and future aspects of the following:

"(A) both the supply of and the demand for electrical energy;

"(B) the economy; and

"(C) the environment; and

"(4) the extent of cooperation with other Federal agencies and public and private institutions, indicating the difficulties and the Board's plans for improvement, including proposals for legislation if needed.

"NEWSLETTER

"SEC. 407. (a) Not less than twice each month, the Board shall publish a newsletter (hereinafter referred to as the 'Newsletter'), which shall be made available to all interested persons and include—

"(1) abstracts of all approved grants, including a statement on the general nature of the work;

"(2) announcements of hearings;

"(3) summaries of promising developments; and

"(4) the information required elsewhere in this title.

"(b) The Board shall give notice by publication in the Federal Register and in the Newsletter at least 90 days before approval of any grant of $5,000,000 or more and shall provide an opportunity for any interested party to comment on any such grant prior to approval. No grants may be approved until thirty days after completion of the time allowed for the comment of interested persons.

"PROCEDURE

"SEC. 408. At least once each year the Board shall conduct a hearing on its proposed budget for the following fiscal year. Notice shall be given by publication in the Federal Register and in the Newsletter at least 60 days prior to its occurrence, the scheduled date, time, and place of said hearing. In addition, at least 45 days before the hearing date, the Board shall publish in the Newsletter a complete statement of proposed programs in the next fiscal year. All interested parties should be granted an opportunity to testify. The Board can deny the request to testify only on the basis of good cause publishing the reasons therefor. A record shall be made of all hearings, and said record shall be available for public inspection. All reasonable and germane inquiries made at the hearing of the Board, or of the principal investigators where possible, must be fairly responded to on the record. The Board shall wait at least 30 days after the completion of the hearings to allow for the comment of interested parties before submitting its budget to the President.

"PATENTS

"SEC. 409. Each contract, grant or other arrangement for any research or development activity supported by this title shall contain provisions effective to insure that all information, uses processes, patents, and other developments resulting from that activity will be made freely and fully available to the general public. Nothing herein shall be construed to deprive the owner of any background patent of any right which he may have thereunder.

"CIVIL PENALTY

"SEC. 410. Any person who violates any regulation established pursuant to this title shall be subject to a civil penalty of not more than $10,000 for each violation or for each day of a continuing violation. The penalty shall be recoverable in a civil suit brought by the Attorney General on behalf of the United States in the United States District Court for the district in which the defendant is located or for 'The District of Columbia.'"

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. FANNIN. Mr. President, I commend the distinguished manager of the bill, the chairman of the committee, the Senator from Washington (Mr. JACKSON), for his leadership in this legislation. This has been a long, tiring endeavor to bring out a bill that would accomplish the needed results.

Mr. President, I am pleased to state that in contrast to most of the energy related legislative exercises the Interior Committee has encountered this year, this bill—S. 1283, the National Energy Research and Development Policy Act of 1973—has been handled on a truly bipartisan basis. As the chairman and distinguished floor leader stated:

> The question of achieving self-sufficiency in this country in terms of development of our indigenous energy supplies is too important an issue to be treated as a purely political matter.

Mr. JACKSON. Mr. President, if the Senator will yield, I just want to take the opportunity to thank the distinguished senior Senator from Arizona, the ranking member of the committee, for the outstanding leadership he has provided in the exhaustive legislative consideration of S. 1283.

I want to express to him and through him to all of his colleagues in the committee on his side of the aisle my deep appreciation for the way in which they have cooperated and have assisted in getting this bill out.

I am very proud of the way in which this matter has been handled. The fact that this bill is cosponsored by every member of the committee, I think, points to the kind of bipartisan or nonpartisan effort we are making to deal with what perhaps represents our best hope for solution of the energy crisis.

Mr. President, this will be the greatest research and development undertaking ever attempted by this or any other nation in peace or in war.

I am very proud of the bipartisan effort that has been made in this committee which, I think, bodes well for the other energy programs.

Mr. FANNIN. Mr. President, I certainly wish to commend the distinguished Senator from Washington (Mr. JACKSON), chairman of the committee. I very much appreciate his comments on the fact that we were able to accomplish the results we sought in the proposed legislation.

Credit is also due the staff. The chairman directed his energy research and development specialist, Dr. Daniel Dreyfus, to work closely, honestly, and fairly with the minority staff of the committee. We are proud of his work. We are privileged to have on loan from the staff of the chairman of the Senate Committee on Public Works, Mr. Richard Grundy, who is serving in the capacity of executive secretary of the National Fuels and Energy Study. He deserves much credit, too, for the content of S. 1283 and for his complete cooperation with the minority staff.

David Stang and Roma Skeen, of the minority staff, are to be highly commended for their untiring efforts, day and night, to complete the proposed legislation.

I am pleased to say that as a result of the high plained manner in which Dr. Dreyfus and Mr. Grundy conducted their business with the minority staff, they concluded their work on this bill with a renewed faith that the onus of moving this country back into a state of self sufficiency belongs principally with private industry. The Government can stimulate, but industry must do the job. The Government can provide incentives but the industry must do the job. The Government can select the general direction, but the industry must do the job.

This theme can be found throughout the bill and is elaborated in the report.

Section 101(b) finds that our present critical energy shortage is compounded by past and present failure to initiate an aggressive R. & D. strategy. The language further states:

> This failure is partly a result of economic factors which have inhibited the timely development of new energy technologies." The report elaborates at page 32, "Such economic factors include the fact that historically low prices for conventional fuel have inhibited the development of unconventional fuels which are more expensive to produce.

In particular, the federally regulated low prices of natural gas have precluded by rendering uneconomical attempts to develop synthetic gas from oil and coal.

Indeed, a major contributor to the national energy crisis has been the dramatic shortfall of natural gas supply. Oil, largely imported oil, has been called upon to fill the gap caused by the shortage of natural gas. The Arab cut-off of oil has limited the possibility of oil continuing to fill the gas gap. The question then becomes one of finding the best means to rapidly increase the supply of natural gas so as to reduce or eliminate the present gap.

In order to find such a means one must ask, What caused the natural gas shortage? The experts—including academic economists, the Federal Power Commission, and the natural gas industry—are in near unanimous agreement that the principal cause of the gas shortage has been the wellhead price regulation of natural gas producers selling to FPC in the early 1960's pursuant to the U.S. Supreme Court decision in the Phillips case. Such regulation resulted in expanded consumer demand for "bargain rate" natural gas while dramatically dampening producers' efforts to find new gas supplies.

I am pleased that during our discussions with the distinguished chairman of the Interior Committee and the floor leader of this bill regarding the thrust of S. 1283, he recognized that the bill is designed to initiate programs to help achieve energy self-sufficiency which in all likelihood will not provide a substantial payoff in terms of new energy sources until nearly 1980. The chairman recognized, therefore, that other measures will be required to expand supplies during the shorter term. He has publicly stated that natural gas prices must rise considerably. He knows that on a heat content or Btu basis natural gas in the interstate market is still selling for one-third the price of our domestically produced oil and one-sixth of the price of recently imported oil.

Accordingly, I am hopeful that our chairman will further prove himself to be the statesman that he has already demonstrated himself to be by calling for quick Senate action to deregulate natural gas in the interstate market so that new supplies can come promptly into being. Such short-term measures the chairman must realize are absolutely essential to fill the gap between now and the time that programs called for in S. 1283 come to pass.

The programs called for in this bill are indeed to be executed on a crash basis. Some have indeed likened the new energy technology development called for in this bill to the Manhattan project and the Apollo project. There is indeed a certain amount of romance in making such an association, but—I am now reading from page 33 of the report—

> Unlike the Manhattan and Apollo Projects, however, the "products" developed under a stepped-up national energy R. & D. program will be used primarily by consumers in the private sector and not exclusively by the government itself. This important difference highlights the need to develop within the private sector the continued capability of private industry to meet the total energy needs of the American public.

This theme is repeated again and again. On page 37 of the report, for example, the following comment underscores this point:

> The largest burden of such research, however, must properly fall upon the private sector.

The chairman is to be commended for recognizing this important point and including it prominently in the committee report which analyzes this important bill.

Recent events have demonstrated that energy is the very lifeblood of our national economy. The Arab oil cutoff of crude and product occurred during the mark-up of this bill. At that time we had available to us a report prepared by the National Petroleum Council which states in part:

> On a conservative basis, the effect of a 2-million-barrel-per-day cutoff has been estimated to cause an annual loss of 48 billion dollars to the U.S. economy as measured by the Gross National Product. This slow-down in the economy would cause unemployment to increase from the current 4.5 to 5.0 percent level to over 6 percent. The projected 3-million-barrel-per-day cutoff would have an even greater impact and could push unemployment up to the 7.5 to 8.0 percent range.

These developments provide a sound basis for the conclusions we have reached in section 102 of the bill which pertains to the overall policy of this legislation. Specifically I am referring to the fact that the bill recognizes the close interrelationship and dependence between national goals and energy policy. Again reading from the committee report at page 34:

> The Committee intends that such policy insure that sufficient energy supplies are available so as not to indirectly or inadvertently constrain or jeopardize the achievement of established goals and objectives of national policy, including a viable economy with low rates of unemployment.

While it is recognized that prices of conventional fuels will be rising, new energy sources developed through programs called for in this bill will also be expensive. The object is not to raise prices for the sake of raising prices, but to allow prices to rise so as to increase competition between and among producers of alternative fuels. Reading again from the report at page 34:

> The Committee believes the public interest can best be protected by insuring competition among energy sources. Thus, when alternative energy sources are developed, competition for energy markets will intensify and the consumer will be protected. The sooner such alternatives are developed, the sooner the burden of fuels allocation can be removed.

The Arab oil cutoff is one of the principal reasons why a mandatory allocation program is necessary. But, as we have stated so often, allocation programs merely spread the shortages around and mitigate damage to rather than strengthen our national economy. Quoting further from the report at page 35:

> When the United States develops its own capability for self-sufficiency in fuels, vulnerability to foreign manipulation of energy supplies and prices will be reduced and the capability of exercising a truly independent foreign policy will be enhanced.

Turning now to the energy research management project called for in section 103 of the bill, I would like to stress that this arrangement was decided upon because of the twofold interest of members of the committee in providing both the least possible disruptive arrangement regarding existing organization for energy in the executive branch of the Government, and the widest possible opportunity to move forward with separate legislation related to the creation of an Energy Research and Development Administration called for by the President. I see nothing incompatible with this bill in any legislation related to the creation of ERDA. By way of comparison, this bill provides the substantive policy framework, the program content, the alternative strategies available to the administration, a timetable for action for a massive Federal R. & D. effort. The ERDA bill, on the other hand, provides for rearrangement of energy related

Federal R. & D. organization. In short, this bill deals with R. & D. policy. The ERDA bill deals with R. & D. organization.

Section 104 of the bill deals with the duties of, and alternative mechanisms for providing incentives for R. & D. programs related to energy development to be utilized by, the management project. With regard to such incentives, the report stresses that such incentive—

> Are not intended to exclude by intentional omission any area of interest, but are intended to suggest the most comprehensive attention to potential research projects.

This means that by our incorporating into the bill lists of R. & D. priorities and lists of alternative mechanisms to provide incentives for their development, we are attempting to give the administration the greatest possible flexibility with regard to their implementation. Specifically, I am referring to the research priorities contained in section 106 of the bill and the forms of Federal assistance provided for in Section 107 of the bill. The intent of the committee is to let the administration decide which form or forms of assistance is most appropriate for each of the research priorities specified in section 106 of the bill.

In order to facilitate the rapid development of new federally assisted R. & D. programs, the bill specifically provides for the non-Federal share of any joint Government-industry project to be measured in terms of the value of lands or property interests, including natural resource interests, for the project, or personal property or services to be provided for the project by the industial participant.

Mr. President, these are the major points I wanted to stress with respect to title I of the bill. The section-by-section analysis can be referred to for other aspects of the bill.

Title II of the bill is the Geothermal Energy Act of 1973. This is identical to the bill I prepared and introduced with Senators BIBLE and CHURCH, and other members of the Senate Interior Committee, as S. 2465.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. FANNIN. I am happy to yield to the Senator from Washington.

Mr. JACKSON. I want to take this opportunity to commend the Senator from Arizona for adding title II to the bill, which incorporates the previous legislation on the subject of geothermal energy. The Senator from Arizona and the Senator from Nevada (Mr. BIBLE) have long led in this particular area. Title II is a very helpful addition to the bill.

Geothermal energy was thoroughly reviewed separately, and then the decision was made to incorporate title II in the bill, and I particularly commend the Senator for that specific contribution to the legislation.

Mr. FANNIN. Mr. President, I thank the distinguished Senator from Washington, the floor manager of the bill.

I also wish to say that Dr. Dreyfus, too, in this particular instance did a very fine service in research and, of course, has a long history of activity in this field. I thank him for his participation also.

Mr. JACKSON. Will the Senator yield further?

Mr. FANNIN. Yes.

Mr. JACKSON. I neglected to say, and did not have the time earlier to say, that we are all proud of the direction of the staff effort by Dr. Dan Dreyfus, who was ably assisted by Dick Grundy from the staff of the Public Works Committee, who has been made available to the committee by the courtesy of the able chairman of the Public Works Committee, the Senator from West Virginia (Mr. RANDOLPH).

In all of this effort, they and Dave Stang have worked cooperatively together throughout the staffing of a very complicated piece of legislation. It represents the largest research and development effort ever put together in legislative form in the history of this country, and I think they all deserve great credit.

Mr. FANNIN. I concur, and I commend the Senator for his thoughtfulness in bringing to the attention of all of our Members the outstanding services that they have performed. I, too, agree that with this great effort much has been accomplished, and I feel we are now on our way to programs that are long overdue, but the committee has been working upon them, and we feel very confident that with the passage of this bill we will be in a different position than ever before.

I also want to take this opportunity to express my appreciation to the distinguished Senator from West Virginia (Mr. RANDOLPH) for his continued cooperation and attendance at the meetings and assisting in developing this legislation. He is always cooperative and helpful, as he has been in other instances. I know of his tremendous interest in the research and development program and in all the areas covered by the bill. We are grateful to him for his contribution.

Mr. President, it was on the joint motion of Senator CHURCH and myself that the Geothermal Energy Act was included as title II of S. 1283. Both Senator BIBLE and Senator CHURCH deserve great credit for their recognition of the necessity of moving forward with innovative geothermal programs. It was Senator BIBLE who authored the Geothermal Steam Act of 1970. That act provided the basis for leasing geothermal energy resources on the public lands of the United States. It is with great sadness that I am forced to point out that within the last 3 years the administration has done little to initiate such a leasing program. Members on both sides of the aisle of the Senate Interior Committee are equally disappointed with the footdragging within the Interior Department and the Office of Management and Budget in initiating the Geothermal Energy Leasing program mandated 3 years ago by the aforementioned act of Congress.

I mention this because without a leasing program, title II of S. 1283 can go nowhere. A condition prerequisite for the initiation of programs called for in title II of S. 1283 is an aggressive leasing program for geothermal energy resources on the part of the Federal Government. Without access to the resource, little can be done in the way of developing innovative technologies. Title II of S. 1283 is designed to be a catalyst for the development of innovative new technologies to utilize geothermal energy. The bill provides for a program for loan guarantees in section 202 through section 208. Sections 209 through 217 provide for an accelerated Federal program involving geothermal energy within the Federal Government, and gives specific direction to new programs to be established within the Interior Department, NASA and the Atomic Energy Commission.

It should be noted that title II of the bill provides a more detailed program for developing technologies to utilize geothermal energy than does title I for developing other new energy sources. The reason for this difference is that the committee has held extensive hearings on the subject of geothermal energy. Additionally, several members of this committee have been involved in conducting extended field investigations relative to geothermal energy technology. As I have already mentioned, the Senate Committee on Interior and Insular Affairs has been concerned with geothermal resources for many years. To repeat, under the leadership of Senator BIBLE, the committee developed legislation which culminated in the Geothermal Steam Act of 1970.

In June of 1972, as a part of the committee's study of national fuels and energy policy being conducted pursuant to Senate Resolution 45, 92d Congress, hearings were held on geothermal energy resources and research which provided an overview of the state of technology and the potential of the resource as a new energy source.

On June 13, 1973, the Subcommittee on Water and Power Resources began a detailed investigation of the potential for the production of power from geothermal resources with a hearing in Washington, D.C. At that hearing the following Federal agencies, which have programs related to geothermal energy, were requested to present testimony in response to specific questions posed by the subcommittee: First, the Department of the Interior; second, the Atomic Energy Commission; third, the National Science Foundation; fourth, the National Aeronautics and Space Administration; fifth, the Department of State.

Each agency was requested to direct its prepared testimony to the following points:

First. Evaluation of the long-range potential for the production of electric power and heat in the United States from geothermal resources, including distribution of the resource by regions, breakdown by dry and wet resource types, and evaluation of the extent and reliability of available inventories of geothermal resources.

Second. Discussion of exploration, research, and development work in geothermal resources presently underway and projected for the short term by types of resources and types of applications.

Third. Outline of the technological and environmental problems associated with large-scale development of geothermal energy by types of resources and application

Fourth. Descriptions of the exploration, research, and development activities which should be undertaken in the near term—first 5 years—to achieve the optimum advancement toward large-scale development of geothermal energy by types of resource and applications, including cost estimates and objectives of each of the activities.

NASA was particularly requested to discuss space applications of geothermal exploration. The State Department outlined cooperative international programs in geothermal research.

Subsequent to that hearing, the subcommittee conducted field hearings and inspections of existing and potential geothermal developments. On August 8, the Interior Committee's minority counsel, Harrison Loesch, Dr. Dreyfus, and myself visited the Geysers geothermal power development of the Pacific Gas & Electric Co. in California, which is the only operating geothermal electric facility in the United States.

On August 10, Senators CHURCH and McCLURE made a helicopter inspection of geothermal areas in southern Idaho, which are being considered for early development for power production. On that date, also, the subcommittee held a public hearing in Idaho Falls, Idaho, to take testimony from witnesses including public officials, authorities in geothermal energy, representatives of industrial concerns involved in energy and various citizens groups and individuals.

On August 11, Senators BIBLE and HATFIELD conducted a similar subcommittee hearing in Klamath Falls, Oreg. The hearing at Klamath Falls was conducted at the Oregon Technical Institute, in a modern academic building complex which is entirely heated from geothermal wells.

During the month of August, Mr. Stang exhaustively researched the research and development programs being conducted in France and Italy related to geothermal energy.

The results of the subcommittee's investigations were compiled in a report to the Senate which was recently publish.

For these reasons, we felt that geothermal energy should be given special and separate treatment than the programs contained in title I of the bill.

In conclusion, Mr. President, S. 1283 has been the result of careful and extensive consideration, given by members of the Senate Interior Committee on a bipartisan basis, to the subject of the creation of a national energy research and development strategy. It is designed to provide the charter for accomplishing the President's goal of attaining energy self-sufficiency by 1980.

We had several members on the minority side who were very active in the hearings as well. Senators HANSEN, McCLURE, BUCKLEY, BARTLETT, all participated actively. Senator HATFIELD of Oregon and Senator McCLURE of Idaho attended the committee's hearings in their respective States and brought back information that was very valuable in preparing this legislation. They have worked tirelessly toward the goal of developing a national R. & D. program for geothermal energy.

Mr. President, I pay tribute to the Senators on the minority side who were so good in attendance and who provided the quorums and who furnished the guidance in bringing this legislation to its final conclusion. As to the majority, I have already expressed my gratitude to them for the excellent way in which the bill was handled on a bipartisan basis.

Mr. President, I yield the floor.

Mr. RANDOLPH. Mr. President, at this crucial hour—and this hour will stretch into many more hours more crucial in their impact on the American people—it is generally recognized that the U.S. energy policy should be geared to enhance domestic self-sufficiency in fuels and energy.

I made this statement at the outset of my remarks: It is in this measure, S. 1283, the National Energy Research and Development Policy Act, that we will supply the thrust of what we are doing to further the cause and the ultimate fact of self-sufficiency.

What does this measure do, Mr. President? It sets forth as an overriding goal, "The development within 10 years of the options and capabilities for the United States to become energy self-sufficient through the use of domestic energy resources by environmentally acceptable means."

Mr. President, we have not scuttled environmental considerations in bringing this measure into this Chamber. I would not wish that to be done, and the Members who have worked on this legislation would not wish that to be done. The achievement of this capability, that is, the capability to achieve environmentally acceptable self-sufficiency in supplies of energy, will require the development, first of all, of a strong nuclear power industry.

This goal has been recognized as Members know, for over 10 years, and is the basis for the Atomic Energy Commission's research and development program.

But I remind Senators that the U.S. long-term energy supplies are not restricted to electric power, which represents, at most, 50 percent of our future energy consumption. Only half of this electric power, or one-quarter of our total energy consumption, can be satisfield under optimum conditions by nuclear energy. There remains, therefore, the other three-quarters of our energy needs which must be met and must be satisfied by fossil fuels and, in the long term, what we would call unconventional energy supplies. The Senator from Arizona (Mr. FANNIN), who has just spoken, has alluded to it.

The assurance that these supplies will be forthcoming in environmentally acceptable ways—and I stress this—is the objective of the measure now before the Senate. This measure recognizes that coal—spelled in capital letters, C-O-A-L—must now command a position in the U.S. energy supply system comparable to that held by nuclear power.

In the past, our national nuclear energy research and development posture has left much to be desired. There have been unacceptable delays and even failures in the development of new energy technologies. This situation must be corrected and I believe can be substantially corrected when this measure becomes law and the action programs are in being. Whatever the cause for the unacceptably slow development of new energy technologies, the fact is that we need increased and more fruitful research and development efforts across the board.

In stepping up the base and the effectiveness of research and development energy-related technologies, collective in nature, we cannot escape guilt for having failed to give full national attention over the past decade to the formulation of a national fuel and energy policy.

Mr. President, as a resource base, coal is our most abundant domestic resource. Someone might say, without thinking the matter through, that the Senator from West Virginia, now addressing this subject, comes from West Virginia, the coal State with the greatest production in the country, and of course this is true. But I speak today on a basis which is beyond that, not provincial in nature, as to the availability of coal to be produced and used under the technology we have at the present time.

Again I ask: What is our most abundant domestic resource? We can mention many others, but coal is No. 1. With present technology, there are some 150 billion tons of recoverable coal—people do not realize this to be a fact—of an estimated 3.2 trillion tons in the United States. Even—and I underscore this statement—even should maximum production be pursued for the next 15 years, less than 10 percent of our presently recoverable reserves would be consumed. I do not think the public generally realizes the validity of that statement.

Nevertheless, energy self-sufficiency will require unprecedented growth in our Nation's coal industry. This means that, at a minimum, by 1985, the United States must be capable of producing and using, in environmentally accepted ways, between 1.8 billion and 2 billion tons of coal. This compares to about 7 million tons as of today. I emphasize that this is a two and a half to three-fold increase in production in 12 years.

However, should our energy supplies—they have been mentioned—not be able to meet their projected roles, this task for coal would be even more difficult. Coal production might necessarily have to reach 2.6 billion tons. This means that by the year 2000, production might have to be as high as 4 billion tons. This will be an exceedingly difficult challenge for both government and industry. What must be recognized is that the energy demand will be there; it will increase; and, if our economy is not to be adversely affected, it must be met by some fuel.

So the issue is coal's capability for performing a greater role than previously envisioned in our energy supply system. I view coal as being on the threshold of a reformation which must carry into the

21st century. Yet, achievement of a respectable role for coal—not only respectable but also absolutely necessary—in the national energy posture will require the development of new ways of extracting and using coal. Traditional methods no longer are totally satisfactory from the standpoint of occupational health or environmental quality. In the future, coal will be viewed—I emphasize this—as a chemical substance which can serve as the feedstock for synthetic fuels of the 1990's—yes, into the next century.

However, achievement of the dual objective of secure environmentally acceptable energy supplies may be the most difficult challenge that our country will face in the years ahead. Even partial success in this effort will require an aggressive Federal posture, predicated on achievement of sound energy and reasonable environmetnal policies; for, in the final analysis, they must not be polarizations, they must not be opponents, they must not be enemies. They must stand together, inseparable, if the job is to be done.

Commenting at the June 8, 1973, hearings of the Senate's National Fuels and Energy Policy Study on S. 1283, the National Energy Research and Development Policy Act of 1973, Mr. Carl Bagge, President of the National Coal Association, made the following observation:

> Coal today is, once again, a primary fuel for the nation. Because of the current energy shortage, the erosion in our balance of payments caused by excessive oil imports, the threat to our national security inherent in growing dependence on fuel imports and, finally, the emerging national consensus to rationally develop indigenous energy resources—for all these reasons, coal once again looms large in our nation's energy future. This is not idle rhetoric from a coal trade association spokesman, but a pragmatic conclusion based upon the hard realities of the nation's existing energy dilemma.

Mr. President, this act attempts to cope with but one aspect of the energy policy.

I want to say to the chairman of the Committee on Interior and Insular Affairs (Mr. Jackson), the creative Senator, the resourceful legislator—these are not pleasantries; they are commendations which he deserves—that I think he will agree that this bill is concerned with the commercial demonstration of new energy technologies. This measure, in effect, would provide, as has been stated, a total Federal program of $20 billion over the next 10 years.

Mr. President, I emphasize that achievement of a realistic role for coal in our national energy posture will require the development of new ways of extracting and using coal. Traditional methods no longer are totally satisfactory from the standpoint of occupational health or environmental quality.

However, as Mr. Bagge stated—

> Now coal is regaining its public visibility as a crucial source of energy, but it cannot realistically be expected to reach its full stature merely by the shrinkage of other fuels. The coal industry, which has lived too long on a subsistence level, absolutely requires national policy encouragement and help to increase its production, improve its product, and compete without extraneous handicaps in a free fuel market.

The Energy Research and Development Policy Act of 1973 (S. 1283), deals with but one aspect of energy policy. It is concerned with the commercial demonstration of new energy technologies. This bill would, in effect, provide a total Federal program of $20 billion over the next 10 years to commercially demonstrate new energy technologies such as coal gasification, coal liquefaction, shale oil, and geothermal and advanced power cycles for the generation of electricity.

Until recently the Federal research policy has emphasized the breeder reactor, a nuclear solution to the long-term electricity supply problem. In fact for 20 years or more, the Federal Government has subsidized nuclear power developed on the premise of abundant electric energy.

This same concept now must be applied generally to energy development, to environmentally acceptable domestic, not foreign, energy resources.

It is not enough to have a Federal energy research and development strategy that is geared to the commercial demonstration of new energy technologies. This strategy must also be keyed to satisfying energy deficits in environmentally acceptable ways.

The nature of our present and future energy shortages must be attributed to a failure to implement plans and a research strategy designed to fill shortfalls in energy supplies from domestic sources. The causes of this failure date back to the 1950's, but the deficits between supply and demand will be narrowed only if the United States implements an aggressive and comprehensive Federal energy research and development policy such as that contained in S. 1283.

Coal, I repeat, has been neglected in the past and must now be the cornerstone of this research effort. Several specific research priorities are set forth in S. 1283:

First, there is a need to develop new mining methods to increase coal production. A number of innovative techniques to increase productivity can and must be perfected. Coal mining must be recognized as a sophisticated technology and the role of the coal miner as a true technician and specialist also must be recognized. For this purpose, the bill requires a Federal program to demonstrate new mining technologies such as long-wall methods of mining in experimental mines to be operated under a system of Federal support. These experiments also are to be used for the purpose of training modern miners.

Second, a major crash research program is needed to develop low sulfur fuels suitable for use in the generation of electricity. An emphasis is needed on the removal of sulfur from coal prior to combustion rather than stack gas treatment. Nevertheless, an accelerated program is needed on sulfur oxide control systems which fully utilizes the expertise that has been developed by the Atomic Energy Commission.

Third, gasification processes for the conversion of coal into high, medium, and low Btu gas for industrial uses must be pursued, immediately. Many of the processes which now should be commercial are only in early stages of evolution. These processes must now be accelerated. This program also must be viewed as a pollution control effort. Only through such coal gasification technologies can many industrial users achieve timely compliance with air pollution control requirements.

Fourth, coal liquefaction is needed to convert various grades of coal to premium fuels, particularly for use in transportation.

As our energy crisis worsens, it is obvious that synthetic premium fuels such as gasoline and jet fuel, as well as heating oils, are needed. Coal can serve as a chemical feedstock for the eventual production of numerous synthetic fuels.

Many other technologies are set forth in S. 1283, and I recommend that Senators review the research priorities set forth in section 106. I ask unanimous consent that these research priorities appear in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

> Sec. 106. Pursuant to the authority and directions of this Act, the Chairman shall transmit to the Congress—this Act, the Chairman's recommendations for an aggressive Federal research strategy and priorities designed to achieve solutions to immediate and short-term (to the early 1980's) energy supply system and associated environmental problems. Such recommendations shall include, but not be limited to, specific anticipated actions and proposals pursuant to sections 105 and 107 for the most effective approach, through Federal assistance—
>
> (1) to accelerate the commercial demonstration of technologies for producing a low-sulfur fuel suitable for boiler use;
>
> (2) to accelerate the commercial demonstration of technologies for producing substitutes for natural gas, including coal gasification: *Provided*, That the Chairman shall invite proposals from potential participants based upon Federal assistance and participation in the form of a joint Federal-industry corporation, and recommendations pursuant to this clause shall be accompanied by a report on the viability of using this form of Federal assistance or participation;
>
> (3) to accelerate the commercial demonstration of technologies for producing syncrude and liquid petroleum products from coal: *Provided*, That the Chairman shall invite proposals from potential participants based upon Federal assistance and participation through guaranteed prices or purchase of the products, and recommendations pursuant to this clause shall be accompanied by a report on the viability of using this form of Federal assistance or participation;
>
> (4) to accelerate the commercial demonstration of advanced power cycles for the generation of electricity from coal, including technologies which employ the production of low British thermal unit gas from coal;
>
> (5) in accordance with the program authorized by title II of this Act, to accelerate the commercial demonstration of geothermal energy technologies;
>
> (6) (A) to accelerate the commercial demonstration of the production of syncrude from oil shale, and (B) to assist the research and development of in situ methodologies for the production of syncrude from oil shale;
>
> (7) to demonstrate new and improved methods for the extraction of petroleum resources, including secondary and tertiary recovery of crude oil;
>
> (8) to demonstrate new and improved methods for the extraction of coal resources: *Provided*, That the Chairman shall invite proposals from potential participants in

joint Government-industry operated mines for the purpose of demonstrating new and improved mining technologies and methods and of training the associated personnel;

(9) to demonstrate the economics and commercial viability of solar energy for residential and commercial energy supply applications;

(10) to accelerate the commercial demonstration of environmental control systems including particulate and sulfur oxides emission control systems, necessary for the timely implementation of air pollution standards and water pollution standards established pursuant to Federal or State law; and

(11) to demonstrate new and innovative energy conservation technologies.

(b) Within one year from the date of enactment of this Act, the Chairman's recommendations for an aggressive Federal research strategy and priorities designed to achieve solutions to middle-term (the early 1980's to 2000) energy supply system and associated environmental problems. Such recommendations shall include, but not be limited to specific anticipated actions and proposals for the most effective approach—

(1) to improve the economics and cost-effectiveness of the technologies set forth in the research strategy recommended pursuant to subsection (a);

(2) to advance improvements in the methods and technologies for the transportation and storage of electric energy;

(3) to commercially demonstrate advanced power cycles for the generation of electricity which represent significant improvements in the efficiency of conversion of energy resources to electricity;

(4) to commercially demonstrate hot dry rock geothermal energy technologies;

(5) to commercially demonstrate advanced solar energy technologies;

(6) to determine the economics and commercial viability of the use of hydrogen as a primary energy source;

(7) to commercially demonstrate the use of fuel cells for central stations electric power generation; and

(8) to determine the economics and commercial viability for producing synthetic energy supplies from agricultural products and wastes.

(c) Within eighteen months from the date of enactment of this Act, the Chairman's recommendations for a Federal research strategy and priorities designed to achieve solutions to long-term (beyond 2000) energy supply systems and associated environmental problems. Such recommendations shall include, but not be limited to, specific anticipated actions and proposals—

(1) to further improve the economics and cost-effectiveness of the technologies set forth in the research strategy recommended pursuant to subsections (a) and (b);

(2) to commercially demonstrate nuclear fusion; and

(3) to commercially advance the use of hydrogen as a primary energy source.

Mr. RANDOLPH. Mr. President, I have always endorsed the policy that protection of public health should not be subordinated to economic feasibility. After long deliberation in 1967, and again in 1970, the Congress enacted a Federal air pollution control policy that distinguishes between concerns for public health and concerns for welfare.

For many years, I have been in the vanguard of a few Members of the Congress who have urged emphasis on the development of technologies to make the use of coal environmentally acceptable. This can be accomplished through better control of sulfur oxides and more rapid development of coal gasification and coal liquefaction and advanced power cycles for the generation of electricity.

When both the 1967 and 1970 Clean Air Act Amendments were under consideration in the Senate Public Works Committee, and in the Senate, I offered amendments to increase the Environmental Protection Agency's program authorizations and appropriations for research and development. Most of my amendments were accepted, and are now law. But the executive branch consistently has done too little toward the financing of research on energy-related environmental control technologies.

For example, the EPA's budget request for fiscal year 1974 showed an actual decrease in funds for air pollution control programs and research.

The disturbing action resulted in termination of EPA's $5 million program to develop sulfur oxide control technologies to control air pollution emissions—for example, from the combustion of high-sulfur coals. The EPA's justification was that more than $86 million had been devoted to development and demonstration of first-generation technology for reducing and controlling air emissions from stationary and mobile sources. Their plans now are to move into a second phase where the private sector is expected to further refine and improve this technology.

This position reflects a policy that the development of sulfur oxide control technology is the responsibility of the private sector, not government; yet, this position does not reflect the congressionally enunciated policy contained in the Clean Air Act (section 104).

This budget cut was even inconsistent with recent recommendations of the Interagency Sulfur Oxide Control Technology Assessment Panel (SOCTAP), which states:

> In particular, Federal R. & D. efforts should be expanded to accelerate the development of improved scrubber solid waste management processes. It also is strongly recommended that the Federal government continue support of ongoing government sponsored program (SIC) to develop SO_x processes.

At this point, Mr. President, I wish to read excerpts from an October 13, 1972, letter from EPA Deputy Administrator Robert Fri to the Office of Management and Budget:

> (The proposed reductions for stationary source air pollution control technology) will . . . eliminate the funding of the sixth (sulfur oxide) flue gas control technology demonstration and prevent EPA funding of the completion of the fifth. *This abandons the Presidential commitment to fund six of these demonstrations.* (Emphasis added.) Eliminating these demonstrations does increase the risk that we will ultimately not be able to sustain the large scale steam generation SO_x new source standard, but we think this risk is not unacceptable in view of the current legal situation and the progress that has been made in the first four demonstrations, in the private sector since the standard was set, and in foreign countries.

The irony of this situation is characterized in Mr. Fri's own words:

> (EPA is) capable of achieving the most pollution abatement in those areas where we have the best legislative mandate. The Clean Air Act is our best legislative mandate. It also has congressional mandates which would be very embarrassing to do a poor job on.

However, Mr. President, as recent events have shown, there is serious doubt whether U.S. energy industries can both maintain reliable energy supplies as well as meet air quality control requirements. This is exemplified in the recently passed S. 2589, the National Energy Emergency Act of 1973, which provides a variance procedure from the requirements stemming from the Clean Air Act as amended.

This legislative action would not have occurred had the United States had a balanced and comprehensive national fuels and energy policy which reflected environmental concerns. For this reason, S. 1283 provides in section 106 for an acceleration of the commercial demonstration of environmental control systems necessary for the timely implementation of air pollution control standards and water pollution control standards established pursuant to Federal and State laws.

It is intended that the chairman of the management project work closely with the Environmental Protection Agency in this effort. This should be done on a transfer-of-funds basis; however, where the EPA's program effort is considered inadequate by the management project, it is not intended that the chairman is not to be restricted from initiating the necessary actions under this provision of his own.

This measure represents a concerted effort by Senator JACKSON, the able chairman of the Senate Interior Committee. Under his leadership, the National Fuels and Energy Policy Study has developed a comprehensive and significant record to support the need for this legislation. Senator JACKSON has my commendation for his diligence, in cooperation with the able ranking minority member of the committee (Mr. FANNIN), in bringing this significant bill before the Senate. This measure also represents the combined efforts of the other members and ex officio members of the Senate's Energy Policy Study, including Senators BIBLE, CHURCH, METCALF, JOHNSTON, ABOUREZK, HASKELL, HANSEN, HATFIELD, BUCKLEY, MCCLURE, BARTLETT, MAGNUSON, COTTON, PASTORE, BAKER, DOMENICI, and this Senator.

The research strategy and priorities set forth in S. 1283 will launch the United States on a program dedicated to the achievement of domestic energy self-sufficiency. The policies set forth in the measure are compatible with the eventual congressional creation of the President's proposed Energy Research and Development Administration. This other measure is a reorganization of Federal energy research activities.

We have had two votes. I will not go into a checkback on what took place. The record will delineate what took place. This legislation S. 1283, provides direction and purpose for ERDA at such time as it is created.

Mr. President, I fully support the policies and purposes set forth in the Energy Research and Development Policy Act of 1973 and recommend its passage.

As an active cosponsor of the bill and as a diligent participant in its preparation, I plead with my colleagues to underwrite this massive undertaking for the future security of our Republic and the well-being of our people.

Mr. JACKSON. Mr. President, I do want to take this opportunity to express once again to the distinguished Senator from West Virginia, the chairman of the Committee on Public Works, my appreciation for his leadership in the area of research and development in connection with nonnuclear matters. The Senator from West Virginia has been a pioneer in this field.

In our report on page 24 there appears the following statement, which I wish to read for the Record:

> Senate concern for energy and development dates to 1943 with the introduction by Senator O'Mahoney, Chairman of the Senate Interior Committee, of the Synthetic Liquid Fuels Act. A similar measure was introduced by then Representative Jennings Randolph of West Virginia in the House of Representatives. Subsequent enactment of this measure in 1944 initiated an eight-year program for the construction and operation of demonstration plants to produce synthetic liquid fuels from coal, oil shale, agricultural and forestry products, and other substances in order to conserve and increase the oil resources of the United States.
>
> More recently, on March 2, 1961, Senator Randolph introduced Senate Resolution 105, providing for the creation of a Senate Special Committee on a National Fuels Study. The measure was passed September 11, 1961, and in 1962 the study group was established in the Committee on Interior and Insular Affairs, with ex officio members, including Senator Randolph from other committees.

Mr. President, I simply wish to reiterate the important role that the Senator from West Virginia has played since the very inception of this program, and ask unanimous consent for the pertinent excerpts from the report to be included in the Record at this point.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

IV. Legislative Action in the Senate Related to Energy Research and Development

Senate concern for energy research and development dates to 1943 with the introduction by Senator O'Mahoney, Chairman of the Senate Interior Committee, of the Synthetic Liquid Fuels Act. A similar measure was introduced by then Representative Jennings Randolph of West Virginia in the House of Representatives. Subsequent enactment of this measure in 1944 initiated an eight-year program for the construction and operation of demonstration plants to produce synthetic liquid fuels from coal, oil shale, agricultural and forestry products, and other substances in order to conserve and increase the oil resources of the United States.

More recently, on March 2, 1961, Senator Randolph introduced Senate Resolution 105, providing for the creation of a Senate Special Committee on a National Fuels Study. The measure was passed September 11, 1961, and in 1962 the study group was established in the Committee on Interior and Insular Affairs, with ex officio members, including Senator Randolph, from other committees.

The study group completed reports on various energy issues, including development of a domestic shale oil industry, the role of Government-sponsored energy research, and energy self-sufficiency.

Since then, a number of Senate resolutions and bills have been passed relating to specific and particular energy research needs. But no comprehensive energy R. & D. program resulted.

Subsequently, in 1971, the Senate initiated the National Fuels and Energy Policy Study. The events leading up to the initiation of this study are described in the "Legislative History of Senate Resolution 45," prepared by the Senate Committee on Interior and Insular Affairs:

> By the summer of 1970 it was becoming increasingly apparent that the abundant supply of low-cost energy that had characterized the American economy would no longer be available. During the previous year, hearings on the declining reserves of natural gas had been held by the Senate Interior Committee and there was general agreement among the witnesses that the gas reserve to production ratio would continue to decline. During the summer and fall of 1970 brownouts occurred in some parts of the country due to a lack of electric generating capacity.
>
> On July 16, 1970, Senator Randolph introduced S. 4092 to establish a Commission on Fuels and Energy. The bill was cosponsored by more than 50 other Senators. On introducing the bill Senator Randolph said:
>
> This Commission would make a detailed investigation and study of the energy requirements and fuel resources and policies of the United States with respect to the different type of fuels and energy, and would report to the President of the United States and to the Congress . . .
>
> Hearings on S. 4092 were held by the Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs on September 10 and 11, 1970. Statements were received from forty-four witnesses. . . .
>
> By the time of the hearings the bill had 61 cosponsors and several more were subsequently added.
>
> Both management and labor organizations of the coal industry strongly endorsed the bill.
>
> In general the coal industry witnesses were concerned over the imbalance in Federal research and development funds among the fuel sources. This concern was expressed by the National Coal Policy Conference witness as follows:
>
> Will the Government correct its present imbalance in Federal funds for energy and fuels research and development? Important as nuclear power is, there are processes for making gas from coal, extracting oil from shale, and other synthetic fuel and energy generation developments which warrant substantial Federal attention in terms of money and men. Most of these processes would create little, if any, pollution and several of them, if successful, may well achieve significant cost reductions in the generation of electricity. Magneto-hydrodynamics and fluidized-bed combustion are examples.
>
> The major theme of all the witnesses was the need for a long-range, coordinated natural energy policy which would prevent the various agencies with energy responsibilities from following conflicting courses of action.
>
> Despite the unanimity of opinion among all the witnesses concerning the need for a national energy policy to prevent future shortages and to assure adequate supplies of secure energy at low costs, no further action on S. 4092 took place in the 91st Congress. This inaction was the result of both the position taken by the administration with respect to the need for a commission and the termination of the 91st Congress. On December 11, in a letter to the Chairman of the Committee on Interior and Insular Affairs from G. A. Lincoln, Director of the Office of Emergency Preparedness, the administration repeated the position it had taken earlier in a letter to Senator Jackson dated November 5, 1970, from the Office of Management and Budget, Executive Office of the President:
>
> It would appear that the study proposed by S. 4092 would closely parallel and duplicate the study requested by the President which is now well underway. By contrast, enactment of S. 4092 and appropriation of funds to support the proposed Commission, appointment of Commission members, selection of Commission staff, and other necessary organizational steps would necessarily delay the commencement of the Commission's study.
>
> Consequently, to avoid duplicative studies and to avoid the delays that would result if the Commission study were substituted for the Council study, I recommend against the enactment of S. 4092.
>
> On December 22, 1970, Senator Randolph summarized the actions that the Senate had taken with respect to S. 4092 and reported on the adverse view expressed by the Office of Management and Budget. He then suggested that:
>
> In view of the administration's reluctance to participate in a joint executive-congressional study along the lines proposed in S. 4092, Senator Jackson and I have reviewed alternatives. We are in agreement that the most feasible vehicle for an urgently needed congressional effort would be a resolution empowering the Senate Committee on Interior and Insular Affairs to make a detailed fuels and energy study and to report its recommendations during the 2-year life of the next Congress beginning in January 1971 and extending to January 1973. No other means is known that can activate this vital effort without further lengthy delay.
>
> On introducing Senate Resolution 45 on February 4, 1971, which would authorize the Senate to make a study of national fuels and energy policy, Senator Randolph disagreed with the administration position concerning the need for a commission.
>
> [However,] since the Commission was not acceptable to the administration, he suggested an alternative:
>
> The administration, nevertheless, has made its decision not to be a partner in a Fuels and Energy Commission with congressional and nongovernmental members. That is its prerogative. The exercise of that prerogative kills the commission concept. But killing the commission concept and placing reliance entirely on the proliferated activities in the executive branch does not necessarily solve the fuels and energy problems which many knowledgeable persons consider to be of crisis proportions over the long range, even though some shortage solutions may have emanated from the several instrumentalities created by the President.
>
> Realism forces us to write off the Fuels and Energy Commission approach. Nevertheless, there is too much need for prompt and careful attention to the fuels and energy crisis within the legislative branch for that attention to be excessively delayed. Hence, with the cosponsorship of the junior Senator from Washington (Mr. Jackson), Chairman of the Committee on Interior and Insular Affairs, and other Senators, I am introducing today a Senate resolution to authorize a study of national fuels and energy policy by the Interior Committee, with the cooperation and assistance of the bipartisan leadership of the Committees on Commerce, Public Works, and Atomic Energy.

The objectives of Senate Resolution 45 and S. 4092 were nearly identical except for the vehicle to carry out the study. Under Senate Resolution 45, the Senate would proceed with its own study, using staff employed for this purpose, and would report recommendations to the Senate for a national energy policy.

As there had been for S. 4092, there was unanimous agreement about the need for the development of a national fuels and energy policy as contemplated by Senate Resolution 45. The reasons were stated by Senator Randolph when he said:

My objective in introducing Senate Resolution 45 was to insure that crisis not repeat itself. The immediate goal of the President's Domestic Council is to formulate our energy goal for the 1970's. The charter of the study under Senate Resolution 45 is to define and provide a definitive national fuels and energy policy for the next 20 or 30 years, where none now exist.

On April 5, 1971, the Senate Interior Committe issued Report No. 92–53 to accompany Senate Resolution 45 favorably reporting on the resolution. The committee amended the original resolution to reflect its complementary nature with the Mining and Minerals Policy Act of 1970 and also adopted a technical amendment regarding funding. The report was sent to the Committee on Rules where after several clarifying and technical amendments the resolution was reported (No. 92–87) favorably on April 26, 1971. The resolution was agreed to by the Senate on May 3, 1971.

Pursuant to Senate Resolution 45, the Senate Committee on Interior and Insular Affairs has conducted numerous hearings relating directly to energy research development needs:

Mr. RANDOLPH. Mr. President, I, of course, am grateful for the generous remarks which have been made by the Senator from Washington.

Mr. HANSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I rise to make a few observations this afternoon with respect to the role that a freer marketplace could play in our research and development effort. When the minority views were published on the National Energy Emergency Act of 1973, Senators FANNIN, BUCKLEY, BARTLETT, and the Senator from Wyoming observed that during the year 1973 the Committee on Interior and Insular Affairs had then reported 6 major bills affecting energy. They were: the Land Use Policy and Planning Assistance Act, the Surface Mining Reclamation Act, the Emergency Petroleum Allocation Act, the Federal Land Right-of-Way Act, the National Fuels and Energy Conservation Act, and the National Energy Emergency Act.

Since the time of the publication of that report, there has been reported by the Senate Interior and Insular Affairs Committee also the National Energy Research, Development, and Policy Act, now before the Senate.

We deplored the fact that at that time, with the exception of the Alaska pipeline bill, which is, of course, the Federal Lands Right-of-Way Act, which was passed, and an amendment to that law, the stripper well amendment, all of the legislation then reported by the Senate Interior and Insular Affairs Committee did very little to address the problem of supply. And I find singularly lacking now in the bill before us steps that could be taken and that should be taken to do something about supply in the short term.

If we examine the decades behind us, we find that the oil companies, and the oil industry in a broader sense, have had a number of very interesting experiences. Before conservation measures imposed by the States came into being, there was a tremendous competitive desire manifested in the drilling and producing of wells, particularly in Texas, to reflect the concern of the property owners to get their oil above ground, where they could keep it, hopefully where they could sell it, before the owner of the property alongside their well drilled and pumped and drained the neighbor's land.

As a consequence, the States then began to take some steps toward conserving this depletable natural resource which had focused so importantly upon our lives. Those conservation measures brought into being an interstate oil compact which reflected a common concern by many of the States to determine how best we might utilize and produce the oil and natural gas that were then becoming more important to all of us in America.

Out of that concern for regulating the development and production of oil and natural gas came into being a concern for the position of our country because of trends that could have placed a growing dependency upon foreign sources of supply.

As a consequence of that, back in the 1950's, Congress, in its wisdom, passed the mandatory oil import program, largely at the instance, or largely, I should say, as a result, of the persuasion of the oil producing States and of the oil industry.

It was then recognized that America could become unacceptably dependent upon foreign sources of supply if we did not take steps to better pace our domestic search for, discovery of, and production of oil in this country. It was agreed that an acceptable level of Federal dependence might be 12.2 percent of our total production. So we find the mandatory oil import program was brought into being reflecting generally this concern. The idea was that if we were to permit the importation of roughly 12.2 percent of our domestic needs—and as a consequence we were giving the incentive and the encouragement to the domestic oil industry to provide the other 87-plus percent. By virtue of the stimulus this curtailment of imports would have, we would provide industry the incentive to see that most of our consumption in this country could be supplied by domestic sources.

We never let the program really work as it was intended by its framers it should. Rather, what we did was start making first one and then another series of exceptions. We let certain free ports be established, and we permitted oil to come in without having to meet the test of staying under the accepted amount that could be imported. We found all sorts of ways of permitting exceptions, so that in recent years we found that we were importing up to 30 percent—about a year ago—when the President finally phased out the mandatory oil import program completely.

Where we failed in doing the things necessary to make that program work was that, while we ostensibly went through the motions of saying that we would not import over a certain amount of oil, actually in practice we permitted other imports to come in, and there was not the concomitant increase in price that would have occurred.

As a consequence, if we examine the year 1956 and compare it with 1972, we find that while we were then drilling roughly twice as many wells as we drilled in 1972, and yet, if we compare the amount of oil we used in this country in 1956 with 1972, we find that, despite the fact that drilling activity had dropped off by roughly half, we were using twice as much in 1972 and is 1956.

Had we kept pace with the amount of oil and gas that we were using, or increasingly using, during those years, we would have required four times the drilling activity we had in 1972 as was in fact actually in existence in 1972.

I call attention to what we did during World War II, when it was recognized that, despite the reduced manpower on the farms and ranches throughout America, the need for increased food production was never greater. America faced a situation that, in some respects, is similar to that which is faced today. At that time the farms and ranches were stripped of most of the kind of help that they would like to have. Those who remained on the farms for the most part were older people and youngsters of less than military age. Yet that is the situation that America faced when it recognized the need to do something about production.

What did this country do at that time? It authorized the War Production Act to permit the Government to guarantee a price for wheat that the framers of the regulations believed would give adequate stimulus to the farmers of America to make the necessary efforts to meet the needs not only of this country but of our allies around the world.

And the response was overwhelming despite reduced manpower and despite all of the other handicaps that then faced the farmers of America. There was a great outpouring of wheat simply because this country had the good judgment to say, "We will guarantee the farmers a sure profit on all the wheat they can produce." We let the old laws of supply and demand work then as I believe they can work now.

I would like to suggest that we give some thought this afternoon and in the days ahead as to the role that the laws of supply and demand can play in helping to meet and solve the energy crisis we now have.

I say that as we debate the pending bill and as we consider the adequacy of $2 billion a year on research and development over a 5- or 10-year period, whatever it may be. As we examine all of the sources of energy we have, let us not forget what a significant and important response we could have from the private sector of the economy, from businessmen, if we were to let price be a greater determinative in the kind of national effort we are making.

Many people have deplored the coal industry, have criticized it, have said that they failed to take advantage of an increasingly serious fuel situation and do something about coal gasification, coal liquefaction, and the improved technology in coal mining, both underground and surface mining.

I want to say a word in support of the coal industry. There really is little incentive for the coal industry to try to do any deep research in coal gasification and coal liquefication when we find that the Federal Power Commission, because of its attitude with respect to the price of natural gas, put a price lid on natural gas. They completely obliterated any competition. The price of natural gas was held down so low that the coal industry had no incentive at all to try to improve its processes and techniques that are now so sorely needed.

All we would have to do, if we wanted to give a real shot in the arm to coal gasification and coal liquefication, would be to let the price rise. And believe me, Mr. President, the price is going to rise. It is going to rise whether or not we decide to deregulate natural gas, as indeed I hope we will.

I understand that later this week the distinguished Senator from New York (Mr. BUCKLEY) will introduce an amendment to do precisely that. And he will have, I think, abundant evidence to indicate that this is the best possible action that the Congress of the United States could take at this time to solve the energy crisis.

Mr. LONG. Mr. President, would the Senator yield?

Mr. HANSEN. I yield.

Mr. LONG. Mr. President, the Senator is aware, is he not, that the economic principle of a free flow of capital still applies. And in the absence of any law to keep the money inside this country, if people can produce oil in Nigeria or Venezuela or anywhere else and ship it here for $12 a barrel, and when they produce it here, they cannot get a price to compare with that, why should they not invest their money outside of the United States in these foreign countries where they can get a much higher price?

Would it not make sense for one to invest his money where he can get the best return?

Mr. HANSEN. The Senator from Louisiana is entirely right, as he almost always is. I do not disagree with him very often. I would have to say that the most recent contract that I have learned of, negotiated between an American supplier and Nigeria, reflects a price paid for 10 million barrels, according to my information, of $16.80 a barrel.

The point that the Senator from Louisiana is making is precisely that. What reason is there to invest money in America at the present price?

The late Dr. Pecora said that we probably had 100 times the amount of oil and gas that we consumed in 1971. He said about a year and a half ago that in his judgment, drawing upon his vast knowledge, we had probably 100 times the amount of oil and gas yet to be discovered in this country as we used in 1971.

The point of the Senator from Louisiana is precisely correct. There is no reason.

Mr. LONG. Mr. President, is it not true that if people are permitted to sell the gas for what it is worth in a free market in competition with oil and coal, gas will be produced. They sell their gas for 25 cents a thousand when they can get 50 cents and maybe 70 cents or more for their gas. Does it make any sense for them to sell the gas produced in Louisiana, Texas, or Wyoming on an interstate basis for 25 cents if the buyers in their own State would pay them twice that amount for it?

Mr. HANSEN. It does not make any sense at all. As the Senator knows so well, this is precisely the reason that we have seen natural gas go into intrasales. In my State of Wyoming we consume a rather significant amount of natural gas in the refining of Trona. We use it in other places, and I am certain that in the great State of Louisiana, my good friend from that State could cite 10 examples or perhaps 100 examples for every one that I could think of where it has gone into other uses despite the fact that according to the best and clearest feeling we have, it has gone into other products for the simple reason that they can get more for it. Is that correct?

Mr. LONG. The Senator is correct. Furthermore, in Louisiana, where we probably produce more gas per acre than any other State of the Union—and we can use all the gas we can get, because we can find a use for it in Louisiana—our problem is that we do not have the pipelines to move it around on an intrastate basis.

If we put it in a pipeline and move the shipment in intrastate commerce, the Power Commission ruled—and I believe with court decisions to back it up—that it has been intermingled and that, therefore, it is subject to the Federal Power Commission.

So the State is now laboring very hard to build a whole network of pipelines, particularly intrastate, which parallel the course of the interstate pipeline, and using all of that to move gas around in intrastate to avoid the problem of trying to have the Commission force someone to sell his gas for less than it is worth and make gas available within the State without using the interstate pipeline in order to move the gas at a time when we are squeezed for oil and are short on everything in the energy field. It really does not make a lot of sense to deny someone the right to sell his gas to an interstate company for what the gas is worth among the local people.

We have these consumer oriented persons who want to try to seize the gas for the Federal Government, and hopefully seize it for 25 cents and force people to sell it in the interstate market for less than it is worth.

But does the Senator really see how, under the Constitution, anyone can be made to sell his product at a price that is far below what people are willing to pay for it right there in the community where he is producing it, or in that State? It would seem to me that that would be confiscation, or a denial of due process, to try to condemn or take something at a price far below what the person is being offered for it within his State.

Mr. HANSEN. I think the Senator is precisely right. I have no doubt at all but that if the Federal Government tries to reach in and to abrogate contracts or to, in effect, tell a person who has every legal right to drill, who has every legal right to produce, and who has every legal right to sell as he chooses, that he has to do something differently than he would otherwise do it, that would result in a diminution of the profit he might otherwise make, it would certainly occur to this Senator, though he is not schooled in the law at all, that that would constitute a taking and would raise the constitutional question as to the right of the Federal Government to do that.

My dear friend from Louisiana is far better able to answer this question than am I. I would certainly think, though, that I can find no reason at all to disagree with the conclusion that seems to be implicit in his question. My answer is unequivocally Yes, it would raise a constitutional issue and would constitute a taking, and I think ought to be avoided at all costs.

Mr. LONG. It seems to me that at a time when we are hard pressed to obtain enough oil, we are having difficulty obtaining enough coal, and if we can obtain it, we are having difficulty moving it to the customer, where we have the pipelines built to take the gas to the users who definitely need it, and where, in the absence of obtaining these supplies, they are going to have to pay a higher price to get the same number of thermal units from oil or from coal, it just makes all the sense in the world that those who have the gas in the areas through which the pipelines pass should be permitted to sell it for what the gas would sell for on a competitive basis. To do any other thing seems to me to be ridiculous. It is a method of creating an energy shortage. Today we would have a great deal more gas available to the consumer if it had not been tied up under regulations where companies were not permitted to sell it in competition with coal and oil.

Mr. HANSEN. There is no question about that. Our reserves of natural gas have steadily decreased following the imposition of FCC regulations. Our reserves have grown shorter each year, as I understand, almost without exception.

I ask unanimous consent to have printed in the RECORD at this point a chart which discloses the approved reserves of liquid hydrocarbons and natural gas beginning with the year 1953, bringing it up to 1972.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

PROVED RESERVES (LIQUID HYDROCARBONS AND NATURAL GAS)

Jan. 1	Liquid hydrocarbons (million barrels) Crude oil	Gas liquids	Total liquids	Natural gas (trillion ft³)	Reserve production ratio Crude oil	Total liquid	Natural gas
1953	27,961	4,997	32,958	198.6	12.4	13.1	23.1
1954	28,945	5,438	34,383	210.3	12.5	13.2	22.9
1955	29,561	5,244	34,805	210.6	13.1	13.6	22.5
1956	30,012	5,439	35,451	222.5	12.4	12.8	22.1
1957	30,435	5,902	36,337	236.5	11.9	12.5	21.8
1958	30,300	5,687	35,987	245.2	11.8	12.4	21.4
1959	30,536	6,204	36,740	252.8	12.9	13.5	22.1
1960	31,719	6,522	38,241	261.2	12.8	13.3	21.1
1961	31,613	6,816	38,429	262.3	12.8	13.2	20.1
1962	31,786	7,049	38,835	266.3	12.6	13.0	19.9
1963	31,389	7,312	38,701	272.3	12.3	12.8	20.0
1964	30,970	7,674	38,644	276.2	11.9	12.4	19.0
1965	30,991	7,747	38,738	281.3	11.7	12.2	18.3
1966	31,352	8,024	39,376	286.5	11.7	12.1	17.6
1967	31,452	8,329	39,781	289.3	11.0	11.5	16.5
1968	31,377	8,614	39,991	292.9	10.3	10.9	15.9
1969	30,707	8,598	39,305	287.4	9.8	10.3	14.8
1970	29,632	8,143	37,775	275.1	9.3	9.6	13.3
1971 [1]	29,401	7,703	37,104	264.7	8.8	9.1	12.1
1972 [1]	28,463	7,304	35,767	252.8	8.7	8.9	11.5

[1] Excludes 9,600,000,000 barrels of crude oil and 26,000,000,000,000 cubic feet of natural gas added for Alaskan North Slope.

Mr. HANSEN. Further confirmation of this trend is evidenced as follows:

> The Federal Power Commission conducted a study which projects the natural gas shortfall if present trends continue. The FPC's demand and supply projections indicate that such shortages will increase in volume and become more widespread. The FPC's Bureau of Natural Gas projects that demand for gas will exceed supply by 3.6 Tcf in 1973, 9.5, 13.7, and 17.1 Tcf in 1980, 1985, and 1990, respectively, despite the addition of gas supplements (22 Tcf is presently consumed nationwide). The FPC's projections are based on more moderate growth rates than were experienced in previous years.
>
> To close this gap, an annual "finding rate" (annual additions to reserves) of approximately 37 Tcf would be required starting in 1973. This level of development represents a sustained level of annual new additions to reserves equal to that attained in 1970 when 26 Tcf of Alaskan gas were added to the reserve inventory. Put another way, the annual finding rate would have to equal one and one-half times the all time record for annual U.S. (non-Alaskan) reserve additions that was reached in 1956 of 24.7 Tcf, at the same time that supplemental sources are developed.

Those reserves have decreased in terms of use each year, beginning with January 1, 1953, bearing out the point that the Senator makes. At that time, they stood at 23.1 years of our then annual use. They have dropped, I think, almost steadily downward, so that in 1972 they were less than half that amount, or 11.5 years, and there is no question, but that the conclusion reached by the Senator from Louisiana is accurate: We have held the price down, and we have discouraged the drilling for new reserves.

It is interesting to note that in the last few months, with the slight relief that has been given the domestic gas industry, there has been an increase, so I am told, of about 13 percent intensification or increase in drilling activity, that, I think, bears out the very point the Senator is making: That given relief in the price field, there will be a great jump in the drilling rate. I think that can be documented. I should say that is one of the studies that was done on this whole problem of our energy supplies, it might be observed that the Harvard Law Review for April 1973, contained an article entitled "Natural Gas Shortage and the Regulation of Natural Gas Producers." The article pointed out a number of conclusions. I should like to read a brief excerpt from the article:

> Natural gas now supplies more than a third of America's energy needs and exists in the ground in sufficient quantities to forestall any danger in the foreseeable future of its extinction as a natural resource. Nevertheless, there is now, in the early 1970's, no lack of evidence that the United States is in the throes of a serious natural gas shortage. This article will show that shortage is a direct result of FPC regulation of producers' prices and that the shortage has been disproportionately borne by home consumers. Moreover, the article will show that the losses arising from the shortage have been so great that they cannot rationally be worth the pursuit of whatever valid purposes might be served by lower user prices.

I think that statement bears out the very point the Senator from Louisiana was making.

Mr. LONG. By keeping the price of gas far below where it should be, by shutting down the coal mines and keeping new reserves from being processed, and by diverting people from the use of coal to the use of gas, when we should have been moving in the direction of more utilization of coal, through new coal technology, including mine openings and new coal reserves—all of these things are against the national interest.

Mr. HANSEN. The Senator is exactly correct. I thank him for the observations he has made. They square precisely with my conviction, as we take all these emergency steps. I commend him, as I have on numerous occasions commended the distinguished chairman of the Committeee on Interior and Insular Affairs, Mr. JACKSON, for his leadership in trying to do something to solve the problem. I salute my good friend from Louisiana for his participation and for the contributions he so oftimes makes in spelling out how the laws of supply and demand work. As a matter of fact, I have on numerous occasions told the story I first heard him tell about the grocer who was selling tomatoes for 30 cents a pound.

As I recall, a housewife came by and said, "I can buy tomatoes down the street for 20 cents a pound."

The grocer said to her, "Why don't you go down the street and buy them for 20 cents a pound?"

The housewife said, "I just came from that store, but they are out of tomatoes."

The grocer replied, "If I were out of tomatoes, I would sell them for 10 cents a pound."

Mr. LONG. As long as we have tomatoes of the same quality as the other fellow's tomatoes, and sell them at the same price, we are not going to have a shortage of tomatoes. The easiest way to create a shortage is to sell something artificially cheap.

Mr. HANSEN. Is not that what we have done with natural gas?

Mr. LONG. That is what we have done with natural gas. We have sold it for below what it is worth. We have created a shortage. The shortage is not going to be corrected until the price comes back into line. Removal of price controls will produce more energy. Until we let the price of it come in line with the cost of creating energy with coal and oil, we will have a shortage. Furthermore, it will hold back the technology of developing coal and developing shale, because we are forcing someone to sell a product at a price which does not permit coal and shale to compete—that is, freely compete as they should.

Mr. HANSEN. The Senator is precisely right. For those persons who fear what might happen with deregulation, I should like to observe that it has been pointed out by many people that, well, this may be a good answer, it may be a way to do something about supply, but we would not dare take that, because the price would rise and the oil companies would make windfall profits.

All I can say to that argument is that, first, so far as the price rise is concerned, we do not have to worry about that. It will rise and if we do not do something about stimulating the domestic production in this country, recognizing that this Nation gets about 78 percent of all its energy from oil and gas alone, and having in mind that there was just recently, within the past week, negotiated a contract for 10 million barrels of oil from Nigeria at $16.80 a barrel, so that we are really going to have that price rise.

So that the best way we can avert what would otherwise be an even more serious condition facing the country is to pull out all the stops and do everything we possibly can to stimulate production here. Does not my good friend from Louisiana agree that that is correct?

Mr. LONG. The Senator from Wyoming is correct. He knows also that when one expresses fear that the domestic producer might make a windfall profit, he should look at what he has really succeeded in doing, that is, managed to keep the independent from making enough profit in order to stay in business. So that they have been liquidated. Half the independents, the oil and gas people, and half the oil producers—half have been put out of business. That is the case in Louisiana and I am sure it is the same in Wyoming.

Mr. HANSEN. Let me make this observation, talking about windfall profits the former president of the Petroleum

Association of America, presently the chairman of the National Petroleum Council, pointed out that the independent made an average of about 3.5 to 6 percent interest on his total investment. That is precisely the condition I think the Senator has in mind in addressing himself to this problem. I wanted to make that observation.

Mr. LONG. Plus that, the independents have been going out of business, selling their rigs, their drilling equipment, for anything they could get—including scrap. They are drilling half as many wells as they did 20 years ago. We need all those wells that could have been drilled before this time, because now we cannot get them operating again that quickly because of the shortsighted policy which has made this Nation so dependent on foreign oil for its energy generally. We are paying a price for it. The sooner we recognize that we have denied this industry—and I am talking about domestic production, I am not concerned about the fellow in Saudi Arabia, but the poor devil here who has to go out of business or contain his operations when the Nation needs his production so badly. In order to get it we have to give him a fair profit.

Mr. HANSEN. The Senator from Louisiana is so right. There is another source of energy we could tap. It has been estimated that we have roughly 40 billion barrels of proven oil reserves in America today and those on the Outer Continental Shelf.

If we recovered 1 percent more of that reserve on what otherwise would be recovered, there is 400 million barrels of oil available. The simple way, I think, that we could make certain we would have that oil is to let the price rise so that it would be profitable to produce it. Because, is it not a fact that of the roughly 350,000 stripper wells we have in this country today, and every well sooner or later becomes a stripper well as the production drops, when we reach the point where it costs as much to produce the oil as the oil sells for when we get it above ground, that is when that is a marginal well, that is the day we plug it.

If that is a fact, would not also follow, if we were to allow the price to rise, that we would have those wells pumped more days. We would get more oil out. The wells have an average production of three and a half barrels per day, so if we multiplied that by the 350,000 wells we have, we would have roughly 1,250,000 barrels of oil per day that would come from the stripper wells.

I should think it would be very much in the interest of America to get that oil brought out.

Now may I yield to the Senator from Washington (Mr. JACKSON) without losing my right to the floor.

Mr. JACKSON. Mr. President, I appreciate that. If I could offer two technical amendments, and they are at the desk, necessary to correct errors made in preparing the bill—I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. (Mr. HUDDLESTON). The amendments will be stated.

The legislative clerk read as follows:

(1) On page 82, at line 6, after the word "shall," insert the word "not".

(2) On page 71, at line 16, delete the word "stations", and insert instead the word "station".

Mr. JACKSON. Mr. President, these amendments are self-explanatory. They are purely typographical errors.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

Mr. JACKSON. Mr. President, I ask unanimous consent that Mike Tolson and Ben Cooper of my staff be granted the privilege of the floor during the consideration of the pending measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, the Senator from Louisiana and I were speaking about what could be done to increase supply. I say again that when we think about the amount of oil that is in place—it is there—for Senators who may not be too familiar with the oil industry, it is my understand that our techniques, the technology we have developed over the years is such that it has resulted in our being able to bring above ground and actually produce about 30 percent of the oil that is in place in the ground on the average. So anything we can do to make it more profitable to bring that oil above ground means that we will have that much more oil. It is that simple.

Now there are Senators who say we would not dare deregulate new natural gas because a price increase would result. I say simply that there is one thing worse for the workingman who has to go by automobile from his home to his job that would result to him from a rise in the price of gasoline, and that is not to have a job. It is just that simple.

Right today, because this is an energy intensive country, because this country does move, and work, and function, and almost live on oil, so to speak, it is terribly important that we have enough oil to go around. We are not going to have enough oil this winter, no matter what we do. So I think it becomes all the more important to do everything now that we can, as early as possible, to see that we do not cap any wells that could produce 1, 2, 3 barrels of oil per day. There is no point at all in our arbitrarily keeping the price down and making the oilman have to make the tough decision that will recommend that he close the well, or plug the well. Now what they are doing is to pull out the piping and sell the used pipe, which is worth more than the new pipe because we have held the price down on oil and gas but have also put a price on tubular goods, oil well casing, drilling bits, and that sort of thing. As a consequence, we have many things badly dislocated.

But I say again that the worst thing that can happen to an American these days is to be out of a job and to have a cold home. Though we will have some of that this winter, we will not have as much as will otherwise be the case if we persist in saying we are going to keep all the price controls on everything. It is just that simple.

I would hope that Senators, in voting later on the issue of decontrolling natural gas now, might stop to examine the alternatives and to ponder what their actions mean if they say, in an effort to assure their constituents that they are going to try to keep prices reasonable, they make no product available. It is like the lady who could not buy any of the 20-cent tomatoes because that grocer was out of tomatoes.

I think that most Americans this winter will vote for having oil and having to pay more for it than they will vote to have a low price on gas and having to buy that gas with welfare checks because they are out of a job.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. LONG. Mr. President, I did not hear the beginning of the Senator's statement, but he said something which I believe 1,000 percent.

As to having a lot of people out of work, all we have to do is turn on our television these days and see that another big plant has been closed down for lack of energy. Plants that manufacture private airplanes have been closing down, because in some instances 10 or 20 percent of the flights have been canceled. Airline pilots are told not to come to work, that they can have a big vacation, without pay, until further notice, which might be a year or two from now.

They are closing down automobile assembly lines, and those people are being laid off. Everywhere you turn, another industry is closing down because they are short of energy. They ought to be trying to find jobs for people in this country between now and Christmas. What better place to put somebody to work, with rising unemployment, which is going to be a very desperate problem between now and the spring, than drilling some wells or mining some coal or opening up some new energy sources for the people?

Is it not true that in Wyoming as well as in Louisiana, anybody who knows anything about the oil and gas business, if the materials are made available to them, will be out there in a hurry, drilling or mining or trying to find some sources of energy? All they need is the incentive and the opportunity to make a profit.

Mr. HANSEN. The Senator from Louisiana is correct. He is as right as rain. That is exactly the way it will be. The one certain, positive, unfailing way to achieve that incentive, to achieve the desire to do the job, is to make certain that that industry is assured a profit.

With the return on the invested money of 3.5 to 6 percent, it is easy to understand why the drilling rate has declined despite the fact that our users of oil and gas were going up all the time. We find out, just as was predicted in the 1950's, that as our degree of dependency upon foreign sources increases, our latitude, our flexibility, the options we have in the field of foreign affairs, decreases.

The Arab countries have made abundantly clear to America and to the rest of the world that they are going to say to the world, "If you get our oil, you are going to get it on our terms." I think they are driving home to many Americans what Congress had in mind and was aware of back in the 1950's, when it said, "Let us not develop a dependency upon any foreign source of supply."

People have said that we could always depend upon Canada; but, understandably, if I were a Canadian, I would do exactly what they are doing. When they run out of fuel, there is one person who comes ahead of an American, so far as they are concerned, and that is a Canadian. Is that not right?

Mr. LONG. I can recall the day when I stood here and debated this issue with the Senator from Wisconsin (Mr. PROXMIRE), and the press generally ridiculed me because I said that you could not rely upon having that Canadian oil available to you at all times. There might be reasons why the Canadians would not want it delivered. Someone suggested that it was not likely that we would have a war between the United States and Canada. But things other than war might cause the Canadians not to want to deliver the oil.

For example, the Arabs have now cut the Canadians off. The Canadians no longer feel like delivering oil to the United States. They were buying oil at world market prices and consuming it on their Eastern Seaboard, and in the West they were delivering oil to us at the American price, which is higher; so they won both ways. They got the world market price oil in the East, and they sold us their oil from the West at a higher price. One cannot blame the Canadians, when the Arabs cut off the oil on the Eastern Seaboard, if they used the oil in the West for their Eastern customers. They would be idiots not to do that.

Imagine the Prime Minister of Canada trying to explain to his people why people in Montreal and Quebec had to go cold for the benefit of the United States, when they had plenty of oil in the western part of Canada to take care of their needs.

One principle of democracy is that you are supposed to look after your own people first. Admittedly, in this country there are some who do not believe in that, but it is hard to get elected to office if you do not believe it.

Mr. HANSEN. My guess is that before this matter is over, despite all other considerations, despite Watergate, despite peace in the Middle East, despite Vietnam, and everything else, the one issue that is going to be uppermost and first in most people's minds, if their house is cold, if they are out if a job because the factory or the place of business where they work cannot get the energy, is, what are we doing about the source and supply of energy?

Would not the Senator agree with me that that is going to be the first question?

Mr. LONG. I could not agree more. If they are out of a job, they are going to be very concerned about that, and they will be very dissatisfied. If, in addition, they are cold, they are going to be twice as dissatisfied. I know that people are not going to vote for anybody they thought was responsible for their being cold and out of work.

I think it is about time that someone said here that it was not the oil import program that brought this mess about. The oil import quota system was designed to maintain here an energy system adequate to meet the needs of this country in the event the other countries did exactly what has happened. They would not let the oil import quota system work. It would have worked. Even with that limitation, the quota system did sustain enough of an oil and gas industry and coal industry so that at least we do have something for the American people. We are able to meet perhaps 75 percent of the requirements; but we would not have been able to meet 50 percent if we did not have the quota system.

Mr. HANSEN. We did not let it work for two reasons. First, we started making a lot of exceptions, so that instead of keeping it at 12.2 percent of imports, we kept it at 30 percent.

Second, we slapped on regulations that never let the domestic industry have the encouragement it would have had if we had let it keep pace with the consumption of oil.

We regulated natural gas and through one mechanism or another we either discouraged outright or in devious ways kept the price of oil and gas down. As a consequence we find today in America—and I was looking at the figures today of 1 month ago—the price of gasoline in this country is about one-half of what it is in the country with next lowest price, outside of the Arab countries. In one of the European countries it is practically double what it is here; and in the other European Common Market countries it is three times as much as it is here in America despite our standard of living, and our average annual wage or income, however one measures it, is far in excess of the other places. Yet these countries have gotten along and survived. I imagine many Americans are going to say, "It is all well and good to try to keep the price depressed, but we better change our tack when you are making it impossible for me to keep my house warm or for me to keep my job."

Mr. President, those are the issues that we have to face.

Mr. LONG. I thank the Senator.

Mr. HANSEN. I thank my colleague for his contributions.

Mr. FONG. Mr. President, it is heartening to know that the Senate is considering today legislation supporting geothermal energy as a part of the National Energy Research and Development Policy Act of 1973. I earnestly hope the Senate will give the geothermal provisions of the bill, S. 1283, the approval it merits.

Hawaii has a special interest in geothermal energy as a means of helping meet the energy crisis. Earlier this year the University of Hawaii was awarded a $252,000 grant by the National Science Foundation to launch a geothermal project on the island of Hawaii. Its objective is to investigate the potential of developing geothermal power for the State.

During the initial phase of the investigation, geological and geophysical surveys will be made in order to obtain data on the heat budget of the island and to identify the location of potential geothermal sources. Engineering, environmental, and socioeconomic tasks are also planned in order to evaluate the technical feasibility of power generation on the various islands of the State, should appropriate resources be discovered, and to assess the impact of such a development on the Hawaiian economy and lifestyle.

The project is cofunded by the State and the county of Hawaii and has raised the interest of the private utilities in the State.

The geothermal project is important to Hawaii because the State is now totally dependent on imported fossil fuels for its energy requirements.

The project has national relevance because data derived from it can be applied to subsurface heat sources found throughout the western half of the United States.

I am in hearty accord with the provision of S. 1283 which declares the policy of the Congress is to facilitate commercial development of geothermal energy by authorizing the Secretary of the Interior to guarantee loans for such purposes.

Hopefully, research into geothermal sources in Hawaii and elsewhere will expand the technology base for geothermal energy and help develop a low-pollution power source for Hawaii and the Nation. The loan guarantee program of S. 1283 can be most helpful in assisting the commercial development of practicable means to produce useful energy from geothermal resources with environmentally acceptable processes.

Mr. BAYH. Mr. President, as one who has long advocated an increased Federal effort in energy research and development, I was pleased to sponsor this legislation when it was introduced last March and rise today to urge its passage.

We are talking about spending a lot of money; $2 billion a year represents a significant, yet essential, commitment to making this Nation energy self-sufficient. This is an investment in our future economic well-being and crucial to removing an unacceptable dependency on foreign sources of energy.

As I said last March when I joined with the Senator from Washington (Mr. JACKSON) in introducing this bill:

> One essential point about the energy crisis which I fear is too little understood by the public is that we do not have a fuel shortage, we have a shortage of clean fuels. Suffice to say that unmined coal in the United States would easily meet our energy needs through the middle of the next century.

But we cannot use most of that coal in its present form to generate electricity or power our plants without paying an unacceptable price in poisoned air and widespread human suffering. So the obvious step, and one I have been working to achieve for years, is to develop commercial means of using that coal cleanly and efficiently.

This legislation provides hope that we are finally ready to make the commitment to take the laboratory-proven techniques of coal gasification and liquifaction and make them usable on a large-scale. If this is done it will free up limited oil supplies for those uses where only oil will work, and it will guarantee that essential energy needs will be met for the foreseeable future.

I cannot help but recall that efforts other Senators and I made in previous years to increase the funding for the Office of Coal Research were rebuffed by the administration. Valuable time was lost, delaying the day when coal can take its rightful place in satisfying our essential energy requirements.

Even when this legislation was introduced 9 months ago we were told by the administration that such a commitment to energy research and development by the Federal Government was not necessary. Yet as the seriousness of our energy problem struck home, the administration came up with an energy R. & D. proposal which in dollar amounts and the key goal of self-sufficiency exactly parallels this legislation.

Mr. President, the United States simply cannot expect our huge and complex economy to function smoothly if it is heavily dependent on foreign energy sources. We cannot permit our economy to grind to halt, any more than we can let our foreign policy be dictated to by other nations. The only long-term alternative, then, is to fulfill the objective of U.S. energy self-sufficiency and this bill is a carefully considered, balanced vehicle to reach that goal. I urge its passage and hope the House of Representatives will follow our lead promptly so we do not delay this necessary effort any longer.

H.R. 11324—SUBSTITUTION OF CONFEREE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the name of the Senator from Maryland (Mr. BEALL) be added and that the name of the Senator from Alaska (Mr. STEVENS) be deleted as a conferee on H.R. 11324, to provide for daylight saving time on a year-round basis.

The PRESIDING OFFICER (Mr. HUDDLESTON). Without objection, it is so ordered.

ATTORNEY GENERAL'S COMPENSATION AND MEMBERS FRANKING PRIVILEGE (H.R. 11710)—ORDER FOR BILL TO BE HELD AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 11710 be held at the desk temporarily.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object, what is that bill?

Mr. ROBERT C. BYRD. The so-called emoluments measure, from the other body.

Mr. ALLEN. What would be the action if it were objected to? Would it go to committee?

Mr. ROBERT C. BYRD. If this were objected to it would go to committee, yes.

Mr. ALLEN. Would the distinguished assistant majority leader be kind enough to explain what the bill is and what the purpose is of keeping it from going to committee?

Mr. ROBERT C. BYRD. The purpose of keeping the measure at the desk at the moment is to await the return of the Senator from Wyoming (Mr. MCGEE), who is the chairman of the Committee on Post Office and Civil Service, to see what his wishes may be in regard thereto.

Mr. ALLEN. I see. The bill, then, would not go to committee?

Mr. ROBERT C. BYRD. It would not go today, but upon his return—he was expected to return today but because of difficulties in arranging a flight reservation he could not be here today. Upon his return perhaps he will want the bill to go to his committee or perhaps he will not.

Mr. ALLEN. I wonder if we might agree it be held over until tomorrow awaiting the return of the distinguished Senator from Wyoming, and at that time the request might be made. In other words that it not go to committee at this time, but renew the request tomorrow.

Mr. ROBERT C. BYRD. That will be all right. If I do not make the request today it would go——

Mr. ALLEN. By unanimous consent it would remain at the desk until tomorrow.

Mr. ROBERT C. BYRD. That is all I asked for. If we do not get some consent request agreed to it will go to the committee.

Mr. ALLEN. But at that time it will go to the committee if further unanimous consent is not given that it remain at the desk.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. ALLEN. What is the unanimous-consent request as modified?

The PRESIDING OFFICER. That the mentioned legislation be held at the desk.

Mr. ALLEN. Well, I ask that the distinguished assistant majority leader amend that; that it be held at the desk until tomorrow awaiting the return of the Senator from Wyoming (Mr. MCGEE), and at that time if unanimous consent is not given for further holding, it go to the committee.

Mr. ROBERT C. BYRD. Well, why do we not just agree that the bill be held at the desk temporarily until tomorrow awaiting the return of the Senator from Wyoming.

Mr. ALLEN. There is no need for "temporarily" to be there.

Mr. ROBERT C. BYRD. The word "temporarily" does not do any damage.

Mr. ALLEN. I disagree with the distinguished assistant majority leader.

Mr. ROBERT C. BYRD. Not as long as the words "until tomorrow," are included.

Mr. ALLEN. Of course, we hold it over until tomorrow.

Mr. ROBERT C. BYRD. I am not particularly wedded to the word "temporarily."

Mr. President, I ask unanimous consent that H.R. 11710 be held at the desk until tomorrow, awaiting the return of the Senator from Wyoming (Mr. MCGEE).

Mr. ALLEN. At which time further request would be made.

Mr. ROBERT C. BYRD. I would like to wait until tomorrow to determine that.

The PRESIDING OFFICER. The Chair would inquire of the Senator from West Virginia if it is to be until the close of business tomorrow.

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. If it be what?

The PRESIDING OFFICER. Be held until the close of business tomorrow.

Mr. ALLEN. Well, will there be no action until that time?

Mr. ROBERT C. BYRD. No; that will be the latest at which action could be taken.

Mr. ALLEN. But action must be taken on it tomorrow to prevent it from going to committee.

Mr. ROBERT C. BYRD. Yes; but it does not rule out action on tomorrow.

Mr. ALLEN. But some action must be taken on it during the day tomorrow or it will go to committee. Is that correct?

Mr. ROBERT C. BYRD. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. I have no objection to the modified request.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON CONFERENCE REPORT ON H.R. 8877, DEPARTMENTS OF LABOR, HEW, AND RELATED AGENCIES APPROPRIATIONS, 1974

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the consideration of the conference report on H.R. 8877—appropriations for the Departments of Labor, Health, Education, and Welfare, and related agencies—debate thereon be limited to 2 hours, to be equally divided and controlled by the manager of the conference report (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON);

Further, that debate on any motion or appeal relating to the conference report be limited to 20 minutes, to be equally divided and controlled by the manager of the conference report and the mover thereof;

Further, that after the adoption of the conference report, debate on any amendment reported in disagreement be limited to 10 minutes, to be equally divided and controlled by the manager of the conference report and the Senator from New Hampshire (Mr. COTTON), and that any amendment which might be offered to any one of these be limited to 10 minutes, to be equally divided and controlled by the mover of such amendment and the manager of the conference report, which amendment must be germane;

Further, that should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to one-half hour, to be equally divided and controlled by the manager of the conference report and the Senator from New Hampshire (Mr. Cotton), and should any motion be made to instruct the conferees before the conferees are named, any debate on any such motion shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the conference report (Mr. Magnuson), and debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the conference report.

In all cases when the manager of the conference report is in favor of a motion, or appeal or amendment, the time in opposition shall be under the control of the minority leader or his designee.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, needless to say that is a very complicated unanimous-consent request. I am advised by the staff that this has been cleared with the Senator from New Hampshire.

Mr. ROBERT C. BYRD. Yes, I am so advised.

Mr. GRIFFIN. And the Senator from New York (Mr. Javits).

Mr. ROBERT C. BYRD. The Senator from New York. Yes, I am so advised.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF MR. KENNEDY TOMORROW AND FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND CONSIDERATION OF THE CONFERENCE REPORT ON THE HEW APPROPRIATION BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following recognition of the two leaders or their designees tomorrow under the standing order, the Senator from Massachusetts (Mr. Kennedy) be recognized for not to exceed 15 minutes, after which there be a period for the transaction of routine morning business, not to extend beyond the hour of 11 a.m., at which time the morning business be closed and the Senate proceed to the consideration of the conference report on the HEW appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR SENATE TO RETURN TO CONSIDERATION OF THE ENERGY RESEARCH AND DEVELOPMENT BILL (S. 1283)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the conference report on the HEW appropriation bill tomorrow, the Senate return to the consideration of Calendar Order No. 567, S. 1283, the energy research and development bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER THAT UNFINISHED BUSINESS BE TEMPORARILY LAID ASIDE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow the unfinished business be laid aside temporarily and remain in a temporarily laid aside status until the close of business tomorrow or until the disposition of S. 1283, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM THURSDAY TO FRIDAY AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until the hour of 10 a.m. on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow at 10:30 a.m. After the two leaders or their designees have been recognized under the standing order, the distinguished senior Senator from Massachusetts (Mr. Kennedy) will be recognized for not to exceed 15 minutes, after which morning business will ensue, not to extend beyond the hour of 11 a.m., with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will take up the conference report on the HEW appropriation bill, under a time limitation. It is anticipated that there will be at least one yea-and-nay vote, that being on the adoption of the conference report.

On the disposition of the conference report, the Senate will resume consideration of S. 1283, the energy R. & D. bill, under no time limitation, as of now. Yea-and-nay votes are anticipated on amendments, motions, et cetera.

I think that will take up most of the day tomorrow, except, I should remind our colleagues that after the House has acted on the nomination of Mr. Gerald R. Ford to be Vice President of the United States tomorrow afternoon—I would assume it would be something on the order of 4:30 or 5 o'clock p.m.—the Senate will recess and go over in a body to the House of Representatives for a joint session, and following that, the Senate will return to this Chamber, being led in a body by the new Vice President of the United States.

Mr. GRIFFIN. Mr. President, if the majority whip will yield, I am glad he added that to the program.

The PRESIDING OFFICER. May the Chair inquire whether or not the Senator from West Virginia intended that remarks within the period for the transaction of routine morning business be limited to 3 minutes?

Mr. ROBERT C. BYRD. Yes, statements therein to be limited to 3 minutes, the period itself not to extend beyond the hour of 11 o'clock a.m.

The PRESIDING OFFICER. Very well. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, it is my understanding that the hope is that the vote in the House will come at about 3:30 in the afternoon and that the House will then recess. I think it is expected that the ceremony will take place about 4:30. So presumably the Senate will recess sometime before 4:30 and proceed in a body over to the other House for a joint session, and then come back.

Mr. ROBERT C. BYRD. Yes.

Mr. GRIFFIN. I expect that the joint leadership will escort the person who we hope will be the Vice President and that he will have an opportunity to address the Senate, which would be his first and only opportunity.

Mr. ROBERT C. BYRD. Yes; it would be most appropriate.

Mr. GRIFFIN. I would like to have a good turnout of Senators for that occasion.

Mr. ROBERT C. BYRD. Yes. The distinguished majority leader has asked me to state that upon the return to the Senate of the Members of this body, the new Vice President will be accorded the opportunity and courtesy to address the body over which he will be the new Presiding Officer, and then, after he speaks to the Senate, Senators may wish to respond. I am sure the distinguished majority leader and distinguished minority leader will do so—and any other Senator who wishes to do so may do so. The Senate would then go over until Friday.

Mr. President, by way of looking down the road just a little further, action will continue on the energy R. & D. bill tomorrow. I do not anticipate that action will be completed on that bill tomorrow. Hopefully, it will be, but it will more likely be Friday, perhaps.

Mr. HANSEN. Mr. President, if the distinguished acting majority leader would yield, it would be my opinion that he is quite right in presuming that action will not be completed. Insofar as this Senator knows from the number of Senators who have indicated that they propose amendments and the time we might reasonably anticipate for that purpose, I think that conclusion is warranted.

Mr. ROBERT C. BYRD. Yes. I do not anticipate a Saturday session at this moment. However, as I have stated in previous whip notices, at this juncture of the session, with a good many measures still to be acted on in this session, I do not think Saturday sessions should be ruled out, but it will depend upon circumstances at the time.

On Monday it is anticipated that, if the energy R. & D. bill has been completed on Friday or Saturday of this week, the Senate will then proceed to take up the special prosecutor legislation.

Hopefully by Tuesday the Senate could proceed to the measure dealing with Northeast and Midwest rail services.

All of this is tentative, and nothing is to be taken as final, by way of sequence, as to which measures will be called up first or when they will come up, but later on next week, if not before, it would be hoped that the Senate could take up S. 2176, a bill to provide for a national fuel and energy conservation policy, to establish an Office of Energy Conservation in the Department of the Interior, and for other purposes.

Also, there is H.R. 8449, an act to expand the national flood insurance program.

There is also the bill to establish a legal services corporation.

Next week possibly the supplemental appropriation could be taken up. That is still up ahead.

Also to be considered before adjournment sine die is the Defense appropriation bill, which came over from the other body only last Saturday, and the foreign aid appropriation bill. Of course, conference reports can be called up at any time.

Does any Senator wish the floor before I move to adjourn?

ADJOURNMENT TO 10:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand adjourned until the hour of 10:30 a.m., tomorrow.

The motion was agreed to; and at 5:39 p.m. the Senate adjourned until tomorrow, Thursday, December 6, 1973, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate December 5, 1973:

Commission on Civil Rights

Arthur S. Flemming, of Virginia, to be a Member of the Commission on Civil Rights, vice Maurice B. Mitchell, resigned.

The Judiciary

Albert J. Engel, of Michigan, to be a U.S. circuit judge for the sixth circuit vice W. Wallace Kent, deceased.

Russell James Harvey, of Michigan, to be U.S. district judge for the Eastern District of Michigan vice Ralph M. Freeman, retired.

In the Coast Guard

The following-named officers of the Coast Guard for promotion to the grade of lieutenant commander:

Charles J. Robinson
Wallace S. Worthington
Ronald W. Williams
Donald C. Myers, Jr.
Arthur L. Ruedisueli
Robert E. Beatty
Robbin F. Krause
Eugene K. Johnson
William Schorr
Raymond V. Cicirelli
Ronald E. Fritz
Anthony J. Pettit
Holmes M. Dillian
John T. Potts, Jr.
Harry D. Hamilton
Walter N. Smith
Paul D. Litts III
Michael Hendrickson
Carl T. Johnson
Ralph F. Lutz
Ray C. Hiner
John D. McCormack
James V. Timmerman
George D. Davis
Malcolm R. Smith
James M. Loomis
James E. Kenney
Lee F. Bellar
Kenneth J. Hamilton
David B. Simpson
Everett A. Howe
Carrol D. Christianson
Larry K. Lewark
Wade A. Johnson
Edward B. Donnelly
Patrick A. Wendt
John R. Huddleston
James T. Robertson
William McPherson
Roland H. Boughton
Billy H. Baldwin
Edward H. Bonekemper III
Norman E. King
Cullis L. Holub
Larry C. Evans
William S. Griswold
Gordon T. Kampert
Roger G. Love
David I. Scott
Frank M. Readinger, Jr.
William P. Wolfe
John S. Cameron, Jr.
Charles A. Thornton
Maxie M. Berry, Jr.
Carl A. Powers
Charles E. Fulcher
Alan R. Hinds
Donald O. Tilton
Jewel E. Laqua
Jesse L. Long
Lionel F. Crossman
Joseph E. Decosta
James K. Easter
Hugh C. Teel
George S. Lee
Philip Ellia
Patrick T. Denney
Ronald E. Buzhardt, Jr.
Lyle H. Dever
Colon P. Butler
William C. Drexler
Stanley C. Schmelz
James B. Ellis II
Gary L. Cousins
Gary R. Wilkins
Charles A. Vedder

The following-named Coast Guard Reserve officers to be permanent commissioned officers in the Regular Coast Guard in the grade of lieutenant:

Michael P. Lovett
Fletcher W. Brown III
Robert E. Luchun
Dick A. Wilson
Richard D. White, Jr.
Kenneth A. Rock
Robert E. Maloney
George R. Speight, Jr.

Department of State

Francis T. Underhill, Jr., of New Jersey, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

Francis L. Dale, of Ohio, to be the representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

CONFIRMATIONS

Executive nominations confirmed by the Senate, December 5, 1973.

Federal Metal and Nonmetallic Mine Safety Board of Review

Robert W. McVay, of Missouri, to be a member of the Federal Metal and Nonmetallic Mine Safety Board of Review for the term expiring September 15, 1968.

(The above nomination was approved subject to the nominee's commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.)

In the Public Health Service

Public Health Service nominations beginning Harry Allen, to be medical director, and ending Edwin P. Yarnell, to be a health services officer, which nominations were received by the Senate and appeared in the Congressional Record on Oct. 9, 1973.

HOUSE OF REPRESENTATIVES—*Wednesday, December 5, 1973*

The House met at 12 o'clock noon.

Rev. Jack D. Mick, Baptist Church, Dorena, Mo., offered the following prayer:

Our Father, we ask Thy blessing upon this group as they meet today. We ask Thy blessing upon our country. We know that every good and perfect gift comes down from above. Have Your way now in each of our lives. For Jesus' sake we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 11324. An act to provide for daylight saving time on a year-round basis for a 2-year trial period, and to require the Federal Communications Commission to permit certain daytime broadcast stations to operate before local sunrise.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11324) entitled "An act to provide for daylight saving time on a year-round basis for a 2-year trial period, and to require the Federal Communications Commission to permit certain daytime broadcast stations to operate before local sunrise," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PASTORE, Mr. MAGNUSON, Mr. STEVENSON, Mr. COTTON, and Mr. STEVENS to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 584. An act to amend the act entitled "An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes," approved November 5, 1966;

S. 903. An act to provide for the addition of the names of the States of Alaska and Hawaii to the list of the 48 States inscribed upon the walls of the Lincoln National Memorial;

S. 979. An act to authorize the establishment of the Springfield Armory National Historic Site, Mass., and for other purposes; and

S. 1039. An act to authorize appropriations for additional costs of land acquisition for the national park system.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that on tomorrow, December 6, during the joint meeting to be held in connection with the swearing in of the Vice President, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House except those persons having the privilege of the floor of the House.

REV. JACK MICK

(Mr. BURLISON of Missouri asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURLISON of Missouri. Mr. Speaker, I am delighted that my valued friend and fellow Baptist, the Reverend Jack Mick, was present as my guest to offer the opening prayer. He has given many years of dedicated service to his church and to his community, serving now the fine country church at Dorena, Mo., just off the Mississippi River in the county of Mississippi in my district.

THE EPA HAS OVERSTEPPED ITS AUTHORITY

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, the Environmental Protection Agency has set up a dictatorial regime that would boggle the mind of even Adolph Hitler.

In California, under the guise of improving the environment, the EPA has proposed a tax on businesses, schools, cemeteries, shopping centers, and even churches and hospitals, and has even gone so far as to ban their construction.

Their logic is based on the premise that parking spaces are a primary cause of air pollution. Thus, if they can eliminate parking, they can eliminate pollution.

This is something akin to equating people with sickness—obviously if you ban the people, you eliminate sickness, but is that the goal?

If they followed this irrational logic a step further, they could eliminate births in order to eliminate people and thus attain a pristine environment.

Mr. Speaker, the EPA has overstepped its authority, and has assumed powers that it does not possess.

It is time for Congress to leash this bureaucratic monster and bring some degree of commonsense to our policies designed to eliminate or curb pollution.

NEW ENERGY CZAR

(Mr. HAYS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I thought the membership would like to know that the new energy czar, Mr. Simon, was handpicked by, and is a close friend of, Mr. John Mitchell.

According to the New York Times, Mr. Simon gave up a $3 million-a-year income to come down here to work as Under Secretary of the Treasury, and ultimately to be the energy czar.

I am sure that a man with a $3 million income will have a very fine understanding of the gasoline problems of the worker who is going to be given 10 or 12 gallons a week, but whose job is 60 miles away from where he lives. I just thought that all of the Members might not be too comfortable knowing about Mr. Simon's background. Personally I am not.

UNIFIED DIRECTION AND LEADERSHIP NEEDED TO LESSEN IMPACT OF ENERGY SHORTAGES

(Mr. JONES of Oklahoma asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. JONES of Oklahoma. Mr. Speaker, in the next several weeks we tackle a series of difficult bills to lessen the impact of the energy shortages. Soon we will take up the emergency energy bill. There are many necessary parts of that legislation, which I admit; however, I am very reticent to support it for one very simple reason. I have absolutely no confidence that the administration of these enormous new powers will be conducted in a fair or sensible fashion.

This reluctance is based on the past performance of the executive branch in the energy field. The Office of Petroleum Allocation is characterized by confusion, unresponsiveness, lack of understanding, and a total unwillingness to accept responsibility.

To date, the Nation and the energy industry have listened to a cacophony of energy voices from the executive branch, with no semblance of unified direction or leadership. Such discord thwarts the very attempt of the industry to get this Nation on the road to energy self-sufficiency.

Before I vote to give broad, new powers to those who have misused them in the past, I will have to be convinced that there will not be further mismanagement in the future.

SIXTY-TWO MEMBERS COSPONSOR LEGISLATION TO OPEN ELK HILLS NAVAL PETROLEUM RESERVE

(Mr. KETCHUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KETCHUM. Mr. Speaker, I rise to inform this body that as of this date 62 Members of both parties and from all sections of the United States have cosponsored legislation to open the Elk Hills Naval Petroleum Reserve. House Joint Resolution 832, as the body knows, was introduced by the distinguished chairman of the Armed Services Committee. I again commend him for this responsible action. Admiral Moorer, Chairman of the Joint Chiefs of Staff, indicated the desperate need for fuel for the armed services in a recent U.S. News & World Report article. I find it difficult to understand why the admiral has not written each Member of the Congress to urge the Elk Hills opening. Be reminded, my colleagues, each day Elk Hills remains closed denies your constituents and mine, a potential 7,560,000 gallons of fuel. I again urge, Mr. Speaker, action on House Joint Resolution 832 or its companion, House Joint Resolution 838.

HEARINGS ON BANK HOLDING COMPANY

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, because of the widespread interest shown in the administration of the Bank Holding Company Act Amendments of 1970, I have today sent the following notice to members of the Domestic Finance Subcommittee of the House Banking and Currency Committee announcing that hearings will be held on this subject early in the next session of Congress:

MEMORANDUM

From: Chairman PATMAN.
To: Members of Subcommittee on Domestic Finance.
Subject: Bank Holding Companies.
Date: December 4, 1973.

As you are no doubt aware, a number of actions have taken place during the last several months concerning many important issues involving the Bank Holding law.

Earlier this year, in March, the Subcommittee instructed the staff to study this question and come up with some recommendations for legislative action. This was forthcoming as part of the August 1973 *Staff Report on Financial Institutions: Reform and the Public Interest.*

In addition, bills have been introduced, the Federal Reserve has issued several critical rulings and held a number of hearings, and several aspects of this problem have been brought to our attention during our hearings on the Credit Crunch and Reform of Financial Institutions this past September. A growing volume of mail has also been received.

In light of the above, it is my strong conviction that the Domestic Finance Subcommittee hold hearings on proposed revisions to the Bank Holding Act early in the next session of Congress. I will notify you of the exact date of the hearings immediately upon the reconvening of the next session.

BILL SIMON: WILL SUCCESS SPOIL PUBLIC SERVICE?

(Mr. FRENZEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FRENZEL. Mr. Speaker, there have been a couple of speeches on the floor of this House in the last 2 days about the new Director of the Federal Energy Agency, Mr. William Simon, now Deputy Treasury Secretary. Some of the remarks have indicated that he may be less than satisfactory because he had a successful business career. I, personally, do not believe that the success should count against anyone.

In my brief experience with Mr. Simon I have found him to be an extremely capable fellow, and perhaps the first man in the administration to understand the problems of, and need for fuel oil allocations, particularly as they apply to the difficult areas, such as the Upper Midwest and New England.

It is my belief no matter what Mr. Simon does he will make no friends, because his is a very difficult job. But I have every reason to believe he will handle it very well.

PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT TO FILE PRIVILEGED REPORTS

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules I ask unanimous consent that the committee may have until midnight tonight to file privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CONFERENCE REPORT ON H.R. 8877, LABOR, HEW APPROPRIATION BILL FOR FISCAL YEAR 1974

Mr. FLOOD. Mr. Speaker, I call up the conference report on the bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of November 30, 1973.)

The SPEAKER. The gentleman from Pennsylvania is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, remember me? This is the Labor-HEW appropriation bill. We played this before.

Mr. Speaker, on November 13—by the way, believe this or not, the House passed this bill on June 26, 1973; remember?

All right. On November 13, the House considered a conference report on H.R. 8877, the Labor-HEW appropriation bill for fiscal year 1974 and, by a vote of 272 to 139, recommitted the report to the committee of conference; so we got the message. By "we" I mean the House conferees.

Since then, the conferees have met and agreed upon the revised report which we have under consideration today. The conferees have made two changes in the previous conference agreement and I will describe them for the Members very briefly. They are not complicated.

First, and this is the old can of worms, we have modified the so-called hold-harmless provision for the grants under title I of the Elementary and Secondary Education Act. This provision was the subject, if I can understate it, of a great deal of debate in connection with the previous conference report. It was clearly the primary reason for the vote to recommit, no doubt about that.

Now, the motion which I shall offer at the appropriate time here in connection with Senate amendment No. 32 will provide that States shall receive no less than 100 percent and no more than 120 percent of the amounts they received in fiscal year 1973.

Now, within the State allocation local education agencies shall receive no less than 90 percent of the amounts they received in fiscal year 1973, with no ceiling. There it is.

This provision is almost identical to the proposal made by the gentleman from Minnesota (Mr. QUIE) in the November 13 debate on the previous conference report.

The Senate conferees were adamant in their refusal to accept the amendment of the gentleman from Minnesota in toto. In order to obtain their approval, we had to agree to add three words to the gentleman's proposal. These three words establish a State, as well as a local, hold-harmless provision.

I can assure the Speaker that this is the absolute best compromise which can be achieved at the present time, considering the strong views on the subject which have been expressed in this House and the contrary views which prevail in the other body.

I am confident, under all the circumstances, that the House will support this compromise. We must not allow this title I controversy to further delay or perhaps even prevent the enactment of this $33 billion appropriation bill for the Departments of Labor, Health, Education, and Welfare which affects every man, woman and child in this country.

Now, the second change from the previous conference agreement is incorporated in the motion which I shall offer in connection with Senate amendment No. 1. The conferees have agreed upon a provision which will permit the President to withhold up to $400 million of the amounts appropriated, with no program to be reduced more than 5 percent.

We have included—and this is as plain as the nose on your face—we have included in the joint statement of the managers a very detailed, and I mean detailed, table, showing exactly, and I mean exactly, how this reduction is to be made by appropriation, by activity and by subactivity.

There was a strong conviction, and I mean strong, among the House conferees that if a reduction is necessary, the Congress—the Congress, not the President—must decide the programs to be cut. That is the way it is; that is all there is; there isn't any more. Remember that line?

Now, the rules of the House and of the Senate made it impossible for the conferees to rewrite the bill item by item—you know that—but instead we propose to insert language in the enacting clause of that bill, which read together with the explanation I am talking about and the table I told the Members about in the joint statement of the managers, has virtually the same effect. Now, it is no secret that the Labor-HEW appropriation bill was headed for a Presidential veto, which most probably could not have been overridden in the House. The House bill was $1.3 billion over the budget request. The Senate bill was $1.8 billion over the budget request. The conference agreement was $1.4 billion over the budget, so there you are.

And by the way, several of the House conferees declined to sign that first conference report. Remember? It seemed very likely that the programs funded by this bill would be operating under another one of these continuing resolutions for the second consecutive year.

After the conference report was recommitted, there were indications that it might be possible to reach a compromise with the President to have this signed, or if he did not sign it, that we could muster a two-thirds majority in the House and Senate to override the Presidential veto. And, this proposed amendment represents just such a compromise. It permits—permits but does not require—a reduction in the bill up to that $400 million with very, very specific directions as to where and how those reductions are to be made.

I might add, Mr. Speaker, that there is absolutely nothing whatsoever—now, I repeat this for the purpose of emphasis, and the Members are entitled to it—there is absolutely nothing whatsoever in this proposal which affects in any way, shape or form, any court suits, past or present, or future, or what have you, for the release of impounded appropriations. That is accompanied by an exclamation mark.

Furthermore, let me make this perfectly clear—and I should insert a comma there—by no stretch of the imagination should the provision be construed as recognizing any inherent power of the President to impound appropriated funds, or authorizing the President to withhold funds over and above that $400 million which is specifically named in this amendment.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield on that point?

Mr. FLOOD. Yes, I will yield in just a moment.

Mr. Speaker, first I just wish to strongly urge all of the Members to support this conference report and this agreement.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I will be glad to yield to my distinguished friend, the gentleman from New Jersey (Mr. THOMPSON) because he has been on this subject since the memory of man, and nothing said to the contrary can refute that. I would like to hear what the gentleman has to say.

Mr. THOMPSON of New Jersey. Mr. Speaker, perhaps I should know, in that event, better than to ask this question.

Did either the version of the other body or the bill of the House have a provision in it under which $400 million could be withheld or impounded?

Mr. FLOOD. No, none whatsoever.

Mr. THOMPSON of New Jersey. In other words, as I understand it, then, that is the situation and that was my understanding.

Do I understand the situation now to be this: By the device of using the enacting clause, the gentleman is in effect granting authority for a $400 million impoundment by specifically and categorically limiting it?

Mr. FLOOD. In effect, that is it. We all know what we are up against. We got back to the issue, just like we did before, and so out of an abundance of caution, this was the result. We can imagine that a veto is not a very happy thing for other Members either, if the gentleman knows what I mean.

Mr. THOMPSON of New Jersey. I know it is not, but I am constrained to think that this is a $400 million collapse, or it is a gesture made in order to get a signature.

Mr. FLOOD. Mr. Speaker, it depends upon which way one looks at that.

I can take my moustache off and say, "Yes," but I do not mean that, if the gentleman can understand that sentence.

Mr. THOMPSON of New Jersey. Yes, I understand.

Mr. MICHEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will say to the Members of the House that I certainly wish to concur with what my chairman has just told us.

It was my motion 3 weeks ago that recommitted the conference report to the conference committee, and it was my feeling at the time that because of the level of the bill over the budget, $1,376,000,000, and the fact that there was not agreement on the title I formula, we needed more time to work this thing out so that we would have a chance for a Presidential signature.

It seems to me very unfortunate that we have been operating under a continuing resolution for so long. I think all of us in this body and in the other body would have to agree it would be much more preferable for us to have a signed bill. So it was with that in mind, to buy time, that I offered that motion several weeks ago, and I think the time has been well spent.

The conferees in the House have spent many hours with the other body in trying to reach an agreement, and I think we have the proper kind of agreement now—a reduction of $400 million more if the President or his administration chooses to exercise that option, by reducing no item more than 5 percent, and a revision of the Quie amendment that makes it more palatable to the other body. This was a classic kind of compromise in which everyone had to give a little bit.

So I am very happy that we have reached this accord in the conference. I support the agreement and I would expect that as soon as we get it down the street we will have a signed bill within short order.

Mr. CASEY of Texas. Will the gentleman yield further?

Mr. MICHEL. I am happy to yield.

Mr. CASEY of Texas. I thank the gentleman for yielding.

I would like to point out to the House that if we had gone back and rewritten the bill and cut off $400 million and then come back to the House, they who want more money would have been in worse shape than they are in this bill, because this bill in effect has the effect of saying while cuts may be made up to $400 million, still that amount in the original conference report is still available.

Mr. MICHEL. Yes.

Mr. CASEY of Texas. So we are in better shape than if we had to go back and completely rewrite it and come up with a new bill and cut $400 million

Mr. MICHEL. The gentleman makes a very good point. The only reasonable course we could have taken under the circumstances is this, because it absolutely assures that in making that kind of a reduction, if it is to be made, no program—no program—in this bill can be hurt to any degree. I think all parties are amenable to the fact that if it should be their program, it will be no more than 5 percent.

Mr. CASEY of Texas. Will the gentleman yield further?

Mr. MICHEL. I yield.

Mr. CASEY of Texas. It is still way over the budget, for those who want more money.

Mr. MICHEL. It certainly is. It is $978 million over the budget. I must confess that that is pretty much for this Member to swallow. However, we have been over these traces so many times and there has been so much hard work put into this thing by members of the subcommittee particularly and in the times that we have had to come back to you here in this body that I believe we have done the very best we can in the true spirit of compromise that we have to engage in.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am glad to yield to the gentleman.

Mr. CEDERBERG. I would like to ask the chairman of the subcommittee a question, if I may, as a matter of clarification. This has to do with the family practice residency program. It is my understanding the original legislation before the 5-percent cut was $10 million funded to support grants to the public and private nonprofit hospitals and for training programs in the specialty of family medicine. Under this provision there is a possibility that that can be reduced 5 percent or $500,000 from the $10 million. However, I recognize, as I represent a substantial rural area where we need a great deal of family physicians and a redistribution of our medical manpower, that if the administration saw fit not to exercise its option to reduce this by 5 percent, they could do that. Is that correct?

Mr. MICHEL. In view of the attention of the chairman being diverted for a moment, I would be happy to respond to the gentleman. What he says is absolutely true. I would expect from what I am inclined to believe is the administration policy that there really would not be that kind of a cut.

Mr. CEDERBERG. Because the family physician I think is the one who is neglected probably more than many of the others.

Mr. MICHEL. I certainly have to agree with the Member.

Mr. FLOOD. Will the gentleman yield?

Mr. MICHEL. Of course I yield to the chairman.

Mr. FLOOD. I would hasten to support Mr. MICHEL on that. By all means that is the feeling of this subcommittee, as you know.

Mr. CASEY of Texas. I thank the gentleman.

Mr. FLOOD. Oh, yes.

Mr. QUIE. Will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, today, when the House votes on the acceptance of the second conference report on H.R. 8877, the Labor-HEW appropriations bill, it is my intention to support the conference report. I do so, however, with some reluctance.

The application of a 5-percent reduction which includes title I of ESEA is in my mind not a good approach to dealing with the problems of education and the Federal budget. I recognize and fully support the objective of producing a bill which will be signed by the President. I had hoped, however, that in arriving at that compromise title I would be spared any potential cut in the appropriations bill. The language of the bill I believe gives the President discretion on whether 5 percent will be taken from title I. I hope that he will choose not to make that reduction.

I also support with some reluctance the title I hold harmless formula of the bill. Although not as fair and equitable as the provision which I suggested on the House floor during the first consideration of the conference report on this bill, it is markedly better than the provision contained in that first bill.

Mr. Speaker, I would like to direct a question to the chairman of the Labor-HEW subcommittee and the ranking minority member of the subcommittee.

The language in the appropriation bill regarding the title I money which will be offered in amendment No. 32 indicates each State is to receive no less than in the aggregate it received last year.

Since the question of how much was actually made available under title I was the subject of litigation, I would like to be clear as to the interpretation of this provision.

It is my understanding by this language in the conference report it refers to the amount of funds actually received by local school districts in each State during the fiscal year which began July 1, 1972, and ended on June 30, 1973, and not what they might have received if the full amount in the continuing resolution for fiscal year 1973 were expended.

So, therefore, I would like to make certain of the response of both the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. FLOOD), and the ranking minority member, the gentleman from Illinois (Mr. MICHEL), as to the intent of that provision.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Speaker, if there is anybody in this body who is entitled to an answer to that, it is the gentleman from Minnesota (Mr. QUIE) who is now asking the question. I can assure the gentleman that his understanding is correct, period.

Mr. QUIE. I thank the gentleman from Pennsylvania.

Mr. FLOOD. We believe the conference report is pretty clear on that point.

Mr. QUIE. I thank the gentleman.

Mr. MICHEL. Mr. Speaker, if the gentleman will yield, I would just make the further point of calling the attention of the gentleman from Minnesota to the statement of the managers with respect to amendment No. 32. And, Mr. Speaker, rather than reading that at this juncture, I shall ask unanimous consent to extend my remarks so that that would be incorporated in the course of my response to the inquiry of the gentleman from Minnesota (Mr. QUIE). And I so ask unanimous consent to revise and extend my remarks.

The following is on page 25 of the conference report:

The conferees are agreed that the allotment of funds under Title I–A of the Elementary and Secondary Education Act shall be made as follows: States shall receive no less than 100 percent and no more than 120 percent of the amounts they received in fiscal year 1973. Within the State allocation, local education agencies shall receive no less than 90 percent of the amounts they received in fiscal year 1973, with no ceiling.

In further response to the gentleman's inquiry, I would ask the concurrence of my chairman, the gentleman from Pennsylvania (Mr. FLOOD), in providing at this point in the RECORD a table prepared for the committee which represents the figures for title I–A of the Elementary and Secondary Education Act which the committee intends be followed in the allocation of fiscal year 1974 funds.

It describes by State the 1972 and 1973 allocations and the 1974 distribution based on the funds appropriated in this bill and the 5-percent reduction permitted by amendment No. 1.

The table follows:

ESTIMATED COMPARATIVE DISTRIBUTIONS FOR LOCAL EDUCATIONAL AGENCY GRANTS, PART A OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

State	Fiscal year 1972 allocation	Fiscal year 1973 allocation	Existing continuing resolution		Conference agreement after recommital		
			Local education agency at 90 percent of fiscal year 1973 allocation, no greater than 115 percent of fiscal year 1973, State at 90 percent of fiscal year 1972 allocation		Local education agency at 90 percent of fiscal year 1973 allocation, State at 100 percent of fiscal year 1973 allocation and no more than 120 percent of fiscal year 1973 allocation		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Total amount for all parts of Title I	$1,597,000,000	$1,585,000,000	$1,629,000,000	$1,810,000,000	$1,629,000,000	$1,810,000,000	[1] $1,719,500,000
Total for States and District of Columbia part A, local grants	1,364,707,215	1,316,037,468	1,305,203,418	1,444,116,298	1,327,399,995	1,465,299,995	1,396,199,995
Alabama	40,257,134	34,549,166	36,231,421	36,231,421	34,549,166	34,549,166	34,549,166
Alaska	2,054,974	2,415,064	2,396,946	2,777,324	2,705,489	2,898,078	2,898,078
Arizona	8,648,415	8,134,242	7,783,574	9,354,378	8,134,242	9,221,148	8,222,691
Arkansas	24,214,456	20,963,618	21,793,010	21,793,010	20,963,618	20,963,618	20,963,618
California	122,028,439	111,618,375	118,267,550	128,361,130	111,618,372	133,942,050	121,364,098
Colorado	10,100,532	10,237,378	9,530,951	11,772,985	10,237,378	12,134,830	10,931,405
Connecticut	11,813,005	11,747,931	12,582,635	13,510,121	13,319,907	14,097,517	14,097,517
Delaware	2,242,296	2,323,748	2,117,579	2,672,310	2,323,748	2,561,564	2,323,748
Florida	26,445,029	24,111,072	23,800,526	27,727,733	24,111,072	27,863,443	25,295,587
Georgia	39,947,788	40,573,812	36,516,431	36,516,431	40,573,812	40,573,812	40,573,812
Hawaii	$3,250,669	$3,715,263	$3,626,989	$4,272,552	$3,732,067	$4,458,315	$4,107,065
Idaho	2,730,118	2,719,220	2,457,106	3,127,103	2,719,220	2,719,220	2,719,220
Illinois	63,243,090	69,554,901	65,555,777	79,988,136	70,518,720	83,465,881	77,374,236
Indiana	16,999,801	18,773,439	16,896,095	21,589,455	18,773,439	19,114,125	18,773,439
Iowa	15,464,659	14,601,661	13,918,193	13,918,193	14,601,661	14,601,661	14,601,661
Kansas	10,427,273	9,147,430	9,384,546	10,519,544	9,147,429	10,412,343	9,632,773
Kentucky	37,131,906	32,212,788	33,418,715	33,418,715	32,212,788	32,212,788	32,212,788
Louisiana	34,683,312	31,322,489	31,214,981	33,117,401	31,322,489	31,322,489	31,322,489
Maine	5,607,754	5,633,673	5,070,306	6,478,724	5,633,673	6,204,892	5,641,865
Maryland	19,423,141	19,380,669	18,546,513	22,287,769	20,757,632	23,256,803	22,691,090
Massachusetts	23,858,101	24,893,505	25,293,979	28,627,531	25,230,992	29,872,206	28,110,264
Michigan	47,708,517	51,768,916	47,491,650	59,534,253	53,298,915	62,122,699	58,920,765
Minnesota	21,120,043	20,897,155	19,008,039	23,204,280	20,897,155	21,981,080	20,897,155
Mississippi	42,074,152	35,922,629	37,866,737	37,866,737	35,922,628	35,922,628	35,922,628
Missouri	25,579,100	23,367,302	23,021,190	24,352,345	23,367,302	23,745,069	23,367,302
Montana	3,013,338	2,865,542	2,712,004	3,295,373	2,865,542	2,942,790	2,865,542
Nebraska	7,523,056	7,187,530	6,770,750	7,905,410	7,187,530	7,187,530	7,187,530
Nevada	883,771	923,899	1,062,484	1,062,484	1,070,437	1,108,679	1,108,679
New Hampshire	1,908,409	2,007,413	1,898,450	2,308,525	2,043,929	2,408,895	2,274,208
New Jersey	44,860,594	44,232,287	45,998,194	50,867,130	47,410,980	53,078,744	52,911,404
New Mexico	9,629,504	7,393,185	8,502,163	8,502,163	7,393,185	7,912,076	7,393,185
New York	193,459,929	196,835,764	205,136,640	226,361,130	198,168,018	236,202,917	218,053,725
North Carolina	56,260,988	51,556,663	50,634,889	50,634,889	51,556,663	51,556,663	51,556,667
North Dakota	4,271,181	4,101,267	3,844,063	3,844,063	4,101,267	4,101,267	4,101,266
Ohio	41,269,978	42,248,122	38,023,310	48,585,340	42,248,122	50,088,400	45,285,416
Oklahoma	18,199,914	16,649,246	16,379,923	17,243,236	16,649,246	16,649,246	16,649,240
Oregon	9,382,231	8,421,321	8,444,008	9,684,519	8,421,321	9,731,012	8,710,601
Pennsylvania	67,113,702	64,998,125	60,402,332	74,747,844	64,998,125	76,635,107	69,652,301
Rhode Island	5,189,238	4,873,849	4,670,314	5,604,926	4,873,849	5,693,943	5,032,811
South Carolina	34,313,120	29,853,231	30,881,808	30,881,808	29,853,231	29,853,231	29,853,231
South Dakota	6,266,048	5,470,551	5,639,443	5,639,443	5,470,551	5,470,551	5,470,551
Tennessee	36,288,395	31,273,191	32,659,556	32,659,556	31,273,191	31,273,191	31,273,191
Texas	69,566,731	67,675,754	62,610,058	67,124,681	67,675,754	67,675,754	67,675,750
Utah	3,593,198	3,894,921	3,784,313	4,479,159	4,043,700	4,673,905	4,462,767
Vermont	2,107,682	2,093,957	1,896,914	2,408,051	2,093,957	2,093,957	2,093,952
Virginia	33,803,541	31,522,692	30,423,187	30,423,187	31,522,692	31,522,692	31,522,697
Washington	12,255,022	13,445,639	13,592,353	15,462,485	13,759,483	16,134,766	15,136,917
West Virginia	20,524,496	17,319,813	18,472,046	18,472,046	17,319,813	17,319,813	17,319,813
Wisconsin	16,546,374	17,340,875	15,606,788	19,942,006	17,459,310	20,370,940	18,711,212
Wyoming	1,235,793	1,170,817	1,112,214	1,346,440	1,170,817	1,280,860	1,186,478
District of Columbia	8,187,278	10,096,368	10,253,775	11,610,823	10,096,368	12,115,641	11,196,398

[1] After 5 percent reduction.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. QUIE. Mr. Speaker, I thank the gentleman from Illinois for his response. And I also want to commend the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. FLOOD), and the ranking minority member, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman from Illinois yielding me this time, and I rise in support of the conference report.

Mr. Speaker, I rise in support of this conference report and commend the conferees for a job well done. I want especially to single out the report of the managers dealing with the emphasis of diabetes and its importance within the National Institutes of Health.

Each Member has differences with portions of the report but it is a compromise and can be sustained. In this light I want to share with the House the following:

NATIONAL SCHOOL BOARDS ASSOCIATION,
Evanston, Ill., December 5, 1973.

Representative WILLIAM A. STEIGER,
U.S. Congress, Longworth House Office Building, Washington, D.C.

DEAR MR. STEIGER: On behalf of the National School Boards Association, I wish to indicate our support of the conference report on the Labor/HEW Appropriations.

This conference report represents a compromise in the truest sense of the word. To be sure, we are not happy with the amounts for Title I of ESEA, Impact Aid, and Vocational Education—the five percent cuts in these vital programs will mean loss in services to many children. However, the result of the compromise is the basis of some hard bargaining between Members of Congress and officials of the Administration, with education groups such as the one I represent trying to explain the needs of the students. Each of us relinquished a little in our mutual effort to finalize an agreement which would represent the middle ground between the needs of education and the fiscal posture with which the Administration could live. We appreciate the hard work of all, which should lead to a signed appropriation and not continue in the indecision with which we all had to face under the continuing resolution.

Sincerely,

AUGUST W. STEINHILBER,
Assistant Executive Director, Office of Federal Relations.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. By all means, Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. I thank the distinguished chairman, the gentleman from Pennsylvania (Mr. FLOOD) for yielding me this time.

Mr. FLOOD. Before the gentleman proceeds, the gentleman knows that I was raised in Florida, and that therefore I am not a damn Yankee, I am just a half Yankee.

Mr. ROGERS. Mr. Speaker, may I say to the gentleman from Pennsylvania that we know that he was raised in Florida, and that we claim the gentleman in every way.

Mr. Speaker, I would like to confirm from the chairman and the ranking minority member that in the HEW appropriation bill where the committee has allowed certain monies, there is a chart in the statement of the managers.

Mr. FLOOD. And, by the way, that is a beautiful chart, and by all means please refer to it, because it is a beautiful chart.

Mr. ROGERS. Beginning on page 8, and the pages following thereafter. It is my understanding that the gentlemen have stated that if we pass this bill it will be the intent that a total of $400 million may not be spent if it is to be so determined?

Mr. FLOOD. That is correct.

Mr. ROGERS. But you are designating where any of that money would be withheld, and in the amount of the figure in the last column means that the executive cannot go below that level in those specific categories; is that correct?

Mr. FLOOD. I could not have said that better, myself, and if the gentleman heard me the gentleman knows that that is praise from Caesar.

Mr. ROGERS. I thank the gentleman. Secondly, Mr. Speaker, I wanted to make clear that this has no effect, nor would it, on any suits that constituent groups might bring to obtain moneys that have been appropriated by the Congress?

Mr. FLOOD. I have said that two or three times, and for the purpose of emphasis I say, yes, again.

Mr. ROGERS. I thank the Chairman.

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time.

Mr. Speaker, I would like to address a question to the distinguished chairman of the subcommittee on the conference's intent as it relates to a $3 million item labeled "State Postsecondary Education Commissions" in the conference report.

The Education Amendments of 1972 authorized the creation by States of new planning commissions which would include representatives of the broad spectrum of postsecondary education as well as the general public. These State commissions have come to be known as "1202 Commissions" since their authority derives from section 1202(a) of the Higher Education Act of 1965, as amended.

The authority for making appropriations to be used by these commissions is found in section 1203.

We have learned from the Office of Education this week that 10 States—Alabama, Louisiana, Maryland, New Hampshire, Oklahoma, Oregon, South Dakota, Texas, Virginia, and Washington—and the Commonwealth of Puerto Rico have notified the Office of Education of their designation of a 1202 Commission. In addition at least seven other States—California, Connecticut, Mississippi, Missouri, Montana, New Mexico, and Wyoming—are known to have also designated commissions, but they have not notified the Office of Education. The reason for this may be that the Office of Education has not yet formally published regulations for these commissions.

My question for the chairman is this: Did the conference committee intend that those States which voluntarily create commissions in compliance with section 1202(a) be able to apply for and receive some of the $3 million appropriations for State postsecondary commissions recommended in the conference report?

Mr. FLOOD. The gentleman is correct. The conferees agreed to $3 million as contained in the House bill for State postsecondary commissions. On page 21, line 14, of the bill you will find the legal citation of section 1203 of the Higher Education Act. It would follow that the intent of the conferees is that the Office of Education would make grants under section 1203 to those States which have created commissions qualifying under that authority.

Mr. DELLENBACK. I thank the gentleman for his clarification on this matter. Could I ask the ranking member of his subcommittee, Mr. MICHEL, if this is his understanding as well?

Mr. MICHEL. I agree completely with my chairman. The Office of Education may have already spent some of this money under the continuing resolution to phase out the old facilities commissions. But it is our intent that a substantial portion of this appropriation should be made available to any of the 17 States that have already designated commissions under section 1202(a) or to other States that may do so in the near future.

Mr. DELLENBACK. Mr. Speaker, I appreciate knowing the intent of the conference committee on this matter. I believe that enough States have indicated an interest—and indeed have taken action to implement—the concept of involving all aspects of the very broad postsecondary education enterprise, both public and private, in planning to meet the future needs of students in their respective States. It is time for the Office of Education to do whatever is necessary to see that those States which do comply with the criteria set out in section 1202(e) get assistance from this appropriation to move ahead in launching the work of these important commissions.

I thank the gentleman for yielding time.

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, the report accompanying this conference submission indicates agreement by the House and Senate conferees on the spending of $32,926,796,000 for the Departments of Labor and Health, Education and Welfare in this current fiscal year. The report indicates that figure is above the President's budget by $1,376,843,000. The $400 million subtraction which has been mentioned, and on which a deficit of $900 million is predicated, is brought about by the provision in the conference report that the President may withhold from obligation or expenditure $400 million.

I would have to say to the gentleman from Pennsylvania (Mr. FLOOD) that I do not have the confidence he apparently has that the President will not spend the $400 million.

Therefore, I must assume that this bill is $1,376,000,000 above the budget and above the spending for the same general purposes last year. This is not financial responsibility and I cannot support the conference report.

Mr. FLOOD. I may say to my friend, I learned as a child that I should never fly in the face of the gods.

Mr. MICHEL. I yield such time as he may consume to the gentleman from Massachusetts, a member of the subcommittee (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I endorse this conference report and would urge the House to look favorably on it, and do that quickly, so that we may go forward with the vital programs funded within this Labor-Health, Education, and Welfare appropriations bill.

On the occasion of the second presentation of this measure before this Chamber, my fellow conferees and I bring to you what I believe is a truly viable proposal, which deserves the Congress approval and a Presidential signature. I must commend my colleagues in conference for the cooperative attitude which produced this compromise.

The dilemmas which beset the report when first brought up before you a few weeks ago, the title I–A funding formula of the Elementary and Secondary Education Act and the complaints of a budget figure too high to gain White House approval, have, we believe, been resolved.

The title I–A funding formula has been further liberalized to allow these moneys to be spent where they are most needed. The formula now better reflects the shift of eligible disadvantaged children from the rural to the urban centers of our country, which took place during the decade between 1960 and 1970. Twenty-eight of our States found themselves in the unenviable position of not being able to realize potential funds because of the restrictive nature of the formula. They had the eligible children, but did not have the wherewithal to provide an education for them.

Well, now the means are here. My State of Massachusetts may realize up to $5 million in additional money. For larger States such as New York and California, the increase, of course, will be larger. But the important thing to remember here is that we will be spending where we ought to.

Now, coming to the second major

issue of controversy—the bottom line figure of this appropriation. The House-reported bill was threatened by veto; the Senate-reported bill was similarly tainted, as was our first conference report of weeks ago. But today we present an accommodation. A compromise, which gives us a good chance to get a Labor-Health, Education, and Welfare appropriations bill signed—the first time in 2 years. We deliver to the President an option, which we sincerely hope will be used cautiously and sparingly, to withhold 5 percent of the funds assigned to programs or projects within this bill. The total of such optional cuts cannot exceed $400 million.

We petition the White House to be as stingy as possible in using this authority. Should cuts have to be made, and we, of course, are fooling ourselves if we believe that there will be none, they should be taken out of the line items, not the whole programs. To do the latter would spell the ruination of the integrity of many of these agencies. Future programs, already begun, could be needlessly sacrificed if wholesale axings are performed.

So it now comes down to us in the House today. We have a bill here which will cost in controlable items $32.9 billion. We have an optional agreement written into it which would bring that total down to $32.5 billion. The question that now arises is whether the health care and education of this Nation's people is worth it. I think it is and I solicit your support in passing this legislation.

Mr. ALEXANDER. Mr. Speaker, today, hopefully we are taking action for the last time on the Labor-HEW appropriations for fiscal year 1974. Throughout the consideration of this legislation much controversy has centered on one point—the allocation of title I, ESEA funds.

When the bill first came before the House in June, my State, poor and predominately nonmetropolitan, would have received a total of $24.2 million to use for title I programs. This was the same amount they had received in 1972 and the educators said they could get along without an increase although they were disappointed that they would not be able to expand the programs for the coming year. They began to prepare their budgets accordingly.

However, the next time I looked at the bill, Arkansas' share of the funding would have been $21.78 million, a cut of about $2.5 million. Arkansas educators again tightened their belts and began juggling their budget figures one more time. It would be necessary to drop programs and personnel, but they figured they could survive.

The main thing these people wanted at this point, and I am sure many of your constituents echoed these sentiments, was to know definitely how much they were going to have to work with, and end the uncertainty. Employees needed to know if they were going to have jobs, programs had to be coordinated, and schedules planned. Educators in my district were so frustrated that several told me flatly they would rather have all Federal funding eliminated than to work under the constant strain of never knowing where their budgets and appropriations stood.

And, now, the bill we are voting on today, appropriates $20.9 million for title I education in Arkansas. This is $3.3 million less than we started out with—$900,000 less than was provided for us in the bill considered 3 weeks ago. Our educators are tired of fighting. They are willing to accept this figure and work with it for the time being. They are desperate to finalize their budgets for the next year.

Mr. Speaker, I am against the provision of the conference report providing for title I funding. I believe it discriminates against school districts in the small, poor, predominantely rural States. However, I also realize that this is appropriations legislation, not an authorization bill. And, I do not think it is fair to the many agencies operating under the Departments of HEW and Labor that these appropriations be held up any longer.

So, I will vote in favor of the conference report in order to give our people something to work with. However, I will be working now to see that the extension of the Elementary and Secondary Education Act contains a formula which is equitable to the needs of all school systems—small and large, rich and poor, urban and rural.

Mr. ROBISON of New York. Mr. Speaker, when the House refused to accept the first conference report on the Labor-HEW appropriations bill, my concern about the future of this most important legislation was reflected in a letter which Congressman JAMES BROYHILL and I sent to principal administration officials urging that a compromise be sought.

For that reason I am pleased that such a compromise has been reached for the continuing confrontation between the Congress and the President has been a serious concern of mine all year.

Since the conference report represents an accommodation of differing points of view, there are those who remain unhappy about its final provisions. There is legitimate concern, for instance, about the funds, and the distribution thereof, for elementary and secondary education. I was among those who attempted to insure a more equitable distribution of those funds, and though not satisfied with the final outcome, I am resigned to the fact that it is the best we can do given the circumstances of today.

When looking at the totality of the bill, I am convinced a reasonable picture emerges—one that does provide the funds necessary to continue essential programs—some of which this administration proposed to scuttle earlier this year. For that matter, the bill represents a significant accommodation on the part of the administration for the bill certainly reflects congressional rather than executive priorities.

And that was the thrust of the letter which JIM BROYHILL and I wrote slightly over 2 weeks ago—that significant concessions on the part of the administration were necessary to obtain a bill rather than the authority of a continuing resolution.

Depending on the eventual decisions of the administration, the bill is from $987 million to almost $1.4 billion over budget.

Important programs, marked for extinction by the administration earlier this year, are continued. The regional medical program, hospital construction, of community health centers, capitation grants for nursing schools, health manpower programs, language training and area studies programs, all of the library resource programs, environmental education, and aid to land grant colleges are among the programs continued by this bill, but which had been relegated to the back burner by the President's fiscal year 1974 budget.

Of critical importance to the colleges and universities in my district and throughout the country are the funds provided for student assistance.

The committee wisely decided that an effective student assistance effort required balanced funding of a number of programs rather than relying completely on the basic opportunity grant program. This means that the important loan, work-study, and supplementary opportunity grant programs will be adequately supported.

As one who has been supportive of efforts to gain needed funding of community Action programs, I am pleased that the committee has allocated the resources needed to allow the Office of Economic Opportunity to operate throughout the remainder of its authorization. Certainly, the budget proposal for the Office of Economic Opportunity was among the most controversial. The fact that the administration is now willing to accede to the insistence of Congress that the commitment to OEO programs made in our authorizing legislation is encouraging, especially in light of the work done by myself and others in the Congress to bring about this change of attitude.

In case it needs saying, I do support the conference report. Even with the imperfections it may still carry, I feel strongly that it represents one of the few—regretfully so—successful efforts to find the critical middle ground between Congress and the President. While this has come less often than I had hoped, I can only express the wish that this latest success will become the rule rather than the exception.

Mr. FRENZEL. Mr. Speaker, I congratulate the members of the conference committee and those representatives of the executive department who negotiated the amended conference report before us today. The thoughtful and skillful work of those people has saved the trouble and anguish of prolonged negotiations, possibly including a veto, and it has saved local agencies, especially school districts, months of needless anxiety.

The original conference report was from $1½ to $2 billion over the budget. Even though my personal sense of priorities tells me that money is needed, Congress inability to cut in other spending areas made a sustainable veto a certainty.

But, the amended conference report represents a Solomonlike decision. It preserves the congressionally established amounts for each program but gives the President the power to withhold $400 million, provided he does not cut any program more than 5 percent.

The Congress maintained its spending figures and preserved its programs. It gave up a limited impoundment right. The President gave up his veto but got in exchange the opportunity to reduce total spending by $400 million.

The real winners in this legislative-executive negotiated compromise are our school districts which can now plan their programs and the vast clientele served by health and education programs.

I am also extremely pleased that the formula for allocating title I education funds has been moved from the 1960 census figures to most recent figures. The conferees protected the States but have given school districts with increased numbers of disadvantaged students benefits which they really deserve.

This bill is not necessarily the way I would personally write a HEW appropriation, but, all in all, the compromise indicates to me that at least in this field a healthy executive and a healthy legislative can work together for the best interests of the whole country.

Mr. HARRINGTON. Mr. Speaker, I intend to vote for the conference report to H.R. 8877, the Labor-HEW appropriations bill for the fiscal year 1974. While I have some reservations about this legislation, there seems to me to be a clear need to provide the Departments of Health, Education, and Welfare and Labor with the new appropriations they need to adequately address the Nation's domestic social programs.

President Nixon's penchant for vetoing HEW-Labor appropriations measures is all too well known. He vetoed these important bills four times—twice in the last session of Congress. As a result, these two agencies have been operating under the fiscal constraints of a continuing resolution at funding levels of the fiscal year 1972. We need a new appropriations bill now because the funding levels of another continuing resolution for fiscal 1974 will in all probability also correspond to those of actual expenditures in fiscal year 1972.

By conservative estimates, inflation since 1972 has decreased the value of funding by 5 percent annually. Thus, another continuing resolution would force the Departments of HEW and Labor to operate at levels effectively 10 percent below even the inadequate figures of 1972. This would, of course, impede the execution of old programs and sharply inhibit the development of new ones.

An important change in this bill, as opposed to the first conference report brought before the House on November 13—but later recommitted to the conference committee—concerns the formula used in determining allocations to States and local education agencies under the title I program of the Elementary and Secondary Education Act which provides special educational assistance to children from disadvantaged backgrounds.

The original conference report would have inequitably prevented title I funds from going to those States and localities where the need is ligitimately greatest. The conference committee changed this formula, and as a result, the allocations will be more responsive to need. Under the new formula, Massachusetts, for example, will receive an additional $5 million in title I funds.

Unfortunately, another provision of this conference report could reduce this $5 million additional benefit for Massachusetts by $1.4 million. This provision, "amendment No. 1" to the conference report, would allow the President to impound up to $400 million of the funds appropriated by this bill. The President would be prevented from impounding any more than 5 percent of the funds for any one program category, and the conference committee report also sets out to protect certain programs completely from impoundment.

While I can appreciate the reasoning of the conferees that this "compromise" was necessary to avoid a Presidential veto, I cannot in good conscience support this legitimization of impoundments, and I will vote against "amendment No. 1" if I have the opportunity. Given the President's track record, it seems to be obvious that if he is authorized to impound $400 million of a bill that is $1.37 billion over his budget request, he will do so.

In addition, I do not believe that Congress should set a broad precedent that would allow the President to impound funds from congressional appropriations measures, especially without any congressional review. I am reluctant to accept any provision which would give the President, in effect, an "item veto"—even if restricted to 5 percent—over programs that he does not like. It seems to me that such authority, without Congress having the final say, is clearly undesirable.

My colleagues should note that 50 civil suits have been filed which contest the impoundment authority of the President, and so far at least, the bulk of court decisions have fallen against the President's position. The provision in this conference report might set a legal precedent for unchecked impoundment, and, therefore, I believe it would serve to undermine the budgetary powers granted Congress by the Constitution.

Despite these strong objections, however, I will vote for this bill even if attempts to rid it of the impoundment provisions are unsuccessful, because the importance of the HEW and Labor programs at stake suggest to me an overriding need to secure enactment of this appropriations measure, which, even if $400 million is impounded, is still $930 million above the administration request. This is, at least, a start in the right direction.

Mr. BADILLO. Mr. Speaker, when the Labor-HEW appropriations conference report first came before the House, I voted against the motion to recommit—to the surprise of some of my liberal friends and colleagues—because I felt strongly that despite obvious inequities in the education funding provisions, particularly with respect to title I of the Elementary and Secondary Education Act, there was a great danger that the conferees, given a second opportunity to play ball with the Nixon administration, would do just that.

It is with no great sense of pride that I find I was right. The conference report now before us does less for education and other vital programs. It reduces title I funds by some $90 million from the original conference report.

As a result, New York State stands to lose more than $8 million in sorely needed title I funds, and New York City will lose approximately $376,000, according to figures provided this morning by the board of education.

Even worse, this latest conference report contains a new and dangerous provision, authorizing the President to impound up to 5 percent of any appropriated line item—up to $400 million for the entire bill.

This provision, which the administration chooses to call a compromise, would permit expenditures to fall $37 million below the continuing resolution now in force—which provides for program expenditures at the House or Senate-passed appropriation bill level, whichever is lower.

Why in the world must Congress accept this provision? In my view, it is the domestic equivalent of the Tonkin Gulf resolution, for it makes Congress a full partner in the Nixon administration's misguided and inhuman campaign to balance its budget at the expense of our most vital social programs. We did not see this provision demanded for the defense appropriations bill, or for appropriations measures for the space or highway construction programs. Are we going to stand with Richard Nixon and insist that this Nation's schools, libraries, and hospitals must pay the penalty for his failure to develop a coherent and effective economic policy?

Mr. Speaker, I share the dislike of the Appropriations Committee and the majority of our colleagues for the device of a continuing resolution. It is a bad way in which to conduct the Nation's fiscal affairs. But given this conference report, it is the lesser evil. I oppose the conference report and urge its defeat.

Mr. SYMINGTON. Mr. Speaker, it is my understanding based on discussions with the House Appropriations Committee that the new amount available under the fiscal year 1974 HEW budget for nursing support programs can be no lower than the figures given in the table beginning on page 8 of the conference report. Moreover, I am told the Appropriations Committee took the relatively unusual step of inserting such a table in the conference report to insure the amounts available for capitation grants, construction grants, or traineeships can be no lower than the dollar figures given in the table beginning on page 8 of the report. I commend Chairmen Mahon and Flood for taking the precaution to insure that adequate funds will be available for nursing support programs.

At this point, I insert in the Record a copy of the table detailing the new amounts available for health programs:

TITLE I—DEPARTMENT OF LABOR

	1974 Budget request	1974 House allowance	1974 Senate allowance	1974 Conference agreement	Effect of $400, 000, 000 reduction
Total, new budget (obligational) authority, Department of Labor	$786, 361, 000	$827, 535, 000	$830, 682, 000	$787, 690, 000	$787, 690, 000
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE					
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION					
Mental health:					
1. General mental health:					
(a) Research	$80, 489, 000	$89, 289, 000	$89, 289, 000	$89, 289, 000	$84, 824, 000
(b) Training	71, 876, 000	110, 000, 000	110, 000, 000	110, 000, 000	104, 550, 000
(c) Community programs:					
(1) Construction of centers		15, 000, 000	20, 000, 000	15, 000, 000	14, 250, 000
(2) Staffing of centers	472, 000, 000	163, 698, 000	163, 698, 000	163, 698, 000	155, 513, 000
(3) Mental health of children	46, 000, 000	20, 000, 000	20, 000, 000	20, 000, 000	19, 000, 000
Subtotal	518, 000, 000	198, 698, 000	203, 698, 000	198, 698, 000	188, 763, 000
(d) Management and information	21, 355, 000	21, 355, 000	21, 355, 000	21, 355, 000	21, 355, 000
Subtotal	691, 720, 000	419, 342, 000	424, 342, 000	419, 342, 000	399, 442, 000
2. Drug abuse:					
(a) Research	36, 739, 000	36, 739, 000	36, 739, 000	36, 739, 000	36, 739, 000
(b) Training	15, 182, 000	15, 182, 000	15, 182, 000	15, 182, 000	15, 182, 000
(c) Community programs:					
(1) Project grants and contracts	365, 970, 000	160, 770, 000	160, 770, 000	160, 770, 000	160, 770, 000
(2) Grants to States	15, 000, 000	15, 000, 000	15, 000, 000	15, 000, 000	15, 000, 000
Subtotal	380, 970, 000	175, 770, 000	175, 770, 000	175, 770, 000	175, 770, 000
(d) Management and information	15, 578, 000	15, 578, 000	15, 578, 000	15, 578, 000	15, 578, 000
Subtotal	448, 469, 000	243, 269, 000	243, 269, 000	243, 269, 000	243, 269, 000
3. Alcoholism:					
(a) Research	6, 901, 000	8, 901, 000	8, 901, 000	8, 901, 000	8, 456, 000
(b) Training	3, 763, 000	4, 763, 000	9, 763, 000	7, 263, 000	6, 900, 000
(c) Community programs:					
(1) Project grants and contracts	87, 000, 000	65, 322, 000	85, 322, 000	75, 322, 000	71, 556, 000
(2) Grants to States	30, 000, 000	40, 000, 000	60, 000, 000	48, 000, 000	45, 600, 000
Subtotal	117, 000, 000	105, 322, 000	145, 322, 000	123, 322, 000	117, 156, 000
(d) Management and information	5, 435, 000	5, 435, 000	5, 435, 000	5, 435, 000	5, 435, 000
Subtotal	133, 099, 000	124, 421, 000	169, 421, 000	144, 921, 000	137, 947, 000
4. Program direction	8, 443, 000	8, 443, 000	8, 443, 000	8, 443, 000	8, 443, 000
Total	1, 281, 731, 000	795, 475, 000	845, 475, 000	815, 975, 000	789, 101, 000
St. Elizabeths Hospital	38, 000, 000	38, 000, 000	38, 000, 000	38, 000, 000	38, 000, 000
Health services planning and development:					
1. Health services research and development	60, 278, 000	64, 778, 000	64, 778, 000	64, 778, 000	61, 540, 000
2. Comprehensive health planning	38, 327, 000	38, 327, 000	38, 327, 000	38, 327, 000	38, 327, 000
3. Regional medical programs		81, 953, 000	81, 953, 000	81, 953, 000	77, 855, 000
4. Medical facilities construction:					
(a) Construction grants:					
(1) Hospitals and public health centers		41, 400, 000	41, 400, 000	41, 400, 000	39, 330, 000
(2) Long-term care facilities		20, 800, 000	20, 800, 000	20, 800, 000	19, 760, 000
(3) Outpatient facilities		70, 000, 000	70, 000, 000	70, 000, 000	66, 500, 000
(4) Rehabilitation facilities		15, 000, 000	15, 000, 000	15, 000, 000	14, 250, 000
(5) Modernization		50, 000, 000	50, 000, 000	50, 000, 000	47, 500, 000
Subtotal		197, 200, 000	197, 200, 000	197, 200, 000	187, 340, 000
(b) Direct operations	2, 476, 000	3, 272, 000	3, 272, 000	3, 272, 000	3, 109, 000
Subtotal	2, 476, 000	200, 472, 000	200, 472, 000	200, 472, 000	190, 449, 000
5. Program direction	2, 000, 000	2, 990, 000	2, 990, 000	2, 990, 000	2, 840, 000
Total	103, 081, 000	388, 520, 000	388, 520, 000	388, 520, 000	371, 011, 000
Health services delivery:					
1. Comprehensive health services:					
(a) Grants to States	90, 000, 000	90, 000, 000	90, 000, 000	90, 000, 000	90, 000, 000
(b) Project grants	211, 100, 000	211, 100, 000	220, 100, 000	211, 100, 000	211, 100, 000
(c) Migrant health grants	23, 750, 000	23, 750, 000	25, 000, 000	25, 000, 000	23, 750, 000
(d) Direct operations	22, 133, 000	22, 133, 000	22, 133, 000	22, 133, 000	22, 133, 000
Subtotal	346, 983, 000	346, 983, 000	357, 233, 000	348, 233, 000	346, 983, 000
2. Maternal and child health:					
(a) Grants to States	217, 951, 000	217, 951, 000	125, 678, 000	125, 678, 000	125, 678, 000
(b) Project grants			92, 273, 000	92, 273, 000	92, 273, 000
(c) Research and training	21, 917, 000	21, 917, 000	23, 917, 000	21, 917, 000	21, 917, 000
(d) Direct operations	4, 340, 000	4, 340, 000	4, 340, 000	4, 340, 000	4, 340, 000
Subtotal	244, 208, 000	244, 208, 000	246, 208, 000	244, 208, 000	244, 208, 000
3. Family planning services:					
(a) Grants and contracts	119, 615, 000	119, 615, 000	119, 615, 000	119, 615, 000	119, 615, 000
(b) Direct operations	2, 610, 000	2, 610, 000	2, 610, 000	2, 610, 000	2, 610, 000
Subtotal	122, 225, 000	122, 225, 000	122, 225, 000	122, 225, 000	122, 225, 000
4. National Health Service Corps	11, 000, 000	11, 000, 000	13, 000, 000	13, 000, 000	12, 350, 000
5. National Health Service Scholarships	3, 000, 000	3, 000, 000	3, 000, 000	3, 000, 000	3, 000, 000
6. Patient care and special health services	98, 961, 000	98, 961, 000	98, 961, 000	98, 961, 000	98, 961, 000
7. Public Health Service hospital construction			29, 100, 000	18, 000, 000	17, 100, 000
8. Regional office, central staff	5, 602, 000	5, 602, 000	5, 602, 000	5, 602, 000	5, 602, 000
9. Program direction	5, 470, 000	5, 470, 000	5, 470, 000	5, 470, 000	5, 470, 000
Less: Trust fund transfer	−5, 419, 000	−5, 419, 000	−5, 419, 000	−5, 419, 000	−5, 419, 000
Total	832, 030, 000	832, 030, 000	87[illegible], 380, 000	853, 280, 000	850, 480, 000
Preventive health services:					
1. Disease control:					
(a) Infectious diseases:					
(1) Research grants			1, 215, 000		
(2) Project grants	31, 000, 000	31, 000, 000	31, 585, 000	31, 585, 000	31, 000, 000
(3) Direct operations	34, 667, 000	36, 667, 000	36, 667, 000	36, 667, 000	34, 834, 000
Subtotal	65, 667, 000	67, 667, 000	69, 467, 000	68, 252, 000	65, 834, 000
(b) Nutritional and chronic diseases	900, 000	900, 000	900, 000	900, 000	900, 000
(c) Laboratory improvement	7, 892, 000	7, 892, 000	8, 092, 000	8, 092, 000	7, 892, 000
Subtotal	74, 459, 000	76, 459, 000	78, 459, 000	77, 244, 000	74, 626, 000
2. Community environmental management:					
(a) Grants	19, 600, 000	19, 600, 000	21, 500, 000	20, 500, 000	19, 600, 000
(b) Direct operations	1, 500, 000	1, 500, 000	2, 300, 000	2, 300, 000	2, 300, 000
Subtotal	21, 100, 000	21, 100, 000	23, 800, 000	22, 800, 000	21, 900, 000

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

	1974 Budget request	1974 House allowance	1974 Senate allowance	1974 Conference agreement	Effect of $400,000,000 reduction
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION—Continued					
Preventive health services—Continued					
3. Occupational health:					
(a) Grants	$2,252,000	$2,252,000	$2,252,000	$2,252,000	$2,252,000
(b) Direct operations	23,348,000	23,348,000	33,348,000	28,348,000	26,930,000
Subtotal	25,600,000	25,600,000	35,600,000	30,600,000	29,182,000
4. Program direction	3,921,000	3,921,000	3,921,000	3,921,000	3,921,000
Total	125,080,000	127,080,000	141,780,000	134,565,000	129,629,000
National health statistics	22,821,000	22,821,000	19,335,000	19,335,000	19,335,000
Retirement pay and medical benefits for commissioned officers	34,103,000	34,103,000	34,103,000	34,103,000	34,103,000
Buildings and facilities	12,000,000	9,500,000	9,500,000	9,500,000	9,500,000
Office of the Administrator	14,304,000	14,304,000	7,304,000	12,000,000	12,000,000
Total, Health Services and Mental Health Administration	2,463,150,000	2,261,833,000	2,359,397,000	2,305,278,000	2,253,159,000
NATIONAL INSTITUTES OF HEALTH					
National Cancer Institute	500,000,000	522,383,000	580,000,000	551,191,500	523,632,000
National Heart and Lung Institute	265,000,000	281,415,000	320,000,000	302,915,000	287,770,000
National Institute of Dental Research	38,452,000	44,131,000	47,000,000	45,565,500	43,288,000
National Institute of Arthritis, Metabolism and Digestive Diseases	133,608,000	155,894,000	163,000,000	159,447,000	151,475,000
National Institute of Neurological Diseases and Stroke	101,198,000	120,073,000	125,000,000	125,000,000	118,750,000
National Institute of Allergy and Infectious Diseases	98,693,000	112,744,000	114,000,000	114,000,000	108,300,000
National Institute of General Medical Science	138,573,000	175,778,000	183,500,000	176,778,000	167,940,000
National Institute of Child Health and Human Development	106,679,000	125,254,000	135,254,000	130,254,000	123,742,000
National Eye Institute	32,092,000	36,631,000	46,631,000	41,631,000	39,550,000
National Institute of Environmental Health Sciences	25,263,000	28,879,000	28,879,000	28,879,000	27,436,000
Research Resources	88,632,000	133,322,000	134,000,000	133,472,000	126,800,000
John E. Fogarty International Center	3,586,000	4,767,000	4,767,000	4,767,000	4,530,000
Total, Research Institutes	1,531,776,000	1,741,271,000	1,882,031,000	1,813,900,000	1,723,213,000
Health manpower:					
1. Health professions support:					
(a) Institutional assistance:					
(1) Capitation grants:					
(i) MOD	152,500,000	152,500,000	152,500,000	152,500,000	152,500,000
(ii) VOPP		34,777,000	34,777,000	34,777,000	33,038,000
(2) Start-up and conversion assistance	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000
(3) Financial distress grants	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
(4) Special projects	34,000,000	53,000,000	55,000,000	53,500,000	50,826,000
Subtotal	202,500,000	256,277,000	258,277,000	256,777,000	252,364,000
(b) Student assistance:					
(1) Direct loans	36,000,000	36,000,000	36,000,000	36,000,000	36,000,000
(2) Scholarships	10,000,000	15,500,000	17,500,000	17,500,000	16,626,000
(3) Loan repayments	400,000	400,000	400,000	400,000	400,000
Subtotal	46,400,000	51,900,000	53,900,000	53,900,000	53,026,000
(c) Construction assistance:					
(1) Grants		100,000,000	100,000,000	100,000,000	95,000,000
(2) Interest subsidies	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Subtotal	1,000,000	101,000,000	101,000,000	101,000,000	96,000,000
(d) Dental health activities	12,991,000	14,979,000	14,979,000	14,979,000	14,231,000
(e) Educational assistance	5,000,000	9,320,000	14,320,000	10,000,000	9,500,000
(f) Direct operations	3,313,000	3,313,000	3,313,000	3,313,000	3,313,000
Subtotal	271,204,000	436,789,000	445,789,000	439,969,000	428,434,000
2. Nursing support:					
(a) Institutional assistance:					
(1) Capitation grants		33,800,000	38,500,000	36,150,000	34,343,000
(2) Financial distress grants		5,000,000	10,000,000	5,000,000	4,750,000
(3) Special projects	15,000,000	20,000,000	22,600,000	20,000,000	19,000,000
Subtotal	15,000,000	58,800,000	71,100,000	61,150,000	58,093,000
(b) Student assistance:					
(1) Direct loans	21,000,000	24,000,000	24,000,000	24,000,000	22,800,000
(2) Scholarships	11,000,000	19,500,000	21,500,000	20,500,000	19,476,000
(3) Traineeships		11,500,000	15,900,000	13,700,000	13,016,000
(4) Loan repayments	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000
Subtotal	33,600,000	56,600,000	63,000,000	59,800,000	56,892,000
(c) Construction assistance:					
(1) Grants		20,000,000	20,000,000	20,000,000	19,000,000
(2) Interest subsidies	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Subtotal	1,000,000	21,000,000	21,000,000	21,000,000	20,000,000
(d) Educational assistance		7,569,000	9,720,000	7,569,000	7,191,000
(e) Direct operations	3,348,000	4,119,000	4,119,000	4,119,000	3,914,000
Subtotal	52,948,000	148,088,000	168,939,000	153,638,000	146,090,000
3. Public health support:					
(a) Institutional assistance		12,000,000	12,000,000	12,000,000	11,400,000
(b) Student assistance		9,600,000	9,600,000	9,600,000	9,120,000
(c) Direct operations		631,000	631,000	631,000	600,000
Subtotal		22,231,000	22,231,000	22,231,000	21,120,000
4. Allied health support:					
(a) Institutional assistance		31,745,000	31,745,000	31,745,000	30,158,000
(b) Student assistance		3,750,000	3,750,000	3,750,000	3,563,000
(c) Educational assistance		1,359,000	1,359,000	1,359,000	1,292,000
(d) Direct operations		1,851,000	1,851,000	1,851,000	1,759,000
Subtotal		38,705,000	38,705,000	38,705,000	36,772,000
5. Special educational programs:					
(a) Educational initiative awards	46,500,000	46,500,000	46,500,000	46,500,000	47,500,000
(b) Computer technology and educational assistance		3,000,000	3,000,000	3,000,000	2,850,000
(c) Direct operations	2,752,000	2,752,000	2,752,000	2,752,000	2,752,000
Subtotal	49,252,000	52,252,000	52,252,000	52,252,000	52,102,000
6. Program direction and manpower analysis	8,776,000	8,776,000	4,000,000	4,000,000	4,000,000
Total	382,180,000	706,841,000	731,916,000	710,795,000	688,518,000

	1974 Budget request	1974 House allowance	1974 Senate allowance	1974 Conference agreement	Effect of $400,000,000 reduction
National Library of Medicine	$24,994,000	$25,871,000	$25,871,000	$25,871,000	$24,994,000
Buildings and facilities	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000
Office of the Director	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000
Scientific activities overseas	1,912,000	1,912,000	1,912,000	1,912,000	1,912,000
Payment of sales insufficiencies and interest losses	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000
Total, National Institutes of Health	1,964,862,000	2,499,895,000	2,665,730,000	2,576,478,000	2,462,637,000

Ms. HOLTZMAN. Mr. Speaker, I rise in opposition to the motion to recede and concur in the Senate amendment which authorizes the President to impound up to $400 million in appropriated moneys. I find amendment No. 1 particularly disturbing because it constitutes an abdication of an important congressional prerogative. It delegates to Presidential discretion the power to cut vital service programs. This authority to cut back spending 5 percent constitutes a dangerous precedent in licensing Executive impoundments and will have a very real impact on education programs currently aiding veterans, the handicapped, aid to elementary and secondary education, and health programs.

The first recommission of this conference report on November 13 was not a mandate to cut the appropriation and the vital services it makes possible; rather, it was an attempt by the House to insure a more equitable allocation of funds among the States and municipalities under title I of the Elementary and Secondary Education Act.

The conference report represents a substantial increase over the House version—$110 million—and adds $1.37 billion to the President's budget request. But to give the President authority now to cut these funds, after both Houses of Congress had agreed that the President's budget request was insufficient to meet the needs of our citizens, is unjustifiable. Not only will it result in a cutback in important health, education, and manpower programs, but such an impoundment provision also gives the President authority he should not have. At a time when Congress is struggling to regain its rightful prerogatives in the determination of national priorities and budgetary planning, this conference report is a large step backward. In the present circumstances, this House does not have to cave in to the threat of a Presidential veto, and it should not do so by giving him impoundment power.

Mr. HOGAN. Mr. Speaker, I am voting to approve the conference report on H.R. 8877, Labor and Health, Education, and Welfare appropriations. As we all know, this legislation includes appropriations for title I of the Elementary and Secondary Education Act and impact aid. The school system which serves my district, Prince Georges County schools, receives very substantial amounts of money in both of these categories. In casting my vote I must know how the schools in my district fare under H.R. 8877 as compared with what has been received in the past and what may be expected under the continuing resolution in the event H.R. 8877 is never enacted into law.

From estimates furnished me, ESEA title I funds for Prince Georges County schools are as follows:

Actual fiscal year 1973	$1,650,000
Under continuing resolution	1,897,000
Estimated, H.R. 8877	2,284,000

These funds, of course, are available only under approved programs. The estimated figure includes the 5-percent impoundment.

For impact aid I am told that the cut would amount to funding for B students at a 65-percent rate instead of the present 68-percent rate. This could be a reduction of about $350,000 depending upon the number of B students now in schools. The figures on the number of B students in the system is not yet available. It is likely there will be substantial changes since Prince Georges County schools were faced with a Federal busing for racial balance order last year. This order resulted in increased use of private schools and thus curtailed expected attendance at the public schools. It could be the estimated loss of impact aid under H.R. 8877 from that of the continuing resolution will be less than anticipated.

The net result under H.R. 8877 is a trade-off of available moneys. In addition H.R. 8877 provides specific approvals rather than a continuation of past practice.

Considerable mail from my constituents has been generated by various agencies with an interest in receipt of specific funds. I am sure that most who wrote to me are concerned not with the total effect of the bill, but with individual sections. School authorities, both local and State, look at the prospective results for their systems. In the instance of H.R. 8877 there is no clear preference.

Contrary to the neutral position taken by local and Maryland State educational authorities, other agencies have expressed in no uncertain terms their support or opposition of H.R. 8877.

Even though I am a strong advocate of good educational legislation and vote for what I consider to be the best for my constituents, I must offend some when we have a bill with many compromises included in it as H.R. 8877.

Mr. MICHEL. Mr. Speaker, I have no further request for time, and simply say I am supporting this conference report and I urge all Members within the feelings of their own consciences to do likewise.

Mr. FLOOD. Mr. Speaker, I have no further request for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The **SPEAKER.** The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 371, nays 33, not voting 29, as follows:

[Roll No. 622]

YEAS—371

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Armstrong
Ashley
Aspin
Bafalis
Barrett
Bauman
Beard
Bell
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dent
Dickinson
Dingell
Donohue
Dorn
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
Kluczynski
Koch
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McEwen
McFall
McKay
McKinney
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford

Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—33

Archer
Ashbrook
Badillo
Baker
Bennett
Burleson, Tex.
Camp
Collier
Collins, Tex.
Conlan
Daniel, Dan
Davis, Wis.
Dennis
Devine
Goodling
Gross
Hawkins
Huber
King
Kuykendall
Landgrebe
Miller
Moss
Rarick
Rousselot
Satterfield
Shuster
Steiger, Ariz.
Symms
Thompson, N.J.
Treen
Waggonner
Williams

NOT VOTING—29

Blatnik
Buchanan
Burke, Calif.
Clawson, Del
Cochran
Crane
Dellums
Derwinski
Diggs
Downing
Gray
Hansen, Wash.
Jordan
Long, Md.
McDade
McSpadden
Macdonald
Madden
Mathias, Calif.
Mills, Ark.
O'Hara
Reid
Rooney, N.Y.
Rooney, Pa.
Stokes
Ullman
Veysey
Walsh
Ware

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Walsh.

Mr. McSpadden with Mr. Buchanan.

Mr. Blatnik with Mr. Derwinski.

Mr. Diggs with Mr. Madden.

Mr. Downing with Mr. Cochran.

Mr. Dellums with Mr. Long of Maryland.

Mr. Gray with Mr. Del Clawson.

Mr. Rooney of Pennsylvania with Mr. Crane.

Mr. Reid with Mr. Mathias of California.

Mr. O'Hara with Mr. McDade.

Mrs. Hansen of Washington with Mr. Stokes.

Mrs. Burke of California with Mr. Ware.

Ms. Jordan with Mr. Ullman.

Mr. Macdonald with Mr. Mills of Arkansas.

The result of the vote was announced as above recorded.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 1: Page 1, line 4, insert: "and shall be made available for expenditure except as specifically provided by law.

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: "and shall be made available for expenditure except that not to exceed $400,000,000, including not more than 5 per centum of the amount specified in any appropriation provision contained in this Act or any activity, program, or project within such appropriation may be withheld from obligation and expenditure".

Mr. FLOOD. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is in the motion offered by the gentleman from Pennsylvania.

The question was taken and the Speaker announced that the ayes appeared to have it.

Ms. ABZUG. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Ms. ABZUG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 263, nays 140, not voting 30, as follows:

[Roll No. 623]

YEAS—263

Abdnor
Alexander
Anderson, Ill.
Andrews, N.C.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bevill
Blackburn
Boggs
Boland
Bolling
Bowen
Bray
Breaux
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, S.C.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dorn
Duncan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frey
Froehlich
Fuqua
Gettys
Ginn
Goldwater
Goodling
Green, Oreg.
Gross
Grover
Gubser
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hébert
Henderson
Hicks
Hillis
Hinshaw
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Landrum
Latta
Leggett
Lent
Litton
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McEwen
McFall
McKay
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Matsunaga
Mayne
Meeds
Michel
Milford
Miller
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Brien
Parris
Passman
Patman
Patten
Pettis
Pickle
Pike
Poage
Preyer
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Rarick
Regula
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
Sandman
Satterfield
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Udall
Vander Jagt
Vigorito
Waggonner
Wampler
Ware
White
Whitehurst
Whitten
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Ill.
Young, S.C.
Zablocki
Zion
Zwach

NAYS—140

Abzug
Addabbo
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Bergland
Biaggi
Biester
Bingham
Brademas
Brasco
Brooks
Brown, Calif.
Burke, Mass.
Burton
Carey, N.Y.
Carney, Ohio
Chisholm
Clay
Cohen
Collins, Ill.
Conyers
Corman
Cotter
Culver
Danielson
Davis, Ga.
de la Garza
Delaney
Denholm
Dent
Dingell
Donohue
Drinan
Dulski
Edwards, Calif.
Fascell
Ford, William D.
Fraser
Fulton
Giaimo
Gibbons
Gilman
Gonzalez
Grasso
Green, Pa.
Griffiths
Gude
Gunter
Hanna
Harrington
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hogan
Holifield
Holtzman
Howard
Hungate
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Lehman
Long, La.
Long, Md.
McKinney
Mazzoli
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
O'Hara
O'Neill
Owens
Pepper
Perkins
Peyser
Podell
Powell, Ohio
Price, Ill.
Randall
Rangel
Rees
Riegle
Rinaldo
Rodino
Roe
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roybal
Ryan
St Germain
Sarasin
Sarbanes
Schroeder
Seiberling
Sisk
Staggers
Stanton, James V.
Stark
Steele
Studds
Sullivan
Thompson, N.J.
Thornton
Tiernan
Van Deerlin
Vanik
Waldie
Whalen
Wilson, Charles H., Calif.
Wolff
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Tex.

NOT VOTING—30

Adams
Blatnik
Buchanan
Burke, Calif.
Clawson, Del
Cochran
Crane
Dellums
Diggs
Downing
Frenzel
Gaydos
Gray
Hansen, Wash.
Jones, Tenn.
Jordan
McDade
McSpadden
Macdonald
Madden
Mathias, Calif.
Mills, Ark.
Reid
Rooney, N.Y.
Stokes
Ullman
Veysey
Walsh
Widnall
Wiggins

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Gray for, with Mr. Rooney of New York against.

Mr. Madden for, with Mr. Diggs against.

Mr. McSpadden for, with Mr. Reid against.

Mr. Jones of Tennessee for, with Mr. Dellums against.

Mr. Downing for, with Miss Jordan against.

Mr. Ullman for, with Mrs. Burke of California against.

Mr. Crane for, with Mr. Stokes against.

Mr. Del Clawson for, with Mr. Adams against.

Mr. Buchanan for, with Mrs. Hansen of Washington against.

Mr. Cochran for, with Mr. Blatnik against.

Mr. Mathias of California for, with Mr. Macdonald against.

Until further notice:

Mr. Gaydos with Mr. Walsh.

Mr. Mills of Arkansas with Mr. Wiggins.

Mr. Frenzel with Mr. McDade.

The result of the vote was announced as above recorded.

The **SPEAKER**. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 11: On page 9, line 24, insert: "*Provided further*, That $25,000,000 of the funds contained in this appropriation for Public Health Service hospitals shall remain available until expended."

MOTION OFFERED BY MR. FLOOD

Mr. **FLOOD**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 11 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$15,000,000".

The motion was agreed to.

The **SPEAKER**. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 16: Page 11, line 18, insert: "including $50,000,000 to remain available until June 30, 1975,"

MOTION OFFERED BY MR. FLOOD

Mr. **FLOOD**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$25,000,000".

The motion was agreed to.

The **SPEAKER**. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 18: On page 11, line 20, insert the following: ", of which $4,500,000 shall be for the Norris Cotton Cancer Center."

MOTION OFFERED BY MR. FLOOD

Mr. **FLOOD**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein.

The motion was agreed to.

The **SPEAKER**. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 32: On page 18, line 10, strike out, ""That the aggregate amounts made available—" through line 14, and insert, "That the amounts made available to each State and local education agency under title I–A for grants to local education agencies within that State shall not be less than 90 per centum nor more than 110 per centum of such amounts as were made, available for that purpose for fiscal year 1972: *Provided further,*"

MOTION OFFERED BY MR. FLOOD

Mr. **FLOOD**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "That the aggregate amounts made available to each State under title I–A of the Elementary and Secondary Education Act for grants to local educational agencies within that State shall not be more than 120 per centum of, nor less than, such amounts as were made available for that purpose for fiscal year 1973, and the amount made available to each local educational agency under said title I–A shall not be less than 90 per centum of the amount made available for that purpose for fiscal year 1973".

Mr. **SMITH** of Iowa. Mr. Speaker, will the gentleman yield?

Mr. **FLOOD**. Mr. Speaker, I yield to the gentleman from Iowa.

Mr. **SMITH** of Iowa. Mr. Speaker, although our Appropriations Committee originally had this bill on the floor of the House on June 26, here we are 5½ months later on December 5 and the school districts and colleges still do not know for sure the funding levels of the various programs under which they operate. There had been many causes for the delays in the handling of this bill and Congress must take a share of the blame. However, unfortunately some of the delays had been caused by some of the recipients of the funds themselves. When the bill was on the House floor 3 weeks ago, some of those recipients were pressuring Members to recommit the bill to change the distribution of title I funds under ESEA. In too many cases, these people were not as concerned as to whether it was fair or equitable as they were about shifting a few dollars toward their particular area. Disadvantaged children are spread throughout the whole Nation and no matter where they live, they may be your neighbor when they become an adult or work at the same place where you or your children work. Everyone should be interested in all disadvantaged children rather than limiting that interest to those who temporarily reside nearest our home; but in spite of this, many Members were basing their vote on tables showing aggregate totals to be distributed within their State. When so many decide to vote on such a basis as that, it was not one of the proudest days in the history of the House; but also many of those who thought they were voting and supporting increased funds in their local areas were in fact doing just the opposite.

So that Members may have an opportunity to assess the consequences of their vote on the motion to recommit, I prepared a table and it appears in the CONGRESSIONAL RECORD of yesterday on page 39407. There were so many errors made by the GPO that I will include a corrected table here. As you will notice under the table, 43 States lost an aggregate total of $73,454,728 and seven States gained an aggregate total of $4,219,128.

The table is as follows:

ESTIMATED COMPARATIVE DISTRIBUTIONS FOR LOCAL EDUCATIONAL AGENCY GRANTS—PT. A OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

	Aggregate of local grants for each State under 1973 operating level	Aggregate of local grants for each State in H.R. 8877 before it was recommitted	Aggregate of local grants for each State in H.R. 8877 as amended after recommittal	Increase or decrease resulting from recommittal
Total funding level	$1,585,000,000	$1,810,000,000	$1,719,500,000	−$90,500,000
Local share	1,316,037,468	1,465,435,600	1,396,200,000	−69,235,600
Alabama	34,549,166	36,321,420	34,549,166	−1,682,254
Alaska	2,415,064	2,757,142	2,898,078	+140,936
Arizona	8,134,242	9,354,378	8,222,691	−1,131,687
Arkansas	20,963,618	21,793,010	20,963,618	−829,392
California	111,618,375	128,361,131	121,364,100	−6,997,031
Colorado	10,237,378	11,680,683	10,931,405	−749,278
Connecticut	11,747,931	13,510,121	14,097,517	+587,396
Delaware	2,323,748	2,672,310	2,323,748	−348,562
District of Columbia	10,096,368	11,610,823	11,196,398	−414,425
Florida	24,111,072	27,433,768	25,295,587	−2,138,181
Georgia	40,573,812	42,841,265	40,573,812	−2,267,453
Hawaii	$3,715,263	$4,272,552	$4,107,065	−$165,487
Idaho	2,719,220	3,062,802	2,719,220	−343,582
Illinois	69,554,901	79,657,703	77,374,236	−2,283,467
Indiana	18,773,439	21,241,592	18,773,439	−2,468,153
Iowa	14,601,661	15,402,643	14,601,661	−800,982
Kansas	9,147,430	10,166,938	9,632,773	−534,165
Kentucky	32,212,788	33,817,801	32,212,788	−1,605,013
Louisiana	31,322,489	35,609,869	31,322,489	−4,287,380
Maine	5,633,673	6,478,724	5,641,865	−836,859
Maryland	19,380,669	22,250,234	22,691,090	+440,856
Massachusetts	24,893,505	28,627,531	28,110,264	−517,267
Michigan	51,768,916	59,517,077	58,920,765	−596,312
Minnesota	20,897,155	22,738,709	20,897,155	−1,841,554
Mississippi	35,922,629	37,866,737	35,922,628	−1,944,109

ESTIMATED COMPARATIVE DISTRIBUTIONS FOR LOCAL EDUCATIONAL AGENCY GRANTS—PT. A OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT—Continued

	Aggregate of local grants for each State under 1973 operating level	Aggregate of local grants for each State in H.R. 8877 before it was recommitted	Aggregate of local grants for each State in H.R. 8877 as amended after recommittal	Increase or decrease resulting from recommittal
Missouri	$23, 367, 302	$25, 209, 867	$23, 367, 302	−$1, 842, 565
Montana	2, 865, 542	3, 235, 543	2, 865, 542	−370, 001
Nebraska	7, 187, 530	7, 797, 808	7, 187, 530	−610, 278
Nevada	923, 899	1, 040, 322	1, 108, 679	+68, 357
New Hampshire	2, 007, 413	2, 308, 525	2, 274, 208	−34, 317
New Jersey	44, 232, 287	50, 867, 130	52, 911, 404	+2, 044, 274
New Mexico	7, 393, 185	8, 502, 163	7, 393, 185	−1, 108, 978
New York	196, 835, 764	226, 356, 413	218, 053, 725	−8, 302, 688
North Carolina	51, 556, 663	50, 634, 889	51, 556, 663	+921, 774
North Dakota	4, 101, 267	4, 360, 156	4, 101, 267	−258, 889
Ohio	42, 248, 122	48, 337, 485	45, 285, 416	−3, 052, 069
Oklahoma	16, 649, 246	18, 435, 642	16, 649, 246	−1, 786, 396
Oregon	8, 421, 321	9, 684, 519	8, 710, 600	−973, 919
Pennsylvania	$64, 998, 125	$74, 747, 843	$69, 652, 300	−$5, 095, 543
Rhode Island	4, 873, 849	5, 604, 926	5, 032, 815	−572, 111
South Carolina	29, 853, 231	30, 881, 808	29, 853, 231	−1, 028, 577
South Dakota	5, 470, 551	5, 713, 175	5, 470, 551	−242, 624
Tennessee	31, 273, 191	32, 659, 555	31, 273, 191	−1, 386, 364
Texas	67, 675, 754	74, 232, 589	67, 675, 754	−6, 556, 835
Utah	3, 894, 921	4, 447, 225	4, 462, 760	+15, 535
Vermont	2, 093, 957	2, 398, 856	2, 093, 957	−304, 899
Virginia	31, 522, 692	33, 229, 975	31, 522, 692	−1, 707, 283
Washington	13, 445, 639	15, 462, 485	15, 136, 917	−325, 568
West Virginia	17, 319, 813	19, 241, 834	17, 319, 813	−1, 922, 021
Wisconsin	17, 340, 875	19, 761, 936	18, 711, 212	−1, 050, 724
Wyoming	1, 170, 817	1, 325, 974	1, 186, 478	−139, 496

Members may also notice shifts within States resulting from the application of a part of the Quie amendment. The result is more money for the wealthy districts and less for others. For example, although the State of Virginia will receive $1.7 million less, wealthy Fairfax County will now go up from a level of $536 million in the bill 3 weeks ago to a new level of $917.7 million. While this is still a smaller shift than would have been the case under the recommitted bill, it is still the wrong way.

It should be obvious by now that the formula for distributing title I funds in the authorizing legislation simply does not put the money where the disadvantaged children are. Faced with that fact, we have tried in an appropriations bill to limit the worst parts of a bad formula in such a way as to make it less unfair. Limiting a bad formula can and has made it less unfair; but, it does not produce a good formula. I think the formula which is in this bill is less satisfactory than the one that was in the bill 3 weeks ago; and I think that upon looking at the table and States, most all of you will agree. However, in spite of that fact, I think the best thing we can do today is to approve this bill. Any further delay would be sure to result in more adversity for school districts. At this point, it is a salvage operation. Almost every Member would prefer something somewhat different but educational institutions cannot stand any more help like they received 3 weeks ago.

I urge you to support this conference report today.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 48: On page 22, line 9, insert the following: "*Provided*, That amounts for basic opportunity grants shall be available only for full-time students at institutions of higher education who were not enrolled as regular students (as defined by the Commissioner of Education) at such institutions prior to April 1, 1973."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 48 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 51: On page 22, strike out $176,209,000," through line 25, and insert "$176,709,000."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 51 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert "$171,709,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 57: On page 23, line 11, strike out "$161,110,000" and insert "$163,670,000."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 57 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$157,170,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 62: On page 25, line 11, strike "$12,891,048,000" and insert "$12,864,279,000."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 62 and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$12,853,279,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 68: Page 32, line 14, insert: ": *Provided further*, That such amounts as may be required may be expended for administration within the United States of the Social Insurance Program of the United Kingdom, under terms of an agreement wherein similar services will be provided by the United Kingdom in that country for administration of the social insurance program of the United States."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 68 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 75: Page 34, line 19, insert: ": *Provided*, That not to exceed $10,000,000 may be transferred to this appropriation from other appropriations in this title as reimbursement for reductions in public affairs activities charged against this appropriation."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 75 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 79: Page 40, line 9, insert:

"PAYMENT TO THE CORPORATION FOR PUBLIC BROADCASTING

"To enable the Department of Health, Education, and Welfare to make payment to the Corporation for Public Broadcasting, as authorized by section 396(k)(1) of the Communications Act of 1934, as amended, for expenses of the Corporation, $50,000,000 to remain available until expended: *Provided*, That in addition, there is appropriated in accordance with the authorization contained in section 396(k)(2) of such Act, to remain available until expended, amounts equal to the amount of total grants, donations, bequests or other contributions (including money and the fair market value of any property) from non-Federal sources received by the Corporation during the current fiscal year, but not to exceed a total of $5,000,000."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 79 and concur therein with an amendment, as follows: In lieu of the sum of $50,000,000 proposed by said amendment, insert $45,000,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the last amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 81: Page 46, line 24, insert: "SEC. 409. Funds contained in this Act used to pay for contract services by profitmaking consultant firms or to support consultant appointments shall not exceed the fiscal year 1973 level: *Provided*, That obligations made from funds contained in this Act for consultant fees and services to any individual or group of consulting firms on any one project in excess of $25,000 shall be reported to the Senate and House of Representatives at least twice annually."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 81 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

APPOINTMENT BY THE MAJORITY LEADER AS A MEMBER OF THE DEFENSE MANPOWER COMMISSION

Mr. O'NEILL. Mr. Speaker, pursuant to the provisions of section 701(b), title 7, Public Law 93-155. I have today appointed as a member of the Defense Manpower Commission Mr. Arthur E. Haley, from Winchester, Mass.

APPOINTMENT BY THE MINORITY LEADER AS A MEMBER OF THE DEFENSE MANPOWER COMMISSION

Mr. GERALD R. FORD. Mr. Speaker, pursuant to the provisions of section 701(b), title 7, Public Law 93-155. I have today appointed as a member of the Defense Manpower Commission Mr. Britton L. Gordon from Grand Rapids, Mich.

BUDGET AND IMPOUNDMENT CONTROL ACT OF 1973

Mr. BOLLING. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7130) to amend the rules of the House of Representatives and the Senate to improve congressional control over budgetary outlay and receipt totals, to provide for a legislative budget director and staff, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri (Mr. BOLLING).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 7130, with Mr. UDALL in the chair.

The clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday it was agreed that title I, ending on line 12 on page 74 of the committee amendment in the nature of a substitute, would be considered as read, printed in the RECORD, and open for amendment at any point.

Are there any amendments to title I?

AMENDMENT OFFERED BY MR. MATSUNAGA

Mr. MATSUNAGA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MATSUNAGA: On page 45, strike out lines 24 through 25 and on page 46, strike out lines one through 17; and insert in lieu thereof the following:

"(e) Committee on the Budget, to consist of twenty-three Members."

Mr. MATSUNAGA. Mr. Chairman, brevity is not only the soul of wit; it is also the heart of good legislation. My amendment is brief—only nine words—and it would strike from the bill some 127 words.

And frankly, Mr. Chairman, the words I propose to strike are dangerous words. They would specify by statute that a certain number of members of the House Budget Committee must come from the Ways and Means and Appropriations Committee. It further specifies that a Member could not serve on the Budget Committee for more than two Congresses in any 10-year period, and that selections for the committee shall be made without regard to security.

The danger in these words lies not in the effect they would have on the actual composition of the Budget Committee. I support all of the objectives toward which these restrictions are aimed. No one could seriously advocate, for instance, that the Budget Committee should not include substantial representation from the Appropriations and Ways and Means Committees. What is a budget if it is not revenues and expenditures? To exclude from a budget committee members of the committees directly concerned with revenues and expenditures would be sheer folly. The idea of rotation of committee membership is a sound one, and as for tempering the seniority system, I have advocated reform of the present system for as long as I have served in the House of Representatives.

No, Mr. Chairman, the danger of the words my amendment would strike lies not in their substantive effect, but in the process by which they achieve that effect.

For the past 60 years, the House has held to the policy that majority and minority members on any standing committee shall be named by the respective party caucus. In only two minor, short-lived instances was that policy departed from, and even then only insofar as the number of committees on which a member could serve.

The present House rules are silent on all committee membership questions, with the exception of the Ethics Committee, which for obvious reasons is required to have equal numbers of Democrats and Republicans.

To depart from the current practice would be a step backward in the forward march of reforms which the Democratic Caucus in particular has put into effect in recent years. In various ways we have strengthened the caucus, to discharge the special responsibility of the Democrats to husband carefully the means needed to implement party initiatives. Especially in these troubled times, Americans look to the Congress for leadership. If the majority party is to take credit for congressional achievements—or shoulder the blame for congressional failures—there must be no mistake about who leads Congress.

I would also caution my Republican colleagues about the present provisions of the bill. If caucus prerogatives on naming committee members are to be invaded, who is to say that some future Democratic majority will not vote to oust a particular Republican from a committee because he has proven himself too troublesome for the Democrats?

H.R. 7130 is a good bill, Mr. Chairman, and I submit that it can be strengthened considerably by the adoption of my amendment.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. BURLISON of Missouri, and by unanimous consent, Mr. MATSUNAGA was allowed to proceed for 1 additional minute.)

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. My friend, the gentleman from Hawaii, has said that he feels that the budget committee work falls within the province and jurisdiction of the Revenue and Appropriations Committees; is that correct?

Mr. MATSUNAGA. That is correct.

Mr. BURLISON of Missouri. He further stated, I believe, that he feels substantial representation from these two committees should be on the budget committee.

Mr. MATSUNAGA. That is correct.

Mr. BURLISON of Missouri. I did not hear the gentleman suggest as to how he would insure this happening. As I read the committee bill, it has a mechanism to insure this. How would the gentleman from Hawaii provide for it?

Mr. MATSUNAGA. As I stated earlier, the men of the House are reasonable men. It would be sheer folly not to include representatives from the Committees on Appropriations or Ways and Means, and I am sure the gentleman from Missouri has as much faith as I do that members of the caucus will designate an appropriate number of members from these two committees to serve on the Budget Committee.

In further response to the gentleman's earlier question, I would say when it comes to setting up the budget, it is not altogether within the province of these two committees alone; it is within the province of the full House.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. BURTON and by unanimous consent, Mr. MATSUNAGA was allowed to proceed for 2 additional minutes.)

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from California.

Mr. BURTON. I thank the gentleman for yielding.

Mr. Chairman, most of us on this side oppose by statute interfering with caucus prerogatives. We introduced a motion in our caucus, and we merely did not have a quorum, that we favor the concept, the position, the reality of Appropriations and Ways and Means committee members as democratic members of this new Budget Committee, so there is no difference I am aware of in our caucus in this respect.

The only point I should like to establish is that I recall when Chairman McMillan was opposed within the Democratic Caucus as chairman of the Committee on District of Columbia, I supported the effort to eliminate his serving as chairman, but when there was an effort made in the Whole House to depose McMillan, I opposed that for the very same reason I support the gentleman from Hawaii's proposed amendment, in that this proposal, whether intended to or not, simply usurps the traditional caucus prerogatives, and no one among us can predict what the final result of that will be over the years.

I should like to say to my colleagues on the other side of the aisle who may have an overwhelming majority of the votes next year, we do not want them dictating to us.

It is rarely conceivable we may have another overwhelming majority and the rule is if one has enough votes he can muscle through his position and run over the caucus deliberations of the other side. I think that is a very dangerous concept to contemplate and this should be deleted from the bill. The substance of the proposal I think could be adopted by will of the caucus.

The CHAIRMAN. The time of the gentleman from Hawaii has expired.

(By unanimous consent, Mr. MATSUNAGA was allowed to proceed for 1 additional minute.)

Mr. MATSUNAGA. Mr. Chairman, I might point out to the minority Members that in the debate as to whether to leave Chairman McMillan on the District of Columbia Committee or not, the minority leader spoke up saying that this was a matter for the Democratic Caucus to decide and that the Democratic Caucus had so decided and that it was not the prerogative of the minority to interfere with such choice. The table, of course, could be turned around and we Democrats could be in the minority. The Republicans could then do the same to us. But the fact is that the minority today has its own choice as to who shall serve on the respective committees and the majority does not interfere at all. We really ought to keep it the way it is and insure an orderly House.

Mrs. GRIFFITHS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to say I am shocked at this amendment and the fact that the gentleman from Hawaii has offered it because he is such a fair man and, of course, this amendment really changes the total procedure of the House.

At the present time every committee is confirmed by the House and we can always object, and no party has ever objected, has ever raised any criticism of the Members put on the committee by caucus of the other party.

Objections to the specific inclusion of the Ways and Means and Appropriations Committee members on the Budget Committee arise from the notion that this is just another committee being set up. In fact, this is far from true. The Budget Committee is designed as a coordinating device because fiscal matters—both tax and expenditure policy—have been fragmented badly in our present committee consideration of this issue. If Appropriations Committee and Ways and Means Committee members are not allocated specific places on the Budget Committee, instead of the Budget Committee being a useful coordinating device it will, in fact, further fragment fiscal policy decisionmaking. But for the Budget Committee to be an effective device for the Congress, there must be close coordination between it and the fiscal committees.

While the bill before the House makes provision for Ways and Means and Appropriations members to be on the Budget Committee, they would not be a majority of the committee. Of the 23 members of the committee, 10 would come from these 2 committees—5 from the Ways and Means Committee and 5 from the Appropriations Committee. As a result, despite the need for fiscal coordination under the bill before us, the tax and appropriating committees will have significantly less than half the total members on the Budget Committee.

In addition, even the representatives from the Appropriations and Ways and Means Committees on the Budget Committee are to be selected under the regular party rules for filling committee vacancies. Moreover, the bill specifically provides that seniority is not to be taken into account in selecting members for this committee. As a result, the caucus in the case of the Democratic Party will be perfectly free to select whatever mix of committee membership it considers appropriate for the Budget Committee, even insofar as the Ways and Means and Appropriations membership is concerned.

Let me further point out that the bill contains a provision for rotation of membership which means that no particular setup insofar as this committee is concerned will be retained for any significant period of time.

I oppose the amendment offered by the gentleman from Hawaii. I think it is badly out of place. I think there is an effort to confuse the Members on how committee members have always been selected. There is no chance that either party will not respect the membership of the committees selected by the other side.

Mr. CEDERBERG. Mr. Chairman, will the gentlewoman yield?

Mrs. GRIFFITHS. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, I want to associate myself with the remarks of the gentlewoman from Michigan. I think it would be just disastrous if this amendment is adopted, because I believe it would further make it more difficult to achieve the objectives we want, and that is coordination and cooperation between this committee and the Appropriations and Ways and Means Committees, which are essential if we are going to achieve the goals we want in this legislation.

Mrs. GRIFFITHS. I thank the gentleman. I urge defeat of the amendment.

Mr. MATSUNAGA. Mr. Chairman, will the gentlewoman yield?

Mrs. GRIFFITHS. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, the gentlewoman knows that under the present setup the Committee on Committees makes its recommendation to the caucus.

Mrs. GRIFFITHS. Right.

Mr. MATSUNAGA. And presently the Committee on Committees consists of the membership of the Committee on Ways and Means.

Mrs. GRIFFITHS. Right.

Mr. MATSUNAGA. So that in itself the present structure insures that there will be members of the Committee on Ways and Means, as well as members from the Committee on Appropriations.

I have enough faith in the members of the Committee on Committees to know that they will take into consideration the sheer folly of not having members of the Committee on Ways and Means and of the Committee on Appropriations to serve on this all-important Budget Committee.

Mrs. GRIFFITHS. But I would like to say to the gentleman, this is not the real issue on which the gentleman has been fighting. If I may say to the gentleman, what he is attempting to do is have a different procedure set up. He suggests that somehow or other the Republican Party would have a chance to say who we could select on the Democratic side. The gentleman is quite wrong. This is a procedure throughout time in this entire body. There is nothing different about this and no Member has objected to the Member selected by the other party; but the point is that the caucus has control over the Members. If there is to be coordination in this committee there must be members of the Committee on Ways and Means and the Committee on Appropriations.

The Rules Committee has brought this bill to the floor in this way. I think they did a good job. I urge defeat of the amendment of the gentleman from Hawaii.

Mr. GUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Hawaii, the Honorable SPARK M. MATSUNAGA, to the Budget and Impoundment Control Act of 1973. I agree that we should delete all specific language concerning the composition of the House Standing Committee on the Budget, other than to specify the number of members to be appointed.

We should take this opportunity provided by Mr. MATSUNAGA to further democratize the Congress by giving the caucuses of the respective political parties in the House the right to choose the members to serve on the new House Budget Committee.

No other standing committee has its membership, or a portion of its membership as suggested in this case, specified in advance. I agree that it is important that Ways and Means and Appropriations Committee members serve on the Budget Committee and I am confident that the party caucuses will so decide. We should avoid writing in a requirement that undercuts the caucus.

Few issues, Mr. Speaker, concern me more than the need to assert congressional authority over the budgetary process. The recent record of executive impoundments and the continuing inability of the administration or the Congress to come to grips with inflation makes it imperative that we do so.

My prior experience as vice chairman of the Ways and Means Committee and chairman of the Appropriations Subcommittee of the Florida Senate convinced me that there was much the Congress could learn about budgetary control from State government.

I promised the people of the Fifth Congressional District last year to oppose the present system by which the President has assumed almost total discretionary control over the Federal budget.

That is why one of the first important pieces of legislation I sponsored as a Member of Congress was a bill to establish a Joint Committee on the Budget. However, I can accept the two-committee compromise approach as suggested by the legislation before us today.

This bill does establish a legislative budget office with a director appointed by the Speaker upon recommendation of the House Budget Committee.

This bill does revise the fiscal year to run from October 1 to September 30 with a timetable to curb the need for continuing resolutions.

This bill does contain an anti-impoundment provision.

And this bill does fulfill the need, as I so stated last September 21 to the House Rules Committee, for the Congress to take hold of the budgetary process.

I acclaim final passage of the Budget and Impoundment Control Act of 1973.

Mr. BOLLING. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Hawaii.

Mr. Chairman, this amendment is to the section of the bill that was the keystone that made it possible to arrive at a compromise. This accommodation made it possible to report a bill unanimously from the Committee on Rules, there, of course, had been a great deal of conflict between factions as to how this matter should be dealt with.

As a matter of fact, the Committee Print No. 1 that was the basis of the way we worked toward a compromise provided for a 21-man committee with no designations and that committee print is something that I had a good deal to do with. But despite the fact that I probably have written more, and I always am mindful of the fact that people say, "Oh, that mine enemy would write a book," that I have written more on the subject of strengthening caucus action, caucus importance, particularly in my own party; the fact is that the rules of the House are very clear and they have not been changed. The final authority for the selection of committees is contained in the first paragraph of Rule X. It is very short:

> There shall be elected by the House at the commencement of each Congress, the following standing committees:

The House obviously is the overall instrument through which we work. Now, the custom over many years has been to leave to the caucus and the conference—the parties, in other words—the selection. But it was not possible to convince certain people that the caucuses and conferences would adequately provide for membership from the Committee on Ways and Means and the Committee on Appropriations. The Rules Committee voted by a substantial majority in favor of a 23-man committee as contained in the bill; five designated from Ways and Means, five designated from Appropriations, 11 at large, one each from each leadership.

I am committed to this bill; I am committed to that provision. I think it is a fair provision. I think it will give everybody an opportunity.

I think this is an exceptional committee, and I see no reason why the House cannot sustain the Committee on Rules and retain this and vote down the proposal of my friend from Hawaii, who I must say made major contributions to the bill generally, but in this case I feel is in error.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, I certainly want to concur in the statement made by the gentleman from Missouri. This was really the crux of the problem the committee was faced with. It is the hinge around which we are able to develop a compromise.

I would hope, in spite of my great regard for the distinguished gentleman from Hawaii, that this amendment be voted down, because it is the keystone of the agreement which was finally hammered out in order to make it possible to get this bill. I commend my friend from Missouri on his position.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, our colleagues on the Rules Committee have made such a sound argument against the amendment I hesitate to comment at all at this point. First, I want to say that we all in this Congress are indebted to the Rules Committee for having brought together so many different groups and to have recognized and reconciled so many different views, into a bill I believe can work.

Mr. Chairman, I think my distinguished friend from Hawaii, who offers this amendment, recognizes that this bill, if passed and enacted into law, cannot operate without the cooperation of the Congress as a whole, or the House of Representatives as a whole on this side. But, I also think that in his own statement he recognized that the House cannot operate without having people on this committee who know something about the problems internally that are faced by members of the Committee on Ways and Means. It is not surprising to me that many of my colleagues do not have any understanding of the internal problems of the Committee on Appropriations, where I serve.

I fully recognize that I do not know the internal problems of the members on other committees, but when my friend from Hawaii says that he believes that the provisions in the bill which he would strike, are needed but should be done by the caucus of each party each year, and therefore we do not need the requirement; if it is that certain and that sure, certainly it is just as well to have it in the law and not have built into the act the uncertainty which must follow, if we have to wait each time for the two caucuses to act.

We have our differences in caucuses, we have divisions, as shown by the fact that the gentleman from Hawaii was unable to get a quorum to meet to pass on his proposal. Why have a shaky situation each and every year? If it is in the law, we know what we can count on.

I think we have a good chance for this bill to be enacted into law. If enacted into law, I believe the act has a good chance to work.

This amendment would inject not only doubt but uncertainty.

Let us not do anything that would include in the law we pass an uncertainty so that we would be dependent upon the judgment of my friend, the gentleman from Hawaii, as to what he believes a future group might do.

If the result provided for in the act is so good, let us keep it in the act. I trust the amendment will be voted down.

Mr. MARTIN of Nebraska. Mr. Chairman, I rise in opposition to the amendment.

The amendment which the gentleman from Hawaii offers seeks to undo a very reasonable compromise which was reached in the Committee on Rules in regard to the composition of the Committee on the Budget.

This entire bill is a series of compromises, reasonable compromises on both sides of the aisle and with gentlemen who have different points of view.

I feel that we have a good bill. I feel that we have a good section here, one that the gentleman is attempting to disregard.

The original bill that came out of the joint committee provided for seven members from the Committee on Ways and Means, seven members from the Committee on Appropriations, and seven members from committees at large, in other words, 21 members in all, and two-thirds of those members would have been from the Committee on Appropriations or the Committee on Ways and Means.

It was felt in some quarters that this gave too much weight to those two committees. Then we had another proposal before us which provided, as the gentleman's amendment would accomplish, that we elect 21 Members to this Committee on the Budget from the entire membership of the House.

This would disregard, Mr. Chairman, the expertise which has been acquired by the members of the Committee on Ways and Means and of the Committee on Appropriations, two very important committees as far as this Committee on the Budget is concerned, because this Committee on the Budget is going to deal directly with expenditures and receipts of the Federal Government.

After due thought and consideration in the Committee on Rules, it was decided that a fair compromise and a meaningful compromise, one that would be effective, would be the one that is in the bill itself, that is, 5 members to be appointed from the Committee on Ways and Means, 5 members to be appointed from the Committee on Appropriations, and 11 members from the legislative committees at large, and 1 Member from the leadership on each side of the aisle, a total of 23 members. I think this gives the committee balance.

I think it will make for an effective committee. As has been pointed out, there is no regard to be taken into consideration concerning seniority in the House as far as the appointment of this committee is concerned.

The limit of time during which a member may serve is also restricted to two congressional terms in the House.

Mr. Chairman, the gentleman from Hawaii has raised the point that perhaps the majority might object to certain members on the minority side of this committee and could get rid of them.

That is not the case at all, because the members of this committee are going to be selected in exactly the same fashion as we make our committee appointments on every committee in the House, from the Democratic Caucus and from the Republican Conference. It is a partisan matter, as to what Members serve on the Committee on the Budget, just as it is as to what Members serve on any other standing committee of the House.

So the gentleman's argument simply does not hold water; it simply is not correct in this situation.

I urge, Mr. Chairman, that the House reject the gentleman's amendment.

Mr. OBEY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the crux of the matter is that this bill provides that the Committee on the Budget shall include five Members from the Committee on Ways and Means and five Members from the Committee on Appropriations, and that membership on that committee shall be rotated.

Now, I am a member of the Committee on Appropriations. I believe that this bill cannot work unless we do have substantial membership from the Committee on Appropriations and substantial membership from the Committee on Ways and Means. I support in its exact form this entire provision found in this bill. However, I also support the amendment.

I believe the gentlewoman from Michigan said that the question which the gentleman from Hawaii was dealing with was the question of who goes on the committee. She emphasized that neither caucus has ever interfered with the selection process of the other caucus.

That is not the question. The question before us, as I see it, is very simple. That is, whether this House will by House action overrule a specific rule of the Democratic caucus. There is a rule in the Democratic caucus right now which says that membership on the Committee on Appropriations and on the Committee on Rules and on the Committee on Ways and Means shall be considered exclusive. That means in plain English if you serve on those three committees, you cannot serve on another standing committee.

I think that rule ought to be changed. I have said time and time again that I will offer a resolution in our Democratic caucus to change that rule. But I do not believe this House ought to take action which will by House action change the Democratic caucus rule. That is what you do if you do not support the amendment offered by the gentleman from Hawaii.

I would like just to take us back into history a little bit.

Mr. BURLISON of Missouri. Will the gentleman yield?

Mr. OBEY. I would prefer not to yield until I finish this point.

In 1970, when we had the Reorganization Act on the floor, the gentleman from Wisconsin (Mr. REUSS) offered an amendment which said appointment to committees shall not be necessarily on the basis of seniority. I agreed with that, but I opposed the amendment, and so did a good many others in the House. In fact, if I could just read from the list of people who opposed it at that time, they are as follows:

Messrs. ALBERT, BENNETT, BINGHAM, Boggs, BOLLING, Celler, DENT, DINGELL, ECKHARDT, FRASER, HANSEN, HAYS, Speaker McCormack, Moss, myself, SISK, VANIK, and WALDIE on our side of the aisle, and on the Republican side of the aisle COLLIER, ERLENBORN, GUBSER, HARSHA, MARTIN, Saylor, SMITH, STEIGER of Wisconsin, STEIGER of Arizona, and WYATT.

The reason they opposed it is because they said that while the amendment might be a good idea, it was a matter that ought to be determined by each individual caucus. I do not believe, for instance, if the Democrats come in with 50 additional seats next year, as some people predict, we ought to be able to say by floor action that election to committees shall not be on the basis of seniority. But they could, and could overrule whatever procedures the Republicans wanted to use their own caucus. Those questions should be decided by each caucus, not by the House.

I am perfectly confident that both caucuses will require members of the Committee on Ways and Means and the Committee on Appropriations in these exact numbers to be represented on the Budget Committee, but, gentlemen, in the interest of preserving the integrity of each caucus we ought to guarantee the caucus effects that change and not the House.

I now yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. I appreciate my friend yielding.

He mentioned the three so-called exclusive committees which are provided for in the Democratic caucus rule and said that members of those do not serve on other committees. The gentleman is aware that there are exceptions to that rule; is he not?

Mr. OBEY. Not for standing committees except by specific exception by the Democratic caucus itself.

Mr. BURLISON of Missouri. I would say to the gentleman that there are exceptions to that rule. The gentleman who has offered the amendment, Mr. MATSUNAGA, is one of those.

Mr. OBEY. And he has been individually, as I say, excluded from the coverage of that rule.

Mr. BURLISON of Missouri. I wanted the gentleman to understand that there were exceptions to the rule which I thought he had stated as being absolute.

I appreciate the gentleman yielding.

Mr. OBEY. But those exceptions were made by the Democratic caucus itself and not by the House. That is the point I am trying to get home.

Mr. BROWN of Michigan. Will the gentleman yield?

Mr. OBEY. I yield to the gentleman.

Mr. BROWN of Michigan. I have been very interested in the gentleman's argument, because apparently he takes the position that a rule adopted by the Democratic caucus should be superior to law.

Mr. OBEY. No. I do not take that position at all. I say simply while the House has the authority obviously, because of rule X, to override any decision of the Democratic caucus, in the interest of comity the House has very seldom done that, and I think we ought to stick to that process.

Mr. BROWN of Michigan. The law should not conflict with or nullify a rule of the caucus. Is that correct? You say this law should not nullify a rule of the Democratic caucus.

Mr. OBEY. I say in practice it is much preferable in a political institution to leave these decision to each individual caucus.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(By unanimous consent, at the request of Mr. BROWN of Michigan, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. I yield to the gentleman.

Mr. BROWN of Michigan. The point I wish to make is I found there was no hesitation, apparently, in the Reorganization Act to adopt a policy in that caucus that was in complete opposition to the terms of public law.

I have reference to the Congressional Reorganization Act which was adopted which provided for one-third for minority staffing, and the Democratic caucus turned right around at the very start of the next session and adopted a rule that nullified that provision. The budget committee in my opinion can better serve if there is a law to create it separate from caucus determination than vice versa, as has already been the case.

Mr. OBEY. I would state to the gentleman from Michigan that the gentleman from Missouri (Mr. BOLLING) has already pointed out, as has the gentleman from Nebraska (Mr. MARTIN) that the question of minority staffing will be taken care of in the other proposal coming out of the Committee on Committees, which is not relevant to this matter.

Mr. FINDLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I welcome this opportunity not just to support the composition of the Budget Committee set forth in the bill, but also to salute the committee on a splendid piece of work generally.

The formula by which the budget committee will be established I find not only acceptable, but ingenious. I say that based on an examination of the budget control problem that has absorbed my interest for more than 3 years. In fact, I began to look into the procedural changes which I felt were needed that long ago when hardly anyone else was thinking along that line.

I recall very vividly several conversations I had with the gentleman from Missouri (Mr. BOLLING) about details of the proposal I then had drafted.

At that early stage, and at every step since then I have felt it absolutely necessary that the two committees which in effect are today the Budget Committee of the House, namely, the Committee on Appropriations, and the Committee on Ways and Means, must have a very direct and intimate relationship with whatever budget proposal comes forward to the House itself.

One of the great weaknesses of our present system is not only in the division of the revenue process from the spending process, separated as it is between the Committee on Ways and Means on the one hand and the Committee on Appropriations on the other, but the fact that the appropriations process is so fragmented. We have not 1 Committee on Appropriations, we have 13. Each is virtually a separate independent entity. I wonder if any of us can remember the day when the work of one of these subcommittees was actually altered by the full Committee on Appropriations before it came to the full House of Representatives?

So I think it is entirely appropriate that membership from the Committee on Ways and Means and membership from the Committee on Appropriations be brought together on this budget committee.

If this bill that is now before us did not create a new committee called a Budget Committee, by necessity we would have to deal with the full membership of the Committee on Ways and Means, and the full membership of the Committee on Appropriations in order for any procedure to work.

So I do congratulate the leadership of both sides of the aisle on a splendid piece of work, and I urge opposition to the amendment.

Mr. Chairman, this is a banner year for the Congress.

The Founding Fathers gave the legislative branch of Government two basic powers—the power of the purse, and the power of the sword.

Over the years, Congress has lost much of its power in both areas. In this century, we have seen the power to make war gravitate almost exclusively to the executive branch, with the Congress routinely endorsing Presidential uses of troops whenever requested, and remaining mute when not.

At long last, Congress has passed, over a Presidential veto, a war powers resolution which partially restores the war-making power to the legislative branch of Government.

Similarly, Congress has lost much of its control over the pursestrings of Government. Over the past 40 years, the Federal budget has grown from less than $5 billion to more than $268 billion. Congressional control of the Federal budget and oversight over the use of those funds has not kept pace.

All of us must share the blame. It is easier to appropriate money piecemeal from the President's budget request than to adopt a budget ourselves. It is even easier to avoid the appropriations process entirely and obligate money through the legislative committees—so-called back-door spending.

If an individual, a family, or a businessman permitted this kind of disorder in his financial affairs, he would go bankrupt very quickly. When a nation permits this kind of disorder, it has rampant inflation. The single greatest cause of inflation in the past six years has been Government spending in a manner unrelated to Federal revenues. As a consequence, since 1968 the cost of living has increased by 25 percent.

It was just this problem which prompted me a year and a half ago to introduce House Resolution 1020, an amendment to the rules of the House of Representatives requiring the adoption of a budget for the Federal Government each year. This proposal was reintroduced as House Resolution 17 in the 93d Congress.

Now, at long last, Congress is about to recapture the power of the purse. The bill before the House today, H.R. 7130, provides a mechanism for Congress to control Federal spending and revenues as has never been possible before.

This bill tracks well with House Resolution 17, and I support it wholeheartedly.

Both bills require the adoption of a budget resolution for the ensuing fiscal year, containing total spending and budget authority.

Both require that this budget be broken down among the various functional categories for which Federal money is spent each year.

Both require that the budget contain the amount of total Federal revenue that is required.

And both require that it contain a recommendation as to increases in the level of Federal debt and Federal revenue in order to balance the budget.

Only after such a budget has been adopted will it be possible for Congress to begin appropriating money for the Government.

This bill fulfills the urgent need to establish national priorities within the framework of estimated revenues and expenditures. One of our gravest shortcomings has been the total inability of Congress to decide whether expenditures for a particular category are strongly enough desired to raise taxes or cut back on spending for some other purpose. Until votes can be cast on just such questions, Congress will not be setting national policy.

This bill will make that possible.

Finally, the bill wisely deals with the question of impoundment of funds by the executive branch. In the past I have supported certain Presidential impoundments because I felt it was essential that someone should keep a lid on government spending to fight inflation. Congress was not structured to do so.

This bill gives Congress the ability effectively to control Government spending, and thereby correctly returns final authority in that area to Congress.

As I stated at the outset, this is the year for Congress to regain the two most important powers laid out for it in the Constitution—the power of the purse and the power of the sword. Hopefully, this will enable us to better control the twin scourges of war and inflation. If we are successful in this, then we will truly have found a better way of life for all Americans.

Mr. RYAN. Mr. Chairman and Members of the Committee, I rise in support of the amendment offered by the gentleman from Hawaii (Mr. MATSUNAGA). I speak as a freshman, as someone who is new here, with regard for the leadership of both parties. However, respectfully, I believe that there is a confusion here between the engine which is being created and those who will drive it.

There is also question in my mind, as a very pedestrian student of government, that it is more than time for us to begin to put together a much better kind of budgetary process of a joint budget committee which is, of course, a very common process in other legislative bodies, and it is, of course, time for us to do so here.

The question is not so much whether the committee is a good idea, because it is—and I think that is granted by most of the Members here—but how shall it be constituted?

It was not too long ago that the other body produced a Harris poll which indicated that people today, 90 percent of them, are convinced that the Government can work, but 55 percent believe the people who run the country do not care about the little man.

The significant gap between how ordinary citizens see our country and how public officials see it is somewhat obvious in this particular bill. The people believe the power is in the hands of a few. There is no better example of the reason for that belief than this bill as it is presently written. That is why I support the Matsunaga amendment. I really believe that the appointive process, for this proposed committee tends to keep a kind of relationship among those who are at the top and prevent those who are at the base, such as myself, from participating in the work of this committee.

There are 23 members, I believe, on this committee as constituted, 5 from the Committee on Appropriations and 5 from the Committee on Ways and Means. Why is this necessary? I suppose the reasoning is that they know most about the budgetary process and, of course, that is a self-supporting argument. The more the members of these committees know, the more they should be on this joint committee.

I believe there is a great deal to be said for going the other way in this particular case because it is a different kind of committee. If it is a different kind of committee, why should there not be some kind of input to this committee from the whole broad base of the House?

I believe there are 20 regular standing committees in the House. It would not be a bad idea to broaden this joint committee to allow some kind of input from all different elements, in the House.

The chairmen of the Committees on Appropriations and Ways and Means have influence on those who are among their committees, and they should, but how far should that influence extend, and to what extent should it be there?

As a freshman Member here, Mr. Chairman, I can expect, if I am lucky, to be appointed to the Committee on Ways and Means or the Committee on Appropriations and thereby, perhaps if I live long enough, have a chance at being on these committees sooner or later. Why must I wait for the possible chance of being appointed to the proper committee to have a chance to be placed on that committee? I predict that the most senior members of those two committees will be automatically appointed by reason of their seniority. Why should the broad constituency in this House be so excluded?

The California experience in the legislature as it has to do with the budgetary process indicates to me, that, except for the kind of leadership that we have now, it may misuse this new concentration of fiscal power. This is a Government of laws and not of men. It is not quite enough to say no one here would misuse the power given in this bill. If we except all those who are here, and I have no particular quarrel with those who are here, I wonder in years to come how this new fiscal committee power could be misused, because the power is there to be misused.

Mr. Chairman, I rise to support the Matsunaga amendment because I believe it would give a far broader base to this House and guarantee a broader voice for those who control the purse strings and put the budget together every year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

The question was taken; and on a division (demanded by Mr. ROSENTHAL) there were—ayes 23, noes 76.

So the amendment was rejected.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in recent months there has been more meaningful discussion about realistic budget controls by the Congress than ever before. At long last the Congress of the United States has awakened to the fact that the powers bestowed upon Congress in budget matters by the Constitution has been both eroded and abused through the years. Because attention has now been focused on this matter, Congress has an excellent opportunity to regain some of its lawful authority in fiscal matters and to reestablish a reputation for fiscal responsibility.

That opportunity lies, not in maligning the Nation's leadership or in deploring the existing system, but through congressional assertion of its constitutional responsibilities involving the budget.

Congress can set priorities, establish spending ceilings, and assign to each agency and department proper share of the spending program which the Nation can afford. It is time to do so. Having done this Congress will have the clear responsibility to stop "budget busting" by unnecessary authorizations, excess appropriations, and back door spending.

All that has been said about the need for budget reform will be meaningless unless Congress acts. There have been justified complaints that the Congress appropriates piecemeal and that the Members never have more than a glimpse of the big picture of expenditures. This can be corrected by this bill if the Congress chooses to do so. Obviously more needs to be done by the Congress in assuming control and responsibility for spending. We hear a lot about priorities but few seem able to agree on a list of priorities. There is conflict between the cities, the suburban areas, and rural needs. Labor and management do not see eye to eye on expenditures in Government; the Congress and the White House are not in accord. Between agencies and within them there are open differences as to the proper course to follow in spending and in programs.

There is much more information which points up the seriousness of the situation and delineates a useful path for future procedures. It is to be found in the reports from the Joint Committee on Control of the Budget. This committee under the able leadership of the distinguished gentleman from Oregon (Mr. ULLMAN) and the distinguished gentleman from Mississippi (Mr. WHITTEN) focused fresh and realistic attention on the problems and the recommendations of this Committee have provided worthwhile material for discussion and proposed solutions of budget problems at the congressional level.

The work of the joint committee generally has been hailed as an important step forward. There also have appeared objections to the committee's proposals. This is inevitable when it is suggested that an old system of congressional procedure be abandoned and new procedures embraced. The important thing is that the recommendations of the joint committee, modified as a result of thorough and deliberate discussions, now have been placed before the Congress. At long last there will be opportunity for approval or rejection. This is the only pathway to progress which is in prospect in the foreseeable future.

Not to be overlooked is the fact that the studies that have been made show one of the needs for a sound solution of the problems of budget control is an effective professional staff for use by the Congress. Time and again it has been evidenced that Congress does not have sufficient expert staff support to keep the legislative branch abreast of the financing problems of the Government agencies. Congress must be more than a check on the executive. Congress needs additional information on which to base adequate work in budget procedures. This is only one phase of the problem but it is an important one.

The bill contains many modifications of existing procedures. Particularly important among these are: First, a change in the fiscal year which would begin on October 1 instead of July 1. It has been shown repeatedly that Congress cannot complete the work of authorization and appropriation required in today's mammoth budget by July 1; second, a budget resolution would be adopted by May 1 each year, setting spending targets for the total budget and major functions. There would be no restriction on floor amendments to budget resolution; third, House Appropriations Committee would report appropriation bills only after it has completed action on all such bills. No change would be made in floor consideration of appropriations, except that bills which exceed their functional targets would be held—not sent to the President—until the congressional budget process is completed; fourth, authorizing legislation must be enacted before April 1 although an emergency waiver is provided. The major problem in completing appropriation procedures has been delay in completion of authorization measures; fifth, back-door spending would have to be funded through the appropriations process, except for trust funds and guarantee or insurance programs which would continue in their present manner. Existing back doors would not be affected until October 1978.

Understandably, the bill is not perfect in every respect. Nevertheless it provides a long and worthy step forward. It will represent a major reform in congressional budget procedures, and it fully deserves the strong support of Congress. It not only establishes a new framework by which congressional budget decisions are made but it preserves and strengthens the budget process.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. THONE. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Nebraska (Mr. THONE).

Mr. THONE. Mr. Chairman, the reform we are considering today is more than 50 years overdue. Until the 1972 Budgeting and Accounting Act each Federal agency submitted its budget request directly to Congress without any Presidential control. When Congress 52 years ago gave the executive branch power to control all agency requests and to prepare an overall budget, a capability to cope with overall budgets should also have been given to the legislative branch.

The fact that this reform is much overdue makes it more important today than ever. When Federal budgets were small, they were not of vital significance to the ordinary taxpayer because he did not contribute much to them. Now, when the average taxpayer works for a fourth of the year to support the Federal Government, he has an urgent interest not only in the overall level of spending but also in the priorities for use of his money.

Deficit spending has become a way of life for the United States. The Federal budget has been balanced only 17 times in the past 154 years. Since Congress acts on hundreds of spending in taxing measures within a year, it has been difficult for voters to determine whether a Member is on the side of fiscal sanity. By enacting H.R. 7130 into law, the voters will be able to tell by votes on a couple of key measures in the budget making process whether a Member favors a balanced budget.

The budget making process in H.R. 7130 will not only provide a forum for congressional debate on national priorities but also make it easier for ordinary citizens to express their views to their Representative on the matters they believe most urgent for Federal attention.

Spending that does not go through the regular appropriations process has been the greatest single cause of deficit spending. About 40 percent of the spending in this fiscal year will occur without any current action by Congress. Happily, this proposed legislation—in the next few years—will bring all spending under yearly control and review.

H.R. 7130 offers the prospect of settling the "war" between the executive and the legislative branches concerning impoundment. The bill would freely acknowledge a President's right to impound funds. Since the constitutional power to control spending lies with the Congress, this bill would allow the legislative branch to stop executive impoundment.

The proposed legislation gives promise of ending the operations of agencies under continuing resolutions. This is a goal that should be diligently sought since operation under continuing resolutions provides for much waste and inefficiency.

H.R. 7130 also provides a timetable for completing the entire budgetmaking process before a fiscal year begins. Such timely budgetary action is certainly needed. Every State and local government and thousands of nongovernmental agencies which share in Federal funds now find it impossible to prepare their own budgets in a timely manner because of tardiness in congressional appropriations. This bill provides the machinery for timely budget action; fulfillment of the budgetary timetable will also require earlier organization of committees and much more hard work earlier in each year.

Mr. Chairman, there are some amendments to this bill that I hope will be adopted. Whether they are or not, I believe this proposed legislation is the most important and meritorious to come before this body in the 3 years I have been a Member of Congress.

Mr. ANDERSON of Illinois. Mr. Chairman, I think I made clear in the remarks I made on this bill during the general debate yesterday my strong support for this legislation. I think on the whole it is a very acceptable bill.

I had together with the gentleman from Wisconsin (Mr. REUSS) indicated that we would propose a series of amendments dealing with the subject of tax expenditures. Briefly what those amendments were designed to do was to include the review of tax expenditures and the coordination of tax expenditures with direct expenditures and the duties of the new Budget Office that will be established under this bill and also the Legislative Budget Office. It would have included a list of tax expenditures by budget categories in the concurrent budget resolution. It would require tax writing committees to explain the impact of any proposed new or changed tax expenditure legislation upon existing expenditures, upon tax expenditures and direct expenditures in the same budget category, and it would require the President to include a tax expenditure budget with the 5-year projections in his annual budget.

The Senate budget bill, which is S. 1541, does require that the Congress be thoroughly informed about these tax expenditures throughout the budget process and the Senate Government Operations Committee approved that measure unanimously. I would have hoped that the House would have done likewise, but for reasons of tactics, rather than offer those amendments at this time, I would like to ask the gentleman from Missouri (Mr. BOLLING) who is handling the bill on the majority side if he would not be disposed to agree that this subject of tax expenditures is covered in the Senate bill and is one that could well be preserved in any final product coming out of the final Senate-House committee of conference?

Mr. BOLLING. Mr. Chairman, if the gentleman will yield, the most I could say is that of course the House conferees would give consideration to every matter before the conference. I cannot make a commitment. I think the gentleman knows my basic sympathies, but we will be bound to defend the bill we have before the House as it passes the House and we will have a responsibility as House conferees, but my mind certainly is not closed on any aspect of the Senate bill.

Mr. ANDERSON of Illinois. I thank the gentleman.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, I am enthusiastic cosponsor of the amendment with the gentleman from Illinois. It was explained fully yesterday and printed at length in the RECORD. It was unanimously endorsed by the Committee on Government Operations in the other body.

I might add I have discussed it with the gentleman from Oregon (Mr. ULLMAN), who now no doubt will ask the gentleman to yield. I believe that gentleman has no objection to it, and I thus would share the gentleman's hope that the conferees will be sympathetic toward it.

Mr. ANDERSON of Illinois. I thank the gentleman from Wisconsin.

Mr. ULLMAN. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Chairman, I thank the gentleman for yielding. We have looked at this amendment. I commend the gentleman for following the procedures of trying to pick this matter up in the conference. I want to say the language he has worked out with the gentleman, if we are going to have this in the bill, is much more acceptable and workable than the language I think is in the Senate bill.

Mr. ANDERSON of Illinois. Well, with the assurance from both the gentleman from Missouri (Mr. BOLLING) and the gentleman from Oregon (Mr. ULLMAN) we obviously will not proceed to offer these amendments.

I do want to say before concluding on this point, though, that I think it is terribly important to realize, as we are engaged in this very important discussion of seeking to improve the budget process that this is a very fundamental question of whether we are going to accomplish certain goals by providing incentives in the tax system to achieve those goals, or whether we are going to do that by means of direct Government grants or loans or services. This is a very basic policy choice, and the only way, it seems to me, that we can intelligently make that policy choice during the consideration of the budget process is to make sure that these so-called tax expenditures, which after all are now a matter of record, they are compiled for us by the Joint Committee on Internal Taxation, that we have before the Budget Committee and before the Congress at the time we act on the concurrent resolution, the detailed information with respect to tax expenditure so that we make a correct policy choice.

AMENDMENT OFFERED BY MR. HÉBERT

Mr. HÉBERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HÉBERT: Page 64, line 23, strike out "March 31" and insert "July 1".

Mr. HÉBERT. Mr. Chairman, section 143 of H.R. 7130 would, if enacted into law, preclude any consideration of any bill, or resolution, or conference report thereon, authorizing the enactment of new budget authority after March 31 of the calendar year in which such fiscal year begins.

Stated another way, this means that all of the legislative work of every one of the standing legislative committees of the House must be completed before March 31 of each year.

As I understand the language of this section, it means not only completion of the House action but the Senate action as well, including the conference report on the legislation.

Enactment of this section will therefore preclude any of the standing legislative committees of the House, as authorized by rule X, to bring legislation involving new budget authority to the floor of this House unless it seeks and obtains a waiver of the rules of the House on the basis of "an emergency circumstance."

Enactment of this section will therefore preclude any of the following standing legislative committees from bringing any legislative matters of this type to the floor for consideration after March 31:

The Committee on Agriculture.

The Committee on Armed Services.

The Committee on Banking and Currency.

The Committee on the District of Columbia.

The Committee on Education and Labor.

The Committee on Foreign Affairs.

The Committee on Government Operations.

The Committee on House Administration.

The Committee on Interior and Insular Affairs.

The Committee on Internal Security.

The Committee on Interstate and Foreign Commerce.

The Committee on the Judiciary.

The Committee on Merchant Marine and Fisheries.

The Committee on Post Office and Civil Service.

The Committee on Public Works.

The Committee on Rules.

The Committee on Science and Astronautics.

The Committee on Standards of Official Conduct, and

The Committee on Veterans' Affairs.

The budget request of the executive branch for many of the legislative proposals requiring new budget authority is often not received by the standing legislative committee before the 31st of March.

In the case of the Committee on Armed Services, the major authorizing legislation involves not only manpower, but procurement of hardware, research and development, and a host of other authorizing requirements established by law.

Let me point out that this legislative request from the Department of Defense has almost invariably never been referred to the Committee on Armed Services until February. Thus, setting aside the problem of organization of the Congress and the committee structure, which delays legislative action in the standing committees, there would be less than 60 days remaining in which all congressional action on the departmental request would have to be completed. Normally, the committee meets at least 2 months to insure complete and thorough hearings. Under the rules of the House, every member of a legislative committee is required to be provided at least a minimum of 5 minutes to interrogate each witness brought before the committee. Obviously, it would be impossible for a legislative committee to call all the witnesses necessary to thoroughly delineate this subject matter and provide all of the members adequate time to interrogate these witnesses if section 143 were enacted into law.

Stated very simply therefore, section 143 would, for practical purposes, destroy the legislative jurisdiction of every standing legislative committee of the House, and relegate that standing committee to a requirement to rubberstamp the legislative request of the executive branch and permit the Appropriations Committee to exercise complete legislative control over the budget.

I, therefore, recommend modification of section 143 in accord with my amendment.

Mr. Chairman and Members of the Committee, this amendment is being offered more to make legislative history than anything else, in the discussion which I am sure will follow, in which the gentleman from Missouri will engage and answer some of the questions involved in the amendment. All the amendment I have offered does is to change back the language on March 31 of the bill to the original language, which was July 31. In other words, the present bill makes it definite that all authorizing legislation must be passed by the House and the Senate on March 31.

Now, this is unrealistic. It is an approach that cannot be met and we all recognize that. I suggest we go back to July 1. It gives us 2 more months and then we are in a position to function properly and orderly.

In this connection, I want to discuss it with the gentleman from Missouri and ask him exactly how could we recapture the legislating authority beyond the 31st of March, unless this language is changed?

Mr. BOLLING. Well, the gentleman raises a question so difficult to answer briefly, that I ask unanimous consent that the gentleman have 5 additional minutes.

(At the request of Mr. BOLLING, and by unanimous consent, Mr. HÉBERT was allowed to proceed for an additional 5 minutes.)

Mr. BOLLING. I am aware this problem has come up quite quickly, but I do not want to fail to answer the gentleman adequately.

At the end of my presentation yesterday, I made it clear that this was a first step in the attempt to get under control the whole budget process.

Now, the specific timing of the various steps proposed in this bill resulted after many hours of consideration, a great deal of conflict and a variety of opinions on this particular subject and many others.

Some people strongly favored that all authorizations be required to be made at the beginning of the fiscal year, preceding the fiscal year under consideration, after January 1.

Some people urged that all authorizations be cut off at the 31st of December, some weeks before the presentation of the President's budget.

Some people proposed that the cutoff in authorizations conform to the beginning of the fiscal year. Now, to be utterly fair with the gentleman, that July date is a date that was related to a proposal that involved completing the same fiscal year that we have today; in other words, the fiscal year is July 1, as the gentleman knows, to the end of June. The July cutoff date is so as to make it coincide with the beginning of the fiscal year.

On the other hand, as I have said, there were a great many people who suggested the authorizations should be cut off a full year in advance of a fiscal year. The date we arrived at is related to a schedule. We decided that the fiscal year would be a different fiscal year, October 1.

At some point in January the budget of the President would be transmitted. On March 1, the committees on the budget receive the views of other committees. This is the whole schedule, because I am trying to answer the gentleman quite specifically. On March 31, the authorizations deadline would occur. On May 1, the Congress passes the first concurrent resolution setting target goals and target priorities; not firm goals, not rigid goals, but target goals.

Then, on August 1, under this schedule with the new fiscal year, the Congress would complete action on all appropriations bills; and by the 15th of September, that is, 15 days before the beginning of the fiscal year in which the appropriations would become effective, the final concurrent resolution, the reconciliation resolution, would be adopted.

Now, the gentleman raises a very legitimate problem. The gentleman is the chairman of a distinguished committee which deals with a whole series of authorization bills which stem from the budget presented by the President. The process envisaged in the bill now before us would undoubtedly require modification in the management of the committee and in the management of the President's budget, but the concept is that a great deal of the content of the authorization bills for personnel, for military construction, the money has been authorized in previous years. The money that goes into the fiscal year that begins on the first of October, and what we are dealing with is the beginning of a schedule and process which would hopefully over a time become rational and understandable to everybody, but in order to protect committees against precisely the kind of situation that the gentleman presents a fear of, and a fear that I believe justified, we provided for a safety valve.

This is not a wholly rigid date. If a committee finds it impossible to come up with an authorization bill to meet the schedule, which is very carefully devised, then it is possible to get a rule providing for additional time for all practical purposes.

The language in effect is this: "If the Committee on Rules of the House of Representatives determines that emergency conditions require a waiver of subsection (a) with respect to any bill, resolution, or conference report, such committee may report, and the House may consider and adopt, a resolution waiving the application of subsection (a) in the case of such bill, resolution, or conference report."

That is the safety valve. I would say to the gentleman and quickly conclude, because I do not want to use all of his time, but I would say to the gentleman that that safety valve is there in recognition of the fact that we are beginning an experiment and we are not sure exactly how to make it fit. We think we have got the best possible fit we could, but there is no inflexibility in the mind of any of the authors of this bill as to how it will operate over a time.

It has two functions realistically which it has to take into account, considering the dilemmas made clear by the distinguished chairman of the Committee on Armed Services.

Mr. HÉBERT. Mr. Chairman, may I ask the gentleman from Missouri this, inasmuch as the latest paragraph he cited is the most important statement he made:

The gentleman admits this is experimental, he admits there is room for change, he admits there is room for flexibility. Now, here, in answer by this amendment I offer the first change.

Just give me 2 more months—not only me, but every standing committee in the House.

Now, that is the first suggestion, and if the gentleman will accept that, I believe it would accomplish exactly what the gentleman has stated.

Mr. BOLLING. Mr. Chairman, will the gentleman yield to me?

Mr. HÉBERT. I yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Chairman, apparently I have not succeeded in making clear what I said in the earlier part of my statement, which the gentleman indicated was less important perhaps than the latter part.

The trouble we have here is that we have a series of scheduling devices, and it just happens that the gentleman's date of July 1, if I understand it correctly, turns out to be some months after we have passed our first concurrent resolution dealing with the levels of spending and the levels of taxing of income and the deficit.

I understand the gentleman's problem, but what he is doing is putting us in a situation where the whole schedule could not possibly work.

Mr. HÉBERT. All right. Now, then, Mr. Chairman, accepting what the gentleman has graciously said and explained, supposing the Committee on Armed Services—and I am speaking only for that committee—goes before the Committee on Rules next year for the emergency consideration of the procurement bill and asks them to come in on July 1, that is, doing exactly what I am asking to be done now.

What position would we be in then?

Mr. BOLLING. Mr. Chairman, it is a little hard for me to try to forecast what the Committee on Rules is going to do next year, but I can theorize as to what the end result of this product will be.

We are at the beginning of a process which involves a Senate bill, a House-passed bill, and a conference.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. Hébert) has expired.

(On request of Mr. Bolling and by unanimous consent, Mr. Hébert was allowed to proceed for 5 additional minutes.)

Mr. BOLLING. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Chairman, the bill we are talking about in any event does not take effect next year; it does not take effect until 1975. I would hope that by the time we get a little farther along in the process, we would be able to have longer conversations, not necessarily private, but longer conversations, so that we would have a better understanding as to really what process we are embarking on.

I attempted to make clear to the House yesterday that this was a bold process, a bold step, an extraordinarily difficult one. All of the way through we are going to have to be dealing with a situation where we authorize probably a good deal more than a few months in advance of the fiscal year, if we are going to have an effective budget control.

The fact is today that even a President, when he assumes office, can do very little about expenditures, in the first year he holds office, because so much of the money is already in the pipeline. As the gentleman knows, that is true of weapons systems and base construction, and everything except the current expenditures on manpower and a few things like that. The money is already in the pipeline.

We are really talking about a very difficult and complicated process. The experimental aspect of the process is not one which I feel I can accede to, as far as changing it and making it fit a problem at this time. If we change one date, we will have to change all dates or we will have to abandon the attempt entirely.

Mr. HÉBERT. Of course, Mr. Chairman, I can understand the gentleman is managing the bill on the floor, and he is making a very definite and excellent effort to protect the bill. I understand that he cannot admit the problem right at this time.

So I shall relieve the gentleman of the burden and I shall force a vote on my amendment, and I hope the House will relieve the gentleman of that obligation.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, I am glad that the gentleman from Louisiana, the chairman of the Committee on Armed Services, has brought up this very important amendment, because I can see the difficulty that will arise next year normally, if, as he so ably stated, we will have recommendations no earlier than January from the Department of Defense. How in the world would it be humanly possible to get out of here with an authorization bill by the date given in the bill? We would have to come back to the Committee on Rules and say "Give us the date that the chairman is speaking of." I do not know why we cannot do it exactly in that way now.

Mr. BOLLING. Will the gentleman yield for a slight correction?

Mr. HÉBERT. I yield to the gentleman.

Mr. BOLLING. We are not talking about next year but about 1975. If anything results from this effort and we have a bill, we are not talking about 1974 but 1975.

Mr. HÉBERT. I realize that. I want as much time as possible, but I will take a few months instead of a few years.

Mr. LEGGETT. Will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman.

Mr. LEGGETT. I want to commend the gentleman. I do not understand how we can live with your compromise of July 1. I think it is clearly a compromise date. As an example, we are now holding hearings in our committee on flight pay, which will cost the Government more money. The committee has done a very, very good job and come up with a compromise which I think will be agreeable to everybody, including the former opponents of it. Under the existing limitation that authorization bill would not be able to be effective until next October, given the regular debate time under this bill. That would mean we would lose all of the incentives we are trying to provide in the system by curing a defect that arose last July.

If you look at some of the authorization bills that come before us when we try to provide benefits for prisoners of war and their dependents, if we have to wait for a year and a half every time we get an idea as to how to clear up an inequity or come to the floor to have these items made emergency legislation, what we are doing is hamstringing the Congress of the United States, and therefore we will find it difficult enough to live with the gentleman's amendment of July 1.

I find it totally impossible for a large committee such as ours to consider authorizations for military construction and for military procurement when the budget may not come to us before the end of January and to do all of this in a 2-month period. I think a necessary result is that we may hear the formal bills that are sponsored by the committee, but if anybody has any idea of hearing Members' authorizations that are going to cost money or bills that do something, well, we are just writing them off by this procedure.

Mr. MARTIN of Nebraska. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, one of the primary purposes of this legislation is to set up a more orderly manner in which the House can operate particularly in regard to fiscal affairs.

If the Congress is to continue as an institution, it is absolutely mandatory that we ourselves, the Members of this body, do something to reorganize it and to be able to function in a more orderly fashion than we have in the past.

I would like to point out to the gentleman from Louisiana (Mr. HÉBERT) that for many years now our appropriation bills have been held up for month after month waiting for the authorizing legislation to be passed in some committees, and I am not singling out the gentleman's committee, but some of our committees dilly-dally along in getting to work on authorizing legislation. It is not presented to us on the floor of the House until a late date.

By accepting this date, which, by the way, Mr. Chairman, was a compromise date, of March 31 for authorizing legislation to be passed—by accepting this date we hope to be able to operate the House in a more orderly fashion, in a more businesslike fashion, in a more effective fashion, and getting our appropriation bills passed before the end of the fiscal year so that we do not have to to continue this process of continuing resolutions month after month and year after year.

That is the primary problem, and the reason for putting this March 31 date in the legislation.

As the gentleman from Missouri has explained, we have had suggestions, in fact, one of the bills from the joint committee went all the way back to the previous fiscal year. We had suggestions for the previous calendar year, December 31. And we had a suggestion, as the gentleman from Louisiana is suggesting in his amendment, for July 1.

This was a reasonable compromise that was worked out of the March 31 date. I think it is reasonable, and I oppose the amendment offered by the gentleman from Louisiana (Mr. HÉBERT).

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Nebraska. I yield to the gentleman from Louisiana.

Mr. HÉBERT. Mr. Chairman, I am sure the gentleman from Nebraska did not intend to convey the idea that the Committee on Armed Services has been at fault in processing the procurement bills and for a later date for a conference, because it has been the Senate. The House has always been ready. The Committee on Armed Services of the House has been standing by waiting, and we have had to wait on the Senate. So now we will have to legislate the Senate.

But we have never held up any appropriation bill due to the authorization not coming forth from the Committee on Armed Services.

Mr. MARTIN of Nebraska. I believe I pointed out in my remarks that I was not singling out the Committee on Armed Services, of which the distinguished gentleman from Louisiana is the chairman, or any specific committee.

Mr. HÉBERT. I know that the gentleman was not, but I wanted to make the record very clear.

Mr. MARTIN of Nebraska. I trust that the provision in the bill is retained, because it is a good one. I hope the amendment is defeated.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Louisiana (Mr. HÉBERT).

Mr. STRATTON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Louisiana (Mr. HÉBERT). And let me make it clear that I do so as one who supports this basic measure. I have insisted for some time in my district and in this body and in the Democrat whip's meetings, that one of the most important pieces of legislation that we could adopt this year would be legislation to control the budget and to bring back this control to the Congress.

But, as the gentleman from Missouri has indicated, this particular piece of legislation is still in a sense an experiment. I do not believe the gentleman from Missouri is suggesting that his bill was handed down on tablets of stone from Mount Sinai, even though it comes with the blessing of the gentleman from Missouri.

My feeling is simply that this particular provision, to which the amendment offered by the gentleman from Louisiana (Mr. HÉBERT) is directed, is one that is not only completely unrealistic, but is also totally unnecessary; and I believe the amendment ought to be seriously considered, and I believe it ought to be adopted.

First of all let us recognize that this section 143 does not apply simply to the legislative authorization bills from the individual committees, such as the Committee on Armed Services; this section applies also to all the conference reports. It means that the entire authorizing procedure for the defense budget, for example, in this body and in the other body, and in the conference, must be completed by the end of March. Now, when you understand that the budget does not even come up to us until the first of February, this March 31 date is obviously completely unrealistic. If we go along with it we are making a nullity of the authorizing committees. In fact, if this section prevails the legislative committees would have to fold up on March 31 each year: not another piece of legislation with any affect on the budget can be voted out at all. After March 31 the legislative committees might as well go home, and let the Appropriations Committee and the Ways and Means Committee run the Congress for the rest of the year. Is this really what we want?

As a matter of fact, the Democratic Caucus has recently directed that each member of a committee shall have 5 minutes to interrogate each witness. We have 43 members on our Armed Services Committee. So we could not possibly get through by March 31 on that basis alone, and have time for the Senate also to get through, and get through the conference as well. So the date is totally unrealistic.

Secondly, Mr. Chairman, the March 31 date is unnecessary because the appropriations bills are not required to be in under this bill until the first of August. Apparently the impression of the Rules Committee group which develop this compromise proposal is that, first of all, we have authorizations, and then later on, when the authorizations are completed and the conference reports have been adopted, the Committee on Appropriations begins its work. But that is not at all the way it works in this House. When we begin to go to work on the defense budget each year, both the Committee on Armed Services and the Defense Appropriations Subcommittee begin at the same moment.

The two operations really proceed concurrently, and the admirals and the generals are running back and forth from the Rayburn Building over to the first floor of the Capitol during that period of individual hearings.

So the only thing that the Committee on Appropriations has to wait for are the final detailed figures coming out of conference on the authorizing bill. We do not need a 4-month gap between the completion of the authorizing legislation and the completion of the appropriating legislation. All we really need is a 1-month gap, and that is precisely what the Hébert amendment would do.

As a matter of fact, the original bill which is stricken out in this legislation but which is legible on page 31, provides that all of the legislative authority, including the conference reports, must be in before the start of the fiscal year, which under the compromise bill means the first of October. So the Bolling bill has moved us back from the first of October all the way to the first of April. It is just too big a move, and completely unnecessary.

Mr. Chairman, let me say one other thing. The gentleman from Missouri talks about the necessity for fixing a spending target, and the date for that decision to be made, he says, is the first of July; so he says the Hébert amendment would be completely unworkable. But, Mr. Chairman, let me point out that it is not necessary for us to have all the line item authorizations in hand for us to fix a spending target. I am sure that our committee, for example, could make recommendations to the new Budget Committee for an overall spending target in the defense field without having first settled on all the detailed, line-by-line authorizations, and before we have completed our conference with the Senate. There is no real problem there at all.

And, let me also point out, that there is nothing in this legislation that says that the President must come up to Congress with his budget recommendations by the first of October. He still has until the 20th of January to submit that budget, and in practice that means closer to the first of February.

So this section 143 is unrealistic; it is unnecessary, and I believe the amendment of the gentleman from Louisiana is a very sensible and realistic way for dealing with the problem and it deserves the support of every thoughtful Member of this House.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am somewhat distressed at the fact that it has become obvious here in the last half hour that Members of the House have been operating under a delayed authorizing procedure whereby they have been a year behind on authorizations for so long that they think that is the way it is supposed to be. I could take the manpower training bill, as an example, but since we have been talking about the Defense bill, let us use it as an example.

A year ago last October the Department started work on the appropriations bill for the fiscal year that started last July. In the last 2 or 3 weeks, we finally adopted a conference report for the year beginning last July for military procurement. That was 14 months after the Department of Defense downtown started to work on the budget for that bill. It was 14 months late. We should have had that authorization bill passed by a year ago last October.

Last January, the President was required by law to submit a budget for the year beginning July 1.

But since there was no authorization bill, the Defense Department submitted a budget based on their own ideas of an authorization, and then the hearings had to be held upon their ideas of an authorization. When that authorization bill was not passed until a year later and after hearings had been held on the Department's proposals, the Committee on Armed Services had little influence on the final product. That is what has happened too often for the last 8 or 10 years around here. Congress has been letting the executive department acquire more and more and more power because we do not have authorizations pass in time to require them to submit budgets based on our authorizations. In effect, the Department absorbs the authorizing jurisdiction. Besides that, when authorizing committees are so far behind on authorizations, they do not have time to do the proper amount of oversight because they are working on authorizations simultaneously with appropriations. That is what we are trying to change in this bill.

There ought to be a change in the date all right. But it ought not to be up to July 1; instead, it ought to be back to the previous October. If we are not going to make any changes, what are we here for today? That is what we are trying to do is change some of these things.

Although I would prefer that the date go back to the previous October, I support the committee and oppose the amendment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would just like to say we have a choice to make here. We are either going to build in a planning capability for the Congress, or we are not. We cannot plan as long as we are authorizing new programs until 2 months after the initial targets are set under the procedure outlined in this bill.

If Members vote for this amendment they might as well vote against the bill.

Mr. SMITH of Iowa. And on the manpower bill that was just passed, we did not even have the appropriations for that program in the bill which originally passed the House. We had to take the Senate amendment. We did not have an opportunity for appropriations hearings on the House side on that program for this year. This is just what has been wrong around here and that is the whole reason for the bill. As the gentleman from Wisconsin says, if this amendment passes, we about as well defeat the bill.

Mr. BOLLING. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is a matter that was given most careful consideration in the Rules Committee. It was arrived at by compromise. The position taken by the gentleman from Iowa (Mr. SMITH) is perfectly understandable. I believe this amendment although fully well intentioned and based on a very real concern is utterly destructive of the effect of this bill and I hope it will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. HÉBERT).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HÉBERT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 106, noes 300, not voting 27, as follows:

[Roll No. 624]

AYES—106

Andrews, N.C.
Arends
Armstrong
Baker
Beard
Bingham
Blackburn
Boggs
Bray
Breaux
Brooks
Broomfield
Brown, Calif.
Burleson, Tex.
Burton
Byron
Cederberg
Chamberlain
Clay
Conyers
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Dent
Dickinson
Dingell
Donohue
Dorn
Fisher
Ford, William D.
Gettys
Gonzalez
Gubser
Harrington
Hays
Hébert
Heckler, Mass.
Hicks
Hogan
Holt
Horton
Hosmer
Howard
Huber
Hunt
Ichord
Jones, N.C.
King
Koch
Leggett
Madigan
Mailliard
Mathis, Ga.
Mink
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Morgan
Moss
Murphy, N.Y.
Myers
Nedzi
Nichols
O'Brien
O'Hara
Patten
Pettis
Pike
Podell
Price, Ill.
Price, Tex.
Railsback
Randall
Rarick
Rhodes
Roberts
Rooney, Pa.
Rose
Rosenthal
Runnels
Ruth
Sandman
Satterfield
Seiberling
Sikes
Spence
Staggers
Steed
Steiger, Ariz.
Stratton
Stubblefield
Teague, Tex.
Treen
Van Deerlin
Waggonner
White
Whitehurst
Williams
Wilson, Bob
Wilson, Charles, Tex.
Wolff
Wright
Young, Fla.

NOES—300

Abdnor
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Barrett
Bauman
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Boland
Bolling
Bowen
Brademas
Brasco
Breckinridge
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Butler
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Cleveland
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Cronin
Helstoski
Culver
Daniels, Dominick V.
Danielson
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Derwinski
Devine
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hawkins
Hechler, W. Va.
Heinz
Henderson
Hillis
Hinshaw
Holifield
Holtzman
Hudnut
Hungate
Hutchinson
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
Kluczynski
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McEwen
McFall
McKay
McKinney
Madden
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mitchell, Md.
Moorhead, Calif.
Moorhead, Pa.
Mosher
Murphy, Ill.
Natcher
Nelsen
Nix
Obey
O'Neill
Owens
Parris
Passman
Patman
Pepper
Perkins
Peyser
Pickle

Poage
Powell, Ohio
Preyer
Pritchard
Quie
Quillen
Rangel
Rees
Regula
Reuss
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ruppe
Ryan
Sarasin
Sarbanes
Scherle
Schneebeli
Schroeder
Sebelius
Shipley
Shoup
Shriver
Shuster
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Steiger, Wis.
Stephens
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Ware
Whalen
Whitten
Widnall
Wiggins
Winn
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—27

Alexander
Blatnik
Buchanan
Burke, Calif.
Clawson, Del
Cochran
Crane
Dellums
Diggs
Downing
Hanna
Hansen, Wash.
Jordan
McDade
McSpadden
Macdonald
Mathias, Calif.
Mills, Ark.
Minshall, Ohio
Reid
Rooney, N.Y.
St Germain
Stokes
Tiernan
Veysey
Walsh
Wilson, Charles H., Calif.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MATSUNAGA

Mr. MATSUNAGA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MATSUNAGA: On page 53, line 22, after the word "day" add the following: "(excluding Saturdays, Sundays and legal holidays)"

Mr. MATSUNAGA. Mr. Chairman, the impact of this amendment is simple, but important to the careful consideration of the budget resolution by the House. The bill as reported requires that the concurrent budget resolutions and the reports thereon be available 5 days before they are considered on the floor of the House.

That is the result of an amendment I offered during Rules Committee markup of the bill, to increase the period from 3 days to 5. I explained to the committee that these two resolutions to be reported out by the Budget Committee would likely be the two most important measures to be considered by the House in each session, and the opportunity for more careful examination than for normal bills ought to be provided. Unfortunately, the bill did not specify that weekends and holidays would not be counted in computing the 5 days. Thus the change to 5 days did not result in as much protection for individual members as the committee originally intended.

My amendment would simply add the phrase, "except Saturdays, Sundays, and legal holidays," which is the exact language contained in paragraph 6 of House rule XXI.

I urge its adoption.

Mr. BOLLING. Will the gentleman yield?

Mr. MATSUNAGA. I am glad to yield to the gentleman.

Mr. BOLLING. Several of us discussed this on the floor yesterday. As was said then, it is a good amendment and should have been in the bill in the first place. I accept the amendment on our side.

Mr. MARTIN of Nebraska. Will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Nebraska.

Mr. MARTIN of Nebraska. On this side of the aisle we accept the amendment. It corrects a clerical error which occurred in the Committee on Rules as to the manner in which this bill was adopted.

Mr. MATSUNAGA. I thank both the gentleman from Missouri and the gentleman from Nebraska.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Hawaii.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BELL

Mr. BELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BELL: On page 53 of H.R. 7130, beginning on line 22, strike "the fifth day following the day on which such resolution was reported" and insert in lieu thereof the following: "the tenth day (excluding Saturdays, Sundays and legal holidays) following the day on which the report upon such resolution has been available to Members of the House."

Mr. BOLLING. Mr. Chairman, I reserve a point of order.

Mr. BELL. Mr. Chairman, my amendment is relatively simple, but it goes to the very heart of what we are trying to accomplish with H.R. 7130. The amendment would do two things:

First, it would change from 5 to 10 the number of days we will have to consider the concurrent budget resolutions before floor action, and

Second, it will change the day after which this time begins to run from the day a resolution is reported to the day on which that report is actually printed and available to Members.

Through the procedures established by the pending legislation, and particularly through the mechanism of the budget resolution which is to be acted upon early each session, the Congress will be able to regain its constitutionally mandated power of the purse.

It is essential that we have the time to absorb the contents of the resolution—time to study the priorities that it establishes—and most importantly, time to decide whether we want to attempt to make any changes in it.

Not only does every Member of this body have a vital interest in participating in this budget setting process—but we must also realize that citizens and groups affected by our decisions need to have an opportunity to participate, too.

They do that now the same way we do. They obtain copies of committee reports and let us know if they believe changes should be made.

We then have a chance to decide whether or not to agree.

Without intending to suggest any lack of confidence in the proposed new Budget Committee. I nonetheless believe it likely that some Members may want to offer amendments to the budget resolution.

Those Members should at least have a fair crack at it.

This means having enough time to study a many paged resolution.

And having enough time to draft amendments to it.

And having enough time to try to build support for those amendments.

Remember, adoption of the budget resolution will lay the groundwork for every spending decision we make. Free exchange of settling our priorities.

If more time is not provided then I greatly fear that the remainder of each session will see a steady erosion of the ceilings established by the resolution.

Members will hear after-the-fact from groups who feel they were cut out of the decisionmaking process.

And they will use this reason—that at the time they voted they did not fully appreciate the ramifications of their decision—to back away from that decision.

This would render our budget ceilings meaningless and defeat the whole intent of the reform that we are working on today.

Five days would not be enough time to read a thick budget report, draft an amendment, and circulate a "dear colleague" letter.

With respect to the question of when this time should begin running, I see no reason to depart from the established policy of the present rule governing regular legislation.

This bill, H.R. 7130, provides that the time will begin to run from the day the resolution is reported. This means the day on which the report is filed. The only addition the Matsunaga amendment adds is excluding Saturdays, Sundays, and legal holidays. After the filing date, excluding Saturdays, Sundays, and legal holidays.

The procedure governing present legislation—and my amendment provides for the time to run after the day on which the report is available; that is, actually printed and available to Members.

The experience with H.R. 7130 itself is a good example of the difference between these 2 days.

H.R. 7130 was reported on November 20, but its report was not available until November 26 due to Thanksgiving.

But even without an intervening holiday, there is still a delay of at least 1 day and often more between the day of reporting and the availability of that report.

I believe that Members who have ever tried to obtain a report on a bill in which they were vitally interested can testify to the frustrating delays commonly experienced.

Mr. Chairman, if we really mean business—if we are really going to reassert our responsibility to establish national priorities through the mechanism of functional budget ceilings—let's do it right, and allow every Member of this body not just those sitting on the new Budget Committee—to have a fair chance to participate in this very important process.

I urge my colleagues to think about this seriously.

I urge them to realize how much time it has taken to study the bill now pending before them—and remember that the budget resolution will be incomparably larger and more complex.

I urge the adoption of my amendment.

The CHAIRMAN. Does the gentleman from Missouri (Mr. BOLLING) insist upon his point of order?

Mr. BOLLING. No, Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman from Missouri withdraws his point of order.

Mr. BOLLING. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California (Mr. BELL).

Mr. Chairman, I regret having to oppose the amendment offered by the gentleman from California (Mr. BELL). The gentleman from California has been a person whom I have admired, and the gentleman has been very much concerned about the budget process, and has been in fact very helpful. But the dilemma with which we are confronted, and the reason I oppose the increase from 5 to 10 days is because the schedule is simply too tight to go beyond the 5 days. It may be perfectly possible on occasion to have that much time, and I would hope that there would be no attempt on the part of the budget committee, and I would be sure that there would not be, to be tricky.

For example, the gentleman from California gave as an example the fact that the report on this particular bill was filed on a Tuesday and was not available until the following Monday. But the gentleman will notice that it was available on the following Monday, and that it deliberately was not brought up until a full week had passed.

I would hope that that would be the spirit with which we would move. But we are in a situation where we are trying to get so very much done in a very short time. And we just had the House make it clear that it understood the schedule by defeating the amendment proposed by the gentleman from Louisiana (Mr. HÉBERT) so that we are on a very tight schedule, and I really believe that to make it 10 days instead of 5 days is a little bit too much.

Mr. BELL. Mr. Chairman, would the gentleman yield?

Mr. BOLLING. I will be glad to yield to the gentleman from California.

Mr. BELL. Mr. Chairman, I want to point out to the gentleman that we are just talking about a few days in this whole process, and yet those are very, very important days. We have people trying to decide on priorities, we are giving the Members the chance, really, to decide on major priorities of our committees. I think that 5 days is just too short a time to put all the pieces together and really come out with arguments on these programs. I think what the gentleman from Missouri really wants to do is to get the people of this House together to have the opportunity to really discuss this, because if they do not have the opportunity to really bring out their points and discuss these priorities, we are in effect failing in the whole motive of this legislation. I think that is the key to it, because when the proposals come forth from the Budget Committee that is the time when key matters are decided.

Mr. BOLLING. Mr. Chairman, I have great respect for the gentleman's view; I simply disagree with it. I have the same purpose in mind. I think we can accomplish it with a 5-day provision. That is why I oppose the 10-day provision.

Mr. MARTIN of Nebraska. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I must oppose the amendment of the gentleman from California. As the gentleman from Missouri has pointed out, the Budget Committee will be on a particularly tight schedule, particularly in reporting out the first resolution which has to be acted on by May 1. We also provide in this bill ample time. The Members will notice that there are 10 hours of general debate set aside in this resolution. In addition to that, there are unlimited hours which will be available on the floor of the House for the consideration of amendments to the resolution from the Budget Committee.

We have been very, very careful to provide ample time to the Members to debate thoroughly the priorities and any changes that might be desired in the resolution that is coming from the Budget Committee.

As the gentleman from Missouri pointed out, in view of the tight schedule that we have, I feel that the 5 days in the bill is a reasonable amount of time, and thus I must be opposed to the gentleman's amendment.

Mr. OBEY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, without taking my 5 minutes, let me just say this: I think one of the reasons we have such a difficult time right now in having the House deal with appropriations bills is because we have very little time to consider the impact of whichever bills are reported out of appropriations. I think that has been a serious mistake which my own committee has made.

The gentleman has indicated a very good reason why we ought to pass this amendment. We are going to run a much better chance of sticking to the original ceilings outlined in the original tentative resolution, if the average Member has enough time to review the recommendations of the committee.

It is not just a matter of the Members of this House knowing what is in that bill, I submit, Mr. Chairman. All of the recommendations made by the Budget Committee are going to affect in a very direct way virtually every interest group in this country. Those interest groups, whether we like them or whether we do not, should have an opportunity to review what the Budget Committee has recommended. They have an opportunity, in fact, an obligation, to their constituencies, to provide Congress with their impression as to what the adequacy of those ceilings and subceilings are. I believe, in the interest of giving every Member of this House, from the most senior Member to the most junior Member, an adequate opportunity to understand what is in fact in the recommendations of the Budget Committee, that we ought to accept the amendment that the gentleman has proposed.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's yielding.

Mr. Chairman, I want to associate myself with the gentleman's remarks. I think that what the gentleman from California has proposed, while I recognize that it may make more difficult the time schedule that has been carefully worked out by the members of the Committee on Rules on this bill, nonetheless, that time schedule problem is superseded by the public's need and the individual Member's need to have as much time as possible to assess the impact of this resolution. Thus, the 10-day limit, it seems to me, is hardly going to create an intolerable position for the Budget Committee, but it will create something that we will not have under the 5-day rule, which is a sufficient amount of time to do the kind of work required to assess the impact of what we will be asked to vote on.

I thus would want simply to commend the gentleman from California for his initiative in offering the amendment and say I agree completely with the gentleman from Wisconsin that the amendment deserves to be supported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. BELL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNETT: Page 66, after line 14, insert the following new part:

PART 5—EVALUATION AND PILOT TESTING OF PROGRAMS

SEC. 151. LEGISLATION SUBJECT TO POINT OF ORDER.

(a) IN GENERAL.—Except as provided in subsection (c), it shall not be in order in either House to consider any bill or resolution which establishes or extends a major outlay program unless such bill or resolution provides (or a prior law has provided) for—

(1) a pilot test of such program, or

(2) an evaluation of such program to be completed no later than 3 years after the enactment of such bill or resolution.

(b) MAJOR OUTLAY PROGRAM DEFINED.—For the purpose of this part, a major outlay program is any program estimated to cost more than $100 million for the first 3 fiscal years of the program or extension thereof, as determined by the Legislative Budget Director.

(c) EXCEPTION.—Subsection (a) shall not apply to a bill or resolution if the committee report accompanying it contains a statement, together with full reasons therefor, that the committee has given full consideration to program evaluation and pilot testing and, in its judgment, neither program evaluation nor pilot testing would be feasible or desirable for the program which is being established or extended, or for which budget authority is authorized, by the bill or resolution.

(d) NATURE OF PILOT TEST.—A pilot test of a major outlay program shall as nearly as possible include a replica of the program as it would be implemented on a permanent basis, shall be conducted for a defined period of time, and shall be conducted by the department or agency of the Government, or the public or private organization, specified in the law providing for the test.

(e) REPORTS OF EVALUATION OR PILOT TEST RESULTS.—The department, agency, or organization which conducts any evaluation or pilot test described in subsection (a) shall report the results to the committees of the House of Representatives and the Senate which have jurisdiction to report legislation implementing the program on a broad scale, authorizing its extension, or authorizing the enactment of budget authority to implement the program. Such report shall be submitted in sufficient time to permit adequate consideration by the Congress of legislation to implement the program on a broader scale or extend its authorization.

(f) MULTIPLE TESTS.—Nothing contained in this part shall preclude simultaneous multiple pilot tests of a major outlay program to determine the most feasible alternative before broader implementation.

(g) REPORTS BY COMMITTEES.—It shall not be in order in either House to consider any bill or resolution which authorizes appropriations to extend any major expenditure program, after the date of the enactment of this Act, until the appropriate committee of that House shall have submitted a report on any pilot test or evaluation conducted with respect to the program under this section.

SEC. 152. COMMITTEE ANALYSIS.

(a) IN GENERAL.—Each committee to which a report on an evaluation or pilot test is submitted under section 151(e) shall analyze and consider the results of the major outlay program involved in its consideration of legislation to implement the program on a broader scale or extend authorization of the program, as the case may be. In conducting such analysis, the committee may receive testimony and evidence in hearings open to the public. The appropriate committees of the two Houses may conduct such hearings jointly.

(b) MATTERS TO BE INCLUDED IN COMMITTEE REPORT.—The report of a committee on legislation to implement on a broader scale or extend authorization of a major outlay program shall include (but not be limited to) the following matters:

(1) Suitability of the Federal Government to implement such program on a broader scale or extend its authorization.

(2) A summary of any available evaluations or analyses of the program, including cost benefit studies, in relation to other alternative approaches, including those described in section 141.

(3) In the event the legislation would change a current method of dealing with a specific problem, a comparison of the current method used and the method used in the test, and an analysis in terms of relative effectiveness.

SEC. 153. REVIEW AND EVALUATION BY COMPTROLLER GENERAL.

Part I of title II of the Legislative Reorganization Act of 1970 (84 Stat. 1167; Public Law 91-510; 31 U.S.C. 1151 and following) is amended by striking out section 204 and inserting in lieu thereof the following:

"ASSISTANCE TO CONGRESS BY GENERAL ACCOUNTING OFFICE

"SEC. 204. (a) The Comptroller General shall review and evaluate the results of Government programs and activities carried on under existing law when ordered by either House of Congress, or upon his own initiative, or when requested by any committee of the House of Representatives or the Senate, or any joint committee of the two Houses, having jurisdiction over such programs and activities.

"(b) The Comptroller General, upon request of any committee, joint committee, or member, shall assist such committee, joint committee, or member—

"(1) in developing specifications for legislative requirements for executive branch evaluations of Federal programs and activities, including reporting the results of such evaluations to the Congress; and

"(2) in analyzing and assessing program reviews, evaluation studies, and cost-benefit studies prepared by or for any Federal agency to assist a committee in meeting the requirements of section 152 of the Budget and Impoundment Control Act of 1973.

"(c) The Comptroller General shall develop and prescribe principles and standards for the evaluation of Federal programs and activities, and submit an annual report.

"(d) The Comptroller General shall monitor the various recurring reporting requirements of the Congress and its committees and make recommendations to the Congress and its committees for changes and improvements in these requirements to meet the congressional information needs as ascertained by the Comptroller General, to enhance their usefulness to the congressional users and to eliminate duplicative or unneeded reporting.

"(e) In carrying out his responsibilities under this part, the Comptroller General is authorized to establish an Office of Program Review and Evaluation within the General Accounting Office. The Comptroller General is authorized to employ not to exceed ten experts on a permanent, temporary, or intermittent basis and to obtain services as authorized by section 3109 of title 5, United States Code, but in either case at a rate (or the daily equivalent) for individuals not to exceed that prescribed, from time to time, for level V of the Executive Schedule under section 5316 of title 5, United States Code."

Redesignate the succeeding parts and sections (and cross references thereto) accordingly; and conform table of contents.

Mr. BENNETT (during the reading). Mr. Chairman, since this amendment was printed in the RECORD at page 38877 on November 30, I ask unanimous consent that it be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT. Mr. Chairman, I am offering two amendments to the budget reform bill, H.R. 7130.

The two amendments remedy a major weakness in H.R. 7130, by providing for procedures to evaluate Federal programs which are an essential corollary for sound budget reform legislation. These two amendments will provide Congress with a mechanism to gain control over Federal programs by exercising its legislative oversight responsibilities. These two amendments are essential for Congress to reassert its authority over control and administration of Federal programs.

The first one I am now presenting or bringing up is the one about pilot testing. I would like to analyze briefly this amendment. I will discuss what it does. It provides the House shall not consider a bill containing major outlay programs unless one of the following two alternatives is complied with:

First. The major outlay program is pilot tested, or

Second. There is a statement from the committee reporting the bill that such a pilot test has been considered and is deemed unnecessary.

This last provision is for an emergency situation that might arise; or any other situation in which the committee might like to take that action on.

A major outlay program is defined as any program estimated to cost more than $100 million for the first 3 fiscal years of the program as determined by the Legislative Budget Director.

A pilot test must do these things:

First. Test program under conditions similar to those if this program were permanent.

Second. Be conducted for a defined period of time.

Third. Be conducted generally by whomever chosen by the committee.

Fourth. Be monitored by Comptroller General.

Testing may be conducted on a multiple-pilot testing basis.

The appropriate committee is to evaluate and submit a report on the results of pilot test, which shall include, but not be limited to, the following matters:

First. The suitability of the Federal Government to implement the program on a national scale.

Second. A summary of evaluations or analyses of the program, including a cost-benefit analysis and alternative approaches to solve the problem.

Third. A comparison of the current method of dealing with a problem with the method used in the test, and an analysis in terms of relative effectiveness.

If pilot testing is not considered feasible, the Comptroller General may review and evaluate the results of Government programs when requested.

This legislation was introduced early in this Congress. I think probably it was in the first bill introduced in this session of the Congress on this subject, a bill introduced by myself and many other Members of Congress. It has therefore been before the public for a long period of time and it is one on which I have met no serious objection. It allows great flexibility and does allow us to test these things through pilot testing, which I think is essential.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I rise in support of these two amendments not only to pilot test major expenditure programs but also to place a 3 year limitation on authorization which is the zero base budgeting concept.

I compliment the gentleman on his leadership on these amendments and join with him in their sponsorship before this body. I think pilot testing will not only measure the cost effectiveness but also the human effectiveness of Government programs.

It will measure the ability of programs to deliver services to the people, something which I think should be of congressional concern.

This amendment requiring consideration of a pilot test before implementation of a major expenditure program in excess of $100 million makes commonsense. Congress must introduce a method to determine which program procedures will produce the most effective Federal program. Pilot testing would provide a better estimate of costs and would permit a complete evaluation before national implementation. In addition, multiple pilot testing is encouraged, thereby providing Congress with comparison data to insure a more productive assessment.

This amendment is already in the Senate bill S. 1541, just reported out by the Senate Government Operations Committee on November 20. The Senate Government Operations Committee was aware that procedures for evaluation of Federal programs were essential to a meaningful budget reform bill. Senator Bill Brock, Republican of Tennessee, introduced an amendment to S. 1541 in that committee to include the pilot testing provision. The amendment was agreed to, receiving bipartisan support from 13 Senators of the Senate Government Operations Committee: Sam J. Ervin, Jr., Democrat of North Carolina; Lee Metcalf, Democrat of Montana; Charles H. Percy, Republican of Illinois; Sam Nunn, Democrat of Georgia; William E. Brock, Jr., Republican of Tennessee; Edmund S. Muskie, Democrat of Maine; Lawton Chiles, Democrat of Florida; Walter D. Huddleston, Democrat of Kentucky; Abraham Ribicoff, Democrat of Connecticut; James B. Allen, Democrat of Alabama; Jacob K. Javits, Republican of New York; Edward J. Gurney, Republican of Florida; and William B. Saxbe, Republican of Ohio.

This amendment provides for Congress to take a leading role in stimulating program evaluation, pilot testing by executive agencies, the General Accounting Office, and other organizations and thereby obtaining results in terms of effectiveness and costs before irreversible program decisions are made.

Today, Congress may appropriate billions of dollars for programs that are to run many years with no certainty that the program will be effective. This amendment requires consideration of pilot testing of every proposed major program. This will provide a better estimate of costs and permit evaluation before national implementation.

Today, many Federal programs are no longer forecast in thousands, but rather in billions of dollars. Authorizations and appropriations run for many years. Congress must introduce objectivity in determining which projects are best served through Federal tax money. I applaud the gentleman from Florida's leadership and join him in urging this amendment's passage.

Mr. BENNETT. I appreciate the remark the gentleman made about human testing, because that is one of the problems we have. Many times we envision a program and think it is a good program and find because of something we did not consider it does not get to the people it was designed to help. Therefore, we are pressed to add another expensive program to this existing ineffective program.

Mr. ROBINSON of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Virginia.

Mr. ROBINSON of Virginia. As one who introduced budget control the first day of the session, I agree with the gentleman. I congratulate him on offering the amendment and I congratulate as well the gentleman from New York for his statement.

Mr. Chairman, I rise in support of this bill but I feel the amendments of the gentleman from Florida (Mr. Bennett) will improve it. They have as their purpose a requirement for pilot testing of any new Federal program having an anticipated cost in excess of $100,000,000 and a 3-year limitation on programs authorized in excess of that amount.

Over the years, we have seen the establishment of many programs under huge and sometimes open-ended authorizations. The initial program appropriation may have been relatively modest—much below the authorization—but, in approving the full-scope authorization of a nationwide program, the Congress made its commitment, and left itself open to the rapid development of public demand for escalation in funding, on the basis of the argument that Congress certainly did not intend to short-change, or foreclose participation by, any region or community in the Nation meeting the eligibility criteria of the program.

By commitments of this kind, the Congress repeatedly has gotten itself, and the taxpayers generally, into situations of entrapment, both policywise and budgetary. We have found it virtually impossible to eliminate, or even reduce significantly in scope, programs which have been in being over a period of even relatively few years. Bureaucratic entrenchment and public acceptance have combined to perpetuate mistakenly conceived programs which have not served adequately their assigned purposes, or given the taxpayer fair value for the heavy investments made in them.

The amendments offered by our Florida colleague are nonpartisan in concept. They seek to provide a checkrein on new concepts—not to hobble them. It is particularly pertinent, I believe, in view of the new commitments we may be called upon to make in the areas of energy resources, health care, and other major domestic needs. We must be bold in exploring new concepts—but let us explore before we commit ourselves to a promising, but untested concept.

On the first day of this Congress, Mr. Chairman, I offered the bill, H.R. 975, to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes.

On subsequent days, I reintroduced the bill, with a total of 34 cosponsors, under the numbers H.R. 2406, H.R. 2407, H.R. 3569, H.R. 5632, and H.R. 8188. Other Members made independent introductions of this and similar measures.

Title IV of H.R. 975, and the identical introduced bills, set forth the approach represented by the amendments before us. I support with enthusiasm, therefore, the Bennett amendments, in order that this major element of responsible budgetary management may become a part of our enactment today.

We have the opportunity to move forward to a landmark in reassertion by the Congress of its recognition of its constitutional responsibilities in the matter of stewardship of the public purse. The bill before us is not, in my view, the best we are able to do, and, in addition to the Bennett amendment, I hope the House may approve other changes designed to make the bill a more effective and balanced instrument of fiscal reform.

In particular, I believe that the impoundment negation feature is not appropriate. If, as this legislation presumes, the Congress is prepared to proceed methodically and responsibly, each year, to relate Federal expenditures not only to national needs but also to reasonable expectations of anticipated Federal revenue, the time may well come at which exercise of the impoundment technique by the Executive no longer would be justified in other than unusual and extreme circumstances. First, however, Congress must prove its good faith. The impoundment limitation, as before us, is premature.

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Texas.

Mr. MILFORD. If I understood the amendment correctly, the gentleman placed a pilot testing requirement and then turned around and waived it.

Mr. BENNETT. Well, it does do something. It puts the committee in a spot to show why they cannot comply with the legislation and most committees are not going to do that. They are going to assume their responsibility if the rest of this legislation works, and I think it will, and they will have plenty of time to do their job.

(At the request of Mr. Rousselot, and by unanimous consent, Mr. Bennett was allowed to proceed for an additional 2 minutes.)

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I compliment the gentleman for this particular amendment. I think the provisions of this amendment have been needed as a procedual matter in all our legislative committees for some time. This Congress desperately needs to fully test things before we jump in and spend millions or billions of dollars on unproven programs.

I congratulate the gentlemen from Slorida (Mr. BENNETT) and New York (Mr. KEMP) and wish to associate myself with the concept and this legislative effort to make sure that all budget bills include this worthwhile provision.

Mr. DAN DANIEL. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Virginia.

Mr. DAN DANIEL. I would like to associate myself with the remarks of the gentleman from Florida. I introduced a bill with this provision in it some time ago. I hope this amendment will be passed.

Mr. BOLLING. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment came up in the Rules Committee really right at the end of the process. It was offered and, in effect, withdrawn. It was suggested that it would be offered on the floor.

This is an enormously far-reaching amendment. It has not been considered and heard and worked over by a committee.

I believe it would be a grave mistake to add it to this bill at this juncture. It may be a very worthy amendment in the end, but it should be considered on its merits by a committee of the Congress at some length before it is adopted casually by the House of Representatives.

Mr. ULLMAN. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Chairman, I want to add my words to the gentleman's from Missouri. We considered this matter, too. There are times when the procedure proposed should be used, but certainly not as a general rule and certainly it should not be a part of this bill. I agree with the gentleman, this amendment should be voted down.

Mr. BOLLING. Mr. Chairman, I urge the defeat of the Bennett amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. BENNETT).

The question was taken; and on a division (demanded by Mr. BOLLING) there were—ayes 40, noes 37.

RECORDED VOTE

Mr. BOLLING. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 218, not voting 30, as follows:

[Roll No. 625]

AYES—185

Abdnor
Anderson, Calif.
Andrews, N.C.
Archer
Armstrong
Ashbrook
Aspin
Bafalis
Baker
Bauman
Beard
Bennett
Blackburn
Breaux
Breckinridge
Brinkley
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burgener
Burke, Fla.
Butler
Byron
Carter
Chappell
Clausen, Don H.
Cleveland
Cohen
Collier
Collins, Tex.
Conable
Conlan
Coughlin
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dorn
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Fascell
Findley
Fish
Flowers
Flynt
Forsythe
Frey
Froehlich
Fuqua
Gettys
Gilman
Ginn
Goldwater
Goodling
Green, Oreg.
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanrahan
Harsha
Harvey
Hastings
Heckler, Mass.
Heinz
Hicks
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Keating
Kemp
Ketchum
King
Kuykendall
Lent
Long, Md.
Lott
Lujan
McCloskey
McCollister
McEwen
McKinney
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mayne
Mazzoli
Milford
Miller
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Nichols
O'Brien
Parris
Patman
Pettis
Peyser
Powell, Ohio
Price, Tex.
Pritchard
Railsback
Randall
Rarick
Regula
Rinaldo
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rose
Rousselot
Runnels
Ruppe
Sandman
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Skubitz
Snyder
Spence
Staggers
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Symms
Talcott
Taylor, Mo.
Teague, Tex.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Vander Jagt
Wampler
Ware
White
Whitehurst
Widnall
Wilson, Bob
Winn
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, S.C.
Zion

NOES—218

Abzug
Adams
Addabbo
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Badillo
Barrett
Bell
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Camp
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Cederberg
Chamberlain
Chisholm
Clancy
Clark
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Culver
Daniels, Dominick V.
Danielson
Davis, Wis.
de la Garza
Delaney
Denholm
Dent
Dingell
Donohue
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frenzel
Fulton
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Hanley
Hansen, Idaho
Harrington
Hawkins
Hays
Hechler, W. Va.
Helstoski
Henderson
Holifield
Holtzman
Howard
Hungate
Hutchinson
Ichord
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Landgrebe
Latta
Leggett
Lehman
Litton
Long, La.
McClory
McCormack
McFall
McKay
Madden
Madigan
Mahon
Martin, Nebr.
Mathis, Ga.
Matsunaga
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Minish
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Neill
Owens
Passman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Quie
Quillen
Rees
Reuss
Rhodes
Riegle
Roberts
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Schroeder
Seiberling
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Stanton, J. William
Stanton, James V.
Stark
Steed
Stratton
Stubblefield
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Whalen
Whitten
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wright
Wyatt
Yates
Yatron
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zwach

NOT VOTING—30

Alexander
Blatnik
Buchanan
Burke, Calif.
Clawson, Del
Cochran
Crane
Dellums
Diggs
Downing
Hanna
Hansen, Wash.
Hébert
Jordan
Landrum
McDade
McSpadden
Macdonald
Mathias, Calif.
Mills, Ark.
Minshall, Ohio
Rangel
Reid
Rooney, N.Y.
Roybal
Stokes
Veysey
Walsh
Wiggins
Wolff

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. BURKE of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I honestly believe today we will arrive at the highwater mark of recent efforts at congressional reform, given the likelihood that one of the Houses of Congress will approve a major reform of present congressional budgetary procedures. Such historic significance is based on two considerations: The overwhelming importance of budgetary decisions in Government and the far-reaching nature of the reforms being proposed. With each passing year, the Federal budget and all its many implications—political, economic, and social—has taken on added import, to the point where today the budgetary process dominates the activity of our Government as no other set of decisions made in Washington does.

Increasingly, there has been a growing awareness on the part of Members and critics alike that the central importance of the budget has by and large been lost on Congress and never been truly appreciated for what it is. The observation has been made that it is time that such an important decisionmaking process begin to occupy the stage-center position to which it not only is entitled but which it must have if Congress, as an institution, is to have any relevancy to the key policy decisions made in Government today.

In fact, given the centrality of the power of the purse to the influence and prestige of Congress as an institution and coequal branch of Government, these budgetary decisions go to the very heart of Congress power. For what else is power of the purse if it is not the ability to participate in the spending decisions of the Government? And what is the budget all about if it does not provide the framework in which these decisions will be made?

Thus participation in the budgetmaking process is a vital prerequisite of effective exercise of power of the purse in this day and age. The more these decisions are left to the discretion of others to make at another time and place, the lesser will be Congress power of the purse. Since these decisions are increasingly being left to the executive department to make, because of the way in which Congress is organized at present, then Congress much heralded power of the purse is being eroded by default. So axiomatic does all of this seem to me that I am prepared to say to those who are searching for explanations to account for the obvious recent erosion of Congress power to influence the conduct of government that they need not look much further than Congress inability to participate in any meaningful way in the budgetary process. It is equally clear to me that anyone genuinely desirous of stemming this erosion and reasserting congressional authority must, of necessity, conclude that an immediate overhaul of the present outdated practices and outmoded procedures of congressional budget consideration is necessary.

Of course, anyone can claim that the bill before us today, or any bill we have considered in Congress, is a panacea and will cure all our problems overnight. Undoubtedly, further reforms and adjustments and the machinery we are voting to establish today will have to be made. However, if we manage to take the first steps today in reforming Congress budget procedures we will have done much of which we can be justly proud. If it makes Congress a more responsible institution and a more effective partner in Government by 1975, the 200th anniversary of our beginnings as a nation, it would, in my opinion, make many of the other reforms we have been discussing here since I have been in Congress much more relevant to the exercise of real power than would otherwise have been the case.

It only remains for me to say how privileged I feel to have been selected to serve on the Joint Study Committee on Budget Control and participate in the generation of recommendations which led to the bill before us today. Few tasks have been more urgent or compelling this Congress.

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer my last amendment.

The Clerk read as follows:

Amendment offered by Mr. Bennett: Page 66, after line 14, insert the following new part:

Part 5—Limitation on Period of Authorization of New Budget Authority for Major Outlay Programs; Required Reviews

Sec. 151. Authorization of New Budget Authority Limited to Three Fiscal Years.

(a) In General.—No law enacted after the effective date of this part which authorizes new budget authority for any major outlay program may authorize such new budget authority for a period of more than three fiscal years.

(b) Termination of Existing Programs.—

(1) All provisions of law in effect on the effective date of this part which authorize new budget authority for any major outlay program for a period of more than three fiscal years, beginning with the first fiscal year which commences after such date, shall cease to be effective at the end of the fourth fiscal year beginning after such date.

(2) All provisions of law in effect on the effective date of this part which authorize new budget authority for any major outlay program for an unspecified number of fiscal years shall cease to be effective at the end of the fifth year beginning after such date.

(c) Exception for Programs Funded by User Taxes.—Subsections (a) and (b) shall not apply to any major outlay program funded in whole or major part by user taxes.

(d) Definition of Major Outlay Program.—

(1) For purposes of this part, the term "major outlay program" means a program for which the sum of—

(A) the amount of new budget authority authorized to be provided for the fiscal year in progress (or, if no new budget authority has been authorized, the amount of new budget authority requested for such fiscal year in the budget submitted by the President), and

(B) the aggregate of the new budget authority provided for the two preceding fiscal years,

is more than $100,000,000. Such term includes, for purposes of subsection (a), a program enacted after the effective date of this part which is estimated to cost more than $100 million for the first 3 fiscal years of the program or extension thereof, as determined by the Legislative Budget Director.

(2) For purposes of this part, a program for which new budget authority has not been provided or authorized (or requested) for a period of three fiscal years, shall be treated as a major outlay program (until new budget authority has been provided or authorized (or requested) for three fiscal years), if the sum of—

(A) the amount, if any, of new budget authority authorized to be provided for the fiscal year in progress (or, if no budget authority has been authorized, the amount, if any, of new budget authority requested for such fiscal year in the budget submitted by the President),

(B) the new budget authority, if any, provided for such program for any preceding fiscal year in such period, and

(C) the estimated cost of such program (as determined by the Director of the Congressional Office of the Budget) for any fiscal year in such period for which no amount is applicable under paragraph (1) or (2),

is more than $100,000,00.

Sec. 152. Comprehensive Review and Study.

(a) In General.—

(1) During the period prescribed in subsection (b), each committee of the House of Representatives and the Senate which has jurisdiction to report legislation authorizing new budget authority for a major outlay program shall conduct a comprehensive review and study of such program and shall submit a report thereon to the House or the Senate, as the case may be. In conducting any such review and study, the committee shall receive testimony and evidence in hearings open to the public, except that such hearings may be closed to the public upon the same terms and conditions as hearings of the Committee on the Budget of that House may be closed to the public.

(2) Prior to the beginning of the period (or as soon thereafter as possible), during which any committee of the House of Reprepsentatives or the Senate is to conduct a comprehensive review and study of a major outlay program, the head of the department or agency of the Government which administers the program (or any part thereof) shall submit to the committee an evaluation and analysis of the program.

(b) Period During Which Review and Study To Be Conducted.—

(1) The period referred to in subsection (a) for the first comprehensive review and study of a major outlay program is—

(A) with respect to any major outlay program in effect on the effective date of this part, the last fiscal year commencing after such effective date for which new budget authority is authorized for such program (after the application of section 151), except that (i) such review and study may be conducted in a fiscal year preceding such last fiscal year if the committees of both Houses required to conduct such review and study agree to conduct it during such preceding fiscal year, and (ii) if such last fiscal year precedes the third fiscal year commencing after such date, such review and study may be conducted during such third fiscal year if the committees of both Houses required to conduct such review and study agree to conduct it during that fiscal year, and

(B) with respect to any major outlay program enacted after such effective date, the third fiscal year during which the program is in effect.

For purposes of applying this paragraph, the provisions of section 151 shall be applied without regard to subsection (c) thereof.

(2) The period referred to in subsection (a) for the comprehensive review and study of a major outlay program (after the first such review and study) is the third fiscal year following the period during which the preceding review and study was conducted.

(c) Committee To Conduct Reviews and Studies.—Insofar as possible, the committees of the House of Representatives and Senate which have jurisdiction over a major outlay program shall conduct the review and study required by subsection (a) at the same time. Such committees may conduct the hearings required by such subsection jointly.

(d) Contents of Committee's Report.—The report of a committee on a review and study of a major outlay program shall contain an analysis of the program and the committee's evaluation of the overall success or failure of the program, and shall include (but not be limited to) the following matters:

(1) Whether the program objectives are still relevant.

(2) Whether the program has adhered to the original and intended purpose.

(3) Whether the program has had any substantial impact on solving the problems and objectives dealt with in the program.

(4) The impact of the program on the functions and freedom of the private sector of the economy.

(5) The feasibility of alternative programs and methods for dealing with the problems dealt with in the program and their cost effectiveness.

(6) The relation of all Government and private programs dealing with the problems dealt with in the program.

(7) An examination of proposed legislation pending in either House dealing with the problems being dealt with in the program, including an examination of each proposed legislation in the context of—

(A) existing laws,

(B) other proposed legislation,

(C) private efforts, and

(D) whether public efforts will hinder or help private efforts.

SEC. 153. COORDINATION WITH OTHER PROVISIONS.

(a) AVOIDANCE OF DUPLICATE REVIEW AND STUDY.—If a committee of the House of Representatives or the Senate which is required under section 152 to conduct a comprehensive review and study of a major outlay program is also (but for the provisions of this section) required under another section or part of this title, during the same period, to analyze and consider the results of an evaluation of such program, such committee shall conduct the comprehensive review and study of such program under section 152, and the provisions of such other section or part shall not apply with respect to such evaluation.

(b) NONAPPLICATION OF OTHER PROVISIONS.—If a committee of the House of Representatives or the Senate which (but for this subsection) is required under another section or part of this title to analyze and consider the results of an evaluation of a major outlay program has conducted a comprehensive review and study of such program during either of the two fiscal years preceding the period when such analysis is otherwise required, the provisions of such other section or part shall not apply with respect to such evaluation.

SEC. 154. LEGISLATION SUBJECT TO POINT OF ORDER.

It shall not be in order in either the House of Representatives or the Senate to consider—

(1) any bill or resolution which authorizes the enactment of new budget authority for any major outlay program for any fiscal year beginning after the period during which the committee of that House which has jurisdiction over the program is required to conduct a comprehensive review and study under section 152, until that committee has submitted the report thereon required by such section, or

(2) any bill or resolution which authorizes the enactment of new budget authority for any major outlay program for a period of more than three fiscal years.

Redesignate the succeeding parts and sections (and cross references thereto) accordingly; and conform table of contents.

Mr. BENNETT (during the reading). Mr. Chairman, since this is the second of the two amendments which I have submitted, and it already has appeared at page 38877 of the CONGRESSIONAL RECORD of November 30, 1973, I ask unanimous consent that the further reading of the amendment be dispensed with, and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT. Mr. Chairman, my first amendment had to do with the pilot program, as the Members know; and the second amendment I have here has to do with the term of 3-year authorizations.

This would provide for a 3-year limitation on authorization for appropriations for major expenditure programs, except those financed by user taxes, providing they must expire in not more than 3 years. Then the authorizing committees would undertake oversight of the legislation. The legislative committee would evaluate the old program before reenactment, and if the program was not a success it would fall by the wayside. The concept of the 3-year authorization has been referred to as zero-based budget. In making his presentation before the hearings held by the Joint Study Committee on Budget Control, Chairman Arthur Burns of the Federal Reserve Board said:

> I feel that any discussion of better budget procedures would be incomplete without some mention of zero-base budgeting.

He concluded his discussion on this issue by saying:

> This reform is so clearly necessary that I believe we will eventually have to come to it.

Mr. Chairman, this second amendment simply provides that all authorizations for appropriations for any major outlay programs are limited to 3 years, except programs funded by user taxes. Provision is made for the phasing out of programs presently in effect for more than 3 fiscal years in the following manner: First, programs presently authorized for a defined number of years over 3 will cease to be effective at the end of the fourth fiscal year after the effective date of this title.

Second, programs authorized for an unspecified number of years will cease to be effective no later than 5 years after the effective date of the title. A majority outlay program is defined as any program estimated to cost more than $100 million for the first 3 fiscal years of the program as determined by the Legislative Budget Director. In the last fiscal year of a program, the committee of jurisdiction in the Senate and House is to hold hearings and conduct review of that program. Prior to review, they would have the benefit of cost analyses of other programs prepared by the department or agency administering the program. The committee is then to evaluate the overall success or failure of the program.

The report is to include, but is not limited to, first, an analysis of the program; second, a determination of whether the program objectives are still relevant; third, whether the program has adhered to its intended purposes and achieved its objectives in solving the problem; fourth, whether the program has infringed on the functions and freedoms of the private sector of the country; fifth, the feasibility of alternative ways of dealing with the program; sixth, the program's relationship with similar programs; and, seventh, the examination of related pending or proposed legislation and private efforts, and whether the program will help or hinder any private efforts to solve the problem.

After the adoption of this provision it would not be in order for the House to consider future bills which contain authorization for more than 3 years.

Mr. Chairman, this legislation is designed to get at the very heart of our problem of continuing programs which have run their day. I think anybody who has been here any length of time can see existing programs which we just wish we did not have. Nobody here has apparently what it takes to bring it to the floor for consideration. This amendment will make it automatically come up and require the appropriate committee to reconsider the matter. I could list quite a few of such programs of doubtful cost effectiveness. I might trespass on some toes, but I remember a good number I have voted for in the past that have turned sour.

For instance, I remember voting for a program which made it feasible for us to do a lot about supporting U.S. jobs abroad. That was supposed to be a substitute for foreign aid. I thought it was going to be a substitute for foreign aid, but actually it just goes on supporting programs through U.S. capital abroad, hurting America job opportunities. Yet nobody is really looking at this program. This would make that program looked at, at least once out of every 3 years, to see if there were not some other way in which it could be done more properly—more fiscally sound, and more logically, to achieve the objectives which we had in mind to achieve by the legislation.

All of us want to see the things we really need today accomplished, the priorities which we really desire. We want to see those things come. The chief reason why we cannot do it is because there is just not enough money in the Treasury and this is largely because we have no adequate method of cutting out the deadwood of ineffective and expansive programs.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. KEMP, and by unanimous consent, Mr. BENNETT was allowed to proceed for 2 additional minutes.)

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding and join with him in support of this very important amendment.

The gentleman's amendment is highly proper and constructive. It is vital I think to the concept of budget reform something for which I have been working for my 3 years in Congress. I appreciate very much his remarks and associate myself with them. Our two amendments pilot testing of major expenditure programs and this 3-year zero base budget limitation provide Congress with the mechanism to gain control of this out of control Federal budget.

The trend today is to add to old existing programs without the objective of terminating outmoded and useless programs. This amendment would encourage program administrators to justify their program's existence on a regular and continuing basis. Program evaluation is an essential corollary to a sound budget reform process.

This amendment will provide a necessary vehicle for evaluation of programs on a regular basis. The evaluation process will allow the Congress to move beyond just budget recordkeeping to evaluation of Government programs. These efforts will be coordinated with the GAO and other organizations.

This amendment is the only way to eliminate deadwood Federal programs and bureaucracies. Three-year authorizations will permit an examination of a program from the bottom up, not just the required increases as is the practice now.

In reexamining Federal programs in this way, Congress would be compelled to ask: First, is the program achieving its intended purpose? Second, have the results been worth the expenditures? To continue, operation, a program would have to be reenacted and obtain the President's approval. This is what happens to programs with automatic expiration dates, such as the draft bill. When the date approaches, there is much publicity and considerable debate on the merits of the program. In the process, Congress has an opportunity to consider alternatives. A recent example is adoption of the goal of having an all-volunteer Army as an alternative to the draft.

Were Congress to adopt this amendment, renewed public interest and attention would focus on programs as they are about to expire. More interest would be shown in reforming and changing, and perhaps even eliminating, programs that have proven to be ineffective or unnecessary.

Dr. Maurice Mann noted that when he was Assistant Director of the Office of Management and Budget, the President submitted the Economy Act of 1970, which was a list of programs costing $2 billion "that virtually all observers agreed were outmoded or inefficient, or both. Nevertheless, the attempt to cut these programs from the budget met with almost unbelievable resistance from the Congress and affected groups and very little was accomplished. A classic example was the attempt to eliminate a board of tea tasters—costing less than $500,000 annually. As a result of the uproar, the tea tasters are still with us."

Three-year authorizations, sometimes referred to as zero-based budgeting, has its supporters. At the conclusion of Dr. Arthur Burns' statement on March 6, 1973, before the Joint Study Committee on Budget Control, he said:

> Finally, I feel that any discussion of better budget procedures would be incomplete without some mention of zero-base budgeting. Traditionally, officials in charge of an established program have not been required to make a case for their entire appropriation request each year. Instead, they have had to justify only the increase they seek above last year's level. Substantial savings could undoubtedly be realized if both the administration and the Congress treated each appropriation request as if it were for a new program.

I urge the adoption of the amendment.

Mr. BENNETT. Mr. Chairman, I thank the gentleman very much.

I want to say I thought the last amendment we had and certainly this amendment we have up at this time are consistent with the purpose of this legislation. I think I was one of the first if not the first Member of the Congress to introduce legislation of this sort and it had these provisions in it. I tried to appear before the committee. They were very pushed for time when I appeared before them. I am sure they did look at it thoughtfully and carefully.

I think these amendments are consistent with the purposes of this legislation. They are in no way an attack on the committee.

I do not think anything has happened in the 25 years I have been in Congress which is as important as this bill. I think it is a terrifically important bill and will help the average guy in this country as much as anything we have done. I am not against this bill or against this committee. I do not think they ought to turn down just everything that comes down the pike in this regard.

Mr. DANIELSON. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from California.

Mr. DANIELSON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida, and hope that my colleagues will recognize the great importance of the subject matter of this amendment. Although the subject of open-ended authorizations may be too complex for us to deal with under the limitations of our 5-minute rule, it is an area that deserves and begs for further study and attention.

The fact that many of the departments and agencies in the executive branch of the Government never have to come to Congress for a renewal of their authorizations is a fact that too many Members take for granted, and accept as a normal part of our legislative routine. I am convinced, however, that the effectiveness of the Congress as a full and coequal branch of Government can never be realized as long as we neglect our constitutional duty to oversee the activities of the executive branch. This has been a matter of great concern to me almost as long as I have been in Congress.

Certainly this function, which is imposed upon us by the Constitution, can be properly exercised only if various Government activities are reviewed frequently.

I have for many months, been involved in a study of this vital subject, in an effort to ascertain the extent to which Government agencies are functioning on the basis of statutes, some enacted many decades ago, which by their own terms require no renewal or periodic review. I will make the results of my study available to the membership when it has been completed.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Missouri.

Mr. RANDALL. Mr. Chairman, from what I have heard by way of explanation from the gentleman from Florida, his proposal for evaluation or pilot testing of all major programs makes sense. All he is saying is that all programs should be evaluated no later than 3 years after the enactment of such a bill or resolution.

He says that his amendment concerns only major outlay programs which is defined to be those that cost more than $100 million for the first 3 years.

What we are talking about in this amendment is the same thing that has been proposed in the other body by the junior Senator from Tennessee (Mr. BLOCK). This proposal has been endorsed enthusiastically and wholeheartedly by several nationwide business organizations.

The amendment simply provides that there must be a pilot testing of each major outlay program to provide for as nearly as possible a replica of the program which would be implemented on a permanent basis. The pilot program shall be conducted for a defined period and is to be conducted by a department or agency of the Government that would be in charge of the permanent program.

This pilot testing program would not create any difficult situations that could not be properly and orderly disposed of. For example, the amendment specifically provided for an exception that the testing program shall not apply if the committee report contains a statement with full reasons therefore that the committee has given consideration of such pilot testing programs and decides against such pilot testing as not feasible or desirable. What could be fairer than that?

Mr. Chairman, what we are considering as we approach a vote on this amendment is a pilot testing of such massive programs as the guaranteed annual wage or the national health care programs that would provide benefits from the cradle to the grave without any contribution whatsoever from the beneficiaries. That is what is under consideration, whether some of these grandiose programs can be financed without bankrupting the Government. That is what the pilot testing program is all about and that is why I urge my colleagues to support the pilot testing program as proposed by the gentleman from Florida (Mr. BENNETT).

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. Mr. Chairman, the time has long since come when the Congress of the United States should reassert its rightful constitutional authority over the Federal budget and over the setting of national priorities.

Consequently, I am heartily in favor of the Budget and Impoundment Control Act of 1973. It is, unquestionably, a step in the right direction. The distinguished gentleman from Missouri (Mr. BOLLING), called it the first step. I agree, but it is a big step. Someone called it an experiment. Maybe it is, but it is an experiment which the Congress desperately needs to try. It can be made to work, if enough Members, are determined that it will work, but above all, if the American people insist that it be made to work.

If we are ever to succeed in getting the dollar back on a sound basis, if we are ever to curb inflation, if we are ever to balance income with outgo—all goals which I have long supported—and still adequately meet the needs of our people, especially in such areas as health, education, and welfare, then it is absolutely essential that the Congress begin to exercise rational control over Government spending. And Congress just must relate Government and spending to total revenues in order to make spending responsible.

A piecemeal approach to appropriations is simply not the way to do the job. We have all seen that demonstrated time and time again. We just must find a way to bring fiscal order out of fiscal chaos. Again, this legislation, improperly implemented, can do just that.

For 37 out of the last 54 years, the Federal Government has had a deficit budget. Of course, deficits are understandable in time of war, as in World War II, or in time of national emergency, but not year in and year out, as a matter of course. Since 1931 there have been only 7 fiscal years with a budget surplus, the biggest one of which was in 1948 during President Truman's administration.

Our present congressional internal machinery does not adequately provide for either overall consideration of the budget—receipts and expenditures—or overall consideration of national priorities. Devaluation of the dollar twice in just over a year is one proof of the need for this new legislation.

However, even under the antiquated procedural handicaps we have been saddled with, the record of the last 20 years shows that the Congress has enacted appropriations bills which in total have provided less money than was requested by the various Presidents. In any event, most Presidents recommended deficit budgets to start with—and got them.

Additionally, despite internal technical problems in the legislative machinery, there has been a distinct shift in Federal spending priorities since 1965. Education and manpower, health and income security have risen greatly in the national order of priorities, while declines have taken place in national defense and international affairs. Congress has, in fact, modified the priorities of the executive branch many times—that is and should always be the right of the Congress. But whatever the priorities, we should always have budget and spending controls. It is the only way we can be fiscally responsible stewards of our public trust.

Perhaps under the new Budget Control Act, we will see a new day, because each Congress will have to examine the entire budget as a whole, and, speaking for and sensitive to the people, pass judgment on whether the totals are satisfactory. Each Congress will have to determine whether the relationships of one part to another—priorities—are appropriate, whether they are what the country really needs and must have.

Mr. Chairman, I regard the Budget Control Act as monumental legislation restoring Congress constitutional control over the purse strings of the United States of America and halting the usurpation of congressional authority by the executive branch.

Adoption of this new system will not make it magically easy to balance the budget and get Federal spending under control. The task will still be extremely hard, but this act will give the Congress the tools with which to do the job of getting its financial house in order and thrashing out in open debate the setting of national priorities determining how much to spend and where the money will come from, and giving all citizens a chance to be heard.

Choosing priorities is vital because no nation, even one so immensely wealthy as ours is, has enough money to do everything it wants to do or might even need to do. America may be as rich as Croesus in comparison with every other country in the world, but there still are limits on our national pocketbook.

For more than 20 years I have longed for and argued for legislation to accomplish what the Budget Control Act is intended to accomplish.

I came to Congress after serving in the North Carolina General Assembly, where a balanced budget is required by law. If we wanted to spend more and increase State services, we had to tax more—which is as it should be. We could not fool people into thinking they were getting something free by engaging in deficit spending. This is still our policy in North Carolina. If we underestimate our revenues, and spend more than we take in, the Governor has the obligation to cut expenditures, or the legislature must immediately raise the necessary revenues.

Coming to Congress and being confronted with its ramshackle appropriations process, which has vastly contributed to deficit spending and a fantastically high national debt, was an extremely frustrating experience for me. It still is.

Accordingly, today is, I feel, an historic day in the House of Representatives. That this legislation may soon become law gives me a great lift. Hopefully, this will mark the begining of a return to fiscal sanity. At the very least, it will do away with the piecemeal appropriations approach, and if the majority should decide from time to time that budget deficits are required, America will go into it with eyes wide open.

Adequate staffing, however, is necessary if the Congress is to be able to furnish itself with enough information on which to properly decide. This does not mean that the Congress should duplicate the Office of Management and Budget.

But, we must have whatever staff and facilities are necessary. Passing judgment requires adequate information beforehand.

What will be the ultimate result of today's historic action in creating new fiscal machinery? Doubtless some flaws will come to light. The basic machinery we are setting up now may need fine tuning at some point in the future. But, we cannot put off a decision now for fear of what might be. We have got to move ahead.

In doing so, we might as well prepare ourselves to accept cuts in some programs, to rewrite others, and to change ahead.

In doing so, we might as well prepare ourselves to accept cuts in some programs, to rewrite others, and to change the direction of still others. Such changes are inevitable once the Congress is confronted at one time with the overall problem.

It has been too easy in the past to vote for programs, good in themselves, without at the same time adequately examining the whole budget picture.

Many Members, me included, have often been forced to reluctantly vote against programs we favored simply because the legislation gave no evidence of fiscal responsibility.

Maybe in the future this will not happen as often.

The way this legislation is implemented will tell the tale as to how effective it will be in, for the first time, controlling the Federal budget. It will also tell the tale on what happens to this country in years to come. Our survival may depend on it.

Mr. STEELMAN. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Texas.

Mr. STEELMAN. Mr. Chairman, I commend the gentleman for his effort, and wish to associate myself with his remarks. I think this concept of zero-base budgeting adds greatly to this bill which is one of the most important pieces of reform legislation to be considered by this body during the last 25 years. I hope my colleagues will join me in voting for this amendment.

Mr. MARTIN of Nebraska. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I should like to ask the gentleman from Florida a question.

The effective date for this legislation, at least title I is October 1, 1975. That would apply to the amendment which the gentleman has offered at the present time?

Mr. BENNETT. That is correct.

Mr. MARTIN of Nebraska. I thank the gentleman.

Mr. BENNETT. So this means, actually all these things will come up over a period of time, some on a 3-year basis, some 5 years, some 4 years, as set out in the amendment. It would not do anything very precipitously but it would extend over a period of years.

Mr. MARTIN of Nebraska. I thank the gentleman.

Mr. Chairman, the Select Committee on Committees which was set up by the House last January has had extensive hearings for almost a 6-month period this year in regard to the committees, jurisdiction of the committees, the work of the committees, the rules of the House, all with an aim to make more effective the operation of the House itself and bring it up to date to deal with and try to solve the problems of the 1970's.

No reorganization bill, as the chairman knows, has not been enacted for over a quarter of a century. In the Select Committee on Committees, of which I have the honor to serve as vice chairman along with the distinguished gentleman from Missouri (Mr. BOLLING) who is chairman of that committee, we have had extensive testimony from many Members of Congress as well as from outside sources, most of whom have recommended to us that we devote more time and effort and concentration on oversight.

That is one of the appalling weaknesses of the Congress at the present time, that we do not follow up on the programs after they are enacted into law to see whether they are following the intent of the Congress or whether the money is being spent as it should be, whether the programs operate effectively and efficiently, or whether they should be expanded or continued at the same level or perhaps discontinued.

The Select Committee will be coming out with a committee print No. 1 on this Friday or Monday of next week. In that committee print will be recommendations with regard to oversight on legislative committees of the House.

I feel, Mr. Chairman, that the Select Committee and the legislation we produce and which will come out next spring is the proper place for oversight legislation, rather than in this budget bill.

Another thing, as was pointed out a moment ago in my colloquy with the gentleman from Florida, his amendment would not become effective until October 1, 1975. Inclusion in the legislation from the Select Committee on Committees would become effective in the next Congress on January 3, 1975.

As a consequence, I must oppose this amendment, because I feel it is a more logical place to put the oversight legislation in the bill that will come before this body next spring.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment of the gentleman from Florida. This is a long overdue reformation.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment proposed by the gentleman from Florida (Mr. BENNETT).

This is a worthy amendment to this long overdue reform of our budgetary process.

Congress was wisely given power of the purse by the framers of the Constitution. Although these judicious men could not possibly envision the magnitude and broad scope of today's governmental operations they were essentially sound in endowing Congress with budgetary controls.

However, in analyzing our methods of authorization and appropriation of funds we find that the growth of our Government has made our traditional procedures for disbursing governmental moneys obsolete. Instead of a finely tuned, overall budgetary allocation system we find that we have a makeshift, patchwork procedure with each committee authorizing funds without regard to the total budgetary picture.

Because of this illogical and ineffective system, the work of the Joint Committee on Budgetary Control has become paramount. Earlier this year, when the committee came forth with its initial recommendations, many of us were quick to express our support of their efforts. Now that this committee has again come to us, with a workable legislative proposal, we welcome their efforts and proposed fiscal reforms.

The committee is proposing a viable solution to our haphazard appropriation system. For the first time, prior to any appropriations, Congress will be required to look at the overall budgetary picture, the anticipated revenue, proposed expenditures and the public debt.

While some will argue that this merely creates another bureaucratic step, complicating existing procedures, I would say that this is the most significant step we can take if we are to insure fiscal responsibility in the Congress.

Continuing with existing methods of budgetary appropriations can only lead us to a chaotic conclusion. There are not many who would dare devise their household budget in the manner that we adopt our national budget. Accordingly, I welcome the budgetary reforms proposed by this committee.

I am pleased too that with the passage of this measure, we will have adopted a realistic system for countering Presidential impoundments. To date, Congress has had little recourse to any impoundments. If funds were withheld, there was little that any one could do, short of a lengthy and expensive judicial process.

With the implementation of these new budgetary reforms, it is hoped that most impoundments of funds will become unnecessary. If Congress undertakes its responsibilities seriously, following the guidelines established under H.R. 7130, we will have a higher, more effective control of governmental spending which should result not only in avoiding Presidential impoundments, but also in restoring fiscal responsibility to the legislative branch of Government.

Accordingly, I urge my colleagues to support the measure now before us.

Mr. RANDALL. Mr. Chairman, I move to strike the last word.

I take this time to ask a question or two on the amendment from its author the gentleman from Florida (Mr. BENNETT).

First I ask: Is this the same proposal that has been considered in the other body, under the name of the so-called Brock proposal?

Mr. BENNETT. That is right, approved by the Senate committee.

Mr. RANDALL. You mean this has already been approved by the other body?

Mr. BENNETT. By the Senate committee, yes.

Mr. RANDALL. It seems to me the objections that would be raised are unduly apprehensive. The opponents argue that suddenly, bang, the entire thing comes to a halt, or to a stop. The gentleman does not say that. Instead he proposes either 3 years, or 5 years; that should give plently of time to anticipate the end of a program and to consider whatever merit it has. If I am correct what we are talking about right now is to end some back-door spending that has been going on for years and years.

Mr. BENNETT. That is right.

Mr. RANDALL. Is the gentleman suggesting a formula of between 3 years and absolutely no longer than 5 years?

Mr. BENNETT. Yes.

Mr. RANDALL. You are saying that should be plenty of time to anticipate the end of a program and to consider its reauthorization?

Mr. BENNETT. That is right. It will have all the good features that the gentleman from Nebraska mentioned. I believe this legislative committee is where it should be done. It should be done by the committee which has legislative oversight to begin with.

Mr. RANDALL. I hope every Member understands this amendment does not necessarily mean the end of these programs. It simply means the privilege to review them.

Mr. BENNETT. It is only in $100 million programs and limits the authorizations to 3 years unless there is a new authorization.

Mr. RANDALL. Mr. Chairman, I wholeheartedly support the proposition that has been described as "zero-based budget." The gentleman from Florida (Mr. BENNETT), may not have completely or fully explained the objective or thrust of his amendment. For that reason there have been some rumors whispered around on the floor that this amendment will do some evil things which were not intended. It is argued that it will create some mischief. It is argued that it will upset some fine workable programs.

Well, let us take a look at these arguments for a moment. All this amendment does is nothing more than simply to require review of ongoing programs every few years. Its application is not complex. It simply provides that if a program is not reviewed and reauthorized it will expire at the end of 5 years.

There is nothing evil or occult or mysterious either in its intent or in its application. If the program to be reviewed is good, then it will be reauthorized. On the other hand, if there is something about the program that is not working as intended, then some modification or correction will be made and thereafter it will be reauthorized. If it happens that the project has not worked out as was intended, or has been a partial failure, then, of course, the program may be quickly suspended or terminated. That is all there is to it. No matter how much more you try to read into it, that is the sum and substance of this amendment.

Now while the debate was going I overheard conservations that predicted such dire consequences that this would somehow stop all of the good programs going on at the National Institutes of Health. Others said that this would endanger the social security program, and finally someone suggested that this would be the end of the veterans' pension program. To each of these three worries, let me make one simplistic rejoinder to say "Hogwash!" How ridiculous it is for anyone to believe that there would even be the slightest consideration accorded to slowing down any of these fine programs.

Now, Mr. Chairman, as we discuss this congressional control over budgetary outlay in this Budget and Impoundment Control Act of 1973, we can on the one hand do the easy thing and hope for the best, or we can take the proposal of the gentleman from Florida and see to it that there is some honest-to-goodness control enacted, not only over those programs that we consider annually, but also those programs which call for expenditures of Federal money without the necessity of any annual authorization or appropriation bill.

I have never been one to enthusiastically embrace all of the connotations of the expression "back-door spending," but that is what we are talking about. That phrase seems to connote some irregularity or immorality or illegality connected with those ongoing programs. I do not necessarily agree with these connotations although I do believe the programs should be regularly reviewed. Many programs are open-ended. They go on and on without any annual authorization or appropriation. Certainly these programs may be just as legal as those appropriated annually, except that they are not reviewed or considered every year as they should be like the other spending programs.

That, Mr. Chairman, is what the zero budget concept is all about—simply to take another look at a whole variety of ongoing programs. The application of this sort of control should not be something to fear or shy away from, because if the program is working and producing the results which were intended at the time of its enactment, then there will be no doubt that there will be a new authorization. If on the other hand, the program has been defective in some part, and does not have a good cost-benefit ratio, some changes should certainly be made to be sure that the dollar spent actually achieves the results intended when these ongoing programs were first approved. What could be wrong with such oversight or review? The answer is, nothing. That is why I rise in support of the amendment by the gentleman from Florida.

Finally, Mr. Chairman, I cannot sit down without paying my heartfelt compliments and gratitude to the gentleman from Oregon (Mr. Ullman) and the gentleman from Mississippi (Mr. Whitten). These two gentlemen have been in the forefront of this fight for a congressional budget not only during this calendar year of 1973 but before we went home in the fall of 1972. For them let me observe that today is truly an historic day as we in the House approve the Budget Control and Impoundment Act of 1978. It may be a long pull before all of its objectives are realized but today by the enactment of this bill we have made a first giant step toward the realization of those worthwhile objectives.

Mr. BOLLING. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am sure that the intentions of those who offered this amendment and supported it are first rate. Clearly the Congress has not done as good a job as it should in oversight; but the dilemma is that this is sort of an oversimplified approach. We should be looking at programs systematically. We should be doing a much better job on oversight. As Mr. Martin has said, we are trying to figure out ways to encourage committees to do a much better job; but this would just sort of blindly say that regardless of what kind of program it is, it is just going to expire every 3 years.

For example, it says of all the NIH programs which have an open end, the National Institutes of Health research programs shall have open end authorizations; but no, we are going to have to go over this every 3 years.

There are a variety of programs that have been overviewed very carefully, that have been systematically examined and have been continued.

In my judgment, to have an automatic device that every 3 years says, "Off, out" does not make any sense. The reason is that the Congress has been failing even now to keep up with its various duties. The tasks of the Congress are so monumental that the Congress has failed to do so many of them, in my judgment, that we want to be extraordinarily selective about the automatic devices we put in place.

In addition to that—I want to be perfectly honest with the committee—in addition, this is already in the Senate bill and I think it would be a great mistake to send this to conference with a locked-in provision which has not been systematically gone into, which has been the subject of a relatively short debate, which has been rejected I believe by a series of committees that looked into the budget problem.

I believe the joint committee rejected it, and I know the Rules Committee rejected it. I just think this is an unwise way to deal with a matter of this type, especially since, as the gentleman from Nebraska (Mr. Martin) has said, the select committee of which I have the honor to be chairman is seeking in a variety of ways to improve oversight, which has been so badly done.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, in the judgment of the gentleman from Missouri, how would this amendment affect certain ongoing capital investments such as the subway system of the District of Columbia or the construction of an aircraft carrier or a public works program which just cannot be completed in 3 years? Do we have to go back and take a look at them and reauthorize even though it would be impossible to complete these programs in 3 years?

Mr. BOLLING. Mr. Chairman, we have to reauthorize every 3 years, it would seem so to me. I do not know how else to interpret the language.

Mr. MYERS. Mr. Chairman, I thank the gentleman.

Mr. ULLMAN. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Chairman, I fully agree with the gentleman. The Joint Budget Study Committee did not in any way recommend this procedure to require new authorizations every 3 years. As a matter of fact, most of us are strongly opposed to it. It would, for example, involve the necessity of making new authorizations for interest on the national debt every 3 years.

My understanding is that we would have to get authorization on that every 3 years. It seems to me that any such amendment needs a great deal more attention than we have given it here. It does not belong in this bill, and I urge that the amendment be defeated.

Mr. BOLLING. Mr. Chairman, it adds to the workload. I urge that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. Bennett).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BENNETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 217, not voting 24, as follows:

[Roll No. 626]

AYES—192

Abdnor
Anderson, Calif.
Andrews, N.C.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Bauman
Beard
Bennett
Blackburn
Breaux
Breckinridge
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Carter
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Danielson
Davis, S.C.
de la Garza
Dennis
Derwinski
Devine
Dickinson
Dingell
Dorn
Duncan
Edwards, Ala.
Erlenborn
Evins, Tenn.
Fascell
Flowers
Flynt
Forsythe
Fountain
Frey
Froehlich
Fuqua
Gettys
Gibbons
Gilman
Ginn
Goldwater
Goodling
Gross
Gubser
Gude
Gunter
Guyer
Haley
Hammerschmidt
Hanrahan
Harrington
Harsha
Harvey
Hastings
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Hinshaw
Hogan
Holt
Huber
Hudnut
Hungate
Hunt
Ichord
Jarman
Johnson, Pa.
Jones, Okla.
Jones, Tenn.
Keating
Kemp
Ketchum
Kuykendall
Landgrebe
Latta
Lehman
Lent
Lott
Lujan
McClory
McCollister
McEwen
McKinney
Mailliard
Mann
Maraziti
Martin, N.C.
Mathis, Ga.
Mayne
Mazzoli
Michel
Milford
Miller
Mink
Mitchell, N.Y.
Mizell
Mollohan
Moorhead, Calif.
Moss
Nichols
O'Brien
Parris
Passman
Pettis
Peyser
Pickle
Powell, Ohio
Price, Tex.
Pritchard
Randall
Rarick
Regula
Rinaldo
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rousselot
Roy
Runnels
Ruppe
Ruth
Sandman
Sarasin
Scherle
Schneebeli
Sebelius
Shoup
Shuster
Sikes
Skubitz
Snyder
Spence
Staggers
Steele
Steelman
Steiger, Ariz.
Stuckey
Symms
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Towell, Nev.
Vander Jagt
Wampler
Ware
White
Whitehurst
Widnall
Wiggins
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolff
Wydler
Wylie
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NOES—217

Abzug
Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Baker
Barrett
Bell
Bergland
Bevill
Biaggi
Biester

Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Brooks
Brotzman
Brown, Calif.
Broyhill, Va.
Burke, Mass.
Burlison, Mo.
Burton
Camp
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Cederberg
Clark
Clay
Collins, Ill.
Conte
Corman
Cotter
Coughlin
Culver
Daniels,
  Dominick V.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Denholm
Dent
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Findley
Fish
Fisher
Flood
Foley
Ford, Gerald R.
Ford,
  William D.
Fraser
Frelinghuysen
Frenzel
Fulton
Gaydos
Giaimo
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Hamilton
Hanley
Hansen, Idaho
Hawkins
Hays
Hébert
Heinz
Helstoski
Hillis
Holifield
Holtzman
Horton
Hosmer
Howard
Hutchinson
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
King
Kluczynski
Koch
Kyros
Landrum
Leggett
Litton
Long, La.
Long, Md.
McCloskey
McCormack
McFall
McKay
Madden
Madigan
Mahon
Mallary
Martin, Nebr.
Matsunaga
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mitchell, Md.
Moakley
Montgomery
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Pike
Poage
Podell
Preyer
Price, Ill.
Quie
Quillen
Railsback
Rangel
Rees
Reuss
Rhodes
Riegle
Roberts
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Ryan
St Germain
Sarbanes
Satterfield
Schroeder
Seiberling
Shipley
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Stanton,
  J. William
Stanton,
  James V.
Stark
Steed
Steiger, Wis.
Stephens
Stratton
Stubblefield
Studds
Sullivan
Symington
Talcott
Thompson, N.J.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Whalen
Whitten
Williams
Wilson,
  Charles H.,
  Calif.
Wright
Wyatt
Wyman
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—24

Blatnik
Burke, Calif.
Clawson, Del
Conyers
Crane
Dellums
Diggs
Downing
Hanna
Hansen, Wash.
Jordan
McDade
McSpadden
Macdonald
Mathias, Calif.
Mills, Ark.
Minshall, Ohio
Nelsen
Reid
Rooney, N.Y.
Stokes
Treen
Veysey
Walsh

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS

Mr. ANDERSON of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of Illinois: On page 66, after line 14 add a new section 146(c):

FORMULATIONS OF BUDGET OPTIONS

Section 201(a) of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 11), is amended—

(1) by striking out the word "and" at the end of subparagraph (11);

(2) by striking out the period at the end of subparagraph (12) and inserting in lieu of the period a semicolon and the word "and"; and

(3) by adding immediately below subparagraph (12) the following new subparagraph:

("13) with respect to each proposal for an increase or decrease over the previous year in budget outlays and expenditures by function and subfunctions or subdivisions thereof, as used in connection with the budget transmitted to Congress under this subsection for each fiscal year after that ending June 30, 1974, an analytical justification of the need for such proposed increase or decrease, together with two alternatives to such proposal representing higher and lower alternatives in each such total proposed outlay and expenditure; and an analytical statement and explanation of the projected application, operation, and effect of each such higher or lower alternative in the light of explicitly defined national needs, objectives, goals, and priorities accompanied by an analytical justification indicating the reasons for the recommended increase or decrease in budget outlays and expenditures as opposed to the higher and lower alternatives. All policy analyses and program evaluations conducted by the Office of Management and Budget and the executive agencies for the purpose of determining the spending levels of the 14 major functional categories of the budget and subfunctions thereof, (excepting those involving national security matters), must be summarized and published in the budget submission of the President, (notwithstanding section 206 of the Budget and Accounting Act of 1921), irrespective of whether the conclusions of such analyses and evaluations support the budget recommendations of the President."

Mr. MARTIN of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Nebraska.

Mr. MARTIN of Nebraska. I understood the Reading Clerk to say that this amendment was on page 66. The copy of the amendment I have says 59.

Mr. ANDERSON of Illinois. It should be 66. It would go on page 66.

Mr. Chairman, this amendment would address a fundamental problem that H.R. 7130 tries to address, but does not do so adequately. This is the fact that the President's budget has taken on the form in recent years, of something far more than a recommendation to the Congress. My amendment would therefore require that the Congress be presented not just with one figure for each major spending category, but rather with alternative spending options in each category.

Although the President would of course retain the right to choose his own spending figure, he would also be required to identify one reasonable spending option that is lower than his own chosen option, and another reasonable option that is higher than his chosen option. He would have to do this for each of the 14 major functional spending categories in the budget—health, defense, education, and manpower, and so on—and for major subdivisions within each category. Moreover, he would have to summarize all policy analyses and program evaluations supporting not only his own chosen option, but also the lower and the higher spending options.

Mr. Chairman, as I noted earlier in general debate, it was revealed earlier this week that when the administration decided to terminate the subsidized housing program last winter, the decision was made not on the basis of policy analysis or program evaluation—but on the basis of general impressions and the need to save half a billion dollars somewhere in the budget. Only after the decision was made was an elaborate policy rationale for the program termination developed.

The outrageous revelation that career policy analysts were directed to develop a rationale supporting a policy decision that had been already made, while the administration pretended that the decision itself was the result of such policy analyses, should not come as a complete surprise to the Congress. Last spring, when the Joint Economic Committee requested from OMB Director Ash the policy analyses upon which the budget cuts were based, it received, 2 months later, a series of obviously hastily written 1- or 2-page justifications for each of the 100-odd budget cuts. The vast majority of these justifications were largely rhetoric, casting grave doubt on the statement by the OMB Director that the administration's 1974 budget cuts were based on the most complete and exhaustive series of program evaluations ever conducted.

The conclusion of the Joint Economic Committee last April was that OMB had "made no analytical evaluations to support the real budget cuts that were made. Moreover, the information provided to the committee as formal justification for the budget cuts is of such low quality that Congress cannot rely on its in formulating spending reform and setting national priorities."

The issue before us is how to develop this new dimension of policy analysis and program evaluation. When we contemplate the huge resources of the executive branch, it becomes clear that the legislative budget office which this bill creates can pursue one of two basic strategies in analyzing the budget. It can create a staff of hundreds of people, in order to match the resources of OMB—which has more than 600 staffers—not including the thousands of budget analysts in the agencies. Or it can create a much smaller and manageable unit, and at the same time require the executive to be much more open with the Congress regarding data and analyses that it, the executive, uses in formulating a budget.

I believe a giant bureaucracy would be unwise. I don't think any Member wants a body of more than 600 analysts on the Hill, developing a completely independent budget, based on separate discussion with hundreds of bureaus in the Federal bureaucracy.

But I do think that if we required the executive to inform us of the options and the supporting data it considered in formulating its final budget recommendation, we could do the job with a moderate-sized staff.

This approach would be worth literally thousands of man-years of work to the Congress. It would avoid the prospect of reverting back to the pre-1921 practice of Congress dealing directly with agencies and their vested interests on spending issues. And we must face the fact that Congress will be tempted to do this once it creates its own budget office.

My amendment would also address the fears of those who feel that a central budget committee might simply rubberstamp the President's budget as well as the fears of those who feel this bill gives the Appropriations Committee too much power. With data to support the choices of high and low options available as part of the budget, the Appropriations Committee and the Budget Committee would not have a monopoly on the vital data needed to make judgments on spending on the House floor. The amendment would also make more meaningful the functional budget categories into which the Congressional budget resolution is divided—for it is exactly these 14 budget categories for which the President would have to provide alternative options and backup analysis.

Such budget options and the accompanying analyses are developed by OMB, and are the result of thousands of man-years of work. It is precisely such options that should be made available to Congress. When that happens, the proper role of the Executive with regard to the budget—recommending, not dictating—will be occurring.

Let me close with an illustration of how my amendment would work. In the area of housing, for example, the budget would inform the Congress as to the number of people living in substandard housing under the President's option, and also under a lower spending option and a higher spending option. It would be up to the President to determine the percentage lower and higher—obviously, any attempts to distort the meaning of this amendment by proposing absurdly high or low options, or only tokenly increased or decreased options, would be transparent and would redound to the discredit of the administration.

If the amount being proposed were less than the previous year's amount, we would receive a detailed analysis of the rationale for the cutback. All relevant program evaluations of subsidized housing programs would have to be included, whether or not they supported the President's chosen option.

In a word, if this amendment had been in effect last year, the administration could not have gotten by with rhetoric—it would either have to put up its evidence, or shut up, when it condemned a housing program or any other Federal program, for not working.

Look, if you will, at what the administration got away with in the 1974 budget. Look at what is called the detailed budget estimates for the Department of Housing and Urban Development—that is the telephone-book-sized part of the budget, where the Congress supposedly gets all the details. One finds the following as justification for the termination of subsidized housing programs—for example, homeownership assistance, rental housing assistance, rent supplements, and low-rent housing programs:

> These programs have not produced results commensurate with the costs to the taxpayer. Instead, the statutory programs have:
>
> (a) Provided a fortunate few with new housing through subsidies totaling $700 to $3,000 annually, while other families in the same income range pay more for unsubsidized housing that is not new;
>
> (b) Provided windfall profits and tax shelters to intermediaries in the housing and financial sectors;
>
> (c) Created strong pressures for builders, developers, suppliers, and laborers to inflate construction and land costs, causing subsidized housing to cost more than comparable unsubsidized housing; and
>
> (d) Placed families in homes which they cannot afford to maintain, thus severely straining the family budget.
>
> The Administration is evaluating alternative means for enabling families and individuals to afford adequate housing on their own. During this review, the Federal Government will continue to honor statutory and other commitments made under the low-rent public housing, rent supplements, homeownership assistance, and rental housing assistance programs. However, no new commitments under these programs will be made.

In some 47 telephone book-sized pages of fine print dealing with housing and community development, what I have just read is the sum and substance of what the OMB gives us as a rationale for terminating these programs. It amounts to less than a quarter of one of those oversized pages. The other 46¾ pages are filled with hundreds of figures and sentences describing the result of these program terminations.

This is typical of the 1974 Presidential budget. I say such an approach can no longer suffice. I say we must require the President to give us some real policy analysis in his budget. Policy analysis boils down to presenting alternative courses of policy—or spending—action, and the arguments supporting these alternative courses. It involves, among other things, bringing to bear all program evaluations that agencies have done as to the impact and effectiveness of their program. Policy analysis does not mean dazzling the Congress with a smattering of rhetoric and blinding us with thousands of meaningless figures presented in a policy vacuum.

In conclusion, let me summarize the provisions of the amendment I am offering:

It would add a 13th category of items to the 12 items now listed in the Budget and Accounting Act of 1921—as amended (U.S.C. 31, sec. 11) as being items that the President must submit as part of his budget. The first 12 items that are now law deal solely with the President's being required to tell the Congress what he wants in terms of expenditure levels, budget authority, and levels of revenues. He is not required to tell why he wants given levels of expenditures, nor why his levels are more justified than other levels.

The 13th category of items that my amendment would require would result in the following additional material being submitted in the President's budget:

> With regard to each of the 14 major functional categories (and the major subdivisions therein), for which an increase or decrease is requested as compared to the previous year, there would have to be an analytical justification of the need for such an increase or decrease; This justification must be made in terms of the extent to which the President's chosen figure for a given spending area fulfills the national goal(s) relevant to that category (e.g., housing); the justification cannot be cast in terms of general goals such as "fighting inflation" or "fiscal responsibility".
>
> Such justification must also be cast in terms of why the particular chosen figure would be more desirable than a higher or lower figure, in the way it fulfilled those national goals;
>
> Such higher and lower alternative spending figures, with accompanying analysis of the impact of such higher and lower spending on the goal in question, must also be included for each major spending category, and its major subdivisions;
>
> All program evaluations and policy analyses conducted by OMB or the agencies for the purpose of determining the relative spending levels of the major spending categories and their major subdivisions, must be summarized and published as part of the budget, either as part of the alternative budget options described above, or separately.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. Bell, and by unanimous consent, Mr. Anderson of Illinois was allowed to proceed for 2 additional minutes.)

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from California (Mr. Bell).

Mr. BELL. Mr. Chairman, I commend the gentleman for his amendment and express my desire that his amendment will pass.

Mr. ANDERSON of Illinois. I thank the gentleman from California for his support.

Mr. BOLLING. Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, again I am reluctant to oppose the amendment because of its author. The fact is, the gentleman from Illinois has worked hard on this matter of having a responsible budget process, but this is one of those amendments which is attractive on its surface, but could do, in my judgment, a great deal of damage in a whole variety of directions.

In the first place I am not very tenderhearted about the Executive; I have been one of the early advocates of our being a better competitor with the Executive regardless of whether he be Republican or Democrat—but I cannot conceive of any self-respecting President who would think it wise to be unable to make up his mind and have to come up with three alternatives and justification for all three.

What we really want from the President is a policy position which is justified. Certainly I do not believe it is really going to help us, because we are not trying to invade the President's legitimate responsibility under the Budget and Accounting Act. What we are trying to do is take our responsibility and do a better job with it. We will be, under the proposal before us, able to have adequate information. We are not going to have a great establishment like the Office of Management and Budget. We do not need to have that kind of establishment, but we can have a limited number of highly expert people who will use modern techniques and do the kinds of things which the Brookings Institution has made clear are possible in devising alternatives. We do not need three recommendations to be helpful to us.

Furthermore, it seems to me very clear that this is the kind of thing that could be used as a device.

The President could come up with three alternatives and very easily say, "Fellows, take your pick."

I doubt that that would be sensible. It would not be a helpful thing for us. He could come up with three alternatives and say to take the middle one, which is less than the highest one, or moderate to the lower alternative. He might always be playing games. We could respond by playing games, but we would not be able to respond by having three alternatives.

Much as I dislike having to oppose this, much as I agree it is attractive, I do not believe it would be helpful to the Congress in dealing with its responsibility of bringing back to the Congress its ability to deal with all these problems.

I believe we will have the staff. I believe we will have the know-how. I believe we have the capability.

I do not believe this would be really much more than a burden upon our Executive and us. I urge that the amendment be defeated.

Mr. MARTIN of Nebraska. Mr. Chairman, I rise in opposition to the amendment.

I reluctantly oppose the amendment of my good friend and colleague from the Committee on Rules. For practical reasons, I do not feel that this is a good amendment. It is the duty of the OMB to come up with a tight-fisted budget, with recommendations that the President sends up to the Congress for the coming fiscal year.

It seems to me we would be putting the Office of the Budget in an impossible situation to say we will come up with three figures as to what they might accept in regard to expenditures in all the various departments and operations of our Government. The OMB should come up with what they feel is the lowest figure that will accomplish the job and the work that is necessary to carry out the intent of Congress in that particular program and not one penny more. When we say to them they have to submit the middle figure and then a low figure and then a high figure, they are not able to accomplish the job for which OMB was originaly set up in the act of 1921.

It is not a practical amendment. It is not one that would be feasible and I hope, Mr. Chairman, that the amendment will be rejected.

Mr. YATES. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as a member of the Committee on Appropriations for many years I have listened to the testimony of so many witnesses from executive agencies who have come through the mill of OMB screening with budget levels far removed from their original request—and they did not know why—and we did not know why. Witnesses have not been able to tell our committee why OMB acted as it did. The witnesses who come before us do not determine budget levels. It is OMB. OMB is the one that calls the tune and the executive agencies dance to that tune. In great measure the Congress dances to that tune, for, because we do not have the information we need to reach a proper result. It is a truism that we in Congress are in an endless search for information. Without information, we are not in a position to act reasonably.

I have often thought it would be well for the Appropriations Committee to request that members of OMB who have been responsible for setting budget ceilings come before us and tell us how and why they concluded as they did. That is why I am supporting the amendment of the gentleman from Illinois, because he proposes in his amendment to require OMB to make available to the Congress more information than the committee bill requires them to do.

I hope the amendment will be approved.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. BELL. Mr. Chairman, will the gentleman tell me how many people they have employed at OMB, approximately?

Mr. YATES. Mr. Chairman, I do not know the number, but I do know they have hundreds of employees.

Mr. BELL. A substantial number?

Mr. YATES. That is correct.

Mr. BELL. The Budget Committee will have a very small staff, relatively speaking, and I think it is very important, if we are going to make this Congress an equal body, that the best way to do it is to get all the information we need to make it operate.

Mr. YATES. The gentleman is absolutely right. The place to get the information from is the Office of Management and Budget, which has a much more comprehensive kind of screening of executive department requests than we are able to give them in Appropriations Committee hearings.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, I would like to join the gentleman in supporting the amendment offered by the gentleman from Illinois (Mr. ANDERSON). I think it is a very constructive improvement to the bill under consideration.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. ANDERSON) which seems to me to be a very intelligent, reasonable, and well-thought-out amendment, the thrust of which is merely, as I understand it, to give us, in more or less summary form, more of the information which was before the Office of Management and Budget in arriving at the figures which they send down here. Therefore, it will help us manage the situation better.

For that reason, I support the amendment just as I support the thrust and concept of title I of this bill. However, it seems to me that this is a reasonably convenient and logical place to call to the attention of the committee some very significant and remarkably frank language in the committee report at pages 21 and 22, which is given as a justification for what we are doing here.

The committee says:

> Yet the dispersion of budget responsibility within Congress has left it unprepared for what are perhaps the two main contemporary purposes of the budget process; to manage the economy and to determine public priorities. Each of these missions is an outgrowth of budgetary expansion and each, therefore, a comparatively recent development. When the budget was small and spending varied little from year to year, the main uses of the budget was to supply funds for the operating needs of government agencies—

Which maybe some of us thought was still the main purpose—

> and to keep spending in line with revenues. Both of these purposes have been transformed by modern developments.
>
> Under stable budget conditions, the primary interest of Congress was to secure legality and efficiency in expenditures. While these tasks remain, they have been surpassed by the fact that the budget has become the central instrument for determining governmental goals and priorities. It could not be otherwise in a budget that claims so large a share of the nation's wealth and in which there are so many competing claims. Unlike the past, the budget does change substantially from year to year and the basic issue is not whether the growth will occur but the directions it will take. Congress can abandon the priority-setting function by default or it could tackle the issue headon. However, it cannot embrace a more direct role in the shaping of the nation's objectives without overhauling its own budget methods.
>
> The same situation applies to the use of the budget for the determination of macroeconomic policy. The overall levels of spending, revenues, and surplus or debt have a significant impact on the condition of the economy. No longer is the budget process merely a matter of estimating how much expenditures can be made with available revenues. The budget influences the levels of employment and inflation and can be utilized to stimulate or retard economic growth. Thus, when budget decisions are made, Congress must be much concerned about economic issues as it is about the spending needs of government agencies.

In other words, what the committee is saying is, "If you are going to have a managed economy, you had darn well better manage it," and that is the reason for this bill; that is the reason for the gentleman's amendment. I concur in that sentiment. If we are going to manage the economy, we had better manage it. I think it is a good reason for title I this bill, and I think it is a good reason for this amendment; consequently, I support it.

Mr. Chairman, I cannot help but express, as I do so, a bit of regret that have gone as far down the road toward management—or attempted management—of the economy as the committee very dramatically admits here that we have, in fact, done.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would have the executive branch of the Government send us each year three budgets or sets of figures, presumably with justifications for each set—which would be the real thing? How could we rely on either set, figures or justification, when they were in conflict with the other two sets?

Any President, or Director of OMB, if he could send down three sets, in time for us to act would have to do so with tongue in both cheeks.

I think seriously, what we need now are firm figures, supported by firm justifications each year, even more firm than we have now for we have had recommendations from OMB based on legislation that had not passed. Frequently it has been apparent the legislation was not likely to pass. Actually I have seen OMB recommend spending based on the passage of legislation—and then the President could not get a single Member to even introduce a bill.

Let us get our firm figures as to what the executive branch recommends with sincere and firm justifications to that match figures determined by the Congress and take appropriate action. Let us not get caught up with extra sets of figures which in turn makes us ask, "Now, what does all that mean?"

Mr. Chairman, I hope the amendment is defeated.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, for the life of me I cannot understand why any Member who believes in an independent Congress would support this amendment.

The gentleman from Illinois indicates that we have great difficulty in getting budget estimates from the Bureau of the Budget and justification for those estimates, and so he suggests, that what we need is three sets of estimates and justifications. I do not think he could be more wrong.

What we need from the Bureau of the Budget is one solid set of justifications for the estimates we get right now. That is our main problem.

I submit that what we would be doing if this amendment passes, is that we would be encouraging any President of the United States—I do not care whether he is a Republican or a Democrat—to duck the tough issues and give us three sets of alternatives, and he could say, "Here, fellows, you guys just follow through." He would be diverting attention from his own recommendations; he would be fudging the issue involved, and trying to nail the President down to a position in that kind of a situation would be like nailing jello to a wall. You just could not do it.

Mr. Chairman, let me suggest that what we would also be doing is that we would be giving the Bureau of the Budget the opportunity to be doing our own thinking for us. They would not only be presenting us with three sets of estimates, they would be presenting us with three sets of justifications.

I submit that the only way to handle the job is to have an entirely independent Congress and equip that Congress with a decent staff that can establish our own justifications for whatever decisions we have to make.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I would merely respectfully suggest that the gentleman has misapprehended the amendment if he thinks it calls for nothing more than three sets of figures. I thought that I had made it quite clear that what we want is some program evaluations and program analyses and some rationale as to why the particular budget figures have been recommended.

Mr. OBEY. I understand. That is my point.

Mr. ANDERSON of Illinois. And we need some rationale as to how they fix the figure in the estimates, how they arrive at these figures in January each year for the budget.

Mr. OBEY. Mr. Chairman, if I may respond to the gentleman, I understand that fully, but I do not believe that Congress should ever be in the position of relying on the justifications of the Bureau of the Budget for anything. We ought to rely on justifications of our own.

If we can get for our use a set of justifications for one budget recommendation right now, that would accomplish our purpose, and until we get that out of the Bureau of the Budget, I think we are just plain crazy when we talk about getting three sets.

Mr. ANDERSON of Illinois. Mr. Chairman, does the gentleman think that, after we construct a legislative budget, which is what we do when we set up a concurrent resolution in the spring of each year to provide target ceilings in these various categories of the budget, we are going to be able to set up a sensible budget unless we are provided with far more information from the Office of Management and Budget than we now receive? Are you going to be able to compete with the 600 people downtown with their $17 million annual budget in the Office of Management and Budget?

Mr. OBEY. I am here to tell you that if you are going to try to compete with them by relying on their own justifications, you are beaten before you start.

Mr. GROSS. Will the gentleman yield?

Mr. OBEY. I yield to the gentleman.

Mr. GROSS. Do we not already have, for all practical purposes, two sets of figures—the administration's ballooned asking price and settling price?

Mr. OBEY. I assume that is always present in any budget situation, but I think this would further fudge up the process and require the Congress to make tough decisions which any President would be able to avoid if the issue were a hot one.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ANDERSON).

The question was taken; and on a division (demanded by Mr. ANDERSON of Illinois) there were—ayes 23, noes 63.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: On page 58, strike out ", except" in line 1 and all that follows down through line 6, and insert in lieu thereof a period.

On page 60, line 6, strike out ", except as provided in Section 127,".

Mr. BINGHAM. Mr. Chairman, under this bill as it is now drawn, all appropriation bills that are voted on by the Congress are to be held and they are not to be forwarded to the President until the final concurrent resolution on the budget, with one exception. That exception is that appropriation bills which will apparently fall within the target ceiling in their functional categories may be sent along to the President.

What this amendment will do will be to eliminate that exception and to provide that all appropriation bills will go to the President at the same time. We are providing here for a procedure whereby the Congress is to act for the first time on a total package of spending, and not act piecemeal. We should submit that package to the President at one time and not piecemeal.

What is the difference with sending some of the bills ahead of time to the President? What this does is put certain appropriation bills into a preferred category. Those bills which appear to conform to the tentative ceilings are in one category. I say "appear to conform" because it will be very difficult to determine whether they do in fact conform, because every appropiration bill will have programs within it which fall within several functional categories. You are going to have some appropriation bills going to the President ahead of time and that limits the flexibility of the Congress to resolve the problem of priorities at the end of the process.

As I understand it, the theory of this bill is we set target ceilings and then get all of the facts before us; the Appropriations Subcommittee act, and the Appropriations Committee acts. We come back and look at the total package again and decide at that point what the resulting priorities should be, whether we want to move some of the ceilings around; whether we want to provide more for one category than another. That is the theory, as I understand it, of this bill.

However, if we permit some appropriation bills to go in ahead of time, these amounts get locked in and that limits the extent to which the Congress will have flexibility in the final analysis.

I think we can predict what appropriation bills are likely to be held up, and this will be the last to be acted upon. It will be those appropriation bills that are likely to get hurt in the process.

So I hope that the committee will consider this amendment favorably. The procedure I propose will not substantially delay the appropriation bills, for this reason: The bill before us provides that all appropriation bills must be reported by the subcommittees before any can be reported to the House, so no Appropriation Committee bills are going to be before the House presumably until August 1, which is the deadline provided. Presumably the last appropriation bills to be reported out of subcommittee will come in just at the deadline.

So you have from August 1 to September 15 to act on the various appropriation bills.

All I am saying in this amendment is do not act finally, do not send any of those bills to the President until September 15, until we have had a chance to go over the revised concurrent resolution and see what the priorities are, and whether we want to make any changes. Do not put any appropriation bills into a privileged category, complete them all at the same time.

I think this will put pressure on the Congress to act expeditiously on the total package.

To sum up, this amendment would preserve the maximum flexibility for the Congress to act at the final stage. It puts all appropriation bills in the same category, none in a privileged category, and it assures that the President will have to make his decisions on the total package because all of the appropriation bills will come before him at the same time, just as the Congress will be acting on a total package.

Mr. ULLMAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York (Mr. BINGHAM).

Mr. Chairman, I think we would be making a grave error to adopt the amendment before us. The original joint committee bill that we recommended put strong emphasis on the first concurrent resolution. Many people in the House felt it was too strong, and therefore this compromise procedure was developed whereby there would be two concurrent resolutions, one early in the year, and then the appropriation process would occur, and then another resolution would be passed in the fall. The proposal in the bill is a sound one. It would provide that those appropriation bills that stayed within the subceiling of the first concurrent resolution could go forward, and be signed by the President.

It seems to me that is the purpose of the bill. That is the only meaningful way it can work. If we hold all of the appropriation bills until the second concurrent resolution, even those that stay within the limitations imposed in the concurrent resolution, then you have a logjam at the time of the second resolution. It would put a burden on the budge committtee that I think would probably be too heavy. It would require them to go back over all 13 or so appropriation measures, even those that stayed within the limits. It would also possibly provide for cutting back on those that stayed and conformed within the limits, even reducing those below the limits in the first concurrent resolution. I think that this would be imposing a burden that would be too much, and too heavy a load on the second concurrent resolution.

What we have is a good balance between the use of the first and second resolution. So I hope that the committee will stay with the Committee on Rules.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I want to make certain what we are doing here.

Let us assume that this bill passes and becomes law, and that in one year we finish at an early date five separate appropriation bills that are on target, on the targets originally set. Therefore, being on target, they would automatically go to the President for his signature, and be signed by him.

Mr. ULLMAN. That is correct.

Mr. EVANS of Colorado. Then thereafter the remaining bills exceed the targets, and adjustments have to be made. If we have sent five bills to the President the moneys appropriated in them are beyond our reconsideration. We are precluded from looking at those five areas covered by the five bills that were passed and were on target. Therefore, all final adjustments would have to be made within the other appropriations, even though, under those circumstances we might want to reconsider one or more of those five previously approved bills.

It may well be under those circumstances that we would want to change our minds on one of those five bills or on two of those five bills. It may be under those circumstances that we would make a value judgment that would be different from that originally taken when we came on target with those five bills that were on target.

So I am inclined to support the amendment of the gentleman from New York which then gives us a chance to include the whole budget in our final résumé and not exclude those which happen to be on target at an early date in the appropriation process.

Mr. ULLMAN. What I would say to the gentleman is that if the first concurrent resolution has taken a meaningful look at priorities and has established adequate priority targets, those should be the targets for the Appropriations Committee. If they are not the targets for the committee, then it is a meaningless procedure. Why go through the procedure?

All we are saying here is that if we have established targets in the first concurrent resolution, those subcommittees that have stayed within the target in their appropriations bills should be privileged to go to the President with the bills and have them signed.

Mr. BOLLING. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Missouri.

Mr. BOLLING. I thank the gentleman for yielding. I asked the gentleman to yield only to say what the gentleman from New York very fairly said in his earlier statement—not in his statement after the amendment was offered—but it is possible to rescind, to have rescissions on appropriations bills that have already gone to the President and become law.

The gentleman from New York very fairly indicated that that was a fact. He still has the flexibility. He indicated, and I am not trying to put words in his mouth, that he felt it would be better if it were done all in one lump, instead of having one process to deal with the bills that were sent to the President and another process to deal with the bills that would not be sent, but the rescission authority would still be available.

Mr. ULLMAN. The gentleman raises, of course, a very important point that nullifies in effect the argument of the gentleman from Colorado, but it just seems to me that if we hold them all up until October 1 and then try to rehash them all in a second concurrent resolution, we are facing the Congress with a difficult task. I think the proposal in the bill is a sound one.

Mr. OBEY. Mr. Chairman, I rise in support of the amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

With reference to a comment made by the gentleman from Missouri (Mr. BOLLING) did I understand Mr. BOLLING to say that rescission is possible on appropriations bills that have been finally passed and approved by the President, in cases like the HEW bill, for example, where school boards have made their plans on the basis of appropriations made in the bill those appropriations could be rescinded?

Mr. BOLLING. If the gentleman would yield to me, I suppose in theory that is possible.

Mr. YATES. In theory, yes, but what of the resulting havoc? Would it not be better to hold those bills in reserve, I ask the gentleman?

Mr. OBEY. Yes, I believe it would. Mr. Chairman, I rise in support of the amendment for a number of reasons. First of all, the thrust of this bill is to require Congress to look at the budget in one lump. What this amendment does, in addition to anything it does within the House itself, is it requires that the President also look at our actions in one lump. I think there are a good many reasons for requiring that.

Let me suggest this: I think it is in the interest of Congress, regardless of which party the President comes from, to try to do the best we can to assure that if a President vetos any one appropriation bill in the future, he does it within the context of all of the appropriation bills which we have sent down to the White House. That is not possible right now. Right now and indeed under this bill, if this bill passes without this amendment, we will send appropriation bills down to the President one at a time, and he can pick them off one at a time. He can veto one if he wants to; he can sign another one; and any bill he vetos is not vetoed in the context of what the entire congressional product has been on the budget.

That means that the public has no idea whether or not the President's action in vetoing any individual bill is justified on economic grounds or not, or on any other grounds.

I submit that it is not in the interest of the Congress to give any President that kind of flexibility when in fact under this bill we are being required to put all our actions together in one bill so that it can be very easily understood by the public.

Let me suggest something else. A great feature of this bill and the principal reason I support it, and I did not support the original version, is because it has plenty of flexibility built into it, but this is one area where it does not have enough flexibility.

The initial targets we are told are supposed to be just that—targets. Let me remind the Members that in one 4-month period in this fiscal year our revenues changed to the tune of $10 billion, so this Congress does not want to tie itself inflexibly to any concurrent resolution passed in May when our economic picture may be entirely different 4 or 5 months later.

That is another reason I suggest we support this amendment.

Under the bill as structured now we can send six appropriation measures to the White House and then have an energy crisis develop such as we have had in the last 2 or 3 months. The President will suggest we should spend a great deal more money on energy research and, by golly, we have only two or three or four more appropriation bills left in the Congress that we can deal with.

Surely, we can pass rescissions, but we should not have to. It is a clumsy and complicated procedure. It will justifiably irritate many people who thought they could depend on what the Congress passed and the President signed. There is no reason for us to go through that meat grinder. I think we should follow the suggestion of the gentleman from Colorado and put all our bills in one lump.

Let me make one other point. We require in this bill that the Appropriations Committee cannot report out a single appropriation bill until it knows what the totals are for all 13 of them. We will carry that one step further in this amendment and require the same thing of the Congress that the bill requires of the Appropriations Committee, and I think that makes good sense.

My fourth reason for supporting the bill is simply this.

Right now we have a situation where at the end of the year we always have one or two appropriation bills dragging along holding up the adjournment of the Congress and holding up the handling of the budget in an orderly way. I believe if any Appropriations Subcommittee chairman knows that if he does not get his bill through on time he is going to be responsible for operating the entire Government on a continuing resolution, he is going to be much more likely to bring his bills out on the floor in a timely manner.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, for all of those reasons and to give Congress an even footing with the President and give us a better, more orderly procedure under which we can discuss the budget, I would suggest we support the amendment offered by the gentleman from New York. There is nothing involved in this amendment as far as philosophy is concerned. This is strictly an operational consideration which we have before us. I would hope the Members will support the amendment.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I want to tell the gentleman I think his amendment is persuasive. This is a bill with a great deal more flexibility in it than there was in the original draft, but the particular provision to which this amendment is addressed does not permit the flexibility we need. It lets us look at all the bills at one time. It will restore the flexibility so as to let Congress work its will, which should be the final objective, so I hope the amendment is adopted.

Mr. BOLLING. Mr. Chairman, I rise in opposition to the amendment. This is an arguable matter. I happen to believe that the provision in the committee bill is perfectly workable and that the power of recission answers virtually all the arguments made by the proponents of the amendment.

Mr. Chairman, I urge that the amendment be defeated.

Mr. ULLMAN. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Chairman, it seems to me we should really understand what we are doing here. If we adopt the amendment, then we have taken away all incentive for the individual subcommittees of the Appropriation Committee to hold the line. Under the amendment, all appropriations measures are going to be in the pot together down at the end of the line, and each subcommittee knows that the more it puts into the pot the better chance it has of getting more out of it. This abandons the basic position we must have if this procedure is going to work. I hope very much the amendment offered by the gentleman will be defeated by the Members.

Mr. MARTIN of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentlegan from Nebraska.

Mr. MARTIN of Nebraska. Mr. Chairman, I thank the gentleman for yielding. I too would like to state my opposition to this amendment and I hope it will be defeated.

Mr. BOLLING. Mr. Chairman, I urge that the amendment be defeated.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentleman yielding. I must admit that I am sympathetic to the amendment and intend to support it; but the point that the gentleman from Oregon (Mr. ULLMAN) has just made, is one that may, in fact, be very telling.

Let me pursue that, if I may on the time of the gentleman from Missouri.

The amendment the gentleman just made, may I say to the gentleman from Oregon, that if he does not give an incentive to subcommittees to reduce their budgets by allowing them to have their budgets go down early means that everybody piles it up. Is that a fair statement of the position of the gentleman?

Mr. ULLMAN. If the gentleman will yield, it is very obvious that the individual subcommittees will have every incentive to exceed the targets in the concurrent resolution.

Mr. STEIGER of Wisconsin. Let me pursue that a minute, because I think one could equally persuasively argue that there are certain of the subcommittee appropriation bills which are more easily cutable than others and we end up with a half a dozen Labor-HEW, State, Commerce, Justice, Defense; at least to name three, that might be more subject to difficulty because of the politics of the year and because of the Department of the Interior wanted something more somewhere else, as forestry roads in Oregon, for example.

Would the gentleman not be willing to agree that the very thrust of the bill is designed to create a whole and not its pieces and that if we allow this concept of single budgets to be transmitted early to the President, we have done two things. One, we have, in fact, inhibited subcommittees from fairly dealing with legitimate reasons to increase spending in certain aspects of their budget, while they decrease them in others.

Second, we have made it more difficult for the Congress to act against the particular decisions that the executive makes at the end of the ball game, because the executive then can pick up one or two of these and say, "They are over my budget," when in fact taken within the context of the budget process, they are not over what the Congress established.

Mr. ULLMAN. Mr. Chairman, if the gentleman would yield, it seems to me that the persuasive argument is that by adopting the amendment, we will nullify all committee discipline on the first resolution. We do away with all the incentives of the appropriations subcommittees to stay within their targets. For example, if the target for one budget function was $20 million, and the subcommittee knew some of that amount would have to be cut, it would have every incentive to pile more on to try to get the full $20 million in the end. By removing any discipline for observing the targets, this amendment puts the whole program in jeopardy.

Mr. BOLLING. Mr. Chairman, I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I think the Rules Committee has done an excellent job of putting together many divergent views. In my own bill I intentionally provided that all regular appropriations bills be held for final action at the same time. I believe that to be the soundest approach. However in order to get the bill before us we all had to give to some degree. I shall stay with the committee bill. I do differ with the opinion of my colleague who just spoke as to the attitude of the Appropriation Committee members.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. BOLLING, and by unanimous consent, Mr. WHITTEN was allowed to proceed for an additional 3 minutes.)

Mr. WHITTEN. Mr. Chairman, I would like to point out that contrary to the impression here that some subcommittee chairman would be tempted to increase his bill so he could get a better break in the overall handling under the final firm resolution that was passed. Actually, the record shows that the Committee on Appropriations has reduced appropriations below the budget. If we turn ourselves to this one item, with 13 subcommittee chairmen, if we arrived at a target that all 13 of the parties on a majority do, I think each of us would try to hold the other chairmen in line to stay within the target we have set. Certainly that would be my purpose.

Mr. YATES. Mr. Chairman, I strongly support sound congressional budget control procedures. We need to provide ourselves with a capability for making judgments on questions of fiscal policy—the overall size of expenditures, appropriate revenue levels, and the amount of surplus or deficit. These are questions which the Congress as a whole has never considered. And yet, they have tremendous influence on inflation and employment; indeed, on the day-to-day lives of all Americans. I believe we can improve our procedures for weighing national priorities against one another. Moreover, I am convinced that we must and can reassert the constitutional provisions which grant to the Congress control over how the people's money is spent.

The bill we have before us, as reported, in good measure provides for most of these needs. It eases the reordering of spending priorities, opens our internal systems to greater participation and influence by individual Members, strengthens the Congress with respect to its relationship to the President, and provides a time frame in which budget decisions can be made through an orderly process. The enactment of this bill will minimize deficit spending by coordinating tax and expenditure policies. And it will take from the executive branch its claims to legitimacy for its new-found impoundment "authority." Congress will be making the decisions that order our priorities.

One of the best features of this bill is its provision for the overall consideration of all appropriations in a manner that weighs their merits, one against the other. Why, then, should any bills for appropriations be sent to the President separately? If some are sent early and are signed into law, how can they then be weighed against remaining bills, the consideration of which could reveal a genuine need to reevaluate priorities? I am, therefore, opposed to excepting bills in conformity with provisional ceilings from the requirement of being sent to the President along with the remaining appropriations.

Mr. Chairman, if we pass this legislation, we will make each Member responsible for making good judgments on all aspects of how this country raises and spends its public funds. This is an enormous task which I know will weigh heavily on Members. I know that all Members will want to weigh national needs and the will of their constituents. This is not an overnight task. Members must have ample time to study budget proposals. That is why I voted the allotment of 10 days from the day of report for the consideration of the concurrent budget resolution.

We have waited a long time for this bill. Because of the intensive work done by our very capable colleagues and by Members of the other body, we have before us now an opportunity to put real meaning back in to our deliberations on fiscal matters. We should refine this bill. But we must resolve to seize this opportunity and to work diligently in the future within the provisions that it affors us.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Bingham).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BINGHAM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 117, noes 289, not voting 27, as follows:

[Roll No. 627]

AYES—117

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Ashley
Aspin
Badillo
Bergland
Biester
Bingham
Boggs
Brademas
Brasco
Brooks
Brown, Calif.
Buchanan
Burton
Carey, N.Y.
Chisholm
Clay
Cohen
Collins, Ill.
Conlan
Conte
Conyers
Culver
Daniels, Dominick V.
Davis, S.C.
Dingell
Drinan
Dellenback
Denholm
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Esch
Evans, Colo.
Fascell
Flood
Foley
Ford, William D.
Forsythe
Fraser
Froehlich
Gaydos
Giaimo
Gilman
Green, Pa.
Hamilton
Harrington
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Holt
Holtzman
Howard
Johnson, Colo.
Kastenmeier
Koch
Lehman
Lujan
McClory
McKay
Mann
Martin, N.C.
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Miller
Minish
Mink
Mitchell, Md.
Mosher
Nedzi
Obey
O'Hara
Owens
Patman
Patten
Podell
Quie
Rangel
Rees
Riegle
Rinaldo
Rodino
Roe
Rosenthal
Roybal
St Germain
Sarasin
Sarbanes
Schroeder
Seiberling
Smith, Iowa
Stark
Steelman
Steiger, Wis.
Studds
Sullivan
Thompson, N.J.
Tiernan
Van Deerlin
Vanik
Whalen
Wilson, Charles H., Calif.
Yates
Young, Ga.

NOES—289

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bevill
Biaggi
Blackburn
Boland
Bolling
Bowen
Bray
Breaux
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Cochran
Collier
Collins, Tex.
Conable
Corman
Cotter
Coughlin
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Dorn
Dulski
Duncan
Eilberg
Erlenborn
Eshleman
Evins, Tenn.
Findley
Fish
Fisher
Flowers
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gettys
Gibbons
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Gross
Grover
Gubser
Gunter
Guyer
Haley
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Henderson
Hillis
Hinshaw
Hogan
Holifield
Horton
Hosmer
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Karth
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Leggett
Lent
Litton
Long, La.
Long, Md.
Lott
McCloskey
McCollister
McCormack
McEwen
McFall
McKinney
Madden
Madigan
Mahon
Mailliard
Mallary
Maraziti
Martin, Nebr.
Mathis, Ga.
Matsunaga
Mayne
Michel
Milford
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
O'Brien
O'Neill
Parris
Passman
Pepper
Perkins
Pettis
Pickle
Pike
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quillen
Railsback
Randall
Rarick
Regula
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
Ryan
Sandman
Satterfield
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Udall
Ullman
Vander Jagt
Vigorito
Waggonner
Waldie
Wampler
Ware
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—27

Blatnik
Burke, Calif.
Clawson, Del
Crane
Dellums
Diggs
Downing
Griffiths
Gude
Hanna
Hansen, Wash.
Hébert
Jordan
McDade
McSpadden
Macdonald
Mathias, Calif.
Mills, Ark.
Minshall, Ohio
Peyser
Reid
Rooney, N.Y.
Stokes
Teague, Tex.
Veysey
Walsh
Whitten

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. CLEVELAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the general debate yesterday I stated that I was going to introduce an amendment which would address itself to the issue of staffing for the minority party. I had a colloquy yesterday during the general debate with the gentleman from Missouri (Mr. Bolling) and the gentleman from Nebraska (Mr. Martin). As a result of that colloquy I have decided that perhaps the amendment should not be offered at this time.

However, I would like to ask the gentleman from Missouri (Mr. Bolling) and I would assume that he would also speak for the gentleman from Nebraska (Mr. Martin) if I am correct in regard to the following matter:

On page 71 of the bill there is a section entitled "Director and Staff," and this section establishes what appears to be the legislative budget director, and he too will have a staff. I do not believe the bill makes it clear, but I gathered from the remarks of the gentleman from Missouri, both in the record and made to me personally, and the committee staff, that this legislative budget director and his staff will be the committee staff.

Is my interpretation of this correct?

Mr. BOLLING. I apologize to the gentleman from New Hampshire, but my attention was diverted during the last part of his statement. Will the gentleman repeat the last part of his statement?

Mr. CLEVELAND. The gentleman from Missouri does not have to apologize. I can barely hear myself talking. What I asked was this: Am I correct that regarding the legislative budget director and his staff, the selection and duties of which are set forth beginning on page 71 of the bill, he is going to be the chief of staff and the people he selects will be the committee staff?

Mr. BOLLING. That is the intent of the language. That is the only staff I know of. His staff would be the staff presumably for both committees, the House committee and the Senate committee.

Mr. CLEVELAND. In other words, then, there is not going to be a professional staff as we have them on other standing committees of the House and or an investigatory type of staff?

Mr. BOLLING. This is going to be an entirely professional staff in the sense that they will be appointed, as the language says: "without regard to political affiliation and solely on the basis of fitness to perform their duties."

Mr. CLEVELAND. I just want to get that clear, because I do not think it is entirely clear from a first reading of the bill that this is going to be the committee staff.

Mr. BOLLING. That certainly is the intent, because that was part of the compromise, and this is clearly the staff.

Mr. CLEVELAND. I would suggest that perhaps under some technical amendment it might be spelled out a little more in detail.

In another part of our colloquy yesterday, it was my understanding the Select Committee on Committees, of which the gentleman is chairman, is reporting out a bill, and I believe the first draft of this bill is going to be available to the Members on Friday; am I correct on that?

Mr. BOLLING. This is a working draft, a working document, which will be used for the markup of the bill that will be sent to the floor at some time in the future. This is not a proposal finished by the select committee. It is just a tentative document, sort of in the form of a committee report and in the form of a partial bill for both committees, Select and Rules, purely for working purposes, to that the Members of the House—all of them—will have an opportunity to see where our thinking is at this particular time, if that is the document that the gentleman referred to.

Mr. CLEVELAND. It is my understanding also that the gentleman hopes to have a bill on the floor sometime after Easter?

Mr. BOLLING. That is correct. If we are able to withstand the complaints we expect from individuals, we hope to come up with a bill which is viable and can be passed. We expect to have a bill on the floor shortly after Easter, and very possibly earlier, but not much later than that.

In my judgment, if I may anticipate the next point, that bill will contain a provision for minority staff, providing for one-third.

Mr. CLEVELAND. I thank the gentleman very much. If I have further arguments to make on behalf of staff for the minority, I would then address them to that piece of legislation when it comes to the floor?

Mr. BOLLING. That would be my judgment, too.

Mr. CLEVELAND. I thank the gentleman.

Mr. WAGGONNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to ask a question or two of the distinguished gentleman from Missouri (Mr. BOLLING).

I understand that the bill provides on or before May 1 for the adoption of a tentative congressional budget using the mechanism of a concurrent resolution, and it further requires that by again utilizing a concurrent resolution we make a final determination of the congressional budget on or before September 15 of each year, but, to say the least, before sine die adjournment of any session of Congress.

If the gentleman will take the report which accompanies the committee bill and turn to page 8 to section 134 of the bill as printed in this report, the section which is entitled: "Budget Reconciliation Bill To Include Tax Measure In Certain Cases," and follow me as I read this, I want to ask the gentleman to clarify the use of the word "appropriate" in this particular section.

It says:

> If the estimate of aggregate revenues of the United States for the fiscal year is less than the appropriate overall level of Federal revenues, as set forth in the final budget resolution, the Committee on Ways and Means (in accordance with section 122(b)) shall report as a separate title in the budget reconciliation bill a tax measure which, for the 12-month period which begins on January 1 which occurs in the fiscal year in question, will raise an amount of additional revenue approximately equal to that required to be raised to provide the appropriate overall level of Federal revenues set forth in the final budget resolution.

I would like for the gentleman to explain to me what it is intended that the word "appropriate" really means. Does it mean that if revenues are less than set forth in the final concurrent resolution or if expenditures exceed those expenditures projetced in the final concurrent resolution, the House Committee on Ways and Means will be required to bring in a tax proposal to the floor to compensate for that underestimation of revenues or that over-run of projected expenditures?

Mr. BOLLING. The situation is this. In the final budget reconciliation the Congress would adopt the resolution and the Congress would say our expenditures are going to be so and so, our revenues are going to be so and so, and if there were a deficit contemplated in those figures the Congress would also say we are going to fund this part of the deficit by a tax increase, or a combination of a tax increase and a decrease in spending, or we might be going to have another combination, and then we would begin to get into a great many combinations. But the end result might be that Congress will say we are going to have this level of expenditure and this level of taxes and we are also going to fund the part of the gap or the deficit by an increase in the public debt and part of the gap by an increase in taxes. The results could be all different kinds of combinations.

I have not tried to figure out how many different kinds of combinations there might be, but we would have in public and bringing out in one resolution a reconciliation that would provide for the level of spending, level of taxation, and the way in which if there were a gap that would be funded, either by a debt increase or by a tax increase. If the resolution provided for a tax increase, then the mandate to the Committee on Ways and Means to come up with that amount of money in whatever way they recommended would be operable.

I hope I have not added to the gentleman's confusion. I have tried to clarify it.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. WAGGONNER was allowed to proceed for 3 additional minutes.)

Mr. WAGGONNER. Mr. Chairman, no, the gentleman has not confused me but he has discouraged me. As I understand it, the joint committee would make a recommendation then to the House Committee on Ways and Means as to how much increase would be needed if a tax increase was to be employed. If the combination for example, say, of the tax increase and the debt ceiling was employed to compensate for that larger-than-anticipated deficit was to be used, then the Ways and Means Committee would report the tax increase for that amount. Is that correct?

Mr. BOLLING. That is correct.

Mr. WAGGONNER. I am constrained to say that this is not going to do anything to make this body responsible, in my personal opinion, because we are not controlling expenditures. We will be using all the devices we use now to keep spending.

I hope I am wrong, and that there will be some restraint in the Congress to cause Congress to reduce expenditures; but I cannot help believing with the track record of Congress having been what it is that we are going to do anything but go ahead and just keep increasing spending and the debt ceiling. That is where we are headed I believe and I hope I am wrong. This Congress does not have the courage to balance expenditures with revenues. That is our problem now.

Mr. BOLLING. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Missouri.

Mr. BOLLING. I cannot guarantee a thing to the gentleman, but I believe to the contrary. If we can undertake this process and do all these things in public and clearly take the responsibility and behave in a more responsible fashion on purpose than we have been in the past by our actions, then it is possible.

Mr. WAGGONNER. Well, holding out just a slight ray of hope that the gentleman might be right, I am going to go ahead and vote for this bill in the hopes that this will happen and if I am wrong, I am not going to say with any glee that "I told you so." I am going to try to make it work.

The CHAIRMAN. Are there further amendments to title I? If not, the Clerk will read.

The Clerk read as follows:

TITLE II—IMPOUNDMENT CONTROL

SEC. 201. TRANSMISSION OF SPECIAL MESSAGES BY PRESIDENT.

(a) IN GENERAL.—Whenever the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States impounds any budget authority authorized or made available for a specific purpose or project, or orders, permits, or approves the impounding of any such budget authority by any other officer or employee of the United States, the President shall, within ten days thereafter, transmit to the House of Representatives and the Senate a special message specifying—

(1) the amount of the budget authority impounded;

(2) the date on which the budget authority was ordered to be impounded;

(3) the date the budget authority was impounded;

(4) any account, department, or establishment of the Government to which such impounded budget authority would have been available for obligation except for such impoundment, and the specific projects or governmental functions involved;

(5) the period of time during which the budget authority is to be impounded;

(6) the reasons for the impoundment, including any legal authority invoked by him to justify the impoundment;

(7) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment; and

(8) all facts, circumstances, and considerations relating to or bearing upon the impoundment and the decision to effect the impoundment, including an analysis of such facts, circumstances, and considerations in terms of their application to any legal authority and specific elements of legal authority invoked by him to justify such impoundment, and to the maximum extent practicable, the estimated effect of such impoundment upon the objects, purposes, and programs for which the budget authority was provided.

(b) DELIVERY TO HOUSE AND SENATE.—Each special message submitted pursuant to subsection (a) shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate; and each such message shall be printed as a document for each House.

(c) TRANSMISSION TO COMPTROLLER GENERAL.—A copy of each special message submitted pursuant to subsection (a) shall be transmitted to the Comptroller General of the United States on the same day it is transmitted to the House of Representatives and the Senate. In order to assist the Congress in the exercise of its functions under sections 202 and 204, the Comptroller General shall review each such message and inform the House of Representatives and the Senate as promptly as possible with respect to (1) the facts surrounding the impoundment set forth in such message (including the probable effects thereof) and (2) whether or not (or to what extent), in his judgment, such impoundment was in accordance with existing statutory authority.

(d) TRANSMISSION OF SUPPLEMENTARY MESSAGES.—If any information contained in a special message submitted pursuant to subsection (a) is subsequently revised, the President shall within ten days transmit to the Congress and the Comptroller General a supplementary message stating and explaining such revision. Any such supplementary message shall be delivered, referred, and printed as provided in subsection (b); and the Comptroller General shall promptly notify the House of Representatives and the Senate of any changes in the information submitted by him under subsection (c) which may be necessitated by such revision.

(e) PRINTING.—Any special or supplementary message transmitted pursuant to this section shall be printed in the first issue of the Federal Register published after such transmittal.

(f) PUBLICATION OF IMPOUNDMENTS.—The President shall publish in the Federal Register, each month a list of any budget authority impounded as of the first calendar day of that month. Each such list shall be published no later than the tenth calendar day of the month and shall contain the information required to be submitted by special message pursuant to subsection (a).

SEC. 202. DISAPPROVAL OF IMPOUNDMENTS BY HOUSE OR SENATE.

Any impoundment of budget authority set forth in a special message transmitted pursuant to section 201 shall cease if within sixty calendar days of continuous session after the date on which the message is received by the Congress the specific impoundment shall have been disapproved by either House of Congress by passage of a resolution in accordance with the procedure set out in section 204. The effect of such disapproval shall be to require an immediate end to the impoundment.

SEC. 203. DEFINITION OF IMPOUNDMENT.

For purposes of this title, the impounding of budget authority includes—

(1) withholding or delaying the expenditure or obligation of budget authority (whether by establishing reserves or otherwise) appropriated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and

(2) any other type of Executive action or inaction which effectively precludes the obligation or expenditure of authorized budget authority or the creation of obligations by contract in advance of appropriations as specifically authorized by law.

SEC. 204. CONGRESSIONAL PROCEDURES.

(a) DEFINITION OF RESOLUTION; CONTINUITY OF SESSION.—

(1) For purposes of this section and section 202 the term "resolution" means only a resolution of the House of Representatives or the Senate which expresses its disapproval of an impoundment of budget authority set forth in a special message transmitted by the President under section 201, and which is introduced and acted upon by the House of Representatives or the Senate (as the case may be) before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the President's message is received by the Congress.

(2) For purposes of this section and section 202, the continuity of a session shall be considered as broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period referred to in paragraph (1) of this subsection (and in section 202) and the thirty-day period referred to in subsection (d)(1). If a special message is transmitted under section 201 during any Congress and the last session of such Congress adjourns sine die before the expiration of sixty calendar days of continuous session (or a special message is so transmitted after the last session of the Congress adjourns sine die), the message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the sixty-day period referred to in paragraph (1) of this subsection and in section 202 (with respect to such message) shall commence on such first day.

(b) REFERRAL.—Any resolution introduced with respect to a special message shall be referred to the Committee on Appropriations of the House of Representatives or the Senate, as the case may be.

(c) DISCHARGE OF COMMITTEE.—

(1) If the committee to which a resolution with respect to a special message has been referred has not reported it at the end of thirty calendar days of continuous session after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the same message which has been referred to the committee.

(2) A motion to discharge may be made only by an individual favoring the resolution, may be made only if supported by one-fifth of the Members of the House involved (a quorum being present), and is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same special message); and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(3) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same special message.

(d) FLOOR CONSIDERATION.—

(1) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a special message, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on the resolution shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(e) MOTIONS.—Motions to postpone, made with respect to the consideration of a resolution with respect to special message, and motions to proceed to the consideration of other business, shall be decided without debate.

(f) APPEALS.—All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to any resolution referred to in this section shall be decided without debate.

Sec. 205. Reports of Impoundments by Comptroller General.

If the Comptroller General finds that the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any other officer or employee of the United States has impounded any budget authority authorized or made available for a specific purpose or project or has ordered, permitted, or approved the impounding of any such budget authority by any other officer or employee of the United States, and the President fails to transmit a special message with respect to such impoundment as required by this title, the Comptroller General shall report such impoundment and any available information concerning it to both Houses of Congress; and the provisions of this title shall apply with respect to such impoundment in the same manner and with the same effect as if such report of the Comptroller General were a special message submitted by the President under section 201, with the sixty-day period provided in section 202 being deemed to have commenced at the time at which the Comptroller General makes the report. As used in section 204, the term "special message" includes a report made by the Comptroller General under this section.

Sec. 206. Suits by Comptroller General to Enforce Controls.

The Comptroller General is hereby expressly empowered as the representative of the Congress through attorneys of his own selection, with the approval of the Congress in any particular case, to sue any department, agency, officer, or employee of the United States in a civil action in the United States District Court for the District of Columbia to enforce the provisions of this title, and such court is hereby expressly empowered to enter in such civil action any decree, judgment, or order which may be necessary or appropriate to secure compliance with the provisions of this title by such department, agency, officer, or employee. Within the purview of this section, the Office of Management and Budget shall be construed to be an agency of the United States, and the officers and employees of the Office of Management and Budget shall be construed to be officers or employees of the United States.

Sec. 207. Repeal of Existing Impoundment Reporting Provision.

Section 203 of the Budget and Accounting Procedures Act of 1950 is repealed.

Sec. 208. Disclaimer.

Nothing contained in this title shall be construed as—

(1) asserting or conceding the constitutional powers or limitations of either the Congress or the President;

(2) ratifying any impoundment heretofore or hereafter executed or approved by the President or any other Federal officer or employee, except insofar as pursuant to statutory authorization then in effect; or

(3) affecting in any way the claims or defenses of any party to litigation concerning any impoundment ordered or executed before the date of the enactment of this Act.

Mr. BOLLING (during the reading). Mr. Chairman, I ask unanimous consent that the title II be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMENDMENT OFFERED BY MR. MARTIN OF NEBRASKA

Mr. MARTIN of Nebraska. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Martin of Nebraska: "Strike out title II of the committee amendment in the nature of a substitute."

Mr. MARTIN of Nebraska. Mr. Chairman, I ask unanimous consent to proceed for an additional 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The CHAIRMAN. The gentleman from Nebraska will be recognized for 8 minutes.

Mr. MARTIN of Nebraska. Mr. Chairman, the purpose of my amendment is simply to strike title II from the bill before us, the impoundment section of the bill. We have had a very cordial and close relationship this afternoon between the majority and the minority. I hope that the gentleman from Missouri can continue to cooperate with the gentleman from Nebraska in accepting the amendment which I have offered.

There has been some talk, Mr. Chairman, that the impoundment section, title II of this bill, is the same as the impoundment legislation that was passed earlier this year in the House. There are three differences between the bill passed earlier by the House and title II of the current legislation. I would like to point them out.

First, the impoundment procedures approved in the earlier legislation were only for 1 year. This provides that the impoundment procedures are permanent.

Second, this bill does not contain the spending limit applied to fiscal year, 1974, which was in the earlier bill passed by the House. There is no spending limit included in this bill.

Third, adjustments have been made in the authority of the Comptroller General to bring a court action to enforce the impoundment provisions. This also was not in the earlier bill passed by the House.

There are several reasons, Mr. Chairman, why this impoundment title should be stricken from the bill.

First, the long-term effect of this anti-impoundment provision will be to require the President to spend money which otherwise would not be spent. At a time when excessive Federal spending is already creating additional inflationary pressure, this anti-impoundment provision will remove one of the few remaining defenses against inflation, by severely limiting the President's right to impound.

Second, if title I of this bill dealing with congressional budget reform is successful in enabling Congress to stay within responsible spending limits, then the anti-impoundment provisions in title II were unnecessary. We were led to believe this when we debated the first impoundment bill which provided for impoundment only for 1 year.

If the procedures set up in title I do not succeed in enabling Congress to spend responsibly, then it is even more important that the President have the power to impound. Therefore, at best, title II is unnecessary and its adoption could mean the removal of a necessary defense against inflation.

Third, title II of the bill sets up expensive and wasteful reporting procedures. The term "impoundment" is defined broadly in this bill. The President is required to provide extensive information about each impoundment. The result will be a great deal of additional paperwork. In fact, a great majority of impoundments are routine administrative actions. For example, funds are frequently apportioned for each of the quarters in a fiscal year, or reserved from apportionment pending the establishment of plans. Under this bill, all such situations would require detailed and costly reporting to the Congress.

Fourth, a simple resolution disapproving the impoundment, as provided in this proposal, would be of doubtful legal effect. A simple resolution does not require a signature by the President and does not have the same legal force as a bill passed by both Houses of Congress and signed by the President.

Fifth, impoundment is a procedure which has been used by many Presidents, starting with Thomas Jefferson. During the last 30 years, for instance, all Presidents of both political parties have impounded funds for various reasons. Impoundments under this administration have not been notably different from those of previous administrations.

Few would disagree, Mr. Chairman, that the President should be able to handle Federal funds with a reasonable degree of flexibility and economy. He must have some authority to hold funds in reserve and to apportion their expenditure in appropriate ways for the purpose of sound finance and administrative management. He should not have to spend all funds appropriated for some purpose if that purpose can be achieved by spending less, or if he can save money by more efficient operation, or if developments subsequent to the appropriation make the use of the money unnecessary.

Congress recognized the wisdom of conferring such specific authority on the President when it passed the Antideficiency Act in 1905, and again when it was amended and refined in 1906, and more recently in 1950. The relevant portion of the act reads as follows:

> In apportioning any appropriation, reserves may be established to provide for contingencies, or to effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such appropriation was made available.

In view of this fact and the previous history of the acts of the Congress, Mr. Chairman, I feel it is essential, prudent, and wise that the executive branch of the Government continue to have the authority which it has had for so many years, and that is to cancel the spending of funds, or impoundment, if you please, where the executive feels that they are no longer needed or that the program is not being efficently operated or doing the job for which it was set up. Regardless of what party controls the White House and executive branch of the Government, this is a prerogative of the executive. It is not something that the legislative branch of Congress, with 535 Members, can efficiently and properly perform.

As a consequence, Mr. Chairman, I

hope that this impoundment section, title II, is deleted from the bill, and that the House will support my amendment.

Mr. BOLLING. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is a good time for me to express my gratitude to the distinguished minority Member for the work that he did in the Committee on Rules and in the last day or two on this very important matter.

The Members will note that we have been in entire agreement on title I. On title II, our disagreement is just as entire.

I do not propose to debate the issue at any length. We debated it at some length earlier when we passed an anti-impoundment bill, which is very much like this one.

My friend, the gentleman from Nebraska (Mr. MARTIN) described some relatively minor differences.

Without title II, title I, in my judgment is a waste of time. Title I can make the Congress responsible in regard to spending and funding the resources for the spending. It can make the Congress responsible before the American people in dealing with the overall problem of priorities, and the detailed problem of priorities.

The anti-impoundment section is not aimed at the workings of the Anti-Deficiency Act; the anti-impoundment section is aimed at only one target, and that target is a very simple one.

If the Congress behaves entirely responsibly, if the Congress achieves the goals that it set for itself as targets in the beginning, if it finishes up with concurrent resolutions which it honors as to spending, if, in other words, the Congress makes policy in a responsible fashion, then the Congress must protect itself from the opportunity of an Executive to use impoundment as a device for changing the priorities properly set by the Congress in accordance with the mandate of the Constitution.

We are the body to which is given the responsibility for appropriations, and under impoundment, if there is no process established to check it and the process we establish is a legal, legitimate process, that used under the Reorganization Act, by impoundment the President can change the priorities that we have established.

Mr. Chairman, without this title, the bill as a whole is virtually worthless if what we are intent on doing is restoring to the Congress its responsibility and its place as an equal part of the Federal Government.

Mr. Chairman, I urge the defeat of the motion to strike.

Mr. ROUSSELOT. Mr. Chairman, the bill which we have before us today, H.R. 7130, the Budget and Impoundment Control Act of 1973, represents a significant attempt to enable the Congress to assume its proper constitutional role in the budgetary process, and I heartily commend the members of the Rules Committee who have worked so hard for many months to produce this bill. However, the bill has two very significant shortcomings which I believe we should attempt to correct before we pass this legislation.

The first shortcoming is title II, the "Impoundment Control" title. This title establishes cumbersome and expensive procedures for the reporting of impoundments and provides that a disapproving resolution passed by either House of the Congress within 60 days of receipt of a special impoundment message would nullify the impoundment.

The major difficulty with this provision is that its effect may very well turn out to be antibudget control. There has been a growing tendency in recent months for Congress to pass legislation appropriating tens and hundreds of millions of dollars for grants, contracts, and loans of various kinds and then to mandate that the money be spent. Sometimes the money is required to be spent regardless of the fact that an adequate number of qualified participants in these programs cannot be found or their eligibility cannot be satisfactorily established in time to prevent widespread waste and abuse in these programs. The anti-impoundment title would have a similar effect of allowing the Congress to require that appropriated funds be spent in situations where it may be administratively unwise, imprudent, or even reckless to do so. I therefore join my colleages, Messrs. MARTIN, QUILLEN, LATTA, and CLAWSON, members of the Rules Committee, in opposing title II despite the fact that we all favor the concept embodied in title I.

The second major shortcoming of this bill is the fact that although it provides a mechanism for the enactment of a "Congressional budget" and requires that a tax measure be reported by the Committee on Ways and Means to raise additional revenue which may be needed to meet the established budgetary deficit or surplus, the bill does nothing to insure that the Federal Government will live within its means. In other words, no attempt has been made to link congressional budget control efforts to the related problem of the national debt.

Article I, section 8 of our Constitution gives the Congress the power to lay and collect taxes, duties, imposts, and excises, and to pay the debts of the United States, and article I, section 9 further mandates that "No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law;". We, as the elected representatives of the people, are being negligent in our constitutional responsibility by allowing the Federal Government to go along year after year spending more than it receives in revenues, never making provisions for repayment of the public debt. Since the beginning of World War II, the debt limit has grown from $65 billion to the present $465 billion, an increase of $400 billion in just a little over 3 decades.

Under the current system, Federal commitments to programs are expanding more rapidly than sources of revenue, and at a rate faster than the economy can accommodate. Most economists generally agree that the continued trend of the Government to increase spending for goods and services financed through heavy deficits, coupled with the Federal Reserve Board's creation of new money, is the primary inflationary pressure in our economy. In the column which appeared in Newsweek, January 29, 1973, Dr. Milton Friedman, University of Chicago economist and a leading monetarist, stated:

> Lower government spending is important primarily because we are not getting our money's worth for what the government spends. But it is important also because large deficits tend to raise interest rates, which induces people to hold less cash relative to their income and also put pressure on the Fed to finance the deficits. If the President succeeds in holding down federal spending, he will do the most important single thing he can to hold down inflation.

As the members of the Appropriations Committee well know, interest is the third largest outlay by the Federal Government on a functional basis. A recent Library of Congress report states that it is estimated that in fiscal year 1974, the per capita outlay for interest will be $117. The per capita outlay for interest in fiscal 1965 was $54, which is less than half of the estimate for the coming fiscal year. This rise is, of course, attributable to the increase in the public debt, which has grown from over $317 billion at the end of fiscal year 1965 to an estimate of over $492 billion at the end of fiscal year 1974, and which has been accompanied by an increase in the interest rates.

Federal deficit spending has not been good for the economy. Unemployment has been up during these years of substantial Federal deficits. A statement by David T. Wendell which was included in an article entitled "We Must Halt Our Runaway Budget!", originally published in the David L. Babson & Co., Inc., Weekly Staff Letter, deserves this Committee's attention:

> Rather than being a cure for unemployment, deficit financing is just the reverse. In the long run, the rising national debt can only lead to more inflation, which hurts profits—the basic creator of jobs. The current unemployment problem is due to sociopolitical as well as economic factors, and a $39 billion deficit simply does not give corporate executives any new motive for hiring additional workers.

In this period of high deficits, we have seen the dollar devalued twice in world markets, wage and price controls imposed, and a shocking decline in our balance of payments position combined with rising costs in all segments of our domestic economy.

It is for these reasons that I have urged, both in testimony before the Ways and Means Committee on the administration's proposal to increase the public debt and in testimony before the Rules Committee on this bill, H.R. 7130, that the respective committees give consideration to legislation which I have sponsored, H.R. 98, and to similar proposals to provide for the systematic repayment of the existing public debt. H.R. 98 establishes a constructive method of balancing the Federal budget, and would provide the Congress with regular reports by a Taxpayers' Advocate, would establish that clear notice be given the Congress and the American public on the current status of the gross public debt, with a statement of the cost to the taxpayers, and would provide for the reduction of the existing Federal debt on an annual basis.

Enactment of H.R. 7130, the budget control bill, without the impoundment control title, combined with the enactment of debt control legislation similar to H.R. 98, would establish the basic framework to restore economic stability and to provide relief for the taxpayers we represent. However, I must say that I am afraid that any bill, such as H.R. 7130, which addresses itself to the question of budget control while leaving the problem of debt control unresolved, cannot be considered as a complete solution to the problem of unchecked Federal spending and expansion of the national debt.

In any regard, H.R. 7130, the legislation before us today is a positive step in the right direction and I support it as a major improvement over the present procedure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. MARTIN).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARTIN of Nebraska. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 108, noes 295, not voting 30, as follows:

[Roll No. 628]

AYES—108

Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Beard
Blackburn
Boggs
Bray
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burgener
Burke, Fla.
Butler
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Collier
Collins, Tex.
Conable
Conlan
Daniel, Robert W., Jr.
Davis, S.C.
Davis, Wis.
Derwinski
Devine
Dickinson
Drinan
Duncan
Edwards, Ala.
Erlenborn
Eshleman
Fisher
Frelinghuysen
Goldwater
Goodling
Gross
Grover
Gubser
Harsha
Hinshaw
Hogan
Holt
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Johnson, Pa.
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lott
Lujan
McClory
McEwen
Maraziti
Martin, Nebr.
Mayne
Michel
Miller
Mizell
Moorhead, Calif.
Myers
Nedzi
Nelsen
O'Brien
Pettis
Powell, Ohio
Quie
Quillen
Rhodes
Robinson, Va.
Robison, N.Y.
Roncallo, N.Y.
Rousselot
Ruppe
Ruth
Scherle
Schneebeli
Shuster
Snyder
Spence
Steiger, Ariz.
Symms
Taylor, Mo.
Teague, Calif.
Thomson, Wis.
Treen
Vander Jagt
Wampler
Ware
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wydler
Wylie
Wyman
Young, Fla.
Young, S.C.
Zion

NOES—295

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bauman
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Calif.
Broyhill, N.C.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chappell
Chisholm
Clark
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Ga.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Dingell
Donohue
Dorn
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harrington
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Holifield
Holtzman
Horton
Howard
Hungate
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
McCloskey
McCollister
McCormack
McFall
McKay
McKinney
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Martin, N.C.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Natcher
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Passman
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reuss
Riegle
Rinaldo
Roberts
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Thompson, N.J.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zwach

NOT VOTING—30

Blatnik
Broomfield
Burke, Calif.
Camp
Clawson, Del
Conyers
Crane
Dellums
Diggs
Downing
Ford, Gerald R.
Giaimo
Griffiths
Hansen, Wash.
Jordan
Landrum
McDade
McSpadden
Macdonald
Mathias, Calif.
Mills, Ark.
Minshall, Ohio
Murphy, N.Y.
Parris
Reid
Rooney, N.Y.
Stokes
Teague, Tex.
Veysey
Walsh

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. BOGGS. Mr. Chairman, on rollcall No. 628 in the Committee of the Whole on the so-called Martin amendment to strike out the impoundment title of H.R. 7130, I inadvertently voted "aye"; I intended to vote "no."

AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS

Mr. ANDERSON of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of Illinois: On page 78, strike line 3 and line 4 to the period, and insert in lieu thereof the following: "the Congress by passage of a concurrent resolution in accordance with the procedure set out in section 204 of this Act."

On page 78, strike lines 23 to 25, and on page 19 strike lines 1 through 8 and insert in lieu thereof the following:

"(1) For the purposes of this section and section 202 the term 'resolution' means only a concurrent resolution which expresses the disapproval of the Congress of an impoundment of funds set forth in a special message transmitted by the President under section 201, and which is introduced and acted upon by both the House of Representatives and the Senate before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the President's message is received by the Congress. Where a special message specifies more than one impoundment of funds, the resolution may relate to any one or more of such impoundments; and the resolution with respect to any impoundment may express the disapproval of the Congress of any amount thereof and may set forth the basis on which the impoundment is disapproved."

Mr. ANDERSON of Illinois. Mr. Chairman, this amendment to title II of the bill, the impoundment title, is one which is very familiar to the membership of this body since I offered it when we were considering the impoundment bill back in July. This amendment would simply provide that both Houses of Congress must disapprove an impoundment by passage of a concurrent resolution rather than permitting just one House to terminate an impoundment by passing a simple resolution.

This would certainly be in keeping with the bicameral nature of the budget reform title of the bill. Why should the impoundment title of the bill be based on the actions of only one House?

As I noted earlier in general debate, when I first offered this amendment to H.R. 8480 back on July 24, it was rejected by a 1-vote margin, 205–206. I think the reason that this amendment had strong support on both sides of the aisle was that the Members of this body realized we would be sacrificing the prerogatives of this House if we simply permitted the other body to increase spending, no matter how valid or how justified a particular reservation of funds might be. We pride ourselves in this body on the fact that the Constitution has specifically delegated to us the initial responsibility for acting on revenue measures, and this has traditionally applied with respect to appropriations bills as well. Now, all of a sudden, we are turning around and giving exclusive authority to the other body to take significant spending actions, even if this body should vote in favor of a particular withholding of funds.

In addition, I might point out that the simple resolution approach obviously does not allow for amendments to an impoundment resolution which must deal with an entire Presidential impoundment message. By providing, instead, for the concurrent resolution approach, my amendment specifically permits the selective reporting of an impoundment resolution and the amendment of that resolution on the floor. I think this is important since, as the chairman of the Appropriations Committee observed in testifying on his impoundment bill which did provide for concurrent resolutions of disapproval, the President could strategically package these impoundment messages in such a way that the Congress might be discouraged from vetoing the entire package. I think, in conclusion, that we must not only preserve the prerogatives of this body when it comes to matters of spending, but that we must also preserve the flexibility of both bodies in dealing with these impoundment messages.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Indiana.

Mr. DENNIS. I would like to concur with the remarks of the gentleman. Like the gentleman in the well, I voted against the last amendment because I felt, after all, although we set rather a reckless financial policy here pretty often, we still are charged with the duty in Congress of setting the national policy. It seems to me if we are going to set the policy we ought to do it as a Congress. If we are going to fix policy contrary to the President, we should do it as a Congress. We should not yield that to the U.S. Senate in the fiscal field. I support the amendment.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I differ from many of my colleagues. There have been times in the past when in individual cases I have felt impoundment to push the country and the Congress into a realization of the irresponsible way we perhaps were acting at the moment might have been in order at least on a temporary basis. However, while the executive branch has the power, never have I felt the President had the right to item veto by impoundment nor to determine the projects to be carried forward which had been provided.

At the beginning of the session this year when the Secretary of the Treasury, Mr. Shultz, was before the Appropriations Committee, I asked him, "Mr. Secretary, if we in the Congress were to agree to hold the spending level below that recommended by the President, and do that, would you and the administration abide by the priorities fixed by the Congress?" He would not commit himself or the leadership of the administration.

Now in view of that attitude, I believe we must retain the provisions of the bill in order that the House of Representatives, the peoples branch, may be effective.

If we are to depend upon a concurrent resolution you know what we frequently run into in the other body where the rules permit the filibuster. Only this weekend we saw one Senator require a Sunday session.

My friends, I hope this amendment is defeated that House action may be effective.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, consistency seems to be a completely unknown quantity in the House of Representatives. Earlier this afternoon, by an overwhelming vote, the House approved the conference report on the labor, health, education, and welfare bill authorizing the President, if he deemed it in his interest, to withhold—to impound—$400 million. A few moments ago, the House voted exactly the opposite way on the Martin amendment dealing with impoundment.

Mr. Chairman, I am convinced this legislation is an exercise in rhetoric and futility. No amount of legislation will instill in a majority of the Members of the House the ingredient, the element that has been missing. That is fiscal responsibility.

Every Member knows that he or she cannot for long spend $75,000 a year on a salary of $42,500 and remain solvent. Every Member knows this Government cannot forever spend billions beyond tax revenues and endure.

Congress already has the tools to halt the headlong flight into bankruptcy. It holds the purse strings. No President can impound funds or spend unwisely unless an improvident, reckless Congress makes available the money.

I repeat, neither this nor any other legislation will provide morality and responsibility on the part of Members of Congress.

Political expediency dictates a vote for this proposal. I am convinced that is but another beguilement of the public and I want no part of it.

Mr. ECKHARDT. Mr. Chairman, I rise to speak against the amendment.

Mr. Chairman and Members of the House, I have always suffered under the difficulty of having to read the Constitution as it is written, and I just cannot construe it in any other way. It is provided in section 7, article I, of the Constitution that every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary, except on a question of adjournment, shall be presented to the President of the United States and is therefore subject to his veto.

Now, when we tell the President that he must expend funds, but, when we tell him, "Report to us if you do not spend them and you may come back to us and, if neither body objects, it is all right," we have already acted and we have already told him what to do.

But, if we provide that both Houses must concur in order to invalidate the impoundment, and the President comes back and says, "I am going to impound these funds," and then both Houses, concurring, say "No," the President has a constitutional right to have the action submitted to him at that point and can simply veto it. That means we put ourselves in the trap of subjecting our negation of the impoundment to a veto.

So, if we pass this amendment, we have simply destroyed the provisions of title II. We might as well have voted for the amendment to strike it.

Mr. BOLLING. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not propose to take 5 minutes. We voted on this matter some months ago and defeated it twice when we had not adopted a process of responsible public process. It seems to me absolutely essential to recognize the validity of the point made by the gentleman from Texas.

This is the right procedure, the one house veto is a procedure used in a situation that is on all fours with the situation we are talking about, the situation of the reorganization act.

There is a body of law giving the President limited right to modify it, providing for one house veto. That is the nature of the process provided for in title II, and I think we should vote down the amendment as resoundingly as we voted down the motion to strike.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ANDERSON).

The question was taken; and the Chairman announced that the noes appears to have it.

RECORDED VOTE

Mr. ANDERSON of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 186, noes 221, not voting 26, as follows:

[Roll No. 629]

AYES—186

Abdnor
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Bauman
Beard
Bell
Bennett
Blackburn
Bray
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Coughlin
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Duncan
du Pont
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fish
Fisher
Forsythe
Frelinghuysen
Frenzel
Frey
Froehlich
Gilman
Goldwater
Goodling
Green, Oreg.
Gross
Grover
Gubser
Guyer
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hébert
Heckler, Mass.
Heinz
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, Okla.
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lent
Lott
Lujan
McClory
McCloskey
McCollister
McEwen
McKinney
Madigan
Mailliard
Mallary
Maraziti
Martin, Nebr.
Martin, N.C.
Mayne
Michel
Miller
Mitchell, N.Y.
Mizell
Moorhead, Calif.
Myers
Nelsen
O'Brien
Parris
Pettis
Peyser
Powell, Ohio
Pritchard
Quie
Quillen
Regula
Rhodes
Rinaldo
Robinson, Va.
Robison, N.Y.
Roncallo, N.Y.
Rousselot
Ruppe
Ruth
Sandman
Sarasin
Satterfield
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Skubitz
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, Mo.
Taylor, N.C.

Thomson, Wis.
Thone
Towell, Nev.
Treen
Vander Jagt
Waggonner
Wampler
Ware
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NOES—221

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Brooks
Brown, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chappell
Chisholm
Clark
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Culver
Daniels, Dominick V.
Danielson
de la Garza
Delaney
Denholm
Dent
Dickinson
Dingell
Donohue
Dorn
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Gude
Gunter
Haley
Hamilton
Hanley
Hanna
Harrington
Hawkins
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks
Holifield
Holtzman
Howard
Hungate
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Litton
Long, La.
Long, Md.
McCormack
McFall
McKay
Madden
Mahon
Mann
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Passman
Patman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Price, Tex.
Railsback
Randall
Rangel
Rarick
Rees
Reuss
Riegle
Roberts
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Schroeder
Seiberling
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steed
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Teague, Calif.
Thompson, N.J.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
White
Whitten
Wilson, Charles, Tex.
Wolff
Wright
Wyatt
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—26

Blatnik
Broomfield
Burke, Calif.
Camp
Clawson, Del
Crane
Dellums
Diggs
Downing
Esch
Ford, Gerald R.
Griffiths
Hansen, Wash.
Jordan
McDade
McSpadden
Macdonald
Mathias, Calif.
Mills, Ark.
Minshall, Ohio
Reid
Rooney, N.Y.
Stokes
Teague, Tex.
Veysey
Walsh

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. QUIE. Mr. Chairman, I want to join my colleagues in support of the action of the Joint Study Committee and the subsequent action of the Rules Committee in bringing to the House legislation which I believe is of crucial importance to this body in exercising its constitutional duty in authorizing and appropriating moneys for Federal expenditures and setting priorities on the budget.

I am in general agreement with their efforts, for I believe that if Congress is to exercise its proper function, we must do what the committee recommends, namely, get the authorizations out of committee early in the year—March 31—set a "target" budget and priorities for the categories by May and complete appropriations by August 1.

This makes sense. Our present method of operation does not. Legislation before our committee will serve as an example. While authorization for the Elementary and Secondary Education Act ran out June 31, 1973, it has an automatic extender for 1 year. Our slowness in drafting a bill, however, has caused difficulty for the Appropriations Committee and many others.

Under the new rules, we will be forced to have our authorization bill worked out by March 31. I think we can do that in 1974.

The new rules will be far preferable for the schools than waiting until the first of July or even the beginning of the new school year.

Debate on the overall target budget is in May. It is possible that we could, for purposes of the congressional debate on the first concurrent resolution on the budget, come up with tentative, broad authorization figures for expiring bills, and fill in the details later.

At any rate, this new experiment is welcomed by me, for I have for years been arguing against ballooned authorizations and unbalanced budgets, and for the need to exercise responsibility in the budgetary process. This new bill will give Congress an opportunity to exercise its constitutional responsibility.

Congress should have a rational way of deciding priority items in the budget. This new legislation will help us to set those priorities. We are being forced, because of astronomical budgets—anticipated Federal spending is $270 billion this year—to seek ways to cut waste and to limit Government spending.

Let us use the Labor-HEW appropriations bill as an example. Probably no other piece of legislation has more desirable Federal appropriations since it covers education, especially of the economically disadvantaged, the health of our citizens, training of the unemployed and underemployed, and welfare programs for the unfortunate.

Congress is barraged with demands from various constituency groups as well as from their own humanitarian desires. This Budget Control Committee will make those of us in the Congress with the humanitarian impulses and the constituency groups assume the responsibility for making cuts in other appropriations in order to fund the higher priority items we want in the Labor-HEW bill, or to recommend taxes in order to fund them. This will take self-discipline which up until now we have not wanted to exercise.

I should like to offer a story by Soren Kirkegaard, for I think that it points a moral on what is at issue here. It is from "For Self-Examination."

> Once upon a time there was a rich man who brought from abroad at an exorbitant price a team of faultless and excellent horses which he wanted for his own pleasure and the pleasure of driving them himself. A year or two passed by. If anyone who had known these horses in earlier days now saw them driven by their owner, he would not be able to recognize them. Their eyes had become dull and drowsy; their pace had no carriage and consistency. They could bear nothing; they could endure nothing. The rich man could hardly draw them for miles without having to stop on the way, and sometimes they came to a standstill just when he was driving his best. Moreover, they had acquired all sorts of quirks and bad habits. Although they of course got food in abundance, they grew thinner day by day.
>
> The rich man called in the kings coachman. He drove them for one month. At the end of that period there was no team of horses in the whole land who carried their head so proudly, whose eyes were so fiery, whose pace was so beautiful. No other team of horses could hold out as they did, running even 30 miles in a stretch without stopping. How did this happen? It is easy to understand. The owner, who was no coachman and merely played the coachman, drove the horses according to the horses' conception of how they should be driven. The royal coachman drove them according to a coachman's conception of driving.

I hope this legislation will be to the Congress what the king's coachman was to that team of horses.

This new budget control arrangement will help us to make the kind of decisions that are necessary. Once we do this, and it will take hard, needed discipline, all our other activities will better fall into place and be a source of earned respect from the public. This budget control function is really a starting place in exercising the discipline needed to give Congress the vitality it needs.

We have over the years almost abdicated control of the budget to the executive branch. The Office of Management and Budget determines budget priorities and the Congress has become as those barren without discipline. Congress needs the self-respect which will only come when we take on the discipline of budget control and exercising responsibility which is rightfully ours.

I believe that it is a fair arrangement to divide the Budget Control Committee with 5 members from Appropriations, 5 from Ways and Means, 11 from the legislative committees and 2 positions from the Republican and Democratic leadership. Such representation should give ample input from the various committee members, and the fact that it is a rotating membership will work toward the fair representation of various shades of opinion and philosophy.

Early authorizations and appropriations, lengthy debate in the House to set overall targets in May, appropriations by August, and another concurrent resolution in September seem to me truly imaginative and efficient methods of operation on the budget. I hope that Congress will complete action on this so that we can be in operation for the fiscal 1976 budget.

AMENDMENT OFFERED BY MR. MALLARY

Mr. MALLARY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MALLARY: Page 74, line 19, after "United States" insert ", at any time on or after October 1, 1975,".

Page 77, line 15, strike out "each month" and insert in lieu thereof "in each month after September 1975,".

Page 84, line 6, before the period insert ", effective with respect to impoundments occurring in fiscal years beginning on or after October 1, 1975".

Mr. MALLARY. Mr. Chairman, this is a very simple amendment, and I will try to make the explanation brief. At the present time the bill as it stands would make title I effective as of the fiscal year beginning October 1, 1975. The anti-impoundment provisions in title II would become effective immediately upon passage of the bill. All this amendment does is to synchronize the effective date of the anti-impoundment provision with the provisions of the bill in title I for budget control.

I think the fact that both titles are in one bill reflects the clear understanding by the Committee on Rules that they are an indissoluble whole, and that there is a close and necessary relationship between the two issues. We passed a previous bill, H.R. 8480, in which we had a 1-year anti-impoundment provision. We did have in that bill a strict expenditure limitation, so that I think that the position of the House in relating the two items is very clear. I am not going to get into great detail on the need for the bill. I support the provisions of both titles, but I feel both of them should be clearly related, and I do not think we should have the anti-impoundment provisions made effective before the provisions for strict control of the budget are effective or we have a flat expenditure limitation.

Mr. TREEN. Mr. Chairman, will the gentleman yield?

Mr. MALLARY. I yield to the gentleman from Louisiana.

Mr. TREEN. I thank the gentleman for yielding.

I would like to associate myself with his remarks. It seems to me that in order to make sense, all parts of this bill should take effect at the same time. I urge adoption of the amendment.

Mr. BOLLING. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman who offered the amendment was kind enough to furnish it to me some time ago. I, therefore, have had an opportunity to examine and study it. I know that it was not his intent in any way to misrepresent the situation, but actually the bill before us provides for the process of dealing with a budget to become effective at once. It will not, obviously, be effective until we deal with the fiscal year 1976. If this amendment is right, from the point of view of the gentleman in what he said, the process that we set up on a budget will not be effective except for the 1974 calendar year budget. But what we would do if we adopt the amendment, in light of what the House has done here before, having accepted an anti-impoundment bill and passed it by a significant majority which limits it to 1 year, in accepting his amendment we could be in a situation where we would pass the anti-impoundment provision, accept the amendment offered by the gentleman from Pennsylvania, which made it 1 year, as I remember, and we would give the President an invitation, a hunting license to deal with anti-impoundment, in a way that he has, from the period of January 1, 1975, to October 1975.

The clear intention of the House before we passed the anti-impoundment bill was to make anti-impoundment effective at once. We now have impoundment. We have something over $7 billion, almost $8 billion in impoundments, some of which may be fine and some of which the Congress might very much want to object to, and we must have a process for dealing with them in the interim.

I think there is every reason to vote this down. I know the gentleman's intention is good, but I do not think even the statement the gentleman made is on all fours with the facts. The process suggested in title I starts as soon as the bill is enacted. That is, the effect of title II would start as soon as this is enacted.

Mr. HEINZ. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Chairman, the gentleman is aware that this amendment is similar in spirit, not in letter but in spirit, to the amendment the gentleman from Missouri accepted on July 24, 1973.

Mr. BOLLING. I do not believe that.

The gentleman will permit me to correct him before he quotes me. This gentleman does not concede that this is the same or in the spirit of the amendment I accepted.

Mr. HEINZ. I would make the case that it is because it attempts to conform the effective date provisions dealing with anti-impoundment to the effective date provisions dealing with budget control, and on July 24 of this year the gentleman from Missouri in response to my amendment, the intent of which was to do that, said:

> Mr. BOLLING. Mr. Chairman . . . I canvassed a number of Members and I find the amendment is acceptable to them. I think it is a very good amendment and I urge its adoption.

Mr. BOLLING. The gentleman is entirely wrong in his interpretation. This is in no way similar. The processes provided for in title I begin as soon as the bill is enacted. The fiscal process begins in October 1975 and it seems to me the anti-impoundment process should be effective exactly at the same time when we begin the budget process, and I do not believe in any way it is like the amendment which I accepted. I think the gentleman is wrong.

Mr. HEINZ. If the gentleman will yield, I do not wish to put any more words in the gentleman's mouth. But I would say, regardless of how we may differ in interpretation, that the amendment offered by the gentleman from Vermont is a good amendment. In my view, if not in the view of the gentleman from Missouri, it attempts to marry the effective date provisions for anti-impoundment with a spending ceiling. And, at the time my similar amendment was considered last July a substantial majority of the House seemed to be of this inclination.

I do thank the gentleman for yielding.

Mr. BOLLING. Mr. Chairman, I do urge the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. MALLARY).

The question was taken; and on a division (demanded by Mr. MALLARY) there were ayes 93, noes 112.

RECORDED VOTE

Mr. MALLARY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 221, not voting 27, as follows:

[Roll No. 630]

AYES—185

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashbrook
Baker
Bauman
Beard
Bell
Biester
Blackburn
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Butler
Camp
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Coughlin
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, S.C.
Davis, Wis.
Dellenback
Denholm
Dennis
Derwinski
Devine
Dickinson
Dorn
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Forsythe
Frelinghuysen
Frenzel
Frey
Froehlich
Gilman
Goldwater
Goodling
Gross
Grover
Gubser
Guyer
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Heckler, Mass.
Heinz
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Johnson, Pa.
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lent
Lott
Lujan
McClory
McCloskey
McCollister
McEwen
McKinney
Madigan
Mailliard
Mallary
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Mayne
Michel
Miller
Minshall, Ohio
Mitchell, N.Y.
Mizell
Moorhead, Calif.
Myers
Nelsen
O'Brien
Parris
Pettis
Peyser
Powell, Ohio
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Regula
Rhodes
Rinaldo
Robinson, Va.
Robison, N.Y.
Rousselot
Runnels
Ruppe
Ruth
Sandman
Sarasin
Satterfield
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Vander Jagt
Waggonner
Wampler
Ware
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NOES—221

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bennett
Bergland
Bevill
Biaggi
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Brooks
Brown, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chappell
Chisholm
Clark
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
de la Garza
Delaney
Dent
Dingell
Donohue
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Gude
Gunter
Haley
Hamilton
Hanley
Hanna
Harrington
Hawkins
Hays
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks
Holifield
Holtzman
Howard
Hungate
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Litton
Long, La.
Long, Md.
McCormack
McFall
McKay
Madden
Mahon
Mann
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Passman
Patman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Randall
Rangel
Rarick
Rees
Reuss
Riegle
Roberts
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Schroeder
Seiberling
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steed
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Thompson, N.J.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
White
Whitten
Wilson, Charles, Tex.
Wolff
Wright
Wyatt
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—27

Bafalis
Blatnik
Burke, Calif.
Clawson, Del
Crane
Dellums
Diggs
Downing
Ford, Gerald R.
Griffiths
Hansen, Wash.
Jordan
McDade
McSpadden
Macdonald
Mathias, Calif.
Mills, Ark.
Mosher
Reid
Roncallo, N.Y.
Rooney, N.Y.
Skubitz
Stokes
Teague, Tex.
Veysey
Walsh
Whalen

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DONOHUE. Mr. Chairman, I earnestly hope and urge that the substance of this bill before us, H.R. 7130, designed to set up a comprehensive congressional budget process to deal with the overall budget policy and spending priorities, is overwhelmingly adopted by the House after the fullest discussion and debate of the several strengthening amendments that will be offered.

The presentation of this bill, Mr. Chairman, by the Rules Committee reflects, finally, the long-echoed appeals over these past several years, of increasing numbers of Members of Congress, including myself, budgetary experts, and responsible civic organizations.

Throughout these years I have repeatedly emphasized, in various other appropriation measures, my conviction that—

> In order to maintain and strengthen our national economic stability and progress there remains a vital necessity for achieving new Congressional means and mechanics for reviewing and developing the national budget in a realistic and coordinated manner which will insure that income is equal to expenditure, which will equip Members of Congress with expanded basic information and reliable estimation, independent of the executive department, and which will bring authorization and appropriation into balance with each other.

Mr. Chairman, as our national budget has contined to increase year after year, especially since World War II, it has become more and more obvious that the Congress is still ill-equipped, however diligent and dedicated, to effectively control and efficiently project spending priorities in the national budget within a modern technological and management accounting system. In other words, the urgent need of budget reform has reached the imperative stage and the time, the instrument and the legislative disposition to do something about it is now at hand.

The technical provisions of this measure have already been patiently and thoroughly explained by the esteemed Rules Committee floor managers of the bill.

In summary, among other progressive things, this proposal is designed to meet our desperate budget need to relate national spending to revenue and debt requirements, provide for a firm and enforceable spending ceiling, to establish balanced controls over all spending and spending authorization and assure the application of priorities to all categories of spending.

On this score, a great many Members of Congress, as well as respected authorities and organizations outside the Congress, have noted that this administration has repeatedly used the devious instrument of impoundment to very often substantially reduce and sometimes even eliminate housing, medical care and research, educational, mass transportation, social services, and a host of other human need programs approved by the Congress and supported by the majority of the American people.

In the face of these facts and circumstances, it appears that the Congress has no other alternative but to adopt effective measures to restrain and nullify certain Presidential procedures and stratagems that so often result in thwarting the will of the people, as expressed by the Congress, through the imperial exercise of impoundment by executive administrative action. This measure responds to the need for the Congress to restore to itself its separate power to determine and declare priorities in national spending, a traditional prerogative of the national legislature.

Mr. Chairman, whatever may be our different opinions and convictions about lessening or strengthening any of the provisions of this bill, I submit that its overall purpose of establishing vitally needed budget reform is obviously in the paramount national interest and, therefore, merits resounding adoption by this House.

Mr. ROBISON of New York. Mr. Chairman, as a battle-worn and frequently frustrated member of the House Appropriations Committee, I have watched over the development of congressional budget reform legislation with a sense of hope and expectancy akin to the proverbial young husband who paces back and forth in the waiting room of the hospital maternity ward. For me, the long period of study and the hard political bargaining which preceded this debate has held the promise that Congress would eventually arrive at an orderly process for setting spending priorities, together with sufficient parliamentary procedures to mandate those priorities.

At the outset, it is worth dwelling on the prime impetus for this year's "agonizing reappraisal" of Congress budget practices. I do not believe it an understatement that the President's fiscal year 1974 budget hit the legislative branch like a bombshell. Though the omens may have been clear, few of us were prepared for that revolutionary document; and after we withstood the first waves of agitated interest groups, it was as clear as anything can be that Congress had to grab its own bootstrap and undergo a significant reorganization of budget procedures. In the alternative lay only a continuation of the decidedly subordinate congressional role in the apportionment of Federal revenues that we came dangerously close to accepting as inevitable.

While action on the budget reform bill has not been as expeditious as some of us had first anticipated, it has been steady, careful, and—what now appears to be its considerable virtue—it has also been patient in considering views and criticisms from every quarter.

We now stand ready to adopt legislation which will merit its own chapterhead in the volumes of history of the House of Representatives. With passage of this legislation, we will move the congressional budget process into the 20th century and begin to build an oversight capability which can contend with the astonishing proliferation of Federal programs during the last 30 years.

Congress has been outmanned, outcomputered, and nearly overwhelmed by the weighty budget machine of the Federal Government. One of my Appropriations Subcommittees has two hard working professional staff, the other subcommittee has three; yet these individuals cannot begin to delve into the fine-points of multimillion dollar items, because there are just too many of those large items to begin with.

As one who has the highest regard for the competence and professionalism of the Office of Management and Budget, I could seek no better model than the budget schedule used by that agency.

Each set of budget recommendations produced by OMB is the culmination of a 14-month program of study, review and refinement. The budget document we receive has been scrutinized and reshaped at least twice before it is finally set in print; and, in its final stages, the budget has been carefully molded according to a clear set of political priorities and principles.

In Congress we have been satisfied to operate through a loose federation of jurisdictions which most commonly combine to inflate the Administration budget and its accompanying deficit. There is nothing inherently wrong with increasing the administration's budget recommendations, as long as Congress is guided by its own clear lights and a realistic assessment of the potential revenue sources available.

To my mind, we have no guarantee in our present appropriations process that the budget will reflect the priorities of the majority and, at the same time, match the revenues which can reasonably be expected. The distinguished chairman of my committee (Mr. MAHON) has devoted his considerable intellect and strength of character toward keeping us on these tracks, but there are times, I am sure, when even his saintly patience is exhausted by the spendthrift binges which sometimes sweep this body.

In place of the present loosely coordinated process, we must have the organization and discipline of H.R. 7130, which, through the proposed House Committee on the Budget and the new Legislative Budget Office, will provide an ongoing budget review process with the capability to treat the budget as a whole entity and to recommend a correspondence between expenditures and revenues.

Although the composition of the House Committee on the Budget is still a question to be settled during this debate, I find near unanimous agreement that we must have such a forum to bring each party in the budget picture together. The political scientists have become quite sophisticated in explaining to us the various "mentalities" involved in our legislative process. We have the "legislative mentality," which attempts to design programs to meet the needs of the day and, understandably, to provide a level of funds which can get the job done. Then, there is the "appropriations mentality," which carries the banner of fiscal responsibility and does all in its power to assure that the Federal agencies are giving us the best deal possible for the dollars we spend. Finally there is the "mentality" of the revenue-raising committees, which must responsibly provide the Federal Government with tax revenues sufficient to carry out its functions, but must do so in a way which does not inhibit the economy and which does not contribute to inflation and which does not spark a revolt of angry taxpayers.

Some have explained the process of congressional action as a system of checks and balances between these three legislative interests, that process culminates in a congressional budget which best consolidates the convictions of each group. If such a coming-together of legislative action does actually exist, it is, nevertheless, too fragile and too nebulous a system to govern the contemporary responsibilities of this body. Rather, these three interests must be brought together around the same table to communicate their own responsibilities and convictions and, thereby, to jointly set standards for that annual budget which can find a consensus in the House and Senate.

By adopting a budget resolution early in the budget year, as H.R. 7130 requires, the House will set broad budget guidelines which can measure the fiscal appropriateness of the separate appropriations bills and which can direct available revenues toward specified spending priorities. Economic conditions and national needs may change, and the House will undoubtedly find that spending priorities are evolving as the budget year progresses. There does remain a constant, however, and that is the amount of revenues which can realistically be generated to pay for our appropriations bills.

The final September 15 budget resolution will surely be a painful exercise for us, but it is a pain we cannot afford to avoid any longer, if we can grasp the nettle through this final budget resolution and assure that we spent only what we can afford, then I will be in the forefront of the drive for the impoundment language we now have in title II of H.R. 7130. Until that time, I cannot in good faith suggest that Congress ought to be the final authority on impoundments.

Notwithstanding the legal questions over the right of the President to impound—questions which can only be put to rest in the courts—Congress simply cannot stand on a record of fiscal responsibility in the aftermath of the appropriations record of the past few years. While I ardently support the broad intent of H.R. 7130, I am unwilling to support the thrust of title II, the impoundment section, until Congress has demonstrated its own capability to enact the annual budget in an orderly and responsible fashion. With passage of the basic part of this legislation, that task becomes both our prime responsibility and our prime opportunity.

Mr. FUQUA. Mr. Chairman, I have been most impressed by the energy and vigor with which this measure has been debated and the strong commitment which the Members have shown for the establishment of this important means of budget control. There has been a general undercurrent of concern for many years that maybe, in fact, the Congress cannot effectively deal with the awesome task of managing the budget process. Certainly, there is little dispute that Congress must establish a better mechanism for budget oversight and the formulation of budget priorities.

The need for a House Committee on the Budget has been manifest for many years and is one of the most pressing issues of the day. Certainly, I can imagine no other bill during this session which will have a greater impact on the fiscal integrity of our Government and the future economic well-being of our citizens. The procedures which we presently follow are generally acceptable for determining the merits of individual programs. This does not, however, confront the larger issue that the aggregate of individually meritorious programs will always exceed any viable total. The need, therefore, is for a procedure whereby not only will individual programs be scrutinized to determine whether it is good but whether it is good enough to be included in a budget total with a congressionally determined ceiling. Congress is constitutionally responsible for determining national priorities and runaway Federal spending of the last two decades have contributed greatly to the fiscal problems we are encountering today.

Various amendments have been proposed and a number of them have merit in my opinion. Certainly, the proposal of my good friend from Florida, Congressman BENNETT, is such an amendment and has my support. The Bennett amendment would, of course, test the appropriateness of new programs by the establishment of pilot programs. On too many occasions we have proponents of legislation painting an overly rosy future for the particular agency or program and the opponents forewarning of imminent doom if the legislation is enacted. It would be possible, through the Bennett amendment, to determine the real impact of the agency or program on our economy and its usefulness in remedying real or supposed ills.

The Congress must regain its authority over the fiscal process in this country and take responsible steps to bring into focus the relationship of taxing and spending measures. This need for balancing income and expenditures or at least being able to put a handle on the dynamics of this process in an essential task before us.

In working within the bounds of the new mechanism, I am most hopeful that a renewed effort can be made to reducing the burgeoning public debt. Interest in the public debt is a primary drain on the Federal budget and impacts adversely on the quality of life our citizens enjoy.

Mr. PRICE of Illinois. Mr. Chairman, there are a significant number of Americans today who believe that their Government is an irresponsible and insensitive one. They see a Government mangled by corruption, disfigured by graft, and swathed in the tangled bandages of subterfuge. Our people face an energy shortage they cannot understand, and the governmental apparatus appears ill-suited to deal with it. Prices continue to rise and a soap opera of economic phases seem to bring little relief.

The time has come for the Congress, the branch of Government most directly responsible to the people, to move boldly to restore confidence in this system. Congress took a step in the right direction by passing the war powers resolution over a Presidential veto. We continued by coming to grips with the energy crisis in a series of important legislation. In countless other ways Congress has fought to counteract public mistrust in the executive by affirmative legislative action. Now we have the opportunity to restore strong fiscal responsibility to the hands of the legislative branch by passing the Budget and Impoundment Control Act of 1973, and I urge my colleagues to support it.

The Constitution is clear that the Congress shall make all appropriations, but over the years our voice in the budget process has dwindled until the present time, when the Executive holds sway with an elaborate bureaucracy while Congress muddles through with an awkwardly disjointed budget process.

If we are to have our full constitutional voice in shaping national priorities and objectives, the budget machinery needs an overhaul, and H.R. 7130 provides all the necessary new equipment. The authors of this bill deserve commendation for incorporating in it fiscal mechanisms which promise a high degree of efficiency: new budget committees made up of members of already effective committees, a legislative budget office to relieve a presently overburdened staff, a revised fiscal year starting on October 1 to limit the cumbersome continuing resolution process, and a streamlined timetable for setting spending targets.

In addition, the bill includes anti-impoundment provisions, already passed once, which will prohibit the President from unilaterally and arbitrarily refusing to spend funds appropriated by Congress for specific purposes. The unconstitutionality of this sort of impoundment is generally agreed upon by lawyers, judges, and legal commentators.

Mr. Chairman, when we assume our rightful role in the budgetmaking process, it will stand as still another sign to the American people that at least one branch of their Government continues to act with responsibility and foresight, that we refuse to yield our constitutionally mandated duties to an executive branch which I can most generously dub imprudent. I do not pretend that the act before us can heal the wounds of Watergate. I say merely that this is another step forward on the difficult path to restoration of public confidence in their leadership.

Mr. BRADEMAS. Mr. Chairman, I rise in support of the bill, H.R. 7130, the Budget and Impoundment Control Act of 1973. The need for Congress to reassert its prerogatives over Federal spending has been well documented, and I commend the members of the Joint Committee on Budget Control and the members of the Rules Committee for their energy and diligence in drafting this bill to improve congressional budgetary methods.

The growth of executive authority at the expense of the Congress in recent years has been alarming. And this trend has threatened to erode public confidence in the people's branch of Government. The shift of power has been due not only to the efforts of Presidents to concentrate more and more power in the executive branch, but to the failure of Congress fully to exercise its proper constitutional role.

This erosion of congressional authority has been particularly apparent with respect to warmaking authority and control over Federal spending. Earlier this year, Congress passed, over the President's veto, the war powers bill, now law, which reasserted the constitutional role of Congress in making decisions on war.

Mr. Chairman, the bill we are considering today is, I believe, of equal importance in enabling Congress to participate as an equal partner with the Executive in establishing fiscal policy and setting national spending priorities. H.R. 7130 would if properly implemented, allow Congress to regain control of the budget by establishing a procedure for reviewing the budget as a whole and by establishing a mechanism to provide Congress with independent fiscal information and analysis.

The bill also provides a mechanism to assure the implementation of congressional spending decisions by the Executive by establishing a procedure to control Executive impoundments.

Mr. Chairman, I urge my colleagues to support this bill. Hopefully, the Budget and Impoundment Control Act will, by establishing a procedure to control Federal spending, help restore the constitutional authority of Congress over the Federal budget and the confidence of Americans in our institutions of Government.

Mr. BROYHILL of Virginia. Mr. Chairman, I support H.R. 7130 as a step in the right direction.

Although the Congress is entrusted by the Constitution with the power of the purse, from a practical standpoint the control of Federal spending levels from year to year is—or should be—the joint responsibility of the legislative and the executive branches. The executive branch is forced to view the budget in terms of overall objectives. It must weigh priorities, and make choices which are consistent with policy goals, the economy and other public considerations.

In contrast, the Congress has allowed its own budgetary procedure to be fragmented and uncoordinated. We act on appropriations and other requests for spending authority in piecemeal fashion, with large amounts of expenditure commitments bypassing the established appropriations process. The parts are not related to the whole until all the actions are completed—and by then it is too late for anything but lamentation. All too often, the net result of our actions is a legislated labyrinth of spending provisions which in the aggregate are inconsistent with revenues anticipated under existing tax laws, with the requirements of the economy, or with our own statutory limits on the public debt.

The achievements of the Joint Study Committee on Budget Control represent a major guidepost in helping us find our way out of the fiscal maze in which we have wandered like some blinded giant for so many years. I commend the members and the staff of the joint committee for a good job, well and quickly done. And I am pleased to note that the essential recommendations which they developed are incorporated into the bill before us.

Inasmuch as the provisions of H.R. 7130 already have been discussed in considerable detail, I will not elaborate further on them. However, I would make just one additional point.

It is absolutely essential that any procedures which we adopt for enforcement of a spending ceiling, and for making adjustments after completing budget action, should focus hard on the actual limitation of expenditures. Reform of the process is vital, and the bill before us represents real progress. But its enactment will in no way relieve us of the need to exercise the discipline necessary to maintain fiscal responsibility and stability.

A lack of discipline has been at the core of our budgetary problems in the past, and unless we exercise it in the future, no legislation we might enact will put our fiscal house in order. It would be possible for a Congress, which is determined to control spending, to do so even with flawed procedures. It also would be possible for a Congress possessing the best procedures but without discipline, to fail just as flatly.

Certainly, we should keep some options, but we should not allow a pattern to develop in which we vote a lid on spending in the initial stage, and then vote for tax increases in the final stage to finance new or puffed up programs which we did not have the will to resist along the way. We owe that much to the many taxpayers, whose burden of payroll and income levies combined, already has reached or passed a bearable limit.

In summary, Mr. Chairman, we need the budget control procedures which H.R. 7130 provides, but we also need the will and the discipline to make them work effectively.

Mr. BOLAND. Mr. Chairman, I rise in support of H.R. 7130, the Budget and Impoundment Control Act of 1973. This is an historic day in the House of Representatives. We are on the threshold of accomplishing what many felt would be impossible just a few short months ago. I want to congratulate the members of the Rules Committee for the excellent budget control bill which they have reported. I also want to pay special tribute to the Joint Study Committee on Budget Control. The committee did much of the early work in tackling this tough problem, and it was largely responsible for pulling together the scattered parts of the budget process and producing a number of cohesive reports that outlined the problem and suggested what was needed to solve it.

Mr. Chairman, while this bill is not perfect, it does provide the Congress with a workable tool for coming to grips with the problem of how we allocate this Nation's resources. The budget process is by definition complicated. The nuances of budget control are complex, but this bill offers a workable—and I stress the word "workable"—alternative to the disjointed and uncoordinated process we have today.

The bill provides four essential principles needed to accomplish true budget reform.

First, the bill advances the beginning of the fiscal year from July 1 to October 1. This will permit adequate time for consideration of the budget and will help eliminate the need for passing continuing resolutions to keep the Government in business. Closely tied to advancing the fiscal year is the essential provision of requiring that all authorizing bills be passed by March 31. This will clear away authorization bottlenecks and will help take the time squeeze off the appropriations process.

Next, the bill closes the backdoor. Perhaps the single most important factor in Congress loss of budgetary control has been the ever increasing practice of granting spending authority outside the regular appropriation process. The result is that today the Appropriations Committee sees only 40 percent of the Government's expenditure. Wherever practicable, this bill requires that backdoor and mandatory obligational authority will be available ony as provided in the regular appropriation bills.

Third, the bill establishes budget committees in both Houses to provide a coordinating mechanism that will allow the Congress to relate revenue and spending—what is coming in and what is going out. I do not want to go into the details of how this process will work. Mr. BOLLING and other Members have reviewed those facts with you. But, in a nutshell, this provision allows Congress for the first time, to relate total outlays with total revenue and arrive at an appropriate deficit or surplus. This is the heart of the budget control plan. It means that before Congress adjourns it will have to take the responsibility of either reducing its spending actions to conform with the budget target or pass new taxes to finance a higher spending figure. Without this mechanism Congress cannot achieve true budget control.

Finally, the bill provides that appropriation bills will be held in a kind of limbo until all subcommittee markups are completed. Only then will the committee report the first appropriation bill. This assures that Congress will be fully informed on the overall impact of individual appropriation bills. In short, the total for each appropriation bill will be known before any of the bills are reported to the floor.

Mr. Chairman, the bill before the House today is not a panacea. It will not cure all our budget control problems. Like all bills, it is a compromise. But, Mr. Chairman, if this bill goes on to become law, it provides the Congress with a workable plan to move toward effective budget control.

The bill before us today presents us with an historic opportunity. I do not think we can miss that opportunity, and that is why I am supporting this legislation.

Thank you, Mr. Chairman.

Mr. OWENS. Mr. Chairman, I rise today in support of legislation vital to our country's economic welfare, H.R. 7130, the Budget and Impoundment Control Act of 1973. The choice offered is clearly between the perpetuation of an excessively inefficient system or a bold step forward in reforming our budgetary process. Every Member of this institution is aware of the basic paradox in our current budgetary system.

Congress authorizes spending and Congress raised the revenues, yet we do not even prepare our own budget. Every Member of this Congress has agonized through the disjointed appropriations process that forces us to vote for or against hospitals, for or against aid to the elderly, and for or against military expenditures, without ever comparing one against the other to consider the relative importance of each. And every Member of this House has witnessed congressional intent arrogantly obstructed by Executive impoundments.

Mr. Chairman, this legislation represents a significant reorganization of the faulty budgetary process that has plagued our country for decades. While H.R. 7130 may not be a perfect solution, it is, obviously, a much-needed improvement in our budgetary system.

Congressional reform of these procedures is long overdue. The Budget and Impoundment Control Act will provide Congress with the tools necessary for an efficient managing of the national economy. The Budget Committee formed by this legislation will consider projected outlays, compare them to projected income and then determine a coherent set of spending priorities.

It will also be given authority to implement deficit or surplus spending strategies or tax changes, as the economic circumstances may dictate. The Budget Committee's membership, selected in part from the Ways and Means Committee and the Appropriations Committee, will provide the expertise necessary to deal with delicate and complicated budgetary decisions. Yet, by requiring that a majority of members come from other standing committees, we are assured directional control by the entire House.

Another significant provision of this bill would establish a Legislative Budget Office to provide the Congress with continuing budget planning and staff expertise like that provided the executive branch by the Office of Management and Budget. Our spending can be based on a congressional budget each year, rather than a Presidential document. Back door spending, it appears to me, could virtually be eliminated by requiring new budget authority or spending authority to be considered by the Appropriations Committee. This is a genuine step forward because it is this back door spending which is frustrating my determination to vote this year for a balanced budget.

We have faced a genuine constitutional confrontation with the President over his unlawful refusal to implement Congress spending decisions. He has impounded funds appropriated through lawful process without any authority whatsoever. Lower courts have upheld Congress almost unanimously, and a definitive Supreme Court decision is hoped for very soon. Now, however, H.R. 7130 offers a constructive alternative to arbitrary and indefensible Presidential impoundments. It does not deny the possible necessity of certain, specific impoundments, but it does provide a needed check to maintain the congressional power over spending that is outlined in our Constitution.

The Budget and Impoundment Control Act is a compromise proposal, combining many different opinions of how congressional authority and responsibility over the budget can be regained. But the vitality of this legislation has not been compromised by this combination of approaches. The ultimate effect of H.R. 7130 will be far reaching. It is a historic document, giving Congress new power to exercise our constitutional responsibility to control spending priorities and the ability to make sound management decisions over fiscal policy.

This bill represents a procedural step into the 20th century, making inroads into the traditional power structure of this institution and some will resist passage for this reason alone. We must, however, institute the vital reforms of our own procedures and structures which today's problems require, or we will deserve the new, lower vote of public confidence which Dr. George Gallup identified this week. Today's crises, let alone tomorrow's planning, cannot be managed with last century's tools.

This bill was written by some of our most wise and distinguished Members, most particularly the gentleman from Missouri (Mr. BOLLING), whom I am honored to call a friend and mentor. It represents a giant step forward into the realities of budgeting responsibility, and I am proud, even excited, to vote for it.

Mr. ANDERSON of California. Mr. Chairman, our national debt today totals $475 billion, and the interest on that debt, for this year, is $24.7 billion—roughly $46,000 per minute.

In simpler terms, the Federal Government, since our beginning in 1789, has spent $475 billion more than the amount raised by taxes, and as a result, has borrowed $475 billion to make ends meet.

Spread over our 194-year history, that works out to about $2.4 billion a year, which does not seem like much. But when you consider that our debt has increased by $200 billion since 1950, and $100 billion since 1969, the very real need for spending controls becomes apparent.

This national debt has not only fueled inflation, it has damaged the international stability of the dollar and has, in large part, been a primary cause of the critical economic situation that we find ourselves.

THE BUDGET PROCESS

First, let me analyze the current spending procedures:

In January, the President sends his budget to Congress listing his suggested expenditures and the anticipated revenue from taxes for the fiscal year which begins in the coming June.

If new programs are suggested which are not authorized by law, then the congressional committees having jurisdiction over the matter conduct hearings, report the proposals to the respective Houses of Congress, and are enacted into law—if they meet the approval of a majority of the Members of each body.

For those programs which are authorized by law, the Appropriations Committee of each body conducts hearings on each agency's budget request, reports a bill for each agency to the floor of both Houses and Members are given an opportunity to add, subtract, or delete funds for each program.

To give an example of the time this takes, the first appropriations measure to pass the House, which funded Federal programs for agriculture for the fiscal year beginning June 1973, passed the House of Representatives on June 13, 1973, and was not signed into law until October 24, 1973. The proposal to fund Defense Department programs beginning June 1973 did not pass the House of Representatives until November 30, 1973—some 5 months after they first needed the money.

Obviously, this system makes it impossible for any Federal agency to rationally plan their operation as they work on a "feast or famine" basis.

LACK OF INFORMATION TO SET PRIORITIES

But, the real failure of the current system of spending tax dollars lies in the information available to Members of Congress. Since each agency's budget is considered on its merits alone—with no regard for overall spending, nor any regard for revenues raised—the Congress has little information on the total picture—the total budget in regard to each agency.

Ideally, the Congress should be in the position of making hard choices between different Federal programs with an eye toward balancing expenditures with revenues. For example, if in order to balance the budget the Congress must cut spending for farm programs, mass transit, or space exploration, they should be able to make that choice. But today, it is too easy to vote for the full funding of all programs and then let the administration decide where to cut and trim.

SPENDING CONTROL

The bill before us today would change this absurd system, and instead, establish a procedure for looking at the budget as a whole, determining the desired levels of spending and revenues to establish priorities, and a ceiling for Federal spending.

This measure would require fiscal responsibility and rational decisionmaking. And, hopefully, we can put our economic house in order and reverse the trend of "buy now, pay later" that has taken hold of the Government.

Mr. McCLORY. Mr. Chairman, in general H.R. 7130 has two main parts. The first deals with the production of the congressional budget and the second establishes procedures by which Congress can end so-called unauthorized Presidential impoundments.

While I think that the present bill is a step forward in our efforts to bring about budget reform, I am dissatisfied with the structure of the bill and some of the integral concepts that are proffered.

In respect to structure, I do not think that in a bill concerned with budget reform we should attempt to deal with the very complicated constitutional question of impoundment and attempt to rectify in a rather off-hand manner what many consider to be an executive infringement upon congressional control over the so-called purse strings. I would hope that this part, title II, can be stricken from the present bill and be taken up at another time. We should now concern ourselves with the question of budget reform.

I think that the concept of a budget committee is weakened and vitiated by the language of sections 111 and 112 of H.R. 7130. Since I have been in this Congress I have felt the great need for a legislative budget committee; but I think that in order for one to be strong and productive we must establish a joint committee on the budget, which would be far more effective in making an evaluation of the fiscal requirements of the executive agencies than the present system or that proposed in H.R. 7130.

The present legislation creates two separate budget bodies with one staff with no indication as to whether or not the work load is to be divided or if both bodies will cover the same ground, which would be a waste of time and energy. The Congress should bear in mind that the real threat to congressional fiscal power lies not so much in Executive usurpation as in Congress' failure to exploit its own potential. In order to make sound budget decisions, we must have a joint committee on the budget, which would be similar to the earlier joint committee proposals passed by the Senate to carry out the intent of section 138 of the 1946 Reorganization Act.

As I see it, the Joint Committee on the Budget would be empowered to review carefully and fully executive budget requests, recommend some system of priorities with regard to demands on Federal revenue, consider an overall maximum of Federal spending, and otherwise build a mechanism for the development of a legislative budget in contrast to an executive budget with which Congress has struggled in the past.

Such a joint committee would be composed of 36 members, with the House being represented by 21 members and the Senate by 15 members including representation from the House Committees on Appropriations, Ways and Means, and Government Operations. The Senate members would be selected from the Senate Appropriations, Finance, and Government Operations Committees. Unlike many previous joint budget committee proposals, this would have the advantage of a membership from the Government Operations Committees of Congress. In addition, it would enlist the service of the GAO in a preaudit capacity by requiring that it provide analytical reports on proposed agency budgets. Therefore, it is recommended that Congress establish a Joint Legislative Committee on the Budget.

While part 3—timetable and procedure with respect to appropriation bills and budget reconciliation bill—and part 5—change in fiscal year—are steps in the right direction, I do not think that the present legislation goes far enough. I think that we can achieve wider debate in matters of fiscal policy and greater control and comprehension of the budget as a whole by a rescheduling of the budget process.

As a result of a multitude of annual authorizations, which confront Congress at the beginning of each session, appropriations often extend well beyond the beginning of the fiscal year. This lag between the beginning of the fiscal year and passage of appropriations often delays the start of departmental programs and is almost totally unnecessary.

One means of alleviating this problem is to reduce the number of annual appropriations. Another is to revise the fiscal year so that it coincides with the calendar year. At the minimum, Congress will have to accept the year-round session, with periodic recesses for campaigning or vacations, if it is to have sufficient time to review and act upon the President's budget.

Therefore, it is recommended that Congress adopt the year-round session and revise the fiscal year to coincide with the calendar year.

In support of the functions of the joint committee, there is very little mentioned in the present legislation that would give the kind of information assistance that is so vitally needed. The joint committee and Members of Congress have a great need for current budget information which could be very easily supplied if there existed a budget information service. Such a service would encourage what is very much lacking now, that is wider and more informed policy debates on budget matters. As Congress moves through the various stages of budget consideration, it obtains only a glimpse of the budget, frozen at each particular stage into voluminous hearing, committee reports, GAO reports, and articles in the RECORD. What Congress needs is a continual and summarizing view of budget activities in Congress, perhaps available on a day-to-day basis, and taking into account congressional action on the budget up to the moment that the report is issued. The facilities and staff of such a Budget Information Service should be located within the Library of Congress.

Another consideration, which receives little notice in H.R. 7130 is the need for improving the presentation of the budget. To achieve this end a study group should be set up to find out the best possible systems approach that would enable such a budget presentation to be effective and worthwhile. As a recent study pointed out:

> The very nature of some analytical problems of Congress calls for flexible manipulation of massive data into many different arrangements to serve many different purposes. Only with large-scale computers can this be done thoroughly and economically.

I have several other recommendations that I think are vital to any budget reform measure, which I will only summarize here as follows:

First, we should limit the use of annual authorizations to short-term programs. Permanent or long-term authorizations should be used wherever possible.

Second, every new authorization should carry a "price tag" giving the total cost of the program or maximum annual cost and such programs should be completed with the funds initially authorized.

Third, we should re-examine our statutory or fixed budgetary commitments in the light of changing conditions and needs, with an eye toward eliminating permanent commitments wherever possible or making such commitments subject to review and control by the appropriations committees of Congress.

Fourth, appropriations should be made according to program or function, instead of an object of expense, and that the procedure and organization of the appropriations subcommittees of Congress be revised accordingly.

Fifth, I strongly recommend that the GAO be made to play a wider and more active role in the congressional budget process by examining expenditures and conducting audits with full regard for the policy issues raised by the alternative use of funds, and that a pre-audit role be developed by the GAO. In addition, I would recommend that the GAO be headed by a Director appointed by and solely responsible to the Congress.

In conclusion, I am in favor of budget reform; but, as I have noted, there are many other provisions that are necessary to give budget reform a strong and lasting structure. Some measures I think vital have been noted above. I think it is a mistake to marry budget reform with impoundment reform legislation.

Mr. BAUMAN. Mr. Chairman, the fact that the bill now before the House is being received with nearly unanimous support by the Members reflects that at last there is a general recognition among us that Federal spending has just simply gotten beyond our ability to control it under present procedures.

Back in 1940, when the New Deal had already had 7 years to bloat Federal expenditures, our total national budget was just over $10 billion. Today, just 33 years later, the budget has grown to over $265 billion, and simple arithmetic tells me that is an increase of 2,650 percent. Simple commonsense tells me that is far too much, even allowing for factors like inflation, rise in gross national product and so on.

One of the principal causes of this rapid rise in governmental spending, as we all now hopefully realize, has been our piecemeal approach to appropriating Federal funds. Bills are constantly slipping through Congress which add billions or millions to Federal outlays, but which are never related to the overall budget. Spend $10 million here, $3 billion there, without ever adding it up until it is too late, and the inevitable result will be deficits running into the billions of dollars. While the executive branch has been responsible for its share of the huge budget deficits which have splashed red ink all over the Government's ledgers, Congress has done more than its share to help.

The Budget Control and Impoundment Act, H.R. 7130, under consideration today goes a long way toward redressing the budgetary problems which have plagued the Congress for so long. By considering the budget taken as a whole, rather than as a disjointed set of little parts, we can truly set budgetary priorities as we see fit within an overall limit.

This measure is important because it restores to the Congress the job of drawing up a budget. In recent years, the President's Office of Management and Budget has had far more to do with setting budgetary priorities than those of us on the Hill. We have been in the habit of operating generally within the parameters set by the Executive. The new Budget Committees of the House and the Senate will at last take on the responsibility of developing an overall budget plan, and place the Congress in the driver's seat. This is a development which cannot help but have profound effects on the creation of the Federal budget.

As we vote on this bill today, we should note that it is, like all measures which finally win passage in the House, a compromise. It is not as strict in its provisions to limit Federal spending to a predetermined level as an earlier version nor as strict as I would have wished. Perhaps most importantly, we should note that this bill simply gives us the tools with which we can at last bring Federal spending under control. It does not provide us with the will to set reasonable limits on the overall level of spending; only firm resolve among the Members of the House as the years go by can do that. It does not prohibit future budget deficits, it merely assures that we will go from black ink to red ink with our eyes open, fully cognizant of what is taking place. When this measure becomes law, we shall have the instruments to bring fiscal sanity to the budget making process. But these instruments cannot work unless we make them work. And the taxpayers will suffer until we do.

I hope that passage of this budget control measure will serve as a reminder to all of us of the responsibility we bear for spending the taxpayer's hard-earned dollar wisely and carefully. I hope that it will provide the impetus for a growing realization that deficit spending only harms the economy over the long haul, by stimulating inflation. We must recognize that we can squeeze only so much out of the beleaguered taxpayer, no matter how much good we think we are doing for him.

The reform of the budget-making procedure before us today is an excellent first step. The degree to which it will succeed depends on the manner in which we implement it. But I am happy to say that a victory in the long battle to bring under control the deeply ingrained compulsion of the Federal Government to spend with careless abandon may finally be in sight.

Mr. FRENZEL. Mr. Chairman, in a session loaded with significant decisions, our vote on the budget procedure bill may be the most significant. The War Powers Act was important; our energy bills are important; our executive-legislative confrontations on impoundment and Southeast Asia policy have been important; the expected reorganization of our jurisdiction and procedures is also important.

Nevertheless, perhaps the most important defect in our operations, and the one we ourselves acknowledge almost unanimously, is our inability to control spending processes. Even those of our number who object most vehemently to impoundments understand that we have invited, and even encouraged, impoundments because of our inability to make priority decisions ourselves.

Like most pieces of important legislation, this bill is neither perfect nor my own personal first choice. It does, however, offer some promise of enabling us to get a firmer hold on our own processes.

It can stand some amendment. However, it should be passed. Even if it does not give us all to which we aspire, it will mark an abrupt change of course for this House. Passage of H.R. 7130 will mark House determination to make its own decisions rather than to be a continuous reactor to the executive branch. It is with great hope that I recommend the passage of H.R. 7130.

Mr. DAN DANIEL. Mr. Chairman, it appears to me, as we consider this bill to effect budget and impoundment control we are, as the saying goes, "a day late and a dollar short."

A "day late," in that we should have taken action to restrict Federal expenditures 25 years ago, for we have tossed around the dollars extracted from the taxpayer for a quarter of a century now as though we were drawing them from a bottomless well, when in truth we were extracting their economic life's blood.

A "dollar short," in that we have spent beyond our means for so long we have virtually exhausted the taxpayers' ability to absorb more burden and our governmental credit resources have been seriously impaired.

And this is a matter which concerns me deeply.

You can no more separate government and the economy than you can the obverse and inverse sides of a quarter and still maintain the coin of the realm.

I do not fully subscribe to Calvin Coolidge's statement that the "business of America is business." His remarks have often been taken out of context, but the truth remains that the society and government structure which we have developed in order to serve our more than 200,000,000 people requires a great deal of money. We are flirting with catastrophe if we ignore the fact that the only money our Government spends is that which it first extracts from the taxpayers.

Since tax collections from both business and individuals to a large extent depends upon a prosperous business climate, the correlation is obvious.

Our governmental spending plans are developed on the same principles as a manufacturer or merchant. These principles are growth and expansion. And the prime example of this—from the Government's standpoint—is the trust fund which supports social security payments. Benefits do not now bear the same direct relationship to contributions that was the case when social security was first instituted. Money in the trust fund has long since been invested and used and reused for other governmental activities, and reimbursement of these funds comes from current tax collections. While the fund is solvent, the promise of continuing solvency is based upon how well we prosper economically as a nation.

This is the point we must keep foremost in mind as we devise legislation which is so directly affected by our economy. We see evidences of a slowdown in production in some areas, caused by shortages of energy and other essential ingredients. This inevitably will mean a reduction in employment and a corresponding decrease in tax revenue, both from the industries and the people they employ. The fundamental fact is that the bedrock of our economic structure is the business of producing and employing—

and the success of the Government's fiscal stability is either continuing high tax collections or retrenchment in services to the people.

We are now being told that the budget may show a slight surplus this year—mainly due to taxes levied on earnings created by inflation. No one has the nerve to tell the Nation that this income has already been subjected to a "tax" imposed by the lowered purchasing power of those dollars. So the taxpayer pays twice, and he pays for shoddy and inept services he may not have wanted in the first place.

Now it is rumored the President will submit a $290 billion budget next January. And most of the increase in this request will represent inflation.

So the tigers chase each other round and round—taxes/inflation—inflation/taxes. Unlike the little boy in the children's story, what we will have is not butter for our pancakes, but a royal mess for future generations to clean up.

When you pile shortages which could have been foreseen on top of those which could not, then add Government policies which restrict business and industrial expansion which is vital to the creation of jobs and reduction of prices to the consumer, and compound the situation by additional taxation, further public borrowing, or both, it is little wonder the American public is fed up to the teeth with anything it hears out of Washington and doubts the word of any elected official.

We are being told by economists and others whose business it is to forecast our future development that we are in for a period of no-growth, or possibly recession.

And some use even stronger language. In any event, if there is no reason at this point with the shortage of energy and of other vital raw materials staring us in the face to believe otherwise—then the maneuvering in advance of passage to allow for manipulation of procedures so that more and more money can be spent is the rankest sort of affront to the intelligence of the American taxpayer.

There is ample reason for Federal expenditures in some areas, but until the Members of Congress examine every spending proposal in the light of whether it is necessary—not desirable, necessary—we will continue to have the same financial difficulties we now have, with two differences. There will not be any money left to pay for them, and we will have totally exhausted the good will of the people of this Nation.

Mr. ANNUNZIO. Mr. Chairman, in the past year, we in the House of Representatives have expended much time, discussion, and effort in pursuit of measures to improve the congressional budget process. Our efforts have been rewarded in the form of H.R. 7130, the Budget Control Act of 1973. I believe that this measure represents a solid move toward more effective congressional consideration of budget matters. For that reason, I support it, and urge my colleagues to do likewise.

Probably the most frustrating element of the congressional budget process as it now stands is our inability to get an overview of budget totals, to assess the aggregate impact of our appropriations and to relate Federal spending and tax policy to economic conditions. These deficiencies have been largely responsible for our almost continuous Federal deficits over the last two decades.

In addition, we have gotten ourselves into a situation where spending originates in several different ways and in many different committees with no means of assuring centralized control. I fear we are like the father who has given credit cards bearing his name not only to his wife and children, but to friends and relatives as well.

The Budget Control Act would provide mechanisms with which Congress can take a big step toward controlling its expenditures. Congress would be expected to review aggregate economic conditions, and to assess its previous commitments before passing judgement on a budget for a coming fiscal year. And to reenforce its own fiscal responsibility, Congress would be required to establish overall budgetary goals before deciding how its expenditures would be allocated. Mechanisms are also provided by which all appropriation measures would be considered together before receiving final congressional passage. Hence, the Budget Control Act would go a long way toward assuring fiscal responsibility in Congress.

One other aspect of the bill deserves mention. H.R. 7130 would also reaffirm and strengthen the impoundment action taken earlier this year. Congress would be assured of a say in the matter of budgetary reserves.

The Budget Control Act of 1973 comes to us as the product of a yearlong effort of many dedicated Members of Congress. They have considered countless possibilities and suggestions for budget reform. They have compromised when circumstances demanded, and have refused to compromise when the effectiveness of their reform proposals was at stake. They have come to us with a bill which would decisively move us in the direction of more reasonable conduct of our budgetary responsibilities. I believe that we must act as decisively in affirming their conclusions.

Mr. MOORHEAD of California. Mr. Chairman, as a Member of the 93d Club which early in this session formally took a position in favor of congressional budgetary reform, I rise in support of H.R. 7130.

My remarks are brief because, Mr. Chairman, the need for this legislation can be simply stated. For too many years, the Congress has abdicated its constitutional responsibility to oversee in a responsible manner the Nation's budgetary process. We make absolutely no decision as to whether or not there will be a balanced or unbalanced budget. We make no distinction between raising taxes or allowing the Government to operate at a deficit. We fail to consider whether the operations of the Government are to be deflationary or inflationary. We simply appropriate bill after bill, with little regard for overall spending priorities.

Mr. Chairman, this blindman's approach to fiscal matters has brought rise to several serious problems and has aggravated others. How can we hope to successfully meet problems such as pollution and the energy crisis unless we can exercise some control over the Nation's purse strings? Every housewife knows from personal experience that she cannot spend more money on groceries and home goods than the family budget will allow. Why should the Congress escape the basic dictates of common sense?

The time has come for the Congress to set its own fiscal house in order. This legislation will be a dramatic step towards this end.

The House Committee on the Budget which will be created by H.R. 7130 will have the authority to resolve the wide-ranging fiscal questions which Congress has in the past ignored. The committee will report at least two concurrent resolutions dealing with budget authority, total outlays, public debt, Federal revenues, and surplus or deficit during each session of Congress. These resolutions will provide Members of Congress with a comprehensive view of the appropriations process, something which has been tragically missing up to this time.

Mr. Chairman, I feel very strongly that the Congress must make a special effort to earn the trust and respect of the American people. By adopting this legislation to establish a system of budget management, and allocating the taxpayers' money in a responsible manner this Congress will have made a giant stride towards the fulfillment of this goal.

Mr. LUJAN. Mr. Chairman, I stand here today to vocally support passage of the budgetary control bill now before the House. This is legislation that is long overdue. I am happy that this bill will force the Congress to operate the Government like any normal and successful business with a budget report showing on one side the income and on the other the outgo and remain within that budget.

When I first came to Congress I was alarmed that there was no mechanism that controlled the Nation's budget. I was soon to learn that most of the ills of this country could be aimed directly at the lack of responsibility of the Congress and its haphazard way of conducting the country's spending habits.

Mr. Chairman, in 1917 this Nation's budget hit the $2 billion mark. At the end of World War II it was $100 billion and today it is $268.7 billion. The estimated budget for 1975 is estimated to be about $312 billion, or more than triple that of 1945. And a little more than the $22.7 billion in 1945 went for national defense.

There is no reason for this kind of irresponsible spending by Congress. No wonder the American people are asking themselves, "When is Congress going to act responsibly to the fiscal needs of the country?"

This legislation is setting up for the first time a method of fiscal responsibility by which we can intelligently assess the income and outgo of our dollars. Every family must act this way to stay financially solvent as must every business. The family and business that fails to so do sooner or later goes bankrupt.

There is a solution to this problem and the answer lies in the forthright determination of Congress to act fiscally responsible in all spending matters that come before us. For more than four decades we have been spending beyond our means. During this span of time, Congress kept approving higher and more costly subsidies, giving more and more of the people's resources in the name of social progress and spending billions upon billions of taxpayers' money to countries abroad for the sake of friendship.

Now the heavy-burdened American taxpayer is tired of it all and is simply asking us to help solve some of the fiscal problems; problems that we have created for him by wasteful neglect throughout these years.

Mr. Chairman, I submit that this budgetary control bill before us now is the first step in the right direction. A giant step, indeed.

Thank you.

Mr. PRITCHARD. Mr. Chairman, the present search for improved budgetary methods in Congress has been stimulated by the controversy over national priorities, the impoundment of funds, budget deficits, and the prospect of even higher taxes. The 1973 "battle of the budget" has brought new urgency to the long-developing awareness that the congressional procedures for controlling expenditures must be overhauled.

Federal budgetary experts, both inside and outside of Government, have spoken of the need for reform of the budget process in Congress. While they do not all agree as to the problems or the needed remedies, they are unanimous in their conviction that Congress can continue in its fragmented ways only at the risk of losing effective control of the purse.

There are several "danger signals" which point to the need of reforming the present system. Over 75 percent of the Federal budget is uncontrollable and only about 44 percent of the budget is even subject to the congressional appropriations process. Not a single 1974 appropriations bill was enacted before fiscal year 1974 began—which means that the Federal Government operates by continuing resolutions. Many eyebrows are raised when taxpayers realize that the budget has been in deficit in 16 of the last 20 years and that the total Federal debt has increased about $200 billion in the last 20 years.

At stake is the constitutional role of the Congress as the guardian of the Treasury. Article I, section 9, of the Constitution clearly assigns the spending power to the Congress:

> No money shall be drawn from the Treasury, but in consequence of appropriations made by law.

Ours is a Government of shared powers, with the cooperative action of both the legislative and executive branches required for the proper conduct of Government. The spending of money is a two-stage process involving both branches. First comes the appropriation of funds by Congress, and only afterwards their expenditure by the executive. It was the intent of the Founding Fathers, as evidenced by the Federalist Papers and other historic documents, that all expenditures be pursuant to and in accord with appropriations.

The budget issue involves much more than which branch of Government will prevail in this year's budget confrontation—it involves the possibility of higher taxes and more deficit spending. The burden of Federal taxpayers has multiplied 100-fold from $2 billion in 1933 to almost $250 billion in 1973. Yet, income and social security tax revenues have not matched the rise in spending. As a consequence, the public debt has ballooned at an astounding rate. Total debt was approximately $1 billion at the turn of the century—now it is almost 500 times higher. Deficit financing has become a way of life in Federal budgeting. In 37 of the past 54 years, there has been a budget deficit.

The proposed Budget and Impoundment Control Act of 1973 (H.R. 7130) marks a turning point in the Federal budget process. Title I of the bill provides for the adoption each year of a congressional budget, including a determination of the appropriate levels of revenues, expenditures, and budget surplus or deficit. Title II establishes a legislative procedure whereby either House of Congress can end an impoundment by passage of a privileged resolution.

The bill before us equips Congress with three new institutional resources—House and Senate Budget Committees, as well as a Legislative Budget Office—and also gives additional time, by means of a revised fiscal calendar, for the adoption of a congressional budget.

Each fiscal year, the House Budget Committee would report to the House floor a preliminary and final resolution setting a ceiling on total Federal expenditures. Within that ceiling there would be separate ceilings for functional categories. A functional category is determined by similarity of appropriation use. There are now 14 such categories. For example, all appropriations relating to the State Department would fall into the functional category of international affairs and finance. Such a mechanism would allow an equitable distribution of limited Federal funds to various programs, and yet insure that the taxpayer will not face another tax increase or tax surcharge.

The proposal addresses a major dilemma facing Congress: how to match Federal revenues with Federal expenditures. The bill does so without creating a huge bureaucracy within Congress to match the thousands of budget analysts in the Office of Management and Budget and the agencies. Also, the bill preserves the prerogative of the President to submit his budget proposal to Congress. Most importantly, this legislation equips the Congress with the machinery to set an annual ceiling on Federal expenditures.

Mr. Chairman, I urge the House to adopt the committee's bill.

Mr. ZWACH. Mr. Chairman, I rise in support of H.R. 7130. This is a proud day for the House of Representatives. That is because finally we are not shouting about rights of the House but basically we are speaking about responsibilities of the House under the Constitution. Our Founding Fathers expected that we as men of stature would also assume the full weight of responsibility and do our share to keep the budget and the country fiscally sound. The job of appropriating funds is easy and pleasant. The job of exercising restraint and fiscal soundness is difficult and often unpopular. Today we are speaking to the difficult part of being a responsible Congressman. That is why this is a red letter day in this historic body.

Mr. DRINAN. Mr. Chairman, it is with reluctance that I express my opposition to H.R. 7130, the Budget and Impoundment Control Act of 1973.

I have followed this matter intensively and over a long period of time. My objection to this bill goes to the fundamental way in which the House of Representatives has organized itself. I have come to the conviction that the enactment of the new proposed budget system would in effect worsen the already objectionable features of the House by which the 55-person Appropriations Committee has power to make monetary decisions and establish priorities in a way which denies this fundamental right of a Member of Congress to me and to any person not on the Appropriations Committee.

Common Cause testified before the House Select Committee on Committees that the creation of a Budget Committee should be accompanied by the elimination of the Appropriations Committee. The AFL–CIO testified in a similiar vein.

Learned spokesmen for the Brookings Institution proposed a 2-year advance appropriations process by which the authorizing committees would be combined with the Appropriations Committee.

I find none of these objectives, in my judgment very commendable, written into H.R. 7130.

It is significant that this particular bill arose out of the establishment of a Joint Study Committee which was composed of the 14 senior members of the House Ways and Means Committee and of the House Appropriations Committee. This particular Joint Study Committee on Budget Control was established as an alternative to approving a $250 billion spending ceiling for fiscal year 1973 urgently recommended by the Nixon administration and actually agreed to, without my vote, by the House of Representatives.

The original approach therefore of the committee from which ultimately H.R. 7130 emerged was to put a ceiling on Federal expenditures and to thereby protect the Members of Congress from allegations that they were "fiscally irresponsible."

As commendable as is the objective of cutting down on Federal expenditures it should not be done in my judgment in the way in which H.R. 7130 proposed.

Several outside organizations including the United Auto Workers—UAW—have expressed the most serious reservations with the bill H.R. 7130. Their reservations center on the fact that the congressional budget process which is established by this bill does not appear to have as its objective the meeting of human needs in terms of social programs. The assumption seems to be that the overall and principal purpose of the new budget committee is to cut down on Federal expenditures or at least not to allow them to go up in any significant way.

Among my major objections to this bill are the following:

First. The provision that five members of the Ways and Means Committee and an additional five members of the Appropriations Committee make up 10 of the 23 members of this new budget control committee obviously tightens the grip of conservatives on the entire processes of the House. In addition, this new budget committee would be predetermined in some of its orientation because they would accept the basic functional categories in the President's program as the basis on which they would establish their own spending priorities.

Second. H.R. 7130 seems in my judgment to reverse the thrust of congressional reform. The reform of the House has meant that all members—not merely senior members or members of the Appropriations and Ways and Means Committees—have an equal right to exercise their judgment on the fundamental priorities to be pursued by the Congress. The establishment of a superbudget control committee dominated by only two committees of the House would weaken the vote of each member and to that extent would be antagonistic to the basic thrust of congressional reform.

Third. The time frame in which H.R. 7130 stipulates that the final decision on budgeting will be arrived at places all of the members under severe pressure to approve appropriations bills and the resolutions of the budget committee. Even in the present situation it is very difficult and almost impossible to add to or subtract from an appropriations bill when it comes to the floor. When these appropriations bills have been funneled through the process provided in H.R. 7130 the vote of all of the Members of Congress except the 23 on the budget committee will to some extent be a rubber stamp. Even now it is very difficult if not impossible to discover the priorities on which some of the 13 subcommittees of the Appropriations Committee operate.

Fourth. Forty-four percent of the 1974 fiscal year budget is included in items considered by appropriations bills. The remaining 56 percent of the Federal budget is allotted through programs which are funded without going through the appropriations process.

Those in favor of H.R. 7130 use the pejorative term of "backdoor" spending to categorize the 56 percent of those funds which Congress has authorized to provide specified payment levels established by legislation which is binding on the Federal Government.

H.R. 7130 would by fiscal year 1978 bring all of this allegedly "backdoor" spending under the jurisdiction of the Appropriations Committee. By the provisions of H.R. 7130, in other words, the Appropriations Committee is in effect denying to the Members of the House the right to fund a program over a period of time and to obligate the credit of the Federal Government for worthwhile social or human purposes. I am opposed to the Appropriations Committee's having the ultimate say as to how the House will spend the money which it authorizes.

Fifth. It is alleged that H.R. 7130 is designed to coordinate the tax and expenditure policies of the Congress. I have been urging such a coordination ever since I became a Member of Congress. The fact is, however, that both the House Ways and Means Committee and the House Appropriations Committee are now required to report at the end of each fiscal year how much they have appropriated and how much they have raised by taxation.

I cannot find out why these committees do not make known this information in an effective way and make recommendations as to how the tax structure may be altered so that the budget may be balanced. There is no need in my judgment to have a superelite budget committee in order to bring about that coordination and balanced budget, the formulation of which is now already the duty of these two committees along with other relevant committees of the House.

PROVISIONS AGAINST IMPOUNDMENT

Ever since I became a Member of Congress I have been stating and writing that impoundment may not be done by any President. I have even gone so far as to suggest that the large number of impoundments ordered by the Nixon administration may be not merely illegal but may constitute an impeachable offense.

I object, however, to the provisions on impoundment in H.R. 7130 because in effect they concede that the President under certain circumstances has the power to impound. I am of course fully aware of the statutory power of a President to rescind those expenditures the objectives of which can no longer be obtained or should not be pursued by a particular appropriation. Statutory law enacted by the Congress already provides for such a contingency.

I am, however, opposed to the provisions of H.R. 7130 which would permit a President to impound so long as he reports this fact to the Congress and neither House within the period specified in the bill de-impounds the particular expenditure.

In addition to being opposed in principle to this concession to the President, I am also opposed to the way that H.R. 7130 would provide for this particular new power granted to the President. The President reports to the Appropriations Committee and that committee may or may not bring action to set aside the impoundment. There is no provision as I read the bill and the report that would permit a Member of Congress who is not a member of the Appropriations Committee to find out in any convenient way how many impoundments the President had mandated and how many the Appropriations Committee sets aside or for what reasons the Appropriations Committee moved for this deimpounding.

In short, with great reluctance I vote against the Budget and Impoundment Control Act of 1973. At the same time I commend all of those who worked on this bill and hope that the laudable objectives of fiscal responsibility and equitable taxation will be pursued diligently by the leaders and all of the Members of the Congress.

Mrs. **HECKLER** of Massachusetts. Mr. Chairman, the Budget and Impoundment Act of 1973 is one of the most significant pieces of legislation that has ever been considered by the Congress. Not only does it effect fundamental changes in the way in which we in Congress do our business, but also it will indirectly affect the impact of Government on every citizen in the country.

The budgetmaking process is the heart of Government, because through the allocation of money, we decide what the priorities are for Government action. All decisions on what activities Government will undertake in reality come down to choices of what programs we will spend money on, and in what amounts.

Everyone knows that over the past years Congress has abdicated its responsibility for making these decisions. Into this vacuum has stepped the executive branch of Government, thereby taking unto itself the only real power that Congress has under the Constitution—the power of the purse. The effect on the checks and balances between branches of Government of this abdication has been more profound than any formally passed constitutional amendment. There is no way to deny that Congress has been a junior partner in the conduct of Government for over three decades.

Today, however, we have an opportunity to reverse this trend. Enactment of the Budget and Impoundment Act would provide for the first time that Congress will give formal consideration to the budget as a total figure. For the first time, there would be formal coordination between the revenue-raising and appropriations committees in Congress. For the first time, the various components of appropriations legislation would be considered as parts of a whole rather than simply as independent pieces. For the first time, a logical timetable would be established for considering authorizations before appropriations. For the first time, Congress will consider the larger picture, instead of the narrower focus which has traditionally characterized our allocation of funds.

Passage of this legislation would put Congress on an equal footing—again for the first time—with the executive branch in the question of impoundments, which have so bedeviled Congress over the past several years. Reform of our internal budgetmaking procedures cannot have its proper effect without insuring that the product of this new process will not be ignored or frustrated by the executive fiat.

Of course, the reassertion of power brings with it a reassumption of responsibility. If we in the Congress are to exercise true control over the Federal budget, we must also be prepared to take on the full responsibility for the wisdom of our decisions. No longer will Congress have the luxury of sloughing off the blame for mistakes or bad judgements. We must have a greater dedication to good Government, and insist on the funding of good programs, the determination of national priorities and the elimination of waste.

Mr. HANNA. Mr. Chairman, our consideration of the Budget and Impoundment Control Act of 1973 marks a further step in this Congress efforts to restore the constitutional balance between itself and the executive branch. Earlier this session, we passed legislation which brought an end to the war in Indochina, which attempted to reverse the President's usurpation of authority with regard to impoundments, and which limited the President's warmaking powers as set forth in the Constitution.

But none of these steps reflected as deep a commitment to constitutional reform as do the efforts which have brought this bill before us today. For all of our earlier actions returning power to Congress have been directed at the Executive: He was told to stop bombing, he was told to stop impounding, and he was told to stop committing U.S. forces without congressional approval.

Today, in contrast, our efforts at restoring the constitutional balance are directed at reform of ourselves. Because internal reform is always institutionally the most painful and always intellectually the most difficult, reform of the congressional budgetary system must be regarded as yet the clearest indication of the Congress commitment to returning to fundamental precepts of the apportionment power within our constitutional system. Let all who witness our deliberations today know that the critical issue with which we are struggling is not merely the policy which is the outcome of power but rather the power to bring about a particular policy.

If the procedures which are ultimately developed pursuant to this legislation fulfill the intent of its creation, then no longer will a President be justified in chiding a Congress for its inability to view the budget as a whole. No longer will a President monopolize the necessary weighing of competing national priorities against each other. No longer will a President be able to distort the policies implicit in legislation by deciding to fully fund some programs while totally failing to fund others.

At the same time, however, that this legislation strengthens the position of Congress in setting overall national policy, it also brings with it the special burdens and responsibilities which that role necessitates. If the President can no longer criticize a Congress for its segmented view of national policy, then neither can a Congress excuse its own shortcomings on the grounds of its institutional disadvantages. If the President no longer monopolizes the ability to balance competing national priorities, then a Congress cannot totally shift the blame to him for a distortion of those priorities. And, if a President cannot unilaterally change legislative policy through impoundments, then a Congress must be on its special guard to recognize not only the ultimate limitations on its ability to spend but also the clear limitations on the Federal Government's ability to borrow.

Consideration of this legislation should also cause us to take a candid look at the past and to recognize how long and tardy a process it was which brought us to this day. It is not merely the fact that our existing institutions have grown heavy with age, but, more importantly, they were created for far different purposes than those which we have carelessly allowed the modern age to impose upon them. The Ways and Means Committee was established in 1789, the first year of our constitutional existence, when the principal source of Federal revenues was the tariff—accounting for more than 95 percent of Federal moneys. The Appropriations Committee was created in 1865, when expenditures for the Civil War brought the Federal Government's budget over $1 billion for the first time in its history.

Since the time that these two committees were first established, the following events have taken place: The industrial revolution, the institution of the income tax, two world wars, the social revolution brought about by the New Deal, the atomic age, and the recognition of the Federal Government's overall responsibility for the economic well-being of our Nation. And yet the institutions remained the same. The blunt truth of the matter is that, in a sense, those of us who for so long have urged congressional reform owe a great debt to President Nixon. For his unprecedented use of budgetary power which he never had has had a greater impact upon our willingness to reform than did the industrial revolution or the World Wars. Now, finally, we may have come to the stunning truth which has for so long eluded us: that money-raising and money-spending must flow from a single unified policy approach.

Let us resolve now to make farsightedness rather than crisis be the harbinger of reform. Let us not again wait too long before surveying the economic landscape and making the necessary institutional adjustments to adequately deal with it. Let us be determined to make this healthy culmination of past reform efforts reflected in the Budget and Impoundment Control Act a spur to further reform efforts, so that Congress will be adequately prepared to deal with the new range of economic problems which the coming era most assuredly holds in store.

One of the major functions of the new budget committee established by this bill will be to provide the Congress with the realistic ability to contribute to the Nation's fiscal policy. The ultimate impact of the Federal budget which comes out of congressional deliberations should then be the result of planning rather than accident, of deliberation rather than luck.

The Banking and Currency Committee will, in the monetary area, hopefully fulfill a complementary role to that of this new budget committee. Therefore, with the passage of this bill, the committee structure in the Congress will more closely parallel the traditional tools for the management of our economy: fiscal policy and monetary policy.

We should not, however, rest easy with this accomplishment. For the economic challenges which lie ahead of us cannot be met simply through the application of traditional fiscal and monetary techniques. Inflation continues despite the fact that at our current rate of spending the Federal Government will run a surplus in the national income accounts of over $4 billion, and the State governments which receive more than $40 billion in Federal grants will also run a surplus of more than $10 billion. The presently tight monetary policy is obviously inadequate to deal with the pressures in the economy, since even if it were designed to counter a boom, it comes too late—for the boom is already over.

It is, therefore, obvious that we need to develop new economic tools. On November 15, I addressed this Chamber and said:

> Not since the depression have economic theory and analysis given such an inadequate explanation of what is going on in the world. Economists are at their best when they are giving us a rational explanation of an irrational past. They are acceptable when they are giving us an orderly explanation for a chaotic present. They are at their worst when they are giving us an assured projection for an uncertain future.

The reason is that the tools with which our trained economists are the most familiar are tools which assume the presence of basic commodities as part of the analysis. It is understandable that those trained to explain and plan our economy have made such an assumption—for the great social and economic challenge for the past 40 years has been to devise ways to equitably distribute an abundance of material goods.

But pricing, fiscal and monetary policy alone will no longer prove sufficient for charting the new economic landscape. Whereas the challenge of the past economic era was to manage an economy of abundance, the challenge of the new era will be to manage an economy of shortage, and to devise ways to equitably distribute the burdens of that shortage. Our present energy situation is only one of a number of commodity "crunches." In point of fact, our basic materials industries are now operating at more than 96 percent of their capacity—a higher figure than at any time since World War II. And this situation clearly requires an adjustment to our economic thinking.

This inevitable readjustment in economic thinking and management which is necessitated by the coming era should cause us in the Congress to continue our efforts at internal institutional reform so that we are capable of dealing with these profound changes. To be sure, the fiscal policies recommended by the proposed Budget Committee and the monetary policies recommended by the Committee on Banking and Currency will continue to be essential parts of congressional economic policymaking. But those parts will fail to produce a complete and well-rounded policy unless we also recognize that we must begin to take into account the interindustrial relationships of all sectors of the national economy.

At the same time that we concentrate on fiscal and monetary policies we must also create a framework which insures the continued progress of each of our great industrial sectors. That framework can only be created if we realistically measure and evaluate the outputs which we expect from these sectors and determine in advance what inputs of basic materials—including technology and manpower—will be needed to accomplish these goals.

In addition to a fiscal and monetary policy then, we need a steels policy, an energy policy, a food policy, and so on. Only by the development of these far-reaching sector-by-sector policies will we be able to meet the challenge of continuing progress in an economy of shortages.

We should, therefore, look at our reform efforts today not as a culmination, but as a stage in continuing reform. The economic challenges which force the kind of institutional reform embodied in the Budget and Impoundment Control Act of 1973 also force a continued evaluation of our institutional ability to adjust to the rest of our economic needs. Let us therefore not rest easy with the passage of this legislation. But let us, rather, recognize it as a step forward—and a progressive step forward—in what promises to be a long and difficult journey.

Mr. HARRINGTON. Mr. Chairman, I rise in opposition to H.R. 7130, the Budget and Impoundment Control Act of 1973. While it is difficult to argue with the concept of improved congressional control over the massive Federal budget, it is unfortunate that this bill accomplishes these goals in little but name.

Too often in the past I have found myself in the position of voting for legislation with which I had serious reservations and because in far too many cases such bills came before the House on a take-it-or-leave-it basis. Today, however, we consider a budget control bill which is so totally unworkable that even the valid need for fiscal responsibility should stampede none of us to its support.

H.R. 7130 is a bill whose time has come—and gone. Without intending to disparage the good faith efforts of the authors of this legislation, it is hard to avoid the conclusion that this legislation is a reaction to a political climate that ceased to be a reality months ago.

It does not seem to me that the answer to the need for better budget control is to be found in the rigorously structured system proposed in H.R. 7130, a system which would make the budget process in the House more unresponsive to the needs and conditions of our country than it already is. We cannot hope to impose an arbitrary formula upon a very complex system and expect it to work, for it will not.

The first question about any administrative reform has to be: Will it work? However, good the intention of any proposal, if it will not work when implemented, it will be a failure. But, how would the budget formulation process work under the legislation we are considering today?

By January 15, the President would have to submit his proposed budget to Congress. By March 1, the Appropriations, Ways and Means, Joint Economic and other committees would have to submit budget recommendations to the Budget Committees. By April 1, all authorizing legislation to be funded during the upcoming fiscal year must be approved. By May 1, Congress must approve the first concurrent resolution establishing a tentative congressional budget. Congress then has May, June and July to act on all appropriations bills, none of which can be considered on the floor unless all are complete and a summary report is available. By August 1, Congress must complete action on all 13 appropriations bills, holding any bill in excess of the targeted subceiling set out in the first concurrent resolution. By September 15, Congress must approve a second concurrent resolution revising or reaffirming the budget set out by the May 1 resolution, and if necessary directing the Ways and Means and/or Appropriations Committees to report out legislation reducing appropriations bills and/or raising additional revenues, and/or raising or lowering the national debt ceiling. By adjournment, Congress would be required to complete action on the final resolution and legislation necessary to bring about compliance with total revenue, debt, deficit, and spending totals and subtotals.

Now I ask you, Mr. Chairman, can any Member of this body really believe that such a schedule of events is at all realistic given the way in which this body works? It is not, and H.R. 7130, for all its good intentions, will not work.

This fault alone should be enough to defeat the proposal, but it is not all. When I compare my own sense of what the goals and means of budget control should be to what would actually be accomplished by this legislation, I find that H.R. 7130 may be a step in the wrong direction. For example, one of the more disturbing facets of the current budgetary process is that it is, in many ways, unrepresentative as a handful of Members now exercise authority over budgetary matters that is well in excess of their numerical proportions. Would H.R. 7130 make the budget process more representative?

The answer is, unfortunately, that it would not. In effect H.R. 7130 would increase the control of a few Members of Congress over the budgetary functions of the legislative branch, both in terms of the composition of the Budget Committee that is to be created, and in terms of the procedures that will be used. The net effect of these shortcomings will be to worsen the ability of the Congress to control the Federal budget vis-a-vis the executive branch.

One provision of H.R. 7130 requires that a majority of the Budget Committee be comprised of members of the Ways and Means and Appropriations Committees, and the party leaderships. The traditional authority of the party caucus system over committee membership would be dangerously eroded, raising the specter of a situation where a minority of the majority party and a majority of the minority party could combine forces and dominate the entire committee system of the House. In addition, the membership provisions of H.R. 7130 work toward excessive centralization of budget authority in the hands of a very few members, contrary to the democratic character of the House.

The procedures of H.R. 7130 will make it increasingly difficult for the Congress to be responsive to the changing needs of the country, as well as having the effect of frustrating congressional efforts to reorder the budget priorities laid down in the administration budget request. By locking the Congress into an ill-defined set of target ceilings, denying, in most instances, the opportunity to fund new authorizing legislation after the first few months of each session, and by cramming Congress into a rigorously paced budgetary structure, it is reasonable to expect that the Congress, for want of ample time and opportunity to do otherwise, will increasingly stick to the budgetary proposals already formulated by the executive branch.

The fact that the target ceilings are based on the functional categories of executive budget requests while the appropriations subcommittees correspond to these categories only in coincidental ways, means that only members of the Appropriations Committee—if even these individuals—and possibly the Director of the Legislative Budget Office, will have any idea of whether the target ceiling figures are in fact being met. To make matters worse, the requirement that all appropriations measures be held up for floor consideration until all are completed and a summary report is available, raises the likely prospect that all 13 appropriations bills, involving billions of dollars of public funds, will come in a mass to the House floor late in July, so that the House will have its back to the wall as far as meeting the August 1 deadline for completion of appropriations actions. I think it a matter of critical importance that the Congress have ample time to consider appropriations legislation—which even under our loose contemporary system we rarely have—but under H.R. 7130 the situation would be further exacerbated.

We have all witnessed the decline in the authority of Congress over critical governmental functions. H.R. 7130 would, in a sense, make matters worse, not better. During the consideration of the first concurrent resolution that sets target ceilings, the political pressure upon the Congress to "underbid" the executive branch would probably be irresistible.

This year alone we have seen the Senate underbid the President's budget ceiling by $700 million, and the House go both one better by cutting the ceiling an additional $900 million. The desire of most Members to avoid the tag of being "fiscally irresponsible" would make the possibility of a budget ceiling set higher than that proposed by the President most unlikely. This would enable a President to set an unreasonably low Federal budget—with most of the loss coming, as it almost always seems, to social programs—without any real fear of being challenged by Congress. What is more, at each step in the process Congress would again be exposed to a politically vulnerable situation. What would happen, I feel I should ask, if something analogous to the energy crisis happens 10 years hence, under the budget control system proposed by H.R. 7130? Would Congress be able to respond, as I expect we will in the very near future, by passing urgently needed multibillion-dollar energy research and development legislation? It would be very difficult. What about meeting a sudden drastic need for greater unemployment compensation—a need that might not be foreseen and that could not wait. How would we be able to deal with this sort of need that would throw all of the carefully constructed, intricate budget tables out of whack? So much for being "responsive." More than likely, the reality of our situation under these procedures would be to follow the lead of the Executive like placid and obeying lambs.

Time and time again I have taken the floor of this House to oppose what I view to be the remarkable deference of Congress to other parts of our Government—be it the President, or the Pentagon, or some other figure or institution wrongly held to be something akin to inviolate. To some degree now this deference is voluntary, but under the system of H.R. 7130 it would become a structured fact of life, probably inescapable. How could we, trapped in a lock-step budgetary process, reasonably hope to be able to substitute our judgment for that of the Executive when it comes to budgetary priorities? We will be far too obsessed with meeting the deadlines, timetables and schedules to be able to take time out to give hard, critical thought to what the realities of the country's needs are.

My essential point is that while we need budget reform, while we need to better monitor "backdoor" spending and tax expenditures—which, I might note, are not covered by this bill—these needs should not force us to rush into ill-considered and hasty action, however good the motivations. Our actions today take only a matter of hours, but we will have to live with their repercussions for years to come.

A great deal of genuine reform is needed within the Congress, but change for the sake of change is not reform by another name. We need to democratize our budgetary process. We need to make our budgetary process more responsive, not try to fit squares into circles. We need to be an equal partner with the executive branch, not a rubberstamp fifth wheel. Yes, we need budget reform and better budget control, but we do not need H.R. 7130.

The CHAIRMAN. If there are no further amendments to be offered, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. UDALL, Chairman of the Committee of the Whole House on the State of the Union, reported that this Committee having had under consideration the bill (H.R. 7130) to amend the Rules of the House of Representatives and the Senate to improve congressional control over budgetary outlay and receipt totals, to provide for a legislative budget director and staff, and for other purposes, pursuant to House Resolution 715, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BOLLING. Mr. Speaker, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 386, noes 23, not voting 24, as follows:

[Roll No. 631]

AYES—386

Abdnor
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Dorn
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Karth
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NOES—23

Abzug
Burton
Camp
Conyers
Davis, S.C.
Dingell
Drinan
Edwards, Calif.
Ford, William D.
Gonzalez
Gross
Harrington
Hébert
Kastenmeier
Landgrebe
Moss
Nedzi
Passman
Ryan
Stark
Steed
Teague, Tex.
Wilson, Charles H., Calif.

NOT VOTING—24

Bafalis
Blatnik
Burke, Calif.
Clawson, Del
Crane
Dellums
Diggs
Downing
Ford, Gerald R.
Fraser
Griffiths
Hansen, Wash.
Jordan
McSpadden
Macdonald
Mathias, Calif.
Mills, Ark.
Reid
Rogers
Roncallo, N.Y.
Rooney, N.Y.
Stokes
Veysey
Walsh

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. McSpadden for, with Mr. Dellums against.

Until further notice:

Mr. Rooney of New York with Mr. Gerald R. Ford.

Mr. Blatnik with Mrs. Burke of California.

Mr. Downing with Mr. Mathias of California.

Mrs. Hansen of Washington with Miss Jordan.

Mr. Macdonald with Mr. Stokes.

Mr. Diggs with Mr. Reid.

Mr. Rogers with Mr. Roncallo of New York.

Mr. Mills of Arkansas with Mr. Bafalis.

Mrs. Griffiths with Mr. Del Clawson.

Mr. Fraser with Mr. Crane.

The vote was announced as above recorded.

The title was amended so as to read: "A bill to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Office, to establish a procedure providing congressional control over the impoundment of funds by the executive branch, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed (H.R. 7130).

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERSONAL EXPLANATION

Mr. ROGERS. Mr. Speaker, on Wednesday, December 5, 1973, during rollcall No. 631, on the budget reform bill, I was present on the floor of the House and inserted my voting card at the appropriate time. I pushed the "aye" button and voted "aye" on final passage. The computer printout shows the card was inserted but for some reason the computer did not record my "aye" vote.

I ask unanimous consent that this statement appear in the RECORD immediately following the vote.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT ON FEDERAL FINANCING BANK

Mr. ULLMAN submitted the following conference report and statement on the bill (H.R. 5874) to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 93-700)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5874) to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with the following amendments:

Page 5 of the Senate engrossed amendment, strike out lines 11 to 22, inclusive, and insert: "of obligations issued or sold by any Federal agency; except that the approval of the Secretary of the Treasury shall not be required with respect to (A) obligations issued or sold pursuant to an Act of Congress which expressly prohibits any guarantee of such obligations by the United States, and (B) obligations issued or sold by the Farmers Home Administration."

Page 14 of the Senate engrossed amendment, after line 15, insert:

"PROGRAM LIMITATION

"SEC. 18. Nothing in this Act shall be construed as authorizing an increase in the amounts of obligations issued, sold, or guaranteed by any Federal agency which issues, sells, or guarantees obligations purchased by the Bank."

Page 14, line 17, of the Senate engrossed amendment, strike out "18" and insert: "19".

Page 14, line 23, of the Senate engrossed amendment, strike out "19" and insert: "20".

Page 15 of the Senate engrossed amendment, strike out lines 1 to 8, inclusive.

And the Senate agree to the same.

AL ULLMAN,
JAMES A. BURKE,
Mrs. GRIFFITHS,
H. T. SCHNEEBELI,
H. R. COLLIER,
Managers on the Part of the House.

JOHN SPARKMAN,
WILLIAM PROXMIRE,
HARRISON WILLIAMS,
THOMAS MCINTYRE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5874) to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text, and the House disagreed to the Senate amendment.

The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate and agree to such amendment with amendments.

The differences between the House bill, the Senate amendment thereto, and the aemndments to the Senate amendment agreed to in conference are noted below, except for clerical changes made necessary by reason of agreements reached by the conference.

PRIOR APPROVAL OF FINANCING PLANS

(*a*) *Federally guaranteed obligations.*—Both the bill as passed by the House and the Senate amendment provide for prior approval by the Secretary of the Treasury of the financing plans for certain financing transactions of Federal agencies. The House bill limits the prior approval requirement to obligations *issued* or *sold* by any Federal agency, and does not require prior approval for obligations *guaranteed* by any Federal agency.

The Senate amendment requires prior Treasury approval of financing plans for obligations issued, sold, or *guaranteed* by any Federal agency.

Under the action recommended in the accompanying conference report, prior approval is required only in the case of obligations issued or sold.

(b) *Exemptions.*—The bill as passed by the House exempts from the prior approval requirement obligations issued or sold pursuant to an Act of Congress which expressly prohibits any guarantee of such obligations by the United States. The Senate amendment retains this exemption but adds two new exemptions:

(1) an exemption for obligations guaranteed in connection with programs involving the guarantee of large numbers of individual obligations which are originated and serviced by local lending institutions and which are not ordinarily bought and sold in the same markets as bonds and other similar types of investment securities, and

(2) an exemption for obligations issued or sold by the Farmers Home Administration.

Under the action recommended in the accompanying conference report, the prior approval requirement does not apply to—

(1) obligations issued or sold pursuant to an Act of Congress which expressly prohibits any guarantee of such obligations by the United States (that is, obligations issued or sold by the Tennessee Valley Authority), and

(2) obligations issued or sold by the Farmers Home Administration.

(c) *Time for Treasury approval.*—The bill as passed by the House provides that the Secretary of the Treasury shall not withhold approval of Federal agency financing plans for more than 120 days, unless within that period he submits to Congress a detailed explanation of his reasons for so doing. The Senate amendment provides that the Secretary of the Treasury may withhold approval for only 60 days without submitting to Congress a detailed explanation of the reasons for so doing. The Senate amendment also provides that, in any case, the Secretary may not withhold approval for more than 120 days.

The action recommended in the accompanying conference report contains the provisions of the Senate amendment in this regard rather than the provisions of the House bill.

(*d*) *Withholding of approval may not be disproportionately detrimental to any particular type of Federal program.*—The Senate amendment contains a provision (not in the House bill) stating that, to the maximum extent practicable, withholdings of approval are to be made in a manner which is not disproportionately detrimental to the functioning of any particular type of Federal program.

Under the action recommended in the accompanying conference report, this additional provision is included in the bill.

PROGRAM LIMITATION

Section 18 of the bill as passed the House provides that nothing in the bill was to be construed as authorizing an increase in the amount of obligations issued, sold, or guaranteed by any Federal agency which issues, sells, or guarantees obligations purchased by the Bank. The Senate amendment did not contain this provision. Under the action recommended in the accompanying conference report, this provision is retained in the bill.

DOMESTIC SALE OF GOLD

The Senate amendment adds a new section at the end of the bill declaring it to be the sense of the Congress that the United Sates should take the necessary measures (including appropriate international measures) to enable it to sell gold from its gold stocks to licensed domestic users, at such times and under such conditions as may be desirable, taking into account international circumstances, to stabilize domestic gold markets and improve our balance of payments. The bill as passed the House did not contain this provision.

Under the action recommended in the accompanying conference report, this provision is omitted from the bill.

AL ULLMAN,
JAMES A. BURKE,
MRS. GRIFFITHS,
H. T. SCHNEEBELI,
H. R. COLLIER,
Managers on the Part of the House.
JOHN SPARKMAN,
WILLIAM PROXMIRE,
HARRISON WILLIAMS,
THOMAS MCINTYRE,
Managers on the Part of the Senate.

WAYNE FIRE SHOWS NEED FOR FEDERAL INSURANCE FOR SPRINKLER LOANS

(Mr. HICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HICKS. Mr. Speaker, in late October, the Special Studies Subcommittee of the Government Operations Committee of which I am chairman, held 3 days of hearings on fire safety for the elderly. We were particularly concerned with reducing multiple-death fires in nursing homes. For the past 5 years, multiple death nursing home fires have caused an average of 30 deaths annually compared with a 20 year average of 25 fatalities per year. This growing figure, attributable in part to the fact that more of our elderly are in these institutions, is clear evidence that nursing homes should provide residents with a safer place to spend their days.

The October hearing was triggered by a nursing home fire in Philadelphia in September which took 11 lives. As in other tragedies of this type, the home did not have an automatic sprinkler system to extinguish fires before they spread; to our knowledge, no multiple-death fires have occurred in institutions with sprinkler systems. Yesterday another nursing home fire took place in Wayne, a suburb west of Philadelphia. The four-story stone structure had 97 of its 100 beds occupied at the time of the fire. Nine people died and a large number were taken to the hospital. It had no sprinkler system though required to install one last summer.

I call the attention of the House to this latest tragedy to remind it of the recommendations contained in the 1972 Government Operations Committee report "Saving Lives in Nursing Home Fires." It recommended that nursing homes, regardless of construction, be equipped with automatic sprinkler systems in order to qualify for Federal payments of any kind. Average installation costs of sprinkler systems are about $300 per bed, according to the Social Security Administration. Recognizing the financial burden on the houses, the report also recommended that there be Federal insurance provided on long-term loans for installation of sprinkler systems. These recent fires emphasize the need to act on this recommendation.

The Senate on November 30, 1973 passed S. 513 which amends section 232 of the National Housing Act to authorize the Secretary of Housing and Urban Development to make such loans for amounts, rates and maturities as he determines proper. This bill has been referred to the Committee on Banking and Currency which had before it in the last Congress a somewhat similar provision as part of an omnibus housing bill. I respectfully suggest that it act on S. 513 without waiting to report out an omnibus housing bill. Only action by the Congress can end the passing of the buck between the States and the Federal Government as to who is responsible for these continuing and unnecessary deaths. It is not enough for Congress to require higher standards for nursing homes in order to qualify under medicare and medicaid; we should provide the necessary financial mechanism to permit the installation of sprinkler systems.

FARM BILL AMENDMENT

(Mr. ZWACH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZWACH. Mr. Speaker, I am today introducing legislation to amend the Agriculture and Consumer Protection Act of 1973. This legislation provides for adjustments of target prices for the 1974 through the 1977 crops of wheat and feed grains, in order to reflect changes in farm production costs, including taxes, wages, fuel oil, fertilizer, and interest increases.

The present law provides for the cost of production changes only for the 1976 and 1977 crops, and it is the intent of my amendment to make that provision applicable to the 1974 and 1975 crops as well. Under the present setup our producers will be forced to absorb all of the 1974 and 1975 increases in the cost of producing our Nation's fiber.

Recent years have seen drastic increases in the cost of producing food for our 210 million people. Production costs have more than doubled in the past 20 years, increasing 14 percent from 1953 to 1963, and 75 percent from 1953 to 1973. Farmer indebtedness has increased some 400 percent in the past 12 years alone, resulting in an estimated farm debt of 72 billion in 1973.

The cost of fertilizer has reached new highs. Preprice freeze wholesale levels rose to $75 a ton for phosphorus, $40 a ton for potash, and $71 a ton for nitrogen. With the going prices for phosphates and nitrogen mixes overseas averaging $20 to $30 a ton greater, shortages have already resulted. This spring's demand offers to be the greatest demand ever with the geared-up, no holds barred, increased production farm bill. Producers will have to pay extremely higher prices for fertilizer this spring, if they can buy it at all.

The same story holds true for fuel oil. Producers have seen tremendous increases in the cost of gasoline and diesel fuel over the last 20 years. Now with the ever-increasing shortage and large increases in demand due to increased tillable acreage and larger machinery, producers will be paying even more for their much-needed diesel fuel and gasoline.

The list of production cost factors that have increased to the producer is long. From 1954–73 interest payable per acre has increased 532 percent; taxes payable per acre are up 273 percent; wages for hired farm labor is up 142 percent; livestock is up 120 percent, and price of farm machinery has increased 106 percent over the last 20 years.

We cannot expect our agricultural producers, who are responsible for our Nation's first favorable balance of trade in 3 years, to take a loss on their operations while industrial and business sectors reap record profits.

For example, the 10 major oil companies averaged a net profit gain of 52.1 percent. Third quarter 1973 profits include a 91-percent increase for Gulf, an 80-percent increase for Exxon, a 64.1-percent increase for Mobil, and a 71.53-percent increase for Occidental Oil.

At the same time our producers continue to reinvest their small profits into newer and bigger machinery; spending more for seed, fuel, fertilizer, feedstock, and taxes, not to mention a high interest rate on any and all debts they have or may incur.

During the farm bill conference meeting between the House and Senate a compromise allowed an adjustment for the increases in the cost of production to be made on the target prices for the 1976 and 1977 crops.

It is imperative that we adjust the target price yearly in order to best represent a fair return for investment to our producers.

Mr. Speaker, there are only 2.8 million farms left in the United States, and the farm population now totals only 9.5 million people. Yet there are 210 million individuals in the United States, and countless millions abroad that now depend upon our producers for most of their food and fiber.

This ever-increasing cost of producing agricultural commodities is driving young producers from the land.

My legislation would make an adjustment to the $2.05 per bushel target on wheat and the $1.38 per bushel target on corn of the 1974 crop. If we wait until 1976 to make an adjustment we will undoubtedly lose additional producers and place an added burden on those that remain.

I intend to make this legislation an all-out effort to put food production on an equitable basis with the rest of our economy. By 1976 it will be too late.

LEGISLATION BANNING NONRETURNABLE BEVERAGE CONTAINERS

(Mr. VIGORITO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VIGORITO. Mr. Speaker, in recent months our country has realized that we as a nation must stop wasting our valuable natural resources. While we are discussing all kinds of ways to lessen the fuel shortage crunch, it is time that Congress thinks seriously of passing my bill, H.R. 2461, which bans the use of nonreturnable beverage containers in interstate commerce. I would like to remind my colleagues that I was the first Member of either House of Congress to ever introduce legislation dealing with the ban of throwaway beverage containers. On August 3, 1970, I introduced the first "bottle bill" in Congress. The bill was also reintroduced in the 92d and 93d Congresses.

While Congress has done nothing on the personal, two States, Oregon and Vermont have instituted laws dealing with the ban on nonreturnable bottles with great success.

We, as Members of Congress, are currently dealing with a very serious energy crisis; a crisis which demands the reuse of all material we manufacture to conserve energy. Recent studies show that the manufacturing of throwaway containers is a terrible waste of energy.

The studies indicate that more than 9 million people could be supplied with electricity for a whole year by the energy wasted during 1972 through use of throwaway containers rather than returnable bottles for soft drinks and beer.

It has been estimated that the energy wasted by the nonreturnable bottles and cans last year was the equivalent of about 1.7 billion gallons of gasoline—enough to operate nearly 1.7 million automobiles averaging 10 miles per gallon for an average driving year of 10,000 miles.

Studies show that a complete conversion to returnable bottles would reduce the demand for energy in the beverage industry by 55 percent without raising the price of soft drinks or beer to the consumer. In fact, it is clear that the price of soft drinks or beer would be reduced by this bill.

Finally, the fear of a huge job loss in the beverage industry by a change to returnable beverage containers has been unfounded. A study of the first 6 months of the effect of the Oregon bottle bill shows that the jobs lost in the beverage industry were more than made up in supermarkets where help was needed in taking care of the returnable bottles.

With the current fuel shortage staring us in the face, the time to act on my legislation to ban the sale of nonreturnable beverage containers is now. Congress must take quick action to stop the serious waste of energy in the beverage container industry.

NEED FOR AMTRAK GROWING

(Mr. STEELMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STEELMAN. Mr. Speaker, I feel that it is the consensus of opinion of both Congress and the President that our present energy crisis dictates that we develop alternate forms of transportation to the automobile as expeditiously as possible, The recent increase in demand for Amtrak's services indicates to me that the American public wants rail passenger service as one of these alternatives.

Mr. Speaker, there is a consistent pattern of thwarting the intent of Congress on the part of several of the member railroads and my investigation shows that this pattern extends beyond just isolated cases and indeed poses a major threat to the long-term, future success of rail passenger transportation in in this country.

As a Representative of the Fifth District of Texas, I am specifically concerned about an Amtrak line between Dallas and Houston which was contracted last February and was to have gone into operation this past June. As of this date, Amtrak and Southern Pacific are still negotiating and I have every reason to believe that we are now talking about months before this line will be operating.

I find this particularly disturbing because many people had planned to use this service for both business and vacation purposes and in addition, Dallas put $6 million into station facilities with the expectation that the line would be operating last summer.

I am also bringing this to your attention because of my concern that prolonged negotiations threaten to ruin Amtrak's reputation as a service that fulfills its announced timetable. This could well have a detrimental effect on Amtrak's ability to fulfill the congressional intent of profitability, both now and in the future cases. I also feel that it was clearly the intent of Congress in Public Law 93–146 that passenger service take priority over freight and I think it is now time for us to take a long, hard look at how this provision is or is not being carried out.

I will be reviewing this entire matter regularly and plan to keep my colleagues informed on the progress of Amtrak and participating railroads in carrying out congressional intent and ultimately in fulfilling their mandate of providing good passenger rail service to the American people.

In the meantime, as an indication of public support for passenger service I would like to bring to your attention an excellent editorial from the Dallas Times Herald of November 26:

Need for Amtrak Growing

Shortages of energy, especially as it affects transportation, appears certain to make one thing clear—the need for alternatives to automobiles for moving people.

Perhaps that need will become critical in the months ahead.

Texans, who have long had a love affair with the automobile, may now have to exhibit a different attitude.

If rationing of gasoline comes about, or even a ban on Sunday sales or Sunday driving, Texans will face very liimted alternatives to the family automobile for getting them about their business.

One alternative that's been talked about and urged by wise planners, but only mildly encouraged by the happy motoring public, is passenger trains.

In Texas there is but one passenger train, the "Texas Chief," that moves from Chicago to Forth Worth to Houston and one experimental Amtrak train from Fort Worth to San Antonio to Laredo.

The state's biggest traffic corridor, from Dallas to Houston, is thus far without passenger trains.

As the energy crisis forces us to look at alternative transportation to the automobile, the technical data makes the value of passenger trains abundantly clear.

For example, the average passenger miles per gallon for fuel for a jet plane is between 21 and 22. For an automobile it is approximately 32. It is 80 for a cross-country train and 200 for a suburban train with double decks.

Besides a savings on fuel, trains can offer—in the wake of rising prices for oil and gasoline—a more economical means of travel for the Texas family.

Texas citizens should unanimously demand the passenger train comeback.

NAVY URGED TO RESTUDY SHIP TRANSFER

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the article by Mrs. Virginia Weldon Kelly, which appeared on the editorial page of the Long Beach, Calif., Press-Telegram on Thursday, November 22, 1973, merits serious consideration because it concerns national defense and a significant portion of the ships of the U.S. Navy.

Mrs. Kelly quotes from the report of Representative Bob Sikes, Democrat, Florida, chairman of the Military Construction Subcommittee of the House Appropriations Committee, and his colleagues. They sternly admonish the Navy in reference to the proposed transfer of U.S. Navy ships from Long Beach, Calif., to San Diego. Representative Sikes and other highly respected Members of Congress have pointed out what they believe to be serious dangers in this plan.

Representative Sikes is one of the most experienced legislators in military matters whose judgment is known to be excellent. When he warns Americans, in a time of danger, intelligent people should give careful consideration to his views.

Mrs. Kelly is an experienced and respected journalist who has been a member of the Congressional Press Gallery for 25 years. She has lived in San Diego and Long Beach, and is the wife of Rear Adm. Thomas J. Kelly, U.S.N. (retired). She is deeply devoted to the U.S. Navy, and is acquainted not only with Members of Congress, but with high-ranking civilian and military officials in the Defense Department.

Mrs. Kelly was awarded the Navy's Meritorious Public Service Citation several years ago for her devotion to the officers and men of the U.S. Navy, their families, their widows, and orphans.

Mrs. Kelly's article follows:

Urge Navy To Restudy Ship Transfer

(By Virginia Kelly)

Washington.—A chorus of protests of the transfer of Navy ships from Long Beach to San Diego has not been entirely fruitless.

The transfer order may not be reversed, but Representatives Craig Hosmer and Glenn Anderson as well as Senator Alan Cranston are taking further steps to protest.

On Nov. 15, Anderson again wrote Defense Secretary James R. Schlesinger requesting that the transfer be stopped until the policy is completely restudied. Congressional sources believe that the GAO report on ship transfers should be completed in January.

The Defense and Navy departments have been obdurate in refusing to consider that they may be wrong. But Congressional anger and the worsening of the energy crisis at home and abroad should bring about a careful restudy of the U.S. defense posture. This view is held by some members of Congress in key positions on the Appropriations and Armed Services committees.

Rep. Bob Sikes, D.-Fla., chairman of the military construction subcommittee of the House Appropriations Committee, and the other subcommittee members have given a stinging rebuke to the U.S. Navy.

The report on the Military Construction Bill, released Nov. 13, contained this stern admonition:

"Because of testimony presented to the committee from various sources, serious reservations are held by the committee as to the advisability of carrying out the proposed move of these ships." (The report referred to the transfer of U.S. Navy ships from Long Beach to San Diego.)

The report continues: "It was pointed out time and again that the stationing of large numbers of ships at San Diego could well place in jeopardy the safety of those ships in time of emergency. The length of the San Diego channel and the resulting delay and risk in movement of vessels was detailed. Apprehension also was expressed that a bridge across the channel could be felled by an adversary to effectively trap our naval vessels in the harbor.

"The committee recognizes the fact that base closures and base realignments are not within its sphere of authority. Nevertheless, the committee is not convinced the move of nuclear surface ships from Long Beach to San Diego is wise or economical. Therefore, the committee feels strongly that the Navy should restudy this proposal as to possible dangers, economic savings, and time factor data in connection with moving such ships to new combat stations."

The committee then ordered the Navy, in the event that the plans for ship transfers are changed, "to submit new plans for a pier at San Diego based on the actual requirements of the ships which will utilize its facilities.

"The committee does not expect the Navy to award a construction contract for this project until the Navy has certified that it will not pursue additional overseas homeporting, which will affect the need for this pier."

The last sentence quoted has significance in relation to the last issue of an official Navy publication, published by the Bureau of Naval Personnel, the "Retired Naval Personnel Newsletter," NavPers 15886. The headline is "Forward Deployment/Overseas Homeporting—Why?"

The news story states: "There are currently 12 forward deployment ports already in being or planned—six in the European area, one in the Middle East, and five in the Western Pacific. These include Athens, Greece; Gaeta, Italy; Holy Lock, Scotland; La Maddelena, Sardinia; Naples, Italy; Tota, Spain; Bahrein in the Persian Gulf; Guam; Sasebo, Japan; Subic Bay, the Philippines; Yokosuka, Japan; and an as yet undesignated Southwest Pacific port."

The Navy refuses to disclose the "forward deployment" port, but a study of the map shows the Marianas are a possible choice.

On Oct. 5, Senator Alan Cranston wrote Defense Secretary Schlesinger about his concern stemming from detailed reports of the homeporting of the carrier Midway in Yokosuka, Japan. Senator Cranston said that there had been a demonstration of 8,000 labor union members in Yokosuka (joined by 1,000 students in Tokyo) against the presence of the Midway.

A major source of criticism, Cranston said, "is the strong possibility that the Midway carries atomic weapons in violation of Japanese policy and United States-Japan security arrangements."

The Senator listed many other arguments against the homeporting; including the difficulty of finding housing for Navy families and the extremely high rents in the area.

On Nov. 2, Navy Under Secretary J. William Middendorf responded to Senator Cranston: Some of the pro-Yokosuka arguments are:

1. Yokosuka is the site of an existing U.S. Naval Base vital to the support of the U.S. Seventh Fleet.
2. The Japanese demonstrations were insignificant and peaceful.
3. The Defense Department neither confirms nor denies the presence of nuclear weapons on any ship or in any location.
4. The Japanese government reviewed and approved the deployment of the Midway with families.

On Nov. 14, the Navy Department told this reporter that 1,000 families have moved to the Yokosuka area. Almost 500 families are in Navy housing. They are expected to stay from two to three years.

On the same day, Pentagon officials admitted that Arab pressures enforcing oil cutoffs is causing a serious cutback in U.S. Pacific Fleet operations. Pentagon officials say the U.S. has large reserves of fuel for military use that could be transported to the Pacific.

Pentagon officials estimated that pacific Fleet routine movements have been cut back as much as 50 per cent with many ships remaining in port at Pearl Harbor, Guam, and Subic Bay.

Singapore, the largest refining port in Southeast Asia, has cut off all fuel supplies to U.S. naval ships under threat of Arab nations to stop all oil.

The Philippines have already reduced fuel to U.S. forces by 25 per cent and there may be a complete cutoff.

Japan is also expected to cut back or cut off fuel supplies to U.S. forces.

NEED FOR BUDGET REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, when the 93d Congress convened last January, congressional budget reform was at the top of its list of priorities. In fact, early in the session, when I introduced my bill on this issue, I stated on the House floor:

> Congress begins each year with renewed good intentions to expedite and control the appropriations process. Later in each year, we are uncertain as to where we stand and what we have actually accomplished. Appropriations measures are passed with little, if any, idea as to their impact on our economy. As we stumble along, spasmodically restraining ourselves in one area only to triple a suggested outlay in another area, financial extravagance is perpetuated year after year.
>
> I know my colleagues subscribe to the objective of curbing Federal spending. It is clear that reform must begin in our own Chambers. We must refine and improve the machinery with which the Congress handles matters of public finance. Numerous bills have already been introduced this year . . .

Unfortunately, once again, the Congress has not acted as expeditiously as possible on budget reform, and I am personally very disappointed about this. Of some encouragement, however, is the fact that the House Rules Committee has reported a broad budget reform package which will be voted on yet this week. I congratulate the committee for its careful and thorough work on its budget bill, H.R. 7130. This legislation brings together two legislative initiatives: The report of the Joint Study Committee on Budget Control, and various pieces of legislation introduced in this Congress. I am pleased that it resembles, in several respects, H.R. 4053, my own budget reform bill.

Under H.R. 4053, I proposed that Congress establish a system which would provide for a comprehensive budget process. H.R. 7130, the committee bill, authorizes a similar process to insure a comprehensive review of overall budget conditions. The Budget Committees of both the House and Senate would formulate a concurrent resolution outlining recommendations with respect to outlays, receipts, and the level of indebtedness to be incurred during the coming fiscal year.

The Congress would be expected to adopt, as part of the Budget Committees' concurrent resolution, an overall ceiling for Federal spending. The Budget Control Act provides the necessary machinery with which the ceiling can be enforced, or adjusted should circumstances demand it. The legislation also safeguards the process by requiring that the ceiling be adopted before the Congress proceeds with any appropriations measures.

Another matter with which I dealt in my bill and which is also included in the committee legislation concerns the issue of impoundment. As we are all aware, impoundment—the refusal of the President to spend congressionally appropriated funds—has been a most critical issue this past year, and one that has produced sharp disagreements between our two branches of Government. The committee bill requires the President to notify Congress by special message whenever he impounds funds. If either the House or the Senate disapproves of the impoundment within 60 days, by passing a special resolution, the impoundment would cease immediately. This is vitally important if Congress is to retain its constitutional authority in budgetary matters.

A third matter of critical importance to the congressional budget process is the arrangement of the fiscal year. In my bill, H.R. 4053, I proposed that the fiscal year correspond to the calendar year in order to give Congress a full 12 months to consider the President's budget and to enact appropriations. The Budget Control Act, H.R. 7130, deals with this process in a slightly different way. The fiscal year would be moved back to October 1, and the Appropriations Committees are subjected to an August 1 deadline for completion of their work. The remaining time between August and October will allow for adjustments in the appropriations legislation in order to reconcile the final results to the congressional budget ceiling. While I do prefer the mechanisms in H.R. 4053, I am nevertheless convinced that we must enact some legislation that will insure adequate time for congressional review without, at the same time, inordinate delays.

I again submit that if we in Congress are to avoid gross spending overruns, confrontations over impoundment, and confusion due to the present fiscal year structure, then we have to buckle down and enact legislation immediately. I might just interject that the current energy crisis could introduce a whole new set of unknowns with which we will have to deal in next year's budget. All of this dramatically points up the need for

Congress to overhaul its budgetary procedures right now.

HIGHER PRICES AND INCREASED TAXES NO ANSWER TO PETROLEUM SHORTAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, the United States is confronting a petroleum shortage unlike any that we have faced since World War II. Because this great Nation has faced and weathered many other crises in its history, I have no doubt that the American people have it within themselves to tough out this crisis and to comply with all reasonable demands to conserve energy.

However, Mr. Speaker, I believe very strongly that those who think higher prices and stiffer taxes on the purchase of fuel and oil for automobiles and homes is the answer to our need for more petroleum products, have completely missed the boat.

If prices and taxes on fuel products go any higher, those who are on fixed and low incomes are going to suffer the most, and Mr. Speaker, I do not know how much more this group of Americans can stand in the way of higher prices and taxes, let alone those who might be better off financially.

As a matter of fact, prices of gasoline and home heating oil have been increasing rapidly as it is, and the Nation still faces a shortage of those critical materials, thereby making it pretty obvious that "price mechanism" alone is not the answer to increasing supplies.

There are and always have been those in our Government who believe the answer to any problem is to tax and spend, regardless of what the problem might be. It is this philosophy which has given us the most complicated bureaucracy of any nation and an inflation that refuses to come under control. And in most cases—the tax and spend policy has actually magnified the problem, rather than easing the problem.

To reduce the consumption of fuel by raising the price or increasing the tax would be to invidiously discriminate against those with low or fixed incomes—people who have just as much need for fuel as any other. If we are to reduce the Nation's fuel consumption, the procedures must apply fairly to all without discrimination against the poor.

IMPROVING VETERANS' BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. TALCOTT) is recognized for 5 minutes.

Mr. TALCOTT. Mr. Speaker, veterans' benefits are not a true cost of war; they are investments in the future of our people and our Nation. Therefore, I have introduced legislation, H.R. 11779, which would improve veterans' educational assistance benefits. Although there are many ways in which the people and Government of the United States thank veterans for their service and sacrifices, I believe that providing these young men and women with adequate educational assistance is the most thoughtful and effective way of showing our appreciation.

My bill increases the subsistence allowance for a single, full-time student from $220 to $250 per month—with upward adjustments for other classes of veterans included. This is an increase of approximately 13 percent. In addition, the entitlement period allowing an eligible veteran to receive educational assistance for institutional undergraduate programs offered by a college or university is extended from 36 to 45 months. The legislation provides for an automatic cost-of-living increase in educational assistance allowances, and liberalizes the vocational rehabilitation program to allow a veteran with 10-percent disability to apply for vocational rehabilitation. Currently, a veteran must have 30-percent disability to qualify.

Most men and women leave the service older and more mature after having had time to develop solid plans for their future. This is the ideal time to offer them the opportunity of a higher education. I want to encourage veterans to utilize the array of educational benefits available to them and I want the benefits to help our veterans pursue useful and productive second careers.

Mr. Speaker, the text of my bill follows:

H.R. 11779

A bill to amend title 38 of the United States Code in order to increase the rates of veterans' educational assistance, to provide that automatic cost-of-living adjustments be made to such rates, and to otherwise improve the educational assistance program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That chapter 34 of title 38, United States Code, is amended as follows:

(1) by amending section 1661(c) by inserting immediately before the period at the end thereof the following: "; except that an eligible veteran may receive educational assistance solely for institutional undergraduate programs offered by the college or university for not to exceed forty-five months".

(2) by striking out "$220" in the last sentence of section 1677(b) and inserting in lieu thereof "$250";

(3) by amending the table in paragraph (1) of section 1682(a) to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full time	$250	$297	$339	$20
Three-quarter time	188	223	255	15
Half time	145	149	169	10
Cooperative	202	236	268	16."

(4) by striking out "$220" in section 1682 (b) and inserting in lieu thereof "$250";

(5) by amending the table in paragraph (2) of section 1682(c) to read as follows:

Column I	Column II	Column III	Column IV	Column V
Basis	No dependent	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Full time	$202	$236	$268	$16
Three-quarter time	151	176	202	12
Half time	101	118	134	8

(6) by striking out "$220" in section 1696 (b) and inserting in lieu thereof "$250"; and

(7) by amending section 1662—

(A) by striking out "eight" in subsection (a) and inserting in lieu thereof "ten";

(B) by striking out "8-year" in subsection (b) and inserting in lieu thereof "10-year"; and

(C) by striking out "8-year" and "eight-year" in subsection (c) and inserting in lieu thereof "10-year".

SEC. 2. (a) Chapter 34 of title 38, United States Code, is further amended by inserting immediately after section 1682 the following new section:

"§ 1682A. Cost-of-living increases in educational assistance allowances

"(a) As soon as possible after the beginning of each calendar quarter, the Administrator shall determine the extent by which the price index in the preceding calendar quarter was higher than the price index in the applicable base period (as those terms are defined in subsection (e)). If he determines that the price index had risen by a percentage (of its level in the base period) equal to 3 per centum or more, the amount of each educational assistance allowance otherwise payable under this chapter shall be increased by the same percentage (adjusted to the nearest one-tenth of 1 per centum), effective with respect to allowances for months after the quarter in which the determination is made.

"(b) In the case of any individual who first becomes entitled to an educational assistance allowance for or after the month in which an increase becomes effective under subsection (a), the amount of the educational assistance allowance payable to or with respect to him on the basis of such entitlement shall be determined by applying such increase (or, if more than one increase has become effective under subsection (a), by applying all such increases successively) to the amount of the educational assistance allowance which would be payable under the provisions of this chapter without regard to this section.

"(c) Any increase under subsection (a) shall apply with respect to all educational assistance allowances payable under this chapter during the period in which such increase is effective regardless of the provisions under which such allowances are payable or the manner in which the amounts payable are determined, but shall be applied with respect to the educational assistance allowance payable to or with respect to any particular individual only after all of the other provisions of this chapter which relate to eligibility for and the amount of such allowance, and all prior increases made in such allowance under this section, have been applied.

"(d) If the amount of the increase in any educational assistance allowance under subsection (a) is not a multiple of $0.10 it shall be raised to the next higher multiple of $0.10 in the case of a multiple of $0.05 or adjusted to the nearest multiple of $0.10 in any other case.

"(e) For purposes of this section—

"(1) the term 'price index' means the Consumer Price Index (all items, United States city average) published monthly by the Bureau of Labor Statistics; and the average level of the price index for the three months in any calendar quarter shall be deemed to be the level of the price index in such quarter; and

"(2) the term 'base period' means—

"(A) the calendar quarter commencing January 1, 1974, with respect to the first increase under subsection (a), and

"(B) the calendar quarter immediately preceding the quarter in which the determination constituting the basis of the most recent increase under subsection (a) was made, with respect to any increase under subsection (a) after the first such increase.

(b) The table of sections at the beginning of such chapter 34 is amended by adding immediately after "1682. Computation of educational assistance allowances." the following:

"1682A. Cost-of-living increases in educational assistance allowances."

Sec. 3. Section 1795 of title 38, United States Code, is amended by inserting immediately after "thereof)," the following: "and may not exceed fifty-seven months (or the part-time equivalent thereof) if forty-five months of educational assistance under chapter 34 of this title is used solely for obtaining an undergraduate degree,".

Sec. 4. Section 1502(a)(2) is amended to read as follows:

"(2) arose out of service after World War II, and before the Korean conflict, or after the Korean conflict, and is rated for compensation purposes as 10 per centum or more."

SEVENTY-THREE CLUB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Shuster) is recognized for 5 minutes.

Mr. SHUSTER. Mr. Speaker, as a new Member of Congress, I have all too quickly learned that our congressional allowances do not provide adequate funds for preparing newsletters, questionnaires, et cetera, for our constituents. Nevertheless, such communications are important in keeping our constituents informed of our activities and, conversely, ascertaining their views on important issues so we may serve them better.

To help defray the costs of our constituent communications program, my supporters have formed a "Seventy-Three Club," and have solicited $73 contributions for our communications and related activities. This club does not have a political campaign purpose and the funds are kept in a separate account. I am informed that, under the law, such an account need not be reported. Nevertheless, I prefer to place in the Record information concerning our communications account.

We have received contributions totalling $5,761 from 75 people, all but two from Pennsylvania, with the average contribution being $76.81.

Expenditures of $2,889.45 have been recorded, the bulk of which was for preparation of my questionnaire to 144,000 homes in my district, and for purchasing additional stationery and office supplies for my office.

An "end session" newsletter will also be sent to my constituents.

Should there be any balance in the account at year-end, I will report such balance as taxable income on my income tax statement. I understand that such reporting is required even though I shall not withdraw any of the funds for my personal use.

A copy of this statement is also being sent to the House Ethics Committee for their records.

PROGRESS TOWARD MONETARY REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, the Subcommittee on International Finance is continuing its effort to monitor progress toward international monetary reform. We consider this important, because maintaining world monetary order and stability is vital not only to our own prosperity, but indeed the well-being of the whole world. If monetary disaster overtakes the globe, the well-being of every nation, and even every nation's security, would be affected.

Earlier this year, it was thought that monetary reform could be achieved relatively soon. Today, however, the Chairman of the Federal Reserve Board told us that the process is going to be evolutionary—so we do not know when, or how, reform will finally be accomplished. But despite the uncertain outlook on reform, Chairman Burns brought us reassuring news.

The world monetary system is functioning, and fairly well, under present arrangements. The dollar is growing in strength. And even though we can expect considerable economic problems, the dollar is at least no longer viewed as sick or as an international villain, as it was a few months ago. Chairman Burns believes that our basic economy is strong, and that we can overcome our problems—and I devoutly hope so.

I am pleased to have heard the reassuring words of Chairman Burns, for whom I have great regard. I hope that he and the others in our Government charged with pursuing fundamental monetary reform will continue to work diligently on this task, and I hope that the process can be speeded.

Mr. Speaker, in light of the special interest that we all have in this subject, I include in the Record at this point the statement Chairman Burns delivered to the subcommittee this morning:

STATEMENT BY ARTHUR F. BURNS

I am pleased to appear before this Committee to discuss recent developments in foreign exchange markets and in the balance of payments.

This year has been characterized by alternating periods of turbulence and stability in exchange markets. You will recall that, following several weeks of severe disturbance in exchange markets, the dollar was devalued for a second time on February 12. At that time, Italy and Japan chose to float their currencies, thus joining the Canadian dollar, British pound, and Swiss franc—which were already floating. New pressures in exchange markets developed in late February and early March, and led to a further extension of floating among major currencies.

Over the next two months, the average dollar, British pound, and Swiss franc—which (Japan, Canada, and 8 European nations) stabilized at a level some 20 per cent above the exchange parities that prevailed in the spring of 1970. In mid-May, however, the dollar again began to decline sharply, so that by July the average dollar price of these 10 currencies increased an additional 10 per cent.

This further substantial depreciation of the dollar did not seem consistent with international price levels or with longer-term prospects for our balance of trade or payments. Moreover, fluctuations of exchange rates from day to day and hour to hour had become more pronounced. In these circumstances, and after full consultation with the Treasury and representatives of other countries, the Federal Reserve began on July 10 to intervene in the exchange market. Through the month of October, the System sold a total of $512 million of European currencies, mainly German marks, drawing on the swap lines to finance this intervention. By the end of that month, enough marks, French francs, Belgian francs, and Dutch guilders were purchased in the market to repay in full these earlier swap drawings.

After our intervention in July and the release of favorable U.S. trade and payments figures, the dollar strengthened by about 3 per cent during the first weeks of August. There was little further change in the dollar's value until late October, at which time the announcement of a large trade surplus for September triggered another sharp advance. In recent weeks the dollar has strengthened further in relation to the major European currencies and the Japanese yen. The appreciation of the dollar against the yen would have been even greater if the Bank of Japan had not intervened in the market by making large sales of dollars. By the end of November, the average dollar price of the ten major currencies mentioned earlier had returned to the level that ruled between mid-March and mid-May; in other words, it was again some 20 per cent above the exchange parities prevailing in the spring of 1970—or slightly above the level in the week following the February 12th devaluation.

Some market observers have pointed to anticipations of the impact of oil restrictions by Arab countries as a factor contributing to these developments in recent weeks. Others have cited the stabilizing effects of official intervention by the Federal Reserve and other monetary authorities. There is no doubt in my mind, however, that the basic factor has been the decisive turnaround in the U.S. balance of payments. New evidence of this fundamental improvement in our payments position has been accumulating with each passing month.

Our exports have been rising at an extraordinary rate this year. Measured in current dollars, exports in the third quarter were 47 per cent above their level in the third quarter of 1972. Much of this increase is accounted for by rising prices. But even in real terms, exports grew 23 per cent over this period. The big increase in our agricultural exports—from an annual rate of $9½ billion in the third quarter of 1972 to some $19 billion in the third quarter of this year—has received a great deal of publicity. It is less often appreciated that non-agricultural exports, which account for about three-fourths of our exports, have been expanding at extraordinarily rapid rates as well.

Part of the strong showing of exports is attributable to last year's poor harvests abroad and the current worldwide industrial boom. But the improvement also reflects a lesser rate of inflation in the United States than in other industrial countries and, far more important than this, the cumulating effects of the depreciation of the dollar since 1971.

The changes in our international competitiveness resulting from the depreciation of the dollar are having an effect on our imports as well as on our exports. In real terms, imports actually declined between the first and third quarters of this year, despite the strength of domestic demands. The value of imports did increase at an annual rate of 14 per cent during that period, but only because of increases in their dollar price.

As a result of these developments, the trade balance has moved from a deficit of nearly $7 billion in 1972 to a surplus at an annual rate of $3 billion in the third quarter of this year. The trade balance continued to be in surplus at a substantial rate in October. It therefore now seems likely that the United States will have a trade surplus, albeit of modest size, for 1973 as a whole.

The balance of international flows of long-term private capital has also moved in our favor this year. Outflows of capital have moderated since the first quarter and are estimated to have slowed sharply in the third quarter. Prior to the recent decline in stock market prices, renewed confidence in the dollar helped to stimulate foreign purchases of American securities. Foreign direct investment in this country has also been substantial this year. These developments reflect, among other factors, the improved profitability of producing internationally traded goods within the United States relative to production abroad.

The basic balance—that is, the aggregate of all current international transactions and long-term capital flows—has been strengthening throughout this year. The improvement in the third quarter was dramatic enough to produce a large surplus—the first quarterly surplus we have experienced since 1969. Net flows of short-term capital have also been favorable to the United States since the first quarter. As a result, the official settlements balance was actually in surplus during both the second and third quarters. Preliminary data for October and November suggest that the surplus has continued into the present quarter.

Short-term prospects for the balance of payments have become clouded, however, by recent developments in the oil situation. The price of our oil imports has risen spectacularly, from an average of $2.75 per barrel in the first quarter of 1973 to over $5.00 currently. The boycott by Arab producers has begun to reduce our petroleum imports and, if continued, would reduce our imports next year by some 3 million barrels per day below the amount that had been expected to be available. Even so, in view of the recent sharp price increases, our total payments for oil imports in 1974 would probably exceed by a substantial margin the $8 billion paid in 1973. Of course, if world trade in oil were to resume a more normal pattern at these astronomic prices, the cost of our oil imports would rise still more steeply. However, the net impact on our overall balance of payments would be substantially less or could even be favorable, since a good part of the increased payments for oil by the United States and other countries would find its way back to this country, directly or indirectly, in the form of increased exports, or capital inflows, or income receipts.

Whatever effects the oil shortage may have on our balance of trade and payments, a more immediate concern is the impact on domestic production and employment. A reduction in imports of crude oil and petroleum products by 3 million barrels per day amounts to a shortfall of more than 15 per cent from estimated demands for this source of energy. Only a small part of this shortfall could be made up during 1974 by increased domestic output of crude oil, or by substitution of other fuels for petroleum products. In the short-run, there are only limited possibilities for substituting other fuel for oil in industrial plants, or for altering techniques of production in ways that reduce dependence upon petroleum products.

The President's program to conserve fuel recognizes this basic fact, and is therefore oriented toward economizing end-product uses—such as reduced consumption of gasoline in passenger cars, and reduced amounts of oil for heating homes and commercial and industrial buildings. To keep the oil shortage from generating major economic dislocations, our citizens will have to go to some trouble and put up for a time with various inconveniences. There is no practical alternative for the immediate future if seriously adverse effects on production and employment are to be avoided.

At best, a prolonged embargo on Arabian oil shipments to the United States will result in some economic dislocation next year. The demand for new cars, for tires and other auto parts, for suburban housing, for recreational vehicles, for restaurant meals and other travel-related expenditures will be adversely affected; commercial airlines will reduce their purchases of jet aircraft; and fewer motels and vacation homes will be constructed. These developments will be offset in part by larger activity in other trades—ranging from coal to blankets and sweaters, and from drilling machinery to bicycles and buses. Our inflationary problem, meanwhile, will be aggravated by rising gas and oil prices.

The situation in which we find ourselves is obviously very difficult, but I believe it is manageable. The underlying strength and resilience of our economy must never be underestimated. Capital spending plans of business remain strong, and so are inventory demands for a host of materials and components that have been in short supply for many months. Our principal asset—the resourcefulness of the American people—remains entirely intact. As 1974 moves on, I would expect the domestic output of crude oil to gradually increase, electric utilities to shift to greater use of coal, auto manufacturers to concentrate more of their production on the smaller cars demanded by consumers, and other adjustments to be made in the thousands by ingenious businessmen across the land.

The longer-run economic implication of the cutoff of Arabian oil supplies should not leave us in any doubt. The United States can no longer afford to lose time in working toward an independent ability to meet its energy requirements. We must now move forward with determination on many fronts—nuclear energy, solar energy, coal conversion, exploration for oil. Recent events should teach us that, even with a relaxation of the current boycott, we cannot remain so heavily dependent on oil supplies from foreign nations.

Some months will need to elapse before the long-run implications of the oil problem for our balance of payments clarify. So far at least, the restrictions on oil supply appear to have strengthened the world's confidence in the dollar. But even before the Middle East conflict erupted, the dollar was viewed with renewed esteem. The dollar is again a strong currency, and we can expect further support to our foreign trade and payments from the lagged effects of past exchange-rate changes.

Continued strength in the balance of payments will require, however, a satisfactory domestic price performance relative to other countries. A year or two ago our rate of inflation was substantially lower than that of other industrial countries. Unfortunately, a large part of this margin of competitive advantage has eroded in recent months. In October, the consumer price index was 0.8 per cent above September, and 7.9 per cent above October 1972. Clearly, the dangers of inflation remain very much with us. At the same time, as I have already noted, the oil shortage will cause shifts in the structure of industry and have adverse effects on overall production and employment. Economic policy in the months ahead thus faces the extremely difficult task of contributing to the objective of regaining price stability, while at the same time minimizing the risks of any extensive weakening in economic activity.

In the remainder of my comments this morning, I would like to share with you my impressions of the recent evolution of the world monetary system.

In the past several months, a large number of economic, political, and military events occurred that had potentially disruptive implications for exchange markets. Despite these disturbing events, orderly market conditions and general stability have prevailed. The official intervention that was undertaken has given us helpful experience in managing a system with exchange-rate flexibility in a way that preserves orderly markets without frustrating desirable adjustments. Although I remain skeptical of the long-run viability of a floating exchange rate regime, this experience supports the continuance of the present exchange-rate arrangements for the immediate future.

For the longer run, we must rely more heavily on rules of international law in the monetary area. Such a reform is the objective of the Committee of Twenty, which has been meeting periodically throughout 1973, and will continue its work into 1974. Considerable progress in clarifying issues has already been made, as evidenced by the Nairobi report of the Chairman of the Committee of Twenty and the associated *First Outline of Reform* presented by the Chairman of the Committee's Deputies. I expect further clarification and further convergence of national views in coming months.

But it is important to avoid unrealistic expectations. Some of the reform issues are extremely difficult, progress in reaching agreement will continue to be gradual, and new developments may cloud the situation—as the energy issue has done in recent weeks.

Moreover, I have in recent months come to think of international monetary reform as an on-going, evolutionary process—not just as the final outcome of formal negotiations. In view of changing objective circumstances and continuing divergence in some official views, it is hardly practical to think of monetary reform in terms of a finished blueprint that is to be implemented in its entirety some morning after a final meeting of the world's finance ministers and central bank governors. Even while discussions continue in the Committee of Twenty and other forums, it is both possible and desirable to adjust some parts of our international financial machinery.

One such step in this evolutionary process has been the recent termination of the March 1968 agreement with regard to official gold transactions. That agreement, which established the so-called two-tier gold market, was born of the 1968 gold crisis. Developments in the private gold market were then threatening to undermine the international monetary system by draining it of gold—which at the time was the world's principal reserve asset. To deal with this difficulty, the central banks of Belgium, Germany, Italy, the Netherlands, Switzerland, the United Kingdom, and the United States agreed that they would no longer buy or sell gold in the private market.

In view of the suspension of convertibility of dollars into gold since August 1971, the 1968 agreement had become an anachronism. Its termination removes an obstacle to official sales of gold in the private market, and will thus permit greater flexibility of action in the future. Official sales of gold can be useful in preventing wide fluctuations in the gold market that at times generate instability in currency markets.

In due course, the United States and other countries will make decisions about possible sales in the gold market. In doing so, our government will comply fully with Article IV, Section 2 of the IMF Articles of Agreement. That Article states in essence that no member of the IMF shall sell gold below its official price or buy gold at a price above its official price. I am confident that most, if not all, foreign governments will also respect this Fund Article. Hence, while they may sell gold, which now fetches a price in the market that is far above the official price, they will not buy gold either from the market or from each other in the foreseeable future.

The termination of the 1968 agreement will make possible a further reduction in the role of gold in the international monetary system. With the establishment of the SDR facility, which was not available in 1968, we now have an alternative primary reserve asset. It has therefore become practical to consider steps that may gradually move gold out of official reserves.

Policy with regard to intervention in exchange markets is another area in which progress is beginning to be made in the evolution of the international monetary system. Under present exchange-rate arrangements, authorities of major countries are consulting and cooperating as they make decisions on intervention. This experience, and the experience to be gained in coming months, will be of great value in the effort to establish more formal exchange-rate arrangements for the longer-run future.

At the present time, with many currencies floating in relation to the dollar, official holdings of U.S. dollars will only be reduced through market intervention by foreign central banks. A substantial reduction of dollars presently held in foreign official reserves—the reserve liabilities of the United States amount to some $70 billion—is clearly desirable as a long-run objective. Progress in this direction has been most marked in the case of Japan, where dollar reserves have declined sharply in recent months. At the end of November, Japanese official reserves were reported to be some $6 billion below their level at the end of February. It would be desirable for other countries with excess reserves also to sell dollars gradually when market forces are serving to appreciate the dollar substantially against their currencies.

The controls imposed on capital flows may be a third area of international monetary arrangements where evolutionary steps can be taken. Starting with the measures adopted in 1963 and expanded in 1965, our government has administered a system of restraints on capital outflows in order to protect the balance of payments and avoid disturbance to international markets. These measures—the interest equalization tax, the foreign direct investment regulations, and the voluntary foreign credit restraint guidelines—have been adapted over the years to changing economic conditions, but it has been the objective to remove them when they were no longer necessary. Other countries have similarly imposed new controls, or tightened existing controls, to deal with capital flows considered to be temporary or reversible.

Early this year, the Administration announced its intention to phase out our controls by the end of 1974, but noted that the timing of liberalizing steps would depend on balance-of-payments developments. In view of the recent strengthening of the balance of payments, it may be feasible for the agencies administering the controls—the Treasury Department, the Department of Commerce, and the Federal Reserve System—to move forward over the coming months with an orderly reduction of those restraints. Similarly, it may prove feasible for other countries to relax some of their earlier-imposed restraints on capital inflows.

In conclusion, I would like to note once again that the strengthening of our balance of payments and the restoration of confidence in the dollar in exchange markets stand out as this year's major economic achievements. These developments have served to bolster confidence in our nation's future at a time when we have been besieged with all sorts of unhappy economic and political news.

In fact, these foreign exchange developments have transformed the atomsphere in which international financial problems are being discussed. We no longer hear voices from abroad about inflation being exported from the United States. There is no longer so much complaining about a world flooded with dollars. Even complaints about the "dollar overhang" have become muted.

We must, of course, be careful and not exaggerate the extent of the dollar's recovery. There is much unfinished work ahead of us. Nonetheless, it is gratifying to be able to draw your attention to the improvement that has occurred in our balance of payments, and to advise you that the dollar is today a respected currency in financial circles both here and abroad.

Confidence in the dollar is essential both to a healthy domestic economy and to a successful evolution of the international monetary system. Looking to the future, we must strive to conduct all our economic policies—domestic as well as international—in such a manner that they will maintain, and indeed strengthen, that confidence.

NORWOOD PARK CITIZENS OPEN CENTENNIAL FESTIVITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to bring the attention of my colleagues to the December 5 inauguration of 14 months of festivities to mark the 100th anniversary of the incorporation of the village of Norwood Park, located in the 11th Congressional District of Illinois, which I am proud to represent.

Norwood Park, an old residential district in northwest Chicago, became a village on July 26, 1874, and the Norwood Park Citizens Association, through its Centennial Committee, has planned a series of events to celebrate the anniversary. There was a square dance November 18 and on December 5, a Junior Citizens Awards and Kickoff Dinner is planned.

The astounding 14-month schedule includes: A silver skates derby, PTA's founders month, a home improvement exposition, a springtime poster contest, a garden walk, an oldtimers' selection of a king and queen, a gym show, Memorial Day parade, golden wheels bicycle races and dinner, centennial baby celebration—born on July 26, 1974, arts and crafts displays, a water show, and other events.

Mr. Speaker, the Norwood Park Citizens Association itself will be 100 years old in 1976 and has a fine tradition of community pride and a well-deserved reputation for community action and public-spirited citizen involvement. Over the years, the association has actively worked against the corrosive effects of spot zoning, illegal conversion, illicit building, and fraudulent survey—all blight-producing factors familiar in the Nation's large cities.

The residential character of the neighborhood with its tree-lined streets, and the abundance of educational, religious, and cultural facilities has been preserved with much effort by the officers and directors of the association in cooperation with the city administrations. The associations traditional snowplowing program of sidewalks and streets is an excellent example.

Mr. Speaker, it is an honor for me to join with the people of Norwood Park in this proud centennial celebration, and I congratulate these dedicated citizens and the officers of their association for their willingness to work hard, together, for a more wholesome community.

The officers of the Norwood Park Citizens Association and its Centennial Committee are James F. Kelly, centennial coordinator; and associated with the many 1974 Norwood Park centennial programs are: Pat McKay, Donald Versen, Mrs. Gertrude Bukowski, Grace Lunde, Sars Bradley, Gilman La Comp, John Chowanec, Agnes Hansen, Sister Eymard, Reverend G. Poage, Carroll Simons, Donald Skorey, Arthur Harper, Ralph Davis, Edward Schoessling, Roger Morin, Vivian Troxell, Bill Schultz, Henry Zielinski, James Herbon, Jack Jacobsen, Dorothy Nast, Adelaide Davis, Ann Maday, Jeanne Sisson, Hellmut Stolle, Anne Lunde, Sister Gerard, Richard Nielsen, Sister Bonaventure, Jorgen Jacobsen, Stuart Crippen, Grace Christensen, Reverend W. Best, Mary Haberly, Reverend P. Graham, Reverend W. Gros, Bill Braun, Frances Jacobsen, Edward Scholl, Roman Pucinski, Ralph Capparelli, Edward Riley, Marge Kelly, Carol Deuter, William Olson, and Carol Hillman.

Norwood Park Citizens Association officers include: H. Zielinski, president; W. Bergman, vise president; M. Falk, treasurer; and V. Darlington, secretary.

The administrative directors are: H. Zielinski, beautification and snowplowing; J. Kelly, commercial liaison and special events; V. Erickson, health, education, and human relations; G. Miller and A. Lies, membership, publicity, and mailing; Shelia O'Connell, zoning and planning; and J. Rustin, legal.

The district directors are: R. Greene, west; R. Vliet, northwest; R. Schwartz, northeast; M. Falk, east; J. Jacobsen, southeast; J. Chowanec, southwest; and director at large, W. Meisner.

HEARINGS ON OUTER CONTINENTAL SHELF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 5 minutes.

Mr. EILBERG. Mr. Speaker, I wish to announce that the Subcommittee on Immigration, Citizenship, and International Law has scheduled 1 day of oversight hearings on the Outer Continental Shelf Lands Act of 1953. The hearing will be held in room 2237, Rayburn House Office Building, and will commence at 10 a.m. Further hearings will be announced at a future date.

Twenty years ago this subcommittee and the full Judiciary Committee processed the Submerged Lands Act and the Outer Continental Shelf Lands Act. These are the only Federal statutes which assert State and Federal jurisdiction over the seabed and subsoil adjacent to our shores. With the exception of hearings conducted by a Special Subcommittee on Submerged Lands of the Committee on the Judiciary, our jurisdiction with respect to territorial boundaries and particularly the Outer Continental Shelf Lands Act has remained dormant.

Consequently, the primary purpose of this hearing will be to review the administration of the Outer Continental Shelf Lands Act by the Department of the Interior. In addition, we will attempt to determine the role of offshore oil in the present energy crisis, including consideration of the administration's proposed plans to accelerate leasing on the shelf.

In conducting these oversight hearings we will also examine any environmental problems which have occurred in order to determine whether existing regulations governing leasing on the Outer Continental Shelf should be strengthened.

Testimony will be received from representatives of: The Department of the Interior, the oil industry, and environmental groups. Any individuals who wish to testify or to submit prepared statements for inclusion in the hearing record should address their request to the Committee on the Judiciary, U.S. House of Representatives, 2139 Rayburn Building, Washington, D.C. 20515.

TRAVEL DEDUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, I am introducing today a bill to allow commuters a Federal income tax deduction for the expenses of traveling to and from work by means of mass transportation facilities. I first introduced this bill nearly 2 years ago to encourage people to leave their cars at home and take the train, bus, or subway to work thereby reducing highway congestion and air pollution. Today, as the Nation struggles in the grip of an energy crisis, the need for this legislation is even more imperative; we must provide an incentive for people to cut down on gasoline consumption, not only because our highways are overcrowded and our air polluted, but now because the critical shortage of energy threatens the basic necessities of day to day living.

It is my feeling that the President's response to the energy crisis has placed far too little emphasis on expanding the use of mass transit facilities. As far as gas consumption goes, buses are nearly four times as efficient as automobiles, and trains two and one-half times, as efficient and yet we use automobiles 70 times as much as buses and 100 times as much as trains. It is not enough to force a reduction in automobile use by making gas harder to afford through increased taxes or harder to get through rationing without offering some viable alternate transportation mode.

The administration has consistently blocked passage of Federal operating subsidies that would contribute to the growth, expansion, and improvement of mass transportation. The President is threatening to veto the Congress mass transit bill, and has successfully blocked inclusion in the Senate energy bill of a provision to prevent mass transit fares from going up. To continue on the path of discouraging the growth and use of mass transportation is simply unsound and ineffective energy policy.

The bill I am introducing, which permits a full tax write-off of the expenses incurred in using mass transit to get to and from work, provides the strong incentive needed to alter this Nation's driving habits. It also provides a reasonable and equitable way for encouraging the cooperation the administration is looking for to curb energy use. After all, business executives can deduct the expenses of traveling on corporate aircraft and the travel expenses of long business trips. The average worker should also be able to deduct his "costs of doing business." I am hopeful that this legislation may also lead, in the long run, to an increasing public and governmental awareness of the advantages of a strong mass transportation system in helping to ease, not only our energy problems, but our long-term urban problems as well.

CONGRESSMAN DRINAN REVIEWS THE DISASTROUS EVENTS OF DECEMBER 4, 1973, RELATED TO THE ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 15 minutes.

Mr. DRINAN. Mr. Speaker, on 1 day, December 4, 1973, a large list of disasters for the American consumer can be enumerated. The overwhelming fact emerges that the citizens and consumers of America have only one remedy left in the energy crisis—to initiate an organized and well documented demand that the Government and the oil companies cease the chaotic and corrupt policy of placing profits for the oil companies and convenience for the Government as the only norms of action with respect to the allocation of energy resources.

Let me list, Mr. Speaker, just a few of the disasters that occurred on December 4, 1973:

First, the administration by dismissing Gov. John Love conceded that it had no energy policy and that Governor Love, by seeking to force the Nixon administration to adopt a policy, had rocked the boat and revealed the policy of a drift to disaster which is the only name for the nonpolicy of the Nixon administration.

Mr. William Simon, no doubt an energetic and honorable man, is remembered by me and by many for his inappropriate and possibly unethical intervention last summer into a case brought by the Federal Trade Commission against eight major oil companies with anticompetitive relationships and practices. Mr. Simon, then chairman of the administration's interagency Oil Policy Committee, naively wrote to the Federal Trade Commission complaining that the case could retard expansion of much needed refining capacity. The FTC replied that Mr. Simon had improperly intervened in a pending case in violation of fundamental Federal procedures that govern quasi-judicial matters.

Second, on December 4, 1973, the seventh oil corporation found to have made illegal contributions to the Nixon campaign was given a maximum fine of $5,000 in the District Court in Washington. The Philips Petroleum Co., and its former board chairman pleaded guilty in the U.S. District Court to contributing $100,000 illegally to the Committee To Re-Elect the President.

The credibility of the major oil companies, already severely impaired by the misleading statements which they have given out to the Nation in very expensive newspaper ads, is obviously further damaged by the fact that they have been compelled to admit in court that they have sought to reelect the President by illegal means. Obviously the credibility of the Nixon administration is once again diminished by the fact that the former Secretary of Commerce and other Nixon officials intimidated the oil companies into contributing in an illegal way to the second Nixon Presidential campaign.

Third, on December 4, 1973, the National League of Cities, representing 15,000 municipalities in America, recommended at their annual meeting a strong Federal commitment to improving rail service to curb the use of automobiles. The same group urged the Federal Government to make a commitment for $3 billion a year to aid localities in improving their mass transportation systems.

These recommendations came from harried municipal officials who had been practically deceived by the Nixon administration and who now confront angry taxpayers who are being told by the Federal Government and by the lavish advertisements of the oil companies that they, the greedy consumers, are the real cause of the energy shortage.

Fourth, on December 4, 1973, Ralph Nader said that the oil industry was to blame for the Nation's energy problems because, among other things, the oil industry has denied to the American consumer comparative information on the prices and quality of oil products. Mr.

Nader predicted that in the immediate future every industry, like the oil industry, would have an all-purpose alibi to raise prices—shortages.

Fifth, on December 4, 1973, the big three automakers urged Congress to ease immediately the 1975 emission-control levels. The three Detroit giants placed themselves in sharp disagreement with the head of the Environmental Protection Agency, Mr. Russell E. Train. Mr. Train, in an apparent break with the White House, opposed the administration's recommendation that would extend the standards for 1975 automobiles for 2 extra years.

Will Mr. Train be the next administration official to go the way of Governor Love?

Sixth, on December 4, 1973, a ruling of Acting Attorney General Robert H. Bork was revealed in which a plan of the Interior Department to enlist oil company executives to help regulate their own industry was approved. In an incredible ruling the Acting Attorney General told the Interior Secretary Rogers C. B. Morton that Morton's plan to use 250 oil company executives who would stay on their own company's payrolls to help plan and run the Federal fuel allocation program would not violate the law. Even the Nixon administration did not apparently have much faith in this ruling because the administration is supporting antitrust exemption legislation for the companies and for their executives.

A spokesman for Exxon which has 24 executives prepared to participate in the allocation plan—necessary because of the oil companies' neglect over a long period of time—stated that they may possibly need more protection than was afforded by the guidelines of the Acting Attorney General.

It seems self-evident that if the Interior Department brings in and relies upon the judgment of the corporate executives of the major oil companies the credibility which the decisions of these persons will make can soon be near zero.

It is unbelieveable indeed that the administration expects the American consumer to believe in and rely upon decisions reached by executives of corporations which already have made windfall profits out of the energy crisis.

Mr. Speaker, it is essential that every consumer and every Member of Congress and every citizen of this country demand that the energy conservation program be administered by persons with no conflict of interest, with no connection with the gas, oil, coal, or utility industries.

The importation of some 250 executives of the oil industry means in effect that the workers and consumers of America are locked out of the crisis on energy and that the oil and gas lobbyists will now not only be demanding depletion allowances from the Congress but will be writing the regulations of the executive branch of Government which will be designed to conceal the mistakes of the oil industry and to create ever-greater profits for the major corporations which dominate the energy industry in America.

How can anyone feel confidence in the forthcoming allocation plan when it will be administered by executives of Exxon, Gulf, and Mobil?

During the third quarter of 1973 these companies had respectively increases in profits of 91 percent, 80 percent, and 64.1 percent.

Ten major oil companies averaged a net profit gain of 52.1 percent in the third quarter of 1973. The individuals who managed to cheat consumers to bring about these fantastic and bloated profits will now be taking over the program of allocation of oil resources to the same consumers.

Seventh, on December 4, 1973, Treasury Department officials briefed in executive session the Committee on Ways and Means. On the same day the Committee on Interstate and Foreign Commerce continued mark-up on H.R. 11450, the National Energy Emergency Act.

Mr. Speaker, I am more and more persuaded that the public will not be served well if the Congress declines initiative in this area and merely turns over another wide range of discretionary policy-making powers to the executive branch of Government. This is particularly true since the oil industry has virtually captured the decisionmaking area with respect to oil in the present administration. If the Congress acquiesces in such a situation the American people will be further deluded by oil companies, utilizing the information they obtain by being Government officials, placing a lot of advertisements in newspapers and on TV demonstrating the alleged thoughtful concern of the oil corporations but implicitly or explicitly blaming the public, the Arabs, and the environmentalists for the shortage of energy resources.

RECOMMENDATIONS FOR ACTION

First, the Congress must swiftly enact measures to provide special assistance, including extended and improved unemployment compensation, to workers and to communities adversely affected by the energy emergency. Workers and companies adversely affected in the plastics and petrochemical industry deserve special attention and should be given all of the consideration which the Congress extends to those individuals and communities that are severely injured by floods or hurricanes.

Second, the Congress should give immediate consideration to the possibility of imposing an excess profits tax on the oil corporations. In lieu of such new taxes, the oil depletion allowance could be diminished so that the major oil companies will no longer be allowed to have runaway profits derived from the problems and shortages which they themselves in part helped to create.

Third, Congress must insist that funding be made available immediately for research and development on sources of energy other than oil. It appears that, despite the President's recommendation of additional funding for research and development in energy, only 1 percent of all of the funds to be available would be new funds for the next fiscal year.

Fourth, prompt action must be taken on S. 2082—a bill designed to make it illegal for a firm to operate service stations and also engage in production, transportation, and refining of oil products.

Fifth, a related bill, H.R. 9266, the Petroleum Act of 1973, also deserves immediate consideration; this bill would require refinery operators to divest themselves of interest in production, transportation, and marketing.

Sixth, similar objectives are stated in H.R. 9632 (S. 2266), the Energy Industry Competition Act, by which any firm would be prohibited in engaging in more than one phase of petroleum operation at the same time.

Seventh, Senator JACKSON's proposals made in S. 2176, the National Energy Research and Development Act of 1973 will, it is hoped, be enacted in some form soon by the Congress. This bill would establish a federally sponsored program of research into new energy sources with funding in the amount of $20 billion over the next few years.

Mr. Speaker, December 4, 1973, was a day of disaster for the American consumer and the American public. There will be many more days of disaster during this winter and during the months to come.

On December 4, 1973, we saw little candor in the administration and little reason to have any confidence in its judgments on the energy crisis whose very existence has been virtually concealed from the American public over the period of many months and even years.

Mr. Speaker, it is only the Congress of the United States that can serve the people of this country at this time. Political considerations may suggest that the Congress back away from hard decisions related to mandatory rationing of gasoline. Some will suggest that it is politically wise to sit by and watch the administration demonstrate further incompetence on a problem which affects the lives of almost every single American.

Mr. Speaker, the only possible decision which the Congress can make is to exercise its powers wisely, well, and energetically. Any retreat from a commitment to prevent further disasters from coming to the American people from the energy crisis can only bring further alienation of the people from Government and deep dishonor to the Congress of the United States.

Mr. Speaker, the comprehensive statement which you made on November 25, 1973, on behalf of the House of Representatives cries out for implementation. I hope that the Congress will exercise unprecedented initiative and resourcefulness in following through on all of the recommendations made in that document. The sad and bewildering events that occurred on December 4, 1973, demonstrate dramatically that the Congress must act or the people will suffer.

DO NOT BLAME THE AMERICAN PEOPLE, MR. SIMON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, the President yesterday named Mr. William Simon as head of the new Federal Energy

Administration. Mr. Simon is viewed as particularly suited to this difficult responsibility because he is intelligent, able, and hard working. From reputation and what I have seen of him he can also be blunt and outspoken. These traits may also serve him well because in this energy shortage we are experiencing, we are due and deserve some straight talk from the administration as to just how profound it views the situation and what it really intends to do about it.

However, Mr. Simon has a distorted view and misconception of the problem if he really believes, as he stated yesterday, it is due to the fact that "we have been a nation of great energy wastrels."

This is a reference made quite often by administration spokesmen who frequently cite that fact that while we comprise only 6 percent of the world's population, we consume 33 percent of the world's energy.

That we waste energy there is no doubt. But what may be one man's waste is another man's economic lifeblood. However, waste of energy is not the cause of the current energy shortage.

Poor planning and unexpected economic sanctions taken by the Arab oil producers are primarily responsible.

The poor planning, in large measure, can be laid to the very people who say we suffer because we are "wastrels," the administration, as well as to the decisionmakers in the oil industry itself.

This fact is well documented in the "Staff Study of the Oversight and Efficiency of Executive Agencies With Respect to the Petroleum, Especially as it Relates to Recent Fuel Shortages" compiled by the Senate permanent Subcommittee on Investigations and published November 8, 1973.

Mr. Simon went on to promise that within 6 short years, by 1980, this Nation will be self-sufficient to meet its energy needs. He also stated that we must "change our life styles and be more thoughtful. This country now faces the choice between comfort and convenience or jobs."

Now 1980 is certainly an optimistic date for self-sufficiency, especially when some experts tell us we can never reach this goal. Unfortunately, Mr. Simon did not spell out just what he means by self-sufficient nor did he measure this against these life style changes which he demands.

Just how much energy will be available at self-sufficiency? Just what changes in life style will be required to achieve this goal?

We could certainly be self-sufficient by 1980 if we relied only on coal. However, to do so would require a change of life style back to a pre-Victorian standard of living. Obviously this is not Mr. Simon's goal or intent.

However, if he is to employ terms such as self-sufficiency and demand changes in our life style then he should be much more definitive. The American people have, by and large, undertaken the current national effort to conserve energy in fine, patriotic spirit. I suggest that it is not only deceptive but foolish to blame the American people for a situation for which they are not only not responsible but for which they know they are not responsible.

Mr. Simon's reputation is such that it leads me to believe he really is the kind of man, mind, personality, and executive talent the President and the American people need as head of the new Federal Energy Administration.

However, he would do well to halt the moralizing and get on with the job before him.

BILL WILL PERMIT ERECTION OF WORLD'S SECOND LARGEST TELESCOPE IN HAWAII

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, today I introduce, on behalf of myself and my distinguished colleague from Hawaii, Mrs. MINK, a bill to enable science to take a long step forward in the quest for knowledge of our solar system, and at negligible cost to our Government.

This measure will simply provide for the duty-free entry of a 3.60-meter telescope for the use of a joint international scientific project on the summit of Mauna Kea, the tallest mountain in the State of Hawaii.

This commendable venture is the result of cooperative efforts on the part of the University of Hawaii and the scientific agencies of Canada—the National Research Council of Canada—and France—Centre National de la Recherche Scientifique of France. All that is now needed is the assistance of the U.S. Government in permitting the telescope's entry into the United States duty-free.

The Canadian and French scientific agencies have agreed to share equally in the cost of furnishing the telescope itself and to provide all components and ancilliary instruments, which are currently estimated at $18 million in value. For its part, the University of Hawaii has offered to provide the site for the observatory, access roads, and local support facilities. To operate and maintain the observatory, the Canadian and French agencies have generously concurred in assuming 42.5 percent each of the continuing operational expenses. The University of Hawaii will cover the remaining 15 percent. Each participant will share observation time proportional to its contributions.

Mr. Speaker, without the passage of this legislation, this eminently worthy project cannot proceed. Given the acute shortage of funds available to the agencies and the University of Hawaii for research activities, every dollar saved in covering nonscientific expenditures, such as for import duties, allows this endeavor to progress closer to realization. The French and Canadian Governments have generously contributed the lion's share of the project's total costs. Surely the United States can absorb the small sacrifice in duty revenue to make this joint effort possible.

Mr. Speaker, one of the objectives of this venture is to promote international scientific cooperation. The mutual utilization of the facility and the sharing of scientific knowledge among world-renown astronomers will serve as another step forward toward the fostering of international cooperation in other fields of human activity. It is no wonder that the Department of State has expressed its support of this underaking, as well as indicating its favorable interest in relieving the project of the customs duty burden.

The joint enterprise, if realized, will represent a major advance in the scientific world, at home and abroad. As it is envisioned, the completed project will provide science with the world's second largest optical telescope. Ideally located 13,800 feet above sea level, it will afford our Nation's foremost astronomers over 2,800 hours of unobstructed observation.

Mr. Speaker, the purposes this invaluable project will serve are numerous and vital to the continuing improvement of man's understanding of the Universe and of his brothers here on Earth. I urge an early hearing and favorable committee action on this measure.

DAVID BEN-GURION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 5 minutes.

Ms. ABZUG. Mr. Speaker, the world mourns the passing of a great statesman. David Ben-Gurion, Israel's long-time leader, died on Saturday, December 1, 1973, at the age of 87.

His name means "Son of a Lion Cub" and was appropriate for a man such as he. When Mrs. Ben-Gurion was asked once whether her husband should be addressed as "Prime Minister" or "Mr. Ben-Gurion" she reportedly said, "Call him Ben-Gurion. Anyone can be a prime minister, but not everyone can be a Ben-Gurion."

David Ben-Gurion emigrated to Palestine in 1906 from Plonsk, Poland, and began life there as a Zionist pioneer. He struggled continuously and his vision of Israel as a homeland for Jews became a reality.

In what must have been one of the momentous events in his life, Ben-Gurion declared "a Jewish State in the land of Israel" at the Tel Aviv Museum on May 14, 1948. Not only did this man do so much to form a country under seemingly insurmountable opposition, but he also served that new country as Prime Minister for over 12 years and guided it through many of the new problems it faced. Through his decisions in the early days he left the mark of himself on the country even though he himself said:

> No single person alone can determine the fate of a nation. No man is indispensable. In war there may be a commander or statesman on whom much or even all depends. Not so in time of peace. The fate of a country depends upon its own character, its ability, its capacity, its faith in itself, its sense of responsibility, both individual and collective. A statesman who sees himself as the determining factor in the fate of his country is harmful and dangerous.

He saw his country through the hardships of several wars and was respected and loved by his countrymen and women.

At a time when Israel mourns the loss of many of her young people through a new and tragic war, the passing of an old man did not go unnoticed. The people of Israel and Jewry of the world owe much to David Ben-Gurion for his constant struggle to obtain a home for his people in the desert. David Ben-Gurion has left us with the knowledge that through continued effort even the most difficult of tasks can be accomplished and the hope, that was his, that Israel will someday be at peace.

I would like at this point to insert portions of the New York Times obituary about David Ben-Gurion:

> David Ben-Gurion symbolized the tough little state of Israel. Short, round, with a nimbus of white hair flaring angrily from a massive head, "B–G", as he was known to many, attained world leadership by firmly concentrating on the achievement of a dream.
>
> That dream, the birth and triumphant survival of a Jewish homeland amid a sea of hostile Arabs, led Mr. Ben-Gurion through a lifetime of turmoil.
>
> He was chairman of the Jewish Agency, the executive body of the World Zionist Organizaton, through the critical years of rising Arab nationalism, of Nazism, of World War II and of the postwar diplomatic struggle between Britain and the Jews of Palestine. When Britain finally gave up the Palestine mandate, it was Mr. Ben-Gurion who proclaimed the Jewish state.
>
> Exhilarated by the challenge, the 62 year old leader put on battle dress and assumed the direction of military operations. He was de facto Premier and Minister of Defense.
>
> To Mr. Ben-Gurion fell most of the credit for having won the first Jewish campaign since that of Judas Maccabaeus 2,000 years before.
>
> He become an almost mystical figure to many Zionists: the wise patriarch who embodied all the traditional virtues and who would ultimately lead Israel to triumph over the ring of Arab enemies.

AUTO INSURANCE COMPANY PROFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, today I am introducing a bill to prevent automobile insurance companies from reaping windfall profits as a result of the energy crisis. My bill, similar to one introduced in the other body of Senator EAGLETON, authorizes and directs the President to issue such regulations as may be necessary to reduce insurance premiums to reflect the reduced casualty rates resulting from reduced speed limits, gasoline production cutbacks, and other measures taken to conserve fuel during the energy crisis.

Over the Thanksgiving holiday weekend, with only 14 of the 50 States enforcing a 50-mile-per-hour speed limit, we enjoyed over a 22-percent reduction in traffic fatalities. The National Safety Council has predicted a 20- to 25-percent reduction in traffic fatalities based on the 15-percent reduction in gasoline production and the 50-mile-per-hour speed limit.

We can expect even greater reductions in fatalities and serious accidents from other actions that have been or will soon be taken: for example, no gas on Sunday, and the adoption of year-round daylight saving time, eliminating 1 hour of night driving, when fatality rates triple.

The savings which insurance companies will realize from lower auto accident rates must be passed on to premium payers rather than being kept by the companies as windfall profits. I am not sure what the exact dollar savings will be, but the country now spends over $18 billion a year on auto insurance premiums, so it is clear that the sums involved will be substantial.

This bill is intended to clarify and amplify provisions of the Economic Stabilization Act, which already gives the Cost of Living Council power to regulate in the insurance field. The bill specifically applies the general prohibition of windfall profits contained in the Economic Stabilization Act to the present auto insurance situation. It will insure that auto insurance rates will be reduced as soon as practicable in accordance with reductions in auto accident expenses, and that when the rates go down, rebates will be paid to the insured to distribute properly the windfall profits that occurred when accident rates dropped and premiums remained high.

Finally, the bill contains a 5-year time limitation on the authority granted the President. My purpose is not to give the President permanent authority to regulate insurance rates, but only to give him such authority as is required to prevent the reaping of windfall profits during the present energy crisis. If at the end of the 5-year period there appeared some need to continue to vest such power in the Presidency, then the Congress could enact new legislation.

There follows a copy of the bill:

H.R. 11800

A bill to prevent windfall profits by automobile insurance companies during any period when the casulty rates of such companies are reduced as a result of official action in connection with the energy crisis

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and directed to issue such orders and regulations as may be necessary to reduce or stabilize insurance premiums for personal injury, property damage, and medical expense coverage in the automobile insurance industry in order to prevent or eliminate windfall profits by persons engaged in the business of issuing such insurance as a result of reduced casualty rates experienced by such persons attributable to Federal, State, or local official action pursuant to section 203(a) (3) of the Economic Stabilization Act of 1970 or under any other provision of Federal, State, or local law authorizing the rationing, allocation, or conservation of petroleum products.

SEC. 2. Nothing in this Act shall be construed to authorize the President to prescribe an insurance rate or formula in any State which is in excess of that rate or formula prescribed under applicable State law.

SEC. 3. The authority granted to the President by this Act shall expire five years after the date of its enactment.

AMTRAK ACTION ANTI-CHRISTMAS SPIRIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. MELCHER), is recognized for 5 minutes.

Mr. MELCHER. Mr. Speaker, Montanans, and I suspect other people of the Northwest, have a way of telling when Christmas is around the corner. It is the time of year when Amtrak tightens up the spaces available to scores of would-be holiday passengers and throws persons seeking the previous seats into agonizing confusion and anxiety with a chaotic computerized Chicago reservation system which leaves them in doubt until the train pulls into the station. If that is Amtrak's idea of wishing "Merry Christmas" to students, service persons, grandmas and grandpas seeking transportation home or to homes of relatives, then Scrooge is alive and well.

Amtrak instituted its Minneapolis-to-Seattle route going through southern Montana as an "experimental" run to see if Montanans and others in the Northwest would patronize it. The support has been tremendous, the route now is permanent, and last year the ridership on this route had the greatest percentage increase of any in the Nation. So, at a holiday time of most pressing need, Amtrak has responded with an insult. By December 14, the North Coast Hiawatha will be robbed of two coaches and one sleeper, leaving only two coaches, one sleeper, and one lounge car to take care of the crush of requests for service. I do not think sly or sleepy shenanigans of this sort are what Congress had in mind when it passed the Rail Passenger Service Act of 1970 to preserve and enhance rail travel in America.

Editor Duane W. Bowler of the Billings Gazette has done a good job of capturing the present ire and frustration of Montanans who are handicapped by the madness of Amtrak's actions, and I offer his article, "A Big, Fat Flub," from the December 2, 1973, Gazette, for the information of my colleagues.

A BIG, FAT FLUB

(By Duane W. Bowler)

> It's time to raise hell and plenty of it with Amtrak.
>
> The holiday season is coming up and what does this Amtrak outfit do but whack its service.
>
> Right now there are three coaches and two sleepers, plus a dining car, lounge dorm car and a baggage car on the passenger train that goes though here three times a week each way.
>
> From midmonth until January that eight car train is going to be cut to six cars. One sleeper and one coach are coming off for reasons known only to Amtrak.
>
> Here we are faced with a period when traffic is likely to be the heaviest and Amtrak lops off a coach that will hold 44 passengers and a sleeper.
>
> Not only is it almost impossible to get a reservation in these parts but those who made them up to four and five months ago are going to find no space available because of the reduced train size.
>
> This time of year, especially with the energy crunch and its ramifications, Amtrak should be adding to the services it offers, not reducing them.
>
> The reservations system has been silly

enough as it is without adding further insult by a reduction in train size when an increasing number of people are seeking the service.

And if you don't think the system has been (and still is somewhat) silly, talk to some of the people who know.

The system created a condition under which people in between Chicago and Seattle who wanted to make reservations couldn't be sure until a few days before their intended departure if they were going to have a place to put their body.

Railroaders claimed that in practice a seat sold from Chicago to say Fargo was reported filled all the way to Seattle. Amtrak records showed the space unavailable when in fact it was open from Fargo on to any point west.

Railroad men swear this to be the case even though Amtrak has a multi-million dollar computer at its services.

Reservations now are limited to trips of 500 miles or more, one way, which means you probably could get one from Glendive to Missoula but not from Miles City.

This leaves, as a rule, a great many unfilled spaces somewhere in the computer's wasteland. If the gismo prevailed that would result in lots of empty seats much of the way.

The trains haven't been running empty much of the way because of human, not mechanical, ingenuity.

Railroad men outsmart the computer by filling those empty seats with overflow from the unreserved coach.

They knew in practice, if not in computer talk, that the seats would be available. They could sell 150 tickets for the 44-seat unreserved car without any feelings of guilt or reservations.

And now what happens. Whammy. Amtrak is going to take away two of the cars when they are needed the most and assured of being filled to capacity.

It doesn't make sense and it certainly isn't any way to run a railroad, at least not a passenger service.

Amtrak was founded, authorized by Congress, financed and highly touted as the way to save the passenger train through service.

Cutting off cars when they will be needed the most isn't exactly the recommended way to serve the public.

If its officials are trying to put on a squeeze play to convince Congress they need more money or some other ploy, don't bother.

The inbetween points, those not served by the airlines, are in much more need of service than the continental traveler.

If Amtrak wants to serve its purpose, develop an efficient, useful public transportation system, it had better mend its ways.

THE WORSENING ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, for many months I have been attempting to draw attention to the impending energy crisis. More than a month ago, in a speech before this House, I predicted that if we undertook no major cutbacks, the oil shortage this winter could reach 5 to 6 million barrels per day—a staggering 30 percent of our total daily consumption. At that time I cataloged the administration's constantly changing but steadily increasing public predictions, which have now climbed to 3 million barrels per day. I believe that privately they know better.

In the face of such an enormous shortage, what has happened in the intervening weeks to drastically cut back oil consumption? The answer unfortunately is almost nothing. The time has come when we must face the unpleasant fact of this crisis and begin to do something about it. If we do not cut back now, our stockpiles will continue to be depleted, and we will run out of home heating oil and other fuels precisely when we most need them: in the coldest months of the winter. The lesson here is no more profound than the fate of the ant and the grasshopper in Aesop's famous fable. The ant prepared for winter, the grasshopper sang and played; the ant wintered happily, while the grasshopper starved. We will not starve, but if we continue to avoid bold action, we will be cold, we will run very short of petroleum products and our economy will be very seriously hurt.

Each of the possible courses of action open to us has serious drawbacks. As I see it, there are four major alternatives available.

First. We can do nothing but sit back and let free market forces do the allocating,

Second. We can impose a heavy excise tax,

Third. We can adopt some method of gasoline rationing, or

Fourth. We can adopt a combination of basic rationing and an excise tax.

The first of these seems to me to be clearly unacceptable. Prices will rise, say some economists, until supply exactly meets demand. Perhaps, but meanwhile the rich can continue to squander public resources while everyone else suffers, there will be no planning, hence no protection for essential industries, and the economy will undergo serious disruption.

A heavy direct tax on gasoline is little more attractive. Such a tax will be regressive, inflicting its harshest drain on those who can least afford it. Moreover, I am not sure that there is one tax which is at one and the same time high enough to cause significant decrease in consumption, and not so high as to cause unconscionable hardship.

Rationing, on the other hand, is burdened with cumbersome administrative machinery and the prospects of black marketeering. There is serious cause to wonder whether the inevitable practical evils of peacetime rationing will outweigh its theoretical equity.

When faced with several choices, each of which is evil, we usually select the least of the evils. In this spirit, a combined system seems to me as perhaps the most equitable and effective. Several different combined systems have been proposed in the past weeks, by myself and by many others. A particularly attractive one appeared in a recent editorial in the Washington Post. This plan would impose a heavy gasoline tax, say 50 cents per gallon, and at the same time would allocate to each citizen above the age of 16, six coupons per week. These coupons, each worth 50 cents, would enable the recipient to buy six gallons of tax-free gasoline. Any use over six gallons per week would cost the full open market price—which may well reach $1 per gallon. The coupons would be redeemable at any bank if the user did not wish to buy gasoline. The low value of the coupons should rule out counterfeiting ventures, and their fixed value would make a black market impossible.

Any system we adopt will have to take into account the special problems of those whose livelihood depends on the automobile or on heavy fuel use. Many jobs, indeed whole industries, are built on energy waste, and inevitably it is the people involved in these industries who will suffer most. We must therefore take care to see that they do not pay the full cost of this crisis, for the fault lies not with them but with our whole society.

Mr. Speaker, there is no easy way out of this crisis.

The Congress has given the President the power to impose mandatory cutbacks in energy use, and the guidelines necessary to implement these measures in the fairest possible way. Now the administration must act, and it must act immediately. My purpose in rising today is to reiterate my firm conviction that each day of inaction and delay makes the shortage worse. Our responsibility, as Members of Congress, is to forthrightly inform our constituents of the gravity of the energy situation. Once the American people have been honestly told the whole story, I know that they will join willingly in any fair and equitable system to ease the inevitable hardships of the coming winter.

EMERGENCY SECURITY ASSISTANCE FOR ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. RUNNELS) is recognized for 10 minutes.

Mr. RUNNELS. Mr Speaker, I readily admit that I am not the world's best on figures, but I am sure there are experts that have lined up the numbers to support the authorization and appropriations for the emergency security assistance for Israel. However, despite all this expertise I am troubled with the provision of these bills.

Because of my interest in the Mideast actions and the ability of the United States to provide whatever assistance that is appropriate, I accompanied other members of the Armed Services Committee who visited Israel and Egypt to get a firsthand look and a firsthand discussion of the facts. After the visit I began to examine the action in Washington. In the process of this research there are several confusing, but maybe explainable circumstances, which might be of interest to other members. And believe me, some of the facts here in Washington have been difficult, classified, or not possible to obtain before we vote on this legislation.

Basically, I am for an arrangement to provide Israel the assistance it may need. What I do not care for is the manner in which the legislation is worded, and handled in Congress. Here is why.

First of all, the authorizing bill, (H R. 11088) has been a hurried affair. It was introduced October 24, 1973, and I understand the committee completed its review early this week, but I found that the report would not be available until sometime the day before the vote on the whole matter. There has been little time to find out what the final form was to be and even less to consider it carefully. At the same time, the Appropriations Committee considered and reported its findings in support of appropriations related to H.R 11088. I read the report. While the report total figures on assistance to Israel are in agreement with H.R. 11088, the language sure is not.

I see that the Appropriation Committee report covers a discussion of credit sales to Israel but there is no discussion on outright giveaway of military hardware. On examination of H.R. 11088 it says in section 4 that the President has the option, within the limits of $2.2 billion authorized, to release Israel from its contractual liability to pay for the items delivered. To me this means a give away of $2.2 billion to pay for a war not of our making and with no strings attached. The taxpayers in my district are fed up with giveaways and I am with them. Moreover, I believe there is more than adequate justification for leaving the credit on the books because if it is not there, it will be easier for the ex-debtor to finance another confrontation. That is not what we want.

Next, I am concerned about section 4 of H.R. 11088 as it relates to the reimbursement to DOD, up to $2.2 billion, for goods and services delivered under the cover of foreign military assistance. This bothers me because if I understand it correctly, this is not a normal procedure. I am told that where such has been provided in the past, authorization and appropriations for replacements are passed upon during the regular business of the House Armed Services Committee and the House Appropriations Military Subcommittee. My understanding seems to be supported by an Appropriations Committee report extract from a statement by Mr. William P. Clements, Jr., Deputy Secretary of Defense who said with respect to depletion of DOD stocks:

> These deficits in new procurement funds will be requested from the Congress in the near future.

With the provisions of H.R. 11088 there will be no need. As I read it, if the goods are delivered, the $2.2 billion will be flowing to DOD automatically under the language—

> Such funds shall be used to reimburse current applicable appropriations funds, and accounts of the Department of Defense for the value of such defense articles and defense services.

I do not think this is wise.

First, I am not aware of any statement by anyone to the effect that items conveyed to Israel will be replaced with identical items to put in DOD's depleted inventory. I have even heard that some of the items we do not want because they have proven less than satisfactory. Second, I am not so sure the items conveyed will be replaced at all since excesses to our real defense needs have been said to exist from the Vietnam winddown. I feel that $2.2 billion should not be given to DOD without a studied review by the appropriate committees during the annual examination of all the military requirements and the level of funds for specific items.

Finally, the figures bother me, and in this area, the experts have stumped me. I cannot reconcile it all.

In the DOD publication entitled "Military Assistance and Foreign Military Sales Facts," dated May 1973, there is a table showing that deliveries of sales to Israel between 1950 and 1972 totaled $993 million. DOD has informed me that another $307.5 million was delivered in fiscal year 1973. I am told the figures after that are classified so it becomes fuzzy as to what happened since the end of fiscal year 1973. Ignoring the figures for that time frame, the total we have is $1.3 billion sold. These are deliveries and sales agreements which I assume have been based on credit.

Piecing this incomplete information together with data contained in the appropriations report I find that the Appropriations Committee report states that at the outbreak of hostilities Israel already owed the United States about $1.2 billion repayment of credit extended her for the acquisition of equipment. I guess from that one can say there has been a lot of credit, but little cash to liquidate a standing debt.

Then after the outbreak of hostilities the committee report says we pumped another billion dollars in, straining not only the finances of Israel, but as I see it, our laws for such sales. On top of that, the report says it may well be that the United States should provide another billion. If all this is correct, I get a total credit in the past, present, and possibly in the future amounting to over $5 billion hung around our neck unless Israel can pay some amount of cash.

As I stated before, I am for finding a suitable arrangement to help Israel, but I do not like, nor will I vote for a proposition in which there is such hurried and free wheeling talk of a billion here and a billion there. I think it is necessary to take time for further study of the Israel financial arrangements, both here and abroad. To permit such a study, I suggest consideration be given to a temporary grant of authority to exempt these transactions from the legal requirement that hard cash be paid immediately for military sales so we can have some breathing room to think.

HON. JOHN E. LEE

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, last Friday, November 30, the Honorable John E. Lee, mayor of Venice, Ill., died following a cerebral hemorrhage. His death is a deep personal loss to me. Mayor Lee and I were friends as well as political allies.

"Doc" Lee, as he was known, was a unique man who was a dentist, bank president, community leader, and Democratic Party power. A man of many talents, Doc Lee had one overriding characteristic—his actions were guided by his concern for the ordinary citizen. He believed, as I do, that public office should be used to further and serve the interests of the people of this country.

The Lee family has a rich history of political leadership in Venice. His father, the late Dr. John Lee, a physician, was mayor of Venice from 1911 to 1915 and from 1917 until 1944. Following in his father's footsteps, Doc Lee was elected mayor of Venice in 1957 and served until his death. Throughout his career, Doc Lee worked diligently for the people of Venice.

I consider it a distinct pleasure to have known and worked with John Lee. He was a man of his word, a man of deep conviction, and a man of principle. His success was because he believed in people and because he could be trusted. Anyone who knew Doc Lee liked him and felt that he was a man who was interested in them.

To his widow, Margaret, and his children, John, Mary Frances, and Peggy, I offer my deepest condolences.

ADMIRAL RICKOVER AND THE ENERGY CRISIS

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, I had the honor of being present when the President awarded Admiral Rickover his fourth star last Monday. I would like to include at the close of my remarks the President's comments at this memorable ceremony.

In my opinion it was one of the most deserving honors ever bestowed by a President. Admiral Rickover is one of the most dedicated citizens this Nation has. He has done as much as any person has to protect the security of this country and to help in meeting and solving critical energy problems we face. Admiral Rickover holds a position of preeminence in both the military and civilian energy fields.

MILITARY NUCLEAR POWER

Admiral Rickover did his best, with the help of the Joint Committee, the armed services, and Appropriations Committees of Congress, to make the Navy independent of petroleum fuels. Unfortunately, we were not allowed to go as far as we wanted to and, therefore, we are still dependent in a major way on petroleum fuels for our Navy.

The research and development program under Admiral Rickover and his outstanding organization has placed this country in a position of preeminence in the application of nuclear energy to the propulsion of warships. The Department of Defense was, fortunately, convinced that all submarines should utilize nuclear energy but, most unfortunately, they were unconvinced that all surface warships should utilize nuclear power, too. So now we are still in a situation where we need large amounts of petroleum for our Navy.

CIVILIAN NUCLEAR POWER

Admiral Rickover, also with the full cooperation of the Joint Committee on Atomic Energy, has also done his best to decrease the dependency of the civilian economy on our critical supplies of petroleum. He apparently has the answer to the question which the President raised in his energy message of November 8, when he said we must find ways of reducing the time required to bring nuclear powerplants on the line from 10 years to 6 years. Admiral Rickover brought the first central station nuclear powerplant on the line in a little over 3 years. This was the Shippingport Reactor near Pittsburgh for which ground was broken in September of 1954, and design power achieved in December of 1957.

The President certainly identified an important area for saving precious petroleum since every year sooner a nuclear plant goes on line—or for that matter a coal plant—the savings in petroleum are over 12 million barrels of oil.

Although Admiral Rickover has already done more than most to provide us with energy by his efforts and accomplishments in developing nuclear power technology, we may have to impose on him further to help solve our long leadtime problem. It is difficult to accept the fact that the first-of-a-kind central station nuclear powerplant was completed in less than 4 years and now the leadtime is 10 years. Incidentally, American contractors are building the same plants in Japan in 4 years or less. I believe this is a matter of sufficient importance to warrant consideration of soliciting Admiral Rickover's help. In this respect, here is what Forbes for December 1, 1973, says:

> *What This Country Most Needs Now* is a super energy Czar—a man to do in this crisis what 'old iron pants Johnson' did with the NRA when Roosevelt launched it to spark us out of the depression.
>
> There is such a man, a known genius who knows energy from atoms to ions, a man who knows how to get the impossible done and who brooks no nonsense in doing it—Admiral Hyman G. Rickover.

I would like at this point to include the transcript of the Presidents comments on December 3, 1973, when he conferred the fourth star on Admiral Rickover.

The White House,
The Oval Office,
December 3, 1973.

Exchange of Remarks Between the President and Adm. Hyman G. Rickover, U.S. Navy, Retired

The President: Ladies and gentlemen, as you all know, we are gathered here for the purpose of conferring the 4-star rank on Admiral Rickover.

There are so many things that have been written and said about him that there is little that I can add except that from a personal sense, I value my getting to know him well during my trip to the Soviet Union in 1959, and, on our return our visit to Poland, which he remembers, as I do, as a very special occasion.

He, of course, will be remembered not just for this ceremony—we have lots of 4-star Admirals, haven't we, Admiral Moorer—but he will be remembered because he leaves as a monument not only the fact that there are now ships and a stronger Navy, but that superb breakthrough in technology—POLARIS, POSEIDON, TRIDENT. No one can ever speak of these breakthroughs without thinking of Admiral Rickover.

I don't mean to suggest by that that he is a man who is without controversy. (Laughter) He speaks his mind. Sometimes he has rivals who disagree with him; sometimes they are right and he is the first to admit that sometimes he might be wrong. But the greatness of the American military service, and particularly the greatness of the Navy, is symbolized in this ceremony today, because this man, who is controversial, this man, who comes up with unorthodox ideas, did not become submerged by the bureaucracy, because once genius is submerged by bureaucracy, a nation is doomed to mediocrity.

Thanks to Admiral Rickover, as far as our Navy is concerned, apart from the number of ships, but from the standpoint of technology, it is the first in the world, and will continue to be, because his genius was not submerged by the huge bureaucracy that so often has had exactly that effect.

So I congratulate you, Admiral, and now we will have the ceremony.

Citation

Richard Nixon, President of the United States of America, to all who shall see these presents, greeting:

Know ye, that reposing special trust and confidence in the patriotism, fidelity, and abilities of Hyman G. Rickover, I do pursuant to Section 814 of Public Law 93–155, appoint him to the grade of Admiral on the retired list of the United States Navy to rank as such from the 16th day of November, 1973.

Given under my hand and in the District of Columbia this Third Day of December in the Year of Our Lord Nineteen Hundred and Seventy-Three and in the 198th year of the independence of the United States.

Richard Nixon.

The President: Now I have to sign it.

Here is the certificate for the wall, and there is the pen. It is not a very good pen, but you probably have a better one.

The Admiral has something he would like to say.

Admiral Rickover: Thank you, Mr. President.

I have always felt that in honoring a person we must remember that all human achievement flows not only from individual effort, but from associative effort as well. We, the living, are heirs to all the ideas and accomplishments of every human being who has ever lived.

In promoting me, I know that Congress and the President have done so on behalf of the dedicated men and women at headquarters, in the laboratories, the factories, and the shipyards that build our ships, as well as the brave men who serve in the ships. All work long and hard to make it possible for the United States to have an effective and ready nuclear Navy.

Mr. President, I have served in the Navy for over half a century. I have seen this Nation pass through perilous times. We have survived these dangers and emerged from them stronger. We are stronger because all of us, as citizens, faced each crisis with a deep feeling of responsibility. This is an inherent and inescapable part of the legacy left to us by the Founding Fathers and the Constitution. This is the "sacred fire of liberty" of which Washington spoke.

Once again the times are perilous. Statesmen, the press, and the citizenry who advocate their own beliefs on specific issues cannot free themselves from all responsibility for the overall outcome of national affairs as did John C. Calhoun. He considered that his convictions on the slavery issue freed him from all responsibility for the national catastrophe he knew would follow. In his last speech to the Senate on March 4, 1850, a few days before his death, he said: "I have exerted myself . . . with the intention of saving the Union if it could be done; and if it could not, to save the section where it has pleased Providence to cast my lot, and which I sincerely believe has justice and the Constitution on its side. Having faithfully done my duty to the best of my ability, both to the Union and my section . . . I shall have the consolation, let what will come, that I am free from all responsibility."

Today we are faced with grave issues, foreign and domestic. We do not need excited change. All of virtue and justice are not embodied in one party and none in the other. We must all accept responsibility and work for the restoration to the country of quiet and harmony without which these issues cannot be resolved.

Thank you again, Mr. President.

NUCLEAR ENERGY AND THE PIONEER MISSION

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, at the climax of the Pioneer Mission, the press is properly giving front-page notice to mission developments. The unprecedented observations of Jupiter by the spacecraft have stimulated the interest of the public in general. But one critical factor concerning this phenomenal space mission, is not being given the notice it should. I carefully reviewed the major stories in last night's and this morning's Washington newspapers. I found not one mention of the fact that if it were not for the nuclear energy source onboard Pioneer, no intelligence would have been obtained from the satellite and the mission would have been a complete failure, or more precisely, impossible. No mention was made concerning the fact that for such a mission no alternative to a nuclear power supply is available.

Such facts as the lack of sufficient intensity of sunlight and the highly intense radiation fields in the spacecraft's trajectory precluded any alternatives to a nuclear power supply.

I cannot help but recall the most difficult time the Joint Committee had in the early 1960's in fostering the use of nuclear power for space missions. My colleague, Chet Holifield, for example, had to personally intervene with the then President John F. Kennedy and his Vice President Lyndon Johnson, who was Chairman of the Space Council, in order to bring about the necessary approval to launch the first satellite with a nuclear power supply. Through his persistence the objections of some in the State Department and self-appointed space experts finally were overcome and the launching of the Transit Navigational Satellite with the first nuclear power supply was approved. This was the launch which was made in June of 1961. The Transit Satellite, still in orbit, is still alive because of the nuclear power source installled in the satellite. It is the oldest live satellite in orbit.

Because of this precedent, we have been able to utilize to the benefit of this Nation and mankind in general, nuclear power supplies on a number of the Moon missions and now in the Pioneer spacecraft missions.

The mission of the Pioneer spacecraft to the planet Jupiter is the source of great pride to the members of the Joint Committee on Atomic Energy. We are especially elated over the contribution that nuclear power has made to the success of this outstanding scientific project. For without nuclear energy provided by four nuclear batteries and four heaters developed by the Atomic Energy Commission the long journey to Jupiter would not have been possible. No other energy system can operate efficiently independently of the sun.

The committee was quick to authorize funds for the nuclear devices in support of NASA in this mission. The committee, indeed, has supported continuously research and development on all nuclear power hardware for space projects, both civilian and military.

The Pioneer spacecraft, the first civilian spacecraft wholly powered by nuclear energy, is but the latest of a series of accomplishments of nuclear power in space. All five of the scientific stations on the moon are still operating on nuclear power. Nuclear generators also provided power for a Nimbus weather satellite. As I have stated before, the first space nuclear generator, launched in June 1961, on a Navy navigational satellite, is still operating.

The Joint Committee will continue to support the use of nuclear power in space and looks forward to the launch in 1975 of Project Viking to Mars where instruments powered by two nuclear generators will explore the planet's surface.

I would like to include at the end of my remarks a letter from the Chairman of the AEC, which has a few of the technical facts concerning space applications of nuclear power supplies. You will note that the Pioneer mission involved nearly a 2-year trip of 620,000,000 miles to reach the location in space where it was to perform its job.

Atomic Energy Commission,
Washington, D.C. November 30, 1973.

Hon. Melvin Price,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

Dear Mr. Price: Another significant accomplishment in the field of atomic energy will occur on December 3, 1973. At this time Pioneer 10, the first nuclear-powered interplanetary spacecraft, will photograph and record the geophysical properties of the planet Jupiter and send color pictures back to the United States. This journey began on March 2, 1972, and Pioneer 10 will travel some 620,000,000 miles to Jupiter in less than two years. After encounter at some 81,000 miles above the planet, the spacecraft will continue into deep space forever, eventually becoming the first man-made object to leave our solar system. At this writing some data from the Jupiter environs is being transmitted, and the space environment from Earth to Jupiter has been determined for the first time. This could not have been accomplished without nuclear energy.

The nuclear power system consists of four SNAP–19 plutonium-fueled thermoelectric generators. The four generators have been supplying over 145 watts of electrical power, 25 watts in excess of the minimum requirements. In addition, nine radioisotope heaters are integral to the spacecraft control systems, and three heaters are being used to heat scientific instruments. The usefulness and reliability of nuclear energy has therefore been dramatically demonstrated on these first-of-a-kind applications.

The AEC's Space Nuclear Systems Division was responsible for developing the power system for NASA's Ames Research Center. Teledyne Isotopes, Incorporated, and five AEC laboratories (Monsanto Research Corporation, Oak Ridge National Laboratory, Savannah River Laboratory, Los Alamos Scientific Laboratory, and Sandia Laboratories) worked as a team to accomplish this goal. TRW, Incorporated, assisted the above AEC laboratories in designing the heaters and is the prime contractor for the Pioneer spacecraft.

Another nuclear-powered spacecraft, Pioneer 11, was launched on April 5, 1973, and is headed for Jupiter encounter in December, 1975. Depending upon the results of Pioneer 10, Pioneer 11 can be reoriented by the thrusters to encounter Saturn after Jupiter encounter. This would be the first dual planetary encounter in history.

Our next nuclear-powered interplanetary mission will be the Mars landing to be launched in September, 1975.

We thought you would be interested in this development and expect rather extensive media coverage of the Jupiter encounter. Also, we are enclosing the NASA and AEC press releases on the Pioneer 10 launch.

Sincerely,

Dixy Lee Ray,
Chairman.

DEALING WITH THE ENERGY CRISIS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, we all agree that we are in the midst of an energy crisis. What we may not agree on are the causes of the crisis and how our Nation should respond to it.

Some, including myself, believe that the oil companies bear a major responsibility for the shortage and have acted over the years so as to effect increases in consumer prices and in tax incentives for oil exploration and production. One thing that is certain is that the crisis was not precipitated by the Arabs' attempt to use oil as political blackmail. The energy crisis was in the making long before the Arabs launched their boycott. The Arabs action, however, should serve to warn us never to place ourselves in a position of becoming so dependent on fuel sources outside the United States that someday we are vulnerable to such blackmail attempts.

Furthermore, whatever the causes of the crisis, it is essential that today the Federal Government act decisively to minimize the adverse effects of the critics on the consumer's and the country's economy.

I believe that the following measures should be taken in dealing with the crisis:

First. An excess profits tax must be imposed on energy companies so as to make certain they do not benefit from either the real or created shortage. Presently, petroleum prices are stabilized by the Cost of Living Council and only increases in production costs are allowed in computing any fuel price increases. And yet, oil company profits are reportedly higher this year than they have been in recent years.

Second. No State should be allowed to levy a new tax on oil production in its State which could be passed on to the consumer. In short, no State, company, or individual should be allowed to profit from the energy crisis.

Third. The U.S. Government should undertake to explore for, produce, and sell, gas and coal now under Federal lands. What we need is a TVA yardstick by which we can measure the productivity and prices of private oil companies.

Fourth. Closer regulation of oil producers should be instituted.

The American public is willing to do its part in making some sacrifices in response to the national emergency. But, the consumer should not be asked to pay more for less. He should not be asked to make sacrifices in his own personal conveniences and comforts and yet accept higher profits for oil companies accrued through higher prices.

HARALD EDELSTAM: THE EPITOME OF A GOOD AMBASSADOR

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today's New York Times reported the expulsion from Chile of Sweden's Ambassador, Mr. Harald Edelstam. The facts behind the expulsion are that the Ambassador in his function as "protector" of the diplomatic interests of the Cuban Embassy, tried to protect a Uruguayan woman from illegal arrest on Embassy property by the Chilean police Needless to say, Embassy territory is inviolate under international law.

Mr. Edelstam apparently was physically attacked by the Chilean police while attempting to prevent the removal of the Uruguayan woman from Swedish-protected Cuban Embassy property.

It would have been not only a noble act, but the epitome of the most fundamental duty of a U.S. diplomat if our own Ambassador in Santiago, Nathanial Davis, had similarly involved himself to protect at the very least threatened Americans. Two Americans—Frank Teruggi and Charles Horman—were killed by the Chilean military. The callousness of the U.S. Embassy in this situation is detailed in my statement of October 31st and November 14th in the Congressional Record.

I believe that Congress should investigate the procedures in force at our Embassies to deal with these situations. To that end, I have requested Chairman Thomas Morgan of the House Foreign Affairs Committee to investigate the Horman case, and the practices our Embassies currently follow in similar matters. I have been advised by our colleague, Dante Fascell, that an investigation is being made of the matter.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McDade (at the request of Mr. Gerald R. Ford), for today, to attend a funeral.

Mrs. Hansen of Washington (at the request for Mr. O'Neill), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Treen) to revise and extend their remarks and include extraneous material:)

Mr. RAILSBACK, for 5 minutes, today.

Mr. YOUNG of Florida, for 5 minutes, today.

Mr. TALCOTT, for 5 minutes, today.

Mr. SHUSTER, for 5 minutes, today.

Mr. KEMP, for 15 minutes, today.

(The following Members (at the request of Mr. JONES of Oklahoma) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. EILBERG, for 5 minutes, today.

Mr. WOLFF, for 5 minutes, today.

Mr. DRINAN, for 15 minutes, today.

Mr. FULTON, for 5 minutes, today.

Mr. SIKES, for 5 minutes, today.

Mr. MATSUNAGA, for 10 minutes, today.

Ms. ABZUG, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. MELCHER, for 5 minutes, today.

Mr. UDALL, for 5 minutes, today.

Mr. RUNNELS, for 10 minutes, today.

Mr. ALEXANDER, for 30 minutes, on December 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SMITH of Iowa and to include extraneous matter with remarks to be made on Labor-HEW appropriation bill.

Mr. YATES, to extend his remarks prior to the vote on the Bingham amendment.

Mr. ROUSSELOT to revise and extend his remarks immediately preceding vote on Martin of Nebraska amendment.

Mr. QUIE, prior to the Mallary amendment.

(The following Members (at the request of Mr. TREEN) and to include extraneous material:)

Mr. DERWINSKI in three instances.

Mr. QUIE in two instances.

Mr. SARASIN.

Mr. ERLENBORN.

Mr. ARCHER.

Mr. STEIGER of Wisconsin.

Mr. DAVIS of Wisconsin.

Mr. FRENZEL in three instances.

Mr. ASHBROOK in two instances.

Mr. GILMAN in three instances.

Mr. DU PONT.

Mr. HUBER.

Mr. SCHNEEBELI.

Mr. MCKINNEY.

Mr. TALCOTT in two instances.

Mr. KETCHUM.

Mr. HUDNUT.

Mr. SYMMS.

Mr. BAUMAN in two instances.

Mr. FINDLEY.

Mr. LUJAN.

Mr. SNYDER in two instances.

Mr. GOLDWATER.

Mr. KEMP.

Mr. MCCLORY.

Mr. COLLINS of Texas in four instances.

Mr. ANDERSON of Illinois in two instances.

Mr. STEIGER of Arizona.

(The following Members (at the request of Mr. JONES of Oklahoma) and to include extraneous material:)

Mr. EVINS of Tennessee in six instances.

Mr. EILBERG in 10 instances.

Mr. NICHOLS.

Mr. ALEXANDER in 10 instances.

Mr. GAYDOS in 10 instances.

Mr. JAMES V. STANTON.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. BRINKLEY.

Mr. DENT in three instances.

Mr. SIKES in five instances.

Mr. FULTON.

Mr. DRINAN in three instances.

Mr. FAUNTROY in two instances.

Mr. O'NEILL.

Mr. BURKE of Massachusetts.

Mr. HOLIFIELD.

Mr. ROSENTHAL in five instances.

Mr. RODINO.

Mr. CAREY of New York.

Mr. SYMINGTON.

Mr. HARRINGTON in two instances.

Mr. MEEDS.

Mr. HUNGATE.

Mr. BURTON.

Mr. DOMINICK V. DANIELS.

Mr. WHITE.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 584. An act to amend the act entitled "An act to provide for the establishment of the Indiana Dunes National Seashore, and for other purposes", approved November 5, 1966; to the Committee on Interior and Insular Affairs.

S. 903. An act to provide for the addition of the names of the States of Alaska and Hawaii to the list of the 48 States inscribed upon the walls of the Lincoln National Memorial; to the Committee on House Administration.

S. 979. An act to authorize the establishment of the Springfield Armory National Historic Site, Mass., and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1039. An act to authorize appropriations for additional costs of land acquisition for the national park system; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. JONES of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until Thursday, December 6, 1973, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications are taken from the Speaker's table and referred as follows:

1609. A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting the annual report of the Council for fiscal year 1973, pursuant to section 4(b) of the Bretton Woods Agreement Act (H. Doc. No. 93–198); to the Committee on Banking and Currency and ordered to be printed with illustrations.

1610. A letter from the Chairman, National Advisory Council on Education Professions Development, transmitting a report entitled "Evaluation of Education: In Need of Examination," pursuant to Public Law 90–35; to the Committee on Education and Labor.

1611. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, submitting a report on Delaware River, Philadelphia to the sea, branch channel in the vicinity of Delaware City, Del.; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

1612. A letter from the Comptroller General of the United States, transmitting a report on the Department of Labor's program of reemployment assistance for engineers, scientists, and technicians unemployed because of aerospace and defense cutbacks; to the Committee on Government Operations.

1613. A letter from the Comptroller General of the United States, transmitting a report on opportunities to improve the outreach and effectiveness of reviews by the Department of Defense of discharges given service members because of drug involvement; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOLIFIELD: Committee on Government Operations. Report on delinquent foreign debts and claims owed to the United States (selected countries) (Rept. No. 93–696). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. H.R. 11137. A bill to amend the Budget and Accounting Act, 1921, to require the advice and consent of the Senate for future appointments to the offices of Director and Deputy Director of the Office of Management and Budget, and for other purposes; with amendment (Rept. No. 93–697). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELANEY: Committee on Rules. House Resolution 738. Resolution providing for the consideration of H. Res. 735. Resolution confirming the nomination of Gerald R. Ford, of the State of Michigan, to be Vice President of the United States. (Rept. No. 93–698). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 739. Resolution waiving all points or order against H.R. 11771. A bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1974, and for other purposes (Rept. No. 93–699). Referred to the House Calendar.

Mr. ULLMAN: Committee of conference. Conference report to accompany H.R. 5874 (Rept. No. 93–700). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG:

H.R. 11783. A bill to reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a Nuclear Energy Commission in order to promote more efficient management of such functions; to the Committee on Government Operations.

By Mr. BENNETT:

H.R. 11784. A bill to amend title 23, United States Code, to insure that no State will be apportioned less than 80 percent of its tax contribution to the highway trust fund; to the Committee on Public Works.

By Mr. BURKE of Massachusetts:

H.R. 11785. A bill to amend the Internal Revenue Code of 1954 to extend certain transitional rules for allowing a charitable contribution deduction for purposes of the estate tax in the case of bequests or transfers of certain charitable remainders; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 11786. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. COHEN (for himself, Mr. Steelman, and Mr. Gilman):

H.R. 11787. A bill to amend the Social Security Act to direct the Secretary of Health, Education, and Welfare to develop standards relating to the rights of patients in certain medical facilities; to the Committee on Ways and Means.

By Mr. ESCH:

H.R. 11788. A bill to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes; to the Committee on Education and Labor.

H.R. 11789. A bill to require educational institutions engaged in interscholastic athletic competition to employ certified athletic trainers; to the Committee on Education and Labor.

H.R. 11790. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11791. A bill to provide Federal assistance to cities, combinations of cities, public agencies, and nonprofit private organizations for the purpose of improving police-community relations, encouraging citizen involvement in crime prevention programs, volunteer service programs, and in other cooperative efforts in the criminal justice system; to the Committee on the Judiciary.

By Mr. HECHLER of West Virginia (for himself, Mrs. Chisholm, Mr. Lehman, Mr. Metcalfe, Mr. Moorhead of Pennsylvania, Mr. Rangel, Mr. Roybal, and Mr. Seiberling):

H.R. 11792. A bill to declare by congressional action a nationwide energy emergency; to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to assure the continuation of vital public services; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLIFIELD (for himself and Mr. Horton):

H.R. 11793. A bill to reorganize and consolidate certain functions of the Federal Government in a new Federal Energy Administration in order to promote more efficient management of such functions; to the Committee on Government Operations.

By Mr. KETCHUM:

H.R. 11794. A bill to direct the Public Service Commission of the District of Columbia to establish a mileage rate zone system for the computation of taxicab fares in the District of Columbia; to the Committee on the District of Columbia.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Biester, Mr. St Germain, Mr. Horton, Mr. Ginn, and Mr. Tiernan):

H.R. 11795. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. MATSUNAGA (for himself and Mrs. Mink):

H.R. 11796. A bill to provide for the free entry of a 3.60 meter telescope for the use of the Canada-France-Hawaii telescope project at Mauna Kea, Hawaii; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas:

H.R. 11797. A bill to amend the personal exemption provisions of the tariff schedules of the United States in order to exclude from duty-free treatment thereunder all alcoholic beverages and cigarettes entered by any nonresident for gift purposes and all cigarettes in excess of 200 entered by any resident for personal use; to the Committee on Ways and Means.

By Mr. NIX:

H.R. 11798. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11799. A bill to provide for a comprehensive, coordinated 5-year research program to determine the causes of and cure for cancer, to develop cancer preventive vaccines or other preventatives, and for other purposes; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 11800. A bill to prevent windfall profits by automobile insurance companies during any period when the casualty rates of such companies are reduced as a result of official action in connection with the energy crisis; to the Committee on Banking and Currency.

H.R. 11801. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. POAGE:

H. R. 11802. A bill to change the name of the Laneport Dam on the San Gabriel River in Texas to the Granger Dam; to the Committee on Public Works.

By Mr. SARASIN (for himself, Mr. Badillo, Mr. Burke of Massachusetts, Mrs. Collins of Illinois, Mr. Dan Daniel, Mr. Davis of Georgia, Mr. Dent, Mr. Drinan, Mr. Fascell, Mr. Froehlich, Mr. Fulton, Mrs. Grasso, Mr. Guyer, Mr. Harrington, Mr. Helstoski, Mr. Lehman, Mr. Mazzoli, Mr. Moakley, Mr. Milford, Mr. Pepper, Mr. Ryan, Mr. Thompson of New Jersey, Mr. Veysey, Mr. Walsh, and Mr. Yatron):

H.R. 11803. A bill to impose an embargo on the export of petrochemicals until price controls on petrochemicals are removed; to the Committee on Banking and Currency.

By Mr. SCHNEEBELI:

H.R. 11804. A bill to clarify the exempt status of joint activities of educational organizations under the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 11805. A bill to adjust target prices established under the Agriculture and Consumer Protection Act of 1973, as amended, for the 1974 through 1977 crops of wheat and feed grains to reflect changes in farm production costs; to the Committee on Agriculture.

By Mr. BIAGGI:

H.R. 11806. A bill to amend the Public Health Service Act to provide for programs for the diagnosis and treatment of hemophilia; to the Committee on Interstate and Foreign Commerce.

By Mr. BRADEMAS:

H.R. 11807. A bill to encourage and assist States and localities to coordinate their various programs and resources available to provide human services in order to facilitate the improved provision and utilization of those services and increase their effectiveness in achieving the objectives of personal independence, economic self-sufficiency, and the maximum enjoyment of life, with dignity, and for other purposes; to the Committee on Education and Labor.

H.R. 11808. A bill to require that allocations and restrictions on the sale of refined petroleum products be made in a fashion which avoids inequitable treatment of users or classes of users of such products; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. Downing, Mr. McCloskey, Mr. Murphy of New York, Mr. Cohen, Mr. Biaggi, Mr. Pritchard, Mr. Anderson of California, Mr. Young of Alaska, Mr. Kyros, Mr. Ginn, and Mr. Studds):

H.R. 11809. A bill to amend the act entitled "An act to establish a contiguous fishery zone beyond the territorial sea of the United States," approved October 14, 1966, to require that the method of straight baselines shall be employed for the purposes of determining the boundaries of such fishery zone, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DUNCAN:

H.R. 11810. A bill to amend the Export Administration Act of 1969 to prohibit the export from the United States of oil drilling equipment; to the Committee on Banking and Currency.

By Mr. SNYDER (for himself, Mr. Blatnik, Mr. Howard, and Mr. Cleveland):

H.R. 11811. A bill to amend the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works.

By Mr. BOB WILSON:

H.R. 11812. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF:

H.R. 11813. A bill to amend the Internal Revenue Code of 1954 to allow an individual an income tax deduction for the expenses of traveling to and from work by means of mass transportation facilities; to the Committee on Ways and Means.

By Mr. YOUNG of South Carolina (for himself, Mr. Johnson of Pennsylvania, and Mr. Blatnik):

H.R. 11814. A bill to provide tax incentives to encourage physicians, dentists, and optometrists to practice in physician shortage areas; to the Committee on Ways and Means.

By Mr. ESCH:

H.J. Res. 844. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

By Mr. DANIELSON:

H. Con. Res. 393. Concurrent resolution to express the sense of the Congress that the President should declare petroleum, natural gas, and products derived therefrom as in short supply for purposes of taxation of domestic international sales corporations; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H. Con. Res. 394. Concurrent resolution expressing the sense of Congress concerning recognition by the European Security Conference of the Soviet Union's occupation of Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

By Mrs. GREEN of Oregon (for herself, Mr. SISK, Mr. LONG of Louisiana, Mr. GIAIMO, Mr. GAYDOS, Mr. ROSTENKOWSKI, Mr. MINISH, Mr. ANNUNZIO, Mrs. GRASSO, Mr. PRICE of Illinois, and Mr. CAREY of New York):

H. Res. 736. Resolution to authorize the House Administration Committee to produce a film on how the Congress really works; to the Committee on Rules.

By Mr. HAYS:

H. Res. 737. Resolution to authorize certain investigations and studies by the Committee on House Administration; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. SISK:

H.R. 11815. A bill for the relief of Masonic Homes of California, a nonprofit corporation; to the Committee on Agriculture.

By Mr. SYMMS:

H.R. 11816. A bill for the relief of Brandywine-Main Line Radio, Inc., WXUR, and WXUR-FM, Media, Pa.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

370. By the SPEAKER: Petition of the American Folklore Society, Minneapolis, Minn., relative to the American Folklore Preservation Act, to the Committee on House Administration.

371. Also, petition of the city council, Englewood, N.J., relative to amnesty; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

VETERANS BENEFITS—A PERSONAL VIEW

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. ADDABBO. Mr. Speaker, as Members of the House we introduce, review, and vote upon many bills affecting the veteran. During this process we receive position papers and proposals for legislation from veterans organizations and communications from many veterans. Recently I received a letter which expresses the viewpoint of the veteran so clearly and convincingly that I want to share it with my colleagues.

Accordingly I am placing in the RECORD at this point the text of a letter from Mr. and Mrs. Michael Connolly:

> WINTER PARK, FLA., *November 20, 1973.*
> CONGRESS OF THE UNITED STATES.
>
> DEAR SIR: Just a line to say hello and hope you and all the family are well. Thank the Good Lord and his Blessed Mother for it. As we also pray for you all and hope you all stay well here we go again another year 1973 in short it will pass us all by.
>
> Sir, the World War I vets sure are hoping that that unrestricted bill passes so that the World War I veterans will not lose any of their pension. What a shame the veterans of World War I got only $15.00 to $30.00 a month. Now, without a war when you join the service you get about $300.00 a month. God Bless them all now.
>
> Everyone can see what a serviceman life is worth but how about servicemen when they are old, over 75 years and can not get any help. What happens when the Social Security gives an increase to help you live and the increase we got everyone worked for the increase the way Doctors and Hospital and medicine cost. And when the Veterans' Administration took away $13.56 from my pension they took away lots of my medicine. I have to take less pills now because I can not pay for all I am supposed to take. It cost $10.00 for a trip to the doctor and $6.00 for diabetic blood test. I cannot pay that much every month or two when I am supposed to go back to the doctor. I pay $4.00 for pills for 50. I take 1 a day.
>
> It cost me $4.00 for pills for my heart. How much do I have left that is the way us old veterans must try to live. What a life that is why all the veterans we talk to will say the same thing. Why can't we get an unrestricted bill, it sure will help. Sir, we all do not have to tell our Congress or Senate about this. It sure does hurt when you think back when for $15.00 and $30.00 we were ready to give up our lives. Well as they say it is our country. God Bless our America the Land of the Free? What is free sir. Nobody knows what is free not even the sunshine it comes and goes some day it will stay but it will never happen in our times, sir.
>
> This is why I am writing to you hoping that all the Congress will look to us and help the Veterans of World War I. We are too old to work but we cannot go to work if we could, can we, sir. Get help some way there sure are a lot of veterans need that help now. Sir, thank you and all the Congress for whatever they can do to help us. And we are sure the veterans that pray will always pray for you all. Happy Thanksgiving to you all.
>
> MICHAEL and ANN CONNOLLY.

WORLD BIDS FAREWELL TO GREAT STATESMAN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. BIAGGI. Mr. Speaker, yesterday the world bid farewell to one of its foremost statesmen and leaders, David Ben-Gurion, the beloved founder, and distinguished former leader of Israel, who died on Saturday at the age of 87.

The history of Jewish people for over 2,000 years was marked with the hope for nationhood. These years produced many great men, like Theodor Herzl and Chaim Weizmann. Yet, it was the man with the lifelong messianic conviction for Jewish statehood, David Ben-Gurion, who made this dream a reality. On May 14, 1948, Ben-Gurion proclaimed the existence of Israel and in the book "Ben-Gurion Looks Back" offered this observation on this monumental day:

> For centuries we had been like flowers in a wood, some plucked by friendly hands, given water and nurtured, others trampled underfoot and crushed. At no time could we be ourselves, enjoy independence, with the freedom to live a normal national life on our own soil making the decisions affecting our destiny. Now the hour had struck we were independent once more.

Yet Ben-Gurion's contributions to the Jewish people did not end with the creation of Israel. Ben-Gurion was elected as the first Prime Minister of Israel. He steered Israel through a series of adversities which were to plague her in the early years of her existence, yet by the time that he retired in 1963, the sovereign nation of Israel was firmly established.

Ben-Gurion was a remarkable, and oftentimes, controversial figure, particularly during his tenure as Prime Minister. His decisions were often soundly criticized, but history turned out to be on Ben-Gurion's side, as the fruits of his labors are demonstrated by the strength and the Israel nation today.

Even after his retirement Ben-Gurion's love of and service to the Israel people did not end. His advice was sought out by his successors, and his views and thoughts continued to guide Israel right up until his death.

Yet for Ben-Gurion the most recent Middle East war was particularly agonizing. For a man who had dedicated his life to the reestablishment of a home for the Jewish people, he saw the bitter struggles between the Arabs and the Israelites as a grave threat to the survival of the Israel he helped create.

David Ben-Gurion is not likely to be forgotten. His unmistakable crop of shocking white hair made him an easily recognizable world figure. Yet more importantly, it will be the remarkable achievements of his life which will be remembered. The nation of Israel stands as a living testimonial to this great man. Yet the world could build a further testimonial for Ben-Gurion based on the bringing about of a true and durable peace in the Middle East, so that the people he loved and served for so many years can at long last live in peace.

THE RECENT 55TH ANNIVERSARY OF LATVIAN INDEPENDENCE

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. ROONEY of New York. Mr. Speaker, to live in a free society is, all too often, to take for granted those basic freedoms with which we Americans are blessed. The ability to speak one's mind, to live one's life as one chooses and where one chooses is assumed by most of us to be a right. We as a nation have had the good and providential fortune to always have that right.

However, there are those, in the world, I am sorry to say, who have denied these basic rights to their fellowman and instead have subjugated him in an attempt to destroy him and his nation, as well as his freedom. Such oppression and brutality has been perpetrated in Latvia by the Godless red Communist Soviet Union since June 1940.

Before that time, dating back to November 18, 1918, the Latvian people along with the Estonians and the Lithuanians, had established their independence and their nationhood. Though they were small states, they were free and they prospered.

What led to the tragic events of 1940 was one of the most odious of treaties. That treaty was, of course, the Nazi-Soviet Communist nonaggression pact of 1939. The red Soviet Union moved quickly to consolidate its new power and in the process crushed all three small Baltic states.

What started then was a most cruel and systematic elimination of the culture and national identification of these small freedom loving states. Persecution, imprisonment, murder and deportation became the common lot of the peoples of these small countries.

Mr. Speaker, it is noteworthy, I feel, to underscore that the Latvian people, along with the Hungarians and Poles, the Czechs and East Germans fought the imposition of hated Communist rule and that only overwhelming military force caused these valiant, though oppressed, peoples to lose their freedom.

Thank God, the United States has never recognized the forceful annexation of these Baltic states into the Soviet Union. This steadfast policy gives some succor to all those oppressed peoples and, I am sure, reinforces the drive of all of them to attain national independence while at the same time discouraging the Soviet policies of Russification and effective absorption of these small states into the godless Soviet Union.

Mr. Speaker, I applaud the efforts of the Latvians and all the peoples of the world subjugated by the Communist Soviet Union to be free from the oppressive yoke of communism and to establsh free and representatives governments. Because of that feeling, I consider it a privilege to join in honoring a nation to whom the meaning of freedom is clear and to honor the Latvian people who valiantly mark the days until they can enjoy that freedom once again.

SPEECH BEFORE DISTRICT OF COLUMBIA ZONING COMMISSION

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr FAUNTROY. Mr. Speaker, I have long been concerned with the short- and long-range effects of urban planning and zoning. I am also a strong believer of the right of people to become involved in the decisions in urban planning that affect their lives.

Recently, I have had the opportunity to address myself to this issue as it affects the citizens of the District of Columbia. I would like to convey my interest in this issue to my colleagues in the House of Representatives as it is an example of the problems which arise in any urban community:

STATEMENT OF CONGRESSMAN WALTER E. FAUNTROY IN SUPPORT OF THE PROPOSAL BY THE ZONING COMMISSION TO REZONE CERTAIN AREAS NORTH OF DUPONT CIRCLE BEFORE THE DISTRICT OF COLUMBIA ZONING COMMISSION, NOVEMBER 28, 1973.

Mr. Chairman, I am most pleased to have this opportunity to speak in support of the Zoning Commission's proposal to re-zone selected areas of the North Dupont Neighborhood.

The issue which confronts us today is one which ultimately faces all citizens in the District of Columbia and, indeed, in every city in the United States. It is the issue of who is going to benefit from the planning procedures in the city. Some of our most tragic mistakes in development in the past have resulted from the dominance of economic concerns, relating to apparent gains in tax revenue, over social and environmental factors. If the planning process is not molded around the living concerns of the people in the neighborhoods, then we can only expect to be left with cities which are devoid of any spirit of community.

Zoning decisions are among the most important of the planning tools and to the people North of Dupont Circle, the way in which this tool is exercised will determine the shape of this thriving community.

The re-zoning, as best as I have been able to determine, is not opposed by the Planning Commission even though it has urged a "go-slow" approach. This "go slow" approach, it would seem to me, would be best served if the Zoning Commission declined to permit certain proposed building to go forward by re-zoning the area immediately. This kind of decision can be reviewed later, if necessary; but, if the buildings are constructed, it can never be changed as a practical matter.

The action which I am urging you to take will not adversely affect existing structures that may not conform to the new zoning, but it will insure that the residents who have worked to establish a life style of integrated socio and economic interest will not have that interest destroyed for some short-run tax gains.

Economic considerations are obviously important, but they cannot totally govern zoning decisions. Indeed, the Zoning Commission's own documents seem to indicate that economic interests should not be allowed to dictate the zoning decisions. In this case, economic interests are but one small portion of the total inputs that compose intelligent zoning decisions.

Building owners do not have an unfettered right to dictate what they will do to a neighborhood; that right belongs to the people who live there. Before speculators should be granted permits or be allowed to otherwise substantially alter the character of a neighborhood, they should be required to show that they have consulted with the neighborhood and justified their plans. I am suggesting that the feelings and beliefs of the people must be considered and given more than cursory notice.

The confusion that exists throughout this city over what plans or types of planning ought to be implemented can be cured only when the comprehensive master plan and its subsidiary neighborhood plans have been set down. Towards this end, the citizens in North Dupont have started to compose their own plan. They have determined that they will have a viable and intelligently written concept of their neighborhood upon which decisions can be made for the future.

I suggest that this be done first before we tinker with the lives and fortunes of our citizens through haphazard zoning or through out-of-date zoning which is the immediate issue before you today.

Let me point out that while re-zoning cannot be the panacea that many would like it to be, it is nonetheless in this case the tool which gives stability to a unique neighborhood. North Dupont is an area which we should all want to preserve. It is racially and economically integrated. It has been built by the residents and it is the residents who, themselves, want to maintain this "nation-in-a-microcosm," if you will. For this reason, if none other, we should abide the decisions of these good people.

To deny the re-zoning will be to invite speculators into the area who will drive out the less wealthy, who will construct imposing edifices for those who can afford to live in them, but who will not ever relate to the community. Finally, a denial will make this neighborhood unlivable. Additional residents cannot be contained in this area without substantial modification to the life style and the safety of those who now live there.

I urge this body to do what is right in this city. Give these people a chance to develop a plan which is based upon the best ideas which zoning laws are supposed to foster. If then, it is determined that a change is necessary, it can be made with the help of everyone—the owners, the residents, and the planners. We have made too many mistakes before, the time is now for us to change. You can do it by voting to support the re-zoning proposal.

NATO: THE UNITED STATES AND WEST GERMANY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. ASHBROOK. Mr. Speaker, many Americans are attempting to reevaluate the real meaning of détente with the Soviet Union and the status of our NATO alliance system as the smoke clears from the fourth phase of Arab-Israeli hostilities.

Although allegedly devoted to the Maintenance of peace through cooperation with the United States, the Soviet Union proceeded to covertly supply their Arab allies with the means to launch aggressive warfare and then promptly provided additional material and vigorous verbal encouragement to Egyptian and Syrian armies once the war began. In contrast, the United States found that their efforts to resupply the beleaguered Israeli forces were hindered by the actions of our allies in Europe. In particular, West Germany, where most of our supply depots and two-thirds of our troops based in Europe are located, took the leadership in opposing our efforts to thwart the Soviet thrust into the strategically vital Middle East. In order to grasp the seemingly strange reaction of the German Government one needs an understanding of the general policy of Ostpolitik that Chancellor Willy Brandt has been pursuing the last few years. This policy of Brandt and its dangerous implications for the Western world were clearly delineated by Dr. Franz Josef Strauss, the leader of the Christian Socialist Union party in West Germany, in a recent visit to the United States. The main thrust of Strauss' remarks and the drift of Brandt's foreign policy have been covered in a very illuminating article by

Peter Hughes in the Indianapolis News. The article follows:

[From the Indianapolis (Ind.) News, Nov. 16, 1973]

DANGER SIGNALS IN GERMANY

(By Peter Hughes)

EDITOR'S NOTE.—The author is a Ph.D. candidate in international relations in the nation's capital.

WASHINGTON.—Dr. Franz Josef Strauss, the leader of West Germany's opposition party, the Christian Socialist Union (CSU), recently paid an informal visit to the United States. A member of the German Bundestag (Parliament) since 1948, Strauss has held a number of major positions in the German government, among them minister of finance and defense minister.

Strauss' visit to the nations' caiptal, during which time he met with leading congressional figures and their staff assistants, as well as key administration officials, including Secretary of State Kissinger, and Secretary of Defense Schlessinger, came at a time when a political storm in West Germany had erupted.

The potential turmoil in West Germany was the result of a visit to Moscow this past October by Herbert Wehner, the parliamentary leader of the governing Social Democratic party.

During this visit, Wehner had set off a trial balloon by arguing that his (Bonn) government had "pushed too hard" for concessions from the Soviet Union in its 1971 agreement on West Berlin. (This agreement supposedly gave the West German government the "formal" right to represent the residents of West Berlin.)

The agreement was considered necessary because the Soviet Union has consistently avoided any formal recognition of West Berlin's ties to West Germany. West Berlin's status was also tenuous because the East German government, carefully controlled from Moscow, has made East Berlin its capital and it has always claimed to be the legal heir to West Berlin.

Berlin, as a result of the post World War II Four Power Agreement, lies 100 miles within the Soviet-occupied part of Germany, and is divided into four sectors. These sectors are occupied by the Soviet Union (East Berlin), the United States, Britain, and France (West Berlin). Because of the city's geographical vulnerability, the Soviet Union has consistently attempted to undermine West Berlin's ties to the West and over the course of the last 25 years, Berlin has repeatedly been a pawn for Soviet ambitions.

Strauss warned U.S. officials not to get caught up in believing their own euphoric rhetoric of the detente spirit. He asked the government officials he met with to question carefully the motives behind the Soviet initiatives in bringing about a sense of relaxation to global politics, and he also discussed the implications of Wehner's statement.

Unknown to most Americans is the fact that the internationally acclaimed West German Chancellor, and leader of the Socialist Democratic Party (SPD), Brandt is not much more than the figurehead of respectability for his party. The man who controls the majority of the SPD is the aforesaid Herbert Wehner, a former communist who lived in the Soviet Union during much of World War II. Wehner's faction of the SPD is composed of left-wing radicals who want nothing less than the dissolution of the western alliance system and neutralism for West Germany.

As Strauss pointed out, this is not a new goal for the left-wing elements of the SPD. Strauss discussed an article by Walter Hahn (an associate director of the Foreign Policy Institute at the University of Pennsylvania, who is currently residing in Bonn doing research), which appeared in the defense and foreign policy journal "Orbis" this year. In this article Hahn traced the origins of Brandt's Ostpolitik, the architect of which is Brandt's Special Minister, Egon Bahr.

Hahn had conducted an interview with Bahr in 1969, during which Bahr outlined his ideas for future German policy. In retrospect, these ideas are notable because they are being translated into policy under the Brandt government. This includes the signing of the renunciation of force treaty, the de jure recognition of the two Germanies, the formal acceptance of the Soviet control over Eastern Europe, and the withdrawal of troops from both sides of the European alliance systems.

Since all of these goals have been accomplished, or are in the process of being accomplished, grave concern is being increasingly voiced by German opposition party officials that the next logical step in the Wehner-Bahr policy will be the dissolution of the NATO alliance. This fear is compounded by the fact that Brandt was unable to solicit Wehner to retract (or modify) his Moscow statement, even after popular opposition to his position became evident.

ENERGY CRISIS AND AVIATION

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. TAYLOR of Missouri. Mr. Speaker, recently Mr. James Kolstad, Director of Congressional Relations of the Civil Aeronautics Board, delivered an address to the Springfield, Mo., Rotary Club.

With the effect that the energy crisis is having on aviation today, I think that Mr. Kolstad's remarks are timely and enlightening.

So that my colleagues may have the opportunity to review Mr. Kolstad's statement, I offer it at this point in the RECORD:

REMARKS BY JAMES L. KOLSTAD

Thank you very much for the invitation to be with you today.

For those of you who are unfamiliar with the role and responsibilities of the Civil Aeronautics Board, perhaps a few words are appropriate.

The CAB is an independent arm of the Legislative Branch of the government and is exclusively an economic, licensing, regulating, and rate-making body. It has very limited power and only 660 employees, including economists, accountants, lawyers, and business analysts.

It may be useful also to note the statutory provisions in the Federal Aviation Act relating to the grant of route authority: First, there must be a public need for the airline service; and second, the airline applicant must be fit, willing, and able to provide the service.

You may have heard the saying: "Those who like sausage and regulation should not watch either being made."

In my position at the CAB, I have little to do with sausage; but, moreover, when wearing my community relations hat, one of my responsibilities is to reduce the necessity for a community to seek the tedious, expensive, and time-consuming regulatory process in seeking new or improved air service.

By sitting down informally with the community's civic and airport officials and officers of the carriers involved, we attempt to negotiate, through moral and friendly persuasion, a satisfactory solution for all the parties. To date, this has been one of the many successful and satisfying aspects of my position with the Board.

Bob Hancik has asked me to discuss with you the matter of additional and improved air carrier service for this community.

In doing so, it is absolutely necessary to consider both the recent mid-east crisis and the obliquely related fuel crisis.

Although only 6% of the total U.S. consumption of petroleum is from the mid-east, 20% of that amount is imported by this country in the form of jet fuel.

Indeed, fuel is the single factor which, more than any other in my opinion, will determine this community's air service pattern probably for some time to come.

All transportation consumes 22% of the total energy output of this country. Yet, only 25% of it is utilized as propulsion; the other 75% is waste in the form of heat.

So, eliminating colossal inefficiencies in energy use could help. For example: Pilot flames account for nearly half the gas used annually by the average kitchen range; a 747 burns in excess of one ton of fuel in taxing from gate to threshold; and the Environmental Protection Agency claims that a 1000 pound reduction in the weight of automobiles would save 2.1 million barrels of crude oil per day or, more than the capacity of the proposed Alaska pipeline.

Moreover, the air transportation industry, as a predominant intercity carrier, consumes only about 4% of the total U.S. petroleum supply.

Yet there is a smaller supply of jet fuel available today than there was three years ago because of increased demands in other areas.

Jet fuel comes from the so-called "middle of the barrel." This is the distillate that is easily transformable into heating oil, diesel, fuel, kerosene and jet fuel.

Because of the growing demand for gasoline though, refiners have reduced their yield of the middle distillate to provide a greater output of gasoline.

The emergency nature of the shortages resulted in the White House announcement of a mandatory middle distillate fuel plan beginning November 1 which includes jet and turbine engine fuels.

The program limits all refiners, gas plant operators, wholesalers, suppliers, and terminal operators or any other person, firm, or corporation supplying or purchasing middle distillates in bulk at the wholesale level to the amount per month actually supplied during the corresponding month of 1972.

It is hoped this will satisfy a predicted shortage of about 10%.

The reduction in service to a majority of the points served by scheduled air carriers is now fact. Fortunately, as you know, Springfield, so far, has been spared from any fuel-related service reduction.

In overseeing the carriers responses to the mandatory fuel program, the Board has tried to encourage the carriers to adhere to cutback practices which give maximum service to the greatest number of passengers and to adjust schedules where possible rather than to cancel all service to any city.

On October 25 an order was issued granting the local service carriers the authority to overfly an intermediate point if it has scheduled at least one round trip per day for five days over that segment.

Although the major possibilities for fuel saving will be in the larger, competitive markets, the Board concluded that significant prospects for fuel savings by local service carriers for the present, and near future, outweigh any inconvenience to the traveling public.

It is expected that the carriers would exercise sound judgment in determining which schedules they eliminate.

I should emphasize though that the Board has no intention of allowing a carrier to use the current fuel crisis as justification for suspension or deletion of service at any of its loss markets.

The hardships continue to be numerous and in some cases acute.

Two major trunk carriers have been told by their fuel suppliers that they will be unable to provide a fuel supply even equal to the 1972 level. Other carriers have a distorted 1972 fuel base because of strikes and the conversion to jet and widebodied aircraft.

The Board is attempting to identify all of the hardship cases and by working with the Office of Oil and Gas at the Interior Department is attempting to affect appropriate exceptions to the allocations.

A bill now scheduled for quick passage by Congress could expedite this procedure by giving CAB more authority for the duration of the energy emergency. Specifically we may be able to adjust a carrier's operating authority either by limiting the level of operation, altering the points served, shorten the distance traveled, and adjusting rate schedules.

Another kind of hardship, even more difficult to resolve, involves the furloughing of aircraft crews and station personnel.

The entire issue is still shrouded in some confusion and chaos but a few things are clear: The problem is severe;

There are going to be some difficult adjustments for the public, the communities, and the carriers; and the fuel shortfall, in my view, is not going to be satisfied in the near future.

The point is simply this: It would be inappropriate, under this present-day situation, to consider additional frequencies, carriers, and route authority for Springfield or any other city when other communities with less service are being asked to accept service reductions.

The average load factor on Ozark's Springfield flights is 49.4%. On Delta's it is 49.0%.

In this environment the solution to Springfield's air service desires, I believe, depends totally on greater utilization of the existing service, both during and following the fuel crisis.

While the airline industry is regulated, it is essentially a free enterprise and no different from any other business, large or small.

Stockholders have a right to expect management to protect their investments and pay them a fair rate on the money they have invested.

To the degree this is not accomplished in any business enterprise, it becomes unattractive to the investor and the financial lending community.

Generally speaking then, airline service is a function of traffic. The basic equation is that if traffic is sufficiently strong to warrant economic service, one or more carriers will be ready, willing and able to provide it.

They will seek certification by filing applications for new authority. They will enlist the support of civic interests, and they will press the Board to hear their applications or institute investigations.

Traffic, both present and future, will determine the attitude of the Board and the carriers, because traffic is the measure of whether service can be provided economically. Or stated another way, it must generate revenues to cover the cost of operation plus a reasonable profit.

The future of air transportation at Springfield is certainly not bleak, though.

Springfield's Air traffic has grown from about 48,000 passengers enplaned in 1965 to almost 103,000 in 1972, for an annual growth rate of approximately 8% which is about the national average.

To the extent that the Springfield community can utilize the existing service to achieve higher load factors then one or both of the carriers will have the incentive to expand and develop their services out of and into Springfield.

More efficient utilization by the community, then, is the key.

To generalize, there has never been a greater need for caution and reexamination as the order of the day.

As Chairman Timm said recently, the emphasis has shifted from creation to refinement.

He noted that we are now obliged to turn a critical eye upon the past and must ask ourselves whether waste and inefficiency have been too easily absorbed during the last three decades of expansion and growth.

We must ask whether practices tolerable in the past have in the present become intolerable.

The extensive study of the current route structure of the nation's domestic carriers requested by Chairman Timm is reflective of this view, and it is hoped, will be completed before the end of next month.

The study will undertake to reveal not only what route authorities are not now and have never been used, but what routes are being underused, and what the system should look like five and ten years down the road.

The results of this study could mean petitions for more route swaps and could truly reveal some badly needed route authority.

What the future holds, I do not know. I do know that other cities have progressed from Springfield's present size as a traffic generator to become major hub points.

But, it is for you who live and work in this area to develop the traffic that will be necessary to sustain an ever-increasing pattern of service that you desire.

In the meantime I look forward to working together with Springfield on today's and tomorrow's problems.

Thank you.

THE NEW INVADERS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. GAYDOS. Mr. Speaker, little did we think 28 years ago, as the Japanese capitulated in World War II, that the time would come when this erstwhile enemy would mount a multibillion-dollar invasion of our own homeland.

And yet, this now is occurring—not in one fell swoop, but in a series of shrewd financial moves that have taken over more and more of our businesses and their markets, and valuable lands, and recreational facilities across the Nation.

The greatest thrust of this invasion so far, as Jack Jones reported the other day in the Pittsburgh Press, is on our west coast. I quote from his report:

> Investments (by the Japanese) range from industrial land and new manufacturing and distribution centers to timberland in Washington, garden apartment complexes in San Diego and Orange counties, major hotels in Los Angeles and San Francisco, golf courses and country clubs, housing projects and race horses.

Mr. Jones filed his dispatch from Los Angeles.

But the west coast story is not all of it by any means. Japanese investments in the United States have leaped up by 40 percent in the last 2 years and, from a standing start, now are estimated at more than $1 billion. Unless checked, this figure will continue to soar because, as writer Jones points out—

> Evidence of Japanese enthusiasm for U.S. properties is everywhere.

Japanese investors are bobbing up in the Eastern States, buying properties and building plants. The South has them around in growing numbers. Japanese spending for hotels and golf courses has become so lavish in Hawaii that Americans there are worried and protesting vigorously.

The reason for the Japanese intrusion is understandable, of course. Over the years this former enemy nation has enjoyed a lop-sided advantage in its business dealings with us. Where our markets are wide open to Japanese products, Tokyo has placed quotas and severe import levies on competitive products from here. The result, according to Mr. Jones, is that Japanese treasuries hold $17 billion in stocked up U.S. dollars and these now are being cashed in for U.S. properties, making the new point that money conquers even more effectively than do guns.

Could any of us have imagined, a generation ago, that a time could come when parts of our country would be bought with our own dollars in the hands of others, to say nothing of the intruders being the onetime foes we conquered? Of course not. And yet this has come about. Hundreds of our people are awakening each day to find themselves employees of the Japanese, many of these Americans undoubtedly veterans of that war our Nation was supposed to have won. And the Japanese are not the only invaders. Europeans, too, are here with dollars either hoarded from our giveaways or acquired in other ways.

I feel, Mr. Speaker, that despite the other crises which torment us, this invasion of the Japanese and European investors must command attention. Although the balance of payments reportedly has turned back in our favor, at least temporarily, we still have those piled up dollars abroad to contend with and our country to protect from them. Legislation is badly needed in this field.

THE FIRST ENERGY MESSAGE TO CONGRESS WAS FDR'S

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. OBEY. Mr. Speaker, it may be of historical interest to note that President Roosevelt sent an energy message to Congress on February 15, 1939.

His message, accompanying a lengthy report on energy which the National Resources Committee prepared at his behest, included this prophetic observation:

> It is difficult in the long run to envisage a national coal policy, or a national petroleum policy, or a national water-power policy without also in time a national policy directed toward all of these energy producers—that is, a national energy resources policy. Such a broader and integrated policy toward the problems of coal, petroleum, natural gas, and water power cannot be evolved overnight.

Indeed, three wars and 35 years later, we still have not evolved a national energy policy.

Mr. Speaker, a reading of President Roosevelt's energy message suggests that it should be regarded as more than a footnote to history, and I include it in the RECORD at this point, along with a roster of the National Resources Committee and a list of those who helped prepare the report, and the letter of transmittal from Interior Secretary Harold L. Ickes, Chairman of the Committee. The bound volume from which these materials were taken is available from the Library of Congress.

The material follows:

MESSAGE FROM THE PRESIDENT

To the Congress of the United States:

In accordance with my request of March 15, 1938, the National Resources Committee, in consultation with the other Federal agencies concerned, has prepared a comprehensive study of our energy resources, which I present herewith for your consideration.

This report represents the joint effort of many specialists both within and outside the Federal Government. It suggests policies, investigations, and legislation necessary to carry forward a broad national program for the prudent utilization and conservation of the Nation's energy resources.

Our resources of coal, oil, gas, and water power provide the energy to turn the wheels of industry, to service our homes, and to aid in national defense. We now use more energy per capita than any other people, and our scientists tell us there will be a progressively increasing demand for energy for all purposes.

Our energy resources are not inexhaustible, yet we are permitting waste in their use and production. In some instances, to achieve apparent economies today future generations will be forced to carry the burden of unnecessarily high costs and to substitute inferior fuels for particular purposes. National policies concerning these vital resources must recognize the availability of all of them; the location of each with respect to its markets; the costs of transporting them; the technological developments which will increase the efficiency of their production and use; the use of the lower grade coals; and the relationships between the increased use of energy and the general economic development of the country.

In the past the Federal Government and the States have undertaken various measures to conserve our heritage in these resources. In general, however, each of these efforts has been directed toward the problems in a single field: Toward the protection of the public interest in the power of flowing water in the Nation's rivers; toward the relief of economic and human distress in the mining of coal; or toward the correction of demoralizing and wasteful practices and conditions in the industries producing oil and natural gas. It is time now to take a larger view: To recognize—more fully than has been possible or perhaps needful in the past—that each of our great natural resources of energy affects the others.

It is difficult in the long run to envisage a national coal policy, or a national petroleum policy, or a national water-power policy without also in time a national policy directed toward all of these energy producers—that is, a national energy resources policy. Such a broader and integrated policy toward the problems of coal, petroleum, natural gas, and water power cannot be evolved overnight.

The widening interest and responsibility on the part of the Federal Government for the conservation and wise use of the Nation's energy resources raises many perplexing questions of policy determination. Clearly, there must be adequate and continuing planning and provision for studies which will reflect the best technical experience available, as well as full consideration for both regional and group interests.

Some Federal legislation affecting the energy resources will expire at the end of this fiscal year, other legislation at the end of a few more years. This report sets forth a useful frame of reference for legislative programs affecting these resources and illustrates another approach to the systematic husbandry of our natural resources. Specific recommendations are advanced for solution of the most pressing problems.

In order to facilitate its use by the Congress, I recommend that this report be printed together with the supporting staff reports and illustrations, when these are available in final form, in conformity with similar reports prepared by the National Resources Committee.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 15, 1939.*

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Frederic A. Delano, Vice Chairman.

Harry L. Hopkins, Secretary of Commerce.

Harry H. Woodring, Secretary of War.

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Grateful acknowledgement is made of the cooperation and assistance of the special contributors named above and of the several Federal bureaus and agencies concerned with the energy resources, especially the staffs of the Bureau of Mines, Geological Survey, and Petroleum Conservation Division of the Department of the Interior; the Federal Power Commission; and the National Bituminous Coal Commission.

LETTER OF TRANSMITTAL

NATIONAL RESOURCES COMMITTEE,
Washington, D.C., January 28, 1939.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: We have the honor to transmit a report on the energy resources of the Nation with recommendations for their prudent utilization and conservation in relation to each other and to the national economic structure.

In accordance with your request, the report has been prepared in consultation with all other interested agencies of the Government. It includes supporting papers by specialists from both inside and outside the Government, assembled and summarized by a staff under the direction of Dr. Ralph J. Watkins.

The findings and recommendations, in which we concur, point the way to a national policy for the prudent conservation and wise use of our energy resources.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior, Chairman.

ADDITIONAL SIGNATURES

Harry H. Woodring, Secretary of War.

H. A. Wallace, Secretary of Agriculture.

Harry L. Hopkins, Secretary of Commerce.

Frances Perkins, Secretary of Labor.

F. C. Harrington, Works Progress Administrator.

Frederic A. Delano, Charles E. Merriam, Beardsley Ruml, Henry S. Dennison.

PLATTDUETSCHE OLD FOLKS HOME SOCIETY

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. WYDLER. Mr. Speaker, I recently had the honor of presenting a flag of our country at the building dedication and anniversary dinner of the Plattduetsche Old Folks' Home Society. The people in attendance rose after the presentation to join in the singing of "God Bless America." This fine group of Americans support the old folks' home as a private institution without Federal help. I wish to compliment each and every one of them for the part they have played in making the Plattduetsche Old Folks' Home one of the finest in the country.

My good friend Theodore Gloisten has written a most interesting history of the old folks' home and I am setting it forth for the benefit of my colleagues in the Congress:

PLATTDUETSCHE OLD FOLKS HOME SOCIETY

(History by Theodore Gloisten)

It was in 1910 that two delegates, Chris Ellmers and Wilhelm Neumann, presented to the Plattduetsche Volksfest Verein, the idea of building a home for the old folks who could no longer stay by themselves and maintain a household. The idea was enthusiastically adopted, and a committee appointed to develop plans.

In 1913, the charitable organization of the "Plattduetsche Altenheim Gesellschaft von Brooklyn und Umgegend" was started with Henry C. Bohack as President. On January 28, 1915, Martin H. Renken was elected the second President.

Although these were war years, the planning and programming never stopped. After this group was incorporated under the laws of the State of New York in 1913, the "Plattduetsche Frauen Verein" organized the "Damen Hilfs-Verein" (Ladies Aid Society) in 1915. The first President was Henrietta von Hoden, and right from the start these ladies have always taken an active and important part in the support and successful expansion of the "Altenheim".

In these early years the first funds were gathered by a committee having a "Piano Kontest" which raised $2,800.00 for the building fund. In 1913 the Bremervoeder Maennerchor conducted a benefit in the Saengerbund Hall that added another $1,226.00. In 1916 tre Volksfest Verein gave another $10,000.00, and in that year under the wise guidance of

Martin H. Renken, a ten acre farm land was purchased in Franklin Square for the present site of our "Altenheim". In 1918 an additional seven acres were purchased.

From 1917 through 1922 many benefit affairs were arranged and included two more concerts by the Bremervoerder Maennerchor with the New York Liederkranz Orchestra. A week long bazaar was sponsored by the "Damenhilfs-Verein" at Arcadia Hall, and with the help of many other clubs including Lutheran Church groups, they raised $29,000.00 for the "Altenheim" building fund. Another bazaar in the Thirteenth Regiment Armory added $32,000.00 more.

During these same years several churches took special interest in this worthy project. They included the "Deutsche Evang. Luth. Zions Kirche" on Henry Street (Pastor Kraeling), the "Evangelisch Lutherische Kirche" on Jersey Avenue, Brooklyn and the "Ev. Luth. St. Peter's Kirche" (Pastor Heischmann).

Finally in 1922 the center part of the present building was started, and completed the following year at a cost of $100,000.00. The home, with 28 guest rooms was opened, and soon filled with happy and contended old folks, most of whom had been active at some time in the various Plattduetsche" organizations.

During these early years of the "Home" there was often a waiting list of applicants, and again with the well recorded leadership and encouragement of President Martin H. Renken the east wing addition with 46 more rooms and an elevator was completed in 1930 at a cost of $100,000.00.

The wonderful guiding spirit of Martin H. Renken came to an end in 1934 and he was followed by "Onkel" Rudy Schumacher, who worked hard and with real wisdom to keep the "Altenheim" operating with its established high standards. This was not easy during the depression and war years.

When Rudolph Schumacher retired in 1948. Harry von Kampen was elected to take over this great responsibility, and he served with distinction and honor until 1954.

For the first time an American born President was elected in 1954. Henry Renken, the son of Martin H. Renken, is still remembered by many of us for his firm and serious interest in the proper operation of the Altenheim. His perfect Plattduetsch was used a great deal at his meetings. One of his accomplishments was the addition of the sun porch to the front of the east side of our building at a cost of $40,000.00.

It is worthy to note that during Henry Renken's administration he had a very active first Vice President, Eugene Mayer, who unfortunately passed away in 1962. His work and interest in the Altenheim have been carried on every since by his very active wife, Anni Mayer.

Large portrait paintings of the four past presidents are prominently displayed in the Altenheim. The Henry C. Bohack framed painting was presented to the Altenheim at the 50th Anniversary dinner by Robert H. C. Bohack, a grand nephew. He is the Personnel Director of the Bohack Corporation who made this possible.

When Henry Renken decided to retire in 1967, Harry Busch was elected to this time consuming responsibility as President. In his first annual report he indicated that there was a need for improved and new facilities for our guests and those knocking at our door. A building committee under the leadership of John C. Jannen until 1968 reviewed various plans, and finally it was decided to add a new west wing to the building. In 1969 a larger building committee was appointed, with Daniel L. Muller as Chairman.

Thanks to the years of co-operative efforts of the directors, the building committee, our superintendents and the Ladies Aid Society, ground breaking ceremonies took place in April 1972. A fund raising drive was started with a successful dinner on May 19, 1972, at which the Honorable Albert H. Bosch was the speaker. President Busch appointed a Building Fund Executive Committee, made up of John Hinrichsen, Chairman, Theodore Gloisten, Vice Chairman, and John Pluschau, Financial Secretary.

It is desirable to mention and recognize in this history the dependable service rendered by Mr. & Mrs. Herbert Knieriem from 1955 to 1966 as Superintendents of the Altenheim. After Herb passed away, Mrs. Knieriem continued and was joined by Mr. & Mrs. Henry Simonsen in 1966 as Superintendents. After all these years of continuous work for the benefit of our guests, Mrs. Knieriem decided early this year to reserve a room for herself in the new wing and enjoy the rest of her years in comfortable retirement.

The physical well being of our house guests has been for many years in the hands of our physician, Dr. DeLassio. Dr. DeLassio was assisted by our Schwester Emma, whose untiring services came to an end when she was called to her reward in 1971.

The spiritual needs of our residents over all these years were filled by various Lutheran ministers. When our last Chaplain, Pastor Vesper unexpectedly died this year, Pastor Theodore R. Baudler of the Zion Lutheran Church on Henry Street, took over, and is filling these needs of our residents.

The new west wing of the building is made up of guest rooms with private baths and a separate living room is available on the second and third floors. The manager's apartment, additional guest rooms and rooms for the nurses aids are on the first floor along with a very large sun room and extended chapel. The basement provides new facilities for all guests. They include a hobby room, hair dressing parlor, library, recreation room, and director's and manager's offices. There is also additional storage space, and the Ladies Aid Society is equipping a service kitchen in this area. The new elevator serves all levels, including an outside door where deliveries can be loaded with minimum handling.

A "Memorial Hall" to the new wing will have the Honor Roll and Memorial Plaques as well as three lighted directories listing Life Members, contributors to the Gold Star $100. Club, and Life Members of the Ladies Aid Society.

The entire new building is air conditioned and all the rooms are committed to applicants with several more on the waiting list again. This is evidence of the good guidance and continuous work the Altenheim has received from its Board of Directors, as well as the loyal support of the many friends and members, especially the Ladies Aid Society.

In a very impressive ceremony, the Honorable John W. Wydler, Congressman for the fourth district in this area, presented at the Dedication dinner a large American Flag that had been flown over the United States Capitol.

The directors wish to express a most sincere and heartfelt thanks to all the sponsors and contributors for their wonderful support. With your continued interest, great spirit of co-operation, and with God's blessings, we look forward with confidence to completing in the near future the needed improvements in the older sections of our Altenheim.

PETROLEUM, POLITICS, AND POWER

HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. DENHOLM. Mr. Speaker, I voted against the legislation proposed to conserve energy on the Nation's highways—H.R. 11372.

I voted against the legislation proposed to conserve energy on the highways because it is not in the public interest.

Trains of trucks in motion every hour of every day and every night have sustained a national transportation system otherwise at the threshold of total collapse. Absent of the efficiency of the motor transport industry many American families of the greater metropolitan areas of this country would not have milk, meat, potatoes, toast, or other essential food for dinner tonight or for breakfast tomorrow morning.

I do not know of one single proprietory interest in the motor-transport industry that is not interested in maximized economy of operation.

Now, if the national policy is to reduce the consumption of energy per ton-mile of cargo shipments, many alternatives exist to substantially reduce the rate of petroleum and petroleum products essential to the energy required for transportation.

Examples of increased efficiency and reduced energy requirements per ton/mile of cargo include: Increased axle weight limits; increased two-way hauls; full load lots by monitored pooling; relaxation of ICC restrictions; and uniformity of national and State laws by intrastate and interstate regulatory agencies.

There are many other policies that will substantially increase efficiency of energy requirements essential to the motor-transport industry but I respectfully submit that a reduction in speed is far more political than practical in any effort to conserve energy required on a per ton/mile cargo shipment.

It is likely a political advantage to appeal to patriotism in the shortrun but I am convinced that patriotism is no solution to the petroleum problems of the future for America.

The people of this great country know that it was their tax dollars that built an interstate highway system engineered for speeds up to 100 miles per hour, that it is their money that paid for motor vehicles designed for modern highways and other such investments required by the Clean Air Act—and that all are inconsistent with a national policy for the conservation of energy and maximized economy of operation of motor-transport vehicles on the public highways.

Energy is power and power in combustible engines is determined by revolutions, per minute (r/min) plus gear ratio of differentials and transmissions of many variances in every motor vehicle on the public highways. Motor transport equipment is operated against load factors by tachometers (r/min) rather than speedometers (mi/h) and a required reduction in momentum must in the interest of performance be overcome by an automatic reduction in the gear ratio—a shift of gears—to maintain essential r/min to produce the requisite power to perpetuate motion at any speed. The result of the legislation requested by the President and approved by the Congress is to increase the necessary energy essential by increased time as the result of a loss of momentum in every ton/mile of cargo shipped on the highways of America. It is indeed interesting to note that neither the President nor the Members of Congress contemplated that the same logic and wisdom extended to the controlled speed of airplanes, ships, trains, or other modes of transportation. Most of us scarcely realize that there is still more power in politics than there is in petroleum and particularly so if patriotism is the flag of the carrier.

AN UNTOLD STORY: 1973 U.S.-U.S.S.R. SEA CONFRONTATION IN THE MEDITERRANEAN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. RARICK. Mr. Speaker, during the last 10 years, two developments of transcendent significance in world politics were the growth in strength of naval powers of the U.S.S.R. and the relative decrease in that of the United States.

Today, Soviet naval units are on the prowl in geographically advantageous parts of the world: the Indian Ocean, Southeast Asia, the Caribbean basin, both coasts of the United States, and the eastern Mediterranean Sea. In the latter, the U.S.S.R. fleet has a strength of more than 80 vessels in positions to attack the U.S. 6th Fleet in a decisive manner. Soviet presence on the strategic island of Malta gives the Red power the capability to control the major access to the Suez Canal.

During the 1973 Arab-Israel war, when the Soviets threatened intervention in the Middle East, the United States answered by ordering a general alert of its Armed Forces. But that was not all. Our Joint Chiefs of Staff notified the President that Soviet naval power in the eastern Mediterranean was sufficient to defeat U.S. naval power there. This grim reality, well understood by experienced naval officers and students of world strategy, sooner or later must be faced.

One of the ablest recent discussions of the current defense posture of the United States is that by Adm. Hyman G. Rickover in June 19, 1973, testimony before the House Committee on Appropriations on the Department of Defense Appropriations Act for 1974. Other authoritative sources of information on recent trends in naval powers are to be found in the spring and summer 1973 issues of the Strategic Review, the elite quarterly magazine of the U.S. Strategic Institute of Washington, D.C.

Mr. Speaker, I would invite attention to the fact that at the same time as the Middle East crisis, we are in the midst of a crisis over the future of the Panama Canal, with elements in the executive branch bent on surrender of the U.S.-owned Canal Zone to Panama. The situation in the Isthmus is not an isolated development, but part of a global pattern aimed at a strategic weakening of the United States.

Because what happens in the Mediterranean has its impact on the Caribbean, we must face the realities. The best way to do that is to place our own interests first, especially in Panama, by retention of our undiluted sovereignty over the U.S.-owned Canal Zone.

The recent writing of two columnists reveal some of the concern on the part of our Government in connection with the U.S.S.R.-U.S. sea confrontation during the 1973 Arab-Israel war. Both of these columns follow:

[From the Washington Post, Nov. 26, 1973]

FRIGHTENING FACTS

(By Joseph Alsop)

The world we live in is no longer what it seems. Or at least, it is no longer what it seems to a large majority of thinking Americans. This is probably the most dangerous single feature of our current situation; and it was wonderfully vividly proven last week.

To begin with, a group of seven eminent Cambridge-based economists secured some enjoyable publicity by announcing that the Arab oil boycott ought to be countered with U.S. sanctions. Secretary of State Henry A. Kissinger in fact hopes to use diplomatic pressures to move the Arab oil producers, prior to the coming negotiations for an Arab-Israeli settlement. But the seven economists were thinking of more direct sanctions, like the cessation of food deliveries.

Now this kind of direct sanctions, as even Cambridge-based economists ought to know, must ultimately depend on military power. Without military power, there is nothing whatever the United States can do to make the Arab oil states either hungry or otherwise uncomfortable—which is why the Arabs are so cocky.

By a splendid stroke of irony, the U.S. Navy's lonely little task force in the Indian Ocean turned tail and steamed for home on almost the same day the Cambridge economists issued their statement. This task force, headed by the aircraft carrier Hancock, had been sent from the Pacific to the Indian Ocean at the time of President Nixon's world-wide military alert.

The Hancock is so ancient that it was about to be decommissioned and handed over to the ship-breakers when the order came to show the flag. By the time the Hancock and its few supporting vessels were called home from the Indian Ocean last week, the task force was also quite literally surrounded by Soviet guided missile cruisers of the most modern type, vastly more powerful and dangerous than the Hancock.

During the Yom Kippur war, the U.S. Navy also lost its parody of a naval base in the region of the Arabian peninsula—the slender facilities formerly available on the island of Bahrein in the Persian Gulf. Meanwhile, the Soviet Navy has a highly significant new naval base, UMM Qasr at the head of the Persian Gulf, plus a most important naval base with large supporting jet airfields in Somaliland, plus other useful facilities in the Indian Ocean.

These bases and other facilities permit the Soviet Navy to keep a permanent force of five important warships and 15 supporting vessels in the Indian Ocean, Red Sea and/or Persian Gulf, as the ships' orders may require. This is done, moreover, at the end of a supply line 11,000 miles long.

The reasons for this costly and difficult Soviet naval effort, finally, is quite certainly Soviet awareness of the over-whelming, even terrifying strategic importance of the Arab oil states. Hence one has to reach one of two conclusions about the Cambridge-based economists. Either they did not trouble to find out the foregoing unpleasant facts. Or else, perhaps, they are not quite in their right minds.

Even Cambridge economists, after all, if both sane and fully aware of the hard facts, could not really have believed the navally enfebled United States would get away with direct sanctions against the oil states in the Arabian peninsula. The Soviets, with their hard-bought naval superiority, would simply not stand for it.

Whether because of ignorance or self-delusion, in short, these extremely able men have demonstrably ceased to live in the real world. They are not alone, however. This reporter will bet 5-to-1 that just about all who have bothered to read this far will be both shocked and shaken by the following facts.

When the Soviets threatened military intervention in the Mideast, the Joint Chiefs of Staff were, of course, notified. The President warned the Soviets off, by putting part of SAC in the air and ordering his general alert. If the Soviets had ignored the President's warning, the U.S. Sixth Fleet in the Mediterranean would have been the first to feel the cruel shock. Thus the U.S. Navy's general staff was duty bound to notify the President—and did so notify him—that the Sixth Fleet's marked inferiority would lead to rapid defeat in case of a fight.

The grim, unpublished episode speaks volumes, both about President Nixon's courage in a serious crisis, but also about the deterioration of the American situation, all around the world. It speaks volumes about changing Soviet attitudes, too, that the Soviets actually sent nuclear warheads to Egypt for a brief period at the same height of peril in the Mideast. The chances are that the warheads were actually sent.

These are frightening facts, from that real world in which most Americans have ceased to live. Further reports on it will follow, if a lull between more pressing horrors should permit.

[From the Washington Star-News, Dec. 1, 1973]

UNITED STATES NO LONGER RULES THE SEAS

(By Richard Wilson)

What amounted to a U.S.-Soviet naval confrontation took place during the Mideast war, and its implications were not reassuring. The time has passed when the U.S. Navy ruled the seas.

In the past 10 years the Soviet navy has been vastly expanded in a shipbuilding program exceeding the United States more than 3 to 1 and including an impressive array of missile-firing cruisers and subs.

The septuagenarian and acid-tongued naval philosopher, Adm. Hyman Rickover, in a table-pounding closed session of a House Appropriations subcommittee last June, defined the problem. "I believe it is clear," he said, "that the Soviets must believe it is credible that there could be a United States-Soviet confrontation at sea, because the Soviets are pouring vast resources into a navy capable of challenging our navy at sea.

"If they did not consider that to be credible, I can see no logical reason why they would be building the particular fleet they are building. There is no fleet other than ours in the world for the Soviets to challenge.

"If we are unable to provide naval support to overseas forces, then we are not able to conduct overseas operations of any kind, by the Army, Navy, or Air Force. Practically, we have no other way then to send our supplies by sea. Therefore, I think the answer is that we must conclude it is credible and that certainly the Soviets themselves think it is credible."

Certainly they did. In unmistakable terms, Soviet party boss Leonid Brezhnev informed President Nixon that if the United States would not join Russia in a joint Mideast force, Russia might go in alone notwithstanding the beefed-up presence of the U.S. 6th Fleet. This was something entirely new in the military relationship between the United States and the Soviet Union. Ten years ago even the brash Khrushchev could not have made such a threat credible.

But it was credible in the Mediterranean in 1973 because Russia had built the ships, equipped them with the cruise missiles which made U.S. aircraft carriers vulnerable and sent them to confront the U.S. Navy.

The Russian cruise missiles and the U.S. lack of defense against them were what made Rickover pound the table. "The Soviet navy," he said last June, "recognized the great potential for tactical cruise missile submarines many years ago. Their surface-launched submarine missile has been deployed for over 10 years.

The Soviet Navy has progressed through five classes of tactical cruise missile-firing submarines, but I have not been able to get even one of these submarines approved by our Navy."

The problem is not confined to the type of tactical missiles the Soviet navy can employ against opposing naval forces. Adm. Elmo Zumwalt Jr., chief of Naval Operations, predicted that the Soviet Union's carrier force would eventually outnumber the 14 attack carriers upon which the present U.S. air superiority at sea is based. The Kremlin has made no secret of its intentions. Its naval commanders have publicly boasted that world-wide U.S. naval superiority was short-lived.

They illustrated what this is beginning to mean in the Mediterranean, where their vital interests are affected, and where they are slowly and steadily clamping a stranglehold on the movement of the world's oil supply. Rickover pointed out before the crisis at sea that Russia is gaining "footholds and toeholds" in "the most important part of the earth for us today," the Near East and Persian Gulf.

When an Israeli-Arab settlement opens up the Suez Canal, it will be a waterway for the further extension of Soviet sea power to the Persian Gulf and Indian Ocean and no longer subject to containment by the U.S. Navy.

The sea confrontation during the Mideast War has had a sobering effect in the Nixon administration. The U.S. 6th Fleet, which once could dominate trouble spots, was confronted by a Soviet Mediterranean force totalling some 80 ships, including destroyers and submarines. This is a drastic change from 10 years ago.

The American public understands very little of this. The Navy's philosopher has this to say about it: "If an opponent is successful in developing weapons that can sink large numbers of our carriers and we are not successful in developing adequate counterweapons—or if we simply do not build sufficient modern carriers to protect our sealanes—the United States will have to change its national objectives to be consistent with the inability to conduct overseas military operations."

REPEAL OF THE CONSUMER PRODUCT SAFETY ACT

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. LANDGREBE. Mr. Speaker, last fall Congress passed and President Nixon signed into law Public Law 92–573, the Consumer Product Safety Act. I have introduced a bill, H.R. 11717, to repeal this act. My reasons are as follows:

Believing that too many products were too hazardous to be allowed on the market, that consumers are too unintelligent to safeguard themselves, and that it is the responsibility of the Central Government to protect its less-than-bright subjects from "malicious" manufacturers, Congress created the Consumer Product Safety Commission to protect the public against unreasonable risks of injury associated with consumer products. This Commission has very aptly been called the most powerful, independent, regulatory agency ever established by the Central Government.

The Consumer Product Safety Act resulted principally from the recommendations published by President Johnson's National Commission on Product Safety in June 1970. That Commission estimated that 20 million injuries occurred per year associated with consumer products; that 110,000 of these injuries resulted in permanent disability; and that 30,000 resulted in death. The Commission concluded that the number of injuries associated with consumer products was excessive and the existing measures for dealing with hazards associated with consumer products were inadequate.

The Consumer Product Safety Act is designed to rectify the situation by the use of its powers to inspect factories, warehouses, and stores, prohibit the stockpiling and sale of products, seize and destroy banned products, make regulations, require reports from manufacturers, wholesalers, and retailers, set safety standards for all products, require repair, repurchase or replacement of products, and impose civil penalties up to $500,000 in fines and criminal penalties up to $50,000 in fines and 1 year in prison.

The assignment of these powers to an independent regulatory agency to achieve any ends, good or bad, is inherently tyrannical. The Commission's Chairman, Richard O. Simpson, says that—

> The Consumer Product Safety Act has been called one of the broadest pieces of legislation ever enacted by Congress. And our Commission is said to be the most powerful agency ever created.

Chairman Simpson agrees with both of these observations. Mr. Simpson, according to the New York Times of August 12, 1973, says that his Commission possesses a "frightening amount of authority" which, in the wrong hands, "could result in a witch hunt." Apparently Chairman Simpson believes that his hands and the hands of other members of the Commission are the right hands—the hands which will properly execute such overweening power. But then all wielders of power believe that they are competent to oversee the affairs of others.

It was Thomas Jefferson who cautioned against placing our confidence in men; rather we should tie men down by the chains of the Constitution. Apparently, however, the Constitution was far from the mind of Congress when it enacted Public Law 92–573 last fall. My colleague in Congress, the gentleman from Mississippi (Mr. JAMIE L. WHITTEN), remarked in congressional hearings on the Consumer Product Safety Commission that—

> The Commission has so much power here its really unbelievable.' . . . You're got life-or death over whether consumers have anything to consume.

Representative WHITTEN concluded that the Commission has "more power than a good man wants or a bad man should have."

Not only are the powers of the Commission dictatorial, but Chairman Simpson has made it perfectly clear that he and his Commission intend to use that power. I quote from Chairman Simpson:

> We are going to be pretty tough on enforcement, you can plan on it. We intend to use the very severe civil and criminal penalties to motivate manufacturers to do the job, and we think it will work.

I quote from Chairman Simpson at length simply because his words are the best illustration of the dictatorial nature of the Consumer Product Safety Commission that one could wish for. I offer another example from Chairman Simpson's speeches:

> I know one thing. If I were still in industry faced with a new independent Federal regulatory agency with powers as broad as we possess, I think I'd invest the time and energy to learn as much as possible. And that's especially true when that agency has enforcement provisions that could become very personal for nearly [all manufacturers].

One may wonder what Chairman Simpson's cryptic remark about the enforcement provisions becoming very personal for all businessmen means—but the meaning of that remark becomes quite clear when one recalls that the Commission may impose both civil and criminal penalties for violations of its edicts. As for criminal prosecutions, Chairman Simpson says that—

> He is personally inclined . . . to seek out the Board Chairman or the corporate chief executive officer, in addition to other officials, because I believe they are in the best position to assure corporate compliance with CPSC regulations.

Chairman Simpson assures his listeners, a group which had better be all of us, for we are all producers and consumers, that he means business:

> Those were not simply "veiled threats" aimed at headlines. We mean business. . . .

Any illusion which business has that the free enterprise system can coexist peacefully with the Consumer Product Safety Commission should be shattered—and will be shattered. Not only are its powers arbitrary and dictatorial, and not only is the Commission determined to use its powers, all its powers, to achieve the purpose set forth by Congress, but the jurisdiction of the Commission is almost limitless. It has been estimated that the Commission has power to regulate in every way from 10,000 to 100,000 products. In all probability the latter figure is conservative.

Chairman Simpson himself has said that one may name anything, anything at all, and the "CPSC probably has jurisdiction over it." The only specific exemptions from the jurisdiction of the Commission contained in the enabling legislation are those products which are regulated by other Federal agencies: tobacco and tobacco products, motor vehicles, pesticides, aircraft and aircraft components, boats, drugs and cosmetics, food, and firearms. The Commission has the power to halt production of, prevent the sale of, and incarcerate the manufacturers or sellers of almost all goods in the marketplace.

Yet the Commission is not even satisfied with that. Chairman Simpson points out, for example, that while firearms are not under the control of the Commission, firearm ammunition is, and may at the whim of the Commission be removed from the marketplace as a hazardous product. Furthermore, while tobacco and tobacco products were specifically excluded from the purview of the Commission by the Congress, the Commission is already unofficially considering a ban on cigarettes.

In fact, Chairman Simpson was quoted by the New York Times on August 23, 1973, as saying that the Commission has "a serious expectation of achieving a ban" on certain cigarettes and that the Commission "should and will be able to achieve" a ban. Chairman Simpson justifies the Commission's assertion of control over cigarettes on the grounds that cigarettes are covered by the Hazardous Substances Act with the Commission is authorized to execute. The Commission is determined to interpret the Hazardous Substances Act so that it contradicts the Consumer Product Safety Act. This simply means that the entire agency is built upon contradictory laws.

In view of the extent of the Commission's powers and in view of the extent of its jurisdiction, one might very well wonder exactly how enforcement of its decrees will be managed. Again Chairman Simpson is very obliging, for he tells us several times how the Commission intends to oversee its vast domain. One way this enormous task will not be accomplished, we are told, is by hiring 100,000 Commission investigators and putting them into the field; that is, the businesses of this Nation, in order to try to inspect for conformity to the Commission's regulations. Mr. Simpson believes "that would not only be inefficient, but ineffective as well."

It would no doubt be inefficient but one may entertain doubts about Chairman Simpson's statement that it would be ineffective as well. His reason for saying this is that he believes that conformity to the Commission's standards cannot be inspected into the marketplace. He says, for example, that—

> Just as the quality control manager can't inspect safety into a manufacturer's products, the Commission can't inspect safety into the marketplace.

Yet after making and repeating this statement about the futility of inspections, Chairman Simpson goes on to say that the Commission welcomes the help of consumer organizations in monitoring the marketplace. Unquestionably they can serve as a very effective "unofficial" arm of the Consumer Product Safety Commission. Says Chairman Simpson:

> I'd like to see more of this. I'd like to see consumer groups all over the country arm themselves with copies of our "C.P.S.C. Banned Products List" to spot-check retail stores. Where they find "banned" products for sale, we want to know about it. We will investigate and where we find violations, we will provide "motivation" against future violations by prosecuting to the fullest extent of the law.

The Commission, while welcoming consumer organizations as unofficial inspectors of retail stores, is also in the process of assembling a large posse of professional busybodies designed to catch storeowners redhanded. The Commission has instituted the consumer deputy program which is "to enlist the assistance of consumers to police the marketplace for banned products." The deputies in this posse will be trained by Commission staff to canvass stores to insure that products which appear on the CPSC banned products list are not being sold. Already posses have been rounding up "commercial criminals" in the 14 cities in which the Commission's regional offices are located, from Los Angeles to New York. These posses are not the only inspectors used by the Commission, for it has its own paid staff of field inspectors, despite Chairman Simpson's remarks about inspections being both inefficient and futile.

Chairman Simpson has even suggested that his Commission may extend financial aid to consumer groups so that they, too, might participate in standardmaking under section 7 of the CPSA. He says that—

> The Commission recognizes that consumers and many consumer organizations do not have the financial backing industry may have. And we are willing to consider providing necessary funds to consumers and consumer organizations where appropriate.

Who are the violators which these inspectors hope to catch? Chairman Simpson has specified two groups—

> In some cases, manufacturers, distributors, and retailers may not know of their responsibilities under the CPSA. In other cases, they may be attempting to avoid notification. In either case they are in violation of federal law.

Yet Mr. Simpson also concedes that—

> It's possible to make this a complete witchhunt.

How does the Commission propose to prevent its activities from becoming a witchhunt? Chairman Simpson assures us repeatedly that "we will go about our task in a rational, reasoned manner." At other times Mr. Simpson refers to a rational, systematic manner, to the use of the rule of reason, and to the Commission's efforts to be both credible and reasonable.

Now all this reassurance would be more reassuring if only we knew the meaning of words like "reason," "rational," and "reasonable." As Mr. Simpson quite correctly points out, the ambiguity stems from the Consumer Product Safety Act itself as passed by Congress. That act directs the Commission to reduce unreasonable risks of injury associated with consumer products. So the ambiguity is the responsibility of Congress. Yet the Commission intends to proceed, as it must if Congress refuses to write intelligible laws, on its own understanding of these terms. How does Chairman Simpson understand the terms? He says:

> It's a judgment decision. A lot of factors are taken into account. A risk is more reasonable if it is seen, rather than unseen. The same risk might well become unreasonable if the very young or the very old are exposed to it. Congress didn't define what is unreasonable. We'll have to.

These remarks are in no way reassuring, for they simply multiply the number of undefined terms in order to define "reasonable." What Congress did when it neglected to define "unreasonable" in the CPSA was to give its new Commission a blank check on its authority. The terms left undefined are the crucial terms in establishing the boundaries of the Commission's authority. Allowing the Commission to define the terms itself and to change its definitions when and as it pleases is tantamount to giving the Commission unlimited and arbitrary power over American producers and consumers.

Chairman Simpson seeks to allay the fears of those of us who doubt the holiness of bureaucrats by saying that the Commission—

> Will use this authority with a great deal of discretion and hope to always act in a reasonable, rational, and responsible manner.

Unfortunately, what is reasonable rational, and responsible to the Commission is what the Commission decides is reasonable, rational, and responsible. As for using the authority with a great deal of discretion, Simpson has also said that he believes—

> The laws should be administered evenhandedly and the agency should be willing to use all of the authority granted to it to get the job done. To selectively enforce certain portions of a law and ignore others . . . would, in my opinion, be the same as amending the law by executive authority.

How one is supposed to reconcile these two statements is not at all clear, and the conflict between the two statements casts doubt on the Commission's ability to define any terms at all.

In view of the absurdity and ambiguity of the Consumer Product Safety Act, and in view of the arbitrary and almost unlimited powers of the Commission created by the Consumer Product Safety Act, I urge my colleagues in the Congress to enact my bill to repeal the Consumer Product Safety Act before it has had serious detrimental effects upon the economy which is alradey staggering under the multiple blows of a vast array of Federal agencies.

EPA SUED FOR DAMAGES OVER TUSSOCK MOTH INFESTATION

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. McCORMACK. Mr. Speaker, in 1973 the tussock moth destroyed approximately 1,400 square miles of valuable timberland, and has cost the State of Washington an as yet undetermined sum in lost economy, environment, and recreation. DDT is the only known chemical agent that can control and eradicate the infestation in 1974. In twice denying applications for the use of DDT against this insect epidemic, the Environmental Protection Agency has assumed the responsibility for the losses incurred. They have twice ignored fact and the best judgment of the finest men in science and silvaculture.

I have introduced legislation which has been approved by the House Agriculture Committee to put the authority over the use of pesticides on forest and agricultural lands back in the hands of the Department of Agriculture, which has the legislative mandate for management and protection of our forest and agricultural lands and which has the technical expertise and funds to carry out that responsibility in a more efficient manner than EPA.

At the same time this legislation was being considered, concerned citizens throughout the States of Washington, Oregon, and Idaho have gone to the courts to seek relief from the tremendous economic and environmental losses they have suffered. The Pacific Legal Foundation, representing the public interest of the States affected; the Tussock Moth Control Association, representing 55,000 members of the general public; and the Washington State Department of Natural Resources have filed suit in the U.S. district court.

These are significant steps, Mr. Chairman, in that now both the Congress and the courts are involved in bringing reason and responsibility to the administration of laws to protect our environment. There being no objection, I would like to insert one section of the Pacific Legal Foundation's legal brief, explaining the facts of this situation, filed in the U.S. District Court for the District of Oregon:

IV. Facts

19. The Douglas fir tussock moth infestation has been responsible for a catastrophic defoliation of about 690,000 acres of forests in the States of Oregon and Washington. This infestation will continue in the future and will leave in its wake a swath of destruction pervading throughout the eco-system. The tussock moth is an emergency situation mandating immediate controls. The defendants have the duty to control it, but have refused to use the only insecticide, DDT, that will effectively stop the epidemic.

20. In the summer of 1971, the Douglas fir tussock moth (orgyia pseudotsugata) became active in Washington and Oregon causing severe defoliation of stands of Douglas fir in several widely scattered locations. By 1972, the infestation had become epidemic, defoliating and killing trees on up to 400,000 acres of forests.

21. In February 1973, the Pacific Northwest Region of the U.S. Forest Service sent a draft environmental impact statement on control of the tussock moth epidemic to the U.S. Forest Service in Washington, D.C. That initial environmental statement recognized that DDT (dichloro diphenyl trichloroethane) was the only proven effective insecticide for Douglas fir tussock moth control and recommended its use. Defendant John McGuire ordered that statement revised to eliminate the recommended use of DDT. The draft statement was so revised, but still recognized that DDT was the only proven effective insecticide for Douglas fir tussock moth control. In its revised environmental impact statement the U.S. Forest Service abandoned its responsibility to protect and preserve the national, state and private forests from the ravages of defoliators and insect pests (16 U.S.C. 551, 16 U.S.C. 472) and to suppress or eradicate outbreaks of destructive insects (16 U.S.C. 491–1; 491–2).

22. Defendant McGuire suggested that if the public wanted the U.S. Forest Service to use DDT to control the tussock moth epidemic, the public should request such action. The public responded overwhelmingly in favor of the use of DDT to control the infestation.

23. DDT has been used on numerous occasions to control tussock moth infestations and other insect infestations in the United States, state and private forests without substantial adverse environmental impact. This is known by the U.S. Forest Service and EPA.

24. DDT could be used to control the present tussock moth infestation without causing substantial adverse environmental impact. This is known by the U.S. Forest Service and EPA.

25. On March 15, 1973, the States of Oregon and Washington and the United States Department of Agriculture on March 20, 1973, petitioned the administrator of EPA for authorization of emergency use of DDT on the tussock moth in infested areas. DDT is the only available pesticide known to be effective against the tussock moth. EPA denied the request on April 20, 1973, based on an April 6, 1973, EPA investigation report which concluded that there would be no significant moth damage in 1973. This report was grossly in error and defendants, their agents and employees knew, or should have known, it was false and misleading. Said report was designed to justify a refusal already decided upon by the defendants.

26. After an April 6, 1973, egg count indicating an impending epidemic moth population concurrent with a minimal virus count, the cities of Walla Walla, Washington, and Milton-Freewater, Oregon, on May 15, 1973, requested emergency use of DDT to protect the Walla Walla watershed from severe damage. Another EPA investigation report dated July 1, 1973, was issued. It again concluded that the moth problem was in a decline stage and that the viral incidence was sufficient to cause a total collapse of the moth population. The EPA declined the request on June 12, 1973. This report of EPA was grossly in error and defendants and their agents and employees knew, or should have known, that it was false and misleading. Said report was designed to justify a refusal already decided upon by the defendants.

27. The rejection of a request for emergency use is in violation of federal law and of EPA's own policy of authorizing the use of an insecticide in an emergency situation when there is no other effective insecticide available to control the insect.

28. In 1973, 700 million board feet of mature timber were killed by the tussock moth. In addition, vast numbers of young trees were defoliated and killed.

29. The EPA based its prediction of a moth collapse in 1973 on the claim that there would be increased viral incidence; EPA cited a proposed historic three-year cycle of the moth. Such cycle does not exist. The Northwest has experienced four-year outbreaks of the moth in 1944, 1953, 1956, 1960 and 1967; five-year outbreaks in 1935 and 1961; and a ten-year outbreak in 1963. Even if the virus had developed in 1973 as EPA predicted, it would not have eliminated the tussock moth infestation in time to prevent defoliation and said fact was, or should have been known to defendants.

30. Four insecticides, Zectran, Dylox, Sevin 4-Oil, and Bioethanomethrin, were field-tested during 1973 on plots 400–500 acres in size. When the request for emergency use of DDT in 1973 was denied, the Zectran test was expanded considerably, mostly on private lands in Oregon and on the Walla Walla watershed in Washington. About 70,000 acres were treated during June and early July 1973, with a double application of Zectran. Results of the tests in Oregon and Washington show that these alternative chemicals killed considerable numbers of tussock moth larvae, but none reduced the population sufficiently to prevent severe defoliation and tree mortality. None of these insecticides are ready for registration or operational use in 1974. None of these insecticides are effective against the tussock moth. None of them will stop the mass destruction of forests now infested by the tussock moth. These insecticides contributed to the destruction of timber by the tussock moth.

31. Some 560,000 acres of forest land in the States of Oregon and Washington have been defoliated. This includes approximately 36,000 acres on the Colville Indian Reservation. An additional 125,000 acres were defoliated in varying degrees during 1973 in northern Idaho. A few small areas of 1973 defoliation occurred in southern Idaho, Montana, Nevada, New Mexico, and California.

32. Present interim egg counts indicate that 1974 will bring another epidemic outbreak of the tussock moth with an ineffective and minimal viral incidence. Thus, there will be extensive additional defoliation of the forests located in Washington, Oregon, and Idaho unless EPA authorizes appropriate use of DDT.

33. DDT is the only predictable pesticide proven effective against the tussock moth. No proven nor predictable alternative to DDT is known to exist. All suggested alternatives are unavailable, ineffective, unpredictable and/or more toxic than DDT. The failure of EPA to authorize USDA and state agencies to use DDT has caused thousands of acres of timber to be destroyed by the tussock moth. Continued refusal of the defendants to perform their duties will result in the destruction of thousands of additional acres of forest, both public and private. The continued infestation will have disastrous effects on the environment and economy of Oregon and Washington for generations.

34. The life cycle of the tussock moth begins in mid-May or early June when tiny caterpillars only 1/8-inch long emerge from egg clusters deposited the previous fall. These lightweight larvae are covered with long hairs, enabling the wind to carry them long distances. The larvae begin eating immediately, and continue eating through five to seven moltings until late July or early August when they reach their full size of about 1¼ inches and enter their pupal or "resting" stage. The larvae wrap themselves in cocoons from which they emerge 10 to 18 days later as moths. The wingless female moths immediately mate with the winged males, then lay clusters of about 250 eggs, attaching them to the cocoons from which they emerged. The adult moths do not eat. They die shortly after mating. Since the major dispersal of tussock moth populations is by windborne larvae, chemical control measures must be taken as soon after hatching as possible to contain an infestation.

The larvae prefer to live and feed on Douglas fir, grand fir and white fir trees. But they will feed on many other trees and shrubs after consuming these, particularly ponderosa pine, sub-alpine fir and spruce. The new larvae begin by eating the buds and tender new needles in tree crowns and branch tips. The older needles, lower down, are consumed either as the larvae grow, or during subsequent years of an infestation. However, during a tussock moth epidemic entire trees are often defoliated in one summer. Growth retardation and dead tree tops contribute to the destruction. The buds from which the seed cones develop grow on the tips of branches where the insect first attacks. That cone development is severely retarded or terminated so that natural reforestation is virtually impossible. Artificial reforestation is prevented by a paucity of available tree stock. In an evergreen forest, once a large number of trees are suddenly killed, serious environmental degradation occurs at once.

35. Dead leafless spires cannot properly diminish the forces of wind, rain, and snow. Ground cover is torn off by snow-melt and heavy rain. Dependent plant and animal life do not obtain necessary support. The dead and dying timber becomes a breeding

ground for secondary and extremely damaging pine beetles which profusely propagate in defoliated trees. The result is a desert.

36. Tree needles killed by the tussock moth are very dry and literally explode when exposed to fire. Two large fires that involved tussock moth-killed trees occurred in 1973. About 200 acres of tussock moth-damaged area was burned in the La Grande fire and about 3,000 acres in the Freezeout fire. A forest fire greatly damages the environment. Innumerable animals and insects perish in their frantic and useless escape from an onrushing wildfire.

37. The destruction of the forests by the tussock moth has great adverse effect on wildlife. Miles and miles of expansive open areas cause dramatic wildlife habitat changes which, in turn, can cause serious adverse effects throughout animal populations. Animals are unable to thrive in the defoliated areas and will find them a barrier to natural migrations. Predators, such as the black bear, the sharp-shinned hawk and great prey owl, as well as certain song birds will decrease as their natural habitats are reduced. Bird nests are exposed almost overnight to the elements as the tussock caterpillars voraciously eliminate needles. Birds and animals are physically injured by the moth.

38. Defoliation exposes streams to the sun's rays. Fish fry cannot survive minor temperature increases. Natural reproduction cannot occur unless winter time water temperatures fall within the normal ranges. A combination of increased water temperature and debris results in lowering dissolved oxygen content to the point of being lethal to fish. Lowering of the water table decreases water quantity in which fish thrive. Erosion and its concomitant siltation pollutes the marine environment and destroys spawning grounds for trout and anadromous fish.

39. The forest is a fragile watershed which furnishes both the surface and ground water for the animal kingdom and nearby population centers. The defoliation caused by the tussock moth has adversely affected watersheds in Oregon and Washington. Continued moth damage will cause a continued lowering of the water table and siltation of the water supply and streams. Increased runoff heightens the seasonal floodings and resulting erosion and damage. It also diminishes the recharge capability of the watershed.

40. The infestation poses a health hazard to man himself. Tussock moth larvae generate and spread fine and irritating hairs which are carried great distances by the wind or lie passively on the dead branches of defoliated trees. Allergic reaction in humans to the moth's "spun glass" cause painful welts, itching rashes, coughing, vomiting, lung congestion, and eye swelling. This health hazard is substantial for loggers in the infested areas, many of whom have been unable to work in the infested areas. The health hazard also affects hikers, campers, and the general public.

41. The breaking off and falling of dead tree tops presents a further safety hazard to loggers and hikers in the forests. The defoliation has caused a loss of recreational areas for hikers, campers, hunters and fishermen.

42. The hundreds of square miles of destroyed forests are a horrifying eyesore. The dead and dying trees turn reddish-brown and finally gray as they are completely defoliated. Ultimately, they give the forest a sepulchral appearance.

43. Land values of private individuals are deteriorating as a result of the damage caused by the tussock moth. Thirty-six percent of the infestation is on private forest land. There are hundreds of private landowners involved, most of whom own 100 acres or less. Prevented from protecting their property by the federal government, these private individuals stand uselessly by and watch their trees die in days. For many, the gluttonous tussock moth represents the loss of income invested for retirement, for the education of their children and as insurance against unexpected financial catastrophe. Others, whose homes are involved, are looking forward to living out their days on pastures of naked spires.

44. The short- and long-term losses to small and large timber industries are incalculable. The residual adverse effects on the economy of the States of Oregon and Washington and those dependent upon a healthy supply of wood and wood products are also incalculable.

45. Marketable and young unmarketable tree mortality with the concomitant terminated or retarded cone regeneration will result in a future productivity lag. Nearly 700 million board feet of mature timber were killed in 1973. This does not include the vast numbers of young trees below the age of 40 killed by the larvae.

46. Salvage operations are underway as lumber companies hurry to move the moth-killed timber into sawmills before it rots. White fir, which makes up the majority of the present kill, must be salvaged within a year and a half after dying. Unfortunately, over 70 percent of the infested timber has not yet reached a point in growth where it is merchantable. Thus, 30 to 40 years of pure growth have been destroyed beyond recoupment by salvage. As it is, mills in the area are working at full capacity to handle the salvage operations. But there is so much dead timber, with about a third of it inaccessible, that most of it may not be salvaged in time. Further, the future capacity of the damaged forests to support mills in the area has already been dealt a stunning blow.

47. The insect epidemic has set back forest management in the region some 30 to 60 years.

48. On October 29, 1973, the State of California issued a bulletin to all State Plant Quarantine Officers outlining the risks of tussock moth infestation in Christmas trees being shipped to California from the Northwestern States and ordering the Quarantine Officers to destroy all such infested shipments. This quarantine will cause a substantial loss to growers of Christmas trees in Oregon, Washington, Idaho, and other moth-infested states.

Tussock Moth Suit Filed Against EPA

Olympia, Wash.—State Land Commissioner Bert Cole reported Friday his department will file a claim against the Federal Environmental Protection Agency for damage resulting from a Tussock moth infestation in southeastern Washington.

But Cole said he had given up plans to ask the courts for an injunction against the EPA enjoining the agency from banning the use of DDT against Tussock moths.

Cole said the decision not to file the class action suit was based on advice from Atty. Gen. Slade Gorton.

"He told us we didn't have much of a case, and that we had a better chance of winning a damage suit," said Cole.

"The whole idea is to get the EPA off the dime and to stop the damages and we now believe we can accomplish this through a damage claim."

Cole said he is contacting Oregon officials and State Parks Department officials to determine if they want to join him in filing the damage claim.

The EPA has steadfastly refused to authorize the use of DDT to fight the Tussock moth infestation despite pleas by Oregon and Washington officials and the Washington Pesticides Control Board.

The board and Cole have been sharply critical of the EPA's position and Cole said earlier that damage to the environment would be greater if use of DDT is not authorized.

More than 600,000 acres of timber, mostly Douglas-fir, in southeastern Washington and the Blue Mountain area of Oregon, have been damaged by the moth infestation.

Cole said a damage figure hasn't yet been set for the claim but that his department probably will be ready to file the suit by the end of next week.

TRAMMELL CROW: HOW HE IS AMERICA'S BIGGEST BUILDER

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. COLLINS of Texas. Mr. Speaker, the country today needs more positive thinking, more positive spirit, and more aggressive action in building toward the future. We need more men and women like Trammell and Margaret Crow. Every day as I study my Record, I read about staggering problems and confusing solutions. In Congress every day, we work to find ways for the Government to help people solve their personal and community problems. But America still has people who can do things for themselves.

This month in Fortune magazine, there was an excellent story on Trammell Crow that was written with deep perception by Wyndam Robertson. Trammell Crow represents the American system at its very best. He is the sort of person that you would enjoy having as a neighbor, be proud to have as a friend, and will always admire as a person who makes your community a better place in which to live. I have known Trammell since we were boys. At that time, he did not have a dime in his pocket; but he always had a smile on his face. He could not afford to go to college, but he learned more from the practical hard knocks of life than anyone who ever took a college degree. His commonsense, his driving force, and his unselfish interest in others have made him the greatest property developer in America.

I know my colleagues will enjoy the few minutes they spend reviewing the highlights of Trammell Crow. This is the bright side of America. It shows that anyone in America can go all the way to the top. Instead of talking about energy shortage, unemployment, or Mideast tension, let us think more in terms of positive action to get America moving forward again with leadership like that of Trammell Crow:

Fortune Magazine on Crow

Visitors to his Dallas office can sometimes overhear Trammell Crow spelling "Crow" into his telephone, politely identifying himself to some baffled soul who has never heard of him. A lot of people fall into that category because, for one thing, Crow does business through an amorphous confederation of privately held separate entities with lots of different names, and for another, he is extremely uncomfortable about publicity.

He began with a single warehouse, gained momentum as a developer of trade marts, and is now into everything from shopping centers and office buildings to hotels and housing. Crow has had a hand in developing some urban landmarks—Peachtree Center in Atlanta, for example, and Embarcadero Center, which is now reshaping the San Francisco Skyline. Lost in the shadow of these behemoths are hundreds of lesser, but very lucrative, ventures—notably a nationwide string of warehouses. Crow is a part owner of over 35 million square feet of warehouse space—enough to cover Manhattan's Central Park.

The various real-estate holdings in which Crow or members of his family have an interest are worth close to $1.5 billion. This year alone, Crow and his partners have started projects in the U.S. that will cost over $400 million.

Although most of Crow's projects are tasteful, and a few are architecturally distinguished, what he does is less interesting than how he does it. He has an uncanny ability to attract the basic raw material of the real estate industry, which is not land but money. Crow has signed his name to notes or guarantees amounting to more than half a billion dollars—a contingent liability, shared to some extent with partners, that testifies to his pull in the financial community and to his daring as a developer.

Crow's name on a note is a legal commitment, of course, but some lenders value it more highly as evidence of his moral commitment to repay.

In addition to borrowing, Crow raises equity by taking in wealthy partners, ranging from institutions like life-insurance companies to individuals like David Rockefeller, chairman of the Chase Manhattan Corp. Rockefeller owns a piece of Embarcadero Center and of a Crow project in Atlanta. When he was recently asked what distinguished Crow from other developers, he mentioned Crow's unusually high sense of personal concern for his fellow investors, and added: "He's a generous and warm person, and he doesn't want to see his partners hurt."

Crow's reputation was earned not by any sudden display of razzle-dazzle but by slowly putting together a string of successful, if at first relatively prosaic, ventures. Born in Dallas, the fifth of eight children of a sometimes unemployed bookkeeper, he graduated from high school during the depression and, after some part-time jobs, became a runner for the Mercantile National Bank, while studying accounting at Southern Methodist University at night. After passing the C.P.A. examinations, he took a job at the Dallas office of Ernst & Ernst, and in 1941 joined the Navy. Meanwhile, he married Margaret Doggett, a Dallas girl.

In 1949, Crow, then thirty-four, took his first small step into real estate. He persuaded Ray-O-Vac executives to let him build a new warehouse, which he would lease to them.

He bought the land from Industrial Properties Corp., which owned 1,350 acres in the area, and which was controlled by John and Storey Stemmons. Crow's Ray-O-Vac project worked out so well that he soon became one of the Stemmons brothers' best customers for land. He built more and more warehouses, often on speculation that he could find tenants once the buildings were constructed, a procedure that was regarded as extremely risky in those days. Conservative to the core, the Stemmonses marveled at Crow's daring. "We looked upon him as our wild little brother we had to keep control of," John Stemmons recalls.

Nevertheless, in the mid-Fifties, the Stemmons brothers teamed up with Crow in a series of very successful buildings. Among them was his first sizable undertaking—the Homefurnishings Mart in Dallas, a $2-million, 219,000-square-foot building to house wholesale furniture showrooms. Both the Republic National Bank and the First National Bank in Dallas (on whose board Crow now sits) refused financing; but the Mercantile National Bank, his old employer, came through. As it turned out, Crow judged the market accurately; furniture wholesalers signed up so fast that the building was doubled in size six months later.

Now the Dallas Market Center consists of six buildings with more than 100 acres of floor space. It is the largest wholesale-merchandising complex in the world on a single site.

Crow first ventured to build outside Texas in 1952 (a warehouse in Atlanta). But it wasn't until the mid-1960's that he began to expand his organization and increase the pace.

Some of those 650-odd corporations and partnerships in the Crow network have grown out of a few strategic alliances with other real-estate men. Crow shares significantly in the ownership of every project undertaken by these joint ventures—his percentage varies depending on such factors as the number of other partners brought into any specific deal—but he doesn't get involved in the day-to-day management.

Crow, Carter & Associates in Atlanta develop shopping centers and office buildings, and has an interest in $175 million worth of real estate in the Southeast. Crow, Pope & Land Enterprises, which is also in Atlanta, concentrates on apartments and hotels.

Lincoln Property Co., started in 1965 by Crow and Mack Pogue, then a thirty-year-old land broker, has poured over $600 million into real-estate development, mainly for garden apartments. *Professional Builder*, an industry trade monthly, ranked Lincoln the largest developer of rental housing in the U.S. last year. Pogue, who, like Crow operates from Dallas, is the chief executive. Crow is ever attentive to personal sensitivities and refers to Lincoln as "Mack's company."

These ventures alone would give Crow high standing in the real-estate business, but his principal operating arm, and special pride and joy, is the Trammel Crow Co., which is headquartered in a forty-story Dallas building that Crow completed last year. It is a loose confederation of thirty-eight principal operating partners, including Crow.

It is also an extension of Crow's belief that real-estate development is an entrepreneurial activity, unsuited to management by corporate hierarchy. The partners operate out of thirteen U.S. cities and nine foreign countries, and they do business as semi-autonomous entrepreneurs. They buy land, secure financing, arrange for architects and contractors to do the work, lease the finished product, and, in the end, own a share of the projects. "It is a highly individualized business," says Crow, "not a business you can organize into levels. It just doesn't work that way. A man who is paid a salary won't do the same job as a man who owns part of the real estate. There isn't any way—he just won't."

Crow also believes that a good real-estate man must be a good salesman, and he sometimes refers to his company as a "marketing organization." Prospective partners often have no previous real-estate experience, but Crow runs them through his "training program," which consists almost solely of leasing warehouse space. There is little, if any, scientific planning—no demographic surveys and no research staff.

Crow's willingness to accept liability, while delegating responsibility to others, is the ultimate act of faith in his associates. Crow has tremendous confidence in those he has confidence in.

Because Crow has a long history of success in warehouses, small industrial buildings, and suburban office buildings—the unspectacular and relatively standardized kind of development his operating partners specialize in—the partners are often able to borrow all the money they need. Crow is a master at leveraging.

Actually, Crow has to raise a lot of money because he doesn't have very much cash. Although the company's various partnerships, along with those of some affiliated companies that are usually considered part of the Trammel Crow Co., generate close to $7 million in cash annually, much of that goes to pay part of the carrying charges on $160 million of land currently held in inventory for specific future projects.

Crow does not like to sell real estate, or refinance buildings, and so does not have access to those two traditional ways of raising cash. He and his partners have made their wealth by building and holding. As the debt on a real-estate venture is paid off, or as the market value of the project rises with inflation or other market factors, the equity value of the properties (and each partner's share of it) rises accordingly. This is the process that has made millionaires of so many of Crow's operating partners.

Crow has some rather remarkable ideas about who his operating partners should be. His insistence on hiring "nice" people sounds syrupy but, like most of his views, it has a hard-boiled and practical side. A "nice person," Crow is fond of saying, is one whom "other people will want to succeed." The developer, after all, depends inordinately on other people—lenders, contractors, brokers, landowners, and tenants. Since he can do nothing without them, his job is mainly to get them on his side. "Did you ever meet a successful businessman who didn't have a nice smile?" he asks.

Because Crow believes that the other secret in real estate is hard work, he considers self-discipline "the most important single trait a person can have." He admits that when hiring people, "it's difficult to spot. But you can see the lack of it."

Crow's first operating partner was Gillis Thomas, a former Alabama farm boy whom he hired in 1949 as a bookkeeper. In 1952, Crow asked Thomas if he could settle for a participation in deals in lieu of salary increases. To the consternation of Thomas's wife, he accepted. Today, at fifty-one, Thomas has an interest in several hundred warehouses throughout the U.S. and a net worth of more than $10 million.

Robert Glaze, who had been a controller for a regional group of retail stores, became the next operating partner in 1963; he serves as Crow's financial expert and troubleshooter, and has long been considered the No. 2 man in the company. Glaze acts like and is a deacon in the Baptist Church, and he has earned the respect of lenders for his thoroughness and integrity.

Crow alone decides what share each partner will have in the various deals, and the decision can be fairly arbitrary. Glaze, who is worth about $13 million, plans to slow down next year.

Another young man, who seems destined for a major role in the company, was taken as a partner even before he went to work for the company full time. Early this year, Crow persuaded McDonald Williams to leave the law firm he had founded with Joe Stalcup, and to take charge of the foreign operations of Trammell Crow Co., which he had represented in negotiations abroad. Williams has poise beyond his thirty-two years, and is almost astonishingly articulate.

The Trammell Crow Co. is run by Trammell Crow, and the way he does that is an object lesson in managing the seemingly unmanageable. Because he is so willing to delegate responsibility, he can spend most of his time acting as a kind of roving ambassador.

One of the things (that he does in that capacity) is influencing lenders, and Crow seems to be flying around the country almost constantly, touching base with top-level executives at insurance companies and banks.

Crow can sometimes "just peculiarly" clinch a deal better than anyone else, and if a partner wants him to, he will fly wherever he is needed to meet say, a landowner reluctant to sell out. Crow spends almost no time on ventures that are running smoothly; he focuses on big problems and big opportunities, or puts Glaze to work on them.

To keep up with business as Crow does requires uncommon energy and a high degree of physical and mental discipline. Crow virtually goes into training like a football player to build stamina. He arises at 6:00 A.M. and jogs three miles every morning, whether he is in Dallas or New York (where he jogs in Central Park) or any other city around the world. Even when he's just walking, he sprints for green lights.

A superb promoter, Crow has some of the folksy, shoulder-thumping characteristics of one. He has the ability to make people doing business with him feel he is totally absorbed in their interests. He is quietly gracious and polite, and can voice total disagreement without the slightest edge in his Texas drawl.

"Crow does what he promises." Crow, in fact, often does more than he promises. He can be a tough negotiator, but believes that a deal, to be successful, must be fair to all concerned.

But Crow also tries to be fair to those he is not so dependent upon—even (the true test!) when his own cash is involved. Last year, when John Stemmons refused to go along on the World Trade Center building, Crow bought out Stemmons' half interest in the entire Market Center complex. Considering their differences in outlook, it is not surprising that the two men had different ideas about what 50 percent of it was worth. Stemmons asked for $7 million, but Crow thought it was worth a lot more and was willing—in fact eager—to pay it. But Stemmons had determined what he thought was fair, and he was not willing to negotiate. So, for once, Crow was unable to effect the grand gesture.

The thought of stopping seems almost appalling to Crow. "How could you ever not want to keep going?" he asks. If that sounds like a man in danger of becoming overextended, Crow still has one thing going for him. He's the kind of guy you want very much to succeed."

FTC REPORT STATES MAJOR OIL FIRMS COOPERATE RATHER THAN COMPETE AND HAVE BEHAVED AS CLASSIC MONOPOLISTS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. EVINS of Tennessee. Mr. Speaker, we are all deeply concerned over the energy crisis, its causes, its impact on the American people and possible solutions to resolve the problem.

In this connection, I place in the RECORD herewith my recent newsletter, Capitol Comments, which I thought would be of interest to my colleagues and the American people.

The newsletter follows:

A SPECIAL REPORT: THE ENERGY CRISIS

(Capitol Comments by JOE L. EVINS)

This Nation this weekend for the first time in its peacetime history will face a form of gasoline rationing as service stations are expected to close at the request of the President from 9:00 p.m. Saturday to midnight Sunday. Many believe that this is only the beginning—that before the winter is over, some form of direct gas rationing will be necessary. Fuel oil rationing has already been ordered by the President and lower speed limits recommended, among other emergency measures.

Many believe that the current petroleum shortage—intensified by Arab boycotts on the sale of crude oil because of this Nation's support of Israel—may create massive disruptions of our Nation's life and economy, with the closing of factories and massive unemployment, and cutbacks in many major industries dependent directly or indirectly upon petroleum products. Already the airline industry has laid off hundreds of employees as its flight schedules were reduced because of restrictions on jet fuel and major automobile manufacturers have also announced layoffs and cutbacks in production.

Some of us in Congress who have been observing the development of the energy crisis have warned for some time that demand was exceeding projected supplies of petroleum products. The President has been given standby authority by the Congress to require reasonable allocations of available fuel for various parts of the Nation. More than six months ago in the Economic Stabilization Act amendments this authority was strengthened—but not used until the eleventh hour with a crisis facing the Nation.

As Chairman of the Subcommittee on Public Works and Atomic Energy Commission Appropriations and as Chairman of the House Small Business Committee, your Representative has listened to literally months of testimony concerning the energy crisis—and one of the major reasons for my continuing battle with the Office of Management and Budget is its continued impoundment of funds appropriated by our Committee and the Congress for projects which produce electric power or fund research and development into alternative sources of energy, particularly by the Atomic Energy Commission.

My Appropriations Subcommittee on Public Works, in the past five years, has appropriated $5 billion 241 mililon 790 thousand for power-related and energy research and development. Since most Federal research and development into alternative energy sources has been in the nuclear field—and our Committee is concerned with funding for the Atomic Energy Commission—I am advised that almost 80 percent of Federal energy research and development funding in the past five years has been appropriated by our Committee. We have, of course, had the excellent cooperation of authorizing Committees, especially the Joint Committee on Atomic Energy.

This research into alternative sources of energy includes the funding of the $700 million Liquid Metal Fast Breeder Reactor Demonstration Plant at Oak Ridge—total appropriations for the development of this technology now amount to $1 billion 156 million.

Other AEC research includes solar energy from the sun, controlled thermonuclear fusion, and geothermal studies, which relate to the use of the natural heat of the earth to produce power.

Other Committees of Congress have funded other energy research. Important work in the magneto-hydro-dynamic (MHD) process of producing power is underway at Arnold Engineering Development Center and the University of Tennessee Space Institute at Tullahoma. Intensified coal gasification (to produce natural gas) and liquefaction (to produce crude oil) research is being advocated by some experts, with the possibility under discussion of a major research pilot plant being developed by the Tennessee Valley Authority to be located in Tennessee to take advantage of our great coal reserves.

Reports which my Committees have issued—and which were regrettably overlooked or ignored—warned repeatedly during the past five years that a major fuel shortage is imminent. I have urged that power projects be accelerated rather than slowed down, that impounded public works construction funds be released, that nuclear power plants be advanced and moved forward at a faster pace, that import barriers on fuel oil be lowered, and that other measures be taken to prevent the anticipated crisis.

The House Small Business Committee—of which I am honored to serve as Chairman—has repeatedly called for a national energy policy to coordinate all the elements of energy production, development and research into one agency.

In my three-page newsletter on May 7, 1972, the problem was spelled out in detail. I pointed to the warnings by leading public officials—I pleaded for a balance between the demands of the extreme environmentalists and the necessity of developing our natural resources and atomic power to meet the exploding demand for energy as our technology and population continued to grow and expand.

I recommended conservation measures at that time—called for a sensible approach by environmentalists to new power generating projects which had been delayed by lawsuits and injunctions—and suggested a cooperative effort to avert an anticipated energy crisis.

Now, however, the crisis is here and we must move forward with resources available at this point. Congress has passed the Alaska Pipeline bill which by 1977 will result in development of the North Slope oil fields of Alaska and the transport of the oil to the United States.

Congress has passed and the President has signed into law the Mandatory Fuel Allocation Act, strengthening the President's sweeping powers to allocate petroleum products based on need and priority.

The Senate has passed and the House is now at work on a National Energy Emergency Act which includes a number of measures requested by the President to deal with the crisis. It is this Act that is expected to provide authority for reduced speed limits, restriction of fuel for advertising, the lowering of temperatures in offices and public buildings, among other conservation measures.

The President will also be authorized to direct industries using fuel oil and natural gas to convert to coal and to increase production of oil wells on Federal lands—the President could also require domestic oil refineries to adjust their product mix in accordance with national priorities.

The Congress has been anticipating this problem for many months and developing needed and essential legislation in the national interest. Our military and foreign aid support of Israel has caused the Arab nations in the Middle East to boycott and cut off supplies of fuel, accentuating the crisis.

Many people, of course, ask: Is this a real shortage?

I think the answer is YES—but the answer also is that the major oil companies could have expanded their refining facilities and production rather than restricting production and refining to maintain high prices and kill the little guy—2,000 independent service stations have been closed within the past year.

My basis for this statement are investigations by our Committees which show an effort by Big Oil to control all energy sources—and the results of studies by the Federal Trade Commission which, as I reported last July, indicate that the giants of the oil industry in the United States constitute an anti-competitive concentration of economic power to the detriment of small businessmen and American consumers.

The FTC report—one phase of which was requested by your Representative—stated that "major oil firms, which consistently appear to cooperate rather than compete in all phases of their operation (the production, distribution and sale of gasoline) have behaved in a similar fashion as would a classic monopolist: *they have attempted to increase profits by restricting output.*" (Emphasis added)

Certainly the Arab oil boycott intensified the crisis—but this monopolistic action by big oil companies prior to the crisis restricted supplies and left the Nation in a weaker position to cope with the current problem.

Now, however, we must all join together

and cooperate to meet this crisis and develop alternative sources of energies since demand has outstripped available sources of supply.

In my view, we need a cash energy research and development program similar to the "Manhattan" project that produced the atomic bomb or comparable to the man-space project which put a man on the moon and returned him safely to earth.

The Administration refers to a new $10 billion energy crisis program which in reality is two-thirds the existing programs, primarily funded by our Subcommittee on Public Works–AEC Appropriations.

We need this or a larger research and development program to make a new breakthrough—and such a program will be proposed in early 1974, I predict.

We need to develop a more realistic attitude toward the balancing of the need for preservation of our environment with the development of power and other important and essential public services required by our people.

And for the present time at least, we must accommodate ourselves to the need for conservation of energy—and, as always, I am sure the American people will cooperate in this emergency in the public interest.

TAX AND LOAN ACCOUNTS

HON. JOHN TOWER

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Wednesday, December 5, 1973

Mr. TOWER. Mr. President, in view of recent discussion on Government tax and loan accounts, I would like to submit this article from the November 1973 Dallas Federal Reserve Bank's Business Review which sheds an interesting light on the subject.

Mr. President, I ask unanimous consent to print the Business Review article in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAX AND LOAN ACCOUNTS—GOVERNMENT BALANCES MANAGED TO AVOID UPSETTING MONEY MARKETS . . .

The Government—like individuals and corporations—must maintain a cash operating balance for use in paying its bills as they come due. This requirement is met by the Treasury mainly through its deposits at Federal Reserve banks and its tax and loan accounts at commercial banks.

Treasury deposits at Federal Reserve banks alone would probably provide a satisfactory mechanism for handling the flow of Government funds were these flows not so large and subject to such wide swings. The average end-of-month balance in Treasury accounts at Federal Reserve banks and commercial banks was nearly $9 billion last year, and these balances ranged from a low of $4.8 billion to a high of $11.6 billion. Balances at commercial banks, by themselves, accounted for roughly 4 percent of total demand deposits of all commercial banks.

With deposit levels and changes that large, fluctuations in Government balances could impact severely on the nation's commercial banks and financial markets. And as a result, the Treasury has had to give attention to matters individuals and corporations can ignore in the conduct of their financial affairs. For the Treasury to carry on its daily business with as little disruption of financial markets as possible, the system of tax and loan accounts was developed.

NEED FOR THE SYSTEM

There are necessarily large discontinuous transfers of funds involved in Government operations. Receipts from individual income taxes, for example, bunch every year just before April 15. And corporate income tax receipts flow into the Treasury quarterly. Receipts from other tax sources also tend to be somewhat uneven. And since the size and timing of Government borrowing depend partly on conditions in financial markets, borrowing operations cannot be carried out solely to smooth the cash flow into the Treasury. Disbursements also do not flow out at the same rate all year long.

Were it not for tax and loan accounts, this unevenness—and the huge sums involved—could upset money and capital markets and exert undesirable pressures on the normal operations of commercial banks. When member banks present Government checks to Federal Reserve banks for payment, their accounts are credited and the Treasury's accounts are debited. The result is an increase in bank reserves.

Conversely, when the public pays funds into the Treasury, most of the payments are in the form of checks drawn on commercial banks. As these checks are processed through Federal Reserve banks, the Treasury's accounts are credited and accounts of member banks are debited. And the result is a drop in bank reserves.

Use of tax and loan accounts at commercial banks moderates such shifts in reserves by distributing their incidence more evenly over time than would otherwise be the case. For example, rather than funds being transferred from customer accounts at banks to Treasury accounts at Federal Reserve banks, with an attendant fall in bank reserves, the transfers are made instead between Government and private accounts at commercial banks. In this case, total bank deposits—and, therefore, total bank reserves—are less affected.

The Treasury usually tries to conduct its operations so that its balances are kept as small as possible consistent with its spending requirements. And to avoid influencing bank reserves as much as possible, the Treasury tries to keep its balances at Federal Reserve banks fairly stable.

As reductions in its balances at Federal Reserve banks require the Treasury to draw on its tax and loan accounts at commercial banks, it tries to schedule calls in a way that will be least disruptive to financial markets and the normal operations of the commercial banking system. To the extent that the flow of Treasury payments equals the flow of its calls on commercial banks for funds, there is little net change in total deposits and reserves. That is, since most recipients of Government checks deposit them in their own accounts at commercial banks, the net result of Treasury spending is simply a transfer between Government and private accounts on the books of commercial banks.

DEVELOPMENT OF THE SYSTEM

The Treasury's system of keeping accounts at commercial banks dates from World War I. The system was initiated in 1917, when it became clear that, without such an arrangement, the rise in Government spending in connection with the war would impact severely on financial markets. Banks holding Treasury accounts have been designated from the beginning as *special depositaries*.[1]

Banks buying securities under the Liberty Loan Act, whether for their own account or for the account of a customer, could deposit the proceeds in special accounts known as *war loan accounts*. These funds, while immediately available to the Treasury, would remain in the banking system until actually needed to meet federal expenditures. And once disbursed, they returned to the banking system.

Deposits in these accounts were not then subject to reserve requirements, and banks were required to pay 2 percent interest on them. But when the Banking Act of 1933 eliminated the payment of interest rates on demand accounts, interest payments on Treasury accounts were also eliminated. And two years later, Treasury deposits were also made subject to reserve requirements.

Receipts from the sale of Government securities were generally small in the 1930's, and little use was made of war loan accounts. But with the outbreak of World War II and another surge in Government borrowing, the Treasury again made more use of the accounts. Total credits to war loan accounts soared from $767 million in fiscal 1941 to more than $54 billion in fiscal 1944.

After the war, Congress broadened the use of these accounts even further to include certain tax receipts. Beginning in 1948, banks were allowed to credit receipts of withheld income taxes to war loan accounts—an authorization that had applied, until then, only to Federal Reserve banks. In 1950, payroll taxes collected under the Social Security program were added, and the accounts were renamed *tax and loan accounts*.

Other taxes have since become eligible for credit to these accounts. They include taxes under the Railroad Retirement Act (1951), certain excise taxes (1953), corporation income taxes—at first, estimated (1967) and, later, all such taxes (1968)—and taxes under the Federal Unemployment Tax Act (1970).

ACCREDITATION OF BANKS

Of the 14,048 commercial banks in the United States at mid-1973, 13,401 were special depositaries. In 1972, the daily average balance in these accounts was $5.42 billion. In 1971, the average was $4.88 billion.

To be classified as a special depositary, a bank applies for accreditation through the Federal Reserve bank of its district. Although the Federal Reserve bank determines the limit to be set on the amount of deposits a bank can credit to its tax and loan account, the bank's application must show the maximum deposits it expects to be credited. This maximum is based on the payments it expects to make on subscriptions for new issues of Treasury securities and the volume of tax deposits it expects to receive.

To receive Treasury deposits, the bank must pledge certain types of collateral against them. The instruments that can be pledged are Government securities, obligations of Government agencies and obligations guaranteed by the Government, general obligation bonds of state and local governments, and various other approved securities.

With these securities on deposit at the Federal Reserve bank, the bank designated as a special depositary can receive deposits of qualified tax payments. And when applicable, it can credit the tax and loan account to pay for purchases of certain Treasury offerings.

The depositaries are divided into three groups—A, B, and C. Banks with tax and loan accounts so small that withdrawals every day are not practical are designed as either Group A or Group B depositaries. Group C depositaries are large enough for daily calls to be made conveniently on the basis of last-minute developments—with calls being instructions from the Treasury to transfer funds to its accounts at the Federal Reserve banks. The smallest depositaries, Group A, are subject to calls once a month. The intermediate Group B depositaries are subject to regular calls twice a week—on Mondays and Thursdays.

ADVANTAGES TO THE TREASURY

In maintaining tax and loan acounts, banks perform several functions for the

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[1] Like all Treasury deposits, tax and loan accounts are held in the name of the person currently serving as Secretary of the Treasury.

Government without charge. The most obvious, of course, is the actual servicing of accounts-handling debits and credits and maintaining collateral against changing balances. But other functions are also performed without cost to the Government.

One is the sale and redemption of savings bonds. Commercial banks handled more than 55 percent of all savings bonds sold in 1972. These sales were the result not only of banks operating as issuing agents in over-the-counter sales and as managers of their own payroll savings plans but also of their assisting other businesses in setting up and maintaining payroll savings plans. Furthermore, almost all payments on savings bonds are made through commercial banks.

Another service is the support of subscriptions to Government securities. When banks are allowed to purchase new Treasury issues by crediting tax and loan accounts, they serve essentially as underwriters of the issue, without cost to the Treasury. The value of this service can be estimated by comparing the costless underwriting of the November 1972 tax anticipation bills with the underwriting of the Federal National Mortgage Association's offering soon after. The association paid underwriters $2 for every $1,000 note sold in connection with its offering of four-year securities. On that basis, the Treasury's November tax anticipation bill financing would have cost about $4 million in underwriting fees.

Other functions performed for the Treasury include the handling of large volumes of maturing public debt and the cashing of large numbers of Government checks. Banks also report large or unusual currency transactions to the Treasury.

Perhaps the most important advantage to the Treasury comes, however, not from any particular function performed by special depositaries. What is most important is that the Treasury have a system that will allow it to conduct its operations easily and dependably, with a minimum of impact on financial markets.

. . . TO BANKS

That 95 percent of the commercial banks in the United States have Treasury tax and loan accounts suggests that such accounts must be advantageous to banks. One reason for these accounts, in fact, has been to give banks an incentive to serve as distributors of Treasury securities.

This is done by sometimes allowing banks to purchase newly offered Treasury securities by crediting tax and loan accounts with the amount of the purchase. When the Treasury authorizes such crediting, purchases can be made simply by a bookkeeping entry. With the securities to serve as collateral against the increase in the Treasury account, the bank can make such a transaction with no initial cost other than the cost of the funds it must set aside to meet the increase in required reserves. In effect, the bank is allowed to earn interest on the securities without giving up an equivalent amount of funds until the Treasury draws down its account. Even if the bank immediately resells the securities, it can invest the proceeds and continue to earn interest until the Treasury reduces its balances.

Banks usually subscribe heavily to issues that can be paid for through credit to tax and loan accounts. They took, for example, nearly all the Treasury's tax anticipation bills offered last year.

Because of the cost of services special depositaries provide without charge to the Treasury, returns on funds in these accounts are not the windfall to banks they might appear to be. Twice, the Treasury has conducted studies comparing the earning potential of tax and loan accounts for the banking system as a whole with the cost of providing the services special depositaries perform for the Government. Both times, it found costs to the banking system very close to the revenues generated by tax and loan accounts.[2] Computation of these costs, moreover, did not include the value to the nation of having a dependable system for handling the Government's commercial banking requirements with little disruption of money and capital markets.

. . . AND TO THE FEDERAL RESERVE

Generally, any system that helps moderate fluctuations in financial markets contributes to the efficient implementation of monetary policy. Use of tax and loan accounts moderates the need for Federal Reserve System open market operations to offset the effects on bank reserves of Treasury receipts and expenditures.

Changes in Treasury balances in September 1972 give some indication of what might be entailed for the Federal Reserve System if there were no special depositaries. The Treasury's combind cash position fell from $3.6 billion at the beginning of the month to $1.4 billion on September 11 and then rose again to $9.6 billion by the end of the month.

In the absence of tax and loan accounts, these changes would have been entirely in Treasury balances at Federal Reserve banks, and reserve balances of commercial banks would have dropped 6.5 percent and then climbed 24.6 percent, all in the space of a month. An arrangement that allows such massive transfers of funds between the public and private sectors without unduly disturbing the money market serves the interests not only of the central bank but also of the general public.

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[2] *Report on Treasury Tax and Loan Accounts and Related Matters,* Treasury Department, December 21, 1964.

TRIBUTE TO BILL KEATING

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. LUJAN. Mr. Speaker, I find it very difficult to fully express the friendship that I have shared with Bill Keating especially during this past year. When Bill first entered this body, I came to know him as a man who truly dedicated himself in a most supreme manner for those principles in which he so strongly believed.

During this time, Bill became an effective and tireless worker for his constituency in the First District of Ohio as well as being a strong leader in the Ohio delegation. His expertise and working ability within the Ohio delegation and in his district will, I know, be missed sorely.

To me, Bill is his own man and anyone who ever met him never once doubted his sincerity, his independence, or his fairness with which he pursued his job.

I feel that, given the time, Bill would have been a leader among us here in Congress because he not only understood the needs of his district, but that of his country, too.

Mr. Speaker, given the short time that Bill was with us he has already achieved the realization of some of the goals that he had set, not only for himself but for his fellow man.

It would seem unnecessary for me to summarize all the many fine contributions which Bill implanted among us since he first entered the Halls of Congress.

Personally, it has been a sincere pleasure to have worked with him and sharing in his accomplishments. I shall miss his presence deeply.

As Bill enters his new profession in the field of journalism, I want to wish him and his lovely wife, Nancy, and their family the very best.

A PLAN FOR GASOLINE RATIONING

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. FRASER. Mr. Speaker, we cannot afford further delay in achieving a significant cut in petroleum consumption. Only by gasoline rationing can we guarantee that industry and businesses and essential services will have enough fuel to continue operations.

More than one-third of the 17 million barrels of oil we use daily is consumed in automobiles. Each day that the administration refuses to institute a system of gasoline rationing, another million barrels of oil gets burnt up unproductively.

I have called upon Federal Energy Administrator William Simon to take immediate steps to implement a system of gasoline rationing. In a letter to Mr. Simon, I have outlined a proposal for a three-tiered rationing and tax system, under which every adult licensed driver would receive negotiable coupons for a weekly ration of 7 to 8 gallons. Supplementary, nontransferable rations would be available to those with work requirements or special needs if public transportation, carpools, or alternative means of transportation were not available. Gasoline over the rationed amount would be sold with a surtax of 50 cents a gallon, the proceeds of which would be used to improve public transportation.

The letter follows:

Congress of the United States,
House of Representatives,
Washington, D.C., December 5, 1973.

Hon. William E. Simon,
Deputy Secretary, Department of the Treasury, Washington, D.C.

Dear Mr. Secretary: I urge you to take steps as soon as possible to implement a system of gasoline rationing. Each day that we delay, we lose a million barrels of petroleum products that could be channelled into vital industrial activity and essential services.

The prospect of rationing is distasteful. But the alternatives are even worse.

As you are aware, crippling layoffs of workers and massive disruption of the economy can result if we do not significantly reduce nonessential petroleum uses.

Allowing the price system to allocate gasoline would be immoral since it would hit lower end middle income people hardest. If, in the past, Government had encouraged production of small cars and had helped provide cheap and convenient mass transit facilities, we might be better justified in allowing the price of gasoline to rise until it "cleared the market." But we have not done these things. There are at present no viable, alternative means of transportation for the worker who lives in a suburb far from his place of work.

I am suggesting, therefore, a combination rationing-tax system, which would: (1) effectively cut gasoline consumption, (2) fulfill essential commuting and business needs at a reasonable price, and (3) fund improved mass transit and intercity rail and bus service for the years to come through a surtax on gasoline sold over the rationed amount.

The principal elements of such a plan would be:

Every adult licensed driver would receive negotiable ration coupons for 7 or 8 gallons a week. These coupons could be sold to others. (There are about 114 million drivers 18 and over. A 7-gallon ration per driver would amount to about 800 million gallons a week. At present we burn up more than 2 billion gallons of gasoline each week.)

Additional, non-transferable coupons would be issued on the basis of work requirements and special needs where alternative transportation such as public transportation or car pools are not available. These additional coupons could be issued on the basis of declarations made by the applicant, with provision for subsequent audit or verification, civil penalties for excess coupons claimed, and criminal penalties for fraud. This procedure would allow the additional coupons to be issued by established agencies such as the Post Office with a special audit staff to be created.

Gasoline over the rationed amount would be available with a surtax of 50¢ a gallon. The revenue generated from this tax would be used to improve and extend public transit facilities, both within municipalities and between towns and cities.

Gasoline station owners would keep 5¢ of each gallon's tax to compensate for the extra bookkeeping and the loss in volume of business.

This system would not require the huge bureaucracy that World War II gasoline rationing did. Nor would it favor car-owners. There would be little incentive for a black market. Moreover making basic-ration coupons saleable would provide an income-subsidy for those too poor to drive, or those who choose not to drive.

The funds generated by the surtax would beef up mass transit systems so that in the future there would be a real alternative to the automobile. The high price of non-rationed gasoline would encourage thrifty driving habits and a switch to smaller, more efficient cars.

Most importantly, such a system would achieve the savings in gasoline consumption that we must have to prevent massive unemployment and a major economic recession. And it would do so in a way that meets the test of fairness needed for public acceptance of the rigors resulting from fuel shortages. These shortages, in all honesty, might have been averted had Government, previous Administrations included, planned adequately in the past.

With best wishes.

Sincerely,

Donald M. Fraser.

WE NEED A NEW MINIMUM WAGE BILL

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. ERLENBORN. Mr. Speaker, Senators Dominick and Taft made a valiant, but vain, try for a new minimum wage bill yesterday. They proposed that we increase minimum wage rates and leave the thorny issues—those that have stood in the way of a new bill—for a later time.

That their effort failed underscores a point I have been making for the past year: That some people would rather have an issue than a bill.

At first, my feeling was that our General Labor Subcommittee chairman (Mr. Dent) was the leader of the intransigents, and I directed plea after plea to him. In this Chamber last week, however, I mused that perhaps I should be directing my entreaties to organized labor instead.

Well, the proof of the pudding is in the eating. Yesterday, by a vote of 55 to 29, the Dominick-Taft amendment was tabled in the other body.

Why? Would you believe that an army of labor lobbyists was on hand urging a vote against the increase?

But why? Why would those who speak for organized labor lobby against a pay increase for unorganized, unskilled workers?

Perhaps George Meany can tell us.

If he can, then the next question is: Will he?

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL—NO. 52

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. HARRINGTON. Mr. Speaker, one of the most frequently used and deadly types of handgun is the so-called Saturday night special. This gun is easily and inexpensively obtainable, making it one of the most commonly used weapons in homicides. Modern Saturday night specials and their predecessors have been used, according to the December 3 Boston Herald American, in 41 assassination attempts since 1835. Recent examples include the murder of Robert Kennedy and the attempt on Governor Wallace's life. Every day we read in the newspaper of other murders because of the proliferation of these handguns. Unfortunately, the most organized interest group in the country, the National Rifle Association, is firmly opposed to any restrictive legislation.

As the Herald American article states:

> The National Rifle Association . . . has made it possible for us to settle all our disputes—marital, political, traffic—in the American way, with a Saturday night special.

Thus, we have another murder yesterday, another today, and still more tomorrow. The murder described in the following article from the Boston Globe of December 4 is sadly commonplace in this context.

The article follows:

[From the Boston Globe, Dec. 4, 1973]

A Providence businessman apparently shot his wife to death then took his own life early yesterday morning in the basement of their home, a state medical examiner ruled yesterday.

Frank P. Gasbarro, 63, and his 61-year-old wife, Beatrice, were found by their son about 9 a.m. A handgun which police believe was used by Gasbarro was found near the bodies. Gasbarro was the owner of a wholesale liquor firm in North Providence.

[From the Boston Herald American, Dec. 3, 1973]

Using Saturday night specials and their predecessors, the persons who made the 41 recorded assassination attempts on presidents, governors, senators and representatives in this country since the attempt on Jackson's life in 1835, were certifiably insane. Yet Congress has been unable to pass legislation which would prevent these "crazies" from getting their hands on Saturday night specials.

When Sen. Philip Hart gave the Senate the opportunity to vote on a bill, supported by the National Conference of Mayors, associations of police chiefs, and the National Commission on Reform of Federal Criminal Laws, which would have banned ownership of these murder weapons, his colleagues rebuffed him 53 to seven. When Senator Kennedy suggested that a law be passed requiring that all these guns be registered so that, at least, the government might know who was buying these killers, he was voted down 75 to 11.

Most active in defusing all attempts at government control has been the National Rifle Ass'n. At their national convention on March 31, 1973, Congressman Bob Sikes, a former official in the organization, boasted of how the "NRA spearheaded this effort (to stop anti-gun legislation). NRA's leadership was the key to victory." Yet when the organization was described by Senator Kennedy as "a massive lobbying juggernaut against federal gun control," its leaders used the next available editorial page in its official publication, The American Rifleman—where Oswald bought the gun—to protest: "We cannot accept the label of lobbyist. To do so would be a betrayal of free Americanism."

So let's hear it for the National Rifle Ass'n which has made it possible for us to settle all our disputes—marital, political, traffic—in the American way, with a Saturday night special.

BLUE-COLLAR VIEWS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. DERWINSKI. Mr. Speaker, the Chicago Tribune's Perspective Section is one of the features of that publication. Included on that page is a regular column by Mike LaVelle, whose blue collar background allows him to address his column to the special interest of fellow union members.

In his column of Thursday, November 29, Mike examines some current development in labor circles.

The article follows:

Social Planning Turns Unions Off

(By Mike LaVelle)

Stanley Aronowitz, ex-steelworker, union organizer, and currently a faculty member at Staten Island Community College in New York, is either paying the academic dues of his new profession or writing a serious book. I don't know which.

The either-or in question is a book called "False Promises" [McGraw-Hill]. The major themes of Aronowitz's book seem to be a rehash of old, tired, and endlessly redundant leftist cliches, e.g., "workers will have to form new organizations that probably won't bear much resemblance to the present labor unions," "they will have to seek not just reform but the conquest of power."

It appears to me that Aronowitz has been infected by culture shock, namely the modern intellectual's persistent hangups on power. Some unknown wit has compared that hangup to the relationship the Puritans had concerning sex, a schizophrenia of loathing and lusting.

I would agree with Aronowitz that the attitude of workers [especially younger workers] toward their work is changing. The old virtues of sacrifice, the rainy-day psychology of work-save-now-and-enjoy-later is disappearing and is being replaced by a greater interest in pleasure and gratification.

As one UAW member told me, "I want to enjoy life now while I'm still young. I don't want to work 60 or 70 hours a week until I'm old and worn out and then try to enjoy life."

What hasn't changed is the workers' [old and young alike] suspicions of power wherever it is wielded and for whatever reasons. I have always found, especially when I was a shop steward [International Association of Machinists] for three years, that most workers were turned off or indifferent to rhetoric that was grandiose beyond their own parochial concerns of food, shelter, working conditions, and wages.

"Social planning" might be acceptable dialog in some circles at many universities where the collectivist ethos holds full sway. I don't see workers surrendering what freedoms they have left to quasi-industrial union leaders. According to Aronowitz, "General Motors has an ideology of authoritarian management which the unions accept as the basis for the bargaining arrangement. Management says, 'We have the right to manage and you have the right to bargain for more money.' "

According to the Aronowitz scenario, the people who hold power in unions will "never be able to make the leap to saying, 'We have the right to manage too,' whereupon workers will 'have to form political organizations probably more like the old International Workers of the World.' "

With all due respect to the Wobblies who did their romantic-anarchist-syndicalist thing in the early 1900's against primative laissez-faire robber barons, times have changed and such colorful romantics are out of the picture. We live in less harsh and more pragmatic times.

I agree with Aronowitz that because of an energy crisis and a possible age of scarcities there will be efforts by industrial managers to justify a return to the old hardnosed attitudes. They will fail in those efforts because any union leader who surrenders the gains hard earned in negotiations will soon find himself out of office.

Perhaps I'm more conservative in my views of the future than Aronowitz, but I prefer the management-labor adversary posture [where it truly is adversary, without I. W. Abel spouting U.S. Steel propaganda in full-page newspaper ads], rather than unions joining industry to inflict "social planning" on those below. The less power at the top the better. I have no assurances that once a union leader becomes a manager he will not be corrupted by that power.

BUDGET BILL

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. du PONT. Mr. Speaker, the budget bill under consideration today embodies many of the reform features long advocated by Congressman Paul Findley, of Illinois. I have been pleased to support Mr. Findley in his efforts, and I am particularly pleased to insert in the Record today a letter of thanks to Mr. Findley for his efforts from the Joint Study Committee on Budget Control:

Washington, D.C., *April 18, 1973.*

Hon. Paul Findley,
House of Representatives,
Washington, D.C.

Dear Paul: On behalf of all members of the Joint Study Committee on Budget Control, we want to send the enclosed copy of our final report and express our personal appreciation at this time for your taking the time from your busy schedule to present your thoughts on the process of budget control in Congress to our Committee. Your individual participation contributed immeasurably to the successful series of budget hearings.

As you indicated in the course of your testimony, your recommendations fit in with most of the Committee guidelines as contained in our Interim Report of February 7, 1973.

Consequently, it will not come as a surprise to you that our final recommendations are consistent with the highlights of your bill and testimony in instance after instance after instance—notably, with respect to the provisions in the recommendations that a ⅔ vote be required to exceed either expenditures or new budget authority ceilings, or for either House to consider spending measures before a concurrent resolution establishing the ceilings is passed. These rules are best summarized on page 5 of the final report.

We also think the Committee's recommendations mirror your own conclusion that the appropriations and taxation committees, the existing fiscal committees, should serve as a natural nucleus in any new Budget Committee.

The list of similarities between the committee report/bill and your bill could go on and on, but we think the point is made already. The final report has much in common with your recommendations and we commend HR 7130, the Bill embodying the Committee's recommendations, to your attention.

With all good wishes, we remain,

Sincerely yours,

Al Ullman,
Cochairman.
Jamie L. Whitten,
Cochairman.

MID-EAST NEUTRALITY

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. BAUMAN. Mr. Speaker, I would like to place in the Record an article from the column entitled "The Publisher's Prerogative" by E. Ralph Hostetter, which appears in a number of weekly papers in my district. In the article Mr. Hostetter sets forth the grave dangers inherent in the Middle East situation and offers forceful arguments concerning the course the United States should be taking.

Mr. Hostetter, a man who has traveled widely across the world, is also the former president of the Maryland State chamber of commerce and the Maryland-Delaware-D.C. press association.

Mr. Hostetter quite correctly concludes that the "moral imperative" for the United States, so far as the Middle East is concerned, must be the survival of our Nation and the welfare of our citizens:

The Publisher's Prerogative—Neutrality Best Mid-East Tack

(By E. Ralph Hostetter)

I recall that Senators Jacob Javits of New York and Charles (Mac) Mathias of Maryland were vehement opponents of American involvement in the Vietnam War on grounds that it was an internal war arising from the artificial division of a country by the great powers.

It is interesting to note that their tunes have changed in the Arab-Israeli conflict. which represents very similar conditions. Israel was created after World War II when the great powers decided that the Jewish peoples of the world should be given a chunk of the Arab world, and never mind the complaints of those weak and backward Arabs.

By the standard formerly articulated by Javits and Mathias, the Arab-Israeli struggle should be regarded an internal affair and none of our business, but they are actually very hawkish for Israel and insisting that we provide Israel with all the military support that it needs.

This type of misguided approach to the problem has led to our present predicament.

But this is no excuse for the foggy judgment being exercised by American policymakers who are willing to risk the whole world to Communism for the sake of TOTAL commitment to Israel rather than rational support which would involve some give and take on both sides. That is the danger we are facing.

The only powerful enemies the United States has in the world are the Soviet Union and Communist China, and let us not be fooled by the recent smiles of the bear and the dragon. They seek our destruction, one way or another, and the very best way is to choke us to economic death by cutting off the oil supply to the Free World, or have the Arabs do it for them.

We were right when we fought the expansion of Communism in Korea and Vietnam, and we are wrong when we risk the security of the Free World with a policy of supporting Israel against the Arab nations, who are being forced to embrace the Russians because of our belligerent support of Israel.

It is important to view the affair in a global context because the Arabs have demonstrated that they are willing to use their oil power to threaten the economy of every American ally to enlist support for their cause.

We find that Western Europe and Japan, which cannot survive without Arab oil, are desperately rushing to extricate themselves from any identification with American policy in the Mideast.

But that is where we face the gravest danger of confrontation with the Soviet Union, which has consistently supported the Arab cause, inspired the Arabs to launch their recent war against Israel, and even planned to send troops when the Arab armies were in trouble.

With considerable realism, American allies have decided that their own survival is extremely important. An Arab oil cutoff would mean economic ruin to them, and they have no taste for being dragged into the potential holocaust of nuclear war between the Soviet Union and the United States.

Among the stronger nations of the world, we stand alone in our support of Israel. The Soviet Union has managed to corner us into a predicament in which we face aggressive

Soviet power without the anti-communist alliance that has saved the Free World since the end of the Second World War.

The Arabs are fearful of Soviet domination, but their primary enemy is Israel and they need Soviet armaments. Arab dependence on Soviet weapons and the world's dependence on Arab oil have enabled the Russians to strip America of her allies at a critical moment of great danger. Without Europe, NATO is dead. Without Australia, New Zealand, and the Philippines, SEATO is dead.

Ironically, the Arab nations would rather be friends with the United States than with the Russians, whom they do not trust, but our support of Israel has increasingly thrust them into the Soviet embrace. Our policy should be neutrality, siding with neither side, but protecting both from the Soviets, a position very similar to our Monroe Doctrine in the Western Hemisphere.

The Soviets, meanwhile, are absolutely overjoyed at the results of their pro-Arab policy. Without sacrificing a single soldier, they can watch from the sidelines while the Arabs apply the economic screws to the United States and the rest of the Free World.

We are somewhat more fortunate than Western Europe, which obtains 80 per cent of its oil from the Mid East, and Japan, which buys 90 per cent from the Arabs. They must cave in to Arab demands or suffer economic collapse, and they are performing the necessary acts of humility.

Meanwhile, our own economy is being crippled because the Arabs have already cut off all oil shipments to the United States. We were relying on them for nearly one-fifth of our oil needs. American business and industry are staggered, and we will surely suffer an economic recession, if not a depression.

Secretary of State Henry Kissinger has warned the Arab nations that the United States might be forced to retaliate if the oil boycott continues. It has been suggested that we cut off sales of food to the Arab states.

It would achieve nothing. The Arab nations are no longer weak and poor. They are rich and can offer premium prices for all the food they need from sources such as Australia and Canada, which increasingly have sympathized with Third World nations in recent years.

We have no lever except military force to use against the Arabs, and that surely would bring the ultimate catastrophe—war between the United States and Russia.

We still have some time to correct blunders of our foreign policy. It is necessary to recognize our mortal danger from the Soviet Union if it achieves a permanent role in determining Arab oil policy.

To restore our historically good relations with the Arab states, we should insist that Israel return the Arab territories seized in the 1967 war. Those territories include the Sinai Desert, the Golan Heights, the Arab sector of Jerusalem and the west bank of the Jordan.

As with our commitment to South Korea and South Vietnam, the original boundaries established by the Great Powers should be our only concern. We should seek Arab recognition of the Israeli nation within the boundaries established in 1948, and it is conceivable that the Arabs would agree to that.

We should move toward neutrality in future relationships between the Arabs and the Israelis.

Otherwise, our continuing one-sided commitment to Israel will ultimately deliver to the Soviet Union the oil weapon with which to destroy the economy of the Free World, rendering us weak and vulnerable for the final Communist victory.

Our moral imperative must be survival.

GILMAN SEEKS DISASTER AID FOR FARMERS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. GILMAN. Mr. Speaker, I recently appeared and testified before the Public Works Committee's Subcommittee on Water Resources regarding H.R. 7690, the Disaster Preparedness and Assistance Act of 1973.

This legislation authorizes the President to make or guarantee loans to individuals or businesses to repair or replace property damaged in a natural disaster.

The purpose of my appearance before the subcommittee was to inform them about the experiences suffered by the farmers in my congressional district as a result of last year's disastrous Hurricane Agnes. It is hoped that their experiences will shed some light on the problems encountered by farmers seeking disaster relief.

In order to enable all of my colleagues to have this information at their disposal during any future consideration of this disaster legislation, I include the full text of my statement before the subcommittee in this portion of the RECORD:

STATEMENT OF HON. BENJAMIN A. GILMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK, BEFORE THE PUBLIC WORKS SUBCOMMITTEE ON WATER RESOURCES, NOVEMBER 13, 1973

Mr. GILMAN. Mr. Chairman, I commend your Subcommittee on Water Resources for taking the initiative in considering a comprehensive disaster relief measure.

Existing disaster relief laws are sorely inadequate. Comprehensive legislation, which is long overdue, would have ameliorated the tragic losses resulting from Hurricane Agnes and, more recently, the damages resulting from the extensive flooding of the Mississippi River Valley.

I am particularly pleased the legislation proposes that the administration of disaster relief be consolidated to maximize the uniform application of such relief.

The disparity in administering disaster relief, as experienced by both the Farmers Home Administration and the Small Business Administration, operating under the same authority in disaster situations, should no longer be tolerated.

Permit me to cite a case in point concerning the confusion that arose between these two agencies and which literally caused more grief and hardship than the Agnes disaster itself.

The vegetable farmers in my congressional district in Southeastern New York suffered virtually a total crop loss as a result of Hurricane Agnes in June of 1972.

Farmers' applications for long-term disaster loans, seeking to refinance 1972 debts, were denied by the Farmers Home Administration.

On that basis, similar applications were submitted to the Small Business Administration which approved more than $9 million in long-term refinancing assistance. Written commitments totaling almost one-half that amount were in the hands of several farmers, and several hundreds of thousands of dollars on approved loans had already been disbursed when, in February of this year, the SBA suddenly announced that it had erred and should not have approved such loans.

The subsequent rescinding of commitments became a bureaucratic tragedy of major proportions to the farmers affected since many had already started to work on planting operations.

Mr. WRIGHT. Mr. Gilman, up to that point, do you perceive that bureaucratic foul-up to be a result of the law?

Do you not think that the law properly interfered and would it make them eligible for the long-term disaster loans?

Mr. GILMAN. I think at that point there was some confusion as to what each agency could do to help the farmers.

There were discretionary decisions made by the SBA and the FHA.

Initially, FHA said that it is our province and we will handle it. And when they got into it and found larger loans than they could handle, then they said go to the SBA. The SBA said that they could handle these loans under the relief laws and made commitments. Then SBA re-examined their authority and turned it all back to FHA. It was not until June or July of this year that those problems were finally straightened out.

It became a typical bureaucratic entanglement.

Mr. WRIGHT. The whole purpose of the Disaster Relief Act is to put him back whole as quickly as possible and not to leave him dangling for over a year.

Mr. GILMAN. Precisely. And this created a great deal of frustration—not only frustration, but placed them on the brink of total disaster.

Farmers, as you know, who practically live hand to mouth, were not able to sustain the losses that were incurred as a result of these disasters.

They suffered a flood just a few years previously and were barely coming out of that one when they were hard hit and hard pressed by this disaster.

Mr. WRIGHT. Are you familiar with the rationale when the SBA finally decided this?

What was the basis on which they determined they did not possess authority?

Mr. GILMAN. I do not have the section with me, but it was the manner in which they initially read their authority, having to do with large loans for the agricultural community and with relation to whether they could reach out to the agricultural community. It was on that point that they finally felt they could not make these loans and turned them back to FHA.

Mr. WRIGHT. The Home Administration said they could do it.

Mr. GILMAN. Except for the size and scope of the loan.

Many of the dealers were dealing with half million dollar loans and above that; substantial operations. There was a $300,000 limitation, which I will touch on.

Mr. WRIGHT. I know that existed so that, fundamentally, the question was one of restriction rather than legal authorization.

Mr. GILMAN. Yes. And a lack of coordination in the determination of which agency should come forward to assist.

Mr. WRIGHT. So, for a year, the farmers were stricken by the disaster and found themselves incapable of resolve as to the two agencies?

Mr. GILMAN. It was a typical bureaucratic entanglement.

While the uniform application of disaster assistance is a desirable objective, the loose language of the legislation now before the subcommittee gives cause for concern as to whether the solution of one problem may not give rise to another of even greater magnitude.

Specifically, I refer to Title II, "Disaster Assistance Administration," which states that upon the request of the Governor of a State suffering a disaster, "the President may declare that a major disaster exists, or take whatever other action he deems appropriate in accordance with the provisions of this Act."

If my understanding is correct, this language implies that the existing authorities of the SBA and FHA to declare disaster areas are repealed in favor of Presidential declarations of "major disaster areas."

The authority of the SBA and FHA to declare disasters has enabled farmers, businessmen and individuals alike to benefit from disaster aid when the criteria were insufficient for a Presidential disaster declaration.

Are we to conclude from the new language that disasters that have heretofore been deemed sufficient to warrant only SBA and FHA disaster declarations will no longer qualify?

Or will the criteria be expanded to provide the desirable uniformity in disaster declarations and administration of emergency relief?

Secondly, I call the Subcommittee's attention to section 211, paragraph (a) of Title II on the subject of insurance.

In short, the section requires that an applicant for disaster assistance must obtain and maintain insurance to protect against future losses to the property. The phrase, "with respect to any property to be replaced, restored, repaired, or constructed with the assistance," leaves some of our farmers with the uneasy feeling that this does not include crop losses.

I would ask if the insurance contemplated by paragraph (a) includes crop insurance.

If it does not, it certainly should include such losses for the reason that a farmer's crop is not unlike a businessman's inventory. It is the source of the farmer's livelihood.

Thirdly, I call your attention to Title IV, regarding disaster loans.

I am concerned about paragraphs (a) and (b) of section 401 which authorize the President to make or guarantee loans to individuals, business concerns, and other legal entities to replace, restore or repair private property lost or damaged in a disaster, or to small business concerns for working capital and operating expenses.

These sections do not specifically include agricultural enterprises. I would not argue with the contention that such enterprises are included within the designation of "business concerns" provided farmers were treated the same as other businessmen. But they are not.

There does not seem to be a great deal of acceptance of the proposition that the farmer's crop in the ground is analogous to the businessman's inventory, the loss of which should entitle him to refinance his debt.

In the aftermath of Hurricane Agnes, the SBA would have gladly refinanced the debts of our farmers if they were attributable to non-agricultural enterprises.

The Farmers Home Administration, on the other hand, operating under the same emergency relief authority, rejected all but a small number of applications requesting refinancing assistance on a long-term basis. The preponderance of the loans finally approved were short-term operating loans.

Reading between the lines in section 401 (a), there is evidence of the disparity of treatment between businessmen and farmers.

I raise the question once again whether the loans "to replace, restore, or repair private property damaged or lost in the disaster" refer to crop losses?

The Federal Crop Insurance Program is in the experimental stages excluding from coverage large geographical areas and most crops. Only 25 crops are now being covered in 1,432 counties of the more than 2,500 agricultural counties throughout the Nation.

I want to emphasize that I am talking about the inadequacy of long-term assistance to crop farmers for refinancing debts incurred as a consequence of the loss of income resulting from the destruction of their crops in the ground.

Finally, please consider carefully section 402, paragraph (a), which is actually the reenactment of section 237 of P.L. 91–606, concerning disaster assistance for many disaster-stricken enterprises—including agriculture—that constitute a major source of employment in areas suffering a major disaster. It sounds good but accomplishes little for our farmers.

The futility of this provision, as it pertains to agricultural enterprises, is no more evident than in the fact that although this authority is presently part of P.L. 91–606, the Farmers Home Administration has never prepared any instructions for implementing this authority.

In fact, it was recently determined by the Department of Agriculture that section 237 does not come under the Consolidated Farm and Rural Development Act of 1961 and is therefore excluded from the use of funds from the Agricultural Credit Insurance Fund which is the source of other agriculture emergency loans.

Accordingly, an entirely new appropriation would have to be sought, and it is evident that the FHA has no intention of seeking such an appropriation.

Additionally, I think it is worthy of note that the following language of the similar section 237 of P.L. 91–606 has been omitted from section 402(a) of the bill before you. It states:

"Loans authorized by this section shall be made without regard to limitations on the size of loans which may otherwise be imposed by any other provision of law or regulation promulgated pursuant thereto."

This may, at first, seem insignificant, but I would be remiss if I did not call to your attention the analogous situation with respect to the emergency loans, both short and long-term, which the Secretary of Agriculture is already authorized to make.

The source of the Secretary's authority for making emergency loans is the Consolidated Farm and Rural Development Act. There is no specified limitation on the short-term (production) or long-term (refinancing) loans at present and, in fact, the FHA has never imposed a ceiling on the amount of its short-term emergency loans.

However, with respect to the long-term emergency loans, the Department, in conjunction with the Office of Management and Budget, arbitrarily set a limitation of $300,000 of real estate indebtedness which, if exceeded by any applicant, made him ineligible for long-term assistance.

This has caused a number of the medium-sized vegetable farmers in our region to hobble along from one year to the next on a marginal basis. To them there is no such thing as a profit, every penny not consumed in day-to-day operations being committed to the Farmers Home Administration one-year term loans.

These farmers are now asking how they will be able to pay off their debts incurred in connection with the 1972 crops lost during the Agnes floods.

Without appropriate language, there is more than enough experience to lead one to conclude that any number of restrictive administrative regulations might be imposed that could effectively emasculate the intent of that provision.

In summary, permit me to restate the points that I believe warrant the Subcommittee's careful scrutiny.

1. If the authority being requested for Presidential declarations of major disaster areas is intended to repeal the existing authorities for Small Business Administration and Farmers Home Administrations disaster declarations, what are the risks that disaster areas only warranting SBA and FHA declarations would not qualify as "major disaster areas" under the new language?

2. Since it is the intent of section 211 to require an applicant for disaster assistance to obtain and maintain insurance to protect against future losses "with respect to any property to be replaced, restored, repaired, or constructed with the assistance," is it contemplated that this requirement will also include insurance for crop losses?

In this regard, it is pertinent to note that only 25 crops are now covered by the Federal Crop Insurance Program in just slightly more than 1,400 counties of the approximately 2,500 agricultural counties throughout the Nation.

3. With respect to those to whom the President is authorized to make or guarantee loans under Title IV, section 401, paragraphs (a) and (b), are agricultural enterprises intended to be on a full par with "individuals, business concerns, and other legal entities"?

Since experience has already demonstrated the inadequacy of long-term assistance to crop farmers for refinancing debts incurred as a consequence of the loss of income resulting from the destruction of their crops in the ground, the existing disparity in the treatment between "agricultural enterprises" and "business concerns" is cause for concern over the omission of "agricultural enterprises" from the test of these paragraphs.

4. Please note that section 402 is merely a re-enactment of section 237 of Public Law 91–606, which provides assistance to major sources of employment in disaster-stricken areas that are no longer in substantial operation. Significantly, the language of the law currently in effect, waiving administrative limitations as to the size of loans and other restrictions, is deleted from section 402.

Not only does the experience with our farmers suggest that administrative regulations can effectively emasculate this provision, but the fact that the Farmers Home Administration never issued instructions to implement section 237 has led our farmers to conclude that section 402 will be a futile gesture for "agricultural enterprises."

Mr. Chairman and members of the Subcommittee, I appreciate the opportunity of appearing before you in regard to this very important legislation addressing itself to disaster relief. In the interest of aiding our Nation's farmers, I respectfully request your careful consideration of the points I have raised this morning.

Thank you.

Mr. Wright. Thank you very much, Mr. Gilman. Are there any questions? Mr. Jones?

Mr. Jones. No questions.

Mr. Wright. Mr. Abdnor.

Mr. Abdnor. I certainly want to commend Mr. Gilman for his very excellent testimony. Knowing agriculture as well as I do, you certainly bring out some very valid points here that certainly have to be considered in any action. The agriculture director for FHA did take over the forgiveness feature last time, to be used in many cases, and I am afraid will be a black eye to the agriculture interests. It should not be that way at all because many innocent people do need the same kind of consideration you give other business, and especially in the loan area, all they ask is for a chance to operate just like any other business interest.

I certainly commend you for the fine job you did this morning.

Mr. Gilman. Thank you, Mr. Abdnor. Mr. Chairman, I might add most farmers that have any sizeable operation are not interested in any forgiveness. All they are seeking is some long term low interest financing that will enable them to get back on their feet following the disaster.

(Mr. Ginn assumed the chair.)

Mr. GINN. Coming from a farm district, let me assure you I fully understand the meaning of your statement. Are there further questions?

Mr. HANRAHAN. I would just like to commend the gentleman. I see by the testimony there you have done your homework, and we will certainly consider this.

Mr. GINN. Mr. Baker.

Mr. BAKER. Mr. Chairman, I want to commend the gentleman from New York for a penetrating analysis of this bill. I am sure that it will be of great benefit to the committee. I see many of the problems which you raise reflecting in those questions which have arisen in my district. We had a major flood in the early part of this year, and the differences between the Small Business Administration coverage and the Farmers Home Administration's ability to give relief, well, it is really contrasting in the public's mind, and they do not understand why a person who works on a public job can get relief when an individual who makes his living on a farm cannot get relief.

They live side by side with identical conditions. I hope that we correct that problem in this legislation.

I just want to commend you again for a very, very excellent statement.

Mr. GILMAN. Gentlemen, I appreciate your comments.

Mr. GINN. Do we have questions from either counsel?

Mr. Gilman, we want to thank you for such a very able statement to the committee this morning. We are very grateful to you, and we are sure that your testimony will be very carefully considered.

Mr. GILMAN. Thank you.

HON. THOMAS PELLY

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 1973

Mr. NIX. Mr. Speaker, I was saddened to hear of the recent death of our former colleague, Thomas Pelly, of Washington. Tom Pelly served this House with distinction for 20 years and earned the respect and admiration of his colleagues. When he retired at the end of the last Congress he left behind a solid record of legislative achievement. His imprint can be seen on hundreds of major laws, including the National Environmental Policy Act, the Endangered Species Act, the Fisherman's Protection Act, and the Marine Mammal Protection Act.

From his position as ranking minority member on the Merchant Marine and Fisheries Committee and member of the Science and Astronautics Committee, Tom Pelly gave devoted service to the Nation and to his constituents in the First District of Washington. All of us who served with him knew, even when we disagreed with him on an issue, that he was a principled and honorable advocate of his position.

Tom Pelly was a fine and decent man, and his death is a loss to all of us who knew him.

WHY VOCATIONAL AND TECHNICAL SCHOOLS SUCCEED

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. QUIE. Mr. Speaker, why are general and big city public high schools plagued with vandalism, violence, and disruptions with racial overtones while vocational and technical schools sitting next door proceed in quiet, vigorous pursuit of education?

Columnist Alice Widener was asked that question when she addressed a 2-day conference on vocational education in Providence, R.I., October 19–20.

Ms. Widener, described by Editor and Publisher as "often ahead of others in interpreting developments," took her question to the public in an October 29 column in the Columbus, Ohio, Dispatch. She reported that free world vocational and technical schools experience no riots, no serious behavioral problems, no drug and vandalism problems and no dropout problems.

John B. Moullette, an associate professor of education at the Center of Vocational and Technical Education at Ohio State University, responded in a letter to the editor that, on the basis of New Jersey student study conducted by himself on that very question, vocational and technical success rests on the systematic approach to teaching.

I was delighted with the study results and commend the two columns for the information of my colleagues:

GOOD STUDENT BEHAVIOR IN TECH SCHOOLS IGNORED

(By Alice Widener)

In this era of mass general public education costing more than $20 billion a year in federal funds alone, there is violence, vandalism and racial strife in city public high schools and no violence, vandalism and racial strife in vocational/technical schools. Why? Has any behavioral scientist in a government agency or university made a serious effort to find out? Has any team of special project television reporters tried to do so?

Above all, why do big circulation magazines and television-radio networks spend huge sums of money on reporting and analyzing bad student behavior at academic public schools and no money on reporting and analyzing good student behavior at vocational-technical schools?

These are questions asked of me in Providence, R.I., Oct. 19–20, where I was invited to address a two-day conference of vocational education teachers, college faculty, secondary classroom teachers and State Department of Education Personnel sponsored by the Curriculum Research and Development Center, University of Rhode Island.

Two years ago, a riot at Central High School in the Providence inner city made nationwide headlines. Black and white students fought a racial battle; there was tragic violence and vandalism.

"That riot was the clearest example in the nation to study for anyone wanting to find out facts about our present day education," says Dan Spaight, a dynamic, dedicated and extremely intelligent vocational teacher whose story to me was wholly substantiated by other teachers and state officials.

"The Providence Journal, local television and radio stations covered the riot in great detail. The general public saw the wreckage and heard from rioting students, from law enforcement officials and city officials.

"But the general public learned nothing about the contrasting side of the story. They learned nothing about the black and white students at Central High Vocational School—exactly 100 feet across the street and coming from the same comprehensive Central High student body with the same inner city environment—who remained happily and busily at work all during the riot.

"Our school has the same kind of big bronze-tinted glass windows as Central High. Not one of ours was smashed. Not a single student—black or white—quit the vocational classroom to go out and take part in the riot.

"There was not a single instance of misbehavior in our school. But nobody in the communications media walked 100 feet across the street to find out why all was quiet, happy and busy at our school which is an integral part of Central High and has the same racial ratio."

Spaight's story is precisely the same as that told by teachers and city officials about the riots in the Hough area of Cleveland where whole blocks of buildings were burned but not a single blade of grass was trampled or a window pane smashed at the Thomas Edison Vocational School.

I wish millions of parents, thousands of state and city officials and top editors of the big news magazines and broadcasting networks would meet and confer with gentle, sympathetic, intelligent Dr. William Lynn McKinney of the Curriculum Research and Development Center, University of Rhode Island.

I wish they would confer with Spaight and other Rhode Island vocational teachers whom I met and listened to.

Isn't it more than high time for our top academicians and intellectuals to exchange ideas with our wonderful vocational/technical teachers?

Throughout the advanced nations of the free world the story is exactly the same: there are no riots at vocational/technical schools, no serious behavioral problems, no drugs and vandalism problems, no drop-out problem.

STUDENTS GIVE SEVEN REASONS WHY TECH SCHOOLS SUCCEED

To the Editor:

With regard to Alice Widener's column of Oct. 29, entitled "Good Student Behavior in Tech Schools Ignored," a study was conducted in New Jersey by this writer, for the very purpose she calls for: to determine why vocational-technical schools did not erupt while, surrounding them, the big city public and general high schools were erupting catastrophically.

The findings were statistically significant in that the students reported that in the vocational-technical schools:

(1) Teaching and learning was realistic and not abstract.

(2) All courses and subjects taught had a major focus.

(3) Teachers possessed credible experience.

(4) Teaching time was organized in substantial blocks of time.

(5) Teachers and administrators exercised control over their schools, classrooms and shops.

(6) Directions to students were explicit.

(7) Positive peer relationships existed between students and teachers.

The findings were meaningful since the

students questioned by instrument were really contrasting what they liked about the vocational schools with what they didn't like about the general high schools from which they came.

For the serious students of educational administration and teaching-learning behavior, the findings have important implications, which, when investigated, illustrate that vocational and technical education is more than "preparation for employment."

Vocational-technical education is a systematic approach to teaching and learning.

JOHN B. MOULLETTE.

COLUMBUS.

LOCAL OFFICIAL OPPOSES POST CARD VOTING

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. FRENZEL. Mr. Speaker, the clerk of the city of Minneapolis has taken a strong position against post card registration. Since he has some experience with a similar, but more easily controlled, system, I invite all Members' attention to some of his thoughtful criticisms.

His warning about dual registrations systems is similar to warnings voiced by many State and local election officials. I hope those warnings will be heeded.

His letter follows:

CITY OF MINNEAPOLIS,
OFFICE OF CITY CLERK,
Minneapolis, Minn., November 30, 1973.

Hon. WILLIAM E. FRENZEL,
Longworth Office Building,
Washington, D.C.

DEAR BILL: It is my understanding that the House Committee on Administration approved H.R. 8053 (the House version of S. 352, the McGee bill providing Post Card Registration for Federal Elections).

Having worked with post card registration in Minneapolis in the most recent election I strongly urge that you do not approve this bill. There are several problems in trying to run an election keeping people in the proper precinct and guarding each person's individual vote under the post card registration system.

We are in the process of trying to analyze the statistical results of post card registration in the City of Minneapolis' election. So far we have found many persons who have duplicated their registration because they forgot they were registered earlier. In addition, we have found some people who have been registered in the wrong precinct. Also, we have found one person who has voted twice in different precincts. The statistics are very sketchy at this point but we will have more information for you later.

If we establish a duplicate registration system, one for Federal elections, and one for State elections we will need to carry duplicate cards, hire more people, and cause greater confusion on election day.

I strongly urge you, after spending one year with post card registration, that you do not consider this bill.

Thanks for your consideration.

Sincerely yours,

LYALL A. SCHWARZKOPF,
City Clerk.

THE AMERICAN MARKETING SYSTEM WORKS AMAZINGLY WELL

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. KEMP. Mr. Speaker, Metromedia, Inc.—one of the Nation's major forces in marketing communications—under the leadership of John W. Kluge, its very able and articulate chairman and president, has recently sponsored a series of messages by authorities with a broad and informed perspective on the American marketing system.

Metromedia is sponsoring these messages because they believe that the dynamic growth and strength of the United States requires that the public become more knowledgeable about, and appreciative, of the vital role of marketing in an expanding national—and world—economy.

Writing in the first article in the series, Miles W. Kirkpatrick, both former Chairman of the Federal Trade Commission and former chairman of the pestigious Antitrust Law Section of the American Bar Association, stated the need for such a public education effort:

> Since our competitive economic system is based on the proposition that resources should be allocated in response to consumer demands, fair and free competition is threatened by an uninformed public just as it is by a misinformed public. I think the marketing system is responding to consumer demands in this regard.

Mr. Speaker, I share the common concerns of Mr. Kluge, Metromedia, and Chairman Kirkpatrick, for, as Chairman Kirkpatrick expressed:

> By any relative measure, the American marketing system works amazingly well.

At this point in the RECORD, I include Chairman Kirkpatrick's contribution to this endeavor under the auspices of Metromedia, Inc.:

BY ANY RELATIVE MEASURE, THE AMERICAN MARKETING SYSTEM WORKS AMAZINGLY WELL

(By Miles W. Kirkpatrick)

The Federal Trade Commission is an unique observation post from which to study the American marketing system. My experience at the FTC during the last few years has reinforced my admiration for that system. The principal role of the FTC is, of course, to ferret out what is wrong, and the publicity given to the activities of the FTC should not obscure the appreciation of how much is right with the marketing system.

By any relative measure, it works efficiently and amazingly well in allocating resources on an unprecedented scale. Its success is unparalleled among the economic systems of the world.

Perhaps the most intriguing aspect of the private enterprise system is that so simple a concept actually works—and works smoothly to produce a consumer-oriented economy which markets nearly a trillion dollars' worth of goods and services annually.

Obviously, this is no accident. It is the result of the daily planning and skills of thousands of marketing professionals. Collectively, they are responsible for providing the very high level of physical comforts and necessities and the astonishing range of services—from education and health care to plumbing and house repair—enjoyed by the great majority of our population.

MARKETING'S VITAL ROLE

The complexity and interdependence of the myriad components of today's modern economic system are staggering. Marketing plays a vital role in inter-relating these components, continually allocating resources, and doing so with a minimum of government direction or participation.

The challenge of the 1950's and 60's for the professional marketer was to meet the vast increase in the sellers' demands brought on by new technology, a vast increase in the consumer goods being produced, and the greatly increased demands of a newly affluent consuming public.

The challenge of the 1970's for marketing—it is becoming clear—is meeting the new demands of the consumer. The marketer's attention today is shifting from the supply, or the seller's side, of the supply and demand balance, to the demand, or consumer, side.

The essence of the American marketing concept is its purpose to fulfill consumer desires and I have confidence that the marketing professionals will meet the consumer challenges of the 70's as effectively as they have met the distribution challenges of the past.

What are some of those consumer challenges?

Perhaps foremost on such a list would be the need to increase the amount and quality of information readily available to consumers about the products they purchase. This need being voiced by consumers and its fulfillment is basic to the working of the private enterprise market system.

Since our competitive economic system is based on the proposition that resources should be allocated in response to consumer demands, fair and free competition is threatened by an uninformed public just as it is by a misinformed public. I think that the marketing system is responding to consumer demands in this regard.

Such concepts as unit pricing, the care labeling of clothing, nutritional labeling, open dating, and other informational marketing and promotional techniques have taken hold and are meeting with widespread approval.

COMPETITION STIMULATES SOLUTIONS

The challenge of the 70's will also involve, I believe, a continuing re-evaluation of the rights and duties as between sellers and buyers. These relationships bear re-examination, and some adjustments may be in order. Clearly, consumers' rights must extend beyond the mere traditional right to decline to buy if the product does not please or the right to bring a lawsuit if it does not perform as represented.

For example, a vexing problem being inreasingly faced by today's marketer is to ensure that consumers have procedures available to them to resolve post-sale problems. Warranties and grievance-solving mechanisms must become more accessible to the consumer in all areas and must be made to operate promptly, inexpensively, and equitably. Although significant steps have been taken in this major area of consumer discontent, clearly much remains to be done.

Solutions are being found for today's marketing problems through competitive market mechanisms which have been successful in the past. These mechanisms join the most productive processes of our economic system with the specific skills of the marketing profession.

MARKETING PROFESSIONALS CHALLENGED

I believe that the marketing challenges of the 70's will be met in major part by the marketing profession responding voluntarily to the forces at work in the marketplace.

However, where, for whatever reason, those responses fall short of meeting the challenges, government, in particular the FTC, will play an important role. In those situations, constructive cooperation between the FTC and the marketing profession is clearly desirable.

Statesmanship will be required on both sides. This means that the FTC, while not withholding law enforcement, should encourage voluntary compliance to the greatest extent possible. It means, on the other hand, that the marketing profession must respect and understand the role of government in the marketplace.

Finally, while dealing with all of the competitive pressures that prevail, the marketing profession must respond more quickly and more willingly to consumerism, realizing that it is not a transitory phenomenon and that business policies of the 70's must be molded to its demands.

(Miles W. Kirkpatrick served as Chairman of the Federal Trade Commission from September, 1970 until his resignation in February, 1973 when he returned to the private practice of law in Washington and Philadelphia. He is a graduate of Princeton University and the University of Pennsylvania Law School (1943).

(While Chairman of the Section for Antitrust Law of the American Bar Association in 1968–1969, he headed an ABA committee formed at the request of President Nixon to study and evaluate the Federal Trade Commission. His Committee's report was submitted to the President in September, 1969. One year later, Mr. Kirkpatrick was sworn in as Chairman.

(The Federal Trade Commission was established by Congress in 1914 as an independent regulatory agency. It has broad responsibilities in the areas of antitrust and consumer protection, and is the principal Federal agency with responsibilities in the regulation of marketing.

(During Mr. Kirkpatrick's tenure as Chairman, the FTC undertook numerous innovative programs in the marketing field. In addition to major advertising litigation and regulatory rules, the FTC instituted a broad-based advertising substantiation program and conducted extensive public hearings on modern advertising and related marketing techniques.)

ANOTHER ENERGY CZAR

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. HUNGATE. Mr. Speaker, since I notice it has come into fashion for both parties to quote the Washington Post, with approbation, I wanted to make sure that none of my colleagues would miss their editorial on the important energy problem facing our Nation:

Another Energy "Czar"

President Nixon has now appointed a new adviser on energy and announced a reorganization of the policy-making process. The White House strongly intimates that the shilly-shallying is over, and the time for decisive action is here. It is said that the cluttered old bureaucracy is to be dumped overboard, along with some of the people who ran it, and a streamlined new system is to be installed under a new commander.

All of this fanfare makes a cheerful noise in a bleak landscape. But it is the fourth time this year that President Nixon has dismissed one energy adviser and turned to another. Is the President preparing to change his policy, or is he merely changing advisers again?

Until early this year it was Gen. George A. Lincoln, the director of the old Office of Emergency Preparedness, who kept an eye on fuel for the President. As early as the spring of 1972, the OEP's statisticians began to note the declining stocks of fuel oil. But the spring of 1972 was a time when the White House was single-mindedly preparing for the election campaign and raising enormous sums from the oil industry. It was apparently not considered, at the White House, to be a suitable time to raise questions about oil policy. At least, no serious questions was raised. By the time of the election in November, of course, the country was already well into the fuel oil shortage. In January Gen. Lincoln was retired and the OEP was abolished.

Instead, administration officials said, the President himself would set the course for fuel policy in a major message. Mr. Nixon summoned the State Department's leading specialist on Middle Eastern oil, James E. Akins, to write that message. The ensuing stalemate has never been adequately explained. But Mr. Akins is a strong-minded man, and his public statements of that time suggest the kind of advice that he may have been giving to the inner ring of aides who surrounded Mr. Nixon. It was not what they had hoped to hear. Mr. Akins was presumably arguing, as he did in *Foreign Affairs* in late winter, that we must take the Arabs' threats seriously and consumers must urgently begin drastic measurse of conservation. Shortly Mr. Akins was on his way back to the State Department, pursued by a wave of hints that he was, after all, a bit overspecialized.

He was replaced by Charles J. DiBona, a highly skilled systems analyst who had not previously dealt with oil. He was to bring a fresh outsider's view to the subject, according to the party line, and he would program the computers to tell us the truth. But shortly the grumbling, from the same sources, began again: it appeared that Mr. DiBona was too wedded to his numbers, and did not comprehend the nature of American politics.

The energy message, after endless advance speculation and innumerable postponements, finally appeared in April. It was a damp squib, almost lost in the wave of Watergate revelations that culminated two weeks later in the departure of several prominent figures from the White House staff, including John Ehrlichman, the chief domestic adviser, who had also been involved in oil policy. As summer arrived, the gasoline shortages became more apparent. In late June Mr. Nixon tried another energy message, this time appointing another energy adviser, Governor Love of Colorado. Here at last, the voices from the White House suggested, Mr. Nixon had a man with a seasoned grasp of American politics.

Mr. Love came to Washington, and Mr. DiBona stayed on as his deputy. Rapidly Mr. Love moved to the conclusion that the oil shortages were serious, and the only practical way to meet them was to discourage pleasure driving. The row within the administration boiled along interminably with no one winning, no one losing, and no one apparently getting much access to the President. Eventually the murmurs became audible again: that Mr. Love was indecisive, that he was not a man of action, and so on. There was plenty of indecision, clearly, but perhaps by this point in the story the reader will have formed his own opinion as to where it lay. In any case, one lesson in this story, and one of the most disquiting measures of this presidency, is the rate at which it is using up the decent and honorable men who volunteer to come to its aid in a time of desperate trouble.

The President is now appointing William E. Simon, the under secretary of the Treasury for the past year, to head a new Federal Energy Administration. Like his predecessors Mr. Simon is a man of notable intelligence. He has a better record of foreseeing the true nature of the energy emergency than most people in Washington. If Mr. Simon's appointment means that the President is at last ready to make painful decisions and to end the bureaucratic warfare among his subordinates, it is greatly to be welcomed. If not, then Mr. Simon will last no longer than the others.

Mr. Love gloomily observed on Monday as he resigned, that Mr. Nixon is still going around to public meetings saying that the oil shortages are only a temporary inconvenience that will be over in a year or so. None of his successive energy advisers, including Mr. Simon, think so. Perhaps the President has decided that, in the present crippled condition of his presidency, he cannot affort to call on the country to believe or do anything difficult. He may be right.

If the federal government does nothing, the likeliest outcome will be a highly turbulent combination of rolling shortages and drastically higher prices. There will probably be quite a lot of speculation and a recurrent edge of panic, but that is the way that the market works. Each business and each family will have to find its own way. Americans pride themselves on their level-headed adaptability. They may now find the quality put to an unexpected test, and their sense of citizenship as well.

CONGRESSMAN DOMINICK V. DANIELS HAILS DR. LEON SULLIVAN AND OIC

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, one of the nagging problems of this Nation is providing work by upgrading the skills of those who are on the bottom of the economic ladder. One of the most successful programs to accomplish this end has been developed by the Reverend Dr. Leon Sullivan, of Philadelphia, in his Opportunities Industrialization Center. OIC, which had its start in the City of Brotherly Love has now expanded to 100 cities. Since 1964, it has trained over 150,000 minority group members and low-income white persons.

Mr. Speaker, Newsweek magazine, December 10, 1973, described OIC showing just how much use Federal funds can be put to when you have Dr. Sullivan and people like him administering programs.

I think all of my colleagues could gain much from reading Newsweek's account of OIC and its impressive founder:

Jobs: A Hand Up

"As long as you kiss a man's foot, he's going to kick you when you turn around."

The words have the ring of revolutionary rhetoric, an impression reinforced by the fact that the speaker is black. But they aren't meant that way, and the speaker is an eminently pragmatic apostle of self-help who runs what is widely agreed to be the biggest and most successful of all the nation's job-training programs for minorities.

The Rev. Leon H. Sullivan, the imposing (6 feet 5 inches) pastor of Philadelphia's Zion Baptist Church, also likes to say: "Black power without brain power and green power is no power." And for ten years he has helped develop that brain power and green power. After leading boycotts to get industry to hire blacks, he found he was hampered because there weren't enough qualified blacks. So in 1964, he set up his Opportunities Industrialization Center in an abandoned police station in North Philadelphia's black ghetto. OIC has since expanded to more than 100 cities across the country. According to the Department of Labor, OIC has trained some 150,000 blacks, chicanos and poor whites over the past decade, and it has placed from 30 to 40 per cent of them in entry-level jobs—a placement rate considered "very good" by Labor Department manpower specialists. In the Philadelphia area alone, according to the Rev. Thomas J. Ritter, local OIC director, "We have placed 13,700 people in jobs . . . who last year earned $77 million and over the course of the year saved the state hundreds of thousands of dollars in public-assistance checks."

Creature: The OIC centers have been financed primarily by $120 million in Federal funds, but the program itself is very much the creature of the 51-year-old preacher, who takes a thoroughly practical approach when it comes to working with the primarily white business world. He was already a director of two Philadelphia banks when, three years ago, he became the first black member of the board of General Motors Corp., and he says of these posts: "I want to be a voice from the outside on the inside."

Most of OIC's trainees are recruited from ghetto welfare rolls. But they receive no additional allowance while they're training for jobs as typists, retail clerks, auto mechanics and about 80 other occupations. "Instead of paying people for training, we use motivation," Sullivan says. "To us, paying stipends was creating a stipend psychology in the community—it seemed like another form of welfare." The individuals in OIC programs, he adds, "do not want a handout but a hand up."

Before teaching job skills, OIC instructors put all applicants through "feeder programs"—short courses in grooming, talking, hygiene, reading and writing. "We don't kid anybody," notes James Brewer, head of OIC in Detroit. "If they want a job, they're going to have to get a job with somebody else who's an employer—and we aren't in any position to tell an employer what his rules [about grooming and the like] should be."

In addition to serving his church and heading OIC, Sullivan has spearheaded a thriving black-capitalism operation in Philadelphia. The keystone is the Zion Investment Associates, which built Progress Plaza—an office-and-shopping center—and Zion Gardens, an apartment development. Zion Investment also operates two small manufacturing firms.

But OIC remains Sullivan's biggest concern, and of late he has been battling to keep it from withering away. "In the past," he says, "money has been given to us and taken away like a Yo-Yo by the government." Washington has already trimmed its contribution to OIC from $32 million to $24 million, and there is still a serious question as to how much Federal aid OIC can expect if and when Congress approves a new manpower-training bill. If necessary to survive, Sullivan plans to call on OIC's working alumni for financial help.

"Our goal by 1980 is to train 3 million people for jobs that exist and take a million off the relief rolls," Sullivan says. "We have inquires from about 200 communities who are interested in starting OIC programs, and we want to expand the program internationally." In fact, he has already received inquiries about OIC from a number of countries, including Kenya, Nigeria, Ghana, Jamaica and Haiti.

ENERGY PROBLEMS

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. HOLIFIELD. Mr. Speaker, this weekend I read about a dozen newspaper articles on energy problems. I cannot recall any in which the most significant thing we can start doing right now to take the pressure off our limited petroleum supplies was advocated.

This, of course, is to immediately start building powerplants which use alternate fuel to petroleum. The only plants which can do this, and which we can start building right now without waiting for R. & D. or depending on anyone else for fuel supplies, technical talents or anything else, are nuclear plants and coal plants. I fully realize that any such plant will take a minimum of 4 or 5 years to build, but still this is the shortest way to take significant steps to help solve our problem. Incidentally, nuclear plants are taking us about 10 years to build.

But this is stated much more succinctly in a statement in a recent letter to the Chairman of the Energy Research and Development Advisory Council, Dr. H. Guyford Stever, from John W. Simpson, president of the Power Systems Co. of Westinghouse. Let me quote a portion:

> Apparent disregard of nuclear energy as a practical, timely, and available solution for our energy needs.
>
> Despite repeated questions at the October 11 press conference as to possible crash solutions, the Government spokesmen elaborated on everything but nuclear power as a possible solution to our energy problems. On the contrary, answers dealt with coal gasification and liquefaction, fusion, solar, geothermal, etc., all many years into the future at best, and with considerable research and development yet required. Nuclear power is available today; it will be better tomorrow. It can not only buy us the time required to develop the capabilities above, but is available today without any dependence on foreign sources of supply. If we are to avoid a low-energy, low-vitality economy, we must build on energy sources other than gas and oil. Only two such sources are now available to us—coal and uranium. An electricity-based economy is an absolute corollary of using coal and uranium, because electricity provides maximum flexibility in use. In the U.S. of today, the only alternative to an electric economy is a declining economy.

Each such plant will save over 12 million barrels of petroleum a year.

The President clearly recognized the need to cut down the construction time of nuclear plants in his November 8 statement. It can and must be done. The same is true with coal plants including the construction of coal mining and transportation facilities.

I am sure that the public in general will still not appreciate the leadtime needed before relief from these practical solutions to the growing energy problem is felt. But such are the facts of life. The most important factor at present is not to delay by a day in proceeding with the construction of these plants.

Permission is requested to include at the close of my remarks the complete letter of Mr. Simpson. I know that the comments of Mr. Simpson on other potential energy sources and, in particular, their timing sequence will be of interest to all of my colleagues:

PITTSBURGH, PA.,
November 8, 1973.

DR. H. GUYFORD STEVER,
Chairman, Energy Research and Development Advisory Council, Old Executive Office Building, Washington, D.C.

DEAR DR. STEVER: I am writing on behalf of the Westinghouse Electric Corporation in response to a public invitation for submission of written statements to the Energy Research and Development Advisory Council prior to its meeting on November 14, 1973. Our statement, which follows, relates primarily to the statement by the President on October 11, the White House press conference thereon, and the President's message on the energy crisis on November 7.

First, let me identify those elements of the approach to our energy problems with which I agree:

1. SELF-SUFFICIENCY AS A GOAL

There is no question but what our country must either be self-sufficient as to energy, or else otherwise be in so strong a position, both economically and diplomatically, as to be assured of uninterrupted sources of energy. The former is by far the more prudent choice, for the alternative to self-sufficiency is dependence upon outside forces which are not necessarily within our control.

2. CREATION OF ENERGY RESEARCH AND DEVELOPMENT ADVISORY COUNCIL

Energy is so essential to our strength as an economic entity and so basic to the way of life to which we are accustomed that any gross errors in our energy planning could have a disastrous effect on the nation. Because the complexities of energy planning are beyond the single capabilities of any one segment of society—whether government, industry or consumer—it is critically important that there be a forum for diverse points of view and interest to assist in the process of arriving at optimum solutions.

3. ACCELERATION OF NATIONAL EFFORT

Given the current demonstration of capability and willingness of the oil-producing nations of the Middle East to use their strength to exert extreme pressure on the U.S. and other highly-industrialized countries, we have no rational choice other than to achieve independence from their oil production as quickly as possible. The oil supply problems of today derive from political considerations; the problems of tomorrow will derive from the total exhaustion of world-wide reserves. By pushing hard now for early self-sufficiency, we may serve convincing notice on our outside suppliers, hopefully to our advantage, that their period of power has a relatively short future. Of perhaps greater importance is the fact that early reduction of our dependence on oil will make possible an orderly transition to the era when dwindling supplies are reserved for those uses for which they are truly unique.

On the other hand, I disagree with certain elements of the approach to our energy problems:

1. APPARENT DISREGARD OF NUCLEAR ENERGY AS A PRACTICAL, TIMELY, AND AVAILABLE SOLUTION FOR OUR ENERGY NEEDS

Despite repeated questions at the October 11 press conference as to possible crash solutions, the Government spokesmen elaborated on everything but nuclear power as a possible solution to our energy problems. On the contrary, answers dealt with coal gasification and liquefaction, fusion, solar, geothermal, etc., all many years into the future at best, and with considerable research and development yet required. Nuclear power is available today; it will be better tomorrow. It cannot only buy us the time required to develop the capabilities above, *but is available today without any dependence on foreign sources of supply.* If we are to avoid a low-energy, low-vitality economy, we must build on energy sources other than gas and oil. Only two such sources are now available to us—coal and uranium. An electricity-based economy is an absolute corollary of using coal and uranium, because electricity provides maximum flexibility in use. In the U.S. of today, the only alternative to an electric economy is a declining economy.

2. LACK OF NUCLEAR INDUSTRY REPRESENTATION ON ADVISORY COUNCIL

The sixteen individuals named by the President on October 11 constitute an outstanding group, well able to provide invaluable input relative to their areas of expertise. Believing as I do that an electric economy is absolutely essential to our future, and without criticizing in any way the individuals named to the Advisory Council, the omission of a qualified representative from the nuclear industry could deny the Council an element of realism in terms of nuclear power. The academic side, the laboratory side, and the user side of nuclear power are all well covered; but the supplier side is not. And yet it is the supplier who must translate the research and laboratory work into working hardware for the user. I believe this is too important a link in the chain, representing, as it does, the manpower/manufacturing phase which can make or break any plans however well drawn.

3. LACK OF A PRECISELY DEFINED OBJECTIVE WITH TARGET DATES

In his televised statement on November 7, President Nixon identified a number of specific steps to be taken to protect our energy situation. In and of themselves these steps would seem to be in the right direction. However, in the apparent absence of an overall energy program—specific goals, target dates, firm reserves, etc.—interim moves which seem, inherently, to be in the right direction may or may not be in the best interests for longer-range objectives. I am convinced that any and all future steps must be taken only in the context of an overall plan. The atomic bomb and lunar landing programs are excellent examples of achievement under government supervision and direction. But those programs were pursued as national objectives by government agencies with all-but-unlimited funds and a minimum of interference from other instruments of government and the pressures of the market place. I do not believe we can hope to parallel the Manhattan Project and lunar landing successes in our energy programs without corresponding relief from the legitimate but perhaps unaffordable pressures of "business as usual." Power plants are built by electric utilities, most of which are investor-owned, and all of which must go to the money markets to fund capital facilities and to their regulatory commissions for rate approval, site approval, etc. In the absence of a national commitment to X megawatts of additional generating capacity of Y date—conflicting requirements to the contrary and notwithstanding—or a firm target of Z million barrels of total oil consumption by 1980, and/or 1990 and so on, I feel that firm resolve to become self-sufficient will join the Holy Grail in the category of noble aims, well worth pursuing, but really impossible of achievement.

Accordingly, I respectfully submit the following recommendations as a basis for a realistic U.S. energy policy which would enable us to ride out our present and near-term difficulties and put us on the road to long-term self-sufficiency in regard to the assured supplies of energy on which our future so desperately depends:

1. Using nuclear reactors and coal-fired plants according to the optimum combination of environment, efficiency, and economics, increase total installed generating capacity to 800,000 MWe by 1980, 1,200,000 MWe by 1985, and 3,000,000 MWe by 2000.

2. Complete by 1980 the development and demonstration of the Liquid Metal Fast Breeder Reactor in order to extend indefinitely our effective reserves of uranium.

3. Pursue coal gasification and liquefaction research and demonstration aggressively to the point of viable competition with then-existing alternatives.

4. Substitute electricity for other sources of energy in transportation, industrial, and residential use with tax incentives or other encouragement to expedite the substitution.

5. Expand R&D for practical utilization of alternate sources of energy such as fusion, solar energy, oil shale, geothermal energy, etc.

6. Assign to the above such national priority as will assure adequate financing or funding, and full authority under government supervision to override otherwise conflicting government requirements.

The steps listed above represent only the barest outline of a national energy policy against which any alternatives should be realistically measured.

Enclosed herewith is a concise examination of the implications of a nuclear-electric economy; I believe the logic to be overwhelming.

I would be ready at any time to pursue at greater length and in greater detail the position herein advocated.

Sincerely,

John W. Simpson.

FUEL REDUCTIONS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. GOLDWATER. Mr. Speaker, many of us have received phone calls, letters, and telegrams calling for fair and equitable treatment of energy users.

The announcement by the administration last week indicated the first "ox to be gored" was general aviation, as shown in the following proposed fuel reductions: Air taxi and other essential services, 20 percent; business jet fuel, 40 percent; and so-called pleasure and instructional flying, 50 percent. This action has apparently resulted in genuine concern by other citizens that "our ox might be the next one gored."

The amendment I introduced with Mr. Rooney, would prohibit unreasonable and discriminatory allocation of refined petroleum products and electrical energy products. The House Interstate and Foreign Commerce Committee unanimously passed the amendment today.

The purpose of the amendment is to insure that there will be no unreasonable discrimination within a given class of users and that there will be no unreasonable classification of users.

EXAMPLES

No unreasonable discrimination—If the class of users is health services, it might be reasonable to allocate 100 percent of the energy requirements to critical hospital and emergency services; whereas noncritical services might be reasonably allocated a lesser amount of energy. However, it would be unreasonable to discriminate between geographical areas offering critical or emergency health services.

Reasonable classification—The proposed restriction of 50 percent fuel for general aviation was apparently made with the intent to limit the use of energy for recreation. However, 72 percent of general aviation fuel is not used for recreation, but for commercial and industrial purposes. Therefore, such classification was unreasonable and would be prohibited by this amendment.

Hence, my purpose in offering the amendment is to treat all users of refined petroleum products and electrical energy in a fair, just, and equitable manner. I urge your support for the Goldwater-Rooney amendment when it comes before you here in the House.

WHO EVER HELPED AMERICANS

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. SYMMS. Mr. Speaker, one of my constituents, Mr. Leggart of Post Falls, Idaho, sent me a newspaper editorial by a Canadian broadcaster commending the American people and pointing out that they are probably the least appreciated people in the world.

I think that the following remarks are worthy of consideration. The editorial is as follows:

WHO EVER HELPED AMERICANS

(Radio broadcast by Gordon Sinclair from Toronto, Ont.; reprinted from the Vancouver (B.C.) Sun.)

This Canadian thinks it is time to speak up, for the Americans as the most generous and possibly the least appreciated people on all the earth.

As long as 60 years ago, when I first started to read newspapers, I read of floods on the Yellow River and the Yangtse. Who rushed in the men and money to help? The Americans did.

They have helped control floods on the Nile, the Amazon, the Ganges, and the Niger.

Today the rich bottomland of the Mississippi is under water, and no foreign land has sent a dollar to help.

Germany, Japan, and to a lesser extent, Britain and Italy, were lifted out of the debris of war by the Americans who poured in billions of dollars and forgave other billions in debts.

None of those countries is today paying even the interest on its remaining debts to the United States.

When the franc was in danger of collapsing in 1956, it was the Americans who propped it up and their reward was to be insulted and swindled on the streets of Paris.

I was there, I saw it.

When distant cities are hit by earthquakes, it is the United States that hurries in to help. Managua, Nicaragua, is one of the most recent examples. So far this year, 59 American communities have been flattened by Tornadoes. Nobody has helped.

The Marshall Plan, the Truman Policy, all pumped billions upon billions of dollars into discouraged countries. Now newspapers in those countries are writing about the decadent warmongering Americans.

You talk about Japanese technocracy, and you get radios. You talk about German technocracy, and you get automobiles. You talk about American technocracy, and you find men on the moon, not once, but several times . . . and safely home again.

You talk about scandals, and the Americans put theirs right in the store window for everybody to look at.

Even their draft-dodgers are not pursued and hounded. They are here on our streets, and most of them . . . unless they are breaking Canadian laws . . . are getting American dollars from Ma and Pa at home to spend here.

When the Americans get out of this bind . . . as they will . . . who could blame them if they said, "The hell with the rest of the world. Let someone else buy the Israel bonds. Let someone else build or repair foreign dams or design foreign buildings that won't shake apart in earthquakes."

I can name you 5,000 times when the Americans raced to the help of other people in trouble.

Can you name me even one time when someone else raced to the Americans in trouble?

I don't think there was outside help even during the San Francisco earthquake.

Our neighbors have faced it alone, and I'm one Canadian who is damned tired of hearing them kicked around. They will come out of this thing with their flag high. And when they do, they are entitled to thumb their nose at the lands that are gloating over their present troubles.

A VOTE FOR JERRY FORD

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. McKINNEY. Mr. Speaker, I do not make it a practice to announce my vote on any issue in advance but there is no doubt that when this House takes under its consideration the confirmation of Congressman Ford as Vice President, I intend to respond with an emphatic "yes."

Having served with the distinguished minority leader these past 3½ years, I have come to learn the value of holding one's counsel until all the facts are in.

Characteristically, Jerry has often imparted the wisdom inherent in listening to both sides of the story. Frankly, Mr. Speaker, I will miss having Jerry Ford in the House and there is little doubt that the executive branch's gain will be the legislative branch's loss.

Through the weeks of hearings, the American people have come to know that what all of us have known through our association with him. His candor, his ability and most importantly, his decency have come through clearly to all.

In a recent editorial, the Bridgeport, Conn., Post commented:

> The emergence of Mr. Ford during this particularly troubled time for the United States is reassuring for it tells us in convincing fashion that there are people in government who are fully worthy of our utmost trust.

I believe that comment is one with which most Americans will agree and I think we are all fortunate to have him.

Mr. Speaker, at this point in the Record, I include the complete editorial:

LOOKING BEYOND

During the debate in the Senate on the nomination of Gerald R. Ford to be Vice President many senators made laudatory remarks about the man. The vote was overwhelmingly in favor of the choice of the President, 92 to 3.

The processing of Mr. Ford's nomination is now, technically, at the halfway point. Soon the House of Representatives, where Mr. Ford has served for 25 years, will take action.

In the examination of Mr. Ford's background and character it was readily apparent that the senators and congressmen were not looking to see whether he has the capacity to be Vice President. Their concern was much more, the presidency.

If such a burden should be placed on his shoulders we are confident the 60-year-old gentleman would be capable of assuming it and providing this nation with leadership.

The scrutiny of Mr. Ford provided the country with something which was badly needed at this time. Americans saw that a man who has been in government, politics if you will, most of his adult life, is clean.

Senator Philip A. Hart perhaps said it best as he addressed the possibility of Mr. Ford going beyond the office of Vice President. "Mr. Ford," said he liberal from Michigan, "would make a steady, decent, and believable President."

Another descriptive phrase was used in assessing Gerry Ford the man: He is a decent human being.

Assuming that an individual through his natural talents, training, and experience has the capacity to serve in public office, the only way to judge the person is by his character.

When that question is asked about Mr. Ford, the answer can only be of a positive nature.

The emergence of Mr. Ford during this particularly troubled time for the United States is reassuring for it tells us in convincing fashion that there are people in government who are fully worthy of our utmost trust. No matter how discouraged we may become over events in Washington, let no one forget that men and women of integrity constitute an impressive majority in our government.

HOMESTEAD HIGHLANDERS AT THE COTTON BOWL

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. DAVIS of Wisconsin. Mr. Speaker, January 1 will be a proud day for many people in southeastern Wisconsin as the Homestead Highlander Band, of Thiensville-Mequon, Wis.—in the Ninth Congressional District, of course—marches in the annual 1974 Cotton Bowl Parade in Dallas, Tex. Under the direction of Mr. William Confare, the 103-piece group is one of seven bands which was chosen from outside the State of Texas, to participate in the festivities, and rightly so, as their past record proves.

The Highlanders, which have made numerous State and local parade appearances, became nationally recognized in 1966, when the Homestead High School group came to Washington, D.C., to march in the Cherry Blossom Parade. Subsequent national appearances include participation in the 1970 first annual Sugar Bowl Parade, in New Orleans, and a return trip to Washington, in 1972, to once again appear in the Cherry Blossom Parade. This performance earned for the Highlanders the highly coveted "Best Band Trophy," after withstanding stiff competition from 49 other bands, representing various parts of the country.

This most recent honor, and the attendant national television coverage on January 1, constitutes a fine salute to one of the Nation's outstanding high school bands.

THE ENERGY CRISIS—AMERICA'S RETURN TO NATIONALISM

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. NICHOLS. Mr. Speaker, Liberty Lobby, an organization dedicated to preserving the best interests of the United States of America, recently released a report on the energy crisis. I have read the report and find a great deal of good information contained therein and I respectfully call this report to the attention of each and every Member of Congress:

THE ENERGY CRISIS—AMERICA'S RETURN TO NATIONALISM

Today the world is divided into the *industrially-developed* and the so-called *industrially-developing* nations. Among others, one important difference between the two groups is that on the average the developed nations use 10 times as much energy per capita as the developing countries.

The use of energy by the developed nations has been steadily increasing. The demand for energy can be conveniently expressed in terms of an equivalent: barrels of oil used per day (bpd). In July 1973, it was reliably predicted that in the 15 year period from 1970 through 1985, the demand for energy in Japan would expand 200% to 15 million bpd; in Europe, 100% to 4 million bpd; and in the U.S., 93% to 64 million bpd. Although expressed in terms only of oil, these demands represent the total amount of energy anticipated to be required from whatever sources—and right now these sources consist primarily of wood; the fossil fuels, coal, oil, and natural gas; and nuclear power.

Estimates indicate that in 15 years the potential demand for oil in the non-communist world will reach 123 million bpd; and that three-fourths of this demand—or 92 million bpd—will exist in the U.S., Europe and Japan. The same figures show that in two years, at the current rate of increase in consumption, the U.S. will have to import oil at the rate of 9.5 million bpd; and that by 1985, this importation would exceed 15 million bpd. To meet such a potential demand in excess of the 7 million bpd now obtained from foreign wells, almost all of such additional imports will have to come from the Mideast and Africa. Plainly speaking, it is a crime that our governmental negligence let these facts be continuously ignored since they were put forward two decades ago by oil experts.

At this writing, no oil reaches the U.S. directly from the Mideast. With dramatic but perhaps shortsighted initiative, the oil-rich Arabs have decided to exercise their undeniable right to stop exporting oil. This activates an economic weapon, one designed to compel the U.S. to modify its unrestrained military support of Israel.

THREE CHOICES

These circumstances bring the oil-insatiable developed nations of the world to a clearly defined three-pronged fork in the road. One leads to accommodation of the Arab viewpoint. One leads to take-over of the Mideast oil fields by threat or use of military action. One leads to a desperate quest for self-sufficiency with respect to energy. It is worthwhile briefly to examine each of these choices.

In an open letter to the American people (Washington *Post*, Nov. 14, 1973), the Arabs firmly and clearly stated that their halt in the flow of oil to the U.S. ". . . will hold until such a time when the Israeli forces are totally withdrawn from all occupied Arab territories and the legitimate rights of the Palestinian people are restored." It is quite unlikely that the Israelis will willingly return either land or rights, and because the multi-faceted influence of the Jewish community in this country is stronger than the rule of either Congress or the Administration to resist, there is little chance that the U.S. can or will leave Israel to an unkind fate. Thus, for the time being, there is stalemate.

But if abandonment of Israel is not appealing to American politicians, neither are the consequences of a worsening energy shortage. To the people of Western Europe and Japan the situation is even more critical—to the point of sheer survival. It is almost unthinkable that nearly one billion human beings occupying the oil-thirsty developed nations will meekly sink into another Dark Age because of being denied that form of energy, without first convulsively trying to reach the wells by whatever means possible—certainly not excluding the violence of war, a resort historically not unknown under far less provocation. Columnist-oil baron William F. Buckley, Jr., has already probed this option. Given the real personal hardships caused by such things as unemployment, inflation, cold living and working quarters, and limited availability of mobility and electric/electromechanical appliances, it is more than a philosophical question as to how long the American people—much less the Europeans—would sacrifice for principle and peace. But there are two insuperable obstacles, as well as a host of others. For one, the Soviet Union undoubtedly would react to our contemplated invasion of the Mideast as swiftly and resolutely as we did to theirs. For another, where would we get the oil for such an expensive military effort in the first place?

THE ROAD TO SELF-SUFFICIENCY

The third option, the road to self-sufficiency, seems not only to be practical but also the only one not shrouded in the incalculable costs of things other than our own time and money. And, fortunately, the more fully we examine this option the more apparent is the possibility, in time, of real success.

In the first place, it seems the U.S. actually has access to enough coal and oil to keep us going for 300 or 400 years. All we have to do is get down to the hard (and expensive) business of going after it. S. Fred Singer, formerly Deputy Assistant Secretary of Interior, has pointed out several esoteric sources of oil. For example, while we may rightly anticipate 10 billion barrels of oil to come to us through the Alaska pipeline, five times that amount is available through a process known as "tertiary recovery." And "heavy oil"—which simply means that it has a viscosity requiring something other than conventional pumping methods—is available in the continental U.S. in the startling amount of 160 billion barrels. What's more, Professor Singer says there are 700 billion barrels of "heavy oil" in Canada, and even more than that in Venezuela.

As the price of oil has been boosted by the action of the Arabs, it also becomes economically feasible to commence commercial extraction of oil from Canadian "sand tars." The largest hydrocarbon resource in the world is "oil shale," and most of it is found in the western U.S. Oil from this source is now commercially feasible. In a more mundane sense, of course, we can drill more offshore wells and step up the output from our existing oil reserves. If the drive for all or any of these sources of oil were started today, however, it would be three to five years before Americans could return to a reasonable use of this fuel commodity. There probably will never again be a return to the wasteful practices of the past quarter century.

OTHER SOURCES OF ENERGY

In the quest for self-sufficiency in energy, oil is only the beginning. There is no reason at all for an imaginative, inventive, and technologically sophisticated nation (with vast natural resources) to be unable to provide its own certain and secure energy sources. A few of the foreseeable means require only the application of appropriate disciplines: breeder and ultra high temperature nuclear reactors, as well as new or expanded hydroelectric installations, to provide electricity; utilization of solid waste to generate steam and solar radiation to heat spaces; and even windmills and watermills to harness the virtually infinite energy in the winds and waves. Of these, the worst is nuclear power because of the highly dangerous radioactive waste which is generated with the energy. There is literally no place on earth to dispose of this lethal waste, which retains its dangerous character for millenniums.

Rep. Mike McCormack (D-Wash.) has introduced H.R. 11212, which would provide the necessary research and development of pilot plants to demonstrate the practicality of capturing geothermal energy by two remarkable, unconventional procedures. One is "hot dry rock"—which is ". . . the heated bedrock lying beneath the surface of the earth at depths of 12,000 to 20,000 feet. It is believed that electrical power can be generated from steam produced by injecting water through holes drilled into these hot rock formations . . . hopefully, dry steam would be blown to the surface through another hole." The other unique procedure involves exploring large "geopressured" zones in the earth—great pockets of water under tremendous pressure which the National Science Foundation estimates contain up to 2,700 trillion cubic feet of natural gas.

THE UNDERLYING SIGNIFICANCE OF THE ENERGY CRISIS

What has not been pointed out in any discussion of the energy crisis is the most important of all. The unexpected events of the past two months result in a significance vastly more important than America's changed relationship with Israel and the Arabs. It is that the economic dynamic for internationalism is seriously weakened by these events, and the dynamic for a policy of economic nationalism has been established.

Liberty Lobby has warned, for many years, of the dangers inherent in internationalism but these warnings have fallen on deaf ears because of the vast profits to be made in prostituting the American economy and raping the American taxpayer chasing will-o'-the-wisp goals throughout the world. Now, it should be plain to everyone that only a policy of economic nationalism and the total repudiation of the irresponsibility of internationalism can solve the energy problem and, at the same time, assure the economic and political survival of America.

That the economic dynamic of America has been turned inward by the Arab boycott of oil is the underlying significance and the true importance of the energy crisis.

INTERNATIONAL TRADE BILL

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. DENT. Mr. Speaker, I take this time to acquaint the Congress with very important information on the coming vote on the Nixon-sponsored international trade bill.

The vote is slated for Monday, December 10.

It is important for Congress to know that the whole body of the AFL–CIO is opposing this new effort to decimate the American work force by continuing the devastating trade policies that have brought the Nation to its highest degree of dependency upon foreign imports than any bill passed in our history.

We have lost our initiative for survival in both peace and war. Our people are losing their skills and their willingness to protect both their economy and indeed our Nation. Jobs are not considered essential to our welfare according to the terms of this trade proposal. Without a doubt of any kind, this legislation will have more effect upon our job economy than any bill passed in our history.

It is a complete and final abdication of all of the jurisdictional prerogatives and constitutional authority of the Congress over international trade, customs, tariffs or excises.

The labor opposition is contained in a letter attached hereto from President George Meany of the AFL–CIO. Mr. Meany was forced by two circumstances beyond his control to rush out a last minute position paper.

First. The Ways and Means Committee under acting Chairman ULLMAN of Oregon unexpectedly and without a public notice arranged to have the bill called up in the last week of this session. This was done in spite of the published reports in the national press that the legislation would not be voted on until the second session of Congress in 1974.

Labor was kept from doing its normal and effective job of alerting their members and the public in general of the dangers contained in this bad trade proposal.

Not the least of its bad provisions is the establishment of what can be termed a Trade Czar in the person of the President of the United States in all matters of trade, and in fact over the jobs and welfare of millions of Americans.

Second. The importers have raised more money to pass this bill than any single bill in my 42 years of legislative life. I will submit for the record a letter sent out in the early days of the introduction of this proposal. Even a 6-year-old kid can figure the amount raised to be in the upper millions of dollars.

Where is the money coming from? From the pockets of American consumers who pay $40 for a Japanese portable radio that cost an importer $13.40 including tariff, freight, and insurance. It is my understanding that importers are all over the Hill advising Members that the AFL–CIO and other labor groups are not opposing this bill. This letter will put that rumor to rest.

The profits in foreign trade are used to influence elections, to secure passage of favorable bills, and to defeat members that fight for American jobs from American made and union made products.

As chairman of the committee that handles minimum wage, I can testify to the runaway overseas industries that pay slave wages to produce products for the U.S. market with profit margins that would astonish Members of Congress.

The labor force feels the initial injuries from bad trade policies. The nonproduction worker can linger a little longer by being fed out of the Treasury through the various agencies of national, State, and local government.

The balloon will burst, if this bill is passed within the next 5 years and this Nation will suffer its greatest crisis it has ever known.

The letters follow:

American Federation of Labor and Congress of Industrial Organizations,
Washington, D.C., December 5, 1973.

Dear Congressman: Next week, the House will be voting on the Nixon Administration's trade bill (H.R. 10710).

The AFL–CIO finds this bill worse than no bill at all. We urge that you vote to defeat it.

As it now stands, the bill has been written almost completely to White House specifications. Its key feature is the grant to the President of unprecedented and sweeping new executive powers which he may use—unhindered by the normal restraints of Presidential powers—to permanently alter the structure of foreign trade and the structure of the U.S. economy.

The one feature of the measure not written to White House specifications, however, concerns the granting of most-favored-nation status to the Soviet Union. Title IV denies the extension of MFN to nations unless they permit free emigration. Further, under procedures allowed in the rule, an amendment will be offered to this provision by Rep. Charles Vanik (D., Ohio) which would deny the extension of credits by the United States to the Soviet Union.

The AFL–CIO supports these restrictions on the extension of MFN to the Soviet Union, and urges you to support Title IV and vote for the Vanik amendment. We would then urge you to *vote to defeat the entire bill.*

We believe that the far more logical approach to the pressing problems created by this nation's trade policies and by the growing world-wide energy crisis is for the House to reject the bill now before it and turn to writing a new trade bill in 1974 when the prsent turmoil of events does not cloud the scene. A strong, assertive trade bill in 1974 should, of course, contain strong restraints on MFN and credits to the Soviet Union.

Consider these facts:

The present trade bill has been withdrawn from floor action three times because of "unfavorable" events;

The bill's strongest backers admit publicly that support for the bill is eroding;

The *N.Y. Times* reported on December 4 that "higher unemployment next year" would reinforce strong opposition to the bill;

The Common Market nations and Japan quickly capitulated in the face of the Arab oil embargo, demonstrating their overriding concern with putting their own economic self-interests ahead of any American considerations.

In view of the fact that world-wide rapid changes are occurring which will deeply affect not only the American economy but America's position with respect to trade with the rest of the world, approval of an Administration trade bill tailored to a set of circumstances which are becoming obsolete with each passing hour would be the height of folly.

Sincerely,

George Meany, *President.*

Enclosure.

To: AIA Members

AIA Needs Your Dollars Now ! ! To Oppose Labor's New Protectionist Bill in Congress and the Surcharge

If Organized Labor has its way there will be quotas on all imports on a *category-by category, country-by-country* basis equal to the average imports for 1965–69. Each year the quotas will be changed up or down to keep the import penetration of the U.S. market at the 1965–69 level. There will be no offset for reduced import of products which decline due to market factors.

AIA has begun a vigorous campaign on behalf of all its members to oppose this bill now before Congress; and to seek immediate termination of the surcharge. But, AIA's actions are limited by the amount of money collected so far.

One month ago, AIA asked for contributions. Many members have sent in their share of the money needed, and AIA thanks them for their quick action. However there are many more members who have not sent in their checks.

We urge all members who have not contributed yet to do so as quickly as possible. Please read the accompanying schedule of contributions. These are the recommended minimums.

The threats to your livelihood are real. They are here now. Action must be taken to oppose them now. It takes a great deal of money—but if everyone contributes his share—we may be able to obtain an earlier rescission of the surcharge and *stall* Labor's drive for quotas.

Please send in your check today.

Sincerely,

Kurt Orban, *President.*

Suggested Scale for Contributions

IMPORTERS (INCLUDING AGENTS, RETAILERS, CENTRAL PURCHASING OFFICES)

Dollar volume of imports (In millions)	contribution
Under $1	$150
1–5	350
5–10	550
10–15	750
15–20	950
20–25	1,150
25–30	1,350
30–40	1,550
40–50	1,750
50–60	1,950
60–70	2,150
70–80	2,350
Over 80	2,550

CUSTOMS BROKERS

Based on number of persons handling imports in the entire company, including branches in other cities:

Employees	*contribution*
1–10	$150
11–20	200
21–30	250
31–40	300
41–50	350
51–60	400
Over 60	450

ATTORNEYS

Based on number of attorneys directly concerned with imports and international trade:

Attorneys	*contribution*
1	$175
2	225
3	275
4	325
5	375
6	425
Over 6	475

BANKS, STEAMSHIP LINES, INSURANCE COMPANIES

$1,000

THE REGRETTABLE DEPARTURE OF THE HONORABLE WILLIAM KEATING

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. EILBERG. Mr. Speaker, I would like to express my sadness at the coming departure of the Honorable William Keating who represents the First District of Ohio.

During my chairmanship of the Subcommittee on Immigration, Citizenship, and International Law, it has indeed been a pleasure and personal honor to work closely with Bill, the subcommittee's ranking minority member. Bill's exemplary leadership left no doubt in my mind that he is an individual whose legislative decisions were guided by deep personal integrity and humanitarian principles.

It is currently quite common to hear of the lack of quality leadership among our elected representatives. Bill epitomizes quality leadership. He has demonstrated courage, dignity, and a real sense of fairness. His ability to constructively oppose and disagree was always with a sense of ultimately achieving a workable, satisfactory solution for all. He continually displayed the highest respect for his opposition. His delightful sense of humor during numerous hearings in many long tedious markup sessions will long be appreciated and remembered.

Bill was educated at the University of Cincinnati, receiving degrees both from the College of Business Administration and the College of Law. During World War II, he served with the Navy and was commissioned as a first lieutenant in the Air Force Reserve. Bill was appointed in December 1958 as judge of the Cincinnati Municipal Court, where he was later elected to the Hamilton County Court of Common Pleas on January 1, 1965 where he served until August 1, 1967.

In 1967 Bill took office as a member

of the Cincinnati City Council and majority leader and chairman of the Finance Committee where he worked for 3 years.

In addition to being a member of the Subcommittee on Immigration, Citizenship, and International Law, he is a member of the Judiciary Crime Subcommittee. He is also a member of the Republican Task Force on Aging, the Task Force on Health Care and the Special Task Force on Election Reform.

The contributions of Bill Keating in numerous legislative areas will indeed be sorely missed. His remarkably leadership was instrumental in securing the House passage of two significant immigration proposals—H.R. 981, which provides for the orderly admission of Western Hemisphere immigrants, and H.R. 982, which helps combat the illegal alien problem. His experience as a municipal court judge gave him keen insight into the practical application of legislation making his skill as a drafter of legislation truly available.

I wish Bill well in the exciting challenge which await him. Though his constituents will lose his assistance and leadership in the political sense, Bill's leadership will certainly be a valuable addition to the public service area. I know everyone will benefit by the skills and expertise he will bring to the Cincinnati Enquirer as its new president.

Mrs. Eilberg and I wish Bill and his family much happiness and success in the future.

GENERAL AL SHIELY RETIRES

HON. PAUL W. CRONIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. CRONIN. Mr. Speaker, the technical strides made by the Defense Department in the communications field since 1960 have often been immense, and their overall impact has revolutionized the country's defense posture. These changes have been made so rapidly they have often overwhelmed the most astute experts.

Only a special type of individual can keep up with the demands of a large and complicated, continuously changing phenomenon such as Defense Communications. I have had the privilege and the pleasure of knowing such an individual both as an official of the Air Force and a community leader in my own congressional district.

Since November 1971, Maj. Gen. Albert R. Shiely, Jr., has been the commander of the Air Force Electronic Systems Division which is headquartered at Laurence Hanscom Field in Bedford, Mass. The Electronic Systems Division—ESD—has a mission to plan, program and design, and manage the acquisition of command, control, and communications systems for the U.S. Air Force and other Department of Defense agencies. During this time General Shiely was called upon to manage the acquisition of these systems for the Nation's aerospace forces. He was able to dramatize the free world's early warning defense structure, and activate a new aerospace defense concept.

The challenge presented to Shiely was varied and complex, with particular pressures resulting from fiscal and manpower restrictions. Nonetheless, General Shiely was able to stay within his stipulated budget and secure the type of structure the Air Force sought to esablish, determining with precision the benefits and liabilities of every potential program. His span of interest included activities in many countries and his programs supported some 23 United States and allied agencies, each with varying and complex mission requirements.

In all, he managed some 20,000 procurements actions costing over one billion dollars. General Shiely brought to production, before schedule and at a cost underrun, the airborne warning and control system about which Air Force Secretary Robert C. Seamans has said:

> The success of U.S. forces in future conflicts may well depend on the availability of AWACS to counter numerically superior opposition.

At a time when Congress hears much about so-called cost overruns, I think we should also hear about our successes and the dedicated men like General Shiely who make cost underruns possible.

In addition to his superb work with the military over the past 36 years, Gen. Albert R. Shiely has contributed substantially to the community in which he lives, most recently as chairman of the community council which serves a liaison function for Hanscom with the towns of Bedford, Concord, Lexington, and Lincoln. His managerial talents have been particularly helpful in community relations since the cutbacks at military bases and relocation of aircraft. Hanscom is partially in Lexington and adjoins Concord where our Nation was born. General Shiely has been involved in every aspect of this area's planning for the observance of our Bicentennial. Without his help and that of the Air Force, the observance would leave much to be desired.

General Shiely, although a native of the State of Minnesota, has worked hard in his adopted home and has done much for the area. He has shown his dedication to the fine standards of the Air Force in both his official and unofficial activities. Both the General and his gracious wife, Edith, have given generously of their time to both the Air Force and their community. He has announced that he will retire in January of 1974. He leaves behind a record of substantial achievement and there is no doubt that he will be sorely missed by his coworkers. General Shiely has inspired many, not the least of whom is his only son, a graduate of the Air Force Academy, who now serves on active duty with the Air Force.

It is my personal privilege at this time to honor a great American, Gen. Al Shiely and on behalf of all of us in the Congress for doing what he has for the residents of the Fifth Massachusetts Congressional District and the United States of America.

WHY WE NEED THE NATIONAL HEALTHCARE ACT

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. HUDNUT. Mr. Speaker, one of the greatest problems facing the second session of the 93d Congress will be national healthcare. This morning I delivered a speech to the International Foundation of Employee Benefit Plans National Health Insurance Legislative Update Seminar entitled, "Why We Need the National Healthcare Act," and I would like to insert it in the Record:

Why We Need the National Healthcare Act

(By Congressman William H. Hudnut)

Today we are being bombarded by constant talk of crisis—the energy problem, inflation, Watergate and so on, ad infinitum. It is no wonder that the public at large is anxious and nervous about what's going on in our beloved country.

Understandably, the central concern of Americans has to do with those issues that hit directly at the individual's life.

All of a sudden, in this land of plenty, we find that there is not enough petroleum to go around; shortages of natural gas; a continued inflation that hits hardest in the basic areas of life; food, housing and clothing.

Certainly when the cost of living in the first half of 1973 rose at an annual rate of eight percent, when food prices rose by 25 percent, when interest rates reached the highest point in more than 40 years, there was plenty of cause for alarm.

It is no consolation to Americans that many of the most advanced nations of the world share most of these same problems—even higher rates of inflation, severe food and other shortages, and in Europe and Japan, the prospect of even greater energy problems as the result of Arab oil embargoes.

Against this backdrop of anxiety, I believe it is critically important in this time period that Congress maintain a strong sense of priorities and continue to work to solve not only the high visibility problems like those previously cited but these problems of long-standing and complexity which also deeply affect the quality of life in America.

One such problem is health care. In fiscal 1972, Americans spent $83.4 billion for personal health care—nearly eight percent of the Gross National Product. That amount represented more than twice the sum spent for health care in fiscal 1965. Yet 52 percent of this increase was attributable to inflation rather than purchase of additional health services.

In the current dialogue of crisis problems, not as much has been heard about health care—but it is a domestic problem of tremendous significance, and one which has been deeply affected by the ravaging fires of inflation.

Not long ago Presidential Assistant Mel Laird reported that health care costs have been rising at twice the rate of the Cost of Living Index. It is a documented fact that the cost of hospitalization in metropolitan areas, particularly, frequently exceeds an equivalent stay in a luxury resort hotel.

Something is badly askew in our domestic priorities when essential services like health care cost so much. It becomes a paradox in a Nation which has so advanced the state of the medical arts that people fear the economic consequences of having to avail themselves of these marvelous services.

For too long now, Americans have lived in fear that a major illness or a catastrophic accident will destroy not only the health of the patient but the economic security of the victim's family.

Therefore, I believe Congress should act to bring health costs down and to protect the average citizen against the threat of economic ruin because of a catastropic illness or accident. But I don't believe we need any vast new federal apparatus to do the job. Instead, I think we should harness the skills and experience that now exist in the private sector and focus them more effectively on our growing problems in the health field.

That's why I co-sponsored and support H.R. 5200, the National Healthcare Act of 1973. This bill addresses itself to the full range of health care problems—not just part of them. And it does so at far less cost to the taxpayer than other proposed legislation—particularly the bill introduced by Senator Edward Kennedy and Representative Martha Griffiths, which would create a whole new federal agency to administer a program of national health insurance.

The bill I support, introduced by Congressman Omar Burleson of Texas and Senator Thomas McIntyre of New Hampshire, has more than 45 co-sponsors in the House. It builds on a base of the private health insurance system we now have in America and makes this know-how more responsive to meeting the needs of all citizens by establishing federal standards which guarantee that all persons, whether poor or earning a good living, will receive the same quality of health care service.

I believe this proposal has many advantages.

One is that it deals effectively with the threat of catastrophic illness. Under H.R. 5200, any person who incurs $5,000 of medical expenses in a 12-month period would become eligible for up to $250,000 of insurance coverage—even if that first $5,000 is already covered by insurance.

Second, the bill provides that the poor, the near-poor and people who have been considered uninsurable from various reasons will be covered through a state pool plan, subsidized by federal and state funds. Under this plan, the poor would have their insurance cost paid by the pool, which the near-poor and the previously uninsurable would pay a proportion based on their income levels.

Others would be covered by group or individual health plans which meet federal standards. These would be paid for in much the same manner as group or individual insurance is paid for today. The difference would be that federal standards would require a uniform quality of coverage. Employers or individuals would receive tax incentives to assure that comprehensive benefits are maintained.

Another idea that makes sense is the provision for ambulatory health care. This legislation recognizes that hospital costs are soaring because of heavy demand for hospital care. With this in mind, it provides for establishing ambulatory health care centers to diagnose and treat many conditions which now require costly hospitalization. These ambulatory centers would take the pressure off hospital facilities and free more rooms for major cases.

Furthermore, the bill also directs a number of efforts toward training medical personnel and distributing them to those parts of the country where capable health staff are in short supply—a worry we find right now in some communities throughout Indiana. Rural communities and small cities would have a better chance of getting the doctors and nurses they need.

H.R. 5200 also provides for better planning efforts at the local and national level, so all facilities and personnel are used properly—and wisely.

In short, the bill I support will meet many facets of the health care problem in America, and it will do so without affecting anyone's freedom of choice. It meets health problems without creating yet another federal agency. And it recognizes that the taxpayer should not have to pay through the nose to get this coverage.

How about cost?

The National Healthcare Act would cost an estimated $8.1 billion in its first year of operation, compared to an estimated $70 billion or more for the Kennedy-Griffiths bill. Further, it does NOT establish a giant administrative bureaucracy as does the Kennedy Bill, which over a period of time would prove even more costly. Experience has shown us that federal agencies, once created, tend to grow and grow.

Overall, this bill tries to reach solutions to our health care problems by the most efficient and least expensive route. I think it preserves what is good in our health care system and provides improvement where that system is weak. It does not throw out what we have taken years to build in the health care field and replace it with a new, untried system. It is a partnership approach—and that is entirely in character with our national traditions.

Personally, I believe that the kind of legislation sponsored by Senator Kennedy and Congressman Griffiths would mean the end of the health insurance industry—and that poses yet another economic threat in our Nation, to the employees, the policy holders and the stockholders.

I think the Kennedy-Griffiths bill, which calls for a new 3.5 percent payroll tax on employers and a 1 percent tax on employces, poses the possibility of burdening payrolls with yet another tax. I also think the extension of the Social Security payroll tax for the first time to private retirement benefits to help finance the Kennedy-Griffiths bill is a precedent all Americans would come to regret.

To me, the proponents of this legislation—by trying to paint the existing health system as a bad one, run by evil men, are falling prey to the old myth of scapegoating.

Health care today has many problems, but there are no heroes and no goats. There is plenty of blame to go around on all sides. The problem, like so many we face in today's world, is complex—caused by many situations which has evolved over a period of time.

That's why I favor the National Healthcare Act approach or other approaches that will take into consideration and use the private enterprise system rather than create a vast new Federal Bureaucracy.

As we move toward the second session of the 93rd Congress, I believe we will look quite seriously at the problems of health care in America. Solving our health needs requires a reasoned and balanced approach. In my view H.R. 5200, the National Healthcare Act, has that kind of approach. Of course, the final version approved by the Committee will probably be a compromised version of the three proposals which offer an alternative to the Kennedy-Griffiths bill.

I hope you will join me in working for this kind of legislation. And I know that with your support, we can enact the kind of bill that is responsive without being expensive—a bill that is productive but prudent—a bill that seeks to build and not destroy. Thank you.

THE MENOMINEE RESTORATION ACT

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. MEEDS. Mr. Speaker, on October 16, 1973, the House of Representatives passed the Menominee Restoration Act. Thanks is due a lot of people, but among all who have worked hard to achieve this legislation is Ada Deer, who is chairperson of the Menominee Common Stock and Voting Trust. In her typical fashion, she gives credit to everyone else as is indicated by the letter which follows:

WASHINGTON, D.C.,
November 29, 1973.

HON. LLOYD MEEDS,
Cannon House Office Building,
Washington, D.C.

DEAR LLOYD: On behalf of the Menominee Indian Tribe, we would like to express our deep appreciation for all the work you have done to secure passage of the Menominee Restoration Act. It has been a true pleasure to work with you in your capacity as Chairman of the House Subcommittee on Indian Affairs. Your legislative skills, your commitment to our tribe's cause, and your tremendous dedication have been of inestimable value to us in our struggle to retain our lands and our rights as a tribal people.

We would like you to convey our appreciation to the members of the House of Representatives, 93d Congress, for the overwhelming vote with which they passed the Menominee Restoration Act (H.R. 10717). Special thanks are due to the members of the Subcommittee on Indian Affairs, the Committee on Interior and Insular Affairs, and to the sponsors of the bill for their sensitivity and leadership in supporting and obtaining passage of this act.

Our own Congressman, Harold V. Froehlich, and our former Congressman, David R. Obey, also deserve our thanks for their outstanding and diligent efforts on our behalf. Manuel Lujan is another to be commended for the special effort he made in coming to Wisconsin to hold hearings on the legislation and for his continued efforts on our behalf thereafter. We would like to express our sorrow at the death of Congressman John P. Saylor, who had been a supporter of restoration and a long-time advocate of Menominee rights.

This progressive legislation, once enacted, will serve to pull the Menominee Tribe back from the brink of the economic social, and cultural destruction brought on by termination. Passage of this legislation will enable our tribe to pursue its goals of community and economic development, and to direct its energies and resources toward bettering the lives of individual tribal members.

Our restoration and the anticipated establishment of a sound tribal government will demonstrate more than just a tribal success for our people—it will usher in a whole new era of hope for Native Americans. As Vine Deloria put it in hearings this Spring, the Menominee Restoration Act will provide "the first really concrete proof to the American Indians that the American system really works; it is not simply a case of amending laws. It is a case of undoing the injustices of the past and doing the justices of today."

Once again, our thanks to you for your personal assistance and to the outstanding work of your staff.

Sincerely,

ADA E. DEER,
Chairperson, Menominee Common Stock and Voting Trust.

RELEASE OF 1900 CENSUS SCHEDULES

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. WHITE. Mr. Speaker, on Monday, December 3, 1973, the Archivist of the United States announced that the schedules of the 1900 Census of Population, heretofore closed to public access, had been opened for legitimate historical, genealogical, legal, and statistical research, with appropriate safeguards to prevent unwarranted invasions of privacy.

This action was the goal of an amendment I sponsored, as chairman of the Subcommittee on Census and Statistics, to H.R. 7762—the mid-decade sample survey/census confidentiality bill—which was unanimously reported to the House by the Post Office and Civil Service Committee on June 4 of this year.

Until last Monday, historians, genealogists, certain religious groups, and lay persons tracing their family trees have only had access to the censuses covering the years 1790 through 1880. The 1890 census records were, with the exception of a few fragments, totally destroyed by fire. The release of the 1900 records will thus open up a vital 20-year period in this Nation's history to legitimate research. Moreover, the genealogical data made available by those records will be of great help to persons from certain States—Oklahoma, for example—whose areas and ancestors were not covered by the 1880 census.

For over two decades, the release of the 1900 records has been an issue of dispute between the Census Bureau and the National Archives. I wish to commend the Archivist and the Director of the Bureau for mutually resolving this issue to their satisfaction.

When I introduced my amendment to H.R. 7762, I was acutely aware of the philosophical issues raised by the question of whether to release the 1900 census records. On the one hand, I very much believe in the protection of individuals from illegal and unethical invasions of their privacy, and have cosponsored legislation seeking to establish such protection.

On the other hand, I sympathize with the very real need of genealogists, historians, and other scholars for access to this data for bona fide research purposes. I believe that my amendment strikes a fair compromise between those two values.

The action taken by the Archivist in releasing the 1900 records should not be detrimental to any living person, inasmuch as he has promulgated rules and regulations governing access to those records, as called for by my amendment. Nor, in my judgment, does the release of individual data from the 1900 census contravene the very limited confidentiality provisions that were in force at that time.

I would like to thank the many concerned citizens who have written to me and my subcommittee expressing their views on this matter, the officials of the Government agencies concerned for their prompt action, and my colleagues on the Post Office and Civil Service Committee who unanimously supported my amendment.

DAVID BEN-GURION

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. BRASCO. Mr. Speaker, David-Gurion has passed from this life in body, but will always live in the minds and hearts of his people in spirit. For he was a new kind of Hebrew. He translated the Jews of Europe's ghettos into the Hebrews of Israel. Many men dream, but few men realize. Ben-Gurion was a realizer of dreams—perhaps the oldest dream of all.

After 20 years of oppression, persecution and diaspora, Ben-Gurion took Theodore Herzl's dream and made it into a nation. Recognizing that people must build their future with their own hands, he translated Jews of Eastern Europe into agricultural settlers, infusing them with an energy unthinkable in their towns of origin.

Along with their desire and ability to build a new land came a new dignity and self-respect. And suddenly Tevya the milkman lifted his head and his eye from the ground, and himself out of the gutter and the shtetl, and became a man.

It is a far cry from the walls of Jerusalem and the heights of Masada to the tiny towns of Galicia and Lithuania, but the Jews made that journey, led by Ben-Gurion.

His accomplishments will be listed by many, so I shall not attempt to do so. We all know what he did. Rather I wish to pay tribute above all to what he epitomized.

That the Jewish people shall prevail over their foes, conquer their fears, and evolve to a new level of nationhood and peoplehood. Ben-Gurion accomplished this, and by doing so, he saved the Jewish people from themselves.

By doing this, he made them lift up their eyes and realize that they did not have to live in persecution, wallow in self-pity and endure in shame.

It took Ben-Gurion a long time to make the Jews realize this. He lectured them, he goaded them. He urged them. He led them. Until finally, opposing him occasionally, but loving him always, they made their dream come true.

In all truth, he came to symbolize in himself the new Jew. Resolution, courage, and determination replaced the pushcart peddler image. The grandchildren of the peddlers are even now fathering a new generation of Jewish children who will never live as slaves as their forebears did.

Ben-Gurion will go down in history as another Moses, who lived not only to lead his people to the promised land, but to shape their lives within its boundaries. He was a giant among his people. The greatest blessing I can call down upon Israel is that the Almighty should send his like down among his people once again.

CRY IS ALWAYS "CONTROLS"

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. ARCHER. Mr. Speaker, the imposition of wage and price controls has proved to be a failure and we need to return as soon as possible to a market economy based on supply and demand. Too often we find that any time a problem comes to our attention, the natural reaction is to adopt a program which will increase the role of the Federal Government and impose additional controls on our citizens. The Houston Chronicle carried a perceptive editorial on this trend on November 18, 1973, entitled "Cry Is Always 'Controls' ":

CRY IS ALWAYS "CONTROLS"

There is an increasing smell of regimentation in the air and it is not a pretty prospect.

Shortages, problems and scandals are heaven-sent opportunities for those whose natural inclination is toward governmental planning and control of economics, institutions and life-styles.

This is always for the "good" of the people—as that "good" is defined by those who want to do the controlling. Whether people want to have someone determining what is good for them doesn't seem to enter into the thinking.

There are problems and scandals with political campaign contributions. So the cry is to turn all the financing over to the federal government. Well, if you are going to hand out the taxpayers' money you have to have rules on who gets it (that is, who can be a candidate) and how it is to be spent (that is, how a candidate can campaign). Is the country really willing to turn over its precious right of an open and unfettered electoral process to a federal bureaucracy and its controls?

Gasoline is to be in short supply, so the hue and cry is for a massive bureaucracy which will say who can use how much down to the last red tape detail.

Well, this may be necessary in the crunch but it is much too easy a step from there to other shortages. If people's use of gasoline is rigidly controlled for a worthy purpose, cannot the same thinking be applied to people's use of other short supply products, such as food, for purposes some consider equally worthy? Purposes such as to keep the price down or so the country can export more food products to help the balance of payments deficit.

Inflation and high prices caused by short supply and high demand are dangerous and vexatious. The answer put forth has been price and wage controls by the federal government, two years of them on an off-and-on basis. These attempts to repeal the laws of supply and demand have worked only temporarily at best while throwing wrenching dislocations into the economy.

Energy in all its forms is to be in short supply and this can have a domino effect throughout the economy and on people's livelihoods. So the drumbeat of statements is that there will have to be controls everywhere.

These are all very real problems and obviously the government must address them with the best solutions seemingly at hand at the given moment.

The concern is that we have fallen too easily into the habit of finding our only answers in the smothering regimentation of bureaucratic controls.

TAMING THE BUDGET

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. O'NEILL. Mr. Speaker, since Congress established the Joint Study Committee on Budget Control a year ago, this House has been working on a bill which would strengthen Congress responsibility in formulating the Nation's budget. Congressmen WHITTEN, ULLMAN, and BOLLING have now presented a bill for consideration before this Chamber.

In this regard, I commend to your attention an editorial in today's New York Times recognizing this bill as a "commendable effort to modernize and coordinate Congress budget practices." The editorial follows:

TAMING THE BUDGET

Congress is slowly trying to master the old and difficult problem of its own responsibility for the nation's budget. A President can act decisively in shaping the multitudinous money requests of the agencies and departments into a reasonably unified and coherent document. But when the budget reaches Capitol Hill, power is divided between the two houses of Congress and within each house between the committees that write the tax laws and those that decide appropriations. Moreover, within the appropriations committees, power is further fragmented among a dozen subcommittees, each of which usually has the last word in its jurisdiction.

A year ago, Congress established the Joint Study Committee on Budget Control. Under the leadership of Representatives Whitten of Mississippi and Ullman of Oregon, it drafted a bill that represented an improvement but would have locked Congress into rigid spending compartments and would have been heavily weighted in favor of fiscal conservatives. Representative Bolling of Missouri worked out a compromise between the Whitten-Ullman Bill and its liberal critics; it is this compromise that is now before the House.

This bill provides that Congress accept by May 1 spending estimates that are more nearly targets than ceilings, to be worked out by a new Budget Committee. As matters now stand, appropriations bills usually do not clear Congress until well after the fiscal year has begun. To remedy that problem, the bill moves the beginning of the fiscal year from July 1 to Oct. 1. Congress would be required to clear all appropriations bills in the three months between the setting of the tentative target figures on May 1 and a deadline of Aug. 1. That would give the Congress two months before the new fiscal year either to cut expenditures or raise taxes.

Any bill of this kind is more an expression of firm intent than a hard-and-fast law because no Congress can tie the hands of a future Congress when it comes to setting its internal procedures and abiding by them. Viewed in that light, the bill deserves approval as a commendable effort to modernize and coordinate Congress' budget practices.

IMPEACHMENT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. ROSENTHAL. Mr. Speaker, our Nation now faces the most serious threat to the Constitution in its history.

When Mr. Nixon fired Special Prosecutor Cox and sacrificed the Attorney General and his deputy on the altar of political expediency, he dishonored the Presidency and plunged the Nation into a convulsive crisis of confidence. Once these men were out of the way, the President decided he would release the subpenaed Watergate tapes after all. But then we were told two of the most potentially incriminating tapes never existed and a third has a mysterious 18-minute gap just where the Watergate discussion begins—and we are asked to believe contradictory White House explanations for these developments.

The American people have lost confidence in their President. A Harris survey for the Senate Intergovernmental Relations Subcommittee showed only 19 percent of the population has "a great deal of confidence" in the executive branch of the Federal Government. The most common explanation they gave was that "Government leaders are corrupt and immoral." A majority felt that "there is something deeply wrong in America."

This should come as no surprise to any Member of Congress who has been reading his mail and listening to his constituents. Nearly 2,000 Queens residents have written to me in recent weeks calling for the President's impeachment, while 49 constituents have voiced support for Mr. Nixon. Because there is no longer any doubt in my mind that the President has lost his ability to govern and has become a symbol of the very lawlessness his administration has promised to eradicate, I have taken the following actions:

First. Introduced a Resolution of Impeachment in the House of Representatives on October 23, 1973, and

Second. Introduced a bill to establish the Special Watergate Prosecutor as an arm of the Federal court and independent of the President.

Impeachment is not a finding of guilt but is the equivalent of an indictment which states that certain charges have been made and there is sufficient evidence to warrant a trial. The actual trial is held in the Senate, with the Chief Justice presiding. Even some of the President's closest and most loyal supporters have urged him to submit voluntarily to impeachment as the most effective method of vindicating himself.

I do not believe impeachment would be the traumatic experience some people fear. To the contrary, I believe it is necessary to put our democratic system back in order. It would bring about the necessary full public disclosure in a forum prescribed by our Founding Fathers in the Constitution, and it would provide the President with the best possible opportunity to answer all the charges against him.

By minimizing the widespread scandals of burglary, bribery, perjury, obstruction of justice, conflict of interest, Presidential enrichment, and all the rest we refer to collectively as "Watergate," we would be doing infinitely more harm to our Nation. We cannot ignore them in the hope they will go away. Our nation could not survive that because our citizens would not accept that.

In the 17 months since the Watergate scandals broke into the open, the Nation has survived and the strength of our democratic system and of our people has been proven over and over again. The problems and the delays have not been caused by the investigation and prosecution of wrongdoing but rather by the high-level coverup directed from the highest echelons of the White House and by the President's unwillingness to cooperate and to level with the American people.

This does not look like the action of a President who is eager to make known the whole truth about Watergate and who says he has "nothing to hide." Regrettably, his so-called Operation Candor has been filled with half-truths and untruths, and raises more questions than it answers.

Mr. Nixon's reluctant compliance with the orders of the courts and his persistent interference with the administration of justice cannot go unchallenged if we are to remain a government of laws and not of men.

The removal of Archibald Cox was not the simple act of a President firing a disobedient subordinate employee. Cox's appointment was a solemn covenant between the President and the American people—through the Senate—to insure against the pitfall of a President investigating and prosecuting himself.

The President has broken that covenant. He clearly does not want an independent examination of the grave charges against his administration.

He has nominated as his new Attorney General a Senator who approves of the way the President has handled the Watergate scandals and who opposes judicial review of Presidential tapes and documents. And, in an effort to thwart legislation in Congress for a court-appointed Special Prosecutor, the President has selected a man who will serve at his pleasure and thus will lack the independence necessary to winning the confidence of the American people.

Impeachment is not to be taken lightly. But I have come to the conclusion that unless the President resigns, there is no other course open to us. Mr. Nixon has demonstrated his contempt for our legal and governmental institutions. He has declared himself above the law—above the Congress, the courts, and the Constitution. He has said that he is answerable only to the impeachment process. The House Judiciary Committee has already begun an inquiry to determine whether grounds exist for formal impeachment proceedings.

If there is any good to be derived from these many months of crisis—and I believe there is some—it is that our democratic system has endured and the strength of the people confirmed.

SIGNIFICANT CONGRESSIONAL REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. HAMILTON. Mr. Speaker, under leave to revise and extend my remarks in the Record, I include my Washington Report, as follows:

Significant Congressional Reform

Although it is not much in the headlines, progress is being made on two bills that may become the most significant, if unpublicized, reform of Congressional procedures in this century. The two reforms aim at keeping spending under control and redistributing the power among the committees of the Congress.

Budget Reform: Budget reform bills are through House and Senate committees and headed for consideration by both Houses of the Congress. The bills, which create budget committees in both the House and Senate, establish a mechanism for the Congress to regain control of the budget by establishing a procedure to look at the budget as a whole in order to determine spending priorities within total spending ceilings. Under the bills the Congress would set appropriate levels of expenditures, taxes, and budget surpluses or deficits. The bills would allow the Congress to determine competing claims for the federal dollar in a comprehensive and systematic way, rather than the present procedure whereby the Congress acts on various money bills separately, often months apart, and in isolation from one another.

The Legislative Budget Office, also established by the bills to develop data and make cost projections, would give the Congress an independent source of information equal to the President's Office of Management and Budget. Tax and expenditure policies could be coordinated, and the revised budget timetable, also provided in the bills, will reduce the likelihood of the Congress having to approve interim financing due to failure of the Congress to complete action on appropriations bills prior to the start of the fiscal year. An anti-impoundment procedure is also established by the bills through which either House of Congress could, within 60 days of being informed of an impoundment, require the President to stop an impoundment, and thereby deny the President the power to scramble Congressional priorities.

Several important questions must still be resolved, including the membership of the powerful budget committees, but I believe ultimate passage is assured. These bills will be a giant stride toward making the Congress fiscally responsible.

Committee Reform: The other major reform, rearranging the committee jurisdiction and streamlining the legislative process in the House, is not as far along as budget reform, and the task, if possible, is even more difficult. Alteration of committee jurisdiction redistributes power, a sensitive matter among Congressmen.

Although a special House committee has been at work on the task for about a year, no report is expected until next spring. The committee would like to organize the work of the Congress so that the schedule conflicts of members, who often have two or three meetings scheduled the same hour, can be avoided, and to improve the oversight function of the Congress, a task which everyone asknowledges needs to be improved. Other goals of the committee are to achieve a better balance in committee workloads (the House Ways and Means Committee has too vast a jurisdiction with tax, social security, trade, health insurance and pensions), and to get the Congress off to a faster start each year, perhaps with Congressmen coming to Washington in December to choose their leadership and organize the committees for business before the formal opening of the Congress in January. Committee members are still far from agreement on several problems:

1) Size and numbers of Committees: How many committees, how many members on each committee, and how many assignments to give each member are several of the threshold questions. The choice here is between a small number of large and broad-based committees, or more committees of smaller size and greater specialization.

2) Conflicting Schedules: To solve the problem many members have of conflicting schedules, the Committee is considering a limitation on committee assignments or a two-track system, with one set of committees meeting at certain times and another set of committees meeting at different times.

3) Committee Jurisdiction: Major rearrangements of committee jurisdictions are under consideration: for example, shifting trade and social security legislation from Ways and Means to Foreign Affairs and Interstate Commerce Committees, respectively, and dividing into two committees the Education and Labor Committee. New committees may also be established for energy, transportation and environment.

4) Oversight: The committee is also examining proposals to improve oversight, perhaps by dividing oversight into categories with subcommittees on the quality of programs, budget priorities, and economy and efficiency. Other suggestions are to require all major committees to have an oversight subcommittee and to set aside separate periods of committee work for oversight.

Unlike the budget reform, the final result of the committee reform cannot be clearly seen, but its potential for beneficial change is great, and the opportunity for such reform, which does not come often in the House, must be seized.

If the Congress is successful in accomplishing these basic reforms, Congress will become a more efficient and responsible branch of government. It may even become a co-equal branch of government, as the Constitution intends.

NOMINATION OF GERALD R. FORD

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. CAREY of New York. Mr. Speaker, as you know, my position on the nomination of Gerald R. Ford as Vice President has been to support a thorough investigation of his background to insure that the Nation has a Vice President fit for the job. I believe, moreover, that the appropriate committees of the Congress have done a good job of looking into his background and character.

Mr. Ford and I differ on political issues as one can easily see by looking at our contrasting voting records. However, he votes his conscience as I do, and in conscience I believe this Record should show what I know about him privately as well as publicly.

I would like to relate to my colleagues an incident which I once had with Mr. Ford, one which I believe demonstrates his character, sense of justice and a willingness to stand up and be counted.

I do not feel it necessary to mention the name of the military officer involved in this account. It is enough to let you know that he has achieved great prominence and gained much respect as a member of the armed services. He is probably one of the most decorated men in the Pentagon today—having achieved recognition for his courage in combat and his outstanding leadership. He is also a man who believes that lasting peace is best achieved through negotiation and not military force. Had it not been for Vice-President-Designate Ford's sense of justice 12 years ago, however, the man I am describing would be leading a different life today.

Back in 1961, Jack Parr, a prominent television personality filmed a TV program at the Berlin Wall—at Checkpoint Charlie. He requested assistance from U.S. commanders in Berlin and a friend of mine, a military officer, was designated to provide assistance.

The television show resulted in an uproar and my friend was saddled with the blame. Charges of poor judgment were leveled at him.

We had been close associates in the same regiment during World War II. I had witnessed him in combat under stress and had subsequently developed a deep respect for his judgment as well as his ability.

This incident in Berlin left his career in jeopardy, I felt. Some of you may recall, I rose in his defense on the floor of the House at that time.

Shortly after the incident, while in Europe with Mr. Ford I had a chance to discuss this matter with him. He immediately came to my support of the officer. Typically, he thoroughly investigated the matter and having concluded that an injustice had indeed been done, he vigorously undertook the task of rectifying the injustice.

I am proud to report that as a result of Mr. Ford's efforts this military officer's records were cleared. Surely, this officer's rise to the rank of lieutenant general at an early age is tangible evidence of Mr. Ford's wisdom and perception. Without Mr. Ford's help, this man would have left the service with a blemished record.

HARVEY R. ABRAHAM

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, on November 18, Harvey Abraham died at the age of 78.

For 14 years Mr. Abraham served in the Wisconsin State Assembly representing the First District of Winnebago County. It was my honor to succeed him in that position in 1961.

The city of Oshkosh and the State of Wisconsin are both better places because of the conscientious work of Harvey Abraham.

During my years in student government, the State legislature and more recently in Congress, Harvey was a close personal friend, a valued counselor, and one of the people most responsible for my decision to seek public office.

I am deeply saddened by the death of a friend and an individual who maintained the highest standards of public trust.

H.R. 11778

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. TALCOTT. Mr. Speaker, I have introduced legislation which amends the survivor benefit plan and provides an annuity for any woman who, on or after September 21, 1972, was a widow of a retired member of the regular uniformed services. The wives of career military men share the lives of their husbands through war, as well as peace, experiencing the tribulations of an uncertain future when the peace is broken. These women deserve our thanks for their sacrifices, and guaranteeing them a retirement annuity is just one way of recognizing their contributions. Fair play also demands the establishment of a retirement annuity for widows.

My bill provides the widow of a retired member with an annuity which would be 55 percent of the retired or retainer pay to which the deceased member was entitled on the date of his death. This annuity would be reduced by the amount of compensation or pension to which the widow might otherwise be entitled based on the deceased member's military service.

Mr. Speaker, the text of my bill follows:

H.R. 11778

A bill to provide retirement annuities for certain widows of members of the uniformed services who died before the effective date of the Survivor Benefit Plan

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act entitled "An Act to amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit Plan, and for other purposes" (86 Stat. 706–713, Public Law 92–425), is amended to read as follows:

"(4) (A) Any individual who on or before September 21, 1972, was a widow of a person who was entitled to retired or retainer pay when he died, regardless whether or not such individual is eligible for an annuity under subchapter I of chapter 73, title 10, United States Code, or dependency and indemnity compensation under section 411(a) of title 38, United States Code, or pension under subchapter III of chapter 15 of such title 38 or section 9(b) of the Veterans' Pension Act of 1959 (73 Stat. 436), shall be paid an annuity by the Secretary concerned unless she is eligible to receive an annuity under the Survivor Benefit Plan established pursuant to clause (3) of the first section of this Act.

"(b) The annuity payable under subsection (a) of this section shall be—

"(1) if such widow is entitled to an annuity under subchapter I of chapter 73, title 10, United States Code, or compensation or pension under any of the other laws set forth in subsection (a) of this section, an amount equal to the difference between the amount of compensation or pension to which such widow is entitled and 55 per centum of the amount of the retired or retainer pay to which her spouse would have been entitled to as of September 21, 1972, if computed on the basis of the pay grade, years of service for pay, years of service for retired or retainer pay purposes, and per centum of disability, if any, used to compute the retired or retainer pay to which the spouse was entitled at the time of death; or

"(2) if such widow is not entitled to any such compensation or pension, an amount equal to 55 per centum of the amount of the retired or retainer pay to which her spouse would have been entitled to as of September 21, 1972, if computed on the basis of the pay grade, years of service for pay, years of service for retired or retainer pay purposes, and per centum of disability, if any, used to compute the retired or retainer pay to which the spouse was entitled at the time of death.

In no case, however, shall the amount of any annuity payable under this section to any individual be less than the amount which would be payable to such individual under this section as in effect on September 21, 1972.".

CONGRATULATIONS TO THE TIMES OF SALISBURY: 50 YEARS OF SERVICE

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. BAUMAN. Mr. Speaker, recent polls show that popular support for the press increased in recent years despite the practice of politicians attacking the news media. One of the definite reasons for public respect for the press in my own area of Maryland is the high quality of the Daily and Sunday Times, of Salisbury, which recently celebrated its 50th anniversary.

I would like to share with the House an editorial from the Times which only briefly mentions the impact and influence this great newspaper has had:

THE 50TH ANNIVERSARY

The Daily and Sunday Times marks its 50th anniversary at this time of the year. On Monday, Dec. 3, the front page flag will carry the notation: "Vol. 51, No. 1." Translated into layman's language, this means the first issue of the 51st year.

This newspaper was launched on a wave of great optimism 50 years ago. Events have proved that its organizers and those who have carried on as correct in the view that Salisbury should and would become the largest city on the Eastern Shore. When all of Delmarva is included, it has to be said that Dover, Del., is giving us a good race, though.

We are situated at the crossroads of the peninsula. We are now building a bypass to carry heavy north-south traffic around the city. Our Salisbury Parkway, carrying east-west traffic, appears adequate for the job in the years ahead, though the day must come when a complete beltway will be needed.

Who can say when that will be or what will Salisbury's future be? The good citizens who began publication of a daily newspaper here in 1923 planted one of the seeds that helped to produce the area's growth. We are now a shopping center for a region—for both goods and services and employment. Cultural improvements are coming along with a university branch and a college nearby. We bear little resemblance to Salisbury of 50 years ago.

The men who organized The Times more than half a century ago are now gone. Most of them would agree that the awakening of Salisbury from small country town to regional center has progressed beyond their fondest dreams.

What of the next half century? Who can say? But for those who get a zest out of life—who enjoy innovation and challenge—it's bound to be an exciting 50 years.

PALACH'S GRAVE—A CZECH TRAGEDY

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. HUBER. Mr. Speaker, the press of today's problems and crises make it so easy to overlook important events occurring only a few months or years ago.

The fate of a young Czech, Jan Palach, comes under this category. To protest the 1968 invasion of his homeland, the student burned himself alive. More than 100,000 came to view his bier, and his virtually unmarked grave has become a shrine. The Communist authorities so fear the spirit of freedom he still invokes in his countrymen they now have moved his grave to a hiding place.

The following article from the November 30 issue of the Christian Science Monitor by Miss Trudy Rubin retells this story—and reminds us that détente or no détente, the Soviet ruthlessly seeks its own way and will not tolerate dissent or opposition, whether by a man or by a nation.

The article follows:

PALACH'S GRAVE—A CZECH TRAGEDY

(By Trudy Rubin)

On a Friday night in late October persons unknown came into the Oldcany cemetery in Prague and took away the remains of the young Czech martyr Jan Palach from his unmarked grave. By the middle of the next week a plaque to a recently deceased woman stood over a newly-dug grave on the spot.

Czechs have little doubt that the authorities carried out this desecration in order to extinguish one of the last symbols of Czech protest against the 1968 Soviet invasion. The grave of Palach, a 21-year-old student who set himself on fire to protest the invasion, had become a national shrine, commemorating a moment of national hope. To visit the site, known to every Prague citizen despite the authorities' refusal to allow a gravestone, was the one small act of allegiance to the 1968 period of liberalization that many Czechs would risk over the past grim years.

When I set out to visit Palach's grave in Oldcany this past spring, I had no directions to the site within the huge cemetery. But there was no difficulty in finding it. Although most of the graves were elaborately decorated with flowerpots and photographs, one alone was buried layers-deep in flowers and greenery, most as fresh as if they had been replaced that day. The site was marked only by a wrought iron cross. In front of it a small tray of candles burned steadily.

From the moment of Palach's death the authorities realized he was a special kind of threat to them. He appealed too deeply to the Czech nationalist spirit which had been crushed by Russian tanks: 100,000 filed by his bier; troops were called out for his funeral. The government refused to allow him to be buried in the cemetery reserved for national heroes. They confiscated tens of thousands of Czech crowns donated by the public for a Jan Palach memorial. And when he was buried in Oldcany their men came, also by night, and removed a bronze death mask of Palach from his grave.

But Palach's grave was a threat only of spirit, not of political substance. The grave robbers came at a time when dissent is for all purposes submerged in Czechoslovakia—when writers can no longer publish, liberals are forced to do manual labor, and any opposition to the current hard line has been crushed.

That the Czech regime should be so frightened of a symbol at this time can only mean that they fear that the prospect of East-West detente in Europe will raise the hopes of the Czech people for internal liberation. In the Soviet Union, the Kremlin has already made it clear by its stepped-up harassment of nonconformists like novelist Alexander Solzhenitsyn and physicist Andrei Sakharov and many others that rapprochement with the West does not mean more tolerance at home.

With its pathetic desecration of a grave, the Czech Government seems to be telling its people the same thing. So far, however, hundreds of people have continued to visit the former Palach gravesite and place their flowers on a heap of earth in front of the new grave.

BILL KEATING WILL BE SORELY MISSED

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. FRENZEL. Mr. Speaker, I intended to make the following statement last evening in the special order paying tribute to the service of the distinguished gentleman from Ohio (Mr. Keating). Although it is a day late, it comes from the heart.

What is there about us—about this institution that causes many of our brightest and best to leave first? Surely Bill Keating has been that kind of colleague. He will be sorely missed. Bill has decided to accept a challenging new assignment at the end of his present term of office. No doubt it is the right decision for him. That decision will probably class up the fourth estate, but it will have an inverse effect on this body. It is a real blow to those of us who admired his abilities and shared his determination to help revitalize the House.

One could dwell at length on Bill's substantial impact on legislation during his all-too-brief tenure. I personally remember vividly the Keating amendment to the Election Reform Act of 1972. He was quick enough to see the need, and smart enough to fill the need, for a national election information center.

But what we lose with his leaving is much more than legislative ability. Bill's qualities and Bill's style are as scarce as hen's teeth in an age of lost values and plastic personalities. The Bill Keatings of this world belong on the list of endangered species.

In a body full of great men and women, Bill has stood as an example to all of us. He possesses in abundant measure those difficult-to-define but unmistakable qualities which surely would have led to increasing responsibilities, given time and the vagaries of the seniority system. You could not help but admire his logical, deliberate approach to problems, and you could not help but like and respect the man. He is steady, reasoned, fair, idealistic, and just a fine man and a fine legislator.

I cannot fault Bill's decision to leave. But that does not diminish my sense of loss to this body, nor my own regret on the resignation of a good friend.

Our affection and respect will go with him in his new work.

VIETNAM VETERANS AND THE GI BILL

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. FRASER. Mr. Speaker, everyone can agree with President Nixon's view that—

> Words of thanks are not enough for the 2½ million men who have returned home from this—the Vietnam—conflict.

But, as David S. Broder points out in his December 2, 1973, Washington Post column "Vietnam Veterans and the GI Bill," the Vietnam veteran has received mainly lip service.

This is especially true in the case of the veterans' educational program we usually call the GI bill. Our post World War II experience tells us that a sound GI bill is of great potential value to the Nation and the individual veteran. But there are many shortcomings in the present GI bill and not much progress is being made in curing these shortcomings.

Broder's Post column describes the problems well and I conclude my statement by placing it in the Record:

Vietnam Veterans and the GI Bill

(By David S. Broder)

Of all those victimized by the Nixon administration's preoccupation with self-preservation and the Democratic Congress' dawdling do-nothingness, the case of the Vietnam veterans may well be the most outrageous.

"Words of thanks are not enough for the 2½ million men who have returned home from this conflict," President Nixon said last March. Yet lip service is what they have gotten from the politicians in Washington—lip service and a run-around that is unconscionable.

My colleague at The Washington Post, Tim O'Brien, and officials at the League of Cities-U.S. Conference of Mayors called my attention to the story, because I had written a column last February, at the time of the emotional greeting for the POWs, cautioning that the real test of American character would not be the immediate warmth of their welcome but our long-term willingness to meet the needs of those we sent off to fight our most unpopular war.

The men who fought in Vietnam were not a cross-section of America's youth. The children of the affluent—those in college or with subsidized early marriages—were exempt from military service for most of the war. Those who served were what Murray Polner, author of "No Victory Parades: The Return of the Vietnam Veteran," called "our new expendables."

Because many of them are under-educated and poor, the Vietnam GI Bill offered them perhaps their best chance ever for a break.

But that offer was good only if they could afford to take it up—and that's where Catch 22 comes in. The benefits for the single veteran are only $220 a month, from which he is supposed to pay his tuition, buy books and supplies, rent a room and keep himself fed and clothed.

A study this year by a League of Cities-Conference of Mayors' veterans' opportunities committee, headed by Rep. Silvio O. Conte (R-Mass.), showed the benefits were so skimpy that the only vets who could use it in large numbers were those who happened to live near state-subsidized colleges.

In California, where community colleges abound, 37 per cent of the Vietnam vets have used their GI bill; in New Jersey, Ohio and Pennsylvania, which lack such schools, less than half as many are getting a crack at higher education.

Because of their high costs, the private colleges, where many young men waited out the Vietnam war, improving their marketable skills, are all but barred to those who served. After World War II, when the government paid tuition directly to the schools and provided a $75-a-month living allowance in addition, 85 per cent of the Notre Dame students and 59 per cent of the Harvard students were veterans; last year, neither school had more than 2 per cent veterans.

When Congress voted the last increase in GI Bill benefits, just two weeks before the 1972 election, it told the Veterans Administration that within six months it wanted an independent analysis of the adequacy of the Vietnam GI Bill, compared to those of World War II and Korea.

That report was due last April 24. Fifteen days before the deadline, VA Administrator Donald M. Johnson informed Congress that "several factors" made it impossible for him to comply. The study done by the Educational Testing Service of Princeton, N.J., finally reached Congress on Sept. 18.

It confirmed that, with inflation and the termination of the direct tuition payment, the "real value" of the Vietnam vet's education benefit was lower than his World War II dad's, and is "insufficient to meet the veteran's estimated living expenses" after he has paid the cost of attending an average four-year public college.

Three weeks later, on Oct. 10, a House Veterans subcommittee passed a bipartisan bill, cosponsored by Reps. Henry Helstoski (D-N.J.) and Margaret Heckler (R-Mass.), boosting the monthly stipend from $220 to $250.

The VA, challenging the independent studies' findings, said it could not endorse any more than a hike to $238. And on that $12 difference, the whole bill is now stymied.

Veterans Committee chairman William Jennings Bryan Dorn (D-S.C.) says he is worried about a presidential veto of the $250 bill and doubts that he can schedule a meeting of his committee "in the time left this session." The committee last met on July 25.

Six months between meetings may seem a long time, but while the costs, tuition, rent, food and books continue to rise, the Vietnam vets are being told to wait patiently for the administration and Congress to get around to them.

"Words of thanks are not enough," the President said. Maybe they should see the chaplain, hey?

WHY BLAME NIXON?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. DERWINSKI. Mr. Speaker, the Press Publications, serving Du Page and West Cook County, Ill., is consistently known for their editorial commentaries on matters of current and pertinent interest.

This is certainly the case in their editorial of Saturday, December 1, discussing the improper blame for all current problems that has been placed on President Nixon. That editorial follows:

WHY BLAME NIXON?

1973 appears to be "Get Nixon year."

The latest banner in metro papers is that Nixon is considering a ban on Sunday driving. Advisers have suggested this to President Nixon, but the full blame for the rumor of no driving on Sunday is placed squarely on Nixon's shoulders. We believe the "Free press" writes heads to sell newspapers. We also believe Nixon should have given a flat no on the suggestion to the advisers and to the press.

There are lots of ways to help control the consumption of gasoline and other sources of energy. First, limit expressway and toll road limits to 60 miles per hour (two weeks ago this reporter returned from Wisconsin at 60 miles per hour while other drivers roared by at 75 to 85 miles per hour). Also Nader has pioneered so many emission controls on automobiles that the car you are driving today will get 9 to 10 miles per gallon rather than 12 to 15 miles per gallon. There must be a happy medium.

Then there's the oil problem. One local merchant (without any Washington edict) sets his store heat at 50 degrees at night and turns it up to 68 degrees during the day. This would be difficult to enforce but here again is another painless way to save energy.

Then we come to the electric problem. Go back to daylight savings time—this would save energy. Some "Chain" food stores are cutting down on evening hours. Why not limit evening hours to three days a week until 9 p.m.—this would save valuable electric power.

Newsprint—that's one big problem with our nation's publishers and printers today. Encourage paper mills to produce 29 lb. and 30 lb. newsprint in place of the 32 lb. newsprint that is commonly used today. Or a step further—eliminate the duty payment on 25 lb. newsprint that comes from Canada and other foreign countries. This would amount to some 16 per cent more supply considering the wood consumption that is now becoming critical.

We're in favor of conserving energy in a sane and sensible way and not placing the blame of drastic measures where the press takes pleasure placing the blame on one person.

AUGUST "GUS" FLUGRATH TO BE HONORED

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. SARASIN. Mr. Speaker, on December 13, 1973, one of my constituents, Mr. August "Gus" Flugrath, the founder and past president of the Holgrath Corp., will be honored at a testimony dinner marking the occasion of his retirement.

Mr. Flugrath established his firm as a manufacturer of tubing for medical needles in 1951. His beginnings were humble: Besides himself, his production force consisted of two girls. His company occupied one room on the third floor of the Waterbury Clock Co.

After 5 years of operation, during which a move to larger quarters had been necessary, Mr. Flugrath employed 32 people, and had added a partner to supervise the sales aspect of the business.

The second 5 years of operation continued to show growth, as another move was found to be necessary, while the number of employees increased to 103.

In June of 1972, the Holgrath Corp. moved to its own plant, a new, modern facility located in the Cheshire Industrial Park.

Today, the Holgrath Corp. is one of the major contract manufacturing plants for the medical industry. A list of Holgrath customers is a veritable "who's who" of the medical and pharmaceutical companies of the world. Holgrath now has more than 200 employees and has expanded from the simple grinding of tubing for medical needles to the manufacture of complete, sophisticated medical devices.

Gus Flugrath has been a pioneer in his field, and has made many significant contributions to the medical industry. The availability of high quality, low cost, medical needles, such as the ones made by his firm, has made a routine practice of many diagnostic and therapeutic procedures formerly undertaken only occasionally, and has added to the high degree of medical care found in this country today.

It is my pleasure to join the many friends and associates of Mr. August Flugrath in honoring him for his many past achievements, and to wish him well in his retirement.

MOSCOW FLIM-FLAMS U.S. BUSINESS, SAYS JOHN P. ROCHE

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. SNYDER. Mr. Speaker, I wish to call the attention of my colleagues to a very pointed article by the eminent liberal, Mr. John P. Roche, who compares Moscow's manipulation of American business efforts in the Soviet Union to "rolling a drunk." The article appeared in the AFL–CIO News dated December 1, 1973, under the headline, "Moscow Pulling Flim-Flam in Deals With U.S. Business." As a conservative, I find Mr. Roche's views almost always incisive and worthy of respectful consideration. I especially hope some of my more liberal colleagues will heed his warning. Certainly American businessmen should.

Mr. Roche's article needs no explanation. However, I should first like to quote a Soviet propagandist whose words just a little over a year ago demonstrate how absolutely right Mr. Roche is.

Following is a brief excerpt from an article by A. Zavyalov directed to anti-religious workers. It was published in Turkmenskaya Iskra under the title, "To Reach Everyone," and was broadcast from Ashkhabad, Turkmenistan, on August 31, 1972:

> "The more man devotes to God," wrote K. Marx, "the less remains in himself." The religious-ascetic ideal is incompatible with the principles of Communist ethics, and prevents the formation of a Communist personality. . . . In refuting religious dogma on the meaning of life and the purpose of man, good and evil, duty and conscience, love for one's neighbor, and on family life, as untenable . . . the main task of the agitators and propagandists of scientific atheism is to oust religious concepts from the consciousness of believers, and to form in them a scientific world outlook.

Mr. Speaker, Comrade Zavyalov bluntly sets forth Communist repudiation of duty and conscience, the very honor which underlies the whole concept of agreements and contracts in the Western world. In light of such clearly expressed, official views of the Soviet Government on which volumes could be spoken, Mr. Roche's position is absolutely sound. His article follows:

MOSCOW PULLING FLIM-FLAM IN DEALS WITH U.S. BUSINESS

(By John P. Roche)

Does anybody really appreciate the cosmic irony involved in the present deals between the Soviet government and various American manufacturers? At the American end the enterprise is justified by everybody from Sec. of State Henry Kissinger down as a technique of cementing political relations.

The theory is that once the Russians get thoroughly dependent on us for spare parts, their ideological compulsions will wither away. In short, the American protagonists have adopted the quintessentially Marxist logic that economic relationships determine the behavior of political superstructures.

As the United States Chamber of Commerce prepares to hang a portrait of Karl Marx over the mantel in the directors' room, the Soviet spokesmen are busy asserting the primacy of political power. In this they can draw sustenance from Lenin's 1921 New Economic policy and from his improvisation of a category known as "progressive capitalists."

Lenin, who never let little theoretical problems interfere with achieving a desired objective—he was proudly "opportunist"—kept assuring his distressed colleagues, notably the compulsively abstract Trotsky, that if it ever came to the crunch, the Bolsheviks could seize the foreign assets. That is, Lenin asserted the supremacy of the political over the economic relationship.

According to the Christian Science Monitor's Paul Wohl, a close and perceptive student of Soviet internal developments, Brezhnev's recognition that his "country will be drawn into the international division of labor to an ever greater extent" has been denounced by hard-liners as "economic madness." Pavlovian Marxists, they probably have nightmares in which D. Armand Hammer of Occidental Petroleum appears in Siberia with a writ and ejects the Communists from the premises for not keeping up their time payments. It's an entertaining thought—and on the basis of his track record Hammer might be worth worrying about—but at ground-level it is simply preposterous. Political power is decisive.

To take an example from a different area, 20 years ago the big oil companies "owned" the Arab oil producing states. Today the companies, where they have managed to maintain residual rights and have not been nationalized, are at the mercy of the countries in which they operate. And—against all good Marxist logic—it happened with hardly a shot being fired. Who would think that a mighty "imperialist" power like the United States would permit, to take one example, a lunatic nationalist like Colonel Qaddafi to take over Libya? Where was the 82d Airborne?

To ask this question is to answer it: the so-called "imperialist" nations are toothless lions when it comes to defending the foreign economic interests of their nationals. (Before someone rushes in shouting "What about Chile?", recall that the military junta has flatly announced it would not return nationalized American assets.)

What the United States, then, is being invited to do is to rescue the Soviet Union from the incompetence of its economic system. (Last year we initiated this "Bundles for the Bolsheviks" policy by the wheat give-away, which played an almost incalculable role in our subsequent domestic inflation.)

Our corporations will move in, perhaps with U.S. financing in the form of long-term credits, with, one hopes, a little help from the Soviet treasury, and spend, say, 30 years modernizing the Soviet economy. Their investment will be repaid in the form of barter—that is (and the prospect must have Lenin chuckling in his tomb), part of the "stuff" the Americans have produced will be used to repay them.

By any rational standards of political economy, Moscow's operation can only be described as rolling a drunk. It is comparable in poker to loaning money to a player who then cleans you out. But . . . "just a minute" . . . say its proponents: "You have left out the political linkage." This is shorthand for saying that the Soviets have promised to call off the Cold War.

Well, I have news for them. Every indication is that this is flim-flam, calculated political warfare. And you don't have to believe me: just take an Israeli to lunch.

AMENDMENT TO BAN MILITARY ASSISTANCE TO CHILE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. HARRINGTON. Mr. Speaker, on Friday the House of Representatives is scheduled to consider H.R. 11771, the Foreign Aid Appropriations legislation. At that time I intend to offer an amendment to deny all forms of military assistance to Chile.

The text of this amendment follows:

AMENDMENT TO H.R. 11771, AS REPORTED, OFFERED BY MR. HARRINGTON

Page 20, immediately after section 602, insert the following:

SEC. 602A. Notwithstanding any authority contained in section 614 of the Foreign Assistance Act of 1961, no part of any funds appropriated by this Act may be obligated or expended—

(1) for the purpose of furnishing any assistance under part II of the Foreign Assistance Act of 1961,

(2) for the purpose of making any sale of defense articles, defense information, or defense services (as defined in section 644 of the Foreign Assistance Act of 1961), whether under the Foreign Military Sales Act or under any other Act and whether for cash or by credit, guaranty, or any other means,

(3) for issuing any license with respect to the export of any such defense articles, or

(4) for the purpose of furnishing any other form of military assistance, to Chile.

SYRIA VIOLATES GENEVA CONVENTION

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. BURTON. Mr. Speaker, the reports of the torture and murder of Israeli soldiers captured by Syria during the recent war shock every person who respects international law.

These actions are an affront to all standards of civilized conduct, and a serious threat to the fragile peace so recently achieved.

I enter into the RECORD two documents for the consideration of Members of this House, and for the benefit of all who work for peace and international justice.

PERMANENT REPRESENTATIVE OF
ISRAEL TO THE UNITED NATIONS,
November 22, 1973.

His Excellency Dr. KURT WALDHEIM,
The Secretary-General.

EXCELLENCY: On instructions of my Government, I have the honour to enclose herewith an English translation of the complaint submitted by the Government of Israel to the International Committee of the Red Cross in Geneva on 10 November 1973, regarding grave violations of the Geneva Convention Relative to the Treatment of Prisoners of War of the 12 August 1949, perpetrated by the Syrian Army in the course of the battles on the Golan Heights in October 1973.

In view of the abhorrent nature of the photographs mentioned in paragraph 5 of the complaint to the International Committee of the Red Cross, they are not attached to this letter.

I have the honour to request that this letter be circulated as an official document of the General Assembly and the Security Council.

Please accept, Excellency, the assurances of my highest consideration.

YOSEF TEKOAH,
Permanent Representative of Israel to the United Nations.

COMPLAINT BY THE GOVERNMENT OF ISRAEL RESPECTING GRAVE VIOLATIONS OF THE GENEVA CONVENTION OF AUGUST 12, 1949, RELATIVE TO THE TREATMENT OF PRISONERS OF WAR PERPETRATED BY THE SYRIAN ARMY IN THE COURSE OF THE BATTLES ON THE GOLAN HEIGHTS IN OCTOBER 1973

INTRODUCTION

1. The Government of Israel hereby submits to the International Committee of the Red Cross a grave complaint respecting crimes of murder and mutilation committed on the persons of Israeli prisoners of war, officers and men of the Israel Defence Forces, who were taken prisoner by the Syrians in the region of the Golan Heights. These barbaric and inhuman crimes of Syria's military forces constitute grave violations of the Geneva Convention of 12 August 1949 relative to the treatment of prisoners of war.

MURDER OF PRISONERS OF WAR

2. After the Syrian Forces that had penetrated the region of the Golan Heights had been driven back, Israel Defence troops discovered proof that 28 Israeli soldiers, who had been taken prisoners by the Syrians, had been murdered in cold blood after their capture by soldiers of the Syrian Army. Particulars of the localities, and of the number of murdered Israeli P.O.W.'s found in them, are as follows:

I. The bodies of 11 Israeli soldiers were found at the Hushneyah crossroads.

II. 7 bodies were found at Hushneyah village.

III. 3 bodies were found at Tel Faris.

IV. At least 7 Israeli P.O.W.'s were murdered by the Syrians at the Israel Defence Forces strong-point on Mount Hermon.

3. In the light of the condition in which the bodies were found, it is clear that the Israeli soldiers were murdered systematically and in cold blood after they had been taken prisoner: they were blindfolded, their hands were bound, and in certain cases their legs also.

4. The facts in respect of each of the locations are as follows:

HUSHNEYAH

The bodies were found in a wadi concealed methodically but not completely by stones and shrubs. In every case, their hands were bound behind their backs with laces taken from their own boots, and their eyes were blindfolded with rags or bits of clothing. Some of the bodies were found unclothed and unshod. Examination of the bodies discloses that the prisoners were shot at very close range. Every body was riddled by a number of bullets. Considering that some of the bodies were found unclad and stripped of all their personal belongings, including identity discs, it has been possible to identify only six by name.

HUSHNEYAH VILLAGE

The murdered Israeli P.O.W.'s were found all together in a field near the village, their hands bound, their eyes blindfolded. Of the seven bodies, only three could be identified by name. Five of the bodies were found with their upper parts bare. Two other bodies were discovered dressed only in undershirts. All the bodies were found, as said, together in one spot. Beside the bodies were found shirts of the murdered men. On examination, it was seen that the shirts were intact and not pierced by bullets. Empty cartridges were found only a metre away from the bodies. One of the murdered men was found with his legs bound.

TEL PARIS

Here the bodies were found in a ditch, the hands of all three of the murdered men tied with rope. The men were clad in their underwear only. All had been shot at very close range. All have been identified by name.

MOUNT HERMON STRONG POINT

At least 31 soldiers of the Israel Defence Forces surrendered on 8 October 1973 to a Syrian force which surrounded the position. According to the testimony of Syrian officers and men who were taken prisoner by the Israeli Defence Force, the last 5 of the 31 Israeli soldiers to emerge from the strong-point when the garrison gave itself up were shot dead while their hands were raised and they were unarmed. The testimony in question affirms that the 5 Israeli prisoners who were shot were murdered on the specific orders of the officer commanding the Syrian battalion on the spot.

Two other Israeli soldiers were murdered as the line of prisoners marched towards the neighbouring Syrian strong point. According to the evidence of the Syrian prisoners, orders were given to the Syrian escort to kill every Israeli prisoner who lagged behind. Two of the prisoners had difficulty in walking because they were wounded, and they were accordingly shot dead by the Syrian soldiers.

5. Five photographs are attached which show with horrifying clarity what was seen

by the Israeli soldiers who found the bodies of the murdered Israeli prisoners of war. It is possible to distinguish plainly that the prisoners were concentrated in a single group and then were shot dead at point-blank range. It can also be seen that all of them had been blindfolded with bits of clothing and rags, and that the hands of every one of them had been bound behind his back.

6. The circumstances of the murder of all the Israeli prisoners-of-war, as described above, bound hand and foot and helpless, prove that these were acts of deliberate mass murder of Israeli prisoners of war, who had fallen into Syrian hands.

7. The fact that four separate groups of bodies of Israeli prisoners of war were found in different places leads to the conclusion that in this war methodical murder was perpetrated in accordance with plans and orders emanating from a high central authority.

8. The murder of prisoners of war constitutes a violation of Article 13 of the Geneva Convention relative to the treatment of prisoners of war. Under Article 13, the deliberate murder of a prisoner of war is a grave violation of the Convention. Needless to say, the murder of prisoners of war constitutes the most serious imaginable infringement of the whole basis of the Convention and of the principles of humanity accepted among civilized peoples.

9. According to the first paragraph of Article 12 of the Convention: "Prisoners of war are in the hands of the enemy powers, but not of the individuals of military units who have captured them."

In accordance with that Article, it is the detaining power which is responsible for the attitude adopted towards prisoners of war who fall into its hands. There is, therefore, no doubt that the Syrian authorities bear the responsibility for the shameful crime committed by Syrian soldiers.

10. So as not to cause additional anguish to the families of the murdered men, the Government of Israel has refrained until now from bringing these dreadful facts, in all their tragic detail, to the knowledge of the general public. Since, however, the story has been widely reported in the press, the Government of Israel regards it as its bounden duty to bring the shocking findings which have come to light to the knowledge of the International Committee of the Red Cross.

11. The Government of Syria bears unequivocal responsibility for these methodical crimes.

DEMANDS OF THE GOVERNMENT OF ISRAEL

12. The Government of Israel calls upon the International Committee of the Red Cross to take, at once, the necessary steps to condemn the barbaric and disgusting crimes that have been described, and to ensure that proper and full protection be extended to Israeli prisoners of war. It demands that every means be taken immediately to guarantee the health, welfare and honour of the Israeli prisoners of war held captive in Syria, as the Geneva Convention requires.

13. The Government of Israel demands of the Syrian authorities that they give firm guarantees and issue clear instructions to ensure that there shall be no repetition of the horrendous crimes, such as described in this complaint and that the Government of Syria will honour the laws of war and International Conventions.

ONWARD CHRISTIAN SOLDIERS

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. BRINKLEY. Mr. Speaker, on September 25 of this year the U.S. Court of Appeals reversed a lower court's decision in the case of Allen against Morton regarding the presence of a Nativity scene in the annual Christmas Pageant of Peace conducted here in Washington.

What the Court of Appeals has decreed, in effect, is that either the Government or Christmas must stay out of the Pageant of Peace. This is a genuine anomaly for the Pageant of Peace is Christmas, and Christmas is not really Christmas without the Nativity scene. The actual effect is that Government stays in and the Pageant of Peace is adjusted to something other than Christmas because of the terminal omission of the Nativity scene.

Because of the Government's direct sponsorship and participation in the Pageant, the court says, to also allow the presence of a Nativity scene would, in the court's words, "violate the entanglement clause of the first amendment"—or, simply put, create a conflict between church and state.

Mr. Speaker, to draw a parallel situation, would it not be considered silly and wrong to say that either the Government or the ballet must be kept out of the Kennedy Center? Or, is ballet, or theater, a manner of speech not covered by the free speech provision of the first amendment?

The court confuses the constitutional mandate—there must be freedom of religion—not freedom from religion. The decree clutches at straws and strains at gnats while ignoring the basic existence of this Nation, under God, as acknowledged in our Pledge of Allegiance. That is the very cornerstone upon which this great and good country was built.

I have received numerous letters from my constituents expressing their dismay and deepest concern over the obvious long-range implications of this decision and what it symbolizes.

One young lady in particular got right to the heart of the matter when she wrote:

> Without Christ there wouldn't be a Christmas. If you take Jesus away . . . there won't be any need to celebrate.

Mr. Speaker, just last week a remarkable man in Columbus, Ga., Mr. Charles Harper III, acting in his capacity as chairman of the Committee To Put Christ Back Into Christmas, hand delivered to my Columbus district office a letter bearing literally thousands of signatures protesting the court's rationale.

The tremendous amount of work and dedication involved in obtaining these signatures merits commendation and the united voice of concern expressed by all of those who signed deserves to be heard.

BIG OIL COMPANIES CONTINUE EXPORTS, AMASS HUGE PROFITS, PAY MINIMAL TAXES

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. EVINS of Tennessee. Mr. Speaker, in the current energy crisis, the American people are facing this coming winter with nervous anticipation and fear.

No one can accurately predict the effect the energy crisis will have on the American economy, our people and our way of life.

There are predictions of severe gas rationing, school closings, industrial and transportation disruptions, inflated prices for power and fuel, growing unemployment, and a general slowdown in the real economic growth of the country.

While there is no agreement on the degree of severity the energy crisis will create, it is conceded by most experts that those who can least afford it will be the hardest hit— the Nation's small businessmen and those living on a fixed income.

Americans have been told that it is they who must bear the responsibility for seeing this country through this crisis period by participating in various conservation measures, and, in general, a most austere existence. Beyond a doubt, patriotic American people will respond to this challenge as they have responded to challenges in the past.

But the question now being heard increasingly throughout the land is "Why in this period of shortages and crisis are the energy related industries, specifically, big oil companies, reaping huge windfall profits?"

Recent statistics indicate that third quarter profits of Big Oil have reached an alltime high at the very time oil and petroleum supplies and products are unable to meet the everyday demands of the Nation.

It is nothing less than disconcerting for the small businessman facing an uncertain future, not knowing whether he will have the power to keep his factory producing or the fuel to transport his product to market.

What must be the feeling of one of those 2,000 small independent service station owners who has been forced out of business because of a lack of supply when he reads the headlines proclaiming a nearly 500 percent profit increase by British Petroleum, or the average American facing a sharp reduction in home heating oil when he reads that Exxon has a profit of more than $1.5 billion so far this year?

In fact, in the first 9 months of this year, 15 oil companies have increased profits on the average of 62 percent. In dollars, this means that these corporations have made profits totaling $4,906,900,000.

To put that figure into perspective, these oil company profits since the first of the year are more than the public works appropriations bill—more than the total water resource efforts of the country and the defense and energy related activities of the Atomic Energy Commission combined. These profits, in less than a year, are more than twice as much as the Federal Government has spent in the field of energy research and development for the past 5 years.

Below is a table setting out these profits of various companies in a comparison with the comparable period in 1972:

[Dollar amounts in millions]

Company	Net profit, 3d quarter, 1973	Percent increase over 1972	Net profit 1st 9 months, 1973	Percent increase over 1972
Ashland	$24.400	17.0	$85.200	25.0
BP	204.000	483.0	462.000	413.0
Citgo	28.600	61.0	104.800	24.8
Continental	54.200	38.0	153.400	24.1
Exxon	638.000	80.0	1,660.000	59.0
Getty	33.700	57.5	90.100	22.9
Gulf	210.000	91.0	570.000	60.0
Marathon	30.700	36.0	82.500	49.0
Mobil	$231.200	64.1	$571.200	38.4
Phillips	53.850	43.0	143.700	30.0
Shell	83.600	23.0	253.300	41.0
Sohio	18.000	14.0	62.500	55.0
Standard of Indiana	147.300	37.0	389.800	32.0
Tenneco	53.300	20.0	149.300	12.9
Union	50.700	61.0	129.100	44.0

Certainly, it may be acknowledged that last year, 1972, was a leaner year than most for the oil industry, but these companies' profits have still grown faster and larger than even the industry had planned and expected.

Oil is big business. Mobil Oil's gross corporate product, for example, is larger than the gross State product of Kansas. Gulf Oil's gross corporate product is approximately 50 percent the value of everything produced in Tennessee. Standard Oil of Indiana and Shell Oil have annual products valued more than those of 14 American States.

The Federal taxes paid by these companies are very low compared to their size. In 1971, for instance, 18 U.S. oil companies paid an average of only 6.7 percent in taxes on their net income—this at a time most corporate taxes averaged 40 percent of their net income.

The oil depletion allowance and other tax breaks granted oil interests costs the Government more than $1.5 billion annually in lost revenue.

Historically, the depletion allowance was to encourage exploration and drilling among the oil companies. Perhaps, now in the context of great windfall profits, consideration should be given to changing these tax loopholes with the provision that these excess profits be plowed back into exploration for new supplies and related energy research and development.

As massive profits have mounted in the first three-quarters of this year, there are indications that some companies are attempting to sustain them in the fourth quarter—the current crisis period. Some oil companies have been increasing the exportation of U.S. petroleum products at an alarming rate simply because the price of a barrel of oil is much higher in the world market than at home.

While it is reported that oil exports have increased less than 1 percent over the past year, statistics show that fuel oil and gas exports have increased—since the acute energy crisis developed—500 percent in the past 2 months alone, which amounts to 1.7 million barrels per month. Total exports of all types of petroleum products average 237,000 barrels per day for the first 7 months of this year. The administration maintains that this is only a small percentage of U.S. consumption considering the fact that this country uses 17 million barrels per day. But the Cost of Living Council admits the predicted 1973 exports for heating oil will more than double last year's total.

The facts remain that these exports have been increasing only recently during the Arab oil embargo and at a time this country is facing an oil shortfall of an estimated 3 million barrels per day which translates into a reduction of 5 to 8 percent of overall national energy demand.

The President has the authority under the Export Control Act of 1969 to halt these exports of petroleum almost immediately. Certainly efforts should be made to prevent huge oil profiteering and America's best interest protected from oil exports during this energy crisis.

These facts were developed from a number of sources, including the Cost of Living Council, Office of Oil and Gas, Department of the Interior; Federal Trade Commission, Federal Power Commission, and other published research materials.

MILITARY BANDS

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. BURKE of Massachusetts. Mr. Speaker, there has been a growing trend of late to overlook the benefit which the entire Nation derives from the outstanding work performed by our country's military bands. I have recently received a letter from one of my constituents, Mr. John T. Yunits, president of the Armed Forces Bandmasters Association of the United States. Mr. Yunits has done an excellent job in addressing this subject, and his letter represents an outstanding defense for our continued support of military bands. I hope that all of my colleagues will take the time to examine the remarks made by Mr. Yunits, as I am certain that they will find his comments to be extremely worthwhile.

Mr. Speaker, I include Mr. Yunits' letter in the RECORD at this point:

AN OPEN LETTER ON BEHALF OF THE CITIZEN SOLDIER

A Representative was recently quoted by the United Press International as having stated ". . . . . I can think of no good reason why the National Guard, an organization that's supposed to back up the regular services in wartime, should . . . . . have bands." This is an unfortunately rash statement from a man of such responsibility. It is rash because it belies a simplistic view of the role of the National Guard and because it overlooks the reality of the modern National Guard Band Mission.

Without giving the respected Representative a history lecture, ... we must point out to him and others who find the blind drive for military economy attractive that the role of the National Guard goes far beyond backing up the regular services in wartime. In the beginning, the National Guard was the regular service. Governor William Bradford of Plymouth could probably be considered the Guard's founder and Captain Miles Standish its first Commander. For here are the roots of the modern guard—the history of the guard in America is as old as the need for self-defense. A brief look at the early stages of each war fought by the United States shows that the Guard is far from a backup to regular services—This brief look shows that the first troops committed to action were Guardsmen—citizen soldiers who fought while a conscript army was being trained and transported.

Even as recently as the Vietnam conflict, large segments of early arrivals—not backups—were Guardsmen. And yet there is another whole side to the role of the National Guard, completely separate from federal service and yet similarly rooted in Miles Standish' Indian Fighters. This is the role of serving as State Militia. From the root need of Indian Fighting to the modern need of emergency service, the purpose of the State Militia has changed with the diversity and sophistication of the needs of the people. This purpose now answered the needs of the people on two levels—catastrophe action and community action. The image of the citizen soldier building sandbag dikes to contain a flood or standing guard over a burned out business district leap immediately to the minds of those who witnessed last Spring's Ohio flood or this Fall's Chelsea fire. All the military skills taught a Guardsman, even how to shoot fast and straight, can and have been, called into the service of his fellow citizens by the Governor of his State. Community action is the everyday service rendered by the citizen soldier as a citizen, and it can take many forms—that of serving Thanksgiving Dinner to the forgotten older citizen; that of giving toys to the forgotten children; or even that of playing a series of concerts in a heat-baked slum to avert a disastrous riot.

The Representative and a few others may choose to feel that the National Guard is merely a backup if they wish—the thoughtful citizen will believe in the reality of the National Guard serving its home state full time and being its country's first line of defense from Concord to Cam Banh.

Again, it is not our intention to lecture the Representative but some facts on Music in the Military could be enlightening. Martial music has historically had a dual purpose—discipline and motivation. Everyone who has endured the questionable music of a drill instructor's cadence count can understand that if you can get all the slickers and farmboys walking the same length pace at the same speed you can measure and control how long it will take them to set camp to the weak left flank. Add a Brass Band playing a march and they won't hear the noise of battle. This is discipline. So are Bugle Calls. There was a time when the Bugler was a one man semaphone, telegraph, telephone, teletype and walkie-talkie; in essence the entire signal corps. These musics are discipline.

The music of motivation is the music of the mind. The spirit and morale of soldiers is a very basic factor in military endeavors. Concepts beyond words are expressible in music. The playing of the Star Spangled Banner before battle; the soothing incongruity of a lovesong after; the diversion from homesickness of the latest tune from home. Those of us who have experienced the motivation of music remember it well. The Representative's unfortunate stand in overlooking the purely military need for a musical arm of the National Guard is overshadowed by his unsubtle negating of the good neighbor and public relations need for a musical arm. For here intertwine the motivational capabilities of music as the universal language and the public service purpose of the National Guard. The National Guard Band, intelligently used, can fulfill many needs from forestalling a riot at home or abroad to providing a musical education for those who could not otherwise afford it. Those who would destroy the National Guard Band are those incapable of thinking of a practical use for it.

Sincerely,

John T. Yunits,

President, Armed Forces Bandmasters Association of the United States

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SAFETY FOUNDATION URGES IMPROVED DRIVING SKILLS

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. JAMES V. STANTON. Mr. Speaker, over the past several years, through the efforts of dedicated groups such as the Highway Safety Foundation and the enactments of Congress they have helped to bring about, there has been significant advances in highway safety. To an extent, at least, both our automobiles and our highways have been improved so as to help prevent accidents, and to lessen the injury, should an accident occur.

Now the Safety Foundation is focusing upon the driver, and insuring that his skills will be commensurate with the possible danger of the vehicle he operates. Recently the foundation issued a statement commending Secretary of Transportation Claude Brinegar for his recognition of the importance of individual driving skills, and in view of the importance of this matter, I would like to insert the statement in the Record:

SAFETY FOUNDATION COMMENDS SECRETARY BRINEGAR

The Highway Safety Foundation, Inc. commends the Secretary of the U.S. Dept. of Transportation, Mr. Claude S. Brinegar, for his recent public statement urging that attention to individual driving skills be the focal point of national highway safety efforts.

Secretary Brinegar pointed out that safer automobiles and strict Federal Safety Standards have retarded the rise in the mileage death rate (deaths per 100 million miles traveled) since passage of the Highway Safety Act of 1966.

The annual fatality count for traffic accidents would be between 75,000 and 80,000 if the mileage death rate had continued rising at the 1966 rate, Mr. Brinegar noted. It would be approximately 25 to 35% higher than the appalling 57,000 total projected for this year.

The 1966 act was a turning point in the fight to reduce highway deaths. It provided for a concerted, uniform effort on a nationwide scale. Prior efforts had been piecemeal. But it was not the panacea some predicted; highway deaths in traffic accidents now total more than the deaths of Americans in all our foreign wars!

The 1973 Highway Safety Act added new dimensions to the precedential 1966 act. This year's act provides significant amounts of money for improvement of the secondary highway system, where a majority of traffic fatalities occur. It provides funds for improved signing at railroad crossings throughout the nation, for replacement of unsafe bridges, for identification of hazardous locations on secondary roads and improvement of those locations. Funds are authorized for removal of roadside obstacles, for proper signing and pavement markings, and for continued research and public education.

For states which implement these programs quickly, the 1973 act offers incentive moneys.

The Highway Safety Foundation, Inc., a non-profit and independent organization, was invited to testify before the Subcommittee on Transportation during hearings on the proposed bill. While enjoying the privilege of presenting data compiled by our accident research team, foundation officials witnessed the thoroughness of the subcommittee in preparing the 1973 act. It is a brave act of which all members of the 93rd Congress can be proud.

However, as Secretary Brinegar adroitly observed in his recent statement, highway safety efforts have been deficient in training of individual drivers. While the 1966 act initiated nationwide driver's education in our schools, this training has not had a significant effect on traffic fatalities as far as we can determine. The 1973 act, while wisely authorizing funds for demonstration programs in the driver's education realm, is only a beginning!

Since its inception in 1960, the Highway Safety Foundation, Inc. has progressed, as has the whole nation, toward a well-rounded program for safety on our highways. The Foundation began with color films illustrating good driving skills. These films have now been viewed by millions of high school students, servicemen, and community groups throughout the nation and many foreign countries.

Later, the Foundation fielded accident research teams to compile data based on accident causation factors, to publish accident reports, and to train similar investigative teams for governmental and private agencies.

Special studies based on the research of these teams revealed some interesting points. While most drivers are very proficient under normal driving conditions, they have not been trained to deal with emergency situations. If confusing signs, ambient weather, or poorly-designed highways confront the average motorist with an emergency situation, he will not be able to perform the maneuvers needed to escape other cars or the roadside hazards we mentioned above.

So while many claimed that training drivers to perform "beyond minimal proficiency" was impossible, the Highway Safety Foundation, Inc. developed an advanced driver's training school to accomplish precisely that aim.

It didn't take many visits to expensive racing schools to discover that none of the specialized courses then available was the answer; the skills taught were not applicable to normal highway driving, the schools cost too much for the "average" driver, or they weren't open to the public.

HSF researchers incorporated six maneuvers in emergency braking and steering, tire blowout recovery, and shoulder dropoff recovery into an advanced-driving course. It wasn't long before law enforcement agencies, the courts, commercial organizations, and other driving schools were referring their personnel to the HSF Advanced Driver's Training School, commonly called "skid school." Even motorists who were required by the courts to take the low-cost school (at their own expense) praised the school.

As a result of the Sammy Davis, Jr. Telethon for the Highway Safety Foundation during the 1973 Memorial Day weekend, HSF has expanded its pioneer Advanced Driver's Training School in Mansfield, Ohio. A new school is opening Nov. 29, 1973 at Floyd Bennett Field in Brooklyn, N.Y., another is underway at Palm Beach International Airport, Florida, and several more schools are planned at major cities throughout the nation.

In 1974 another national telethon will be telecast on June 1st and 2nd. The success of that telethon will determine the number of additional Advanced Driver's Training Schools HSF will open in 1974.

Our efforts to make advanced driver training available to a significant number of people can only succeed if the general public knows such schools hold hope for reducing the 57,000 annual traffic deaths, the 2.5 million accident injuries, and the $46 billion in losses of human resources and property!

It is evident from Secretary Brinegar's statement that he realizes the importance of advanced driver training. The Highway Safety Foundation, Inc. is encouraged to hear him say so publicly.

Sincerely yours,

R. D. Wayman,

President, Highway Safety Foundation.

HON. WILLIAM J. KEATING

HON. CHARLES A. MOSHER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. MOSHER. Mr. Speaker, like many others, I greeted the news of Bill Keating's decision to leave this House with very mixed emotions.

On the one hand, we are all sorry to be losing an exceptional colleague, one whose capacity for hard work and whose decency of character has won the respect of all of us during the all-too-brief period he has been here.

But on the other hand, we all share his enthusiasm and joy for the bright future before him, for the wonderful opportunity he has been given to contribute so significantly to the profession of journalism in the years ahead.

Bill Keating's "style" here in Congress is extremely effective. His manner is quiet, but convincing, and his reputation for diligence and good judgment especially in connection with his duties on the Judiciary Committee, is well known and well deserved. I have always greatly valued his willingness to be helpful to me whenever I turned to him for advice and assistance.

As a long-time newspaper guy myself—but strictly a smalltown, country editor type—I must say I take considerable joy in the fact that the realm of journalism in our Ohio area will be strengthened by his active presence. Bill Keating well deserves the tremendous responsibility being placed upon him at the Cincinnati Enquirer. I am confident he will do a whale of a job.

And as a final thought, may I say again to Bill that hopefully, sometime in the future, he might consider returning to public life to run for some high office.

HEMOPHILIA ACT OF 1973

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. BIAGGI. Mr. Speaker, today, I introduce a bill entitled, the Hemophilia Act of 1973. In this session of the 93d Congress, our attention has constantly been drawn to the plight of the hemophiliac by the introduction of eight bills into the House, and one bill into the Senate.

Hemophilia is a chronic, hereditary blood disorder in which the deficiency of a factor in the blood prevents normal clotting. The amount of clotting factor present in hemophilia varies widely among individuals, and the severity of the disease increases as the amount of clotting factor decreases.

Two major types of hemophilia are distinguished by the specific deficient clotting factor. In classic hemophilia—type A—the blood lacks sufficient amounts of functioning factor VIII. Factor VIII hemophilia was the first form of the disease to be identified, and is found to be the most prevalent type of hemophilia. In hemophilia B, the second most prevalent type, the blood is deficient in factor IX.

Until 1972, data regarding the prevalence of hemophilia, the effective methods employed for its treatment, and the costs of care were lacking. In June 1972, the national blood resource program of the National Heart and Lung Institute published the results of a pilot study on hemophilia treatment in the United States. This study was designed to gather five kinds of information on hemophilia in the United States:

First, the prevalence of patients under treatment for moderate and severe forms of hemophilia.

Second, characteristics of physicians treating the episodic hemorrhagic aspects of hemophilia.

Third, trends in organizing treatment facilities.

Fourth, the use of blood and blood products in hemophilia treatment.

Fifth, supplementary information regarding patient experiences.

I would like to briefly review the results of this study.

An estimated population of 25,499 severe and moderate hemophiliacs received treatment in the United States in 1970 and 1971. About 80 percent of these hemophiliacs have classic hemophilia, and nearly 90 percent of these sufferers are below the age of 25.

In 1970 and 1971, an estimated 10,780 physicians treated hemophilia. Almost 80 percent of these physicians specialize in internal medicine and pediatrics. Residency and continuing education are the most frequent types of training that physicians receive to prepare them to treat hemophilia. The majority of physicians treat only a small number of sufferers, and these physicians are not participating in institution-based programs.

Although some specialized resources for care of the hemophiliac exist in nearly all regions in the United States, the following seven States have no specialized center of treatment: Alaska, Idaho, Montana, Nevada, North Dakota, South Dakota, and Wyoming. Regional distribution of patients under treatment generally corresponds to the location of treatment centers in the United States. However, when patients with severe hemophilia lack the availability of competent physicians or convenient treatment centers, they move elsewhere.

The predominant mode of treatment received by hemophiliacs in the United States remains the episodic, physician-administered infusion. Under these treatment modalities, the hemophiliacs in the United States require the equivalent of 3 million to 13 million units of blood annually. In addition to infusion with blood and blood products, other services are important to the comprehensive management of the hemophiliac. These services include orthopedic therapy with particular attention to joints, dental care, counseling, physical therapy, and occupational therapy.

Hemophilia adversely affects the lives of sufferers in a variety of ways. Treatment of this disease is an expensive and lifelong experience. In 1971, the average annual family expenditure for blood products exceeded $2,400; if projected on a national scale, the 25,500 hemophiliacs in the United States would spend about $60 million out-of-pocket to pay for blood products alone! In the families of many patients, parents resort to seeking extra employment to meet the costs of treatment, and in other ways modify the family's lifestyle.

The bill I am introducing today is a direct response to the pressing needs of hemophiliacs for diagnosis, treatment, and rehabilitation. The bill states that every hemophiliac is entitled to care commensurate with the treatments and skills currently available in the United States. This legislation establishes a cost-sharing plan whereby 100 percent of care could be provided by cooperation between Government agencies, other third parties, and the hemophiliac and/or his family.

The Hemophilia Act of 1973 authorizes the Secretary of Health, Education, and Welfare to establish and fund no less than 15 hemophilia diagnostic and treatment centers which will not only supply individualized diagnosis, treatment, and counseling to the patient, but will also provide training for professionals and paraprofessionals in research, treatment, and the diagnosis of hemophilia. Furthermore grants and contracts would be utilized to establish blood fractionation centers which would make blood and blood products available to hemophiliacs receiving care in the centers.

In addition, the Secretary is authorized to establish a complementary program of diagnosis, treatment, and counseling within the Public Health Service, and to offer hemophiliacs access to these services.

Finally, this bill establishes the National Hemophilia Advisory Board within the National Institutes of Health. The functions of the Board include the establishment of guidelines for the diagnosis and treatment of hemophilia, and the preparation of an annual report on the scope of programs and activities outlined in the Hemophilia Act of 1973.

Mr. Speaker, in the United States today we can closely estimate the prevalence of hemophilia. Through our past commitment to research, we have developed the technology and skills employed in successful treatment of this disease. Yet, we lack sufficient numbers of convenient centers and trained personnel to administer total care to the hemophiliac, and we have not successfully halted the soaring financial costs which limit adequate treatment.

The Hemophilia Act of 1973 incorporates technical skills for the diagnosis and treatment of hemophilia into an overall plan that extends total care in accessible, well-staffed centers to the hemophiliac at low cost. To bring this worthy plan to fruition, I strongly encourage my colleagues to join me in passing the Hemophilia Act of 1973.

IMPROVING TAXICAB SERVICE IN DISTRICT OF COLUMBIA

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. KETCHUM. Mr. Speaker, I am today introducing legislation which will have the happy result of improving taxicab service in the District of Columbia. I am sure that all my colleagues have had unpleasant experiences in trying to find a cab in the District. The best way to improve taxi service is to make the job of taxidriver more inviting and financially rewarding, while at the same time insuring that the industry does not price itself out of existence.

There have been periodic efforts to reform the taxi industry. Most of these suggest that the District of Columbia force taximeters upon the industry. This would be a grave mistake. Reform can be accomplished without taximeters. What is needed is a whole new zone system and a whole new rate package to go with it.

The record will show that the overwhelming majority of District of Columbia cab drivers are opposed to the installation of taximeters. Taxi passengers should be as well. With a meter, it is always a guessing game as to what the final fare will be. Identical trips do not always have identical rates. The taximeter was never intended to protect the cab riding public.

It is only with a flat rate zone system, as used here in the District of Columbia, that the public can get maximum protection. The passenger always knows in advance the exact price of his trip, and identical trips always cost the same fare. Such a system offers the maximum in consumer protection.

There are, however, problems with the existing zone system. The use of the rigidly fixed boundary lines made up of arbitrarily selected streets created of unequal size. With this jigsaw puzzle, a 6-block trip for a single passenger can cost as little as 70 cents, or can cost as much as $1.45. A 5-mile trip can cost as little as 85 cents. The driver can make an exorbitant profit on one trip, only to have it wiped out in the next.

The bill which I have introduced offers a solution to this problem by creating zone areas of equal size, wherein the cab riding public pays for the distance he travels. It establishes a floating zone system, a straight line measurement based on the airline distance, the mileage rate zone system, and sets the fare at 70 cents for the first mile, 30 cents for each additional mile, and 30 cents for each additional passenger.

This mileage rate zone system will decrease the rates where needed, increase the rates where needed, and leave the rates unchanged where needed. It is estimated that 60 percent of the cab riding public will pay no increase in rates, but the drivers will receive a fairer return for their labor.

This system is already used to compute parcel post rates, airline rates, trucking, and telephone rates. It is also in accord with congressional mandates calling for a system of uniform zones.

The Public Service Commission of the District of Columbia already has the power to reform the present system of zones, but has done nothing. The time has, therefore, come for the Congress to take the lead in reforming the taxicab industry.

The fuel shortage compels us to seek ways in which to make all forms of transit more efficient. I believe that this bill would significantly improve the performance of the District of Columbia taxicabs.

I should also like to take this opportunity, Mr. Speaker, to commend Mr. Irving Schlaiffer, of the District of Columbia, for his help in the preparation of this bill. Mr. Schlaiffer's knowledge of the taxicab industry and his imaginative suggestions were of great assistance.

The mileage rate zone system is an idea whose time has come. I urge my colleagues to give this bill their close attention and support.

DO NOT DELAY—SPEAK OUT TODAY

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. FULTON. Mr. Speaker, in today's mail I received a petition sponsored by the National Citizens' Committee for Fairness to the Presidency, Inc.

The 15 persons from my district signing the petition are to be commended for going to the trouble of letting their Congressman and two Senators know, through this means, of their support for the President of the United States during these very difficult times.

Mr. Speaker, I place this petition and the names of the signers in the Record at this point:

Do Not Delay—Speak Out Today

PETITION

We the undersigned registered voters, living in Davidson, Tennessee do hereby express our support for the President of the United States, and request our Representative Richard Fulton and our Senators Howard Baker and William Brock to make our position known in the halls of Congress.

Helen Sterling, Connie England, H. D. Sliger, Margaret Hoffman, Eleanor Brown, Louise H. Sterling, W. M. Ashley, Rona C. Ashley, Katharine Morgan, Mrs. T. H. Morgan, T. H. Morgan, Mrs. W. H. Oldham, W. H. Oldham, Dorothy Montgomery, and Mrs. D. S. Bayer.

RARICK REPORTS TO HIS PEOPLE: THE VOLUNTEER ARMY—IS IT WORKING? AN INTERVIEW WITH MAJ. GEN. DEWITT SMITH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. RARICK. Mr. Speaker, in a recently televised report to the people of my district, I discussed the Volunteer Army with the Assistant Deputy Chief of Staff for Personnel, Maj. Gen. Dewitt Smith. In order that our colleagues may benefit from the general's remarks, I insert the text of that broadcast at this point:

Congressman Rarick. Today's U.S. Army is in a state of change as are so many other American institutions. We've gone from active involvement in Vietnam to a period of uneasy peace in less than a year, and now we have the uncertainty of the Middle East. The staffing of the Army has done an about-face, from a draft environment to a no-draft environment. The question being asked not only on Capitol Hill, but throughout the country is: will the Volunteer Army concept work? We'll ask that question to a man who should know as we take a look at the Volunteer Army today.

At the height of the Vietnam War, the Army consisted of a million and a half men, most of them draftees. Today's "new Army" is about 800,000 strong and its ranks are being filled by volunteers. One of the men charged with the responsibility of making the volunteer Army concept work is Major General DeWitt Smith, Jr., Assistant Deputy Chief of Staff for Personnel. General Smith, we certainly thank you for joining us today.

The draft has now been over for about a year. I was wondering if you could tell us what problems the Army is facing in obtaining their personnel through recruiting without a draft, General.

General Smith. Well, there are a number of problems. They derive from the state of international affairs as well as our own domestic situaton. First I might, if I could, simply say that it's only been since July that we've had no draft at all, and so the problems associated with getting people are relatively new. We are still learning, and the situation is unprecedented. The problems in essence, to me, are these: There is no alternative to an army—we must have one; we continue to have a world which is tough, a world which is dangerous, and a world which requires that we have armed forces which are effective and disciplined and competent and professional, and of fairly substantial size. Laid against this is the fact that we have just finished a war, and one which, with numbers of people, was not very popular. After any war, there's always a lag in attitude and feeling and desire to be in the military services, and so it's this fundamental problem coupled with, I think, a general public passivity with respect to our military. These create problems in persuading young men and women to come into the armed forces. We've, of course, had to shrink down the force, had to redeploy it, and this led to a lot of turbulence and instability just as the support of the war at its peak also created great turbulence. We're now getting hold of those problems. We're steadying up, we're stabilizing, and we're becoming a much better Army month by month. And so, I feel that most of the real problems we face have been symptomatic of the world situation of our role in it, and of the post-war situation and public attitudes. All of these we're now beginning to meet or counter effectively.

Mr. Rarick. How is the army reaching the prospective volunteer manpower today, using advertising, public service ads? Is this method successful?

General Smith. Underlying this is our basic approach to maintaining a volunteer force. I'd say we really attempt to reach it in three ways. A volunteer Army will only work if we have an effective Army. Then public attitudes and understanding of the Army must be positive; and finally, the pure recruiting efforts must be effective. These three together comprise a triangle which I think represents the effort to achieve a volunteer Army. Now, a part of it is the pure recruiting effort, and a part of the pure recruiting effort is advertising. And what we seek to do here, after making certain we have a "product," if you will, an Army, which is first-rate and which can be "sold;" then, when you have that, try to ascertain the interests of the young people today, and try to couple the interests of national defense and of the Army with the interests of the young people. So you'll see us advertising challenge, adventure, old-fashioned concepts such as patriotism, a sense of public service—of doing something selfless rather than selfish—along with a practical opportunity for the enlistee. These opportunities are very real, very tangible—an opportunity to improve yourself vocationally, academically, within the military, or in preparing for something in civilian life. These things we advertise, and we find that our advertising reaches a great range of America. Now we can tell this because of the feedback we get. And we can't count one point for one dollar, or one person for X number of dollars of advertising and say with absolute certainty that its working. What we really are trying to do is to create an understanding of the opportunities for growth, service, and advancement which exist within the Army. In this sense, the advertising is successful, but we are still somewhat restricted in what we can do and, hence, achieve. Our best ad of all is a proud and happy soldier who tells his friends and community about the Army.

Mr. Rarick. General, the Army also has a new program they call "lateral entry." Could you tell us something about it, and has it been successful in attracting recruits?

General Smith. Yes, you could describe it with its current, popular phrase, "Stripes for Skills." If you have certain skills acquired either through education, or through training, or through practical experience in civilian life, then, after basic training, you can begin with some stripes on your arm and rapidly acquire more. This is really the enlisted counterpart to the officer programs in which we bring men with special skills into the Army and commission them right away. For example, doctors, lawyers, chaplains. We've had this enlisted program for some time, in more limited form, and in the last fiscal year we took in just about 1,100 people under that option. Recently, we've expanded it and expect more high-quality people to come. Now we can say to someone, let's say one who's graduated from a junior college or someone who's a first-class fork-lift operator, or a variety of other skills, about 50 of them. . . . If you come into the Army, we'll bring you in as an E-3; this is the third step on our promotion scale. You'll take basic training; we'll judge your performance, what skills you have brought in; and contingent on our judgment of those, you'll be promoted right away either to an E-4 or to an E-5. Now if you talk about an E-5 and he's a married young fellow, he'll start out at about $600 a month. And this represents a real opportunity because all of the other Army opportunities also go along with this: educational opportunities, the opportunity to build yourself physically, to challenge yourself, to mature. And we think that the appeal of this rapid promotion system, the "Stripes for Skills," for people who really bring into the Army advanced skills, may bring several thousands of young people annually into the Army, both from the point of view of their own self-interest, and also the contribution they can make to the Army and country, short or long term.

Mr. RARICK. Apparently, there is some suspicion of an all-volunteer force, and from time to time, General, we hear the charges that the Army has lowered its educational standards in order to meet quotas. Are these charges correct? Is there anything to this?

General SMITH. We don't have an absolute rigid definition of those who can and can't come in to us by educational standards alone, as we did for a while. That's true. For some period of time, we sought to say that we would take in 70 percent high school graduates, and 30 percent not. That was based to a degree on the composition of the draft army. But since then, we've done a lot more thinking and lot more analyzing as to those who make effective soldiers. And you can find numbers of high school graduates who don't make effective soldiers at all. We've also found that four out of every five non-high school graduates do make effective soldiers. By effective, I mean someone who behaves well and does his job well.

Mr. RARICK. And adapts to the service?

General SMITH. That's right. And so this is what we're really looking for—a motivated, effective soldier. So, have we changed the balance, the arbitrary balance between high school graduates and non-high school graduates. Presently we're aiming to bring in about 50 percent high school graduates; more if they'll come. But the key thing we're looking for is a person who's adapted to the service, whose behavior and performance will be matters of pride to himself and to the Army, and these aren't necessarily tied to education. As a part of this—an important part—we are developing much better ways to identify prospectively good soldiers. These better ways include new tests, new "whole person" screens, and increased command responsibility for judging the performance and potential of new soldiers during their first 179 days of service.

Mr. RARICK. General, some of us who were in the "old Army" have been concerned about the new changes of the Army such as abolishing KP and some of the other matters which were not only discipline, but were an honor in the service. This brings about the question: has the Army then reduced the standard of discipline among the new soldiers?

General SMITH. I was a private back about the end of the Ice Age in the Canadian Army for a short while, and also a private in the American Army, and so I've had a look at discipline from a lot of points of view. The discipline we want is self-discipline for the individual. And we want unit discipline. By these measures, in my mind, our discipline is as good or better than it's ever been in the American Army. I think that we've been subject to some accusations of lowered discipline, or permissiveness, if you want to use that phrase, from people who didn't really understand what was at work. But what we did was to review all the old practices and revalidate them. If they were still important militarily, we kept them. If they weren't important militarily, if they didn't contribute, if they simply harassed the young people of today, we did away with them. Then too, how do you measure discipline? You measure it in terms of whether an artillery unit can put rounds out in the "box," whether an infantry unit can soldier for many days and nights through tough weather, and under danger and stress, and come out with its chin up. Also, whether that unit's men can fire their weapons and maintain their vehicles, and still go on. You measure it, too, by statistical indicators, of AWOL, crimes and the like. And all of these measures now say to me that the Army's discipline is good and getting better. It's simply, absolutely untrue that we've lowered discipline or that the men and units of today are undisciplined and can't defend this country. You can be proud of them.

Mr. RARICK. You don't feel then that the length of a soldier's hair or his beard necessarily affects his discipline?

General SMITH. I do not. We have regulations. They must be obeyed. But the other matters I have discussed are the important ones.

Mr. RARICK. General, do you feel that the press, which is usually the media which reaches the general public, has given the volunteer army concept a fair reporting?

General SMITH. Yes, I do. Fair is one word or concept, though, and absolutely unqualified support is another. We don't have any right to expect the second. We do have a right, I think, to expect fairness. And I do wish that the critics would truly ascertain the facts, the current facts, before making up their minds.

Mr. RARICK. I think the main goal is to have an Army which would be able to defend our country from any and all enemies, foreign and domestic. This is the real goal. General, in your opinion, can the Army maintain the number and quality of personnel on a volunteer basis to adequately provide defense of this country?

General SMITH. The jury's still out on that. My position, which is certainly no better than anyone else's, is one of moderate optimism. It would be more than moderate if I were assured that the public's support and respect for the institution of the Army, and their willingness to see their sons and daughters serve for a short or a long period of time in the Army were unqualified. So, if the people want us to have an effective Army, and understand that even a volunteer Army is able to achieve it. And certainly, it'll be a good Army, whatever size it is.

Mr. RARICK. Do you feel that the war threat from the Middle East and the juggling still going on in Vietnam are causing the volunteer Army concept to not move forward as fast as you might have hoped if there had been some world peace and stability?

General SMITH. No, I'm not sure of that. There are people who would be put-off by those kinds of threats or potential dangers. On the other hand, there are many young people, and we're looking for them, who respond to challenge. And some of the fine reactions of young soldiers when the 82d Airborne was alerted recently, for example, persuade me that we have a lot of such people in the Army today. These kinds of things make me think that young people are not worried about challenges, not so worried about dangers as some of the critics who view them today might have you believe.

Mr. RARICK. Well, I think it all ends up then that either we have a draft, we have no Army, or we have a volunteer Army. And the ultimate decision would be with the American people and the young people of this age, isn't that about the way you see it?

General SMITH. I agree with that entirely. People ask, "Are we going to have a volunteer Army?" We do have one. I see no evidence here, but you're the judge of that, but I see no evidence of Congress' wanting to rush to reinstitute the draft. We've got a volunteer Army. The alternative is no Army, and that's unacceptable if we want peace, security, stability and freedom.

Mr. RARICK. Congress doesn't want to reinstitute the draft, but they certainly want to get involved with every little diplomatic triangle around the world.

General SMITH. Well, I'll be leave that to your discretion and judgment. We carry out policy.

Mr. RARICK. Thank you very much, General Smith. Our guest today has been General DeWitt Smith who is the Assistant Deputy Chief of Staff for Personnel, U.S. Army.

General SMITH. Thank you for having me. I've enjoyed it.

THE BUDGET AND IMPOUNDMENT CONTROL ACT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. ASHBROOK. Mr. Speaker, I have frequently expressed my concern over the gradual erosion of legislative authority. For too long, Congress has stood on the sidelines and allowed the President to take over many of its constitutionally mandated powers and duties.

Today, however, we have before us a bill which will reestablish congressional control over the budget and reassert its right to set spending priorities. I am pleased that Congress is finally moving to restore its constitutional prerogatives in this vital matter of spending.

A major area of controversy in this bill is the title concerning impoundment by the executive branch. Although I have consistently fought against excessive Government spending and voted to sustain the President's veto of extravagant money bills, I do not believe that Executive impoundment offers a real solution to our Nation's fiscal and economic problems. Congress, not the President, is assigned the appropriation power under our Constitution. Constitutional principles should never be sacrificed in order to secure short-term benefits.

TACHOGRAPH WILL HELP MONITOR FUEL SHORTAGE

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. FINDLEY. Mr. Speaker, on November 15, I introduced H.R. 11514, the Bus and Truck Safety Act of 1973. This bill would require each truck and bus under the jurisdiction of the Interstate Commerce Commission to be equipped with a tachograph, a recording instrument which provides a permanent record by chart of speed in miles-per-hour, distance traveled, and the number and duration of stops, as well as other pertinent information.

Experience in foreign countries where the tachograph is mandatory equipment shows clearly that these devices promote speed control, serve as a warning to drivers and provide accurate records for owners, drivers, and law enforcement agencies. Several States already have such laws or are considering them. Bills have been introduced to require tachographs on buses in Connecticut, Massachusetts, and Rhode Island. A bill to require the use of tachographs on other vehicles in addition to buses was introduced in New York.

I am hopeful that hearings can be held on this bill and the Congress will enact it at an early date for several reasons.

Of primary concern to everyone is the urgent necessity to conserve our precious energy supplies. The House yesterday passed a bill setting a national speed limit of no more than 55 miles per hour for all vehicles. Enforcement of that standard will be left to State and local officials.

The tachograph will make enforcement much more uniform. It will make it quite unlikely that the giants of the highways—trucks and buses—will violate the new speed law and jeopardize the lives of passengers and other motorists alike.

A recent article in the Washington Star indicates that such violations are widespread among truckers and almost impossible to combat. Through the use of a secret and largely illegal network of citizen's band radios in the cabs of trucks, many have secured virtual immunity from speeding and overweight arrests.

Key code words are exchanged by as many as 25 percent of the truckers on our Nation's highways, thereby informing each other of the locations of police vehicles, speed traps, and other law enforcement officials.

The bare statistics on truck accidents show the dangers involved. According to the National Safety Council, in 1972 alone there were approximately 3,500,000 big-rig accidents that killed 5,500 persons and caused $6 billion in property damage.

According to the Bureau of Public Roads, the average passenger car traveling 50 mph needs 122 feet to stop. The average three- or four-axle truck needs 445 feet—almost four times as much.

Obviously, it is hard enough for a truck to stop when it is traveling the legal speed limit. When it is speeding, it is even more difficult, and is less likely that it will be able to stop with safety.

Text of newsstory follows:

[From the Washington Star-News, Nov. 19, 1973]

RADIO CHATTER OK's TRUCKS' HIGHBALLING

How many times have the big trailer trucks thundered by at 70-plus m.p.h. on major turnpike straightaways to leave motorists wondering how they get away with it?

How they get away with it, according to Pennsylvania State police, is through a secret and largely illegal net of citizen's band radios in the cabs of the trucks. The radios tell truckers where the law is—and where he is not.

Exchanging key code words over the radios, truckers know when police are not around and can roar down the highway as fast—and as overweight—as they please.

Key words include "Smokey the Bear," referring to state policemen, "chicken coops," for weighing stations, and "c'mon and run," meaning the coast is clear.

Estimates of the number of truckers equipped with radios vary upward from the federal government's 25 percent. There are no accurate figures because most truckers don't obtain the required federal license.

One new owner of a citizen's band radio is state police Cpl. Gary Mysel.

As he sat in his patrol car on the shoulder of Interstate 81 near Harrisburg, a group of tractor-trailers passed. Seconds later, the radio came alive.

"Smokey the Bear's sittin' near exit 28, He's in a plain wrapper (unmarked car)," it barked.

"Within five minutes they'll know 20 miles in both directions that we're sitting here," explained Cpl. Edward Fraser, Mysel's partner. Truckers hummed by at the legal speed for the next 30 minutes.

Officers say the two-way network gives truckers virtual immunity to speeding and overweight arrests. It had become a national highway safety problem before speed limits were lowered because of the energy crisis.

The network also helps explain what has long been a mystery to the average motorist: How can those trucks keep barrelling along at 70 miles per and never seem to get stopped by police?

"Now watch this," says Mysel as he drove the patrol car well away from the highway.

Picking up the microphone from his citizen's band radio and speaking in his best truckdriver voice, he broadcasts:

"I'm out here near exit 28 and Smokey's nowhere in sight. C'mon and run, C'mon, c'mon!"

Minutes later, the rigs whiz by at well over the 55 m.p.h. limit.

No one has yet found an effective way to thwart the truckers' system.

The report on the truck drivers operation was developed by reporters for the Philadelphia Inquirer.

When Federal Communications Commission inspectors interrupt the truckers' transmissions and ask for their licensed call letters, the response is often "KMA."

KMA is not part of any legal call sign, but here's a hint: the inspectors believe the K stands for "kiss."

Text of bill follows:

H.R. 11514

A bill to require that buses and trucks operated in commerce be equipped with instruments to provide a record of certain operating data, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

REGULATIONS

SECTION 1. (a) (1) Not later than the one hundred and eightieth day after the date of enactment of this Act, the Secretary of Transportation (hereafter in this Act referred to as the "Secretary") shall prescribe and publish regulations in the Federal Register establishing specifications for one or more instruments for installation in buses and trucks operated in commerce which shall (A) indicate the speed of such buses or trucks, in miles per hour, (B) provide a nonresettable odometer to record the total miles traveled by such vehicle up to at least one million miles, (C) indicate by a signal, whether visible or audible, to the driver of such bus or truck when it is exceeding a specific rate of speed, and (D) provide for a permanent visible record (by chart) or (i) the speed of such vehicle (in miles per hour), (ii) the distance traveled (in miles), (iii) driver changes (if any), and (iv) the number and length of periods during which the vehicle was not operated, and (E) be attached to such bus or truck and secured from unauthorized use with a lock or seal in such a manner as to automatically indicate on the record required by clause (D) each time any such instrument or instruments are opened.

(2) Such specifications shall include specifications with respect to (A) accuracy under various forces and conditions, (B) visibility or audibility, as the case may be, and (C) resistance of such instrument or instruments to impact and corrosion.

(b) The Secretary shall by regulations provide by whom and for what period of time any records made by such instruments shall be retained.

ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

SEC. 2. The provisions of subchapter II of chapter 5, and chapter 7, of title 5, United States Code, shall be applicable with respect to regulations prescribed under section 1 of this Act.

PROHIBITED ACTS

SEC. 3. (a) It shall be unlawful for any person to operate or cause to be operated in commerce any bus or truck manufactured on or after January 1, 1976, unless such bus or truck is equipped with an instrument or instruments which comply with regulations prescribed by the Secretary pursuant to section 1 of this Act.

(b) It shall be unlawful for any person to operate or cause to be operated in commerce after January 1, 1978, any bus or truck manufactured before January 1, 1976, unless such bus or truck is equipped with an instrument or instruments which comply with regulations prescribed by the Secretary pursuant to section 1 of this Act.

(c) It shall be unlawful for any person to offer for sale for use in any bus or truck or to install in any bus or truck any instrument or instruments, which are represented by such person to comply with regulations prescribed by the Secretary pursuant to section 1 of this Act, unless such instrument or instruments in fact comply with such regulations.

PENALTIES

SEC. 4. Any person who willfully and knowingly violates section 3 of this Act shall be fined no more than $1,000 for each such violation.

DEFINITIONS

SEC. 5. As used in this Act—

(1) The term "commerce" means commerce between any place in a State and any place outside thereof, or between places in the same State but through any place outside thereof.

(2) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any possession of the United States.

(3) The term "motor vehicle" means any vehicle driven or drawn by mechanical power which is manufactured primarily for use on the public streets, roads, or highways, except any vehicle operated exclusively on a rail or rails.

(4) The term "bus" means any motor vehicle designed to carry more than eight passengers.

(5) The term "truck" means any motor vehicle designed to carry property in furtherance of any business activity.

CONGRESS SHOULD ACT NOW ON METRIC CONVERSION MEASURE

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. McCLORY. Mr. Speaker, legislation that would overcome the present slow, uncoordinated drift of this country to the metric system of measurement has yet to be passed by the Congress. Opposition by some elements of the business community and segments of organized labor persist. Still, it is encouraging to note that most businesses and educational groups have taken the initiative and are proceeding to make the necessary and vital changes that must be made in order for them to convert to the metric system.

Since these labor union and small business groups think that any such changeover to the metric system will require extensive schooling and retraining, they are demanding that the U.S. taxpayer be assessed huge sums of money to pay for such education or training. This attitude indicates a lack of faith in the ability of the American adult to learn and progress either on the job or in his place of business.

In order to dispel such misconceptions about the ability of the worker to change and to learn, I would like to bring to the attention of my colleagues two articles that I came across recently.

The first article, entitled "Teaching Children to Think Metric," appeared in Today's Education and is authored by two residents of Illinois: George W. Bright, assistant professor, department of mathematical sciences, Northern Illinois University; and Carol-Ann Jones, fourth grade teacher, Westgate School, Arlington Heights, Ill. Their article shows very clearly how easy it was for a class of fourth grade students in the Chicago suburb to learn the metric system and how much easier it was for them to understand and use than the conventional customary system.

It is interesting that the key to developing skill in converting accurately among the linear units appears to come from frequent practice and that the experience so gained brings about a familiarity with the actual sizes of the metric units, which, in turn, enables people to think metric.

The article includes a chart drawn up by a sixth grade class in New Jersey to help explain the metric system to students in other classes in the school. For its good work, and creative efforts, the class received a letter of congratulation from President Nixon, which I would like to insert in connection with my remarks.

The second article, entitled "Into the Metric Mainstream," appears in the September 1973 issue of Impact, the official monthly publication of the South Carolina State Board for Technical and Comprehensive Education.

In a general discussion of the number of industries moving into South Carolina to set up manufacturing activities and to hire local help, it was noted by the plant manager of Mayer & Cie, Edgar Fortenbacher, that:

> Our employees have had no difficulty in learning the metric system, and once familiar with it, many voiced the opinion that it was an easier system to learn. Everything is divided equally by ten, which makes it, in the eyes of the Americans, just like dollars and dimes . . . All of our employees adapted very well to this system.

Pointing out the present uncoordinated movement toward the metric system, the article shows that:

> The companies aiming toward metrication are not motivated by laws or edicts but by the reality of the marketplace. Our country is the last industrialized country in the world not already on the metric system or officially committed to convert to that system. . . One of the reasons why American exports are not expanding faster is the fact that we cannot offer our foreign customers the metric-sized products they want. A recent Department of Commerce survey indicated that the country was losing 10 to 20 billion dollars annually in exports because our products were non-metric. Metrication would be one manner in which to improve the present U.S. trade deficit and even the balance of payments.

As I say, the present situation should be improved. We should act quickly and decisively. We should bring the metric legislation to the floor of the House for action. With the many problems besetting this Nation, if we can help matters as greatly as the articles point out by establishing a mechanism by legislation for a comprehensive conversion to the metric system, I say we should do so immediately.

Mr. Speaker, I include the following items at this point in the RECORD: "Teaching Children To Think Metric," from Today's Education; letter from President Nixon; and "Into the Metric Mainstream," from Impact:

TEACHING CHILDREN TO THINK METRIC

(By George W. Bright and Carol-Ann Jones)

There once was a student named Peter,
Who asked, "Why use meter and liter?"
But when he found out
He let out a shout,
"Cause meter and liter are neater!"

This limerick, written by a first grade teacher at the close of a three-week workshop, reflects the ideal reaction of people who are exposed to the modernized metric system. Unfortunately, the approach often used to teach the metric system—conversion from the metric system to the English system and vice versa—promotes confusion and dislike for the only common measurement system whose components are meaningfully related to each other.

The basic unit of length in the metric system is the meter, which is about 10 percent longer than the yard. It is not the uniqueness of the basic unit, but rather the manner in which multiples and submultiples of the meter are derived that sets the metric system apart from other measurement systems. Our number system is based on ten and the powers of ten. The metric system is modeled on this system in order to exploit the inherent computational simplicity.

The first submultiple of the meter is obtained by dividing the meter into 10 equal parts, each of which is called a decimeter. This unit is still too large for some measurements, so a decimeter is divided into 10 parts, each of which is called a centimeter. The process of subdivision could, at least theoretically, continue indefinitely, and in some scientific work it is repeated many more times than most people would care to imagine. But for most real-world measurements, the centimeter is quite accurate enough.

Numerous mathematical properties can be derived or illustrated by the metric system, but that is a topic for some other setting. Of interest to us here is a way in which the metric system can be taught in the classroom. Undoubtedly, there are unique points to keep in mind at each grade level. However, an approach of this sort has even proven to be reasonably successful in the essential task of helping elementary school teachers develop skill in using metric units. Of course, the amount of time available can be much shorter than for pupils, and the instruction more condensed. But the involvement in making real measurements is present.

The class we shall talk about is a fourth grade in a Chicago suburb. These pupils stepped off into their exploration of the metric system by first experimenting with arbitrary measurement. These activities were introduced to show the need for a system of standard units of measurement.

Each child's hand span was used as his unit. The children began by working together to measure objects named by the teacher—for example, the width of their desks. They first estimated the measurement in terms of their hand spans and then performed the measurement. After measuring a number of objects together, they proceeded on their own to estimate and measure other objects in the room.

The following day the students compiled and compared results. The general feeling was one of dissatisfaction with the impossibility of comparing results of communicating measurements to others. Everyone agreed on the need for a standard unit of measurement.

The next step involved giving everyone a piece of construction paper of the same size. The paper was one decimeter in length (a little less than four inches). At this point, however, that fact was not explained. The basic process of measuring various objects was repeated; each person estimated and measured to the nearest unit and recorded his results. As far as the children were concerned, the unit they used was an arbitrary one.

When their information was compiled and recorded, the children were less dissatisfied. The results were fairly accurate for objects between one and 15 decimeters. Measurements of longer lengths, such as the height or the length of the room, were more discrepant.

With a little prodding, the students concluded that a longer unit was needed. The solution they proposed was to tape their units together. In groups of from two to seven, they taped their units together and remeasured some of the lengths they had disagrered about. The results were more accurate, and the students were satisfied.

In order to have them realize the need for a unit smaller than a decimeter, objects less than a decimeter long were listed on the board, and the children were instructed to measure them. The need became apparent right away, and their solutions followed almost as quickly. Some wanted to divide their papers in half; others, in thirds; and others, in eighths.

At this point the children were told that the standard unit is called a decimeter, that a decimeter is made up of 10 centimeters, and that 10 decimeters are a meter. They were then given metric tape measures, meter sticks, and centimeter rulers. Some children also realized that their personal rulers were marked in metric, so there was no lack of measuring tools.

Some of the earlier measurements were now repeated with metric units. Measurements were made first to the nearest decimeter, then to the nearest meter, and finally to the nearest centimeter. In order to get the pupils to discover the relationships among the three units, some measurements were repeated. Ample time was provided for

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self-checking. The children also had opportunities to measure objects to the nearest centimeter, then to the nearest decimeter, and, if possible, to the nearest meter. Measuring in units in increasing order reinforced the relationships among the units.

Some pupils caught on right away. They found that if they measured to the nearest centimeter they could round off the measure to the nearest multiple of 10, drop the final zero, and have the correct number of decimeters. They were able to use a similar procedure to find the measures in meters. Others were fascinated to find—without quite knowing why—that when they had, for example, a three-digit measurement in centimeters, the first two digits often equaled the measurement in decimeters.

The key to developing skill in converting accurately among the linear units seems clearly to be frequent practice. In this way, children can discover the relationships and then assist their classmates.

A few members of the class wanted to be more accurate. They noticed the millimeter markings on their rulers, asked what they were, and then proceeded to use them. Some were curious about long distances, and since by this time they were aware that they were studying the metric system, an animated discussion of kilometers evolved.

One of the more important features of the activities used with the fourth grade class is practice in estimating lengths. Estimation acted as a motivation for accuracy in that the boys and girls wanted to check their guesses. Such self-checking activities prepare them to move away from the structure of the classroom to develop their own learning experiences. They also seemed to enjoy the chance to guess the answer before verifying their estimates.

Two different kinds of estimation were used to help them develop concepts of the metric lengths. The first consisted of specifying an object, such as the teacher's desk, and asking for estimates of one of the dimensions of the object, such as its height. The children then verified their guesses independently.

The second consisted of stating a measurement, such as seven decimeters, and asking the children to locate an object, solely by sight, that had a dimension with the specified measure. Each child could then measure the object he selected to determine whether his choice was a good one.

The two kinds of estimation do not seem to be the same kind of activity. Fewer children were successful with the second method of estimation than with the first. The most accurate estimators in the first setting were not necessarily the most accurate in the second. This fact has also been observed in working with elementary school teachers in a workshop setting.

Estimation practice seems to have several consequences. It helps develop the concepts of multiples of numbers, especially multiples of the powers of 10. Further, it may aid the growth of mental concepts of spatial visualization. It certainly does force children to make visual comparisons among dimensions of objects.

One other metric unit was introduced—the kilogram, which is the unit of mass or weight. At sea level, a mass of one kilogram weighs about 2.2 pounds. The only planned experience with this unit was to have each child weigh himself on a metric bathroom scale. In fact, almost anything that could stand or be placed on the scale was weighed. The children collected empty boxes and cans from their kitchen at home—containers that have the weight listed both in ounces and grams. These objects provided examples of the common use of metric units.

Another activity deserves a comment. After several weeks' practice, the children were asked to write a story describing what the world would be like if there were no measurement at all.

The activities described here constitute one way in which the metric system can be introduced to a class of fourth graders.

After most of the pupils develop adequate skills in multiplication, experiences in working with area and volume can be introduced. Too, the children have not yet discovered the meanings of the prefixes, but these meanings will develop with use. It seems inappropriate to force the children to learn the prefixes, for this would promote rote rather than meaningful learning. Since these fourth graders had been introduced to fractional but not decimal notation, they found it difficult to record their measurements in decimals.

The boys and girls seemed to grasp the concepts of the metric system as long as they were not pushed too fast. Repeated practice extending over a long period of time appears to be the best way to develop skills and confidence in using metric units. One suspects that an analogous approach would be successful at many different grade levels.

Experience with the units will breed familiarity with the actual sizes of the respective units, and it is this familiarity that allows people to make a smooth transition to the metric system. This familiarity, in turn, will free people to think metric.

THE WHITE HOUSE,
Washington, D.C., December 6, 1972.

MR. LEVIN'S SIXTH GRADE CLASS,
Intermediate School,
Ocean City, N.J.

DEAR GIRLS AND BOYS: It was particularly kind of you to remember me with the "Metric Plaque" which you made and enclosed with your thoughtful letter. I am always pleased to learn of interesting school projects such as the one you are engaged in. You are to be commended for your ingenuity in creating study aids for use by your fellow students, and for your determination to broaden your understanding of the meter as a standard of measurement. Keep up the good work!

With my best wishes to each of you, and to your teacher, for the years ahead,

Sincerely,

RICHARD NIXON.

INTO THE METRIC MAINSTREAM

In Orangeburg, South Carolina, precision circular knitting machines are being manufactured in metric dimensions at Mayer & Cie (USA). Other companies throughout the state are beginning to utilize the metric system, especially in technical blueprints or in products which are destined for the overseas market.

The International Business Machines Corporation (IBM) began expressing its engineering drawings and technical documents in both metric and nonmetric units in 1964. Two years ago, the company began a ten year phase-in plan to make metric measurement the standard in design, testing, manufacture and service of all new products.

The Bosch Corporation which recently located in Charleston is also on the metric system in the manufacture of their fuel injection pumps. The TEC Industrial Division is presently setting up a series of Special School training programs for prospective employees. Training will encompass machine operation and assembly and will begin with an introduction to metrics.

Since the inception of TEC in 1961, part of its effort has been to make it possible for workers in the various industries throughout the Palmetto State to keep abreast of the current technological trends in the world of business. When Mayer & Cie, a West German textile machinery company, located in the state in 1970, the TEC Industrial Division had its first program in training people in the fine points of the metric system. TEC conducted a number of Special School pre-employment training programs for the firm. To meet company requirements, all phases of manufacture were in metrics from machining parts for the cam section to the final assembly.

The TEC Industrial Division has several pieces of metric equipment throughout the system ranging from milling machines to vertical turret lathes. There are also adapter kits to convert conventional English system machine tools to the metric equivalent. Much of this equipment will be utilized in the Bosch training programs.

Edgar Fortenbacher, Mayer & Cie Plant Manager, said, "Using the metric system was a natural thing for this company to do since our sister plants in Germany and Brazil use metrics. Many of our customers in foreign lands are familiar only with the metric system and American companies are utilizing metrics more.

"Our employees have had no difficulty in learning the system and once familiar with it, many voiced the opinion that it was an easier system to learn. Everything is divided equally by ten, which makes it in the eyes of the Americans, just like dollars and dimes."

Continuing Fortenbacher noted, "Working with TEC, we were able to develop a training manual in the metric system which showed our employees the basic metric system, metric math, and the use of precision metric measuring instruments. All of our employees adapted very well to this system."

While Congress is groping with more than a dozen bills that would formalize this country's entry into the metric mainstream, thousands of American manufacturers from Ford Motor Company to Beloit Tool Corporation have already taken steps for a smooth changeover.

Certain industries such as farm and earth-moving equipment are undertaking gradual conversion on their own. For instance, Deere & Co., manufacturers of farm equipment, believe that excessive costs associated with metrication can be avoided if the conversion is done in an orderly fashion. The company started its own metric conversion about ten years ago by preparing many of its technical drawings in dual dimensions. Many members of the cutting tool industry feel the conversion can be accomplished easily if it is done gradually. As for the metrication of screw threads and fasteners, many years will be required to complete a standardization.

The companies aiming toward metrication are not motivated by laws or edicts but by the reality of the marketplace. Our nation is the last industrialized country in the world not already on the metric system or officially committed to convert to that system. Nine-tenths of the world uses metrics with Japan, Russia, Great Britain, West Germany and all of the other great manufacturing nations being metric. The parts they manufacture are interchangeable throughout the world, and the balance of trade is rapidly tipping in their favor.

With international trade becoming an increasingly important issue to the American economy, world trade may prove the decisive push that swings the United States to the metric system. One of the reasons American exports are not expanding faster is the fact that we cannot offer our foreign customers the metric-sized products they want. A recent Department of Commerce survey indicated that the country was losing ten to twenty billion dollars annually in exports because our products were non-metric. With the dollar floundering in the world marketplace, metrication would be one manner in which to improve the present United States trade deficit and even the balance of payments.

A number of companies have changed over to dual designations in an effort to be more competitive and make the conversion process simpler. Obviously, a firm trying to sell agricultural machinery in Poland, plastics in Sweden, or pharmaceuticals in Korea has a better chance of success if its articles are designed to the metric standards observed in those countries.

As the trend toward multinationalism in business accelerated following World War II, many American companies determined that access to a foreign market was easier if the product was manufactured in that market. The widespread use of the metric system required American companies to begin "thinking metric."

On the other hand, direct foreign investment in this country is continuing at a fast pace, particularly in view of the dollar devaluations, as well as the spiralling inflation in Europe. According to a study by the Department of Commerce, South Carolina ranks third among all the states (after New York and New Jersey) in the number of offshore investments. Over fifty companies from ten countries have already established either production facilities or a sales base in the Palmetto State. Multinational companies with a production base in the state have distinct advantages both in the American market and in international trade. Because of this reality discernible and accelerating movement toward internationalization of production, an adoption of the metric system would enhance additional investment in this country. The fact that the TEC Industrial Division can easily provide training programs based on metrics is a decided plus factor.

About a millennium ago an Anglo-Saxon king, Edgar, stretched out his arm and ordered that the span between his nose and fingertips be notched onto a stick which he decreed was a "yard." The inch came about by laying three grains of dried barley end to end.

Eight centuries after King Edgar developed the yard as a standard of measure, a group of French scientists developed the meter. The French system provided a coherent set of units of measurement. In 1770, the French Republic initiated the metric system as we know it and this was used to counteract the jumble of systems and weights and other measures used by some other countries in the past. The environment in France after the French Revolution gave impetus to the efforts for improvement.

Such an awareness also existed in America as is documented in statements on the importance of weights and measures regulation contained in the Articles of Confederation which were ratified in 1781. The metric system was even favored by many of this country's founding fathers including George Washington, John Adams and Thomas Jefferson. In 1866, Congress ratified the measure accepting the metric system as the only legal system of measures. One of the proponents for this bill was Abraham Lincoln. Later in 1875, the United States attended the International Metric Convention and signed the Treaty of the Meter along with sixteen other nations.

Despite our progress toward the metric system, the United States is one of the few remaining nations that measures objects in feet, quarts, and pounds rather than meters, liters and kilograms. Our system has not only become out-dated, but the metric system is easier to learn since all measurements are interrelated. Currently, Britain is in the middle of a twelve-year program to discard the "English" system founded by their early monarch. As soon as Congress takes expected action on a recent Department of Commerce recommendation, the United States will probably follow suit.

In August of 1972, the Senate passed a metric bill but the House did not act on it. This year the House has a total of fourteen metric bills, submitted by fifty Representatives. It is thought that a bill will be reported out of subcommittee this fall. According to Louis E. Barbrow, coordinator of metric activities in the National Bureau of Standards, the bill is expected to provide that the President name a metric conversion board representing all sectors of society. The board would then devise a changeover plan for the United States. If the plan were approved by Congress the country would then begin the systematic transition to metrics.

The actions taken by American companies are a clear sign that a switch to the metric system is just a question of time. The changeover will not be easy and even advocates admit that conversion may take up to thirty years for the general public to accept the different, though much simpler standards of measure. Scientists are already indoctrinated to metrication and for many engineers within industry, metrics has become a second language.

Barbrow who has been in close touch with the House subcommittee, noted that as in Britain, the conversion would be voluntary with the initiative for the changeover coming from the private, non-government sector. Proponents of metrication feel that its impact will be lessened by a gradual, governmentally-coordinated changeover. The most likely approach will be a dualization of standards with the "English" system being eventually phased out.

In educational circles, metrics would be taught and the present system would be eliminated over a period of years. Already innovative school districts have begun teaching metrics in the first grade. By 1975, all schools in the country should be teaching both systems with the "English" system completely disappearing from most curricula by 1985. Educators feel that metrics, without fractions and constant conversions, are far easier for a child to comprehend.

This gradual transition will require that the current generation of technical students play a key, pivotal role in the changeover. Early in their careers as technicians, these individuals will need to be completely capable of thinking in English and metric units with equal facility.

At the TEC Centers a number of curricular areas, such as the allied health programs, require a knowledge of both systems. TEC chemistry and physics courses are taught in both systems of measurement so engineering technician students can easily convert from one system to another. Other curricula, too, have integrated the metric system into their basic classroom procedure. For instance, in the automotive shops metric tools and wrenches are available for work on foreign cars. Also, many machine shop students have projects which require measurement in both English and metric units. Orangeburg-Calhoun TEC offers a self-paced course in metrics.

Already the average American has started to live the metric way, however subconsciously. Aspirin tablets are metric best-sellers. Indeed the American drug industry has been on the metric system since the 1950's. The contents of all pharmaceutical bottles are weighed in milligrams or grams. Also at the drugstore, the consumer may purchase camera film with width designated in millimeters.

Sporting enthusiasts have long been accustomed to thinking in meters. As Americans hailed Mark Spitz for his feat of capturing seven gold medals at the Munich Olympics, they also realized the swimming races he won were measured in meters. Skiers use skis with lengths of 180 or 195 cm.

Spectators at Cincinnati's new stadium are being taught to think meters as the key dimensions of the playing field are expressed in meters, as well as feet. The Reds' baseball club now tells the fans that the distance from home plate to the centerfield wall is 123.13 meters (404 feet).

A variety of industrial products such as spark plug threads and ball bearings, have always been metric. A common consumer product whose length is measured in millimeters is cigarettes. Regular length is seventy millimeters, while the longest cigaretes are one-hundred millimeters in length.

As the country slowly adopts the metric system, Americans will buy more and more products by metric unit: a liter of milk, thirty-five square meters of carpet or thirty liters of gas are just a few examples. In the years to come, it will be common for a man to weigh 82.3 kilograms and the temperature to be measured on the Centigrade scale.

TEC which has always felt the pulsebeat of industry and been ready to supply its needs, will be ready to assist the companies as they adopt the metric system to their product line.

OSHA

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. FISHER. Mr. Speaker, under leave to extend my remarks I include the third in a series of three articles on OSHA, written by R. D. Patrick Mahoney, which was carried in the November 21, 1973, issue of the Texas Tribune. The article follows:

OSHA IV

(By R. D. Patrick Mahoney)

If there is one important lesson to be learned by the American people from the Occupational Safety and Health Act and its aftermath, it is that politicians are still extremely sensitive to the voices of those who elected them. And during both the Senate and House hearings on the tactics of the OSHA administrators, Congressmen from all over the nation were hearing from those electors.

In last issue's OSHA column, the example was given of Congressman Bob Price from Texas, who completely reversed his initial position on OSHA after being alerted by an informed constituency. In fact, so many Congressmen have had second thoughts concerning OSHA that, according to Congressman Charles Thone of Nebraska, no less than 123 House members have now joined in sponsoring one or more proposed amendments to the law.

But how may one effectively combat the "gestapo" tactics mentioned in our last issue, that are being used by the OSHA agents? One of the oldest and best targets is still the pocketbook.

Representative David Dennis of Indiana proposed an amendment to OSHA which would have deleted $20 million from the original appropriation figure for the administration of OSHA. And the very reason Dennis advanced the amendment was because he had received more mail from his constituents on OSHA than on any other measure during his entire tenure in Congress.

The Dennis Amendment was defeated by a rather narrow margin—206 to 160. Perhaps, if the 66 members who were either absent or refusing to commit had been there and voting, it would have been another story. It appeared, however, that the House was not yet prepared to take those "two steps backward" to undo some of the injustices of OSHA

Those Congressmen from Texas voting for the Dennis Amendment (and against OSHA) were: Jim Collins, Ray Roberts, Earle Cabell, Jake Pickle, Bob Price and O.C. Fisher. Those voting against the measure were: Bob Eckhardt, Jack Brooks, James Wright, Graham Purcell, John Young, Eligio de la Garza, Richard White, George Mahon, Henry Gonzalez and Robert Casey. Fence-sitters were Texas Congressmen Wright Patman, John Dowdy, Olin Teague, William Poage and Abraham Kazen.

And speaking of hitting OSHA in the pocketbook, one of the best targets in the financial area is the powerful Appropriations Committee, chaired by George Mahon, who represents the 19th Congressional District of Texas. Mahon is also chairman of the

Joint Senate-House Committee on *Reduction of Federal Expenditures*, a very important committee to one who realizes just what OSHA is costing us taxpayers.

Congressman Mahon has had virtually no opposition in his Congressional district over the years—but something stands out in that district. In 1968, there were 67,763 people who voted Republican for President; 31,760 who voted American, and only 41,821 who voted Democrat. So it would appear at a glance that Mahon's district is a synthesis of conservative Republicans and Jeffersonian Democrats who would believe that the best government is the one which governs (controls) least.

Also, there are 33 Democrats and 22 Republicans on the Joint Senate-House Committee on Reduction of Federal Expenditures, which controls the pursestrings of Congress. Every measure that involves that long green stuff with the short life, must be dealt with by the House Appropriations Committee.

Although the House has been unwilling to take the full "two steps backward. Paul Findley (R-Ill.) introduced an amendment to exempt from the control of OSHA those businesses with fewer than 25 employees. Again the vote was comparatively close—but the "ayes" had it, 213 to 154.

Again among the fence-sitters in the Texas delegation were Wright Patman, John Dowdy and William Poage. Voting for the amendment were: Jim Collins, Ray Roberts, Earle Cabell, Olin Teague, Bill Archer, Jack Brooks, Jake Pickle, James Wright, Graham Purcell, John Young, Eligio de la Garza, Richard White, Omar Burleson, Bob Price, George Mahon, O. C. Fisher, Robert Casey and Abraham Kazen. Voting against the Findley Amendment were Bob Eckhardt and Henry Gonzalez.

A majority of the members of the House Appropriations Committee were in favor of this amendment.

These examples prove that when the constituency sends its opinions to Washington, their Congressmen act on them.

Let's examine the original vote on OSHA. Ten Texans voted among those members of Congress on December 17, 1970 to bring about this monstrosity. However, on June 15, 1972, 18 Texas Representatives—conceding that the American businessmen were not ready for the totalitarian state—voted against OSHA. Eight of these 18 had completely reversed their original positions.

There is one "tall Texan" in Congress of whom we all can be proud—and that is O. C. Fisher. It is he who is leading the fight against OSHA in the House of Representatives. It is he who has rendered valuable assistance to counsel McNeill Stokes, providing the forum for him before the Committee on Small Business, and helping him as he moved the OSHA battle to the federal courts. The results of these court battles will be reported in future columns.

It's heartening to note a Democrat in Washington who still follows the path of an earlier Democrat—Thomas Jefferson.

Sadly enough, however, even with the opinion reversals in the Texas delegation, the Findley Amendment fell by the wayside when President Nixon vetoed the legislation to which it was attached. However, Congressman Fisher has introduced another piece of legislation similar to Findley's amendment, which may fare better.

Perhaps the best legislation introduced so far to combat OSHA is that by freshman Congressman Steve Symms of Idaho—which would repeal the act in its entirety.

And what are the chances of any legislation to either repeal or change the Occupational Safety & Health Act of 1970? Unless that legislation is introduced as an amendment on the floor of the House, it is practically doomed to failure because of the extremely liberal orientation of the members of the House Education and Labor Committee—which has jurisdiction over such legislation. The conservative exceptions on the committee are Earl Landgrebe of Indiana and John Ashbrook of Ohio.

Taxpayers' money is now being spent by the millions to finance an educational program on OSHA which will further divide labor and management. In one pamphlet, published by the OSHA bureaucrats, entitled "Recordkeeping Requirements," the employee is advised: "Any employee who believes that he has been discharged or otherwise discriminated against in violation of this provision (against harassment because of filing a complaint or testifying against an employer) may, within 30 days of such illegal action, file a complaint with the Secretary of Labor. The Secretary of Labor is authorized to investigate the matter and to bring action in the U.S. district court for appropriate relief, including rehiring or reinstatement of the employee to his former job with back pay."

There is an example here in the state of Texas of this pamphlet's effect on business. In a warehouse of one of the largest businesses in America, an employee manifested rank insubordination to a supervisor—a situation that could have resulted in a complete breakdown of order had the insubordination been condoned. In this particular instance, the employee threatened to call OSHA officials because a cardboard box was temporarily blocking an aisle; however, the supervisor was a man of stature—both physically and morally—and was able to solve the problem with little trouble.

Unfortunately, this type of problem is not isolated; businessmen all over the nation are reporting similar incidents. OSHA has become a device promoting not safety, but disharmony, and class warfare between employer and employee.

And what else are the taxpayers' dollars buying these days? Free 60-second television commercials—appearing in prime time—praising OSHA, and advising employees on procedures for reporting their employers for non-compliance with OSHA regulations.

A Job Safety & Health magazine is now being published monthly, with multi-colored covers and coated stock, franked free to all recipients. Perhaps the businessmen of America cannot afford to publish such professional magazines to promote their own businesses; however, their taxes are putting out this magazine at a cost of approximately $22,600 per month.

And what is in the magazine? The January, 1973 issue contained an article entitled "Work Without Fear," written by the associate editor, citing the "growing activism" in job safety and health. James Weeks, from the Urban Affairs Center at West Virginia State College, is pictured instructing union members on the viles of hazardous substances on construction jobs.

On page 21 of that same issue, Robert D. Moran, chairman of the OSHA Review Commission, states that Congress should take action to "1) change our name to the United States Court of Occupational Safety and Health; and 2) transfer us from the Executive branch to the Judicial branch." That's all this nation needs, is a Supreme Court of OSHA, with Robert Moran presiding.

Those who administer OSHA have become widespread and firmly entrenched over the past few months. There are now 10 regional offices, 49 area offices, 2 district offices and 14 field stations. In 1970, there were 970 employees, at a total expenditure of $15,200,000; this year, there are 1,708 employees, at a total expenditure of $36,456,000. By June 30, 1974, the OSHA administrators will be filling 1,844 positions and costing the taxpayers $67,500,000.

Others are making money on OSHA, too. There is a new publication, entitled OSHA Report, published by Lawrence Stessin as a subsidiary publication of Man & Manager, Inc., which is geared to teach the businessmen how best to comply with the myriad OSHA regulations.

One of the leading questions of management, according to the August 1, 1973 OSHA Report, concerns methods of relief from such police state tactics as those presently being used by OSHA inspectors.

The skillful answer given in OSHA Report is as follows: "There are plenty of bills in the hopper designed to ease the burden of the employers, but chances of passage appear slim."

OSHA Report further suggests that the bunsinessman contact his local OSHA area office, which "has expert personnel who can provide authoritative answers."

The psychology used here is that there is absolutely no use fighting the law; therefore, when one complies, he can best do so by subscribing to OSHA Report.

However, it doesn't seem that the American businessmen see it that way. And at least 18 of the 23 members of the Texas Congressional delegation in Washington do not see it that way, either.

Business Week of May 26, 1973, reports that because of OSHA, American business spent more than $2,500,000,000 in 1972; and that American business "intends to spend $3.2 billion this year to improve health and safety conditions for its workers. This would be a walloping 26% increase over such spending in 1972."

It appears that an observation made by the chairman of the House Select Committee on Small Business to Congressman Steiger (House father of the OSHA legislation) was quite correct: "Some people say, Mr. Steiger, that in toilets is the only place where we know what we are doing."

THE WAY IT LOOKS TO ME

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. SCHNEEBELI. Mr. Speaker, Mr. Paul Coffman, editor of the Star-Sentinel Newspapers of suburban Chicago, on November 15 wrote an excellent editorial that reflects the thoughts of so many Members of the House. Under the title "Good Man To Call It Quits!" The editorial notes that our colleague HAROLD COLLIER announced his decision not to seek reelection after nine terms of service. Mr. Coffman states that COLLIER's presence as our representative in national matters will be sorely missed by his constituents and he has represented all of the residents of his district in a nonpartisan manner.

Since HAROLD and I have worked side by side for several years in committee work I certainly can enthusiastically and strongly endorse these appropriate remarks about HAROLD's great service, not only to his constituents, but also in behalf of all our country's citizens. HAROLD has been an effective advocate and hard worker for his ideals, balanced by his keen, good judgment. We shall miss him very much, as a friend and as an effective legislator and leader.

Mr. Coffman's complete editorial follows:

GOOD MAN TO CALL IT QUITS!

(By Paul D. Coffman, Editor)

Congressman Harold R. Collier of the Sixth District of Illinois has announced that he will not seek reelection to the office of U.S. Representative in 1974. Congressman Collier will have completed nine two-year terms in the house upon his retirement.

In my opinion, Congressman Collier has performed yeoman service on behalf of the residents of our West Suburban area and his presence as our representative in national matters will be sorely missed by his constituents.

Although a lifelong Republican, Congressman Collier has represented all of the residents of his district in a non-partisan manner and has always made himself available at all times to discuss legislation and even personal problems of those whom he represents.

Congressman Collier has stated that "shuffling back and forth between Washington and Illinois for eighteen years" has been a long time, and we thoroughly agree with him. We do feel, however, that the sacrifices he has made on our behalf should be rewarding to such a dedicated man.

The congressman has stated that he would like to spend his remaining active years in the private, rather than the public sector, and we wish him well in whatever pursuit he wishes to follow.

To those of us in the print media, who have grown to know Congressman Collier over the years, we have found him to be one of the most cooperative persons we have chanced to meet in public life. No matter how busy he might be, he has always been willing to take the time to discuss government matters which have been of importance to his constituents.

I would like to personally thank Congressman Collier for his eighteen years of public service and feel that I am reflecting the thoughts of the thousands of citizens in the Sixth District who have returned him to office for 9 consecutive terms. Finding a replacement for such a devoted man will take quite a bit of doing.

SALUTE TO SISTER CELESTIA

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. LUJAN. Mr. Speaker, it is often said that behind a good man is a good woman. New Mexico has many good men with very good women behind them.

One such woman is Sister Celestia, a member of the Sisters of Charity of Cincinnati. This outstanding woman serves behind no one. Indeed, she is a leader.

Sister Celestia is administrator of St. Joseph Hospital in Albuquerque. There can be few persons with more love for God and fellow man. Sister Celestia has been a member of our community since 1964.

But in that time she has compiled a record of accomplishment which will certainly be most difficult to top.

Mr. Speaker, the purpose of my comment today is to recognize Sister Celestia for what she is and has done for the city of Albuquerque and the State of New Mexico. If Sister were in this Chamber today she would be embarrassed. Her modesty does not allow for personal tribute. In fact, she is the type woman who thanks God every day for the opportunity to serve.

Despite that, Sister Celestia recently learned that she is being included in the 1974 issue of "The World's Who's Who of Women."

Other listings for this dynamic woman include:

First. "Who's Who of American Women."

Second. "Two Thousand Women of Achievement."

Third. "Who's Who in the West."

Fourth. "Dictionary of International Biography."

Sister Celestia also has been cited for outstanding service by the National Federation of Business and Professional Women, the Heights Optimist of Albuquerque, and the Albuquerque Chamber of Commerce.

Just this past spring she was presented a plaque by New Mexico's law enforcement officers in recognition of her dedication to the needs of man.

When she was assigned to Albuquerque, Mr. Speaker, Sister Celestia was given an antiquated, three-story, 120-bed hospital to administer. Plans were being worked on to build a new hospital for our rapidly growing city. But from the day of her arrival she became involved in every aspect of planning and construction of that project.

Not quite 4 years after her arrival, in October 1968, the doors to an $11 million, 10-story, 200-bed hospital opened. Today St. Joseph Hospital is a $14 million facility with a 320-bed capacity. Last year St. Joseph served 12,100 inpatients and provided 68,900 days of patient care.

Sister Celestia was the driving community force to have the city of Albuquerque open narcotic and alcoholic treatment centers in the old hospital for the great sum of $1 a year. These treatment centers are considered among the best of their kind in the Nation.

In addition to overseeing an operation of such magnitude, let me cite some of the other community projects she has participated in since coming to Albuquerque.

In 1970 she instituted the "Police Appreciation Day" in which police officers from throughout the State are invited to dinner in recognition of their community service. This year, Mr. Speaker, almost 500 law enforcement officers and community and civil leaders attended this party.

Other work in which she participated since coming to Albuquerque is service as treasurer, vice president and president of the New Mexico Hospital Association, president of the New Mexico Hospital Association, president of the Albuquerque Area Health Council, and treasurer of the Mid-Rio Grande Health Planning Council.

Sister Celestia is a member of the American College of Hospital Administrators, the American Hospital Association, the National Catholic Hospital Association, and was twice a delegate to the Western Hospitals Association.

She is currently on the hospital admission precertification program committee of the New Mexico Foundation for Medical Care and also serves on its medicaid systems management committee. She has served on the New Mexico users committee of the Los Alamos Scientific Laboratories, as chairman of the unemployment compensation committee for the New Mexico Hospital Association, and is also serving as the assistant diocesan coordinator for hospitals.

Other working memberships held by Sister Celestia include the Albuquerque Chamber of Commerce, the Denver Provential Council of the Sisters of Charity, charter member of the New Mexico Right to Life Committee, and the City of Albuquerque New Technologies Task Force.

Most recently she was named 1 of the 10 persons in the Nation to serve on an American Hospital Association Special Committee on Financing of Comprehensive Health Care Delivery Organization and is an author on the subject of health maintenance organizations published in Hospital Progress.

Last year Sister was the subject of an indepth interview on the front page of the National Observer and at this time is a committee member inspecting comprehensive health care delivery installations throughout the Nation and will deliver a report to the American Hospital Association to be used as a guideline for health maintenance organizations.

Mr. Speaker, I am most proud and happy to include a woman of such achievement, dedication and love for God and man as Sister Celestia. I am indeed a lucky man to have such a friend at work in my home State and one of my constituents.

HOUSE OF REPRESENTATIVES—*Thursday, December 6, 1973*

The House met at 10 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be strong in the Lord and in the power of His might.—Ephesians 6: 10.

God of our fathers, give to us here assembled a growing appreciation of our American heritage and a glowing remembrance of the great personalities in our past who have lived and labored to make our Nation a true democracy. Remind us once again that Thou art God, that Thou art with us strengthening us and guiding us, and that though the wrong seems oft so strong, Thou art the Ruler yet.

Lay Thy hand in blessing upon him who shall be the Vice President of our country. Grant unto him wisdom, courage, and strength for the experiences that lie ahead. In Thee may he find the spirit to get along well with others and yet be true to his own faith and to the genuine ideals of his great office.

Enable him and all of us to play our part fully and faithfully doing always what is right and leaving the results to Thee who bringest all good things to pass.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1443) entitled "An act to authorize the furnishing of defense articles and services to foreign countries and international organizations."

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1747. An act to amend the International Travel Act of 1961 with respect to authorizations of appropriations.

The message also announced that the Senate agrees to the amendments of the House with amendments to a bill of the Senate of the following title:

S. 1559. An act to provide financial assistance to enable State and local governments to assume responsibilities for job training and community services, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (S. 1559) entitled "An act to provide financial assistance to enable State and local governments to assume responsibilities for job training and community services, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NELSON, Mr. RANDOLPH, Mr. KENNEDY, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. HATHAWAY, Mr. JAVITS, Mr. DOMINICK, Mr. SCHWEIKER, Mr. TAFT, and Mr. BEALL to be the conferees on the part of the Senate.

The message also announced that Mr. BEALL was appointed to replace Mr. STEVENS as a conferee on H.R. 11324, proposing use of daylight saving time on a year-round basis until April 1975.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 133. Joint resolution to provide for the establishment of the American Indian Policy Review Commission.

APPOINTMENT OF CONFEREES ON S. 1559, JOB TRAINING AND COMMUNITY SERVICES ACT OF 1973

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1559) to provide financial assistance to enable State and local governments to assume responsibilities for job training and community services, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, DENT, DOMINICK V. DANIELS, O'HARA, MEEDS, BURTON, GAYDOS, Mrs. GRASSO, and Messrs. BADILLO, QUIE, ESCH, STEIGER of Wisconsin, FORSYTHE, PEYSER, and SARASIN.

GOVERNOR ASKEW APPRECIATION DINNER IN FLORIDA

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, an estimated 4,000 enthusiastic Floridians and their guests filled Curtis Hixon Hall in Tampa on Friday night, November 30, to honor Gov. Reubin Askew of Florida. Billed as the "Governor Askew Appreciation Dinner," it was one of the largest dinners of its nature ever programed in the State of Florida and it was recognized as an unqualified success. The dinner was bipartisan in nature and was held to show appreciation for the outstanding progress of the State under Governor Askew's administration, and for the personal standards of conduct which the Governor has set for himself and the officials of his administration. Ed H. Price, Jr., of Bradenton, was dinner coordinator, and Mallory Horne, president of the Florida Senate, was master of ceremonies. U.S. Senator LAWTON CHILES and I were privileged to serve as dinner cochairmen.

EULOGY TO THE HONORABLE HENRY AWA WONG, MAYOR OF CHINATOWN, HONOLULU

(Mr. MATSUNAGA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MATSUNAGA. Mr. Speaker, the mayor of Chinatown, Honolulu, is dead.

A self-made man and a legend in his own time, the Honorable Henry Awa Wong has departed from our midst, and Chinatown, Honolulu, is left with a gaping, unhealable inner wound.

Henry will be missed as a tall pine tree, fallen from an empty space in the sky.

For the passing of Henry Awa Wong leaves a lonely emptiness in the hearts of all who knew him.

As his erstwhile legal counsel, I was counseled by him—steeped in the ancient philosophy of the Orient and tempered by the business sense of the Occident—on matters political and social.

As his friend who shared a bit of his boundless store of love and affection, I shed a tear for having done less in return.

Goodby, dear friend. In sorrow we rejoice, for who can doubt that you now dwell in the House of God.

CHANGE IN THE RULES ON VICE-PRESIDENTIAL NOMINATIONS

(Mr. HOGAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HOGAN. Mr. Speaker, today we will discharge our responsibilities under the 25th amendment to the Constitution for the first time.

I think it is important for the House to consider promptly a change in our rules as to how we consider Vice-Presidential nominations in the future.

As a means of stimulating discussion and consideration of this important matter, I am today introducing a House resolution which would amend the rules of the House relating to Vice-Presidential nominations.

My resolution would mandate the referral of such a nomination to the Judiciary which would report a resolution. The resolution would be one of high privilege and it would be in order at any time for the Speaker to recognize the chairman or any other member of the Judiciary Committee to move to take up the resolution. This motion to take up the resolution would be decided without debate and not amendable. Debate would be limited to no more than 8 hours which would be divided equally between the chairman and ranking minority member of the Judiciary Committee.

At the conclusion of general debate, one motion to recommit would be in order. The vote on final passage would be required to be by the yeas and nays.

Mr. Speaker, I feel strongly that we should promptly adopt such a rule before we are again called upon to consider the nomination of another Vice-President-designate.

APPOINTMENT OF CONFEREES ON H.R. 11324, DAYLIGHT SAVING TIME ACT OF 1973

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11324) to provide for daylight saving time on a year-round basis for a 2-year trial period, and to require the Federal Communications Commission to permit certain daytime broadcast stations to operate before local sunrise, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MOSS, STUCKEY, BROYHILL of North Carolina, and WARE.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. DELANEY. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 632]

Andrews, N.C.
Blatnik
Burke, Calif.
Chisholm
Clark
Clawson, Del
Clay
Collier
Collins, Tex.
Conyers
Crane
Dellums
Diggs
Downing
Ford, Gerald R.
Ford, William D.
Giaimo
Gray
Griffiths
Gubser
Gude
Hansen, Wash.
Harvey
Hébert
Jordan
Long, Md.
McSpadden
Macdonald
Mills, Ark.
Mitchell, Md.
Moorhead, Calif.
Passman
Railsback
Rangel
Rarick
Rees
Reid
Rodino
Rooney, N.Y.
Runnels
Ryan
Seiberling
Shoup
Sisk
Steiger, Ariz.
Stephens
Stokes
Tiernan
Walsh
Wiggins

The SPEAKER. On this rollcall 383 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFIRMING NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 738 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 738

> *Resolved*, That upon the adoption of this resolution it shall be in order to move, clause 27(d)(4) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 735) confirming the nomination of Gerald R. Ford, of the State of Michigan, to be Vice President of the United States. After general debate, which shall be confined to the resolution and shall continue not to exceed six hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the Committee shall rise and report the resolution to the House, and the previous question shall be considered as ordered on the resolution to final passage.

The SPEAKER. The gentleman from New York is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes of that hour to the gentleman from Illinois (Mr. ANDERSON) pending which I now yield myself such time as I may consume.

Mr. Speaker, this resolution makes in order consideration of House Resolution 735, a simple resolution providing for the confirmation of the Honorable GERALD R. FORD of the State of Michigan to be Vice President of the United States. The resolution provides for 6 hours of general debate. It also provides that points of order against clause 27(d)(4) of rule XI of the Rules of the House of Representatives be waived. That simply means that we are waiving the 3-day rule.

Mr. Speaker, I urge adoption of House Resolution 738 in order that we may discuss and debate House Resolution 735.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from New York just explained, in essence House Resolution 738 provides for a waiver of clause 27(d)(4) of rule XI—known as the 3-day rule—and calls for 6 hours of general debate on the House Resolution 735. In simple language that belies its importance, the resolution reads:

> That the House of Representatives confirm the nomination of Gerald R. Ford, of the State of Michigan, to be Vice President of the United States.

In doing so, House Resolution 735 calls upon the House to fulfill its obligation spelled out with equal clarity by the 25th amendment to the Constitution. The amendment reads:

> Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Mr. Speaker, our action today is unprecedented in the history of the United States. Its enormous significance, however, was suggested long ago by John Adams, then the Vice President serving under President George Washington. When asked what it meant to be Vice President, he responded, "I am nothing, but I may be everything." Every Vice President since has exclaimed in his own way the irony of holding a job with comparatively few powers while sitting on the threshold of succession to the Presidency. And beginning with John Adams in 1797, 12 Vice Presidents have assumed that responsibility.

Very much at issue then in the deliberation today is whether this body finds the Vice-President-designate fit and qualified, not only to be confirmed Vice President, but also to succeed to the Presidency. Indeed, this consideration is a thread that wove its way through the hearings of the Committee on the Judiciary in both the House and the other body in their deliberations of the nomination of our colleague, Mr. FORD. Without a dissenting vote the committee of the other body endorsed his nomination on November 20, and on November 29, by an overwhelming majority the Judiciary Committee of the House also recommended confirmation.

On November 27, the other body meeting as a whole also voted overwhelmingly for the confirmation of Mr. FORD. Today, in this Chamber, the decisive vote will be cast. Under the 25th amendment, the President has made his nomination, the other body has confirmed it, and now the House is compelled to exercise its independent judgment.

I stress the deliberation of the committees and of the other body because the people have a right to know that any action we take today is based on the most thorough scrutiny possible on the qualifications of the nominee. On the other hand, I stress the independence of the House because the people also have the right to know that our action is not pro forma.

The responsibilities of the House under the 25th amendment seem to me to be similar to those imposed by the 12th amendment in the event that the electors do not present a candidate for President with a majority of their votes. In that case the 12th amendment directs the House by ballot to choose the President. In much the same way today we must exercise similar judgment on the Vice President, in essence in this selection acting for the first time as a surrogate for the people.

To be sure this responsibility is shared by the other body, but perhaps our responsibility is more poignant because the Constitution intended for us to be the representatives of the people and the Members of the Congress most responsive to the people. In addition, the 25th amendment confers upon the House for the first time power to confirm or disapprove a Presidential nomination of any kind.

It is my own belief that the House shall act today on the basis of a thorough and fair study of the nomination by the Judiciary Committee, and that we can take pride in its distinguished Members and offer them our thanks. No similar investigation by the Congress exceeds it in depth or incisiveness. Furthermore, we owe our thanks to those members of the committee who felt compelled to offer supplemental or dissenting views for their contribution to a painstaking examination. It is my conviction that the House has acted with intelligence and honor in executing for the first time the untried 25th amendment, and that it has done so overcoming narrow partisanship and in spite of a national climate of suspicion. It is also my conviction that this body, with dispatch, should grant the rule as stated, and with great confidence and pride confirm our distinguished colleague, GERALD FORD, as the Vice President of the United States.

Mr. Speaker, during his confirmation hearings, GERRY told the committees that his platform was "to always support the truth and intelligent compromise." His appearances demonstrated to the Nation what we, his colleagues, have always known, that he is a man of candor, honesty, and of utmost decency. These qualities, as well as his keen understanding of public policy, would characterize his Vice-Presidency if confirmed. That he would do honor to the office is to me unquestionable, but even more importantly, I deeply believe that he would execute the office in such a way as to help restore the faith of the people in their elected officials.

Mr. Speaker, I urge adoption of House Resolution 738 in order that the House can consider House Resolution 735, the nomination of our most distinguished colleague, GERALD F. FORD, to be Vice President of the United States. I urge, moreover, that you join me in wishing our colleague Godspeed.

Mr. DELANEY. Mr. Speaker, I yield 10 minutes to the distinguished chairman of the Committee on Rules (Mr. MADDEN).

Mr. MADDEN. Mr. Speaker, today the U.S. Congress, and particularly the

House of Representatives, is implementing a constitutional provision requiring the replacement of a vacancy in the office of Vice President of the United States.

It is indeed a historic occasion. This is the first time since the Constitution was written almost two centuries ago that the Congress will have legislated on Vice-Presidential vacancy.

Our Nation has become the leader of the world under the two-party political system. Occasionally, in Federal elections, a so-called third political party or splinter organization has entered Presidential and congressional elections. These freak groups only serve to mislead and divide our citizens in an effort to emasculate our two-party system.

These "wildcat" political splinter groups never win, but they occasionally confuse the voters, sometimes resulting in curtailment or destruction of the Nation's economy and prosperity.

RULES COMMITTEE HEARINGS

Yesterday afternoon, for the first time in our Government's history, the Rules Committee met to hold hearings on the rule which was reported out of the House Judiciary Committee presenting the name of a nominee to fill a Vice-Presidential vacancy. As chairman of the Rules Committee, I can report that when the voice vote was taken it was the unanimous recommendation of our colleague from Michigan (Mr. GERALD FORD).

I was present at the White House the evening President Nixon announced the name of Congressman FORD to the Nation for ratification to this high office. The announcement of his name on that occasion met with unanimous approval of all those present.

I personally have served with Congressman FORD since he arrived in Congress 25 years ago. The Members of both sides of the House Chamber hold "JERRY" in the highest esteem for his honesty, industry, and integrity as a person and as a public official. I intend to cast my vote today for our distinguished colleague to be the next Vice President of the United States.

Over these years, Congressman FORD'S legislative voting record and my legislative voting record have been far apart, primarily because he, as minority leader of his party, evidently felt duty-bound to give support to the leader of his party who was elected President of the United States in 1968 and 1972. I, as my colleagues know, possess a record of endeavoring to give the platform of my party support, legislatively and otherwise, as a Member of this great legislative body.

This policy is, in essence although not an ironclad rule of law or political partisanship, a solid rule of procedure.

We are all sorry to lose our colleague from Michigan because, on both sides of the House, we have enjoyed his congeniality, companionship, and reputation for honesty and sincerity which he has exhibited in this House Chamber for over a quarter of a century.

As a friend, I also wish to warn him that he will miss this pleasant, serene, and calm atmosphere of the House Chamber when he goes down to the other end of Pennsylvania Avenue. For several years now, we "up here on the Hill" have been receiving, almost weekly, shocking reports on the various political massacres of so many outstanding Republican statesmen who have become victims of that mysterious White House political network and I for one extend to you "JERRY" my congratulations and best wishes.

No doubt the people of the country feel that possibly you will be a welcome addition for reform in the executive department on account of the vast education, legislative, and political experience you have received in these hallowed Chambers, and that you will not become entangled and will preserve that same reputation for honesty and integrity exhibited in your 25 years of service in this body.

MINORITY LEADERSHIP RESPONSIBILITY

As minority leader of your party you had an unwritten obligation to follow the leadership of the executive department and you gave noble allegiance by reason of your leadership on the other side of this aisle.

It is my optimistic hope that you will use your great legislative ability which you exemplified in this legislative body and help to get our economy and prosperity restored. You could be of magnificent service to millions of people throughout the Nation by interceding in the executive department of our Government to reinstall and make active a number of the various great legislative programs which this Congress has passed in the last dozen years.

As Vice President you can be so helpful in trying to restore the approximately $10 to $12 billion which this Congress has authorized and appropriated on many much-needed programs that are today practically dormant.

IMPOUNDED PROGRAMS

I will mention but a few which Congress has so enthusiastically passed with the support of possibly 80 percent of the American people, to wit:

EDUCATION

A vast majority of the House Members, especially from the urban areas, have been pressing the White House to release the impounded funds on educational expansion for our universities, colleges, and other schools. The president of Purdue University, when in my office last August while visiting the Indiana delegation, told me personally that some $2,400,000 of Federal funds vitally needed has been deducted this year from Purdue's budget. He stated most departments will be curtailed, three abolished, including the nursing school—on account of Federal impoundments.

HOUSING

Congressman FORD, you could be of great help to us by reinstating the great Federal housing program which has been curtailed by impoundments and lack of cooperation from the executive department. Today, we lack millions of homes on account of housing impoundments and fabulous high interest rates.

TRANSPORTATION

Much help is needed by the people in urban areas to install a system of freeways and mass transport facilities to relieve them from the intolerable bumper-to-bumper congestion of automobiles, buses, streetcars, and freight trains running through out metropolitan areas. You could help millions of our people to expand this problem which impedes business, industry and wastes millions of gallons of fuel.

PUBLIC PARKS

Mr. Vice President, I believe you could convince the executive department to interceed in the reestablishment of parks and recreation centers for millions of Americans not only those in urban areas, but also those in the rural centers of our country. A few years ago, the great Dunes National Park, which we have been fighting for for over a dozen years, was established by this Congress, but the executive department has been denying about 6 million people in the Chicago area and northwest Indiana and southern Michigan area from enjoying the great potential for a public park within an hour's drive from their homes. The money for this great development is also impounded.

ENVIRONMENT AND ENERGY

With your great experience and close touch with the people, legislators and Federal officials you could be invaluable in helping to establish a sensible and fair energy program.

REVENUE SHARING

The revenue-sharing program installed last year has been a complete hoax and failure. The cities and urban areas are denied or curtailed Federal help on establishing programs.

They are told to use revenue-sharing money. The revenue-sharing program has also been reduced. The news media report small towns, some low populative rural cities have no need for relief. Billions are sent out to areas which are rejecting the money or building golf courses, swimming pools, et cetera.

Mr. Vice President, I feel that this is a good time to touch on these matters as you will not be as close to this great legislative body in the future as you have been in the past. On my frequent returns to Indiana, I hear complaints from members of both the Democratic and Republican parties regarding the things I have mentioned today.

I join the other Members of this legislative body in wishing you Godspeed, good health, and congratulations on this rewarding and distinguished recognition from the political party with which you have so fervently cooperated over the years.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield as much time as he may desire to the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, I rise in support of House Resolution 735.

Almost 25 years ago GERALD R. FORD appeared in this same Chamber to be sworn in as a Member of this, the world's greatest legislative body. As all of us here know so well, tenure in the Congress is an uncertain thing; and I am sure that on that day this freshman Congressman from Michigan had no intention of remaining here for a quarter of a century. I doubt that he could foresee, also, that his outstanding service here would over the years bring him to this, the proudest day of his life, when colleagues in the House and Senate bestow upon him the high honor of becoming the Vice President of the United States. What a wonderful occasion this is—and how meaningful to him and his family.

On January 4, 1965, JERRY—and he will always be affectionately known that way to most of us—was chosen as minority leader, the highest post on our side of the aisle. As minority whip then and since, it has been my great pleasure to serve with him in the leadership organization of our party in the House.

Working with him so closely in all the day-to-day problems we have faced, I doubt that anyone in the House knows JERRY FORD, the man, better than I do. And what a great person he is—able, courageous, dedicated, loyal, and respected. He will indeed be an ideal Vice President for our Nation in these times.

I know that the people of this country, whatever their political philosophy, will quickly learn to respect and admire this man for what he is and what he stands for—just as the overwhelming majority of us on Capitol Hill do today.

We will miss JERRY in these daily sessions in the House. But speaking as one Member, I want to assure him that as Vice President of the United States and President of the Senate he will always have my wholehearted cooperation in working toward a legislative program which the Nation can applaud.

Again, JERRY, let me say how glad I am for you, your family, and your countless friends in Michigan and across the country for the wonderful and well-deserved recognition of this day. This is a splendid tribute to one of the finest Americans I have ever been privileged to know.

Mr. DELANEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Speaker, I wish to thank the gentleman from New York, my distinguished colleague (Mr. DELANEY) for yielding me this time. Mr. Speaker, I rise in opposition to the rule with great reluctance because I feel very firmly that this House has the right and in fact the constitutional obligation to express its will on the nomination of a Vice President by President Nixon. However, after examining the Constitution I am constrained to raise at this point the constitutional impediment that may exist in Mr. FORD's taking office if he is confirmed, namely, whether the "emoluments clause" of the Constitution (art. I, sec. 6) would bar him from that office.

Public Law 93-136 which was passed in October of this year increased the pension rights for the Office of Vice President. This increase constitutes an emolument. Therefore, there is a serious question as to whether Mr. FORD is barred by the emoluments clause of the Constitution from taking the office of Vice President of the United States.

The emoluments clause provides:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created or the emoluments whereof shall have been increased during such time; . . ."

Mr. Speaker, this constitutional issue was brought to the attention of the House Committee on the Judiciary virtually on the last day of the hearings. Unfortunately we heard no witnesses on this subject. We did not have any legal memorandums presented to us at the time the Judiciary Committee considered this subject.

I have attached, however, a legal memorandum prepared by a law professor at Yale Law School in my dissenting views on this subject. From this memorandum, it seems as though a serious constitutional issue is raised.

The reason I suggest at this point that we defeat this rule is precisely because this House seems to be bent on the confirmation of Mr. FORD. And since, as I expect, this House of Representatives wants to see the gentleman remain in office as the Vice President and not be subject to removal by the courts, I believe that we should remove any constitutional impediment to the gentleman's taking and keeping that office. If we need curative legislation, such as the legislation we recently passed regarding Senator SAXBE, then we should do it before Mr. FORD is confirmed rather than suffer the consequences of our failure to do so afterward. If by his confirmation we intend to insure confidence in and stability to that office—and I think the American people have the right in these troubled times to demand stability in the Office of Vice President or indeed in the Presidency if Mr. FORD should succeed to that position—then I think we owe it to the American people to remove any such possible constitutional impediment.

So, Mr. Speaker, for that reason I ask that the rule be defeated, in order that the Committee on the Judiciary may review this matter thoroughly and recommend appropriate curative legislation.

Mr. DELANEY. Mr. Speaker, will the gentlewoman from New York yield?

Ms. HOLTZMAN. I yield to my colleague, the gentleman from New York (Mr. DELANEY).

Mr. DELANEY. Mr. Speaker, the question that the gentlewoman from New York has brought up did concern a number of people, and I inquired of the chairman of the Committee on the Judiciary, Mr. RODINO, and the gentleman informs me that they have gone into this matter in detail, and they have secured the opinions of leading authorities, and the gentleman assures me that there is nothing to worry about from that particular point.

Ms. HOLTZMAN. Mr. Speaker, if I may respond to the gentleman, the leading authority he is referring to is, the Library of Congress, hardly a leading constitutional authority. But after I read their report I found that it omitted a very significant part of the debate on the Constitution. Its conclusions are therefore suspect. Furthermore, the Library's report was submitted after the Judiciary Committee's deliberations. And I am satisfied, at least, from my own scrutiny of the matter, that a serious question is raised.

I thus urge the House at this time to send the matter back to the Judiciary Committee so as to make sure we will not be giving the country a lawsuit on this matter.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I would like to add my voice to the statement just made by the gentleman from New York (Mr. DELANEY).

We did discuss this matter yesterday with the chairman of the Judiciary Committee, and I think that the chairman is quite prepared to go into the matter raised by the gentleman from New York in detail, and will do so during general debate. I do not believe that this question is something with which we need to be concerned.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I would like to comment that the Constitution makes a definite distinction between the offices of the President and Vice President, and "civil officers."

I would also like to point out that this is a "nomination" is not an appointment to a civil office, which is a further distinction.

Furthermore, we have secured ample legal authority to assure that there is no constitutional impediment to GERALD FORD's nomination and confirmation as Vice President. Furthermore, it is my conviction that the 25th amendment stands clearly on its own firm basis, and is not controlled or covered by the article of the Constitution to which the gentlewoman from New York made reference. I do not think there is any question of any constitutional impediment whatever.

Mr. Speaker, as the gentlewoman knows, the contention that GERALD FORD is ineligible to hold the office of Vice President because of the emoluments provision (article I, section 6) of the Constitution was raised and rejected both in the other body and in the Judiciary Committee here. There are a number of valid answers to it. The simplest and clearest is that the Constitution does not consider the office of Vice President to be a "civil office" within the scope of article I, section 6. This is evident, first, from article II, section 4 of the Constitution, which states that the "President, Vice President and all civil officers of the United States" may be removed from office by impeachment, thus drawing a plain distinction between the Vice President and a civil officer. In addition, as a memorandum of legislative counsel in the Congressional Research Service shows, the history of article I, section 6 at the Constitutional Convention indicates that the term "civil office" was carefully arrived at in order to mark a distinction not only between military and civilian offices but also between offices created by the Congress, and offices created by the Constitution itself, such as the Presidency and the Vice Presidency. Cementing this analysis is the fact that article I, section 6 speaks only of "appoint[ment]" to a civil office, thus apparently contemplating only congressionally created offices of the type enumerated in article II, section 2 of the Constitution. These offices are not the same as and do not include the 25th amendment situation which speaks, in precise language, of a Vice President "nominated"—not "appointed."

In sum, even without reaching the separate and debatable issue whether, as to Gerald Ford, the emoluments of the office of Vice President have been increased during his term, it is clear that article I, section 6 is not applicable to the Vice Presidency and thus creates no impediment to Mr. Ford's confirmation.

Mr. LATTA. Mr. Speaker, let me say the Congress will make history today when it elevates to the Office of Vice President, the Honorable Gerald Ford of Michigan. This will be the first time the new procedure outlined in the 25th amendment to the Constitution will have been used. I am prepared to say that it is a good procedure and has met the test. So has the gentleman from Michigan met every test given him since he was first nominated for this high office. He has submitted to every investigation and fully and satisfactorily answered every question. There were literally hundreds of individuals investigating him. The FBI had 70 or 80 agents in his hometown alone talking with everyone who knew him or knew of him. After such a searching investigation, they could turn up nothing not in order about Jerry Ford.

The Senate had its investigation. He was investigated by a partisan committee. His nomination was in the hands of partisan individuals who were searching and searching for something adverse to report. They found nothing and when the vote came in the Senate, there were only three votes against him. Remarkable, especially when one considers the political and ideological differences among them.

In the House Committee on the Judiciary, another partisan committee investigated him thoroughly. Once again Jerry came through with flying colors. It is true there were more votes cast against him in that committee than were cast in all the Senate.

I respectfully urge the Members to examine the dissenting opinions very thoroughly. They seem to be saying that since they do not agree with all the votes Jerry has cast in the House, they cannot vote for confirmation. This is their right and I guess if Jerry had voted to their liking, we would not now be voting on his confirmation to be Vice President.

Mr. Speaker, Jerry Ford has done this House proud since he first came here some 25 years ago. I have not had the good fortune of having known him all these years, but I am proud to have been able to call him my friend since I first come to Congress. He has been in my congressional district several times since I was first elected and many of my constitutents have come to know him and to know Jerry Ford is to like him.

The SPEAKER. The time of the gentleman has expired.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 2 additional minutes to the gentleman from Ohio.

Mr. LATTA. I thank the gentleman.

Mr. Speaker, I think after today, when Jerry Ford is sworn in as Vice President in this Chamber, most Americans will be as proud as we are of our new Vice President. He will serve this Nation well. I am happy and very proud today to support this rule and to support Jerry's confrmation for this high office.

Mr. DELANEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. Abzug).

Ms. ABZUG. Mr. Speaker, I presented to the Committee on the Judiciary a statement on November 26, which raised among other issues, the question of the possible ineligibility of Mr. Ford for the office of Vice President by reason of the emoluments clause. On November 28, I wrote to the committee and proposed that, in view of this serious constitutional question, the hearings should be reopened for purpose of taking testimony from constitutional authorities and for receiving an authoritative opinion, before action on the confirmation by the Committee on the Judiciary. On December 5 I appeared before the Rules Committee and opposed the issuance of the rule as premature until this constitutional issue was resolved.

Nothing was done. That is why I object to the rule. I take the process in which we are today involved very seriously. We are acting for the first time under the 25th amendment. We are responsible to the country, as surrogates of the electorate as well as protectors of the Constitution, for how we act here today.

This constitutional issue has been brushed aside in the haste to confirm Mr. Ford, but I feel it may come back to haunt us if a court test of the nomination is instituted as, undoubtedly, it will be, and is successful.

We should not act on the confirmation without the Judiciary Committee having had hearings, which it did not have on this issue; without the committee having had an authoritative opinion from an Attroney General, which it did not have on this issue; and without the Congress addressing itself to the constitutional defect of this nomination, which it has not.

Even in the case of Senator Saxbe, an office far less important than that of Vice President, the Congress dealt with the issue. When it found that there was a contravention of the emoluments section of the Constitution, a bill was introduced and passed by the other body and this House in an attempt to cure the defect. I do not happen to think it cured that defect, but at least there was an attempt to do so.

Here we have done nothing like this. We have ignored our responsibility under the Constitution and under our oath of office. The country has enough constitutional crises and we do not need yet another constitutional crisis. We do not need new questions raised about the Executive leadership of our Nation and indeed about the leadership of this body. I ask my colleagues: Do the Members think we should place ourselves and the American people in such a dilemma about the Vice President when we already have the most widespread national concern as to the legitimacy of the President's remaining in office?

We are confronted by a serious unresolved question as to whether or not the emoluments clause applies here. We have a responsibility to resolve this question before we report out a rule for the confirmation of the Vice President the first time that we are called upon to exercise our duty under the 25th amendment.

The statement referred to follows:

Constitutional Defect in the Nomination of Congressman Ford To Be Vice President

The nomination of Congressman Ford to be Vice President, under procedures established by the Twenty-Fifth Amendment to the Constitution, contravenes Article I, Section 6, Clause 2 which provides:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which was created, or the emoluments whereof shall have been increased during such time; . . . ."

During this session of Congress, Public Law 93–136 was enacted, becoming law on October 24, 1973.

Specifically, the law provides that the immediate (not deferred) Civil Service retirement annuity of an employee retiring after the effective date of a cost-of-living increase shall not be less than his annuity would have been if he had retired on the effective date of the last cost-of-living increase. This provision applies whether or not the retiring employee met the age and service requirements for annuity before the effective date of the cost-of-living increase. Similarly, the law provides that the annuity of an employee's widow or widower beginning after the effective date of a cost-of-living increase shall not be less than it would have been if it had begun on the effective date of the last cost-of-living increase. The provisions of the law apply to annuities beginning on or after July 2, 1973 and apply to those employees who retire or die in service after July 1, 1973. Thus, an employee retiring on or after July 1, 1973, and before January 1, 1974, when another annuity increase may be due, will be entitled to the annuity computed as of June 30, 1973, plus the 6.1 percent increase effective that date, *or* the annuity earned on the date of actual separation, whichever is higher. (Of course, the same will be true after future cost-of-living increases.)

Elsewhere, "Member of Congress" is defined to include the Vice President. 5 U.S.C. 2106. The Senate floor debate raised this issue, but the answer given to Senator Hathaway by Senator Cannon was incorrect in this respect.

EMOLUMENTS

Although the Framers of the Constitution did not specifically define the meaning of the term "emolument", it would appear that it was meant to be a broad generic term, designed to encompass more than simply the salary attached to an office. This seems confirmed by the use of the more narrow term "compensation" in Article I, section 6, clause 1 ("The Senators and Representatives shall receive a compensation for their services . . .") and Article III, Section 1 (The Judges . . . shall . . . receive for their services, a compensation . . ."). Of course, pensions were not unknown at the time of the adoption of the Constitution.

Further, legal dictionaries generally agree on a broad definition of the term:

"emoluments. The profit arising from office or employment; that which is received as compensation for services, or which is annexed to the possession of office as salary, fees, perquisites; advantage; gain public or private . . . Indirect or contingent remunerations which may or may not be earned; remunerations in the nature of compensation or in the nature of reimbursement. *Waller* v. *U.S.*, 180 F. 2d 194 . . . (Ballantine's Law Dictionary, 3rd Edition, 1969, pp. 398–399).

"Emolument. The profit arising from office or employment; that which is received as compensation for services, or which is annexed to the possession of office as salary, fees, and perquisites; . . . It imports any perquisite, advantage, profit or gain from the possession of an office." (Bouvier's Law Dictionary, Baldwin's Century Edition, 1948, p. 353)."

The Courts have also given the term an expansive reading. In *McClean* v. *United States*, 226 U.S. 374 (1912), the Supreme Court commented, "Pay and emoluments are but expressions of value used to give complete recompense to a deserving officer. Their association was deliberate; emoluments were additive of pay. They may be called "indirect or contingent remuneration," as they have been called; it may be said, as it has been said, that 'they are sometimes in the nature of compensation and sometimes in the nature of reimbursement'." (226 U.S. at p. 382).

Finally, in the context of the Emoluments Clause itself, it appears certain that the Framers meant to include all varieties of pecuniary gain that might be attached to an office. One of the principal purposes of the provision was to prevent Members from seeking offices which they had "enriched". It cannot be presumed that the Framers were unaware that an office could be "enriched" by means other than simply the raising of its salary.

Since the salary of the Vice President is considerably in excess of that of a Member, if Mr. Ford serves for three years his annuity will be substantially greater than it would have been as a Member. As a result, Mr. Ford, upon retirement, could receive a significant added benefit from the alternate computation afforded by Pub. L. 93–136. If one focuses on the Vice President's office, it is seen that the new law could reap an incumbent a considerable benefit.

The Constitutional and legal definition of the term "emoluments" when applied to the facts surrounding P.L. 93–136, compel the conclusion that this law constitutes an emolument to the office of Vice President.

The Twenty-Fifth Amendment created procedures for the filling of a vacancy in the office of Vice President. Section 2 of that amendment provides:

"Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress."

The process of nomination and confirmation is exactly parallel to the procedures required by the Constitution for appointment to all governmental offices (save where the Congress waives its right of confirmation to inferior offices under Article II, Section 2 of the Constitution) except that it waives the practice of commission after confirmation, as required by Article 2, Section 3. The Twenty-Fifth Amendment uses the term "nominate" instead of "appoint", but the thrust of the amendment is clear, in that the Vice President takes office not upon election, but upon completion of a process materially the same as appointment under all other articles of the Constitution: The President makes an initial selection, and the legislature approves for purposes of the Emoluments section, therefore, the process of filling a vacancy in the Vice Presidency constitutes an appointment.

In order that Article I, Section 6, Clause 2 of the Constitution apply to the nomination of Congressman Ford it is necessary that the appointment be to a "civil office under the authority of the United States."

The use of the term "civil" as modifying the term "office" leads to the conclusion that the Vice Presidency is such an office. The debates at the Constitutional Convention reveal that only in its final form was the term "civil" inserted in the phrase "any office under the authority of the United States." (See Farrand, "The Records of the Federal Convention of 1787," 4 vols. (Yale University Press, 1966, volume 2, pages 489–492.) There is no explanation of this change in the debates, and the simplest answer is that it was intended to distinguish civil offices from military offices, thus permitting Members of Congress to continue their historic practice of taking office in the military during the time in which that office was created, or where the emoluments of the office had been increased. This simple and direct reading of the phrase is perfectly consistent with the legislative history, and the purposes of the constitutional prohibition embodied in Article I, Section 6, Clause 2. (A long series of cases decided in state courts has consistently construed "civil offices" in this fashion. See for example Sate v. Hawkins, 79 Mont. 506, 257 P. 411, 413 (1927); Texas Nat. Guard Armory Bd. v. McCraw, 132 Tex. 613, 126 S.W. 2d 627 632 (1939); Harvey v. Ridgeway, 450 S.W. 2d 281, 287 S.C. Ark. (1970)).

It remains to be considered if the Vice Presidency is an "office under the authority of the United States." Nothing in the legislative history of either the Constitutional Convention or the Twenty-Fifth Amendment indicates the answer to this question.

If the intent of Article I, Section 6, clause 2, is analyzed however, an answer emerges. There were two basic evils that were apprehended by the Framers, and which they sought to prevent by this clause. The first was that legislators might seek elective office as a means of advancing to other lucrative public offices, and use their legislative position to create or enlarge the emoluments to such an office. The second was the possible abuse of the appointive process by the executive branch, so that appointment to office might be used to entice and influence members of the legislature. James Mdaison favored the existing restriction and 'said "the unnecessary creation of offices, and increase of salaries, were the evils most experienced, and that if the door was shut and it might be properly left open for the appointment of members to other offices as an encouragement to the Legislative service." (Farrand's Vol. 2, p. 492.)

The appointive procedures under the 25th amendment have the potential for the same sort of evil that the Framers sought to prevent. The possible appointment to the Vice Presidency may be a powerful inducement to many legislators, and to the executive branch, to abuse the political process.

Nor is the probability of appointment under the 25th Amendment so unlikely that no real danger is presented. The Vice Presidency has been vacant numerous times, for a period of almost forty years of our history.

The remedy the Constitution provides for such a situation is clear. In addition to representing an individual case of disregard of the Constitution, the Framers wished to prevent the setting of an unconstitutional precedent, and therefore made the bar absolute if the requested facts are proven. The setting of such a precedent is as unfortunate as the disregard of the Constitution in each particular case.

The use of the term "civil office" or "office" in the Impeachment Clause, the Appointment Clause, and the Commission Clause are all consistent with characterizing the Vice Presidency as a "civil office" for purposes of the emoluments clause.

Further, whatever the ultimate character of the office of the Vice Presidency, it can be argued that for the purposes of Article I, Section 6, clause 2 of the Constitution—the appointive Vice Presidency—the Vice Presidency is a civil office. One basic truth emerges from the new procedures under the 25th amendment; it is now an appointive office, and whatever the term of art used by the Framers in the emoluments clause, they intended that there be an absolute bar to public appointive office created or where the emoluments were increased in order to safeguard the nation against corruption of the legislative process.

Finally, as a matter of law, given that the evidence of an emolument and of the Vice Presidency as a civil office has prohibitive value. It is therefore for the proponents of the Ford nomination to meet the burden of qualifying him for office, as is the case with any nomination. Congressman Ford must be affirmatively qualified, and its burden is upon him.

As a matter of fact, and of law, the nomination of Gerald Ford contravenes the letter and the intent of Article I, Section 6, Clause 2 of the constitution.

The simple and direct meaning of the words of the constitution must be respected.

In the words of Mr. Justice Holmes, in *United States* v. *Brown*, 206 U.S. 240, 244:

"Whatever the consequence, we must accept the plain meaning of the words."

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CEDERBERG).

Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I intended to ask the distinguished gentlewoman, in view of the fact that she does not feel the kind of curative legislation which was proposed with respect to the Attorney General was effective in removing the constitutional impediment with respect to the emoluments clause of the Constitution, I cannot follow her argument. It seems to me she leaves us in a position where no matter what we attempt to do, any Member of this House nominated to that post would be under a constitutional disability. I do not know what good it does to suggest we have to have curative legislation if, as in the case of the gentlewoman from New York (Ms. ABZUG) and the gentlewoman from New York (Ms. HOLTZMAN) who spoke earlier, they both oppose it anyway.

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Speaker, my point is that we have a responsibility to deal with the question. We have not dealt with it. We have not satisfied ourselves either in the Judiciary Committee or in the Rules Committee, where I raised this question yesterday, or before this body as to whether or not there is a violation of this constitutional provision and as to whether or not there could be curative legislation.

I point out that we have a responsibility. There may be a difference of opinion. I believe there is a violation of this clause and that Mr. Ford is a civil officer under the authority of the United States. I think the issue has to be determined. It can be determined by legislation in the minds of some and in the minds of others by a declaratory judgment by a court.

What I think of the attempted Saxbe curative legislation is not the question. The question I raise is that this matter has not been before the body properly. We have not gone into the constitutional question and it is our responsibility to do so.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield the gentleman from Michigan (Mr. Cederberg) 2 additional minutes.

Mr. CEDERBERG. Mr. Speaker, this is a proud and happy day for the members of the Michigan delegation and for the people of the State of Michigan. One of our own is about to assume the great office of the Vice President of the United States. Those of us who have worked with Jerry Ford over the years have found him to be a man of great integrity, unusual competence, and a man who works hard and long at his tasks.

Today more than 400 people from the State of Michigan will be coming here, many of them from the city of Grand Rapids and the district he has represented these 25 years, to pay their respects and to honor him in this new position.

It has been my privilege as a member of this delegation to have nominated him for the post of minority leader when he was first a candidate for that post.

I have nominated him in every Congress since that time and it has been a real personal pleasure for me. It has been a personal pleasure for me to have worked with Jerry these long years, not only as a legislator, but also to have known him and have been with him socially. Our families have been together many times.

So today the overwhelming majority of us are just delighted that we can nominate a new Vice President from our great State of Michigan.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Michigan.

Mr. CONYERS. Was he speaking for the entire Michigan delegation?

Mr. CEDERBERG. I suppose I was speaking for the entire delegation at a ratio probably of 19 to 2.

Mr. CONYERS. Thank you.

Mr. CEDERBERG. That is a pretty good ratio.

Mr. DELANEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. Rangel).

Mr. RANGEL. Mr. Speaker and my colleagues, I want to thank this House for reducing the qualifications for Vice-President to something that all minorities can aspire to hold this very high office. It seems to me that what we are concerned with is honesty and integrity and I am certain that this will open the doors to many people who aspire higher office.

I, for one, will never dispute that our illustrious minority leader has these qualities. I had asked really that we postpone the voting of the rule today until I as one of the newer Members would have an opportunity to check out as to whether or not we needed a rule, because with all due respect to the leadership to which I look in determining the legislative calendar, I read in the Washington Post and again in the New York Times that at 5 o'clock the President will be here. The U.S. Supreme Court will be here and the coronation will take place. So if this is so, of course, then we are merely expressing our personal views and the views of our constituents as to whether or not we are going to confirm the next Vice President of the United States.

Another question I had is that it did not appear clear today in the rules as to what posture we serve after we go through the motions of for and against Jerry Ford in the so-called joint meeting. I understand that as Members of the House of Representatives in a joint session, we would exercise some legislative rights. But at a joint meeting when everyone is invited, I did not know whether the Speaker presides, whether he yields for a question from a Member of the House or whether or not if we wanted to question the President, whether we ask him to respectfully yield; since all of this is happening in the House of Representatives, of which I am proud to be a Member. I hope the rule will make clear what if anything do we do in the House, what rights do we have in the House. Can one Government employee question another Government employee or can a Congressman question the President in the Chambers of the House of Representatives?

I thought we might have an opportunity to have an exchange with the President, an opportunity which we have not had in recent years.

For those reasons, I ask that we vote against the rule.

Ms. HOLTZMAN. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. I would like to respond to the gentleman from Illinois, inasmuch as he mentioned my name. I believe that curative legislation would be effective. In fact, the legal memorandum which I attached to my dissenting views indicated that remedial legislation at this point might well cure the problem posed by the emoluments clause.

Mr. ANDERSON of Illinois. Mr. Speaker, I have no further requests for time.

Mr. DELANEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. Long).

Mr. LONG of Maryland. Mr. Speaker, I am going to vote for Gerald Ford. He is wrong much of the time, but he is decently wrong. I think decency and stability are the most important considerations.

I am very conscious of the significance of my vote. Gerald Ford could be the next President, and if the gentlemen on the Republican side of the aisle are wise, they will move as fast as they can to make him the next President by calling on the incumbent in the near future and asking him to resign.

Now, I do not offer this suggestion out of any partisan consideration. Any partisan Democrat would have to be out of his mind to want to take this millstone off the necks of the Republican Party. For if Mr. Nixon remains in office 3 more years, the Democrats could win in 1976 with the Boston Strangler. And in your hearts, you know I am right.

(By unanimous consent, Mr. Delaney was allowed to speak out of order.)

POSTPONEMENT OF MEETING OF COMMITTEE ON RULES TODAY

Mr. DELANEY. Mr. Speaker, I take this time to announce that the 11 a.m. meeting of the Committee on Rules is postponed. The report is not filed. Members will be notified of the new meeting time.

Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Ms. HOLTZMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 389, nays 15, not voting 29, as follows:

[Roll No. 633]

YEAS—389

Abdnor
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Drinan
Dulski
Duncan
du Pont
Eckhardt

Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Gross
Grover
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mezvinsky
Michel
Milford
Miller
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rarick
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ruppe
Ruth
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—15

Abzug
Badillo
Chisholm
Clay
Collins, Ill.
Conyers
Dellums
Edwards, Calif.
Hawkins
Holtzman
Metcalfe
Mitchell, Md.
Nix
Rangel
Stark

NOT VOTING—29

Blatnik
Burke, Calif.
Burke, Fla.
Clark
Clawson, Del
Conlan
Crane
Diggs
Downing
Ford, Gerald R.
Ford, William D.
Giaimo
Gray
Griffiths
Gubser
Hansen, Wash.
Johnson, Calif.
Jordan
McSpadden
Macdonald
Passman
Reid
Rooney, N.Y.
Rose
Runnels
Ryan
Stokes
Stuckey
Walsh

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mrs. Burke of California against.

Mr. Diggs for, with Mr. Stokes against.

Mr. Blatnik for, with Miss Jordan against.

Until further notice:

Mr. Giaimo with Mr. Clark.

Mr. Gray with Mr. Ryan.

Mr. Reid with Mr. Macdonald.

Mr. Passman with Mr. Stuckey.

Mrs. Hansen of Washington with Mrs. Griffiths.

Mr. Downing with Mr. Rose.

Mr. Runnels with Mr. McSpadden.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. RODINO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 735) confirming the nomination of Gerald R. Ford, of the State of Michigan, to be Vice President of the United States.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey (Mr. Rodino).

The motion was agreed to.

The SPEAKER. The Chair requests that the distinguished dean of the House, the gentleman from Texas (Mr. Patman) preside over the Committee of the Whole.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution House Resolution 735, with Mr. Patman in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New Jersey (Mr. Rodino) will be recognized for 3 hours, and the gentleman from Michigan (Mr. Hutchinson) will be recognized for 3 hours.

The Chair recognizes the gentleman from New Jersey.

Mr. RODINO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for the first time since the 25th amendment became law, and House of Representatives has been asked to decide whether a man, designated by the President as his Vice-Presidential nominee, has the qualifications to become the Vice President of the United States.

On October 10, 1973, the Vice President resigned his office under circumstances familiar to us all. On October 13, the nomination of Representative Gerald R. Ford, of the State of Michigan, to be Vice President of the United States was received by the House and referred for consideration to the full Committee on the Judiciary.

As chairman of the Judiciary Committee, I was charged with the responsibility of presiding over all investigative processes necessary for confirmation. While the committee's report includes a comprehensive statement on the scope of our inquiry, I would like to summarize what took place during the weeks of our investigative work.

Our inquiry led to more than 100 formal interviews in 14 States; the examination of countless public and private documents; independent audits of the nominee's personal finances; an exhaustive review of all identifiable contributors to the nominee's various campaign committees for the past 20 years; an inquiry into the nominee's relations with every agency and department of the Federal Government; and a review of the recipient of every Government contract of more than $50,000 in the nominee's congressional district in recent years.

Mr. Ford made available to the committee copies of his tax returns for the period 1965–72, and results of Internal Revenue audits. At the direction of the Judiciary Committee, staff of the Joint Committee on Internal Revenue Taxation on loan to us conducted an inquiry into Mr. Ford's finances: his salary and other income, his bank accounts, and those maintained by other members of his family.

The committee has reviewed comprehensive records pertaining to Mr. Ford's law practice and other business associations and holdings, his congressional and minority staff payroll, and his personal health. In addition, the committee examined Mr. Ford's public voting record; newsletters, campaign literature and statements attributed to him; news articles written about Mr. Ford during 25 years as a U.S. Congressman; and his ratings as published by special interest groups.

All of this material was made available to every member of the Judiciary Committee.

In addition, eight members of the committee, four Democrats and four Republicans, were given access to data collected by the Federal Bureau of Investigation during their investigation of the nominee. That investigation resulted in more than 1,700 pages of material from more than 1,000 personal interviews by 350 special FBI agents.

Hearings into the nomination began on Thursday, November 15, 1973, with the first witness the Vice President-designate, Gerald R. Ford. The hearings consumed 36½ hours, more than half of which consisted of questions addressed by the committee to the nominee. Other witnesses testified before the committee, including three persons who testified in executive session on November 20. The committee has published the complete proceedings of all sessions.

The issue of the applicability of the emoluments clause, article I, section 6, clause 2, of the Constitution has been raised. It was also raised in the course of debate in the Senate, and satisfactorily disposed of. The American Law Division of the Library of Congress did thorough research and an analysis at the request of the committee. Their conclusion supported by the history of the adoption of the clause, court decisions, and the commentaries of leading constitutional scholars indicates the Office of Vice President was not intended to be encompassed by that clause. I am including at this point for reference purposes the results of that research:

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C.

APPLICABILITY OF THE EMOLUMENTS CLAUSE (ARTICLE I, SECTION 6, CLAUSE 2) OF THE CONSTITUTION TO THE OFFICE OF VICE PRESIDENT

The question has been raised whether Public Law 93-136, effective October 24, 1973, which guarantees to federal employees certain minimum benefits under the Civil Service Retirement System, is an increase in the "emoluments" of a "civil office" which would disqualify Vice-President-designate Gerald Ford from holding such office under the prohibition of Article I, section 6, clause 2 of the Constitution. That provision states: "No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; . . .".

The House Committee Report (H.R. Rep. No. 93-457) on the legislation underlying Pub. L. 93-136 described the legislation as:

". . . designed to (1) eliminate the anomaly of a difference in amount between annuities that commence on or before the effective date of a cost-of-living increase and those that commence shortly after that date; (2) moderate the peaking of retirements immediately before cost-of-living increases become effective; and (3) reduce disruption in the work of Government agencies caused by many employees suddenly retiring at the same time."

Specifically, the law provides that the immediate (not deferred Civil Service retirement annuity of an employee retiring after the effective date of a cost-of-living increase shall not be less than his annuity would have been if he had retired on the effective date of the last cost-of-living increase. This provision applies whether or not the retiring employee met the age and service requirements for annuity before the effective date of the cost-of-living increase. Similarly, the law provides that the annuity of an employee's widow or widower beginning after the effective date of a cost-of-living increase shall not be less than it would have been if it had begun on the effective date of the last cost-of-living increase. The provisions of the law apply to annuities beginning on or after July 2, 1973, and apply to those employees who retire or die in service after July 1, 1973. Thus, an employee retiring on or after July 1, 1973, and before January 1, 1974, when another annuity increase may be due, will be entitled to the annuity computed as of June 30, 1973, plus the 6.1 percent increase effective that date, *or* the annuity earned on the date of actual separation, whichever is higher. (Of course, the same will be true after future cost-of-living increases).

The Vice-President of the United States may avail himself of the Federal retirement system covered in the Civil Service Retirement Laws. 5 U.S.C. 8331 et. seq. For purposes of these laws, a Member of Congress may, by giving "notice in writing to the official by whom he is paid . . . , become subject" thereto. 5 U.S.C. 8331 (2). Elsewhere, "Member of Congress" is defined to include the vice-president. 5 U.S.C. 2106.

We have no information as to whether Mr. Ford has executed the requisite notice under 5 U.S.C. 8331(2). Nor do we have information whether Mr. Ford would benefit by the alternate method computing his annuity if he did so elect. Assuming that he has given the requisite notice, two questions must be faced: First, did Pub. L. 93-136 effect an increase in the emoluments of the office of vice-president, and, if so, second, is the office of vice-president a "civil office" within the meaning of Article I, section 6, clause 2?

I.

Although the Framers of the Constitution did not specifically define the meaning of the term "emolument", it would appear that it was meant to be a broad genetic term which was designed to encompass more than simply the salary attached to an office. This seems confirmed by the use of the term "compensation" in Article I, section 6, clause 1 ("The Senators and Representatives shall receive a compensation for their services . . .") and Article III, section 1 (The Judges . . . shall . . . receive for their services, a compensation . . ."). Of course, pensions were not unknown at the time of the adoption of the Constitution.

Further, legal dictionaries generally agree on a broad definition of the term:

Emoluments. The profit arising from office or employment; that which is received as compensation for services, or which is annexed to the possession of office as salary, fees, perquisites; advantage; gain public or private. . . . Indirect or contingent remunerations which may or may not be earned; remunerations in the nature of compensation or in the nature of reimbursement. *Waller v. U.S.*, 180 F. 2d 194 . . . (Ballantine's Law Dictionary, 3rd Edition, 1969, pp. 398-399).

"Emolument. The profit arising from office or employment; that which is received as compensation for services, or which is annexed to the possession of office as salary, fees, and perquisites; . . . It imports any perquisite, advantage, profit or gain from p. 353)."

the possession of an office. (Bouvier's Law Dictionary, Baldwin's Century Edition, 1948, Court decisions have also tended to give the term an expensive reading. In *McClean* v. *United States*, 226 U.S. 374 (1912), the Supreme Court commented, "Pay and emoluments are but expressions of value used to give complete recompense to a deserving officer. Their association was deliberate; emoluments were additive of pay. . . . Of what consequence, then, how they may be defined? They may be called 'indirect or contingent remuneration', as they have been called; it may be said, as it has been said, that 'they are sometimes in the nature of compensation and sometimes in the nature of reimbursement'." (226 U.S. at p. 382).

Finally, in the context of the Emoluments Clause itself, it would appear certain that the Framers meant to include all varieties of pecuniary gain that might be attached to an office. One of the principal purposes of the provision was to prevent Members from seeking offices which they had "enriched". It cannot be presumed that the Framers were unaware that an office could be "enriched" by means other than simply the raising of its salary.

It may be argued that the increased benefit provided by Pub. L. 93-136 does not attach to the office of vice-president but rather to Mr. Ford himself since annuities are computed essentially on the basis of length of service, age and high average pay of the annuitant. If so, the Emoluments Clause does not apply since the emoluments of the office of vice-president have not been increased during Mr. Ford's current term. To the contrary, it may be contended that since the salary of the vice-president is considerably in excess of that of a Member, if Mr. Ford serves for three years his annuity will be substantially greater than it would have been as a Member. As a result, Mr. Ford, upon retirement, could receive a significant added benefit from the alternate computation afforded by Pub. L. 93-136. Since this would also be true of many other Members of Congress, the benefit may not be viewed as simply an individual one. If one focuses on the vice-president's office, it is seen that the new law could reap an incumbent a considerable benefit.

It may also be argued that Mr. Ford's situation is closely analogous to that which faced Hugo Black at the time of his appointment to the Supreme Court. Then it was debated whether an increase in retirement benefits during his term in the Senate constituted an increase in emoluments within the scope of the Emoluments Clause. The Senate confirmed the nomination, apparently agreeing with the Attorney General that Senator Black was nevertheless eligible because the purpose of the Clause was served "inasmuch as Mr. Black was only 51 years old at the time and so would be ineligible for the increased emolument for nineteen years, it was not as to him an increased emolument." See Corwin, Annotated Constitution at 133; N.Y. Times, August 14, 1937, p. 1, col. 13. The Ford situation, however, would seem to be distinguishable. Mr. Ford's potential retirement is not so remote, and in view of his lengthy service, would probably be eligible for full retirement benefits upon completion of his term as vice-president.

II

But even assuming that Pub. L. 93-136 had the effect of increasing the emoluments of the office of Vice-President, it does not appear that the Emoluments Clause was meant to apply to that office. This conclusion is supported by the history of the adoption of the Clause, the usage of term "civil office" elsewhere in the Constitution, court decisions dealing with the meaning of the term, and the commentaries of leading constitutional scholars. The weight of these authorities and precedents leads to the conclusion that the constitutional term "civil office" was meant to include only those offices which are created by Congress and subject to appointment, and not those elective offices established by the Constitution itself.

After the preliminary debates in the Convention on the Emoluments Clause, the Committee of the Whole reported the following language: "Members of the first and second branch of the National Legislature ought to be ineligible to any office established by a particular state, or under the authority of the United States (except those particularly belonging to the functions of each branch) during the term of service, and under the National Government for the space of one year after its expiration." This language was referred to the Committee on Detail which reported out the provision, then embodied in Article I, Section 9, as follows:

"The Members of each House shall be ineligible to, and incapable of holding, any office under the authority of the United States during the time for which they shall respectively be elected; and the Members of the Senate shall be ineligible to, and incapable of holding, any such office for one year afterwards. (Farrand, vol. 2, p. 180)."

At that point, then, the only changes found necessary by the Committee were the elimination of the prohibition against state office holding and the deletion of the additional one year disability for House Members. It may be noted that this relatively minor change came about despite attempts led by James Madison at modification.

The critical debate on the Clause occurred on September 3. The language then under consideration was a revision by the Committee of Eleven of the Committee on Detail's resolution (quoted above) which read as follows:

"The members of each House shall be ineligible to any civil office under the authority of the United States, during the time for which they shall respectively be elected; and no person holding an office under the United States shall be a member of either House during his continuance in office."

It was at this time, however, that proponents of modification again proposed that disqualification be limited to situations where an office had been created, the emoluments attached to an old office have been increased during the term of a member, and also to situations of dual office-holding. The significant change to be noticed here for present purposes was that the proposal on the floor limited ineligibility to any *civil* office under the authority of the United States. Proponents of modification ultimately carried the day on a close vote. The language adopted, which but for one further important change, is virtually that which found its way into the final draft, read:

"The members of each House shall be ineligible to any Civil office under the authority of the United States, created, or the emoluments whereof shall have been increased during the time for which they shall respectively be elected—And no person holding any office under the U.S. shall be a member of either House during his continuance in office."

This language may now be compared with that which appears as Article I, Section 6, Clause 2:

"No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office."

The final important change alluded to was the addition by the Committee on Style of the words "be appointed to," the significance of which is discussed below.

The evolution of the clause therefore demonstrates the following: First, the Framers consciously limited ineligibility to civil offices rather than to the more encompassing phrase "any office" as had previously appeared. That this was a significant distinction in the minds of the Framers is indicated by the fact that the disqualification for dual office-holding in the last phrase of the Clause applies to "any office under the United States." Second, the addition of the words "be appointed to" gives further meaning to the term civil office since it conforms it to the sense of similar terminology found elsewhere in the Constitution. That is, where the term civil office appears in other provisions of the Constitution, it seems clear that a distinction is being made between offices created by the Constitution and offices to be created by the Congress. By specifically linking the concept of appointment to those offices which Members could not hold under the conditions specified, the Framers were making the Emoluments Clause consistent with those other provisions of the Constitution; and by that consistency the office of the Vice-President seems taken out from under the coverage of the Clause.

In the absence of any contrary evidence as to the meaning of "civil office" in the debates on this provision, the evolution in terminology must be deemed of significance in itself. The Framers, we have been taught, chose their words with care. And reference to analogous terminology in other provisions tends to confirm the thesis propounded.

Article II, Section 2, declares that: "The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, and other high crimes and misdemeanors." The distinction made between civil officers and the two elected constitutional officers is clear and unmistakable.

Article II, Section 3 provides that the President "shall commission all the officers of the United States." Of course the Vice-President is not commissioned by the President and it is significant that under the Twenty-fifth Amendment, the nomination and confirmation of a new Vice-President by both Houses of Congress is not followed by a commissioning.

Finally, Article II, Section 2, Clause 2 provides that the President:

"Shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and counsels, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of the departments."

Judicial interpretation of this provision has made it clear that there can be no offices of the United States except those which are created by the Constitution itself, or by an act of Congress, and that no one can be deemed an officer of the United States unless appointed by the President by and with the advice and consent of the Senate, or appointed by the President alone, or a court of law, or the head of a department; and if the latter, Congress must have vested that power in the person making it, by some statute, and Congress must also have created the office, unless it is one created by the Constitution itself. *United States* v. *Germaine*, 99 U.S. 508 (1879); *United States* v. *Mouat*, 124 U.S. 303 (1888); *United States* v. *Smith*, 124 U.S. 525 (1888); *Burton* v. *United States*, 202 U.S. 344 (1906); *United States* v. *Maurice*, 96, 26 Fed. Cas. No. 15, 747 (1823); *Scully* v. *United States*, 193 F. Rep. 185 (1911); and see also, *Willoughby*, The Constitutional Law of the United States (1929), pp. 605, 1447–1448, 1510; Corwin, The President, Office and Powers (1957), pp. 69–73.

In *United States* v. *Maurice*, Chief Justice Marshall (sitting as a circuit judge) held that "this clause makes a general provision, that the President shall nominate, and by and with the consent of the Senate, appoint to all offices of the United States, with such exception only as are made in the Constitution, and that all offices (with the same exceptions) shall be established by law."

In the *Germaine* case, the Supreme Court declared: "The argument is that provision is here made (that is, in Art. II, Sec. 2) for the appointment of all offices of the United States. . . . The Constitution, for purposes of appointment, very clearly divides all its officers into two classes. The primary class requires a nomination by the President and confirmation by the Senate. But, foreseeing that when officers became numerous, and sudden removals necessary, this mode might be inconvenient, it was provided that, in regard to officers inferior to those specifically mentioned, Congress might by law vest their appointment in the President alone, in the courts of law, or in the heads of departments. That all persons who can be said to hold office under the government about to be established under the Constitution were intended to be included within one or the other of these modes of appointments, there can be little doubt." In the *Smith* case the Court stated: "An officer of the United States can only be appointed by the President, by and with the advice and consent of the Senate, or by a court of law, or the heads of a department. A person in the service of the Government who does not derive his position from one of these sources is not an officer of the United States in the sense of the Constitution."

It may be noted that in subsequent decisions the Court has not departed from this rule although they have recognized that the word "officer" may have a broader meaning when used in statutes. In such cases the Court has distinguished between the constitutional and the statutory use of the term. Thus in the *Lamar* cases the Supreme Court held that Members of Congress are officers of the United States within the meaning of a provision of the criminal code. But Justice Holmes in the first *Lamar* case, and Justice White in the second, were careful to distinguish that ruling from earlier ones which held that Members were not officers in the constitutional sense. *Lamar* v. *United States*, 240 U.S. 60 and 241 U.S. 107 (1916); see also *United States* v. *Gradwell*, 234 Fed. 446 (1916).

Since the Vice-President does not hold his office by virtue of an appointment under Article II, Section 2, Clause 2, and since the Twenty-fifth Amendment's nomination and confirmation process in no way changes the nature of the Vice-Presidency as a constitutional office under the Constitution, it would appear reasonably certain that the office of Vice-President was not intended to be encompassed within term "civil office" in Article I, Section 6, Clause 2.

In summary, then it is concluded that, although not entirely free from doubt, Pub. L. 93–136 effected an increase in the emoluments of the office of Vice-President, but that, assuming it effected such an increase, it does not appear that the Vice-President is a "civil officer" in the sense in which that term is used in Article I, Section 6, Clause 2 and elsewhere in the Constitution.

MORTON ROSENBERG,
Legislative Attorney.

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., December 5, 1973.

To: House Judiciary Committee. Attention: Mr. Allan Parker
From: American Law Division.
Subject: Emoluments Clause.

You submit the following two questions regarding the qualification of Gerald Ford for the Vice Presidency under the Emoluments Clause:

1) Was the term "civil office" meant only to distinguish military officers from the scope of its coverage?

2) Why doesn't the general principle underlying the Emoluments Clause apply to office of Vice President even if the term "civil office" does not encompass that office?

1) The history of the evolution of the Emoluments Clause appears to indicate that the initial reason for the insertion of the term "civil office" was to prevent the disqualification of those most capable of being military officers, who were at the time Members of Congress, during time of war. However, this occurred at an early stage in the debates and the full meaning and scope of the term was not clarified and settled until much later in the proceedings.

As indicated in our report of November 27, 1973, the Committee on Detail, on August 6, presented the following draft proposal to the Convention:

"The members of each House shall be ineligible to, and incapable of holding any office under the authority of the United States, during the time for which they shall respectively be elected; and the members of the Senate shall be ineligible to, and incapable of holding any such office for one year afterward."

The report of the Committee on Detail on this section was taken up August 14. A motion was offered, as a substitute, to make members eligible to any office with the provision that acceptance of another office would vacate the member's seat; that is, a rule of incompatibility to hold two offices simultaneously. The motion was defeated. Gouverneur Morris then "put the case of a war, and the citizen most capable of conducting it, happening to be a member of the Legislature." Randolph, one of the advocates of severe disqualification, admitted that military and naval offices ought to be excepted. At that point, however, it was decided that further consideration of the section should be postponed until after the powers of the Senate were determined and the matter was referred to the Committee of Eleven. Farrand, vol. 2, pp. 289–290.

It would appear that the Committee of Eleven accepted this qualification for on September 1 it reported the provision as follows:

"The Members of each House shall be ineligible to any civil office under the authority of the United States during the time for which they shall respectively be elected, and no persons holding an office under the United States shall be a member of either House during his continuance in office." (Farrand, vol. 2, p. 484).

But subsequent debates and developments make it abundantly clear that even if the military question was the initial reason for the insertion of the terms, its ultimate and primary objective was to cover appointed civil officers.

The critical debate on the provision occurred on September 3. At that time proponents of modification again proposed that disqualification be limited to situations where an office has been created, the emoluments attached to an old office have been increased during the term of a member, and also to situations of dual office-holding. They agreed that some prohibition had to be placed on the eligibility of Members of Congress for executive office in order to guard against the possibility of office seeking and executive influence but argued that a total disability during a term of office would materially affect the supply of able men available to move to executive positions and also the ability of the legislature to attract capable persons to run for legislative office in the first place. These arguments were finally accepted, and it may be noted that there was no discussion whatsoever at that time, or at any time thereafter, of the military question. The language adopted, which but for one further important change, is virtually that which found its way into the final draft of the Constitution. It read:

"The members of each House shall be ineligible to any Civil office under the authority of the U. States, created, or the emoluments whereof shall have been increased during the time for which they shall respectively be elected—And no person holding any office under the U.S. shall be a member of either House during his continuance in office."

The final important change was the addition by the Committee on Style of the words "be appointed to" before the words "any civil office." (Farrand, vol. 2, p. 593).

The evolution of the clause therefore demonstrates the following: First, the Framers consciously limited ineligibility to civil offices rather than to the more encompassing phrase "any office" as had previously appeared. That this was a significant distinction in the minds of the Framers is indicated by the fact that the disqualification for dual office-holding in the last phrase of the Clause applies to "any office under the United States." Second, the addition of the words "be appointed to" gives further meaning to the term civil office since it conforms it to the sense of similar terminology found elsewhere in the Constitution. That is, where the term civil office appears in other provisions of the Constitution, it seems clear that a distinction is being made between offices created by the Constitution and offices to be created by the Congress. Further, by specifically linking the concept of appointment to those offices which Members could not hold under the conditions specified, the Framers were making the Emoluments Clause consistent with those other provisions of the Constitution; and by that consistency the office of the Vice President seems taken out from under the coverage of the Clause.

Finally, some caution would seem necessary in reading too much into the action of the Committee of Eleven in adding the words "civil office." It may well be that the Committee was acting on the suggestion of Gouverneur Morris as to the military office question. However, it should be remembered that the Committee's report represented only recommendations to the full body. The provision adopted on September 3 must be read and be given meaning in the light of that days discussions. The debate dealt exclusively with the problems of appointment to executive offices. There was no discussion of the military question. The later addition of the words "be appointed to" further confirms this conclusion.

In the absence of any contrary evidence as to the meaning of "civil office" in the debates on this provision, the evolution in terminology must be deemed of significance in itself. The Framers, we have been taught, chose their words with care. And reference to analogous terminology in other provisions tends to confirm the thesis propounded. (See report of November 27 for these provisions.)

2) In answer to the second question, it would seem that the reason the Framers focused on appointive office was that such appointees would not be responsible or answerable to the electorate if a question arose as to how and why a person took an office which arguably might have been specially created for him or the emoluments of which had been increased partly by his action. The case of the Vice President is different since in nearly all circumstances he stands for election and may be subject to scrutiny by the voters as to his motives in this regard.

Nor would it appear that the procedure authorized by section 2 of the Twenty-fifth Amendment for selection of a Vice President alters the normal appointment procedure to which the Emoluments Clause has reference. In the ordinary case of appointment to a "civil office" three distinct operations seem contemplated:

"1st. The Nomination. This is the sole act of the president, and is completely voluntary. 2d. The appointment. This is also the act of the president, and is also a voluntary act, though it can only be performed by and with the advice and consent of the Senate. 3d. The Commission. To grant a commission to a person appointed, might, perhaps be deemed a duty enjoined by the constitution. 'He shall,' says that instrument, 'commission all officers of the United States.' " (Marbury v. Madison, 1 Cranch 137 (1809).

The Twenty-fifth Amendment, apart from describing the selection procedure in terms of "nominate" and "confirmation" rather than appointment, does not require a commissioning. In these respects, then, there is an indication that a new type of constitutional procedure was being created, one which has no reference to the normal appointment process and which also does not alter the nature of the office.

Support in this regard may be found in the legislative history of the amendment which indicates the intent of creating a hybrid selection process—on the one hand incorporating the election procedure of the Twelfth Amendment, and on the other, combining it with the advice and consent feature of Article II, section 2, clause 2. As more fully explained by Senator Bayh, the amendment's chief spokesman, section 2:

". . . will accomplish two purposes. First, it will guarantee that there will be a Vice President, who will be able to work with the President. Second, it guarantees to the people that their representatives in Congress, those who are most responsive to the wishes of the people at any given time, will be able to express the voice of those whom they represent." 110 Cong. Rec. 23060 (1965).

". . . It is the feeling, first of all, in the normal procedure of our convention process, the President does have a strong voice—not always the final voice—but a strong voice in choosing who his running mate may be. Certainly it is wise, and particularly in the time of crisis it is imperative that we have a Vice President with whom the President can work. It would be worse, in my judgment, to have a Vice President who was looking for ways to embarrass the President than to not have a Vice President at all. For this reason, we give the President the same authority that he now has, as far as the Cabinet officials and others are concerned to nominate. Then, instead of his selections being confirmed only by the Senate, we bring in the Senate and the House—sort of a combination of the election procedure of the 12th amendment plus the advise-and-consent powers that the Senate now has. They would work together as two Houses sitting separately, but making the final determination to support or refuse to support the President."

The implication of the "election" nature of the selection process is evidence that the elective character of the office was meant to be maintained. Combined with the departure in language and procedure from the normal appointment process, the argument that the amendment in no way changes the understood meaning of the term "appointment" in the Emoluments Clause seems persuasive. and in the absence of any affirmative legislative history to indicate an intended change in the operation of that Clause, the usual canons of constitutional interpretation would eschew construing such a change by implication.

MORTON ROSENBERG,
Legislative Attorney.

DEPARTMENT OF JUSTICE,
Washington, D.C., December 4, 1973.
Hon. PETER W. RODINO, Jr.,
Chairman, House Judiciary Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We have been asked to express our views on the effect of a possible increase in civil service retirement annuity under Public Law 93–136 on the nomination of Congressman Gerald R. Ford as Vice President. This letter sets forth our views, and the letter is being sent concurrently to Congressman Edward Hutchinson.

A statute enacted during the current session of Congress, Public Law 93–136, liberalizes eligibility for cost-of-living increases in civil service retirement annuities. The Vice President is a participant in the civil service retirement program. 5 U.S.C. 8331(2) and 2106. The question has been raised whether in view of Article I, § 6, clause 2 of the Constitution, enactment of the foregoing statute is an impediment to Mr. Ford's eligibility to become Vice President pursuant to the 25th Amendment.

Analysis of the question leads to the following conclusions: (1) the emoluments provision of Article I does not apply to the office of Vice President and (2) in any event, because of the contingent nature of any possible benefit to Mr. Ford by virtue of Public Law 93–136, that law has not increased the emoluments of the office of Vice President.

1. THE 1973 ACT

Prior to enactment of Public Law 93–136, eligibility for cost-of-living increases in civil service retirement annuities was limited to persons who retired before the effective date of the increase. The effect of the new statute is to make it possible for a person retiring after the date of an increase. However, this result is clearly not automatic. For example, in the case of an employee who retires six months after the date of an increase, the additional longevity (six months) might cause a greater increase in his annuity than would receipt of the cost-of-living increase. In such a case, the annuity would be based upon longevity and Public Law 93-136 plainly would not affect the size of the annuity.

2. THE MEANING OF ARTICLE I, § 6, CLAUSE 2

Article I, § 6, clause 2 provides, in part, as follows:

"No Senator or Representative shall, during the Time for which he was elected, be appointed to any Civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time;

There are several grounds for the conclusion that the above constitutional provision does not apply to Mr. Ford.

First, the office of Vice President is not a "civil office" within the meaning of Article I, § 6, clause 2. It can be stated that the term "civil office" refers only to one covered by Article II, § 2, clause 2, *i.e.*, an office filled by appointment by the President, a court or a department head. Cf. *United States* v. *Mouat,* 124 U.S. 303, 307 (1888). See 17 A.G. Ops. 522 (1883).

Under the 25th Amendment, a clearly different process is used—nomination by the President and confirmation by a majority vote of both Houses of Congress. The amendment does not refer to "appointment." It is also proper in construing the emoluments provision to consider other provisions using the terms "appointment" and "civil officer." Article II, § 4 provides for impeachment of the "President, Vice President and all civil officers of the United States." Thus, there is a distinction between "civil officers" and the Vice President. To the extent that the pertinent terms are used elsewhere in the Constitution, they show that Mr. Ford is not being "appointed" to a "civil office." It follows that no increase in emoluments would be a bar to his eligibility.

3. THE CONTINGENT NATURE OF THE RETIREMENT BENEFITS

It is clear that, unlike a law increasing the salary of the Vice President, Public Law 93-136 did not result in an immediate benefit to the holder of that office.

In 1969, former Attorney General Clark issued an opinion regarding the eligibility of Congressman Laird to be appointed Secretary of Defense. See 42 A.G. Ops., No. 36 (1969). Under a statute enacted during the 91st Congress, an increase in the salary of the Secretary of Defense was possible, but would probably remain uncertain until after Mr. Laird's appointment. The Attorney General held that Mr. Laird's appointment was not prohibited by Article I, § 6, clause 2. He stated:

"It is my view that, notwithstanding submission of any salary increase recommendations in the Budget message, the salaries in question will not 'have been increased' within the meaning of the constitutional prohibition so long as Congress may still exercise its power of disapproval."

The present case is analogous. Normally, a Vice President must serve for five years before he would be eligible for civil service retirement benefits. Mr. Ford is in a different position, because of his service as a Member of Congress. It is most unlikely that Public Law 93-136 would work to the benefit of Mr. Ford as Vice President. A cost-of-living increase might occur toward the end of his tenure, if he should retire thereafter and the timing of the increase is such that an annuity reflecting the increase is larger than one based on longevity. The foregoing events are quite uncertain and will no doubt remain uncertain until after the end of the current Congress.

The case of Justice Black furnishes further support for Mr. Ford. Senator Black was appointed to the Supreme Court in 1937. The question of his eligibility for the appointment was raised by reason of the fact that Congress had during his term of office as Senator provided for an improved financial position of Justices retiring at seventy. The appointment was justified on the ground that inasmuch as Mr. Black was only fifty-one years old at the time and thus would be ineligible for any "increased emolument" for nineteen years, it could not be as to him an increased emolument. The situation gave rise to the case of *Ex Parte Levitt,* 302 U.S. 633 (1937), and it is significant that the Supreme Court declined to pass upon the validity of Justice Black's appointment.

On the basis of the foregoing discussion it appears to be plain that the Constitution presents no bar to Congressman Ford's confirmation as Vice President.

Sincerely,

Robert G. Dixon, Jr.,
Assistant Attorney General, Office of Legal Counsel.

Mr. Ford outlined views on the roles of the separate branches of Government that I believe are generally shared by most Members. We are separate and distinct branches, each having particular responsibilities. Mr. Ford emphasized his understanding of this separation, and the need to bring greater unity of purpose to our actions. This he has pledged to do.

On Thursday, November 29, 1973, the committee, having completed an exhaustive investigation directed by its own staff, having availed itself of all other official investigative sources, having exchanged information with the Senate Committee on Rules and Administration, and having completed 6 days of hearings, brought the nomination to a vote.

With all 38 committee members in attendance, the committee voted 29 to 8, with one member voting "present," to recommend to the House of Representatives that Mr. Ford's nomination be confirmed.

It is the committee's conclusion, after a most comprehensive review, that Mr. Ford is fit and qualified to hold the high office for which he has been nominated pursuant to the 25th amendment.

This, then, Mr. Chairman, is the report we present today to the House: a thorough inquiry into every aspect of Mr. Ford's background and a recommendation that he be confirmed as Vice President of the United States.

Before concluding these remarks, however, I would like to ask the indulgence of the House so that I might outline some personal observations.

There is little doubt that in adopting the 25th amendment, Congress intended to establish a mechanism that would eliminate protracted vacancies in the Office of Vice President. As chairman of the Committee on the Judiciary, I have done all in my power to insure that prompt action be taken on Mr. Ford's nomination.

It is my firm belief, in keeping with the intent of the 25th amendment, that the party which wins the Presidency in a general election should maintain control of the Presidency through whatever circumstances of succession events may require. In light of recent events, it is imperative that a new Vice President be appointed as quickly as fairness and thoroughness will allow.

While, I recognize the President's right to make such an appointment, I feel it necessary to express some reservations.

I hope that my observations will in no way reflect on the integrity or qualifications of Gerald Ford as Vice President-designate. Gerry Ford has been a hardworking, fair and incorruptible colleague of mine for 25 years .There are few Members of this body that I know or respect more than Gerald Ford. During the weeks that I spent reviewing Gerry's public and private life, I have only grown to respect his character and integrity more.

In the long and arduous process of confirmation, Gerald Ford has gone the extra mile in candor and willingness to accommodate the committee's every request. He sat through many days of exhausting hearings with patience and an appreciation of the importance of the process in which we were engaged.

I doubt that any nominee to any public office has been subject to such scrutiny as has Gerald Ford. Yet nothing in Mr. Ford's public or private life has been found to bear the taint of dishonesty or disrepute.

At a time when trust in public officials is at its lowest ebb, Gerald Ford stands as a man of exemplary personal integrity and dignity. I congratulate Gerry Ford most sincerely on his stature as a public official.

In committee, Mr. Chairman, I voted to report favorably on the resolution to report Mr. Ford's confirmation to the House. I felt that it was my duty to bring to the House as quickly as possible sufficient information to permit each Member to make a reasoned judgment on the question of confirmation.

But now that I have discharged my obligations as chairman of the Committee on the Judiciary, I must exercise my obligation as an individual Member of Congress, representative of the people of the 10th District of New Jersey.

In the course of our 25 years of service in the House, Gerald Ford and I have often disagreed. Certainly in the areas of labor, civil rights, and urban problems, Gerald Ford and I have been on the opposite sides of issues. But our disagreement goes beyond votes on particular bills.

At the root of our disagreement is a fundamental difference in our perception of the role of the Federal Government in serving the needs of all our citizens.

If he is confirmed by the Congress, Gerald Ford may one day become the President of the United States. That possibility is one which faces each man who occupies the office of Vice President. And the views which Mr. Ford had held in his 25 years as a Congressman would no doubt affect his policies as a future President should he be called upon to succeed to that office. Should that day come, Gerald Ford must serve as President of all the people.

My district typifies the plight which the cities of our Nation face today. My constituents, like so many of the citizens of our over-crowded and crime-infested cities, cry out for executive leadership in the area of human rights and the cause of working people. We have not seen that leadership during the present Administration.

I must therefore express in voting the frustration which the great majority of my constituents feel with the course the incumbent President has embarked upon.

I vote, not against GERALD FORD's worth as a man of great integrity, but in dissent with the present administration's indifference to the plight of so many Americans.

In conclusion, I want to make clear that my respect for Mr. FORD has been enhanced by the exhaustive confirmation process through which we have all just come. I respect his sincerity, his integrity, and his devotion to duty—qualities which will serve him well in the future as they have in the past. I have no doubts that GERALD FORD will be confirmed by the Members of the House of Representatives today, and I pledge him my continued friendship and full cooperation and assistance as the next Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to support the confirmation of GERALD R. FORD to be Vice President of the United States.

After the most intensive, exhaustive, thorough and complete investigation to which any nominee for high public office was ever subjected, Mr. FORD has been found to be the same man he has always appeared to be, a decent man, a good man, an honest man, a man of great integrity and of the highest character. The facts clearly support his good reputation.

He is eminently qualified to become perhaps the Nation's finest Vice President, and, indeed, if fate decrees, to assume the awesome responsibilities of the office of President.

The next Vice President is a man of whom we can all be proud. He is a man of this Chamber. He is a man whose life, both political and private, was meticulously examined by the Committee on the Judiciary and found not wanting.

It is most appropriate, Mr. Chairman, that a vacancy in the office of Vice President be filled out of the membership of this House. Of the 39 former Vice Presidents, 20—a clear majority—have served here, and only one has served in this House longer than has JERRY FORD.

Of the 39 Vice Presidents, 30 have served in the Congress, either here or in the other body.

Of the 36 citizens who have served as President of the United States, all but eight have been Members of Congress.

Our history confirms that our people have most often entrusted the stewardship of Government to those political leaders who have had experience as Members of Congress. It is most appropriate, I say, Mr. Chairman, that the President should have turned to Congress for his nominee to fill the existing vacancy in the Vice-Presidential office proposing one of our colleagues, who has a brilliant and outstanding record of leadership in this House.

JERRY FORD is known to all of us. Even the newest Member has seen him in action in his role as minority leader. Some in this House have served with him during all of the 25 years he has been here. I have known him in Michigan politics for all of those 25 years, and I have known him personally for all of that time. I have worked closely with him as a colleague since I first came to Congress 11 years ago. He is a man thoroughly versed in experience and knowledge of our American Government, a man of the House who deeply appreciates the necessity of separated powers and the genius of divided powers in our Federal system. He is a man who loves the American people and respects what they think. He is a man of decency, committed to traditional values. He is a man of integrity. Yes, as most of us in this Chamber know from our own experience, JERRY FORD is a leader.

When the 89th Congress convened in January 1965, the Republican Members in that Congress chose him to be their leader. The contest for this position was spirited and hard fought, and he won by a mere seven votes. The test of leadership in a legislative body lies as much in holding on to a position once obtained as in achieving it initially. It is not without consequence that JERRY FORD has been five times chosen his party's leader in the House.

Starting in 1965 with the acknowledged support of only a majority of the Republican Conference, Mr. FORD worked diligently and effectively to unify the minority. By the time the 90th Congress organized in 1967, he was chosen again to lead the Republican minority, that time without opposition. Nor has he experienced opposition since then within the Republican Conference.

We on the Republican side of the aisle know of his long-time ambition to preside over this House and how well he prepared himself and how hard and how honestly he has worked to achieve the post of Speaker. He is a man worthy of Advancement to the Office of Vice President. He is a man of stature who could well have been chosen as a Vice-Presidential or Presidential nominee by a Republican National Convention.

A different test of leadership came again for JERRY FORD in the 91st Congress. From 1965 to 1969 he had been the leader of the loyal opposition. Democrats controlled the executive as well as the legislative branch of the Government. In those years his role was to lead the Republican minority in opposition to majority Democratic proposals on issues where the two political parties were at variance, while supporting the majority on issues where both parties concurred, or where the national interest required political unanimity.

With the coming of the first Nixon administration in 1969, however, the role of the minority leader abruptly and materially changed. Instead of dealing with a Democratic administration, he was called upon to lead in support of a Republican administration's proposals, and to seek assistance in the enactment of the President's program from the Democrats who controlled in the Congress.

So great a change in a leadership role would be an adjustment many men in political life could not successfully make. But JERRY FORD accomplished it with ease and in the process even strengthened his position. He demonstrated his capacity to grow, to accept greater responsibilities as they were thrust upon him, and to discharge those new responsibilities with ability. This is one of the merits of true leadership.

Some have remarked that the Vice President designate has had no experience in the executive branch of government. Neither did 16 of his predecessors as Vice President. Neither did 15 Presidents, among them some of our greatest. Although there is truly no adequate training for the awesome responsibilities of the Presidency, throughout history the men who have held that office have risen and have grown to meet the burdens cast upon them. I am confident that the man we confirm today as Vice President will likewise fully meet those responsibilities, should he succeed to the office of President.

Mr. Chairman, this marks the first occasion for action by the House pursuant to the 25th amendment. As I stated in 1965 during our consideration of the amendment, procedure for confirmation of a nomination by both Houses of Congress is unique in our experience. Never before has this House had the constitutional function of confirming any nomination made by the President of the United States. History is devoid of precedent to guide us. We are totally inexperienced in the confirming process, quite unlike the other body, which has been advising and consenting to—or rejecting—Presidential nominations for 185 years.

But if the past be a measure of the future it will be necessary under the mandate of the 25th amendment to fill a vacancy in the office of Vice President on an average of one term out of three. Eight Vice Presidents have assumed the Presidency, leaving vacant the office to which they were elected because there was no machinery to fill it. Another six Vice Presidents have died in office; two have resigned. That makes a total of 16 out of 47 terms, 1 out of 3.

Our proceedings are precedent-setting. The occasion is historic. The new Vice President we will install later this afternoon in this Chamber is a man of this House, eminently qualified to preside over the other body, signally able to perform such duties as may be delegated to him by the President of the United States, and if it becomes his lot, to assume the awesome responsibilities of the office of the Presidency itself.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, a few hours after the nomination of GERALD R. FORD to be Vice President of the United States, the House Judiciary Committee launched a far-reaching and searching inquiry into every facet of his public and private life. No effort was spared in our determination to gather and analyze every available bit of information relating to GERALD FORD and his qualifications to serve in the second highest office in our country.

During the course of the Judiciary Committee's investigation, it was repeatedly demonstrated that Congressman FORD's views on a number of major issues sharply diverged from mine and from a majority of my constituents. He is a Republican and there is no way to make him into a Democrat.

However, it is my conviction that, under the provisions of the 25th amendment, the President has the right to nominate for Vice President an individual with ideological, political, and philosophical orientations similar to his own. We cannot realistically expect him to do otherwise. Nevertheless, Congress has the constitutional responsibility to determine the overall fitness for office of the nominee.

In his appearances before the Judiciary Committee, Congressman FORD responded to every request in a straightforward manner with no apparent effort to cover up or evade the issues. He appeared as an honest, candid, and capable man, fully qualified for the office of Vice President and even higher office. Should the office of the President be vacated within the next 3 years, GERALD FORD has shown that he has the capability of bringing much needed personal honor and integrity to the highest office in the land.

Although GERALD FORD would not be my choice in a national election because of our philosophical and political differences, I have concluded that this old friend merits my support in this confirmation procedure and I will today vote to confirm him as a Vice President with a great future.

Mr. HUTCHINSON. Mr. Chairman, I yield 7 minutes to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, a great deal has been said and written about the method by which Vice Presidents of the United States are selected. In our earliest history, the Vice President was the candidate for President who came out second. Under this practice, the President and Vice President were generally arch rivals. This split the Office of our Chief Executive, and diminished the power and effectiveness of the President.

Following adoption of the 12th amendment to the Constitution in 1804, the Vice President was elected separately from the President. A number of relatively obscure individuals thereafter occupied that office, with the result that on occasion, when the Office of President became vacant, these obscure individuals ascended to the highest office in the land.

Mr. Chairman, the practice of selecting running mates at political conventions has also resulted in serious questions as to the methods by which our political parties permit candidates for Vice President to be selected, and as a consequence, the Vice President to be elected. Nevertheless, the 25th amendment to the Constitution passed by this House in 1965, and ratified in February 1967, provided for filling a vacancy in the Office of Vice President by nomination of the President.

It should be recalled that in the committee report addressed to this House by the House Judiciary Committee, the committee declared that:

> It is without contest that the procedure for the selection of a Vice President must contemplate the assurance of a person who is compatible with the President. The importance of this compatability is recognized in the modern practice of both major political parties in according the presidential candidate a major voice in choosing his running mate subject to convention approval. This proposal would permit the President to choose his Vice President subject to Congressional approval. In this way the country would be assured of a Vice President of the same political party as the President—someone who would presumably work in harmony with the basic policies of the President.

In supporting the confirmation of Representative GERALD R. FORD as Vice President of the United States, I am convinced that the Judiciary Committee has fulfilled its full constitutional role in a painstaking review of the nominee's qualifications.

Mr. FORD's qualifications, by the way, are very impressive.

JERRY FORD won election to the U.S. House of Representatives the hard way. In 1948 he challenged the incumbent Republican Congressman from Michigan's Fifth District. He won in the November 1948 election only after first defeating the incumbent in the primary.

Thereafter, he was reelected successively for 13 consecutive terms. For 14 years, he served as a member of the House Appropriations Committee, during which time he had served 12 years on the Defense Subcommittee and on the Foreign Aid Subcommittee, as well as on the CIA Subcommittee. In 1963 he became chairman of the Republican conference or caucus. I was proud to support him for that post—and in 1965 to back him for minority leader. The high calling to which he is now responding attests to the qualities of leadership and record of effective service which have characterized JERRY FORD's 10 years as our Republican Leader in the U. S. House of Representatives.

The bare recitation of statistics does not tell the whole story. He has provided faithful and effective representation of his constituents. They in turn have supported him for reelection by margins of more than 60 percent of the votes cast. He has studied and acquired a thorough understanding of our fiscal affairs, domestically and internationally, consistently demonstrating an awareness of and concern for the taxpayer's hard earned dollar. His knowledge gives him the background necessary to set prudent priorities upon which our Government should obligate the funds of this country. He has led the members of his party here in this House with fairness, forthrightness, wisdom, and candor, and has earned the respect of his colleagues from both sides of the aisle. In confirming his nomination as Vice President we are recognizing his position as a true national leader.

During the hearings before the Committee on the Judiciary, he was criticized for being loyal to his party. Clearly, however, a partisan selection was contemplated by the framers of the 25th amendment. Let no one accuse him of being parochial or of limited vision; he made a statement before the committee which bears repeating today:

> It is the country we have to think of, Mr. Chairman and members of the committee, not Jerry Ford or the House or the Congress or majority or minority or the segments of the country that each of us represent. I am sure each and everyone of us is thinking about the country, and will have to carry out in our own way the oath we have taken together.

The hearings clearly disclosed that he has always had the national interest of the country in mind as he lived up to his oath as U.S. Representative for the Fifth District of Michigan.

Mr. Chairman, I attended all the sessions of the committee, and gave attention to all of the testimony, as well as the Members' comments and observations. In addition, I took occasion to review the voluminous FBI report. Also, I reviewed the committee's independent investigations, and examined the personal financial data made available to the committee, and which was interpreted by staff provided by the Joint Committee on Internal Revenue.

Further, I have called upon my own personal observations and knowledge of Congressman FORD, whom I have come to know quite intimately as a Member of the House and as a friend, not only here in Washington, but in my congressional district where he has visited—and in his congressional district, where I was privileged to keynote a Grand Rapids Chamber of Commerce meeting on an occasion when he was honored as the "Man of the Year." I believe that was in 1968.

In my opinion, Congressman FORD measures up in every significant way to the high calling of the Vice President of the United States. In my opinion, no person elected or appointed to high public office has ever undergone such an intensive and detailed investigation and examination. It is understandable that he should have a few critics. However, their principal criticisms consisted of disagreement with various of his votes cast during his 25-year career in the House of Representatives. No witnesses that I can recall, questioned seriously JERRY FORD's integrity, character, sincerity, or candor.

Six days of hearings were held. Long hours were spent in interrogation of Congressman FORD and the other witnesses. Many hours were spent by the committee members and staff reviewing transcripts, preparing questions and exhibits, and examining great masses of documents and information. After all that, I can only state that I am proud to have served with my friend and colleague, the Congressman from Michigan.

He is a great leader, Mr. Chairman. He has guided our party here in the House with wisdom and ability. The loss we will feel here in this body is shared by his constituents in Michigan, but is the great gain of the other body whose presiding officer he becomes—and it is the greatest gain of the entire Nation whom he will now represent.

Mr. Chairman and fellow Members of Congress, our colleague is a man of principle, of high integrity, and exceptional leadership ability. The announcement of his name drew forth near unanimous praise. The exhaustive and searching scrutiny which he has undergone before the Committee on the Judiciary demonstrates the wisdom of his selection. The intent and purpose of the 25th amendment to the Constitution is appropriately, and in my opinion, ideally fulfilled in the confirmation of Congressman GERALD R. FORD as Vice President of the United States.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DONOHUE).

Mr. DONOHUE. Mr. Chairman, as a member of the House Judiciary Committee which preliminarily approved the nomination, I intend to support and I most earnestly urge and hope that the very great majority of this House will also accept and support this resolution before us to confirm the nomination of the Honorable GERALD R. FORD for the Vice-Presidency of the United States.

Our committee, under the scrupulously impartial direction of our most able and distinguished chairman, after many weeks of preparation, conducted 6 full days of public hearings on this resolution. Our various committee members listened very carefully to Mr. FORD's personal testimony, cross-examined him in depth and at length, thoroughly reviewed the testimony of all other witnesses and the evidence contained in the committee's voluminous file. After an exhaustive study of the complete record the resolution was resoundingly approved by a vote of 29 for, 8 against, and 1 "present."

Mr. Chairman, the record before our committee indicated that Mr. FORD was subjected to the most intensive FBI investigation in the history of that organization and he was also very thoroughly investigated by the Internal Revenue Service, the General Accounting Office, and the Judiciary Committee's own staff.

Our committee's most painstaking examination and assessment of all the information provided by these investigations and testimony of witnesses did not produce one single serious criticism of the character and integrity of Congressman GERALD FORD and I might add that these investigations covered his life practically from the day he was born until the day he appeared before our committee.

I should also state that our committee file emphasized that Mr. FORD cooperated fully and complied completely with every request that was made of him for personal information and for documents and records of every kind bearing upon his fitness for the Office of Vice President.

Mr. Chairman, there is certainly no need for anyone here today to unnecessarily dwell upon the most unhappy and frustrating state of the Union insofar as the productive cooperation of the executive and legislative departments, for the well-being of the Nation, is concerned. There is no need for anyone here to extensively expand on the obvious and awful disruption that would be additionally inflicted upon our already agonized country if the legislative and executive departments should become unendingly engaged in politically partisan competitiveness over the Office of the Vice-Presidency of the United States. Also, Mr. Chairman, there is surely no need here to deliver any prolonged recital about the commonly accepted urgency of filling the Vice-Presidential vacancy, in the public interest, with all deliberate speed.

I have personally observed JERRY FORD, throughout his 25 years service in this House, as a colleague of truth and honor. I have consistently and vigorously disagreed with his political philosophy and legislative appeals as a member and as the leader of the minority party and I shall continue in that disagreement. Nevertheless, I have also consistently known him to be, and I congratulate him for it, a man of the highest honor, trust, diligence, competence and patriotic devotion in his personal and public life.

In summary, Mr. Chairman, may I simply say that because of his proven character and integrity, because of his unquestioned knowledge and experience in national affairs, because I very deeply believe he will substantially help in the imperative need to restore truth and confidence in our National Government and because I conscienciously believe that GERALD FORD as Vice President of the United States and possible President will perseveringly exert every effort to make this Government work better for the good of all Americans, I earnestly hope this House will overwhelmingly adopt this resolution.

Mr. RODINO. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, when I first approached my responsibility as a Member of Congress in voting for a nominee of the President to fill the office of Vice President under the 25th amendment, I searched as to the parameters of that responsibility, as I am certain every Member of this House did. I concluded that I probably will not cast, with perhaps one exception, any more important vote in my congressional career than the vote that I will be casting today, because in reality I will be electing the President of the United States, a function heretofore reserved for the people of this country.

Now each one of us will be voting for a President of the United States. One might suggest that we are voting for a man whose title is Vice President of the United States, and that is true, but the only function of the Vice President is in fact to succeed to the Presidency, so we really are voting for the President of the United States.

We are voting, and thereby exercising, a responsibility that has never before been exercised by other than the people of the United States, the election of a President of the United States of America. That is an enormous responsibility, and how we perform it, I think, is a matter that deserves a great deal of deep reflection.

I have determined, at least to my own satisfaction, that the only restriction that I have in terms of how I approach this vote is that I concur the President has the right and the responsibility to select an individual with whom he is comfortable ideologically and, therefore, I would not expect the President to have nominated a person with whom I would be comfortable ideologically. But I think beyond that there are no restrictions upon the manner in which I approach this vote.

The only standard I recognize is, "Does the individual selected demonstrate a capacity sufficient to effectively govern this country?" That responsibility is always an enormously difficult responsibility because any Vice President, when he succeeds to a Presidency has a difficult job. But the Vice President who succeeds to this Presidency has an incomparably more difficult job than anyone in the history of the country, because no Presidency will have been left in the shambles that this Presidency will have been left when succession is demanded of the nominee that we will be confirming today.

The executive branch has too long been without effective leadership and the chaos that already is discernible within the executive branch will, all of us know, become even greater and even worse as this situation deteriorates to its inevitable result, the resignation or the impeachment of the incumbent and the succession of Mr. FORD to the Presidency.

Now, therefore this means that whoever succeeds to this Presidency has a more difficult and demanding job and will require greater strengths than anyone who has succeeded to the Presidency in the history of the country. Does GERALD FORD really meet that demanding standard? I do not think he does, and that really is no serious reflection on JERRY FORD because very few people in this country could meet that demanding a requirement—but there are those who could and who should have been nominated.

I might say, and I have said it publicly during the hearings and I have been one of the most outspoken critics of JERRY FORD during this proceeding, that I was enormously impressed and remain so today by the integrity and honesty GERALD FORD presented during his examination by our committee. Would that the American people had the opportunity to have all of our Vice Presidents and all of our Presidents subjected to the scrutiny that GERALD FORD was subjected to. Few would have been able to pass that scrutiny with the ease that JERRY FORD did pass it. So I find impressive his honesty and integrity. As a matter of fact they are superior and unique.

But I detect, and I am a little bit alarmed by it, a relief on the part of many of my colleagues that in comparison with what is presently the prevailing administration standard of decency, integrity and honesty, JERRY FORD stands out so visibly that we ought to with relief retreat from where we are with Richard Nixon, and advance to GERALD FORD. I can understand that feeling.

But I suggest to the Members that we do not fulfill our responsibility if we are just voting for GERALD FORD because it will make it easier, under whatever theory we approach it, to obtain the removal of the incumbent President of the United States.

We know we hear that. We hear that all over the floor, and we see it on the wire services, and prominent members of the Republican Party and of the other House are suggesting that the moment GERALD FORD is confirmed, the requirement that confronts the country of removing the President will be more easily and readily obtainable.

And that is a very enticing theory to some of us who desire that result.

But even that would be the wrong standard. We ought not to be confirming GERALD FORD in order to get rid of Richard Nixon. We ought to be confirming GERALD FORD because each of us believes in so doing that he is the best qualified individual that the President could have submitted to succeed to the Presidency. He is not.

His past record and his present attitude toward the enormous problems confronting this country demonstrate an incapacity to be able to achieve the greatness literally that will be required of the person who succeeds to the shambles that the Nixon Presidency has become.

GERALD FORD has one major question in his record as far as I could ascertain and I present it to this body not because I think it will have one wit of bearing upon the decision of any individual in this House as to how he or she will vote on GERALD FORD's confirmation. I present it only because it seems to me that GERALD FORD will become confirmed and will become President, and those of us who have reservations owe it to the country and owe it to GERALD FORD in his capacity as President to explain our reservations with the hope that his examination of those reservations may in fact result in a change or in the accommodation on his part to these deficiencies as we perceive them.

The deficiency that I perceive to be the most troublesome in GERALD FORD's record is his insensitivity to the rule of law in this country. And it is that insensitivity to the rule of law that has brought the Nixon administration to the terrible, deplorable situation in which it now finds itself.

The inability of President Nixon to understand that laws govern men and action in this Government, no matter how high their position, is what has brought the country to the present state that we are even discussing, let alone proceeding, with the impeachment of this President.

GERALD FORD has indicated in one major incident in his past record a similar insensitivity to the rule of law. I have reference to his efforts to bring about the impeachment of an Associate Justice of the U.S. Supreme Court.

The deficiencies of the approach of GERALD FORD to the impeachment of Justice Douglas that indicate his insensitivity, if not contempt, for the rule of law were two in number. First, he enlisted the support of the Department of Justice anonymously and secretly. They provided him, according to his own testimony before our committee, confidential information that it is reasonable to believe was procured from FBI files. This unsubstantiated, erroneous raw data was taken by GERALD FORD and placed into a speech he made to the House of Representatives on April 15, 1970, urging the impeachment of Justice Douglas.

Now, the record is not clear that, in fact, that was FBI material. The record is quite clear that GERALD FORD did not ask from where those files were obtained, neither did he ask why the participation of the Department of Justice was asked by the Department of Justice not to be disclosed. That is a use of the Department of Justice for a political purpose. The political purpose was the elimination of a liberal Justice of the Supreme Court.

We have seen an awful lot of that in this administration—the use of the Department of Justice for a political purpose. The impeachment process is a process that ought to be used for the objective of removing an individual from office who has allegedly committed impeachable offenses.

GERALD FORD's use of the impeachment process was a political use of that process, in my view. I believe reference to the testimony in the committee hearings will persuade Members that this view is reasonably accurate. In my view, he was acting under the direction and at the request of the President of the United States.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. RODINO, and by unanimous consent, Mr. WALDIE was allowed to proceed for an additional 5 minutes.)

Mr. WALDIE. In my view, when GERALD FORD brought the impeachment process, he did it for a political purpose, the political purpose being in the first instance to attempt to insure the favorable vote in the Senate for G. Harrold Carswell, who was then being considered for a vacancy on the Supreme Court. It all began when F. Clement Haynsworth was rejected for the Court by the Senate. Shortly after the rejection of Haynsworth in the Senate of the United States, GERALD FORD called John Mitchell and he said, "I want you to put the resources of the Department of Justice at my command so that I may proceed with the impeachment of Douglas."

Mitchell said, "I will send someone over to you immediately." He sent an assistant attorney general, Will Wilson, to FORD's office, and Will Wilson provided secretly the raw data from confidential sources in the Department of Justice. The raw data was not used for about 4 months. It was sent over in December 1969. It was not until April 1970 that it was used by FORD in his impeachment speech.

Why the lapse of time? Because during that lapse of time Carswell was being considered by the Senate for confirmation as a Justice of the Supreme Court. It is reasonable to believe that data was not used in that intervening time because the President did not want to jeopardize Carswell's confirmation. Carswell was rejected on April 8, 1970.

Do the Members know when the data were used—those confidential data provided secretly and anonymously by the Department of Justice to GERALD FORD? The data were used 7 days later, April 15, 1970.

Now, that is a political use of confidential information provided by the Department of Justice to accommodate the political desires of the President of the United States with reference to nominees to the Supreme Court. In one instance he desired to hold the impeachment of Douglas in hostage for the confirmation of Carswell. In another, FORD sought to retaliate against the Senate for rejecting Haynsworth and Carswell. That is clearly insensitivity to the rule of law.

That is a clear indication that the means are justified by the ends in GERALD FORD's philosophy. I find that to be a troublesome record on the part of the nominee. I find it particularly troublesome in this day when the rule of law is given such short shrift by this administration.

Will the rule of law be given equally short shrift in the new Ford administration? I pose the question, and I am persuaded that the question cannot be obviously answered.

I will vote against GERALD FORD. When GERALD FORD is President, I trust that GERALD FORD will ask that question of himself, and I trust that we will continue to ask it.

Thank you, Mr. Chairman.

Mr. McCLORY. Mr. Chairman, I yield 8 minutes to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman and Members of the House, I want to address myself to some of the allegations that have been raised by the gentleman from California (Mr. WALDIE) relating to the Justice Douglas impeachment, or attempted impeachment. Before I do, I want to convey to the membership of the House my observations about the FBI reports, since I was one of eight who were privileged to review them.

There were more than 350 special FBI agents who interviewed over a thousand persons in an effort to learn as much as possible about JERRY FORD. I was impressed with the breadth of the examination inasmuch as they examined anybody and everybody that they had reason to believe knew something or knew anything about JERRY FORD. They talked to Supreme Court Justices in the State of Michigan; they talked to State and county judges; they talked to State and Federal elected representatives, both Democrats and Republicans; they talked to the Republican and Democratic Party officials; they talked to church leaders; they talked to labor leaders; they talked to prominent representatives of minority groups; they talked to news media people; they talked to law enforcement officers; they talked to prosecutors; they talked to business people, professional people, VFW officials, American Legion officials, ACLU officials, representatives of Americans for Democratic Action and many, many more.

Mr. Chairman, I can tell the Members that it is my belief that about 99 percent of the people interviewed that knew JERRY FORD spoke glowingly of him; and of those persons that did not know him personally, about 99 percent of them had nothing whatsoever to say of a derogatory nature.

Mr. Chairman, I want to refer now to the Justice Douglas case that has been alluded to by my friend from California (Mr. Waldie). Let me remind the Members of the House of the mood that was prevailing at the time the House began an impeachment inquiry into the case of Justice Douglas. It shortly followed, by about I think a year, the case of Abe Fortas, who resigned under pressure after having been accused of receiving outside earned income from questionable sources.

Mr. Chairman, my recollection is that it was something in the amount of $20,000. This has, incidentally, nothing whatsoever to do with political philosophy or ideology.

There were allegations that came to light that Justice Douglas had been receiving $1,000 a month from the Albert Parvin Foundation.

There were further allegations that Mr. Parvin and people he was connected with had very unsavory reputations or had been engaged in rather unsavory activities, which I am not going to go into.

There was really a mood, I think, among the American people that it was not proper for a Supreme Court Justice, receiving a very high salary, to receive in addition to that salary, income which required the performance of outside work, and that it was very improper for somebody like Justice Fortas or Justice Douglas to actually be receiving what amounted to earned income for services performed. In the case of Justice Douglas, it was the Parvin Foundation, and that income amounted to $12,000 a year during a time when he was sitting on the highest court in the United States.

Now, concerning the mood that prevailed at that time, in the Committee on the Judiciary I got the feeling that some of my colleagues were trying to point to Jerry Ford and Joe Waggonner and Lou Wyman as being the only people who were really concerned about Justice Douglas. The truth of the matter is that there were approximately 114 Members of the U.S. House of Representatives who sponsored a resolution calling for the impeachment of Justice Douglas. When we look at the list of sponsors, we find that there were about an equal number of Democrats with Republicans.

Incidentally, I was not a sponsor of the impeachment resolution.

Mr. Chairman, when I review the details that surrounded the Parvin Foundation and the Justice Douglas incident, I think that I can understand very easily why there were people who were very concerned about the $12,000 he was receiving.

In any event, Chief Justice Earl Warren as a result of all of the congressional activity called a meeting, and there were proposals to immediately change the financial disclosure rules, which had the effect of preventing judges from earning that kind of outside earned income. This was finally adopted by the Judicial Conference.

At the same time an inquiry was conducted by the American Bar Association, and the American Bar Association also took a position which was in effect critical of the kind of activities that had been carried on by Justice Douglas.

At the same time, or a little bit earlier, to give you an idea again about the mood of the House, the very distinguished and respected chairman of the Committee on the Judiciary, Chairman Emanuel Celler, was quoted in a newspaper article, which I, Mr. Chairman, shall later include in the Record.

This was a newspaper article in the Washington Post, under date of Wednesday, May 28, 1969, with the headline: "Celler raps Douglas on letter to Parvin."

When the proper time comes, I will put this letter in the Record, because I think it indicates that even the very distinguished chairman of the Committee on the Judiciary, who has an unblemished record in the field of human rights and civil rights, was very concerned about the activities of Justice Douglas.

Mr. Chairman, I think Jerry Ford will bring to the office of Vice President a record of public service unmatched in our political history. It is a record of accomplishment and, maybe more important than that, of accomplishment with honor and dignity.

Mr. Chairman, the newspaper article I referred to earlier is as follows:

CELLER RAPS DOUGLAS ON LETTER TO PARVIN

(By George Lardner, Jr.)

The chairman of the House Judiciary Committee said yesterday that Supreme Court Justice William O. Douglas overstepped himself in his correspondence involving the Albert B. Parvin Foundation.

Rep. Emanuel Celler (D-N.Y.) declined to say whether he felt Justice Douglas had been "practicing law" while still president of the tax-exempt foundation.

But he told a reporter: "If I were in Justice Douglas's shoes, I would never have written that letter."

Drafted May 12, the letter in question reportedly dealt with an Internal Revenue Service investigation of the Foundation's activities.

In it, Douglas was said to have called the investigation a "manufactured case" aimed at forcing him to leave the Court. According to published accounts, he also suggested ways that the Foundation might avoid future tax problems.

The Supreme Court Justice did not resign from his $12,000-a-year post as Foundation president until last week.

Legislation before the House Judiciary Committee would make it a crime for highly paid Government officials, including members of the bench, to accept more than $500 a year for "non-Governmental service."

In the Senate, meanwhile, Sens. Clifford P. Case (R-N.J.) and Philip A. Hart (D-Mich.) introduced a proposal with strong bipartisan backing to have Federal judges—along with other Government officials making more than $18,000 a year—make public reports on their outside income and financial interests.

RESTORING CONFIDENCE

The Senate Judiciary subcommittee headed by Sen. Joseph D. Tydings (D-Md.) has already directed its staff to draft a disclosure bill for judges "at least as tough" as the rules in force for members of the Senate. But under these, fees such as those received by Douglas and former Justice Abe Fortas would still remain secret.

The Case bill goes much farther in requiring public reports. Tydings and Senate Majority Leader Mike Mansfield (D-Mont.) have signed up as co-sponsors.

IRS officials declined to comment on the status of their inquiry into the Parvin Foundation, which was begun several years ago. But IRS Commissioner Randolph W. Thrower denied that it was politically motivated.

Thrower added that he intended to keep it "completely insulated from political and emotional reactions that have been reflected in the press."

The IRS investigation appears to be devoted at least in part to reports of so-called "self-dealing" transactions between the Parvin Foundation and its founder, Albert B. Parvin, the multimillionaire to whom Douglas addressed his May 12 letter. According to the initial bylaws, the Los Angeles businessman appears to have had almost complete control over the Foundation's investments and disbursements.

The Foundation's first self-dealing transaction was on April 3, 1961, when Parvin sold it 95,000 shares of Webb & Knapp Inc. for $119,700, which was said to be the market value at the time.

The sale, however, was not reported to the IRS until 1967 after the Government had started its investigation. In its initial application for tax-exempt status in 1962, the Foundation responded "No" to the question of whether its organizer had sold it "any securities or other property."

Self-dealing transactions are not banned by current tax laws, but they have on occasion prompted revocation of tax-exempt status. The House Ways and Means Committee said yesterday that it has voted to prohibit them altogether as part of its tax-reform package.

At a news conference Senate Republican Leader Everett M. Dirksen said he had received information involving the Foundation from an "unexpected source" but he declined to give details. He said only that he got the memo Monday evening from a private source.

However, Dirksen also described as "a somewhat dismal transaction but perfectly legal" the arrangements by which the Parvin Foundation got money from Nevada gambling profits.

In Los Angeles, Sen. Paul Fannin (R-Ariz.) said he had information that Douglas received outside income other than from the Parvin Foundation. Fannin said he may ask for a formal investigation by the Senate Judiciary Committee.

Mr. Chairman, I rise in strong support of the resolution that the House of Representatives confirm the nomination of the gentleman from Michigan (Gerald R. Ford), to be Vice President of the United States. I wish to commend our distinguished chairman from New Jersey (Mr. Rodino) and our distinguished ranking Republican from Michigan (Mr. Hutchinson) for their guidance and leadership in this historic proceeding. I want to commend the fine work of the Judiciary Committee staff that conducted a thorough investigation of Mr. Ford.

Jerry Ford's political philosophy, background, and private life withstood an unprecedented examination. The Senate Committee on Rules and Administration independently conducted a thorough investigation of Jerry Ford and then unanimously voted to favorably recommend him to the other body which overwhelmingly accepted that recommendation—92 yeas and 3 nays. The House Committee on the Judiciary, independent of any other investigation, thoroughly researched every imaginable aspect of the public and private life of Jerry Ford. The Internal Revenue Service and the House Judiciary Committee conducted independent audits of JERRY FORD's financial transactions.

An investigation of the gentleman from Michigan (Mr. GERALD R. FORD) was conducted by the FBI. This examination was exhaustive. More than 350 special FBI agents interviewed over 1,000 persons in an effort to learn as much as possible about JERRY FORD. They talked to Supreme Court Justices, State and county judges, State and Federal elected representatives, Republican and Democratic party officials, church leaders, labor leaders, prominent representatives of minority groups, news media people, law enforcement officials, prosecutors, business associates, VFW, American Legion, ACLU officials, representatives of the Americans for Democratic Action and many, many others. Ninety-nine percent of those people interviewed by the FBI indicated strong personal approval of JERRY FORD.

Almost all of those persons who knew JERRY FORD spoke glowingly of him. Those that did not know him personally knew nothing about him of a derogatory nature.

There is one other point along this line which I think speaks very highly of JERRY FORD and that is the size and the consistency of the votes of the people of his congressional district. Since 1948 he has been elected 12 consecutive times and has won by over 60 percent of the vote cast in every election. It is clear that the voters of Michigan's Fifth Congressional District have confidence and trust in JERRY FORD.

In the other body the senior Senator of California (Mr. CRANSTON) was not content to delegate all responsibility to the Senate Committee on Rules and Administration, but set out on his own, weeks in advance of the action of the other body, to learn all that he could about JERRY FORD. Senator CRANSTON consulted many people, focusing on people he represented from California and of all the people he spoke with only five of them made unfavorable comments about JERRY FORD. The senior Senator from California also made an observation on the floor of the other body—CONGRESSIONAL RECORD, November 26, page S21048—during debate on the confirmation of Mr. FORD. He stated:

> Incidentally, I was struck during my canvas of so many citizens that no one—no Republican, no Democrat, no labor leader, no minority group leader, no civil rights activist, no attorney—no one ever raised the issue of Ford's abortive effort to impeach Justice William O. Douglas, let alone suggested that as a reason to vote against him.

Mr. FORD's part in the Justice Douglas investigation was thoroughly explored by the House Judiciary Committee. I will not at this time reopen that discussion except to point out that JERRY FORD was not alone in his concern over the "off-the-bench" activities of judges. Of this body, 114 Members, nearly half of whom were Democrats, cosponsored the Wyman resolution to create a select committee to investigate Justice Douglas. The American Bar Association created a Special Committee on Standards of Judicial Conduct to consider changes in the Canons of Judicial Ethics. A new code of judicial conduct was drafted and adopted by the ABA in August 1972. With some modifications, this new code was adopted by the U.S. Judicial Conference making it applicable to the Federal juriciary. I cannot help but believe that this new code of judicial conduct is a vest improvement over what existed before and I cannot help but think that it was Mr. FORD and many like him that helped bring this new code about.

Mr. Speaker, JERRY FORD will bring to office of Vice President a record of public service unmatched in our political history. It is a record of accomplishment. Accomplishment with honor and integrity.

Mr. CONABLE. Mr. Chairman, I do not wish to be repetitious, and I realize the great bulk of the Members will want to express their support for GERRY FORD, their pride in the choice of a leader of our House to be Vice President, and new confidence that his role will improve the relations of the executive branch with the Congress. It is one of Mr. FORD's more valuable attributes that those who associate with him not only have respect for him but consider him a personal friend. We need someone high in the executive branch who can relate to us in this way. One of the most important tributes I can pay to JERRY FORD at this time is that despite 9 years of service in the most partisan slot in the House—that of minority floor leader—he has the admiration of both sides of the aisle. Even those opposing him today seem to be more interested in a posture of opposition—understandable in today's political climate—than in personal dissent from the actual choice of Mr. FORD to be Vice President.

Mr. Chairman, in unison with the great majority of our colleagues, I shall be proud to cast my vote to confirm as Vice President a hard working, decent, perceptive, and in every way deserving and qualified public servant, GERALD FORD, of Michigan.

Mr. KUYKENDALL. Mr. Chairman, I am delighted to join with my colleagues in speaking for this nomination. I recognize the historical moment of the occasion, the first time in history that the House of Representatives has ever joined with the U.S. Senate in its traditional role of advice and consent, to approve the choice of a new Vice President of our Nation.

Seeing GERALD FORD sworn in will be a particular source of satisfaction to me. Some of you may remember that I was one of the first of his colleagues who urged the President to nominate him after the office became vacant 2 months ago. This will be the last time I can call him JERRY, but it will be a privilege to call him by his new name—Mr. Vice President.

Our colleague, the Vice-President-designate, was scrutinized, questioned, probed and picked apart more extensively than anyone else who has ever held this office—or sought it—and he has passed every test. Almost from the moment that President Nixon made his announcement in the East Room, swarms of investigators moved out to Grand Rapids and Ann Arbor, even went back to Omaha, where he was born. If there were any skeletons in the closets, they would have been found long ago.

As the House and Senate committee members phrased their questions to him, they seemed to want to know what kind of President he would make, rather than what kind of Vice President. But they learned quickly that the answer to both questions was the same.

JERRY FORD would make the same kind of President that he will make Vice President: honest, courageous, dedicated to the job at hand. God willing, he will not have to step in to fill out an unexpired term as eight other Vice Presidents have been called on to do in our history.

I am one who believes that our President will finish his term of office without resigning or having to withstand an impeachment trial.

But if GERALD FORD should be called on to take still another step up, our Nation would be in capable hands.

Mr. RODINO. Mr. Chairman, I yield 8 minutes to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Chairman, it is not a pleasant task, but a serious and necessary one nevertheless to be here today to urge my colleagues in the House to reject the nomination of GERALD R. FORD as Vice President of the United States. I have known JERRY for 11 years. He has always been nice to me personally; I like him as a person and as a colleague. He is candid, a good family man, sober, and hardworking. From the point of view of our friends across the aisle in the Republican Party, I know he is considered a competent minority leader. President Nixon obviously likes him and has proven it by nominating him to fill the now vacant office of the Vice President. The President's affection for Mr. FORD is certainly understandable—uncritical friends and supporters are a scarce commodity in the life of any politician, and a particularly scarce commodity around the White House today.

So, it really is not a pleasant task for me to stand here and urge you to vote nay. After all, it is very flattering to the House of Representatives that one of our own has been nominated for Vice President.

Well then, why do I not play the game with the overwhelming majority of you and agree to vote aye since the Judiciary Committee's investigation has determined that JERRY FORD is clean financially and morally? The committee's decision is, you say, in consonance with the 25th amendment to the Constitution, which has been interpreted by you and by the Washington Post and the New York Times as meaning that a President can choose as Vice President any person of national stature who can survive an investigation by the Senate and the House and who has been found to be financially and morally untainted.

You say objections to this nomination are an oversimplication? That the issue is larger and more sophisticated? I must answer it is not. My interpretation of the 25th amendment is different and not necessarily supported by the hearings or the floor debate when the 25th amendment was approved by Congress. I am afraid I cannot prove much of anything by referring to the legislative history of this amendment. That legislative history is irrelevant to the situation facing us today. The bizarre scenario now confronting us was not considered in testimony presented by constitutional scholars, nor by the Members who addressed this body when the 25th amendment was rushed through Congress in unseemly haste which, in hindsight, is to the discredit of most of us here today. There is somehow, a certain aura of indecency about this whole procedure.

The situation we face today, with Mr. Nixon's first choice, Mr. Agnew, a confessed criminal and Mr. Nixon himself facing a serious threat of impeachment, was never discussed nor anticipated in the debate surrounding the enactment of the 25th amendment.

Again in hindsight, if we had anticipated the dilemma of today, I have an idea that Congress would have written the amendment differently, keeping the vital disability provisions—although hopefully clarifying them—making no provision for the replacement of a resigned or deceased Vice President, and in the event both offices became vacant, providing for an Acting President with a national election scheduled to follow within a few months. After all, our founders intended the people to elect, not the President and Congress.

But the 25th amendment is a part of our Constitution. Its provisions must be implemented and that is why we are here today. The problem is that some of us, after a most painstaking investigation by the House Committee on the Judiciary, feel strongly that President Nixon's selection does not measure up and that he should provide us with a more suitable choice, a man or woman known to possess the high qualities of leadership, judgment, compassion and sensitivity to the use of power required by our country and the world in the event the nominee should become President.

In the limited time available, I cannot describe in depth my reservations concerning the nominee's voting record, his views and actions concerning the great issues of our times: war and peace; equal opportunity for all Americans; and respect for the mandates of the Constitution and particularly its Bill of Rights. Other Judiciary Committee members will address these issues, will document Mr. Ford's dismal record in the area of civil rights, in legislation seeking to provide decent education, job, and medical care for the less fortunate. I will only say regarding these areas, that Mr. Ford's chief concern has been primarily for that portion of our population needing the least assistance, the rich and the powerful. In a multiracial, multicultural society, I submit that the President must have the best interests of all at heart.

President Nixon once wrote a book, "Six Crises," wherein he described the six largest challenges of his political life and how he handled them. He would not have written the book had he not looked back with pride on his actions. The Judiciary Committee hearings and investigation of Mr. Ford reflect that in the last decade he faced two extraordinary challenges which tested his capacity for leadership, judgment, intellectual honesty, and commonsense. Let us see how he measured up.

On April 15, 1970, Mr. Ford, in the House of Representatives, delivered a scathing attack on Associate Justice of the Supreme Court William O. Douglas, seeking his impeachment for alleged misconduct on and off the bench. The basis for this speech, as revealed in the recent hearings on Mr. Ford, was information from the files of the Federal Bureau of Investigation. This background information was solicited by Mr. Ford from the Department of Justice following the Senate rejection of President Nixon's nomination of Judge Clement Haynsworth to the Supreme Court. This information, uncorroborated and unconfirmed, written on titleless pieces of paper, was delivered personally to Mr. Ford by a high official of the Department of Justice. (See page 612 et seq. of the printed hearings before our committee.)

The Department of Justice, under the direction of former Attorney General John N. Mitchell, demonstrated no reluctance in turning over this raw data, which could be interpreted to reflect adversely on the character and judgment of Justice Douglas. Knowing the information to be unconfirmed, Mr. Ford, too, showed no reluctance to use much of the material, almost verbatim, in his speech against Justice Douglas.

After a resolution of impeachment had been filed and referred to a Special Subcommittee of the House Committee on the Judiciary, former Chairman Emanuel Celler and former ranking Republican Congressman William McCulloch, repeatedly sought assistance from the Department of Justice for information in its possession. Chairman Celler and of that special subcommittee, complained Mr. McCulloch, it is stated in the report to Mr. Ford about the lack of cooperation from the Department of Justice. Mr. Ford did not disclose to the chairman, nor to Mr. McCulloch, that the Department of Justice had supplied him with FBI information on which he based his initial attack.

This confidential material was not to be used for the work of any committee of the House, but solely for Mr. Ford's personal investigation of Justice Douglas.

I submit to the Members of the House that FBI files and other information in the records of the Department of Justice are not a private data bank for the personal use of 535 individual Members of Congress. They are not the records of the House Internal Security Committee to be published raw and unsubstantiated at the whim of whichever Member has in mind a personal attack on some judge, elected official, or ordinary citizen.

An indication of the unreliability of the information irresponsibly requested by and irresponsibly furnished to Mr. Ford by John Mitchell's department is that portion of Mr. Ford's speech attacking Mr. Justice Douglas wherein he clearly implies that Justice Douglas was in Las Vegas, Nev., on October 22, 1962 with Bobby Baker. The investigation by the House Judiciary Committee proved this totally false. Justice Douglas was not in Las Vegas, nor was Bobby Baker, on that date. The Judiciary Committee investigation showed there never was any association whatsoever between Justice Douglas and Baker.

Placed in perspective, we find the minority leader of the House of Representatives using the Department of Justice as a data bank for partisan political retaliatory action. The nominee before us is still the minority leader of the House, not a novice in the political arena nor a stranger to the moral responsibilities of his high position.

The second challenge faced by Mr. Ford in which he did not display those elements of moral and intellectual character, which the citizens of the country expect from their elected officials, followed the assassination of President John F. Kennedy.

President Johnson established the Warren Commission to investigate the circumstances surrounding the tragedy in Dallas, and Mr. Ford was selected to serve on that Commission. After months of hearings, the Commission published its report. Some of the documents amassed by the Commission and not published in the report were classified "top secret" and sent to Archives. Following his tenure on the Warren Commission, Mr. Ford coauthored the book "Portrait of the Assassin." Mr. Ford was the only member of the Warren Commission to personally gain from his service on the Commission. In his book, he used information that is today still classified "top secret." When I questioned him during the hearings on this matter, Mr. Ford's explanation was:

> If it was not included, I think it should have been, and if it was not in and we used it, it was strictly on the basis that it was an inadvertent error. (See page 582, printed record of the hearings.)

An inadvertent error? His nonchalance on being confronted with a prima facie violation similar to the type for which Dr. Daniel Ellsberg was made to face a jury is to me dismaying. His apparent inability to distinguish between the use of public and "top secret" documents is unsettling. I am not reassured by Mr. Ford's explanation that the documents were overclassified and that therefore he felt he committed no wrong, or at most, made a minor mistake.

So I think it is fair to say that in the two challenges faced by Mr. Ford in the last decade, he did not measure up.

The high obligations implicit in the Douglas impeachment and in the Warren Commission were not met with the care and responsible action that the country is entitled to.

If President, will Mr. Ford handle national and international crises in this same irresponsible manner? Will he have the same lack of respect for the law, for confidentiality and for truth as he showed in these two challenges?

For the first time in our history, spanning almost 200 years, we here today are called upon to discharge a new and solemn duty. We are called upon today to reflect the will of the people of this country. I do not believe we are called upon to reflect the will of a President who confronts us with an administration unprecedented in its moral decay.

I do not believe the responses to the challenges faced by Mr. Ford reflect the responsible use of power and judgment by one in high office. I do not believe the nominee will inspire and motivate the Nation to renewed respect for human and civil rights, to renewed respect for truth within government, nor to renewed respect for those few entrusted by the people to direct the government.

So, I am compelled to vote against this nomination and to appeal to the President to submit to this Congress the name of a person who embodies the qualities of leadership so vitally needed to solve the problems of this multifaceted and divided Nation in the years just ahead.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding. I commend the gentleman on his statement. Was not the gentleman in the well also one of the members of the committee who questioned the procedure; that is, with a President with impeachment resolutions pending against him, we would consider a nominee who might potentially be his successor? Did the gentleman not raise that troublesome question during the proceedings?

Mr. EDWARDS of California. It troubles me very much. Mr. Nixon was elected by an overwhelming majority of the people in November 1972. Nearly a year later he was called upon to implement the 25th amendment. The situation is entirely different now. The President's first choice, Mr. Agnew, is a confessed criminal, and the President himself faces impeachment. This is a situation never contemplated by those of us who wrote the 25th amendment.

Mr. CONYERS. I quite completely concur with the gentleman that we are now passing on a confirmation in one of the most unusual periods of American history, one in which the President himself is under a cloud of such magnitude that for us to cavalierly consider this nomination in the ordinary course of the application of the 25th amendment is unreal. Many citizens in this country are questioning why we are not proceeding on the impeachment prior to the confirmation.

Mr. HUTCHINSON. Mr. Chairman, I yield to the gentleman from Indiana (Mr. Bray) such time as he may consume.

Mr. BRAY. Mr. Chairman, today, the House of Representatives, and, indeed, the U.S. Congress as a whole, will, with the final confirming vote of our good friend and colleague Gerry Ford as Vice President, be giving the American Republic a loyal and devoted and capable public servant as Vice President.

The Office of Vice President, over the years, even going back to the beginnings of our Republic, has unfortunately been regarded as something more or less second rate. Even some who have held it have complained of their status.

This is a situation that has, I fear, in many regards, let a lot of our citizens to think there is nothing important about it; that it is intrinsically a ceremonial function; and that it is deserving of relatively little attention by our country as a whole.

That has never really been the case. Today, in the troubled times in which we live, the Vice President, the man who must step in and assume the awesome power of Chief Executive if fate so decrees, has an importance that affects us all.

It is true that it is second place. But it is no place for a second-rater. Gerry Ford is not a second-rater. He never has been and he never will be.

The President's choice has been wise. The decision of the Congress has been wise. The country is better off for it.

Strictly speaking, Gerry now goes to the executive branch, and is not technically one of us any longer. But all of us who had the great privilege of knowing him, working with him, and serving with him, will always think of him as one of us—one of our own.

He goes to his new post with our best wishes, and with our confidence that he will serve faithfully, successfully, and well. The House has lost him, but the American Republic has gained.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Wiggins).

Mr. WIGGINS. Mr. Chairman, I intend to use my time, not to discuss the personal qualifications of Congressman Jerry Ford, but rather to discuss with the Members our responsibilities under the 25th amendment as I see them. I believe that the committee's report is somewhat deficient in failing to articulate a standard by which the Congress is to discharge its responsibilities under the 25th amendment. In a historical sense, perhaps what we do here today in giving meaning to the 25th amendment transcends in importance the assessment of the personal qualifications of Congressman Jerry Ford.

I have read the views of the minority carefully. Several of the Members have attempted to articulate a standard for our consideration. Let me refer to the remarks of our distinguished colleague, the gentleman from California, Congressman Don Edwards, in his dissenting views. He said:

> I believe that each Member has an affirmative duty to go beyond the basic constitutional requirements, the basic honesty of the nominee and attempt to establish the moral, intellectual and philosophical fitness of the nominee, to potentially fill the Office of the President of the United States.

The gentleman from California (Mr. Edwards) goes on to say:

> The new Vice President must be a man whose philosophy is commensurate with the moral and philosophical beliefs of the majority of the country, not as of November 1972, but as of today.

For reasons which I will state I believe that to be a deficient standard.

Our friend, the gentleman from Michigan, Congressman John Conyers, enunciated a different standard, and I read now from page 37 of the committee report:

> I argue that a Member of Congress has an obligation to vote against a nominee solely on the grounds that the nominee holds views or has a philosophy which, if he brought to that high office, would in the Representative's judgment be unsatisfactory or harmful to the Nation as a whole.

Additionally, my friend, the gentleman from California (Mr. Waldie) articulated a slightly different standard when he said:

> The primary standard to be met is the conviction in each of our minds that Gerald Ford would perform the enormous and the unique responsibilities of the Presidency capably and effectively.

Of course, I have no quarrel with this latter standard so long as its application cannot be used as a vehicle for Congress to change an administration which has been elected by the people.

There has been discussion that the nominee should be compatible with the administration, and should be able to work in harmony with the President. The history of the Presidency and the Vice-Presidency preceding the adoption of the 12th amendment is justification in my opinion for requiring that a Vice President be compatible with, rather than antagonistic to, the administration then in power.

But most importantly, Mr. Chairman, it is my view that considerations of compatibility are not properly before the Congress under the procedures specified in the 25th amendment.

We may properly assume, in my opinion, that the President will nominate a person who will become a working partner in his administration. Considerations of political compatibility are thus to be made by the President under the 25th amendment, rather than by the Congress. The Congress should weigh other factors.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Michigan.

Mr. CONYERS. Did the gentleman, in reciting the various standards that were suggested, have disagreements with any of them?

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. Hutchinson, and by unanimous consent, Mr. Wiggins was allowed to proceed for an additional 2 minutes.)

Mr. WIGGINS. At the conclusion of my remarks, I will be pleased to yield.

I shall now attempt to state a standard which correctly interprets the responsibility of the Congress under section 2 of the 25th amendment to the Constitution.

It is my opinion that confirmation should follow if a majority of both Houses of Congress are satisfied that the nominee is from among that group of persons who possess the constitutional qualifications to be President; and in addition possess those qualities of integrity, experience, judgment, and ability, necessary to discharge the responsibilities of the Office of Vice President, and if required to do so, to execute the Office of the Presidency with competence and in a manner which will not frustrate the mandate of the electorate of the administration then in power.

I realize, Mr. Chairman, that in assessing the qualities of character and ability, individual Members of Congress will apply a subjective standard; but we must divorce, insofar as we can, from our assessment of these qualities, the requirement that the nominee adhere to our own political or personal philosophy or that of the constituents whom we represent. The 25th amendment must not be made the vehicle for reversing the most recent mandate of the people as to the philosophical and political directions of an elected administration.

I am personally satisfied, Mr. Chairman, that Congressman Ford meets the proper standards and should be confirmed as the Vice President of the United States.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Michigan.

The CHAIRMAN. The time of the gentleman has again expired.

(At the request of Mr. Hutchinson, and by unanimous consent, Mr. Wiggins was allowed to proceed for 1 additional minute.)

Mr. WIGGINS. Mr. Chairman, I yield to the gentleman from Michigan.

Mr. CONYERS. Well, I asked the gentleman a question. Does his disagree with any of the criteria that was outlined by the several Members in this dissenting views?

Mr. WIGGINS. Yes. I do disagree with all of them, for the essential reason common to all, that the application of standards enunciated in the disenting views would permit Congress to frustrate the mandate of the people in electing the most recent administration.

Mr. CONYERS. I want to reread the statement that the gentleman has attributed to me. I argued to the committee that every Member of Congress has an obligation to vote against a nominee solely on the grounds that that nominee holds views or has a philosophy which, if brought to the high office, would, in the Representative's judgment, be unsatisfactory or harmful to the Nation as a whole.

Now, does the gentleman suggest that this would run counter to any mandate of the people in this country?

Mr. WIGGINS. Yes, indeed, especially as applied to the gentleman from Michigan. Let me answer the question in this way.

In essence, the difficulty in applying the standards suggested by the gentleman from Michigan and the two gentlemen from California is that it applies a subjective standard without consideration of the mandate of the people as expressed in their last election.

Mr. KETCHUM. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from California (Mr. Ketchum).

Mr. KETCHUM. Mr. Chairman, it is a great pleasure for me to rise today in support of the nomination of Gerald Ford as Vice President of the United States. During my service in the House of Representatives, I have come to know Jerry Ford as a man of impeccable integrity and decency. He is eminently qualified to assume the duties of Vice President.

For many years, Jerry Ford has been a beacon of leadership to the Republicans in the House. I have learned much from his wise counsel and his keen ability to perceive the issues at hand. Now he will bring his qualities of decency, integrity and leadership to his new role of Vice President, to the benefit of all the American people.

In the past few weeks, during the confirmation hearings in both Houses, the Nation has had its first real opportunity to get to know Jerry Ford. It is apparent from newspaper articles and editorials that they like what they see. The country is as solidly behind this nomination as is the Congress.

While I join all of my colleagues in wishing Jerry well in his new position, I also share their sense of loss at his departure from this House. We shall always be thankful for the opportunity to serve with him and benefit from his leadership.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Heinz).

Mr. HEINZ. Mr. Chairman, I rise to join what I believe should be the overwhelming positive support among my colleagues for the adoption of House Resolution 735, confirmation of the nomination of Hon. Gerald R. Ford as the 40th Vice President of the United States.

As you know, this is the first time in our Nation's history that a mid-term Vice-Presidential vacancy has been filled under the provisions of the Constitution's 25th amendment, and I find it particularly reassuring that the nominee is our colleague, Gerald Ford.

Gerald Ford has spent his entire adult life as an effective and loyal public servant, and he has also undergone and survived, I might add, the most thorough concern of a nation deeply frustrated over their lack of confidence in public officials.

Gerald Ford's integrity is above question, and the fact that he is more often than not respectfully referred to as "honest, decent, good, and fair" does not mean that those expressions become cliches. If anything, they reaffirm the fact that it is fitting and proper that Gerald Ford become the 40th man to hold this nation's second highest office. This I can testify to from my own personal association with him during my service in this body.

By his own description, he is "conservative in fiscal matters, moderate in domestic policy, and an internationalist in foreign policy." In my view, this constitutes a philosophy that will be the White House's gain and the House of Representatives' loss.

However, his decision to be sworn in the Capitol, in which he has served such a lengthy and distinguished career, rather than the White House, indicates to me a bond to the Congress that will be strengthened, not weakened, by his new and vitally important responsibilities.

Mr. Chairman, Gerald Ford has always displayed a willingness to stand up and be counted, through his votes on the floor of the House, his public statements, and his dealings with his constituency. Through it all, he has emerged a leader with a true sense of justice and an unyielding respect for the public he serves. Moreover, he shares a real appreciation for the anxieties felt by many over the misuse of Presidential power and this is a qualification that must not be underestimated.

Finally, one must not overlook the fact that, regardless of one's political party or philosophy, it is a fact of life that the man we designate today as our 40th Vice President might well become the President of the United States. In Gerald Ford, we have a man supremely capable of assuming this awesome task with firmness, fairness, and integrity. I wholeheartedly support and urge his confirmation.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. Sarasin).

Mr. SARASIN. Mr. Chairman, I am pleased and proud to be able to add my voice to those supporting the confirmation of Representative Gerald R. Ford as the 40th Vice President of the United States. There is a particular satisfaction to have been one of the many who recommended the name of the Republican minority leader when the President elicited suggestions as to who would be best qualified for this historymaking appointment.

Congressman Ford has now been subjected to official and public scrutiny to an extent never before equaled, and it has borne out what most of us already believed: That Jerry Ford is a man of exemplary character, unquestioned integrity, and refreshing candor. This exhaustive investigation of every facet of his public service and private life has only served to reinforce the conviction that Jerry Ford is the right man at the right time.

Those few individuals who have opposed the confirmation of Mr. Ford as Vice President have done so on the grounds of ideological disagreement with his record as a Member of Congress or because he did not meet their personal perception of the ideal for the post. None have seriously questioned his basic qualifications for the job.

I respect the right of those who would fill the vacancy with a man of their own political philosophy to disagree with positions taken by Congressman Ford over his quarter century of service in the Congress of the United States, but I do not believe that to be the issue at hand.

It is true that Congressman Ford's political philosophy appears to coincide quite closely with that of President Nixon, but it is also true that this is the basic political philosophy endorsed by an overwhelming vote of the people in the election of 1972.

The 25th amendment to the U.S. Constitution provides for this kind of continuity in office and this principle has been recognized by the great majority of Members of both the House and Senate.

Perhaps most important, however, Congressman Ford represents a great deal that is good about this Nation. While I have not had the opportunity to know Jerry Ford for as long as many of my colleagues, perhaps a first-term Congressman has a special perspective on this man.

This is because, as a relative newcomer, you are particularly conscious of the willingness to help, the regard for the problems of others, and the ability to lead through persuasion and accommodation exhibited by the minority leader. The clear evidence of the respect and affection with which he is regarded by members on both sides of the aisle is not lost on a new Member of Congress.

I would also like to take a little pardonable pride in pointing out that while Mr. Ford is frequently referred to in terms of his Middle Western background and University of Michigan football prowess, he is also a product of Connecticut's Yale University Law School.

Finally, while I know that reference has previously been made to the excellent column "Gerald Ford: Tradition and Civility," by Pulitzer Prize winning reporter David S. Broder of the Washington Post, I think a portion of that piece is deserving of repetition:

> Jerry Ford is one of the most decent human beings in Washington. He is not a hater, nor is he under a constant compulsion to prove his own worth by dominating and downgrading others.
>
> The qualities he has displayed in his confirmation hearings—and in 25 years in Congress—may be just what the doctor ordered for this badly battered Republic.

I think that admirably states one of the most important aspects of the need to act with all deliberate speed in confirming the nomination of Jerry Ford as 40th Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire (Mr. Wyman).

Mr. WYMAN. Mr. Chairman, I thank the gentleman from Michigan for yielding to me. Mr. Chairman, I rise to enthusiastically support the nomination of my personal friend and distinguished minority leader, Gerald R. Ford, to be Vice President of the United States. Prior to his nomination, President Nixon sought recommendations from Members of Congress. I am proud that my first choice for his nomination was Gerry Ford. Clearly Gerry was the first choice of many of his colleagues This speaks volumes in behalf of a man who has served in close association with men and women over years and years when there was no thought whatever that they might be asked to submit a recommendation for nomination as Vice President.

Today is a beautiful, clear, cloudless day. The sun is bright and the breeze from the northwest. It is an auspicious occasion for confirmation as Vice President of the best qualified, most practically experienced, capable yet humble and likeable men in all this great land. Like the character of the day, the nomination of Gerry Ford as Vice President marks a significant turning point toward renewed and restored public confidence in the national leadership.

The President likes and trusts Gerry Ford. In no way is he envious or jealous of him, and no amount of divisive editorial comment suggesting that Mr. Ford's confirmation as Vice President will trigger renewed calls for resignation or impeachment of the President, will succeed in driving a wedge between the President and our new Vice President. On the contrary, Mr. Ford's acceptance of the nomination and his willingness to help with the national leadership is proof positive of his dedication to the President's ultimate goals of a generation of peace and domestic stability within a progressive social framework. His integrity is unquestioned and unquestionable. He has been an effective minority leader.

It is safe to predict that the responsibilities to be given Gerry Ford as Vice President will unquestionably vest him with a greater authority and degree of participation in the executive branch than has been the case with any former Vice President in history. Few Vice Presidents can come anywhere near the record of experience and background in Government that is possessed by Congressman Ford. In the defense field, he served for years as a member of the Defense Appropriations Subcommittee from which vantagepoint there is no better opportunity to develop a comprehensive perspective on the critical defense requirements of the Nation. In domestic affairs he has held a leadership position and carried the ball in the legislative branch on measure after measure involving all of the major domestic concerns of the Nation from pollution control to housing to energy to budgetary restraints.

It is comforting to know that a sound and capable man, who is also kind and compassionate and understanding, will shortly occupy that awesomely important post that is a single heartbeat removed from the Presidency of the United States.

President Nixon could not have made a better choice for Vice President.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. McKinney).

Mr. McKINNEY. Mr. Chairman, the intangibles in life always seem to be the most difficult to grapple with. Has anyone written a manual on how to set a tone? Is there a book on the creation of a spirit? Where is there a set of blueprints which can tell us how to instill a faith, maintain a trust?

Assuredly, we are without definitive guides in these areas, yet all of these attitudes exist in one form or another in our Nation. In our history there have been men and women among us who by their actions and in their dealings with others have set a tone, created a spirit, instilled a faith and for that, we have given them our trust. Some, seemingly, have been born to the task; others have responded to a national need.

Today, our country faces a crisis of confidence and we are calling on Jerry Ford to respond to that national need. Mr. Chairman, I can think of no better choice than the gentleman from Michigan. In a recent editorial, the Bridgeport, Conn., Post commented:

> The emergence of Mr. Ford during this particularly troubled time for the United States is reassuring for it tells us in convincing fashion that there are people in government who are fully worthy of our utmost trust.

I believe that sentiment is one which is generously shared in this Chamber and one which in the days ahead will prove to be consistently correct.

There are many words and phrases which can more than adequately characterize the qualities of Jerry Ford but it seems to me that one stands out and that is decency. To me, the word conveys fairness, mutual respect and a concern for one's fellow man and in life one cannot ask for much more.

Mr. Chairman, I believe Jerry Ford to be that type of man and I feel that we as a Nation are fortunate to have him.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. Zwach).

Mr. ZWACH. Mr. Chairman, I rise in support of House Resolution 735, the resolution to approve the nomination of Gerald R. Ford as the Nation's 40th Vice President.

When I was first elected to Congress in 1965 and was still learning the system in early 1966, Jerry Ford was already the minority leader in the House, and helped me a great deal.

For 25 years Mr. Ford has been a Member of this distinguished body, during 9 of these years he has been minority leader. During all those years no Member has displayed more integrity, higher moral character, ability, or faith in the basic principles that have made America great. Never have I seen him turn away from a difficult situation or a problem that needed long, hard work.

I am sure that congressional relations with the White House will be improved by Mr. Ford's selection, which should help to increase legislative-Executive interaction, and recreate a working harmony between the two levels of government.

Mr. Chairman, I consider it an honor to speak in favor of the resolution to approve the nomination of the Honorable Gerald R. Ford as our next Vice President of the United States. As a dedicated citizen, Mr. Ford will continue to serve his country well.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. Hanrahan).

Mr. HANRAHAN. Mr. Chairman, I would like to add my support to that of my colleagues, concerning the installation of the Honorable Gerald Ford into the office of Vice President of the United States.

I have served only 1 year in the House of Representatives; during that year, however, I have looked to Mr. Ford many times for counsel and assistance—and he has never let me down. His many years service to the public as well as to the Republican Party speak for themselves.

The office of Vice President is an ill-defined and difficult office to describe. The man chosen to fill the position must assist and support the President, yet maintain his individuality. He must defer to the President on matters involving our Nation, yet be ready—at a moment's notice—to take over our affairs. It takes a strong, dedicated man to fill that post.

The years have proven Mr. FORD an honest, hard-working, and very capable man—the kind of man we need for Vice President of the United States. I look forward to serving under Vice President GERALD FORD.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. THOMSON).

Mr. THOMSON of Wisconsin. Mr. Chairman, in 13 years in the House I have been a constant admirer of JERRY FORD for his fairness and firm grasp of the political and legislative processes. He will be an outstanding Vice President.

Thirteen months ago, an overwhelming majority of the American electorate endorsed the Republican platform in a hard-hitting issues-oriented campaign. JERRY FORD is firmly committed to implementing that Republican program. The Nation deserves a Vice President committed to the Republican approach to national problems. In JERRY FORD they are getting such a leader.

The Watergate scandal has cast a cloud of suspicion over the administration. JERRY FORD is a fresh, clean figure who can help restore public confidence in the Government, a desire shared by even the most partisan of the President's detractors. JERRY has been thoroughly investigated by the Congress and found to be what we all believed him to be in the first place: a decent, honest, and dedicated public servant.

JERRY FORD is a proven leader. His experience as Republican leader in the House of Representatives, including his frequent high-level security briefings at the White House, has prepared him in many ways to assume an important position within the administration.

Members of the Congress who know and respect JERRY can see in his elevation to the Vice-Presidency an opportunity to again establish a strong working relationship with the White House. During the past several months that relationship has been strengthened as both the administration and the Congress has recognized the critical necessity of cooperation to solve some of our pressing problems. A good example of the improved relationship has been the prompt congressional action on key portions of the President's energy programs.

With JERRY FORD as Vice President, I am hopeful that the Congress will also be persuaded to tackle the pressing issues of tax reform, campaign finance reform, welfare reform and health care reform to name a few. Too much time has been lost in the distractions that have occupied most of this year.

JERRY FORD is a man for the times. He represents the way the majority of our people want to approach our policy problems. And he is a man who will grow in his new position to become one of the truly great Vice Presidents in our history. Those of us who have worked closely with him in the House know that while his many talents are relatively unknown they are well developed.

We wish him all success in his new position.

Mr. HUTCHINSON. I yield such time as he may consume to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Chairman, I rise to support the confirmation of our colleague, GERALD R. FORD as Vice President of the United States.

Although I was among those who urged the nomination of JERRY FORD, and although I have had every confidence in his integrity and his ability to lead, I want to say that the House Judiciary Committee and the Senate Committee which considered the nomination deserve the respect and gratitude of the Nation for conducting a serious and thorough investigation and inquiry into JERRY's background and his capability to serve in this high office. This is, as will be said over and over again on this floor today, an historic moment in American history. Never before have we had a man serving in the Vice-Presidency who did not achieve that office by the usual route of election by the people as a whole. Since the circumstances necessitated use of the 25th amendment procedure for filling a Vice-Presidential vacancy, it was absolutely essential that the Congress take with deep seriousness its responsibility to pass judgment on the President's nominee for this post.

The fact that JERRY FORD has successfully navigated what is probably the most thorough congressional investigation ever mounted to approve a Presidential nominee is in every respect a tribute to him, and to his record of a quarter century of service to the people of America.

I have had the privilege of knowing and working with JERRY FORD for all of my 11 years in the Congress. He brings to the Vice-Presidency those qualities which are both the most admired and the most sought after in the history of American politics. Among all Members of the House, JERRY stands out in his sheer dedication to duty, his long hours of hard work, his ability to maintain close friendships and a high level of respect among those of every political and philosophical stripe, his mastery of the art of legislative compromise, and his total honesty and integrity. All of these comprise an ideal blending of the finest ingredients for public leadership and public service.

While he represents a single Michigan district in the House, JERRY FORD has traveled throughout these United States perhaps more widely than any other Member. As minority leader, he has generously made himself available to accept invitations to speak in literally hundreds of communities throughout the country. Over the period of years that he has led the Republican side of the House, he has developed a truly national perspective on the mood and priorities of our people on the serious domestic and foreign issues which confront our National Government.

This year, as ranking minority member of the Committee on Government Operations, I have seen a different side of JERRY FORD. In leadership sessions, I have witnessed time and time again the success of his painstaking and patient approach to leadership. Never too hurried to listen to a point of view, never closing his mind to a better alternative, JERRY epitomizes the kind of political leadership ability which makes democratic government function effectively. In his decisions on issues, he has blended personal principle with the execution of his duty as leader of the minority Members of the House and as primary spokesman in the House for the administration. While this is a far more difficult task than any of us face as individual Members, JERRY has shown over the years, his mastery of fair and principled decisionmaking on the issues which affect the future of America.

Mr. Chairman, I will proudly cast my vote for confirming JERRY FORD. I think the American people can expect that he will add both credit and dimension to the Office of Vice President.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. TREEN).

Mr. TREEN. Mr. Chairman, this afternoon I will cast my vote with the greatest of pleasure and enthusiasm to confirm the nomination of GERALD R. FORD as Vice President of the United States of America.

I doubt that any vote that I have cast or will cast as a Member of this House will be as satisfying to me personally.

I had the honor and privilege of being present at the White House on the night of October 12, 1973, when the President announced his nomination of Congressman FORD. Present at the White House was a large number of Congressmen of both political parties. Before the President revealed the name of his nominee, he said that the person he would nominate had served with great distinction in the House of Representatives for 25 years. With that, the President's audience reacted with a spontaneous outburst of prolonged and enthusiastic applause. The atmosphere was electric, for everyone there knew that the President was referring to Congressman GERALD FORD.

There are numerous adjectives that one might use to describe the exemplary character of Congressman FORD. The whole being of GERALD FORD speaks more eloquently in his favor than any words. But, some are suggested by the letters of his name: GERALD R. FORD is Generous, Energetic, Responsible, Able, Loyal, Decent, Reliable, Fair, Optimistic, Respected, and Dedicated. GERALD R. FORD is all of these things and much more.

Today, December 6, 1973, is a memorable and historic day. It is a day on which we should all thank God for giving us such a good and noble man.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Chairman, I rise

in support of the confirmation of the nomination of Gerald R. Ford, of the State of Michigan to be Vice President of the United States.

The House of Representatives has a very important responsibility and duty to perform on this historic occasion, and I think it might be well to emphasize the nature of our responsibility. First, it is neither the duty nor the right of the House to select the Vice President. Under the 25th amendment to the Constitution of the United States, when a vacancy in the office of Vice President occurs, the President nominates an individual to fill the vacancy; the Congress must then either accept or reject the President's nomination.

Obviously, no mortal can predict with certainty how any individual will perform when faced with the challenge and responsibility of the second highest office in the country, and more important, the potential challenge of the highest office in our land, the Presidency of the United States.

What we can and must do, however, is to examine—thoroughly, conscientiously, and prayerfully—the qualities and qualifications of the nominee and accept or reject the nomination on the basis of that examination.

I have known Gerald Ford and served with him here in the Congress for nearly 21 years. Just on the basis of this association and my observation of him as a Member of the Congress, as a member of the Republican Party, and in his position of leadership in the House of Representatives, it is my considered judgment that an objective evaluation of Gerald Ford's personal characteristics and qualifications and public service provide no basis whatsoever for rejecting his nomination. On the contrary, my observations of him satisfy me that such an examination clearly justifies the overwhelming approval I am sure his nomination will receive here today.

This feeling on my part is confirmed very strongly by the report of the House Judiciary Committee, headed by its distinguished chairman, Mr. Rodino. I have examined that report and I find that the investigation which the House Judiciary Committee made of Gerald Ford has probably been the most exhaustive investigation which has ever been made of any person being considered for any public office.

An examination of that report discloses that the entire record of Gerald Ford's life, both private and public, was covered, including his tax returns, his campaign finances, his medical records, his political philosophy, voting record as a Member of Congress, his contacts with governmental agencies, constituents, and others during his congressional career, his bar association records, his law practice, his dealings with private citizens, including members of his own family, his service on the Warren Commission, and apparently whatever may have been written or said or found about him during the course of his life.

This report of the Judiciary Committee investigation, after such a thorough investigation of Mr. Ford's entire life experience concludes that Gerald Ford is eminently qualified to become Vice President of the United States, and that if fate should so determine, he has the qualifications to be President of the United States.

Speaking personally again, during my association with Gerald Ford here in the House, his position and my position on matters of political philosophy and of a legislative nature have often been different. Nonetheless, the fact of these differences of opinion, which is democracy in action, has in no way affected my judgment of his ability and his splendid personal qualities.

In view of the problems of our times between the White House and the Congress in some of the communication problems which have existed, I think it should be said that Gerald Ford is one of the most communicative public officials in government.

He has always been willing to listen to and respect the opinions of others regardless of their political views and philosophy. He has always been accessible to his colleagues, and my guess is that he is also accessible to his constituents, or he would not have been in the Congress for all of these years.

Gerald Ford has a well-deserved reputation for personal integrity among Members of the Congress in both political parties. In the very best sense of the term, Gerald Ford's word is his bond.

In my opinion, Gerald Ford, during the years I have observed him, has reflected credit, not only upon himself, his family, his constituents and his political party, but he has reflected credit upon this Nation.

He has been partisan, yes, but he has been a responsible partisan, and that, too, from all sides, has kept democracy alive.

Of course, it would be foolhardly for anyone to even attempt to question Gerald Ford's qualifications for the Office of Vice President, He will preside over the U.S. Senate with dignity and honesty and fairness. But when we elect Gerald Ford as the next Vice President, we will nominate a person who could well become the next President of the United States. That is one of the reasons we have Vice Presidents.

And, as I have already said, should the opportunity present itself for him to fill a vacancy in the office of President, he is qualified to do so.

In these troubled times when so much is at stake, when so many questions remain unanswered, when in fact the very survival of our Nation as we have so long known it, hangs in the balance. Gerald Ford may well be the right man at the right time. If he should ever be called upon to serve as President, his unchallenged integrity and openness, his ability and willingness to communicate, especially with the Congress, and to work with others will stand him and the Nation in good stead. In fact, his 25 years of service in this body and his 9 years as leader of his party here, give Gerald Ford a background of training and experience unequaled by others in public life and probably by few who have ever served in the office of Vice President or President.

Mr. Chairman, I am, therefore, pleased to support the confirmation of the nomination of Gerald Ford to be the next Vice President of the United States. May God be with him and with us.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. Brasco).

Mr. BRASCO. Mr. Chairman, I have studied carefully all aspects of the confirmation of Gerry Ford for Vice President, and it is no exaggeration to say I have many philosophical differences with some of the positions he has taken. Furthermore, I have no doubt that these philosophical and political differences will continue rather than diminish. However, honest men may differ.

On the other hand, I have known and served with Gerry Ford for 7 years. He is a thoroughly honest and decent man. I also believe him to be a compassionate man possessed of good instincts. It is my belief that these instincts will come to the fore in any crisis he may confront.

Therefore, on balance, it is my intention to vote in favor of Gerry Ford's confirmation.

Right now, this country is desperately in need of a Vice President to stand behind the President in case for any reason he does not finish his term of office. We cannot ignore the realities and exigencies of our present situation. Therefore, in humble hope and reasonable expectation, I announce this stand. I fervently hope that like other men placed in such a situation, Gerry will rise to the occasion and the challenge on behalf of a cautiously optimistic Republic. Toward this effort, I wish him well.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. Obey).

Mr. OBEY. Mr. Chairman, when the House votes later today on the confirmation of the gentleman from Michigan (Mr. Ford) as the 40th Vice President of the United States, I intend to vote for him. But, I would like for the record, to state my reasons.

I probably disagree with Gerry Ford on the vast majority of major issues, both foreign and domestic facing this country. There are many others, both Republican and Democrat, for whom I would prefer to cast a vote today. Nonetheless, as I said, I will support him.

First, it is my belief that the legislative history of the 25th amendment makes it plain that the intent of that amendment is that the man nominated to fill a Vice-Presidential vacancy should be of the same political philosophy as the President. Indeed, the author of that amendment has publicly stated that that was his intent when he first introduced it.

When I review legislative rollcalls I can find only a handful of men who have voted more closely with the President than the gentleman from Michigan, and

I can find no one in Congress who has been a stronger political ally of the President. So, in that narrow sense, he meets one of the qualifications to be the Vice President.

Second, I hold Gerry Ford's integrity in high respect. I sincerely believe him to be an honest man, and I think we all believe that above everything else right now the country needs in the Vice-Presidency an individual whose honesty and integrity is not questioned.

Third, with many questions surrounding Watergate still unanswered, and the possibility growing that the President may resign or be impeached, I think it is necessary that we confirm a Republican Vice President at the earliest possible date. Whatever your individual view of impeachment is, the fact remains that a great many people throughout this country are less than anxious to go forward with the impeachment process until a Republican is safely lodged in the Vice-Presidency because of their justified unwillingness to see the Democratic Party win by constitutional accident what it lost last November; namely, the Presidential election.

But Mr. Chairman, let me sound a cautionary note. I will be voting for Gerry Ford with the knowledge that there is a great possibility that he may succeeded to the Presidency before the end of his term as Vice President.

I am more than a little uncomfortable with the prospect that the 25th amendment would then result in the Presidency and the Vice-Presidency both being occupied by men who have no direct mandate from the people.

I would suggest, therefore, that our constitutional business will not be finished with the confirmation of Gerry Ford. I really believe that to prevent future possibilities of both a President and a Vice President being selected, rather than elected, to the highest office this country can give, we seriously examine the possibility of amending the Constitution to provide for a special election as an alternative to impeachment in cases where the President is adjudged by a two-thirds vote of Congress to have systematically and willfully failed to execute the laws passed by Congress, systematically exceeded the constitutional power of his office, or allowed the constitutional rights of U.S. citizens to be systematically trespassed upon.

There are a number of such constitutional amendments which have been introduced in this House in recent months by Mrs. Green, Mr. Bingham, myself and others. I would urge all Members of the House to review those suggestions.

I do not like to mar Gerry Ford's day by discussing this at this time. A high honor is being bestowed upon him today, and he has a right to enjoy it. But the most important thing, after all, is the future of this country and we cannot, despite our fondness for the minority leader, ignore our responsibilities to look beyond this event.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. Fascell).

Mr. FASCELL. Mr. Chairman, I rise in support of House Resolution 735 to confirm the nomination of Gerald R. Ford as Vice President of the United States.

During the 19 years I have served in the House of Representatives, I have come to know and highly respect Jerry Ford and his ability. He has been an excellent minority leader, and has had the total support of his party.

Jerry Ford has been the subject of one of the most intensive investigations ever experienced by any political nominee. This thorough examination of his public and personal life has only affirmed that his honesty and integrity are above reproach.

While I am of a different political persuasion and Jerry Ford and I may disagree strongly on the approach to the solution of national problems, I believe that Jerry Ford deserves the opportunity and the honor of being Vice President.

He is an outstanding American who has served his country admirably. Both his knowledge and expertise in legislative affairs and his high personal standards prove Jerry Ford worthy and capable of the Vice-Presidency.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia (Mr. Slack).

Mr. SLACK. Mr. Chairman, I rise in support of the confirmation of Gerald R. Ford as Vice President of the United States. In my judgment he is fit and qualified to hold the high office for which he has been nominated pursuant to the 26th amendment.

For some 15 years I have observed his sense of fair play and his qualities of sincerity and decency in the midst of challenging debate meanwhile developing respect for his command of the legislative process and leadership abilities.

There is a need to restore confidence in our Government both at home and abroad and I know his record is such that confidence will indeed be restored. He will have my support and my readiness to lend cooperation toward the solution of the many problems which face our country today.

Mr. RODINO. Mr. Chairman, I now yield 10 minutes to the gentleman from Michigan (Mr. Conyers).

Mr. CONYERS. Mr. Chairman, the gentleman from California (Mr. Wiggins) who is on the Committee on the Judiciary, has raised one of the most important ancillary points that I think is also under consideration today in these hearings. I argue that a Member of Congress should vote against, not only this nominee, but any nominee if in his judgment that nominee holds views or has a philosophy which, when brought to that high office would in the judgment of the Congressman be unsatisfactory or harmful to the Nation as a whole.

I think that we ought to begin to determine what standards are acceptable in considering confirmation and what are not. The gentleman from California says he rejects mine as well as those two other suggested standards because he says it would in some way repudiate the mandate of the people. I ask the gentleman, how in the world would the mandate of the people be repudiated in repudiating a nomination for Vice President of a person who was not even considered when the people voted 1 year ago?

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman for the purpose of a response.

Mr. WIGGINS. Surely, I will make just a brief response.

My answer would be that the gentleman's position gives no proper consideration of the fact that an administration with a certain philosophical bent was elected by the people. Your standard would permit a repudiation of a popular mandate.

Mr. CONYERS. Not so. There is nothing in this standard that suggests that the President would have to nominate someone not of his own party or of his own views, and I would ask the gentleman respectfully to reexamine this: That a Member of Congress, I submit, would vote against a nominee if the nominee brought to the high office to which he was nominated a philosophy which, in the judgment of the Member who is voting, would be harmful to the Nation.

This does not exclude Republicans. That does not exclude necessarily Gerald Ford if, in the judgment of the gentleman who is voting for him, he finds nothing harmful, and I presume he does not find anything harmful in the views or in the philosophy of the nominee.

As a matter fact, I would submit that he has applied this standard without acknowledging it. He finds, as a matter of fact, that the views of the nominee, if brought to the high office, would be operative in the best interests of the Nation as a whole.

But I submit to the gentleman, respectfully, that if a Member of Congress cannot reach that same judgment, he has an equal obligation to vote against the nominee, solely on those grounds, not because the nominee is like the President or because he is a Republican, but because it has to be based on this most elemental standard, and no Member of Congress should be able to disagree with.

Mr. WIGGINS. Mr. Chairman, I hope that the gentleman will yield to me.

Mr. CONYERS. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Chairman, most respectfully, I appreciate and understand the gentleman's point of view. It is my point of view, however, that individual Members of Congress must rise against their personal notions of philosophy in order to maintain a continuity in the administration.

Mr. CONYERS. But, I am trying to make the point that it is not a matter of a person bringing the philosophy that the individual Member wants brought to the high office; it is whether the philosophy that the nominee brings to the high office is, in itself, objectionable or not.

Now, I would like to demonstrate, in a more concrete way, how the President could satisfy this criteria without forcing Democrats to vote against the nominee because they object to his philosophy.

This can be done by his merely nominating any number of eligible and qualified members of the President's party who, in fact, have philosophies that will not in the judgment of a Member of Congress be harmful to the Nation as a whole.

I think it would be most unrealistic for the Democrats in the Congress to even suggest that any Republican nominated per se would be disqualified by virtue of his philosophy being antithetical to our philosophy. We are not talking about partisanship and we are not talking about party points of view. By the same judgment, it would be absurd for anyone to suggest that the voting record of a nominee should not be taken into consideration in determining what his philosophy is. In most cases it would be clear that we will not have a voting record and the kinds of specific positions pinpointed in this nominee. If any Member of Congress applied this standard, then, he would not be applying it on a partisan basis; to the contrary, he would be drawing from his judgment that the philosophy of the nominee would be harmful to the Nation, based on the most specific, concrete evidence that could possibly be produced in argument against the nomination.

So it would seem to me that to merely pass off this test as being one of partisanship is to miss one of the most important responsibilities under the 25th amendment that this House has to perform. Because if a Member cannot, in his judgment, find that the nominee will conduct himself in the best interests of the country, he has a right to vote against that nomination, regardless of party, regardless of friendship, regardless of the fact that he has been a colleague and has served admirably in the House, and regardless of how honest or how ethical he may be.

This is because the basis of a Member's vote must ultimately go to the fundamental reason that brings us here as Representatives in the Congress, and that is to vote in the national interest. Each Member of Congress, although he represents his district and works with that view in mind, still must realize that every vote he casts in his career in the Congress is not based on the opinions of his constituents alone but, indeed, must be based on the national interest to which he is committed as national legislator.

So, I urge my colleagues carefully to consider this standard in determining how you will vote on this very important question.

I now yield to my good friend, the gentleman from Maryland.

Mr. MITCHELL of Maryland. I thank the gentleman for yielding.

I will take some time on my own, thanks to the kindness of the Chairman, but I felt it important at this juncture to indicate to you how strongly many of us feel about the cogency of your argument. This is one of the reasons why members of the Congressional Black Caucus shall vote against the confirmation of the nominee; apparently no serious consideration was given to the kind of cogent argument that you have presented on the floor.

I will speak to this later on on my own time, but I wanted to interrupt at this juncture to bring this point out.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, I rise in support of the nomination of GERALD R. FORD of Michigan to be Vice President of the United States.

This is a historic occasion for this Chamber. Today, for the first time, the House of Representatives will vote pursuant to our responsibilities under the 25th amendment to the Constitution. From the time that the office of the Vice-Presidency became vacant it has been my firm belief that filling that vacancy ought to be our first priority. For that is the very purpose and intent of the 25th amendment—to insure that the Nation will nearly always have a Vice President.

As a Member of the House Committee on the Judiciary, it was my privilege to participate in the hearings regarding the nomination of Congressman FORD. Much praise is due our chairman and ranking member for their conduct of our hearings and our deliberations.

I doubt in congressional history that a man's public and private life have ever been so carefully scrutinized. He was a witness himself for a total of 20 hours. The Federal Bureau of Investigation interviewed over 1,000 persons in compiling the 1,700 page report on the nominee. But, subject to this unprecedented searching and inquiry, nothing came forth that would disqualify this man from holding the high Office of Vice President.

During these hearings, JERRY FORD conducted himself with such frankness and willingness to cooperate that even outspoken critics were moved to praise. He displayed personal integrity, an open and forthcoming attitude and a real appreciation of congressional and public anxieties about the misuse of Presidential power. The political process, I believe, was furthered and enhanced by the qualities of decency and candor which came across in our hearings.

Mr. Chairman, I am proud that we have before us a distinguished Member of this Chamber, who has been the leader of the Republican Party in the House since 1965. His style of leadership in the House has always been open and consultive—a quality welcome both in the Congress and throughout the Nation. I know JERRY FORD and I respect him as a man of ability and integrity. He is deserving of our trust and the trust of a troubled Nation.

Contrary to what we have heard from sources in this debate, the letter and spirit of the 25th amendment require that we act with dispatch. In fact many Judiciary Committee members, poles apart politically from Mr. FORD, saw themselves as surrogates for their constituents. While they disagreed with many of the nominee's positions, their districts had voted for a Republican President in 1972 and in supporting Mr. FORD they were continuing the mandate and responsibility of the Republican Party to lead our Nation.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I rise to enthusiastically support the confirmation of GERALD R. FORD as Vice President of the United States. In the reams of news copy that have been printed about the nomination of Congressman GERALD R. FORD to the Vice Presidency, all emphasize that he is a dedicated servant to his country. In his own words:

> I haven't had a real vacation since I was elected. But I don't mind. It's a great experience and a high honor to be a United States Congressman.

In his 25 year tenure he has maintained an attendance record of over 90 percent—an enviable record.

This able, conscientious and trustworthy man was first elected to the 81st Congress and each succeeding Congress with never less than 60 percent of the vote; yet he has always had time to assist his colleagues in their campaigns. He is always free with his time to lend a helping hand for fellow Republicans; yet he has never gone into a congressional district and uttered a derogatory word about a Democrat, because he deeply believes in the two party system.

An effective minority leader since the opening of the 89th Congress, JERRY has proved that he can influence votes without pressure. One of his greatest resources is his totally sincere manner toward his fellow Congressmen and his constituency. Proficient in parliamentary procedure, tolerant yet persuasive, JERRY FORD accomplishes his goals without antagonizing the opposition. He is truly a "Congressman's Congressman", a "giant of achievement".

Lastly but most importantly JERRY FORD has the ability, the integrity, the experience and the vision to be a great leader as President of the United States if this be God's will.

Little more need I add, Mr. Chairman, to what countless others have said. However, the people of the 16th District of Ohio and I personally want him to know of our deep affection and respect for him. His departure from this House is a tribute to his dedicated tenure, which portends much good for the Nation, as well as being a proper recognition that one man's integrity can indeed be a mark of this country's greatness.

As he moves on to his new role as Vice President of the United States, we wish him Godspeed.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER. Mr. Chairman, this is truly a historic day in the Nation's history. The House of Representatives is privileged to give final confirmation to one of its own as the 40th Vice President of the United States. As one who was at the White House when President Nixon made his historic announcement designating JERRY FORD as the Vice-Presidential nominee, I was elated with his selection.

GERALD R. FORD is a remarkable man. He will bring to the national leadership a solid record of legislative achievement and the strength of character that can inspire wide public confidence.

No public official or private citizen for that matter has undergone the exhausting public scrutiny that Jerry Ford has over the past several weeks. He had his entire life paraded before him in full public view. As all who have been associated with him knew well in advance, Jerry came through with flying colors. The way in which he handled himself throughout this ordeal demonstrates to the people I think quite dramatically the inner strength, character, and impeccable integrity of Gerald Ford.

He has been universally referred to as a good, honest, and decent man and a man of "civility." More than these qualities, Jerry Ford has been a friend and leader to his colleagues in the Congress for the past 25 years. His knowledge and appreciation of the legislative branch will enhance the degree of cooperation between the Hill and the White House necessary to see the Nation through these trying times.

Personally, even in the disagreements I have had with the minority leader, he has been always fair and understanding. My service in the House has been enriched by knowing and working with Gerald Ford.

Today, we as a Nation again demonstrate to ourselves and the whole world that even under stress and adversity this great democracy of ours not only survives but prevails. While the governmental fabric may stretch it cannot be broken.

In this transition of national leadership, we celebrate the workings of an ingenious system of government that is the world citadel of freedom and peace.

I am proud to vote for a man who I am supremely confident will serve his countrymen with honor and distinction. Jerry, while we will miss your great talents in this body, especially on this side of the aisle, we stand with you as you assume your new duties and welcome the great opportunity of working with you to move America forward.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. Sandman).

Mr. SANDMAN. Mr. Chairman, I am not here today to extol the virtues of Jerry Ford to become the Vice President of the United States. I am not here to start with his background from his date of birth on up. I am sure that not only do all of us know all about Gerald Ford, but so does the American public. I am trying to be as brief as possible, and I urge my colleagues to do likewise.

I think what we are doing here is looking into the background of one of our colleagues to find whether or not this individual should assume the second highest office in the land. I think we should address ourselves to just that and nothing else.

This individual has come under the closest scrutiny of any man in the history of this country. The chairman of the Committee on the Judiciary has already said that from the time the President submitted his name on October 12 of this year an extensive investigation has been carried on by every Federal agency and by every organization in and out of the U.S. Government. He has been questioned at length by both Houses.

As a result of that questioning, the thing I want to call to the attention of the House at this moment is that the objections you have heard here today are the same objections that were expressed at great length in the other body and which were also expressed at great length before the House Committee on the Judiciary of which I am a member.

As a result of that prolonged investigation the Senate did vote by 92 to 3 to confirm Gerald Ford to bcome the Vice President of the United States. The House Committee on the Judiciary likewise voted 28 to 8, with one abstention, to do the same.

The FBI report which was so extensive, some 1,700 pages or more, almost all of which was complimentary to Mr. Ford, was expored at length by both Houses.

I want to compliment the chairman of the committee for the fairness that he exercised in the hearings before the Committee on the Judiciary. I am absolutely pleased with what the majority did in this intensive investigation. I am not so pleased with my colleague, the gentleman from New Jersey's vote on the nomination. I think it is completely out of keeping with what the gentleman said up to the present time. But he has his right to do so if he feels it is justified.

Some people have suggested in their separate remarks that perhaps this vacancy should be filled by another method, and not by the 25th amendment. There are people here who believe that perhaps the President may be impeached, or he may resign, and this being the case we may have two offices to fill, and they feel that should be done by special elections. They said so in their separate remarks.

But the law of the land does not say we do it that way. The law of the land says the 25th amendment applies. And if we are to follow the letter of the law then those objections against using the 25th amendment as the method to fill the vacancy are completely groundless.

Before the committee, one of the most impressive arguments that I heard was raised by a ranking member of the majority party, the gentleman from Texas (Mr. Brooks). And I think that this is worthwhile to repeat. He said:

> I am not at all pleased at many of Mr. Ford's answers because, if you put them all together you establish only one thing, and that is that he is not a member of my Party; he is a member of the other party.

But—

He said—

> it is not going to be a member of my party that is going to be nominated under the 25th amendment. And this is no reason why I should oppose Mr. Ford to be the Vice President.

I think that is sound judgment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUTCHINSON. Mr. Chairman, I yield 3 additional minutes to the gentleman from New Jersey (Mr. Sandman).

Mr. SANDMAN. Mr. Chairman, I thank the gentleman for the additional time.

Mr. Chairman, I have watched so many elections, and so have the other Members, when an individual's voting record is being tested that he is unjustly accused of being against this, or that, and anything else.

We may not share the same views, and this is our right. You cannot say that a man is against civil rights just because he does not vote the way you do. I think the real test, is why you are opposed to him, what is the motive for the vote?

Is there a Member of this House who believes that Gerald Ford, has cast a vote on a civil rights bill because he did not like minority groups? I do not believe anyone can say that.

Is there anyone who can say that he is not sensitive to the urban problems just because he votes against some great big amendment that may be attached to the HEW bill? I do not think you can say that. He has the right to have his opinion on these views, and he has expressed that right.

I think what we are here to determine is whether or not he is qualified to be the Vice President.

That means does he have the ability to do a job? I think he has.

Second, integrity. Does he have the integrity that is going to restore the public confidence in the Government of the Nation? Is he an honest man? Beyond question he is. These are the things that are important, in my judgment, and with all of this let us end this argument about philosophy and ask ourselves only one question: Will he be fair in dealing with the problems of the people? This is as far as we have to go.

In my judgment, it is a proud day in my life that I will have today to vote for one of my colleagues, one of the people I admire so much, Gerald R. Ford, to be the next Vice President of the United States.

Mr. DONOHUE. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. Flowers).

Mr. FLOWERS. Mr. Chairman, I thank my colleague for yielding.

Gerald R. Ford is uniquely qualified to serve at the highest levels of government and of all of the options available to him, the President has made perhaps his wisest decision in nominating him.

Because of the requirements of the 25th amendment, the Congress has conducted a most thorough and searching investigation of his background, his finances, and his philosophy—perhaps the most searching investigation of any nominee ever. He has been subjected to the closest possible scrutiny of his public and private life, and he has come through it all standing straight and tall and clean.

It seems to me that the primary question for Members of this House to determine, and Members of the Senate previously, is the question of the capability of this man to lead our country. Does he in his past record, does he in his personal life, does he in the way he conducts himself and has conducted himself inspire confidence of his colleagues and of the people?

In his statement to our committee he

mentioned several points of personal philosophy that were important to him, and they seemed important to me. This might be called GERALD FORD's creed. His humility and forthrightness were indeed a breath of fresh air to me, and I think worth remembering by all of us. I am quoting the nominee at this point. He said:

> First, I have made some mistakes and will probably make some more. I don't know anybody who hasn't. I hope my past mistakes have been honest ones and that my future mistakes will be few. I hope I never get to the point where I can't admit I'm wrong.
>
> Second, I believe in looking forward rather than backward. Of course we learn from the past, but we live for the present and the future. I don't believe in replaying last Saturday's game but in training hard for next Saturday's. I tend to forget the bad plays and remember the scoring ones—but the upcoming game is always the best of all.
>
> Third, I think people ought to tell the truth. Especially politicians. In the quarter century I have served in the Congress the best politicians I have known have been those who never misled me or anybody else. They have been the most successful, because people trusted them, and kept on re-electing them. And in spite of all the cynicism you hear and read about our profession of politics, I believe there are as many honest men and women in it as in most occupations, and probably more.
>
> Finally, I believe in friendly compromise. I said over in the Senate hearings that truth is the glue that holds government together. Compromise is the oil that makes government go.

And then he winds up with this statement:

> If I am confirmed as Vice President . . . my intention will be to use whatever reputation for truth and fairness I have acquired in the House, and whatever capacity for friendship and reasonable compromise I have achieved in the House, to make this government work better for the good of all Americans.

I cannot think of anything better than to elevate a man with that philosophy to the office of Vice-Presidency and possibly the office of Presidency of the United States.

Realizing full well, Mr. Chairman, my responsibilities in this matter, both to my constituents and to my country, I wholeheartedly support the nomination of GERALD R. FORD. I am confident that he can handle ably the responsibilities of Vice President as well as the Presidency itself, should he be called upon to do so.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

Did the gentleman bring to bear any test or standard in reaching his conclusion?

Mr. FLOWERS. Mr. Chairman, I listened very intently to what my friend, the gentleman from Michigan, said when he was in the well and I think perhaps without realizing it I applied the standard which the gentleman used in his remarks, or very close to that anyway.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Chairman, I rise in favor of the confirmation of GERALD FORD as Vice President of the United States. JERRY FORD will be our 40th Vice President, but this event today is historic since he is the first Vice President to be selected under the 25th amendment. No Vice-Presidential candidate in history has had his qualifications and credentials so thoroughly scrutinized. And the verdict of that investigation has been a resounding confirmation of GERALD FORD's ability to discharge the duties of the Vice-Presidency.

Many adjectives have been used in recent weeks to describe his 25 years of service to the Nation in the House of Representatives. Words like solid, candid, hard-working, sensible, steady, decent, and believable. They all fit, and they have come from all corners of this body and from every section of the country.

Since his election as House minority leader, JERRY has displayed a unique, welcome brand of leadership. His persuasion has been strong but never overbearing. He has been tolerant of opposing points of view and has been too large a leader to carry disagreements on one issue over into another. He listens well. He is openminded and fair. He believes in people and in himself. He applies the healing salve of compromise while still adhering to basic principles. He has guided complex legislation through the Congress under difficult circumstances time and again.

But perhaps the best testimonial to JERRY FORD's leadership and service comes from the people he has represented for 25 years. In 13 elections, the people of Michigan's Fifth District have never given him less than 60 percent of the vote.

I believe it will be very helpful to both the Congress and the administration to have GERALD FORD in the Vice Presidency. He has proven that he works well with Members of both parties, and he should be an effective, sturdy bridge between the two branches of Government.

Mr. Chairman, when everything else is said and done, our confirmation deliberations boil down to the consideration of GERALD FORD as a potential President. Mindful of the fact that the awesome responsibilities of the Presidency have fallen on eight Vice Presidents in our history, we must have a man who is of Presidential caliber, a man who can shoulder the load effectively should the need arise.

It is a privilege to call JERRY FORD a good friend, and it is even more satisfactory today to be totally confident that he passes the "potential President" test with flying colors. With pride I pledge my unabridged support for GERALD RUDOLPH FORD's confirmation as Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I have known the Honorable GERALD R. FORD for 5 years. Some Members here have known him for 25 years. I need not tell these Members what I am about to say, but I have known him here and have worked with him and under his leadership on this floor for that 5 years, and I have attended these very extensive hearings of our committee, and I have been privileged to read the very voluminous investigative file, and I am here to say now, based upon knowledge and experience, that I am proud and happy to support Mr. FORD for the high office of Vice President of the United States.

Those few colleagues of mine who say they are against his nomination all concede that Mr. FORD is an honest and honorable man, but, they say, "honesty is not enough." Well, honesty is a pretty good start, but when we add to it conceded industry and proven ability and experience, what more do we want?

There is a last-minute constitutional question raised here, in my judgment not seriously so, because the law is fairly clear that the Vice-Presidency is not a civil office within the meaning of article I, section 6, of the Constitution.

The real opposition here, such as exists, and it shows all through the minority views which have been filed, is only one thing: The minority do not agree with the nominee's political philosophy. There is nothing wrong with disagreeing with the nominee's political philosophy, but that is the basis of their opposition. That is certainly the case with the chairman of the Judiciary Committee, who voted for the committee report, who praised the nominee to the skies as an individual, and who now says he will vote "no" for reasons which amount purely to a difference of political philosophy and point of view.

I raise the question: Is the criterion in this country for eligibility for a high office to be that a man must be a so-called liberal who can gain the certification and imprimatur of the American Civil Liberties Union? Is that to be the criterion by which a man must be judged in determining whether he is fit and qualified for high office?

I think not. It is certainly not the verdict of the American people and was not the last time that they went to the polls.

Let us assume, God save the mark, that at that last election Senator McGOVERN had unfortunately been elected by the people of the United States of America, and suppose that one of my distinguished colleagues who signed some of these minority reports, but who were otherwise estimable qualified people, should in a similar situation have been chosen by Senator McGOVERN as his choice for Vice President; should I vote against one of them here because I disagree with their political point of view or their philosophy—which I do? I think not.

The purpose of the 25th amendment, in this connection, was to assure a continuance of a political philosophy in office in the event of a vacancy in the Vice-Presidency.

Based on that analysis of the situation and based on my knowledge of the man. I am here to say to my colleagues today that I am happy to claim GERALD FORD as a friend. I am proud as a citizen and as a Member of this body, to support his nomination and election. I am completely confident that he will discharge the high duties of the office to which we are about to elect him to the complete satisfaction of the American people.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Michigan.

Mr. CONYERS. I notice that the chairman of the Committee on the Judiciary is not on the floor. I am not speaking in his behalf, but I am sure that he made it clear to us that he moved and supported the report from the committee for the purpose of bringing this to the floor of the House for the deliberation of the entire Congress and that he was not being insistent and there were not any unconcealed reasons for him announcing that determination.

Mr. DENNIS. I said the gentleman's opposition was based on political differences. I stand by that statement.

Mr. DONOHUE. Mr. Chairman, I now yield 10 minutes to the gentleman from New York (Mr. RANGEL).

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, I rise in support of the nominee.

Mr. Chairman, I shall vote for the confirmation of GERALD FORD for Vice President and I would like to share my reasons with my colleagues as well as the results of my districtwide survey on the nomination of the gentleman from Michigan (Mr. FORD) as the next Vice President.

Under the 25th amendment, the only votes cast on the nominee in the event of a Vice-Presidential vacancy are cast by Members of the House and Senate. To a certain extent we are electors here to represent our constituencies. But unlike normal national election procedures, members of the public have had no opportunity to vote.

So as to hear my constituents' voices in this nomination, I sent out 180,000 ballots to residents of Washington's Second District. It asked simply whether I should vote to confirm GERALD FORD as the next Vice President.

I received 21,000 responses, about 2 to 1 in favor of confirming the nomination. Most of those opposed came from constituents unhappy about the Watergate scandals or Congressman FORD's political outlook. A large number of those who replied also mentioned impeachment, but I believe that should not affect our deliberations here today.

The results of the survey, the deliberations of the Judiciary Committee in considering GERALD FORD for our second highest office and my own experiences have led me to favor this nomination. I have worked with the gentleman since I came to Congress, although we serve on different sides of the aisle. I have found him to be capable, fair, and honorable.

It should be pointed out that although I do not share many of his political views, I believe the House should act without partisanship on his nomination. The Republican Party, after all, won the 1972 national election. Under the 25th amendment the President is empowered to nominate the successor of his choice to any vacancy in the Vice-Presidency.

I have known GERALD FORD as a worthy protagonist for his point of view and a reasonable man in reaching the kind of honorable compromise we must achieve for any representative Government. He has shown sensitivity and sincerity in considering legislation of mutual interest on the arts and humanities and legal services. He has been willing to listen—and I submit an ability to listen to Congress is certainly needed in the executive branch at this time.

Above all—and this is the real question—I believe GERALD FORD is capable of serving as President of the United States if the situation should arise. Whether or not he serves his Nation in the White House, he will be in a valuable position to make known in the highest circles the concerns of the people and the Congress. As Vice President, he can articulate congressional concerns and restore a more open relationship between our branches of Government.

Mr. RANGEL. Mr. Chairman and my colleagues, it is interesting to see the restrictions that are placed on majority Members in deciding what criteria or standards we should be using to select the next Vice President of the United States. We have been restricted from using subjective standards. Some Members believe that it is unfair to use legislative standards. I would suspect if Adam Clayton Powell were here today, he would congratulate us for changing the rules of the House regarding how Members determine the qualifications for a Member of Congress, as some Members have found it so easy to define the qualifications for a Vice President of their particular party.

I do not know how I can be subjective when so many people have said that GERALD FORD is qualified to be Vice President because he stands tall in the saddle, has no criminal record and is an honest man.

Since I have no criminal record, I assume that these same subjective standards apply to me and are acceptable.

Many of my colleagues have come to me and said, "My God, you ought to give the man a chance. After all, he is a Member of Congress."

Of course, other Members of his party have said, "Rest assured, he will grow into the job."

Well, I think it is indeed unfortunate that we have to be given the responsibility to define these standards. The Committee on the Judiciary and the House did not give us any standards to work with. I objected to the Committee on the Judiciary in this House having to consider the question of the confirmation of the Vice President, because it was my understanding that this House had two constitutional mandates. One was to deal with whether or not the President of the United States was impeachable and the other was to fulfill our constitutional commitment to fill the vacancy that was created by the resignation of our former Vice President, a convicted felon. It appeared to me that the American people, and I had hoped Mr. FORD, would have wanted to make certain that the man we confirmed would not be chosen to be the President, but would be the Vice President. I had hoped that the cloud presently hanging over Mr. Nixon, the cloud of crimes, the cloud of wrongdoing would be once and for all removed, and then GERALD FORD would not have the burdensome responsibility which he said he did not want. He would not become the President of the United States.

It seems to me that the American people would have been satisfied, the House would have been satisfied and GERALD FORD would be relieved of the concern that he was being chosen as the next President.

Since I have not known GERALD FORD for 25 years and the rule of the House have taken away from me the opportunity to talk about his legislative record, it appears that I am restricted to stating what a nice and decent fellow he has been during the 3 years I have served in Congress with him.

What I really had to find out when I got to Congress and what I have had to explain to some of the people back home is who GERALD FORD really is, because in reviewing his quarter of a century in the House, the only time I recall hearing anything about GERALD FORD is when he did not like the conduct of one of the Justices of the United States Supreme Court.

It was indeed unfortunate how little evidence Mr. FORD needed to come to the well of the House, but that was a matter of his subjective opinion, and if he thought he had a case, I am glad that the House did not agree with him.

But, let us see what else may have happened during this past quarter of a century with a man who we are not allowed to review objectively by examining his legislative record. I recall, without knowing who GERALD FORD was, that on January 10, 1967, GERALD FORD led the fight in the House of Representatives to see that Adam Clayton Powell stepped aside. GERALD FORD explained that he was concerned about the allegations, the innuendoes and the remarks being made about Congressman Powell, and he thought that a special committee should be set up to study whether these facts were true or untrue. But in the meanwhile Mr. Powell should step aside; regardless of the fact that half a million people in a community of which I am and was a member, the 18th Congressional District, would be deprived of their elected representation in the House of Representatives and held hostage to Mr. FORD's desire to punish Adam Clayton Powell.

I recall Mr. FORD saying that Congressman Powell, although no formal charges had been raised against him in the House or by any committee, should step aside and that the people of Harlem should not have a vote in the House of Representatives until the House decided that Mr. Powell could return; that Mr. Powell not be paid while he stepped aside; and that there be no payment by the U.S. Government to the congressional office which Mr. Powell had been sworn to protect and uphold.

Now, it bothers me that although Mr.

Ford's record is highlighted by his concern about the conduct of public officeholders, in the notable cases of a Justice of the Supreme Court and a colleague of his in the House for over 24 years, we do not find Mr. Ford being as concerned about another public officeholder, namely the President of the United States. If the criteria is going to be the same—that is, that the newspapers, the radio, the television cameras are grinding out innuendoes and allegations, then I ask, where is Mr. Ford when we find the other public officer, the President of the United States, in the same position as Mr. Powell was?

I think that is really no misstatement, for we certainly know that the President, with his political family resigning under fire and some having been indicted, with others awaiting trial, with allegations of illegal campaign violations, income tax violations, violation of court orders, with improvement of personal property at the taxpayers' expense, with illegal use and possible destruction of tapes; with all of these things, which to me are allegations, and some of them pretty wild, it seems to me that if Mr. Ford could ask a Congressman to step aside, if he could ask that one of the Supreme Court Justices be impeached, that he could at least come forward—not to impeach the President, not even to ask that the President step aside, but merely to ask the President of the United States to come forward and explain some of these allegations to the American people or to the Members of this House.

Mr. Chairman, I submit that this may have been done today. Maybe Gerald Ford did bring us together, because as I vote against him and stay to see him sworn in at this joint session after the majority of this Body exercises its will, I understand that the President of the United States will be with us.

Mr. Chairman, this swearing-in party has been announced, it has already been reported to the press that Mr. Ford is confirmed and that he will be the next Vice President by nightfall. I feel somewhat superfluous in my role as a Member of the House debating and voting on this confirmation. It appears as if we do not hurry the ceremony will begin before we have a chance to vote.

If the rules and regulations governing this special joint session that is without historical precedent are not clear or nonexistent, perhaps this might offer us the opportunity to ask the President of the United States as Members of Congress some very searching questions so that we may be assured that when we send Gerald Ford to the White House, we will not be sending the next President of the United States.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to my distinguished colleague, the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I would like to associate myself with the remarks of the distinguished Member of the Committee on the Judiciary.

I hope that his words do not get down to the White House, because the President has not been here in the Chamber for quite a while, and if he imagines that he might be subjected to interrogation, it might interrupt whatever proceedings are underway.

I would remind the gentleman that even the nominee agreed that the confirmation and the inquiry into impeachment were proceedings that in all fairness ought to move simultaneously. He did agree, did he not?

Mr. RANGEL. Mr. Chairman, there is no question about it. I thought we had a dual constitutional priority.

Mr. CLANCY. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Ohio.

Mr. CLANCY. Mr. Chairman, is my memory correct that the gentleman ran against Mr. Powell in the primary?

Mr. RANGEL. I ran against a vacant seat. At the time I ran the U.S. Congress had removed the chairmanship of the Committee on Education and Labor from Adam Powell, the Congress had stripped him of his seniority, censured him, and effectively destroyed him in Washington. Mr. Powell then went into exile.

It was at that time that we in the community, the district which had sent him to the House as an elected Member, felt that it was unlikely that he would be reelected and the vacancy had to be filled for the conduct of business in Congress. That was on January 10, 1967, at which time I was privileged to serve as a Member of the New York State Assembly.

Mr. CLANCY. Was there a candidate in that election by the name of Adam Clayton Powell?

Mr. RANGEL. In the last election?

Mr. CLANCY. In the election that was won by the gentleman in the well.

Mr. RANGEL. There is no question about it.

Mr. CLANCY. He was on the ballot?

Mr. RANGEL. My understanding of the Constitution is that the people within a congressional district decide who the Member of Congress representing that district should be, and not the Members of Congress assembled after the election as they so desire.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. Baker).

Mr. BAKER. Mr. Chairman, this is not the first time I have praised our colleague, Gerald Ford, and it will not be the last. It is important on this particular day, however, that I add my voice to those, on both sides of the aisle, proclaiming his elevation to the Vice-Presidency as a matter of simple justice.

When we discuss this turn of events which places our distinguished minority leader in the second highest position in the land, we often revert to the time? worn cliché, "It couldn't have happened to a nicer guy."

We can be forgiven our reliance on this trite phrase to express our agreement with the selection, because Jerry Ford is truly a nice guy. You need only to meet Jerry for the first time to be impressed with the genuine warmth and decency of this man. I recall my first introduction to him right after I was elected in 1970. I immediately knew I had a friend in the House to whom I could come in the months ahead as I sought to get my feet on the ground as a new Member in the 92d Congress.

I have taken advantage of his willingness to listen, understand, and counsel many times since. Those "nice guy" qualities have always been evident, because Jerry Ford is the type of person who wants to be helpful. As our minority leader, he has knowledge of the broad range of problems which surface in the many different constituencies represented in this Chamber. In his years of service he has encountered most of these problems. He knows how to deal with them and how to help you to deal with them.

All of the fine qualities which Jerry Ford possesses have been spread upon the record. These qualities and his years of experience as an effective, respected Representative from Michigan, qualify him beyond a doubt for the new responsibilities he is about to assume. Jerry Ford is the best possible choice to be Vice President.

There is an old expression in the world of sports which warns that "nice guys finish last." With enough background in sports to qualify as a member of that fraternity, Jerry Ford is ready to prove you do not have to change your stripes to come out at the head of the pack. He is a nice guy who is going to finish at or near the top.

I wish him Godspeed. Our country will be better when the gentleman from Michigan becomes Vice President today.

Mr. HUTCHINSON. I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Shuster).

Mr. SHUSTER. Mr. Chairman, I have an enormous urge to be as competitive and as forceful in my praise of Jerry Ford today as his opponents seem to be on the floor, but I shall refrain from that.

Mr. Chairman, I rise in support of the nomination of Gerald Ford to be Vice President of the United States.

It does not take long to recognize the outstanding leadership abilities of our distinguished minority leader. Although I am only a freshman, I have had the pleasure and privilege to work closely with Jerry on a number of occasions, and I could not have a greater admiration and respect for any man.

Mr. Chairman, Jerry Ford possesses the qualities inherent in great men. His honesty and integrity are above reproach, and he commands the highest respect from his colleagues on both sides of the aisle.

Mr. Chairman, it gives me a great deal of personal pleasure to support Jerry Ford, and it is our Nation, and the great multitude of Americans, who will benefit from his confirmation and inauguration.

America needs Jerry Ford, Mr. Chairman, and it is incumbent on all of us to support America by supporting Gerald R. Ford for Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. Clancy).

Mr. CLANCY. Mr. Chairman, it is with long-awaited pleasure that I view today the installation of GERALD R. FORD as Vice President of the United States of America.

Americans are extremely fortunate in these quixotic and changeable times that our colleague has moved to this high position. We all know, admire, and respect GERALD FORD. The hallmark of his character is steadiness and dependability and these traits will benefit him and the Nation in his new leadership role.

GERALD FORD is highly qualified for his new job because of his dedication, his patriotism, his vast knowledge of government functions, and his many years of experience in public office. These qualities are basic and essential to a Vice President who will work at his job as hard as we all know GERRY FORD will work. It is predictable that Congress will have a good and an understanding relationship with the Vice President's office.

The positions which GERALD FORD has consistently taken, from the time he was a member of the Committee on Appropriations, on foreign policy, fiscal responsibility, and a strong national defense demonstrate loudly and clearly his responsible dedication to our national good. He will be an excellent Vice President and a credit to the position, the country, and the Congress.

He is a man whom we all, regardless of political persuasion, can follow with a deliberate and reasoned certainty of the direction we are going and that the goals, which can be attained, are for the good of all our citizens. Because we know him to be this type of leader, because we know he arrives at conclusions we can accept, we can have confidence in GERALD FORD.

We can be united in purpose because of the wisdom and dependability of our good friend, Vice President GERALD R. FORD. We extend our sincere congratulations to him. It is a great day for our country.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. HARVEY).

Mr. HARVEY. Mr. Chairman, this is truly a historic day. Shortly, we shall vote and confirm GERALD R. FORD as our Nation's 40th Vice President. It is not only a historic day for our U.S. House of Representatives, but for our entire Nation and—with great personal homestate pride—for our State of Michigan.

There is no question that JERRY FORD will receive an overwhelming vote in this House much like the 92 to 3 vote of approval that he received by the U.S. Senate. As we know, this is the 17th time that the Vice-President has become vacant through death, resignation, or succession to the Presidency. But, it is the first time the vacancy has been filled. The 25th amendment to the Constitution, ratified in 1967, permits us to take such action today.

When the President sought congressional counsel before nominating an individual for the Vice-Presidency, JERRY FORD was the most popular choice among those he knew best—his colleagues in Congress. He won the nomination then and his confirmation by both the Senate and the House, as the vast majority of us realized, was just a matter of time.

I do not intend to review JERRY FORD's brilliant and dedicated 25 years of service in the U.S. House of Representatives. His actions, his deeds, his accomplishments speak for themselves. Suffice to say that he has been an outstanding legislator.

In Michigan he is considered a legend—ranking as one of the foremost political leaders in our State's history.

When I first came to Congress some 13 years ago, I sought his counsel and advice. At that time, as one of the ranking minority members on the House Committee on Appropriations and a recognized national expert on the military, JERRY FORD had already been accorded a leadership role in Congress.

But even as one of the busiest Members of Congress, JERRY FORD had time for freshman Members. I wanted and sought counsel on committee assignments; knowledge on operations of a congressional office; help on publishing and distributing a Washington Newsletter. These were minor matters perhaps, but JERRY FORD gave of his time and lent a helping hand. This he had done before and this he continued to do every single time anyone turned to him for help.

I was pleased to have a role in JERRY's selection as our minority leader in January 1965. Though I held and still do the highest respect and admiration for the man JERRY succeeded, the Honorable Charles Halleck, it simply was time for a change and JERRY FORD was the man. He has not disappointed his colleagues on either side of the aisle since that election. He has grown in stature as one of the most respected leaders in Congress.

In recent days, I returned to Michigan's Eighth District for speaking engagements. In reviewing current conditions confronting our Nation and our Federal Government, I commented:

> But just as there is cause for sadness, so we should also take heart at the fine representation that we in Michigan have had through all of this—at the highest levels. I refer, of course, to Bill Milliken, our Governor; to Senator Griffin and to Senator Hart, our United States Senators; and last, but not least, to Jerry Ford, soon to be our next Vice President. I don't know when I have been prouder of a colleague than when I watched him on television testifying at his confirmation hearings in the Senate.
>
> My only thought was that America must be truly blessed—to go through what we have during this past year, but then to have a back-up Vice President, with the years of experience in government and with the excellent qualifications of this man.

Yes, this country is truly blessed to have JERRY FORD. My wife, June, and I wish JERRY and his wife, Betty, and their family the very, very best in the years ahead.

I would close by saying thank you, JERRY, for your help, for your leadership in Congress, and your decision to leave this Chamber that you have loved and toiled so well for our Nation to take up an even greater challenge and calling in behalf of your country. We are most grateful to have your services, Mr. Vice President.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Chairman, when I first came to Washington 5 years ago while speaking at the welcome home luncheon for the Washington Senators—I set three goals that I hoped to see reached during my tenure here:

I hope to see the Washington Senators win an American League pennant; I hope to see the Washington Redskins win the National Football League championship; and I hoped to see GERRY FORD elected Speaker of the House.

Never did I dream that I would today be voting for the distinguished minority leader for the office of Vice President of the United States and President of the Senate, but it will shortly be my honor to do so.

It has been my privilege and my pleasure to serve with GERALD FORD in this House for the last 5 years. During that time, I have come to know him as a man of the highest integrity, as a legislative leader of great skill and dedication, as a vigorous partisan, as a dependable and good friend, as a patriot who loves his country deeply and who proclaims that love unashamedly.

Today, GERALD FORD will assume the Vice-Presidency in a manner unique in America's history. He is the first Vice President to be confirmed under the process prescribed in the 25th amendment to the Constitution.

And just as his ascension to that office is unique, the challenges that await him there are unique also. But he brings to the office of Vice President some unique gifts of training and temperament that I believe will serve him, and serve the country, well during his tenure in that high office.

He has won the respect and the admiration of his colleagues on both sides of the aisle in this Hosue, and he has shown most effectively his outstanding personal and professional qualities to our colleagues in the Senate as well in the course of his confirmation hearings. He will assume the Vice-Presidency with the overwhelming support and endorsement of the Congress, and I am sure he will soon win the confidence and the administration of all the American people as well.

This is a day for both reflection and renewal—reflection on the many personal memories that all of us here will treasure from our daily contact with GERRY FORD, and renewal of the Nation's abiding strength and solidarity, which the Vice-President-designate symbolizes so well.

As he leaves us for a higher calling, I know my colleagues join me in wishing GERALD FORD every success in his difficult but important new assignment, and every good wish for happiness and achievement in the future.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. Butler).

Mr. BUTLER. Mr. Chairman, as a member of the Judiciary Committee, I was privileged to participate in the hearings on this confirmation. I listened closely and was not often absent from its deliberations.

No substantial objection reflecting upon Gerald Ford's integrity or ability was called to the attention of our committee. Indeed, there is not a person on the committee who does not now have greater respect and higher regard for Gerald Ford than he had before. The country can be proud and grateful that the President has nominated for this office a person who had led such an exemplary life. The fact Gerald Ford's personal reputation has been enhanced after such careful scrutiny should do much to restore the confidence of the American people in those who have been elected to public office, and regain the prestige of the office he is about to assume.

I am not impressed by the suggestion that we are but surrogates of our constituents. We were elected to bring our best judgment to bear on the questions that come before us. In my judgment, Gerald Ford is worthy of confirmation. I have no reservations in urging my colleagues to confirm his nomination.

Mr. HUTCHINSON. I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Williams).

Mr. WILLIAMS. Mr. Chairman, I first met Gerald R. Ford in the early 1960's when he came into my district to speak. At that time I was greatly impressed by his knowledge of Federal issues, his outstanding method of speaking and his obvious strength of character.

After the 1966 primaries, I again had the opportunty to meet Jerry Ford in his office right here in the Capitol. I was impressed by the fact that he took the time to answer my questions, give me advice, and was most helpful with me in every way. This considerate treatment cannot be found in many people who carry the responsibilities and have the great demands on their time as does Jerry Ford.

Since I was sworn in to Congress in January 1967, I have always been impressed with the manner in which Jerry Ford has handled himself. On innumerable occasions as the hour was growing late and the House was engaged in heated debate, I have seen Jerry Ford walk over and confer with the leaders on the other side of the aisle in an effort to work out a compromise suitable to both sides of the aisle.

I have never heard Jerry make a derogatory remark concerning his colleagues on either side of the aisle.

On one occasion when a Federal Government figure informed me at the last minute that he could not speak at my son's college commencement exercises, Jerry Ford made the trip to make the speech for me, even though his wife had just been released from the hospital. By doing this, Jerry Ford helped me out of a most difficult situation, as I had arranged for the original speaker, and you can imagine my embarrassment if there had been no commencement speaker at my son's college graduation. Very few people would have made the sacrifice of flying to the Philadelphia area on such short notice and under such conditions. Yet, Jerry Ford did it and he made a speech that was considered to be excellent by approximately 20,000 people who were present at the commencement exercises.

In all, Jerry Ford has all the qualifications necessary to make a great Vice President. His allegiance to all of his colleagues in this U.S. House of Representatives has been shown by the fact that Jerry Ford has insisted that his swearing in ceremony take place in this very Chamber, while others wanted the ceremony held somewhere else.

All of you have had contact with Jerry Ford, and knew him in varying degrees, and I am certain that in the contacts that you have had with Jerry, he has always been a perfect gentleman.

For all of the reasons I have already stated, I urge every one of my colleagues to vote for the confirmation of Gerald R. Ford as Vice President of the United States of America.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. Rhodes).

Mr. RHODES. Mr. Chairman, I totally favor the confirmation of Gerald Ford as Vice President of the United States.

Mr. Chairman, the confirmation hearings of Gerald Ford represent the most intense and detailed scrutiny ever afforded a public official. That Gerry survived this ordeal is testimony to his personal stamina. That he emerged a man of unquestionable personal integrity should serve to calm some of the fears of those who feel compelled to question the motives of public men and women.

The Nation has a Vice President who is as able as he is honest; a man who will be responsive to the voice of the American people; and a man who possesses a working knowledge and appreciation of the delicate but important balance between the branches of Government.

In a word, I am happy for the Nation that we have a man of Gerry's high caliber in the second highest office. I know that he will distinguish himself in this capacity, just as he has distinguished himself during 25 years in the U.S. Congress.

Mr. HUTCHINSON. I yield such time as he may consume to the gentleman from Wisconsin (Mr. Davis).

Mr. DAVIS of Wisconsin. Mr. Chairman, I enthusiastically support the confirmation of Jerry Ford.

Mr. Chairman, I enthusiastically support the confirmation of Gerald R. Ford, Jr. as Vice President of the United States.

Based upon 25 years of close association, I can vouch for the many fine qualities of Gerry Ford.

From reading the hearings of the Judiciary Committee, from reading the committee report, and from hearing some of the comments made on the floor here today, it has become apparent that those members of the committee who have expressed opposition to the confirmation of Gerry Ford went into the hearings with a preconceived negative viewpoint and did not permit that viewpoint to change in spite of the dignity, capacity, sincerity, candor, and even temper which Gerry displayed throughout the committee hearings.

There appeared to be some efforts made to attack President Nixon through Gerry Ford. In my opinion, this was unfair, and at the same time it revealed the lack of understanding of the role of minority leader. Most of these critical interrogators, if not all, are members of the Democrat study group. They have been among the noisy critics whenever the floor leaders of their own party have failed to follow their point of view. Yet, they appear to have expected the Republican floor leader to frequently criticize the Republican administration, and to oppose the administration's legislative recommendations on the House floor. As minority leader, Gerry frequently had an opportunity for input into the administration's legislative recommendations. I am sure he did not always enthusiastically support every administration legislative proposal, but Gerry is a good soldier. He understood the role of floor leader. I can recall one instance when he disagreed with a major administration proposal and flatly so stated on the floor. At the same time, he was careful to point out that he spoke as the Representative of the people of the Fifth District of Michigan, and not as the Republican floor leader.

In spite of every effort or opportunity to do so, no respectable or credible person has cast a shadow of doubt on the integrity and the character of Gerry Ford. Let no one doubt his intellectual capacity either. We have all known intellectual snobs who reveal the superficiality of their own intellect by praising the "smartness" of those who agree with them, and condemning the "dumbness" of those who disagree.

Indeed, this honorable, decent, sincere man of high intellect is worthy to be Vice President of the United States, and if fate should so decree, he is worthy of any office of our Government.

Mr. HUTCHINSON. I yield such time as he may consume to the gentleman from Minnesota (Mr. Nelsen).

Mr. NELSEN. Mr. Chairman, shortly before our distinguished friend and colleague was nominated to become the Nation's 40th Vice President, I was asked by a reporter to state my own personal choices.

The resulting article, which appeared in the Mankato Free Press in my district, was headlined "Ford Is Top Nelsen Veep Choice." That tells the story for me, and I am pleased to insert the article in its entirety at this point in my remarks in further respect for a colleague that I regard as one of the most wholesome men in America, and who I know will serve this country well:

FORD IS TOP NELSEN VEEP CHOICE

(By Dave Phelps)

House Minority Leader Gerald Ford, domestic adviser Melvin Laird and U.S. Sen. Barry Goldwater are 2nd District Rep. Ancher Nelsen's three choices, in that order, to replace resigned Vice President Spiro Agnew.

The Minnesota Republican said he puposely shied away from the three most mentioned contenders—former Secretary of the Treasury John Connally, California Gov. Ronald Reagan and New York Gov. Nelson Rockefeller—basically because of their political overtones.

"I'm looking at a move that would be devoid of the tremendous partisanship that could develop" with the nomination of one of the latter three, Nelsen said in a telephone interview this morning.

"I want somebody that can step right in (the vice presidency) without any fuss or any fight."

Nelsen said he is finding "unbelievable numbers" in the House thinking along the same lines.

A nomination battle, he said, would have a negative effect on the country. "We need some calm."

Nelsen established a four-point guideline for his selection process.

He said the next vice president must be a person confirmable by Congress, possessing legislative skills, acceptable to the general public and in support of President Nixon's foreign policy.

Ford, Nelsen said, "measures up" in those cases.

Laird, former defense secretary, and Goldwater, Arizona senator and 1964 GOP presidential candidate, also would be good compromise selections, said Nelsen.

Because of Ford's House experience, Nelsen said, the Michigan Republican would serve as a bridge between the legislative and executive branches of government.

"The image has grown that there is too much separation of power," Nelsen said, and Ford would help dispell that image.

Nelsen said Ford fits the category of public acceptance because "whoever gets the spot will have the eyes of the nation upon him."

"Ford is not the loud political type. He's the all-American guy. Everybody has a tremendous regard for him. Even Democrats are saying he would be a good selection."

Nelsen figures Nixon has already considered Connally as a vice presidential nominee, but the House veteran does not think the former Texas governor will get the presidential nod because he would be unacceptable to Congress.

"Connally is being opposed by Democrats because he turned away from his own party and on the Republican side some feel the same about his switching parties. I don't hold that against him.

"I'm looking at the situation realistically. Gerry (Ford) is a Mr. Clean and that is what the country needs right now."

Nelsen said he also does not think a Rockefeller nomination would go through Congress, although he did not say why. He did not comment on the Reagan possibility.

The only reservation Nelsen has about a Ford vice presidency is the congressional loss. "I hate to pick a fellow out of our ranks."

About the Agnew departure—Agnew resigned after pleading no contest to a tax evasion charge—Nelsen said he was "shocked."

He said the resignation was totally unexpected, spreading through the House chamber Wednesday afternoon by word of mouth and leaving people "aghast."

Nelsen is disappointed in the former vice president, although still giving Agnew the benefit of the doubt.

"The first reaction I have is here is a vice president who consistently said he was innocent and it necessarily disappoints me to learn of his not contesting the action, which is an admission of being guilty.

In the next few days, however, Nelsen said he is being told, Agnew will make an extensive statement. Nelsen said sources are telling him Agnew still confides to close associates that he has been harassed to the extent it was necessary to resign.

"If all the facts are as they appear," Nelsen said, "it's a tragedy to the United States of America and the whole system."

Before making a definitive statement, though, Nelsen said he will let Agnew "present his case to the people."

Mr. HUTCHINSON. I yield such time as he may consume to the gentleman from North Carolina (Mr. RUTH).

Mr. RUTH. Mr. Chairman, years ago I had the pleasure of serving in the Navy during World War II with GERALD FORD, and I recognized at that time the great ability he has.

It is with pleasure today that I would vote to give him the opportunity to be Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, it is an enormous personal pleasure to support the confirmation of GERALD R. FORD as Vice President of the United States.

As far back as the 1960 Republican National Convention in Chicago—where a small band of college students carried banners urging the selection of JERRY FORD for Vice President—I have felt the people of the United States would be well served by the promotion of this distinguished public servant from Michigan. Little did I know in 1960 that I would enjoy the privilege of working under the leadership of JERRY FORD in his last 7 years in the House of Representatives.

Like nearly everyone else in this Chamber, I will miss him terribly. Knowing him as well as we do, it is difficult to describe his endless good qualities without making him appear a bit larger than life. Suffice it to say—as our colleague RICHARD BOLLING told the New Yorker magazine a few weeks ago, "FORD is a hell of a good public servant." Indeed he is. It's a great honor for me to vote for GERALD FORD for Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, my friendship with JERRY FORD dates back to the year our junior chamber of commerce in Peoria hosted the National Junior Chamber of Commerce 10 Outstanding Young Men Awards Dinner.

That was back in 1949. It happened to be the first year I came to Washington and I served as JERRY's host during his visit to Peoria. He was named one of the 10 outstanding young men of the country that year for his being elected to Congress as a freshman. Incidentally, that was the same year Chuck Percy was also cited for his accomplishments in the field of business as president of Bell & Howell, and Bud Wilkinson of Oklahoma was named the outstanding coach of the year.

For those of us who have known JERRY intimately throughout these 25 years, and have watched him grow in stature we're proud to be here on this day to participate in a proceeding that should culminate in his being sworn in as our 40th Vice President. What a happy and joyous occasion it is.

There are so many, many nice things we could say about JERRY's deportment throughout this most searching inquiry into his life and background. Those who have conducted the inquiry have spoken at length on all the aspects of it, and most anything we might say would be repetitious. But I would just like to make one observation to conclude these brief remarks. I cannot help but make mention of the pure, simple, clean, and wholesome image that was projected over the television screens during the course of JERRY's appearance before both the Senate and House committees. The forthrightness with which he presented his case and the air of humbleness that came through particularly in these times was most commendable.

His willingness to admit to having made mistakes simply pointed up all the more the great character of the man. I simply want to join the vast majority of my colleagues who have spoken in the affirmative here this afternoon, and express the feelings of 99.44 percent of the people in my district that we are most proud to join in this tribute to JERRY and wish him all the best and Godspeed.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. I thank the gentleman for yielding.

Mr. Chairman, I strongly recommend the confirmation of GERALD R. FORD.

Mr. Chairman, we are today making history in fulfilling our responsibilities under the recently enacted 25th amendment. Our revered and highly respected minority leader, JERRY FORD, will soon be elevated to the high position of Vice President of the United States.

There is no other Member of this House, or the Senate, or indeed in the country to my knowledge, that is as well prepared, suited, qualified and equipped to fill this vacancy at this time in history.

Notwithstanding the lamentations of a handful of our colleagues that attempt to set themselves apart from the mainstream of America, JERRY FORD has proven, time and again, that he is imminently fair in dealing with all people. He does not compartmentalize our people as Black Americans, or Mexican Americans, or Catholic or Protestant or Jewish Americans, et cetera. To JERRY FORD, our people are all Americans—just like he is to the people of Michigan, the University of Michigan Wolverines and to his colleagues here in the House.

During these turbulent times, it is comforting to have a good, sound, reasonable man put into top leadership in our executive branch of the Government. If I have any ability to read the pulse of the folks back home, they desperately crave an era of peace, tranquility, calm and serenity. JERRY FORD is just the man to lead us in that direction.

Mr. Chairman, I heartily endorse to elevation to the office of Vice President of the United States, our most capable minority leader, GERALD R. FORD of Michigan.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD of California. Mr. Chairman, I rise in support of the confirmation of GERALD FORD as Vice President of the United States.

During the 11 months that I have served in this body, I have come to respect GERALD FORD for his ability, his sense of fairness and his forthrightness in dealing with his colleagues. He has demonstrated a high degree of political integrity and a dedication to public service that will enable him to fulfill the duties of the Vice President of the United States.

As a member of the House Judiciary Committee, I sat in on the hearings on his nomination. I was tremendously impressed by the manner in which Mr. FORD conducted himself and answered the questions put before him with full candor and cooperation. I doubt if there has ever been another occasion when a nominee for high office has been so extremely and so closely examined and dissected in every way possible. It is unprecedented in the history of our country.

The FBI and the Secret Service have investigated him to a point where over 1,700 pages on his life have been accumulated. Literally thousands of witnesses have been interrogated that covered his life from the very beginning to the present day—and JERRY FORD has come out almost spotless.

To think that a man could serve for 25 years in Congress and rise to the position of being the top Republican in the House of Representatives and still have such a spotless record with this detailed examination attests to the quality of the man and his qualifications for the high office of Vice President of the United States.

In his letter to the chairman of the House Judiciary Committee, the Honorable Carl Vinson, of Georgia who served this body for so many years with such distinction wrote in support of confirmation: "It has been said 'There is no test of man's ability in any department of public life more severe than serving in the House of Representatives; there is no place where so little deference is paid to reputation previously acquired or to eminence won outside. What a man gains in the House he gains by sheer force of his own character. The real man is discovered, his worth is impartially weighed and his rank is irreversibly decreed.' "

I echo those sentiments today in behalf of GERALD FORD and urge that his nomination be overwhelmingly approved.

The hearings before the Judiciary Committee revealed nothing but the very finest in character, reputation and behavior to prove him eminently qualified in every sense of the word to be Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MARTIN).

Mr. MARTIN of North Carolina. Mr. Chairman, I have come down here today to add my support for the confirmation of the Honorable GERALD R. FORD to become Vice President of the United States.

We cannot be unmindful today of the tragic circumstances which vacated the office of Vice President and caused the untested mechanism of the 25th amendment to be activated for the first time. Now after due process and the most exhaustive examination in history, which few of his peers would wish to endure, the distinguished Congressman from Michigan and leader of my party in the House of Representatives is now on the threshold of his confirmation. He should be confirmed and duly sworn to that high office.

There are among us a number who will oppose this selection—out of a mixture of reasoning. Some cannot vote across party lines. Others refuse to endorse a political philosophy that was overwhelmingly endorsed in the 1972 Presidential election. Some indeed would simply lodge a protest against an adversary of many years. All of these must be understood and accepted.

Often today there has been raised a specter of the possibility of a postulated impending succession to the Presidency. This hypothesis has led some to express reservations. For myself, let me say that even if that were indeed the course before us, my vote to confirm GERALD FORD would be all the more confident.

As a freshman Member of this body, with all of the uncertainties and novelties that go along with such juniority, I have come to admire the qualities of leadership displayed by the minority leader of the House.

His directness in all dealings, his openness to all of us, his willingness to listen, advise, and help in many ways, his steadfastness in those very issues of ideological significance, which some today reject, have earned my respect and admiration. His honesty and integrity and fairness are unexcelled. Few hounds' teeth could have come through the examination to which he has been subjected.

Upon these considerations I am pleased to declare that my vote will be to confirm.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Chairman, I rise in support of Mr. FORD's confirmation.

Mr. Chairman, I am most pleased today to join with my colleagues and endorse the nomination of GERALD R. FORD to be the 40th Vice President of the United States.

Having known JERRY FORD for the last 8 years I have come to admire and respect him for his profound integrity, his depth of knowledge and his willingness to lend a hand, and give his counsel, when asked for.

In the last few weeks the American people have come to know and admire JERRY FORD, to. This of course being during the lengthy and in-depth hearings which he was subjected to. And now that these hearings have ended the American people have praised him for the very same reasons we praise him. For his loyalty to his family, his country and his God. These are the qualities that have endured this country for 200 years, and they are the same ones that will endure it for 200 more, as long as there are JERRY FORD's available to serve.

I am proud to have served four terms with JERRY and I am prouder still that my friend, our friend, the soon-to-be former minority leader of the U.S. House of Representatives, is to become, in just a short time, the Vice President of the United States, JERRY.—Godspeed.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I rise in support of the confirmation of the Honorable GERALD R. FORD as the next Vice President of the United States.

JERRY and I came to the House of Representatives in 1949 and have served together since. While we have differed on legislation and procedures, I know him to be an able, dedicated, hard-working Member of Congress, and I have every reason to believe he will well and faithfully serve the office of Vice President.

Few men have been elevated to high office in this country under such close personal and political scrutiny. He has stood these tests well.

I am certain the vote for confirmation will be in overwhelming approval, and I wish him well as he assumes his new duties.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I rise in support of the confirmation of GERALD R. FORD for Vice President of the United States. I am more than satisfied that GERALD FORD has been subjected to the most thorough and tested system of review of any previous person for this particular office by both the Judiciary Committee and this House. In addition, GERALD FORD is a man of integrity and honesty; and, although on some issues at various points we have had differences, I am convinced he will bring to the Office of Vice President the commonsense and sound American philosophy that is very much needed.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, the House soon will vote on the nomination of our distinguished colleague and minority leader, Congressman GERALD R. FORD to be Vice President of the United States. I will proudly vote in favor of his confirmation.

This is, of course, a historic occasion. For the first time a vote is to be taken in the House pursuant to the 25th amendment to the Constitution. The purpose of the 25th amendment is to insure that the United States would never again be without a Vice President for any substantial length of time. The drafters of the amendment, which I supported, envisioned the prompt nomination and consideration of a Vice-Presidential nominee.

While there have been extensive hearings conducted both in the House and the other body which have prolonged somewhat today's final action, I am pleased that the House is fulfilling its constitutional responsibility under the 25th amendment.

A candidate for the country's second highest office must possess many outstanding qualifications for the job. However, most important, he must be qualified to assume the Nation's highest office at any moment. The Nation needs an individual for these positions of national and world leadership who possesses the qualities of integrity and competence.

Jerry Ford has demonstrated through his 25 years of outstanding service in the House that he has these qualities and more. As our effective minority leader he has proven he can work in a bipartisan manner on those issues which demand bipartisanship. He also has shown he can stand up strongly for Republican principles and alternatives on partisan issues.

But above all, he has clearly demonstrated his love for this country and his fellow men.

Jerry Ford has a remarkable capacity for leadership. His knowledge of the legislative process is unsurpassed. He has the valuable trait of being able to work with people and to draw people together in working for a common cause. These assets will serve our country well.

We will miss Jerry Ford in this House. I have always valued his friendship and his counsel, and I am happy that he has been called on for greater and higher service to our Nation. He has undergone one of the most exhaustive personal investigations ever conducted on a candidate for public office. He has clearly passed the test.

Jerry Ford will make an excellent Vice President and I am proud and pleased to support enthusiastically this nomination.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. Wylie).

Mr. WYLIE. Mr. Chairman, I rise to offer my wholehearted and unconditional support of House Resolution 735 which will confirm the nomination of the distinguished minority leader, Gerald R. Ford of Michigan, as the 40th Vice President of the United States. This is indeed a day of great historic significance for our Republic. Representative Ford is only one rollcall away from becoming the first Vice President in our Nation's history to be approved by the people's elected representatives under the procedures of the 25th amendment of the U.S. Constitution and I am thrilled to be a part of this moment.

Our beloved Nation is going through a period of troubled political times. All of us who serve as elected officials are keenly aware of this fact. The House and Senate Judiciary Committees are to be highly commended for the special care and meticulous scrutiny of Congressman Ford's background and qualifications to serve as Vice President. This exhaustive effort has clearly confirmed for the public, what those of us who have served with Jerry Ford have known all along. It became evident during the hearings that he is an extremely capable legislator who has a thorough working knowledge of the American political system. He is closely attuned to constructive public opinion and honors the influence that it should rightly have in governmental policy decisions. He values intergovernmental cooperation while respecting the proper sphere of the executive, legislative and judicial branches of the Federal Government. By any objective standard, he is a man qualified for the post to which we will elevate him today. Above all, Jerry Ford is a man of high moral principles with the ability and dedication to be an effective Vice President of the United States.

I will cast my vote without equivocation for his confirmation as Vice President of the United States of America.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. Bafalis).

Mr. BAFALIS. Mr. Chairman, on this historic day I would like to join with my colleagues in voicing my strong support of the confirmation of Gerald Ford as the next Vice President of the United States.

Since coming to Congress in January, I have been most impressed with Mr. Ford's willingness to take the time to help a new Congressman along the way.

Further, I have come to find that if Gerald Ford says he will do something, he will do it.

A fine measure of this humble man is his willingness to work quietly behind the scenes to achieve the skillful compromises which are the very backbone of this Government today, rather than take every opportunity to create sensational, but do-nothing headlines as seems to be the case with many of our powerful politicians.

Gerald Ford is a man who has and will continue to make every effort to serve his country wisely and well. His integrity and candor, combined with his proven ability as a mediator and his knowledge of national and international affairs, will, I am sure, stand Ford in good stead as Vice President.

More important, these same talents will stand our Nation in good stead.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. Mayne).

Mr. MAYNE. Mr. Chairman, I think it is important for us to remember that what we do here today is done under whatever authority is conferred upon us by the 25th amendment.

The language of this amendment is very brief. It merely states that, whenever there is a vacancy in the office of Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

It has, of course, been well-established practice in our Government in modern times, especially these last 40 years, that the Presidential candidate of a party shall have a great deal to say about the choice of his running mate. At least in modern political history, the national conventions of both parties have deferred to the Presidential candidate who has, for all practical purposes, selected the candidate for Vice President, with a more or less pro forma ratification of his choice by the convention.

Now, while the 25th amendment does not itself spell out the great weight to be given the Presidential candidate's choice, there was considerable legislative history made during the debate on the amendment which clearly establishes that it was the intent of Congress to confer great discretionary power upon the President in this regard.

For example, the chairman of the House Committee on the Judiciary at that time, Emanuel Celler, stated during the debate—and this is Mr. Celler speaking:

> The President selects his vice presidential running mate before the convention. He should have the right to do so after the convention and after the election. In the event there is no Vice President, he can fill that vacancy.

There is, of course, also very strong language in both the House and Senate committee reports which were printed at that time which are set out at page 13 of the report before you as follows:

> It is without contest that the procedure for the selection of a Vice President must contemplate the assurance of a person who is compatible with the President. The importance of this compatibility is recognized in the modern practice of both major political parties in according the Presidential candidate a major voice in choosing his running subject to convention approval. This proposal would permit the President to choose his Vice President subject to congressional approval. In this way the country would be assured of a Vice President of the same political party as the President, someone who would presumably work in harmony with the basic policies of the President.

As far as I have been able to determine, or so far as was developed during the committee hearings, this position was unchallenged during the debate on the 25th amendment, and it certainly was not weakened by any floor action at any time before adoption of the amendment.

Thus the guidelines for the necessary amendment are very clear, and acting under those guidelines, a very substantial majority of the Committee on the Judiciary has recommended that Mr. Ford's nomination be confirmed.

There were eight Members who voted against confirmation, but if you read their dissenting views carefully, you will find that the principal thrust of their views is that they want to substitute some other method of choice than that which is provided in the 25th amendment. The hangup is that they want to abandon the 25th amendment and substitute a new and different method of choosing a Vice President.

They apparently believe that no nominee should be confirmed by the Congress unless his political views coincide quite closely to their own. And they happen to be among the very most liberal Members of this body.

But even if they were taking the view that the nominee's views should coincide with those of a majority of the Members of this body they would be doing violence to the 25th amendment.

If they want to abandon or change the 25th amendment, there is a proper constitutional way for them to try to do so after this nomination has been acted upon.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUTCHINSON. Mr. Chairman, I yield 1 additional minute to the gentleman from Iowa.

Mr. MAYNE. But it seems to me quite inappropriate and even unfair for them to try to accomplish this purpose by indirection while an actual nomination is pending; in other words, to try to change the rules in the middle of the game.

Mr. Ford is entitled to confirmation if the Congress faithfully carries out its responsibilities under the 25th amendment. He has conducted himself with great credit and dignity during what is probably the most intensive investigation and interrogation ever undergone by a person in American public life.

I say to my colleagues that every Member of this House has reason to be proud of how remarkably clean the record proves Jerry Ford to be after this searching inquiry, intensive investigation, and lengthy hearings.

Gerald Rudolph Ford was born in Omaha, Nebr., on July 14, 1913. He received his education in the public schools of Grand Rapids, Mich., and worked part time as a waiter in a Greek restaurant for pocket money. He then attended the University of Michigan. He worked his way through college, including a job as summer forest ranger. Jerry was the center and a star of the University of Michigan's undefeated, national championship football teams of 1932 and 1933. In 1934, he was voted the Michigan Wolverines' most valuable player. After receiving his B.A. degree from the University of Michigan in 1935, he turned down offers to play football professionally with the Detroit Lions and the Green Bay Packers, and instead, attended Yale University Law School. Jerry's part-time jobs as freshman boxing coach and assistant varsity football coach helped finance his law studies, and he received the LL.B. degree from Yale University in 1941.

After 47 months service with the Navy in World War II, Jerry resumed his practice of law in his hometown of Grand Rapids, Mich., and earned the respect of his colleagues and fellow-townsmen. He was selected by the U.S. Junior Chamber of Commerce as one of America's 10 outstanding young men in 1949. Elected by what is now the Fifth Congressional District of Michigan to the 81st Congress, he moved to Washington in January 1949, with his bride of 3 months, Elizabeth Bloomer. Their home district has overwhelmingly reelected this great team to each Congress since, with wide margins.

Jerry was named chairman of the House Republican Conference in 1963, and was chosen by his colleagues to be minority leader in 1965. He was permanent chairman of the 1968 and 1972 Republican National Conventions. In November 1963, he was named by President Johnson to the Warren Commission, charged with the grave responsibility of investigating the tragic assassination of President John F. Kennedy. In 1965, he coauthored with John R. Stiles the book, "Portrait of an Assassin," relating his findings while on the Commission.

His fine record in the Congress was acknowledged by his being given the American Political Science Association Congressional Service Award in 1961 and the American Good Government Society George Washington Award in 1966, as well as honorary doctorate degrees from Michigan State University and other respected institutions.

Gerald R. Ford has been constantly on the move on behalf of good government. He has given unstintingly of his time and efforts on behalf of his congressional colleagues and his party. He is a devoted family man who enjoys an occasional skiing trip with his lovely wife and their four children: Michael, 23, a seminary student; John, 21, at the University of Utah; and high-school students Steven, 17, and Susan, 16.

It has been my privilege to know the nominee since June of 1966. I have found him to be a man close to the Congress, close to the American people, and one who will remain so after he becomes Vice President.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HUTCHINSON. Mr. Chairman, I yield 1 additional minute to the gentleman from Iowa.

Mr. MAYNE. Gerald Ford is a man who moves easily and understandingly among all classes of people, and who would prove to be a gracious and warmly appreciative guest in any American home. He has visited the Sixth Congressional District of Iowa twice since I have been in Congress, and it has been the Mayne family's great privilege to introduce him to our friends in our own home in Sioux City. In fact, my wife is now busily engaged in stitching a sampler to hang in our guest room bearing the legend, "Jerry Ford Slept Here."

I shall consider it an honor to vote today, as I did in the Committee on the Judiciary, for confirmation of the nomination of Gerald R. Ford.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. I am happy to yield to the gentleman from Florida (Mr. Bennett).

Mr. Chairman, I compliment the gentleman on what he has said.

Mr. BENNETT. Mr. Chairman, I rise in support of the confirmation of Mr. Ford.

Mr. Chairman, I thank the gentleman for allowing me to comment. I think he is precisely right in his analysis of what the 25th amendment was intended to accomplish. I was one of the original cointroducers of that amendment and it was in fact intended that there be a continuity of general philosophy to the extent that the appointing President intended to accomplish that, subject only to confirmation by the House and Senate. This gives the people a continuation of the principles they voted for in the previous election to the extent that is practicable. That is just plain democracy in action.

Mr. Chairman, I am in strong support of the confirmation of the appointment of Congressman Ford to be Vice President. He is a man of excellent character, ability and effectiveness. In my opinion the President could not have made a better selection. I entered Congress in the same year that Congressman Ford did, in 1949; and have known him all these 25 years as a warm friend, which friendship parallels a friendship between our respective wives and children. He will make an excellent Vice President; and if fate should take him to the White House he will make an excellent President. I enthusiastically urge all Members to vote to confirm his appointment.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. Jarman).

Mr. JARMAN. Mr. Chairman, I wholeheartedly endorse Gerald Ford's nomination as our Vice President. For 23 years I have known Mr. Ford as a legislative leader in the Congress. He is an outstanding American who has served his country with great distinction. It is eminently fitting that he now serve our Nation in the second highest office in the land.

Mr. Chairman, I have also known Jerry Ford on the golf course. Every golfer will agree that the sport is a good test of disposition and character. Jerry passed that test with understanding and good humor.

Mr. Chairman, I am honored to cast my vote for the confirmation of Jerry Ford as our Vice President.

Mr. RODINO. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Colorado (Mrs. Schroeder).

Mrs. SCHROEDER. Mr. Chairman, as a Democrat and a freshman Member of this House, I have agonized over the decision whether to vote for, or against, the confirmation of Mr. Ford as Vice President.

As a Democrat, I am concerned that a vote against Mr. Ford will be viewed merely as a partisan rejection. On the other hand, as a Democrat I do not wish to vote for Mr. Ford merely as a strategic move—to indirectly influence the pressures that may bear on the White House.

As a freshman, I have not had the opportunity to know and work with Mr. Ford personally over the years, as have other of my colleagues.

Mr. Ford has undergone extensive examination and investigation by both the Judiciary Committee and the Senate Rules Committee. There seems to be little question that Mr. Ford possesses qualities which we need in the Office of

Vice President: basic integrity; a habit of listening to, and respecting, the opinions and views of others; years of experience in government.

It is also true, as a Republican—and a conservative one at that—that Mr. FORD and myself do not agree on many issues, and our views differ widely as to the role and responsibility of government.

But I cannot vote for him merely because he possesses the former qualities. Nor can I vote against him merely because we do not agree on policies and programs.

The confirmation of a Vice President under the 25th amendment is not an ordinary confirmation—where the House—as the Senate—should simply "advise and consent" on traditional grounds. Nor with the prospect that this Vice President may become President at sometime in the forseeable future, and in view of the circumstances of the past year, can we avoid the special responsibility which is ours.

All the arguments for and against confirmation are well known and have been carefully considered by each of us. Some are based on questions of principle, others on pragmatic grounds. But, because the ultimate decision and the vote of each one of us will, in the last analysis, depend on our individual consciences, some of us—myself included—must vote "no."

The legislative history of the 25th amendment makes it clear that Congress expected to go beyond ordinary questions of character and personal fitness associated with the confirmation of routine executive and judicial appointments. In the case of a Vice-Presidential confirmation, the Congress—and perhaps especially the House—is, and should be, acting as surrogate for the American people.

In voting on this most important nomination, we are not obliged to act as a rubberstamp for the President's choice—particularly this President. On the contrary, as surrogates for the people, we have the responsibility to weigh Mr. FORD's judgment, independence, and philosophical outlook, all in the context of whether he is a person we can conscientiously endorse as a potential President of the United States.

In speaking of the role of the Senate in passing on executive department nominations, President Theodore Roosevelt once said:

> I fully appreciate the right and duty of the Senate to reject or to confirm any appointment according to what its members conscientiously deem their duty; just as it is my business to make an appointment which I conscientiously think is a good one.

I cannot conscientiously support Mr. FORD's confirmation.

In good conscience, I cannot defend a "yes" vote in the chruches and stores of east Denver, in the shops and schools of the west side of Denver, to the black and Chicano and Indian communities of Denver—a vote for a man who has shown so little compassion for the rights of minorities, a man who has fought to undercut open-housing, voting rights, and other civil rights legislation.

In good conscience, I cannot explain a "yes" vote in the factories and union halls of central Denver, to the working people of north Denver—a vote for a man who has refused to support legislation of concern and benefit to all working Americans, such as an increase in the minimum wage.

In good conscience, I cannot justify a "yes" vote on the campuses, and in the homes of southeast and southwest Denver, to all those students, young people, and "middle" Americans, who have fought so hard for peace in Southeast Asia, and throughout the world—a vote for a man who went down the line for policies of war and destruction.

In good conscience, I cannot account for a "yes" vote before the Denver Chamber of Commerce, or the rotary club in downtown Denver, to the business and executive community which values and respects independence and determination, and innovative leadership—a vote for a man who has never deviated from the party line, and who followed every turn and shift of this administration.

In good conscience, I cannot, as a lawyer, support a "yes" vote before the Denver Bar Association, to my fellow colleagues in the Denver legal community—a vote for a man who has by his actions and statements shown so little regard for the separation of powers and the role of the judiciary and the Supreme Court in our constitutional system of government.

In good conscience, I cannot rationalize a "yes" vote to all the older citizens in Denver who must look to their government for help in so many areas—a vote for a man who opposed medicare in 1965, and who sought this year to gut the Older Americans Act.

In summary, then, my standard is my own conscience, and I do not in good conscience believe that the confirmation of GERALD FORD will best serve the people of Denver, or of the country. I believe I was sent here by the people of Denver not only to supply my energy but to exercise my judgment as well. I must vote against confirming Mr. FORD.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I should like to commend the Committee on the Judiciary of the House for the manner in which it has carried out its responsibility under the 25th amendment.

Mr. Chairman, I rise in support of the confirmation of GERALD R. FORD. I desire to commend Chairman RODINO and the members of the House Judiciary Committee for the manner in which they carried out their responsibilities under the 25th amendment. I support the confirmation of GERALD FORD as Vice President. Mr. FORD has always been held in high esteem by his House colleagues but in addition, a thorough investigation by the FBI and the House Judiciary Committee has confirmed a record of personal and financial integrity. Under lengthy interrogation he has shown qualities of decency and sturdiness.

In an editorial in the Asheville Citizen, Asheville, N.C., title "GERALD FORD Good Choice for Vice President," it was stated—

> At this point in the nation's hopeful recovery from a traumatic series of executive indisposition he (GERALD FORD) looks like the ideal prescription.

GERALD FORD as Vice President should be in position to provide better understanding and cooperation between the executive branch and the Congress.

Considering the fact that we failed to get pertinent information early enough concerning both Agnew and Senator EAGLETON, I believe that a thorough investigation of Mr. FORD's background was in the public interest. Also the House would have been criticized for cronyism if it had approved one of its Members for this important position without a thorough investigation.

I have stated frequently that JERRY FORD should be approved, or the Vice-Presidential vacancy otherwise filled before any resolution calling for the impeachment of the President is considered. Otherwise, any congressional action on impeachment would be interpreted as political. I am pleased that this procedure is being followed.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas, the chairman of the Committee on Appropriations (Mr. MAHON).

Mr. MAHON. Mr. Chairman, as one who has worked throughout the years in various capacities with Mr. FORD, I rise in support of his nomination for Vice President of the United States.

It is most fortunate that the President has nominated a man who is so well known, and I should say, so favorably known to the Congress.

Having been elected to Congress in 1934, I had been here for some time before Mr. FORD arrived in 1949. He was placed on the Appropriations Committee in 1951, and it was at that time that our close relationship began. At the very beginning I was impressed with his calm judgment and steady hand.

After JERRY FORD became minority leader in 1965, we continued to work together on a broad spectrum of legislative matters but particularly in trying to pass appropriation bills that contained a reasonable level of spending.

His service on the Appropriations Committee and as the minority leader has given him an overall view of Government which he could hardly have secured otherwise as a legislator. If you know where the *money goes*, you know a great deal about the operation of Government.

JERRY FORD has always taken a national view rather than a parochial view. It is evident to me that regardless of the administration in power, he has been thoroughly dedicated to the national interest and to the overall welfare of the Nation. He is a man of good will. He does not take a narrow partisan view with regard to public matters. He does not assume a rigid posture on issues generally. He works toward the accomplishment of the attainable. He listens to the other fellow's point of view and cooperates toward the achievement of worthwhile goals.

JERRY FORD's most obvious traits are his sincerity, his forthrightness, his respect for truth and decency under any and all circumstances. I know of nothing in his background that detracts from this reputation of uprightness as a government official.

Another characteristic that this man possesses with which I am quite familiar is that of diligence and hard work. He is one of those "hewers of wood and drawers of water" upon which our country depends.

I unhesitatingly place JERRY FORD high on the list of those Members of unassailable character and integrity with whom I have served in my years of congressional service. He reflects integrity and generates confidence among those with whom he associates. These are qualities devoutly to be sought in a public official.

Overall, I think it would have been difficult for the President to have chosen a Republican who was better suited to serve the Nation as Vice President at this time in our history.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, I rise today to join my colleagues in voicing strong support of the nomination of our good friend and colleague, the gentleman from Michigan, for Vice President. Having served with GERALD FORD in the House of Representatives for 15 years, I have come to know him and respect him as a man of integrity, loyalty, and a dedicated representative of the people.

We do, of course, come from different sides of the aisle and, therefore, on occasion have disagreed in philosophy and on issues. However, at no time during the past 15 years has GERALD FORD been anything but a gentleman, nor has there been any time that anyone that I know of has doubted his word. He has been a distinguished and respected opponent; and when we agreed on legislation, no one could ask for a better man in his corner.

The Nation today is faced with many problems, not the least of which is a general erosion in the confidence of our Government among the people. I know of no one in this House or this Congress or in the Nation who represents the type of stability, dedication, and honesty that is needed so greatly to restore confidence in our Government than GERRY FORD.

In the Second Congressional District, which I have represented for 15 years, I am not alone in having confidence in GERRY FORD. Many of my friends from both parties have expressed this to me personally, and two of the leading papers serving this area have editorialized in support of the confirmation of GERALD FORD.

Mr. Chairman, I ask at this point to have inserted in the RECORD the recent editorial published by the McClatchy press, serving Sacramento, Fresno, and Modesto, Calif.; and also the editorial published recently in the Chico Enterprise Record:

[From the Sacramento (Calif.) Bee, Oct. 13, 1973]

NIXON'S CHOICE OF FORD IS ACCEPTABLE, PRUDENT, MERITS APPROVAL BY CONGRESS

President Richard Nixon's nomination of House minority leader Gerald R. Ford of Michigan for vice president is an acceptable, politically prudent choice. Barring any presently unknown impediment in his background, Ford's confirmation by both houses of Congress appears certain.

This surely is in the nation's best interest. By picking the 60-year-old conservative legislative veteran, Nixon most likely has spared the country a divisive confirmation in the Congress. This would have been unbearable in the wake of the scandal attending former Vice President Spiro T. Agnew's abrupt departure from office as a result of his tax-evasion conviction.

Whether Ford possesses the potential presidential stature ideally desired in a vice president remains moot, as it does for any man until he actually occupies the highest office in the land. What is important is that he knows the machinery of government, has been one of his party's loyal and able legislative leaders and is a known quantity to both major parties.

The President quite naturally chose a man in accord with his own political philosophies and one who could help him reknit the fractures in his party, as well as bring cohesion to administration policies over the next three years.

Significantly, too, Ford should be able to advance the President's programs in Congress with greater finesse than was the case with his controversial predecessor.

It was perhaps predictable the President should nominate as his new vice president a dutiful, loyal caretaker of the office, a man without presidential ambitions which might threaten Nixon's already shaky control of his party.

Nixon faces a formidable task in restoring unity in the country, in forging what he called "a new beginning." This would have been enormously complicated if the man he picked to succeed Agnew nurtured presidential ambitions. It could have paralyzed an administration already in tatters as a result of Watergate and Agnew.

Congress would be wise to confirm Ford with dispatch, taking Nixon at his word for a promised "new beginning."

[From the Chico (Calif.) Enterprise-Record, Oct. 15, 1973]

FORD NOMINATION A WISE MOVE

Looking at the situation from here in Chico, a continent away from the national capital, it strikes us that the nomination of Rep. Gerald Ford of Michigan for vice president could well turn out to be one of the best political moves ever made by President Nixon, both for himself and for the nation.

Although the selection of the House minority leader came as a surprise to many, little examination of the circumstances is required to lead to the conclusion that the nomination has all the earmarks of a master stroke at a time when a wholesome and promising development on the national scene is very much needed.

From the standpoint of the future of both the nation and President Nixon, it might be said that three main factors weighed heavily in Nixon's decision:

1. He needed a man who could merit sure confirmation with a minimum of partisan conflict.

2. He needed a man who could repair the tattered White House relationship with Congress and possibly give the President's legislative program better hopes of adoption.

3. He needed a solid man who could command broad public respect and confidence throughout the nation and at the same time not outshine the President himself.

It takes no crystal ball to realize that the first consideration above would have been impossible of attainment if the President had selected a John Connally, Nelson Rockefeller, Ronald Reagan or similar figure. The confirmation battle would have raged on and on—even more violently than the battles over the Haynesworth and Carswell Supreme Court nominations—and the President might well have had to retreat and come up with a new name. In the process, the Washington warfare would have developed into a nationwide partisan conflict at a time when "cooling off" is a national need.

But even the most partisan of Democrats have indicated that Gerald Ford is acceptable to them. For example, Speaker Carl Albert, leader of the House Democrats, had actually recommended Ford's nomination in prior conference with Nixon. And Sen. Henry Jackson of Washington—who is working hard for the 1976 Democratic nomination—said within minutes of Ford's nomination that "he will be approved with flying colors" by both houses of Congress.

For all practical purposes, then, it appears that the President's nomination of Gerald Ford assured swift confirmation and avoided what could have been a lengthy and bloody conflict.

What about Point No. 2? Well, it would be difficult to think of any person in or out of government who could do more for the White House relations with Congress than Gerald Ford. During his 25 years of congressional service, Ford has built an outstanding record of achievement and—as was apparent in weekend reports—is genuinely liked and respected by leaders and members of both houses and both parties. He knows how Congress works (for example, Sen. Howard Baker, R-Tenn., credits Ford as a top man in "congressional savvy") and his integrity apparently is unquestioned (Democratic Rep. Wayne L. Hays of Ohio put it this way: "Jerry Ford's word is good," one of the highest compliments one congressman can pay to another in their world of combat and compromise).

Under such circumstances, there seems little doubt that Gerald Ford as vice president woud be able to do the best possible job of mending White House relationships and establishing momentum with Congress.

Regarding Point No. 3, Gerald Ford describes himself as a person who is more interested in working for the good of his country and his President than in occupying center stage or taking over the spotlight of publicity. It is significant, of course, that he does not entirely shut the door on a 1976 candidacy—but there is nothing in his record nor in any comments voiced by others in Washington since Friday to indicate that Ford will be any sort of "rival" of the President insofar as the spotlight goes. The same could not have been said, however, if the nominee had turned out to be a Connally, Rockefeller or Reagan—all of whom are already spotlight attractions in their own right and would probably have bloomed even brighter in the high post of vice president.

From all three standpoints, then, Rep. Gerald Ford meets the requirements that must have weighed heaviest during Nixon's long hours of pondering. He is fortunate to have had such a man at hand.

For that matter, the nation also is fortunate that there happened to be a Gerald Ford available at this time. On the basis of his background and experience, he clearly could handle the nation's top post if something should happen to President Nixon; he is better qualified on foreign affairs than some have admitted (as House minority leader he has attended all top briefings for the past five years). Perhaps most significant of all, his built-in favorable relationship with Capitol Hill colleagues gives the people real promise of an end to the negative haggling that has stifled productivity; harmony between the White House and Congress could be a real blessing during the remaining three years of the Nixon administration.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, I rise in opposition to the confirmation.

Mr. Chairman, by his choice of Agnew, who was convicted of serious criminal activity, and forced to resign, Richard Nixon has forced us to rely on the 25th amendment to chose a new Vice President.

The procedure of congressional selection set up by the 25th amendment, does not allow the people a direct voice in the selection. Since this provision is at best a poor substitute for a direct vote on the Vice President, each Representative should seriously consider the needs and interests of his district and of the Nation in his or her vote. Unless we take these responsibilities seriously, the people will have no role at all in this election.

Therefore, I consider it a privilege to represent the millions of Americans who oppose the election of GERALD FORD, by casting my vote against his confirmation. These Americans are opposed to GERALD FORD because his entire record shows his hostility to their interests and their hopes for the Nation. They are disgusted by his small-minded attack on one of the greatest Supreme Court Justices in American history, William Douglas. They are frightened by his defense of Richard Nixon over Watergate and the secret bombing in Cambodia. They are baffled by his priorities which put defense of the swollen military budget ahead of improving the quality of life for the American people. They are discouraged by one of the most uninspired records on civil rights and civil liberties ever compiled by a Congressman. They do not want GERALD FORD to be President of the United States, which it is very likely he will become before too long.

Everyone knows that GERALD FORD could not possibly win an election to the office he was given today. Yet this popular will was not reflected in the House of Representatives' vote. The House was given a unique responsibility today, and completely failed.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. HALEY).

Mr. HALEY. Mr. Chairman, I rise in support of the nomination of GERALD FORD for the Vice-Presidency of the United States. I think that he is entitled to it.

After 25 years of fine, distinguished service here in this body, had there been anything wrong with him, I think his performance in the last 25 years would have brought it forth. I hope that he is supported overwhelmingly by the House.

Mr. Chairman, on this historic occasion at which this body is called upon to decide whether to approve the nomination of our distinguished colleague from Michigan, I would like to express from the other side of the aisle my support for the confirmation of Congressman GERALD R. FORD as the 40th Vice President of the United States.

Mr. FORD enjoys widespread respect from his colleagues of all political parties. As one of the few Members of Congress to have served in Congress for nearly a quarter of a century, Representative FORD could not have survived the continued scrutiny of the record he compiled unless he had been a man of integrity and character.

I hope that Congressman FORD will be confirmed promptly by an overwhelming vote as the next Vice President of the United States, in which office I am sure he will provide great service to the people of this Nation.

Mr. RODINO. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, my own reservations about the President's nomination are contained in the House Judiciary Committee report in full. I will not here report them all. The hour is late, and shortly the nominee will be confirmed by the second leg of the congressional group and he will be, of course, installed, I understand, in this very Chamber.

Unanswered questions I think will remain, however, for the Congress, for perhaps the Committee on the Judiciary in consideration of what the 25th amendment meant in this case and how it was applied.

Whatever my colleagues have had to say heretofore on the floor on whichever position they have taken, nonetheless, there are unanswered questions about Presidential succession and the invocation of the 25th amendment. I trust that that aspect will not be a closed book for the Congress and the American people.

Mr. Chairman, it is with personal reluctance that I am constrained to oppose the confirmation of GERALD R. FORD as Vice President of the United States. As a member of the House Committee on the Judiciary which originally considered the nomination of Congressman FORD, there was no prior precedent under the 25th amendment to guide me in evaluating the standards by which this nominee should be judged. Under usual conditions, the narrowly construed requirements which merely satisfy the constitutional qualifications or fitness for the office of Vice President might suffice. I determined, however, that such criteria are insufficient, because of the extraordinary circumstances surrounding the present administration.

First and foremost, there is the question of propriety in dealing with this nomination at this time. We are being asked to confirm the nominee of a President who is not now enjoying the support of the people in the exercise of his office. The 25th amendment, jurisdictionally, deals with the replacement of a Vice President. But, it also deals with Presidential disability. In a real sense, the President has a form of disability insofar as he is clearly under a cloud, unprecedented in the history of the Republic, which is seriously undermining his ability to govern. Under such circumstances, one could argue that this nomination is a tainted appointment and that the cloud must first be removed through the completion of an inquiry into impeachment charges against the President. Either charges must be brought or the President exculpated. Then, and only then, can we proceed with treating this nomination as one which has been properly put forward. Accepting this position, we are, consequently, faced with an unprecedented dilemma.

Second, as I previously mentioned in my remarks, there is the question of what standards we must apply to the Ford nomination. Since the 25th amendment contains no criteria to be used by the Congress, the Congress, itself, must define such standards.

In another time, a more serene time, when the President has a Congress controlled by his own party, the President might have the right to expect to have his way in choosing a Vice President, and the selection of a party loyalist might be adequate. However, because of the extraordinary circumstances surrounding the present administration, I cannot be as sanguine as is the majority of my colleagues on the Judiciary Committee in believing that narrowly construed requirements which merely satisfy the constitutional qualifications and fitness for the office of the Vice-Presidency are sufficient criteria for judging this nominee. Nor do I believe that pro forma approval should be granted in this instance, as is the case with other officers nominated by the President.

As colleagues, we know GERALD FORD to be a man who possesses many characteristics that are highly regarded—party loyalty, consistency, and regularity. He is hard working and well liked, and was ranked high on the list of prospective Vice-Presidential nominees submitted by his Republican colleagues. Further, as one of several committee members who had access to the FBI investigative report on GERALD FORD, I believe him to be an honest man.

However, it is not enough to test only the character and general reputation of this man. Since the Vice President is one of the two national officers elected by the people, we, as elected representatives, must act as surrogates on behalf of the people in our consideration of this nomination, and we must impose a standard much more sweeping than the usual Presidential criteria applied for executive appointments.

In my view, it is appropriate to ask whether, under existing circumstances, Mr. FORD will be suitable to serve as President of the United States, selected not through the process of a popular election, but as a resut of an arbitrary Presidential appointment. We must remember that if we approve this nomination and, in the event of a vacancy, Mr. FORD succeeds to the Presidency, we will no longer have access to him. We cannot judge, after the fact, whether we want him to serve in that position. He will be cloaked in executive privilege, separation of powers, and the trappings of the Presidency which have caused us such grief in recent years.

Consequently, we must seriously examine this nominee in light of his competence to serve, if called upon, as President and, in this respect, I have judged this nomination to be a disturbing one.

Given this time in history, this month, this year, and drawing upon the expressions of the will of the American people, I do not believe they want an approximate replica of Richard Nixon whose questionable moral and ethical philosophy have brought us to the crisis we face today. In colloquy with members of the Judiciary Committee, Mr. FORD was given ample opportunity to distinguish himself from the views of the President, and he could not do so. On the contrary, he was rather emphatic in his support of the President. In fact, it is particularly disturbing that Mr. FORD seemingly could not understand why members of the committee would even seek a clear definition of his own personal philosophy, policies, and goals for governing this Nation. Rather, he continually adverted to his positions of support for the President. This was consistent with the exercise of his role as minority leader of the House—devout, faithful, and loyal adherence to the policies and philosophy of the President. Is this sort of leadership sufficient demonstration of an ability to lead and govern this country as its Chief Executive?

Much is said about the legislative history of the 25th amendment at this time. It is more important that his nominee harmonize more with the Congress and the public at large. This is a reasonable request to make of the President in his consideration of a nominee. Instead, the President chose to serve his own interests.

Mr. Chairman, I can accept a nominee who holds political views and a political philosophy which I do not share, and, further, I accept the proposition that the Republican Party, as a result of the 1972 Presidential election, should not lose its right to the White House. But, at a time when the President suffers a great crisis of confidence, I cannot accept the nomination of one who defines leadership as his ability to follow and remain supinely loyal to a President whose moral authority to govern has diminished to unacceptable levels. This nomination falls far short of what the American people are entitled to expect from their national leaders and I am, consequently, constrained to vote against confirming GERALD R. FORD as Vice President.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Chairman, I wish to thank the distinguished chairman of the Judiciary Committee (Mr. RODINO) for yielding to me.

Mr. Chairman, I have a number of reservations about the nomination of GERALD FORD and about our role in his confirmation. I raised previously the constitutional impediment of the emoluments clause which I feel should be disposed of before we approve Mr. FORD. I will get to that later. There are other matters which trouble me as well.

First, as I have listened to my colleagues, I gather from their remarks that Mr. FORD may soon succeed to the Presidency. I am troubled that, if that happens, it will have been the Congress of the United States rather than the people who have selected a President. This is a very substantial departure from our prior practice and from the notion, fundamental to our democratic system, that the top executive official of the Nation should win his office through election directly by the people.

In hindsight, the second section of the 25th amendment may have been a mistake. In the long run it would seem better to have the voters select a President and make their choice from at least two candidates who are tested in the crucible of the election process. No matter how carefully we in the Congress scrutinize a candidate, we can never avoid the charge that we are simply rubber-stamping one of our own club.

Nonetheless, Congress has chosen to move forward on the confirmation of GERALD FORD under the 25th amendment.

In setting forth standards of fitness under that amendment, we must remember that we are judging the nominee for possible Presidential office. It is on that basis that we must weigh Mr. FORD and his candidacy.

Personally, I was relieved to find after our exhaustive committee hearings that Mr. FORD was a man who keeps his personal financial records in a very regular fashion and who appears to be a man whose personal finances cannot be questioned. It is good that we can so assure the American people.

Mr. FORD also does not seem to be a vindictive man. That is a reassuring sign these days.

But I do find, as a result of the facts that came out during our hearings, several disturbing qualities in Mr. FORD's record, ironically, in the precise areas mentioned by those of my colleagues who have spoken in favor of the nominee.

The respected and distinguished gentleman from Alabama (Mr. FLOWERS) stated that the importance of truth is overriding. Yet, during our hearings Mr. FORD specifically defended the right of a President to lie. I find that disturbing.

I also find extremely disturbing the fact that Mr. FORD admitted to the Judiciary Committee that, during the debates in 1970 on war powers legislation, he had argued against that bill because, he said, no President that he had known personally, including President Nixon, had ever lied or deceived the American people or had ever given Congress the runaround. In fact, Mr. FORD admitted that at the time he made that statement he knew that President Nixon had in fact been less than truthful to the American people about the secret bombing of Cambodia. Mr. FORD's lack of candor with the Congress is troubling.

With respect to Presidential powers, I was disturbed by Mr. FORD's view that a President has the right to authorize illegal break-ins, although he did limit the use of that power to wartime. For, we were at war during the time of the illegal break-in at the office of Mr. Ellsberg's psychiatrist. Therefore, I gather, Mr. FORD would have justified the President's power to call for that break-in, on national security grounds. I think it is a very serious departure from our Constitution to permit the President to initiate illegal break-ins at any time.

I am also concerned when we come to the question of fairness and tolerance. Mr. FORD made a statement that the viewpoints of liberal Democrats are "dangerous to our way of life." I respect the views of my colleagues with whom I may disagree on an issue and I respect their right to hold their opinions. I hope they respect my right. That is the democratic way. I would not call conservatives "dangerous" and I would hope that conservatives would not call liberals "dangerous," but I believe someone who does call liberals "dangerous," as Mr. FORD did, shows a fundamental failure to respect a broad spectrum of American political opinion and a lack of receptivity to those points of view. I think a President has to unite this country and this is especially true at this time. I was, therefore, extremely disconcerted by that statement he made and defended during our hearings.

With respect to the matter of judgment, there were other disturbing factors that came up during our hearings. I was troubled to find that Mr. FORD, when he led the charge against Justice Douglas, used unsubstantiated material from the Department of Justice that later turned out to be false. I think we need in our Presidency somebody who checks the facts before "shooting from the hip."

The same kind of thing happened when Mr. FORD played a leading role in blocking the Banking and Currency Committee investigation of Watergate before the 1972 Presidential election. Despite the serious allegations of White House involvement and the use of illegal funds in the Watergate break-in, Mr. FORD helped stop the investigation without bothering to ascertain whether the allegations of that committee's staff were true—as many of the allegations later turned out to be.

Seeking the impeachment of Justice Douglas and fighting the House Watergate investigation also reflect on Mr. FORD's past as intense partisanship, an insensitivity to the administration of justice and a real lack of commitment to having the truth come out—especially when it is politically embarrassing.

Finally, the nominee's stand on public issues does not demonstrate an ability to grapple imaginatively with the complex issues facing us today. It is difficult to see that Mr. FORD even begins to understand the energy crisis when he continues to oppose subsidies to mass transit and argues for higher oil prices. In opposing increases in aid to education, model cities and rent subsidies, he displays a failure to comprehend the problems of an urbanized America. His attempts to weaken minimum wage legislation, his resistance to legislation aiding Soviet Jews, his failure to support social security increases, and his attempts to cripple much of the landmark civil rights legislation of the last 15 years all demonstrate a lack of compassion for the human problems confronting our society.

Having opposed all efforts to limit or end our involvement in Indochina and having consistently opposed all attempts to cut intolerable waste from the defense budget, Mr. FORD is not likely to preside over the realistic reordering of priorities America needs to regain her confidence and spirit.

Representing an urban district, I cannot in good conscience support a man who advocates policies inimical to the needs of my constituents.

Also, as I have said before I am troubled about the constitutional impediment to Mr. FORD's taking office. As I pointed out previously, the emoluments clause— of the Constitution—article I, section 6— appears to bar Mr. FORD's confirmation because of the increase in the Vice Presidential pension rights enacted this year. I raised the issue before this House, because I thought we had an opportunity to correct the problem. I still think we have that opportunity. I would urge those Members who have any further questions on this issue to read the memorandum contained in my dissenting views which sets forth at length the constitutional objections to Mr. FORD's eligibility.

We have all too often in recent times seen constitutional requirements abandoned to meet the "needs" of the moment. Although I understand that some people feel the urgent need to confirm Mr. FORD immediately, certainly we can wait a few days to observe the demands the Constitution places on each of us.

These are extraordinary times and the times demand leadership of an extraordinary quality.

I do not think we can satisfy the needs of the American people, the needs of our conscience and the needs of our times if we approve the nomination of Mr. FORD.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. MITCHELL).

Mr. MITCHELL of New York. Mr. Chairman, I rise in support of the confirmation of Mr. GERALD R. FORD.

"What's he like?"

If I have heard that question once, I have heard it a thousand times since he—the Honorable GERALD R. FORD of Michigan—was presented to the American people as the Vice-President-designate.

To begin, I suppose I am not completely objective since JERRY FORD is more to me than a casual acquaintance or professional associate; he's a friend. That in itself demonstrates that I have a high personal regard for him.

But it was more than personal regard that prompted me to submit to the President, Mr. FORD as my choice to fill the void in the Vice Presidency. When the White House request came for Members of Congress to submit three names to the President for consideration in connection with his most important deliberations, I thought long and hard. The first name I wrote on the piece of paper was GERALD R. FORD.

I wanted a Ford in our Nation's future for a whole host of the right reasons.

During the nearly 1 year since my election to the Congress, I have come to know and respect JERRY FORD as a calm, steady, able individual who puts service above self. I have watched him in his capacity as Republican leader in the House and I have been impressed not only with what he did but how it was done. The GOP is the minority party in the House, not by just a few votes, but by a substantial margin, and yet, JERRY FORD has been successful on a number of occasions in rallying majority support for key proposals of the administration. That is leadership. And he has led in a manner to command respect even from those with whom he differs so strenuously. He is a gentleman, one who does not seem to think that the Golden Rule is outmoded.

No one is surprised when they discover that as a youth JERRY FORD earned Scouting's highest award, the rank of Eagle. The traits of character mentioned in the Scout's oath—honest, loyal, brave, cheerful, reverent, et cetera—are still part of the FORD makeup.

I have to admit that when a freshman Congressman comes to Washington, he is like a country boy in the big city, often not quite sure of himself and looking for direction. JERRY FORD was one of the first to help me along. Despite his heavy leadership responsibilities for the party and the Nation, he had time for DON MITCELL from Herkimer. In short, JERRY FORD qualifies as a nice guy and a good friend. I am pleased and proud to be identified with his selection and confirmation as Vice President of the United States. The American people are indeed fortunate to have this man of stature, character, ability, and dedication to fulfill a most important assignment during these difficult times.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Chairman, I rise in support of the nomination of Mr. GERALD R. FORD as Vice President of the United States. The vote that I am going to cast for him today is going to be the happiest and proudest vote I have ever cast in this House.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Chairman, I also rise to cast my vote for GERALD R. FORD as Vice President.

Along with many of my colleagues, I would like to take this moment to affirm my confidence in the abilities of GERALD FORD.

In my personal dealings with GERALD FORD, I always have found him to be hard working, concerned, well informed, and honest. This is not a view of GERALD FORD which I alone hold; it is one which has been voiced by many Members of Congress since his election to the Congress in 1948. As minority leader of the House of Representatives, GERALD FORD has been known by both Republicans and Democrats as a man of high integrity.

As Vice President of the United States, Mr. FORD will undoubtedly be an asset to the administration with his vast knowledge of the legislative branch of our Government. The relations between the executive and legislative branches of our Government have been deteriorating for several administrations. GERALD FORD is eminently qualified to aid in restoring and strengthening a spirit of cooperation.

The nomination of GERALD FORD for the Vice-Presidency has met with overwhelming support in the Senate. I am sure this support will be felt and demonstrated today in the House.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. HOLT).

Mrs. HOLT. Mr. Chairman, I am pleased to have the opportunity to cast my vote in favor of the confirmation of GERALD FORD as Vice President.

Under any circumstances, the Vice President must possess the ability to assume the role of Chief Executive and he must be sincere and honest. He must also inspire the trust and respect of all Americans. The necessity of these characteristics has been greatly magnified by the current mood of the country and by the events of the past year.

I have known JERRY FORD for 15 years and I feel strongly that he exemplifies these traits. His good character has emerged unblemished from an intensive, but necessary, investigation by the Federal Bureau of Investigation and appropriate committees. His straightforward and frank approach as minority leader in this Chamber has won him many admirers from both sides of the aisle.

Mr. Chairman, I feel certain that Mr. FORD's performance as Vice President will make us proud of the action we are taking today. I urge my colleagues to join with me in supporting his confirmation and wishing him every success as our Vice President.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from North Dakota (Mr. ABDNOR).

Mr. ABDNOR. Mr. Chairman, I, too, rise at this time in support of the confirmation of GERALD R. FORD for Vice President and say this is one of the most exciting and proudest moments in my life.

Today's historic significance has impressed all of us. The people's elected representatives in Congress are confirming a new Vice President in the first imposition of the 25th amendment to the Constitution of the United States. We are not only confirming a Vice President, we are also reconfirming that regardless of what difficulties may beset our Nation, our system of government still functions.

When we were asked to submit recommendations for the office of Vice President, only one name crossed my mind— the name of the man who will be sworn into the office today.

One of the qualities that has most impressed me about Jerry Ford has been his ability to get people, whose personal philosophies embrace the entire spectrum found within a political party, to work together for a common goal. Every day in the House we have seen in action a splendid ability to work harmoniously with people of all types, from all walks of life, representing all varieties of constituencies in all parts of the Nation.

In addition to having the ability to unite members of his own party for a common goal, Jerry Ford has earned and gained the respect of his colleagues on the other side of the aisle in both the House and the Senate. Moreover, he has gained the respect of many skeptics throughout the Nation in his ability to withstand the most scrupulous and minute investigation ever conducted into a man's private and public life.

The ability to hold respect and work harmoniously with others are qualities we sorely need in positions of leadership today. Our new Vice President has both these qualities.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Maine (Mr. Cohen).

Mr. COHEN. Mr. Chairman, I rise in support of the nomination of Gerald R. Ford.

I wish to express my strong support for the resolution now before us confirming Congressman Gerald Ford as Vice President of the United States.

It has been my privilege to serve as a Member of this House during this unique time in our history. I have been especially privileged to be a member of the House Judiciary Committee, which reviewed Mr. Ford's nomination to the Vice-Presidency. Because of the charges and doubts that have been levelled upon the present administration, I and other members of the committee felt a special responsibility to assure that the individual who served as our next Vice President would strengthen the American people's confidence in their Government rather than weaken it through the slightest hint of scandal or questionable conduct. After completing an exhaustive review of Mr. Ford's background and hearing from a number of witnesses, I feel that the committee's favorable report to the full House on the confirmation resolution is incontrovertible evidence that Mr. Ford's record, in his private life and in his public service, is one of honesty and dedication.

Much has been said about the necessary qualifications of an individual who becomes Vice President. Fundamentally, he must be a person of candor and competence who can be helpful to his President and to his country, and I have every confidence that Gerald Ford will serve excellently in that regard. During the many long hours of testimony he gave before the committee, I was continually impressed by his candor, cooperation, and patience. I believe that his openness and honesty with the committee, the Congress, and the Nation will be duplicated many times in the future for the greater benefit of us all.

I urge my colleagues in the House to approve the confirmation resolution. Thank you.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. Archer).

Mr. ARCHER. Mr. Chairman, I rise in support of the nomination of Gerald R. Ford for Vice President.

During the past 3 years thousands of people from my district in Houston, Tex., have come to visit our Nation's Capital. I have taken some of these people on my own little tour of the Capitol Building. I have always included in that tour a stop at the minority leader's office. There my constituents and I have been greeted with warmth and friendship. Sometimes Gerald R. Ford himself would come out to say hello to these visitors.

I will miss visiting your office and your staff, Jerry Ford. The genuine hospitality you have shown me has been one of the very special highlights of my 3 years in the Congress.

I am grateful for your guidance, your real interest in my welfare. I am thankful for the time we have talked seriously about special problems that I encountered as a freshman Congressman. You have been minority leader to the fullest definition of that title: You have been mentor, confessional booth, conscience, director, and consultant.

I will always associate you with the House of Representatives, Jerry Ford. You were the embodiment of that institution when I entered it, and you have come to represent the highest ideals and principles of the House. Would that every Member of this institution be possessed with your integrity, your honesty, your dedication to the Republic. You have been a top Congressman and leader.

As you embark on a new road, you take with you the best wishes of the entire country. May this new assignment be a challenge to you, one that we know you will meet with determination and strength.

We thank you for your many years in the House, for your uprightness, for your devotion to the House and for what it stands. We will miss you, and you will always be a part of us.

With you and your wife, Betty, go our faith, hope, and prayers.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. Frenzel).

Mr. FRENZEL. Mr. Chairman, I rise in enthusiastic support of the nomination of Gerald R. Ford for Vice President.

Mr. Chairman, when the 93d Congress today confirms a Vice Presidential nominee for the first time under the 25th amendment to the Constitution, we will do so with confidence that we have done our jobs carefully and well, and with the confidence that the man we confirm, Gerald R. Ford, is a good choice for the people of our country.

Congressman Ford, soon to be Vice President Ford, is one of us. He did not ask to be Vice President. His often-stated personal goal was to become Speaker of this House. Instead of the usual process, in this case the job sought him. He could not, and did not, refuse.

In my memory, Vice Presidents have been picked largely on the basis of their effect on the attractiveness of the Presidential ticket. Normally they have been people, unlike Gerry Ford, who have nursed strong ambitions for the Presidency itself.

Gerry Ford, then, is more than a first. He is unique. By inclination, by experience, by personality, he is one of us. When confirmed, he will be more than that, but he will remain one of us.

Gerry Ford is also a man I am proud to identify as my friend. Most Members have known him longer, and perhaps more closely than I, but nonetheless, I claim him. I suspect that one of the greatest testimonies to his personal character is that all of us claim him as friend.

It has been noted by a few of our colleagues, and by some representatives of the fourth estate, that Congressman Ford is lacking in intellectual capabilities. I am probably not the best judge of such matters, but I must report that he has been able to plumb my depths without drawing a deep breath. I am not sure how brilliant one must be to become Vice President, but I would not rule out any Member of this body for intellectual incapacity, much less one of our elected leaders with 25 years of effective and distinguished service.

If I have any regrets about the Ford confirmation, they are that this House will lose his considerable talents. If I have any worries, they are that those talents may not be used to capacity. It is my fervent hope that the President will fully utilize Jerry's abilities to the profit of the Nation.

Jerry does not vote like I do on every issue. But neither does any other Member. Disagreements with Jerry are never disagreeable. No Member takes more care to hear opposing views completely than he. Who could be fairer, or more reliable than Jerry? And who could be more open in his own views? No, Jerry does not always vote like I do, but I shall vote for his confirmation with pride and enthusiasm.

This is a great day for Jerry, for all of us, and for this House. We are going to confirm one of our best for the second highest office in the land. It may not be a unanimous vote, but it should be.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. Taylor).

Mr. TAYLOR of Missouri. Mr. Chairman, I rise in support of the nomination of Gerald R. Ford for Vice President.

Mr. Chairman, I would like to join with my colleagues in the House today, as well as with millions of other Americans, in voicing my pleasure at being able to vote for the confirmation of Gerald R. Ford to become this Nation's 40th Vice President.

To my knowledge, no man in the history of our Government has ever undergone such close scrutiny and rigorous questioning for this office as has Jerry Ford. He has come through with flying colors which bestows considerable credit on the House of Representatives where he has served for 25 years and led the minority for almost a third of that time.

In honoring Congressman Ford we also honor the people of the Fifth Congressional District of Michigan who on 13 occasions have demonstrated their wisdom and good taste in choosing Jerry to be their representative in the Congress.

We also pay honor to the American people. They most certainly will be well served by our new Vice President because of his demonstrated integrity, his love of country, and unquestioned ability to lead. And most certainly we do honor the "people's House" in sending a man of the people to the second highest office in our Nation.

It is my pleasure to vote for the confirmation of Gerald R. Ford. I can think of no one more deserving of such a high honor.

Mr. HUBER. Mr. Chairman, I also rise in support of the nomination of Gerald R. Ford.

Mr. Chairman, for the first time in the history of the American republic, the U.S. House of Representatives votes on whether to confirm our first appointed Vice President of the United States, the Honorable Gerald R. Ford. It is a high honor, and I am pleased that the President has chosen a man worthy of that honor. More than that, however, the American people know that they will have a man of the utmost integrity in the second highest office in the country. Further, should the occasion arise, I am absolutely confident that Jerry Ford is capable of leading our country.

This has been clearly demonstrated over the past several years. Although I have only worked with Jerry in the House for the past year, he has made a deep impression on me as a man capable of getting things done. Even many of those who strongly disagree with Mr. Ford's voting record think highly of him. He is, as they say, a man who can disagree with you without being disagreeable. And that is a remarkable ability.

Gen. Douglas MacArthur once remarked that he had done his duty as God gave him the light to see what is right. It is my fervent hope that Jerry Ford, when faced with the tough decisions that a Vice President must often make, will always do as General MacArthur did; what he believes is right and not what is expedient or popular. To do the former is a sign of greatness, even though it is often never recognized as such, to do the latter gives one only ephemeral glory. I have complete confidence that Jerry always will do what he believes is right, and for that reason, I believe that he could become one of the great Vice Presidents in American history. I am proud to vote for his confirmation as the 40th Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. Hogan).

Mr. HOGAN. Mr. Chairman, it is with great pleasure that I rise today in support of the nomination of our colleague, Jerry Ford, to the Vice-Presidency of the United States.

I was one of many Members of the House who urged upon the President the nomination of Jerry Ford to fill the vacancy in the Vice-Presidency, and the hearings in the other body and before our Judiciary Committee have confirmed my convictions that this was a wise choice.

Our colleague from Michigan has undergone extensive examination from both Houses of Congress and from the FBI. Questions addressed to the nominee covered a broad range of public issues, with searching inquiry made into Representative Ford's views regarding the role of Congress, the separation of powers, the proper authority of the executive branch, the use of executive privilege, the energy crisis, civil rights, and general matters of foreign and domestic policy. In all, the hearings consumed 36 hours and 34 minutes of which 19 hours and 11 minutes consisted of questions addressed by the committee to the nominee.

Each member felt the necessity to assure himself that Mr. Ford is professionally, physically, mentally, and morally qualified for the assignment. In accordance with this demand, the FBI assigned 350 special agents to the case. They interviewed more than 1,000 people and prepared some 1,700 pages on the personal background of Jerry Ford. The nominee made available his bank records, financial statements, income tax returns and other pertinent material as well as all the files of his office. All this material was given the most thorough scrutiny. In addition, Mr. Ford provided, voluntarily, all information that was requested of him by members of the Judiciary Committee. The staff of the Judiciary Committee also conducted its own investigation.

As a member of the Judiciary Committee I had the opportunity to sit in and participate in the examination of Mr. Ford. I was impressed with his performance before the committee. His candor and sincerity during the questioning only furthered my conviction that he possesses the credentials and the ability to be an outstanding Vice President and, if such eventuality should occur, President of the United States.

We have probed the depths of this man and received ample documentation to answer any questions that may have been lingering in the minds of the American people as well as Members of Congress about the qualifications of Jerry Ford for the Office of Vice President. This investigation which has been the most thorough undertaken of any nominee for public office in the history of the Republic, has even further enlarged my respect for Mr. Ford. And I am even more confident of his ability to serve as the 40th Vice President of the United States than when I recommended his name to President Nixon.

Although we are all familiar with the achievements of our colleague, I would like to recall some of the details of the brilliant and impressive record of this outstanding American.

Jerry Ford won honors as a student and as a football player at the University of Michigan.

Later he worked his way through the Yale Law School by coaching the freshman football team.

After serving 47 months in the Navy during World War II with great distinction, and practicing law in Grand Rapids for several years, Jerry Ford was first elected to the Congress in 1948.

Jerry Ford has been elected and reelected 13 times by the people of his fifth district in western Michigan. He served 24 years in the House of which 9 were as minority leader. Those who question Jerry Ford's leadership qualities overlook the fact that we Republicans who have a number of outstanding Representatives to choose among, have repeatedly selected Jerry Ford as our leader. We do so because we recognize his outstanding qualities of leadership. He recognizes the right to disagree with him and respects contrary points of view. He never cajoles or pressures but uses reason and persuasion with great effectiveness.

Because of Jerry Ford's record of service in the Congress and the respect he enjoys among members of both bodies on both sides of the aisle, he will be a much needed asset to the administration as a mediator and conciliator between the legislative and executive branches of government.

We are living in unprecedented times. For the first time in our Nation's history we will utilize the 25th amendment to the Constitution which calls upon the President to nominate a new Vice President in case of vacancy in the office. For the first time in our history a Vice President was forced to resign from office. It was a confidence-shattering experience for the American people.

When he was asked to define his concept of the Presidency, he replied:

> I think the President has to be a person of great truth, and the American people have to believe that he is truthful. I think that the President has to lead by example, displaying the standards, morally, ethically, and otherwise, by which most Americans live their lives.

Mr. Chairman, we have heard a great deal of discussion today about the guidelines that a Member should use when he makes up his mind how he is going to vote on the issue before us today; but I submit this is an exercise in futility, inasmuch as each Member has only to answer to his own conscience and to his own constituents as to how he votes today.

We have heard about the exhaustive investigations to which the nominee has been subjected. We have heard, too, how well he has survived that intense scrutiny.

I will not belabor that point, but I do want to address myself, Mr. Chairman, to what I think are some of the main areas of criticism of those who oppose this nomination, the areas they have alluded to in their remarks today.

First of all, it has been mentioned that he lacks the requisite qualities of leadership for the second highest, and perhaps the highest, office in the land.

I submit, Mr. Chairman, that on our

side of the aisle there are a number of outstanding individuals with great leadership qualities. Yet, among that number of outstanding people, we have repeatedly selected Gerald R. Ford to be our leader. We do so because we recognize and appreciate his outstanding leadership qualities.

I think in that assignment as minority leader he has comported himself with distinction. Others have criticized him for a lack of intelligence. Aside from the point, Mr. Chairman, that it seems to me very arrogant for one Member to in any way demean the intellectual capacity of another Member, I think we ought to address this issue head on.

To me, Jerry Ford is an extremely intelligent individual. Intelligence is the ability to use one's existing knowledge to meet new situations and to solve new problems. It is the ability to cooperate with conditions and effectively adjust to them and try to work toward a goal. Assuming that these are the criteria for intelligence, Jerry Ford meets all standards. He knows how to work with people; he knows how to get things done.

Another matter, Mr. Chairman, raised by his opponents in this nomination is the Douglas impeachment matter. I am not going to belabor all the points that have already been made, but I do wish to emphasize, Mr. Chairman, that 114 Members of this body sponsored a resolution for the impeachment of Justice Douglas. That happens to be more Members than have signed impeachment resolutions for Richard Nixon. I submit that, if the Judiciary Committee had sought and received a million dollars to conduct an investigation into that impeachment inquiry, perhaps the result might have been entirely different, but the fact remains that there were some susbtantial areas of activity which cast doubts on the suitability of Justice Douglas serving on the Supreme Court. A Justice of the Supreme Court was receiving $1,000 a month in retainer from some unsavory individuals, and had in addition received a sum of money for publication of an article he authored in a magazine published by an individual who had obscenity cases pending before the Supreme Court. I submit that these are grounds for considering an impeachment inquiry, and that is what the minority leader at that time suggested.

But all these criticisms of Jerry Ford, Mr. Chairman, really narrow down to one area of disagreement, and that is philosophical. I do not in any way, as some of my colleagues have, deny friends on the other side of the political aisle, or the ideological aisle, the right to vote against the nominee because they disagree with him philosophically, but the fact remains that the American people overwhelmingly rejected that philosophy in the last election. Jerry Ford is substantially in agreement with the President's philosophy.

I do not agree with him on all of the issues but I think on balance he is within the mainstream of the American people's philosophy and the approach they prefer as to how our problems should be solved.

Mr. Chairman, I am convinced that, when the American people get to know Jerry Ford as well as we know him, their confidence in government and politics will be substantially restored. All of us who pursue politics as our career are saddened that so many among the American people hold our profession in such low esteem.

Jerry Ford will help to correct this mistaken assessment of politics and politicians, and we politicians and the country as a whole will benefit. I wish him well in his new responsibilities. I am sure he will do an outstanding job.

The contributions that Jerry Ford is continually making to the House will be sorely missed but I might add that the contributions he will make to the country will be measurably greater when he is confirmed by this body today.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. Badillo).

Mr. BADILLO. Mr. Chairman, I rise in opposition to the nomination of Gerald Ford as Vice President. I do so with some reluctance, because I would not want to see a vacancy in that office for a prolonged period of time, and I do recognize the right of the President and the Nation, under the 25th amendment, to have a Vice President confirmed with all appropriate speed.

As Congressman Ford himself recognized in his testimony before the House Judiciary Committee, in this first experience at filling a vacancy under the provisions of the 25th amendment, we are moving in uncharted waters and what we do now will set a precedent for generations to come. My own personal view of our obligations under the 25th amendment is that we must be satisfied first as to the nominee's character and integrity, so that there can be public confidence in the President's selection; second, that we find that the nominee will provide a basic political continuity; and third, that we be assured that the nominee possesses the breadth of understanding of this Nation's institutions, values and needs that must be demanded of a President.

With respect to the first two criteria, I have no reservations. Obviously, Mr. Ford will provide a basic political continuity. As to character and integrity, the hearing record—both in the Senate and the House—has turned up no substantive doubt or evidence of venality. Congressman Ford emerges from these very searching and exhaustive inquiries as a man of good character and personal integrity, and for that, we are all grateful.

However, after reading both the House and Senate hearing records, examining the Senate confirmation debate and the respective committee reports on the Ford nomination, I must conclude that Mr. Ford falls short of meeting the third and perhaps most important criteria in that he does not possess the breadth of understanding of this country's basic institutions and values required of the Presidency.

I am deeply concerned about Mr. Ford's longstanding record of opposition to major civil rights measures. My concern stems not from the fact that Mr. Ford's record is almost diametrically opposite to mine, for that is not really a consideration under the 25th amendment. My concern stems from the fact that this record tells us something very basic about Gerald Ford, the man, and Gerald Ford, the prospective Vice President and President.

That record includes his July 9, 1965, vote to recommit the Voting Rights Act to the Judiciary Committee with instructions to report back a substitute crippling the provisions for Federal registrars and omitting the protection against intimidation and coercion; his July 25, 1965, vote against bringing to the floor the proposed civil rights bill; his August 9, 1965, vote to recommit the civil rights bill in order to delete fair housing provisions; his December 11, 1969, vote to gut the extension of the Voting Rights Act of 1965 by substituting for the straight 5-year extension a bill which deleted the basic provisions of the 1965 law preventing States and localities from nullifying minority votes; and within the past 2 months of this year, his vote to deny citizens of the District of Columbia the right to vote for their own mayor. That record tells us that he lacks sensitivity to the tremendous social upheavals which have taken place in this country over the past two decades and to the need for our national leaders to insure that action is taken to provide better opportunities for all.

The most serious defect in Mr. Ford's record, however, has to do with his participation in the secret war in Cambodia. Gerald Ford was one of 14 Members of Congress who were informed of the secret bombing raids over Cambodia prior to our announced invasion of that country on April 30, 1970. Under questioning during both the Senate and House hearings, Congressman Ford insisted that he saw nothing wrong either in President Nixon's policy of bombing a neutral nation or the decision to keep that bombing from Congress and the American people.

The following colloquy between Congressman Drinan and Congressman Ford during the Judiciary Committee hearings shows that no distinction can be drawn between Mr. Nixon and Mr. Ford on the issue of the President's right to conduct a secret war:

> Mr. Drinan. Mr. Ford, I agree to all of that but what justification do you have that one Member of the Congress can keep that information from the Congress and the people of this country?
>
> Mr. Ford. Well, the justification was that it was given to the six or seven or eight of us on the basis that it was important for us to know and that they would not give it to us unless we were in agreement to retain the information personally.

In my judgment, both the bombing policy and the deliberate lies regarding it represent impeachable offenses and gross violations of the Constitution. Mr. Ford's participation in those offenses demonstrate a failure on his part to comprehend the true nature of this Nation's political processes and institutions. His manifest disrespect for those institutions can serve only to inspire a similar disrespect on the part of those who look to him for leadership, either as Vice President or as President. His admission that he placed a greater value on political and personal loyalty to President Nixon than to the institution of the Congress, the representatives of the American people, is a distortion of understanding and values which to my mind is sufficient grounds to disqualify him for confirmation.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. MEZVINSKY).

Mr. MEZVINSKY. Mr. Chairman, I want to commend the chairman and my colleagues on the committee for their untiring effort to make this inquiry the most exhaustive study ever conducted. The committee achieved its goal: A thorough investigation coupled with a complete lack of confidential information being leaked from the committee.

This has been a most difficult decision for me. I differ with GERALD FORD on much of his theory of government and have been on the opposite side from him on many issues. However, as I view the 25th amendment, Mr. FORD has the necessary qualifications for the office of Vice President. As was brought out in the debate before the adoption of this amendment, the President has the right to nominate a member of his own party and one who will be compatible with his philosophy of government. So, although I do not share many of Mr. FORD's views, I do support the President's prerogative to choose him. Why then am I voting for GERALD FORD?

In essence I am voting for him, because he has that one quality that is so notably lacking in this administration—integrity. Not in recent history has the President suffered from such a crisis in confidence. Now as never before we must do all we can do to convince the American people that honesty and integrity are still important and are qualities that public servants do possess. After the grueling investigation that the gentleman from Michigan was subjected to, I believe he is honest and is a man of integrity. It is an interesting commentary on our times and the present administration that integrity has become the single most important quality to look for in leadership.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BELL).

Mr. BELL. Mr. Chairman, I rise in support of the confirmation of GERALD R. FORD for Vice President of the United States.

Mr. Chairman, I wholeheartedly endorse the confirmation of GERALD R. FORD for Vice President of the United States.

Although I have not always agreed with JERRY on some legislative matters, I very deeply believe in his outstanding leadership qualifications, his great courage, his fairness and honesty in his judgments, and his very keen and discerning intelligence.

In some ways you might say that the proof that JERRY has all of these fine qualities is in the fact that as minority leader he has of necessity been involved in numerous disagreements, yet still the overwhelming majority of the House of Representatives think highly of him. In fact, enough of him to overwhelmingly confirm his nomination to the second highest office in the land.

It is with great pleasure, therefore, that I will vote for the confirmation of this man of great humility and leadership ability, GERALD R. FORD.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. FORSYTHE).

Mr. FORSYTHE. Mr. Chairman, today is a historic occasion, as the House of Representatives has confirmed a Vice President of the United States for the first time under the 25th amendment.

It was with a deep feeling of pride that I cast my vote for our colleague, the Honorable GERALD R. FORD, of Michigan.

GERRY FORD and I have not always agreed on the issues which confront our great Nation. But as a leader, and as a man, he has proven to be solid, understanding, and trustworthy. He is dedicated to serving America, and he will do so with integrity and perseverance.

America, now, needs quiet, sincere, and secure leadership. This is not a time for rhetoric, for flashiness, for insincerity. Our new Vice President meets this test, and I call upon all Americans to provide their support.

In his new position, GERRY FORD must assume the responsibility of preparing himself for the Presidency, should it become necessary. It is an awesome responsibility. I know he will meet it with dedication and courage, and I wish him well.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Chairman, I rise in support of the nomination of GERALD R. FORD of Michigan.

Mr. Chairman, I rise today to join in strongly supporting an affirmative vote that Congressman GERALD R. FORD, of Michigan, be named the Vice President of the United States.

Mr. Chairman, today is a historical day, and it is a day of both sadness and joyfulness. It is also a time for reflection and rededication. It is a time for sorrow, because the events that have transpired that have led us to this historical action that the House will undertake today. For the first time in the history of this country, a Vice President has admitted to committing a felony and has resigned. And, thus this occasion, joyful as today's central purpose is, must always be tinged with the country's remorse. And yet even in that sorrow there should be a basic note of gratitude for our country's institutions. A free people of the United States on November 7, 1972, voted not just for the individuals who hold office, but, more importantly, for their principles and issues for which they stood. Our system of government provides for a continuing in office of that Republican Party that won the people's confidence last November. Thus, today we provide for the succession in office of a Republican Vice President, with the majority of the opposition party voting for his confirmation. But, Mr. Chairman, enough has already been said about the sorrow of the Nation. This country and its people have dwelt too long in the climate of doubt and mistrust. It is important, therefore, that we place the most emphasis today on the affirmative. Today, within the hour, this House of Representatives will take the historical vote that will confirm the man from Michigan, GERALD R. FORD, as the 40th Vice President of the United States. It is a moment which all of us can be proud. Mr. Chairman, it has been said that "this is the people's House," and thus, it is most fitting that the man from Michigan take the oath of office in these Chambers. It is here that he has given his life of public service, dedicated to our country and its people and it is only fitting that he assume his new responsibilities in this Chamber as a reaffirmation of the belief that the people govern and that no group nor position nor, indeed, no man is above them.

Much will be said affirmatively of the qualities of GERALD FORD today. As a personal note, I would take but a moment to emphasize those qualities that I have found most rewarding. There is, as the chairman of the Judiciary Committee emphasized, the quality of integrity. No other man in the history of our country has been so thoroughly investigated and very few other men could have stood the test. At this time in our Nation's history, that quality surely must be foremost. Yet I have found in my 8 years of association with GERALD FORD that there is another quality that the country needs today that is found in the Vice President-designate. Simply stated, GERALD FORD respects differences. During my tenure as a fellow Congressman from Michigan, there have been frequent times when I have disagreed substantively with the minority leader on the issues before us. Always he has respected my right to disagree and more significantly during his period of leadership, he has had the capability of bringing differing views together that have impact upon the country's programs. Mr. Chairman, we live in a precarious time in our Nation's history. There are many of those in this House and throughout the land who continue to emphasize conflict rather than compromise, who would be in an adversary relationship with our country's leaders rather than seeking to support our cooperative efforts. Our late great Senator from GERALD FORD's hometown, Arthur Vandenberg, in writing to President Truman as he changed his position in the post-World War II period from one of isolationism to internationalism, wrote:

> I know, Mr. President, that it is easier to be critical than to be correct.

Mr. Chairman, today more than ever, while fully recognizing the right to criticize this country, it is time that as a people and as a country we begin to move to reunite and to move toward solving our country's problems rather than to stand apart and merely raising a critical voice. The new Vice President, more than any other man during the next 3 years, will have that specific responsibility. I believe that GERALD R. FORD is capable of fulfilling that task. And thus in an hour's time, in the people's House, the man from Michigan will take the oath confirmed by the opposition party to fulfill the second highest office in the land. It will be an affirmation of trust in GERALD R. FORD. It will be a reaffirmation of our faith in the institution of our Government. It should be a rededication of each of us toward our responsibilities as well.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Chairman, I support the confirmation of GERALD FORD as Vice President of the United States.

Mr. Chairman, for the first time in our Nation's long and productive history, we are today, under the provisions of the 25th amendment to the Constitution of the United States, moving to fill a vacancy in the office of Vice President.

In these historic times, we are facing problems of monumental magnitude, and there is all too often a tendency to permit these problems to overwhelm us. I submit that we as a nation possess the strength and ability necessary to solve the difficulties that we are encountering, just as we have done countless times throughout our history.

Mr. Chairman, the Vice-President-designate is a man who clearly realizes the problems of the past, one who has a firm grasp upon the crises of the present, and one who can deal creatively with the difficulties of the future. His skill, ability, and integrity are well known to the Members of this body. Those of us who have worked closely with him know that his devotion to the strength and well-being of our country is beyond question. We can be confident that he will serve the citizens of the United States with distinction and honor in his new post.

Only history can fully determine, in its deepest meaning, the wisdom of our choice today, but let it be said that we gave GERALD FORD an overwhelming vote of confidence because his record was an honorable one. We cannot always know the events of tomorrow, but we can act with responsibility today.

Mr. Chairman, I fully support the confirmation of GERALD FORD as Vice President of the United States, and let us all pray that God will guide him in the great burden that he will assume.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. RUPPE).

Mr. RUPPE. Mr. Chairman, I rise in support of the measure to confirm the Honorable GERALD R. FORD of Michigan, as Vice President of the United States.

JERRY FORD possesses the qualities that will make him a great Vice President and a great political leader. In this year when the honesty and integrity of public officials has been called into question by the public, JERRY FORD has undergone the most thorough and careful scrutiny of any public official in our Nation's history—and his record, in both public and personal life, remains unblemished. He has repeatedly won reelection as his party's leader in the House, gaining and earning the support of diverse elements of republicanism represented in this body.

JERRY FORD also possesses that rare quality which allows him to understand the other fellow's point of view, even though he may disagree politically. There has never been any evidence of vindictiveness or bitterness on JERRY's part for those who have opposed him politically. Perhaps the greatest tribute that a politician can receive is the friendship and respect of his political opponents. These proceedings, and the comments throughout his confirmation, have provided that kind of tribute.

Our new Vice President will be a man who seeks advice and counsel, who listens to not only those who support him, but those who oppose him as well. He will work to bring a better understanding, a better relationship between the executive and legislative branches of our Government, and he will help to ease the doubts and concerns which the people have expressed about their Government.

I am proud to say that JERRY FORD has represented my party and my State in this body. I am prouder still that he will now represent the Nation. And I am most proud to number him among my friends.

Mr. Chairman, I have to date resisted publicly prejudging the outcome of votes in this body. Today, I can publicly predict that my colleagues in the House will overwhelmingly confirm Jerry Ford as Vice President of these United States. This is a great day for JERRY FORD, this is a great day for the Congress, and this is a great day for the Nation.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. CAMP).

Mr. CAMP. Mr. Chairman, I, too, wish to say that I support the confirmation of the nomination of GERALD R. FORD as Vice President of the United States.

Mr. Chairman, this is a proud day for the House of Representatives and an auspicious day for the Nation. With the elevation of my good friend and respected colleague, GERALD FORD, to the Vice-Presidency of the United States, the country will be gaining a fine and distinguished national leader who will be an honor to America.

At the same time, I cannot help but think how much this House will miss JERRY. In his tenure as minority leader, JERRY has been an effective and able legislator, a strong leader and a good friend to Members on both sides of the aisle. He has that rare ability to keep pertinent facts ever ready in his mind and to disseminate them factually and logically. Many say JERRY is a persuasive and influential man. To my mind, this is why. I look forward to working with JERRY in connection with his duties at the White House where I am confident he will continue his same high level of work.

In thinking about my association over the years with JERRY FORD, one instance stands out in particular. JERRY had kindly agreed to speak to a group in Enid, Okla., and needless to say, my friends were looking forward to meeting him. Poor weather conditions prevented travel that night but JERRY, with his usual thoughtfulness, refused to disappoint those Oklahomans and arranged to address the group via a telephone hookup. People in Enid have never forgotten that occasion.

In fact, communications from my district have been overwhelmingly in support of prompt confirmation of GERALD FORD. He is the kind of generous, honest man to whom the people look for leadership and guidance.

I believe that GERALD FORD as Vice President of the United States will go a long way to help heal the divisions which have been plaguing our country. I will be proud to cast my vote for the confirmation of this intelligent, sensitive man of integrity—for our respected minority leader, GERALD FORD.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BIESTER).

Mr. BIESTER. Mr. Chairman, I rise in support of the nomination of GERALD R. FORD as Vice President of the United States.

Mr. Chairman, on this unprecedented occasion, it is with a great deal of personal as well as institutional pride and satisfaction that we in the House give approval to our distinguished colleague and good friend, GERALD FORD, to be Vice President of the United States.

Upon his election as minority leader in 1965, JERRY took resolute command of a dispirited and diminished Republican House membership. He dedicated himself to building a constructive opposition, offering positive proposals and alternative solutions to Democratic policies. While this position of leadership understandably identified him as a partisan figure, his actions have proven that his leadership position has not been allowed to interfere with the accommodating spirit which has characterized his approach to this responsibility. I am optimistic and encouraged by the prospects which lie ahead in a closer and more cooperative relationship between the executive and legislative branches.

JERRY has been an unfailing public servant, and he will add immeasureably to our National Government during these unsettling times. His openness and genuine devotion to restoring confidence to a dispirited Nation could never be more timely. President Nixon has made a wise choice, and the confirmation proceedings of the past several weeks have underscored the perspicacity of his selection.

The Republican Party called on JERRY FORD in 1965 to lead his party back from electoral defeat and legislative impotence. He responded to that challenge with skill and distinction.

Now, the country calls on JERRY FORD. He is very much a man on the spot, but JERRY has been there before. And as before, I have the greatest confidence that he will meet this challenge with the honesty and openness which has characterized his entire career.

Mr. Chairman, although I am speaking personally I am certain our colleagues would concur in stating that JERRY is taking with him our hopes and aspirations for a renewed spirit of trust and faith in a government, and in this endeavor we wish him our very best.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. SEBELIUS).

Mr. SEBELIUS. Mr. Chairman, when President Nixon nominated Congressman JERRY FORD to be Vice President, I said in a newsletter to citizens in the First Congressional District of Kansas that JERRY FORD was an expert at getting along with people and in bringing folks of different views together in a compromise position. Most important, I stressed the fact that JERRY FORD knows how to make government work for people.

At this very difficult time in our Nation's history we need a man of integrity and a man whose experience will enable all of us to work together to make government a partnership with the people. The scrutiny of Congressman GERALD FORD by his colleagues was unprecedented. The result of this scrutiny is that the American people can put their faith and trust in a man who has been in politics most of his life and, without question, a decent, honorable, and just man.

I have had the privilege of serving in this House only 5 years. During that period I voted three times for JERRY FORD to be Speaker of the House. It is with a sense of humility and pride that I have the opportunity to join my colleagues, on both sides of the aisle, to elevate GERALD FORD to the high office of Vice President of the United States. He has been a great minority leader and he will be an even greater Vice President. It is a great honor to get to vote for him today.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. WHITEHURST).

Mr. WHITEHURST. Mr. Chairman, I rise in support of the nomination of GERALD R. FORD as Vice President of the United States.

Mr. Chairman, it is a pleasure for me to rise in support of GERALD R. FORD for the office of Vice President of the United States.

In the 5 years that I have been a Member of this body, no one has impressed me more by his integrity or dedication to duty than JERRY FORD. His sense of fair play and his consideration for his colleagues on both sides of the aisle have won him recognition for his leadership qualities.

The exhaustive investigation undertaken into his background reflects a record of honesty and achievement that all of us could aspire to. Mr. FORD was one of the choices I listed in the proposed names submitted to the President, and I feel that he has those characteristics that all Americans prize in those they choose to lead them.

I urge my colleagues to join me in voting for his confirmation.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. KEATING).

Mr. KEATING. Mr. Chairman, as a member of the committee that favorably reported the nomination of GERALD R. FORD as the next Vice President and as a friend and colleague of Mr. FORD, I wish to share with the House my firm convictions concerning this nomination.

First, Mr. FORD is an honest man. That statement allows no contradiction and rests on the solid foundation of the most intensive investigation ever centered on one individual. Literally hundreds of people have delved into every aspect of Mr. FORD's political, economic, and personal past. FBI agents, Judiciary Committee personnel of both bodies of Congress, media representatives, and interested parties of all description have sought to uncover some taint that would or should despoil his opportunity to serve as this country's second highest executive officer.

Not only were no skeletons found in Mr. FORD's closet, but no trace of bones or even dust could be located by any of the investigators. The thoroughness of this inquiry is beyond question.

The exercise of our authority under the 25th amendment in these proceedings called for our careful attention and thoughtful deliberation. We are approving a candidate for an elective office in lieu of the people's approval ordinarily given by ballot.

Because this was the first time such proceedings have been necessary and because of the temper of the times, Mr. FORD was subjected to an inquisition that only a good man could survive and only a great man would endure. But the people that he will serve need and have a right to know if he is a man of integrity. The answer is unequivocal—yes he is. You can trust JERRY FORD.

Second, Mr. FORD's qualifications to serve as Vice President are outstanding. In the past, as many of my colleagues are aware, the Vice-Presidency has not always received the attention and appreciation that is being demonstrated today.

One of President Roosevelt's Vice Presidents remarked that the Vice President was the spare tire on the automobile of government. Other figures have showered equally disparaging abuse on the office. One of the characteristics of the last Presidential election for the other party was the plethora of candidates who were offered but refused to assume the mantle of candidacy for the Vice-Presidency.

It seems ironic that now the office maintains an aura of responsibility that only an individual with Socrates' wisdom, Caesar's courage, and Mark Anthony's eloquence can fulfill.

Even if these prerequisites, however, are vital, Mr. FORD comes closer to qualifying than any other individual I know. I do not intend to elaborate on each of the areas where JERRY FORD has already demonstrated his excellence. His competence in the field of foreign affairs and his expertise in the defense posture of the United States are well known to all of us who have worked with him.

What may not be universally known is his dedicated attitude and his attention to the details of the legislative process over the last 25 years. Mr. FORD has not won the respect and admiration of his colleagues on both sides of the aisle—he has earned it by his consistency in achieving meaningful legislative results in a cooperative manner.

Mr. FORD treats individuals with respect and he has subsequently earned the respect and friendship in Congress that enables him to be an effective leader. He has repeatedly demonstrated his ability to coordinate different factions and unite different individuals with a common purpose to accomplish a goal. As Vice President, Mr. FORD will be able to continue to demonstrate his excellence as a leader.

Finally, I would like to emphasize my belief that the country today needs Mr. FORD as the second highest ranking public servant in this country.

It is no secret that the President is experiencing very great difficulties in the wake of Watergate. People throughout the land are lacking confidence in Government and all public officials. Clearly what is needed is strong and reliable leadership on the part of Government officials coupled with a restored sense of trust and belief on the part of our citizens.

Mr. FORD will be a tremendous asset to the executive leadership of this land because he will demonstrate to the people that he is a strong leader of absolute integrity.

There is no doubt in my mind that he will be able to help coordinate administration efforts with legislative initiatives here in Congress to provide positive action.

More importantly, Mr. FORD can go to the people, place his trust in them, and receive their trust.

Our Republic has suffered some severe shocks in recent months. The nomination and approval of Mr. FORD may prove the turning point where once again the country can move on and the Federal Government can be about the business of the people.

I urge the approval of Mr. FORD's nomination.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. CHAPPELL).

Mr. CHAPPELL. Mr. Chairman, today is a historic occasion in the House of Representatives. For the first time in our Nation's history, the selection of Vice President of the United States is being confirmed by the Congress.

Those of us who know GERALD FORD admire and trust him. His fairness and hard work during his 25 years in the Congress have earned him the respect of us all.

Committees in the Senate and the House have conducted thorough investigations into his background, probably the most complete hearings ever held on an official. The committees have recommended his confirmation and I hereby offer my full support.

Mr. Chairman, I know the overwhelming majority of my colleagues join in pledging our cooperation to Gerald Ford and wish for him a successful Vice-Presidency.

I urge the adoption of the resolution.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. Steed).

Mr. STEED. Mr. Chairman, I met Jerry Ford for the first time when I stood on the floor of this House on January 3, 1949, as a fellow classmate for the 81st Congress while our first oath as Members was administered.

During the years that have followed I have come to know him as a warm friend, an excellent lawmaker, an honorable partisan and a dedicated American. There are only 12 of us remaining from this 81st Congress freshman class of more than 80.

I vote for his confirmation as Vice President today with a firm conviction that he will perform these new duties with the same steady, creditable, and effective way in which he has performed in this House as the minority leader and Member. I join with my colleagues in wishing him well in his new endeavor. Our country needs his best effort and I am certain he will give full measure to the challenge.

Mr. RODINO. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Committee on Armed Services, the gentleman from Louisiana (Mr. Hébert).

Mr. HÉBERT. Mr. Chairman and members of the committee, in this body today there are only five Members who have seen more Members come and go than I have. I have seen Members serve a short time. I have seen Members serve a long time.

I can well remember the day that Jerry Ford first came to this body 25 years ago. I have had the opportunity to observe him as one of the leaders of his party. I have seen him rise to the top of that leadership and maintain it. I have seen him demonstrate in every manner, shape, and form that he has the ability, the diligence, the integrity, and the dedication to carry out any duty ever assigned to him.

I have heard much discussion in the well today of reasons, philosophies, causes, and misunderstandings. I can well understand and respect these opinions and these thoughts. Certainly if I were to go to the districts of many of those who stood in this well today, I could not be elected. By the same token, if they came to my district they could not get elected, either.

So my responsibility as I assume it—and as I think it should be discharged by the Members of this House—is in the representation that we give the people who send us here. This is a representative form of government, and you represent that which your people believe. And so, in casting my vote today for Jerry Ford with enthusiasm, and understandable enthusiasm, I believe I am doing what the majority of my constituents would want me to do.

Jerry Ford has been a very close friend of those of us from Louisiana throughout the years.

A typical example is the very distinguished chairman of the Committee on the Judiciary, whom I compliment on the very splendid presentation he made here as chairman of that committee, and then spoke his own personal views. I believe it is something that the gentleman should be highly complimented on. If the gentleman was not sitting there now, and if Edwin Willis of Louisiana had lived and was in this House today, Ed Willis would be sitting in the gentleman's chair as chairman of the Committee on the Judiciary. He would have rendered the same type of report as the gentleman did, except that when he came to the end, Ed Willis would have told the Members that he was one of Jerry Ford's best friends. So this just shows that there are personalities involved. It depends on who is talking.

Last year when we decided to send the majority leader from Louisiana, the late Honorable Hale Boggs, and the minority leader, Jerry Ford, to China, there was another example of the closeness that Jerry Ford has always had with our Louisiana people.

Mrs. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I am delighted to yield to the gentlewoman from Louisiana (Mrs. Boggs).

Mrs. BOGGS. Mr. Chairman, I thank the gentleman from Louisiana for yielding to me.

Mr. Chairman, I had the opportunity of knowing first hand the performance of Jerry Ford, when he and Hale represented this distinguished body on that mission to the People's Republic of China. It was a sensitive diplomatic assignment, which Jerry Ford met with excellence and grace, and in which he was ably assisted by his wife, Betty.

I shall support the nomination of Mr. Ford.

Mr. HÉBERT. I thank my colleague, the gentlewoman from Louisiana.

Mr. Chairman, may I say this in conclusion. There is nothing more that I can add or nothing more that I can detract. The Members have heard some beautiful records spoken here today, and they will read more beautiful records tomorrow when they get the extensions of remarks that have been well prepared by both sides.

All I can say is that I am the only Member of this body who has served with three Presidents of the United States on committees in the House, so I think I know men. I know the attitudes of people. In that spirit and in that understanding, and in the discharge of our own responsibilities, let us not be swayed by these herrings that are dragged across trails, these false issues—if we want to call them issues.

We are speaking of a man, that man's ability, that man's courage, that man's experience, that man's confidence engendered in the people who serve with him. He comes from the other side of the aisle than that from which I come. I shall support Gerald Ford, again I say, with enthusiasm.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. Maraziti).

Mr. MARAZITI. Mr. Chairman, I rise to support the confirmation of Mr. Ford.

As a member of the House Judiciary Committee, I have had the opportunity to observe the testimony and demeanor of Vice-President-designate Gerald R. Ford.

He has spent considerable time before the committee—he was examined, cross-examined and reexamined.

I was impressed by his full, frank, and revealing answers to a multitude of questions on a wide range of subjects.

His calm and deliberate conduct under constant fire is another substantial reason for his confirmation as Vice President.

In my opinion he is the type of official America is looking for.

I know enough about Gerald Ford, and have heard enough to form a firm opinion that he will make one of the finest Vice Presidents in the history of this Nation.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. Young).

Mr. YOUNG of South Carolina. Mr. Chairman, as a freshman Congressman, I appreciate this opportunity of being allowed to express my feelings concerning Jerry Ford. As a freshman, there was a question in my mind as to whether or not I would have access to this distinguished leader in the Congress. We made plans to come to Washington in December of 1972, and received an appointment with Jerry Ford. On meeting this gentleman, I felt a warmth and sincerity. We sat down and I talked and he listened intently. On this occasion, I told him of my concern about being appointed to the Agriculture Committee. One of the reasons I felt so strongly about this was that my opponent during my campaign had said that I could not get on this committee. Mr. Ford understood the situation and assured me he would do the best he could although he did not have the final word. At this time, I appreciated his forthrightness. Later, on the floor of the House, debate was going on concerning disaster loans under Farmers Home Administration. It was my feeling that the full facts were not being brought out concerning this problem. I related this to the minority leader. Even though I was a freshman, he insisted that I take the well of the House to express my position.

Later, as we met on the floor of the House, he asked me if I still wanted to be placed on the Merchant Marine and Fisheries Committee. I told him that we had 60 miles of coastline in my district, and I felt this would be a valuable service in my district. His answer was, "I believe we should show the people of the South that we can get one of their Congressmen on two committees."

My impressions are that this man will listen, he will understand, he will have determination, he will have the strength that the Vice President of the United States should have. Therefore, today, it gives me a great deal of pride to vote for a man well qualified to be Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Chairman, this is a great and historic day for this legislative body, but, more importantly, for our Nation. With the confirmation of GERALD R. FORD as Vice President of the United States, we will be placing in the second highest executive position in this land a man who has the experience, knowledge, disposition, and integrity the American people want in Government leadership.

There is no need to review Mr. FORD's biographical data because it is so well known to all of us after his 25 years as a Member of the House of Representatives.

I would be remiss as one Member if I did not reflect on my own personal association with him and express my great enthusiasm for the manner in which he has conducted himself in positions of leadership and in dealing with the most difficult and sensitive situations which our country has faced in the past two decades. I have had the high honor and privilege of serving with him for 17 years and can best describe him as a human Rock of Gibraltar in standing foursquare for those things that are basic to our American way of life.

He is a man who is widely known as a man "whose word is his bond." Always levelheaded, he has displayed a unique ability to reason logically with his adversaries rather than react in an intolerant or emotional manner. At this particular time in our history, it is consoling to know that we have a man second in command who has a great capacity for work and extensive knowledge of the legislative process. To me, this means that the growing breach between the executive and legislative branches of Government can be surmounted through a mutual understanding and mutual respect for the constitutional prerogatives of each.

GERALD R. FORD will make a great Vice President for all of these reasons and, beyond that, because he is a great American.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BURGENER).

Mr. BURGENER. Mr. Chairman, on this historic occasion, the first confirmation of a Presidential nominee to become Vice President of the United States of America, I rise in enthusiastic and unqualified support of Mr. GERALD R. FORD of Michigan to be confirmed for this high office.

I believe his own words best explain why his nomination and confirmation offer hope for the future of our Nation. I quote Mr. FORD from his testimony before the Senate Committee on Rules and Administration during the recent hearings on the appointment:

> I believe I can be a ready conciliator and calm communicator between the White House and Capitol Hill, between the reelection mandate of the Republican President and the equally emphatic mandate of the Democratic 93rd Congress.

Probably never before in our history have the problems that face us as a nation been more numerous. I submit that never before in our history has there been a greater need for continuing, meaningful, and open communication between the executive branch of the Government and the legislative branch.

Carefully considered compromise should be the order of the day. It is because of this great need that I believe that GERALD R. FORD is probably the most uniquely qualified American to forge this essential communication link.

Indeed, the position is much more than that. It demands a person of unquestioned integrity, of broad governmental experience and with the capacity, the wisdom, and the judgment to lead this Nation as its President should that ever become necessary.

I say then, in conclusion, Mr. Chairman, this is a good day for America, a day of promise for better days ahead for all of our citizens.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. JOHNSON).

Mr. JOHNSON of Colorado. Mr. Chairman, when the President requested that we submit names to him of individuals to fill the Office of Vice President, I submitted the name of GERALD FORD. I did that recognizing that Mr. FORD might one day be President.

If he does become President, he will bring to that Office certain characteristics which we need. During my lifetime, the office of the Presidency has taken on the trapping of monarchy. Mr. FORD has an openness and candor, a personal humility if you will, that is desperately needed in the Presidency. The adulation and praise we render our President, the obsequisousness with which we approach him will not turn the head of this very human individual.

No one can ever say in advance how an individual will respond to the pressures of the Office. But I have confidence that if he ever does occupy the highest Office in the land, he will fulfill his obligations honorably and well.

Mr. Chairman, Mr. FORD spends part of the year in my district. I have jokingly told him in the past that I am glad to be his Congressman. Now I can say in all seriousness, I am proud that he will be my Vice President.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise today in support of the confirmation by this body of the nomination of GERALD R. FORD to the Vice Presidency of the United States.

During the course of 15 years in the House of Representatives, I have had an opportunity to assess the character and capabilities of JERRY FORD.

I believe that he is unquestionably equipped to handle the responsibilities of the office of the Vice President. He is a man of the highest moral character, integrity, and human decency. He has distinguished himself both in the Congress and elsewhere as even a casual reading of his biography reveals.

Mr. FORD's distinguished legislative career spans 25 years in the House, and his performance here has earned him a reputation for competence. He has retained the good will and friendship of Members on both sides of the aisle, which, in and of itself, is a testimony to his ability to be a unifying force in the office for which he is being considered.

More than that, he has been an effective leader of the minority party since he was elected to that position during the 89th Congress. The stability and forcefulness of his leadership is now an established fact.

I have found him to be a considerate man, and one whose friendship has been a source of strength to me over the years. It has been a friendship which has withstood the occasional strain of conflicting opinions. Our voting records have been at variance more than once, but despite differences on particular issues and on ideology that inevitably arise, our association has been marked by civility, warmth, and productive cooperation.

That is my personal evaluation of the advisability of confirming Mr. FORD to the Vice-Presidency. To that is added the collective judgment of the Committee on the Judiciary. The report of the committee on GERALD FORD's confirmation found him fit and qualified to hold the high office for which he has been nominated.

This report is the result of one of the most thorough perusals of a man's activities ever conducted. The nominee was scrutinized by the committee in close cooperation with the Federal Bureau of Investigation, the General Accounting Office, the Internal Revenue Service, the Library of Congress, and other public and private organizations. "Not one public day, not one issue, nor one vote, nor one statement went unexamined by the committee staff in the course of its research," this report tells us, and yet, Mr. FORD's character has emerged from this investigation unblemished. At this time in our history I think that this is extremely gratifying. Confidence in the leadership of the Nation must be restored. It is GERALD R. FORD's tremendous capacity for leadership, which he has so admirably demonstrated within the House, that best qualifies him for the Vice Presidency or, for that matter, the Presidency, should the need arise.

It was Harry S. Truman, a man with whom I find JERRY FORD in many ways comparable, who said: "We must build a new world, a far better world—one in which the eternal dignity of man is respected." JERRY FORD is capable of carrying that project forward.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CRONIN).

Mr. CRONIN. Mr. Chairman, I first knew Congressman GERALD FORD when I was a member of the staff of former Congressman Brad Morse. I had the opportunity to work with Mr. FORD on many occasions, both here in Washington and in my district in Massachusetts. As a result of this past association, when I came to Washington as a Congressman, he took me under his wing and gave me a great deal of valuable advice and help, especially in the early weeks of the session. GERRY was particularly helpful in assisting me in making my choices for committee assignments, and in assisting me to fulfill these choices.

GERRY FORD has continued to be a strong and good friend and has shown the kind of leadership we need not only on the Republican side, but in the entire House. Although we have not always agreed on votes, our friendship has remained firm. I have learned a valuable lesson from Mr. FORD—that the finest quality of leadership is the ability to disagree without being disagreeable. My respect for this quality has done much to strengthen our friendship on a professional level.

I am particularly pleased to cast my vote for Congressman FORD today. Although I realize that he will be a loss to Congress, I am convinced that GERALD FORD is the kind of individual that the country needs right now as Vice President. His absolute familiarity with the legislative process will be a valuable asset to the Executive. His concern for bringing the country together, particularly after a period of so much stress, will help the Executive in its development of legislation and present legislative packages that the Congress will be able to enact practically.

The nomination of GERALD FORD is a positive step ahead for the country and is further indicative of Congress concern to lead the country through the period of adjustment in the weeks ahead. It is time to get the energy to heat our homes, to solve the problems in foreign affairs, to stabilize our economy and to get this country moving again. FORD has the unique ability in his position to initiate this activity. He will surely be an asset to the executive branch and a friend of Congress as well.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. WINN).

(Mr. WINN asked and was given permission to revise and extend his remarks.)

Mr. WINN. Mr. Chairman, I too, want to endorse the nomination of the Honorable GERALD R. FORD as Vice President of the United States.

There is little more remaining to be said about the fine qualities of GERALD FORD. The thorough search of his background, his finances, his personal habits, and his political philosophy by the House Judiciary Committee—and by the Federal Bureau of Investigation for that matter—only gives additional strength to those arguments put forth by those of us who support GERALD FORD's nomination.

It is with great enthusiasm that I will vote for GERRY FORD's nomination on this floor today.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Chairman, as the old saying goes, character is a victory, not a gift. That being true, JERRY FORD's public and private life is a victory for honesty, integrity, and forthright courage.

It is a privilege to stand today to speak in behalf of the nomination of GERALD R. FORD as the 40th Vice President of the United States. Here is a dedicated man, a man who has devoted his life to his country and public service. Here is a man the Nation needs.

With public confidence in elected officials and Government at a low ebb, JERRY FORD brings to the second highest office in the land the refreshing honesty and candor which we so desperately need.

As a fellow Michigan native and a personal friend, I never had any doubts as to the Vice-President-designate's capability or character. Indeed, no Member of Congress, on either side of the aisle, can feel differently.

Nevertheless, upon his nomination the FBI launched the most exhaustive and detailed investigation of the public and private life of any public appointee. There followed televised hearings before the Senate Rules Committee in which before the entire Nation JERRY FORD submitted to unlimited questioning of his past.

Mr. Chairman, I do not doubt that JERRY FORD openly welcomed, and, indeed, thoroughly enjoyed that examination. Because the confirmation hearings were televised, the American public had the opportunity to witness for themselves the quality and character of this man. JERRY FORD, through the example of his own record of 25 years of public service, was a tonic for the credibility of elected officials and our Government.

Not only did he fully cooperate with the congressional committees vested with the responsibility to confirm his nomination, he bent over backward to voluntarily provide any information requested or needed. An honest man has nothing to hide and JERRY FORD hid nothing.

It is ironic, Mr. Chairman, that in the rush to assure the impeccable character of this man, that little attention has been focused upon the fact that JERRY FORD is overwhelmingly qualified to assume this critical and difficult office.

I suspect that the reason is that hardly anyone who knows JERRY FORD could seriously even question the leadership, the experience, and the capability of JERRY FORD to fill an office which is but a heartbeat from the Presidency.

Certainly, no one who has seen him day in and day out for the last 9 years as minority leader, shaping and guiding legislation through the Congress, would ever think to question it. Members on both sides of the aisle know that JERRY FORD has been an innovator, a conciliator, and a guiding force in the formulation of America's domestic and foreign policies.

It is no secret that the House of Representatives will sorely miss his advice and experience. We of the Michigan delegation who have had the privilege to work side by side with him will feel that loss even more deeply.

But, we temper that regret with the knowledge that JERRY goes today to meet an even greater responsibility for his country.

Then, too, as Vice President he will serve as a valuable link between the executive and legislative branches. His deep and abiding respect for Congress will serve our country in good stead in the months ahead as we seek to close ranks and move together to confront and resolve the pressing problems of today. I know how JERRY FORD feels about Congress. I know he sees among his highest priorities the task of bringing this Government back together and then to proceed with all possible dispatch to meet the challenges which await us.

How will he do this? Well, I believe JERRY FORD revealed that himself; when he opened his testimony before the Senate Rules Committee he said:

> Truth is the glue which holds government together. Compromise is the oil that makes government work.

Mr. Chairman, we are fortunate to have a man like JERRY FORD available to fill the mandate of the 25th amendment of the Constitution. It is an honor to urge the House to accept his nomination.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. BURKE).

Mr. BURKE of Florida. Mr. Chairman, not too long ago, at the White House, I had one of the really great political thrills of my life, when the President announced that GERALD R. FORD was his nominee to succeed Spiro Agnew as Vice President of the United States.

Why was I thrilled by this announcement? Simply because I knew that the President had selected one of our country's most outstanding men. He had selected a man of outstanding courage, ability, leadership, and integrity. He had selected a man well qualified to serve as President of our great country should the circumstances of fate tap him on the shoulder to so serve.

GERALD R. FORD understands the problems that face the American people today. He is well respected by most of us who serve in this Congress. I know of his dedicated service and his willingness to help others first hand. He is no god; nor do I feel that he could under any circumstances heal all of our ills, but GERALD R. FORD is a good man—an honest man.

Almost 8 years ago when I first came to the Congress, it was he that first communicated with me to offer his help and advice. He came to my district shortly thereafter, at my request, as principal speaker at a fund raising dinner, to help me raise funds to pay off my campaign deficit. Since then he has always been available.

There may be some of my colleagues who disagree with some of the votes he cast during his more than 20 years as a Congressman. But then who decides who is the perfect Congressman or that there is one of us who votes perfect for all the people at all times? One thing I do know, and that is that whenever GERALD R. FORD cast his vote on any issue, he did so honestly, and with the conviction that his vote at the time was in line with what he believed was in the interests of the people of his district.

I am proud to be able to vote to confirm the nomination of JERRY FORD for the office of Vice President of the United States. I have been proud to serve in the House with him. I do not hesitate to say that I will vote for him for the reason that it is my firm conviction that he will ably perform his duties, because he is well qualified to perform them. He is an able American and fully understands the possibly awesome tasks before him. He will work hard and faithfully to make Americans proud of the action we will take today in casting our vote confirming him. I wish you well, my friend. May God bless your future endeavors.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. Whalen).

Mr. WHALEN. Mr. Chairman, when President Nixon announced the selection of our colleague, the gentleman from Michigan (Mr. Gerald R. Ford), to fill the vacancy in the office of the Vice Presidency, I was among those present at the White House.

I was delighted with the choice, as virtually all of those who know Jerry Ford were. He is first and foremost a man of unquestioned honesty and integrity, qualities which are essential if the confidence of the public is to be recovered and maintained. In my four terms as a Member of Congress, I have had differences with the minority leader. But in no instance has there ever been even a shadow of vindictiveness on Jerry's part. On the contrary, he has been consistently a man of his word, a fact well known to Members of this body.

Moreover, our colleague is without question one of the most experienced individuals in the Congress, one who understands the myriad aspects of how this complex institution functions. His great capability in this respect will be of inestimable value both to him and the administration during the next 3 years. He has total credibility here and he knows how to use it.

I believe also, Mr. Chairman, that our friend has a great understanding of the country and its needs. As the minority leader, he traveled extensively to every corner of the Nation, speaking and meeting the people. He thus has gained a frame of reference not normally available to most Members of Congress whose opportunities for visits to constituencies other than their own are not nearly so extensive.

Finally, Jerry Ford is a man of commitment. Having been in the service of the Nation as a Congressman for almost a quarter of a century, concern for the development of a better America has become a way of life for him.

All of these assets and many more certainly would serve him in good stead should he ever have to accede to the office of the Presidency. I have tremendous confidence in my good friend, with whom it has been a privilege and an honor to serve in this House. I express to him my heartfelt best wishes as he embarks upon his new responsibilities.

Mr. RODINO. Mr. Chairman, I yield 6 minutes to the gentleman from California (Mr. Danielson).

Mr. DANIELSON. Mr. Chairman, our session today is one of first impression. We are here to confirm or not to confirm the President's nominee for Vice President of the United States pursuant to the terms of the new 25th amendment to the Constitution.

There has been much discussion as to whether the President's nominee, our colleague Gerald R. Ford, should in fact be confirmed. The answer to that question I submit lies in our perception of just what is the role of the House of Representatives under the 25th amendment.

As a Democrat it is understandable that I would prefer a member of my own party to hold the high office of Vice President, particularly since it is my firm opinion that he will soon become the President of the United States. I do not agree in many respects with Gerald R. Ford's political philosophy and I certainly do not agree with his entire voting record. Yet the entire context of the 25th amendment makes it clear that the President, and only the President, has the power and right to nominate the Vice President, and it would be inexcusable, wishful thinking, if not dreaming, for me to expect him to appoint anyone other than one of the leaders of his own party.

Clearly Gerald Ford fits that description.

As a member of the Judiciary Committee I worked long and hard in studying the background of Gerald Ford for the office of Vice President. There was nothing that developed in that study which would disqualify him from the pending confirmation. He is a man who has a long and distinguished career in public service. He has passed the acid test of 25 years of election to public office and 8 years as a leader of his party in the Congress.

Moreover he will bring to the administration something which is badly needed, namely credibility and candor.

These are in my opinion, good, sound and compelling reasons why I should, and I shall, vote for the confirmation.

We need ask this question: Are we seeking a Messiah to bring about a utopia, the Biblical millennium, or are we seeking a real person to be a real Vice President or President, to serve our country in the real world?

If it is the former, we shall never succeed.

If it is the latter, I think that we have now as good a nominee as we can expect our President to make.

The question has been raised as to whether or not Gerald R. Ford, a Member of Congress, is barred from holding the office of Vice President of the United States by the provisions of article I, section 6, clause 2, of the Constitution known as the Emoluments Clause. That section reads as follows:

> No Senator or Representative shall, during the Time for which he was elected, be appointed to any Civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time.

I respectfully submit that Gerald Ford is not barred, by that clause, from holding the Office of the Vice President, since the Office of Vice President is not a "civil office" within the meaning of the "emoluments clause." When one considers the manner in which the terms "civil office" and "civil officer" are used in the other parts of the Constitution, it becomes evident that a "civil office" within that meaning is an office other than one created by the Constitution, and of course the office of the Vice President is an office created by the Constitution.

Article II of the Constitution, which delineates the Executive power of our country, the powers and duties of the President. Article II, section 2, clause 2 deals with the nomination and appointment of officers of the United States and provides that the President:

> Shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Court of Law, or in the Heads of Departments.

It is clear from this clause that the term "Officers of the United States" applies only to those officers nominated and appointed by the President with the advice and consent of the Senate, or those appointed otherwise pursuant to authority granted by laws enacted by the Congress.

The office of Vice President is not included among these, since the Vice President is elected, rather than nominated and appointed.

Article II, section 3, provides for the commissioning by the President of officers of the United States, and it reads in part:

> Article II, section 3: (The President) ". . . shall Commission all the Officers of the United States."

Clearly the Vice President of the United States need not be commissioned by the President and never has required such a commission. He derives his office and his authority from the electorate.

Prior to ratification of the 25th amendment, all Vice Presidents were elected. Pursuant to the 25th amendment, in the unique situation which is before us today as a matter of first impression, a proposed Vice President is nominated by the President and shall take office upon confirmation by a majority vote of both Houses of Congress. This does not require a commission to be issued by the President. Further, it requires a "confirming vote" of both Houses of Congress, rather than merely the advice and consent of the Senate.

Again, article II, section 4 of the Constitution, which relates to the subject of impeachment, provides:

> Article II, section 4: The President, Vice President, and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of Treason, Bribery, or other high Crimes and Misdemeanors.

Here again the language clearly distinguishes between the President and Vice President, on the one hand, and "all civil officers" on the other hand. These offices are stated in the disjunctive. It is clear that the term "civil officers" was intended to denote a different class of officers than were the terms "President" and "Vice President." If no distinction were intended, there would have been no need for the Founding Fathers to refer to the President, the Vice President, and all civil officers. The term "civil officers," alone, would have sufficed. I therefore respectfully submit that the "Emoluments Clause", appearing in article II, section 6 of the Constitution, does not bar Gerald Ford from holding the office of the Vice President.

On another note, I question whether a change in potential retirement benefits would be an emolument within the meaning of article I, section 6, clause 2. Black's Law Dictionary defines "emolument" as:

> The profit arising from office or employment; that which is received as a compensation for services, or which is annexed to the possession of office as salary, fees, and perquisites; advantage, gain, public or private.

I submit that an increase in potential retirement benefits is not an emolument, in that the potential retiree, Gerald Ford in this case, even if he is confirmed, does not have a vested right in his civil service retirement benefits. He has only an inchoate right, which cannot and does not vest until he meets all of the conditions necessary to qualify for the benefits. If he should die in office he would not ever have had any right to civil service retirement benefits. The same would be true if he should fail to qualify fully for those benefits for any other reason.

Mr. HUTCHINSON. Mr. Chairman, in the debate on the rule, the gentleman from Illinois (Mr. McClory) made the point that the emoluments clause of section 6, article I, was never intended to apply to the office of the Vice Presidency and that nothing in the language or the legislative history of the 25th amendment speaks to the contrary. However, no Member of this chamber should ever, no Member of this Chamber should assume that Public Law 93-136, which liberalizes eligibility for cost-of-living increases in civil service retirement annuities, is an increase in the "emoluments" of the office of the Vice President. For under Public Law 93-136 it is most uncertain whether there is, or ever will be, any additional benefit conferred on the holder of the office. The law provides for an alternative computation which only in some situations will produce an additional benefit.

This case is similar to that of Mr. Justice Black who, as Senator, was appointed to the Supreme Court. Although during his term as Senator, the retirement benefits of Supreme Court Justices had been increased, it was successfully argued that the uncertainty of the future benefit removed it from the emoluments clause.

More recently, in 1969, Congressman Laird was appointed Secretary of Defense, an office whose salary had been increased subject to congressional veto. Then Attorney General Ramsey Clark issued an opinion that the salary was not increased until such time that Congress had lost its power to reduce it. If that argument was valid then, it is valid now. For it is even less certain that the benefit of Jerry Ford's case will be enjoyed than it was in Mel Laird's case.

These precedents are treated more fully in a letter to me from Robert G. Dixon, Jr., Assistant Attorney General, Office of Legal Counsel. Pursuant to authority already obtained, I include it in the Record at this point:

Department of Justice,
Washington, D.C., Dec. 4, 1973.

Hon. Edward Hutchinson,
House of Representatives,
Washington, D.C.

Dear Congressman Hutchinson: We have been asked to express our views on the effect of a possible increase in civil service retirement annuity under Public Law 93-136 on the nomination of Congressman Gerald R. Ford as Vice President. This letter sets forth our views, and the letter is being sent concurrently to Chairman Rodino.

A statute enacted during the current session of Congress, Public Law 93-136, liberalizes eligibility for cost-of-living increases in civil service retirement annuities. The Vice President is a participant in the civil service retirement program. 5 U.S.C. 8331(2) and 2106. The question has been raised whether in view of Article I, § 6, clause 2 of the Constitution, enactment of the foregoing statute is an impediment to Mr. Ford's eligibility to become Vice President pursuant to the 25th Amendment.

Analysis of the question leads to the following conclusions: (1) the emoluments provision of Article I does not apply to the office of Vice President and (2) in any event, because of the contingent nature of any possible benefit to Mr. Ford by virtue of Public Law 93-136, that law has not increased the emoluments of the office of Vice President.

1. The 1973 Act.

Prior to enactment of Public Law 93-136, eligibility for cost-of-living increases in civil service retirement annuities was limited to persons who retired *before* the effective date of the increase. The effect of the new statute is to make it possible for a person retiring after the date of an increase. However, this result is clearly not automatic. For example, in the case of an employee who retires six months after the date of an increase, the additional longevity (six months) might cause a greater increase in his annuity than would receipt of the cost-of-living increase. In such a case, the annuity would be based upon longevity and Public Law 93-136 plainly would not affect the size of the annuity.

2. The meaning of Article I, § 6, clause 2.

Article I, § 6, clause 2, provides, in part, as follows:

"No Senator or Representative shall, during the Time for which he was elected, be appointed to any Civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time;"

There are several grounds for the conclusion that the above constitutional provision does not apply to Mr. Ford.

First, the office of Vice President is not a "civil office" within the meaning of Article I, § 6, clause 2. It can be stated that the term "civil office" refers only to one covered by Article II, § 2, clause 2, *i.e.*, an office filled by appointment by the President, a court or a department head. Cf. *United States* v. *Mouat*, 124 U.S. 303, 307 (1888). See 17 A.G. Ops. 522 (1883).

Under the 25th Amendment, a clearly different process is used—nomination by the President and confirmation by a majority vote of both Houses of Congress. The amendment does not refer to "appointment." It is also proper in construing the emoluments provision to consider other provisions using the terms "appointment" and "civil officer." Article II, § 4, provides for impeachment of the "President, Vice President and all civil officers of the United States." Thus, there is a distinction between "civil officers" and the Vice President. To the extent that the pertinent terms are used elsewhere in the Constitution, they show that Mr. Ford is not being "appointed to a 'civil office'." It follows that no increase in emoluments would be a bar to his eligibility.

3. The contingent nature of the retirement benefits.

It is clear that, unlike a law increasing the salary of the Vice President, Public Law 93-136 did not result in an immediate benefit to the holder of that office.

In 1969, former Attorney General Clark issued an opinion regarding the eligibility of Congressman Laird to be appointed Secretary of Defense. See 42 A.G. Ops. No. 36 (1969). Under a statute enacted during the 91st Congress, an increase in the salary of the Secretary of Defense was possible, but would probably remain uncertain until after Laird's appointment was not prohibited by Article I, § 6, clause 2. He stated:

"It is my view that, notwithstanding submission of any salary increase recommendations in the Budget message, the salaries in question will not "have been increased" within the meaning of the constitutional prohibition so long as Congress may still exercise its power of disapproval."

The present case is analogous. Normally, a Vice President must serve for five years before he would be eligible for civil service retirement benefits. Mr. Ford is in a different position, because of his service as a Member of Congress. It is most unlikely that Public Law 93-136 would work to the benefit of Mr. Ford as Vice President. A cost-of-living increase might occur toward the end of his tenure, if he should retire thereafter and the timing of the increase is such that an annuity reflecting the increase is larger than one based on longevity. The foregoing events are quite uncertain and will no doubt remain uncertain until after the end of the current Congress.

The case of Justice Black furnishes further support for Mr. Ford. Senator Black was appointed to the Supreme Court in 1937. The question of his eligibility for the appointment was raised by reason of the fact that Congress had during his term of office as Senator provided for an improved financial position of Justices retiring at eventy. The appointment was justified on the ground that inasmuch as Mr. Black was only fifty-one years old at the time and thus would be ineligible for any "increased emolument" for nineteen years, it could not be as to him an increased emolument. The situation gave rise to the case of *Ex Parte Levitt*, 302 U.S. 633 (1937), and it is significant that the Supreme Court declined to pass upon the validity of Justice Black's appointment.

On the basis of the foregoing discussion it appears to be plain that the Constitution presents no bar to Congressman Ford's confirmation as Vice President.

Sincerely,

Robert G. Dixon, Jr.,
Assistant Attorney General, Office of Legal Counsel.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. Frelinghuysen).

Mr. FRELINGHUYSEN. Mr. Chairman, when debate began I had no intention of expressing my own views on this resolution. On the same day that Mr. Agnew announced his resignation, I had suggested that Gerald Ford would make an excellent Vice President. Having worked with Jerry Ford for 21 years here in the House, and having known him since our days together at Yale Law School, I knew that he had the essential qualities which a Vice President needs.

I shall vote to confirm Mr. Ford with pride and confidence.

I find myself compelled to speak, Mr. Chairman, primarily to express my shock at the statement of my long-time friend and colleague from New Jersey, Mr. Rodino. As chairman of the House Judiciary Committee Mr. Rodino opened debate with a detailed statement of the thoroughness of the investigation by that committee of Mr. Ford. Mr. Rodino emphasized the unprecedented thoroughness of that investigation. As a result of their efforts, Mr. Rodino continued, Mr. Ford has the qualifications for the position to which he had been nominated. Mr. Rodino then stressed in no uncertain terms his own high personal regard for Mr. Ford, a regard won over a period of shared experiences extending for more than two decades.

The shocking part of Mr. Rodino's statement was the final portion of his remarks. He announced he would vote against Mr. Ford's nomination. He is going to do so, he declared, because of the frustration of his own constituents. He is going to vote against Mr. Ford because in his opinion the Nixon administration has not done enough for urban areas, such as the district which Mr. Rodino represents.

Mr. Chairman, I do not know what specific problems Mr. Rodino may face in his own district, and perhaps he is in need of sympathy. However, I cannot sympathize with an individual who votes against a nominee, whose qualifications he personally has thoroughly explored and finds fully adequate. I doubt if this attempt to placate his constituents, if this is what is sought, will accomplish much. While I fully recognize that Members have different views, certainly it shakes my own confidence in Mr. Rodino's judgment. I personally think Mr. Rodino's decision on this ground is deplorable.

Carried to its logical extreme, any Democrat who disagrees with the approach of a Republican administration, or who criticizes its accomplishments, can feel free to vote against a fully qualified nominee. Should the example of Mr. Rodino be followed, a Democrat-controlled Congress could never confirm any Republican nominee, even a man of Mr. Ford's obvious quality.

Mr. RODINO. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I only wish to say that I shall not indulge in a colloquy with my colleague from New Jersey. I believe each Member must search their own conscience and vote accordingly. If the gentleman from New Jersey (Mr. Frelinghuysen) is not able to distinguish why I shall vote in the way I do, I am afraid that he is unable to understand the words that I have expressed.

Therefore, I shall say no more.

Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. Rarick).

Mr. RARICK. Mr. Chairman, I have known and respected Gerald Ford ever since I came to the House. He is a capable man, an outstanding legislator, and meets every constitutional test for the office of Vice President of the United States. I do, however, feel that there are several things that must be aired.

As you know, Mr. Chairman, this is the first time in our history that a Vice President will be selected without first going to the people. Richard Nixon is a minority party President; however, he has received his mandate from the people. A majority of the American people selected him to serve as their President.

This is something that Mr. Ford will not be able to say. I have no doubt that Gerald Ford will be confirmed; however, he will be confirmed only through the action of a coalition of the Members of the House. We are, in effect, returning to a type of parliamentary democracy similar to that of Canada, Great Britain, West Germany, or prerevolutionary Chile. Mr. Ford's confirmation will serve as a show of confidence in the President and the incumbent administration. For the first time in our history, we are being asked to confirm the nomination of a man from within the minority party representation of this legislative body to be the Vice President of this country, the man who will be but a heartbeat or a resignation from the office of the President of the United States.

If confirmed, Mr. Ford will need support from the legislative bodies because he has never received popular support from the majority of our citizens.

I am also concerned that Mr. Ford's international ties might compromise his position in the operations of this country's foreign policy should he become Vice President or President. We know, for example, that Mr. Ford supported the Atlantic Union Resolution, legislation called for a union of the nations making up the North Atlantic Treaty Organization based on Federal principles.

As you know, Mr. Chairman, this legislation which was contrary to the American system of government did not reach the House floor when the Members voted to defeat the rule calling for its consideration. Debate on this rule brought the fact that the Atlantic Union Resolution, had it been enacted, would have been a major step toward subverting the power of the American people acting through this Congress to control the destiny of the American people.

Furthermore, Mr. Chairman, we are aware that Mr. Ford did in fact attend several meetings of the Bilderberg Group, a secret international association of the rich and super rich including European nobility whose aims do not necessarily coincide with those of the majority of the American people.

Virtually every American is aware of the Watergate affair. Quite a number of them are sick and tired of it. Unfortunately few of those people ever heard of the Bilderberg Group or what they stand for.

Tragically, effects are more newsworthy than causes. I am concerned about this and question if Mr. Ford's friendship with these international king makers will affect his attitude or role in formulating foreign policy for the best interest of the American people should he by chance or circumstances become President of the United States.

These are serious reservations, Mr. Chairman, and having made them I urge all Americans to watch Mr. Ford's actions closely following his confirmation and inauguration.

I recognize that Mr. Ford is a capable man who, except for my stated reservations is well-qualified to be the Vice President of the United States.

Upon Mr. Ford's nomination by the President, I advised my people that since they would not have a direct vote in his selection, to express their wishes to me. My people are from a deep southern State, Mr. Ford is from a north midwestern State—yet their response was overwhelmingly in support of Mr. Ford.

Having made these explanation I will cast my people's vote for Mr. Ford's confirmation. I include correspondence between Mr. Ford and myself:

November 2, 1973.

Hon. Gerald R. Ford,
U.S. Capitol,

Dear Jerry: It has been brought to my attention that your name has been associated with a group known as the Bilderbergers. This was reported in your biography in *Who's Who in America*. The Bilderbergers, I am given to understand, are a secret or quasi-secret international organization or movement which has been linked with representatives of foreign governments and international people of great wealth and influence, whose aims may or may not coincide with those of the American people.

Inasmuch as President Nixon has nominated you for the office of Vice President of the United States, a decision in which I will be called upon to cast my people's vote, I would greatly appreciate your advising me if you have ever been a member of the Bilderburgers or directly participated in any of their functions.

If your answer is in the affirmative, will you kindly supply me or the committees charged with investigating your qualifications to hold the office of Vice President with a detailed explanation so that the American people can know fully who the Bilderburgers are and what is their goal and mission.

I would greatly appreciate your early reply.

Sincerely,

John R Rarick,
Member of Congress.

Office of the Minority Leader,
Washington, D.C., November 10, 1973.

Hon. John R. Rarick,
Longworth House Office Building,
Washington, D.C.

Dear John: Your letter of November 2 asking my relationship, if any, with the Bilderbergers has been received.

In 1963, as I recall, I was invited by Prince Bernhard of the Netherlands to attend a meeting of the Bilderberg group in Stockholm, Sweden. I accepted for two reasons: First, I was informed that the U.S. delegation included outstanding business and industry leaders from the United States plus a number of high ranking U.S. government or former government officials from our country. I was also informed that the delegation from the other nations would be of similar stature.

Secondly, my Congressional District (Fifth Michigan) at that time had better than 50 percent citizens with a Dutch heritage. Prince Bernhard had visited my District when he came to the United States in 1952. Under these circumstances, a rejection of this invitation from Prince Bernhard would have been most ill-advised and certainly misunderstood by many of my constituents.

In 1964 I attended another Bilderberg meeting for one day at Williamsburg, Virginia. Again the invitation was extended by Prince Bernhard. Although subsequently invited in 1965 I regretted on the basis that my new duties as Republican House Leader precluded me from being away from the Congress in Washington, D.C., for the three or four days scheduled for the meeting in a European nation. I have received no subsequent invitations after 1965 and, therefore, attended no other meetings of the group. The two meetings that I did attend in 1963 and 1964 I found most interesting. The individuals, in attendance from all nations, represented a cross section of business, labor and government. It was a gathering of individuals with a wide range of political philosophies and, therefore, most challenging.

The agenda covered a myriad of subjects that were of interest to the parties present, all relating to the well-being of the Free World. Everyone had an opportunity to speak freely on each subject and most of those in attendance did. Obviously there were many divergent views.

There was no effort at any time to reach a consensus and a plan of action. No resolutions were approved. No determination was made to implement any program under the sponsorship of the Bilderberg group, most certainly no program was advanced, adopted or endorsed, whose aim could be characterized as not coinciding with the American people.

I hope this information is satisfactory but if you have further questions please call upon me.

Warm personal regards,
GERALD R. FORD,
Member of Congress.

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NOVEMBER 28, 1973.

Hon. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR GERRY: In your letter of November 10th, replying to my inquiry as to your participation with the Bilderberg group, you confirmed your attendance at the 1963 meeting in Stockholm, Sweden and the 1964 meeting at Williamsburg, Virginia.

As I recall from our phone conversation you indicated that these two Bilderberg meetings were the only ones you attended. I am enclosing a list of participants in the 1970 Bilderberg meeting at The Hague, Netherlands which lists you as a participant, and also a copy of a biographical sketch from Who's Who in America wherein you are shown as attending the Bilderberg group conference in 1962.

I would greatly appreciate your further comment as to your purported attendance at the 1962 and 1970 Bilderberg meetings.

As I related to you earlier, I will be sooner or later called upon to cast my people's vote on the question of your confirmation as Vice President of the United States. While you assure me that "no program was advanced, adopted or endorsed, whose aim could be characterized as not coinciding with the American people," you still have not told the American people nor me who the Bilderbergers are nor their goals and mission in order that the public might make this determination that the Bilderberg aims may or may not coincide with those of the American people.

I look forward to hearing from you further. With kindest regards.

Sincerely,
JOHN R. RARICK,
Member of Congress.

Mr. Chairman, to date, a response to this correspondance has not been forthcoming from Mr. FORD.

Mr. RODINO. Mr. Chairman, I yield 4 minutes to the gentleman from Utah (Mr. OWENS).

Mr. OWENS. Mr. Chairman, I rise today in support of the resolution to confirm the nomination of GERALD R. FORD to be Vice President of the United States.

During the course of the hearings by the Judiciary Committee, on which I serve, I was greatly impressed by Mr. FORD's candor and openness. He responded, even to the very personal questions, with direct and concise answers, unusually responsive for a politician. Even after long hours and several days on the witness stand, under questioning by all 38 members of the committee, he maintained his poise, his directness, and his sense of humor. I found his frankness and his candor extremely impressive and these virtues are badly needed right now in high executive office.

In response to questions I put to him in committee, the gentleman from Michigan made commitments to continuing that same commitment to openness in the Vice-Presidency, should that office come to him:

He pledged to make annual complete financial disclosures while Vice President and if he should succeed to the Presidency.

He pledged unequivocally to reveal all contributions if he were a candidate for the Presidency in 1976.

He pledged to meet with any Member of Congress who requested such a meeting on a matter of national importance, as soon as possible, if he became President, even if that Member should be a freshman Democrat.

He pledged to keep a public log of all Presidential appointments, if he should attain that office, stating both the names of the persons he met with and the subject matter discussed, except in cases of national security.

He pledged he would, if President, account to the Congress for all funds appropriated to the White House, even for which no accounting is now required.

He pledged not to let stand uncorrected by him false statements by any subordinates should he become President.

As the times and the situation required, our committee conducted the most thorough going examination that any aspirant to any public office in this country has ever undergone. We looked, and I believe properly, into his stands on issues; his philosophy of government; his voting record; his financial affairs; and his private life. We have set this precedent for future nominations under the 25th amendment, and I believe that is a significant achievement.

Under this intense scrutiny of his public and private life, including all of his financial affairs, it was clear that GERALD FORD is a man of unquestionable honesty and integrity. Those values are notably lacking in this administration.

Although I approached the committee hearings with some perhaps partisan doubts about his intellectual capabilities, I found GERALD FORD to be an astute and able man.

Mr. FORD would not be my candidate for Vice President, nor obviously, for President of the United States. I do not vote for his viewpoint on issues when I vote today to confirm his nomination.

I disagree fundamentally with his voting record. He has voted, we learned in hearings, to gut most of the important civil rights legislation which has come before the House while he has held office.

He and I disagree, apparently, as to basic national spending priorities.

We disagreed vehemently over the President's conduct of the war in Southeast Asia.

His role in the attempt to impeach Justice Douglas and his answers to questions posed him in this regard during these hearings reveals a gross insensitivity, it seems to me, to the importance of the constitutional concept of separation of powers and the independence of the judicial branch. This matter caused me very serious concern.

But it seems clear to me, Mr. Chairman, that the 25th amendment gives the President the right—and last year's unequivocal election returns imposed the obligation—to appoint someone who shares his political philosophy.

I do not agree with some of my colleagues on the committee and other Members who believe that the 25th amendment requires that they vote against a nominee with whose philosophy or voting record they disagree, even though it clearly gives them that right.

Congress basic responsibility, in my judgment, is to determine whether the nominee is a competent, decent, and honest individual. Being convinced that Mr. FORD possesses all three of those qualities. I voted in committee and I will vote today, in good conscience, for GERALD FORD's confirmation. He is an eminently acceptable nominee.

Mr. MAYNE. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, there is much I would like to say today in support of the confirmation of JERRY FORD to be the next Vice President of this great Nation.

Had I several hours today, I would obviously repeat many of those good things that have already been said and will be said about JERRY by many of his colleagues on both sides of the aisle.

All of my remarks, Mr. Chairman, would be glowing with praise for JERRY FORD as a hard worker, as an able and effective legislator, and as a loyal and patriotic American.

If I had the opportunity and if I had several more hours at my command, I would like to respond point by point to many of the criticisms that have been made on the floor today by Mr. FORD's outspoken opponents.

At this point I want to emphasize that some of the most obvious reasons why JERRY FORD ought to be confirmed were made by some of those who say they will not vote to confirm him.

This is an interesting point, and one that the American people should pay close attention to.

I would feel better today if I had the time to respond to those critics point by point, but I think I can sum up my feelings by saying that many of the criticisms were much like the criticisms directed at Mr. FORD by the political cartoonists of our news media, when they stated that the only criticism they could get their hooks into was the fact that they had not been able to determine how best to caricature his face. If that is the only criticism that can be made against JERRY FORD, I think he is in pretty good shape.

JERRY FORD is a proud man today, and he should be. He has every right to be, not only because of the great honor that is about to become his, but because today JERRY FORD, if anyone can be, is at peace with himself, at peace with his conscience, because JERRY FORD's personal integrity has been given a closer scrutiny in the last weeks, a much closer scrutiny than probably any public official in American politics has ever been exposed to before.

I think he can have great peace within his own conscience that he passed that test with flying colors, and even those who will vote against his confirmation today made it a strong point to first say that they believe in the man's integrity.

My next thought might be somewhat mischievous, but I just wonder aloud how many of the people who serve in public life today would want to be exposed to the same type of investigation that JERRY FORD has gone through in past weeks.

Some of the criticisms directed at JERRY have been that he is unknown. They say, "How can I go to my district and tell my people who JERRY FORD is?"

Someone has said that he does not have the charisma or the public stature that some of our well-known political superstars have. I would like to make two points here: There are those in public life who work very hard at their job, and very sincerely, in an attempt to do a proper job for the people they represent.

Mr. Chairman, these people find very little time to promote themselves through public relations campaigns.

Yet there are others who do find the time to promote themselves through public relations campaigns and find very little time to devote to doing their jobs.

Now, on the question of the political superstar, I think most anyone in this Chamber would acknowledge that a Member of the House of Representatives who has served any time here tending to his business and doing the job of a legislator and being involved in his committee work and being involved in the debates on the floor of the House—anyone would acknowledge that that person probably has a better working knowledge of this Government and is more personally acquainted with the problems of the United States than most of the so-called political superstars all put together. Because that working congressman deals with it day in and day out.

Mr. Chairman, I would like to say to JERRY FORD in behalf of all of his friends and supporters who will be voting here in a very short time to elevate him to the second highest office in the United States, "JERRY, when that roll is called up yonder, we'll be there."

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, I rise in support of the nomination of GERALD R. FORD for Vice President of the United States of America and urge my colleagues to confirm his nomination.

Mr. Chairman, I have not agreed with each and every vote JERRY has cast as a Member of this body but we have agreed on the overwhelming majority of the issues we have faced in the Congress.

I feel that his general philosophy of government is compatible with the general philosophy of the 500,000 people I am privileged to represent in the Congress.

What is proper responsibility of an elected Representative in Congress in casting his vote? Should he follow the advice of the great English parliamentarian, Edmund Burke who wrote that an elected representative owes his electorate only his good judgment and if he sacrifices his judgment to theirs, he betrays them, or should he follow the advice of the late colorful mayor from Boston, James Curley, who is reported to have said: "There go the people, I am their leader, I must follow them." What is the proper role of a Representative? I personally believe that his proper course is somewhere between the two extremes. Sometimes, he must lead and sometimes he must follow but most assuredly he should also measure his judgment alongside the judgment of his constitutents.

With such an interpretation of the role of a Representative, I cannot concur with the views of my colleagues who intend to vote against JERRY merely because they personally do not agree with his political views. If they know the views of their constituents, which is usually an academic question, they should follow those views because this is indeed a historic occasion. The people of the United States for the first time in modern history will not have the opportunity to vote for their Vice President. Under either extreme view, I believe I would have to vote affirmatively. I am confident that an overwhelming majority of the constituents in the Eighth Congressional District of Missouri would vote for his confirmation. JERRY is an outstanding legislator and fully qualified to hold the office of Vice President. In addition, the inquiry of the House Committee on Judiciary has proven him to be a man of unblemished integrity and high honesty. No public figure seeking high office in recent history has undergone such an extensive investigation into his background.

As a Member of the Democratic Party from Missouri I have no hesitation in voting for his confirmation. Since the Vice President is elected with the President and usually named by the respective Presidential nominees, there should be a Vice President who is compatible with the President. In fact, the committee reports of the House and Senate Judiciary Committees contained this language interpreting the words of the 25th amendment.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I had not planned to speak, because my views have been printed separately in the committee report and I think they pretty well set forth my position.

However, I was surprised and distressed to hear a Member criticize the chairman of the Judiciary Committee, who has done such an outstanding, thorough, expeditious and fair job in supervising the committee's investigation and hearings on the nomination of Mr. FORD. If anyone has earned the right to vote his conscience on this nomination, it is PETER RODINO.

It has been a trying experience for many of us to try to decide what to do in this unprecedented situation. This is the first time we have ever had to operate under the 25th amendment. I do not question the right of the President, under the 25th amendment, to nominate a member of his own party. Nor do I think that the Congress should reject the nominee for partisan reasons or solely because his political philosophy differs from that of the congressional majority. But surely the Members of Congress have a right, indeed a duty, to exercise their best judgment as to whether the nomination will serve the most urgent needs of the country.

Now GERALD FORD is an honorable man. But I think it is a tragic thing, and an example of the low state to which our public affairs have sunk, that the one quality which keeps being emphasized over and over again is that JERRY FORD is an honest man. It is not surprising, however, that that is what keeps being emphasized, because GERALD FORD's prospective predecessor in that office turned out not to be an honest man. It is too bad that honesty seems to be the only criterion that most people seem to be concerned with.

Mr. Chairman, we have a crisis of leadership in this country, and everybody in this room is aware of that fact. The real test has to be are we picking a nominee for Vice President who can fill the shoes of the President? That is the principal reason why we have a Vice President. Can this nominee restore the confidence of this Nation in its leadership? That is the question we are facing.

I submit, while the minimum we should insist upon is that the person be a man of integrity, there are a lot of other qualifications that are needed, also. One is, I would suggest, executive ability.

Now, Mr. FORD is a man of ability, or he would never have been the House minority leader as long as he has, but he has had absolutely no executive experience.

So, let us put that down as one problem area.

Second, we need a person who is above partisanship. There are many, many topnotch Republicans in this country—and if anybody wants me to, I can name a dozen of them, in and out of Congress—who have outstanding qualifications and who have not been overly partisan. And I suggest, in the light of his record as minority leader, that partisanship has been the most prominent feature of Mr. FORD's career in the last 10 years. So he will have to overcome that if he is Vice President or President, if he is to reunite this country.

Finally, Mr. Chairman, I suggest that we need a person who has a demonstrated record of compassion for people, whose voting record does not add up to a vote for bigger military budgets, but a vote for bigger human budgets, human priorities and human rights. And I suggest that on that too, the record of Mr. FORD leaves many doubts.

So while I do not mean to suggest that he is not an outstanding person, an outstanding legislator, and a man of character, I question very seriously whether he is going to fill the most crying need for this country today, which is for leadership that can lead effectively and that can reunite the people of this country. I hope that Mr. FORD can do that job. If he becomes President, I will try to help him, and I will pray for him. But I have serious doubts, and so do a lot of other people.

Mr. MAYNE. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. CHAMBERLAIN).

Mr. CHAMBERLAIN. Mr. Chairman, in my years of service in the Congress, no occasion has given me a greater sense of purpose than to rise in support of the nomination of my colleague and friend of long standing, GERALD R. FORD, as Vice President of the United States. During the many years I have served in the House with JERRY, it has been my privilege to know him well. But today, rather than recount his biographic background or long list of accomplishments, which are well known and have been thoroughly reviewed, I would, instead, point out, as one who has had the opportunity to work closely with him, why I feel he is uniquely qualified for this high office. We in the House know he is extremely capable, completely fair, conscientious, and scrupulously honest. He is a man of profound integrity, and his grasp of complex legislative problems and ability to find acceptable solutions have made him a most effective leader in the House. His devotion to America has always been above partisanship. He is perhaps more fully qualified than anyone in our country today to serve, not only as Vice President, but to assume the office of the Presidency should circumstances so require.

JERRY FORD will take on his new duties with perhaps the best preparation any Vice President could possibly have. He has been personally involved in the efforts to find solutions to every problem our country has faced over the past 25 years, and they have been numerous and at times horrendous. The reconstruction after World War II, the Korean war, the riots and deep National trauma following the assassinations in the sixties, Vietnam, with all its complexities. And the list could go on ad infinitum. More importantly, in the past decade or so, he has actively participated in the major decisions of our Government. I mention this to underscore the fact that JERRY FORD is no novice or theoretician, but a man of wide experience who thoroughly understands the practicalities of the problems confronting our Government and who knows and has worked with all of the people involved in Government. And what commends him so remarkably in this regard is that he is not only well acquainted with the problems, their background, and what is so necessary to their resolution but, of greater significance, he understands the basic prerequisites and constraints of governing.

By virtue of his long years of experience, JERRY appreciates the need for responsiveness of government to the people. The very cornerstone of our whole system of government—government by the people—is the ability to translate the will of the governed to the statute books. He has spent his entire career working with and responding to people, and developing national policy to meet public needs. Given the diversity of the country, this is no simple task. But what I have noticed over the years that, to me, has made JERRY FORD a leader among leaders is the deep respect he has evidenced for the views of others. This has been the very essence of his success in bringing about the compromises needed for the good of the country. When views and concepts collide, as they must in a democracy and in fact do every day here in the Congress, they need to be reconciled. That is accomplished only by starting from a basic respect and understanding of others. That he has such a fundamental respect for other's rights is clearly reflected in the broad respect he himself commands, not only within his own party, but from those who oppose his basic philosophy and point of view. The Senate vote approving his nomination overwhelmingly confirms that high regard and demonstrates what we all know to be true—that the most important factor in choosing a leader is not whether one agrees or disagrees with every one of his stands, but, rather, the decency and integrity, the sense of our country and respect for its people, that a man will bring to the office. JERRY, unquestionably, has those high requisites.

In this history of our country, perhaps no Vice-Presidential candidate has been more thoroughly scrutinized than GERALD R. FORD. Every vote, every political stance, all his financial records, and his current views on the widest range of domestic and foreign policy issues have been fully aired and closely studied over the past few weeks, and his record has met even the most critical tests that have been placed upon it. As a member of the Michigan delegation, I have been especially proud of JERRY and always grateful for the opportunity to work closely with him on the many problems involving our State, as well as the broader national issues. It has been a genuine personal pleasure to know him these many years.

Mr. Chairman, the choice of GERALD R. FORD as Vice President is an honor to the man, to the House of Representatives, to our State of Michigan, and to the people of this country he has served so long and well. Should, in the course of events, the responsibilities of the office of the Presidency devolve upon him, I am absolutely satisfied that, as one who possesses the highest virtues a man can bring to public office, he would be a great and unifying leader.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. HARRINGTON. Mr. Chairman, I rise in what is at least to me an incongruous setting, with the ceremony already arranged to ratify what we are about to do, with an offer, for the benefit of my colleagues who are not members of the Judiciary Committee, of views which have been stated before.

First, let me say that I am not here this afternoon to suggest a delay, to suggest that there be a consideration of the statute which would provide for a different method of dealing with the question of succession, or to become a part of, or a supporter of, an effort to deprive the Republican Party and the conservative base of that party the right to govern this country for the next 3 years.

I think the results of the November election of 1972 were obvious, and I think any effort which could in any way be interpreted to suggest that those results should not be honored by the majority party would be a mistake.

Nor am I here this afternoon to suggest that all of the meager tests of what the 25th amendment should mean have not been attended to. I assume, and I should perhaps say I presume, GERALD FORD is honest and well intentioned, and all of the other adjectives which have been used in various contexts to describe his conduct in the Congress. But I should like, if I could, in the time that I have, to raise a few questions which I do not think have had enough consideration in this very unreal setting called Washington, D.C. Perhaps the theme was best stated by the Congressman from Maryland, Mr. HOGAN, who suggested that when the American people get to know GERALD FORD, their confidence in politics will be restored. That in a way, and in a way that I perhaps could not have done without that theme being suggested, is something that is worth considering.

What has happened in this country over the course of the last 10 years is not like the era of Calvin Coolidge normalcy; it is not like the period of post-World War II Dwight Eisenhower; but a series of traumas, depending upon how one perceives them, that are accelerating and which have led to a very fragile degree of continued confidence in the process. Whether one wants to take those lacking credibility for assessments on networks, or whether one wants to take a Senate Study Commission done recently and publicized over the weekend, I think this loss of confidence is something on which to reflect. Whether it be in the area of foreign policy where many of our perceptions, and I might say innate smugness about what is right for us had to be right for the rest of the world, have been shattered in a small country in Southeast Asia; or it be in the unfolding and still ill-defined tragedy called Watergate, I do not think it is enough to suggest that we should draw comfort from the suggestion of the very real possibility and, I might say personally, certainly of GERALD FORD being President of this country before 1976 comes to pass. The irony of his using the 25th amendment for the second time, is something that we have shown proper appreciation for in the course of these proceedings.

I defer to 1,700 pages of FBI testimony and I defer to the effort, to the degree that it was accomplished, by the Senate and the House to ascertain the background and the facts and the philosophy of Congressman FORD. But I suggest that the kind of mute testimony which we have to address ourselves to without rancor is the sum total of the 25 years of service, and all that it testifies to for the public—a public that wants to believe in their Government, that wants to be moved and that wants to be led and that wants to have its belief renewed.

These remarks do not go to disagreement singularly with issues, and they do not go to the virtues of the civil rights practices and views of the nominee, though I may share the assessments of some of my colleagues. They go instead to the matters that need to be developed and need to be recognized on the part of the leadership of this country.

They do not necessarily require us to make sure that JERRY FORD is clean. We know all about JERRY FORD's background and we have even come close to coming to grips with that fundamental transformation of our party. I do know that we have already arranged this afternoon's effort, an effort which has been ceremonially arranged, but I do not think this is something we ought to take as settled and dismiss the discharge of our duties.

I hope GERALD FORD is a Harry Truman and can rise to the occasion and fulfill the expectations of the majority of the Republican Party. But I suggest we have the 25 years of service which again we can refer to and to which reference was made by the gentleman from Maryland, which have not made him the subject of a great deal of interest on the part of the American public, I suggest in 1973 what we badly need—and I say "we" deliberately, not the Nixon Presidency, but the American political process—is a recognition of what this country has gone through and is going through today.

By any measure one wants to use, I do not feel that in having the hearings which have been conducted for the most part thoroughly, exhaustively and in good faith and which have been free from bitterness or rancor or partisan acrimony, we have begun to touch the fundamental problems which should be part of the concern of the Congress in looking at the reality of America today and the needs of this country.

The inevitable is about to occur. I hope the expectations, as shown by the kind of language chosen and the good will that accompanies GERALD FORD, are something that will be useful to more than the American Congress and that the American people can take comfort in the literally and figuratively cold winter of 1973–74 and the bleaker spring to follow.

At this point I derive no comfort either from the proceeding or his record of this quarter century of service in the Congress.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman from California.

Mr. BURTON. Mr. Chairman, I share the views of the gentleman from Massachusetts (Mr. HARRINGTON).

I had intended to speak on my own time, but the gentleman from Massachusetts has stated it so well and so much better than I would be able to state my feelings and reactions at this moment and my reluctant conclusion based on the rather clear record.

I do intend to vote against the confirmation of our colleague Mr. GERALD FORD, although I do share the opinion that my vote will be one of a minority in this House. I would hope, although I have no such belief, that my vote, viewed in retrospect, will prove to be a mistaken one. I believe that a "no" vote on this occasion best serves the national interest.

Mr. HUTCHINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Chairman, I take the well of the House and rise in enthusiastic support of the confirmation of GERALD FORD to accede to the Vice-Presidency of the United States.

I have listened to a great deal of philosophical interpretations, as varied as they may be. To me they appear to be just a little bit more than "sour grapes."

I have no problem whatsoever in recommending to the people of this country an outstanding individual, one with impeccable integrity, experienced, respected, and above all a fine American. He is one of ours from this body. He has served this body and his constituency well. There has never been a time in the history of this country when leadership was more sought after than it is today. We have a man, GERALD R. FORD, who will be the necessary tool to heal the breach between the executive branch of Government and the Congress of the United States.

This is very important to me. I respect this man's talents. He could not have served in this body and been reelected time after time if he did not have the talent, the compassion, the sympathy, and the support of his constituency.

My only hope is this, that President Nixon and the others who reside at 1600 Pennsylvania Avenue recognize this man's outstanding ability, put him to work, allow communication to flow from both branches of Government. I am sure that JERRY FORD will bring back renewed confidence and credibility that has been so lacking in the administration today.

I offer my heartiest congratulations to JERRY FORD, a personal friend of mine, and to his family. I wish him well. I am sure that this House will support him to the highest degree.

We should all feel very proud and very complimented that one of our own Members was selected to serve in that responsible capacity as Vice President of the United States of America. He will do an outstanding job.

To put my colleague's mind (Mr. SEIBERLING) at ease over here who questioned the possibility of GERALD FORD, whether or not he could serve as Vice President and President, in my humble opinion he is eminently qualified to do one or both, if the need is ever there.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. GINN).

Mr. GINN. Mr. Chairman, it is an honor to rise in support of the confirmation of my distinguished colleague from Michigan, Mr. GERALD FORD, to be Vice President of the United States.

I count it a great honor to participate in the historic vote which will place Congressman FORD in the second highest position in our land. The honor is even greater because it will permit me to again publicly express my wholehearted confidence in the integrity, the leadership, and tremendous ability of JERRY FORD.

These are troubled times in our Nation. We are faced with the recurring problems of the Watergate affair, we are confronted with a critical energy shortage, and with the problems of crime, drug abuse, and many other areas of grave concern to us all. This is a time, then, when we here in Washington must put aside political bickering and pull together to solve these great problems that face us all.

This is a time in our history that demands decisive action, and this is a time when our Nation is in particular need of the qualities that have made JERRY FORD one of the most distinguished Representatives in the Congress.

For some 25 years, he has honorably practiced the art of helping to devise practical solutions to challenging problems. And today he will begin a new chapter in his book of public service. Today he will assume the formidable task of serving in our second highest office and, I believe, he will bring new force to the task of getting the White House and the Congress to work together.

This should be a new beginning for us all. This should be the day that we signify by our support of JERRY FORD that the Congress and the White House should turn full force in a unified effort to bring this country together and meet the challenges of the future.

Again, I wish my colleague from Michigan well in his new job, and I pledge to him my cooperation.

Thank you, Mr. Chairman.

Mr. RODINO. Mr. Chairman, I yield 7 minutes to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I have known JERRY FORD for the 21 years that I have had the privilege to serve the people of the Second Congressional District of Massachusetts.

During that time, and particularly during the last 9 years when he has acted as minority leader, I have found him to be a competent, vigorous, sincere and honest man. He has left the impression, with all with whom he has dealt, that he is a man of unswerving integrity.

He has won the wholehearted respect of his colleagues—on both sides of the aisle. The people of the Fifth Congressional District of Michigan, and the Members of the House, will both share in the loss of JERRY FORD from the House of Representatives, but I believe the Nation will gain in the exchange, by his confirmation as Vice President of the United States of America.

This is the first time in the history of this Nation that a Vice-Presidential nominee has sought confirmation under the provisions of the 25th amendment. It is also one of the few times, when it seems possible, that a Vice-Presidential nominee, has a more than average chance, of succeeding a President. Under these circumstances, it becomes extremely important that a well qualified and thoroughly investigated man fill the office of Vice President.

The investigation conducted by this committee, and that conducted by the

Senate Committee on Rules and Administration, have been studies in thoroughness. I commend the chairman and all his committee members for the far-ranging and exhaustive questioning that has been put to Mr. FORD.

As for the qualifications to be expected in a Vice President, no less an authority than the President himself has said that they are three: The Vice-Presidential nominee must be qualified to step into the shoes of the President of the United States; he must share the political philosophy of the President; and he must be able to work with Congress.

Mr. Nixon ought to have added a fourth qualification—especially, in light of the circumstances under which a vacancy was created in the office of Vice President, and those, by which this administration has been rocked, since the Watergate break-in. That qualification, ought to be, that the nominee, be the sort of man, that can restore public trust in government—not just the administration but all government.

I believe that JERRY FORD satisfies all four of these criteria. First, he is the kind of man that we can safely and confidently place, as the saying goes, "just a heartbeat from the Presidency." His style, his rhetoric, are not those of a Kennedy. But, like a Kennedy, he says what he thinks. He gets the message across. He also gets things done.

JERRY FORD exudes the kind of confidence that I hope to see in a President of the United States. He could be the kind of President that Harry Truman became. By the way, I hope he does not mind my comparing him to all these Democrats, but I will simply say this: Jack Kennedy had a good deal of admiration for JERRY FORD's ability.

I remember a situation in 1961, during the Kennedy administration, when the foreign aid bill was before the House. I had offered an amendment which would have increased the amount of development grants contingency fund from $175 million to $275 million, an amount much closer to what the President had requested. JERRY FORD supported me on that occasion. I commended Mr. FORD at that time in these words:

> I appreciate the remarks of the gentleman from Michigan, who is always nonpartisan in this particular area, and who has always made a great contribution to this House not only in this field but in other categories as well.

I would not hesitate to make a similar statement today, some 12 years later. I would only add that JERRY FORD's contributions to the House will be measurably greater as Vice President of the United States.

The second qualification for a Vice President is that he share the views of the President. Mr. Nixon is apparently satisfied with Mr. FORD's political philosophy, it is a moderate to conservative one. It is not my own. However, I believe that the House has an obligation to respect the 1972 election results. The Presidential mandate of 1972 was a conservative one.

The third qualification—an ability to work with the Congress—is one that is desperately needed in some administration figure. If it is to be the Vice President, that is all the better. If it is to be JERRY FORD as Vice President, I think I can confidently say, that there will be a truly cooperative exchange, flowing, from the White House, to the Congress for the first time in 5 years. He has demonstrated over the years a willingness to approach many issues on a nonpartisan basis. His contribution in restoring good relations between the Presidency and the Congress would be highly prized.

The fourth and last qualification is particularly important at this point in time. The American people are quite emphatic on one point. They want honesty in government. They want public officials they can trust and whom they can believe. JERRY FORD is such a man. In a sense, he is a workhorse. He certainly is new to the full glare of the national limelight. I believe, however, that as the American people get a good look at this man in the days to come, they will begin to appreciate the strength and the fine qualities he has and that we need in the Vice President of the United States.

Of course, the recommendation of GERALD FORD to be Vice President does not satisfy everyone in this land, or in this Chamber. Differing philosophies, and opposing views on many issues, can never bring perfect accord or consensus on mortal man.

But, we have before us the recommendation of the President—the only one empowered under the 25th amendment to submit such a nomination. I am impressed by the degree of support that has flowed to the nomination of GERALD FORD from so many segments of the public, the press, and so many in public life, here, in Washington, and across this land.

I am persuaded, too, by the highly professional, knowledgeable, congressional watchers of the communication media who see us at our best—and sometimes at our worst. I am talking of the long-time, experienced men and women—not the occasional, come and go type—who almost unanimous agree that GERALD FORD will bring honor and substance to the Vice Presidency.

This Nation cries out for steadiness, dependability, integrity, seldom in our history, has there been a time when integrity has edged ideology in the judging of a man for so high an office in our land. I take it that integrity is inborn—it is in the very marrow of a person. Oftentimes, ideologies ebb and flow and drift with the times.

Harken to the concept of the Presidency as defined by Congressman FORD before the Senate committee:

> I think that the President has to be a person of great truth, and the American people have to believe that he is truthful. I think that the President has to lead by example, displaying the standards, morally, ethically, and otherwise, by which most Americans live their lives.

I am sure that this kind of a response helped bring the overwhelming support he received in the Senate. I am confident, too, that it impressed senators who have not always, and perhaps seldom, shared Mr. FORD's views on many issues—Senators like KENNEDY and BROOKE, of Massachusetts, HART, of Michigan, JAVITS, of New York, PROXMIRE, of Wisconsin, ABOUREZK, of South Dakota, and many others.

I come to this well, a Democrat from Massachusetts—the only State in the Union that was not carried by President Nixon in the 1972 election. I come from a congressional district that rejected President Nixon. Some 480,000 reside there. When the President announced his nomination of GERALD FORD, I detailed my support of him in the press, on television and radio. I have received only two letters from my district opposing his confirmation.

Mr. Chairman, I commend to the Members of the House a report by pollster Lou Harris, provided to Senator Muskie's Intergovernmental Relations Subcommittee on the "Citizen's View of American Government."

One of Harris' conclusions was that the American people profoundly believed "that the key to any kind of successful future leadership must be ironclad integrity."

I am persuaded by my association with, and my knowledge of him in this body over so long a period of time, that GERALD FORD has an abundance of that kind of integrity.

Mr. Chairman, I will cast my vote to confirm GERALD R. FORD for Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. RINALDO).

Mr. RINALDO. Mr. Chairman, I rise today in support of the confirmation of my colleague, the Honorable GERALD R. FORD, to be Vice President of the United States.

During the 11 months it has been my privilege to work with him in his capacity of minority leader, I have found him to be a man of the utmost integrity. When I first came to Washington, I was told by older colleagues that "JERRY FORD's word is his bond." No truer words were ever spoken. He is a man who can be relied upon to keep promises and commitments, even when it proves to be a hardship to do so.

In these times of mounting distrust in government, it is reassuring to know that we are placing in the second highest office in the land a man who can be trusted, a man who can be believed. We need a man with GERALD FORD's integrity and credibility in the highest councils of government.

I believe there is another excellent reason why we in Congress should support the nomination of GERALD FORD to be Vice President. He would be, after all, the first Member of the House to serve in the office of Vice President in nearly 40 years. Seldom before in our history have there been such clashes over such fundamental issues as the question of the reassertion of congressional powers. I believe it is only fitting that the office of the Vice Presidency be filled at this juncture by a man from the Congress—a man who understands the significance of and the need for a legislative branch that is truly the equal of the Executive, as the Founding Fathers intended.

I therefore urge you to join me in voting for the confirmation of the Honorable GERALD R. FORD, a man of integrity and a dedicated public servant who will provide the necessary liaison between the White House and the Congress.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. ZION).

Mr. ZION. Mr. Chairman, I rise in support of the nomination of Mr. GERALD R. FORD.

Mr. Chairman, it has been said that a man is known by the company he keeps. In this instance, it is apparent that Mr. FORD is best known by the people who oppose his confirmation. As his opponents take the floor, one by one, it is interesting to note their philosophy.

In almost every case, they are members who gave aid and comfort to our enemies in Southeast Asia, by discouraging our fighting men, and demoralizing our POW's.

A study of the voting record of most of his detractors indicates they represent the far out leftwing element of this body who have no respect for the taxpayers hard earned money and who want to force the heavy hand of Government into every home and business in the land.

It is gratifying to note that the qualities that JERRY FORD brings to his high office are so badly needed at this time. In contrast to his critics, we know that JERRY is a proud patriotic American who believes in a strong national defense, fiscal responsibility and a government that will only do for its people those things that they are unable to do for themselves. There is no greater praise for JERRY FORD than an evaluation of the character of those who oppose him.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise in support of the nomination of GERALD R. FORD as Vice President of the United States.

Mr. Chairman, we meet today to discharge one of our most solemn duties under the Constitution. Under the 25th amendment, section 2, we are advised:

> Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Under this mandate the President has made his choice—and I am happy to rise to support his nomination of the Honorable GERALD FORD as the 40th Vice President of the United States.

I have confidence that the distinguished gentleman from Michigan will bring to the Vice Presidency the integrity and forthrightness which this office requires. A number of my colleagues have called for the nomination of an inspirational leader; I think that Mr. FORD's honesty, his cooperation with the searching examination of his record by the House and Senate Judiciary Committees and his commitment to full disclosure can well be considered inspirational in light of the current climate of secrecy and suspicion in this Nation.

This Congress and this Nation have been torn by divisions. In Mr. FORD's nomination, I see hope for a new unity, both in our Government and in our society as a whole.

Our method of selecting our Vice Presidential nominees at political conventions is clearly inadequate. Recent events underscore the importance of a thorough investigation of the fitness of the person who is to serve us in the second highest office of the land—an examination such as Mr. FORD has undergone.

I wish GERALD FORD every success in his new office. These are critical times for our Nation, and I have confidence in GERRY FORD's ability and determination to meet the challenges that face us.

Mr. HUTCHINSON. I yield such time as he may consume to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, I think the greatest tribute that has been paid to Mr. FORD is the broad spectrum of support that he has gained in the House here today. I rise in support of his confirmation.

Mr. Chairman, the House and the Senate have investigated our colleague GERALD R. FORD with care. And he has proved to be, as many of us knew him to be, a man of conscience and a man the Nation can trust—as we, on both sides of the aisle, have grown to trust him.

Cynics have said that no one with 25 years in office could have no skeletons in his closet, but GERRY FORD has proved the cynics wrong.

His selection and approval honors the administration, the Congress, and the Nation.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, I rise in support of the nomination of GERALD R. FORD as Vice President of the United States.

Mr. Chairman, I have a special affection for JERRY FORD, because among his many attributes is his varied background, embodying the keenest sense of, and fulfillment through, competitive athletics. JERRY FORD is a competitor. It has been a part of his life, from the football field to the floor of this body, and he is a great example to me and indeed to all Americans.

JERRY FORD will make an outstanding Vice President. He understands the Congress; he understands the executive. He brings to the Vice-Presidency an acute awareness of what the Congress must do for the Nation and its people. He will be an effective liaison between the executive and the Congress, helping to bring a greater degree of harmony to their relationship.

JERRY FORD rose to leadership in the Congress. This is of profound importance, because it is a recognition by his peers—by his colleagues—that he has the capabilities to lead, to attain goals and to meet objectives. In a parliamentary system of government, JERRY FORD would have been a prime minister or the leader of the loyal opposition by the attaining of such rank among his peers. It is only fitting and proper that his abilities and services now be recognized in our system of government.

General of the Armies Douglas MacArthur wrote:

> It is on the fields of friendly strife that are sown the seeds that upon future fields on future days will bear the fruits of victory.

JERRY FORD embodies the fulfillment of this axiom.

I wish him Godspeed and look forward to victories on behalf of our country.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. O'BRIEN).

Mr. O'BRIEN. Mr. Chairman, I rise in support of the nomination of this good man to be Vice President of the United States.

Mr. Chairman, many years ago in England, a man named Robert Whittinton, spoke eloquently albeit in the rather stilted language of the time, from his mind and his heart about a gifted and embattled political figure of the day, Sir Thomas More, Lord Chancellor of Britain.

His words once more are timely, so well and accurately do they bring to my mind the image and likeness of GERALD FORD.

"He is a man of angel's wit and singular learning. I know not his fellow. For where is the man of that gentleness, warmth, and affability.

"And, as time requireth, a man of marvelous mirth, and pastimes; and, sometimes of as sad a gravity.

"Indeed, man for all seasons."

In the opinion of this freshman Member GERRY FORD is our man for all seasons. I will vote for him, I trust that God will bless and guide him in his new and awesome responsibilities after this House confirms his nomination.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. CASEY).

Mr. CASEY of Texas. Mr. Chairman, I thank the chairman of the committee for yielding this time to me.

I, with pleasure, rise in support of the nomination of GERALD FORD.

Mr. Chairman, today this Nation will witness an event that has not happened before, the Congress will confirm the selection of a new Vice President, the Honorable GERALD R. FORD, of Michigan. The events leading to this historic moment have been tragic, but they in no way detract from the honor of this moment for JERRY FORD.

I have known JERRY for the past 15 years, ever since I came to Congress. I have watched him over the years and have come to respect his judgment, integrity, and faithfulness to the people whom he represents. I consider him my friend.

I consider JERRY FORD a true and faithful American, dedicated to keeping our country strong, and I feel he will maintain this same position as Vice President of this Nation.

Mr. Chairman, none of the rest of the membership of this House has undergone the searching scrutiny by both House and Senate committees into one's personal and public life. His nomination has been opposed by some because of his partisanship and strong support of the

Executive. He would be less than faithful to his duty as minority leader if he were not partisan and not trying to support the Republican Executive. I feel that this partisanship and strong support is indicative of the trust that can be placed in him, and I also feel that because a majority of both committees wholeheartedly recommended his confirmation, he is indeed worthy of being Vice President in every respect.

Mr. Chairman, I assure you that it is without hesitation that I shall cast my vote for his confirmation.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. FLYNT).

Mr. FLYNT. Mr. Chairman, I rise in support of the confirmation of the nomination of GERALD R. FORD to be Vice President of the United States.

Mr. Chairman, I support the resolution of confirmation of the nomination of GERALD R. FORD to be Vice President of the United States.

He has served honorably and effectively in the House of Representatives for a quarter of a century. He has represented his district and his State well, and he has served his party as its leader.

For 20 of these 25 years I have known GERALD R. FORD and it is easy to understand why he has enjoyed and maintained the confidence of his constituents during the entire time he has represented them.

He is a man of intelligence, competence, ability, and integrity. He possesses the qualities of leadership.

During his service as a Member of the House of Representatives he has earned the respect and admiration of the overwhelming majority of the Members with whom he has served—on both sides of the political aisle.

We in the House shall miss his presence as one of us, as his district will miss his service to that district and its citizens. The Nation will however derive the greater benefits of his service in the office of Vice President upon which he is about to enter. As he leaves his post of minority leader and as a Representative from Michigan, we wish him continued health and happiness and Godspeed.

I have every reason to believe that as Vice President and any other position in which he may serve that he will reflect honor and credit upon the highest traditions of such office.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I am voting against confirmation of JERRY FORD as Vice President because I think his confirmation would be unconstitutional, unseemly, and untimely.

I discussed earlier in the day the fact that the nomination is unconstitutional.

In brief, the challenge to Mr. FORD's eligibility for this office rests on article I, section 6, clause 2 of the Constitution, which reads:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time.

The Congress enacted during this term Public Law 93–136, which increases the emoluments to the Office of Vice President, and Mr. FORD participated in that action. Under the 25th amendment, the Office of Vice President is an appointive office. In my view, there is an extremely strong case that the confirmation of GERALD FORD would, therefore, be held unconstitutional, just as a similar finding may be made in the proposed confirmation of WILLIAM SAXBE as Attorney General.

In that case the Congress at least saw fit to hold hearings to solicit authoritative opinion, and enact remedial legislation to cure the defect. Although I do not believe that such legislation cures the defect, the issue was considered.

When this question is litigated, and it undoubtedly will be, should the court find that Mr. FORD is ineligible for the Vice-Presidency, the Congress will needlessly have presented the Nation with still another constitutional crisis and raise new questions about the Executive leadership of our Nation. I urge my colleagues to consider whether we need to place ourselves and the American people in such a dilemma about the Vice-Presidency, when we already have the most widespread national concern as to the legitimacy of the President remaining in office.

I also find approval of Mr. FORD today unseemly because of the lack of adequate consideration given by the Congress to the extraordinary circumstances in which this nomination has come before us. I have sat through this entire debate and more than half of the persons who have come up here theoretically under the 25th amendment in support of the confirmation of a Vice President have talked about nominating and confirming a President of the United States. I submit to you that this body acts inappropriately, and it was not intended by the 25th amendment for us to put into office a President in this manner.

It is unfortunate that in the first instance in which the 25th amendment has been called into use that it occurred under conditions not contemplated when the amendment was drafted and adopted. As a matter of fact, when I testified in the other body before the Committee on Rules, the chairman there agreed with me that the history of the 25th amendment did not contemplate the present circumstances.

It is unthinkable that after the events of recent months, the Congress take upon itself the right to appoint the highest officer in the land, and refuse to place the issue before the American people. If we are faced with more than flawed personalities; if Watergate, and the secret police force and organized attempts to subvert the primary and general elections, and massive influence peddling by high Government officials, and years of illegal executive warmaking, and the consistent failure of the Congress to take up its responsibilities as an equal partner in Government; if all these things happened and represent more than isolated failures, then we will change our institutions for the better only by publicly examining them not by substituting one person for another.

It is certainly unfortunate that in the first instance in which the 25th amendment to our Constitution has been called into use, it has occurred under conditions not contemplated by the Members who drafted the amendment or those who approved it.

A review of "Selected Materials on the 25th Amendment," recently compiled for the Senate Committee on the Judiciary by Senator BIRCH BAYH, chairman of the Constitutional Amendments Subcommittee, shows that it was not intended to deal with the situation of a double vacancy or with the preliminary circumstances where the Vice-President-designate is nominated by a President who himself may leave office for reasons of misconduct.

As pointed out by Prof. Richard P. Longaker, chairman of the department of political science, University of California at Los Angeles, in this compilation, page 213—

> There is no doubt that Congress can establish the line of succession in the event of removal, death, resignation, or inability of both the President and Vice President.

No additional amendment was needed to deal with this situation. The impetus for enacting the 25th amendment, according to the Library of Congress report on the amendment, as reprinted in the "Selected Materials," came from—

> the assassination of President Kennedy which alerted the American people as never before to the dangerous constitutional void. . . . Even as the Nation mourned the loss of the President many thoughts were troubled by the prospect of the political crisis which might have followed had the fallen leader lingered on in hopeless and permanent incapacity.

Thus, the underlying concerns which resulted in the amendment were the issues of Presidential disability, and how a determination of disability would be made. As Senator BAYH said:

> The principal purpose of the amendment is to distinguish between inability voluntarily declared by the President himself and inability declared without his consent.

Most of the participants in the lengthy hearing on the amendment addressed themselves solely to this issue, as the "Selected Materials" indicates, and three of the five sections in the amendment are devoted to it. While dealing with the major problem of Presidential inability, the Congress also utilized the opportunity to provide a method for filling a vacancy in the Office of Vice President.

In the Senate Judiciary Committee report on the amendment—"Selected Materials," page 13—the discussion of how the Vice President is to be selected occurs in the context of a stable Presidency. The report says:

> It is without contest that the procedure for the selection of a Vice President must contemplate the assurance of a person who is compatible with the President. . . . In this way, the country would be assured of a Vice President of the same political party as the President, someone who would presumably work in harmony with the basic policies of the President.

Nowhere in the committee testimony, discussions or floor debate will you find any suggestion that it would be proper for a President who is the subject of a serious impeachment inquiry and whose credibility has been irretrievably damaged to be allowed to nominate the man who may prove to be his successor.

Our power under the 25th amendment to confirm should not be confused with a requirement to rubber stamp. I recognize the feelings of friendship and loyalty that many Members of the Chamber have toward the minority leader and their respect for his long years of service, but I think we have a larger duty to perform, and that is to guarantee that the American people have leadership of the highest quality and excellence, and, if possible, to let them make that choice themselves.

Without in any way questioning Mr. Ford's personal honesty or moral integrity, I believe the issue before us is whether he has the qualities of leadership necessary for the highest office in the land because we all know that the only real function of a Vice President is to be prepared to become President at a moment's notice.

There is no doubt that Mr. Ford is in harmony with Mr. Nixon. Throughout the unfolding horrors of Watergate and the increasing evidence that the Nixon administration has broken the law and violated the Constitution, Mr. Ford has been serving as the foremost apologist for the White House in a manner that goes far beyond the call of party loyalty. He has a voting record far to the right of any mandate that might even be mistakenly attributed to the electorate in the 1972 elections. But under no circumstances can he be described as the man the American people would most likely choose as their President or Vice President.

There is no doubt that Mr. Ford is in harmony with Mr. Nixon. The question before the Congress is whether either Mr. Nixon or Mr. Ford is in harmony with the American people. The question is whether Congress is bound to impose upon the electorate a potential nonelected President who in turn would then be free to choose a nonelected Vice President.

This very real possibility is clearly beyond the scope and intent of the 25th amendment, and is in conflict with the fundamental purposes of the Constitution and our system of government. For all its checks and balances, and separation of powers among the three branches of Government, the Constitution is primarily designed to protect the predominance of the public will as expressed through elections. It would be an abuse of the intent of this amendment to allow it to be used to fill both Chief Executive Offices without an election. Elections were considered by the framers of our Constitution as the appropriate way of filling the Presidency if a double vacancy arose.

In a case in which the President and Vice President leave office, whether by death, removal, or resignation, the Constitution permits Congress to provide by law for the election of a new President, even though the former President's term has not yet expired.

The specific language in article II, section I of the Constitution is as follows:

> Congress may by law, provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

Mr. Ford is Mr. Nixon's choice, but he need not be ours. The intent of the 25th amendment was to make the Congress an equal partner in the filling of a vacancy in the Vice-Presidency, and we should be assured of the propriety and wisdom of the nomination on all points before confirming. The Congress has rejected nominations submitted by the President before, including two nominations to the U.S. Supreme Court, and it does not have to accept this nomination from a President who even some members of his party believe should leave office.

I am not proposing that the Congress immobilize itself in the current crisis. It has a responsibility to move in a more expeditious manner with the impeachment inquiry, and I think it was inappropriate for the Judiciary Committee to give priority to the Ford nomination over the many impeachment resolutions referred to it. There is another way in which we can act. I have introduced legislation, as have other Members of Congress, which would make possible interim national elections for the President and Vice President in the case of simultaneous vacancies in these two offices. My bill would allow the person in line of succession under the 1947 statute, in this case the Speaker of the House, to assume the Acting Presidency until a special election could be held. Under a law enacted in 1792, it was for 94 years the law of the land that in the event of a double vacancy the people, through elections, could directly pick new national leadership. The right can be restored to them, and I hope we shall do so, no matter what action is taken today. But it is also certain that in confirming the Ford nomination today, the House will be shutting out the possibility that the electorate would be able to choose a new President and Vice President before 1976.

A similar bill has been introduced by Senator Hathaway. It would alter the succession to place the minority leader in the Acting Presidency until such an election could be held. I would support Mr. Hathaway's version, too, as witness to my basic concern that we preserve our democratic institutions rather than trim them to the needs of particular persons.

In a period marked by Watergate, usurpation of power, gross misconduct, and violations of the law stemming from the White House, rampant economic problems resulting from mismanagement, and the unprecedented resignation of the Vice President following a criminal conviction, we have in this country an atmosphere of cynicism, alienation, despair, and a growing belief that Government service is equivalent with corruption. I want to call your attention to the findings of a recent Harris survey, commissioned by a Senate subcommittee. It showed that a majority of Americans are disenchanted with Government. It showed 61 percent believing that "what you—the people—think does not count much anyway;" it showed 55 percent feeling that "people running the country do not really care what happens to you;" It showed 76 percent thinking that "the rich get rich and the poor get poorer"; and it showed 60 percent agreeing that "most elective officials are in politics for all they personally can get out of it." These are very sad findings, and they impose a responsibility upon us. One of the ways to restore the confidence in Government that has been so badly eroded is to return the choice of national leadership to the people through our traditional method of elections.

I know that the confirmation of Mr. Ford is considered preordained and that arrangements for his taking the oath have already been made. But I urge my colleagues to consider carefully what they are doing and to ask themselves whether it is necessary to rubber stamp this nomination. I believe it is not, and that the alternative would be more in keeping with this body's role as a surrogate of the people and a protector of the Constitution.

Our procedure should have been first in an expeditious manner to determine whether the President should be impeached.

The CHAIRMAN. The time of the gentlewoman has expired.

Ms. ABZUG. Mr. Chairman, may I have an additional 2 minutes?

Mr. RODINO. I yield 2 additional minutes to the gentlewoman from New York.

Ms. ABZUG. Believe it or not, I think that the American people do not want to put Mr. Ford into office. I think the American people want us first to determine whether the President should be impeached. Then they, under our framework, will have the ultimate power to decide in an election who they want to be the President of this country. I suggest that those of you who vote for the confirmation of Mr. Ford on the ground that he is going to be the President are not really following through in what you hear from the constituency that you represent. They want an election, and they want to be able to determine who is their leader.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Coughlin).

Mr. COUGHLIN. Mr. Chairman, I rise in support of the nomination of Gerald R. Ford.

Mr. Chairman, on the nomination of the Honorable Gerald R. Ford as Vice President of the United States, the House of Representatives considers a historic decision implementing the 25th amendment of the Constitution for the first time since its enactment.

While this fact, perhaps, adds a note of drama to the occasion, I think the overriding concern is that the House act with responsibility and reason in voting on Mr. Ford. The Nation needs and is entitled to a Vice President selected in conformance with the provisions of the Constitution. The history of the past dozen years spells out the necessity and importance of having the office of Vice President filled.

The language of the 25th amendment, authored by a distinguished Democratic Senator, prescribes that the President nominate the candidate for Vice President. Implicit in this is the presumption that the President will select someone who shares his philosophy and represents the party that won the previous Presidential election.

I cannot, except in the wildest stretch of imagination, perceive that any other course of action would be followed. It has been suggested that a "caretaker" be appointed as Vice President, a theory that belies the reason and our need for a Vice President.

As a matter of fact, the course that has evolved in Mr. Ford's selection and confirmation proceedings is that which we could have expected in implementing the 25th amendment. The only questions that remain are these: is Mr. Ford worthy and capable of fulfilling the Vice-Presidency and beyond that, of course, of the Presidency if it were necessary?

Never in the history of this Nation has a person nominated for public office been so thoroughly investigated. The depth and scope of the investigations by the Senate Rules Committee and the House Judiciary Committee have never been equaled in searching out an individual's public and private existence as have those involving Mr. Ford.

On these inquiries and Mr. Ford's public hearings we, in the House, must base much of our decision on the candidate's worthiness to assume the Vice Presidency. The verdict has been overwhelming for Mr. Ford.

There is not a man or woman in public service who has not made mistakes or regretted decisions. Mr. Ford would be the last person to imply that his long record in public service would meet with approval by everyone throughout a Nation that prides itself on individualism, free thinking and diverse opinions.

In a quarter of a century in the Congress, Mr. Ford almost daily has made decisions and cast votes that encompass a number of subject and concern so multitudinous as to defy comparison.

Yet, through all the emotion and swirl of events that cascade around Capitol Hill, Mr. Ford has compiled another record which is every bit as important, indeed if not more important, than the "yeas" and "nays" to which anyone can take exception.

Mr. Ford is an honorable and decent man. He is not a "manufactured" public official of intractable demeanor, but a warm and friendly individual who recognizes that in Washington, as in life, you deal with people as individuals. Mr. Ford is understanding and compassionate; he is a man who understands his own constituency and yet recognizes there are others whose constituencies maintain different values and diverse opinions.

As House minority leader, Mr. Ford has a conciliatory and reasonable approach. He is a man of modesty and humility. To those who denigrate such basic attributes in a human being, I would remind critics that these often are the most needed qualities in a leader when it comes time to implement great decisions and are indispensable to governing.

When the fiery dialog dies and the partisan cries fade away, we must do what we believe, in our hearts and consciences, is best for the United States of America.

I am convinced that Mr. Ford's confirmation as Vice President meets that test. I am proud to cast my vote for him.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. Don H. Clausen.)

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of the confirmation of Mr. Gerald R. Ford as Vice President.

Mr. DON H. CLAUSEN. Mr. Chairman, Gerald R. Ford is one of the most able and talented people it has ever been my privilege to know. He is a very decent and humble man. He is a man who possesses a great deal of common sense and his ascendancy to the Vice Presidency is very timely at this point in our history.

Since he was nominated to be Vice President, I have been asked many times "What kind of a man is he?" In each case I can say he is a good, honest man with a unique capacity for leadership.

I served with Mr. Ford in the House before and after he was elected minority leader. During all that time he has always had my trust and respect.

He can be partisan as his role as a party leader requires him to be but he has made his record by being totally committed to constructive debate. His constructive, positive outlook toward the legislative process can best be seen in the quick endorsement he received from the Speaker of the House who is the leader of the Democratic Party and, naturally, Mr. Ford's opponent during many House debates.

As Vice President he will bring his special legislative expertise to the job in a way that can only help strengthen communication between the executive and legislative branches of our Government.

His judgment has been honed by 25 years in the House and can be applied effectively to the sensitive issues this country faces today. The nature of any congressional constituency is such that it requires a Representative to make careful decisions on complex issues in hundreds of subject areas under the pressure of many competing interests. Gerry Ford has risen to the position of Republican leadership in the House without flinching from difficult decisions and while remaining sensitive to the needs and desires of the people he represents and the country he serves.

His integrity and moral rectitude have not only never been called into question but can serve as an example to others. Probably the most intensive investigation ever conducted into a man's background has just been undertaken by friend and foe on Mr. Ford. The fact that there was no adverse information only confirms what those of us who have been close to him over the years already know.

There is no question but that he will assume the Vice-Presidency at a most difficult time in our history. The problems that need attention are of a major magnitude and the administration is being beseiged from every side.

In this darkness, however, is a ready-made opportunity for a man of Gerry Ford's character and ability. The minority leader of the House does not receive the attention of the national media as others in political life do, but once Mr. Ford is sworn in as Vice President he will soon gain the confidence of the American people.

The public will see him as a man fully committed to the achievement of American ideals and as a man worthy of the public trust. He will earn and retain that trust.

We in the House are among those who know Gerry Ford best so I have no doubt his nomination will be overwhelmingly approved today. I very much look forward to working with him.

Following my attendance at the White House where President Nixon announced to the Nation that his choice for Vice President was Gerry Ford, I was asked for my comments by the news media.

In closing, I would like to repeat the essence of those remarks in describing my good and close friend, Gerry Ford.

> I believe Gerry Ford is an excellent choice for the Vice Presidency. He was an All-American football player at the University of Michigan, he has been an outstanding Congressman. Knowing him, as I do, Gerry Ford will make an all-American Vice President.

Gerry Ford, will serve as a "great bridge builder" between the Congress and the executive branches of our Government. I will urge that President Nixon appoint him as Chairman of the Domestic Council. In this way Gerry Ford can serve as the "Domestic President" of the United States thereby permitting President Nixon to concentrate on the extraordinarily demanding and awesome responsibilities associated with our international interests and concerns where he has demonstrated exceptional ability and expertise.

This is a great day for America. I sincerely believe Gerry Ford will serve as the catalyst toward restoring a new sense of confidence in our Government.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. Ashbrook).

Mr. ASHBROOK. Mr. Chairman, I rise in support of the confirmation of Gerald Ford.

Mr. Chairman, during the seven terms that I have served in the Congress, Gerald Ford has proven to me that he is a fine, honorable, able, intelligent, and perceptive human being. He is able to discuss differences of opinion in a way which is neither arrogant nor demanding. I think that he will bring the same approach to the Vice-Presidency.

I have always set standards for myself and I try to keep those standards. I use certain guidelines in assessing a person. One of those guidelines is the person's instincts. How does a person respond when the going is tough? How does a person respond when things are troublesome? How does a person respond when the heat is on?

I can say that Jerry Ford, by his instincts, by his response, shows that he is of the particular caliber that we are looking for in the Vice-Presidency.

He is a person who comes through both on television and in person honestly and sincerely. I am sure that Jerry Ford as Vice President will be proven to be a man ably equipped by temper, background, intelligence, and a sense of public service to do the best possible for the interests of the United States.

I urge my colleagues in the House to vote affirmatively on the nomination of Gerald Ford to be Vice President of the United States. An affirmative vote will serve the best interests of our country. I am confident that Gerald Ford will be a Vice President who will work with the Congress and always be open to our comments and suggestions.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. Myers).

Mr. MYERS. Mr. Chairman, I shall vote for my good friend, Jerry Ford, today with enthusiasm. I have listened today to the group that is fighting against his election and the reasons they state for their no votes. It is not my intention to question their motions and validity of their arguments. The 25th amendment to our Constitution gives each of us the right to vote for or against the President's nominee for any reason or for no reason. We can and must vote our best judgment in the selection of the second highest office in our country. Then we live with our conscience and that record.

I have not come up with my fancy formula nor question and answer form to examine the capacity and ability of our candidate. I have long admired Jerry Ford. The qualities he possesses of coolness, calmness, judgment, integrity, and capacity for work, make him well qualified for and deserving of this office in my opinion.

Later today, he will become the Vice President. I hope each of us, even those who presently oppose him, will unite behind him to help him in the difficult job that he has ahead for him. With our help and our prayers, we must move forward to restore the confidence in our Government and in our Nation.

I am proud today to cast my vote for truly a gentleman in every respect, Gerald R. Ford of Michigan, to be the 40th Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. Mailliard).

Mr. MAILLIARD. Mr. Chairman, so much has been said by the many Members who have spoken today in support of confirmation of Gerald Ford as Vice President that it is quite unnecessary for me to add my appraisal of his exceptional ability and character. I do however want to say—by means of this record—to Gerry that Milly and I have enjoyed our cordial personal relationships with Betty and himself and hope they will continue when he assumes this new and higher responsibility. I also want to say to him that just as I have found his leadership here in the House to be of the very highest quality. I know beyond doubt that his leadership as Vice President will ask of us who follow nothing that is not in the best interest of our beloved country.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. Veysey).

Mr. VEYSEY. Mr. Chairman, never in our history have we seen such an intensive and relentless public investigation of a man's life than we have here in the Congress since the nomination of Jerry Ford for the Vice-Presidency.

And never in history, through the thousands of public screenings of nominees for high office, has a man better withstood this grueling, always painful, often shattering, but very necessary test.

Jerry Ford's life has been the ultimate in public service. While rising to the position as leader of the Republican Party in the House of Representatives, he has continued steadfastly to serve his constituency in Michigan which first elected him over a quarter of a century ago. He has earned, through his great moral strength, his deliberate wisdom, his unique ability to listen to and cultivate all sides of an issue, and his unfailing loyalty to the principles in which he believes, the absolute respect of friends and adversaries alike.

At this particular juncture in this Nation's history, when we have seen the public's confidence shattered time and time again by wrongdoings in public office, the selection of a man like Jerry Ford for the Vice Presidency can be a godsend. For he embodies all of the qualities Americans look for in men of greatness, but which they believe they have lost in so many of their leaders.

Mr. Chairman, the energy crisis is an anthill compared to the paramount problem America faces today—a crisis of confidence in her political system. In State after State, political leaders and elected officials have been indicted. New ones have been elected, and they too have foundered on their own self-indulgence.

Most recently, we have been numbed by the inexcusable and unexplainable derangements of a Presidential campaign and we have been shattered by the forced resignation of a Vice President who had become a national hero to millions of Americans.

Mr. Chairman, America needs desperately the kind of man who can bridge this seemingly bottomless chasm.

Mr. Chairman, I think Jerry Ford will not only present the kind of image we so desperately need today in the second-highest office of our land, but I also believe that he will be a great Vice President. Further, I think Jerry Ford, if called upon, would also be a great President. And that is a question we have to seriously consider when we put him next in line for the Presidency.

Another factor which I believe to be important in this particular case is Jerry Ford's close relationship with the Congress and the high opinion of him which both Democrats and Republicans share equally.

Never in my memory have the Congress and an administration been more antagonistic than we have seen in the past year.

And while I applaud the President's new determination to open the White House doors to congressional input, I do not believe he can completely clear the black clouds without Jerry Ford's help.

Mr. Chairman, through more than 6 weeks of painstaking, meticulous congressional examination of every page in Jerry Ford's life, and through the exhaustive employment of 33 FBI field offices, and 350 special FBI agents, the American public has come to know and trust Jerry Ford just as most of us here have known and trusted him for years.

Today the public believes in him just like we believe in him. And that is a most important accomplishment. I commend the committees in both the House and the Senate for their exceptional effort. It was necessary, and it was done right.

The following words of the next Vice President, when asked during the Senate confirmation hearings to define his concept of the Presidency, are timely and fitting:

> I believe the President has to be a person of great truth, and the American people have to believe that he is truthful. I think the President has to lead by example, displaying the standards, morally, ethically, and otherwise, by which most Americans lead their lives.

From "All American boy" and athletic standout at Michigan—to the Vice-Presidency of the United States, Jerry Ford has been everything that statement rightfully prescribes.

I am proud to be able to represent the overwhelming majority of my 470,000 constituents by voting today in their behalf for Jerry Ford for the Vice-Presidency.

Mr. HUTCHINSON. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. Horton).

Mr. HORTON. Mr. Chairman, I yield to the distinguished gentleman from California (Mr. Sisk).

Mr. SISK. Mr. Chairman, I appreciate my colleague's yielding.

I, of course, rise in support of the confirmation of our good friend and colleague, the gentleman from Michigan, Mr. Gerald Ford.

At this particular time, I wish to announce that the National League has voted unanimously to move a baseball franchise to Washington, D.C. I want to join with my good friend, the gentleman from New York (Mr. Horton) and the other members of the committee, the gentleman from Virginia (Mr. Broyhill) and the gentleman from Illinois (Mr. Price) in thanking our distinguished Speaker, our Vice-Presidential designate, Mr. Ford, and the gentleman from Kentucky (Mr. Natcher), the gentleman from Michigan (Mr. Diggs), and a number of Senators, for the help and assistance that they have given in making this possible.

Mr. HORTON. Mr. Chairman, I want to also express my deep appreciation to the gentleman from California (Mr. Sisk) who has acted as the chairman of our little group.

Back in, I think it was, about September or October 1971, a group of Members of Congress became concerned about the fact that we were going to lose the

Washington Senators and not have baseball in Washington. I remember that at that time the Vice President soon-to-be, the gentleman from Michigan (Mr. Ford) and our distinguished Speaker of the House indicated their support. The gentleman from California (Mr. Sisk) and I, the gentleman from Illinois (Mr. Price) and the gentleman from Virginia (Mr. Broyhill) as the executive group of those Members of the House, went out to Phoenix to talk with the representatives of baseball at that time to urge the baseball team to come back to Washington.

I am particularly grateful to Mr. Sisk, for the work he has done. I think it is particularly appropriate at this time in this debate that we express our appreciation to the gentleman from Michigan (Mr. Gerald Ford) for his continuous support in our efforts to try to get baseball back to Washington, and also to take this occasion to thank our distinguished Speaker of the House (Mr. Albert) for his help. I think this is a great day in Washington sports history.

I am looking forward to the next baseball season. I again want to express appreciation for all that the gentleman from Michigan (Mr. Ford) did to make this possible.

Mr. SISK. Will the gentleman yield?

Mr. HORTON. I yield to the gentleman from California.

Mr. SISK. I thank the gentleman for yielding.

Mr. Chairman, we also want to thank all of our colleagues, some 200 or 300, who signed the petition we took to Phoenix 2 years ago, and we want to thank every one of them for their help and support.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho (Mr. Symms).

Mr. SYMMS. Mr. Chairman, I intend to cast my vote for Jerry Ford who has been the leader of my party in my short time in Congress.

Jerry is fair, open and has been impeccably honest with me on every issue we have faced—some we agreed on and some we did not, the kind of a man who earns one's respect.

I am particularly happy to vote a man into the Office of the Vice Presidency who had the courage to stand up for a strong America and his convictions; that is, calling for the impeachment of Justice Douglas.

We will miss him in the House, but wish him and our country every success in the future. May God bless him in this new challenge and may he further the cause of liberty.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. Snyder).

Mr. SNYDER. Mr. Chairman, one can add little to what has been said of our respected, hard-working minority leader, now the Vice-President-designate. No one can remain 25 years in the public eye without undergoing a searching evaluation by those he serves. The Honorable Gerald R. Ford has done that and more. Not only has he repeatedly passed the test of the people of his district and his State of Michigan, but he has achieved the same success in this body. He has been not only elected, but repeatedly reelected minority leader by his colleagues in the Congress. Now, by our vote, he will be confirmed Vice President of the United States after passing under the penetrating scrutiny of the House of Representatives and the Senate. Never has a nominee to any elective office had to undergo such a grilling—and on national television to boot. Few in this body could undergo the same scrutiny. The country certainly can count on Jerry Ford to give us his best as Vice President.

I am sure he finds it noteworthy that this day on which he succeeds to the second highest office in the land, is the anniversary date of Kentucky-born Abraham Lincoln's swearing-in as a freshman Member of this historic body.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. Parris).

Mr. PARRIS. Mr. Chairman, I am particularly honored at this time to rise in unqualified support of the confirmation of Gerald R. Ford to be Vice President of the United States. This is truly an historic occasion, in which I am proud to be able to take part.

Several of my colleagues will recall that at the time the Senate Committee on Rules and Administration held hearings on the nomination of Representative Ford, I appeared before that committee to present the results of a public opinion survey which I conducted in the Eighth District of Virginia. Each of the households in my district was provided with a ballot which asked a very simple question: "Would you cast your vote for the confirmation of Gerald R. Ford of Michigan as the 40th Vice President of the United States?"

In view of the unique nature of the Eighth Congressional District, I believe the results of this poll are particularly significant, and also merit the consideration of this body today.

A recent issue of U.S. News & World Report described the residents of the Eighth District as "national citizens." Because of the district's geographical location adjoining the Nation's Capital, its residents range from farmers and suburbanites to people who live under typical urban conditions.

Thousands of the residents of the Eighth District are Government workers. Most of them are not what you would call traditional Virginians, but are former residents of every section of the country. The district's census figures reasonably reflect the Nation as a whole in relation to percentages of minority groups. In living habits, personal interests, and earning power, the residents of Virginia's Eighth District are typical of millions of Americans.

As of this date, more than 20,000 replies to the survey have arrived at my office. I am delighted to be able to report to my colleagues that the totals show overwhelming support for Mr. Ford, with some 79.2 percent casting their votes in favor of his confirmation as Vice President.

It is my belief that this tally represents a substantial expression of opinion by residents of Virginia's Eighth District. To make a valid comparison, any of us in political life would be more than delighted to receive such an overwhelming vote of confidence as the results of this survey indicate.

This information is respectfully submitted for the consideration of my colleagues. I am sure that this body will, like my constituents and myself, give unqualified support for the confirmation of Gerald R. Ford as the next Vice President of the United States.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Chairman, it was natural that many people in and out of my district would ask my opinion of the designation of Gerald Ford of Michigan for Vice President. The answer was the same to all of them: I consider him the best choice available to the President for this very important post.

I doubt there are many people who seriously question that statement. There has been opposition from some quarters, but it is minimal and explainable. Gerald Ford is a man who has the confidence of the people who know him or know of his work, his qualifications, and his character. It is very significant that he received an overwhelming endorsement in the Senate and the House vote will follow a similar pattern. This is a remarkable thing in that those who know you best can be most critical. Gerald Ford has been an outstanding figure on Capitol Hill for 25 years. He has grown in stature and in responsibility. He has voted his conscience and that is what each of us should do.

Yet he has retained the friendship and the confidence of the great majority of his colleagues on both sides of the political aisle. He has also survived with little difficulty the political wars in his home State and district. And a man who can do that for 25 years is not a political accident. Such a man Gerald Ford is who understands people and their needs and whose dedicated efforts in their behalf has assured their confidence and support. They are a cross section of America.

I have served with Jerry Ford during all of his time here. We were privileged to work together on the Committee on Appropriations for many years and on the exacting but important Subcommittee on Defense, where he gave outstanding service. I have not heard as much regret expressed when any other man left that committee because of the requirements of other responsibilities—in his case, leadership responsibilities. That is the kind of work he did on the Appropriations Committee.

Our families have enjoyed a close relationship and Mrs. Sikes and I have watched with pride their achievements and shared the happiness of Jerry and Mrs. Ford as their children grew into maturity. The friendship which we formed with the Ford family early in his service here has been one of the brightest spots of our own tenure in Washington.

Jerry Ford is one of those fortunate individuals who can accept calmly and responsibly exacting duties, drudgery, sometimes the criticism of the news media particularly if they disagree with your political philosophy—and always the increasing demands from the people back home for more services from Government. He has accepted all of this and continued to do one of the most creditable jobs of any Member of Congress. He has grown into leadership in the House—the toughest school of all. He is the kind of leader America must have if we are to exist as a free, democratic land of opportunity.

We can be certain that whatever his capacity in life, JERRY FORD will never cease to be concerned about good government and the welfare of our Nation. He is proud to be an American. This pride has been reflected in his service here. It is an outstanding service and GERALD R. FORD of Michigan is an outstanding American. I can go further. He is a great American.

This is an historic first for the House of Representatives and for America. It is also a great credit to the House that we are preparing to confirm for Vice President a man who proved himself worthy of public trust as a Member of the House.

I proudly join in congratulating JERRY FORD on the great honor and the new responsibility he is preparing to assume as Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. PETTIS).

Mr. PETTIS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have known JERRY FORD since I first came to Congress. He has served this House well and it is a privilege to join my colleagues supporting his nomination as Vice President.

JERRY FORD is a man of integrity, a man of honesty, and a man of political competence. His is the type of solid, dependable leadership this country needs most right now if public trust and confidence in government is to be restored.

I was pleased to note that just last week, a public opinion poll taken in his own Fifth Congressional District in Michigan, showed JERRY FORD receiving the same 85-percent vote of confidence he received last November when he was reelected to his 13th term in the House.

This is an historic moment. For the first time, 535 Members of Congress will be using their votes to elect a Vice President on behalf of the people of this Nation. Our combined judgment will take the place of that of 70 million registered voters.

The Senate has already cast its ballot. Now, the House, which holds true responsibility for being the representative voice of the people, will vote.

Mr. Chairman, I am confident my vote for JERRY FORD is a vote for the people.

Mr. HUTCHINSON. Mr. Chairman, I yield to the gentleman from Ohio (Mr. J. WILLIAM STANTON) such time as he may consume.

Mr. J. WILLIAM STANTON. Mr. Chairman, I rise in enthusiastic support today to cast an affirmative vote for the confirmation of GERALD R. FORD, from the State of Michigan, to be Vice President of the United States. The speakers who have preceded me have gone into great detail as to the nominee's qualifications and ability. Realizing that their eloquence exceeds my own, I will try not to repeat to many of them.

Last night, while driving home, I noticed on the bumper of the car in front of me a sticker that read "JERRY FORD—Makes Things Better." To us who spend so much time in Washington we recognize this as a bumper sticker advertising a local automotive agency. However, I cannot but think that this bumper sticker epitomizes my own thoughts regarding the person, JERRY FORD, and his selection as Vice President of the United States.

JERRY FORD has and, I am sure, will continue to "make things better." Working with him over the last 9 years has been an experience that I shall always cherish. His great attributes of justice, fairness and sense of fair play have won him the respect and admiration of almost all of his colleagues. He is, in every sense of the word, a true leader. He has, from the very beginning of his political life here in the House of Representatives, made this a better place.

As we look to the future, I know that these outstanding characteristics of the man will spread by leaps and bounds to encompass the hearts of millions of other Americans. It is my profound wish that these great qualities that he has been endowed with and has personally developed will be used to "make things better" for the American people, specifically, and for the world in general.

The American people clamor for men endowed with the capabilities and personal attributes of JERRY FORD. I know he will not let them down.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. STEELMAN).

Mr. STEELMAN. Mr. Chairman, GERALD FORD has served his country, his congressional district, and his party ably and well for some 25 years. When a man is being touted for higher responsibilities, it is common and necessary to speak of his accomplishments, his record of service, his philosophy, and indeed, GERALD FORD stacks up supremely well in these areas. However, it has always been my feeling that the important test had to do with things more basic. The key question has to do with basic values. His colleagues on both sides of the aisle who have served with him far longer than I speak of him here today in that sense. Their respect and my respect comes not only for his record of service which is distinguished, but for his personal qualities of being fair in an arena where expediency often leads lesser men to unfairness, of being a man of his word where expediency often leads lesser men to acts of deception, of being a willing counsel to younger Members when time constraints dictated otherwise, of proceeding calmly and deliberately in the face of adversity when many of us are tempted to act impulsively. These same qualities, Mr. Chairman, will serve him well and more importantly they will serve us, as Americans, well in the Vice-Presidency as they have in the House of Representatives. Mr. Chairman, I am highly honored to have served, if for a short time, with this great and distinguished American. The House of Representatives loses today by JERRY FORD's departure. It will miss his leadership, but this country gains and I am proud to cast my lot and support to this great and good man, GERALD R. FORD of Michigan.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Chairman, I rise on this historic occasion to oppose the confirmation of GERALD FORD for Vice President, and to discuss briefly my deep concern at elevating the minority leader to that office.

GERALD FORD has been an apt and dependable leader of the minority in the House. He has represented his district well and been a fair spokesman for those sharing his philosophy of government. He has been a loyal party member, and has done much in attempting to expand support for his wing of the Republican party. He is honest and fair in his dealings, financial and otherwise.

The simple fact is, however, that today we are electing GERALD FORD, President. Republicans and Democrats alike recognize the inevitable. Impeachment proceedings against Richard Nixon are waiting in the wings. Tomorrow they will take center stage as his own party turns on him.

Many of us today have said that GERALD FORD is a man of honesty and integrity, that he follows his conscience, and that his policies are consistent. But, these qualities alone do not necessarily make a good President. They simply describe a decent, honest man—one of many, and no more suited than any other to be President.

A brief summary of his legislative record describes his political character, a profile with which I cannot identify. He is unalterably opposed to some of the most basic concepts of our society. He voted to cripple the Voting Rights Act of 1965. He has consistently voted against civil rights legislation. He has blocked significant housing legislation as well as aid for elementary and secondary education. He does not support labor issues, is committed against civil liberties, and blindly followed the President's insane Vietnam policy. In short, this is a man who votes his conscience—and in his conscience he opposes helping the average man in this country. GERALD FORD sides with the rich and powerful and fights against those who need help, fairness and justice. Rent subsidies, OEO, medicare/medicaid, food stamps, child care, the minimum wage—these concepts are anathema to GERALD FORD.

In the way our Government treats these critical issues in the months ahead lies the death or survival of our cities, and the hope the disadvantaged and minorities have of attaining a decent life—something so long denied them by the likes of GERALD FORD. Based on his record to date he will keep the poor downtrodden, the towns and schools segregated, will let the cities crumble, and make the people fend for themselves, even when they are unable to do so. These policies are antihumanitarian, indeed amoral. They represent a lack of concern for our fellow man. They epitomize negativism at its worst.

The 25th amendment did not mandate the procedure we have followed. I of course object to the step taken by Richard Nixon in this nomination, but more strenuously oppose the role of Congress in ratifying this choice. My colleagues have turned their backs on their responsibility to screen carefully, and force the President to make a responsible selection.

Hearings held in both Houses were extensive, yet revealed nothing. Those committees should have looked for more than dishonesty. They should have searched for the positive qualities of the man. If honesty is the only quality required of a President today, then it is clear that Richard Nixon has allowed the office of the Presidency to sink to the lowest standards of any government in the world. We can only judge FORD by his legislative record, and by the fact that he is not, in the words of President Nixon, "a crook." This is not sufficient reason to endorse his nomination.

The 25th amendment requires us to act in lieu of the electorate, and we are not doing so. The people I represent would not elect this man. He offers them no understanding for their financial problems, no solutions to their social and physical difficulties. He offers only honesty and decency—not even good will.

It is with great regret that I am compelled to make these remarks and vote against confirmation. I would have wished to support JERRY FORD in all his endeavors. However, this matter is simply bigger than the man himself. This body is today naming a President.

As a member of this body I cannot act imprudently, nor make light of my responsibility in this selection process. I simply cannot in good conscience endorse a man for President who I believe will turn his back on the needs of my constituents and the goals and desires of all people of this country. I reluctantly urge my colleagues to follow me in voting against confirmation.

Mr. RODINO. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, I want to take this opportunity to commend our distinguished chairman (Mr. RODINO) for his exceptional fairness and objectivity throughout the hearings on the confirmation of GERALD R. FORD. Nobody can say that he was not fair, objective, patient, tolerant, and candid throughout that hearing.

Republicans and Democrats alike understand that PETER RODINO, as our chairman, was a fair man.

We in this House owe him our sincere thanks for the method in which he put together the investigation which was as thorough as any we have had in this Congress.

We know more about JERRY FORD than I ever wanted to know. We did not find anything that was indictable, even in a justice of the peace court, or we would have indicted him.

We really do owe a debt of gratitude to our chairman, PETER RODINO, and to the senior Republican Member, ED HUTCHINSON. They both were objective.

Mr. HUTCHINSON, as the Members know, is a sincere and solemn man; in this instance he was also the most amiable, pleasant, gracious representative of the Republican Party that one could have had on that committee. The amiability and the courtesy and respect he accorded to everyone; his own willingness to cooperate with our chairman helped to make those hearings tolerable and in the long run for the best interests of this Nation.

Mr. EILBERG. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Pennsylvania.

Mr. EILBERG. It is with great enthusiasm that I associate myself with the remarks of the gentleman from Texas. I, too, was a member of the Judiciary Committee and sat through 6 days of hearings and meetings of the committee.

It seems to me that one of the great pleasures I had was the privilege of working with the chairman. Chairman RODINO has been very thorough and fair in this matter and gave every Member a chance to be heard, even sometimes at night. Ultimately he was not only serving the committee, but the Nation.

I respect the right of the gentleman from Texas. I respect the right of the distinguished chairman from New Jersey to vote in committee or on the floor. I think this is something each of us does in his own conscience. I think it would be wrong to in any way discredit the activities of the chairman. He has been excessively fair and most deliberate. I think he deserves the thanks of the entire House.

Mr. RODINO. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. BROOKS. Mr. Chairman, I want to say that I concur in the remarks of these two gentlemen. Every Member must vote his own judgment.

The chairman in the hearings was most objective and fair, now he votes as he is obligated to do by his judgment

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from New York.

Mr. SMITH of New York. Mr. Chairman, I thank the gentleman. I want to associate myself with the remarks of the gentlemen in three matters: one, in support of the genleman for the confirmation of GERALD R. FORD; and two, to compliment our chairman who has been exceedingly fair and I thought ran a good ship; and three, to compliment our ranking minority member. I would say the chairman had a little trouble with the gentleman from Texas because of his solemn behavior; but otherwise, I would say the hearings ran very well, as well as any I have seen.

From my knowledge of GERALD FORD, derived from knowing and working with him in the House of Representatives for 9 years and from the hearings on his confirmation before the House Judiciary Committee on which I serve, I know that GERALD FORD is honest, intelligent, industrious, loyal, perceptive, compassionate, dedicated to the United States of America, and possessed of integrity and great physical stamina. These qualities are those which America needs in its leadership, and they are the qualities which will help GERALD FORD bring healing for the hurts and trauma which this Nation has suffered.

Mr HUTCHINSON. Mr. Chairman, I yield to the gentleman from Illinois (Mr. MCCLORY).

Mr. McCLORY. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Texas (Mr. BROOKS) and say that I enjoyed very much his remarks in the final session of the committee meeting before the vote there on the confirmation of Mr. GERALD FORD. He delivered very entertaining and eloquent remarks at that time.

I feel that we should respect the reasons which people may have for voting. I want to commend the chairman of the committee (Mr. RODINO) for his thoroughness and fairness; also, our ranking minority member, the gentleman from Michigan (Mr HUTCHINSON). He also did a very thorough, very responsible, and a very respectable job in the committee hearings preceding the confirmation vote.

Mr. Chairman, the entire Judiciary Committee deserves great credit.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. PRICE).

Mr. PRICE of Texas. Mr. Chairman, I wish to join those commending my friend and colleague GERALD FORD upon his confirmation as Vice President of the United States. JERRY takes a place in history as the first man selected for the Vice President under the new process provided under the 25th amendment to the Constitution. He deeply deserves a place in this Nation's history and this Nation needs his talents as Vice President. As a Member of Congress for 25 years, he is knowledgeable in all aspects of the international, domestic and political problems facing our Nation. He will lend strength and stature to the executive branch. We shall miss him in the House Chamber but we need him standing behind the President. At this time in history I want to wish JERRY and his family best wishes and Godspeed in his new position as Vice President of the United States of America.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Nevada (Mr. TOWELL).

Mr. TOWELL of Nevada. Mr. Chairman, it is with a strong sense of privilege and a great deal of pride that I rise today in support of the nomination of Mr. GERALD FORD for the Vice Presidency.

During the 11 months I have served as

a Member of this distinguished body, it has become abundantly clear that in Mr. FORD, the minority party has been in the hands of extremely competent leadership. In that time, I have come to know that Mr. FORD is a very capable statesman, a diligent servant of the people, and an individual of deep personal integrity.

His advice, counsel, and guidance to young Members of this body has been invaluable to men like myself and, in the end, has made me a better representative of and for the people of Nevada.

Mr. FORD has, in the past year, been a frequent visitor to my State and in so doing made many devoted friends throughout the State of Nevada.

I am sure I speak for the majority of the people in Nevada when I urge unanimous support for Mr. FORD's confirmation. His loss from this floor will be deeply felt on both sides of the aisle, but his ability to serve the people will be greatly expanded by his confirmation as Vice President.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I rise in support of House Resolution 735, to confirm my friend and distinguished colleague, GERALD FORD, as Vice President of the United States.

Even in the short length of time that I have been a Member of this Congress, I have come to learn for myself why JERRY FORD is one of the most highly respected men in this Chamber.

I was surprised that he was always able to make room in his demanding minority leader's schedule to counsel a freshman Congressman from a far away place. But as I have come to know him better, through his strong support of legislation authorizing the trans-Alaska pipeline and other matters of vital importance to the people of Alaska, I have realized that he invested his time in me because he is a believer in our system, our way of government.

As this country's 40th Vice President, I am confident Mr. FORD will continue to uphold the Constitution and the basic principles upon which this Nation and his own public life have been built.

Since his election to the House of Representatives a little more than 25 years ago, JERRY FORD has built a solid reputation and has gained the respect of Members seated on both sides of the aisle for his honesty, ability, and integrity.

I am sorry to see him go, for this Chamber will be diminished by his absence.

I will cast Alaska's vote for Mr. FORD's confirmation as Vice President.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, today's proceedings have truly lifted the spirits of the Nation.

Mr. Chairman, the many fine qualities of GERALD R. FORD have been recognized in the debate today.

Today's proceedings truly lift the spirit of the Nation.

A quality of Mr. FORD which I find especially appealing and important is his ability to deal fairly and decently with those who oppose him on issues. He does not bear grudges. He respects the right of others to disagree.

Mr. RODINO. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. Mr. Chairman, I want to take this brief moment to share with the House what I had an opportunity to share personally with the minority leader yesterday.

Mr. FORD and I, as he very well knows, are very, very far apart politically and philosophically. We are very, very far apart, dramatically so, in our respective views of the responsibility of this Government toward its own people and toward the peoples of the rest of the world.

It does seem to me, however, that those are not the kinds of judgments we are expected to make by the 25th amendment of the Constitution. Moreover, it seems to me that of all the questions we in this House are asked to decide, the selection of a Vice President of the United States is one in which, if humanly possible, the people whom we represent and for whom we who serve in this Chamber are surrogates, should have a voice.

Consequently, a few weeks ago I sent questionnaires on the Presidency and the Vice-Presidency to every household in my district. A moment ago, the Members heard my colleague from Massachusetts (Mr. BOLAND) allude to the fact that he represented a district in the only State in this Nation not carried by President Nixon. Mr. Chairman, I have the unique distinction of representing the only one of the 12 congressional districts in that State that was carried by President Nixon.

The people in this district have spoken in fascinating, dramatic and very different ways in the questionnaire which was sent out. Tomorrow I shall place in the RECORD the returns from almost 34,000 voters in this most traditionally Republican of our districts of the State of Massachusetts. The news will not be very cheerful for the President, but for Mr. FORD, the people of my district have asked by a vote of 75 percent to 25 percent—3 to 1—that their Congressman vote to confirm JERRY FORD.

Mr. Chairman, for that reason, this afternoon I shall vote in their name to do so.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. YOUNG).

Mr. YOUNG of Illinois. Mr. Chairman, I would like to add my voice to the voices of my colleagues on both sides of the aisle in speaking in support of the approval of the nomination of GERALD FORD.

I also would like to state that I appreciate very much the work of the gentleman from New Jersey (Mr. RODINO) the chairman of the Committee on the Judiciary, as well as the work that has been done by the gentleman from Michigan (ED HUTCHINSON) who is the minority leader of the Committee on the Judiciary, and the work of other majority and minority members of that committee in connection with the very, very thorough investigation which was made with respect to our nominee, GERALD FORD.

Truly, no man has ever been investigated as fully and as completely and as thoroughly as JERRY FORD in connection with his selection for the office of Vice President.

There is one thing which is not in this House report which should be brought out. There are many characteristics of leadership which should be mentioned, but there is one that has not been adequately mentioned.

It has been truly stated that being a father these days is a leadership position. The father is the cornerstone of the family. The family is the cornerstone of the community; the community is the cornerstone of the Nation.

I think that JERRY FORD's leadership as the father of a very fine family of four outstanding children is strong evidence of his great ability to lead the Nation as its Vice President and, if called upon, as its President.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Illinois. Mr. Chairman, I would like to yield the balance of my time to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman, I simply wish to join my colleague in congratulating the chairman of the committee, the gentleman from New Jersey (Mr. RODINO).

I got so carried away on the issue about Justice Douglas that I forgot to commend the gentleman for what I thought was a very fine job which he did in presiding.

I also wish to commend the gentleman from Michigan (Mr. HUTCHINSON) who, I believe, also contributed so very much.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, I rise in support of the confirmation of GERALD R. FORD to be Vice President of the United States.

I have not agreed with JERRY FORD on many issues in the 11 years I have served with him in the House, but his conduct has been such as to elicit my respect for the man, despite his understandably misguided position on the issues. He has been highly partisan at times, but so have we all on occasion. Besides, under our two-party system, as minority leader he has had to play his assigned role of the villain. And those of us with theatrical experience know that the villain's role is the most difficult to play.

Seriously speaking, Mr. Chairman, I support JERRY FORD's confirmation because his personal integrity has been unquestioned, not even after an unprecedented double set of confirmation hearings. He possesses that trait of character which best qualifies him for public office—honesty. With JERRY FORD as Vice President, I believe we can look forward to a period of improved relations between the executive and legislative branches. Perhaps, more than any other minority leader, JERRY FORD has gained the friendship and respect of his colleagues on both sides of the political aisle. On the occasions that I have had to confer or consult with him on various matters, I learned one unimpeachable thing about him: Jerry Ford always keeps his word.

An important aspect of confirming this nomination lies in its effect on the Presidency itself. During the time that the Vice-Presidency has been vacant, there has been an understandable reluctance on the part of our Republican colleagues to discuss seriously the possible removal from office of the President. They apparently feel that to permit a Democrat—in this case the Speaker, under the 25th amendment—to succeed to the Presidency would frustrate the overwhelming Republican victory of 1972.

After today's vote, Mr. Chairman, no such reservations should exist. After Jerry Ford has been confirmed, whatever grounds there may be for impeachment of the President can be judged solely on their merits by Members on both sides of the aisle.

Gerald R. Ford, as Vice President, can only enhance the standing and respect with which the executive branch is today regarded. I will therefore vote to confirm his nomination.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. de la Garza).

Mr. de la GARZA. Mr. Chairman, the action we are called on to take here today is without precedent in the nearly 200 years of our Nation's history.

For the first time, we are acting to place in the second highest executive position in our Federal Government a man who has not gone before the U.S. electorate in a national campaign.

This means he has not faced live audiences in many, perhaps most, of the States in order to present his party's case to the citizens. He has not been followed around the country by representatives of the communications media alert to everything he says and does. He has not been quizzed and questioned by organizations concerned with his views on a thousand and one varied subjects.

We are asked, in short, to elevate to the Vice-Presidency of the United States a man who has never been a national candidate.

But, Mr. Chairman, none of this is to be taken as meaning that we are being asked to act without knowledge both wide and deep of the man whose name is before us.

Since he was nominated for Vice President last October, Jerry Ford's personal and private life has undergone a painstaking examination by investigative experts and, more importantly, by his peers in the Congress of the United States.

Jerry Ford has served in this body for 25 years. No less than 34 present Members of the House have witnessed his entire period of service. Many of us who came here later have seen him at work for 20 years, a dozen years, 10 years—in my own case, 9 years. He is not an unknown quantity to us.

The Honorable Sam Rayburn, who served as Speaker longer than any other man, used to say that the House was a tough but fair jury when it came to judging its Members—the toughest and fairest in the world. During his service here, Jerry Ford has earned the respect of Members on both sides of the aisle. Today this jury of his peers will return their verdict. I doubt that any of us question what the outcome will be.

Mr. Chairman, I wish to make one further point. As I have said, the action we take here today is without precedent. But let us note that this action is in accord with our Federal Constitution as amended. The Senate has acted, now the House is acting and let me here commend the Judiciary Committee and its chairman, Mr. Rodino, for the thorough and yet fair manner in which they have conducted the hearings on the confirmation of Jerry Ford.

We are indeed following precisely the procedure set forth in the 25th amendment to the Constitution. That amendment was proposed to the legislatures of the several States on July 7, 1965. It was declared by the Administrator of General Services, in a proclamation dated February 3, 1967, to have been ratified by the legislatures of 39 of the 50 States.

The 25th amendment is as much a part of our Constitution as any other article of that document.

We are following the Constitution, Mr. Chairman, just as we should follow it in any other matter involving the stability of our Government and the general welfare of the American people. That is our solemn responsibility as Members of Congress.

I feel strongly that Jerry Ford fulfills very amply the constitutional requisites, and he certainly has all of the necessary personal qualities. We wish him well as our 40th Vice President of the United States of America.

Mr. RODINO. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. Randall).

Mr. RANDALL. Mr. Chairman, in less than 2 hours I will vote for the confirmation of Gerald Ford for Vice President.

As we consider this confirmation today the technical question is whether we approve the nomination for Mr. Ford for Vice President, but the essential or basic, underlying question is what kind of a President Mr. Ford would make if the President should resign or be impeached.

One of the three Senators voting against confirmation, made an accurate appraisal, when he said "by this confirmation we are selecting a potential President of the United States."

In one of our hometown newspapers, the Kansas City Times, it was stated recently the important question covering the confirmation of Gerald Ford is how close he is to the Presidency. They go on to say that the Office of Vice President is a sort of "nothing" job but once the Office of President becomes empty or vacant it suddenly goes from nothing to everything.

May I suggest to my Democrat colleagues that from a partisan standpoint, in my judgment, the only wise course for us on this side of the aisle is to support this confirmation today. It is not only the sensible thing to do, but the political thing to do.

The 25th amendment never intended that the Congress be given a wide range of choices. What was intended is that the country enjoy the security of a Vice President to provide continuity between Presidential elections. In my view, our clear responsibility is to confirm Mr. Ford.

After the hearings in the other body the press concluded Gerald Ford suddenly developed a strong personality. I think it is interesting to note that there has been a strange change of attitude, by certain columnists and editorial writers. Those who less than 2 months ago were calling him a nonentity are today becoming worried about his strength as a candidate in the future.

One of my Democratic colleagues a moment ago said we should not praise him too much today because the words might come back to haunt us in 1976. Then I heard another Member suggest that an additional reason we should not praise him is because it makes it appear that the House is a sort of club that approves one of its Members regardless of his merits. Well, neither of these arguments has anything to do with the function of the 25th amendment. Moreover, 1976 should not be permitted to be a factor as we vote on this confirmation today.

Those of us who know Gerald Ford in the House respect him. This is not a partisan, but rather, is a bipartisan consensus. It would not be too far to go to say that there will be only a small number of votes against him today.

You have heard it said sometimes that Gerry Ford is not an intellectual. Well, being a so-called intellectual is not a prerequisite to being President, but a sense of devotion to duty is a prerequisite. The press has said he is deficient in charisma. Well, as we look back over American history, we note there have been some Presidents who lacked luster, but they made great Presidents. A determination to work hard and diligently at the job of being President has made the names of several former Presidents great names in American history.

When the Ford nomination was made back on October 12, I recall one writer said that Mr. Ford projected a bland image. My reaction then and now is that today we do not need cleverness or cuteness in our public officials. We do not need those in high office to have the ability to entertain. Rather, the one characteristic that those in public life must be possessed of today and the most important qualification of any officeholder now in these troublesome times is to be possessed of the trait of character that we know as integrity. Gerald Ford has that characteristic. He is honest. He is truthful. He is a man whose word is as good as his bond.

If we are to overcome the lessened confidence in government today, it can be done only by proving to the American people that there remain men in this country who yet and still regard public office as a public trust. All of us in public life today must do all we can to restore confidence in government by the observance of personal honesty, straightforwardness, and old-fashioned truthfulness.

Gerald Ford has much more than a thin, polished veneer. Underneath he is a substantial, solid, steady, hard-working individual who is possessed of moral soundness, free from corruption, and a man of honor.

GERRY FORD is a decent man, an honorable man. He has been free from fraud or unseemly conduct throughout his entire life. He has had a reputation for personal honesty. GERALD FORD possesses the rare characteristic of being straightforward. He has an openness and frankness that we need in public life today. He has a candor that shows his openness of mind which in turn reflects his disposition of fairness.

Another quality of GERRY FORD is his humility. Arrogance is not a part of Mr. FORD. He is a modest man, and, in my judgment, that makes him a good man.

In these troubled times characteristics of GERALD FORD that I have just described are credentials that should be the important consideration as we come in just a little while to vote on his confirmation for Vice President.

Mr. Chairman, GERRY FORD deserves confirmation today by the House, where he has served the past 25 years.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. LENT).

Mr. LENT. Mr. Chairman, I am proud to rise in support of the nomination of my friend and colleague from Michigan, for the office of Vice President.

While some individuals have claimed that GERALD FORD lacks the "charisma" the Nation now needs to inspire it, I believe he has many more fundamental qualities which are far more vital to the good and welfare of our Nation. He has, primarily, the ability to inspire confidence at a time when public confidence in Government is at a premium. In addition, as a Member of this body for a quarter-century, he is acutely aware of the legislative process and the problems faced by Congress. Another positive result of his confirmation will be greatly improved cooperation between the executive and legislative branches of Government.

My Long Island constituents can also take heart from the fact the Vice-Presidential nominee is no stranger to our region. He has been a visitor to Long Island on many occasions—twice since this past summer, once at my invitation, and again on November 26, 1973, when he served as the keynote speaker at a United Jewish Appeal dinner in Suffolk County. He delivered an outstanding address to some 3,000 guests who contributed nearly three-quarters of a million dollars in private funds in support of Israel.

JERRY FORD has been an outstanding Representative in Government for longer than most of us. But, he is now just beginning to come into his own on the national scene. His future is very bright.

In short, I feel that GERALD FORD will make an excellent Vice President. I am proud to cast my vote for his confirmation, firm in my belief that his simple, sincere style, and outstanding abilities will serve our Nation well.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BOB WILSON).

Mr. BOB WILSON. Mr. Chairman, I rise in support of the nomination of JERRY FORD as Vice President.

I have known JERRY FORD for 21 years, since I first arrived in the halls of Congress. I must say, Mr. Chairman, that in that time I have heard many outstanding speeches and read volumes of statements and statistics on every conceivable subject, but I have never read or heard such ridiculous claptrap as some of the statements made during the debate here today about our distinguished colleague, GERALD FORD.

As a member of the Republican leadership, I was privileged to work with JERRY at the time the Civil Rights Act of 1966 and the Voting Rights Act were passed by this body. I can say without equivocation that there would not have been a Voting Rights Act and Civil Rights Act of 1966 if it had not been for GERALD FORD's work with Congressman MCCULLOCH, the ranking minority member on the Judiciary Committee. Congressmen FORD and MCCULLOCH were the leaders who gathered sufficient Republican strength to join with liberal Democrats in passing meaningful legislation, and at this time to try to label him as having a mediocre civil rights record, or even a tinge of racism, is a discredit to those who make such statements.

JERRY FORD's an ideal person to become the second highest leader in our country. I was with him when the Presidential nominee of our party, Mr. Nixon, asked him again if he would be our Vice President and JERRY respectfully declined at that time because of his desire to help the President lead his program through the House. Now circumstances and fate have made it possible for JERRY to become the Vice President of our country. He is a man of great courage and great modesty. His hat size is the same as it was when he was a very junior Congressman, at the time I first met him. He is a family man and an honest, trusted, public servant who is a real credit to our country. I would trust him with my wallet, my honor, and my life. I know the American public will come to appreciate his qualities that have been extolled by so many of his friends on this most important day of his life. I wish him the best of success in his future job as he leaves this chamber and goes across the Capitol to become the President of the Senate and Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. MINSHALL).

Mr. MINSHALL of Ohio. Mr. Chairman, I too rise in support of the nomination of GERALD R. FORD for Vice President.

Mr. MINSHALL of Ohio. Mr. Chairman, in these particularly troubled times, I am glad to see a man of such sterling qualities being considered for the high office of Vice President of these United States. Each morning the newspapers announce the crisis of the day, including such threats as the lack of heating fuel, the discovery of another Watergate debacle and possible international situations escalating to world war III. In an effort to appease the people, various public figures announce their grand plans to alleviate our problems. However, we the American people are becoming numb to the threatening shouts and to the promising rhetoric. We seek a quiet and honest man with strength of character and a listening ear. We seek a statesman. My close friend and colleague GERALD R. FORD is such a statesman.

Often described as soft-spoken and kind, JERRY has never given anyone, not even his political opponents, cause to doubt his integrity. As a fellow Midwesterner, I am inclined to attribute this quality to good, old-fashioned midwestern honesty. The number of close relationships that JERRY has made among the Democrats, not to mention his Republican friends, during his 25 years in Congress is extraordinary, especially since he has served as the minority leader for 9 of those 25 years. Just as a good football player knows not to carry his competitive feelings against his opponents off the field, so JERRY knows not to carry partisanship to the point of personal enmity.

The same qualities that earned JERRY Michigan University's Most Valuable Player Award in 1934 and Sport's Illustrated Silver Anniversary All-American Award in 1939 have earned him the leadership of the House Republicans. A superb tactician, he has been a great legislative leader with the ability to provide the unifying thread to the general debate on important issues. For example, he has helped to guide the Republicans toward a wider policy perspective on the environment and revenue sharing. Before becoming minority leader, JERRY had a chance to develop his leadership abilities in his role as the senior Republican on the Appropriations Defense Subcommittee.

His work on the Defense Subcommittee as well as on the Foreign Operations Subcomimttee has also provided him with a good background in both domestic and foreign affairs. His many accolades, such as his honorary doctorate degrees, the U.S. Junior Chamber of Commerce Distinguished Service Award, the American Political Science Association Distinguished Congressional Service Award and the American Good Government Society George Washington Award, plus his training as a lawyer at Yale University Law School attest to his qualifications for this high position. Furthermore, he has the strong support and the comforting hand of his charming wife, Betty, and the backing of his four lovely children, Michael Gerald, John Gardner, Steven Meigs and Susan Elizabeth, to assist him in the role of Vice President. Frannie, my sons and I wish all the Fords the very best in this great new adventure.

Most important to consider is his contacts with the people. Having had his fingers on the pulse of his constituents in the Fifth District of Michigan and his fellow colleagues, he is well aware of the American people's concerns and desires. The knowledge along with his open and consultative nature should guarantee us that he will always keep in mind that our Government was formed of the people, for the people and by the people.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. Mathias).

Mr. MATHIAS of California. Mr. Chairman, I want to take this opportunity to add my support for the confirmation of Jerry Ford as Vice President of the United States.

Our country needs a Vice President who can work with the President and Congress on matters of national interest. We need a person who is qualified to take over the duties and responsibilities of the Presidency if that should become necessary. And we need a Vice President who is a leader, someone who can help give the country strong leadership and a sense of direction through these difficult times.

Because of his experience as a Member of Congress and as minority leader for the past 9 years, Jerry Ford is well qualified to be Vice President. He will bring to the Office of the Vice Presidency the proven ability to lead and to deal with national issues in a constructive and forthright manner. Since he is a person of strong character and integrity, he will continue to serve the American people, as he has done for the past 25 years, with dedication and compassion.

As a man of the Congress, I feel certain that he will continue to maintain close ties with Congress as well as work to develop a closer working relationship between the executive branch and Congress.

From my knowledge and experience of working with Jerry Ford during my 7 years as a Member of this House, I know that he will do everything in his power to serve his country with dedication and honor.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. Dorn).

Mr. DORN. Mr. Chairman, the House of Representatives will be honored today when Jerry Ford is sworn in as Vice President of the United States. The House of Representatives, elected directly by the American people every 2 years, is best acquainted with the character of the American people. This body reflects the strength, hopes, and aspirations of the American people. This is the greatest parliamentary body on this planet today. It is an institution which draws its strength from diverse geographical areas and from citizens in every walk of life. If America, Mr. Chairman, is the melting pot of the world, then this House is the melting pot of America, where we are all brought together in a common bond of freedom.

Jerry Ford for 25 years—a quarter of a century—has served in this, the greatest of the people's representative institutions. While here, he has come to know our country, its various philosophies, ideologies, creeds, and races. There is no better training ground in our Nation for higher office than service in this body. Jerry Ford will step into the Vice-Presidency trained for leadership in the Government arena as thoroughly as he was trained and conditioned in the athletic arena. This is a critical time in the history of our country and indeed the cause of freedom the world over. Jerry Ford could well provide that leadership so needed and so essential to the very survival of our institutions.

Mr. Chairman, Jerry Ford is a man of the highest character, integrity, and ability. I commend the President for the nomination of Mr. Ford as provided in the 25th amendment and I commend my colleagues in the Senate for their overwhelming endorsement of our beloved colleague in the House, Jerry Ford.

Mr. Chairman, I urge this House today, in the interest of unity, in a spirit of bipartisanship and in a love and dedication for our country to give Jerry Ford an overwhelming vote for Vice President of our great Nation. The traditions of the House are American traditions. Our heritage, the great principles and ideals of the American people, are lodged here in the House. His having served here so faithfully and so well, esteemed by his colleagues, elected as minority leader, is the greatest recommendation anyone could have for the high and exalted office of Vice President of the United States.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. Mazzoli).

Mr. MAZZOLI. Mr. Chairman, I rise in support of the nomination and confirmation of Gerald R. Ford.

Mr. LANDRUM. Mr. Chairman, for more than 20 years I have known Gerald Ford and enjoyed a very happy and warm relationship with him in the House. His industry, his intelligence, his personal integrity and character, his courage and his candor, have made him a respected and an effective leader in this body. Those same qualities will make him a good Vice President, and if fate should decree that he become our Chief Executive, they will make him a President whom the Nation can address with pride "Mr. President."

Mr. RODINO. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. Ryan).

Mr. RYAN. Mr. Chairman and Members of the Committee, today is an historic day—but over all of those circumstances that would normally make today a festive occasion for both Mr. Ford, his wife, and family, there hangs a pall of gloom, a miasma of doubt, and the faint cast of fear over a nation that is virtually leaderless. If we had the parliamentary system of most countries of the free world, this day would mark the inauguration of a new President, and the beginning of a new administration. Today we simply perpetuate the old administration. We place still another man in a post vacated by still another of Mr. Nixon's choices who have left office under conviction for offenses against this country that normally send the person convicted to prison for a portion of his life.

It is emphatically not enough to say that Gerald Ford is a good man, a good husband, a good father. It is not enough to say that he is a good politician. It is not enough to say that he has many friends here on the floor. All these statements are true, and any man could go to his final resting place happy to have that said about him—but we are here to do something else today.

We are here to take action under the 25th amendment to fill a vacancy in a Presidential administration. Under ordinary circumstances, this might be routine, as was intended when the 25th amendment was passed and ratified. However, today the circumstances are different in at least two ways, both of which spring from the terrible circumstances that have developed in 5 years of this administration and that are without parallel in history.

First, it has become painfully obvious to us all that the constant efforts of this administration to act in a fashion which is reprehensible to the vast majority of Americans with regard to what has come to be called Watergate, has all but destroyed American confidence in the Nixon administration. Many of its members, who have come with smiles and left by various means, hear curses and imprecations flung at them as they depart. As I have already indicated, in most free countries there would long since have been a vote of no confidence in the President by the parliament, and an election would follow, allowing the people to choose new leadership. This election today then is more than a routine replacement of an empty office.

The second reason why this vote today is different is that people throughout this Nation are bitterly and militantly opposed to the domestic policies of this administration, and they have found no way to impress this upon their national leader with any effect. Further, they know that there is the very strong possibility that Republican and Democratic leaders alike may press Mr. Nixon to resign once this nomination is completed and approved. By every indication, Mr. Nixon is appointing a man to succeed him whose views are not in concert with this country, and whose capacity to lead us out of the dismal swamp of despair is doubted by the man who is to be approved today. A sad prospect indeed.

And so, Mr. Chairman, I intend to vote no on this nomination. My own constituency tells me to do so, by a large margin. They do so because they cannot have, under the 25th amendment, what they really want: a new election, so that they can choose for themselves whom they want. Lacking that ability, the national election is held today in this chamber. In spite of Mr. Ford's personal probity, his integrity, and his capacity for hard work, I do not think the people would choose him, and I do not think that I can do so either.

Mr. RODINO. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. Landrum).

Mr. MAZZOLI. Mr. Chairman, I rise in support of the nomination to the Vice-Presidency of my distinguished colleague, Gerald Ford.

While Jerry Ford and I are on opposite sides of the fence politically, what is at stake here today transcends political boundaries. What is at stake here today is whether he possesses the necessary talent, experience, and qualifications to assume the second highest office in the land. I believe that JERRY FORD has those qualities.

A rigorous and unstinting examination of his life and character, an examination more intense than that previously undertaken for any candidate for any government office, has revealed no serious improprieties.

Aside from being a very personable individual, JERRY FORD is a man of high principle and clear integrity—qualities always essential in the fulfillment of the public trust, but particularly so in these troubled times.

In his quarter-century of devoted service to this body, JERRY FORD has developed a lively appreciation of the role of Congress in our tripartite form of government. That JERRY is a "man of the Congress" is—in my judgment—one of the most compelling reasons to support his nomination.

I shall vote for GERALD R. FORD's confirmation, and I would like to take this opportunity to join my colleagues in wishing him all health, happiness, and success in the years ahead.

Mr. RODINO. Mr. President, I yield 3 minutes to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Chairman, of course, it will be impossible in the 3 minutes given to me to spell out the reasons why I cannot vote for the confirmation of GERALD FORD. Three minutes is not enough.

Despite opinions and statements to the contrary, the key issue here is indeed one of philosophy. Notice I stress the word philosophy rather than referring to partisan political posture. I believe it is possible for Members of both parties to embrace a humanistic philosophy.

As we proceed today I wanted the opportunity to speak to the heir apparent, Representative GERALD R. FORD. I must ask him whether he realizes that 22 million black Americans feel they have been abandoned by this administration and whether he believes this to be a good thing for the country. I must ask him whether he knows that there are indeed people hungry in this Nation today. Does he know that according to the Department of Labor statistics in 1972 a million black Americans slipped back into poverty? Does he know that the overwhelming majority of the poor in this Nation believe themselves to be abandoned by the present administration and if he believes this, does he believe that this is good for America?

My concern must be with the philosophy of the man.

Does indeed Mr. FORD know that America consists of more than giant corporations and corporate interests. Does he understand that the philosophy of America should not be, "spices for the few and fetters for the crew?" That to the contrary the philosophy ought be that all are equal in importance, all deserve equal consideration from their Government and all citizens are necessary for the ongoing of the Nation. Is he cognizant of the fact that the present administration has polarized the Nation along racial lines and that polarization puts fearsome stress on America.

I have raised all of these questions asking whether the nominee knows these facts. His record in the Congress to date strongly suggests to me that even if he knows them he does not understand them. The Congressional Black Caucus several weeks ago issued its position against the confirmation of GERALD R. FORD. We did so not out of any hatred for the nominee, not out of any sense of vendetta and not because of partisan political considerations. We vote against him today out of a sense of commitment to the basic principles of democracy, out of a sense that someday and somehow we will fulfill the potential greatness of this Nation by treating all—rich, poor, black, white, old, young with the same priority because that is what America is all about. I have no choice but to vote against the confirmation of the nominee. My own sense of humanity and my own belief that America will evolve to a plane of humanity demand that I so vote.

Mr. RODINO. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I rise out of a deep sense of protest and quite a bit of interest to beg and pray to be heard, to get the time on this to be heard, but we have to arrange so that we can meet the TV time instead of giving the Member at least a modicum of the time he is usually and regularly entitled to have. I believe 1 minute is inadequate for me to state what I think I could in 5 in support of my position when I get the right to vote "no."

Mr. Chairman, the House has never before been asked to confirm a nominee to fill a vacancy in the Office of Vice President. There is no precedent for this proceeding and we should therefore go about it with the utmost caution. We have to be mindful not merely of the nominee's suitability; we have to consider whether this proceeding is proper at all.

This confirmation proceeding is rooted in a constitutional amendment of dubious wisdom; it stems from a malodorous series of events that created the vacancy we now presume to fill; and it is being culminated in a proceeding for which there is neither rule nor law to guide us, save the 25th amendment itself.

No matter how we judge the nominee, we are first bound to understand what we are doing, and what precedent we are setting. We must understand that our decision today does not end a historical event. Far from it; we are setting in motion a whole train of events, the end of which we cannot foresee, and the consequences of which we can hardly imagine.

I say this: if the process under which we act is wrong, we cannot rightly confirm any nominee.

The wisdom of the 25th amendment must be considered against the gravest possible stresses. When considered in that light, its weaknesses become apparent.

For example, the 25th amendment provides that a number of Cabinet officers may act to declare the President disabled, with the Vice President's concurrence, the Presidency becomes vacant and the Vice President assumes office as Acting President.

But suppose that there is dispute over the disability. Who is to require that the President submit to examination? How is that term defined? The law is silent on these points.

It is not impossible to have a combination of bold and willful persons act in concert to depose the President, and that is entirely possible under the 25th amendment. After all, the reason for our action here today is that the Vice President was forced out of office as part of a deal to keep him from facing possible imprisonment. We have no way of knowing whether he was in fact guilty of the charges that were about to be brought against him; he was never tried and we have never seen the evidence. We may never know the truth of the matter; and the fact is that this House has made no effort to find out precisely how and why the extraordinary events leading to the resignation of Mr. Agnew took place. We do not, in other words, know whether the vacancy itself is legitimate. All we have is a knowledge that if he had not resigned, he might have been tried on certain criminal charges, and that his resignation assured that he would not face the possibility of imprisonment. But we do not know what the charges would have been, nor do we know what the evidence was. We have made no effort to find out.

It is a grave matter when a duly elected officer of our Government, and certainly the Vice President, leaves office before the term of office has expired. In this case, because of the extraordinary nature of the event, and because of the precedent involved, we should be absolutely certain that the resignation was not the result of some scheme perpetrated by bold and willful persons, for we know from the revelations of these past months that this country is not immune from illegal schemes, plots, and combinations that violate the law, the national conscience, and the rights of the whole Nation. Since we know that such things are not impossible, we should at least take the precaution of being certain that the vacancy we are being asked to fill was not the result of any such plot.

If it should develop that this vacancy was created by foul means, our action today would legitimize that. What is worse, it would set loose forces that in the future could lead to plots against the Presidency itself; it would enable the 25th amendment to be abused and misused, and destroy the very integrity of our Government.

It is certainly unlikely that Mr. Agnew was victimized; but however unlikely that is, our duty is to the Constitution, and we do not serve it well if by any omission we legitimize an illegal action, and thereby set in motion forces that sometime in history might overcome our whole governmental fabric.

These proceedings are brought without the guidance of law or rule, save the 25th amendment itself, and in that sense, the proceedings are improper.

There is no law that defines how the

25th amendment is to be carried out. There is no rule in the House that spells out how we should act; what investigations should be made, what committees appointed, or what rules apply to consideration of issues raised under the amendment. We have no definition of what disability is; we have no guidance for resolving disputes that might arise, and might have arisen in this precedent-setting case. But rather than consider carefully how to go about this proceeding, we have ignored the uncharted legal waters, ignored the possibility of error, and made no effort to ascertain what the effects of our action might be at some future, more troubled time.

We cannot assume that Congress will always be in the hands of wise and dedicated people; we cannot always assume that the Presidency will be filled by a capable and law-loving person. Our Constitution was created by men who had seen government without law; who knew the vanities and failings of humanity; who knew that if their revolution was to succeed it would be because they established a government of laws rather than men. But in our action here, we observe no such regard for law. We assume too much; we act not as a government of laws, but of men.

I do not believe that there is any argument that the nominee fulfills the constitutional qualifications for being Vice President. But that is only part of the issue we must consider. For if the procedure under which he assumes office is invalid, no candidate, however qualified, is legitimately in office. We have that possibility today. We have only considered the qualifications of the nominee. We have not investigated the legitimacy of the actions that created the vacancy. nor have we made any effort to assure that our own actions are legitimate.

Considering the worst possibilities is a part of our duty. The Founders of this country were wise and able, but they did not presume that their successors would be the same as they. Considering the worst possibilities, they established a written Constitution, and gave it to the Nation as a safeguard against the excesses of the willful and wretched characters that might have destroyed their revolution, just as such characters had oppressed the legitimate rights of the people before.

We have good reason to know that our country is not immune from danger. We have good reason to know that dangerous and willful persons, people of small mind and great ambition, and people of wretched ability have on occasion come to positions of great power in this country. And we have seen what such persons can do. We know that there is no defense against political plots and subversions, save our own laws, and our vigilance.

We have not been vigilant enough. This proceeding might well legitimize precedents that in the future would undermine our very liberties. We are setting here a precedent of enormous magnitude, and we have been careless about it. I have high regard and warm personal feeling for the nominee, but that is not the whole issue here. I do not believe that we can properly consider his qualifications and character until we have satisfied ourselves that the whole proceeding is legitimate. Since we have not satisfied that question, I cannot vote for confirmation. With the utmost regret, I state my profound belief that we have not discharged our duties and obligations to protect and preserve the Constitution.

That is what is at stake here—not merely filling a vacancy.

Mr. RODINO. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. Waggonner).

Mr. WAGGONNER. Mr. Chairman, I appeared before the Senate Committee on Rules at that point in time when they were holding the confirmation hearings on Jerry Ford. I said to that committee at that time and I repeat to you now that Gerald Ford is the right man at the right time to be the next Vice President of the United States. He has every quality that any individual has enunciated here today as being necessary to be Vice President of the United States, to lead us at home and to lead us abroad.

We ought to consider our vote for Jerry Ford today as if we stood in Jerry Ford's shoes. There is every reason why Jerry Ford ought to be confirmed as our Vice President and there is absolutely no reason, regardless of the criticisms voiced here today, to deny him that confirmation.

Jerry Ford is going to be a man we Americans are all going to be proud of as our next Vice President. I am proud to call this good and great American my friend. Mr. Chairman, I could go on and on but that is not necessary. Let me conclude by saying to you that I submit for printing in the Record the remarks I made to the Senate Committee on Rules in support of Jerry Ford's nomination. These remarks expressed my feelings then and still do. They follow:

Mr. Waggonner. Thank you Mr. Chairman, gentlemen of the committee.

I want to take this opportunity to thank you for the privilege of appearing before you on the occasion of your breaking new ground and giving consideration to employment of the 25th amendment for the first time in the history of our great country.

I can say without any reservation at the outset, I appear before you in total support of the confirmation of Gerald Ford to be the next Vice President of the United States.

I would be remiss if I did not thank you, Mr. Chairman, and the other members of your committee and this body for the efforts you are making to expedite this hearing, to hasten Jerry Ford's nomination and confirmation.

I think you are doing it because you feel it is in the best interest of the country. I express my personal appreciation to you for that.

Having talked with Jerry from time to time during these intervening days since his nomination and until his appearance here today before you, I am aware of the fact that he has been investigated in a rather thorough way. I suppose he has had about as many questions asked about him as any man ever did.

As a result of this investigation of Jerry, I am sure you have some information about Jerry that I do not have. I am quite sure, as well, and I would not doubt but that you share the same feeling that you are maybe perhaps happy that they have gone into this detailed investigation of Jerry, rather than of us as individuals. Jerry told me at the outset that he wanted this sort of an investigatiton. He wanted the table tops cleared. He wanted the air to be without odor, because he wanted the people to know and understand what he was.

I think this is a marvelous attitude on his part.

With all of this information which you have had available to you, because of my associations personally and professionally with Jerry in the period of time that I have been in the House of Representatives, our close working relationship, I have gained some insights into this man that I want to talk to you about.

I did not come with a prepared statement today. I did come with rough notes I jotted down in the committee a few minutes ago before I came over here as we attempted in the Ways and Means Committee to tend to some of the affairs of today, as you are doing here.

Now, I am conscious of the fact, having viewed and read the comments of the media, that Jerry at some point in time said to you that he was no saint. Well, who of us is? But this has significance to me, that Jerry would come before you and make a statement like that. It means to me that he knows better than anybody else what his limitations are, and it is his way of saying I am only human, as you are.

He knows with this statement, as he made it to you, that he expresses human frailities as well as we all do. Of course, he was not here to be negative, nor am I. I am not here to talk about Jerry's weaknesses. I do not think he has any real weaknesses. I think he is not just above average, but outstanding in every respect, and I am here to talk to you in a very positive way.

I wish Senator Hatfield was here at this moment to hear what I have to say in view of his question of Senator Bayh about the qualifications a Vice President should possess. I do not say what I say as one expressing just qualifications, but I do believe that I can express some personal reasons why I believe that Jerry Ford should be confirmed as Vice President.

First and foremost, he is a Christian. Secondly, he is qualified in every respect by reason of education and otherwise. He is a proven leader and an able legislator, honest, sincere, a man of integrity and his word is his bond.

He is patient, understanding, practical, a patriot who loves his country, a family man, a man who knows our great system of government, the greatest system of government a man ever enjoyed.

He not only knows this system, he believes in our system. He understands people. In 25 years of representing his district in Michigan, it has kept him close to the people.

Jerry Ford is accessible, not just as a legislator now in the House of Representatives, he will be accessible as Vice President. He is a good listener.

Jerry Ford has something that too many of us in elective office do not have. He has a philosophy and a conviction about government. He knows the relationship of Government to people, what it ought to be, and he is true to that conviction. He practices that conviction. He does not react to political expediency. He is a fair-minded man, and an impartial man. He has lived the life of commendable service. He is a man as you have already gleaned from those representing the House who appear here today, a man popular with his colleagues.

He is a man who, in my personal opinion, is consecrated to the truth and the needs of this country, a man who has that rare delicate sense of everyday courage, courage to do the right thing when the majority insists that you do wrong, calm, cool depths of everyday courage in my personal opinion, a man who knows that right is still right, if nobody does it, and knows that wrong is still wrong if everybody does it, but a man who practices what he knows to be right.

I have heard, you have heard now, some of these reasons, and these are only partial, concerning Jerry, so I think now it has come time to pose the question: Are there any reasons that Mr. Ford should not be confirmed?

I can only say none that I have any knowledge or any suspicion whatsoever of.

Only occasionally have I ever heard anything of a partisan nature to raise the question as to whether or not Mr. Ford should be confirmed, but I am not a partisan. The only people who appear before you today from the House of Representatives as was the case with Senator Bayh, do not come as partisans, they come believing that Gerald Ford should be next Vice President of the United States.

You know, Mr. Chairman, and the gentlemen of the committee, politics is a dirty word in America today and around the world, too, I suppose, because of some of the things that we Americans have been spotlighted for having done.

It is tough for your committee, but we in politics are in large part responsible for that mirrored view of politics of the world.

Politics, however, can be an honorable profession. But we politicians must make it an honorable profession. Gerald Ford has done his part to this point in time.

I have no doubt, no reservation whatsoever, that when he is confirmed that he will continue to view politics and to serve politics in an honorable way in the future as he has in the past.

Mr. Chairman, I just simply believe that Mr. Ford is the right man at the right time, to serve us as our next Vice President and will provide the leadership demanded of that high office, both here at home, and abroad. The President knows this and is to be commended for an outstanding nomination.

I would close simply by saying there is only one way for those of us with some responsibility in this respect to proceed, and that is with the Christian attitude, that we want to treat Jerry as if we were Jerry, as we proceed to consider his nomination. Were our roles reversed I'm sure he would proceed in this manner.

Thank you, Mr. Chairman.

Mr. RODENO. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. YOUNG).

Mr. YOUNG of Georgia. Mr. Chairman, in voting for confirmation of GERALD R. FORD as Vice President of the United States, I am casting a vote of faith and hope that he will be a uniting and stabilizing force in a nation beset by division and crisis.

I believe that a substantial majority of the Congress is giving Mr. FORD a mandate to help unite and represent the entire Nation—not merely one conservative Michigan congressional district.

My decision is based on several considerations. First, the public record of inquiry into this nomination indicates that, whatever one may think of his political views, there was no challenge to his qualifications to hold this office and to succeed to the Presidency, sufficient to convince the majority of the committee.

Second, his accession to the Vice-Presidency will facilitate either the resignation or impeachment of the present occupant of the White House because the Congress will have approved of a duly chosen successor. I believe that the American people would greet Mr. Nixon's resignation with relief, especially in view of the fact that the nominee of his choice, Mr. FORD, has been confirmed by an orderly constitutional process, on a nonpartisan basis.

I believe further that the people would experience much less anxiety over the impeachment process, if that becomes the only recourse left to the House of Representatives.

Third, to those who share my very strong reservations about Mr. FORD's political philosophy and voting record, most notably in the areas of civil rights and human needs, I would point out that anyone selected by Richard Nixon would have that same philosophy, because Mr. Nixon himself established it as a criterion for the appointment.

Finally, Mr. Chairman, I look to our colleague, GERALD R. FORD, to rise to the occasion of assuming this high office, to grow in that position as many have in the past. Out of my own southern experience, I have confidence that people can overcome past parochial views and develop a broader perspective which takes into account the interest of all of the people. Decent men, placed in positions of trust, will serve decently. I believe that Mr. FORD is a decent man.

America today is so divided, so distrustful of the highest office in this land, and so grievously troubled by economic and political crises, that I will accept almost any qualified and decent person who has a chance to pull the country together and begin to solve our national problems.

I am therefore willing to extend this opportunity to Mr. FORD, to give him a mandate to unite an entire Nation. I will be the first to criticize any unwarranted actions and policies coming from him, just as today I oppose in the strongest terms the philosophy reflected in his record of public office. The mandate conferred on the President by the people in 1972 has been so abused that it no longer has any value or credibility. Let us hope that Mr. FORD will respect and abide by his own mandate which we, as representatives of the people, are giving him in one fateful and possibly final act of trust.

Mr. RODINO. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I appreciate the Chair extending this additional time.

As we proceed to cast this historic vote, I would like to raise this question with my colleagues. Why did the House of Representatives proceed first with the confirmation hearings taking into consideration that there was pending at the time of this nomination in the Judiciary Committee a resolution of impeachment of the President? Since then, 15 additional resolutions calling for the President's impeachment and 2 concurrent resolutions calling for his censure without prejudice to impeachment were introduced and referred to the Judiciary Committee more than 2 weeks prior to the Ford confirmation hearings. It is significant to note that an impeachment resolution was also introduced in the 92d Congress.

I think the decision to proceed with this nomination reflected an utter failure to grasp the real issue before this Nation: Whether it is more detrimental to the country to endure with a blight on the Presidency or to have a vacancy in the Office of Vice President.

In my view, the most important issue confronting us today is the need to resolve the crisis surrounding the Presidency. If this nomination is confirmed, then the Congress would, for the first time in our history, set the stage for the possibility of having both an unelected President and an unelected Vice President. If this occurs, the people will have been effectively disenfranchised by a President who was subsequently impeached for subverting the electoral process and then aided unwittingly by a Congress which failed to guard that electoral process and inadvertently played host to its further subversion. Those who have urged the committee and the Congress to expedite the confirmation process do not perceive that what this country needs most urgently under these circumstances is not an appointed Vice President, both a special election law which would provide us with the necessary authority to give the people an opportunity to elect their President.

This is the most nonpartisan action which the Congress could possibly take at this time, since it would dispel any thoughts that the democratically controlled Congress is deferring consideration of the Vice-Presidential nomination in order to bring into effect the provisions of the Succession Act of 1947.

I think we should observe that a number of legislative proposals have been introduced which would provide for a special election in the event of dual vacancies in the Presidency and the Vice-Presidency. This country has been without a Vice President on 16 occasions amounting to 36 years, or almost 20 percent of our history.

During 155 years of our history, from 1792 until 1947, the laws of the United States provided for a special election in the event of dual vacancies. So, this decision to proceed with this nomination, which I have repeatedly objected to during the hearings in judiciary, was made despite the fact that neither the Constitution nor reason required us to do so.

Mr. BINGHAM. Mr. Chairman, the House will vote today on the confirmation of GERALD FORD as Vice President of the United States. I share the general view that this vote will be favorable and I would like to extend my congratulations in advance to JERRY FORD and his family. The lopsided vote in the Senate and the very decisive vote I anticipate in the House will represent a well-deserved tribute to a man who has served this House and his party well and honorably over a great many years.

I am glad that this important matter will be voted on today by the House so that the issue will be settled and the office of Vice President will be filled. This will remove from the issue of President Nixon's continued tenure in office the question of whether, if he resigns or is removed from office, he should be succeeded by a Democrat, no matter how distinguished and able that person may be. Those who have been urging President Nixon to resign, and there are many, have been speaking unrealistically so long as Mr. Ford had not been confirmed. Similarly, those who believe that President Nixon should be impeached and removed from office, and there are many, should recognize that the chances of achieving this objective would be greatly reduced so long as the claim could be made that the supporters of impeachment and removal were seeking to replace a Republican President by a Democrat.

I have recently sent out a questionnaire to my constituents. The thousands of returns so far received indicate that a large majority are in agreement with the views I have expressed. Sixty-one per cent of those replying agreed with the proposition that Mr. Ford's confirmation "should be voted on by the Congress as soon as a full investigation of his background is completed."

For all of the above reasons, I was glad to have the opportunity to vote for the rule providing for a debate and a vote on the Ford confirmation today. Thorough investigations have been conducted, especially by the House Committee on the Judiciary. These investigations have turned up nothing substantial that would reflect on the nominee's character, and it is time that the House, as well as the Senate, should make its decision.

There are some who argue that the decision should be delayed until the question of President Nixon's possible impeachment and removal has been settled, on the ground that a President who is under the cloud of possible impeachment and removal should not be permitted to in effect name his successor. I cannot agree with this argument. So long as the President is in office, he not only can but must carry out the responsibilities and powers of his office. The nomination of a Vice President in the event of a vacancy is one of these responsibilities and powers. No President ever knows how long he will be able to serve, so that any President nominating a Vice President under the 25th amendment may be choosing his successor. The fact that a formal impeachment investigation is underway and that President Nixon's impeachment is widely called for does not change the situation. Thus, in my judgment, the House would not be justified in delaying indefinitely a vote on confirmation, once the investigation of the appropriate committee has been completed.

Moving now to the question of Mr. Ford's confirmation, I shall vote no on the resolution.

This vote should not be construed as any reflection on Mr. Ford's character or ability. On the contrary, I have a high regard for our minority leader on both counts. He is a decent, an honorable and a likable man.

But I do not view the responsibility of the Congress under the 25th amendment as being limited to passing upon the nominee's character and ability. In my judgment the nominee's record as a public official and his views on the great issues of the day are also relevant.

The various separate and dissenting views appended to the committee report contains a great deal of information in this respect, and I will not undertake to repeat or summarize what is there set forth.

My position can be stated briefly as follows: The 25th amendment does not give the President sole power to appoint a Vice President; that power is to be shared with the Congress. Under these circumstances, I believe it was incumbent upon the President to nominate a person whose public record and views lay somewhere between his own and those of the majority of both Houses. Instead of doing that, the President chose to name a person who has given him virtually 100-percent support. This applies not only to Mr. Nixon's positions on foreign policies, especially in Southeast Asia, and on the major domestic issues, but also—and even more importantly—to Mr. Nixon's concept of the Presidency itself, which I regard as dangerously inflated.

I am not suggesting that Mr. Nixon should have appointed a Democrat. There are many distinguished Republicans who would not have been, like Mr. Ford, a carbon copy of Mr. Nixon and for whom I would gladly have voted. For obvious reasons, I will not name names.

If Mr. Nixon himself were up for confirmation today, I could not vote for him—entirely apart from his role in Watergate, from his personal financial adventures, and from his repeated deception of the American people, none of which can be charged to Mr. Ford. Accordingly, I cannot vote for Mr. Ford.

In taking this position, I am not following the advice of my constituents as reflected in the answers so far received to my questionnaire; 61 percent of them favored Mr. Ford's confirmation, with 24 percent opposed, and 15 percent indicating no opinion. This is an interesting result, because clearly my constituency would not vote for Mr. Ford for Vice President or for President in a general election. I take it then that this vote reflects the view that the President is entitled to name a person of his own choosing, so long as he is a person of ability and good character. For the reasons stated above, I am constrained to disagree.

Mr. DRINAN. Mr. Chairman, the 25th amendment confers upon Members of the House of Representatives a power unique in all of American history. The Members of the House are mandated to conduct an election in which the House is a virtual partner with the President in the approval of a Vice President. The President's designation of Congressman Gerald Ford as Vice President raises no presumption that the Congress should confirm him. The rights of the House under the 25th amendment are similar to the rights which the House has under the 12th amendment to the Constitution which empowers the House to conduct an election in the event that the electors after a Presidential election do not present a candidate for President with a majority of the votes of the electors.

The 25th amendment by including the House of Representatives among those who will share in the appointment of a Vice President really intends that the Members of the House reflects the viewpoints of their constituencies in their vote for or against confirmation of a President's nominee for the Office of Vice President.

Senator Birch Bayh, the principal architect of the 25th amendment, stated well the purpose of this amendment during debate on this question on February 19, 1965. Senator Bayh stated that—

> By combining both Presidential and Congressional action we were doing two things. We were guaranteeing that the President would have a man with whom he could work. *We were also guaranteeing to the people the right to make that decision.* (Italics supplied.)

A CONGRESSMAN IS THE SURROGATE OF HIS CONSTITUENTS

As the surrogate of the 476,000 people of the Fourth Congressional District of Massachusetts I deem it my right and duty to vote against the confirmation of Gerald Ford. Three reasons justify in my judgment this decision: First, the priorities of Mr. Ford are neither mine nor those of my constituents; second, Mr. Ford's attempted impeachment of Mr. Justice Douglas in 1970 leaves unresolved fundamental questions about Congressman Ford's attitudes toward American institution's of government; third, Mr. Ford's ambiguous position with respect to secrecy in government is unacceptable.

I. CONGRESSMAN FORD'S LEGISLATIVE PRIORITIES

Congressman Ford opposed the creation of the food stamp program in 1957, the establishment of the Office of Economic Opportunity's antipoverty program in 1964, and the creation of the medicare program for the elderly in 1965.

Congressman Ford voted against Federal aid to public schools in 1965 and 1969. He voted against rent subsidy programs in 1965, against model cities' funds in 1967 and against the child care conference report in 1971.

Congressman Ford has an equally negative record on environmental issues. He opposed Federal aid to States to prevent water pollution in 1956 and 1960 and opposed efforts to strengthen the Federal Water Pollution Control Act of 1972. The League of Conservation Voters gave Mr. Ford a 23-percent rating in 1972 and a 17-percent rating in 1971.

The only area in which Congressman Ford has consistently supported generous Federal spending is that of the military. He has always opposed even modest efforts to diminish military spending.

In the area of civil rights the legislative priorities of Congressman Ford differ almost totally from everything that I know concerning the way in which my constituents view questions of civil rights. In 1965 Mr. Ford voted to mangle the Voting Rights Act. In 1966 he voted to delete fair housing provisions from a proposed law. If the position of Mr. Ford had been supported by Congress the voting rights law and the fair housing legislation would be substantially ineffective at this time.

Congressman Ford has consistently voted in favor of any proposed law which would prevent pupil transportation to accomplish desegregation or to reduce racial imbalance. On October 10, 1973, Mr. Ford voted to deny the citizens of the largely black District of Columbia the right to vote for their own Mayor.

It would be encouraging to think that Mr. Ford as Vice President or President might alter his position and be more responsive to civil rights. This was, of course, the pattern of Lyndon Johnson who as a Senator from Texas felt politically constrained to vote against civil rights legislation. In Mr. Ford's congressional district, however, the number of blacks through all of his 25 years as a Member of Congress has ranged from 7 to 12 percent. From personal questioning of Mr. Ford on this point in the Judiciary Committee hearings I cannot unfortunately report that there is any indication that he would take a more affirmative attitude toward civil rights legislation if he were not a Congressman from Grand Rapids, Mich.

In the area of civil liberties the priorities of Mr. Ford do not appear to be reconcilable with mine or with those of the citizens of my congressional district. Mr. Ford has frequently criticized antiwar demonstrators and praised Federal law enforcement officials for their handling of the 1971 May Day demonstrators—even though the 12,000 convictions obtained by the police on that occasion were set aside by the Federal courts in Washington. Mr. Ford has voiced support for preventive detention and for legal provisions to cut off Federal aid to any disruptive college student receiving such assistance.

On the right to migrate Congressman Ford is also unsatisfactory. He is opposed to the Jackson-Vanik-Mills amendment which would give to Russia the status of a most-favored-nation only if that country allowed Soviet Jews and other Russian citizens to migrate according to their desires to other nations.

In view of the fact that I vote as a surrogate or a representative of my constituents I feel that it is clear that I cannot cast a ballot for a man with the legislative and political priorities which Congressman Ford has demonstrated with remarkable consistency since he came to the Congress in 1948.

II. CONGRESSMAN FORD'S ATTEMPT TO IMPEACH JUSTICE DOUGLAS

The speech which Congressman Ford gave on April 15, 1970 on the floor of the House seems to be inconsistent with the carefulness and consistency which characterize all his other actions. It seems strange and shocking to have the minority leader of the House of Representatives try to associate Justice Douglas with gamblers and with "revolutionaries." Substantial evidence emerged in the hearings before the Judiciary Committee that it was the Department of Justice that furnished the allegations which Congressman Ford repeated about Justice Douglas. Congressman Ford has conceded that he spoke to the then Attorney General Mr. John Mitchell about his desire to move for impeachment of Justice Douglas. Mr. Mitchell directed Mr. Will Wilson, then Deputy Attorney General, to bring to Congressman Ford allegations about Justice Douglas which Mr. Ford reiterated with little or no critical evaluation.

Some may contend that Congressman Ford may simply have made a mistake of judgment in this matter. Since, however, Mr. Ford in effect assaulted the independence of the judiciary by his attempts at impeachment his conduct with respect to this matter must in my judgment be deemed to be a most serious disqualification for the office to which he has been nominated.

III. SECRECY IN GOVERNMENT

If there is any one reason for the alienation of the American people from those who govern them it is the pervasiveness of secrecy in a Government which has as its most fundamental dogma that it must govern by the people and of the people and for the people.

Gerald Ford was one of the 14 Members of Congress who was informed of the 3,630 B-52 raids conducted clandestinely over Cambodia during the 14-months prior to April 30, 1970. On that day President Nixon announced the ground invasion of Cambodia by U.S. forces. After the super-secret bombing became accidentally known in July 1973, Congressman Ford confirmed that he had been briefed about the bombing. Under questioning by me in the House Judiciary Committee hearing Congressman Ford denied anything wrong in his complicity with the Government in keeping from the Congress and from the people of the United States the fact that the United States had bombed a neutral country without the knowledge or consent of the Congress. I indicated to Mr. Ford in the confirmation hearings that in my judgment what he was defending was in fact an impeachable offense. Mr. Ford sought to justify the clandestine bombing by the assertion that Cambodia was a sanctuary from which supplies were being made available to North Vietnamese troops in South Vietnam.

In my judgment Congressman Ford's defense of this indefensible secret bombing in Cambodia raises the most serious questions about whether he has any commitment to open up the Federal Government to the people of America.

On other related questions Mr. Ford is also unsatisfactory. He would not agree that every Member of Congress has the right to know the amount of the budget of the CIA.

Unfortunately Mr. Ford may properly be accused of playing partisan politics with the issue of secrecy in Government On June 18, 1966, he stated:

> It is President Johnson's war, because the President plays everything too close to the vest. He has an unhealthy passion for secrecy.

On April 3, 1963, Congressman Ford opposed the executive privilege which in recent times he has justified. On that date he stated that—

> To maintain that the executive has the right to keep to itself information specifically sought by the representatives of the very people the executive is supposed to serve is to espouse some power akin to the divine right of kings. . . . Congress cannot help but conclude that executive privilege is most often used in opposition to the public interest.

Senator Birch Bayh, in the course of the enactment of the 25th amendment, stated that—

> We are bringing in the House of Representatives as the most populist and most representative power of the Congress. These (members) shall have the final power of election after the President has nominated a Vice President.

I deem it my right and my duty, both because of my own convictions and priorities as well as those of my constituents to cast a "no" vote in the election in the House of Representatives with respect to the nominee named by the President. I do it with reluctance but also with certainty that I have fulfilled my duty in a process under the 25th amendment which then, Congressman, now Senator Mathias stated was designed to be the nearest thing to a "full-fledged national election."

I vote against the President's nominee because the people of this country in November 1972 made it clear that they wanted a continuation of the priorities of a democratically controlled Congress. Mr. Ford does not stand for those priorities or objectives. Consequently I vote against his nomination since this is not the man that I want to see as President of the United States. A President can and should shape public policy in a way that no other single American is able to do. I do not want to see America shaped according to the positions on defense policy, domestic problems, civil rights, and governmental secrecy which Congressman Ford has followed over the past 20 years.

Mr. REID. Mr. Chairman, I believe Gerald Ford to be an honorable man; I have always liked him personally; and indeed, he may well in the Vice-Presidential office show a capacity to grow. In any event, I am sure he will shoulder his responsibilities in the best interests of the United States, as he sees them.

Moreover, the 25th amendment and the legislative history thereon clearly states that the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress. It is explicit in this that the Vice President may succeed to the Presidency.

In present circumstances, with impeachment proceedings underway in the House, and with grave doubts throughout the country as to the President's credibility and capacity to govern, the likelihood Mr. Ford may succeed to the Presidency is, indeed, a clear and present possibility, if not a reality.

Continuity in our Government is important, and there have been widespread concerns as to the key importance of proceeding promptly on the nomination of Gerald Ford. With the possible exception of Mr. Ford's role in the secret war in Cambodia, his fitness for the Office of the Presidency has not been seriously put in question.

Nonetheless, these are not ordinary times, and the leadership of our country must in the final analysis set a standard to which all men may repair with confidence in the democratic processes of our Government and the vitality of our free institutions. I believe that leadership less than this will not build the future in practicable terms—nor will it start the very slow process of rebuilding confidence in openness, integrity and accountability of American leaders to the

Constitution, the Congress, and the American people.

Accordingly, and with some sadness, I am constrained to vote against the confirmation of the nomination of GERALD FORD as Vice President of the United States.

Mr. ROBISON of New York. Mr. Chairman, my feelings today are ambivalent, for I share the joy and satisfaction of seeing a friend and colleague assume a new role—important and prestigious—yet, I also feel a sense of tragedy about the circumstances that make this necessary.

Clearly, this is not a time for celebration. As a nation, we have reeled from a succession of crises that at times seemed to overwhelm us. And, if there is any satisfaction to be gained from the ills that have befallen us, it is that our Government still lives.

Though some may not find this remarkable, a cursory view of the history written in this century alone tells us that the stability demonstrated by this Government during the turmoil of this year is somewhat unique. The fact that we have not seen a government topple or even seriously threatened, shows the strength and tenacity of our system.

We are fortunate that, in this instance, we have in place the steps provided for in the 25th amendment. It is unlikely that the framers of the 25th amendment envisaged a situation such as confronted us this fall. I certainly did not when I voted for the amendment.

But the genius of our system, responsible for its durability, has been its adaptabiilty—its capabiilty of handling crisis—confronting it successfully, and emerging stronger as a result.

No doubt, we are in another period of testing. Perhaps not of the magnitude as when Lincoln asked if this Nation "can long endure," but serious, nonetheless.

The act we take today, that of naming a new Vice President, is a stabilizing act. We provide for the important continuation of essential Government functions. We censure the integrity of Presidential succession. We make clear our determination to follow the dictates of the Constitution, when political expediency might have deterred us.

There are those who have, during the debate over the nominee for Vice President, unfairly, in my opinion, attacked him. GERALD R. FORD is a good man—fair, honest, just. His record, subjected to the most thorough inquiry by Congress in our history, is impeccable. I have full confidence in his ability to assume the duties of Vice President, and of the Presidency, itself, should those responsibilities become his.

For those who view the action today as a signal to begin again the pressure on this President to resign, I advise caution. That is a problem that should not dominate our thinking, at least for the present moment.

It seems to me that as we enter the holiday season, it would be a good time for all of us to "catch our breath." If, indeed, the President's Operation Candor is translated from talk into action, then there will be much to discuss and examine. It is important to do so fairly—not threateningly—and not in an atmosphere of hostility.

Let us, then, go on with the people's business. There is much to do. We can not dismiss the problems of credibility and capacity to govern that surround our President, but we can make sure they do not paralyze us. And, really, what we do today shows we are capable of doing just that.

Mr. FLOOD. Mr. Chairman, the Congress has voted wisely in selecting our distinguished colleague from Michigan, Congressman GERALD R. FORD, to be the 40th Vice President of the United States.

I have known JERRY FORD for 25 years and I consider him one of my best friends. We served together for 10 years as members of the Department of Defense Appropriations Subcommittee and, in fact, he sat right next to me on the committee.

I have never known JERRY FORD to take a partisan position on vital issues concerning our national defense posture. I have always found him to be in our long association as trustworthy, courageous, a man of integrity, good to his word, and most cooperative and helpful. I just cannot say enough complimentary things about our new Vice President who, I know, will serve in that capacity with honor and distinction. A gentleman such as JERRY FORD serves to raise the level of public service and adds to the confidence that the American people should have in our Federal Government. This is most vital and necessary at this particular time in our history. We all want better government and JERRY FORD will assist greatly in obtaining it. He has already made an impressive record as the minority leader in the House of Representatives. He has the respect and confidence of Members on both sides of the aisle. I am sure he will gain the respect and confidence of the American people as our new Vice President.

As I previously stated, I have known and served with JERRY FORD for a quarter century and during the course of that time Mrs. Flood and Mrs. Ford have become close friends working together in projects undertaken by the Congressional Wives Club. The Congressional Wives, as we know, have done much charitable work over the years in the Washington area for which we all applaud them.

Mrs. Flood joins me in wishing our new Vice President and his family every success and good health in the years ahead.

Mr. ROSTENKOWSKI. Mr. Chairman, this afternoon as the House of Representatives moves toward completion of its duties in this historic first test of the 25th amendment, I hope that the Members of this body would remain cognizant not only of the historical significance of today's vote, but of its precedential value as well. Not only are we confirming one of our own Members—we are also establishing criteria that will undoubtedly be used to measure other potential Vice Presidents whenever a future vacancy occurs in that high office.

My decision to support the nomination of GERALD R. FORD as Vice President is based not only on my belief that the President should be given the broadest discretion in selecting a nominee under the language of the amendment, but also because I believe that his choice, Mr. FORD, has served, and will continue to serve his country both honorably and with true dedication.

While as a Democrat, I have disagreed often both with the views of this administration and of its chief House spokesman, I firmly believe that it should be the perogative of any President to choose a man of his own party with whom he might best work.

In addition, although GERRY FORD has been a Member of the opposition during all my years in the House, I have come to respect him both as a leader and as an individual. If there has to be an opposition in Congress, I hope that they always have someone as dynamic as GERRY FORD to lead it. For while politically we have our differences, and over the years these differences have often been quite fundamental. I personally have come to know the man and respect him for what he is. He is a man of conviction and of depth. I am sure that he will serve his country well in this, its hour of very great need.

Mr. WHITE. Mr. Chairman, I support the nomination of GERALD FORD to the Vice-Presidency of the United States for one very basic reason, and that is I have confidence in his ability to carry out the duties of the Presidency should circumstances ever require him to do so. It has been my privilege to come to know Mr. FORD well during the 9 years I have served in Congress. He is not flashy as a legislator or as a party minority leader, but he possesses an abundance of the solid qualities which constitute the basic strength of this country. I think the overwhelming votes supporting his nomination in both the Senate and the House are testimony to my convictions about his qualifications to serve as our Vice President, and possibly as our President.

During my first term in the House, GERALD FORD came to my attention as he gained the leadership of his party. Never have I seen him take unfair advantage of any Member, or enjoy the distress of any Member during floor debate. Toward me, he has always been very affable, cordial, and direct.

He is an American, a man, and an able exponent of his party. America will have confidence in him. He will add much stability to the administration. We wish him well, and hope he is treated well as he assumes his new responsibilities and duties.

Mr. BURLESON of Texas. Mr. Chairman, this is, indeed, an historic occasion as has been alluded to by a number of speakers.

The 25th amendment to the Constitution orders, directs, and permits this procedure and existing circumstances cause us to exercise the authority under that amendment by voting on the confirmation of our distinguished colleague, GERALD R. FORD, for Vice President of the United States.

Mr. Chairman, insofar as I have heard and observed, not one responsible voice has been raised against our colleague's character and reputation. Evidently, he has been scrutinized from every possible angle, by the most careful investigation. I know of no man who has had his record and his life laid out before the public in as great detail. In every respect he has met the test and stands today before us for confirmation. Incidentally, I wonder how many of us could have undergone such an examination as has been given JERRY FORD and come out unblemished.

I am aware that some say that here is a man not elected by all the people of the United States, who can conceivably become President. On the other hand, in other constitutional provisions and under certain circumstances, the Congress could select the President. This being the procedure, I think the country will accept the judgment of the Congress in the selection of a man of such high character and dedicated to public service.

Therefore, Mr. Chairman, it is going to be my pleasure to cast my vote for my friend, our able and distinguished colleague, GERALD R. FORD, for the Vice-Presidency of the United States.

I extend my congratulations to you, Mr. Vice President. I am premature in thusly addressing you but by only within the hour. It is my hope that you will find great satisfaction in your high office and no doubt you will serve it with distinction. I have confidence that you will devote your energy and talents to bring respect and trust to your new position and within the rules of the system pledge my cooperation to that end.

Mrs. SULLIVAN. Mr. Chairman, although the Senate of the United States has had the authority from the time the Constitution went into effect to elect a Vice President of the United States under certain circumstances—and has exercised that power in the past—this is the first time in the 93d Congress that a vote of the House of Representatives will occur on the question of a designation of a Vice President. The historic nature of this event is heightened for all of us here by virtue of the fact that the man on whose qualifications we are passing is an admired and respected friend of every Member of the House.

The Honorable GERALD R. FORD, minority leader of the House, has won our friendship and our respect by his trustworthiness, his hard work, his willingness to accept heavy responsibilities and perform them with conscientious dedication, and by making his word his bond. He has been a credit to the minority which he leads, and he has engaged in the sometimes acrimonious and partisan debates in the House in a manner which never left scars or led to bitter animosities. Considering the years he has spent in a position of party leadership in an area of monumental political controversies, the standing he enjoys here as a man of decency and good will is truly amazing.

Now we are called upon to decide if this leader of partisan forces in the House should be elevated to the role of Vice President of all of the people of the United States. I think the response of the House to his nomination will be overwhelmingly favorable. We know GERRY FORD as an American who believes in the principles of representative government and we have every reason to have confidence in his complete dedication to the Constitution of the United States.

If he were called upon to serve as President of the United States as a result of action of the House of Representatives in confirming him as Vice President, none of us can know how he would perform in that office. We know he is a man of character and integrity, as his political career has clearly demonstrated. Under the 25th amendment to the Constitution, we do not have a free choice in selecting a Vice President who might eventually become President; we can only ratify or reject a nomination made by the President. But of all of the men in his party from among whom President Nixon could have made a designation, it is unlikely that anyone could have been nominated whom the Members of the House respect more than GERRY FORD.

As a Vice President, he will, I am sure, conduct his office with dignity and with honest devotion to his country above all other considerations.

I shall vote for his confirmation as Vice President. I wish him the best of good luck in this new assignment.

Mr. O'HARA. Mr. Chairman, I intend to vote today for the confirmation of Mr. GERALD R. FORD to fill the Office of Vice President of the United States.

During the years in which I have been privileged to serve in this body, Mr. FORD and I have been on the opposite sides of the aisle and on the opposite sides of many philosophical issues. There have also been occasions, most notably those concerning issues with particular impact on our great State of Michigan, when Mr. FORD and I have been allies.

The issue before us, however, is not whether we share Mr. FORD's partisan or philosophical views. I fail to see, in my reading of the 25th amendment, any requirement that the Congress withhold its consent to the nomination of a Vice President because his views are at variance with those of the majority of the Congress. I submit that to allow ourselves to be caught up in measuring Mr. FORD's qualifications for office against the subjective yardstick of our own philosophies would be to disserve the American people who expect Congress, at this critical moment in history, to rise above partisanship.

I concede to any President—whether of my party or the other—the right to select for his official family, men and women whose political views conform to the President's own. Historically, except for a few isolated instances, the other body of the Congress has regularly confirmed Cabinet members, heads of agencies, and the like, who have represented the administration's political coloration, not that of the majority party in the Congress. I submit that the same situation holds true today, on the nomination to fill the vacancy in the Office of the Vice President.

I have said that, in the past, Mr. FORD and I have often been in philosophical conflict. But he has been a worthy adversary. I have also said that, on some occasions, we have been on the same side on certain issues, and on those occasions, Mr. FORD has been a most valuable ally. I believe that this will continue to be the case when Mr. FORD leaves the House of Representatives and takes up residency in the executive branch of the Government.

These are grave times for our Nation, Mr. Chairman. We have endured a political trauma of unprecedented proportions. By our action today, in carrying out the mandate of the 25th amendment to the Constitution of the United States, we give witness to America and the world that our political institutions still survive, and that, as a nation, we have resilience enough to weather the crisis through which our Government is now passing.

Mrs. COLLINS of Illinois. I am taking this opportunity to state my reasons for voting against the nomination of GERALD FORD to be the next Vice President of the United States.

Many objections have been raised by Members of Congress about the right of the President to appoint his potential successor while such a cloud of doubt continues to hover over his own credibility. Other objections have been raised regarding the nomination of GERALD FORD for the next Vice President because of his obstructive stand on civil rights. Because there is a very strong possibility that the Congress is today being asked to confirm a person who might be the next President of the United States, I believe that it is encumbent upon Mr. Nixon to appoint a person who would dignify both the office of Vice President and President.

This Nation deserves to have as President or Vice President a person of great compassion for all of its people. I do not believe that GERALD FORD is such a person. His record speaks for itself. He has consistently worked to inhibit the rights and progress of minority groups—and especially those of the black American. Not only do I personally feel stunned by his actions, but so do a vast majority of my constituents. Moving away from the civil rights issue, per se, Congressman FORD has voted repeatedly against social programs such as public housing, increasing funds for hospital construction, and establishing the national food stamp program. He voted against medicare, against creating HUD, against the Child Care Conference report, against increasing education appropriations and against mass transit legislation.

Further, he voted to weaken the minimum wage bill and the occupational health and safety bill, and that is not all. Not only does he seem to be against civil rights, labor and social reform, but he has voted against measures such as the Federal Water Pollution Control Act which will help clean up our environment. Therefore, on the most fundamental issues of what America must do to improve the lives of its poor and near poor, GERALD FORD and I are in absolute disagreement.

The 25th amendment to the Constitution provides that the Congress, in lieu of a national election, shall confirm the next Vice President of the United States.

In this instance, I must be guided by my principles, my conscience, and my constituents. In the 1972 presidential election, the people of the Seventh Congressional District of Illinois voted 2½ to 1 against Richard Nixon and his policies. In my own ward, the 24th ward of Chicago, which for years has been known as the greatest Democratic ward in this country, the people voted against President Nixon and his unsympathetic policies for the poor by over 16 to 1. Not only are my philosophy and conscience opposed to GERALD FORD and his apparent unawareness of the needs of people, but so are the majority of voters of my district. What the American people need today is not just another body to sit as the Vice President, but a person of honesty, competency, and compassion for all Americans, be they poor or rich, white or black. In my view, GERALD FORD is not the man for this job.

Mr. ZABLOCKI. Mr. Chairman, as Members of this Congress we will have an opportunity to participate in an historic decision, vote and event when our esteemed colleague, the gentleman from Michigan. Minority Leader GERALD R. FORD, will undoubtedly receive an overwhelming vote of confidence by this House and the Senate confirming his nomination as the next Vice President of the United States.

It has been my privilege and pleasure to come to the 81st Congress with GERRY FORD in 1949. During the past 25 years, being of opposite political parties, it is expected that there would be disagreement on certain issues, but I have never found our colleague, GERALD FORD, disagreeable.

We all wish him well in his new role in the Federal Government. Undoubtedly he will meet the challenges that will confront him with courage and sincerity. My wife, Blanche, joins me in expressing sincere congratulations and every wish for success in all of his future endeavors.

Mr. GILMAN. Mr. Chairman, today's consideration of the nomination of the Honorable GERALD R. FORD as Vice President of our United States is a welcome task.

There is no question about the immediate need to fill the office of Vice President with an individual who is untainted in both public and private life.

For some time now, Mr. FORD's nomination has been carefully scrutinized by the Judiciary Committees of both the Senate and the House of Representatives. The result of these investigations have ascertained the flawless character and integrity of our next Vice President.

GERALD FORD has amply demonstrated, on both sides of the aisle, his ability to act as an effective legislative leader, bringing together opposing forces. During these critical times, when it is so important to bridge the gap between the executive and legislative branches, many of us look to GERALD FORD to accomplish this goal.

I join my colleagues in urging today's confirmation of Mr. FORD's nomination.

Mr. MACDONALD. Mr. Chairman, I rise in support of the nomination of GERALD FORD to be the 40th Vice President of the United States. I have known JERRY FORD ever since I came to Congress, and, in fact, I remember him as one of the first Members of this body to greet me when I arrived as a freshman.

I remember when JERRY was at Yale University Law School and served as a part-time coach and scout for the college football team. As a member of the Harvard football team in those years, I can recall first-hand the contribution which JERRY FORD made at Yale.

We renewed our acquaintance in this Chamber and my respect for JERRY has continued to this day.

He is one of the hardest working men in the Congress and has made an example of himself through his dedication to his duties. He has served with distinction under five Presidents and has been the minority leader for the past 8 years.

Although JERRY FORD and I have seldom agreed in casting our votes here in the House of Representatives, I have nevertheless developed a great deal of respect for him. He is an individual who is not afraid to stand up for what he believes in or what he feels is in the best interests of his country and his party.

As assistant majority leader, I have had the opportunity to deal with JERRY FORD in discussing many leadership decisions. In this area also, I have gained further respect for his integrity and dedication.

While I am certain all of his colleagues will feel his absence here in the House, I am pleased that JERRY FORD will be continuing to serve the public as he has done so well during his 25 years in the Congress. He will bring an understanding and a working knowledge of the Congress to the White House where these commodities have been sorely lacking in recent years. I look forward to working with him in the future in his new office.

Mr. ROONEY of Pennsylvania. Mr. Chairman, I am pleased to join with what I am confident will be an overwhelming majority of my colleagues in voting to confirm a Member of this body as Vice President of the United States.

Our distinguished colleague, the gentlemen from Michigan and minority leader of the House, Mr. GERALD R. FORD, becomes the first person in history to assume the Vice Presidency under provisions of the 25th amendment to the U.S. Constitution. I am extremely pleased for him, I have confidence in him, and I know he will perform the duties of his office in a manner which will be a credit to himself, to the office and to the Nation.

I do not purport to share many of Mr. FORD's views on matters of politics, nor perhaps on matters of policy or national priorities. But I do believe he is a reasonable man, a man of character and integrity, and I believe that he is fully qualified to assume this high office.

I have high hopes that he will take with him to the executive branch desire to reestablish a strong working relationship between the executive and legislative branches, and an atmosphere of mutual respect and cooperation as we pursue a common objective of resolving the many serious problems which confront our Nation at home and abroad.

I extend to Mr. FORD my warm congratulations and good wishes.

Mr. WHITTEN. Mr. Chairman, I join today in congratulating my friend and colleague, the Honorable GERALD R. FORD on his confirmation as Vice President of the United States. We deplore the circumstances which made this appointment and confirmation necessary; however, I know from my personal acquaintance with JERRY FORD, both as a Member of Congress and for many years as a fellow member of the Appropriations Committee, that he is well qualified for the position.

His service in the Congress, on the Appropriations Committee, and as minority leader of his party on the floor of the House, has been exemplary and has been a credit to him, to the people of his district, and to the country.

I agree with the many nice things that have been said about JERRY FORD. I cannot add to them except to repeat that I sincerely believe we all can look to him to carry on the duties of his new high office in the same sound, practical, and enlightened way he has performed his duties here in the House of Representatives, where we have known him well.

To JERRY and his family, we wish the very best in the years to come.

Mr. ROGERS. Mr. Chairman, I would like to join my colleagues in supporting GERALD FORD for the Office of Vice President of the United States.

I have served with the gentleman from Michigan and know him as a friend and as a colleague. And I have the highest regard for him in both associations.

I have always found GERRY to be honest and straightforward. His word has been his bond. I think he has served honorably and well as the minority leader and has at the same time given the House capable service.

The people of Michigan have had outstanding representation.

I see the House losing a fine Member, but I see the Nation gaining in leadership as the result of GERRY ascending to his new position. I think his leadership and guidance will add to the history and the office of Vice President.

My wife Becky joins with me in congratulating GERRY and his wife at this new juncture of their lives.

Mr. PICKLE. Mr. Chairman, the high regard in which both parties hold Minority Leader GERALD FORD is no accident.

In my 10 years as a Member of the House of Representatives, I have found GERALD FORD to be a man of his word. I have found that if you have an agreement with him, it will be kept.

GERALD FORD has always leveled with me both on points of agreement and on points of disagreement, and he understands how important this is to the workings of a democracy.

He has shown me an understanding of the legislative process and of how our system of government works.

He has shown an understanding of the give-and-take of contrasting points of view and of when to fight and when to compromise or concede.

Mr. FORD and I may not have agreed on all votes in the House, but I have found that he is an able adversary and a good American. Win or lose on legislative issues, he is a fair and honorable man.

I also believe the President is entitled to have a Republican and a man of his choice as his Vice President. I think Mr. FORD as Vice President will be a stable and steadying influence in the Government.

The Judiciary Committee has given him a thorough investigation and has recommended his confirmation.

I shall vote for his confirmation as Vice President and I hope that my colleagues will be moved to do so also.

Mr. BROYHILL of Virginia. Mr. Chairman, Congressman GERALD FORD has enriched his country, the Congress and the political system which conducts our public affairs by his honesty, integrity and devotion to public service for 25 years.

He will as Vice President help reaffirm the basic validity of that system and the faith the American people have in the strength of our Republic. I believe all Virginians will join me in wishing him well.

I believe the Nation will welcome his addition to the high councils of Government. I believe that his presence in these high councils will add stability, cooperation, and understanding so that the three branches of our Government will be able to meet the true test of our dilemmas in the days ahead.

Congressman FORD by his ascendancy to the Vice-Presidency, honors all Members of Congress of all political faiths. He will bring to his new office an understanding and dedication to good government that has been honed by his years as a minority leader. He now represents all Americans and in doing so he will match, in my opinion, all the expectations from this body which will today overwhelmingly endorse his capacity to serve his country in higher office.

He comes from the heartland of America. His career is a testament to virtues and beliefs which have kept this Nation free and independent. I have known and worked with JERRY FORD for more than two decades. I know of no man serving in this Congress today who has a greater understanding and faith in the future greatness of America than GERALD R. FORD. We are fortunate as a Nation that he has been willing to accept this new responsibility of national leadership. I bid him to counsel his country well as I know he will.

Mr. HANSEN of Idaho. Mr. Chairman, for the first time in history, under provisions of the 25th amendment, a vote of the Congress is being taken in lieu of a popular vote to put in office a new Vice President of the United States.

The great importance of this vote transcends traditional partisan boundaries. It is apparent that GERALD FORD will be confirmed by a strong majority. He will additionally have the vote and support of many who disagree, even strongly in some instances, with his previous votes and positions. Their vote of conscience for the good of the country is a credit to themselves.

In the course of hearings on the nomination, members of the committee who examined GERALD FORD expressed their satisfaction with his openness and candor. He has been subject to perhaps the most thorough examination of any political figure in history.

Members of the House Judiciary Committee who reviewed the extensive FBI investigation into his background have been impressed that almost all of those interviewed were favorable toward him.

I should also point out the enthusiastic support he has from my fellow Idahoans. GERALD FORD has been a frequent visitor to our State, both on vacations—one of his favorite retreats is Sun Valley, Idaho, where he has stayed often with his family—and official visits. He is widely known and highly respected in Idaho.

Because Mr. FORD is a member of my own party, we have a great deal of philosophical ground in common. But it is not because of this that his confirmation has my enthusiastic support.

Primarily I support him because during a quarter century of service in the House of Representatives, GERALD FORD has earned the reputation as an honest, fair, and decent man. I support him because he is eminently qualified to serve the people of the United States, as their Vice President, or as their President, if the need should arise.

I support him because I believe that as a Congressman he has always voted in good faith and because as a Vice President I believe he will act in good faith.

And, I support him because I believe he exemplifies what is now needed to reassure the people of this country of the value and integrity of their Government and to remind them that to serve this country can be, for all who choose to do so, an honorable and a noble profession, and one that can be the means of accomplishing much in the service of others.

Mr. STOKES. Mr. Chairman, I rise to oppose the nomination of GERALD FORD as Vice President. Mr. FORD is a decent and honest man, and the White House, at a time when it is in disgrace, has logically chosen decency and honesty as essential criteria while selecting a man of its own political philosophy. But Congress, empowered by the 25th amendment to confirm that selection, is thereby also bound to consider political and philosophical criteria as well as ethical.

In the election of 1972 the American people used such criteria when voting into office, by overwhelming margins, a President and a Congress of generally opposing political philosophies. The message they sent the Government was: We want both philosophies represented in Washington, not one at the continual expense of the other. In our political system, it is the people, not the government, which is sovereign. The people choose the government, and the legitimacy of any leader is fully dependent upon his proper selection according to accepted rules by the people; or, under the 25th amendment, by the people's representatives.

The procedures in the 25th amendment were designed only to expedite the selection process, not to change the underlying constitutional relationship of a potential President to the electorate. Sovereignty is still in the people, legitimacy still must come from them. The only way a Vice President chosen under the 25th amendment can be considered legitimate is if he has been subjected to the same type of scrutiny and analysis and decisionmaking process by the representatives of the people, as he would have been by the people in an election As Joseph L. Rauh says in the letter below:

> Congress as surrogate for the voters is obligated to use the tests the voters use—*stature, competence, experience,* and *philosophy*.

When choosing a President, or Vice President, voters consider all of the above. If a candidate does not measure up to the standards of a large number of the voters on these points, he will quite properly be defeated. A dozen blue-ribbon panels certifying that he is not corrupt, debased, or insane should not and will not ever overcome basic policy and experience considerations in the minds of voters who strongly disagree with the candidate.

Nonpolicy considerations may be crucial in a race between candidates who basically agree on policy. But under the 25th amendment there is no race, and the country should benefit from not having to make any "lesser-evil" choice. It should be free, then, to reach into its reservoir of eminent men and women and pick one who is able both to assume the Presidency and to convince a majority of the people that he is the best choice to represent their beliefs, and pursue their priorities, as President. This person would, it should go without saying, have a lot more to offer than a lack of major disqualifications.

Congress should vote as if it were the electorate, for it is acting in lieu of an election.

The merits of GERALD FORD aside, it is perfectly clear, by the votes of the Senate and of the House Judiciary Committee, that the standards of judgment employed by many Members have not been the standards implied by the 25th amendment. They are simply the standards used while confirming Cabinet members or judges—nonelected officials.

The Congress and the President are meant to be partners in choosing a Vice President, equals. If the President may use political criteria in selecting his man, so must Congress use political criteria of its own in assessing that selection. The people in 1972 did not give the White House a congressional blank check, and they do not expect Congress to act as if they did.

The proper choice for Vice President should therefore be someone who represents, in politics and policies, a consensus between the President and the majority, as well as the minority, of Congressmen. This has not happened.

I submit for the consideration of my colleagues the following letter from Mr. Joseph L. Rauh, Jr., to the Washington Post, which was published this morning. It summarizes my personal reservations about the Ford nomination, and eloquently takes us, as U.S. Representatives, to task for failing to deal with this grave question as incisively as we should have.

The letter follows:

The Liberals, Congress, and Gerald Ford

The saddest thing about the confirmation of Rep. Gerald Ford is what it says about current American political standards and horizons. When such liberal stalwarts as The Washington Post editorial page and Chalmers Roberts can argue for the proposition that a man ought to be confirmed as Vice President of the United States because he is financially honest, one can only see the flags of progress and the high goals of our nation dragging in the dust. I would never have thought the day would come when old friends would be urging the confirmation of an obviously unqualified nominee for the vice presidency simply because it is unnecessary for him to say "I am not a crook."

Mr. Ford's record, as The Post and Mr. Roberts appear to concede, is abominable. As House Minority Leader he sought to gut the Voting Rights Act of 1965, take the fair housing provisions out of the Civil Rights Act of 1968, delete basic provisions from the extension of the Voting Rights Act in 1969 and cripple the Equal Opportunity Amendments of 1971. Indeed, Mr. Ford's legislative decisions are no less anti-civil-rights than the judicial decision of Judges Haynsworth and Carswell (especially when one compares his Northern surroundings with their Southern background) and one might wonder whether the Senate intends to adopt a resolution apologizing to both Messrs. Haynsworth and Carswell.

But civil rights is only the beginning. Mr. Ford's record shows that he has consistently opposed programs to help the disadvantaged and this includes votes against food stamps, legal services and child care, minimum wages, education, Medicare, OEO, public housing, public works programs, the rat extermination program and rent subsidies. No congressman has sided more consistently with the haves at the expense of the have-nots than Gerald Ford.

Apparently recognizing the negative weight of Mr. Ford's record, The Post seeks support in the Senate Rules Committee hearings and investigation which it calls "notably thorough and serious." Yes, if one means financial peccadillos; no, if one means qualifications to be Vice President. Indeed, The Post itself states that Mr. Ford's effort to impeach Justice Douglas was marked by "reckless statements, innuendo and great carelessness with facts"; yet no member of the Senate Rules Committee ever asked Mr. Ford to explain a single one of those reckless statements or to indicate whether they had come from Attorney General John Mitchell as part of a conspiracy to get rid of Justice Douglas just as Mitchell had previously conspired against Justice Fortas.

Indeed, both Houses can be said to have failed in their duties under the 25th Amendment. That Amendment gives the President the right to nominate a new Vice President, but it gives Congress a responsibility of review and selection in connection with confirmation far different from its obligation in any other confirmation proceeding. The subject of confirmation (a potential President) and the confirmers (the full Congress rather than the Senate) are both unique in our history. And the President and Congress are acting together here not to nominate and confirm an executive or judicial appointee, but rather to choose, *in lieu of the electorate,* a man who must have the qualifications for President of the United States. This would be true in any event since the only significant attribute of the vice presidency is the possibility of succession to the presidency. But it becomes doubly true in the present circumstance where the calls for impeachment of, or resignation by, the present incumbent grow daily.

Congress, as surrogate for the voters, is obligated to use the tests voters use—stature, competence, experience and philosophy. Financial cleanliness is not enough; a vote for Mr. Ford on that ground is a cop-out on the 25th Amendment.

The Tonkin Bay Resolution had everyone's support, too—that is, almost everyone. But the heroes today are those who said "no" to that Resolution and refused to rubber stamp the White House. Maybe a new group of heroes who know how to say "no" are being made today.

Joseph L. Rauh Jr.

Washington.

Mr. LANDGREBE. Mr. Chairman, there is no denying that numerous events of 1973 and the way that they have been reported by the national news media, have severely shaken the American people's confidence in their Government. I feel very strongly that the only way which we public officials can restore that confidence is to seriously concern ourselves with the business of honest and responsible government in order to convince the American people that we are capable of performing well the jobs to which we have been elected. Today we have an excellent opportunity to begin restoring the people's trust in government through our favorable consideration of Gerald Ford's nomination to the Vice-Presidency of the United States.

I believe that Gerald Ford is one of the most outstanding Congressmen to have served in our body during this century. His record of accomplishments speak for themselves. Gerry Ford is a great leader; just as importantly, he is a great listener and conciliator. By confirming him as Vice President, the Congress can take its first big step in the positive direction of rebuilding the public's faith in government.

In his appearance before the Judiciary Committee, Mr. Ford stated that he would like to serve his country in his new role as a communicator between the legislative and executive branches. We all know that he is ideally suited for this very important task. What is more, we know that Gerry's pledges of open and responsive government are not idle promises since these tenets have been a way of life for him in his 25 years of service in the House of Representatives.

As I have said, Mr. Chairman, Gerry Ford's many accomplishments throughout his distinguished career as one of the brightest and best of our number have been amply documented in the hearings and here today. But, if I may make just one personal comment, I would like to use my own experience as an example of the genuine knowledge and concern of this outstanding American. As a freshman Representative, I found him to be extremely willing to help me learn the many intricacies of our job here on Capitol Hill. As I gained more experience in the Halls of Congress, I found Gerry Ford to be anxious to help provide me with opportunities and responsibilities which gave me a chance to enhance my knowledge of the congressional process.

Gerry Ford is not a man who has sought the spotlight, but rather, he is a man whose own unselfish manner, unquestioned integrity and dedicated hard work has thrust him into first, a position of leadership within the Republican Party, and now, a position of national leadership.

Confirming such a distinguished American as Gerald R. Ford to the office of the Vice Presidency will be one action in which all Members of Congress can justifiably take pride. Gerry Ford will be a great Vice President.

Mr. PRICE of Illinois, Mr. Chairman, I take the floor at this time to congratulate our colleague, the Honorable Gerald R. Ford—Jerry to all of us in this Chamber—upon the great honor which will befall on him later this afternoon when he takes the oath as Vice President of the United States.

The fact he now serves with distinction as minority leader of the House of Representatives is indicative of the effectiveness of his work during the 25 years in the House. It has been my privilege to have served with Jerry through those 25 years. On many issues there has been differences of opinions but on matters pertaining to national defense and to many programs that we thought were in the national interest we have consistently stood together.

Jerry Ford, as the investigation of the House Committee on Judiciary indicates, is fit and qualified to hold the high office for which he has been nominated.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to House Resolution 735 appointing Gerald Ford as Vice President. I have no doubt that Gerald Ford is a man of integrity and a man who has served the interests of his own district very well. He is highly qualified for the office of Vice President. In his tenure as House minority leader, he has indicated that he understands and can work with the Members of Congress.

Since the circumstances that surround this appointment indicate that the nominee may sometime in the future assume the office of the President, I feel it my duty, before casting my vote today, to determine whether the nominee would be acceptable to a majority of my constituency. I have thoroughly reviewed the voting record of the nominee and on the crucial issues of civil rights, labor, civil liberties, environment, the war and social problems, he does not reflect the views of a majority of my constituency.

In the area of civil rights, Mr. Ford voted to cripple the Voting Rights Act of 1965, to nullify title VI of the 1964 Civil Rights Act as applied to aid to elementary and secondary education. He supported a motion to gut the EEOC bill in 1971 and opposed the Senate's open housing amendments to the Civil Rights Act of 1968. Each of these bills was important in providing and protecting equal rights for all Americans. The position of Vice President must be filled by a man who represents all the people and it is clear that Mr. Ford has not represented the interests of the oppressed in our country.

In the area of labor legislation, Mr. Ford has voted to kill or weaken minimum wage bills on six separate occasions during his tenure in the House. In 1965 he voted against the repeal of section 14(b) of the Taft-Hartley Act. Last year he supported a proposal to weaken the occupational health and safety bill. Just 6 months ago he voted to deny food stamps to strikers.

A perusal of Mr. FORD's voting record indicates he has voted against a wide spectrum of social legislation. For instance, he has opposed 10 public housing bills, funds for hospital construction, aid to education, medicare, and the model cities program. Also within the past 3 years he voted against providing unemployment compensation to farmworkers, against the legal services bill, against the child care conference report and to reduce this year's Labor HEW appropriation. My constituents favored the establishment and increased funding for each of these programs. Mr. FORD's votes indicate a lack of empathy for the poor and disadvantaged in our country.

The Vice-Presidential nominee's record shows he opposed every attempt to end or limit the war in Vietnam. He has consistently voted for high-priced missile systems such as the Safeguard ABM and has opposed all attempts to cut defense spending.

Finally, Mr. FORD has refused to support a wide range of proposals to protect our environment. He has opposed aid to prevent water pollution, mass transit legislation and a bill to strengthen the Pesticide Control Act. My constituents feel the preservation of our environment is a crucial issue facing this country. Again, Mr. FORD has demonstrated his lack of concern in an area which is of vital significance to the district I represent.

I consider it my public responsibility to reflect in my vote the thinking and common concerns of the majority of the residents of my congressional district. On the basis of past voting patterns for this area, I have come to the conclusion that my constituents, if they had been given the opportunity to vote, would not have elected Mr. FORD today as the Vice President.

Mr. FORD's past voting record does not represent the views of my district and it is because of this reason that I cast my vote in opposition to his appointment.

Mr. CLEVELAND. Mr. Chairman, although it is a pleasure to speak in support of the confirmation of JERRY FORD as Vice President, it seems almost redundant to do so. This being an historic occasion and the first time we've confirmed a Vice President under the 25th amendment, it seems appropriate to look back a bit in time to see what kind of leadership we can expect from JERRY FORD on the national scene. I have some vivid memories in this regard which I would like to share with my colleagues.

Back in 1963, I became embroiled in a bitter fight with the late Congressman Charles Buckley of New York, over a staff problem in the Committee on Public Works. At that time, I distinctly remember JERRY FORD was the only member of the Republican leadership—he was then chairman of our conference—who gave me the slightest bit of encouragement. He did this in his quiet and friendly manner which to me displayed a true quality of leadership.

Thus when, following the Goldwater debacle in 1964, a group of Republican activists persuaded JERRY to run for the leadership, there was no doubt in my mind despite my great respect and friendship for Charlie Halleck. JERRY FORD was my man. I remember a series of meetings we had at that time with the group formed to muster support to change the Republican leadership. Among those whom I remember being particularly active were BOB GRIFFIN, now a U.S. Senator from Michigan, and Charlie Goodell, a former U.S. Senator from New York.

During the 1960's when the great society was high in the saddle, I remember vividly the many times that JERRY would marshal the badly outnumbered ranks of Republicans behind constructive Republican alternatives. To the detriment of the country and at the price of inflation, we were not often successful; but I think the record should show that we did write a good record and a positive one.

Thinking back over some of the tough times when JERRY's leadership was put to the test brings to mind an additional thought. There are some people who are again speaking as if the Republican Party and its principles had come to the end of the line. In the context of my remarks, I think it is appropriate to remind the faint-hearted that this is not the first time, even in recent history, that these thoughts have been expressed. As one who is a devout believer in the two-party system, may I suggest that as long as we have a party that can attract to its ranks and develop as leaders people like JERRY FORD, we still have a future, and a great one, for service to our Nation.

Never before in the political history of the Nation has a public man been subjected to such exhaustive and intense scrutiny by official investigatory agencies and the judgment of the public and his peers. JERRY FORD not merely survived the process; he has emerged strengthened and with his stature enhanced. This reflects credit upon himself, his party, this body and the office upon which he now enters.

I speak of these things today because of some widely publicized but shallow criticisms of JERRY FORD's qualities of leadership. It was during the midsixties that one of many Republican task forces created under the FORD leadership published a book, "We Propose: A Modern Congress." It is a tribute to the FORD leadership that many of the proposals in this book published by my task force have since been enacted into law or adopted by rule.

I commend to objective students of government and historians the introduction of this book by JERRY FORD and the fact that it was under his leadership that this type of constructive and positive activity took place. The following paragraph is representative:

> The world, the nation, and the relations between the U.S. Executive and Congress have undergone great changes in the turbulent twentieth century. "Important principles," Lincoln said, "may and must be inflexible." It is another matter, however, to decide how best to guarantee that the principles will be upheld while government moves swiftly, as it often must, to protect the rights of all citizens, look to the needs of the nation's underprivileged minorities, and combat the "thorns of progress" at home while fighting the Communist menace abroad. "Reform" is a tricky word; change *per se* is not necessarily the same as progress. Each and every proposal for reform of Congress must be weighed against other suggested reforms, and all must be weighed in the balance of power betwen the branches of government.

In conclusion, Mr. Chairman, I would also commend to objective students of government and history a rereading of some of the speeches of JERRY FORD here on the floor of the House. Particularly eloquent have been his remarks at the beginning of each session of the Congress when he would gracefully acknowledge the fact that he was a leader, but leader of a minority. It is regrettable that his distinguished career has never been crowned by his election as Speaker of this House. Those of us who had hoped to see this happen can take much satisfaction in the role that we are all playing in electing him today, and in a bipartisan manner, to serve as Vice President of the United States.

Mr. DERWINSKI. Mr. Chairman, in voting for the confirmation of GERALD FORD as Vice President, I am simply expressing my belief that he possesses the qualities and character to hold that office and to serve our country well. If called upon to assume the Presidency, he possesses the qualities of leadership necessary to fill the highest office of the land.

However, my purpose in taking the floor this afternoon is to express my great personal regard for JERRY. I am aware of the fact that after the induction ceremonies later this afternoon I can no longer refer to him affectionately as "JERRY, Old Boy," but I must yield to protocol and use the proper title of "Mr. Vice President."

JERRY has been a great party leader. But it seems proper at this stage, when he is leaving this position for higher office, to emphasize the reasons for his unusual success. He, after all, is not an overpowering intellectual, he is not an especially dramatic speaker, he is not an exceptionally clever tactician, but he is one heck of a great guy. The personal loyalty that so many Republican Members and good Democrats have given him the past 9 years has been the basis for the very effective and successful legislative record which JERRY achieved as Republican Party floor leader.

I certainly will miss the daily contact with him although the other body and its individual Members will surely benefit from his presence and, perhaps, he can be a positive force for improved legislative procedures in the Senate.

Mr. Chairman, as so many Members have emphasized, this is a historic day. It is also a great day for our Nation, its citizens, and for our Government. We are elevating to the Office of Vice President a dedicated, hard-working, and conscientious public official. A man who is an "all-American" in politics as he was an "all-American" on the football field.

Mr. KOCH. Mr. Chairman, I have read the report of the Judiciary Committee on the confirmation of GERALD R. FORD as Vice President of the United States including each of the separate, supplemental, and dissenting views. I have stayed on this floor all day listening to the debate because I know that this is one of the most important votes that I will have made in my 5 years in office. And I have discussed this vote with many Members over the last several weeks. I shall vote for GERALD FORD's confirmation. Let me tell you why.

I believe that GERALD FORD is an honest man. I believe he is intellectually able. I believe that his philosophy though different from mine is within the mainstream of the Republican Party of which he is the minority leader in this House.

It may well be that it was an error for this country to have added the 25th amendment to the Constitution of the United States which was certified on February 23, 1967. But it is a fact of life. That section provides as follows:

> Whenever there is a vacancy in the Office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both House of Congress.

There are those who will oppose his confirmation. Their reasons vary. Some believe it is in the interest of the Democratic Party to withhold confirmation of any Vice-Presidential nominee because the President may eventually be impeached. This then would open the way for a Democratic successor. There are those who believe that GERALD FORD will run as the Republican nominee in 1976 and that it is not in our partisan interest to give him a platform from which he can expand his following between now and then. There are those who believe that his philosophy is too far to the right and they must vote against him to condemn that philosophy.

I do not believe that any of these reasons are adequate to justify voting against his confirmation. And ironically, I suspect that confirmation of the Vice President may actually be helpful in achieving President Nixon's impeachment. For, with a Republican Vice President, Democrats cannot be accused of the same partisan motivation in creating a Presidential vacancy and Republicans can be assured of a Republican successor. Furthermore, the confirmation of a Vice President removes an impediment to the President's resignation.

But that reason is not why I cast my vote in favor of GERALD FORD's confirmation. I cast it because I believe that he has met the requirements set forth in the 25th amendment and I will not impose additional obligations which are not required by that provision of the Constitution. Each of us could do so and find what for us would be valid reasons for requiring higher standards. But when it is all said and done in my judgment, those standards would be simply euphemisms for partisanship. This is one occasion where I hope all of us will rise above partisanship in the interest of national unity.

Mr. CLAY. Mr. Chairman, as the House of Representatives votes today on the confirmation of GERALD FORD as Vice President, I urge my colleagues to join with me in voting against FORD's confirmation.

When the House Judiciary Committee approved FORD's nomination by a vote of 29 to 8—the 3 black members of the committee voted against FORD. I stand with these members in opposing FORD.

The office of the Vice President is a highly respected office—although you would not know it from the behavior of the last man who held that position. As we all know that office became vacant on the morning of October 10, when Spiro Agnew submitted his resignation and proceeded to a Baltimore courtroom where he was convicted of a felony involving tax evasion.

In his 25 years of service in the House of Representatives, GERALD FORD has not provided that inspirational leadership that befits a Vice-Presidential figure. Indicative of this was his attempt in 1970 to impeach Supreme Court Justice William O. Douglas. Declaring an impeachable offense to be "whatever a majority of the House of Representatives considers it to be at a given moment in history," Representative FORD produced a list of charges attacking the Justice's philosophy, morality, associations, and professional ethics. The Ford attack received virtually unanimous condemnation from the legal and judicial community, and a Special Subcommittee of the House Judiciary Committee.

As a black Member of the House, I would be voting against the best interests of my constituents if I voted for FORD. FORD's civil rights record has been extremely cynical—as viewed by his consistent efforts to support amendments to cripple civil rights legislation. When all efforts to gut these bills failed, he would vote for final passage and thus try to proclaim he was in fact for civil rights. His anti-civil-rights votes demonstrate his insensitivity to minority concerns.

Mr. FORD has served as the President's mouthpiece and rubberstamp in Congress. As Clarence Mitchell, director of the Washington Bureau of the NAACP, noted in his opposition to FORD—in 1969 when the President could not get the ranking Republican member of the House Judiciary Committee to introduce the Nixon proposal to emasculate the Voting Rights Act, FORD came to his rescue by offering a substitute bill during the floor debate.

His extremely partisan and conservative congressional voting record suggest that if elevated to the Presidency he may prove to be a divisive force. His support of the conduct of the tarnished Nixon administration bring into question his judgment, his independence, and his ability to unify and lead the country in the event of a Presidential vacancy.

GERALD FORD represents mediocrity. We could not expect President Nixon to offer us anything better but we certainly do not have to go along with his poor selection. With the domestic political crisis now taking place, the No. 2 man of today may become the President of tomorrow. GERALD FORD does not have the leadership qualities necessary to hold that office or guide this Nation.

I intend to vote against GERALD FORD's confirmation and I urge all House members to do the same.

Mr. REUSS. Mr. Chairman, when the House acts later this afternoon on the nomination of GERALD FORD to be Vice President of the United States, I shall vote aye. I shall do so after full consideration of the questions of political philosophy, personal integrity, and constitutionality involved.

The House minority leader's voting record differs markedly from my own. He has consistently voted against social programs—model cities, rent subsidies, food stamps, unemployment compensation for farmworkers, OEO, legal services—which I strongly support. His stand on civil rights and civil liberties—he has voted repeatedly to weaken the Civil Rights Act, and against open housing,—is antithetical to my own. He has opposed environmental legislation, refusing to strengthen the Pesticide Control Act, to strengthen the Federal Water Pollution Control Act amendments, to open up the highway trust fund for mass transit, to which I am firmly committed. His position in favor of U.S. involvement in Vietnam and against war powers legislation, has been contrary to my own.

But, I consider it unrealistic to expect President Nixon to nominate a Vice President to suit my political beliefs. I do not see how a man of Mr. Nixon's political orientation could nominate a person even somewhat more liberal than GERALD FORD. I therefore will not oppose GERALD FORD because I oppose his voting record.

The House Judiciary Committee hearings and report do not present serious question about GERALD FORD's personal honesty. To be sure, charges regarding his dealings with Robert Winter-Berger could have been laid to rest more thoroughly. Some mystery remains on the subject of Mr. FORD's visit to Dr. Hutschnecker, a New York psychiatrist—although the mystery is primarily why a visit to a psychiatrist should be considered grounds for public controversy at all.

Far more important to me is Mr. FORD's unjustified assault in 1970 on Associate Supreme Court Justice William O. Douglas. In his effort to have Justice Douglas impeached, GERALD FORD energetically spread wildly inaccurate stories. One of Mr. FORD's attempts to discredit the Justice involved the charge that Mr. Douglas permitted excerpts from a book he had written to be printed in Evergreen Review, allegedly a pornographic magazine. In fact, the Judiciary Committee investigation later found, Mr. Douglas had had no knowledge of or authority to prevent the placement of his article, which was arranged by the publisher of the book from which the excerpts were taken. In what was assuredly not his finest hour, GERALD FORD resorted to flipping obscene pictures from the Review in front of television cameras. Incredibly, the flipper was himself reported as wearing an obscene tie at the time. Surely, viewers must have wondered, does not a man have more control over what obscene material appears in proximity to his neck than to his magazine article?

But are these peccadilloes enough to justify voting against him? I think not. GERALD FORD will elevate the moral tone of this administration considerably.

Finally let us look at the constitutional questions.

The 25th amendment was designed to

replace a Vice President, not to appoint a President. But new scandals break almost daily over President Nixon's head. He is even under the initial steps of impeachment proceedings, the House Judiciary Committee investigation. The office of the President may soon be as vacant as the office of Vice President is today.

Are some 550 elected representatives constitutionally authorized to choose a new President without referring the choice to the people? The 1972 elections gave no clear popular mandate—a Republican President and a Democratic Congress. Ideally, what this country needs is a new President selected by a popular election, such as the bill H.R. 11284, and similar proposals, would provide.

But it is far from certain that President Nixon will be impeached. Proceedings are in the very earliest stage as yet. Who can tell what the result will be? I am forced to conclude that the possibility of impeachment is neither strong nor imminent enough to justify delaying GERALD FORD's confirmation on constitutional grounds.

Therefore, despite the three reservations I have just described, I shall vote for GERALD FORD's confirmation.

There have been rumors of a scheme to subvert the 25th amendment—namely, that after GERALD FORD is confirmed, Mr. Nixon will resign, and his nominee, the new Vice President, will replace him as President. We have, however, the solemn assurances of both Mr. Nixon and Mr. FORD that the President has no intention of resigning, with its corresponding gift causa mortis politicae of the highest office in the land.

If Mr. Nixon, promises to the contrary, does resign, I am confident that GERALD FORD would show the same responsible self-denial that Speaker CARL ALBERT has shown—by resigning, so that Congress could then order a new popular election to fill the unexpired terms of the President and Vice President.

I shall vote aye on the motion to confirm Mr. FORD's nomination as Vice President.

Mr. McDADE. Mr. Chairman, I rise in support of House Resolution 735 confirming GERALD R. FORD as the 40th Vice President of the United States.

Mr. Chairman, if you ask anyone who has ever known GERRY FORD for their opinions about him, the same words always recur: honesty, integrity, loyalty, diligence. These high standards have accompanied him throughout his career in public and private life.

Since coming to Congress in 1949, GERRY FORD has worked tirelessly in behalf of his party and our Nation. In his service, first as chairman of the House Republican Conference and then as minority leader he has time and again demonstrated his abilities as a leader. He has the knowledge and the expertise in legislative affairs that will be invaluable in his future executive-legislative relations.

Both the House and Senate Rules Committee have scrutinized the public and private life of GERRY FORD with greater detail than any other vice presidential candidate. Their conclusions about his fitness to serve have only confirmed what we in the House have known for so very long: that by every measuring stick possible, GERRY FORD is eminently qualified to be our next Vice President.

Mr. Chairman, it goes without saying that these are difficult times. The circumstances that have led to GERRY FORD's nomination comprise a sad chapter in American political life. Yet by acting deliberately and positively on this nomination we can show the cynical and the disbelieving that there are still good men in public life. We can prove that there are men and women whose public and private lives can meet the gruelling test of public scrutiny. GERRY FORD is such a man. He brings to the office of Vice President a measure of humility in greatness, a sense of loyalty in time of stress, and an ability to reason with men of good will from both sides of the political spectrum. His record is one of loyalty to the Nation, service to his constituency and leadership to the Congress. While we shall all miss him here in the House, I am pleased to support his nomination as Vice President. I urge my colleagues to do likewise.

Mr. BAUMAN. Mr. Chairman, in a short while, we will be voting to confirm a good friend and respected colleague, GERALD FORD, as the 40th Vice President of the United States.

Since my days as a page in this Chamber back in January 1953, I have known JERRY FORD to be a man of integrity, one who understands the legislative process thoroughly and expertly, and who is immensely proud of his Nation and its institutions. Now, after 25 years of dedicated service here in the House, he is about to take on the duties of the second highest office in the United States, and I am confident that he will do so capably and with equal dedication.

The large margin by which the Senate voted to confirm his nomination, and the equally overwhelming vote which will be taken soon here in the House evidence the confidence which members of both parties have in his abilities and integrity. Even the Washington Post, no philosophical ally, expressed its support for his confirmation, remarking that Representative FORD is "an experienced politician in the classic American sense, a man who understands the democratic system's workings and constraints, who respects public opinion, and who values comity among the branches of Government."

Mr. Chairman, at a time when many Americans are questioning the honesty of public officials and many, with good reason, have lost faith in those who serve in public office, GERALD FORD's greatest attribute is his integrity. He did not apologize for his deeply held conservative beliefs when they came under almost rude questioning before committees of the House and Senate. He did not back down on the principles which he and, I would suspect, the majority of the American people share. This is the kind of leadership that Americans long for, and I hope and pray that Vice President FORD will be able to provide for that need. Most Americans still feel that their Government can be made responsive and responsible to them and the problems that face the Nation. If JERRY FORD can restore that faith, his place in history will be secured far beyond the unusual and historic events which have brought him to the Vice-Presidency.

I believe that our initial experience with the provisions of the 25th amendment to the Constitution has shown that it will work well, and that the first Vice President to be appointed under its provisions will be a credit to the office and to the confidence which the President and the Congress have placed in him.

I, for one, will miss JERRY FORD during the day-to-day deliberations in this Chamber. But I also know that we are fortunate to have him available to assume the office of Vice President at a time when a man with his qualities and ability is needed.

I urge that the House confirm GERALD FORD as Vice President, and I look forward to working with him in that capacity in the years to come, or indeed, in any capacity he may achieve.

Mr. MOSS. Mr. Chairman, we are here today to fulfill our obligation under section 2 of the 25th amendment to the Constitution. I envision my role as serving as surrogate elector for the citizens of the Third Congressional District of California. And in that role, I cast my vote against the confirmation of GERALD R. FORD, as Vice President, not as a personal vendetta, but as a public demonstration of my conviction that the people of my congressional district would not elect Mr. FORD in a free election.

I have known GERALD FORD during the 21 years I have served in the House of Representatives. He is a decent and honorable man and I respect him as an individual and as an elected public official. But Vice President FORD may soon become President FORD—and this too is how he should be judged—as a future President who must unite and lead our country in times of unprecedented crisis.

GERALD FORD's voting record during his 25 years in the House has been partisan and reactionary. His continued opposition to minimum wage bills, his votes against key legislation to advance our Nation's programs in education, civil rights, mass transit, and economic and environmental matters, to name a few, and his futile attempt to impeach Supreme Court Justice William O. Douglas, indicate a lack of compassion for, and understanding of, the basic urban and social problems of our time.

GERALD FORD's role in the House has not been one of innovation, but rather of obstruction to progressive social legislation. From the unconstitutional acts of impoundment, to the scandals of Watergate, GERALD FORD has blindly followed the dictates of President Nixon.

Beset by a myriad of problems and crises, America needs leaders with compassion, innovation, and understanding, not one whose blind loyalty has frozen him into inflexible partisanship and mediocrity.

It is with real regret, Mr. Chairman, that I find I cannot vote to confirm the nomination of Mr. GERALD FORD as Vice

President of the United States. I wish it were possible to act solely in response to my personal respect and affection for Mr. Ford as an individual, but I cannot. The responsibility imposed upon me imposes judgment on a different standard and I therefore cast my vote in opposition to confirmation of Mr. Ford. Notwithstanding the negative action, I wish only the best for Mr. Ford in his new duties and should he succeed to the Presidency, I assure him of my fullest cooperation in any action undertaken for the improvement of the Nation and in furtherance of its significant role as an international leader.

Mr. FREY. Mr. Chairman, I have no hesitancy whatsoever in casting my vote for the confirmation of Gerald Ford as Vice President.

Our colleague will take to the White House the integrity and legislative know-how necessary to restore public confidence and effectiveness in the second highest office in the Nation.

Those of us who know Jerry Ford testify to his honesty, his candor, and his sincerity in dealing with day-to-day legislative problems and proposals in the House of Representatives.

And, perhaps more importantly, we can testify that he is a man of his word, a man of integrity.

Jerry Ford, our minority leader, has been in the House of Representatives since 1949 and the contacts and legislative expertise he has developed over the years will be invaluable to the Congress as it aspires to have a closer and more effective working relationship with the White House.

Above all, I know Gerald Ford is ready to take command if the occasion should ever arise and capably, admirably, and honorably serve as the leader of our great Nation.

Mr. JONES of North Carolina. Mr. Chairman, I have the honor of representing a district in the great State of North Carolina that, at the last report, had 168,056 registered Democrats, while there were only 21,094 Republicans. Yet, I am confident that the majority of the voters of both parties will approve of my action today in voting for the confirmation of Gerald Ford as Vice President of the United States.

It is, indeed, an historic hour. One which finds the people of this Nation confronted with problems and crises almost unparalleled in history. And, so, the Nation is indeed fortunate to find the "Man of the Hour" who, in my opinion, can to some degree restore the confidence, the honesty, and integrity of the Government itself. And, should fate decree that he move into the position of President during the next 3 years, I have every confidence that his experience and ability will serve him well.

Mr. CARNEY of Ohio. Mr Chairman, the office of Vice President of the United States has been vacant since October 10, 1973, when Spiro Agnew submitted his resignation.

The procedure for filling that vacancy is set forth in the 25th amendment to the Constitution. The 25th amendment states that the President shall nominate a Vice President who shall be confirmed by a majority vote of both Houses of Congress. President Nixon has nominated Representative Gerald R. Ford of Michigan, the minority leader of the House of Representatives.

After an intensive investigation, the Senate Rules Committee overwhelmingly concluded that Representative Ford is fully qualified to serve in the high office of Vice President, and the Senate, by a vote of 92 to 3, confirmed Representative Ford. The House Judiciary Committee also has conducted a thorough investigation and overwhelmingly concluded that Representative Ford is fully qualified to serve as Vice President.

Mr. Chairman, Congressman Gerald Ford is the leader of the opposition party in this body. He is a Republican Congressman who is succeeding a Republican Vice President I have some fundamental philosophical and political disagreements with Gerald Ford. However, in the years I have served as a Member of this House, I have found him to be a man of honesty, a man of integrity, and a man of principle. He is a man of his word. In addition, I believe that Mr. Ford has the best interests of our country foremost in his heart and in his mind.

I, therefore, will vote to confirm Congressman Gerald R. Ford as the 40th Vice President of the United States.

Mr. FISHER. Mr. Chairman, I shall be pleased today to vote for the confirmation of Gerald Ford to be Vice President of the United States. President Nixon is to be congratulated for his good judgment in choosing Mr Ford. The popularity of that choice was reflected in the 92-to-3 approval of the nomination by the Senate. As would be expected there will be a handfull of dissident votes cast against the nominee in the House.

Many of us in this body have served with Gerald Ford for a quarter of a century. We have seen him measure up to the highest level of integrity and devotion to what is best for our country. By and large, his philosophy as reflected in legislative matters has risen above purely partisan considerations. He has rather consistently put the welfare of the country first. His voting record as monitored by the Americans for Constitutional Action confirms that fact.

Mr. Chairman, above everything else Gerald Ford is a proud patriotic American. His personal integrity has never been questioned. His great ability is universally recognized. His capacity for leadership has been thoroughly demonstrated He commands respect among responsible Democrats just as he does among his Republican colleagues. This Nation is most fortunate to have Gerald Ford as its Vice President during the next 3 years.

Mr. DICKINSON. Mr. Chairman, I rise in support of the confirmation of Gerald R. Ford as Vice President.

When I first came to Congress five terms ago one of the first people I met was Gerald Ford. We became friends and I placed my confidence and trust in him. I have never been shortchanged. There is an old adage that says, "Familiarity breeds contempt." I have seen Jerry Ford daily and my respect and friendship for him have only increased.

Jerry Ford is highly respected by his colleagues on both sides of the aisle for his candor and integrity, his courage and dedication, his hard work and effective leadership in the Congress. He has demonstrated his leadership qualities in his role as minority leader, and he has a unique understanding of the legislative process learned during his 25 years as a Member of the Congress. His understanding of the legislative process should prove most valuable to Gerald Ford in his new position, and also to the Congress.

Jerry Ford knows the Congress and is a friend of the Congress. That friendship will continue to grow when he is sworn in as Vice President of the United States.

Mr. Chairman, Jerry Ford has just undergone one of the most exhaustive and intense examinations any man was ever subjected to and has come out of that examination unscathed. The House Judiciary Committee interviewed more than 100 witnesses and conducted several months of investigation regarding Jerry Ford. This investigation proved that Jerry is an honest man.

The Nation needs an honest man with Jerry Ford's impeccable qualifications. His confirmation will be one of the brightest spots in this turbulent year and will do much to restore faith in the Government.

I urge my colleagues on both sides of the aisle to support Gerald Ford. He has the qualifications, the ability and the integrity to fulfill the office of Vice President in a manner that will bring honor to him and to this country.

Mr. DOWNING. Mr. Chairman, we make history here today and I believe that we make a fine addition to the impressive list of men who have been named to the second highest office of our country.

This historic Chamber has been the training ground for a great number of those men and for a great number who have gone on to serve as our Chief Executive. It has been more than 40 years, however—the date was March 3, 1933, to be exact—since a Member moved directly from the House of Representatives to the Vice-Presidency. That was the day when John Nance Garner resigned the Speakership to preside over the other body.

Great as the tribute to Gerald Ford himself is, it is also a tribute to this House that he has been selected. It is here that the voice of the people is most clearly heard. It is here that the people have their truest representation. It is here that our distinguished minority leader has labored so long, learned so much and performed with such distinction.

His partisanship has been forceful but fair and his friendship firm. He is one whom we admire and one whom we will miss. We send him to the other wing of this historic temple of free government confident that the other body will benefit greatly from our loss. Good luck, Jerry. May God guide you every step of the way.

Mr. SISK. Mr. Chairman, I wish to

rise in honor of my good friend and colleague JERRY FORD. I pray that God watches over him and his family as he assumes the duties of this high office.

I am confident that history will record that the confirmation of this man as Vice President of the United States brought stability to the Nation at a time when it was badly in need of leadership.

Although I endorsed his nomination weeks ago, I wanted and insisted upon a fair and complete investigation—as I know JERRY wanted also—to spare this great Nation of ours of further shocks and heartbreak. That judicious investigation proved JERRY FORD worthy and capable of the Vice-Presidency means we are all the stronger because of it.

I have known JERRY for 19 years, and I am certain he will provide a great service to the country. His knowledge of the Hill and the friendships he has earned while in the House of Representatives will be of significant benefit and value to the Congress as it copes with the trying times ahead.

JERRY FORD is the type of person we so desperately need now in the executive branch to help us find resolutions to the serious and complex problems facing us. He is a man of integrity, honesty, and candor and together we will begin to resolve those issues.

One of my fondest memories in my two decades in Congress is when JERRY FORD and I sat together on the McCormick Space Committee in 1958 which was the primary author of legislation creating the National Aeronautics and Space Administration. I was the junior member on the Democratic side and JERRY the junior Republican member, but never did he allow partisan politics to prevent the adoption of legislation that has meant so much to this Nation.

He brings those same qualities to the Vice Presidency now, and hopefully, he can assist in bringing a divided country together.

Mr. TEAGUE of Texas. Mr. Chairman, I rise in favor of and in full support of this body's approval of the Honorable GERALD FORD becoming Vice President of the United States. If, in the future, this body is ever called upon again to confirm a Vice President under the provisions of the 25th amendment, it will be a most difficult task to find a man with the integrity and respect akin to GERALD FORD's.

It has been noted by others that this is a precedent setting event that we are making today. I sincerely believe we have set a good example for future Congresses to follow should this amendment ever be exercised.

I have known GERALD FORD since the two of us came to the House of Representatives and I am proud to say that those persons in his district in the State of Michigan chose a fine man to represent them in these Chambers.

I would like to also point out that should the day come that GERALD FORD is forced to become President of these United States, I will still be thankful that I voted in favor of him today.

Mr. BROTZMAN. Mr. Chairman, I rise to urge the approval of our distinguished colleague from Michigan, the Honorable GERALD FORD, to be Vice President of the United States. When the 25th amendment to the Constitution was adopted, it was because of a concern that the United States must not go through long periods of time without a Vice President. I was pleased when the President moved swiftly to send to Congress a nominee when the Office of Vice President became vacant in October.

Between the time of the President's announcement and today, both Houses of Congress have thoroughly examined JERRY FORD's qualifications to be Vice President. He has been found well qualified on every count, and I have every confidence that he will serve as Vice President with distinction.

JERRY FORD has a long and distinguished career in the House, and he enjoys the respect of both sides of the aisle. Aside from being one of the most knowledgeable men in the Congress, he also knows and is sensitive to the workings of government. He is a man of the highest integrity; committed to the principles upon which our Nation was founded. More important than anything else, however, is the fact that JERRY FORD, should it become necessary, is superbly qualified to assume the responsibilities of the Presidency. He would continue the important initiatives which have been made in foreign policy, and he would guide our ship of state with a firm, but fair hand.

Being from Colorado, I take special pride in JERRY FORD's nomination. He is an avid fan of our outstanding ski slopes, and he enjoys visiting the Rockies every chance he gets. Mr. Chairman, this Nation has a strong supporter and good friend in JERRY FORD. I urge my colleagues to stand with me in confirming his nomination.

Mr. FULTON. Mr. Chairman, it is a genuine pleasure to join with my colleagues in expressing my congratulations and best wishes to the distinguished minority leader, GERALD R. FORD.

No one has served this body with more loyalty, dedication, and conscientiousness over a 25-year span than he.

For the 12 years I have been privileged to be associated with Mr. FORD as a Member of the House I have learned to know and respect him as an able legislator, a very competent leader, a gentleman, and a very fine human being.

He will be missed but I wish to join his many, many friends in extending my congratulations.

Mr. NATCHER. Mr. Chairman, I was elected a Member of Congress in a special election on August 1, 1953. Since Congress was in adjournment I was not sworn in as a Member until January 6, 1954. One of the first men that I met after being sworn in as a Member was my friend, GERALD R. FORD.

After serving 1 year as a Member of the House I was elected as a member of the Committee on Appropriations. I have served on this committee for a period of 19 years. One of the nice things that has happened to me since I have been a member of the Committee on Appropriations was my service on this committee with JERRY FORD. He served with us for a period of some 12 years and then resigned upon being elected minority leader of the House of Representatives. During my service with JERRY FORD I always found him to be fair, loyal, and considerate. His concept of public trust was without parallel and never did he hesitate to speak out against any proposal which he felt was not sound and not to the best interests of our people. His service on our committee was marked by a high sense of conscience and duty. As a Member of the House and as a member of the Committee on Appropriations he possessed at all times those qualities that are essential for leadership—sound judgment, patience, and perseverance.

As minority leader of the House of Representatives he has become an inspiration to all of those Members on his side of the aisle. His character, his achievements, and his faithful service will be an inspiration to generations yet to come.

Mr. Chairman, I will cast the vote of my people for the confirmation of my friend, GERALD R. FORD, to the office of Vice President of the United States.

Mr. McCOLLISTER. Mr. Chairman, the prime ingredients of leadership are integrity and character, and these are the qualities embodied in the man we will vote to confirm today as Vice President of the United States.

Since his nomination by the President, JERRY has been subjected to the most intensive scrutiny ever faced by a public official, and he has passed the test with flying colors. I know of no man serving in the Congress who is held in higher esteem by his colleagues on both sides of the aisle.

Today is a proud day for JERRY and his family, and it is indeed a proud day for the House of Representatives as we meet with the Senate later today for JERRY's swearing-in. And I am proud to call him a friend and be able to share this day with him.

As Vice President, JERRY will carry on with those qualities that have made him so highly respected throughout his years in Congress—he has character and integrity, he is an achiever, he has always done his job and done it well, his record is untarnished, he has the ability to inspire confidence and bring people together, and he has shown patience and good judgment when crucial matters hang in the balance.

JERRY was born in Omaha, Nebr., which I now have the great honor to represent. Omaha is extremely proud of JERRY today, and I am proud to express my strong support for a fellow Nebraskan, JERRY FORD, to be the next Vice President of the United States.

Mr. BROWN of Ohio. Mr. Chairman, it is with mixed emotions in this Chamber today that I urge the Members of the House to confirm the distinguished minority leader, the Honorable GERALD R. FORD of Michigan, as the Nation's next Vice President.

It will, of course, be a very deeply felt loss to this body to have JERRY leave our ranks for the Vice-Presidency. But it is more than that. It is a personal loss to each of us who has enjoyed the warmth of his friendship over the years.

Over the 25 years of outstanding service JERRY has given to the House of Representatives, he has earned the greatest respect from his colleagues for his fairness, sincerity, integrity, and ability. I am confident that historians will record the FORD era of service and leadership in the House in the most positive terms.

On the other hand, it is extremely satisfying to me—and to the vast majority of us in this Chamber—that JERRY has been selected to assume new responsibilities as the Nation's 40th Vice President at a time when America needs the very best man capable of doing the job.

As Vice President, JERRY FORD will bring to the administration a new depth of understanding of the process of government that should be invaluable in increasing the understanding and cooperation between the executive and legislative branches.

And, as a person who understands the process of our free political system from more than a quarter century of day-to-day public political service, he will add to the administration a responsiveness to the public needs and wishes that government and the political process must serve.

From a personal standpoint, Mr. Chairman, my bond with JERRY FORD goes back further than my service with him in the House of Representatives over the past 8 years.

My late father, who served with JERRY in this body from the time JERRY was first elected in 1948 until 1965—when Dad died—was a strong admirer of JERRY. And JERRY's encouragement to me to "take the plunge" and run for Congress to fill the seat of my late father is a good part of the reason I am in Congress today. It would be impossible for me to describe in this short time the help to me that JERRY FORD has been since I have been a Member of the House. Suffice it to say that whatever success I have enjoyed dealing with legislation and other aspects of congressional service I owe in part to JERRY FORD.

So, today, Mr. Chairman, as our distinguished minority leader stands on the threshold of a new career of service to America, I join with my colleagues and all Americans in wishing him the sincerest best wishes for the future. Our prayers are with him, his wife Betty and his fine family for his continued good health and safety. We know that should higher responsibility be laid upon him, by whatever circumstances, JERRY FORD will be ready and capable of carrying out with honor and integrity whatever responsibilities may be his.

Mr. LOTT. Mr. Chairman, I join my many colleagues here today in expression of my great pleasure in seeing the imminent confirmation of our good friend and colleague, GERALD R. FORD, as the next Vice President of the United States.

I have admired JERRY FORD for a period of some 5 years; first, in my position as administrative assistant to my predecessor and now as a Member of Congress. Congressman Bill Colmer admired and respected JERRY FORD and I have grown to understand and share that feeling because he is truly an outstanding man with unusual traits of nonpartisan leadership and genuine decency.

I do not think at this time in history there could have been a better choice for Vice President. JERRY FORD epitomizes the basic honesty and integrity that this country is looking for in government. And perhaps more important, to me at least, JERRY FORD will not represent a region, but a philosophy that will make him a Vice President for all the country.

I have reviewed his record as a private citizen, as an elected official, and as a leader of Congress and find him most capable of assuming this high obligation in government.

In conclusion then, I wish him continued success in leading us toward a better America.

Mr. GOODLING. Mr. Chairman, I consider it a high honor and a great privilege to extend congratulations to the Honorable GERALD R. FORD, the 40th Vice President of the United States.

In a manner of speaking, in view of the vacancy that has existed in the office of the Vice President of the United States, our country has been "less than whole." Now that this office has been filled by a man of strong character, great competence, and vast experience, we can feel whole again.

During the six terms that I have had the privilege of serving in the House of Representatives, I have had the opportunity of knowing GERRY FORD. I can say without any reservation whatsoever that he is eminently qualified to hold the high office he now holds.

One outstanding quality about GERALD FORD is that he stands tall among his colleagues in Government, being respected for his honesty, forthrightness and integrity by all of his colleagues in Government. He is known as a man of his word and a person who keeps his promise.

Anyone who knows Mr. FORD readily recognizes that he is a hard worker, the type of individual who believes in getting the job done. A large part of his energy is concentrated on his official duties, for he is constantly conscious of the responsibilities that are his in public office.

He is a man who has a facility for working with people, and he is a willing party to compromise when there are contrasting views. He ardently believes that legislating is the art of compromise, and this belief has enabled him to work with Members on both sides of the aisle toward the end of resolving legislative complications and making the work of the Congress go forward.

GERALD FORD is a person of deep understanding, being able to see the other person's side of the issue. He has a wonderful capacity for disagreeing with some one in an agreeable way, and this quality has won him a host of friends throughout the total range of Government.

I have always found him to be a very serious sort of person, not prone to taking any of his official responsibilities lightly. He is a profound patriot, and anyone that encounters him quickly gets the impression that there is a man who has a deep love and respect for his country.

That Mr. FORD has leadership qualities is evidenced by the fact that he has served with a high degree of competence as minority leader in the House of Representatives for an extended period of time. Every Member of this House of Representatives is keenly conscious that a leadership role in this body made up of a broad range of personalities and intellectual and emotional temperaments is no easy assignment. An ability to assume leadership in this Chamber qualifies a man for leadership in other demanding capacities.

GERALD FORD's vast experience in legislative work eminently qualifies him for coping with the intricacies and complications of government. Because he has held high legislative positions, he has been constantly informed with respect to domestic problems and international complications. He has, through this exposure, gained a valuable insight into the complications that will confront him domestically and internationally in his new office.

Summing it all up, GERALD R. FORD is a Rock of Gibraltar type of person, the kind of individual who will stand solid in the face of any kind of storm. He will, I feel confident, bring great credit and strength to the Office of his new assignment.

I extend my hearty congratulations and best wishes to Vice President GERALD R. FORD. I am certain that his service in the second highest office in the land will be highly meaningful and significant.

Mr. HANLEY. Mr. Chairman, I want to join my colleagues today in congratulating Mr. FORD and in wishing him well as he assumes the heavy burdens of the Vice Presidency. These are not easy times, as we all know, and the road that lies ahead for him will be rather bumpy at times. But he is a strong man, and we have confidence that his experience, his temperament, his dedication, and his mettle will serve him in good stead.

I know that I speak for the whole House when I tell him that our prayers are with him.

Mr. FRASER. Mr. Chairman, I must cast my vote against the confirmation of GERALD FORD as Vice President of the United States.

I take this stand having known the gentleman from Michigan as a direct and forceful adversary on the floor of the House for the last 10 years. Off the floor, I have come to know him as a man of warmth and sincerity.

Today we are being asked to make a decision that no Member of this body has made before in his capacity as a Member of the House of Representatives. We are being asked to help determine whether one of our colleagues will stand next in line for the Presidency.

In a statement to the Senate Rules Committee last month, Joseph Rauh, speaking on behalf of the Americans for Democratic Action, outlined the standards I feel we should use in judging whether this or any other Vice Presidential nominee shall be confirmed under the terms of the 25th amendment:

> The central question before this Committee and the Congress can be simply stated: Putting aside all partisan considerations, is Mr. FORD qualified to be President of the United States? Or, stated another way . . . is Mr. FORD among the group of people that a majority of the Members of both Houses want to see as President of the United States?

Mr. Rauh went on to tell the Senate Committee:

> Congress, as surrogate for the voters, is obligated to use the tests the voters use—

stature, competence, experience and philosophy. Congress must exercise its independent judgment unaffected by any presumption in favor of a presidential nomination. As the legislative history (of the 25th Amendment) makes clear, Congress must weigh every factor except partisan considerations. To determine whether a nominee is of Presidential stature is an awesome task, but as the constitutionally-designated surrogate for the people, the 93rd Congress can do no less.

Using these standards as a guide, I must reject the current nominee. I know that as President he could shape public policy in a way that no other single American is able to do.

On the larger issues facing us—the issues of war and peace, the role of government in promoting the common welfare, the civil rights and civil liberties of the individuals—on all these issues the nominee and I differ sharply.

As Chief Executive, he would not move this country in the direction I feel we must go if America is to achieve its basic goals. I would not vote for him as President. I cannot vote for him as Vice President.

Because his votes are a part of the public record, we need not carry forward a full-scale debate over Gerald Ford's political philosophy. It may be helpful, nevertheless, to place that voting record in the Congressional Record.

Thus, I am including with my remarks a voting analysis prepared by the Americans for Democratic Action, an organization I currently serve as chairman. While a Member's voting record falls short of a full, qualitative description of his policy orientation, it is the best indication now available for judging the direction he would follow if he becomes President.

The voting analysis follows:

Voting Record of Gerald R. Ford

CIVIL RIGHTS

Voted to weaken Fair Employment Practices bill, February 22, 1950.

Voted to cripple Voting Rights Act of 1965, July 9, 1965.

Voted against bringing 1968 Civil Rights Act to floor, July 25, 1966.

Voted to recommit 1966 Civil Rights Act to delete fair housing provision, August 9, 1966.

Voted to nullify Title VI of 1964 Civil Rights Act as applied to aid to elementary and secondary education, October 6, 1966.

Led fight to gut Voting Rights Act of 1965, December 11, 1969.

Voted against accepting Senate's open housing amendments to Civil Rights Act of 1968, April 10, 1968.

Voted to gut EEOC bill, September 16, 1971.

Voted for all anti-busing amendments including April 7, 1971; November 4, 1971; March 8, 1972; August 17, 1972. Supports "freedom-of-choice" school desegregation plans and constitutional amendment to ban school busing.

Voted to weaken D.C. Home Rule bill, October 10, 1973.

SOCIAL PROGRAMS

Voted against public housing, June 29, 1949; May 10, 1950; May 4, 1951; March 21, 1952; July 21, 1953; April 2, 1954; July 29, 1955; May 21, 1959; June 22, 1960.

Voted against increasing funds for hospital construction, May 26, 1953; June 25, 1970.

Voted against establishing national food stamp program, August 21, 1957.

Voted to weaken unemployment compensation law, August 16, 1950; May 1, 1958.

Voted against aid-to-education bill, August 30, 1960.

Voted against public works programs, May 4, 1960; August 29, 1962; April 10, 1963; April 22, 1971; July 19, 1972; March 15, 1973.

Voted to cripple food stamp legislation, April 8, 1964; June 8, 1967; December 30, 1970.

Voted against final passage of Economic Opportunity Act of 1964, August 8, 1964.

Voted against funds for elementary and secondary education, March 26, 1965; July 31, 1969.

Voted against Medicare, April 8, 1965.

Voted against creating HUD, June 16, 1965.

Voted to kill rent subsidy program, June 30, 1965; May 10, 1966.

Voted to reduce OEO funds, July 22, 1965; November 15, 1967.

Voted to delete Model Cities funds, May 17, 1967.

Voted to turn OEO over to states, December 12, 1969.

Voted against providing unemployment compensation to farm workers, July 23, 1970.

Voted against child care conference report, December 7, 1971.

Voted against increasing education appropriation, April 7, 1971, June 15, 1972.

Voted to cripple Legal Services bill, June 21, 1973.

Voted to reduce Labor-HEW appropriation, June 26, 1973.

LABOR

Voted for Wood (D-Ga.) bill containing worst features of Taft-Hartley, May 4, 1949.

Voted to weaken Minimum Wage bills, August 10, 1949; June 30, 1960; March 24, 1961; May 26, 1966; May 11, 1972; June 6, 1973.

Voted to use Taft-Hartley injunction to end steel dispute, June 26, 1952.

Voted for Landrum-Griffin over bill limited to internal union reform, August 13, 1959.

Voted against repeal of Sec. 14(b) of Taft-Hartley Act ("right-to-work" laws), July 28, 1965.

Voted to weaken Occupational Health and Safety bill, November 24, 1970; June 15, 1972.

Voted to deny food stamps to strikers, July 19, 1973.

CIVIL LIBERTIES

Voted for Anti-Subversive bill, August 29, 1950.

Voted against requiring prior court approval for wiretaps, April 8, 1954.

Voted to upset the Supreme Court's Mallory Decision regarding admissible evidence, July 2, 1958.

Voted funds for HISC, April 29, 1971; March 1, 1972; March 22, 1973.

Voted for constitutional amendment allowing school prayers, November 8, 1971.

ENVIRONMENTAL

Voted against federal aid to states for prevention of water pollution, June 13, 1956; February 25, 1960.

Voted to kill mass transit legislation, June 25, 1964.

Voted against AEC funds to fight water pollution, October 8, 1969.

Voted for SST, March 18, 1971.

Voted against deleting funds for Cannikan nuclear test, July 29, 1971.

Voted against strengthening Pesticide Control Act, November 9, 1971.

Voted against strengthening Federal Water Pollution Control Act amendments of 1972, March 28, 1972.

Voted against allowing Highway Trust funds for mass transit, October 5, 1972; April 19, 1973.

INDOCHINA, DEFENSE AND FOREIGN POLICY

Voted against all attempts to limit or end U.S. involvement in Indochina, including the Cooper-Church amendment (July 9, 1970), the Nedzi-Whalen measure (June 17, 1971), the Hamilton-Whalen measure (August 10, 1972) and the Addabbo amendment (May 10, 1973).

Voted for the Safeguard ABM program, October 3, 1969.

Voted against all attempts to lower military spending, voting against cutbacks amendments October 3, 1969; June 16, 1971; November 17, 1971; September 14, 1972; and July 31, 1973 (the Aspin ceiling amendment).

Voted to override Presidential veto of McCarran bill making immigration more difficult, June 26, 1952.

Voted to bar U.S. sale of surplus goods to Poland and Yugoslavia (Sept. 3, 1964) and to kill wheat sales to USSR and Hungary by barring credits (Dec. 16, 1963).

Voted against war powers legislation, July 18, 1973.

Mr. TALCOTT. Mr. Chairman, the gentleman from Michigan (Mr. Gerald R. Ford) is a decent, compassionate, and honorable man; a great American; qualified in every respect to be Vice President of our Nation; and qualified to serve as President if necessary.

I wish that his nomination could have been duly confirmed sooner.

I extend the best wishes of Mrs. Talcott and myself to Jerry and Betty for every success and personal satisfaction in their new responsibilities and endeavors. God bless them both.

Mr. BROYHILL of North Carolina. Mr. Chairman, it is with real pleasure today that I rise to voice my happy and wholehearted support for our good friend, Gerald R. Ford for confirmation as the Nation's 40th Vice President.

No man in the history of our Republic has undergone such an extensive public search of a private and public life for the purpose of holding office. This investigation has shown Congressman Ford to be entirely capable of filling the high office to which he has been nominated and to which he will be confirmed today. He has demonstrated that he is indeed worthy of the trust and faith that we all place in him.

I was very pleased with the nomination of Gerry Ford. I had strongly recommended to the President that he be nominated to the post of Vice President of the United States. His broad support from Members of both parties in the House and Senate and the respect with which his leadership is regarded will be a great asset to the executive office, Congress and the Nation.

Gerald Ford is also a good friend of North Carolina. He went to Naval Flight School at the University of North Carolina in Chapel Hill during World War II. His eldest son graduated from Wake Forest University. Congressman Ford has often remarked that over the years he has spent more time in North Carolina than anywhere else except his homes in Washington and Michigan.

Gerald R. Ford has earned the position which he will assume today. I know that he will justify the confidence we have in him. I am just proud to have this occasion to pay my personal tribute to our good friend and colleague, by casting a resounding aye for confirmation of Gerry Ford as the next Vice President of the United States.

Mr. MONTGOMERY. Mr. Chairman, I am pleased that at long last and following unnecessary delay we are being given the opportunity to vote for the confirmation of our esteemed colleague Gerald Ford as Vice President of the United States. There are few Members of Congress who can command and deserve the respect and admiration we have for GERRY FORD.

There is no doubt in my mind that GERRY is fully qualified to serve as Vice President and should the occasion arise, he could also fill the highest office in our Nation. I have always been impressed by his honesty in dealing with other members. Even though we might not always agree on matters, I always know where GERALD FORD stands and appreciate the fact that he respects my right to hold different views.

Mr. Chairman, based on GERRY FORD's record as minority leader, I feel sure he will prove himself to be one of the hardest working Vice Presidents in the history of America. He has never shirked from duty and responsibility and I feel sure his new service to the American people will be no different.

I value highly my friendship with GERRY FORD. But my vote today will be based on more than just friendship. It will be based on my very firm belief that he has the qualities of leadership, intellectual capacity, and dedication to duty that are necessary for any man or woman to serve as Vice President. I urge my colleagues to give GERALD R. FORD the overwhelming vote of approval he deserves.

Mr. FUQUA. Mr. Chairman, this is a historic occasion. The Members of the U.S. House of Representatives will vote on the confirmation of one of its Members to be the Vice President of the United States.

The President has submitted the name of Congressman GERALD R. FORD of Michigan to fill that office.

This nomination not only has my support, but my enthusiastic support.

GERALD FORD has proven himself to be an able and effective leader of the Republican Party in the House. Being on the other side of the aisle, I can say that I have learned to respect him for his integrity and admire him for his courage.

Being in a position of leadership on either side of the aisle is not an easy task. The Members of the U.S. House of Representatives are strong-minded individuals. There are strong convictions and varying viewpoints throughout both parties.

GERALD FORD has accepted the challenge of being the opposition on many occasions, but the significant thing about Congressman FORD is that his has been constructive opposition.

Another quality about the man that is his trademark is his word. His word is his bond and all of the Members of the House know this to be true.

As I cast my one vote, I do not do so lightly. I know that the man I am voting to confirm may, in a stroke of fate, be called upon to assume the awesome duties of the Presidency of the United States.

I could not, therefore, cast that one vote lightly. I do so with the firm conviction that GERALD FORD will fulfill the duties of the Vice President with dignity and honor. And I know full well that if he is called upon to lead this Nation, he is fully qualified and a man with the capability to make a great President.

I believe this view is shared by my colleagues.

Mr. ANNUNZIO. Mr. Chairman, in the 10 years that I have been a Member of the Congress, I have watched GERALD FORD's actions as the minority leader.

He has been precise, thorough, and a good legislative craftsman for his side of the aisle.

He has represented his party and the philosophy of his party with all of the vigor and strength of a man determined to lead his team in battle.

Never once has there been a whisper about his personal conduct, his honesty, or his integrity.

As a partisan Democrat, I am not asked to vote today for GERALD FORD for public office, but instead, what I am asked to do is to confirm his nomination as Vice President.

I am delighted over the report compiled by the Judiciary Committee which spent countless hours, under the leadership of Chairman PETER RODINO, working with the Federal Bureau of Investigation and all of the other Government agencies on the investigation. The report is indicative of the fact that no man has been more carefully scrutinized for public office than GERALD FORD.

The majority of the Committee on the Judiciary has recommended GERALD FORD's confirmation, and I, too, vote "aye" in confirmation of his nomination to the Vice-Presidency.

Mr. ESHLEMAN. Mr. Chairman, I join my colleagues in expressing hearty congratulations to our new Vice President, JERRY FORD.

Today, we will confirm for the second highest office in the land a man of preeminent qualifications. He has been a leader throughout his life from his days as a hard-driving University of Michigan lineman to his position as the respected minority leader of the House of Representatives.

I have known JERRY FORD to be a man of resolve. But his strength has been his willingness to temper resolve with compromise.

I have known him, too, as a man of the people. In his visits to the 16th District of Pennsylvania, he has displayed a warmth and receptivity so essential to the job ahead.

JERRY FORD is an able public servant of impeccable integrity, unfailing mettle, and a wise choice for our Vice President. I count it a distinct and historic honor to be able to cast my vote for his confirmation.

Mr. SCHNEEBELI. Mr. Chairman, JERRY FORD's 25 years' service in the U.S. House of Representatives has produced many constructive and positive actions which have been of great benefit to all the people of this country. Increasingly, during his tenure as minority leader, most all of the Members of the House, on both sides of the aisle, looked to him for his positive and sound advice and guidance. JERRY is motivated mainly by what is good for the country, not just his political party.

There is no question as to his physical and mental capabilities to handle the job as Vice President. The terrific pace he maintains attests to his keeping in good physical condition, and there are few men from Capitol Hill who could maintain the pace that he has set for himself. Shortly after becoming Republican House leader, in 1965–66, JERRY traveled 285,000 miles, making speeches in behalf of his colleagues. This is almost 3,000 miles per week, and during these same 2 years, he still maintained an attendance record of better than 90 percent.

His encouragement and strong loyal support to his colleagues has resulted in a strong Republican bloc in many of the votes on the important issues and he won many victories despite the Republicans being outnumbered by more than 50 Members.

JERRY's rise to the Vice-Presidency is strongly supported by the American public, since a recent Gallup poll showed public approval at 66 percent with a negative reaction of only 7 percent. This ratio of better than 9 to 1 is a proper compliment to JERRY's strong endorsement from the American people for his capacity to handle this job.

Probably his highest commendation springs from the genuine, bipartisan affection and respect which both Democrat and Republican Senators and Representatives have for JERRY. As a Michigan Democrat told me recently: "JERRY is the most decent guy in the House and a fine leader and great gentleman."

I join JERRY's many friends and colleagues in the House and Senate who are delighted with his rise to the Vice-Presidency—and we wish him well. We need his great capacity for leadership.

Mr. HAMMERSCHMIDT. Mr. Chairman, this is a historic occasion, and I view it as a great privilege to rise in support of the nomination of my distinguished colleague and friend as Vice President of the United States. The action of the House today is, indeed, a landmark in legislative history, as we assemble to cast the first vote of this body under the 25th amendment of the Constitution.

GERALD FORD is uniquely qualified to serve our Nation in the high position of Vice President, but his nomination as our 40th Vice President sets another precedent in the thoroughness of the investigations which preceded our opportunity today to vote on the resolution.

I was honored to be at the White House on October 12, the evening President Nixon nominated him as Vice-President-designate. Subsequently the Senate Committee on Rules and the House Judiciary Committee conducted an extensive inquiry marking the first time a prospective Vice President has been subject to this degree of scrutiny. A full FBI field investigation was conducted, and the services of the Internal Revenue Service were utilized as well as investigators borrowed from the General Accounting Office. All sources, including a complete discussion and review of personal finances, were called into play to dispel any questions of JERRY FORD's qualifications and integrity.

The Senate Committee on Rules acted unanimously to approve his nomination and the House Judiciary Committee favorably reported the nomination on a vote of 29 to 8. The full Senate on November 27 approved his nomination with 92 yeas and 3 nays. It is my sincere hope that the House of Representatives will join the Senate with an overwhelming vote for GERALD R. FORD as Vice President.

During my tenure in Congress I have worked closely with JERRY and through this personal experience I have come to hold him in highest regard. While he is one of the best qualified men in America for the Vice Presidential office, capable, and nationally respected, he is also humble and likable. He has been minority leader of the House during my years of service in Congress, and I explicitly trust his judgment and sound leadership ability.

I think it is important to point out the fact that he can work effectively with members of both major political parties. He has led the House minority membership under both a Democratic and a Republican President and has worked continually to assure passage of legislation in the national interest. In working on both sides of the aisle his style of leadership has been genuinely open and consultive, exhibiting personal warmth and a unique understanding of the process of compromise in formulating legislative programs.

In addition to a 25-year tenure in Congress, he holds a law degree from Yale University and many honorary doctorate degrees. He served our Nation for 4 years in the Navy during World War II and, of course, holds awards from many societies. In conclusion, I am confident that JERRY FORD will continue his outstanding contributions to his country as our Vice President, and I urge my colleagues to support his nomination.

Mr. NIX. Mr. Chairman, after a great deal of thought, I have decided to vote against the confirmation of our colleague, GERALD FORD, as Vice President of the United States. Let me make it clear that my vote is not based on any doubt as to the personal character of Mr. FORD. He is a decent and honorable man. But our responsibility in this case goes far beyond examining the nominee for possible character flaws.

The 25th amendment lays a heavy burden on each Member of Congress. We are now participating in the selection of the man who may be the next President of the United States. It is our duty to examine fully the fitness of Mr. FORD to hold the highest office in the Nation.

After examining the record of the nominee, I have concluded that I cannot vote to confirm his nomination. Mr. FORD's record in Congress demonstrates an insensitivity to the needs and problems of the less fortunate members of our society. His voting record on civil rights shows a lack of commitment to insuring first-class citizenship to all Americans. He has consistently voted to cripple government efforts to help the poor, the aged, the unemployed, and the ill. The record shows that Mr. FORD has favored the interests of big business and the wealthy at the expense of working people.

In short, Mr. Chairman, when I compare the nominee's record with the pressing domestic problems facing our Nation, I can only conclude that Mr. FORD is not the man for the job.

Mr. ERLENBORN. Mr. Chairman, in 1965, when Republican numbers in the House of Representatives were at their lowest level in a quarter century, we elected a new minority leader, GERALD FORD of Michigan.

It was a good choice.

We, Republicans, can be just as divergent in our views as members of any other party. Minority Leader FORD has known that, and he has kept us working together without demanding that any of us surrender our divergent points of view.

He has been at once kindly and stern, industrious and affable, partisan and civil. He is a conservative who is respected by liberals, and a Republican who is respected by Democrats. In Republican councils, he has been an advocate of good compromise, believing as he does that compromise is the essence of the legislative process.

President Nixon made the best possible selection when he nominated JERRY FORD for Vice President. He has the experience, the wisdom, and the understanding to serve our Nation well in the second highest office.

This House should vote overwhelmingly to confirm him.

Mr. PODELL. Mr. Chairman, today this body will confirm GERALD R. FORD as the Vice President of the United States. This occasion takes on even greater significance when viewed against the backdrop of the times; with increasingly tense situations both at home and abroad, it is important for us to show strength and unity and an absolute dedication to making our system work.

Since the resignation of Vice President Agnew the country has faced the possibility of a double vacancy in the Vice-Presidency and the Presidency. I am gratified that Congress has so quickly achieved an intelligent and rational solution to this dangerous situation.

This confirmation will help restore the confidence of the people in our system of government, a confidence which has been sorely shaken by the Watergate affair and the accompanying scandals.

As well as restoring our sense of security, the confirmation will insure the continuity of our foreign policy. It will demonstrate, the stability of our Government, which is so crucial at this time of conflict in the Middle East, and present the picture of firmness to the rest of the world necessary to achieve our objectives of peace and the protection of Israel, our long-time friend and ally.

GERALD R. FORD has proved, through his 25 years of service in the House of Representatives and by his forthright and honest answers before the House Judiciary Committee, that he is a capable and dependable leader. He has shown consistence in his views and strength in his convictions. The thorough investigation by the Judiciary Committee has confirmed our trust in him. Although I am personally in disagreement with him on almost all issues, particularly in the area of domestic affairs, it is necessary to approve a nominee whose basic philosophies are in close harmony with the President. This insures a workable and cooperative relationship between the President and Vice President and guards against radical changes in the policies approved by the voters in the last election in the event of the impeachment and conviction or resignation of the President.

I am confident that GERALD FORD will continue our long tradition of strong and intelligent leadership and service as Vice President, and if necessary, as the President.

Mr. BUCHANAN. Mr. Chairman, I rise in support of the confirmation of the Honorable GERALD R. FORD as Vice President of the United States.

During the years it has been my privilege to serve with him in this Chamber, I have come to recognize in him those qualities of manhood and statesmanship most to be desired in the leadership of our great Republic.

In a time when there seems to be some confusion on the subject, it may be well to point out that the distinguished minority leader represents what the people of the Republican Party truly are.

As one of the lesser lights of the Republican National Committee's Speakers' Bureau, it has been my privilege to become acquainted with working Republicans across our land. I have found them to be honest, moral, God-fearing American citizens who work, pay taxes, obey the law, honor the flag and deeply love our country. GERALD R. FORD is a leader who is and has been worthy of their trust and confidence.

He has consistently given gifted and aggressive leadership to the minority side of the House.

As the President's key man in Congress, he has shown a rare gift for putting the votes together, issue by issue, to turn a minority position into a majority vote. Such leadership can serve our country well in the months and years ahead.

Mr. Chairman, GERRY FORD's colleagues on both sides of the aisle can vote with conviction and without equivocation for his confirmation. Every man who loves this House and who understands its basic importance to our beloved country has reason to support the elevation of this one of its leaders to the second highest office in the land.

For 25 years GERRY FORD has been a part of the people's House of the greatest legislative body the world has ever known. He is one of us. He will be our missionary to the other body and to the powers that be downtown.

It has been my privilege, Mr. Chairman, to speak in Grand Rapids, Mich., and to congratulate the distinguished minority leader's constituents for the great service they have rendered our country in sending him to Congress. We can follow their good example this day by elevating him to the Vice-Presidency of the United States.

I urge all Members to join in casting a vote for our country in voting for his confirmation.

Mr. RANDALL. Mr. Chairman, I support the confirmation of GERALD as we make use for the first time of the provisions of the 25th amendment. I thank the gentleman from New Jersey (Mr. RODINO), the chairman of the Judiciary Committee for yielding me some time earlier in the debate. But the few minutes allotted then were simply not enough to say all of the things that should be said about JERRY FORD and to provide additional reasons why he should be confirmed.

Mr. Chairman, not since its infancy

has this country felt the uncertainties and known the divisiveness we have experienced in the past few months. These conditions have arisen at a time when many crises face us here at home and changing conditions elsewhere in the world daily call for skillful and reliable management if our Government is to retain its prestige and position of world leadership. Only in the darkest days of this country's military involvements has there been so great a need as we have today for unity; unity in our government, unity among our people, and unity among nations.

Today is an historic occasion. Today the House of Representatives takes the final step in a constitutionally prescribed method that has never before been followed for selecting a Vice President of the United States. I have no doubt as to the outcome of today's deliberations: GERALD FORD will be confirmed, and well he should be. It is my hope that in the spirit of goodwill and mutual love of country that this body will demonstrate a quality of unity that so much needs to be restored to this Nation.

According to public opinion polls more than half of the people in this country today are demanding a vacancy in the office of President of the United States, either by impeachment or by the present incumbent's resignation. More clearly than at any other time in our history we can foresee the possibility of a President leaving office in midterm for a reason other than death. For the first time in our history the Congress has an opportunity to name his successor. After exhaustive hearings two committees of Congress have thoroughly combed the background of a Vice-Presidential nominee whose chances of becoming President are great. The other body of Congress, by a vote of 92 to 3, approved that nominee. That is a 97.9-percent majority. It is my hope that in the House of Representatives, that majority will be equally great because the public needs the confidence that such an expression of trust would generate.

The only arguments against confirmation of GERRY FORD that have come to my attention have been political or goose-political in nature. But as far as I know, there is no universally popular political philosophy. Obviously I am of a political persuasion different from Mr. FORD's; I am a Democrat and he is a Republican. But there is no way that any reasonable person can isolate a few of the votes out of the thousands he has cast in 25 years of distinguished service in this House, or even a pattern of voting in a narrow range of issues over so long a period of time, and use them as grounds for defeating or even voting against his confirmation. GERRY FORD's well-deserved reputation for solid integrity, straightforwardness, reliability and honesty of character are much more greatly needed today than the recall of any one vote or any class of votes he has cast since coming to Congress.

Only arbitrary standards are available for measuring the professional qualifications for an individual to hold the office of President of the United States. Because of the potential for his succeeding to the Presidency these standards should apply equally in choosing a Vice President. Eight times in our history the Vice President has been elevated to the Presidency due to the President's death.

By any standards presently available, GERRY FORD makes high marks. In addition to his formal education, which included graduation from the University of Michigan and Yale Law School, 10 other schools have bestowed honorary degrees upon GERRY FORD. As an athlete, he was good enough to be named to play in the Shrine's annual East-West classic game and was a University of Michigan football star.

His military credentials are excellent, having served in the Navy for 4 years during World War II, 2 of which were aboard the aircraft carrier U.S.S. *Monterey*. He is an active member of the American Legion, Veterans of Foreign Wars, and AMVETS.

The Jaycees in his native Grand Rapids, Mich., gave him their Distinguished Service Award for his work in many community projects; he was selected by the U.S. Junior Chamber of Commerce as one of the 10 outstanding young men in the United States.

The American Political Science Association called GERRY FORD "a Congressman's Congressman," and gave him their Distinguished Congressional Service Award. The American Academy of Achievement, in 1971, named GERRY FORD "one of the 50 giants of achievement."

Not long ago one of his associates, who has worked closely with him as minority leader and attended White House leadership conferences with GERRY FORD, said of him:

> He has never been cavalier about his responsibilities, never callous in dealing with his colleagues, never scornful of his adversaries.

GERRY FORD has never been involved in any unsavory political intrigue. Those who have known him best and longest know he has never deliberately misled his colleagues or the public. Those who have known him best know he is capable of serving as Vice President; and, if the events of the next 3 years so dictate, as President until such time as the people of the United States can, in a regular election, name his successor. These are the reasons why I shall vote to confirm GERRY FORD.

Mr. GIAIMO. Mr. Chairman, for the first time in the history of this Nation, the House of Representatives is acting under the provisions of the 25th amendment to confirm the President's nomination to fill a vacancy in the office of the Vice President of the United States.

I am pleased that the nominee is a colleague and a respected friend to many in this body as well as to me; but that in itself is not sufficient grounds on which to base a vote for a man who could be the next President of the United States.

While the 25th amendment is silent on the point, it seems apparent that the amendment intends that any person who becomes Vice President under its provisions would be of the President's own party and political philosophy. This should not be a partisan issue, nor should it be a question of whether one agrees or disagrees with the nominee's political philosophy. Rather, it is a question of whether the nominee himself is qualified by virtue of his background, experience and, above all, his character to hold the highest office in this country.

I support the nomination of GERALD FORD to be Vice President of the United States.

As I mentioned earlier, he is an old friend. I have known him for 15 years and regard him as an honest and decent man whose integrity I have never had reason to question. His basic integrity, of course, is a quality that is of paramount importance in these troubled times.

The Congress and the American people have known for almost 8 weeks that GERALD FORD was the President's choice to fill the vacancy that has existed in the office of Vice President since October 10. During that time, every detail of GERRY FORD's background has been examined minutely. He has undergone closer scrutiny than any other Vice-Presidential candidate in history. The reports of those who questioned him during the hearings in both the House and Senate committees support my conclusion that there is nothing adverse in his background that would bar him from the Vice-Presidency.

For 25 years, the voters of Michigan's Fifth Congressional District have shown their confidence in Representative FORD by reelecting him to Congress every time since his first election in 1948. In the House, his Republican colleagues have demonstrated their respect for his ability by selecting him first to be the chairman of the House Republican Conference and then by elevating him to the role of House minority leader, a position of leadership and responsibility that he has occupied with distinction for almost 9 years.

Since the nomination of Mr. FORD, the Congress has moved with as much speed as is consistent with both its responsibilities under the 25th amendment and the pressing necessity to assure stability in our Government by filling the Vice-Presidential vacancy.

I am voting for GERALD FORD with the firm conviction that he has the basic characteristics of decency, honesty, and integrity that are so absolutely necessary to help restore confidence in the executive branch of our Government.

I feel assured that if GERALD FORD were to become President, the United States would be in safe and responsible hands. I am confident the House will vote to confirm the nominee, as the Senate has already done; therefore, I would like to take this opportunity to wish my friend and colleague well in the new responsibilities he is about to undertake.

Mr. BRINKLEY. Mr. Chairman, I take this opportunity to say that my feeling on GERALD FORD to be Vice President of the United States has remained completely unchanged since his nomination by President Nixon on the evening of October 12, 1973. Most of us were vitally interested and excited over the possibilities, and it was with a feeling of appreciation and assurance to learn that the choice was GERALD FORD.

The next day a reporter from the Columbus, Ga., press called me for a comment which subsequently appeared in the Sunday Ledger-Enquirer of October 14, 1973:

FORD NOMINATION LAUDED

Rep. Jack Brinkley had this to say about Ford: "I'm ready to confirm Gerry Ford tomorrow. He's a good friend of mine and a good friend of the country. He's already won the confidence of the Congress and will win the confidence of the nation as soon as he's in office. He won't be a caretaker vice president in one sense of the word since he's active and vigorous and will continue these attributes while in office, whether he seeks the presidency in 1976 or not."

Mr. Chairman, I feel exactly the same today as I felt then. May the vote today be an overwhelming vote of confidence.

Mr. DICKINSON. Mr. Chairman, as you know, Vice President GERALD R. FORD was subjected to one of the most extensive and exhaustive examinations that any man has ever undergone. This investigation proved that he is an honorable man.

Even so, certain Members of the House did not support Mr. FORD's nomination and confirmation because they felt he was not strong enough on minority rights.

Dr. Maurice A. Dawkins, national director, Government and legislative relations, research and education, testified before the House Judiciary Committee on November 19, 1973, in support of the confirmation of GERALD R. FORD as Vice President of the United States.

Dr. Dawkins' testimony shows that GERALD FORD is concerned about minority rights and I would like to place that testimony at this point in the RECORD in hopes that any misunderstanding of his position on this issue might be cleared up:

TESTIMONY OF DR. MAURICE DAWKINS

Mr. Chairman: My name is Maurice Dawkins. I am presently serving as Director of the National Government Relations and Legislative Research and Education Service that services OIC of America.

I have requested an opportunity to submit for the record those positive elements in the history of the relationship of the OIC of Grand Rapids, Michigan and the OIC movement in 112 cities in 41 states, with the Honorable Mr. Gerald Ford, in his role as minority Leader of the House of Representatives, and the Congressman from the district in the city of Grand Rapids, Michigan.

I have also in this testimony, gone on record as an individual and as a clergyman who has participated in almost all stages of the civil rights movement in America in the 1940's, 50's, and 60's, although I have been primarily involved with the OIC movement since 1970.

It is the conclusion of this testimony that his record shows him to be a friend and supporter of OIC, a national manpower training and delivery system which we regard as a pragmatic way of securing economic opportunities, economic security, and economic empowerment for minorities and the poor. It is further the position of this testimony that national economic policy will determine the destiny of our constituents in the decade of the 1970's more than any other factor and Mr. Ford's indication that he believes in equal economic opportunities for all Americans might quite possibly make his term of Vice President one which contributes to progress for minorities and poor people as well as the majority and the middle class Americans, as much as did the Vice Presidency of the late Lyndon Baines Johnson.

To be more specific, looking back in history to the 1960 Democratic Convention, I can never forget the late Adam Clayton Powell, Jr., a member of this august body for a quarter of a century, supporting the late Senator Lyndon Baines Johnson for nomination as President. Texas L.B.J. was being denounced by the civil rights organizations and the Black community and the liberal white and labor organizations. Powell had announced as early as 1958 that he would support this Southerner whom he had come to know as a person and who he believed would be fair and just in his decisions if he went to the White House.

The AFL–CIO had endorsed Senator Symington, many of the ADA were supporting Governor Stevenson, NAACP people heavily favored Senator Humphrey and divided up after Senator Kennedy defeated him in the primary of West Virginia. I was personally in the Kennedy faction of the California Democrats. Congressman Powell, who was on the House Education and Labor Committee, through which the bulk of domestic legislation had to pass, put his chips down on L.B.J. when it was not popular to do so. Later, when it became popular to regard the Democratic President as a man who had risen above southwestern sectionalism and southern parochialism, Mr. Powell's prophecies came true.

It is my firm belief from a position of faith rather than fear, that God moves in mysterious ways through history and that the job of President or Vice President can make a man grow once he is freed from constraints of political expediency dictated by local political realities. I see indications in the past record and the present personal actions of Congressman Gerald Ford that make me believe that a Vice President Ford, like a Vice President Johnson, with God's help, will grow into the advocacy of equity and justice in terms of the national interest above and beyond purely partisan interests. I believe that as Supreme Court Justice Black moved beyond southeastern prejudices and political strategies and President Harry Truman moved to a broader view of race relations than was traditional in midwestern Missouri, that Minority Leader Gerald Ford will move in his new role to put his thumb on the scale whenever possible in favor of policies that facilitate cooperation between the Congress and the White House and cooperation between the government, industry, labor, and the general public, to work for national goals of economic justice, political equality, and moral and ethical values.

I also remember that Mr. Johnson did not immediately begin singing "We shall overcome". The good will and persuasive logic and historical facts of life were brought convincingly to him by Congressmen such as Powell, Dawson, Nix, Hawkins, Diggs, and Conyers, who were Black. He was influenced by men in the House like Speaker McCormack, Majority Leader Boggs, Congressmen Emanuel Celler and William McCullough, Harrison Williams, and many of the founders of ADA and supporters of civil rights and organized labor who would be too numerous to mention. Moreover he had an open door to representatives of the public interest such as Clarence Mitchell, Dorothy Height, Louis Martin, Roy Wilkins, Martin Luther King, Whitney Young, Walter Reuther, Joe Rauh, Evelyn Dubrow, Lucy Benson and a host of community leaders that it would take all day to name.

I cite this historical background to emphasize the fact that in Mr. Gerald Ford we have a man who is as zealously partisan as a Republican as Lyndon Johnson was as a Democrat. As Johnson worked while Senate Majority Leader in a conciliatory, mediating and expediting role with a Republican President, so we see in Mr. Ford a similar role between a Republican President and a Democrat-controlled Congress. As Johnson was a superbly pragmatic politician adjusting to the realities he faced, so the Ford record is one of pragmatic politics. As Johnson came out of an era and emotional atmosphere of second-class citizenship, southern prejudices and negative public policies of a racial nature, we see Mr. Ford in the midst of an era and emotional atmosphere of a second post-reconstruction fostered primarily by northern prejudices and negative policies of a class nature.

I submit, Mr. Chairman and members of the Committee that this man as a pragmatist who believes in the democratic process, sees the need for industry and business and the Chambers of Commerce to assume some share of responsibility for the public interest because it's good business and fosters healthy profit making.

I hope and believe that this same pragmatic approach when applied in the arena of human relations will find him recognizing the need for government and its agencies to assume its share of responsibility for enforcing the law of the land in the area of human rights because human relations accountability is as necessary as fiscal accountability.

I hope and believe that in an era of polarization and the incredible spectre of a Northern Ireland, the pragmatic imperative and historical necessity for reconciliation between classes and races in this nation will lead this man who stands for an open door and listening to all sides, will work to facilitate policy decisions in both the Executive and Legislative branches of government that will help us reach the national goal of economic security and equal opportunity in our lifetime. He might conceivably help to foster a record in domestic peace-making by this and future administrations to match the impressive efforts in international peace-making of the current President.

It is clear to me that his support of 112 community-based Boards of Directors of OIC's working for economic rights in urban and rural America with Spanish-speaking, White, Indian, and Black constituencies, is only one indication of a great potentiality that he will be a great Vice President.

Despite the vestiges of hypocrisy that still pervade our legislative processes they are still better than those in any other nation in the world. Mr. Ford has mastered those processes and knows how to make them work for the good of all Americans. I think we should help him do just that, and I join with the OIC supporters in Grand Rapids, Michigan and Mayor Lyman Parks, the immediate past Chairman of the Grand Rapids OIC, in supporting Mr. Ford's nomination for Vice President.

I am submitting under separate cover, as an appendix to my testimony, an analysis of Mr. Ford's voting record which I feel supplements these remarks.

ANALYSIS OF GERALD FORD'S RECORD AS REPORTED

I. These are negative votes by Mr. Ford according to NAACP.

A. The record of the NAACP shows what the NAACP describes accurately as maneuvering tactics to demean the judiciary for upholding the rights of minorities.

B. The record shows voting consistently to uphold the Administration anti-busing positions in 1971, 1972, and 1973.

C. The record shows a pattern in some but not all instances, of voting on a partisan basis to gut a bill following up by voting for final passage.

D. The record shows votes: (1) against the Powell FEPC Bill in 1950; (2) against the McCarran Immigration Bill in 1952; (3) against Public Housing in 1953 and 1955; (4) against Powell Amendment to halt segregation in National Guard in 1956; (5) for passage of Bill to use federal funds in segregated schools in 1956; (6) for States Rights Bill in 1958 versus the Federal Aid School Bill with the Powell Amendment; (7) against the Ray Madden Resolution which would prevent Fair Housing Bill from going to Conference where it could be emasculated in 1968; (8) against the Rule on a key vote in 1970 (supporting the Nixon proposal to kill the provision for automatic application of a ban on literacy tests in areas of racial discrimination in voting); (9) the record shows votes versus the Extension of OEO and for cutbacks in OEO funds; (10) 1965—voted to support Congressman Collier's (R) motion to recommit the Voting Rights Bill to the Judiciary Committee and report back a Republican substitute.

The above votes, when broken down, show that Mr. Ford voted six times on anti-busing issues which accurately reflect the point of view of the very conservative community that he represents. That he voted twice against public housing which again represents a partisan and a local political point of view. That he voted twice on segregated school issues which again reflects the same posture as the anti-busing issue. That he voted twice on a strictly partisan basis to support an Erlenborn substitute on the Hawkins bill on equal employment re: government employees. That he combined a negative prefinal passage vote with a positive final passage vote on Voting Rights in 1970, on Powell Amendment for segregated schools in 1960, and on so-called States Rights bill to curb "a liberal supreme court".

II. These are positive votes by Mr. Ford from the civil rights point of view:

1949—Voted for prohibiting discrimination in Coast Guard.

1949—Voted to abolish poll tax.

1950—Voted versus Rankin of Mississippi Jim Crow Hospital Bill.

1953—Voted for Hawaii Statehood.

1955—Voted for broadening coverage on social security benefits.

1955—Voted for Hawaii-Alaska statehood.

1955—Voted for minimum wage increase.

1956—Voted for Powell Amendment prohibiting use of federal funds for segregated schools.

1956—Signed Roosevelt petition to discharge civil rights bill out of Committee.

1956—Voted versus the Southern Bloc attempt to send civil rights bill H.R. 627 back to Committee.

1956—Voted for passage of Civil Rights Bill 627.

1957—Voted against Jury Trial Amendment to Civil Rights Bill supported by Civil Rights opponents.

1957—Voted for Civil Rights Bill when it came up for passage.

1958—Voted for Rabout Amendment to the Appropriations Bill when Appropriations Committee failed to include money for the Civil Rights Commission operations.

1958—Voted for Alaska Statehood.

1959—Voted to discharge the Civil Rights Bill from the Rules Committee—thus supporting Emanuel Celler.

1959—Voted to extend life of Civil Rights Commission for two years.

1960—Voted for Civil Rights Bill of 1960, H.R. 8601, as amended to include the Voting Referee Plan.

1960—Voted for the Powell anti-segregation amendment to the Federal School Aid Bill.

1960—Voted for the Kennedy reorganization plan to create a Department of H.U.D., naming Robert Weaver to head it with cabinet status.

1961—Voted to extend life of Civil Rights Commission for two years.

1964—Voted for the Civil Rights Act of 1964 which the NAACP says: ". . . was the most sweeping civil rights legislation considered by the Congress since the passage of the 13th and 14th amendments. Its passage fulfilled many of the legislative objectives that the NAACP has pursued for over 50 years.

"Although Congress had passed Civil Rights laws in 1957 and 1960, the passage of the 1964 law marked the first time since the post Civil War period that it had acted comprehensively to protect civil rights.

"On July 2, 1964, by a vote of 289 to 126, the House adopted a Resolution providing for House approval of the Bill as amended by the Senate."

1965—Voted for the Voting Rights Act of 1965 which the NAACP characterizes as: ". . . a strong proposal when sent by Administration—but most civil rights groups felt it needed strengthening. Civil Rights groups succeeded in adding language which was incorporated into the final bill, the final version of the bill banned literacy tests for 5 years, established a system of Federal Examiners to aid in voter registration, branded the poll tax as discriminatory and instructed the Attorney General to institute court action to eliminate the tax."

1968—Voted for Administration Civil Rights package to reform the Federal jury system by prohibiting discrimination in the selection of juries.

1968—Voted for passage of Open Housing provisions.

1968—Voted for extension of Civil Rights Commission for 5 years.

1968—Voted for passage NAACP had sought for years to pass—making it a federal crime to use force or threats to interfere with the exercise of civil rights.

1970—Voted for passage of Voting Rights Act as amended including vote to 18 year olds.

1973—Voted for passage of Legal Services legislation.

The above 28 votes, as reported by NAACP when taken together with his record of integrity and fair play and a willingness to listen to all sides—supports my position that any Congressman who votes this way has a real potential for positive leadership in Human Relations Accountability.

Mr. MOSHER. Mr. Chairman, the Members of this House have taken occasion to voice their admiration for Gerald Ford and their confidence in him in his new role as Vice President, and rightly so. I certainly associate myself with the many sincere tributes to his integrity, his many other virtues and accomplishments. Along with most other Members, I am enthusiastically confident that he will be an outstanding Vice President.

But I also suggest that in addition to these accolades from the Members, it is very appropriate that one of our minority party "hired hands"—to use a phrase that Joe Bartlett himself uses—should be heard from in tribute to the new Vice President.

Therefore, I am providing for the Record an interesting interview with Joe Bartlett, published in the Cleveland Press of Thursday, October 18, 1973.

Few Members of Congress have known and worked with Gerald Ford more closely than has our own minority Clerk, and therefore it is good to include in our record of tributes to the Vice President these observations by my highly respected fellow Ohioan:

Gerald Ford's Officemate Is Our Chagrin Neighbor

(By Tom Skoch)

Joe Bartlett, who hails from Chagrin Falls, knows vice presidential nominee Gerald Ford better than most people in Washington. He says Ford is tops.

As minority clerk of the U.S. House of Representatives, Bartlett is chief of the House Republican administrative staff and floor assistant to Ford, 60, currently the House Republican leader.

"His greatest asset and qualification for the vice presidency is his ability to bring together people with divergent views," Bartlett said of Ford.

Bartlett has known Ford for 25 years. They work together "constantly" and even share an office on the House floor, he said.

He described Ford as "a solid citizen, attentive father, great family man and scrupulously loyal to the President."

Ford has sided with President Nixon on the Vietnam War, for preservation of a strong national defense posture, against busing of school children and for the controversial nominations of G. Harrold Carswell and Clement F. Haynsworth Jr. to the Supreme Court.

Ford is "immensely popular" in Congress with Republicans and Democrats, Bartlett said. "People know where he stands, but he is not obnoxious about his point of view.

"He was the choice of all Ohio delegates in Congress."

Ford would be a visible vice president, Bartlett said: "I look to see him do more presiding in the Senate than any other vice president in recent years, and that will be a nice change."

In private life, Ford was a successful lawyer, Bartlett said. He smokes a pipe, swims often in his pool at home, and enjoys ski trips to Colorado with his four children. Despite his busy schedule, he even finds time to attend parent-teacher nights at his children's schools.

"His wife Betty is a lovely woman, a former model," Bartlett said. "I don't know of any couple in Washington, except the President and Pat Nixon, who are more devoted."

Despite his close association with Ford, Bartlett said he would "definitely not" leave his House job to join Ford's staff in the White House. "After 33 years here, this is my life," he said.

Bartlett is the son-in-law of the late U.S. Senator George H. Bender.

Mr. HUDNUT. Mr. Chairman, I rise today in pride and gratitude to join with my colleagues in giving my heartiest support to the confirmation of our distinguished colleague, the Honorable Gerald Ford, as Vice President of the United States.

I want to say that as a freshman Congressman, who came to Washington with very little knowledge of life on Capitol Hill last January, the friendship and encouragement of our minority leader meant a very great deal to me during the "breaking-in" experience. Whenever I needed advice, Jerry was willing to give it if asked; whenever I needed encouragement, he gave it unstintingly. He showed great sympathy and concern whenever I went to him to discuss personal problems or business pertaining to the Congress. For all this thoughtfulness and generosity on his part, I am deeply grateful.

Now he comes to the most important point in his career, and I can only say that I rejoice with him in the opportunity that is unfolding before him. I feel that he is exceptionally well qualified for this job with his 25 years of experience on Capitol Hill; and I dare say that with his quarter-century participation in the legislative branch of Government, he will move to the executive branch with a due appreciation of the necessity for balancing the powers between the different branches and doing what can be done to restore to Congress some of its lost power and influence. This commitment on his part is symbolized, it seems to me, by the plan to have him sworn in here in this Chamber rather than anywhere else.

I think Jerry's confirmation will be

good for America. He comes out of the heartland of America and embodies in his own person the virtues that America in her heart is yearning for today. His candor and honesty, his loyalty and patriotism, his ability to reconcile differences and rise above partisanship, his dedication and willingness to work hard, his warmth and openness toward people, his sincerity and integrity—all these and many more attributes that he possesses—will serve our country well as they are put into practice by this new occupant of the second highest office in the land.

Everyone is speculating about what his new duties will be and how he will carry out his responsibilities. All I can say is that I feel confident that he will be very helpful to the President who nominated him and the Congress who confirmed him in building constructive bridges of dialog and partnership between the White House and Capitol Hill, just as I am confident that when he speaks for the administration in his work here in Washington and his tours around the country, he will bring a helpful word to the American people that will go a long way toward instilling in them something of faith where they are in doubt, something of hope where they are discouraged, and something of commitment where they feel paralyzed.

As the mantle of the Vice-Presidency is draped around his shoulders, I hark back to the day—October 13—when the Chaplain opened our special Saturday meeting of the House of Representatives to receive his nomination with a prayer that included the words "God Bless Jerry Ford." And now I call to mind the words of the great Phillips Brooks, which would be my words for Jerry this day:

> Do not pray for easy lives. Pray to be stronger men. Do not pray for tasks equal to your powers. Pray for powers equal to your tasks. Then the doing of your work will be no miracle; but you will be the miracle. And every day you will wonder at yourself, at the richness of life which has come to you by the Grace of God.

Mr. SYMINGTON. Mr. Chairman, we act today on faith, faith in our colleague and his quarter century of honorable service in this House; faith, too, in the constitutional processes by which he comes before us for confirmation—affirmation, in fact, of the trust we have in his personal and professional integrity. Past differences in the search for solutions to the Nation's problems must not, and, indeed, should not be allowed to blur our estimate of the man himself. It seems clear to me that our friend and colleague, Gerald Ford, meets even the rough inspection of partisanship, because partisanship, at its best, is itself but a vehicle for searching out truth. It recedes of its own volition in the presence of questions that relate more to virtue than to opinion. Many of our opinions will differ from those of the next Vice President, whoever he may be. But with today's vote we are given the opportunity to establish in that high office a man who enjoys our tested respect regardless of past or future differences.

It will also be of no small importance to place a presiding officer over the Senate who may be expected to bring that body that sense of order and parliamentary understanding which distinguishes ours. For these and other good and valid reasons, I urge my colleagues to indicate their faith, trust, and respect in Gerry Ford by voting for his confirmation.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, for the past 7 weeks, Gerald R. Ford's integrity has been proven through exhaustive hearings in the House and Senate. We Americans realize that at this point in history, we can feel a sense of pride and personal triumph in confirming a truly great man to be our Vice President.

On October 12, I was invited to the White House at which time the President was scheduled to announce his nomination for Vice President. Pursuant to his request for my nomination recommendation, I had suggested Gerald R. Ford, the minority leader of the House with whom I have worked very closely for the past several years. What a thrilling and exciting moment it was when the President announced Jerry Ford as his choice. Since that day, Jerry has undergone the closest scrutiny and investigation of his record without parallel in history. Some 300 Federal agents were assigned to the job.

On Thursday, December 6, the House debated the nomination for 6 hours, and all Members were given the opportunity on the floor to express their approval or disapproval of the choice. The galleries were filled to capacity all day. Finally, at the end of the long debate the Speaker called for a vote and Mr. Ford was approved by a vote of 387 to 35.

On the announcement of the results, pandemonium broke loose. The House and the galleries stood and cheered as the new Vice President entered the hall and ascended the rostrum to acknowledge the cheers.

And at 6 o'clock that evening he was sworn in by the Chief Justice, Warren Burger, in an impressive ceremony with Mrs. Ford holding the family bible and with President Nixon looking on. What a great day in the history of our country.

Mr. Ford made a speech which was well received. He stated that he was proud to be the 40th Vice President, but he was more proud to be one of over 200 million Americans.

As you know the election of Mr. Ford to the Vice-Presidency resulted from the provisions of the recent 25th amendment to our Constitution. Between 1787 and 1965 the Office of Vice President has been vacant eight times. As a result of these occurrences, the Nation has been without a Vice President more than 20 percent of the time during its short history. So the 25th amendment was wisely adopted and provides that whenever there is a vacancy in the Office of the Vice President, that the President must nominate a Vice President who must be confirmed by a majority vote of both Houses of Congress. That is the vote which the House took last week.

Since Mr. Ford's nomination, I have been asked what kind of a person is Gerald R. Ford and would he make a good President. I have answered that from my long acquaintance and relations with Mr. Ford that he is a very fine and able person, and by reason of his 25 years' experience in the Congress and 9 years as the minority leader, and his fine education and training that he would be able to handle the difficult job of the Presidency both capably and well.

The filling of the vacancy in the Office of Vice President could not have been more opportune, what with our President now under fire and the House Judiciary Committee studying and considering seven impeachment resolutions.

As minority leader, Jerry was a loyal supporter of the administration program, and as the new Vice President he has publicly stated that his support of the President will continue. This is only natural and he is living up to his promise. Many of you heard him on various media programs over last weekend and noted his positive position. It would appear that this support is coming at a time when the President certainly is in need of friends.

The 25th amendment provides a solution to the situation when the President resigns, or is removed from Office. It forever makes certain that the Vice President would become President. Also it permits the Vice President to act as President in the event of serious illness or incapacity of the President. The amendment was very wise and timely.

That is one thing about our form of government. It is flexible enough to adjust itself to almost any situation. I know that the whole Nation is now at ease with the knowledge that we have a well-qualified Vice President—all made possible by the provisions of the 25th amendment to our Constitution.

Mr. RONCALLO of New York. Mr. Chairman, I rise in enthusiastic support of the confirmation of my good friend and colleague, Gerald R. Ford, as the next Vice President of the United States. When I first came to Congress last January, I was immediately struck by the friendliness and egalitarianism which he demonstrated to me and other freshmen, taking time out of his busy schedule to get to know us as individuals and help us through those first awesome days.

It is precisely this attitude that eminently qualifies Jerry to serve as Vice President. He sees his primary responsibility as being the bridge between the executive and legislative branches of Government. He will be an excellent one. He is liked and respected on both sides of the aisle. In his 25 years on the Hill he has gotten to know hundreds of Congressmen and has served with some 34 Senators during their prior membership in this body.

Last week, Jerry was kind enough to appear as my guest on my new TV show, Mainstream: The View From Washington, over Long Island's channel 21. We discussed what he saw as the major international and domestic problems facing America today.

Internationally, he pointed to the Middle East and I was glad to hear him say that he felt our commitment there was not only to support Israel but to help find a permanent solution to the problems there.

Domestically, he felt energy and inflation were the principal areas of concern. I asked him if he thought we were headed for a recession largely as a result of the energy crisis. He said that if we distributed the energy available on an equitable basis we could avoid severe economic repercussions. However, the key to the energy crunch he said was twofold—individuals must conserve and Congress must vote on legislation pending before it—to see that our economy remains healthy.

I asked him what effects Watergate had had on young people's participation in politics. He said that whenever he spoke to young people he encouraged them not to be turned off but to get into politics and bring their ideas and ideals to their own party in their own area.

Finally, we discussed the extreme scrutiny which his nomination has received in both the Senate and the House. I asked him if he thought all national officeholders should have to undergo the same once-over. He replied that his situation was a result of the 25th amendment and even though it was undesirable to have one's personal and public life laid open—it was necessary since he had not been through the scrutiny of a national convention and campaign. However, he said that in general he did not feel that such in-depth scrutiny was practical at a national convention level and therefore probably only appropriate under the 25th amendment in a situation such as his.

I complimented him on the way he had come through all the Senate and House investigations as clean as a hound's tooth. We have got a good man for our next Vice President and I was honored to have him with me as my guest for the show.

I am even more honored to be a Congressman on this historic day and to cast my vote for the confirmation of GERALD R. FORD. I urge every Member of the House to put partisanship aside and do the same.

Mr. RODINO. Mr. Chairman, I have no further requests for time.

Mr. HUTCHINSON. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PATMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (H. Res. 735) confirming the nomination of GERALD R. FORD, of the State of Michigan, to be Vice President of the United States, pursuant to House Resolution 738, he reported the resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the resolution.

Mr. HUTCHINSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 387, nays 35, not voting 11, as follows:

[Roll No. 634]

YEAS—387

Abdnor
Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Karth
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mezvinsky
Michel
Milford
Miller
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rarick
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rostenkowski
Roush
Rousselot
Roy
Ruppe
Ruth
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—35

Abzug
Anderson, Calif.
Badillo
Bingham
Burton
Chisholm
Clay
Collins, Ill.
Conyers
Dellums
Drinan
Eckhardt
Edwards, Calif.
Fraser
Gonzalez
Harrington
Hawkins
Holtzman
Kastenmeier
Metcalfe
Mitchell, Md.
Moakley
Moss
Nix
Rangel
Reid
Rodino
Rosenthal
Roybal
Ryan
Schroeder
Seiberling
Stark
Waldie
Wilson, Charles H., Calif.

NOT VOTING—11

Blackburn
Burke, Calif.
Clawson, Del
Conlan
Diggs
Ford, Gerald R.
Jordan
Rooney, N.Y.
Runnels
Stokes
Walsh

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Miss Jordan against.

Mr. Diggs for, with Mr. Stokes against.

Until further notice:

Mr. Runnels with Mrs. Burke of California.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the confirmation of GERALD R. FORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate did, on November 27, 1973, pursuant to section 2 of the 25th amendment to the Constitution of the United States, confirm the nomination of the Honorable GERALD R. FORD of Michigan to be Vice President of the United States.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8877) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes."

The message also announced that the Senate agreed to the amendments of the House to the amendments of the Senate numbered 1, 11, 16, 32, 51, 62, and 79 to the foregoing bill.

RESIGNATION OF WILLIAM J. KEATING AS A MEMBER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication:

WASHINGTON, D.C.
December 5, 1973.

Hon. CARL ALBERT,
Speaker of the House,
Washington, D.C.

DEAR MR. SPEAKER: I beg leave to inform you that I have this day transmitted to the Governor of Ohio my resignation effective at noon, January 3, 1974, as a Representative in the Congress of the United States from the First District of Ohio.

Yours very truly,
WILLIAM J. KEATING,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

PERMISSION FOR THE COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT, FRIDAY, DECEMBER 7, 1973, TO FILE A REPORT

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tomorrow, Friday, December 7, 1973, to file a special report.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

CONFERENCE REPORT ON S. 1435, A HOME RULE BILL FOR THE DISTRICT OF COLUMBIA

Mr. FRASER submitted the following conference report and statement on the bill (S. 1435) to provide an elected Mayor and City Council for the District of Columbia, and for other purposes.

CONFERENCE REPORT (H. REPT. No. 93–703)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1435) to provide an elected Mayor and City Council for the District of Columbia, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

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TITLE I—SHORT TITLE, PURPOSES, AND DEFINITIONS

Sec. 101. Short title.
Sec. 102. Statement of purposes.
Sec. 103. Definitions.

TITLE II—GOVERNMENTAL REORGANIZATION

Sec. 201. Redevelopment Land Agency.
Sec. 202. National Capital Housing Authority.
Sec. 203. National Capital Planning Commission and municipal planning.
Sec. 204. District of Columbia Manpower Administration.

TITLE III—DISTRICT CHARTER PREAMBLE, LEGISLATIVE POWER, AND CHARTER AMENDING PROCEDURE

Sec. 301. District Charter preamble.
Sec. 302. Legislative power.
Sec. 303. Charter amending procedure.

TITLE IV—THE DISTRICT CHARTER

PART A—THE COUNCIL

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Sec. 401. Creation and membership.
Sec. 402. Qualifications for holding office.
Sec. 403. Compensation.
Sec. 404. Powers of the Council.

Subpart 2—Organization and Procedure of the Council

Sec. 411. The Chairman.
Sec. 412. Acts, resolutions, and requirements for quorum.
Sec. 413. Investigations by the Council.

PART B—THE MAYOR

Sec. 421. Election, qualifications, vacancy and compensation.
Sec. 422. Powers and duties.
Sec. 423. Municipal planning.

PART C—THE JUDICIARY

Sec. 431. Judicial powers.
Sec 432. Removal, suspension, and involuntary retirement.
Sec. 433. Nomination and appointment of judges.
Sec. 434. District of Columbia Judicial Nomination Commission.

PART D—DISTRICT BUDGET AND FINANCIAL MANAGEMENT

Subpart 1—Budget and Financial Management

Sec. 441. Fiscal year.
Sec. 442. Submission of annual budget.
Sec. 443. Multiyear plan.
Sec. 444. Multiyear capital improvements plan.
Sec. 445. District of Columbia courts' budget.
Sec. 446. Enactment of appropriations by Congress.
Sec. 447. Consistency of budget, accounting, and personnel systems.
Sec. 448. Financial duties of the Mayor.
Sec. 449. Accounting supervision and control.
Sec. 450. General and special funds.
Sec. 451. Contracts extending beyond one year.
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Subpart 2—Audit

Sec. 455. District of Columbia Auditor.

PART E—BORROWING

Subpart 1—Borrowing

Sec. 461. District's authority to issue and redeem general obligation bonds for capital projects.
Sec. 462. Contents of borrowing legislation.
Sec. 463. Publication of borrowing legislation.
Sec. 464. Short period of limitation.
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Subpart 2—Short-Term Borrowing

Sec. 471. Borrowing to meet appropriations.
Sec. 472. Borrowing in anticipation of revenues.
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Sec. 474. Sales of notes.

Subpart 3—Payments of Bonds and Notes

Sec. 481. Special tax.

Subpart 4—Tax Exemption; Legal Investment; Water Pollution; Reservoirs; Metro Contributions; and Revenue Bonds

Sec. 485. Tax exemption.
Sec. 486. Legal investment.
Sec. 487. Water pollution.
Sec. 488. Cost of reservoirs on Potomac River.
Sec. 489. District's contributions to the Washington Metropolitan Area Transit Authority.
Sec. 490. Revenue bonds and other obligations.

PART F—INDEPENDENT AGENCIES

Sec. 491. Board of Elections.
Sec. 492. Zoning Commission.
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TITLE V—FEDERAL PAYMENT

Sec. 501. Duties of the Mayor, Council, and Federal Office of Management and Budget.
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TITLE I—SHORT TITLE, PURPOSES, AND DEFINITIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "District of Columbia Self-Government and Governmental Reorganization Act".

STATEMENT OF PURPOSES

SEC. 102. (a) Subject to the retention by Congress of the ultimate legislative authority over the Nation's Capital granted by article I, section 8, of the Constitution, the intent of Congress is to delegate certain legislative powers to the government of the District of Columbia; authorize the election of certain local officials by the registered qualified electors in the District of Columbia; grant to the inhabitants of the District of Columbia powers of local self-government; to modernize, reorganize, and otherwise improve the governmental structure of the District of Columbia; and, to the greatest extent possible, consistent with the constitutional mandate, relieve Congress of the burden of legislating upon essentially local District matters.

(b) Congress further intends to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia and take certain other actions irrespective of whether the charter for greater self-government provided for in title IV of this Act is accepted or rejected by the registered qualified electors of the District of Columbia.

DEFINITIONS

SEC. 103. For the purposes of this Act—

(1) The term "District" means the District of Columbia.

(2) The term "Council" means the Council of the District of Columbia provided for by part A of title IV.

(3) The term "Commissioner" means the Commissioner of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(4) The term "District of Columbia Council" means the Council of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(5) The term "Chairman" means, unless otherwise provided in this Act, the Chairman of the Council provided for by part A of title IV.

(6) The term "Mayor" means the Mayor provided for by part B of title IV.

(7) The term "act" includes any legislation passed by the Council, except where the term "Act" is used to refer to this Act or other Acts of Congress herein specified.

(8) The term "capital project" means (A) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (B) the acquisition of property of a permanent nature; or (C) the purchase of equipment for any public betterment or improvement when first erected or acquired.

(9) The term "pending", when applied to any capital project, means authorized but not yet completed.

(10) The term "District revenues" means all funds derived from taxes, fees, charges, and miscellaneous receipts, including all annual Federal payments to the District authorized by law, and from the sale of bonds.

(11) The term "election", unless the context otherwise provides, means an election held pursuant to the provisions of this Act.

(12) The terms "publish" and "publication", unless otherwise specifically provided herein, mean publication in a newspaper of general circulation in the District.

(13) The term "District of Columbia courts" means the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.

(14) The term "resources" means revenues, balances, revolving funds, funds realized from borrowing, and the District share of Federal grant programs.

(15) The term "budget" means the entire request for appropriations and loan or spending authority for all activities of all agencies of the District financed from all existing or proposed resources and shall include both operating and capital expenditures.

TITLE II—GOVERNMENTAL REORGANIZATION

REDEVELOPMENT LAND AGENCY

SEC. 201. The District of Columbia Redevelopment Act of 1945 (D.C. Code, secs. 5-701—5-719) is amended as follows:

(a) Subsection (a) of section 4 of such Act (D.C. Code, sec. 5-703(a)) is amended to read as follows:

"(a) The District of Columbia Redevelopment Land Agency is hereby established as an instrumentality of the District of Columbia government, and shall be composed of five members appointed by the Commissioner of the District of Columbia (hereinafter referred to as the 'Commissioner'), with the advice and consent of the Council of the District of Columbia (hereinafter referred to as the 'Council').

The Commissioner shall name one member as chairman. No more than two members may be officers of the District of Columbia government. Each member shall serve for a term of five years except that of the members first appointed under this section, one shall serve for a term of one year, one shall serve for a term of two years, one shall serve for a term of three years, one shall serve for a term of four years, and one shall serve for a term of five years, as desigated by the Commissioner. The terms of the members first appointed under this section shall begin on or after January 2, 1975. Should any member who is an officer of the District of Columbia government cease to be such an officer, then his term as a member shall end on the day he ceases to be such an officer. Any person appointed to fill a vacancy in the Agency shall be appointed to serve for the remainder of the term during which such vacancy arose. Any member who holds no other salaried public position shall receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the agency."

(b) Subsection (b) of section 4 of such Act (D.C. Code, sec. 5-703(b)) is amended—

(1) by inserting after "forth" at the end of the first sentence of such section ", except that nothing in this section shall prohibit the District of Columbia government from dissolving the corporation, eliminating the board of directors, or taking such other action with respect to the powers and duties of such Agency, including those actions specified in subsection (c), as is deemed necessary and appropriate", and

(2) by striking out in the second sentence "including the selection of its chairman and other officers," and inserting in lieu thereof "including the selection of officers other than its chairman,".

(c) Section 4 of such Act is amended by adding at the end thereof the following new subsection:

"(c) The Council is authorized, by act, to adopt legislation—

"(1) establishing, for the purpose of assuring uniform procedures relating to the disposition of complaints and other claims involving the Redevelopment Land Agency (or its successor) and other administrative units of the District of Columbia government, a factfinding board to receive, hear, and act on such complaints and claims arising out of or in connection with administrative and other actions of such Agency or units in carrying out their powers and functions;

"(2) providing that all planning, designing, construction, and supervision of public facilities which are to be contributed to any redevelopment area as the local non-cash grant-in-aid to the project under title I of the Housing Act of 1949 shall, to the extent practicable, be carried out by an appropriate District of Columbia department or agency on the basis of a contractual or other arrangement with the Redevelopment Land Agency or its sucessor;

"(3) providing that any occupied rental property owned by the Agency shall be maintained by such Agency (or its successor) in a safe and sanitary condition; or

"(4) providing that the Commissioner shall have authority to waive all or any part of any special assessments levied against abutting property owners for the cost of sewers, streets, curbs, gutters, sidewalks, utilities, and other supporting facilities or project improvements where the costs therefor to the District of Columbia can be applied as a non-cash local grant-in-aid, as defined by the Secretary of the Department of Housing and Urban Development.".

(d) The first sentence of subsection (b) of section 5 of such Act (D.C. Code, sec. 5-704(b)) is amended to read as follows "Condemnation proceedings for the acquisition of real property for said purposes shall be conducted in accordance with subchapter II of chapter 13 of title 16 of the District of Columbia Code.".

(e) None of the amendments contained in this section shall be construed to affect the eligibility of the District of Columbia Redevelopment Land Agency to continue participation in the small business procurement programs under section 8(a) of the Small Business Act (67 Stat. 547).

(f) For the purposes of subsection 713(d), employees in the District of Columbia Redevelopment Land Agency shall be deemed to be transferred to the District of Columbia as of the effective date of this title without a break in service.

NATIONAL CAPITAL HOUSING AUTHORITY

SEC. 202. (a) The National Capital Housing Authority (hereinafter referred to as the "Authority") established under the District of Columbia Alley Dwelling Act (D.C. Code, secs. 5-103—5-116) shall be an agency of the District of Columbia government subject to the organizational and reorganizational powers specified in sections 404(b) and 422(12) of this Act.

(b) All functions, powers, and duties of the President under the District of Columbia Alley Dwelling Act shall be vested in and exercised by the Commissioner. All employees, property (real and personal), and unexpended balances (available or to be made available) of appropriations, allocations, and all other funds, and assets and liabilities of the Authority are authorized to be transferred to the District of Columbia government.

NATIONAL CAPITAL PLANNING COMMISSION AND MUNICIPAL PLANNING

SEC. 203. (a) Subsections (a) and (b) of section 2 of the Act entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital", approved June 6, 1924 (D.C. Code, sec. 1–1002), are amended to read as follows:

"(a)(1) The National Capital Planning Commission (hereinafter referred to as the 'Commission') is created as the central Federal planning agency for the Federal Government in the National Capital, and to preserve the important historical and natural features thereof except with respect to the United States Capitol buildings and grounds as defined in sections 1 and 16 of the Act of July 31, 1946 (40 U.S.C. 193a, 193m), and to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol.

"(2) The Commissioner of the District of Columbia (hereinafter referred to as the 'Commissioner') shall be the central planning agency for the government of the District of Columbia (hereinafter referred to as the 'District') in the National Capital. The Commissioner shall be responsible for coordinating the planning activities of the District government and for preparing and implementing the District elements of the comprehensive plan for the National Capital, which may include land use elements, urban renewal and redevelopment elements, a multiyear program of public works for the District, and physical, social, economic, transportation, and population elements. The Commissioner's planning responsibility shall not extend to Federal or international projects and developments in the District, as determined by the Commission, or to the United States Capitol buildings and grounds as defined in sections 1 and 16 of the Act of July 31, 1946 (40 U.S.C. 193a, 193m), or to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol. In carrying out his responsibility under this section, the Commissioner shall establish procedures for citizen participation in the planning process and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital region affected by any aspect of a comprehensive plan (including amendments thereto) affecting or relating to the District.

"(3) The Commissioner shall submit each District element of the comprehensive plan and any amendment thereto, to the Council for revision or modification, and adoption, by act, following public hearings. Following adoption and prior to implementation, the Council shall submit each such element or amendment to the Commission for review and comment with regard to the impact of such element or amendment on the interests or functions of the Federal Establishment in the National Capital.

"(4)(A) The Commission shall, within sixty days after receipt of such a District element of the comprehensive plan, or amendment thereto, from the Council, certify to the Council whether such element or amendment has a negative impact on the interests or functions of the Federal Establishment in the National Capital. If within such sixty days the Commission takes no action with respect to such element or amendment, such element or amendment shall be deemed to have no such negative impact, and such element or amendment shall be incorporated into the comprehensive plan for the National Capital and shall be implemented.

"(B) If the Commission finds, within such sixty days, such negative impact, it shall certify its findings and recommendations with respect to such negative impact to the Council. Upon receipt of the Commission's findings and recommendations, the Council may—

"(i) reject such findings and recommendations and resubmit such element or amendment, in a modified form, to the Commission for reconsideration; or

"(ii) accept such findings and recommendations and modify such element or amendment accordingly.

If the Council accepts such findings and recommendations and modifies such element or amendment under clause (ii), the Council shall submit such element or amendment to the Commission for it to determine whether such modification has been made in accordance with the Commission's findings and recommendations. If, within thirty days after receipt of the modified element or amendment, the Commission takes no action with respect to such element or amendment, it shall be deemed to have been modified in accordance with such findings or recommendations, and shall be incorporated into the comprehensive plan for the National Capital and shall be implemented. If within such thirty days, the Commission again determines such element or amendment to have a negative impact on the functions or interests of the Federal Establishment in the National Capital such element or amendment shall not be implemented.

"(C) If the Council rejects the findings and recommendations of the Commission and resubmits a modified element or amendment to it under clause (i), the Commission shall, within sixty days after receipt of such modified element or amendment from the Council, determine whether such modified element or amendment has a negative impact on the interests or functions of the Federal Establishment within the National Capital. If the Commission finds such negative impact it shall certify its findings (in sufficient detail that the Council can understand the basis of the objection of the Commission) and recommendations to the Council, and such element or amendment shall not be implemented. If the Commission takes no action with respect to such modified element or amendment within such sixty days, such modified element or amendment shall be deemed to have no such negative impact and shall be incorporated into the comprehensive plan and it shall be implemented. Any element or amendment which the Commission has determined to have a negative impact on the Federal Establishment in the National Capital, and which is submitted again in a modified form not less than one year from the day it was last rejected by the Commission shall be deemed to be a new element or amendment for purposes of the review procedure specified in this section.

"(D) The Commission and the Commissioner shall jointly publish, from time to time as appropriate, a comprehensive plan for the National Capital, consisting of the elements of the comprehensive plan for the Federal activities in the National Capital developed by the Commission, and the District elements developed by the Commissioner and the Council in accordance with the provisions of this section.

"(E) The Council may grant, upon request made to it by the Commission, an extension of any time limitation contained in this section.

"(F) The Commission and the Commissioner shall jointly establish procedures for appropriate meaningful continuing consultation throughout the planning process for the National Capital.

"(b) The National Capital Planning Commission shall be composed of—

"(1) ex officio, the Secretary of the Interior, the Secretary of Defense, the Administrator of the General Services Administration, the Commissioner, the Chairman of the District of Columbia Council, and the chairmen of the Committees on the District of Columbia of the Senate and the House of Representatives, or such alternates as each such person may from time to time designate to serve in his stead, and in addition,

"(2) five citizens with experience in city or regional planning, three of whom shall be appointed by the President and two of whom shall be appointed by the Commissioner. The citizen members appointed by the Commissioner shall be bona fide residents of the District of Columbia and of the three appointed by the President at least one shall be a bona fide resident of Virginia and at least one shall be a bona fide resident of Maryland. The terms of office of members appointed by the President shall be for six years, except that of the members first appointed, the President shall designate one to serve two years and one to serve four years. Members appointed by the Commissioner shall serve for four years. The members first appointed under this section shall assume their office on January 2, 1975. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The citizen members shall each receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for necessary expenses incurred by them in the performance of such duties.".

(b) Subsection (e) of section 2 of such Act of June 6, 1924 (D.C. Code, sec. 1–1002 (e)), is amended by (1) inserting "Federal activities in the" immediately before "National Capital" in clause (1); and (2) striking out "and District Governments," and inserting in lieu thereof "government" in clause (2).

(c) Section 4 of such Act of June 6, 1924 (D.C. Code, sec. 1–1004), is amended as follows:

(1) The first sentence of subsection (a) of such section is amended to read as follows: "The Commission is hereby charged with the duty of preparing and adopting a comprehensive, consistent, and coordinated plan for the National Capital, which plan shall include the Commission's recommendations or proposals for Federal developments or projects in the environs, and those District elements, or amendments thereto, of the comprehensive plan adopted by the Council and with respect to which the Commission has not determined a negative impact to exist, which elements or amendments shall be incorporated into such comprehensive plan without change.".

(2) The third sentence of subsection (a) of such section is amended by striking out "within the District of Columbia" and "or District".

(3) Subsections (b) and (c) of such section are repealed.

(d) Section 5 of such Act of June 6, 1924 (D.C. Code, sec. 1–1005), is amended as follows:

(1) Subsection (c) of such section is amended to read as follows:

"(c) The provisions of section 16 of the Act approved June 20, 1938 (D.C. Code, sec. 5–428), are extended to include public buildings erected by any agency of the Government of the District of Columbia within the boundaries of the central area of the District, as such central area may be defined and from time to time redefined by concurrent action of the Commission and the Council, except that the Commission shall transmit its approval or disapproval respecting any such building within thirty days after the day it was submitted to the Commission.

(2) The first and second sentences of subsection (e) of such section are amended to read as follows: "It is the intent of this section to obtain cooperation and correlation of effort between the various agencies of the Federal Government which are responsible for public developments and projects, including the acquisition of land. These agencies, therefore, shall look to the Commission and utilize it as the central planning agency for the Federal activities in the National Capital region.".

(e) Section 6 of such Act (D.C. Code, sec. 1-1006) is repealed.

(f) Section 7 of such Act (D.C. Code, sec. 1-1007) is amended to read as follows:

"SEC. 7. (a) The Commission shall recommend a six-year program of public works projects for the Federal Government which it shall review annually with the agencies concerned. To this end, each Federal agency shall submit to the Commission in the first quarter of each fiscal year a copy of its advance program of capital improvements within the National Capital and its environs.

"(b) The Commissioner shall submit to the Commission, by February 1 of each year, a copy of the multiyear capital improvements plan for the District developed by him under section 444 of the District of Columbia Self-Government and Governmental Reorganization Act. The Commission shall have thirty days within which to comment upon such plan but shall have no authority to change or disapprove of such plan."

(g) The first sentence of subsection (a) of section 8 of such Act of June 6, 1924 (D.C. Code, sec. 1-1008(a)), is amended to read as follows: "The Commission may make a report and recommendation to the Zoning Commission of the District of Columbia, as provided in section 5 of the Act of March 1, 1920 (D.C. Code, sec. 5-417), on proposed amendments of the zoning regulations and maps as to the relation, conformity, or consistency of such amendments with the comprehensive plan for the National Capital."

DISTRICT OF COLUMBIA MANPOWER ADMINISTRATION

SEC. 204. (a) All functions of the Secretary of Labor (hereafter in this section referred to as the "Secretary") under section 3 of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49-49k), with respect to the maintenance of a public employment service for the District, are transferred to the Commissioner. After the effective date of this transfer, the Secretary shall maintain with the District the same relationship with respect to a public employment service in the District, including the financing of such service, as he has with the States (with respect to a public employment service in the States) generally.

(b) The Commissioner is authorized and directed to establish and administer a public employment service in the District and to that end he shall have all necessary powers to cooperate with the Secretary in the same manner as a State under the Act of June 6, 1933, specified in subsection (a).

(c)(1) Section 3(a) of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49b(a)), is amended by striking out "to maintain a public employment service for the District of Columbia".

(2) Section 3(b) of such Act (29 U.S.C. 49b(b)) is amended by inserting "the District of Columbia," immediately after "Guam,".

(d) All functions of the Secretary and of the Director of Apprenticeship under the Act entitled "An Act to provide for voluntary apprenticeship in the District of Columbia", approved May 20, 1946 (D.C. Code, secs. 36-121—36-133), are transferred to and shall be exercised by the Commissioner. The office of Director of Apprenticeship provided for in section 3 of such Act (D.C. Code. sec. 36-123) is abolished.

(e) All functions of the Secretary under chapter 81 of title 5 of the United States Code, with respect to the processing of claims filed by employees of the government of the District for compensation for work injuries, are transferred to and shall be exercised by the Commissioner, effective the day after the day on which the District establishes an independent personnel system or systems.

(f) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available in connection with functions transferred to the Commissioner by the provisions of this section, as the Director of the Federal Office of Management and Budget shall determine, are authorized to be transferred from the Secretary to the Commissioner.

(g) Any employee in the competitive service of the United States transferred to the government of the District under the provisions of this section shall retain all the rights, benefits, and privileges pertaining thereto held prior to such transfer. When such an employee vacates the position into which he was transferred, such position shall no longer be a position in such competitive service.

(h) The first section of the Act of August 16, 1937 (29 U.S.C. 50 et seq.) (relating to the welfare of apprentices), is amended by inserting at the end thereof "For the purposes of this Act the term 'State' shall include the District of Columbia.".

TITLE III—DISTRICT CHARTER PREAMBLE, LEGISLATIVE POWER, AND CHARTER AMENDING PROCEDURE

DISTRICT CHARTER PREAMBLE

SEC. 301. The charter for the District of Columbia set forth in title IV shall establish the means of governance of the District following its acceptance by a majority of the registered qualified electors of the District voting thereon in the charter referendum held with respect thereto.

LEGISLATIVE POWER

SEC. 302. Except as provided in sections 601, 602, and 603, the legislative power of the District shall extend to all rightful subjects of legislation within the District consistent with the Constitution of the United States and the provisions of this Act subject to all the restrictions and limitations imposed upon the States by the tenth section of the first article of the Constitution of the United States.

CHARTER AMENDING PROCEDURE

SEC. 303. (a) The charter set forth in title IV (including any provision of law amended by such title), except sections 401(a) and 421(a), and part C of such title, may be amended by an act passed by the Council and ratified by a majority of the registered qualified electors of the District voting in the referendum held for such ratification. The Chairman of the Council shall submit all such acts to the Speaker of the House of Representatives and the President of the Senate on the day the Board of Elections certifies that such act was ratified by a majority of the registered qualified electors voting thereon in such referendum.

(b) An amendment to the charter ratified by the registered qualified electors shall take effect only if within thirty-five calendar days (excluding Saturdays, Sundays, holidays, and days on which either House of Congress is not in session) of the date such amendment was submitted to the Congress both Houses of Congress adopt a concurrent resolution, according to the procedures specified in section 604 of this Act, approving such amendment.

(c) The Board of Elections shall prescribe such rules as are necessary with respect to the distribution and signing of petitions and the holding of elections for ratifying amendments to title IV of this Act according to the procedures specified in subsection (a).

(d) The amending procedure provided in this section may not be used to enact any law or affect any law with respect to which the Council may not enact any act, resolution, or rule under the limitations specified in sections 601, 602, and 603.

TITLE IV—THE DISTRICT CHARTER

PART A—THE COUNCIL

Subpart 1—Creation of the Council

CREATION AND MEMBERSHIP

SEC. 401. (a) There is established a Council of the District of Columbia; and the members of the Council shall be elected by the registered qualified electors of the District.

(b)(1) The Council established under subsection (a) shall consist of thirteen members elected on a partisan basis. The Chairman and four members shall be elected at-large in the District, and eight members shall be elected one each from the eight election wards established, from time to time, under the District of Columbia Election Act. The term of office of the members of the Council shall be four years, except as provided in paragraph (3), and shall begin at noon on January 2 of the year following their election.

(2) In the case of the first election held for the office of member of the Council after the effective date of this title, not more than two of the at-large members (excluding the Chairman) shall be nominated by the same political party. Thereafter, a political party may nominate a number of candidates for the office of at-large member of the Council equal to one less than the total number of at-large members (including the Chairman) to be elected in such election.

(3) Of the members first elected after the effective date of this title, the Chairman and two members elected at-large and four of the members elected from election wards shall serve for four-year terms; and two of the at-large members and four of the members elected from election wards shall serve for two-year terms. The members to serve the four-year terms and the members to serve the two-year terms shall be determined by the Board of Elections by lot, except that not more than one of the at-large members nominated by any one political party shall serve for any such four-year term.

(c) The Council may establish and select such other officers and employees as it deems necessary and appropriate to carry out the functions of the Council.

(d)(1) In the event of a vacancy in the Council of a member elected from a ward, the Board of Elections shall hold a special election in such ward to fill such vacancy on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provisions of this subsection. The person elected as a member to fill a vacancy on the Council shall take office on the day on which the Board of Elections certifies his election, and shall serve as a member of the Council only for the remainder of the term during which such vacancy occurred.

(2) In the event of a vacancy in the office of Mayor, and if the Chairman becomes a candidate for the office of Mayor to fill such vacancy, the office of Chairman shall be deemed vacant as of the date of the filing of his candidacy. In the event of a vacancy in the Council of a member elected at large, other than a vacancy in the office of Chairman, who is affiliated with a political party, the central committee of such political party shall appoint a person to fill such vacancy, until the Board of Elections can hold a special election to fill such vacancy, and such special election shall be held on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs unless the Board of Elections determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise be held under the provision of this subsection. The person appointed to fill such vacancy shall take office on the date of his appointment and shall serve as a member of the Council until the day on which the Board certifies the election of the member elected to fill such vacancy in either a special election or a general election. The person elected as a member to fill such a vacancy on the Council shall take office on the day on which the Board of Elections certifies his election, and shall serve as a member of the Council only for the remainder of the term during which such vacancy occurred. With respect to a vacancy on the Council of a member elected at large who is not affiliated with any political party, the Council shall appoint a similarly nonaffiliated person [illegible] fill such vacancy until such vacancy can be filled in a special election in the manner prescribed in this paragraph. Such person appointed by the Council shall take office and serve as a member at the same time and for the same term as a member appointed by a central committee of a political party.

(3) Notwithstanding any other provision of this section, at no time shall there be more than three members (including the Chairman) serving at large on the Council who are affiliated with the same political party.

QUALIFICATIONS FOR HOLDING OFFICE

SEC. 402. No person shall hold the office of member of the Council, including the office of Chairman, unless he (a) is a qualified elector, (b) is domiciled in the District and if he is nominated for election from a particular ward, resides in the ward from which he is nominated, (c) has resided and been domiciled in the District for one year immediately preceding the day on which the general or special election for such office is to be held, and (d) holds no public office (other than his employment in and position as a member of the Council), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall prohibit any such person, while a member of the Council, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a Reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. A member of the Council shall forfeit his office upon failure to maintain the qualifications required by this section, and, in the case of the chairman, section 403(c).

COMPENSATION

SEC. 403. (a) Each member of the Council shall receive compensation, payable in periodic installments, at a rate equal to the maximum rate as may be established from time to time for grade 12 of the General Schedule under section 5332 of title 5 of the United States Code. On and after the end of the two-year period beginning on the day the members of the Council first elected under this Act take office, the Council may, by act, increase or decrease such rate by compensation. Such change in compensation, upon enactment by the Council in accordance with the provisions of this Act, shall apply with respect to the term of members of the Council beginning after the date of enactment of such change.

(b) All members of the Council shall receive additional allowances for actual and necessary expenses incurred in the performance of their duties of office as may be approved by the Council.

(c) The Chairman shall receive, in addition to the compensation to which he is entitled as a member of the Council, $10,000 per annum, payable in equal installments, for each year he serves as Chairman, but the Chairman shall not engage in any employment (whether as an employee or as a self-employed individual) or hold any position (other than his position as Chairman), for which he is compensated in an amount in excess of his actual expenses in connection therewith.

POWERS OF THE COUNCIL

SEC. 404. (a) Subject to the limitations specified in title VI of this Act, the legislative power granted to the District by this Act is vested in and shall be exercised by the Council in accordance with this Act. In addition, except as otherwise provided in this Act, all functions granted to or imposed upon, or vested in or transferred to the District of Columbia Council, as established by Reorganization Plan Numbered 3 of 1967, shall be carried out by the Council in accordance with the provisions of this Act.

(b) The Council shall have authority to create, abolish, or organize any office, agency, department, or instrumentality of the government of the District and to define the powers, duties, and responsibilities of any such office, agency, department, or instrumentality.

(c) The Council shall adopt and publish rules of procedures which shall include provisions for adequate public notification of intended actions of the Council.

(d) Every act shall be published and codified upon becoming law as the Council may direct.

(e) An act passed by the Council shall be presented by the Chairman of the Council to the Mayor, who shall, within ten calendar days (excluding Saturdays, Sundays, and holidays) after the act is presented to him, either approve or disapprove such act. If the Mayor shall approve such act, he shall indicate the same by affixing his signature thereto, and such act shall become law subject to the provisions of section 602(c). If the Mayor shall disapprove such act, he shall, within ten calendar days (excluding Saturdays, Sundays, and holidays) after it is presented to him, return such act to the Council setting forth in writing his reasons for such disapproval. If any act so passed shall not be returned to the Council by the Mayor within ten calendar days after it shall have been presented to him, the Mayor shall be deemed to have approved it, and such act shall become law subject to the provisions of section 602(c). If, within thirty calendar days after an act has been timely returned by the Mayor to the Council with his disapproval, two-thirds of the members of the Council present and voting vote to reenact such act, the act so reenacted shall be transmitted by the Chairman to the President of the United States. Subject to the provisions of section 602(c), such act, except any act of the Council submitted to the President in accordance with the Budget and Accounting Act, 1921, shall become law at the end of the thirty day period beginning on the date of such transmission, unless during such period the President disapproves such act.

(f) In the case of any budget act adopted by the Council pursuant to section 446 of this Act and submitted to the Mayor in accordance with subsection (e) of this section, the Mayor shall have power to disapprove any items or provisions, or both, of such act and approve the remainder. In any case in which the Mayor so disapproves of any item or provision, he shall append to the act when he signs it a statement of the item or provision which he disapproves, and shall, within such ten-day period, return a copy of the act and statement with his objections to the Council. If, within thirty calendar days after any such item or provision so disapproved has been timely returned by the Mayor to the Council, two-thirds of the members of the Council present and voting vote to reenact any such item or provision, such item or provsion so reenacted shall be transmitted by the Chairman to the President of the United States. In any case in which the Mayor fails to timely return any such item or provision so disapproved to the Council, the Mayor shall be deemed to have approved such item or provision not returned, and such item or provision not returned shall be transmitted by the Chairman to the President of the United States.

Subpart 2—Organization and Procedure of the Council

THE CHAIRMAN

SEC. 411. (a) The Chairman shall be the presiding officer of the Council.

(b) When the Office of Mayor is vacant, the Chairman shall act in his stead. While the Chairman is Acting Mayor he shall not exercise any of his authority as Chairman or member of the Council.

ACTS, RESOLUTIONS, AND REQUIREMENTS FOR QUORUM

SEC. 412. (a) The Council, to discharge the powers and duties imposed herein, shall pass acts and adopt resolutions, upon a vote of a majority of the members of the Council present and voting, unless otherwise provided in this Act or by the Council. The Council shall use acts for all legislative purposes. Each proposed act shall be read twice in substantially the same form, with at least thirteen days intervening between each reading. Upon final adoption by the Council each act shall be made immediately available to the public in a manner which the Council shall determine. If the Council determines, by a vote of two-thirds of the members, that emergency circumstances make it necessary that an act be passed after a single reading, or that it take effect immediately upon enactment, such act shall be effective for a period of not to exceed ninety days. Resolutions shall be used to express simple determinations, decisions, or directions of the Council of a special or temporary character.

(b) A special election may be called by resolution of the Council to present for an advisory referendum vote of the people any proposition upon which the Council desires to take action.

(c) A majority of the Council shall constitute a quorum for the lawful convening of any meeting and for the transaction of business of the Council, except a lesser number may hold hearings.

INVESTIGATIONS BY THE COUNCIL

SEC. 413. (a) The Council, or any committee or person authorized by it, shall have power to investigate any matter relating to the affairs of the District, and for that purpose may require the attendance and testimony of witnesses and the production of books, papers, and other evidence. For such purpose any member of the Council (if the

Council is conducting the inquiry) or any member of the committee may issue subpenas and administer oaths upon resolution adopted by the Council or committee, as appropriate.

(b) In case of contumacy by, or refusal to obey a subpena issued to, any person, the Council by resolution may refer the matter to the Superior Court of the District of Columbia, which may by order require such person to appear and give or produce testimony or books, papers, or other evidence, bearing upon the matter under investigation. Any failure to obey such order may be punished by such Court as a contempt thereof as in the case of failure to obey a subpena issued, or to testify, in a case pending before such Court.

PART B—THE MAYOR

ELECTION, QUALIFICATIONS, VACANCY, AND COMPENSATION

SEC. 421. (a) There is established the Office of Mayor of the District of Columbia; and the Mayor shall be elected by the registered qualified electors of the District.

(b) The Mayor established by subsection (a) shall be elected, on a partisan basis, for a term of four years beginning at noon on January 2 of the year following his election.

(c) (1) No person shall hold the Office of Mayor unless he (A) is a qualified elector, (B) has resided and been domiciled in the District for one year immediately preceding the day on which the general or special election for Mayor is to be held, and (C) is not engaged in any employment (whether as an employee or as a self-employed individual) and holds no public office or position (other than his employment in and position as Mayor), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall be construed as prohibiting such person, while holding the Office of Mayor, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. The Mayor shall forfeit his office upon failure to maintain the qualifications required by this paragraph

(2) To fill a vacancy in the Office of Mayor, the Board of Elections shall hold a special election in the District on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provisions of this paragraph. The person elected Mayor to fill a vacancy in the Office of Mayor shall take office on the day on which the Board of Elections certifies his election, and shall serve as Mayor only for the remainder of the term during which such vacancy occurred. When the Office of Mayor becomes vacant the Chairman shall become Acting Mayor and shall serve from the date such vacancy occurs until the date on which the Board of Elections certifies the election of the new Mayor at which time he shall again become Chairman. While the Chairman is Acting Mayor, the Chairman shall receive the compensation regularly paid the Mayor, and shall receive no compensation as Chairman or member of the Council. While the Chairman is Acting Mayor, the Council shall select one of the elected at-large members of the Council to serve as Chairman and one to serve as chairman pro tempore, until the return of the regularly elected Chairman.

(d) The Mayor shall receive compensation, payable in equal installments, at a rate equal to the maximum rate, as may be established from time to time, for level III of the Executive Schedule in section 5314 of title 5 of the United States Code. Such rate of compensation may be increased or decreased by act of the Council. Such change in such compensation, upon enactment by the Council in accordance with the provisions of this Act, shall apply with respect to the term of Mayor next beginning after the date of such change. In addition, the Mayor may receive an allowance, in such amount as the Council may from time to time establish, for official, reception, and representation expenses, which he shall certify in reasonable detail to the Council.

POWERS AND DUTIES

SEC. 422. The executive power of the District shall be vested in the Mayor who shall be the chief executive officer of the District government. In addition, except as otherwise provided in this Act, all functions granted to or vested in the Commissioner of the District of Columbia, as established under Reorganization Plan Numbered 3 of 1967, shall be carried out by the Mayor in accordance with this Act. The Mayor shall be responsible for the proper execution of all laws relating to the District, and for the proper administration of the affairs of the District coming under his jurisdiction or control, including but not limited to the following powers, duties, and functions:

(1) The Mayor may designate the officer or officers of the executive department of the District who may, during periods of disability or absence from the District of the Mayor execute and perform the powers and duties of the Mayor.

(2) The Mayor shall administer all laws relating to the appointment, promotion, discipline, separation, and other conditions of employment of personnel in the office of the Mayor, personnel in executive departments of the District, and members of boards, commissions, and other agencies, who, under laws in effect on the date immediately preceding the effective date of section 711(a) of this Act, were subject to appointment and removal by the Commissioner of the District of Columbia. All actions affecting such personnel and such members shall, until such time as legislation is enacted by the Council superseding such laws and establishing a permanent District government merit system pursuant to paragraph (3), continue to be subject to the provisions of Acts of Congress relating to the appointment, promotion, discipline, separation, and other conditions of employment applicable to officers and employees of the District government, to section 713(d) of this Act, and where applicable, to the provisions of the joint agreement between the Commissioners and the Civil Service Commission authorized by Executive Order Numbered 5491 of November 18, 1930, relating to the appointment of District personnel. He shall appoint or assign persons to positions formerly occupied, ex-officio, by the Commissioner of the District of Columbia or by the Assistant to the Commissioner and shall have power to remove such persons from such positions. The officers and employees of each agency with respect to which legislative power is delegated by this Act and which immediately prior to the effective date of section 711(a) of this Act, was not subject to the administrative control of the Commissioner of the District, shall continue to be appointed and removed in accordance with applicable laws until such time as such laws may be superseded by legislation passed by the Council establishing a permanent District government merit system pursuant to paragraph (3).

(3) The Mayor shall administer the personnel functions of the District covering employees of all District departments, boards, commissions, offices and agencies, except as otherwise provided by this Act. Personnel legislation enacted by Congress prior to or after the effective date of this section, including, without limitation, legislation relating to appointments, promotions, discipline, separations, pay, unemployment compensation, health, disability and death benefits, leave, retirement, insurance, and veterans' preference applicable to employees of the District government as set forth in section 714(c), shall continue to be applicable until such time as the Council shall, pursuant to this section, provide for coverage under a District government merit system. The District government merit system shall be established by act of the Council. The system may provide for continued participation in all or part of the Federal Civil Service System and shall provide for persons employed by the District government immediately preceding the effective date of such system personnel benefits, including but not limited to pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress, or regulation adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of the system established pursuant to this Act. The District government merit system shall take effect not earlier than one year nor later than five years after the effective date of this section.

(4) The Mayor shall, through the heads of administrative boards, offices, and agencies supervise and direct the activities of such boards, offices, and agencies.

(5) The Mayor may submit drafts of acts to the Council.

(6) The Mayor may delegate any of his functions (other than the function of approving or disapproving acts passed by the Council or the function of approving contracts between the District and the Federal Government under section 731) to any officer, employee, or agency of the executive office of the Mayor, or to any director of an executive department who may, with the approval of the Mayor, make a further delegation of all or a part of such functions to subordinates under his jurisdiction.

(7) The Mayor shall appoint a City Administrator, who shall serve at the pleasure of the Mayor. The City Administrator shall be the chief administrative officer of the Mayor, and he shall assist the Mayor in carrying out his functions under this Act, and shall perform such other duties as may be assigned to him by the Mayor. The City Administrator shall be paid at a rate established by the Mayor, not to exceed level IV of the Executive Schedule established under section 5315 of title 5 of the United States Code.

(8) The Mayor may propose to the executive or legislative branch of the United States Government legislation or other action dealing with any subject whether or not falling within the authority of the District government, as defined in this Act.

(9) The Mayor, as custodian thereof, shall use and authenticate the corporate seal of the District in accordance with law.

(10) The Mayor shall have the right, under rules to be adopted by the Council, to be heard by the Council or any of its committees.

(11) The Mayor is authorized to issue and enforce administrative orders, not inconsistent with this or any other Act of the Congress or any act of the Council, as are necessary to carry out his functions and duties.

(12) The Mayor may reorganize the offices, agencies, and other entities within the executive branch of the government of the District by submitting to the Council a detailed plan of such reorganization. Such a reorganization plan shall be valid only if the Council does not adopt, within sixty days (excluding Saturdays, Sundays, and holidays) after such

reorganization plan is submitted to it by the Mayor, a resolution disapproving such reorganization.

MUNICIPAL PLANNING

SEC. 423. (a) The Mayor shall be the central planning agency for the District. He shall be responsible for the coordination of planning activities of the municipal government and the preparation and implementation of the District's elements of the comprehensive plan for the National Capital which may include land use elements, urban renewal and redevelopment elements, a multiyear program of municipal public works for the District, and physical, social, economic, transportation, and population elements. The Mayor's planning responsibility shall not extend to Federal and international projects and developments in the District, as determined by the National Capital Planning Commission, or to the United States Capitol buildings and grounds as defined in sections 1 and 16 of the Act of July 31, 1946 (40 U.S.C. 193a, 193m), or to any extension thereof or addition thereto, or to buildings and grounds under the care of the Architect of the Capitol. In carrying out his responsibilities under this section, the Mayor shall establish procedures for citizen involvement in the planning process and for appropriate meaningful consultation with any State or local government or planning agency in the National Capitol region affected by any aspect of a proposed District element of the comprehensive plan (including amendments thereto) affecting or relating to the District.

(b) The Mayor shall submit the District's elements and amendments thereto, to the Council for revisions or modification, and adoption by act, following public hearings. Following adoption and prior to implementation, the Council shall submit such elements and amendments thereto, to the National Capital Planning Commission for review and comment with regard to the impact of such elements or amendments on the interests and functions of the Federal Establishment, as determined by the Commission.

(c) Such elements and amendments thereto shall be subject to and limited by determinations with respect to the interests and functions of the Federal Establishment as determined in the manner provided by Act of Congress.

PART C—THE JUDICIARY

JUDICIAL POWERS

SEC. 431. (a) The judicial power of the District is vested in the District of Columbia Court of Appeals and the Superior Court of the District of Columbia. The Superior Court has jurisdiction of any civil action or other matter (at law or in equity) brought in the District and of any criminal case under any law applicable exclusively to the District. The Superior Court has no jurisdiction over any civil or criminal matter over which a United States court has exclusive jurisdiction pursuant to an Act of Congress. The Court of Appeals has jurisdiction of appeals from the Superior Court and, to the extent provided by law, to review orders and decisions of the Mayor, the Council, or any agency of the District. The District of Columbia courts shall also have jurisdiction over any other matters granted to the District of Columbia courts by other provisions of law.

(b) The chief judge of a District of Columbia court shall be designated by the District of Columbia Judicial Nominating Commission established by section 434 from among the judges of the court in regular active service, and shall serve as chief judge for a term of four years or until his successor is designated, except that his term as chief judge shall not extend beyond the chief judge's term as a judge of a District of Columbia court. He shall be eligible for redesignation as chief judge.

(c) A judge of a District of Columbia court appointed on or after the date of enactment of the District of Columbia Court Reorganization Act of 1970 shall be appointed for a term of fifteen years subject to mandatory retirement at age seventy or removal, suspension, or involuntary retirement pursuant to section 432 and upon completion of such term, such judge shall continue to serve until reappointed or his successor is appointed and qualifies. A judge may be reappointed as provided in subsection (c) of section 433.

(d)(1) There is established a District of Columbia Commission on Judicial Disabilities and Tenure (hereinafter referred to as the "Tenure Commission"). The Tenure Commission shall consist of seven members selected in accordance with the provisions of subsection (e). Such members shall serve for terms of six years, except that the member selected in accordance with subsection (e)(3)(A) shall serve for five years; of the members first selected in accordance with subsection (e)(3)(B), one member shall serve for three years and one member shall serve for six years; of the members first selected in accordance with subsection (e)(3)(C), one member shall serve for a term of three years and one member shall serve for five years; the member first selected in accordance with subsection (e)(3)(D) shall serve for six years; and the member first appointed in accordance with subsection (e)(3)(E) shall serve for six years. In making the respective first appointments according to subsections (e)(3)(B) and (e)(3)(C), the Mayor and the Board of Governors of the unified District of Columbia Bar shall designate, at the time of such appointments, which member shall serve for the shorter term and which member shall serve for the longer term.

(2) The Tenure Commission shall act only at meetings called by the Chairman or a majority of the Tenure Commission held after notice has been given of such meeting to all Tenure Commission members.

(3) The Tenure Commission shall choose annually, from among its members, a Chairman and such other officers as it may deem necessary. The Tenure Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Tenure Commission.

(4) The District government shall furnish to the Tenure Commission, upon the request of the Tenure Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Tenure Commission properly to perform its function. Information so furnished shall be treated by the Tenure Commission as privileged and confidential.

(e)(1) No person may be appointed to the Tenure Commission unless he—

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least ninety days immediately prior to his appointment; and

(C) is not an officer or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 202 of title 5 of the United States Code); and (except with respect to the person appointed or designated according to subsection (b)(4)(D)) is not an officer or employee of the judicial branch of the United States, or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Tenure Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) In addition to all other qualifications listed in this section, lawyer members of the Tenure Commission shall have the qualifications prescribed for persons appointed as judges of the District of Columbia courts. Members of the Tenure Commission shall be appointed as follows:

(A) One member shall be appointed by the President of the United States.

(B) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the practice of law in the District for at least five successive years preceding their appointment.

(C) Two members shall be appointed by the Mayor, one of whom shall not be a lawyer.

(D) One member shall be appointed by the Council, and shall not be a lawyer.

(E) One member shall be appointed by the chief judge of the United States District Court for the District of Columbia, and such member shall be an active or retired Federal judge serving in the District.

No person may serve at the same time on both the District of Columbia Judicial Nomination Commission and on the District of Columbia Commission on Judicial Disabilities and Tenure.

(f) Any member of the Tenure Commission who is an active or retired Federal judge shall serve without additional compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Commission.

(g) The Tenure Commission shall have the power to suspend, retire, or remove a judge of a District of Columbia court as provided in section 432.

REMOVAL, SUSPENSION, AND INVOLUNTARY RETIREMENT

SEC. 432. (a)(1) A judge of a District of Columbia court shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

(2) A judge of a District of Columbia court shall also be removed from office upon affirmance of an appeal from an order of removal filed in the District of Columbia Court of Appeals by the Tenure Commission (or upon expiration of the time within which such an appeal may be taken) after a determination by the Tenure Commission of—

(A) willful misconduct in office,

(B) willful and persistent failure to perform judicial duties, or

(C) any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute.

(b) A judge of a District of Columbia court shall be involuntarily retired from office when (1) the Tenure Commission determines that the judge suffers from a mental or physical disability (*including* habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his judicial duties, and (2) the Tenure Commission files in the District of Columbia Court of Appeals an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken from the order has expired.

(c)(1) A judge of a District of Columbia court shall be suspended, without salary—

(A) upon—

(i) proof of his conviction of a crime referred to in subsection (a)(1) which has not become final, or

(ii) the filing of an order of removal under subsection (a) (2) which has not become final; and

(B) upon the filing by the Tenure Commission of an order of suspension in the District of Columbia Court of Appeals.

Suspension under this paragraph shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the judge shall be reinstated and shall recover his salary and all rights and privileges of his office.

(2) A judge of a District of Columbia court shall be suspended from all judicial duties, with such retirement salary as he may be entitled, upon the filing of the Tenure Commission of an order of involuntary retirement under subsection (b) in the District of Columbia Court of Appeals. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the judge shall be reinstated and shall recover his judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of his office.

(3) A judge of a District of Columbia court shall be suspended from all or part of his judicial duties, with salary, if the Tenure Commission, upon concurrence of five members, (A) orders a hearing for the removal or retirement of the judge pursuant to this subchapter and determines that his suspension is in the interest of the administration of justice, and (B) files an order of suspension in the District of Columbia Court of Appeals. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Tenure Commission) but in no event later than the termination of all appeals.

NOMINATION AND APPOINTMENT OF JUDGES

SEC. 433. (a) Except as provided in section 434(d) (1), the President shall nominate, from the list of persons recommended to him by the District of Columbia Judicial Nomination Commission established under section 434, and, by and with the advice and consent of the Senate, appoint all judges of the District of Columbia courts.

(b) No person may be nominated or appointed a judge of a District of Columbia court unless he—

(1) is a citizen of the United States;

(2) is an active member of the unified District of Columbia Bar and has been engaged in the active practice of law in the District for the five years immediately preceding his nomination or for such five years has been on the faculty of a law school in the District, or has been employed as a lawyer by the United States or the District of Columbia government;

(3) is a bona fide resident of the District of Columbia and has maintained an actual place of abode in the District for at least ninety days immediately prior to his nomination, and shall retain such residency as long as he serves as such judge, except judges appointed prior to the effective date of this part who retain residency as required by section 1501(a) of title 11 of the District of Columbia Code shall not be required to be residents of the District to be eligible for reappointment or to serve any term to which reappointed;

(4) is recommended to the President, for such nomination and appointment, by the District of Columbia Judicial Nomination Commission; and

(5) has not served, within a period of two years prior to his nomination, as a member of the Tenure Commission or of the District of Columbia Judicial Nomination Commission.

(c) Not less than three months prior to the expiration of his term of office, any judge of the District of Columbia courts may file with the Tenure Commission a declaration of candidacy for reappointment. If a declaration is not so filed by any judge, a vacancy shall result from the expiration of his term of office and shall be filled by appointment as provided in subsections (a) and (b). If a declaration is so filed, the Tenure Commission shall, not less than thirty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the President a written evaluation of the declaring candidate's performance during his present term of office and his fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be exceptionally well qualified or well qualified for reappointment to another term, then the term of such declaring candidate shall be automatically extended for another full term, subject to mandatory retirement, suspension, or removal. If the Tenure Commision determines the declaring candidate to be qualified for reappointment to another term, then the President may nominate such candidate, in which case the President shall submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the President determines not to so nominate such declaring candidate, he shall nominate another candidate for such position only in accordance with the provisions of subsections (a) and (b). If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the President shall not submit to the Senate for advice and consent the renomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court.

DISTRICT OF COLUMBIA JUDICIAL NOMINATION COMMISSION

SEC. 434. (a) There is established for the District of Columbia the District of Columbia Judicial Nomination Commission (hereafter in this section referred to as the "Commission"). The Commission shall consist of seven members selected in accordance with the provisions of subsection (b). Such members shall serve for terms of six years, except that the member selected in accordance with subsection (b) (4) (A) shall serve for five years; of the members first selected in accordance with subsection (b) (4) (B), one member shall serve for three years and one member shall serve for six years; of the members first selected in accordance with subsection (b) (4) (C), one member shall serve for a term of three years and one member shall serve for five years; the member first selected in accordance with subsection (b) (4) (D) shall serve for six years; and the member first appointed in accordance with subsection (b) (4) (E) shall serve for six years. In making the respective first appointments according to subsections (b) (4) (B) and (b) (4) (C), the Mayor and the Board of Governors of the unified District of Columbia Bar shall designate, at the time of such appointments, which member shall serve for the shorter term and which member shall serve for the longer term.

(b) (1) No person may be appointed to the Commission unless he—

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least 90 days immediately prior to his appointment; and

(C) is not a member, officer, or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 202 of title 5 of the United States Code); and (except with respect to the person appointed or designated according to subsection (b) (4) (D)) is not an officer or employee of the judicial branch of the United States, or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) It shall be the function of the Commission to submit nominees for appointment to positions as judges of the District of Columbia courts in accordance with section 433 of this Act.

(4) In addition to all other qualifications listed in this section, lawyer members of the Commission shall have the qualifications prescribed for persons appointed as judges for the District of Columbia courts. Members of the Commission shall be appointed as follows:

(A) One member shall be appointed by the President of the United States.

(B) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the practice of law in the District for at least five successive years preceding their appointment.

(C) Two members shall be appointed by the Mayor, one of whom shall not be a lawyer.

(D) One member shall be appointed by the Council, and shall not be a lawyer.

(E) One member shall be appointed by the chief judge of the United States District Court for the District of Columbia, and such member shall be an active or retired Federal judge serving in the District.

(5) Any member of the Commission who is an active or retired Federal judge shall serve without additional compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Commission.

(c) (1) The Commission shall act only at meetings called by the Chairman or a majority of the Commission held after notice has been given of such meeting to all Commission members.

(2) The Commission shall choose annually, from among its members, a Chairman, and such other officers as it may deem necessary. The Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Commission.

(3) The District government shall furnish to the Commission, upon the request of the Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Commission properly to perform its function. Information so furnished shall be treated by the Commission as privileged and confidential.

(d) (1) In the event of a vacancy in any position of the judge of a District of Columbia court, the Commission shall within thirty days following the occurrence of such vacancy, submit to the President, for possible nomination and appointment, a list of three persons for each vacancy. If more than one vacancy exists at one given time, the Commission must submit lists in which no person is named more than once and the President may select more than one nominee from one list. Whenever a vacancy will occur by reason of the expiration of such a judge's term of office, the Commission's list of nominees shall be submitted to the President not less than thirty days prior to the occurrence of such vacancy. In the event the President fails to nominate, for Senate confirmation, one of the persons on the list submitted to him under this section within sixty days after receiving such list, the Commission shall nominate, and with the advice and consent of the Senate, appoint one of those persons to fill the vacancy for which such list was originally submitted to the President.

(2) In the event any person recommended by the Commission to the President requests

that his recommendation be withdrawn, dies, or in any other way becomes disqualified to serve as a judge of the District of Columbia courts, the Commission shall promptly recommend to the President one person to replace the person originally recommended.

(3) In no instance shall the Commission recommend any person, who in the event of timely nomination following a recommendation by the Commission, does not meet, upon such nomination, the qualifications specified in section 433.

PART D—DISTRICT BUDGET AND FINANCIAL MANAGEMENT

Subpart 1—Budget and Financial Management

FISCAL YEAR

SEC. 441. The fiscal year of the District shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year.

SUBMISSION OF ANNUAL BUDGET

SEC. 442. (a) At such time as the Council may direct, the Mayor shall prepare and submit to the Council each year, and make available to the public, an annual budget for the District of Columbia government which shall include—

(1) the budget for the forthcoming fiscal year in such detail as the Mayor determines necessary to reflect the actual financial condition of the District government for such fiscal year, and specify the agencies and purposes for which funds are being requested; and which shall be prepared on the assumption that proposed expenditures resulting from financial transactions undertaken on either an obligation or cash-outlay basis, for such fiscal year shall not exceed estimated resources from existing sources and proposed resources;

(2) an annual budget message which shall include supporting financial and statistical information on the budget for the forthcoming fiscal year and information on the approved budgets and expenditures for the immediately preceding three fiscal years;

(3) a multiyear plan for all agencies of the District government as required under section 443;

(4) a multiyear capital improvements plan for all agencies of the District government as required under section 444;

(5) a program performance report comparing actual performance of as many programs as is practicable for the last completed fiscal year against proposed goals for such programs for such year, and, in addition, presenting as many qualitative or quantitative measures of program effectiveness as possible (including results of statistical sampling or other special analyses), and indicating the status of efforts to comply with the reports of the District of Columbia Auditor and the Comptroller General of the United States;

(6) an issue analysis statement consisting of a reasonable number of issues, identified by the Council in its action on the budget in the preceding fiscal year, having significant revenue or budgetary implications, and other similar issues selected by the Mayor, which shall consider the cost and benefits of alternatives and the rationale behind action recommended or adopted; and

(7) a summary of the budget for the forthcoming fiscal year designed for distribution to the general public.

(b) The budget prepared and submitted by the Mayor shall include, but not be limited to, recommended expenditures at a reasonable level for the forthcoming fiscal year for the Council, the District of Columbia Auditor, the District of Columbia Board of Elections, the District of Columbia Judicial Nomination Commission, the Zoning Commission of the District of Columbia, the Public Service Commission, the Armory Board, and the Commission on Judicial Disabilities and Tenure.

(c) The Mayor from time to time may prepare and submit to the Council such proposed supplemental or deficiency budget recommendations as in his judgment are necessary on account of laws enacted after transmission of the budget or are otherwise in the public interest. The Mayor shall submit with such proposals a statement of justifications, including reasons for their omission from the annual budget. Whenever such proposed supplemental or deficiency budget recommendations are in an amount which would result in expenditures in excess of estimated resources, the Mayor shall make such recommendations as are necessary to increase resources to meet such increased expenditures.

MULTIYEAR PLAN

SEC. 443. The Mayor shall prepare and include in the annual budget a multiyear plan for all agencies included in the District budget, for all sources of funding, and for such program categories as the Mayor identifies. Such plan shall be based on the actual experience of the immediately preceding three fiscal years, on the approved current fiscal year budget, and on estimates for at least the four succeeding fiscal years. The plan shall include, but not be limited to, provisions identifying—

(1) future cost implications of maintaining programs at currently authorized levels, including anticipated changes in wage, salary, and benefit levels;

(2) future cost implications of all capital projects for which funds have already been authorized, including identification of the amount of already appropriated but unexpended capital project funds;

(3) future cost implications of new, improved, or expanded programs and capital project commitments proposed for each of the succeeding four fiscal years;

(4) the effects of current and proposed capital projects on future operating budget requirements;

(5) revenues and funds likely to be available from existing revenue sources at current rates or levels;

(6) the specific revenue and tax measures recommended for the forthcoming fiscal year and for the next following fiscal year necessary to balance revenues and expenditures;

(7) the actuarial status and anticipated costs and revenues of retirement systems covering District employees; and

(8) total debt service payments in each fiscal year in which debt service payments must be made for all bonds which have been or will be issued, and all loans from the United States Treasury which have been or will be received, to finance the total cost on a full funding basis of all projects listed in the capital improvements plan prepared under section 444; and for each such fiscal year, the percentage relationship of the total debt service payments (with payments for issued and proposed bonds and loans from the United States Treasury, received or proposed, separately identified) to the bonding limitation for the current and forthcoming fiscal years as specified in section 603(b).

MULTIYEAR CAPITAL IMPROVEMENTS PLAN

SEC. 444. The Mayor shall prepare and include in the annual budget a multiyear capital improvements plan for all agencies of the District which shall be based upon the approved current fiscal year budget and shall include—

(1) the status, estimated period of usefulness, and total cost of each capital project on a full funding basis for which any appropriation is requested or any expenditure will be made in the forthcoming fiscal year and at least four fiscal years thereafter, including an explanation of change in total cost in excess of 5 per centum for any capital project included in the plan of the previous fiscal year;

(2) an analysis of the plan, including its relationship to other programs, proposals, or elements developed by the Mayor as the central planning agency for the District pursuant to section 423 of this Act;

(3) identification of the years and amounts in which bonds would have to be issued, loans made, and costs actually incurred on each capital project identified; and

(4) appropriate maps or other graphics.

DISTRICT OF COLUMBIA COURTS' BUDGET

SEC. 445. The District of Columbia courts shall prepare and annually submit to the Mayor, for inclusion in the annual budget, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the District of Columbia court system. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c), without revision but subject to his recommendations. Notwithstanding any other provision of this Act, the Council may comment or make recommendations concerning such annual estimates involving the expenditures and appropriations necessary for the maintenance and operation of the District of Columbia court system submitted by such courts but shall have no authority under this Act to revise such estimates. The courts shall submit as part of their budgets both a multiyear plan and a multiyear capital improvements plan and shall submit a statement presenting qualitative and quantitative descriptions of court activities and the status of efforts to comply with reports of the District of Columbia Auditor and the Comptroller General of the United States.

ENACTMENT OF APPROPRIATIONS BY CONGRESS

SEC. 446. The Council, within fifty calendar days after receipt of the budget proposal from the Mayor, and after public hearing, shall by act adopt the annual budget for the District of Columbia government. Any supplements thereto shall also be adopted by Act by the Council after public hearing. Such budget so adopted shall be submitted by the Mayor to the President for transmission by him to the Congress. No amount may be obligated or expended by any officer or employee of the District of Columbia government unless such amount has been approved by Act of Congress, and then only according to such Act. Notwithstanding any other provision of this Act, the Mayor shall not transmit any annual budget or amendments or supplements thereto, to the President of the United States until the completion of the budget procedures contained in this Act.

CONSISTENCY OF BUDGET, ACCOUNTING, AND PERSONNEL SYSTEMS

SEC. 447. The Mayor shall implement appropriate procedures to insure that budget, accounting, and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis. No employee shall be hired on a full-time or part-time basis unless such position is authorized by Act of Congress. Employees shall be assigned in accordance with the program, organization, and fund categories specified in the Act of Congress authorizing such position. Hiring of temporary employees and temporary employee transfers among programs shall be consistent with applicable Acts of Congress and reprogramming procedures to insure that costs are accurately associated with programs and sources of funding.

FINANCIAL DUTIES OF THE MAYOR

SEC. 448. Subject to the limitations in section 603, the Mayor shall have charge of the administration of the financial affairs of the District and to that end he shall—

(1) supervise and be responsible for all financial transactions to insure adequate control of revenues and resources and to insure that appropriations are not exceeded;

(2) maintain systems of accounting and internal control designed to provide—

(A) full disclosure of the financial results of the District government's activities,

(B) adequate financial information needed by the District government for management purposes,

(C) effective control over and accountability for all funds, property, and other assets,

(D) reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget;

(3) submit to the Council a financial statement in any detail and at such times as the Council may specify;

(4) submit to the Council, by November 1 of each fiscal year, a complete financial statement and report for the preceding fiscal year;

(5) supervise and be responsible for the assessment of all property subject to assessment and special assessments within the corporate limits of the District for taxation, prepare tax maps, and give such notice of taxes and special assessments, as may be required by law;

(6) supervise and be responsible for the levying and collection of all taxes, special assessments, license fees, and other revenues of the District, as required by law, and receive all moneys receivable by the District from the Federal Government or from any court, agency, or instrumentality of the District;

(7) have custody of all public funds belonging to or under the control of the District, or any agency of the District government, and deposit all funds coming into his hands, in such depositories as may be designated and under such terms and conditions as may be prescribed by act of the Council;

(8) have custody of all investments and invested funds of the District government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the District and the receipt and delivery of District bonds and notes for transfer, registration or exchange; and

(9) apportion the total of all appropriations and funds made available during the fiscal year for obligation so as to prevent obligation or expenditure thereof in a manner which would indicate a necessity for deficiency or supplemental appropriations for such fiscal year, and with respect to all appropriations or funds not limited to a definite period, and all authorizations to create obligations by contract in advance of appropriations, apportion the total of such appropriations or funds or authorizations so as to achieve the most effective and economical use thereof.

ACCOUNTING SUPERVISION AND CONTROL

SEC. 449. The Mayor shall—

(a) prescribe the forms of receipts, vouchers, bills and claims to be used by all the agencies, offices, and instrumentalities of the District government;

(b) examine and approve all contracts, orders, and other documents by which the District government incurs financial obligations, having previously ascertained that money has been appropriated and allotted and will be available when the obligations shall become due and payable;

(c) audit and approve before payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government and with the advice of the legal officials of the District determine the regularity, legality, and correctness of such claims, demands, or charges; and

(d) perform internal audits of accounts and operations and agency records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the respective agencies.

GENERAL AND SPECIAL FUNDS

SEC. 450. The general fund of the District shall be composed of those District revenues which on the effective date of this title are paid into the Treasury of the United States and credited either to the general fund of the District or its miscellaneous receipts, but shall not include any revenues which are applied by law to any special fund existing on the date of enactment of this title. The Council may from time to time establish such additional special funds as may be necessary for the efficient operation of the government of the District. All money received by any agency, officer, or employee of the District in its or his official capacity shall belong to the District government and shall be paid promptly to the Mayor for deposit in the appropriate fund.

CONTRACTS EXTENDING BEYOND ONE YEAR

SEC. 451. No contract involving expenditures out of an appropriation which is available for more than one year shall be made for a period of more than five years unless, with respect to a particular contract, the Council, by a two-thirds vote of its members present and voting, authorizes the extension of such period for such contract. Such contracts shall be made pursuant to criteria established by act of the Council.

ANNUAL BUDGET FOR THE BOARD OF EDUCATION

SEC. 542. With respect to the annual budget for the Board of Education in the District of Columbia, the Mayor and the Council may establish the maximum amount of funds which will be allocated to the Board, but may not specify the purposes for which such funds may be expended or the amount of such funds which may be expended for the various programs under the jurisdiction of the Board of Education.

Subpart 2—Audit

DISTRICT OF COLUMBIA AUDITOR

SEC. 455. (a) There is established for the District of Columbia the Office of District of Columbia Auditor who shall be appointed by the Chairman, subject to the approval of a majority of the Council. The District of Columbia Auditor shall serve for a term of six years and shall be paid at a rate of compensation as may be established from time to time by the Council.

(b) The District of Columbia Auditor shall each year conduct a thorough audit of the accounts and operations of the government of the District in accordance with such principles and procedures and under such rules and regulations as he may prescribe. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents and records, the District of Columbia Auditor shall give due regard to generally accepted principles of auditing including the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices.

(c) The District of Columbia Auditor shall have access to all books, accounts, records, reports, findings and all other papers, things, or property belonging to or in use by any department, agency, or other instrumentality of the District government and necessary to facilitate the audit.

(d) The District of Columbia Auditor shall submit his audit reports to the Congress, the Mayor, and the Council. Such reports shall set forth the scope of the audits conducted by him and shall include such comments and information as the District of Columbia Auditor may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as he may deem advisable.

(e) The Council shall make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(f) The Mayor shall state in writing to the Council, within an appropriate time, what action he has taken to effectuate the recommendations made by the District of Columbia Auditor in his reports.

PART E—BORROWING

Subpart 1—Borrowing

DISTRICT'S AUTHORITY TO ISSUE AND REDEEM GENERAL OBLIGATION BONDS FOR CAPITAL PROJECTS

SEC. 461. (a) Subject to the limitations in section 603(b), the District may incur indebtedness by issuing general obligation bonds to refund indebtedness of the District at any time outstanding and to provide for the payment of the cost of acquiring or undertaking its various capital projects. Such bonds shall bear interest, payable annually or semi-annually, at such rate and at such maturities as the Mayor, subject to the provisions of section 462 of this Act, may from time to time determine to be necessary to make such bonds marketable.

(b) The District may reserve the right to redeem any or all of its obligations before maturity in such manner and at such price as may be fixed by the Mayor prior to the issuance of such obligations.

CONTENTS OF BORROWING LEGISLATION

SEC. 462. The Council may by act authorize the issuance of general obligation bonds for the purposes specified in section 461. Such an act shall contain, at least, provisions—

(1) briefly describing each such project;

(2) identifying the Act authorizing each such project;

(3) setting forth the maximum amount of the principal of the indebtedness which may be incurred for each such project;

(4) setting forth the maximum rate of interest to be paid on such indebtedness;

(5) setting forth the maximum allowable maturity for the issue and the maximum debt service payable in any year; and

(6) setting forth, in the event that the Council determines in its discretion, to submit the question of issuing such bonds to a vote of the qualified voters of the District, the manner of holding such election, the manner of voting for or against the incurring of such indebtedness, and the form of ballot to be used at such election.

PUBLICATION OF BORROWING LEGISLATION

SEC. 463. The Mayor shall publish any act authorizing the issuance of general obligation bonds at least once within five days after the enactment thereof, together with a notice of the enactment thereof in substantially the following form:

"NOTICE

"The following act (published herewith) authorizing the issuance of general obligation bonds, has become effective. The time within which a suit, action, or proceeding questioning the validity of such bonds can be commenced, will expire twenty days from the date of the first publication of this notice, as provided in the District of Columbia Self-Government and Governmental Reorganization Act.

"————— —————,

"Mayor."

SHORT PERIOD OF LIMITATION

SEC. 464. At the end of the twenty-day period beginning on the date of publication of the notice of the enactment of an act authorizing the issuance of general obligation bonds without the submission of the proposition for the issuance thereof to the qualified voters, or upon the expiration of twenty days from the date of publication of the promulgation of the results of an election upon the proposition of issuing bonds, as the case may be—

(1) any recitals or statements of fact contained in such act or in the preambles or the titles thereof or in the results of the election of any proceedings in connection with the calling, holding, or conducting of election upon the issuance of such bonds shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized, and the District and all others interested shall thereafter be estopped from denying same;

(2) such act and all proceedings in connection with the authorization of the issuance of such bonds shall be conclusively presumed to have been duly and regularly taken, passed, and done by the District and the Board of Elections in full compliance with the provisions of this Act and of all laws applicable thereto; and

(3) the validity of such act and said proceedings shall not thereafter be questioned by either a party plaintiff or a party defendant, and no court shall have jurisdiction in any suit, action, or proceeding questioning the validity of same, except in a suit, action, or proceeding commenced prior to the expiration of such twenty-day period.

ACTS FOR ISSUANCE OF GENERAL OBLIGATION BONDS

SEC. 465. At the end of the twenty-day period specified in section 464, the Council may by act establish an issue of general obligation bonds as authorized pursuant to the provisions of sections 461 to 465 inclusive, hereof. An issue of general obligation bonds is hereby defined to be all or any part of an aggregate principal amount of bonds authorized pursuant to such sections, but no indebtedness shall be deemed to have been incurred within the meaning of this Act until such bonds have been sold, delivered, and paid for, and then only to the extent of the principal amount of such bonds so sold and delivered. The bonds of each issue shall be payable in annual installments beginning not more than three years after the date of such bonds and ending not more than thirty years from such date. The amount of said issues to be payable in each year shall be so fixed that when the annual interest is added to the principal amount payable in each year, the total amount payable either serially or to a sinking fund shall be substantially equal. It shall be an immaterial variance if the difference between the largest and smallest amounts of principal and interest so payable during each fiscal year during the term of the general obligation bonds does not exceed 3 per centum of the total authorized amount of such series. Such bonds and coupons may be executed by the facsimile signatures of the officer designated by the act authorizing such bonds, to sign the bonds, within the exception that at least one signature shall be manual. Such bonds may be issued in coupon form in the denomination of $1,000, or $1,000 and $5,000, registerable as to principal only or as to both principal and interest, and if registered as to both principal and interest may be issuable in denominations of multiples of $1,000. Such bonds and the interest thereon may be payable at such place or places within or without the District as the Council may determine.

PUBLIC SALE

SEC. 466. All general obligation bonds issued under this part shall be sold at public sale upon sealed proposals after publication of a notice of such sale at least once not less than ten days prior to the date fixed for sale in a daily newspaper carrying municipal bond notices and devoted primarily to financial news or to the subject of State and municipal bonds published in the city of New York, New York, and in one or more newspapers of general circulation published in the District. Such notice shall state, among other things, that no proposal shall be considered unless there is deposited with the District as a downpayment a certified check or cashier's check for an amount equal to at least 2 per centum of the par amount of general obligation bonds bid for, and the Council shall reserve the right to reject any and all bids.

Subpart 2—Short-Term Borrowing

BORROWING TO MEET APPROPRIATIONS

SEC. 471. In the absence of unappropriated available revenues to meet appropriations made pursuant to section 446, the Council may by act authorize the issuance of negotiable notes, in a total amount not to exceed 2 per centum of the total appropriations for the current fiscal year, each of which may be renewed from time to time, but all such notes and renewals thereof shall be paid not later than the close of the fiscal year following that in which such act becomes effective.

BORROWING IN ANTICIPATION OF REVENUES

SEC. 472. For any fiscal year, in anticipation of the collection or receipt of revenues of that fiscal year, the Council may by act authorize the borrowing of money by the execution of negotiable notes of the District, not to exceed in the aggregate at any time outstanding 20 per centum of the total anticipated revenue, each of which shall be designated "Revenue Note for the Fiscal Year 19__". Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year for which the original notes have been issued.

NOTES REDEEMABLE PRIOR TO MATURITY

SEC. 473. No notes issued pursuant to this part shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

SALES OF NOTES

SEC. 474. All notes issued pursuant to this part may be sold at not less than par and accrued interest at private sale without previous advertising.

Subpart 3—Payment of Bonds and Notes

SPECIAL TAX

SEC. 481. (a) The act of the Council authorizing the issuance of general obligation bonds pursuant to this title, shall, where necessary, provide for the levy annually of a special tax or charge without limitation as to rate or amount in amounts which, together with other revenues of the District available and applicable for said purposes, will be sufficient to pay the principal of and interest on such bonds and the premium, if any, upon the redemption thereof, as the same respectively become due and payable, which tax shall be levied and collected at the same time and in the same manner as other District taxes are levied and collected and when collected shall be set aside in a sinking fund and irrevocably dedicated to the payment of such principal, interest, and premium.

(b) The full faith and credit of the District shall be and is hereby pledged for the payment of the principal of and the interest on all general obligation bonds and notes of the District hereafter issued pursuant to subparts 1, 2, and 3 of part E of this title whether or not such pledge be stated in such bonds or notes or in the act authorizing the issuance thereof.

(c) (1) As soon as practicable following the beginning of each fiscal year, the Mayor shall review the amounts of District revenues which have been set aside and deposited in a sinking fund as provided in subsection (a). Such review shall be carried out with a view to determining whether the amounts so set aside and deposited are sufficient to pay the principal of and interest on general obligation bonds issued pursuant to this title, and the premium (if any) upon the redemption thereof, as the same respectively become due and payable. To the extent that the Mayor determines that sufficient District revenues have not been so set aside and deposited, the Federal payment made for the fiscal year within which such review is conducted shall be first utilized to make up any deficit in such sinking fund.

(2) The Comptroller General of the United States shall make annual audits of the amounts set aside and deposited in the sinking fund.

Subpart 4—Tax Exemption; Legal Investment: Water Pollution; Reservoir; Metro Contributions; and Revenue Bonds

TAX EXEMPTION

SEC. 485. Bonds and notes issued by the Council pursuant to this title and the interest thereon shall be exempt from all Federal and District taxation except estate, inheritance, and gift taxes.

LEGAL INVESTMENT

SEC. 486. Notwithstanding any restriction on the investment of funds by fiduciaries contained in any other law, all domestic insurance companies, domestic insurance associations, executors, administrators, guardians, trustees, and other fiduciaries within the District may legally invest any sinking funds, moneys, trust funds, or other funds belonging to them or under or within their control in any bonds issued pursuant to this title, it being the purpose of this section to authorize the investment in such bonds or notes of all sinking, insurance, retirement, compensation, pension, and trust funds. National banking associations are authorized to deal in, underwrite, purchase and sell, for their own accounts or for the accounts of customers, bonds and notes issued by the Council to the same extent as national banking associations are authorized by paragraph seven of section 5136 of the Revised Statutes (12 U.S.C. 24), to deal in, underwrite, purchase and sell obligations of the United States, States, or political subdivisions thereof. All Federal building and loan associations and Federal savings and loan associations; and banks, trust companies, building and loan associations, and savings and loan associations, domiciled in the District, may purchase, sell, underwrite, and deal in, for their own account or for the account of others, all bonds or notes issued pursuant to this title. Nothing contained in this section shall be construed as relieving any person, firm, association, or corporation from any duty of exercising due and reasonable care in selecting securities for purchase or investment.

WATER POLLUTION

SEC. 487. (a) The Mayor shall annually estimate the amount of the District's principal and interest expense which is required to service District obligations attributable to the Maryland and Virginia pro rata share of District sanitary sewage water works and other water pollution projects which provide service to the local jurisdictions in those States. Such amounts as determined by the Mayor pursuant to the agreements described in subsection (b) shall be used to exclude the Maryland and Virginia share of pollution projects cost from the limitation on the District's capital project obligations as provided in section 603(b).

(b) The Mayor shall enter into agreements with the States and local jurisdictions concerned for annual payments to the District of rates and charges for waste treatment services in accordance with the use and benefits made and derived from the operation of the said waste treatment facilities. Each such agreement shall require that the estimated amount of such rates and charges will be paid in advance, subject to adjustment after each year. Such rates and charges shall be sufficient to cover the cost of construction, interest on capital, operation and maintenance, and the necessary replacement of equipment during the useful life of the facility.

COST OF RESERVOIRS ON POTOMAC RIVER

SEC. 488. (a) The Mayor is authorized to contract with the United States, any State in the Potomac River Basin, any agency or political subdivision thereof, and any other competent State or local authority, with respect to the payment by the District to the United States, either directly or indirectly, of the District's equitable share of any part or parts of the non-Federal portion of the costs of any reservoirs authorized by the Congress for construction on the Potomac River or any of its tributaries. Every such contract may contain such provisions as the Mayor may deem necessary or appropriate.

(b) Unless hereafter otherwise provided by legislation enacted by the Council, all payments made by the District and all moneys received by the District pursuant to any contract made under the authority of this Act shall be paid from, or be deposited in, a fund designated by the Mayor. Charges for water delivered from the District water system for use outside the District may be adjusted to reflect the portions of any payments made by the District under contracts authorized by this Act which are equitably attributable to such use outside the District.

DISTRICT'S CONTRIBUTIONS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 489. Notwithstanding any provision of law to the contrary, beginning with fiscal year 1976 the District share of the cost of the Adopted Regional System described in the National Capital Transportation Act of 1969 (83 Stat. 320), may be payable from the proceeds of the sale of District general obligation bonds issued pursuant to this title.

REVENUE BONDS AND OTHER OBLIGATIONS

SEC. 490. (a) The Council may by act issue revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance or assist in the financing of undertakings in the areas of housing, health facilities, transit and utility facilities, recreational facilities, college and university facilities, and industrial and commercial development. Such bonds, notes, or other obligations shall be fully negotiable and payable, as to both principal and interest, solely from and secured solely by a pledge of the revenues realized from the property, facilities, developments, and improvements whose financing is undertaken by the issuance of such bonds, notes, or other obligations, including existing facilities to which such new facilities and improvements are related, which financing may be effected through loans made directly or indirectly (including the purchase of mortgages, in those cases described in subsection (b) of this section, notes, or other securities) to any public, quasi-public, or private corporation, partnership, association, person, or other legal entity.

(b) Except in the case of housing, recreation, commercial and industrial development, the property, facilities, developments, and improvements being financial may not be mortgaged as additional security for bonds, notes, or other obligations, but in no event shall any property owned by the District of Columbia or the United States be mortgaged for the purpose of this section.

(c) Any and all such bonds, notes, or other obligations shall not be general obligations of the District and shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as contained in section 602(a)(2).

(d) Any and all such bonds, notes, or other obligations shall be issued pursuant to an act of the Council without the necessity of submitting the question of such issuance to the registered qualified electors of the District for approval or disapproval.

(e) Any such act may contain provisions—

(1) briefly describing the purpose for which such bond, note, or other obligation is to be issued;

(2) identifying the Act authorizing such purpose;

(3) prescribing the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time of issuance, of such bonds, notes, or other obligations; and

(4) prescribing any and all other details with respect to any such bonds, notes, or other obligations and the issuance and sale thereof,

The act may authorize and empower the Mayor to do any and all things necessary, proper, or expedient in connection with the issuance and sale of such notes, bonds, or other obligations authorized to be issued under the provisions of this section.

PART F—INDEPENDENT AGENCIES

BOARD OF ELECTIONS

SEC. 491. Section 3 of the District of Columbia Elections Act (D.C. Code, sec. 1-1103) is amended to read as follows:

"SEC. 3. (a) There is created a District of Columbia Board of Elections (hereafter in this section referred to as the 'Board'), to be composed of three members, no more than two of whom shall be of the same political party, appointed by the Mayor, with the advice and consent of the Council. Members shall be appointed to serve for terms of three years, except of the members first appointed under this Act, one member shall be appointed to serve for a one-year term, one member shall be appointed to serve for a two-year term, and one member shall be appointed to serve for a three-year term, as designated by the Mayor.

"(b) Any person appointed to fill a vacancy on the Board shall be appointed only for the unexpired term of the member whose vacancy he is filling.

"(c) A member may be reappointed, and, if not reappointed, the member shall serve until his successor has been appointed and qualifies.

"(d) The Mayor shall, from time to time, designate the Chairman of the Board."

ZONING COMMISSION

SEC. 492. (a) The first section of the Act of March 1, 1920 (D.C. Code, sec. 5-412) is amended to read as follows: "That (a) to protect the public health, secure the public safety, and to protect property in the District of Columbia there is created a Zoning Commission for the District of Columbia, which shall consist of the Architect of the Capitol, the Director of the National Park Service, and three members appointed by the Mayor, by and with the advice and consent of the Council. Each member appointed by the Mayor shall serve for a term of four years, except of the members first appointed under this section—

"(1) one member shall serve for a term of two years, as determined by the Mayor;

"(2) one member shall serve for a term of three years, as determined by the Mayor; and

"(3) one member shall serve for a term of four years, as determined by the Mayor.

"(b) Members of the Zoning Commission appointed by the Mayor shall be entitled to receive compensation as determined by the Mayor, with the approval of a majority of the Council. The remaining members shall serve without additional compensation.

"(c) Members of the Zoning Commission appointed by the Mayor may be reappointed. Each member shall serve until his successor has been appointed and qualifies.

"(d) The Chairman of the Zoning Commission shall be selected by the members.

"(e) The Zoning Commission shall exercise all the powers and perform all the duties with respect to zoning in the District as provided by law.".

(b) The Act of June 20, 1938 (D.C. Code, sec. 5-413, et seq.) is amended as follows:

(1) The first sentence of section 2 of such Act (D.C. Code, sec. 5-414) is amended by striking out "Such regulations shall be made in accordance with a comprehensive plan and" and inserting in lieu thereof "Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the National Capital, and zoning regulations shall be".

(2) Section 5 of such Act (D.C. Code, sec. 5-417) is amended to read as follows:

"SEC. 5. (a) No zoning regulation or map, or any amendment thereto, may be adopted by the Zoning Commission until the Zoning Commission—

"(1) has held a public hearing, after notice, on such proposed regulation, map, or amendment; and

"(2) after such public hearing, submitted such proposed regulation, map, or amendment to the National Capital Planning Commission for comment and review.

If the National Capital Planning Commission fails to submit its comments regarding any such regulation, map, or amendment within thirty days after submission of such regulation, map, or amendment to it, then the Zoning Commission may proceed to act upon the proposed regulation, map, or amendment without further comment from the National Capital Planning Commission.

"(b) The notice required by clause (1) of subsection (a) shall be published at least thirty days prior to such public hearing and shall include a statement as to the time and place of the hearing and a summary of all changes in existing zoning regulations which would be made by adoption of the proposed regulation, map, or amendment. The Zoning Commission shall give such additional notice as it deems expedient and practicable. All interested persons shall be given a reasonable opportunity to be head at such public hearing. If the hearing is adjourned from time to time, the time and place of reconvening shall be publicly announced prior to adjournment.

"(c) The Zoning Commission shall deposit with the National Capital Planning Commission all zoning regulations, maps, or amendments thereto, adopted by it."

PUBLIC SERVICE COMMISSION

SEC. 493. (a) There shall be a Public Service Commission whose function shall be to insure that every public utility doing business within the District of Columbia is required to furnish service and facilities reasonably safe and adequate and in all respects just and reasonable. The charge made by any such public utility for any facility or services furnished, or rendered, or to be furnished or rendered, shall be reasonable, just, and nondiscriminatory. Every unjust or unreasonable or discriminatory charge for such facility or service is prohibited and is hereby declared unlawful.

(b) The first sentence of paragraph 97(a) of section 8 of the Act of March 4, 1913 (making appropriations for the government of the District of Columbia) (D.C. Code, sec. 43-201), is amended to read as follows: "The Public Service Commission of the District of Columbia shall be composed of three Commissioners appointed by the Mayor by and with the advice and consent of the Council.".

ARMORY BOARD

SEC. 494. The first sentence of section 2 of the Act of June 4, 1948 (D.C. Code, sec. 2–1702), is amended to read as follows: "There is established an Armory Board, to be composed of the commanding general of the District of Columbia Militia, and two other members appointed by the Mayor of the District of Columbia by and with the advice and consent of the Council of the District of Columbia. The members appointed by the Mayor shall each serve for a term of four years beginning on the date such member qualifies.".

BOARD OF EDUCATION

SEC. 495. The control of the public schools in the District of Columbia is vested in a Board of Education to consist of eleven elected members, three of whom are to be elected at large, and one to be elected from each of the eight school election wards established under the District of Columbia Election Act. The election of the members of the Board of Education shall be conducted on a nonpartisan basis and in accordance with such Act.

TITLE V—FEDERAL PAYMENT

DUTIES OF THE MAYOR, COUNCIL, AND FEDERAL OFFICE OF MANAGEMENT AND BUDGET

SEC. 501. (a) It shall be the duty of the Mayor in preparing an annual budget for the government of the District to develop meaningful intercity expenditure and revenue comparisons based on data supplied by the Bureau of the Census, and to identify elements of cost and benefits to the District which result from the unusual role of the District as the Nation's Capital. The results of the studies conducted by the Mayor under this subsection shall be made available to the Council and to the Federal Office of Management and Budget for their use in reviewing and revising the Mayor's request with respect to the level of the appropriation for the annual Federal payment to the District. Such Federal payments should operate to encourage efforts on the part of the government of the District to maintain and increase its level of revenues and to seek such efficiencies and economies in the management of its programs as are possible.

(b) The Mayor, in studying and identifying the costs and benefits to the District brought about by its role as the Nation's Capital, should to the extent feasible, among other elements, consider—

(1) revenues unobtainable because of the relative lack of taxable commercial and industrial property;

(2) revenues unobtainable because of the relative lack of taxable business income;

(3) potential revenues that would be realized if exemptions from District taxes were eliminated;

(4) net costs, if any, after considering other compensation for tax base deficiencies and direct and indirect taxes paid, of providing services to tax-exempt nonprofit organizations and corporate offices doing business only with the Federal Government;

(5) recurring and nonrecurring costs of unreimbursed services to the Federal Government;

(6) other expenditure requirements placed on the District by the Federal Government which are unique to the District;

(7) benefits of Federal grants-in-aid relative to aid given other States and local governments;

(8) recurring and nonrecurring costs of unreimbursed services rendered the District by the Federal Government; and

(9) relative tax burden on District residents compared to that of residents in other jurisdictions in the Washington, District of Columbia, metropolitan area and in other cities of comparable size.

(c) The Mayor shall submit his request, with respect to the amount of an annual Federal payment, to the Council. The Council shall by act approve, disapprove, or modify the Mayor's request. After the action of the Council, the Mayor shall, by December 1 of each calendar year, in accordance with the provisions in the Budget and Accounting Act, 1921 (31 U.S.C. 2), submit such request to the President for submission to the Congress. Each request regarding an annual Federal payment shall be submitted to the President seven months prior to the beginning of the fiscal year for which such request is made and shall include a request for an annual Federal payment for the next following fiscal year.

AUTHORIZATION OF APPROPRIATIONS

SEC. 502. Notwithstanding any other provision of law, there is authorized to be appropriated as the annual Federal payment to the District of Columbia for the fiscal year ending June 30, 1975, the sum of $230,000,000; for the fiscal year ending June 30, 1976, the sum of $254,000,000; for the fiscal year ending June 30, 1977, the sum of $280,000,000; for the fiscal year ending June 30, 1978, and for each fiscal year thereafter, the sum of $300,000,000.

TITLE VI—RESERVATION OF CONGRESSIONAL AUTHORITY

RETENTION OF CONSTITUTIONAL AUTHORITY

SEC. 601. Notwithstanding any other provision of this Act, the Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the Council by this Act, including legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council.

LIMITATIONS ON THE COUNCIL

SEC. 602. (a) The Council shall have no authority to pass any act contrary to the provisions of this Act except as specifically provided in this Act, or to—

(1) impose any tax on property of the United States or any of the several States;

(2) lend the public credit for support of any private undertaking;

(3) enact any act, or enact any act to amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District;

(4) enact any act, resolution, or rule with respect to any provision of title 11 of the District of Columbia Code (relating to organization and jurisdiction of the District of Columbia courts);

(5) impose any tax on the whole or any portion of the personal income, either directly or at the source thereof, of any individual not a resident of the District (the terms "individual" and "resident" to be understood for the purposes of this paragraph as they are defined in section 4 of the Act of July 16, 1974);

(6) enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in section 5 of the Act of June 1, 1910 (D.C. Code, sec. 5–405), and in effect on the date of enactment of this Act;

(7) enact any act, resolution, or regulation with respect to the Commission on Mental Health;

(8) enact any act or regulation relating to the United States District Court for the District of Columbia or any other court of the United States in the District other than the District courts, or relating to the duties or powers of the United States attorney or the United States Marshal for the District of Columbia; or

(9) enact any act, resolution, or rule with respect to any provision of title 23 of the District of Columbia Code (relating to criminal procedure), or with respect to any provision of any law codified in title 22 or 24 of the District of Columbia Code (relating to crimes and treatment of prisoners) during the twenty-four full calendar months immediately following the day on which the members of the Council first elected pursuant to this Act take office.

(b) Nothing in this Act shall be construed as vesting in the District government any greater authority over the National Zoological Park, the National Guard of the District of Columbia, the Washington Aqueduct, the National Capital Planning Commission, or, except as otherwise specifically provided in this Act, over any Federal agency, than was vested in the Commissioner prior to the effective date of title IV of this Act.

(c) (1) Except acts of the Council which are submitted to the President in accordance with the Budget and Accounting Act, 1972, any act which the Council determines according to section 412(a), should take effect immediately because of emergency circumstances, and acts proposing amendments to title IV of this Act, the Chairman of the Council shall transmit to the Speaker of the House of Representatives, and the President of the Senate a copy of each act passed by the Council and signed by the Mayor, or vetoed by the Mayor and repassed by two-thirds of the Council present and voting (and with respect to which the President has not sustained the Mayor's veto), and every act passed by the Council and allowed to become effective by the Mayor without his signature. Except as provided in paragraph (2), no such act shall take effect until the end of the 30-day period (excluding Saturdays, Sundays, and holidays, and any day on which either House is not in session) beginning on the day such act is transmitted by the chairman to the Speaker of the House of Representatives and the President of the Senate and then only if during such 30-day period both Houses of Congress do not adopt a concurrent resolution disapproving such act. The provisions of section 604, except subsections (d), (e), and (f) of such section, shall apply with respect to any concurrent resolution disapproving any act pursuant to this paragraph.

(2) In the case of any such act transmitted by the Chairman with respect to any Act codified in titles 22, 23, or 24 of the District of Columbia Code, such act shall take effect at the end of the 30-day period beginning on the day such act is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate only if during such 30-day period one House of Congress does not adopt a resolution disapproving such act. The provisions of section 604, relating to an expedited procedure for consideration of resolutions, shall apply to a simple resolution disapproving such act as specified in this paragraph.

BUDGET PROCESS; LIMITATIONS ON BORROWING AND SPENDING

SEC. 603. (a) Nothing in this Act shall be construed as making any change in existing law, regulation, or basic procedure and practice relating to the respective roles of the Congress, the President, the Federal Office of Management and Budget, and the Comptroller General of the United States in the preparation, review, submission, examination, authorization, and appropriation of the total budget of the District of Columbia government.

(b) (1) No general obligation bonds (other than bonds to refund outstanding indebtedness) or Treasury capital project loans shall be issued during any fiscal year in an amount which would cause the amount of principal and interest required to be paid both serially and into a sinking fund in any fiscal year on the aggregate amounts of all outstanding general obligation bonds and such Treasury loans, to exceed 14 per centum of the District revenues (less court fees, any fees or revenues directed to servicing revenue bonds, retirement contributions, revenues from retirement systems, and revenues derived from such Treasury loans and the sale of general obligations or revenue bonds) which the Mayor estimates, and the District of Columbia Auditor certifies, will be credited to the District during the fiscal year in which the bonds will be issued. Treasury capital project loans include all borrowings from the United States Treasury, except those funds advanced to the District by the Secretary of the Treasury under the provisions of section 2501, title 47 of the District of Columbia Code, as amended.

(2) Obligations incurred pursuant to the authority contained in the District of Columbia Stadium Act of 1957 (71 Stat. 619; D.C. Code title 2, chapter 17, subchapter II), and obligations incurred by the agencies transferred or established by sections 201 and 202, whether incurred before or after such transfer or establishment, shall not be included in determining the aggregate amount of all outstanding obligations subject to the limitation specified in the preceding subsection.

(3) The 14 per centum limitation specified in paragraph (1) shall be calculated in the following manner:

(A) Determine the dollar amount equivalent to 14 percent of the District revenues (less court fees, any fees or revenues directed to servicing revenue bonds, retirement contributions, revenues from retirement systems, and revenues derived from such Treasury loans and the sale of general obligation or revenue bonds) which the Mayor estimates, and the District of Columbia Auditor certifies, will be credited to the District during the fiscal year for which the bonds will be issued.

(B) Determine the actual total amount of principal and interest to be paid in each fiscal year for all outstanding general obligation bonds and such Treasury loans.

(C) Determine the amount of principal and interest to be paid during each fiscal year over the term of the proposed general obligation bond or such Treasury loan to be issued.

(D) If in any one fiscal year the sum arrived at by adding subparagraphs (B) and (C) exceeds the amount determined under subparagraph (A), then the proposed general obligation bond or such Treasury loan in subparagraph (C) cannot be issued.

(c) The Council shall not approve any budget which would result in expenditures being made by the District Government, during any fiscal year, in excess of all resources which the Mayor estimates will be available from all funds available to the District for such fiscal year. The budget shall identify any tax increases which shall be required in order to balance the budget as submitted. The Council shall be required to adopt such tax increases to the extent its budget is approved. For the purposes of this section, the Council shall use a Federal payment amount not to exceed the amount authorized by Congress. In determining whether any such budget would result in expenditures so being made in excess of such resources, amounts included in the budget estimates of the District of Columbia courts in excess of the recommendations of the Council shall not be applicable.

(d) The Mayor shall not forward to the President for submission to Congress a budget which is not balanced according to the provision of subsection 603(c).

(e) Nothing in this Act shall be construed as affecting the applicability to the District government of the provisions of section 3679 of the Revised Statutes of the United States (31 U.S.C. 665), the so-called Anti-Deficiency Act.

CONGRESSIONAL ACTION ON CERTAIN DISTRICT MATTERS

SEC. 604. (a) This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such these provisions are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) For the purpose of this section, "resolution" means only a concurrent resolution, the matter after the resolving clause of which is as follows: "That the ———— approves/disapproves of the action of the District of Columbia Council described as follows: ————.", the blank spaces therein being appropriately filled, and either approval or disapproval being appropriately indicated; but does not include a resolution which specifies more than one action.

(c) A resolution with respect to Council action shall be referred to the Committee on the District of Columbia of the House of Representatives, or the Committee on the District of Columbia of the Senate, by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(d) If the committee to which a resolution has been referred has not reported it at the end of twenty calendar days after its introduction, it is in order to move to discharge the committee from further consideration of any other resolution with respect to the same Council action which has been referred to the committee.

(e) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same action), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(f) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same action.

(g) When the committee has reported, or has been discharged from further consideration of, a resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(h) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(i) Motions to postpone made with respect to the discharge from committee or the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(j) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

TITLE VII—REFERENDUM; SUCCESSION IN GOVERNMENT; TEMPORARY PROVISIONS; MISCELLANEOUS; AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION ACT; RULES OF CONSTRUCTION; AND EFFECTIVE DATES

PART A—CHARTER REFERENDUM

REFERENDUM

SEC. 701. On a date to be fixed by the Board of Elections, not more than five months after the date of enactment of this Act, a referendum (in this part referred to as the "charter referendum") shall be conducted to determine whether the registered qualified electors of the District accept the charter set forth as title IV of this Act.

BOARD OF ELECTIONS AUTHORITY

SEC. 702. (a) The Board of Elections shall conduct the charter referendum and certify the results thereof as provided in this part.

(b) Notwithstanding the fact that such section does not otherwise take effect unless the charter is accepted under this title, the applicable provisions of part E of title VII of this Act shall govern the Board of Elections in the performance of its duties under this Act.

REFERENDUM BALLOT AND NOTICE OF VOTING

SEC. 703. (a) The charter referendum ballot shall contain the following, with a blank space appropriately filled:

"The District of Columbia Self-Government and Governmental Reorganization Act, enacted ————, proposes to establish a charter for the governance of the District of Columbia, but provides that the charter shall take effect only if it is accepted by a majority of the registered qualified voters of the District voting on this issue.

"Indicate in one of the squares provided below whether you are for or against the charter.

"☐ For the charter

"☐ Against the charter.

"In addition, the Act referred to above authorizes the establishment of Advisory Neighborhood Councils if a majority of the registered qualified voters in the District vote for such Councils.

"Indicate in one of the squares provided below whether you are for or against the establishment of Advisory Neighborhood Councils.

"☐ For Advisory Neighborhood Councils

"☐ Against Advisory Neighborhood Councils.".

(b) Voting may be by paper ballot or by voting machine. The Board of Elections may make such changes in the second and fourth paragraphs of the charter referendum ballot as it determines to be necessary to permit the use of voting machines if such machines are used.

(c) Not less than five days before the date of the charter referendum, the Board of Elections shall mail to each registered qualified elector (1) a sample of the charter referendum ballot, and (2) information showing the polling place of such elector and the date and hours of voting.

(d) Not less than one day before the charter referendum, the Board of Elections shall publish, in one or more newspapers of general circulation published in the District, a list of the polling places and the date and hours of voting.

ACCEPTANCE OR NONACCEPTANCE OF CHARTER

SEC. 704. (a) If a majority of the registered qualified electors voting in the charter referendum vote for the charter, the charter shall be considered accepted as of the time the Board of Elections certifies the result of the charter referendum to the President of the United States, as provided in subsection (b).

(b) The Board of Elections shall, within a reasonable time, but in no event more than thirty days after the date of the charter referendum, certify the results of the charter referendum to the President of the United States and to the Secretary of the Senate and the Clerk of the House of Representatives.

PART B—SUCCESSION IN GOVERNMENT

ABOLISHMENT OF EXISTING GOVERNMENT AND TRANSFER OF FUNCTIONS

SEC. 711. The District of Columbia Council, the offices of Chairman of the District of Columbia Council, Vice Chairman of the District of Columbia Council, and the seven other members of the District of Columbia Council, and the offices of the Commissioner of the District of Columbia and Assistant to the Commissioner of the District of Columbia, as established by Reorganization Plan Numbered 3 of 1967, are abolished as of noon January 2, 1975. This subsection shall not be construed to reinstate any governmental body or office in the District abolished in said plan or otherwise heretofore.

CERTAIN DELEGATED FUNCTIONS AND FUNCTIONS OF CERTAIN AGENCIES

SEC. 712. No function of the District of Columbia Council (established under Reorganization Plan Numbered 3 of 1967) or of the Commissioner of the District of Columbia which such District of Columbia Council or Commissioner has delegated to an officer, employee, or agency (including any body of or under such agency) of the District, nor any function now vested pursuant to section 501 of Reorganization Plan Numbered 3 of 1967 in the District Public Service Commission, Zoning Advisory Council, Board of Zoning Adjustment, Office of the Recorder of Deeds, or Armory Board, or in any officer, employee, or body of or under such agency, shall be considered as a function transferred to the Council pursuant to section 711 of this Act. Each such function is hereby transferred to the officer, employee, or agency (including any body of or under such agency), to whom or to which it was delegated, or in whom or in which it has remained vested, until the Mayor or Council established under this Act, or both, pursuant to the powers herein granted, shall revoke, modify, or transfer such delegation or vesting.

TRANSFER OF PERSONNEL, PROPERTY, AND FUNDS

SEC. 713. (a) In each case of the transfer, by any provision of this Act, of functions to the Council, to the Mayor, or to any agency or officer, there are hereby authorized to be transferred (as of the time of such transfer of functions) to the Council, to the Mayor, to such agency, or to the agency of which such officer is the head, for use in the administration of the functions of the Council or such agency or officer, the personnel (except the Commissioner of the District of Columbia, the Assistant to the Commissioner, the Chairman of the District of Columbia Council, the Vice Chairman of the District of Columbia Council, the other members thereof, all of whose offices are abolished by this Act), property, records, and unexpended balances of appropriations and other funds which relate primarily to the functions so transferred.

(b) If any question arises in connection with the carrying out of subsection (a), such questions shall be decided—

(1) in the case of functions transferred from a Federal officer or agency, by the Director of the Office of Management and Budget; and

(2) in the case of other functions (A) by the Council, or in such manner as the Council shall provide, if such functions are transferred to the Council, and (B) by the Mayor if such functions are transferred to him or to any other officer or agency.

(c) Any of the personnel authorized to be transferred to the Council, the Mayor, or any agency by this section which the Council or the head of such agency shall find to be in excess of the personnel necessary for the administration of its or his functions shall, in accordance with law, be retransferred to other positions in the District or Federal Government or be separated from the service.

(d) No officer or employee shall, by reason of his transfer to the District government under this Act or his separation from service under this Act, be deprived of any civil service rights, benefits and privileges held by him prior to such transfer or any right of appeal or review he may have by reason of his separation from service.

EXISTING STATUTES, REGULATIONS, AND OTHER ACTIONS

SEC. 714. (a) Any statute, regulation, or other action in respect of (and any regulation or other action issued, made, taken, or granted by) any officer or agency from which any function is transferred by this Act shall, except to the extent modified or made inapplicable by or under authority of law, continue in effect as if such transfer had not been made; but after such transfer, references in such statute, regulation, or other action to an officer or agency from which a transfer is made by this Act shall be held and considered to refer to the officer or agency to which the transfer is made.

(b) As used in subsection (a), the term "other action" includes, without limitation, any rule, order, contract, compact, policy, determination, directive, grant, authorization, permit, requirement, or designation.

(c) Unless otherwise specifically provided in this Act, nothing contained in this Act shall be construed as affecting the applicability to the District government of personnel legislation relating to the District government until such time as the Council may otherwise elect to provide equal or equivalent coverage.

PENDING ACTIONS AND PROCEEDINGS

SEC. 715. (a) No suit, action, or other judicial proceeding lawfully commenced by or against any officer or agency in his or its official capacity or in relation to the exercise of his or its official functions, shall abate by reason of the taking effect of any provision of this Act; but the court, unless it determines that the survival of such suit, action, or other proceedings is not necessary for purposes of settlement of the questions involved, shall allow the same to be maintained, with such substitutions as to parties as are appropriate.

(b) No administrative action or proceeding lawfully commenced shall abate solely by reason of the taking effect of any provision of this Act, but such action or proceeding shall be continued with such substitutions as to parties and officers or agencies as are appropriate.

VACANCIES RESULTING FROM ABOLISHMENT OF COMMISSIONER AND ASSISTANT TO THE COMMISSIONER

SEC. 716. Until the 1st day of July next after the first Mayor takes office under this Act no vacancy occurring in any District agency by reason of section 711, abolishing the offices of Commissioner of the District of Columbia and Assistant to the Commissioner, shall affect the power of the remaining members of such agency to exercise its functions; but such agency may take action only if a majority of the members holding office vote in favor of it.

STATUS OF THE DISTRICT

SEC. 717. (a) All of the territory constituting the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia. The District of Columbia shall remain and continue a body corporate, as provided in section 2 of the Revised Statutes relating to the District (D.C. Code, sec. 1–102). Said Corporation shall continue to be charged with all the duties, obligations, responsibilities, and liabilities, and to be vested with all of the powers, rights, privileges, immunities, and assets, respectively, imposed upon and vested in said Corporation or the Commissioner.

(b) No law or regulation which is in force on the effective date of title IV of this Act shall be deemed amended or repealed by this Act except to the extent specifically provided herein or to the extent that such law or regulation is inconsistent with this Act, but any such law or regulation may be amended or repealed by act or resolution as authorized in this Act, or by Act of Congress, except that, notwithstanding the provisions of section 752 of this Act, such authority to repeal shall not be construed as authorizing the Council to repeal or otherwise alter, by amendment or otherwise, any provision of subchapter III of chapter 73 of title 5, United States Code, in whole or in part.

(c) Nothing contained in this section shall affect the boundary line between the District of Columbia and the Commonwealth of Virginia as the same was established or may be subsequently established under the provisions of title I of the Act of October 31, 1945 (59 Stat. 552).

CONTINUATION OF THE DISTRICT OF COLUMBIA COURT SYSTEM

SEC. 718. (a) The District of Columbia Court of Appeals, the Superior Court of the District of Columbia, and the District of Columbia Commission on Judicial Disabilities and Tenure shall continue as provided under the District of Columbia Court Reorganization of 1970 subject to the provisions of part C of title IV of this Act and section 602(a)(4).

(b) The term and qualifications of any judge of any District of Columbia court, and the term and qualifications of any member of the District of Columbia Commission on Judicial Disabilities and Tenure appointed prior to the effective date of title IV of this Act shall not be affected by the provisions of part C of title IV of this Act. No provision of this Act shall be construed to extend the term of any such judge or member of such Commission. Judges of the District of Columbia courts and members of the District of Columbia Commission on Judicial Disabilities and Tenure appointed after the effective date of title IV of this Act shall be appointed according to part C of such title IV.

(c) Nothing in this Act shall be construed to amend, repeal, or diminish the duties, rights, privileges, or benefits accruing under sections 1561 through 1571 of title 11 of the District of Columbia Code, and sections 703 and 904 of such title, dealing with the retirement and compensation of the judges of the District of Columbia courts.

CONTINUATION OF THE BOARD OF EDUCATION

SEC. 719. The term of any member elected to the District of Columbia Board of Education, and the powers and duties of the Board of Education, shall not be affected by the provisions of section 495. No provision of such section shall be construed to extend the term of any such member or to terminate the term of any such member.

PART C—TEMPORARY PROVISIONS

POWERS OF THE PRESIDENT DURING TRANSITIONAL PERIOD

SEC. 721. The President of the United States is hereby authorized and requested to take such action during the period, following the date of the enactment of this Act and ending on the date of the first meeting of the Council, by Executive order or otherwise, with respect to the administration of the functions of the District government, as he deems necessary to enable the Board of Elections properly to perform its functions under this Act.

REIMBURSABLE APPROPRIATIONS FOR THE DISTRICT

SEC. 722. (a) The Secretary of the Treasury is authorized to advance to the District of Columbia the sum of $750,000, out of any money in the Treasury not otherwise appropriated, for use (1) in paying the expenses of the Board of Elections (including compensation of the members thereof), and (2) in otherwise carrying into effect the provisions of this Act.

(b) The full amount expended out of the money advanced pursuant to this section shall be reimbursed to the United States, without interest, during the second fiscal year which begins after the effective date of title IV, from the general fund of the District.

INTERIM LOAN AUTHORITY

SEC. 723. (a) The Mayor is authorized to accept loans for the District from the Treasury of the United States, and the Secretary is authorized to lend to the Mayor, such sums as the Mayor may determine are required to complete capital projects for which construction and construction services funds have been authorized or appropriated, as the case may be, by Congress prior to the effective date of title IV. In addition, such loans may include funds to pay the District's share of the cost of the adopted regional system specified in the National Capital Transportation Act of 1969.

(b) Loans advanced pursuant to this section during any six-month period shall be at a rate of interest determined by the Secretary as of the beginning of such period, which, in his judgment, would reflect the cost of money to the Treasury for borrowing at a maturity approximately equal to the period of time the loan is outstanding.

(c) Subject to the limitations contained in section 603(b), there are authorized to be appropriated such sums as may be necessary to make loans under this section.

PART D—MISCELLANEOUS

AGREEMENTS WITH UNITED STATES

SEC. 731. (a) For the purpose of preventing duplication of effort or for the purpose of otherwise promoting efficiency and economy, any Federal officer or agency may furnish services to the District government and any District officer or agency may furnish services to the Federal Government. Except where the terms and conditions governing the furnishing of such services are prescribed by other provisions of law, such services shall be furnished pursuant to an agreement (1) negotiated by the Federal and District authorities concerned, and (2) approved by the Director of the Federal Office of Management and Budget and by the Mayor. Each such agreement shall provide that the cost of furnishing such services shall be borne in the manner provided in subsection (c) by the government to which such services are furnished at rates or charges based on the actual cost of furnishing such services.

(b) For the purpose of carrying out any agreement negotiated and approved pursuant to subsection (a), any District officer or agency may in the agreement delegate any of his or its functions to any Federal officer or agency, and any Federal officer or agency may in the agreement delegate any of his or its functions to any District officer or agency. Any functions so delegated may be exercised in accordance with the terms of the delegation.

(c) The cost to each Federal officer and agency in furnishing services to the District pursuant to any such agreements are authorized to be paid, in accordance with the terms of the agreement, out of appropriations available to the District officers and agencies to which such services are furnished. The costs to each District officer and agency in furnishing services to the Federal Government pursuant to any such agreement are authorized to be paid, in accordance with the terms of the agreement, out of appropriations made by the Congress or other funds available to the Federal officers and agencies to which such services are furnished, except that the Chief of the Metropolitan Police shall on a non-reimbursable basis when requested by the Director of the United States Secret Service assist the Secret Service and the Executive Protective Service in the performance of their respective protective duties under section 3056 of title 18 of the United States Code and section 302 of title 3 of the United States Code.

PERSONAL INTEREST IN CONTRACTS OR TRANSACTIONS

SEC. 732. Any officer or employee of the District who is convicted of a violation of section 208 of title 18, United States Code, shall forfeit his office or position.

COMPENSATION FROM MORE THAN ONE SOURCE

SEC. 733. (a) Except as provided in this Act, no person shall be ineligible to serve or to receive compensation as a member of the Board of Elections because he occupies another office or position or because he receives compensation (including retirement compensation) from another source.

(b) The right to another office or position or to compensation from another source otherwise secured to such a person under the laws of the United States shall not be abridged by the fact of his service or receipt of compensation as a member of such Board, if such service does not interfere with the discharge of his duties in such other office or position.

ASSISTANCE OF THE UNITED STATES CIVIL SERVICE COMMISSION IN DEVELOPMENT OF DISTRICT MERIT SYSTEM

SEC. 734. The United States Civil Service Commission is hereby authorized to advise and assist the Mayor and the Council in the further development of the merit system or systems required by section 422(3) and the said Commission is authorized to enter into agreements with the District government to make available its registers of eligibles as a recruiting source to fill District positions as needed. The costs of any specific services furnished by the Civil Service Commission may be compensated for under the provisions of section 731 of this Act.

REVENUE SHARING RESTRICTIONS

SEC. 735. Section 141(c) of the State and Local Fiscal Assistance Act of 1972 (86 Stat. 919) is amended to read as follows:

"(c) District of Columbia.—For purposes of this title, the District of Columbia shall be treated both—

"(1) as a State (and any reference to the Governor of a State shall, in the case of the District of Columbia, be treated as a reference to the Mayor of the District of Columbia), and

"(2) as a county area which has no units of local government (other than itself) within its geographic area.".

INDEPENDENT AUDIT

SEC. 736. (a) In addition to the audit carried out under section 455, the accounts and operations of the District government shall be audited annually by the General Accounting Office in accordance with such principles and procedures, and in such detail, and under such rules and regulations as may be prescribed by the Comptroller General of the United States. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents, the Comptroller General shall give due regard to generally accepted principles of auditing, including consideration of the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the District and necessary to facilitate the audit, and such representatives shall be afforded full facilities for auditing the accounts and operations of the District government.

(b)(1) The Comptroller General shall submit his audit reports to the Congress, the Mayor, and the Council. The reports shall set forth the scope of the audits and shall include such comments and information as the Comptroller General may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which reports relate, together with such recommendations with respect thereto as the Comptroller General may deem advisable.

(2) After the Mayor has had an opportunity to be heard, the Council may make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(3) The Mayor, within ninety days after receipt of the audit from the Comptroller General, shall state in writing to the Council, with a copy to the Congress, what has been done to comply with the recommendations made by the Comptroller General in the report.

ADJUSTMENTS

SEC. 737. (a) Subject to section 731, the Mayor, with the approval of the Council, and the Director of the Office of Management and Budget, is authorized and empowered to enter into an agreement or agreements concerning the manner and method by which amounts owed by the District to the United States, or by the United States to the District, shall be ascertained and paid.

(b) The United States shall reimburse the District for necessary expenses incurred by the District in connection with assemblages, marches, and other demonstrations in the District which relate primarily to the Federal Government. The manner and method of ascertaining and paying the amounts needed to so reimburse the District shall be determined by agreement entered into in accordance with subsection (a) of this section.

(c) Each officer and employee of the District required to do so by the Council shall provide a bond with such surety and in such amount as the Council may require. The premiums for all such bonds shall be paid out of appropriations for the District.

ADVISORY NEIGHBORHOOD COUNCILS

SEC. 738. (a) The Council shall by act divide the District into neighborhood council areas and, upon receiving a petition signed by at least 5 per centum of the registered qualified electors of a neighborhood council area, shall establish for that neighborhood an elected advisory neighborhood council. In designating such neighborhoods, the Council shall consider natural geographic boundaries, election districts, and divisions of the District made for the purpose of administration of services.

(b) Elections for members of such advisory neighborhood council shall be nonpartisan, shall be scheduled to coincide with the elections of members of the Board of Education held in the District, and shall be administered by the Board of Education. Advisory neighborhood council members shall be elected from single member districts within each neighborhood council area by the registered qualified electors thereof.

(c) Each advisory neighborhood council—

(1) may advise the District government on matters of public policy including decisions regarding planning, streets, recreation, social services programs, health, safety, and sanitation in that neighborhood council area;

(2) may employ staff and expend, for public purposes within its neighborhood coun-

cil area, public funds and other funds donated to it; and

(3) shall have such other powers and duties as may be provided by act of the Council.

(d) In the manner provided by act of the Council, in addition to any other notice required by law, timely notice shall be given to each advisory neighborhood council of requested or proposed zoning changes, variances, public improvements, licenses or permits of significance to neighborhood planning and development within its neighborhood council area for its review, comment, and recommendation.

(e) In order to pay the expenses of the advisory neighborhood councils, enable them to employ such staff as may be necessary, and to conduct programs for the welfare of the people in a neighborhood council area, the District government shall apportion to each advisory neighborhood council, out of the revenue of the District received from the tax on real property in the District including improvements thereon, a sum not less than that part of such revenue raised by levying 1 cent per $100 of assessed valuation which bears the same ratio to the full sum raised thereby as the population of the neighborhood bears to the population of the District. The Council may authorize additional methods of financing advisory neighborhood councils.

(f) The Council shall by act make provisions for the handling of funds and accounts by each advisory neighborhood council and shall establish guidelines with respect to the employment of persons by each advisory neighborhood council which shall include fixing the status of such employees with respect to the District government, but all such provisions and guidelines shall be uniform for all advisory neighborhood councils and shall provide that decisions to employ and discharge employees shall be made by the advisory neighborhood council. These provisions shall conform to the extent practicable to the regular budgetary, expenditure and auditing procedures and the personnel merit system of the District.

(g) The Council shall have authority in accordance with the provisions of this Act, to legislate with respect to the advisory neighborhood councils established in this section.

NATIONAL CAPITAL SERVICE AREA

SEC. 739. (a) There is established within the District of Columbia the National Capital Service Area which shall include, subject to the following provisions of this section, the principal Federal monuments, the White House, the Capitol Building, the United States Supreme Court Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building, and is more particularly described in subsection (f).

(b) There is established in the Executive Office of the President, the National Capital Service Director who shall be appointed by the President. The President, through the National Capital Service Director, shall assure that there is provided, utilizing District of Columbia governmental services to the extent practicable, within the area specified in subsection (a) and particularly described in subsection (f), adequate fire protection and sanitation services. Except with respect to that portion of the National Capital Service Area comprising the United States Capitol Buildings and Grounds as defined in sections 1 and 16 of the Act of July 31, 1946, as amended (40 U.S.C. 193a and 193m), the United States Supreme Court Building and Grounds as defined in section 11 of the Act of August 18, 1949, as amended (40 U.S.C. 13p), and the Library of Congress Buildings and Grounds as defined in section 11 of the Act of August 4, 1950, as amended (2 U.S.C. 167j), the National Capital Service Director shall assure that there is provided within the remainder of such area specified in subsection (a) and subsection (f), adequate police protection and maintenance of streets and highways.

(c) The National Capital Service Director shall be entitled to receive compensation at the maximum rate as may be established from time to time for level IV of the Executive Schedule of section 5314 of title 5 of the United States Code. The Director may appoint, subject to the provisions of title 5 of the United States Code governing appointments in the competitive service, and fix the pay of, in accordance with the provisions of chapter 51 and subchapter 3 of chapter 53 of such title relating to classification and General Schedule pay rates, such personnel as may be necessary.

(d) Section 45 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia", approved March 1, 1889 (D.C. Code, sec. 39-603), is amended by inserting after "United States Marshal for the District of Columbia," the following: "or for the National Capital Service Director,".

(e) (1) Within one year after the effective date of this section, the President is authorized and directed to submit to the Congress a report on the feasibility and advisability of combining the Executive Protective Service and the United States Park Police within the National Capital Service Area, and placing them under the National Capital Service Director.

(2) Such report shall include such recommendations, including recommendations for legislative and executive action, as the President deems necessary in carrying out the provisions of paragraph (1) of this subsection.

(f) (1) (A) The National Capital Service Area referred to in subsection (a) is more particularly described as follows:

Beginning at that point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east to the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;

thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;

thence southeast on Pennyslvania Avenue Northwest to John Marshall Place Northwest;

thence north on John Marshall Place Northwest to C Street Northwest;

thence east on C Street Northwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to Second Street Northwest;

thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;

thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east on F Street Northeast to Second Street Northeast;

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to C Street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence west on D Street Southeast to Canal Street Parkway;

thence southeast on Canal Street Parkway to E Street Southeast;

thence west on E Street Southeast to the intersection of Canal Street Southwest and South Capitol Street;

thence northwest on Canal Street Southwest to Second Street Southwest;

thence south on Second Street Southwest to Virginia Avenue Southwest;

thence generally west on Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;

thence west on C Street Southwest to Sixth Street Southwest;

thence north on Sixth Street Southwest to Independence Avenue;

thence west on Independence Aevnue to Twelfth Street Southwest;

thence south on Twelfth Street Southwest to D Street Southwest;

thence west on D Street Southwest to Fourteenth Street Southwest;

thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

thence generally south and east along the midchannel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;

thence due east to the side of the Washington Channel;

thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northernmost point of the Eleventh Street Bridge;

thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;

thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;

thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(B) Where the area in paragraph (1) is bounded by any street, such street, and any sidewalk thereof, shall be included within such area.

(2) Any Federal real property affronting or abutting, as of the date of the enactment of

this Act, the area described in paragraph (1) shall be deemed to be within such area.

(3) For the purposes of paragraph (2), Federal real property affronting or abutting such area described in paragraph (1) shall—

(A) be deemed to include, but not limited to, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(B) not be construed to include any area situated outside of the District of Columbia boundary as it existed immediately prior to the date of the enactment of this Act, nor be construed to include any portion of the Anacostia Park situated east of the northern side of the Eleventh Street Bridge, or any portion of the Rock Creek Park.

(g) (1) Subject to the provisions of paragraph (2) of this subsection, the President is authorized and directed to conduct a survey of the area described in this section in order to establish the proper metes and bounds of such area, and to file, in such manner and at such place as he may designate, a map and a legal description of such area, and such description and map shall have the same force and effect as it included in this Act, except that corrections of clerical, typographical and other errors in any such legal descriptions and map may be made. In conducting such survey, the President shall make such adjustments as may be necessary in order to exclude from the National Capital Service Area any privately owned properties, and buildings and adjacent parking facilities owned by the District of Columbia government.

(2) In carrying out the provisions of paragraph (1) of this subsection, the President shall, to the extent that such survey, legal description, and map involves areas comprising the United States Capitol Buildings and Grounds as defined in sections 1 and 16 of the Act of July 31, 1946, as amended (40 U.S.C. 193a and 193m), and other buildings and grounds under the care of the Architect of the Capitol, consult with the Architect of the Capitol.

(3) Section 1 of the Act of July 31, 1946, as amended by the Act of October 20, 1967 (60 Stat. 718; 81 Stat. 275; 40 U.S.C. 193a), is hereby amended to include within the definition of the United States Capitol Grounds, the following streets: "Independence Avenue from the west curb of First Street S.E. to the east curb of First Street S.W., New Jersey Avenue S.E. from the south curb of Independence Avenue to the north curb of D Street S.E., South Capitol Street from the south curb of Independence Avenue to the north curb of D Street; Delaware Avenue S.W. from the south curb of C Street S.W. to the north curb of D Street S.W., C Street from the west curb of First Street S.E. to the intersection of First and Canal Streets, S.W., D Street from the west curb of First Street S.E. to the intersection of Canal Street and Delaware Avenue S.W., that part of First Street lying west of the outer face of the curb of the sidewalk on the east side thereof from D Street, N.E. to D Street S.E., that part of First Street within the east and west curblines thereof extending from the north side of Pennsylvania Avenue N.W. to the intersection of C Street and Canal Street S.W., including the two circles within such area. Nothing in this section shall be construed as repealing, or otherwise altering, modifying, affecting, or superseding those provisions of law in effect on the date immediately preceding the effective date of title IV of this Act vesting authority in the United States Supreme Court police and Library of Congress police to make arrests in adjacent streets, including First Street N.E. and First Street S.E.".

(4) Section 9 of the Act of July 31, 1946, as amended (40 U.S.C. 212a), is amended by deleting "or of any State," and inserting in lieu thereof a comma and the following: "of the District of Columbia, or of any state,".

(5) Section 9 of such Act is further amended by deleting the following: ", with the exception of the streets and roadways shown on the map referred to in section 1 of this Act as being under the jurisdiction and control of the Commissioners of the District of Columbia.".

(6) Section 14(a) of the Act of July 31, 1946, as amended (40 U.S.C. 212b), is amended by deleting: ", except on those streets and roadways shown on the map referred to in section 1 of this Act as being under the jurisdiction and control of the Commissioners of the District of Columbia".

(7) Section 1 of the Act of July 31, 1946, as amended (40 U.S.C. 193a), is amended by deleting ": *Provided*, That those streets and roadways in said United States Capitol Grounds shown on said map as being under the jurisdiction and control of the Commissioners of the District of Columbia shall continue under such jurisdiction and control, and said Commissioners shall be responsible for the maintenance and improvement thereof: *Provided further*," and inserting in lieu thereof a comma and the following: "including those streets and roadways in said United States Capitol Grounds as shown on said map as being under the jurisdiction and control of the Commissioners of the District of Columbia, except that the Commissioner of the District of Columbia shall be responsible for the maintenance and improvement of those portions of the following streets which are situated between the curblines thereof: Constitution Avenue from First Street N.E. to Second Street N.W., First Street from D Street N.E. to D Street S.E., D Street from First Street S.E. to Canal Street S.W., and First Street from the north side of Louisiana Avenue to the intersection of C Street and Canal Street S.W.: *Provided*,".

(8) Section 9 of the Act of August 18, 1949, as amended (40 U.S.C. 13n), is amended by deleting "or of any State" and inserting in lieu thereof a comma and the following: "any law of the District of Columbia, or of any State,".

(9) Section 9 of the Act of August 4, 1950, as amended (2 U.S.C. 167h), is amended by deleting "or of any State" and inserting in lieu thereof a comma and the following: "any law of the District of Columbia, or of any State,".

(h) (1) Except to the extent specifically provided by the provisions of this section, and amendments made by this section, nothing in this section shall be applicable to the United States Capitol Buildings and Grounds as defined in sections 1 and 16 of the Act of July 31, 1946, as amended (40 U.S.C. 193a, 193m), or to any other buildings and grounds under the care of the Architect of the Capitol, the United States Supreme Court Building and Grounds as defined in section 11 of the Act of August 18, 1949, as amended (40 U.S.C. 13p), and the Library of Congress Buildings and Grounds as defined in section 11 of the Act of August 4, 1950, as amended (2 U.S.C. 167j), and except to the extent herein specifically provided, including amendments made by this section, nothing in this section shall be construed to repeal, amend, alter, modify, or supersede any provision of the Act of July 31, 1946, as amended (40 U.S.C. 193a et seq.), or any other of the general laws of the United States or any of the laws enacted by the Congress and applicable exclusively to the District of Columbia, or any rule or regulation promulgated pursuant thereto, in effect on the date immediately preceding the effective date of title IV of this Act pertaining to said buildings and grounds, or any existing authority, with respect to such buildings and grounds, vested by law, or otherwise, on such date immediately preceding such effective date, in the Senate, the House of Representatives, the Congress, or any committee or commission or board thereof, the Architect of the Capitol, or any other officer of the legislative branch, the Chief Justice of the United States, the Marshal of the Supreme Court of the United States, or the Librarian of Congress.

(2) Notwithstanding the foregoing provision of this section, any of the services and facilities authorized by this Act to be rendered or furnished (including maintenance of streets and highways, and services under section 731 of this Act) shall, as far as practicable, be made available to the Senate, the House of Representatives, the Congress, or any committee or commission or board thereof, the Architect of the Capitol, or any other officer of the legislative branch vested by law or otherwise on such date immediately preceding the effective date of title IV of this Act with authority over such buildings and grounds, the Chief Justice of the United States, the Marshal of the Supreme Court of the United States, and the Librarian of Congress, upon their request, and, if payment would be required for the rendition or furnishing of a similar service or facility to any other Federal agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the parties rendering and receiving such services).

(i) Except to the extent otherwise specifically provided in the provisions of this section, and amendments made by this section, all general laws of the United States and all laws enacted by the Congress and applicable exclusively to the District of Columbia, including regulations and rules promulgated pursuant thereto, in effect on the date immediately preceding the effective date of title IV of this Act and which, on such date immediately preceding the effective date of such title, are applicable to and within the areas included within the National Capital Service Area pursuant to this section shall, on and after such effective date, continue to be applicable to and within such National Capital Service Area in the same manner and to the same extent as if this section had not been enacted, and shall remain so applicable until such time as they are repealed, amended, altered, modified, or superseded, and such laws, regulations and rules shall thereafter be applicable to and within such area in the manner and to the extent so provided by any such amendment, alteration, or modification.

(j) In no case shall any person be denied the right to vote or otherwise participate in any manner in any election in the District of Columbia solely because such person resides within the National Capital Service Area.

EMERGENCY CONTROL OF POLICE

SEC. 740. (a) Notwithstanding any other provision of law, whenever the President of the United States determines that special conditions of an emergency nature exist which require the use of the Metropolitan Police force for Federal purposes, he may direct the Mayor to provide him, and the Mayor shall provide, such services of the Metropolitan Police force as the President may deem necessary and appropriate. In no case, however, shall such services made available pursuant to any such direction under this subsection extend for a period in excess of forty-eight hours unless the President has, prior to the expiration of such period, notified the Chairmen and ranking minority Members of the Committees on the District of Columbia of the Senate and the House of Representatives, in writing, as to the reason for such direction and the period of time during which the need for such services is likely to continue.

(b) Subject to the provisions of subsection (c) of this section, such services made available in accordance with subsection (a) of this section shall terminate upon the end of such emergency, the expiration of a period of thirty days following the date on which such services are first made available, or the adoption of a resolution by either the Senate or the House of Representatives providing for such termination, whichever first occurs.

(c) Notwithstanding the foregoing provisions of this section, in any case in which such services are made available in accordance with the provisions of subsection (a) of this section during any period of an adjournment of the Congress sine die, such services shall terminate upon the end of the emergency, the expiration of the thirty-day period following the date on which Congress first convenes following such adjournment, or the adoption of a resolution by either the Senate or the House of Representatives providing for such termination, whichever first occurs.

(d) Except to the extent provided for in subsection (c) of this section, no such services made available pursuant to the direction of the President pursuant to subsection (a) of this section shall extend for any period in excess of thirty days, unless the Senate and the House of Representatives approve a concurrent resolution authorizing such an extension.

HOLDING OFFICE IN THE DISTRICT

SEC. 741. Notwithstanding any other provision of law, no person who is otherwise qualified to hold the office of Chairman or member of the Council or Mayor shall be disqualified from being a candidate for such office by reason of his employment in the competitive or excepted service of the United States. For the purposes of this section, a person shall be deemed to be a candidate on and after the date he qualifies under applicable provisions of law in the District to have his name placed on the ballot in either a primary or general election for the office for which he is a candidate. Such candidacy shall terminate—

(1) with respect to a person who has been defeated in a primary election held to nominate candidates for the office for which he is a candidate, on the day of such primary election;

(2) with respect to a person who is defeated in the general election held for the office for which he is a candidate, on the date of such general election; and

(3) with respect to a person who is elected in the general election held for the office for which he is a candidate, on the date such person assumes such office.

OPEN MEETINGS

SEC. 742. (a) All meetings (including hearings) of any department, agency, board, or commission of the District government, including meetings of the District Council, at which official action of any kind is taken shall be open to the public. No resolution, rule, act, regulation or other official action shall be effective unless taken, made, or enacted at such a meeting.

(b) A written transcript or a transcription shall be kept for all such meetings and shall be made available to the public during normal business hours of the District government. Copies of such written transcripts or copies of such transcriptions shall be available upon request to the public at reasonable cost.

TERMINATION OF THE DISTRICT'S AUTHORITY TO BORROW FROM THE TREASURY

SEC. 743. (a) The first section of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City", approved June 6, 1958 (72 Stat. 183; D.C. Code, sec. 9–220), is amended by striking out subsections (b), (c), (d), and (e).

(b) The Act entitled "An Act authorizing loans from the United States Treasury for the expansion of the District of Columbia water system", approved June 2, 1950 (60 Stat. 195; D.C. Code, sec. 43–1540), is repealed.

(c) Title II of the Act entitled "An Act to authorize the financing of a program of public works construction for the District of Columbia, and for other purposes", approved May 18, 1954 (68 Stat. 108), is amended by striking out sections 213, 214, 216, 217, and 218 (D.C. Code, sections 43–1612, 43–1613, 43–1615, 43–1616, and 43–1617), authorizing loans from the United States Treasury for sanitary and combined sewer systems of the District.

(d) Section 402 of title IV of such Act approved May 18, 1954 (68 Stat. 110; D.C. Code, sec. 7–133), authorizing loans from the United States Treasury for the District of Columbia highway construction program, is repealed.

(e) Nothing contained in this section shall be deemed to relieve the District of its obligation to repay any loan made to it under the authority of the Acts specified in the preceding subsections, nor to preclude the District from using the unexpended balance of any such loan appropriated to the District prior to the effective date of this provision, nor to prevent the District from fulfilling the provisions of section 722.

PART E—AMENDMENTS TO THE DISTRICT OF COLUMBIA ELECTION ACT

AMENDMENTS

SEC. 751. The District of Columbia Election Act (D.C. Code, secs. 1–1101—1–1115) is amended as follows:

(1) The first section of such Act (D.C. Code, sec. 1–1101) is amended by inserting immediately after "Board of Education,", the following: "the members of the Council of the District of Columbia, the Mayor".

(2) Section 2 of such Act (D.C. Code, sec. 1–1102) is amended by adding at the end thereof the following new paragraphs:

"(8) The term 'Council' or 'Council of the District of Columbia' means the Council of the District of Columbia established pursuant to the District of Columbia Self-Government and Governmental Reorganization Act.

"(9) The term 'Mayor' means the office of Mayor of the District of Columbia established pursuant to the District of Columbia Self-Government and Governmental Reorganization Act."

(3) Subsections (h), (i), (j), and (k) of section 8 of such Act (D.C. Code, sec. 1–1108) are amended to read as follows:

"(h) (1) (A) The Delegate, Mayor, Chairman of the District Council and the four at-large members of the Council shall be elected by the registered qualified electors of the District of Columbia in a general election. Each candidate for the office of Delegate, Mayor, Chairman of the District Council, and at-large members of the Council in any general election shall, except as otherwise provided in subsection (j) of this section and section 10(d), have been elected by the registered qualified electors of the District as such candidate by the next preceding primary election.

"(B) (i) A member of the office of Council (other than the Chairman and any member elected at large) shall be elected in a general election by the registered qualified electors of the respective ward of the District from which the individual seeking such office was elected as a candidate for such office as provided in clause (ii) of this paragraph.

"(ii) Each candidate for the office of member of the Council (other than Chairman and at-large members) shall, except as otherwise provided in subsection (j) of this section and section 10(d), have been elected as such a candidate, by the registered qualified electors of the ward of the District from which such individual was nominated, at the next preceding primary election to fill such office within that ward.

"(2) The nomination and election of any individual to the office of Delegate, Mayor, Chairman of the Council and member of the Council shall be governed by the provisions of this Act. No political party shall be qualified to hold a primary election to select candidates for election to any such office in a general election unless, in the next preceding election year, at least seven thousand five hundred votes were cast in the general election for a candidate of such party for any such office or for its candidates for electors of President and Vice President.

"(i) (1) Each individual in a primary election for candidate for the office of Delegate, Mayor, Chairman of the Council, or at-large member of the Council shall be nominated for any such office by a petition (A) filed with the Board not later than sixty days before the date of such primary election, and (B) signed by at least two thousand registered qualified electors of the same political party as the nominee, or by 1 per centum of the duly registered members of such political party, whichever is less, as shown by the records of the Board of Elections as of the one hundred fourteenth day before the date of such election.

"(2) Each individual in a primary election for candidate for the office of member of the Council (other than the Chairman and at-large members) shall be nominated for such office by a petition (A) filed with the Board not later than sixty days before the date of such primary election, and (B) signed by at least two hundred and fifty persons in the ward from which such individual seeks election who are duly registered in such ward under section 7 of this Act, and who are of the same political party as the nominee.

"(3) A nominating petition for a candidate in a primary election for any such office may not be circulated for signature before the one hundred fourteenth day preceding the date of such election and may not be filed with the Board before the eighty-fifth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions. The Board shall arrange the ballot of each political party in each such primary election as to enable a voter of such party to vote for nominated candidates of that party.

"(j) (1) A duly qualified candidate for the office of Delegate, Mayor, Chairman of the Council, or member of the Council may, subject to the provisions of this subsection, be nominated directly as such a candidate for election for such office (including any such election to be held to fill a vacancy). Such person shall be nominated by a petition (A) filed with the Board not less than sixty days before the date of such general election, and (B) in the case of a person who is a candidate for the office of member of the Council (other than the Chairman or an at-large member), signed by five hundred voters who are duly registered under section 7 in the ward from which the candidate seeks election; and in the case of a person who is a candidate for the office of Delegate, Mayor, Chairman of the Council, or at-large member of the Council, signed by duly registered voters equal in number to 1½ per centum of the total number of registered voters in the District, as shown by the records of the Board as of one hundred fourteen days before the date of such election, or by three thousand persons duly registered under section 7, whichever is less. No signatures on such a petition may be counted which have been made on such petition more than one hundred fourteen days before the date of such election.

"(2) Nominations under this subsection for candidates for election in a general election to any office referred to in paragraph (1) shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for that office held within eight months before the date of such general election.

"(k)(1) In each general election for the office of member of the Council (other than the office of the Chairman or an at-large member) the Board shall arrange the ballots in each ward to enable a voter registered in that ward to vote for any one candidate who (A) has been duly elected by any political party in the next preceding primary election for such office from such ward, (B) has been duly nominated to fill a vacancy in such office in such ward pursuant to section 10(d), or (C) has been nominated directly as a candidate for such office in such ward under subsection (j) of this section.

"(2) In each general election for the office of Chairman and member of the Council at large, the Board shall arrange the ballots to enable a registered qualified elector to vote for as many candidates for election as members at large as there are members at large to be elected in such election, including the Chairman. Such candidates shall be only those persons who (A) have been duly elected by any political party in the next preceding primary election for such office, (B) have been duly nominated to fill vacancies in such office pursuant to section 10(d), or (C) have been nominated directly as a candidate under subsection (j) of this section.

"(3) In each general election for the office of Delegate and Mayor, the Board shall arrange the ballots to enable a registered qualified elector to vote for any one of the candidates for any such office who (A) has been duly elected by any political party in the next preceding primary election for such office, (B) has been duly nominated to fill a vacancy in such office pursuant to section 10(d), or (C) has been nominated directly as a candidate under subsection (j) of this section.".

(4) Paragraph (3) of section 10(a) of such Act (D.C. Code, sec. 1-1110) is amended (1) by inserting "(A)" immediately before the word "Except", and (2) by adding at the end thereof the following:

"(B) Except as otherwise provided in the case of special elections under this Act primary elections of each political party for the office of member of the Council shall be held on the first Tuesday after the second Monday in September in 1974, and every second year thereafter, and general election for such offices shall be held on the first Tuesday after the first Monday in November in 1974 and every second year thereafter.

"(C) Except as otherwise provided in the case of a special election under this Act, primary elections of each political party for the office of Mayor and Chairman shall be held on the first Tuesday after the second Monday in September of every fourth year, commencing with calendar year 1974, and the general election for such office shall be held on the first Tuesday after the first Monday in November in 1974 and every fourth year thereafter.".

(5) Paragraphs (6), (7), (8), and (9) of section 10(a) of such Act (D.C. Code, sec. 1-1110) are repealed, and paragraphs (4) and (5) of such section 10(a) are amended to read as follows:

"(4) With respect to special elections required or authorized by this Act, the Board may establish the dates on which such special elections are to be held and prescribe such other terms and conditions as may, in the Board's opinion, be necessary or appropriate for the conduct of such elections in a manner comparable to that prescribed for other elections held pursuant to this Act.

"(5) General elections for members of the Board of Education shall be held on the first Tuesday after the first Monday in November of each odd-numbered calendar year."

(6) Section 10(b) of such Act (D.C. Code, sec. 1-1110) is amended by striking out "other than general elections for the Office of Delegate and for members of the Board of Education.".

(7) Section 10(c) of such Act (D.C. Code, sec. 1-1110) is amended by striking out the words "other than an election for members of the Board of Education".

(8) Section 10(d) of such Act (D.C. Code, sec. 1-1110) is amended to read as follows:

"(d) In the event that any official, other than the Delegate, Mayor, member of the Council, member of the Board of Education, or a winner of a primary election for the office of Delegate, Mayor, or member of the Council, elected pursuant to this Act dies, resigns, or becomes unable to serve during his or her term of office leaving no person elected pursuant to this Act to serve the remainder of the unexpired term of office, the successor or successors to serve the remainder of such term shall be chosen pursuant to the rules of the duly authorized party committee, except that such successor shall have the qualifications required by this Act for such office. In the event that such a vacancy occurs in the office of a candidate for the office of Delegate, Mayor, or member of the Council who has been declared the winner in the preceding primary election of such office, the vacancy may be filled not later than fifteen days prior to the next general election for such office, by nomination by the party committee of the party which nominated his predecessor. In the event that such a vacancy occurs in the office of Delegate more than eight months before the expiration of its term of office, the Board shall call special elections to fill such vacancy for the remainder of its term of office."

(9) The first sentence of section 15 of such Act (D.C. Code, sec. 1-1115) is amended to read as follows: "No person shall be a candidate for more than one office on the Board of Education or the Council in any election for members of the Board of Education or Council, and no person shall be a candidate for more than one office on the Council in any primary election."

(10) Section 15 of such Act (D.C. Code, sec-1-1115) is further amended (1) by designating the existing text of such section as subsection (a), and (2) by adding at the end thereof the following new subsection:

"(b) No person who is holding the office of Mayor, Delegate, chairman or member of the Council, or member of the School Board shall, while holding such office, be eligible as a candidate for any other of such offices in any primary or general election, unless the term of the office which he so holds expires on or prior to the date on which he would be eligible, if elected in such primary or general election, to take the office with respect to which such election is held."

DISTRICT COUNCIL AUTHORITY OVER ELECTIONS

SEC. 752. Notwithstanding any other provision of this Act or of any other law, the Council shall have authority to enact any act or resolution with respect to matters involving or relating to elections in the District.

PART F—RULES OF CONSTRUCTION

CONSTRUCTION

SEC. 761. To the extent that any provisions of this Act are inconsistent with the provisions of any other laws the provisions of this Act shall prevail and shall be deemed to supersede the provisions of such laws.

PART G—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 771. (a) Titles I and V, and parts A and G, and section 722, of title VII shall take effect on the date of enactment of this Act.

(b) Title II shall take effect on July 1, 1974, except that any provision thereof which in effect transfers authority to appoint any citizen member of the National Capital Planning Commission or the District of Columbia Redevelopment Land Agency shall take effect on January 2, 1975.

(c) Titles III and IV shall take effect January 2, 1975, if title IV is accepted by a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum.

(d) Title VI and parts B, D, and F, and sections 721 and 723, of title VII shall take effect only if and upon the date that title IV becomes effective.

(e) Part E of title VII shall take effect on the date on which title IV is accepted by a majority of the registered qualified electors in the District voting on the charter issue in the charter referendum.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

CHARLES C. DIGGS, Jr.,
DONALD FRASER,
THOMAS M. REES,
BROCK ADAMS,
JAMES R. MANN,
JOHN BRECKINRIDGE,
Managers on the Part of the House.

THOMAS F. EAGLETON,
DANIEL INOUYE,
ADLAI E. STEVENSON,
JOHN TUNNEY,
CH. MCC. MATHIAS,
DEWEY F. BARTLETT,
PETE V. DOMENICI,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1435) to provide for an elected Mayor and City Council for the District of Columbia, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendments struck out all the Senate bill after the enacting clause, inserted a substitute text and provided a new title for the Senate bill.

The Committee of Conference has agreed to a substitute for both the Senate bill and the House amendment to the text of the bill. Except for clarifying, clerical, and conforming changes, the differences are noted below:

CHARTER

The entire Senate bill, Titles I-XI, comprised the Charter for the District of Columbia. The Council could not amend the Charter, and the bill provided that there shall be conducted a Charter referendum, held not more than four months after date of enactment of this Act, to determine whether a majority of the registered qualified voters of the District of Columbia voting in the Charter referendum accepted the Charter.

The House amendment consisted of seven titles, and only Titles III and IV comprised the Charter. Amendments could be made by either (1) an act of the Council, or (2) petition signed by 5% of the registered voters and ratified by a majority of the registered qualified voters voting in the election; and acceptance of the Charter required by a majority voting in a special referendum, to be held not more than five months after date of enactment of this Act.

The Conference substitute (sections 601, 303, 604, 701-704) provides:

(1) Any change from an elected Mayor-Council form of government must be initiated by Congress and approved by the President;

(2) Any other changes in the Charter shall

be originated by the Council by act and then shall be referred to referendum of the citizens of the District of Columbia. If such Charter change is approved by the citizens, the Charter change or changes shall come to the Congress for a period of 35 days. The committees shall have 20 days within which to consider whether to approve the proposed Charter amendment. If at the end of the 20 days the committee does not report out a resolution approving such Charter amendment, any member may, during the next 15 legislative days, file a highly privileged motion to approve the Charter amendment. Both Houses must approve the Charter amendment for it to go into effect;

(3) The acts of the Council, after passage by the Council and approval by the Mayor, shall lie before Congress for 30 days and shall thereafter go into effect unless a motion of disapproval has been passed by both Houses of Congress. If a motion of disapproval is filed, it shall be referred to the House and Senate District of Columbia Committees and if such committees report such a motion of disapproval, it shall be a highly privileged motion that the particular act of the Council be disapproved.

REDEVELOPMENT LAND AGENCY

The House amendment contained provisions, not included in the Senate bill, which would establish the RLA as an instrumentality of the District government. Its Board, as of July 1, 1974, would consist of five members appointed by the Commissioner with the advice and consent of the Council.

The Conference substitute (section 201) adopts the House provision with amendments authorizing the Council to adopt legislation (1) to assure uniform procedures relating to disposition of complaints and claims involving the RLA; (2) to provide that all planning, designing, construction and supervision of public facilities contributed to any redevelopment area be carried out by an appropriate D.C. agency; (3) to provide that any occupied rental property owned by RLA shall be maintained in a safe and sanitary condition; and (4) to provide that the Mayor may waive special assessments, as for cost of sewers, streets, curbs and so forth, where the cost therefor can be applied as non-cash local grants-in-aid.

The RLA should use city departments for their local non-cash grants-in-aid to urban renewal projects in the great majority of the cases. A decision against their use must be necessitated by compelling circumstances.

NATIONAL CAPITAL HOUSING AUTHORITY

The House amendment contained a provision, not included in the Senate bill, which transferred the National Capital Housing Authority which was established under the District of Columbia Alley Dwelling Act (D.C. Code, secs. 5–103 and 5–116), to the District of Columbia government; vested in the Commissioner all functions, powers, and duties of the President under the said Alley Dwelling Act; and authorized the transfer of all employees, property (real and personal), and unexpended balances of appropriations, allocations, and all other funds, and assets and liabilities of the Authority, to the District of Columbia government.

The Conference substitute (section 202) conforms to the House amendment.

D.C. MANPOWER ADMINISTRATION

The House amendment contained provisions, not included in the Senate bill, which transferred to the Commissioner all functions of the Secretary of Labor with respect to public employment services for the District. The District Public Employment Service would be eligible to participate with the Secretary on the same basis as a State, and the District would be eligible to participate in apprenticeship programs operated by the Secretary. Also, all functions of the Secretary with respect to claims filed by employees of the District government under the Federal Employment Compensation Act (FECA) were transferred to the District.

The Conference substitute (section 204) adopts the House provisions except that it provides for the transfer of FECA functions to the District only when the District has established its own independent personnel system or systems, as directed by this Act.

It is understood that existing agreements between the States of Maryland and Virginia and the District of Columbia relating to job banks and the Cooperative Area Manpower Planning System will not be adversely affected by the transfer of the District of Columbia Manpower Administration to the District of Columbia as provided for in this Act.

PUBLIC SERVICE COMMISSION

The House amendment contained a provision, not included in the Senate bill, which established a Public Service Commission to insure that every public utility doing business within the District of Columbia would be required to furnish service and facilities reasonably safe and adequate and in all respects just and reasonable, said Commission to be composed of three Commissioners appointed by the Mayor with Council approval.

The Conference substitute (section 493) conforms to the House amendment.

ARMORY BOARD

The Senate bill amended present law to provide for the appointment of three members of the Armory Board by the Mayor, to serve at his pleasure, and transferred to the Mayor all power and authority with respect to the Board presently vested in the President.

The House amendment amended present law to provide that the Armory Board shall consist of the Commanding General of the District of Columbia Militia, and two other members appointed by the Mayor for four-year terms, and subject to Council approval.

The Conference substitute (section 494) conforms to the House amendment.

BOARD OF EDUCATION

The Senate bill provided, as to the annual budget for the Board of Education, that the Mayor and Council could establish the maximum amount of funds which would be appropriated to the Board, but prohibited them from specifying the purposes for which such funds might be expended by the Board. However, the Mayor and Council could include their comments upon review of the Board's budget.

The House amendment maintained present law, vesting finality in Congress, the determination of line items in the school budget.

The Conference substitute (sections 495, 719) conforms to the Senate provision, except that the school budget submitted to the Congress must be in line item form as presently required by law. Also, the Mayor and the Council in establishing the maximum amount of operating and capital funds which will be included in the District's annual budget for the Board of Education shall attach to the budget transmitted to the President a written statement explaining changes, if any, in the total amounts recommended by the Board for the District's school budget.

NATIONAL CAPITAL PLANNING COMMISSION AND MUNICIPAL PLANNING

The House amendment contained provisions, not included in the Senate bill, which established the NCPC as a Federal planning agency for the Federal government to plan for the Federal establishment in the National Capital region and provided that the Mayor would be the central planning agency for the District, responsible for D.C. planning and the preparation of the District elements of the comprehensive plan, published jointly with the NCPC. NCPC would comment on D.C. planning and retain planning authority for Federal and international projects. The NCPC would be composed of 12 members, 7 ex officio—the Secretaries of Interior and Defense, Administrator of GSA, the Mayor, Chairman of D.C. Council, and Chairmen of the House and Senate District Committees, or their designated alternates; and 5 citizen members, 3 appointed by the President and 2 by the Mayor. One of the Presidential appointees would be from Maryland and one from Virginia.

The Conference substitute (sections 203, 423) adopts, in essence, the House provisions amended (1) with respect to procedural requirements and time allowed the NCPC in acting upon proposed District elements of a comprehensive plan, or proposed District projects; and (2) to require the Mayor to submit his multi-year capital improvements plans to the NCPC for review and comment.

Neither the National Capital Planning Commission nor the Mayor has any power over the United States Capitol Building and Grounds as defined in sections 1 and 16 of the Act of July 31, 1946, as amended (40 the Act of 193a and 193m) or over any other buildings under the control of the Architect of the Capitol.

ZONING COMMISSION

The House amendment included provisions, not in the Senate bill, amending present law (1) establishing a Zoning Commission consisting of the Architect of the Capitol, Director of the National Park Service, and three citizens appointed by the Mayor for four-year terms; (2) providing that amendments to the zoning maps and regulations, shall not be inconsistent with the comprehensive plan; and (3) requiring submission of any amendments, zoning regulations, or maps to the NCPC for review and to report their recommendations within 30 days.

The Senate bill similarly provided for 30 days in which NCPC might consider and comment on any proposed zoning regulations to determine whether they were inconsistent with the comprehensive plan; and also required a public hearing, after a 30-day notice for all proposed zoning regulations.

The Conference substitute (section 492) adopts the major provisions of both the House amendment and the Senate bill.

D.C. COUNCIL

The Senate bill provided for (1) a Council to be composed of 11 members, the Chairman and two members elected at large, and eight elected from wards; (2) terms to be four years, staggered; (3) compensation and allowances to be set by the Council; (4) election to be partisan; (5) Chairman and members to be D.C. residents for three years preceding election and holding no other employment or paid public office; and (6) changes in membership, qualifications and compensation to be made by referendum

The House amendment provided (1) a Council of 13 members, five elected at large and eight from wards, with the chairman selected by the Council from the at-large members; (2) the term to be four years; (3) compensation to be at GS–12 level (currently $22,705), plus official allowances, with additional $5,000 for the chairman; (4) election to be nonpartisan; (5) Chairman and members to be D.C. residents for 90 days preceding elections and hold no other paid public office; and (6) changes in the membership of the Council to be by charter amendment process.

The Conference substitute (section 401 et seq.) provides (1) a Council composed of 13 members, 5 elected at large, no more than 3 of whom including the Chairman may belong to the same political party, and 8 from wards, with the Chairman elected at-large by the registered qualified electors for a period of 4 years; (2) the term of office for Council members to be 4 years; (3) compensation to be at the last step of GS–12 level (currently $22,705) plus official allowances, with an additional $10,000 per year for the Chairman; (4) the elections to be partisan with one-half of the Council to be elected every 2 years; and (5) the Chairman and members must be D.C. residents for 1 year preceding the general election and hold no other paid public office.

D.C. COUNCIL—LEGISLATIVE POWERS AND LIMITATIONS

The House amendment contained provisions, not in the Senate bill, providing (1) the Council could organize, abolish or establish agencies and departments of the D.C. government; (2) the Council must establish an independent personnel system or systems within 5 years after the date of enactment; and (3) the Council could not change building height limitations nor change D.C. criminal laws or the organization and jurisdiction of the D.C. courts.

The Senate bill contained provisions, not in the House amendment, prohibiting the Council from imposing any parking or road use tax on non-residents higher than that on D.C. residents; nor might it legislate with respect to the Commission on Mental Health.

The Conference substitute (sections 404, 602) adopts the major provisions of both the House amendment and the Senate bill and deletes the prohibition on the Council's imposing a parking or road use tax.

The Conference Committee also agreed to limit the Council's authority to require residency for District government employees to those employed after the effective date of the personnel system or systems to be adopted by the Council under this Act.

The Conference Committee also agreed to transfer authority to the Council to make changes in Titles 22, 23 and 24 of the District of Columbia Code, effective January 2, 1977. After that date, changes in Titles 22, 23 and 24 by the Council shall be subject to a Congressional veto by either House of Congress within 30 legislative days. The expedited procedure provided in section 604 shall apply to changes in Titles 22, 23 and 24.

It is the intention of the Conferees that their respective legislative committees will seek to revise the District of Columbia Criminal Code prior to the effective date of the transfer of authority referred to.

D.C. COUNCIL—LEGISLATIVE PROCESS

The House amendment contained provisions, not in the Senate bill, (1) giving the President power, within 30 days, to sustain a Mayor's veto of Council acts; (2) requiring the Council to submit all but emergency acts to Congress for a 30-day layover before they become effective; and (3) permitting emergency acts to be effective for only 90 days.

The Conference substitute (sections 404, 412, 602(c)) adopts the House amendment provisions together with a Senate provision specifying that no act of the Council may be passed until 13 days after its introduction.

RECALL AND INITIATIVE

The House amendment provided that the Mayor and any member of the Council or of the Board of Education could be recalled by petition filed with the Board of Elections and signed by 25% of the registered qualified voters voting in the last preceding general election. Recall was to be effectuated by a majority vote of the qualified electors voting in an election for such recall.

The Senate bill contained no such provisions.

The Conference substitute contains no such provisions.

MAYOR

The Senate bill provided for (1) partisan election of a Mayor who would be required to be a D.C. resident for three years preceding the election; (2) compensation and allowances to be established by the Council; (3) in the event of a vacancy of Mayor, the Chairman of the Council would become Mayor for the remainder of the unexpired term; and (4) among other duties, the Mayor would be required to submit fiscal and administrative reports by December 31 of each year.

The House amendment provided for (1) non-partisan election of a Mayor who would be required to be a D.C. resident for 90 days preceding the election; (2) compensation to be at the Federal Executive Schedule level III (currently $40,000), plus official allowances; (8) Chairman of the Council to serve as Mayor until a special election could be held approximately 114 days after a vacancy occurs; (4) a fiscal report of the Mayor would be required within 90 days after the and of the fiscal year; and (5) the Mayor would also be authorized to reorganize agencies and departments of the D.C. government.

The Conference substitute (sections 421, 422, 445, 448) provides (1) for partisan election of a Mayor for a 4-year term, who is required to be a D.C. resident for 1 year preceding the election; (2) compensation to be at the Federal Executive Schedule level III (currently $40,000), plus official allowances; (3) Chairman of the Council to become Acting Mayor until a special election approximately 114 days after a vacancy occurs; (4) the Mayor is required to file a financial report by November 1st of each year; and (5) the Mayor is authorized to reorganize agencies and departments of the D.C. government subject to Council approval.

It is the view of the conferees that under section 7824(d)(4) of title 5 of the United States Code, the Hatch Act does not apply to the Commissioners of the District of Columbia or their successors until Reorganization Plan No. 8 of 1967. Specifically, the incumbent Commissioner-Mayor would not be under the scope of the Hatch Act.

JUDICIARY

The Senate bill provided for (1) the appointment of judges by the Mayor for terms of not less than 15 years from three names submitted to him by the Judicial Nomination Commission, by and with the advice and consent of the Senate; (2) Council modification of the organization and composition of the D.C. courts, and the qualifications, tenure, and compensation of the judges thereof; and (3) a Judicial Nomination Commission of 5 members for staggered 4-year terms with Senate approval, 2 to be appointed by the Mayor from Bar Association lists, 2 non-lawyers to be appointed by the Mayor from Council lists, and the Chief Judge of the District of Columbia Court of Appeals.

The House amendment provided for (1) the appointment of judges by the President, subject to Senate approval, for 15-year terms from three to five names submitted to him by the Judicial Nomination Commission; (2) retention by the Congress of authority over composition, structure and so forth of the D.C. courts; and (3) a Judicial Nomination Commission of 9 members, staggered 6-year terms, 2 appointed by the Unified D.C. Bar, 2 appointed by the Mayor from Council lists, 1 member appointed by the Speaker of the House of Representatives and 1 member appointed by the President of the Senate, and 3 members appointed by the President; all members to be U.S. citizens, D.C. residents, and non-Federal or District employees and qualified to be judges of D.C. courts. The House amendment contained provisions, not in the Senate bill for (1) a Commission on Judicial Disabilities and Tenure, with same membership as the Judicial Nomination Commission; (2) the Judicial Nomination Commission to submit three to five names to the President; (3) the automatic reappointment of judges by the President if same were found by the Tenure Commission to be exceptionally well-qualified or well-qualified only as "qualified" for reappointment, requiring Senate approval; (4) a D.C. residence requirement for all new D.C. judges; and (5) the D.C. courts to prepare their own annual budget, submit the same to the Mayor for transmission to the Council and to the Congress along with the remainder of the D.C. budget.

The Conference substitute (sections 431–434, 445 718) provides for (1) appointment of judges by the President, subject to Senate approval, for a 15-year term, from a list of 3 nominees submitted by the Judicial Nomination Commission; if the President has not made an appointment within 60 days, then the Nomination Commission shall make the appointment, subject to Senate approval; (2) retention in Congress of authority over the composition, structure and jurisdiction of the D.C. courts; (3) a Judicial Nomination Commission to be comprised of 7 members; 1 appointed by the President, 2 by the Mayor (1 to be a non-lawyer), 2 by the Unified D.C. Bar, 1 by the Council (to be a non-lawyer) and 1 by the Chief Judge of the U.S. District Court for the District of Columbia, to be a retired or sitting Federal judge; all to be appointed for 6-year, staggered terms, all to be United States citizens and District of Columbia residents, non-Federal or non-District employees, and, in the case of lawyers appointed to the Commission, qualified to be judges of the D.C. courts; (4) a Tenure Commission to consist of 7 members of the same designation as for the Nomination Commission; no individual may serve simultaneously on both Commissions; (5) all new judges to be D.C. residents; and (6) the D.C. courts to prepare their own annual budget for submission to the Mayor, thence to the Council and to the Congress along with the remainder of the D.C. budget.

D.C. BUDGET AND APPROPRIATIONS

The Senate bill provided that the Mayor submit a budget to the Council in such form as he might determine, that the Council might adopt a line-item budget, and that the Mayor might transfer funds from one account to another with Council approval.

The House amendment required the Mayor to prepare a balanced budget for submission to the Council and to the Congress to consist of 7 specified documents; and that the Council, after public hearings, approve a balanced budget and submit same to the President for transmission to the Congress, leaving Congressional appropriations and reprogramming procedures as presently existing.

The Conference substitute (sections 442–451, 603, 723, 743) adopts essentially the House provisions, preserving the Congressional appropriations provisions of existing law. Amendments are included to clarify procedural requirements as to the submission of the budget to the Council by the Mayor; the time for the Council to review the budget; the authority of the Mayor for line-item veto of budget proposals, with two-thirds of the Council required to override; and transmittal of the budget to the President for review and submission to the Congress. Authority is also included to establish a general fund and such additional special funds as the Council may determine. The substitute maintains present law and procedures for Congressional reprogramming authorities and procedures. The court budget shall be handled by the Mayor, Council, and President in the same manner as the budget of the United States courts.

FEDERAL PAYMENT

The Senate bill provided that the Mayor and the Council should submit to the Secretary of the Treasury, through the Comptroller General, an annual appropriation request for Federal payment; that after the Comptroller General certified same, the Secretary of the Treasury, without Congressional review or approval, should release such payment to the District, based on a formula, equal to 37½% of District revenues for FY 1974, and 40% of District revenues for FY 1975 and each year thereafter. Appropriate authorization for such appropriations was included.

The House amendment required the Mayor to prepare an annual appropriation request for the Federal payment, taking into consideration inter-city expenditure and revenue comparisons and 9 other factors for assessing the cost and benefits to the District as the Nation's Capital; said request to be forwarded to the Council and thence to the President for revision and submission to the Congress. A Federal payment authorization of $250 million for FY 1975 and each year thereafter was provided.

The Conference substitute (sections 501, 502) adopts the House provisions except for the amount of the Federal payment authorization, which the substitute provides as follows: for FY 1975 the sum of $230 million; FY 1976, $254 million; FY 1977, $280 million; and FY 1978 and each year thereafter, $300 million.

DISTRICT OF COLUMBIA AUDITOR

The House amendment included provisions, not in the Senate bill, which established the office of District of Columbia Auditor, appointed by the Chairman of the Council, subject to Council approval, for a six-year term, who would conduct a yearly review of all accounts and operations of the D.C. government and submit his reports and recommendations to the Congress, the Mayor and the Council.

The Conference substitute (section 455) conforms to the House amendment.

INDEPENDENT AUDIT BY GENERAL ACCOUNTING OFFICE

The Senate bill required annual post-audits by the Comptroller General of the financial transactions of the District government. Audit reports were to be submitted to the Congress, the Mayor, and the Council. The Mayor had 90 days to respond to the GAO report.

The House amendment required periodic audits by the Comptroller General of the accounts and operations of the District government. Audit reports were to be submitted to the Congress, the Mayor, and the Council; with the Mayor having 60 days in which to respond thereto.

The Conference substitute (section 736) conforms to the Senate and House provisions, requires annual GAO audits; and allows the Mayor 90 days to respond to the GAO reports.

ISSUANCE OF BONDS

The Senate bill provided (1) for the issuance of general obligation bonds to pay the costs of constructing or acquiring any capital project; (2) that no such bonds were to be issued which would cause the amount of principal and interest to be paid in any one year on all outstanding capital program obligations to exceed 14% of District revenues which the Mayor estimated would be credited to the District that year, and with obligations of the Armory Board for the RFK Stadium to be excluded from the 14% limitation; (3) authority for the Council, at its option, to hold referenda on bond issues; (4) for terminating the District's authority to borrow from the U.S. Treasury; (5) authorization for the Council, in the absence of unappropriated available revenues, to issue short-term notes for amounts not to exceed 5% of the total appropriations for the fiscal year; (6) mandatory use of general obligation bonds to pay the District's share of the cost of Metro; and (7) for an annual levy of a special tax to be placed in a sinking fund for use in liquidating the general obligation bonds, said fund to be annually reviewed by the GAO.

The House amendment provided (1) for the issuance by the District of general obligation bonds to pay costs of any capital project authorized by Congress, with rates of interest to be set by the Mayor; (2) that no such bonds were to be issued which would cause the amount of principal and interest to be paid in any one year on all such outstanding bonds to exceed 14% of District revenues credited to the District during the previous fiscal year, and that the Congress and the Council were prohibited from approving any capital project to be financed by such bonds if they exceeded such limitations; (3) for bonds to be redeemable prior to maturity; (4) bond denominations to be $5,000 or $1,000; (5) for continuation of present law permitting borrowing from the Treasury; (6) authorization for short-term borrowing by the Council, in the absence of unappropriated available resources, for amounts not to exceed 1% of the total appropriations for the fiscal year; (7) making optional the use of general obligation bonds to pay the District's share of the cost of Metro; (8) authorizing the Council to issue revenue bonds to finance projects in the areas of housing, health, transit, utilities, education, and industrial development, said bonds not to constitute a general debt of the District; and (9) for special tax and sinking fund with GAO audit responsibility.

The Conference substitute (sections 461–490, 603(e), 723, 743) provides (1) authority for the District to issue general obligation bonds to pay the cost of constructing or acquiring any capital projects authorized by Congress, with the Mayor to set the basic rates and maturity for such bonds under guidelines set by the Council; (2) that no such bonds may be issued which would cause the amount of principal and interest to be paid in any one year on all outstanding capital program obligations to exceed 14% of the District revenues which the Mayor estimates will be credited to the District that year; RFK Stadium bonds to be exempt from the 14% limitation, and redemption of bonds prior to maturity allowed; (3) optional referenda permitted on bonds issued; (4) denominations of the bonds to be $1,000 and $5,000, or multiples of $1,000; (5) borrowing from the Treasury is provided as interim Treasury loan authority to enable the continuation of projects already underway or authorized by the Congress; (6) short-term borrowing, as by short-term notes, may be authorized by the Council, in amounts not to exceed 2% of the total appropriations for the fiscal year; (7) general obligation bonds may be used to pay the District's share or contribution to Metro, beginning with FY 1976; (8) revenue bonds as provided in the House amendment are authorized, with additional provisions allowing the mortgaging of private properties as additional security for such bonds; (9) the special tax or taxes to be levied and deposited along with other revenues of the District in the sinking fund to repay general obligation bonds; (10) the full faith and credit of the District is pledged to pay the principal and interest on the general obligation bonds; and (11) the General Accounting Office is required annually to review the sinking fund.

District of Columbia officers are also prohibited (section 603(e)) from violating the Federal Anti-Deficiency Act, prohibiting expenditures beyond available resources.

It is the intent of the Conferees that, to the extent possible, the period of the general obligation bonds shall reflect the estimated life of the physical plant and improvements and separately the estimated life of the equipment financed therein.

It is also the Conferees' intent that the notice of public sale of general obligation bonds shall be published in one or more newspapers of general circulation published in the District. In the event only one notice of public sale is made, such publication should alternate among the newspapers of general circulation published in the District.

BOARD OF ELECTIONS

The House amendment included provisions for the membership on the Board to be three persons, all appointed by the Mayor with Council approval, no more than two of whom could be of the same political party.

The Senate bill contained similar provisions, except no political party limitation was included.

The Conference substitute (section 491) conforms to the House amendment.

ELECTIONS PROCEDURES

The Senate bill provided for the nomination of candidates in party primaries, the first party primary to be held 90 days following the acceptance of the charter, and the general election to be the next following November.

The House amendment provided for the nomination of nonpartisan candidates by petitions filed not less than 60 days before the date of the general election, with the first elections to be held in 1974.

The Conference substitute (section 751) adopts the House provisions amended to require partisan elections.

REVENUE SHARING

The House amendment contained a provision, not in the Senate bill, which deleted from present law the automatic reduction in the District of Columbia's general revenue sharing allocation, if the District enacts a tax on the income of non-residents. The enactment of such a tax is prohibited in any event under other sections of the bill.

The Conference substitute (section 735) conforms to the House amendment.

ADVISORY NEIGHBORHOOD COUNCILS

The House amendment contained provisions, not included in the Senate bill, requiring the Council to divide the District into Neighborhood Council areas. Upon receiving a petition signed by at least 5% of the registered qualified electors of an area, the Council was required to establish for that neighborhood an elected advisory neighborhood council to advise the Council on planning, streets, recreation, social services, health, safety, and sanitation and to review zoning changes and licenses. Expenses of such Councils to be paid by a levy of 1¢ per $100 of assessed valuation of real property.

The Conference subtitute (section 738) adopts essentially the House amendment, with the further provision that same may not go into effect until a public referendum has been held and approval had thereon, and said referendum to be a part of the same referendum required of the voters to determine their acceptance or non-acceptance of the charter provided for in this Act.

NATIONAL CAPITAL SERVICE AREA

The House amendment included provisions, not in the Senate bill, providing for the establishment of the National Capital Service Area, including the Federal monuments, the White House, Capitol building, Federal, executive, legislative, and judicial office buildings, Fort McNair, the Navy Yard, and Bolling Air Force Base. The President would appoint a Director who would assure police and fire protection within the area, and the maintenance of streets, highways, and sanitation services thereof.

Within one year, the President would be required to report to Congress his recommendations on the feasibility of combining the Executive Protective Service, the United States Park Police in the service area, and the United States Capitol Police under the Director.

The Conference substitute (section 739) adopts the House provisions, amended to limit the authority of the National Capital Service Area Director over the buildings and grounds of the Capitol, the Supreme Court, and the Library of Congress. The section was also further amended to ensure that all Federal and District of Columbia laws applicable to the area would continue in force and effect; that such laws could be amended by the appropriate authorities; and that all private property, and buildings and adjacent parking lots owned by the District of Columbia government, are excluded from the National Capital Service Area.

EMERGENCY CONTROL OF POLICE

The House amendment contained provisions, not included in the Senate bill, to permit the President upon request to secure from the Mayor the services of the Metropolitan Police force when the President determined special conditions required such police for Federal purposes.

The Conference substitute (section 740) adopts the House provisions, amended to limit the same to make it a temporary requisitioning only and subject to Congressional review.

PUBLIC MEETINGS

The House amendment contained provisions, not in the Senate bill, requiring that all meetings and hearings of any District of Columbia government agency, board, or commission in which official action is to be taken or proposed, shall be open to the public; and the transcripts or transcriptions of such meetings shall be made available to the public.

The Conference substitute (section 742) adopts the House amendment, with a change to include tapes and transcriptions thereof available to the public at a reasonable charge.

D.C. SENATE DELEGATE

The House amendment included provsions, not in the Senate bill, providing that beginning January 3, 1975, there would be a nonvoting Delegate in the Senate from the District of Columbia, elected for 6 years; such non-voting Delegate to be a qualified elector, at least 30 years of age, a resident of the District for 3 years immediately preceding his election, and holding no other paid office.

The Conference substitute contains no such provision.

HOLDING OFFICE IN THE DISTRICT

The House amendment contained provisions, not in the Senate bill, providing that no person otherwise qualified should be disqualified for being a candidate for the office of Mayor or member of the Council because of employment in the competitive or excepted service of the United States.

The Conference substitute (section 741) conforms to the House amendment.

TITLE

The House amended the title of the bill.

The Conference substitute adopts the title as contained in the House amendment.

CHARLES C. DIGGS, Jr.,
DONALD FRASER,
THOMAS M. REES,
BROCK ADAMS,
JAMES R. MANN,
JOHN BRECKINRIDGE,
Managers on the Part of the House.

THOMAS F. EAGLETON,
DANIEL INOUYE,
ADLAI E. STEVENSON,
JOHN TUNNEY,
CH. MCC. MATHIAS,
DEWEY F. BARTLETT,
PETE V. DOMENICI,
Managers on the Part of the Senate.

DISSENTING STATEMENT OF CONGRESSMAN EARL LANDGREBE TO THE HOUSE-SENATE CONFERENCE REPORT TO ACCOMPANY S. 1435

Mr. LANDGREBE. Mr. Speaker, as a House conferee to the House-Senate Committee Conference on S. 1435, the District of Columbia Self-Government and Governmental Reorganization Act—also referred to as the District of Columbia home rule bill—I disagree with the conference report, report No. 93–703, and recommend that the House disagree with the same.

I disagree with the conference report and urge the House to do the same for the following constitutional reasons:

The delegation of authority to the local government provided for in S. 1435 is in contravention of article I, section 8, clause 17 of the Constitution expressly giving Congress authority over the District.

The fundamental purpose of the legislation taken as a whole can only be achieved by a constitutional amendment.

The Congress lacks the authority to create a city-State—a municipal corporation with the legislative power of a State, subject only to certain limitations.

Commonsense dictates that the Constitution which is itself based on the principle of self-government, but which made an exception to that principle for the "seat of the Government of the United States" cannot yield to an enactment of Congress altering that exception and thus not made in pursuance thereof.

I further disagree with the conference report and urge the House to do likewise for the following additional reasons:

The provisions of the bill in dealing with such items as the Armory Board, Judicial Commissions, and the National Capital Planning Commission permit control by local officials that could encourage them to give local interest a predominance that would be detrimental to the Federal interest in the Nation's Capital.

The significant lack of layering—city, county, State governments—in the local government in that only 14 individuals will control over 40,000 employees and a budget of $1.5 billion or more is to me an indication that the charter is ill-conceived and could permit unprincipled individuals to administer the city in their own interests rather than in those of its residents.

Self-government has generally been associated with financial independence, among other things, and yet this bill increases the Federal payment to $300 million by fiscal year 1978, an increase of $110 million in 4 years which reflects increasing Federal subsidies to the District as "home rule" continues in operation.

The emergency police powers of the President to employ the Metropolitan Police Department are unduly limited.

The Hatch Act exemption permitting Federal employees to run as candidates for Mayor, Chairman, and member of the City Council is mischievous and unwarranted and can only herald the opening of a battle to repeal the Hatch Act.

Advisory Neighborhood Councils are provided for which could serve as a political patronage system for members of the District Council to the detriment of District residents in terms of cost and governmental services.

CONGRESS SHALL EXERCISE EXCLUSIVE LEGISLATIVE AUTHORITY OVER THE DISTRICT OF COLUMBIA

Article I, section 8, clause 17, of the United States Constitution provides as follows:

> The Congress shall have power . . . To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States . . .

The historical background of this constitutional provision supports the "indispensable necessity of complete authority at the seat of government" in the Congress as it relates to legislation. This conference report contains language in S. 1435 that delegates broad "general legislative" authority to the local government that infringes on the constitutional authority expressly given to the Congress.

I am not a lawyer, but then neither were many of the framers and signers of the Constitution. When a provision such as that quoted above, plainly read, expresses a clear intent of what power the Congress has over the District as a legislator, I must confess that the burden is not met by the conference report so as to convince me that S. 1435 can alter and change the power of Congress as it does without infringing on the Constitution.

Certainly a delegation of authority by Congress to a local government to adopt or pass "police regulations" or local enactments "relating to municipal affairs" as opposed to "general legislative enactments," which is what S. 1435 provides, has been ruled by the U.S. Supreme Court in *District of Columbia* v. *Thompson*, 346 U.S. 100 (1953), to be a constitutional delegation of congressional authority. Unresolved is whether a congressional delegation of "general legislative" authority to a local district government is constitutional; yet, S. 1435 is predicated upon an assumption that it is. I refuse to make such assumptions when legislating on matters which clearly infringe on the Constitution.

The act of February 21, 1871, granting a substantially lesser amount of "home rule" to the District of Columbia is of little guidance to the Congress in voting on S. 1435. S. 1435 grants broad "general legislative" authority, and the courts will be our final arbiters of whether S. 1435 is constitutional if it is enacted into law.

A CONSTITUTIONAL AMENDMENT IS THE PROPER ROUTE TO ACHIEVE THE RESULT PROPOSED IN S. 1435

Article V of the Constitution provides for the procedure for initiating amendments to the Constitution. It is plain, certain, and clear in its reading.

S. 1435 is a "rush to judgment" that the Congress can do by enactment what legally, in my opinion at least, is contrary to an express provision on the matter in article I, section 8, clause 17, of the Constitution, and it is possibly an admission that the constitutional amendment route that recognizes the rights of all citizens—in this important matter relating to their Nation's Capital—is perhaps difficult, if not impossible, of achievement.

CONGRESS LACKS AUTHORITY TO CREATE A CITY-STATE

The hearings on the "home rule" bill before the House District Committee—testimony on behalf of the Metropolitan Coalition for Self-Determination for the District of Columbia, hearings before the Subcommittee on Government Operations of the Committee on the District of Columbia, parts I and II, 93d congress, 1st session—establish that S. 1435 creates a "city-state" unique in the United States and nowhere to be found referred to in the Constitution. What was desired by many of those testifying before the committee was a municipal corporation—see section 717 of S. 1435—with State legislative and executive authority.

In my opinion, S. 1435 creates something which it is beyond the power of this Congress to establish—a city-state. If we do this in this instance, what is to prevent the Congress from establishing one or a hundred more. The answer simply is that it is prevented by the Constitution which never contemplated such a polity—form of government as I would refer to it—as the home rule proponents have urged on the House District Committee and which they will have established through S. 1435 if passed.

THE DISTRICT OF COLUMBIA IS AN EXPRESS EXCEPTION IN THE CONSTITUTION TO THE PRINCIPLE OF SELF-GOVERNMENT

The Constitution itself is based on the principle of self-government; yet, it contains an express provision denying self-government—in the general legislative sense—to the "Seat of the Government of the United States"—the District of Columbia

How is it then that we can legislate to change that which the Constitution makes clear and precise? If it is politically expeditious to ignore the Constitution in this instance, what will be our refuge when others wish to change it even more to the detriment of all our citizens?

S. 1435 apparently tries to overcome this clear expression of what the Constitution intends by reserving "ultimate legislative authority" to the Congress over the District.

My experience does not permit me to jump to a conclusion that "ultimate authority"—as reserved in S. 1435 to the Congress—is the same as the Congress exercising "exclusive authority." Moreover, the dicta in the Supreme Court Thompson decision does not convince my Hoosier commonsense that the Constitution can be so stretched and contorted as to equate one with the other.

S. 1435 apparently tries to overcome the lack of constitutional authority to create a "city-state" by inserting certain limitations in the bill, that in most cases, in my opinion, will prove ineffectual. There are elaborate provisions that call for acts of the local council to lay over for a period of time during which the House and Senate District Committees may by concurrent resolution disapprove of them. However, this type of provision is of little value in limiting the authority of the local government, inasmuch as it is not of significant difference with a provision that would call for the Congress to go through its entire legislative process to reverse or nullify an enactment of the local council.

In most cases where the local council legislatively goes beyond the bounds the Congress desires, Congress would be left with the "ultimate" power to "set it aside." However, if the District reenacted the same legislation, there would then ensue a "legislative dance" between the District and the Congress that could presumably only be terminated by the Congress specifically forbidding the council to ever pass any act on such subject again.

I find it inconceivable that the framers of the Constitution ever intended that the delegation of authority to a local government would permit specific language to be circumvented by such obviously ineffectual limitations.

S. 1435 PERMITS LOCAL INTEREST TO PREDOMINATE IN OUR NATION'S CAPITAL

A significant number of appointments on such agencies and commissions as the Judicial Nomination Commission, the Judicial Disability Commission, the Armory Board, and the National Capital Planning Commission have been given to the local government—the mayor—such that local interest is given control or may be said to be encouraged to obtain control of the Nation's Capital in what can only result in detriment to the Federal interest in the District.

For instance, the National Capital Planning Commission, a Federal agency, with jurisdiction over Federal establishments in the Virginia and Maryland suburbs has four local members out of its total of 12 members. Obviously, it is the intent of S. 1435 to downgrade the Federal interest as the predominant interest in the Nation's Capital and replace it with local interest and control.

A recent newspaper editorial endorsing what the conference report contains stated in pertinent part that:

> The Nation's Capital . . . is the entire city of Washington, and any suggestion to the contrary is a disservice to both federal and local interests.

I agree with the statement but disagree wholeheartedly with the conclusion that the language of the conference report recognizes this premise.

I agree with President Taft who opposed self-government in the District of Columbia "to prevent its being controlled by the parochial spirit that would necessarily govern men who did not look beyond the city to the grandeur of the Nation.", and I am convinced that the conference report recommended to you this date encourages control of the Nation's Capital by local interests.

It is my position that—if the Congress and the Federal Government are to operate in an atmosphere of objectivity without interference from local interests—in any situation in the Nation's Capital—all of the District of Columbia—where the local and Federal interests conflict that the Federal interest must prevail. The conference report is not premised on that basic assumption. It is fatally deficient, in my view, because of it, and I predict that time and circumstances will prove me right if my words are not heeded.

I know that many of my colleagues may believe that they are doing the "right" thing by agreeing to the conference report. However, I ask each of you to stop for a minute to consider what the fundamental result of this legislation is going to be if local interest is to control and prevail in the Nation's Capital.

CONCENTRATION OF LEGISLATIVE AND EXECUTIVE AUTHORITY IN FEW PEOPLE IS NOT IN THE INTEREST OF DISTRICT RESIDENTS

During the course of the hearings on the home rule bill, I persistently asked the question why the committee was insisting on a unicameral legislative body and one executive, thus concentrating all executive and legislative authority for the District over its 43,000 or 44,000 employees and its $1½ billion budget in the hands of so few people. In my own State of Indiana and as is true in other States, there is a layering of local government, starting at the township or village or city level on up through the county to the State government. There are those who say that layering of governments as I have described it above makes for inefficiency and conflicts, and to some extent this may be true. However, I am firmly convinced that it also provides necessary checks and balances on the various governmental officials and entities, such that the opportunities for concentrating power and authority in a few officials so that there can be an abuse of power is minimized.

In 1871 when there was last a "home rule" government in the District of Columbia—much more circumscribed and limited than is provided for in this bill—that government had a substantial number of checks and balances so that the power and authority of the government was dispersed and there were checks and balances. There was a board of health, board of public works, and a police board, all of whose members were appointed by the President. There was an appointed upper body in the legislature composed of 11 members known as the council and the elected lower legislative body known as the House of Delegates and composed of 22 members.

The conference report which is recommended to you containing the substitute language of S. 1435 concentrates all the power and authority of the local government in a mayor and 13 council members. I deplore this lack of checks and balances in a government of this sort, and I submit that the opportunities for abuse of power and authority are built into such a governmental structure.

As was said on the floor of the House when the "home rule" legislation was taken up on October 10 of this year, legislation should not be viewed on the basis that good men will be implementing it, but rather what may happen if unprincipled men implement it; and I submit that on the basis the language contained in this conference report should not be accepted.

EXCESSIVE FEDERAL FINANCIAL ASSISTANCE IS CONTRADICTORY TO THE CONCEPT OF HOME RULE

The Federal payment provisions of the Senate bill, S. 1435, contained a Federal formula equal to 37½ percent of District revenues for fiscal year 1974 and 40 percent of District revenues for fiscal year 1975 and each year thereafter. The House amendment provided a lump sum Federal payment of $250 million per year.

The conference substitute provides for $230 million in fiscal year 1975 and rises to $300 million for fiscal year 1978 and each year thereafter.

I have always operated under the assumption that home rule and self-government meant financial independence. Yet, it is obvious that this conference report foresees not a decrease in Federal subsidy to the local government as it embarks on home rule, but an increase in Federal subsidy to that locally elected government.

EMERGENCY POLICE POWERS ARE UNDULY LIMITED

The provisions of the conference report are unduly limiting as they relate to the authority of the President to call upon the local government for the police protective assistance—Metropolitan Police Department.

Here again we have local control of the Metropolitan Police Department under the conference report, which heretofore has always been under Federal control. Not only is it under local control, but the conference substitute further hampered the authority of the President to use the Metropolitan Police Department in times of emergencies.

This is wrong and short-sighted and can only result in problems in the future.

I can only suggest that if the conference report is accepted, that the President establish—as he can—his own police force in the National Capital Service area under executive authority, so that the limitations on emergency police protection are minimized in practice.

HATCH ACT EXEMPTION IS MISCHIEVOUS AND UNWARRANTED

The conference report adopts the Senate language providing for partisan elections as opposed to the House language providing for nonpartisan elections.

Partisan elections necessarily precludes participation of Federal and District employees from political campaigns, because both types of employees are expressly covered by the Hatch Act.

Unfortunately, the conferees provided in section 740 an exemption to the Hatch Act providing that Federal employees would be authorized to be candidates for mayor and member of the city council. This is a clear amendment to the Hatch Act which appears in neither the House nor Senate version of S. 1435. It is only accomplished by taking language from the House version, which does not amend the Hatch Act but is mere surplusage, and adding it to the Senate language to achieve an amendment to the Hatch Act.

One must ask why the provision in section 740 was in the House version at all. It seems to me that there are two probable answers: First, it was there intentionally so that when the House conferees capitulated to the Senate on the issue of partisan elections, an amendment to the Hatch Act could be effected, or second, it was mere surplusage left in at the last minute in the substitute amendment to the committee bill introduced on the floor, which can only reflect on the House which permitted the committee to come in with nearly a 150-page substitute to its own committee-reported bill at the last minute. This last-minute committee substitute was criticized at the time, and we were told what the changes allegedly were. But what we were not told about was what was left in that could cause untold mischief when we went to conference.

Perhaps this earlier action by the committee will serve to warn the House now that they must proceed with great caution in considering this conference report.

A portion of a recent decision of the Supreme Court in *U.S. Civil Service Commission* v. *Letter Carriers U.S.*—(1973), which upheld a constitutional challenge to the Hatch Act is worth repeating for your information:

> We unhesitatingly reaffirm the *Mitchell* holding that Congress had, and has, the power to prevent Mr. Poole and others like him from holding a party office, working at the polls and acting as party paymaster for other party workers. An Act of Congress going no further would in our view unquestionably be valid. So would it be if, in plain and understandable language, the statute forbade activities such as organizing a political party or club; actively participating in fund-raising activities for a partisan candidate or political party; becoming a partisan candidate for, or campaigning for, an elective public office; actively managing the campaign of a partisan candidate for public office; initiating or circulating a partisan nominating petition or soliciting votes for a partisan candidate for public office; or serving as a delegate, alternate, or proxy to a political party convention. Our judgment is that neither the First Amendment nor any other provision of the Constitution invalidates a law barring this kind of partisan political conduct by federal employees.
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> * * * * *
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> Such decision on our part would no more than confirm the judgment of history, a judgment made by this country over the last century that it is in the best interest of the country, indeed essential, that federal service should depend upon meritorious performance rather than political service, and that the political influence of federal employees on others and on the electoral process should be limited.
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> In 1966, Congress determined to review the restrictions of the Hatch Act on the partisan political activities of public employees. For this purpose, the Commission on Political Activity of Government Personnel was created. 80 Stat. 868. The Commission reported in 1968, recommending some liberalization of the political activity restrictions on federal employees, but not abandoning the fundamental decision that partisan political activities by government employees must be limited in major respects. 1 Report of Commission on Political Activity of Government Personnel, *supra*.
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> * * * * *
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> This account of the efforts by the Federal Government to limit partisan political activities by those covered by the Hatch Act should not obscure the equally relevant fact that all 50 States have restricted the political activities of their own employees."
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> Until now, the judgment of Congress, the Executive and the country appears to have been that partisan political activities by federal employees must be limited if the Government is to operate effectively and fairly, elections are to play their proper part in representative government and employees themselves are to be sufficiently free from improper influences. *E.g.*, 84 Cong. Rec. 9598, 9603; 86 Cong. Rec. 2360, 2621, 2864, 9376. The restrictions so far imposed on federal employees are not aimed at particular parties, groups or points of view, but apply equally to all partisan activities of the type described. They discriminate against no racial, ethnic or religious minorities. Nor do they seek to control political opinions or beliefs, or to interfere with or influence anyone's vote at the polls.
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This Hatch Act amendment is unfortunate, mischievous, and should be repudiated in voting to agree or disagree with the conference report.

In conclusion, I disagree with the conference report, and I strongly urge you not to vote in favor of it.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL MIDNIGHT, FRIDAY, DECEMBER 7, 1973, TO FILE A REPORT ON H.R. 11510, ENERGY REORGANIZATION ACT OF 1973

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight, Friday, December 7, 1973, to file a report on H.R. 11510, Energy Reorganization Act of 1973.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

RECESS

The SPEAKER. Pursuant to a previous order of the House, the Chair declares a recess until 5:45 p.m. today.

Accordingly (at 4 o'clock and 44 minutes p.m.), the House stood in recess, until 5:45 p.m.

JOINT MEETING OF THE HOUSE AND SENATE FOR SWEARING-IN OF GERALD R. FORD OF MICHIGAN AS VICE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Doorkeeper (Honorable William M. Miller) announced the President pro tempore and the Members of the U.S. Senate, who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the left of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints on behalf of the House as members of the committee to escort the President and Vice President designate into the Chamber: the gentleman from Massachusetts (Mr. O'NEILL), the gentleman from California (Mr. MCFALL), the gentleman from New Jersey (Mr. RODINO), the gentlewoman from Michigan (Mrs. GRIFFITHS), the gentleman from Illinois (Mr. ARENDS), the gentleman from Michigan (Mr. CEDERBERG), the gentleman from Arizona (Mr. RHODES), and the gentleman from Michigan (Mr. HUTCHINSON).

The PRESIDENT pro tempore. On behalf of the Senate, I appoint the following Senators to accompany the President of the United States and the Vice President designate of the United States into the Chamber: The Senator from Montana (Mr. MANSFIELD), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Michigan (Mr. GRIFFIN), the Senator from Nevada (Mr. CANNON), and the Senator from Kentucky (Mr. COOK).

Mrs. Gerald R. Ford was brought into the Chamber through the Speaker's Lobby, and took the seat provided for her in the well, to the right of the rostrum.

The Doorkeeper announced the Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and the Chief Justice took the seat provided for him in the well to the right of the rostrum, next to Mrs. Gerald R. Ford.

The Associate Justices took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 6 o'clock and 5 minutes p.m., the Doorkeeper announced the President of the United States and the Vice President designate of the United States.

The President of the United States and the Vice President designate of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representative, and stood at the Clerk's desk.

[Applause, the Members rising.]

Mrs. Gerald R. Ford, followed by the Chief Justice, was escorted to the Clerk's desk with the Chief Justice to the right of Mrs. Ford.

The SPEAKER. The Senate, by a vote of 92 yeas to 3 nays on November 27, 1973, having confirmed the nomination of GERALD R. FORD, of the State of Michigan, to be Vice President of the United States, and the House of Representatives by a vote of 387 yeas to 35 nays on today having confirmed the nomination of GERALD R. FORD, of the State of Michigan, to be Vice President of the United States, the proceedings required by section 2 of the 25th amendment to the U.S. Constitution have been complied with.

The gentleman from Michigan (Mr. GERALD R. FORD) has advised the Chair that he has transmitted his letter of resignation as a Representative of the Fifth District of the State of Michigan to the Governor and the Secretary of State of Michigan as required by the law of that State.

The Chair now requests the Chief Justice of the United States to administer the oath of office to the Vice President.

The oath of office was administered by the Chief Justice of the United States to the Vice President, GERALD R. FORD, his right hand raised and his left hand on the Bible held by Mrs. Ford.

[Applause, the Members rising.]

The SPEAKER. Mr. President, Members of the Congress, and distinguished guests, I have the high personal honor of presenting to you a dear friend and former colleague whom we shall all miss, but whom we all congratulate—the Vice President of the United States.

[Applause, the Members rising.]

ADDRESS OF THE VICE PRESIDENT OF THE UNITED STATES

The VICE PRESIDENT. Mr. Speaker, Mr. Chief Justice, Mr. President pro tempore, distinguished guests, and friends:

Together we have made history here today. For the first time we have carried out the command of the 25th amendment. In exactly 8 weeks, we have demonstrated to the world that our great republic stands solid, stands strong upon the bedrock of the Constitution.

I am a Ford, not a Lincoln. My addresses will never be as eloquent as Mr. Lincoln's. But I will do my very best to equal his brevity and his plain speaking.

I am deeply grateful to you, Mr. President, for the trust and the confidence your nomination implies.

As I have throughout my public service under six administrations I will try to set a fine example of respect for the crushing and lonely burdens which the Nation lays upon the President of the United States. Mr. President, you have my support and my loyalty.

To the Congress assembled, my former colleagues who have elected me on behalf of our fellow countrymen, I express my heartfelt thanks.

As a man of the Congress, let me reaffirm my conviction that the collective wisdom of our two great legislative bodies, while not infallible, will in the end serve the people faithfully and very, very well. I will not forget the people of Michigan who sent me to this Chamber or the friends that I have found here.

Mr. Speaker, I understand that the United States Senate intends in a very few minutes to bind me by its rules. For their Presiding Officer, this amounts practically to a vow of silence. Mr. Speaker, you know how difficult this is going to be for me.

Before I go from this House, which has been my home for a quarter century, I must say I am forever in its debt.

And particularly, Mr. Speaker, thank you for your friendship which I certainly am not leaving. To you, Mr. Speaker, and to all of my friends here, however you voted an hour ago, I say a very fond goodbye. May God bless the House of Representatives and guide all of you in the days ahead.

Mr. Chief Justice, may I thank you personally for administering the oath, and thank each of the Honorable Justices for honoring me with your attendance. I pledge to you, as I did the day I was first admitted to the bar, my dedication to the rule of law and equal justice for all Americans.

For standing by my side as she always has, there are no words to tell you, my dear wife and mother of our four wonderful children, how much their being here means to me.

As I look into the faces that fill this familiar room, and as I imagine those faces in other rooms across the land, I do not see members of the legislative branch or the executive branch or the judicial branch, though I am very much aware of the importance of keeping the separate but coequal branches of our Federal Government in balance. I do not see Senators or Representatives, nor do I see Republicans or Democrats, vital as the two-party system is to sustain freedom and responsible government.

At this moment of visible and living unity, I see only Americans. I see Americans who love their country, Americans who work and sacrifice for their country and their children. I see Americans who pray without ceasing for peace among all nations and for harmony at home. I see new generations of concerned and courageous Americans—but the same kind of Americans—the children and grandchildren of those Americans who met the challenge of December 7, just 32 years ago.

Mr. Speaker, I like what I see.

Mr. Speaker, I am not discouraged. I am indeed humble to be the 40th Vice President of the United States, but I am proud—very proud—to be one of 200 million Americans. I promise my fellow citizens only this: To uphold the Constitution, to do what is right as God gives me to see the right, and within the limited powers and duties of the Vice Presidency, to do the very best that I can for America.

I will do these things with all the strength and good sense that I have, with your help, and through your prayers.

Thank you.

[Applause, the Members rising.]

At 6 o'clock and 21 minutes p.m., the President, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper—Hon. William M. Miller—escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Ambassadors, Ministers, and Charges d'Affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 6 o'clock and 23 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate, together with the Vice President, retired to their Chamber.

AFTER RECESS

The recess having expired at 6 o'clock and 28 minutes p.m., the House was called to order by the Speaker.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess of the House be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

RESIGNATION AS MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communications:

WASHINGTON, D.C., *December 3, 1973.*

Hon. CARL ALBERT,
The Speaker, Washington, D.C.

DEAR MR. SPEAKER: I enclose a copy of my letter of resignation as a Representative of the Fifth District of the State of Michigan in the House of Representatives, effective upon my becoming Vice President of the United States. As required by Michigan law, this has been submitted to the Governor and the Secretary of State of the State of Michigan.

Because it is impossible, I shall not attempt to express my thanks for your many courtesies or my regret at leaving the House of Representatives after nearly 25 years.

Warm personal regards,

GERALD R. FORD
Member of Congress.

WASHINGTON, D.C.,
November 30, 1973.

Hon. WILLIAM G. MILLIKEN,
Governor, State of Michigan,
Lansing, Mich.

DEAR GOVERNOR MILLIKEN: I am advised by the Speaker of the U.S. House of Representatives that the final vote on my confirmation as Vice President of the United States under the provisions of the 25th Amendment to the United States Constitution has been scheduled for Thursday, December 6, 1973.

Since the precise date and hour cannot be specified in advance, I am hereby submitting my resignation as a Representative from the Fifth District of Michigan to be effective upon my becoming Vice President of the United States.

It has been a great honor and privilege to serve the people of Michigan for nearly 25 years in the House of Representatives and I will continue to serve them, together with all the people of the United States, when I am confirmed in the Vice Presidency.

Warm personal regards,

GERALD R. FORD,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS FLOOR ASSISTANT TO THE MINORITY

The SPEAKER laid before the House the following communication:

WASHINGTON, D.C.,
December 5, 1973.

Hon. CARL ALBERT,
The Speaker,
Washington, D.C.

DEAR MR. SPEAKER: I hereby submit my resignation as one of the Floor Assistants to the Minority, generally known as Minority Sergeant at Arms, effective as of the time that the Honorable Gerald R. Ford becomes the Vice President of the United States.

It has been a great privilege to serve the House of Representatives for eight years and as one of the elected minority officers in the 91st, 92d and 93d Congresses. May I express to you my personal thanks for your many courtesies and my sincere regret at having to leave the House which I will always revere and love.

Respectfully,

ROBERT T. HARTMANN,
Assistant to the Minority Leader.

LEGISLATIVE PROGRAM FOR FRIDAY, DECEMBER 7, 1973

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I take this time for the purpose of announcing the schedule for tomorrow.

We are dropping from the program tomorrow H.R. 11171, the foreign aid appropriations for fiscal year 1974, and H.R. 11088, emergency security assistance to Israel and Cambodia. We expect that they will be scheduled for next week.

On the program for tomorrow will be H.R. 11459, the military construction appropriations conference report, and then H.R. 9107, Federal retirement annuities.

THE ENERGY SHORTAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. SYMMS) is recognized for 5 minutes.

Mr. SYMMS. Mr. Speaker, the whole country is now painfully aware that we are in the middle of a severe shortage of energy—a shortage which not only threatens to cut into our conveniences and comforts, but into our livelihoods as well.

It is time that we all began to face facts. The most important fact today, Mr. Speaker, is that this shortage of fuel was largely caused by Government. The second most important fact is that Government, having got us into this mess in the first place, is at this very moment threatening to get us in still deeper.

Various Government officials whose policies caused our present crisis are right now searching frantically for scapegoats. Scapecoat No. 1 is to be the Arabs. The fact is, however, that every informed person knew at least a year ago, long before the Arab boycott started, that the United States would face a critical shortage of fuel this winter. The most important cause of this shortage is not the Arabs, but: First, our lack of refining capacity to turn out gasoline and other fuels and second, the sharp reduction in our energy production caused by the excessive environmentalist craze which has for the past several years put the interests of ecology before the needs of the people. Both these causes of our energy crisis are in turn due to misplaced and misguided Government regulations and interventionism.

Many Government bureaucrats now even have the gall to offer us a second scapegoat—the American people. We are now told that Americans are "energy pigs" because we have 6 percent of the world's population and use about a third of the world's energy. What these bureaucrats, who are now mainly interested in covering up their own mistakes and saving their own skins, fail to mention is that the American people also produce over a quarter of the world's goods and services. The Arabs, to name just one group of people, would find themselves hard pressed without American medical supplies and American technology. What would the Russians do without capitalist produced food?

The American people have no reason to be ashamed because we have automobiles and central heating. We have these things because we have worked for them and earned them.

Let me just review briefly, Mr. Speaker, exactly how Government has brought on this crisis.

First. Government put a ceiling price on natural gas. Such ceiling prices increase use and discourage exploration and the development of new sources of gas.

Second. Government has treated coal in much the same way. Banning the use of coal with high sulfur content, restricting strip mining, and, of course, freezing the price all combine to restrict supplies by reducing production. Higher production costs are forbidden to be offset with higher sales prices and so investment and new sources are once again discouraged.

Third. Atomic power, which next to coal represents our best hope for putting the country on its own two feet again, has been hamstrung and delayed by Government intervention piled upon intervention. Construction of nuclear power plants has been delayed for years by confusing and uncertain licensing requirements. Operation at full power has been delayed even after construction and the construction of many new plants has been delayed by environmentalist lawsuits.

Fourth. With natural gas, coal, and nuclear power handicapped by the deadweight of thousands of bureaucrats, petroleum experienced the most intensive treatment of all. First of all, and most important, our refining capacity has been crippled by environmental legal tactics to restrict refining sites, by onerous Government regulations, and by the freezing of prices of oil products, thereby keeping oil companies from obtaining the needed capital for necessary expansion.

Even the pro-Government Harvard economist John Kenneth Galbraith agrees that—

> In the United States the scarcity of gasoline and home heating oil is due primarily to a shortage of American refining capacity, which is not expected to be made up before 1977. So long as capacity is inadequate, and there is little slack elsewhere in the world,

> product will be short even if crude oil is available without limit.

Not content with insuring that we would have less oil than we need, at least until 1977—not just until 1974 as a highly placed optimist has recently promised—newly enacted Government regulations have required gas-guzzling emission control devices on all new cars. This one law alone has had the effect of eating up at least 20 percent of our gasoline supply.

In addition, over the past few years, Government has banned the use of oil containing a certain percentage of sulfur with obvious effects, delayed the use of much-needed Alaskan oil by interminable arguments over the ecological effect of the pipeline, and it has stopped or slowed down the drilling for new sources of off-shore oil.

For good measure, the Government has been holding down the price of gasoline to a point lower than market demands, thereby insuring increased use and the inevitable market dislocations.

Not content with all this, Mr. Speaker, the same people who gave us this totally unnecessary energy shortage are now gearing up to present us with a full-scale depression. The country must realize that we are now in very serious danger of an unemployment rate ranging from 8 to 14 percent by next spring and that is nothing less than a depression.

Let me just review once again, Mr. Speaker, some of the specific half-baked schemes now being readied by the wonderful wizards of Washington.

First. The Federal Energy Administration—which through no fault of its own was born yesterday—is now seriously discussing plans to hire 2,500 bureaucrats and, as soon as they can man their desks, they will begin to implement policies which may well put over 10 million productive Americans out of work.

Second. The proposed cuts in the general aviation industry alone—40-percent cut in business general aviation—will throw at least 100,000 workers onto the unemployment rolls. This bright idea if put into effect will simply destroy an industry which the country may well need at some point in the future. My own State of Idaho, and most of the Western States, are greatly dependent upon the general aviation industry to keep our economies going. The indirect loss of jobs, needless to say, will be far greater than the 100,000 directly affected. The situation is no different in the recreation industry and will have an immediate economic impact in Idaho running into millions of dollars.

Third. The proposed sharp cuts in energy allocation for agriculture will inevitably result in food shortages and then higher food prices. The American people cannot eat oil anymore than the Arabs can; without food we cannot expect to do much else.

Fourth. There are plans for 4-day weeks. In the case of the Federal Government this might not be too bad; that way we will be able to inflict 20 percent less damage upon the rest of us. But more seriously, what we must do is work more not less in order to dig ourselves out of the pit the bureaucrats have pushed us into. We all must work harder to pay for the increased costs of the energy that we have become accustomed to using.

Fifth. Cutting down on speed on the highways, voluntarily saving gasoline, and turning down thermostats are certainly helpful at this time. We must not let the Government fool us, however, by talking about these relatively small savings. The real issue, I cannot stress too often, is misplaced Government controls and interventionism. Once we get the Government off the backs of the energy producers and other hard-working Americans the problem will be solved.

Sixth. Daylight savings time, in my view, is more of this same action for action's sake which makes little difference. Setting a clock back or ahead an hour is simply like cutting the bottom off a blanket and sewing it on the top. Such brilliant ideas are always popular with bureaucrats since it means a few more jobs for people who like doing that sort of thing.

Seventh. Perhaps the very worst disaster that is waiting for us is gasoline rationing. While rationing worked to a fair degree during World War II—when we had about one-third of the cars we have now—the economy then was geared to an all out war effort and there was a good deal of patriotic cooperation. Peacetime rationing is quite another matter. Justice does not require treating everyone alike, but treating like cases alike. It would require hundreds, perhaps thousands, of local "gasoline boards" to try to be fair to millions of Americans all of whom have different energy needs. What is fair to a city-dweller who has public transportation available is obviously unfair to a farmer in Idaho who is wholly dependent upon his car. If we are to have rationing, we had better import several battalions of Soviet bureaucrats who have had 56 years experience in allocating materials and only foul up about half the time. The inevitable result of rationing would be a widespread black market in which disrespect for the law would grow like a cancer across the country. A market already distorted would be distorted still more. Instead of solving the energy crisis, rationing would prolong it, in fact institutionalize it. Gasoline rationing inspector would become a recognized career for young people.

Eighth. An additional tax on gasoline will not solve any problems. It would merely line Uncle Sam's pockets with taxpayer dollars without adding one drop of fuel to the supply at hand. If prices must rise, let them rise in a free market as an incentive to industry to develop new energy sources and increase refining capacity. As in all supply-demand equations, as free enterprise acts to increase supplies to take advantage of higher prices, this larger supply will force prices back into perspective. This simple rule has been infallible since man first began to barter. I am constantly amazed at bureaucratic arrogance and its belief that history can be ignored or rewritten at will.

Mr. Speaker, I cannot overemphasize the dangers which the country is now facing. I believe we have reached a point where we could do well to pay attention to the words of Herman Goering when he was a prisoner in 1945. Speaking to Henry J. Taylor, the well-known journalist, the former Reichsmarshal and czar of the economy of the Third Reich said:

> Your America is doing many things in the economic fields which we found out caused so much trouble. You are trying to control people's wages and prices—people's work. If you do that, you must control people's lives. And no country can do that part way. I tried it and failed. Nor can any country do it all the way either. I tried that too and it failed. You are no better planners than we. I should think your economists would read what happened here. . . Will it be as it always has been that countries will not learn from the mistakes of others and will continue to make the mistakes of others all over again and again?

If Herman Goering finally learned this lesson, is it too much to hope for the present planners in Washington to read a little history and finally learn their lesson also?

What should be done? What can we do now to get ourselves out of the mess our Government has pushed us into? As I have been saying for the past year I have been a Member of this House, Mr. Speaker, the Government should get the hell out of the way and let American workers, farmers, and businessmen get on with the job.

First. First of all, we should repeal all the crippling "ecology" legislation which has grown up in the past decade. Our environment is certainly important, but Americans should be told the true cost of each of these laws. That is, they should be allowed to decide if they want to preserve a number of square miles of Alaskan wilderness and pay $2 a gallon for their gasoline. Or, would they prefer to have a pipeline cut through Alaska and pay 50 cents a gallon? The American people have a right to the facts and the right to make their own decision.

Second. We should remove the price controls on gasoline, in fact we should remove all price and wage controls and let the free market operate. The price of gasoline will certainly rise for a while, but, with increased profits the oil companies will be able to develop new sources of oil from coal, tar sands, oil shale, and conventional wells. With increased production supply will rise to meet demand. When that happens prices will fall. This process recently happened in the case of beef. A higher price for gasoline will be superior to rationing since it will insure that those who need gasoline the most will be willing to pay for it; if a low-paid worker needs gasoline to get to his job, his employer will increase his wages to meet this new need. As a matter of fact, the real price of gasoline—1973 dollars compared with 1963 dollars——has actually fallen by 8 percent in the last 10 years. So a price rise has been overdue for some time now in any event. This situation, of course, has contributed greatly to our present shortage.

In a free market, when the price of a good starts to rise three forces immediately go to work. First, people start to use the good to the extent that they really need it; second, producers and consumers begin the search for new sources or a cheaper substitute or both; and third, producers attempt to expand production by employing technology more effectively to meet the demand. It is this free market process that has always supplied our needs in the past; we will run short of energy only if we frustrate that process and hamper the free and creative efforts of our people with the dead hand of bureaucracy.

Third. We must also encourage by every means the so-called exotic sources of energy as my colleague from Arizona, Hon. JOHN B. CONLAN has recently pointed out on the floor of this House. Atomic energy, solar energy, coal gasification and liquification, geothermal energy, tidal and wind power, and magnetohydrodynamics all offer promise of eventually making America self-sufficient in energy.

Fourth. We must not, as I have emphasized before, allow ourselves to be diverted from these permanent solutions by the sugar-coated public relations gimmicks of panicky Federal planners. Lower thermostats and slowed speeds on our highways will help carry us through this immediate situation. Attention to our export situation is needed, but let us not lose our perspective.

We are talking about 68,000 barrels a day, a great deal of which returns again to this country after foreign refinement. A good deal more of these exports leave the country from close to the Mexican and Canadian borders as a matter of geographic necessity. Pipeline is not available to retain it in the United States. Again, there is merit in all of these considerations, but they pose no long-term answers.

We must bear in mind that we are now going through America's second energy crisis. The first occurred in the middle of the nineteenth century when whale oil was the chief means of lighting our lamps. As our population grew, naturally more and more whale oil was required. As demand exceeded supply, the price, of course, rose. With rising prices there was pressure—and incentive—to develop a substitute. In 1859 petroleum was discovered in Pennsylvania and in 1867 kerosene broke the whale oil market. Whale oil prices fell and cheap kerosene was available to meet the increased demand. This process holds obvious lessons for us all; America's first energy crisis was solved without the use of Government controls by making use of the free market. If we had controls and rationing of whale oil in 1850, I would not like to speculate on where the country would find itself today.

A lot of my constituents are genuinely puzzled about how such a crisis could have hit us full in the face without some advance warning. I ran across an interesting quotation from the September 1960 meeting in Los Angeles of the American Association of Petroleum Geologists, in which Michel Halbouty said:

> I can safely predict that between now and 1975 we will have an energy crisis in this country. Then the people will say—"The industry is to blame. Why weren't we told?"—Well, I'm telling them now.

And there is a great deal more documentation during the period from 1940 to the present in which the crisis was forecasted. None is more distressing to me than a Senate Interior Committee forecast prepared in 1947. This detailed analysis of American energy proved to be remarkably accurate through 1972. Today, eight men who participated in that study still serve in this Congress—AIKEN, EASTLAND, MCCLELLAN, MAGNUSON, FULBRIGHT, YOUNG, SPARKMAN, and STENNIS. Why were not each and every one of these men on their feet and screaming when their colleague, Senator MANSFIELD moved to virtually eliminate all coal mining on public lands right in the midst of a full-blown, critical shortage of domestic energy supplies predicted more than 25 years before?

I think I have made it clear, Mr. Speaker, where the responsibility for our present crisis lies. If we want to be self-sufficient in energy by 1980 we know where to begin. Let liberty vis-a-vis free enterprise work instead of trying to make total control vis-a-vis socialism work.

Mr. Speaker, if we here in the policymaking board do not use statesmanship and foresight today to get the Government out of the way of solving this problem, we have no future. Stop Government remedies that kill the patient. Repeal. You do not offer another length of rope to a man who is already strangling. When history is written, the blame will clearly and fairly be given to the governmentality of the politicians and constituencies of 20th century Americans.

POLICE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. METCALFE) is recognized for 30 minutes.

Mr. METCALFE. Mr. Speaker, in July of this year a blue ribbon panel, which I had the honor to chair, released a report entitled "The Misuse of Police Authority in Chicago." The report, and the recommendations contained therein, was based on hearings held in Chicago on June 26, July 17, 24, and 31, 1972.

In the early part of 1972 the Concerned Citizens for Police Reform was created "to seek reforms in the administration and conduct of the Chicago Police Department and its employees." The report states:

> Although the new organization maintained an awareness of other forms of police misconduct, it (the CCPR) stressed the fact that its main focus and principal activities would be directed toward abusive police conduct against citizens.

Because of the failure of the police department, and the city administration, to enter into any type of a meaningful dialog concerning these problems, the Concerned Citizens for Police Reform asked me to hold hearings. I convened a blue ribbon panel and held 4 days of hearings. The panel, a group of private citizens, represented a cross section of the professional and ethnic communities of Chicago.

The hearings brought out a deep feeling of resentment which many individuals held against the police department. The feelings of hostility were held against the police department as a whole, although the reason for the resentment grew out of the misconduct of a few.

In recent months several reports have been issued concerning the activities of the Chicago Police Department.

A report issued by the Chicago Law Enforcement Study Group in 1972 "The Police and Their Use of Fatal Force in Chicago" found that the city's civilian death rate at the hands of law enforcement officers to be nearly 1½ times the Philadelphia rate and more than 3 times the rate for New York, Los Angeles, and Detroit.

In its report the Chicago Law Enforcement Study Group stated that 75 percent of the civilians killed in Chicago were black.

Another report issued this year by the same organization "The Selection and Hiring of Chicago Policemen" stated that the study group undertook an extensive investigation of the police selection system's strengths and weaknesses to determine whether substantial reform was indead required." The report concluded:

> That the selection process is poorly equipped to perform the sophisticated task of filling the manpower needs of the Chicago Police Department.

The Chicago Law Enforcement Study Group is a joint research project of the Center for Urban Affairs of Northwestern University and the Alliance to End Repression, American Civil Liberties Union, Business for the Public Interest, Chicago Commons Association, Chicago Council of Lawyers, Chicago Urban League, Community Legal Counsel, Community Renewal Society, Leadership Resource Program, Legal Aid Bureau of United Charities of Chicago and the Roger Baldwin Foundation of the American Civil Liberties Union.

A Survey of the Chicago Police Department conducted by the International Association of Chiefs of Police stated:

> In spite of the elaborate procedures established for disciplinary and internal investigation, records of the department indicate there are continuing breaches of discipline, ethical compromise and misconduct on the part of Chicago police officers. We recognize that any large department will always have disciplinary problems to contend with. However, we are concerned about the shortcomings of the disciplinary system at the level of execution.

The need for a police department in our society is beyond dispute. We are ruled by laws, laws adopted and accepted by free men. These laws must be enforced in a fair and equitable manner.

However, because of the problems inherent in the enforcement of the law, the possibility does exist that there will be misconduct, police harassment of civilians and, in fact, police brutality. These types of actions are often directed towards those not in a position to defend themselves, or to state it bluntly those having little or no political clout.

The individual citizen should and must be able to seek redress of grievance for violation of civil rights under color of law. He can in fact do this under 42 U.S.C. § 1983. This section of the Code states:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territority subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

At the present time individual police officers may be sued under this statute. But, as the late Congressman RYAN pointed out on the floor of the House in May 1971:

> The consequence is that a police officer found guilty of an unlawful act may well be judgment—proof—in the sense that the damages awarded cannot be recovered from him for lack of funds—and the system of law enforcement, by virtue of its immunity, feels little pressure to discourage subsequent misconduct.

On February 20, 1961, Mr. Justice Douglas writing for the Court in Monroe against Pape, stated that the city of Chicago was not liable under this statute, 42 U.S.C. § 1983, because Congress did not intend to bring municipal corporations within the provisions of that section. Douglas wrote:

> We are of the opinion that Congress did not undertake to bring municipal corporations within the ambit of 1979. (Revised Statute).

By refusing to grant a writ of certiorari in Yumich against city of Chicago the Court, in effect, adhered to the principles of Monroe against Pape.

Therefore, I am introducing legislation which will amend 42 U.S.C. § 1983 to make all "bodies politic" responsible for the actions of their agents.

I am of the opinion that if a municipality is held liable in a Federal court "to the party injured in an action at law, suit in equity, or other proper proceeding for redress," for the action of its police officers, then that unit of government will be apt to move more swiftly to guarantee the rights of all citizens. It is, if I may so state it, known as a constitutional right guaranteed through fiscal accountability.

Prof. Kenneth Culp Davis, in his "Administrative Law Treatise," addressing himself to the point of accountability, stated:

> Policemen, as experience proves, are largely indifferent to theoretical personal liability, which is sporadically imposed and which typically lags years behind the abuse. But policemen, like any other employees, do respond to rules enforced by their supervisors, for the enforcement may be steady, swift, and sure, and the penalties, including suspension or dismissal, provide fully effective motivation.

If the municipality can be held liable under this statute and if that municipality realizes that it may pay out thousands of dollars in damages, the body politic involved may maintain a very close scrutiny over the actions of its police officers.

The U.S. Commission on Civil Rights stated in 1970 that—

> Suits against individuals under section 1983 have not deterred police officers and other public officials from infringing upon peoples' constitutional rights. To impress State and local governments with the need to prevent their officers, employees, agents, or representatives from violating the constitutional rights of others, Congress must act to make State and local governments amenable to suits for damages arising from such unconstitutional acts. A State should not be able to shield itself from the enforcement of constitutional protections by claiming that sovereign immunity protects it from suits for damages.

I think that this legislation is one of the most effective ways of holding police officers accountable for their actions. I realize that violations of civil rights under color of law are committed by only a few and that most of the police officers in this country are committed to enforcing the law in a fair and equitable manner. However, the fact that the danger does exist and that violations do occur, is sufficient reason to justify this legislation. All our citizens must receive equitable treatment under the law.

Here I enclose the text of the bill and a copy of an editorial from the Septembr 17, 1973, issue of Nation magazine:

H.R. 11827

A bill to amend section 1979 of the Revised Statutes (42 U.S.C. 1983) to permit suits against bodies politic and the District of Columbia with respect to certain violations of civil rights

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended—

(1) inserting immediately after "person" the following: "(including any body politic)"; and

(2) by striking out "any State or Territory," and inserting in lieu thereof "any State, territory, or possession of the United States (including the District of Columbia),".

[From the Nation magazine, Sept. 17, 1973]

THE METCALFE REPORT

In most cities with large minority-group populations tension exists between police and the black or other colored population. Members of these communities are far more likely to be abused and beaten up by police officers than are whites. Chicago has such a bad record in this respect that in June and July of 1972 Ralph H. Metcalfe, black member of Congress from Illinois, convened a blue-ribbon panel of community leaders concerned with the problem. The group included lawyers and law professors, clergymen, businessmen, officials of civic organizations, et al. Its report, "The Misuse of Police Authority in Chicago," should be of nationwide interest.

The police department of any large city is a paramilitary organization, a majority of whose members tend to follow an authoritarian code and to expect service behavior from ordinary citizens, especially from nonwhites. In Chicago the situation was aggravated by Mayor Daley's order to "shoot to kill and aim to maim" during the riots following the assassination of Dr. Martin Luther King in April 1968. The record of former State's Attorney Edward V. Hanrahan, who never prosecuted a single case of police abuse, made matters worse. In the black and brown ghettos a civilian in a car, stopped by the police on some trivial reason or none at all, is likely to be insulted, beaten up and arrested if he remonstrates. The usual procedure in such cases is for the police to charge the victim with resisting arrest, assault and disorderly conduct. Thus put on the defensive, he will usually settle by dropping charges against the police.

He might as well, since the police investigate themselves. Chicago's police department has an Internal Affairs Division which is in effect a cover-up organization for misbehaving cops. In 1971 IAD reported 1,156 completed investigations of charges of excessive force and other violations of civil rights. Of these, 16, or 1.4 per cent, were sustained. Other types of complaints numbered 3,938 and 27 per cent of these were sustained, a significantly different showing. IAD's proceedings are secret and complainants usually receive no word of the disposition of their charges.

The Chicago police are free with their guns—for pistol-whippings when they are in a moderate mood, but there is plenty of firing also. A 1972 report of the Chicago Law Enforcement Study Group, "The Police and Their Use of Fatal Force in Chicago," found the city's civilian death rate at the hands of law enforcement officers to be nearly one and one-half times the Philadelphia rate and more than three times the rate for New York, Los Angeles and Detroit. Seventy-five per cent of the civilians killed in Chicago were black.

All this, however appalling, is scarcely new and the principal, constructive interest of the Metcalfe report is in its recommendations. For the past thirteen years Chicago had had a police board consisting largely of business and labor executives closely associated with the city administration. All general orders and police department directives are submitted to the board for approval, but only after they have already been put into effect, and the board has never dissented or even debated the actions taken by the superintendent of the department. The Metcalfe panel wants the board membership to be increased from the present five to fifteen members, of whom six would be appointed from a list submitted by organizations that have been active on behalf of minorities. The board would be given comprehensive power to oversee the operations of the police department and to impose disciplinary penalties.

An independent investigating agency would be established to receive complaints and make factual determinations of excessive force, other violations of civil rights and criminal activity of any kind by policemen. The Metcalfe panel points out that this agency would not be a civilian review board with authority to impose discipline. Its function would be that of fact finding; the imposition of penalties would continue to be the responsibility of the police board and the superintendent of police.

The Civil Service Commission's police appointment procedure should include measures to screen out undesirable candidates on the basis of psychological evaluations. The policeman's lot is not an easy one, a fact recognized not only by Gilbert and Sullivan and the police themselves but all fair-minded citizens. It is important to exclude bullets, racists and the easily upset.

These are a few of the principal Metcalfe recommendations. Essentially, they amount to making the Chicago police department responsive to the citizenry, without distinction of race or color. Chicago is a good place to start, since there conditions are at their worst, but the need is nationwide, and such reforms are in the long-run interest of the police as well as the people they are sworn to serve and protect.

HEARINGS ON OUTER CONTINENTAL SHELF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Eilberg) is recognized for 5 minutes.

Mr. EILBERG. Mr. Speaker, yesterday I announced that my Subcommittee on Immigration, Citizenship, and International Law will hold 1 day of oversight hearings on the Outer Continental Shelf Lands Act of 1953.

It has now been determined that this hearing will be held on Wednesday, December 12, 1973. Witnesses for this day of hearings have already been scheduled but I wish to emphasize that these oversight hearings will continue in the second session of the 93d Congress.

At that time we will be able to hear from congressional witnesses as well as other representatives from the executive branch. In addition to considering the operation of the Outer Continental Shelf Lands Act, these additional hearings will also deal with H.R. 9132, a bill to create a marine resources conservation and development fund; to provide for the distribution of revenues from Outer Continental Shelf lands; and for other purposes.

ON THE CONFIRMATION OF GERALD FORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Rosenthal) is recognized for 5 minutes.

Mr. ROSENTHAL. Mr. Speaker, I rise in opposition to the confirmation of Gerald Ford as Vice President of the United States.

My vote against Mr. Ford today is based on two considerations: first, on my duty as the Representative of the people of the Eighth Congressional District of New York, under the 25th amendment, to make an independent determination of the nominee's qualifications. I do not believe that Mr. Ford's views on economic policy, tax reform, national defense, civil rights, civil liberties, consumer protection, urban affairs, and the like properly represent the needs and aspirations of my constituents.

My opposition also rests on the unique circumstances surrounding Mr. Ford's nomination by President Nixon—circumstances that were clearly not contemplated by the 25th amendment. I am referring, of course, to the fact that this nomination comes from a man who is currently under investigation by a committee of the House of Representatives for the possible commission of impeachable offenses. Having undertaken, an investigation of the President's conduct in office, it is clearly inappropriate for us to permit Mr. Nixon to name his possible successor. The more reasonable process for selecting a Vice President would have been for the Congress to have approved pending legislation for a special election.

Mr. Ford has undoubtedly undergone the most thorough review of a candidate's personal background and ethical posture of any in our Nation's history. He is a man of unquestionable integrity, honesty and good will—character traits the importance of which we have especially come to understand in recent months.

But in my judgment, the congressional process which has brought us to the point of today's vote has not measured up to the needs and demands of the times. I find it extremely regrettable that during these difficult days at home and abroad, Congress has directed so much of its confirmation effort to the question of Mr. Ford's fitness for the Vice Presidency and so little to the question of his potential for performance as President.

Congress' role in selecting a Vice President, under the 25th amendment, should be to recreate to the greatest extent practicable the conditions of an arduous national campaign and imitate the searching questions and demands of the electorate during such a campaign. The single most valuable aspect of a Presidential campaign is that it subjects a candidate's political platform to searching public cross-examination and his personal mettle to the kinds of stresses and strains that are not unlike those experienced by a President.

With some exceptions, Congress has failed to accomplish these purposes and as a consequence we know little more about Gerald Ford's real potentialities for the Presidency than we did before.

WHERE DO WE GO FROM HERE? THE DEMOCRATIC PARTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. Owens) is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, at a time when so many people are turning away from politics in despair and disgust, our colleague from Arizona (Mr. Udall) has once again brought attention to those goals which make politics a worthy profession.

Few Members of this body are able to articulate so well our current national predicament. Although the article he has written for the New Republic magazine focuses on the Democratic Party, his significant analysis of immediate and long-term national problems offers a broad insight for all of us in Congress. I highly recommend it to all of my colleagues, and therefore, insert it in the Record:

Where Do We Go From Here? The Democratic Party

(By Morris K. Udall)

"I belong to the increasing body of Americans who cannot forget that parties are instruments."—Felix Frankfurter.

"I belong to no organized political party, I'm a democrat."—Will Rogers.

It is a mistake to think that grim news for the Republicans is good news for Democrats. I don't believe that Republican troubles guarantee Democrats the two-thirds congressional majority in 1974 needed to override vetoes, or a Democratic take-over of the White House in 1976. Unless the Democratic Party can get itself together, it will be no better able to pick up the political pieces than a man with a broken back and no hands.

As we turn the corner into 1974 we Democrats are getting along better than we did a year or two ago, but we're still arguing over party rules and assigning guilt for previous defeats. And meanwhile a gathering storm that threatens the stability of the nation goes almost unnoticed. Consider:

The climax of an 18-month attack in the international market which left that worldwide symbol of value and stability—the US dollar—minus 80 percent of its purchasing power in foreign countries;

A President who, glimpsing light at the end of the tunnel, released the economy from controls only to find, instead of light, another tunnel. Inflation is running amok; this year's price rise could by itself exceed that of the five-year period 1961–63;

An administration that in the last five years has allowed us to stumble into an energy crisis that will close factories and schools and leave millions of homes unheated this winter—and, in all likelihood, produce gas rationing, more inflation and further devaluations of the dollar in the months ahead;

A new war in the Mideast that shook liberal (and now Nixon) theories of detente, at a time when worldwide shortages of basic materials raised serious concerns about future relations with our traditional allies;

The possibility for the first time in our history that the two highest offices in the land could in close succession be vacated by incumbents under fire, resulting in the speaker of the House succeeding to the presidency. All that, plus near collapse of confidence at home in the honor and competence of the highest officers of our government—a collapse that inevitably undermines the confidence of governments abroad in the leadership and stability of the United States.

Buried in the debris of 1973 is a political system that has been corrupted by money, a bloated economy that has been tranquilized into a false sense of security by a drug named "growth," a high level of technology and leisure that has run out of cheap energy, and a foreign policy that still innocently assumes that Americans can impose conditions on other nations that we ourselves will not accept. I have no doubt of our national resilience. But it must be said that by the fall of 1973 the ingenuity and optimism that within three decades helped save the world from Hitler, rebuilt Europe, and opened the frontier of space are less visible than at any time since the Great Depression.

I don't claim to have the answers, but let me suggest, in necessarily sketchy fashion, the dimensions of a national dialogue that must begin immediately.

In 1972 about 45 percent of all eligible adults failed to turn up at the polls, the worst showing in 25 years. There were more eligible voters who failed to register an opinion than those who cast ballots for President Nixon. To their ranks we must now add a new group: actively *cynical* voters turned off by hypocrisy of the last decade and now repelled by Watergate and the Agnew scandal. These are educated, independent, opinion leaders; their votes have often determined the outcome of elections. If they bail out of the system—and the indicators are more ominous than most politicians want to believe—representative government will be in worse shape than it is today. At a minimum their cynicism could spell the end of the two-party system, opening the door to splinter parties and bitter ideological rifts. I seriously question whether America would be governable under such conditions.

The immediate Democratic response ought to be twofold. First, we ought to press the Congress for at least some modest public contribution to campaign financing, and we ought to limit the clout of private donors (labor as well as corporations), and put an end to election by television commercials. The failure of the Democratic leadership to seize this issue would be a historic blunder, but it hasn't grabbed it yet. Earlier this year the Senate put public finance on the back burner, while approving reforms in the current system that opponents claim favor incumbents. The House didn't even schedule hearings on the subject until late in the year, virtually ruling out floor action until sometime in 1974, when then-active candidates, will drag out the old complaint that "you can't change the rules in the middle of the game." The cold fact is that if Congress does nothing substantial about campaign financing in this year of Watergate, we won't have substantial reform in this decade.

A very large number of election day "no shows" don't vote because they can't. They are victims of a weird maze of registration laws. We ought to have some kind of universal registration; government ought to *care* whether you vote or not and try to make it easy. Here again universal voter registration proposals are having tough sledding in the Congress.

Election reform is not only desirable for its own sake but as the first step to the kind of tax reform and health insurance policies the working man is rightfully demanding. Despite the labor hall oratory of congressional and presidential candidates, neither program has gone anywhere precisely because the current system depends upon the largess of the one economic segment of our society that stands to lose by their adoption. The political necessity of such changes will be made apparent to both parties only when through a measure of public financing, campaign costs are underwritten by a broader base of small contributors.

Democrats don't have the answers to Mr. Nixon's economic delemma—not yet. But we know, or should, that the Democratic wisdom of the 1960s known as "the new economics" is largely "inoperative." Gone are the days when U.S. products were unrivaled in the world market, when our supplies of basic materials seemed unlimited, when we thought wages and profits could soar while inflation remained under control and the dollar stable. No one likes to talk about this, but some fundamental changes lie immediately ahead.

It is easier to say what went wrong than how to right it. Some of the trouble is attributable to the ingenuity of our competitors, principally the Germans and Japanese, who rebounded from World War II with phenomenal economic and technological growth. But there were other things that were within our control. There was the assumption made somewhere along the line that it was America's duty to garrison the globe, with troops and bases in 100 countries. Our fear of the Soviet Union nourished an outsized military establishment. We got sucked deeper and deeper into the endless and costly Vietnam war. Intoxicated with success and seemingly unlimited profits and higher wages, American labor became less productive than their counterparts in other nations. Big business grew bigger, and we slipped into conglomerate arrangements that vitiated competition in vital industries and built unnecessary inflation into the economy. We degraded our environment, for which we are now paying, and we let a few shortsighted companies shape an energy policy that is now little short of a national disaster. A decade ago, how many of us thought we would live too see the time when the disclaimer "Made in Japan" lent prestige to products, and when in the international market the yen and mark were preferred to the dollar?

What is to be done? As a start we need to restore competition in the "big sector" of industry. We may have to move against some conglomerates and get a handle on largely ungoverned multinationals. Rather than looking for ways to protect companies like ITT, Congress and the next administration ought to take a hard look at mergers and anti-competitive practices.

Our next step should be to turn the American farmers loose. For three decades we've had farm surpluses and programs to depress production. And yet last year farmers exported $12 billion worth of products and our balance-of-payments situation would have been even more disastrous without them. Agriculture has long been the sick man of our economy; now it can help save us.

We ought to reorder federal priorities or stop using the cliché. If we can't have all our space and military programs and still provide ourselves with adequate education and health, we have to decide which comes first. We have got to rid ourselves of the kind of mixed-up economic policies that have given us $100 billion worth of federal deficits in four years, adding immeasurably to the pressures on the dollar. We may have to give the federal government new authority to enforce a reasonable income policy on major industries. Large price increases and wage settlements in the years ahead may have to be submitted to a bipartisan economic board that can jawbone, and delay if necessary, unwarranted profits and wages.

Perhaps most important, we must do more than we're doing to get labor and management back on the same team. Incentives *are* the cornerstone of our economy. We might do well to imitate the Japanese who have made the assembly line worker part of the "corporate family" through such devices as lifetime jobs, profit sharing, secure pensions and representation on corporate policy boards.

Finally, we are becoming a nation of liberal arts majors with too few skilled tradesmen and women—carpenters, plumbers, electricians and so on. We want our children to have a better life and since the 1950s the symbol of that life has been a college diploma. Too often we have assumed that a young man or woman enters a trade only because he or she is not smart enough to do anything else; trade education has been a symbol of failure. But by reducing the proportion of youth entering the trades, we pay a high economic price in terms of the strain on basic services, reduced competition, higher costs, and a decline in the quality of workmanship. Meanwhile the market for college graduates is glutted, portending an angry, overtrained generation. We must develop a post-secondary education scheme that puts the young blue-collar worker on a par with the potential college student.

No discussion of the economy of the 1970s makes sense without reference to the related problems of learning to live lean. There are abundant warming signs that we are coming to the end of an era of cheap resources; we are running out of petroleum, land, minerals, water and raw materials. In a drive to fuel the engines of gross growth, we have in the past quarter century skimmed the cream of US resources. The environmentalists are right. An era of shortages (and, hopefully, of resource recycling) is at hand. The straight facts are these:

We are six percent of the people on this planet but each year consume at least one-third of the energy and other resources in the world. We waste more energy than Japan annually consumes;

This administration had pretended for two years that the energy crisis was not serious, thereby putting us in such a vulnerable position that the Arabs' "oil weapon" will have a devastating impact on our lives and our economy this winter. They would not go to the country with an old-fashioned policy of belt-tightening conservation until a cocked gun was already at our heads.

We will encounter similar scarcities in paper, copper, zinc, even water. Of the 13 basic minerals, the US is currently totally dependent on foreign supplies for four, and that could be up to 10 in the foreseeable future.

During the last 30 years the American economy was a golden-egg-laying goose. The magic word was "growth" and the slogan, particularly of the Democratic Party, was "more!" And why not? Growth meant an ever bigger pie, more for labor, more for management, for everyone. Bigger and faster (cars, SSTs, etc.) were better. This joyride was fun while it lasted, but we're coming to the end of grosser and grosser GNP expansion. That doesn't mean an end to "progress," but waste will have to be eliminated, and efficiency and conservation must become the national creed. We need leaders who promise less, who discourage wasteful throwaway products, big gas-guzzling cars and electrical gadgets, energy-eating office buildings and poorly insulated homes, neon lights and other extravagances with no redeeming social value, a one-person-one-auto transportation system that has destroyed our sense of community, advertising that promotes energy overuse.

At the same time we need a crash national effort, more ambitious than the space program of the 1960s, to develop promising new alternative energy sources such as solar, geothermal, coal gasification and liquefaction for the 21st century. The President's breast beating notwithstanding, such a program might already be underway but for the shortsightedness of his administration, as evidenced as late as this June by official testimony before my subcommittee in stern opposition to a "Project Independence" program.

As we begin to feel the impact of shortages, I hope the Democratic Party will avoid two errors, the hint of which pervaded the belated Nixon energy appeal. First is the misplaced faith that technology will bail us out, somehow, just before disaster. We risk catastrophe if a blind confidence in technology lulls us into procrastinating. We are foolish to believe any longer that technological tricks can relieve us of our need to husband our nonrenewable resources.

The second error is to retreat from our commitment to clean water and air, to go ahead damming wild rivers and desecrating wilderness and national parks. Some short-term trade-offs may be required, but when the tough decisions come, it would be folly to abandon environmental reforms. If we are sensible, we can balance our resource budget and remain respectful of nature's laws.

The problem of scarcity leads me to some final suggestions about our role in a shrinking world. Fortunately we are leaving behind us a foreign policy that for the last 25 years has been based on ideological confrontation—though the withdrawal symptoms are still with us as indicated by the ordering of a worldwide nuclear alert in response to vague reports of possible Soviet moves in the Middle East. As the result of our unhappy Vietnam experience, it is good politics to talk about letting other nations fend for themselves. That line, carried too far, is as dangerous as the overambitious globalism of the '60s.

Although proclaimed as a break with a past of over-involvement in the affairs of other nations, the Nixon Doctrine—far from shedding the burden of costly military aid programs—has resulted in huge arms subsidies for undemocratic governments and military tyrants. Abroad, particularly in the third world, we are perceived as having abandoned any pretext of exercising moral force in the conduct of our foreign policy. And we must remember that in the decade ahead our fate will be tied more than ever to the judgments of that world community, because of the scarcity of natural resources if for no other reason.

"Growth" or "the good life" has been possible for Americans only while much of the rest of the world was underfed and underdeveloped. But expectations are rising everywhere. European economies are booming, and new forces in Japan and the Common Market mean an end to the days when the United States dominated international trade. The rest of the world will no longer be indifferent to Americans consuming, as we do each year, 55 percent of all the gasoline in the world!

I suspect that Mr. Nixon's foreign policy, like his presidency, is transitional. The Nixon-Kissinger globe-trotting summitry has produced solid achievements, and Democrats should admit it, but perhaps not as uncritically as some do. The costs of a foreign policy triumph are not often immediately apparent to the startled citizenry—as we are now made ruefully aware in the case of the Russian wheat deal and in Vietnam where the January "peace settlement" has brought no peace and still costs us over $10 billion annually.

In the same vein, we should not be too sure that multipolar, big-power diplomacy is desirable no matter how skillfully played. Given the serious potential of the growing Soviet-Chinese conflict, how much do we really want to be involved? And was it such a great accomplishment for Richard Nixon to end a war only after having doubled its length or cost, or to reestablish relations with China after having helped prevent them for two decades?

Big-power, showboat diplomacy may lead us to ignore less exotic but equally pressing problems at home. And there is evidence to suggest the Nixon spectaculars have diverted attention from a whole range of imperatives that will control our international relations throughout the next two decades. I would like to suggest five changes that are on the horizon.

First, it is necessary and desirable that policy decisions no longer be geared to a reactive crisis orientation. It is the kind of bad management that under the strain of one crisis spawns others because of neglect—one is driven from our consciousness without the first having been resolved. The pollution crisis is overtaken by the energy crisis, the Watergate tapes crisis by the Middle East crisis, and so on, *ad infinitum*.

Second, as stated, the energy binge is over. With the advent of worldwide shortages, we cannot expect to retain friendly relations with traditional allies—already on the decline—or avoid costly and dangerous trade wars if we don't get over our self-indulgence. We must increase productivity, control inflation, and cut the fat from our natural resource budget. Our reward will be a stabilized dollar, competitive exports, lower prices and friendlier neighbors.

A requirement of such a policy is, thirdly, that we begin to get a hold on the military behomoth created during the Cold War. Most Americans no longer see much sense in 400 overseas bases and half a million troops and dependents in Europe, in a single submarine that costs a billion dollars, or in a military airplane that ends up costing 30 to 50 percent more than the contractor promised. They wonder when the time will ever be "right" for the military to tighten its belt on weapon systems that double and redouble our unquestioned ability to incinerate the planet. Yet most politicians seem to shrink from reasonable cuts, as the fall of each even-numbered year approaches. For this procastination we will pay an unacceptable price in energy lost to the rest of society and dollars lost for needed programs like national health insurance.

Fourth, we must put our manic-depressive relations with other superpowers in perspective. Détente is our goal, but we must understand the two levels of negotiation that are involved. First is the effort to avoid holocaust, slow the mad arms race, and avoid confrontation. On that level, we should be prepared to negotiate with the devil. The second level has to do with aid, trade, communication and ultimately interdependence—the détente which the Nixon administration is currently preaching. At this level we must decide if it is proper, and I believe it is, to seek basic humanitarian concessions from governments whose disregard for human rights is contrary to our deepest beliefs.

Finally, we have to reestablish our moral credentials. Our position in bargaining for human rights is greatly weakened by our treatment of our own minorities. For this state of affairs, history will deal harshly with Richard Nixon and with Congress whose contribution to racial equality during the last five years has been to dump the problem back on the branch least able to deal with it, the courts. The good news here is that there are still millions of black and white Americans who believe in an integrated society and are willing to make reasonable sacrifices and adjustments. Progress will require a measure of courage on their part and on the part of those representing them in Congress; it will also require that civil rights leaders turn away from the courts as their only salvation and busing orders as their chief weapon. The Democratic Party once led the country toward integration and racial harmony; it can begin to do so again by advancing initiatives that transcend the lost debate over busing and by devising multifaceted methods tailored to the needs of each community.

Those same polls that reflect Republican misfortune tell us that the country does not look upon a Democratic government as the obvious, desired alternative. Many elements of the old labor-ethic-Southern blocs who left the party in 1968 and 1972 have not yet "come home." Even when they were together Democrats did not fare well in presidential politics. Since 1944 our so-called "majority" party hasn't had more than 50 percent of the vote, except in the Johnson landslide year, while Republicans reached majority status three times. We have lost four of the last seven presidential contests!

Admiring as I am of the job Chairman Strauss has done in refereeing the current intraparty power struggle, I can't help wondering if this does not appear to the country like Nero fiddling. Attention to party rules and procedures will have an impact on who is selected for the Democratic nomination, but programs and policies will decide that nomination's worth. Within the ranks of the Democratic Party are many of the country's best minds, and we should call them to the front. We need emergency task forces on the economy, environment, foreign policy, racial problems, campaign and governmental reform. We need responsible, consensus policies in all of these areas that our congressmen, governors and mayors can support. Such policies are the beginning of a new unity, rather than the product of it.

FACING THE ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 10 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, this Nation has been confronted with grave situations in the past and most likely will face some again in the future. And that is all the more reason that we must face this present day energy crisis as realistically as possible.

Therefore, it is within great pleasure that I call to the attention of my colleagues one such realistic outlook in a recent statement by Mr. Stewart S. Cort, chairman of the American Iron and Steel Institute and Bethlehem Steel Corp.

Mr. Cort stated:

> The steel industry is prepared to do whatever it can to help insure that the present situation does not have a disastrous impact on the economy.
>
> We are concerned, however, that any cutback in the fuel oil available to the steel industry will have serious consequences for other major industries and for the economy.

He went on to say:

> We will have to increase our steel output substantially if we are to meet President Nixon's goal of self-sufficiency in energy. Yet a reduction in steel's fuel consumption in 1974 would mean that less steel would be available for the energy industry.

It is my hope that President Nixon and his energy policy advisers will provide for an equitable distribution of energy resources to all industries so that no one area will suffer to the detriment of the entire economy.

The statement follows:

STEEL AND THE ENERGY CRISIS

President Nixon's address to the nation last week dramatically underscored the severity of our energy crisis. The steel industry is prepared to do whatever it can to help insure that the present situation does not have a disastrous impact on the economy.

We are concerned, however, that any cutback in the fuel oil available to the steel industry will have serious consequences for other major industries and for the economy. Industries which would be adversely affected are the energy-producing industries, those engaged in the production and processing of food, those industries which move agricultural and manufactured products to markets and others.

Steel is involved in all these activities. It is the basic material used in motor vehicles, freight cars, ships, bridges and pipelines. Steel machinery and equipment produce the food, clothing and thousands of other commodities essential to health, safety, comfort and security. Millions of tons of steel go into food cans and shipping containers. Steel is indispensable in the construction of electric generators, the mining of coal, the drilling of oil and gas wells, the construction of oil refineries, and the transportation of oil, gas and coal.

For these reasons, steel production must be given top priority status if the nation's fuel oil supply is allocated on a mandatory basis.

Although the steel industry uses less than one percent of the total U.S. fuel oil supply, this oil is largely consumed in such vital processes as reheating, heat treatment and annealing. There is no known way to substitute coal for oil in these applications. The industry has been shifting from natural gas to fuel oil for these purposes because of the increasing scarcity of natural gas.

In addition, steelmakers have had to increase their fuel oil consumption this year because of a tremendous surge in steel demand. Moreover, environmental restrictions have forced reductions in the use of coal in boilers and blast furnaces.

In 1972, the industry shipped just under 92 million tons of steel mill products and consumed 1.3 billion gallons of oil.

This year, the steel industry expects to ship approximately 110 million tons of steel, with 5 to 6 million tons of the total coming from inventories which are now depleted. Fuel oil consumption in 1973 is expected to be 2.2 billion gallons—a jump of more than two-thirds over last year.

At the current level of steel production, the industry's fuel oil and natural gas use is already at an irreducible minimum. Any cutback in the industry's requirements would mean a serious decline in steel production and employment—a decline which would be magnified by severe cutbacks in output and jobs among the nation's many steel consuming industries.

Currently, the steel industry employs 5,000 workers for each million tons of steel it produces.

A 15-percent reduction from estimated 1973 fuel oil consumption would cost the nation 6.8 million tons of steel and more than 30,000 steelmaking jobs.

If the industry were held next year to its 1972 fuel oil consumption level, the nation would lose 12 million tons of steel shipments, and 60,000 steelworkers would become unemployed.

It is difficult to estimate what reductions of this magnitude would mean to the hundreds of firms manufacturing products made of steel, but it is certain that their employment would be seriously affected across the country. Aggravation of current serious steel shortages would have an adverse effect on the manufacturing component of the Gross National Product.

One of the ironies of our current dilemma is that a cut in steel production because of fuel oil controls would only further irritate the energy crisis itself.

Steel pipe, wire, plate, and drilling equipment and platforms containing steel are vital for oil and gas drilling operations, and for the gathering and transmission of these fuels through pipelines. Oil tankers, petroleum tank trucks and freight cars, and oil and gas storage tanks all require large quantities of steel. Stainless and high alloy steels are essential in the constructional of refineries.

Many of these products are already in short supply, despite the current record steel output level. In some parts of the country, oil and gas producers actually are stripping drill pipe from old oil wells to use in new ones.

Even if the Arab oil embargo ended tomorrow, the United States would not have enough oil refinery capacity to meet its needs. Construction of the refineries we need will require large quantities of steel.

If anything, we will have to increase our steel output substantially if we are to meet President Nixon's goal of self-sufficiency in energy. Yet a reduction in steel's fuel consumption in 1974 would mean that less steel would be available for the energy industry.

Reductions in the available steel supply would have other serious consequences. Less tinplate, for example, might mean that canners would not be able to process all of this year's bumper crops of fruits and vegetables, which might further increase food prices to the consumer.

A 5 to 10 percent cutback in steel supplies could make it impossible for farmers to obtain needed agricultural machinery. Farmers already are experiencing a serious shortage of baling wire which would become worse if steel production were reduced. This would mean a loss of hay and other fodder, with its consequent impact on meat production.

At a time when railroad car builders are straining to increase their output to meet a serious shortage of rolling stock, less available steel would mean still greater strains upon the nation's already seriously taxed rail network. There would be fewer hopper cars and gondolas, for example, to move the needed coal and raw materials.

Production of machinery and equipment is essential to the U.S. economy. The economy is operated at capacity, especially in the production of most basic materials. Many people have hoped that a high level of new machinery production in 1974—to create additional capacity—would begin to alleviate the shortages that have resulted from lack of capacity in various industries. Steel is essential to all segments of the machinery industry. Any curtailment brought about by steel shortages will have a serious adverse effect on this important segment of our economy.

Our industry supports the enactment of legislation permitting some temporary variances in environmental control standards. We are not opposed to a clean environment. Our efforts toward that goal prove that. But, at this critical moment, relaxation of some standards can be a vital element in the program to ease the energy crisis. To illustrate what might be accomplished, one steel company has reported it will have 76.8 million gallons of fuel oil in 1974 at one plant, 38 million gallons of which cannot be used, because they are in excess of the sulfur limit. An easing of these restrictions would double this facility's usable fuel oil supply.

In conclusion, we believe that steel should have a top industrial priority for fuel oil requirements at its current rate of consumption, rather than a lower rate, because:

Any curtailment of steel production would adversely affect the very industries which must now use steel products to relieve the energy crisis.

The steel industry's total requirements for fuel oil are only a very small fraction—not even 1%—of the available supply.

MIDEAST "UPS AND DOWNS"

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the need for sound and careful thinking and noninflammatory discussions on the problems of the Middle East are very evident. The Christian Science Monitor on Monday, December 3, provided such a discussion in its editorial entitled "Mideast 'Ups and Downs'." I submit it for reprinting in the RECORD.

I submit also for printing in the RECORD a significant message from the pen of Ernest A. Carrere, Jr., publisher of Seapower magazine and president of the Navy League of the United States, on the place expected of the United States in the Middle East crisis and our capabilities to fill that place. It is entitled, "The Arab/Israeli War: Portent and Warning."

MIDEAST "UPS AND DOWNS"

There will be "ups and downs all the way" along the road to peace in the Middle East, as Henry Kissinger has said. But the historic and encouraging thing is that the momentum for peace exists.

Whatever the outward appearances, events in recent days substantially confirm the desire of both sides to move ahead to serious peace negotiations.

One of the most encouraging signs was the redrafting by Israel's Labor Party—the dominant party in the ruling coalition—of its election manifesto. The original manifesto was sharply "hawkish" and approved large-scale settlement by Israelis in the occupied Arab territories. The revised draft eliminates the expansionist tone, and the language has been softened in other respects. The manifesto speaks of obtaining "defensible" borders for Israel 'based on territorial compromise."

Despite its rhetoric the Arab summit meeting in Algiers last week confirmed support for Egyptian President Sadat's decision to negotiate. There was a remarkable measure of unity at the summit, facilitated by the decision of two of the "radicals"—Libya and Iraq—not to go to Algiers.

The summit set forth the Arabs' maximum demands: immediate Israeli withdrawal from all Arab territories occupied in the 1967 war, including the Arab part of Jerusalem, and restoration of the national rights of the Palestinian people.

The specific mention of Jerusalem indicates the influence of King Faisal of Saudi Arabia in the summit deliberations. The King, a devout Muslim, has always insisted that a peace settlement should include restoration to Arab sovereignty of Arab Jerusalem and of the Muslim shrines in the city. On the face of it there seems little likelihood of Israel yielding to this demand, but some compromise formula might be worked out whereby Jordan would be given joint suzerainty over the old city and the Muslim temples.

The Arab leaders have not yet spelled out clearly what they mean by the restoration of "national rights" for the Palestinians. But at Algiers they took the step of recognizing the Palestine Liberation Organization as the sole representative of the Palestinian people. They may be expected to insist that the PLO be represented at some stage of the Geneva negotiations. The decision to recognize the PLO was taken over strong objections by Jordan's King Hussein, who did not attend the summit meeting, and who believes that Jordan alone should speak for the Palestinian people. On this there will have to be compromise among the Arab leaders themselves.

One of the solutions for the Palestinians being discussed among the Arab countries is establishment of a separate Palestinian state consisting of the West Bank of the Jordan River and the Gaza strip, both of which are now under Israeli occupation. There might be some form of federal link between this Palestine state and Jordan, and eventually a customs union or common market between both of them and Israel. But all of this is still academic.

The first hurdles to be cleared on the road to peace are the disengagement of the Egyptian and Israeli forces on the Suez front, and the freeing of Israeli prisoners still held by Syria.

The disengagement problem has so far proved too complex for solution by the Egyptian and Israeli generals meeting at Kilometer 101. Israel now is saying that the question should be the first item on the agenda for the Geneva conference due to open on Dec. 18. But Egypt is insisting that Israeli forces pull back without delay to the cease-fire lines of Oct. 22. This is the kind of "down" in the process of seeking peace that Dr. Kissinger spoke of last week.

Whether we can expect much in the way of concrete results from Geneva before the Israeli elections on Dec. 31 is doubtful. In the meantime the Arabs will keep up maximum pressure through their selective oil embargo, which they are manipulating with a skill that some of the experts thought impossible. Apart from some concessions to those states considered "friendly" to the Arab cause, any letup in the embargo is unlikely until there is evidence on the ground of Israel's willingness to make territorial concessions.

The fact that Israel, Egypt, Syria, and Jordan are ready to sit down and negotiate after 25 years of unremitting hostility is immensely important. A peace settlement is now more than a mere hope. It is a possibility. It is made possible not only because the contestants are willing to talk, but also because the two superpowers are committed to doing all they can to achieve it.

Despite the expectable "ups and downs" the outlook remains encouraging.

THE ARAB/ISRAELI WAR: PORTENT AND WARNING

By the time this issue of Sea Power is placed in your mailbox, there could have been a number of significant happenings in the war-torn Middle East. A cease-fire could have been effected. Or Arab forces could have made major advances both in Syria and in the Sinai desert. Or, in turn, the Israelis could have pushed the Egyptians back across the Suez Canal, destroyed Syrian forces in and about the Golan Heights area, and regained the territories taken in the 1967 Six-Day War. Or the current conflict could have become an ugly war of attrition, with both sides being provided war-making materials by the major powers, and those powers themselves inching closer toward a frightening confrontation while Israel fought for its very existence as a nation.

We can only hope the first circumstance, a cease-fire, prevails. We also can hope the United Nations, which has acted decisively before when full-scale war threatened, will cease being only a forum for debate and act to bring pressure to bear upon today's combatants to put down their weapons. But if these hopes are dashed, the United States will have to make some very, very difficult decisions.

Thankfully, at this point in time even the most difficult decisions can be made with the knowledge that the United States has sufficient military strength to back them up. Other nations know this, too. So there could come a time when concern over a possible confrontation with a strong and determined United States could cause the Soviet Union to cease its massive airlift of arms to the Arab nations, thus predicating an honest effort to bring about peace in the Middle East and helping to preserve the "detente" that supposedly exists between the Soviet Union and our own country.

But suppose it were known that we no longer had the military capability with which to bring pressure to bear? How long does anyone believe that tenuous "detente" would last? Does anyone believe that the resupply of the Arab nations would be halted so long as there were weapons and equipment available to be shipped? Does anyone believe the Soviets would refrain from applying their own pressure to those nations which might be aiding Israel in its fight for survival?

Obviously there are some who *do* believe the Soviets would refrain from taking those actions if they were the unquestioned military superpower of the world. And those same individuals, many of whom are in the Congress of the United States, have sought to see our country's defenses weakened by reducing appropriations for them, on the grounds that today's "detente" reduced the need for constant military strength and readiness.

The situation in the Middle East today is a classic repetition of what has taken place all over the world since the end of World War II. Military actions by nations whose troops were armed with Soviet-supplied weapons. Large-scale and efficient replacement of weapons lost in combat. Strident warnings and dire threats against those "imperialists' who might support the nation whose defense is being sought by countries backed by the Soviets. And action in the United Nations aimed at handcuffing that body's ability to act as a peacemaker. These things have happened *even though* the United States still remains a formidable power. We shudder to think what might happen were we not a nation capable of coming to the fore when needed in bringing about a peaceful solution to an explosive situation.

In these pages we have constantly emphasized as strongly as humanly possible the requirement for sufficient military power to permit our country's leaders to act in times of crisis from a position of strength. We firmly believe that the current state of affairs in the Middle East provides the most graphic illustration possible of the validity of that position. With God's will there will come a day when the United States can afford to drop its guard. But that day is not yet here, and at the moment it appears to be a long time in the offing.

Your support of that position is, in my mind, an absolute necessity. To those of you who have registered it in various ways in recent weeks, I express my deepest thanks. At the same time, I urge those who have not yet come forward to do so, and those who already have to make their efforts continuous and unstinting. For only if they are will our collective voice be listened to.

NATIONALIST CHINA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, nowadays we do not read much about Nationalist China and that nation's friendship with the United States nor do we remind ourselves of the strategic position of Taiwan and the curb which that stalwart little country helped place for so many years on Communist China's designs for territorial expansion. The subject is discussed in a timely and provocative way in the magazine Seapower for November 1973 in an article by James D. Hessman, editor-in-chief, entitled "Interesting Times for Nationalist China." It is well worth reading and I submit it for publication in the body of the RECORD:

INTERESTING TIMES FOR NATIONALIST CHINA

(By James D. Hessman)

Somewhat like West Berlin, somewhat like Israel, somewhat like Great Britain, Taiwan—also variously known as Formosa, as the Republic of Chica (ROC), and as Nationalist or Free China—sits, a lovely and beleaguered holdout against the tide of communist which has swept through (or currently threatens) most of the rest of Asia in the traumatic generation since World War II.

Like West Berlin, Taiwan is all but surrounded by a hostile and much more powerful government ruled by the onetime countrymen and erstwhile comrades-in-arms of those who govern Taiwan itself. Like Israel, as events of recent weeks have borne out, Taiwan, under persistent attack from its sworn enemies, is often trapped by a flow of world events beyond its control and now finds itself, except for the United States, without friends among the major powers. And, like Great Britain and other countries of the United Kingdom, Taiwan, an island nation competing with virtually an entire continent, lacks sufficient material resources of its own and has had to base its struggle for economic viability—and, therefore, for independence—on trade, on the remarkable industry and intelligence of its own people, and on its indisputable "special relationship" with the United States.

Also—here, once again, like West Berlin and Israel, in any case—Taiwan's long and continuing fight for freedom has in large part depended and will continue to depend upon the good will of the American people and the willingness and determination of the United States to live up to its legal and moral commitments.

THE CHINESE CURSE

There is an old Chinese curse which says "May you live in interesting times." Even by 20th century standards, however, the recent past has been, for the Republic of China, too interesting for comfort. Red or Communist China—now, in a period of uneasy rapprochement, more politely called Mainland China or the People's Republic of China (PRC)—has replaced Nationalist China in the United Nations. Taiwan also has been expelled, in favor of Communist China, from both the International Labor Organization and the General Agreement on Tariffs and Trades. Over 80 nations have established relations with Peking and, in a large number of cases, severed their previous ties with Taipei to do so. The Executive Committee of the Asian Games Federation on September 18, at the urging of Japan, Iran, and Pakistan, voted to oust Nationalist China in favor of the PRC.

Numerous other embarrassments and hurts could be recorded. Undoubtedly the most ominous change, however, from a ROC viewpoint, was the decision—understood in Taipei if not 100 per cent appreciated there—by the Nixon Administration to begin normalization of relations with Mainland China. Despite repeated pledges by President Nixon that the United States will still honor its commitments to Taiwan, ROC leaders could take little comfort from the U.S./PRC Shanghai communique of February 27, 1972 (during the Nixon visit to China), affirming that the "ultimate" U.S. objective is "withdrawal of all U.S. forces and military installations from Taiwan," and promising, as an extra measure of good faith on the American part, that "In the [unspecified] meantime it [the United States] will progressively reduce its forces and military installations on Taiwan as the tension in the area diminishes."

It seemed that policy was being put into practice earlier this year when, on September 3, Admiral Noel Gayler, U.S. Commander-in-Chief, Pacific, announced, according to news reports, that "with the reduction of U.S. involvement and hostilities in Southeast Asia and with the lessening of tensions in the area" some 3,000 personnel of the 374th Tactical Airlift Wing, or about one-third of all U.S. military forces on Taiwan, would be returned to the United States. The "lessening of tensions" Gayler referred to was not particularly noticeable on Taiwan itself, where relations with the mainland continue on a level of cordial distrust.

Not helping the situation has been the changed attitude of some members of Congress and a certain segment of the American press, newly enamored of Mainland China and willing, in some cases, to write Taiwan off as an obsolete relic of the Cold War. In the past it was fashionable in some quarters to speak disparagingly of the "China lobby." Now it may perhaps be more accurate to term it the "anti-China lobby." Some members of that unofficial but probably well intentioned organization undoubtedly believe the prospect, however slight, of better relations with a nation of 750 million Chinese is worth more than the actuality of proven good relations with a less powerful and certainly less threatening nation of "only" 15 million Chinese. Others, enveloped in the euphoria of rapprochement, optimistically believe, or at least fervently want to believe, that the Cold War in Asia is, in fact, coming to an end and think that the United States should be willing to do almost anything, even betray a friend (that is not the word used, of course), to promote that happy prospect.

Still others, genuinely disillusioned with foreign affairs either because of the Vietnam experience or because of their overriding concern about U.S. domestic problems, have become neo-isolationist and want to cut back on *all* U.S. commitments abroad, including but not limited to those involving Taiwan.

TIME OF THE TROUBLES

Providing at least partial moral respectaability to those who would abandon Taiwan in favor of Red China is a lingering residue of resentment toward the regime of Chiang Kai-shek, which, pushed off the mainland by the Communists in 1949, fled to Taiwan, where it set up its government-in-exile for all of China—a government, however, from which the native Taiwanese themselves were conspicuously excluded. Because of the harsh rule of the immediate post-1949 years (when it should be remembered, the Chiang government was fighting for its very existence), because native Taiwanese are still underrepresented in the government, and because Taiwan still is much less than a perfect democracy (although much closer to it than most Asian regimes), there are some, including a number of overseas Chinese, who oppose Nationalist China and Communist China both and who favor the third alternative of an independent Taiwan belonging to neither the ROC nor the PRC.

Those who espouse such an apparently idealistic cause are ignoring both recent history and present reality, however. Because the fact is that, for at least two and a half centuries (1644–1895), Taiwan was an integral part of China. Some 84 per cent of Taiwan's population—the pre-1949 or "native" Taiwanese—are of more ancient Chinese stock, about 14 per cent are the mainlanders who came over in 1949, and only about 2 per cent, eight tribes of aborigines, are of non-Chinese origin.

Japan took Taiwan from China in 1895 and administered the island for the next half century, returning it in 1945 in accordance with the Cairo and Potsdam Declarations. The 1945–49 period was a particularly difficult one for mainlanders and native Taiwanese alike. The former were preoccupied with Mao's forces, leaving administration of Taiwan to officials who were in many cases venal and corrupt; the latter, World War II collaborators with the Japanese, were in a state of almost constant revolt (partly, it is believed, as a result of communist machinations against the central government). The results were repression, a reported 10,000 native Taiwanese killed by government troops, and an enduring animosity that still somewhat infects the Taiwan body politic.

But time heals all wounds, in the Orient as elsewhere. And time has done much to ameliorate the former tensions between native and newcomer Taiwanese. For one thing, while mainlanders have held political power, the natives have held most of the money—but all segments of the population have benefited greatly from a general prosperity which has made Taiwan's standard of living the highest in all of China's 5,000-year history.

Martial law likely will continue until, if and when, there is an easing of tensions with Mainland China, but the stability thus afforded by a strong central government provides for the population at large some side benefits (very little juvenile delinquency, and an extremely low crime rate, for example) which the citizens of the great Western democracies would envy.

Most important from an American point of view, perhaps, has been the evolution—gradual at first, but accelerating rapidly in recent years—of a more traditionally participatory government which has managed the economy with remarkable effectiveness for the benefit of all ROC citizens and which has, in the process, implemented some truly progressive political changes.

Land reform, the first step, has helped some 700,000 small farmers and made them agricultural capitalists of sorts. The result has been: (1) for the people, a diet which is Asia's highest in calories (2,680 per day, including 69.2 grams of protein, versus, for example, only 1,780 calories and 30 grams of protein daily for the Chinese Communists); and, (2) for the economy, an agricultural surplus for export—despite the world's highest population density per square mile of arable land area. Of particular importance, noted Harry B. Ellis in a *Christian Science Monitor* article ("Taiwanese Success Story") of November 16, 1972, is that "Taipei accomplished land reform without disruptive strain, by confiscating Japanese-owned industry and giving it to wealthy landlords, in return for their parceled-out land. 'No one suffered,' commented an expert, 'except the Japanese.'"

Education has been encouraged with almost fanatical zeal. Over one-fourth of the population goes to school. By law no less than 15 percent of the national budget, 25 percent of the provincial budgets, and 35 percent of county and city budgets (percentages usually exceeded, incidentally) must go to education — to support the country's 2,300 elementary schools, 923 high schools, almost 100 colleges and universities, and hundreds of professional institutes. Education is free and compulsory through the ninth grade, and admission to public high school and college is on merit, through competitive examination. Here the result has been a literacy rate of almost 85 percent, compared to 25 percent for the PRC (according to a CIA estimate in the "People's Republic of China Atlas" published in November 1971 by the U.S. Government Printing Office).

An extensive public health program has also been vigorously promoted. Such former Asiatic scourges as malaria, encephalitis, smallpox, and plague have been virtually eliminated. The infant mortality rate, an appalling 155.36 per thousand in 1931 (statistics for all of China), was down to 15.50 on Taiwan in 1971. Free medical care and hospitalization are available to the poor, but much of the population, some five million people, is covered by an extremely comprehensive (and cheap) health insurance program for which the employer pays 65 percent of the premiums. There is one hospital or clinic for every 13,000 persons (versus one per 110,000 on the mainland). Medical care is good. Western medicine is practiced for the most part, but Chinese acupuncture, "discovered" by the Western press after the Nixon visit to Peking, is also available.

MEDIA VERDICT

Improvements in personal freedoms, in the expanding right to dissent, and in increased political participation by native Taiwanese have been noted by such disparate, respected, and exceedingly democratic publications as the *Washington Post, New York Times, Reader's Digest, and Wall Street Journal.*

Among numerous progressive changes instituted by Chiang Ching-kuo, elder son of Chiang Kai-shek, who succeeded his father as Premier on June 1, 1972, have been "a crackdown on corruption and favoritism in the government bureaucracy," "appointment of younger native Taiwanese officials to important posts," and "a concerted effort to boost the incomes . . . of Taiwan's farmers" (Stephen W. Harmer in the *Washington Post,* September 5, 1973).

Some nominees of the governing Nationalist Party were defeated, in the national elections of December 23, 1972 "by critics of the government running as independents." Moreover, "With few exceptions," most candidates, "both from the Nationalist, or Kuomintang, side and the independents, were Taiwan-born and many were young men" (*New York Times,* December 23, 1972).

"The urgent problem everywhere is how to narrow the gap between rich and poor. Communism accomplishes this, but only by removing the rich and reducing the poor to a low common denominator. In most developing countries the gap grows wider as population soars, so increase in unemployment outweighs the gain in GNP. Compare the median income of the top fifth of the population with the bottom fifth: In . . . Mexico between 1950 and 1969, the gap widened from 10–1 to 16–1. But in Taiwan, between 1953 and 1969, it *narrowed* from 15–1 to 3.5–1" (Noel F. Busch in the *Reader's Digest,* December 1972).

The Nationalist government has "tried to erode the barrier between refugees and native-born Taiwanese. Today, the majority of the island's college students are native-born, [and] the mayors of the island's principal cities are Taiwanese, as are most delegates to the provincial assembly." Taiwan "is not a civics book example of a model Western-style democracy. But it is moving in that direction, and this at a time when democracy in other Asian nations—South Korea and the Philippines, for example—has been steadily losing ground" (*Wall Street Journal* editorial, January 15, 1973).

In addition to contested elections and the universal education drive, which inevitably teaches people to think for themselves—the two *sine qua nons* of a truly participatory government—there are many other evidences that Taiwan has been evolving toward a society much more open (particularly by Asiatic standards) and much closer to the Western concept of the democratic ideal.

News media outlets are numerous and highly competitive. There are 32 independently published daily newspapers, over 1,600 other publications, weeklies, monthlies, bimonthlies, and quarterlies), three commercial TV networks (American shows are often featured) as well as a government-sponsored educational TV station, and 80 radio stations. Overseas editions of leading foreign newspapers and magazines are readily available—to Chinese readers as well as to foreigners—at most major hotels and newsstands.

Contact with foreigners and, therefore, with foreign ideas and ideologies is inevitable, if only because of the staggering increase in tourism—from 40,000 visitors in all of 1954 to a rate of approximately 70,000 *per month* in 1973. The reasons for the increase are obvious: the scenery is magnificent, the Chinese cruisine, particularly in Taipei, unexcelled, and the business investment opportunities extremely alluring. Taiwan is also, for American tourists, particularly, one of the world's few remaining bargain spots. (The weather in the summer months is hot and atrociously humid, however.)

A military museum on the ROC-held island of Kinmen (Quemoy)—within loudspeaker distance of the mainland—has on display a variety of balloons, leaflets, radio transcripts, and other propaganda messages—those transmitted from the mainland to Kinmen as well as those sent from Kinmen to the mainland. The museum is open to Chinese and foreign visitors alike. There is, in contrast, no indication yet, however, that the Communist Chinese freely permit citizens of the People's Republic to read ROC propaganda.

JUDGE US BY RESULTS

But it is in the field of economics, the open marketplace, that Taiwan has achieved the most spectacular progress. A handful of examples, from hundreds available:

Average family income in 1972 was $1,200—admittedly modest by U.S. standards, but four times that of Communist China.

Taiwan's gross national product grew at an average annual rate of 8.7 per cent during the years 1953–71. Industrial production increased an average 14.7 per cent annually during the same period.

The agriculture/industry imbalance which plagues so many developing nations has been successfully rectified. In 1953 agriculture accounted for 35.7 per cent of Taiwan's GNP, industry 17.9 per cent. In 1972 agriculture accounted for only 15.7 per cent, industry for 36.6 per cent.

Foreign trade has increased at an almost incredible rate. In 1971 the ROC and PRC foreign trade totals were about equal. By the end of 1973 Taiwan's two-way foreign trade will top $8 billion, about 50 per cent more than the mainland, according to current estimates.

ROC ARMED FORCES

U.S. foreign aid to the Maryland-sized island ceased in 1965, since which time Taiwan has itself been providing aid to lesser developed nations. It is partly for this reason, and partly because of the booming ROC economy, that Taiwan is often referred to as "an American showcase."

Similarly, the ROC armed forces, largely equipped with American-made weapons (now purchased, not given), are sometimes cited by naval and military observers as the best current example of "the Nixon Doctrine in action." Mindful, in fact, of the ancient Chinese proverb that says "The more you sweat in peace, the less you bleed in war," ROC political and naval/military leaders long ago strived for the indigenous military self-sufficiency which is the essential basis of the Nixon Doctrine. Taiwan has more of its population, per capita, in uniform than any other nation in the world except Israel. The approximately 600,000 men and women on active duty (including 60,000 Navy/Marine Corps and 80,000 Air Force personnel) are backed up by another 1.8 million in the Reserve forces.

Military service is compulsory for all male citizens—who normally serve two years in the Army or three years in the Navy or Air Force. A five-year Reserve obligation follows discharge from active duty, with all Reservists organized into "Area Reserve Units" subject to one month's refresher training each year. Shorter duration call-ups follow for the next three years, after which each member is still "available for any national emergency" until reaching 45 years of age.

Among the American-made weapons used by the ROC forces are Hawk and Nike-Hercules missiles, medium tanks, 155mm howitzers, renovated U.S. Navy destroyers, F–100, F–104, and F–5A fighter aircraft, C–119 transports, and a variety of trucks, rifles and other small arms, and various support equipments. Like the Israeli, the Taiwanese armed forces have been repeately tested under fire—six times on and around Kinmen, for example And they have met the challenge each time—once, in a bloody battle on October 27, 1949, by successfully driving off from that tiny island a two-division ChiCom force which had made a forced landing two days earlier and was occupying several of the island's strategic strongpoints.

Despite previous ROC combat successes, Taiwan's leaders and the people they govern know National China's continued viability as a free nation is still and for the foreseeable future will be dependent on the continuing friendship of the United States, and particularly on the comforting offshore presence of the U.S. Seventh Fleet—because the sea forces are of primary importance in the area, the Commander of the U.S. Taiwan Defense Command, currently Vice Admiral Philip A. Beshany, USN, is always a Navyman.

WHAT'S IN IT FOR US?

The dependence is in many respects mutual, however. Longtime China-watchers, particularly the wall-eyed breed which keeps simultaneous book on Peking and Taipei both, vary in their assessments but generally give four principal reasons why it would not be to the advantage of the United States to let Taiwan shift for itself.

Strategically, there is nothing to be gained. There is, in fact, much that could be lost. Taiwan is an integral (although not completely indispensable) element in the chain of U.S. western Pacific island bases ringing the eastern and southern shores of the continent of Asia. An important American staging area during the Vietnam conflict, it might never again have to be used by U.S. forces in combat, but its potential remains. Those who advocate U.S. pullout as a unilateral concession to Communist China ignore the fact, moreover, that there is no guarantee the successors of Mao and Chou will continue the current approachment. Until a new regime is in power on the mainland, therefore, any irreversible U.S. move in this direction would be premature, at the very least.

Economically, despite the gossamer prospects of "750 million customers" on the mainland, Nationalist China is much more important to the United States, and will continue to be for a long time to come. Last year, based on foreign trade settlements, the United States and Taiwan had a two-way trade total of slightly over $2 billion, making Nationalist China America's 12th leading trade partner (in a field of 145 nations). If current trends continue Taiwan will move to seventh place on the list within the next two or three years. Red China's *total* two-way trade *with all countries of the world combined*, in contrast, was less than $4.3 billion in 1970. Western economists do not see that total growing very rapidly in the near or distant future, nor do they see the United States capturing much more than its current almost infinitesimal share of the ChiCom market.

Politically, Taiwan is a symbol: (1) to the Free World at large, of U.S. credibility—if the United States fails to live up to its commitments to Nationalist China, then Israel, West Berlin, and U.S. allies in NATO and elsewhere will have to make an agonizing reappraisal of their own positions; and (2) to the 750 million human beings on the mainland itself, who see Taiwan, whatever its fault, as a China which might have been for themselves and which, given the passage of time and the changing and mellowing of current regimes, might yet be. To the Taiwan Chinese, who have a still strong identification with the Middle Kingdom, this is a most important point, unlikely though current prospects are for such a utopian ending to the current situation.

Morally—the argument that should have the most appeal to most Americans—U.S. withdrawal from Taiwan would gain nothing for the people on the mainland (although it would please their rulers), but it could have cataclysmic consequences for the people on Taiwan—native-born and mainlanders alike. It is not diplomatic, perhaps, but it is realistic to remember that a study published in 1971 by the Senate Internal Security Subcommittee estimates that, as of then, anywhere from 32 million to 61 million people (estimates vary widely because of the extremely closed nature of Communist society) had been killed by the Mao regime or had died in slave labor camps since the PRC came to power. This is anywhere from six to 10 times the number of Jews slaughtered by the Nazis during World War II. The blunt truth must be faced, therefore, that, based on past performance, U.S. withdrawal from Taiwan at the present time might well be followed shortly thereafter by the slaughter and/or enslavement of another 15 million people. (The appealing "third alternative" of an "independent Taiwan" is apparently not possible; the one thing on which Nationalist China and Communist China agree is that there is only one China, and that Taiwan is part of it.)

There are many Americans antipathetic to the Chiang Kai-shek regime who believe the United States should never have become involved in China's "internal problems" in the first place. Their point is perhaps debatable, but it is also irrelevant—applicable to 1949 realities, but not to today's. The fact is that the United States did, rightly or wrongly, become involved in 1940 and has remained involved ever since.

In an admirably comprehensive article in the February 1973 *Marine Corps Gazette*. Colonel Angus M. Fraser, USMC (Ret.), a leading Sinologist, recognizes this fact and sums up the dilemma now facing U.S. decisionmakers as follows: "No matter how much this nation wants to reduce its military presence and to see an end to trouble in Asia, we must remember that American support, freely and massively given, put the people of Taiwan . . . in their present position. It would be morally indefensible now to abandon them to a fate not of their own choosing."

UNDERSTANDING THE NATIONAL ENERGY DILEMMA

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, earlier this year the Joint Committee on Atomic Energy published the study "Understanding the National Energy Dilemma."

Written before President Nixon unveiled his "Project Independence" energy plan for national self-sufficiency in the 1980's, the study has served as a useful framework for assessing the chances for meeting that objective.

William Hines of the Chicago Sun-Times in a November 30 article appearing in the St. Louis Post-Dispatch reviews the committee study in light of the President's plan. Based upon the conclusions drawn in the report, Mr. Hines suggests that the objective of national self-sufficiency in the 1980's is doomed.

So that my colleagues have the opportunity of reading the article I include it at this point in the RECORD:

SELF-SUFFIENCY IN ENERGY BY 1980 ONLY PIPE DREAM

(By William Hines)

WASHINGTON, November 30.—Whether President Richard M. Nixon's new game plan for coping with the energy crisis works this winter remains to be seen. But it is pretty clear that his longer-range objective of national self-sufficiency in the 1980s is doomed.

This is obvious from data graphically presented in a study by the Congressional Joint Committee on Atomic Energy. It concludes that little can be done to change energy-use patterns in the United States between now and 1980, and not as much as one might think by 1990.

In fact, the study suggests, the gap between domestic fuel supplies and domestic energy demand will continue to widen for at least another decade. This gap will have to be filled—if at all—as it is being filled now: by imported stocks of fossil fuel, chiefly petroleum.

It is possible, the study shows, that the size of this gap could be stabilized about 1983, given workable energy-policy guidelines. But even so, by that time the national requirements for imported oil and gas will be about three times what they are today.

New sources of energy, such as direct conversion of sunlight and the extraction of hydrocarbons from oil shales and tar sands, can hardly be a major factor in the supply picture before the end of the century, if then, according to the report.

The report employs a rarely used statistical technique that reduces all forms of energy to a common denominator. This makes it possible to evaluate supplies of oil, coal, natural gas and hydroelectric power in terms of a single unit, thus avoiding an apparent "apples-and-oranges" comparison.

The energy unit used is 1,000,000 barrels of oil a day equivalent. A barrel of crude oil contains the same amount of heat-equivalent (expressed in British thermal units) as:

(1) 1700 kilowatt hours of hydroelectric power.

(2) 5800 cubic feet of natural gas.

(3) 450 pounds of coal.

Using this standard, the report charts a 40-year period of growth in energy consumption based on actual data for 1950, 1960 and 1970 and the best available estimates for 1980 and 1990. Energy supplies are traced through the uses to which they are put, such as "electrical generation," "residential and commercial," "industrial" and "transportation."

One of the most startling facts to emerge from the study is that most of the energy consumed in the United States is wasted, not by frivolity (the study passes no value judgments of this kind) but rather by the inefficiency of machinery and other converters of fuel to energy.

Electrical generating plants convert to

power only about 40 per cent of the heat they use, and motor vehicles waste about 75 per cent of the heat contained in their fuel. Residential and commercial space heating and industrial processes, on the other hand, are reaonably efficient converters of fuel.

This year we are consuming about 36 energy units (36,000,000 barrels of oil a day equivalent) and we are wasting about 19,000,000 of these. This waste is more than the total consumption of energy in 1950, and in turn the estimated waste in 1990 (35 energy units) will approximate the total enerby consumption at present.

Far from becoming self-sufficient by 1980, the study shows, the United States will be more dependent than ever on imports. Our imported oil needs, now about 30 per cent of total consumption, will rise to almost 50 per cent in the next six years.

"The nation is less than a third of the way from 1970 to 1980 calendarwise," the report says, "(But) it is already basically committed to what its energy use patterns will be in 1980 (barring major changes in the national or international area)."

One of these major changes (in the international area), unforeseeable when the report was written before the October Arab-Israeli war, has now come about. All the same, the report says predictions about 1980 still hold:

"For instance, the nation already ordered a large part of the electrical capacity that can be functioning commercially by the year 1980; it has already ordered every major rail-based mass-transit system that can be functioning by 1980; and the public still continues to commit the United States to an ever-increasing number of automobiles with their known poor energy consumption patterns."

Over-all efficiency in converting and utilizing energy peaked in the 1965–70 period, when about 50.5 per cent of all fuel consumed was usefully converted. By 1975, the report predicts, efficiency will have fallen to 46.8 per cent, and this trend will continue to 46.1 per cent by 1980, 45.1 per cent by 1985 and 44.3 per cent by 1990.

This deadline in efficiency, the report explains, is traceable to environmental cleanup measures (such as low-performance engines in passenger cars) enacted in the early 1970s, and to the emergence in the 1980s and '90s of nuclear power as a major factor in the nation's electrical supply. Atomic reactors are inherently less efficient than conventional oil-, coal- and gas-fired central power stations.

Regarding the last decade of this century, the report makes the point that "while some significant changes in the national supply-and-use pattern might be possible by the '90s, these changes cannot be made as quickly and as easily as many people think."

Written before President Nixon unveiled his "Project Independence" plan for self-sufficient in the '80s, the report forecasts a reliance on petroleum imports in 1980 three times as great as in 1970. In 1990, import requirements are estimated at about six times the 1970 level, and—the report says—"unless drastic and immediate action is taken on several fronts, our reliance on imports of energy will actually be greater . . . or the year 1990, even assuming the supplies and demands of the other nations of the world will continue to be compatible with our national energy requirements."

AEC CHAIRMAN'S PROPOSAL FOR 5-YEAR ENERGY R. & D. PROGRAM

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, on Tuesday, December 4, I indicated that a report to the President by the Chairman of the Atomic Energy Commission on the subject of energy R & D. had been made available and that it deserved serious study by the Congress. I also provided summary schedules of the recommended funding levels for the proposed program. My statement is included at pages 39413 through 39415 of Tuesday's CONGRESSIONAL RECORD.

While I have not completed my review of this rather extensive document, there are a number of initial overall reactions which I have had that I would like to share with my colleagues. Before proceeding, I would like to commend Dr. Ray and all those involved with preparation of the report. Obviously, considerable time and effort were devoted by many individuals on a rather short time schedule to study the complex subject of energy R. & D. and to come forward with a comprehensive report. I am certain that the document will serve a highly useful purpose in focusing attention on this critical national energy issue. Let me now present my initial overall observations on the report.

First. The report recommends intensified R. & D. effort on a multiplicity of projects and programs. Although there is obviously some merit to such an alternate route approach, one has to be concerned as to whether we may be spreading our available resources too thin. There just is not enough money, manpower, and other resources to do everything. Our experience in civilian power development has demonstrated the need to focus our efforts in carrying forward energy R. & D. programs.

Second. Significant increases in funds are proposed for programs directed toward better utilizing our available fossil fuels. I am afraid, however, that the proposed amounts will not be sufficient—particularly in terms of the funds required to support the construction and operation of demonstration and first-of-a-kind production plants. The administration is apparently counting on private industry to come forward with substantial contributions toward these plants. While I am certainly in favor of obtaining industry's support, is it realistic to expect them to put substantial funds in these very expensive, high risk, R. & D. undertakings? If we are really in a crisis, as the President says, the Government is going to have to take the lead on this.

Third. Generally, the report in my view places too much emphasis on the research end of the R. & D. spectrum vis-a-vis the development end. While we must continue a vigorous program of research, our main priorities should be on the engineering, development, and installation of energy systems which we can count upon to help meet our shortages in the next decade or two.

Fourth. As the record will clearly show, those of us on the Joint Committee on Atomic Energy have recommended for some time that the Nation support intensified R. & D. programs on fossil fuels. But we also have been firm in our belief that this not be accomplished at the expense of nuclear power programs. There is serious question in my mind as to whether the proposed program for "validating the nuclear option" is adequate in terms of funding. It only receives about a 10-percent increase over the previously planned program for the fiscal year 1975–79 period—considerably less than the increases projected for the other parts of the overall program.

I am particularly concerned with the adequacy of the funds projected for the liquid metal fast breeder reactor—LMFBR—which is our Nation's highest priority energy development program. The report includes only a small overall increase of $86 million for the 5-year period for this program. In effect, considering the inflationary trends and increasing costs of conducting development programs, the net effect will likely represent a reduction in the overall LMFBR program. I am further disturbed that the estimates apparently do not include Government support for a second-breeder demonstration plant. In this regard, I might note the President announced his intention to proceed with such a plant in September 1971, and that work toward such a plan was authorized by the Joint Committee earlier this year.

Fifth. The report points out that—

> Additional uranium isotope separation capacity must be provided, with construction beginning the next two years if the enriched uranium requirements of the 1980's. are to be met.

Unfortunately, adequate funds are not provided in the estimates to meet this need. Only a slight increase from the previous planned program is provided for the uranium enrichment program—from $284.5 million to $294.2 million for the 5-year period. No construction funds are provided for production facilities, although some funds are provided for R. & D. facilities.

Sixth. The report recommends a substantial increase in funding for the controlled thermonuclear reactor program—fusion program. The previously planned confinement systems for fusion are increased from $1.1 billion for fiscal years 1975–79 to $1.34 billion. The confinement program is projected to grow from a fiscal year 1975 level of $55.8 million to a fiscal year 1979 level of $376 million. In addition, $110 million is provided for the start of a new civilian laser fusion program. I also understand that $329 million will be included for the 5-year period for military applications of laser fusion in the national security section of the AEC budget.

The Joint Committee has closely followed the progress in the fusion program since its inception, and has strongly supported the effort. We intend to examine thoroughly whether it is timely to accelerate the program as rapidly as the report recommends. We will also be looking closely at the new plans for the laser fusion effort.

In closing, I would like to reemphasize the need for the Congress to carefully review the recommendations presented in Chairman Ray's report since it is a key document in terms of setting the future approach and priorities for energy research and development in this country. There is serious question in my own mind as to whether the proposed program is adequate to meet the needs in terms of balance, timing and level of effort. Our lack of sufficient energy supplies right now would suggest that the Nation perhaps now needs a program directed more toward increased production and better utilization of available energy sources as soon as possible rather than research on unproven or new energy sources and conversion methods.

As I indicated in my remarks of December 4, it is evident that the proposed R. & D. program will not contribute significantly toward achieving the objective of U.S. energy self-sufficiency by 1980—or by 1985 or perhaps even by 1990. I am certain that this point will be misunderstood by the American public. Apparently additional recommendations toward reaching the 1980 self-sufficiency goal will be made at a later time.

In view of the critical importance of this matter, I have scheduled hearings before the Joint Committee for next Tuesday, December 11. This will provide an opportunity for Chairman Ray to present the results of her study in public session and to comment on my initial observations and other points as appropriate.

HON. JOHN E. LEE, JR.

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, yesterday, December 5, I paid tribute in the Record to Dr. John Lee who died November 30.

As part of my tribute I take this opportunity to include an article from the December 3 issue of the Granite City, Ill., Press-Record which highlights the remarkable career of Dr. Lee and the many contributions he made during his life:

Lee Era Ends

An era ended at 1:25 p.m. Friday with the death of Dr. John E. Lee Jr., Venice mayor. Madison banker and one of the most active men in civic and public life in the history of the Quad-Cities.

A dentist, Dr. Lee, 52, of 1230 Klein St., died at Barnes Hospital, St. Louis, after a coma resulting from a massive brain hemorrhage.

He had been paralyzed and unconscious since being stricken 12 days earlier, on Sunday afternoon, Nov. 18, at his home, where he had been watching football on television.

He and his late father, a medical doctor, had been mayor of the 100-year-old municipality of Venice for nearly half of its existence.

Dr. Lee Sr. held the office from 1911 to 1915 and then continuously from 1917 until his death in 1944. The present mayor was first elected in 1957 and began his fifth four-year term this spring.

A large gathering attended funeral services for Mayor Lee at 10 a.m. today at St. Mark's Catholic Church, Venice. Large numbers also visited the Lahey Funeral Home in Madison during the weekend.

Although he had been interested in entering politics in the late 1940s and early 1950s, he did not assemble a large enough base of support to make an affirmative decision to run for mayor until 1957. He won in a spirited campaign, and in succeeding elections widened his victory margin.

He was active in the Democratic party and was influential in elections beyond as well as within his home city.

Close political associates have included City Clerk William M. Ebersoldt, a leader of the Venice city political organization and a member and past president of the East Side Levee and Sanitary District, and Walter "Buck" Simmons. Madison County Democratic chairman and clerk of the Fifth District Appellate Court of Illinois.

Dr. Lee also had worked cooperatively with the late Mayor Stephen Maeras of Madison on Venice Township (Venice-Madison) issues, and with the present mayor of Madison, Mike Sasyk.

A temporary Venice mayor, Alderman Lloyd H. Patterson, was chosen by the City Council Thursday night. Flags are at half-staff and the city will remain in mourning for 30 days.

At one point it had been considered possible that Dr. Lee would be the choice for mayor if the Quad-Cities had been merged into a single city. While he did not push directly for the proposal, he was known to believe that this community could obtain stronger voice in its future if consolidated.

Among those voicing shock at Dr. Lee's death was Mayor Sasyk, who praised him as a skilled administrator and as a force for governmental efficiency and integrity.

Mayor Paul Schuler of Granite City described Mayor Lee as a "giant of man." Appellate Clerk Simmons regarded Dr. Lee as "my best friend."

City Clerk Ebersoldt cited the Lee administration's accomplishments, which included construction of street department headquarters on Klein Street and installation of a Broadway traffic underpass. New recreation and fire station facilities were being planned.

Dr. Lee was elected to his fifth consecutive four-year term as mayor of Venice last April, and was serving his 17th year in that office. For many years he had been among the leaders of the Venice-Madison political organization.

He maintained a dental office at 401a Madison Ave., Madison, and was president of the First National Bank in Madison, located at Sixth Street and Madison Avenue.

Born in Venice, he was a lifelong local resident. He attended St. Mark's School in Venice, St. Louis University High School and then St. Louis University and its Dental School, receiving the degree of bachelor of science and doctor of dental surgery.

He was a member of St. Mark's Catholic Church, the St. Mark's Men's Organization and the Knights of Columbus.

His affiliations included the American Legion, American Dental Association, Madison County and Tri-City Dental Societies, Venice Lions Club. Venice Crippled Children's Association, Venice Homecoming Association and the City Organization. He also was a member of the Tri-Cities Area Chamber of Commerce, the United Fund and the Boy Scouts Council.

As mayor of Venice, Dr. Lee guided the city's fiscal policies in a pattern that kept the city "in the black" financially while at the same time permitting many municipal improvements.

He primarily was responsible for a financial program in which the city accumulated funds for construction of the Broadway traffic overpass and also the Venice share of the relocation of Broadway. The underpass has been built and the relocation project is expected to get under way early next year.

Dr. Lee spearheaded programs for Venice senior citizens and an expanded recreational program for the city's youth. He also initiated plans for remodeling of the city hall and jail, a project currently nearing completion.

Under his direction, the city in recent years extensively upgraded its street, police and fire departments.

He served in the Army in World War II, attaining the rank of captain.

Contributions are being made in his honor to the Venice Crippled Children's Organization and to the Dr. John E. Lee Memorial Fund at St. Elizabeth Hospital.

He is survived by his wife, the former Margaret Knecht; a son, John E. Lee III of Venice; two daughters, Mrs. Rodney (Mary Frances) Bauder and Miss Peggy Lee, both of Venice; and two sisters, Mrs. Catherine Hildebrand and Mrs. Charles (Mary) Simmons, both of Venice.

COMPILATION OF INTER-AMERICAN DOCUMENTS AVAILABLE

(Mr. FASCELL asked and gas given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, as chairman of the Inter-American Affairs Subcommittee, I want to advise Members of the recent publication by the Foreign Affairs Committee of a compliation of documents, legislation, and other materials pertaining to inter-American relations. The document is entitled "Inter-American Relations" and is available at the Foreign Affairs Committee's office, 2170 Rayburn Building. The committee hopes that this single source of current reference material will be useful to the entire membership of the House.

NEW ROUND OF NEGOTIATIONS ON PANAMA CANAL

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, negotiations between Panama and the United States on a new Panama Canal treaty have been stalled for many months. Now our new chief negotiator, one of the United States most distinguished diplomats, Ambassador Ellsworth Bunker, has begun a new round of talks in Panama. Panamanian strongman Gen. Omar Torrijos chose the day before Ambassador Bunker's arrival as the occasion to threaten "battle" if no progress is forthcoming in the canal talks. Despite this inauspicious beginning, reports are that the new talks were cordial. Recently, the Miami Herald printed both an article and an editorial on Ambassador Bunker's visit to Panama which I am sure will be of interest to the many Members interested in the future of the canal.

Panama Threatens Fight if Talks Fail

(Special To The Herald)

Panama.—"This will be the last peaceful negotiation," was Panamanian strongman Brig. Gen. Omar Torrijos' welcome for Ellsworth Bunker, U.S. special ambassador and chief ANAL Treaty negotiator.

Even as Bunker was jetting toward Panama, the government-controlled evening paper was disseminating Torrijos' words under an eight-column headline reading: "If the negotiation fails, we will be left with no other recourse but the battle."

Bunker is in Panama for week-long talks with Torrijos and Panamanian Foreign Minister Juan Antonio Tack preliminary to renewed negotiations for a new treaty to replace the 1903 treaty under which the United States administers the Canal Zone.

In a brief airport statement, the veteran U.S. Diplomat adopted a markedly different tone than that of Torrijos:

"Such an arrangement (the treaty) will require accommodations on both sides. The complexity of the issues will require flexibility and skill on the part of the negotiators and understanding on the part of the public," Bunker said.

The evening daily El Panama America quoted Torrijos as saying:

"It is the last opportunity. This will be the last peaceful negotiation. If the negotiation fails, we will be left with no other recourse but the battle. I am not tossing a threat but recognizing reality," Torrijos said.

Bunker, 79, met with Torrijos Tuesday, following calls on President Demetrio B. Lakas and Vice President Arturo Sucre.

Most of his week-long stay will be devoted to talks with Tack, with whom Bunker said he hoped to "initiate a dialogue that will result in the promptest possible negotiation of a new and modern treaty arrangement."

Accompanying Bunker is deputy negotiator Morey Bell who, shown a copy of the evening paper, remarked jokingly, "Is this our Bible?"

Bunker was met at the airport by Panamanian negotiators Carlos Lopez Guevara and Diogenes de la Rosa and Nicolas Gonzales-Revilla, Panama's ambassador to Washington.

"If the challenge is great, so are the possibilities for statecraft to achieve a lasting settlement which serves the national interests of both countries and meets their responsibilities to the world concerning a major avenue of international commerce," Bunker said.

In 10 years of negotiations, there has been general agreement that jurisdication over the canal zone should revert to Panama, and American control of the waterway and the Canal Zone should have a fixed term. The treaty now calls for American control in perpetuity. But there has been little headway on how to put the principles into effect.

Bunker was U.S. ambassador to the Organization of American States when Panama broke relations with the United States in 1964 after a bloody battle between Panamanian civilians and U.S. Army troops along the Canal Zone boundary. Bunker signed the agreement that led to the resumption of relations and the canal treaty negotiations.

His first diplomatic assignment was ambassador to Argentina in 1951, and President Lyndon B. Johnson sent him to the Dominican Republic during the 1965 crisis there.

He later served as U.S. ambassador to South Vietnam before returning to hemisphere diplomacy and the Panama assignment.

PANAMA IS HARDLY A BATTLE ZONE

That the field of international diplomacy is not all tea and precise phrases, reeking with politeness, is obvious. Bluster, threat and bombast play frequent and sometimes memorable roles, such as Khrushchev's shoe-tattoo on a U.N. desk, the more recent U.S. military "alert" and, in the point at hand, Panama's announcement of an impending "battle" unless this week's negotiations on the Panama Canal work out. To the satisfaction of Panama, that is.

Another U.S. military alert is unlikely as a result of Gen. Omar Torrijos' braggadocio. Special Ambassador Ellsworth Bunker is an old Latin hand with much experience as a catcher of Latin abuse. Sometimes there are domestic political overtones which the politicos play to, sometimes an attempt at pretalk intimidation.

According to Gen. Torrijos, "It is the last opportunity. This will be the last peaceful negotiation. If the negotiation fails, we will be left with no other recourse except to battle . . ."

There have been negotiations aplenty certainly, stretching back 10 years. Perhaps Mr. Bunker can work things out with Panama's foreign minister Juan Antonio Tack. If so it will be as a result of accommodations on both sides, flexibility and skill on the part of the negotiators, as Ambassador Bunker pointed out in his remarks on arrival.

What Panama wants was summed up in Sr. Tack's presentation before the U.N. General Assembly Oct. 12: "I—Denunciation of the 1903 Canal treaty; 2—Replacing it with a new, just and fair treaty; 3—Return of the U.S. Canal Zone to Panama, and 4—Setting the basis for Panama to assume full responsibility for the efficient administration of the Canal."

This view has wide support within the U.N. and total endorsement in the Panamanian press, which is not exactly free to make an independent judgment of the matter.

The United States, of course, has its own interests and is not subservient to any others. A "new, just and fair treaty" is what our government wants, too. Talk of a battle won't help bring it about.

NO WAY SEEMS TO BE LEFT EXCEPT IMPEACHMENT ROAD

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, I believe it will be of interest to all Members of the House to learn that the Akron Beacon Journal, the home newspaper of Mr. John S. Knight, president of Knight Newspapers, in an editorial on Sunday, December 2, has urged the House of Representatives to impeach President Richard Nixon. Coming from a newspaper that editorially endorsed the reelection of Mr. Nixon only a little more than a year ago, the editorial is new confirmation of the low state of the Nation's confidence in President Nixon.

As a member of the Judiciary Committee, I do not intend to prejudice the evidence. Therefore, I am not prepared to say, until all the evidence is in, whether or not I would vote for the impeachment of President Nixon.

However, I strongly agree that the Judiciary Committee, having discharged its responsibilities with respect to the nomination of GERALD FORD to be Vice President, must now move ahead with all deliberate speed to conduct a full and fair investigation to determine whether there is or is not substantial evidence that President Nixon has committed impeachable offenses. Let me say that I do not agree with the statement by the Honorable GERALD R. FORD that an impeachable offense is whatever the Congress chooses to designate as such an offense. In my opinion, it must be limited to serious violations of law, conduct clearly incompatible with the integrity of the office of the President, or dereliction of duty so grave as to undermine the Government or threaten the destruction of the Nation.

I certainly do agree with the Beacon-Journal editorial that there seems to be no way left except impeachment to restore the faith of the people in the President's integrity, impartiality and ability to govern. Certainly, we cannot continue any longer than absolutely necessary with a Presidency so crippled as this one has become. Public relations campaigns such as the recent "Operation Candor" cannot restore the lost faith, for the simple reason that millions upon millions of Americans no longer believe what their President says. Obviously, nothing he says can cure this dreadful situation. That can only be done by objective facts, objectively determined and objectively presented to the Congress and to the public.

Mr. Speaker, the House has no choice, in my opinion, but to dig out those facts, present them to a candid world, and let the chips fall where they may. If the facts are against the President, he should be expeditiously removed from office. If they are not, he should be cleared.

The Beacon-Journal editorial follows these remarks.

NO WAY SEEMS TO BE LEFT EXCEPT IMPEACHMENT ROAD

A year ago, impeachment of a president was unthinkable. Today, it is not only thinkable, it is discussed openly by serious men. Unfortunately, Richard Nixon has given us good reason to think and talk seriously of impeachment.

Impeachment is not conviction; it is indictment by the House of Representatives. And it serves a duel purpose. The impeachment process is not only the constitutionally prescribed method of removing a president from office; it is also a way—perhaps the only way—a president in the situation Mr. Nixon now finds himself can be cleared.

A full-blown House investigation and Senate trial would do much to clear the air around the President or to remove him from office. In either case, the nation would have more confidence in its president than it does now.

Mr. Nixon's credibility was somewhere close to zero when it was revealed that 18 minutes of a taped conversation between the President and his former aide, H. R. Haldeman, had been erased. The conversation three days after the Watergate break-in was the first between the President and his chief of staff after the burglary.

The story of the erasure was followed by a farfetched tale told by the President's personal secretary, Rose Mary Woods, of how she "accidentally" erased the tape during a telephone conversation. Her loyalty to her boss may be laudable, but her story defied belief.

The question of what was erased remains. Was it the weather that Nixon and Haldeman were talking about? Maybe some off-season trade by the Washington Redskins? Haldeman's notes say the subject under discussion was Watergate.

Mr. Nixon was in full swing with what he called "Operation Candor" at the time the latest disclosure was made. He was rushing around the country, much as a candidate on a campaign trip, trying to rally support. He was making public appearances, which we welcomed, and he seemed to be gaining a little.

In Memphis, he told Republican governors that if there were any more Watergate-related bombs he was not aware of them. Then came the missing 18 minutes, prompting Oregon Gov. Tom McCall to remark that it "shows a lack of comprehension of what a bombshell is."

We suspect that Mr. Nixon has now slipped to a new low. Under examination, Operation Candor appears to have been nothing more than undelivered promises. We hope that Mr. Nixon can and does deliver on his promises; that he can and will prove that he is "not a crook."

But we cannot wait forever, or even until January 1977, when his present term expires. And we have had too much evasiveness from the White House to rest our hopes on voluntary resolution by the President of any of the nagging questions about his integrity.

At the time of the furor over the missing tapes of conversations between the President and John Dean and between the President and John Mitchell, we said the President should be given one more chance to prove himslef. He has had that chance, and has used it to produce 18 minutes of blank tape, undelivered promises and continued obfuscation.

It would be foolish to suggest that the United States could not stand another 38 months of the kind of constantly battered non-leadership it has had for the past eight months. The strength of this country is such that it can stand almost anything. But why should the nation subject itself to an administration that is distrusted, disbelieved and suspected of being morally bankrupt when there is a constitutionally viable alternative?

It is now considered possible that the Senate Watergate committee will not resume its hearings. That would cause no great damage to the cause of justice. The committee has served its purpose, but there may be little more of use it can contribute.

The case now belongs in the House, where Rep. Peter Rodino's Judiciary Committee is moving at a painfully slow pace with its investigation to determine if impeachment is warranted.

We believe it is.

The House has more than enough to justify indictment: Watergate, bombing of Cambodia, illegal impoundment of funds appropriated by Congress, the secret police unit known as the plumbers, the milk deal and others. Perhaps none warrants conviction, but any or all warrant a full hearing in which all sides are presented. And while the President might now for some not-yet-explained reason refuse to admit evidence in his own defense, if he has any he would surely present it to the Senate if his continuation as President depended on it.

It is difficult for anyone to admit making a mistake, and more than 61 pct. of the American voting public cast their ballots for Richard Nixon little more than a year ago. There is no doubt that an overwhelming majority of Americans preferred Mr. Nixon to Sen. George McGovern. The Beacon Journal joined with most other newspapers in endorsing Mr. Nixon.

But the Richard Nixon we endorsed, and the Richard Nixon most Americans voted for, is not the Richard Nixon we now know.

The choice is no longer Nixon or McGovern. The Senate moved swiftly in approving the nomination of House Minority Leader Gerald Ford as vice president. The House should do the same. Rep. Ford is no standout; he may, in fact, stand by a monument to mediocrity. But by all accounts he is honest, and that counts a great deal these days.

Mr. Ford appears to represent basically the same views the country understood Mr. Nixon to hold on election day 1972. And he is, of course, a Republican, the same as Mr. Nixon. His approval as vice president would remove a major barrier now standing between Mr. Nixon and Impeachment: The man next in line for the presidency is a Democrat, House Speaker Carl Albert.

For a Democratic Congress to impeach and convict a Republican president—especially one elected in a landslide—so that a Democrate could assume the nation's highest office would be unspeakable; with Mr. Ford no such problem exists.

The fear has been expressed that impeachment would tear the country apart. That was a convicting line until it became apparent that the Watergate scandal was not about to go away. The continuing scandal is at least as divisive as an impeachment proceeding would be, and impeachment would have an end in sight. Republican insiders are worried that Watergate is likely to be around through the 1974 elections; an orderly, fair impeachment proceeding could easily be over well before next November.

Three things should be remembered about impeachment:

It is only an indictment, not a conviction;

It could clear the President; force him to submit evidence that he would not, for whatever reason, submit voluntarily;

It is a process approved by our founding fathers in the Constitution and meant to be used when necessary.

We hope that in any impeachment proceeding the President can clear himself. But we would be willing to abide by whatever verdict the Senate returned. If the Senate cleared the President from any involvement in "high crimes and misdemeanors" it would be far better than another Operation Candor, possibly followed by another blank tape.

It is now up to the House. It must proceed with the confirmation of Gearald Ford as vice president. And, distasteful as it surely must be, the House must proceed to impeach President Richard Nixon.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman on tomorrow, after other special orders and the business of the day, to address the House for 60 minutes and include extraneous matter.

(The following Members (at the request of Mr. Treen), to revise and extend their remarks, and to include extraneous matter:)

Mr. Roncallo of New York, for 30 minutes, on Tuesday, December 11.

Mr. McCloskey, for 60 minutes, on Monday, December 11.

Mr. Miller, for 10 minutes, today.

Mr. Kemp, for 15 minutes, today.

Mr. Symms, for 5 minutes, today.

Mr. Hansen of Idaho, for 10 minutes, today.

(The following Members (at the request of Mr. Dingell), to revise and extend their remarks, and to include extraneous matter:)

Mr. Metcalfe, for 30 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Eilberg, for 5 minutes, today.

Mr. Rosenthal, for 5 minutes, today.

Mr. Owens, for 5 minutes, today.

Mr. Rooney of Pennsylvania, for 10 minutes, today.

Mr. Lehman, for 5 minutes, on December 7.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Hutchinson, and to include extraneous matter.

Mr. Hutchinson to revise and extend his remarks and include letter of opinion from the Department of Justice, following the remarks of the gentleman from California (Mr. Danielson).

Mr. Rodino, and to include extraneous matter.

Mr. Landgrebe, immediately following conference report on the District of Columbia home rule bill.

(The following Members (at the request of Mr. Treen), and to include extraneous matter:)

Mr. Roncallo of New York in 3 instances.

Mr. Wyman in two instances.

Mr. Lott.

Mr. Steele.

Mr. Sandman.

Mr. Hanrahan.

Mr. Nelsen.

Mr. Frenzel.

Mr. Bafalis in five instances.

Mr. Kemp in three instances.

Mr. Hosmer in two instances.

Mr. Pettis.

Mr. Symms.

Mr. Martin of Nebraska.

Mr. Widnall.

(The following Members (at the request of Mr. Dingell), and to include extraneous matter:)

Mr. Bolling.

Mr. Biaggi in five instances.

Mr. Rarick in three instances.

Mr. Gonzalez in three instances.

Mr. Rooney of Pennsylvania.

Mr. Vanik in two instances.

Mr. Hungate.

Mr. Eilberg.

Mr. Stokes.

Mr. Harrington in three instances.

Mr. Jones of North Carolina.

Mr. Andrews of North Carolina.

Mr. Sisk.

Mr. Byron in 10 instances.

Mr. Holifield.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 133. Joint resolution to provide for the establishment of the American Indian Policy Review Commission; to the Committee on Interior and Insular Affairs.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 8877. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1443. An act to amend the Foreign Assistance Act of 1961, and for other purposes; and

S. 1747. An act to amend the International Travel Act of 1961 to authorize appropriations for fiscal years 1974, 1975, and 1976, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on December 5, 1973, present to the President, for his approval, bills of the House of the following title:

H.R. 974. An act designating the Texarkana Dam and Reservoir on the Sulphur River as the "Wright Patman Dam and Lake";

H.R. 1284. An act to amend title 5, United States Code, to improve the administration of the leave system for Federal employees.

H.R. 1694. An act for the relief of Ossie Emmons and others;

H.R. 3436. An act to provide for the conveyance of certain mineral rights in and under lands in Onslow County, N.C.;

H.R. 5379. An act for the relief of John B. Clayton;

H.R. 6007. An act for the relief of Swiff-Train Co.;

H.R. 6768. An act to provide for participation by the United States in the United Nations environment program;

H.R. 7210. An act for the relief of George Downer and Victor L. Jones; and

H.R. 8528. An act to provide for increasing the amount of interest paid on the permanent fund of the U.S. Soldiers and Airmen's Home.

ADJOURNMENT

Mr. DINGELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Friday, December 7, 1973, at 12.

EXECUTIVE COMMUNICATIONS, ETC.

1614. Under clause 2 of rule XXIV, a letter from the Secretary of the Army transmitting the annual report of the Department of the Army on contracts for military construction awarded without formal advertisement covering fiscal year 1973, pursuant to section 704 of Public Law 92-545; to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. S. 1529. An act to authorize the Secretary of the Interior to enter into agreements with non-Federal agencies for the replacement of the existing American Falls Dam, Minidoka project, Idaho, and for other purposes; with amendment (Rept. No. 93-701). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee on Foreign Affairs. H.R. 11088. A bill to provide emergency security assistance authorizations for Israel and Cambodia with amendment (Rept. No. 93-702). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIGGS: Committee of conference. Conference report to accompany S. 1435 (Rept. No. 93-703). Ordered to be printed.

Mr. PEPPER: Committee on Rules. House Resolution 742. Resolution providing for the consideration of H.R. 11088. A bill to provide emergency security assistance authorizations for Israel and Cambodia (Rept. No. 93-704). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXI, public bills and resolutions were introduced and severally referred as follows:

By Mr. BREAUX (for himself, Mr. Brasco, Mr. Brown of California, Mrs. Collins of Illinois, Mr. de Lugo, Mr. Derwinski, Mr. Frey, Mr. Helstoski, Mr. Jones of North Carolina, Mr. Lehman, Mr. Metcalfe, Mr. Charles Wilson of Texas, Mr. Won Pat, and Mr. Yatron):

H.R. 11817. A bill to amend the Internal Revenue Code of 1954 to provide an individual tax credit for disaster preparation expenses; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 11818. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CONTE:

H.R. 11819. A bill to amend title II of the Social Security Act to provide that any individual may qualify for disability insurance benefits and the disability freeze if he has 20 quarters of coverage (and meets the other conditions of eligibility therefor), regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 11820. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT (for himself, Mr. Wylie, Mr. Taylor of Missouri, Mr. Scherle, Mr. Keating, Mr. Rousselot, Mr. Johnson of Pennsylvania, and Mr. Pettis):

H.R. 11821. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. JOHNSON of Pennsylvania:

H.R. 11822. A bill making appropriations to the Department of Health, Education, and Welfare for the fiscal year ending June 30, 1974, with respect to library resources; to the Committee on Appropriations.

H.R. 11823. A bill to establish an Office of Rural Health within the Department of Health, Education, and Welfare, and to assist in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Alabama:

H.R. 11824. A bill to amend section 15d of the Tennessee Valley Authority Act of 1933 to provide that expenditures for pollution control facilities will be credited against required power investment return payments and repayments; to the Committee on Public Works.

By Mr. KEMP:

H.R. 11825. A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. MAZZOLI:

H.R. 11826. A bill to establish an Energy Management and Conservation Corporation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. METCALFE:

H.R. 11827. A bill to amend section 1979 of the Revised Statutes (42 U.S.C. 1983) to permit suits against bodies politic and the District of Columbia with respect to certain violations of civil rights; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.R. 11828. A bill to establish a Department of Health; to the Committee on Government Operations.

By Mr. ROE:

H.R. 11829. A bill to provide for the temporary suspension of duty on polychloroprene (neoprene) rubber; to the Committee on Ways and Means.

By Mr. WAGGONNER:

H.R. 11830. A bill to suspend the duty on synthetic rutile until the close of December 31, 1976; to the Committee on Ways and Means.

By Mr. FROEHLICH:

H.R. 11831. A bill to provide tax incentives to encourage physicians to practice in physician shortage areas; to the Committee on Ways and Means.

By Mr. KETCHUM (for himself, Mr. Eshleman, Mr. Dorn, Mr. Rhodes, Mr. Won Pat, Mr. Denholm, Mr. Treen, Mr. Roe, Mr. Van Deerlin, Mr. Podell, Mr. Anderson of California, Mr. Robinson of Virginia, Mr. Roncallo of New York, Mr. Byron, Mr. Camp, Mr. Kemp, Mr. Devine, Mr. Martin of North Carolina, Mr. Young of Alaska, Mr. Fascell, Mr. Talcott, Mrs. Heckler of Massachusetts, Mr. Gilman, Mr. Mitchell of New York, and Mr. Hammerschmidt):

H.J. Res. 845. Joint resolution authorizing increased production of petroleum from the Elk Hills Naval Petroleum Reserve for national defense purposes; to the Committee on Armed Services.

By Mr. KETCHUM (for himself, Mr. Whitehurst, Mr. Yatron, Mr. Fish, Mr. Bafalis, Mr. Ware, Mr. McDade, Mr. Brasco, Mr. Studds, Mr. Butler, Mr. Tiernan, Mr. Frenzel, Mr. Conlan, Mr. Wydler, Mr. Bauman, Mr. Drinan, Mr. Quillen, Mr. Burke of Florida, Mr. Bell, Mr. Wiggins, Mr. Brown of California, Mr. Henderson, Mr. Young of South Carolina, Mr. Sebelius, and Mr. Conte):

H.J. Res. 846. Joint resolution authorizing increased production of petroleum from the Elk Hills Naval Petroleum Reserve for naal defense purposes; to the Committee on Armed Services.

By Mr. KETCHUM (for himself, Mr. Brown of Ohio, Mr. Hanna, Mr. Thornton, and Mr. Bob Wilson):

H.J. Res. 847. Joint resolution authorizing increased production of petroleum from the Elk Hills Naval Petroleum Reserve for national defense purposes; to the Committee on Armed Services.

By Mr. MILLER (for himself, Mr. Coughlin, and Mr. Burgener):

H.J. Res. 848. Joint resolution proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress; to the Committee on the Judiciary.

By Mr. VEYSEY:

H.J. Res. 849. Joint resolution authorizing increased production of petroleum from the Elk Hills Naval Petroleum Reserve as an exercise in military preparedness; to the Committee on Armed Services.

By Mr. FROEHLICH:

H.J. Res. 850. Joint resolution proposing an amendment to the Constitution of the United States relating to appropriations; to the Committee on the Judiciary.

By Mr. HOGAN:

H. Res. 740. Resolution to amend the Rules of the House of Representatives with respect to procedure for confirmation of a nominee for the Vice Presidency; to the Committee on Rules.

By Mr. MITCHELL of Maryland (by request):

H. Res. 741. Resolution directing the Committee on the Judiciary to investigate an incident involving the resignation of a certain clerk of the U.S. District Court for the Western District of Kentucky; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DON H. CLAUSEN introduced a bill (H.R. 11832) for the relief of Sathaporn Virachatiyanukul, which was referred to the Committee on the Judiciary.

SENATE—*Thursday, December 6, 1973*

The Senate met at 10:30 a.m. and was called to order by the President pro tempore (Mr. Eastland).

PRAYER

Dr. C. Ralston Smith, special assistant to the Reverend Billy Graham, offered the following prayer:

Our gracious Lord, of whom the whole family in heaven and Earth is named, we approach Thee in this joyous season with a sense of deep gratitude. Our lines have indeed fallen unto us in pleasant places; and good fortune has marked the steps of this Nation. We bring our intercessions in behalf of our leaders, particularly the Members of this Senate. We thank you especially for the recovery of our Chaplain and friend, Dr. Elson.

Give now to this body wisdom in deliberation and guidance in decision. May their work be so done that the angelic song will be more than an occasional carol. Yes, may the glory be given gladly to our God in the highest, and may the sweet tokens of peace issue from this place to the benefit of our fellow men.

Attend then with Thy spirit men of peace everywhere. Give them a sense of being instruments in Thy hands for the glad accomplishment of Thy eternal purposes.

We pray in the name of Jesus, the Prince of Peace. Amen.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 1443) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDENT pro tempore subsequently signed the enrolled bill.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, December 5, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE TO ESCORT THE VICE PRESIDENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President pro tempore be authorized to appoint a committee to join a committee of the House of Representatives to escort the Vice President into the House Chamber.

The PRESIDENT pro tempore. Without objection, it is so ordered, and, pursuant to the order, the Chair appoints the following Senators to join Members of the House as a committee to escort the Vice President into the House Chamber: Senators Mansfield, Hugh Scott, Robert C. Byrd, Griffin, Cannon, and Cook.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

U.S. FORCES IN EUROPE

Mr. MANSFIELD. Mr. President, in this morning's New York Times there is an essay by William Safire, who used to be one of the assistants to the President, I believe, and who is now a commentator for the New York Times. The title of the essay is "For Cause, Not Cost," and it applies to the question of the retention of the sizable segment of U.S. forces which we have in Europe at the present time and indicates that the question of cost should not be the deciding factor, but, rather, it should be cause, and for "cause" I would substitute the word "principle."

I ask unanimous consent that the essay be incorporated at this point in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

For Cause, Not Cost

(By William Safire)

London.—The hottest theater ticket in London these days is to "Saturday, Sunday, Monday," the Old Vic production starring an aging Sir Laurence Olivier, about a family that nearly comes apart because its members took each other's love for granted.

That is what has been happening in the family of nations that make up the Western alliance. Until the Mideast war shattered some shibboleths, Americans thought Europeans would "go along" on major East-West confrontations, and Europeans took for granted the permanent presence of a major American armed force on the Continent to hold off the Soviets.

Last week, the Defense Department sent a signal to Western Europe, hinting that some of our bases there would be closed. With 310,000 men committed to NATO, and a quarter million American dependents along, this sort of signaling and fencing might well be reinforced with some hard looks at the reasons why the United States has troops in Europe in the first place.

1. *The tripwire:* This fairly discredited theory holds that if enough Americans are killed in a Soviet attack on Europe, we will be in the conflict without delay, and the knowledge of that automatic United States involvement would deter the Russians. On the basis of that argument, we might as well bring the troops back and leave the dependents there.

2. *Sphere of influence:* America's national interest is served, we are told, with Europe under our sphere of influence, which is assured by the presence of our troops; without that stiffening presence, the fearful Europeans might soon become Soviet vassals.

Certainly Europe is influenced by a display of power. The Arab oil embargo proved that. But with U.S. policy rigidly committed to a land army along the Iron Curtain, there is no need for European nations to woo us. Because we have given away our leverage, we are taken for granted.

3. *Mutual and balanced force reduction:* This has a logical ring: Instead of pulling out by ourselves, and getting nothing for it from the Soviets in return, why don't we put off "unilateral" reduction until we see how the talks with the Russians go?

Answer: Any agreement we ultimately make with the Soviets on the pace of reduction locks us in; we could not pull out more rapidly, and so we would lose what little leverage we have with our allies—at least now nobody disputes our NATO treaty right to decide for ourselves what our military contribution should be.

Another answer: It has taken eighteen months to get the mutual reduction talks started; in about two years, if all goes well, we may get a reduction of 10 or 15 per cent. Big deal.

4. Flexible response: That's military jargon for not having to reply to a conventional attack with a nuclear counterattack. The idea is to field an army strong enough to force the Soviets to spend at least a week taking over Europe, giving Henry Kissinger time to fly to Mr. Brezhnev's dacha and work everything out on the basis of the cease-fire lines in the Franco-Prussian War.

It makes good sense to have an army in Western Europe that would make the Soviets think twice before moving in. But Europeans do not want an all-European army because they are afraid to see Germans with guns in their hands again.

Good reason for them, but let's not befog that issue with "flexible response" rhetoric: Most military strategists say that United States troops in Europe are stationed in South Germany and would not be able to help stop an attack across the North German plain to Bonn, Brussels, Amsterdam and Paris.

Here in London, the men of many nationalities who make up the independent International Institute for Strategic Studies are realistically preparing papers on "defense with fewer men"—not exactly Charlie Wilson's classic "more bang for the buck" but close enough. They recognize the likelihood of America's acting in its national interest.

America's national interest is to begin reducing our military commitment to NATO now. The way we do it is important: not in a fit of pique but in close "consultation" with allies; not all at once but on a timetable that would let allies take up the slack.

We should take this step for the big reason—to induce Europe's self-defense—not for any demeaning reason. We recently passed a law, the Jackson-Nunn amendment, that automatically reduces our troop level when a host country does not offset the money we spend.

"That's backing out the cheap way," one of the NATO ambassadors told me in Brussels. "The United States is a superpower. You should act with dignity. If you are going to reduce your forces, do it for a strategic reason, not because you can't afford it."

REDUCED U.S. IMPORTS OF CANADIAN OIL IMPORTS

Mr. MANSFIELD. Mr. President, in the Great Falls, Mont., Tribune of December 2, 1973, and also in the Missulian and other Montana papers, the following story appears:

United States Trims Oil Buying in Canada

Calgary, Alberta.—The Saskatchewan government has ordered oil companies to reduce their production in the province because the United States is cutting back on its purchases of Saskatchewan crude, the Saskatchewan mineral resources department says.

A spokesman for the department said in a telephone interview that the government has sent letters to oil companies ordering a 16 per cent cutback in production in southeast Saskatchewan (9,300 barrels per day) and a 40 per cent reduction in southwest Saskatchewan (26,200 barrels) for December.

Saskatchewan crude production normally averages 200,000 barrels daily.

The demand for crude exports to the northern United States will fall short of the province's production capacity next month, and because the province does not have adequate storage facilities, the government has decided to reduce production, he said.

The spokesman said U.S. buyers have created the situation by deciding to reduce crude imports from Saskatchewan. He did not say why U.S. buyers wanted to reduce their imports of Saskatchewan crude.

Yesterday I sent the following telegram to Mr. William E. Simon, the new Administrator of the Federal Energy Agency:

DECEMBER 5, 1973.

WILLIAM E. SIMON,
Administrator, Federal Energy Agency,
Treasury Building,
Washington, D.C.:

News story out of Calgary, Alberta, Canada, states that the Saskatchewan government has ordered oil companies to reduce production in that province because the United States has cut back on its purchase of Saskatchewan crude oil. According to story, letters have been sent to all companies ordering a 16% cutback in southeast Saskatchewan and 40% cutback in southwest Saskatchewan for December. The spokesman for the Saskatchewan government states that "United States buyers have created situation by deciding to reduce imports."

Would you please advise me if this is correct and if so why have we ordered cutbacks?

Thanking you.

Regards,

MIKE MANSFIELD,
Majority Leader, U.S. Senate.

AMTRAK PASSENGER SERVICE IN THE NORTHWEST

Mr. MANSFIELD. Mr. President, several days ago I again expressed my concern about the need for upgrading Amtrak passenger train service in the Northwest. I do not know whether it is the energy crisis or the approaching holiday season, but the demand is reaching the crisis point. There, unfortunately, seems to be little response by the officials here in Washington. While there have been some improvements, not enough is being done, and perhaps too many of their policies are being guided by those associated with the railroad industry at the time their policy was to discourage and abandon passenger trains throughout the Nation.

I have received information indicating that, as of November 30, in the State of Montana alone over 1,000 persons have been unable to obtain confirmed reservations during the period December 15, 1973, to January 4, 1974.

The inability of many travelers to obtain reservations was the subject of a recent editorial published in the Billings Gazette of Sunday, December 2. The article also points out that during this holiday period Amtrak is planning a reduction in equipment. It is very difficult to understand their reasoning.

I think, furthermore, that not only should more trains be on the track to provide more passenger service, but also that we should give the most serious consideration to transporting by rail, once again, the mail which has now been shifted to the airlines an dthe trucking industry. If that is done, it would compensate for the loss that Amtrak has been undergoing.

The time has come for Amtrak to make a sincere and realistic effort to provide passenger train service throughout the Nation. The American public will travel by train if given the opportunity and served by courteous personnel on adequate and upgraded equipment.

Mr. President, I ask unanimous consent that an article, two editorials, and the text of a letter from a Montana constituent outlining his own personal experiences with Amtrak be printed at this point in the RECORD.

There being no objection, the article, two editorials, and letter were ordered to be printed in the RECORD, as follows:

AMTRAK MAY BE UNABLE TO PROVIDE SERVICE FOR ALL WHO WANT TO RIDE

(By John MacKay)

"I'll be home for Christmas, if only in my dreams."

So went the sentimental song that GIs sang during World War II.

Now in Energy Crisis-1973, it would seem that the refrain should be modified: "I'll be home for Christmas—if I can get a ticket on jet plane, Amtrak or piggy-back."

Amtrak doesn't look too promising. E. L. Gronbeck, head of Intercity Rail Passenger Service in Billings, reports his office has 150 holiday season reservations unfilled and on standby.

His counterpart in Havre, C. W. Carbone, said he hasn't counted reservation requests yet, but noted that his office has "quite a stack" of requests for reservations.

Gronbeck said that "on account of the energy crisis we have had double the number of requests for Amtrak reservations. People don't dare go more than 100 miles out of town in their automobiles." He said the requests average 2½ persons on each reservation.

Both Gronbeck and Carbone are hoping that Amtrak will be able to provide more facilities to take care of the holiday crunch.

But they note these restricting factors: Amtrak has a total of 1,900 cars—coaches, pullman and lounge facilities. There are at any one time about 400 cars in shops being repaired.

Thus, they say, there are an average of 1,500 cars at any given time to take care of the railroad passenger service in the United States.

Another unfavorable factor for additional Montana service is that Amtrak gives preferential treatment to areas that have 80 per cent or more ridership throughout the year.

Montana's southern rail route Amtrak runs each way three times per week. Eastbounds leave Billings at 5:25 p.m. on Tuesdays, Thursday and Saturdays. Westbounds leave Billings at 11:15 a.m. Tuesday, Thursdays and Sundays.

Gronbeck said that each train leaving Billings now consists of eight cars, usually three coaches, two sleepers, a baggage car, a lounge car and a diner.

He pointed out that if additional cars, say two or three, should become available 10 days before Christmas, this still would not take care of the passenger load.

Montana's northern rail route now has one run each way daily. The eastbound leaves Havre at 11.18 a.m. and the westbound leaves at 3:35 p.m.

Equipment assigned by Amtrak includes two nonreserved seat coaches, two reserved seat coaches, two sleeping cars, a lounge (big dome), a diner, a baggage car and two mail-storage cars.

Carbone said that Amtrak's previous policy has been to add additional cars for the Christmas holiday season, but that so far he has received no word on plans for this season.

In the meantime Carbone is operating on a day-to-day basis. So far he has been able to accommodate passengers on the northern route. He indicated that soon, as the season's passenger load increases, he probably won't be.

The demise of passenger service as operated by the non-government railway companies with two eastbound and two westbound trains daily on both northern and southern routes was generally greeted with little resistance 2.5 years ago.

But now that the family Betsy seems to be running short on gasoline, the conductor's "All Aboard," might be followed with "As long as there is room."

A BIG, FAT FLUB

(By Duane W. Blowler)

It's time to raise hell and plenty of it with Amtrak.

The holiday season is coming up and what does this Amtrak outfit do but whack its service.

Right now there are three coaches and two sleepers, plus a dining car, lounge-dorm car and a baggage car on the passenger train that goes through here three times a week each way.

From midmonth until January that eight-car train is going to be cut to six cars. One sleeper and one coach are coming off for reasons known only to Amtrak.

Here we are faced with a period when traffic is likely to be the heaviest and Amtrak lops off a coach that will hold 44 passengers and a sleeper.

Not only is it almost impossible to get a reservation in these parts but those who made them up to four and five months ago are going to find no space available because of the reduced train size.

This time of year, especially with the energy crunch and its ramifications, Amtrak should be adding to the services it offers, not reducing them.

The reservations' system has been silly enough as it is without adding further insult by a reduction in train size when an increasing number of people are seeking the service.

And if you don't think the system has been (and still is somewhat) silly, talk to some of the people who know.

The system created a condition under which people in between Chicago and Seattle who wanted to make reservations couldn't be sure until a few days before their intended departure if they were going to have a place to put their body.

Railroaders claimed that in practice a seat sold from Chicago to say Fargo was reported filled all the way to Seattle. Amtrak records showed the space unavailable when in fact it was open from Fargo on to any point west.

Railroad men swear this to be the case even though Amtrak has a multi-million dollar computer at its services.

Reservations now are limited to trips of 500 miles or more, one way, which means you probably could get one from Glendive to Missoula but not from Miles City.

This leaves, as a rule, a great many unfilled spaces somewhere in the computer's wasteland. If the gismo prevailed that would result in lots of empty seats much of the way.

The trains haven't been running empty much of the way because of human, not mechanical, ingenuity.

Railroad men outsmart the computer by filling those empty seats with overflow from the unreserved coach.

They knew in practice, if not in computer talk, that the seats would be available. They could sell 150 tickets for the 44-seat unreserved car without any feelings of guilt on reservations.

And now what happens. Whammy. Amtrak is going to take away two of the cars when they are needed the most and assured of being filled to capacity.

It doesn't make sense and it certainly isn't any way to run a railroad, at least not a passenger service.

Amtrak was founded, authorized by Congress, financed and highly touted as the way to save the passenger train through service.

Cutting off cars when they will be needed the most isn't exactly the recommended way to serve the public.

If its officials are trying to put on a squeeze play to convince Congress they need more money or some other ploy, don't bother.

The inbetween points, those not served by the airlines, are in much more need of service than the continental traveler.

If Amtrak wants to serve its purpose, develop an efficient, useful public transportation system, it had better mend its ways.

IMPROVE TRAIN SERVICE

The jets are not flying out of Billings as often. And car travel may soon be severely restricted by a gas tax or rationing system. It is time to get the trains running.

Sen. Mike Mansfield made that point last week when he urged an immediate expansion of Amtrak services to all areas of the country. More specifically, he asked, as has been his position for some time, that passenger service on Amtrak's southern route through Montana be expanded and that trains should run from Butte to Salt Lake City.

What Mansfield was trying to tell the federal bureaucracy is simply that Montana is a big state. And if we can not drive cars or fly as often we are going to need some way to cover the hundreds of miles from say Miles City to Missoula. More frequent train service would help provide that transportation alternative.

Mansfield's urgings, however may be falling on deaf ears. Thus far, all that has been heard from Amtrak are tales of woe from people who have had to wait weeks to get reservations only to find that cars have been removed from the trains making even less room available.

We are behind you Mike. Keep shouting if you must and perhaps Amtrak officials can be alerted to the fact that we do want train service in Montana. In an energy crisis it makes sense to expand public transportation, especially when there is proven demand.

EDITORIAL BY DOC BOWLER

I know that what he says is true. On November 23, 1973, I called Amtrak for a reservation to leave here to go to Butte on December 23 and return on December 27. The ticket agent took my reservation and said he would call me to confirm it when and if space was available.

Last Friday, November 30, I called again to ask if there was a reservation for me and I was told that as yet there was no reservation. I had asked for either a coach seat or a roomette and on last Friday, November 30, I was told that as yet there was no reservation and it didn't appear that there would be one unless Amtrak put on some extra cars. I did not know until Friday, November 30, that there were not enough cars and that Amtrak was undecided about whether it would put on some more cars. Now I find out from Doc Bowler's editorial that Amtrak has actually taken off a couple of cars from its train.

The reason I asked for a train reservation is because frequently the weather is bad at that time and planes do not land in Butte or take off from Butte, and the roads could be covered with snow and/or ice so that it would be tough to drive.

I am certain that there are many more people who are in the same position that I am in. I think Doc Bowler's editorial confirms this. If Amtrak doesn't want to run a passenger train service, I wish the officials would say so. I am certain they could make money, especially now with the energy crisis. At times, I wish the Government would nationalize the railroads and maybe the Government will have to do so some time in the future.

It appears to me that nationalization of the railroads certainly couldn't make the situation any worse than turning the Post Office over to private industry.

I don't know whether other people have written to you about this situation, but I surely think somebody ought to question Amtrak or the Interstate Commerce Commission about this situation. I thought this ought to be brought to your attention, and I hope you can do something about it. I feel certain that Amtrak has a lot of cars, and it would be a simple matter to put on additional cars to take care of the peoples' needs.

Mr. HUGH SCOTT. Mr. President, I agree that we are much in need of improvement in passenger service on the rails. But I am inclined to believe that Amtrak is using all available equipment. I think the catch is in the word "available." I know that, in Erie, Pa., and elsewhere, rail equipment for Amtrak and other rail lines is being manufactured as rapidly as possible.

But it has long been true—and I suspect it still is true—that the operators of the railroads have not adequately encouraged rail passenger traffic. They had better get on the ball because, in my judgment, this is one of the solutions to the energy crisis. It is a solution to the people-moving problem. It is a solution to the glut and congestion of traffic.

If we do not have solutions and if we do not pass the bill coming to us shortly for the combination of some of the railroad lines in the Northeast and the Middle West, our problems will multiply.

I think we ought to consider a study with respect to the building and reorganization of the national rail systems in order that we might consider proposing one or two publicly owned rail lines. I do not say that I am committed to that, but I am certainly committed to the review and study of it, rather than to have, ultimately, the nationalization of the railroads. If we do not get better passenger service, the people of the country are more likely to demand nationalized railroads, assuming that we do not move in time to get them a better substitute.

One of the alternatives might well be publicly owned rail systems across the country. I can address myself to the freight problem at some other time. However, I do think that we have not had the kind of leadership for the railroad industry and the improvement of passenger service.

Mr. President, I yield the remainder of my time to the distinguished majority leader.

The PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I want to express my agreement with the distinguished Republican leader. And while I do not look forward with any degree of anticipation to public ownership or the nationalization of the railroads, I am afraid that if something is not done, those matters will be given the most serious consideration in the very near future.

Unfortunately, in my own State of Montana we have a 3-day-a-week service in the southern part of Montana on the Burlington, the old Northern Pacific. And in the northern part we have daily service.

I am delighted that we have daily service in that part of the State. However, we should have it in the southern part as well. People should not be held up because of the lack of reservations. Cars should not be taken off passenger trains, as the Amtrak is doing in the southern part of Montana at the present time. And it is about time that people be given the consideration which is their due.

I believe in lieu of the savings which could be made through the augmentation of railroad service and through the shifting of the mail delivery to the rails, I think it will be a step in the right direction if the administration were to stop talking only about carpools and the like. Let us get railroad pools and let us put the cars where the people need the service.

ALTERNATIVE SOLUTIONS TO THE ENERGY CRISIS

Mr. MANSFIELD. Mr. President, in the past year Western coal resources, in the estimation of some people, have become the answer to the Nation's energy crisis. As I have repeatedly stated, this is not the simple solution as so many believe. Coal in the West can be utilized to help in meeting the crisis but it is not the only solution. We must think in terms of other alternatives. There is too much at stake in the future of the Western States.

The Federal Government owns minerals on 113.03 million acres of land in the United States. Thirty-eight percent of these minerals lie beneath privately owned surfaces. Data is incomplete insofar as coal deposits on Federal lands are concerned. Estimates from the Bureau of Land Management indicate that the Federal Government has title to 56.4 billion tons of coal which are considered available for surface mining; 14.16 billion tons of this total lie under nonfederally owned surfaces. This means that little more than one-fourth of the Federal deposits is directly affected by my amendment to S. 425 which would prohibit coal strip mining or open pit mining when the Federal Government owns the minerals and the surface is held by private individuals or corporations.

The Bureau of Land Management reports that a total of 2.32 billion tons of Federal coal have already been committed on long-term contracts to supply electric generating stations or coal gasification plants over the next 30 years. This is a relatively small percentage of the total Federal resource.

Mr. President, the Senate passed S. 425, the Surface Mining Reclamation Act that included my amendment which would, admittedly, create a checkerboard pattern and might cause some inconvenience for development of properties where the Federal Government is the complete owner or where the minerals and surface are held by private concerns. This amendment is not intended to stop active and existing coal surface mining regardless of land mineral arrangements.

There is a lot of coal in the eight Western States which provides the basis for the statistics just cited—Colorado, Montana, the Dakotas, Oklahoma, Utah, Wyoming, and New Mexico. The theme that I have attempted to project is that the resource planners should not stop planning just because they assume they can dig up the West and forget about alternative and more efficient and environmentally favorable processes for generating energy.

What we face in the West is a sudden change from what is largely an agricultural economy to a dependency upon a coal economy. The rugged individualist of the West has always been an important element in our Nation's history. Extensive coal strip mining, coal gasification plants, and unscrupulous brokers are the greatest threat to this heritage that has ever occurred.

In an effort to continue to inform my colleagues in the Congress, as well as the Nation, on the potential difficulties that might arise from a crash program on coal development as the most immediate answer to the energy crisis, I would like to ask unanimous consent to have several items printed at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, first of all, one of the most eloquent presentations of the problems we face in Montana was made by K. Ross Toole, a professor at the University of Montana, at a public forum entitled "Political Power in State Government" which was sponsored by the Montana Committee for the Humanities. Dr. Toole raises a question which has been paramount in my own mind for sometime, "Must we trade short-range advantages as we have so consistently done, for long-range devastation?"

This is an important question. Montana, in my opinion, has been milked and mined too much of its resources for the purpose of serving the interests of the United States. I do not want to see the same thing happen in the development of the coal areas at Powder River and the Fort Union bases in eastern Montana.

Second, the President of the United Mine Workers, Arnold Miller, has made an excellent plea in behalf of the coal mining industry and, most especially, deep mining, with new technology and consideration for the miner. The article appears in the November–December 1973 issue of the Center Magazine, and I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MANSFIELD. In addition, Mr. President, I ask unanimous consent to have two news stories from the issue of the Missoulian which discusses the current debate offering comments on both sides of the issue.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 3.)

EXHIBIT 1

THE HISTORY OF POLITICAL POWER IN STATE GOVERNMENT

(By K. Ross Toole)

In certain very essential respects, political power in Montana (or the lack of it) has differed from that power in other states not merely in degree but in kind.

Nothing I have to say will be new to any of you who have made a study of this state's history.

The difference I have referred to (i.e., the difference in kind) arises from some root causes. Sometimes we overlook these utterly basic considerations and tend to believe that we have been solely the victims of political control by venal outside interests and unscrupulous exploiters. Indeed, we have been exploited and there has been venality in it. Economic power exerted by peoples and corporations far from our borders has been translated far too often, and for far too long into political control. And the result has been an essential subversion of our political processes and machinery. We have not been a sovereign people—not since the turn of the century. And only very recently have we begun to emerge from this rather remarkable kind of political serfdom.

We are still very inexperienced in self government—precisely because we have been at it for so short a time.

What were these root causes to which I referred earlier? Firstly, this is a large state (147,000 square miles huge). And even today there are only 4.7 persons per square mile rattling around in that hugeness.

Secondly, we were endowed with enormous riches, forests, rivers, the richest native grass in Western America, and mineral wealth of almost incomprehensible value.

No wonder that in the 1870's and 1880's and 1890's the most hopeful, ebullient and optimistic people in America were perhaps Montanans. All contemporary accounts—newspapers, letters to the states, diaries, the published reports of visitors (both American and foreign) clearly reveal this extraordinary sanguinity.

But there was a problem—and it lay in the very nature of that wealth itself and it also lay in its location.

Montana was a formidably distant place—distant from the channels of trade; distant from the east-west axis of that trade; distant from the great population centers; distant, therefore, from markets.

And the wealth itself was locked onto the land or deep beneath its surface. And so, the conversion of that raw wealth into utilizable materials and hence into wealth in a money sense was no simple process. Indeed, it was enormously complex. At the heart of the complexity lay capital.

We did not have it here. Even when, in the 1880's the richest of Montanans pooled their wealth (which they did) it was hopelessly inadequate.

And so, starting in the 1870's, the cry for outside capital began. In the 1880's it was almost a crescendo.

Why? Because all around them these Montanans saw, indeed, literally lived in, and above, and were surrounded by, wealth. And they couldn't get at it, couldn't use it. Not without the help of capital from elsewhere, and capital in large quantities.

That capital came. For the cattle industry it came from Scotland, England, France and the Atlantic seaboard.

For timber, it came from San Francisco and New York.

For gold, silver and copper it came from San Francisco, Boston, New York, the House of Rothchilds in London; the House of Bleichroader in Germany; and the two largest banks in France, the Bank of Paris and the Comptoir des Compt.

For sheep and wool it came from Boston.

By the turn of the century Montana was in the midst of an unprecedented boom. Montanans were much too busy, much too optimistic and, too far, perhaps, from the center of things to note that the nature and source of the incoming capital had changed. This is perhaps the nub of its matter. All western states and territories needed outside capital.

Instead of flowing from many sources, east, west and European, massive financial battles, far, far from where the raw wealth lay were being fought for control over the inflowing capital. For if that could be controlled, the prize was enormous.

If Montanans had been carefully reading such esoteric publications as the American Journal of Economics, the London Economist, The Engineering and Mining Journal, The Commercial and Financial Chronicle and the Boston Beacon, they would have had cause for alarm. But there is no hint of alarm here however diligently one searches the contemporary local sources.

These battles for control of Montana's wealth were fought between 1884 and 1900—fourteen years. The battles involved great cartels, great banks and great corporations in America and Europe. The battles were great because the prize was great. The prize was our wealth. The object was an end to competition among outside sources of capital.

It would take a thick volume to chronicle those battles. It will have to suffice here for me to say that the war was at last won by Standard Oil Company of the United States. And the date of the war's end was April 27, 1899 when the Standard Oil Company bought the Anaconda Copper Mining Company and then began very quickly and voraciously to devour all competitors, not merely on the Butte Hill, but in the forests of the west and in many other places in many other ways.

Idaho, too, was a rich country. Politically it developed very differently from Montana, however. The key to that difference lies in the fact that the capital for the development of Idaho's riches remained diversified. Let that, too, be said of other rich western territories and states—such as California.

As long as competition existed among those seeking out the wealth of the earth, the political process could work, because it could pit one power against the other. It may not, indeed, have worked as effectively and as freely as it should—but it could still work. In Montana it could not—and it did not.

From 1900 to 1915 what happened in Montana was inherently conditioned by the near total monopoly of all capitalization by one company with huge resources and—a company of great efficiency and great ruthlessness. In 1915 Standard Oil had to divest itself of the Anaconda Company for violation of Federal anti-trust acts. But by then the pattern of political control rooted in economic control was far too firmly set to be broken. Also, by then, Anaconda itself was no longer merely a finger on the long arm and hand of Standard Oil. It had been magnificently managed and now, in its own right, it was one of America's biggest corporations.

Montanans had not, however, been entirely asleep at the switch. And when the first political pressures were felt, they fought back. We use the phrase "the War of the Copper Kings" to describe this period, but that is not really accurate. Only the last scrimmage in the War of the Copper Kings actually involved opposition to Standard Oil. I will not chronicle that battle but will only characterize it. And with this preface. It was not wrong or bad then. It was the nature of control over that exportation that mattered.

Anaconda (or Standard Oil) won that battle with two enormously potent weapons. On a massive basis it went into the newspaper business. It bought out all the principal daily papers in the state save one and it essentially controlled many of the weekly newspapers. Montana from 1903 to 1958 had no free press. That is a situation without parallel in the history of any state in the Union—and any and all political machinery designed to serve the people of any region, will and must wither without a free press. Ours withered.

Secondly, to control a legislature, grown very fractious in the three years between 1900 and 1903, the Company announced that unless the legislature met in special session to pass a bill which would in effect, destroy the last resistance to its hegemony, it would close *all* its enterprises in Montana.

And it did precisely that. On October 22, 1903, it ceased all operations in Montana. The Boston Beacon described the results. Noting that 20,000 men had been precipitously thrown out of work, the Beacon remarked: "The effect of this act is to bring home to the body of the people their utter dependence on the good will of the trust."

Indeed, it was so. Roughly ¾ of the wage earners of the state, directly and indirectly were dependent on Anaconda.

This closure meant, in other words, the total, complete and catatonic economic paralysis of the sovereign state of Montana.

The governer had no choice. He called the special session, it passed the bill demanded by the Company—and Montanans were permitted to go back to work.

Well, you may say that happened a long time ago. So what? So this: When things legislative did not suit the Company—periodically throughout the years the Company threatened again to do what it had once done—and to do what it so clearly had the power to do again.

If the press was now captive, so was the legislature. And it was not until the late 1940's that the legislature began to assert, slowly, its independence. That captivity, like the captivity of the press, has never happened in any other state in the Union. The Company's slow decline in power meant Montana's slow rejuvenation.

So, political power in Montana has, historically, been unique—because if one defines political power in terms of a people expressing their will through a popularly elected legislative body, Montanans have simply had no political power until very recently. Again, it was not that we were a raw materials producing area and hence an exporting area that constituted our problem.

Unfortunately, it is not merely in regard to mining and lumbering that we have suffered an eclipse. The eastern part of the state has also seen in its own hot crucible.

The story is too complex even to review very briefly here. But let me try to get at the essence of it nevertheless.

The wealth in grass, cattle and sheep in eastern and central Montana was, indeed, very great. But it is and was fragile wealth upon a fragile land. The great trauma for that region lay in the impaction of that land by too many people, too fast and with too little knowledge of the land, its cyclical weather patterns, and its fragility.

Between 1909 and 1917 roughly 80,000 people came into eastern and central Montana because a great national campaign was conducted by the railroads, Chambers of Commerce and by state government itself.

They came to engage in dry land farming. They came to plow deep and sow wheat. And from 1909 to 1917, they did well. The wet period was upon land. A war was raging in Europe and the price of wheat was high. So they plowed up millions of acres. They built dozens of new towns. They formed 23 new counties and then, as it inevitably must, as it has, periodically, for thousands of years, the drought came. And between 1917 and 1925, 60,000 of the 80,000 people who had come, left the land and the state. Eleven thousand farms vanished, farm mortgage indebtedness reached $175,000,000; 214 banks failed—more banks than we have in Montana today.

What has this to do with politics and political power? Consider the continuing cost of maintaining 23 new counties created in the expectation that the population of eastern Montana would sky-rocket. Between 1914 and 1922 the cost of county administration rose 149 percent—overall governmental expenses increased 587 percent. Taxes per acre rose 140 percent. The value of farm land decreased by $320,000,000. And soil conservation studies in some of the homestead areas, studies done in 1965, demonstrate that the land is still 75 percent depleted.

The philosopher George Santayana once said, "A people who ignore their history are doomed to repeat it." Maybe we should keep that in mind as we prepare to strip mine our coal under hundreds of thousands of fragile acres.

For if, indeed, current statements that this land can be reclaimed are backed by scientific evidence, history seriously questions that evidence. We seem to have short memories. Maybe we should look at the history of eastern and central Montana more closely. The alarms are ringing. The question is as Montanans, are we listening?

I have not been very cheerful about all this—but there are some cheerful things to be said.

We no longer have a captive press; we no longer have a captive legislature. We have severe problems. But with rapidity which is startling to me, we are coming out of a long sleep—and the morning looks very fresh. It is a cliché, but let it stand. Today is the first day of the rest of our lives.

We are recapturing some control over the destiny of our own state. We can increase it if we understand how we once lost it. We can lose it again—unless we are very vigilant and unless we understand that we cannot buy tomorrow by spending everything we have today.

Must we trade short range advantages as we have so consistently done, for long range devastation?

I, for one, ardently hope that we need not, should not and must not. But that decision still remains to be made. I pray that we make it on the basis of thorough investigation and not in panic, and not just for ourselves.

One fact towers over all others. Yet we so often fail to understand that one utterly basic circumstance. It is this: We really owe no debt to the past and no debt to the present. Those debts are academic; they are the stuff of polemics, momentary political advantage or the self-indulgence of revenge or guilt.

The real debt we owe is to our progeny. The abiding obligation is to leave them a livable world, a livable state.

Our real obligation is not to give our children nirvana; it is to give them all the ingredients of rational hope. It is to leave them a place and a time in which they can in fact, and not in theory, become better people than we are—building better structures than we have built.

The great sin would be for us to borrow what we cannot repay. Which is to say, quite simply, we must buy *our* present with their future.

EXHIBIT 2

THE ENERGY CRISIS AS A COAL MINER SEES IT

(By Arnold Miller, president of the United Mine Workers of America)

"You can't talk about energy without talking about oil. You can't talk about oil without talking about politics. You can't talk about politics without talking about corruption."

I was born in the mountains of West Virginia, and my views are the views of a coal miner. Coal mining is hard, dirty work, and when you have time to think on the job, you mainly think about your survival. I have spent most of my life just trying to survive, and what free time I had left over I spent on trying to reform the union I belonged to. That is hard work, too. So my views are generally geared to getting from one day to the next.

When I first began thinking about what I wanted to discuss at the Center, a number of possibilities struck me. I could concentrate on what it is like to try to run a union in the process of reforming itself. Or I could discuss coal miners and the energy crisis. Then I began thinking about your name—The Center for the Study of Democratic Institutions—and it occurred to me that coal miners don't have much opportunity to study democratic institutions, because there are so few such institutions where we live. Our union is only now getting serious about democracy. The industry we work for is totally undemocratic. The state legislatures that it controls pay lip service to democracy, but that is as far as they are willing to go. There are a few congressmen and senators from coal states who are a credit to democracy, but most of them are not interested in it unless the price is right. Then there is the White House. The people there are supposed to know about democracy and they also have a great deal to do with policies affecting coal miners. But based on what I have seen and heard from there, especially since Watergate, the idea of "democratic institutions" doesn't impress *them* much. So I come down to the idea that I would like to talk about democratic institutions if only because it is such an unfamiliar subject to me.

Of course it is too big a subject for anyone to handle. I know I ought to narrow it down. However when I was still working underground, long before I knew any people who called themselves environmentalists, I ran across what the founder of the Sierra Club, John Muir, said: "When we try to pick out anything by itself, we find it hitched to everything else in the universe." I think that is about as true as any idea I ever heard. You can't talk about coal without talking about energy. You can't talk about energy without talking about oil. You can't talk about oil without talking about politics. You can't talk about politics without talking about corruption. You can't talk about corruption without talking about companies that are so big that they can give half a million dollars to a politician without its even showing up on their books. You can't talk about companies like that without talking about energy, because they supply it. And you can't talk about energy without talking about coal. So I will talk about all of these things, and if I wander around, you can blame it on the Sierra Club. That is what the coal industry does.

I still run into people who think that the coal industry died when railroads converted from steam locomotives to diesel. They are very surprised when I point out to them that their electrical appliances burn coal. They don't see it because it is delivered by wire. The steel that goes into their cars could not have been produced without coal. That is true even if they are driving a Japanese car, because it is exported American coal that the Japanese steel industry uses—and then sends back to us, at a comfortable profit. I am sure, though, that you all know enough about our economy to realize that coal is the basis of it. If we stopped digging coal in September, the country would shut down in October, after the stockpiles ran out. It is that simple.

We are producing, at this point, about 590 million tons of coal a year from twenty-four states. West Virginia and Kentucky are the leading producers. They account for about forty per cent of last year's total between them. In the east, the other principal coal-producing states are Pennsylvania, Ohio, Illinois, Indiana, Maryland, Virginia, Tennessee, and Alabama. Moving westward, there is production in Oklahoma, Arkansas, Iowa, Kansas, and Missouri. The big reserves are in the Rocky Mountains and the Northern Plains.

All this coal is being mined by an estimated 150,000 men, which makes coal one of the most productive industries in the country. About 125,000 of those men belong to the United Mine Workers (our total membership, including retired miners, is about two hundred thousand). You can get some sense of how the coal industry has changed through mechanization by realizing that thirty years ago we were producing roughly the same amount of coal every year, but then it required a work force of about six hundred thousand to do it. Today the coal industry is about ninety-eight per cent mechanized.

More than half of the coal we produce goes to electric utilities. We deliver about ninety million tons to the steel industry. We export about fifty-seven million tons. We deliver the rest to a wide variety of other industries, particularly those producing chemicals, which rely heavily on coal and coal by-products.

Mainly because of mechanization and the high productivity that results from it, the price of coal traditionally has stayed low. That is the price to the consumer. The hidden cost of coal is the one we pay—the people who mine it. It is a high price. We get killed. Since the Bureau of Mines started keeping records of such things back in 1910, about eighty thousand of us have been killed. No other industry comes close to that. And we get black lung, from exposure to fine coal dust in the mine air. That problem has been with us through the history of the industry, but the companies and the company doctors have denied it even existed. They were still denying it in 1969 when the Public Health Service finally got around to releasing a study it had been sitting on for sixteen years that showed that one hundred thousand or more miners and retired miners were afflicted. And "afflicted" isn't a strong enough word. Dying of cancer is no worse. This old disease has become worse with mechanization because the high-speed mining machines stir the coal dust up much more intensely than in the old pick-and-shovel days. We have had our technological progress in coal, just as in other industries, but we are still being smothered to death.

There are other hidden costs in coal. Underground mining produces acid wastes and gob piles. Strip mining destroys mountains and poisons watersheds. It also poisons people's lives. There is probably nothing worse than knowing those big shovels are coming to take your land and the house you grew up in. If you are poor, you don't have too many ways to fight back, and it is tempting to take whatever they offer you. That brings me back to John Muir's idea about everything's being hitched together to everything else. You are poor in the first place because of the coal industry—if you live in an Appalachian coal camp. They make you poor and then they come and take advantage of it. That is a hidden cost. Anybody who has had to fight the coal industry knows what it is like to pay it.

We have learned from bitter experience that when you fight the coal industry, there are terrible odds against you. The concentration in the industry is extreme. Of course, the industry says this is ridiculous. The industry spokesmen are always pointing out that there are five thousand mines and 1,200 mining companies. And then they ask how any industry with that many companies in it could possibly be concentrated. They get away with this question because few people know anything about the industry. But the simple fact is that fifteen companies produced 301,208,359 tons last year, which was fifty-one per cent of the total. The top fifty companies combined produced 400,000,000 tons—two-thirds of the total. I am not an economist, but you don't have to be to know that any industry which has half of its production controlled by fifteen companies is concentrated. It is more concentrated, in fact, than those figures indicate. And what is really important is to understand where the concentration goes—where the puppet strings lead to, to put it another way.

First, let me list the top fifteen companies by their coal industry names, and you can see how many you recognize. Peabody Consolidation, Island Creek, Clinchfield, Ayrshire, U.S. Steel, Bethlehem, Eastern Associated, North American, Old Ben, Freeman & United Electric, Westmoreland, Pittsburg & Midway, Utah International; and, in fifteenth place, a group: Central Ohio Coal, Central Appalachian Coal, Windsor Power House Coal, Central Coal, and Southern Ohio Coal.

If you have ever heard more than five of those names, you must have grown up in Appalachia, or you have been studying the industry. But the next question is harder. Who owns those fifteen companies? How many of them speak for themselves?

Peabody Coal is a wholly-owned subsidiary of Kennecott Copper. Consolidation Coal is a wholly-owned subsidiary of Continental Oil. Island Creek is a wholly-owned subsidiary of Occidental Oil. Clinchfield is a wholly-owned subsidiary of the Pittston Company, which operates oil refineries and owns the Brink's armored car company so that it won't have to pay someone to carry its cash around. Ayrshire Coal is a wholly-owned subsidiary of American Metal Climax (Amax). U.S. Steel and Bethlehem own their own coal-mining operations. Eastern Associated is a division of Eastern Gas & Fuel. North American Coal is independent. (You have to get down to number nine on the list to find an independent coal company.) Old Ben is a wholly-owned subsidiary of Standard Oil of Ohio. Freeman Coal and United Electric are wholly-owned subsidiaries of General Dynamics. Westmoreland Coal is independent. Pittsburg & Midway is a wholly-owned subsidiary of Gulf Oil. Utah International is independent, but not strictly a coal company. It has worldwide operations in copper, iron ore, and other minerals. And that last group—Central Ohio Coal, Central Appalachian Coal, Windsor Power House, Central Coal, and Southern Ohio Coal—is a division of American Electric Power, the biggest private utility company in the world.

You realize very quickly that the coal industry is not what it seems to be at first glance. You have oil companies controlling two of the top three. Kennecott Copper controls the biggest of them all—a company which produced nearly seventy-two million tons last year and plans to double that by 1980. This one company, which gets about eighty per cent of its coal from strip mining, produces about twelve per cent of the industry total. In fact, Peabody alone outproduces the combined effort of the seven companies at the bottom of the top-fifteen list.

In the coal industry a very small number of very large companies not only sets the pace for the rest but also has the power to swamp them financially. What other industry has this same pattern? Everybody knows: oil. But not everybody knows that the oil industry effectively controls the coal industry. It shares that control to some degree with other industries—with Kennecott, with the steel people, and with utilities. I don't deny that they have their differences of opinion from time to time, and maybe even a little competition. But not very much competition, and less of it every day.

We are all slowly learning that the oil industry is more than that now. It has wide-ranging interests: coal, natural gas, uranium. It is an energy industry, though that is too polite a name. The Federal Trade Commission recently observed that "the industry operates much like a cartel" and filed suit to try to break it up. Exxon, Texaco, Gulf, Shell, Standard Oil of California, Atlantic-Richfield, Standard Oil of Indiana, and Mobil between them control fifty-one per cent of crude oil production, sixty-four per cent of crude oil reserves, fifty-eight per cent of all refining, fifty-nine per cent of refined gasoline, and fifty-five per cent of gasoline marketing. "A nation that runs on oil can't afford to run short," they say in their advertising. In the long run, it may be much more true that a nation that runs on energy can't afford to fall into the hands of a cartel. We already have some firsthand experience with shortages. But today's are nothing compared to tomorrow's. I think shortages are directly connected with concentration. The experience of the coal industry here is likely to be educational.

It should be admitted right off that concentration in the coal industry has had some notable advantages, even though we have not all been allowed to benefit from them. In the earlier part of this century the coal industry was about as mixed up as a pig's breakfast. Many thousands of companies competed with each other. You could get into the business without much money. If you could get a railroad to put some tracks near your mine and send you a few empty cars every now and then, you could fill them up and send them away and make a profit. The lower you kept the wages of your miners, the more money you made. But there was chronic overproduction, and after 1920, when oil and natural gas began creeping into coal's heating markets, the overproduction got worse with every year. It was a logical thing for the bigger producers to work at getting still bigger and combining their assets through mergers so that they could carve out a secure place for themselves. They did that. They did it with increased speed after World War II, when John L. Lewis forced mechanization into the mines by driving wages up to the point where it was cheaper to put machinery into the mines than it was to pay pick-and-shovel men.

Full-scale mechanization was something only big companies could afford. They paid for it out of working capital or with long-term loans at relatively favorable interest rates. The smaller companies couldn't keep up, even if they were relatively well managed. The record of the industry was too unstable to attract capital to small operations. An investor or a bank with a choice between a company with thirty-five mines and long-term contracts for its coal or a company with one or two mines that could be bankrupted by a strike at either of them—and that had only spot contracts—which do you think it would choose? But the trouble with this trend was that there was no stopping it. And now we have an industry in which the smaller independent operators have no leverage at all. But the irony is that the smaller companies are answerable to somebody. They are local, or nearly local. You can get at them. What is true of all the giants is that ordinary citizens can't get at them. They are not accountable to us.

They should be, because there are some important questions they should be forced to answer—and not just with the usual symphony of public relations they pump out whenever they are being criticized. First of all, they should be forced to explain how they are going to deal with the future energy needs of this country. Lately we have had truckloads of studies indicating one thing: by 1985, the United States will be running out of domestic oil and domestic gas, and relying even more heavily than we already are on supplies imported from the Middle East. Most of the studies also give some passing mention to coal. Some of them point out that we will need to produce about 1.5 billion tons of it a year in order to keep our lights burning. That is more than double the six hundred million tons per year we produce now. In effect, it means building a whole new industry on top of the one we already have.

That might be possible if the coal industry were expanding production steadily, about ten per cent each year. But total production last year was less than in 1947. The National Coal Association forecast for 1973 shows little or no increase over 1972. At this point even that forecast seems to be off the mark; production is now running five to ten per cent behind last year, and it is likely to stay that way for some time. At this rate, there is no way that the coal industry will be producing 1.5 billion tons a year by 1985—or for that matter, at any time after that.

Part of the reason is concentration. It is just not possible for independent coal companies to expand in competition with the giants. And some of the legislation that has been passed in recent years has not made it any easier for them. The 1969 Coal Mine Health and Safety Act has probably brought about the closing of numerous smaller mines which simply couldn't afford the investment in new equipment required by the very strict standards of the act. I don't think the act should have been less strict—if anything it could have been even tougher—but I wonder whether provisions should not have been made to provide some sort of relief to the smaller companies. I do not mean tax relief, which is equivalent to an outright subsidy; I can't see any value in rewarding a company for having had a consistent record of failing to provide a safe work place, as too many smaller companies did. But I think it might have been a good idea to establish something like a Small Mines Safety Bank that could have provided low-interest loans to be used for safety equipment and training. It may not be too late to do that, and it might have the effect of subsidizing competition.

The bigger companies, with effective control of their market, have no incentive to expand except when they are absolutely certain in advance of selling every ton of coal at acceptable prices. Their goal is to remove every last bit of risk from the business (except in the area of safety, where they are still willing to take all kinds of risks).

This was true even before they started being devoured by the oil industry; it is twice as true now. The oil industry knows that you don't refine more gasoline than you think the country will need, because if you do, the price will go down. In the days of competition you had less chance of manipulating the total production. These days, when competition in the oil industry is a joke, you can manipulate whatever you feel like manipulating, starting with the White House and the Interior Department and going on from there. The biggest oil-coal combines are sitting on vast reserves of readily recoverable coal. But that coal will come out of the ground only when the men who own it can be sure of the price they will get for it.

That is a simple objective, but it immediately becomes complicated. Coal, oil, and gas are largely interchangeable as far as electric utilities are concerned. They all produce Btu's. Many generating plants have been designed to take any or all three. If coal were still one hundred per cent competitive, there would be an incentive to mine more of it, sell it to the utilities at the lowest possible prices, and undercut oil and gas, which are increasingly difficult to find and bring to market, especially if you have to go overseas to do it. But coal is not one hundred per cent competitive. It has problems of environmental damage and it is hard to transport efficiently. More importantly, however, it is being kept in the back room by the oil industry. When the other commodities are gone from the shelves, the industry will bring out coal. And it will sell for what the industry wants it to sell for.

Not long ago I was reading the testimony of John O'Leary, the director of licensing with the Atomic Energy Commission, before the Senate Interior Committee during its June hearings on energy problems. Mr. O'Leary is an economist by training. He was also director of the Bureau of Mines until someone in the White House decided that he was doing too good a job and got rid of him. He knows a great deal about oil companies and their interests in coal and other fuel sources. I was impressed by the clarity of something he said:

"Oil companies today have two overwhelming interests. The first is to increase the value of their domestic reserves, thereby enhancing their book value. The second is to liquidate as rapidly as possible their foreign holdings, thus maximizing current income from these holdings should these holdings for one reason or another be denied in the future.

"These strong and practical motivating forces run absolutely counter to the current public interest in energy research and development, which calls for rapid development of alternatives to conventional fuels. For the oil industry as a whole . . . a world without alternatives to conventional oil and gas is a better world than one which had available the sorts of alternatives that can be developed through research and development."

Not only is this a valuable summary of a dangerous situation, but it happens that the very day after Mr. O'Leary made these remarks, the A.E.C. put out a huffy statement to the effect that these were O'Leary's personal views and had nothing to do with those of the A.E.C. The oil people must have been on the phone to all the right places the moment he finished testifying. They rarely have to listen to that kind of truth from anyone within the government these days.

I like Mr. O'Leary's language because he steers clear of any talk of conspiracy. Words like that still tend to put people off. Instead, he describes in matter-of-fact language a situation in which the oil industry is on a collision course with the rest of us, and he uses the word "practical" to describe the industry's motivation. I think he is right. What is practical for eight or ten companies may be disastrous for two hundred million people. In that situation, the industry obviously must yield. But when was the last time we saw the oil industry yielding?

For coal miners, this isn't just a little spare-time exercise in industry-baiting. The idea of an unrestrained oil-coal-gas-uranium cartel is terrifying to us. We already know what it is to work for people who think of themselves as above the law. The coal industry has always been that way. If you don't believe it, look at what is left of the company towns they built—and then sold to us when they no longer needed them. Look at the schools in eastern Kentucky. Look at the roads all over Appalachia. Look at the men who were battered and broken in the mines, and then forgotten. Look at the stripped hills and the rivers running red with acid. Look at all that, and look at the coal companies' tax returns, and then tell me the coal industry isn't above the law.

The coal industry has its own "practical" reasons for being the way it is. If we have any warning to pass on to the rest of the country, it is to watch out for large industries with practical motivations. Mr. O'Leary could not have put it better.

Going back to what he was talking about, let us look at a few aspects of the current energy situation. We are already using twenty-four trillion cubic feet of natural gas per year, and finding less than half that much in our reserves. Demand has increased about seven per cent per year since World War II. There is no leveling off in sight. The Federal Power Commission says we have a sixty-five-year supply of natural gas, but that figure is based on a demand increase of 1.4 per cent a year, which is ridiculously out of date. Mr. O'Leary sees us running out of domestic gas reserves by 1986. With luck, assuming there are more undiscovered reserves than we think, we might make it to 1995.

We are not quite as badly off in oil reserves, but the forecast is no more encouraging. We were using 14.7 million barrels a day in 1970. We were producing 11.6 million barrels a day from domestic wells. That gave us a deficit of 3.1 million barrels a day. We made it up with imports. Looking ahead, even the most conservative estimates for 1985 show domestic demand running at 30.2 million barrels a day, more than twice the consumption of 1970. With luck, domestic wells will be producing fifteen million barrels.

There is a deficit of 15.2 million barrels a day to be accounted for. It has to come from the Middle East, for the most part. In the back of my mind right now is the question: What are we going to be doing with all those B–52 bombers now that they are not bombing Cambodia any more? I don't think it is wrong to start worrying about what the Pentagon is up to—or will be up to. When we have too much dependence on foreign supply, as we now do, the temptation to go in there on some flimsy pretense and clean out all those sheiks will be strong. If the B–52's are too clumsy, we will do it with subversion and the C.I.A.

We don't have to do that, of course. We could be pouring money into research that would speed the day when we can convert coal to pipeline gas and synthetic gasoline. Very few people have come to grips with one vitally important fact. That fact is that we could run this country on coal, if we wanted to. Not tomorrow, no. But, with a sufficient commitment, we could be doing it before 1985.

Some time in the future, we will be running this country with fast-breeder nuclear reactors, though I won't live to see it. When my children are my age the first of these reactors will be making an impact. Beyond that, we will get the sun's energy harnessed. My children won't live to see that—at least not on a nationwide commercial scale. Meanwhile, we ought to be concentrating on figuring out how to use our conventional fuels. We have just about run out of gas. We are low on oil. What about coal?

We sit squarely on top of the largest readily available supply of coal on earth—about 1.3 trillion tons in all, with about 390 billion tons considered to be readily recoverable. That is a six-hundred year supply, at current consumption levels. Even when you double or triple our consumption, the supply will outlast any conceivable period of demand.

Coal overpowers gas and oil in terms of available reserves. The U.S. Geological Survey figures that coal accounts for 87.1 per cent of everything we have left. Oil is 3.5 per cent. Gas is 4.6 per cent. Sheer common sense should tell us to put all our efforts into developing coal.

Unfortunately, common sense has almost nothing to do with the way we consume energy in America. Not only do we consume more of it than we should—it is a widely quoted statistic that we add up to six per cent of the world's people and burn up about forty per cent of the world's energy—but we consume more of it all the time. Population increased fourteen per cent from 1961 to 1973; per-capita consumption of energy went up forty per cent. And while we are busily consuming more every day, we are burning up the wrong things. Oil and natural gas account for 77.9 per cent of our current total energy consumption—almost a direct inversion of the figure for available reserves. Coal accounts for 17.5 per cent. Hydroelectric and nuclear sources provide the remaining 4.6 per cent. It is not just because I am a coal miner that I consider this a ridiculous situation. It is also because I am a citizen. My interests as a citizen are not being served by this kind of arrangement.

There are various reasons why coal is low on the list of fuels currently supplying our energy requirements. The biggest reason has to do with simple expediency. Aside from the fact that coal is difficult to transport and requires large storage facilities, it also comes out of the ground mixed with various impurities. The most serious is sulphur. The burning of coal produces other impurities—fly ash, particulates—but electrostatic precipitators and redesigned boilers have largely brought those under control. But sulphur is not under control, and that is a very serious problem, since a high percentage of the coal we mine in the East is high-sulphur.

A few months ago I was in a meeting with some coal barons who were wringing their hands about the sulphur problem and how it was affecting their sales. I couldn't argue that it was having that effect, but I could still ask them a question: "Gentlemen, when did you first discover there was sulphur in coal?" I knew the answer as well as they did. The discovery goes back hundreds of years. The next question was: "Gentlemen, how much money has each of your companies spent researching ways to handle the sulphur problem?" They changed the subject.

I can understand that they would, because research is not something the coal industry has been comfortable with. Some coal companies will tell you that they have a research department, and in the annual report you will find a picture of a man in a white coat squinting at a piece of coal; but when you go to their headquarters and ask to see the research department, either they have nothing at all or their "research" consists of a technician working out of a converted broom closet fixed up with a Bunsen burner and two or three beakers. All he does by way of research is to analyze random samples coming out of the company's mines.

Having said that, in fairness I should point out that the coal industry's trade association has a research wing, Bituminous Coal Research, Inc., which carries out research for the entire industry. But B.C.R. did not get serious about sulphur problems until the mid-nineteen-sixties. Even then, its involvement was slight.

Further, the industry does not pay its own way in research. It siphons money, through contracts, from the federal Office of Coal Research, which is part of the Department of the Interior. Electric utilities have been criticized because they spend less than a fourth of one per cent of revenues on research. That puts them one-fourth of one per cent ahead of the typical coal company. The coal industry waits for Department of Interior to do it.

Unfortunately, Interior does not do it. The Office of Coal Research, which was lobbied into existence in 1960, is a storefront operation which hands out contracts but does little or no basic research itself. Compare it with the Atomic Energy Commission, which is pushing coal's principal competition after gas and oil reserves run out, and you can see the absurdity of our situation. During the current fiscal year, A.E.C. is operating on a budget of $2.2 billion dollars. O.C.R. has a budget of fifty-eight million dollars. A.E.C. employs 5,800 people; O.C.R. thirty-seven.

About fifteen years ago, the utilities companies on the East Coast began moving away from coal. Gas was the ideal fuel—clean and cheap, and nobody said anything about running out of it. Oil was almost as good, especially since removing sulphur from oil is easier than removing it from coal—if you use low-sulphur residual fuel oil, you do not have to deal with the sulphur problem at all. The coal industry responded to the threat like the two men sitting at the table with their feet up telling each other, "Next week we've got to get organized."

The industry wanted the government to do more research but it would rather disappear than let the government exercise any control over the results. For the past fifteen years various people have been proposing a national fuels policy to replace the mess we have now. The coal industry said that would be fine, as long as the people administering such a policy had no actual influence. The coal industry's thinking on free enterprise is stubborn and basic—and, as far as I am concerned, about as enlightened as the robber barons who got the whole thing started a hundred years ago.

While the industry was fending off socialism (or what it thought would become socialism, given half a chance), it was losing its market. One by one the East Coast utilities switched—particularly to gas and residual fuel oil. The trend moved inland as well. Coal had sixty-seven per cent of the the utilties as recently as 1965. By 1972, that figure had dropped to fifty-four per cent.

It is still dropping, despite the coming shortages of other fuels. Meanwhile, residual fuel imports during the first three months of this year amounted to 192 million barrels, representing an 11.4 per cent increase over the same period in 1972. That increase alone, translated into terms of coal, would come to 4.7 million tons. That is more that eight hundred mining jobs.

Now the utilities are beginning to hesitate. It may be that fewer of them will convert—not because they don't want to, but because they can't be sure of future supplies of oil and gas. In at least one state—New York—the Public Service Commission has ordered utilities not to convert unless they retain the capability of switching back to coal. Naturally the coal industry is pleased with this development, though it did nothing to bring it about.

But this development needs to be looked at in context. And the context is that the key coal reserves being held for future use belong either to the oil industry or to corporations based in the western part of the United States. Western coal is generally of lower heat value than Eastern coal and it is still more remote from its markets, even though the country's growth continues moving westward. But Western coal is generally low-sulphur. And it sits there in gigantic quantities.

The Fort Union coal formation, which underlies eastern Montana and part of North Dakota, is the largest single block of coal in the world. Other coal formations underlying Wyoming, Colorado, New Mexico, and Arizona are enormous. Getting at them is easy, because they lie under less than three hundred feet of "overburden," as the strip-mining industry calls it. You have none of the engineering requirements of a major underground mine, and you need a fraction of the lead time to get started. Your biggest problem is waiting for delivery of a dragline, which will cost you around twenty million dollars to buy. It's worth it. One man operates it, and the bucket picks up anywhere from fifteen to two hundred tons at a swoop (depending on the size of the machine). Even with a small dragline you can load two thousand tons an hour. That is more than a medium-sized Appalachian underground mine can load in a whole shift.

Obviously, Western mining has another attraction. Almost no workers. In the East, the general rule of thumb is that you need about two hundred men to get out a million tons a year. In fact that is the minimum work force needed. In the West, you can clear the same tonnage with ten men. If I were a coal baron, I'd be heading west. And they are. They are gloating about it, too. Ed Phelps, president of Peabody Coal, told his colleagues about it at the National Coal Association convention a few weeks ago: "Talking about Western coal reminds me of that old fisherman's prayer which you sometimes see printed on wooden plaques for sale in sporting goods stores. It goes, 'O Lord, let me catch a fish so big that when I tell about it later. I won't even have to lie.' Western coal reserves are like that fish." That is true, and Ed Phelps's company has already leased an estimated 8.7 billion tons of Western coal. That would last 125 years if he shifted all his equipment west and maintained his current level of production. But his company is looking for more. Meanwhile, he is getting a good start by digging up the Navajo reservation at Black Mesa.

Ed Phelps's prize black fish isn't the biggest catch in the West. Burlington Northern has more than eleven billion tons, and Union Pacific has ten billion. Continental Oil has 8.1 billion. Amax has four billion; Westmoreland Coal, 1.2 billion; Northern American Coal, 2.6 billion; Montana Power, a billion. And there are numerous others we haven't begun to identify, because they buy up coal under assumed names and we do not have the manpower to track through all the records.

So the West sits there, waiting to be developed. There are huge mines in operation there now, of course. But they do not represent a fraction of what is coming if the energy cartel is allowed to pursue its own timetable. The ranchers and environmentalists who are fighting against strip mining in the Northern Plains haven't seen anything yet. Look at the tonnages I've just mentioned, and compare them against Montana's total production last year, which was about eight million tons. There are more than thirty billion tons of coal under Montana, and eight million tons is only two-tenths of one per cent of that. We have a long way to go, and if there is any ranchland left in Montana when Ed Phelps is finished, I will be very surprised.

I know all about what they promise: reclamation. "Land as good as it ever was." I know about the "reclamation" in Appalachia because I have to live with it. The reclamation in Appalachia—to borrow a phrase from a former officer of our union—is the small end of nothing, shaved down to a point.

This kind of talk usually gets me into trouble. Several thousand members of our union are stripmine employees and they don't like to hear their president talking like an environmentalist. What is more, the U.M.W.A. has launched an organizing drive in the West, on the theory that wherever there are men digging coal they should be members of the United Mine Workers. Whenever I say anything critical of the industry I find that it is reproduced and distributed with blinding speed among the men we are trying to organize. Strategically it would be much better to stay silent. But there is a tradition of speaking out in my union, and the westward trend of coal mining creates an issue we have to confront. In West Virginia and Kentucky, all over Appalachia, we found out, as our fathers found out before us, that when the companies no longer need you or want you, all you have left are your scars and the dust in your lungs. And in our hills, what we have left are the scars and the mud slides and the streams choked up with silt where we used to fish.

Sometimes it is much worse than that. Sometimes gas explodes underground and we lose as many as seventy-eight men at a time, as we did in West Virginia in 1968 at one of Consolidation Coal's mines. Or a dam made out of coal wastes lets go in the early morning, and 125 people are carried away and drowned or suffocated under millions of tons of mud. That was Buffalo Creek in February, 1972. That was the Pittston Company's operation, and the industry showed its remorse this year by electing the president of Pittston to the presidency of the National Coal Association.

The moral is simple: beware of industrialists bearing gifts. Fifty years ago they promised to develop Appalachia, and they left it in wreckage. Now they promise to develop the Northern Plains. They will leave it in ruins. A dragline operator working seven days a week can make more than twenty-five thousand dollars a year. I can understand his enthusiasm for the industry he serves; but somewhere we have to find the common ground between miners and "eagle freaks."

"Eagle freaks" are what coal men call the ranchers who liked Montana and Wyoming the way they were before the draglines moved in. Recently I read a magazine report about the Northern Plains problem, and about a rancher named Boyd Charter, who decided he did not want to sell to Consolidated Coal. "Some people can't understand that money is not everything," Mr. Charter said, "I told that man that I knew he represented one of the biggest coal companies and that he was backed by one of the richest industries in the world, but no matter how much money they came up with, they would always be $4.60 short of the price of my ranch." It doesn't matter that he is a rancher and I am a miner. I know what he means. If I owned my hills of West Virginia I would have kept the price $4.60 higher than the industry could pay to strip them. But they had the price and now we have the mud.

The man from Consolidation Coal did not think much of Mr. Charter. "You can be as hard-boiled about this as you want. But we'll get you in the end." That's how he put it. I know that kind of language. I've heard it all my life.

Government, of course, ought to be protecting Mr. Charter's ranch just as it ought to be protecting my fishing, just as it ought to be protecting my safety. But that is not the kind of government we have in Washington. What we have in Washington now is a very well-oiled job-shuttle system. You start out in industry and shuttle over to government for a while and shuttle back into industry again. Let me just briefly cite some examples that come to mind:

Carl Bagge starts out as a lawyer for the Santa Fe Railroad, then is appointed to the Federal Power Commission. He leaves the F.P.C. to become the president of the National Coal Association.

Lawrence O'Connor starts out as director of the Independent Petroleum Association, leaves to join the Federal Power Commission, then leaves the F.P.C. to become vice-president and chief Washington lobbyist for Standard Oil of Ohio (SOHIO).

Albert Gore is defeated for re-election as a populist senator from Tennessee, leaves a lifetime of good works and becomes chairman of Island Creek Coal, Occidental Petroleum's wholly-owned subsidiary.

Hollis Dole, Assistant Secretary of Interior for Mineral Resources, leaves government to become president of TOSCO, an oil-shale development consortium in which the principal company is Atlantic-Richfield, run by Robert O. Anderson, a major Republican fund-raiser and G.O.P. national committeeman from New Mexico. Dole is then appointed vice-president of the National Petroleum Council, the half-government, half-industry group that "advises" Interior on energy policy. In his new capacity he returns to Washington to speak for industry. All within a matter of weeks.

Edward G. Failor, a lobbyist and Republican campaign strategist, is put in charge of safety enforcement at the Bureau of Mines. He leaves in June, 1972, to go to work for Charles Colson of the White House, "monitoring" Democrats in Miami Beach.

John B. Rigg leaves the Colorado Mining Association to become Interior Deputy Assistant Secretary for Mineral Programs.

Henry Moffett serves the American Mining Congress as its chief Washington lobbyist for thirty-one years. Then he joins Interior as Deputy Assistant Secretary for Minerals and Energy Policy.

Stephen Wakefield becomes Assistant Secretary of Interior after serving the oil industry as an attorney at Baker & Botts, the Houston law firm, where he represented Pennzoil, the firm which had a hand in "laundering" the Watergate money. At Interior, Mr. Wakefield dismisses any talk of antitrust action against the oil cartel. "A large number of people grasp at the most simplistic solutions," he says. "They must find a culprit. Industry, especially the largest companies, are obvious candidates."

You bet they are.

I would not claim that industry and government are one and the same, because my experience with the federal bureaucracy is that it is a world all to itself. But I do believe that industry and government are much closer together and much less distinguishable than they have a right to be. And I believe that when we talk about developing an intelligent energy policy in this country—a policy designed to serve us all, not just a corporate few—we'd better know that the odds are bad, and the size of the job is almost overwhelming.

As far as coal is concerned, I define the job this way: we must greatly expand total production, on a crash basis, and aim at a goal of domestic energy self-sufficiency as quickly as possible.

We must not rush into development of the West at the expense of the East. A headlong commitment to super-scale Western mining means that over the next five years between twenty-five thousand and forty thousand mining jobs will be lost in the East. Of course, that concerns us as a union of miners. It concerns us also because we have lived through an unending depression in Appalachia, and we simply cannot sit silently and watch another one come rolling in on us. Finally it concerns us because you cannot turn underground coal production on and off like a light switch. If we arrive at a rational fuels policy five or six or seven years from now, and decide to strengthen our emphasis on Eastern mining, the mines will not be there, and neither will the miners.

We must not rush into development of the West at the expense of the East. Our western members need jobs, and we believe they should have them. But that does not mean that we want to see eastern Montana wiped out.

We owe it to ourselves and our children to develop a National Energy Policy that means something more than giveaway. To do that, we will have to make some very tough decisions that nobody is going to be entirely happy about. What I mean by that is that there must be some form of authority empowered to say no to the most powerful corporations in the United States. At the moment there is no such authority anywhere, and there will be none during this Administration.

I know that sounds pessimistic. I am not a pessimist but I would prefer to try to be realistic now than to be taken by surprise later.

I am optimistic about some things. I am optimistic about our union, the United Mine Workers of America.

We came into being in 1890. We survived a terrible time when ten-year-old children worked fourteen-hour days as "breaker boys," and when the coal barons ran their mines without interference from anybody—and we were killed in wholesale lots. Under John L. Lewis, we became "the shock troops of American labor." The Steelworkers, the Auto Workers, the whole C.I.O. grew out of the mine workers' union. We slid back into a dark time, and when Jock Yablonski tried to lead us out of it he and his wife and daughter were shot to death. Reform did not come to the U.M.W.A. without a price. But it came. Last December when all the votes were counted we had the sense of turning a corner.

We have had numerous difficulties since then, and the job has been even harder than we thought it would be. We are in the process of restoring autonomy to our districts, some of which have been under "trusteeship" for nearly half a century. Being under trusteeship, of course, meant that union officers in Washington appointed the district officials. There was a time when such a policy may have served a valid purpose—when the U.M.W.A. was in grave danger of going under, and John L. Lewis necessarily took drastic steps to pull it together. But those days are long gone. Without district autonomy, we would have no accountability to the rank-and-file members of the union. With it, we run the risk of constant brushfire wars as various factions jockey for influence. This is a problem, and it consumes much more of our time than I like to admit. But you don't clean house without stirring up dust. In time, it settles.

We are still heavily involved in housecleaning, and will be for some months to come; the last of our district elections are still being scheduled. Until this process has been completed, we are unavoidably tied down with the basic business of getting ourselves back on the right track. I say this by way of answering various friends of ours who expected the new administration of the U.M.W.A. to begin making great waves immediately after we took office. They have been waiting, sometimes impatiently, ever since. There is probably more waiting to be done.

On the other hand, some small waves that we have been generating are of considerable importance to our members, even though they go unnoticed elsewhere. We cut our salaries, which has not been the prevailing pattern in organized labor (or anywhere else). We served notice during our campaign that coal would be mined safely or not at all. It was not an empty threat. We could not stand by and let the death toll go on and on. Since December, we have spent countless hours meeting with mine operators, monitoring the mine inspection program of the Bureau of Mines, holding seminars for our members, developing our own Safety Division. We have launched the first major organizing drive in the U.M.W.A. in a generation. We have begun to explore various ways in which we can assist our members beyond the immediate range of collective bargaining; one small wave has been the setting up of a credit union that, over time, will put a wall of protection between our members and the cutthroat banks and loan agencies that fester in Appalachia.

This December, we will convene the U.M.W.A.'s forty-sixth convention. Out of it will come constitutional changes and a raft of rank-and-file resolutions—a grass roots voice in U.M.W.A. policy for the first time in anyone's memory. The convention is being held in Pittsburgh, in the heart of the coalfields—nothing notable about that, except that the last two conventions were held in Florida and Denver, where coal miners are few and far between.

Finally, I think it may be important that the three chief officers of the U.M.W.A. still think of themselves as coal miners. We work in Washington in the union's ornate headquarters but we are not at home there. We think as miners, we react as miners. We see the world through coal miners' eyes. You learn to get by without much light in a mine. You develop good instincts—if you don't, you do not survive. We survived long enough—and by "we" I don't mean just Mike Trbovich, Harry Patrick, and myself, but a whole army of miners who never stopped believing in the U.M.W.A. We survived long enough to grapple with the people who thought our union was something that belonged to them personally, and we got it away from them. Now, if we don't lose our way of looking at things, and our instincts, and our eyes, I think we may see a day again, not too far off, when people think of coal miners as "the shock troops of American labor."

EXHIBIT 3

[From the Missoulian, Nov. 27, 1973]

STRIPPING CAUSES BALANCING ACT

(By John Hamer)

Strip mining is at the heart of one of America's most nagging and difficult domestic dilemmas: How to balance urgent energy needs with vital environmental protection.

Stripping, as the controversial surface mining method is often called, has inflicted severe damage on the land in Appalachia and the Midwest, and is now moving into the Northern Great Plains and the Southwest.

The nation is hungry for power, and coal—America's most abundant energy resource—can be extracted quickly, easily and cheaply by strip mining. As the Arab oil embargo puts a squeeze on U.S. heating fuel and gasoline supplies, "King Coal" is being called upon to ease the imminent energy shortages.

Coal is not likely to help much during the coming winter, however. There is not enough available now to meet emergency demands, and other key shortages will deter a rapid increase in supply. Diesel fuel for power shovels, coal trucks and barges is in short supply and under fuel allocation controls. Railroad cars have been plagued by shortages, along with ammonium nitrate—a strip mining explosive—and roof bolts used in underground mines to hold up tunnel ceilings.

But coal's future seems bright because there is so much of it. "We can take heart in the fact that we in the United States have half of the world's known coal reserves," President Nixon said in his Nov. 7 broadcast to the American people on the coming energy crunch.

The Interior Department estimates that there are 3.2 trillion tons of coal underground in this country, or 90 per cent of all domestic fossil fuel resources, yet coal today supplies less than 20 per cent of all U.S. energy. Gasification and liquefaction—processes which convert coal into synthetic oil and gas—have assumed new importance and will receive increased funding.

Many citizens are concerned that strip mining may destroy much of the country in order to save it. Environmentalists contend that the nation's needs could be met by a return to deep mining. Indeed, the Bureau of Mines estimates that only 45 billion tons of coal are "economically strippable," while some 355 billion tons could be readily recovered by underground mining.

Russell E. Train, administrator of the Environmental Protection Agency, has said: "The sooner we can make underground (mining) more economically attractive, more technologically feasible and more socially acceptable as a way of life, way of employment, the better off we're going to be."

Coal industry spokesmen argue that underground mining is costlier and more hazardous. But environmentalists claim that a ban on stripping would raise the cost of electricity to consumers by less than $1 per person per year, and they contend that strict enforcement of the Coal Mine Health and Safety Act would solve safety problems.

Most arguments against strip mining concern the environment rather than economics or safety. The Soil Conservation Service last year estimated that an area of land the size of New Jersey, about 7,820 square miles, had been disturbed by stripping operations.

That would constitute a barren swath more than two miles wide from New York to San Francisco. If all remaining strippable reserves were mined, the area would increase to 71,000 square miles—larger than Missouri—and the hypothetical swath would grow to more than 20 miles wide.

Stripping proponents insist that reclamation is the key word in the lexicon of the industry today. But the word means different things to different people. Rep. Ken Hechler, D-Va., says reclamation "is like putting lipstick on a corpse."

On the other hand, National Coal Association President Carl E. Bagge says that "mined land can and will be reclaimed." John B. Rigg, deputy assistant secretary of interior for energy and minerals, states: "There is no excuse for not doing reclamation work; the technology is available."

But reclamation is a tricky and expensive business. In flat or rolling terrain some efforts have been successful, but in hilly or mountainous areas it seldom works. Great Britain and West Germany reclaim strip mined land completely, but only under strict government controls. The difference is "meticulously detailed planning," says Peter Borelli of the Sierra Club. "There is no American control comparable to the European systems."

Although many of the nation's coal-producing states have passed some laws to control stripping, most are hampered by weak regulations and poor enforcement. As for federal legislation, Congress has experienced extended delays. Control measures were introduced as early as 1940 and in every Congress since the 86th (1959–60).

Last year the House passed a bill but the Senate failed to act. Last month the Senate passed a bill, but the House postponed floor action until January, at the earliest.

Many environmentalists accused the coal industry of deliberately delaying action in the hope that a cold winter replete with fuel shortages will destroy the chances of enacting a tough control bill.

Coal no doubt will play an important role in years to come, but how it is mined and how it is used are questions that clearly need public policy debate.

[From the Missoulian, Nov. 27, 1973]

CAN COAL BAIL US OUT?

(By Bruce Ingersoll)

Interior Secretary Rogers C. B. Morton has been calling the 1 trillion, 581 billion tons of coal beneath the U.S. surface "our ace in the hole" for the energy-tight years to come.

Environmental leaders, however, fear that much of the antipollution progress made in the last five years will be erased in the process of tearing that "ace" out of the ground and burning it in power-generating stations and industrial plants.

The Sierra Club's Brock Evans, for one, is bracing for an all-out "assault on the Clean Air Act."

And should the coal industry's demands for a more lenient policy on mine safety and the prevention of black lung disease prevail in Washington, officials of the United Mine Workers foresee a run of bad luck for the miners—more fatal cave-ins, more underground explosions, more black-lung cases.

President Nixon is looking to the coal industry to lead the nation toward energy self-sufficiency by 1980. Coal executives in the Midwest say their mines are running at, or very close to, full capacity, and are pessimistic about stepping up production in the next several years.

Carl Bagge, president of the National Coal Association, explained the pessimism at a recent White House meeting with the President and his energy aides.

"I pledged the industry's support for Mr. Nixon's Project Independence by 1980," recounted Bagge. "But I also said, 'You fellows have got to understand the nature of the coal-mining industry. It is based on long-term contracts between the mines and the utilities.

" 'We can't get the capital to expand our mines unless we can bank on long-term exemptions (from air-pollution regulations),' I told them."

Nixon has asked Congress to empower the Environmental Protection Agency to exempt power plants and other big fuel consumers from state and federal pollution restrictions. These exemptions will be for naught, said a vice president of Peabody Coal Co., the nation's largest, if they last only one year.

"I'm talking about a minimum of 15 years—more like 25 years," said Peabody's William G. Stockton. "We cannot amortize our investment (in new mines) over any shorter period."

In the haste to replace lost Mideast oil supplies with coal, many conservationists expect the Clean Air Act will be so gutted that air pollution will become as bad as ever before.

Richard Kates, chairman of the Clean Air Coordinating Committee, said he doesn't believe it is necessary to forfeit clean air for energy. Federal and Illinois environmental officials agree with him. They maintain the power industry has the technology to curtail sulphur fumes from coal burning, notwithstanding the contentions of utilities to the contrary.

Bagge, the vice chairman of the Federal Power Commission before he became the coal industry's chief lobbyist, estimates $8 billion will have to be raised in the next eight years to "bring coal center-stage, to make it the primary fuel for power generation and heavy industry."

But that kind of money won't be raised, he said, if the strip mine reclamation bill passed by the U.S. Senate becomes law. Bagge claimed it would "prohibit strip mining," as would another bill pending in the House.

Peter Flanigan, a top federal energy policymaker, shares his concern. "We think the Senate bill would inhibit the coal industry unduly."

Yet, Sen. Richard Schweiker, R-Pa., points out that his state's coal output has increased since a nearly identical mine-reclamation law was passed nine years ago.

As the demand for coal grows, the price is bound to rise. And few conservationists and union officials would begrudge the mining companies a price increase, particularly if the additional revenues were used for restoring strip-mined areas to their original contours and for making underground mines safer and healthier for the miners.

Bagge, however, contends that even the existing strip mine controls are too stringent and that "overzealous" mine inspectors are interfering with productivity.

For these assertions, Thomas Bethell, research director for the United Mine Workers, has a sharp retort. "The mining industry has never had any problem in finding someone to blame for its problems. Outsiders are always to blame. This is an industry which has always deeply resented anybody telling it how to conduct its operations."

Coal executives claim productivity has fallen anywhere from 12 to 30 per cent since the Coal Mine Health and Safety Act of 1969 went into effect. The requirements for dust-discharge ducts hamper mining "significantly," said a spokesman for Freeman Coal Mining Corp., a subsidiary of General Dynamics.

"I won't argue with that," Bethell said. "But do you want to bring coal workers' pneumoconiosis under control or do you want another 45,000 miners to get black lung?"

The Freeman Coal spokesman also complained about having to scoop loose coal from mine floors in order to keep dust levels down. "It's like having your wife on a non-stop vacuuming marathon right in the middle of a dinner party."

"That's ridiculous," Bethell said. "You stir up dust when you walk on loose coal. If there's methane around, the combination of the two can cause an explosion.

"You can get the equivalent of a Hiroshima underground. Eighty thousand men have been killed in these kinds of disaster That's enough."

Going soft on mine-safety enforcement, he said, would mean sacrificing a work force in the name of more energy.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Massachusetts (Mr. KENNEDY) is recognized for not to exceed 15 minutes.

ENERGY IN FOREIGN POLICY—SUBMISSION OF A RESOLUTION

Mr. KENNEDY. Mr. President, twice in the past month, on November 7 and again on November 15, President Nixon has spoken to the Nation on the growing emergency that the United States faces over the supply of energy. He has stressed both the short-term problems facing us in the next few months, and the long-term problems in insuring that sufficient supplies of energy will be available to fuel our industries, heat our homes, provide our transportation, and serve as the lifeblood of our economy in the years to come.

The Senate has now passed emergency legislation containing a number of proposals advanced by the President, and other measures supported or initiated by Congress. I commend the distinguished Senator from Washington, Senator JACKSON, for his leadership in this effort. And I strongly support effective efforts now, both to meet the immediate domestic energy emergency and to plan for the future.

But there is one area of the energy issue that has so far received too little attention. And that is the foreign policy role which the United States should be playing in a variety of areas to encourage international cooperation to ease the crisis and to develop new long-term relations among all nations in matters relating to energy.

During the past few weeks, we have had dramatic evidence that the foreign policy dimensions of energy are critical to our future. First, there was the embargo of oil shipments to this country from Arab States, and the overall curtailment of oil production. Second, there was the onset of one of the worst diplomatic crises in the history of the Atlantic Alliance, brought on by Europe's great dependence on Arab oil.

I regard the foreign policy dimensions of the energy crisis as equal in severity to the domestic dimensions of the crisis. My purpose in speaking today is to suggest some specific steps that the United States should take, both now and in the future, to deal with this dimension of the crisis. These steps are designed to insure that the United States plays its proper role in the world energy economy and to promote cooperation rather than conflict among nations in this vital area.

The present crisis may have exploded upon us in recent weeks, but it was hardly unforeseen. The United States was facing a domestic energy emergency this winter, long before the Arab oil embargo was imposed. And long after the embargo is lifted, we will continue to reap the harvest of the administration's past failures to act to alleviate the worsening domestic fuel shortage before it became an emergency.

For at least 3 years, for example, from February 1970 until April 1973, the recommendation of the President's own Cabinet task force for increased oil imports was allowed to gather dust. At the time, foreign oil was cheap and readily available and domestic oil could and should have been stockpiled against the present emergency.

Instead, we continue a policy of artificially boosting domestic oil prices, simultaneously expending as many barrels of domestic oil as we could pump from the ground. Now, we are paying for our shortsightedness and belatedly recognizing our failure to conserve domestic reserves and our failure to preserve emergency stockpiles of oil.

Now, President Nixon has suggested that the United States undertake "Project Independence," to enable us to become independent of foreign sources of energy by 1980. This is a significant and ambitious proposal that implies major changes in the way we live our lives, in the way that we do business in America, and in the way we conduct our foreign policy. Before we embark on a proposal of such enormous magnitude, we must consider very carefully what it will mean. We must define our objectives in energy, and assess the alternatives that exist and the price of the Nation is willing to pay to achieve its goals in energy. And in those calculations, the international role of energy must be carefully assessed.

There are five main issues to be considered in this respect: first, the facts of foreign energy dependence; second, oil as a political weapon; third, the economics of dependence on Arab oil; fourth, the role of Europe and Japan; and fifth, worldwide cooperation in energy.

THE FACTS OF FOREIGN ENERGY DEPENDENCE

In the past, the United States has traditionally relied upon its own supplies of energy. But increasingly in recent years, we have had to turn to the outside world to meet our need. From a net exporter of energy in the 1940's, we have now become a net importer. The change has been dramatic. In 1970, we imported a full 25 percent of our oil, mostly from Canada and the Caribbean. Earlier this year, our dependence on the outside world for oil reached 33 percent of our total consumption. Before the current crisis, we expected by 1980 to import 50 percent or more of our oil consumption.

At the same time, the share of our total imports from the Middle East and North Africa has risen. For many years, it averaged about 10 percent. Before the current embargo this year, it was running about 33 percent. And this share of our imports had been expected to rise to about 60 percent by the end of the decade.

As long as we import large and growing quantities of oil, our increasing dependence on the Middle East and North Africa is virtually inevitable. For many reasons, oil resources in Canada, Latin America, Nigeria, Indonesia and elsewhere outside the Middle East and North Africa will simply not be available in sufficient quantities to offset our growing dependence on that region.

If we decide to reduce our dependence on the Middle East, therefore, we must either increase our own domestic supplies of energy or reduce our domestic demand. As a nation, we are now considering appropriate courses that will in time increase our domestic supplies. A major and urgent effort is clearly needed to end this winter's emergency in fuel oil. And an equally substantial effort is needed to develop the technology that can increase production of clean fuel for the future, whether or not we seek to be totally self-sufficient in energy.

But it will be many years before these new supplies are available in substantial quantities. Even if we are prepared to reduce significantly the controls on the pollution of our environment and to change our way of life, it will be very difficult for us during this decade to produce enough energy to meet our domestic demands entirely from sources outside the Middle East and north Africa, much less to become totally self-sufficient.

And at current and projected rates of U.S. demand for energy, becoming truly self-sufficient in the 1980's would impose high costs in investment and in damage to our environment that might well be regarded as unacceptable by large segments of the American people.

As a result of these facts, we have finally begun to focus more attention on limiting our demand for energy. This winter's oil emergency requires it. And so does the Arab embargo, whose impact means the loss of more than 2 million barrels of oil a day, or more than 10 percent of our daily consumption.

It is unfortunate that the administration refused to recognize the impending shortage when it was first apparent nearly a year ago, and opposed early steps such as mandatory allocation legislation designed to alleviate that shortage. Certainly, a wiser policy when the danger signs were clear so many months ago could have spared the Nation the worst effects of the current emergency precipitated by the Arab oil embargo, and might well also have spared the Nation the unwanted ordeal of rationing that now appears to be the only realistic way out of the immediate crisis.

Beyond our current difficulties, however, we must also consider carefully whether it will be necessary to launch a program of long-term fuel rationing, as a more or less permanent part of our National policy, in order to become fully self-sufficient in energy.

Because the estimates and forecasts are so unclear, the degree to which the crisis can be met by less drastic long-term steps is by no means certain. By changing our most wasteful habits of energy use, including an end to the manufacture of large and inefficient automobiles, we can do much to solve the problem.

What is certain is that the era of gigantic American energy waste is over. By now, there is virtually unanimous recognition that we can no longer accept a situation in which the United States, with 6 percent of the world's people, uses nearly one-third of the world's energy, at a per capita rate more than twice that of the next leading user, except for Canada.

But limiting consumption of energy too much could also mean an end to America's economic growth. Already, we face the danger that the current short-run energy emergency may bring on a recession in 1974, with its threat to jobs, to profits, and to our standard of living.

Beyond the short-run emergency, however, we also face the much more dismal prospect of a prolonged economic depression, comparable to the period of the early 1930's, with all the profound consequences that such a result would entail for America and the world. Each year, the controls might have to become tighter, as demand increases, until, sometime in the late 1970's or early 1980's, new sources of energy hopefully will become available in quantities large enough to ease the crisis and restore the Nation to an even keel on energy.

Because the domestic path we may be obliged to follow poses such drastic and possibly unacceptable consequences, it is all the more important for us to explore every possible avenue of international cooperation in order to achieve the most appropriate blend of policies.

In essence, there are two tiers of the problem of Arab oil and its solution. First, there is the use of oil as a weapon in the Arab-Israel conflict, with the impact this threat has on the security of the world's energy supply. Second, there is the economic dimension of energy supply, and the readiness of oil-exporting States to fulfill the energy demands of the oil importing States.

OIL AS A POLITICAL WEAPON

There is now a concerted effort by the Arab producer states to change our policy during the Middle East crisis, by withholding oil from us and by restricting the supplies available to our allies. This challenge is more serious than it was in 1967, when we imported far less oil from the Arab States. And, in the future, increasing imports of oil from the Arab world could make the challenge even more serious.

Regardless of the strength of the oil weapon, however, our course as a nation is clear: we must never give in to this kind of pressure. This would be against our interests; against the faith placed in American commitments; against our principles as a nation; and against our concern for action in the pursuit of peace.

During the current embargo, therefore, we must be prepared to do without Arab oil, as we have been doing in recent weeks. And we must be prepared in the future to sustain any embargo of oil shipments undertaken by any nation as a political weapon. To resist such pressure, we can adopt a number of specific policies:

We must be prepared to ration fuel on short notice, and to allocate fuel for priority users;

Whenever possible, we must build up our stockpiles of fuel in the United States;

We must begin long-range efforts to limit consumption of energy;

We must try to work out energy-sharing arrangements with other oil-importing countries; and

We must undertake a long-range effort to seek new sources and increased quantities of energy from areas outside the Arab world, and maintain controls on the growth of our imports of this oil.

Yet, for any major industrial nation today, maintaining "energy independence" does not mean withdrawing completely from the outside world. Even if this were possible, it would not be necessary in order to gain protection against external threats like the oil embargo. For we must remember, the economic interdependence of nations is a two-way street. Every nation that exports goods must also find markets for them. Every nation that wishes to benefit from the stability and growth of international trade must be bound by the same rules of international behavior that bind every other trading nation. No nation can defy the rules of international commerce without provoking strong reaction that will cause it damage in return.

The United States is not a "pitiful, helpless giant," either in the Middle East or elsewhere. We remain the world's foremost economic power, and retain significant ability to shape events beyond our shores.

Nor is this lesson lost on the Arab States. They, too, must decide how far they can proceed in the use of their oil weapon, without incurring unacceptable consequences, related primarily to the future role they will be able to play in the international economic world. Already, the current embargo is provoking a reaction in the United States that is helping us to overcome current difficulties, and that will make us better able to meet such challenges in the future.

This statement of policy is not unique in international commerce. It applies wherever there is a danger of too much dependence. In the give and take of trading relations, those nations gain benefits and avoid losses by having the wisdom to act within the limits of their power, mindful both of the power of other nations and of their mutual economic dependence.

There is another factor to be considered. It remains in the interests of the United States, and of all nations, to see an end to the conflict between Israel and its Arab neighbors. Once that conflict is finally, fully, and forever over, we shall be able to put behind us our concern that Arab oil will be used as a political weapon against Israel or ourselves as an exacerbating element in that troubled area.

The loss to all nations of continued conflict in the Middle East has now been amply demonstrated. We must hope that this lesson has now been learned by the nations involved most directly and indirectly in that conflict. A solution can and must be found. And we in the Senate should pledge our support for every effort to bring this conflict from the battlefield to the conference table, and to move from there in the direction of a just and lasting peace.

THE ECONOMICS OF DEPENDENCE ON ARAB OIL

The second tier to the problem of depending on oil from the Middle East and North Africa, and the second tier of the policies we should adopt, is the economic dimension.

Even if the Arab-Israeli conflict is settled—even if the threat of oil as a political weapon in the conflict is removed—there will still be no guarantee that oil from the Middle East will flow in the quantities that importing countries will require for their economies. To be sure, rapidly developing nations like Iran may pump as much oil as possible to finance their own mushrooming economic development. But three of the largest producers—Saudi Arabia, Kuwait, and Abu Dhabi—have so much oil and so few people that they have little incentive to increase production. In fact, recent price increases will permit their income to go up, while oil production actually goes down.

This economic glut also helps support the current embargo on Arab oil shipments to the United States and the overall reductions in oil output. Without it, oil would be far less appealing as a political weapon for any state dependent upon income from oil to run its economy.

If these conditions continue, oil production will not increase, and the world will face the risk of a mad rush for limited oil supplies by all importing nations. Prices will continue to rise; the United States, Western Europe, and Japan may come into serious economic rivalry with one another; and, the world's developing nations may bear the heaviest burden.

In time, of course, rising prices will also reduce demand and make other sources of energy more economical; but it will also take time to make these sources available. For the quantities of energy needed, that means the 1980's.

It is, therefore, important once the

present Arab boycott has ended, once the current Middle East crisis has been resolved, and once we are looking forward to an era of more stable relationships in the Middle East, for all oil-importing nations to help increase the economic and financial incentives for the Arab world to increase its oil production. This means action by the industrial states in several areas, such as:

Providing technical assistance for rapid economic development in the producing states themselves;

Lending support for diversification of their economies;

Encouraging a generalized expansion of trade between the oil producers and the United States and other industrialized nations;

Helping the producers to find attractive ways to invest their oil revenues in the industrialized nations, whether in energy industries or elsewhere; and

Encouraging the producers to lend large amounts of funds for economic development, both in other Middle East nations and in the developing world as a whole. The need for such funds is manifest. And for the oil producing states to make it available—either directly or through subscriptions to the World Bank—would be an immense contribution to the future of the developing countries and a political credit to the producers themselves.

Yet these economic steps—and others like them—may not alone be enough to encourage significant increases in production by the wealthy, but sparsely-populated oil-producing states. In the long run the oil-importing states must also begin to recognize that the new wealth and economic power of the producer nations require a more prominent role for them in the international economy. Once the current bitter confrontation eases, it may well be desirable that the producer states be given not only economic incentives to produce their oil, but political incentives as well—a sense of involvement in, and a shared responsibility for, the structure and the workings of the world economy as a whole.

Eventually, as accommodation replaces confrontation, the United States and other oil-importing nations are likely to provide a substantially greater role to the oil-producing states in negotiations on international trade and monetary reform. There will be an increase in high level exchanges of visits by the leaders of both exporting and importing states. And as greater harmony and cooperation develops, the oil-importing nations will begin to treat the oil-exporting states with the attention and respect in economic matters that their economic power now demands and deserves.

It is in our interest, through steps like these, to promote responsible and cooperative attitudes among the oil-producing states. As has been true in the East and West since the Second World War, such attitudes can help reduce conflict in international economic, political, and even military relations. They can increase a sense of mutual interdependence. And they can help reduce incentives to use economic power as a political weapon, where such use will cause reduced confidence in stable and productive economic relations.

The two-tiered approach that I have presented here today with regard to the flow of Arab oil is no panacea for the foreign policy problems that the United States now faces. But this two-tiered approach—firm resolve and a vigorous search for peace in matters of politics; and accommodation and cooperation in matters of economics—can make the problems for us less difficult and the choices we face less burdensome. It may well enable us to maintain our essential energy independence, without resort to the extreme of total self-sufficiency that would be required if we must give up all imports of oil from the Arab world and elsewhere.

THE ROLE OF EUROPE AND JAPAN

So far, I have discussed energy from the standpoint of the United States. Yet, it is clear that the problems are not ours alone. They face all oil-importing nations. Europe and Japan are several times more dependent than the United States on oil imports, especially imports from the Arab world, and consequently their current energy crisis is several times more serious.

Unlike us, Europe and Japan do not have sufficient reserves of coal or untapped oil to adopt their own "Project Independence," even if they decided to accept the cost of a policy of total national self-sufficiency in matters relating to energy. Inevitably, like it or not, the other major nations of the world will seek new international alternatives to solve their own energy crises, and the United States cannot afford to ignore their efforts or abdicate its responsibility to participate in the search for such alternatives.

The world's developing countries are also hard hit by the energy crisis. For example, because of recent price rises in oil, India faces an annual increase in its foreign exchange costs of several hundred million dollars—money that India simply does not have. The difficulties for Europe and Japan may be severe; for India and other developing countries, they could be catastrophic. That is why I have proposed that we encourage the producer states to make capital available to the rest of the developing world.

Recently, we have been deeply concerned with the serious breach in relations between the United States and our allies in Western Europe. None of us here could welcome the general lack of European backing for America's efforts to support Israel, to limit the involvement of the Soviet Union, and to bring an end to fighting in the Middle East. But whether we like it or not, we must understand that the abrasive factors that led our principal allies to act as they did will cause continuing problems for all of us in the Atlantic Alliance, until the underlying difficulties in energy relations are solved.

There will be similar difficulties in our relations—and those of Europe—with Japan, which has also been putting its concern for oil first during the current crisis. Japan now fears for the future growth of its economy because of oil production limits. She predicts a 50-percent rise in her imports bill for energy next year, because of price rises that have already taken place.

Because competition for oil from the Middle East and North Africa will grow, even after the oil embargo ends, it is now imperative for the United States, Western Europe, and Japan to begin real cooperation in energy matters. We are all in this together; and together we will either meet the energy challenge, or watch it drive us apart in a vicious scramble for scarce energy supplies.

For many years, there have been half-hearted attempts to cooperate on energy matters in the Organization for Economic Cooperation and Development—OECD. But despite the claims of President Nixon in two energy messages to Congress this year, these efforts have failed. The states of the European community have not been able to agree among themselves. The Japanese have so far elected to go it alone. And our own vital interest in cooperation has not received the high-level commitment in the administration that is needed to stimulate an adequate response from our allies.

The draft of the new Atlantic Charter, offered by the United States on September 29, contains only passing reference to these critical energy problems. And more than 2 months after the confirmation of Dr. Kissinger as Secretary of State, he has still not honored his pledge to fill all our ambassadorial vacancies within that time—including the year-old vacancy at the OECD. These attitudes and practices demonstrate the inadequacy of our commitment to real cooperation. They also show a continuing failure to grasp the urgency of the situation now facing all oil-importing states.

Energy cooperation between the United States, Canada, Europe, and Japan can take several forms. I propose today a six-part effort:

First, joint research and development, both in new forms of energy and in new uses of fossil fuels like coal, which the United States possesses in abundant supply;

Second, joint commitment to increased investment in sources of energy outside the Middle East;

Third, joint planning on stockpiling, limiting consumption, and standby rationing. Here, the United States has a special responsibility and a special opportunity to reduce pressure on world energy markets by reducing its inflated rate of energy consumption;

Fourth, joint, open and thorough investigation of the role played by the international oil companies, in order to settle the controversy over their power once and for all;

Fifth, arrangements to share energy resources in time of scarcity on an equitable basis, to insure that no nation suffers too drastically from the crisis. Only in this way can the United States, Europe, and Japan avoid the cutthroat competition that will inevitably materialize in the race to obtain scarce oil supplies. Only in this way can they hope to prevent relations among themselves—as well as relations within the European community—from being seriously damaged by brutal competition over energy.

Such damage could not be limited to energy relations, but would extend to trade and monetary relations as well. And if any one of the three areas is damaged, all would suffer; and

Sixth, most important of all, there must be a political commitment by all three great industrial areas to seek answers to energy problems in common, and not separately. None of us can afford to make unilateral decisions about energy without taking into account the needs and interests of the others. As we have found in so many other areas affecting our security and the international economy, serving the interests of all nations is the only way to serve the interests of any one of them.

And so, I urge President Nixon today to commit the United States, seriously and forthrightly, to cooperation with the European Community and Japan on energy issues. I urge him to appoint an ambassador to the OECD now. And I urge him to use his best offices to encourage the European Community and Japan to act in concert and to join us in a common effort.

This is no time for generalities. It is a time for specific negotiations and concrete acts that together can create an "International Charter of Energy" that will be written in the daily successes of growing cooperation among the major nations of the world.

WORLDWIDE COOPERATION IN ENERGY

Even this effort, however, will not be enough. Energy cooperation must not shut out other industrial states, or the oil-producing nations, or the developing countries of the world. Our interest in promoting new institutions of economic relations on energy demands that all oil-importing and oil-producing states be vitally involved in cooperation with one another. Our concern to see a world that is increasingly just demands that we not turn our backs in this area on the have-not nations of the world.

Thus, there is a further effort needed to deal with energy problems in an orderly and coordinated way. This involves the role to be played in world energy markets by the oil-exporting states, themselves.

If our initial efforts to increase other supplies of energy and to limit consumption begin to succeed, the nature of the world energy economy can begin to change. When these efforts begin to moderate the rising pressure of demand for oil from the Middle East and North Africa, there will be a rising self-interest in these producer countries for stability in world energy markets. Even in the near future, it is possible that concern for stability, for economic development, for productive investments, and for the future of the international economy will create areas of common interests between producers and consumers of oil. This could happen now, despite today's strong bargaining position of the producers and the current political motivations of the Arab states.

It is time, therefore, to consider the energy problems of both exporting and importing countries together. It is time to search for areas of common agreement. And it is time to begin looking systematically at the worldwide dimensions of energy affairs.

I believe that there should be an international effort to explore all dimensions of energy in the international economy—wherever the energy comes from, wherever it goes, whatever form it takes.

There are obvious precedents for such an effort in the great institutions of the world economy. There is GATT, the General Agreement on Tariffs and Trade, which provides the framework for the orderly growth of trade and for trade negotiations. There is IMF, the International Monetary Fund, which provides greater certainty in monetary relations and a focus for monetary reform. And there is the World Bank, which plays such an important role in promoting economic development in many areas of the world.

But there is no institution—no body of agreed rules and procedures—to provide a framework for energy relations or a forum for reconciling divergent energy interests.

I propose, therefore, that the United States take the lead in working for the creation of a World Energy Commission, a worldwide institution on energy, with a set of agreed rules and principles governing international energy research, production, and trade. Today, I am submitting a resolution for the consideration of the Senate, urging the President to propose the convening by the United Nations General Assembly of a World Energy Conference, to include all nations. The U.N. has convened similar conferences in the past in other areas where there are shared interests among nations but no effective way to cope with shared problems, and the U.N. should do so now on energy.

The World Energy Conference should be designed to find areas of long-term common economic agreement among energy-exporting and importing states, to focus on specific areas of energy research, and to lay the groundwork for permanent international institutions and arrangements on energy matters.

This World Energy Conference could become a "Bretton Woods" on energy, like the conference in 1944 that produced the IMF and the World Bank. Thanks to the foresight of the leaders who gathered at Bretton Woods, 30 years ago, we mapped a plan that guided us out of the shattering consequences of World War II and set the course of international economic affairs for a generation. The time has come to do the same for energy, and Bretton Woods can be our model.

In sum, the United States cannot afford to ignore the international dimensions of the energy crisis. Just as we are now vigorously debating and developing programs to meet our domestic need, so we must also respond to the international need that so clearly exists.

The efforts I have proposed—technological, economic and political—will help the United States to cope with current problems and master future difficulties. These efforts can help us resolve the dilemmas that otherwise will face us—and that also will face Europe and Japan—as we seek to escape from our present crisis.

They can help us avoid ever having to choose between oil and Israel—or any other country. They can help us to reconcile our interests in secure energy supplies with adequate protection for our environment. They can begin stimulating cooperation with other oil-importing nations. And they can begin to shape a larger international framework for considering energy problems, a framework that will benefit all countries.

There is no magic answer to energy problems; but there is hope in careful thought and timely action. The overall lesson is clear: the United States is now deeply involved in the world economy, and will become increasingly involved as years go by. In addition, the line between foreign and domestic policy is no longer a clear one. What we do at home in energy will vitally affect our foreign policy, and our foreign policy in energy will vitally affect the way we live at home.

We do not need to fear these developments, or react in panic, anger, or misunderstanding. Nor do we need to cut ourselves off from the international community in our struggle to solve the crisis. We can no more become a fortress America on energy than we could do so militarily a generation ago.

Rather we must make our increasing interdependence with other nations work to our advantage, and to the mutual advantage of all countries willing to share with us the common benefits and responsibilities of international economic relations. Our attitudes are critical. We can lose the moment, and pay a heavy price in the future. Or we can seize it, and help to shape the world energy economy in ways that will benefit all people everywhere.

Mr. President, I send the resolution to the desk for appropriate reference, and ask that it be printed in the RECORD.

The PRESIDING OFFICER (Mr. ABOUREZK). The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The text of the resolution is as follows:

S. RES. 211

Resolution expressing the sense of the Senate with respect to the establishment of a World Energy Commission and convening of a World Energy Conference

Whereas, international trade in energy vitally affects all nations;

Whereas, it is becoming increasingly clear that the future growth and stability of world energy markets will depend on international cooperation;

Whereas, there are common interests linking all countries involved in energy trade, whether they are net exporters or net importers; and

Whereas, international cooperation in other economic areas, through formal institutions, has proved to be critical for the functioning of the world economy and for the benefit of all member nations: Therefore, be it

Resolved by the Senate That it is the sense of the Senate that the President of the United States—

(1) should propose the establishment of a World Energy Commission, following the precedent set in institutions like the General Agreement on Tariffs and Trade, the Inter-

national Monetary Fund, and the International Bank for Reconstruction and Development;

(2) should propose to the United Nations General Assembly the convening of a World Energy Conference, to include all nations; and

(3) should propose that this conference, following detailed preparations by the United Nations, should seek areas of long-term common economic agreement among energy exporting and importing states and consider ways of creating a World Energy Commission.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President of the United States.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that there be a brief period for the conduct of morning business, with statements therein limited to 3 minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The **PRESIDENT** pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed Supplemental Appropriations, Fiscal Year 1974, Executive Office of the President (S. Doc. No. 93–47)

A communication from the President of the United States, transmitting proposed supplemental appropriations for the fiscal year 1974, in the amount of $9,360,000, for the Executive Office of the President (with accompanying papers). Referred to the Committee on Appropriations and ordered to be printed.

Proposed Supplemental Appropriations, Fiscal Year 1974, Payment of Claims and Judgments (S. Doc. No. 93–49)

A communication from the President of the United States transmitting proposed supplemental appropriations for fiscal year 1974, in the amount of $10,341,133, for the payment of claims and judgments rendered against the United States (with accompanying papers). Referred to the Committee on Appropriations and ordered to be printed.

Proposed Supplemental Appropriations, Fiscal Year 1974, Department of Justice (S. Doc. No. 93–48)

A communication from the President of the United States transmitting proposed supplemental appropriations for fiscal year 1974, in the amount of $500,000, for the Department of Justice (with accompanying papers). Referred to the Committee on Appropriations and ordered to be printed.

Report on Final Determination of Claim of Certain Indians

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on the final determination of docket No. 278–B. The Tlingit and Haida Indians of Alaska, in its own right and as the representative of, or successor to, the Angoon Tribe and each of the clans and groups of the Angoon Tribe; and the Angoon Tribe, in its own right and as the representative of, or successor to, the clans and groups thereof, plaintiffs, versus the United States of America, defendant (with accompanying papers). Referred to the Committee on Appropriations.

Study Relating to the Status of North Pacific Fur Seals

A letter from the Secretary of Commerce, transmitting, pursuant to law, a study made by that Department with regard to the status of North Pacific fur seals (with accompanying papers). Referred to the Committee on Commerce.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Reemployment Assistance for Engineers, Scientists, and Technicians Unemployed Because of Aerospace and Defense Cutbacks," Department of Labor, dated December 5, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CLARK, from the Committee on Public Works, with an amendment:

S.J. Res. 169. Joint resolution to provide for a feasibility study and to accept a gift from the U.S. Capitol Historical Society (Rept. No. 93–602).

By Mr. BARTLETT, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 5089. An act to determine the rights and interests of the Choctaw Nation, the Chickasaw Nation, and the Cherokee Nation in and to the bed of the Arkansas River below the Canadian Fork and to the eastern boundary of Oklahoma (Rept. No. 93–603).

By Mr. NELSON, from the Committee on Interior and Insular Affairs, with amendments:

H.R. 10717. An act to repeal the act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin as a federally recognized, sovereign Indian tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians, because of their status as American Indians; and for other purposes (Rept. 93–604).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments.

S. 262. A bill to provide for the establishment of the Tuskegee Institute National Historical Park, and for other purposes (Rept. 93–600).

RAIL SERVICES IN THE MIDWEST AND NORTHEAST REGION OF THE UNITED STATES—REPORT OF A COMMITTEE (S. REPT. NO. 93–601)

Under authority of the order of the Senate of December 3, 1973, Mr. ROBERT C. BYRD (for Mr. HARTKE), from the Committee on Commerce, submitted a report on the bill (S. 2767) to authorize and direct the maintenance of adequate and efficient rail services in the Midwest and Northeast region of the United States, and for other purposes.

REPORT FILED ON S. 2611, TO ESTABLISH A COURT-APPOINTED SPECIAL PROSECUTOR

Mr. **KENNEDY**. Mr. President, on Monday I had the privilege of filing a report (S. Rept. 93–595) on S. 2611, to establish an independent, court-appointed Special Prosecutor to continue the investigation and prosecution of Watergate and related offenses. This report, although not representing formally the views of a majority of the members of the Judiciary Committee, explains the background, provisions, and constitutionality of the bill, which was ordered reported by the committee along with an alternative measure calling for the appointment of the Special Prosecutor by the Attorney General.

In October and November the Judiciary Committee held 11 days of hearings on the firing of Archibald Cox and on various proposals to provide by statute for the appointment of the Special Prosecutor. This testimony, along with submissions of many legal scholars, including 49 deans of many of the most prestigious law schools in the Nation, assuring us that S. 2611 was constitutionally permissible, has convinced me, Senator HART, Senator BAYH, and our many colleagues that only through appointment of a fully independent Special Prosecutor can we be assured that there will be public confidence in the thoroughness, vigor, and full independence of the Watergate investigation.

We are certainly mindful that some of our respected colleagues disagree with this approach and have instead advocated statutory creation of a Special Prosecutor within the executive branch, subject to Senate confirmation. To the extent that this alternative is based upon the view that it represents the constitutional limit to our action in this field, I believe that the overwhelming evidence is to the contrary. To the extent that the proposal rests upon confidence that an executive branch Special Prosecutor will really be given independence—that this time the President means what he says—I believe that past events culminating in the dismissal of Archibald Cox and the forced resignations of Elliot Richardson and William Ruckelshaus provide little basis for that confidence.

I urge my colleagues to read not only the summary explanation of the purposes and workings of S. 2611, but also the detailed background on the events giving rise to this legislation and the comprehensive discussion of constitutional issues. I think that it will remain clear why 55 Members of this body initially supported the bill, why the House is proceeding on course to passage of a similar measure, and why the Senate must act promptly and favorably on it.

I thus ask unanimous consent that excerpts of this report be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Independent Special Prosecutor Act of 1973

Amendment

The committee has made the following amendment in the nature of a substitute to S. 2611 as originally introduced:

Strike out all after the enacting clause, and insert in lieu thereof the following:

SEC. 1. That this Act may be cited as the "Independent Special Prosecutor Act of 1973."

SEC. 2. The Congress finds and declares that—

(a) Serious allegations of illegal acts of high officials of the executive branch of Government cannot under present extraordinary circumstances be fully and properly investigated by the executive branch itself.

(b) Public confidence in the integrity of the Nation's criminal justice system cannot be maintained if the investigation of such allegations and prosecution of illegal acts by high officials of the executive branch of Government are carried out under the authority of the executive branch itself.

(c) The establishment of a Special Prosecutor independent of the executive branch of Government is "necessary and proper" under article I, section 8 of the Constitution of the United States to insure the enforcement of the criminal laws and the due administration of justice through a complete investigation of such allegations and a vigorous and uncompromised prosecution of accused offenders.

(d) A Special Prosecutor independent of the executive branch of Government should properly be appointed by the judicial branch of Government, and article II, section 2 of the Constitution of the United States provides authority for Congress to vest such appointment "in the courts of law".

(e) The establishment of an independent Special Prosecutor is an appropriate exercise of the power under article I, section 8 of the Constitution of the United States to "exercise exclusive legislation in all cases whatsoever" over the District of Columbia, in that many such activities are alleged to have occurred in the District.

"Appointment

"SEC. 3. (a) (1) The United States District Court for the District of Columbia is authorized and directed to appoint, in the following manner, a Special Prosecutor who shall have the duties and powers prescribed in this Act. The district court, sitting en banc, shall designate a panel of three of its members (hereinafter referred to as the 'panel'). The panel shall promptly appoint a Special Prosecutor with the experience, abilities, and reputation necessary to perform the responsibilities of the office.

"Vacancies

"(2) The panel shall fill promptly any vacancy which may occur thereafter in the position of Special Prosecutor. Any vacancy in the panel, itself, shall be filled in the same manner as the original designation of the panel.

"Disqualification

"(3) No member of the district court who has supervised any grand jury or presided at any criminal trial pertaining to matters within the jurisdiction of the Special Prosecutor shall be eligible to be a member of the panel. Participation in the designation of the panel shall not disqualify a judge in a proceeding in which the Special Prosecutor or his staff is involved. However, any judge who serves on the panel is disqualified from participating in any proceeding in which the Special Prosecutor or his staff is involved in this official capacity.".

(b) The Special Prosecutor is authorized and directed and shall have exclusive jurisdiction, to investigate, as he deems appropriate, and prosecute against and in the name of the United States:

(1) offenses arising out of the unauthorized entry into Democratic National Committee headquarters at the Watergate;

(2) other offenses arising out of the 1972 Presidential election;

(3) offenses alleged to have been committed by the President, Presidential appointees, or members of the White House staff;

(4) all other matters heretofore referred to the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. 0.37, rescinded October 24, 1973); and

(5) offenses relating to or arising out of any such matters.

SEC. 4. The Special Prosecutor shall have full power and authority with respect to the matters set forth in section 3 of this Act:

(1) to conduct proceedings before grand juries and other investigations he deems necessary;

(2) to review all documentary evidence available from any source;

(3) to determine whether or not to contest the assertion of Executive Privilege or any other testimonial privilege;

(4) to receive appropriate national security clearance and review all evidence sought to be withheld on grounds of national security and if necessary contest in court, including where appropriate through participation in camera proceedings, any claim of privilege or attempt to withhold evidence on grounds of national security;

(5) to make application to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpenas, or other court orders;

(6) to initiate and conduct prosecutions in any court of competent jurisdiction, frame and sign indictments, file informations, and handle all aspects of any cases over which he has jurisdiction under this Act, in the name of the United States, and

(7) notwithstanding any other provision of law, to exercise all other powers as to the conduct or criminal investigations and prosecutions within his jurisdiction which would otherwise be vested in the Attorney General and the United States attorney under the provisions of chapters 31 and 35 of title 28, United States Code, and the provisions of section 301.6103(a)-1(q) title 26, Code of Federal Regulations, and act as the attorney for the Government in such investigations and prosecutions under the Federal Rules of Criminal Procedure.

SEC. 5. (a) All materials, tapes, documents, files, work in process, information, and all other property of whatever kind and description relevant to the duties enumerated in section 3 hereof, tangible or intangible, collected by, developed by, or in the possession of the former Special Prosecutor or his staff established pursuant to regulation by the Attorney General (28 C.F.R. 0.37, rescinded October 24, 1973), shall be delivered into the possession of the Special Prosecutor appointed under this Act.

(b) All investigations, prosecutions, cases, litigation, and grand jury or other proceedings initiated by the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. 0.37, rescinded October 24, 1973), shall be continued, as the Special Prosecutor deems appropriate, by him, and he shall become successor counsel for the United States in all such proceedings, notwithstanding any substitution of counsel made after October 20, 1973.

SEC. 6. The Special Prosecutor shall have power to appoint, fix the compensation, and assign the duties of such employees as he deems necessary, including but not limited to investigators, attorneys, and part-time consultants, without regard to the provision of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title. The Special Prosecutor is authorized to request any officer of the Department of Justice, or any other department or agency of the Federal or District of Columbia government, to provide on a reimbursable basis such assistance as he deems necessary, and any such officer shall comply with such request. Assistance by the Department of Justice shall include but not be limited to, affording to the Special Prosecutor full access to any records, files, or other materials relevant to matters within his jurisdiction and use by the Special Prosecutor of the investigative and other services, on a priority basis, of the Federal Bureau of Investigation.

SEC. 7. The Administrator of General Services shall furnish the Special Prosecutor with such offices, equipment, supplies, and services as are authorized to be furnished to any other agency or instrumentality of the United States.

SEC. 8. Notwithstanding any other provisions of law, the Special Prosecutor shall submit to the Congress directly requests for such funds, facilities, and legislation as he shall consider necessary to carry out his responsibilities under this Act, and such requests shall receive priority consideration by the Congress.

SEC. 9. The Special Prosecutor shall carry out his duties under this Act within two years, except as necessary to complete trial or appellate action on indictments then pending.

"SEC. 10. The panel has the sole and exclusive power to dismiss the Special Prosecutor. The only grounds for removal are gross impropriety, gross dereliction of duty, or physical or mental disability preventing discharge of his responsibilities under the Act."

SEC. 11. The Special Prosecutor solely shall exercise the powers and perform the duties specified herein. Neither the Chief Judge or the President of the United States, nor any other officer in the United States shall have any authority to direct, countermand, or interfere with any action taken by the Special Prosecutor pursuant to this Act. Neither the President of the United States, nor any other officer of the United States, shall have any authority to remove the Special Prosecutor from office.

SEC. 12. The Special Prosecutor is authorized from time to time to make public such statements or reports as he deems appropriate and is authorized and directed upon completion of his duties to submit a final such statement or report to the Congress and the President.

SEC. 13. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

"Expedited review procedure

"SEC. 14. (a) (1) Any objection by a person who is the subject of an indictment or information to the authority of the Special Prosecutor under the Constitution to frame and sign indictments or informations and to prosecute offenses in the name of the United States shall be raised by motion to dismiss the indictment or information. Such motion shall be made within twenty days of notice of the indictment or information, or before entry of a plea. The making of such a motion shall not preclude the making of motions on other grounds as permitted by the Federal Rules of Criminal Procedure. Persons who are the subjects of an indictment or information on the date this Act becomes effective shall raise such objection within twenty days of notice that the Act has become effective.

"(2) The district court shall immediately certify any motion made under subsection (a) (1) to the United States court of appeals for that circuit, which shall hear the motion sitting en banc.

"(3) Notwithstanding any other provision of law or rule, any decision on the motion shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal must be brought within ten days from the ruling on the motion.

"(4) It shall be the duty of the court of appeals and of the United States Supreme Court to advance on the docket and to expedite to the greatest possible extent the disposition of any motion filed pursuant to subsection (a) (1).

"(5) Except as provided in this subsection, no court shall have jurisdiction to consider any objection to the validity of an indictment or information or a conviction based on the lack of authority under the Constitution of the Special Prosecutor to frame and to sign indictments and informations and to prosecute offenses in the name of the United States.

"(6) The Special Prosecutor and anyone acting on his behalf shall be deemed a person authorized to be present during sessions of a grand jury, notwithstanding any later judicial determinations regarding his authority to frame and to sign indictments and informations and to prosecute offenses in the name of the United States.

"(b) (1) A person aggrieved by any act of the Special Prosecutor may bring an action or file an appropriate motion challenging his constitutional authority under this Act and for appropriate relief. Such an action or motion shall be filed within twenty days of notice of the act to which objection is had. The district court shall immediately certify all questions of constitutionality of this Act to the United States court of appeals for that circuit, which shall hear the matter sitting en banc.

"(2) Notwithstanding any other provision of law or rule any decision on a matter certified under subsection (b) (1) shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal must be brought within ten days of the court of appeals decision.

"(3) It shall be the duty of the court of appeals and of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any question certified under subsection (b) (1).

"(c) In addition to any other civil or criminal relief against interference with the performance of his duties to which the Special Prosecutor appointed under this Act may be entitled, he may bring an action for injunctive relief against any interference, or threatened interference, with the performance of his duties or with his exclusive jurisdiction under this Act, or against failure to cooperate with him as required by this Act, by any officer of the executive department of the United States. Any defense to such action which challenges the authority of the Special Prosecutor under the Constitution, or otherwise calls into question the constitutionality of this Act shall be interposed within twenty days of the filing of the complaint.

"(2) An action pursuant to subsection (c) (1) shall be brought in the United States Court of Appeals for the District of Columbia Circuit which shall hear the matter, sitting en banc. Notwithstanding any other provision of law or rule any decision on the matter shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal must be brought within ten days of the decision of the court of appeals.

"(3) It shall be the duty of the court of appeals and of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any action brought pursuant to section (c) (1).

"(d) The expedited review procedures of this section shall not apply to any challenge to the constitutionality of the provisions of this Act insofar as any question presented shall have been determined by the Supreme Court of the United States, notwithstanding that the previous determination occurred in litigation involving other parties.".

SUMMARY

I. A COURT-APPOINTED SPECIAL PROSECUTOR IS NECESSARY

We face a drastic loss of public trust in the integrity of the Government and its system of justice. This disillusionment is not hard to understand. For more than a year, an endless series of disclosures, deceptions, and admissions—some shocking, some tragic, some bizzarre—have marched across the headlines.

The Watergate break-in, ITT, the Milk Fund, illegal wiretaps, the Ellsberg psychiatrist burglary, the Hoffa clemency, the Hughes gift, San Clemente, the Enemies List, perjury, document destruction, defiance of the courts, "the Saturday Night Massacre," missing tapes, and now the "tape gap": These are the sources of distrust and the legacy of "Watergate"—a word that now stands for a whole array of alleged offenses, corrosion of law enforcement, and abuse of the public trust.

We must ensure that the guilty are prosecuted and the innocent are cleared. We must take steps to safeguard against future abuses. But neither task is the most urgent or difficult challenge. That challenge is somehow to restore public trust in government and in the administration of justice.

The first requirement is the absolute necessity of public confidence that the Watergate investigation will proceed with complete independence and full vigor. We are convinced that the central point emphasized by numerous congressional leaders, The American Bar Association, 49 law school deans, the Nation's leading legal scholars, and many media and public interest spokesmen is a point intuitively clear to every American: *If the President or his subordinates select the Special Prosecutor, or have any opportunity to restrict or inflence him, it will cast a cloud over the credibility of the investigation—no matter what the Prosecutor's personal reputation and no matter what the purported safeguards.*

Thus executive branch involvement, Administration involvement, can have only three results: If the Special Prosecutor is fired in violation of the safeguards, the nation would undergo another traumatic blow from which the public's faith in government would not soon recover. If the investigation produces charges against the President, many will suspect the Special Prosecutor was excessively zealous or unfair in order to demonstrate his independence.

But most dangerous is the third possible outcome of such an investigation: If a presidentially appointed Prosecutor is *not* dismissed, if he is able to "work out" disputes with the White House, and if after another year or more the Prosecutor presents no charges against the President, there will be far too little public confidence in the result. Many crucial prosecution decisions are not made public. The nation will always wonder which leads were not followed; what compromises were reached about documents that might have been sought; what evidence of wrongdoing was deemed outside his jurisdiction by the man whom the White House has selected.

The proceedings in the months ahead will inevitably be too trying—and the final stakes too great—for us to risk inconclusive results which remain under a cloud of suspicion. We must do everything possible to avoid such a disastrous outcome.

We must remove the Special Prosecutor from the possibility of White House influence, in appearance and in fact, as far as is constitutionally permissible. We are convinced that Congress can constitutionally establish a Special Prosecutor wholly outside the exective branch and completely removed from the shadow of the Oval Office. Accordingly, S. 2611 provides for the establishment of a court-appointed Special Prosecutor, removable only by the court and completely independent from the executive offices he is to investigate. That measure is now sponsored by 55 senators.

After Special Prosecutor Archibald Cox was fired, and Attorney General Elliot Richardson and Deputy Attorney General William Ruckelshaus resigned, the Committee on the Judiciary held 11 days of hearings on the circumstances of Cox's dismissal and on proposals for a statutory Special Prosecutor. The Committee heard Cox, Richardson and Acting Attorney General Robert Bork testify regarding the background and circumstances of the dismissal and resignations. Senators Stevenson and Chiles testified on behalf of their individual proposals for a court-appointed prosecutor (they are also sponsors of S. 2611). Senators Taft and Percy testified in favor of their respective proposals for a Special Prosecutor within the executive branch appointed by the President or his subordinate and subject to dismissal in accordance with specified procedures.

In addition, an American Bar Association representative testified in support of legislation for a court-appointed prosecutor outside the executive branch. Several of the nation's preeminent constitutional scholars testified that such an approach was free of serious doubt as to its constitutionality—a view shared by a group of equally eminent scholars who had already testified before the House Committee on the Judiciary.

These hearings reviewed the history of the Watergate controversy and related investigations and disclosures, the short-lived appointment of Cox, and the White House efforts to resist and curtail his investigation. On the basis of the entire record, it seems clear that some legislation is required. However, the Committee was unable to resolve an even division of its members as to which bill should be reported. Accordingly, the Committee reported, without recommendation, two measures: S. 2611, our proposal; and S. 2642, Senator Taft's, which provides for a Special Prosecutor appointed by the Administration through the Attorney General.

We believe that a review of the events leading up to our present dilemma, and of the testimony at the hearing on these bills, clearly indicates why a court-appointed prosecutor is preferable.

Last spring, the revelation of a massive Watergate coverup and the resignation of H. R. Haldeman and John Ehrlichman from the White House staff were followed by a growing list of disclosures about campaign contributions, wiretapping, and the break-in at Daniel Ellsberg's psychiatrist's office. Public demands for an independent Watergate prosecutor, echoed in Congress and the American bar, were resolved, for the time being, in the course of the confirmation hearings on Elliot Richardson's nomination to be Attorney General.

Richardson was confirmed, and legislation establishing a Special Prosecutor outside the executive branch was deferred, only upon the explicit condition of Cox's independence—endorsed by the White House—and upon the express expectation that Cox's charter would be adequate to restore public confidence in the integrity of the investigation.

Now the President's commitment to the independence of the Special Prosecutor has proven inadequate. And the charter arrangement for a Special Prosecutor within the executive branch is no longer capable of stilling public doubts about improper White House hindrance of or influence upon the investigation. The Judiciary Committee hearings revealed presidential exploration of Cox's dismissal as early as last July and cast the gravest doubt on the official reasons given for his actual firing in October.

The testimony of Cox and Richardson revealed a steady stream of White House efforts to delay, detour and even derail Cox's investigation into areas the President or his staff considered sensitive. Requests for important documentary evidence were rejected or frustrated. Complaints were constantly made about the subjects which Cox felt it was his duty to probe. As recent events indicate, these efforts have continued.

This history does not suggest a White House desire to facilitate and expedite investigation of all the charges, but rather a continuing reluctance to cooperate. The public is aware of this track record. The prospect of a credibly independent investigation by a Special Prosecutor within the executive branch has been permanently tarnished.

II. THE PROVISIONS OF S. 2611

Under the provisions of S. 2611, as amended in Committee, the power to appoint a Special Prosecutor is vested in the entire United

States District Court for the District of Columbia, rather than in the Chief Judge. The power would be exercised through a three-judge panel designated by the full court, and no member of that three-judge panel could sit on matters involving the Special Prosecutor.

S. 2611 provides a statutory guarantee that the Special Prosecutor will have the same jurisdiction given to Cox under his charter and to his successor under the reissued guidelines.

Similarly, the powers granted the Special Prosecutor under this act are those conferred upon Cox and his successor to conduct all aspects of grand jury proceedings, other investigations, and subsequent prosecutions and appeals. His authority to supersede the Attorney General or appropriate United States Attorneys with regard to powers vested by statute in them which are necessary for the performance of his duty is spelled out in more detail than was true in the original Cox guidelines. So is his power to contest claims of privilege on grounds of national security.

The Special Prosecutor appointed under this act would receive all the files and other information of his predecessors and would be substituted as counsel in all pending proceedings.

As amended, the bill provides for the Special Prosecutor's removal by the three-judge selection panel for gross impropriety, dereliction of duty or incapacity. In addition, of course, he could be impeached or Congress could abolish the Office of Special Prosecutor entirely should the need arise.

Within these limits on clear abuse, however, the Special Prosecutor would be free from interference or control by either the judiciary, *which has no "prosecutorial duties" under this act,* or by any member of the executive branch.

While we are convinced the entire bill would be upheld as a legitimate exercise of congressional power under the Constitution, S. 2611 provides several channels for a rapid test of its constitutionality. In particular, the risk of any convictions being voided has been eliminated. Defendants would have to challenge the act promptly upon their indictment with an expedited appeal to the Supreme Court. In addition, the Special Prosecutor could seek to enjoin interference from any other prosecutor already on the job. There would be no overlap.

III. CONSTITUTIONALITY OF S. 2611

The power to enact S. 2611 rests squarely on the express authority of Congress, under Article II, Section 2, to vest the appointment of any inferior officer it deems appropriate in the courts. It does not require any loose construction of the Constitution. "Inferior officer" in this constitutional sense means any official other than those specifically enumerated in Article II, Section 2.

Opponents of S. 2611 have urged that a prosecutor could not be court-appointed because his duties are supposed to be inherently and exclusively functions of the executive branch. But the controlling Supreme Court decision under this provision, *Exparte Siebold,* holds that such appointment may be vested in the judiciary *even if the duties of the office are wholly executive in nature,* as long as judicial appointment is not "incongruous," given the nature of the office. Not only is there an obvious relationship between the judiciary and the conduct of criminal prosecutions, but in these extraordinary circumstances it does seem "incongruous" to let the President or his subordinates appoint the person charged with investigating the White House itself.

Vesting the appointment power in the courts does not undermine the doctrine of separation of powers. First, it does not confer executive duties on the courts. We do not say the President *performs judicial duties* merely because he *appoints* Federal judges; Congress does not do so if it *removes* judges by impeachment. And when courts *appoint* defense attorneys for indigents, they do not thereby *perform the duties* of trial counsel.

Second, the fact that the Special Prosecutor would be independent of the executive's control does violate the separation of powers doctrine. Under our Constitution, power is dispersed among the three separate branches of government so that each might check and balance the others—not to insulate the President from effective control. To invoke the separation of powers doctrine to prevent independent investigation of criminal conduct in the executive branch is to stand the doctrine on its head.

Finally, the expert testimony establishes that there is no problem in denying the President power to remove the Special Prosecutor. The basic constitutional rule is that the removal power follows the power to appoint. If the court can be given the power of appointment, it may also hold the exclusive power of removal. The landmark *Myers* case reaffirmed this rule, holding that where the President appoints an officer within the executive branch, Congress may not restrict the President's removal power. Subsequently, the Supreme Court indicated that *Myers* does not apply to offices such as regulatory commissioners which are specifically designed to ensure independence from the White House. The Special Prosecutor comes within this exception. Unlike other offices for which Congress has vested the appointment power in the courts, *the whole purpose in creating the office is to insulate the Special Prosecutor from the control, influence, or the appearance of influence by the Chief Executive.*

In summary, S. 2611 relies upon an explicit constitutional provision which authorizes its procedure. While emergency is no basis for circumventing constitutional limits, the Constitution was admirably designed to be adaptable to unforeseen national crises. The present situation is a clear example, and Article II, Section 2 permits Congress to act.

Discussion and Analysis

I. OFFICE OF SPECIAL PROSECUTOR

a. Introduction

October 19 and 20, 1973, were two of the most extraordinary days in American history and presented this nation with one of the most traumatic crises of recent times. On October 19, the President of the United States announced that he would neither comply with a decision of the United States Court of Appeals nor appeal its ruling to the Supreme Court. Instead, he would seek to impose what he termed a "compromise" upon a number of participants in what has become known as the Watergate investigation. Failing to gain their full agreement, however, the President on October 20 ordered the dismissal of the Watergate Special Prosecutor and forced the resignations of the Attorney General and Deputy Attorney General of the United States.

The events leading up to this bizarre sequence contain significant lessons for the Congress and the American people. And, viewed in the context of constant assurances by the President of a full, thorough, and independent Watergate investigation, they led inexorably to the conclusion that the reins on the investigation must be completely and permanently removed from the offices of the executive branch and placed within the hands of a fully independent, court-appointed Special Prosecutor. It is the purpose of S. 2611 to create that independent Special Prosecutor and to establish guidelines for the successful culmination of the Watergate and related investigations.

b. Initial proposals

During the winter of 1973 it became clear that there had been an attempt to cover up events surrounding the 1972 break-in at the Democratic Committee National Headquarters in the Watergate Complex. Officials of the executive branch, according to news stories, had not been telling the public all they knew about the Watergate break-in or its aftermath and had been involved in diverting or obstructing the Justice Department's investigation. The Department's own investigations of the ITT affair and campaign "dirty tricks" had been minimal and incomplete. Thus, the public demanded that the prosecution of Watergate and similar politically sensitive offenses allegedly committed by executive branch officials be transferred from the normal operating structure of the Justice Department and vested in an independent Special Prosecutor.

A striking precedent was found in the 1924 Senate Joint Resolution, which authorized the appointment of a "special counsel" to investigate and prosecute charges arising out of the Teapot Dome scandal. Inspired by the Teapot Dome approach, various resolutions were introduced in both houses of Congress calling for the appointment of an independent special prosecutor. (E.g., S. Res. 105; S. Res. 106; S. Res. 109; H. Res. 367; H. Res. 368; H. Res. 369). On May 1, the Senate passed a resolution calling upon the President to designate a special prosecutor. (119 Cong. Rec. S. 8022, May 1, 1973, daily ed.)

Calls for the appointment of an independent Special Prosecutor also came from former Supreme Court Justice Arthur Goldberg, consumer advocate Ralph Nader, and ABA President Robert Meserve. By May 4, 74 percent of those interviewed in a special Gallup Poll stated that they thought someone outside the Nixon administration should be appointed to conduct the Watergate investigation.

C. Independence of the Prosecutor

1. The President's Commitment

In the wake of the resignations of top White House aides H. R. Haldeman and John Ehrlichman and of Attorney General Richard Kleindienst, even the President appeared to recognize and accede to the public demand for a Special Prosecutor. He also placed the full weight of his office behind the concept of full independence for the Special Prosecutor. In his April 30 statement announcing the nomination of Elliot L. Richardson to be Attorney General the President stated:

> I have given him absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters. I have instructed him that if he should consider it appropriate, he has the authority to name a special supervising prosecutor for matters arising out of the case.
>
> Whatever may appear to have been the case before, whatever improper activities may yet be discovered in connection with this whole sordid affair, I want the American people, I want you to know beyond the shadow of a doubt that during my terms as President, justice will be pursued fairly, fully, and impartially, no matter who is involved. . . . (9 Presidential Documents 434–435.)

The following morning, Presidential press secretary Ronald Ziegler confirmed the President's commitments and said that Richardson had been given "total authority and total flexibility," and that Richardson had been told that the President "ruled nothing out." (See New York Times, May 3, 1973, "Some New Questions" by R. W. Apple Jr.) During Richardson's confirmation hearings, the Senate Judiciary Committee was constantly assured that the Watergate investigation would be fully independent. Said Richardson: "The President has told me that he does not want to be informed"; "The President has said that I am to have authority over these investigations and prosecutions, that I am to press them to a conclusion no matter who is hurt." And again: "There would be no understanding or requirement or expectation on the part of the President that he would be informed or notified of any action, no matter who was involved." (Hearings Before the Committee on the Judiciary, United States Senate, 93d Cong., 1st Sess., on Nomination of Elliot L. Richardson to be Attorney General at 37, hereinafter cited as "Richardson Hearings".) Richardson repeated the following week: The President is "pledged to a full and thorough investigation. He is pledged to cooperate in assuring that all the facts emerge."

> Now, in those circumstances, given the kinds of public interest at stake, for the President to intervene in the matter of the appointment or the way the special prosecutor does his job and so on, would be totally at variance with the whole approach he set forth. It just will not happen. (Richardson Hearings at 72–73.)

Further evidence of the President's commitment to the Special Prosecutor's independence were given the Judiciary Committee by the Senate Minority Leader. Speaking from the dais, Senator Scott stated:

> Now, the President this morning made it clear to me that he will in no way intervene in the selection of the prosecutor nor in the conduct of his office, nor in his final report; that the investigation must proceed without fear or favor to the full and complete truth and toward the final fixing of responsibility through the judicial process . . . We start with the assurances that the President of the United States wishes a complete, total, absolute and utter investigation to the end, to the truth, and the ultimate consequences. (Richardson Hearings at 46–46.)

Finally, on May 22, following Richardson's last day of testimony before the Committee, the President addressed the nation. Of Cox's determination to obtain the full truth, Mr. Nixon stated, "In this effort, he has my full support." (9 Presidential Documents 697.)

2. The Confirmation of Richardson and the Compact With the Senate

The Senate had made it clear that not only Richardson's confirmation, but also the deferral of Special Prosecutor legislation was contingent upon the appointment of a sufficiently independent Special Prosecutor.

In Richardson's first few moments of testimony before the Committee on May 9, he stated:

> I believe, Mr. Chairman and members of the Committee, that in the interest, first of all, of vesting the active direction of these investigations and prosecutions in the hands of the most capable possible person, and in the interest, also, of creating the maximum possible degree of public confidence in the integrity of the process, I should designate a highly qualified and experienced individual of high character and broad experience for the role of special prosecutor in the Watergate case and related matters. (Richardson Hearings at 4.)

On the matter of the special prosecutor's authority to challenge claims of executive privilege, Richardson stated somewhat prophetically that "there is an appropriate role for the courts in the adjudication of a claim of privilege." He continued:

> [I]n a criminal prosecution, where the jurisdiction of a court attaches from the outset, it seem to me appropriate that the court should adjudicate an issue arising out of a claim of privilege by the executive branch or by or on behalf of the President on the one side and a prosecutor of criminal violations on the other.
>
> It is therefore my understanding that for purposes of the Watergate investigation and all the other related matters, if such an issue should arise, the President will be represented by counsel on one side of that issue and that the Special Prosecutor would assert his claim to obtain the information or the evidence on the other, and that if that could not be resolved otherwise, then in my judgment, the issue would have to be resolved by a court. (Richardson Hearings at 159).

"The Prosecutor should, in my view," said Richardson, "if he believes the evidence is important, press to get it by all the legal means available to him." (Richardson Hearings at 57–58.) "I cannot conceive any basis on which I would intervene as a practical matter," he stated. "The assertion of the right or a claim to reach evidence should certainly be within the scope of the responsibilities of the Special Prosecutor." (Richardson Hearings at 52.)

The Special Prosecutor's independence and jurisdiction were to be guaranteed through written guidelines, a charter negotiated by the Attorney General-designate on behalf of the Administration and the Committee on behalf of the Senate. The final charter, presented for Committee approval, specified the duties, responsibilities, and independence of the Special Prosecutor.

> In exercising this authority, the Special Prosecutor will have the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice. The Attorney General will not countermand or interfere with the Special Prosecutor's decisions or actions. The Special Prosecutor will determine whether and to what extent he will inform or consult with the Attorney General about the conduct of his duties and responsibilities. The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part. (Richardson Hearings at 145.)

The next day the nomination of Elliot Richardson to be Attorney General came to the floor of the Senate for a vote. Each Senator speaking on the nomination referred to the appointment of an independent Special Prosecutor as an integral part of Richardson's obtaining the full confidence of the Senate and the American public. The Senate approved the nomination by an overwhelming vote. (119 Cong. Rec. 9708–15, May 23, 1973 daily ed.) On May 25, Richardson took his oath of office. That same day, Archibald Cox was sworn in as Special Prosecutor. The charter under which Cox would operate was published as an Order of the Attorney General in the Federal Register, and became part of the regulations of the Department of Justice. (38 Fed. Reg. 14688.)

Two points emerge sharply from a review of the events leading to the confirmation of Richardson and the appointment of the Special Prosecutor. First, both the Congress of the United States and the American people thought they had a clear commitment from the President to abide by the charter governing the independence of the Special Prosecutor and the circumstances under which he could be removed. No amount of technical distinction between the Attorney General-designate's testimony and the President's own statements can rewrite that history. Second, it was clear that the appointment of an independent Special Prosecutor with a commitment of non-interference from the White House was not only an express condition of Richardson's confirmation by the Senate; it also inevitably was the basis on which various bills for the establishment of a Special Prosecutor totally outside the executive branch were not pressed by their supporters to enactment.

II. INTERFERENCE WITH THE SPECIAL PROSECUTOR'S INVESTIGATION

A. Introduction

As noted previously, the appointment of Richardson and Cox was accompanied by broad guarantees from the President and high Administration spokesmen that (1) the Special Prosecutor would receive full White House cooperation in his investigation, (2) he would be free to follow all leads fully and thoroughly, and (3) there would be no attempts to limit or interfere with this jurisdiction. The testimony elicited at the Committee's recent hearings, however, established that none of these commitments was met. Moreover, the record clearly suggests that the full independence so necessary to ensure a thorough and complete investigtation by a Special Prosecutor cannot institutionally be accorded any Special Prosecutor functioning within the control of the executive branch.

Shortly after Professor Cox took office, there developed a solid, persistent pattern of White House efforts to contain his investigation and to impede it by refusing to cooperate in providing necessary documents and other evidence.

Always, of course, these actions were couched in terms of either technical interpretation of Cox's jurisdiction under his charter, or an alleged fear that the vigor of the investigation was inspired by improper motives. This White House hostility to Cox's endeavors culminated in the "Saturday Night Massacre"—not only his dismissal and the resignations of the Attorney General and Deputy Attorney General, but also the abolition of the Office of Special Prosecutor, until its restoration was forced upon the Administration by public pressure.

Ostensibly, Mr. Cox was fired for his refusal to accept a proposed "compromise" on access to presidential tapes which the courts had ordered the White House to produce. However, the record of this hearing reveals for all but the most credulous that this was only the precipitating incident, if not a complete pretext. The dismissal was ultimately the result of the chronic White House unhappiness with the vigor and scope of the Special Prosecutor's investigation.

In order to provide an adequate reflection of the record as revealed at the hearings, it is necessary to review the testimony in some detail.

B. White House Attempts To Limit the Special Prosecutor's Investigation

Although Richardson testified that he initially felt that the Attorney General should not become involved in jurisdictional issues concerning Cox's investigation, he soon found himself acting as the intermediary between the White House and the Special Prosecutor. On a number of occasions, the White House contacted Richardson to express displeasure with the course and extent of the Cox investigation, and Richardson would frequently convey these concerns to the Special Prosecutor.

Cox himself felt "quite certain . . . that there were a number of occasions on which someone with offices in the Executive Office Building or the White House would come to believe, perhaps rightly, perhaps wrongly, that we were pursuing a certain line of investigation that he would then get after the Attorney General and the Attorney General would then call me." (Hearings before the Committee on the Judiciary, U.S. Senate, 93rd Cong., 2nd Sess., on the Special Prosecutor tr. 24–25; hereinafter referred to as "Prosecutor Hearings". [Note-references are to transcript, not printed volume.])

Cox testified, for example, that "almost any activity in the area of bugging or eavesdropping was likely to lead to the raising of jurisdictional questions." (Prosecutor Hearings tr. 26)

Cox's fears were confirmed by the former Attorney General when he testified that "Mr. Buzhardt from time to time communicated to me the sense of sort of chronic uneasiness generated by the scope of Mr. Cox's activities . . ." (Prosecutor Hearings p. 608.) In fact, Richardson stated that he had "no doubt" that "had someone acting on behalf of the President been able in some way to do something about [the Cox role] maybe by way of getting things headed into the Criminal Division or otherwise that might have been done." (Prosecutor Hearings p. 848.)

The record is replete with specific instances of attempted White House interference. As early as June 19, only a few weeks after Cox started work, General Haig called Attorney General Richardson to complain of an "unlimited hunting license to Cox," and that the entire investigation was "blatantly partisan." (Prosecutor Hearings p. 812.) Mr. Richardson conceded that the next day he met with Mr. Cox to review some of these "jurisdictional" issues, although he could not be sure whether the meeting was arranged prior to the phone call from General Haig. (Prosecutor Hearings, p. 813.)

When an article appeared in the Los Angeles Times speculating that Cox was investigating the expenditures at the President's home in San Clemente, there was a call from the President himself to Richardson on July 3. (Prosecutor Hearings pp. 523, 815.) Although Cox already had, for the moment, put that controversy on the back burner, and therefore issued a denial, Richardson's relay of the White House's anger no doubt made clear its sensitivity to Cox's exploring this area.

A similar expression of White House concern regarding a possible indictment of Charles Colson apparently was communicated to Cox (Prosecutor Hearings p. 241), although testimony was in conflict on this point (Prosecutor Hearings pp. 592, 844). Although Cox was not in fact proceeding toward a Colson indictment, the inquiry typified the careful attention being paid by the White House to media reports—accurate or not—relating to the Special Prosecutor's activities.

Several "jurisdictional issues" were raised concerning Cox's activities with respect to the Secret Service. Mr. Cox described one of these incidents to the Committee as follows:

Some of the staff were looking into the matter of the use of Secret Service, and sometimes in conjunction with advance men or local police, to keep demonstrators, opponents from attending rallies in support of the President . . . The question was raised on two points: One, what business was this of ours, and two, the Department of Justice was defending some of the federal officers or employees involved, it was a problem in coordination. (Prosecutor Hearings pp. 245–346.)

When Cox's staff sent out an apparently broad questionnaire concerning wiretapping activities of the Secret Service, Richardson received a July 23 phone call from General Haig, stating that the President was "very uptight about Cox" and wanted a "tight line drawn around him" with "no further mistakes." If this couldn't be done, said Haig, then "we will get rid of Cox." (Prosecutor Hearings, p. 817.) Cox subsequently reduced the scope of his office's request.

Shortly thereafter, on July 27, White House counsel called Richardson to complain about a "couple of Secret Service agents who were being subpoenaed" and also to complain about an apparent Cox interest in the so-called Huston plan for surreptitious entry, electronic surveillance and the opening of private mail. The official document outlining this plan itself acknowledged that some of the contemplated activities were illegal. The scheme was allegedly dropped after a brief period because of J. Edgar Hoover's objection. The White House objection to Cox's interest in this subject was twofold: (1) the Administration claimed the plan itself acknowledged that some of the contemplated activities were illegal; and (2) the Administration argued that since the full plan had been withdrawn by the President after a very brief period, Cox could rest assured that no element of the proposal had ever been implemented.

Other White House complaints followed shortly thereafter, including a call from Buzhardt on September 11 concerning Cox's investigation of the break-in into the office of Daniel Ellsberg's psychiatrist and possible national security defenses to any prosecution arising from indictments. (Prosecutor Hearings p. 837.)

It should be acknowledged that these specific White House complaints did not directly result in substantial reductions in the scope of the Special Prosecutor's investigation. However, they undoubtedly created an atmosphere in which it was made clear to the Special Prosecutor that his examination of investigative leads was constantly being monitored at the highest levels of the White House and that there are constant efforts to delay, detour, or derail completely his activities in several critical areas. These efforts particularly took the form of an increasing White House reluctance to cooperate with the Cox investigation or provide relevant documents and materials.

C. White House refusal to cooperate

Quite early in the Special Prosecutor's investigation a substantial body of documents was requested, many concerning the activities of members of the White House staff, subjects clearly within the scope of the Special Prosecutor's charter. Cox testified that "for the most part, I must say it seemed to me that our efforts to obtain such documents were very unsuccessful." (Prosecutor Hearings.)

Cox testified that among the information requested but not received were:

"All records and logs reflecting meetings or telephone conversations of Young, Krogh, Colson, Ehrlichman, Hunt and Liddy, between, June 13, 1971, and December 31, 1971.

"Those dates embrace the various activities of the plumbers and particularly the break-in at Dr. Fielding's.

"Logs of meetings between the President and each of the meetings (sic) named in the above paragraph during the same period.

"Three, all records sent to or received by the individuals named above relating to the Pentagon Papers, Ellsberg, Fielding, Hunt, Liddy, Special Project Number One, Project Odessa or Project O.

"Fourth, telephone conversations in those dates.

"Fifth, all records relating to the subjects described above that were removed from Krogh's files at Department of Transportation and delivered to the White House or Executive Office Building between December 1, 1972 and May 31, 1973. This is one of the things that led me to remark that Presidential files had a way of expanding.

"Sixth, all records relating to the above subjects described in (D) above that were transmitted from Young to Ehrlichman between March 23 and March 27, 1973, and on April 30, 1973."

Next, "All records relating to subject described in (c) above that were deposited in Presidential files on behalf of Ehrlichman, Young, Krogh or Colson. The letter also asked for the dates of deposit and the individual.

And the final one of this particualr group, "All records relating to Wagner and Baroody, including all records relating to the discovery of five thousand dollars, and records of visits by Baroody to the White House or Executive Building."

On the 27th of August we requested all records relating to Joseph Kraft, electronic surveillance of Joseph Kraft, and then it goes on further, identification or specifics . . .

After about a month and a half of discussion on this subject, we identified nine specific items that were particularly urgent among them, but according to my records none of those were, have yet been produced. (Prosecutor Hearings p. 30–32.)

Despite the renewal of the request by the new Special Prosecutor, Leon Jaworski, the documents have yet to be provided by the White House.

Cox's attempts to secure material relating to the increase in milk price supports offer a prototype of the documents problem. Allegations had been made that the Administration's action in raising milk price supports were prompted by a major campaign contribution received from the dairy industry and that other federal actions favorable to the dairy industry had been prompted by promises of more to come. Cox's summary of what happens follows:

I was with the Attorney General one day and I said, "Look, the file of papers on the milk producers is in the possession of the lawyers of the Civil Division, and I have been trying to get it from the President's counsel. If the Civil Division can see it, I don't see why I can't see it." The Attorney General said, "Well, I agree with you. I don't see why you can't see it. I will tell them to turn it over to you, just—" He stopped and he said, "I'd better tell the President's counsel that I'm doing this before I do it," and when he did tell him he was forbidden to turn it over. (Prosecutor Hearings. 32)

Cox was also frustrated in his efforts to secure Internal Revenue Service records relevant to his examination whether IRS audits and other activities were being directed toward individuals listed on a White House "enemies" list. (Prosecutor Hearings 841.) The White House also apparently adopted procedures specifically designed to insulate papers of government officials by shifting them into the category of "presidential papers," thereby attempting to avoid their release to Cox. (Prosecutor Hearings tr. 31, 159.) It does not appear that there has been any substantial change in the White House attitude toward the release of documents to the Special Prosecutor. The only definitive and unqualified presidential statement thus far made on the subject is definitively and categorically negative: "We will not provide presidential documents to a special prosecutor." (October 26 news conference 9 Presidential Documents 1290.)

Supposedly it was Cox's refusal to cease and desist in his attempts to secure White House documents which caused the final confrontation over access and ostensibly led to his dismissal on October 20, 1973. However, the record reveals that, long before the question of presidential tapes and documents ever arose, the White House was contemplating the dismissal of Cox.

D. The dismissal of the Special Prosecutor

On October 20, 1973, Archibald Cox was dismissed as special prosecutor, ostensibly for his refusal to accept a "compromise" position supported by the White House on the question of his access to tapes of presidential conversations. Although the tapes controversy is now household knowledge, a brief review indicates the hollow nature of the official excuse for Cox's dismissal.

1. The Tapes Compromise

On July 16, 1973, former White House aide Alexander Butterfield testifying at the Senate Watergate hearings, revealed that virtually all conversations in the President's office since early 1971 had been tape recorded. This revelation was confirmed the same day by the White House. The following day, the Senate Select Committee on Presidential Campaign Activities formally requested the President to give it all "relevant" White House documents and tape recordings of presidential conversations after Mr. Nixon invoked executive privilege to stop the Committee's questioning of Secret Service agents about the tapes. One day later, Archibald

Cox requested that the White House turn over the tapes to the Special Prosecutor's office.[1]

On July 23, the President refused to turn over presidential tape recordings to either the Senate Watergate Committee or to the Special Prosecutor's office. Cox immediately served a subpena for the tapes on presidential counsel J. Fred Buzhardt; the Senate Committee followed suit, serving two subpenas on another presidential attorney, Leonard Garment. Responding to Cox's lawsuit on August 7, the White House claimed that the federal district court had no power to compel the production of the tape recordings if the President believed that their production would not be in the public interest. Two days later, the Watergate Committee, arguing that the President acted illegally in refusing to comply with its subpenas for the tapes, brought suit in federal district court to compel his compliance.

On August 13, Special Prosecutor Cox responded to the White House position by arguing in court that Mr. Nixon could not be a "proper judge" of whether the public interest requires release of the tapes.

In reply, on August 17, the President's lawyers contended that the executive branch, and not the courts or a grand jury, had the exclusive right to drop a criminal prosecution when "other governmental interests" outweighed its pursuit. On August 29, Judge Sirica ordered the President to produce the tapes for his examination, so that he could make a determination whether to transmit them to the grand jury. The White House announced that the President would not comply with the order. On August 30, the White House stated that "it has been decided that counsel will seek review [of the Sirica decision] in the Court of Appeals for the District of Columbia."

In an unusual move, the Court of Appeals on September 13 proposed that the parties seek an out-of-court settlement, urging the President to submit portions of the recordings to Cox and the chief White House attorney for their examination; the two lawyers would then decide what parts of the tapes could properly go to the grand jury. Cox announced almost immediately that he would be "more than glad to meet with the President or his delegate in a sincere effort to pursue the Court of Appeals suggestion to a mutually satisfactory conclusion." (New York Times, September 14, 1973, p. 1.) After several meetings between Cox and the White House lawyers, however, it was announced on September 20, that they had failed to reach a compromise on access to the tapes. (September 20 letters from Charles Alan Wright and Archibald Cox to U.S. Court of Appeals for the District of Columbia, New York Times, September 21, 1973, p. 18.) The Court of Appeals then returned to a consideration of the case on the merits and, on October 12, ordered the President to surrender the tapes for in camera inspection by the District Court. (Meanwhile on October 17, Judge Sirica ruled that the Federal District Court lacked jurisdiction to decide the Watergate Committee's request for access to the tapes and dismissed the suit.)

On October 19, the last day for appealing this decision to the Supreme Court, the President announced that he would neither turn over the tapes to the District Court nor appeal. Instead, he ordered Cox to drop his efforts to secure the tapes, and announced that he would edit a summary of the tapes, have it verified as accurate by Senator John C. Stennis, and then give the summary to the Watergate Committee and the grand jury. The President announced that Cox had rejected this plan, which he claimed had the approval of Attorney General Richardson. When, on October 20, Cox announced that he would not abandon his efforts to obtain the tapes, the President ordered Attorney General Richardson to dismiss him. Richardson refused and resigned. The President then ordered Deputy Attorney General Ruckelshaus to fire Cox. He, too, refused and resigned. Solicitor General Bork then assumed the position of Acting Attorney General and carried out Mr. Nixon's order to dismiss Cox.

Cox and Richardson both testified that, during the critical week leading up to the dismissal, Cox had made clear that he was leaving the door open to possible compromise (Prosecutor Hearings pp. 15–20, 529–532, 578–581), and that the major problems with the proposed compromise were (1) the potential inadmissibility of the tape summaries in criminal proceedings and (2) the additional limitation, proposed by the President without Richardson's approval, that Cox seek no additional Presidential tapes or documents by judicial process. Cox felt that the second limitation would cripple his investigation and compromise his independence; thus, the White House's continued pressure on Cox to accept the compromise with this limitation—"the rush to judgment on questions which I was still trying to discuss"—left him no choice but to withhold approval of the arrangement. (Prosecutor Hearings p. 20.) As Cox observed: It was my impression that I was being confronted with things that were drawn in such a way that I could not accept them." (Press Conference, Washington Star-News, Oct. 21, 1973, p. E–3.)

On October 23, the President's counsel announced that the President would make the actual tapes available to the district court for inspection and transmittal to the grand jury. This action came only four days after Cox was dismissed for insisting that the President do just that.

2. Legality of the Dismissal

According to the terms of the Special Prosecutor's charter, his dismissal could be effected only if he engaged in "extraordinary improprieties." It has been conceded by Acting Attorney General Bork that Cox did not engage in such conduct. (Bork October 24 press conference, transcript p. 28). Indeed, the United States District Court for the District of Columbia has held that Mr. Cox's dismissal violated the clear mandate of the applicable Justice Department Regulations (Nader 1. Bork. Civil Action No.,1954–73.' November 14, 1973). According to the court, "the firing of Archibald Cox in the absence of a finding of extraordinary impropriety was in clear violation of an existing Justice Department regulation having the force of law and was therefore illegal." (*Nader* v. *Bork*, p. 8)

3. Other Reasons for the Dismissal

Beyond the alleged reason for dismissing the Special Prosecutor, the record developed at the Committee's hearings clearly indicates that there was White House talk of dismissing Cox well before the tapes compromise was even proposed, much less "rejected" by Cox. The earliest such indication revealed thus far came during the July 23 phone call from General Haig to Elliot Richardson concerning electronic surveillance. According to Richardson, Haig stated that "the President wanted a tight line drawn, no further mistakes, if Cox doesn't agree, we will get rid of Cox." (Prosecutor Hearings p. 817.) Later in September or early October, but still before the tapes compromise was proposed, the President himself spoke to Richardson about firing Cox. Richardson testified that there was "one irritated remark about Cox's operations generally which he made one time in an offhand way in a meeting on something else . . . It had to do with the—with getting rid of Cox, some general reference." (Prosecutor Hearings p. 616.) It will be recalled that it was the President who had suggested to Richardson on July 3 that Cox issue a statement denying that San Clemente was under investigation. According to Richardson, Mr. Nixon was "pretty wrought up over that at the time." (Prosecutor Hearings p. 615.)

Moreover, there was yet another incident which clearly intensified the White House's inclination to fire Cox. Only four days before he was fired, Cox told Richardson about a phone call from the President to Attorney General Kleindienst, ordering Kleindienst not to proceed with an appeal in the ITT antitrust case. This fact appeared to contradict previous Administration statements that Mr. Nixon took no personal role in the ITT litigation. Cox mentioned it to Richardson in the context of his request that additional Presidential tapes be subpoenaed. Richardson testified that he "did mention this situation to President's counsel when I was trying to explain to them why I believed Cox was reasonable in refusing to renounce further right to obtain any tapes. This would have been on a later date in the week, probably Thursday . . . I remember making this specific reference to Mr. Buzhardt . . ." (Prosecutor Hearings p. 605.)

In summary, the full context of Cox's dismissal included: (1) his refusal to forego access to additional presidential documents needed as evidence; (2) the President's ultimate about-face and delivery of the Watergate tapes to the court; (3) White House displeasure with the scope of Cox's charter to investigate; and (4) several previous White House explorations of his dismissal, beginning as early as June.

Seen in this light, Cox's firing seems to have had little to do with the White House's announced concern about the principle of executive privilege and to have been far more closely related to the vigor and thoroughness with which Cox was pursuing the investigation.

4. Conclusion

The record clearly demonstrates a substantial degree of White House interference with the Special Prosecutor's investigation, a lack of cooperation in supplying relevant information, and an early desire to dismiss Cox because of the broad scope of his inquiry. Matters are not much better at the present time. Indeed, the new Special Prosecutor's charter has actually been weakened by the inclusion of a provision ostensibly strengthening the prosecutor's independence.

In testimony before the Committee, Acting Attorney General Bork conceded that the new charter permits the President and the Attorney General, in consultation with a few members of Congress, to limit or remove entire areas of the special prosecutor's investigation. The new charter first issued by Acting Attorney General Bork provided as follows:

"In accordance with assurances given by the President to the Attorney General that the President will not exercise his Constitutional powers to effect the discharge of the Special Prosecutor or to limit the independence that he is hereby given, the Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part and without the President's first consulting the majority and minority leaders and the Chairmen and ranking Minority Members of the Judiciary Committees of the Senate and House of Representatives and ascertaining that their consensus is in accord with his proposed action. (Order No. 554–73, November 2, 1973."

This new provision appeared on its face only to modify the original charter as to dismissal of the Prosecutor; he could not be dismissed, even for extraordinary improprieties, without a consensus of agreement on the part of the congressional leadership. Considering the willingness of the White House to disregard the previous charter and dismiss Cox outside of its provisions, this might have added little additional protection. Yet, despite the clear language of the charter, which was interpreted this way by the media,[2] by the Federal District Court,[3] and even by the Justice Department lawyers,[4] the Acting Attorney General nevertheless took the position that the Special Prosecutor's jurisdiction could similarly be limited or eliminated by the same kind of consensus. (Prosecutor hearings, p. 1041–1042). Claiming that a "drafting error" was responsible for the confusion (Letter to Senator Edward M. Kennedy from Robert H. Bork, November 20, 1973), the Justice Department amended the charter to clearly provide that the consensus provision covered the limitation of the Special Prosecutor's jurisdiction (Amendment to Order 554–73, November 19, 1973). "the jurisdiction of the Special Prosecutor will not be limited without the President's first consulting with such Members of Congress and ascertaining that their consensus is in accord with his proposed action."

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[1] On July 20, the White House disclosed that Mr. Nixon had decided to end the taping of telephone calls and conversations in his offices. The historical value of the tapes had been outweighed by the "embarrassment" caused the Administration by their disclosure, according to one aide. (New York Times, July 21, 1973, p. 1).

For the first time, then, the President's ability to interfere with or eliminate entirely whole areas of the Special Prosecutor's investigation has been sanctified by Justice Department regulation. Inclusion of this provision can only constitute further confirmation that the placement of the Special Prosecutor's office under the control of the executive branch cannot succeed in achieving public confidence that the investigation will be thorough and complete.

In recommending legislative creation of a fully independent Special Prosecutor's office, the American Bar Association emphasized four essential principles:

"First, the rule of law applies to all citizens without exception;

"Second, law enforcement investigations and prosecution procedures under that rule of law require complete severance and independence as between the subject of the investigation and the investigator;

"Third, independence means at the minimum that neither the appointment nor tenure of persons conducting the investigation nor the scope of the investigation, including the lines of evidence to be pursued, shall be controlled in any way by the subject under investigation;

"Fourth, should any controversy relating to the scope or propriety of a particular procedure or investigative objective arise between the law enforcement authorities and a subject of investigation the resolution of the issue is for the courts."

The events which led to the dismissal of Archibald Cox must inevitably place in an untenable position any successor Special Prosecutor within the executive branch. If he conducts his investigation too vigorously, he risks abolition of his protective charter and dismissal. Ironically, if he is permitted to continue, the executive branch Special Prosecutor will feel an obligation to bend over backwards and seek indictments where he may not feel them warranted, so as to avoid the impression that he is overly cautious about treading upon White House sensitivities. (Prosecutor Hearings p. 782). And if the Special Prosectuor concludes that, in a given instance, an indictment of an Administration official is not warranted according to Richardson, how can the public ever have the full confidence that his decision was not affected by the kind of White House influence liberally bestowed upon Mr. Cox?

The need to avoid this dilemma by creation of a fully independent Special Prosecutor was perhaps best stated by Cox in his testimony before the Committee:

"It is, I think it is, too much to ask of any man as Special Prosecutor or any man as Attorney General or of any President, for that matter, that the man the Special Prosecutor, both serve as part of an Administration and as part of the team and at the same time investigate individuals and their conduct who either are or have been part of the Administration. It just tears the institutions or the individual apart. (Prosecutor Hearings p. 22–23)"

IIII. EXPLANATION OF THE BILL

A. Appointment

S. 2611, as amended in committee, directs the United States District Court for the District of Columbia to appoint a Special Prosecutor independent of control, direction, or influence by the executive branch. As originally introduced, the bill had bested the appointment power in the Chief Judge of that court. The Chief Judge, however, having presided over and presently presiding over proceedings initiated by the Office of the Special Prosecutor, is already intimately involved in the Watergate proceedings. As a matter of general principle, moreover, concern has been expressed that whoever actually selects the Special Prosecutor should not thereafter hear cases in which his selection was a party.

Accordingly, S. 2611 was amended in Committee to provide that the power of appointment is vested in the entire District Court, paralleling the language of the constitutional provision for such appointment. The full court would designate a three-judge panel to make the actual selection, on its behalf, of a Special Prosecutor.

There would be both prospective and retrospective insulation of the selection panel from the Watergate proceedings to preserve fully both the fact and appearance of judicial impartiality in such proceedings. No judge who had already heard Watergate matters would be eligible for the panel selection, and no member of the panel would thereafter be eligible to hear any criminal matters within the Special Prosecutor's jurisdiction under this statute. Vacancies on the panel would be filled by the full court.

B. Jurisdiction

The Special Prosecutor is given jurisdiction to investigate and, where appropriate, to prosecute

"Offenses arising from the Watergate break-in and cover-up;

"Other offenses arising from the 1972 presidential election;

"Offenses alleged to have been committed by the President, presidential appointees, or members of the White House staff."

These are the three primary points of jurisdiction contained in the charter under which Special Prosecutor Archibald Cox was empowered and under which the present Special Prosecutor is now operating.

At the hearings, it was clearly shown that the last jurisdictional category had not been interpreted by the Special Prosecutor to cover every minor allegation against any and every presidential appointee. Many of such allegations could and should be handled by the appropriate U.S. Attorney's office or the Criminal Division of the Justice Department. For any serious allegation against appointees or White House staff members, however, the Special Prosecutor must determine whether it is appropriate to invoke his exclusive jurisdiction in order to serve adequately the purpose for which his office is established. This third category has been interpreted by the previous and the present executive-appointed prosecutors, and is intended in S. 2611, to provide a separate and independent basis of jurisdiction apart from the Watergate break-in and cover-up and the 1972 Presidential election. This third category includes but is not limited to the collection of activities popularly referred to as the "plumber operations," but covering illegal wiretapping, surreptitious entry, or other activity whether or not performed under the direction of the so-called "plumbers" unit in the White House. This third category would also include other serious allegations against White House aides or high presidential appointees, such as:

"Illegal campaign schemes during the 1970 congressional elections;

"Misuse of the Internal Revenue Service, executive clemency, or other agencies and procedures for political purposes;

"Elements of the ITT controversy, such as obstruction of justice, not covered under the second point of jurisdiction; and

"Questions regarding the income tax, real estate transactions or governmental expenditures of presidential properties and similar allegations involving the President, members of his staff or his appointees."

In addition, the Special Prosecutor would retain jurisdiction over matters which were referred to Cox by Attorney General Richardson, as provided for under the initial charter.

Finally, the Special Prosecutor is given jurisdiction over offenses arising out of these specific categories. This ancillary jurisdiction, for example, would permit prosecution of perjury or obstruction of justice offenses which occur in the course of investigating and prosecuting matters within the enumerated areas of his jurisdiction.

C. Powers of Special Prosecutor

The powers of the Special Prosecutor in the exercise of the above jurisdiction also track the powers granted Cox by the original charter and presently enjoyed by his successor, Leon Jaworski. These include the power to conduct grand jury and other investigations; to review all documentary evidence; to contest assertions of privileges; to seek warrants, subpenas or grants of immunity; to frame indictments and conduct prosecutions and appeals and to coordinate and direct Department of Justice personnel and United States Attorneys.

S. 2611 also makes explicit what was stated to be implicit in Cox's charter by Richardson at his confirmation hearings. The Special Prosecutor is authorized to receive necessary security clearances and to review any evidence sought to be withheld on grounds of national security. He is authorized, if necessary;

"[T]o contest in court, including where appropriate in camera proceedings, any claim of privilege or attempt to withhold evidence on grounds of national security.

As Richardson said at his confirmation hearings:

"[W]hen Professor Cox begins to take action on such a matter, he would first of all certainly have access to papers so that he could see what was supposed to be sensitive or subject to classification and so he could reach an independent judgment about the relevance of the papers and whether or not any portion of them that was believed sensitive needed to be disclosed in open court or in some other way made public. And from that point forward, he would deal with the situation essentially as he would deal with a claim of executive privilege.

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[2] New York Times, Nov. 2, 1973 at 22; Washington Post, Nov. 2, 1973 at A3: "Bork said that Jaworski will have the same charter Cox did with the additional commitment the President made regarding his power to dismiss him."

[3] *Nader* v. *Bork*, Civ. No. 1954–73 at 9, n. 13: "The two regulations are identical, except for a single addition to the new regulation which provides that the Special Prosecutor may not even be discharged for extraordinary improprieties unless the President determines that it is the 'consensus' of certain specified congressional leaders that discharge is appropriate."

[4] Government's Brief in Opposition to Plaintiff's Motion for Preliminary Injunction, *Nader* v. *Bork* at 3: "The Order * * * provides that the Special Prosecutor shall not be discharged except for extraordinary improprieties on his part and without the President's first consulting [several named congressional leaders of both political parties] and ascertaining that their consensus is in accord with his proposed action."

"In the end, this could conceivably be a genuine conflict of competing public interest, but I feel sure that with his participation and the involvement of the court, there would be a sound resolution of that kind of issue. (Richardson Hearings at 207.)"

At the hearings on the present legislation, Mr. Jaworski indicated that, as he understands it, he is presently operating with such an arrangement as this bill seeks to codify. The Office of the President has informed him he would be allowed to inspect any materials or listen to any recorded information for which a national security privilege was claimed. Nonetheless, we have continued concerns about the potential abuse of "national security" claims to withhold important evidence on matters within the Special Prosecutor's jurisdiction. It is desirable to make explicit his statutory power to look beneath the cloak of national security assertions, so that if the Special Prosecutor disagrees with the assertion or feels a balance of the competing interests must be worked out, he may proceed accordingly.

In addition, the bill would spell out the general authority of the Special Prosecutor to exercise all powers as to the conduct of criminal investigations and prosecutions within his jurisdiction which would otherwise be vested in the Attorney General and United States Attorneys. This residual transfer of authority is necessary to avoid unforeseen impediments to the conduct of his office arising from numerous statutory provisions which vest authority to perform certain acts in the Attorney General or a United States Attorney.

D. Succession to existing files and pending investigations or proceedings

All documentary materials, files, and other information or property in the possession of any existing or prior Special Prosecutor's Office is to be delivered into the possession of the Special Prosecutor appointed under this act.

In addition, he is empowered to continue all investigations, litigation, grand jury or other proceedings initiated by his predecessor as Special Prosecutor and shall become successor counsel in all such proceedings. Thus S. 2611 makes clear that there will be but one Special Prosecutor with the authority and jurisdiction set out in the act.

E. Duration

Under S. 2611, the Special Prosecutor's authority shall last for "two years, except as necessary to complete trial or appellate action on indictments then pending." This provides a reasonable time to conduct a thorough investigation of matters within his jurisdiction, without risking a truncation of his effort where indictments have issued, or the need to seek further extension legislation to conduct litigation in progress. The jurisdiction would extend beyond two years only for those matters under indictment on which trial and appellate action had not been completed.

F. Independence and removal for cause

Sections 10 and 11 provide for removal of the Special Prosecutor on specified grounds and for his independence from executive or judicial interference or control.

The interaction of these two provisions is important since there has been some confusion about the status and independence of the Special Prosecutor under S. 2611.

Two completely inconsistent and equally inaccurate charges have been leveled against the bill. On the one hand, it has been argued that the bill would put judges in the "prosecution business" by giving them prosecutorial duties in the supervision of the Special Prosecutor. On the other hand, the same critics suggest that the Special Prosecutor would have unprecedented, uncontrolled power, without check by anyone over his activity and capricious whim.

Aside from the fact that the Special Prosecutor can hardly be subject to improper supervision by the Judiciary and, at the same time, have unbounded, unreviewable authority, both charges misrepresent the actual operation of S. 2611. The Special Prosecutor would be subject to a whole series of checks against abuse. He would be removable for gross impropriety, gross dereliction of duty, or physical or mental incapacity. In addition, the Special Prosecutor's activities in areas outside his statutory jurisdiction would be subject to challenge by those aggrieved. Moreover, he would be subject to impeachment, as a civil officer of the government. Finally, of course, the Congress could always abolish the entire Office of Special Prosecutor's authority *in toto*.

With the exception of these outside limits and checks upon the Special Prosecutor's abuse of his authority, he is insulated from interference or removal by the executive or the judiciary. Specifically, apart from removal for special cause, the court has no duty to supervise the Special Prosecutor, and indeed is prohibited from interfering with his lawful exercise of independent discretion in the conduct of his office. Section 11 similarly prohibits interference or any attempts at removal by any member of the executive branch.

G. Test of constitutionality

There will be three separate opportunities for a rapid test of the constitutionality of the statute.

The most important will be a mandatory requirement that a defendant must raise by motion, within 20 days of notice of the indictment, any challenge to the indictment alleging that the Special Prosecutor has no constitutional authority to act. Other objections to the indictment or pre-trial motions need not be combined.

A motion challenging the constitutional authority of the Special Prosecutor under this act—severed from other motions if necessary—shall be certified by the District Court directly to the Court of Appeals for the Circuit in which the indictment occurs. Any ruling or decision on the motion by Court of Appeals shall be appealable by right, rather than by certiorari, to the Supreme Court, and appeal must be taken within 10 days. Both the Court of Appeals and the Supreme Court are directed to advance the cases on their docket and otherwise expedite them to the greatest extent possible.

No challenge to an indictment or information or prosecution thereunder, based on the alleged lack of constitutional authority of the prosecutor, may be brought in any other court or at a later time.

The second channel for a rapid test of constitutionality is a permissive, rather than a mandatory, one. "Any person aggrieved" may challenge any action by the Special Prosecutor, such as a grand jury summons or documentary subpoena, on the grounds that the Special Prosecutor lacks constitutional authority under the statute. That motion shall be heard in the same manner as a challenge to an indictment: certification to the Court of Appeals; filing within 20 days after the person aggrieved has notice of the act in question; direct appeal by right to the Supreme Court; and expeditious hearing by both courts.

A ruling on such a motion may not be definitive, since it might not go any farther than holding that the court may constitutionally appoint a prosecutor to assist the grand jury. This would leave open the question of constitutionality of a court-appointed special prosecutor's signing indictments and trying cases. Nevertheless, the rapid test in these circumstances is necessary to prevent a challenge to the Prosecutor's authority winding its way slowly through the courts and tieing up the investigation in the meanwhile.

The third alternative route for an early test would arise if a special prosecutor already on the job, or the Attorney General, failed to step aside or recognize the court-appointed Prosecutor's execlusive jurisdiction under the statute. The court-appointed Prosecutor is empowered to seek an injunction against any interference, threatened interference, or non-cooperation by an executive branch officer, including a Special Prosecutor already on the job. Such actions are to be brought directly in the Court of Appeals for the District of Columbia Circuit, sitting *en banc*. Any defense interposed to such injunctive action on the grounds that the court-appointed Prosecutor is without constitutional authority must be raised within 20 days. The other time limits and expediting provisions also apply in this case.

The bill also states that once any issue raised through any of these expediting provisions has been finally adjudicated, subsequent motions or defenses based on the same grounds would not call into play the expedited procedures, even if different parties are involved. Such unnecessarily repetitious use of the expedited procedure would unduly intrude on the docket of the courts involved.

These provisions are particularly important since opposition to the bill has focused on the contention that, after prolonged investigation, lengthy trial and appeal, convictions could be nullified by a subsequent challenge to the constitutionality of the Special Prosecutor's authority.

While we believe the measure is clearly constitutional, this fear is unjustified in any event. Several new indictments are expected shortly and some have already been handed down and are awaiting trial. The bill requires those already under indictment or subject to an information to raise any objection to prosecution by the court-appointed Special Prosecutor within the twenty-day time limit following enactment. Thus, one way or another, there would be an early, definitive court test of the act's constitutionality. The expert witnesses agreed this procedure itself is constitutional. It parallels present rules of criminal procedure in federal court which require that a challenge to the constitutional authority of the prosecutor be raised at a very early stage. Rule 12(b)(2) Fed. Rules Crim. Proc.; *United States* v. *Solomon*, 216 F. Supp. 835 (S. D.N.Y., 1963.)

Even if an indictment were voided by a decision that part of the bill was unconstitutional, a superseding indictment could issue. The bill provides that if the authority of the Prosecutor to sign indictments or prosecute is not upheld, he will still be deemed to have been a person lawfully in the grand jury room. Therefore, such a decision will not undo or invalidate the work of the grand jury.

Nor is there any danger that a claim of double jeopardy would arise. "Jeopardy" in the Constitutional sense does not attach until the jury is empaneled for the actual trial itself *United States* v. *Jorr*, 400 U.S. 470 (1971) and any challenge would have been disposed of before that point.

IV. CONSTITUTIONALITY OF S. 2611

S. 2611 stands on firm constitutional ground. However, there are those who have suggested that Congress does not have the authority to vest the appointment of a Special Prosecutor in the judicial branch.

Eminent legal scholars have testified that this argument is not well founded. Moreover, the Board of Governors of the American Bar Association and at least 48 deans of American law schools have agreed that S. 2611 is not only constitutional but is necessary to insure a truly independent Special Prosecutor.

The views of these experts, including a careful analysis of both the constitutional provisions and case authority, lead to the firm conclusion that a court-appointed Special Prosecutor is well within the framework of the Constitution.

A. The Constitution affirmatively grants Congress the power to vest the appointment of a Special Prosecutor in the District Court

S. 2611 states three constitutional bases on which this power of appointment in the district court rests. First, the "necessary and proper clause" of article I section 8, which confers upon Congress the authority "To make all Laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers by this Constitution in the Government of the United States, or in any Department or Officer thereof." Second article II, section 2, states, "Congress may by law vest the appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments." Third, the provision of article I, section 8, which grants power to Congress "To exercise exclusive Legislation in all cases whatever, over [the District of Columbia]."

These provisions, individually and taken together certainly afford all the constitutional warrant necessary.

By its terms, Article II, Section 2 authorizes Congress to place the power of appointment in the District Court for the District of Columbia. Constitutional history and case precedent confirm the validity of this process. It was early suggested that the power conferred under Article II, Section 2 was intended to be exercised by the department of the government to which the officer to be appointed most appropriately belonged. *Ex parte Hennen*, 38 U.S. (13 Pet.) 230 257–258 (1839). But the Supreme Court emphatically rejected this reasoning in the leading case of *Ex parte Siebold*, 100 U.S. 371 (1880). There, legislation had authorized the appointment by the federal courts of supervisors of elections to choose national officials. It had been argued that the Congress could not vest this appointment power in the courts because the function of the supervisors was "entirely executive" in nature. The Supreme Court's response was unequivocal:

"It is no doubt usual and proper to vest the appointment of inferior officers in the department of the government, executive or judicial, or in that particular executive department to which the duties of such officers appertain. But there is no absolute requirement to this effect in the Constitution; and, if there were, it would be difficult in many cases to determine to which department an office properly belonged.

"As the Constitution stands, *the selection of the appointing power* between the functionaries named, *is a matter resting in the discretion of Congress*. And, looking at the subject in a practical light, it is perhaps better that it should rest there, than that the country should be harassed by the endless controversies to which a more specific direction on this subject might have given rise.

"The duty to appoint inferior officers, when required thereto by law, is a constitutional duty of the courts; and *in the present case there is no such incongruity in the duty required as to excuse the courts from its performance, or to render their acts void*. (100 U.S. at 397–398 (emphasis supplied).)"

Ex parte Siebold has consistently been cited approvingly by the Supreme Court. Moreover, there is no case that has held unconstitutional the delegation of the appointment power to a court or the judges of a court. Conversely, the appointments that have been vested have uniformly been uphold, revealing a long established view of the extent to which the appointive power may be conferred upon the judiciary. In *Hobson* v. *Hansen*, 265 F. Supp. 902, 914 (D.D.C. 1967) the "incongruous test" as set down in *Siebold* was held to be the proper standard by which the courts pass upon congressional discretion. In that case, the question was whether the District Court for the District of Columbia could be assigned the task of appointing the members of the District of Columbia school board. The court answered affirmatively:

"In the present case, the policy decision has been made by Congress. The incongruity problem is solved for the District of Columbia in the present case by the express grant to Congress of power to invest even Article III courts with authority to appoint 'inferior officers.'"

There is nothing incongruous about allowing a court to appoint a Special Prosecutor. During the hearings, Professor Philip B. Kurland, a distinguished constitutional expert from the University of Chicago School of Law, was asked about the connection between the prosecutor and the judicial branch:

"I think that a prosecutor and a defense counsel, both are officers of the court, and through the very meaning of the term, they are responsible to the judicial process and the effectiveness of the judicial process is indeed dependent on the integrity and capacity of those who fill that role. So I do not think that the prosecutor is an adjunct of the Executive Branch any more than he is an adjunct of the Judicial Branch. (Prosecutor Hearings, Tr. 649.)"

The courts are entirely familiar with the qualities that make a good prosecutor and in fact frequently appoint lawyers to criminal proceedings. Nor does requiring a court to appoint a Special Prosecutor require the court to accept any continuing administrative duties that are arguably executive in function; once appointed, the prosecutor would function as independently as any other attorney in a court proceeding. For these reasons the power to appoint U.S. attorneys (when vacancies occur) has been given to the courts by Congress (28 U.S.C. § 546) and its exercise has been upheld as constitutional. *United States v. Solomon*, 216 F. Supp. 835 (S.D.N.Y 1963) It is clear therefore that Congress in exercising its discretion may appoint a Special Prosecutor whose duties and functions would not be incongruous with the judicial branch. Indeed, the *Siebold* test of "incongruity" cuts strongly in favor of judicial appointment power. It is plainly incongruous for the Executive to appoint a prosecutor charged with the duty of investigating the appointing authority.

One question which was raised at the hearings on this bill was whether the Special Prosecutor would come within the Article II, Section 2 term "inferior Officer." Professor Paul A. Freund, Carl M. Loeb University Professor at Harvard University and a foremost authority on the Constitution, testified thusly:

"Perhaps I should pause for a moment to address myself to the question of inferior officers, which it seems to me has presented a wholly illusory problem. The term 'inferior' is used again in Article III, dealing with the courts. It states:"

"The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish."

Now the United States Courts of Appeal are not inferior courts in any colloquial sense. They are inferior in the constitutional sense in that they are inferior to the previously specifier court, namely, the Supreme Court. So in Article II, it seems to me clear that an office is an inferior office if it is inferior to those that have been enumerated; namely, Ambassadors, Public Ministers and Counsels and judges of the Supreme Court. All the rest may be appointed under a wide range of options and, indeed, if there is any problem of a Special Prosecutor being an inferior officer, the same problem would arise with respect to the Attorney General because he comes under the same catch-all: "The Congress may by law vest the appointment of such inferior Officers as they think proper in the President alone, in the courts of law or in the heads of departments."

Indeed, if the Special Prosecutor is appointed by the Attorney General, it is because he is an inferior officer within the meaning of Article II. Consequently, I don't see any heavy weather about "inferior Officers."

B. The separation of powers doctrine does not prohibit court appointment of a Special Prosecutor

It has been argued by some who oppose this legislation that the Separation of Powers doctrine limits the very specific powers given to Congress under Article II, Section 2. (See Prosecutor Hearings Tr. 690, Testimony of Dean Roger Cramton.) This doctrine is one that rests upon Article 2, Section 1, Clause 1, and upon Article 2, Section 2, Clause 4, which state that "the executive power" is vested in the President and that the President shall "take care that the laws be faithfully executed." Put conceptually, the claim is that prosecution is an inherently executive function and that the power to appoint an independent prosecutor, therefore, cannot be located outside the executive branch. It is difficult to see how one can jump from the premise that executive power is vested in the President to the conclusion that only the President (or his delegate) can appoint (and must be able to remove) a Special Prosecutor.

It is well established in case law that the separation of powers doctrine does not rigidly divide our government into three watertight compartments. *Humphrey's Executor v. United States*, 295 U.S. 602 (1935). The doctrine is not absolute, but essentially is a rule of thumb, indicating that as a general rule each of the three departments should have and should exercise those powers that are appropriate to its functions. Thus, despite Article III, which vests the judicial power of the United States in the courts (in language virtually identical to that of Article II), Congress has created a number of "legislative" courts; and the leading authorities on this subject confirm that Congress can place some judicial power in other than Article III courts when it has a valid legislative purpose for doing so. (See Bator, Shapiro, Mishkin, & Wechsler, *Hart and Wechsler's The Federal Courts and the Federal System* 396 (1973).) Nor need Congress vest *all* of the judicial power anywhere; to a considerable extent it can control or limit the courts' jurisdiction. (*Id.* at 309.)

Similarly, Justice Brandeis and Justice Holmes firmly maintained that Congress need not vest *all* the executive power in the President. Rather, Justice Brandeis pointed out, "The President performs his full constitutional duty, if, with the means and instruments provided by Congress and within the limitation prescribed by it, he enters his best endeavors to secure the faithful execution of the laws enacted." *Myers v. United States*, 272 U.S. 52, 291, 292 (1926) (dissenting opinion). Justice Holmes argued, "The duty of the President to see that the laws be executed is a duty that does not go beyond the laws or require him to achieve more than Congress sees fit to leave within his power." *Myers v. United States supra* at 177 (dissenting opinion).

In sum, the constitutional prohibition on Congress's authority to withhold, or to reallocate, judicial and executive functions is not an absolute prohibition requiring it to vest all the executive or judicial power in the President and in Article III courts respectively; rather, it is a flexible principle that would allow Congress to reallocate functions so long as it does not destroy the courts' essential role in the constitutional plan and so long as it does not make the President merely a "nominal chief executive." (See Bator, Shapiro, Mishkin, & Wechsler, *supra* at 330–60; Corwin. *The President: Office and Powers* 81 (4th Edition 1957).)

Notwithstanding the fact that the separation of powers doctrine gives little support, opponents of this bill argue that nevertheless, prosecution is an inherently executive function and that "the functions of prosecutor and judge are incompatible" citing *United States v. Cox,* 342 F.2d 167 (5th Cir.), *cert.* denied, 85 S. Ct. 1767 (1965) for their authority. (See also *United States v. Thompson* 251 U.S. 407, 412–413, 415 (1920); *Smith v. United States* 375 F.2d 243 (5th Cir. 1967); *Moses v. Kennedy,* 219 F. Supp. 762 (D.D.C. 1963); *Pugach v. Klein,* 193 F. Supp. 630 (S.D.N.Y. 1961).) Despite this language, neither the holdings nor the reasoning of these cases support the conclusion that Congress cannot constitutionally vest the power to appoint a Special Prosecutor in the courts. These cases, for the most part, concern attempts by grand juries, courts, or plaintiffs to compel an unwilling prosecutor to initiate or to stop a specific prosecution. The courts' essential concern was that the prosecutor maintain a degree of independence from the judge and grand jury for two reasons. First, the prosecutor's independence can help to check possible abuses of power by the judge and grand jury. Thus, a judge cannot force an unwilling prosecutor to sign an indictment. *United States v. Cox, supra.* Second, the prosecutor must weigh judicial and other policy considerations in determining whether to exercise prosecutorial discretion in a particular case. The weighing of a variety of legal and non-legal policy factors in order to reach a proper decision about whether, or how, to prosecute an individual is not, strictly speaking, a judicial function.

A statute that would vest in the district court the power to appoint a Special Prosecutor would satisfy both of these concerns. First, the statute would not allow the court to supervise, or to affect in any way, the bringing of particular prosecutions. The limited power of removal would assure that the prosecutor would be independent of both the executive and the judiciary. He would be able to prevent unjust prosecutions as well as initiate those which are just. His power to check possible abuses by the courts would not seem significantly less than if he were appointed by the executive. Second, under the circumstances present here, the exercising of prosecutorial discretion can best take place if the prosecutor is not subject to control by the executive. In the present circumstances where the executive is itself being investigated, it would be more difficult for the prosecutor to give appropriate weight to the variety of legal and non-legal factors that determine the proper exercise of prosecutorial discretion if the prosecutor were subject to appointment and dismissal by the executive, than if he could be appointed and removed only by a court. Only by vesting the power of appointment and removal in a court can the Congress ensure, in the present situation, that any prosecutor will not be controlled by those with personal interest in the outcome of his investigation, an interest that might lead to the overzealous prosecution of some defendants and an over-solicitous refusal to prosecute others.

In a statement presented to the Judiciary Committee, Professor Monrad G. Paulsen, John B. Minor Professor of Law and Dean of the University of Virginia Law School, addressed himself to the issue of prosecution being "inherently" executive:

"It should also be noted that arguments about 'inherent' powers often draw their strength from history. In our case the history generally includes a reference to the British experience. In Britain, as a general matter, historically and even today prosecution is a private matter. Any person, most especially the victim or someone close to the victim, may lay the grounds for criminal prosecution before the magistrate, who will make the decision whether the prosecution goes forward. There is in Britain no tradition of a public prosecutor serving the role of the executive function. The point is that our legal history does not support the notion that control of prosecution is an "inherently executive function.' "

C. Congress may constitutionally vest the power of removal in the district court

Not only does Congress have the power to vest the appointment of a Special Prosecutor in the district court, but it also has the authority to vest the power of removal in the same court.

An argument has been made that, notwithstanding the appointment by the court, the power of removal of a Special Prosecutor must be lodged in the President. This contention is said to rest on the holding in *Myers* v. *United States,* 272 U.S. 52 (1927). In that case, the Supreme Court was requested to rule on whether the President had the constitutional authority to remove a postmaster whom he had appointed by and with the consent of the Senate, when the statute creating the office and providing for presidential appointment require Senate acquiescence in such removal. In an opinion written by Chief Justice Taft, with Justices Brandeis, Holmes and McReynolds dissenting, the Court held that the President could constitutionally remove the official. Nevertheless, even the majority recognized the power of the Congress under Article II, Section 2, Clause 2, to vest by law "appointment of such inferior Officers as they think proper, in the President alone, in the courts of law, or in the heads of departments."

"These words, it has been held by the Court, give to Congress the power to limit and regulate removal of such inferior officers by heads of departments when it exercises its constitutional power to lodge the power of appointment with them." *United States* v. *Perkins,* 116 U.S. 483, 6 Ct. 449, 450 (272 U.S. at 127).

The majority, moreover, even recognized that with regard to those officers deemed to be superior, the President is subject to certain limitations:

"The duties of the heads of departments and bureaus in which the discretion of the President is exercised and which we have described are the most important in the whole field of executive action . . .

"Of course there may be duties so peculiarly and specifically committed to the discretion of a particular officer as to raise a question whether the President may overrule or revise the officer's interpretation of his statutory duty in a particular instance. Then there may be duties of a quasi-judicial character imposed on executive officers and members of executive tribunals whose decisions after hearing affect interests of individuals, the discharge of which the President cannot in a particular case properly influence or control. 272 U.S. at 134–135."

The Court did go on, however, to say that the President could remove the officer subsequent to the decision, on the grounds that the exercise of discretion entrusted to the official had not on the whole been intelligently or wisely exercised. (272 U.S. at 135.) But this observation was specifically rejected in the subsequent landmark case of *Humphrey's Executor* v. *United States* 295 U.S. 602 (1934):

"[T]he narrow point actually decided [in *Myers* v. *United States*] was only that the President had the power to remove a postmaster of the first class without the advice and consent of the Senate as required by act of Congress. In the course of the opinion of the court, expressions occur which tend to support the government's contention [that the President may at will remove Commissioners of the Federal Trade Commission], but these are beyond the point involved and, therefore, do not come within the rule of stare decisis. Insofar as they are out of harmony with the views here set forth these expressions are disapproved." 295 U.S. at 627."

The Court went on to point out the differences between a postmaster and a Federal Trade Commissioner. In doing so, the Court explained why the President may constitutionally be removed from participation in either the appointment or the removal of the Special Prosecutor:

"The office of a postmaster is so essentially unlike the office now involved that the decision in the Myers case cannot be accepted as controlling our decision here. A postmaster is an executive officer restricted to the performance of executive functions. He is charged with no duty at all related to either the legislative or judicial power. The actual decision in the *Myers* case finds support in the theory that such an officer is merely one of the units in the executive department and, hence, inherently subject to the exclusive and illimitable power of removal by the Chief Executive, whose subordinate and aide he is. Putting aside dicta, which may be followed if sufficiently persuasive but which are not controlling, the necessary reach of the decision goes far enough to include all purely executive officers. It goes no farther.

"The Federal Trade Commission is an administrative body created by Congress to carry into effect legislative policies embodied in the statute in accordance with the legislative standards therein prescribed, and to perform other specified duties as a legislative or as a judicial aid. Such a body cannot in any proper sense be characterized as an arm or an eye of the executive. Its duties are performed without executive leave and, in the contemplation of the statute, must be free from executive control. In administering the provisions of the statute in respect of 'unfair methods of competition'—that is to say in filling in and administering the details embodied by that general standard—the commission acts in part quasi-legislatively and quasi-judicially. In making investigations and reports thereon for the information of Congress under § 6, in aid of the legislative power, it acts as a legislative agency. Under § 7, which authorizes the commission to act as a master in chancery under rules prescribed by the court, it acts as an agency of the judiciary. To the extent that it exercises any executive functions—as distinguished from executive power in the constitutional sense—it does so in the discharge and effectuation of its quasi-legislative or quasi-judicial departments of the government.

"We think it plain . . . under the Constitution that illimitable power of removal is not possessed by the President in respect of officers of the character of those just named The authority of Congress, in creating quasi-legislative or quasi-judicial agencies, to require them to act in discharge of their duties, independently of executive control cannot well be doubted; and that authority includes, as an appropriate incident, power to fix the period during which they shall continue in office, and to forbid their removal except for cause in the meantime. For it is quite evident that one who holds his office only during the pleasure of another, cannot be depended upon to maintain an attitude of independence against the latter's will." (295 U.S. at 627–629.)

Subsequent to the *Humphrey's* case, the Supreme Court had occasion to review both *Myers* and *Humphrey's* in *Wiener* v. *United States* 357 U.S. 349 (1958). The Court there held that the President's power to remove War Board Commissioners was limited even though the statute was silent. In interpreting the meaning of *Myers* and *Humphrey's*, Justice Frankfurter stated:

"The assumption was short-lived that the *Myers* case recognized the President's inherent constitutional power to remove officials, no matter what the relation of the executive to the discharge of their duties and no matter what restrictions Congress may have imposed regarding the nature of their tenure. The versatility of circumstances often mocks a natural desire for definitiveness. Within less than ten years a unanimous Court, in *Humphrey's Executor* v. *United States*, narrowly confined the scope of the *Myers* decision to include only 'all purely executive officers.' The Court explicitly 'disapproved' the expressions in *Myers* supporting the President's inherent constitutional power to remove members of quasi-judicial bodies.

"Humphrey's case was a *cause celebre*—and not least in halls of Congress. And what is the essence of the decision in Humphrey's case? It drew a sharp line of cleavage between officials who were part of the Executive establishment and were thus removable by virtue of the President's constitutional powers and *those who are members of a body "to exercise its judgment without the leave or hindrance of any other official or any department of the government," as to whom a power of removal exists only if Congress may fairly be said to have conferred it*. This sharp differentiation derives from the difference in functions between those who are part of the Executive establishment and those whose tasks require absolute freedom from Executive interference. "For it is quite evident," again to quote *Humphrey's Executor*, '*that one who holds his office only during the pleasure of another, cannot be depended upon to maintain an attitude of independence against the latter's will.*'" (357 U.S. at 352–353 (emphasis supplied).)

The difference among *Myers, Humphrey's* and *Wiener* derives from a functional analysis of the offices involved. Taken together, the three cases suggest that the test of the power of Congress to limit executive removal powers is whether the nature and function of the office require that it be reasonably secure from domination by the President. The purpose of S. 2611 is to provide a truly independent Special Prosecutor who would be free of that domination.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title.—The Independent Special Prosecutor Act.

Section 2. Findings and Declarations.—Congress finds and declares that the executive branch cannot adequately investigate or prosecute alleged offenses by high officials in the executive branch, nor could such self-investigation maintain public confidence in criminal justice. Establishment of a Special Prosecutor outside the executive branch is constitutionally "necessary and proper" for law enforcement and the administration of justice, and the appointment power may constitutionally be vested in "courts of law." Establishment of such a post is a constitutional exercise of Congressional power to legislate for all cases "involving the District of Columbia."

Section 3(a). Appointment.—Provides for appointment of a Special Prosecutor by the United States District Court for the District of Columbia, which would designate a three-judge selection panel and fill vacancies on it. The panel members would not sit on cases involving the Special Prosecutor.

(*b*) *Authority.*—Provides jurisdiction to investigate and prosecute offenses (1) arising out of the Watergate break-in; (2) arising out of the 1972 Presidential election; (3) alleged to have been committed by the President, Presidential appointee or members of the White House staff; (4) referred to former predecessor Special Prosecutors by the Attorney General; (5) ancillary to the other categories.

Section 4. Powers.—Provides authority to conduct grand jury and other investigations, review all evidence and contest claims of privilege, including claimed national security privilege; to seek warrants, subpoenas or grants of immunity; to frame indictments and conduct prosecutions or appeals; to coordinate and direct Justice Department personnel and United States Attorneys and to exercise supplemental necessary powers otherwise vested in the Attorney General or United States Attorneys.

Section 5. Existing Files and Pending Litigation.—Provides for files, materials and information possessed by his predecessor to be delivered to the Special Prosecutor and makes him successor counsel in all pending proceedings.

Section 6. Administration.—Provides the normal administrative powers necessary to staff and operate an office of this nature, including powers to fix compensation and to employ consultants with maximum pay limits; to request and be furnished assistance from the Department of Justice or other Government agencies and necessary access to their files.

Section 7. Supporting Services.—Provides for standard equipment and services to be supplied by the General Services Administration.

Section 8. Budget.—Provides for submission of budgetary requests directly to Congress without clearance by the Office of Management and Budget.

Section 9. Duration.—Provides for the Prosecutor's authority to last two years, except as necessary to complete pending trials or appeals.

Section 10. Removal.—Provides for removal only by the selection panel and solely for gross impropriety or dereliction or incapacity.

Section 11. Independence.—provides that, except for removal pursuant to Section 10, the Prosecutor is immune from removal, interference or control by the judiciary, or by the President or any other executive branch officer.

Section 12. Reports.—provides for interim reports and requires a final report to the President and Congress.

Section 13. Authorization.—authorizes such appropriations as may be necessary to implement the act.

Section 14. Expedited Test of Constitutionality.—provides that—

(a) persons indicated must raise any challenge to the Special Prosecutor's constitutional authority within 20 days, or waive it. The motion is to be heard by the appropriate United States Court of Appeals, *en banc*, with prompt appeal of right to the Supreme Court. Persons already under indictment must raise any such challenge within 20 days of enactment of this act.

(b) "Any person aggrieved" may challenge any action by the Prosecutor, such as grand jury summons or documentary subpoena, on the ground that the Prosecutor lacks constitutional authority. The motion is to be heard in the same manner as a challenge to indictments: certification to the Court of Appeals, *en banc;* filing within 20 days of notice of the act challenged; and prompt appeal of right to the Supreme Court.

(c) The Prosecutor may sue, in the United States Court of Appeals for the District of Columbia, to enjoin interference or failure to cooperate by an incumbent prosecutor or another executive officer. A defense to such an action which challenges the Prosecutor's constitutional authority is to be raised within 20 days, with a prompt appeal of right to the Supreme Court.

EXECUTIVE REPORTS OF COMMITTEES

Mr. THURMOND. Mr. President, from the Committee on Armed Services, I report favorably the nomination of Rear Adm. Eli T. Reich, U.S. Navy, retired, for appointment to grade of vice admiral on the retired list and Adm. Richard G. Colbert, U.S. Navy, for appointment to the grade of admiral, when retired; in the Marine Corps, Lieutenant General Dulacki for appointment to grade of lieutenant general on the retired list and Major General Jaskilka for appointment to grade of lieutenant general; and, in the Air Force Lt. Gen. Thomas K. McGehee to be placed on the retired list in that grade and Maj. Gen. Royal N. Baker to be lieutenant general. I ask that these six names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, in addition, there are 56 in the Air National Guard of the Reserve of the Air Force for promotion to the grade of lieutenant colonel and 4,458 temporary and permanent promotions in the grade of lieutenant commander and below in the Navy. Also, Barbara A. Schroeter, U.S. Army, for appointment in the Regular Army in the grade of captain. Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Maj. James E. Aiken, and sundry other officers, for promotion in the Air National Guard of the United States; and

Thomas H. Abernathy, and sundry other officers, for promotion in the U.S. Navy.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. KENNEDY (for himself and Mr. HUGH SCOTT):

S. 2780. A bill to provide for the public financing of election campaigns for the Senate and House of Representatives, and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. SPARKMAN (for himself and Mr. ALLEN):

S. 2781. A bill to provide for the conveyance of certain real property of the United States to the Ozark Public Building Authority, Ozark, Alabama. Referred to the Committee on Armed Services.

By Mr. NELSON (for himself and Mr. JACKSON):

S. 2782. A bill to establish a National Energy Information System, to authorize the Department of the Interior to undertake an inventory of United States energy resources on public lands and elsewhere, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HARTKE:

S. 2783. A bill to promote the foreign policy and best interests of the United States by authorizing the President to negotiate a commercial agreement including a provision for most-favored-nation status with Romania. Referred to the Committee on Foreign Relations.

By Mr. HARTKE (for himself, Mr. Hansen, Mr. Cranston, Mr. Talmadge, Mr. Randolph, Mr. Hughes, Mr. Thurmond, Mr. Stafford, Mr. McClure, and Mr. Hollings):

S. 2784. A bill to amend title 38, United States Code, to increase the vocational rehabilitation subsistence allowance, educational assistance allowances, and the special training allowances paid to eligible veterans and persons under chapters 31, 34, and 35 of such title; to improve and expand the special programs for educationally disadvantaged veterans and servicemen under chapter 34 of such title; to improve and expand the veteran-student services program; to establish a veterans education loan program for veterans eligible for benefits under chapter 34 of such title; to promote the employment of veterans and the wives and widows of certain veterans by improving and expanding the provisions governing the operation of the Veterans Employment Service and by providing for an action plan for the employment of disabled and Vietnam era veterans; to make improvements in the educational assistance program; to recodify and expand veterans' reemployment rights; to make improvements in the administration of educational benefits; and for other purposes. Referred to the Committee on Veterans Affairs.

By Mr. PERCY:

S. 2785. A bill to authorize the Administrator of General Services to enter into multiyear leases through use of the automatic data processing fund without obligating the total anticipated payments to be made under such leases. Referred to the Committee on Government Operations.

By Mr. PERCY (for himself, Mr. Gravel, Mr. Humphrey, Mr. McGee, Mr. Mondale, Mr. Moss, Mr. Pastore, Mr. Ribicoff, and Mr. Young):

S. 2786. A bill to amend chapter 34 of title 38, United States Code, to increase from thirty-six to forty-eight months the maximum period of educational assistance to which an eligible veteran may become entitled under such chapter, and to extend from eight to fifteen years the period within which an eligible veteran must complete his program of education under such chapter after his discharge from military service. Referred to the Committee on Veterans' Affairs.

By Mr. FANNIN:

S. 2787. A bill to amend the Internal Revenue Code of 1954 to revise the tax treatment of gains and losses from the sale or exchange of capital assets. Referred to the Committee on Finance.

By Mr. BENTSEN (for himself, Mr. Humphrey, Mr. Aiken, and Mr. Goldwater):

S.J. Res. 178. A joint resolution to provide for the establishment of the Lyndon Baines Johnson Memorial Grove on the Potomac. Referred to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself and Mr. Hugh Scott):

S. 2780. A bill to provide for the public financing of election campaigns for the Senate and House of Representatives, and for other purposes. Referred to the Committee on Rules and Administration.

STATEMENT OF SENATOR EDWARD M. KENNEDY, REINTRODUCING LEGISLATION WITH SENATOR HUGH SCOTT FOR PUBLIC FINANCING OF SENATE AND HOUSE ELECTIONS

Mr. KENNEDY. Mr. President, on behalf of Senator Hugh Scott of Pennsylvania and myself, I introduce a bill to provide public financing for Senate and House general elections, and to bar the option of private financing for major party candidates in all Federal elections, Presidential as well as congressional.

This legislation is designed to pick up where the drive for campaign financing left off earlier this week, in the face of the filbuster that prevented a majority of the Senate from working its will on the Debt Ceiling Act. In effect, the bill represents part 1 of the public financing amendment offered to the Debt Ceiling Act—the part dealing with Presidential, Senate, and House general elections, which the Senate approved by a vote of 52 to 40.

The new bill is drafted to give jurisdiction to the Senate Committee on Rules and Administration, which has now agreed to report public financing legislation to the Senate within a month after the second session of this Congress begins in January.

In addition, the bill is drafted to dovetail as nearly as possible with the major campaign financing legislation introduced by Senator Claiborne Pell, the chairman of the Rules Committee's Subcommittee on Elections, which has already been voted out of the subcommittee, which is now before the full committee, and which already includes in essence part 2 of the amendment offered to the Debt Ceiling Act—the proposal for public financing of primaries through matching grants of small private contributions.

In spite of the filibuster and our losing effort on the debt ceiling debate, the cause of public financing now has fresh momentum and sharper focus, not only in Congress but throughout the Nation, as a result of the vigorous Senate debate over the past week.

Time and merit are on the side of this major Watergate reform. Those who would stand in the way of campaign reform have won a battle, but they have not won the war. The forces of reform already have a majority of the Senate on record in support of public financing, and we are confident that next year, a bill will clear the Senate and House and be presented to the President, well before the 1974 elections.

The most obvious lesson of Watergate is the growing national awareness of the corrosive power of money in politics. At a single stroke, by enacting a program of public financing for Federal elections, we can shut off the underground rivers of private money that pollute politics at every level of the Federal Government. If Watergate has taught us anything, it is that disclosure and limits on private contributions are not enough, that sunlight is not an adequate disinfectant, that public financing is the only effective antidote to the corrupting power of money in political campaigns.

We estimate the cost of public financing for all Federal elections at approximately $50 million for each Presidential general election, $20 million for each Senate general election, and $100 million for each House general election. That represents a total of about $300 million over the 4-year election cycle, or an average cost of about $75 million a year.

To us, public financing is the most positive single response Congress can make to Watergate, and the wisest single investment the American taxpayer can make in the future of this country.

I am honored to continue to work with Senator Hugh Scott in this bipartisan effort to reach our goal. Over the years he has been a consistently outstanding leader on legislation in the area of election reform, and I am pleased to be with him on this new effort, which offers such enormous benefit to Americans concerned about the quality and integrity of their government.

A brief summary of the provisions of the bill we are introducing today is attached. We look forward with optimism to the action of the Rules Committee next year, and to the coming fresh and, we hope, final round of debate in the Senate and the House.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2780

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Federal Election Campaign Financing Act of 1973.

Sec. 2. (a) The Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following new title:

"TITLE V—PUBLIC FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

"Sec..
"501. Short title.
"502. Definitions.
"503. Conditions for eligibility for payments.
"504. Entitlement of eligible candidates to payments.
"505. Certifications by Federal Election Commission.
"506. Payments to eligible candidates.
"507. Contributions and expenditures by National and State committees of political parties.
"508. Examinations and audits; repayments.
"509. Information on proposed expenses.
"510. Reports to Congress; regulations.
"511. Participation by judicial proceedings.
"512. Judicial review.
"513. Criminal penalties.
"514. Federal Election Campaign Fund Advisory Board.
"515. Federal Election Commission.
"516. Powers of Commission.
"517. Limitation on contributions by individuals.
"518. Authorization of appropriations.
"519. Effective date of title.

"SHORT TITLE

"Sec. 501. This title may be cited as the 'Federal Election Campaign Fund Act of 1974.'

"DEFINITIONS

"Sec. 502. For purposes of this title—

"(1) The term 'Federal office' means the office of President or Vice President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States.

"(2) The term 'Federal election' means a general or special election for Federal office.

"(3) The term 'Commission' means the Federal Election Commission established under section 515.

"(4) The term 'authorized committee' means any political committee which is authorized in writing by such candidate or his delegate to incur expenses to further the election of such candidate. Such authorization shall be addressed to the chairman of such political committee, and the copy of such authorization shall be filed by such candidate with the Commission. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization. Any such authorization or withdrawal shall be effective only when filed with the Commission.

"(5) The term 'candidate' means an individual who (A) has been nominated for election to Federal office by a major party, minor party, or new party, or (B) has qualified to have his name on the election ballot in the geographical area in which the election is to be held, or (C) in the case of a Presidential election, has met the requirements of paragraph (A) or (B), or has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to the office of President or Vice President of the United States in 10 or more States. For purposes of paragraphs (8) and (9) of this section and purposes of section 504(a)(2), the term 'candidate' means, with respect to any preceding Federal election, an individual who received popular votes for Federal office in such election.

"(6) The term 'eligible candidate' means a candidate of a political party for Federal office who has met all applicable conditions for eligibility to receive payments under this title set forth in section 503.

"(7) The term 'fund' means the Federal Election Campaign Fund established by section 506(a).

"(8) The term 'major party' means (A) a political party whose candidate for Federal office in the preceding election for such office received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office, or (B) if only one party qualifies as a major party on such basis, the party whose candidate received the next highest percentage of such votes in such election.

"(9) The term 'minor party' means a political party (other than a major party) whose candidate for Federal office in the preceding election for such office received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

"(10) The term 'new party' means a political party which is neither a major party nor a minor party. A candidate who is not affiliated with a political party shall be treated as if he were a candidate of a new party.

"(11) The term 'political committee' means any individual, committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal office.

"(12) The term 'qualified campaign expense' means an expense—

"(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office, (ii) by the candidate of a political party for the office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, (iii) by the candidate of a political party for other Federal office to further his election to such office, or (iv) by an authorized committee of a candidate of a political party for Federal office to further the election of one or more such candidates to such office,

"(B) incurred within the expenditure report period (as defined in paragraph (13)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

"(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of a candidate also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such candidate in such proportion as the Commission prescribes by rules or regulations.

"(13) The term 'expenditure report period' means the period—

"(A) beginning (i) on the first day of the calendar month immediately preceding the calendar month during which the Federal election is held, or (ii) on the date on which the candidate is nominated by a political party or qualifies to have his name on the election ballot, whichever is later; and

"(B) ending 30 days after the date of the election.

"(14) The term 'contribution' means—

"(A) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the election of any person to Federal office or as Presidential or Vice-Presidential elector; or

"(B) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

"(C) a transfer of funds between political committees; or

"(D) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose; but

"(E) does not include—

"(i) (except as provided in subparagraph (D)) the value of personal services rendered to or for the benefit of the candidate by an individual who receives no compensation for rendering any service to the candidate; or

"(ii) payments under section 506.

"(1) The term 'expenditure', means—

"(A) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the election of any person to Federal office, or as a Presidential and Vice-Presidential elector; or

"(B) a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure; or

"(C) a transfer of funds between political committees.

"SEC. 503. CONDITIONS FOR ELIGIBILITY FOR PAYMENTS.

"(a) IN GENERAL.—In order to be eligible to receive any payments under section 506, a candidate shall, in writing—

"(1) agree to obtain and furnish to the Commission such evidence as it may request of the qualified campaign expenses with respect to which payment is sought;

"(2) agree to keep and furnish to the Commission such records, books, and other information as it may request;

"(3) agree to an audit and examination by the Commission under section 509 and to pay any amounts required to be paid under such section; and

"(4) agree to furnish statements of qualified campaign expenses and proposed qualified campaign expenses required under section 509.

"(b) MAJOR PARTIES.—In order to be eligible to receive any payments under section 506, a candidate of a major party shall certify to the Commission, under penalty of perjury, that—

"(1) such candidate and his authorized committees will not incur qualified campaign expenses in excess of the total amount of payments to which he will be entitled under section 504; and

"(2) no contributions to defray qualified campaign expenses have been or will be accepted by such candidate or any of his authorized committees except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 506(d), and no contributions to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 502(12) have been or will be accepted by such candidate or any of his authorized committees.

Such certification shall be made within such time prior to the day of the Federal election as the Commission shall prescribe by rules or regulations.

"(c) MINOR AND NEW PARTIES.—In order to be eligible to receive any payments under section 506, a candidate of a minor or new party shall certify to the Commission, under penalty of perjury, that—

"(1) such candidate and his authorized committees will not incur qualified campaign expenses in excess of the total amount of payments to which the eligible candidate of a major party is entitled under section 504; and

"(2) such candidate and his authorized committees will accept and expend or retain contributions to defray qualified campaign expenses only to the extent that the qualified campaign expenses incurred by such candidate and his authorized committees certified under paragraph (1) exceed the total amount of payments received by such candidate out of the fund under section 506.

Such certification shall be made within such time prior to the day of the Federal election as the Commission shall prescribe by rules or regulations.

"(d) Except as provided in subsections (b)(2) and (c)(2) of this section, no candidate of a major party, minor party, or new party, or any of the authorized committees of such candidate shall accept contributions to defray qualified campaign expenses.

"SEC. 504. ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS.

"(a) IN GENERAL.—Subject to the provisions of this title—

"(1) An eligible candidate of a major party in a Federal election shall be entitled to payments under section 506 equal in the aggregate to the greater of—

"(A) 15 cents multiplied by the voting age population of the geographical area in which the election for such office is held, as determined by the Secretary of Commerce under this Act;

"(B)(i) $175,000, if the Federal office sought is that of Senator, Delegate, Resident Commissioner, or Representative from a State which is entitled to only one Representative; or

"(ii) $90,000, if the Federal office sought is that of Representative from a State which is entitled to more than one Representative.

"(2)(A) An eligible candidate of a minor party in a Federal election shall be entitled to payments under section 506 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by the candidate for such office of the minor party, as such candidate, in the preceding election for such office bears to the average number of popular votes received by the candidates for such office of the major parties in the preceding election for such office.

"(B) If the candidate of one or more political parties (not including a major party) for Federal office was a candidate for such office in the preceding election for such office and received 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office, such candidate, upon compliance with the provisions of section 503 (a) and (c), shall be treated as an eligible candidate entitled to payments under section 506 in an amount computed as provided in subparagraph (A) by taking into account all the popular votes received by such candidate for such office in the preceding election for such office. If an eligible candidate of a minor party is entitled to payments under this subparagraph, such entitlement shall be reduced by the amount of the entitlement allowed under subparagraph (A).

"(3) An eligible candidate of a minor party or a new party in a Federal election whose candidate in such election receives, as such candidate, 5 percent or more of the total number of popular votes cast for such office in such election shall be entitled to payments under section 506 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by such candidate in such election bears to the average number of popular votes received in such election by the candidates for such office of the major parties. In the case of an eligible candidate entitled to payments under paragraph (2), the amount allowable under this paragraph shall be limited to the amount, if any, by which the entitlement under the preceding sentence exceeds the amount of the entitlement under paragraph (2).

"(b) LIMITATIONS.—The total amount of payments to which an eligible candidate of a political party shall be entitled under subsections (a) (2) and (3) with respect to a Federal election shall not exceed an amount equal to the lower of—

"(1) the amount of qualified campaign expenses incurred by such eligible candidate and his authorized committees, reduced by the amount of contributions to defray qualified campaign expenses received and expended or retained by such eligible candidate and such committees, or

"(2) the total amount of payments to which the eligible candidate of a major party is entitled under subsection (a) (1), reduced by the amount of contributions described in paragraph (1) of this subsection.

"(c) RESTRICTIONS.—An eligible candidate of a political party shall be entitled to payments under subsection (a) only—

"(1) to defray qualified campaign expenses incurred by the candidate or his authorized committees, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidate or such committees) used to defray such qualified campaign expenses.

"(d) COST OF LIVING ADJUSTMENT.—

"(1) For purposes of paragraph (2):

"(A) The term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(B) The term 'base period' means the calendar year 1973.

"(2) At the beginning of each calendar year (commencing in 1974), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Federal Election Commission and publish in the Federal Register the percentage difference between the price index for the twelve months preceding the beginning of such calendar year and the price index for the base period. Each amount determined under subsection (a) (1) shall be increased or decreased, as appropriate, by such percentage difference. Each amount so increased shall be the amount in effect for such calendar year.

"(e) Unopposed Candidate.—A candidate of a major party who is unopposed in his campaign for election shall have an entitlement which is equal to 10 percentum of his entitlement as specified in subsection (a) (1).

"(2) No candidate for election to the office of President may make expenditures in any State in connection with his campaign for election to such office in excess of the amount which a candidate for election to the office of Senator (or for election to the office of Delegate, in the case of the District of Columbia) may spend within the State in connection with his campaign for election to that office.

"SEC. 505. CERTIFICATIONS BY COMMISSION.

"(a) INITIAL CERTIFICATIONS.—On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 508, the Commission shall certify from time to time to the Secretary or his delegate for payment to such candidates under section 506 the payments to which such candidates are entitled under section 504.

"(b) FINALITY OF CERTIFICATIONS AND DETERMINATIONS.—Initial certifications by the Commission under subsection (a), and all determinations made by it under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 508 and judicial review under section 512.

"SEC. 506. PAYMENTS TO ELIGIBLE CANDIDATES.

"(a) ESTABLISHMENT OF CAMPAIGN FUND.—There is hereby established on the books of the Treasury of the United States a special fund to be known as the Federal Election Campaign Fund. The Secretary or his delegate shall as provided by appropriation Acts, transfer to the fund an amount not in excess of the sum of the amounts designated to the fund by individuals under section 6096 of the Internal Revenue Code of 1954 and such additional sums as Congress may appropriate to insure that moneys in the fund will be adequate to meet the entitlements of eligible candidates.

"(b) TRANSFERS TO THE GENERAL FUND.—The Secretary or his delegate is authorized to transfer to the general fund of the Treasury such amounts of moneys in the fund as he determines from time to time are in excess of the amounts which eligible candidates are or will be entitled to receive.

"(c) PAYMENTS FROM THE FUND.—Upon receipt of a certification from the Commission under section 505 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the fund the amount certified by the Commission. Amounts paid to any such candidates shall be under the control of such candidates.

"(d) INSUFFICIENT AMOUNTS IN FUND.—If at the time of a certification by the Commission under section 505 for payment to the eligible candidates of a political party, the Secretary or his delegate determines that the moneys in the fund are not, or may not be, sufficient to satisfy the full entitlements of the eligible candidates of all political parties, he shall withhold from such payment such amount as he determines to be necessary to assure that the eligible candidates of each political party will receive their pro rata share of their full entitlement. Amounts withheld by reason of the preceding sentence shall be paid when the Secretary or his delegate determines that there are sufficient moneys in the fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient moneys in the fund to satisfy the full entitlement of the eligible candidates of all political parties, the amounts so withheld shall be paid in such manner that the eligible candidates of each political party receive their pro rata share of their full entitlement.

"SEC. 507. CONTRIBUTIONS AND EXPENDITURES BY NATIONAL AND STATE COMMITTEES OF POLITICAL PARTIES.

"(a) Notwithstanding any other provisions of this title, the national committee of a major party may receive contributions and make expenditures in connection with a Federal election; and a State committee of a major party, including subordinate local committees of such committee, may accept contributions and make expenditures in connection with a Federal election in such State. Contributions received by such National or State committee under this section shall be subject to the limitations provided in section 517 of this title and any other limitations provided by law.

"(b) Expenditures made under this section by a national committee, or by a State committee, including subordinate local committees of such committee, shall not exceed for each National or State committee (1) a total of 2 cents multiplied by the voting age population of the geographical area in which the committee is authorized to make expenditures, as determined by the Secretary of Commerce under this Act, or $30,000, whichever is greater, and (2) 2 cents multiplied by the voting age population of the geographical area in which the election in connection with which the expenditure is made is held, or $10,000, whichever is greater.

"(c) Nothing is this section shall be construed to permit contributions made by any person on behalf of a particular candidate, including contributions which are in any way earmarked, encumbered, or otherwise directed through the national committee of a major party, or a State committee of a major party (including subordinate local committees of such State committee) to that candidate."

"SEC. 508. EXAMINATIONS AND AUDITS: REPAYMENTS.

"(a) EXAMINATIONS AND AUDITS.—After each Federal election, the Commission shall conduct a thorough examination and audit of the qualified campaign expenses of the candidate of each political party for Federal office.

"(b) REPAYMENTS.—

"(1) If the Commission determines that any portion of the payments made to an eligible candidate of a political party under section 506 was in excess of the aggregate payments to which the candidate was entitled under section 504, it shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to such portion.

"(2) If the Commission determines that an eligible candidate of a political party and his authorized committees incurred qualified campaign expenses in excess of the total amount of payments to which an eligible candidate of a major party was entitled under section 504, it shall notify such candidate of the amount of such excess and such candidate shall pay to the Secretary or his delegate an amount equal to such amount.

"(3) If the Commission determines that an eligible candidate of a major party or any authorized committee of such candidate accepted contributions (other than contributions to make up deficiencies in payments out of the fund on account of the application of section 506(d)) to defray qualified campaign expenses (other than qualified campaign expenses with respect to which payment is required under paragraph (2)), it shall notify such candidate of the amount of the contributions so accepted, and such candidate shall pay to the Secretary or his delegate an amount equal to such amount.

"(4) If the Commission determines that any amount of any payment made to an eligible candidate of a political party under section 506 was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses, it shall notify such candidate of the amount so used, and such candidate shall pay to the Secretary or his delegate an amount equal to such amount.

"(5) No payment shall be required from an eligible candidate of a political party under this subsection to the extent that such payment, when added to other payments required from such candidate under this subsection, exceeds the amount of payments received by such candidate under section 506.

"(c) NOTIFICATION.—No notification shall be made by the Commission under subsection (b) with respect to a Federal election more than 3 years after the day of such election.

"(d) DEPOSIT OF REPAYMENTS.—All payments received by the Secretary under subsection (b) shall be deposited by him in the general fund of the Treasury.

"SEC. 509. INFORMATION ON PROPOSED EXPENSES.

"(a) REPORTS BY CANDIDATES.—A candidate shall, from time to time, as the Commission may require, furnish to the Commission a detailed statement, in such form as the Commission may prescribe, of—

"(1) the qualified campaign expenses incurred by him and his authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 505), and

"(2) the qualified campaign expenses which he and his authorized committees propose to incur on or after the date of such statement.

The Commission shall require a statement under this subsection from such candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the Federal election and at least twice during the week preceding such day.

"(b) PUBLICATION.—The Commission shall, as soon as possible after it receives each statement under subsection (a), prepare and publish a summary of such statement, together with any other data or information which it deems advisable, in the Federal Register.

"SEC. 510. REPORTS TO CONGRESS; REGULATIONS.

"(a) REPORTS.—The Commission shall, as soon as practicable after each Federal election, submit a full report to the Senate and House of Representatives setting forth—

"(1) the qualified expenses (shown in such detail as the Commission determines necessary) incurred by the candidates of each political party and their authorized committees;

"(2) the amounts certified by it under section 505 for payment to the eligible candidates of each political party; and

"(3) the amount of payments, if any, required from such candidates under section 508, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) REGULATIONS, ETC.—The Commission is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 508(a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on him by this title.

"SEC. 511. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) APPEARANCE BY COUNSEL.—The Commission is authorized to appear in and defend against any action filed under section 512, either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) RECOVERY OF CERTAIN PAYMENTS.—The Commission is authorized through attorneys and counsels described in subsection (a) to appear in the district courts of the United States to seek recovery of any amounts determined to be payable to the Secretary or his delegate as a result of examination and audit made pursuant to this title.

"(c) DECLARATORY AND INJUNCTIVE RELIEF.—The Commission is authorized through attorneys and counsel described in subsection (a) to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter covered by the provisions of this title. Upon application of the Commission, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"(d) APPEAL.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"SEC. 512. JUDICIAL REVIEW.

"(a) REVIEW OF CERTIFICATION, DETERMINATION, OR OTHER ACTION BY THE COMMISSION.—Any certification, determination, or other action by the Commission made or taken pursuant to the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in such court by any interested persons. Any petition filed pursuant to this section shall be filed within 30 days after the certification determination, or other action by the Commission for which review is sought.

"(b) SUITS TO IMPLEMENT TITLE.—

"(1) The Commission, the national committee of any political party, and individuals eligible to vote in an election for Federal office, are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision of this title.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise the same without regard to whether a person asserting rights under provisions of this subsection shall have exhausted any administrative or other remedies that may be provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"SEC. 513. CRIMINAL PENALTIES.

"(a) EXCESS CAMPAIGN EXPENSES.—

"(1) It is unlawful for an eligible candidate of a political party for Federal office in a Federal election or any of his authorized committees knowingly and willfully to incur qualified campaign expenses in excess of the total amount of payments to which the eligible candidates of a major party are entitled under section 504 with respect to such election.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 2 years, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $10,000, or imprisoned not more than 2 years, or both.

"(b) CONTRIBUTIONS.—

"(1) It is unlawful for an eligible candidate of a major party in a Federal election or any of his authorized committees knowingly and willfully to accept any contribution to defray qualified campaign expenses, except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 506(d), or to accept contributions to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 502(12).

"(2) It is unlawful for an eligible candidate of a political party (other than a major party) in a Federal election or any of his authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount which exceeds the qualified campaign expenses incurred with respect to such election by such eligible candidate and his authorized committees.

"(3) Any person who violates paragraph (1) or (2) shall be fined not more than $10,000, or imprisoned not more than 2 years, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $10,000, or imprisoned not more than 2 years, or both.

"(c) UNLAWFUL USE OF PAYMENTS.—

"(1) It is unlawful for any person who receives any payment under section 506, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 2 years, or both.

"(d) FALSE STATEMENTS, ETC.—

"(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Commission under this subtitle, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title; or

"(B) to fail to furnish to the Commission any records, books, or information requested by him for purposes of this title.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 2 years, or both.

"(e) Kickbacks and Illegal Payments.—

"(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of an eligible candidate or his authorized committees.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 2 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of an eligible candidate or his authorized committees shall pay to the Secretary or his delegate, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.

"(f) Unauthorized Expenditures and Contributions.—

"(1) Except as provided in paragraph (2), it is unlawful for any political committee which is not an authorized committee with respect to an eligible candidate of a political party for Federal office in a Federal election knowingly and willfully to incur expenditures to further the election of such candidate, which would constitute qualified campaign expenses if incurred by an authorized committee of such candidate, in an aggregate amount exceeding $1,000.

"(2) This subsection does not apply to (A) expenditures by a broadcaster regulated by the Federal Communications Commission, or by a periodical publication, in reporting the news or in taking editorial positions, or (B) expenditures by any organization described in section 501(c) of the Internal Revenue Code of 1954, which is exempt from tax under section 501(a) of such code in communicating to its members the views of the organization.

"(3) Any political committee which violates paragraph (1) shall be fined not more than $10,000, and any officer or member of such committee who knowingly and willfully consents to such violation and any other individual who knowingly and willfully violates paragraph (1) shall be fined not more than $10,000 or imprisoned not more than 2 years, or both.

"(g) Unauthorized Disclosure of Information.—

"(1) It is unlawful for any individual to disclose any information obtained under the provisions of this title except as required by law.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 2 years, or both.

"Sec. 514. Establishment of Federal Election Campaign Fund Advisory Board

"(a) Establishment of Board.—There is hereby established an advisory board to be known as the Federal Election Campaign Fund Advisory Board (hereinafter in this section referred to as the 'Board'). It shall be the duty and function of the Board to counsel and advise the Commission in the performance of the duties and functions imposed on it under this title.

"(b) Composition of Board.—The Board shall be composed of the following members:

"(1) 4 members appointed by the Commission from recommendations submitted by the majority leader and minority leader of the Senate and the Speaker and minority leader of the House of Representatives;

"(2) 2 members appointed by the Commission from recommendations submitted by each political party whose candidate for the office of President in the preceding Presidential election received 25 per centum or more of the total number of popular votes received by all the candidates for such office; and

"(3) members representing the general public, which members shall be appointed by the members described in paragraphs (1) and (2).

The terms of the first members of the Board shall expire on the sixtieth day after the date of the first Presidential election following January 1, 1976, and the terms of subsequent members shall begin on the sixty-first day after the date of a Presidential election and expire on the sixtieth day following the date of the subsequent Presidential election. The Board shall elect a Chairman and a Vice Chairman from its members. No member of the Board shall be a Member of Congress, or an officer or employee of the House or Senate, or an officer or employee of the executive branch of the Government.

"(c) Compensation.—Members of the Board shall receive compensation at a rate fixed by the Commission, but not in excess of the daily equivalent of the annual rate of base pay in effect for grade GS–18 of the General Schedule, for each day they are engaged in performing duties and functions as such members, including traveltime, and, while away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

"(d) Status.—Service by an individual as a member of the Board shall not, for purposes of any other law of the United States, be considered as service as an officer or employee of the United States.

"FEDERAL ELECTION COMMISSION

"Sec. 515. (a)(1) There is established, as an independent establishment of the executive branch of the Government of the United States, a commission to be known as the Federal Election Commission.

"(2) The Commission shall be composed of seven members who shall be appointed by the President by and with the advice and consent of the Senate. Of the seven members—

"(A) two shall be chosen from among individuals recommended by the President pro tempore of the Senate, upon the recommendations of the majority leader of the Senate and the minority leader of the Senate; and

"(B) two shall be chosen from among individuals recommended by the Speaker of the House of Representatives, upon the recommendations of the majority leader of the House and the minority leader of the House.

The two members appointed under subparagraph (A) shall not be affiliated with the same political party; nor shall the two members appointed under subparagraph (B). Of the three members not appointed under such subparagraphs, two shall not be affiliated with the same political party.

"(3) Members of the Commission shall serve for terms of seven years, except that, of the members first appointed—

"(A) two of the members not appointed under subparagraph (A) or (B) of paragraph (2) shall be appointed for terms ending on the April 30 first occurring more than six months after the date on which they are appointed:

"(B) one of the members appointed under paragraph (2)(A) shall be appointed for a term ending one year after the April 30 on which the term of the member referred to in subparagraph (A) of this paragraph ends;

"(C) one of the members appointed under paragraph (2)(B) shall be appointed for a term ending two years thereafter;

"(D) one of the members not appointed under subparagraph (A) or (B) of paragraph (2) shall be appointed for a term ending three years thereafter;

"(E) one of the members appointed under paragraph (2)(A) shall be appointed for a term ending four years thereafter; and

"(F) one of the members appointed under paragraph (2)(B) shall be appointed for a term ending five years thereafter.

"(4) Members shall be chosen on the basis of their maturity, experience, integrity, impartiality, and good judgment. A member may be reappointed to the Commission only once.

"(5) Any individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he succeeds. Any vacancy occurring in the office of a member of the Commission shall be filled in the manner in which that office was originally filled.

"(6) The Commission shall elect a Chairman and a Vice Chairman from among its members for a term of two years. The Chairman and the Vice Chairman shall not be affiliated with the same political party. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

"(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and four members thereof shall constitute a quorum.

"(c) The Commission shall have an official seal which shall be judicially noticed.

"(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the money it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

"(e) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers in any State.

"(f) The Commission shall appoint a General Counsel and an Executive Director to serve at the pleasure of the Commission. The General Counsel shall be the chief legal officer of the Commission. The Executive Director shall be responsible for the administrative operations of the Commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulations or orders of the Commission. The Commission shall not delegate the making of regulations regarding elections to the Executive Director.

"(g) The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(h) In carrying out its responsibilities under this title, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities, of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General are authorized to make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request.

"(i) The provisions of section 7324 of title 5, United States Code, shall apply to members of the Commission notwithstanding the provisions of subsection (d)(3) of such section.

"(j)(1) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the Congress.

"(2) Whenever the Commission submits any legislative recommendations, or testimony, or comments on legislation requested by the Congress or by any Member of Congress to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress or to the Member requesting the same. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, or testimony, or comments on legislation, to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

"POWERS OF COMMISSION

"SEC. 516. (a) The Commission shall have the power—

"(1) to require, by special or general orders, any person to submit in writing reports and answers to questions the Commission may prescribe; and those reports and answers shall be submitted to the Commission within such reasonable period and under oath or otherwise as the Commission may determine;

"(2) to administer oaths;

"(3) to require by subpena, signed by the Chairman or the Vice Chairman, the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

"(4) in any proceeding or investigation to order testimony to be taken by deposition before any person designated by the Commission who has the power to administer oaths, and to compel testimony and the production of evidence in the same manner as authorized under paragraph (3) of this subsection;

"(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States;

"(6) to initiate, defend, or appeal any court action in the name of the Commission for the purpose of enforcing the provisions of this title and of title III through its General Counsel; and

"(7) to delegate any of its functions or powers, other than the power to issue subpenas under paragraph (3), to any officer or employee of the Commission.

"(b) Any United States district court within the jurisdiction of which any inquiry is carried on, may, upon petition by the Commission, in case of refusal to obey a subpena or order of the Commission issued under subsection (a) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

"(c) No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information at the request of the Commission.

"(d) Upon application made by any individual holding Federal office, any candidate, or any political committee, the Commission, through its General Counsel, shall provide within a reasonable period of time an advisory opinion, with respect to any specific transaction or activity inquired of, as to whether such transaction or activity would constitute a violation of any provision of this title.

"Limitations on contributions by individuals.

"SEC. 517. (a) No individual shall make any contribution during any calendar year to or for the benefit of any candidate for election to Federal office which is in excess of the amount which, when added to the total amount of all other contributions made by that individual during that calendar year to or for the benefit of such candidate, would equal $3,000.

"(b) No individual shall during any calendar year make, and no person shall accept, (1) any contribution to a political committee, or (2) any contribution to or for the benefit of any candidate, which, when added to all the other contributions enumerated in paragraphs (1) and (2) of this subsection which were made in that calendar year, exceeds $25,000.

"(C)(1) Any contribution made in connection with a campaign in a year other than the calendar year in which the election to which that campaign relates is held shall, for purposes of this section, be taken into consideration and counted toward the limitations imposed by this section for the calendar year in which that election is held.

"(2) Contributions made to or for the benefit of a candidate nominated by a political party for election to the office of Vice President shall be held and considered, for purposes of this section, to have been made to or for the benefit of the candidate nominated by that party for election to the office of President.

"(d) For purposes of this section, the term 'political party' means a political party which in the next preceding presidential election, nominated candidates for election to the offices of President and Vice President, and the electors of which party received in such election, in any or all of the States, an aggregate number of votes equal in number to at least 10 per centum of the total number of votes cast throughout the United States for all electors for candidates for President and Vice President in such election.

"(e) Violation of the provisions of this section is punishable by a fine of not to exceed $25,000, imprisonment for not to exceed five years, or both.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 518. There are authorized to be appropriated, for the purpose of carrying out this title, such funds as are necessary for the fiscal year ending July 30, 1974, and each fiscal year thereafter.

"EFFECTIVE DATE OF TITLE

"SEC. 519. The provisions of this title shall take effect upon enactment, except that no payments shall be made from the Federal Election Campaign Fund before January 1, 1975."

(b) (1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following paragraph:

"(60) Members, Federal Election Commission (7).";

(2) Section 5316 of such title is amended by redesignating the second paragraph (133) as (134), and by adding at the end thereof the following paragraphs:

"(135) General Counsel, Federal Election Commission.

"(136) Executive Director, Federal Election Commission.".

(c) Until the appointment of all of the members of the Federal Election Commission and its general counsel and until the transfer provided for in this subsection, the Comptroller General, the Secretary of the Senate, and the Clerk of the House of Representatives shall continue to carry out their responsibilities under title I and title III of the Federal Election Campaign Act of 1971 as those titles existed on the day before the date of enactment of this Act. Upon the appointment of all the members of the Commission and its general counsel, the Comptroller General, the Secretary of the Senate, and the Clerk of the House of Representatives shall meet with the Commission and arrange for the transfer, within thirty days after the date on which all such members are appointed, of all records, documents, memorandums, and other papers associated with carrying out their responsibilities under title I and title III of the Federal Election Campaign Act of 1971 as it existed on the day before the date of enactment of this Act.

SEC. 3. DESIGNATION OF INCOME TAX PAYMENTS TO FEDERAL ELECTION CAMPAIGN FUND.

(a) Effective with respect to taxable years ending on or after December 31, 1974, section 6096(a) (relating to designation of income tax payments to the Federal Election Campaign Fund) is amended to read as follows:

"SEC. 6096. DESIGNATION BY INDIVIDUAL.

"(a) IN GENERAL.—Every individual (other than a nonresident alien) whose adjusted gross income for the taxable year is $2 or more may designate that $2 shall be paid over to the Federal Election Campaign Fund in accordance with the provisions of section 9006(a). In the case of a joint return of husband and wife, each spouse may designate that $2 shall be paid to the fund.

"(b) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year—

"(1) at the time of filing the return of the tax imposed by chapter 1 for such taxable year, or

"(2) at any other time (after the time of filing the return of the tax imposed by chapter 1 for such taxable year) specified in regulations prescribed by the Secretary or his delegate.

Such designation shall be made in such manner as the Secretary or his delegate prescribes by regulations, except that, if such designation is made at the time of filing the return of the tax imposed by chapter 1 for such taxable year, such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature.".

(b) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1973. Any designation made under section 6096 of the Internal Revenue Code of 1954 (as in effect for taxable years beginning before January 1, 1973) for the account of the candidates of any specified political party shall be treated solely as a designation to the Federal Election Campaign Fund.

SEC. 4. REPEAL OF EXISTING LAW.

(a) Subtitle H (Financing of Presidential Election Campaigns) of the Internal Revenue Code of 1954 (relating to financing of Presidential election campaigns) is repealed.

(b) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1973.

By Mr. NELSON (for himself and Mr. JACKSON):

S. 2782. A bill to establish a National Energy Information System, to authorize the Department of the Interior to undertake an inventory of U.S. energy resources on public lands and elsewhere, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

ENERGY INFORMATION ACT

Mr. NELSON. Mr. President, for the first time since World War II, the lights are going out all over America.

Our people are reading this morning's bad news in half-darkened restaurants.

At this moment, Americans are getting traffic tickets for driving over 50, although they have paid—dearly, if not wisely—for cars and highways designed to carry them at 70.

Here and there factories are closing and their employees are being laid off. There are many reports and more rumors of closings of plants, offices, and schools soon to come.

Rationing of gasoline, heating oil, or both seem real possibilities this winter.

Suddenly, the concept energy crisis is very personal. Suddenly, the importance of fuel in our accustomed way of life is obvious in a new, more intimate way.

Yet the crisis should not have come as a surprise to the country. There were warnings enough so that 10 years ago we should have had ready contingency short-range plans for any crisis and long-range plans to meet our continuing energy requirements. Although for over two decades a small number of individual experts have repeatedly warned about the impending energy crunch, the President, the Congress, the press, and the public paid scant if any attention to it. They probably did not notice the warnings at all. It was not current news. It was not today. And for most of those who did notice the warnings it was considered alarmist nonsense because, after all, some magic technology would solve the problem in timely fashion anyhow.

It should be specifically noted that it was the environmentalists and resource experts who understood the problem and issued the warnings. If their advice had been followed we would not now be in this critical situation.

The question now is where do we go from here? No single cause is responsible for our plight, and no simple remedy will cure our situation. Still we must pinpoint each separate mistake that has contributed to our present condition and correct it as best we can.

One major mistake in American practice and policy is quite obvious: We have failed to manage energy because we have failed to manage energy information. We are sitting in the dark because we have been making our energy policy in the dark.

The "we" in these remarks refers, generally, to the whole American people and their government; but, most specifically, to the President, the executive branch, and the Congress.

Three especially important shortcomings in our management, mismanagement, and failure to manage energy information stand out.

UNKNOWN RESOURCES

Failure No. 1 is that we have never obtained a thorough public inventory of our energy resources. The Government has never taken the trouble to determine the energy resources in the public lands of the United States, and has accepted the word of private interests about the resources in the private lands. Without Government inventories of public reserves, without Government validation of private reserves, our speculation about our long-term energy situation is just that: speculation. Surely the subject is important enough to deserve something better than guesswork.

INFORMATION EXPLOSION

Failure No. 2 is that we have not developed better methods—indeed we have developed no thorough, systematic methods at all—for the comprehension and use by the Congress and the public of the massive amounts of energy information that are available. We have not faced up to the problem of the information explosion.

GOVERNMENT AND CORPORATE SECRECY

Failure No. 3 is that we have not insisted that a great deal of other vital energy information that has not been available to us, to the Congress and the public, be made available. We have not faced up to the problem of government and corporate secrecy.

NATIONAL ENERGY INFORMATION SYSTEM

The bill we are introducing today, the Energy Information Act, is intended to avoid these mistakes in the future by dealing forthrightly with all three of these past failures.

It does so by establishing a National Energy Information System to be operated by a new agency, the Bureau of Energy Information, which will be a coequal sister agency of the Bureau of the Census. The Bureau, together with the Department of the Interior, will have all necessary powers to correct these old failures.

In function, the Bureau of Energy Information will somewhat resemble an amalgamation of the statistical and analytical roles of the Bureau of the Census, the Bureau of Mines, the Congressional Research Service, the American Petroleum Institute, the American Gas Association, and the Texas Railroad Commission; but the new Bureau will specialize in energy information of the "hard," objective, smallest-unit, statistical-base variety. The bill expressly contemplates that the Bureau will draw on the work of each of those—and many other—public and private energy information gatherers and analyzers, without displacing any of them and, to the utmost extent practicable, without duplicating any of the immensely useful work they are all doing. Rather than redoing the work of others, the Bureau will be directed to tie together and relate and compare the work of others, but also to fill in certain large and vital gaps in the work of others. And it will make the results of all that work available, in a more manageable form, to those who need them.

THE ENERGY INFORMATION PYRAMID

The two problems we need to solve—the great proliferation of energy information and the great secrecy of some energy information—are so interrelated that they are most easily discussed together.

All the information in the world about our supplies and consumption of energy might be likened to a great pyramid, immense at the bottom, a tiny point at the top.

In the base level of the pyramid are all the smallest unitary, objective, quantitative facts of supply and demand. Examples on the supply side would include the proved reserves and daily production of a known oilwell, the crude oil input and refined product output of a particular refinery, the route and cargo of a named tanker, the daily quantity and type of product moving through a specified pipeline, the kilowatt hours generated by a particular electrical plant, the contents of identified fuel storage tanks, the daily sales of a particular service station.

On the consumption side examples would include the jet fuel burned by a named airliner, the coal consumed in a particular powerplant or steel mill, the natural gas burned in Mr. X's home and Mr. Y's apartment building. Obviously, each fact has two components—one of things, the other of people. Every building-block fact in the foundation layer of our pyramid includes the name of a person, country, or company having a proprietary or controlling interest in the energy resource that is being produced, transported, converted, or consumed.

The second layer of the pyramid is smaller than the base, the third still smaller, and so on. The second and all successive layers to the top are not only supported by the bottom layer—they are the bottom layer, condensed and repeated and rerepeated at progressive stages of summary and analysis. Each upper level is only as good—that is, reliable—as the basic facts that were taken into it from the layer beneath, and the process by which those facts were selected and summarized and analyzed and presented.

VISIBLE AND INVISIBLE FACTS

While the pyramid of energy information is built—as all pyramids must be—from the bottom up, it is viewed by most of us from the top down, or in little spots and patches, here and there, near the top, or near where we happen to be.

Just as in the case of the real great pyramid, in our pyramid of energy information the bottom layer, the basic layer that supports everything above it, is completely hidden from us. Most of the blocks are on the inside; but even the outside blocks of the lowest layers are covered up by the sands.

In the past, this invisibility of the foundation facts of energy information has not troubled many Americans. The blocks of the pyramid that they could see, near where they lived and worked, looked good enough, and the banner waving from the very top looked best of all. It read, "Energy Is Cheap and Abundant."

Now—it seems suddenly to most citizens, although some of us have been warning for years that it would happen—the blocks near where we live and work look dark and crumbling, and the banner at the very top has been changed. It now proclaims, in every language of the world and in letters high enough for all but the blind and illiterate to read, "There isn't Enough Energy."

These shocking changes in the appearance of the part of our energy information pyramid that we can see are making all of us—in and out of the Congress—look more closely at the whole pyramid, and start to wonder and ask about the parts we have never seen.

This new curiosity is a healthy thing. "Knowledge is power," Francis Bacon wrote in the 16th century. To increase our power to deal with the energy crisis, we need to know many things about energy that we have not troubled ourselves to know before. Furthermore, it is not enough merely to "know" some "fact"; we need to know how we know. When our source for a particular fragment of knowledge is something other than our own observation and experience, we will be wise to inquire about our source's source. There is real peril, if we omit this, that some fact we are learning about oil will prove, actually, to be snake oil.

TOURING THE PYRAMID

With these thoughts in mind, let us take a tour of the energy information pyramid and see how it is constructed.

The top layer contains just one pointed stone: The net supply-demand ratio for all kinds of energy, worldwide. Right now, as we have noted, the largest mark on that stone is a minus sign, and the flag on top reads, "There isn't enough."

That pinnacle conclusion represents the sum of conclusions for the supply-demand ratios of the various different sources of energy. We find those on the next-to-the-top layer of the pyramid. Separate stones there report the worldwide reserves, production and consumption figures for petroleum, natural gas, coal, hydroelectric power, nuclear fuels, geothermal power, and everything else combined—to name them in the order of their current importance as energy sources in the United States.

Each figurative "stone" in that next-to-the-top layer is, in reality, made up of innumerable and often conflicting official and unofficial reports. They are presented in every information-storage medium known to man: Books, pamphlets, periodicals, and electronic tapes are some of the most important.

Each conclusion for a particular energy source in that next-to-top layer, the global level, is of course made up of the sum of data and conclusions at the level of continents, the next layer down, and countries, the layer below that. To work one's way down the pyramid in an effort to understand just one of the major fuels is to develop a healthy respect for the enormous complexity of the information that is publicly available—the first problem—and a growing irritation about the information that is not publicly available—the second problem.

PETROLEUM STATISTICS

Let us make that trip, as a legislative or newspaper office staff not made up of energy experts might try to make it, for just one fuel, the most important, petroleum.

From a pamphlet called "Commodity Data Summaries" published by the Bureau of Mines, U.S. Department of the Interior, in January 1973, we can learn such facts as these: At the end of last year, the world total of crude petroleum reserves was 631.9 billion 42-gallon barrels, and world production of crude oil in 1972 was 38.1 billion barrels. The world total is broken down into eight country and area totals, as follows:

PETROLEUM, CRUDE[1]

	Production		Proved reserves
	1971	1972[2]	
World production and proved reserves:			
United States	3,454	3,462	38,100
Iran	1,662	1,800	55,500
Kuwait	1,068	1,200	66,000
Libya	1,008	808	25,000
Saudi Arabia	1,642	2,100	145,300
Venezuela	1,295	1,180	13,900
Other Free World	4,408	4,700	189,900
Communist countries (except Yugoslavia)	3,098	3,250	98,200
World total	17,635	18,500	631,900

[1] Volumes in million 42-gallon barrels.

[2] Estimate.

Source: Division of Fossil Fuels, Bureau of Mines, January 1973.

Where did those country and area totals come from? Obviously, the world totals are only as good as the parts. A study of the Bureau of Mines' comprehensive annual Minerals Yearbook gives some idea of how widespread and diverse are the sources of the components from which these great aggregate numbers were derived.

Libya's annual total production, for example, is the sum of monthly totals obtained from Petroleum Press Service.

Reserves data for the United States and some foreign countries are obtained from the Committee of Petroleum Reserves of the American Petroleum Institute, a private trade association.

U.S. annual production totals are the sum of monthly totals obtained from State agencies in each of the 31 oil-producing States.

By the time all these data are pulled together into one reasonably complete and fairly well-organized—although unindexed—source, the Minerals Yearbook, they are at least 2 years old. A complementary statistical service, the Census of Mineral Industries conducted every 5 years by the Bureau of the Census of the Department of Commerce, is published on an even more delayed schedule. The 1967 census data did not become available until late in 1970. Data from the 1972 census will begin to trickle out in 1975.

As a result, if a Senator or a journalist wants to keep up with oil—to say nothing of other energy fuels—he must consult a whole host of weekly, monthly, and quarterly bulletins from such sources as the Bureau of Mines, the American Petroleum Institute, the American Gas Association, the Texas Railroad Commission—and of course the other 30 State agencies which have less comprehensive reporting programs—and the specialized press.

Even if this were done, there are some questions to which answers are not available, at all, ever—and they are not small questions. Here are some examples:

What are Gulf's proved oil and gas reserves, State by State in the United States and country by country in the world?

What are Exxon's current, separate profits derived from each of its separate, vertically integrated operations and in each principal locality: for example, what was Exxon's return on invested capital in crude petroleum production in Texas, or on gasoline retailing in Pennsylvania?

The Federal Trade Commission cites "estimates of Rice, Kerr & Co., Engineers," as its presumably best and perhaps only source of data on company shares of domestic proved reserves. The American Petroleum Institute's committee of petroleum reserves, like its counterpart committee on gas reserves in the American Gas Association, is sworn to keep secret all individual company data it obtains.

This secrecy is harmful in at least three principal ways. First, it obstructs Government validation and analysis of the basic information on which our petroleum and gas policy are founded. The Government is in something like the position a bank customer would be in if his bank gave him a monthly statement on his checking account without the canceled checks and deposit slips, providing instead only the beginning and end-of-month balances.

Second, corporate secrecy impedes the operation of both of the two systems on which we rely to curb corporate abuses and corporate greed: The competitive system and the regulatory system. Competitors cannot compete and regulators cannot regulate without access to reasonably detailed information on the individual companies that make up the energy industries.

Third, secrecy works a grave inequity on small business. The great size, vertical integration, and diversification of the major energy companies give them a tremendous information advantage over their smaller, more specialized competitors. The little company, if it is public, must disclose fairly intimate details in its registration statements and annual reports filed with the Securities and Exchange Commission. The major company tells far less, because so many data are consolidated in its reports.

HOW ENERGY INFORMATION ACT WILL HELP

The Energy Information Act is intended to help Congress, the rest of Government, and the public deal with the twin problems of the information explosion and corporate secrecy.

It will give one new agency, with new perspectives, authority to take a new approach to these old problems. The agency will be the Bureau of Energy Information, which will be established as a sister agency of the Bureau of the Census in the Commerce Department, coequal with both that agency and the Interior Department's Bureau of Mines. It will to an important extent rely on the ongoing work of both those older bureaus; but it will have two functions that differ from the functions of either of them.

First, it will be charged with a duty to survey on a current basis all existing major energy information sources and pull the data together for quick, computerized comparison and analysis. It will be an agency expected to be able to answer specific questions about specific current conditions, both in fine detail and in global aggregates. It will—with certain limitations I shall describe shortly—answer those questions, no matter who asks them. It will assemble in one place the computer hardware and software and the expert personnel to develop a new capability for fast question answering.

Second, in order to do those things, the Bureau will be authorized to collect and make public some corporate information that is now secret.

Let me give three examples of the kinds of requests and questions I hope and expect the Bureau of Energy Information would be able to handle, for a Member of Congress or a member of the public.

First. During the national and congressional debate on the trans-Alaska pipeline, public reports of the quantity of proved crude oil reserves on the North Slope of Alaska ranged from 10 billion barrels to 24 billion barrels. Please prepare a report or a computer printout showing all items of the estimates, and the source of each item in the estimates, that produced these widely different to-figure was Senator JACKSON's proposed Amendment No. 315 to the Alaskan pipeline bill, S. 1081, while the 10-billion-barrel figure came from a display ad supporting the pipeline which the Atlantic Richfield Co. ran in the July 2 Washington Post during the debate.

Second. What companies have reported what quantities of heating oil in inventory in the State of Wisconsin, and to whom and when were such reports made?

Third. The following table appeared in the November 19 Washington Post:

OIL FIRM PROFITS UP

Percentage of increase in major U.S. oil companies' net earnings according to Petroleum Intelligence Weekly:

	1973 over 1972 [1]	Average annual percent increase 1970–73
Exxon	80.7	22.8
Texaco	48.2	13.8
Mobil	64.1	17.9
Standard of California	50.7	19.6
Gulf	90.9	10.8

[1] 3d-quarter figures.

Please furnish a report showing the quarterly and annual profits of the five companies named in this table, itemized for major geographical areas of the world and major separate lines of business, such as production, refining, transportation, wholesaling, and retailing.

In order to answer questions of this type in the kind of detail their importance deserves, the Bureau of Energy Information would have to obtain some types of data that are not now made public. The bill would give the Bureau the authority to get that information.

Reasonable competitive equities of individual companies would be protected by this bill, but the wholly unreasonable corporate secrecy that present law tolerates would be ended. The bill would establish three categories of information within the Energy Information System. The first category would be public, the second confidential, the third secret. Each category of information would be stored in a separate library. Everyone would have access to the public library. Only Government officials needing the data for official purposes would have access to the confidential library, while the secret library would be closed to all except the limited number of personnel needed to compile the data in that library into anonymous statistics.

In general, the bill would permit other parts of Government, including the Congress, to have confidential use of much of the same type of information obtained from very significant companies that now only the Bureau of Mines and the Bureau of the Census can see, that is, information from particular plants, mines, and stores.

In addition, reserves data for companies, now secret even from those two Bureaus, would become available to Government officials, for official use on a confidential basis. The Bureau of Energy Information would be authorized by the bill to collect such information directly from the significant companies, or, in the interests of speed, efficiency, or economy, from associations to which companies now report it, such as the American Petroleum Institute and the American Gas Association.

Small business would suffer no new reporting burdens under this bill, because the legislation exempts from its reporting requirements companies having less than $5 million worth of mineral fuel reserves or less than $50 million in other energy assets or in annual sales in the energy industries. It is the theory of the bill that sufficient data from the smaller concerns are being obtained now. It is the major companies that now have and are permitted to keep too many secrets which impair our ability to understand and manage our energy resources and the energy crisis.

These large companies would have to disclose—as they are already doing to the Bureau of the Census, the Bureau of Mines, and their trade associations—certain data of a fairly detailed and competitively sensitive sort. However, the bill expressly provides that these detailed data would not be made available to their competitors in other than a reasonably aggregated or large-package form. Specifically, any line-of-business or profit-center information about a company could be kept out of the public domain under this bill if it were shown that the reasonable competitive equities of the company so required.

In general, the bill would permit giant corporations to keep confidential any information that pertained to a segment of the business smaller than $25 million a year in annual sales. Business segments larger than that would not have to report in any more detail than would be required in the annual reports which the segment would file with the SEC if it were an independent company.

SURVEYS BY INTERIOR DEPARTMENT

The bill would also provide, for the first time, for a regular annual inventory by the Department of the Interior of mineral fuel reserves and other energy resources in the public lands of the United States. The Department would be authorized to use estimates where necessary, but to make onsite geological and engineering tests whenever practicable for this purpose. In addition, the Department would be authorized, when requested by the Director of Energy Information, to make onsite spot check inspections on private lands to validate information on fuel reserves and energy resources reported by private companies.

PREDECESSOR MEASURES, AND BACKGROUND

The Energy Information Act is an amplification of the Mineral Fuels Reserves Disclosure Act, which I proposed as an amendment—No. 319—to the Alaska pipeline bill, S. 1081. Title III of this new bill, pertaining to inventories and inspections by the Department of the Interior, is derived from the amendment—No. 321—to my amendment, which was offered by the Senator from Minnesota (Mr. HUMPHREY) and accepted by me. Those interested will find discussion and debate on those two amendments in the CONGRESSIONAL RECORD for July 16, 1973, beginning at page 24107.

Both amendments were withdrawn upon reaching an understanding and agreement with the distinguished chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON) that he would cooperate in the rewriting of the amendments as separate legislation and would arrange for early hearings on the legislation before that committee.

Beyond the energy crisis, the basic premises of this legislation are, first, that the power of giant corporations over the quality of life has become so great that such corporations must now be regarded as if they were governments, for govern they do; second, that governments—including corporate governments—derive their just powers from the consent of the governed; third, that consent, to be meaningful, even to be real, must be informed consent; fourth, that the free exchange and availability of industrial as well as political information are therefore the lifeblood of a free society; and fifth, that the Congress has no higher duty than to provide channels and mechanisms for the exchange and availability of information about the holders and uses of governing power.

CONCLUSION

If this Nation is going to manage and contain the energy crisis, the Congress and the public must be able to get quick, reliable answers to extremely complex quesitons. To achieve the necessary question-answering capacity will require a greater effort, and a somewhat greater expenditure, on information collection and processing than we have heretofore given. The Energy Information Act is offered as a vehicle for discussion of that urgent new effort. At hearings which will begin early next year, I hope that the best experts on both energy management and information management will help us refine this measure and as refined, quickly enact it into law.

Mr. President, I ask unanimous consent to insert both a digest and the text of the bill in the RECORD at this point. Following those insertions, I wish also to insert the text of an article from last Sunday's Washington Post—December 2—by Bernard D. Nossiter, captioned "North Sea Oil: More Than We Know." The article very trenchantly illustrates the type of inexcusable secrecy about mineral fuel reserves that now exists, and which the Energy Information Act would go far to correct.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act, divided into titles and sections in accordance with the following table of contents, may be cited as the "Energy Information Act".

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FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) Energy resources and their management are of overriding national importance for the public health, safety and welfare, and for the national security of the United States.

(2) Some mineral fuels, especially petroleum and its products and natural gas, are in short supply, resulting in or threatening inconvenience, hardship, and higher prices for consumers.

(3) It is likely that unless intelligent planning can be implemented the impact of national energy scarcity will become increasingly severe.

(4) To combat scarcity in energy supply vigorous efforts must be made to enhance the understanding of how the Nation produces, transforms, distributes, and consumes energy.

(5) Some sixty-four separate offices, bureaus, commissions, and administrations of the Federal Government are engaged in energy-related programs and activities, frequently with little or no coordination. The governments of the several States have additional energy-related programs.

(6) Understanding of energy problems and the formulation and management of energy policy are severely hampered by the immensity and wide dispersion of existing public information, as well as important inconsistencies and deficiencies in public information.

(b) The purposes of this Act are—

(1) To provide for the improved collection, organization, standardization, coordination, and dissemination of energy information by a National Energy Information System.

(2) To provide for regular, uniform reporting by all significant corporations operating in the energy industries of certain information on their operations and on the mineral fuel reserves and natural energy resources they control.

(3) To provide for regular surveying and reporting by the Secretary of the Interior of mineral fuel reserves and natural energy resources located within the public lands of the United States, including the submerged lands of the Outer Continental Shelf.

(4) To provide policymakers public regulators, law enforcement officials, industry, and the general public, by these means, with information that will aid—

(A) in developing sound national policies for meeting the Nation's energy needs;

(B) in conserving national energy resources through wise management of energy use;

(C) in stimulating the progress of research and the development of technology aimed at improving the quality of life;

(D) in protecting the environment against energy-related pollution;

(E) in combating inflation in energy products and services; and

(F) in better operation of regulatory systems and the competitive free enterprise system in those areas of the economy where any or a combination of such systems is relied upon to protect the public interest.

DEFINITIONS

SEC. 3. As used in this Act—

(a) "Energy industries" means the following lines of commerce: (1) extraction of mineral fuels; (2) refining or otherwise processing mineral fuels for use as energy sources; (3) transportation or transmission of mineral fuels by rail, motor vehicle, water or pipeline; (4) electrical power generation and transmission; and (5) wholesale or retail distribution and sale of mineral fuels or electrical energy.

(b) "Mineral fuel reserve" means a natural deposit or body of identified, unextracted mineral fuel or mineral fuel ore, of either a proved or probable quantity.

(c) "Mineral fuel" means any mineral or product manufactured from minerals which can be used or prepared for use as a source of energy.

(d) "Natural energy resource" means a natural resource (other than a mineral fuel reserve, wood, or human or animal muscle power) which has been or has a substantial potential for being developed as a source of energy, including but not limited to waterfalls, geothermal steam areas, tidal bays, and areas peculiarly suited to the harnessing of wind or solar energy.

(e) "Major energy company" means a corporation which, alone or with its affiliates, in either of its last two full fiscal years, had annual business receipts of $50,000,000 or more derived from business activities in any one or more of the energy industries. The Director may in specific instances reduce the dollar amount necessary to qualify a company as a major energy company if he determines that this reduction is necessary to insure that the collection of energy information in a particular energy industry or business activity related to an energy industry will suffice to provide a statistically accurate profile of that industry or activity.

(f) "Substantial energy resource company" means a corporation which, alone or with its affiliates, controls mineral fuel reserves having a fair market value of $50,000,000 or more, or controls natural energy resources having a fair market value of $50,000,000 or more.

(g) "Energy information" means any statistic, datum, fact, or item of knowledge, and all combinations thereof, concerning any of the subjects defined in the foregoing subsections of this section.

(h) "Library" means any place or facility, conventional or electronic, for the organized collection, storage, and retrieval of energy information.

(i) "Affiliate" means an individual, partnership, or corporation which controls, is controlled by, or is under common control with one or more other individuals, partnerships, or corporations.

(j) "Control" means, in the case of a business establishment, the ability to determine its business policy, including but not limited to such ability based on ownership, contract, agreement, or a combination thereof. In the case of a mineral fuel reserve or natural energy resource, "control" means the ability to determine, alone or with others, whether, when and how such reserve or resource will be extracted or developed, including but not limited to such ability based on ownership of the fee in or a lease of land or submerged land, on a combination of ownership and lease, or on any contract or agreement.

(k) "Bureau" means the Bureau of Energy Information established by this Act.

(l) "Director" means the Director of Energy Information, head of such Bureau, or his delegate.

(m) "System" means the National Energy Information System established within the Bureau by this Act.

(n) "Commerce" and "corporation" have the meanings set forth in section 44 of title 15, United States Code.

(o) "Establishment" and "Standard Industrial Classification" (or the abbreviation thereof, "SIC") have the same meanings as in the Standard Industrial Classification Manual 1972 prepared by the Statistical Policy Division, Office of Management and Budget, Executive Office of the President.

(p) "Company", unless the context otherwise clearly requires, has the same meaning as "company" and "enterprise" as used in the Standard Industrial Classification Manual 1972 and in the related Standard Enterprise Classification.

TITLE I—BUREAU OF ENERGY INFORMATION

ADDITIONAL DEFINITION

SEC. 101. As used in this title and title II, "Secretary" means the Secretary of Commerce.

ESTABLISHMENT OF BUREAU

SEC. 102. There is established as an agency within and under the jurisdiction of the Department of Commerce a Bureau of Energy Information. The Bureau shall be a main line component of the Social and Economic Statistics Administration, coequal therein with the Bureau of the Census.

FUNCTIONS OF SECRETARY; DELEGATION

SEC. 103. The Secretary shall perform the functions and duties conferred upon the Bureau by this title or he may delegate any of them to such officers, employees, bureaus, or agencies of the Department of Commerce as he designates.

DIRECTOR OF ENERGY INFORMATION; DUTIES

SEC. 104. The Bureau shall be headed by a Director of Energy Information, who, as a result of his training, experience, and attainments, is well qualified for this position. The Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall perform such duties as may be imposed upon him by law, regulations, or orders of the Secretary.

SEAL

SEC. 105. The Bureau shall have a seal containing such device as the Secretary may select. A description of the seal with an impression thereof shall be filed in the Office of the Secretary of State. The seal shall remain in the custody of the Secretary or such officer or employee of the Bureau as he designates, and shall be affixed to all certificates and attestations that may be required from the Bureau. Judicial notice shall be taken of the seal.

FUNCTIONS AND POWERS OF THE BUREAU

SEC. 106. (a) The principal function of the Bureau shall be to operate, maintain, and improve the National Energy Information System established by title II of this Act.

(b) In carrying out the functions of the Bureau the Secretary shall have and exercise powers and shall follow procedures similar to those which govern him in carrying out the functions of the Bureau of the Census under the following sections of title 13, United States Code:

Section 5: Schedules; number, form, and scope of inquires.

Section 6: Requests to other departments and offices for information; acquisition of reports from governmental and other sources.

Section 7: Printing; requisitions upon Public Printer; publication of bulletins and reports.

Section 12: Mechanical and electronic development.

Section 13: Procurement of professional services.

Section 23: Additional officers and employees.

Section 24: Special employement provisions.

Section 26: Transportation by contract.

WORK PRIORITIES OF THE BUREAU

SEC. 107. The following described tasks shall be performed by the Director within the time periods and in the order or approximate order of priority listed:

(a) As promptly as possible, and during the first year after the effective date of this Act, the Director shall—

(1) Employ or by other means authorized by this Act acquire the services of the expert administrative, technical, professional, and clerical personnel requisite to the carrying out of the functions of the Bureau.

(2) Acquire by purchase, lease, contract with other bureaus or agencies of the Department of Commerce or other departments or agencies of the Federal Government, or by such other methods lawfully available to him and most efficient, the office space, electronic equipment, microform equipment, conventional and other library facilities, communications facilities, and all other things requisite to the establishment, maintenance, and operation of the System established by title II of this Act.

(3) Promulgate and print forms for the making of the reports required under this Act.

(4) Assemble lists of major energy companies, substantial energy resources companies, and other companies, agencies, institutions, and associations required to report under this Act and mail to them the forms mentioned in paragraph (3).

(5) Initiate the consultation and liaison arrangements listed in subsection (b) and begin the studies described in subsection (c).

(b) The Director shall promptly establish consultation, liaison, and exchange agreements with—

(1) all departments and agencies of the Federal Government,

(2) selected departments and agencies of the governments of the several States and their respective subdivisions,

(3) selected universities and foundations, and

(4) selected corporations and business associations—

that are in any significant way engaged in the maintenance of libraries of energy information.

(c) It shall be the duty of the Director to conduct studies which will identify and describe the types, levels of detail and levels of accuracy of the statistical information to be included in each of the components of the System described in section 202 in order to provide a description adequate for the purposes of public policy of the systems, companies, and other institutions or groups involved in the production, distribution, and consumption of energy. The studies shall consider but not be limited to—

(1) the institutional structure of the energy supply system, including patterns of ownership and control of the production, movement, and marketing of mineral fuels, natural energy resources, and electricity;

(2) the consumption of mineral fuels, natural energy resources, and electricity by such classes, sectors, and regions as the Director shall provide;

(3) the sensitivity of energy production and consumption to unit energy costs, environmental constraints, technological improvements, and substitutibility of alternate energy sources;

(4) the capital requirements of the public and private institutions and establishments responsible for the production and distribution of energy; and

(5) the methods of comparing and reconciling statistics that are collected by different sources, systems, and methods.

(d) It shall be the duty of the Director from time to time, to the extent that personnel and funds are available, to conduct or contract for such other special studies, reviews, and investigations of energy information as may be suggested to him by the Congress or the Executive as appropriate for study and investigation by the Bureau in pursuit of the purposes of this Act.

(e) It shall also be the duty of the Director to make periodic reports to the Congress and the public, including but not limited to—

(1) a monthly report showing production, movement, prices, and consumption of electricity and mineral fuels, organized and cross-referenced by sources of fuels and electricity; by regions, States, and other geographical areas and by significant consuming sectors; and by such other organizational arrangements as may be determined by the Director;

(2) a quarterly report indicating trends in the production, distribution, and consumption of electricity and mineral fuels organized in a manner consistent with subsection (e) (1); and

(3) an annual report which includes, but is not limited to, a description of the activities of the Bureau and the System during the preceding year, a summary of all special reports published and the statistical information collected during the year, putting such information into the context of historical and projected energy production and consumption, and recommendations to Congress of such additional authority as the Bureau considers necessary to assist in carrying out the purposes of this Act.

TITLE II—NATIONAL ENERGY INFORMATION SYSTEM

ESTABLISHMENT OF SYSTEM

SEC. 201. There is established a National Energy Information System, which shall be operated and maintained by the Bureau.

COMPONENTS OF SYSTEM

SEC. 202. The components of the System shall be—

(a) a public library of energy information for public use (hereinafter referred to as the "public library");

(b) a confidential library of energy information for restricted governmental use (hereinafter referred to as the "confidential library"); and

(c) a secret library of energy information for use only in preparing anonymous statistics (hereinafter referred to as the "secret library").

CHARACTERISTICS OF SYSTEM

SEC. 203. To the utmost extent practicable, the System shall—

(a) Contain a complete and thorough guide and index to other existing libraries of energy information, both conventional and electronic, public and private.

(b) Contain, in one of its own libraries, or have access to, the energy information necessary to carry out the purposes of this Act.

(c) Be organized, indexed and cross-referenced on the basis of establishments, by company or other affiliation or ownership, by particular geographic location, by Standard Industrial Classification, by sources of electricity and mineral fuels, by significant consuming sectors and by such other organizational arrangements as may be determined by the Director.

(d) Utilize modern information storage, retrieval, and processing systems and technologies, including but not limited to microform and electronic data processing systems.

(e) Have the capability to receive from those entitled to access to each of the three libraries questions of fact pertaining to energy industries and energy resources and to provide answers to such questions, including, if necessary, comparisons of representative sources of information.

THE PUBLIC LIBRARY; PURPOSES, CONTENTS, ACCESS, FEES

SEC. 204. (a) The purposes of the public library are to make available to the general public promptly and conveniently as much of the information in the System as can be released consistently with national security and reasonable competitive equities, and thereby to serve all the general public purposes set forth in section 2(b) (4) of this Act.

(b) The Director shall place in the public library all information which he obtains from reports, documents, and other sources in the public domain. In addition, the Director shall place in the public library all other information he receives or obtains under authority of this Act except information for which provision is expressly made in this Act or in regulations consistent herewith for placement in the confidential library or the secret library.

(c) The public shall have unlimited access to and use of the information in the public library under such regulations and at such fees as the Director shall prescribe. The Director shall endeavor to establish fee schedules which cover or approach covering the costs of public use of the System, including use in the form of direct connections to the electronic facilities of the public library and purchase of electronic tapes officially copied from the public library; but the regulations may, in the Director's discretion, provide for reduction or waiver of fees in the case of scholars, nonprofit organizations, and others whose use of the public library is determined by the Director to be likely to enhance the System by making useful new inputs to the System, or otherwise to be in the public interest.

THE CONFIDENTIAL LIBRARY; PURPOSES, CONTENTS, ACCESS

SEC. 205. (a) The purposes of the confidential library are to make available to those persons having access thereto, identified in subsection (c), information in the System of the type described in subsection (b), and thereby to serve all the general public purposes set forth in section 2(b)(4) of this Act.

(b) The Director shall place in the confidential library all information obtained under authority of this Act (1) which was not previously or otherwise available in the public domain, (2) which it would be inconsistent with the national security or reasonable competitive equities to make available to the general public, and (3) which does not qualify for placement in the secret library under provisions of this Act and regulations consistent herewith.

(c) Access to the confidential library shall be limited to officers and employees of the executive, legislative, and judicial branches and the independent regulatory agencies of the Federal Government having official use for the information they obtain or seek to obtain therefrom, except that any individual or establishment may have access to any information in such library for which he or it was the source. The Director shall by regulation establish procedures whereby those seeking access to the confidential library may identify themselves, the information they seek, and their right thereto under this subsection.

THE SECRET LIBRARY: PURPOSES, CONTENTS, ACCESS

SEC. 206. (a) The purpose of the secret library is to provide a repository for information of the type described in subsection (b) and thereby to serve the Nation's need for accurate statistical information on mineral fuel reserves, natural energy resources, and energy industries, without serving the other public purposes of this Act, which require wider access to the information.

(b) The Director shall place in the secret library information obtained under authority of this Act for which either the national security or reasonable competitive equities require that the information be wholly suppressed or be published only in statistical aggregations of a size and type sufficient to prevent any person from learning or inferring the data furnished by any particular establishment or individual. Except as provided in section 208(e) of this Act, all information received by the Director for which the sole source was and remains a report filed with the Bureau of the Census or any other Federal department or agency, before the effective date of this Act and under a guarantee of confidentiality given under authority of statute, shall be placed and retained in the secret library.

(c) Only the sworn officers and employees of the Bureau, or other employees of the Department of Commerce expressly designated by the Secretary for purposes and under procedures and safeguards that apply to information described in title 13, United States Code, section 9, shall have access to information in the secret library, except that any individual or establishment may have access to any information in such library for which he or it was the source.

PRIORITIES FOR ENTRY OF INFORMATION INTO THE SYSTEM

SEC. 207. (a) Energy information of the types described in this section shall be entered into the several libraries of the System by the Director in the order or approximate order of priority indicated. The Director shall enter, amplify, and amend all data mentioned in subsections (b), (c), (d), (e), and (f) on a current basis as promptly as possible after information is received.

(b) The Director shall establish and maintain in the public library of the System a complete index and guide to all collectors and sources of energy information which he identifies and with which he is authorized or directed to establish any kind of consultation, liaison, and exchange arrangements pursuant to section 107(b). This index shall be known as the energy information library index.

(c) The Director shall establish and maintain in the public library of the System a complete index and guide to every major energy company and substantial energy resources company which he identifies and from which he is authorized and directed to obtain reports pursuant to titles IV and V of this Act. This index shall be known as the index of principal energy companies. Data on individual companies in this index shall include but not be limited to (1) company name; (2) mailing address and telephone number of headquarters office; (3) the name of the State or country under the laws of which the company is incorporated or otherwise organized; (4) the name of each State of the United States and each country of the world in which the company operates any establishments; and (5) for each of such States or countries in which any of such establishments are engaged in any of the energy industries, the SIC numbers and names of such industries. The Secretary or the Director, by regulation, shall establish what other information is to be included in the index of principal energy companies.

(d) The Director shall enter into the System, promptly upon receipt, full-text machine-readable copies of every report required by this act to be filed with the Director. Such reports shall be filed in the public library of the System unless, by this Act or regulations consistent with it, all or any portion of a report is required to be filed in either the confidential or the secret library, in which case such report or portion thereof be so filed. To the utmost extent consistent with the national security and reasonable competitive equities, there shall be entered into the public or confidential library, as appropriate, and index and summary of the portions of such reports filed in the confidential and secret libraries.

(e) The Director shall enter into the public library of the System, promptly upon publication, full-text machinereadable copies of every report that is published by the Bureau. In the event that any report made by the Bureau is not published, a full-text machine-readable copy thereof shall be entered into the public, the confidential or the secret library of the System, as the Director determines the nature of the report to require. To the utmost extent consistent with the national security and reasonable competitive equities, there shall be entered into the public or confidential library, as appropriate, an index and summary of the portion or texts of such reports filed in the confidential and secret libraries.

(f) The Director shall establish and maintain in the System a complete index and guide to every significant establishment which he can identify as engaged in the energy industries. This index shall be known as the index of energy establishments. Priority shall be given to entry of data on the establishments of major energy companies and substantial energy resources companies, but the index shall not be limited to such establishments. The contents of this index shall be divided among the public, the confidential and the secret libraries of the System as elsewhere provided in this act or in regulations consistent with the act which the Secretary or Director shall promulgate.

STANDARDS FOR ENTRY OF INFORMATION INTO THE PUBLIC, CONFIDENTIAL, AND SECRET LIBRARIES; NATIONAL SECURITY AND REASONABLE COMPETITIVE EQUITIES; PROVISION FOR HEARINGS

SEC. 208. (a) In general, energy information received by the Director shall be entered into the public library of the System, but information shall be placed in the confidential or secret libraries to the extent required by considerations of national security or reasonable competitive equities, or when express provision is made in this Act for such placement.

(b) In general, energy information shall not be placed or retained in either the confidential or secret libraries of the System on the grounds of national security considerations, unless the transfer of such information from the secret to the confidential or public libraries, or from the confidential to the public library, would directly and adversely affect the military and naval defenses of the United States against actual or potential foreign enemies.

(c) In general, energy information pertaining to a particular and identified company or establishment shall be placed in the confidential library, but such information may be placed in or transferred to the public library upon a showing to and determination by the Director that no reasonable competitive equities of the company or establishment would be adversely affected. Such information shall be placed in or transferred to the secret library for the reason stated in the last sentence of section 206(b), or upon a showing by any such company or establishment to the Director, and determination by the Director, that its reasonable competitive equities would be adversely affected by placement of such information in any library other than the secret library.

(d) In general, the Director shall find that no company or establishment has any reasonable competitive equities which require or justify placement or retention of its individual and identified information in any library other than the public library of the System when he determines that—

(1) the information in question pertains to a segment of the properties or business of the company or establishment involving assets of $25,000,000 or more, or business receipts of $25,000,000 a year or more, or both such assets and receipts; and

(2) the nature and extent of itemization or detail of the information in question is substantially similar to or not substantially greater than the itemization or detail that would normally be included in or inferable from a public annual report filed with the Securities and Exchange Commission under section 13 or 15(d) of the Securities Exchange Act of 1934 by a hypothetical registered company which had, as its sole business property and operations, property and operations identical to the property and operations of the segment of the company or establishment in question.

The Director, in consultation with any company from which he has obtained information about two or more establishments which do not individually meet the tests of the preceding sentence (and which individual-establishment information will therefore be placed or retained in the confidential or secret library), may aggregate the information from such establishments into company segments that are of a size to meet the tests of the preceding sentence, and may transfer to the public library such aggregated information with an identification of the company and the establishments included in each such segment. In preparing such information and defining such segments for public disclosure, the Director shall follow and use the organization and profit-center unless he is shown and determines that good cause exists for departing from such company organization and accounting.

(e) In general, the Director shall place in or transfer to the public library any information which otherwise would be placed or retained in either the confidential or the secret library when the information is twenty-five years old, and, notwithstanding contrary provisions of this Act or any earlier law, such transfers may be made if information referred to in the last sentence of section 206(b): *Provided,* That, upon request and after a hearing as provided in subsection (g), the Director may order that certain information shall be retained in either the confidential or secret library until it has attained a greater age than twenty-five years, if he is shown and determines that substantial risk to the national security or unreasonable competitive harm to a private company would result from placing such information in the confidential library rather than the secret library, or in the public library rather than the confidential library.

(f) Notwithstanding any contrary provision of this Act or any earlier law, the Director shall immediately place in or transfer to the public library of the System any information, otherwise entitled to be placed or retained in the confidential or secret library, upon being shown or determining that such information has already come into the public domain by any other means whatsoever.

(g) The Secretary or the Director, by regulation, shall provide for formal hearings on any question or dispute concerning the entry of information into or removal of information from either the confidential or secret library, and such hearings shall be open to the public except that a private formal hearing may be conducted when the Director determines that reasonable competitive equities or the national security so require.

UNAUTHORIZED DISCLOSURES; THEFT OF INFORMATION; PENALTIES

SEC. 209. (a) Any employee of the Bureau or other employee referred to in subchapter II of chapter 1 of title 13, United Stated Code, who, having taken and subscribed the oath of office, publishes or communicates, without the written authority of the Secretary or the Director, any information coming into his possession by reason of his employment from or for entry in the confidential library or the secret library of the System, shall be fined not more than $2,000 or imprisoned not more than two years, or both. The Secretary or the Director may by regulation prescribe standards for the exchange and communication of information from the confidential and the secret libraries, which standards, when followed, shall constitute the written authority referred to in this subsection.

(b) Any officer or employee of the United States, other than employees referred to in subsection (a), who, having obtained by reason of his employment and for official use, any information from the confidential library of the System, publishes or communicates such information for reasons not authorized by or in connection with such official use, shall be fined not more than $2,000 or imprisoned not more than two years, or both.

(c) Any person who, to avoid payment of fees or to obtain information to which he is not entitled under this Act, steals or intercepts electronically stored or transmitted information, or other information contained in the System by any conventional, mechanical, or electronic means, shall be fined not more than $2,000 or imprisoned not more than two years, or both.

(d) When any of the offenses referred to in subsections (a), (b), and (c) are committed with the intent to harm the national security of the United States, or to impair or diminish the reasonable competitive equities of any company or establishment, or to invade rights of privacy recognized and protected by law, the fine may be increased to not more than $20,000, or the imprisonment to not more than twenty years, or both.

(e) No offense consisting solely of the unauthorized or wrongful use of disclosure of information obtained from the National Energy Information System shall be punished criminally under any Federal statute other than this section.

REFUSAL OR NEGLECT TO PROVIDE INFORMATION; PROVIDING FALSE INFORMATION

SEC. 210. Whoever, being the owner, official, agent, person in charge, or assistant to the person in charge, of any company, business, institution, establishment, or organization of any nature whatsoever, neglects or refuses, when requested by the Secretary or Director or other authorized officer or employee of the Department of Commerce or bureau or agency thereof, whether such request be made by registered mail, by certified mail, by telegraph, by visiting representative, or by one or more of these methods, to answer completely and correctly to the best of his knowledge all questions relating to his company, business, institution, establishment, or other organization, or to records or statistics in his official custody, contained on any report form or schedule prepared and submitted to him under the authority of this Act, shall be fined not more than $1,000 or imprisoned not more than one year or both; and if he willfully gives a false answer to any such question, he shall be fined not more than $20,000 or imprisoned not more than two years or both.

INSPECTIONS OF RECORDS; SUBPENAS; ENFORCEMENT OF SUBPENAS

SEC. 211. (a) The Secretary, the Director, or any officer or employee of the Department of Commerce designated by them or either of them shall have access to any books, documents, papers, statistics, data, information, and records of any company, business, institution, establishment, or organization of any nature whatsoever, where the purpose of such access is to obtain or verify energy information which they are authorized by this Act to obtain.

(b) Whenever they are or either of them is authorized by this Act to obtain or verify any energy information from any company or establishment, the Secretary, the Director or the delegate of either may, in his discretion, obtain such energy information from an affiliate of any such establishment, or from an association or organization of companies, of which any such company is a member, in the interests of efficiency, the reduction of costs or avoidance of duplicated effort for either the Bureau or the company or establishment, or speed in obtaining energy information. Whenever energy information supplied by a company or establishment is so obtained by the Secretary, Director, or delegate of either, from an affiliate, organization, or association, the company or establishment to which such information pertains shall be promptly notified of the energy information so obtained and shall be given an opportunity to correct or amplify such information.

(c) To assist in carrying out his responsibilities to collect energy information, the Director may sign and issue subpenas requiring the production of the books, documents, papers, statistics, data, information, and records referred to in subsections (a) and (b) of this section.

(d) In case of disobedience to a subpena issued under subsection (c), the Director may invoke the aid of any district court of the United States in requiring the production of the books, documents, papers, statistics, data, information and records referred to in subsection (c) of this section. Any district court of the United States within the jurisdiction of which the company, business, institution, establishment, association, or organization is found or transacts business may, in case of contumacy or refusal to obey a subpena issued by the Director, issue an order requiring the company, business, institution, establishment, association, or organization to produce the energy information and the books, documents, papers, statistics, data, information, and records containing or pertaining to the same; and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

(e) Energy information, of whatever kind or from whatever source obtained by the Director under this section shall be placed in the public library, the confidential library, or the secret library of the System, in accordance with the standards set forth in section 208 of this Act: *Provided,* That, while any dispute exists and has not been finally resolved by the ultimate administrative or judicial authority having power to resolve such dispute, concerning the placement within the libraries of the System of any energy information obtained pursuant to this section, such energy information shall be placed and retained in the secret library an . used only for the statistical purposes and subject to the limitations and safeguards set forth in section 206 of this Act.

TITLE III—ENERGY RESOURCES INVENTORIES AND INSPECTIONS BY THE DEPARTMENT OF THE INTERIOR

ADDITIONAL DEFINITION

SEC. 301. As used in this title, "Secretary" means the Secretary of the Interior.

INVENTORY OF ENERGY RESOURCES IN THE PUBLIC LANDS

SEC. 302. (a) The Secretary shall compile, maintain, and keep current on not less than an annual basis an inventory of all mineral fuel reserves and natural energy resources in the public lands of the United States, including the Outer Continental Shelf.

(b) The inventory shall be compiled, maintained, and kept current on the basis of the Secretary's best estimates and, to the utmost extent practicable, on the basis of onsite geological and engineering testing conducted by personnel of the Department of the Interior. The first such inventory shall be completed on or before the expiration of the eighteen-month period following the effective date of this title.

(c) On or before the expiration of the twenty-month period following the effective date of this title, the Secretary of the Interior shall submit a report to the Congress cancerning the carrying out of his duties under this title, together with a copy of such initial inventory so compiled, and shall thereafter, on not less than an annual basis, submit a report to the Congress concerning the carrying out of such duties and shall include as a part of each such report a copy of the current inventory so compiled for the period covered by the report.

(d) Copies of all such reports and inventories shall be furnished by the Secretary to the Director for inclusion in the public library of the System.

VERIFICATION OF REPORTED ENERGY RESOURCES IN PRIVATE OWNERSHIP

SEC. 303. When requested by the Director, the Secretary shall make onsite geological and engineering inspections of any mineral fuel reserves and natural energy resources required to be reported under title IV and V of this Act, to verify the accuracy and completeness of such reports.

CONTENTS OF SECRETARY'S REPORTS

SEC. 304. Reports by the Secretary to the Congress and the Director under section 302, and to the Director under section 303, shall in all cases be organized to include, but not be limited to, nature, characteristics, and proved, probable, and speculative quantities of mineral fuel reserves; nature, characteristics, and approximate fair market value of natural energy resources; locations; and information on ownership and control. Information on ownership and control of reserves and resources, correlated with locations, shall be so aggregated in any public reports as not to impair the reasonable competitive equities of any company or establishment.

TITLE IV—INFORMATION ON MINERAL FUEL RESERVES AND NATURAL ENERGY RESOURCES

SUBSTANTIAL ENERGY RESOURCES COMPANIES TO FILE ANNUAL REPORTS

SEC. 401. It shall be the duty of every substantial energy resources company, foreign or domestic, engaged in commerce to report annually to the Director full and complete details of all mineral fuel reserves and natural energy resources which it, together with its affiliates, owns or controls anywhere in the world. Such reports shall be verified, under penalties of section 210 of this Act, by the chief executive officer, chief geological officer, and chief financial officer of the substantial energy resources company and shall describe for each mineral fuel reserve and natural energy resource the identity of each establishment having any ownership or control of the reserve or resource; the location, types, and proved and probable quantities (specifying which) of mineral fuel or mineral fuel ores in each mineral fuel reserve; the location, characteristics, size, and approximate fair market value of each natural energy resource; and the state of development of each mineral fuel reserve and natural energy resource.

PROMULGATION OF FORMS; TIME LIMITATIONS; DUAL DEFINITION COMPANIES

SEC. 402. (a) The Director, by regulation, shall prescribe the forms on which the reports required by section 401 and section 501 shall be made. Such forms shall be drafted in consultation with the Office of Management and Budget and such other departments and agencies as either the Office or the Director may deem requisite. Such forms shall be drafted not later than four months after the effective date of this title and shall be approved by the Director of the Office of Management and Budget, under provisions of title 44, United States Code, section 3509, as amended by section 703(d) of this Act, not later than seven months after the effective date of this title and shall be mailed to all substantial energy resources companies and major energy companies identified by the Director not later than eleven months after the effective date of this title. Substantial energy resources companies and major energy companies shall be required to return such forms within sixty days after receipt thereof from the Director. Annual reports thereafter shall be due on or before the first day of May of each year beginning with the year 1976.

(b) Whenever the Director determines that any single company is both a substantial energy resources company and a major energy company, he may, by regulation and appropriate forms, provide for its filing annual reports, on the establishment basis, under section 501 only, and waive the filing of reports under section 401: *Provided*, That, in such cases, the report forms used shall elicit from each establishment all the information that would be required of it under section 401.

PLACEMENT OF INFORMATION IN THE SYSTEM

SEC. 403. All reports required by this title and title V to be submitted to the Director by substantial energy resources companies and major energy companies shall be entered by the Director, immediately upon receipt, into one of the three libraries of the System, as provided in section 208 and any regulations promulgated thereunder. When any question or dispute exists whether all or part of any such report should be entered in the secret library, the Director shall enter such report into that library, without prejudice to his right to remove it in whole or part to the confidential library or public library when such question or dispute has been resolved. In such case, the Director shall give public notice of the existence of the question or dispute and shall resolve the same by a public or private formal hearing pursuant to section 208(g).

TITLE V—INFORMATION ON THE ENERGY INDUSTRIES

MAJOR ENERGY COMPANIES TO FILE ANNUAL REPORTS

SEC. 501. (a) It shall be the duty of every major energy company, foreign or domestic, engaged in commerce, to report annually to the Director on its assets and operations, worldwide, on an establishment basis. Such reports shall be verified, under penalties of section 210 of this Act, by the chief executive officer and chief financial officer of the major energy company.

(b) The report forms for each establishment shall be divided by the Director into two parts. Information reported in the first part shall be, and be identified on the form as, information to be entered by the Director into the public library of the System. Information reported in the second part shall be, and be identified on the form as, information to be entered by the Director into the confidential library of the System, unless the Director is shown and determines that good cause exists to enter all or part of such information into the secret library.

(c) In the first part of each annual report, each establishment of a major energy company shall include, for entry into the public library of the System—

(1) its name or other description;

(2) its actual physical location;

(3) its mail address and telephone number;

(4) the name of the major energy company of which it is a division or other part or with which it is affiliated, and the nature of the affiliation;

(5) the names, titles, and business mail addresses and telephone numbers of the officer in charge of the establishment and the officer or employee responsible for the preparation of the report;

(6) if separately incorporated or otherwise chartered, the State or country under the laws of which it is incorporated or otherwise chartered; and

(7) the name and four-digit SIC number of each industry, which is within the energy industries, in which the establishment is engaged.

(d) In the second part of each annual report, each establishment of a major energy company shall include, for entry into the confidential library (unless the Director determines that all or portions of the information contained in such part may appropriately be placed in the secret library) of the System—

(1) the quantities and values of its annual shipments or equivalent in each of the SIC four-digit industries identified by the establishment pursuant to subsection (c)(7);

(2) the name and four-digit SIC number of each industry, which is not within the energy industries, in which the establishment is engaged;

(3) the net annual business receipts of the establishment as a whole;

(4) if the amount reported by the establishment pursuant to (3) is more than $10,000,000, an itemization of the net annual business receipts of the establishment by names and four-digit SIC numbers of each industry within the energy industries, separately, and all other industries, collectively;

(5) whether or not the establishment is or contains one or more separate profit centers in the company of which it is a part or with which it is affiliated, for which separate balance-sheet and profit-and-loss accounts are maintained;

(6) if the establishment is not and does not contain a separate profit center, identification of any other establishment or establishments of the company with which the reporting establishment is grouped to form a profit center in the company's accounting system;

(7) if the establishment is or contains one or more separate profit centers, information for each such profit center substantially equivalent to the information which such profit center would report annually to the Securities and Exchange Commission pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934, if such profit center were an independent registered corporation having no affiliates: *Provided*, That, if the establishment is not (and does not contain) a separate profit center, this requirement shall be fulfilled collectively by the group of identified establishments comprising a profit center of which the reporting establishment is a part or member; and

(8) such other energy information as the Secretary of Commerce or the Director by regulation may require, as necessary or desirable to serve the purposes of this Act.

OTHER REPORTS OF MAJOR ENERGY COMPANIES

SEC. 502. (a) Whenever the Secretary of Commerce or the Director determines it to be necessary or desirable in furtherance of the purposes of this Act, the Director, by regulation or special order, may require major energy companies, or some of them—

(1) to report any energy information of the type described in section 501 more often than annually, but not more often than quarterly;

(2) to report or provide lists of any or all reports they file, containing energy information, with any of the classes of authorities or institutions mentioned in section 107(b), identifying each such report by name, form number if any, frequency or date of filing, type of energy information contained in the report, whether the report is filed voluntarily or by mandate, whether or not the public or any department or agency of the Federal Government has or can have access to the report (identifying the department or agency), and such other information as the Director may require; and

(3) to report specially or on a regular, recurring basis such energy information as the Secretary or the Director by regulation may require—

(A) as a result of the recommendations of the studies conducted or contracted for pursuant to section 107(c); or

(B) in order to produce the reports described in section 107(e).

(b) In general, the Director shall enter all reports received pursuant to subsection (a) in the confidential library of the System, but he may enter all or parts of such reports, or aggregations of data from such reports with individual-company data disguised, in the public library whenever he determines that the public interest would be served and the reasonable competitive equities of a company would not be impaired.

TITLE VI—GENERAL ACCOUNTING OFFICE OVERSIGHT

REVIEW OF BUREAU'S ACTIVITIES; CONDITIONS, LIMITATIONS

SEC. 601. (a) The Comptroller General of the United States shall review and evaluate the procedures and activities of the Bureau. Such a review shall include but not be limited to:

(1) a review of the Bureau's energy information gathering procedures to insure that the Bureau is obtaining all necessary energy information from the appropriate sources to carry out the purposes of this Act; and

(2) a review of the issues that arise or might arise in the collection of any of the types of energy information listed in titles IV and V, including but not limited to issues attributable to claims of business estab-

lishments, individuals, or governments that certain information is proprietary or violative of national security and therefore entitled to be kept secret.

(b) The Comptroller General shall report at least annually to the Congress on the operation and effectiveness of the Bureau's activities; but, in the Comptroller General's discretion, such report may be in the form of an endorsement of or addendum to the annual report required of the Bureau by section 107(e) (3) of this Act.

TITLE VII—CONFORMANCE OF AND WITH OTHER STATUTES

CENSUS CODE

SEC. 701. Whenever any of the information which the Director is authorized or directed to obtain from any major energy company under this Act is contained in any report of such company of a kind referred to in title 13, United States Code, section 9, such report having been filed prior to the effective date of this Act, the Director may excuse such company from filing a report with him, containing the same information, upon the company's agreeing with the Director in writing to waive the secrecy provisions of such section of title 13. Upon receipt of such waiver, the Director may place all of any part of such report referred to in such section of title 13 in the confidential library or the public library of the System, pursuant to standards set forth in section 208 of this Act. Nothing in this section or in any prior law shall prevent the Director from—

(a) entering into the secret library of the System at any time all or any part of any report referred to in title 13, United States Code, section 9; or

(b) obtaining from any major energy company, by way of a new questionnaire or report form issued under authority of this Act, any energy information that such company may have previously filed in a report to which the Director cannot have access or to which he can have access only for the secret library of the System.

FREEDOM OF INFORMATION ACT

SEC. 702. Section 552 of title 5, United States Code, is amended—

(a) by striking the semicolon at the end of clause (4) of subsection (b) and inserting in lieu thereof: ", except as provided in section (d) ;";

(b) by striking the period at the end of clause (9) of subsection (b) and inserting in lieu thereof: ", except as provided in subsection (d) ."; and

(c) by adding at the end of the section a new subsection, as follows:

"(d) This section shall be construed consistently with the Energy Information Act, to serve the purposes of that Act. Nothing in this section, including but not limited to the provisions of subsections (b) (4) and (b) (9), shall be construed to prevent any agency from making available to the Director of Energy Information any energy information (as defined in that Act) which such agency possesses, no matter from whom or when obtained. Pursuant to the standards set forth in the Energy Information Act and regulations promulgated thereunder, and in consultation with the agency providing the information, the Director of Energy Information shall place any such energy information so obtained in the public library, the confidential library, or the secret library of the National Energy Information System.".

FEDERAL REPORTS ACT OF 1942

SEC. 703. (a) Section 3504 of title 44, United States Code, is amended by adding at the end thereof the following sentence: "Whenever the information for which any agency has a need is energy information, as defined in the Energy Information Act, the Director shall (unless there be an express waiver of this sentence by the Director of Energy Information) designate the Bureau of Energy Information as the collecting agency, but the collecting program shall be developed by the Director of Energy Information in consultation and cooperation with such other agency or agencies as have a need for and interest in the information.".

(b) Section 3506 of title 44, United States Code, is amended by striking the period at the end of the section and inserting in lieu thereof the following: ": *Provided*, That nothing in this section shall be construed to empower the Director to prevent or unreasonably delay any agency from collecting any information which it has been expressly directed to collect by an Act, joint resolution, or concurrent resolution of Congress.".

(c) Section 3508 of title 44, United States Code, is amended by adding at the end of subsection (a) a new sentence, as follows: "Nothing in this section shall be construed to prevent the Director of Energy Information from transferring any energy information he has received from an agency, pursuant to this chapter or the Energy Information Act, from the secret library to the confidential library, or from the confidential library to the public library of the National Energy Information System, if such transfer is made in accordance with the provisions of the Energy Information Act, and all information so transferred may be released or disclosed in accordance with that Act.".

(d) Section 3509 of title 44, United States Code, is amended—

(1) by inserting "a)" at the beginning of the section; and

(2) by adding at the end of the section a new subsection, as follows:

"(b) The Director shall not disapprove, nor for an unreasonably long time withhold his approval from, any proposed collection of information that has been submitted to him pursuant to subsection (a) of this section, if the agency making such proposal has done so pursuant to an Act of Congress. Where such Act imposes an express time deadline on an agency for the collection of information, the Director shall approve such agency's proposal in sufficient time to permit compliance with such deadline.".

TITLE VIII—MISCELLANEOUS

SEPARABILITY

SEC. 801. If any provision of this Act or the applicability thereof is held invalid the remainder of this Act shall not be affected thereby.

AUTHORIZATION OF APPROPRIATIONS

SEC. 802. There are authorized to be appropriated to the Department of Commerce and the Department of the Interior such amounts as may be requisite to full and efficient performance of the duties imposed upon such Departments by this Act.

EFFECTIVE DATES

SEC. 803. Titles IV and V of this Act shall be effective on the first day of the third full calendar month following the date of enactment. The remainder of this Act shall be effective on the date of enactment.

DIGEST OF S. 2782, THE ENERGY INFORMATION ACT

Energy Information Act—States purposes to provide for improved energy information within a National Energy Information System, for inventories of energy resources in the public lands, for regular reporting of information by significant corporations in energy industries, and to provide information that will aid in improved policy making, conservation, science, environmental protection, competition and regulation. Defines terms.

Title I: Bureau of Energy Information—Establishes a Bureau of Energy Information ("the Bureau") within the Department of Commerce, headed by a Director of Energy Information ("the Director") appointed by the President by and with the advice and consent of the Senate. The Bureau is to operate, maintain and improve the National Energy Information System. The Bureau is to establish consultation, coordination and exchange arrangements with other departments and agencies of government, and private institutions, which have libraries of energy information. The Bureau is also to conduct extensive studies and reviews of the state of information on such subjects as the institutional structure of the energy supply system, energy consumption patterns, statistical and accounting methods and problems in energy information, price and cost factors affecting energy, technological and environmental factors, and capital requirements of public and private institutions responsible for energy. The Bureau is also to report monthly, quarterly and annually on specified classes of energy information.

Title II: National Energy Information System—Establishes a National Energy Information System ("the System") to be operated and maintained by the Bureau. Establishes the System in three components: a public library, a confidential library, and a secret library. Provides that the System shall use other available libraries of energy information; use modern, including microform and electronic, methods; have its information on energy industries organized by establishments, companies, Standard Industrial Classifications, geographical locations and other references; and have capacity to receive and answer questions of fact concerning, and compare sources of, energy information. Provide for unlimited public use of the public library of the System, at fees generally sufficient to cover costs of such use; but provides for waiver or reduction of fees in certain cases of public-interest use. Provides for access to the confidential library by Federal Government officials, for official use only. Establishes the secret library as repository for information that may be used only for statistical purposes in anonymous aggregates. Establishes priorities for entry of information into the System. Establishes standards for placement of energy information in the public, the confidential, or the secret library. Defines and limits national security and reasonable competitive equities as reasons for placement of information in the confidential or secret library. Provides for removal of information more than 25 years old from the confidential or secret library to the public library. Provides for hearings in cases of dispute on placement of information in a particular library of the System, and for placement of information in question in the secret library pending resolution of the dispute. Provides penalties for unauthorized disclosures and thefts of information from the System, and for failure to provide required information for the System. Authorizes Secretary of Commerce or the Director to obtain from an affiliate of a company, or an organization of which it is a member, any information which they are empowered by this Act to obtain directly from the company, provided the company is notified. Gives Secretary of Commerce and Director power to inspect records and subpena documents in certain cases. Confers jurisdiction on District Courts to enforce such subpenas.

Title III: Energy Resources Inventories and Inspections by the Department of the Interior.—Directs Secretary of the Interior to compile and maintain, on annual basis, an inventory of mineral fuel reserves and other natural energy resources in public lands of the U.S., including the Outer Continental Shelf. Provides that the inventories may be based on estimates, supplemented as feasible by onsite geological and engineering inspections by departmental personnel. Provides that the first inventory is to be completed within 18 months and reported to Congress within 20 months of effective date of this title. Provides that copies of all such annual reports and inventories shall be given to the

Director for the System's public library. Provides that, on request of the Director, the Secretary of Interior shall make onsite physical inspections of mineral fuel reserves and natural energy resources reported in private lands. Contains directions for the contents of reports by the Secretary of the Interior.

Title IV: Information on Mineral Fuel Reserves and Natural Energy Resources—Provides that substantial energy resources companies are to file verified annual reports with the Director on the mineral fuel reserves and natural energy resources they control. Contains directions on the contents of such reports. Provides for promulgation by the Director of forms for the making of such reports and also of the reports required by title V of this Act. Provides for clearance of such forms by Office of Management and Budget within seven months after the effective date of this title. Provides that such forms shall be mailed by the Director to reporting companies within 11 months of effective date of this title and be returned by companies to the Director within 60 days after receipt. Provides for single rather than dual reports by companies which are both substantial energy resources companies and major energy companies, as defined in Act (companies controlling $5 million in mineral fuel reserves, $50 million in other natural energy resources, or $50 million in sales or assets in the energy industries are, generally, within the definitions). Provides that information obtained by Director on report forms required by this title and title V shall be placed in the public, confidential, or secret library of the System, as provided elsewhere in this Act.

Title V: Information on the Energy Industries—Requires major energy companies in commerce to file verified annual reports, on an establishment basis, on their operations worldwide. Provides for the making of such reports in two parts, one being for the public library of the System and the other for the confidential or secret library. Contains directions for the contents of such reports, including information on shipments by Standard Industrial Classification, total business receipts, and in certain cases profit information. Authorizes the Director to require such reports more often than annually in certain cases, and to require from major energy companies lists describing all mandatory and voluntary reports they file elsewhere, containing energy information.

Title VI: General Accounting Office Oversight—Provides that Comptroller General of the U.S., upon his own initiative or by direction of Congress, shall review and evaluate procedures of the Bureau. Review may include issues arising under claims that certain energy information required by the Bureau under this Act is proprietary or involves the national security and therefore is entitled to be kept secret. Directs Comptroller General to report to Congress at least annually on such reviews of the Bureau; but provides that such report may be by endorsement of or addendum to the Bureau's own annual report.

Title VII: Conformance of and with other statutes—Provides that the Director may excuse a company from providing energy information required by this Act, if the company waives confidential status of the same information as previously provided by it to the Census Bureau and protected by the Census Code, 13 U.S.C. 9. Amends the "Freedom of Information Act," 5 U.S.C. 552, to provide that clauses (4) and (9) of subsection (b), pertaining to corporate and geological information, shall be construed consistently with policy of this Energy Information Act. Amends Federal Reports Act of 1942, 44 U.S.C. 3504, 3506, 3508 and 3509, to make it consistent with policy and purposes of this Act.

Title VIII: Miscellaneous—Contains usual separability section and blanket authorization of appropriations. Establishes effective date as date of enactment, except titles IV and V, which are made effective on first day of third full calendar month after date of enactment.

[From the Washington Post. Dec. 2, 1973]

NORTH SEA OIL: MORE THAN WE KNOW

(By Bernard D. Nossiter)

LONDON.—Sometime next summer, a tanker is due to take 10,000 barrels of oil from the Arygyll Field in the North Sea, 200 miles east of Edinburgh, and land the precious cargo in Aberdeen.

This will be Britain's first oil delivery from the cold and forbidding waters above its continental shelf, the start of a flow with incalculable economic and political consequences.

The government here is modestly estimating that the North Sea will yield about 2 million barrels daily a decade from now about two-thirds of what officials think Britain will then consume. This would be pleasant for Britain but of no great consequence for Western Europe as a whole.

The official line here echoes Frank McFadzean, the managing director or chief of the huge Royal Dutch Shell Co. "The realization of present hopes for the North Sea," he said recently, "will not materially change Western Europe's dependence on Outside sources . . . for the foreseeable future there is simply no alternative source (to the) Middle East."

However, interviews with oil company executives, their bankers, geologists and economists, make clear two things: The British government has persistently underestimated the oil resources of the North Sea, and deliberately turned attention away from its sizeable deposits of natural gas.

NOBODY KNOWS FOR CERTAIN

For oil alone, British officials are reliably reported to have privately doubled their figure of the sea's likely yield. In the City of London, where unromantic financiers raise the money for risky drilling ventures, this doubled estimate is doubled again.

If the money men are right and the North Sea yields 8 million barrels a day of oil, plus the equivalent of another few million barrels daily in gas, the picture changes dramatically. The continental shelf off Britain and Norway would then, in oil company jargon, become far more "interesting" for Western Europe's energy demand than the public is now officially told.

The crucial point is that nobody knows for certain. Those with the best knowledge—the big international concerns like Shell, British Petroleum, Exxon and Mobil—have strong business interests in keeping silent.

But the wide range of estimates and the rapid pace at which the government changes its own forecast—it was predicting only 1 million barrels daily not long ago—says something about government oil policy.

It suggests that crucial political and economic decisions about energy are made by officials no better equipped than a blindfolded man stumbling around a carnival funhouse.

According to informed critics, the government here has belatedly learned or acknowledged these things:

The profits of major companies could escape any taxation in the United Kingdom because they will be offset by the artificial levies imposed in the Middle East.

Instead of the stiff exploration program the government thought it had imposed on firms, the companies are drilling at a rate of their own design, and most are behind their own schedules.

Instead of a thorough, independent examination of the companies' exploring experience, the government has relied on a handful of geologists of limited standing. As late as 1972, the agency concerned employed only nine technicians for offshore petroleum licensing.

A leading economist who served as a key adviser to the Department of Trade and Industry, the ministry in charge of energy problems, says:

"I can tell you from my experience that the government does not even know such elementary things as the current stocks of refined products."

DIFFICULTIES OF DRILLING

Oil company executives and their geologists retort that there is nothing very remarkable about changing and increasing estimates for North Sea oil. To find oil and gas anywhere, they stress, is a risky, costly, uncertain affair.

"You simply don't know what you have until that drill bites in and hits it," says a geologist who once supervised several hundred other geologists in one leading concern.

The North Sea, it is argued, is a particularly chancy and expensive place to look for oil and gas. The deposits lie deep below the surface, as much as 600 feet down. Working conditions are the worst that offshore oil men have encountered anywhere. Stiff gales blow up to 28 knots, and the icy waters and towering waves are far more hazardous than the gentle swells in, say, the Gulf of Mexico.

Optimists' estimates of what the North Sea contains, industry men argue, are based on guesses about areas that have not even been drilled—the chilling waters off Norway above the 62d parallel, the shelf west of the Shetland and Orkney islands and north of Scotland, the Celtic Sea between Ireland and southern England.

A former civil servant who played a leading role in shaping Britain's North Sea energy policies and is now a consultant to an oil equipment firm says:

"Responsible government must be cautious. Its estimates are necessarily based on the known, not on guesses about the unknown."

An oil financier contends that there are good legal and business reasons for understating finds. "Your Securities and Exchange Commission," he says, "takes a dim view of companies that exaggerate their discoveries and thus promote their shares. Moreover, these firms are still bargaining with governments over the terms of licenses to explore and produce in the North Sea. Some of the richest finds have been along the median line, dividing Britain's shelf from Norway. If the companies disclosed their private estimates, the difficult Norwegian government might fix even harsher terms for the blocks that have not yet been awarded."

"FRONTIERS OF TECHNOLOGY"

The industry scoffs at the suggestion that it has not conducted an all-out search, at least for oil. The hunt, however, is expensive, it says. An exploration well costs $2.5 million to $5 million in the difficult waters. Once oil is found, the capital or investment cost of lifting it out is put at $2,500 for each daily barrel the field will yield, 10 or 15 times as much as on shore.

Above all, the industry complains that it lacks the big and expensive rigs needed to extract the oil as well as the skilled manpower to operate them.

"You are at the frontiers of engineering technology in the North Sea," one executive says. "We are building structures for conditions we have never met before."

Finally, the Department of Trade and Industry is blamed in part for holding up the search and production. The companies acknowledge that the government gave them liberal terms—they can hold on to their North Sea blocks for 46 years and must pay in royalties only 12.5 per cent of the price of oil they find. But the ministry deliberately steers licenses to companies that buy British equipment, and the equipment makers' performance here is universally condemned. They are blamed for an unwillingness to design new rigs, failing to meet specifications, delays because of strikes and every other failure of British industry.

The buy-British policy has pushed back oil company schedules as much as 19 months, industry men say.

"We have gone as fast as we can," an expert from one big company contends. "There have been, of course, honest differences of opinion over what the North Sea contains."

Industry men delight in telling how Shell's persistent interest pushed a reluctant and rival British Petroleum into exploring its Forties Field off northern Scotland. A very conservative estimate in London's financial circles now calculates that this field alone will yield from $150 million to $250 million annually in profits after taxes by the end of the 1970s.

THE CRITICS' CASE

Despite this imposing array of oil company and civil servant arguments, there are prominent critics who are unimpressed. They insist that the big companies have deliberately held back on exploiting resources in Europe's backyard and that successive governments have knowingly or ignorantly abetted them.

One leading skeptic is Peter Odell, an economist who worked for Shell and now directs an institute of economic geography at Erasmus University in Rotterdam.

"Presentations of the scale of Western Europe's oil and gas resources and their production potential are unrealistic," he says, "either through ignorance or deliberate distortion on the part of the vested interests. The ignorance stems from the failure of governments to place necessary obligations on the companies to reveal a comprehensive set of publishable facts on their activities and then to make sure they have adequate numbers of staff competent to collate and evaluate the flow of information and so to give valid advice on which to base policy decisions . . . The distorting or withholding of information appears to be the North Sea norm."

Odell points to a study made of 128 oil pools in Alberta, Canada. It shows that estimates of proven reserves increased 800 per cent between the first and 20th year after discovery.

He complains that the major oil companies have underplayed and underexplored the North Sea in order to take as much as possible from the Middle East while the taking is good. In what now may be an exaggerated time span, Odell calls this the companies' "last decade of opportunity" in the Arab world.

Thomas Balogh, the Oxford economist who was personal adviser to Harold Wilson in Britain's last Labor government and first to disclose the big firms' tax-free bonanza, says much the same thing. He recently told his fellow peers in the House of Lords:

"With their hold on Arab oil steadily weakening, the oil companies, the international giants, planning in the long run, must know that the best way would be to exploit as much as they are allowed of Arab oil and keep as much British oil in reserve as possible."

GAS DOESN'T PAY

Such charges, of course, cannot apply to the independent companies who lack oil holdings elsewhere. The giants like Shell, British Petroleum, Exxon and the others who have the largest share of North Sea blocks, dismiss Odell and Balogh as wild-eyed socialists.

However, some candid company executives concede at least part of the charge, that they are turning their backs on gas. The first North Sea discoveries were gas deposits, but the search for this fuel by the majors abruptly halted when oil was found in 1970.

The companies blame their lack of interest on the diminished prospect of profits from gas. In Britain, they must sell all they find to a single buyer, the government's British Gas Corp. The companies say this puts them at a bargaining disadvantage and that the Gas Corp. has exploited it by offering low prices.

If the companies went after gas vigorously—and they are certain to find some along with the new oil fields they discover—Odell contends that Europe's energy picture could alter sharply.

The standard estimate for 1980, he observes, puts North Sea and other local gas at only 10 per cent of Europe's energy demand. He calculates, however, that indigenous gas could fill 22 per cent of Europe's fuel requirement, and thus considerably reduce the role of oil. He thinks it is reasonable to expect that the North Sea will be yielding 6 million barrels daily at the end of the decade.

If he is right, the basin's gas and oil would provide nearly half of Western Europe's energy. Instead of the conventional estimate that forecasts Europe must import oil to meet nearly two-thirds of its 1980 energy demand, Odell slashes this figure to 33 per cent.

Industry men concede that North Sea gas reserves are likely to turn out well above current estimates, although much smaller than Odell's figure. His forecast for oil, however, is in line with predictions made by some oil men unattached to the major firms.

If Odell is anywhere near the target, Europe's dependence on the Middle East would be reduced drastically.

The lack of official candor about the North Sea is strikingly illustrated by the fuss that Balogh kicked up over taxes.

Parliament's legislative oversight of ministerial agencies is shallow and uninformed compared to the searching spotlight a congressional committee sometimes shines on the executive branch in Washington. But, largely prodded by Balogh and Harold Lever, a knowledgeable Labor MP, a parliamentary committee did take a close look early this year at how much the British treasury would get from the North Sea.

At first, Department of Trade and Industry witnesses asserted that British taxes would cream off half of any company's profits from a large field in full production. Under close questioning, the civil servants conceded that these calculations did not apply to the majors.

The biggest firms enjoy what Sen. Paul Douglas once called a "golden gimmick," far bigger than the much better known depletion allowance. The majors call the bulk of the royalties they pay to Arab states a "tax" and this "tax" is based on a national "posted" price.

These "taxes" are offset, dollar for dollar and pound for pound, against tax liabilities in the United States and the United Kingdom. As a result, in Britain alone, nine big companies have already piled up more than $3 billion in tax "losses" to wipe out levies on future profits from the North Sea.

With characteristic British restraint, the parliamentary committee called this "unsatisfactory." It also regarded as "unsatisfactory" the fact that the ministry could not examine the companies' costs in the North Sea.

In the House of Lords, Balogh was less restrained. The committee's findings, he said, underscore "one of the most scandalous and costly derelictions of duty by ministers and their officials advisers." He called the report "a warning to bureaucrats that their follies would not go unnoticed."

The chancellor of the exchequer, Anthony Barber, has now promised to close the loophole. It becomes bigger every time the price of oil rises or the Arabs increase their take from the national posted price.

The affair is one more example of the fog that hangs over the North Sea's potential. Whatever energy resources do exist in the basin, they are clearly much more than official versions now allow. Policies based on the assumption that Europe must remain indefinitely in thrall to Arab oil may fit the plans of major oil companies. Whether they reflect the facts is a still unanswered question.

Mr. JACKSON. Mr. President, I am pleased to cosponsor the Energy Information Act introduced today by the Senator from Wisconsin (Mr. NELSON). The enactment of this legislation is important to our present efforts to solve short-range energy problems, and is absolutely crucial to our goal of identifying and solving energy-related problems in the future.

In the past months, as many of us struggled to construct a clear picture of the U.S. energy supply system, our almost desperate need for accurate, complete, and timely statistical information has been painfully obvious. Severe, short-term shortages are upon us. Government has a tremendous responsibility to see that these shortages are borne equitably and that damage to the economy is minimized.

But in undertaking this task, we in the Congress are at a terrible disadvantage. The gathering of energy information by the Federal Government is in such a chaotic state that is has been possible for industry spokesmen to charge repeatedly that Members of Congress and the executive branch do not understand the energy supply system. The implication is that energy policy ought to be made by energy industries.

Given the disastrous shortages we face this winter, no Member of Congress could advocate such an abrogation of responsibility. We have to act on the basis of the best information available from Government, industry, and public sources.

Mr. President, a prime example of the deficiencies in our access to critical energy information is the apparent rapid growth in our dependence on Arab sources of petroleum during the past year. According to the Bureau of Mines, direct dependence on Arab crude oil and products averaged some 0.560 million barrels per day during 1972. This represented 3.4 percent of the total U.S. consumption during 1972 of 16.5 million barrels per day.

Early in the fall, as the Mideast war began, the best data available from the Bureau described imports for the second quarter of 1973 and showed a direct dependence on Arab sources of 0.910 million barrels per day, or approximately 5.3 percent of the 17.0 million barrels per day U.S. consumption. The important deficiencies in this data are:

First, it is not timely. We now know from analyzing raw census figures, that direct dependence on Arab imports for September 1973 was over 1.2 million barrels per day—approximately a third larger than in the second quarter—and over 7 percent of consumption.

Second, it is not complete. There is no way to use available data to derive the significant indirect dependence on Arab sources through imports of products from refineries abroad which use Arab crude. Even though these refineries are run either by U.S.-based companies or companies which do significant business in the United States, our Government does not monitor, on a continuous basis, the flow of petroleum through them to the United States. We now know that this indirect dependence in September was probably at least 1.2 million barrels per day, increasing our dependence on Arab sources at that time to over 2.4 million barrels per day, or almost 14 percent of consumption. Thus, when the war broke out in the Middle East, the very critical information relating to U.S. dependence on Arab oil was greatly in error. This situation led to the escalating estimates offered by the administration during October:

On October 12, White House Aide Charles Di Bona estimated dependence at 1.2 million barrels per day.

On October 20, the estimate was raised to 1.6 million barrels per day.

On October 24, it went to 2.0 million barrels per day, and on October 30 to 2.5 million barrels per day.

Finally, in November, the Defense Department raised the estimate to 3.0 million barrels per day.

Now, in the middle of winter when demand for petroleum is at its highest, the amount of oil we might have received from Arab sources could undoubtedly be higher still. But the important point is that the administration and the Congress should have been aware of the petroleum situation when the war broke out. The fact is that important information was simply not available, and the information which was available existed only in unorganized bits scattered in different Federal offices.

The Congress cannot allow energy policymakers to render their decisions and recommendations on anything less than the most complete and timely information. Similarly, Congress cannot allow energy policymakers to flounder in a seemingly endless sea of incoherent and contradictory numbers, graphs, charts, and diagrams. The bill which the Senator from Wisconsin (Mr. NELSON) is introducing today will give Congress the opportunity to solve both of these problems.

Beyond the present crisis, it is the considered opinion of nearly all those who work in this area that energy scarcity, over long term, will impose continuing and important responsibilities on the Congress for the management of energy policy. Any attempt to carry out these responsibilities without the kind of fundamental information which the Bureau of Energy Information would provide will place the Congress in an impossible situation. This legislation is an essential first step in equipping Congress and the executive branch with the tools which they urgently need to formulate and carry out public policy with respect to energy resources and supply.

To obtain an adequate understanding of the flow of energy through the U.S. economy, statistical information is required at several junctures in the system. In the case of petroleum, for example, we need to know, among other things, the extent and location of existing petroleum reserves, the potentials for achieving various rates of extraction, the rate of flow of crude oil from the wells to the refineries by pipeline or by tanker, the refinery throughput capacities, and the various product yield ranges. To understand the distribution of petroleum products, we have to know transport capabilities and stock levels and the structure of the transportation network which supplies fuel to various users.

At the consumption end, we should know who the big users of fuels are, both on an individual level and in terms of significant consuming sectors. Additionally, we need to know the levels of efficiency with which fuels are converted and the potential for substitution of alternate fuels by these users.

In connection with each point at which we collect information on the basic operation of the supply system, information about operating costs, environmental costs, and profit levels for existing and alternate technologies are essential if we are to understand how the system works and how policy should be written to govern it. We need all this information, and we need it in an organized and usable form available at a central location in the Federal Government.

A second vital area in which we must expand our collection of energy information is in estimating the resources owned by the Federal Government in the public lands. These are truly national resources, belonging to the people of the United States. They will undoubtedly be developed, for they provide the only possibilities for significantly increasing our domestic energy supplies. Unless the Congress and the executive branch have adequate knowledge as to the extent of these resources, it will be impossible to plan adequately for the future and to fix reasonable compensation in the transactions with the private companies which must do the developing. If we are to decrease our dependence on foreign energy sources significantly over the coming years, the resources owned now by the people of the United States will be an extremely important ingredient in our mix of new supplies. We must begin the inventory of these resources to determine the extent of the contribution they can make.

Mr. President, this bill will go a long way toward filling what, in some instances, is an information void, and in other instances is unintelligible information overkill. The bill being introduced today is an expanded version of an amendment offered by the Senator from Wisconsin (Mr. NELSON) last summer during the debate on S. 1081. At that time, I respectfully requested that the Senator withdraw his amendment, in hopes that we could work together and draft a more comprehensive bill and begin hearings on it before the end of the year. The distinguished Senator from Wisconsin (Mr. NELSON) graciously honored my request and withdrew his amendment in light of this understanding.

The bill introduced today fairly represents, I believe, a melding together of the amendment offered by the Senator from Wisconsin with the expanded format that I felt was necessary to deal effectively with the problems posed by inadequate energy information.

Put in simplest terms, Mr. President, the purpose of this bill is to provide for the improved collection, organization, coordination, and dissemination of energy information by a National Energy Information System. This system is to be operated and maintained by a census-like Bureau of Energy Information established within the Department of Commerce. The Bureau will have the authority to collect and coordinate energy information from the public domain—information collected now by some 64 Federal agencies and commissions—and essential information available only from private industry and/or its trade associations. The Bureau, like the Census, is intended to collect and organize energy information in an atmosphere of strict impartiality, with ample protection for reasonable competitive equities and national security. In particular, the primary function of the Bureau will be the collection of statistical information which can then be used by Congress, Federal agencies, and commissions in preparing analyses essential to the formulation of policy.

The information collected will be stored in three libraries: the public library, the confidential library, and the secret library. The reason for such a system, Mr. President, is to insure that while the public will be guaranteed access to the vast majority of the information collected by the Bureau, reasonable competitive equities and national security will not be adversely affected and can be protected by placing "sensitive information" in either of the latter two libraries.

In addition to the information-collecting activities of the Bureau, the bill provides for a series of studies to be undertaken by the Bureau in an effort to improve the quality of the energy information collected and improve the coordination between the many agencies and institutions which now gather and report energy information.

Mr. President, a bill of this scope and complexity is, admittedly, very difficult to draft. It is my hope that when hearings are held on this bill in January, my colleagues in the Senate will offer constructive suggestions and comments that will improve this legislation. It is also my sincere hope, Mr. President, that my colleagues in the Senate share my sense of need and urgency for this bill. I feel that the enactment of this legislation is necessary if the Congress and the public are to understand the energy supply system, and have the capability of directing its operations toward the enhancement of the public good.

By Mr. HARTKE:

S. 2783. A bill to promote the foreign policy and best interests of the United States by authorizing the President to negotiate a commercial agreement including a provision for most-favored-nation status with Romania. Referred to the Committee on Foreign Relations.

Mr. HARTKE. Mr. President, today the United States is the honored host to His Excellency, Nicolae Ceausescu, President of the State Council of the Socialist

Republic of Romania. I think it quite appropriate at this time to take this opportunity to raise the whole issue of trading relations with the friendly Socialist Republic of Romania.

It is in the best interests of the United States to authorize the President of the United States to negotiate a commercial agreement, including a provision for most-favored-nation status, with Romania. Without this special trade treatment, we are imposing upon the people and products of Romania the old Smoot-Hawley tariff rates. Such discriminatory policies render political damage to the United States, as well as severely limiting the amount of trade which can be mutually advantageous to our two countries.

In 1969 when President Nixon visited Romania, he was given a friendly and good neighborly reception by hundreds of thousands of Romanians who lined the streets to greet the President. In the summer of 1969, just after the President's successful visit, he and President Ceausescu issued a joint statement reading:

> The two heads of state devoted particular attention also to the economic relations between their countries. While noting the upward trend which these relations have displayed in recent years they also agreed on the need in the interests of both countries to develop and diversify the economic ties between the United States and Romania. In this connection it was agreed to look for new ways of realizing the potentialities which this important field offers.

I believe that we would be keeping our word "to develop and diversify the economic ties between the United States and Romania" by extending most-favored-nation treatment to the Romanians. The foreign policy as well as the economic interests of the United States can only be promoted by granting of most-favored-nation status.

We should also keep in mind that Romania was the only Eastern European country to follow and maintain a foreign policy throughout the recent Middle East war which recognized the rights of Israel. This was in direct contradiction to the expressed anti-Israel foreign policy statements of the other Eastern European governments. This kind of courage should be supported. Any independence shown by the Eastern European countries should be encouraged and reinforced by policies in the United States.

In 1972, we exported $69.4 million in goods to Romania and imported $31.5 million. This is a trade surplus of almost 2 to 1. There is an indication of a great growth potential in trade with Romania as the historic growth pattern between our two countries indicates.

In 1972 our exports to Romania were four times the 1968 figure of $16.7 million. But in spite of this growth in trade Romania, under present conditions, has precious few dollar holdings and almost no way of earning them in order to maintain such a deficit in her balance of payments with the United States. No country can buy if it cannot sell.

The enactment of this legislation would be sound foreign and economic policy and I urge its adoption.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 101. This Act may be cited as the "Romanian Trade and Friendship Act".

STATEMENT OF PURPOSE

SEC. 102. The purposes of this Act are—

(a) to promote the objective of building a peaceful democratic world;

(b) to promote improved constructive relations with Romania and to provide a framework helpful to private United States firms conducting business relations in Romania by instituting regular government-to-government negotiations concerning commercial and other matters of mutual interest; and

(c) to increase peaceful commercial and related contacts between the United States and Romania.

AUTHORITY TO ENTER INTO COMMERCIAL AGREEMENTS

SEC. 103. The President may make commercial agreements with Romania providing most-favored-nation treatment to the products of Romania whenever he determines that such agreements—

(a) will promote the purposes of this Act,

(b) are in the national interest, and

(c) will result in benefits to the United States equivalent to those provided by the agreement to the other party.

BENEFITS TO BE PROVIDED BY COMMERCIAL AGREEMENTS

SEC. 104. The benefits to the United States to be obtained in or in conjunction with a commercial agreement made under this Act may be of the following kind, but need not be restricted thereto:

(a) satisfactory arrangements for the protection of industrial rights and processes;

(b) satisfactory arrangements for the settlement of commercial differences and disputes;

(c) arrangements for establishment or expansion of United States trade and tourist promotion offices, for facilitation of such efforts as the trade promotion activities of United States commercial officers, participation in trade fairs and exhibits, the sending of trade missions, and for facilitation of entry and travel of commercial representatives as necessary.

(d) most-favored-nation treatment with respect to duties or other restrictions on the imports of the products of the United States, and other arrangements that may secure market access and assure fair treatment for products of the United States; or

(e) satisfactory arrangements covering other matters affecting relations between the United States and Romania, and the improvement of consular relations.

EXTENSION OF BENEFITS OF MOST-FAVORED-NATION TREATMENT

SEC. 105. (a) In order to carry out a commercial agreement made under this Act and, notwithstanding the provisions of any other law, the President may by proclamation extend most-favored-nation treatment to the products of Romania.

(b) Any commercial agreement made under this Act shall be deemed a trade agreement for the purposes of title III of the Trade Expansion Act of 1962 (19 U.S.C. 1901 et seq.).

(c) Section 231 of the Trade Expansion Act of 1962 (19 U.S.C. 1861) is amended by adding at the end thereof the following new subsection:

"(c) Subsection (a) of this section shall not apply to products, whether imported directly or indirectly, of Romania, if a proclamation is in effect under section 105(a) of the Romanian Trade and Friendship Act."

(d) The portion of general headnote 3(e) to the Tariff Schedules of the United States that precedes the list of countries and areas (77A Stat. 11; 70 Stat. 1022) is amended to read as follows:

"(e) PRODUCTS OF CERTAIN COMMUNIST COUNTRIES.—Notwithstanding any of the foregoing provisions of this headnote, the rates of duty shown in column numbered 8 shall apply to products, whether imported directly or indirectly, of the countries and areas that have been specified in section 401 of the Tariff Classification Act of 1962, in sections 231 and 257(e)(2) of the Trade Expansion Act of 1962, or in actions taken by the President thereunder and as to which there is not in effect a proclamation under section 105(a) of the Romanian Trade and Friendship Act."

(e) Nothing in this Act shall be deemed to modify or amend the Export Administration Act of 1969 (50 U.S.C. App. 2401 et seq.) or the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611 et seq.).

REPORTS TO CONGRESS

SEC. 106. The President shall submit to the Congress an annual report on the commercial agreements program instituted under this Act. Such report shall include information regarding negotiations, benefits obtained as a result of commercial agreements, the texts of any such agreements, and other information relating to the program.

By Mr. HARTKE (for himself, Mr. HANSEN, Mr. CRANSTON, Mr. TALMADGE, Mr. RANDOLPH, Mr. HUGHES, Mr. THURMOND, Mr. STAFFORD, Mr. MCCLURE, and Mr. HOLLINGS):

S. 2784. A bill to amend title 38, United States Code, to increase the vocational rehabilitation subsistence allowance, educational assistance allowances, and the special training allowances paid to eligible veterans and persons under chapters 31, 34, and 35 of such title; to improve and expand the special programs for educationally disadvantaged veterans and servicemen under chapter 34 of such title; to improve and expand the veteran-student services program; to establish a veterans education loan program for veterans eligible for benefits under chapter 34 of such title; to promote the employment of veterans and the wives and widows of certain veterans by improving and expanding the provisions governing the operation of the Veterans Employment Service and by providing for an action plan for the employment of disabled and Vietnam-era veterans; to make improvements in the educational assistance program; to recodify and expand veterans' reemployment rights; to make improvements in the administration of educational benefits; and for other purposes. Referred to the Committee on Veterans' Affairs.

VIETNAM-ERA VETERANS' READJUSTMENT ASSISTANCE ACT OF 1973

Mr. HARTKE. Mr. President, I introduce for myself and members of the Veterans' Affairs Committee which I am privileged to chair, legislation which may be cited as the "Vietnam-Era Veterans' Readjustment Assistance Act of 1973." This bill continues and improves upon the major amendments made to the GI bill program by enactment of Public Law

92–540, the Vietnam-Era Veterans' Readjustment Assistance Act of 1972, which substantially improved and increased benefits. I wish to emphasize that the bill I introduce today is not a finished product but rather a starting point from which the committee might consider needed changes and various alternatives in committee hearings which will begin soon after the commencement of the second session of Congress.

As you know, the House committee has been considering GI bill amendments and the Senate committee has been awaiting action on that bill so that we can consider it together with Senate proposals during our hearings. In October, the Education Subcommittee of the House Veterans' Affairs Committee recommended an increase in the basic assistance rates from $220 a month for a single veteran to $250 a month—a figure incidentally which I would remind my colleagues is identical to the monthly rate approved unanimously by the Senate 89 to 0 over 16 months ago in August 1972.

Recent reports, however, have indicated considerable discussions in the full committee concerning the bill together with communications of strong views from the executive branch. Given that situation, I believe it important and appropriate to start the Senate machinery in process with the introduction of this measure today.

The bill which I introduce today essentially picks up and starts from Senate committee action in the 92d Congress. The basic premise of the committee in the 92d Congress was perhaps best summed up when in reporting the GI bill amendments last year I said that the challenge to the Government was well stated by President Roosevelt in the midst of World War II when he said:

> Vocational and educational opportunities for veterans should be at the widest range . . . lack of money should not prevent any veteran of this war from equipping himself for useful employment for which his aptitudes and willingness qualify him. The money invested in this training and schooling program will reap rich dividends in the higher productivity, more intelligent leadership and greater happiness . . . We have taught our youth how to wage war; we must also teach them how to have useful and happy lives in freedom and justice and decency.

The congressional action which followed President Roosevelt's statement, of course, was the enactment of the historic GI bill of rights which invested $14.5 billion in what is perhaps the most important social experiment in the American history of education. I use the word "investment" advisedly because it is estimated that our Government as a direct result of increased education and training of our veterans has received back in additional tax revenues which it otherwise would not have received, at least $3 and perhaps $6 for each dollar spent on GI bill training.

Although we were mindful of budgetary realities, the committee at the same time was committed to providing adequate educational opportunities to our newest generation of veterans. At a minimum, there was a strong belief that the educational opportunities available for Vietnam-era veterans should be no less than those available to me and my fellow veterans who served during the Second World War.

As Members of this body are aware, under the World War II GI bill, a single veteran was entitled to a subsistence allowance of $75 a month plus up to $500 a school year for tuition, books, and fees. At that time, $500 covered the tuition and school fee costs at the overwhelming majority of public and private colleges in the United States.

Under current law, a veteran receives a single monthly allowance which is to be used by him for subsistence and for school costs.

The committee considered returning to a separate system of tuition payments last year, but ultimately rejected this approach in light of a number of factors. Congressional investigations of the World War II program concluded that the separate system of school payments "encouraged major abuses and became an administrative nightmare." The Veterans' Administration, testifying in opposition to the enactment of the tuition payment program stated that—

> It would complete a cycle which would again give rise to the same abuses of falsification of a veteran's progress and attendance record, and collusion between school officials and veterans in falsely obtaining educational assistance allowances.

Administration opposition was persistent and included threats of a veto. Finally, the committee was also aware of deeply held convictions in opposition to a tuition program held by senior Members of the House of Representatives. Given the foregoing, the committee decided to retain the present system of monthly allowances but to adjust the allowances to insure that the level of entitlement was no less than that offered to a veteran of World War II. This was accomplished by converting the $500 tuition, books, and fees payment to a monthly amount and adding it to the subsistence allowance of $75. This figure was then adjusted for inflation to reflect the increase in the cost of living from 1948 to 1972. The Consumer Price Index mandated an increase of 185 percent which produced a monthly rate of $250 to provide equivalent educational opportunities for today's veterans. That is the figure which the committee reported and is the figure that was adopted unanimously by the Senate over 16 months ago.

Given heavy opposition by the Veterans' Administration and the need to insure assistance for the full 1972–73 school year, we ultimately had to compromise at a figure of $220 a month for the single veteran which represented a 26-percent increase in the veterans assistance allowances. At the same time in section 413 of Public Law 92–540, Congress mandated the Veterans' Administration to produce an independent study to assist future decisions in this area by providing an independent comparison of Vietnam-era benefits with those after World War II and the Korean conflict. The law required the Administrator of Veterans' Affairs to submit a study and recommendations for improving the present program to the President and Congress by April 24, 1973. Unfortunately, when that deadline arrived, the Veterans' Administration had not even contracted to begin this crucial investigation. Ultimately, however, the Veterans' Administration did contract with the Educational Testing Service, of Princeton, N.J., and a report was transmitted to Congress and the President in late September of this year. That study made a number of valuable findings, but perhaps the most important is its conclusion that—

> In general the 'real value' of the educational allowance available to veterans of World War II was greater than the current allowance being paid to veterans of the Vietnam Conflict when adjustments were made for the payment of tuition, fees, books and supplies.

This study then confirms the Senate committee's actions in 1972 and further confirms my own belief that with soaring living costs and even greater increases in the cost of education, additional adjustments in the educational allowances are needed. Students living in States where extensive low cost public education is not available are in effect "priced out" of receiving an education. The plain fact is that the Vietnam veteran today does not have the same educational opportunities that were available to his father after World War II. Accordingly the bill which I introduce today would return to the formula adopted by the Senate committee in 1972 and increase that base figure to $250 by the cost of living since the Senate last acted.

Mr. President, there are five titles to the bill I introduce today and I believe it appropriate to briefly describe the provisions of the Vietnam-Era Veterans Readjustment Assistance Act of 1973.

TITLE I

Title I would increase the base figures arrived at by the committee formula last year—approved by the full Senate—by 8 percent which represents cost-of-living increases from September 1, 1972, the effective date of the last GI bill increase through October 1973, the last date for which CPI figures are currently available. Thus for the approximately 14,355 veterans enrolled in vocational rehabilitation under chapter 31, the subsistence allowances would be increased from $170 to $216 per month. The full-time rate for a veteran with one dependent would be increased to $267 a month; two dependents to $312 a month; with $23 added for each dependent in excess of two. Three-quarter and half-time rates are adjusted to provide the same proportion as the amount of training taken. Comparable increases are provided for those trainees pursuing farm-cooperative apprentice or other on-job training. In addition, title I would amend section 1502 of chapter 31 to provide that veterans of the Vietnam era rated 10 percent disabled or greater shall automatically be entitled to vocational rehabilitation benefits. Currently, such benefits are automatically available only if the veteran is disabled by at least 30 percent. This amendment will bring current benefits for Vietnam-era veterans in line with those available to veterans of World War II and the Korean conflict.

Chapter 34 benefits for veterans are amended to increase the monthly educational assistance rates for some 1,121,528 veterans and servicemen currently pursuing educational programs. Full-time institutional rate for a veteran with no dependents would be increased from $220 to $270 per month. The rate for a veteran with one dependent would increase to $321; with two dependents $366; and $23 would be added for each dependent in excess of two. The three-quarter time and half-time training rates are adjusted to provide for the same proportion as the amount of training taken and the rates for cooperative training which consist of institutional courses in alternate phases of training in a business or institutional establishment are also increased.

Prep courses, flight training, and correspondence courses are also increased accordingly.

Finally, educational assistance allowance payable to children, widows, and wives pursuing education programs under chapter 35 are amended. Approximately 3,893 wives and widows and 25,301 sons and daughters are presently receiving benefits under this chapter. The educational assistance allowance for these eligible persons pursuing full-time institutional courses is increased from $220 to $270 per month. Three-quarter time is increased to $203 with half-time rate now set at $135 per month.

It is estimated that the first year cost of the increases provided in title I would be approximately $571.8 million.

TITLE II

Title II would make a number of amendments to chapters 31, 34, 35, and 36 of title 38, United States Code, designed to strengthen and improve existing GI bill programs:

First, section 1661 would be amended to allow to be counted for educational benefits purposes, the initial 6 months of active duty for training in the case of any reservist who subsequently serves on active duty for 12 months or more.

Second, section 1662 is amended to extend the current 8-year delimiting date for veterans to complete their programs of education to 10 years. In addition, a new subsection is added to that section which would exclude in computing the delimiting date for those veterans and civilians held as prisoners of war in the Vietnam theater of operations, the period of time during which they were detained plus any period of time which they were hospitalized immediately subsequent to their release.

Third, technical amendments have been made to section 1673 relating to the disapproval of enrollment in certain courses to more truly effectuate the intent of that section and to allow the free market mechanism to fully operate.

Fourth, section 1682 is amended to provide those recently discharged from military service up to 6 months of educational assistance in order to pursue refresher training to update the knowledge and skills and the technological advances occurring in the fields of employment during their period of active military service. The refresher training program must be commenced within 12 months from the date of discharge or release. Under current law, a veteran may not pursue a program of education in the area in which he is already qualified.

Fifth, the veteran student services program authorized under section 1685 would be amended to increase the number of hours a student may work and also to remove the statutory ceiling on the number of veterans who can participate in the program. As originally proposed and passed by the Senate there was no limit on the number of veterans who could be effectively utilized. Currently a veteran may work up to 100 hours and receive a work-study allowance based on the amount of $2.50 an hour. Amendments made by this section would increase the maximum number of hours that a veteran may work to 250 hours. In addition, it would remove statutory limits presently in effect which limit the program to 16,000 veterans and a cost of $4 million a year. The Veterans' Administration estimated last year that in excess of 100,000 veterans could be effectively utilized under their work-study outreach program at a first-year cost of approximately $35.1 million.

Sixth, the tutorial program authorized under section 1692 is amended first to provide cost-of-living increases to the basic amount paid for tutorial services from $50 to $60 a month and, second, to extend the eligibility period for tutorial assistance from 9 to 12 months.

Seventh, the bill amends section 1732 to correct an oversight in amendments made last year to authorize farm cooperative training programs for eligible wives, widows, and children under chapter 35 and further establishes rates of monthly educational assistance allowances payable to eligible persons pursuing such programs consistent with the rest of the bill.

Eighth, the bill would amend section 1784 to provide that where joint apprenticeship training committees act as training establishments they shall be entitled to be paid the same $3 reporting fee for furnishing the VA with reports or certifications as is currently paid to educational institutions furnishing the same types of information.

Ninth, this title provides cost-of-living increases for those veterans or eligible persons enrolled in apprenticeship or other on-job training. The rate for a single veteran is increased from $160 to $173. A married veteran's rate is increased from $179 to $193, with a married veteran with a child entitled to receive $212 contrasted with the current rate of $196.

Tenth, section 1788 relating to measurement of courses is amended to authorize vocational schools to measure courses on a quarter or semester hour basis premised on a set formula provided, however, that a minimum of 25 hours in that instruction per week is required for a full-time course.

Eleventh, section 1795 is repealed so as to provide that dependents who receive educational assistance under chapter 35 and subsequently serve honorably in the Armed Forces shall be entitled to a full 36 months of educational benefits by virtue of that service. Currently, the law provides that combined assistance provided under chapter 35 and chapter 34 may not exceed 48 months.

TITLE III

Title III would establish a veterans' education loan program the provisions of which, with some modifications, are essentially those that were included in S. 2161 and passed unanimously by the Senate last year. The education loan program was dropped in House-Senate negotiations on the bill following strenuous objections registered by the administration. In originally providing for loans, the committee indicated last year it was aware that while the cost of living had increased approximately 185 percent since 1948, the cost of education in many schools, particularly, nonpublic institutions had increased from 300 to 500 percent the same period. For veterans living in States without extensive low cost public education or for those veterans wishing to attend higher cost institutions, the committee believed that they should have access to direct loans from the Veterans' Administration for the excess in order to supplement their own resources as needed to meet those costs not covered by VA benefits or other Federal grants or loans. To the extent that additional costs are beyond the financial resources available to the veteran—including existing Federal loan programs—direct loans from the Veterans' Administration of up to $1,980 an academic year are authorized. These direct insured loans are to be made from funds made available from the $7 billion National Service Life Insurance Trust Fund—which is comprised entirely of insurance premiums paid by veterans—and are to be repaid within 10 years following a starting date 9 months following the period when the student ceases to be an active student. The Administrator shall pay the Fund, any interest accruing on the loan prior to the veteran student's repayment date. The Veterans' Administration estimated last year that about 20 percent of all eligible veterans in college level institutions would receive loans under a veterans' program similar to the one I introduced today. Those estimates took into consideration that veterans must first seek to obtain a loan under the Higher Education Act which was amended last year to create a student loan marketing association to provide a secondary loan market in student loans which hopefully would release additional private capital for such loans. The Veterans' Administration estimates that in the first fiscal year, approximately 160,000 veterans would receive loans in the amount of $107.8 million. The first year interest in administrative costs chargeable to the Veterans' Administration are estimated at $32.3 million. In opposing the veterans' educational loan program last year, the Veterans' Administration argued strenuously that there were many sources of available funds and that the program was not needed. Since the loan program as passed by the Senate would have provided loans to veterans only if they had been unable to obtain educational loans under these other Federal programs, I found it difficult to reconcile then as I do now, the Veterans' Administration position that the loan program was not needed with their own estimates that 160,000 veterans would qualify for loans. It seems clear to me that in light of the varying participation rates by States which can only be attributed to varying costs of education, that any GI bill we enact this year must give some recognition to additional assistance above and beyond the basic educational rate for those veterans who need it. Whether it is a low cost loan program or some other approach, it is obvious to me that we must deal directly with this measure.

The number of veterans who would receive loans and the total value of outstanding loans for the first 3 years of the program is shown in the following table:

ESTIMATE OF COST FOR EDUCATIONAL LOANS AS PROPOSED BY S. 2784

[Dollars amounts in millions]

Fiscal year	Veterans receiving loans (thousands)	Value of loans outstanding	Interest costs	Administrative costs	Total cost
1st	159.8	$107.8	$27.7	$4.6	$32.3
2d	153.4	247.0	32.3	5.3	37.6
3d	130.0	293.8	35.1	5.8	40.9

TITLE IV

Title IV of the bill I introduce today would make several amendments to improve the employment opportunities available to veterans and in some cases their dependents. As my colleagues will recall, provisions contained in my bill, S. 2161, which were ultimately enacted into Public Law 92-540 last year made extensive amendments to chapter 41 of title 38 which provides for job counseling, training, and placement services for veterans. Additional amendments in that bill created a new chapter 42 providing increased efforts to aid in the employment and training of disabled and Vietnam-era veterans. These enacted amendments, if fully implemented and complied with, would have provided major tools in the fight to provide full employment opportunities for all veterans particularly the disabled and the unskilled.

Unfortunately, those amendments to the law have been honored more in the breech than in their observance in the past year. There has been massive noncompliance by the administration with many of those provisions. To cite just one example, we have recently passed the first anniversary of provisions contained in Public Law 92-540 which mandated the immediate hiring of 67 new Federal employment specialists to aid in veteran employment problems. As of the first anniversary of that date, only one of the 67 Federal employees had been hired, which constitutes a shocking disregard of the law. I can assure my colleagues, however, that in hearings early next year, those responsible will be called upon to account for why they have not complied with the law and will be monitored closely until they do.

In the meantime, title IV of this bill would provide two important amendments to chapters 41 and 42 of title 38. First, chapter 41 relating to job counseling, training, and placement services for veterans would be amended to include among those eligible to receive these services, widows of veterans who have died of service-connected causes and wives of totally disabled veterans. Such amendments, I believe, would be consistent with the benefits provided to wives and widows under chapter 35. As my colleagues will recall, amendments made to chapter 35 last year have provided the full range of educational readjustment benefits available to veterans in chapter 34 to eligible wives and widows. Included for the first time was the extension of on-job training and apprenticeship training benefits for chapter 35 beneficiaries. Accordingly I believe it appropriate to grant the job counseling, training, and placement services available for veterans to wives and widows who must work to support their families.

Chapter 42 would be amended by adding new section 2014 directing an action plan for employment of disabled and Vietnam-era veterans. This section is identical to that which was passed by the Senate unanimously last August but was dropped following House-Senate negotiations. Under this provision, the Administrator of Veterans' Affairs in consultation with the Secretary of Labor and the Civil Service Commission, shall, within 90 days of enactment establish an affirmative action plan for every Federal department and agency for the preferential employment of disabled veterans and veterans of the Vietnam era. Each agency would be required to submit to the President, a report indicating action taken under the plan and the President in turn is required to submit detailed statistical reports to Congress once a year indicating the extent to which the action plan has been successful during the preceding calendar year together with statistics showing the extent to which each department and agency has complied with the action plan.

Title IV would also amend and recodify existing law concerning reemployment rights for veterans. Currently, section 9 of the Military Selective Service Act of 1967 provides reemployment rights for men and women who leave their jobs to perform training or service in the Armed Forces. Honorably discharged veterans are entitled to return to the position they would have obtained—or another position of comparable seniority, status, and pay—had the veteran not served in military duty. Veterans' entitlement includes all benefits he would have received had he not been absent such as pay increases. The veteran must be qualified to do the job to which he returns; if disabled in service, the veteran is entitled to a job of comparable seniority, status and pay. The job the veteran left must have been nontemporary and he may not have served in the Armed Forces for more than 5 years—all service over 4 years is at the request of the Government. It is estimated that 604,000 Vietnam-era veterans will be separated this year from military service. More than half of these young men and women were employed prior to their entering service and hence will be covered by the Reemployment Rights Act on their return to private industry or the Federal Government. Section 403 of title IV of this bill would recodify the existing law into a new chapter 43 of title 38—the veterans' benefits title—where it more appropriately belongs. In addition, existing law as recodified is amended to incorporate the provisions of S. 1635 introduced by the distinguished and valued senior member of our committee, Mr. **Randolph**, on April 18, 1973. The provisions of that bill would extend the reemployment rights to those who were employed by State or local governments prior to entering the service. Only those who held jobs with the Federal Government or private industry are assured of their job rights and protected. Veterans are not protected who previously held jobs as schoolteachers, policemen, firemen, or other State, county, and city employees.

As Mr. **Randolph** said in his introductory remarks to S. 1634:

> It is my belief that there is a need for corrective legislation in this area. I am introducing legislation which should leave no doubt in the minds of the state and local government employers that Congress feels all veterans should receive equitable treatment in the matter of reemployment rights.

Mr. President, that is a sentiment in which I strongly concur and accordingly those provisions have been made part of this bill.

TITLE V

The act provides that titles I, II, and IV of the act shall become effective on the first day of the second calendar month following enactment. Provisions of Title III relating to reemployment rights become effective 120 days following enactment of the act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the **Record** at this point.

There being no objection, the text of the bill was printed as follows:

S. 2784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vietnam Era Veterans' Readjustment Assistance Act of 1973".

TITLE I—VOCATIONAL REHABILITATION EDUCATIONAL ASSISTANCE RATE ADJUSTMENTS

Sec. 101 Chapter 31 of title 38, United States Code, is amended as follows:

(1) by amending paragraphs (1) and (2) of subsection (a) of section 1502 to read as follows:

"(1) arose out of service during World War II, the Korean conflict, or the Vietnam era; or

"(2) arose out of service (A) after World War II and before the Korean conflict, or (B) after the Korean conflict but before August 5, 1964, and is rated for compensation purposes as 30 per centum or more, or if less than 30 per centum, is clearly shown to have caused a substantial handicap to employment."; and

(2) by amending the table contained in section 1504(b) to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full time	$216	$267	$312	$23
Three-quarter time	162	200	234	17
Half time	108	134	156	12
Farm cooperative, apprentice, or other on-job training:				
Full time	179	230	275	23".

SEC. 102. Chapter 34 of title 38, United States Code, is amended as follows:

(1) by deleting in the last sentence of section 1677(b) "$220" and inserting in lieu thereof "$270";

(2) by amending the table contained in paragraph (1) of section 1682(a) to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full time	$270	$321	$366	$23
Three-quarter time	203	241	275	17
Half time	135	161	183	12
Cooperative	217	255	289	17";

(3) by deleting in section 1682(b) "$220" and inserting in lieu thereof "$270";

(4) by amending the table contained in paragraph (2) of section 1682(c) to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Full time	$217	$255	$289	$17
Three-quarter time	163	191	217	13
Half time	109	128	145	9";

(5) by deleting in section 1696(b) "$220" and inserting in lieu thereof "$270".

SEC. 103. Chapter 35 of title 38, United States Code, is amended as follows:

(1) by amending section 1732(a)(1) to read as follows:

"(a)(1) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (A) $270 per month if pursued on a full-time basis, (B) $203 per month if pursued on a three-quarter-time basis, and (C) $135 per month if pursued on a half-time basis.";

(2) by deleting in section 1732(a)(2) "$220" and inserting in lieu thereof "$270";

(3) by deleting in section 1732(b) "$177" and inserting in lieu thereof "$217"; and

(4) by amending section 1742(a) to read as follows:

"(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of $270 per month. If the charges for tuition and fees applicable to any such course are more than $75 per calendar month, the basic monthly allowance may be increased by the amount that such charges exceed $75 a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each $7.94 that the special training allowance paid exceeds the basic monthly allowance."

TITLE II—EDUCATIONAL ASSISTANCE PROGRAM ADJUSTMENTS

SEC. 201. Section 1652(a) of title 38, United States Code, is amended by inserting in clause (3), immediately after "1661(a)," the following: "except as provided therein".

SEC. 202. Section 1661(a) of title 38 United States Code is amended by adding at the end thereof the following: "For purposes of this subsection, in determining the period to which any eligible veteran is entitled to educational assistance under this chapter, the initial period of active duty for training performed by him under section 511(d) of title 10 shall be deemed to be active duty if at any time subsequent to the completion of such period of active duty for training such veteran served on active duty for a consecutive period of one year or more.".

SEC. 203. Section 1662 of title 38, United States Code, is amended as follows:

(1) by deleting "eight" in subsection (a) and inserting in lieu thereof "ten";

(2) by deleting "8-year" in subsection (b) and inserting in lieu thereof "10-year";

(3) by deleting "8-year" and "eight-year" in subsection (c) and inserting in lieu thereof "10-year" and "ten-year," respectively; and

(4) by adding at the end thereof the following new subsection:

"(d) In the case of any veteran (1) who served on or after January 31, 1955, (2) who became eligible for educational assistance under the provisions of this chapter or chapter 36 of this title, and (3) who, subsequent to his last discharge or release from active duty, was captured and held as a prisoner of war by a foreign government or power, there shall be excluded, in computing his ten-year period of eligibility for educational assistance, any period during which he was so detained and any period immediately following his release from such detention during which he was hospitalized at a military, civilian or Veterans' Administration medical facility."

SEC. 204. Section 1673 of title 38, United States Code, is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) The Administrator shall not approve the enrollment of any eligible veteran, not already enrolled, in any course (other than one offered pursuant to subchapter V or subchapter VI of chapter 34 of this title) not leading to a standard college degree offered by a proprietary profit or proprietary nonprofit educational institution for any period during which the Administrator finds that more than 85 per centum of the students enrolled in the course are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution or the Veterans' Administration under this title or by funds furnished in accordance with provisions of the Higher Education Act of 1965, as amended."

SEC. 205. Section 1682 of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(d)(1) Notwithstanding the prohibition in section 1671 of this title prohibiting enrollment of an eligible veteran in a program of education in which he has 'already qualified', a veteran shall be allowed up to six months of educational assistance (or the equivalent thereof in part-time assistance) for the pursuit of refresher training to permit him to update his knowledge and skills and to be instructed in the technological advances which have occurred in his field of employment during the period of his active military service.

"(2) A program of education pursued under his subsection must be commenced within twelve months from the date of the veteran's discharge or release from active duty and must be pursued continuously (except for interruptions for reasons beyond the veteran's control).

"(3) A veteran pursuing refresher training under this subsection shall be paid an educational assistance allowance based upon the rate payable as set forth in the table in subsection (a)(1) or in subsection (c)(2) of this section, whichever is applicable.

"(4) The educational assistance allowance paid under the authority of this subsection shall be charged against the period of entitlement the veteran has earned pursuant to section 1661(a) of this title."

SEC. 206. Section 1685 of title 38, United States Code, is amended as follows:

(1) Subsection (a) is amended by striking out all of that portion of the second sentence preceding "during a semester" and inserting in lieu thereof "Such work-study allowance shall be paid in the amount of $625 in return for such veteran-student's agreement to perform services, during or between periods of enrollment, aggregating two hundred and fifty hours".

(2) Subsection (a) is further amended by striking out the last sentence and inserting in lieu thereof the following: "An agreement may be entered into for the performance of services for periods of less than two hundred and fifty hours, in which case the amount of the work-study allowance to be paid shall bear the same ratio to the number of hours of work agreed to be performed as $625 bears to two hundred and fifty hours. In the case of any agreements providing for the performance of services for one hundred hours or more, the veteran student shall be paid $250 in advance, and in the case of any agreement for the performance of services for less than one hundred hours, the amount of the advance payment shall bear the same ratio to the number of hours of work agreed to be performed as $625 bears to two hundred and fifty hours.".

(3) Subsection (c) is amended by striking out "(not to exceed eight hundred man-years or their equivalent in man-hours during any fiscal year)".

SEC. 207. Subsection (b) of section 1692 of title 38, United States Code, is amended as follows:

(1) by striking out "$50" and inserting in lieu thereof "$60";

(2) by striking out "nine months" and inserting in lieu thereof "twelve months"; and

(3) by striking out "$450" and inserting in lieu thereof "$720".

SEC. 208. Subsection (c) of section 1723 of title 38, United States Code, is amended by striking out "any course of institutional on-farm training".

SEC. 209. Subsection (d) of section 1723 of title 38, United States Code, is amended by striking out "to be pursued below the college level" and inserting in lieu thereof "not leading to a standard college degree".

SEC. 210. Section 1732 of title 38, United States Code, is amended by redesignating subsection (c) as subsection (d) and by inserting immediately after subsection (b) the following new subsection:

"(c) (1) An eligible person who is enrolled in an educational institution for a 'farm cooperative' program consisting of institutional agricultural courses prescheduled to fall within forty-four weeks of any period of twelve consecutive months and who pursues such program on—

"(A) a full-time basis (a minimum of ten clock hours per week or four hundred and forty clock hours in such year prescheduled to provide not less than eighty clock hours in any three-month period),

"(B) a three-quarter-time basis (a minimum of seven clock hours per week), or

"(C) a half-time basis (a minimum of five clock hours per week),

shall be eligible to receive an educational assistance allowance at the appropriate rate provided in paragraph (2) of this subsection, if such eligible person is concurrently engaged in agricultural employment which is relevant to such institutional agricultural courses as determined under standards prescribed by the Administrator. In computing the foregoing clock hour requirements there shall be included the time involved in field trips and individual and group instruction sponsored and conducted by the educational institution through a duly authorized instructor of such institution in which the person is enrolled.

"(2) The monthly educational assistance allowance to be paid on behalf of an eligible person pursuing a farm cooperative program under this chapter shall be computed at a rate of (A) $217 per month if pursued on a full-time basis, (B) $163 per month if pursued on a three-quarter-time basis, and (C) $109 per month if pursued on a half-time basis."

SEC. 211. Subsection (b) of section 1784 of title 38, United States Code, is amended to read as follows:

"(b) The Administrator may pay to any educational institution, or to any joint apprenticeship training committee acting as a training establishment, furnishing education or training under either chapter 34, 35, or 36 of this title, a reporting fee which will be in lieu of any other compensation or reimbursement for reports or certifications which such educational institution or joint apprenticeship training committee is required to report to him by law or regulation. Such reporting fee shall be computed for each calendar year by multiplying $3 by the number of eligible veterans or eligible persons enrolled under chapter 34, 35, or 36 of this title, or $4 in the case of those eligible veterans and eligible persons whose educational assistance checks are directed in care of each institution for temporary custody and delivery and are delivered at the time of registration as provided under section 1780(d)(5) of this title, on October 31 of that year; except that the Administrator may, where it is established by such educational institution or joint apprenticeship training committee that eligible veteran plus eligible person enrollment on such date varies more than 15 per centum from the peak eligible veteran enrollment plus eligible person enrollment in such educational institution or joint apprenticeship training committee during such calendar year, establish such other date as representative of the peak enrollment as may be justified for such educational institution or joint apprenticeship training committee. The reporting fee shall be paid to such educational institution or joint apprenticeship training committee as soon as feasible after the end of the calendar year for which it is applicable."

SEC. 212. Chapter 36 of title 38, United States Code, is amended as follows:

(1) by deleting in section 1786(a)(2) "$220" and inserting in lieu thereof $270";

(2) by amending the table contained in paragraph (1) of section 1787(b) to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Periods of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
First 6 months	$173	$193	$212	$9
Second 6 months	130	150	169	9
Third 6 months	86	107	125	9
Fourth and any succeeding 6-month periods	43	64	82	9";

and

(3) by amending section 1787(b)(2) to read as follows:

"(2) The monthly training assistance allowance of an eligible person pursuing a program described under subsection (a) shall be (A) $173 during the first six-month period, (B) $130 during the second six-month period, (C) $86 during the third six-month period, and (D) $43 during the fourth and any succeeding six-month period.".

SEC. 213. Subsection (a) of section 1788 of title 38, United States Code, is amended by:

(1) striking out "offered on a clock-hour basis below the college level" in clause (1) and inserting in lieu thereof "not leading to a standard college degree offered on a clock-hour basis";

(2) striking out "offered on a clock-hour basis below the college level" in clause (2) and inserting in lieu thereof "not leading to a standard college degree offered on a clock-hour basis";

(3) striking out "below the college level" in clause (6) and inserting in lieu thereof "not leading to a standard college degree"; and

(4) by adding at the end of such subsection the following:

"Notwithstanding the provisions of clause (1) or (2) of this subsection, an educational institution offering courses not leading to a standard college degree may measure such courses on a quarter or semester-hour basis (with full time measured on the same basis as provided by clause (4) of this subsection), provided that (A) the academic portions of such courses require outside preparation and are measured on not less than one quarter or one semester hour for each fifty minutes net of instruction per week or quarter or semester; (B) the laboratory portions of such courses are measured on not less than one-quarter or one semester hour for each two hours of attendance per week per quarter or semester; and (C) the shop portions of such courses are measured on not less than one quarter or one semester hour for each three hours of attendance per week per quarter or semester: *Provided*, That in no event shall such course be considered a full-time course when less than twenty-five hours per week of net instruction is required (which may include customary intervals not to exceed ten minutes between hours of instruction)."

SEC. 214. Chapter 36 of title 38, United States Code, is amended by—

(1) repealing section 1795; and

(2) striking out from the table of sections at the beginning of chapter 36 of such title the following:

"1795. Limitation on period of assistance under two or more programs.".

TITLE III—VETERANS' EDUCATION LOAN PROGRAM

SEC. 301. Chapter 34 of title 38, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER VII—LOANS TO ELIGIBLE VETERANS

§ 1698. Eligibility for loans; amount and conditions of loans; interest rate on loans

"(a) Each eligible veteran shall be entitled to a loan under this subchapter in an amount determined under, and subject to the conditions specified in, subsection (b) (1) of this section if the veteran satisfies the requirements set forth in subsection (c) of this section.

"(b) (1) Subject to paragraph (3) of this subsection, the amount of the loan to which an eligible veteran shall be entitled under this subchapter for any academic year shall be equal to the amount needed by such veteran to pursue a program of education at the institution at which he is enrolled, as determined under paragraph (2) of this subsection.

"(2) (A) The amount needed by a veteran to pursue a program of education at an institution for any academic year shall be determined by subtracting (i) the total amount of financial resources (as defined in subparagraph (B) of this paragraph) available to the veteran which may be reasonably expected to be expended by him for educational purposes in any year from (ii) the actual cost of attendance (as defined in subparagraph (C) of this paragraph) at the institution in which he is enrolled.

"(B) The term 'total amount of financial resources' of any veteran for any year means the total of the following:

"(i) The annual adjusted effective income of the veteran less Federal income tax paid or payable by such veteran with respect to such income.

"(ii) The amount of cash assets of the veteran.

"(iii) The amount of financial assistance received by the veteran under the provisions of title IV of the Higher Education Act of 1965, as amended.

"(iv) Educational assistance received by the veteran under this chapter other than under this subchapter.

"(v) Financial assistance received by the veteran under any scholarship or grant program other than those specified in clauses (iii) and (iv).

"(C) The term 'actual cost of attendance' means, subject to such regulations as the Administrator may provide, the actual per-student charges for tuition, fees, room and board (or expenses related to reasonable commuting), books, and an allowance for such other expenses as the Administrator determines by regulations to be reasonably related to attendance at the institution at which the student is enrolled.

"(3) The aggregate of the amounts any veteran may borrow under this subchapter may not exceed $220 multiplied by the number of months such veteran is entitled to receive educational assistance under section 1661 of this title, but not in excess of $1,980 in any one regular academic year.

"(c) An eligible veteran shall be entitled to a loan under this subchapter if he—

"(1) is in attendance at an approved institution and enrolled in a course leading to a standard college degree on at least a half-time basis;

"(2) has sought and is unable to obtain a loan, in the full amount needed by such veteran, as determined under subsection (b) of this section, under a student loan program insured pursuant to the provisions of part B of title IV of the Higher Education Act of 1965, as amended; and

"(3) enters into an agreement with the Administrator meeting the requirements of subsection (d) of this section.

"(d) Any agreement between the Administrator and a veteran under this subchapter—

"(1) shall include a note or other written obligation which provides for repayment to the Administrator of the principal amount of, and payment of interest on, the loan in installments over a period beginning nine months after the date on which the borrower ceases to be at least a half-time student and ending ten years and nine months after such date;

"(2) shall include provision for acceleration of repayment of all or any part of the loan, without penalty, at the option of the borrower;

"(3) shall provide that the loan shall bear interest, on the unpaid balance of the loan, at a rate prescribed by the Administrator, with the concurrence of the Secretary of the Treasury, but at a rate not less than the rate paid by the Secretary on Treasury notes and obligations held by the Fund at the time the loan agreement is made, except that no interest shall accrue prior to the beginning date of repayment; and

"(4) shall provide that the loan shall be made without security and without endorsement.

"(e) If a veteran who has received a loan under this section dies or becomes permanently and totally disabled, then the Administrator shall discharge the veteran's liability on such loan by repaying the amount owed on such loan.

"§ 1699. Sources of funds; insurance

"(a) Loans made by the Administrator under this subchapter shall be made from funds available under subsection (b) of this section for such purpose, and repayment shall be guaranteed as provided in subsection (c) of this section.

"(b)(1) Any funds in the National Service Life Insurance Fund continued under section 720 (in this subchapter referred to as the 'Fund') shall be available to the Administrator for making loans under section 1698 of this title. The Administrator shall set aside out of such fund such amounts, not in excess of limitations in appropriations Acts, as may be necessary to enable him to make all the loans to which veterans are entitled under section 1698 of this title.

"(2) Any funds set aside under paragraph (1) of this subsection shall be considered as investments of the Fund and while so set aside shall bear interest at a rate determined by the Secretary of the Treasury but at a rate not less than the rate paid by the Secretary on other Treasury notes and obligations held by the Fund at the time such funds are set aside.

"(c) The Administrator shall guarantee repayment to the Fund of any amounts set aside under subsection (b) of this section for loans under section 1698 of this title and of any interest accrued thereon. In order to discharge his responsibility under any such guarantee, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury but at a rate not less than the rate paid by the Secretary of the Treasury on other Treasury notes and obligations held by the Fund at the time the loan agreement is made. The Secretary of the Treasury is authorized and directed to purchase such notes and other obligations.

"(d) There are authorized to be appropriated to the Administrator such sums as may be necessary to enable him to repay to the Fund any amounts set aside under subsection (b) of this section together with any interest accrued thereon. Any funds paid to the Administrator pursuant to an agreement made under section 1698(d) of this title shall be deemed to have been appropriated pursuant to this subsection.

"(e) A fee shall be collected from each veteran obtaining a loan made under this section for the purpose of insuring against defaults on loans made under this subchapter, and no loan shall be made under this section until the fee payable with respect to such loan has been collected and remitted to the Administrator. The amount of the fee shall be established from time to time by the Administrator, but shall in no event exceed 1 per centum of the total loan amount. The amount of the fee may be included in the loan to the veteran and paid from the proceeds thereof. The Administrator shall deposit all fees collected hereunder in the Fund, and amounts so deposited shall be available to the Administrator to discharge his obligations under subsection (c) of this section."

SEC. 302. The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by adding at the end thereof:

"SUBCHAPTER III—LOANS TO ELIGIBLE VETERANS

"Sec.

"1698. Eligibility for loans; amount and conditions of loans; interest rate on loans.

"1699. Source of funds; insurance.".

TITLE IV—VETERANS, WIVES, AND WIDOWS EMPLOYMENT ASSISTANCE AND PREFERENCE AND VETERANS' REEMPLOYMENT RIGHTS

SEC. 401. Chapter 41 of title 38, United States Code, is amended as follows:

(1) Section 2001 is amended by redesignating paragraph (2) as paragraph (3) and adding after paragraph (1) a new paragraph (2) as follows:

"(2) The term 'eligible person' means—

"(A) the spouse of any person who died of a service-connected disability.

"(B) the spouse of any member of the Armed Forces serving on active duty who, at the time of application for assistance under this chapter, is listed, pursuant to section 556 of title 37, and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (i) missing in action, (ii) captured in line of duty by a hostile force, or (iii) forcibly detained or interned in line of duty by a foreign government or power, or

"(C) the spouse of any person who has a total disability permanent in nature resulting from a service-connected disability or the spouse of a veteran who died while a disability so evaluated was in existence."

(2) Section 2002 is amended by (A) inserting "and eligible persons" immediately after "eligible veterans" and (B) inserting "and persons" immediately after "such veterans".

(3) Section 2003 is amended—

(A) by striking out in the first sentence "veterans" immediately after "250,000" and inserting in lieu thereof "eligible veterans and eligible persons";

(B) by striking out in the fourth sentence "veterans" and inserting in lieu thereof "eligible veterans' and eligible persons' ";

(C) by inserting in clauses (1), (2), (4), (5), and (6) of the fifth sentence "and eligible persons" immediately after "eligible veterans" each time the latter term appears in such clauses;

(D) by inserting in clause (3) of the fifth sentence "or an eligible person's" immediately after "eligible veteran's"; and

(E) by inserting in clause (4) of the fifth sentence "and persons" immediately after "such veterans".

(4) Section 2005 is amended by inserting "and eligible persons" immediately after "eligible veterans".

(5) The last sentence of section 2006 is amended by striking out "veterans" and inserting in lieu thereof "eligible veterans and eligible persons".

(6) Paragraph (1) of section 2007(a) is amended by inserting "and each eligible person" immediately after "active duty,".

(7) The second sentence of section 2007(b) is amended by striking out "and other eligible veterans" and inserting in lieu thereof "other eligible veterans, and eligible persons".

SEC. 402. (a) Chapter 42 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 2014. Action plan for employment of disabled and Vietnam era veterans

"(a) The Administrator, in consultation with the Secretary of Labor and the Civil Service Commission, shall establish an affirmative action plan providing for the preferential employment of disabled veterans and veterans of Vietnam era by every department and agency. Such action plan shall be promulgated within 90 days after the date of enactment of this section and shall be published in the Federal Register.

"(b) Each department and agency shall be responsible for implementing the action plan promulgated under subsection (a) of this section and shall, within 60 days after the promulgation of such plan, issue such rules and regulations, adopt such procedures and policies, and make such exemptions and exceptions as may be consistent with law and necessary or appropriate to effectuate such action plan. Each department and agency shall consult with the Administrator in order to achieve such consistency and uniformity as may be feasible.

"(c) Each department and agency shall submit a report to the President each year on or before March 31 indicating the extent to which the action plan referred to in subsection (a) of this section has been implemented by such department or agency during the immediately preceding calendar year. The President shall submit a report to the Congress each year on or before May 1 indicating the extent to which such action plan has been successful during such calendar year and including statistics showing the extent to which each department and agency has complied with such action plan during the preceding calendar year."

(b) The table of sections at the beginning of chapter 42 of title 38, United States Code, is amended by adding at the end thereof:

"2014. Action plan for employment of disabled and Vietnam era veterans.".

SEC. 403. (a) Part III of title 38, United States Code, is amended by adding at the end thereof a new chapter as follows:

"Chapter 43—VETERANS' REEMPLOYMENT RIGHTS

"Sec.

"2021. Right to reemployment of inducted persons; benefits protected.

"2022. Enforcement procedures.

"2023. Reemployment by the United States, territories, possessions, and the District of Columbia.

"2024. Rights of persons who enlist or respond to call to active duty; Reserve.

"2025. Assistance in obtaining reemployment.

"2026. Prior rights for reemployment.

"§ 2021. Right to reemployment of inducted persons; benefits protected

"(a) In any case in which any person is inducted into the Armed Forces of the United States under the Military Selective Service Act (or under any prior or subsequent corresponding law) for training and service and who leaves a position (other than a temporary position) in the employ of any employer in order to perform such training and service, and (1) receives a certificate described in section 9(a) of the Military Selective Service Act (relating to the satisfactory completion of military service) and (2) makes application for reemployment within ninety days after he is relieved from such training and service or from hospitalization continuing after discharge for a period of not more than one year—

"(A) if such position was in the employ of the United States Government, its territories, or possessions, or political subdivisions thereof, or the District of Columbia, such person shall—

"(i) if still qualified to perform the duties of such position, be restored to such position or to a position of like seniority, status, and pay; or

"(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of the employer, be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case;

"(B) if such position was in the employ of a State or political subdivision thereof or a private employer, such person shall—

"(i) if still qualified to perform the duties of such positions, be restored by such employer or his successor in interest to such position or to a position of like seniority, status, and pay; or

"(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of such employer or his successor in interest, be restored by such employer or his successor in interest to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case,

unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

"(b)(1) Any person who is restored to a position in accordance with the provisions of clause (A) or (B) of subsection (a) shall be considered as having been on furlough or leave of absence during his period of training and service in the Armed Forces, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was inducted into such forces, and shall not be discharged from such position without cause within one year after such restoration.

"(2) It is hereby declared to be the sense of the Congress that any person who is restored to a position in accordance with the provisions of clause (A) or (B) or subsection (a) should be so restored in such manner as to give him such status in his employment as he would have enjoyed if he had continued in such employment continuously from the time of his entering the Armed Forces until the time of his restoration to such employment.

"(3) Any person who holds a position described in clause (A) or (B) of subsection (a) shall not be denied retention in employment or any promotion or other incident or advantage of employment because of any obligation as a member of a Reserve component of the Armed Forces of the United States.

"(c) For purposes of this chapter an employee of the United States Postal Service shall be held and considered to be an employee of the United States Government.

"§ 2022. Enforcement procedures

"In case any State or political subdivision thereof or any private employer fails or refuses to comply with the provisions of section 2021 (a), (b) (1), (b) (3), or section 2024, the district court of the United States for the district in which such State or political subdivision is located or in which such private employer maintains a place of business, as the case may be, shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, specifically to require such employer to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. Any such compensation shall be in addition to and shall not be deemed to diminish any of the benefits of such provisions. The court shall order speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States attorney or comparable official for the district in which such State or political subdivision is located or in which such private employer maintains a place of business, as the case may be, by any person claiming to be entitled to the benefits of such provisions, such United States attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof specifically to require such employer to comply with such provisions. No fees or court costs shall be taxed against any person who may apply for such benefits. In any such action only the employer shall be deemed a necessary party respondent.

"§ 2023. Reemployment by the United States, territory, possession, or the District of Columbia

"(a) Any person who is entitled to be restored to a position in accordance with the provisions of clause (A) or (B) of section 2021(a) and who was employed, immediately before entering the Armed Forces, by any agency in the executive branch of the Government or by any territory or possession, or political subdivision thereof, or by the District of Columbia, shall be so restored by such agency or the successor to its functions, or by such territory, possession, political subdivision, or the District of Columbia. In any case in which, upon appeal of any person who was employed immediately before entering the Armed Forces by any agency in the executive branch of the Government or by the District of Columbia, the United States Civil Service Commission finds that—

"(1) such agency is no longer in existence and its functions have not been transferred to any other agency; or

"(2) for any reason it is not feasible for such person to be restored to employment by such agency or by the District of Columbia, the Commission shall determine whether or not there is a position in any other agency in the executive branch of the Government or in the government of the District of Columbia for which such person is qualified and which is either vacant or held by a person having a temporary appointment thereto. In any case in which the Commission determines that there is such a position, such person shall be restored to such position by the agency in which such position exists or by the government of the District of Columbia, as the case may be. The Commission is authorized and directed to issue regulations giving full force and effect to the provisions of this section insofar as they relate to persons entitled to be restored to positions in the executive branch of the Government or in the government of the District of Columbia, including persons entitled to be restored under the last sentence of subsection (b) of this section. The agencies in the executive branch of the Government and the government of the District of Columbia shall comply with such rules and regulations and orders issued by the Commission pursuant to this subsection. The Commission is authorized and directed whenever it finds, upon appeal of the person concerned, that any agency in the executive branch of the Government or the government of the District of Columbia has failed or refuses to comply with the provisions of this section, to issue an order specifically requiring such agency or the government of the District of Columbia to comply with such provisions and to compensate such person for any loss of salary or wages suffered by reason of failure to comply with such provisions, less any amounts received by him through other employment, unemployment compensation, or readjustment allowances. Any such compensation ordered to be paid by the Commission shall be in addition to and shall not be deemed to diminish any of the benefits of such provisions, and shall be paid by the head of the agency concerned or by the government of the District of Columbia out of appropriations currently available for salary and expenses of such agency or government, and such appropriations shall be available for such purpose. As used in this subsection, the term 'agency in the executive branch of the Government' means any department, independent establishment, agency, or corporation in the executive branch of the United States Government.

"(b) Any person who is entitled to be restored to a position in accordance with the provisions of clause (A) of section 2021(a), and who was employed, immediately before entering the Armed Forces, in the legislative branch of the Government, shall be so restored by the officer who appointed him to the position which he held immediately before entering the Armed Forces. In any case in which it is not possible for any such person to be restored to a position in the legislative branch of the Government and he is otherwise eligible to acquire a status for transfer to a position in the competitive service in accordance with section 3304(c) of title 5, the United States Civil Service Commission shall, upon appeal of such person, determine whether or not there is a position in the executive branch of the Government for which he is qualified and which is either vacant or held by a person having a temporary appointment thereto. In any case in which the Commission determines that there is such a position, such person shall be restored to such position by the agency in which such position exists.

"(c) Any person who is entitled to be restored to a position in accordance with the provisions of clause (A) of section 2021(a) and who was employed, immediately before entering the Armed Forces, in the judicial branch of the Government, shall be so restored by the officer who appointed him to the position which he held immediately before entering the Armed Forces.

"§ 2024. Rights of persons who enlist or are called to active duty; Reserves

"(a) Any person who, after entering the employment to which he claims restoration, enlists in the Armed Forces of the United States (other than in a Reserve component) shall be entitled upon release from service under honorable conditions to all the reemployment rights and other benefits provided for by this section in the case of persons inducted under the provisions of the Military Selective Service Act (or prior or subsequent legislation providing for the involuntary induction of persons into the Armed Forces), if the total of his service performed between June 24, 1948, and August 1, 1961, did not exceed four years, and the total of any service, additional or otherwise performed by him after August 1, 1961, does not exceed five years: *Provided*, That the service in excess of four years after August 1, 1961, is at the request and for the convenience of the Federal Government (plus in each case any period of additional service imposed pursuant to law).

"(b)(1) Any person who, after entering the employment to which he claims restoration enters upon active duty (other than for the purpose of determining his physical fitness and other than for training), whether or not voluntarily, in the Armed Forces of the United States or the Public Health Service in response to an order or call to active duty shall, upon his relief from active duty under honorable conditions, be entitled to all of the reemployment rights and benefits provided by this section in the case of persons inducted under the provisions of the Military Selective Service Act (or prior or subsequent legislation providing for the involuntary induction of persons into the Armed Forces), if the total of such active duty performed between June 24, 1948, and August 1, 1961, did not exceed four years, and the total of any such active duty, additional or otherwise, performed after August 1, 1961, does not exceed four years (plus in each case any additional period in which he was unable to obtain orders relieving him from active duty).

"(2) Any member of a Reserve component of the Armed Forces of the United States who voluntarily or involuntarily enters upon active duty (other than for the purpose of determining his physical fitness and other than for training) or whose active duty is voluntarily or involuntarily extended during a period when the President is authorized to order units of the Ready Reserve or members of a Reserve component to active duty shall have the service limitation governing eligibility for reemployment rights under subsection (a)(1) of this section extended by his period of such active duty, but not to exceed that period of active duty to which the President is authorized to order units of the Ready Reserve or members of a Reserve component. With respect to a member who voluntarily enters upon active duty or whose active duty is voluntarily extended, the provisions of this subsection shall apply only when such additional active duty is at the request and for the convenience of the Federal Government.

"(c) Any member of a Reserve component of the Armed Forces of the United States who is ordered to an initial period of active duty for training of not less than three consecutive months shall, upon application for reemployment within thirty-one days after (1) his release from that active duty for training after satisfactory service, or (2) his discharge from hospitalization incident to that active duty for training, or one year after his scheduled release from that training, whichever is earlier, be entitled to all reemployment rights and benefits provided by this section for persons inducted under the provisions of the Military Selective Service Act (or prior or subsequent legislation providing for the involuntary induction of persons into the Armed Forces), except that (A) any person restored to a position in accordance with the provisions of this subsection shall not be discharged from such position without cause within six months after that restoration, and (B) no reemployment rights granted by this subsection shall entitle any person to retention, preference, or displacement rights over any veteran with a superior claim under those provisions of title 5 relating to veterans and other preference eligibles.

"(d) Any employee not covered by subsection (c) of this section who holds a position described in clause (A) or (B) of section 2021(a) shall upon request be granted a leave of absence by his employer for the period required to perform active duty for training or inactive duty training in the Armed Forces of the United States. Upon his release from a period of such active duty for training or inactive duty training, or upon his discharge from hospitalization incident to that training, such employee shall be permitted to return to his position with such seniority, status, pay, and vacation as he would have had if he had not been absent for such purposes. He shall report for work at the beginning of his next regularly scheduled working period after expiration of the last calendar day necessary to travel from the place of training to the place of employment following his release, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control. Failure to report for work at such next regularly scheduled working period shall make the employee subject to the conduct rules of the employer pertaining to explanations and discipline with respect to absence from scheduled work. If that employee is hospitalized incident to active duty for training or inactive duty training, he shall be required to report for work at the beginning of his next regularly scheduled work period after expiration of the time necessary to travel from the place of discharge from hospitalization to the place of employment, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control, or within one year after his release from active duty for training or inactive duty training, whichever is earlier. If an employee covered by this subsection is not qualified to perform the duties of his position by reason of disability sustained during active duty for training or inactive duty training, but is qualified to perform the duties of any other position in the employ of the employer or his successor in interest, he shall be restored by that employer or his successor in interest to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

"(e) Any employee not covered by subsection (c) of this section who holds a position described in clause (A) or (B) of section 2021(a) shall be considered as having been on leave of absence during the period required to report for the purpose of being inducted into, entering or determining by a preinduction or other examination his physical fitness to enter the Armed Forces of the United States. Upon his rejection, upon completion of his preinduction or other examination, or upon his discharge from hospitalization incident to that rejection or examination, such employee shall be permitted to return to his position in accordance with the provisions of subsection (d) of this section.

"(f) For the purposes of subsections (c) and (d) of this section, full-time training or other full-time duty performed by a member of the National Guard under section 316, 503, 504, or 505 of title 32, is considered active duty for training; and for the purpose of subsection (d) of this section, inactive duty training performed by that member under section 502 of title 32 or section 1002 of title 37, is considered inactive duty training.

"§ 2025. Assistance in obtaining reemployment

"The Secretary of Labor, through the Bureau of Veterans' Reemployment Rights, shall render aid in the replacement in their former positions of persons who have satisfactorily completed any period of active duty in the Armed Forces of the United States or the Public Health Service. In rendering such aid, the Secretary shall use existing Federal and State agencies engaged in similar or related activities and shall utilize the assistance of volunteers.

"§ 2026. Prior rights for reemployment

"In any case in which two or more persons who are entitled to be restored to a position under the provisions of this section or of any other law relating to similar reemployment benefits left the same position in order to enter the Armed Forces, the person who left such position first shall have the prior right to be restored thereto, without prejudice to the reemployment rights of the other person or persons to be restored."

(b) The table of chapters at the beginning of title 38, United States Code, and the table of chapters at the beginning of part III of such title are each amended by adding at the end thereof the following:

"43. Veterans' Reemployment Rights..2021."

Sec. 404. Section 9 of the Military Selective Service Act is amended by—

(1) striking out "(a)" after the section designation; and

(2) repealing subsections (b) through (h).

TITLE V—EFFECTIVE DATES

Sec. 501. Title I, II, and IV of this Act shall become effective on the first day of the second calendar month following the month in which enacted.

Sec. 502. The provisions of title III shall become effective one hundred and twenty days after the date of enactment of this Act.

Mr. HANSEN. Mr. President, the education and readjustment benefits provided the veteran of our Nation's wars and conflicts need review and modification to assure the returning service personnel that we are ever trying to assist them.

Since the initial inception of readjustment benefits the programs have been most beneficial to the American way of life. The programs have more than paid for themselves.

During the last year, many studies have been made by independent and Federal agencies showing deficiencies in this area; now with this legislation we may proceed with hearings early in the second session to assure each and every one an opportunity to express his views.

When the hearings have been completed and we review all the facts, I believe we can provide a good bill for all concerned.

Mr. THURMOND. Mr. President, it is a pleasure for me to join the distinguished Chairman of the Senate Veterans' Affairs Committee, Senator Hartke, in cosponsoring the GI Bill Education Amendments.

The GI bill has proved to be an important and worthwhile benefit available for the American veteran.

Mr. President, there has been much debate as to whether or not the GI bill at present offers benefits comparable to those received by our veterans of World War II and Korea. I anticipate that Senate hearings in the spring will further explore this point, and believe that this bill offers an effective vehicle for consideration of this problem. Further, we will explore in depth the various problems associated with the GI bill, its effectiveness and/or its continued usefulness.

Mr. President, the American veteran deserves our most conscientious efforts. I believe that the final bill reported by the committee will reflect this concern.

By Mr. PERCY:

S. 2785. A bill to authorize the Administrator of General Services to enter into multiyear leases through use of the automatic data processing fund without obligating the total anticipated payments to be made under such leases. Referred to the Committee on Government Operations.

Mr. PERCY. Mr. President, the legislation that I offer today would amend section 111 of the Federal Property and Administrative Services Act of 1949, 79 Stat. 1127, as amended (40 U.S.C. 759), by adding a new subsection (H) which would permit the Administrator of the General Services Administration to enter into multiyear leases of automatic data processing equipment at amounts in excess of what is available in the fund, provided cash balances of the fund are maintained in such amounts as are necessary at any time for cash disbursements to be made therefrom.

The bill was recommended by the General Accounting Office in a report to the Congress entitled "Multiyear Leasing and Government-Wide Purchasing of Automatic Data Processing Equipment and Results in Significant Savings" (B-115369) of April 30, 1971. After reviewing the entire Government-wide program for acquiring automatic data processing equipment, the General Accounting Office found that nearly all of the $390 million spent by Government agencies to rent ADP equipment in fiscal year 1969 was for short-term rentals—1 year or less—although this is generally the most costly acquisition method. Inasmuch as most manufacturers and other suppliers offer discounts under multiyear leases, and most Government-leased ADP equipment is used for 3 years or more, GAO concluded that the rental of ADP equipment under multiyear leases would not only save the Government millions of dollars but is essential to the maximum use of its limited Government funds for acquiring ADP equipment.

The Comptroller of the U.S. Government stated in the GAO report that—

> To obtain an indication of potential savings by entering into multiyear leases, GAO compared multiyear rates offered by manufacturers and other suppliers with short-term rental rates for 1,066 systems in the Government's inventory in June 1969. Included in this comparison were 430 systems for which multiyear leases were legally possible and 636 for which they were not.

FISCAL YEAR 1969 POTENTIAL SAVINGS (PER GAO REPORT)

[In millions of dollars]

	Under 3 yr lease	Under 5 yr lease
For:		
430 systems	$16	$28
636 systems	54	127
Total	70	155

Section 111 of the Federal Property Act, which the proposed bill would amend, authorizes and directs the Administrator in subsection (A) to:

> Coordinate and provide for the economic and efficient purchase, leasing, and maintenance of automatic data processing equipment by Federal agencies.

The bill which I offer today would provide for the "economic and efficient" leasing of ADP equipment.

GSA has present authority to enter into multiyear leases. Lease payments come not from annual appropriations but from a revolving fund established by section 111(c) of the Property Act. However, since under 31 United States Code 665(A) "No officer or employee of the United States shall make or authorize an expenditure—in excess of the amount available therein," the amount payable for the entire period of the multiyear lease would have to be obligated from the fund at the time of contracting. GAO recommended that either the revolving fund appropriation be increased or GSA obtain authority which would not require immediate obligation of the total contract amount. The bill I am introducing would follow the latter course.

This bill has the strong support of the General Accounting Office and the General Services Administration. I ask that the Senate give it its earliest consideration.

I ask unanimous consent that the bill, the GSA letter of transmittal, and the GAO report be printed in the RECORD at this point.

There being no objection, the bill, letter and report were ordered to be printed in the RECORD, as follows:

S. 2785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) is amended by adding thereto a new subsection (h) to read as follows:

"(h) For purposes of accounting, multiyear lease contracts, or similar contracts such as lease-purchase contracts, entered into pursuant to this section shall be construed to be obligations under section 1311 of the Supplemental Appropriations Act, 1955 (31 U.S.C. 200), only in the amounts applicable during each year for that year's contract performance."

LETTER FROM THE GENERAL SERVICES ADMINISTRATION, DATED AUGUST 20, 1973

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith, for referral to the appropriate committee, a draft of legislation "To authorize the Administrator of General Services to enter into multiyear leases through use of the automatic data processing fund without obligating the total anticipated payments to be made under such leases."

The proposed legislation would amend section 111 of the Federal Property and Administrative Services Act of 1949, 79 Stat. 1127, as amended (40 U.S.C. 759), by adding a new subsection (h) which would permit the Administrator to enter into multiyear leases of equipment at amounts in excess of what is available in the fund, providing cash balances of the fund are maintained in such amounts as are necessary at any time for cash disbursements to be made therefrom.

Proposed legislation of this nature was recommended by the General Accounting Office in a Report to the Congress entitled "Multiyear Leasing and Government-Wide Purchasing of Automatic Data Processing Equipment Should Result in Significant Savings" (B-115369) of April 30, 1971.

After review of the Government-wide program for acquiring automatic data processing equipment, the General Accounting Office found that nearly all of the $390 million spent by the Government to rent ADP equipment in fiscal year 1969 was for short-term rentals (one year or less), although this is generally the most costly acquisition method. Inasmuch as most manufacturers and other suppliers offer discounts under multiyear leases, and most Government-leased ADP equipment is used for three years or more, GAO concluded that the rental of equipment under multiyear leases is essential to maximum use of the limited funds for acquiring ADP equipment.

GAO found the Automatic Data Processing Fund administered by GSA to be the appropriate vehicle for use in multiyear leases. The proposed legislation would authorize GSA to contract on a multiyear basis without obligating the total anticipated payments at the time of entering into the leases. The exercise of this authority by GSA would be subject to the fiscal and policy control of the Office of Management and Budget pursuant to section 111(g) of the Federal Property Act and section 3679 of the Revised Statutes. OMB policy guidance to GSA of May 4, 1966, (as amended) contemplates the maximum possible use of the fund for the acquisition of ADPE and other related equipment, supplies, and services for use by Federal agencies.

A GAO comparison of multiyear versus short-term rental rates for 1,066 systems in the Government's inventory of June 1969 indicated possible savings of $70 million under three-year leases and $155 million under five-year leases.

No expenditure of additional Federal funds would be required by enactment of the bill. GSA recommends its prompt and favorable consideration.

The Office of Management and Budget has advised that there is no objection to the submission of this legislative proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

ARTHUR F. SAMPSON,
Administrator.

B-115369

To the President of the Senate and the Speaker of the House of Representatives:

This is our report entitled "Multiyear Leasing and Government-wide Purchasing of Automatic Data Processing Equipment Should Result in Significant Savings." Our review was made pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies of this report are being sent to the Director, Office of Management and Budget; the Administrator of General Services; and the heads of Federal departments and agencies.

ELMER B. STAATS,
Comptroller General of the United States.

MULTIYEAR LEASING AND GOVERNMENTWIDE PURCHASING OF AUTOMATIC DATA PROCESSING EQUIPMENT SHOULD RESULT IN SIGNIFICANT SAVINGS, B-11539.

WHY THE REVIEW WAS MADE

The General Accounting Office (GAO) has reviewed the Government-wide program for acquiring automatic data processing (ADP) equipment because:

There is continuing and widespread congressional interest.

The Federal Government, largest user of ADP equipment in the worse, has increased its inventory of computer systems from 531 in June 1960 to 5,277 in June 1970, when it owned ADP equipment which cost $1.9 billion and rented equipment which would cost $1.2 billion to purchase.

Expenditures for the purchase and rental of equipment amounted to $560 million in fiscal year 1969 and have been increasing annually.

The Congress enacted Public Law 89–306 (Brooks Bill), to provide for the establishment of a coordinated Government-wide program for the efficient and economical acquisition of general-purpose ADP equipment. The law made the Office of Management and Budget (OMB) responsible for fiscal and policy control and the General Services Administration (GSA) responsible for operations. To assist GSA in carrying out its responsibilities, the law directed that an ADP Fund be established.

FINDINGS AND CONCLUSIONS

Multiyear leases

ADP equipment may be purchased, rented for short terms (1 year or less), or leased for terms of more than 1 year under leases referred to as multiyear leases.

There are many sources for acquiring ADP equipment, including system manufacturers, peripheral component manufacturers, and suppliers who do no manufacturing. The Government continues to obtain most of its equipment from system manufacturers under negotiated contracts through either purchases or short-term rentals. Almost all of the $390 million that the Government spent to rent ADP equipment in fiscal year 1969 was for short-term rentals—generally the most costly acquisition method. (See p. 12.)

Despite the wide use of short-term rentals, the needs for equipment tend to be for more than 1 year. Of 42 systems rented on a short-term basis and returned to manufacturers in 1969, 29 had been rented for periods of at least 3 years. (See p. 14.)

Most manufacturers offer discounts under multiyear leases. Suppliers other than manufacturers have entered the same market, making competition possible. (See pp. 16 and 19.)

The rental of equipment under multiyear leases, as an alternative to short-term rentals, has become essential if the Government is to make maximum use of its limited funds for acquiring ADP equipment. In GAO's opinion, multiyear leasing is a more economical alternative than short-term rentals when equipment cannot be purchased. In many cases, however, agencies are barred by law from entering into multiyear leases because equipment acquisitions must be financed from 1-year funds which are available only during a specific fiscal year. (See p. 21.)

The ADP Fund administered by GSA appears to be the appropriate vehicle for the Government to use when agencies are barred from entering into multiyear leases. Unless GSA were given new authority, however, money would have to be obligated to cover total anticipated payments under the leases. Accordingly, before the ADP Fund could be used extensively to obtain the benefits of multiyear leasing, its capitalization would have to be increased substantially or GSA would have to be given authority to contract on a multiyear basis without obligating the total anticipated payments at the time of entering into the leases. (See p. 26.)

To obtain an indication of potential savings by entering into multiyear leases, GAO compared multiyear rates offered by manufacturers and other suppliers with short-term rental rates for 1,066 systems in the Government's inventory in June 1969. Included in this comparison were 430 systems for which multiyear leases were legally possible and 636 for which they were not.

The comparison indicated that the rental costs for the 430 systems might be reduced during the lease periods by as much as $16 million under 3-year leases and by as much as $28 million under 5-year leases. For the 636 systems, rental costs might be reduced during the lease periods by as much as $54 million under 3-year leases and by as much as $127 million under 5-year leases. (See p. 24.)

Government-wide purchasing

The Government is not making maximum use of its ADP equipment purchase funds, primarily because agencies continue to make purchase decisions on the basis of their individual funding capabilities and needs. Of $169 million spent by the Government in fiscal year 1969 for ADP equipment purchases, $166 million was spent by individual agencies and $3 million was spent by GSA through the ADP Fund. Systematic analysis were not made to determine the best buys from the Government-wide viewpoint. (See p. 29.)

If the ADP Fund is to be the central vehicle for the achievement of substantial economies through the development of the coordinated purchase program intended by Public Law 89–306, the fund's capitalization will have to be increased. OMB and GSA should present to the Congress plans showing the potential reduction in costs to be derived from various levels of spending through the ADP Fund for equipment purchases. It could be shown that appropriations for increasing the ADP Fund would be largely offset by decreases in agencies' funding for equipment purchases.

Also, the availability of equipment from numerous suppliers makes competition possible in purchasing equipment. An example of savings through purchase after competition was the action taken by one agency renting two ADP systems. It requested bids for the lease or purchase of similar equipment. One bid was received from the manufacturer and three from suppliers that did no manufacturing. Analysis of the bids indicated that purchase was the most economical choice. The purchase bids from the three suppliers were lower than the manufacturer's bid; the bid that was accepted was $335,000 (34 percent) lower. (See p. 35.)

RECOMMENDATIONS OR SUGGESTIONS

A Government-wide effort is needed to make the maximum use of funds for acquiring ADP equipment.

Leasing

GSA should:

By taking a more active role in contracting for ADP equipment, make sure that multiyear leases are used to the extent lawful and practicable.

Require agencies to submit for GSA evaluation their decisions to acquire ADP equipment under short-term rentals.

Ensure that competition is obtained in acquiring ADP equipment under multiyear leases.

Federal departments and agencies should make sure that:

Maximum practicable use is made of multiyear leases.

Competition is obtained in acquiring ADP equipment under multiyear leases.

Purchasing

OMB and GSA should:

Request additional capital for the ADP Fund from the Congress, presenting specific plans for the expenditure of requested funds and describing the potential economies from various levels of spending.

Use a Government-wide, best-buy approach on purchases. The analyses to identify best buys should include consideration of (1) both rented equipment and planned acquisitions and (2) potential redistribution of equipment.

Consider all available supply sources in purchasing equipment and use competition to the maximum extent practicable.

AGENCY ACTIONS AND UNRESOLVED ISSUES

Leasing

GSA said that it had sent notices to agencies informing them of available multiyear lease plans and that it was the responsibility of each agency to act accordingly. (See p. 27.)

GAO's review indicated that agencies had not often acted on GSA's notices. (See p. 24.) In GAO's view, GSA's responsibility does not end with the issuance of the notices. GAO believes that GSA should assume a more active role by requiring agencies to submit for its evaluation their decisions to acquire ADP equipment under short-term rentals. (See p. 28.)

Purchasing

GSA submitted to OMB an amendment to its fiscal year 1971 budget requesting $30 million to increase the ADP Fund. The supplemental appropriation bill, which included $20 million for the ADP Fund, was enacted in January 1971. (See p. 30.) That was the first request to the Congress to increase the ADP Fund since an initial $10 million was appropriated in 1967.

GSA agreed that a coordinated purchase program is essential if the Government is to make the best use of its ADP purchase funds. GSA stated that the Government's ADP equipment acquisition could be made from one central fund with all agencies required to use the fund.

OMB agreed that the ADP Fund has not been fully developed but cited instances where progress has been made. (See pp. 49 and 53.)

OMB and GSA said that a Government-wide, best-buy list would be prepared for the purchase of ADP equipment. (See pp. 49 and 55.) These agencies cited several actions taken or planned to promote supply sources other than system manufacturers—mainly peripheral component manufacturers. (See pp. 49 and 53.)

MATTERS FOR CONSIDERATION BY THE CONGRESS

In many instances the Government cannot take advantage of substantial savings available through multiyear leasing of ADP equipment. The Congress may wish, therefore, to consider legislation authorizing GSA, through the ADP Fund, to contract on a multiyear basis without the necessity of obligating the total anticipated payments at the time of entering into the leases.

Use of the ADP Fund for multiyear leasing would not disturb agencies' traditional financial patterns. GSA could enter into multiyear leases. The ADP Fund would then be obligated for payments, at multiyear leasing rates, for 1-year periods. Agencies would, in turn, lease the equipment from GSA and reimburse the ADP Fund from their 1-year funds but still receive the multiyear leasing discounts.

By Mr. Percy (for himself, Mr. Gravel, Mr. Humphrey, Mr. McGee, Mr. Mondale, Mr. Moss, Mr. Pastore, Mr. Ribicoff, and Mr. Young):

S. 2786. A bill to amend chapter 34 of title 38, United States Code, to increase from 36 to 48 months the maximum period of educational assistance to which an eligible veteran may become entitled under such chapter, and to extend from 8 to 15 years the period within which an eligible veteran must complete his program of education under such chapter after his discharge from military service. Referred to the Committee on Veterans' Affairs.

Mr. PERCY. Mr. President, I am today reintroducing a bill to extend the maximum period of entitlement for eligible veterans to take advantage of the benefits provided by the GI bill. This bill increases both the maximum length of time allowed for school attendance and the amount of time during which a veteran can expend his full entitlement. Among our colleagues who have joined in cosponsoring this bill are Senators GRAVEL, HUMPHREY, MCGEE, MONDALE, MOSS, PASTORE, RIBICOFF, and YOUNG.

Under present law, entitlement to veterans' educational benefits is computed on the basis of 1½ months of school for each month of active duty where such duty extended beyond 180 days, but, with certain exceptions, is limited to 36 months. My bill would retain the 1½-month formula for computing entitlement, but would raise the 36-month limitation to 48 months. Thus, the draftee who served in the Army or Marine Corps for 2 years would still be entitled to only 36 months of education assistance, while those serving 32 months or longer could receive benefits for a maximum of 48 months.

Ending the 36-month limitation can ease the burden on those veterans who must work to meet the constantly rising costs of living and education. Even with the increased benefits provided by the Vietnam-Era Veterans Readjustment Assistance Act of 1972, many veterans are forced to reduce their total number of academic hours per session in order to earn enough in an outside job to meet all their expenses. Currently a veteran can receive the full allowance if he carries a minimum of 12 credit hours per quarter or semester. If an individual is enrolled under the semester system and takes 12 hours per semester for 4 years, he accumulates 96 credit hours. This is at least 24 hours, or four-fifths of a year, short of the required 120 credit hours needed to graduate. The schools which operate on the quarter system have set 180 hours as the minimum number necessary for graduation. The student who takes 4 years of the minimum requirement for full-time status will accumulate 144 credit hours, or 36 short of the 180 necessary for graduation.

Because of the education deferment granted during the Vietnam era, a privilege not granted during World War II, the Vietnam conflict affected a disproportionate number of men whose economic or social circumstances prohibited continuance of their education. Over 17 percent of the Vietnam era veterans did not complete high school; certainly an easing of the pressure imposed by the 36-month limitation will encourage a greater number of these men to face the special challenge of pursuing a higher education with the aim of bettering their prospects for the future.

Extending the 36-month limitation can also allow for changes in course studies, which seem virtually prohibited under the limitation. Many veterans find that their original selection of a course major was based on inadequate considerations. Any change in a major field will require additional hours to earn the desired degree.

An extension of the limit will also allow the possibility of graduate work which can enhance employment opportunities. In relation to initial job procurement and earning potential, it is also apparent that a master's degree today is roughly equivalent to a bachelor's degree in 1950.

Finally, some veterans need more time than others to adjust to civilian society and the academic environment. Familiar modes of curriculums and study have undergone changes in recent years. These problems are aggravated by grade performance pressures and the necessity of employment which face almost all of our veterans. An increase in the length of entitlement for those who have earned it based on their time in the service can help reduce these pressures. Congress, and the taxpayer in turn, will only benefit from a better educated and more financially stable veteran. Indeed, there are Members of this body who have earned their degress as a result of the GI bill.

Present law provides that the veteran has a period of 8 years from the date of discharge in which to complete his or her education. Any allowance not used in this 8-year period is forfeited. This bill provides that this period of eligibility for complete use of the maximum 48-month educational allowance be extended to 15 years.

When Congress initially imposed this 8-year limitation for using GI educational benefits, the intent was to encourage the recently discharged veteran to enroll in school promptly and to complete his education as soon as possible. If we are to be responsive to the needs of today's veterans, we must acknowledge that there are problems they encounter which are not at all helped by the pressures of the present time limitations. I have already mentioned the financial problems experienced by this group of veterans. Some veterans are financially unable to enroll soon after discharge, much less try to meet minimum course requirements of the GI bill. Others who do enroll soon after discharge are forced to drop out of school to support their families or to earn money to supplement the GI bill allowance. Others simply do not realize the value of an education until it is too late to take advantage of the benefits.

In 1971 the Veterans' Administration developed a profile based on an extensive survey made of all VA health care facilities in late 1970 by the Vietnam-Era Veterans Committee of the VA Department of Medicine and Surgery. Among the characteristics identified as making a larger proportion of today's veterans different from their predecessors is an absence of direction or goals. This often manifests itself in a delay in making decisions on further education.

Today's benefits should meet today's needs, and we still have a way to go before we have fulfilled what the President has called a "profound commitment" to our veterans.

No greater assistance can be given to the veteran than to enable him to earn a good living. There are some who assert that the cost of this assistance is too high. To these people I would point out that GI educational benefits are not a handout; rather, they are an investment, one of the soundest investments made by the Federal Government. Indeed, in an article entitled "A Quarter-Century of the GI Bill," Adminsitrator of Veterans' Affairs Donald E. Johnson cited statistical data suggesting that the costs of the GI bill will be repaid as much as eight times over by the college-educated veteran in the form of additional income taxes over and above what he could have paid if he possessed only a high school diploma.

The increase from 36 to 48 months for those who have earned it, and the extension for eligibility from 8 to 15 years, will not induce veterans to abuse their privileges, but it will encourage them to take advantage of their rights. Moreover, I want these men and women to know that I am grateful, and the Nation is grateful, to those who have borne the heaviest burdens of an unpopular war.

Mr. President, I ask that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1661(c) of title 38, United States Code, is amended by striking out "thirty-six months" and inserting in lieu thereof "forty-eight months".

SEC. 2. (a) Section 1662(a) of title 38, United States Code, is amended by striking out "eight years" and inserting in lieu thereof "fifteen years".

(b) Section 1662(b) of such title is amended by striking out "8-year" and inserting in lieu thereof "15-year".

(c) Section 1662(c) of such title is amended by—

(1) striking out "8-year" in the first sentence and inserting in lieu thereof "15-year"; and

(2) striking out "eight-year" in the second sentence and inserting in lieu thereof "fifteen-year".

By Mr. FANNIN:

S. 2787. A bill to amend the Internal Revenue Code of 1954 to revise the tax treatment of gains and losses from the sale or exchange of capital assets. Referred to the Committee on Finance.

GRADUATED CAPITAL GAINS TAX

Mr. FANNIN. Mr. President, today I am introducing legislation designed to make available the capital needed to help solve the energy crisis, to achieve our environmental goals, and to create new, more productive jobs for Americans.

This bill would provide for a graduated capital gains tax based on the holding period of assets, and it would increase the deduction for capital losses.

A graduated scale of capital gains taxation could unleash an estimated $200 billion now locked into position.

This capital could be put to work to develop our national resources and our technology to achieve the self-sufficiency in energy that we can and must have.

This capital could be used to help meet the $300 billion expenditure which will have to be made during the next decade to cleanse the environment.

This capital could be used to help provide the estimated $25 billion per year needed to create the 1¼ million jobs we must have each year for our expanding population.

Many of our industries, including steel which is basic to the welfare of the Nation, have urgent needs for capital. And it is not only big business that needs capital—but millions of small businessmen also are desperately in need of capital.

Prophets of doom have declared that the United States has passed its pinnacle, that the golden age is over. Catastrophic events which have overtaken us during this past year would seem to lend credence to this view. And I would agree with this view, but only if we allow it to happen. Shortsighted Government policies killed off the incentives needed to meet our national energy needs and thus were instrumental in bringing on the current energy crisis. Likewise, if we continue our recent regressive policy concerning the capital gains taxation, we will most certainly strangle our economy.

The system I am proposing would encourage those who have been locked in—they are reluctant to pay the high capital gains tax—to sell their long-held assets. This would produce the capital which our economic system needs to meet the challenges of the 1970's and 1980's. In addition, by increasing the deduction for capital losses, we would further encourage the formation of capital to finance some of the risky enterprises which we must undertake to solve our energy, environmental, and economic problems.

Mr. President, so far I have emphasized the benefit to society that this proposal would bring. It also is important to note that this bill would put an end to an unfair system by which taxes are assessed on capital gains which frequently simply reflect inflation with little or no actual gain.

The goal of our tax system is to provide equity and be conducive to the stable growth of our economy and the long-range improvement of our position in world markets. This is not the case today due to the steady erosion of the capital gains base in addition to increases in the effective tax rate on long-term capital gains.

The Revenue Act of 1969 made substantial reductions in tax in the low- and middle-income groups. Unfortunately, the act significantly eroded the relatively favorable tax treatment provided for long-term gains on disposition of property as contrasted with ordinary income.

My bill would tax relatively short-term gains at present rates and relatively long-term gains at lower rates than at present. In addition, the bill would provide that if an individual's capital losses exceed his capital gains, he can deduct up to $4,000 against his ordinary income each year.

The graduated scale method of taxing capital gains and losses measures the gain or loss from the sale of property by an individual according to the length of time he has held the property. The following percentages of the recognized gain or loss will be taken into account for tax purposes: 100 percent if the capital asset has been held for not more than 3 months; 50 percent if the capital asset has been held for more than 3 months but not more than 1 year; 40 percent if the capital asset has been held more than 1 year but not more than 5 years; 30 percent if the capital asset has been held more than 5 years but not more than 10 years; 20 percent if the capital asset has been held more than 10 years but not more than 15 years; 15 percent if the capital asset has been held more than 15 years but not more than 20 years; and 10 percent if the capital asset has been held more than 20 years.

Prior to the Tax Reform Act of 1969, individuals could deduct against ordinary income up to $1,000 of the net long-term losses in excess of short-term capital gains. The Tax Reform Act provided that only 50 percent of net long-term capital losses in excess of net short-term capital gains may be deducted from ordinary income. The $1,000 limitation on the amount of capital losses which may be deducted from ordinary income continues to apply. However, $2,000 of long-term capital losses are required to offset the $1,000 of ordinary income.

Mr. President, in order to encourage investment, this bill provides that individuals may deduct against ordinary income up to $4,000 of the net long-term losses in excess of short-term capital gains.

Mr. President, a graduated capital gains tax would partially recognize the inflationary portion of capital gain. One of the principle reasons for a tax differential attributable to long-term capital gains is the recognition that such gains are not economic gains, but are the result of inflationary price level adjustments. In the past 25 years the Standard & Poor's Index of Common Stocks has risen about 685 percent. Well over one-half of that represented inflation alone. A taxing system that ignores the economic effects of the substantial decrease in that purchasing power of the dollar creates serious hardships and inequities.

At the outset I listed some of the problems facing this Nation which cannot be solved without an expansion of capital.

Even without the energy crisis we were faced with forecasts that the Nation was headed for an economic slow-down meaning an increase in unemployment. Now, with the energy crisis threatening, unemployment estimates of 8 to 14 percent are being mentioned. We need more capital to avert such economic conditions and to provide the means to meet our energy needs.

Private investment is one of the most important factors in making our economy grow. It is estimated that $20,000 capital is required to create one new manufacturing job in the United States.

I am deeply concerned that the amount of new investment which has been occurring in our country has been declining in relation to GNP while that of our competitors has climbed sharply. For example, in 1970, the amount of net domestic investment as a percent of GNP for the United States was 6.2 percent; Japan, 21.6 percent; and Germany, 15.7 percent.

One of the reasons for our declining rate of capital investment is lack of tax incentives. Our income tax has a built in bias against formations of capital, because it taxes both the income from which the savings came and again taxes the income from these savings. Of the major industrial countries of the world, only the United Kingdom taxes capital gains at a rate higher than the United States. For example, Japan only taxes capital transfers exceeding 50 transactions a year; Germany, the Netherlands, and France have no capital gains tax.

In testimony presented to the Ways and Means Committee of the House of Representatives it was estimated that in 1966 there was $233 billion of unrealized capital gains in equities and that 90 percent of these assets had been held for more than 7 years. In addition, there are even greater holdings in locked-in real estate, mineral resources, and other assets. A graduated capital gains tax would provide a surge of immediate activity after which there would be a surge of tax revenue with the volume of sales more than offsetting the reduction in tax rates on long-term holdings. For every billion dollars of gains unlocked, we could realize as much as $200 million in new tax revenues.

Mr. President, at the outset, a graduated capital gains tax might defer the sale of short-term holdings beyond 1 year. Nevertheless, the sale of presently frozen long-term investments would greatly increase, both immediately and over the years, as existing investments moved into the longer term categories.

The Finance Committee has received testimony that institutional investors—trust departments of large banks, insurance companies, mutual funds, pension funds, large endowment funds, foundations—today dominate market transactions, accounting for over 70 percent of the dollar value of New York Stock Exchange trading, compared with 35 percent in 1963. The leading institutional investors have concentrated 36 percent of their holdings—$1,160 billion—disproportionately in stocks having the highest market value. Individual investors are disproportionately concentrated in the small companies.

As a result, stock prices as measured by key unweighted indexes are off 50 percent from their 1968 peak. Thus, there has been created a "two-tier" market which rewards a few companies lavishly. Because they are institutional favorites, they are free to tap the market for additional equity financing, to use their stock for acquisitions, and to reward key people with valuable stock options. It penalizes a great many companies—shutting the door to additional equity financing and making stock options relatively worthless. Because there is market interest in only a relative handful of stocks, newer, smaller companies are finding it increasingly difficult to go to the public at all.

Mr. President, our current system of taxing capital transactions is partially to blame for this situation. A system that deprives the investor of a substantial part of capital gains built up over the years has discouraged the average individual investor.

This bill is necessary to encourage risk taking and provide the incentives to prompt new capital formations for the benefit of our economy.

Mr. President, we must take this first step toward tax reform to provide risk taking incentives and the supply of essential venture capital. If not, investments in modern plant and equipment and in new technologies will diminish. The mobility of capital assets—which is vital to the maintenance of a dynamic economy will be impeded. I send this bill to the desk and request that it be appropriately referred.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraphs (1) and (2) of section 1222 of the Internal Revenue Code of 1954 (relating to other terms relating to capital gains and losses) are each amended by striking out "6 months" and inserting in lieu thereof "90 days".

(b) Paragraph (3) of such section (relating to long-term capital gain) is amended to read as follows:

"(3) LONG-TERM CAPITAL GAIN.—The term 'long-term capital gain' means the percentage, determined under the following table, of gain from the sale or exchange of a capital asset held for more than 90 days, to the extent that such gain is taken into account in computing gross income.

"If the asset was held for—	The percentage is—
More than 90 days, but less than 366 days	50
More than 365 days, but less than 60 months and a day	40
More than 60 months, but less than 120 months and a day	30
More than 120 months, but less than 180 months and a day	20
More than 180 months, but less than 240 months and a day	15
More than 240 months	10.".

(c) Paragraph (4) of such section (relating to long-term capital loss) is amended to read as follows:

"(4) Long-term capital loss.—The term 'long-term capital loss' means the percentage, determined under the following table, of the loss from the sale or exchange of a capital asset held for more than 90 days, to the extent that such loss is taken into account in computing taxable income.

"If the asset was held for—	The percentage is—
More than 90 days, but less than 366 days	50
More than 365 days, but less than 60 months and a day	40
More than 60 months, but less than 120 months and a day	30
More than 120 months, but less than 180 months and a day	20
More than 180 months, but less than 240 months and a day	15
More than 240 months	10.".

(d) (1) Section 1211(b)(1) of such Code (relating to capital losses of individuals) is amended to read as follows:

"(b) (1) In General.—In the case of a taxpayer, other than a corporation, losses from sales or exchanges of capital assets shall be allowed only to the extent of the gains from such sales or exchanges plus (if such losses exceed such gains) the taxable income of the taxpayer or $4,000, whichever is smaller.".

(2) Section 1211(b) is amended by striking out paragraph (2) and by redesignating paragraph (3) as paragraph (1).

(e) (1) The following sections of the Internal Revenue Code of 1954 are each amended by striking out "6 months" each place it appears and inserting in lieu thereof "90 days": 166(d) (1) (B), 341(a), 342(a), 402(a) (2), 403(a) (2), 582(c) (2), 584(c) (1), 642 (c) (3) and (4), 702(a) (1) and (2), 852(b) (3) (B), 852(b) (4) (B), 857(b) (3) (B), 1231 (a), 1232(a) (2) (A) and (B), 1233(b), (d), and (e) (4) (A) (i), 1234(c) (1), 1235(a), 1240, 1247(i), and 1248(b).

(2) The caption of section 1247(i) of such Code is amended by striking out "6 Months" and inserting in lieu thereof "90 Days".

(3) The Secretary of the Treasury or his delegate shall, as soon as practicable but in any event not later than 90 days after the date of enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives a draft of any technical and conforming changes in the Internal Revenue Code of 1954 which are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this Act.

SEC. 2. The amendments made by this Act shall apply with respect to taxable years beginning after December 31, 1974.

By Mr. BENTSEN (for himself, Mr. HUMPHREY, Mr. AIKEN, and Mr. GOLDWATER):

S.J. Res. 178. A joint resolution to provide for the establishment of the Lyndon Baines Johnson Memorial Grove on the Potomac. Referred to the Committee on Rules and Administration.

LYNDON BAINES JOHNSON MEMORIAL GROVE

Mr. BENTSEN. Mr. President, I am delighted to introduce today a joint resolution that would permit the Secretary of the Interior to cooperate in the establishment of a memorial grove to President Lyndon B. Johnson in the Lady Bird Johnson Park on the Potomac.

Joining me in sponsorship of this bill are Senators HUMPHREY, AIKEN, and GOLDWATER, and I know that their support will enhance the possibility of speedy consideration of this proposal and will greatly please the family of the late President.

Mr. President, President Johnson had his bedrock in Texas, but a great deal of his life was spent here on the banks of the Potomac. His work here spanned more than a generation and he left his mark on the institutions of our Government, particularly this body which he loved so well.

The joint resolution I am proposing would not cost the public a cent but it will give to the people a living memorial to a man who shared so much of their lives through his public work. It would be another addition to the beautification of the National Capital which was of such concern to his wife and which had his full support. The Johnson Memorial Grove would be located in the Lady Bird Johnson Park which borders the Potomac River and which offers a scenic view of the city. Plans for the grove call for an elevated area in the center of the grove perhaps containing a statue or other memorial to the President and encompassed by a grove of trees which will provide a perfect natural setting for this simple tribute to our former President.

This project has been approved by Mrs. Johnson and will, no doubt, bear the tasteful influence of her personal involvement. The friends of the late President are all in accord in this proposed tribute and I hope that the Senate will act with dispatch to clear the way for this living memorial to a man who gave us all so much.

ADDITIONAL COSPONSORS OF BILLS

S. 1283

At the request of Mr. JACKSON, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 1283. to establish a national program for research, development, and demonstraiton in fuels and energy and for the coordination and financial supplementation of Federal energy research and development; to establish development corporations to demonstrate technologies for shale oil development, coal gasification development, advanced power cycle development, geothermal steam development, and coal liquefaction development to authorize and direct the Secretary of the Interior to make mineral resources of the public lands available for said development corporations, and for other purposes.

S. 2150

At the request of Mr. ROBERT C. BYRD (for Mr. EASTLAND) the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 2150, to amend Public Law 92-181 (85 Stat. 383) relating to credit eligibility for public utility cooperatives serving producers of food, fiber, and other agricultural products.

S. 2596

At the request of Mr. Cook, the Senator from Oregon (Mr. Hatfield), the Senator from Nebraska (Mr. Curtis), the Senators from Maryland (Mr. Mathias and Mr. Beall), and the Senator from Kentucky (Mr. Huddleston), were added as cosponsors of S. 2596, to provide relief to units of local government from liability for repayment of excessive payments made due to an error by the United States under the State and Local Fiscal Assistance Act of 1972.

S. 2760

At the request of Mr. Sparkman, the Senator from Florida (Mr. Gurney), and the Senator from Wyoming (Mr. Hansen) were added as cosponsors of S. 2760 to amend the Small Business Act to provide for loans to small business concerns adversely affected by the energy shortage.

SENATE CONCURRENT RESOLUTION 59—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF THE COMPILATION ENTITLED "DISCLOSURE OF CORPORATE OWNERSHIP"

(Referred to the Committee on Rules and Administration.)

Mr. METCALF (for himself and Mr. Muskie) submitted the following concurrent resolution:

S. Con. Res. 59

Resolved by the Senate (the House of Representatives concurring), That the compilation entitled "Disclosure of Corporate Ownership", prepared by the Subcommittees on Intergovernmental Relations and Budgeting, Management and Expenditures, of the Senate Committee on Government Operations, be printed with illustrations as a Senate document; and that there be printed five thousand (5,000) additional copies of such document for the use of that Committee.

SENATE RESOLUTION 211—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE ESTABLISHMENT OF A WORLD ENERGY COMMISSION AND CONVENING OF A WORLD ENERGY CONFERENCE

(Referred to the Committee on Foreign Relations.)

(The remarks Senator Kennedy made when he submitted the resolution, together with the text of the resolution, appear earlier in the Record.)

SENATE RESOLUTION 212—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF THE COMMITTEE PRINT ENTITLED "NATIONAL WORKERS' COMPENSATION STANDARDS ACT OF 1973 (S. 2008)"

(Referred to the Committee on Rules and Administration.)

Mr. WILLIAMS submitted the following resolution:

S. Res. 212

Resolved, That there be printed for the use of the Committee on Labor and Public Welfare two thousand five hundred additional copies of its committee print of the current Congress entitled "National Workers' Compensation Standards Act of 1973 (S. 2008)".

HOUSING ACT OF 1973—AMENDMENT

AMENDMENT NO. 774

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. BROOKE. Mr. President, I submit an amendment intended to be proposed by me to the bill S. 2182, the Housing Act of 1973, and I ask unanimous consent that its text be printed in the Record at this point.

There being no objection, the amendment ordered to be printed in the Record, as follows:

Amendment 774

On page 132, beginning with line 20, strike out all through page 138, line 2, and insert in lieu thereof the following:

"LOW-INCOME HOUSING IN PRIVATE ACCOMMODATIONS"

Sec. 8. (a) (1) For the purpose of providing a form of low-income housing which will aid in assuring a decent place to live for every citizen, which will take full advantage of vacancies in the private housing market, and which will provide economically integrated housing, each public housing agency or the Secretary, may provide housing for low-income families in the form of low-income housing in private accommodations in accordance with this section.

(2) The provisions of this section shall not apply to any locality unless the governing body of the locality has by resolution approved the application of such provisions to such locality, except where a public housing agency is empowered by State law to carry out activities permitted under this section without local approval.

(3) In carrying out this section it is intended to vest in public housing agencies the maximum amount of responsibility in administration of this program, including responsibility for the establishment of rents and eligibility requirements in accordance with criteria established by the Secretary. In areas where no public housing agency exists or where the Secretary determines that a public housing agency is unable to implement the provisions of this section, the Secretary is authorized to assume the responsibilities which would ordinarily be assigned to a public housing agency under this section.

(4) As used in this section the term "low-income housing in private accommodations" means dwelling units, leased from an owner (including an owner occupant), which provide decent, safe, and sanitary dwelling accommodations and which may include related facilities, and the term "owner" means any person or entity having the legal right to lease or sublease property containing one or more dwelling units as described in this section.

(5) As used in this section, the term "low-income family" means any family which has been certified to have annual income which is not more than four times the annual fair market rental as established by the Secretary or by a public housing agency in accordance with criteria established by the Secretary for private housing in the housing area for a dwelling unit suitable in size to the housing needs of such family.

(6) As used in this section, the term "very low income family" means any family whose incomes do not exceed 50 per centum of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families. At least 25 per centum of the families assisted under this section shall be very low-income families.

(7) The Secretary is authorized, at periodic intervals, to determine in the various housing areas the market rental required to obtain private existing and newly constructed rental housing and, on the basis of such determination, the Secretary or a public housing agency in accordance with criteria established by the Secretary shall establish for each housing area in which the program authorized by this section operates, a fair market rental (including utilities and all maintenance and management services) for units by bedroom size for low-income housing in private accommodations.

(b) Each public housing agency, by notifications to the owners of housing suitable for use as low-income housing in private accommodations, or by publication or advertisement, or otherwise, shall from time to time make known to the public in the community or communities under its jurisdiction availability of financial assistance to low-income families seeking low-income housing in private accommodations and the anticipated need for dwelling units in such community or communities under this section, inviting the owners of such dwelling units to make available for purposes of this section one or more of such units (not exceeding 5 units or 25 per centum of the units in any single existing structure whichever is greater, except that up to 100 per centum of the units in a single structure may be made available to families receiving assistance under this section, in the case of a structure in which all or substantially all of the units are used to house the elderly or in the case of any other structure when so provided by a public housing agency in accordance with criteria established by the Secretary). The public housing agency shall conduct appropriate inspections of the units offered to be made available in any residential structure by the owner thereof in response to such invitation or the solicitation of low-income families, and if (1) it finds that such units are, or may be made, suitable for use as low-income housing in private accommodations within the meaning of subsection (a) (4), and (2) the rentals to be charged for such units, as agreed to by the agency and the owner of the structure in a manner consistent with subsection (c) (2) are within the financial range of families of low-income, such agency may approve such units for use in accordance with (and subject to the applicable limitations contained in) this section. Each public housing agency shall maintain and keep current a list of units approved by it under this subsection, including such information with respect to each such unit as it may consider necessary or appropriate.

(c) To the extent of contracts for annual contributions entered into by the Secretary with a public housing agency under section 5(c) of this Act, each public housing agency in accordance with criteria established by the Secretary may enter into contracts to make assistance payments for the use of dwelling units in accordance with this section. Each such contract shall provide (with respect to any unit) that—

(1) the selection of tenants for such unit

shall be the function of the owner, subject to the provisions of the contract between the Secretary and the agency;

(2) the contribution toward the rental and other charges agreed to by the agency and the owner to be made by the tenant shall be determined in accordance with the provisions of the second paragraph of section 2(1) of the United States Housing Act of 1937, as such paragraph was in effect prior to the effective date of chapter II of the Housing Act of 1973;

(3) the amount of the monthly assistance payment with respect to any dwelling unit shall not exceed the difference between 25 per centum of one-twelfth of the annual income of the family occupying the dwelling unit and the maximum monthly rent which the contract provides that the owner is to receive for the unit provided that maximum rents not in excess of 20 per centum above the fair market rental may be contracted for when a public housing agency in accordance with criteria approved by the Secretary determines that such additional amount is required to provide housing for low-income families;

(4) the maximum monthly rent for units in existing housing shall not exceed the fair market rent for existing housing established by the Secretary, or a public housing agency in accordance with criteria established by the Secretary, provided that maximum rents not in excess of 20 per centum above the fair market rental may be contracted for when the Secretary, or a public housing agency in accordance with criteria established by the Secretary, determines that such additional amount is required to provide housing for low-income families;

(5) maintenance and replacement (including redecoration) shall be in accordance with the standard practice for the building concerned as established by the owner and agreed to by the agency; and

(6) the agency and the owner shall carry out such other appropriate terms and conditions as may be mutually agreed to by them.

Each contract for an existing structure entered into under this subsection shall be for a term of not less than one month nor more than sixty months, except as otherwise provided by a public housing agency in accordance with criteria established by the Secretary.

(d) The period over which payments will be made to a public housing agency for a project of low-income housing in private accommodations under this section, and the aggregate amount of such payments, under a contract for annual contributions, shall be determined on the basis of the number of units in the community or communities under the jurisdiction of such agency which are in use (or can reasonably be expected to be placed in use) as low-income housing in private accommodations under this section, taking into account the terms of the leases under which such units are (or will be) so used. In addition, contracts for financial assistance entered into by the Secretary with a public housing agency pursuant to this section shall provide for payments or reimbursement of reasonable and necessary expenses incurred by such agency in carrying out functions under this section.

(e) To the extent authorized in contracts entered into by the Secretary with a public housing agency, such agency may purchase any structure containing one or more dwelling units leased to provide low-income housing in private accommodations under this section for the purpose of reselling the structure to the tenant or tenants occupying units aggregating in value at least 80 per centum of the structure's total value. Any such resale may be made on the following terms and conditions: Notwithstanding any other provision of law, a public housing agency may sell a low-income housing project to its low-income tenants, on such terms and conditions as the agency may determine, without affecting the Secretary's commitment to pay annual contributions with respect to that project, but such contributions shall not exceed the maximum contributions authorized under section 5 of this Act.

(f) The provisions of section 5(e) and 6(d) of this Act shall not apply to (1) low-income housing in private accommodations provided under this section, or (2) housing purchased (or in the process of purchase) by the public agency for resale to tenants as provided in subsection (e).

(g)(1)(A) Each public housing agency is authorized to provide assistance payments to assist in the construction or substantial rehabilitation of housing for low-income families in housing areas with respect to which a public housing agency in accordance with criteria approved by the Secretary, has determined (i) that there is not, and there is not likely soon to be, an adequate supply of decent, safe and sanitary existing housing for low-income families, or (ii) that such construction or rehabilitation is necessary to expand housing opportunities for low-income citizens within reasonable proximity to places of employment, or (iii) that such new construction is an essential component of a community development program. The Secretary may also designate housing areas in which it is permissible to locate newly constructed or substantially rehabilitated housing for low-income families as authorized by this subsection in such other circumstances as he deems necessary.

(B) Notwithstanding any other provision of this Act, assistance for the construction or substantial rehabilitation of housing for low-income families pursuant to this subsection shall be provided through contracts with owners or prospective owners who agree to construct or substantially rehabilitate housing in which some or all of the units (as agreed to by the owner and a public housing agency in accordance with criteria approved by the Secretary) shall be available for occupancy by low-income families.

(2) The Secretary is authorized to contract for and to enter into annual contributions contracts with public housing agencies pursuant to which public housing agencies may contract for and make assistance payments to owners in such amounts and under such circumstances as are prescribed in this subsection. Such payments shall be based upon applications for contracts for assistance payments submitted by owners to the public housing agencies designated by the Secretary to receive and evaluate such applications. Such public housing agencies shall be reimbursed by the Secretary in the amount of their reasonable administrative expenses incurred pursuant to this subsection.

(3)(A) The contract between the public housing agency and the owner shall provide that all ownership, management, and maintenance responsibilities and expenses shall be assumed by the owner (except that with the approval of the Secretary the owner may subcontract with a public housing agency with respect to such responsibilities and expenses), and such contract shall establish the maximum monthly rent (including utilities and all maintenance and management service charges) which the owner shall receive per dwelling unit with respect to which such assistance payments are to be made pursuant to this subsection, the number and size (by bedrooms) of the dwelling units with respect to which such assistance payments are to be made, and the length of time for which such assistance payments are to be made.

(B)(i) The maximum monthly rent shall not exceed the fair market rental for newly constructed rental housing in the housing area established by the Secretary or by a public housing agency in accordance with criteria established by the Secretary, pursuant to subsection 8(a)(6), provided such determination shall take into account the cost of land acquisitions, construction and permanent mortgage interest rates, labor and construction materials, utility charges, additional management and maintenance services, sound architectural design, suitable amenities, and other such factors affecting economic feasibility and sound management practices, and further provided that maximum rents not in excess of 20 per centum above the fair market rental may be contracted for when the Secretary, or a public housing agency in accordance with criteria established by the Secretary, determines that such additional amount is required to provide housing for low-income families.

(ii) Assistance payments shall not be made with respect to less than 25 per centum or more than 75 per centum of the dwelling units in any single new or substantially rehabilitated structure. The above per centum limitations may be waived by the Secretary or a public housing agency in accordance with criteria established by the Secretary in the following cases: (I) developments for the elderly, (II) developments of 50 or fewer units and (III) cases in which the Secretary determines that a greater per centum is required in order to provide assistance to families of low income or to achieve economic integration.

(iii) A public housing agency shall not contract to make assistance payments with respect to a newly constructed or substantially rehabilitated dwelling unit for a term of less than one month or more than two hundred and forty months and such term may be renewable except that no renewal shall result in a total term exceeding four hundred and eighty months.

(C) The contract between the public housing agency and the owner or between owners shall provide that assistance payments may be made only with respect to a dwelling unit occupied by a family certified as a low-income family at the time it entered into a dwelling unit with respect to which assistance payments are to be made by the agency and whose current annual income is not more than four times the annual rental of the dwelling unit occupied by it.

(D) The contract between the public housing agency and the owner shall provide for at least annual adjustment in the maximum monthly rents which the contract provides that the owner is to receive for the unit in amounts not greater than the amount of increases or decreases over the same period of time in the fair market rental established for the housing area for similar sizes and types of dwelling units to the extent such adjustments can be justified on the basis of the actual expense of owning and maintaining the dwelling units covered by the contract or, if the Secretary determines, on the basis of a reasonable formula. However, in no case shall the adjusted rents be less than the original rents set forth in the contract.

(E) No other assistance under this Act and no loans or insurance under the Revised National Housing Act shall be made available with respect to any structure containing dwelling units for which assistance payments are contracted to be made pursuant to this subsection, unless the Secretary determines that insurance under the Revised National Housing Act is necessary in order to provide assistance to low-income families pursuant to this subsection.

(4) The amount of the monthly assistance payment with respect to any dwelling unit shall not exceed the difference between 25 per centum of one-twelfth of the annual income of the family occupying the dwelling unit and the maximum monthly rent which the contract provides that the owner is to receive for the unit;

(5) The third and fourth sentences of section 5(a), and section 6, shall not apply to contracts for assistance entered into under this subsection.

FEDERAL ENERGY ADMINISTRATION ACT—AMENDMENT

AMENDMENT NO. 775

(Ordered to be printed and referred to the Committee on Government Operations.)

Mr. BARTLETT submitted an amendment intended to be proposed by him to the bill (S. 2776) to provide for the effective and efficient management of the Nation's energy policies and programs.

NATIONAL ENERGY RESEARCH AND DEVELOPMENT POLICY ACT OF 1973—AMENDMENT

AMENDMENT NO. 776

(Ordered to be printed, and to lie on the table.)

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Illinois (Mr. STEVENSON) I submit an amendment, intended to be proposed by Mr. STEVENSON to amendment No. 767, to the bill (S. 1283) to establish a national program for research, development, and demonstration in fuels and energy and for the coordination and financial supplementation of Federal energy research and development; to establish development corporations to demonstrate technologies for shale oil development, coal gasification development, advanced power cycle development, geothermal steam development, and coal liquefaction development; to authorize and direct the Secretary of the Interior to make mineral resources of the public lands available for said development corporations, and for other purposes.

I ask unanimous consent that the amendment be printed in the RECORD, together with a statement by the Senator from Illinois relating to the amendment.

There being no objection, the amendment and statement were ordered to be printed in the RECORD, as follows:

On page 107, line 6, strike the existing language of amendment No. 767 and insert in lieu thereof the following new title:

TITLE III—NATURAL GAS

SEC. 101. This title may be cited as the "Natural Gas Amendments of 1973".

INTRASTATE REGULATION

SEC. 302. Subsection (a) of section 1 of the Natural Gas Act (15 U.S C. 717(a)) is amended by striking out "of natural gas and the sale thereof in" and inserting in lieu thereof "or sale of natural gas which affects".

SEC. 303. Subsection (b) of section 1 of the Natural Gas Act (15 U.S.C. 717(b)) is amended to read as follows:

"(b) Except as provided in subsection (c) hereof, the provisions of this Act shall apply to the transportation and sale of natural gas and/or to natural-gas companies engaged in such transportation and sale."

SEC. 304. Subsection (c) of section 1 of the Natural Gas Act (15 U.S.C. 717(c)) is amended to read as follows:

"(c) The provisions of this Act shall not apply to (1) production facilities and the construction of such facilities, or to the gathering of natural gas; and (2) the local distribution of natural gas and the facilities used for such distribution."

DEFINITIONS

SEC. 305. Section 2 of the Natural Gas Act (15 U S.C. 717a) is amended to read as follows:

"SEC. 2. When used in this Act, unless the context otherwise requires—

"(1) 'Commission' means the Federal Power Commission.

"(2) 'Commissioner' means a member of the Federal Power Commission.

"(3) 'Corporation' includes any corporation, joint-stock company, partnership, association, business trust, organized group of persons, whether incorporated or not, receive or receivers, trustee or trustees of any of the foregoing, but shall not include a municipality.

"(4) 'Definite pricing clause' means a provision in a producer contract which—

"(A) sets forth the price to be paid for natural gas delivered under such contract in terms of specific monetary units, including charges for specific supplemental services to be performed by the producer, without reference to any other contract, price, or circumstances, including, in addition to the initial price, any increases in the initial price, by specific amounts which shall become effective at definite future dates;

"(B) changes in the price in order to reimburse the seller for all or any part of the changes in production, severance, or gathering taxes or taxes of a similar type or kind levied after a specific date; and

"(C) establishes the price to reflect changes in the heating value of the gas delivered under such contract.

"(5) 'Foreign commerce' means commerce with a foreign country.

"(6) 'Includes' or 'including' should be read as if the phrase 'but is not limited to' were also set forth.

"(7) 'In commerce' should be read as if the phrase 'interstate, foreign, and intrastate' were also set forth as an adjective modifying commerce.

"(8) 'Indefinite price clause' means a provision in a producer contract, other than a definite pricing clause, under which the price for natural gas sold under the contract may be determined or changed.

"(9) 'Independent producer' means a producer (a) whose only business is exploration, development, or production of natural gas or oil within the land area of the United States; (b) who is neither directly nor indirectly controlled by or affiliated with a natural gas company; (c) who is neither directly nor indirectly controlled by or affiliated with another producer or energy company such that any member of such related or affiliated entities is engaged in a business other than exploration, development, or production of natural gas within the land area of the United States; and (d) who reinvests at least 50% of his annual excess of revenues over ordinary and necessary business expenses to further exploration, development, or production of natural gas or oil within the land area of the United States."

"(10) 'Interstate commerce' means commerce between a point in one State and a point outside such State, or between points within the same State but through any place outside such State.

"(11) 'Intrastate commerce' means commerce wholly within the same State.

"(12) 'Local' means of or pertaining to any political subdivision within a State.

"(13) 'Municipality' means a city, county, or other political subdivision of a State.

"(14) 'Natural gas' includes natural gas, liquefied natural gas, artificial gas, synthetic gas, or any mixture thereof.

"(15) 'Natural-gas company' means a person engaged in the production, importation, transportation, or sale of natural gas in commerce.

"(16) 'New producer contract' means a producer contract, or an amendment to such contract which adds natural gas reserves or acreage to an existing contract, under which contract or amendment deliveries have not commenced upon the effective date of this Act, and an amendment to a contract previously approved by the Commission under section 26 of this Act which decreases the delivery pressure, lowers the quality specifications, increases the price, or shortens or extends the term.

"(17) 'Person' includes an individual or a corporation.

"(18) 'Producer' means a person who is engaged in the production, gathering, or processing of natural gas and who sells natural gas in commerce for resale.

"(19) 'Producer contract' means a contract by a producer providing for a sale of natural gas subject to the jurisdiction of the Commission.

"(20) 'Rate' includes a local, State, or national area rate.

"(21) 'Sale' includes distribution.

"(22) 'State' means any State, the District of Columbia, and any organized territory of the United States.

"(23) 'State commission' means the regulatory body of a State or municipality which has jurisdiction to regulate rates and charges for any sale, not regulated by the Commission, of natural gas to consumers within such State or municipality.

"(24) 'Transportation' includes production, importation, storage, and gathering.

"(25) 'United States' includes all States and all places and waters, continental or insular, subject to the jurisdiction of the United States."

NATIONAL AREA RATE

SEC. 306. Section 5 of the Natural Gas Act (15 U.S.C. 717(d)) is amended by adding at the end thereof the following four new subsections:

"(c) The Commission shall, in a rulemaking proceeding in accordance with section 553 of title 5, United States Code, establish and periodically revise a national area rate for production of natural gas. The Commission shall establish adjustments to the national area rate for each major producing region to reflect differences in production costs, State taxation, and similar costs. Sixty days before the Commission establishes or grants approval to any revision in such national area rate, the Commission shall submit its findings and proposed rate to Congress and shall publish such findings and proposed rate in the Federal Register. Such a national area rate or revised national area rate shall be implemented by order of the Commission at the conclusion of such sixty-day period, unless either House of Congress passes a resolution between the date of transmittal and the end of the sixty-day period stating in substance that it disapproves the proposed national area rate, or unless reversed pursuant to judicial review by the end of such sixty-day period. Judicial review of such proposed national area rate shall be in accordance with sections 701, 702, 703, 704, 705, and 706(2) (A) of title 5, United States Code. The Commission shall not order any increase in existing area rates for flowing natural gas unless such an increase is justified on the basis of an actual increase in costs of operation or maintenance (including a fair rate of return.) The Commission shall establish or revise the national area rate for new natural gas only to the extent justified by actual costs of exploration, development, operation, or maintenance (including a fair rate of return). The Commission may, because of special hardships or costs incurred by a producer, approve a new producer contract for rates in excess of the national area rate pursuant to section 29(b) of this Act.

"(d) In determining present and future requirements of consumers for natural gas, the

Commission shall, insofar as possible, examine and implement conservation policies including rate design revision, end use controls, and termination of promotional practices to encourage wise management and utilization of the Nation's natural gas resources.

"(e) The Commission is authorized and directed to prepare and submit to the Congress within twelve months after the date of enactment of this Act an analysis of direct sale and retail structures for natural gas other than synthetic, liquified, or supplemental natural gas. Such analysis shall include an indication of how marginal cost pricing would affect consumption within the United States and an evaluation on a regional basis of the impact various rate changes might have on natural gas consumption, the environment, and the economy of the United States."

RESERVE ADDITIONS

SEC. 307. Section 10(a) of the Natural Gas Act (15 U.S.C. 717i(a)) is amended by inserting before the period at the end of the third sentence thereof the following: ", and current, planned, and contemplated efforts to increase such company's reserves or acreage of natural gas".

RESERVE EVALUATION

SEC. 308. Section 14 of the Natural Gas Act (15 U.S.C. 717m) is amended by adding at the end thereof the following three new subsections:

"(h) The Commission is further authorized and directed to conduct studies of the transportation and sale of natural gas, however produced, throughout the United States whether or not otherwise subject to the jurisdiction of the Commission, including the transportation and sale of natural gas by any agency, authority, or instrumentality of the United States, or of any State or municipality. The Commission shall make an independent evaluation of the proven and probable natural gas reserves of the United States identifying volumes committed to contract and volumes not committed and the reasons for such noncommitment. The Commission shall update such evaluation each year. The evaluation of proven natural gas reserves shall be based on individual company data obtained directly by the Commission and independently evaluated by its staff experts. The Commission shall, so far as practicable, secure and keep current information regarding (1) the ownership, operation, management, and control of all facilities for such transportation and sale; (2) the total estimated natural gas reserves of fields or reservoirs and the current utilization of natural gas and the relationship between the two; (3) the cost of transportation and sale; (4) the rates, charges, and contracts with respect to the sale of natural gas and its service to residential, rural, commercial, industrial consumers, and other purchasers; and (5) the relation of any or all facts to the development of energy conservation, industry, commerce, and the national defense. The Commission shall report to Congress, publish, and make available to interested persons the results of studies made under authority of this subsection.

"(i) The Commission, in making studies, investigations, and reports under this section, is authorized to obtain reserve information on natural gas reserves from natural-gas companies, whether or not such companies are otherwise subject to the jurisdiction of the Commission. It shall publish such information annually in the form of an estimate of the Nation's natural gas reserves, both proven and potential, with breakdowns by producing areas, identifying the volumes in each area not being produced. The Commission shall utilize, insofar as practicable, the services, studies, reports, information, and continuing investigational programs, if any, of each department, bureau, office, agency, and other entity of the United States, and of each State. Nothing in this subsection shall be construed as modifying, reassigning, or otherwise affecting the investigating and reporting activities, duties, powers, and functions of any other department, bureau, office, or agency of the Federal Government.

"(j) Any natural-gas company which fails to reveal its natural gas reserves to the Commission shall, in addition to any other penalties which may be assessed, and after a hearing pursuant to section 556 of title 5, United States Code, be declared ineligible to bid on any leases on any Federal lands until such information is supplied to the satisfaction of the Commission.".

EXEMPTIONS AND RATE PROCEDURES

SEC. 309. The Natural Gas Act is amended by adding at the end thereof the following five new sections:

"SEC. 25. An independent producer shall be exempt from the provisions of this Act for a period of five years from the date of enactment of this Act: *Provided*, That the Commission may by regulation require any such producers to prepare and furnish such information as it deems necessary for the purpose of establishing or continuing any such exemption. At five-year intervals after the grant of such exemption the Commission shall review, after opportunity for hearing pursuant to section 553 of title 5, United States Code, such exemption and continue, modify, or revoke such exemption as it deems necessary to protect the public interest.

"SEC. 26. (a) Each new producer contract, other than an independent producer contract, shall be filed by the producer with the Commission.

"(b) Upon the initial filing of a new producer contract, the Commission shall review the contract to insure that the rate does not exceed the national area rate and shall by order (1) approve such contract unconditionally; (2) approve such contract subject to such reasonable terms and conditions specified by the Commission as to price, expiration, termination, or other provision thereof; or (3) disapprove such contract.

"(c) If the Commission by final order, no longer subject to judicial review, approves a new producer contract unconditionally under subsection (b) of this section, such contract shall not thereafter be subject to modification by the Commission, and the provisions of such contract shall be effective without further Commission action: *Provided*, That (1) the Commission is authorized to act upon any proposed amendments to such contract which may be submitted to it by the parties to such contract; and (2) any increase in the price of natural gas under such contract by application of an indefinite pricing clause in such contract shall be subject to Commission action under section 29 of this Act.

"(d) If the Commission by final order, no longer subject to judicial review, approves a new producer contract subject to reasonable terms and conditions specified by the Commission, and if such terms and conditions are accepted within thirty days by the party or parties to the contract adversely affected thereby, such contract, as conditioned, shall be deemed approved and become effective under subsection (b) of this section. If the commission's approval is subject to conditions which disallow in full or in part any definite price changing provisions in a new producer contract, such disallowance shall be subject to reconsideration by the Commission, pursuant to notice, hearing, and effective rate procedures, upon application by the producer filed not less than nine months before the time any such price change is scheduled to take effect. This subsection shall not be construed to relieve the Commission of its obligation to act upon such definite price changing provisions at the time of its initial order.

"(e) If the Commission by final order, no longer subject to judicial review, disapproves a new producer contract, or if the party or parties to the contract adversely affected do not accept the terms and conditions specified by the Commission, deliveries may not commence under such contract. If deliveries have commenced under such contract prior to such order, they shall be terminated as soon as reasonably practicable after such order becomes final and no longer subject to judicial review: *Provided*, That if such contract is an amendment to a contract, such termination of deliveries shall affect only such amendment.

"(f) Upon the filing of a new producer contract with the Commission, deliveries pursuant to the provisions of such contract may be commenced at a rate not to exceed the national area rate after notice to the Commission, pending review of such contract by the Commission under subsection (b) of this section. Any such deliveries so commenced may be terminated, if such contract shall terminate or be terminated for any reason prior to the issuance by the Commission of a final order following review of such contract or upon the issuance of an initial order which contains terms and conditions unacceptable to the party adversely affected.

"SEC. 27. (a) In all proceedings to which section 26(b) of this Act is applicable, the Commission shall, after notice and opportunity for hearing pursuant to section 553 of title 5, United States Code, determine whether the contract is (1) just and reasonable; (2) required by the public convenience and necessity; and (3) not unduly discriminatory or preferential to any person.

"(b) The Commission is authorized to consolidate proceedings for hearing and decision when the Commission finds that such proceedings involve common questions of fact which may be heard more expeditiously on a single record.

"SEC. 28. Natural gas which is produced from its own wells by a natural-gas company engaged in the transportation of natural gas in commerce, which is not sold under a producer contract, and which is taken and delivered into its own transportation facilities or into the transportation facilities of any person transporting such natural gas for its account in interstate commerce shall be delivered only pursuant to a schedule of terms and conditions, including pricing provisions, applicable to the taking of such natural gas. Such schedule shall be filed with the Commission; all terms and provisions of this Act relating to a new producer contract shall be applicable to such schedule. The Commission shall allow as an operating expense of such natural-gas company the price established by the national area rate in accordance with the provisions of this Act.

"SEC. 29. (a) No new producer contract shall be accepted for filing if it includes any of the following types of indefinite pricing clauses:

"(1) the 'two-party favored-nation clause' under the terms of which the price of the natural gas is or may be increased in the event the purchaser shall pay or offer to pay a higher price for natural gas;

"(2) the 'third-party favored-nation clause' under the terms of which the price of the natural gas is or may be increased in the event some person not a party to the contract shall pay or offer to pay a higher price for natural gas;

"(3) the 'better market clause' or 'price redetermination clause' under the terms of which the price of the natural gas is or may be increased in the event the average of two or more prices which are paid by purchasers is greater; and

"(4) the 'spiral escalation clause' under the terms of which the price of the natural gas is or may be increased in the event the resale rates of the purchaser under the contract are increased.

"(b) No seller shall be entitled to receive all or any part of a price increase for natural gas which is intended to result, after the date this section takes effect, from the operation of an indefinite pricing clause in a new producer contract unless (1) the seller files an application with the Commission for permission to charge the increased price; and (2) the Commission, after notice and opportunity for hearing, makes findings in writing and enters its order pursuant to this subsection. Such application shall be filed not less than nine months prior to the time any proposed price increase is intended to take effect. If the Commission fails to make its finding and enter its order prior to the date such proposed price increase is intended to take effect, the increased price so proposed may, upon notice to the Commission, be charged by the seller so long as such price does not exceed the national area rate. Such price shall be paid by the purchaser, pursuant to the terms of such indefinite pricing clause, until the Commission issues its order in the application proceeding. If the Commission finds that the proposed increased price does not exceed the national area rate for present and future deliveries of natural gas at the point of delivery under new producer contracts then being approved by the Commission, the Commission shall issue its order approving the proposed increased price. Such price shall be charged by the seller and paid by the purchaser from and after the effective date of such order. If the Commission finds that the proposed increased price does exceed such national area rate, the Commission shall, in its finding, determine such portion, if any, of the proposed increase in price as is reasonable, because of special hardship or costs incurred by the producer in his overall operations such that the producer's overall costs exceed his overall revenues. If the Commission finds that a portion of the proposed increase is reasonable under the above test, the seller shall be entitled to change and the buyer shall pay an increased price in accordance with such finding. If, during the course of such proceeding, the seller collected any amounts in excess of the price which the Commission ultimately determines is the amount properly chargeable pursuant to this subsection, the seller shall refund to the purchaser or purchasers, with interest, all or that part of the increase in price, above that so approved by the Commission, which the seller collected, prior to the Commission's order, under the indefinite pricing clause.

"SEC. 30. The Commission is authorized, after notice, hearing, and opportunity for public comment, to allocate natural gas among pipelines to attain the following specific objectives—

"(a) protection of public health, safety, and welfare, and the national defense;

"(b) maintenance of all public services;

"(c) maintenance of all essential agricultural operations directly related to the cultivation, production, preservation of food; and

"(d) equitable distribution of natural gas among all regions and areas of the United States and all classes of consumers.".

STATEMENT OF SENATOR STEVENSON—AMENDMENTS TO NATURAL GAS ACT

On behalf of Mr. Stevenson. Mr. President, yesterday the Senator from New York (Mr. Buckley) introduced Amendment No. 767 to S. 1283, the National Energy Research and Development Policy Act of 1973. This amendment would have the effect of deregulating new natural gas prices. In my view, a view which is shared by the Chairman of the Commerce Committee (Mr. Magnuson) is inappropriate for the Senate to consider such a complex and controversial matter without the benefit of the recommendation of the Committee having jurisdiction over the matter. A natural gas amendment is particularly inappropriate on the floor at this time in light of the fact that the Commerce Committee is intensively engaged in developing a permanent solution which will provide adequate stimulation for exploration and development of untapped gas reserves without imposing enormous and unjust economic burdens on the American consumer. The Committee has examined this subject intensively over the years as part of its Federal Power Commission oversight responsibilities. In addition the committee has just completed six days of hearings on all the natural gas bills pending. The record of this hearing exceeds 2100 pages and more than 70 witnesses have testified or submitted statements. Therefore I feel it would be most appropriate if Amendment No. 767 and any other amendments dealing with Natural Gas regulation be tabled and considered just as soon as the Commerce Committee makes its recommendation to the Senate.

However, if the Senate should decide to consider this matter tomorrow, I am submitting an amendment which proposes an alternative and improved solution to the nations' natural gas shortages.

My amendment is similar to title I of S. 2506, a bill to amend the Natural Gas Act to secure adequate and reliable supplies of natural gas and oil at the lowest reasonable cost to the consumer. The amendment I am submitting today would substantially increase the amount of natural gas available to consumers and, in the event of shortages, assure that supplies are fairly allocated among the regions of the nation and classes of customers.

It would save the public billions of dollars by foreclosing massive windfall profits to the major petroleum companies, and improve the competitive structure of the oil industry by affording independent companies the opportunity to successfully compete in the marketplace. This proposal directs the FTC to conduct its own review of natural gas reserves so that for the first time the nation will not be dependent solely on the industry's estimates.

Again, it is my hope that all amendments dealing with natural gas regulation will be withdrawn when the Senate considers S. 1283, the National Energy Research and Development Policy Act of 1973. But if gas policy must be considered, I would urge the Senate adopt the Regulatory Reform Amendment which I am now proposing.

Mr. GRIFFIN subsequently said: Mr. President, a few minutes ago the distinguished majority whip, on behalf of the distinguished Senator from Illinois (Mr. STEVENSON), submitted an amendment. I should like to propound a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. GRIFFIN. Is it not correct to say that no unanimous consent was necessary had Senator STEVENSON been here to present the amendment being offered?

The VICE PRESIDENT. The Senator is correct.

Mr. GRIFFIN. And that amendment having been presented and ordered to be printed, it will be subject to the rules of the unanimous-consent agreement entered into earlier. In other words, it would have to be germane if the question were raised.

The VICE PRESIDENT. That also is correct.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. MANSFIELD. May I say that any Senator could have taken that amendment to the desk on that statement, and it would have been printed in the RECORD just as it was on the basis of the unanimous-consent request.

Mr. GRIFFIN. That is my understanding.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Julio A. Brady, of the Virgin Islands, to be U.S. attorney for the Virgin Islands for the term of 4 years, vice Joel D. Sacks, resigned;

Evan LeRoy Hultman, of Iowa, to be U.S. attorney for the northern district of Iowa for the term of 4 years, reappointment; and

John O. Olson, of Wisconsin, to be U.S. attorney for the western district of Wisconsin for the term of 4 years, reappointment.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, December 13, 1973, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, December 13, 1973, at 10:30 a.m., in room 2228, Dirksen Office Building, on the following nomination:

Walter J. Skinner, of Massachusetts, to be a U.S. district judge for the district of Massachusetts, vice Anthony Julian, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman

ADDITIONAL STATEMENTS

GERALD FORD—THIS IS YOUR LIFE

Mr. PERCY. Mr. President, in the weeks since GERALD FORD was nominated as Vice President, he has been subjected to extremely thorough scrutiny, both here in Congress and in the Nation's press. I know of no more thorough and carefully researched study of JERRY FORD's life than the five-part series which appeared in the St. Louis Post-Dispatch. Three reporters, Robert Adams Eric L. Zoeckler, and Connie Rosenbaum, probed every aspect of JERRY FORD's career from boyhood through his record of 4,000 votes in the House of Representatives. For 3 weeks they talked to friends and critics alike to produce a fair and balanced portrait of the next Vice President. Their conclusion is perhaps best described by the headline on the opening article of the series: GERALD FORD, "a very decent human being."

Mr. President, I ask unanimous consent that this excellent example of responsible journalism be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch,
Nov. 13, 1973]

VIEW OF FORD: "A VERY DECENT HUMAN BEING"

WASHINGTON, November 13—On a desk in Gerald R. Ford's office sits a red, white and blue football lettered with a simple inscription: "The future."

Nearby, on a coffee table, a caricature of a hollow-eyed Richard M. Nixon—the face composed of Watergate tapes—stares from a magazine cover. The caption: "What next?"

The two phrases capture the peculiar position of Ford—and of the nation. President Nixon's choice of the 60-year-old House Republican leader to replace Spiro T. Agnew as Vice President puts Ford in the country's future. And as the daising wave of public outrage over the Watergate scandal threatens to engulf Mr. Nixon, the possibility arises that the answer to "What next?" might be: President Gerald R. Ford.

In recent televised Senate hearings, the public had its first close-up glimpse of Ford, the football-star-turned-congressman from Grand Rapids, Mich. The House Judiciary Committee begins hearings of its own this week.

The hearings are part of the congressional confirmation of Ford as Vice President—a process required under the Twenty-fifth Amendment to the Constitution, now being used for the first time.

However, those on the Senate Rules Committee who questioned Ford left no doubt that the presidency was at stake, too—that the balding, openfaced man on the television screen might wind up in the White House. And that it might be soon.

"We all realize," Senator Claiborne Pell (Dem.), Rhode Island, declared bluntly, "that the nominee of today may not only be the Vice President of tomorrow, but the President of next year."

Who is Gerald Ford—the man, the congressman, the potential world figure? Where does he stand on the issues? Do any scandals threaten his confirmation? And what kind of Vice President—or President—might he make?

From interviews with Ford, his family, his aids, congressional colleagues, political friends and foes, and others in Washington and Grand Rapids, the broad outlines of Ford the Man emerge.

On many points there is general agreement: color him hard working; color him loyal; color him conservative. Color him friendly, congenial, generous, and not overly intellectual. And some would say: color him colorless.

One of the most often-mentioned qualities about Ford is likability. Even his adversaries find him easy to get along with. It is one of the reasons for his power and popularity in the House.

"A damn nice guy, says an aid to Representative Gene Taylor, a Missouri Republican. "You never hear a word against the man."

"He's not abrasive," say Representative H. R. Gross, a stanch conservative Republican from Iowa who is often abrasively to the right of his party.

"Just a very decent human being," says Representative Margaret Heckler of Massachusetts, a Republican maverick on the liberal side. "He's not given to petty tactics. He's a genuinely popular man."

Even his Democratic opponent for the House in 1970 and 1972, Jean McKee, observes: "I don't think anyone could hate Jerry Ford."

Representative Lindy Boggs, a Louisiana Democrat, recalls that her husband, the late Hale Boggs, was a friend of Ford even though Boggs, as House Democratic leader, was a constant adversary on the House floor.

Mrs. Boggs recalls the trip she and her husband took with Ford last year to the People's Republic of China. Ford, she said, briefed himself well, and despite his strong anti-Communist stand at home, was complimentary and diplomatic in his talks with the Chinese.

Where friends are concerned, the Fords do not neglect the small touches. Their neighbors on tree-shaded Crown View Drive in the Washington suburb of Alexandria, Va., say the Fords often let them use their backyard swimming pool, where Ford starts each summer day with a swim at 6 a.m.

Others refer to Ford as basically a humble man, willing to acknowledge mistakes, willing to listen to all points of view.

Ford himself has said that one of his worst misgivings about the vice-presidency is that "my friends might stop calling me Jerry."

Ford has his critics, too. Liberals criticize his voting record on such issues as civil rights, mass transit subsidies, aid to education. Others contend that Ford is an intellectual lightweight.

"An impeccable zero," one critic described Ford. "A chowderhead," declared a labor leader.

Two of Lyndon B. Johnson's caustic remarks about Ford are still quoted in Washington. "Jerry Ford is the only man I know who can't walk and chew gum at the same time," one went. The other had it that Ford "played football too long without a helmet."

Even some GOP stalwarts concede that Ford may have intellectual limitations. "Ford is no Einstein," one California Republican said.

Perhaps surprisingly, however, many Democrats are quick to rebut the criticism.

"That's bull!" declared Representative John J. McFall of California, the House Democratic whip.

"How do you get through Yale Law School (as Ford did) without brains? Is there some mythical standard of intelligence or charisma against which we measure people?"

John R. Stiles, a Grand Rapids friend and author, recalls that he and his wife toured Spain with the Fords. They visited the Prado in Madrid and saw some Goya cartoons for a tapestry, despite Ford's protestations that he was not interested.

A few days later, Stiles says, they were lunching at a Friend's home where reproductions of the same paintings were hung. Was anything familiar? Stiles asked Ford, "Oh, sure, the same Goya tapestries we saw in Madrid," Ford replies. Other friends say Ford has an uncanny memory for names, faces, places.

Beyond that, some on Capitol Hill have noted that both praise and criticism can have political motives. Johnson, for example, was angry with Ford for trying to block his legislative program. And some Democrats suggest that their party is saying good things about Ford now so he will be confirmed quickly—whereupon impeachment proceedings against President Nixon could be speeded.

Ford was born July 14, 1913, in Omaha and named Leslie King. After his parents were divorced in his infancy, his mother remarried and he was adopted by her second husband, Gerald R. Ford Sr.

The future Republican leader grew up in Grand Rapids. He was a football standout at the University of Michigan.

After law school and a Navy tour in World War II, he ran for Congress in 1948, unseating a die-hard isolationist in the Republican primary.

Ford's rise in the House was slow but steady. He made friends easily, and before long was on the House Appropriations Committee.

In 1958, Ford helped a group of Republican "young turks" replace the aged Joseph J. Martin Jr. of Massachusetts with Charles A. Halleck of Indiana as Republican leader. In 1963, the same group—led by representatives Robert P. Griffin of Michigan, Melvin R. Laird of Wisconsin, Charles C. Goodell of New York, and Silvio O. Conte of Massachusetts—installed Ford as chairman of the House Republican Conference, the third-ranking GOP post in the House.

The young turks ousted Halleck in 1965 and made Ford the Republican leader by what Ford jokingly calls the "landslide margin" of 72 to 67.

Memories differ as to the exent of Ford's willingness to seek leadership posts. Goodell remembers Ford as volunteering to seek the top spot after being approached about it. Griffin recalls Ford as "not a reluctant candidate," but notes also that the Goodell-Griffin group came to him, not the other way around.

Conte tends to stress Ford's reluctance. "In 1965, we came to Jerry and said, 'Halleck has to go, and we want you'," Conte told the Post-Dispatch. "Jerry said, 'That's all right with me, but I won't lead the movement.' Well, a couple of weeks later, we went back to him and said: 'Goddam, Jerry, you won't win unless you get out front.' And then he started making some calls.

"It was the same way with the vice-presidency," Conte contends. "I said to him: 'Jerry, are you interested?' and he said, 'Yeah, I'm interested.' And I said: 'Is there anything I can do to help?' And he said: 'I'm not going to make a move for it. If the President wants me, he'll call me.'

"Jerry didn't discourage me, but he didn't encourage me, either."

Ford soon moved to revitalize the party's leadership in the House after the disastrous losses in 1964. He set up Republican task forces to propose alternatives to Johnson's measures on housing, education and other problems.

"The Republican Party had become the party of nay-sayers," Goodell recalled. "We wanted to present positive alternatives."

Ford's leadership techniques have prompted study and inspired respect from both sides.

"He hasn't been a Lyndon Johnson lapel-grabber who would put his nose a couple of inches from yours," observes Representative John B. Anderson of Illinois, chairman of the House Republican Conference.

Representative Martha W. Griffiths, a Michigan Republican, says Ford uses persuasion and conciliation rather than arm-twisting. She says she has "never heard him make an unkind remark."

Ford's role has changed considerably since Mr. Nixon's election in 1969. Before that, he was proposing alternatives. Since then, he has been involved primarily with carrying out the President's legislative plans.

Griffin, now a Senator, noted that Ford was not everybody's first choice for the job. "There were quite a few who said Jerry is too easy-going; Mel Laird would be a much stronger leader," Griffin said. "They felt Jerry wasn't aggressive enough. But I think Jerry's turned out to be a very strong leader—using his own, low-key techniques."

Other Republicans, although not disliking Ford, observe that his "young turk" reputation does not mean that he was a liberal—or that he is still a reformer.

As chairman of the Republican National Convention in 1972, Ford was not associated with a move to open up the delegate selection process, although advocates of that change credit him with fairness in handling the issue.

"Young Turks," one Senate Republican source observes wryly, "become old turks with time."

How does Ford see himself, and his role, and his future? Some answers in a recent interview in the Minority leader's ornate office on the second floor of the Capitol.

Ford, a muscular 6-footer, was dressed in dark blue suit, blue-and-white striped shirt, black shoes. His window looks out across the mall to the Washington Monument—one of the most spectacular views in the city. His office is festooned with photographs and artifacts—color pictures of his family, autographed photos of Presidents and other national figures, and at least 14 elephants, the Republican symbol, made of crystal, bronze and wood. Two Bibles lie on a table, reflecting Ford's strong religious bent; on another table, a paperback about Watergate.

Ford talks about the football inscribed "The Future"—and how it was given to him by a Republican group in Portland, Ore., on Oct. 15.

On the vice-presidency, Ford observes that he accepted it as a duty. His ambition had been to be speaker of the House. "But when the President asked me to take on a different responsibility," Ford said, "I felt it was one of those duties you have to take on—whether you like it or not."

Ford insists he will have independence as Vice President, but notes that he plans to consult the white House on some of his staff appointments.

"My philosophy, my personal views, have, over the time of my acquaintance with the President, been very, very similar," he says, "so I don't think I'm going to have any cemented-in divergencies in this area."

As for the swipes at his intelligence, Ford replies, "Frankly, they amuse me."

He cites his B-or-better school grades as evidence of intellectual competence, and then says:

"Some people have said I lack charisma. Well, I've said this and I'll repeat it: I would rather be sincere and have no charisma, than to have charisma and be a phony."

Charisma or not, Ford has been catapulted into the national spotlight—and events may carry him still further. But so far, according to friends, he has determinedly resisted the ego-puffing pressures of his position.

A friend from Grand Rapids called a couple of days after his nomination and said: "Good morning, Mr. Vice President." "Oh, no," the friend quotes Ford as replying, I'm just plain old Jerry."

[From the St. Louis Post-Dispatch, Nov. 14, 1973]

"NO" WOULD NOT BOTHER MRS. FORD

(By Connie Rosenbaum)

WASHINGTON, November 14.—Mrs. Gerald R. Ford expects her husband to be confirmed as the nation's Vice President, but says she would not be disappointed if Congress said no.

"We have been happy during our 25 years in Washington," she told the Post-Dispatch in an interview. "We haven't planned any changes."

But many changes already have intruded into her life as a result of her husband's nomination. Weekend sightseers cruise past the Fords' suburban home in Alexandria, Va. Secret Service agents are camped in a van parked in the driveway. Sleeping quarters for them are being built near the two-story brick and clapboard colonial home. A special telephone connects the home with the White House.

"The children were apprehensive at first," Mrs. Ford said. "Now they are sort of excited. Maybe they'll see more of their father."

Ford's heavy speaking schedule has kept him away from home for weeks at a time, leaving Mrs. Ford with the primary responsibility for their four children.

But Mrs. Elizabeth Ford ("Betty," she insists) is not one to complain. She shares her husband's intense loyalty to the Republican Party, and to the friends the Fords have made across the political spectrum.

Mrs. Ford seemed almost apologetic about the fact that the Fords could replace their friends, the Nixons in the White House.

"He could take over if an emergency arose," Mrs. Ford said of her husband, but added: "Notice I said 'emergency.' "

She said she and her husband had not discussed the possibility that he might become President.

"We don't have much time together," she observed.

Mrs. Ford, tall and thin with thick auburn hair, was calm, soft-spoken and deliberate in her choice of words.

Formerly Elizabeth Bloomer Warren, Mrs. Ford was a fashion model and dancer before her marriage to Ford in 1948, the year of his first political victory. Her first marriage, to a childhood sweetheart, ended in divorce.

Her grace in movement stems partly from her early dance training, started when she was eight.

However, she was not prepared to dedicate her life totally to professional dancing. So she returned to Grand Rapids, Mich., and married Ford, the football hero five years her senior.

She campaigns with her husband, but she says her children come first. They are Michael, 23 years old, a divinity student; John 21, a student at Utah State University; Steven, 17, a high school senior; and Susan, 16, who attends a private girls school in Bethesda, Md.

"I lost a $5 bet with my daughter," Mrs. Ford recalls of her husband's nomination. "Jerry's position in the House was so important to the President in getting legislation through that I didn't think he'd be chosen."

Despite Ford's frequent absences, Mrs. Ford says theirs is a close family. "Jerry and I both came from families with strong ties," she says, "and our children have inherited it."

[From the St. Louis Post-Dispatch, Nov. 14, 1973]

GERALD R. FORD: A HERO TO MOST IN GRAND RAPIDS

(By Eric L. Zoeckler)

GRAND RAPIDS, MICH., November 14.—It was a dreary, rainswept evening last Oct. 12 as United Flight 626 to Grand Rapids eased into line behind 16 other aircraft seeking their escape from Chicago's O'Hare Field.

Already more than an hour and a half late, the passengers feared more bad news as the crackling of the cabin intercom prepared them for the pilot's announcement. Instead, he said: "For those of you who live in Grand Rapids, you'll be happy to know President Nixon has selected Gerald Ford as his new Vice President."

An enormous roar filled the plane's passenger cabin.

"Had we been over Lake Michigan, it could have been a disaster because I'm not sure the plane could have withstood all the commotion," recalled Miss Carol Murlink, a Grand Rapids passenger on board.

"All of a sudden everything seemed bright outside. And I'm sure all of us doing the cheering and the backslapping weren't all Republicans."

The incident typifies the love affair between Representative Gerald R. Ford (Rep.), Michigan, and most of his 450,000 constituents of the Fifth Congressional District whose focal point is Grand Rapids, 25 miles inland from Lake Michigan.

Like all love affairs, it has had its ups and downs. But the President's selection of Ford was considered its zenith, a fitting tribute for the celebration of the golden anniversary of the association between the Grand Rapids area and its Representative.

As the days wore on, the impact became even greater as federal investigators and reporters flocked to the city, interviewing Ford's friends and political enemies and poring over records that told the story of his background.

The people of Grand Rapids kept telling these outsiders that they would find no scandal—because to know Grand Rapids was to know Jerry Ford. Both are clean, hard-working, honest, devoutly Christian and—above all—totally incorruptible, they said.

This city of 200,000 people, Michigan's second largest, is strikingly clean, and strongly conservative, morally and politically. Men fish for giant chinook salmon in the Grand River a few blocks from downtown and smiling people are quick to accommodate a visitor's needs without complaint.

Not that Grand Rapids is free of problems. Civic leaders fear its downtown is deteriorating and too congested, and controversy rages over the existence of three adult movie theaters which advertise and show X-rated films.

The traditional image of Grand Rapids as a furniture manufacturing center has changed. Situated amidst profitable farmland and forests now ablaze in color, its principal industry is automobile assembly and parts, now that the furniture companies have moved south in search of cheaper labor. To one man who is acquainted with both cities, "Grand Rapids is a rich man's south St. Louis."

It is a predominantly white city which last week elected a moderate black mayor over a conservative white opponent. Blacks compose about 12 per cent of the population. here is a heavy concentration of Poles on the north side, with Germans, Latvians and Italians scattered throughout.

But it is the Dutch, whose Calvinistic forefathers migrated here in two great waves, one in the nineteenth century and the other after World War II, who compose the largest single ethnic bloc in town and are credited with establishing the largely conservative moral and political climate of the community.

Grand Rapids is the national headquarters of the traditional but not fundamentalist Christian Reform Church.

"While we follow what's considered to be the Puritan ethic of hard work, clean living and solid Christian practice, don't tell the world we're a bunch of holy rollers," warned Richard DeBorst, a professor of political science at Calvin College.

"We drink, we smoke, we dance and, contrary to some reports, we don't go to church with the father leading his family in line followed by the mother and the children in descending order according to age."

It was in this climate that the vice president-designate was reared, the adopted son of Gerald R. Ford Sr., owner of a small paint store and later Kent County's Republican chairman.

The Fords lived in a modest home in what now is in the midst of the city's black ghetto and sent their son to public schools where he maintained a B-plus average while starring on the South High School football team.

During the summer he worked in his father's store, putting lids on paint cans, for which he received a small allowance. Ford graduated to waiting tables at a small Greek-American restaurant across the street from South High during the early days of the Depression.

From there, it was on to the University of Michigan where friends say he maintained his high B average without much study and was the center on the Wolverines' football team, culminating his career with an appearance in the annual East-West Shrine all-star game in 1935.

It has been said that Jerry Ford was "born with a silver spoon in his mouth" because he was able to go to college and Yale Law School during the worst years of the Depression. But his press secretary, Paul Miltich, says that is not true, "because he sold his blood and washed dishes in a frat house at Michigan, and the only way he got through law school was serving as assistant football coach at Yale."

After serving 47 months in the Navy in World War II, Ford returned to law practice in Grand Rapids. In 1948, at the urging of his father's friends and even labor leaders such as Leonard Woodcock, now president of the United Auto Workers, he challenged and ousted the Republican congressional incumbent, isolationist Bartel J. Jonkman.

Since then Ford has been reelected 12 times by a margin never less than 60 per cent, a situation that has caused great distress and frustration to the local Democrats.

For an explanation of his staying power, one has to travel no farther than the Galewood Bar, a few blocks from the huge General Motors diesel plant and talk to Kieth Van Singel and William Hickey, which are sipping beers after the day shift.

They disagree about Ford politically, yet both men feel a close identification with him.

Not long ago, Van Singel wrote Ford about his opposition to firearms control legislation. "He wrote back to me a fine, long letter telling me why he agreed with my view point. Very impressive," Van Singel says.

Although it may not be enough to win his vote, Hickey has written to ask Ford to support a bill to extend GI Bill benefit cutoff dates so that Hickey's wife, whom he met while both were in the Navy, can go to college after their children are older. While Hickey was in the military, Ford never forgot to send him a Christmas card, something he presumably did for all his constituents in the service.

Ford's rapport with the electorate back home is so great that Mrs. Jean McKee, a liberal Democrat, who opposed him in his last two races, remarked, "I can reach for his phone right now and call Ford's office with a problem and in two or three days I'll have a response waiting on my desk."

Even A. Robert Kliener, the Democratic chairman of the district Ford represents, resignedly admits: "If someone has a loved one somewhere in Poland having trouble with a visa, Jerry will be there. He's sort of a Red Cross, USO and ombudsman parexcellence—all wrapped into one."

The four persons in his local office, one of whom is fluent in Dutch and another in Polish, are said to handle constituent problems with such enthusiasm, dispatch and efficiency that Ford has become a hero to many he has helped.

Mrs. McKee lamented that in her two campaigns to oust Ford "I must have met more than 400 people who played football with Jerry Ford."

While he gets straight A's for his handling of constituents' problems, Ford's marks fall drastically among liberals and Democrats for what some of them call his insensitivity to their voting bloc, described by Mrs. McKee as "considerably larger than Ford's victory margin would indicate."

In 1971, this city held the nation's first referendum on American involvement in the Vietnam War and voted by a 2- to-1 margin for unilateral withdrawal. Although critics say it was largely a Democratic vote, "it just didn't faze him one bit," said Mrs. McKee of Ford, who continued his public support of the Administration's war policies.

Ford's critics contend that he responds more to changes of position by the Administration than he does to shifting sentiment at home.

"In 1970 and '71, he would keep telling me that I didn't understand the nature of the Communist Chinese threat," recalled Mrs. McKee. "Yet now he comes home from a trip to China following Nixon's and says what good friends we all are."

Yet without fanfare, Ford made one of his rare breaks with Administration policy when he said in Grand Rapids that he thought the Administration's income floor on the welfare revision package was too low and should be increased.

He has chosen not to or been unsuccessful in landing a great avalanche of federal contracts or appropriations for his district compared with similar districts throughout Michigan.

He has been criticized by civil rights groups for opposing the antipoverty program, but that is disputed by Ray Tardy, executive director of Grand Rapids's antipoverty agency. He says of Ford, "He has a great affinity for our poor areas and our poor people because he once roamed the streets where these people now live."

Tardy credits Ford with saving the agency from collapse last September when all direct OEO financing stopped. "He not only suggests that we go to the city and county commissioners for revenue-sharing funds, he's the one who put on the pressure to get them passed," Tardy says.

Tardy says it was done quietly, without big headlines. But as they say: to know Grand Rapids is to know Jerry Ford. It is not a city given to flamboyancy, glamour and picking up the latest fads and, as one supporter said, "I think Jerry Ford reflects the same thing."

[From the St. Louis Post-Dispatch,
Nov. 15, 1973]

FORD EXPECTED TO RETAIN HIS MR. CLEAN IMAGE

(By Robert Adams)

WASHINGTON, November 15.—In 1971, House Republican leader Gerald R. Ford helped pass a law requiring disclosure of campaign contributors.

In 1972, a group of Ford backers netted $38,216 from a fund-raiser—but held the affair exactly a week before the new law went into effect, so the donors could remain secret.

The circumstances of that fund-raiser were neither illegal nor unusual. Many other members of Congress did the same thing. But the attempt by Ford's backers to beat the disclosure deadline has received fresh scrutiny as two congressional committees put Ford's past under a microscope to see whether any scandals blemish the reputation of the vice-presidential nominee.

So far, about 350 Federal Bureau of Investigation agents and a number of investigative reporters have delved into Ford's history. The result has been 1700 pages of raw FBI data and several questions requiring a detailed explanation from Ford.

Investigators found that special-interest groups and employes of defense contractors such as General Dynamics, Boeing and Teledyne-Ryan gave to Ford's campaign. They alleged that Ford channeled $11,500 to his campaign in 1970 in a way that sidestepped the federal corrupt practices act.

Other questions were raised: Did Ford help block a House committee's inquiry into the Watergate scandal last year? Had a firm in Ford's home town, Grand Rapids, Mich., received Government contracts through a friend Ford placed in a key position? Was Ford a conduit for money from dairy interests to other members of Congress?

By far the most sensational charges were made by Robert N. Winter-Berger, a former Washington lobbyist. In a four-page affidavit and in a best-selling book, "The Washington Pay-off," Winter-Berger accused Ford of doing favors in return for campaign contributions. He said also he loaned Ford $15,000 which had not been repaid and that Ford had seen a psychiatrist, Dr. Arnold Hutschnecker of New York.

But Ford—in an interview with the Post-Dispatch and in testimony before the Senate Rules Committee — persuasive explanations. He flooded the committee with documents on his personal finances and denied any improper activity. He called Winter-Berger a liar.

And the Senators found so many holes in Winter-Berger's story that the Rules Committee said it was considering perjury charges against him.

Ford is certain to face further hard questioning this week by the House Judiciary Committee—particularly about campaign finances. But after two days of questioning Ford, the Senators on the Rules Committee came away seemingly convinced that Ford's Mr. Clean image will stay put—and that no scandals will block his nomination.

"Personally, at this point I do not see any problems," said Howard W. Cannon (Dem.), Nevada, chairman of the Senate Rules Committee.

Ford's toughest questioner on the committee, Senator Robert C. Byrd (Dem.), West Virginia, agreed: "His prospects are excellent."

Because the shadow of secret money and special-interest money hangs heavy over the Watergate-tarnished Nixon Administration, Ford's campaign financing records have undergone careful examination.

Charles T. Marck, a Dow Chemical Co. representative in Washington, who headed the 1972 secret fund-raiser, told the Post-Dispatch he had no records of who gave the $38,216. The treasurer was James G. Morton, and Morton's son said that he had thrown his father's records away.

Records of what was spent exist, however, and these are in the hands of congressional investigators. They show that $2,425 was spent on food for 400 to 500 guests; and that the total raised, before expenses, was something like $49,000.

Marck acknowledged the April 7, 1972, disclosure date for the new law was one of the reasons he scheduled the fund-raiser on March 31. "I think any committee operating during that period was anxious to raise its funds before April 7," he said.

Ford said he saw no inconsistency with his earlier stand for disclosure. "It was clearly within the law," he said.

Special-interest money has gone to Ford. In 1972 he received $7500 from a marine engineers' union, $2500 from a banking group, $2000 from the Teamsters Union, $1000 from a restaurateurs' association, $1000 from an oral surgeons' group; $750 from a carpenters' organization; $500 from a builders' group; $500 from boilermakers; $500 from a railway and steamship clerks' union group; $400 from a Florida sugar group, and $250 from a recording industry organization.

In 1970 he received $2000 from the bankers, $5000 from a securities group, $1000 from a dairy group.

In 1972, Ford received money from numerous employes of defense contractors. About $1130 came from 22 employes of the St. Louis-based General Dynamics Corp. An additional $500 was from 11 employes of Boeing Aircraft, and $1075 from 10 employes of Teledyne-Ryan, a San Diego aerospace firm.

At all three firms, according to donors, Ford's name was one of several suggested by company officers as a possible recipient. "They were mainly Congressmen who were favorable to our line of work," one General Dynamics donor told the Post-Dispatch.

At least at Boeing, donations were "pooled" and sent to Ford in a bundle—although individuals could send their checks directly if they wished. "I think it was designed to show a concern on the part of Boeing employes," a Boeing spokesman said.

All the firms said the donations were voluntary. Congressional reform advocates, however, have questioned the practice of pooling individual donations, saying it could be construed as a company-backed attempt to gain influence with a Congressman.

"When contributions from people at a single company are lumped together, the purpose is usually clear, to show the recipient that this money represents the interests of the company," said a spokesman for Common Cause, the citizens lobby.

"The special-interest contributions to Jerry Ford—and the amount he got from outside his own district—show the faults in our current financing system. But they certainly aren't unique to Jerry Ford."

Ford's own comment is that the fund raising was done by others on his behalf, that he did not know about the pooling and, in any case, he has not done anybody any favors in return for the money.

Another allegation involved a complicated 1970 transaction. In it, Ford signed over five donations totaling $11,500 to a Republican campaign group at the same time the Republicans were giving $13,000 back to him. To some, it looked like "earmarking"—a procedure whereby money is illegally funneled through a third party to hide its source.

But Ford said it was a coincidence. He pointed out the fact that his 1972 reports went well beyond the law's requirements, listing contributors who gave less than $100. He said he hardly would do that if he had anything to hide.

Another question involved milk money. A lawsuit charges that the Nixon Administration boosted milk price supports in return for contributions from dairy groups. One report said Ford might have put pressure on milk producers.

Ford, however, denied it. He said a group of dairy people came to him early this year and asked for names of members of Congress who needed money to pay campaign debts. He supplied the names, but delivered no money and performed no favors, he said.

Ford said that $5000 in dairy money apapparently was channeled—without his knowledge—to his pre-April 7 committee. And while he acknowledged receiving a $1500 honorarium for a speech at the Associated Milk Producers' Convention in 1971, Ford noted that many other members of Congress spoke there also.

A Post-Dispatch check of Ford's campaign financing records dating to 1948 showed other contributions from individuals who worked for government contractors, but little else that is likely to raise questions. An unidentified "central buying agency" in Grand Rapids was listed as giving $500 in 1962, and Henry Ford of Ford Motor Co. has given to his namesake over the years.

An interesting item appeared in the 1960 report. The Ford for Vice President Committee, Grand Rapids, Mich, collected money—13 years early. The total, turned over to Ford's congressional campaign, was $149.43.

Ford was quizzed also about testimony by John W. Dean III, former White House counsel, that the White House helped block an inquiry by the House Banking Committee into the Watergate scandal a year ago. Did Ford, the Senators asked, play any part in that?

Ford admitted meeting with Republicans on the banking panel. "We talked about what the policy ought to be," Ford said, "But there was no Republican Party decision made."

Several Democrats eventually joined the committee's Republican bloc to deny subpena power and, thus, to quash the investigation. But Ford said no orders came from the White House.

Democrats on the committee differ on the question of Ford's role, or the White House's.

"When they all vote together like that, it's because they're told to," one committee member said. Another Democratic committee source observed: "Maybe they just realized, on their own, that we were getting close to hot stuff."

Still another allegation involved a Grand Rapids furniture firm. Joseph Lawless, whom Ford recommended for a job in the federal General Services Administration, turned around and approved a couple of Government contracts for the Steelcase Furniture Co. in Ford's home town. Was it influence-peddling?

Again, Ford said no. He said he did recommend Lawless for a GSA job; but the GSA then put Lawless in charge of the furniture branch on its own. He said Steelcase got only two of the 55 contracts handed out while Lawless held the job—and all were awarded by competitive bidding.

Ford's hottest words were aimed at former lobbyist Winter-Berger.

"It is a completely inaccurate, demagogic bunch of words that, in my opinion, doesn't deserve publication," Ford said of Winter-Berger's book.

He said the unpaid $15,000 loan story was flatly untrue, noting that by Winter-Berger's account, the money was paid in installments of $50 to $250 over three years which would come to between 60 and 300 payments. "This allegation," Ford said, "is utterly preposterous."

He acknowledged doing a couple of favors for Winter-Berger—trying to get an African ambassadorship for Francis Kellogg, for example—but denied any quid pro quo for campaign cash. He said he also helped a Dutch physician get a visa to emigrate to the United States at Winter-Berger's request, adding that five U.S. doctors urged him to do it, too.

Ford angrily denied having been treated by a psychiatrist. He went to see Hutschnecker once, he said, because Winter-Berger kept harping on it. But there was no psychotherapy, Ford said, only a lecture from the doctor on "the role of leadership in the American political system."

"I am disgustingly sane," Ford declared.

In a telephone interview, Hutschnecker called Winter-Berger's allegation "a sheer invention, a fantasy." He told the Post-Dispatch he had been visited by Ford once, but never treated him for anything, "not even for a cold or sniffles."

Winter-Berger's story seemed so dubious to the Rules Committee that it talked about a perjury indictment. And it released a transcript of Winter-Berger's closed-door testimony, showing that the former lobbyist had a seamy past.

All in all, Ford's credibility seemed to emerge virtually untarnished—although further questioning awaits.

On his personal net worth, based on copies of personal tax returns submitted by Ford, plus other financial data, Democratic Senator Claiborne Pell of Rhode Island was moved to comment that it was "very, very modest" for a 25-year member of Congress. Ford and his wife own three houses, and stocks and securities worth $13,570.

Ford's reputation for financial and personal probity is high in Washington, even among his political adversaries.

"I would be quite startled if it were discovered that Jerry Ford was dishonest," said Representative Richard Bolling, an influential Missouri Democrat who has studied the House. "He didn't get into this business to do himself good."

Moreover, there are no rumors about improprieties in his private life. Capitol Hill cocktail parties are frequently awash with talk about this Senator as a skirt chaser, that member of Congress as a lush. But there are no such rumors about Gerald Ford.

At the end of Ford's two-day session before the Rules Committee, Chairman Cannon asked what he called potentially the most important question of the hearings.

"Is there anything in your background, or anything that you have ever done, or anything that you have knowledge of," whose exposure would disillusion the American people?

"I have searched my conscience and my record," Ford replied, "and I know of no such situation."

[From the St. Louis Post-Dispatch, Nov. 16, 1973]

FORD: A CONSTANT CONSERVATIVE

(By Connie Rosenbaum)

WASHINGTON, NOVEMBER 16.—As the gold-lighted numerals on the House of Representatives electronic vote board tick away in a 15-minute countdown, legislators jockey for position. As members vote, lights by their names flash green, red, or amber.

The tall and commanding figure of Gerald R. Ford enters the chamber from the rear cloakroom where, as Republican leader, he has been helping shape legislation for the last eight years.

Ford corners Speaker of the House Carl B. Albert, the pint-sized Democrat and Rhodes scholar from Oklahoma, near the well of the house. Towering over Albert, he says something only Albert can hear.

With less than two minutes remaining in the quarter hour, Ford inserts his card at a voting station. A green light, for "aye," appears by his name on the wall.

Ford, President Richard M. Nixon's nominee to be Vice President of the United States, has been standing up to be counted—electronically and otherwise—for 25 years. He has cast about 4000 votes in his career on Capitol Hill.

Quantitatively, Ford's record of voting participation has been higher than average. Congressional Quarterly, which keeps tabs on such matters, said last month that Ford had taken a position on 90 per cent or more of all House votes in 11 of the last 20 years.

Qualitativey, Ford's rating depends on who is making the assessment. Conservatives rate him high; liberals rate him low. Most of his votes are predictable, pragmatic, partisan. They offer clues to what he might do in higher office and suggest that he and President Nixon frequently see eye-to-eye.

The man who probably will be the next Vice President gave this characterization of himself at his confirmation hearing before the Senate Rules Committee a few days ago:

"I would say I am a moderate on domestic issues, a conservative on fiscal affairs, and a dyed-in-the-wool internationalist in foreign affairs."

Among politicians and lobbyists, Ford is admired as a man whose word is good. He will try to carry out his part of a bargain, and if a thing cannot be done, he will explain why. He is neither grudging nor vindictive. These things are important in his relations with the majority party.

"He is a first-rate public servant," said Representative Richard Bolling of Missouri, a liberal Democrat. "The country could trust him . . . I couldn't agree with all his decisions, but he would believe in the stands he took."

Ford appears to be as hard to dislike as the late Will Rogers, but it is not difficult to find harsh critics of his political credo. To some, the former Michigan football star has been running the wrong way for a quarter century.

Ford is the kind of staunch, true-blue Republican of whom liberals and progressives despair. As they see him, he thinks big when it comes to military spending, but on welfare, the environment, or civil rights, he thinks small.

The nomination of Ford has the warm backing of the Chamber of Commerce, which has expressed confidence he will serve all Americans with the same devotion he has shown in the House. The Chamber agrees with Ford that Government's role should be minimal and Government spending cut.

One billion or so light years away is the attitude of Americans for Democratic Action, an organization of progressives, which has maintained that Ford's record "places him squarely among the most reactionary elements in the House." The ADA says Ford should not be confirmed.

"He is consistent—consistently wrong," Joseph L. Rauh Jr., a Washington lawyer and national vice-chairman of ADA, told the Post-Dispatch. "I can't think of a Northerner with a worse civil rights record."

Ford cuts a poor figure among environmentalists. On a League of Conservation Voters chart that rated House members on 13 important votes in 1972, Ford was shown to have voted "correctly" on only three. "His environmental record is bad news," said Mrs. Marion Edey, the league chairman.

Lobbyists of various political hues find Ford comfortable to deal with for the same reasons his Republican and Democratic colleagues do. He is approachable and will listen.

"Jerry Ford is an outstanding American," said Roger W. Fleming, director of the American Farm Bureau Federation's Washington office. Among Farm groups, the Farm Bureau is considered conservative. It favors a lower federal profille in farming, as does Ford.

"He is dedicated to the successful functioning of the market system," Fleming said. "This means that, philosophically, we have been on a similar wave length. "Jerry Ford has been the kind of a Congressman you could talk frankly with, and get straight answers."

As an example of Ford's integrity, Fleming recalled that he voted against final House approval of the farm bill last August after the Senate refused to accept a House-passed provision banning food stamps for strikers. In doing so, Ford supported the stand taken by the ranking Republican on the House Agriculture Committee.

Ford as minority leader and party loyalist is President Nixon's man to get Administration programs through the House. As of August, he had sided with the President 83 per cent of the time this year, a Congressional Quarterly tabulation showed. Only one House member had a higher rating.

Ford does not invariably hew to the Administration line. One deviation came this year when Ford, who comes from an automobile-producing state, voted against an Administration-supported proposal for use of Highway Trust Fund money in mass transit projects.

He broke with the President also over the size of payments for the Administration's proposed family assistance program, contending that Mr. Nixon's allocations were too low.

Ford said he was one of the originators of the concept of revenue sharing, which the White House has embraced as a major domestic initiative. When the Democrats held the White House, Ford was part of a small group of Republican leaders seeking positive options to Democratic programs, and revenue-sharing was one of those options. He since has supported the President in that area.

The man from Michigan has backed Mr. Nixon on the Vietnam War and in foreign policy. He has been a good soldier in supporting Mr. Nixon's initiatives for more friendly relations with Russia and China.

Where possible, Ford has tried to shield the President on Watergate. He also generally has supported big business in his votes, as when he favored federal subsidies to bail Lockheed Aircraft Corp. out of financial trouble.

"When the play is called, you don't tackle your own quarterback," Ford remarked at his confirmation hearings. Like the President, he has a habit of drawing analogies from the world of sports.

A World War II naval officer, Ford has been a strong advocate of big military and space budgets. He has roosted among Capitol Hill's hawks on the Vietnam War, although as early as 1967 he was voicing deep concern about sending more American troops to fight in Southeast Asia.

Ford considers his knowledge in military affairs one of his strengths. He spent 12 years on the House subcommittee for military appropriations, and has scrutinized military expenditures.

Ford has not been one of Capitol Hill's most productive legislators at initating new laws.

However, he has introduced his share of bills, often in response to calls for help from constituents. For example, he is the sponsor of a pending bill to cut red tape to obtain quick leaves for military personnel in cases of personal emergency.

One of his least successful efforts has been the "runaway pappy" bill, introduced in six different sessions of Congress thus far, but yet to come close to enactment. The bill would make parents responsible for child support payments after abandoning their families and moving across state lines.

Rauh, probably Ford's most outspoken critic, tagged him as a "knee-jerk negativist" and "carbon copy of Richard Nixon" who would turn out to be "an unworthy successor to an unworthy president." "He favors people who have the most," Rauh said, "and won't vote for people who have the least."

"Ford's record on civil rights is sufficient in and of itself to disqualify him for the presidency" Rauh told the Senate Rules Committee Wednesday. "At a time when the nation needs a healer, the nominee is a divisive influence who has fought civil rights legislation at every turn."

He said Ford has voted regularly to weaken proposals that were in the interest of minorities. He said Ford typically would vote to cripple civil rights advances, then get on the bandwagon when final passage became certain.

Despite blasts from the left, Ford's solid popularity and reputation for straight dealing are such that some of the organizations that might have been expected to oppose him—organized labor, for example—are not doing so.

The AFL–CIO would be a potent force against Ford's confirmation if aligned against him, but it is taking the position that, although it does not support Ford, it has no objection to congressional action approving him for the vice presidency.

In fact, the AFL–CIO now is encouraging speedy confirmation in furtherance of its newly organized campaign seeking to remove Mr. Nixon from office, a spokesman said.

Originally, the spokesman explained, the AFL–CIO believed that Mr. Nixon, who himself might face impeachment, should not pick his successor. Now it is willing to accept a nominee who is "clean, decent and honest."

Ford appears to fill that bill, although the spokesman said Ford usually voted wrong.

Similarly, Clarence Mitchell, director of the Washington bureau of the National Association for the Advancement of Colored People, expressed concern about Ford's record on civil rights but said, "he is about the best we could expect in this Administration."

Actually, Ford's early civil rights record was good, Mitchell said. Ford voted to abolish the poll tax in 1949 and voted to withhold federal funds from segregated schools. Later, however, he opposed civil rights measures and became a strong voice against busing, an issue that provoked strong reactions in his home state.

Ford opposed antipoverty programs, primarily, because they cost too much to administer. However, he worked hard to get funds for his home district for antipoverty and other programs that he had opposed.

In some ways, Ford has showed himself to be more flexible than is commonly believed, particularly on issues that were important to his Grand Rapids constituents. For example, he opposed the Administration's efforts to hold down spending for cleaning up water pollution, an issue that was vastly important to water-conscious Michigan residents

A bizarre episode in Ford's career—in the minds of some—was his zealous but abortive effort three years ago to move Congress toward the impeachment and removal of Supreme Court Associate Justice William O. Douglas.

"When I first encountered the facts of Mr. Douglas's involvement with pornographic publications and espousal of hippie-yippie-style revolution," Ford told the House on April 15, 1970, "I was inclined to dismiss his fractious behavior as the first sign of senility. But I believe I underestimated the Justice."

Of greater interest today than Ford's stern views on dirty books, hippies, and Justice Douglas's connection with a questionable foundation was his observation in that same speech that "an impeachable offense is whatever the majority of the House of Representatives considers it to be at a given moment in history."

That takes on meaning in the light of the current drive toward impeachment of President Nixon. It was cited this week by Rauh in his criticism of the qualifications of Ford for the vice presidency.

Under the impeachment theory offered by Ford, critics say, the independence of the judiciary would be a thing of the past because any defender of civil liberties on the bench could be removed as a result of the passions of the moment.

The 1970 thrust against Justice Douglas got nowhere and Ford himself, in an interview with the Post-Dispatch, indicated he has no further interest in it. Douglas, he suggested, is no longer doing some of the things he was doing three years ago.

If there is a quintessential Jerry Ford, the veteran, stolid, dependable minority leader, perhaps it is the man who carried the President's message to the House chamber last June, when the Doves were trying to cut off funds immediately for bombing in Cambodia or Laos. Jerry Ford rallied his troops with a comparison drawn from football: Don't listen to bad advice, he urged, in the last minute of the last quarter.

"It kind of reminds me of a ball game," Ford said, "where our side is ahead because we had the right strategy, and then just at the last minute when we can see all our efforts begin to achieve something meaningful, we walk off the field and turn over the ball game to the people who have been wrong—whose strategy has been in error.

"I do not understand that."

FORD'S VOTING RECORD

Year	President	Presidential Support (percent)	Presidential Opposition (percent)
1973	Nixon	83	14
1972	do	70	8
1971	do	89	7
1970	do	89	8
1969	do	76	18
1968	Johnson	63	28
1967	do	50	41
1966	do	40	46
1965	do	46	46
1964	do	38	56
1963	Kennedy	35	54
1962	do	52	40
1961	do	42	51
1960	Eisenhower	84	12
1959	do	63	13
1958	do	76	24
1957	do	73	23
1956	do	94	6
1955	do	88	12
1954	do	89	11
1953	do	94	16

Note: Chart, prepared by Congressional Quarterly, shows degree to which Representative Gerald R. Ford supported legislation submitted by the White House since 1953. Support of Republican Presidents (Eisenhower, Nixon) was much greater than support of Democratic Presidents (Kennedy, Johnson).

[From the St. Louis Post-Dispatch, Nov. 18, 1973]

Ford: No Wilson But No Harding

Washington, November 7.—There are those who say that Gerald R. Ford has two main qualifications for the vice presidency—or the presidency.

No. 1: He isn't Spiro T. Agnew.

No. 2: He isn't Richard M. Nixon.

That analysis, of course, is overly flip. Ford's 25 years in Congress including his eight years as House Republican leader, qualify him far more than the vast majority of the 200,000,000 other Americans who aren't Agnew or Mr. Nixon either.

But the flippancy points to a simple truth: that the 60-year-old Michigan Representative was nominated for Vice President not only because of ability, but also because of necessity. Tarnished by the Agnew and Watergate scandals, the Administration needed a fresh face, an honest face, and—because it was necessary under the Twenty-fifth Amendment—a face whose owner could be confirmed by Congress.

In view of all this, the question arises: What kind of President—if it came to that—would Gerald Ford make?

History mocks many predictions, but interviews with Ford's colleagues, with historians, with Washington observers and with Ford himself offer at least some clues:

His style would probably be solid, not splashy. He would stress candor and openness. He would forgo the Nixon style isolation and reach out for advice.

He would continue the broad lines of Nixon policy—conciliation but military firmness abroad, fiscal conservatism at home. He would get along better than Mr. Nixon has with Congress, public and press—although his honeymoon with Capitol Hill might be surprisingly short-lived.

What Presidents might he resemble? Most observers agree that Ford would not be a Woodrow Wilson or a John F. Kennedy, offering soaring visions of change and challenge. But neither, they say, would he stand idly by and watch the nation slide into a catastrophe—like a James Buchanan or a Herbert Hoover.

Many see similarities to two Presidents: Dwight D. Eisenhower, for his simplicity and straightforwardness and decency; and Harry S. Truman, as a man of seemingly limited gifts who showed a surprising capacity for growth.

"The presidency is dangerous," observes James David Barber, the Duke University political scientist who wrote "The Presidential Character."

"The first requirement is that he won't blow us all to hell. Fortunately, I don't think Ford would do that," Barber said in a telephone interview.

"From external impressions, I see some hints of Eisenhower and Calvin Coolidge. I think a Ford presidency might be a recuperative time—in which a disillusioned and nervous public would receive a period of stability."

Senator William Proxmire (Dem.), Wisconsin, has a unique perspective on Ford. Besides serving in Congress with him, Proxmire played football under Ford at Yale.

"There's a theory that you can tell a man's character by the kind of football player he was," Proxmire muses. "As player-coach, Jerry Ford was methodical, conscientious, cautious. He's been that kind of Congressman—and I suppose he'd be that kind of President.

He's not given to razzle-dazzle. I don't think he'd take the country on a roller-coaster ride to great heights or depths. He'd be steady, plodding, and reliable—a reassuring kind of leader."

Ford's natural friendliness would serve him well in the White House, many believe. He preaches—and colleagues say he practices—an "open door" policy. Nobody can imagine him drawing up an enemies list.

"He's not vindictive," says Charles Goodell, a former Republican Representative and Senator from New York. "He doesn't retaliate."

"He campaigned for me when I went against Nixon," recalls Representative Don Riegle of Michigan, a onetime Republican who became a Democrat. "I think that shows a certain largeness of spirit—something quite missing in Richard Nixon."

"I think he's pretty realistic about his own abilities," says Representative John B. Anderson of Illinois, who heads the House Republican Conference.

"In some ways, I see him as being like Harry Truman, in the sense that he's a more-or-less ordinary guy, and doesn't pretend to be anything else," observes Representative John J. McFall of California, assistant majority leader. "Some people might see that as a weakness. I see it as a strength."

Anderson and others apply the Truman analogy to Ford's capacity for growth. The man from Michigan, they suggested, might start out like the man from Missouri—with an unprepossessing reputation that quickly expanded to fill the job.

"The Oval Office has a tendency to lift men above their native capacity," notes Representative James W. Symington, a Democrat from St. Louis county whose political roots run deep.

"Minority leader is a relatively lackluster job," said Representative Silvio Conte, a Massachusetts Republican who knows Ford well. "I think this guy could really blossom if he had to make the big decisions."

Some of Ford's closest associates, however, point out one key difference between the slow-speaking Ford and the peppery Truman. Ford, they note, does not make controversial decisions quickly. Nor does he particularly relish a fight. "Compromise," he told the House Judiciary Committee last week, "is the oil that makes government go."

For that reason, Ford would be likely to rely heavily on those around him. Insiders say he would probably keep Henry A. Kissinger as Secretary of State to maintain Mr. Nixon's foreign policy initiatives. Melvin R. Laird, Mr. Nixon's top domestic adviser, is an old friend of Ford and would undoubtedly play a key role.

Indeed, before Ford went before Congress for confirmation hearings, he wrote to 39 opinion leaders for advice on his job. They included businessmen and labor officials; religious leaders and educators; politicians and diplomats. Among them were Roy Innis of the Congress on Racial Equality; Kingman Brewster, president of Yale; Paul Hall, president of the Seafarers Union; Cardinal Terence Cooke; David Rockefeller of the Chase-Manhattan Bank, and George Allen, coach of the Washington Redskins.

Duke University's Barber, for one, expresses concern that Ford might—like Warren G. Harding—become too dependent on his friends.

"Harding himself never knew quite what to do, but caved in to the strongest forces around him," Barber observed. "I hope that wouldn't happen to Gerald Ford."

But Representative Anderson says: "I don't think you'd see the J. Walter Thompson-West people moving in, with button-down minds. He'd have the sense not to surround himself with Jeb Magruders."

As for the press, Ford's relations with reporters always have been good. Correspondents consider him accessible and frank. Thus, his relationship with the media probably would be strikingly different from that of Lyndon B. Johnson, Spiro Agnew or Richard Nixon. Johnson's confrontations with reporters were legendary; Agnew lashed out at television commentators; Mr. Nixon bitterly attacked coverage of certain Watergate matters as "outrageous" and "hysterical."

Ford's testimony before the Senate Rules Committee was in blunt contrast. "I feel the press has always treated me fairly," he said, and he promised frequent press conferences.

One of Ford's greatest strengths, in his own mind and those of others, would be in working with Congress. His friends on the Hill are legion; they cross party lines.

Yet far-sighted observers note that this strength could prove surprisingly ephemeral if Ford became President.

Theodore H. White, the historian who wrote the "Making of the President" series, observes that an inevitable tension exists between the executive and the Legislative branches. And Ford would be a Republican president facing a Democratic Congress.

"My reading of the man," White told the Post-Dispatch, "is that he would knock himself out to have good relations with Congress—and then find out, like Lyndon Johnson, that you can't."

"Once he submits a new budget," a Republican Senator's aide adds wryly, "the honeymoon ends."

But just as strengths can evaporate, weaknesses can, too. Virtually every source consulted by the Post-Dispatch singled out foreign affairs as Ford's greatest shortcoming. Yet White argues that that need not prevent Ford from becoming a world figure.

"Probably the least experienced President we've had in that field in the last 50 years was Harry Truman," White said. "And Truman turned out to have, in my opinion, a dazzlingly successful foreign policy."

How Ford would perform in the No. 1 job might depend in part on how well—and how long—he served as No. 2. If he were to spend a year, or two years, as President Nixon's right-hand man, might some of the stain of Watergate, however unfairly, taint him, too?

Ronald K. Speed, president of the Ripon Society, a liberal Republican group, believes that Ford could—if he chose—keep sufficient distance between himself and Mr. Nixon.

"Once he's confirmed, he can't be removed by the President," Speed noted. "He wouldn't have to be a spear-carrier for Nixon. He could be more independent.

"He has absolutely nothing to gain by appearing to be another Mitchell or Ehrlichman or Haldeman. That would serve neither Mr. Ford nor the President—and it clearly wouldn't serve the country."

Ford has already staked out positions different from Mr. Nixon's on some Watergate related matters. Ford told the Rules Committee—which may vote this week to confirm him—that Mr. Nixon should have released the secret tapes earlier; that he might have been wise to disclose sooner that two tapes did not exist; that the new special prosecutor should be subject to Senate confirmation.

How does Ford the Representative view Ford the potential President? In an interview with three Post-Dispatch reporters in his second-floor office in the Capitol, he talked about it.

Asked what he considers his greatest strength as a potential President, Ford replied: "My long experience in the House of Representatives . . . my opportunity to work with five Presidents . . . the opportunity to know leading political figures in this period of time."

Asked what he believed his most serious weakness might be, Ford appeared slightly off-guard and defensive. "I guess we don't look upon our weaknesses," he said. "I'm not familiar with any known or identifiable weakness."

As for his political views, Ford believes they will stay about the same—an answer that will be good news for conservatives, less so for liberals.

"I suspect I'll have to take a broader view," Ford said of his new, national constituency, "but my job as minority leader for nine years also had a broader ramification." His opposition to mass transit subsidies, for example, remains strong; so does his support for Israel.

Ford said he believed he could join the Nixon Administration without getting caught up in the Watergate affair.

"I go down there free and clear, and have an opportunity to speak out and act," Ford said.

He said he would seek the advice of many, but would make his own decisions. "I think somebody like myself, who has a real hard-knock experience in life, can probably make a better judgment as to what should be done" than those who live in a pure academic environment, he said.

Ford said he would have independence as Vice President, although he would seek advice from the White House on how to fill certain slots on his staff. And he reaffirmed—without quite being Shermanesque—that he doesn't plan to seek any office in 1976, no matter what happens.

"I've made a good faith commitment," Ford declared, "and I don't believe in breaking commitments that I've made in politics. I can envisage no circumstances in '76 that would get me to change my mind."

But there are those who remember Teddy Roosevelt's comment earlier in this century: "Any strong man fit to be President would desire a renomination and re-election after his first term."

"I think Jerry Ford's a very likely candidate for President in 1976, whether he's an incumbent President or not," Senator Proxmire said. "He'd have a lot of appeal, and a few of the handicaps of some of the other potential candidates.

"He might almost run on a return-to-normalcy idea. And the country might be ready for it then."

[From the St. Louis Post-Dispatch, Nov. 18, 1973]

RELIGIOUS PEP MEMOS HELP BOLSTER FORD

(By Eric L. Zoeckler)

WASHINGTON, November 17.—The first memo that hits the desk of Vice President designate Gerald R. Ford every Monday morning starts out:

To: Jerry
From: Billy
Subject: God Has a Better Idea

Next comes a short passage from the Bible followed by a short prayer.

The Rev. Billy Zeoli, who has been sending Ford the memos each Monday morning since Ford's nomination as Vice President, says "They are designed to give Jerry that added little push—that added inspiration from Christ—he'll need to cope with some of the pressures he'll be facing."

The memos, a far cry from most correspondence that crosses Ford's desk, are received warmly. For although he is not ostentatious about it, Ford is deeply religious.

And the man whom Ford credits with having a "very beneficial impact on my life religiously is the Rev. Mr. Zeoli of Grand Rapids, Mich."

Zeoli, youthful and flamboyant, is president of the largest distributor of Christian films in the world and unofficial chaplain to several National Football League teams. There are those in Grand Rapids who insist that because of his drive, charisma and exposure with Ford and football, Billy Zeoli could become the Mod-generation's answer to Billy Graham.

Zeoli is 41 years old, tall, dark and handsome with green eyes. He is the son of a reformed ex-convict and drug addict turned minister.

His friendship with Ford began about 10 years ago when Zeoli met him during a home visit to Grand Rapids.

"I was impressed he had time to talk to me," Zeoli said. "I was only one vote and had no congregation."

Before long, Ford was taking his son, Steve, to hear Zeoli conduct Sunday chapel meetings for National Football League teams prior to their games with the Washington Redskins.

Zeoli and Ford co-hosted a Christian Leadership Luncheon for Athletes in Washington early this year. On several occasions the two men have prayed and meditated together in private.

"I am aware that Jerry has made a commitment to Jesus Christ as his personal savior," says Zeoli. "And over the years I've seen a great growth in him as a Christian. But don't credit me with this, credit God."

The effect has been seen by many of Ford's friends and constituents. For example, Hugh Meter, a Grand Rapids importer, said Ford answered a letter critical of President Richard M. Nixon's handling of the Watergate matter "in strong, moving words based on Christian teaching and ethics."

Zeoli was in Washington at Ford's invitation to open a session of Congress with a prayer the day after Spiro T. Agnew resigned as Vice President. Zeoli said that Ford's reaction toward him and his family "on that day of high tension and commotion demonstrated the kind of guy he is."

"Everybody in Congress was buzzing about Jerry being Agnew's replacement," Zeoli recalled. "All the television crews were upstairs waiting to interview him. But Jerry insisted on taking me and my family down to lunch, and I knew that gesture came straight from the heart."

Due in part to Zeoli's efforts, 21 of the 26 NFL teams have chapel services before each game and the minister travels to a different NFL city every Sunday to conduct his locker room ministry. Called 'Z" by many of the players, Zeoli says he chose a ministry with football players because of "the tremendous pressures on them that Jesus Christ helps them relieve."

And so it is with his ministry with Jerry Ford.

"He'll be under tremendous pressure in

the next few weeks," says Zeoli. "But Jesus Christ will help him cope."

ENERGY CRISIS

ENERGY CRISIS MUST NOT BE USED AS AN EXCUSE TO DECONTROL NATURAL GAS—$130 BILLION BONANZA AT STAKE

Mr. PROXMIRE. Mr. President, the major oil and gas companies are moving heaven and Earth to turn the energy crisis into a multibillion dollar bonanza. Behind their intensive lobbying, both at the Federal Power Commission and in the halls of Congress, to deregulate the price of natural gas is a $130 billion windfall.

It is time to warn the public and the consumer that huge price increases, as much as a tripling of the present average well-head prices, are in the immediate offing if the big oil and gas producers are successful in using the crisis as an excuse to push through decontrol.

As vice chairman of the Congressional Joint Economic Committee we have been examining some of the economic consequences of the energy shortage.

Twice in the past the major oil and gas companies have pushed gas bills through Congress. But twice they were thwarted by vetoes, first by President Truman and then by President Eisenhower. Now they are back again. But this time the stakes are at least 10 times bigger.

$11 BILLION A YEAR IN HIGHER PRICES

Natural gas production and use is about 22 billion thousand cubic feet—million cubic feet—a year. According to both outside expert and industry testimony the price of natural gas at the wellhead would go up from the present average price of 25 cents per million cubic feet to about 75 cents per million cubic feet, if it were deregulated. That would shortly bring in an extra $11 billion a year to the oil and gas producers, and raise revenues from sales at the wellhead from $5.5 billion to $16.5 billion a year.

$121 BILLION INCREASE IN VALUE OF RESERVES

But that is not all. The oil and gas industry claims it has an 11-year supply of proven recoverable reserves on hand. Many oil and gas experts believe the reserves are much bigger than that and comprise as much as a 15 to 17 year supply.

But even using the conservative figure of 11 years, the deregulation of natural gas would increase the value of the gas reserves by $121 billion overnight.

FPC SHOULD REGULATE AND REGULATE FAIRLY

In the Phillips decision the Supreme Court, under the clear provisions of the 1938 Natural Gas Act, ordered the Federal Power Commission to get on with the job of regulating natural gas sold in interstate commerce. It did that because natural gas production and distribution in interstate commerce is a natural monopoly.

WORST POSSIBLE TIME TO EVEN CONSIDER DEREGULATION

Because of the vast shortages, now would be the worst possible time for natural gas to escape fair and proper regulation. And under regulation there is not the slightest danger that the FPC, some of whose members themselves favor deregulation, will fail to allow oil and gas companies a fair return.

In my view the FPC should not allow them a fair return but should allow funds to provide strong incentives and inducements to bring in new production. But the danger now, as it has often been in the past, is that the FPC will fail to carry out its regulatory duties as called for in the 1938 act and by the Supreme Court in the Phillips decision.

A NEWSPAPER INTERVIEW WITH FORMER SENATOR ALLEN FREAR

Mr. ROTH. Mr. President, I was pleased to read recently an interview with former U.S. Senator Allen Frear in the Wilmington Morning News. The interview was characteristic of Senator Frear—perceptive, warmly human, and full of good sense. Senator Frear has continued to serve the people of Delaware in private life as he did in public life. Allen Frear has always maintained high standards of conduct in his public life. In my mind, one of the greatest tragedies of Watergate is that an increasing number of American people, especially the young, are questioning the honesty and integrity of all politicians. The fact is that there are many good and honorable men among us. For example, I can speak with great pride about the three living past Delaware Senators, whom I greatly admire and respect. They represent both parties and I have never heard a breath of scandal about any of them. Senators Frear, Williams, and Boggs of Delaware are the kind of people who instill confidence in public service. Together they served the people of Delaware over 60 years.

Because my colleagues on both sides of the aisle often ask about Allen Frear, I believe they would be interested in reading that interview. I ask unanimous consent that the newspaper interview be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

LITTLE MAN WITH BOW TIE COMMENTS ON WATERGATE

(By Ted Clark)

It was autumn 1954 and McCarthyism was upon the land.

The brand of fanatical patriotism practiced by the humorless senator from Wisconsin—featuring guilt by association—caused gentle Quaker Marty Klaver Sr., former chief editorial writer for the News-Journal papers, to resort to harsh language.

McCarthyism came to a head in the Army hearings. The forerunner to the Watergate Soap Opera featured a cast of puckish Joseph Welch, dour Roy Cohn and bouncing G. David Schine.

Housewives tended to neglect the laundry but—and this is an obvious bit of illogic—they kept up to date with the ironing and the TV screen.

My housewife burned a hole through the neck of my favorite white Oxford button-down-collar-shirt. It had to be my favorite white Oxford button-down-collar shirt. It was the only white Oxford button-down-collar shirt I had at the time.

Onto the stage of McCarthyism came the 1954 off-year election in which the Republicans took a fearful drubbing. A byproduct of McCarthyism? Perhaps. But a prominent Kent County Republican recently told me:

"Forget McCarthyism. It was the Supreme Court desegregation decision that licked us. No question about that."

A winner that year was the Little Man With the Bow Tie from Dover, Joseph Allen Frear Jr.

A couple weeks ago he was asked if he saw similarities between McCarthyism and Watergate.

"Yes, the degree is different, and unfortunately more severe. I served in the Senate with McCarthy and I knew him. I couldn't condone McCarthyism. His objectives were laudable, but his methods were deplorable.

"There is no doubt that there is some disloyalty in government. And that was a preoccupation of the times.

"But in '54 we had only one strong arrow in our body; today we have many. What was eroding our spirit then was by no means as severe as now. In '54 we had a patriotic commitment. Some of us thought we were in deep domestic trouble. How little we knew when you consider today's events."

The thoughtful, soft-spoken two-time senator drew himself up perceptibly and dropped what, for him, was a bomb:

"We were not then as close to a governmental change as we are now. And that is inevitable, you know—not a change regarding which party heads the government—but a change in the structure of our government."

He also observed that, 19 years ago, the U.S. housewife would not have been as outraged by the Soviet grain deal as she is now.

"As you know," he said, changing subjects, "I always was a fan of Harry Truman the man and Harry Truman the president.

"Harry Truman was a student of history. This may explain how Mr. Truman was able to maintain his calm and sense of humor. I wish I could be more of a student of history than I am.

"There were reasons for the downfall of Rome and Turkey. If we would study the reasons, we might be better able to understand what prompts our own descendancy—the symptoms of our domestic contamination."

Quickly, he was back on "the cynicism that produced Watergate." And although he did not seek to connect Spiro T. Agnew with Watergate, he observed in his mild manner—but quite positively—that Agnew's actions in public office "must certainly be the most flagrant of all."

"But, you know, the President is right in at least one sense: We need to get on with the nation's business. There is so much that Congress and the executive could be doing—the energy crisis, mass transit, housing.

"Why do we not get on with it—while still pursuing Watergate to its necessary ultimate—at this time? Because, I think, we have created for ourselves a national emotional depression—not an economic depression. Many of us suffer anxieties from what source we do not know. It is difficult to put it all into focus. But if we do feel a deep sense of depression and impending doom, certainly we have every reason.

"I think events which have led to this current lack of credibility are more daring—more brazen—more severe than anything history tells us about Andy Johnson's time, or Harding's or anyone else's.

"And I do know this: We have suffered about all the domestic turmoil we can take. We had better—very soon—start setting our domestic house in order, using whatever lawful measures are necessary."

Returning to Agnew, he observed that, "His plea certainly indicates something deeper than that to which he pleaded. And for the life of me I cannot understand why at this point he would go on TV in an effort to vindicate himself."

Never one to attack an opponent during his political career, the senator hasn't changed in the 12½ years since he left the Senate, asserting:

"Very well, it is manifestly true that our officials have let us down. Now keep in mind the difference between elected, appointed and merit-system officials. Many of our career government workers have been vilified with the same tar brush as elected and appointed officials connected to misconduct. This is most unfair.

"Still, that is not the story. Whereas we have a right—indeed, a duty—to demand excellence from our elected officials, we have abdicated our responsibility. In the final analysis, Watergate is the fault of us the people. You and I have been derelict. We haven't taken the responsibility of demanding proper responsibility from those whom we elect."

On the Mideast crisis: "It is perfectly clear that we are being penalized in terms of a lack of Arab oil as a result of our support of Israel. This will be misunderstood in some quarters and I want to make it clear I am neither a Semite nor anti-Semitic. But major U.S. support to Israel comes from Jewish people.

"And we must not expect to solve our energy crisis from the reservoir of Arab oil. It's shameful that we face such a crisis at all. We saw it coming. We have ample resources. We simply have been wasteful. We haven't prepared.

"Listen, I like to see the ducks fly as well as the next fellow. But I am not as alarmed as the environmentalists. We need that oil from the Northern Slope. We need to develop oil off the coasts of California and Louisiana—and, yes, Delaware too.

"Moreover, we need to assist other nations who have an energy problem. And if we can afford it we have every right to ship oil to Britain. Then, we can tell the Arabs, 'We don't want your oil.' But, you know, still I admit I am baffled at our utter lack anymore to control an unanticipated situation.

"We simply don't know what to do. Do we choke up in a crisis? Perhaps so."

The senator looks relaxed and in excellent health. He maintains a slim waistline, he's given to wearing black campus-type loafers, still the bow ties. He's fought his way back from a heart attack 10 years ago, but he stays away from the night air and he often takes a nap in the afternoon.

What else confounds the senator?

"Wastefulness in weaponry. I wonder if anyone ever will know how much more than $1 billion we wasted on the B1 that we scrapped?

"During the Korean war I used to get disturbed at the other extreme—our seeming inability to get the hardware to our troops.

"When I was in the Senate I used to have lunch with Dick Russell (the late Georgia Democrat, Sen. Richard B. Russell, chairman of the Senate Armed Services Committee).

"He'd say, "I often see what's coming (on shortages and over-runs). Still, I find myself unable to do anything about it. I get to wondering if there isn't something the matter with me."

A parting shot from Frear: "We had no legitimate reason to go into Vietnam. It's laudable to be the world's policeman, but we didn't calculate the death and injuries to our people, to our resources, to our standing in the world community—nor did we calculate the narcotics problem nor the agony of the peoples of Asia."

SALUTE TO NICHOLAS JOHNSON UPON RESIGNATION FROM FEDERAL COMMUNICATIONS COMMISSION

Mr. KENNEDY. Mr. President, I would like to take this opportunity to salute Mr. Nicholas Johnson, a native son of Iowa who this week, after more than 10 years of exemplary public service, is leaving his post as a member of the Federal Communications Commission.

As a bright young lawyer, Nick Johnson was appointed Maritime Administrator at the age of 29. In that position, he demonstrated his outstanding administrative abilities and a keen understanding of international affairs as he directed worldwide offices in the areas of transportation and communication.

Recognizing the talents of this young man, President Lyndon Johnson appointed Nick to the Federal Communications Commission where he has served with distinction since 1966.

From the FCC, Nick's clear and independent voice on behalf of the public interest has been heeded by Congress and the courts alike. With refreshing candor and courage, Nick called them as he saw them, always working to assure that government and the broadcasting industry were serving the needs of the public.

Administrator, advocate, author—Nick Johnson deserves our thanks and our praise for the decade of outstanding service he has given to this country. His record of accomplishments brings well-deserved credit upon himself and his home State of Iowa, and I am certain that record will continue in whatever he pursues in the years ahead.

A CHANCE FOR HOUSING

Mr. HATFIELD. Mr. President, we in the Congress deal with the Nation's problems in the abstract. Problems reach us most always through memos rather than from personal experience. Our attempts to resolve them are often equally impersonal; we direct millions or billions of dollars one way or another, we think up new programs, or attempt to create policies through legislation. But rarely are we exposed first hand, through our own experience, to the problems that we use so much rhetoric discussing; and rarely do we see the effects of the solutions which we propose or put into law.

The crisis of inadequate housing is a case in point. Every Member in this body cannot help but know the gravity of this problem. We drive past the thousands of apartments and homes in the District of Columbia that are so obviously unfit for human living, but which nevertheless house the poor. We are not really clear about why these places are in such terrible shape. When we stop and think about it, we realize that those who live in these buildings almost never own them. For various reasons, the owners can neglect conditions in them which would be intolerable acts in any place we might rent. But few, if any of us, ever have personal, direct exposure to these conditions, or to the individuals who live there.

Tuesday, an article appeared in the Washington Post which offers a ray of genuine hope to those who live in subhuman housing. It also offers an example to those of us who have a personal concern about this problem. The article, written by Colman McCarthy, concerns a group called Jubilee Housing which has recently purchased and is attempting to renew two apartment buildings in the Adams-Morgan area. The goal is to provide livable housing for those in these units—most of whom live in deep poverty. The motive is one of simple human care about the welfare of one's fellow man. Those principally involved are members of the Church of the Savior in Washington, D.C. I am personally acquainted with the church's minister, Gordon Cosby, and several of its members, and I have been deeply moved by this simple attempt to express faith through acts of love and service for others.

Moreover, this experience focuses our attention, through a concrete case, on the failure of our national housing programs, and the human costs of such national neglect. In addition, it illustrates the relevance of personal commitment between individuals, motivated not by any economic gain but by the impulse to serve those in need. This is absolutely essential if the deterioration of life in our Nation's cities is to be reversed, making life more human for all who live there.

Our direct exposure and involvement in endeavors such as this could do more than any memos we may read, or any hearings we may attend, in demonstrating to us the plight of the poor in our inner cities, and what is necessary for their lives to be more livable.

I ask unanimous consent that the article titled "A Chance for Housing," appearing in the Washington Post on December 4, 1973, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A CHANCE FOR HOUSING

(By Colman McCarthy)

In the 1920s, when the six stories of the Ritz apartment building were constructed at Euclid and Mozart Streets NW, in the city's Adams-Morgan area, the finest materials and designs were used. A stylish elegance resulted, and the 60 apartments were choice dwellings in a choice neighborhood.

This year, after the spilled exhaustion of a half-century, the Ritz appears to be almost out of control with decay, depression and neglect. The last housing inspection revealed 429 violations, and that inspection was partial, excluding fire, electrical and plumbing matters. Another time for those. The elevators at the Ritz are broken, so tenants with heart conditions either risk walking the stairwell or don't go out. In the basements, rats are so fierce that they have eaten passage holes through the concrete floors. Throughout the building, pipes rust, fixtures break and filth gathers. Despite this bleakness, those familiar with the slum housing conditions of Washington say the Ritz is actually one of the better apartments of the inner city. Washington is currently in a severe low income housing shortage, with the District government itself the largest slumlord. It is a tragic irony that so many of the poor should be suffering from squalid housing at a time when the sitting mayor came to his job known as a "housing expert."

The story of slum housing is hardly new, and reporters routinely document the politics of neighborhoods sinking to ghettos. What makes the Ritz a different story—and also the nearby Mozart apartment building—is the current effort by a small group of citizens who recently became the buildings' new managers. They formed the Jubilee Housing Corporation. It is one of the city's more exciting possibilities regarding low income housing, Jubilee being an organization that believes the neighborhoods will never be renewed just by task forces, programs or a new volley of action-memos from the mayor; what will work best, officials of Jubilee say, is a personal commitment between human beings. A skeptic might dismiss the Jubilee housing group as one more gang of naive white liberals in for still another inner city excursion; but on a deeper level, where a solid record of social accomplishment lies, Jubilee cannot be dismissed. Its directors are members of Washington's Church of the Saviour, an organization of authenticity that has proven both its courage and its commitment to the city through FLOC (For the Love of Children), its literacy classes, its prison work and other social reforms.

In the last month at both the Ritz and Mozart, work groups composed of minority contractors from the neighborhood, volunteer student groups from high schools and colleges and teams of church members have been doing the scut work of renovation. "At first," says Gordon Cosby, an official of Jubilee and pastor for 26 years of the Church of the Saviour, "the problems of the two buildings defied hopes of improvement. But in only a month of people working at the basics—scrubbing baths and kitchens, hauling trash, sanding floors and walls, washing hallways—we've moved forward a little. In a month, the impossible has become the improbable. Believe me, I consider that progress."

The most immediate goal for the buildings is to get people into the renovated apartments. In the Ritz, eight vacant units are now being worked on; as each is made livable, tenants will move in from elsewhere in the building. In time, it will be possible to renovate all the apartments without disrupting families. The last is rare; in many parts of the city, real estate speculators eagerly renovate apartments only to throw out the old tenants—the black and Spanish American poor—and bring in white middle class tenants at skyrocket rents. Jubilee has a firm intention that there will be no evictions or rent increases. The latter will remain steady, ranging from $110 for an efficiency to $160 for a two bedroom. "We could charge higher rents," says Mrs. Terry Flood, the apartments' manager and coordinator, "and still be under the going rates. But we aren't out to make a profit. We only want to provide the kind of housing we ourselves would want." People have told Jubilee that they are being "overly humane," but their actions can be seen another way: they are trying to show that being a landlord with ethics is not a contradiction in terms. The landlord of the Watergate apartments, for example, isn't being overly humane by running a clean and livable building. He merely fulfills basic obligations to his tenants. In low income areas, it should be the same. There, landlord ethics are unusual because their absence has become the norm. Thus, to return to what truly is normal appears strange.

In taking over responsibility for the two decrepit buildings, Mr. Cosby and his church were inspired by their personal motives of brotherhood, as found in Christianity's basic but usually forgotten teaching of sharing the wealth and serving others. But belief counts for nothing in the raw world of economics; in this case, money, landlord tenant rules, the housing codes are everything. The financing for the two buildings was begun by a $10,000 deposit made in September from borrowed funds from several church members. Sixty days later, Jubilee paid $610,000 for the Ritz and Mozart, money borrowed at 9 per cent interest from a friend of the church. "It was a borderline investment for him and a necessary one for us," says Bill Branner, president of Jubilee. "But we have a legal agreement that we are free to explore other ways of funding. We are doing that now—by urging individuals we know, or people who know what we're doing at the Ritz and Mozart, to become involved through low-interest or no-interest loans. Right now, we're paying about $65,000 a year in interest rates, money that could be going for paint, new elevators, security guards, and all the other necessities."

The other crucial need is for volunteer workers, skilled or unskilled. A student group of 15 came from Penn State last week to sand and paint. A group from the Little Falls Presbyterian church gave a day's work. A local family has been coming to fix floorboards. A friend of a church member is sewing curtains for the public rooms.

In seeking loans and volunteer workers, Jubilee housing is unlike the landlords who run the city's high income apartments. But the latter are different in another way, invariably sites of urban isolation where people live next to each other for years as total strangers. "We're trying for something different," says Mrs. Flood. "We're gambling that people in the same apartment building also want community personal relationships, that they want a common pride. I'm aware of the tensions in Adams-Morgan, but I've met with most of the families in our two buildings. Their tension is always the same; an absent landlord and rent paid with little accountability for basic services. We plan to be a management that will be present everyday. In addition, a family on each floor will be responsible for resolving conflicts and trying to create community on the floor."

Both friends and skeptics will be watching the Ritz and Mozart. For Jubilee Housing, the apartments are a large challenge, but against the severe shortage of low income housing in Washington, two buildings made livable satisfies only a small need. But if it can work in a small way in a block in Adams-Morgan, new hope and vast resources might be released. With literally hundreds of vacant buildings throughout the city, why can't other housing groups emerge?

GENOCIDE—A MATTER OF INTERNATIONAL CONCERN

Mr. PROXMIRE. Mr. President, article I of the Genocide Convention forthrightly states that all the parties which ratify the treaty will join together to prevent and punish genocide.

The text of the article is largely self-explanatory. The signers seek to make it clear that genocide—a grievous crime against humanity—will be an international crime punishable under international agreements. Thus genocide is put in the category of acts governed by international agreements, such as the treatment of war victims and the ban on slave trading.

Some people, however, have objected to this portion of the Genocide Convention. Their fear is that if the United States accepts the Genocide Convention our citizens could be tried in foreign courts.

This was one of the major objections raised by the American Bar Association to ratification in 1950. Their view was that the treatment of our citizens is a domestic concern and should not be subject to the jurisdiction of a foreign court.

Such arguments when applied against the Genocide Convention have no basis in fact. At the present time, for example, any American citizen visiting a foreign country can be charged and tried for any criminal offense, including robbery, espionage, and murder.

The only change that acceptance of the Genocide Convention would make is that the crime of genocide would be added to that list of criminal offenses. The treaty would in no way modify or extend the jurisdiction of foreign courts over American citizens.

We must recognize that when genocide is committed it involves reprehensible actions against a large mass of people. From a moral point of view genocide is of concern to all nations, not just those in the area where the act took place. From a practical point of view genocide is likely to involve acts against a large number of people from more than one country. Hitler did not just exterminate Jews in Germany. He extended the acts of terror to Jews and citizens in other nations, such as Poland, Hungary, and France. Consequently, we must recognize that genocide is an international concern.

Since 1776 the United States has made a commitment to strive for basic human rights for all mankind. This commitment is demonstrated in our Declaration of Independence, which declares that people should have the right to "life, liberty, and the pursuit of happiness." Life, certainly, is the most important of all human rights. What the Genocide Convention does is to extend our principles of leadership in the field of human rights to an international accord.

Therefore, I urge Senators to reject the specious arguments presented against the Genocide Convention and to ratify it as quickly as possible.

OCCUPATIONAL SAFETY AND HEALTH ACT

Mr. DOMINICK. Mr. President, Mr. Robert D. Moran, Chairman of the Occupational Safety and Health Review Commission, recently addressed the 23d annual meeting of the Southern Production Program, Inc., in New Orleans. In view of the frequent complaints from constituents regarding the Occupational Safety and Health Act, and the way it has been administered, I think many of my colleagues will be interested in Mr. Moran's remarks. I ask unanimous consent that the text of his address be printed in the RECORD at the conclusion of my remarks.

His address, which is entitled, "Are Job Safety Standards Understandable?—

The 'Police State' Tactics of OSHA," discusses what he sees to be the key weakness in the legislation—vague standards, and the frequent unfairness which results from enforcing them against employers.

Mr. Moran, whose principal responsibility has been to review the application of OSHA standards in specific instances, emphasizes that the key to achieving the goals of the Occupational Safety and Health Act is voluntary compliance by employers, because OSHA will never have sufficient manpower to force all employers to comply. He points out that achieving voluntary compliance has been hindered by vague standards, many of which he characterizes as—in Churchill's words—"riddles wrapped in mysteries inside enigmas." He concludes with the statement—

> Presenting employers with the quicksilver of standards such as the ones I've described to you today cannot save a limb and will not save a life. Indeed, such standards may serve to delay improvements in job safety and health conditions, as puzzled employers either await clarification of what is expected of them or think they are presently doing all that such standards require. In the meantime, I am afraid that any hoped-for trend toward voluntary compliance must also await clarification and revision of the existing requirements.

I agree that voluntary compliance is the key to achieving the goals of this legislation. I introduced a bill last March which is designed to encourage voluntary compliance. In addition to placing more emphasis on performance rather than specification standards, and revising some of the strictly punitive provisions of the act, it would establish an "onsite consultation" procedure under which OSHA would furnish employers—particularly small ones—with the technical advice and assistance necessary to comply.

Mr. President, this bill—S. 1147—has been pending in the Labor and Public Welfare Committee for 9 months, and has been cosponsored by 29 of my colleagues from both sides of the aisle. Yet, after several requests, I have been unable to get hearings scheduled. This, despite the fact that my colleagues made it clear during debate on Senator CURTIS' amendments to the Labor-HEW appropriations bill a year ago that the Labor and Public Welfare Committee should deal with proposals to improve the Occupational Safety and Health Act early in 1973. I hope hearings can be scheduled soon, as that would be far preferable to dealing with this issue on the floor of the Senate.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

ARE JOB SAFETY STANDARDS UNDERSTANDABLE?

THE "POLICE STATE" TACTICS OF OSHA

(By Robert D. Moran)

It was only three years ago this month that the job safety and health field began to occupy any significant portion of my attention. For two years prior thereto, I held a supervisory position in the Department of Labor. My only training had been that of an ordinary lawyer. I had neither education nor knowledge nor training in any technical field. Although my responsibilities included overall authority for the Department's rather limited role in job safety enforcement, I was somewhat ashamed to admit that I had considerable difficulty understanding the job safety standards that we were supposed to enforce under the Walsh-Healey Act, the Maritime Safety Act and a few others.

Fortunately, however, this shallowness never proved to be a source of either personal or official embarrassment, for the person immediately and primarily responsible for the job safety aspects of my office was George Guenther who many will remember as the man who later became the first head of OSHA. When it became clear that Congress would enact an omnibus job safety and health law that would overwhelm in importance all the other laws we were then administering, and when I was placed in charge of planning for the implementation of that law, I felt reasonable comfortable with the assignment knowing that George was there to oversee the development and promulgation of the safety standards to be issued under the new law.

We had a lot to do. Hiring people to help run the program. Planning the investigation and compliance strategy. Developing guidelines for State plans. Figuring out a budget and seeking approval thereof. I was up to my neck in these things—for I was sure that they would be the key to the success of the big new program. And yet, I don't think a single day went by during October, November and December of 1970 when I didn't hear George Guenther say "The standards will be the heart of the new law."

I think the reason I wasn't convinced of this was the same as the reason I never said a word when he made that statement: my own inability to comprehend the job safety standards.

Well, I've learned a lot in 3 years. I am still an ordinary lawyer with no technical knowledge but I think I am now smart enough to know that George Guenther was right. Standards *are* the heart of the Occupational Safety and Health Act of 1970.

I've had many occasions over the past 2 and one-half years to examine the make-up of this "heart of the Act" and it is this subject upon which I wish to speak today. In my present capacity as an adjudicator and interpreter of the Act, I've rendered many opinions and given a number of speeches on job safety standards over this period. Those of you who have any familiarity with the Act may be surprised to hear me say that I don't like many of the standards.

My principal objection is that too many of them don't do what they are supposed to do. Before I get down to specific cases, let me state what I think job safety and health standards are supposed to do. A standard is developed and promulgated because of the existence or potential existence of a condition which is hazardous to the safety or health of workers. The purpose of the standard is to tell employers what they must do to eliminate, reduce or prevent the hazardous condition.

For example, experience has shown that it is hazardous to work as a painter on the Golden Gate Bridge as well as on similar structures. The hazard is that you could easily fall several hundred feet to almost certain death. We know that this hazard could be reduced if a net capable of catching falling workers were strung under the bridge or if we required the painters to wear safety belts hitched in such a manner that a fall from the bridge structure wouldn't mean a plunge into the depths of San Francisco Bay.

Now, writing a safety standard for this is not an insurmountable problem. The hazard to be prevented is falling from the bridge to the Bay below it. The standard should specify what must be done to prevent the fall or to interrupt it before it can cause injury or death.

We therefore can see that there are two rather basic ingredients which I maintain are essential to every valid job safety and health standard: first—identify the hazard, and second—specify what must be done to prevent its occurrence.

If all standards included these two fundamentals in understandable language, I am certain that the number of OSHA inspections which result in citations for alleged violations thereof would be dramatically reduced.

And that, of course, is what everybody wants: more compliance and fewer violations. The purpose of this law cannot be achieved if we rely exclusively upon traditional enforcement techniques where OSHA inspectors find and punish violators and then get them to abate the conditions causing the violation. Even if OSHA tripled its staff, a rather unlikely prospect, they could only inspect 10 per cent of America's workplaces and could do so only once a year. This would not go far enough toward achieving the Act's purpose of eliminating injuries and diseases which workers receive from their jobs. Only when every employer complies with every standard during every moment of every working day and makes sure his employees do likewise can this purpose be within reach.

It is gratifying to note that this concept is recognized by the man presently responsible for enforcement of the law. Mr. John H. Stender, Assistant Secretary of Labor for Occupational Safety and Health, stated in August that "In our efforts to cooperate with all segments of the private sector, we in the Occupational Safety and Health Administration are stressing voluntary compliance with our standards." From what I've seen, I know Mr. Stender will find a cooperative spirit among the employers of America. They don't want their employees hurt and they don't want to violate the law. The problem is that they are uncertain as to exactly what they are supposed to do in order to comply with the law.

Cooperation is, of course, one of those things—like motherhood—that everyone is for. But cooperation, again like motherhood, takes two, at least to get it started.

While OSHA hopes for voluntary compliance with Federal job safety and health standards, far too many of those standards are, to paraphrase Churchill, "riddles wrapped in mysteries inside enigmas." They don't give the employer even a nebulous suggestion of what it is he should do to protect his employees from whatever-it-is, also left unexplained, which represents a hazard to their safety and health.

For example, what does the following standard tell you to do in order to avoid conditions at your place of employment which are potentially hazardous?

> . . . No contractor or subcontractor . . . shall require any laborer or mechanic . . . to work in surroundings or under any working conditions which are unsanitary, hazardous, or dangerous to his health or safety. (29 CFR 1926.20(a)(1))

These are laudable sentiments, but nowhere does the standard hint at what these unsanitary, hazardous, or dangerous conditions might be. Apparently, that has been left to the employer to guess at, and for OSHA to decree with hindsight if he guesses wrong. With this sort of direction, the most safety-conscious employer in the world could have no idea what to do in order to voluntarily achieve compliance with its requirements. Perhaps, such a standard can be complied with by saying "amen" and hoping for the best. Unfortunately, OSHA issued at least one citation against an employer for his alleged failure to comply with this standard and proposed a $500 penalty. His alleged offense was that his employees were "required to work under an unsupported concrete placing pipeline." Clearly, there isn't an employer in the world who can look at this standard and know that it tells him to keep his employees out from under unsupported concrete placing pipelines.

Fortunately in this particular case, the employer contested the charge and the Review Commission dismissed the case, but unfortunately this standard is still on the books and I wouldn't be the least bit surprised to see OSHA use it again—and to use it in a case which doesn't involve unsupported concrete placing pipelines.

A similar standard places on employers the requirement that they ". . . be responsible for the safe conditions of tools and equipment used by employees, including tools and equipment which may be furnished by employees." (29 CFR 1910.242).

An OSHA attempt to enforce this standard was overturned by the Review Commission with an opinion that included the following:

> Congress did not enact the Occupational Safety and Health Act to create guarantors upon whom to fasten responsibility for illnesses or injuries or deaths. Their purpose was remedial. The Act is a broad scale effort to *prevent* "personal injuries and illnesses arising out of work situations." The first-stated purpose of the Act is to encourage and stimulate "*programs* for providing safe and healthful working conditions. . . ."
>
> We concluded in this decision that the employer could not be found guilty of violating this standard when one of his employees was electrocuted while using a power tool if the standard did not tell the employer what he was supposed to do to avoid the occurrence.

Another standard requires that ". . . in the absence of an infirmary, clinic, or hospital *in near proximity* to the workplace . . . a person shall be adequately trained to render first aid." (29 CFR 1910.151(b)).

All right, I think that tells employers to make some provision for emergency medical care for employees, but it sets forth neither the practice required nor the conditions necessary for the implementation of that practice.

What constitutes a person "adequately trained to render first aid?" The standard doesn't answer that or tell whether or not that person is to be an employee or whether, once trained, he should be constantly present at the workplace, nor does it give any indication of what might constitute "adequate" training. It doesn't even really require that this person ever render first aid to an injured employee, just that he be "trained."

What is still more difficult, however, is the fact that this mandate is operative only when the mentioned facilities are not "in near proximity" to the workplace. Exactly what constitutes "in near proximity" is nowhere defined in the regulations.

An employer is left to guess at the practices required of him. Should he maintain a first aid person on his payroll, at his office or at the worksite? Once he knows the answer to this, he must determine if it is necessary, when there is a hospital only two—or perhaps ten—miles away. On the other hand, even a half mile may be too far away for emergency treatment if the location of the worksite requires travelling through a crowded urban area to reach the medical facilities. Conversely, a worksite located ten miles from a hospital may not require first aid personnel if the worksite is located on a superhighway that never suffers from congestion. These examples, of course, assume that an employer has a vehicle at his disposal. What conduct is demanded of an employer with no vehicles at the worksite? Does the availability of police, fire department or ambulances then become the major point of consideration? What effect does the growing civilian use of medevac helicopters have on the question of "near proximity?"

Merely to raise these questions, and I'm sure you could add many more, is to suggest the dilemma a vague and ambiguous regulation such as this places upon employers. It does no good for employees, either, when employers can interpret it as loosely as these questions suggest. I submit that if this standard applies to a million employers, there are a million different ways of voluntarily complying with it—and if there are 1,000 OSHA inspectors, 999 of them would find fault with the method any individual employer has chosen to achieve compliance.

What can happen when someone takes steps that he thinks meet the requirements of one of these vague standards was illustrated in a case which was decided by the Commission last August.

The standard prohibits an employee from working "in such proximity to any part of an electric power circuit that he may contact the same in the course of his work unless the employee is protected against electric shock by deenergizing the circuit and grounding it or by guarding it by effective insulation *or other means* . . ." (29 CFR 1518.400(c)) (emphasis added)

In this case an employee spliced a live electrical power line, a line neither owned nor controlled by his employer, and in performing this job he protected himself from electric shock by placing a piece of plywood on the ground upon which to stand while he made the splice. Even though the means he chose were successful, since he suffered no shock or other ill effects, OSHA charged his employer with a violation of the standard because the splice was allegedly made in a manner inconsistent with the requirements of the safety regulation. This charge, of course, was the result of hindsight. OSHA gave no hint in advance that plywood was not a means of obtaining effective insulation when splicing wire.

It is my view that when a standard simply lists "other means" as an acceptable criterion for meeting its requirements and does not precisely list or limit the "other means" contemplated, OSHA must accept as compliance the method chosen by the employer. If it doesn't do this, it clearly fails to provide the guidance which is essential so that employers can know what it is OSHA expects them "voluntarily" to do. If we don't get more specific, no one will know what will and what won't prevent the existence of the hazard. In addition, the employer is left at the mercy of the inspector whose interpretation of what constitutes "other means" is never known in advance and will, of course, vary from inspector to inspector. In this particular case OSHA, in effect, claimed that this standard means that the guarding shall be by effective insulation or other means as determined in each individual case by the particular OSHA inspector who happens to investigate the matter. There is no way under the sun an employer can voluntarily comply with a standard which is applied in this manner.

It seems to me that OSHA ought to pay some attention to Judge Cardozo who ruled in a decision issued over 50 years ago that "A prohibition so indefinite as to be unintelligible is not a prohibition by which conduct can be governed. It is not a rule at all; it is merely exhortation and entreaty."

Let me turn now to one of OSHA's favorite standards. It must be one of their favorites for it turns up in so many of our cases. This particular standard is so nebulous that almost anything is covered by its umbra. I apologize for reading it in full, but one has to hear it all to appreciate its all-encompassing richness;

> Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices and protective shields and barriers, shall be provided, used and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact. (29 CFR 1910.132 (a)).

Its vague constituent parts coalesce in a masterpiece of indefiniteness. (I suppose there are some who would substitute "nightmare" for "masterpiece" depending upon whether one is on the side that makes the charge or is charged under it.)

Take "protective equipment," for example. This protean concept, depending on who's defining it, can include everything from sun glasses or flowered parosol as protection from the sun, to a case-hardened steel capsule with contained individual life support system. "Hazards of processes or environment" excludes even less, covering at least everything under the sun. I suppose it could cover the sun, as well, since there are indications that skin cancer may be more prevalent among people, such as farmers, merchant seamen, and muscle-beach lifeguards, who are exposed to its rays for prolonged periods.

What do you think it tells you to do? I have no idea and I don't think OSHA could tell you, either, before an inspection, citation, complaint, hearing, and post hearing brief.

Let's take a press room as a hypothetical example, and see what a few possibilities are. ("Hazards of process or environment" from which employees must be protected "wherever . . . necessary" could include noise, oil mists, ink mists, mechanical presses, perhaps heat, maybe electrical equipment, dust from newsprint, airborne toxic metal particles, the rope or wire used to bind up stacks of newspapers, or anything else that might be the particular favorite of whichever compliance officer is making the inspection.

"Protective equipment" to shield employees from these "hazards" could range, depending on who has the say, through the whole gamut of anyone's imagination, perhaps starting with a hairnet or earmuffs, or gloves, or a surgical mask. Maybe a steel helmet or rubber boots or safety glasses? How about steel-toed shoes, shin guards or rubber apron? The point is: you don't know and I don't know and no one can tell you what the OSHA inspector thinks the term "protective equipment" means until he looks your workplace over and issues the citation. It is sad but true that the language of this standard does not circumscribe the conduct of the inspector in any way, which may explain why it is such a big favorite with OSHA people.

This standard would be almost funny were it not for the fact that it has been successfully enforced by OSHA, although no one knows what will happen if an aggrieved party exercises his right to appeal an affirmed action under it to the U.S. Court of Appeals. I personally think it is unconstitutionally vague but the Courts are going to have to say so, I think, before OSHA stops using it or decides to make it more specific.

A non-hypothetical application of this particular standard occurred in a case decided by the Commission less than two months ago. An OSHA inspector looked at a freight loading operation at one employer's terminal and made an *ad hoc* and, I think, purely subjective determination, that there was such "a hazard of environment" (boxes of freight that might be dropped and wheels of various kinds of material-handling equipment that could possibly roll over someone's toes) for which "extremities" (feet) required "protective equipment" (he said that meant safety shoes but although there are many different kinds of safety shoes he didn't get more specific). Thus, although "freight" and "wheels," "feet" and "safety shoes" are nowhere mentioned in the standard, OSHA charged that the employer violated its requirements because the employees did not have their feet covered by safety shoes so that their toes wouldn't get hurt if freight was accidentally dropped.

Now you've all heard about the due process clause of the Constitution. It requires that a potential offender have fair warning that the conduct he engages in is a violation of law. To me, the substance of this regulation simply does not afford any advance notice of the conduct which it either requires or prohibits.

To permit the enforcement of so vague a standard is to subject the employer to the unbridled discretion of the OSHA inspectors in the determination of what constitutes compliance. How can an employer voluntarily comply with standards that he could not possibly understand until after he has been cited for a particular *inspector-determined* infraction? And what must he do to satisfy the interpretations of the next inspector? There are many kinds of protective equipment for one's feet. For example, stockings may guard against infections such as athlete's foot and sandals will protect you against picking up cuts on the bottom of the foot, but neither will help your toes if they come in contact with a dropped brick or an immovable object. One inspector could say that neither stockings nor sandals constitute protective equipment for extremities but that only leather shoes with iron toes meet the requirements of this occupational safety and health standard. The next could specify that only shoes with certain non-skid soles would suffice. Another could say that only shoes purchased from a named manufacturer or retailer could meet the requirements of this standard. I think you can see the danger in this type of standard. The inspector tells you what the hazard of the environment is—then he tells you what protective equipment your employees should have been wearing when he made his inspection.

Before anyone says that it is up to the Review Commission and its Judges to interpret whether any particular charge constitutes a violation of this standard, let me quote from the Supreme Court's 1966 decision in the case of *Giaccio v. Pennsylvania:*

> It is established that a law fails to meet the requirement of the Due Process Clause if it is so vague and standardless that it leaves the public uncertain as to the conduct it prohibits or leaves judges and jurors free to decide, without any legally fixed standard, what is prohibited and what is not in each particular case.

One of the principal evils of vague regulations is that they leave the definition, and therefore the creation of crimes, to the unbridled discretion of cops on the beat or local inspectors or trial-court judges.

I submit that this is one reason why OSHA has been criticized for police state tactics. The generally accepted definition of the term "police state" is a place where the police decide what the law is—and the law may vary from policeman to policeman and from victim to victim. We have always prided ourselves on having a government of laws—not of men. This means the law must be exact enough so they cannot be improvised or amplified by the police. Until all occupational safety and health standards are thus, employers are likely to be at the mercy of the inspectors and cries of police state will no doubt continue.

But let's forget the employer's plight for the moment. The purpose of this law is to protect employees. This will be accomplished by providing safe and healthful working conditions for all. Unfortunately, however, such a state of affairs can never be achieved until employers are regulated by job safety standards which set forth meaningful and clearly discernible requirements by which they can guide their conduct; and the full scope of these requirements must be obvious upon a reading of the standard to every ordinary prudent employer.

Presenting employers with the quicksilver of standards such as the ones I've described to you today cannot save a limb and will not save a life. Indeed, such standards may serve to delay improvements in job safety and health conditions, as puzzled employers either await clarification of what is expected of them or think they are presently doing all that such standards require. In the meantime, I am afraid that any hoped-for trend toward voluntary compliance must also await clarification and revision of the existing requirements.

It is my firm conviction that so long as the heart of the Act—the standards—remain shrouded in ambiguousness, the gains we make in job safety and health will be equally ambiguous.

SUPPORT FOR THE VOLUNTEER ARMY

Mr. CRANSTON. Mr. President, the All-Volunteer Army is in a crucial stage of growth. Dedicated men and women are planning, testing and evaluating its progress.

The President and the Congress cooperated in ending the draft because the country does not want it and does not need it. For this country a peacetime draft was the exception, not the rule. Those who want to see the draft restored are misjudging the mood of the country, it seems to me, and exaggerating the problems associated with the phase of transition.

The new Secretary of the Army, Howard H. Callaway, recently made a speech before the Association of the U.S. Army at a meeting in Washington. In it he outlines the steps the Army is taking to make the all-volunteer concept work. I heartily recommend the speech to the Senate to counteract some of the premature pessimism that has appeared in print. The Volunteer Army is working and will continue to work, but it needs our support.

I ask unanimous consent that Mr. Callaway's speech together with a letter he sent to me dated October 17, be printed in the RECORD.

There being no objection, the speech and letter were ordered to be printed in the RECORD, as follows:

ADDRESS BY HON. HOWARD H. CALLAWAY, SECRETARY OF THE ARMY

Ladies and Gentlemen, distinguished guests: I'm delighted to have this opportunity to be with you this afternoon. We in the Army are aware of your long-standing support for a strong National defense and we feel that the Nation owes you a debt of gratitude.

It is an exciting time for me to be Secretary of the Army. We are entering a historic time, a time of basic change, as we try to do what has never been done before. The Army has set out to provide security for this great country, to keep our global commitments, to stand ready to face an aggressor on a moment's notice—and to do all this with an Army of volunteers. No nation in history has tried to meet such massive and complex commitments without compelling people to serve, through one form of conscription or another. It is a challenge—a great challenge, one which I assure you we are doing our utmost to meet. Today I want to address this question with you—this question of meeting the need for an Army with a volunteer force.

Unfortunately, discussions of the volunteer Army are usually accompanied by emotional considerations about the value of the draft or of Universal Military Training. There are many, both in the military and out, who genuinely feel that the maintenance of a draft is important to our country, and so the debate continues. But the debate is on the wrong subject.

Those who continue to hold out the false hope that the Army can or ought to simply dodge the problems of the volunteer environment by quick return to the draft are not facing up to today's realities. The country doesn't want a draft today. The Congress doesn't want a draft today. The alternative then is a successful volunteer Army or failure for the Army. The US Army has never failed this country. It has always turned the hard challenges of history into success. So today, the challenge for all of us who support the Army is clear. We must set our minds to making the volunteer Army work.

And the volunteer Army is working! It is working because there are still young men and women in America who want to serve their country—this is "an idea whose time remains" for all Americans, young and old, of every race, color, and creed. And it is working because the Army offers to young men and women a satisfying life and solid benefits in conjunction with their service. There are those who feel we are trying to buy an Army. This is not the case. We are giving young men and women who serve in the Army a standard of living that is roughly comparable to the standard of living they might get in the civilian community for doing a similar job. This means higher pay; paid annual leave; complete, superb medical and dental care; life in much improved barracks, and more.

All of these measures are necessary. I support them wholeheartedly. But let me emphasize that we are not trying to buy an Army! We will get the Army that the Nation needs only by appeal to sacrifice and service.

And this brings me to the second, most important way that we are making the volunteer Army work, by insuring that service to the country is a meaningful part of the young man or woman's life. We are making Army service a step forward in their lives, not an interruption. And to do this we are putting a great emphasis on education and training, and on insuring that our soldiers' jobs are important and useful.

We are doing this by making each soldier's job relate to the Army's mission, because this makes Army service mean something. Our young people want value from their lives. They want a job that matters and we've got that job. We are also working to eliminate unnecessary irritants. We think this will make the Army more attractive, and our surveys have borne this out.

We have developed a very attractive package of education and training. To the high school dropout who has the ability and motivation, we offer work toward a high school diploma, as an adjunct to training. To the high school graduate, an opportunity for college training, part of which may be as an adjunct to training. To junior college and college students, the possibility of further training, and even this may be as an adjunct to training. And to all of them, the Army offers vocational training that will be useful when the soldier returns to civilian life.

With a meaningful job, a decent standard of living, and real opportunities for continued education and training, young men and women can look upon a period of service to the country as a genuine step forward in their lives. And when they leave the Service, they will realize other very important advantages. For one thing, under the GI Bill, they are entitled to more education, provided by the government to its veterans. And they're more mature. The Army has trained them, giving them each a mission, and then held them responsible for professional results. This responsibility develops maturity. Thus, both the education and experience of military service prepare them for better jobs when they leave the Army for civilian careers.

All of these benefits are pointed toward the first term volunteer. For those who choose to reenlist for the volunteer Army, however, more opportunities for education, maturity, and service accrue.

We have, today, the finest noncommissioned officer leadership training we have ever had, with progressive career steps going from the recruit right on through our top command sergeant major. Our men and women enjoy the benefits of our new Noncommissioned Officer Education System, a system which offers to the noncommissioned officer a progressive, professional military education roughly comparable to the superb system of schooling we have always offered to our officers. The system trains, educates, and motivates our NCO leaders for the progressive challenges of an Army career.

Some of our strongest supporters don't fully understand today's Army. They think the Army lost something important when we initiated, for example, the idea of hiring civilian help—KPs—to work in the kitchens and dining rooms. They think that eliminating such irritants as KP has made the Army soft. But the Army's mission is not to peel potatoes; its mission is to fight. Peeling potatoes does not improve discipline or combat efficiency. So changes to some things held traditional in the past are in the wind, but if you look at them, you will see that each turns harder than ever on mission. We are not retreating from the Army's real business. The volunteer Army is ready to fight.

We do not have and we shall not have a permissive Army. We have and we shall have a disciplined Army, responsive to authority, and able to perform its mission in the service of the country. You expect it; the country deserves it; and I'm going to do my level best to see that it happens!

In brief, that's the program we have undertaken to attract young people, to encourage them to enter the Army. And once they're in, I know that many of them will choose to stay beyond their initial commitment, because they will see that the Army has a very fine career progression system.

I believe Americans will agree, then, that we have a package that is appealing to today's young people, appealing not only in terms of benefits, but in the opportunity for service to country. And the beauty of this is that it appeals to everyone in America. Service to country appeals equally to rich and poor, Northerner and Southerner, educated and uneducated. Pride in America and willingness to sacrifice for her is an ideal which knows no cultural or economic boundaries. In this fact lies the very strength of the Nation. I count on this appeal to give us an Army which mirrors America. It's not going to be a mercenary Army, it's going to be an all-American Army.

This then is our plan. It is not only our plan for the future, it is also a description of today's Army. For practical purposes, the draft ended for us on December 29, 1972, when the last draftee entered the Army. (Although a few deferred draftees entered later.) So we have had about 10 months' experience now in a volunteer environment, and I think it is appropriate that we review some of the results.

Because each month we openly discuss our goals and quotas, many have a distorted picture of our progress. They feel we are hopelessly short of recruiting goals, trying to make up the gap by lowering quality, and as a consequence, ending up with nothing worthwhile whatever. It is true that we have missed our goals during the past 10 months. But it is important to remember that our goals are akin to the salesman's goals—realistic, but difficult to meet.

What are the facts? During these past months, we have recruited into the volunteer Army some 124,000 young men and women; further, over 34,000 men and women have reenlisted during this period. In fact we have been running about 84 percent of our recruiting objective ever since December 29, 1972, when we abandoned the draft. And those who have come into the Army are of high quality. We have had a higher percentage of high school graduates entering the Army since the draft ended—about 10 percent higher—than we had in the 6 months before the end of the draft. As a result, we now have an Active Army of over 794,000 and this is 97 percent of our programed strength. Total accessions, then, have fallen somewhat short of our goals, but we are still filled far above any level of concern, and quality is high.

And we have many encouraging signs. Last year we decided to reactivate the 9th Infantry Division at Fort Lewis, Washington, but the manpower was not at hand. So we told the commander, General Fulton, that if he wanted a division, to take his cadre, the Division colors, and go out and recruit a division. General Fulton and his recruiters did just that. They began a vigorous recruiting campaign and today that Division stands at 102 percent strength, essentially filled with enlisted volunteer soldiers. Now, this is a real success story, a living example which illustrates concretely that the volunteer Army program is not an impossible dream, but a workable idea, and it is typical of many other units with similar successes.

We do not minimize our recruiting problems; we spend our time and energy working on them. We are trying many new approaches to recruiting, which stress quality together with quantity—such as increasing the number of recruiters, expanding our unit-of-choice and station-of-choice options, screening out poor soldiers in our reenlistments, administering new entrance tests, and even weeding out misfits in basic training. These efforts will continue.

Some also have expressed concern that the volunteer Army was doomed to failure because it would bring a decline in discipline. That has not been the case. If we compare discipline trends for FY 72 with FY 73, a period which includes both draft and volunteer Army experience, we find that rates for AWOL, desertion, crimes of violence, crimes against property, courts-martial, and separations under less than honorable conditions, are down.

Virtually every major indicator of discipline except drug offenses has, in fact, remained or turned positive in the volunteer Army. Whatever factors contribute to this picture, it is clear that today's volunteer soldier is not causing an increase in disciplinary problems.

Many also had expected the volunteer Army to herald the demise of our National Guard and Army Reserve as viable outfits. No such demise is in sight, although we do face problems here. We have seen modest reductions in the strengths of both our Reserve components from the December 1972 levels, a trend in fact dating from mid-1971. But current indications give us some encouragement that we may be able to restrain this decline. We have in the past several months, for example, been successful in recruiting trained, experienced, prior-service personnel into our Reserve components to offset some of our shortfall. As you know, Reserve component strength remains critically important, so we are very much concerned that it continue to receive close attention. Under the total force policy any future emergency buildup will have to rely upon the National Guard and Reserve rather than a draft for initial and primary augmentation of our Active forces. I expect the improving image of the volunteer Army to have the positive effect on the health of our Reserve component recruitment that is needed.

Finally, combat readiness, which is the heart of our business, has shown significant improvement. When the draft ended, we had 13 divisions on the books, but only 10 fully formed. Of the 13 divisions, only 4 met the Army's stringent readiness standards and were considered ready for combat. By contrast, we now have all 13 divisions fully operational and 10 ready for combat. Thus, our divisions today, judged by the stringent standards reported to the Joint Chiefs of Staff, much more nearly meet their goals in terms of authorized strength, personnel job qualification, unit training, equipment on hand, and equipment serviceability than they did at the end of the draft. Six months to a year from now, I believe our readiness posture will be even better.

These simple facts and figures point to one conclusion—the Army is better today than it was at the end of the draft. But the figures are not nearly so meaningful as the subjective feel of those in the Army. I certainly don't pretend to be an expert on this, but by the end of this month I will have visited all 13 of the Army's active divisions, as well as many other posts and stations. During every visit I have talked with new soldiers, with senior noncommissioned officers, with junior officers, with senior officers and commanders. I can tell you that without any question, today's Army is a far better Army, far more prepared for combat than it was at the end of the draft I can just feel it everywhere I go. It's in the air. Discipline is better, morale is better, training is better, and equipment is better. The Army's future is indeed now.

And, what is more important, all of our vital trends, with the possible exception of drug abuse (and we are working hard and effectively on that one), are in the right direction today. Let me emphasize—your Army is good now, ready to fight, and getting better with the passage of time. I foresee no doom ahead. Six months from today we will be better, and after that, better still.

This picture that I give you of today's Army is enthusiastic and optimistic, and purposely so. I am extremely proud of today's Army and what has been done to make it work in the volunteer atmosphere. But I recognize our challenges. Benjamin Franklin once said that, "the man who expects nothing . . . shall never be disappointed." I believe he would share my belief that men who do expect something worthwhile and are willing to work hard for it, are apt to achieve it, even if the task is difficult and unfamiliar.

We are daily working on new, innovative, and exciting ideas to insure that we get the right number of qualified men and women to man our Army. It will not be easy. It will perhaps be the toughest job that the U.S. Army has ever been called upon to do, but I am certain that today's Army will be equal to the challenge.

We in the Army have always needed the active support of the American people. Today, we need it even more than ever before. Even our strongest critics have recognized that the one vital element necessary for the success of the volunteer Army lies beyond the Army itself. I'm talking about public support. We need your help as we plow new ground, as we steer an uncharted course to give the country the best Army it has ever had. Without your help, we cannot succeed; with it, we cannot fail. Together, we can meet the challenges and prove worthy of the Nation's trust.

Thank you.

OCTOBER 17, 1973.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: The purpose of this letter is to solicit your support at a time when the Army faces one of its most serious challenges: the achievement and success of an all volunteer concept.

When President Nixon outlined the plan for an all volunteer force in 1968, several months before he took office, the Army immediately took up the challenge and began making plans for this eventuality. We attacked the problem on three fronts; strengthening professionalism, improving Army life, and modernizing our accession system. Much has been done in these areas and we were able to terminate inductions in December 1972—six months ahead of schedule.

As the draft expired, we found ourselves embarked on an enterprise that our society has never successfully accomplished in modern times. Accordingly, imagination and innovation became foremost in our management philosophy. We explored new approaches and techniques, rejecting unsuccessful ones and exploiting success where we found it. In this regard, you can expect to see more management changes and adjustments as we go along.

Our goal is to man the volunteer Army with highly motivated, trainable personnel, without lowering educational and mental category standards. We are going after the quality prospect in many new ways. For example, in May we began using the recently developed Army Classification Battery. This test measures aptitude for training and provides a more accurate measure of a man's potential as a soldier than did the WWII Armed Forces Qualification Test. Too, we believe that the quality of a man is realistically tested by his overall performance in training, and we have adopted procedures which will determine each volunteer's motivation and self-discipline during basic and advanced individual training. Men who do not display the qualities desired of a soldier will be released prior to 180 days of service. We are also employing the "whole person" concept in our quest for the quality accession, and we are experimenting with a system which would enable us to determine an individual's probability for success in the Army based on certain background data. Thus, contrary to the opinion expressed by some, the Army is not lowering quality standards but rather developing more and better ways to identify men who should make good soldiers.

The fact that we have fallen short of our recruiting goals in recent months has been widely reported. Because of this, some have concluded that the all volunteer Army is going to fail, but I do not accept this at all. It would be unwise for anyone to jump to such conclusions on the results of the last six months. For the Army there is no alternative; we are totally committed to assuring success of the all volunteer concept.

We face a most difficult challenge. However, we feel confident that with the training, educational opportunities, and improved living conditions available in the Army today, we will be able to attract and retain those individuals whom we need. Above all, we believe that the Army offers young peocomes from service to one's country.
and gain that inner satisfaction which only
ple an opportunity to grow and mature,

On 15 October I spoke on this matter before the Association of the United States Army at their annual meeting here in Washington. Enclosed for your information is a copy of my remarks.

I am confident that with your continued support, and that of the American people, we will make the all volunteer force a reality.

Should you desire, we are prepared to provide you with a 15 minute briefing, at your convenience, on our plans and programs for the volunteer Army. This can be arranged by calling LTC McKinney of my office at 697-5258.

Sincerely,

HOWARD H. CALLAWAY.

MIDDLE EAST CONFLICT

Mr. McCLURE. Mr. President, the future peace of the world depends on a just solution to the present Middle East conflict. During my recent visit to five Arab nations, I was told repeatedly that only the United States holds the key to this solution. Whether we want to be or not, circumstances have thrust upon us the role of peacemaker—again.

This does not mean that the United States should attempt to impose a peace settlement upon the parties directly involved. Only they can achieve a lasting, mutually agreeable treaty. Our responsibility is to conduct our foreign policy in a manner serving the best interests of the United States—that is, to say, a manner that will bring all concerned parties to the bargaining table with the shortest possible delay.

One essential element of any successful American foreign policy is public support. And this, in turn, requires public understanding. I am pleased to see that the news media has begun a more balanced reporting of Middle East events and positions. A recent article by Mr. William Raspberry, printed in the Washington Post on December 3, 1973, is illustrative of this new awakening to the need for more facts and less bias. As Mr. Raspberry so accurately states:

> Both Arabs and Jews have come to take for granted a pro-Israel bias in the nation's press, and in its government.

I believe that Mr. Raspberry's column signals a change in that dangerous policy. Hopefully, more newspapers and broadcasters will adopt similar attitudes, so that public opinion, so essential to effective foreign policy, be based on facts and not prejudices.

Mr. President, I ask unanimous consent that Mr. Raspberry's article be printed in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post. Dec. 3, 1973]

PRO-ISRAEL BIAS

(By William Raspberry)

Let a newspaper columnist write an even-handed commentary on the Arab-Israeli conflict—not a pro-Arab piece, just reasonably balanced—and I virtually guarantee two results:

He will be engulfed with a heart-rending, tear-tinged and more-than-slightly embarrassing messages of gratitude from Arab readers. And he will be denounced as anti-Semitic by a number of Jewish readers.

He will hear from other readers, of course, with a wide range of attitudes, depending on the specifics of his report or the nature of the current crisis. But the two main reactions are sadly predictable.

It is theoretically conceivable, I suppose, that Israel could be totally right in the continuing Mideast dispute and the Arabs totally wrong. But it is unlikely. And yet, simply to say that maybe the Arabs have a just grievance or two is enough to trigger the twin reactions of gratitude and outrage.

The reason, I suspect, is that both Arabs and Jews have come to take for granted a pro-Israel bias in the nation's press, and in its government. Not that there is anything wrong with being pro-Israel. A nation is, of course, free to choose its allies.

But there is something wrong with adopting a one-sided policy and pretending even-handedness. There is something wrong with being willing to accept as gospel one side's view of things and at the same time pretending to care about honorable settlement of differences. What is wrong with trying to do it that way is that it can't work.

And since Israel, for reasons of geography and arithmetic, has more need of a mutually acceptable peace than the Arabs, America's one-sidedeness may actually be doing Israel a disservice. It almost certainly is giving the Soviet Union an unnecessarily large and dangerous influence in the Mideast. With the United States so obviously in the role of Israel's sponsor, the Arabs naturally must turn to the only other world power capable of offering some semblance of balance. In fact, as Freda Utley suggested in a recent article in the conservative Human Events, only Moscow stands to gain from any long-term failure to work out a secure peace in the area. "Russia demands and gets cash on the barrelhead for arms supplied to the Arabs. Cash provided by the oil-rich Arab states; cash which enables Moscow to pay America for the food and technological aid it needs, while we continue to be squeezed by the Arab oil states."

Miss Utley said something else, this time in The Washington Star-News: "The Zionists have succeeded in convincing the United States that our interests are identical with Israel's in the struggle for the world against the Soviet Empire, despite Israel's transgressions against all our fine principles against aggression, conquests of territory by force, and our professed belief in equal justice for all. Equal justice is a principle which most Americans tend to disregard when it comes to Arabs: perhaps it's fear of being accused of anti-Semitism and identified with Nazism, reaction, racism and all things vile."

The point is not that only Israel has played the aggressor's role, but that Israel has not been alone, either in virtue or in sin. The point, further, is that it isn't very helpful for America to try to figure out which side should get most of the blame.

It would be a most helpful beginning if America would simply accept, publicly, that both the Arabs and the Israelis have very real, deeply felt grievances and fears; that in both cases these fears and grievances are complicated by emotion, and that there will have to be major concessions by both sides if there is to be a lasting peace. Once the United States adopts such a posture, it will be in position to influence Israel toward realistic terms—or at least toward honest negotiation—at pain of being left alone.

It will be clear, here as well as throughout the Mideast, that what is to be negotiated is not the continued existence of the state of Israel, though that is what some people will try to make you believe. Of course there are Palestinians who will never be content as long as Israel exists, just as there are Israelis who will not be content as long as Arabs have the power to make war. But those who hold such extreme views are mostly without major influence.

What is needed now is for the United States and the Soviet Union to exert the kind of pressure-cum-statesmanship that will be necessary for peace in the Mideast. America will be accused of doing so in exchange for Arab oil, but that is a risk worth taking.

THE STATE OF THE ECONOMY

Mr. NUNN. Mr. President, my colleague, the senior Senator from Georgia delivered an excellent address earlier this month to the National Conference of Bankruptcy Judges meeting in Atlanta.

Senator TALMADGE's remarks on the state of the economy and his comments on the people's responsibility to their Government are particularly noteworthy. I recommend a thorough reading of the entire text by all Members of Congress, and I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF U.S. SENATOR HERMAN E. TALMADGE

It is a great privilege for me to be here tonight for this important meeting. I appreciate the invitation of your President and my good friend, Homer Drake. The state of Georgia and the city of Atlanta are honored to have the National Conference of Bankruptcy Judges choose our capital city as the site of your convention this year. I understand this banquet will conclude your convention activities. I hope you have enjoyed your stay in Atlanta . . . and we urge you to come back to see us whenever you can.

* * * * *

Bankruptcy Courts serve an important role, both in our system of justice and in the functioning of our economy. A great deal has happened in the field of bankruptcy law during the past year alone. For example, new bankruptcy rules have been adopted, and I understand you have been operating under them now for about a month. These rules, which were the product of a dedicated group of bankruptcy experts who worked on them for some 12 years should have actually improved the operations of your courts.

You have now been given the official title, "Bankruptcy Judge." Even though you have been judges since you have been on the bench, they have given you many of the other things which characterize the office of a federal judge. And, I want to say this to each of you: Even more elevation of the office of bankruptcy judge needs to take place in recognition of the crucial role of the Bankruptcy Court in meeting the social and economic needs of our increasingly complex society.

As all of you know, numerous areas for improvement could be listed. They are all vital to the efficient functioning of your courts. For example, further progress must be made in clerical personnel available to the Bankruptcy Court, in library and office facilities, and in the tenure and salary of Bankruptcy Judges.

I know there is growing concern and interest in this area by many of my colleagues in the Congress. I am confident the Senate will work diligently to elevate the Bankruptcy Court and to better meet the needs of judges who sit in that court. In fact, as all of you know, a comprehensive new Bankruptcy Act has been proposed, and has been introduced in the 93rd Congress.

While I am not familiar with all of the terms of this legislation and do not serve on the Senate Judiciary Committee which will have initial responsibility and conduct hearings on this bill, I do understand that it contains many improvements over existing bankruptcy law procedures—as well as providing for substantial elevation of the status of bankruptcy judges.

There are some provisions in the new act about which, very frankly, I am skeptical. One of them is the proposal to detach from the Federal Court system all administrative functions insofar as the Bankruptcy Court is concerned, and to place these functions in the Executive Branch of government. The Executive agency would be referred to, as I understand it, as the Bankruptcy Administration. In other words, the Administration in control of bankruptcy cases would be in one branch of government—the Executive Branch. The Bankruptcy Court would be relegated to deciding only adversarial matters.

I have not made up my mind about many aspects of this legislation, and would not attempt to do so until I had the benefit of the Judiciary Committee's report and recommendations. However, I can tell you this evening without equivocation that I have very serious reservations about splitting the administrative functions away from the Judicial Branch of government.

One of my primary concerns is the creation of yet another government bureaucracy, which no doubt would cost the taxpayers of this country countless millions of dollars.

Many of you know me personally, and you know how I feel about proliferation of departments and agencies in federal government. I'm opposed to it. We've had far too much of that already, and the result has been a vast army of faceless bureaucrats in executive departments and agencies which, in many instances, virtually personify the Peter principle of waste and inefficiency.

I might add, instead of creating new departments and administrations, we ought to be taking a closer look at some of them we have now—to see if they're doing the job they're supposed to be doing.

So far as I am able to tell, the taxpayers of this country are getting fed up with government that has gotten so big and so complex that not even people who work in it know what is going on half the time. The government has lost touch with the people, and people have lost touch with the government.

As a United States Senator, I presume there are certain prerogatives that go with that office. Yet, I find it very hard to reach government officials by telephone, and written communications take several weeks. If that happens to me as a Senator, I can certainly understand the frustration that must be experienced by some poor, hard-working taxpayer from Attapulgus, Georgia, or River City, Iowa, who is trying to carry on business with government that is supposed to be representing him in Washington.

I understand it has been estimated that the new Bankruptcy Administration, if it is set up, would cost between $30 and $90 billion. But, based on the reliability of estimates when other government bureaus have been established in the past, we could look for the cost to run two or three times that amount.

Being the fiscal conservative that I am, I always favor using the existing clerical personnel which we already have in any agency to administer new laws—unless there is a compelling reason to establish a new agency. Personally, I see no need at this time to set up a new administration for the Bankruptcy Court system.

The fact is, that we need to restrain what seems to be an unrestrainable impulse to create a new agency every time the opportunity presents itself. Otherwise, we may come to the day when the entire federal government could be appropriately referred to as "the Bankruptcy Administration."

In any event, I assure you that not only these points I have mentioned, but also all other recommendations which are contained in this new proposal will receive a thorough, searching examination by me, my staff, and my colleagues in the Senate, before any of it is put to a vote.

It is difficult for me to come to Georgia and not to comment at least to some degree on the Watergate case and related matters. I remember very well how I got to be on the Select Committee on Presidential Campaign Activities.

The Senate Majority Leader, Mike Mansfield, called me up and said, "Herman, I would like for you to serve on the Watergate committee."

I said, "Mike, I am Chairman of the Agriculture Committee, Vice Chairman of the Finance Committee, Vice Chairman of the Veterans Committee, Vice Chairman of the Ethics Committee, I serve on the Democratic Policy Committee and several other committees as well. My responsibilities are already rather burdensome."

Senator Mansfield replied: "Herman, will you serve on the Watergate Committee?" In sum and substance, the Majority Leader made me an offer I couldn't refuse.

In any event, I went on the Committee with one fundamental thought in mind: that was, to try to get to the truth and to sit as an impartial judge and juror. I have endeavored to maintain that position through every phase of the investigation so far, including the sensational Watergate break-in and cover-up.

As judges, I know you will understand what I mean when I say that it is not appropriate for me to discuss the investigation while it is still in motion, before all the evidence is in, and before our report has been submitted to the Senate.

Nonetheless, I have sat on the Committee since last May, for hundreds of hours. I have listened to and read millions of words of evidence and material related to the case. I have seen my office virtually swamped by a veritable tidal wave of letters and telegrams, not just from Georgia but all over the nation.

Under these conditions, it would be impossible for me to avoid coming to some conclusions—not especially about the Watergate case in particular, but more about the nature of our government and the people of this country.

First of all, I realize more strongly than ever the importance of the sanctity of the trust the American people put in their elected leaders. We have begun to see some signs of what can happen to a great nation when this trust is betrayed. Consequently, I believe people who hold public office have an enormous responsibility to restore the confidence of the people in the government by demonstrating integrity at all levels—from the court house to the White House.

We all have an important job ahead of us to reassert the strength and rebuild the dignity of America that has been damaged. How we, as elected officials, conduct ourselves in these trying times will in large part determine the future security of our nation. We in public office cannot do it alone.

Secondly, we need a rejuvenation of the spirit of the people of the United States. The American people must go back to the ideal that the individual must accept responsibility for himself and for his government, if ours is to remain a strong and free society.

I am often asked, how could anything as high-handed as Watergate happen in American government. I respond in this way: Anything can happen in our society, if the people allow it to happen.

Government will respond to the people. Let me put that another way. People will always get the kind of government they want. All they need to do is let their voices be heard in strong enough numbers . . . or conversely, to remain silent and apathetic.

According to the readings that I get, people are virtually turned off about politics and government. No matter what the reason, no matter what the disillusionment, there can be no justification for losing interest in government.

When people say they no longer care . . . when the governed no longer seem to give much thought to who is doing the governing . . . or the kind of government they are getting . . . freedom and security will eventually be lost—jut as surely as night follows day.

I concede that the government at every level has gotten bigger . . . more complex . . . and more powerful. Personally, I am opposed to that . . . but we have it just the same. Moreover, because government has gotten so big and so complicated and so powerful is all the more reason for vigilance and participation by the people.

I am not just talking about the Watergate case. As a matter of fact, I do not happen to believe that Watergate is the most important problem facing our nation today. Let me turn our thoughts away from Watergate, and still pursue the point that I am trying to make here tonight.

I am personally convinced that inflation and the deplorable state of the American economy is the number one issue facing us today. As a matter of fact, a Gallup poll last month showed that 89 per cent of the American people rank it at the top of their problems. That's up from 59 per cent in February, and up from 62 per cent in May of this year. Just as the state of our economy has worsened over these months, public concern has intensified.

Yet, the American people have yet to make their voices heard or their votes felt in a way that will create a climate for corrective action. Personally, I am surprised that the American people have not risen up in righteous indignation to protest what the government has been doing with their tax dollars over the past quarter of a century.

Here we have runaway inflation that robs working people of their hard-earned wages, the elderly of their savings, and hangs future indebtedness about the necks of children yet unborn.

People are concerned, and more so now than ever before. But they are not yet angry enough about it to demand that something be done to correct it. The world over, we are being out-worked, out-produced, and out-negotiated. Hence, a trade deficit of $6.4 billion last year.

We are continuing to funnel money abroad in military and foreign aid, including the $17-billion-a-year maintenance of 300,000 troops and dependents in Western Europe 28 years after the end of World War II. Hence, we have multibillion dollar balance of payment deficits, going in the red $10 billion in 1972 alone.

We have balanced the budget only six times in the past 43 years. Hence, we have a national debt that is fast approaching $500 billion—more than the indebtedness of all other nations of the world combined. Hence, we have seen the American dollar decline abroad, and officially devalued twice and unliterally on several other occasions.

I for one would like to see the American people get as excited about excessive federal spending as they do about the price of eggs or milk at the supermarket. People worry about paying car notes and house notes and complain about high food prices, and they ought to.

But I have yet to see the American people get exercised enough to get to the heart of the matter and protest what brought all this along in the first place—and that is, irresponsible federal fiscal policies. After years and years of reckless spending policies . . . of trying to be all things to all people, all over the world with American dollars . . . what we have now is a nation that has lost its preeminence in the world's economy.

West Germany and Japan have more monetary reserves, and in Western Europe alone there are some 83 billion American dollars held by the central banks that those countries neither need nor want, nor any longer have any respect for.

It has always been ironic to me that the two nations that were left in devastation after World War II are now calling the plays and are taking a leading role in virtually every area of international economics.

West Germany and Japan have more monetary reserves than the United States, more gold reserves, favorable trade balances, and economies which are growing much faster than our own. What then have these two countries, and other prospering nations been doing? In short, they have been practicing good business. They have been looking after themselves. They have been putting their own national interests first—which is precisely what we should have been doing over all these years, but have not.

I was always an admirer of the late President Charles DeGaulle of France. I know he often rankled his fellow nations in the European community and the United States' government as well. For example, he chased NATO troops out of France. He refused to sign the Nuclear Test Ban Treaty. He fought to restrict membership in the Common Market and to erect trade barriers against outsiders. The fact is, he was not a very pleasant fellow to deal with at the international level.

But, whether he was dealing with friend or foe, his main concern was his own country, and its welfare, and the welfare of the French people. He was a nationalist, a French nationalist.

That's what we need in our country today: A policy of American nationalism. We need to stop playing policeman, banker, and Santa Claus for the whole world, and start serving the economic interests of our own nation first.

I do not advocate a policy of isolationism. I do not favor rigid protectionism. I do not say we ought to ignore the needs of our foreign friends.

But, I do contend that the United States government ought to look after our own national interests above all others. That's what the other nations have been doing. It's high time that the United States started doing the same thing.

SHEIKH AHMED ZAKI YAMANI OF SAUDI ARABIA

Mr. PERCY. Mr. President, with the arrival in the United States this week of the Saudi Arabian Oil Minister, Sheikh Ahmed Zaki Yamani, it is well for all of us to know more about him and his life. Therefore, I wish to share with my colleagues an interesting article about the Sheikh which appeared in the Christian Science Monitor on November 29, 1973. I ask unanimous consent to have it printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Saudi Arabia's Western-Oriented Oil Chief

Saudi Arabian Oil Minister Sheikh Ahmed Zaki Yamani, who directs King Faisal's militant oil-cutback policy, is equally at home in a New York board room or a palace ceremony in the Saudi capital of Riyad, writes Monitor correspondent John K. Cooley.

Sheikh Yamani is one of the most cultivated and articulate of the group of American-educated Saudi technocrats who now shape their kingdom's development and foreign policies, including oil restrictions and embargos on Western friends of Israel.

He has homes in many Mideast and European cities, has European-educated children, and friends on all continents. He himself studied at New York University (NYU) and earned a law degree from Harvard University. The sheik is thus well equipped for the tours of Western capitals he has been making to explain reasons behind his country's oil embargo.

Mr. Yamani, with his broad knowledge of Western society and thinking, once appeared to have reservations about the use of oil as a political weapon. But he has worked vigorously to carry out the embargo ordered by his King. "We in the Cabinet can debate, discuss, and make our views known," he told a visitor in his new mountain home in Taif, the Saudi summer capital. "But once King Faisal makes a decision, that is it and all our energy and resources will be applied to carry it out," he added.

That is what is happening now with the oil cuts. Mr. Yamani's well-trained, computer-equipped staff of experts, posted in oil ports around the world, is making sure no oil goes where King Faisal does not want it to go.

Born in 1930 in an upper-class Saudi family, Sheikh Yamani studied in Cairo and the American University of Beirut before attending school in the U.S. He speaks English almost like an Oxford don or a Boston Brahmin. He also knows French and has a working command of several other European languages.

Mr. Yamani relaxes to stereo recordings of European classical music and progressive jazz at home.

Recently one of the sheikh's grown daughters, just back from school in Switzerland, entertained her father's luncheon guests in Taif with guitar and some folksongs of her own composition. While she sang the sheikh told his guests: "Our natural inclinations are Western. Your interests and ours lie in working together for the betterment of all. We live together in the same world.

"But you will have to meet us, the Arabs, halfway. Perhaps if you do, we will all discover interesting things about one another and it will be a better world."

STATE DEPARTMENT LEGAL INTERPRETATION OF THE WAR POWERS RESOLUTION

Mr. EAGLETON. Mr. President, during the debate over the war powers resolution, I pointed out that section 2(c) was not legally binding and that there was no requirement in the bill for the President to receive the prior authorization of Congress before committing the Nation to war. After the resolution was enacted, I asked the State Department for a legal interpretation. Following is the most telling statement in the State Department response to my inquiry about section 2(c):

> Section 2 does not contain language which requires or prohibits any particular action.

Mr. President, I ask unanimous consent that my exchange of correspondence with the State Department be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

NOVEMBER 9, 1973.

Hon. HENRY KISSINGER,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I would appreciate receiving at the earliest possible time your Department's legal evaluation of the effect of the recently-passed War Powers Resolution (H.J. Res. 542) on the President's ability to deploy U.S. forces into hostile situations or into areas where hostilities may be imminent. Would you, for example, consider the definition of authority contained in Section 2(c) of the Resolution to be a legally binding definition of the President's power as Comander-in-Chief under the Constitution?

I would also like to be informed as to what measures will be taken by the Executive Branch to implement the War Powers Resolution. As you know, the Resolution requires a written notification of any commitment of American forces within 48 hours after deployment. In addition, there are other requirements which had not been previously levied on the Executive Branch concerning the deployment of forces into hostilities. I would appreciate being informed in the future of any changes to internal Executive Branch procedures which would reflect these new statutory requirements.

Thank you very much for your assistance in this matter.

Sincerely,

THOMAS F. EAGLETON,
U.S. Senator.

NOVEMBER 30, 1973.

Hon. THOMAS F. EAGLETON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EAGLETON: Secretary Kissinger has asked me to respond to your letter of November 9, 1973 concerning the War Powers Resolution, H.J. Res. 542. The Department is currently reviewing with other appropriate Executive Branch agencies the implications of that joint resolution and although we have not yet decided what changes in Executive Branch procedures might be required, we will be pleased to inform you of any such decisions when they are made.

I can respond now, however, to your particular question about Section 2(c) of the Resolution. It is the Department's opinion that Section 2(c) does not constitute a legally binding definition of the President's Constitutional power as Commander-in-Chief. It is our opinion that this subsection is at most a declaratory statement of policy. The title and language of the entire Section, "Purpose and Policy," support this reading as does the text of the subsection itself. Section 2 does not contain language which requires or prohibits any particular action, which is characteristic of mandatory and binding provisions. In addition, the report of the House and Senate conferees itself states that "Subsequent sections of the joint resolution are not dependent upon the language of this subsection, as was the case with a similar provision of the Senate bill (section 3)." If Section 2(c) were a binding definition, it presumably would govern the rest of the resolution, as would have Section 3 of the Senate bill, S. 440.

There are, of course, fundamental questions whether such legislation could, even if so intended, limit the Constitutional authority of the President. Certainly the precedent of past practice supports a wider scope of Presidential authority than that contained in Section 2(c).

I hope this is responsive to your particular question on that section; our replies on the other points of your inquiry will be forthcoming as soon as possible.

Sincerely,

MARSHALL WRIGHT,
Assistant Secretary for Congressional Relations.

EDITORIALS BROADCAST BY WSPA TELEVISION AND RADIO IN SPARTANBURG, S.C.

Mr. THURMOND. Mr. President, my attention was called recently to transcripts of three editorials broadcast by WSPA television and radio in Spartanburg, S.C. They deal with the energy crisis and I found them to be both informative and helpful in putting the energy crisis in proper perspective.

I would like to share these editorials with my colleagues.

Therefore, Mr. President, I ask unanimous consent that the three editorials on the energy crisis, broadcast on WSPA radio and television, November 28, 29, and 30, 1973, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

EDITORIAL, NOVEMBER 28—ENERGY

There is an old saying that people are living "high on the hog' when their standard of living enables them to enjoy the many luxuries of life.

Three can be no doubt that a vast majority of Americans in recent years have been living high on the hog; and if the energy crisis is to be solved without a serious economic recession, then some readjustments in the way our people live must be made.

This nation was headed for an energy crisis long before the Arab countries put an embargo on oil exports to the United States.

The United States has been producing 11 million barrels of petroleum liquids a day and consuming 17 million. The Arab curtailment amounts only to two or three million barrels.

The United States has only about six per cent of the world's population, but we consume about one-third of the world's energy.

It has been said that what the American people throw away from their tables would feed a large percentage of the hungry people in the world.

There can be no doubt that in oil, as in food, the American people have been wasteful. In food we have a sufficiency, but in oil we are at the mercy of the Arabs and other exporting nations unless we cut down on consumption.

It has become obvious that the environmentalists and the nation's economy are on a collision course. All the clean air proposals, however desirable, cannot be put into effect immediately and at the same time make this nation independent of foreign oil supplies.

The time has come for the American people to realize that there is an energy crisis and it is their duty to quit wasting gasoline, fuel oil and electricity. Also, it is time for the environmentalists to realize that they cannot have Utopia in their demands for clean air until such time as this nation can develop its own enregy sources and be free and independent of foreign powers like the Arab countries.

We cannot have our cake and eat it too.

EDITORIAL, NOVEMBER 29—ENERGY

In a speech last week before the Atlanta Rotary Club, Maurice F. Granville, head of Texaco, Inc., made the most comprehensive analysis of the present energy crisis that has come to the attention of WSPA.

Here are some of the significant facts Mr. Granville brought to the attention of his Georgia audience.

The United States consumes 17 million barrels of liquid petroleum a day but produces only 11 million.

If the President's program which he announced last Sunday night is fully supported, it would offset only 10 per cent of an anticipated 17 percent shortage of oil products.

The average American uses eight times as much energy as the average of his world neighbors.

A review of statistics back to 1920 revealed that the amount of energy used by the United States is directly related to total gross national product.

Economists estimate that when one production job is lost, two or three service type jobs will disappear and production jobs are dependent upon an adequate supply of energy.

Petroleum liquids are used in this country in this fashion: 20 per cent for household and commercial use (mostly heating); industrial 18 per cent; electric power 8 per cent; transportation, buses, trucks, trains, homes, passenger cars 53 per cent.

Passenger cars alone consume 30 per cent of liquid petroleums.

In a subsequent editorial WSPA will discuss some of Mr. Granville's proposals to deal with the energy crisis.

EDITORIAL, NOVEMBER 30—ENERGY PROPOSALS

In a previous editorial WSPA commented on a speech by the head of Texaco, Inc., Maurice F. Granville, before the Atlanta Rotary Club in pointing up the causes of the present energy crisis. Mr. Granville did not pretend to have all the cures for the petroleum shortage, but here are some of his proposals which he believes would alleviate the problem.

The greatest potential for petroleum liquids' conservation lies in the transportation sector which consumes 53%.

Mandatory allocations and even rationing are justifiable in this emergency but a return to a free market status as soon as possible to provide incentives for production is a necessity.

Modify Clean Air Act to ease, within limits, sulfur and automotive emissions until present emergency is ended.

Restriction of wasteful use of energy through economic measures rather than by government regulation.

A Government-sponsored program to develop alternative energy sources, such as nuclear fusion, geothermal, solar and some phases of coal, tar sands, and shale conversion.

Anyone with any doubt about there being an energy crisis, which, unless properly handled, could jettison this nation into an economic recession, needs only to read Mr. Granville's provocative speech in Atlanta.

While WSPA does not agree with all of the Texaco chief's proposals to deal with the energy shortage problem, he has certainly hit the nail squarely on the head in most instances, and it would be well for government as well as the public to heed his advice.

THE "PANAMANIAN POWDER KEG"

Mr. CRANSTON. Mr. President, from time to time I have tried to draw the attention of the Senate to the situation surrounding the U.S. role in Panama.

A recent article in the Los Angeles Times, written by a former Ambassador to Panama and Assistant Secretary of State for Latin America, criticizes the Pentagon's attitude toward Panama. In his words:

> Panama continues to be the Pentagon's southern security blanket.

His comments are revealing.

I ask unanimous consent that the article, entitled "United States Is Clinging to a Panamanian Powder Keg," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

United States Is Clinging to a Panamanian Powder Keg—Our National Security Used as the Rationale

(By Jack Hood Vaughn)

Early in the first Nixon Administration there were signs that a new general policy for Latin America was in the offing. "Mature partnership" and "low profile" were two expressions coined by the White House to describe the changing U.S. position.

However vague, these concepts seemed to promise the Latins a welcome respite from the coercion for collective security begun by John Foster Dulles in the 1950s and from a decade of bureaucratic pursuit of higher gross national products glamorized by President Kennedy as the Alliance for Progress.

Now the United States has finally abandoned its blanket emphasis on security and Pan-American solidarity; all the nations of the Americas have responded by concentrating on doing their own thing—economically, politically, and militarily.

All, that is, except Panama. Still a U.S. colony in many important respects, Panama continues to be the Pentagon's southern security blanket. From the start, the American military has helped make Panama what it is today. In 1902 Teddy Roosevelt willed the nation into existence by recognizing its "independence" from Colombia after disturbances in which the U.S. Marine Corps played a major role.

The grateful Panamanians quickly negotiated a treaty giving the United States perpetual sovereignty over the Canal Zone. Since then, U.S. policy towards Panama has been formulated and independently carried out by the U.S. Army.

The U.S. military command in Panama is made of two parts: a major general from the Corps of Engineers who governs the Panama Canal Co. from Balboa Heights, and a four-star general from the Army who directs Canal Zone military operations from an underground complex at Quarry Heights.

Their overriding common objective is to maintain the status quo, and over the years they have been largely immune to the precepts and changes of U.S. foreign policy. Today there could hardly be greater contrast between President Nixon's policy for Latin America and his armed forces' policy for operating in Panama.

While the Administration's policy has led to a reduction in all U.S. military missions assigned to other Latin nations, the Pentagon has maintained its top-heavy command intact in the zone.

While the U.S. military in all other Latin nations is under the direct supervision of the U.S. ambassador, in Panama independent policy control is exercised by the Pentagon.

I confess that my unsuccessful efforts at reasoning with Pentagon brass on Canal Zone issues. has caused me considerable frustration and disillusionment over the years. My last failure occurred one very hot afternoon in 1966, when as assistant secretary of state I was visiting the U.S. Embassy in Panama.

My innocuous objective was to convince the general in charge of the Southern Command that it was hardly in the U.S. interest to continuing teaching napalm bombing to Latin American pilots. I pointed out that the first time a Latin pilot dropped napalm on his own people—napalm he had been trained to mix and launch at a Canal Zone training course—the United States would be in a totally indefensible position, not just with God and Bill Fulbright, but with the world as well. I made not a dent.

Ever since he helped seize power in 1968, Panama's military leader Brig. Gen. Oman Torrijos Herrera, has been trying to force the United States to remove the Southern Command, its multiple bases, dozen generals, and 10,000 troops from the Canal Zone. Although he and most of his officers have been trained in the zone. Torrijos feels that such a dominant foreign military presence in the middle of Panama is anachronistic and colonial.

He stresses that the "Vietnam mentality" of U.S. military leadership makes close relationsips impossible and a renegotiation of the canal treaty out of the question. Intransigence on the treaty can only inflame the Panamanians, for they now feel grossly abused by it.

Although the United States made some concessions and increased its annual payments to the Panamians through treaty amendments in 1936 and 1955, the important clause about perpetual sovereignty remains. With the end of the cold war and the virtual elimination of the canal's strategic importance, Torrijos suspects that the reason the Pentagon is so interested in keeping the canal and deploying its gringo troops is to defend against the Panamanians.

To Torrijos, his National Guard, and his people, there are two major issues to be resolved immediately: whether the United States will continue to be sovereign in the Canal Zone, and how long the Pentagon will remain there en masse.

From the U.S. side, especially for congressional and military leaders, the most important issues are related to the defense of the Western Hemisphere, to U.S. prestige, to the Russian, Cuban, or Chilean menace, and to Panama's immaturity and unreliability as a partner. ("Can't you just imagine how those Panamanians would operate the canal during carnival?")

Some American congressmen recently reasoned that since certain Panamanian officials were reportedly involved in drug trafficking, it would be inappropriate to conclude a new treaty with a government which contained such irresponsible elements. Shortly thereafter, Panamanians floated the theory that no responsible government should stoop to dealing with a country capable of a Vietnam or with an Administration mired in a Watergate.

But the thoughts always return to "national security" as the reason for the U.S. presence in the Canal Zone. As the American public has learned through Watergate, a multitude of sins—and sinners—can huddle together under the shelter of this vague phrase. Panamanians believe the national security rationale is used to obscure rank colonialism in their country. The best job in the zone, for example, is piloting ships through the canal. No Panamanian has ever been allowed to become a pilot.

The U.S. military preeminence in Panama, which has not been well publicized inside this country, is largely perpetuated by help from the Pentagon's friends in Congress. Inveterate supporters of the military such as Sen. Strom Thurmond, together with senior House members of the Panama Canal subcommittee, have traditionally echoed the blunt phrases of Pennsylvania's Democratic Rep. Daniel Flood. Over the years, Flood has outspokenly maintained that to make any concession to Panama would be to give away the "American birthright."

The success of our congressional-military complex has experienced in thwarting all manner of assaults on its Panamanian *cordon sanitaire* is downright brilliant, President's orders have been reversed, diplomatic maneuvers and decisions brushed aside, and the United Nations told to go to hell.

But if it has encountered few problems at home, the Pentagon's monumental lack of sensitivity to the Panamanian point of view and its reluctance to consult with the Panamanians in important matters has yielded a crop of mistrust and ill will in Panama.

Pressures against the U.S. military presence in the Canal Zone began to mount after the serious riots of 1964. President Johnson, sensing a need for greater civilian influence on U.S. policy in Panama and at least an equal role for the State Department, created the Panama Review Committee. It had three members: the U.S. ambassador as chairman, the zone's U.S. military commander, and the governor of the zone. As ambassador at the time, I found myself consistently outvoted on the important issues, and my two very capable successors have continued to represent the minority view of one.

Shortly after the riots, Johnson set the stage for the ultimate showdown with the Pentagon. In mid-1964 he agreed to undertake bilateral negotiations with Panama aimed at drafting a completely new canal treaty and revising the military base rights agreement.

The U.S. military quickly countered by introducing a third element into the negotiations: the study of a possible sea-level canal in Panama. This third issue has clouded, complicated, and prolonged negotiations to the point where, nine years later, the two sides seem as far apart as ever.

The most recent canal confrontation occurred in March, 1973, at a special U.N. Security Council meeting in Panama City. The Panamanians may have imagined that the United States, faced with worldwide pressure and even humiliation, would be forced to agree officially to negotiate a "prompt and equitable" settlement of its treaty differences with Panama. In a manner which has become traditional in Panama-U.S. negotiations, the United States made it clear to all present that it was very, very unhappy at being pressured to discuss its Panamanian affairs with anyone else in the room.

When a resolution urging a new treaty settlement came up, the United States cast its third veto in U.N. history as the Pentagon again prevailed over both common sense and the State Department in setting American policy. Worse still, the performance of both the accused and the accuser struck observers as behavior unbecoming two civilized friendly nations.

When the council had adjourned, Panama seemed to have gained nothing—as usual—save reconfirmation of the fact that virtually every member of the United Nations (all of whom remember the decisively anticolonial and pro-Egyptian stance of the United States during the takeover in the Suez Canal in 1956) agrees with Panama's aspirations.

Meanwhile, back at the Pentagon, there is renewed confidence that the Army's Panamanian policy and apparatus are as impregnable as a mothballed battleship, at least as long as the Constitution does not provide for separation of military and legislative powers.

Yet on the Panamanian side, all the elements needed to propel a classic colonial stalemate beyond peaceful negotiation are in place: an overflowing measure of nationalism, a people in full support of their tough and charismatic leader on the Big Issue, strictly controlled media, virtually nonexistent communications with Canal Zone military leadership, and the widely held Panamanian conviction that the U.S. Army does not believe in evolution. The tinder awaits the spark.

DEATH OF DAVID BEN-GURION

Mr. HATFIELD. Mr. President, David Ben-Gurion, the father of modern Israel, and a giant of our age, is dead. His passing is a source of genuine sorrow to those of us who respected and admired his vision, spirit, and contribution to human liberty.

In reading the many accounts, both published and unpublished which have appeared concerning Ben-Gurion's life and accomplishments, I was particularly impressed with a eulogy written by a talented rabbinical student, Mark S. Miller. Mr. Miller's remarks will speak for themselves and I commend them to the attention of my colleagues.

Mr. President, I ask unanimous consent that Mr. Miller's comments be printed in the Record.

There being no objection, the comments were ordered to be printed in the Record, as follows:

David Ben-Gurion

David Ben-Gurion, the son of the lion cub, died last week at age 87. For over 7 decades, beginning with his immigration from Russia in 1906, he participated in and led the drive toward the fulfillment of the Jewish dream of a national homeland based on Jewish freedom.

Though he had his enemies, and many Israelis referred to him as "that man", over his single minded decisiveness, most simply called him "the man". He feared neither Arab nor Jew as he left his stamp on the infant state, and was the embodiment of the Biblical injunction from Deuteronomy "you shall not fear any man."

Ben-Gurion understood, as did few others, the central message of the two other great Zionist leaders of this century. Theodore Herzel has said in 1897 "If you will it, it is no dream", predicting that in 50 years, a Jewish homeland would be established. Almost to the day, Ben-Gurion arose in Tel Aviv to pronounce the first Jewish state in 2000 years and called upon Jews to come home and realize their prayers uttered throughout their forced exile. But he also realized that Chaim Weizmann had warned "A state is not given to a people on a silver platter" and he proceeded to declare the state facing 5 Arab armies massed on its insecure borders.

Ben-Gurion was the heir of the Biblical prophets who balanced their vision of a Messianic Age with political realism. He synthesized both and never lost sight of either. He asked to be buried in a simple ceremony true to his life on the Kibbutz in the rugged wilderness he so loved. He lies next to his beloved wife Paula in the earth which welcomed the bodies of the prophets, for he was one with them in realizing that the Jewish people is more than a political entity. Both understood them as a people of unique moral and spiritual quality and historic mission.

It is fitting that Ben-Gurion died just before the Jewish festival of Chanuka, which celebrates the last Jewish state before the establishment of present day Israel. Two thousand years separate Ben-Gurion from those ancient leaders, but as he was united with their vision and determination in life as he bestrode the land of Israel, so he is with them in it.

GOVERNMENT SECRECY

Mr. CHILES. Mr. President, on December 3, Lou Harris presented a report to the Subcommittee on Intergovernmental Relations, which as far as I know is the first survey of public opinion commissioned for a Senate subcommittee.

It is a fascinating study, a sampling of public and expert attitudes about our Government that documents the growing cynicism but offers with that documentation the "good news" that Americans are not really turned off to their system of Government. Despite their discontents, their sense of their own impotence and their low regard for Government and its contribution to their lives, Americans still believe that Government can be well run.

Of particular interest to me was the finding by the Harris survey that Americans are confident that our democratic "system" can be reformed. In the words of Mr. Harris before the subcommittee Monday:

> The American people desperately want a condition in the country in which Government secrecy can no longer be excused as an operational necessity, since it can exclude the participation of the people in their Government, and, indeed, can be used as a screen for subverting their freedom.

David S. Broder's column in yesterday's Washington Post, dealt with the Harris survey, emphasizing that Americans have a clear perception of the changes needed to restore their Government to health.

Because of my interest in more openness in Government, and the bill I have introduced to accomplish that end, the Federal Government in the Sunshine proposal, I found both the Harris survey and the Broder article very valuable. I recommend them to my colleagues, and ask unanimous consent that Mr. Broder's column be printed in the Record at the conclusion of my remarks.

Mr. Harris reported in his study that State and local leaders "neither sense nor advocate this public mood for opening up Government at all levels." He says:

> The public has lost faith, but not confidence. But the "promise of this America is as bright to the people as it has ever been. Skepticism in its achievement abounds because the people feel they have been cut off and because their leadership has failed them."

We as lawmakers must keep the faith, and restore the lost confidence. I am hopeful that my Federal Government in the Sunshine bill will help that effort.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Case Against Secrecy

(By David S. Broder)

It is a bit unusual for a congressional committee to spend $25,000 of the taxpayers' money to hire a private pollster to tell it what public opinion is. Congressmen are, like journalists, self-appointed experts on everything, and especially on public opinion. Such wisdom, it is believed, goes with the job.

But after reading the 300 page report pollster Lou Harris provided to Sen. Edmund S. Muskie's Intergovernmental Relations Subcommittee on the "citizens" view of American government, the conclusion has to be that the legislators got their money's worth.

The headline-grabber in the study released earlier this week was the finding that the public has more faith in the competence of the people who run local trash collection than it does in those who control television or the press, the Supreme Court, Congress, state and local government or the White House—which finished dead last in the confidence race.

The news that the large and visible institutions of this country—government, the press, corporations, unions, churches and schools—are suffering from a hemorrhage of public confidence is not news at all in the autumn of 1973.

What is news, after years of deepening public cynicism, is that Americans are really not turned off on their "system," but have a clear perception of the changes that are needed to restore it to health.

To quote from Harris's conclusion, "Fundamentally, the American people in this survey are trying to articulate two profoundly held sentiments:

"1. That government secrecy no longer can be excused as an operational necessity, since it can exclude the participation of the people in their own government, and, indeed, can be used as a screen for subverting their freedom.

"2. That the key to any kind of successful future leadership must be iron bound integrity."

Harris argues that "once these pre-conditions of openness and integrity have been fulfilled, then the time may well come when the people can be approached to make the sacrifices necessary to solve the common problems of the country."

This hopeful conclusion rests on his finding that despite the growing disillusionment of recent years, the public continues to hold a view of government that is skeptical, shrewd, sophisticated—but essentially positive.

Asked if they believe with Jefferson that the less government, the better, most people say no. On the contrary, most approve the proposition that "we need a strong federal government to get this country moving again," perhaps because the rhetoric carries a Kennedyesque connotation of trustworthiness and high purpose.

However, on the question of the distribution of power in the federal system, large majorities say they want state and local government strengthened, while the portion of authority allotted to Washington is reduced.

What this means, essentially, is that despite the disillusionments of the past year, the voters have not forgotten or abandoned what they thought they were voting for in last year's election. That was a vigorous but not all-powerful President who was committed to a deliberate effort, through New Federalism programs like revenue-sharing, to strengthen state and local government.

What they have also said, unmistakably, in this survey and in every other, is that they will not tolerate political leaders at any level who abuse the public trust by secretive manipulations.

If this finding were well understood by all political leaders—let alone the President—the survey might be of no great moment.

But when a cross-section of state and local officials were asked these same questions by Muskie's subcommittee staff, a majority of them rejected the view that secrecy in government is a serious problem. Harris concluded that "state and local leaders . . . neither sense nor advocate this public mood for opening up government at all levels. . . ."

That is damning news, because the lesson of this study for the officeholders of both parties may well be a lesson of political survival. Indifference to the moral and political imperative for "opening up government at all levels" could well cause the greatest house cleaning of incumbent politicians this country has seen in two generations.

The politicians cannot say they have not been warned. The warning is there in black and white—all $25,000 worth of it—and it is doubtful the taxpayers will spend much more money to "send them this message." Next come the votes.

THE WATERGATE AFFAIR

Mr. THURMOND. Mr. President, an article written by my good friend, George Todt, was recently called to my attention. It has to do with the Watergate affair and Mr. Todt makes some rather poignant observations.

I would like to share this article with my colleagues.

Accordingly Mr. President, I ask unanimous consent that the article entitled "Watergate Who," which appeared in the September/October issue of Trunkline, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WATERGATE WHO?

(By George Todt)

Hanson W. Baldwin—Reader's Digest, November, 1971: "What Josef Goebbels, Hitler's propaganda minister, enshrined as 'The Big Lie' has become part of our daily fare in the United States."

Watergate, who indeed!

In his eloquent article contained in Nov. 1971 Reader's Digest and called "Vietnam—The Facts and the Falsehoods," from which we have just quoted, the eminent military analyst (formerly of the New York Times) writes further:

"The Nazis operated on the psychological principle, long familiar to the Communists, that if a statement, no matter how outrageous, is repeated often enough, it will be believed by a tremendous number of people."

The hydra-headed Watergate monster has come a long way today from that point in time when a dozen minor GOP election officials—give or take a few—found themselves curious about what was going on in the Democratic Party national headquarters.

This is par for the course in the case of all political parties.

Practically the only thing of note which was shockingly different in this particular case of the Watergate break-in was the bungling ineptitude and bad judgment of the incredibly third rate burglars. One is sorely tempted to think there might have been a double-agent among them. But hardly a James Bond type.

While the public has been heavily propagandized in recent months to believe this is a matter of fabulous, even fantastic, wrongdoing on the part of selfish win-at-any-cost politicians—specifically the President, his White House staff and indirectly the whole Republican party—such is not actually the case.

No, really. For, as a matter of fact, the Watergate bumblers came up with absolutely nothing in the way of documents or any other kind of informational data which harmed the candidacy of Sen. George McGovern even one scintilla. Not at all.

Not daring to make such a ridiculous false charge because it is untrue—actually Watergate was well-known at the time of the election and might perhaps have gained Sen. McGovern a few extra votes he would not have gotten otherwise—many media propagandists are seldom found loathe to make the unfounded point by innuendo.

They have conditioned some of us by now almost to believe that the 18-million plurality, the greatest in American political history, which was gained by Richard Nixon in 1972 was a fluke, all occasioned by the indignity of Watergate not having been spelled out sufficiently to the public.

All of which is not really Watergate, but simply Balderdash!

In my talks with competent double agents who operated successfully behind the political scenes over many past years, I have been informed that Watergate-type intelligence activities have been considered merely routine in the past.

Particularly have they been quite routine since the invention of high-class electronic equipment for eavesdropping operations since nearly 20 years ago.

Actually, such clandestine activities were not even illegal until recent times when statutes were designed legally to prevent them. But for many years in the United States, "intelligence operations" have been a way of life. Not only in politics, but industry—management and labor, alike—and in many other related areas.

One of the typical stories related to me by a very successful "007" type agent, who never got caught like a youthful freshman, was one which is perhaps bound to cause good Democrats some great reluctance at pointing the finger of scorn at the GOP over this controversial Watergate matter.

The tale, which I believe to check out with known facts, was that a financier of the opposite political faith bought a suite at the Mark Hopkins Hotel in San Francisco prior to the Republican National Convention in 1964, carefully bugging it in the process, and then—through some shrewd manipulations on his part—managed to have it presented to Sen. Barry Goldwater, our Republican candidate.

If this were true, as I believe it to be, we may readily see that the information received by the Goldwater opponents was perhaps more than a thousand times as important to the campaign to re-elect Lyndon B. Johnson in 1964 than any much-ado-about-nothing information received from Watergate might have been in 1972 to President Nixon.

The travesty that Watergate has become today cannot be, in all honesty, simply laid at the doors of the much-ballyhooed Ervin Committee. Sure, Bible-quoting Senator Ervin likes to ham it up and play his dominating role before the television cameras, as do most of the others who have gotten into the act. Where could they get so much free and very valuable TV time?

It is understandable that the Senators have gone along perhaps in thinking, with the bait egged upon them by the television networks and the balance of the communications media. Most of whom are liberally inclined in the ideological direction of Sen. McGovern and diametrically opposed to President Nixon. Everyone who can do so is playing the game now. What is it?

Why, simply to bring about the destruction of Mr. Nixon by the big lie technique. The real danger is now revealed to thoughtful observers as not being Watergate itself. Instead, it is the cunning propaganda attack from the numerically overwhelmingly liberal elements of the media. Somehow they know exactly how to gravitate and consolidate their cumulative efforts most effectively each day this travesty has gone on. Like their devastating attack on Sen. Goldwater in the 1964 Presidential campaign.

Now, I do not for a moment believe that this is the result of any secret conspiracy behind the scenes where the liberals in the media got together and plotted to crush Richard Nixon if they could do so. It is more subtle than that!

The real tragedy of Watergate has been that the liberal bodies in the media—which may range up to 80 or 90 percent of the overall total—can all fall unfailingly into place without any inordinate fanfare or planning against their natural enemy.

While the President has made some accommodations with liberals from time to time, as behooves any adept politician and statesman, the real fact is that he has always been highest on the "enemy list" of the liberals since the day when he helped Whittaker Chambers expose Alger Hiss. They consider him, along with Barry Goldwater, and Ronald Reagan to be the most respected voices of moderately conservative Americans. And just observe what they unmercifully have done to them!

These strong men are still standing high in the saddle, fortunately, but no credit may be given to the media liberalissimos who will always fire their volleys before they even see the whites of their conservative opponents' eyes. It is a heavy and telling cascade of thunder from the left.

Watergate is not the main issue now, except for the nitpickers. But it has exposed use of the big lie technique to hurt the President. It must stop now. It is our public duty to get on with the business of our American Republic.

NASA AND PROJECT INDEPENDENCE

Mr. ALLEN. Mr. President, in 1958 Congress passed legislation establishing the National Aeronautics and Space Administration to direct America's efforts in its conquest of space. Fifteen years later, the United States can boast a numerous space-oriented scientific achievements. However, the arrival of the long predicted energy crisis has now given man an earth-oriented challenge.

In his energy message last month, the President spoke of the need to bring the Nation's invaluable pool of scientists and engineers with their considerable technological expertise to bear on a "crash" program to end our dependency on uncertain foreign energy sources. The President referred to such a program as "Project Independence."

Mr. President, I believe that NASA's level of scientific expertise, which was so effective in achieving the goals of the space program, could and should now be used in support of "Project Independence." Contrary to some portrayals of technology as the villain in the deterioration of our environment, a properly applied technology could provide solutions to the energy problem. In fact, technological advancement may be our sole source for a solution. NASA, which has already demonstrated its great prowess in technical problem-solving, is the logical agency to harness and direct technology to meet our pressing need for new sources of energy.

There are often close relationships between terrestrial energy technologies and their aerospace counterparts. For example, the conversion of heat energy to mechanical and ultimately electrical energy, as needed in electric generating plants, requires the same technologies of turbomachinery, thermodynamics, fluid mechanics, and heat transfer that are fundamental to aerospace propulsion and power applications. Solar cells and fuel cells, which were developed specifically for space flight programs, provide direct conversion of radiant and chemical energy to electrical energy and have potential for terrestrial use. Power processing and cryogenic technologies, used in space flights, could have applications to the processing and transmission of electrical energy on earth.

NASA is already involved in a number of energy-related projects. One example is a technical program for designing a low-cost jet engine which will lead to improvements in powerplant turbines, heat exchangers, and combusters, all of which lead toward greater fuel savings. Another area in which NASA is involved is the generation of electricity by wind power. Winds are remarkably repeatable and predictable over a period of time. Wind systems have been used to generate electric power for at least 55 years in many countries. Accurate and detailed information is needed on the availability of wind and the effect of large numbers of closely spaced windmills, to help determine desirable sites. An ongoing NASA program is focused on a design study of a small system for possible use on the Island of Culebra, near Puerto Rico.

NASA is also involved in solar energy research. The potential of solar energy for earth application is tremendous. It is as inexhaustible as the sun and readily available almost everywhere in the world in enormous quantities, and as you know, its use is free from harmful environmental effects. On the other hand, it is a low-density source of energy which is costly to exploit, requires the use of large land areas, and because of its variability, night versus day, bright versus overcast day, summer versus winter, requires the use of some means for energy storage.

NASA programs are aimed at solving these technical problems. Their objectives are to reduce the costs of solar heat collecting systems; to increase the lifetime of components, raise the efficiency of collectors, devise new energy storage systems and improve heat transfer methodology.

New space technology programs are creating ways to increase the efficiency and reduce the cost of solar cells which convert solar energy directly into electricity. Other NASA research seeks methods of harnessing the 30° to 40° difference in temperature between the surface and bottom of the ocean to drive large slow-speed turbo-alternators.

NASA, in conjunction with the National Science Foundation, is working on the heating and cooling of buildings which could lead to the first large-scale use of solar energy. The NASA/NSF solar energy panel estimated that solar heating systems are now competitive with electric heating systems and, with anticipated improvements, will soon be competitive with heating systems using oil and gas. The trend will be accelerated by the rising costs forecast for fossil fuels.

Mr. President, at its Marshall Space Flight Center in Huntsville, Ala., NASA is conducting an experimental heating and cooling engineering demonstration and research program. The program will use the thermal coating developed for Skylab. It will also apply Marshall's own methodologies taken from their spacecraft environmental control systems. A highly advanced 1,500-square foot solar collector designed at Marshall Space Flight Center will be installed as a "roof" over three surplus trailers which simulate a living area.

Other, more speculative, but important studies include economic and technical considerations for large surface located solar powered generating stations, large orbital stations and remote nuclear stations which could use satellite reflection systems for power distribution.

I regret to say that the funding levels of NASA's energy research, is quite low. Despite this, steady progress is being made. But, Mr. President, I repeat, NASA represents this Nation's greatest asset in organized research and development. As we have reduced our efforts in space, we have failed to give fresh and equally challenging assignments to NASA. Instead, I see us taking a foolish and potentially disastrous path. We are breaking up the teams of scientists, the laboratories, the technicians. We turn our physicists out to drive cabs and sell real estate and even draw unemployment compensation at a time our country's need for them becomes more critical by the hour.

Mr. President, I ask that we recognize NASA for what it is—our best hope for this Nation's success in meeting a challenge that exceeds space flight in its complexity and perhaps also in its importance. If it can be done at all, NASA can give us the new science and technology to pull us out of our energy crisis.

I ask that the fact be recognized through prompt action on our part. I ask that we revitalize this priceless asset we have built over the past 15 years. NASA should be assigned the charter for our energy research and funded in accordance with the gravity of the situation and in accordance with our desperate need for solutions.

THE NCOA AND ITS ASSISTANCE TO VETERANS

Mr. THURMOND. Mr. President, recently I commented on an Information Day in the Capitol sponsored by the National Committee, Jobs for Veterans, and complimented that committee for the good work it has done on behalf of our veterans.

Since then, it has been brought to my attention that the Non-Commissioned Officers Association of the United States of America, headquartered in San Antonio, Tex., has an aggressive program to assist veterans who are seeking employment.

With the assistance of the National Alliance of Businessmen, the National Committee—Jobs for Veterans, the Texas Employment Commission, military transition offices from nearby military installations, the Education Board, the Veterans Administration and other veterans' groups, the NCOA sponsored the first veterans' job fair in San Antonio, Tex., during last October.

Entitled "SAVOS"—San Antonio Veterans Opportunity Seminar—the fair attracted 85 companies from throughout the Nation and nearly 3,000 veterans or soon-to-be veterans from the south central area of Texas.

The net results of the 2-day event were impressive. I am told that nearly 800 veterans were matched with jobs at the end of the first day, and one-third of those in attendance were either placed in jobs, or were asked by the companies to return for more detailed interviews.

On hand to participate in the proceedings were the following dignitaries: Assistant Secretary of Defense William P. Clements; Congressman Henry B. Gonzalez; former Congressman William H. Ayres, Special Assistant to the National Chairman, National Committee—Jobs for Veterans, and many others.

Another program of this type is planned by the NCOA in Houston, Tex., on February 18–19, 1974, at the Astro World Hotel Complex. Over 100 employers are expected to participate, with some 3,000 or more veterans on hand to seek employment.

What is so interesting to me, and should be to the Members of Congress and the veterans of this Nation, is that a quasi-military association—not a veterans' group per se—is doing something positive for our veterans.

The NCOA is over 150,000 members strong and nearly 85 percent of its membership is still on active duty as career-oriented noncommissioned and petty officers of the U.S. armed services. These are the men and women who recruited, trained, and supervised our veterans during the Vietnam conflict.

Mr. President, I commend the NCOA for its efforts on behalf of our veterans.

The Special Assistant to the National Chairman, Jobs for Veterans, former Congressman Bill Ayres, recently wrote to the president of the NCOA concerning the work of this fine organization on behalf of our veterans. I ask unanimous consent that this letter be printed in the Record at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Committee,
Jobs for Veterans,
Arlington, Va., October 16, 1973.

Mr. James O. Duncan,
President, NCO Association of the U.S.A.,
San Antonio, Tex.

Dear Mr. President: As an honorary member of the NCO Association, recently inducted, I am pleased to note that "my" organization has once again delivered to its membership, other military personnel, and veterans what other organizations continue to describe as a problem . . . assisting the veteran in his transition into civilian life.

It was a rare privilege to meet the President of such an organization whose objectives are keenly on target to the needs of all veterans; whose competence is unsurpassed, as it is comprised of noncommissioned officers; whose enthusiastic dedication suggests that when it is too tough for the Chaplain, it's just right for us; and whose "Strength in Unity" is demonstrated by its accomplishments and service to our country.

I am proud to be a member of the outstanding veterans and military association, the Non-Commissioned Officers Association of the United States of America, and have placed the plaque you presented me next to a presentation made to me by the President of the United States.

I look forward to meeting with you and your staff again. The impact and reverberations of your inordinately successful San Antonio Veterans Opportunity Days strongly suggests that what this country really needs are non-commissioned officers doing what they do naturally—translating rhetoric into effective action.

Congratulations on a superb contribution to the President's Jobs for Veterans Program.

Sincerely,

William H. Ayres,
Special Assistant to the National Chairman.

THE CHRISTMAS HONORS LIST

Mr. CLARK. Mr. President, in troubled times like these, it is important to remember that many Americans, both in and out of Government, have recognized the problems of this country and are doing something about them. In an article in the December issue of the Harper's magazine, John Fischer discusses 10 such people. It is worth noting that two of them, Betty Kitzman and Jon Crews, are from Iowa.

As the article points out, Betty Kitzman, board member of the Iowa Chapter of Common Cause, deserves major credit for significant political reform. She led the effort to persuade the Iowa Legislature to pass a law—the first in the country—to provide public financing for State political campaigns. From now on, Iowa taxpayers can stipulate that $1 of their annual income tax be turned over to a candidate for State office. The same law requires candidates to disclose the names of private contributors, and the size of their donations.

Jon Crews, the second Iowan, is the 26-year-old mayor of Cedar Falls, Iowa, one of the youngest municipal executives in the Nation. The job of mayor is the only one he has ever held. He started running for it while he was a graduate student at the University of Northern Iowa, and won it with 40 percent of the vote in a four-man race in 1971. As the article says:

> He persuaded the city to hire its first planning officer, started a waste-recycling project, and is pushing for housing for the elderly and a network of bicycle paths. If the youth of America is discouraged with politics, Crews hasn't heard about it.

Both Betty Kitzman and Jon Crews are a credit to the State and to the country. We need more like them.

I ask unanimous consent to print the complete article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE EASY CHAIR—THE CHRISTMAS HONORS LIST

(By John Fischer)

Our annual wassail awards to some under-appreciated people who have been enlivening, remodeling, or at least stirring up some corner of the world around them.

1. A premature nomination for a Pulitzer Prize to Wallace Stegner of Stanford University for what I expect to be the best biography of 1974—The Uneasy Chair: A Biography of Bernard DeVoto.

For twenty years before his death in 1955, DeVoto wrote this column, but in his own eyes that was almost the least of his endeavors. He called himself "a literary department store" because he sold everything in the writing line except poetry and drama. As a historian he won both Bancroft and Pulitzer Prizes. As a critic he was one of the most influential voices of his time. He wrote novels, edited (briefly and unhappily) The Saturday Review of Literature, served as literary executor of the Mark Twain estate, helped Adlai Stevenson with speeches in his first Presidential campaign, taught at major universities, became linchpin of the Bread-loaf Writers' Conference, and provided endless encouragement and advice to younger writers, among them Arthur Schlesinger, Jr. and Stegner himself. DeVoto also taught marksmanship to Army recruits in World War I, smuggled liquor across the Canadian border during Prohibition, and offended both the Mormon church and the FBI beyond all forgiveness. Incidentally, he was the ultimate authority on the martini, and his instructions on the Only Proper Way to compound it are still in print.

But Stegner suggests that DeVoto's major contribution was as a conservationist. Decades before ecology became a household word, he was fighting cattle barons, sheepmen, landgrabbers, highway departments, lumber companies, and Congressmen in what often seemed a hopeless one-man campaign to save the American landscape. Stegner's account of those battles—and of DeVoto's belligerent forays on a dozen lesser crusades—is a remarkably stirring one. It will be published by Doubleday early in '74.

2. To His Grace the Duke of Leinster, for the most audacious real-estate promotion since 1066.

The Duke and his associates in Historic Estates, Ltd. are trying to sell, to Americans only, plots of ground in Anderita Park. This is a thirteen-acre patch of ground just outside the walls of Pevensey Castle near the south coast of England. For only $675 you can get a plot five feet long by five feet wide—enough to lie down on, if you curl up. But you can't do that, because the tract is being planted with trees and shrubbery so it can be used as a park by the respectful (to the Duke) peasantry of two nearby villages. For the same reason, you can't be buried there. In fact, you can't actually do anything with your land, except think about it with pride.

For what you get for your money—in the words of His Grace's four-color brochure—is a chance to "share in history." Your place in the chronicle of England will be certified by a title deed, "printed on the highest-quality parchment" and "signed personally by the Duke," attesting that you own a patch of soil which may once have been trodden by Roman soldiery, William the Conqueror, and any number of medieval knights. After all, there was a Roman camp not far away, and William did land nearby on his way to the Battle of Hastings.

Given the American penchant for buying underwater acreage in Florida and lots in the Arizona desert, His Grace probably will get away with it. If my calculations are correct, he can expect to take in $15,286,050, or well over a million an acre—less, of course, the cost of the brochures and parchment.

3. Speaking of real-estate deals, the California Fish and Game Department should be memorialized for spending $85,000 to preserve the habitat of the long-toed Santa Cruz salamander.

For that sum, it got thirty acres in Santa Cruz County, more or less infested with lizard-like amphibians about five inches long, decorated with orange and gold spots on a black background. This gaudy and endangered species is unknown anywhere else in the world except for one other small site in the same county, still in private ownership. Until a salamander census is taken, the cost per creature of preserving it is also unknown.

4. To B. D. Wadhwa, a member of the New Delhi municipal council, for realism rare in India.

Pointing out that all efforts to halt corruption among the city's officials had "miserably failed," he introduced a resolution demanding that "corruption and bribery be legalized and suitable limits be fixed for different levels and for different kinds of work." Thus every citizen would at least know how much he would have to pay for a building permit, import license, or audience with a bureaucrat. (When I worked in New Delhi some years ago, you had to pay a rupee to the chiprasee, or messenger, who stood outside the door of every government office, to pursuade him to let you in to see the man with whom you had an appointment. As a result of inflation, I understand, the price is now considerably higher.)

5. For a more hopeful political reform, much of the credit belongs to Betty Kitzman, board member of the Iowa chapter of Common Cause.

She led her fellow Common Causers in persuading the Iowa legislature to pass a law—the first in the country—to provide public financing for state political campaigns. From now on Iowa taxpayers can, if they choose, direct that one dollar of their annual income tax be turned over to a candidate for state office. The same law requires candidates to disclose the names of private contributors, and the size of their donations.

6. To Paul Laune of Phoenix, Arizona, for his book, America's Quarter Horses, the first definitive treatise on the most popular—and most typically American—of the saddle breeds.

So called because of its speed in the quarter-mile sprint races of the Old West, the quarter horse was the standard mount for cowboys and for the Plains Indians. Nimble, a quick learner, hardy, and usually good-tempered, he was far more efficient in working cattle than such Eastern breeds as the Thoroughbred and Morgan. When Americans became affluent enough to ride for fun, the same traits made him a favorite with Eastern stables and Western dude ranches. Besides he was, until a few decades ago, cheap. I once bought a pretty fair, though elderly, quarter horse for $25; today his counterpart would fetch $1,500.

There are now about eight million horses in this country, twice the population of a decade ago, and the quarter horse far outnumbers any other breed. Yet relatively little has been written about him in comparison with, say, the Thoroughbred. Laune's book is the only one I know of that traces the history of the breed, through all the famous stud lines, back to Spain and ultimately to the Arab and Barb horses of North Africa. It also gives you all you need to know about how to care for, train, and ride a quarter horse Western style—a technique quite different from that taught in most Eastern stables. Laune knows what he is talking about, since he grew up with the breed on ranches in Oklahoma, and has been for many years one of the best-known Western artists specializing in horse pictures.

7. To the Right Reverend Msgr. Francis J. Lally, chairman of the Boston Redevelopment Authority, and his colleagues, for a masterpiece of civic rejuvenation: the Government Center now nearing completion.

Urban renewal has a bad name these days, because so many projects have turned out to be failures or eyesores. In Boston it worked, magnificently. Twelve years ago the Scollay Square district was a sixty-acre disaster area, covered with tattoo parlors, cheap bars, bawdy houses, and crumbling tenements. Today it is the focal point of downtown Boston, giving the city an architectural distinction—and, yes, charm—that I have seen equaled only in San Francisco and Philadelphia.

The area has been developed on a human scale, for human convenience and enjoyment, not merely to produce the maximum income for real estate operators. Its key feature is a nine-acre square surrounding the new city hall; broad stairways, benches, and fountains make it an inviting place for a stroll or a picnic lunch, as hundreds of workers from nearby office buildings have discovered. Grouped around the square are about thirty other structures, housing city, state, and federal agencies, business firms, and such institutions as the Boston Press Club and Quincy Market. Historic buildings, including Faneuil Hall and the Old State House, have been lovingly incorporated into the site plan; and plenty of room has been provided for shops, restaurants, coffeehouses, and outdoor cafes.

You can best explore the Government Center on foot, since it was designed for pedestrian rather than automobile traffic. Besides it is within easy walking distance of the Public Gardens, Beacon Hill, and most of the colonial churches and monuments. Boston has now become, in fact, one of the few American cities where a stroll through the downtown business district is a pleasure rather than an ordeal.

8. To the Chattanooga Choo Choo Company, and its board chairman, B. A. Casey, for a different but equally successful architectural adventure.

The company is a group of twenty-four businessmen who got together to save the old Southern Railway Terminal in Chattanooga from demolition. The terminal is a Victorian monument, with a dome eighty-five feet high and an entrance framed by one of the world's largest brick arches; but with the decline of railway passenger service, it was abandoned to dust and pigeons.

At a cost of $4 million, the company has remodeled the building into a combination of museum, pleasure dome, and city center. A restaurant accommodating two thousand people has already opened; it will be followed by a gaslit Victorian ballroom, a small theater, a model-railway museum, and a garden with fountains. A fleet of ancient sleeping cars has been assembled on the tracks and converted into hotel rooms with Victorian decor. The baggage area beside the tracks is being developed as a shopping arcade.

Results: the salvage of a minor architectural treasure; a likely profit, eventually, for the Chattanooga Choo Choo Company; and a promising start toward the revival of the inner city, without a penny's cost to the taxpayer.

9. To Connie B. Gay, originally of Lizard Lick, North Carolina, now of McLean, Virginia, for bringing country music to the big city and turning it into a multi-million-dollar industry.

Back in the Forties, he held a series of minor jobs in the Department of Agriculture. One of them was emcee for the National Farm and Home Hour, a network radio program carrying the department's news and advice to farmers and their wives together with a little light music. One day Connie put on a record of hill-billy songs, of the kind he had loved in his North Carolina boyhood.

"The reaction was astonishing," he told me. "I got a bigger response than I had ever pulled with any other program. And a lot of mail was from city people, asking for more of that country music they had never heard before."

The same thing happened every time he repeated the experiment—and Connie decided that such music might have some money in its future. Until that time, it had been practically unknown on commercial radio, except for Nashville Station WSM and a few others beamed to rural audiences.

In 1948 he took his $1,000 savings and started a country disc jockey show of his own, over WARL in suburban Washington, D.C., the first ever aimed at metropolitan listeners. The station's management was so skeptical it paid him no salary, but promised him a cut of the revenue from any advertisers he could attract. To everybody's surprise but Connie's, sponsors began to hand over their money in large, green bundles. Practically every kid in Washington seemed to be listening to Connie's hillbilly records.

He parlayed that beginning into network TV shows, country-music festivals in Constitution Hall, moonlight cruises down the Potomac with guitar accompaniment, and a series of road shows. Jimmy Dean went to work for Gay for $60.18 a week; for Johnny Cash, who already had a fledgling reputation, he had to go as high as $150 a day. Thanks at least in part to Gay's promotion work, Cash now gets something like $20,000 for a single performance.

In those days the smart media people were getting out of radio and into television. Connie didn't believe that radio was dying, so he bought up every station that came on the market until he owned nine of them, including WGAY in Washington. They all thrived on country music, and by 1960 Connie was a millionaire several times over.

He is pretty much retired now, to his Virginia estate and his winter home in the Virgin Islands, but he is delighted to see a whole new generation reveling in the music he brought up from Lizard Lick and Nashville. As for himself, Connie still can't play any instrument or carry a tune.

10. And finally, to Jon Crews, the twenty-six-year-old mayor of Cedar Falls, Iowa—one of the youngest municipal executives in the nation.

The job of mayor is the only one he has ever held. He started running for it while he was a graduate student at the University of Northern Iowa, and won it with 40 percent of the vote in a four-man race in 1971. Apparently he is doing fine. He persuaded the city to hire its first planning officer, started a waste-recycling project, and is pushing for housing for the elderly and a network of bicycle paths. If the youth of America is discouraged with politics, Crews hasn't heard about it. May he enjoy his Christmas as much as he enjoys his job.

DISTINGUISHED SERVICE AWARD TO SENATOR HARRY F. BYRD, JR.

Mr. ROBERT C. BYRD. Mr. President, I am pleased to report to the Senate that our colleague, the senior Senator from Virginia (Mr. Harry F. Byrd, Jr.), Wednesday night was presented the Distinguished Public Service Award of the Tax Foundation at a banquet in New York City.

The Tax Foundation, which is headquartered in New York and has an office in Washington, is a research and educational organization interested in the field of Government fiscal affairs and management. The foundation issues studies in this area, which are extensively used by public officials.

The Tax Foundation is 36 years old. Its chairman is W. Allen Wallis, chancellor of the University of Rochester.

The text of the citation to Senator Byrd is as follows:

Presented to the Honorable Harry Flood Byrd, Jr., United States Senator from Virginia, Member, Virginia Senate, 1947–1965, Editor, Winchester Evening Star, in recognition of his distinguished service to his state and nation, his independence in thought and action and his leadership in the cause of economical and efficient government.

By the Tax Foundation, New York, December 5, 1973.

Certainly this is a well-deserved award. All of his colleagues appreciate and respect the work done by the Senator from Virginia, during his 8 years in the Senate, in the field of Government finance.

Senator Byrd is an untiring advocate of fiscal integrity and sound Government financial policies. And he is an arch enemy of waste and excessive spending.

The Tax Foundation could not have selected a more appropriate recipient for its award this year. I congratulate the foundation on its judicious choice, and Senator Byrd for this well-deserved recognition.

A RECENT COLUMN BY JAMES J. KILPATRICK

Mr. THURMOND. Mr. President, I recently noticed a heart-warming column which, in the midst of millions of words describing tragedy and turmoil, stands out as something very special.

The most profound thoughts are often wrapped in simple language, for the beauty of such thoughts can be readily perceived without excessive use of verbal ornamentation.

In a recent column, James J. Kilpatrick, writing from his country home in Scrabble, Va., captured a reflective mood felt by, I am sure, millions of people across the country.

The column is in the form of a letter to his new grandson, Douglas Stone Kilpatrick, and I believe that my colleagues will also find his letter touching

Therefore, Mr. President, I ask unanimous consent that the article entitled "Love From a Doting Grandfather," which appeared in the Charleston Evening Post, Charleston, S.C., December 3, 1973, be printed in the Record at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Love From a Doting Grandfather

(By James J. Kilpatrick)

Scrabble, Va.

Dear Douglas: I have been writing columns of grandfatherly wisdom off and on for several years in the form of letters to your older sister Heather, but in the thought that grandfatherly wisdom should be expended sparingly, there not being much of it to begin with, I had not intended to make you a literary figure also.

Yet the fairness doctrine applies. Heather, at three, has everything going for her: she can run like a colt, talk in big words and make herself a sammich. She is getting old, Heather is, and until you are 18 and she is 21, she is going to seem positively ancient. Big sisters are that way.

By contrast, beloved grandson, you have very little going for you now. You are ten tiny fingers and ten tiny toes, a soft pink tongue, and a pair of awesome lungs. Your dark Irish eyes are just beginning to focus on the world of 1973, which you entered two months ago, and all of discovery still lies ahead. But you do have this: with your christening last Sunday, you are now officially and formally a member of the family—a family that embraces a billion brothers, sisters and cousins of every race, color and nationality around the world. Onward, my small Christian soldier, howling as you go!

You were sworn into the Christian brotherhood, renouncing the devil and all his works in a little white-steepled church in Washington, Va. Ecclesiastically speaking, you are thus domiciled in Rappahannock County, in the Commonwealth of Virginia, in the United States of America, on the North American continent, on the planet Earth, spinning in a galaxy somewhere in the eternity of space. In the presence of a congregation of 22, mostly aunts and uncles, you, Douglas Stone Kilpatrick, human being, were thereby enrolled.

It is the custom of grandfathers, on such occasions, to wonder what grandsons will do, and what they will find, in the years ahead. I am not so concerned with material things—with space travel and new communications and miracles of medicine and science. These will come. By 2036, when you are my age, you and Heather may be looking forward, matter of factly, to reaching 97 and

100 respectively. In your late 20s, around the turn of the century, the two of you may be traveling around the world as casually as your mother and father now drive from Williamsburg to Richmond.

I wonder instead about the things that matter. What will you discover about the great families of mankind, the families identified by race and religion and nationality? Will they learn in your lifetime to live at peace with one another? Will you grow up, Douglas, to a world of love and charity and compassion, a world in which human beings do not seek to hurt, or to kill, or to enslave other families?

Your grandfather has read too much history and covered too many wars. Your grandfather gravely doubts that your world, in these respects, will be significantly better than this world has ever been. It is altogether probable that the hatreds, jealousies and passions of mankind will still be around, and you and Heather, dwelling on an increasingly crowded planet, may not be able to do much about it.

But you can try, Douglas. You can try. That is all any of us can do, in any age, in any universe. We can try to live up to the good and Godly concepts of the family you have joined. You were born of love. As you grow older you will know hurt and pain and frustration—of course you will—but you will know love also, and you will love many things.

I hope you will come to love this church and this community and these wooded hills, for such a love, as Burke said, is the first link in the series by which we proceed toward a love to our country, and to mankind. You have, my grandson, a long and loving way to go.

GRANDFATHER.

THE TOBACCO PRICE SUPPORT PROGRAM

Mr. COOK. Mr. President, on occasion after occasion I, and my colleagues, and our predecessors, have stood here in the Senate Chamber and extolled the success of the tobacco price support program as administered by the U.S. Department of Agriculture through farmer cooperative associations.

The impetus for such remarks has usually been attacks on tobacco as a costly, unnecessary drain on the public treasury and has been brought forth by the opponents of tobacco and tobacco products who are either unaware of the financial aspects of the federally assisted tobacco loan program, or do not want to let fact interfere with their demagoguery.

Today I would like to add one more chapter to this often repeated success story, particularly as it encompasses a Kentucky cooperative, namely the Burley Tobacco Growers Cooperative Association, Lexington, Ky., as reported to me by the U.S. Department of Agriculture.

The Senate is aware price support for tobacco is made available for farmers through producer associations in accordance with loan agreements which the associations enter into with CCC for each year's crop. All funds advanced to an association on a year's crop including funds for advances to farmers, transportation, processing, storage, and administrative expenses are considered one loan payable from the sale proceeds of the tobacco of the year's crop which is collateral for the loan. As the loan tobacco is sold, the proceeds are applied towards repayment of the loan. If the proceeds from the sale of all the loan tobacco of a year's crop are not sufficient to repay the loan in full, the remaining principal balance is charged off as a realized program cost.

I am pleased to inform the Senate that during fiscal year 1973 the Kentucky cooperative disposed of the remaining portion of the 1963 crop which had been placed under loan by the growers, realizing a net gain of approximately $850,000 after repayment to the Commodity Credit Corporation of the principal, interest on the loan for the 9 years, all storage charges and overhead expenses. The magnitude of the accomplishment is better recognized when it is realized that over 200 million pounds of the 1963 crop were placed under loan. In addition to this total repayment approximately $424,000 of the net gain was applied by CCC against the indebtedness of other crop years, in this instance unpaid interest on the 1951 and 1953 crops loans. Although full repayment of tobacco crop loans is perfectly normal instead of an exception, as the record will show, I felt it should once again be emphasized in view of charges constantly leveled by tobacco opponents to the effect that excessive expenditures by the Federal Government have accrued in the administration of the tobacco price support program.

In closing I would point out that since the inception of the tobacco price support program in 1933 over $3,775,500,000 has been advanced to growers in order to maintain price stability. Of this total amount less than $400 million is currently outstanding, with every indication that this balance will be repaid in the very near future due to the increasing demand by the manufacturers, both export and domestic for the balance of the tobacco remaining under loan. In this same time frame—1933–73—the realized cost to the Federal Government for the program was $58.9 million, about one-seventh of 1 percent of the cost of all farm commodity price support programs, an enviable record.

With Federal, State, and local excise taxes of over $5 billion yearly on tobacco products, it is indeed a remarkable achievement in Federal participation. To paraphrase an old cliche: It would appear that what is good for the tobacco grower is also a financial bonanza for the Federal Government.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there any morning business? If not, morning business is closed.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1974—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. ABOUREZK). Under the previous order the Senate will now proceed to consideration of the conference report on H.R. 8877 which the clerk will state.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of Friday, November 30, 1973, at pp. 38795–38796.)

Mr. MANSFIELD. Mr. President, I ask unanimous consent to suggest the absence of a quorum with the time to be taken out of neither side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a qourum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that a summary of the bill as agreed to by the conferees and adopted by both bodies be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

DECREASES FROM SENATE

	House	Senate	Conference	Decreas
Department of Labor	$827, 535, 000	$830, 682, 000	$787, 690, 000	—$42, 992, 000
Health, Education, and Welfare:				
Health Services and Mental Health Administration	2, 261, 833, 000	2, 359, 397, 000	2, 305, 278, 000	—54, 119, 000
National Institutes of Health	2, 499, 895, 000	2, 665, 730, 000	2, 576, 478, 000	—89, 252, 000
Education Division	6, 164, 411, 000	6, 444, 106, 000	6, 210, 986, 000	—233, 120, 000
Social and Rehabilitation Service	13, 647, 999, 000	13, 581, 939, 000	13, 564, 839, 000	—17, 100, 000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974 IN THE BILL FOR 1974

							Conference agreement compared with—			
Appropriation/activity	New budget (obligational) authority, fiscal year 1973 enacted to date	1973 operating level	Budget estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended in the Senate bill	Conference agreement	New budget (obligational) authority, fiscal year 1973 enacted to date	Budget estimates of new (obligational) authority, fiscal year 1974	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
TITLE I—DEPARTMENT OF LABOR										
MANPOWER ADMINISTRATION										
Salaries and expenses	($70, 192, 500)	($69, 580, 500)	($67, 830, 000)	$41, 032, 000	(1)	(1)			−$41, 032, 000	
Trust fund transfer	(1)	(1)	(1)	*(26, 090, 000)*	(1)	(1)			*(−26, 090, 000)*	
Manpower revenue sharing	(1, 589, 416, 000)	(1, 260, 000, 000)	(1, 340, 000, 000)	(1)	(1)	(1)				
Manpower training services					$40, 000, 000					−$40, 000, 000
EMERGENCY EMPLOYMENT ASSISTANCE										
Emergency employment assistance	1, 237, 850, 000	1, 237, 850, 000					−$1, 237, 850, 000			
Federal support	12, 150, 000	12, 150, 000					−12, 150, 000			
Total	1, 250, 000, 000	1, 250, 000, 000					−1, 250, 000, 000			
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES										
Payments to Federal employees	121, 100, 000	121, 100, 000	83, 500, 000	83, 500, 000	83, 500, 000	$83, 500, 000	−37, 600, 000			
Payments to ex-servicemen	263, 900, 000	308, 900, 000	238, 200, 000	238, 200, 000	238, 200, 000	238, 200, 000	−25, 700, 000			
Trade adjustment assistance	90, 000, 000	45, 000, 000	43, 300, 000	43, 300, 000	43, 300, 000	43, 300, 000	−46, 700, 000			
Total	475, 000, 000	475, 000, 000	365, 000, 000	365, 000, 000	365, 000, 000	365, 000, 000	−110, 000, 000			
ADVANCES TO EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT										
Extended unemployment compensation benefits	120, 000, 000	120, 000, 000					−120, 000, 000			
Total	120, 000, 000	120, 000, 000					−120, 000, 000			
FEDERAL GRANTS TO STATES FOR EMPLOYMENT SERVICES										
Employment services	65, 556, 500	65, 556, 500	64, 400, 000	64, 400, 000	64, 400, 000	64, 400, 000	−1, 156, 500			
Total	65, 556, 500	65, 556, 500	64, 400, 000	64, 400, 000	64, 400, 000	64, 400, 000	−1, 156, 500			
LIMITATION ON GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES										
Unemployment Insurance Services	*(460, 782, 000)*	*(429, 267, 000)*	*(423, 600, 000)*	*(423, 600, 000)*	*(423, 600, 000)*	*(423, 600, 000)*	*(−37, 182, 000)*			
Employment Services	*(355, 518, 000)*	*(337, 933, 000)*	*(365, 800, 000)*	*(365, 800, 000)*	*(365, 800, 000)*	*(365, 800, 000)*	*(+10, 282, 000)*			
Contingency Fund	*(24, 000, 000)*	*(24, 000, 000)*	*(28, 000, 000)*	*(28, 000, 000)*	*(28, 000, 000)*	*(28, 000, 000)*	*(+4, 000, 000)*			
Total	*(840, 300, 000)*	*(791, 200, 000)*	*(817, 400, 000)*	*(817, 400, 000)*	*(817, 400, 000)*	*(817, 400, 000)*	*(−22, 900, 000)*			
Manpower Administration:										
Federal Funds	1, 910, 556, 500	1, 910, 556, 500	429, 400, 000	470, 432, 000	469, 400, 000	429, 400, 000	−1, 481, 156, 500		−41, 032, 000	−40, 000, 000
Trust Funds	*(840, 300, 000)*	*(791, 200, 000)*	*(817, 400, 000)*	*(843, 490, 000)*	*(817, 400, 000)*	*(817, 400, 000)*	*(−22, 900, 000)*		*(−26, 090, 000)*	
Total, Manpower Administration	2, 750, 856, 500	2, 701, 756, 500	1, 246, 800, 000	1, 313, 922, 000	1, 286, 800, 000	1, 246, 800, 000	−1, 504, 056, 500		−67, 122, 000	−40, 000, 000
ABOR MANAGEMENT LSERVICES ADMINISTRATION										
Labor-management relations services	1, 008, 300	1, 008, 300	945, 000	945, 000	945, 000	945, 000	−63, 300			
Labor-management policy development	1, 716, 700	1, 716, 700	1, 993, 000	1, 993, 000	1, 993, 000	1, 993, 000	+276, 300			
Administration of reporting and disclosure laws	14, 957, 500	14, 432, 500	13, 276, 000	13, 276, 000	13, 276, 000	13, 276, 000	−1, 681, 500			
Veterans' reemployment rights	2, 419, 300	2, 410, 300	2, 121, 000	2, 121, 000	2, 121, 000	2, 121, 000	−298, 300			
Federal labor-management relations	4, 035, 600	4, 399, 600	3, 623, 000	3, 623, 000	3, 623, 000	3, 623, 000	−412, 600			
Executive direction and administrative services	1, 540, 300	1, 527, 300	1, 542, 000	1, 542, 000	1, 542, 000	1, 542, 000	+1, 700			
Total	25, 677, 700	25, 494, 700	23, 500, 000	23, 500, 000	23, 500, 000	23, 500, 000	−2, 177, 700			

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974—Continued

							Conference agreement compared with—			
Appropriation/activity (1)	New budget (obligational) authority, fiscal year 1973 enacted to date (2)	1973 operating level (3)	Budget estimates of new (obligational) authority, fiscal year 1974 (4)	New budget (obligational) authority recommended in the House bill (5)	New budget (obligational) authority recommended in the Senate bill (6)	Conference agreement (7)	New budget (obligational) authority, fiscal year 1973 enacted to date (8)	Budget estimates of new (obligational) authority, fiscal year 1974 (9)	House bill (10)	Senate bill (11)
TITLE I—DEPARTMENT OF LABOR—Continued										
EMPLOYMENT STANDARDS ADMINISTRATION										
SALARIES AND EXPENSES										
Improving and protecting wages	$27,870,300	$28,029,300	$24,833,000	$24,833,000	$24,833,000	$24,833,000	−$3,037,300			
Elimination of discrimination	7,740,200	7,719,200	7,651,000	7,651,000	7,651,000	7,651,000	−89,200			
Workmen's compensation	9,454,800	9,250,800	15,175,000	15,535,000	15,535,000	15,535,000	+6,080,200	+$360,000		
Program development and administration	5,684,200	5,664,200	4,391,000	4,391,000	4,391,000	4,391,000	−1,293,200			
Total	50,749,500	50,663,500	52,050,000	52,410,000	52,410,000	52,410,000	+1,660,500	+360,000		
SPECIAL BENEFITS										
Federal civilian employees benefits	93,948,000	91,131,000	91,950,000	91,950,000	91,950,000	91,950,000	−1,998,000			
Armed Forces reservists benefits	8,186,000	8,000,000	7,500,000	7,500,000	7,500,000	7,500,000	−686,000			
War Claims Act benefits	423,000	400,000	400,000	400,000	400,000	400,000	−23,000			
Other benefits	3,435,000	3,400,000	3,600,000	3,600,000	3,600,000	3,600,000	+165,000			
Longshoremen's and Harbor Workers' Compensation Act benefits	2,300,000	2,300,000	1,800,000	1,800,000	1,800,000	1,800,000	−500,000			
Black lung compensation benefits			36,000,000	36,000,000	36,000,000	36,000,000	+36,000,000			
Total	108,292,000	105,231,000	141,250,000	141,250,000	141,250,000	141,250,000	+32,958,000			
Total, Employment Standards Administration	159,041,500	155,894,500	193,300,000	193,660,000	193,660,000	193,660,000	+34,618,500	+360,000		
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION										
Safety and health standards	2,983,400	2,983,400	2,955,000	2,955,000	2,955,000	2,955,000	−28,400			
Enforcement	24,695,800	24,193,800	24,939,000	24,421,000	28,503,000	25,511,000	+815,200	+572,000	+$1,090,000	−$2,992,000
Training, education, and information	6,516,400	6,516,400	3,491,000	3,491,000	3,491,000	3,491,000	−3,025,400			
State programs	27,098,400	27,098,400	30,080,000	30,080,000	30,080,000	30,080,000	+2,981,600			
Safety and health statistics	4,814,000	4,814,000	4,841,000	4,841,000	4,841,000	4,841,000	+27,000			
Executive direction and administration	3,766,800	3,766,800	3,530,000	3,530,000	3,530,000	3,530,000	−236,800			
Total	69,874,800	69,372,800	69,836,000	69,318,000	73,400,000	70,408,000	+533,200	+572,000	+1,090,000	−2,992,000
BUREAU OF LABOR STATISTICS										
Manpower and employment	13,235,000	13,235,000	14,146,000	14,146,000	14,146,000	14,146,000	+911,000			
Prices and cost of living	5,654,000	5,654,000	6,893,000	6,893,000	6,893,000	6,893,000	+1,239,000			
Wages and industrial relations	5,994,000	5,994,000	5,667,000	5,667,000	5,667,000	5,667,000	−327,000			
Productivity and technology	1,443,000	1,443,000	1,873,000	1,873,000	1,873,000	1,873,000	+430,000			
Economic research	1,177,000	1,177,000	1,183,000	1,183,000	1,183,000	1,183,000	+6,000			
Executive direction and staff services	7,521,000	7,188,000	7,539,000	7,539,000	7,539,000	7,539,000	+18,000			
Revision of the Consumer Price Index	9,760,000	9,760,000	10,099,000	10,099,000	10,099,000	10,099,000	+339,000			
Total	44,784,000	44,451,000	47,400,000	47,400,000	47,400,000	47,400,000	+2,616,000			
DEPARTMENTAL MANAGEMENT										
SALARIES AND EXPENSES										
Executive direction	$5,168,000	$5,168,000	5,226,000	5,226,000	5,226,000	5,226,000	+58,000			
Legal services	7,664,000	7,642,000	7,170,000	7,170,000	7,170,000	7,170,000	−494,000			
Trust fund transfer	*(157,000)*	*(157,000)*	*(157,000)*	*(157,000)*	*(157,000)*	*(157,000)*	( )	( )	( )	( )
International labor affairs	2,178,000	2,178,000	2,164,000	2,164,000	2,164,000	2,164,000	−14,000			
Administration and management	8,094,000	8,094,000	7,629,000	7,629,000	7,629,000	7,629,000	−465,000			
Trust fund transfer	*(640,000)*	*(640,000)*	*(640,000)*	*(640,000)*	*(640,000)*	*(640,000)*	( )	( )	( )	( )
Appeals from determination of Federal employee claims	202,000	202,000	192,000	192,000	192,000	192,000	−10,000			
Promoting employment of the handicapped	890,000	890,000	844,000	844,000	941,000	941,000	+51,000	+97,000	+97,000	
Total	24,196,000	24,174,000	23,225,000	23,225,000	23,322,000	23,322,000	−874,000	+97,000	+97,000	
Total, trust funds	*(797,000)*	*(797,000)*	*(797,000)*	*(797,000)*	*(797,000)*	*(797,000)*	( )	( )	( )	( )

Footnotes at end of table.

							Conference agreement compared with—			
Appropriation/activity	New budget (obligational) authority, fiscal year 1973 enacted to date	1973 operating level	Budget estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in the House bill	H New budget (obligational) authority recommended in the Senate bill	Conference agreement	New budget (obligational) authority, fiscal year 1973 enacted to date	Budget estimates of new (obligational) authority, fiscal year 1974	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
TITLE I—DEPARTMENT OF LABOR—Continued										
DEPARTMENTAL MANAGEMENT—Continued										
SPECIAL FOREIGN CURRENCY PROGRAM										
Overseas labor conference support	$100,000	$100,000	$200,000				−$100,000	−$200,000		
Total	100,000	100,000	200,000				−100,000	−200,000		
Total, Departmental management	24,296,000	24,274,000	23,425,000	$23,225,000	$23,322,000	$23,322,000	−974,000	−103,000	+$97,000	
Total, new budget (obligational) authority, Department of Labor	2,234,230,500	2,230,043,500	786,861,000	827,535,000	830,682,000	787,600,000	−1,446,540,500	+829,000	−39,845,000	−$42,992,000
Total, trust funds	*841,097,000*	*791,997,000*	*818,197,000*	*844,197,000*	*818,187,000*	*818,197,000*	*−22,900,000*		*−26,090,000*	
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE										
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION										
MENTAL HEALTH										
1. General mental health:										
(a) Research	90,676,000	79,576,000	80,489,000	89,289,000	89,289,000	89,289,000	−1,387,000	+8,800,000		
(b) Training	110,009,000	81,841,000	71,876,000	110,000,000	110,000,000	110,000,000	−9,000	+38,124,000		
(c) Community programs:										
(1) Construction of centers	20,000,000			15,000,000	20,000,000	15,000,000	−5,000,000	+15,000,000		−5,000,000
(2) Staffing of centers	165,100,000	125,100,000	472,000,000	163,698,000	163,698,000	163,698,000	−1,402,000	−308,302,000		
(3) Mental health of children	20,000,000	8,600,000	46,000,000	20,000,000	20,000,000	20,000,000		−26,000,000		
Subtotal	205,100,000	133,700,000	518,000,000	198,698,000	203,698,000	198,698,000	−6,402,000	319,302,000		5,000,000
(d) Management and information	20,800,000	20,800,000	21,355,000	21,355,000	21,355,000	21,355,000	+555,000			
Subtotal	426,585,000	315,917,000	691,720,000	419,342,000	424,342,000	419,342,000	−7,243,000	−272,378,000		−5,000,000
2. Drug abuse:										
(a) Research	35,528,000	35,528,000	36,739,000	36,739,000	36,739,000	36,739,000	+1,211,000			
(b) Training	12,582,000	12,582,000	15,182,000	15,182,000	15,182,000	15,182,000	+2,600,000			
(c) Community programs:										
(1) Projects grant and contracts	152,302,000	152,302,000	365,970,000	160,770,000	160,770,000	160,770,000	+8,468,000	−205,200,000		
(2) Grants to States	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000				
Subtotal	167,302,000	167,203,000	380,970,000	175,770,000	175,770,000	175,770,000	+8,468,000	−205,200,000		
(d) Management and information	14,907,000	14,907,000	15,578,000	15,578,000	15,578,000	15,578,000	+671,000			
Subtotal	230,319,000	230,319,000	448,469,000	243,269,000	243,269,000	243,269,000	+12,950,000	−205,200,000		
3. Alcoholism:										
(a) Research	11,582,000	6,882,000	6,901,000	8,901,000	8,901,000	8,901,000	−2,681,000	+2,000,000		
(b) Training	8,946,000	3,546,000	3,763,000	4,763,000	9,763,000	7,263,000	−1,683,000	+3,500,000	+2,500,000	−2,500,000
(c) Community programs:										
(1) Project grants and contracts	83,736,000	44,427,000	87,000,000	65,322,000	85,322,000	75,322,000	−8,414,000	−11,678,000	+10,000,000	−10,000,000
(2) Grants to States	60,000,000	30,000,000	30,000,000	40,000,000	60,000,000	48,000,000	−12,000,000	+18,000,000	+8,000,000	−12,000,000
Subtotal	143,736,000	74,427,000	117,000,000	105,322,000	145,322,000	123,322,000	−20,414,000	+6,322,000	+18,000,000	−22,000,000
(d) Management and information	6,524,000	5,319,000	5,435,000	5,435,000	5,435,000	5,435,000	−1,089,000			
Subtotal	170,788,000	90,174,000	133,099,000	124,421,000	169,421,000	144,921,000	−25,867,000	+11,822,000	+20,500,000	−24,500,000
4. Program direction	8,532,000	8,532,000	8,443,000	8,443,000	8,443,000	8,443,000	−89,000			
Total	836,224,000	644,942,000	[2] 1,281,731,000	795,475,000	845,475,000	815,975,000	−20,249,000	−465,756,000	+20,500,000	−29,500,000
ST. ELIZABETHS HOSPITAL (indefinite)	36,941,000	36,941,000	38,000,000	38,000,000	38,000,000	38,000,000	+1,059,000			
HEALTH SERVICES PLANNING AND DEVELOPMENT										
1. Health services research and development	78,554,000	52,123,000	60,278,000	64,778,000	64,778,000	64,778,000	−13,776,000	+4,500,000		
2. Comprehensive health planning	41,713,000	34,827,000	38,327,000	38,327,000	38,327,000	38,327,000	−3,386,000			
3. Regional medical programs	134,625,000	58,344,000		81,953,000	81,953,000	81,953,000	−52,672,000	+81,953,000		

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974—Continued

							Conference agreement compared with—			
Appropriation/activity	New budget (obligational) authority, fiscal year 1973 enacted to date	1973 operating level	Budget estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in the House bill	H New budget (obligational) authority recommended in the Senate bill	Conference agreement	New budget (obligational) authority, fiscal year 1973 enacted to date	Budget estimates of new (obligational) authority, fiscal year 1974	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Con.										
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION—Con.										
HEALTH SERVICES PLANNING AND DEVELOPMENT—Con.										
4. Medical facilities construction:										
(a) Construction grants:										
(1) Hospitals and public health centers	$41,400,000			$41,400,000	$41,400,000	$41,400,000		+$41,400,000		
(2) Long-term care facilities	20,800,000			20,800,000	20,800,000	20,800,000		+20,800,000		
(3) Outpatient facilities	70,000,000			70,000,000	70,000,000	70,000,000		+70,000,000		
(4) Rehabilitation facilities	15,000,000	$2,000,000		15,000,000	15,000,000	15,000,000		+15,000,000		
(5) Modernization	50,000,000			50,000,000	50,000,000	50,000,000		+50,000,000		
Subtotal	197,200,000	2,000,000		197,200,000	197,200,000	197,200,000		+197,200,000		
(b) Interest subsidies	2,500,000	2,500,000					−$2,500,000			
(c) Special medical facilities	17,000,000						−17,000,000			
(d) Direct operations	3,272,000	3,176,000	$2,476,000	3,272,000	3,272,000	3,272,000		+796,000		
Subtotal	219,972,000	7,676,000	2,476,000	200,472,000	200,472,000	200,472,000	−19,500,000	+197,996,000		
5. Program direction	2,990,000	2,927,000	2,000,000	2,990,000	2,990,000	2,990,000		+990,000		
Total	477,854,000	155,897,000	103,081,000	388,520,000	388,520,000	388,520,000	−89,334,000	+285,439,000		
HEALTH SERVICES DELIVERY										
1. Comprehensive health services:										
(a) Grants to States	90,000,000	90,000,000	90,000,000	90,000,000	90,000,000	90,000,000				
(b) Project grants	116,200,000	110,200,000	211,100,000	211,100,000	220,100,000	211,100,000	+94,900,000			−$9,000,000
(c) Migrant health grants	23,750,000	23,750,000	23,750,000	23,750,000	25,000,000	25,000,000	+1,250,000	+1,250,000	+$1,250,000	
(d) Direct operations	19,662,000	19,662,000	22,133,000	22,133,000	22,133,000	22,133,000	+2,471,000			
Subtotal	249,612,000	243,612,000	346,983,000	346,983,000	357,233,000	348,233,000	+98,621,000	+1,250,000	+1,250,000	−9,000,000
2. Maternal and child health:										
(a) Grants to States	125,678,000	125,678,000	217,951,000	217,951,000	125,678,000	125,678,000		−92,273,000	−92,273,000	
(b) Project grants	98,496,000	88,024,000			92,273,000	92,273,000	−6,223,000	+92,273,000	+92,273,000	−2,000,000
(c) Research and training	21,917,000	21,917,000	21,917,000	21,917,000	23,917,000	21,917,000				
(d) Direct operations	4,325,000	4,325,000	4,340,000	4,340,000	4,340,000	4,340,000	+15,000			
Subtotal	250,416,000	239,944,000	244,208,000	244,208,000	246,208,000	244,208,000	−6,208,000			−2,000,000
3. Family planning services:										
(a) Grants and contracts	135,024,000	104,615,000	119,615,000	119,615,000	119,615,000	119,615,000	−15,409,000			
(b) Direct operations	2,065,000	2,032,000	2,610,000	2,610,000	2,610,000	2,610,000	+545,000			
Subtotal	137,089,000	106,647,000	122,225,000	122,225,000	122,225,000	122,225,000	−14,864,000			
4. National Health Service Corps	10,558,000	10,558,000	11,000,000	11,000,000	13,000,000	13,000,000	+2,442,000	+2,000,000	+2,000,000	
5. National Health Service Scholarships			3,000,000	3,000,000	3,000,000	3,000,000	+3,000,000			
6. Patient care and special health services	95,821,000	95,821,000	98,961,000	98,961,000	128,061,000	116,961,000	+21,140,000	+18,000,000	+18,000,000	−11,100,000
7. Regional office, central staff	5,630,000	5,630,000	5,602,000	5,602,000	5,602,000	5,602,000	−28,000			
8. Program direction	6,258,000	6,080,000	5,470,000	5,470,000	5,470,000	5,470,000	−788,000			
Less: Trust fund transfer	−4,719,000	−4,719,000	−5,419,000	−5,419,000	−5,419,000	−5,419,000	−700,000			
Total	750,665,000	703,573,000	832,030,000	832,030,000	875,380,000	853,280,000	+102,615,000	+21,250,000	+21,250,000	−22,100,000
PREVENTIVE HEALTH SERVICES										
1. Disease control:										
(a) Infectious diseases:										
(1) Research grants	2,215,000	2,215,000			1,215,000		−2,215,000			−1,215,000
(2) Project grants	39,300,000	34,850,000	31,000,000	31,000,000	31,585,000	31,585,000	−7,715,000	+585,000	+585,000	
(3) Direct operations	38,661,000	38,661,000	34,667,000	36,667,000	36,667,000	36,667,000	−1,994,000	+2,000,000		
Subtotal	80,176,000	75,726,000	65,667,000	67,667,000	69,467,000	68,252,000	−11,924,000	+2,585,000	+585,000	−1,215,000
(b) Nutritional and chronic diseases	5,761,000	4,291,000	900,000	900,000	900,000	900,000	−4,861,000			
(c) Laboratory improvement	9,359,000	8,054,000	7,892,000	7,892,000	8,092,000	8,092,000	−1,267,000	+200,000	+200,000	
Subtotal	95,296,000	88,071,000	74,459,000	76,459,000	78,459,000	77,244,000	−18,052,000	+2,785,000	+785,000	−1,215,000

Footnotes at end of table.

							Conference agreement compared with—			
Appropriation/activity	New budget (obligational) authority, fiscal year 1973 enacted to date	1973 operating level	Budget estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended in the Senate bill	Conference agreement	New budget (obligational) authority, fiscal year 1973 enacted to date	Budget estimates of new (obligational) authority, fiscal year 1974	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Con.										
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION—Con.										
PREVENTIVE HEALTH SERVICES—continued										
2. Community environmental management:										
(a) Grants	$26,000,000	$21,500,000	$19,600,000	$19,600,000	$21,500,000	$20,500,000	−$5,500,000	+$900,000	$+900,000	−$1,000,000
(b) Direct operations	5,229,000	5,229,000	1,500,000	1,500,000	2,300,000	2,300,000	−2,929,000	+800,000	+800,000	
Subtotal	31,229,000	26,729,000	21,100,000	21,100,000	23,800,000	22,800,000	−8,429,000	+1,700,000	+1,700,000	−1,000,000
3. Occupational health:										
(a) Grants	4,414,000	2,902,000	2,252,000	2,252,000	2,252,000	2,252,000	−2,162,000			
(b) Direct operations	24,428,000	21,779,000	23,348,000	23,348,000	33,348,000	28,348,000	+3,920,000	+5,000,000	+5,000,000	−5,000,000
Subtotal	28,842,000	24,681,000	25,600,000	25,600,000	35,600,000	30,600,000	+1,758,000	+5,000,000	+5,000,000	−5,000,000
4. Program direction	4,385,000	4,289,000	3,921,000	3,921,000	3,921,000	3,921,000	−464,000			
Total	159,752,000	143,770,000	125,080,000	127,080,000	141,780,000	134,565,000	−25,187,000	+9,485,000	+7,485,000	−7,215,000
NATIONAL HEALTH STATISTICS	19,335,000	19,164,000	22,821,000	22,821,000	19,335,000	19,335,000		−3,486,000	−3,486,000	
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS (indefinite)	29,163,000	29,163,000	34,103,000	34,103,000	34,103,000	34,103,000	+4,940,000			
BUILDINGS AND FACILITIES	19,457,000	12,550,000	12,000,000	9,500,000	9,500,000	9,500,000	−9,957,000	−2,500,000		
OFFICE OF THE ADMINISTRATOR	13,712,000	13,712,000	14,304,000	14,304,000	7,304,000	12,000,000	−1,712,000	−2,304,000	−2,304,000	+4,696,000
Total, Health Services and Mental Health Administration	2,343,103,000	1,759,712,000	2,463,150,000	2,261,833,000	2,359,397,000	2,305,278,000	−37,825,000	−157,872,000	+43,445,000	−54,119,000
NATIONAL INSTITUTES OF HEALTH										
NATIONAL CANCER INSTITUTE	485,317,000	427,234,000	500,000,000	522,383,000	580,000,000	551,191,500	+65,874,500	+51,191,500	+28,808,500	−28,808,500
NATIONAL HEART AND LUNG INSTITUTE	290,728,000	247,578,000	265,000,000	281,415,000	320,000,000	302,915,000	+12,187,000	+37,915,000	+21,500,000	−17,085,000
NATIONAL INSTITUTE OF DENTAL RESEARCH	45,797,000	40,465,000	38,452,000	44,131,000	47,000,000	45,565,500	−231,500	+7,113,500	+1,434,500	−1,434,500
NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES	158,082,000	140,218,000	133,608,000	155,894,000	163,000,000	159,447,000	+1,365,000	+25,839,000	+3,553,000	−3,553,000
NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE	124,434,000	105,830,000	101,198,000	120,073,000	125,000,000	125,000,000	+566,000	+23,802,000	+4,927,000	
NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES	107,640,000	101,067,000	98,693,000	112,744,000	114,000,000	114,000,000	+6,360,000	+15,307,000	+1,256,000	
NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES	175,281,000	151,614,000	138,573,000	175,778,000	183,500,000	176,778,000	+1,497,000	+38,205,000	+1,000,000	−6,722,000
NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT	125,949,000	109,866,000	106,679,000	125,254,000	135,254,000	130,254,000	+4,305,000	+23,575,000	+5,000,000	−5,000,000
NATIONAL EYE INSTITUTE	36,792,000	33,842,000	32,092,000	36,631,000	46,631,000	41,631,000	+4,839,000	+9,539,000	+5,000,000	−5,000,000
NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES	30,364,000	26,600,000	25,263,000	28,879,000	28,879,000	28,879,000	−1,485,000	+3,616,000		
RESEARCH RESOURCES	136,791,000	99,060,000	88,632,000	133,322,000	134,000,000	133,472,000	−3,319,000	+44,840,000	+150,000	−528,000
JOHN E. FOGARTY INTERNATIONAL CENTER	4,666,000	3,957,000	3,586,000	4,767,000	4,767,000	4,767,000	+101,000	+1,181,000		
Total, Research Institutes	1,721,841,000	1,486,731,000	1,531,776,000	1,741,271,000	1,882,031,000	1,813,900,000	+92,059,000	+282,124,000	+72,629,000	−68,131,000
HEALTH MANPOWER										
1. Health professions support:										
(a) Institutional assistance:										
(1) Capitation grants	165,900,000	52,200,000	152,500,000	187,277,000	187,277,000	187,277,000	+21,377,000	+34,777,000		
(2) Start-up and conversion assistance	11,700,000	6,300,000	6,000,000	6,000,000	6,000,000	6,000,000	−5,700,000			
(3) Financial distress grants	15,000,000	9,210,000	10,000,000	10,000,000	10,000,000	10,000,000	−5,000,000			
(4) Special projects	63,000,000	39,899,000	34,000,000	53,000,000	55,000,000	53,500,000	−9,500,000	+19,500,000	+500,000	−1,500,000
Subtotal	255,600,000	207,600,000	202,500,000	256,277,000	258,277,000	256,777,000	+1,177,000	+54,277,000	+500,000	−1,500,00

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974—Continued

							Conference agreement compared with—			
Appropriation/activity (1)	New budget (obligational) authority, fiscal year 1973 enacted to date (2)	1973 operating level (3)	Budget estimates of new (obligational) authority, fiscal year 1974 (4)	New budget (obligational) authority recommended in the House bill (5)	New budget (obligational) authority recommended in the Senate bill (6)	Conference agreement (7)	New budget (obligational) authority, fiscal year 1973 enacted to date (8)	Budget estimates of new (obligational) authority, fiscal year 1974 (9)	House bill (10)	Senate bill
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Con.										
NATIONAL INSTITUTES OF HEALTH—Con.										
HEALTH MANPOWER—con.										
Health professions support—con.										
(b) Student assistance:										
(1) Direct loans	$36,000,000	$36,000,000	$36,000,000	$36,000,000	$36,000,000	$36,000,000				
(2) Scholarships	17,500,000	17,500,000	10,000,000	15,500,000	17,500,000	17,500,000		+$7,500,000	+$2,000,000	
(3) Loan repayments			400,000	400,000	400,000	400,000	+$400,000			
Subtotal	53,500,000	53,500,000	46,400,000	51,900,000	53,900,000	53,900,000	+400,000	+7,500,000	+2,000,000	
(c) Construction assistance:										
(1) Grants	100,000,000			100,000,000	100,000,000	100,000,000		+100,000,000		
(2) Interest subsidies	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000				
Subtotal	101,000,000	1,000,000	1,000,000	101,000,000	101,000,000	101,000,000		+100,000,000		
(d) Dental health activities	14,979,000	13,070,000	12,991,000	14,979,000	14,979,000	14,979,000		+1,988,000		
(e) Educational assistance	19,954,000	8,905,000	5,000,000	9,320,000	14,320,000	10,000,000	−9,954,000	+5,000,000	+680,000	−$4,320,000
(f) Direct operations	3,329,000	3,329,000	3,313,000	3,313,000	3,313,000	3,313,000	−16,000			
Subtotal	448,362,000	287,404,000	271,204,000	436,789,000	445,789,000	439,969,000	−8,393,000	+168,765,000	+3,180,000	−5,820,000
2. Nursing support:										
(a) Institutional assistance:										
(1) Capitation grants	38,500,000	16,800,000		33,800,000	38,500,000	36,150,000	−2,350,000	+36,150,000	+2,350,000	−2,350,000
(2) Start-up assistance	2,000,000						−2,000,000			
(3) Financial distress grants	10,000,000	170,000		5,000,000	10,000,000	5,000,000	−5,000,000	+5,000,000		−5,000,000
(4) Special projects	22,600,000	11,430,000	15,000,000	20,000,000	22,600,000	20,000,000	−2,600,000	+5,000,000		−2,600,000
Subtotal	73,100,000	28,400,000	15,000,000	58,800,000	71,100,000	61,150,000	−11,950,000	+46,150,000	+2,350,000	−9,950,000
(b) Student assistance:										
(1) Direct loans	24,000,000	21,000,000	21,000,000	24,000,000	24,000,000	24,000,000		+3,000,000		
(2) Scholarships	21,500,000	19,500,000	11,000,000	19,500,000	21,500,000	20,500,000	−1,000,000	+9,500,000	+1,000,000	−1,000,000
(3) Traineeships	15,900,000	15,900,000		11,500,000	15,900,000	13,700,000	−2,200,000	+13,700,000	+2,200,000	−2,200,000
(4) Loan repayments			1,600,000	1,600,000	1,600,000	1,600,000	+1,600,000			
Subtotal	61,400,000	56,400,000	33,600,000	56,600,000	63,000,000	59,800,000	−1,600,000	+26,200,000	−3,200,000	+3,200,000
(c) Construction assistance:										
(1) Grants	20,000,000			20,000,000	20,000,000	20,000,000		+20,000,000		
(2) Interest subsidies	1,000,000		1,000,000	1,000,000	1,000,000	1,000,000				
Subtotal	21,000,000		1,000,000	21,000,000	21,000,000	21,000,000		+20,000,000		
(d) Educational assistance	9,720,000	5,665,000		7,569,000	9,720,000	7,569,000	−2,151,000	+7,569,000		−2,151,000
(e) Direct operations	4,214,000	4,214,000	3,348,000	4,119,000	4,119,000	4,119,000	−95,000	+771,000		
Subtotal	169,434,000	94,679,000	52,948,000	148,088,000	168,939,000	153,638,000	−15,796,000	+100,690,000	+5,550,000	−15,301,000
3. Public health support:										
(a) Institutional assistance	12,000,000	8,770,000		12,000,000	12,000,000	12,000,000		+12,000,000		
(b) Student assistance	9,600,000	6,170,000		9,600,000	9,600,000	9,600,000		+9,600,000		
(c) Direct operations	1,031,000	631,000		631,000	631,000	631,000	−400,000	+631,000		
Subtotal	22,631,000	15,571,000		22,231,000	22,231,000	22,231,000	−400,000	+22,231,000		
4. Allied health support:										
(a) Institutional assistance	31,714,000	15,745,000		31,745,000	31,745,000	31,745,000	+31,000	+31,745,000		
(b) Student assistance	3,091,000	3,091,000		3,750,000	3,750,000	3,750,000	+659,000	+3,750,000		
(c) Educational assistance	1,359,000	1,359,000		1,359,000	1,359,000	1,359,000		+1,359,000		
(d) Direct operations	2,543,000	2,543,000		1,851,000	1,851,000	1,851,000	−692,000	+1,851,000		
Subtotal	38,707,000	22,738,000		38,705,000	38,705,000	38,705,000	−2,000	+38,705,000		
5. Special educational programs:										
(a) Educational initiative awards	42,000,000	12,000,000	46,500,000	46,500,000	46,500,000	46,500,000	+4,500,000			
(b) Computer technology and educational assistance	6,000,000			3,000,000	3,000,000	3,000,000	−3,000,000	+3,000,000		
(c) Direct operations	3,298,000	1,717,000	2,752,000	2,752,000	2,752,000	2,752,000	−546			
Subtotal	51,298,000	13,717,000	49,252,000	52,252,000	52,252,000	52,252,000	+954,000	+3,000,000		
6. Program direction and manpower analysis	11,150,000	8,798,000	8,776,000	8,776,000	4,000,000	4,000,000	−7,150,000	−4,776,000	−4,776,000	
Total	741,582,000	442,907,000	382,180,000	706,841,000	731,916,000	710,795,000	−30,787,000	+328,615,000	+3,954,000	−21,121,000

Footnotes at end of table.

							Conference agreement compared with—			
Appropriation/activity (1)	New budget (obligational) authority, fiscal year 1973 enacted to date (2)	1973 operating level (3)	Budget estimates of new (obligational) authority, fiscal year 1974 (4)	New budget (obligational) authority recommended in the House bill (5)	New budget (obligational) authority recommended in the Senate bill (6)	Conference agreement (7)	New budget (obligational) authority, fiscal year 1973 enacted to date (8)	Budget estimates of new (obligational) authority, fiscal year 1974 (9)	House bill (10)	Senate bill (11)
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Con.										
NATIONAL INSTITUTES OF HEALTH—Con.										
HEALTH MANPOWER—con.										
NATIONAL LIBRARY OF MEDICINE	$28,488,000	$25,150,000	$24,994,000	$25,871,000	$25,871,000	$25,871,000	−$2,617,000	+$877,000		
BUILDINGS AND FACILITIES	8,500,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000	−500,000			
OFFICE OF THE DIRECTOR	12,618,000	12,256,000	12,000,000	12,000,000	12,000,000	12,000,000	−618,000			
SCIENTIFIC ACTIVITIES OVERSEAS (Special foreign currency program)	25,619,000	25,619,000	1,912,000	1,912,000	1,912,000	1,912,000	−23,707			
PAYMENT OF SALES INSUFFICIENCIES AND INTEREST LOSSES	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000				
Total, National Institutes of Health	2,542,648,000	2,004,363,000	1,964,862,000	2,499,895,000	2,665,730,000	2,576,478,000	+33,830,000	+611,616,000	+$76,583,000	−$89,252,000
EDUCATION DIVISION										
ASSISTANT SECRETARY FOR EDUCATION										
Salaries and expenses	1,543,000	1,543,000	1,852,000	1,722,000	1,722,000	1,722,000	+179,000	−130,000		
Postsecondary innovation	10,000,000	10,000,000	15,000,000	10,000,000	10,000,000	10,000,000		−5,000,000		
Total, Assistant Secretary for Education	11,543,000	11,543,000	16,852,000	11,722,000	11,722,000	11,722,000	+179,000	−5,130,000		
OFFICE OF EDUCATION										
ELEMENTARY AND SECONDARY EDUCATION										
1. Aid to school districts:										
(a) Educationally deprived children	1,810,000,000	1,585,185,000	1,585,185,000	1,810,000,000	1,810,000,000	1,810,000,000		+224,815,000		
(b) Supplementary services:										
(1) State plan programs	145,684,000	126,306,000	126,306,000	126,306,000	126,306,000	126,306,000	−19,378,010			
(2) Special programs and projects	25,709,000	20,086,000	20,087,000	20,087,000	20,087,000	20,087,000	−5,623,000			
Subtotal	171,393,000	146,392,000	146,393,000	146,393,000	146,393,000	146,393,000	−25,000,000			
Subtotal	1,981,393,000	1,731,577,000	1,731,578,000	1,956,393,000	1,956,393,000	1,956,393,000	−25,000,000	+224,815,000		
2. Strengthening State departments of education:										
(a) General support	43,000,000	33,000,000		33,000,000	40,000,000	36,500,000	−6,500,000	+36,500,000	+3,500,000	−3,500,000
(b) Comprehensive planning and evaluation	10,000,000	4,964,000		5,000,000	5,000,000	5,000,000	−5,000,000	+5,000,000		
Subtotal	53,000,000	37,964,000		38,000,000	45,000,000	41,500,000	−11,500,000	+41,500,000	+3,500,000	−3,500,000
3. Bilingual education	44,950,000	35,080,000	35,000,000	45,000,000	55,000,000	53,000,000	+8,050,000	+18,000,000	+8,000,000	−2,000,000
4. Follow Through	57,700,000	57,700,000	41,000,000	41,000,000	41,000,000	41,000,000	−16,700,000			
5. Equipment and minor remodeling	50,000,000	2,000,000		25,000,000	42,500,000	30,000,000	−20,000,000	+30,000,000	+5,000,000	−12,500,000
Total	2,187,043,000	1,864,321,000	1,807,578,000	2,105,393,000	2,139,893,000	2,121,893,000	−65,150,000	+314,315,000	+16,500,000	−18,000,000
SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS										
1. Maintenance and operations:										
(a) Payments to local educational agencies	603,995,000	593,995,000	232,000,000	549,500,000	573,300,000	549,500,000	−54,495,000	+317,500,000		−23,800,000
(b) Payments to other Federal agencies	41,500,000	41,500,000	41,500,000	41,500,000	41,500,000	41,500,000				
Subtotal	645,495,000	635,495,000	273,500,000	591,000,000	614,800,000	591,000,000	−54,495,000	+317,500,000		−23,800,000
2. Construction	25,910,000	15,910,000	19,000,000	19,000,000	19,000,000	19,000,000	−6,910,000			
Total	671,405,000	651,405,000	292,500,000	610,000,000	633,800,000	610,000,000	−61,405,000	+317,500,000		−23,800,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974—Continued

							Conference agreement compared with—			
Appropriation/activity (1)	New budget (obligational) authority, fiscal year 1973 enacted to date (2)	1973 operating level (3)	Budget estimates of new (obligational) authority, fiscal year 1974 (4)	New budget (obligational) authority recommended in the House bill (5)	New budget (obligational) authority recommended in the Senate bill (6)	Conference agreement (7)	New budget (obligational) authority, fiscal year 1973 enacted to date (8)	Budget estimates of new (obligational) authority, fiscal year 1974 (9)	House bill (10)	Senate bill (11)
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Con.										
OFFICE OF EDUCATION—Continued										
EMERGENCY SCHOOL AID										
1. Special projects:										
(a) Metropolitan area projects	$11,397,000	$11,397,000	$12,447,000				−$11,397,000	−$12,447,000		
(b) Bilingual education projects	9,117,000	9,117,000	9,958,000	$9,958,000	$9,958,000	$9,958,000	+841,000			
(c) Educational television	6,838,000	6,838,000	7,468,000	7,468,000	7,468,000	7,468,000	+630,000			
(d) Special programs and projects	11,397,000	11,397,000	12,447,000	12,447,000	12,447,000	12,447,000	+1,050,000			
(e) Evaluation	2,280,000	2,280,000	2,489,000	2,489,000	2,489,000	2,489,000	+209,000			
Subtotal	41,029,000	41,029,000	44,809,000	32,362,000	32,362,000	32,362,000	−8,667,000	−12,447,000		
2. State apportionment:										
(a) Pilot programs	34,191,000	34,191,000	37,341,000	37,341,000	37,341,000	37,341,000	+3,150,000			
(b) Special programs and projects	18,235,000	18,235,000	19,915,000	19,915,000	19,915,000	19,915,000	+1,680,000			
(c) General grants to LEA's	134,485,000	134,485,000	146,875,000	146,875,000	146,875,000	146,875,000	+12,390,000			
Subtotal	186,911,000	186,911,000	204,131,000	204,131,000	204,131,000	204,131,000	+17,220,000			
3. Training and advisory services	21,700,000	21,700,000	21,700,000	21,700,000	21,700,000	21,700,000				
4. Emergency school assistance activities	21,000,000	21,000,000					−21,000,000			
Total	270,640,000	270,640,000	270,640,000	258,193,000	258,193,000	258,193,000	−12,447,000	−12,447,000		
EDUCATION FOR THE HANDICAPPED										
1. State grant program	50,000,000	37,500,000	37,500,000	50,000,000	50,000,000	50,000,000		+12,500,000		
2. Special target programs:										
(a) Deaf-blind centers	15,795,000	10,000,000	10,000,000	10,000,000	15,795,000	14,795,000	−1,000,000	+4,795,000	+$4,795,000	−$1,000,000
(b) Early childhood projects	16,354,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	−4,354,000			
(c) Specific learning disabilities	3,250,000	3,250,000	3,250,000	3,250,000	5,000,000	3,250,000				−1,750,000
(d) Regional resource centers	7,243,000	7,243,000	7,243,000	7,243,000	7,243,000	7,243,000				
Subtotal	42,642,000	32,493,000	32,493,000	32,493,000	40,038,000	37,288,000	−5,354,000	+4,795,000	+4,795,000	−2,750,000
3. Innovation and development	9,916,000	9,916,000	9,916,000	9,916,000	9,196,000	9,916,000				
4. Technology and communications:										
(a) Media services and captioned films	13,000,000	13,000,000	13,000,000	13,000,000	13,000,000	13,000,000				
(b) Recruitment and information	500,000	500,000	500,000	500,000	500,000	500,000				
Subtotal	13,500,000	13,500,000	13,500,000	13,500,000	13,500,000	13,500,000				
5. Special education and manpower development	41,261,000	37,610,000	37,700,000	37,700,000	45,615,000	41,700,000	+439,000	+4,000,000	+4,000,000	−3,915,000
Total	157,319,000	131,019,000	131,109,000	143,609,000	159,069,000	152,404,000	−4,915,000	−21,295,000	+8,795,000	−6,665,000
OCCUPATIONAL, VOCATIONAL, AND ADULT EDUCATION										
1. Grants to States for vocational education:										
(a) Basic vocational education programs:										
(1) Annual appropriation	426,682,000	376,682,000	376,682,000	426,682,000	450,000,000	426,682,000		+50,000,000		−23,318,000
(2) National advisory councils	330,000	330,000	330,000	330,000	330,000	330,000				
Subtotal	427,012,000	377,012,000	377,012,000	427,012,000	450,330,000	427,012,000		+50,000,000		−23,318,000
(b) Programs for students with special needs	29,898,000	20,000,000	20,000,000	20,000,000	20,000,000	20,000,000	−9,898,000			
(c) Consumer and homemaking education	38,322,000	25,625,000	25,625,000	25,625,000	40,000,000	32,625,000	−5,697,000	+7,000,000	+7,000,000	−7,375,000
(d) Work-study	10,524,000	6,000,000	6,000,000	6,000,000	10,524,000	8,262,000	−2,262,000	+2,262,000	+2,262,000	−2,262,000
(e) Cooperative education	19,500,000	19,500,000	19,500,000	19,500,000	19,500,000	19,500,000				
(f) State advisory councils	3,204,000	2,690,000	2,690,000	3,204,000	3,204,000	3,204,000		+514,000		
Subtotal	528,460,000	450,827,000	450,827,000	501,341,000	543,558,000	510,603,000	−17,857,000	+59,776,000	+9,262,000	−32,955,000

Footnotes at end of table.

							Conference agreement compared with—			
Appropriation/activity	New budget (obligational) authority, fiscal year 1973 enacted to date	1973 operating level	Budget estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended in the Senate bill	Conference agreement	New budget (obligational) authority, fiscal year 1973 enacted to date	Budget estimates of new (obligational) authority, fiscal year 1974	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Con.										
OFFICE OF EDUCATION—Continued										
OCCUPATIONAL, VOCATIONAL, AND ADULT EDUCATION—con.										
2. Vocational research:										
(a) Innovation	$16,000,000	$16,000,000	$16,000,000	$16,000,000	$16,000,000	$16,000,000				
(b) Curriculum development	6,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	−$2,000,000			
(c) Research—Grants to States	18,000,000	18,000,000	18,000,000	18,000,000	18,000,000	18,000,000				
Subtotal	40,000,000	38,000,000	38,000,000	38,000,000	38,000,000	38,000,000	−2,000,000			
3. Career education	14,000,000		14,000,000				−14,000,000	−$14,000,000		
4. Adult education:										
(a) Grants to States	75,000,000	51,300,000	51,300,000	51,300,000	60,000,000	56,300,000	−18,700,000	+5,000,000	+$5,000,000	−$3,700,000
(b) Special projects	7,000,000	7,000,000	7,000,000	7,000,000	7,000,000	7,000,000				
(c) Teacher training	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000				
Subtotal	85,000,000	61,300,000	61,300,000	61,300,000	70,000,000	66,300,000	−18,700,000	+5,000,000	+5,000,000	−3,700,000
Total	667,460,000	550,127,000	564,127,000	600,641,000	651,558,000	614,903,000	−52,557,000	+50,776,000	+14,262,000	−36,655,000
HIGHER EDUCATION										
1. Student assistance:										
(a) Grants and work-study:										
(1) Basic opportunity grants	122,100,000	122,100,000	959,000,000	440,500,000	600,000,000	500,000,000	+377,900,000	−459,000,000	+59,500,000	−100,000,000
(2) Supplemental opportunity grants	210,300,000	210,300,000		210,300,000	210,300,000	210,300,000				
(3) State student incentive grants					30,000,000	20,000,000	+20,000,000	+20,000,000	+20,000,000	−10,000,000
(4) Work-study	270,000,000	270,200,000	250,000,000	270,200,000	270,200,000	270,200,000		+20,200,000		
Subtotal	602,600,000	602,600,000	1,209,000,000	921,000,000	1,110,500,000	1,000,500,000	+397,900,000	−208,500,000	+79,500,000	−110,000,000
(b) Cooperative education	10,750,000	10,750,000	10,750,000	10,750,000	10,750,000	10,750,000				
(c) Subsidized insured loans:										
(1) Interest on insured loans	245,000,000	245,000,000	310,000,000	310,000,000	310,000,000	310,000,000	+65,000,000			
(2) Reserve fund advances										
Subtotal	245,000,000	245,000,000	310,000,000	310,000,000	310,000,000	310,000,000	+65,000,000			
(d) Direct loans:										
(1) Federal capital contributions	548,400,000	548,400,000		286,000,000	286,000,000	286,000,000	−262,400,000	+286,000,000		
(2) Loans to institution	3,970,000	3,970,000		2,000,000	2,000,000	2,000,000	−1,970,000	+2,000,000		
(3) Teacher cancellations	10,000,000	10,000,000	5,000,000	5,000,000	5,000,000	5,000,000				
Subtotal	562,370,000	562,370,000	5,000,000	293,000,000	293,000,000	293,000,000	−269,370,000	+288,000,000		
Subtotal	1,420,720,000	1,420,720,000	1,534,750,000	1,534,750,000	1,724,250,600	1,614,614,000	+193,250,000	+79,500,000	+79,500,000	−110,000,000
2. Special programs for the disadvantaged:										
(a) Talent search	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000				
(b) Special services in college	23,000,000	23,000,000	26,000,000	26,000,000	26,000,000	26,000,000	+3,000,000			
(c) Upward bound	38,331,000	38,331,000	38,331,000	38,331,000	38,331,000	38,331,000				
Subtotal	67,331,000	67,331,000	70,331,000	70,331,000	70,331,000	70,331,000	+3,000,000			
3. Institutional assistance:										
(a) Strengthening developing institutions	87,492,000	87,492,000	99,992,000	99,992,000	99,992,000	99,992,000	+12,500,000			
(b) Construction:										
(1) Subsidized loans	14,069,000	14,069,000	31,425,000	31,425,000	31,425,000	31,425,000	+17,356,000			
(2) Grants										
Subtotal	14,069,000	14,069,000	31,425,000	31,425,000	31,425,000	31,425,000	+17,356,000			
(c) Language training and area studies	13,860,000	2,360,000	1,360,000	12,360,000	13,860,000	13,360,000	−500,000	+12,000,000	+1,000,000	−500,000
(d) University community services	15,000,000	15,000,000		15,000,000	15,000,000	15,000,000				
(e) Aid to land-grant colleges:										
(1) Annual appropriation	10,000,000	10,000,000		10,000,000	10,000,000	10,000,000				
(2) Lump sum payment—Virgin Is. and Guam	6,000,000	6,000,000					−6,000,000			
Subtotal	16,000,000	16,000,000		10,000,000	10,000,000	10,000,000	−6,000,000			

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974—Continued

Appropriation/activity	New budget (obligational) authority, fiscal year 1973 enacted to date	1973 operating level	Budget estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended in the Senate bill	Conference agreement	Conference agreement compared with— New budget (obligational) authority, fiscal year 1973 enacted to date	Conference agreement compared with— Budget estimates of new (obligational) authority, fiscal year 1974	Conference agreement compared with— House bill	Conference agreement compared with— Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Con.										
OFFICE OF EDUCATION—Continued										
HIGHER EDUCATION—con.										
(f) State post secondary education commissions	$3,000,000	$3,000,000	$3,000,000	$3,000,000	$4,000,000	$3,000,000				−$1,000,000
(g) Veterans cost-of-instruction	25,000,000	25,000,000		25,000,000	50,000,000	25,000,000				−25,000,000
Subtotal	174,421,000	162,921,000	135,777,000	196,777,000	224,277,000	197,777,000	+$23,356,000	+$62,000,000	+$1,000,000	−26,500,000
4. College personnel development:										
(a) College teacher fellowships	20,000,000	20,000,000	5,806,000	5,806,000	5,806,000	5,806,000	−14,194,000			
(b) Fellowships for disadvantaged			750,000	750,000	750,000	750,000	+750,000			
(c) Allen J. Ellender fellowships	500,000	500,000	500,000	500,000	500,000	500,000				
Subtotal	20,500,000	20,500,000	7,056,000	7,056,000	7,056,000	7,056,000	−13,444,000			
Total	1,682,972,000	1,671,472,000	1,747,914,000	1,808,914,000	2,025,914,000	1,889,414,000	+206,442,000	+141,500,000	+80,500,000	−136,500,000
LIBRARY RESOURCES										
1. Public libraries:										
(a) Services	69,500,000	32,730,000		49,209,000	49,209,000	49,209,000	−20,291,000	+49,209,000		
(b) Construction	15,000,000			9,500,000			−15,000,000		−9,500,000	
Subtotal	84,500,000	32,730,000		58,709,000	49,209,000	49,209,000	−35,291,000	+49,209,000	−9,500,000	
2. School library resources	100,000,000	90,000,000		90,000,000	100,000,000	95,000,000	−5,000,000	+95,000,000	+5,000,000	−5,000,000
3. College library resources:										
(a) College library resources	12,500.000	12,500,000		10,500,000	10,500,000	10,500,000	−2,000,000	+10,500,000		
(b) Librarian training	3,572,000	3,572,000		3,000,000	3,000,000	3,000,000	−572,000	−3,000,000		
(c) Library demonstrations	1,785,000	1,785,000		1,500,000	1,500,000	1,500,000	−285,000	+1,500,000		
Subtotal	17,857,000	17,857,000		15,000,000	15,000,000	15,000,000	−2,857,000	+15,000,000		
4. Undergraduate instructional equipment	12,500,000			12,500,000	12,500,000	12,500,000		+12,500,000		
Total	214,857,000	140,587,000		176,209,000	176,709,000	171,709,000	−43,148,000	+171,709,000	−4,500,000	−5,000,000
EDUCATIONAL DEVELOPMENT										
1. Educational professions development:										
(a) Teacher Corps	37,500,000	37,500,000	37,500,000	37,500,000	37,500,000	37,500,000				
(b) State grants										
(c) Long-term training:										
(1) Bilingual	2,965,000	2,965,000					−2,965,000			
(2) Other	2,965,000	2,965,000					−2,965,000			
Subtotal	5,930,000	5,930,000					−2,935,000			
(d) Elementary and secondary development:										
(1) Urban-rural	12,135,000	12,135,000	9,522,000	12,135,000	12,135,000	12,135,000		+2,613,000		
(2) Career opportunities	23,572,000	23,572,000	21,353,000	23,572,000	23,572,000	23,572,000		+2,219,000		
(3) Categorical programs	13,841,000	13,841,000		13,841,000	8,841,000	8,841,000	−5,000,000	+8,841,000	−5,000,000	
(4) Exceptional children	4,112,000	4,112,000		4,112,000	4,112,000	4,112,000		+4,112,000		
(5) Undergraduate preparation of educational personnel	1,000,000	1,000,000					−1,000,000			
Subtotal	54,660,000	54,660,000	30,875,000	53,660,000	48,660,000	48,660,000	−6,000,000	+17,785,000	−5,000,000	
(e) Vocational education	11,860,000	11,860,000		6,900,000	11,860,000	11,860,000		+11,860,000	+4,960,000	
(f) New careers in education	500,000	500,000		300,000	300,000	300,000	−200,000	+300,000		
(g) Higher education:										
(1) Institutes	5,828,000	5,828,000			3,000,000		−5,828,000			−3,000,000
(2) Fellowships	2,172,000	2,172,000	2,100,000	2,100,000	2,100,000	2,100,000	−72,000			
Subtotal	8,000,000	8,000,000	2,100,000	2,100,000	5,100,000	2,100,000	−5,900,000			−3,000,000
Subtotal	118,450,000	118,450,000	70,475,000	100,460,000	103,420,000	100,420,000	−18,030,000	+29,945,000	−40,000	−3,000,000

Footnotes at end of table.

							Conference agreement compared with—			
Appropriation/activity (1)	New budget (obligational) authority, fiscal year 1973 enacted to date (2)	1973 operating level (3)	Budget estimates of new (obligational) authority, fiscal year 1974 (4)	New budget (obligational) authority recommended in the House bill (5)	New budget (obligational) authority recommended in the Senate bill (6)	Conference agreement (7)	New budget (obligational) authority, fiscal year 1973 enacted to date (8)	Budget estimates of new (obligational) authority, fiscal year 1974 (9)	House bill (10)	Senate bill (11)
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Con.										
OFFICE OF EDUCATION—Continued										
EDUCATIONAL DEVELOPMENT—con.										
2. National priority programs:										
(a) Educational technology demonstrations:										
(1) Educational broadcasting facilities	$13,000,000	$13,000,000	$13,000,000	$13,000,000	$20,000,000	$16,500,000	+$3,500,000	+$3,500,000	+$3,500,000	−$3,500,000
(2) Sesame Street-Electric Company	7,000,000	6,000,000	3,000,000	3,000,000	5,000,000	3,000,000	−4,000,000			−2,000,000
Subtotal	20,000,000	19,000,000	16,000,000	16,000,000	25,000,000	19,500,000	−500,000	+3,500,000	+3,500,000	−5,500,000
(b) Drug abuse education	12,400,000	12,400,000	3,000,000	12,400,000	3,000,000	6,000,000	−6,400,000	+3,000,000	−6,400,000	+3,000,000
(c) Right to Read	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000				
(d) Environmental education	4,000,000	3,180,000		4,000,000	2,000,000	2,000,000	−2,000,000	+2,000,000	−2,000,000	
(e) Nutrition and health	2,500,000	2,000,000		2,000,000	2,000,000	2,000,000	−500,000	+2,000,000		
(f) Dropout prevention	10,000,000	8,500,000	4,000,000	4,000,000	4,000,000	4,000,000	−6,000,000			
(g) Ethnic heritage studies					5,000,000	2,500,000	+2,500,000	+2,500,000	+2,500,000	−2,500,000
Subtotal	60,900,000	57,080,000	35,000,000	50,400,000	53,000,000	48,000,000	−12,900,000	+13,000,000	−2,400,000	−5,000,000
3. Data systems improvement:										
(a) Educational statistics:										
(1) Surveys and special studies	6,900,000	4,250,000	7,400,000	4,250,000	4,250,000	4,250,000	−2,650,000	−3,150,000		
(2) Common core of data			500,000					−500,000		
Subtotal	6,900,000	4,250,000	7,900,000	4,250,000	4,250,000	4,250,000	−2,650,000	−3,650,000		
(b) National achievement study	7,000,000	6,000,000	7,000,000	6,000,000	3,000,000	4,500,000	−2,500,000	−2,500,000	−1,500,000	+1,500,000
Subtotal	13,900,000	10,250,000	14,900,000	10,250,000	7,250,000	8,750,000	−5,150,000	−6,150,000	−1,500,000	+1,500,000
Total	193,250,000	185,780,000	120,375,000	161,110,000	163,670,000	157,170,000	−36,080,000	+36,795,000	−3,940,000	−6,500,000
EDUCATIONAL ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)	3,000,000	3,000,000	3,000,000	2,000,000	1,000,000	1,000,000	−2,000,000	−2,000,000	−1,000,000,	
STUDENT LOAN INSURANCE FUND	46,640,000	46,640,000	57,883,000	57,883,000	57,883,000	57,883,000	+11,243,000			
HIGHER EDUCATION FACILITIES LOAN AND INSURANCE FUND										
1. Participation sales insufficiencies	2,921,000	2,921,000	2,948,000	2,948,000	2,948,000	2,948,000	+27,000			
SALARIES AND EXPENSES										
1. Program administration	78,642,000	78,642,000	76,366,000	76,366,000	79,166,000	79,166,000	+524,000	−200,000	−200,000	
2. Planning and evaluation	10,455,000	10,455,000	10,205,000	5,205,000	5,205,000	5,205,000	−5,250,000	−5,000,000		
3. General program dissemination	750,000	750,000	750,000	750,000			−750,000	−750,000	−750,000	
4. Advisory committees	524,000	524,000	797,000	797,000	524,000	524,000		−273,000	−273,000	
5. Indian education					1,852,000	1,852,000	+1,852,000	+1,852,000	+1,852,000	
Total	90,371,000	90,371,000	88,118,000	83,118,000	86,747,000	86,747,000	−3,624,000	−1,371,000	+3,629,000	
Subtotal, Office of Education	6,187,868,000	5,608,284,000	5,086,192,000	6,010,018,000	6,357,384,000	6,124,264,000	−63,604,000	+1,038,072,000	+114,246,000	−233,120,000
NATIONAL INSTITUTE OF EDUCATION	142,671,000	142,671,000	162,197,000	142,671,000	75,000,000	75,000,000	−67,671,000	−87,871,000	−67,671,000	
Total, Education Division	6,342,082,000	5,762,498,000	5,265,241,000	6,164,411,000	6,444,106,000	6,210,986,000	−131,096,000	+945,745,000	+46,575,000	−233,120,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974—Continued

							Conference agreement compared with—			
Appropriation/activity	New budget (obligational) authority, fiscal year 1973 enacted to date	1973 operating level	Budget estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended in the Senate bill	Conference agreement	New budget (obligational) authority, fiscal year 1973 enacted to date	Budget estimates of new (obligational) authority, fiscal year 1974	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Con.										
SOCIAL AND REHABILITATION SERVICE										
GRANTS TO STATES FOR PUBLIC ASSISTANCE										
1. Maintenance assistance	$6,488,006,000	$6,488,006,000	$5,528,546,000	$5,528,546,000	$5,486,777,000	$5,486,777,000	−$1,001,229,000	−$41,769,000	−$41,769,000	
2. Medical assistance	4,727,649,000	4,727,649,000	5,271,862,000	5,271,862,000	5,271,862,000	5,271,862,000	+544,213,000			
3. Social services	2,654,932,000	2,654,932,000	2,000,000,000	2,000,000,000	2,000,000,000	2,000,000,000	−654,932,000			
4. State and local training	42,183,000	42,183,000	44,640,000	44,640,000	44,640,000	44,640,000	+2,457,000			
5. Child welfare services	46,000,000	46,000,000	46,000,000	46,000,000	61,000,000	50,000,000	+4,000,000	+4,000,000	+4,000,000	−$11,000,000
Total	13,958,770,000	13,958,770,000	12,891,048,000	12,891,048,000	12,864,279,000	12,853,279,000	−1,105,491,000	−37,769,000	−37,769,000	−11,000,000
WORK INCENTIVES										
1. Training	185,198,000	204,200,000	329,534,000	293,991,000	240,000,000	240,000,000	+35,800,000	−89,534,000	−53,991,000	
2. Child care	155,300,000	86,720,000	204,900,000	90,443,000	100,443,000	100,443,000	+13,723,000	−104,457,000	+10,000,000	
Total	340,498,000	290,920,000	534,434,000	384,434,000	340,443,000	340,443,000	+49,523,000	−193,991,000	−43,991,000	
SOCIAL AND REHABILITATION SERVICES										
1. Rehabilitation services and facilities:										
(a) Basic State grants	(560,000,000)	(560,000,000)	(610,000,000)	(1)	(1)	(1)				
(b) Service projects:										
(1) Expansion grants	(35,736,000)	(35,786,000)	(30,000,000)	(1)	(1)	(1)				
(2) Projects with industry	(1,000,000)	(1,000,000)	(1,000,000)	(1)	(1)	(1)				
(3) New career opportunities	(2,000,000)	(2,000,000)	(------------)	(1)	(1)	(1)				
(4) Rehabilitation facility improvement grants	(11,050,000)	(11,050,000)	(9,000,000)	(1)	(1)	(1)				
Subtotal				(1)	(1)	(1)				
2. Grants for the developmentally disabled:										
(a) State grants	21,715,000	21,715,000	21,715,000	32,500,000	32,500,000	32,500,000	+10,785,000	+10,785,000		
(b) Service projects	9,500,000	9,500,000	6,000,000	6,000,000	6,000,000	6,000,000	−3,500,000			
(c) University affiliated facilities	4,250,000	4,250,000	4,250,000	4,250,000	4,250,000	4,250,000				
Subtotal	35,465,000	35,465,000	31,965,000	42,750,000	42,750,000	42,750,000	+7,285,000	+10,785,000		
3. Special programs for the aging:										
(a) Planning and operations	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000				
(b) Areawide projects	16,000,000	16,000,000	16,000,000	16,000,000	16,000,000	16,000,000				
(c) Community programs	68,000,000	68,000,000	68,000,000	68,000,000	68,000,000	68,000,000				
(d) Nutritional programs	99,600,000	99,600,000	99,600,000	99,600,000	110,000,000	104,800,000	+5,200,000	+5,200,000	+5,200,000	−5,200,000
Subtotal	195,600,000	195,600,000	195,600,000	195,600,000	206,000,000	200,800,000	+5,200,000	+5,200,000	+5,200,000	−5,200,000
4. Youth development and delinquency prevention	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000				
5. Research:										
(a) Research and demonstrations	14,417,000	14,417,000	15,467,000	15,467,000	15,467,000	15,467,000	+1,050,000			
(b) Income maintenance projects	11,200,000	11,000,000	11,000,000	11,000,000	11,000,000	11,000,000	−200,000			
(c) Special centers	(12,241,000)	(12,241,000)	(10,941,000)	(1)	(1)	(1)				
Subtotal	25,617,000	25,417,000	26,467,000	26,467,000	26,467,000	26,467,000	+850,000			
6. Training:										
(a) Rehabilitation	(27,700,000)	(27,700,000)	(17,000,000)	(1)	(1)	(1)				
(b) Community services	8,900,000	8,900,000		8,900,000	10,000,000	8,900,000		+8,900,000		−1,100,000
(c) Aging	8,000,000	8,000,000		8,000,000	12,000,000	10,000,000	+2,000,000	+10,000,000	+2,000,000	−2,000,000
Subtotal	16,900,000	16,900,000		16,900,000	22,000,000	18,900,000	+2,000,000	+18,900,000	+2,000,000	−3,100,000
Total	283,582,000	283,382,000	264,032,000	291,717,000	307,217,000	298,917,000	+15,335,000	+34,885,000	+7,200,000	−8,300,000
RESEARCH AND TRAINING ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)	8,000,000	8,000,000	4,000,000	2,000,000			−8,000,000	−4,000,000	−2,000,000	
SALARIES AND EXPENSES	66,867,000	64,867,000	79,400,000	79,400,000	70,600,000	72,800,000	+5,933,000	−6,600,000	−6,600,000	+2,200,000
Less: trust and transfer	−600,000	−600,000	−600,000	−600,000	−600,000	−600,000				
Total	66,267,000	64,267,000	78,800,000	78,800,000	70,000,000	72,200,000	+5,933,000	−6,600,000	−6,600,000	+2,200,000
Total, Social and Rehabilitation Service	14,657,117,000	14,605,339,000	13,772,314,000	13,647,999,000	13,581,939,000	13,564,839,000	−1,042,700,000	−207,475,000	−83,160,000	−17,100,000

Footnotes at end of table.

							Conference agreement compared with—			
Appropriation/activity (1)	New budget (obligational) authority, fiscal year 1973 enacted to date (2)	1973 operating level (3)	Budget estimates of new (obligational) authority, fiscal year 1974 (4)	New budget (obligational) authority recommended in the House bill (5)	New budget (obligational) authority recommended in the Senate bill (6)	Conference agreement (7)	New budget (obligational) authority, fiscal year 1973 enacted to date (8)	Budget estimates of new (obligational) authority, fiscal year 1974 (9)	House bill (10)	Senate bill (11)
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Con.										
SOCIAL SECURITY ADMINISTRATION										
PAYMENTS TO SOCIAL SECURITY TRUST FUNDS										
1. Matching payments for SMI	$1,434,015,000	$1,421,799,000	$2,031,000,000	$2,031,000,000	$2,031,000,000	$2,031,000,000	+$596,985,000			
2. Hospital Insurance for the uninsured	467,825,000	381,415,000	537,393,000	537,393,000	537,393,000	537,393,000	+69,568,000			
3. Military service credits	237,000,000	237,000,000	239,000,000	239,000,000	239,000,000	239,000,000	+2,000,000			
4. Retirement benefits for uninsured persons	336,645,000	336,645,000	302,788,000	302,788,000	302,788,000	302,788,000	−33,857,000			
Total	2,475,485,000	2,376,859,000	3,110,181,000	3,110,181,000	3,110,181,000	3,110,181,000	+634,696,000			
Special benefits for disabled coal miners	1,520,222,000	1,520,222,000	967,868,000	967,868,000	967,868,000	967,868,000	−552,354,000			
Supplemental security income	77,207,000	77,207,000	2,211,636,000	2,211,636,000	2,211,636,000	2,211,636,000	+2,134,429,000			
Limitation on salaries and expenses	*(1,403,047,000)*	*(1,403,047,000)*	*(1,887,898,000)*	*(1,887,898,000)*	(1,887,898,000)	*(1,887,898,000)*	*(+484,851,000)*			
Limitation on construction	*(1,000,000)*	*(1,000,000)*					*(−1,000,000)*			
Total, Social Security Administration	4,072,914,000	3,974,288,000	6,289,685,000	6,289,685,000	6,289,685,000	6,289,685,000	+2,216,771,000			
SPECIAL INSTITUTIONS										
AMERICAN PRINTING HOUSE FOR THE BLIND	1,696,500	1,696,500	1,817,000	1,817,000	1,817,000	1,817,000	+120,500			
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF										
1. Academic program	4,694,000	4,694,000	5,087,000	5,087,000	5,087,000	5,087,000	+393,000			
2. Construction	1,915,000	1,915,000	1,400,000	1,400,000	1,400,000	1,400,000	−515,000			
Total	6,609,000	6,609,000	6,487,000	6,487,000	6,487,000	6,487,000	−122,000			
MODEL SECONDARY SCHOOL FOR THE DEAF										
1. Academic program	3,625,000	3,625,000	3,975,000	3,962,000	3,975,000	3,975,000	+350,000		+$13,000	
2. Construction	1,000,000	1,000,000					−1,000,000			
Total	4,625,000	4,625,000	3,975,000	3,962,000	3,975,000	3,975,000	−650,000		−13,000	
GALLAUDET COLLEGE										
1. Academic program	7,081,000	7,081,000	8,607,000	8,500,000	8,607,000	8,607,000	+1,526,000		+107,000	
2. Construction	4,710,000	5,460,000					−4,710,000			
3. Kendall School	2,655,000	1,905,000	1,992,000	1,992,000	1,992,000	1,992,000	−663,000			
Total	14,446,000	14,446,000	10,599,000	10,492,000	10,599,000	10,599,000	−3,847,000		+107,000	
HOWARD UNIVERSITY										
1. Academic program	35,348,000	35,548,000	42,948,000	43,208,000	43,664,000	43,664,000	+8,316,000		+456,000	
2. Construction	8,408,000	8,408,000					−8,408,000			
3. Freedmen's Hospital	15,125,000	14,925,000	14,925,000	14,665,000	15,120,000	15,120,000	−5,000		+455,000	
Total	58,881,000	58,881,000	56,873,000	57,873,000	58,784,000	58,784,000	−97,000		+911,000	
Total, special institutions	86,257,500	86,258,500	81,662,000	80,631,000	81,662,000	81,662,000	−4,595,500		+1,031,000	
OFFICE OF CHILD DEVELOPMENT										
CHILD DEVELOPMENT										
1. Research and demonstrations	15,700,000	15,700,000	24,200,000	15,200,000	15,200,000	15,200,000	−500,000	−$9,000,000		
2. Head Start:										
(a) Full-year to summer programs	373,392,000	373,392,000	373,392,000	357,692,000	388,692,000	373,192,000	−200,000	−200,000	+15,500,000	−$15,500,000
(b) Experimental programs	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000				
(c) Career development and technical assistance	19,150,000	19,150,000	19,150,000	19,150,000	19,150,000	19,150,000				
(d) Evaluation	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3.000,000				
(e) Parent and child centers	6,258,000	6,258,000	6,258,000	6,258,000	6,258,000	6,258,000				
Subtotal	407,800,000	407,800,000	407,800,000	392,100,000	423,100,000	407,600,000	−200,000	−200,000	+15,500,000	−15,500,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974—Continued

Appropriation/activity	New budget (obligational) authority, fiscal year 1973 enacted to date	1973 operating level	Budget estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended in the Senate bill	Conference agreement	Conference agreement compared with— New budget (obligational) authority, fiscal year 1973 enacted to date	Budget estimates of new (obligational) authority, fiscal year 1974	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Con.										
OFFICE OF CHILD DEVELOPMENT—Con.										
CHILD DEVELOPMENT—continued										
3. Salaries and expenses	$11, 577, 000	$11, 577, 000	$11, 800, 000	$11, 800, 000	$11, 800, 000	$11, 800, 000	+$223, 000			
Total, Office of Child Development	435, 077, 000	435, 077, 000	443, 800, 000	419, 100, 000	450, 100, 000	434, 600, 000	−477, 000	−$9, 200, 000	+$15, 500, 000	−$15, 500, 000
OFFICE OF THE SECRETARY										
OFFICE FOR CIVIL RIGHTS	15, 994, 000	14, 224, 000	19, 196, 000	19, 196, 000	19, 196, 000	19, 196, 000	+3, 202, 000			
Less: trust fund transfer	−1, 180, 000	−1, 049, 000	−1, 253, 000	−1, 253, 000	−1, 253, 000	−1, 253, 000	−73, 000			
Total	14, 814, 000	13, 175, 000	17, 943, 000	17, 943, 000	17, 943, 000	17, 943, 000	+3, 129, 000			
DEPARTMENTAL MANAGEMENT										
1. Executive direction	10, 018, 000	10, 018, 000	9, 983, 000	9, 345, 000	9, 503, 000	9, 503, 000	−804, 000	−769, 000	−131, 000	
2. Public information	1, 565, 000	1, 565, 000	1, 692, 000	1, 642, 000	1, 342, 000	1, 342, 000	−223, 000	−350, 000	−300, 000	
3. Community and field services	9, 411, 000	9, 411, 000	10, 903, 000	10, 903, 000	10, 585, 000	10, 585, 000	+722, 000	−770, 000	−770, 000	
4. Legal services	6, 141, 000	6, 141, 000	7, 450, 000	6, 794, 000	6, 916, 000	6, 916, 000	+522, 000	−787, 000	−131, 000	
5. Financial management:										
(a) Audit	18, 330, 000	18, 330, 000	20, 396, 000	20, 396, 000	20, 109, 000	20, 109, 000	+1, 526, 000	−540, 000	−540, 000	
(b) Other	3, 790, 000	3, 761, 000	4, 180, 000	4, 180, 000	3, 966, 000	3, 966, 000	+176, 000	−214, 000	−214, 000	
Subtotal	22, 120, 000	22, 091, 000	24, 576, 000	24, 576, 000	24, 075, 000	24, 075, 000	+1, 702, 000	−754, 000	−754, 000	
6. Administrative management	18, 416, 000	18, 416, 000	20, 674, 000	20, 018, 000	18, 557, 000	18, 557, 000	−112, 000	−2, 370, 000	−1, 714, 000	
7. Policy Research	20, 854, 000	20, 845, 000	22, 710, 000	22, 710, 000	22, 710, 000	22, 710, 000	+1, 856, 000			
8. Indian program	22, 400, 000	22, 400, 000	32, 100, 000	32, 100, 000	32, 100, 000	32, 100, 000	+9, 700, 000			
Less: departmental public affairs reduction					−10, 000, 000	−10, 000, 000	−10, 000, 000	−10, 000, 000	−10, 000, 000	
Less: trust fund transfer	−6, 875, 000	−6, 875, 000	−7, 890, 000	−7, 890, 000	−7, 890, 000	−7, 890, 000	−1, 015, 000			
Total	104, 050, 000	104, 012, 000	122, 198, 000	120, 198, 000	107, 898, 000	107, 898, 000	+3, 848, 000	−14, 300, 000	−12, 300, 000	
Total, Office of the Secretary	118, 864, 000	117, 187, 000	140, 141, 000	138, 141, 000	125, 841, 000	125, 841, 000	+6, 977, 000	−14, 300, 000	−12, 300, 000	
Total new budget (obligational) authority, Department of Health, Education, and Welfare	30, 598, 062, 500	28, 745, 031, 500	30, 420, 855, 000	31, 501, 695, 000	31, 998, 460, 000	31, 589, 369, 000	+1, 040, 884, 500	+1,168,514,000	+87, 674, 000	−409, 091, 000
Consisting of:										
Definite appropriations	30, 531, 958, 500	28, 678, 927, 500	30, 348, 752, 000	31, 429, 592, 000	31, 926, 357, 000	31, 517, 266, 000	1, 034, 855, 500	+1,168,514,000	+87, 674, 000	−409, 091, 000
Indefinite appropriations	66, 104, 000	66, 104, 000	72, 103, 000	72, 103, 000	72, 103, 000	72, 103, 000	+5, 999, 000			
TITLE III—RELATED AGENCIES										
Action (domestic programs)	42, 788, 260	42, 788, 260	43, 004, 000	43, 004, 000	43, 004, 000	43, 004, 000	+215, 740			
Cabinet Committee on Opportunities for Spanish-speaking People	(1, 000, 000)	(1, 000, 000)	(1, 000, 000)	(1)	(1)	(1)				
Corporation for Public Broadcasting	35, 000, 000	35, 000, 000	45, 000, 000	(1)	55, 000, 000	50, 000, 000	+15, 000, 000	+5, 000, 000	+50, 000, 000	−5, 000, 000
Federal Mediation and Conciliation Service	10, 818, 000	10, 818, 000	10, 960, 000	10, 960, 000	10, 960, 000	10, 960, 000	+142, 000			
National Commission on Libraries and Information Science	406, 000	406, 000	406, 000	406, 000	406, 000	406, 000				
National Labor Relations Board	50, 456, 000	50, 456, 000	55, 050, 000	55, 050, 000	55, 050, 000	55, 050, 000	+4, 594, 000			
National Mediation Board	2, 888, 000	2, 888, 000	2, 867, 000	2, 867, 000	2, 867, 000	2, 867, 000	−21, 000			
Occupational Safety and Health Review Commission	5, 979, 000	5, 979, 000	4, 890, 000	4, 890, 000	4, 890, 000	4, 890, 000	−1, 089, 000			
Office of Economic Opportunity	625, 176, 000	625, 176, 000	[3] 143, 800, 000	333, 800, 000	358, 800, 000	346, 300, 000	−443, 900, 000	+202, 500, 000	+12, 500, 000	−12, 500, 000
Railroad Retirement Board:										
Payments for military service credits	21, 645, 000	21, 645, 000	22, 478, 000	22, 478, 000	22, 478, 000	22, 478, 000	+833, 000			
Limitation on salaries and expenses	(*20, 982, 000*)	(*20, 982, 000*)	(*21, 330, 000*)	(*21, 330, 000*)	(*21, 330, 000*)	(*21, 330, 000*)	(*+348, 000*)	( )	( )	( )

Footnotes at end of table.

Appropriation/activity	New budget (obligational) authority, fiscal year 1973 enacted to date	1973 operating level	Budget estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended in the Senate bill	Conference agreement	Conference agreement compared with—			
							New budget (obligational) authority, fiscal year 1973 enacted to date	Budget estimates of new (obligational) authority, fiscal year 1974	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
TITLE III—RELATED AGENCIES—Con.										
Soldiers' and Airmen's Home (trust fund appropriation):										
Operation and maintenance	$12,276,000	$12,276,000	$13,326,000	$13,326,000	$13,326,000	$13,326,000	+$1,050,000			
Capital outlay	2,309,000	2,309,000	456,000	456,000	456,000	456,000	−1,853,000			
Total, new budget (obligational) authority, related agencies	809,741,260	809,741,260	342,237,000	487,237,000	567,237,000	549,737,000	−425,028,260	+$207,500,000	+$62,500,000	−$17,500,000
Grand total, new budget (obligational) authority	33,642,034,260	31,784,816,260	31,549,953,000	32,816,467,000	33,396,379,000	32,926,796,000	−715,238,260	+1,376,843,000	+110,329,000	−469,583,000
Consisting of—										
Definite appropriations	33,575,930,260	31,718,712,260	31,483,849,000	32,744,364,000	33,324,276,000	32,854,693,000	−721,237,260	+1,370,844,000	+110,329,000	−469,583,000
Indefinite appropriations	66,104,000	66,104,000	72,103,000	73,103,000	72,103,000	72,103,000	+5,999,000			

[1] Not considered due to lack of authorizing legislation.

[2] The budget estimate contains $636,180,000 for out-year costs to phase out the community health centers program.

[3] This item consists of the following:

Legal Services Corporation (proposed for later transmittal)	$71,500,000
Special impact program (proposed for transfer to Department of Commerce)	39,300,000
General Services Administration (proposed for O.E.O. liquidation activities	33,300,000
Total	143,800,000

Mr. MAGNUSON. Mr. President, I shall make only a few brief remarks. The total appropriations agreed to in the first conference on H.R. 8877 for the Departments of Labor and Health, Education, and Welfare and related agencies was $32.9 billion. This was an increase of $1.1 billion over what the administration actually spent last year.

This includes impoundment and other matters. But it was also $715 million lower than what we in Congress provided for these programs last year.

In comparison, the first conference agreement was $470 million below what the Senate recommended and $110 million above the amount allowed by the House. These figures—at first glance—might give the appearance that we were not very successful with the House. But I must remind my colleagues that this year the Senate made some decreases as well as increases. In an effort to hold down the Senate figure, we cut out $274 million worth of what we thought were nonessential, or low priority expenditures. In conference, 96 percent of the Senate reduction was sustained.

On the other side of the coin, the conferees agreed to sustain 44 percent of the Senate increases.

In total then, when we count all the changes—both increases and decreases—over half—56 percent, to be precise—of the Senate changes were sustained in the first conference.

When compared with the budget estimate, the first conference figure was $1.4 billion above the amount recommended in the budget. But here we must remind ourselves that the budget request was $2.1 billion below what Congress provided last year. The conference figure merely restores a portion of that cut. Overall, this bill is more than $800 million below the target ceiling set by the Senate Appropriations Committee earlier this year.

In terms of outlays, the first conference agreement was $32 million below the amount recommended by the House. That fact alone ought to convince those who doubt our sincerity just how hard the Senate and the conferees worked to provide what we thought, after considered judgment, to be essential.

As we all know, our first report was recommitted. There were some House Members who, together with the administration, insisted that this bill was too large. They held out the possibility of a Presidential signature—if only the bill could be reduced.

This was a tough pill to swallow after all the work that had gone into this—on both sides of the aisle.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair reminds the Senator from Washington that the time for debate on this conference report is limited to 2 hours, to be equally divided between and controlled by the Senator from Washington (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON), and debate on any motion or appeal relating to the conference report is limited to 20 minutes.

Mr. MAGNUSON. As I said, this was a tough pill to swallow, after all the work that had gone into this, on both sides of the aisle. I think that in our conference there was less partisanship than in any conference I have attended.

The one thing we do not want, though, is to put all these programs on another continuing resolution. They have already been on a resolution for 1½ years. May I say that there has been considerable argument between how the administration and HEW interpret the continuing resolution vis-a-vis Congress. This has been the source of some very serious problems—and it only adds to the confusion.

So, rather than take devastating cuts against a few programs, the conferees agreed to compromise language which, in essence, states the following:

First. If he so chooses, the President can withhold up to $400 million of the amounts agreed to in conference.

Second. No appropriation, activity, program, or project within such appropriation may be reduced by more than 5 percent. The House unanimously agreed with this provision. The Senator from New Hampshire and myself were involved in some of the negotiations on this provision.

I want to emphasize that this provision is permissive, not mandatory. It does not require the withholding of any of the funds contained in this bill. If the President does choose to exercise this authority, the cuts must be distributed on a pro rata basis—not against any particular appropriation. To further protect congressional and Senate priorities, the conferees specified that the departments and agencies provided for in this bill will be expected to be guided by the instructions, directions, and suggestions contained in the House and Senate reports.

A table in the conference report shows exactly where these cuts must be taken should the President choose to take the full cut.

Mr. President, I ask unanimous consent to have printed in the RECORD the table to which I have referred.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TITLE I—DEPARTMENT OF LABOR

	1974 Budget request	1974 House allowance	1974 Senate allowance	1974 Conference agreement	Effect of $400,000,000 reduction
Total, new budget (obligational) authority, Department of Labor	$786, 861, 000	$827, 535, 000	$830, 682, 000	$787, 690, 000	$787, 690, 000

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

	1974 Budget request	1974 House allowance	1974 Senate allowance	1974 Conference agreement	Effect of $400,000,000 reduction
Mental health:					
1. General mental health:					
(a) Research	$80, 489, 000	$89, 289, 000	$89, 289, 000	$89, 289, 000	$84, 824, 000
(b) Training	71, 876, 000	110, 000, 000	110, 000, 000	110, 000, 000	104, 500, 000
(c) Community programs:					
(1) Construction of centers		15, 000, 000	20, 000, 000	15, 000, 000	14, 250, 000
(2) Staffing of centers	472, 000, 000	163, 698, 000	163, 698, 000	163, 698, 000	155, 513, 000
(3) Mental health of children	46, 000, 000	20, 000, 000	20, 000, 000	20, 000, 000	19, 000, 000
Subtotal	518, 000, 000	198, 698, 000	203, 698, 000	198, 698, 000	188, 763, 000
(d) Management and information	21, 355, 000	21, 355, 000	21, 355, 000	21, 355, 000	21, 355, 000
Subtotal	691, 720, 000	419, 342, 000	424, 342, 000	419, 342, 000	399, 442, 000
2. Drug abuse:					
(a) Research	36, 739, 000	36, 739, 000	36, 739, 000	36, 739, 000	36, 739, 000
(b) Training	15, 182, 000	15, 182, 000	15, 182, 000	15, 182, 000	15, 182, 000
(c) Community programs:					
(1) Project grants and contracts	365, 970, 000	160, 770, 000	160, 770, 000	160, 770, 000	160, 770, 000
(2) Grants to States	15, 000, 000	15, 000, 000	15, 000, 000	15, 000, 000	15, 000, 000
Subtotal	380, 970, 000	175, 770, 000	175, 770, 000	175, 770, 000	175, 770, 000
(d) Management and information	15, 578, 000	15, 578, 000	15, 578, 000	15, 578, 000	15, 578, 000
Subtotal	448, 469, 000	243, 269, 000	243, 269, 000	243, 269, 000	243, 269, 000
3. Alcoholism:					
(a) Research	6, 901, 000	8, 901, 000	8, 901, 000	8, 901, 000	8, 456, 000
(b) Training	3, 763, 000	9, 763, 000	9, 763, 000	7, 263, 000	6, 900, 000
(c) Community programs:					
(1) Project grants and contracts	87, 000, 000	65, 322, 000	85, 322, 000	75, 322, 000	71, 556, 000
(2) Grants to States	30, 000, 000	40, 000, 000	60, 000, 000	48, 000, 000	45, 600, 000
Subtotal	117, 000, 000	105, 322, 000	145, 322, 000	123, 322, 000	117, 156, 000
(d) Management and information	5, 435, 000	5, 435, 000	5, 435, 000	5, 435, 000	5, 435, 000
Subtotal	133, 099, 000	124, 421, 000	169, 421, 000	144, 921, 000	137, 947, 000
4. Program direction	8, 443, 000	8, 443, 000	8, 443, 000	8, 443, 000	8, 443, 000
Total	1, 281, 731, 000	795, 475, 000	845, 475, 000	815, 975, 000	789, 101, 000
St. Elizabeths Hospital	38, 000, 000	38, 000, 000	38, 000, 000	38, 000, 000	38, 000, 000
Health services planning and development:					
1. Health services research and development	60, 278, 000	64, 778, 000	64, 778, 000	64, 778, 000	61, 540, 000
2. Comprehensive health planning	38, 327, 000	38, 327, 000	38, 327, 000	38, 327, 000	38, 327, 000
3. Regional medical programs		81, 953, 000	81, 953, 000	81, 953, 000	77, 855, 000
4. Medical facilities construction:					
(a) Construction grants:					
(1) Hospitals and public health centers		41, 400, 000	41, 400, 000	41, 400, 000	39, 330, 000
(2) Long-term care facilities		20, 800, 000	20, 800, 000	20, 800, 000	19, 760, 000
(3) Outpatient facilities		70, 000, 000	70, 000, 000	70, 000, 000	66, 500, 000
(4) Rehabilitation facilities		15, 000, 000	15, 000, 000	15, 000, 000	14, 250, 000
(5) Modernization		50, 000, 000	50, 000, 000	50, 000, 000	47, 500, 000
Subtotal		197, 200, 000	197, 200, 000	197, 200, 000	187, 340, 000
(b) Direct operations	2, 476, 000	3, 272, 000	3, 272, 000	3, 272, 000	3, 109, 000
Subtotal	2, 476, 000	200, 472, 000	200, 472, 000	200, 472, 000	190, 449, 000
5. Program direction	2, 000, 000	2, 990, 000	2, 990, 000	2, 990, 000	2, 840, 000
Total	103, 081, 000	388, 520, 000	388, 520, 000	388, 520, 000	371, 011, 000
Health services delivery:					
1. Comprehensive health services:					
(a) Grants to States	90, 000, 000	90, 000, 000	90, 000, 000	90, 000, 000	90, 000, 000
(b) Project grants	211, 100, 000	211, 100, 000	220, 100, 000	211, 100, 000	211, 100, 000
(c) Migrant health grants	23, 750, 000	23, 750, 000	25, 000, 000	25, 000, 000	23, 750, 000
(d) Direct operations	22, 133, 000	22, 133, 000	22, 133, 000	22, 133, 000	22, 133, 000
Subtotal	346, 983, 000	346, 983, 000	357, 233, 000	348, 233, 000	346, 983, 000
2. Maternal and child health:					
(a) Grants to States	217, 951, 000	217, 951, 000	125, 678, 000	125, 678, 000	125, 678, 000
(b) Project grants			92, 273, 000	92, 273, 000	92, 273, 000
(c) Research and training	21, 917, 000	21, 917, 000	23, 917, 000	21, 917, 000	21, 917, 000
(d) Direct operations	4, 340, 000	4, 340, 000	4, 340, 000	4, 340, 000	4, 340, 000
Subtotal	244, 208, 000	244, 208, 000	246, 208, 000	244, 208, 000	244, 208, 000
3. Family planning services:					
(a) Grants and contracts	119, 615, 000	119, 615, 000	119, 615, 000	119, 615, 000	119, 615, 000
(b) Direct operations	2, 610, 000	2, 610, 000	2, 610, 000	2, 610, 000	2, 610, 000
Subtotal	122, 225, 000	122, 225, 000	122, 225, 000	122, 225, 000	122, 225, 000
4. National Health Service Corps	11, 000, 000	11, 000, 000	13, 000, 000	13, 000, 000	12, 350, 000
5. National Health Service Scholarships	3, 000, 000	3, 000, 000	3, 000, 000	3, 000, 000	3, 000, 000
6. Patient care and special health services	98, 961, 000	98, 961, 000	98, 961, 000	98, 961, 000	98, 961, 000
7. Public Health Service hospital construction			29, 100, 000	18, 000, 000	17, 100, 000
8. Regional office, central staff	5, 602, 000	5, 602, 000	5, 602, 000	5, 602, 000	5, 602, 000
9. Program direction	5, 470, 000	5, 470, 000	5, 470, 000	5, 470, 000	5, 470, 000
Less: Trust fund transfer	−5, 419, 000	−5, 419, 000	−5, 419, 000	−5, 419, 000	−5, 419, 000
Total	832, 030, 000	832, 030, 000	875, 380, 000	853, 280, 000	850, 480, 000

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

	1974 Budget request	1974 House allowance	1974 Senate allowance	1974 Conference agreement	Effect of $400,000,000 reduction
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION—Continued					
Preventive health services:					
1. Disease control:					
(a) Infectious diseases:					
(1) Research grants			$1, 215, 000		
(2) Project grants	$31, 000, 000	$31, 000, 000	31, 585, 000	$31, 585, 000	$31, 000, 000
(3) Direct operations	34, 667, 000	36, 667, 000	36, 667, 000	36, 667, 000	34, 834, 000
Subtotal	65, 667, 000	67, 667, 000	69, 467, 000	68, 252, 000	65, 834, 000
(b) Nutritional and chronic diseases	900, 000	900, 000	900, 000	900, 000	900, 000
(c) Laboratory improvement	7, 892, 000	7, 892, 000	8, 092, 000	8, 092, 000	7, 892, 000
Subtotal	74, 459, 000	76, 459, 000	78, 459, 000	77, 244, 000	74, 626, 000
2. Community environmental management:					
(a) Grants	19, 600, 000	19, 600, 000	21, 500, 000	20, 500, 000	19, 600, 000
(b) Direct operations	1, 500, 000	1, 500, 000	2, 300, 000	2, 300, 000	2, 300, 000
Subtotal	21, 100, 000	21, 100, 000	23, 800, 000	22, 800, 000	21, 900, 000
3. Occupational health:					
(a) Grants	2, 252, 000	2, 252, 000	2, 252, 000	2, 252, 000	2, 252, 000
(b) Direct operations	23, 348, 000	23, 348, 000	33, 348, 000	28, 348, 000	26, 930, 000
Subtotal	25, 600, 000	25, 600, 000	35, 600, 000	30, 600, 000	29, 182, 000
4. Program direction	3, 921, 000	3, 921, 000	3, 921, 000	3, 921, 000	3, 921, 000
Total	125, 080, 000	127, 080, 000	141, 780, 000	134, 565, 000	129, 629, 000
National health statistics	22, 821, 000	22, 821, 000	19, 335, 000	19, 335, 000	19, 335, 000
Retirement pay and medical benefits for commissioned officers	34, 103, 000	34, 103, 000	34, 103, 000	34, 103, 000	34, 103, 000
Buildings and facilities	12, 000, 000	9, 500, 000	9, 500, 000	9, 500, 000	9, 500, 000
Office of the Administrator	14, 304, 000	14, 304, 000	7, 304, 000	12, 000, 000	12, 000, 000
Total, Health Services and Mental Health Administration	2, 463, 150, 000	2, 261, 833, 000	2, 359, 397, 000	2, 305, 278, 000	2, 253, 159, 000
NATIONAL INSTITUTES OF HEALTH					
National Cancer Institute	500, 000, 000	522, 383, 000	580, 000, 000	551, 191, 500	523, 632, 000
National Heart and Lung Institute	265, 000, 000	281, 415, 000	320, 000, 000	302, 915, 000	287, 770, 000
National Institute of Dental Research	38, 452, 000	44, 131, 000	47, 000, 000	45, 565, 500	43, 288, 000
National Institute of Arthritis, Metabolism and Digestive Diseases	133, 608, 000	155, 894, 000	163, 000, 000	159, 447, 000	151, 475, 000
National Institute of Neurological Diseases and Stroke	101, 198, 000	120, 073, 000	125, 000, 000	125, 000, 000	118, 750, 000
National Institute of Allergy and Infectious Diseases	98, 693, 000	112, 744, 000	114, 000, 000	114, 000, 000	108, 300, 000
National Institute of General Medical Sciences	138, 573, 000	175, 778, 000	183, 500, 000	176, 778, 000	167, 940, 000
National Institute of Child Health and Human Development	106, 679, 000	125, 254, 000	135, 254, 000	130, 254, 000	123, 742, 000
National Eye Institute	32, 092, 000	36, 631, 000	46, 631, 000	41, 631, 000	39, 550, 000
National Institute of Environmental Health Sciences	25, 263, 000	28, 879, 000	28, 879, 000	28, 879, 000	27, 436, 000
Research Resources	88, 632, 000	133, 322, 000	134, 000, 000	133, 472, 000	126, 800, 000
John E. Fogarty International Center	3, 586, 000	4, 767, 000	4, 767, 000	4, 767, 000	4, 530, 000
Total, Research Institutes	1, 531, 776, 000	1, 741, 271, 000	1, 882, 031, 000	1, 813, 900, 000	1, 723, 213, 000
Health manpower:					
1. Health professions support:					
(a) Institutional assistance:					
(1) Capitation grants:					
(i) MOD	152, 500, 000	152, 500, 000	152, 500, 000	152, 500, 000	152, 500, 000
(ii) VOPP		34, 777, 000	34, 777, 000	34, 777, 000	33, 038, 000
(2) Start-up and conversion assistance	6, 000, 000	6, 000, 000	6, 000, 000	6, 000, 000	6, 000, 000
(3) Financial distress grants	10, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000
(4) Special projects	34, 000, 000	53, 000, 000	55, 000, 000	53, 500, 000	50, 826, 000
Subtotal	202, 500, 000	256, 277, 000	258, 277, 000	256, 777, 000	252, 364, 000
(b) Student assistance:					
(1) Direct loans	36, 000, 000	36, 000, 000	36, 000, 000	36, 000, 000	36, 000, 000
(2) Scholarships	10, 000, 000	15, 500, 000	17, 500 000	17, 500, 000	16, 626, 000
(3) Loan repayments	400, 000	400, 000	400, 000	400, 000	400, 000
Subtotal	46, 400, 000	51, 900, 000	53, 900, 000	53, 900, 000	53, 026, 000
(c) Construction assistance:					
(1) Grants		100, 000, 000	100, 000, 000	100, 000, 000	95, 000, 000
(2) Interest subsidies	1, 000, 000	1, 000, 000	1, 000, 000	1, 000, 000	1, 000, 000
Subtotal	1, 000, 000	101, 000, 000	101, 000, 000	101, 000, 000	96, 000, 000
(d) Dental health activities	12, 991, 000	14, 979, 000	14, 979, 000	14, 979, 000	14, 231, 000
(e) Educational assistance	5, 000, 000	9, 320, 000	14, 320, 000	10, 000, 000	9, 500, 000
(f) Direct operations	3, 313, 000	3, 313, 000	3, 313, 000	3, 313, 000	3, 313, 000
Subtotal	271, 204, 000	436, 789, 000	445, 789, 000	439, 969, 000	428, 434, 000
2. Nursing support:					
(a) Institutional assistance:					
(1) Capitation grants		33, 800, 000	38, 500, 000	36, 150, 000	34, 343, 000
(2) Financial distress grants		5, 000, 000	10, 000, 000	5, 000, 000	4, 750, 000
(3) Special projects	15, 000, 000	20, 000, 000	22, 600, 000	20, 000, 000	19, 000, 000
Subtotal	15, 000, 000	58, 800, 000	71, 100, 000	61, 150, 000	58, 093, 000
(b) Student assistance:					
(1) Direct loans	21, 000, 000	24, 000, 000	24, 000, 000	24, 000, 000	22, 800, 000
(2) Scholarships	11, 000, 000	19, 500, 000	21, 500, 000	20, 500, 000	19, 476, 000
(3) Traineeships		11, 500, 000	15, 900, 000	13, 700, 000	13, 016, 000
(4) Loan repayments	1, 600, 000	1, 600, 000	1, 600, 000	1, 600, 000	1, 600, 000
Subtotal	33, 600, 000	56, 600, 000	63, 000, 000	59, 800, 000	56, 892, 000
(c) Construction assistance:					
(1) Grants		20, 000, 000	20, 000, 000	20, 000, 000	19, 000, 000
(2) Interest subsidies	1, 000, 000	1, 000, 000	1, 000, 000	1, 0000, 00	1, 000, 000
Subtotal	1, 000, 000	21, 000, 000	21, 000, 000	21, 000, 000	20, 000, 000
(d) Educational assistance		7, 569, 000	9, 720, 000	7, 569, 000	7, 191, 000
(e) Direct operations	3, 348, 000	4, 119, 000	4, 119, 000	4, 119, 000	3, 914, 000
Subtotal	52, 948, 000	148, 088, 000	168, 939, 000	153, 638, 000	146, 090, 000

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

	1974 Budget request	1974 House allowance	1974 Senate allowance	1974 Conference agreement	Effect of $400,000,000 reduction
NATIONAL INSTITUTES OF HEALTH—Continued					
Health manpower—Continued					
3. Public health support:					
(a) Institutional assistance		$12,000,000	$12,000,000	$12,000,000	$11,400,000
(b) Student assistance		9,600,000	9,600,000	9,600,000	9,120,000
(c) Direct operations		631,000	631,000	631,000	600,000
Subtotal		22,231,000	22,231,000	22,231,000	21,120,000
4. Allied health support:					
(a) Institutional assistance		31,745,000	31,745,000	31,745,000	30,158,000
(b) Student assistance		3,750,000	3,750,000	3,750,000	3,563,000
(c) Educational assistance		1,359,000	1,359,000	1,359,000	1,292,000
(d) Direct operations		1,851,000	1,851,000	1,851,000	1,759,000
Subtotal		38,705,000	38,705,000	38,705,000	36,772,000
Special educational programs:					
(a) Educational initiative awards	$46,500,000	46,500,000	46,500,000	46,500,000	46,500,000
(b) Computer technology and educational assistance		3,000,000	3,000,000	3,000,000	2,850,000
(c) Direct operations	2,752,000	2,752,000	2,752,000	2,752,000	2,752,000
Subtotal	49,252,000	52,252,000	52,252,000	52,252,000	52,102,000
6. Program direction and manpower analysis	8,776,000	8,776,000	4,000,000	4,000,000	4,000,000
Total	382,180,000	706,841,000	731,916,000	710,795,000	688,518,000
National Library of Medicine	24,994,000	25,871,000	25,871,000	25,871,000	24,994,000
Buildings and facilities	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000
Office of the Director	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000
Scientific activities overseas	1,912,000	1,912,000	1,912,000	1,912,000	1,912,000
Payment of sales insufficiencies and interest losses	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000
Total, National Institutes of Health	1,964,862,000	2,499,895,000	2,665,730,000	2,576,478,000	2,462,637,000
EDUCATION DIVISION					
Assistant Secretary for Education:					
1. Improvement of post-secondary education	15,000,000	10,000,000	10,000,000	10,000,000	10,000,000
2. Salaries and expenses	1,852,000	1,722,000	1,722,000	1,722,000	1,722,000
Subtotal	16,852,000	11,722,000	11,722,000	11,722,000	11,722,000
OFFICE OF EDUCATION					
Elementary and secondary education:					
1. Aid to school districts:					
(a) Educaionally deprived children	1,585,185,000	1,810,000,000	1,810,000,000	1,810,000,000	1,719,500,000
(b) Supplementary services:					
(1) State plan programs	126,306,000	126,306,000	126,306,000	126,306,000	126,306,000
(2) Special programs and projects	20,087,000	20,087,000	20,087,000	20,087,000	20,087,000
Subtotal	146,393,000	146,393,000	146,393,000	146,393,000	146,393,000
Subtotal	1,731,578,000	1,956,393,000	1,956,393,000	1,956,393,000	1,865,893,000
2. Strengthening State departments of education:					
(a) General support		33,000,000	40,000,000	36,500,000	34,675,000
(b) Comprehensive planning and evaluation		5,000,000	5,000,000	5,000,000	4,750,000
Subtotal		38,000,000	45,000,000	41,500,000	39,425,000
3. Bilingual education	35,000,000	45,000,000	55,000,000	53,000,000	50,350,000
4. Follow Through	41,000,000	41,000,000	41,000,000	41,000,000	41,000,000
5. Equipment and minor remodeling		25,000,000	42,500,000	30,000,000	28,500,000
Total	1,807,578,000	2,105,393,000	2,139,893,000	2,121,893,000	2,025,168,000
School assistance in Federally affected areas:					
1. Maintenance and operations:					
(a) "A" Category payments	232,000,000	217,820,000	217,820,000	217,820,000	217,820,000
(b) "B" Category and other payments		331,680,000	355,480,000	331,680,000	315,096,000
(c) Payments to other Federal agencies	41,500,000	41,500,000	41,500,000	41,500,000	41,500,000
Subtotal	273,500,000	591,000,000	614,800,000	591,000,000	574,416,000
2. Construction	19,000,000	19,000,000	19,000,000	19,000,000	19,000,000
Total	292,500,000	610,000,000	633,800,000	610,000,000	593,416,000
Emergency school aid:					
1. Special projects:					
(a) Metropolitan area projects	12,447,000				
(b) Bilingual education projects	9,958,000	9,958,000	9,958,000	9,958,000	9,958,000
(c) Educational television	7,468,000	7,468,000	7,468,000	7,468,000	7,468,000
(d) Special programs and projects	12,447,000	12,447,000	12,447,000	12,447,000	12,447,000
(e) Evaluation	2,489,000	2,489,000	2,489,000	2,489,000	2,489,000
Subtotal	44,809,000	32,362,000	32,362,000	32,362,000	32,362,000
2. State apportionment:					
(a) Pilot programs	37,341,000	37,341,000	37,341,000	37,341,000	37,341,000
(b) Special programs and projects	19,915,000	19,915,000	19,915,000	19,915,000	19,915,000
(c) General grants to local educational agencies	146,875,000	146,875,000	146,875,000	146,875,000	146,875,000
Subtotal	204,131,000	204,131,000	204,131,000	204,131,000	204,131,000
3. Training and advisory services	21,700,000	21,700,000	21,700,000	21,700,000	21,700,000
Total	270,640,000	258,193,000	258,193,000	258,193,000	258,193,000
Education for the handicapped:					
1. State grant program	37,500,000	50,000,000	50,000,000	50,000,000	47,500,000
2. Special target programs:					
(a) Deaf-blind centers	10,000,000	10,000,000	15,795,000	14,795,000	14,055,000
(b) Early childhood projects	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000
(c) Specific learning disabilities	3,250,000	3,250,000	5,000,000	3,250,000	3,250,000
(d) Regional resource centers	7,243,000	7,243,000	7,243,000	7,243,000	7,243,000
Subtotal	32,493,000	32,493,000	40,038,000	37,288,000	36,548,000
3. Innovation and development	9,916,000	9,916,000	9,916,000	9,916,000	9,916,000
4. Technology and communications:					
(a) Media services and captioned films	13,000,000	13,000,000	13,000,000	13,000,000	13,000,000
(b) Recruitment and information	500,000	500,000	500,000	500,000	500,000
Subtotal	13,500,000	13,500,000	13,500,000	13,500,000	13,500,000
5. Special education and manpower development	37,700,000	37,700,000	45,615,000	41,700,000	39,615,000
Total	131,109,000	143,609,000	159,069,000	152,404,000	147,079,000

	1974 Budget request	1974 House allowance	1974 Senate allowance	1974 Conference agreement	Effect of $400,000,000 reduction
OFFICE OF EDUCATION—Continued					
Occupational, vocational and adult education:					
1. Grants to States for vocational education:					
(a) Basic vocational education programs:					
(1) Annual appropriation	$376,682,000	$426,682,000	$450,000,000	$426,682,000	$405,347,000
(2) National advisory councils	330,000	330,000	330,000	330,000	330,000
Subtotal	377,012,000	427,012,000	450,330,000	427,012,000	405,677,000
(b) Programs for students with special needs	20,000,000	20,000,000	20,000,000	20,000,000	20,000,000
(c) Consumer and homemaking education	25,625,000	25,625,000	40,000,000	32,625,000	30,994,000
(d) Work-study	6,000,000	6,000,000	10,524,000	8,262,000	7,849,000
(e) Cooperative education	19,500,000	19,500,000	19,500,000	19,500,000	19,500,000
(f) State advisory councils	2,690,000	3,204,000	3,204,000	3,204,000	3,044,000
Subtotal	450,827,000	501,341,000	543,558,000	510,603,000	487,064,000
2. Vocational research:					
(a) Innovation	16,000,000	16,000,000	16,000,000	16,000,000	16,000,000
(b) Curriculum development	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000
(c) Research—Grants to States	18,000,000	18,000,000	18,000,000	18,000,000	18,000,000
Subtotal	38,000,000	38,000,000	38,000,000	38,000,000	38,000,000
3. Career education	14,000,000				
4. Adult education:					
(a) Grants to States	51,300,000	51,300,000	60,000,000	56,300,000	53,485,000
(b) Special projects	7,000,000	7,000,000	7,000,000	7,000,000	7,000,000
(c) Teacher training	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
Subtotal	61,300,000	61,300,000	70,000,000	66,300,000	63,485,000
Total	564,127,000	600,641,000	651,558,000	614,903,000	588,549,000
Higher education:					
1. Student assistance:					
(a) Grants and work-study:					
(1) Basic opportunity grants	959,000,000	440,500,000	600,000,000	500,000,000	475,000,000
(2) Supplementary opportunity grants		210,300,000	210,300,000	210,300,000	210,300,000
(3) Work-study	250,000,000	270,200,000	270,200,000	270,200,000	270,200,000
(4) State student incentive grants			30,000,000	20,000,000	19,000,000
Subtotal	1,209,000,000	921,000,000	1,110,500,000	1,000,500,000	974,500,000
(b) Cooperative education	10,750,000	10,750,000	10,750,000	10,750,000	10,750,000
(c) Subsidized insured loans: Interest on insured loans	310,000,000	310,000,000	310,000,000	310,000,000	310,000,000
(d) Direct loans:					
(1) Federal capital contributions		286,000,000	286,000,000	286,000,000	286,000,000
(2) Loans to institutions		2,000,000	2,000,000	2,000,000	2,000,000
(3) Teacher cancellations	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
Subtotal	5,000,000	293,000,000	293,000,000	293,000,000	293,000,000
Subtotal	1,534,750,000	1,534,750,000	1,724,250,000	1,614,250,000	1,588,250,000
2. Special programs for the disadvantaged:					
(a) Talent Search	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000
(b) Special services in college	26,000,000	26,000,000	26,000,000	26,000,000	26,000,000
(c) Upward Bound	38,331,000	38,331,000	38,331,000	38,331,000	38,331,000
Subtotal	70,331,000	70,331,000	70,331,000	70,331,000	70,331,000
3. Institutional assistance:					
(a) Strengthening developing institutions	99,992,000	99,992,000	99,992,000	99,992,000	99,992,000
(b) Construction:					
(1) Subsidized loans	31,425,000	31,425,000	31,425,000	31,425,000	31,425,000
(c) Language training and area studies	1,360,000	12,360,000	13,860,000	13,360,000	12,693,000
(d) University community services		15,000,000	15,000,000	15,000,000	14,250,000
(e) Aid to land-grant colleges:					
(1) Annual appropriation		10,000,000	10,000,000	10,000,000	9,500,000
(f) State post-secondary education commissions	3,000,000	3,000,000	4,000,000	3,000,000	3,000,000
(g) Veterans cost-of-instruction		25,000,000	50,000,000	25,000,000	23,750,000
Subtotal	135,777,000	196,777,000	224,277,000	197,777,000	194,610,000
4. College personnel development:					
(a) College teacher fellowships	5,806,000	5,806,000	5,806,000	5,806,000	5,806,000
(b) Fellowships for disadvantaged	750,000	750,000	750,000	750,000	750,000
(c) Ellender fellowships	500,000	500,000	500,000	500,000	500,000
Subtotal	7,056,000	7,056,000	7,056,000	7,056,000	7,056,000
Total	1,747,914,000	1,808,914,000	2,025,914,000	1,889,414,000	1,860,247,000
Library resources:					
1. Public libraries:					
(a) Services		49,209,000	49,209,000	49,209,000	46,749,000
(b) Construction		9,500,000			
Subtotal		58,709,000	49,209,000	49,209,000	46,749,000
2. School library resources		90,000,000	100,000,000	95,000,000	90,250,000
3. College library resources:					
(a) College library resources		10,500,000	10,500,000	10,500,000	9,975,000
(b) Librarian training		3,000,000	3,000,000	3,000,000	2,850,000
(c) Library demonstrations		1,500,000	1,500,000	1,500,000	1,425,000
Subtotal		15,000,000	15,000,000	15,000,000	14,250,000
5. Undergraduate instructional equipment		12,500,000	12,500,000	12,500,000	11,875,000
Total		176,209,000	176,709,000	171,709,000	163,124,000
Educational development:					
1. Education professions development:					
(a) Teacher corps	37,500,000	37,500,000	37,500,000	37,500,000	37,500,000

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

	1974 Budget request	1974 House allowance	1974 Senate allowance	1974 Conference agreement	Effect of $400,000,000 reduction
OFFICE OF EDUCATION—Continued					
Educational development—Continued					
1. Education professions development—Continued					
(b) Elementary and secondary development:					
(1) Urban-rural	$9,522,000	$12,135,000	$12,135,000	$12,135,000	$11,529,000
(2) Career opportunities	21,353,000	23,572,000	23,572,000	23,572,000	22,394,000
(3) Categorical programs		13,841,000	8,841,000	8,841,000	8,399,000
(4) Exceptional children		4,112,000	4,112,000	4,112,000	3,907,000
Subtotal	30,875,000	53,660,000	48,660,000	48,660,000	46,229,000
(c) Vocational education		6,900,000	11,860,000	11,860,000	11,268,000
(d) New careers in education		300,000	300,000	300,000	286,000
(e) Higher education:					
(1) Institutes			3,000,000		
(2) Fellowships	2,100,000	2,100,000	2,100,000	2,100,000	2,100,000
Subtotal	2,100,000	2,100,000	5,100,000	2,100,000	2,100,000
Subtotal	70,475,000	100,460,000	103,420,000	100,420,000	97,383,000
2 National priority programs:					
(a) Educational technology demonstrations:					
(1) Educational broadcasting facilities	13,000,000	13,000,000	20,000,000	16,500,000	15,675,000
(2) Sesame Street-Electric Company	3,000,000	3,000,000	5,000,000	3,000,000	3,000,000
Subtotal	16,000,000	16,000,000	25,000,000	19,500,000	18,675,000
(b) Drug abuse education	3,000,000	12,400,000	3,000,000	6,000,000	5,700,000
(c) Right to read	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000
(d) Environmental education		4,000,000	2,000,000	2,000,000	1,900,000
(e) Nutrition and health		2,000,000	2,000,000	2,000,000	1,900,000
(f) Dropout prevention	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000
(g) Ethnic heritage studies			5,000,000	2,500,000	2,375,000
Subtotal	35,000,000	50,400,000	53,000,000	48,000,000	46,550,000
3. Data systems improvement:					
(a) Educational statistics:					
(1) Surveys and special studies	7,400,000	4,250,000	4,250,000	4,250,000	4,250,000
(2) Common core of data	500,000				
Subtotal	7,900,000	4,250,000	4,250,000	4,250,000	4,250,000
(b) National achievement study	7,000,000	6,000,000	3,000,000	4,500,000	4,500,000
Subtotal	14,900,000	10,250,000	7,250,000	8,750,000	8,750,000
Total	120,375,000	161,110,000	163,670,000	157,170,000	152,683,000
Educational activities overseas: Special foreign currency program	3,000,000	2,000,000	1,000,000	1,000,000	1,000,000
Student loan insurance fund	57,883,000	57,883,000	57,883,000	57,883,000	57,883,000
Higher educational facilities loan & insurance fund:					
1. Participation sales insufficiencies	2,948,000	2,948,000	2,948,000	2,948,000	2,948,000
Salaries and expenses:					
1. Program administration	76,366,000	76,366,000	79,166,000	79,166,000	79,166,000
2. Planning and evaluation	10,205,000	5,205,000	5,205,000	5,205,000	5,205,000
3. General program dissemination	750,000	750,000			
4. Advisory committees	797,000	797,000	524,000	524,000	524,000
5. Indian Education			1,852,000	1,852,000	1,759,000
Total	88,118,000	83,118,000	86,747,000	86,747,000	86,654,000
Subtotal, Office of Education	5,086,192,000	6,010,018,000	6,357,384,000	6,124,264,000	5,936,944,000
National Institute of Education	162,197,000	142,671,000	75,000,000	75,000,000	75,000,000
Total, Education Division	5,265,241,000	6,164,411,000	6,444,106,000	6,210,986,000	6,023,666,000
SOCIAL AND REHABILITATION SERVICE					
Grants to States for public assistance:					
1. Maintenance assistance	5,528,546,000	5,528,546,000	5,486,777,000	5,486,777,000	5,486,777,000
2. Medical assistance	5,271,862,000	5,271,862,000	5,271,862,000	5,271,862,000	5,271,862,000
3. Social services	2,000,000,000	2,000,000,000	2,000,000,000	2,000,000,000	2,000,000,000
4. State and local training	44,640,000	44,640,000	44,640,000	44,640,000	44,640,000
5. Child welfare services	46,000,000	46,000,000	61,000,000	50,000,000	47,500,000
Total	12,891,048,000	12,891,048,000	12,864,279,000	12,853,279,000	12,850,779,000
Work incentives:					
1. Training	329,534,000	293,991,000	240,000,000	240,000,000	240,000,000
2. Child care	204,900,000	90,443,000	100,443,000	100,443,000	100,443,000
Total	534,434,000	384,434,000	340,443,000	340,443,000	340,443,000
Social and rehabilitation services:					
1. Grants for the developmentally disabled:					
(a) State grants	21,715,000	32,500,000	32,500,000	32,500,000	30,875,000
(b) Service projects	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000
(c) University affiliated facilities	4,250,000	4,250,000	4,250,000	4,250,000	4,250,000
Subtotal	31,965,000	42,750,000	42,750,000	42,750,000	41,125,000
2. Special programs for the aging:					
(a) Planning and operations	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000
(b) Areawide projects	16,000,000	16,000,000	16,000,000	16,000,000	16,000,000
(c) Community programs	68,000,000	68,000,000	68,000,000	68,000,000	68,000,000
(d) Nutrition programs	99,600,000	99,600,000	110,000,000	104,800,000	99,600,000
Subtotal	195,600,000	195,600,000	206,000,000	200,800,000	195,600,000
3. Youth development and delinquency prevention	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
4. Research:					
(a) Research and demonstrations	15,467,000	15,467,000	15,467,000	15,467,000	15,467,000
(b) Income maintenance projects	11,000,000	11,000,000	11,000,000	11,000,000	11,000,000
Subtotal	26,467,000	26,467,000	26,467,000	26,467,000	26,467,000
5. Training:					
(a) Community services		8,900,000	10,000,000	8,900,000	8,450,000
(b) Aging		8,000,000	12,000,000	10,000,000	9,500,000
Subtotal		16,900,000	22,000,000	18,900,000	17,950,000
Total	264,032,000	291,717,000	307,217,000	298,917,000	291,142,000

	1974 Budget request	1974 House allowance	1974 Senate allowance	1974 Conference agreement	Effect of $400,000,000 reduction
SOCIAL AND REHABILITATION SERVICE—Continued					
Research and training activities overseas	$4, 000, 000	$2, 000, 000			
Salaries and expenses	79, 400, 000	79, 400, 000	$70, 600, 000	$72, 800, 000	$72, 800, 000
Less: Trust fund transfer	−600, 000	−600, 000	−600, 000	−600, 000	−600, 000
Total	78, 800, 000	78, 800, 000	70, 000, 000	72, 200, 000	72, 200, 000
Total, Social and Rehabilitation Service	13, 772, 314, 000	13, 647, 999, 000	13, 581, 939, 000	13, 564, 839, 000	13, 554, 564, 000
SOCIAL SECURITY ADMINISTRATION					
Payments to Social Security Trust Funds:					
1. Matching payments for SMI	2, 031, 000, 000	2, 031, 000, 000	2, 031, 000, 000	2, 031, 000, 000	2, 031, 000, 000
2. Hospital insurance for the uninsured	537, 393, 000	537, 393, 000	537, 393, 000	537, 393, 000	537, 393, 000
3. Military service credits	239, 000, 000	239, 000, 000	239, 000, 000	239, 000, 000	239, 000, 000
4. Retirement benefits for uninsured persons	302, 788, 000	302, 788, 000	302, 788, 000	302, 788, 000	302, 788, 000
Total	3, 110, 181, 000	3, 110, 181, 000	3, 110, 181, 000	3, 110, 181, 000	3, 110, 181, 000
Special benefits for disabled coal miners	967, 868, 000	967, 868, 000	967, 868, 000	967, 868, 000	967, 868, 000
Supplemental security income	2, 211, 636, 000	2, 211, 636, 000	2, 211, 636 000	2, 211, 636, 000	2, 211, 636, 000
Limitation on salaries and expenses	(1, 887, 898, 000)	(1, 887, 898, 000)	(1, 887, 898, 000)	(1, 887, 898, 000)	(1, 887, 898, 000)
Total Social Security Administration	6, 289, 685, 000	6, 289, 685, 000	6, 289, 685, 000	6, 289, 685, 000	6, 289, 685, 000
SPECIAL INSTITUTIONS					
American Printing House for the Blind	1, 817, 000	1, 817, 000	1, 817, 000	1, 817, 000	1, 817, 000
National Technical Institute for the Deaf:					
1. Academic program	5, 087, 000	5, 087, 000	5, 087, 000	5, 087, 000	5, 087, 000
2. Construction	1, 400, 000	1, 400, 000	1, 400, 000	1, 400, 000	1, 400, 000
Total	6, 487, 000	6, 487, 000	6, 487, 000	6, 487, 000	6, 487, 000
Model Secondary School for the Deaf:					
1. Academic program	3, 975, 000	3, 962, 000	3, 975, 000	3, 975, 000	3, 975, 000
Total	3, 975, 000	3, 962, 000	3, 975, 000	3, 975, 000	3, 975, 000
Gallaudet College:					
1. Academic program	8, 607, 000	8, 500, 000	8, 607, 000	8, 607, 000	8, 607, 000
2. Kendall School	1, 992, 000	1, 992, 000	1, 992, 000	1, 992, 000	1, 992, 000
Total	10, 599, 000	10, 492, 000	10, 599, 000	10, 599, 000	10, 599, 000
Howard University:					
1. Academic program	43, 664, 000	42, 948, 000	43, 664, 000	43, 664, 000	43, 664, 000
2. Freedmen's Hospital	15, 120, 000	14, 925, 000	15, 120, 000	15, 120, 000	15, 120, 000
Total	58, 784, 000	57, 873, 000	58, 784, 000	58, 784, 000	58, 784, 000
Total, Special Institutions	81, 662, 000	80, 631, 000	81, 662, 000	81, 662, 000	81, 662, 000
OFFICE OF CHILD DEVELOPMENT					
Child development:					
1. Research and demonstrations	24, 200, 000	15, 200, 000	15, 200, 000	15, 200, 000	15, 200, 000
2. Head Start:					
(a) Full-year to summer programs	373, 392, 000	357, 692, 000	388, 692, 000	373, 192, 000	357, 692, 000
(b) Experimental programs	6, 000, 000	6, 000, 000	6, 000, 000	6, 000, 000	6, 000, 000
(c) Career development and technical assistance	19, 150, 000	19, 150, 000	19, 150, 000	19, 150, 000	19, 150, 000
(d) Evaluation	3, 000, 000	3, 000, 000	3, 000, 000	3, 000, 000	3, 000, 000
(e) Parent and child centers	6, 258, 000	6, 258, 000	6, 258, 000	6, 258, 000	6, 258, 000
Subtotal	407, 800, 000	392, 100, 000	423, 100, 000	407, 600, 000	392, 100, 000
3. Salaries and expenses	11, 800, 000	11, 800, 000	11, 800, 000	11, 800, 000	11, 800, 000
Total, Office of Child Development	443, 800, 000	419, 100, 000	450, 100, 000	434, 600, 000	419, 100, 000
OFFICE OF THE SECRETARY					
Office for Civil Rights	19, 196, 000	19, 196, 000	19, 196, 000	19, 196, 000	19, 196, 000
Less: trust fund transfer	−1, 253, 000	−1, 253, 000	−1, 253, 000	−1, 253, 000	−1, 253, 000
Total	17, 943, 000	17, 943, 000	17, 943, 000	17, 943, 000	17, 943, 000
Departmental management:					
1. Executive direction	9, 983, 000	9, 345, 000	9, 503, 000	9, 503, 000	9, 503, 000
2. Public information	1, 692, 000	1, 642, 000	1, 342, 000	1, 342, 000	1, 342, 000
3. Community and field services	10, 903, 000	10, 903, 000	10, 585, 000	10, 585, 000	10, 585, 000
4. Legal services	7, 450, 000	6, 794, 000	6, 916, 000	6, 916, 000	6, 916, 000
5. Financial management:					
(a) Audit	20, 396, 000	20, 396, 000	20, 109, 000	20, 109, 000	20, 109, 000
(b) Other	4, 180, 000	4, 180, 000	3, 966, 000	3, 966, 000	3, 966, 000
Subtotal	24, 576, 000	24, 576, 000	24, 075, 000	24, 075, 000	24, 075, 000
6. Administrative management	20, 674, 000	20, 018, 000	18, 557, 000	18, 557, 000	18, 557, 000
7. Policy research	22, 710, 000	22, 710, 000	22, 710, 000	22, 710, 000	22, 710, 000
8. Indian program	32, 100, 000	32, 100, 000	32, 100, 000	32, 100, 000	32, 100, 000
9. Less: Public affairs reduction			−10, 000, 000	−10, 000, 000	−10, 000, 000
Less: Trust fund transfer	−7, 890, 000	−7, 890, 000	−7, 890, 000	−7, 890, 000	−7, 890, 000
Total	122, 198, 000	120, 198, 000	107, 898, 000	107, 898, 000	107, 898, 000
Total, Office of the Secretary	140, 141, 000	138, 141, 000	125, 841, 000	125, 841, 000	125, 841, 000
Total, new budget (obligational) authority, Department of Health, Education, and Welfare	30, 420, 855, 000	31, 501, 695, 000	31, 998, 460, 000	31, 589, 369, 000	31, 210, 314, 000

TITLE III—RELATED AGENCIES

	1974 Budget request	1974 House allowance	1974 Senate allowance	1974 Conference agreement	Effect of $400,000,000 reduction
Action (domestic programs)	$43, 004, 000	$43, 004, 000	$43, 004, 000	$43, 004, 000	$43, 004, 000
Corporation for Public Broadcasting	45, 000, 000	(1)	55, 000, 000	50, 000, 000	47, 500, 000
Federal Mediation and Conciliation Service	10, 960, 000	10, 960, 000	10, 960, 000	10, 960, 000	10, 960, 000
National Commission on Libraries and Information Science	406, 000	406, 000	406, 000	406, 000	406, 000
National Labor Relations Board	55, 050, 000	55, 050, 000	55, 050, 000	55, 050, 000	55, 050, 000
National Mediation Board	2, 867, 000	2, 867, 000	2, 867, 000	2, 867, 000	2, 867, 000
Occupational Safety and Health Review Commission	4, 890, 000	4, 890, 000	4, 890, 000	4, 890, 000	4, 890, 000
Office of Economic Opportunity	143, 800, 000	333, 800, 000	358, 800, 000	346, 300, 000	328, 985, 000
Railroad Retirement Board:					
Payments for military service credits	22, 478, 000	22, 478, 000	22, 478, 000	22, 478, 000	22, 478, 000
Limitation on salaries and expenses	(21, 330, 000)	(21, 330, 000)	(21, 330, 000)	(21, 330, 000)	(21, 330, 000)
Soldiers' and Airmen's Home (trust fund appropriation):					
Operation and maintenance	13, 326, 000	13, 326, 000	13, 326, 000	13, 326, 000	13, 326, 000
Capital outlay	456, 000	456, 000	456, 000	456, 000	456, 000
Total, new budget (obligational) authority, related agencies	342, 237, 000	487, 237, 000	567, 237, 000	549, 737, 000	529, 922, 000
Grand total, new budget (obligational) authority	31, 549, 953, 000	32, 816, 467, 000	33, 396, 379, 000	32, 926, 796, 000	32, 527, 926, 000

Not considered.

Mr. MAGNUSON. Mr. President, the conferees, at the insistence of the House, also modified the distribution of funds for title I, elementary and secondary education. The new formula provides that the allotment of title I–A grants be made as follows: States shall receive no less than 100 percent and no more than 120 percent of the amounts they received in fiscal year 1973. Within the State allocation, local education agencies—and this was a source of great discussion and some controversy—will receive no less than 90 percent of the amounts they received in 1973, with no ceiling.

The conferees also state in the strongest possible language that no title I–A funds will be considered in next year's appropriation bill until the present inequities—and I underline the word "inequities"—in the law are corrected. Over the last several years every effort by the Appropriations Committee to enact early education appropriations has been frustrated by a lack of timely passage of authorizing legislation. It is clear that funds for all health and education programs have been put in increased jeopardy because authorizing committees have acted with less than alacrity.

Mr. President, in my judgment, this is an acceptable bill. The first conference report is my preference, but I am realistic. The amounts provided for some items are not entirely to my satisfaction; however, in the main, there will be adequate funds to meet necessary expenses and to conduct most—but not all—high priority programs of the departments involved.

Mr. President, I ask unanimous consent to place in the RECORD a table showing major items that were increased by the Senate and were reduced in conference and a more detailed explanation of the conference action, including our customary table relating to all of the comparative figures. I would also like to insert a State-by-State breakdown of title I–A grants as well as a tabulation of student aid programs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECREASES FROM SENATE

	House	Senate	Conference	Decrease
Department of Labor	$827, 535, 000	$830, 682, 000	$787, 690, 000	—$42, 992, 000
Health, Education, and Welfare:				
Health Services and Mental Health Administration	2, 261, 833, 000	2, 359, 397, 000	2, 305, 278, 000	—54, 119, 000
National Institutes of Health	2, 499, 895, 000	2, 665, 730, 000	2, 576, 478, 000	—89, 252, 000
Education Division	6, 164, 411, 000	6, 444, 106, 000	6, 210, 986, 000	—233, 120, 000
Social and Rehabilitation Service	13, 647, 999, 000	13, 581, 939, 000	13, 564, 839, 000	—17, 100, 000

ESTIMATED COMPARATIVE DISTRIBUTIONS FOR LOCAL EDUCATIONAL AGENCY GRANTS, PART A OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

State	Fiscal year 1972 allocation	Fiscal year 1973 allocation	Existing continuing resolution (local education agency at 90 percent of fiscal year 1973 allocation, no greater than 115 percent of fiscal year 1973, State at 90 percent of fiscal year 1972 allocation)		Conference agreement after recommital (local education agency at 90 percent of fiscal year 1973 allocation State at 100 percent of fiscal year 1973 allocation and no more than 120 percent of fiscal year 1973 allocation)		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Total amount for all parts of Title I	$1, 597, 000, 000	$1, 585, 000, 000	$1, 629, 000, 000	$1, 810, 000, 000	$1, 629, 000, 000	$1, 810, 000, 000	[1] $1, 719, 500, 000
Total for States and District of Columbia part A, local grants	1, 364, 707, 215	1, 316, 037, 468	1, 305, 203, 418	1, 444, 116, 298	1, 327, 399, 995	1, 465, 299, 995	1, 396, 199, 995
Alabama	40, 257, 134	34, 549, 166	36, 231, 421	36, 231, 421	34, 549, 166	34, 549, 166	34, 549, 166
Alaska	2, 054, 974	2, 145, 064	2, 396, 946	2, 777, 324	2, 705, 489	2, 898, 078	2, 898, 078
Arizona	8, 648, 415	8, 134, 242	7, 783, 574	9, 354, 378	8, 134, 242	9, 221, 148	8, 222, 691
Arkansas	24, 214, 456	20, 963, 618	21, 793, 010	21, 793, 010	20, 963, 618	20, 963, 618	20, 963, 618
California	122, 028, 439	111, 618, 375	118, 267, 550	128, 361, 130	111, 618, 372	133, 942, 050	121, 364, 098
Colorado	10, 100, 532	10, 237, 378	9, 530, 951	11, 772, 985	10, 237, 378	12, 134, 830	10, 931, 405
Connecticut	11, 813, 005	11, 747, 931	12, 582, 635	13, 510, 121	13, 319, 907	14, 097, 517	14, 097, 517
Delaware	2, 242, 296	2, 323, 748	2, 117, 579	2, 672, 310	2, 323, 748	2, 561, 564	2, 323, 748
Florida	26, 445, 029	24, 111, 072	23, 800, 526	27, 727, 733	24, 111, 072	27, 863, 443	25, 295, 587
Georgia	39, 947, 788	40, 573, 812	36, 516, 431	36, 516, 431	40, 573, 812	40, 573, 812	40, 573, 812
Hawaii	3, 250, 669	3, 715, 263	3, 626, 989	4, 272, 552	3, 732, 067	4, 458, 315	4, 107, 065
Idaho	2, 730, 118	2, 719, 220	2, 457, 106	3, 127, 103	2, 719, 220	2, 719, 220	2, 719, 220
Illinois	63, 243, 090	69, 554, 901	65, 555, 777	79, 988, 136	70, 518, 720	83, 465, 881	77, 374, 236
Indiana	16, 999, 801	18, 773, 439	16, 896, 095	21, 589, 455	18, 773, 439	19, 114, 125	18, 773, 439
Iowa	15, 464, 659	14, 601, 661	13, 918, 193	13, 918, 193	14, 601, 661	14, 601, 661	14, 601, 661
Kansas	10, 427, 273	9, 147, 430	9, 384, 546	10, 519, 544	9, 147, 429	10, 412, 343	9, 632, 773
Kentucky	37, 131, 906	32, 212, 788	33, 418, 715	33, 418, 715	32, 212, 788	32, 212, 788	32, 212, 788
Louisiana	34, 683, 312	31, 322, 489	31, 214, 981	33, 117, 401	31, 322, 489	31, 322, 489	31, 322, 489
Maine	5, 607, 754	5, 633, 673	5, 070, 306	6, 478, 724	5, 633, 673	6, 204, 892	5, 641, 865
Maryland	19, 423, 141	19, 380, 669	18, 546, 513	22, 287, 769	20, 757, 632	23, 256, 803	22, 691, 090
Massachusetts	23, 858, 101	24, 893, 505	25, 293, 979	28, 627, 531	25, 230, 992	29, 872, 206	28, 110, 264
Michigan	47, 708, 517	51, 768, 916	47, 491, 650	59, 534, 253	53, 298, 915	62, 122, 699	58, 920, 765
Minnesota	21, 120, 043	20, 897, 155	19, 008, 039	23, 204, 280	20, 897, 155	21, 981, 080	20, 897, 155
Mississippi	42, 074, 152	35, 922, 629	37, 866, 737	27, 866, 737	35, 922, 628	35, 922, 628	35, 922, 628
Missouri	25, 579, 100	23, 367, 302	23, 021, 190	24, 352, 345	23, 367, 302	23, 745, 069	23, 367, 302

State	Fiscal year 1972 allocation	Fiscal year 1973 allocation	Existing continuing resolution (local education agency at 90 percent of fiscal year 1973 allocation, no greater than 115 percent of fiscal year 1973, State at 90 percent of fiscal year 1972 allocation)		Conference agreement after recommital (local education agency at 90 percent of fiscal year 1973 allocation State at 100 percent of fiscal year 1973 allocation and no more than 120 percent of fiscal year 1973 allocation)		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Montana	$3, 013, 338	$2, 865, 542	$2, 712, 004	$3, 295, 373	$2, 865, 542	$2, 942, 790	$2, 865, 542
Nebraska	7, 523, 056	7, 187, 530	6, 770, 750	7, 905, 410	7, 187, 530	7, 187, 530	7, 187, 530
Nevada	883, 771	923, 899	1, 062, 484	1, 062, 484	1, 070, 437	1, 108, 679	1, 108, 679
New Hampshire	1, 908, 409	2, 007, 413	1, 898, 450	2, 308, 525	2, 043, 929	2, 408, 895	2, 274, 208
New Jersey	44, 860, 594	44, 232, 287	45, 998, 194	50, 867, 130	47, 410, 980	53, 078, 744	52, 911, 404
New Mexico	9, 629, 504	7, 393, 185	8, 502, 163	8, 502, 163	7, 393, 185	7, 912, 076	7, 393, 185
New York	193, 459, 929	196, 835, 764	205, 136, 640	226, 361, 130	198, 168, 018	236, 202, 917	218, 053, 725
North Carolina	56, 260, 988	51, 556, 663	50, 634, 889	50, 634, 889	51, 556 663	51, 556, 663	51, 556, 663
North Dakota	5, 271, 181	4, 101, 267	3, 844, 063	3, 884, 063	4, 101, 267	4, 101, 267	4, 101, 267
Ohio	41, 269, 978	42, 248, 122	38, 023, 310	48, 585, 340	42, 248, 122	50, 088, 400	45, 285, 416
Oklahoma	18, 199, 914	16, 649, 246	16, 379, 923	17, 243, 236	16, 649, 246	16, 649, 246	16, 649, 246
Oregon	9, 382, 231	8, 421, 321	8, 444, 008	9, 684, 519	8, 421, 321	9, 731, 012	8, 710, 600
Pennsylvania	67, 113, 702	64, 998, 125	60, 402, 332	74, 747, 844	64, 998, 125	76, 635, 107	69, 652, 301
Rhode Island	5, 189, 238	4, 873, 849	4, 670, 314	5, 604, 926	4, 873, 849	5, 693, 943	5, 032, 815
South Carolina	34, 313, 120	29, 853, 231	30, 881, 808	30, 881, 808	29, 853, 231	29, 853, 231	29, 853, 231
South Dakota	6, 266, 048	5, 470, 551	5, 639, 443	5, 639, 443	5, 470, 551	5, 470, 551	5, 470, 551
Tennessee	36, 288, 395	31, 273, 191	32, 659, 556	32, 659, 556	31, 273, 191	31, 273, 191	31, 273, 191
Texas	69, 566, 731	67, 675, 754	62, 610, 058	67, 124, 681	67, 675, 754	67, 675, 754	67, 675, 754
Utah	3, 593, 198	3, 894, 921	3, 784, 313	4, 479, 159	4, 043, 700	4, 673, 905	4, 462, 760
Vermont	2, 107, 682	2, 093, 957	1, 896, 914	2, 408, 051	2, 093, 957	2, 093, 957	2, 093, 957
Virginia	33, 803, 541	31, 522, 692	30, 423, 187	30, 423, 187	31, 522, 692	31, 522, 692	31, 522, 692
Washington	12, 255, 022	13, 445, 639	13, 592, 353	15, 462, 485	13, 759, 483	16, 134, 766	15, 136, 917
West Virginia	20, 524, 496	17, 319, 813	18, 472, 046	18, 472, 046	17, 319, 813	17, 319, 813	17, 319, 813
Wisconsin	16, 546, 374	17, 340, 875	15, 606, 788	19, 942, 006	17, 459, 310	20, 370, 940	18, 711, 212
Wyoming	1, 235, 793	1, 170, 817	1, 112, 214	1, 346, 440	1, 170, 817	1, 280, 860	1, 186, 478
District of Columbia	8, 187, 278	10, 096, 368	10, 253, 775	11, 610, 823	10, 096, 368	12, 115, 641	11, 196, 398

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[1] After 5 percent reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

ANALYSIS OF HIGHER EDUCATION STUDENT AID PROGRAMS

	1973 comparable	1974 budget	House allowance	Senate allowance	Conference agreement	Effect of $400,000,000 reduction
Basic opportunity:						
Grants (BOG's)	$122, 100, 000	$959, 000, 000	$440, 500, 000	$600, 000, 000	$500, 000, 000	$475, 000, 000
(Students assisted)	(425, 000)	(1, 577, 000)	(1, 577, 000)	(1, 050, 000)	(1, 050, 000)	(1, 050, 000)
(Average grant)	($260)	($592)	($262)	($570)	($476)	($452)
Supplemental opportunity:						
Grants (EOG's)	210, 300, 000		210, 300, 000	210, 300, 000	210, 300, 000	210, 300, 000
(Students assisted)	(304, 000)		(304, 000)	(304, 000)	(304, 000)	(304, 000
State student:						
Incentive grants				30, 000, 000	20, 000, 000	19, 000, 000)
(Students assisted)				(120, 000)	(80, 000)	(76, 000)
Work study	270, 200, 000	250, 000, 000	270, 200, 000	270, 200, 000	270, 200, 000	270, 200, 000)
(Students assisted)	(560, 000)	(545, 000)	(560, 000)	(560, 000)	(560, 000)	(560, 000
Cooperative education	10, 750, 000	10, 750, 000	10, 750, 000	10, 750, 000	10, 750, 000	10, 750, 000
(Students assisted)	(250, 000)	(250, 000)	(250, 000)	(250, 000)	(250, 000)	(250, 000)
Insured loans	245, 000, 000	31, 0000, 000	310, 000, 000	310, 000, 000	310, 000, 000	310, 000, 000
(Students assisted)	(1, 256, 000)	(1, 533, 000)	(1, 533, 000)	(1, 533, 000)	(1, 533, 000)	(1, 533, 000)
Direct loans/defense loans	548, 400, 000		286, 000, 000	286, 000, 000	286, 000, 000	286, 000, 000
(Students assisted)	(301, 500)	(259, 000)	(682, 000)	(682, 000)	(682, 000)	(682, 000)
Total	1, 406, 750, 000	1, 529, 750, 000	1, 527, 750, 000	1, 717, 250, 000	1, 607, 250, 000	1, 581, 250, 000

Mr. MAGNUSON. Mr. President, in the first conference, it was necessary for the Senate to recede from its increases in five major areas. The full amount of these funds is still available under the provisions of the second conference report, although the President is permitted to withhold some of these funds. We compromised with the House by:

First. Reducing programs of the Department of Labor by $42,992,000;

Second. Reducing programs providing medical and mental health care by $54,119,000;

Third. Reducing programs of medical research and health manpower by $89,252,000;

Fourth. Reducing education programs by $233,120,000;

Fifth. Reducing programs for the rehabilitation of the handicapped by $17,100,000.

I do not have to say that these reductions were strongly resisted by the Senate, but we had to make them if we were to get a bill.

Mr. President, as usual these were difficult conferences—and Senator COTTON, the ranking Republican, and I worked hard—as did all the Senate conferees—in providing as much of the Senate increases in health and education programs as were possible. In most cases, we faced House conferees who were very adamant in pressing for figures that were much lower than ours. We were trying to arrive at a total figure that should be acceptable to the President, a figure that the President should sign and not veto, as he has done with four of the last five Labor-HEW bills passed by the Congress.

So that there is no misunderstanding, let me say that we understand the problems confronting the President with regard to budget deficits and the economy. We are aware that it is his privilege to make budget recommendations to the Congress. But under our democratic form of Government, it is the responsibility of the Congress to evaluate those recommendations, to take into account the needs of our citizens and then to make a determination of just how our hard-earned tax dollars ought to be spent—a battle of priorities, so to speak. In this bill, we have simply redirected some of these tax dollars toward the betterment of this Nation's health and well-being.

We recognize that increased funding alone is not the only answer—it is not a panacea. But we are equally persuaded that the President's budget, with few exceptions, shows a year-to-year decline in real dollars and levels of effort, and fails to deal effectively with the magnitude of the problem.

In all fairness, this is not the first administration that has submitted inadequate budget requests for the Department of Health, Education, and Welfare. The Congress in the exercise of its responsibilities, has historically added to the President's budget request for this Department. However, this administration is distinguished in that it is the first that has seen fit to veto these bills that help provide better health care and educational opportunities to all the American people.

The conference bill without a $400 million reduction includes approximately $32.9 billion which is $1.4 billion over the budget estimates. Although that is a very significant sum, it should not be considered a budget-busting extravagance, or termed "inflationary." We are not a credit card Congress. It should be carefully noted that only about one-third of the congressional increase over the budget estimates would actually be spent in fiscal year 1974, with the remaining two-thirds being spent in subsequent years.

It is not extraordinary, but rather reflects the necessary timelag between appropriations and expenditures. The point to be made here is that it is the expenditure increase over the budget that will have an impact on the economy—not the appropriation figures—for a given fiscal year.

Thus, the bill before us will increase the January budget expenditures by about $450 million if the entire amount is spent for these programs. When compared to a trillion dollar economy and a $268.7 billion Federal budget, $450 million hardly seems too high a price to pay on too large an investment to make, in the health and well-being of the American people.

There seems to be no hesitation at the White House in recommending additional billions for the Mideast or Cambodia. We also read news reports of another $2 or $3 billion defense supplemental in the pipeline. Yet in the second conference, we were told we must compromise further and give the President the discretionary authority to reduce the bill by up to $400,000,000 if we are to have any hope of getting a signed bill.

I am not necessarily against the administration's recommendation for some of our problems abroad, but if they have to be put into the context of whether we do that or take care of our needs at home, then we have to make the kind of decisions that are reflected in this bill.

It should again be noted that the authority to withhold is permissive, not mandatory. The conferees felt that the President ought to have the opportunity if he chooses, to spend the full amount of the first conference—the full amount in the bill. We would, of course, expect to be informed if he chooses to make reductions. The White House has recently indicated that tax receipts for fiscal year 1974 will be $10 billion more than their own January's estimate. The approach recommended by the Congress is intended to afford the President the opportunity to reevaluate his spending plans and encourage him to spend the full amount agreed to in conference. Surely, the $450 million outlay increase provided under this bill—if the entire amount is spent—can be well spent on meeting the needs of our citizens without causing economic harm or shaking any fiscal foundations.

Certainly a nation as wealthy as ours can afford the increase we provided in this bill.

Simply stated, it is the belief of the conferees that the citizens of the United States, with its great abundance, should have the best, within our capabilities, in health care and educational opportunities.

Mr. President, in closing, we believe the President should sign this bill, so we can get on about the business of providing additional job opportunities, better health care to millions of Americans, vital health research, more doctors and nurses to help staff our overburdened health facilities, a stronger educational system, and a decent and dignified life for our senior citizens.

Finally, let me say that after we adopt this conference report today—it, along with the bill that provides for all these human needs, will be sent to the White House. The bill will lie on the President's desk awaiting his decision. That will be the moment of truth. Millions will be looking for an answer to their question—is anybody there, does anybody care.

I yield the floor to the distinguished ranking minority member.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. COTTON. Mr. President, I shall be very brief.

First, I want to reiterate, as I have on many occasions in the last few years, my admiration and appreciation for the way the chairman of the Subcommittee on Health, Education, and Welfare handles these very crucial and important bills. The Senate, I am sure, realizes—if there is any Senator who does not realize it, he should, and the RECORD should so show—that the Senate, the Congress, and the people of this country who have various handicaps, mental and physical, the young people of this country who need educational opportunities, those who are interested in research for the present and future health of this country, are all greatly indebted to WARREN MAGNUSON, the distinguished Senator from Washington.

It has been my pleasure to serve with the distinguished Senator as the ranking minority member of the subcommittee throughout the tenure of his office as chairman as, indeed, I served some time with the beloved Senator Lister Hill of Alabama. It is due much to the chairman of the committee that we have, I believe, resolved what was to be another impasse.

While I am on the subject I want to mention how fortunate we are to have such an efficient staff. Harley Dirks is one of the ablest and the most experienced appropriation staff man on the Hill. He has worked long and hard and faithfully through the years. He has never drawn a line once, as the chairman has never drawn a line once, between the side of the committee we sat on or whether it was being helpful to a Democrat or a Republican. He has rendered valuable service. The new staff member representing the minority, Warren Kane, has proved to be very hard-working, effective, and efficient. I think we are fortunate in having such a staff.

Mr. President, I shall not go into the details of this bill, which have been amply covered by the chairman. We all know the unfortunate situation we have had the last 2 years. Last year we had the first bill which went to the President. The bill was vetoed. The veto was sustained. Frankly, I think there was some justification for that. Considering the situation we faced last year, I think there was much justification for the veto.

We then worked long and hard and sent a second bill to the President, and I am going to be equally frank and say that bill should have been signed. It met all the possible objections that I could find that could be met, but it was not signed. It was pocketvetoed. So we never had a chance to vote on that. If we had, it would have been one of the few occasions when I would have voted to override a Presidential veto. But we never got that chance.

For the last fiscal year and a half, which means, in effect, the last couple of years, we have been using our money in this vital field in somewhat outmoded methods, because we have had to offer it on continuing resolutions.

This bill, when it first came out of conference, quite apparently had the hostility of many in the administration. The Secretary of Health, Education, and Welfare, Mr. Weinberger, warned us that it would be vetoed. He recommended that it be vetoed. The head of the Office of Management and Budget said it should be vetoed, and he recommended that it be vetoed.

Mr. President, I want to express deep appreciation to the President's adviser on domestic matters, Mr. Melvin Laird, who spent years in the House on the Appropriations Committee and on this bill. He knows this bill and knows its problems.

Mr. President, I was able to sit down with Mr. Laird and, because of his cooperation, was able later to sit down with Secretary Weinberger and Mr. Ash. In turn, Mr. Ash came up and conferred with the distinguished chairman of the committee, the senior Senator from Washington.

No one can speak for the President of the United States. None of these gentlemen have the authority to promise that. However, I am completely satisfied that for the first time in the last several years we are as near to an agreement on the part of the White House to sign this bill as we have ever been. The House and Senate have met certain requirements exacted by the White House, and at last we will have a bill signed and in operation in fiscal year 1973–74. We will have an up-to-date bill, even though no one could get all that he wanted in the bill.

Mr. President, frankly I am critical of my own administration regarding this bill. I do not talk about post offices any more, because we have put the Post Office Department into a separate corporation. However, I used to say that I did not have much patience with an administration that could not see a significant difference between a cancer center or a mental health center and a post office. I now change that to any other physical objects that are contained in the public works bill and in the budget.

This bill is the bill in which we deal with mental health. This bill is the bill in which we deal with medical research. This bill is the bill in which the Government puts its shoulder to the wheel in the matter of trying to get a breakthrough in the cure of cancer and in the reduction of fatilities and incapacities from heart disease.

This bill is the bill in which we provide, as far as the Federal Government is concerned, the help in providing educational opportunities for the future citizens of this country, people of all colors and creeds, and coming from all kinds of homes and environments.

This is a most vital appropriations bill, and I consider it an honor to sit on the committee. As I near the end of my service in the Senate, the one service which I shall look back on with a good deal of satisfaction after I have retired will be the opportunity I have had to work on the HEW Appropriations Committee.

This is a good bill. It is not a perfect bill. It cannot satisfy everyone. However, I have every confidence that the President will sign it, and we will be back in business again.

Mr. President, I again commend the Senator from Washington and every other member of the Appropriations Committee, because they have all taken a very deep interest in this bill. And we have come up with the best possible solution we could.

The House was a little more conservative than we were. We had to exercise some pretty stiff pressure to have everyone give a little in order to reach a compromise so that we could be back in business once more.

Mr. President, I hope the conference report will be agreed to.

Mr. MAGNUSON. I thank the distinguished Senator from New Hampshire. I thoroughly agree with him, and I think that members of the subcommittee and the full committee also will agree that this is one of the most complex bills in the entire Congress. I think we hear, on the average, 500 witnesses before we even get down to our deliberations. That takes a lot of work, not only by the Senator from New Hampshire and myself; but we would not be able to do it if we did not have a really competent staff made up of Harley Dirks, Gloria Butland, Domenic Ruscio, Jim Sourwine, Terrence Sauvain, and Warren Kane. I want to compliment them, and I am sure that the Senator from New Hampshire will agree with me.

Mr. COTTON. I certainly do agree with the Senator. It is a long, hard road, as the Senator from Washington well knows. Every member of the Committee on Appropriations is on several subcommittees. The chairman of the subcommittee (Mr. MAGNUSON) and I, as the ranking member, are the ones who are really expected to attend all the hearings. I have sat with the distinguished Senator from Washington day after day, week after week, month after month, and year after year. The Senator happens to be chairman of the other committee of which I am the ranking minority member, namely, the Committee on Commerce. So I think it is safe to say that I have got to get along with two people. One is my wife; and the other is "MAGGIE," as we call the chairman. It seems that he is the chairman of every committee on which I am privileged to serve. It has been a fine opportunity for me, and I thank the Senator from Washington for all the kindnesses I have received at his hand.

Mr. MAGNUSON. I thank the Senator from New Hampshire.

It really isn't a chore to hear that many witnesses. I think, probably, that some of the most interesting stories we have ever been told have come in that committee. Those who read the testimony will find stories about exciting things that have happened in the field of health and welfare. They come particularly from the people at NIH. Twenty-two Nobel Prize winners have been among our witnesses. Sometimes it is hard to break away from their testimony, because it is so interesting and exciting. The bill is only a part of the process.

Over the last two decades, the longevity of the average American has been increased by 17 years. That fact alone would make it worth while, would it not, despite the fact that we are still trying to solve the problem of two dread diseases, cancer and heart attack?

Federal participation in the health of the country has been worth all the money we have put into it. We are eager to do more, and we can do more. That is why we are so happy to be able to say that we have given them the help that they want and have backed them up in doing the things they are doing.

I believe the average American would agree that the portion of his tax dollar which goes into the bill is spent for worthwhile purpose.

Mr. President, may I suggest the absence of a quorum? I shall take about 2 minutes. I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. BEALL. Will the Senator yield me 2 minutes?

Mr. MAGNUSON. I yield 2 minutes to the Senator from Maryland.

Mr. BEALL. Mr. President, I am sure those of us who do not serve on the Appropriations Committee have great respect for and are appreciative of the great job the Senator from Washington and the Senator from New Hampshire do in completing each year the monumental task of putting the Labor-HEW appropriation bill together, and particularly this year, in putting it in a shape where there is no reason why it cannot be signed into law by the President of the United States, because it deals with human needs, and thus affects all the people of this country.

The Senators deal with this budget with great sensitivity, and I for one am grateful, and particularly grateful for the fact that the Senate conferees persisted in maintaining the Senate position with regard to the funding of the physician shortage area scholarship program, which we developed a couple of years ago, and for which money has been offered on the Senate side for a couple of years. This is the first time we have gotten it all the way through the legislative mill. I think this program will go a long way, over the long pull, in providing doctors where there are now no primary care physicians available.

Since I was the author of the proposal, I am most grateful that $2 million is provided in this conference report for this program. I thank the Senators for their efforts in our behalf in obtaining this program.

Mr. MAGNUSON. Although this is a new program, the return on our investment will far outweigh the costs involved.

Mr. COTTON. Mr. President, may I say that I think the distinguished Senator from Maryland deserves a great deal of credit for not only following and sponsoring this project, but for being so persistent in pushing it. He has at last got his foot in the tent, and I hope that his own people will realize how much he has done for them in this particular area.

Mr. BEALL. I thank the Senator from New Hampshire.

Mr. KENNEDY. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield to the Senator from Massachusetts. Before the Senator asks his question, I want to say again that no one has been more helpful to the Appropriations Committee in establishing these priorities, which are very difficult. There are a lot of problems between the people who are involved, all trying to pursue their own projects and their own views, and we have to make some very sensitive decisions.

No one has been more helpful to us than the chairman of the Legislative Subcommittee on Health. He usually appears before the committee when we start to mark up the bill, after we have gotten through with some of the witnesses, and submits a list which he thinks reflects the opinions of the members of the legislative committee. That is very helpful to us, I have said this before when this bill came up, but I want to repeat it: Some of the guidelines the Senator has suggested have helped us make some of these sensitive decisions.

Mr. KENNEDY. I thank the Senator from Washington, the chairman of this Appropriations Subcommittee, for his kind and generous remarks. I commend the chairman, the Senator from Washington (Mr. MAGNUSON), for bringing this appropriations measure through the conference and for making these recommendations to the Senate.

I feel, as one who has followed these appropriations closely over the years, that this measure represents a very important and major step forward in meeting many of the human resource needs of the people of this country. I commend the chairman and the ranking minority member (Mr. COTTON), who has time and again shown tremendous sensitivity toward many of these problems. As I have stated before, we are going to miss the distinguished Senator from New Hampshire for many reasons; but I think that those who benefit from the programs covered by this appropriations measure, are going to miss him most of all.

He has been in the vanguard of allocating the resources of this country for social programs and has tried to make sure that they are going to benefit the areas of greatest need. I think that this appropriations measure reflects the continuing concern of the chairman and the ranking Republican member, and I again commend both of them for their efforts, which have been long, tedious, and tiring, but, nonetheless, in the great interest of the American people.

I have one specific question to ask the ranking member and the chairman of the subcommittee. It springs out of the language in the report that provides for a 5-percent discretionary cut for a particular program. As the Senator would understand, we have been making some important progress toward our goal of restructuring and strengthening the biomedical research fellowship and training programs of this country. We are getting close to getting agreement with the House in these areas. These programs are sponsored by NIH. What I am very much concerned about is, the interpretation of the 5-percent cut—if it permits a 5-percent cut in any Institute of Health, and if these cuts are then directed toward the biomedical fellowship and training grant programs, the actual result would be much greater than 5 percent. This would seriously impair these vital programs and is not what I understand as being consistent with the intent of the members of the conference.

So I would like to establish clearly that the 5 percent is an aggregate 5 percent for a given activity, which I think is unfortunate but, nonetheless, perhaps is, from a legislative viewpoint, necessary. But I want to establish clearly the legislative intention of the conferees, so that these specific programs, the biomedical research training programs will not be cut more than 5 percent in the aggregate.

Mr. COTTON. I may say that we took this matter up because we had the same apprehension the Senator from Massachusetts has that the President could cut an appropriation 5 percent and then in doing so he could cut programs in that appropriation by more than 5 percent as long as the aggregate was 5 percent. I think the chairman of the committee was present and will bear me out, that we have an absolute declaration on the part of Mr. Laird and on the part of the Secretary, that they recognized our apprehension and that they would not use the power to cut 5 percent by eradicating specific programs that we authorized within the line items. Is that not the understanding of the chairman?

Mr. MAGNUSON. Yes, and in this particular field the Senator from Massachusetts is talking about, it would have to be an aggregate of 5 percent. That is our understanding and I am glad the Senator from Massachusetts brought it up because it will clear the legislative intent.

Mr. KENNEDY. The line item may be a figure indicated in the appropriation for each of the various National Institutes of Health. They may make a 5-percent reduction in each institute but the total cut, overall for the fellowship programs will not aggregate to more than 5 percent.

Mr. MAGNUSON. If he chose to make these cuts, we specify that they may not exceed 5 percent against any particular program. I would hope that no reductions will be made.

Mr. KENNEDY. The Senator understands the apprehension where, with the programs spread over the various Institutes, and if the 5-percent cuts in each institute are applied against the fellowship and traineeship programs, the total aggregate would be above the 5-percent cut for these programs, as I understand it.

Mr. MAGNUSON. That is right.

Mr. KENNEDY. So this provision cannot be employed to circumvent what is the clear intention of the language.

Mr. MAGNUSON. I want to say to the Senator from Massachusetts that the Senator from New Hampshire and I, and others, deplore the fact that all the training programs, which you are working on now, had their budgets cut severely. We restored them to an adequite level. We did the best we could along these lines.

Mr. KENNEDY. Again, I want to thank both the ranking minority member and the chairman of the committee for these assurances. I would urge all my colleagues who are concerned about the program to support this matter when we come to a vote.

Mr. COTTON. Mr. President, in order to nail down this point, my attention has been called by the staff to the report on the conferees.

On page 7 it states:

> The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment which will provide that sums appropriated in the bill shall be made available for expenditure except that not to exceed $400,000,000.

And this is the important language—

> including not more than 5 per centum of the amount specified in any appropriation provision contained in this Act or any activity, program or project within such appropriation may be withheld from obligation and expenditure.

So that language which I have just read pretty clearly nails this down on the subject on which the Senator from Massachusetts was apprehensive.

Mr. KENNEDY. I thank the Senator from New Hampshire. That language plus the interpretation the Senator from New Hampshire and the Senator from Washington have given that language, gives me all the assurances we need in this area.

Mr. President, I yield the floor.

Mr. MAGNUSON. Mr. President, unless there are no further questions, I understand some Senators are away from the Chamber on official business but will be back shortly, I move that the Senate recess until 12:40 p.m.——

Mr. JAVITS. Mr. President, will the Senator from Washington withhold that? I want to say a word on the report.

The **PRESIDING OFFICER** (Mr. BIDEN). Does the Senator from Washington withhold his motion?

Mr. MAGNUSON. I withhold the motion.

Mr. JAVITS. Mr. President, will the Senator from New Hampshire yield me some time?

Mr. COTTON. Will 5 minutes be enough?

Mr. JAVITS. Yes.

The **PRESIDING OFFICER.** The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, it is with considerable regret but yet out of a sense of necessity that I will support the conference report. It will be noted that the reason for my interest is twofold.

One, my State is so large and has so many problems which are so intimately related to matters covered in this report as to give us a burning interest in how it comes out.

Two, I am the ranking member of the Committee on Labor and Public Welfare, and a great part of this report deals with matters of health, education, and various aspects of welfare which fall within the jurisdiction of that committee.

Before going into some of the details of the matters which are here covered which are of deep concern to us and on which there is a close decision for many as to whether we should or we should not agree to support these reports, I express the hope that the President will, in this particular case, have the same spirit which was obivously manifested by the conferees in their efforts, notwithstanding their own deep feelings about the provisions in the bill in each House, many in a deep humanitarian context—to have given him the very broad authority to cut the various items by $400 million without, of course, actually destroying any activity or, by cutting it, destroying it.

This not only runs counter to deep feelings about many of these provisions which may be cut but also runs counter to our desire more and more to do our own homework in terms of either cutting or increasing or dealing with the overall budgetary situation in a way which has a managerial responsibility on our part, too.

This kind of a lump sum cut authority runs counter to my views and those of many others on the issue of impoundment, on which we are in the process of legislating and on which the courts have held so strongly in favor of Congress.

This is especially true of the Health Services Administration and health research, in which, at my suggestion, provisions were included in the legislative authorizations which have been the basis for court holdings with us, on the ground the President simply could not impound the money and not spend it.

I hope very much, therefore, that this tremendous gesture of effort to agree, of good faith, and of compromise on the part of Congress will be fully recognized at the White House, for all it means.

The other matter to which I should like to invite attention is a so-called stop loss provision regarding treatment of various States. This was the subject of extremely strong dispute both in the other body and here, with many formulae suggested. I wish to pay a special tribute to Senator COTTON and Senator MAGNUSON, who, notwithstanding a relatively minor interest of their own States in this matter, took a very deep interest in trying to solve it and, with the aid of Senator MCCLELLAN, brought about some solution. I do not want to be committed to that solution as a permanent one, but certainly it got us by this particular tough spot of trying, at long last, to turn out an HEW appropriation.

Mr. President, I wish to comment upon a number of other matters here, but I understand that the Senate is very close to being ready to vote on this matter, and I do not wish to detain the Senate on that score.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MAGNUSON. I appreciate the Senator's concern about the matter of the formula. In the report, we have very strong language that the members of the Legislative Committee ought to set a formula, that it is not the business of the Appropriations Committee to do this. No matter what we did, somebody would not like it. We only have so much in the bill.

I hope that the Senator's committee, under his leadership and that of Senator Pell and Senator Williams, will establish a formula. When that is done, the Appropriations Committee will see that adequate funds are provided. This caused a 2-month delay in this bill.

Mr. JAVITS. I realize that, and I take very seriously to heart everything the Senator has said.

Mr. MAGNUSON. I had to look every once in a while to see whether we were minus or plus in my own State. It turned out that we were sort of in between. The real problem was the small States and the larger States. They have a bigger problem than ever.

Mr. JAVITS. I appreciate the attitude of Senator Magnuson and Senator Cotton on this score.

Mr. President, we are carrying improperly an item for the Office of Economic Opportunity—that is, the continuing war on poverty—and I wish to make it very clear in that regard, because it has been questioned so much, that community action organizations throughout the country are still functioning and rendering yeoman service, including service in programs extremely popular with Congress, such as Headstart and programs for the aged. In a very great measure, we have squeezed the water out of many of those agencies. They are justifying themselves, standing on their own.

The two injunctions that I have constantly given them are being taken into consideration. One of those injunctions is that staffing should represent but a very modest part of their costs.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, will the Senator yield 1 additional minute?

Mr. MAGNUSON. I yield.

Mr. JAVITS. That staffing should be but a modest percentage of what they cost, and that they are not agencies established for the purpose of training the poor or welfare clients in the arts of management, but of using their talents where they measure up to reasonable criteria of skill, ability, and dedication.

Second, they have to establish their community relations by usefulness to the community so strongly that it is community support which brings them the backing and the ability to function, which they so dearly seek and which they should have.

Mr. President, I am prepared to yield the floor.

Mr. MONDALE. Mr. President, I wish to address a question to the distinguished manager of the bill. I am concerned that the Headstart program, funded under both OEO and HEW, may be subjected to the 5-percent reduction under both agencies, and that the result may be cutbacks greater than those intended by the conference committee.

Mr. MAGNUSON. I agree that we are faced with a very unique problem here. It was certainly not our intent to cut back on any of the very important Headstart activities. Senator Brooke and others on the committee fought hard for these programs, as I know you have. I think the best solution to this problem is to have the staff sit down with HEW, and maybe OEO, and work out a more equitable level for Headstart.

Mr. DOLE. Mr. President, I wish to indicate my support for the conference report on the 1974 Labor-HEW appropriations which is now before us. I feel the Appropriations Committee members have done an excellent job taking into consideration all the divergent interests and needs which are met by these Labor and Health, Education, and Welfare funds. At the same time, due consideration has been given the need to balance the budget and limit Federal spending. Spending for the Labor-HEW programs supported by this appropriations bill could be at a level which exceeds the administration's budget request by less than $980 million. Yet, the majority of the programs are sustained at 1972 funding levels. The committee has done an excellent job setting priorities given the budget restrictions they confronted, and I commend them for their effort in this regard.

I am sure all of my colleagues are aware of the problems their constituents have experienced over the past several years as a result of Labor-HEW programs being funded under a continuing resolution. No one can plan or budget in advance if they are dependent to any degree on Federal funds. Everyone has a different interpretation of what the continuing resolution means. The result is an inefficient use of the tax dollars that are made available. I, therefore, feel that it is important that we get a Labor-HEW appropriations bill signed into law this year, and I commend the conference committee for their efforts in reporting a bill which I feel can become law.

CONSTRUCTION FUND AMENDMENT TO ASSIST INDIAN CHILDREN

I would like to address some of the specific provisions in the bill and what they will mean to Kansas. First of all, the conference report includes an amendment I offered which will provide a 50-50 distribution of construction funds between schools for Indian children and children of uniformed services personnel. This amendment will mean a substantial increase in funds for construction of Indian schools across the country. The need for the increase was demonstrated by the large number of high priority Indian school applications which were pending approval in HEW and which often had to remain unfunded for many years, because of a lack of money. With a 50-50 division in the Public Law 815 construction moneys which is directed by my amendment, nearly twice as much money will be available for Indian school construction.

In Kansas, this will permit construction to begin this year on a school project in the Powhattan community. The Powhattan School is located adjacent to the Kickapoo Indian Reservation in northeast Kansas. Because of Federal housing construction on the reservation, the number of Indian students attending the Powhattan schools has increased, and the Powhattan School has adjusted its programs to meet the particular educational needs of the Indian students.

The old school building, however, has now been condemned and unless Federal funds are made available, the Indian students will be denied the opportunity to continue to attend the Powhattan School which is conveniently close to their reservation and has developed programs to meet the particular needs of the Indian children. Thus, the funds made available under this amendment will insure convenient quality education for the Kickapoo Indians in the area. I am sure similar situations exist in other communities, and I, therefore, appreciate the approval given this amendemnt by the conference committee.

IMPORTANT HEALTH PROGRAMS SUSTAINED

Other provisions in the bill will make available funds for Kansas programs which have been a topic of much discussion in the last year and which I feel should be sustained. Funds for the Community Mental Health Center program that has been so successful across the State are included in the bill. Funding for all aspects of the alcoholism program are included in the bill and should help several communities in Kansas who have expressed an interest in project grants and research proposals. Funding is restored for the National Institutes of Health and the various basic and biomedical research programs which are essential to our Nation's health effort.

The health manpower programs will have adequate funds to assist students and institutions providing health education and training. These programs are important to the efforts in Kansas to improve quality health care and make it available to all residents of the State, in particular, those in rural areas, and I wish to add my support for the committee's action on these matters.

CONFERENCE SUPPORTS OTHER VITAL SERVICES

In the area of education, the bill provides funds to restore the library resources program and the vocational education programs which are popular across the State and are providing what I consider vital services.

Funds are available in the bill for the handicapped and developmentally disabled programs which I strongly support, and $195 million are appropriated for the older Americans programs which I feel can provide vital services to the elderly in the State of Kansas.

These are only a few of the items in the bill which have proven to be of special importance to Kansas and which I feel are vital to the State. I feel the conference report makes adequate funds available for these programs and yet keeps the total appropriation at a responsible level. I, therefore, wish to announce my support for the measure and am hopeful the bill can be signed into law in the near future.

I might also mention briefly the most controversial issue considered by the conference committee—the allocation of title I ESEA moneys. It is my understanding that the allocation formula for ESEA title I funds in the conference report provides that local education agencies would receive not less than 90 percent of their 1973 allocations and States would receive 100 percent but not to exceed 120 percent of their 1973 allocation.

In 1973, Kansas LEA's received a total of $9,147,430 under title I. According to a chart I have been provided outlining the impact of the conference report, Kansas LEA's could receive no less than $9,147,429 and no more than $10,412,343 in 1974. I am hopeful that these figures are definite and these funds will be available. The hardship and confusion many Kansas schools faced last year when the title I formula allocations were changed in the middle of a school year should be avoided at all costs.

Mr. BROOKE. Mr. President, the Labor-HEW appropriations bill for fiscal year 1974 represents the determination of the House and the Senate Appropriations Committees and the conference committee that the departments and programs funded under this appropriation bill not be forced to operate for a second consecutive year under continuing resolutions, with all the chaos and conflict which that entails.

H.R. 8877 appropriates $32,926,796,000 for the operation of the great majority of our Federal education, health, labor, and social welfare programs. The programs funded under this bill probably affect more Americans, of all ages, geographic areas, and economic groups, than any other.

To be sure H.R. 8877 is $1,376,843,000 over the President's budget requests, but this is a misleading comparison. The President's budget proposals requested no funds at all for many needed programs—and greatly reduced funding for many others. The elimination or curtailment of most of these programs could not be justified under congressional scrutiny.

I would have preferred increased funding for many programs funded by this bill. Such funding is needed and warranted. But the Congress has gone over half-way in an effort to compromise with the President and avoid a Presidential veto. In a final conciliatory gesture—which I opposed—the conference committee authorized the President to cut any program by up to 5 percent, up to an overall limit of $400 million. By any standard H.R. 8877 is a fiscally responsibile bill, particularly at a time when our economy faces the possibilities of serious dislocations caused by the energy crisis. I urge the President to sign this bill. Should he not, I would hope that Congress would override that veto. All members of the Senate and House Appropriations Committee, whatever their party affiliation or their liberal or conservative persuasion, know how far the committees have gone in good faith efforts to reach a compromise which the administration could accept and yet which would not neglect our domestic needs in this, our first full year of peace. This bill represents the long work which attempts, successfully I believe, that compromise.

The positive aspects of this bill are many. To name but a few, funding for Project Head Start, still our one national commitment to day care and child development, was modestly increased. Hopefully, this small increase will enable existing Headstart programs, unfortunately not to expand their programs, but to continue serving at least the 3½ million children which they now serve and which represent only 10 to 15 percent of eligible children. The last Congress mandated that Headstart now serve 10 percent handicapped children. Considering the greater cost of caring for handicapped children, Congress would have forced a reduction either in existing services or in the number of children now served had it not voted this small increased. This was an obligation which the Congress in good faith had to fulfill.

H.R. 8877 increases the funds for education of the handicapped $21 million above the administration's budget requests. One of the saddest facts in this affluent and child-oriented Nation is that tens of thousands of handicapped children are still hidden from our sight, unable to attend school and receive the education and training which will enable them to live useful and happy adult lives. As a result, many of these children will, as adults, be forced into custodial institutions, again largely hidden from our sight as they live in too many instances only half lives. Until a comprehensive bill providing for the education of all handicapped children, such as S. 3, of which I am a cosponsor, is enacted into law, the funds authorized for education of the handicapped in the Labor-HEW appropriations bill symbolize our main concern for these children who most need our help. Again, although the increases for this program in H.R. 8877 are not large, increased funding is made in key areas: A program of direct grants to the States, a program of preschool education, a network of regional resource centers, a network of centers to serve the deaf-blind, a very much needed program of personnel training, a program of research and demonstration, a program of media services and captioned films, and a special emphasis program for children with specific learning disabilities.

H.R. 8877 also insures that Federal education aid to impacted areas will not be precipitately ended with little thought of the effect on thousands of American communities.

The bill continues the Federal commitment to higher education. In particular I would call attention to the fact that the new program of basic opportunity grants for college freshmen and sophomores has now reached a funding level of $500 million. One of our top priorities in this area in succeeding years will be to increase the funds of this program so that it can truly provide the aid needed to students who could not otherwise obtain a higher education.

H.R. 8877 assures the continuation of medical research and training grants at responsible if not desirable levels. There is no excuse for terminating or curtailing these training grants at a time when there is a national shortage of medical personnel in so many fields.

The National Institutes of Health, where our hopes for immediate medical breakthroughs as well as our equally important basic biomedical research are centered, are to receive appropriations of $1,813,900,000; $66 million are added for cancer research and $12 million for heart—our two major medical problems.

The Labor-HEW appropriations bill is our second largest appropriations bill. The bill this year has been one of the most difficult to write. In particular, I would like to note the achievement, the long hours of work and the impossible task successfully accomplished which the Senate assigned to the chairman of the Senate Labor-HEW Appropriations Subcommittee, the senior Senator from Washington (Mr. MAGNUSON) and to the senior Senator from New Hampshire (Mr. COTTON), the ranking Republican member. The same recognition is more than deserved by the subcommittee's staff headed by Mr. Harley Dirks. Surely no subcommittee staff on the Hill performs a more Herculean task with more endless patience, and I am sure that I speak for all members of the subcommittee in commending both their diligence and great competence. The Senate as well as the subcommittee owe them not only our recognition but our gratitude.

Mr. President, H.R. 8877 represents the considered and the best judgement of the House and Senate committees as worked out in many conferences and exchanges of opinion It represents the one chance for all interested groups to be openly heard. H.R. 8877 is a responsible and a compassionate measure. It funds not only our pressing immediate needs but equally important, it makes necessary provision for America's future. I urge the Senate to accept H.R. 8877 and the President to sign it into law.

Mr. SCHWEIKER. Mr. President, at long last the Senate is passing upon an appropriations bill or the Departments of Labor and Health, Education, and Welfare which I understand, hopefully, will not be subject to a Presidential veto. After rejection of this conference report by the House and discussions with the administration, the conferees convened a second time and have submitted a report which, I believe, merits the approval of this body. As my colleagues know, the two issues which confronted the conference were the formula for funding under title I of the Elementary and Secondary Education Act and the overall level of spending in the bill. The compromises which emerged from the conference on these two issues, in my judgment, are reasonable. The title I formula protects the States, while at the same time not causing financial injury to school districts predominately in the Nation's urban areas, which have large eligible student populations.

The authority granted to the President to reduce obligations and expenditures of not more than 5 percent in any single activity, program, or project, also represents a workable compromise.

Mr. President, I have a particular interest in the problem of diabetes. I have authored legislation to deal with this serious disease and offered in the Appropriations Committee several amendments to this bill designed to focus greater attention to the problem by the National Institutes of Health. As a conferee I am pleased that the conference retained these proposals. Specifically, the conferees in the statement regarding the appropriations for the National Institutes of Health stated that—

> The earmarkings included in the Senate committee report should be used as a guideline in allocating the increases over the amounts proposed by the House . . .

Mr. President, I wish to point out to my colleagues that the Senate bill recommends that the Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases create a position for an associate director of diabetes. Also, the Senate committee, in its report, commented:

> It is felt that because of the wide range of side affects from diabetes, that there should be programs on an interinstitute basis to research the affects within the appropriate institute.

Further, the committee recommended that the associate director for diabetes chair the Inter-Institute Committee.

Mr. President, I also wish to point out that the committee stated in its report:

> Research in diabetes is focused on the prevention of such complications of the disease as accelerated hardening of the arteries, premature heart disease, kidney failure and blindness. Diabetic retinopathy afflicts about one-third of the long-term diabetes patients and is the second leading cause of blindness in the United States today. Because of the national impact of all aspects of diabetes, the Institute is embarking on a program of support for Diabetes Research Centers. It also supports a wide range of other metabolic diseases, including cystic fibrosis. The Committee supports this new initiative and has provided additional funds for the establishment of Diabetes Centers throughout the Nation to aid in treating and caring for a condition that has such wide ranging social and economic effects.

Recognizing the importance of these recommendations, the conferees included in their report the following statement:

> The conferees are aware that diabetes is a prime example of a disease which affects the work of many of the Institutes. It may afflict the eyes, heart, brain, and muscular and vascular systems. The conference urges the NIH to establish mechanisms to assure a coordinated program of research by the Institutes concerned with the various aspects of diabetes.

Mr. President, for some time I have felt that there has been insufficient attention by the Federal Government to the problem of diabetes. I think that this appropriations bill is an excellent beginning to a reallocation of some of our resources to deal with this serious problem. I will continue to do all I can to insure that the past pattern of neglect is changed and that we can sustain the attention and priority for diabetes which this bill inaugurates.

Mr. YOUNG. Mr. President, I rise to add my endorsement to this conference report and want to commend the managers of this bill, the distinguished Senator from Washington (Mr. Magnuson) and the distinguished Senator from New Hampshire (Mr. Cotton); as well as the chairman of the full committee, the distinguished Senator from Arkansas (Mr. McClellan), for their leadership during the long and gruelling sessions with the managers from the House of Representatives to work out this compromise.

This bill totals $32,926,796,000 and is $1,376,843,000 over the budget estimates. However, in the additional session of the conference committee, after the other body had recommitted the original conference report, the enacting clause of the bill was amended to authorize the withholding from obligation and expenditure of not to exceed $400 million.

The bulk of this increase represents the reinstitution of certain programs for which no funds were requested in the budget. These programs, including the Hill-Burton hospital construction program, the impacted-areas aid program, and the library resources program have widespread support. While there are undoubtedly many places that have the financial capability to take over these programs. I know firsthand of many communities in my own State that are absolutely dependent upon this Federal assistance. I certainly support the administration's goal of reforming certain features of these programs, but until we can obtain the necessary corrective legislation from the authorizing committees, the Appropriations Committee's hands are tied.

Hopefully the adoption of this conference report will mark the end of congressional consideration of this bill and the President can join us in finding this to be a reasonable bill in light of the circumstances.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the statement of the distinguished Senator from Rhode Island (Mr. Pell) in support of the conference report be printed at this point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR PELL

While I congratulate the Appropriations Committee on a job well done with regard to the funding of education programs found in the pending measure, I regret the action taken by the conferees with regard to the anti-decentralization language which was contained in the Senate bill but which was not adopted by the conference. I understand, however, the problems that the language, affecting salaries and expenses for the Department of HEW, would create for individuals not directly related to the policy of decentralization, and note with approval the language contained in the conference report. Nevertheless, I still regret the fact that the wise decision of the Senate in adopting the anti-decentralization language was not joined by the House conferees.

The Subcommittee on Education of the Senate Committee on Labor and Public Welfare, of which I am Chairman, has heard much testimony with regard to the consolidation of and, indirectly, the decentralization of education programs presently operated by the Department of HEW. Not one witness supported the decentralization moves supported by the Department. Indeed, during his recent nomination hearing, Congressman (Vice President Designate) Gerald Ford, in answer to my question about regionalization, put it very succinctly when he said, "I think I would do away with the regional organization. . . . I think regional offices are a top-heavy layer of bureaucracy that I could hopefully get rid of" It was for this reason that I urged adoption of the conference language in a letter I sent to each conferee. This letter succinctly states my position in that, while I do not oppose decentralization, I would like it to be brought before the Senate as an official proposal so that we can discuss it and then either adopt it or reject it. The letter states:

"October 10, 1973.

"The conference on the Labor-HEW Appropriations Bill, will soon consider the anti-decentralization language passed in the Senate. I would like to call this language to your attention and very much urge you to support retention of it.

"The Department of HEW has proposed the decentralization of the majority of the education programs presently authorized by law. While supporting the concept of decentralization to the *State* level, it is my view that the decentralization as proposed by the Administration to the *regional* level, would change the impact of those programs, while at the same time interposing another layer of bureaucracy between the State and Federal governments. Moreover, the regional officials are far removed from the State officials representing those directly affected, and even further removed from us in the Congress representing their interests in Washington. My own personal experience with decentralization under HUD, EDA, and OEO has been negative.

"My own State people would rather deal directly with Washington than sift their views through a regional office, especially in light of the highly-charged political atmosphere of the regional offices.

"In addition, I find it much harder to serve my constituents, since, for example, an inquiry made about a certain grant is shifted to a regional office which then shifts the inquiry back to Washington. In the meantime a grant is made with nobody taking responsibility.

"Finally, I believe that decentralization as proposed by the Administration will have so great an impact that it should be passed upon by those committees having legislative authority. I have offered the Department of HEW a swift hearing before the Education Subcommittee in order to look at the decentralization proposal. They would have the opportunity to prove their case and to demonstrate how decentralization will benefit our nation's schoolchildren. Therefore, I think it of great import that the anti-decentralization language be in the final measure sent to the President.

"Ever sincerely,

"Claiborne Pell,
"Chairman, Subcommittee on Education."

I would urge the Department of HEW to read the language in the conference committee report and follow its suggestion to hold up consolidation plans. There is presently pending in the Subcommittee on Education an omnibus measure which will be enacted during this Congress as the Education Amendments. It will cover the whole gamut of elementary and secondary education programs, adult education programs, impact aid, and those concepts so supported by the Administration, such as consolidation and the change in the title I program. It is very likely that the bill, when passed and sent to the President, could well include decentralization language which would not only stop future decentralization but also roll back any action taken from June 1, 1973, the date contained in the Senate-passed appropriations language.

In conversations with Mr. Frank Carlucci, Under Secretary of Health, Education and Welfare, we on the Education Subcommittee have been urged to cooperate with the Administration in the writing of this omnibus bill. The Administration asks for our cooperation. To my mind, any action by HEW in furthering its decentralization plans would be a breach of faith and, indeed, an evidence of bad faith which would negate any cooperative effort we may be engaged in on the pending omnibus bill. Perhaps this Administration should consider sending up to the Hill a decentralization proposal which could be included as part of the omnibus legislation if it found favor with the Congress.

Again, Mr. President, I congratulate the Appropriations Committee on the sums appropriated for education programs and, indeed, great tribute should be paid to the conference for its recognition that a change in national priorities is necessary.

Thank you, Mr. President.

Mr. TUNNEY. Mr. President, on November 27, 1973, three members of the Judiciary Subcommittee on Representation of Citizen Interests, Senators ERVIN and BAYH, and myself, as chairman, wrote to Senator MAGNUSON, chairman, Appropriations Subcommittee on Labor, and HEW, and Related Agencies, urging the Senate conferees to vigorously resist the administration's impoundment proposal. It pleases me to note that the conferees by and large rejected the proposal.

The compromise adopted abandons the far-flung administration scheme to condition receipt of funds on dropping impoundment suits. Instead, the House amendment to Senate amendment No. 1 set forth on page 7 of the conference report would allow the President limited discretion to impound up to $400 million from funds appropriated for the Labor-HEW budget—fiscal year 1974. However, no impoundment of any specified appropriations provision contained in the act may exceed 5 percent of the amount appropriated therein. The President must spend all other appropriated funds.

In view of the dogged adherence of this administration to its position that the President has inherent constitutional powers to impound funds appropriated by Congress, despite an overwhelming number of court cases to the contrary, I feel compelled to comment on the effect of the compromise. Far from recognizing any inherent power of the President to impound appropriated funds, this provision is an exercise of Congress' constitutional power to determine what funds may be impounded and under what conditions. No inference to the contrary should be drawn.

I am grateful that we have, in large measure, a bill before us now, as desirable as the one originally passed by the Senate. At this time, I ask unanimous consent of the Senate to place in the RECORD, our letter to Senator MAGNUSON.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., November 27, 1973.

Hon. WARREN G. MAGNUSON,
Chairman, Subcommittee on Labor, and Health Education, and Welfare and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We have read with alarm the Administration-sponsored amendment to H.R. 8877, known as the Laird Proposal, which would require that groups and governments cannot receive 1974 HEW funds unless they agree to abandon their claims to receive 1973 HEW funds for which they have brought anti-impoundment suits in the courts.

As members of the Judiciary Subcommittee on Representation of Citizens Interests, mandated with safeguarding the ability of Americans to have their interests effectively represented, we are seriously concerned with the wisdom and constitutionality of the Laird Proposal. The Laird Proposal flies in the face of the objective of the Subcommittee and penalizes those citizens who have sought redress of grievances through the judicial process. It makes the abandonment of judicial remedies a condition of continued funding of organizations. It is a dangerous precedent for the Congress even to appear to prescribe terms which would force a litigant seeking redress against the United States to compromise his suit.

In addition to charting an unwise course, the Laird Proposal raises serious constitutional questions such as whether the Congress may, by legislation, interfere with the orderly judicial management of a suit for which Federal courts have jurisdiction; the proposal may be a penalty on the exercise of the First Amendment right to petition the Government for a redress of grievances. It may violate the constitutional limitation that Congress' spending power be used for the general welfare and be reasonably related to the purposes of the enactment. (*United States v. Butler*, 297 U.S. 1 (1936)) The abandonment of suits respecting funds impounded in 1973 is not related to the effective functioning of the Department of Health, Education and Welfare in 1974. Further, the proposal may constitute a taking of property without due process of law in violation of the Fifth Amendment, since thirty out of thirty-six courts which have ruled on the issue have held that litigants have a vested expectation in the 1973 funds.

Whatever the resolution of these constitutional questions, the most important thing is that we should not discourage the participation of citizens in the vindication of their rights, nor, as the Administration would have it, foreclose the possibility of the Supreme Court determining the respective powers of the Congress and the President. This is precisely what this proposal does.

We would hope that the Senate conferees would vigorously resist this proposal and report a bill as desirable as the one passed by the Senate.

Sincerely,

JOHN V. TUNNEY,
U.S. Senator, Chairman Subcommittee on Representation of Citizens Interests.
SAM J. ERVIN, JR.,
U.S. Senator.
BIRCH BAYH,
U.S. Senator.

Mr. BAYH. Mr. President, the Labor-HEW appropriations bill has, again this year, proved enormously difficult to enact. And even if we pass this conference report today, as I certainly hope we will, we still have no assurance that the President will see fit to sign it.

The very fact that we can be hopeful that he will is a tremendous tribute to the diligence, dedication, and legislative skills of the bill's manager, the distinguished senior Senator from Wasington, and of the able ranking minority member of the subcommittee, the senior Senator from New Hampshire. Indeed, all the members of the subcommittee on both sides have earned our gratitude for their great work. Not only in the Senate committee stage and here on the floor, but more especially in two long, difficult conferences with Members of the other body, the Senate conferees labored heroically to come out with a bill that would both meet the Nation's needs and stand some chance of not being vetoed.

In my judgment, Congress has no more important piece of legislation to deal with than this Labor-HEW appropriations bill. Not only does it fund those activities of the Federal Government of greatest significance to the lives of all our people; in a very real sense it defines our whole philosophy of popular, responsible government and the Federal principle.

Certainly, Mr. President, there was a time when the Federal Government's role in health and education was minimal. No doubt there are still a few people in the country who wish that that were still the case. But the plain fact is, we simply could not educate our children decently without the $6.2 billion Federal contribution included in this bill. Our States and local governments simply do not have the revenue-generating capacity to meet the funding level we require for public education today.

Such programs as aid to elementary and secondary education, education for the handicapped, vocational and adult education, and a significant level of help for students and institutions of higher education are all included in this vital piece of legislation. No doubt each of these programs can and will be strengthened and improved. But here today, within the limits set by present authorizations, the appropriations provided in this bill constitute a measure of the obligation we owe to our children and to America's future.

By the same token, in the critically important area of medical research of the kind conducted by the National Institutes of Health, it is inconceivable that our universities, foundations, and the private sector generally could take up the slack—or, more accurately, fill the chasm—that would be created by our failure to provide the $2.5 billion funding for NIH.

In this connection, Mr. President, let me state that, as a member of the Appropriations Committee, I proposed a number of amendments to the House bill in the area of medical research. The acceptance of so many of these by the committee and the Senate as a whole was one of the truly fulfilling experiences of my 11 years here. And I want again to express my particular thanks to the distinguished chairman and ranking minority member of the subcommittee.

I ask unanimous consent, Mr. President, that a table depicting the House, Senate, and conference action on the medical research programs of the National Institutes of Health be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

NATIONAL INSTITUTES OF HEALTH

NEW INITIATIVES AND HIGH PRIORITY PROGRAMS AND SPECIAL EMPHASIS PROGRAMS

[In thousands]

Institute and program	1972 actual	1973 1st House allowance [1]	1973 actual	1974 President's budget request	1974 House allowance	1974 Senate allowance	1974 conference allowance
NCI:							
Cancer treatment	$51,964	$63,163	$58,803	$70,0000	$70,000	$74,500	$73,000
Special virus cancer program	48,199	51,138	49,239	53,955	53,955	56,955	55,955
Chemical carcinogenesis	23,366	27,797	27,879	30,002	30,002	33,002	32,002
Cancer task forces	9,763	20,032	15,195	25,350	25,350	27,850	26,850
Smoking and health	5,241	6,900	6,567	7,500	7,500	9,000	8,000
Cancer research centers	50,203	66,542	67,510	84,065	84,065	97,978	85,456
3d national cancer survey	2,210	2,730	1,846	525	525	525	525
Nutrition	2,198	2,290	2,595	2,700	2,700	2,700	2,700
Cancer control		30,000	5,222	34,000	34,000	34,000	34,000
NHLI:							
Arteriosclerosis	88,895	115,000	97,568	102,127	107,074	137,884	121,274
Pulmonary diseases	24,030	45,000	13,565	28,903	32,857	39,232	39,007
National blood resources and thrombosis program	23,607	30,000	29,455	29,912	31,919	33,319	33,069
Medical devices	12,449	13,100	10,419	13,100	13,100	13,100	13,100
Heart cooperative drug study	3,938	5,400	5,054	5,400	5,400	5,400	5,400
Sickle cell disease	10,192	16,700	14,414	16,000	16,000	16,000	16,000
NIDR:							
Dental caries	9,795	9,821	7,569	8,709	9,609	9,609	9,609
Periodontal disease	5,238	6,093	5,185	4,809	5,327	7,027	6,177
Dental research institutes	6,500	6,200	6,200	5,850	5,850	5,850	5,850
Ulcers of the lips and mouth	949	949	848	823	977	977	977
Pain control	518	518	592	487	621	621	621
NIAMDD:							
Arthritis	14,374	14,973	13,747	13,545	14,344	15,934	15,047
Diabetes	8,182	9,176	7,859	7,100	11,414	13,054	12,414
Digestive diseases	16,404	20,537	16,380	16,409	21,546	23,572	22,246
Kidney disease	18,127	19,400	17,915	15,582	18,064	19,264	18,564
Artificial kidney and chronic uremia program	(5,286)	(5,040)	(4,948)	(3,495)	(3,495)	(4,095)	(3,995)
Hormone development and distribution program	490	590	580	590	590	590	590
Nutrition	7,887	8,378	7,807	7,359	9,713	9,713	9,713
Cystic Fibrosis	2,777	3,067	2,624	2,553	2,743	2,743	2,743
NINDS:							
Stroke	6,791	9,891	7,024	8,804	9,890	10,140	10,140
Epilepsy	5,007	4,190	4,122	3,989	4,465	5,065	5,065
Infectious disorders of the nervous system	4,076	4,100	4,165	4,207	4,308	4,908	4,908
Parkinsonism	3,339	4,129	3,367	2,838	3,400	3,400	3,400
Trauma and injury	4,665	8,039	5,544	7,142	11,142	11,642	11,642
Communicative disorders	11,446	12,145	10,338	9,884	11,672	12,122	12,122
Multiple sclerosis	3,611	4,679	4,179	3,059	4,293	4,493	4,493
Collaborative perinatal project	6,804	7,181	5,513	4,140	4,140	4,140	4,140
Cerebral palsy	13,992	16,247	13,213	11,352	12,169	12,825	12,825
Muscular dystrophy	6,355	7,794	5,841	5,394	5,839	5,939	5,939
NIAID:							
Immunoprophylaxis	6,522	7,110	6,038	6,368	7,210	7,410	7,410
Hepatitis	709	2,800	1,562	1,922	2,800	2,856	2,856
Allergy	6,960	7,982	5,752	6,500	7,360	7,860	7,860
Interferon and other antiviral substances	6,881	6,457	6,200	6,004	6,800	6,800	6,800
Cellular and transplantation immunology	8,278	9,040	7,110	7,460	8,450	8,450	8,450
Venereal disease	455	900	1,085	1,000	2,200	2,700	2,700
NIGMS:							
Anesthesiology and diagnostic radiology	9,789	8,780	8,622	6,683	9,764	9,991	9,764
Automated clinical laboratories and biomedical engineering	16,516	17,578	14,261	12,400	18,155	19,531	18,655
Cellular and molecular basis of disease	67,244	73,606	58,692	52,752	61,338	63,667	61,838
Genetics	40,428	43,000	40,073	37,614	45,682	47,988	45,682
Pharmacology-toxicology	18,456	20,183	15,901	15,308	20,768	21,081	20,768
Trauma	6,221	3,936	6,100	4,880	8,635	8,806	8,635
Minority access to research careers	151		112	[1] 144	3,000	4,000	3,000
NICHD:							
Child health	55,759	59,219	53,149	51,226	59,134	65,059	62,184
Perinatal biology and infant mortality	(16,112)	(16,780)	(16,186)	(14,821)	(17,926)	(21,576)	(19,826)
Sudden infant death syndrome	(3,550)	(3,500)	(4,106)	(3,500)	(4,000)	(6,300)	(5,200)
Mental retardation	(19,750)	(21,625)	(19,218)	(18,644)	(20,341)	(21,341)	(20,841)
Growth and development	(19,897)	(20,814)	(17,745)	(17,761)	(20,867)	(22,142)	(21,517)
Aging	12,505	13,036	12,650	11,838	15,435	16,460	15,985
Population research	39,973	45,915	39,805	39,241	46,311	49,361	47,711
NEI: [1]							
Glaucoma	5,560	5,230	3,545	4,435	5,000	6,894	6,150
Retinal and choroidal diseases	6,132	3,800	4,704	4,990	5,158	7,012	6,308
Diabetic retinopathy and other vascular diseases	2,000	2,200	3,524	1,600	3,520	4,505	4,270
Corneal diseases	3,670	3,296	4,153	3,420	3,816	5,468	4,816
Cataracts	2,950	3,150	1,963	2,570	3,021	4,272	3,812
NIEHS:							
Principles of safety testing	3,407	3,940	3,369	3,060	3,140	3,140	3,140
EHS centers	3,389	3,550	3,753	4,000	4,000	4,000	4,000
Synergisms	5,043	5,640	4,928	4,790	4,870	4,870	4,870
Other core research	11,412	13,272	11,054	9,620	12,499	12,499	12,499
Mutagenesis and reproduction	693	2,010	1,874	2,010	2,460	2,460	2,460
Physical factors	2,409	2,544	1,207	1,810	1,910	1,910	1,910
Research resources:							
Biotechnology resources	10,924	10,864	10,500	10,500	13,176	13,304	13,176
Primate centers	11,107	11,607	10,847	10,847	11,872	11,872	11,872
General clinical research centers	42,181	42,181	41,300	40,674	42,847	43,274	42,847
Laboratory animal sciences	6,230	6,230	5,700	5,523	6,100	6,100	6,100
Minority schools biomedical support	2,000	6,000	5,000	7,000	7,000	7,000	7,000

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[1] As provided by continuing resolution.

Mr. BAYH. Mr. President, as I understand the conference report, the full amounts indicated in that report are appropriated, but the conferees agreed to language that would allow the President to withhold up to $400 million if he chooses. The authority is permissive, not mandatory. I understand, too, that such language was included at the insistence of the House conferees as an inducement to the President to sign the bill instead of vetoing it.

Granted the Senate conferees had no choice but to acquiesce in this unprecedented dilution of the appropriations power of Congress. I feel constrained to point out that it comes at the worst possible time in our effort to reassert Congress' proper constitutional authority. Just when we had begun to understand how dangerously far the balance of institutional power had shifted toward the Presidency, in a way that threatens to revolutionize the American political system, and just when we had begun to take steps to restore some semblance of balance, we risk undoing the whole year's gain by telling the President, in effect, that his judgment, after all, is better than ours on spending priorities for the Nation.

The Constitution of the United States specifically grants the appropriation authority to the Congress. We should utilize it and not pass the buck to the President. If the President disagrees with our judgment on priorities, he can veto our decisions. If this happens, a number of options are available including renegotiating a new and acceptable appropriations bill, overriding the President's veto, and the President's ultimate impounding of funds. If the President pursues this latter course, recourse through the courts is available and has proven remarkably successful in a big majority of the instances litigated. But Congress should look for ways to reassert its constitutional authority, strengthen itself as a separate institution of our Government, not voluntarily delegate congressional authority to the executive branch.

I am sure the conferees did not intend to make a freewill offering to an executive branch already bloated with power and arrogance. But I am very much afraid that that is how the Chief Executive will read it. And it is not so much we in Congress but rather those whom we represent who will have to pay the price in a further distortion of our national priorities and constitutional response.

Nevertheless, as regards this year's Labor-HEW Appropriations Act, we need to let the people know that the burden of decision as to the impounding of these funds still rests squarely on the President. If he chooses to withhold funds—as much as $187.3 million—from the critical needs of education, or if he chooses to withhold as much as $113.8 million from these enormously important medical research programs, it is he who will have to explain to the American people why he does so. And that purported explanation will have to come in the context of his own insistence on adding nearly a billion to the foreign aid bill that was passed by the Senate—$200 million of which is earmarked for arms aid to the ravaged and war-weary nation of Cambodia.

Let the American people then judge whether we can truly afford an extra billion dollars for foreign aid but cannot afford an additional $400 million for the health, education, and well-being of Americans.

CHILDREN'S TELEVISION WORKSHOP

Mr. TUNNEY. Mr. President, today the Senate is considering passage of a most vital piece of appropriations legislation that more closely touches the day-to-day lives of the American people than any other—the appropriation for the Departments of Labor and Health, Education, and Welfare. The Senate on October 4, passed a bill well within the ceiling established by this body. As the sums appropriated by the two Houses greatly conflicted, the conferees sought and reached a fair compromise.

During the extensive consideration of this bill, I made numerous attempts to secure an increase in funding for the children's television workshop, which produces "Sesame Street" and "Electric Company." The $3 million sum passed by the House simply would not keep the workshop out of debt. I was deeply gratified when the Senate recognized the need for a higher level of funding and increased this amount to $5 million. Most regrettably, the conferees cut back the appropriation to the $3 million level.

This entire appropriation bill is essential, and must be passed and signed by the President, and nothing further should delay this action. As for the children's television workshop, it is a sad day when the Government of the American people will not accept its responsibility to its future leaders. We must now rely upon private persons to offer the necessary funds to continue the invaluable work being done by the workshop to educate our children.

IMPOUNDMENT OF FUNDS

Mr. ERVIN. Mr. President, today the Senate votes on a budget bill for the Departments of Labor and Health, Education, and Welfare. This vote comes after considerable compromise on the part of all interested parties. The House of Representatives yesterday approved H.R. 8877 by a vote of 371 to 33.

One particular concern about this appropriation bill has been the administration's insistence upon an inherent Presidential authority to impound funds duly appropriated by the Congress. In the bill on which we vote today there is a provision which gives the President authority to reduce by a total of up to $400 million the $33 billion appropriation for these two Departments. The bill restricts this authority by prohibiting the President from withholding more than 5 percent of the appropriation made for any one program.

In view of the continuing assertions of Presidential power to impound congressional appropriated funds by this administration, I think it is important to emphasize the fact that in granting the President authority to exercise discretion with respect to the withholding of up to $400 million of these funds, the Congress in no way stamps with approval these assertions of inherent Presidential power to impound. The President's authority to withhold the amounts set forth in H.R. 8877 is based entirely upon a congressional determination that the President under present economic circumstances should be in a position to exercise a limited degree of discretion in the administration of the programs for which funds are appropriated under H.R. 8877.

RECESS UNTIL 12:40 P.M.

Mr. MAGNUSON. Mr. President, I move that the Senate stand in recess until 20 minutes to 1.

The PRESIDING OFFICER. Is the time to come out of the time on the conference report, or is it not to be counted?

Mr. GRIFFIN. Mr. President, will the distinguished Chairman yield?

Mr. MAGNUSON. I yield.

Mr. GRIFFIN. Would it be the understanding that we would vote at 12:45?

Mr. MAGNUSON. Yes; the reason is that several Members are on official business, and they will not be back until about that time.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that we vote at 12:45 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The vote will occur at 12:45.

Without objection, the motion to recess is agreed to.

At 12:17 p.m. the Senate took a recess until 12:40 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BIDEN).

Mr. HUGHES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous unanimous-consent agreement, the Senate will now proceed to vote on the adoption of the conference report on H.R. 8877. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I also announce that the Senator from Missouri (Mr. SYMINGTON) is absent because of illness.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Missouri (Mr. SYMINGTON) and the Senator from Rhode Island (Mr. Pell) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator of Tennessee (Mr. Brock), the Senator from New York (Mr. Buckley), and the Senator from Florida (Mr. Gurney) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) is absent by leave of the Senate on official business.

The Senator from Nebraska (Mr. Curtis) is absent by leave of the Senate.

The Senator from Oregon (Mr. Packwood) is absent on official business.

If present and voting, the Senator from Nebraska (Mr. Curtis) and the Senator from Florida (Mr. Gurney) would each vote "yea."

The result was announced—yeas 85, nays 3, as follows:

[No. 559 Leg.]

YEAS—85

Abourezk
Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Brooke
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Clark
Cook
Cotton
Cranston
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Gravel
Griffin
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Hugh
Scott,
William L.
Sparkman
Stafford
Stevens
Stevenson
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—3

Biden
Chiles
Helms

NOT VOTING—12

Baker
Brock
Buckley
Curtis
Fulbright
Goldwater
Gurney
McIntyre
Packwood
Pell
Stennis
Symington

So the conference report was agreed to.

Mr. MAGNUSON. Mr. President, I move that the vote by which the conference report was agreed to be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS IN DISAGREEMENT

Mr. MAGNUSON. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 1, 11, 16, 32, 51, 57, 62, and 79.

The motion was agreed to.

The amendments in disagreement are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert "and shall be made available for expenditure except that not to exceed $400,000,000, including not more than 5 per centum of the amount specified in any appropriation provision contained in this Act or any activity, program, or project within such appropriation may be withheld from obligation and expenditure".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 11 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert "$15,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 16 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert "$25,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 32 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert "That the aggregate amounts made available to each State under title I–A of the Elementary and Secondary Education Act for grants to local educational agencies within that State shall not be more than 120 per centum of, nor less than, such amounts as were made available for that purpose for fiscal year 1973, and the amount made available to each local educational agency under said title I–A shall not be less than 90 per centum of the amount made available for that purpose for fiscal year 1973".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 51 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$171,709,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 57 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$157,170,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 62 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$12,853,279,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 79 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum "$50,000,000" proposed by said amendment, insert "$45,000,000".

Mr. CHILES. Mr. President, I voted today not to accept the conference report, H.R. 8877, the Labor-HEW appropriations bill, for fiscal year 1974.

The overriding reason for my vote, is the provision in the report which permits the President to withhold up to $400 million of the appropriations. No matter how detailed and specific the conferees were in deciding the programs to be cut, in my opinion, their action abbrogates the role of Congress in the appropriation process. This action by the conferees, whether technically correct or not, amounts to Congress sanctioning the impoundment of up to $400 million of HEW funds.

It seems to me that with all of the congressional outcry about what many believe to be illegal impoundments by the President and the many court suits now challenging the legality of certain impoundments, that for us to come in on an appropriations bill and say in effect, here is our total figure to this President, "but you can cut it down up to $400 million if you choose."

Certainly there are many fine programs being funded under this bill, many that are vitally needed throughout the country. But Congress should be the one to determine how much the funding should be and the Executive should carry this mandate out. I sincerely believe we should not set the precedent of going any further of giving any air of credence to the President's broad, self-asserted authority to impound congressionally appropriated funds. We are starting down the road toward licensing Presidential impoundments.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer (Mr. Hathaway) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

ORDER OF BUSINESS

The PRESIDING OFFICER. Without objection, the unfinished, S. 1868, will be temporarily laid aside until the disposition of S. 1283, or whichever is the earlier.

NATIONAL ENERGY RESEARCH AND DEVELOPMENT POLICY ACT OF 1973

The PRESIDING OFFICER (Mr. Hathaway). Under the previous order, the Senate will now resume the consideration of S. 1283, which the clerk will state.

The legislative clerk read as follows:

(S. 1283) to establish a national program for research, development, and demonstration in fuels and energy and for the coordination and financial supplementation of Federal energy research and development; to establish development corporations to demonstrate technologies for shale oil development, coal gasification development, advanced power cycle development, geothermal steam development, and coal liquefaction development; to authorize and direct the Secretary of the Interior to make mineral resources of the public lands available for said development corporations; and for other purposes.

The Senate resumed the consideration of the bill.

Mr. HART. Mr. President, I ask unanimous consent, during the consideration of S. 1283, that Bernie Nash, of my staff be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METCALF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 768

Mr. METCALF. Mr. President, I call up my amendment No. 768 and ask that it be stated.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

On page 67, line 6, insert the following new section, and renumber the succeeding sections accordingly:

SEC. 105. The National Science Foundation shall give particular attention to the evaluation of all promising energy-related inventions, particularly those submitted by individual inventors and small companies for the purpose of obtaining direct grants. The National Science Foundation is authorized to promulgate regulations in the furtherance of this section.

Mr. METCALF. Mr. President, I offer an amendment to S. 1283—amendment No. 768—the national Energy Research and Development Policy Act of 1973, which would insure that small businesses, individual inventors, and entrepreneurial companies are given particular attention when they compete with the multienergy conglomerates for a share of the $800 million the management project chairman will have in 1974 to give out in Federal assistance in the form of grants, price guarantees, federally guaranteed loans, contracts, and joint corporations.

One major reason for the energy crisis today is the lack of commercially available applied technology. Throughout the hearings on S. 1283, members of the Interior Committee were told that the major research efforts have been done, and that we need now to get "on the shelf technology" on the line.

The management project could initiate its study of available inventions by requiring a comprehensive report from the Patent Office on all patents in the energy field which have not been developed.

It is crucial that the doors of opportunity are not shut to the small businesses and the innovative companies who simply do not have the resources to compete against the large and highly profitable investor-owned corporations for government-financed projects. The Small Business Act recognized that research and development are major factors in the growth of the economy and the competitive free enterprise system. Acknowledging that small businesses are at a competitive disadvantage, Congress, through the Small Business Act, requested assistance be given to small business concerns. My amendment asks simply that the management project transfer a sufficient amount of its $10 million annual operating expenses to the Director of the National Science Foundation so that he may create an in-house facility for the review of all submitted promising energy-related inventions. Those inventions deemed worth pursuing would be forwarded to the management project for financial consideration, especially in the form of direct grants.

There are precedents for an office of innovations. During World War II, the War Department, as it was then candidly called, had an inventor evaluation office. The staff of less than 10 specialists processed the thousands of ideas that came in; some of them were very viable and were implemented to the hardware stage. The inventions dealt with the furtherance of the war effort. Again, during the Vietnam war, the U.S. Army Materiel Command created a Limited Warfare Laboratory. Geared to take chances, the laboratory solicited ideas, inventions, and processes from all Government personnel. Some of the ideas were simple ideas on troop clothing; others were more complex.

Why does a war effort always seem to incite the Government to make an all-out search for useful inventions? My hope is that during peacetime we can use the same zeal and motivation to achieve energy self-sufficiency.

The Commerce Department and the Federal Trade Commission have both issued reports proving that substantially more than 50 percent of inventions in use today come from small inventors and small businesses.

What we need, Mr. President, is assurance that such innovations and energy-related inventions will not be stifled by a lack of funding and will not be shoved aside for lack of a voice. In the interests of a competitive free enterprise system, we need to encourage all promising technological innovations if we are to meet the energy crisis head on.

Mr. President, I have discussed this amendment, and it has been discussed with members on both sides of the committee. It was not offered in the committee because of an inadvertence that probably is my fault.

It seems to me that it is crucial that the doors of opportunity should not be closed to small inventors and people who at home have discussed their inventions and have something to offer to the National Science Foundation or to energy resources. So I offer this amendment at this time. I am informed that it is agreeable to both sides.

Mr. JOHNSTON. Mr. President, we believe this is a very good amendment. We support it and endorse it. Essentially, it recognizes the importance that individual inventors play in the total scheme of things.

This is a recognition by Senator METCALF of the need to encourage individual inventors, to give them some degree of encouragement and help, as well as the big corporations.

So we accept the amendment gladly and congratulate the Senator for the amendment.

Mr. McCLURE. Mr. President, the minority has had an opportunity to examine the amendment, and it is acceptable to us.

I join in the commendation to the Senator from Montana for the attention that is paid by him to this particular need, and I am glad that he has offered the amendment.

Mr. METCALF. I thank both my colleagues.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

The PRESIDING OFFICER. Are there further amendments?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 766

Mr. HART. Mr. President, on behalf of Senator LONG and myself, I call up amendment No. 766, which would amend the patent provisions of section 112.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 84, line 1, strike everything commencing with the word "PATENT" on page 84, line 1 through and including the word "found." on page 88, line 2, and insert the following:

PATENT POLICY AND MANDATORY LICENSING

SEC. 112. (a) (1) All research, development, demonstration, or projects contracted for, sponsored, or cosponsored by the Government pursuant to this Act, shall require as a condition of Federal participation that all information—whether patented or unpatented, in the form of trade secrets, know-how, proprietary information or otherwise—resulting in whole or in part from federally assisted research shall be made available at the earliest possible date to the general public, including, but not limited to, nongovernmental United States interests capable of bringing about further development, utilization, and commercial applications of such results.

(2) The Chairman, in administering patents pursuant to this Act, shall make a determination, case by case, in an on-the-record proceeding conducted in accordance with the provisions of the Administrative Procedure Act, as to whether patent licenses shall be granted on a royalty-free basis or upon a basis of charges designed to recover part or all of the costs of the Federal research. He shall make Government patent rights and technological and scientific know-how available on nonexclusive and nondiscriminatory terms to qualified applicants.

(3) (A) Whenever a participant in any program, contract, or energy research and development project pursuant to this Act holds background patents trade secrets, know-how, or proprietary information which will be employed in the proposed program, contract, or research and development project, the Chairman shall enter into an

agreement which will provide equitable protection to the rights of the public and the participant: *Provided, however,* That any such agreement shall provide that when the program, contract, or energy research and development project reaches the stage of possible commercial application, any of the participant's previously developed background patents trade secrets, know-how, or proprietary information reasonably necessary to possible commercial application of the energy process or system developed under this title will be made available to any qualified applicant on reasonable and nondiscriminatory license terms or in other forms which shall take into account that the commercial viability of the total energy process or system was achieved with the assistance of public funds.

(B) As employed herein, the term "background patent" means a United States patent owned or pending by a contractor, grantee, participant, or other party conducting research or development work, or both, pursuant to this Act for or under the sponsorship or cosponsorship of the chairman of a corporation established pursuant to this Act which would be infringed by the practice of any new technology developed under the research or development work, or both, contracted for, sponsored or cosponsored pursuant to this Act, or any demonstration-type or commercial-size facility authorized by any corporation thereunder.

(b) (1) Any corporation established pursuant to this Act, and any other Government agency or instrumentality, shall receive a royalty-free unrestricted license to practice any invention or discovery made or employed in connection with any demonstration-type or commercial-size facility provided for hereinafter. Such license shall include the right to make, use, and sell. As used herein, the term "research" includes "development" within its scope.

(2) Any net royalty income from the licensing of patents shall accrue to such corporation during its existence for use by the corporation in the advancement of its purposes. On and after the dissolution of the corporation, the Administrator of General Services shall administer such patent and shall have the sole right to issue licenses thereunder, in accordance with the provisions of this section: *Provided,* That participants in the corporation shall receive a royalty-free license during and after the life of the corporation: *And provided further,* That the Chairman may recommend variations from this policy which he believes to be in the public interest for the consideration of the Congress when specific corporations are proposed for authorization.

(c) Whenever the Chairman determines that—

(1) (A) in the implementation of the requirements of this Act a right under any United States patent, which is not otherwise reasonably available, is reasonably necessary to the development or demonstration of an energy system or technology pursuant to this Act, and

(B) there are no reasonably equivalent methods to accomplish such purpose, and

(2) the unavailability of such right may result in a substantial lessening of competition or tendency to create a monopoly in any line of commerce in any section of the country,

the Chairman shall so certify to a district court of the United States, which shall review the Chairman's determination. If the district court upholds such determination, the court shall issue an order requiring the person who owns such patent, or rights thereunder, to license it on such reasonable and nondiscriminatory terms and conditions as the court, after hearing, may determine. Such certification may be made to the district court for the district court in which the person owning the patent resides, does business, or is found.

(d) The Chairman shall, in determining license terms, duly consider and give weight to the effects of such terms on competition and small business.

RELATIONSHIP TO ANTITRUST LAWS

SEC. 113. (a) Nothing in this Act shall be deemed to convey to any individual, corporation, or other business organization immunity from civil or criminal liability, or to create defenses to actions, under the antitrust laws.

(b) As used in this section, the term "antitrust laws" means—

(1) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1 et seq.), as amended;

(2) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12 et seq.), as amended;

(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.), as amended;

(4) sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; and

(5) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

Mr. HART. Mr. President, I ask unanimous consent that the name of the Senator from Wisconsin (Mr. Nelson) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, the principal thrust of the amendment is to change section 112 in two important respects:

First. The amendment makes clear that patents arising out of the possible $20 billion to be expended under this bill will be available to the American public on nonexclusive and equal terms. Exclusive licenses are forbidden.

Second. The amendment explicitly states that this act does not convey any immunity from the antitrust laws. This provision is identical to the provision contained in the Automotive Transport Research and Development Act—which is title 6 to S. 2176—the National Energy Conservation Act. It is also consistent with the rejection by the Senate of an amendment to provide blanket immunity to the petroleum industry in the Emergency Energy bill (S. 2589). This provision is necessary to make clear that merely because the Government funds a research and development project, that action does not convey immunity to the participants if they take action—as has happened before—to prevent technological innovation.

Without exception, the Congress has consistently required that patents resulting from Government financed research and development be made available for licensing to all qualified applicants on nonexclusive and nondiscriminatory terms.

Thus, Congress has compelled licensing on a nonexclusive basis in the Coal Research Act, the Helium Act amendments, the Saline Water Conservation Act, the Water Resources Research Act, the Appalachian Regional Development Act, the Solid Waste Disposal Act, the Tennessee Valley Authority Act, the Atomic Energy Act, and the Agricultural Research Act.

The distinguished cosponsor of this amendment, Senator Long, over the years has himself offered approximately 13 amendments to various pieces of legislation to prevent the grant of exclusive licenses of patents resulting from Government financed research and development. All have been accepted by the Congress and enacted into law.

Under the present section 112, however, President Nixon's 1971 and 1973 Government patent policy regulations are adopted and codified. Those regulations directly contradict the totality of congressional action in this area. They contradict executive branch policy under Presidents Eisenhower and Kennedy. They would allow the exclusive licensing of patents. Moreover, the 1973 regulations are only proposed, and have not yet been adopted. I have been informed that the Department of Justice has advised that the President's regulations are unconstitutional and conflict with explicit congressional and executive branch policy.

The regulations which section 112 would adopt are also the subject of a pending lawsuit filed by 18 distinguished Congressmen and Public Citizen, Inc.

When public funds are used to finance in whole or in part research and development underlying an invention, simple fairness demands that its utilization and benefits be available to all on nonexclusive equal terms. It would be manifestly unfair to allow an important patent to be licensed to General Motors, for example, on an exclusive basis, thereby excluding the use of that patent by Ford, Chrysler, and American Motors. Similarly, no justification can exist for granting an exclusive license to Exxon, for example, and excluding the rest of the energy industry from the patent.

Nonexclusive licensing would allow the greatest benefits to the public arising from competition in the manufacture and sale of the product; and further improvements and new inventions would be encouraged as firms vie for business in the marketplace.

I urge acceptance of this amendment to section 112.

Mr. President, this amendment is one in which the Senator from Louisiana (Mr. Long) has joined, and it reflects his longstanding attitude with respect to insuring that patents developed through the use of Federal assistance shall be available on nonexclusive and equal terms to the public, that exclusive licenses under the circumstances be forbidden.

We are talking about the expenditure of $20 billion, looking to the development of energy sources. Surely, in the pursuit of that effort, there will be instances when patents and know-how will emerge; and, surely, consistent with the position Congress has taken in many areas, we want to assure that those breakthroughs are not fenced off. Also, the amendment explicitly states that the act does not extend immunity from antitrust laws.

Mr. President, it is my understanding that the able Senator from Washington

(Mr. Jackson) is fully informed with respect to this proposal. I realize that he is not able to be on the floor at the moment, but I think I can represent that he is familiar with it and has made some preliminary judgment, at least, with respect to it.

I move the adoption of the amendment.

Mr. JOHNSTON. Mr. President, this amendment would replace the patent provisions of S. 1283. It would also provide a savings clause on antitrust laws.

In general, the amendment follows the patent approach of the reported bill. However, the bill, within the bounds of existing policy, provides a great deal of latitude for non-Federal participants in research to be given some patent privileges as an incentive to participate and to develop technology. This amendment would be more restrictive. It would prohibit any possibility of exclusive patent rights being conveyed to non-Federal participants. It also is well within the range of policy which has been adopted in other research programs, so that both the original bill and this amendment are within the range of existing policy.

The difference between the two, the restrictive language of this amendment and the broader language of the bill, are a matter of philosophy. For that reason, we believe the Senate should make that decision.

While the minority members are having a chance to evaluate this amendment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG subsequently said: Mr. President, I was on my way to the Chamber when the Senate agreed to the amendment offered by the distinguished Senator from Michigan (Mr. Hart) on behalf of himself, with me as a cosponsor.

In support of the general philosophy of that amendment I wish to have printed in the Record prior to the adoption of the amendment a report covering a conference that occurred in my office some years ago between me and Admiral Rickover wherein we discussed this problem related to the ability of the Government to obtain effective research without giving away patent rights in doing it.

Mr. President, I ask unanimous consent to have printed in the Record an excerpt from a pamphlet concerning this conference. I do not believe the printing of the pamphlet will unduly burden the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Patent Policies of Government Departments and Agencies, 1960

Subject: Conference of Senator Russell B. Long, chairman, Subcommittee on Monopoly, Senate Small Business Committee, with Vice Adm. H. G. Rickover, U.S. Navy.

Place: Office of Senator Long.

Time: Friday, April 8, 1960, 9 a.m.

Present: Senator Russell B. Long; Vice Adm. H. G. Rickover; Benjamin Gordon, economist, Senate Small Business Committee; Robert Hunter, administrative assistant to Senator Long; Richard Daschbach, research assistant to Senator Long.

Senator Long. Admiral Rickover, I want to know your views in general on the issue of whether you believe that when the Government buys research and development, the Government should take the patent rights or should permit the rights for commercial usage to go to the contractor.

Admiral Rickover. First, Senator Long, may I thank you for giving me the opportunity to discuss this matter with you. I appreciate testifying in your office where there are beautiful southern girls and the coffee is flavored with chicory. It is very unusual.

Second, I have no prepared statement.

Third, I am not a patent lawyer or any other kind of lawyer. I can only give you my views as they have developed over a period of about 20 years in the conduct of research and development for the Department of Defense and the Atomic Energy Commission.

The patent situation today is quite different from what it was in 1789 when our Constitution was adopted. At that time, a patent was a matter that primarily concerned the individual; individuals were developing single items in a preindustrial age. Today, the development of patents generally involves large corporations and organizations. The U.S. Government alone is currently spending, in fiscal year 1960, nearly $8 billion for research and development. To grasp the significance of this sum bear in mind that the total expenditures of the U.S. Government for the 11-year period, 1789 to 1800, was less than $6 million. And in modern times the level of U.S. Government expenditures did not reach $8 billion until 1936.

Over the years I have frequently wondered whether in this modern industrial age patents are as important for industrial organizations as would appear from the statements made by patent lawyers. It may be that the patent lawyers are overemphasizing the present-day value of patents. It is quite possible our industry would not be hurt very much if we restricted the items that are patentable. I believe the important factor for an industrial organization is the know-how developed by it—the trade secrets and the techniques; these are not patentable qualities. They are something that are inherent in a company, in its methods, in its management; the kind of machine tools it has, how it uses these tools, and so on. Where the facilities are owned by the company itself, and where the know-how is its own, the Government shouldn't publish that information. When these conditions obtain, it is possible we have gone too far in making the information public.

Up to the advent of the Atomic Energy Commission in 1946 and the Space Agency in 1958 most research and development consisted essentially of adaptations to existing technology. That is, an industrial organization would be called upon by the Government to take an item it had already developed over a period of many years and change it to a new or improved item for military application. On that basis there was considerable justification for the entrepreneur to maintain his background patent rights; he was merely adding a small novelty to an already existing item. But with the coming of atomic and space science, we have an entirely different situation; we are now dealing with equipment that has never before been used. In fact, most of it was never even conceived of. Consequently, nearly all the money for developing the complete item comes from the Government. I believe in the atomic energy field about 92 percent of the money being spent on research and development is supplied by the Government. It is for this reason I consider the existing patent provisions in the Atomic Energy Act and in the Space Agency Act fair and valid.

Where the Government bears all or nearly all of the cost, where the facilities belong to the Government, and where the Government bears all the risk, the people should own the patents. The American people are spending their money for the research and development, therefore, the patents should belong to them.

Senator Long. Would that 92 percent be a conservative figure?

Admiral Rickover. It probably is. We are dealing with projects and with items that are novel, that have never before been developed. Furthermore, in nearly all cases the patents are being developed in facilities wholly or almost wholly owned by the Government; this is another compelling reason for rights to these patents to inhere in the U.S. Government.

Senator Long. Admiral, I would like to read to you an excerpt from a speech delivered by a patent attorney:

"* * * may I remind you in the words of our Founding Fathers in the Declaration of Independence that I consider these truths to be self evident: the American patent system is as old as our country, it is the best in the world, it is a fundamental part of our free competitive economy, it has contributed to the highest standard of living in the world, it has helped make America the strongest nation on earth, it will be as vital to our way of life in the age of space as it has been during our first 185 years as a nation, and any proposal which departs from the basic fundamentals of our patent system, no matter how gilded, must be stamped out as a thistle in a wheatfield."

What do you think of this statement?

Admiral Rickover. It's a good, ringing Fourth of July speech, Senator Long. It reminds me of an incident that occurred in one of the German States about 150 years ago. As part of a thoroughgoing reform of the judicial system, it was proposed to abolish torture as a means of obtaining confessions from persons accused of crime. A venerable jurist bitterly opposed this on the grounds that, since torture had been used for more than a thousand years, it must be good. Apparently, this man believed that anything that has existed for a long time must be good.

However, we are not discussing the patent law per se. No one is arguing that we do away with our patent law. We are merely discussing application of that law when the Government spends most of the money for doing the work. This is the real issue.

Senator Long. Do you believe that the billions of dollars the Government is paying for research and development of new items are adequate incentive on the part of Government contractors to develop those items to the best of their ability?

Admiral Rickover. Yes, sir. I believe a most important factor motivating a company to seek out and undertake research and development for the Government is the realization that, instead of spending its own money, it now obtains these funds from the Government. One frequently hears it said the Government doesn't pay enough profit to companies performing research and development; that whereas the Government allows, say, only 5 percent profit on research and development contracts, the companies can make 10 percent or more on ordinary commercial or Government business. But that is not a valid argument. A company may spend, say, 1 to 2 percent of its gross income on its own research and development work;

but when they do Government research and development they thereby get large additional sums of money to do such work. In this way they enhance their competitive position without having to use their own money. You will find many large corporations where the level of Government research and development they do is considerably more than they spend on their own research and development. In essence Government-financed research and development subsidizes and augments their own research and development effort, and so enhances their competitive position. These companies realize that in order to stay in business, to be healthy, to prosper, they must do research and development work.

The very fact they constantly keep on urging the Government to give them more research and development contracts despite the supposedly low profit rate is ample proof of the great value they attach to obtaining such contracts. Our large corporations are more aware of the desirability of doing Government research and development than the small companies.

We have had no difficulty in the Atomic Energy Commission getting contractors, large and small, to do research and development work. In fact, many of them are constantly urging us to give them such work. Further, a number of companies have built their own facilities, with their own money. Many businesses want Government research and development work in order to develop a strong position. They now wish to extend this to the atomic energy and the space fields.

Senator LONG. Contracts themselves are profitable, but those contracts, even if they do not have private patent rights, also lead to additional products if these companies are forward-looking, competitive companies developing products of their own outside these Government activities. Would you agree with this statement?

Admiral RICKOVER. Yes, sir. They develop many ideas and skills from this Government-financed work; also, their people are being trained and schooled at Government expense. They are very valuable assets, and the reason so many large corporations vie to obtain these research and development contracts. Now, I can only consider this problem in the light of my own experience. I have never had a single case where the patent provision of the Atomic Energy Act influenced a company not to undertake Government R. & D. work. In fact, many of the very same companies who operate under the Department of Defense patent provisions, which are far more liberal to them than the AEC rules, not only accept research and development work under the Atomic Energy Commission patent rules, but even urge us to give them more such work.

Senator LONG. Do you have any indication that the companies charge you more to do research and development if they are not permitted to keep proprietary or commercial patent rights?

Admiral RICKOVER. No, sir; I know of no such cases. They are nearly all cost-plus type contracts and the fees are about the same throughout the Government. Nor do I agree with the statement frequently made that unless there is such a patent provision, their employees will not work assiduously. I have never seen anything of the sort. A man who has an idea in his mind, if he is worth his salt, will want to get it out. He will fight all obstacles to get it out; it really makes no difference to the scientist or engineer one way or another because the company gets to own the patent rights anyway.

Now, the companies apparently take a different stand toward the Government than they do to their own employees. Their own employees must sign an agreement providing that the company takes title to the patents they develop. Apparently, the companies desire better treatment from the U.S. Government than they accord their own employees.

Senator LONG. I was talking to a young man who worked for an oil company about its research program. He told me that when he went to work for the company, he was required to sign a contract that said that anything he developed would be turned over to the company. Now, he said that he didn't have to sign that contract, but he felt that if he was going to take the job, the company had every right to ask him to sign it. And yet his attitude was that if the company, in turn, was going to work for the U.S. Government on a project to be wholly paid for by the Government, it was no more immoral for the company to be asked to let the Government keep the patent rights than it was for him to be asked to let the company keep the patent rights if he went to work for that oil company.

Admiral RICKOVER. That is tantamount to what I said. I agree with you that companies in the employ of the Government should receive the same treatment from the Government as they give to their own employees. In Great Britain, as you know, there is a different system. There, the patent rights for work financed by the Government belong entirely to the Government; the Government licenses industry and even shares in the royalties industry receives from non-Government applications. In Russia, the Government, of course, owns all patents. So here we have three different patent systems working side by side. I know of no evidence indicating that the British or the Russians are being held back because they have not copied our patent system. One of the reasons the Russians have been able to make rapid progress is because they disseminate technical information faster than we. They probably lead the world in the thorough and rapid dissemination of scientific and engineering information. I believe this is pretty good evidence there is little to the argument that unless we give industry full rights to patents where the Government has paid for the work, our economic system would be hurt. I doubt that very much. Perhaps there are too many patent lawyers in the United States.

Senator LONG. Here is another problem that concerns me, Admiral Rickover. It seems to me that if I had a company working on something that could conecivably be of immense value—for example, suppose I was trying to develop a new fuel that might be the fuel of the future; perhaps the fuel that could put a satellite into outer space or do things present fuels will not do. If I were able to achieve it first and to obtain a patent on it, that patent would be of enormous value in future years. Now, on the other hand, if my competitors were working on something similar to that, it seems to me that there would be an incentive on my part, looking after my pocketbook and stockholders, to tell my engineers: "Fellows, don't tell anyone about this thing. Hold onto it until we are able to get a patent on it." Does it occur to you that that logic might from time to time operate on work under Government R. & D. contracts?

Admiral RICKOVER. Yes, it could, except in the case of AEC and NASA work. In these fields the law places ownership of patents initially in the U.S. Government. This gives the Government the opportunity to make them available to everyone. In my opinion, this is a good system because it makes new information available quickly. Otherwise, there is the possibility of withholding information. All of our industry benefits greatly from free use of Government patents. As you have stated, it is essential in the race with the Russians that we do not handicap ourselves by delaying the emergence of new developments. The Russians have no such handicap.

The object of the patent system was to further human welfare and happiness. Take the medical profession, for example. As far as I know the medical profession rarely patents anything. New procedures, techniques, and instruments developed by doctors and medical researchers are free to be used by anyone. This is a noble attitude by a noble profession, and I have never heard it said that our doctors are loath to increase human health and happiness because they would not receive exclusive right to their inventions. And to illustrate the human misery that can result from undue secrecy there is the famous case of the first practical obstetric forceps. It was invented about 1600 by Peter Chamberlen, an English obstetrician. It was kept by the Chamberlens as a family secret for nearly a century. They wouldn't let anyone else know about it. So here we have a case where countless mothers were subjected to needless pain—pain that could have been avoided had that knowledge been made public. But the Chamberlen family kept it to themselves in order to retain a monopoly; they enriched themselves at the expense of human misery. This illustrates in a homely sort of way, a way a man can't understand but a woman surely can, the importance of not withholding information. Today I believe it would be considered unethical for a man in the medical profession to try to patent something of that sort.

Senator LONG. As a matter of fact, isn't it true that when most doctors develop a new procedure for operations, they are anxious to go to a medical society meeting and explain their new procedure so that other doctors might find it advantageous for humanity?

Admiral RICKOVER. Yes, sir. As I said, the medical profession is the most noble and ethical profession. Nearly every doctor is dedicated to improving the health and happiness of all humanity. I believe we could well adopt that same principle in many other fields. We would do well to have our scientists, our engineers, our industrial leaders, our Government servants, and our educationists emulate our doctors.

Furthermore, you must bear in mind we are not talking about the ability of industry to obtain patents when they use their own money. Even in the atomic energy field or in the space field, if you spend your own money you take title to the patent, except for weapons. Last year more than half the patent applications in the atomic energy field were filed by private industry. We should urge industry to spend more of their own money for research and development—in which case the patents will belong to them and they will build up a position of their own

It may interest you to know that 90 percent of patents for peaceful applications in the atomic energy field are developed by 10 to 11 of the AEC contractors. There have been only three cases where contractors have objected to the AEC patent provisions. These objections were based on the fact that the language of the contract was too all-inclusive; that the language took in more than was required for the actual performance of the contract. These three cases were not important ones. The AEC, I understand, intends to recommend changing the language.

No one has suggested in any instance I know of that industry can't have patents. We must sharpen the problem and point out that the real issue is whether patents, the development of which is paid for by the Government, belong to the people or belong to industry. That is the real issue. We are not discussing the patent system per se.

Furthermore, there is here involved a matter of broad national policy. At present, instead of Congress examining the patent situation, we are permitting each agency to decide for itself. I do not believe Congress should abdicate its constitutional rights and duties and permit any individual agency in the executive branch to set up its own rules which by perpetuation over a period of many years finally assume the force of law and then are used as precedents. The tendency of Government agencies is to let things continue as they are. It is easier for them this way; they don't have to think or to hurt anyone's feelings. It is also easier to have a simple rule such as the Department of Defense has, rather than to judge items on a case basis. I believe the application of our patent law should be considered as a general policy matter for the entire Federal Government; and that Congress should not permit each agency to set up its own rules. That, in effect, is like having several different Federal laws to cover the same subject.

I believe it is in accordance with the intent of the patent law that the Government should own patents resulting from work it has financed. In other words, the Atomic Energy Commission and the National Aeronautics and Space Administration patent rules are in consonance with the law, and not otherwise, as some would suggest.

Senator Long. Now, isn't it also true that a great amount of basic research and development is not patentable at all until it has been developed into a practical application?

Admiral Rickover. Yes, sir. And that is why we have so many companies come to the Government, urging they be given Government funds to do research and development work; this will give them a better competitive posture in industry.

Almost every area in industry is now subsidized by the Government and since they have become accustomed to subsidization, they naturally desire patent rights also because this further helps to subsidize them.

I believe that patents should generally belong to the Government where Government money is used to develop them. In special cases where a great deal of prior work has been done by a company, an exception could be made. An exception could also be made in the case of small business if this is considered necessary by Congress to preserve our free enterprise system. But, aside from these exceptions, when the Government pays for the work the patent should belong to the Government.

Senator Long. Now, Admiral Rickover, where you have several contractors working on similar problems for the Government, each one of whom has more than a hundred scientists and engineers working in their employ, isn't it to the advantage of the Government that every time one group or one team of scientists and engineers discovers something new that is useful, it should be immediately made available to all the others so that they can start working forward?

Admiral Rickover. Yes, sir; I definitely believe it should. This, of course, is the intent of Congress in appropriating Government funds—that they be spent efficiently and effectively. Such interchange of information will add to the efficient and effective way of spending Government money. Isn't this exactly what our industrial corporations do? Do they not immediately make available to all of their divisions what each division invents or learns?

Senator Long. Well, would there not be an incentive if a contractor could see the possibility of large profits for himself by holding back on this information until he can patent it? If hundred of millions or billions of dollars are involved, wouldn't there be some incentive to hoard and to conceal what he knows, until he is in a position to protect himself with patent rights?

Admiral Rickover. Yes, it might be, and I believe there have been cases—these are a matter of record—where organizations have held inventions back in order to protect their future competitive position.

Senator Long. I believe one of the witnesses of the Defense Department, one in charge of patent matters, who had been with industry as a patent lawyer, mentioned that some concerns find it advantageous when they have something very good, not to patent it, but to hold on to it, feeling that when they patent it, it becomes available and other people then start finding out how to achieve the same thing by a method which would get around that patent.

Admiral Rickover. I believe we should reevaluate our patent policies in the light of the present situation—where we are faced with an implacable foe who uses every means to achieve decisive military strength as fast as possible. It is important in this critical stage in our history to reconsider the patent policies and procedures from the standpoint of whether they are aiding or impeding our national progress. Today, there is no essential difference between military and civilian technology. So anything that holds up one, also hurts the other. As I said previously, the patent problem that faces us today was not envisioned by the founders. They lived in a preindustrial society—a society where a patent resulted from the efforts of an individual, not of a large organization.

Senator Long. Do you have any idea or any judgment as to what you believe the people at the working level, the actual scientists and engineers, who are doing the technical and developing work, think about this matter and this issue?

Admiral Rickover. The men working on a Government project surely know it is the Government that is actually paying their salary. I have never found a lack of desire to do good work, just because it was being done in a Government laboratory instead of a private laboratory, or because the work was being paid for by the Government. When a company hires a man, they pay him for all his talents, including his ability to invent.

Mind you, sir, we must stick to the point; we are not now discussing our patent system; we are only discussing whether the Government should retain rights to patents for which it pays. To the individual scientist or engineer who makes the invention or contributes to it, there is no financial difference anyway. The company gets the patent rights; not he. If he is a good man, if he makes an invention or otherwise makes himself of greater value, he will be promoted and his pay increased whether the company is paying his salary directly, or the Government indirectly.

Senator Long. As I understand your position, from your last statement, if the Government hired a contractor to develop something for the Government, the contractor, scientists, and engineers are actually working for the Government, notwithstanding the fact that the contractor is interposed between them and their Government.

Admiral Rickover. Yes, sir. As far as they are concerned, they do the same in either case, and get the same treatment.

Senator Long. In other words, if I were a scientist working either for the AEC or a contractor of the AEC, I would be smart enough to know that I am actually working to develop atomic energy for the U.S. Government.

Admiral Rickover. Yes, sir. There is an analogy between this situation and the one that obtains in education—one of my favorite subjects, as you know. The National Education Association, a self-admitted lobbying organization, assumes to speak for the teachers. The NEA is constantly saying what they suppose the teachers to be thinking. The teachers rarely speak for themselves. However, I receive many letters from teachers who say: "Please don't quote me; I thoroughly disagree with the NEA, but I am afraid to talk." In the case of patents, everybody is talking for the scientists and engineers except they themselves. The patent lawyers are always telling us what the scientists and engineers think. Now, I happen to deal directly with many scientists and engineers; I have not heard them express the thoughts on patents as espoused by the patent lawyers.

Senator Long. Would you care to elaborate further on what you do detect the attitude of scientists and engineers to be?

Admiral Rickover. The scientists and engineers? Why, I don't believe they have ever given this matter serious thought. It makes no difference to them anyway. As citizens, they probably would prefer that the patents belong to the Government.

Senator Long. Well, as far as they are concerned, they are smart enough to realize whether they are working for a contractor or for a Government agency directly that they are working for the Government.

Admiral Rickover. Yes, sir. This is similar to the question I am asked about our nuclear submarines—whether we have a morale problem with the sailors because they are submerged for such long periods. I answer that we don't; since there are no psychiatrists aboard these submarines, the sailors haven't found out that there is a problem, so there isn't any. Possibly, if there weren't so many patent lawyers, we wouldn't have so much of a patent problem, either.

Senator Long. Admiral Rickover, have you given any thought to the problem involved in some of these contracts where it is provided that the Government, in letting a contract to develop some item, will accord the Government a royalty-free license to use this item for the Government, but that in no event will the Government be permitted to use this development to provide services to the general public?

Admiral Rickover. That, of course, is the system used by the Department of Defense, but not by the Atomic Energy Commission. Now, industry, for example, gets a great deal of benefit from the Government-owned AEC patents because they are rapidly made available to everyone. Many new developments in the atomic energy field are expedited because industry is able quickly to learn everything that has been developed and to build on that. This is a good way to get things done fast. It could even be that in this revolutionary and rapidly spiraling scientific and industrial age this is a faster way to develop our country industrially than is possible under the present patent system with its restrictions. Perhaps our patent laws should be investigated to see if they serve the intended purpose well.

Senator Long. It has come to my attention that in a certain contract—I do not believe this was the usual case, but an exception—concerning the development of weather control systems, an attempt to develop weather control, one contractor was able to obtain a contract with a provision that anything developed under this contract could not be used to provide general services to the public. If we are ever able to develop some system to control weather, can you see much use that the Government would have for weather control, except to provide general services to the public?

Admiral Rickover. I definitely believe we should not turn over any element of weather control to a contractor.

Senator Long. Well, the Government is working on weather control methods, Admiral Rickover. Assume that we eventually find a system whereby seeding the clouds might make the rain fall in the area where we want it and to prevent it from falling somewhere else. Would it not be rather extreme for us to have a provision in those contracts that the device which the taxpayers have paid to develop could not be used for their benefit?

Admiral Rickover. Such a provision I consider wrong, sir, because it is tantamount to the taxpayer underwriting somebody to get a patent which stops the taxpayer himself from using his own resources. Such a situation should not be permitted to occur. It may have been an oversight in the particular contract you mention.

Senator Long. How can public policy permit any such private patent? Now, Admiral Rickover, your achievements in developing the atomic submarine are rather well known. Have you found that the inability to accord private patent rights to individual contractors has impeded the development of the atomic submarine?

Admiral Rickover. Categorically, I say "No." It is the same as the case of the psychiatrists in submarines. Having never heard about this situation, I didn't know there was a problem.

Senator Long. Where you have a large number of contractors working on parallel projects, would you personally feel that progress would be impeded if each one had the right to take out patent rights and have property rights in the secrets they developed?

Admiral Rickover. Yes, sir; I believe there would be. With the system in use in the Atomic Energy Commission all of this information is shared.

Senator Long. And you have no difficulty in persuading anyone to share what he develops as fast as he finds it?

Admiral Rickover. I didn't know until this morning there was any difficulty.

Senator Long. Do you have any knowledge of problems that exist in any other field outside of your own, where private contractors do not have the right to keep patents?

Admiral Rickover. I have heard there are cases in other fields, but to the best of my knowledge, when one attempts to substantiate these cases, they seem to evaporate. In fact, our problem in the atomic energy field is we have too many contractors who want to do work under our patent conditions, and not the other way around.

Senator Long. So, as far as you are concerned, you have no knowledge of any difficulty in persuading contractors to do the work for you.

Admiral Rickover. No, sir. I have no difficulty keeping contractors away who are trying to persuade me to give them more work.

Senator Long. Do you have any questions, Ben?

Mr. Gordon. Senator, I have a question, but I think that you covered it already. But this, perhaps, looks at it in a more general way and I wonder if I could ask it. We have received complaints that the policy of giving away patent monopolies to contractors has a tendency of hampering the dissemination of new scientific and technical knowledge, at least until it can be patented or exploited. What do you think of this? Does the AEC policy prevent this kind of a situation?

Admiral Rickover. There is a definite possibility that such a policy can hamper dissemination of scientific and engineering information. The present AEC and NASA policies tend to encourage rapid dissemination of information. This is of great help in developing a new technology. Mind you, we are talking about new technology which it is incumbent on us to develop as rapidly as possible from a national standpoint. We are not discussing the patent situation per se. You and I are not talking about doing away with our patent system. We are merely discussing whether the Government owns the patents it has paid for. We are only talking about a particular aspect of the patent problem.

Senator Long. Do you have knowledge of any companies who take the attitude that they are not interested in doing work for the Government unless they can keep private patent rights?

Admiral Rickover. I personally have never heard of any, sir. There may be some, but I have never encountered one. If a company attempted to do business with me that way I'd go elsewhere without a moment's delay. If we have to depend on any one company in the United States to do Government work we are in a pretty bad way. We had better see to it without delay there is another. This issue we are discussing also touches on the problem of national interest versus group interest. I believe too much of group interest obtains in the United States. At this critical time in our national life we should not permit any group interest to predominate over the national interest. Because if our country is not strong, neither will any of the groups in our country be strong. They all derive their strength from our Nation.

Senator Long. Thank you very much, Admiral Rickover. You are always frank, and you give us your best advice.

Mr. JOHNSTON. Mr. President, I move the previous question.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan (Mr. Hart).

The amendment was agreed to.

Mr. HART. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Jackson). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Maine.

Mr. HATHAWAY. Mr. President, I have an unprinted amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 70, between lines 11 and 12 insert the following:

(11) to investigate the use of tidal power for supplying electrical energy.

On line 12, redesignate (11) as (12).

Mr. HATHAWAY. Mr. President, this amendment simply adds to the list of potential sources of power to be investigated the possibility of tidal power. Tidal power in the United States has been investigated to a certain extent in the past. In France there is a tidal power project currently in operation.

I think this basis for power warrants further investigation.

Mr. JOHNSTON. Mr. President, we think this is an excellent amendment. It adds another option and we should look at all the options as we look for additional sources of energy. We think this is a good idea, a good suggestion, and we endorse it.

Mr. FANNIN. Mr. President, I commend the Senator from Maine for offering the amendment. We know that essential power is available every day that is not being utilized to produce electricity. Whether or not this can be done is something to be determined. Certainly, it is a research program that should go forward. I feel that the Senator's interest in this matter will assist this taking place. I am very pleased to support the amendment.

Mr. HATHAWAY. I thank the Senator from Arizona and the Senator from Louisiana.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine.

The amendment was agreed to.

Mr. TUNNEY. Mr. President, I call up my amendment No. 762 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Hathaway). The amendment will be stated.

The legislative clerk read as follows:

On page 63, after subsection (f) on line 7, add a new subsection (g) to Committee Prints Numbered 4:

"(g) to provide for a program of exchange to include, but not be limited to, a coordinated effort for the exchange of energy and energy-related foreign technologies in the areas of magnetohydrodynamics, coal mining, geothermal, and solar technologies.".

Mr. TUNNEY. Mr. President, the amendment that I am offering today recognizes that there is a great need on the part of the United States to share technology with other countries insofar as the development of new sources of energy is concerned. I am thinking particularly of such areas as magnetohydrodynamics, coal mining, geothermal and solar technologies.

It is quite clear that through an exchange of information scientists are kept abreast of significant developments in the fields of energy production. If they are exchanging information there is a savings of money and unnecessary time in developing technology which already has been developed someplace else in the world.

For instance, an example of a cost savings is where a savings of $350,000 occurred as a result of U.S. scientists being able to receive research information from technical groups in Germany relating to magnetohydrodynamics. By receiving this information from German scientists we were able to more speedily move in that area of research where breakthroughs already had been made.

I think it is clear these savings can be effected in other areas as time goes on, particularly when one considers that the United States and other countries in future years will be spending more money on research and development as it relates to new types of energy and also the burgeoning of existing types of energy to new applications.

I offer the amendment with the understanding it represents a very minor change in the legislation before us and it may very well be that the point I am trying to cover in my amendment is covered in the bill as written. But I think the amendment makes it very clear that there is a desire on the part of Congress to have a sharing of information within the scientific community worldwide for the purpose of moving ahead more rapidly in the field of research and development on energy.

Mr. JOHNSTON. Mr. President, we congratulate the Senator from California. This is an excellent focus in the bill to provide that the Government shall provide this information. It is not sensitive information, but it can be tremendously important information to the United States where there have been scientific breakthroughs. In magnetohydrodynamics the Russians already have a plant working.

We may be ahead of them in geothermal research, but it is a needed area of exchange, and we think materially enhances the bill. We endorse the amendment.

Mr. FANNIN. Mr. President, I want to commend the distinguished Senator from California. This is a field of great importance in this country. We have participated in major programs with great benefit.

Does the Senator intend that the OECD might be involved in participating in the type of programs called for in his amendment?

Mr. TUNNEY. I do not see any reason why not. I really had not anticipated that there would be any reason to preclude any group. I think insofar as the technology that is being developed is not privileged as a result of national security interests, we should have as wide a sharing as possible.

Mr. FANNIN. It seems to me there would be benefit in bringing the OECD organization into this activity. The industrialized nations, through OEDC, have been working together. It might avoid finding ourselves in the future being confronted with political blackmail such as has resulted from our Middle East oil cutoff, and actions of that nature. We ought to work together with the free countries to try to anticipate what might be done to carry forward these programs. I think it perhaps might be validated through the OECD as one of the goals set up in this amendment.

Mr. TUNNEY. Yes; I feel that the Senator makes a very good point, and I certainly think the amendment ought to apply to the OECD. I think what we are talking about is trying to develop, as rapidly as possible, technology for energy production for peaceful purposes. I think what the Senator has suggested is right in line with the focus of the amendment. Therefore, it should be a part of the record that that is the intention of this amendment.

Mr. FANNIN. Mr. President, I support the Senator's amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I send to the desk my printed amendment No. 773 and ask that the clerk read it.

The PRESIDING OFFICER. The clerk will read the amendments.

The legislative clerk proceeded to read amendment No. 773.

Mr. NUNN. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 773 is as follows:

On page 63, after line 7, insert the following: "It is the policy of the Congress that small businesses be given an opportunity to participate in this national program of basic and applied research and development and be given full access to the results thereof."

On page 90, line 15, after "SEC. 116." insert "(a)".

On page 91, after line 2, insert the following:

"(b) In carrying out his responsibilities under this Act, the Chairman shall consult with the Administrator of the Small Business Administration to assure that small businesses are given an opportunity to participate in research and development projects under this Act and are given access to the results of such projects."

Mr. NUNN. Mr. President, this amendment is self-explanatory on its face. I have talked with the distinguished Senator from Louisiana and the distinguished Senator from Arizona about it.

The amendment relates to small business. In several other pieces of legislation we have had before us in this session of Congress, we have made plain our legislative intent by including language in the legislation that Congress expects small business to be given equal opportunity to participate in the national programs we are talking about. I am gratified that the Senate accepted my amendment along these lines to the Energy Conservation Act (S. 2589). There will be no program that is going to have more importance for the economy of our Nation in the next few years than this national energy research and development effort. I commend the Senator from Washington (Mr. JACKSON) for his leadership in bringing this proposal to the Senate floor.

This amendment expresses the intent of Congress that small business be given an equal opportunity to participate in this overall effort. It also goes a little further and says that—

> In carrying out his responsibilities under this Act, the Chairman shall consult with the Administrator of the Small Business Administration to assure that small businesses are given an opportunity to participate in research and development projects under this Act . . .

Mr. President, I have no detailed explanation of the amendment to make, because I think it is self-explanatory. If there are any questions, I shall be delighted to try to answer them.

Mr. JOHNSTON. Mr. President, I should like to propound a couple of questions to the Senator from Georgia.

First, is there any conflict at all between this amendment and the present patent provisions of the bill, as amended?

Mr. NUNN. I think that point is a good one. The last paragraph to be inserted after line 7 on page 63 states that small businesses should be given full access to result of research and development. It is clearly the intent that we give small businessmen any access that is afforded to others, including large businesses and including the general public. This will not in any way interfere with the patent provision.

Obviously, the intent is to make sure the small businessmen, through the Small Business Administration and other agencies, are given reasonable access to the results, so as not to interfere with other provisions of the bill.

Mr. JOHNSTON. Are we to understand, then, that what this amendment in effect is doing is encouraging participation of small business on the same basis as large business, and to the extent that they do participate they will be given the same rights as, but not greater than, large corporations?

Mr. NUNN. That is true, but as the Senator knows, many times we have provided for that in the administrative apparatus in order, in effect, to give small business some access, because small businessmen do not have representatives in Washington. They do not have the huge resources, accountants, lawyers, and so forth.

This amendment is to make sure that whatever access other businesses may have, whatever access the general public may have, which would not interfere with patent rights, would be accorded to small businessmen.

Mr. JOHNSTON. With that understanding, with the understanding that this amendment is to encourage small business to participate—an idea we strongly endorse in committee—we support the amendment and congratulate the distinguished Senator from Georgia for proposing it.

Mr. NELSON. Mr. President, I wish to join the Senator from Georgia (Mr. NUNN), in urging adoption of the small business amendment No. 773, to the pending energy research and development bill, S. 1283.

Energy research will be the foundation of multibillion-dollar industries in the years ahead. Opening participation at the early stages to small businesses will save the taxpayers money because, as the Senate Small Business Committee, on which we both serve has pointed out, small businesses and independent inventors account for more than half the major innovations in heavy industry, such as steel and aluminum, as well as light industry. They can also save us money in developing new energy sources such as solar and geothermal.

There are many excellent small technical firms in my own State of Wisconsin. We cannot afford to be without the talents and dedication of these and the other 8 million small entrepreneurs of the Nation as we face this crisis.

The treatment of small research firms in the past is indicated by the fact that they receive a meager 3½ percent of the Federal Government's R. & D. budget. It would be better for all concerned if this percentage were raised, and I hope that those who will be responsible for administering this legislation will use this amendment to bring about the benefits of small business participation which we have described.

I, therefore, recommend that the Senate accept this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Georgia.

The amendments (No. 773) were agreed to.

Mr. DOMINICK. Mr. President, I call up my amendments No. 764 and ask that they be read.

The PRESIDING OFFICER. The clerk will read the amendments.

The legislative clerk proceeded to read amendments No. 764.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with. I shall be happy to explain them.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendments No. 764 are as follows:

On page 71, line 16, strike out "and".

On page 71, line 19, strike out the period and insert in lieu thereof a semicolon and the word "and".

On page 71, between lines 19 and 20, insert the following new paragraph:

"(9) to determine the economics and commercial viability of the production and use of methane gas as an energy source.".

Mr. DOMINICK. I hope I shall not take too long on them.

This is a matter of quite considerable interest. As we all know, the energy crisis has become a reality just as many of us who have been advocating the need for increased supplies and new sources have been predicting for some time. Throughout this year, I have been giving speeches across my State regarding the perils we were going to be facing and the Arab oil boycott advanced the timetable. Right now, I think all of us can agree on the need for greater conservation, more efficient use and development of increased and new forms of energy. Much has been said of solar, geothermal, and other forms of energy.

We need to explore all of these possibilities as well as search out new and creative ideas which can lead to relatively cheap and clean fuels. I am, therefore, introducing an amendment to S. 1283 to draw attention to another potential source, methane gas.

Very simply, methane is a product of the decomposition of organic matter. Already, countries such as India, Korea, and France are using plants to produce this gas for cooking, heating, and powering machinery. Mr. President, as we move further into this crisis, I am hopeful that one of the benefits of the oil squeeze put on by the Arabs is the awakening of a realization on the part of all Americans toward preserving our premium fuels—such as oil and gas—and toward developing alternative sources. Methane can be one such source, a very important one.

Surprisingly enough, very little particular interest has been put upon this form of an energy source. It is called in India "gobar" gas. And gobar is Hindu for cow dung. They have built in India gobar plants for the distillation of methane gas in rather large quantities.

A gentleman by the name of Mr. Ram Bux Singh has spent 11 years in India working on this particular proposal. He has with his coworkers designed and put into operation bio-gas plants ranging in output from 100 to 9,000 cubic feet of methane a day. They have installed all kinds of heating coils, agitators, and filters and have really done quite a job.

They have, however, largely been working on the theory that this can be done with a home-use type product, or the product before certain digestive developments when they wanted to produce their own source of power.

Mr. President, there is no use for my reading all of the material that has been submitted to me as to why a large plant of this kind could not be of really material assistance in the process of our trying to find new energy sources.

Where I have included this in the bill would simply spell out this method as one of the ones that we should emphasize in short term so that we can go forward with new and clean energy sources.

There are situations where, for example, we have more than 400 million cattle, pigs, and chicken which produce over 2 billion tons of manure a year. That is enough to spread 4 feet deep over an area of 500 square miles. This valuable natural resource can be used to generate both combustible gas, thus relieving part of our reliance upon fossil fuels and a fertilizer richer in nitrogen than raw manure.

It seems to me, Mr. President, that this is extremely worthwhile. One of the plants built in India had an approximate cost of materials of $400. When we think of the enormous amount of money we spend over here for any kind of utility plant or a plant to provide, not much less, produce natural gas, it would seem to me that this is something that definitely ought to be looked at.

Today in Algeria, South Africa, Korea, France, Hungary, and in many other countries, thousands of bio-gas plants are in use. So, the idea does not necessarily belong to the country of India nor to anyone else. It is just the fact that we have not done this in our own country at all.

Seven cubic feet of methane gas can be generated from 1 pound of dry leaves, but only 1 cubic foot of gas will come from 1 pound of cow dung. The cow dung, on the other hand, is just that much richer a fertilizer than the leaves. We can say then that the cow has digested the leaves and partly turned them into plant food. When the cow manure is then composted in a bio-gas plant, the bacteria there merely further process, or refine, the former dry leaves into a still richer plant food. It is all very natural. So, from the point of view of the environmental problem no problem would be created.

In a question-and-answer session, Ram Bux Singh was asked the following question:

PLOWBOY: OK, now. You've just said that a bio-gas plant loaded with a 30-to-1 mixture of carbon and nitrogen will, when held at a temperature of 90 to 95°F, produce 95% of the gas that the waste is capable of generating . . . and will do it in 40 days.

This was his answer:

RAM BUX SINGH: Yes.

Mr. President, we have these plants all over our country, particularly where cattle production is as important as it is in the West and also in the South. It would be very easy to set up a larger scale plant to make use of this process, and not only make use of it for the gas, but also for the purpose of making a better and a richer fertilizer.

It seems to me that it would be well worthwhile to try this.

Mr. President, let me make one more statement from this article, and I will then ask unanimous consent to have the entire article printed in the Record.

In answer to another question, Ram Bux Singh said:

Each month, this plant should make about 6,000 cubic feet of methane. The digesting material needs to be stirred only 20 minutes a day or a total each month of about 10 hours. Since a gasoline engine consumes 18 cubic feet of methane per horsepower per hour, the two-horsepower engine necessary to drive this bio-gas installation's pump will use about 360 cubic feet of the gas each month. If we were to fuel the hot water heater with methane, we would find that the gas it consumes would be much less than this . . . we could even cut that further by warming the water jacket with waste heat from the engine. In all, we should net more than 5,000 cubic feet of methane and much valuable fertilizer from this plant every month. A generator like this one should pay for its initial investment in three years.

Mr. President, we should bear in mind that the plant that was being talked about is just a small plant. This was the answer from this Indian who has been experimenting in this subject for 11 years. Relatively speaking, this is a rather small plant. However, there is not any reason why the cost of this should be substantially large, and it would give us a natural gas source from here on.

The Btu rating of this type of natural gas is 650 Btu per cubic foot. That is not as high as natural gas, and this could go to about 1,100. However, it is much higher than they are using now. In England, where they are trying to get methane from coal gas, it only has a Btu rating of 450. So, by using these products which are troublesome for the moment from the point of view of exposure, we would be not only making a better gas, but we would also have the use of the raw product.

It seems to me that it would be well worth our while to take a long look in this direction.

Mr. President, I ask unanimous consent that the articles from two issues of Earth News be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Gobar Gas—Methane Experiments in India

It's been a wild, exciting ride . . . but our blindly wasteful squandering of the planet's fossil fuels will soon be a thing of the past. In the United States alone (the worst example, perhaps, but not really unusual among "modern" nations), every man, woman and child consumes an average of three gallons of oil *each day*. That's well over two hundred billion gallons a year.

If we continue burning off petroleum at only this rate—which isn't very likely since population is climbing and the big oil companies remain chained to "sell-more-tomorrow" economics—experts predict the world will run out of refineable oil within (are you ready for this?) 80 years.

So where does that leave us? Well, number one, we obviously must get serious about population control and per capita consumption of power, and number two, if we don't want to see brownouts and rationing of the power we *do* use . . .we'd better start looking around for ecologically-sound alternative sources of energy.

And there *are* alternatives. One potent reservoir that's hardly been tapped is methane gas.

Hundreds of millions of cubic feet of methane—sometimes called "swamp" or bio-gas—are generated every year by the decomposition of organic material. It's a near-twin of the natural gas that big utility companies pump out of the ground and which so many of us use for heating our homes and for cooking. Instead of being harnessed like natural gas, however, methane has traditionally been considered as merely a dangerous nuisance that should be gotten rid of as fast as possible. Only recently have a few thoughtful men begun to regard methane as a potentially revolutionary source of controllable energy.

One such man is Ram Bux Singh, director of the Gobar Gas Research Station at Ajitmal in northern India. Although some basic research into methane gas production was done in Germany and England during World War II's fuel shortages, the most active exploration of the gas's potential is being done today in India.

And with good reason. Population pressure has practically eliminated Indian's forests, causing desperate fuel shortages in most rural areas. As a result, up to three-quarters of the country's annual billion tons of manure (India has two cows for every person) is burned for cooking or heating. This creates enormous medical problems—the drying dung is a dangerous breeding place for flies and the acrid smoke is responsible for widespread eye disease—and deprives the country's soil of vital organic nutrients contained in the manure.

The Gobar (Hindi for "cow dung") Gas Research Station—established in 1960 as the latest of a long series of Indian experimental projects dating back to the 1930's—has concentrated its efforts, as the name suggests, on generating methane gas from cow manure. At the station, Ram Bux Singh and his co-workers have designed and put into operation bio-gas plants ranging in output from 100 to 9,000 cubic feet of methane a day. They've installed heating coils, mechanical agitators and filters in some of the generators and experimented with different mixes of manure and vegetable wastes. Results of the project have been meticulously documented and recorded.

This comprehensive eleven-year-long research program has yielded designs for five standardized, basic gobar plants that operate efficiently under widely varying conditions with only minor modifications (see construction details of 100 cubic foot digester that accompany this article) . . . and a treasure trove of specific, field-tested principles for methane gas production.

Ram Bux Singh has compiled much of this information into two booklets. Bio-gas plant and some experiments with bio-gas. The set of two manuals is available Air Mail for $5.00 from Ram Bux Singh, Gobar Gas Research Station, Ajitmal, Etawah (U.P.) India. The following information has been adapted by permission, from the handbooks:

FERMENTATION

There are two kinds of organic decomposition: aerobic (requiring oxygen) and anaerobic (in the absence of oxygen). Any kind of organic material—animal or vegetable—may be broken down by either process, but the end-products will be quite different. Aerobic fermentation produces carbon dioxide, ammonia, small amounts of other gases, considerable heat and a residue which can be used as fertilizer. Anaerobic decomposition—on the other hand—creates combustible methane, carbon dioxide, hydrogen, traces of other gases, only a little heat and a slurry which is *superior in nitrogen content* to the residue yielded by aerobic fermentation.

Anaerobic decomposition takes place in two stages as certain micro-organisms feed on organic materials. First, acid-producing bacteria break the complex organic molecules down into simpler sugars, alcohol, glycerol and peptides. Then—and only when these substances have accumulated in sufficient quantities—a second group of bacteria converts some of the simpler molecules into methane. The methane-releasing micro-organisms are especially sensitive to environmental conditions.

TEMPERATURE

Anaerobic digestion of waste material will occur at temperatures ranging from 32° to 156° F. The action of the bacteria responsible for the fermentation decreases rapidly below 60° F, however, and gas production is most rapid at 85–105° and 120–140° F. Different bacteria thrive in the two ranges and those active within the higher limits are much more susceptible to environmental changes. Thus, a temperature of 90° to 95° F. is the most nearly ideal for stable methane gas generation.

ACIDITY

The proper pH range for anaerobic fermentation is between 6.8 and 8.0 and an acidity either higher or lower than this will hamper fermentation. The introduction of too much raw material can cause excess acidity (a too-low pH reading) and the gas-producing bacteria will not be able to digest the acids quickly enough. Decomposition will stop until balance is restored by the growth of more bacteria. If the pH grows too high (not enough acid), fermentation will slow until the digestive process forms enough acidic carbon dioxide to restore balance.

CARBON-NITROGEN RATIO

Although bacteria responsible for the anaerobic process require both elements in order to live, they consume carbon about 30 to 35 times faster than they use nitrogen. Other conditions being favorable, then, anaerobic digestion will proceed most rapidly when raw material fed into a gobar plant contains a carbon-nitrogen ratio of 30–1. If the ratio is higher, the nitrogen will be exhausted while there is still a supply of carbon left. This causes some bacteria to die, releasing the nitrogen in their cells and—eventually—restoring equilibrium. Digestion proceeds slowly as this occurs. On the other hand, if there is too much nitrogen, fermentation (which will stop when the carbon is exhausted) will be incomplete and the "left over" nitrogen will not be digested. This lowers the fertilizing value of the slurry. Only the proper ratio of carbon to nitrogen will insure conversion of all available carbon to methane and carbon dioxide with minimum loss of available nitrogen.

PERCENTAGE OF SOLIDS

The anaerobic decay of organic matter proceeds best if the raw material consists of about 7 to 9 percent solids. Fresh cow manure can be brought down to approximately this consistency by diluting it with an equal amount of water.

BASIC DESIGN

Central to the operation and common to all gobar plant designs is an enclosed tank called a digester. This is an airtight tank which may be filled with raw organic waste and from which the final slurry and generated gas may be drawn. Differences in the design of these tanks are based primarily on the material to be fed to the generator, the cycle of fermentation desired and the temperatures under which the plant will operate.

Tanks designed for the digestion of liquid or suspended-solid waste (such as cow manure) are usually filled and emptied with pipes and pumps. Circulation through the digester may also be achieved without pumps by allowing old slurry to overflow the tank as fresh material is fed in by gravity. An advantage of the gravity system is its ability to handle bits of chopped vegetable matter which would clog pumps. This is quite desirable, since the vegetable waste provides more carbon than the nitrogen-rich animal manure.

CONTINUOUS FEEDING (LIQUIDS)

Complete anaerobic digestion of animal wastes, such as cow manure, takes about fifty days at moderately warm temperatures. Such matter—if allowed to remain undisturbed for the full period—will produce more than a third of its total gas the first week, another quarter the second week and the remainder during the final six weeks.

A more consistent and rapid rate of gas production may be maintained by continuously feeding small amounts of waste into the digester daily. The method has the additional advantage of preserving a higher percentage of the nitrogen in the slurry for effective fertilizer use.

If this continuous feeding system is used, care must be taken to insure that the plant is large enough to accommodate all the waste material that will be fed through in one fermentation cycle. A two-stage digester—in which the first tank produces the bulk of the methane (up to 80%) while the second finishes the digestion at a more leisurely rate—is often the answer.

BATCH FEEDING (SOLIDS)

Bio-gas plants may be designed to digest vegetable wastes alone but, since plant matter will not flow easily through pipes, it's best to operate such a digester on a single-batch basis. With this method the tank is opened completely, old slurry removed and fresh material added. The tank is then resealed.

Depending on the fermenting material and temperature, gas production from a batch-feeding will begin after two to four weeks, gradually increase to a maximum output and then fall off after about three or four months. It's best, therefore, to use two or more batch digesters in combination so that at least one will always be producing gas.

Because the carbon-nitrogen ratio of some vegetable matter is much higher than that of animal wastes, some nitrogen (preferably of organic origin) usually must be added to the cellulose digested this way. On the other hand, vegetable waste produces—pound for pound—about seven times more gas than animal waste, so proportionally less must be digested to maintain equal gas production.

AGITATION

Some means of mixing the slurry in a digester is always desirable, though not absolutely essential. If left alone, the slurry tends to settle out in layers and its surface may be covered with a hard scum which hinders the release of gas.

This is a greater problem with vegetable matter than with manure, since the animal waste has a somewhat greater tendency to remain suspended in water and, thus, in intimate contact with the gas-releasing bacteria. Continuous feeding also helps, since fresh material entering the tank always induces some movement in the slurry.

TEMPERATURE CONTROL

Although it's relatively easy to hold the temperature of a digester at ideal operating levels by shading a gobar plant located in a hot region, maintaining the same ideal temperature in a cold climate is somewhat more difficult.

The first and most obvious provision, of course, is insulating the tank with a two or three-foot thick layer of straw or similar material that is, in turn, protected with a waterproof seal. If this proves insufficient, the addition of heating coils must be considered.

When hot water is regulated by a thermostat and circulated through coils built into a digester, the fermenting process may be kept at an efficient gas producing temperature quite easily. In fact, circulation only for a couple of hours in the morning and again in the evening should be sufficient in most climates. It is especially interesting to note that using a portion of the gas generated to heat the water is entirely feasible . . . the resulting enormously-increased rate of gas production more than compensates for the gas thus burned.

GAS COLLECTION

Gas is collected inside an anaerobic digester tank in an inverted drum. The walls of this upsidedown drum extend down into the slurry, forming a "cap" which both seals in the gas and is free to rise and fall as more or less gas is generated.

The drum's weight provides the pressure which forces the gas to its point of use through a small valve in the top of the cap. Drums on larger plants must be counter-weighted to keep them from exerting too much pressure on the slurry. Care must also be taken to insure that such a cap is not counter-weighted to less than atmospheric pressure, since this would allow air to travel backwards through the exhaust line into the digester with two results: destruction of the anaerobic conditions inside the tank and possible destruction of you by an explosion of the methane-oxygen mixture.

The radius of an inverted drum should never be less than three inches smaller than the radius of the tank in which it floats, so that minimal slurry is exposed to the air and maximum gas is captured.

ABOVE VERSUS BELOW GROUND DIGESTERS

Gobar tanks built above ground must be made of steel to withstand the pressure of the slurry and it's simpler and less expensive to construct underground methane plants. It's also easier to gravity-feed a tank built at least partially beneath the earth's surface. On the other hand, above-surface models are easier to maintain and, if painted black, may be partially heated by solar radiation.

These brief excerpts from Ram Bux Singh's books should make it obvious that methane gas production from manure and vegetable waste is no armchair visionary's dream. It's being done right now and over 2,500 gobar plants are currently operating in India alone.

Here, in the U.S. more than four hundred million cattle, pigs and chickens produce over two billion tons of manure a year . . . enough to spread four feet deep over an area of five hundred square miles! This valuable natural resource can be used to generate *both* combustible gas—thus relieving part of our reliance on fossil fuels—*and* a fertilizer richer in nitrogen than raw manure.

Instead of contributing mightily to our water pollution crisis as feedlot runoff, this bountiful end-product of animal life could be turned to our advantage . . . as an economical and ecologically-sound power source!

HOW TO BUILD A 100-CUBIC-FOOT-PER-DAY METHANE GAS PLANT

(These instructions are for an underground, single-stage, double-chamber plant designed to digest 100 pounds of manure every 24 hours—five cows' worth—but may be scaled upward to construct a plant capable of producing 500 feet of gas a day).

Dig a hole 13 feet deep and 12 feet in diameter, cutting away trenches for the inlet and outlet pipes to angle down through.

In the center of the hole, pour a slab of concrete six inches thick and six feet in diameter. The composition of the concrete should be 1 part cement, 4 parts sand and 8 parts of 1'' stone aggregate.

The digester will be built on this base from 1:2:4 concrete using ½'' aggregate. The floor and walls will be 3'' thick, giving an inside diameter of 5'6''. The walls will be 16' high and reinforced with eight ⅜'' machine steel vertical rods and 15 horizontal rings of the same material.

Inlet and outlet pipes of 4'' galvanized iron should be positioned before pouring the walls so that the pipes are positioned 1½' above the digester floor and in from the walls. This is so that when the dividing wall is built across the center of the digester, each pipe will be centered in its chamber. The concrete must be tightly packed around the pipes to prevent leakage.

Another wall of brick or concrete will be built three feet outside the digester wall and to the same height (i.e. four feet above ground level). This space will be filled with an insulating material: straw, sawdust, shavings, etc.

Provide some means of descending into this space—perhaps rungs of machine steel rod extending from the digester wall to the brick retaining wall—in case it should ever become necessary to empty the insulation. Seal the top of this area to prevent water from getting in, and leave bare earth in the bottom for drainage.

Bisecting the digester will be a wall of 4'' reinforced concrete eight feet high, at the top of which an iron support structure with a guide pipe for the gas collector will be placed. This structure is made of angle iron and the guide pipe is eight feet of 3'' galvanized iron pipe. The structure will be set in the digester walls and solidly fixed atop the chamber-dividing wall. The pipe must be in the exact center of the digester, allowing the gas collector to descend into the slurry when empty and rise to ground level when full. This requires 4' of vertical travel, thus the top eight feet of the digester are left for the gas collector while the bottom eight feet contain the dividing wall.

The gas collector is a roofed cylinder five feet in diameter and four feet high constructed of 12-gauge machine steel sheeting. It is braced internally with angle irons fitted at different heights so that when the collector is rotated around its guide pipe the scum on the surface of the slurry will be broken. The cylinder will first be reveted, welded, tested for leaks by filling with water and finish-welded. After all leaks are sealed it should be given two coats of enamel paint inside and out. The top will be covered with an insulating material.

The top of the gas collector is also fitted with a 1'' tap and valve, and to this is connected a flexible pipe leading to your gas appliances. Inside the tap a piece of wire mesh is attached to serve as a flame arrester. The actual capacity of the gas holder is less than 100 cubic feet, but if the gas is being used regularly there's no need to make it larger.

The mixing tank is a cylinder 2'4'' in diameter and two feet high. Its floor is one foot above ground level to provide hydraulic head to feed the plant. The inlet pipe opening is flush with the bottom of the mixing tank and is covered with a coarse screen to prevent large pieces of waste from being ingested. The tank may be built of bricks or concrete and is about 8½ cubic feet in volume, sufficient for the daily charge of waste matter.

The discharge pit should be large enough to accommodate all the spent slurry that is expected to accumulate at a time. It's made of bricks or concrete and the discharge end of the outlet pipe should be just even with ground level.

An earth walkway at least three feet wide and level with the top of the plant should be raised outside the brick wall for support and additional insulation.

Approximate cost of materials for this plant in the United States is $400.

FACTS ABOUT GOBAR* GAS

Cow dung gas is 55–65% methane, 30–35% carbon dioxide, with some hydrogen, nitrogen and other traces. Its heat value is about 600 B.T.U.'s per cubic foot.

A sample analyzed by the Gas Council Laboratory at Watson House in England contained 68% methane, 31% carbon dioxide and 1% nitrogen. It tested at 678 B.T.U.

This compares with natural gas's 80% methane, which yields a B.T.U. value of about 1,000.

Gobar gas may be improved by filtering it through limewater (to remove carbon dioxide), iron filings (to absorb corrosive hydrogen sulphide) and calcium chloride (to extract water vapor).

Cow dung slurry is composed of 1.8–2.4% nitrogen (N), 1.0–1.2% phosphorus (P_2O_5), 0.6–0.8% potassium (K_2O) and from 50–75% organic humus.

About one cubic foot of gas may be generated from one pound of cow manure at 75° F. This is enough gas to cook a day's meals for 4–6 people.

About 225 cubic feet of gas equals one gallon of gasoline. The manure produced by one cow in one year can be converted to methane which is the equivalent of over 50 gallons of gasoline.

Gas engines require 18 cubic feet of methane per horsepower per hour.

The Plowboy Interview With Ram Bux Singh

It is now quite apparent that the days of unlimited and constantly increasing consumption of fossil fuels are "all over but the shoutin'".

We maul and tear whole states with monster shovels, feed the coal we uncover to voracious power plants that belch out sun-darkening clouds of pollution, distribute the electricity that results through thousands of miles of ugly pylons and cables . . . and still watch our cancerous cities suffer an increasing number of "brown outs" and complete power failures each year.

Even the major oil companies (which have a vested interest in making us believe that the wild ride can go on and on) now ration their dwindling stocks of natural gas and predict that the world's reserves of petroleum will be exhausted in 30 to 50 years.

Clearly, something must be done . . . and most concerned environmentalists find it difficult to believe that the "something" is the development of nuclear power. At least not as long as the AEC stupidly continues to promote the fission process with its built-in dangers of runaway reactors, thermal and radioactive pollution. And fusion? Well, yes . . . maybe. But that approach to the controlled and sustained harnessing of nuclear energy is still only a dream.

Damn it, what we (and the planet) really need—first and foremost—is less instead of more: less human population and less per-capita consumption of power and the things we manufacture with it. Secondly—and just as important—we must instigate an immediate crash program of research into ways of utilizing solar, wind, water, wave and other natural sources of the energy we do use. And that research must be relentlessly directed away from the development of centralized, capital-heavy, tightly controlled, "dirty" energy systems . . . and toward the nurturing of decentralized, inexpensive, controlled-by-individuals-at-point-of-use, "clean" power sources.

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*Hindi for "cow dung."

It's a tall order but, luckily, some good men have accepted the challenge. A few have even successfully demonstrated alternative sources of energy that both satisfy all the stringent requirements laid down in the paragraph above . . . and work. One of those men is Ram Bux Singh.

For almost 18 years, Ram Bux Singh has directed experiments at the Gobar ("gobar" is Hindi for "cow dung") Gas Research Station at Ajitmal in northern India. His primary responsibility there has been the development of low-cost and simplified digesters designed to convert plants and animal waste into composted fertilizer and methane for fuel.

In the course of his work, Singh has personally overseen the construction of at least 200 "bio-gas" digesters and has become possibly the planet's foremost authority on the construction of village and farm-sized waste processing units.

Ram Bux Singh's fame spread to this country only recently when a few dedicated ecology enthusiasts began combing the world's literature for information about natural and nonpolluting power sources. Eventually they discovered Singh's work with village and farm-generated methane—which is as natural and non-polluting as a compost pile—and called it to the attention of such U.S. publications as the Whole Earth Catalog and The Mother Earth News. As a result of articles appearing in those periodicals, Mr. Singh now receives as many as 10 letters a day from the United States . . . all asking for more information about his experiments.

Thanks, in part, to his correspondence with individuals, government officials and universities in this country, Ram Bux Singh has developed a keen interest in helping to design, construct and promote the use of bio-gas plants here in the United States. "Two billion tons of manure is wasted annually in the U.S.," he says, "and that is actual food and actual power that you could save with the inexpensive composters we have developed in India."

When Mother learned that Mr. Singh was visiting this country last summer, she immediately invited him to her Madison, Ohio location to direct some of her people in the construction of a homestead-size bio-gas plant. Mother's staff found Ram Bux Singh to be an intelligent, alert, highly personable and extremely capable gentleman and they enjoyed his visit immensely. Mr. Singh speaks four languages—Hindi, English, Urdu and Persian—and (lucky for Mother) the following interview was conducted in English shortly after The Mother Earth News' prototype methane generator was completed.

PLOWBOY: Ram Bux Singh, thanks largely to the Whole Earth Catalog and the Mother Earth News, your efforts to convert manure and other natural wastes into methane have become fairly well known here in the United States. Did you originate the idea of producing non-polluting fuel from such sources?

RAM BUX SINGH: Oh no. The idea of taking out the gas from farm waste, vegetable waste—even human excreta—is very old and was demonstrated at an exhibition in London in 1871. In 1905 a very large plant designed to produce both gas and good fertilizer from waste was installed in Bombay, India. Then, during World War Two due to the shortage of conventional fuels, the Germans built many bio-gas plants for both the fertilizer and the methane that the digesters would make. They compressed the gas and used it for driving tractors and farm machinery. The idea is not a new one.

Today—in Algeria, in South Africa, in Korea, in France, in Hungary and in many other countries—thousands of bio-gas plants are in use. The idea does not belong to me or to the government of India.

PLOWBOY. But you have been experimenting with methane conversion for some time and your work in the field is considered quite important by scientists and technicians all over the world. Obviously you've contributed something of value to the search for ways to recycle waste into non-polluting fuel.

RAM BUX SINGH. Yes, I have worked on this problem for some time. In 1955, the government of India appointed me to simplify the construction of bio-gas plants. There was no question that such units would produce methane but, up to that time, most gas generators were very large and costly. Even the small plants built in Germany during the war were quite expensive. So what we have done at the Gobar Gas Research Station in India is to simplify the construction of bio-gas generators. We have designed efficient plants that are small enough for a single village or one farmer to build and we have found ways to construct these gas generators for very little money. We have made the bio-gas plant economical for small farms.

Let me give you an example of what we have done. When I recently visited a sewage plant at Charleston, West Virginia, the engineer there told me that seventy million dollars had been spent on the facility. If we were to try to scale down to village or farm size the technology used in that plant, the smaller waste disposal unit might still cost half a million dollars. Now, no village in India and no farmer—even in the United States—is going to spend a half million dollars to process waste. But we have designed bio-gas plants which both purify waste and produce non-polluting fuel . . . and some of these units can be built for as little as $100! With our designs and a relatively minor investment, then, a farmer or small group of people can now construct a self-contained system that will recycle plant and animal waste into high-quality fertilizer and non-polluting fuel. The fuel can then be used to cook with, to heat the farmhouse and to power machinery. A bio-gas plant can make a farm more self-contained and independent.

PLOWBOY. In other words, while the radicals talk about it, you're really bringing power to the people!

RAM BUX SINGH. Yes.

PLOWBOY. It's this idea of homemade power, you know, that has excited so many people in this country. The idea of running a car or heating a house with non-polluting fuel that is generated from waste right in one's own back yard is tremendously attractive to individuals fed up with oil spills, strip mining and smog. Yet I notice that you emphasize the fertilizer produced by a bio-gas plant just as much as you emphasize the methane which comes from such a unit.

RAM BUX SINGH. Oh yes. The fertilizer is very important, especially in a country like India where the farmers do not have so much money with which to buy chemical plant foods. You are rich enough here to purchase the commercial fertilizers and you do not think so much of conserving the natural nutrients for your crops. But I believe you will. As your population increases and you farm more intensively and the movement to cooperate with nature gains strength in the United States, I believe you will think more and more about conserving your natural plant foods. You will begin to think more and more of the bio-gas plant as a source of both power and high-quality fertilizer.

PLOWBOY. What do you mean by "high-quality"?

RAM BUX SINGH. We have calculated through many university lab tests in India that the fertilizer which comes from a bio-gas plant contains three times more nitrogen than the best compost made through open air digestion. If you compost chicken manure, for example, the finished compost will have in it only 1.58 to 2% nitrogen. The same manure digested in a bio-gas plant will analyze 6% nitrogen.

PLOWBOY. Where does this extra nitrogen come from?

RAM BUX SINGH. It is already in the manure. The nitrogen is preserved when waste is digested in an enclosed bio-gas plant, whereas the same nitrogen evaporates away as ammonia during open air composting. The bio-gas plant does not make extra nitrogen, it does not create nitrogen . . . it merely preserves the nitrogen that is already there.

PLOWBOY. OK. I can see how the nitrogen is caught and contained when plant and animal waste is digested inside a closed bio-gas plant, but what about other elements? Is anything lost or eaten up by the bacteria in the tank? Do they take anything out of the organic material so that, over a period of years, you'll be putting back less and less on the fields you fertilize with waste processed in a bio-gas plant?

RAM BUX SINGH. No, nothing is used up. This is the perfect fertilizer-making machine and it has been tested all over the world. There is no better way to digest or compost manure and other organic material than in a bio-gas plant. I think you can compare the bacteria in a digester tank to fish worms. Fish worms help the soil by eating organic matter, passing it through their bodies and expelling it as very rich fertilizer. They live by breaking waste material down into food for plants. It is the same with the bacteria in a methane digester.

PLOWBOY. Yes, that's a good example.

RAM BUX SINGH. You may also think of it another way. Seven cubic feet of methane gas can be generated from one pound of dry leaves but only one cubic foot of gas will come from one pound of cow dung. The cow dung, on the other hand, is just that much richer a fertilizer than the leaves. You can say, then, that the cow has digested the leaves and partly turned them into plant food. When the cow manure is then composted in a bio-gas plant, the bacteria there merely further process—or refine—the former dry leaves into a still richer plant food. It is all very natural.

PLOWBOY. We've heard much about your experiments with cow manure at the Gobar Gas Research Station in India. Have you successfully processed other kinds of waste?

RAM BUX SINGH. Yes, we have experimented with many types of digesters in India and our most successful work has been with chicken manure. Chicken droppings are easily digested, produce large quantities of methane and—when processed—make a fertilizer with a very high nitrogen content.

PLOWBOY. What about human waste?

RAM BUX SINGH. Human excreta is very rich and should produce much gas and very good fertilizer. The two or three plants we have set up for processing this waste have not been successful, however, because of the modern flush toilet. There is just too much water with the excreta . . . too much liquid for the digesters to handle. If we could separate the water from the human waste, though, I think we would find our own excreta to be the very best of all for recycling into fuel and fertilizer.

PLOWBOY. Over and above our excreta—our personal waste—have you experimented with human waste in general? Have you built a plant to handle all the garbage and waste paper and other sewage that people generate every day?

RAM BUX SINGH. Yes, we have built plants of that type . . . sewage plants with the primary purpose of—not to make the gas and not to make the fertilizer—but to keep the city environmentally fit. We have done this in many cities in India. The biggest of these installations is in Delhi. There, four 400-horsepower engines are running on the methane from the plant and those engines drive generators which produce electricity.

The fertilizer from the sewage plant is given to the farmers in the area.

There is one difficulty also with these installations however, and that is the high percentage of paper and related materials that people discard. This waste is not rich enough in nitrogen and it does not produce a great deal of methane nor does it make the best fertilizer. Too, just like the excreta, this material is usually accompanied by far too much water and it is difficult to digest.

Plowboy. You say that the ordinary sewage from a city is not rich enough in nitrogen for best digestion in a bio-gas plant. Isn't there anything you can do about that?

Ram Bux Singh. Yes, of course. You can seed the mixture—before it goes into the plant—with nitrogen. Let me explain:

The anaerobic bacteria that do all the work in a bio-gas plant consume carbon about 30 times faster than they use nitrogen. They work most efficiently, then, when the waste fed to them has that balance. When the carbon is 30 parts and the nitrogen is one part, the material put into a bio-gas plant will digest very rapidly and will produce much gas and good fertilizer. Results will not be as good when the carbon-nitrogen proportions are anything else.

For instance, sawdust has no nitrogen at all. Simply carbon is there. If you put nothing but sawdust into a bio-gas plant, it will not digest even in 200 days. But if you add enough nitrogen—either naturally, in the form of manure, or chemically—to make a 30-to-1 working ratio, the bacteria will rapidly process the mixture into methane and fertilizer.

Plowboy. So, for best results, you must analyze the material you put into a bio-gas plant?

Ram Bux Singh. Exactly. You cannot guess. Many people have written to me that they have installed a plant of a certain size and filled it with so many leaves and so much of this and that . . . and the unit does not produce gas. It does not digest the material. I write back and tell them that they have not calculated the ratio of carbon to nitrogen in the material. When you load a digester with grass, leaves and other high-carbon waste, you must also mix in enough nitrogen to make the material ferment.

In the beginning, if you do not know how much carbon or nitrogen is in the different materials you have to process, you can send samples to the nearest university lab or county agent and have the grass and straw and other matter analyzed. After that, you'll soon learn to judge the percentages.

Plowboy. And from then on, it's just a simple chemical reaction.

Ram Mux Singh. A very, very simple reaction. When a bio-gas digester is properly built, loaded with the correct mixture of carbon and nitrogen and held at the appropriate temperature, there is no difficulty at all. There is no way you can make it not work.

Plowboy. What is that "appropriate temperature" you've just mentioned?

Ram Bux Singh. When a digester loaded with the proper carbon-nitrogen mixture is maintained at 90 to 95° Fahrenheit, in 40 days the material will produce 95% of the gas it is capable of producing.

Plowboy. And if you maintain the digester and its contents at, say, 110°F?

Ram Bux Singh. Yes, you can use 110° . . . even up to 118°F. Above 110, however, much gas will come but the production is not easy to maintain . . . and above 118°, the bacteria will die.

Plowboy. Let's say you do use 110° F. What will the digestion time be then?

Ram Bux Singh. It would come down to about 28 days at that temperature.

Plowboy. And how far can we go in the direction of minimum operating temperature?

Ram Bux Singh. First-class digestion takes place between 90 and 100° F. Between 75 and 90°, a bio-gas plant works . . . but not nearly so well. At 60 to 75°, there is digestion but only very slow production of methane . . . and below 50 or 60°, the whole process is arrested.

Plowboy. OK, now. You've just said that a bio-gas plant loaded with a 30-to-1 mixture of carbon and nitrogen will, when held at a temperature of 90 to 95° F., produce 95% of the gas that the waste is capable of generating . . . and will do it in 40 days.

Ram Bux Singh. Yes.

Plowboy. Which brings up the point that—once a definite length of time is established for the digestion of material in a bio-gas plant—the unit can then be operated in either of two ways.

Ram Bux Singh. Yes. We have designed some bio-gas plants for what we call "batch feeding" and some for "continuous feeding". We can even switch some of our units back and forth from one method of operation to the other.

For the batch cycle, a bio-gas tank is opened and filled with the waste material to be processed. The digester is then sealed and the methane gas collected as the matter inside decomposes. After 40 days, the tank is again opened and the composted fertilizer is taken out. The digester is then filled again and resealed for another cycle. Actually, the tank does not have to be opened if it is designed properly. Instead, with the proper inlet and outlet pipes and a pump, the waste—in slurry form—can be pumped in and out.

With the continuous feeding method, a bio-gas plant is filled once. Then, as the bacteria inside begin to change the waste into methane and fertilizer, new and undigested matter in the amount of one-fortieth of the volume of the tank is added each day. If the digester is properly designed, the digested one-fortieth of the material in the tank will be forced out as the fresh waste is piped in. In this way, new material is constantly added to the mass in the bio-gas plant and spent matter is constantly expelled. The unit, then, steadily consumes waste and just as steadily produces methane and fertilizer.

Plowboy. But how do you make such a digester operate so efficiently? How do you make sure that only digested material is forced out as you pump in the fresh matter to be processed?

Ram Bux Singh. It is very simple. Unprocessed waste is heavy. As the bacteria digest it, the matter becomes lighter and lighter. Merely by positioning the inlet pipe in the bottom of the tank and by placing the outlet at the top of the mass, we use this natural principle to our advantage. The tank can hold only so much and—as we force a small amount of new material into the bottom of the digester every day—a corresponding amount of processed matter is forced to overflow through the outlet.

Plowboy. Very clever and very interesting!

Ram Bux Singh. Yes, and we have taken that idea one step further in our more complex bio-gas digesters. Because we have found, you see, that a really big plant works more efficiently on a 60-day cycle and we have also learned that the material in such a tank gets lighter during its first 30 days of digestion and again heavier during the last 30 days. So we build those big bio-gas plants with both inlet and outlet near the bottom and separated by a wall that goes all the way across the tank.

We operate such a plant by filling the first half once and then when digestion begins, we pump in fresh material . . . one-sixtieth of the digesting mass' volume. As we force this fresh matter in at the bottom of the first half of the tank, the partly digested material on top flows over the wall into the second section of the plant. There, the waste slowly sinks as its processing is completed until, finally, the completely digested material is forced out the outlet pipe in the bottom of that second half of the tank.

With such a system, approximately 80% of the methane produced comes from the first half of the digester and 20% comes from the second section.

Plowboy. Yes, and I see here in some of your drawings of those bigger bio-gas plants that you call for rather complicated and expensive-looking heating coils and agitators out in the middle of the tanks.

Ram Bux Singh. Such mechanisms are necessary in the larger plants. The manure and waste being processed must be warmed and stirred uniformly so that it will all digest at the proper rate.

Plowboy. But the small bio-gas plant you've designed for the Mother Earth News doesn't have any heating coils or agitators in it.

Ram Bux Singh. No. They are not necessary in such a little digester. When the jacket around the holding tank is filled with hot water, the material in the main tank will be warmed quite well all the way through. In the same way, this digester is small enough that merely pumping the waste matter in and out of the main chamber will sufficiently agitate the fermenting mass.

Plowboy. At that, I understand that Mother's bio-gas plant is somewhat more complicated than most of the homestead-sized digesters you install in India.

Ram Bux Singh. Yes. In India, where it is warmer, there is no need to put a water jacket around the main tank and there is no need to wrap a bio-gas plant in insulation. This digester, however, has the additional features because it is expressly designed for the colder climate you have here in the northern United States. The additions make it both more complicated and expensive to build than most small bio-gas plants constructed in India.

Plowboy. I think you've told some of the people who helped build this plant for Mother that it can be operated several ways.

Ram Bux Singh. It is a batch feed digester but it can also be operated on a daily-feed, a weekly-feed and on a 15-day-feed cycle. We have designed this bio-gas plant to work in many ways so that you may learn about our ideas and report on them in the Mother Earth News. There is much interest in methane gas production in the United States but, so far, there have been hardly any bio-gas systems built here. We wanted this one to provide you with as much information as possible.

Plowboy. As I understand it, you're setting up the Mother Earth News digester with a water jacket in which heated water will be circulated to keep the main tank at its optimum temperature of 90–95°F. The design also calls for a heavy duty mud pump—run by a two horsepower electric motor—to force the waste material into the bio-gas plant, to circulate the matter as it ferments there and to push the digested material out of the tank.

Ram Bux Singh. Yes, that is correct.

Plowboy. Well, it's going to take some energy to heat that water and run the pump. Will the methane generated in the plant be worth it?

Ram Bux Singh. Oh, yes. Each month, this plant should make about 6,000 cubic feet of methane. The digesting material needs to be stirred only 20 minutes a day or a total each month of about 10 hours. Since a gasoline engine consumes 18 cubic feet of methane per horsepower per hour, the two-horsepower engine necessary to drive this bio-gas installation's pump will use about 360 cubic feet of the gas each month. If we were to fuel the hot water heater with methane, we would find that the gas it consumes would be much less than this . . . we could even cut that further by warming the water jacket with waste heat from the engine. In all, we should net more than 5,000 cubic feet of methane and much valuable fertilizer from this plant every month. A generator like this one should pay for its initial investment in three years.

Plowboy. And just how good will this methane be?

Ram Bux Singh. In India, when we process cow dung in a bio-gas plant, the methane that results tests about 650 BTU per cubic foot. I think it will be higher in this country because you feed your cattle so much grain. I think it will be also higher here in the United States because your cow manure from the barn is already in a slurry and contains the urine, whereas—in India—the cow dung we use is dry.

Plowboy. Well, let's just say that we do as well as you do in India. Let's say we generate methane with a value of only 650 BTU per cubic foot. How does that compare to the natural gas that is piped out of the ground for heating, cooking and industrial use?

Ram Bux Singh. Natural gas, in this country, is about 1100 to 1200 BTU per cubic foot.

Plowboy. So the methane from a bio-gas plant is only about half as efficient as the natural gas we buy.

Ram Bux Singh. Yes, but that is not bad. In England, for example, they take a low-grade coal and process it into coal gas which is then piped into factories and homes as fuel. This coal gas is a very important source of power in England at this time, yet it only has a BTU rating of 450. The methane from a bio-gas plant, then, is one-and-one-half times more efficient than that.

But even this is not the important point. The important thing to remember is that, in England, they are going to the trouble to process the coal into gas with a BTU value of 450 . . . while, in this country, you are making really no effort to save and use the 650-BTU gas that is evaporating and going to waste on every farm.

Plowboy. Well, we're making the effort now . . . that's why we have you here!

Ram Bux Singh. Yes.

Plowboy. Actually, it goes past even the methane and fertilizer we're wasting on the farms. I believe you're working on plans for a prefabbed bio-gas plant that can be installed in city houses.

Ram Bux Singh. Yes. Much real and potential energy goes to waste even in the cities of the United States. There is all the garbage—the vegetable trimmings, the spoiled food, the leftovers—that most families have. There is the dung from pets and the human excreta. The grass clippings, the weeds and the leaves. All this can be composted into much usable methane and fertilizer.

There is also other waste that could be used to operate a bio-gas plant. For example, the average temperature of bath water is 150 to 180° F. Even after use, the water has a temperature of 110° and, in the United States, you use about four to six cubic feet of this water per person per day. If you were to run this spent water into the jacket of a digester, it would warm the bio-gas plant to its optimum operating temperature and keep it there at absolutely no cost.

Plowboy. But what if everyone takes their bath in the morning or only once every two or three days?

Ram Bux Singh. It makes no difference. If the bio-gas plant is properly insulated, it will need this hot water only once every 72 hours. The spent bath water alone is enough to heat the plant.

Plowboy. That makes a lot of sense. By recycling city wastes the way you suggest, we could go a long way toward making our lives more enjoyable while we preserve the planet's resources and drastically curb the way we pollute.

Ram Bux Singh. Yes. That's why I would like to work with a factory in this country to develop and mass-produce a series of prefabbed digesters that people could buy and install and put into use quite easily. One of these bio-gas plants should be heavily insulated for your northern states and the other could be designed less expensively for your hotter climates. Both digesters should be available in two or three sizes. With only a little work, a manufacturer could develop a line of bio-gas plants that would sell quite well in this country. If any factory owner wants to manufacture these plants, I will work with him and help him to do it.

Plowboy. And in the meantime?

Ram Bux Singh. In the meantime, I am getting five, six, seven . . . even ten letters a day in India sent to me from the United States. These letters from people who want to know how to build and operate a bio-gas plant . . . from people who want to buy my books on the subject. I answer the letters and send the books, but it takes much of my time and the mail from India to here is often slow and the books are sometimes lost.

I would like it if soon a book written by me should be published by the Mother Earth News. Then you can answer those letters and make the book available here and help the people in this country to learn about the bio-gas plants.

Plowboy. We'll publish that book, Ram Bux Singh, just as soon as we can. For the present, though, we'll have to be content to test the digester you've helped us build and to continue reporting on your work in our magazine.

Ram Bux Singh. That is very good. Thank you.

Plowboy. And thank you, sir.

Mr. DOMINICK. Mr. President, I ask the manager of the bill if he would be willing to agree to the amendment.

Mr. JACKSON. Mr. President, this amendment adds an additional middle term research priority to determine the feasibility of producing methane gas. The committee believes that this research need is already covered in section 106(a) (2), lines 13 to 16 on page 68, which provides for development of technology to provide substitutes for natural gas.

In my judgment, the added emphasis, however, would be most helpful, and I commend the Senator from Colorado. I am prepared to accept the amendment.

I might add that the distinguished Senator from Kansas (Mr. Dole) had a somewhat similar amendment sent to the committee during our mark-up, and Senator Dole's amendment was adopted in the committee. As I recall, the language was modified, but the report language covered it as well.

I see no harm in additional language that makes more emphatic, I think, the legislative intent of the committee and of the Congress. I, therefore, am pleased to say that we can accept the amendment, and I am sure my distinguished colleague from Arizona will likewise accede to that point.

Mr. FANNIN. Mr. President, the distinguished chairman of the committee and manager of the bill is correct. I am very pleased to support the amendment of the distinguished Senator from Colorado. I feel that it will be helpful, and that it does both extend the provisions now in the bill and provide additional coverage that we need.

I am very pleased also to acknowledge that the Senator from Kansas did send a recommended amendment to the committee, and that it was incorporated in the bill.

I might say that I answered the request of the distinguished Senator from Kansas by saying:

> We have incorporated both your suggestions into the language of the bill as well as into the report language, although we regret we could not directly incorporate the texts of the amendments because the structure of the bill would not accommodate them well.

Then I informed him of the specific provisions in the bill. Such provisions are also applicable to what the Senator from Colorado has recommended, although his amendment does, I think, elaborate and make more specific just what could be done.

I commend both the Senators.

The subsection requires that the management project insure that—

> Full consideration and adeqaute support is given to: . . . use of agricultural products and wastes as energy sources, . . . utilization of waste products for fuels, . . .

Then the Senator from Colorado has added to that another subsection, which I think will be helpful.

There is another subsection which applies here. That is section 106(b) (8), cited by the chairman, which requires that the management project address itself to several areas and report back to the Congress with recommendations within 1 year. The subsection reads:

> to determine the economics and commercial viability for producing synthetic energy supplies from agricultural products and waste.

The committee report also includes, in the description of subsection 104(b) (2), the following:

> (The Project's duties) include research into unconventional energy technologies . . . For example, the use of agricultural products . . . includes consideration of . . . direct uses of agricultural products, by-products and wastes as fuels, and the sophisticated production of fuels such as alcohol from surplus agricultural products.

The energy research management project will be empowered to fund general energy R. & D. and to embark upon pilot plan programs such as you recommend without further congressional authorization if the project's costs are below $50 million. The project is directed to formulate recommendations for larger pilot plants and to return for further congressional authorization in the event that these are deemed necessary.

So I commend the distinguished Senators for their assistance in further making this bill meet the intent that we have in providing for the full research and development program.

Mr. DOMINICK. I thank the Senator from Arizona and the Senator from Washington for accepting the amendment. The only reason I put it in was because I was aware of the fact that the committee had considered alternative sources, and we had specifically mentioned some of these in the first few paragraphs of the section that I amended, and it seemed to me that in view of the fact that these were ongoing processes of the present time in other countries, it was well worthwhile emphasizing this particular point.

Mr. DOLE. Mr. President, will the Senator from Arizona yield to me?

Mr. FANNIN. I yield.

Mr. DOLE. I appreciate the statements of the Senator from Washington and the Senator from Arizona, and of course the statement just made by the Senator from Colorado. I think the distinguished Senator from Colorado has answered the inquiries that I had as to whether or not there was an intent to fund not only the suggestion of the Senator from Colorado and the Senator from Kansas, but also another possibility of research which the Senator from Kansas mentioned, and that was in the grain alcohol area, as a derivative from wheat.

I think the Senator's letter of December 2 would indicate that there is that intent to fund both these proposals and go forward with development programs in a manner reflecting the enormous potential that such programs hold for the future.

Mr. FANNIN. The Senator is correct. The project is expanded by his suggestion and by the amendments that he has offered to the committee, and it is also expanded by the amendment of the Senator from Colorado that the Senate has adopted. So I feel we do have a much better coverage, understanding, and clarification because of the suggestions by the Senator from Kansas which were adopted in committee and the adoption of the amendment of the Senator from Colorado.

Mr. DOLE. Mr. President, the production of wheat and other grains is one of the most bountiful aspects of our national wealth. Industry representatives are already forecasting that the current tight supply of grain is passing and that vast surpluses may again be produced in the near future. In the past, these surpluses have given rise to Government programs that create disincentives for production, but which insure that our agriculture industry remains stable, healthy, and ready to meet future demand for agriculture products. These Government programs have proven expensive, however, and when added to the storage costs for grain surpluses, they become a substantial burden on the taxpayer.

It just does not make sense to put this financial load on the taxpayer when these surpluses could be used for the production of fuel that is in such great demand. It simply is not fair to the farmer to limit his production and profits when American agriculture has proven itself to be one of the most efficient industries in this country.

If we can use the grain our farmers produce to meet the fuel crisis that threatens the American economy, we should do so and not depend on Government programs or disincentives. We must continue to keep our farmers planting from fence to fence. We must utilize the products we as a Nation produce most efficiently to meet as many of our needs as possible. For this reason, I have strongly urged and will continue to support research to discover improved methods for production of grain alcohol, which can serve as a substantial fuel increase from our great production of wheat and our many feed grains. The result of such a program would be not only expanded domestic fuel supplies, but also an additional outlet for grain surpluses and an expanded and reliable market for farm products.

As research by the Department of Agriculture has shown, technology currently exists to produce grain alcohol. A program is needed to develop production techniques, further evaluate the use of alcohol-gasoline fuel blends, and study the marketing potential for grain alcohol fuels. The Department of Agriculture already has facilities to carry out part of the development program. The grain marketing research lab at Manhattan, Kans., has been virtually unused up to this point, yet should provide a vital service in this program. By using Department of Agriculture facilities already established, the cost of this program may be substantially reduced.

Other important aspects of gasoline blended with alcohol are increased fuel savings and the reduction of pollution. Research has shown that alcohol can be used to replace tetraethyl lead in automobile fuel. This replacement would facilitate the production of engines with higher compression ratios than is possible with nonleaded gasoline. Higher compression ratios in internal combustion engines result in greater efficiency and greater fuel savings. By replacing tetraethyl lead in gasoline, a major source of pollution is removed from cars built before pollution controls were instituted.

Thus, a program to research and develop grain alcohol could lead to a better utilization of our natural resources, an expansion of our domestic fuel supplies, prevention of potentially expensive grain surpluses and a more predictable and steady market for farm products.

A development program for feedlot and other agricultural wastes also has great potential. Professors at Kansas State University have provided me with a wealth of information on research they have done on converting feedlot wastes into methane and other usable fuels. Their efforts have advanced to the point where outside financial assistance is necessary to continue development and to construct and expand pilot projects.

It is ironical that right now livestock feeders are trying to cope with EPA rules which require expensive measures to contain feedlot discharge. Instead of saddling feedlot operators with this expense, my proposal could lead to a commercial outlet to feedlot discharge and expand our domestic fuel supply at the same time.

This program would include the coordination of private efforts such as those by Kansas State University, and previous Government research by the National Science Foundation, the Atomic Energy Commission, the Departments of Agriculture and Interior and the Environmental Protection Agency.

In view of the large number and rapid expansion of feedlots in the State of Kansas alone, this source of fuel should be equivalent to many thousands of barrels of oil per day. The program at Kansas State University has shown that 1,000 tons of manure per day, normal for 200,000 head of cattle, can be used to produce about 11 million standard cubic feet of gas at competitive prices on today's market. The population of cattle in feedlots in Kansas alone is over 1.2 million and growing.

In view of the general references to my proposals in the bill and in the committee report, I want to stress in the strongest terms possible what I view to be the potential importance of the production of grain alcohol for blending with gasoline and the conversion of organic feedlot wastes into fuel.

Mr. President, I ask unanimous consent that two of my staff assistants, John Smith and Bill Wohlford, may be present in the Chamber during the debate on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I thank the Senator from Arizona.

Mr. FANNIN. Just to clarify the matter further for the Senator from Kansas, the committee report, on page 37, contains the following language:

> The second category, subsection 104(b)(2) includes research into unconventional energy technologies. The items listed are intended to imply the broadest definitions. For example, the use of agricultural products for energy includes consideration of both direct uses of agricultural products, by products and wastes as fuels and the sophisticated production of fuels such as alcohol from surplus agricultural products.

This language was placed in the report as a result of his recommendation.

Mr. DOLE. I thank the distinguished Senator from Arizona for his consideration and the consideration of the committee of these two suggestions.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. FANNIN. Mr. President, I ask unanimous consent that Mr. Boyd Berry, of Senator COOK'S staff, be granted the privilege of the floor during the debate on S. 1283 and during the vote thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

Mr. FANNIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DOMENICI). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON MILITARY CONSTRUCTION CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the conference report on the military construction bill is called up and made the pending business before the Senate, there be a 40-minute time limitation thereon, to be equally divided between the manager of the conference report, the Senator from Montana (Mr. MANSFIELD), and the Senator from Pennsylvania (Mr. SCHWEIKER), the ranking member.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST TO LIMIT DEBATE ON S. 2767

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 2767, a bill to authorize and direct the maintenance of adequate and efficient rail services in the Midwest and Northeast region of the United States, is brought up and made the pending business before the Senate, there be a time limitation of 3 hours thereon, to be equally divided between the Senator from Indiana (Mr. HARTKE) and the minority leader or his designee; that time on an amendment by the Senator from Maryland (Mr. BEALL) be limited to 2 hours; that time on any other amendment be limited to 1 hour; that time on any amendment to an amendment be limited to one-half hour; that time on any debatable motion or appeal be limited to 20 minutes; and that the agreement be in the usual form, with the understanding that the bill will not be called up before next Tuesday.

Mr. ALLEN. Mr. President, reserving the right to object—would the distinguished assistant majority leader mind making it a condition of the unanimous-consent request that all amendments be germane, including the one which is more than the usual time?

Mr. ROBERT C. BYRD. The agreement in the usual form takes care of the germaneness of amendments. Having identified an amendment by Mr. BEALL, however, that amendment would come in whether or not it is germane.

Mr. ALLEN. That is the very point the Senator from Alabama is making. He does not have any idea what this amendment by the distinguished Senator from Maryland is about. The Senator from Alabama would agree only in the event it is stipulated that any amendment, whether for the usual time, whether identified by name or by special time, must be germane.

Mr. ROBERT C. BYRD. Mr. President, I have no way of knowing what is included in the amendment.

Mr. ALLEN. Neither does the Senator from Alabama.

Mr. ROBERT C. BYRD. Then, I would hope that the distinguished Senator from Alabama would attempt to help the leadership and find out what the Beall amendment is about.

Mr. HARTKE. Mr. President, this is an amendment by the minority which deals with an effort to strike out the labor provisions of the bill. It will be germane, I am certain—and is germane.

Mr. ROBERT C. BYRD. Does that satisfy the distinguished Senator from Alabama?

Mr. ALLEN. If the distinguished Senator will put that in his unanimous consent request—that all must be germane. Merely stating that it would be germane is not binding on the Senator from Maryland. If the Senator from West Virginia would make that a part of his unanimous consent request, I would not object.

Mr. ROBERT C. BYRD. I have no objection to making that part of my request, but I do not think it is the responsibility of the majority whip or the majority leader to attempt to delve into the contents of every amendment that is going to be offered to every bill here and to determine in advance whether or not such an amendment is going to be germane.

If the able Senator from Alabama knows about a particular amendment and knows it is not going to be germane, and if he has objections to an agreement involving such amendment, that is fine. But I hope we are not going to be launched on a course whereby the leadership is going to be taken to task with respect to every individual amendment that is called up and expected to know in advance whether or not it is germane.

I am only attempting to get an agreement so as to expedite the legislative process. If the able Senator is opposed to the amendment of Mr. BEALL and thinks it is not germane and wishes to object, that is fine with me.

Mr. ALLEN. The Senator from Alabama has no idea what the amendment is, nor would a statement on the floor as to what it is be binding on the Senator from Maryland.

It occurs to the Senator from Alabama that at the time a Senator asks for a departure from the usual time, inquiry should be made as to whether he is proposing a nongermane amendment.

Mr. ROBERT C. BYRD. The leadership often attempts to inquire. I say to the very able and distinguished Senator from Alabama, who is my friend—and I am his friend—that the leadership does not have the time to run down every Senator on both sides of the aisle and speak to every Senator personally with respect to his individual amendments. I generally talk to the leadership on the Republican side of the aisle; and if the Republican leadership indicates that a Senator wishes to have 2 hours on his amendment, I often do ask whether or not it is germane. But I do not think it is my responsibility to find out whether or not every individual Senator's amendment is germane.

The Senator from Alabama has a perfect right to object; but I am not going to take on the responsibility of tackling every Senator who has an amendment and running him down and finding out whether or not his amendment is germane. If the distinguished Senator wishes to go that far, he may wish to talk with Mr. BEALL. I am not going to.

Mr. ALLEN. The Senator from Alabama does not want to agree in advance that by identifying an amendment by name and by time different from the usual time—he does not want to allow any type of amendment to be offered here under a time limitation.

Since the stipulation is not to be made that all amendments, whether identified by name or different time, be germane—unless the Senator is willing to stipulate that they shall all be germane—the Senator from Alabama is compelled to register an objection.

Mr. ROBERT C. BYRD. Mr. President, the Senator has the right to object.

I have been advised that the amendment by Mr. BEALL is germane. But I am not going to put my name on the Parliamentarian's line and say that it is germane. I personally have no way of knowing whether or not it is germane.

At this stage of the session I hope we are not going to get into arguments just because a particular Senator happens to want 2 hours, 3 hours, or 5 minutes on his amendment. I am not going to take the responsibility of running every Senator down, talking with him in advance, or talking with the Parliamentarian as to whether a particular amendment is germane.

Mr. ALLEN. The Senator from Alabama is not objecting to making the time 5 hours, 10 hours, or 20 hours. All he is insisting on is that the Senator from West Virginia—and the Senator from West Virginia would not have to run anybody down—all he would have to do would be to stipulate in the unanimous-consent agreement that all amendments must be germane.

Mr. ROBERT C. BYRD. I have done that. I have done it in this instance.

Mr. ALLEN. The Senator has excepted one.

Mr. ROBERT C. BYRD. I have, because I was advised that Senator BEALL wanted 2 hours on his amendment. If the Senator from Alabama wants to do the same, I will try to accommodate him.

Mr. ALLEN. I appreciate that.

Mr. ROBERT C. BYRD. I could care less about the Beall amendment; I do not know what it is. I am trying to do my job. If the distinguished Senator wants to interpose an objection to this amendment, he may do so.

Mr. ALLEN. The Senator from Alabama does not want to object to a germane amendment.

Mr. ROBERT C. BYRD. If the Senator wants to object, I have no objection to that.

Mr. ALLEN. I object.

Mr. BELLMON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST FOR LIMITATION OF DEBATE ON H.R. 8449

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as H.R. 8449 is called up and made the pending question before the Senate, there be 1 hour on the bill, to be equally divided between the able Senator from Louisiana (Mr. Johnston) and the minority leader or his designee; that there be 1 hour on any amendment to the bill; and one-half hour on any amendment to an amendment, debatable motion, or appeal.

Mr. ALLEN. Is any exception made?

Mr. ROBERT C. BYRD. The Senator heard my request.

Mr. ALLEN. Did the Senator have any division as to time?

Mr. ROBERT C. BYRD. Mr. President, I will repeat my request.

I ask unanimous consent that at such time as H.R. 8449 is called up and made the pending business before the Senate, there be 1 hour on the bill, to be equally divided between the able Senator from Louisiana (Mr. Johnston) and the minority leader or his designee; that there be 1 hour on any amendment; that there be one-half hour on any amendment to an amendment; and that there be 20 minutes on any debatable motion or appeal.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. Reserving the right to object, the division of the time between——

Mr. ROBERT C. BYRD. And that the division of time be in accordance with the usual form.

Mr. JOHNSTON. The division of time is between the junior Senator from Louisiana and the minority leader or his designee. I have some amendments, and that is my principal interest in the agreement. Is the proponent to handle the bill? I have no objection, but I am wondering if it is appropriate and is the intent.

Mr. ROBERT C. BYRD. The request is in the usual form. Half of the time would be allotted to the Senator who moves an amendment, and half of the time would be under the control of the manager of the bill.

If the manager of the bill favors such amendment, then the time in opposition on the amendment would be under control of the minority leader or his designee.

The PRESIDING OFFICER. The Chair has a question as to whether the total agreement would be subject to the usual and customary form.

Mr. ROBERT C. BYRD. Mr. President, I do not know how the English language can be made more clear than I expressed the request. I asked that the control and division of time be in accordance with the usual form. I cannot make it any plainer than that.

Mr. ALLEN. Mr. President, reserving the right to object, unless the stipulation states that all amendments shall be germane, the Senator from Alabama objects.

Mr. ROBERT C. BYRD. The stipulation does not so show. The Senator has the right to object, he has objected, and the objection has been heard.

The PRESIDING OFFICER. Objection is heard.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the amendments of the House to the bill (S. 1559) to provide financial assistance to enable State and local governments to assume responsibilities for job training and community services, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Perkins, Mr. Dent, Mr. Dominick V. Daniels, Mr. O'Hara, Mr. Meeds, Mr. Burton, Mr. Gaydos, Mrs. Grasso, Mr. Badillo, Mr. Quie, Mr. Esch, Mr. Steiger of Wisconsin, Mr. Forsythe, Mr. Peyser, and Mr. Sarasin were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 11324) to provide for daylight saving time on a year-round basis for a 2-year trial period, and to require the Federal Communications Commission to permit certain daytime broadcast stations to operate before local sunrise, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Staggers, Mr. Moss, Mr. Stuckey, Mr. Broyhill of North Carolina, and Mr. Ware were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H.R. 7130) to improve congressional control over budgetary outlay and receipt totals, to provide for a legislative budget officer, to establish a procedure providing congressional control over the impoundment of funds by the executive branch, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to enrolled bill (S. 1747) to amend the International Travel Act of 1961 to authorize appropriations for fiscal years 1974, 1975, and 1976, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 6, 1973, he presented to the President of the United States the enrolled bill (S. 1443) to amend the Foreign Assistance Act of 1961, and for other purposes.

NATIONAL ENERGY RESEARCH AND DEVELOPMENT POLICY ACT OF 1973

The Senate continued with the consideration of the bill (S. 1283) to establish a national program for research, development, and demonstration in fuels and energy and for the coordination and financial supplementation of Federal energy research and development; to establish development corporations to demonstrate technologies for shale oil development, coal gasification development, advanced power cycle development, geothermal steam development, and coal liquefaction development; to authorize and direct the Secretary of the Interior to make mineral resources of the public lands available for said development corporations; and for other purposes.

Mr. HATFIELD. Mr. President, I would like to note at this point in the debate that my colleague from Oregon (Mr. Packwood) hoped to be here today during debate on the energy research and development bill. He is conducting field hearings in La Grande, Oreg., on the two bills that relate to protection of Hells Canyon. We believe this field hearing to be of great importance, and he will be compiling a hearing record for use by the Senate Interior Committee.

I did want to call this to the attention of my colleagues, for I know Senator Packwood hoped to be here today during consideration of these amendments.

Mr. MOSS. Mr. President, I rise to commend the Senate Interior Committee, and its distinguished chairman, for bringing to the floor this timely bill (S. 1283). Although the solution it offers to the energy crisis is a long-range one, nothing could be more important than its speedy passage. It is the best answer I know to the charge that the Congress has been idle while the administration delayed action because it misjudged and miscalculated the dimensions of the gathering energy crisis. The President put off taking the decisive action which would have spared us the excruciating situation in which the Nation finds itself today.

S. 1283, which would provide the framework for a high priority energy research and development program, has its roots in many weeks and months of hearings which have been held by the Senate Interior Committee on coal gasification, on coal liquefication, on shale oil, on geothermal steam, and many other types of energy-producing methods and sources which the Nation is not now utilizing to their full potential.

It was my privilege in the 92d Congress and previous Congresses, as a member of the Senate Interior Committee, and chairman of the Subcommittee on Minerals, Materials and Fuels, to chair many of the hearings on these methods and sources, and also to chair some of the hearings which were held on the comprehensive study of national fuels and energy policy which the Interior Committee undertook in 1971. It was because of the fact that these hearings were held and the information about the various methods had been developed and made available, that we have been able to move as quickly as we have on this essential bill before us today. I am confident also, that the administration, in its recently aroused state of concern about the need for new sources of energy, is leaning heavily on the material developed in these hearings.

At the time the President sent his second energy message to the Congress last

May, I made a statement on the Senate floor in which I pointed to his lack of understanding of the enormity of the fuel crisis facing us, and of the total absence of a sense of urgency in his proposals.

I stated, and I quote:

> The message (has) a lack of direction and necessary commitment in the area of research and development. Research and development funds are inadequate. This country has demonstrated with the space program in peace time and in our war efforts in the forties, the fifties, and unfortunately again in the sixties a capability to move and move fast when a national exigency required it. American know-how and drive are an essential part of our self-respect, and, indeed our greatness. That expertise can be called upon now if we commit ourselves to funding adequately the needed effort.
>
> Let me give you some examples of what I consider to be a bandaid cure for a broken leg. In his 1971 energy message, the President called for an expanded program to convert coal into a clean, gaseous fuel, and he recommended the sum of $20 million a year for development of coal gasification.
>
> In hearings which I conducted—July 27, 1971—as chairman of the subcommittee on Minerals, Materials and Fuels, the President's administrative officers testified against a bill (S. 1846) which Senator JACKSON and I sponsored to accelerate the development of coal gasification pilot and demonstration plants. This bill was structured along the line of the Comsat type corporation so successful in developing rapidly our communication sattelite successes. The basis of the administration's objection to the bill was that the existing efforts of the administration were adequate. The President's June 4, 1971, clean energy message announced a major new initiative in coal gasification. Yet, the President's representative, S. David Freeman, Office of Science and Technology, Executive Office of the President, testified that in his view we could count on having an operating commercial coal gasification plant. Do we really need 7 years to get with it?
>
> I did not think this was good enough in 1971, and I do not think this institutional approach of the administration as reflected in the second energy speech of the President is good enough in 1973.

We all are ready to grant that the total energy scene is vast and complicated. But it was evident then—as it is cruelly evident now, that the situation has long cried out for attention.

I feel that the Senate is moving today toward responsible and responsive legislation in the field of energy research, and I am confident my colleagues will not delay in passing this most important bill.

Mr. SCHWEIKER. Mr. President, I call up my amendment No. 765.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 69, line 21, before "coal", insert "bituminous and anthracite".

Mr. JACKSON. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. SCHWEIKER. I yield.

Mr. JACKSON. Mr. President, I ask unanimous consent that Mike Harvey of the committee staff be permitted on the floor during the consideration of the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, the amendment, No. 765, specifically would include anthracite coal in research and development work which is done on new and improved methods of extraction of coal resources.

According to the 1967 U.S. Geological Survey, the United States has at least 13 billion tons in known reserves of anthracite, of which 8 billion are estimated to be recoverable by present mining standards. Production of anthracite has been declining from year to year. In 1972 only just over 7 million tons were produced.

Anthracite is one of the cleanest domestic fuels we have available. As such, it is an energy source which can help us maintain clean air standards during the energy crisis, particularly in power generation and residential use, and can be used as is without the cost or delay required to convert to a clean burning fuel.

My amendment merely reiterates language in the report that anthracite will receive appropriate consideration as improved extraction methods are explored. In recent years research and development on anthracite extraction has been minimal. Between 1956–65 $3 million were spent on an anthracite research project which the Government terminated in 1965. The Federal Government has spent nothing on anthracite extraction research since 1965.

The effect of this neglect has left one of our cleanest and most efficient resources lying in the ground. With supplies of other clean burning fuels becoming more scarce every day, the economics of energy are changing and we cannot afford to delay the development of anthracite which is one of our few domestic sources of clean fuel.

Mr. President, I have been in the House and Senate for 13 years trying to alert the Federal Government to do something about the tremendous acres of diamonds we have in our own backyard in anthracite. The amount spent on anthracite research has been minimal. In a 9-year period, from 1956 until 1965 a matter of only $3 million was spent on anthracite research. I have importuned the Coal Research Bureau, the Department of Interior, by letter, by report language, by every way possible to do something about the cleanest burning coal we have, with many reserves immediately available, without the installation of new furnaces, new equipment, or anything else new. There would be needed only a small investment in this area.

We have both bituminous and anthracite coal in Pennsylvania. We have many acres of reserves of bituminous coal.

What I am saying is that when we talk about coal we should be talking about both anthracite and bituminous.

Unfortunately, when we used coal in the past, the Department of the Interior and the Coal Research Bureau thought only of bituminous, and the anthracite coal sits there and is idle, and not one penny has been spent in that connection since 1965.

I hope we will consider both bituminous and anthracite coal in the law we are considering today.

Mr. JOHNSTON. Mr. President, concerning the intent of the committee to include both kinds of coal under this bill, on page 38 of the committee report, it is stated:

> The committee intends that the Management Project is initiating demonstration programs on new mining methods for the extraction of coal give appropriate consideration to mining methods for the extraction of anthracite and lignite coal as well as bituminous coal.

Certainly it is the intent of the committee to do precisely what the Senator from Pennsylvania wants done.

However, if the Senator from Pennsylvania is not satisfied with that language in the report and would wish further to highlight this need, we would suggest also that lignite coal be included. The way the amendment presently reads it includes only bituminous and anthracite. Is that satisfactory to the distinguished Senator?

Mr. SCHWEIKER. I concur with that suggestion. My amendment is not designed to exclude anything. That is a valid suggestion and I am pleased to accept it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, I send to the desk a modification of my amendment and I ask unanimous consent that I may be permitted to modify my amendment.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The clerk will state the amendment as modified.

The assistant legislative clerk read as follows:

> On page 69, line 21, after "resources" insert "including but not limited to lignite, bituminous, and anthracite coal;"

Mr. JOHNSTON. Mr. President, we accept the amendment as modified and we endorse it. It is what the committee intends.

Mr. FANNIN. Mr. President, I am very pleased to accept the amendment as modified. The Senator is to be commended for his thoughtfulness in providing this amendment. It does assist in the intent of the bill, as to the result.

Mr. SCHWEIKER. Mr. President, I commend the committee, both the majority side and the minority side, for their willingness to include this language. I think we need every resource we can get. I am delighted to include lignite with bituminous and anthracite.

With these three sources of coal we can go a long way toward solving the crisis.

I yield back the remainder of my time.

Mr. JOHNSTON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania, as modified.

The amendment, as modified, was agreed to.

Mr. BELLMON. Mr. President, I call up my amendment No. 763.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 763, in the nature of a substitute, is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "National Energy Research and Development Policy Act of 1973".

TITLE I—COORDINATION AND AUGMENTATION OF FEDERAL SUPPORT FOR RESEARCH AND DEVELOPMENT OF FUELS AND ENERGY

STATEMENT OF FINDINGS

SEC. 101. The Congress hereby finds that—

(1) The United States is currently suffering a critical shortage of environmentally acceptable forms of energy.

(2) The responsibilities of the Federal Government for conducting and assisting energy research, development, and demonstration projects are fragmented among many agencies and departments and have not been planned and managed in a rational and coordinated manner.

(3) Such fragmentation and inadequate levels of funding for energy research, development, and demonstration have limited the Nation's current and future options for dealing with domestic energy shortages.

(4) The urgency of the Nation's critical energy problems will require a commitment similar to those undertaken in the Manhattan and Apollo projects; it will require that the Nation undertake, at a minimum, a ten-year $20,000,000,000 research, development, and demonstration program.

STATEMENT OF POLICY

SEC. 102. The Congress declares as the purpose of this Act the development within ten years of the option and the capability for the United States to become energy self-sufficient through the use of domestic energy resources. In the achievement of this national goal, it is hereby declared to be the policy of the Congress to establish and maintain the Office of Energy Research Management Project, which shall be headed by a Chairman, who shall be charged with the responsibility of reestablishing and carrying out a national program of basic and applied research and development in the discovery, production, transportation, distribution, and conversion of energy resources and fuels adequate to meet the following objectives—

(1) encourage the conservation of limited energy resources and maximize the efficient development, production, conversion, and use of nonrenewable and limited primary energy resources;

(2) insure adequate, reliable, and economical energy supply systems necessary to support the goals and essential needs of modern society including the established social objectives of Federal, State, and local government;

(3) to foster the expeditious transfer of the results of research on new energy technologies into the commercial application by the private sector through Federal assistance and participation in the demonstration and improvement of energy technologies to determine the engineering and economic feasibilities, including the social, economic, and environmental costs and benefits of said energy technologies;

(4) to develop and carry out an aggressive research strategy and priorities for solutions to the short-term (to the early 1980's) energy supply system;

(5) to develop and carry out an aggressive Federal research strategy and priorities, including the information base, to support the development of the widest possible range of energy supply system options for the utilization of domestic nonnuclear energy resources to satisfy middle-term (the early 1980's to 2000) and long-term (twenty-first century) United States energy needs; and

(6) establish within the Federal Government a central responsibility and institutional capability for maintaining continuing assessment and overview of the energy research, development and conservation activities of the Federal Government, private industry, and nonprofit organizations.

ENERGY RESEARCH MANAGEMENT PROJECT

SEC. 103. (a) There is hereby established the Office of Energy Research Management Project (hereinafter referred to as the "Management Project") which shall be composed of a Chairman (hereinafter referred to in this Act as the "Chairman").

(b) The Chairman shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. During his term of service, the Chairman shall not hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

DUTIES OF THE CHAIRMAN

SEC. 104. The Chairman shall—

(1) review the full range of Federal activities in and financial support for fuels and energy research and development, giving consideration to research and development being conducted by industry and other non-Federal entities, to determine the capability of ongoing research efforts to carry out the policies established by this Act;

(2) formulate and carry out a comprehensive energy research and development strategy for the Federal Government which will expeditiously advance the policies established by this Act, and insure that full consideration and adequate support is given to:

(A) improving the efficiency, conservation, and environmental effects of the conventional sources of energy including discovery, production, conversion, transportation, use, and disposal of waste products;

(B) advancing energy research, development, and demonstration of unconventional energy sources and technologies including but not limited to—solar energy, geothermal energy, magnetohydrodynamics, fuel cells, low-head hydroelectric power, use of agricultural products and wastes as energy sources, tidal power, ocean current and thermal gradient power, wind power, automated mining methods, in situ conversion of energy resources, cryogenic transmission of electric power, electric energy storage methods, alternatives to internal combustion engines, solvent refined coal, utilization of waste products for fuels, direct conversion methods, utilization of hydrogen for fuel; and

(C) improving management techniques and the effectiveness of management of existing energy systems through quality control; application of systems analysis, communications, and computer techniques; and public information to improve the reliability and efficiency of energy supplies and encourage the conservation of energy resources;

(3) utilize the funds authorized by section 117(b) of this Act to advance the energy research and development strategies pursuant to this Act by—

(A) supplementing by fund transfers the ongoing energy research and development programs of Federal agencies; and

(B) initiating and maintaining, by fund transfers, grants, or contracts, new energy research and development programs or activities utilizing the facilities, capabilities, expertise, and experience of Federal agencies, national laboratories, universities, individuals, nonprofit organizations, and industrial and other legal entities which are appropriate to each type of research and development; and

(4) in the exercise of his duties and responsibilities under this Act, establish procedures for periodic consultation with representatives of science, industry, environmental organizations, and such other groups who have special expertise in the areas of energy research, development, and technology.

SEC. 105. The Chairman is authorized to—

(1) accelerate the commercial applications of new energy technologies by providing Federal assistance for or participation in pilot plants demonstrating technological advances and field demonstrations of new methods and procedures, and demonstrations of prototype commercial applications for the exploration, development, production, transportation, conversion, and utilization of energy resources; and

(2) conduct preliminary investigations and to explore potential cooperation agreements which may be entered into with non-Federal entities in order to develop recommendations for Federal participation or assistance in demonstrations of the technical feasibility and economic potential of energy technologies on a prototype or full-scale commercial basis, and to enter into such agreements.

RESEARCH PRIORITIES

SEC. 106. Pursuant to the authority and directions of this Act, the Chairman, as soon as practicable following the date of enactment of this Act, shall formulate and carry out an aggressive Federal research strategy and priorities program designed to achieve solutions to immediate, short-term (to the early 1980's), middle-term (the early 1980's to 2000), and long-term (beyond 2000) energy supply system. Such program shall include, but not be limited to, specific actions designed to assure the most effective approach, through Federal assistance—

(1) to accelerate the commercial demonstration of technologies for producing a low-sulfur fuel suitable for boiler use;

(2) to accelerate the commercial demonstration of technologies for producing substitutes for natural gas, including coal gasification;

(3) to accelerate the commercial demonstration of technologies for producing syncrude and liquid petroleum products from coal by means of Federal assistance and participation, including guaranteed prices or purchase of the products so produced;

(4) to accelerate the commercial demonstration of advanced power cycles for the generation of electricity from coal, including technologies which employ the production of low British thermal unit gas from coal;

(5) to accelerate the commercial demonstration of geothermal energy technologies;

(6)(A) to accelerate the commercial demonstration of the production of syncrude from oil shale, and (B) to assist the research and development of in situ methodologies for the production of syncrude from oil shale, by means of Federal assistance and participation, including guaranteed prices or purchase of products so produced;

(7) to demonstrate new and improved methods for the extraction of petroleum resources, including secondary and tertiary recovery of crude oil by means of Federal assistance and participation, including guaranteed prices or purchase of products so produced;

(8) to demonstrate new and improved methods for the extraction of coal resources: *Provided*, That the Chairman may invite proposals from potential participants in joint

Government-industry operated mines for the purpose of demonstrating new and improved mining technologies and methods and of training the associated personnel;

(9) to demonstrate the economics and commercial viability of solar energy for residential and commercial energy supply applications;

(10) to accelerate the commercial demonstration of environmental control systems including particulate and sulfur oxides emission control systems, necessary for the timely implementation of air pollution standards and water pollution standards established pursuant to Federal or State law;

(11) to demonstrate new and innovative energy conservation technologies;

(12) to advance improvements in the methods and technologies for the transportation and storage of electric energy;

(13) to commercially demonstrate advanced power cycles for the generation of electricity which represent significant improvements in the efficiency of conversion of energy resoures to electricity;

(14) to commercially demonstrate hot dry rock geothermal energy technologies;

(15) to commercially demonstrate advanced solar energy technologies;

(16) to determine the economics and commercial viability of the use of hydrogen as a primary energy source;

(17) to commercially demonstrate the use of fuel cells for central stations electric power generation;

(18) to determine the economics and commercial viability for producing synthetic energy supplies from agricultural products and wastes;

(19) to commercially demonstrate nuclear fusion;

(20) to commercially advance the use of hydrogen as a primary energy source; and

(21) to carry out such other actions as he deems necessary to meet the purposes of this Act.

FORMS OF FEDERAL ASSISTANCE

Sec. 107. (a) In carrying out the purposes of sections 105 and 106 of this Act, the Chairman may consider and utilize various forms of Federal assistance and participation which may include but are not limited to—

(1) contractual arrangements with non-Federal participants, including corporations, consortia, universities, governmental entities, and nonprofit institutions;

(2) contracts for the construction and operation of federally owned facilities;

(3) Federal purchases or guaranteed price of the products of demonstration and commercial plants or activities consistent with the provisions of section 109; and

(4) Federal loans to non-Federal entities conducting demonstrations of new technologies.

(b) (1) A financial award under this Act may be made only in the amount of the Federal share of the estimated total design and construction costs, plus operation and maintenance costs; and

(2) For the purposes of this Act the non-Federal share may be in any form, including, but not limited to, lands or interests therein needed for the project or personal property or services, the value of which shall be determined by the Chairman.

(c) The Chairman is authorized, within ninety days of enactment of this Act, to promulgate regulations establishing procedures for submission of proposals to the Management Project for the purposes of this Act. Such regulations may establish a procedure for selection of proposals which—

(1) provides that projects will be carried out under such conditions and varying circumstances as will assist in solving energy extraction, transportation, conversion, and end-use problems of various areas and regions under representative geological, geographic, and environmental conditions; and

(2) provides time schedules for submission of, and action on proposal requests for the purposes of implementing the goals and objectives of this Act.

Such regulations also may specify the types and form of the information, data, and support documentation that are to be contained in proposals for each form of Federal assistance or participation set forth in subsection (a): *Provided,* That such proposals to the extent possible shall include, but not be limited to—

(A) specification of technology;

(B) description of prior pilot plant or commercial plant operating experience with the technology;

(C) preliminary design of the demonstration or commercial plant;

(D) time tables containing proposed construction and operation plans;

(E) budget-type estimates of construction and operating costs;

(F) description and proof of title to, or interest in, land for proposed site, natural resources, electricity and water supply and logistical information related to access to raw materials to construct and operate plant and to dispose of salable products produced from plant;

(G) plans for disposal of wastes resulting from the operation of the plant;

(H) plans for commercial use of technology if demonstration is successful;

(I) plans for continued use of plant if demonstration is successful; and

(J) plans for dismantling of plant if demonstration is unsuccessful or otherwise abandoned.

(d) The Chairman may from time to time review and, as appropriate, modify and repromulgate regulations issued pursuant to this section.

CONTRACTS WITH PRIVATE SECTOR

Sec. 108. (a) In carrying out the purposes of this Act, the Chairman is authorized to enter into contracts with any person, corporation, or other legal entity pursuant to which such person, corporation, or entity shall be authorized to design, construct and operate a full-scale, commercial-size facility to produce energy from coal gasification, oil shale, solar power, tidal power, or other unconventional sources of energy.

(b) At the request of the Chairman, the Secretary of the Interior or other appropriate head of a Federal agency shall, notwithstanding any other provision of law, make available, by lease or otherwise, such lands or interests therein, or mineral interests, or both, of the United States as may be necessary to enable any such person, corporation, or legal entity to carry out a contract entered into pursuant to subsection (a) of this section or other provision of this Act. Such lands or interests may, notwithstanding any other provision of law, be made available by lease or otherwise on a negotiated basis. At the request of the Chairman, the Secretary of the Interior or other appropriate head of a Federal agency shall, notwithstanding any other provision of law, immediately issue to any such person, corporation, or legal entity any license, permit or other certificate or documentation necessary to enable such person, corporation, or legal entity to carry out any such contract.

SUPPORT THROUGH PRICE GUARANTEES

Sec. 109. (a) In providing price supports pursuant to section 107, the Chairman may—

(1) consider the types and capabilities of the desired full scale, commercial size facility or other operation which would demonstrate the technical, environmental, and economic feasibility of a particular energy technology;

(2) award planning grants for the purpose of financing a study of the full cycle economic and environmental costs associated with any demonstration facility authorized by this Act. Such planning grants may be awarded to industrial entities, Federal agencies, national laboratories, universities, or nonprofit organizations. Such planning grants may also be used by the grantee to prepare a detailed and comprehensive bid to construct the demonstration facility; and

(3) following the completion of the studies pursuant to the planning grants awarded under paragraph (2) of this section, invite bids from all interested parties to determine the minimum amount of Federal price support needed to construct the demonstration facility. The Chairman may designate one or more competing entities each to construct one commercial demonstration facility. Such designation may be made on the basis of those entities' (A) commitment to construct the demonstration facility at the minimum level of Federal price supports, and (B) proposed design and operation of the demonstration facility.

(b) There is hereby established in the Treasury of the United States a Competitive Research and Development Price Support Fund which shall be available to the Chairman for carrying out the price-support program authorized by this Act, including the payment of administrative expenses incurred in connection therewith. Such fund shall consist of such amounts as are appropriated to it by the Congress pursuant to section 117(c) of this Act.

DETERMINATION OF NEED FOR FEDERAL PARTICIPATION IN RESEARCH AND DEVELOPMENT

Sec. 110. In evaluating proposed opportunities for particular research and development undertakings pursuant to this Act, the Chairman may assign priority to those undertakings in which—

(1) the urgency of public need for the potential results of the research, development, or demonstration effort is high, and it is unlikely that similar results would be achieved in a timely manner in the absence of Federal assistance;

(2) the potential opportunities for non-Federal interests to recapture the investment in the undertaking through the normal commercial exploitation of proprietary knowledge appear inadequate to encourage timely results;

(3) the extent of the problems treated and the objectives sought by the undertaking are national or widespread in their significance;

(4) there are limited opportunities for regulatory actions and incentives other than direct Federal financial assistance, including but not limited to, end-use controls, tax and price incentives, and public education to induce non-Federal support of the undertaking;

(5) the degree of risk of loss of investment inherent in the research is high, and the availability of risk capital to the non-Federal entities which might otherwise engage in the field of the research is inadequate for the timely development of the technology; or

(6) the magnitude of the investment appears to exceed the financial capabilities of potential non-Federal participants in the research to support effective efforts.

PATENT POLICY AND MANDATORY LICENSURE

Sec. 111. (a) (1) All research, development, or demonstration contracted for, sponsored, or cosponsored by the Government pursuant to this Act, shall require as a condition of Federal participation that all information resulting from federally assisted research shall be made available at the earliest practicable date to the general public, including nongovernmental United States interests capable of bringing about further development, utilization, and commercial applications of such results. The disposition of patent rights in inventions or discoveries arising out of research under this Act shall be governed by the President's Statement of Government Patent Policy issued on August 23, 1971 (36 F.R. 16887, August 26, 1971), and amended in September 1973 (38 F.R. 23782, September 4, 1973).

(2) The Chairman in administering patents pursuant to this Act shall make a determination, on a case-by-case basis, as to whether a requested license shall be granted on a royalty-free basis or upon a basis of charges designed to recover part or all of the costs of the research.

(3)(A) Where a participant in an energy research and development project holds background patents, trade secrets, or proprietary information which will be employed in and are requisite to the proposed research and development project, the Chairman shall enter into an agreement which will provide equitable protection to the participant's must provide that when the energy research rights: *Provided*, That any such agreement and development project reaches the stage of commercial application any of the participants' previously developed background patents, trade secrets, or proprietary information necessary to commercial application of the energy process or system developed under this title, but not embodied in any commercially available equipment, devices, or apparatus useful in such commercial application will be made available to any qualified applicant on reasonable license terms including suitable confidentiality agreements, reasonable royalties, and such other conditions as may be applicable, which shall take into account that the commercial viability of the total energy process or system was achieved with the assistance of public funds.

(B) As employed herein, the term "background patent" means a United States patent owned or pending by a contractor, grantee, participant, or other party conducting research or development work, or both, pursuant to this Act for or under the sponsorship or cosponsorship of the chairman of a corporation established pursuant to this Act which would be infringed by the practice of any new technology developed under the research or development work, or both, contracted for, sponsored or cosponsored pursuant to this Act, or any demonstration-type or commercial-size facility authorized pursuant to this Act.

(b)(1) Any person, corporation, or other legal entity establishing a demonstration-type or commercial-size facility pursuant to this Act shall receive a royalty-free license to practice such inventions or discoveries in connection with such demonstration-type or commercial-size facility. Such license shall include the right to make, use, and sell, and shall be without territorial limitation. As used herein, the term "research" includes "development" within its scope.

(2) Any such person, corporation, or other legal entity shall license to responsible parties at reasonable terms, including reasonable royalties, any patent obtained by such person, corporation, or entity with respect to any invention or discovery made in performance of any activity conducted pursuant to this title.

(c) Whenever the Attorney General determines, upon application of the Chairman—

(1) that—

(A) in the implementation of the requirements of this Act a right under any United States letters patent, which is being used or intended for public or commercial use and not otherwise reasonably available, is necessary to the development or demonstration of an energy system or technology pursuant to this Act, and

(B) there are no reasonable alternative methods to accomplish such purpose, and

(2) that the unavailability of such right may result in a substantial lessening of competition or tendency to create a monopoly in any line of commerce in any section of the country,

the Attorney General may so certify to a district court of the United States, which may issue an order requiring the person who owns such patent to license it on such reasonable terms and conditions as the court, after hearing, may determine. Such certification may be made to the district court for the district in which the person owning the patent resides, does business, or is found.

ADMINISTRATIVE PROVISIONS

SEC. 112. The Chairman shall be compensated at the rate provided for level II of the Executive Schedule Pay Rates (5 U.S.C. 5313).

POWERS

SEC. 113. (a) The Chairman may, notwithstanding any other provision of law, employ and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Management Project under this title, and may, notwithstanding any other provision of law, employ and fix the compensation of such experts and consultants as may be necessary.

(b) The Chairman may—

(1) acquire, furnish, and equip such office space as is necessary;

(2) use the United States mails in the same manner and upon the same conditions as other agencies of the United States;

(3) purchase, hire, operate, and maintain passenger motor vehicles;

(4) enter into contracts or agreements for studies and surveys with non-Federal public and private organizations and transfer funds to Federal agencies to carry out aspects of the Management Project's duties; and

(5) incur such necessary expenses and exercise such other powers as are consistent with and reasonably required to perform his functions under this Act.

(c) The Chairman shall have the sole authority with respect to—

(1) the supervision of personnel;

(2) the assignment of duties and responsibilities among personnel; and

(3) the use and expenditure of funds.

COOPERATION OF FEDERAL AGENCIES

SEC. 114. Upon request of the Chairman, the head of any Federal department or agency is authorized—

(1) to furnish the Management Project within the limits of available funds, such information as may be necessary for carrying out his functions, and

(2) to detail to temporary duty with the Chairman, on a reimbursable basis, such personnel as he may require for carrying out his functions.

CONGRESSIONAL ACCESS TO INFORMATION

SEC. 115. The Chairman shall keep the Congress fully and currently informed of all the Management Project's activities and shall submit to the Congress an annual report.

CLEARING HOUSE; PRIORITIES AND ALLOCATIONS

SEC. 116. (a) The Chairman is authorized to receive and consider requests, from persons, corporations, and other legal entities engaged in the exploration, development, or production of energy or engaged in other energy producing or related activities, including energy research, in connection with the necessity to obtain materials, articles, equipment, supplies, or devices which are or may be in critical or short supply and which are essential to the expeditious progress of such exploration, development, production, or activities, including energy research, and to advise and make recommendations to the President with respect thereto.

(b) The President of the United States is authorized (1) to require that performance under contracts or orders (other than contracts of employment) which he deems necessary or appropriate to meet the energy needs of the Nation shall take priority over performance under any other contract or order (other than a contract or order of the President pursuant to the provisions of section 101 of the Defense Production Act of 1950, as amended (50, App. 2071)) and, for the purpose of assuring such priority, to require acceptance and performance of such contracts or orders in preference to other contracts or orders by any person he finds to be capable of their performance, and (2) to allocate such materials, articles, equipment, supplies, or devices referred to in subsection (a) of this section in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate to meet the energy needs of the United States.

(c) In addition to the aforementioned authority, the President is further authorized, in order to achieve the purposes of this Act, to take such additional action as may be necessary to obtain or allocate such materials, articles, equipment, supplies, or devices which are or may be in critical or short supply and which are essential to the expeditious progress of energy exploration, development, production or other energy producing or related activities, including energy research.

APPROPRIATIONS

SEC. 117. (a) There are authorized to be appropriated to the Chairman to remain available until expended $2,000,000 for fiscal year 1974, and $10,000,000 annually for fiscal years 1975 and 1976 for the expenses of the Chairman in administering this Act, including such amounts as may be expended for consulting services, and including funds transferred to other Federal agencies in compensation for personal services in assisting the Chairman with the administration of this Act.

(b) There are authorized to be appropriated to the Chairman to remain available until expended not to exceed $800,000,000 for each of the fiscal years ending June 30, 1974, and 1975, and such amounts as may be authorized by annual authorization Acts in fiscal year 1976 to carry out the provisions of sections 104, 105, 106, 107, and 108 of this Act.

(c) For the fiscal year ending June 30, 1974, and each fiscal year thereafter, there are authorized to be appropriated to the Competitive Research and Development Price Support Fund established by section 109 such sums as may be necessary to assure the adequacy of the fund for the carrying out of the price-support program authorized by this Act, including administrative expenses incurred in connection therewith.

(d) The Chairman of the Management Project, in conjunction with his recommendations for annual appropriations pursuant to this section, shall report to the Congress on the activities of the previous calendar year, the expenditure of funds, the new projects initiated, the projects which have been terminated, and any new contractual arrangements entered into, and the progress which has been made during that year toward attaining the capability of domestic energy self-sufficiency for the United States within ten years of the date of enactment of this Act. In each instance where delays in scheduled accomplishments are reported, the reasons for the delays shall be set forth along with recommendations for actions, including specific estimates of additional funding, or requirements for new legislative authority which would assist in regaining the schedule.

TITLE II—NONCONVENTIONAL ENERGY RESOURCES

DEFINITION

SEC. 201. As used in this title, the term "unconventional energy resources" includes geothermal energy, coal gasification, oil shale, and solar power.

LOAN GUARANTEE PROGRAM

SEC. 202. (a) The Congress, in consideration of the Federal responsibility for the general welfare, to facilitate commerce, to encourage productive harmony between man and his environment, and to protect the public interest, finds that the advancement of technology by private industry for the production of useful forms of energy from nonconventional energy resources is important to all of those areas of responsibility. It is the policy of the Congress, therefore, to encourage and assist in the commercial development of practicable means to produce useful energy from such resources with environmentally acceptable processes. Accordingly, it is the policy of the Congress to facilitate such commercial development by authorizing the Chairman to guarantee loans for such purposes.

(b) In order to encourage the commercial production of energy from nonconventional energy resources, the Chairman is authorized to guarantee, and to enter into commitments to guarantee, banks or other financial institutions against loss of principal or interest on loans made by such institutions to qualified borrowers for the purposes of acquiring rights in such resources and performing exploration, development, and construction and operation of facilities for the commercial production of energy from such resources.

(c) Any guaranty under this title shall apply only to so much of the principal amount of any loan as does not exceed 75 per centum of the aggregate cost of the project with respect to which the loan is made.

(d) Loan guaranties under this title shall be on such terms and conditions as the Chairman determines: *Provided, however,* That a guaranty shall be made under this title only if—

(1) the loan involved is at a rate of interest which does not exceed the prevailing interest rates for conventional construction loans;

(2) the terms of such loans require full repayment within thirty years after the date thereof;

(3) in the judgment of the Chairman, the amount of the loan (when combined with amounts available to the qualified borrower from other sources) will be sufficient to carry out the project; or

(4) in the judgment of the Chairman, there is reasonable assurance of repayment of the loan by the qualified borrower of the guaranteed indebtedness.

(e) The Chairman shall not guarantee any loan for any project the amount of which exceeds $25,000,000, nor guarantee any combination of loans for any single qualified borrower in an amount exceeding $50,000,000.

Sec. 203. (a) With respect to any loan guaranteed pursuant to this title, the Chairman is authorized to enter into a contract to pay, and to pay, the lender for and on behalf of the borrower the interest charges which become due and payable on the unpaid balance of any such loan if the Chairman finds—

(1) that the borrower is unable to meet interest charges, and that it is in the public interest to permit the borrower to continue to pursue the purposes of his project, and that the probable net cost to the Government in paying such interest will be less than that which would result in the event of a default, and

(2) the amount of such interest charges which the Chairman is authorized to pay shall be no greater than an amount equal to the average prime interest rate for the preceding fiscal year as determined by the Secretary of the Treasury, plus one-half of 1 per centum.

(b) In the event of any default by a qualified borrower on a guaranteed loan, the Chairman is authorized to make payment in accordance with the guaranty, and the Attorney General shall take such action as may be appropriate to recover the amounts of such payments from such assets of the defaulting borrower as are associated with the project.

Sec. 204. No loan guaranties shall be made, or interest assistance contract entered into, pursuant to this title, after the expiration of the ten-calendar-year period following the date of enactment of this title.

Sec. 205. There is established in the Treasury of the United States an Unconventional Energy Resources Development Fund (referred to in this title as the "fund"), which shall be available to the Chairman for carrying out the loan guaranty and interest assistance program authorized by this title, including the payment of administrative expenses incurred in connection therewith. Moneys in the fund not needed for current operations shall be invested in bonds or other obligation of, or guaranteed by, the United States.

Sec. 206. There shall be paid into the fund the amounts appropriated pursuant to section 207 of this title and such amounts as may be returned to the United States pursuant to section 203(b) of this title, and the amounts in the fund shall remain available until expended: *Provided,* That after the expiration of the ten-year term established by section 204 of this title, such amounts in the fund which are not required to secure outstanding guaranty obligations shall be paid into the general fund of the Treasury.

Sec. 207. There are authorized to be appropriated (1) to the fund not to exceed $50,000,000 annually, and (2) such amounts as may be required for the administrative costs of carrying out the provisions of sections 201 through 206 of this title.

Sec. 208. Business-type financial reports, covering the operations of the fund shall be submitted to the Congress by the Chairman annually upon the completion of an appropriate accounting period.

COORDINATION OF FEDERAL ACTIVITIES IN UNCONVENTIONAL ENERGY RESOURCES EXPLORATION, RESEARCH, AND DEVELOPMENT

Sec. 209. The Congress, in consideration of the Federal responsibility for the general welfare, to facilitate commerce, to encourage productive harmony between man and his environment, and to protect the public interest, finds that the advancement of technology with the cooperation of private industry for the production of useful forms of energy from unconventional energy resources is important to all of those areas of responsibility. It is the policy of the Congress, therefore, to encourage and assist private industry through Federal assistance for the development and demonstration of practicable means to produce useful energy from such resources with environmentally acceptable processes. Such means shall accordingly include resource inventory, research, and financial and technical assistance in the construction of pilot plants and demonstration developments with the objective of reaching commercialization in the most timely and practicable manner.

Sec. 210. The Chairman, acting through the Geological Survey, is authorized and directed to—

(a) develop and carry out a general plan for the orderly inventorying of all forms of unconventional energy resources of the Federal lands and, where consistent with property rights and determined by the Chairman to be in the national interest, of non-Federal lands;

(b) conduct regional surveys, based upon such a general plan, using innovative geologic, geophysical, geochemical, and drilling techniques, which will lead to a national inventory of unconventional energy resources in the United States;

(c) publish and make available maps, reports, and other documents developed from such surveys to encourage and facilitate the commercial development of unconventional energy resources for beneficial use and consistent with the national interest;

(d) make such recommendations for legislation as may from time to time appear to be necessary to make Federal leasing policy for unconventional energy resources consistent with known inventories of various resources types, with the current state of technologies for such energy development, and with current evaluations of the environmental impacts of such developments; and

(e) participate with the Atomic Energy Commission, the National Aeronautics and Space Administration, and the National Science Foundation in research to develop, improve, and test technologies for the discovery and evaluation of all forms of such resources, and conduct research into the principles controlling the location, occurrence, size, temperature, energy content, producibility, and economic lifetimes of geothermal reservoirs and other such resources.

Sec. 211. The Chairman shall coordinate the development and implementation of the inventory authorized by section 210(a) and the applied research authorized by subsection 210(e) with applicable research and development program of the Atomic Energy Commission to insure that information is developed in a timely manner for the optimum progress of unconventional energy resources development.

Sec. 212. In preparing or implementing the resources inventory plan, the Chairman is authorized to—

(a) employ contractors and consultants;

(b) acquire by fund transfers the services of employees and facilities of other Federal agencies; and

(c) cooperate and enter into contracts with State, regional, and local governmental agencies and educational and research institutions.

Sec. 213. The Administrator of the National Aeronautics and Space Administration, hereinafter referred to as NASA, is authorized and directed to prepare and transmit to the Chairman within six months from the date of enactment of this title a proposal for the employment of space technologies and the services and facilities of NASA for inventorying and mapping of such resources.

Sec. 214. The Chairman is authorized and directed to transmit to the President and the Congress, not later than one year from the date of enactment of this title, the general plan including a schedule and objectives, for inventory of, and applied research on, such resources required by section 211, and each year thereafter a report on the status of activities authorized to be performed by the Chairman under the provisions of this title.

Sec. 215. (a) The Chairman, in cooperation with the Atomic Energy Commission and with private industry is authorized to—

(1) conduct, encourage, and promote basic and applied scientific research to develop effective, economical, and environmentally acceptable processes and equipment for the purpose of utilizing all forms of such resources for the production of useful energy forms;

(2) pursue the findings of research authorized by this title having potential applications in matters of other energy resources to the extent that such findings can be published in a form for utilization by others;

(3) conduct engineering and technical work including the design, construction, and testing of pilot plants to develop and improve unconventional energy resources processes and plant design concepts to the point of demonstration on a commercial scale;

(4) conduct laboratory and field experiments and tests of technologies necessary for the successful development of all forms of such resources;

(5) study methods for the reduction and elimination of undesirable environmental impacts of such resources development;

(6) study methods for the recovery and marketing of byproducts resulting from the production of energy from such resources; and

(7) undertake engineering and economic studies to determine the potential for energy from such resources to contribute to energy requirements on national and regional levels.

(b) The Chairman is authorized to coordinate the research and development activities authorized by this section with the activities of other Federal departments including research to insure the full utilization of expertise and information and to prevent duplication of efforts.

SEC. 216. (a) The Chairman is authorized to investigate, negotiate, and enter into cooperative agreements with non-Federal utilities, industries, and governmental entities for the construction, operation, and maintenance of demonstration developments for the production of electric or heat energy, water supplies, minerals or other forms of energy from such resources.

(b) No agreement shall be entered into under the authority granted by this section unless the Chairman determines that—

(1) the nature of the resource, the geographical location, the scale and engineering design of the facilities, the techniques of production, or other significant factors of the proposal offer opportunities to make important contributions to the general knowledge of such resources, the techniques of their development, or public confidence in the technology;

(2) the potential non-Federal cooperating entities are willing and capable to make contributions toward the capital cost of the development, to operate the facilities, and to provide a market for the energy produced;

(3) no benefits have been obtained through the loan guaranty provisions of this title and applied to development of any facility for which funding assistance pursuant to this section is proposed;

(4) the development or the practical benefits of the development as set forth in clause (1) of this subsection are unlikely to be accomplished without Federal assistance or through the assistance provided by this title; and

(5) the Federal investment in each such development project will not exceed $10,000,000.

(c) The Chairman is authorized to investigate potential agreements for the cooperative development of major facilities to demonstrate the feasibility of the production of energy from such unconventional energy resources and to submit engineering and financial proposals to the Congress for consideration of authorization to proceed with implementation of said proposals. The Chairman may consider—

(1) cooperative agreements with non-Federal governmental entities and utilities for construction of facilities to produce energy for commercial disposal;

(2) cooperative agreements with other Federal agencies for the construction and operation of facilities to produce energy for direct Federal consumption.

(d) Before favorably considering proposals under subsection (c) of this section, the Chairman must find that:

(1) the nature of the resource, the geographical location, the scale and engineering design of the facilities, the techniques of production, or other significant factor of the proposal offer opportunities to make important contributions to the general knowledge of such resources, the techniques of their development, or public confidence in the technology;

(2) the development or the practical benefits as set forth in clause (1) of this subsection are unlikely to be accomplished without such cooperative development; and

(3) where non-Federal participants are involved, the proposal is not eligible for adequate Federal assistance under the loan guarantee provisions of this title.

SEC. 217. There are authorized to be appropriated to remain available until expended to carry out the purposes of sections 210 through 216:

(a) $45,000,000 for fiscal years 1974, 1975, and 1976 to the Chairman; and

(b) such amounts as may be required in fiscal years 1974, 1975, and 1976 to NASA.

SEC. 218. As used in this title, the term—

(1) "qualified borrower" means any public or private agency, institution, association, partnership, corporation, political subdivision, or other legal entity which the Chairman has determined has presented satisfactory evidence of a property interest in an unconventional energy resource identified, in a manner acceptable to the Chairman, as being of sufficient interest for research objectives of the development and production of energy, and which has the financial responsibility to establish and operate, utilizing such resource, a commercial facility;

(2) "pilot plant" means an experimental unit of small size used for early evaluation and development of new or improved processes and to obtain technical and engineering data; and

(3) "demonstration development" means a complete facility which produces electricity, heat, or other forms of energy for commercial disposal from unconventional energy resources and which will make a significant contribution to the knowledge of full-sized technology, plant operation, and process economics.

TITLE III—JOINT COMMITTEE ON ENERGY

SEC. 301. (a) Section 201 of the Atomic Energy Act of 1946, as amended, is amended by deleting "Atomic".

(b) Section 202 of such Act, as amended, is amended to read as follows:

"SEC. 202. AUTHORITY AND DUTY.—The Joint Committee shall make continuing studies of the activities of the Atomic Energy Commission and the Office of Energy Research Management Project and of problems relating to the development, use, conservation, research, and control of energy. During the first ninety days of each session of the Congress, the Joint Committee may conduct hearings in either open or executive session for the purpose of receiving information concerning the development, growth, and state of energy industries. The Atomic Energy Commission and the Office of Energy Research Management Project shall keep the Joint Committee fully and currently informed with respect to all of the Office's and Administration's activities. The Department of Defense shall keep the Joint Committee fully and currently informed with respect to all matters within the Department of Defense relating to the development, utilization, or application of atomic energy. Any government agency shall furnish any information requested by the Joint Committee with respect to the activities or responsibilities of that agency in the field of energy. All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the Atomic Energy Commission or to the Office of Energy Research Management Project or to the development, use, conservation, or control of energy shall be referred to the Joint Committee. The Members of the Joint Committee who are Members of the Senate shall, from time to time, report to the Senate, and the members of the Joint Committee who are Members of the House of Representatives shall, from time to time, report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective Houses which are referred to the Joint Committee or otherwise within the jurisdiction of the Joint Committee.".

SEC. 302. On and after the effective date of section 301 of this Act, any reference in any law, rule, regulation, or other paper or document of the United States to the "Joint Committee on Atomic Energy" shall be deemed to refer to the "Joint Committee on Energy".

Mr. BELLMON. Mr. President, I modify my amendment No. 763 as follows:

Immediately after the material designated as section 115 of my amendment, insert a new section 115A as follows:

"ENVIRONMENTAL EVALUATION

"SEC. 115A. (a) The Council on Environmental Quality established under the provisions of the National Environmental Policy Act (83 Stat. 852) is authorized and directed to carry out a continuing analysis of the conduct of research and development of energy technologies to evaluate—

"(1) the adequacy of attention to energy conservation methods,

"(2) the adequacy of attention to the probable environmental effects of the application of technology, and

"(3) the adequacy of attention to environmental protection in connection with energy processes.

"(b) The Council on Environmental Quality, in carrying out the provisions of this section, may employ consultants or contractors and may by fund transfer employ the services of other Federal agencies for the conduct of studies and investigations.

"(c) The Council on Environmental Quality shall hold annual public hearings on the conduct of energy research and development and the probable environmental consequences of trends in the application of energy technology, and the transcript of the hearings shall be published and made available to the public.

"(d) The Council on Environmental Quality shall make such reports to the President, the Chairman, and the Congress as it deems appropriate concerning the conduct of energy research and development, and the President as a part of the annual Environmental Policy Report required by section 201 of the National Environmental Policy Act (83 Stat. 854) shall set forth the findings of the Council on Environmental Quality concerning the conduct of energy research and development and the probable environmental consequences of trends in the application of energy technology."

I further modify my amendment to S. 1283 numbered 763 as follows:

Immediately before the period at the end of the material in my amendment designated as section 114, add the following words: "pursuant to this Act, each such detail to be without loss of seniority, pay, or other employee status".

I would further like to modify my amendment to S. 1283 numbered 763 as follows:

At the end of my amendment, add the following new section:

SEC. 303. Section 201 of the Atomic Energy Act of 1946, as amended, is amended (1) by deleting "nine" wherever it appears therein and inserting in lieu thereof "eleven"; and (2) by adding at the end thereof the following new sentence: "Of the eleven Members of the Senate, one shall be the Chairman of the Senate Committee on Interior and Insular Affairs and one shall be the ranking minority Member of such Committee. Of the eleven Members of the House of Representatives, one shall be the Chairman of the House Committee on Interior and Insular Affairs and one shall be the ranking minority Member of such Committee."

I also modify my amendment to S. 1283 numbered 763 as follows:

In lieu of the matter in my amendment designated as section 109(b), insert the following:

"(b) (1) There is hereby established in the Treasury of the United States a Competitive

Research and Development Price Support Fund. Moneys in such Fund shall be available to the Chairman for carrying out the price support program authorized by this Act, including the payment of administrative expenses incurred in connection therewith, and such moneys are hereby appropriated out of such Fund for those purposes.

"(2) For the fiscal year ending June 30, 1974, and for each of the next following four fiscal years, there shall be credited to the Competitive Research and Development Price Support Fund, subject to the provisions of section 2(c)(2) of the Land and Water Conservation Fund Act of 1965, all revenues due and payable to the United States, for each such fiscal year, for deposit in the Treasury as Outer Continental Shelf Lands Act up to $20,000,000 for each such fiscal year. For each fiscal year thereafter, there shall be credited to the Fund, subject to the provisions of section 2(c)(2) of the Land and Water Conservation Fund Act of 1965, from such revenues due and payable to the United States an amount sufficient to maintain a balance in the Fund of $100,000,000."

I further modify my amendment numbered 763 as follows:

The matter designated in my amendment as subsection (c) of section 117 is deleted.

The PRESIDING OFFICER. The amendment is modified accordingly.

Mr. BELLMON. Mr. President, I ask unanimous consent that Mr. Carl Kettler, of my staff, and Mr. Robert Louthian be permitted the privileges of the floor during the consideration of S. 1283.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I would like to congratulate the Interior and Insular Affairs Committee and Chairman JACKSON for having developed and brought to the Senate S. 1283. I believe this bill is intended to help solve not only the current critical energy shortage that the country faces, but, rather, intended to help us work ourselves out of the energy crisis that we have allowed to develop in our Nation over the long haul.

It is important that we take action to allocate the short supply of energy that we have, but, in my opinion, even more important——

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BELLMON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. BELLMON. Mr. President, in my opinion, even more important is what we try to do to solve the energy crisis over the long haul. This is the intent, I believe, of S. 1283.

My intent in offering the substitute which we have developed is to strengthen S. 1283 and do this job even more effectively.

In introducing the substitute, I make no criticism of what the committee has done and support the concept of S. 1283. I am only trying to make it more effective.

The amendment I am offering in the nature of a substitute takes a far more direct approach than does S. 1283 as it was reported from the committee.

S. 1283 pays tribute to the Manhattan Project, which was responsible for developing atomic energy which now means so much to this Nation's defense and to our power supplies. But when we study the Manhattan Project and study S. 1283, we find that there is a great difference in the way the Manhattan District was set up from the way S. 1283 would operate.

The Manhattan Project was notable for the fact that it was a simple organization, that there was a direct line of authority from the President right down to the operating level. The District operated with an extremely small staff, generally, I believe, fewer than 10 people. It relied almost totally on the private sector. There was no involvement of Government except in the way of allocating the various priorities, the material required, the personnel, transportation facilities, and other necessary elements.

Also there was in the Manhattan Project various ways of avoiding or severing governmental red tape that got in the way of that essential defense effort.

As I read S. 1283, I find it is missing in all these vital elements. It has deficiencies. It appears to be a cumbersome approach to a problem that is going to have to have the very best this country can provide. It is going to take the ability of a decisionmaker who does not have to rely upon action of Congress or the various agencies in Government, nor contend with any committee or any Government officials who will have other concerns in solving the energy problem.

Under S. 1283 as it has been reported, such action will depend on the whims of future Congresses. While we realize that the mood of the country, while the Arab oil has been shut off, is to move ahead, it is conceivable to me that a few months or years from now, if Arab oil again begins to flow and we have an abundance and the price goes down, the interest of Congress could be reduced to the point where it would be impossible to get the kinds of actions and appropriations from Congress that would be an effective solution of the energy crisis of this country.

It is going to be impractical for the private sector to make the very large investments required in developing coal gasification or liquefaction unless those investors can be certain that the price of their product, once they get it for the market, will be adequate to provide a reasonable return on their investment.

As S. 1283 stands, in order for the price support function of the bill to operate, it will be necessary for the agency to come back to Congress year after year and get the appropriations.

Under the terms of my amendment, as modified, the funds necessary to carry on the price support program would be automatically available from the revenues received from the sale of leases on the Outer Continental Shelf or from the royalties that are paid from the leases that have already been developed.

Senate bill 1283, as reported by the committee, sets forth a program or rather the machinery to develop a program designed to meet the present and future energy needs of the United States. While the bill, as reported, in section 101(e), recognizes the need to approach the energy crisis on a so-called "Manhattan Project" approach, I believe that the approach provided by my amendment more closely parallels the Manhattan Project concept in that it imposes in a single individual the duty to immediately commence the establishment and carrying out of a program to meet and resolve the present and future energy needs of the United States, and imposes the immediate authority in that individual to carry out such duty.

One of the problems of S. 1283 is that there are built-in delays which would certainly frustrate the efforts of any manager or director, for many, many months, and make the impact of this legislation felt only after several years have gone by.

The effect of my amendment is to put the program into action almost immediately so that we would have results in time to help in the resolution of the immediate energy crisis as well as to help solve it on a permanent, lasting basis.

The individual heading up such a program would have sufficient legislative authority, under the terms of my substitute, to act without waiting on his recommendations to be considered and, in some instances, approved by the Congress. Thus, while he would be carrying out the basic directions contained in the committee-reported bill, one of the basic differences between my amendment and that of the committee is that, under my amendment, the authority to carry out such directions is imposed in a single individual and the authority given him is such that he can act "now" in carrying out that direction.

My amendment emphasizes the authority of the chairman to enter into contracts with the private sector pursuant to which the private sector, with Federal assistance, is authorized to design, construct, and operate full scale, commercial-size facilities to produce energy, not only from geothermal resources, but from other so-called unconventional sources of energy, such as oil shale, coal gasification, solar power, tidal power, and so forth, as provided in section 108 and title 2.

I might say that already in this country there are processes for liquefying and gasifying gas that have been tried and proven on a pilot basis. I have had the opportunity of visiting the project carried on under the auspices of the Office of Coal Research at Princeton University. This project is under contract with the Food Machinery Corp. They have been able to produce considerable quantities of both natural gas and crude oil from coal.

Recently oil from this project was used in a Navy destroyer, the U.S.S. *Johnson*, which operated for 30 hours in the Atlantic, testing the use of a coal-derived synthetic crude oil as the fuel to power the ship's engines. This was the first ship in history to use coal-derived oil as fuel.

Men on board reported the oil performed totally satisfactorily as a fuel and in a manner indistinguishable from the standard fuel oil used by the Navy.

The pilot plant was built by Food Machinery Corp., in mid-1970 at a cost of $5 million, which was funded by the Office of Coal Research. Under that process, 36 tons of coal can be processed daily to produce approximately 36 barrels of synthetic crude oil, 324,000 cubic feet of 400 to 500 Btu gas, and 18 tons of char which is an ideal fuel for power generation

This figures out to be 1 barrel of oil, 9,000 cubic feet of gas and one-half ton of char from each ton of coal.

Mr. President, I have a report on the FMC project. It is about four pages long.

I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BELLMON. Mr. President, the point of my calling attention to what has been done at Princeton is to show that we are far past the time when we need additional research on coal gasification, although perhaps some would be in order However the time has come to put a project like this—and this is only one of them—on a commercial basis and get it into production on a scale large enough to make an impact on the Nation's energy situation.

There is no point in waiting for the energy processes that have been developed at Princeton and other projects. The only thing lacking is the economic incentive which would cause these investors to get a reasonable return on the very sizable expenditures these plants require.

S. 1283 as introduced provides the hope for this kind of price guarantee. However, it will depend upon the decisions of many people and also on whether or not Congress will authorize funds to pay these price supports when they are due to the companies and owned by the Federal Government.

The private sector had some rather disastrous experiences in dealing with the Federal Government on the basis of what the Congress may finally do with respect to the helium project that has been carried on in Kansas and Oklahoma.

It was discovered that the euton gas contains the richest helium concentration of any gas known on the face of the earth. So, the Government encouraged several private companies to build helium recovery plants in the basin so that the helium could be stripped from the gas.

After the contracts had been entered into, someone at the Office of Management and Budget decided that we had enough helium stored away. That decision ended the project and left the plants that had been built with the assurances of the Federal Government that the product was going to be purchased by the Government with no further purpose to exist.

The case involving this project is now in the courts. This is another situation where the plants will be taken out of action or junked long before they had done the job for which they are designed.

On the basis of that and on the basis of the experience the private sector has had in other similar cases, it is doubtful that the private sector is going to rush in to build the kind of energy plants that are anticipated by S. 1283.

My amendment as modified would provide the fund for the price guarantees that are anticipated under S. 1283 from the revenues of the Outer Continental Shelf without waiting for appropriation by the Congress which would be far more likely to secure the kind of investments that we must have if this country is going to work its way out of the present energy crisis.

In general, the difference between my amendment and the bill as it came from the committee is that my amendment places greater reliance upon the private sector. It takes the Government corporations completely out of it and gives assurance that any materials needed by the private sector to help our country work out of the energy crisis will become available on the order of the President.

It also guarantees that the companies that enter into a contract with the Government in good faith will not have those contracts abrogated by the failure of the Congress to appropriate the funds required.

Mr. President, every Member of the Congress is concerned over whether or not sufficient funds are available from the Outer Continental Shelf land.

I have available a tabulation which shows the money received by the Federal Government from the sale of leases in 1972 and prior years. These are the latest figures I was able to obtain. It is anticipated that these sales will be greater in the future than they have been in the past. However, from the figures for 1972, we find two sales that were conducted. The first was on the sale of Louisiana lands on the 12th day of September. The sale of the leases brought a total $585,827,925.

On the 19th day of December 1972, another lease sale was held. And that lease brought into the Federal Treasury $1,665,519,631.

Now, in addition to the periodic sale of leases, there is also a great deal of money collected from the royalties on the leases that have already been developed. That amounts to about $340 million. Whether this is from oil or gas or both, again that fund is going to continue to grow in size as more and more offshore oil leases are developed.

Mr. President, I believe that Senators can see that taking $20 million out of these revenues, as my amendment proposes to do, would not seriously deplete those revenues. It would assure that with the requirement for price guarantees developed, we would have available in the Treasury a sufficient amount of money to take care of those expenditures without having to wait for the Congress to act.

There is a great deal more to be said about the differences in the bill.

I would be happy to answer any questions that anyone would have. However, I would like to make the point again that I feel—and I believe that the Senate feels—that we do have an extremely critical situation facing the country not only for the winter and for the next few months, but also for the period of time between now and 1980 and perhaps beyond.

The President has already stated it as the policy of this administration to take the actions necessary to give this country self-sufficiency in energy by 1980. The purposes of S. 1283, as introduced, was to make our country self-sufficient in energy within a decade.

If we are to accomplish these objectives, we must have available to the private sector the means to get materials, to get capital, to have access to Federal lands where much of our fossil fuels are located, and to get on with the job without depending on the Congress or for the generally delayed action of the Federal bureaucracy.

The PRESIDING OFFICER. The time of the Senator has expired.

EXHIBIT 1

NAVY FUELS DESTROYER WITH FMC'S SYNTHETIC CRUDE OIL DERIVED FROM COAL

PHILADELPHIA, PA., November 20, 1973.—The Navy's destroyer USS *Johnson* returned home late Friday afternoon to its base in Philadelphia after a 30-hour cruise in the Atlantic testing the use of a coal-derived synthetic crude oil as the fuel to power the ship's engines. This was the first ship in history to use coal-derived oil as fuel.

Men on board reported the oil performed totally satisfactorily as a fuel and in a manner indistinguishable from the standard fuel oil used by the Navy.

The synthetic crude oil was manufactured by FMC Corporation at the government's COED pilot plant located at FMC's Chemical Research and Development facility in Princeton, N.J.

COED (Char-Oil-Energy-Development) is a process developed by FMC, under contract to the U.S. Department of Interior's Office of Coal Research (OCR), to convert coal to a synthetic crude oil, medium BTU gas, and a char. OCR directed FMC to operate the COED pilot plant to produce the oil for the Navy test as part of the overall OCR experimental program.

The process is essentially a pyrolysis or a "cracking process" in which the coal is crushed then decomposed by heat to produce a heavy oil that is subsequently treated with hydrogen under pressure to make the synthetic crude oil. The medium BTU gas is an "off gas" of the pyrolysis, and the char is what remains of the coal after processing.

At the COED pilot plant, built by FMC in mid-1970 at a cost of $5 million which was funded by OCR, 36 tons of coal can be processed daily to produce approximately 36 barrels of synthetic crude oil, 324,000 cubic feet of 400 to 500 BTU gas, and 18 tons of char. This calculates to 1 barrel of oil, 9000 cubic feet of gas, and ½ ton of char from each ton of coal.

Although these end products are useful in themselves, with further processing their uses increase. For example, the raw synthetic crude oil can be used by industry as fuel for boilers, especially by electrical power plants to generate electricity; but if further processed, the oil can be converted to a full line of petroleum type products such as high-octane gasoline, diesel oil, and home heating oils.

The 400–500 BTU gas can also be used as industrial fuel and, again, especially by the electrical power plants; however, with further processing the gas can be upgraded to a high BTU synthetic pipeline gas used for home heating and cooking. It also can be converted to hydrogen for industrial uses.

The char, too, can be used as a fuel by electrical power plants. If the char came from low-sulfur coal, no sulfur pollution problem would be incurred; but if the char was derived from high-sulfur coal, pollution control devices to remove the sulfur from the boilers' emissions would be required in some states. However, the high-sulfur char, by further processing, can be converted to fuel gas which can be scrubbed clean of sulfur and will then burn pollution-free in the power plants.

Project COED has been in existence since 1962 and OCR has funded the project from its inception. However, FMC is currently searching for industry support to co-fund final engineering on the project which is now approaching commercialization. FMC is confident that the COED process is technically feasible but commercial development depends on the commitment of industry.

FMC expects that, if Project COED progresses according to plan, a commercial plant could be in operation by the end of the 70's. Apparently, the electrical utility companies are logical consortium members in a venture to build the first commercial plant, because they can use all three end products as fuel: the oil, the gas, and the char. And, if low-sulfur coal is processed in the commercial plant, there will be no sulfur pollution obstacles; however, if high-sulfur coal is processed, much of the resulting high-sulfur char will need upgrading to become clean fuel gas before it can be used in some states. Consequently, at this time, FMC is talking with a number of electrical power companies to obtain their financial support to develop further the process of converting high-sulfur char to a suitable sulfur-free fuel gas for generating electrical power.

A commercial plant processing 25,000 tons of coal per day would daily produce 25,000 barrels of oil, plus 225 million cubic feet of medium BTU gas, and 12,500 tons of char.

This total freedom would fulfill the wish of the Undersecretary of the Navy William Mittendorf 3rd, chairman of the Navy's energy council, who said, "It's the goal of the Navy to be completely free of importation and blockading of fuel for our vessels and aircraft."

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield to the Senator from West Virginia.

LIMITATION OF TIME ON S. 2767, RAIL SERVICES ACT OF 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when S. 2767, a bill to authorize and direct the maintenance of adequate and efficient rail services in the Midwest and Northeast region of the United States, and for other purposes, is called up and made the pending business before the Senate, there be a time limitation on the bill of 6 hours to be divided between the Senator from Indiana (Mr. HARTKE) and the Senator from Maryland (Mr. BEALL); that there be an additional 3 hours for debate on the bill to be under the control of the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.); that there be 2 hours on an amendment by the Senator from Maryland (Mr. BEALL); that there be 1 hour on any other amendment, and one-half hour on any amendment to an amendment, 20 minutes on any debatable motion or appeal, and that the agreement be in the usual form, which means in this instance, notwithstanding the fact that the Senator from Maryland (Mr. BEALL) has been identified with a particular amendment, that that amendment, as well as all other amendments, must be germane.

Mr. GRIFFIN. Mr. President, reserving the right to object, I just want the RECORD to indicate that this unanimous-consent request has been cleared with the ranking minority member of the Commerce Committee, the Senator from New Hampshire (Mr. COTTON), as well as the Senator from Maryland (Mr. BEALL), and others who have a primary interest.

Mr. ROBERT C. BYRD. I thank the Senator. Mr. President, may I say that I have cleared this agreement on this side of the aisle with Mr. HARTKE, Mr. MAGNUSON, Mr. HARRY F. BYRD, JR., and my lovable friend from Alabama (Mr. ALLEN).

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

NATIONAL ENERGY RESEARCH AND DEVELOPMENT POLICY ACT OF 1973

The Senate continued with the consideration of the bill (S. 1283) to establish a national program for research, development and demonstration in fuels and energy and for the coordination and financial supplementation of Federal energy research and development: to establish development corporations to demonstrate technologies for shale oil development, coal gasification development, advanced power cycle development, geothermal steam development, and coal liquefaction development; to authorize and direct the Secretary of the Interior to make mineral resources of the public lands available for said development corporations; and for other purposes.

Mr. JOHNSTON. Mr. President, I wish to commend the distinguished Senator from Oklahoma for his great interest in the subject of energy research and development. He is certainly correct when he emphasizes the importance of this research and development to this Nation. As the President has said, being energy self-sufficient in 1980 is a top priority for the United States. So, in the sense that this amendment is intended to make us energy self-sufficient, we are in accord with that feeling.

However, Mr. President, the bill now under consideration, S. 1283, first was offered and sent to the Committee on Interior and Insular Affairs on March 18. Literally hundreds of hours, days of committee hearings, and tremendous amounts of background material have been digested and read and the product resultant is S. 1283.

The substitute amendment called for by the Senator from Oklahoma, 31 pages in length, as well as additional pages of modifications, would make vast changes in this laboriously detailed and considered bill. Just to give one example of the far-reaching changes, Mr. President: The Atomic Energy Committee has been changed to the Joint Committee on Energy. That constitutes a vast change in the Legislative Reorganization Act, with overlapping committee jurisdictions of virtually every committee in this Congress, changing tremendously the methods by which R. & D. actions in the United States are funded, channeled, circumscribed, and directed.

Mr. President, we think this amendment has not been considered fully. Indeed it has not been considered at all by those committees charged with the responsibility for it, and for that reason, Mr. President——

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield to the Senator from Washington.

Mr. JACKSON. Mr. President, I associate myself with the remarks of the able Senator from Louisiana. I have a very high regard for the sincerity and the dedication of the Senator from Oklahoma, and for his position on various energy matters. During the time that he served, at least some 4 years, on the Committee on Interior and Insular Affairs, he was a very valuable member, greatly assisting the committee.

But I would point out that the substitute amendment really covers a multitude of legislative matters. The able Senator from Louisiana just mentioned the question of, really, what amounts to legislative reorganization, the setting up of a joint committee on energy.

I happen to serve on the Joint Atomic Energy Committee, and that committee then would take over the jurisdiction, in effect, of half of the committees of the Senate and half of the committees of the House of Representatives. I am sure that we would all agree that there might be a minor disturbance on the floor of the Senate if that matter were fully understood by the Members in connection with this amendment.

It is obviously subject matter that should be considered by the Rules Committee. We can go all the way down the list, and point out that the topics included in the substitute amendment should be carefully considered by other committees. I believe there is one on the Outer Continental Shelf in connection with trust funds which is now being considered by the able senior Senator from Louisiana (Mr. LONG) in the Finance Committee. We are going to hold hearings on that matter on December 18 in the Committee on Interior and Insular Affairs.

I merely mention these things to point out how complicated the problem is, and I conclude my remarks by simply saying that I do appreciate the dedication and the determination of the Senator from Oklahoma to do something in this area, but I believe it would be a serious mistake to attempt to adopt a total substitute for this bill, covering as it does so many and, may I say, such diverse subjects, which should be subjected to committee consideration by the responsible committees.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JACKSON. I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I am addressing myself to the amendment

(No. 769) which has been sponsored by the distinguished Senator from Oklahoma, and which has to do alone with the energy joint committee.

I want to say, at this juncture, that I think that the Senator from Oklahoma is on to a brilliant idea. It is a step in the right direction. But I daresay that the time has not come for it; at some later time I think it ought to be given very serious consideration.

The crash program with relation to the energy crisis has been compared to the Manhattan project. The Manhattan project was one that came under the Joint Committee on Atomic Energy, and it was because we had a joint committee, consisting of 18 members, 9 from the House and 9 from the Senate, that we did not get ourselves into these disputes which usually take place when you have a separate committee in the House and a separate committee in the Senate. It has been very, very effective.

If it had not been for the Joint Committee on Atomic Energy, we would not have explored and we would not have had the hydrogen bomb. At the time that the hydrogen bomb was being considered, one-half of the scientific community was against it, because they said it was unnecessary, and the other half was for it. It was only because the members of the joint committee went down to see President Truman that he gave the go-ahead sign; and 1 year after we achieved the hydrogen bomb, the Russians did the same.

Mr. JACKSON. Less than a year.

Mr. PASTORE. Less than a year; the Senator is helping me out. If it had not been for the joint committee, the primacy in atomic energy would not today belong to the United States of America.

I am saying if we are going to do this job, maybe a joint committee is the answer. The only thing I say to my friend from Oklahoma is that we have to be a little realistic about this. It may be well to debate it today on the floor of the Senate. Some consideration is now being given by the House to a reorganization plan. Discussions have been had, even with the Senator from Washington.

I think at some juncture we have to come together and resolve this issue, but, while I do congratulate the Senator from Oklahoma, I would hope he would not press the matter at this time, because we will not get anywhere with it, and I would not want to give it a black eye. I do not want to give it a black eye at this time by having it defeated, because I think his idea is too good to go down in dismal defeat because of the fact that it might be a little too soon to do it.

I want to say this in conclusion: We have a tremendous scientific community. We have Hanford, which is in the State of the Senator from Washington. We have Los Alamos, in New Mexico. We have Argonne, right out of Chicago. We have Livermore out there in California. We have Sandia in New Mexico. We have a whole host of the best scientists in the world who are presently under contract.

I say if we are ever going to straighten out this matter of research, we need the brains of these scientists, and we have already got them under contract by the AEC. So I say to my distinguished friend from Oklahoma that I join him in his idea, but I am afraid it is a little too soon. I would hope the Senator would not press it, because I do not want to see it defeated, because it will be defeated.

Mr. BELLMON. I thank the distinguished Senator from Rhode Island but let me say to him that this is not anything new. This amendment was introduced over a year ago. It was introduced as a bill. It has been languishing somewhere. It is being considered today as part of a substitute for S. 1283 and it was felt it was proper to be taken up in this bill.

I wonder whether the author of the bill knows how many committees are involved in one facet or another of the energy question.

Mr. PASTORE. I believe it stretches over six to eight committees—a little bit everywhere. That is the trouble with it. It is disjointed. Some day we have got to pull it together. What the Senator from Washington is doing under the bill, he is not addressing himself to the ultimate responsibility. He admits that. What he is doing is to put research and development under one head. For the most part it is being relegated to the Atomic Energy Commission.

Mr. JACKSON. No; the Atomic Energy Commission will play a major role for the reasons that the Senator from Rhode Island has so ably stated—laboratories, talent, know-how—but the bill provides for an interim arrangement until a decision is made on a permanent management organization for research and development.

Mr. PASTORE. I hope we are not making any commitment apart from the fact that this is merely a temporary solution.

Mr. JACKSON. The Senator is correct. It so states in the bill. In the latter part of the bill there is a section which deals with that aspect of organization, saying that the proposed organization is interim and that it is subject to review by the President for future reorganization. The point is that we cannot delay the research and development decision simply to perfect for all times its permanent administration. To do so would be at the expense of that valuable time, time we cannot afford to lose. It is that simple. So we provide an interim organization until a final decision on a permanent organization can be made.

Mr. PASTORE. As I understood the Senator, for the simple reason that this is spread out over so many jurisdictions we cannot get agreement.

Mr. JACKSON. There are on the order of 52 Government agencies involved in energy matters.

Mr. PASTORE. I understand. That is the reason for this being temporary.

Mr. BELLMON. Mr. President, I do not know when the right time to go ahead all together is going to be. But when we have a crisis such as we have now, and we are thinking about the concern of the country, which could be cold and dark this winter, perhaps we can go ahead and get some of these diverse groups to work together.

Mr. PASTORE. There is a bill over in the House being worked on by Representative HOLIFIELD that does precisely more or less that, that is what the Senator from Oklahoma is now proposing. So I think that we should wait for that bill to clear the Senate. It is in the mill. There is no question about it, it is in the mill. The only trouble is, do not disturb it, do not rock the boat, because if this takes a bad licking here, we will damage the reorganization bill. That is what I am talking about.

Mr. BELLMON. Does the Senator have any time schedule when the bill may come here, because we are now in the final days of this session——

Mr. PASTORE. I cannot speak for Representative HOLIFIELD but I understand that he has been working on this for months and months and months, and he is just as anxious as the Senator from Oklahoma and I are. So let us wait. Let us wait, if the Senator really means it. Let us wait.

If I thought for 1 minute that the Senator could pass his amendment, I would vote for it. But we are not going to pass this amendment today. That is what frightens me. If the vote goes out recorded as, say, 67 against and only 20 for, we have already given reorganization a black eye, and I do not want that to happen.

Mr. BELLMON. One of the reasons for taking this approach in my substitute is that on page 68 of the bill, section 106 (a), we see how much of a built-in delay this bill will entail so far as research and development is concerned. First, there is a 6 months' delay while the chairman makes his recommendations for research strategy.

Then, further on in the bill, on page 70, line 14, there is another year's delay as to research strategy and priorities designed to achieve solutions to the middle term, which is in the early 1980's to the year 2000.

Then, on page 71, line 20, there is another total 18 months' delay.

That is the kind of fooling around this Government has been doing ever since I came to Congress. Now, here we are, going to build another 2-year delay or thereabouts.

I am convinced, as the distinguished Senator from Rhode Island has been convinced, that we have the technology and the resources, we have the capital, and now we have the great need, so that I think we should get on with it. I see no point in building in a 2-year delay while we develop the mechanisms for making the decisions which would give the private sector both the resources or the access to our Government lands, the technology and the capital they need, and the assurances to go ahead and do the job. They will not do the job in the process and that is the whole purpose of my substitute which I had offered.

I appreciate what the distinguished Senator from Rhode Island has said, that without the Atomic Energy Commission we would be way behind the rest of the world, just as we are now behind in other forms of energy. To use the Atomic Energy Commission is the right way to solve the problem.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays on the tabling motion—I move to table——

Mr. PASTORE. Mr. President, before the Senator moves to table, with a very heavy heart I am going to move the motion to table because I can justify it on the ground that the time has not come. So I think at this moment, if the Senator from Louisiana (Mr. Johnston) would permit me, I shall be the one to move to table, for the reasons I have stated.

Mr. BELLMON. If the Senator would withhold for one moment, I believe the Senator may be under a misconception. The amendment he is addressing himself to is No. 769. That is not the amendment now before the Senate.

Mr. PASTORE. But the Senator includes that amendment in his substitute. That is the point. I do not want to give it a black eye.

Mr. President, I move to table the amendment of the Senator from Oklahoma.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Oklahoma.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. Fulbright), the Senator from Montana (Mr. Metcalf), and the Senator from Utah (Mr. Moss) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell) is absent on official business.

I also announce that the Senator from Missouri (Mr. Symington) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Tennessee (Mr. Brock), the Senator from New York (Mr. Buckley), and the Senator from Florida (Mr. Gurney) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) is absent by leave of the Senate on official business.

The Senator from Nebraska (Mr. Curtis) is absent by leave of the Senate.

The Senator from Oregon (Mr. Packwood) is absent on official business.

If present and voting the Senator from Nebraska (Mr. Curtis) would vote "nay."

The result was announced—yeas 71, nays 17, as follows:

[No. 560 Leg.]

YEAS—71

Abourezk
Allen
Bayh
Beall
Bennett
Bentsen
Bible
Biden
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Domenici
Eagleton
Eastland
Ervin
Fannin
Fong
Gravel
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Mondale
Montoya
Muskie
Nelson
Nunn
Pastore
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevenson
Taft
Talmadge
Tunney
Weicker
Williams
Young

NAYS—17

Aiken
Bartlett
Bellmon
Byrd,
  Harry F., Jr.
Cook
Cotton
Dole
Dominick
Griffin
Helms
Hruska
Pearson
Roth
Scott,
  William L.
Stevens
Thurmond
Tower

NOT VOTING—12

Baker
Brock
Buckley
Curtis
Fulbright
Goldwater
Gurney
Metcalf
Moss
Packwood
Pell
Symington

So Mr. Pastore's motion to table Mr. Bellmon's amendment was agreed to.

Mr. HANSEN. Mr. President, although I voted to table the amendment sponsored by the distinguished Senator from Oklahoma, I do, in fact, support the philosophy underlying parts of it. I refer particularly to the thrust of the amendment which would place the greater burden of developing new energy technologies on the private sector. In our opening statements yesterday we stressed the importance of the role of private industry. The Government itself cannot solve the energy crisis. Private industry must do the job.

We stressed this in the bill and in the report. I call my colleagues' attention to the remarks of the Senator from Arizona (Mr. Fannin) at the outset of yesterday's debate. He repeated and repeated the need for private industry to do the job.

Thus, I am in agreement with the intent of the Senator from Oklahoma insofar as the role of the private sector is concerned.

Mr. BELLMON. Mr. President, I have an unprinted amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 80, strike out lines 12 through 17 and insert in lieu thereof the following:
>
> "(f) (1) There is hereby established in the Treasury of the United States a Competitive Research and Development Price Support Fund. Moneys in such Fund shall be available to the Chairman for carrying out the price support program authorized by this Act, including the payment of administrative expenses incurred in connection therewith, and such moneys are hereby appropriated out of such Fund for those purposes.
>
> "(2) For the fiscal year ending June 30, 1974, and for each of the next following four fiscal years, there shall be credited to the Competitive Research and Development Price Support Fund, subject to the provisions of section 2(c)(2) of the Land and Water Conservation Fund Act of 1965, all revenues due and payable to the United States for each such fiscal year for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act up to $20,000,000 for each such fiscal year. For each fiscal year thereafter, there shall be credited to the Fund, subject to the provisions of section 2(c)(2) of the Land and Water Conservation Fund Act of 1965, from such revenues due and payable to the United States an amount sufficient to maintain a balance in the Fund for each such fiscal year $100,000,000.

ORDER OF BUSINESS

Mr. HUGH SCOTT. Mr. President, will the Senator from Oklahoma yield without losing his right to the floor so that I may propound a question to the distinguished majority leader having to do with the time at which we expect to take a recess today?

Mr. BELLMON. I yield to the distinguished Senator.

ANNOUNCEMENT ON PROPOSED RECESS—PROGRAM

Mr. MANSFIELD. Mr. President, the latest information is that the Senate will depart from the Chamber to the Hall of the House of Representatives somewhere between 4:30 and 5 p.m., and as of now it looks like it might be closer to 5 p.m.

After the ceremonies are concluded in the House Chamber, and they will be brief, the Vice President will lead us back to our own Chamber.

Mr. HUGH SCOTT. At that time I understand the distinguished majority leader and I will engage in a brief colloquy when the Vice President ascends the rostrum, and that, perhaps, a request will be made for unanimous consent that the Vice President may briefly address the Senate.

Mr. MANSFIELD. The distinguished Republican leader and I have discussed that and agreed that that will be done, the Senate concurring.

Mr. HUGH SCOTT. Therefore, it is hoped that Senators will be present, if they can, in order to hear the first and last time the Presiding Officer will be allowed to say anything.

Mr. President, would the distinguished majority leader tell me the remaining business for today, for Friday, and on down the road?

Mr. MANSFIELD. Yes; first, let me say that it is my understanding that we have three, four, or maybe five votes remaining on the pending business.

As the Senator knows, S. 1868 is the chrome bill, and that is the unfinished business.

We would like on Monday, if at all possible, to get to H.R. 8449, the national flood insurance program.

We would like also, on that day, to take up the bills having to do with a Special Prosecutor.

Following that, we have an agreement to take up the railroad bill, affecting the midwest and northwest railroads of the United States.

Also, the Senator from Washington (Mr. Jackson) informs me that an agreement has been reached among the managers of the various bills involved, covering S. 2176, to provide for a national fuels and energy conservation policy, to take them up next week.

It is hoped that we will be able to get to H.R. 8214, to modify the tax treatment of members of the Armed Forces.

Then, at some unspecified time, whenever the opportunity arises, the leadership would like to turn to the consideration of S. 2686, to amend the Economic Opportunity Act of 1964 to provide for the transfer of the legal services program from the Office of Economic Opportunity to a Legal Services Corporation.

It is anticipated that tomorrow the Senate will continue with the pending business. It is hoped that we can finish the bill and thereby avoid a Saturday session. I have raised the question of a Saturday session because it is our hope that it will be possible to adjourn the 1st session of the 93d Congress 2 weeks from tomorrow, this coming Friday or, at the least, this coming Saturday—either the 21st or the 22d.

It is anticipated, if things go according to Hoyle, that we will take a reasonably long recess before the 2d session of the 93d Congress begins.

Also, we will have a conference report on military construction either tomorrow or Monday, and a conference report on the health maintenance organization bill.

I do not know the status of the conference report on District of Columbia home rule, except that an agreement has been reached.

All these items must be taken up in the House first.

Then we will have the Israel-Cambodia bill, on which I understand hearings will begin around the middle part of next week.

We will also have the defense appropriation bill, which will be a humdinger and will cause a certain amount of debate.

I hope that it would be possible at an early date to take up the Saxbe emoluments bill, so that we could clear the way for the President to send the nomination to the Senate. The distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), the assistant majority leader, has indicated that he is giving consideration, so that there will not be too much of a holdup, to possibly asking the President to submit the nomination anyway, so that we could start hearings next week. That is a matter to be decided.

Mr. HUGH SCOTT. I hope that that could be done, once we dispose of the emoluments bill.

Mr. ROBERT C. BYRD. Mr. President will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ROBERT C. BYRD. I stated to the distinguished majority leader earlier today that pending final action on the emoluments bill—there seem to be problems with the bill—and in order that the Judiciary Committee could, in the meantime, proceed with its hearings on the nomination and thus avoid, as much as possible, delaying final action on the nomination, the President might be agreeable to submitting the nomination of Mr. SAXBE to the Senate immediately, so that the Senate could be operating on a double track, so to speak, in regard to the nomination.

Mr. HUGH SCOTT. Mr. President, if the Senator will defer, I believe the Senator from Wyoming (Mr. MCGEE) has some enlightening dispatch from the front.

Mr. ROBERT C. BYRD. Very well.

Mr. MANSFIELD. Mr. President, will the Senator from Oklahoma yield for that purpose, without losing his right to the floor?

Mr. BELLMON. Mr. President, I yield for that purpose.

ATTORNEY GENERAL'S COMPENSATION AND USE OF FRANKING PRIVILEGE

Mr. McGEE. Mr. President, I bring tidings of hope.

Mr. HUGH SCOTT. And good cheer.

Mr. McGEE. The House and Senate have worked out an understanding to do one thing at a time, and therefore the agreement is to propose to separate the House amendment from the Saxbe nomination so that we have a clean nomination, and the Senate can consent to the other, and this without delay between the two appropriate committees, the Post Office and Civil Service Committee affecting the franking privilege, and therefore we could amend the Saxbe bill this very minute, or in the next 5 minutes, and that would move it, I think, without delay.

Mr. HUGH SCOTT. Mr. President, if the Senator is prepared to call it up, I am sure the Senator from Oklahoma has no objection.

Mr. BELLMON. Mr. President, I ask unanimous consent that I may withhold my amendment for that purpose.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Oklahoma will hold the floor when action on this matter is completed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I ask that the Chair lay before the Senate H.R. 11710, to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969, to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes.

The PRESIDING OFFICER laid before the Senate the bill (H.R. 11710), to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969, to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes, which, by unanimous consent, was read twice by title.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. McGEE. Mr. President, I move to strike out all after the enacting clause of H.R. 11710 and insert in lieu thereof the following——

The PRESIDING OFFICER. Will the Senator send the amendment to the desk?

Mr. McGEE. As soon as I read what it says to myself, to make sure that is what I want to send up there. I just came fresh, hot off the griddle.

Mr. HUGH SCOTT. I am sure the Senator is not waffling.

Mr. McGEE. No, no. I am just looking at the attached sheet. It says, "Look at the second sheet."

Mr. President, I send the proposed amendment to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

> Strike out all after the enacting clause and insert in lieu thereof:
>
> That the compensation and other emoluments attached to the Office of Attorney General shall be those which were in effect on January 1, 1969, notwithstanding the provisions of the salary recommendations for 1969 increases transmitted to the Congress on January 15, 1969, and notwithstanding any other provision of law, or provision which has the force and effect of law, which is enacted or becomes effective during the period from noon, January 3, 1969, through noon, January 2, 1975.
>
> SEC. 2. (a) Any person aggrieved by an action of the Attorney General may bring a civil action in the appropriate district court to contest the constitutionality of the appointment and continuance in office of the Attorney General on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States district courts shall have exclusive jurisdiction, without regard to the sum or value of the matter in controversy, to determine the validity of such appointment and continuance in office.
>
> (b) Any action brought under this section shall be heard and determined by a panel of three judges in accordance with the provisions of section 2284 of title 28, United States Code. Any appeal from the action of a court convened pursuant to such section shall lie to the Supreme Court.
>
> (c) Any judge designated to hear any action brought under this section shall cause such action to be in every way expedited.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute for the bill.

Mr. McGEE. Mr. President, I simply want to make very clear that what this proposes is to separate all of the franking amendment from this proposal and return to the original language in the action taken by the Senate.

Mr. FONG. Mr. President, as the ranking minority member of the committee, I join in that request.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute for the bill [putting the question].

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed for a third reading, and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? [Putting the question.]

The bill (H.R. 11710) was passed.

Mr. McGEE. Mr. President, I move that the title be amended so as to read:

> A bill to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, if the distinguished Senator from Oklahoma would allow me, may I again express the hope that, in view of the fact that we would like to adjourn the first session of the 92d Congress by about a week from tomorrow or from Saturday, I would hope we could finish the pending business tomorrow and get as much business out of the way as possible. I for one do not like to come in on Saturdays, let alone Sundays, and I am not holding that out as a carrot, but it is a case of the schedule we have before us as we try to look forward to adjournment.

Mr. HUGH SCOTT. Mr. President, I hope we do not sit Saturday, because yet another group is preparing to pay a well deserved tribute to the minority leader.

Mr. MANSFIELD. May I say that the Senator from Arizona (Mr. FANNIN) and the Senator from New York (Mr. BUCKLEY) have been most cooperative, as well as the Senator from Oklahoma (Mr. BELLMON), most especially, because he had to rush up a lot of matters and he did not have the time he should have had to prepare the amendments.

Mr. HUGH SCOTT. Mr. President, I would express the hope that as other bills come in, if we are to have a fair chance of meeting the deadline for adjournment, Senators will restrain themselves with regard to adding nongermane or extraneous or unnecessary amendments, because this kind of "Christmas treeing" of legislation will just play "Yule" with the bill.

NATIONAL ENERGY RESEARCH AND DEVELOPMENT POLICY ACT OF 1973

The Senate continued with the consideration of the bill (S. 1283) to establish a national program for research, development, and demonstration in fuels and energy and for the coordination and financial supplementation of Federal energy research and development; to establish development corporations to demonstrate technologies for shale oil development, coal gasification development, advanced power cycle development, geothermal steam development, and coal liquefication development; to authorize and direct the Secretary of the Interior to make mineral resources of the public lands available for said development corporations; and for other purposes.

The PRESIDING OFFICER. The Senator from Oklahoma (Mr. BELLMON) is recognized.

Mr. BELLMON. Mr. President, I have an unprinted amendment at the desk, which I call up and ask to have read.

The legislative clerk read as follows:

> Strike line 12 through 17 and insert new language.

Mr. BELLMON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BELLMON. Mr. President, this amendment is short. It is fairly easily understood. I am going to read it in its entirety and make a very short statement. Then, depending on what the authors of the bill wish, I will be prepared to vote.

The amendment states:

> On page 80, strike out lines 12 through 17 and insert in lieu thereof the following:
>
> "(f) (1) There is hereby established in the Treasury of the United States a Competitive Research and Development Price Support Fund. Moneys in such Fund shall be available to the Chairman for carrying out the price support program authorized by this Act, including the payment of administrative expenses incurred in connection therewith, and such moneys are hereby appropriated out of such Fund for those purposes.
>
> "(2) For the fiscal year ending June 30, 1974, and for each of the next following four fiscal years, there shall be credited to the Competitive Research and Development Price Support Fund, subject to the provisions of section 2 (c) (2) of the Land and Water Conservation Fund Act of 1965, all revenues due and payable to the United States for each such fiscal year for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act up to $20,000,000 for each such fiscal year. For each fiscal year thereafter, there shall be credited to the Fund, subject to the provisions of section 2(c)(2) of the Land and Water Conservation Fund Act of 1965, from such revenues due and payable to the United States an amount sufficient to maintain a balance in the Fund for each such fiscal year $100,000,000.

Mr. President, when we study S. 2183, particularly paragraph (f), beginning on line 12, we find that Congress may have intended to establish a fund. However, it never actually does.

The act states:

> There shall be established in the Treasury of the United States a competitive research and development price support fund.

We find that it has never actually been set into motion.

This amendment addresses itself to that part of the amendment, because the way the bill is at the present time, it gives me grave concern.

I consider this to be the backbone of the bill. There is no way to make the private sector invest the huge funds to develop the rather exotic energy plants by which they would meet the energy crisis unless they have some assurances of a fair return on the expenditures that are required.

I do not believe the bill covers that. I believe that the question of price guarantees are so important that we ought to not leave this matter hanging. As the bill now stands, I am not sure whether it establishes the fund. It authorizes a fund to be established in the future. Perhaps the authors of that provision can say what they mean by this so that we will have a record made.

The authorization for appropriations in section 120 of the committee amendment does not cover section 109 which involves the fund. In my opinion, whether a system of price supports is going to be effective or not will depend to a considerable extent on how it is to be funded. The authors of the provision may want to check that.

My amendment would establish the fund in the Treasury and would fund it by providing for revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act to be deposited in the price support fund in an amount up to $20 million for each of the next 5 fiscal years. It will probably take 5 years to get these plants into operation. And thereafter it would be in an amount necessary to make the income of the fund not less than $100 million for each fiscal year.

If anyone doubts that these funds are available, I will cite again the figures from a tabulation of the funds received alone in 1972. On the 12th of September, there was a total of almost $600 million from the sale of one lease. And on the 19th of December, the fund received $1,665 million. In addition to that, there are incomes from the royalties on the leases in the Outer Continental Shelf, from gas and oil, now totaling $340 million a year, and that amount is certain to increase.

My amendment would further authorize the appropriation to the fund for each of the next 5 fiscal years in an amount necessary to make the income of the fund for each such fiscal year $20 million and for each fiscal year thereafter an amount sufficient to make the income of the fund not less than $100 million for each such fiscal year. My amendment would not affect those revenues from the Continental Shelf proceeds earmarked to the Land Water Conservation Act.

Mr. JOHNSTON. Mr. President, the Senator from Oklahoma is correct in that section (f) on page 80 is not funded. It does require further action by the Congress for the very simple reason that there are a number of different ways in which research projects can be funded. We have price supports as one alternative. We also have model corporation loans, grants for research, and contractual arrangements. Various different alternatives are set up in the bill. Each of these alternatives calls for a report to the Congress at periods of 6 to 18 months, during which times the various alternatives can be studied and a report given to the Congress.

It is then up to the Congress to choose which one to fund annually. Each of the possible alternatives for research has been studied. The matter has been very carefully considered in the Committee on Interior and Insular Affairs.

The bill was first filed in March of this year. It has since been very carefully considered.

It was considered in committee that price supports may be inappropriate, in some sectors of research and development. For that reason, it may not be necessary to establish such trust funds and it would be distinctly inappropriate to dedicate the OSC money for these purposes.

This is part of the previous amendment which was rejected, if I remember correctly, by a vote of 70 to 17.

I think many of the same views stated on the previous amendment applies as well to this. For that reason, I move to table the amendment.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. JOHNSTON. Mr. President, I withdraw my motion to table.

Mr. BELLMON. Mr. President, I call the attention of the Senator from Louisiana to section 207 on page 98 of the committee bill. I believe the Senator will find in that section that the language is such that the authorization is actually made and the funds appropriated to a fund in the amount of $50 million.

The Senator has just been saying that we were not going to appropriate money for any of these activities. However, here we find that an appropriation is made. I am curious to know why this is.

Mr. JOHNSTON. Mr. President, the section to which the Senator refers is a section of the bill pertaining to geothermal research. The difference is that the committee's studies have been done and are ready to be implemented. All that we need for the geothermal is the $50 million to create a loan guarantee fund so that they can proceed with the program. That is not so with coal gasification or coal liquefaction.

Mr. BELLMON. Mr. President, the Senator from Oklahoma earlier this afternoon put in the RECORD a report on the operation of the FMC project at Princeton University in which they obtained natural and synthetic gas. They used the product that they obtained for fuel on a destroyer for a period of time. That shows that the product is a product of commercial quality.

I am curious to see that the research has been accomplished in geothermal and the Senator says that we do not have it in coal gasification and liquefaction. The fact is that we do have it.

If we can have assurances that the companies who are asked to build plants will have substantial sums of money, why are we not ready to do it under section 207?

Mr. CHURCH. Mr. President, if the Senator will yield, I would point out that there is another reason why the committee chose to deal with geothermal energy in a different way.

I think the members of the committee recognized that where oil is concerned there are well recognized steps. The oil industry has a natural tendency to use more oil. They are prepared to carry out, and are concerned with, whatever research may be necessary to accomplish that. The same is true with the coal industry. It is a large and well-financed industry. It has reasons for cooperating with the Government and bringing techniques to bear for the liquefaction and gasification of coal.

But in the case of geothermal energy there is no vested interest. Most of the geothermal resources lie on public lands. There is no established industry with the capital and with the know-how to proceed. That is why the committee felt that it was necessary to treat with geothermal energy in a different manner, and it accounts for the separate title the committee had placed in the bill.

For that reason, I think the position taken by the committee and spoken for by the able floor manager is sound.

Mr. JOHNSTON. I thank the able Senator from Idaho, who has accurately stated the reasoning of the committee in adopting the amendment, which was as a matter of fact the amendment of the Senator from Idaho.

The fact is that in geothermal, not only is the technology available, but we have people ready, willing, and able to go, and all they needed was this loan guarantee to reduce the interest rate. That is the reason for that provision.

Mr. BELLMON. May I state to the able Senator from Louisiana that we are ready, willing, and able to go on coal gasification and liquefaction also, if they will show the same interest as they have in geothermal.

Mr. JOHNSTON. If the Senator will yield, the fund set up by the Senator is a price guarantee fund, and one of the things yet to be determined is how best to make the Federal input on coal gasification and liquefaction, whether it should be by underwriting loans, by price guarantee, or by some of the other means provided under the bill. That is one of the questions that will rapidly be determined after the bill becomes effective, and then Congress will be able to pass on it.

We are talking about a $20 billion bill, and we simply do not have all of the information necessary for Congress to know how best to apply that money. We know which direction to move in, but we cannot make all the final decisions at this point.

That is the scheme and rationale of the bill, and we think it is very sound to proceed in that manner. It will not hinder or slow down the program, but I think in the long run will get us a much sounder program.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. BELLMON. May I inquire how long it is going to take Congress to get around to making these complicated and in many cases highly technical decisions? Does the Senate feel that Congress will be in a position to make the decisions in 6 weeks, 6 months, or 6 years? The Senator has already mentioned that this bill has been in the hearings process since last March. If we have been in the hearings process for 9 months, how much longer will it take?

Mr. JOHNSTON. If the Senator will yield, we were not trying to make the scientific determinations the bill calls for. We are expecting those who are experts in scientific research to give us the recommendations upon which to base these legislative decisions.

Mr. President, I think this colloquy indicates the very complicated nature of this bill, and indicates, hopefully, the depth in which our committee has considered it.

As I say, this amendment is a part of the overall amendment which was just rejected, and while I have the highest respect for the Senator from Oklahoma and the highest respect for the efforts that he has put in on this bill, and I hope that some of these items will later be considered by Congress, I submit, Mr. President, that this is not the time to debate these amendments one by one. So I move to lay the amendment on the table.

Mr. JACKSON. I ask for the yeas and nays. Does the Senator want the yeas and nays?

Mr. BELLMON. The yeas and nays have been ordered.

Mr. JACKSON. On the motion to table? I do not think so.

The PRESIDING OFFICER. Not on the motion to lay on the table.

Mr. JACKSON. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. DOMENICI). The question is on agreeing to the motion to lay on the table the amendment of the Senator from Oklahoma (Mr. BELLMON). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Utah (Mr. MOSS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I also announce that the Senator from Missouri (Mr. SYMINGTON) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New York (Mr. BUCKLEY), and the Senator from Florida (Mr. GURNEY) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent by leave of the Senate on official business.

The Senator from Oregon (Mr. PACKWOOD) is absent on official business.

Also, the Senator from Tennessee (Mr. BROCK) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The result was announced—yeas 57, nays 28, as follows:

[No. 561 Leg.]

YEAS—57

Abourezk
Allen
Bayh
Bentsen
Bible
Biden
Brooke
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Eagleton
Eastland
Ervin
Fong
Gravel
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Hughes
Humphrey
Inouye
Jackson
Johnston
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McIntyre
Mondale
Montoya
Nelson
Nunn
Pastore
Percy
Proxmire
Randolph
Ribicoff
Scott,
William L.
Sparkman
Stennis
Stevenson
Talmadge
Tunney
Weicker
Williams
Young

NAYS—28

Aiken
Bartlett
Beall
Bellmon
Bennett
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Fannin
Griffin
Hansen
Helms
Hruska
Javits
McClure
Pearson
Roth
Saxbe
Schweiker
Scott, Hugh
Stafford
Stevens
Taft
Thurmond
Tower

NOT VOTING—15

Baker
Brock
Buckley
Fulbright
Goldwater
Gurney
Huddleston
Mathias
McGovern
Metcalf
Moss
Muskie
Packwood
Pell
Symington

So the motion to table the amendment of the Senator from Oklahoma (Mr. BELLMON) was agreed to.

THE VICE PRESIDENT

Mr. MANSFIELD. Mr. President, I should like to ask the acting Republican leader what the latest information is as to when the House will vote on the Ford nomination and when we might expect to go to the Hall of the House.

Mr. GRIFFIN. In response to the question of the distinguished majority leader, I have just been on the telephone in the cloakroom, and the best "guesstimate" is that they will begin voting in 10 minutes, and the vote will be over at 4:30. They will then stand in recess until 5:30. Apparently, they took a little longer than they anticipated in debating the rule before they got into the general orders.

I ask the majority leader, in light of that, when would the Senate be likely to go over to the House?

Mr. MANSFIELD. Did the Senator say 5:30 they would go back in session?

Mr. GRIFFIN. Yes. We would go over before that, would we not?

Mr. MANSFIELD. I would say 5:25.

NATIONAL ENERGY RESEARCH AND DEVELOPMENT POLICY ACT OF 1973

The Senate continued with the consideration of the bill (S. 1283) to establish a national program for research, development, and demonstration in fuels and energy and for the coordination and financial supplementation of Federal energy research and development; to establish development corporations to demonstrate technologies for shale oil development, coal gasification development, advanced power cycle development, geothermal steam development, and coal liquefaction development; to authorize and direct the Secretary of the Interior to make mineral resources of the public lands available for said development corporations; and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on any rollcall vote occurring during the remainder of today be limited to 10 minutes, with the warning bells to be sounded after the first 2½ minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 771

Mr. BELLMON. Mr. President, I call up my amendment No. 771.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

Section 119 of the bill is replaced by a new section 119, as follows:

SEC. 119. (a) Notwithstanding any other provisions of this Act, the Chairman is authorized to receive and consider requests, from persons, corporations, and other legal entities engaged in the exploration, development, or production of energy or engaged in other energy-producing or related activities, including energy research, in connection with the necessity to obtain materials, articles, equipment, supplies, or devices which are or may be in critical or short supply and which are essential to the expeditious progress of such exploration, development, production, or activities, including energy research, and to advise and make recommendations to the President with respect thereto.

(b) The President of the United States is authorized (1) to require that performance under contracts or orders (other than contracts of employment) which he deems necessary or appropriate to meet the energy needs of the Nation shall take priority over performance under any other contract or order (other than a contract or order of the President pursuant to the provisions of section 101 of the Defense Production Act of 1950, as amended (50 App. 2071)) and, for the purpose of assuring such priority, to require acceptance and performance of such contracts or orders in preference to other contracts or orders by any person he finds to be capable of their performance, and (2) to allocate such materials, articles, equipment, supplies, or devices referred to in subsection (a) of this section in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate to meet the energy needs of the United States.

(c) In addition to the aforementioned authority, the President is further authorized, in order to achieve the purposes of this Act, to take such additional action as may be necessary to obtain or allocate such materials, articles, equipment, supplies, or devices which are or may be in critical or short supply and which are essential to the expeditious progress of energy exploration, development, production, or other energy producing or related activities, including energy research.

Mr. BELLMON. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BELLMON. Mr. President, a copy of this amendment is on the desk of each Senator. There is no point in my reading it.

We all know that at the present time the country has a critical energy shortage, but many Members may not realize that along with that is a clearly critical shortage of some of the essential equipment and materials that are needed for the development of new oil and gas wells.

I can cite an example from a telephone call I had yesterday from a small Oklahoma independent operator who is drilling acreage involving 30 gas wells. He has drilled 20 of those wells already. He has succeeded in finding gas in every one of those wells. He has a rig running now, drilling one other well. He has enough casing to go in that well, when and if they complete it, and then he is out of casing. So he has eight wells he will not be able to drill, and he cannot find pipe to put in them. This operator is in the position of having to let his rig go. He does not know when he will be able to get it back. As a result, the country is going to be denied the several million cubic feet per day of natural gas this operator is ready to produce.

If we are really serious about solving the energy crisis, we have to take action to make the materials that operators need in the oil fields, the coal mines, and our other energy-producing facilities available in the marketplace.

One of my concerns is that these critical shortages are not dealt with in this bill. S. 1283, as reported, addresses itself to the question of the critical supply of essential materials, but it is my judgment that the President should be given, in connection with dealing with the energy crisis, authority equivalent to that given him by section 101 of the Defense Production Act of 1950, relating to national defense. That is what this amendment provides.

I believe we would all agree that the energy crises we face is equally as serious as many of the crises that grew out of wartime. With the impact the Arabs are able to have on our foreign policy by withholding oil, we should recognize that the energy crisis is, in effect, a matter of national security, and we need to give the President the same power to deal with this crisis as with crises that grow out of wartime.

There is no point in this administration exhorting industry to go out and do more to solve the energy crisis if we deny them access to the materials they must have to get the job done.

I have talked to members of the committee, and I am told that a bill will be coming on perhaps next year to get to this problem; but I can see no reason to wait months when the need is now.

This amendment would do no violence to the bill. It would help make certain that those industries and individuals in our country who want to help solve this crisis can have the material they need to get on with the job.

I urge the manager of the bill to accept the amendment.

Mr. JOHNSTON. Mr. President, S. 2589, which passed this body on November 20, 1973, and is now in the House Commerce Committee, provides as follows, in section 313, page 33:

SEC. 313. MATERIALS AND FUELS ALLOCATION.—To achieve the purposes of this Act, the President shall take such action as may be necessary to allocate supplies of materials, equipment, and fuels associated with exploration, production, refining, and required transportation of energy supplies to the extent necessary to maintain and increase the production of coal, crude oil, natural gas, and other fuels.

The President shall conduct a review of all rulings and regulations issued pursuant to the Economic Stabilization Act to determine if such rulings and regulations are contributing to the shortage of materials associated with the production of energy supplies and equipment necessary to maintain and increase the production of coal, crude oil and other fuels.

So this authority is already in the law as passed by the Senate.

In addition, this amendment goes a step further—an unneeded step, in my judgment, at this time—a step which has not been considered by the committee, and that is to give the President the authority to issue an order, in effect, to direct anyone to perform a contract or to perform work under that order in preference and priority to anything else that person may be able to do. That has not been considered by any committee, and we believe it is unnecessary at this time.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. BELLMON. I invite the attention of the distinguished Senator from Louisiana to section 119 of the bill, page 92. This section reads:

> SEC. 119. To achieve the purposes of this Act, the President is authorized to take such action as may be necessary to obtain or allocate materials which are or may be in critical supply and which are essential to the expeditious progress of energy research and development efforts.

It is obvious that the committee considered this matter, because it is in the bill, in a watered-down form. So this is no surprise to the committee. The committee is fully aware that these critical shortages exist. The problem is that the language in this bill is limited to energy research and development. It does nothing about the production of energy.

Mr. JOHNSTON. The bill under consideration is a research and development bill, and section 119 of the bill gives the President the authority to obtain and allocate materials necessary for research and development. For the purpose of research and development, this bill has all the authority that is possibly needed.

In addition, S. 2589, the bill previously passed by the Senate on November 19, gives the President the authority and mandates that he allocate supplies, fuel and equipment—everything needed for the production and exploration of energy. We submit that the authority is ample in bills that already have been passed.

Mr. BELLMON. Mr. President, will the Senator yield further?

Mr. JOHNSTON. I yield for a short question.

Mr. BELLMON. All my questions are short, Mr. President.

If the statement of the Senator is correct, then the language in section 119 is not needed. More than that, I submit that the country and the administration have already had experience with the Defense Production Act, and whatever comes out of the new legislation will be different and a new program and require several months to set up the necessary administrative mechanism to gain experience to see how it operates; but we have already had experience with the Defense Production Act, and since we had that experience it is necessary to deal with the present crisis.

Mr. JOHNSTON. After the motion to table, I would hope that the distinguished Senator from Oklahoma will concur with me when he has read the language from S. 2589, because we feel the language is more than adequate to achieve the goal we both feel should be achieved; and that is to have priority assignment of all needed materials and fuel to energy producing facilities.

Mr. President, I move to table the amendment.

Mr. DOMINICK. Mr. President, will the Senator withhold that motion to table?

Mr. JOHNSTON. Mr. President, I withhold my motion to table.

Mr. DOMINICK. I have a little trouble following the dialog. The Senator from Louisiana, as I understand it, is objecting to the Senator's amendment because he said the language is already in the bill in the House. Well, already we have pending two bills. For example, there is the provision from the Senate that we should permit the ownership of gold; and hopefully we will be able to do more than that and put it on three or four bills before we are through. The House does not always follow through on bills we send them.

If we already have passed it, why not put it on another measure?

Mr. JOHNSTON. Mr. President, the question is a proper one. The bill I referred to is S. 2589. That is an energy bill being dealt with by the House and we expect action on it soon. We consider the language in that bill all that is needed.

In addition, the language of the instant amendment goes considerably further than needed, in our judgment. There has been no one in any committee supporting the kind of language found in section (b) of the instant amendment, authorizing the President, in effect, to require persons and corporations to perform whatever is called for under a ruling of the President, or under a contract the President should see fit to give priority to. That is a tremendous grant of authority.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. BELLMON. I call the distinguished Senator's attention to the language of the bill, section 119, page 92, lines 17 and 18, where it is stated:

> To achieve the purposes of this act, the President is authorized to take such action as necessary . . .

Absolute, unlimited action. There is no restriction at all in the committee bill.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. BELLMON. But it is the language in the Defense Production Act used effectively in the past.

Mr. JOHNSTON. Section 119 authorizes the President to take such action necessary—

> To obtain or allocate materials which are or may be in critical supply and which are essential to the expeditious progress of energy research and development efforts.

But the instant amendment goes considerably beyond that, because the President is authorized to require performance under contracts or orders which he deems necessary or appropriate to meet the energy needs of the Nation.

Mr. BELLMON. That is much more restrictive than section 119. That section says he may take any action.

Mr. JOHNSTON. Any action "to obtain or allocate materials." But this amendment states the President may require—

> That performance under contracts or orders which he deems necessary or appropriate to meet the energy needs of the Nation shall take priority.

Mr. BELLMON. That is far less demanding.

Mr. DOMINICK. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. DOMINICK. I would like to add a few sentences before we end the debate.

We have been operating in the Senate on emergency energy problems for approximately less than 3 weeks. We have had all kinds of amendments tacked onto bills, including an amendment by the Senator from Minnesota (Mr. HUMPHREY) in which a 100-percent subsidy is given for carpooling, which I never did understand. It seems apparent that that language will be taken out, and a lot of other things will be taken out by the House when they, in their judgment, start considering this legislation.

Obviously, we do not want to turn an energy bill into a welfare bill. So it certainly would seem to me on the assumption that the House, in their own good wisdom, and they have a lot of good wisdom, are going to knock out a lot of the legislation we have sent them, we might as well put that same type authority in here, because it does not make sense to say we are going to go forward with a lot of materials, manpower and effort when we do not have the materials to go ahead and do it. That is what I understand the Senator from Oklahoma is trying to do: Namely, to get the materials so that we can do the exploration and the development we need.

Mr. JOHNSTON. Mr. President, I share with the Senator from Oklahoma and the Senator from Colorado the desire to get those materials to fuel-producing industries. We think we have the authority in the present law and that this amendment goes further than it needs to.

Has the Senator from Colorado completed his remarks?

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. DOMINICK. I believe section 119 is a very good section, but it applies basically to energy research, and it is in an energy research bill.

The Senator from Oklahoma is saying we are doing much more than just research.

I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I merely wish to commend the Senator from Colorado for his clear statement, which so well reflects the hodgepodge development on this very vital subject. I know it is a problem to meet these measures and act to speed up legislation. I have confidence in the committee and I always like to support the committee which has considered the measure, whenever I possibly can. But once again, as I find myself about once a year, I find myself very reluctant about tabling of amendments. It seems to me not to save much time, and while I lean over backward to support the committee when I can, and while I do not contend that I understand every amendment offered on the floor, I still think these amendments are worthy of consideration and I do not like to simply vote on a motion to lay on the table. I like to vote on the merits.

Therefore, I have been and shall continue to be against tabling motions on this bill. That does not indicate any lack of respect for, consideration for, or confidence in the committee.

Mr. DOMINICK. Mr. President, I thank the Senator for his statement. I think that both the Senator from Oklahoma and the Senator from Colorado have been tabled rather frequently in the last month and it would be nice for a change not to be tabled and to be able to vote on the merits.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, if the Senator from Oklahoma would prefer to have a vote on his amendment rather than a vote on tabling, we would accommodate him and allow it to be voted on as is.

Mr. BELLMON. Mr. President, has the motion to table been lodged?

The PRESIDING OFFICER. What was the question of the Senator from Oklahoma?

Mr. BEALL. Has a motion to table been lodged on this amendment?

The PRESIDING OFFICER. No; it was withdrawn. The Senator from Oklahoma has the floor. The question is on the amendment. The yeas and nays have been ordered.

The Senator from Oklahoma.

Mr. BELLMON. Mr. President, I shall conclude very briefly.

While it is true that the bill we have before us deals with energy research and development, and while it is true that the bill gives the President vast power to take action to deal with allocation or acquisition of materials, the authority is limited just to research and development. This is not going to help meet the critical supply problem.

We now have many oil and gas wells that are not going to be drilled in the next few months because not enough pipe is available. If we are going to limit it just to energy research and development, that problem is not going to be met.

The statement by the Senator from Louisiana that the President already has this power makes no sense. Otherwise we would not have put it in the bill.

So I ask for approval of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. Fulbright), the Senator from Kentucky (Mr. Huddleston), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Texas (Mr. Bentsen), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Illinois (Mr. Stevenson), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell) is absent on official business.

I also announce that the Senator from Missouri (Mr. Symington) is absent because of illness.

I further announce that, if present and voting, the Senator from Illinois (Mr. Stevenson) would vote "nay."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from New York (Mr. Buckley), the Senator from Florida (Mr. Gurney), the Senator from Maryland (Mr. Mathias), and the Senator from Oregon (Mr. Hatfield) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) is absent by leave of the Senate on official business.

The Senator from Oregon (Mr. Packwood) is absent on official business.

If present and voting, the Senator from Oregon (Mr. Hatfield) would vote "nay."

The result was announced—yeas 37, nays 44, as follows:

[No. 562 Leg.]

YEAS—37

Allen
Bartlett
Beall
Bellmon
Bennett
Brooke
Case
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Fannin
Fong
Griffin
Hansen
Helms
Hruska
Javits
McClellan
McClure
Pearson
Percy
Roth
Saxbe
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stevens
Taft
Thurmond
Tower
Weicker
Young

NAYS—44

Abourezk
Aiken
Bayh
Bible
Biden
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cranston
Eagleton
Eastland
Ervin
Gravel
Hart
Hartke
Haskell
Hathaway
Hollings
Hughes
Humphrey
Inouye
Jackson
Johnston
Kennedy
Long
Magnuson
Mansfield
McGee
McIntyre
Mondale
Montoya
Nelson
Nunn
Pastore
Proxmire
Randolph
Ribicoff
Stennis
Talmadge
Tunney

NOT VOTING—19

Baker
Bentsen
Brock
Buckley
Fulbright
Goldwater
Gurney
Hatfield
Huddleston
Mathias
McGovern
Metcalf
Moss
Muskie
Packwood
Pell
Stevenson
Symington
Williams

So Mr. Bellmon's amendment (No. 771) was rejected.

ANNOUNCEMENT ON JOINT MEETING OF CONGRESS

Mr. HUGH SCOTT. Mr. President, I rise for the purpose of announcing that the House of Representatives, having confirmed the nomination of Gerald Ford to be Vice President of the United States by a vote, I believe, of 387 to 35, will reconvene at 5:25 p.m.

The majority leader advises me that the Senate will move from this Chamber to the House of Representatives for a joint meeting at 5:50 p.m. The President is expected to arrive in the House Chamber at approximately 6 p.m.

It is our hope that Senators will be able to be there prior to 5:50 p.m.

I know of no intention of the leadership to recess in the meanwhile.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes.

NATIONAL ENERGY RESEARCH AND DEVELOPMENT POLICY ACT OF 1973

The Senate continued with the consideration of the bill (S. 1283) to establish a national program for research, development, and demonstration in fuels and energy and for the coordination and financial supplementation of Federal energy research and development; to establish development corporations to demonstrate technologies for shale oil development, coal gasification development, advanced power cycle development, geothermal steam development, and coal liquefaction development; to authorize and direct the Secretary of the Interior to make mineral resources of the public lands available for said development corporations; and for other purposes.

Mr. BELLMON. Mr. President, I call up my amendment No. 772.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second (putting the question)? There is a sufficient second.

The yeas and nays were ordered.

Mr. BELLMON. Mr. President, the amendment is very simple. I will read the amendment in its entirety.

The amendment reads:

Section 108 of the bill is replaced by a new section 108, as follows:

Sec. 108. (a) Notwithstanding any other provisions of this Act, the Chairman is authorized to enter into contracts with any person, corporation, or other legal entity pursuant to which such person, corporation, or entity shall be authorized to design, construct, and operate a full-scale, commercial-size facility to produce energy from coal gasification, oil shale, solar power, tidal power, or other unconventional sources of energy.

(b) At the request of the Chairman, the Secretary of the Interior or other appropriate head of a Federal agency shall, notwithstanding any other provision of law, make available, by lease or otherwise, such lands or interests therein, or mineral interests, or both, of the United States as may be necessary to enable any such person, corporation, or legal entity to carry out a contract entered into pursuant to subsection (a) of this section or other provision of this Act. Such lands or interest may, notwithstanding any other provision of law, be made available by lease or otherwise on a negotiated basis. At the request of the Chairman, the Secretary of the Interior or other appropriate head of a Federal agency shall, notwithstanding any other provision of law, immediately issue to any such person, corporation, or legal entity any license, permit, or other certificate or documentation necessary to enable such person, corporation, or legal entity to carry out any such contract.

Mr. President, again when we look at S. 1283 carefully, we find that while the intentions of the act are to go ahead and get energy development underway, the act has built into it many delays that will hold back our efforts. In my amendment I am trying to avoid these delays. The purpose of the amendment is to streamline the procedure so that any entity interested in entering into contracts with the Chairman of the Agency we will create will be able to do so and will be able to proceed.

One of the key sections of my amendment has to do with making available the Federal lands that are going to be involved in such projects as geothermal, coal gasification, or oil shale development.

As the law now stands and as S. 1283 now stands, it would be impossible for an entity to come to the Secretary of the Interior or to the Chairman of the Agency and be assured of getting the leases of Federal lands that would be necessary to go ahead and develop our resources that this country so vitally and desperately needs.

Again, the purpose of the amendment is to hasten the research and demonstrate the project and make certain that any new technology that is developed that is waiting to be put into practical application can be undertaken without undue delay.

The way the bill is written, it would be necessary for any entity that wants to participate in the present program to come back to the Congress and to get approval if more than $50 million is involved.

The Chairman of the Agency would be limited to approving projects of $10 million or less. There are very few projects of significance that can be undertaken with investments of $10 million or less. It is going to require generally sums of up to a quarter of a billion dollars to get significant commercial production from coal gasification and coal liquefaction plants. And similar sums will be required for the synthetic production of oil from the oil shale.

This amendment will hasten the development of the commercial energy plants. It will hasten the application of much of the technology that has been developed. And it will do a great deal to move this country toward a final solution of this energy crisis.

Mr. JOHNSTON. Mr. President, this amendment would do among other things, the following. In the guise of spending for research and development it would repeal or at least do away with, for the purposes of this act, the Mineral Leasing Act of 1920, as amended many times, the Outer Continental Shelf Act, all of the environmental protection laws, including NEPA, all licensing acts, criminal laws, antitrust laws, all consumer protection laws, and frankly, we do not know what else. And there has been no testimony at all that these acts are constraining research and development.

It goes much, much too far. It has not been called for, Mr. President, and therefore we——

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. JACKSON. As a matter of fact, as I read this amendment, the Chairman, who is the manager, would have the authority to enter into leases involving the public domain on any basis he saw fit. There are no leasing guidelines here. In fact, he could give away the public domain. I cannot really believe my good friend from Oklahoma would intend such a thing. But the amendment, if you read it, is clear as it can be, because it states:

> Notwithstanding any other provision of law.

You lease pursuant to the Mineral Leasing Act, and you have vested all the authority in the Chairman. I cannot believe they want to do it.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. BELLMON. Let me make it clear that the Senator from Oklahoma desires to do exactly that.

Mr. JACKSON. Does the Senator mean he wants no safeguards to protect the public interest, and that the Chairman could enter into any kind of lease he wanted to? Is that what the Senator is saying?

Mr. BELLMON. That is exactly what the Senator from Oklahoma wants to do.

Mr. JACKSON. Well, Senators should know what they are doing. This could be the greatest raid and greatest delegation of authority since Teapot Dome, when a fellow by the name of Fall was Secretary of the Interior. I am shocked that such an amendment would be offered on the floor of the U.S. Senate.

But every Senator will know exactly what he is doing.

Mr. BELLMON. Let me say to the distinguished Senator from Washington that the Secretary of the Interior or other appropriate heads of Federal agencies are involved in this process. They are not going to give away Federal lands except to streamline the process, so that demonstration projects could get underway.

Does the Senator have any idea how long, under existing law, it will take to get one of these on stream?

Mr. JACKSON. This is a mandatory requirement. Starting on line 7 of the amendment, it reads:

> At the request of the Chairman, the Secretary of the Interior or other appropriate head of a Federal agency shall, notwithstanding any other provision of law, make available, by lease or otherwise, such lands or interests therein, or mineral interests, or both, of the United States as may be necessary to enable any such person, corporation, or legal entity to carry out a contract entered into pursuant to subsection (a) of this section or other provision of this Act.

The Chairman could give away the public land, if he wants to, under this language.

Mr. BELLMON. To get a research project going.

Mr. JACKSON. Pardon me?

Mr. BELLMON. In order to get these research projects on the stream.

Mr. JACKSON. But there are no safeguards. He could enter into any kind of lease.

Mr. President, this is the most incredible amendment that I have ever seen presented during my service in the Congress, House or Senate, regarding the public lands of the United States. That is all I have to say.

Mr. BELLMON. Mr. President, let me cite some of the language in S. 1283 as it now stands. Realize, we are trying to get action here that will get us off dead center and get some energy projects into operation, as well as getting the research and technology information that has been developed into use.

To begin with, section 110(a) says:

> For each proposal which is considered pursuant to section 105, and in which the potential Federal investment is estimated to exceed $10,000,000 the Chairman shall prepare and transmit to the Congress a report setting forth the following:

Then there are seven conditions.

Mr. JACKSON. Will the Senator yield right there?

Mr. BELLMON. Glad to.

Mr. JACKSON. I think when Senators read this RECORD, they will want to understand what the Senator is now reading. The Senator is reading from the bill, S. 1283, with our safeguard.

Mr. BELLMON. That is right.

Mr. JACKSON. All right. The Senator's amendment reads how, on line 1 of the first page, section 108(a)? What does it say?

> Notwithstanding any other provision of this Act.

What the Senator is reading is being repealed by his own amendment.

Mr. BELLMON. That is the point.

Mr. JACKSON. He wants to repeal it?

Mr. BELLMON. That is exactly what we are trying to do. We are trying to take out the delaying tactics the committee has put in. When you realize all the barriers the committee has erected to prevent research and development, it is possible to come to the conclusion that the purpose of this act is to stop it rather than help it. Because if any of these projects exceeds $10 million, the bill has to come to the Congress with these seven conditions, and it is necessary, then, for the Congress to act before it goes forward.

Mr. JACKSON. Mr. President, we are prepared to vote. I think we ought to vote up or down on the amendment. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BELLMON. Mr. President, I believe I still have the floor.

Mr. JACKSON. Yes, I am sorry.

Mr. BELLMON. Further, if the estimated amount of the Federal contribution does not exceed $50 million, the chairman goes ahead and negotiates, and then has to report to Congress on the availability of funds under the authorization, and so forth. But then it goes on to say that if the Federal contribution exceeds $10 million, no funds may be expended for any proposal under the authority by this subsection prior to 60 calendar days from the date on which the Chairman's report is received by Congress.

So this whole business comes back to Congress, and we have to act upon it before the chairman can enter into a project exceeding $10 million.

It is my conclusion, while I agree with what the committee is trying to do, that they have built in so many safeguards that while we are trying to protect some of the things that may need protecting, we are overdoing it. It is my intention to streamline the process so that we can get on with the job.

On page 82, at line 11, subsection (c) says:

> Proposals for which the total estimated amount of the Federal contribution exceeds $50,000,000 shall be implemented by the Chairman only if the implementation and the necessary appropriations are specifically authorized by the Congress in subsequent legislation.

So Congress is going to be authorizing and appropriating on every single project that amounts to $50 million or more. I submit that this is one way to slow down and ultimately stop the very kinds of projects we are hoping here today to get on the track.

It is my intention, by this amendment, to speed up the process and cut out some of the delays which are largely responsible for the energy crisis we face today.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. BELLMON. I yield.

Mr. HANSEN. Mr. President, I thank my distinguished colleague from Oklahoma.

I wanted to say just a few words in support of what I think is the obvious thrust and intention of this amendment. It is not to do great violence to this country. It is not to clothe an official with arbitrary authority, presuming that he is going to act adversely to the public interest. It is simply to recognize that we are in an emergency, and there is need for haste, that there will be people out of work, there will be jobs shut down, there will be cold homes—these are some of the factors that the Senator from Oklahoma has in mind, he is trying to say that he believes it makes sense to give these officials, who are going to be answerable and responsive to the public, authority that they need not otherwise have in order to expedite some demonstration projects.

It is not to open up all of the public lands and say they are going to be thrown open helter-skelter, with no concern at all for the public interest; it is simply to say that where those charged with discharging the objectives of this bill have examined the facts and have looked a situation over, and have concluded that it makes sense to set up a demonstration project, having in mind all of the concerns that we have in mind, there can be some cutting away of redtape, and there can be some authority given to an official, under that set of circumstances, to say that we will go ahead and start a demonstration project. I will ask my friend from Oklahoma if that is not what he would like to do, rather than what has been portrayed to be his motives by the distinguished chairman of the Committee on Interior and Insular Affairs?

Mr. BELLMON. Mr. President, I thank my friend from Wyoming for clarifying the matter. He is exactly right. What is needed is to stop all these delays and this procrastination, and move on. It is not my intention, as the Senator has said, in any way to make it possible for any public official to carry off the Federal Treasury.

On page 61 of S. 2183, beginning on line 3, it states:

> The urgency of the Nation's critical energy problems will require a commitment similar to those undertaken in the Manhattan and Apollo projects;

I wonder how far this country would have gotten in developing the nuclear weapons on which we have based our defenses, and in getting a man on the Moon, if we required Congress to approve every contract in excess of $50 million.

The bill is so loaded down with these kinds of restrictions that it will make it virtually impossible for any chairman to get any kind of result from the legislation we are considering today.

It is my intention to try to streamline the process, to cut out the delays, and to get on with the job.

Mr. President, the question has been raised as to the point that the language of my amendment No. 772 is too broad an authority.

Mr. President, I submit that a careful reading of my amendment will indicate that it is intended to provide only that certain mineral interests or property needed to establish a pilot project could be made available for such use on a basis other than competitive bidding. In other words, the interest could be acquired by means of a negotiated purchase. That is what I intended and that is what the amendment provides. The disposing of mineral interests of the United States on the basis of negotiated purchases is already in the law for certain unproven areas.

The PRESIDING OFFICER (Mr. Tunney). The question is on agreeing to the amendment No. 772 of the Senator from Oklahoma (Mr. Bellmon).

On this question the yeas and nays have been ordered and the clerk called the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. Bentsen), the Senator from Florida (Mr. Chiles), the Senator from Arkansas (Mr. Fulbright), the Senator from Kentucky (Mr. Huddleston), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Illinois (Mr. Stevenson), and the Senator from New Jersey (Mr. Williams), are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell) is absent on official business.

I also announce that the Senator from Missouri (Mr. Symington) is absent because of illness.

I further announce that, if present and voting, the Senator from Illinois (Mr. Stevenson) would vote "nay."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from New York (Mr. Buckley), the Senator from Florida (Mr. Gurney), the Senator from Maryland (Mr. Mathias), and the Senator from Oregon (Mr. Hatfield) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) is absent by leave of the Senate on official business.

The Senator from Oregon (Mr. Packwood) is absent on official business.

The Senator from New Jersey (Mr. Case), the Senator from Ohio (Mr. Saxbe), and the Senator from Texas (Mr. Tower) are detained on official business.

If present and voting the Senator from Oregon (Mr. Hatfield) would vote "nay."

Also, if present and voting, the Senator from Texas (Mr. Tower) would vote "yea."

The result was announced—yeas 11, nays 66, as follows:

[No. 563 Leg.]

YEAS—11

Bartlett
Beall
Bellmon
Curtis
Fong
Hansen
Helms
Hruska
McClure
Scott,
William L.
Stevens

NAYS—66

Abourezk
Aiken
Allen
Bayh
Bennett
Bible
Biden
Brooke
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Church
Clark
Cook
Cotton
Cranston
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Gravel
Griffin
Hart
Hartke
Haskell
Hathaway
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McIntyre
Mondale
Montoya
Nelson
Nunn
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Taft
Talmadge
Thurmond
Tunney
Weicker
Young

NOT VOTING—23

Baker
Bentsen
Brock
Buckley
Case
Chiles
Fulbright
Goldwater
Gurney
Hatfield
Huddleston
Mathias
McGovern
Metcalf
Moss
Muskie
Packwood
Pell
Saxbe
Stevenson
Symington
Tower
Williams

So Mr. Bellmon's amendment (No. 772) was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator from Kansas seek recognition?

Mr. DOLE. Yes. Mr. President, I seek recognition not to offer an amendment but to discuss with the distinguished chairman and the distinguished ranking Republican member of the committee the provision on page 69, subparagraph (7), which deals with secondary and tertiary recovery of crude oil.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. PERCY. Mr. President, I ask unanimous consent that John Pierce, a member of the Government Operations minority staff, be given the privilege of the floor during the course of this discussion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I yield to the distinguished Senator from West Virginia, without losing my right to the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, by the direction of the distinguished majority leader, I propound the following unanimous consent request, which has been cleared with Mr. Jackson, Mr. Fannin, Mr. Griffin, Mr. Allen, Mr. Buckley, and other Senators:

That on tomorrow, when the Senate resumes consideration of the pending measure, time on an amendment by Mr. Buckley be limited, for debate, to extend not beyond the hour of 3 p.m., with the provision that the vote on the bill is to occur immediately following the disposition of the Buckley amendment, and that paragraph 3 of rule XII be waived; ordered further, that no amendment not germane to the bill be in order on tomorrow, with the proviso that the Buckley amendment, having to do with the deregulation of natural gas, will be in order, regardless of its germaneness.

I think I have accurately stated it.

Mr. JACKSON. I assume that the order will be in the regular form, so that it will include that amendments to the Buckley amendment will be in order during this time.

Mr. ROBERT C. BYRD. Amendments to the Buckley amendment would be in order; and the time on any amendment to the Buckley amendment be limited to 30 minutes, with the understanding that when the hour of 3 p.m. arrives, if an amendment to the Buckley amendment is pending and the time on such amendment of 30 minutes has not run its course, the full time on the amendment to the amendment would be allowed to run before the vote on the Buckley amendment.

Mr. ABOUREZK. Mr. President, reserving the right to object, may I ask what the Buckley amendment is?

Mr. ROBERT C. BYRD. The Buckley amendment has to do with the deregulation of natural gas.

Mr. JACKSON. Deregulation of new gas.

Mr. ABOUREZK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Tunney). The Senator will state it.

Mr. ABOUREZK. If the unanimous-consent request does not go through, is the Buckley amendment nongermane to this bill?

The PRESIDING OFFICER. The Buckley amendment would still be in order if the agreement were not reached.

Mr. ABOUREZK. I am afraid I do not understand.

Mr. JACKSON. The point is that nongermane amendments can be offered to this bill, under the general rule.

Mr. ROBERT C. BYRD. The Senator is correct.

If this agreement is not entered into, nongermane amendments can come in. But under this agreement, no nongermane amendments could be offered tomorrow, with the exception of the Buckley amendment.

Mr. JACKSON. Or amendments thereto.

Mr. ROBERT C. BYRD. But amendments to the Buckley amendment would have to be germane to the Buckley amendment. Am I correct?

The PRESIDING OFFICER. That is correct.

Mr. ABOUREZK. So the purpose of the request is to close out all other nongermane amendments, except the Buckley amendment.

Mr. ROBERT C. BYRD. That is not the sole purpose; that is not the main purpose. The purpose of the request is that the Senate may expedite action on the bill and complete action on it tomorrow. The purpose of the request is not to rule out nongermane amendments; but in order to get the agreement, that provision had to be included.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank all Senators.

Mr. DOLE. Mr. President, returning to the question I will ask the distinguished chairman: Under section 106 of the bill, subparagraph 7, it is my understanding that within 6 months of the enactment of this bill, the chairman of the energy research management project shall make recommendations regarding solutions to the immediate and long term energy supply problem with respect to secondary and tertiary recovery of crude oil.

Of course, under this section, we are talking about research with regard to the recovery of oil that is in place. It has already been discovered. Some of it has been recovered through primary methods, some through secondary methods, and perhaps tertiary methods might have been used in some instances.

In the State of Kansas, and I am certain in many other States, the independent oil producers are working with State universities in an effort to better utilize all available technology in this area, and would like to make certain that some of the research funds authorized on this portion of the bill will be used to assist projects such as theirs. Some of the experts are saying that we have some 40 to 45 billion barrels of oil that could be recovered if these projects can improve on the methods and application of secondary and tertiary recovery operations.

We know the oil is there. The question is, "How do we recover it?"

The question I ask the Senator, and perhaps he can shed some light, is: Will this matter be given some priority under the research provisions of the law we have been reviewing?

Mr. JACKSON. I am glad to respond. As the Senator knows, the recoverable reserves as of this year, 1973, amount to about 38.7 billion barrels, out of a total recoverable reserve in the world of about 600 billion barrels. In place reserves are higher in the estimate of a lot of people. They say that in the United States we have in place reserves of 200 billion barrels. By that, we mean the oil is there, but for reasons of technology and economics, it is not being removed.

I take it this is what the Senator is referring to.

Mr. DOLE. Yes.

Mr. JACKSON. It is a very, very important area in which we need to make an allout effort.

May I respond to the Senator by saying we list the priorities starting on page 68 and then run through page 70. There are other priorities. They are not listed in order. It does not mean that because priority listed as No. 7, as is secondary and tertiary recovery, that it is seventh on the priority list. Not at all.

The management projects directed to move on the kinds of recommendations that will be called for within 6 months of the enactment of the act. We intend to do something about it.

Mr. DOLE. I thank the distinguished Senator.

As a member of the Committee on Finance I wish to say that Mr. David Freeman testified before our committee less than 10 days ago.

Mr. JACKSON. This will not delay any existing programs, by the way.

Mr. DOLE. I understand.

Mr. David Freeman pointed out, as the Senator from Washington and the Senator from Arizona know, current recovery operations skim the cream off the top and use about one-third of the oil discovered. It is suggested that over the next decade we might be able to increase domestic production by 30 to 40 billion barrels of oil through improved recovery methods. The only point I make is that in our State Dr. Floyd Preston, head of the Petroleum Engineering Department at KU, in conjunction with Mr. Warren Tomlinson, head of the Kansas Independent Oil and Gas Association, are seeking funds to research and improve secondary and tertiary recovery operations. It seems to me this is a problem in many States in the Midwest and in other oil-producing States and I am hopeful these research funds can find new and improved methods of recovery.

Mr. JACKSON. The Senator is correct. I observe that just in the secondary and tertiary area they estimate, on a conservative basis, that we could recover 30 billion barrels. I gave an overall aggregate of 200 billion barrels of inplace reserves. We do not have now the technology to reach it, but this bill contemplates that in the research and development we will make the effort to reach the unreachable based on existing technology. But with a conservative estimate of 30 billion barrels, that is almost as much as our total recoverable reserve.

Our colleagues should understand when we mention these figures, this points out the problem we face in this country; that is, the total reserves for the world are 600 billion barrels. Saudi Arabia has one-half; the United States has somewhat less.

We produce more oil than any other nation in the world but, and this is a big but, we consume more than any nation in the world, so our total reserves are going down like an hour-glass whereas in other countries the reserves are going up instead of down, because of new discoveries.

Mr. DOLE. I appreciate the Senator's comments. As the Senator knows I think that one factor that has delayed secondary recovery, and particularly tertiary recovery, has been the added cost per barrel to remove that oil from the ground using these methods. Financial incentives to encourage such recovery operations may be needed. The President of the Kansas Oil and Gas Association said today, we can extract this oil from the ground next month if the incentives are available. We need not wait 3 and 4 years.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. JACKSON. We did work out the amendment that is now law that provides for an exemption of price for stripper wells.

Mr. DOLE. That is correct.

Mr. JACKSON. I think that is limited to 10 barrels per leasehold. But it is a long step forward.

Mr. DOLE. And the production has increased in those stripper areas, because of the law enacted by Congress which demonstrates if we make it profitable for a person to recover oil through secondary or tertiary means, that person, company, or partnership will make the effort.

I thank the Senator.

Mr. JACKSON. I thank the Senator for this very helpful colloquy.

Mr. DOLE. Mr. President, I ask unanimous consent that an article appearing in World Oil of October 1973, entitled, "Improved Oil Recovery Could Help Ease the Energy Shortage" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Improved Oil Recovery Could Help Ease Energy Shortage

(By Ted M. Geffen)

Tertiary recovery is one answer to the existing energy crisis that has not been given sufficient consideration to date. With better economic incentives will come more research and development of recovery methods needed to produce a potential 55 billion barrels of already-discovered oil. Industry, with the aid of associations such as the API, has begun and will continue to develop ways to economically produce these currently unrecoverable reserves.

This article discusses tertiary recovery methods now in use and those of the future. An explanation of various methods, and a means of selecting an appropriate method for a particular reservoir, are given.

Future U.S. oil demand will be supplied from domestic source plus imports. The domestic supply will be derived from three sources:

1. Exploration.
2. Secondary recovery.
3. Tertiary recovery.

Exploring for new oil requires, to a large extent, drilling deeper and moving further from inhabited areas, making financial investment less desirable under existing economic conditions. In addition to increasing difficulty in finding new oil, costs for drilling wells deeper are not directly proportional to depth. Generally, for each 5,000 feet of added depth, cost about doubles. In hostile environments (offshore and Arctic) it doubles again. And ecological protection continues to be a major cost factor.

Secondary recovery has reached maturity with waterflooding the most used method. Opportunities of adding to domestic supplies from existing fields are dwindling rapidly. Of course, new discoveries will add a future storehouse of oil to be recovered by waterflooding. But even after prudent flooding, most oil discovered in a field will be left in the ground.

Secondary recovery has been a significant contributor of low-cost oil, but this low cost has given a false reflection to the real over-all cost of supplying domestic needs. Replacement crude oil supplies will not enjoy all the benefits in costs provided by extensive waterflooding.

Tertiary recovery refers to recovering part of the oil left after waterflooding. Capturing this oil economically is today's challenge to industry. It is not a new objective, since millions of research dollars have long been invested to develop technology that might provide a third crop of oil.

Tertiary recovery adds a new dimension of difficulty for the operator. This "hard-to-get" oil is in known locations but is also in lean deposits. These conditions present both advantageous and disadvantageous economic situations. Like exploration, tertiary recovery projects are heavily front-loaded financially, with large initial investment and long income delays. Environment difficulties should be minimal since conventional and in-place production facilities would be used. Operational wells must be available, as tertiary operations usually will not be able to carry the financial burden of redrilling.

U.S. OIL RESOURCE

A simplified picture of U.S. original oil-in-place (OOIP), discovered to date (excluding North Slope), is shown in Fig. 1. (Figure 1 not printed in Record). Of 408 billion barrels, which include all oil ultimately recoverable by present used methods from presently found fields. This is about one-third as much as the 100 billion barrels already recovered. With no change in operating mode, ultimate recovery will be about 32.5% of oil found. The other 67.5% can be divided into three categories: unrecoverable, possibly recoverable and potentially recoverable.

Some experts judge that about 40% of OOIP will not, for practical reasons, be recovered. The remaining 27% is divided into two parts. Half is thought, by some visionaries, reachable by future innovative developments, while the other half is considered recoverable using current and soon-to-be-developed technology together with favorable economic environment.

Fifty-five billion barrels in this category may be optimistic. It is 1¾ times the current recoverable reserve figure. Even if this amount is not ultimately realized, there could still be a volume equal to current reserves. This is the target for tertiary recovery and it offers a significant contribution in easing the energy shortage.

Industry is spending more than $25 million per year on tertiary recovery research. This is being done to reduce the time factor in achieving viable recovery methods. Essentially, all funds for tertiary recovery research have been and are being supplied by the producing industry. Stimulations to increase this effort have been suggested by individuals in responsible positions inside and outside industry.

TERTIARY METHODS

Unconventional, improved fluid injection or *tertiary* methods, whatever name is used, also are operable in the secondary recovery mode since the same technology applies. They can be used instead of waterflooding, but their value is in terms of incremental oil recovery to incremental cost over waterflooding.

Tertiary methods are listed in Fig. 2. Boxed-in words refer to manner in which supplied energy is moved through reservoirs which exist between wells. A few methods incorporate a substance in the injection water which, in effect, improves performance of conventional waterfloods.

Methods offering greatest incremental recovery potential involve injecting a slug, or small bank, of one fluid and driving this slug through reservoir with another fluid(s). These combinations are indicated by connecting lines. The first material injected is characteristically small in volume, but high in cost.

Objective of the active ingredient (solvent or hot zone) is to mobilize and push forward oil that remains in pore spaces. This, in turn, is propelled from injection to production wells by drive fluids such as water or a selected gas.

A dilemma exists in using methods to maximum potential since the more effective the oil clean-out job (displacement efficiency) by the active ingredient, the greater the tendency for the method to contact less oil-bearing formation (sweep efficiency). This can be disastrous to oil recovery efficiency.

A remedy, called mobility control, is performed by selecting injection fluids, such that each fluid bank is driven by fluid having a lesser ability to flow. This allows for displacement efficiency as well as forcing fluids to spread out and increase sweep efficiency, or volume of rock contacted. Examples of mobility controls now used are polymers added to drive water and water slugs injected alternately or continuously with drive gases.

In waterflooding, a certain amount of injected fluid, cycling through high-flow conductor zones, can be tolerated because of water's low cost and handling. Economics demand that these conditions, if severe, be corrected in tertiary projects. Means to overcome this detrimental condition are under development and so far are not widely used.

For treating thin, low-volume, highly permeable zones, materials such as time-set gels and very high molecular weight polymers are encouraging. If the culprit is a fracture, then a promising treatment is to inject a slurry of solid fines (powders).

Tertiary operations have to support costs of handling large volumes of water put into formation by previous operations. Thus, it is often desirable, when possible, to use an improved recovery method instead of waterflooding as a secondary recovery approach. This could have favorable economic benefits in some fields. Total life would be shorter and further savings would be realized by handling water only once.

However, there is a benefit from waterflooding first, particularly in formations where there is little or no tertiary experience. The waterflood can be used as a low-cost evaluator of reservoir floodability. This information would be critically useful—first, in making the decision as to desirability of specific tertiary operations, and second, in design.

Fig. 2 shows the considerable tertiary technology available. (Figure 2 not printed in Record.) Some methods are being used commercially in selected fields, while others are being evaluated by field pilot tests. Most technology originated in industrial laboratories, but the API Fundamental Research Program also has contributed significantly. Project 37, in particular, provided basic information and led to miscible hydrocarbon methods. And discussions and symposia sponsored by the former API Oil Recovery Technology Domain Committee introduced ideas which were the starting point, or contributed many of currently recognized improved recovery techniques.

"BIG FOUR"

Recovery methods with promise for commercial application include hydrocarbon miscible, CO_2 miscible, water miscible and thermal.

Hydrocarbon miscible methods involve displacing crude from pore space by solvent action, which prevents formation of interfaces between driven and driving fluids. Elimination of interfaces allows complete displacement of oil from the part of reservoir contacted by solvent. Existence of interfaces in waterflooding and other immiscible drives causes capillary trapping and incomplete displacement of oil.

Since solvent is expensive, only a bank or slug is used. Final drive fluid is a less valuable material, miscible with the solvent, which can be either hydrocarbon or nonhydrocarbon gas. Injected fluid compositions and pressure are selected so that fluids will exist as single phase in the reservoir. Sometimes the ultimately injected fluid can be water.

Solvent slugs can be generated on site using some hydrocarbon components native to the crude, or by injecting intermediate molecular weight (i.e., C_2-C_6) components. In high pressure gas drives, solvent consists mostly of intermediate materials that vaporize from in-place crude. In rich gas and LPG slug methods, intermediates are injected.

When using LPG solvent, miscibility occurs on first contact with reservoir oil. But when using rich gas, the solvent bank forms by condensation of intermediate molecular weight hydrocarbons from injected fluid into reservoir crude. Thus, like high pressure gas drive, rich gas requires some contact between injected fluid and in-place crude to form solvent. This is commonly referred to as multiple contact miscibility.

Solvent and drive fluids are not as dense or viscous as reservoir crude. Because of this, in horizontal floods injected fluids tend to override oil and preferentially penetrate more permeable zones. These effects can be catastrophic toward efficient oil recovery. However, both natural conditions and operating controls can reduce these effects significantly.

For example, gravity effects can be used advantageously by flooding downward in pinnacle reef or other high relief type reservoirs. Thin shale lenses in the pay can reduce gravity override tendencies. Operating controls to force injected fluids to spread through more reservoir can be accomplished by injecting water continuously, or in slugs, with solvent and drive fluids.

Major investment items for hydrocarbon miscible flooding are costs of compressors and injected fluids. Availability of solvent and drive gas materials is critical as demand for these materials (as energy supplies) increases directly with demand for crude to be recovered.

Carbon dioxide miscible conditions can be realized with some crude oil by multiple contact mechanisms. Preceding comments regarding hydrocarbon miscible flooding also apply to CO_2 since it can be classified as a solvent.

In CO_2 miscible applications, density and viscosity contrasts are not as severe as when using hydrocarbon solvents, so there is a lesser degree of overriding and bypassing. In some geographic areas CO_2 is inexpensive, particularly where there is a naturally occurring deposit, large plants releasing high volumes of stack gases of CO_2 and where CO_2 is removed from natural gas for pipe line transportation.

Where a very low cost, large CO_2 supply is available, consideration can be given to driving CO_2 slug immiscibly by water instead of miscibly by more valuable gas. Then, an "extra large" slug of CO_2 can be injected to allow for trapping by the drive water.

Water miscible floods use chemical mixtures both for solvent-acting slug and drive fluid, and are mostly water. The slug is a combination of surfactant solutions that form a micellar fluid, or micro-emulsion. Drive fluid is "thickened" water made by adding a polymer to injection water. Since injected fluids are primarily water, gravity segregation effects are minimal. To maximize sweep and oil recovery efficiency, mobilities of slug and drive fluids are designed to provide a favorable viscosity contrast with the reservoir fluid.

Chemicals used tend to plate-out (i.e., absorbs) on pore surfaces. This loss adds to cost. Acceptable chemical costs and higher crude prices will be the key to commercialization of this method.

Thermal methods use heat to thin oil and make it flow more easily to production wells. Steam injection, both in "huff-and-puff" mode and straight-forward drive, is used commercially in recovering heavy oils. From a technical standpoint, steam drive also could be used for tertiary recovery of some high gravity crudes.

Combination of forward combustion and waterflooding (COFCAW) involves igniting formation oil in some wells and then propagating a combustion zone by continuous air injection toward producing wells. Water injected has two potentially favorable effects. It conserves generated heat and moves it forward, thus minimizing amount of air which must be injected and amount of crude which must be burned to maintain combustion. It also improves sweep efficiency by mobility control.

Both of these add to potential oil recovery. Major investment is for compressors, and compressor fuel can be a significant expense. Air and water supply present no general availability problems. COFCAW can be used to recover any API gravity oil that could be or has been waterflooded.

ADVANTAGES AND LIMITATIONS OF TERTIARY RECOVERY

Up to 55 million barrels of already discovered oil—nearly twice current U.S. recoverable reserves—is the potential of tertiary recovery.

Delays in application could mean abandonment of wells and irrevocable loss of oil production.

Added cost, above well operating expense, for tertiary oil ranges from $0.75 to $1.50 in ideal applications. During pioneer applications, there will be a higher than normal number of marginal performers and failures. So the real average cost to industry will be greater until advancement up the "learning curve" minimizes risk.

Other economic considerations influencing degree of commercial attractiveness are heavy financial front-loading and time-delayed income. Cost of unloading water from flooded reservoirs also will have to be carried by the project.

Other desirable features include using already made investments (i.e, wells and facilities in operating fields and pipe lines) for further income generation, no new environmental concerns and providing a supply within the United States.

Except in selected fields, tertiary investments are not now economically competitive with other methods to increase domestic crude supplies.

The most promising methods are miscible and thermal types.

Extensive field testing under favorable and controlled conditions is urgently required to uncover the factors that require further investigation so that risk of applying tertiary methods is reduced. Results must be made available at an early date to collapse the time required to develop industry confidence in their use.

Special equipment (such as compressors and steamers as well as supplies of chemicals and flooding fluids) is limited in terms of availability. Planning for manufacturing of these items should be given immediate attention if tertiary methods are to be used in the maximum number of suitable fields.

Some special fluids used are petroleum or petroleum-derived and their costs will increase. Others, like CO_2 are available at a low cost only in a few locations and in limited quantities.

TABLE 1.—SCREENING GUIDE—PREFERRED CRITERIA FOR UNCONVENTIONAL RECOVERY METHODS

Process	Oil grav. °API	Reservoir temp. °F	Operating press., psia	Oil visc. cp	Perm. md	K_{field}/K_{cores}	Thickness feet	kh/μ_o md-ft/cp	ϕh	S_o,%	ϕS_o, frac.	Depth feet	Well spacing acres	Favorable factors	Factors which increase risk
High pressure[1] gas drive.	>40	(2)	>3,500	<1	(2)	<5	(2)		Low best.	>25	(2)		(2)	1. Deep formation (see pressure). 2. High dip. 3. Undersaturated crude with high C_2-C_6 concentration.	1. Extensive fractures. 2. Strong water drive. 3. Gas cap. 4. High vertical permeability in a horizontal reservoir. 5. High permeability contrast. 6. Natural gas supply limitations.
Enriched gas[1] drive (condensing gas drive).	>30	(2)	>1,300 (900–1,000 with modif.).	<3	(2)	<5	(2)		Low best.	>25	(2)		(2)	1. At low pressures gas required with high C_2 and low N_2. 2. High dip. 3. Thin pay, low K_v.	Items 1–6 same as above. 7. LPG supply limitations.

Footnotes at end of table.

TABLE 1.—SCREENING GUIDE—PREFERRED CRITERIA FOR UNCONVENTIONAL RECOVERY METHODS—Continued

Process	Oil grav. °API	Reservoir temp. °F	Operating press., psia	Oil visc. cp	Perm. md	K_{field}/K_{cores}	Thickness feet	kh/μ_o md-ft/cp	ϕh	S_o,%	ϕS_o, frac.	Depth feet	Well spacing acres	Favorable factors	Factors which increase risk
LPG slug	>30	(2)	>1,300 800–900 with modification).	<5	(2)	<5	(2)		Low best.	>25	(2)		(2)	1. Distress (cheap) LPG available. 2. High dip. 3. Thin pay, low k_v. 4. C_2 rich fluid for low pressure reservoir.	Same as above.
CO_2 (miscible)[1] (water or gas driven).	>30	(2)	>1,100	<3	(2)	<5	(2)		Low best.	>25	(2)		(2)	1. CO_2 available. 2. High dip. 3. Thin pay, low k_v.	Items 1–5 same as above. 6. CO_2 supply and transportation requires high initial investment.
Micellar[1] flooding	(2)	≤200	(2)	<10	>20 to 50 in contacted portion of reservoir.	<5	(2)		High best.	>25	(2)	(2)	(2)	1. It is essential that good water be available (<5,000 ppm total dissolved solids; <500 ppm Ca^{++} and Mg^{++}) 2. Waterflood sweep >50 percent.	1. Extensive fractures. 2. Strong water drive. 3. Gas cap. 4. High permeability contrast. 5. High saline (>30,000 ppm TDS) connate or flood match.
Steam drive	>10	(2)	<2,500		(2)	(2)	>20	>20	High best.		>0.10 (>780 B/AF).	<4,000	≤10	1. Existing wells adaptable to steam injection. 2. Available gas supply for steam generation. 3. Available water which is cheap, slightly alkaline, free of H^2S, oil, dissolved iron, and turbidity.	1. Strong water drive. 2. Gas cap. 3. Low net to gross pay fraction. 4. Extensive fractures (not as serious as in other injection methods).
COFCAW	>45	(2)	>250		(2)	>5	>10	>100	High best.		>0.05 (>390 B/AF).	>500	≤40	1. Formation temperature >150°F. 2. Low vertical permeability. 3. Available water which is cheap and won't precipitate solids in presence of air. 4. Existing wells in condition to withstand high pressure. 5. Cheap gas supply for compressors.	1. Extensive fractures. 2. Gas cap. 3. Strong water drive. 4. Low net to gross pay fraction. 5. Serious preexisting emulsion problems.

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[1] Requires laboratory test to confirm suitability.

[2] Not critical.

SCREENING GUIDE

Table 1 gives tentative preferred criteria for screening projects that are prospects for application of Big Four methods. This guide is based on reported information derived from laboratory and field studies and is useful only as an initial filter. But prospects that pass this screen are candidates for further engineering study.

Screening Guide items are related to suitability of a reservoir, both as to operability and economic potential. One screening factor deserving special mention is oil saturation. It is not uncommon to find that calculated average oil saturation remaining in a reservoir is higher than that which exists in the portion of pay that can be processed by tertiary recovery methods. This situation is particularly prevalent in reservoirs where length is many times greater than width, and where pay stringers have limited horizontal continuity. Before committing to tertiary recovery operation, it is advisable to make direct measurements of oil saturation by at least one of several means, such as log-inject-log, pressure core analysis, tracer injection, etc.

TABLE 2.—COMPARISON OF CONVENTIONAL SECONDARY AND TERTIARY RECOVERY

	Normal range of recovery improvement Percent OOIP		Approximate range[1]
	From	To	
Secondary:			
Waterflood	10–20	30–50	0.35–0.50
Steam (heavy oil)	10	60	.75–1.25
Tertiary (after watered-out):			
Alternate gas-water	30	40	.25– .35
Thickened water (polymer)	30	40	.60– .80
Wettability reversal	45	55	.50– .75
Miscible-hydrocarbon	45	75	.75–1.00
Miscible-CO^2	45	70	.60– .85
Miscible-(micellar) water	45	80	1.00–1.50
IFT (micellar) water	45	75	.75–1.25
Thermal (COFCAW)	40	70	1.25–1.50

[1] Approximate range incremental cost above well operating expense. dollars per barrel of added oil.

SECONDARY VERSUS TERTIARY RECOVERY

Table 2 compares some tertiary with secondary methods. Figures, except for waterflooding, are based on judgement since insufficient data are available on tertiary field projects to generate statistical values. Also, figures represent expectations for carefully selected, well-designed, good-performing operations.

In addition to Big Four, figures are shown for three tertiary methods not as effective in displacement efficiency as are miscible or thermal types.

Recovery improvement values in Table 2 are presented in the form *from the value of recovery obtained by previous operations to the value after conducting the referenced method.* For example, where a miscible hydrocarbon tertiary project might be conducted, oil recovery by preceding primary and waterflooding would be around 45%. After tertiary operations, total recovery would be about 75%, or an incremental increase of 30% OOIP.

Incremental costs, above normal well operating expense, are shown as a range in terms of dollars per barrel of incremental oil. These values include both investment and added operating costs. For tertiary methods, 50–80% of this cost is for front-load items such as facilities and flooding fluids. Total cost for production would require (in addition to normal well operating costs for the field involved) cost to lift and dispose of water injected during preceding waterflood operations, and time value of investment money due to time delay in income.

Three methods, not included in Big Four, are expected to reach nominal increase in recovery for modest increase in cost. Of the Big Four, CO_2 miscible flooding appears to have the edge in costs. Unfortunately, cheap naturally occurring supplies of CO_2 near suitable fields are limited. Big Four are taught to have potential of providing additional recovery from some reservoirs amounting to 30–35% of OOIP. Incremental cost is estimated to be in the range of $0.75 to $1.50 per barrel for ideal applications.

Not all tertiary field projects will be successful. During pioneer applications, there will be a higher than normal number of marginal performers and failures. So *real* average cost to industry could be more until advancement up the "learning curve" minimizes risk. To put a sizable part of potential tertiary oil into the category of U.S. reserves, risks will have to be taken. There is an urgency for doing this before irrevocable losses of oil occur because of abandonment of wells.

TERTIARY RECOVERY'S FUTURE

In December 1972, the National Petroleum Council published a report, "U.S. Energy Outlook." An extensive study was made (starting in 1956) of sources which make up domestic production. Also, projections were made as to future (1970–1985) sources considering future economic climate changes. Several sets of assumptions were used.

One of these projections indicates that the proportion of total reserves to be added, attributed to tertiary operations, rises gradually starting in 1975, to 25% by 1985. Also by 1985, tertiary production will, after an inherent time delay, amount to about 20% of domestic total.

It appears from this forecast that there is likely to be an accelerated effort by industry on conducting tertiary operations. Continued frequent publication of results will help in development of viable methods in the time available. Delays could result in some extra oil being lost due to abandonment of uneconomic wells.

This article is taken from the paper "Improved Oil Recovery Expectations When Applying Available Technology" presented at the Third Annual Meeting, Division of Production, API, held in Denver, Colo., 1973.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. HARRY F. BYRD, JR. May I ask the distinguished Senator from Washington this question? On page 81 of the bill it provides:

> If the total estimated amount of the Federal contribution to the proposal does not exceed $50 million the chairman is authorized to proceed with negotiation of agreements.

Is that not rather high?

Mr. JACKSON. No. First of all, on anything over $10 million the chairman must report to Congress as listed, starting on page 81. The language on the bottom of page 80, starting at line 19 states:

> SEC. 110. (a) For each proposal which is considered pursuant to section 105, and in which the potential Federal investment is estimated to exceed $10,000,000 the Chairman shall prepare and transmit to the Congress a report setting forth the following:

It is an accounting to Congress. On the top of page 81 is the listing of what is required in that report.

Then it goes on and says:

> If the total estimated amount of the Federal contribution to the proposal does not exceed $50 million the Chairman is authorized to proceed with negotiation of agreements and implementation of the proposal as set forth in the report subject to the availability of funds under the authorization of appropriations granted in section 120(b) of this act.

There, we have delegated to the Chairman the authority to enter into these contracts up to $50 million. Between $10 million and $50 million complete accounting must be given, a complete report with a waiting period provided for Congress to act if Congress wishes to respond.

Then I would point out that on anything over $50 million they have to come to Congress to get a specific authorization.

Mr. HARRY F. BYRD, JR. That is clear—over $50 million.

Mr. JACKSON. For an authorization.

Mr. HARRY F. BYRD, JR. That is correct.

Mr. JACKSON. That takes a specific act of Congress.

Mr. HARRY F. BYRD, JR. But anything up to $50 million does not?

Mr. JACKSON. For $10 million to $50 million they do report to the Congress, and the Congress will have an opportunity to comment on it and take appropriate action, so that there is no way they can bypass the Congress. These programs are going to be substantial, and if we were to authorize every specific project up to $50 million, I am afraid we would have a real problem. This may be more far-reaching than any other act we have had to deal with, such as the Atomic Energy Act and other programs.

Mr. HARRY F. BYRD, JR. I certainly agree that a reasonable amount should be set on which the manager of the project should have leeway, but I am concerned with whether $50 million is not a substantial sum, perhaps a great deal more than should be given without the express approval of Congress.

Mr. JACKSON. I think it is a question of how the project is going to be managed. Look at the safeguards. The report lies for 60 days before the Congress. They have to respond to all these questions. We can take appropriate action.

Mr. HARRY F. BYRD, JR. Appropriation is still required?

Mr. JACKSON. Yes. And may I point out that each year we will be authorizing, on an annual basis. This bill requires an annual authorization by Congress for all of the programs that will involve funding.

Mr. HARRY F. BYRD, JR. But it does require appropriation?

Mr. JACKSON. Yes. We are not authorizing for 20 years. We have in this bill provided a broad strategy for a very large, massive research and development program, but Congress retains the authority not only of authorizing it annually; and on all changes appropriations would have to be made.

Mr. HARRY F. BYRD, JR. So this $50 million figure would be only for 1 year. Is that it?

Mr. JACKSON. No; the $50 million figure remains in the law. It is permanent law. But the entire program is subject to appropriation each year. We contemplate in this bill that it will get up to $2 billion a year on nonnuclear—this is nonnuclear research; we are not addressing ourselves to nuclear research—but we get to $2 billion a year in about 1975 or 1976. There will be an annual authorization of $2 billion that we will act on before the Appropriations Committee acts.

Mr. HARRY F. BYRD, JR. I thank the Senator.

May I go to the section of the legislation dealing with loan guarantees, which appears on page 95. The Government may guarantee up to 75 percent of the project. This is a very high percentage. Will the Senator comment on that?

Mr. JACKSON. Yes. This relates only to geothermal research.

Mr. HARRY F. BYRD, JR. Yes.

Mr. JACKSON. Title II of the bill is a special program which originally was in a separate bill. It has been incorporated into this bill. The 75 percent guarantee figure is one that was considered very carefully by the distinguished Senator from Arizona (Mr. FANNIN) and the distinguished Senator from Nevada (Mr. BIBLE), both of whom have long been active in this area, and it was their judgment, after a realistic look at this program, that to really get something moving, it would require authority going up to 75 percent.

Mr. HARRY F. BYRD, JR. One of the reasons why I opposed the SST was that the Government would put up between 85 and 90 percent of the money.

The Senator from Washington felt differently about that, so we will not debate that subject; but this is coming pretty close to that 85 percent subsidy which was proposed for the SST. It occurs to me that 75 percent is high.

Mr. JACKSON. This is not a subsidy. This is a loan guarantee.

Mr. HARRY F. BYRD, JR. It is a loan guarantee.

Mr. JACKSON. It is not a subsidy. The loan will be made privately by a bank.

Mr. HARRY F. BYRD, JR. But it is a guarantee by the government up to 75 percent of the project.

Mr. JACKSON. That is correct, but, of course, there would be action back against the corporation. The guarantee is the means by which the credit can be provided to underwrite this kind of loan.

Mr. HARRY F. BYRD, JR. It differs from the SST proposal, which was a direct subsidy.

Mr. JACKSON. There was a requirement in the SST proposal that before any of those funds for the SST could be recovered as profits, the Government would get its money back.

Mr. HARRY F. BYRD, JR. But it was a subsidy, as compared with a loan guarantee in this program.

Mr. JACKSON. That is right.

Then may I point out that at the top of page 97, subsection (b), it is provided:

> In the event of any default by a qualified borrower on a guaranteed loan, the Secretary is authorized to make payment in accordance with the guaranty and the Attorney General shall take such action as may be appropriate to recover the amounts of such payments

from such assets of the defaulting borrower as are associated with the project.

I think what will happen here, may I say, is that the people who will get into this program will be substantial corporations. They are required to be financially qualified. What it will really do is upgrade the quality of the loan and reduce the interest rate.

As the Senator knows, some of the large utilities are in this already. Pacific Gas & Electric has an operating plant north of San Francisco.

Really, the net effect of it would be to upgrade the loan, so that a lower interest rate should prevail, therefore making it more feasible from an economic point of view.

Mr. FANNIN. Mr. President, if the Senator will yield, we are very desirous of getting into research and development in this field, where there is a great potential. The Senator from Nevada (Mr. Bible) has been working on this matter for years. There has been a great effort to interest these firms in a research and development program. The Pacific Gas & Electric Co. is now producing, at Kaiserville, 400 megawatts, which is more than half of the electricity for the needs of San Francisco, to give Senators an idea of the magnitude of this program.

If we have projects like that in other areas of the country, it could be a blessing and it would mean that we would not be held to make tremendous expenditures in other fields. This has proven to be a low-cost energy producing type of arrangement. The cost of the production of power at Kaiserville is less than in many other areas of the country using other equipment.

We also have a great potential in the Imperial Valley, where it is estimated that there is sufficient steam and hot water to produce many times the amount of power being produced at Kaiserville.

What we need is investment in a research and development program to go forward in order that this type of power can be produced from that source.

Mr. HARRY F. BYRD, JR. I agree. I take it that the able Senator from Arizona and the Interior and Insular Affairs Committee both feel that a 75-percent loan guarantee is about the appropriate figure to use at the present time in this legislation.

Mr. FANNIN. This question was given very careful study, I will respond to the distinguished Senator from Virginia. It was considered the minimum, and it was felt it would be highly proper and would encourage development. Of course, naturally, there is a risk. There is risk in any kind of exploration. It was considered that this would be a very satisfactory arrangement.

Mr. HARRY F. BYRD, JR. Mr. President, I thank the Senator.

Mr. BELLMON. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I yield.

Mr. BELLMON. Mr. President, earlier this afternoon in a colloquy between the Senator from Kansas and the Senator from Washington there was a debate about certain projects and the fact that these are sometimes stymied, because they are not economic.

There was a comment by the Senator from Washington about how we decontrolled the prices on the production from the stripper wells. I ask the Senator from Kansas if he might think it wise to do this in the case of the oil in order to get some of these lands into production?

Mr. DOLE. I think it would be most helpful. We have studied a plan in the Finance Committee for doing this. However, this would, I think, bring about more rapid stimulation and more production.

Mr. BELLMON. Mr. President, it may be possible to offer such an amendment at a later time.

Mr. DOLE. Mr. President, I yield the floor.

Mr. COOK. Mr. President, during the last few days I have heard many of my colleagues speak about the energy crisis. Many suggestions have been made on how to handle the problem, but they have all dealt with a form of rationing or an additional tax. I feel that there is an easier way. To impose an additional tax would be grossly unfair to the millions of middle-income families and would undoubtedly prohibit the poor from driving at all. Rationing, which is a little better and definitely more acceptable by all, would present an administrative nightmare and would add more problems to an already overburdened administration.

Today, I had intended to offer an amendment to the present bill which would provide an alternative to rationing and additional gasoline taxes. However, I believe that the issue is of such importance that the bill deserves separate consideration and attention. Instead, I would like to present an outline of the way the plan will work:

> All persons owning a registered vehicle for personal use would be issued a decal on which a day of the week was printed, with the exception of Sunday. These decals would be color-coded for easy identification and would be placed on the car or other vehicle. On the day listed on the decal, that vehicle could not be driven on the highway. To eliminate any disadvantage which multiple car families might have, all vehicles in the same household would be issued the same day decal. The decals would be distributed on a random basis by State highway departments.

The Department of Transportation would be responsible for printing the decals and distributing them to the proper State authorities for further distribution. Each State would also be charged with enforcing this law, and establishing an appeals board to hear requests for changes in the day when they cannot drive, which may be necessary due to hardships.

There will have to be exceptions for certain people who must have their cars in order to work. There will also be exceptions for certain holidays.

This plan, together with the continued closing of gas stations on Sunday, to limit Sunday driving, should solve our gasoline problems. The effect of this plan would be to keep all personal vehicles off the roads at least 1 day each week. Using figures given to me by the Department of Transportation, my staff has told me that this plan will save at least 240 million gallons of gas a week or 12.5 billion gallons a year.

This plan would not require any new Federal bureaucracy to be established and could be implemented immediately. There would be no hoarding of gasoline or black marketing of ration coupons. It would affect all people equally, the rich and the poor. It would affect us, also.

I think it is time for us to take the lead by setting positive examples. I am ready to do my part.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House of Representatives had confirmed the nomination of Gerald R. Ford, of the State of Michigan, to be Vice President of the United States.

JOINT MEETING OF THE TWO HOUSES—ADMINISTRATION OF OATH OF OFFICE TO THE VICE PRESIDENT

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair, for the purpose of having the Senate proceed in a body to the Hall of the House of Representatives, for the administration of the oath of office to the Vice President of the United States.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

At 5:41 p.m., the Senate took a recess subject to the call of the Chair.

Thereupon, the Senate, preceded by the Sergeant at Arms, Mr. William H. Wannall; the Secretary of the Senate, Mr. Francis R. Valeo; and the President pro tempore of the Senate, Senator Eastland, proceeded to the Hall of the House of Representatives.

(The report of the proceedings in connection with the administration of the oath of office to the Honorable Gerald R. Ford, as Vice President of the United States, appears in the proceedings of the House of Representatives in today's Congressional Record.)

At 6:34 p.m., on the expiration of the recess, the Senate, having returned to its Chamber following the conclusion of the joint meeting, reassembled and was called to order by the Honorable Gerald R. Ford, Vice President of the United States.

Mr. MANSFIELD. Mr. President——

The VICE PRESIDENT. The Chair recognizes the Senator from Montana (Mr. Mansfield).

Mr. MANSFIELD. Mr. President, the present occupant of the Chair was designated by the President and confirmed by the Congress. He comes to the Chair from the House of Representatives, but he is now in, if not of, the Senate. I should point out, however, that he is not beholden to either body or to the President. He now occupies the Chair of the Senate in his own right under the Constitution and laws of the United States. In that context, the Vice President is welcome. We are glad to have him in the Senate. [Applause.] We look forward to this new association with an old legislative colleague and valued friend. There is every expectation that it will be a fortuitous one.

In the House, the powers of the person who occupies the Chair, the Speaker, are legendary. His gavel is a thunderclap. His voice strikes awe and commands attention. That is the atmosphere in which our new Presiding Officer received his parliamentary education. May I add that it was the worst possible conditioning for his present occupation. As he will soon discover, things are somewhat different on this side of the Capitol. [Laughter.] If there is one person in the Senate with less influence and authority than the majority leader or the minority leader, if there is one person more at the mercy of the Members, it is the Presiding Officer. [Laughter.]

The days ahead will comprise an extended period of reeducation for the distinguished Vice President. He will learn, for example, that Presiding Officers are expected to be seen, not heard. [Laughter.] He will learn that only in those rare instances when the Senate divides evenly may he speak, and then only in monosyllables: "yea" or "nay." [Laughter.] On procedural matters, the Presiding Officers may wish to propose but if the Parliamentarian does not dispose, then it will be the Senate as a whole which does so.

He will discover, in short, that the gavel of the House does not travel well. In transition to the Senate, it shrivels from a great sledge to a bit of soft ivory.

Before the doors of the Chamber close with finality on the distinguished Vice President, it occurs to me that a last reprieve may be in order. The Senate willing, perhaps, he should have one final opportunity to exercise his rights under the first amendment. [Laughter.] I request, therefore, that the Chair ascertain from the Parliamentarian whether it would be in order to offer a unanimous-consent request on behalf of the distinguished Republican leader (Mr. HUGH SCOTT) and myself to the effect that the President of the Senate, the Vice President of the United States, GERALD R. FORD, may be permitted to address the Senate on this unique and historic occasion for not to exceed—repeat, not to exceed—5 minutes, and that such consent, if granted by the Senate, not be regarded in any way, shape, or form as a precedent.

Mr. President, is it in order at this time to propound this request?

The VICE PRESIDENT. It is in order to make the request.

Mr. HUGH SCOTT. Mr. President, reserving the right to object, and in order to prolong the suspense, may I use this occasion to discuss, at some length, if need be—but the need does not be—whether or not the first amendment prevails over the 25th amendment, or vice versa?

I assume that 5 minutes under the first amendment is a sufficient length of time in which to validate the 25th amendment for all intents and purposes, and we have had the benefit here of hearing our new Presiding Officer duly instructed in the holy orders which pertain to the Senate having to do with his recent conversion to the new faith, and I would think that instruction in itself would be salutary and well and truly borne in mind.

I would like to reassure the Presiding Officer that the hazing received here has been amiably fraternal, but nevertheless with a small degree of malice aforethought. [Laughter.]

Therefore, I will conclude what I have to say, at the distinct nod from the distinguished majority leader to "get on with it."

Therefore, I move—I ask unanimous consent——

Mr. MANSFIELD. Ask unanimous consent. [Laughter.]

Mr. HUGH SCOTT. Warning the Senate that I might move, I ask unanimous consent that the distinguished Presiding Officer, the Vice President of the United States, may, notwithstanding any rules to the contrary heretofore or hereafter withstanding, be permitted to address the Senate under the rules of the House—that is to say, for not more than 5 minutes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered. [Applause.]

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES

The VICE PRESIDENT. Senators, I wish to thank the joint leadership for affording me the opportunity to speak to the Senate from the Presiding Officer's chair, notwithstanding your rules, which I will hereafter respect.

Senators, a funny thing happened to me on the way to becoming the Speaker of the House of Representatives.

The last leader of the other body who came directly to this Presiding Officer's chair was the legendary Speaker and Vice President John Nance Garner. His first and last speech to the U.S. Senate on March 4, 1933, was a model of brevity which I shall seek to emulate. I have been schooled by the 5-minute rule, and never learned to filibuster until the recent hearings on my confirmation.

Before your Committee on Rules and Administration I got a cram course in how the Senate does its work—under some very strict but learned teachers. I thank them for their diligence and the dignity with which they performed the first phase of the constitutional mandate of the Congress under the 25th amendment.

I am deeply grateful also to all Senators for the confidence which was reflected in your vote—I am grateful to those who voted "nay" as well as "yea"—for your confidence was in the capacity of our political institutions to meet new challenges without the extremes of passion and partisanship that have brought less sturdy republics to ruin.

To the distinguished Senators who examined my fitness to be your Presiding Officer I pledged my conviction that truth is the glue that holds government together. In the subsequent hearings before the Committee on the Judiciary of the House I added that compromise is the oil that makes government go.

This evening let me add one final thought. Love of America and faith in the goodness of this great country of ours is the power which unites all of us, those who govern and those by whose consent we govern, as we pray for better tomorrows in a peaceful world. [Applause.]

RECESS

Mr. GRIFFIN. Mr. President, I move that the Senate stand in a brief recess subject to the call of the Chair in order that the Members of the Senate may congratulate and shake hands with our new Presiding Officer.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Michigan.

The motion was agreed to and at 6:44 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 6:52 p.m. when called to order by the Vice President.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 o'clock tomorrow morning

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR McGOVERN, FOR ROUTINE MORNING BUSINESS, AND FOR RESUMING CONSIDERATION OF THE UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow after the recognition of the two leaders or their designees under the standing order, the distinguished Senator from South Dakota (Mr. McGOVERN) be recognized for not to exceed 15 minutes, after which there be a period for the transaction of routine morning business of not to exceed 15 minutes, after which the Senate resume its consideration of S. 1283, the energy R. & D. bill.

The VICE PRESIDENT. Without objection, it is so ordered.

BUDGETARY REFORM—ORDER TO HOLD HOUSE MESSAGE ON H.R. 7130 AT THE DESK UNTIL THE CLOSE OF BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, the bill (H.R. 7130) to improve congressional control over budgetary outlay and receipt totals, and for other purposes, has come over on a message from the House of Representatives today. Having discussed this request with the distinguished chairman of the Committee on Rules and Administration, with the distinguished ranking Republican member of that committee (Mr. COOK), with the distinguished assistant Republican leader, and with the distinguished Senator from North Carolina (Mr. ERVIN), the chairman of the Committee on Government Operations, I ask unanimous consent that H.R. 7130 be placed on the calendar, and that no action be taken thereon until such time as the Senate reports back a companion bill (S. 1541) after the convening of the next session, at which time the Senate will probably strike out all after the enacting clause of H.R. 7130 and insert in lieu thereof the Senate bill as amended, if amended.

The VICE PRESIDENT. Is there objection?

Mr. PERCY. Mr. President, reserving the right to object—and I may not object—I did not understand that this matter was to be brought up tonight. I thought it was pending.

I have not yet had a chance to check with the other minority members of the Committee on Government Operations, and at least advise them of this matter. Would it be all right to hold the matter over until tomorrow, so that I can touch base with them, and not just tell them it is a fait accompli?

Mr. ROBERT C. BYRD. Surely.

Mr. PERCY. If I had understood it was to be brought up this evening, I would have cleared it this afternoon. It has been discussed with the ranking minority member, but I simply have not had a chance to check it out with him.

The VICE PRESIDENT. Does the Senator ask that it be held at the desk until tomorrow?

Mr. PERCY. Until tomorrow.

Mr. ROBERT C. BYRD. Mr. President, I withdraw my request, and I ask, in lieu thereof, that the message which came over from the House of Representatives remain at the desk until not later than the close of business on tomorrow.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PERCY. I would like to make it clear that the Senator from Illinois understands the problem and is in full accord with the new proposal, but I would like to have a chance to check with the other Members.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded

The VICE PRESIDENT. Without objection, it is so ordered.

OBSERVATIONS ON THE SWEARING IN OF THE VICE PRESIDENT

Mr. PERCY. Mr. President, I should like leave, in the few minutes we have, to make an observation on the remarkable proceedings we have just witnessed. The only regret I have is that the diplomatic corps did not come over from the House of Representatives to the Senate. I noticed that the diplomatic gallery of the House was filled. It was filled with the wives of Senators. There were a great many new young wives. But I wish we had a few of the diplomats, because I think they would have enjoyed the proceedings. It was a moment of history and a moment of concern in the country.

I think it should have been apparent to all that we can handle these matters in accordance with the Constitution and do so with dignity.

The comments made by the Vice President of the United States, both in the House of Representatives and in the Senate, were historic comments. We are all grateful for them.

I think it was appropriate of the leadership of the Senate, both the majority and the minority, to have extended the warm welcome of the Senate to the Vice President of the United States, the Presiding Officer of the Senate.

Mr. THURMOND. Mr. President, I am pleased to join my colleagues in the Senate in this tremendous expression of congratulations to the new Vice President of the United States.

It was my great pleasure to support GERALD FORD's nomination, and it shall be my great pleasure to work with him in his new office.

GERALD FORD is a man of courage, candor and capability, and he brings to this Government a much-needed stabilizing influence. He has demonstrated his very able leadership in the past, and I am confident that he will continue this fine leadership in the future.

Mr. President, I congratulate GERALD FORD, and I wish him every success in his new office.

NOMINATION OF HELMUT SONNENFELDT TO BE UNDER SECRETARY OF THE TREASURY

Mr. HARRY F. BYRD, JR. Mr. President, I have been informed by the White House that the President is withdrawing the nomination of Mr. Helmut Sonnenfeldt, of Maryland, to be Under Secretary of the Treasury.

I think that is a wise decision on the part of the President.

Mr. President, this nomination was submitted to the Senate about 7 months ago. It was referred to the Finance Committee. The time conditions were such that the Senator from Virginia did not have the opportunity to query the nominee in the detail which the Senator from Virginia felt was necessary.

At the request of the Senator from Virginia, the distinguished chairman of the committee and the committee members held that nomination over until a later date so that the Senator from Virginia would have the opportunity to query the nominee in the detail he felt was required.

Subsequent hearings were held on the nomination, and the Senator from Virginia became convinced that Mr. Sonnenfeldt does not have the qualifications for the particular office to which he had been appointed, that of Under Secretary of the Treasury.

He would succeed in that position Mr. Edwin S. Cohen—incidentally, from Virginia—who is an expert on tax matters. Mr. Sonnenfeldt's qualifications did not fit, so far as the Senator from Virginia could see, into the requirements for the No. 2 or the No. 3 man in the Department of the Treasury.

Mr. President, I understand that Mr. Sonnenfeldt may be nominated for another position in another department. I do not in any way prejudge that case.

My opposition to Mr. Sonnenfeldt, as I stated to the Senate 2 weeks ago, is based entirely on my belief that he does not have the qualifications for this particular high position in the Department of the Treasury.

Now, Mr. President, there have been some news accounts that the chairman of the committee may have held up this nomination which, so far as I can ascertain—and I have been very closely connected with this matter—has not been the case at all. It has been a question of having the opportunity to bring the nominee before the committee and ascertain as best we can his qualifications.

I might point out that during much of the time this nomination has been before the Senate, Mr. Sonnenfeldt has been—I might not say much of the time, but during some of the time and maybe much of the time that the nomination was before the Senate, out of the country on other assignments. So the committee was not able to work out convenient dates between the nominee and the committee until some time in October.

So I know that the chairman could not delay the consideration of this, other than to permit the members of the committee, those who desired to do so, to have the opportunity to go into the qualifications of the nominee.

Mr. President, I spoke in the Senate on November 21 and stated at that time that I would like to speak for 2 hours on next Monday, December 10, to present in detail why I could not vote for this nomination. But if the nomination is going to be withdrawn, obviously there is no need to go into such detail, even now or on Monday next.

There is a unanimous-consent agreement before the Senate to consider the nomination of Mr. Sonnenfeldt to be Under Secretary of the Treasury on Monday next. I believe the President made the right decision in withdrawing this nomination.

I stated on the floor of the Senate 2 weeks ago that, in my judgment, even if he is confirmed, he would not long stay in the position of Under Secretary of the Treasury.

I want to say again that if he is nominated for another office, I will not in any way prejudge the case. I was dealing only with the office to which he was appointed; namely, the No. 2 or the No. 3 man as Under Secretary of the Treasury. His qualifications for that position are, in my judgment, lacking.

Mr. LONG. Mr. President, will the Senator from Virginia yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. LONG. Mr. President, I am pleased that the Senator from Virginia made the statement that he did just now. There have been some articles on this subject which have been very unfair to the Finance Committee, and perhaps its chairman.

When this nomination came to us, we were told by a number of sources, including Mr. Clark Mollenhoff, who had worked in the White House in relation to qualifications of people for high office—that this nomination should be carefully examined. Mr. Paul Scott and others had reason to believe that one would find information in the nominee's background which, if properly investigated, would be likely to disclose that the nominee had leaked secret information of this Government to representatives of a foreign nation as well as to members of the press.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield at that point?

Mr. LONG. I yield. The Senator from Virginia at no point expressed any concern about that matter.

Mr. HARRY F. BYRD, JR. That is right. I would like to get that clear.

Mr. LONG. In fact, he expressed no interest in the security matter, to the extent of saying that he did not care to look into that matter at all; he was not concerned about it. He was concerned about the fact that this nominee did not appear to have the credentials in fiscal and taxation matters to be the Under Secretary of the Treasury and did not have the experience or training or qualities in other respects that we had a right to expect of one who would occupy that particular Under Secretary appointment that prior to that point had contained the responsibility to handle the tax policy of the Treasury. As the Senator has correctly stated, Sonnenfeldt was nominated to succeed Edwin Cohen, who was probably the ablest tax expert in the Treasury with regard to tax policy, and perhaps the best tax expert in America.

So that the aspects about which the Senator from Virginia was concerned were not those that consumed so much time in the committee. What consumed so much time was the fact that the longer the matter went, the more allegations were received, and the more leads people had to suggest to the committee of security matters that should be investigated. It finally reached the point that we were apprised that this man's telephone had been tapped over a period of years; and we were urged to obtain the tapes and either to obtain the transcripts of those tapes or to subpena as witnesses those who did transcribe them and those who had the responsibility of monitoring those telephone calls, and to obtain from them the information that could be made available.

It is not a matter of record at this point, but it might as well be a matter of record. The Senator from Louisiana requested of the executive branch that those tapes be made available and that not having that, the transcripts of those tapes should be made available. We were advised that this would not be done. It was the same position that the administration was taking at that time with regard to the taped conversations of the President, himself, which have been the basis of so much controversy, an item on which the President has subsequently yielded to the demands of those who insisted on knowing what the tapes would reveal with regard to the President's conversations.

The Senator from Louisiana eventually took the view that he simply was not going to further pursue this matter, to obtain these various bits of evidence and the additional witnesses who could be subpenaed before the committee, who might have something to contribute, for the reason that we had consumed a great deal of time looking into the security reliability of this witness. Nothing had been produced up to that point that would prove the contentions that were made by those who felt that this was not a man who could be relied upon not to leak Government information. So far as the Senator from Louisiana was concerned, we had spent more time looking into the background and reliability of this man than we had as to all the other nominees put together who have come before the committee in the last several years.

Therefore, this Senator simply asked that the committee relieve him of the duty of further pursuing that matter, reserving to anybody who wanted to do so the right to investigate further into this matter. It was the view of the committee that we should not subpena those tapes nor call further witnesses. So far as the Senator from Louisiana was concerned, he was relieved about that matter. He felt that we had spent enough time on that subject.

As one Senator, I would prefer that the nomination had been confirmed because his reliability had been put in issue and the evidence had not been presented, at least to that point, to establish that the man had leaked any information. There were allegations. There were some charges. The man forcefully denied it. It was one man's word against another. It simply has not been proved. Therefore, the committee, by majority vote, felt that this nomination should be reported favorably. I believe the Senator from Virginia was the only member of the committee who at that point indicated that he was opposed to the confirmation.

Mr. HARRY F. BYRD, JR. I was not even present at the meeting when the nomination was reported.

Mr. LONG. The Senator arrived at the room somewhat later, and I believe I reported to him that we had voted, by a voice vote, to confirm the nomination of Mr. Sonnenfeldt. The Senator from Virginia has correctly stated that he was not present. He informed me that he intended to oppose the confirmation on the floor, which he is stating now he would have done.

Mr. President, the Senator from Louisiana had suggested to various people who work in a capacity as liaison officers at the White House that in view of the fact that the nominee's loyalty and credibility had been placed at issue, it might be well to go ahead and confirm the nomination. But the Senator from Louisiana suggested that in due course the nominee should be moved into a position in the State Department because his credentials in that area so far surpassed his credentials in the area relating to the Treasury. It was felt by the Senator from Louisiana that the whole purpose of nominating this man was to assist in the negotiations on East-West trade.

It was the position of the Senator that if that were to be the case, it would be best that he participate in those negotiations as a member of the State Department, not as a member of the Treasury Department. The reason why this Senator felt it should be that way was that the business community had a right to feel, and the labor people had a right to ask, that one who went there representing the Treasury Department would be conversant with, knowledgeable of, and representative of the point of view of American business and American labor, in seeking to protect their interests in American jobs and in negotiating these trade agreements.

It has become almost traditional to expect that those who represent the State Department would say that we should take the broader view, that it might be better for the other people to have the jobs than to have them here. We have seen that happen before, and this Senator would not be shocked by that. He did think that one could resent a person speaking for the Treasury Department taking the State Department international attitude toward trade, that it might be better for the other people to get the jobs than for the Americans to have them.

Upon that basis, this Senator suggested—and those with whom he discussed the matter seemed to agree—that it would be desirable that in due course Mr. Sonnenfeldt should be appointed to a position in the State Department.

I have read an article in one of our great publications to the effect that this Senator, the chairman of the committee, had made some kind of deal in this matter.

I can forgive any reporter for writing in the best way he knows on what little information he has available to him, so I do not chastise the reporter. The fact is that there was no deal. That was suggested there was some sort of advantage in it for the Senator from Louisiana. This Senator merely suggested that this nominee was better fitted for a State Department position than a position in the Treasury Department. This Senator is also aware of the fact that Mr. Kissinger had in mind suggesting and recommending Mr. Sonnenfeldt for a high position in the State Department and he felt that was part of what was being considered, that it was a good idea, and should be done.

So I would imagine that in due course Mr. Sonnenfeldt's name would be submitted as a nominee for a position of considerable dignity and responsibility in the State Department and if it required confirmation I would expect to vote for it. I would have expected to vote for him in this position, but I heard the interrogation of the Senator from Virginia of Mr. Sonnenfeldt and one had only to read the transcript to realize that Mr. Sonnenfeldt was far from the best man to be nominated for Under Secretary of the Treasury to be in charge of any of the traditional responsibilities that an Under Secretary of the Treasury is supposed to handle.

I believe the decision has been made to send the name of Mr. Sonnenfeldt in here for an important job in the State Department where he will be dealing with matters involved with what we hope will be a détente between the Soviet bloc and the United States.

If Mr. Sonnenfeldt is able to do what was expected of him, he would participate in negotiations relating to East-West trade, and in resolving the long-standing differences between the United States and other Socialist nations of Eastern Europe.

I became convinced after the interrogation of the Senator from Virginia that this nominee, notwithstanding his brilliance, his fine education, his loyalty and dedication to this country, simply does not have the qualifications which one would expect for a person to occupy a position as Under Secretary of the Treasury.

It appears that the view of the Senator from Virginia will prevail in this matter. I wish only that this could have been worked out earlier without a challenge on the security aspect of his nomination. But anyone who in his own conscience feels there are security matters that should be investigated for the sake of our Nation cannot be blamed for insisting that one should investigate allegations that this man had leaked secrets of this government to persons who were not supposed to have that information, people in foreign governments, and people representing the press.

It is my judgment that if we had found anything we would have found that the man perhaps leaked something to a member of the press. That has happened so much in Washington during the 25 years that I have been here that I do not know we should have gotten too excited if we had found that.

The Senator from Virginia had a very good point in insisting that the nominee did not have the qualifications one might expect for a person to hold the position of Under Secretary of the Treasury. I believe he has rendered the Nation a service in insisting on bringing that matter to the attention of the Senate.

Mr. HARRY F. BYRD, JR. I thank the Senator from Louisiana for his comments in that regard.

Mr. LONG. Also it should be underlined that a great deal of the delay involved was because Mr. Sonnenfeldt was constantly leaving the country to go with Mr. Kissinger or Secretary of the Treasury Shultz to Europe or Japan, or some place or other. Mr. Sonnenfeldt, in participating in international meetings, has unavoidably been responsible for much of the delay that has occurred in disposing of this matter.

Mr. HARRY F. BYRD, JR. Indeed, it did. So that the record will be clear, I did not oppose the reporting of the nomination from the Committee on Finance although I was not present at the time it was voted. If I had been, I would have opposed reporting the nomination to the floor. I did not make up my mind to vote against the nominee until I again reexamined the record and reread the hearings after the nomination came to the floor.

This is the second nominee that I took some trouble to interrogate. When Mr. Elliot Richardson was appointed Secretary of Defense I had some 200 questions, I believe, that I wanted to propound to him. I think we considered that nomination in the Committee on Armed Services as thoroughly as any nomination I can remember since I have been a member of the committee.

It seems to me that in these very important nominations we have an important obligation—the Committee on Finance does in connection with Treasury nominations and the Committee on Armed Services does on defense matters—to ferret out the views of these people, their qualifications, and their knowledge of the position to which they are being appointed. It is not pleasant to oppose someone. I do not like to oppose anyone. It is not my nature; I do not like to do it.

I had no thought of keeping the nomination in committee. After I asked the questions I wanted to ask I was not attempting to defeat the nomination on the floor. All I wanted to do was to present my reasons for voting as I was going to vote; namely, I was going to vote against him for this particular position, but I do not prejudge the case in the event he is nominated, as he probably will be, for some other job in some other department.

Mr. LONG. I want to make it clear that I would have voted for Mr. Sonnenfeldt and also spoken in his behalf if the administration had not withdrawn the nomination. I had indicated to those who contacted me on behalf of the White House that I would be willing to vote for the confirmation of the nomination for any one of several reasons.

I simply felt that they should recognize that one who occupies the position of Under Secretary of the Treasury should be a person considered to be a Treasury man. In view of the fact that a challenge had been made to the man as a security risk, I felt it would be fair to exonerate him of this charge; but I did feel that, in due course, he would be moved into a position where his qualifications would be more appropriate to the job. He has rendered this Nation a valuable service as an important adviser to the President in the White House on matters dealing with national security. He has played a substantial part in negotiations that led to the détente between the United States and the Soviet Union.

I have no doubt that he can make and will make a valuable and major contribution to this Nation in its trade negotiations with the Soviet Union and with countries of Eastern Europe. I do feel, however, that his services will be best used by the Nation if they are employed in the State Department area rather than as a representative of the Treasury Department.

Mr. HARRY F. BYRD, JR. I agree with the Senator from Louisiana.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at the hour of 10 a.m.

After the two leaders or their designees have been recognized under the standing order, the distinguished senior Senator from South Dakota (Mr. McGOVERN) will be recognized for not to exceed 15 minutes.

There will then be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

At the conclusion of that period, the Senate will resume the consideration of S. 1283. I ask unanimous consent that the unfinished business be temporarily laid aside tomorrow and remain in a temporarily laid aside status until the close of business tomorrow, or until the final disposition of S. 1283, whichever is earlier.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Anent S. 1283, may I say in connection therewith that there is a time limitation on that bill. There will be yea-and-nay votes on amendments thereto, and on the final disposition of the bill.

Following disposition of S. 1283 tomorrow, the Senate will proceed to take up the military construction authorization conference report under a time limitation of 40 minutes. I would expect a yea-and-nay vote on final adoption of that conference report. Other measures which may have been cleared for floor action by that time, together with any conference reports that may be available and ready to be called up, will be acted on.

There will be no session on Saturday, in view of the fact that a time agreement has been reached on S. 1283.

Early next week, the leadership would hope to proceed with the consideration of measures with respect to the independent Special Prosecutor. Hopefully, a time agreement can be reached in connection therewith.

Also next week, it is hoped that the Senate can proceed to the consideration of H.R. 8449, the national flood insurance program, and to dispose of that. S. 2767, the rail services bill in the Midwest and the Northeast, is expected to be brought up on Tuesday. There is already a time agreement on that bill.

With respect to other measures still up ahead for next week, the Senate would hope to take up S. 2176, the national fuels and energy conservation policy bill; H.R. 8214, the tax treatment for POW's bill; S. 2686, the legal services bill; and other bills as well as conference reports that will be coming along at any time. They are, among others: District of Columbia home rule; health maintenance organizations, and so forth. Then on down the road before adjournment sine die, the defense appropriation bill, foreign aid appropriation bill, the supplemental appropriation bill, and conference reports thereon.

As the distinguished majority leader indicated earlier today, it is hoped that the Senate can complete its work and adjourn sine die by no later than the 22d day of December; and, he also expressed the hope that the Senate will likely take a reasonably long recess before reconvening in January 1974—certainly not before January 21 and, prayerfully, not before January 28.

Mr. ROBERT C. BYRD subsequently said: Mr. President, as an addendum to my statement on the program, I should like to remind my colleagues that, in connection with the unanimous-consent agreement on S. 1283, no amendment not germane to the bill will be in order, no amendment not germane to the Buckley amendment will be in order, and also, once the Buckley amendment is disposed of, no other amendments will be in order prior to a vote on passage of the bill.

Therefore, Senators who have amendments which they want to call up should be on the floor early, circa 10:30 a.m., or even earlier, perhaps 10:15 a.m., and be prepared to introduce their amendments.

The leadership has assured the Senator from New York (Mr. Buckley) that he will have at least 2 hours on his amendment, and that amendment being the final amendment to be disposed of prior to final action on the bill, Senators, I repeat, are urged to be on hand early to call up their amendments if they have such.

Mr. LONG. Mr. President, while Mr. Buckley has the privilege of offering an amendment to the bill which is not germane, it is my present inclination to urge the Senator not to offer his amendment on the bill, even though the Senator from Louisiana would expect to vote for it if the Senator offered it. The Senator from Louisiana might even feel disposed to vote for a motion to table the amendment so that we could limit amendments on this bill to amendments that are germane.

I wonder if there would be any objection if we might limit the right to offer the amendment to the Senator from New York (Mr. Buckley) because I can foresee the possibility that someone else might offer the Buckley amendment so as to take us into the area of nongermane amendments.

May I address my inquiry to the acting majority leader in that regard?

Mr. ROBERT C. BYRD. Yes. If I may respond—and I ask the Chair if I am correct—under the agreement, it is my understanding that no nongermane amendment to the Buckley amendment would be in order to the Buckley amendment, and no amendment not germane to the bill would be in order to the bill, except the Buckley amendment.

The PRESIDING OFFICER. Would the Senator from West Virginia permit us to pause while the Parliamentarian studies the question?

Mr. ROBERT C. BYRD. Very well.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess awaiting the call of the Chair.

The motion was agreed to; and at 7:56 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 8:19 p.m., when called to order by the Presiding Officer (Mr. Allen).

Mr. ROBERT C. BYRD. Mr. President, as an addendum to my statement of the program, I wish to emphasize the fact that under the agreement entered earlier, immediately upon the close of routine morning business tomorrow the Senate will resume consideration of S. 1283, the energy R. & D. bill, at which time the pending question before the Senate will be on the adoption of the amendment by Mr. Buckley. That amendment, of course, can be set aside by unanimous consent to permit other Senators to come in with amendments to the bill, provided such amendments are germane to the bill.

I would, therefore, reiterate to Senators, so that they will be adequately alerted, that if they have amendments they should be on the floor early, by 10:15 or 10:30 a.m., and be ready to call up their amendments, and if at all possible be willing to agree to a brief time limitation on their amendments because the leadership on both sides of the aisle has assured Mr. Buckley that he would have at least 2 hours on his amendment.

Consequently, if there are other amendments to the bill, they should be called up prior to debate and action in relation to the Buckley amendment, but, I repeat, such other amendments can be called up only by unanimous consent. This would mean that in order to allow Mr. Buckley at least 2 hours on his amendment, as was promised by the joint leadership, the way ought to be cleared for his amendment by not later than 1 p.m. tomorrow so as to accommodate the disposition of that amendment by no later than 3 p.m. tomorrow.

Mr. President, I wish to make one addendum to my earlier statement. In answer to a question by Mr. Long, I should state that a motion to table the amendment by Mr. Buckley would be in order.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock a.m. tomorrow.

The motion was agreed to; and at 8:23 p.m. the Senate adjourned until tomorrow, Friday, December 7, 1973, at 10 p.m.

NOMINATIONS

Executive nominations received by the Senate December 6, 1973:

DEPARTMENT OF STATE

William B. Buffum, of New York, a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State.

Walter J. Stoessel, Jr., of California, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Soviet Socialist Republics.

David H. Popper, of New York, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Chile.

ENVIRONMENTAL PROTECTION AGENCY

Alan G. Kirk II, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency, vice John R. Quarles, Jr., elevated.

EXTENSIONS OF REMARKS

CONGRATULATIONS TO GERALD R. FORD, OUR NEW VICE PRESIDENT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. EVINS of Tennessee. Mr. Speaker, today is a historic occasion for the House of Representatives and for the Nation.

For the first time, under the 25th amendment to the U.S. Constitution, we have justed elected a Vice President, our able and genial colleague, Gerald R. Ford of Michigan, nominated by the President and confirmed by the Senate and House.

This significant occasion in which we participated today is unique in the annals of the Congress. In selecting Gerald R. Ford as Vice President, we have chosen a Vice President who is neither to the far left nor to the far right: a moderate, if you will, a team player, a product of the legislative process of the House of Representatives.

In other words, the solid vote in confirming Gerald R. Ford, the longtime minority leader of the House, as Vice President is a compliment and a tribute to him personally and a source of pride to the House of Representatives—he is one of us. He has had 25 years of distinguished service in the House.

Mr. Speaker, certainly I was pleased and delighted to vote for and support the nomination of our colleague Jerry Ford as Vice President of the United States.

As a matter of fact, when the President nominated Gerald Ford as Vice-President-designate, I was among the first to announce publicly my support for him to the people of my State of Tennessee.

We were elected to the Congress at about the same time. Prior to his election as minority leader, he was a member of the Committee on Appropriations where he served with distinction and ability. He served on the Subcommittee on Defense Appropriations and built a record of solid support for a strong national defense.

We have seen his growth and progress—his development as a leader—through the years.

I believe that Jerry Ford will be a healer for our country. He understands the congressional process. He understands the necessity for maintaining our American system of checks and balances in our form of government. As Vice President Jerry Ford will have a special relationship both with the Congress and with the President.

It is my view that as a healer our new Vice President can be an instrument in binding the wounds in our body politic—and he can be a leader in restoring the confidence of the American people in Government.

It is my belief that Gerald Ford will speak with calmness and restraint and will be a voice for harmony and unity for the Nation.

We know our new Vice President as a man and a leader—a man of integrity and patriotism.

It has been a pleasure for me to vote for this distinguished legislative leader, colleague, and friend as he enters the executive branch. Many predict that he will yet achieve higher honors.

Again, my congratulations to our new Vice President, GERALD R. FORD. I wish him well as he continues to serve the Nation.

MIDEAST OIL EMBARGO

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, December 6, 1973

Mr. SCHWEIKER. Mr. President, I would like to call to the attention of my colleagues the editorial which appeared in the Washington Post this morning, entitled "Trade, the Mideast and Détente."

On Monday of this week, I introduced Senate Resolution 210, calling for a cutoff of trade with the Soviet Union until the Arab oil embargo is ended. This resolution is now pending in the Senate Fnance Committee. There are many reasons why the Senate should seriously consider, now, the actions contemplated by my resolution.

As the editorial states:

> Events may have overtaken the debate on whether to link trade and emigration. We mean in particular the Mideast war; others might add the Soviet strategic arms buildup. By failing to do its part to lead Arabs to sit down and negotiate before the October war, by preparing Arabs for their attack, by ignoring its summit promises to consult with Washington about an impending explosion, by pouring in fresh arms once the battle began, by urging other Arabs to join the fight and then to withhold their oil, by reportedly introducing nuclear arms into Egypt, by threatening unilateral military intervention—by this whole pattern of policy, Moscow revived the most troubling questions about its readiness to accept the mutual restraint required for true detente.
>
> In so doing, the Kremlin largely mooted the earlier hopeful American premise that trade would serve detente. At this point—one hopes things will change—a prudent person would have to conclude that trade would serve Soviet ambition. This goes especially for the kind of trade the Russians most want: long-term loans, at interest rates heavily subsidized by the American taxpayers, for oil and natural gas development. For the U.S. government to finance energy projects in the Soviet Union, while the Kremlin continues to importune Arabs to deny energy to the United States, is an irony which American policy can hardly countenance.

Mr. President, I submit that if the American people knew the Russians were seeking long-term credit, subsidized by the American taxpayer, to develop Russian oil and gas reserves, public pressure would result in my resolution being immediately adopted by this body without debate.

I am going to make sure the American people do know about this, Mr. President, and I am going to put my resolution into form to be offered as an amendment to any appropriate bill considered by the Senate.

I ask unanimous consent that the Post editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TRADE, THE MIDEAST AND DETENTE

Mr. Nixon had no real choice but, finally, to ask the House to proceed to consider his trade bill. Further delay could have eroded support for those provisions essential to negotiations with the principal U.S. trading partners. But further delay would not have improved prospects for taking out of the bill the Soviet-related features to which the President had earlier objected. What looks likely now is passage of a bill that will 1) deny Mr. Nixon the unrestricted authority he had sought to offer Moscow "most-favored nation" (MFN) tariff status, i.e., to end tariff discrimination; and 2) take back the authority he now has to extend Export-Import Bank credits and guarantees to Russia. The House will probably link both of these dispensations to Soviet performance on Jewish emigration to Israel.

We think the House—and if not the House, then later the Senate—should ease the explicit link between trade and emigration. To tighten it, in legislation, is to take the considerable and perhaps unnecessary chance of pushing the Kremlin into a spiteful decision to cut back emigration, now running at 3,000-plus a month. It is wrong to assume the Russians are so eager for detente, or at least for trade, that they will put up with an unlimited degree of interference in their internal affairs to achieve it—and emigration policy surely is an internal affair. To interfere more deeply and explicity, in a bill that to become law would bear the President's signature, when the Moscow authorities have permitted emigration at a rate and for a time greater than almost anyone had expected, is, we submit, too risky. It is not, after all, difficult to monitor Soviet emigration policy. The congress is not about to lose either its concern or its leverage, should Soviet performance falter.

Events may have overtaken the debate on whether to link trade and emigration. We mean in particular the Mideast war; others might add the Soviet strategic arms buildup. By failing to do its part to lead Arabs to sit down and negotiate before the October war, by preparing Arabs for their attack, by ignoring its summit promises to consult with Washington about an impending explosion, by pouring in fresh arms once the battle began, by urging other Arabs to join the fight and then to withhold their oil, by reportedly introducing nuclear arms into Egypt, by threatening unilateral military intervention—by this whole pattern of policy, Moscow revived the most troubling questions about its readiness to accept the mutual restraint required for true detente.

In so doing, the Kremlin largely mooted the earlier hopeful American premise that trade would serve detente. At this point—one hopes things will change—a prudent person would have to conclude that trade would serve Soviet ambition. This goes especially for the kind of trade the Russians most want: long-term loans, at interest rates heavily subsidized by the American taxpayer, for oil and natural gas development. For the U.S. government to finance energy projects in the Soviet Union, while the Kremlin continues to importune Arabs to deny energy to the United States, is an irony which American policy can hardly countenance.

The Congress should, then, pass a trade bill which does not tie trade so tightly to emigration as to endanger emigration. It should make clear to the President, who, one trusts, needs little educating on the point, that the United States cannot support trade of the sort and scale the Russians desire while such considerable ambiguities remain about the general thrust of Soviet foreign policy, in the Mideast if not in strategic arms as well.

THE HONORING OF CARDINAL JOSEPH MINDSZENTY

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. SANDMAN. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the translation of a speech given in Hungarian by Mr. Julius Belso, a former member of the Hungarian Parliament, at a testimonial dinner held in New Jersey on September 30, 1973 honoring Cardinal Joseph Mindszenty:

(This is a translation of the speech given in Hungarian by Mr. Julius Belso, a former member of the Hungarian Parliament, at the testimonial dinner honoring Joseph Cardinal Mindszenty on September 30, 1973.)

Right Reverend Monsignor Archbishop of Hungary, Your Eminence. About a half century ago your Eminence, as pastor of Zalaegerszeg, visited the muddy little towns in the County of Zala near Kerka, in order to establish a parish in my hometown of Kerkakutas.

As a 10 year old boy, this was a great experience for me because for the first time I served in the mass, while your Eminence said the following in your sermon, "A good shepherd always looks after his sheep wherever they may be".

A few years later, through the will of God, the then reigning Pope, who is Christ the King's earthly governor, bestowed upon you the greatest honor that the church can give, so that you can be a worthy successor to the rest of the brave Hungarian bishops and archbishops.

As Hungary's spiritual leader you still felt closest to your faithful, despite your many engagements. Your Eminence traveled throughout the country talking to hundreds of thousands of people. You were the first to warn the world of the threat of communist tyranny.

Your Eminence's brave resistance, immeasurable suffering, exemplary behavior gave new hope to Hungarian people, and the Hungarian name became known and respected all over the world.

After almost a quarter of a century of captivity, humiliation and suffering your Eminence has accepted exile, the greatest cross of a holy life, so that as the Primate of Hungary you can continue the work that was left behind in Zalaegerszeg, Veszprem and Esztergom.

It has been almost 2 years since your Eminence arrived at the Vatican.

Since then, your Eminence as a good shepherd, has visited Hungarians in all parts of Europe and Canada in order to serve the scattered Hungarian sheep in the entire world. Your Eminence has come to New Brunswick to bless the St. Ladislaus Church. Through this visit to America your Eminence wanted to bring attention to the importance of our Hungarian churches.

The blessing of the church today will be an unforgettable event for all of us. Our hearts are filled with gratitude, happiness and love toward your Excellency. This day is not only a great day of celebration for the parishioners of the St. Ladislaus Church but for all the 200,000 Hungarians in the state of New Jersey.

At this joyful occasion I have been granted the honor of greeting your Eminence in Hungarian on behalf of the members of the St. Ladislaus parish.

Welcome, your Eminence, our Great Shepherd and Good Father, the Primate of Hungary, our Cardinal and the spiritual leader of the Hungarian people who live within and outside the borders of Hungary.

We are grateful for the opportunity to be able to express our gratitude to your Eminence for the courageous perseverance with which you have expressed to the entire world the view of the Hungarian people in the fight which went on and is still going on today between freedom and tyranny.

Our beautiful church which was rebuilt and blessed today is the spiritual citadel which was built by hardworking Hungarian immigrants 70 years ago. They are the ones who sent their American born children to attend Hungarian schools and churches so that they may acquaint themselves with the beautiful Hungarian language and heritage.

In this parish of ours, we the old and new Hungarian immigrants work together with our American born Hungarian brothers, under the leadership of our beloved Father Julian Fuzer to whom we express our gratitude and love for all his hard work.

Within our church there are no barriers among us. We are the children of one spiritual Mother. We are working together for the preservation of our heritage and Hungarian history.

We promise your Eminence, on this festive occasion, that not only will we be useful, hardworking and lawabiding citizens of this great country which accepted us with great love, but we will be an example for all the rest of the Hungarian parishes, churches and schools. With dignity we will hold, cherish and keep these institutions in good order so that we may give them over to the next generation.

We are grateful to your Eminence for coming to us here in this great and beautiful country. We are glad that your Eminence can see that we have freedom, that we live happily and treasure our Hungarian heritage, religion, language and each other.

We pray to the Lord that He may give your Eminence a long, happy and blessed life so that we may greet you again on your trip to America next year.

May the good Lord bless your Eminence. May God bless your apostolic good work.

SENATOR McCLURE TAKES INDEPENDENT OIL POLICY

HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, December 6, 1973

Mr. HELMS. Mr. President, our colleague, the distinguished Senator from Idaho (Mr. McClure), has recently returned from a 2-week, five-nation fact-finding mission to the Arab world. In that mission, Senator McClure met with government and business leaders to discuss the issues of war and peace, and a return to normal trade relations.

He went to discover the intentions and observations of the various sectors of the Arab world toward us, and to find how our policies might be changed to defuse what surely will be a long series of wars that can only lead to disaster for the United States.

His third reason for going was to report his findings to the American people. In a brief sentence Senator McClure has summed it up:

> Never have the chances for peace been so great, nor the consequences for losing the peace been so great.

I would commend to the attention of my colleagues an editorial column in The Idaho Falls Post-Register, and ask unanimous consent that this column be printed in the extensions of remarks.

There being no objection, the column was ordered to be printed in the Extensions of Remarks, as follows:

[From the Idaho Falls (Idaho) Post-Register, Nov. 28, 1973]

SENATOR McCLURE TAKES INDEPENDENT OIL POLICY

(By Ben J. Plastino)

One of the most portentous and significant action taken by a public official is the one-man goodwill trip of Idaho's Republican U.S. Senator James A. McClure.

While most members of Congress and the Nixon Administration are talking about short term emergency measures to solve the energy crisis, McClure is striving to bring the cure.

Most co-called political experts are either ignoring or overlooking the far reaching benefits that McClure could bring if he received support.

McClure at present is visiting the oil rich Arabian countries in an effort to see what can be done to alleviate the Arabian oil export ban to the United States and other countries which have adopted a pro-Israel policy in the smoldering Middle East War.

McClure knows he is following an action that certainly is against the majority in Congress, including most members of the Idaho delegation; the Nixon Administration, and perhaps, the American people.

But it might be that in time that McClure may have followed the right course, just as U.S. Sen. Frank Church, D-Idaho, did six years ago in consistently opposing military intervention in the Vietnam War.

McClure is following a path that he hopes will bring oil to America immediately by placating the Arabians. He pointed out a month ago that attempts by the Nixon Administration to minimize the real magnitude of Arab oil import on the U.S. economy as "very dangerous." He also asserted that the Arab oil loss is not five per cent as many are saying but actually 17 per cent. He already has been proven accurate in this statement.

He warned then that America was facing a more critical crisis than others believed. The recent drastic measures taken by Nixon on gasoline and heat cutbacks now substantiate his assertions.

While Church and U.S. Rep. Orval Hansen, R-Idaho, with alacrity followed the Nixon Administration's pro Israel policy, McClure refused to be stampeded.

Hansen has always followed a hawk policy in the Vietnam War but Church's enthusiasm for military weapons and favoring an extension of credit to Israel is somewhat a mild surprise. It gives some credence to the charge by Church's announced Republican election opponent, Robert Smith, Nampa attorney, that Church's anti-war stand is questionable.

McClure has announced it is his hope that Arabian oil can be brought to this country immediately by adopting a neutral attitude in the Middle East War. He joined in a resolution to Congress to this effect, and in this was joined by U.S. Rep. Steve Symms, R-Idaho, whose views are somewhat similar to McClure in this respect. This proposed resolution, however, hasn't got far in view of the adamant opposition of the Nixon Administration and most members of Congress.

While McClure's almost one-man onslaught would almost immediately ease the oil shortage, all other measures are temporary relief or are years away. These include the cutbacks in gasoline and heating fuels, the Alaskan pipeline, increased Canadian oil imports, and development of offshore lands and other oil fields, geothermal and solar energy.

Since taking the Senate toga early this year, McClure has assumed a new guise from his conservative and staunch party stance in the House. He has been highly critical of Nixon's Watergate handling except in backing him in the firing of Special Watergate Prosecutor Archibald Cox whom he thought was too partisan to be effective.

All of the Idaho congressional delegation has lamented that the executive was attempting to usurp legislative prerogative. McClure joined Church in voting to override many of Nixon's vetoes. Hansen and Symms, despite their protestations, have not. While both Church and McClure voted recently in successfully overriding Nixon's veto on curtailing his commitment of troops on foreign soil, Hansen and Symms sided with maintaining the presidential powers.

The Arabian state of Kuwait invited the friendly McClure to visit the Arabian countries and hear their side of the story. This likely was more an assignment that should have gone to Church, an influential member of the powerful Senate Foreign Relations Committee.

McClure's first report only Tuesday stated the Arabians invoked an oil embargo because they said they were deeply hurt over what they thought were friendly nations, such as the U.S., now following a pro-Israel policy.

It might be added that neither the Nixon Administration nor the State Department were happy to see the free-swinging McClure in Arab country.

This writer predicts in a few months, not years as in the Vietnam War, sentiment may swing against Israel and for the oil rich Arabians as Americans become colder and travel less.

U.S. LOOKS TO U.S.S.R. TO SOLVE OUR ENERGY CRISIS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. RARICK. Mr. Speaker, as Americans are made more and more conscious of the energy crunch, our leaders make more and more agreements with the Communist world as if the only solution to the energy shortage can be found in developing production behind the Iron Curtain.

Some Americans may even question whether or not a solution to the domestic energy problem is really being sought, since the emotional hysteria has served so well to usher in a new political era of Communist interdependence.

Related newsclippings follow:

[From the Washington Post, Dec. 6, 1973]

U.S., U.S.S.R. Eye Siberia Gas

(By Dan Morgan)

Soviet and American sources said yesterday that the two countries are proceeding with studies of joint Siberian natural gas projects despite their Middle East confrontation and the Nixon administration's new policy of energy independence.

U.S. officials said that the first three-sided talks including the Japanese may be held early in 1974, to decide on exploration of gas fields in the Soviet province of Yakutsk. These fields, which eventually would cost at least $4-billion to develop and would require U.S. government underwriting, could produce gas for the West Coast of the United States.

At the height of the Middle East crisis in October, Deputy Soviet Minister of Foreign Trade Nikolai G. Osipov held two weeks of intensive talks with administration officials in Washington and with company executives in Houston.

The head of the Japanese gas consortium, Haroshi Anzai, president of the Bank of Tokyo, is due in Houston early in December to discuss the Yakutsk project with American businessmen, officials said.

The continued activity suggested an effort by all three of the countries involved in the Siberian studies—the United States, Russia, and Japan—to keep the possibility of cooperation alive during a period when strong arguments are being marshalled against U.S. participation.

President Nixon has called for the United States to become self-sufficient in energy by 1980. Also, he has described the Middle East crisis as the worst Soviet-American confrontation since the 1962 Cuban missile crisis. The crisis was a double blow to the hopes for American economic development of Siberia because it highlighted the risks of having important fuel resources located in other countries and also raised doubts about the durability of the administration's detente policy.

Forces opposed to detente with influence in Congress, such as the AFL-CIO, are against government guarantees and credits for the massive investments. Legislation would be needed to increase the present $20-billion lending authority of the Export-Import Bank if the projects are to go forward.

After the Middle East war, some official U.S. sources said that the energy situation might force this country to reconsider investing billions in Siberia instead of at home.

Nevertheless, Soviet sources in Washington said this week that commercial contacts are continuing.

One U.S. official said that the Middle East aftermath was "one factor," but he added that "nobody is going to stop looking for energy."

The price of Siberian natural gas, they say, looks much more competitive than it did only a few months ago. Studies completed last summer indicated that Siberian natural gas landed at U.S. ports would cost $1.25 to $1.50 per thousand cubic feet. Domestic natural gas at the wellhead now costs 25 cents per thousand cubic feet, and about 60 cents in New York City. However, industry officials believe that these costs could double under a controlled price rise or deregulation of gas prices, bringing the price much closer to that of the Soviet gas.

Congressional sources who follow the energy scene closely say that the Siberian gas deal is therefore still a possibility.

Political factors may be more important than the economic ones in determining whether the government will support U.S. investment, officials believe. The Soviet Union would have control of the flow of gas. However, officials note that the United States would have leverage lacking in the Arab countries because of the Soviet Union's need for advanced western technology and credits—a need that most experts agree will last for at least 10 more years.

The Chinese have protested against American or Japanese investments in Siberia. However, the Japanese, who already are almost 100 per cent dependent on foreign oil and gas supplies, are enthusiastic.

Officials say that joint Japanese-American investment in Siberia might be one way of carrying out Secretary of State Henry A. Kissinger's promise to seek ways of helping allied countries hurt by the energy crisis.

It is still not known if the Yakutsk fields possess adequate reserves to warrant major investments. At the trilateral meeting to be held in 1974, a protocol will have to be drawn up concerning test exploration, officials said. Its total cost is estimated at $150 million and would be shared by the U.S. and Japan. Until now, the Soviets have been reluctant to allow foreign geologists and experts to work on scene.

American experts say that the scale and complexity of the Yakutsk project is overwhelming. Temperatures drop as low as minus 80 degrees and permafrost is 1,500 feet deep.

Under present plans, U.S. companies would provide drilling equipment, liquifaction plants and tankers and the Japanese would provide financing and 48-inch pipe to transport the gas from Yakutsk to Khabarovsk on the Chinese border, and thence to the port of Nakhodka on the Sea of Japan.

Two American consortia have been negotiating with Japanese and Soviet representatives on participation in Yakutsk.

Large gas reserves already are known to exist in the Urengoy gas field in Northern Siberia. Nicknamed "North Star," it would be linked by a pipeline to the Barents Sea, from which tankers would take the fuel to the East Coast of the United States.

American companies have completed feasibility studies, but a major government commitment of credits and guarantees would be necessary before any investment could be made.

[From the Washington Star-News, Dec. 5, 1973]

Romania May Aid United States With More Oil

President Nicolae Ceausescu of Romania is understood to have indicated that his country could be helpful in alleviating the current oil shortage in the United States.

The issue was brought up yesterday during discussions the Romanian leader had at the White House and the State Department, knowledgeable diplomatic sources reported.

Romania, one of the few oil-producing countries in Europe, currently is exporting some 17 million barrels of crude oil and oil products a year to the United States. The quantity could be doubled easily, "if the price is right," the Romanian leader is said to have explained.

Ceausescu and his wife arrived here yesterday. They had spent Monday night at Camp David.

In welcoming ceremonies at the White House, President Nixon promised "the same warm-hearted welcome" in this country for Ceausescu and his wife that President and Mrs. Nixon received on a 1969 visit to Romania.

Ceausescu spent 80 minutes talking with Nixon at the White House and lunched with Secretary of State Henry A. Kissinger.

White House spokesmen described the Nixon-Ceausescu talks as dealing in generalities, but noted that today's sessions would be more specific in terms of bilateral issues.

Romania could be helpful in smoothing approaches between the United States and the Arabs because unlike most other Eastern European countries which strictly follow the Moscow line, Bucharest maintains an independent policy and has contacts with both Arab governments and Israel.

Nixon and Ceausescu formally signed three agreements yesterday.

One provides for the continuation of Pan American World Airways' operations to Bucharest and beyond Romania to the Near East. It also authorizes Tarem, the Romanian national airline, to open services to New York next year.

Another agreement permits Romanian fishing vessels to call at ports of Baltimore, New York and Philadelphia for repairs and rests for their crews.

The third is a tax convention, similar to other treaties with European countries, removing tax barriers to the flow of investment and to individuals.

A joint declaration setting forth new principles for expanded relations between the two countries was to be signed today.

Ceausescu, disclosing the forthcoming pledges in a dinner toast at the White House last night, said the declaration would be "a document of historical importance" for future relations between the United States and Romania.

In his toast, Nixon pledged that U.S. relations with world superpowers would be pursued in a way that would not infringe on the independence of smaller nations.

Ceausescu said more efforts would have to be made to insure a place for smaller nations in international affairs "based on equal rights and regardless of size."

Diplomatic sources said, meanwhile, that Ceausescu has decided to cut short his visit to several states at the end of his Washington schedule and return to Bucharest. The sources said that Ceausescu would leave for Romania tomorrow, eliminating plans to travel to North Carolina, Ohio, Texas, Louisiana, Florida and Connecticut. He had planned to leave from New York City Monday.

The State Department declined to comment on the report.

[From the Washington Star-News, Dec. 5, 1973]

The Toasts Were All Optimistic

(By Isabelle Shelton)

Some people thought the toasts at last night's White House dinner for Romanian President Ceausescu set a record length.

But Henry Kissinger said NO.

With no more than the usual twinkle in his eye, the Secretary of State insisted: "the record is held by the Emperor of Ethiopia, and the president of Mexico is second (that's the preceding president, not the current one)."

Whether or not their 39 minutes of toasts set any records, President Nixon and his Communist guest of honor vied with each other over who could say the warmest, most optimistic things about the relationships between their two countries.

"Something very profound and something very positive" has happened to the world in the last six years, changing it for the better, President Nixon said.

A "very costly war" is over, "a new relationship has been developed between the two most powerful nations, and also a new relationship between the United States and the world's most populous nation."

And, Nixon added, President Ceausescu "has made a major contribution to this profound change in the relationship between nations . . . he has shown wisdom and understanding, and has contributed enormously to the opening of dialogues that might otherwise have forever been closed."

He wanted to hail his visitor, Nixon said, because, "he stands for a principle that we Americans believe in so deeply, the right of every nation, large or small, in its independence, to its freedom."

The President pledged that as this country continued its summit diplomacy with other great powers, it would never "do so at the expense of "proud, fine people like our friends in Romania."

Ceausescu said his talks with Nixon yesterday had gone splendidly, and that he would "like to see the relations between the two countries with such different social systems "become an example of the way in which two countries can cooperate." Kissinger, teased by reporters about a newspaper story that he had always pestered White House Social Secretary Lucy Winchester to seat the most attractive women next to him at a White House dinner, said he couldn't do that any more at his new post as Secretary of State (in which protocol determines his seating companion). But he totally enjoyed the new arrangement last night, Kissinger added gallantly.

He was seated between Mrs. Ceausescu and the wife of Romanian Ambassador to Washington Bogdan.

"I told them about Dracula," he said. "I always tell Romanians about Dracula. Usually, they don't know the story. Mrs. Ceausescu did. But it doesn't make any difference. I just make it up."

While foreign policy was the focus of the evening, there were reminders of the Nixon administration's Watergate problems in the presence of three of the Watergate lawyers J. Fred Buzhardt, Leonard Garment and Samuel J. Powers.

Buzhardt, who was criticized a few days ago by White House Press Secretary Ronald L. Zeigler said: "No," he didn't regard his presence at the dinner as a kind of "farewell," or even a farewell to his handling of Watergate matters.

But he was glad to be getting back to other White House affairs as a "change of pace," he said.

Presidential assistant Bryce Harlow, who returned to the White House, when Watergate disclosure forced the resignations of some top staff members, talked with reporters about reports that he will leave soon. "I always said that I would leave in a little while," he said. "Who knows what a little while is."

President Nixon got his signals crossed in introducing the after-dinner entertainment, the opera Society of Washington singing excerpts from Rossini's "Barber of Seville."

The singing would be in English, the President told the audience in the East Room, because although the Romanians could "understand it better in Italian, since their languages are similar, none of us would be able to understand it."

When the voices came out loud and clear in Italian, the President quipped: "If that was English, my Italian is awfully rusty."

Since the opera was about a barber, the President noted, his own White House barber, Milton Pitts, had been invited in to hear the entertainment.

"He told me he's really a hair stylist, but I told him he didn't have much to work on with me."

There had been a mix-up about dress for the dinner, but nobody seemed to mind. While White House state dinners usually call for black tie for men and long dresses for women, this one was to be business suits for men and short dresses for women because the Communists said they preferred it.

But when Mrs. Ceausescu arrived yesterday morning, she asked what the usual custom is and was told it was long dress. She said she had brought two and would like to wear one. The word was passed on to Mrs. Nixon, so both women wore floor-length dresses although their husbands were in business suits. There wasn't time to notify the guests, so the rest of the women came in short dresses.

DIXIE BUSINESS MAGAZINE

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Thursday, December 6, 1973

Mr. TALMADGE. Mr. President, Hubert F. Lee, editor of Dixie Business magazine and one of our State's more outstanding citizens, has reprinted two articles which should be of interest to the Members of the Senate. I ask unanimous consent that they be printed in the extensions of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

ACE NEWSMAN REPORTS ON CHINA

(By Fay Smulevitz Joyce)

Don Carter told the members of the East DeKalb Rotary Club that when he visited Red China earlier this year, the Chinese Communists "weren't trying to sell us on their system."

But judging by his description of the crime-free, drug-free, stable society, he was sold anyway on what that system had done for an incredible 800 million people.

The executive editor of the Macon Telegraph and News addressed the Rotarians Tuesday after accepting the annual Distinguished Service Award from Dixie Business Magazine editor Hubert F. Lee. The award was based on Carter's reporting of the Chinese people in a special supplement to the Macon newspaper.

Stationed in China as the battles of World War II ended, Carter contrasted the modern China to the opium dens, concubines, filth and starvation that he remembered.

"I had taken notes when I was in China 26, 27 years before, and I took them out to compare," the Plains native began. "I remember China as a country of pleasant, happy people, but it was so smelly you could hardly stand it. One time we saw dead bodies just lying along the side of the road where people had died of cholera.

"The war lords were extremely corrupt, and kept all the wealth for themselves. People were starving to death. Eighty per cent of the population was illiterate; only those destined for a job in the government bureaucracy were sent to school.

"There was little or no electricity and the water was unsanitary. A civil war was going on between Chiang Kai-shek and Mao Tse-Tung. We weren't allowed to say anything, but we saw radical changes had to take place. Everywhere there was hunger, mass inflation, no security, complete disregard for human rights."

After the World War ended the civil war raged on until October 1, 1949, when Mao marched into Peking to take over and name the People's Republic of China. All foreigners were kicked out, except the Communist Russians. The bamboo curtain of secrecy cloaked the country where one-quarter of the world's population lives and was only lifted in February, when President Nixon was welcomed in.

Shortly afterward, China's officials invited the American Society of Newspaper Editors to pick 22 of its members to glimpse the awakened giant.

"I think they invited us in order to show off the Chinese Communist system," Carter speculated.

What the newspapermen found, he said, was "a fanatically clean place. The Communists have been able to clean China up. All the streets and public places are spotless. Even the trees are whitewashed."

More impressively, the leaders "have been able to increase production to the point that everyone has enough to eat. Only cooking oil, cereal and cotton fibers are rationed, and there is no shortage of them."

With more food has come better health care—a great emphasis on sanitation to prevent disease, on immunization and on medicine.

These changes have contributed to a life expectancy rate double of that in pre-Communist days. In 1945, said Carter, a Chinese person was expected to survive no further than age 26; now the average person will likely live to be 52.

"It's not a government that we Americans want or like, but it does offer a secure life. The government is stable, and there is no fear that armies will rush in during the night and drag people away, as there used to be."

"The government has been able materially to improve the life of the Chinese, and the price has been a loss of freedom.

"China is not a police state; you don't see armed guards standing around. But there is no self-determination. Everyone must accept the government-assigned job, salary and education. There are no strikes, no freedom to disagree."

And there is no private property. "Beyond a few possessions, a Chinese is not allowed to own anything—no cars, no land, no houses. A bicycle is the most valued possession; a sewing machine is second and third is a transistor radio.

Alcoholism never has been a problem, he said, because Chinese know how to control their drinking.

Factories do not lock up their tools, he continued, because thievery would be futile. The thief's neighbors would see him with the tools and report him.

Carter said the Chinese he talked to knew of the American capitalistic system, but preferred theirs. The teachings of Mao have taken hold, and the people would rather own next to nothing and work for the advancement of the entire 800 million-member society than be rewarded for hard work and initiative by making more money than the next person.

"The idiom is conformity—everybody dresses alike, thinks alike and acts alike."

During his 23-day visit Carter won a four-hour interview with Premier Chou En-Lai, and praised him as a "brilliant man who could have been President of the United States or Prime Minister of Great Britain." He characterized the Chinese people as a while as "brilliant," with a "breadth and scope of knowledge that amazed me."

The former Atlanta Journal and National Observer editor played down the possibility of China's endangering the United States.

"The Chinese now hate the Russians a lot more than they hate the Americans," he offered. "There's 6,000 miles of border they share with Russian, and there have been some incidents. They feel those will erupt into major problems, and they'll want some friends then."

Rather than using force, the Red Chinese are trying to "sell" their way of life to the people of North Africa and the rest of Asia, he added.

Mao Tse-Tung has tried to create a new kind of moral man, Carter believes, and he has no fears of Chinese aggression as long as the 80-year-old philosopher remains head of the country.

"I'm afraid of what will happen after he dies," he admitted. "I'm afraid those younger leaders might not be so peaceful. Eight hundred million obedient people like that, in the hands of a Hitler . . ."

Publishing Venture Started With Orange Crate, Portable Typewriter

A newspaper which was started with portable typewriter and an orange crate has grown into one of the publishing giants in the southeast.

It was in March of 1949 that Bud and Mary Crane, with $600 and a lot of fortitude, put together the first edition.

It was named the Decatur News since it intially covered only the city of Decatur with saturation delivery of 5,000 papers.

And it was unique in that it was one of the first really legitimate free (the industry calls it controlled circulation) newspapers in the south.

The others had been mostly advertising circulars sometimes with a sprinkling of highly partisan news or "canned" filler materials sent to newspapers by firms promoting various products and ideas.

Bud Crane had been night foreman in the composition department of Atlanta Newspapers, Inc. As a sideline, the Cranes operated a small service station at Church Street and Sycamore St. in Decatur.

They found that there was no way to get their advertising message to all of their potential customers. Other merchants, they found, were in the same dilemma.

So the idea came.

Why not start a newspaper, deliver it to every home and business in Decatur and assure each merchant who advertised in it that he would be reaching every potential customer in his market area?

Let the advertiser pay for delivery. But it wasn't easy in the early days. Free newspapers in the south were scorned by big advertising agencies and many big advertisers.

Their poor reputation had been created by the "shoppers" which threw all journalistic principles to the wind and did very little to either cover local news or to be impartial in that coverage.

The Cranes literally produced their own newspaper alone in the early days, using high school and college students with no pay to assist. The first office was on West Ponce de Leon in Decatur. Later it was moved to a Church Street location.

But the demand for a competitive medium was great and many small businessmen, delivery boys and others helped out in many ways to keep the struggling publishing venture alive.

Gradually, the concept began to catch on. Advertising volume increased as readers began to rely more and more on the paper for news and information about their community and their neighbors.

From a one-room operation, the News expanded into an old bowling alley on the Square in Decatur and put it in its own press and typesetting equipment.

Circulation was expanded outside the City of Decatur as the free newspaper caught on and became accepted and shopping centers emerged in outlying areas. The paper was renamed the Decatur-DeKalb News and by 1959—10 years after it was started—was distributing 14,000 papers.

A weekly newspaper with that kind of circulation was unheard of in the southeast. Older, more established paid circulation publishers frowned on the "unpaid" upstarts.

The News publishers founded a sister paper, the South Side Sun, in 1966 to give similar saturation news and advertising coverage to the Tri-Cities and southside Atlanta area.

From the beginning the News had maintained a paid circulation list of subscribers who did not live in its free distribution area but who wanted to get the paper for its news value.

These included servicemen college students. Decaturites who had moved to other cities and others.

From this list, the News established a paid circulation version of the free, larger paper with a different front page and several additional inside pages changed to coverage of governmental, business and professional news and features.

The paid paper in mid-1973 was designated as the County's Legal Organ and the Business and Financial Review and legal advertising tabloid went into it for the paid subscribers.

In October, a fourth publication—the third free newspaper—will crank up in northside Atlanta. Based in Sandy Springs it will be known as the Northside Sun.

In combination, the four papers will circle the metro area saturating the suburban market, offering an advertising package reaching—one area—or a combination of the three, with more than 150,000 newspapers.

A modern new Goss urbanite offset press capable of printing a 48-page broad sheet newspaper at speeds up to 50,000 per hour, recently went into use at the headquarters of the publishing firm.

The firm also retains its former 24-page capacity, 30,000-per-hour Fairchild Color King offset press to help it meet the demands of its fast-growing printing business for other publishers.

Many of the area's and the nation's best known periodicals are printed in the News plant including an occasional foreign-language publication.

The News/Sun publications are distributed from especially built motorized vans and are placed in plastic bags—sealed on rainy days—to assure that a dry newspaper reaches the reader.

Employees total nearly a hundred, and the publishing firm no longer is confined to the rear of the bowling alley, having bought the whole building in the early 1960's with a front door on Atlanta Avenue and later building one of the south's most modern, and best equipped newspaper and publishing plants on DeKalb Industrial Way in North Decatur.

"You might say we are built on a lot of faith, hard work and good credit," says Publisher Bud Crane. Mary Crane says it was a case of filling a demand by the community and the merchants for a full-coverage newspaper.

Today, the publishing venture includes their son, Jerry, who started in the business at the bottom—"inserting" papers on publication day when they were run one section at a time and had to be assembled before delivery.

He is Executive Vice-President.

Their son-in-law Rick Sauers heads up the commercial printing division of the firm, which obviously isn't yet finished making its mark on the publishing industry.

THE LACKAWANNA FRONT PAGE'S OPEN LETTER TO THE PRESIDENT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. KEMP. Mr. Speaker, this Chamber has echoed and reechoed with condemnation and defense of the Office of the President as a result of the continuing Watergate investigation.

Daily, major newspapers, networks and other widely influential news media confront the people of the United States with accounts, charges, countercharges, and comment concerning these ongoing investigations and the activities of that office.

With this in mind, I want to share an editorial view of the weekly newspaper, the Lackawanna Front Page, published in Erie County, N.Y., which was brought to my attention by that publication's very thoughtful and able publisher, Mr. William Delmont.

At this point, Mr. Speaker, I add this constructive and provocative editorial, carried on page one in the November 15 edition of Mr. Delmont's publication, to my remarks:

Working All Day for the U.S.A.—An Open Letter to the President

Not long ago we read about Julie Nixon Eisenhower's comment on the way her dad felt about the troubles he's got. She said, "Some mornings he doesn't even want to get out of bed."

This letter to Mr. Nixon is prompted by that remark, and is meant to reflect at least some Americans' understanding of their President's predicament, some appreciation of the thankless tasks he undertakes in our behalf, and some encouragement to him to continue doing the work before him until such time as, in the providence of God, we will look to another to lead us as a nation and a people.

We offer no excuses or apology for Mr. Nixon's administration. Let the chips fall where they may. Every American has already been made aware that arrogance, greed, dishonesty and incredible hypocrisy has infected the precincts of power in Washington in the last five years to the extent that citizens everywhere have become confused, disgusted and cynical. The resultant political alienation of the people is not only regrettable, but scary. For in the secular order, it is an axiom that democratic processes of government require positive faith and hope from the participating electorate. People must believe that government can serve them, and that by their earnest, honest, collective efforts, will serve them.

Unfortunately, in President Nixon's second term, this faith and hope is fading from the faces of the American people. And, in all candor, we must confess that Richard Milhous Nixon, willingly or not, is the primary architect of our disillusionment. The scandals of this administration are enormous and not easily forgotten.

Having said this, we would get on to the point of this letter.

Richard M. Nixon is a man and our President. As a man he's bleeding. As our President he's discouraged. No one should take joy in the sight of a man bleeding. And no citizen should assist those pitiless; vengeance-prone individuals in our society who wish to humiliate and bring low among men the President of the United States.

Undoubtedly Richard Nixon has failed to fulfill, in all of their implications, his oath and obligation to the Constitution of the United States. Let the law take its course.

But as God-fearing men and women let us forgive the human weakness of our brother, Richard. And as Americans, let us all unite in thanking him, despite his faults, for getting up every day and getting on with the work of the Presidency.

You and I have only one President. Shame on us if we allow friend or foe, alien or native, to show disrespect or dishonor to the man who occupies that august office. For better or worse, he's the leader of forces for man's freedom in this world.

There is a Constitution. There is personal conscience. There is an all-just, all-seeing God.

Richard Nixon must face the Constitution before the people, the Congress, and the Courts.

In the privacy of self he must face his conscience.

At the end of it all, like the most humble man or woman in the country, he must face his God.

But for us, now, there is only one course to take, and that is to say, "Take courage, Mr. President, and continue to do those things that, day by day, are required by your office, for, until ordained otherwise, the fate of the Republic is in your hands,"

HOWARD MOORE ALBAUGH

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. BYRON. Mr. Speaker, Howard Moore Albaugh, a personal friend of mine, a Masonic brother, and a revered community leader, has passed away. Mr. Albaugh was not a well-known national figure—the kind of person you would see or read about regularly in the media. No; Mr. Albaugh was a local figure—a man whose stature was gained by doing things behind the scenes, by saying "yes" to community work, by recruiting youth for unselfish civic causes, by remembering the sick, by friendship, by morality, and by brotherly love toward the masonic order he so faithfully served. In tribute to Mr. Albaugh I now commend to you an editorial which recently ran in the Frederick News-Post:

HOWARD MOORE ALBAUGH

"May their souls through the mercy of God rest in peace."

These were the prophetic words pronounced just a few days ago by Howard Moore Albaugh in asking that a large gathering of his brethren and their ladies observe a moment of silence in memory of two departed members of his fraternity—Harry O. Schroeder and Elmer R. Bokesch.

Mr. Albaugh died unexpectedly Sunday at his home. He was 80 years old.

He had intoned the belief to his audience of friends that certainly these two men who had served their communities, their churches, and their Masonic organizations so faithfully throughout their lives were "certainly here in spirit among us" to celebrate the 100th anniversary of Lynch Lodge No. 163, AF&A Masons.

Even at his grand 80 years and seldom having missed a meeting of the several organizations in which he remained active to the end, Hr. Albaugh took the time (and he was not given to brevity) to make what must now be considered a final appeal for keeping the fires of membership and service alive in any organization—whether it be the church, the Masons, the Knights of Columbus, the Eagles, civic clubs or whatever.

His talk was entitled, "Put Another Log on the Fire," and it carried a universal message so important in this era of atomized families, declining membership in churches and organizations, and increasing reverence to things, more of material than of intrinsic value.

Briefly, Howard Albaugh defined six "logs" that must be put on the "fire" if the "eternal flame" of service to others is to be kept alive:

1. Attend the meetings of the institutions or organizations to which you belong. "Don't let it up to a faithful few to keep the home fires burning," he said.

2. "Don't say 'No.' Do your best. You'll feel good you helped."

3. If you are an officer, "be interested in your work. The responsibility that goes with it is more than just sitting in chairs."

4. "Youth. Get youth active. Some of us 70 to 80 don't know how long the Supreme Architect will allow us to be here. The future of any organization depends on youth." (He especially urged his brethern to support two Masonic youth organizations. DeMolay, for boys—"I'm appealing to you to help them. They will soon be knocking at our door seeking admission." And Job's Daughters, for girls.)

5. "Visit your sick and distressed . . . there is nothing so good as to be visited by friends . . . and to be told, 'Keep your chin up, keep fighting.' " (Howard Albaugh knew whereof he spoke; he had just won a long battle, he said, "Thanks to you, my friends.")

6. Pay your dues. Don't be in arrears. And he quipped this item which brought warm laughs from those assembled, a moment of mirth that will linger as legend with his many brethren who carry dues cards signed by Howard Albaugh:

"Now if you were to die tomorrow and you were a couple years in arrears, how would you feel?"

Howard Albaugh was never in arrears, not in dues, not in attendance, not in saying "Yes," not in interest in his work, not in recruiting youth, not in remembering the sick and distressed, not in friendship, not in morality, not in brotherly love, nor in any of the cardinal virtues which enabled this man to walk so uprightly before God and man.

And as the youth he described, "knocking on our door seeking admission," may the distinct knocks of Howard Moore Albaugh be answered from within—where he will be reunited with his loving wife Effie and other loved ones; and sit again in that Supreme Lodge with all his friends and brethern that have gone before, to "that house not made with hands, eternal in the heavens."

VICE PRESIDENT GERALD R. FORD

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mrs. GRASSO. Mr. Speaker, on October 12, GERALD FORD was called to serve his country as its 40th Vice President. Today the House followed the Senate in giving his nomination resounding approval.

In this crucial time in the history of our great Nation—when a widespread crisis in confidence in the institutions of government exists—it is important that the Vice President have a long record of dedication, integrity, and dependability. Those of us who have served in the House with JERRY FORD know that he possesses these qualities.

It is also important that he brings to the office 25 years of service in the House with 9 as minority leader. For his knowledge of the Legislature is as vast as the respect in which his colleagues hold him. Hopefully, for the first time during this administration there will be an understanding presence high in the executive branch who knows and honors the ever-present need of working with Congress for the betterment of our Nation. Indeed, this cooperation is an essential ingredient in achieving solutions to the energy crisis and other pressing problems of our time.

JERRY FORD will be missed in the House.

He has our hopes and prayers for the days ahead.

May the Nation benefit from his experience in our time of great need.

IS SELF-SUFFICIENCY REALLY WHAT WE WANT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. PICKLE. Mr. Speaker, Mr. Anthony Lewis of the New York Times has a wise word of warning about self-sufficiency in the energy field.

If self-sufficiency means that we are going to be willing to adjust our profligate use of energy, then this will be a noble goal, he says. But, he warns, if self-sufficiency means an inward-looking effort to continue a wasteful style of life regardless of international consequences, then we may be opening the door to disaster.

I agree with the basis for his thinking—that the age of cheap energy is now past and cannot be recaptured by 1980 or any other near date.

Mr. Lewis offers the alternative of conservation as our best hope, and I agree with him here, too.

I would like to reprint Mr. Lewis' article from the December 3, 1973, Times in the RECORD at this time:

A FORTRESS AMERICA?

(By Anthony Lewis)

BOSTON.—A main theme in the rhetoric of the energy crisis is the need for American self-sufficiency. That is the goal of President Nixon's Project Independence—to insure, as he put it, that by 1980 "Americans will not have to rely on any source of energy beyond our own."

Self-reliance is generally an admirable trait. But in discussion of world resources and energy it can have disturbing overtones. It sounds a little too much like the economic nationalism of the nineteen-thirties, with its disastrous influence toward international tension and war.

If we think past the present concerns with scarce heating oil and closed gasoline stations; we recognize that the long-term energy problem poses a profound threat to our whole system of international relations, economic and political. It could break down the network of trade that has been one of the world's great postwar achievements and bring on atavistic attitudes of hoarding, plunder and economic warfare.

Stuart Hampshire, the Oxford philosopher, has put in a few words what it is we fear. The successive crises over wheat and oil, he said, suggest that "we are entering a period of intense, nervous competition for scarce resources among countries and alliances, a period in which every group of countries anticipates that the weak will be cut off from the diminishing resources necessary to survival. Each group therefore grabs: a Darwinian nightmare."

The Arabs' use of oil as a crude political weapon gives us a taste of the barbarous world we could find ourselves in. Some American intelectuals have now talked of withholding food and manufactured goods from Arab countries as a counterweapon—a sad indication of how quickly economic discourse may be brutalized.

In terms of America's energy goals, "self-sufficiency" can imply two very different things. It can mean an inward-looking, selfish program designed to continue an extraordinarily wasteful style of life, regardless of international consequences. Or it can mean an attempt to adjust America's profligate use of energy and other resources to the realistic necessities of international peace and order.

President Nixon has made it clear that he sees restraint and conservation in the use of energy as only temporary requirements for Americans. By 1980, he said, "we will once again have those plentiful supplies of inexpensive energy which helped to build the greatest industrial nation."

It is hard to find any qualified expert who thinks the United States can recapture the age of cheap energy, by 1980 or any other foreseeable date. But even setting the goal would have large consequences.

It would be a commitment to continue the energy-intensive direction of our society, doubling our consumption of energy every 15 or 20 years. It would be a signal to ordinary citizens to go on expecting a life of limitless energy—and to create demands based on that expectation.

To follow that path would mean immense capital investment in new energy sources. It would mean accepting severe environment damage and, in the short run, serious risks from proliferating nuclear fission generating plants.

But the more profound implications are for America's relations with the rest of the world. With 6 per cent of the world's population, we now use 30 per cent of its energy. To continue on that road in an age of declining resources and technological strain—to persist in the dream of two large cars in every garage when our friends fear paralysis of their societies—can only alienate us from the rest of mankind. Indeed, the vision must be of a Fortress America.

The idea of withdrawing into a fortress will always appeal to some. But it is not only wrong morally—because so much of the world, developed and underdeveloped, depends on economic relationships with the United States. It is also wrong as a matter of self-interest. We learned in the nineteen-thirties that no country can wall out the rest of the world's economic distress. And even the richest country may be endangered if distress sets loose violence.

There is one real alternative to the vision of limitless energy and luxury as our credo. That is the ethic of conservation; not saving by such marginal notions as turning down home thermostats but conservation through fundamental social choices, requiring changes in value.

The symbols of necessary change are at hand. To take just one, does it make sense for the United States to go on now with an enormous highway-building program?

Changing our attitudes toward energy use will be a long and complicated process, raising tough problems of how such decisions should be made in a capitalist democracy. But there is only one way to begin: by leadership. That means politicians who do not give us empty promises of plenty but teach us the necessity of living a more frugal and more rational life, as part of a world community sharing its resources. That is the only way to dispel the Darwinian nightmare.

A TRIBUTE TO HON. WILLIAM J. KEATING

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 1973

Mr. LOTT. Mr. Speaker, as a new Member of Congress this year, I have been particularly sensitive to the treatment I have received from my colleagues in the House of Representatives. I have found Bill Keating to be one of the most cordial and inspirational young leaders of the House of Representatives. Although only in his second term, it is obvious that he is admired and respected by all for his very quiet and positive manner. As a fellow member of the House Judiciary Committee, I have also found that he is a very capable lawyer.

Men like Bill Keating will always move on and up. Therefore, I join with my other colleagues in wishing him well in his new position as editor of the Cincinnati Enquirer. Although, we need men like Bill Keating here in the House of Representatives, we also need such men in the news media. We will miss him, but know that success will always be his.

NELSEN LAUDS SCOTT COUNTY EFFORTS IN ENERGY CONSERVATION

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. NELSEN. Mr. Speaker, we are all well aware of how pervasive the energy crisis is. All units of Government and all individuals are being called upon to do their part to help save gas and heating oil, to cut down on the use of electrical power and to conserve our Nation's fuel resources. I would like to bring to the attention of my colleagues the action taken by one of the counties in my district to comply with the President's directives. I want to commend the Scott County commissioners for the early and official action in this area, and I hope we see the same kind of cooperation throughout the country in the crucial days ahead. Mr. Speaker, I place the resolution immediately following my remarks in the Record:

RESOLUTION ESTABLISHING A SCOTT COUNTY POLICY ON THE NATIONAL ENERGY CRISIS

Whereas, it has become apparent throughout the nation that the citizens of the United States will soon be faced with an energy crisis of critical significance; and

Whereas, said energy crisis has been recognized by federal and state leaders to the extent that President Nixon has requested of the Chairman of the Scott County Board of Commissioners by telegram, that measures be taken by the citizens of Scott County to conserve on energy in its various forms; and

Whereas, the Scott County Board of Commissioners has acknowledged through lengthy discussion, the need to develop a policy for county offices and guidelines for the citizens of Scott County with respect to the conservation of energy during the crisis period.

Now therefore be it resolved by the Board of Commissioners in and for the County of Scott, Minnesota, that the following steps shall be taken by all offices and employees of Scott County to preserve energy for the duration of said crisis, to-wit:

1. The use of electric lights and appliances shall be curtailed to a minimum consistent with safety requirements.
2. Thermostats shall be maintained at a maximum of 68° in all offices and facilities controlled by the county.
3. County owned vehicles as well as private vehicles used in the service of the county and for which mileage is paid its operator shall be restricated to the maximum speed of 50 miles per hour, except for county vehicles operating under emergent conditions.
4. Car pools of county employees commuting to and from work are encouraged.

Be it further resolved, that the County Civil Defense Director, Mr. Tim O'Laughlin, be and hereby is designated as the County Energy Coordinator for the duration of the crisis with the charge that he shall develop, coordinate and administer a County Energy Emergency Plan at the earliest practicable date, consistent with federal and state guidelines, for the review and approval of the County Board.

Be it further resolved that said County Energy Emergency Plan shall include but not be limited to regulations and guidelines governing the use of energy resources in Scott County during the crisis period.

CRIME CONTROL—NO. 10

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. LANDGREBE. Mr. Speaker, one of the arguments so often used by the gun control lobbyists is an argument based upon a misunderstanding of the Constitution. One of my recent correspondents phrased the argument in this manner:

> The Constitution clearly gives us the right to own guns only to establish "a well-regulated militia."

This is obviously a stock argument of the gun control lobby which will not hesitate to cite from "a document written for an agrarian society" if it in any way can be turned to the lobby's ends.

Before I analyze the argument, I would like to include here the complete text of the second amendment:

> A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

This amendment, which explicitly says "the right of the people to keep and bear arms shall not be infringed" has been used by the gun control lobby as an argument in favor of infringement of the right to keep and bear arms. How has the gun control lobby achieved this preposterous reversal, and more importantly, why have the infringers got away with an explicit reversal of the language and the sense of the amendment?

The answer is quite simple. The argument which achieves the reversal of the sense of the amendment runs as follows: the dependent clause "a well regulated militia being necessary to the security of a free State" contains the only reason why people should be allowed to keep and bear arms, and since a well regulated militia already exists in the National Guard, the right of the people to keep and bear arms may be infringed at will, since the purpose of that right has already been achieved.

I do not wish to discuss the nature of militias and of the National Guard, for that issue is not central to the argument. What is central is the argument that the establishment of a militia is the only reason the Constitution gives the people the right to keep and bear arms.

It is this argument which must be challenged.

Simply stated, the Constitution does not give rights to anyone, either the people or the States. If the gun control lobbyists would pay more attention to the language of the Constitution, they might notice that the second amendment does not give a right, but regards the right in question as already possessed by the people, and forbids infringement of that already existing right.

More important, however, is the nature of the Constitution itself. The States by the Constitution created a Central Government and delegated to it certain of their powers which are specifically enumerated in the Constitution, principally in article I. The Central Government, therefore, is not authorized to exercise any powers which the State governments did not delegate to it. Since the States at no place and time have given the Central Government the power to register, regulate, or confiscate arms owned by their citizens, the Central Government has no power to engage in such activities. The Central Government, in short, can do only what it is permitted to do by the Constitution. Neither it nor the Constitution is the source of the rights of the States and their citizens. The States are prior to the Central Government; the Central Government was created by the States for the benefit of the States and their citizens. It follows from these facts that neither the Constitution nor the Government it established can give rights or powers to anyone. This is true for two reasons: First, the Constitution and the Government it established are derivative, not originative; and second, the States by the Constitution did not delegate any power to control civilian firearms to the Central Government.

Thus the argument that the Constitution gives citizens the right to keep and bear arms under only one condition, to establish a militia, is the exact opposite of the truth. The Constitution empowers the Central Government to do certain things; all other activities are denied to the Central Government. The gun control lobbyists wish to argue that the Constitution empowers the States or individuals to do certain things—own guns in order to form a militia, in this case—and prohibits all other activities—own guns for self-defense or recreation, in this case. This, of course, is a gross misunderstanding of what the Constitution is, how it was created by the States, and how it is supposed to function.

But there is a more fundamental confusion here, which desperately needs correction. Neither the Constitution nor any government gives individuals rights to do anything. Rights are granted by God:

> We hold these truths to be self-evident, that all men are . . . endowed by their Creator with certain unalienable rights . . ."

And are operable only under His law. The notion that rights are something granted by human institutions is a very dangerous notion, for if man, not God, is viewed as the giver of rights, then man, not God, must also be viewed as the taker of rights. The result is that "the government giveth, and the government taketh away."

YOUNG REPUBLICAN NATIONAL FEDERATION OPPOSES LOAN TO RUSSIA

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. SYMMS. Mr. Speaker, next week we in the House are being asked by the Nixon administration to act favorably on the Trade Reform Act of 1973. But under the provisions of this legislation the U.S. Export-Import Bank would be permitted to continue to subsidize the economy of Soviet Russia at the expense of the American taxpayer. The Ex-Im Bank plans to lend the Soviets $180 million at 6 percent interest for a new fertilizer plant. Mr. Speaker, this is an outrage to the American public. Some Americans must now pay 10 percent interest if they must borrow money in order to educate their children. Others must pay interest rates almost as high in order to buy a home.

How, at the same time, can we lend taxpayers' money to the Communists—our sworn enemy—or any foreign country for that matter at such low rates? As an additional insult, we are taxing Americans to build a fertilizer plant in Russia, while our American farmers are unable to plant some crops because of vast shortages of fertilizer in our own country.

Now for the worst part; it is my understanding that the credits granted to the Soviet Union will also be used to acquire advanced computer technology which the Soviets can use to greatly advance their MIRV warhead capability up to a level comparable to that of the United States. Not only does this smack of utter stupidity, but the main argument used by the administration to "sell" the recent SALT agreement—an agreement which gave the Soviet Union a 50-percent advantage in numbers of launch vehicles—to Congress and the American people was that the United States was years ahead of the Russians in MIRV technology and that the Soviets would not obtain this capability in at least 5 years. Consequently, it seems incredible to me that anyone could consider such irresponsible action which would amount to forcing the American taxpayers to build the Soviet war machine.

Mr. Speaker, at their recent National Committee meeting in Chicago the Young Republican National Federation unanimously passed the following resolution on the Trade Reform Act:

> Whereas, the Trade Reform Act of 1973 is now pending in Congress, and
>
> Whereas, the U.S.-Soviet wheat deal of 1972 has cost the American people over $1 billion in government credits, food shortages with higher prices, and inflation, and
>
> Whereas, the Soviet Union has been re-selling wheat to other countries at 2 to 3 times the price they paid for American wheat, and
>
> Whereas, U.S. Government credits to the Soviet Union through the Commodity Credit Corp. and Export-Import Bank at the proposed rate of 6% interest will cause these Institutions to incur a deficit of 1.7% which must be paid by the American taxpayers while Americans would have to pay considerably higher interest for comparable credit, and
>
> Whereas, these Export-Import Bank credits would be used by the Soviet Union for the purchase of American technology such as advanced computers which would greatly assist them in developing a MIRV warhead capability comparable to that of the United States, and
>
> Whereas, the Soviet Union has continued to increase its strategic nuclear force and develop a first strike capability; has continued its policy of repression; has refused to permit free emigration of its citizens; and has stated that it is using détente only as a means to achieve military and economic superiority, and
>
> Whereas, under the Johnson Act of 1934, Most Favored Nation status to any country in arrears on payments of debts to the United States is specifically prohibited, therefore be it
>
> *Resolved*, That the Young Republican National Federation, while recognizing the necessity of American industry to seek out new markets abroad, due partially to over regulation at home, opposes the granting of any U.S. Government credits to the Soviet Union, Red China, or any other non-market country which denies its citizens the right to emigrate, and be it also
>
> *Resolved*, That the Young Republican National Federation opposes giving "Most Favored Nation" status to the Soviet Union or Red China, and be it further
>
> *Resolved*, That copies of this resolution be sent to the President and all Republican Members of Congress.

Mr. Speaker, it is important to point out here that this resolution had the support of Y.R. leaders of all philosophical persuasion. It was sponsored by the Florida Federation and seconded by the New York Y.R.'s. Furthermore, I feel that it reflects the real opinions of all people at the grass roots in America, both Republican and Democrat.

Also, I am especially pleased that some of our political leaders recognize that American industry is over regulated at home and is therefore forced to seek markets abroad wherever they can find them. It is really ironic that our businesses find it easier to do business with Communist Russia than with capitalist America. There is simply too much government regulations and we are all the losers as a result.

I hope that my colleagues in the House will join me in supporting the Vanick amendment to the trade bill which prohibit taxpayer subsidized credits to the enemies of the liberty of our people.

BUDGET REFORM

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. RONCALLO of New York. Mr. Speaker, yesterday I was unavoidably detained in my office and was unable to record my vote on roll Nos. 630 and 631. Had I been present, I would have voted in favor of the amendment to implement the anti-impoundment provisions at the same time that the budget control sections become effective. Since I strongly favor the reorganization of the Congress to permit proper legislative branch control over the budget process, I would have voted in favor of the bill on final passage.

COMMISSION SPELLS OUT POLICY ON FEDERAL HIRING PRACTICES

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. DULSKI. Mr. Speaker, in recent weeks there has been a new and accelerated series of complaints and charges about abuses of the hiring procedures in the competitive Federal civil service.

The integrity of the Civil Service System is a subject of continuing oversight by the Committee on Post Office and Civil Service of which I am chairman. Our committee has been looking into these charges and complaints.

Since this recent series of cases surfaced and the committee began inquiries, it is interesting to note that the Civil Service Commission has prepared and issued to all departments and agencies a clarifying statement of its policy.

In a covering memorandum dated October 26, 1973. Bernard Rosen, executive director, explains:

> The attached statement is self-explanatory. While it contains no new policy, we believe you may find it useful as you deal with civil service matters.

The memorandum was addressed to: executive officers, department and agencies; assistant secretaries for administration; assistant administrators for administration; executive directors, regulatory agencies.

Our committee is deeply concerned with the preservation of the integrity of the Federal career service. Because of the vital importance of this matter, I believe the Commission's October 24 statement warrants wide circulation among the Members, Federal employees, and the general public.

Mr. Speaker, I include the full text as part of my remarks:

STATEMENT BY U.S. CIVIL SERVICE COMMISSION

This statement explains how agencies can properly consider referrals of persons from various sources (including political sources).

SCHEDULE C AND NONCAREER EXECUTIVES

Appointments to key policy-determining jobs, or jobs having a close personal relationship to an agency head or his key officials, are excepted from the usual merit system requirements. These jobs (Schedule C and Noncareer Executives) are expected to be filled by the appointment of people who are clearly in close policy and political agreement with the appointing officials or have their personal confidence. Thus, political recommendations and advice on such appointments is normal practice and fully supportable. After all, it is these appointees who are responsible for public advocacy and defense of agency and administration policies and programs (or in close personal support of such people).

CAREER JOBS

More than 90% of all Federal jobs are required by law to be filled through open competition and solely on the basis of merit and fitness. In filling such jobs, the question of whether it is proper to consider persons referred from a variety of sources is frequently raised.

Anyone who knows of a person seeking employment generally has a right to bring that person to the attention of the Civil Service Commission or an official of any Government department or agency.

"*Anyone*" means just that. Employment referrals by Congressmen, officials of political parties or the White House, State Governors, Mayors, representatives of trade associations, labor organizations, civil rights groups, ethnic and racial groups, and other groups and individuals, are completely proper and legitimate. The major limitation in law* is that of 5 U.S.C. 3303 which states:

"An individual concerned in examining an applicant for or appointing him in the competitive service may not receive or consider a recommendation of the applicant by a Senator or Representative, except as to the character or residence of the applicant."

This limitation is not a ban on referrals. It is rather a restriction on the examining or appointing official as to how he may consider this referral. Any candidate referred through political sources must be fully considered, but only in the same manner, and subject to the same requirements, as those which are applied to all other candidates. This can only be done by placing the applications of people received through such referrals into the regular system for receipt and consideration of all other candidates. Only in this way can equal consideration be given to those other citizens (usually including many highly qualified people) who express interest in Government employment through the usual channel of application in civil service examinations or directly to an agency in whose program they are interested, without reliance on referral from a third party.

Thus, what is prohibited is not referrals, but the giving of special preferential or exclusive consideration to referrals from only one source. A merit appointment can be made only after the requirements of public notice, broad opportunity to apply, and common, realistic standards have been met. These must be met in fact and not just by lip service. There needs to be an active search for candidates from relevant sources; the final competition must occur among candidates recruited in such a manner; and the final selection must be made from among only the most highly qualified and solely on the basis of merit and fitness, as required by law.

In addition, pursuant to the Civil Service Act of 1883, Federal officials are bound by a Presidential order, initially promulgated by President Arthur in 1883, which without significant change in meaning is currently found in Rule 4.2 of Title 5 of the Code of Federal Regulations. The current Order explicitly prohibits officials, in connection with competitive service employment, from making "any inquiry concerning * * * political affiliation." The Rule then states that all disclosures concerning such matters shall be ignored, and that no discrimination shall be exercised, threatened, or promised because of political affiliation.

EXPERTS AND CONSULTANT APPOINTMENTS

There are special provisions of law relating to the appointment of experts and consultants (5 U.S.C. 3109). It is particularly important that these provisions and the Commission's implementing instructions are followed carefully. The major need is to be sure that experts and consultant appointments are genuinely that; not a subterfuge to fill an operating job. Thus, the appointee must be a bona fide expert actually needed for short duration or intermittent assignment.

FOR FURTHER ADVICE

The Director of Personnel of each Federal department or agency is available to advise in more detail on the requirements of law and regulation regarding appointments in that agency. He is fully committed to the furthering of his agency's mission and expert in the proper way to do that within the meaning and spirit of merit principles and civil service law.

THE "ECONOMIC AGGRESSION" OF THE ARABS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. LONG of Maryland. Mr. Speaker, I wish to call the attention of my colleagues to a perceptive column in the Washington Post by Hobart Rowen. Mr. Rowen accurately perceives the Arab oil embargo as economic warfare that, if successful, will encourage other countries to use the same tactics.

[From the Washington Post, Dec. 6, 1973]

THE "ECONOMIC AGGRESSION" OF THE ARABS

(By Hobart Rowen)

The extraordinary thing about the Arab oil boycott is the refusal of the Western World to recognize it for what it is—economic warfare—and to deal with it in those terms. Economic aggression is no less a hostile act than military aggression.

So far, the Arab strategy has worked beautifully. It has confused and divided the West, notably Japan, France, Great Britain and other nations that have gone on bended knee to get themselves on the Arabs' "preferred" list.

But as The Economist observes this week, "The Arabs are largely unimpressed with western Europe's policy on Israel and will be pushing for something stronger, like the cutting of trade ties and imposing actual embargoes."

If the Arab economic weapon succeeds in what purports to be its main objective—a retreat by Israel to the pre-1967 borders—what will be the next demand from the now powerful sheikhs? Their price, in political and economic terms, is sure to escalate.

And beyond that, a new incentive will have been give to other countries or groups of countries to use economic blackmail.

It's already beginning to happen. Gabon's President Omar Bongo, according to Newsweek, is hiking the price of uranium exports. Skyrocketing copper prices are the result of producing countries holding supplies off the market. South American cotton exporters have extracted double an agreed-upon price from the hard-pressed Japanese.

State Department Under Secretary William J. Casey reminds us that in 10 years, the United States will be primarily dependent on imports for nine of 13 basic raw materials, including three very important ones—bauxite, iron ore and tin.

In these circumstances, to let the Arabs' economic weaponry go unchallenged is nothing but a self-destruct process. Therefore, it was refreshing to hear William E. Simon, the new energy czar, say that the U.S. "will never again be subject to economic and political blackmail by any foreign power."

The important thing at the moment is to keep Arab strategy in perspective. The real motivation of the oil-producing nations of the Persian Gulf is less rooted in a holy war to wipe out the State of Israel than in an effort to maximize profits.

True enough the Arab-Israel war provides a convenient backdrop for the economic boycott, and an attempt to shift world hostility to the Israelis. But the fact is that the cutback in Mideast oil production and the boost in prices began before the war, and everything that one can learn from the brilliant Saudi oil minister, Sheikh Yamani, indicates that the squeeze play will continue even after there is an Arab-Israeli settlement.

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*There is another limitation (5 U.S.C. 3110) which deals with restrictions on recommendations for employment of relatives.

Keep in mind that Arab oil, which costs only 10 to 15 cents a barrel to produce, is being shipped now at $6 to $8 a barrel. As economist Arnold X. Moskowitz points out, hiking the price that way "sets the stage for monopoly profits of unusual dimensions." Yamani is already talking of $10 oil for the mid-1970's.

Clearly, Yamani and other Arab policymakers have concluded that the Western World, even if driven into a serious depression, would not risk military intervention. In a nuclear world, no one can tell where that would end. Besides, Yamani has said, the Saudis would immediately blow up their oil fields if there were to be military retaliation.

What, then, is the answer? In the longer-run, of course, the world must make itself independent of Arab oil by producing adequate energy from other sources. But that may take up to 10 years, and is not the solution to the immediate problem.

A counter-boycott, according to most experts, might prove mildly annoying to some Arab states, but would lack the economic punch to be really effective. That, therefore, offers no solution—although it is sheer madness for the American government to keep up its shipments of military equipment to Arab nations maintaining the oil boycott.

What the nations of the Western World must do, to maintain their self-respect and dignity, is to get together—as both George Ball and Paul Samuelson have suggested—to cope as one unit with the Arabs' blackmail.

The West must share its supplies, its know-how and its drive for new energy sources, rather than begging—in disarray and humiliation—for dribbles of Mideast oil.

Arab leaders have operated on the theory that if faced with the choice of sacrificing Israel and getting no oil, the Western World would swallow hard and dump the Jewish state. If the Western World doesn't want that course of action on its consicence, it can still re-group itself, and perhaps convince Arab policy makers that they may have over-reached themselves.

NEED FOR OVERSIGHT REFORM

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. MARTIN of Nebraska. Mr. Speaker, during the more than 35 days of hearings held by the Select Committee on Committees, one of the most consistent complaints from members and other witnesses was the lack of adequate oversight. I feel very strongly that any reform of the committee system must include provisions for adequate oversight activities by each committee of the House.

The record of inadequate oversight activities was made clear during the hearings. The remark of one member was typical: "I have never felt that any committee was doing an adequate job on oversight, and I felt very strongly our committee was not doing a good job on oversight through the years."

The select committee has worked long and hard to develop a committee print, which it will release December 7. Recognizing the many issues involved, and the difficulty in a set of recommendations to reform the committee structure of the House, the select committee designed its committee print to be a working document in order to focus on the major issues and problems related to reorganization. The committee print is not a final document, and in many instances discusses alternative approaches.

One section of the draft report discusses oversight. I would like to urge my colleagues to examine the entire report, and to give special attention to the whole area of oversight. The draft report contains several approaches to oversight which could be used, and I invite my colleagues to study these approaches and to make their views known. Before the Select Committee on Committees begins public markup on the committee print, I would like to have the opportunity to discuss oversight with as many of my colleagues as possible.

I believe that we need a separate oversight subcommittee for each authorizing committee of the House. In my view, it is imperative that those who enact specialized legislation and are intimately familiar with the intent of Congress that has developed during the hearings, floor consideration, and conference procedure, be given the additional responsibility to review the implementation of the laws by the executive branch.

We can no longer afford to enact legislation which expends our country's hard earned funds without meeting the needs of our Nation. We need to end outdated programs and stop wasteful spending. As legislators, we must accept responsibility for the implementation of the laws we enact and conduct meaningful legislative review. Unless that responsibility is given to each committee, and the members who serve on those committees, we will not be adequately discharging our responsibility.

When the select committee begins to mark up its recommendations, I intend to press most vigorously for strong and effective oversight by each committee. I urge my colleagues to study the alternative approaches to oversight, and to indicate their views to me or other members of the Select Committee on Committees. I hope that my colleagues will join me in pressing for meaningful reform in this critical area of responsibility.

THE FORD NOMINATION

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. FRASER. Mr. Speaker, today in a letter to the Washington Post, Joseph Rauh has outlined some cogent arguments for opposing the confirmation of GERALD FORD as Vice President.

Rauh cites Mr. FORD's anti-civil-rights record and his consistent opposition to domestic social programs as reason enough to reject the minority leader's nomination.

Rauh maintains:

> No congressman has sided more consistently with the haves at the expense of the have-nots than Gerald Ford.

I am inserting the Rauh letter at this point in the RECORD:

[From the Washington Post, Dec. 6, 1973]

THE LIBERALS, CONGRESS AND GERALD FORD

The saddest thing about the confirmation of Rep. Gerald Ford is what it says about current American political standards and horizons. When such liberal stalwarts as The Washington Post editorial page and Chalmers Roberts can argue for the proposition that a man ought to be confirmed as Vice President of the United States because he is financially honest, one can only see the flags of progress and the high goals of our nation dragging in the dust. I would never have thought the day would come when old friends would be urging the confirmation of an obviously unqualified nominee for the vice presidency simply because it is unnecessary for him to say "I am not a crook."

Mr. Ford's record, as The Post and Mr. Roberts appear to concede, is abominable. As House Minority Leader he sought to gut the Voting Rights Act of 1965, take the fair housing provisions out of the Civil Rights Act of 1968, delete basic provisions from the extension of the Voting Rights Act in 1969 and cripple the Equal Opportunity Amendments of 1971. Indeed, Mr. Ford's legislative decisions are no less anti-civil-rights than the judicial decision of Judges Haynsworth and Carswell (especially when one compares his Northern surroundings with their Southern background) and one might wonder whether the Senate intends to adopt a resolution apologizing to both Messrs. Haynsworth and Carswell.

But civil rights is only the beginning. Mr. Ford's record shows that he has consistently opposed programs to help the disadvantaged, and this includes votes against food stamps, legal services and child care, minimum wages, education, Medicare, OEO, public housing, public works programs, the rat extermination program and rent subsidies. No congressman has sided more consistenly with the haves at the expense of the have-nots than Gerald Ford.

Apparently recognizing the negative weight of Mr. Ford's record, The Post seeks support in the Senate Rules Committee hearings and investigation which it calls "notably" thorough and serious." Yes, if one means financial pecadillos; no, if one means qualifications to be Vice President. Indeed, The Post itself states that Mr. Ford's effort to impeach Justice Douglas was marked by "reckless statements, innuendo and great carelessness with facts"; yet no member of the Senate Rules Committee ever asked Mr. Ford to explain a single one of those reckless statements or to indicate whether they had come from Attorney General John Mitchell as part of a conspiracy to get rid of Justice Douglas just as Mitchell had previously conspired against Justice Fortas.

Indeed, *both* Houses can be said to have failed in their duties under the 25th Amendment. That Amendment gives the President the right to nominate a new Vice President, but it gives Congress a responsibility of review and selection in connection with confirmation far different from its obligation in any other confirmation proceeding. The subject of confirmation (a potential President) and the confirmers (the full Congress rather than the Senate) are both unique in our history. And the President and Congress are acting together here not to nominate and confirm an executive or judicial appointee, but rather to choose, *in lieu of the electorate*, a man who must have the qualifications for President of the United States. This would be true in any event since the only significant attribute of the vice presidency is the possibility of succession to the presidency. But it becomes doubly true in the present circumstance where the calls for impeachment of, or resignation by, the present incumbent grow daily.

Congress, as surrogate for the voters, is obligated to use the tests voters use—stature, competence, experience and philosophy. Financial cleanliness is not enough; a vote for Mr. Ford on that ground is a cop-out on the 25th Amendment.

The Tonkin Bay Resolution had everyone's support, too—that is, almost, everyone. But the heroes today are those who said "no" to the Resolution and refused to rubber stamp the White House. Maybe a new group of heroes who know how to say "no" are being made today.

JOSEPH L. RAUH, Jr.,
Former president of Americans for Democratic Action.

INTEGRITY AND THE PRESIDENCY

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. HUNGATE. Mr. Speaker, as the question of impeachment is considered by the Congress, and as we all seek to heed the recurring admonitions to avoid partisanship, the following editorial relating to this problem appeared in what is generally recognized as our Nation's most neutral newspaper, the Christian Science Monitor, on November 30, 1973:

Integrity and the Presidency

When once asked for a statement on her politics, the founder of this newspaper, Mary Baker Eddy, replied: "I have none, in reality, other than to help support a righteous government; to love God supremely, and my neighbor as myself."

It is a calm and simple dictum, well worth heeding in these days when politics are beset by emotionalism and tawdry abuse.

Today, just as it has for 65 years, this newspaper stands firmly in support of righteous government in countries around the world. In the United States, it respects and supports the office of the presidency. Because of this, it demands that the office be honored by high standards of morality and integrity from any incumbent, of whatever political party, whatever religious faith, whatever racial background.

The United States was a nation founded on little more than soaring ideals. Over the years, it has developed diplomatic skills, its economy has become strong, its military might awesome. But its real strength lies in the extent to which it demonstrates moral power as a nation and freedom and justice for its citizens.

It is essential that these standards and ideals be honored at the highest levels of the country's leadership. Throughout the long months of Watergate anguish, we have urged President Nixon to greater candor, to more forth-rightness with a puzzled populace. We were pleased when recently he launched Operation Candor. The promise to answer all questions fully was welcome though belated. But with the latest revelations and contradictions concerning the presidential tapes, it is clear that Mr. Nixon will have to try much harder if he is to restore his credibility.

With so much confusion abroad in the country, such apparent contradictions as the following need clarification:

"My consistent position from the beginning has been to get out the facts about Watergate, not to cover them up," Nixon, Aug. 15, 1973.

"It was on March 17 that I first learned of the break-in at the office of Dr. Fielding. . . . On April 25th Attorney General Kleindienst came to me and urged that the fact of the break-in should be disclosed to the court. . . ." Nixon, Aug. 15, 1973.

"This nation—Republicans, Democrats, Independents, all Americans—can have confidence in the fact that the Attorney General, Elliot Richardson, and the special prosecutor that he will appoint in this case will have the total cooperation of the executive branch of this government. They will get to the bottom of this thing." Nixon, May 9, 1973.

"Though I have not wished to intrude upon the independence of the special prosecutor, I have felt it necessary to direct him, as an employee of the executive branch, to make no further attempts by judicial process to obtain tapes, notes or memoranda of presidential conversations." Nixon, Oct. 19, 1973.

"You remember the famous case involving Thomas Jefferson where Chief Justice Marshall, then sitting as a trial judge, subpoenaed a letter *which Jefferson had written* which Marshall thought or felt was necessary evidence in the trial of Aaron Burr. Jefferson refused to do so, but it did not result in a suit. What happened was, of course, a compromise in which a *summary* of the contents of the letter which was relevant to the trial was produced by Jefferson. . . . " Nixon, Oct. 26, 1973.

"Understanding that it is thought important that a letter of Nov. 12, 1806, *from General Wilkinson to myself*, should be produced in evidence on the charges against Burr, . . . I send you a copy of it, omitting only certain passages. . . ." President Thomas Jefferson, September, 1807. (Italics added.)

"Before their existence became publicly known, I personally listened to a number of them (the tapes)." Nixon, July 28, 1973.

"As a matter fact, the only time I listened to the tapes, two certain tapes—I didn't listen to all of them, of course—was on June the fourth." Nixon, Sept. 5, 1973.

"The tapes, which have been under my sole personal control, will remain so. None has been transcribed or made public and none will be." Nixon, July 23, 1973.

"On Sept. 29, 1973, I began a review of the tape recordings subpoenaed by the special prosecutor for the grand jury and by the Senate select committee. . . . It was during this process that I first became aware of the possibility that two of the 10 conversations in question had not been recorded. I proceeded with a review of the eight recorded conversations. . . ." Nixon, Nov. 12, 1973.

On Nov. 12 the mysterious 18-minute gap was disclosed though Mr. Nixon's personal secretary Rose Mary Woods said he had known about it since Oct. 1 when she was transcribing the tape for him—something he had said would never be done. If Operation Candor is not to become a hollow joke, Mr. Nixon needs to speak and act in the spirit of what he said Aug. 15, "Whatever the facts might be, I wanted the White House to be the first to make them public."

THE NEED FOR PUBLIC FINANCING OF ELECTIONS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. RANGEL. Mr. Speaker, one of the few positive results from the Watergate campaign crimes has been the renewed push in Congress for public financing of elections. The knowledge that former Vice President Spiro Agnew accepted illegal cash "gifts" while in office and the misuse of campaign funds by President Nixon's Re-Election Committee has made Congress and Americans realize that there is a need to curb the undue influence of special interests and the extortion of contributions by politicians.

Truly competitive elections cannot take place when one candidate can simply buy the election by outspending his opponent.

The entire political system of the United States has suffered from the drop in confidence in the Government which has resulted from Watergate. Americans are clearly upset over a political system that has allowed such unethical and criminal activities to take place. Recent opinion polls bear this out. The September 30 Gallup poll found 65 percent of those surveyed endorsing public financing of elections; only 24 percent opposed it.

I now insert an article by David Adamany from the October 1973 issue of the Progressive into the CONGRESSIONAL RECORD that explains the need for public financing of elections:

Public Financing: A Cure for the Curse of Slush Funds

(By David Adamany)

If Gallup-type polls are the seismograph of American opinion, Watergate has registered at least one earthquake of major proportions on the political Richter scale. Nine years ago, Americans opposed public financing of Presidential campaigns by a lopsided seventy-one per cent to eleven per cent. Scarcely three months ago, the public mood had turned dramatically—fifty-three per cent favored tax support for both Presidential and Congressional campaigns, with only twenty-nine per cent in opposition.

The tremors of Watergate have also been felt on Capitol Hill. More than 120 members of the House are co-sponsors of the Clean Elections Act of 1973, introduced by Representatives John Anderson and Morris Udall, which provides tax money to match private contributions up to $50. Proposals in the Senate are far more sweeping:

Senator Philip Hart's Congressional Election Financing Act of 1973 would provide public money for as much as eighty per cent of the cost of House and Senate races.

A measure advanced by Senators Adlai Stevenson and Charles Mathias would supply tax funds for one-third of the expenditures in Presidential, Senate, and House campaigns.

A public financing amendment proposed by Senator Edward Kennedy and Hugh Scott, attached to a comprehensive Senate bill revising the disclosure provisions, contribution ceilings, and spending limits of existing law, was turned back in August, but it had the support of almost forty per cent of the Senate.

Despite this flurry of activity, Washington insiders—including many supporters of public financing—believe prospects for such sweeping legislation are uncertain. Political strategy is a major obstacle. Republicans are usually better financed than Democrats, and they resist measures that will dissipate their advantage. Only ten of the Senate's forty-two Republicans were among the thirty-eight supporters of the Kennedy-Scott amendment. And President Nixon's well known willingness to veto public-financing legislation requires that any reform measure be attached to a veto-proof bill on an entirely different subject, a strategy which subjects campaign finance legislation to assignment to an indiscriminate range of House committee.

A still more formidable barrier is the demonstrated ability of incumbents to raise more money than their challengers, especially in the House, where three-quarters of the districts are relatively safe for one major party or the other. Since only incumbents vote on legislation, measures which threaten their term by financing the opposition do not pass easily.

To many in Congress and in the country, public financing of politics is a strange, unfamiliar, and uncomfortable idea. Yet tax support for campaigns is not new. Long ago various governments assumed the cost of ballots, polling places, and election day clerks, all formerly paid for by parties and candidates. In several states tax money is used to register voters. The Senate this year passed a comprehensive post card voter registration bill. The indirect subsidy to politics: at least $100 million.

Wisconsin and several other states provide free radio and television time for candidates on state educational networks. Oregon subsidizes a voter pamphlet, mailed to each elector at state expense; for a nominal fee, candidates and referenda advocates may purchase space in which to advertise and advance their causes. Thirteen other states have enacted some variation of the voter pamphlet at one time or another. When Congress required broadcast media to sell political advertising time at the lowest unit cost charged for comparable commercial messages, it enacted a media subsidy to campaigns.

We also subsidize campaigns through the tax system. At least nine states allow tax deductions or credits for modest campaign gifts. Under the Revenue Act of 1971, Federal income taxpayers can deduct from taxable income half of contributions up to $50 or take a tax credit for half of contributions up to $25. Again, the public at large pays part of the campaign bill.

Two other tax subsidies may be nearing an end, thanks to merciless exposure by the press during the 1972 campaign. One allowed big donors to avoid gift taxes on their contributions by breaking them into sums of $3,000, the maximum nontaxable gift, and distributing them to many committees supporting the same candidate. A second subsidy sanctioned capital gains tax avoidance on stocks that had appreciated in value. The contributor reported the stock gift at the purchase price, and the political committee which sold it at the appreciated value was not required by the Internal Revenue Service to pay a capital gains tax.

An even less visible subsidy to politics, but one that is extremely costly to us as consumers and taxpayers, stems from the massive contributions of special interests who expect a return on their investment. The dairy co-ops, for example, amassed a $3 million war chest in 1972. After making substantial contributions to the Nixon campaign and various members of Congress, they were rewarded by an Executive Order increasing milk price supports. Cost to us as consumers: at least $100 million. The maritime unions, to cite another case, spent more than a half million dollars in the 1972 campaigns, and managed to head off Congressional opposition to continued subsidies for a shrinking and ineffectual merchant marine. Cost to us as taxpayers: about $500 million a year, and at least $3 billion during the decade.

Jerry Landauer put it aptly in *The Wall Street Journal:* "Should we publicly finance our election campaigns? Don't kid yourself. We already do—through direct subsidies to incumbents, through tax subsidies for big contributors, through dodges and loopholes and regulations the average taxpayer hasn't the time to try to understand. The issue is whether we can do it honestly."

It is odd that a nation with so many indirect public subsidies to politics has so little experience with direct public support for campaigns. Public financing is an accepted part of political arrangements in West Germany, Sweden, Finland, Norway, and other democracies. Our neighbors to the north and south have similar experiences. Public financing is found in the Province of Quebec and in the American Commonwealth of Puerto Rico.

In 1966, at the urging of Senator Russell Long, Congress enacted the nation's first system of direct public financing of campaigns. Taxpayers were allowed to earmark one dollar of their taxes to subsidize Presidential campaigns. The next year, worried by flaws in the legislation, Congress indefinitely delayed operation of the tax check-off. But the idea of public financing of campaigns stayed alive as Long's Finance Committee held full hearings and reported favorably the Honest Elections Act of 1967, providing extensive public financing for Congressional as well as Presidential campaigns.

In 1971, the check-off idea was revived in the Presidential Election Campaign Fund Act. Reformers succeeded in getting the tax check-off onto the tax forms, but a Presidential veto threat once again delayed full operation of the plan. In 1973, the Nixon Administration tried to undermine the check-off by putting it on a separate tax schedule, missed by most taxpayers and not even available to many. Fewer than three per cent of taxpayers allocated a dollar to the Presidential campaign fund, although forty-five per cent told pollsters they would do so. Democrats responded by attaching an amendment to the 1973 Debt Ceiling Act requiring the tax check-off to appear on forms 1040 and 1940A, which are used by almost all taxpayers.

The most urgent reason for public financing is the need to curb the undue influence of special interests and the extortion of contributions by politicians. Second, the public wants an end to the vast disparities in campaign spending between opposing candidates. All too often, the candidate with the most money wins by burying his opponent in an avalanche of paid campaigning. Third, opportunities ought to be preserved for citizens to help fund candidates and campaigns, but Americans want these opportunities equalized. The disproportion between multimillionaire W. Clement Stone's contributions of $2 million to Mr. Nixon's 1972 campaign and Joe Grab-a-Sandwich's $2 gift to the Democratic telethon is no longer tolerable, even in a society which admires its rich and successful members.

Fourth, most Americans would agree that we ought to have vigorously competitive elections. They are unlikely to understand that this requires more money for politics, not less. Despite well publicized high-spending races, most campaigns in America are won by default. The incumbent or the majority party candidate has so many resources, including a long lead in campaign money, that the opposition is simply unable to wage any campaign that lets voters know the choices before them. Political finance reform should not only regulate spending and contributions, it must also provide adequate funds to turn the theory of competitive elections into a reality.

These objectives require an array of legislative remedies, but public financing is the pivot. Ceilings on contributions to candidates and political committees might curb the influence of special interests and the increasing tendency toward extortion of campaign money. Aggregate limits on a contributor's total outlays for all political purposes are also necessary to head off the laundering of money through dummy committees. These contribution curbs might roughly equalize the extent to which citizens can participate in financing campaigns. The disparity between contributions by the well-off and the low-income citizen can be leveled down by modest contribution limits.

The time is long overdue to reduce the influence of big money in campaigns. W. Clement Stone exemplifies the need for reform; the public recoils from revelations that he and his wife have contributed almost $7 million to Republican politics since 1968. Hundred thousand dollar contributions are no longer uncommon. And more than 400 contributors gave $10,000 or more in the Humphrey-Nixon contest. When the avalanche of reports required by the Federal Election Campaign Act of 1971 is finally cleared, the number of $10,000 contributors in 1972 will reach at least 1,200.

The ultra-rich can avoid reliance on big contributors. Vast personal wealth has made the Kennedys, Rockefellers, Shapps, Metzenbaums, Ottingers, Reids, and DuPonts the new grandees of American politics. It is arrogant for these millionaire candidates to tell us they are so rich they cannot be influenced by campaign contributions. That argument insults democratic ideals: It restores in a new form the means test for public office rejected in America a century and a half ago during the Jacksonian revolution. It is within legislative means, through contribution limits and public financing of campaigns, to make it unnecessary that a candidate be rich to be free.

Big money is often tainted money in American politics. In one Presidential year after another, two-thirds of the members of the Business Council, a third of the officials of the American Petroleum Institute, and at least a quarter of the officers and directors of Pentagon, Atomic Energy Commission, and NASA contractors give sums exceeding $2 million to national political committees. We have created a political system where a national roster of realty, banking, construction, and other financial interests rushed large sums to the campaign of a prominent Democratic Senator, chairman of a committee affecting them, to assure his re-election and thereby to deny the chairmanship to the next ranking Democrat on the committee, a consumer-oriented maverick.

It is no less troubling that national labor committees spend more than $7 million in campaigns. Many Democratic Senate and House candidates rely on union contributions for at least twenty per cent of campaign funds. The clout that goes with union money was well demonstrated when labor cut off $150,000 in promised campaign contributions to a prominent liberal, union-endorsed Senate candidate who would not go along with labor's favorite for the Presidential nomination in 1968.

The man-bites-dog version of special-interest giving occurs when politicians shake down the interests. The Nixon campaign set $100,000 quotas for a number of firms and calculated the anticipated contributions from individuals at one per cent of total wealth. Six large corporations have already publicly disclosed that they tried to meet their quotas illegally by using corporate funds for campaign contributions. About a dozen more—still publicly unidentified—have told special prosecutor Archibald Cox of similar illegal contributions. Most of these firms have contracts with the Government or are regulated by agencies whose members are named by the President. American Airlines, whose $55,000 illegal contribution made national headlines, had a merger pending before the White House and the Civil Aeronautics Board. American Airlines Board Chairman George A. Spater shed light on a dark corner of our politics when he ruefully explained: "A large part of the money raised from the business community for political purposes is given in fear of what would happen if it were not given."

Less well known is the class bias of political financing. Only seven to twelve per cent of Americans contribute to any candidate or party in a Presidential year. More important, these few dramatically over-represent the well-off and well-educated classes. More than thirty per cent of families earning $25,000 or more contribute to politics, but only three per cent of those with incomes under $4,000. While twenty-eight per cent of the college educated give money to politics, only five per cent of those whose education ended by the eighth grade do so. It is not just that the poor can hardly afford to contribute to politics—they also suffer from a sense of impotence in shaping public affairs. They know that the big contributors and special interests dominate campaign financing. They correctly assume that their small contribution will have no effect on the conduct of government.

American politics is locked into a tragic cycle: As long as politics is dominated by big money, the poor will not contribute; and as long as small contributions are not available in large numbers, politics will be dominated by big money. Contribution limits and public financing break this cycle. They cut off big contributions and special interest money, replacing them with untainted tax dollars. When candidates need not rely on tainted money, the general public in all economic classes is more likely to trust them and to help support campaigns with small gifts.

An even more compelling reason to adopt public financing addresses not the sources or sizes of campaign gifts, but whether enough money is spent in American politics. It will seem unorthodox, even perverse, to argue that we need to spend more money in politics when Presidential campaigning has reached the $50 million mark and the news media are filling with reports of "high spending" in races for other offices.

The confusion arises because campaigns have two functions: the private purpose of advancing the personal ambitions of candidates; and the public purpose of assuring vigorous competitive elections in which candidates advance their qualifications, programs, and criticism of the opposition. There is no public interest whatever in financing the careers of politicians. But there is a vital public purpose in assuring sufficient money for competitive campaigns.

The framers of our Constitution declared long ago that counterposing the ambitions of the three branches of government was the best safeguard against tyranny. In a nation that has moved to popular choice of the President and Senate as well as the House, the competing ambitions of candidates in campaigns are a new and essential check upon authority. Vietnam and Watergate make tragically plain the dangers of bloated Presidential power, and the reassertion of Congressional checks is widely welcomed. But what good does it do to restore Congressional prerogatives if members of Congress themselves are not responsive to the voters because of the atrophy of opposition in elections?

This is a powerful but ignored argument for public financing: Most American elections pose no choice at all. Incumbents are returned to office ninety per cent of the time. Officeholding allows them to raise more money than their opponents. And they have the accumulating advantages of incumbency—name recognition, professional staff, the franking privilege, good will built through services to constituents, and favors. It is not surprising, then, that in sixty to eighty House contests each biennium, no opposition candidate bothers to file. In another 275 races, the incumbent is so well entrenched that the opposition is merely token. "Smart money" is not interested in supporting longshots. Even local partisans are inclined to make their contributions to other, more closely contested races, where they believe their money may affect the outcome.

The private money system for financing politics does not raise enough money to support vigorous campaigns for all offices. It allocates money to incumbents, to sure winners, and to those in competitive races who cozy up to the major economic interests. Most elections are decided virtually by default. Without effective opposition, those who govern grow arrogant and unresponsive. There is an urgent need to revitalize American politics by forcing every officeholder to run for his political life in every election. If he knows that the opposition will be financed generously enough to challenge his conduct of office and his voting record, his attention to popular concerns will be heightened. Public financing of campaigns can supply enough money to spur strong opposition. With enough clean money to turn tepid races into real challenges, a larger number of smaller gifts should also become available. The vitality of elections as an instrument of popular control over officials can be restored by this mix of public financing and small private gifts.

Many who are persuaded by these general arguments for public financing still are perplexed by the Gordian knot of policy objections and technical problems that surround any specific program of tax support for campaigns. "Do you really want public funding for all campaigns?" they ask. At the outset, I believe, public financing should be enacted only for Presidential and Congressional races. They are the most costly, often the least vigorously competitive, and perhaps the most often influenced by special interest money. An enterprising state or two might try public financing of statewide partisan contests, and, perhaps, of legislative races. Some bold state will win the gratitude of the nation by publicly financing campaigns for judges and eliminating the indecent hold that lawyers have on the bench. If these experiments succeed and the need for public financing spreads, the system could easily be extended to the city, county, and other local offices that account for most of the 524,000 public posts that Americans fill by election.

What about the allocation of money? Most public financing plans define "major" parties as those that received more than twenty or twenty-five per cent of the vote in a prior election. Major party candidates can be made eligible for equal flat grants—perhaps of fifteen cents times the number of voters in a district, as proposed for Senate candidates in the Hart bill. But no proposal would deserve support if it did not also provide for new and minor parties, which often have reflected deep discontents welling up among Americans. Parties receiving less than twenty-five per cent of the vote could claim the same proportion of a major party grant as their vote was of the average major party polling. This would probably strengthen minor parties, which have traditionally lagged farther behind the major parties in money than in votes. Furthermore, minor parties should be safeguarded by allowing them to spend private funds up to the same expenditure limits permitted for major parties, so that no inequality would fall on them as a result of public funding.

The other side of the concern to safeguard minor parties is the need to protect the public from frivolous candidates or frivolous minor parties. Some cut-off is probably needed. The Supreme Court has upheld a Georgia distinction between political parties which have certain ballot privileges, and "political bodies," which do not. The dividing line was three percent of the vote. A similar qualifying threshold for public financing would be reasonable. Some newly organized parties might be left at a disadvantage if public financing were based solely on the last election's returns. Several Senators have suggested, therefore, that a party might be permitted to base its grant on the current year's balloting. If the polls showed a minor party drawing widespread popular support, it could borrow money during the campaign and pay it back by claiming a post-election public grant based on its electoral showing.

The same issue of frivolous candidates has prompted some public financing advocates to abandon the idea of providing money in primaries. But if no public financing is available in nomination contests, we will simply have moved the evils of existing practices back one stage, from the general election to the primaries. And the primary is, after all, virtually the election in at least that two-thirds of House contests occurring in one-party districts.

Public financing can be provided without encouraging frivolous candidates. The most prominent Congressional solution sets a financial threshold. A House candidate who collects, for instance, $1,000 in modest contributions of $50 or less, could become eligible for public grants matching those and subsequent private contributions. Eligibility for matching grants in a Senate primary could be set at $5,000. These qualifying thresholds would demonstrate at least that a primary candidate had a reasonable base of support from small contributors. A somewhat different formula, using flat grants rather than matching money, would set a series of financial thresholds, each of which would trigger a substantial payment to the candidate. A serious aspirant would presumably be able to woo enough small contributions to trip these public financing triggers.

To forestall manipulation of political financing arrangements, these formulas and thresholds should be written into the statutes. An appropriation could be provided to assure enough money in every election, so that no one party or faction could seek political advantage by trying to dry up public money when the opposition is dependent on it. If public grants were linked to the eligible electorate and to the Consumer Price Index, there would be little opportunity for intransigent opponents of public funding to render it meaningless by refusing to add more money as the number of voters increases and inflation escalates campaign costs. Prompt judicial review must be provided to forestall bureaucratic tampering with the administration of public financing of campaigns.

Opponents of public financing often insist that too much money is already spent on politics, and that it would be wasteful to throw good money after bad. Senator Hart has put this argument in a healthy perspective: "I know that many will regard this as a new raid on the Treasury by greedy office holders. But I think many people, upon reflection, will realize that this will be as wise an investment as a democracy can make. When a politician's success depends on a combination of dollars and votes, the nation is clearly less democratic than it would be if victory depended on votes alone. Congress annually disposes of a Federal budget in the hundreds of billions of dollars and takes actions with tremendous impact on a trillion-dollar economy, not to mention their impact on the incalculable values of our health, safety, and liberty. Surely in that context public campaign subsidies would be a growth stock for everyone."

A combination of traditional political finance reforms and generous public funding of campaigns can achieve the goals of clean, fair, vigorous elections. Contribution limits and disclosure of sources can curb big contributions, rich candidates, and tainted money. Expenditure limits help level down the excessive spending that now occurs in occasional campaigns. Public financing replaces big, tainted contributions with clean money that will reduce both special interest influence over politics and the extortion of givers by politicians. It also "levels up" the funds available for reinvigorated opposition and greater public choice in elections.

The conservative columnist, James J. Kilpatrick, has written that he favors public financing, despite its drawbacks, because "on balance, drastic measures are needed if we are to remove the curse of money that now corrupts our political process. If we do not learn at least this lesson from Watergate, we are doomed to repeat that wretched course of instruction." Some of us will plead for public financing before another Watergate occurs, doubting whether public faith in our system of free elections can or indeed should survive another such shock.

THE NEW SUPPLEMENTAL SECURITY INCOME PROGRAM

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. BOLLING. Mr. Speaker, the following fine article by Vee Burke and her late husband, Vincent J. Burke, which appeared in the Progressive of December 1973, explains the new supplemental security income program.

The article follows:

THE MINIMUM INCOME REVOLUTION

(By Vincent J. and Vee Burke)

(NOTE.—This January the nation's first Federal income guarantee goes into effect for the elderly, blind, and disabled.)

Only after the event are some revolutions detected.

That audacious dream of radicals, the right to a minimum income from the U.S. Treasury, will come true on January 1, 1974, for all but one group of those Americans who society feels should not be obliged to work. Excluded from our first Federal income guarantee, which was enacted on October 17, 1972, were the nation's children. Ironically, they were the very persons for whom Richard Nixon originally had proposed this historic birthright, the only President to do so (although he later abandoned the fight for a children's income guarantee).

Starting next year, the Federal Government will guarantee a minimum income ($130 a month until July 1, 1974, when it will rise to $140) to Americans at least sixty-five years old, and to the blind and the disabled of any age. Available to those whose resources are modest, the guarantee will be an absolute right, unlike Social Security old-age payments, which are conditioned upon earlier payment of payroll taxes.

The Federal Government will make the new guaranteed payments, called Supplemental Security Income (SSI), without asking whether recipients have worked, without making any claims against their estate (two-thirds of the elderly, including some of the poorest, own their own homes), and without even asking if their own children are well-to-do, and if so why they should not help their aged parents. The Supplemental Security Income program will be administered by the Social Security Administration. However, the money will come not from the Social Security Trust Fund, but from general funds of the U.S. Treasury.

For most aged poor recipients, the new Supplemental Security Income check will be a supplement to their Social Security payment. The extra monthly payment confined to the poor will alleviate some of the poverty among America's aged. It will assure those with no other income $1,560 per year ($1,680 after July 1), and each recipient will be able to add to his or her basic SSI payment $240 from any source, plus a sizable proportion of earnings, without reduction in the SSI check.

The triumph of the guaranteed income for the aged constitutes a revolution in the philosophy and financing of public charity in the United States. The income guarantee shifts from states to the Federal Government the responsibility for basic welfare decisions. Except for an emergency program that operated briefly in half a dozen states during the Depression of the 1930s, the Federal Government heretofore has given no relief money directly to the poor. Instead, beginning in the late 1930s, it has helped states finance state-operated programs of public assistance. Today, the Federal Government helps pay the costs of welfare for four categories of the needy: blind, aged, and disabled adults, and broken or unemployed families with dependent children. In general, the Federal Government pays at least half a state's welfare costs; in poor states it pays even more. But the states decide which groups to help, who among them is needy, and how much to pay them. In the field of welfare, at least, Federal dollars failed to bring Federal control. The result has been a chaotic and unfair patchwork of assorted benefit levels and eligibility rules.

Next January 1, Supplemental Security Income will remove from the state welfare rolls all these groups except families with children. Because SSI's eligibility rules are much more liberal, twice as many persons will go on its new rolls as will depart from state welfare rolls. In all, SSI checks will go to an estimated 6.2 million Americans—to 4.6 million aged (more than one of every five Americans over sixty-five), and to 1.6 million blind or disabled persons (SSI will cover *disabled* children, excluded by current law from state-Federal welfare disability payments).

When the United States adopted Social Security almost four decades ago, it began to collectivize the filial duty to "honor thy father and thy mother." Social Security is a mechanism for taking money from sons and daughters and giving it to their elderly parents and grandparents. In the early years of the program, payments into the Social Security Trust Fund greatly exceeded benefits paid out. But today there are twice as many aged parents, relative to the sons and daughters of working age (twenty to sixty-four years), as in the 1930s, and most of the aged are eligible for Social Security. Therefore, the recipients are getting back more than they paid into the fund. Indeed, the amount of money in the Social Security Trust Fund would not pay the bills for more than one year. All Social Security payroll taxes currently collected are currently spent on benefits for those on the rolls.

A look at treatment of the aged poor today and next year shows the dramatic impact of the new guarantee.

The place is a Social Security office in Charleston, South Carolina. Enter two persons: Tom Brown, retired farm hand, and Mary Smith, widow of a factory janitor. Each is sixty-five years old and carries a birth certificate to prove this. Mrs. Smith's husband paid Social Security payroll taxes for several years, and she is entitled to benefits. But Mr. Brown has no Social Security work "record," for he was employed only by small farmers. Neither Mrs. Smith nor Mr. Brown has a job; neither has any regular source of income. Each needs help.

The time: January 1973. The clerk tells Mr. Brown that he has come to the wrong place. "Social Security cannot help you," the clerk says. "You must go to the local welfare office." (At the welfare office Mr. Brown learns that the maximum help available to him is $80 monthly, plus a $22 bonus in food stamps.) The clerk tells Mrs. Smith that her husband's payroll taxes entitle her to $108 a month in Social Security benefits. Her face falls. She had hoped for more. How will she manage?

The time: January, 1974. The clerk tells Mr. Brown that although he never paid Social Security taxes, he will begin receiving a $130 check from the Social Security Administration. It will be called Supplemental Security Income.

The clerk tells Mrs. Smith that she may be eligible for some payment in addition to her monthly $108 Social Security benefit. "Let's talk about it," says the clerk. Although Mrs. Smith owns her own home and a 1971 automobile with a market value of $2,200, and has $1,500 in the bank, it is determined that she is eligible for a second check from the Social Security Administration to bring her monthly income up to $150. The clerk does not ask Mrs. Smith whether she has children who could contribute money to her support (she has a physician son who earns $45,000 a year). Mrs. Smith will receive two checks—a $108 Social Security check (which officially will be called "retirement income" rather than old-age insurance after SSI begins), and a $42 Supplemental Security Income check.

Mrs. Smith's guarantee is $20 higher than Mr. Brown's because under the SSI law the first $20 in Social Security benefits or other income is not "counted." Thus, Mrs. Smith's $108 Social Security check is treated as an $88 check, entitling her to a $42 supplement.

TERMS OF THE GUARANTEE

Levels—The SSI payment will equal the deficit between a recipient's income and his guarantee. Although there will be a uniform Federal floor of $130 per person a month starting January 1, 1974, rising to $140 on July 1 ($195 per couple initially, $210 at midyear), guarantees will vary among states, reflecting state supplements to the minimum payment. The twenty-five states that now pay an old-age assistance check larger than $130 to the penniless will be required—under penalty of loss of all Federal Medicaid funds—to supplement the SSI floor so as to preserve higher benefits for those already on the rolls (in December, 1973) at the start of SSI.

Moreover, these states will be rewarded if they also supplement the SSI floor for new recipients and if they agree to Federal administration of all supplements. For Federal administration, the states will give the Federal Government money for supplementary payments, reversing the traditional order; and their reward will be an almost irresistible promise that no matter how much a state's SSI population expands in the future, it never will have to pay for SSI supplements more dollars than its calendar 1972 welfare outlay for the aged, blind, and disabled.

For the minority of SSI beneficiaries—those with no other income—monthly guarantees will range from $130 (in twenty-five states) to $204 in Michigan and $250 in Alaska ($130 SSI floor plus state supplements). For recipients who also receive Social Security checks, minimum guarantees will be $150 per person and $215 per couple, reflecting the disregard of the first $20 in any income.

Every recipient will be able to increase net income by earnings. Not "charged" against his SSI benefit will be the first $65 earned per month plus half of the remainder. Also exempt will be $60 worth of unearned income (including gifts), provided it is received infrequently and irregularly.

One immediate effect of SSI will be to succor the poorest of the aged poor, those like Mrs. Willie Miller, sixty-nine, of West Point, Mississippi, who subsists on $75 a month in state welfare plus $26 in free food stamps. Under SSI, Mrs. Miller's income will climb to $130 a month, in cash, on January 1, 1974, and to $140 on July 1.

It is estimated that Supplemental Security Income will increase the incomes of almost sixty per cent of present old-age relief recipients. In addition, it will qualify 2.8 million elderly persons, who have been ineligible under less liberal state welfare rules, for cash help.

Resources.—Under Supplemental Security Income a sixty-five-year-old will be entitled to a payment to boost his total income up to a specified minimum if his resources do not exceed $1,500 (not counting a house, car, household goods, or personal effects). The resource limit per couple is $2,250. (The Social Security Administration plans to exclude from counted resources the first $25,000 in market value of a house, $2,700 in market value of one car [or in equity of a more valuable car], and the face value of a life insurance policy, if $1,500 or less.)

In contrast, under the current system one state requires an aged person to use up his last dollar before receiving Public Assistance; another allows a cash reserve equal to one month's cost of living; six others limit cash reserves to $300 or $350. New Hampshire forbids the recipient to make withdrawals from his bank account without the signed permission of the welfare department, and many states require the needy person to assign his life insurance policy to the welfare department. One state forbids old-age relief to one whose house has a value more than $750 above that of "modest homes in the community." The resource limits of some states virtually preclude ownership of an automobile.

Estates.—In yet another liberalization, the new Federal program will not seek posthumous recovery of SSI funds. To receive SSI, the recipient will not have to encumber his house. In contrast, twenty-nine states today require the old-age relief applicant to give the welfare department a lien against his house or a claim against his estate, practices that have deterred applications.

Relatives' Responsibility.—The new guaranteed income also will benefit thousands of middle-income families in the seventeen states that now require grown children, if they have the means, to help support needy aged parents, a burden that sometimes coincides with that of paying college tuition.

In the high-benefit state of California, for example, a family of four with earnings of $20,000 annually can now be required to pay to the county welfare department, as partial reimbursement for Public Assistance given to one or more elderly and needy parents, as much as $165 a month. (Neither the basic Federal SSI benefit nor the Federally-financed portion of any state supplemental payment will be subject to state liens or state rules about relatives' financial responsibility. States may apply such rules to the portion of the supplement paid with their own funds, but the Federal Government will not administer such rules nor vary the state supplemental payment to comply with them.)

Some revolutions are invisible because they occur in small steps that seem continuous at the time. Not so the guaranteed income revolution. Income by right was won for the aged, blind, and disabled not by gradual increments, but in a single section of an Act of Congress.

Yet when the historic legislation was enacted, it went unheralded by most politicians, unreported by most newspapers, unnoticed even by many members of Congress who voted for it. Tucked into fourteen pages of H.R. 1, the 165-page Social Security Amendments of 1972, the right to income in old age was as much under-advertised as Lyndon Johnson's War on Poverty had been over-advertised. Politicians and the press dwelt on the bill's liberalizations of the Social Security system: a benefit increase for widows (on top of a twenty per cent general benefit boost enacted four months earlier), extension of Medicare to the disabled, and a more generous work bonus.

Ignorance and neglect probably aided passage of the nation's first guaranteed income. Politicians and the public focused their eyes on the other welfare section of H.R. 1, Title IV, the highly controversial Family Assistance Plan to guarantee a minimum income ($200 a month per family of four) to families with dependent children. This plan was killed by Congress after President Nixon deserted it.

Aside from a handful of persons who engineered it, and some governors who anticipated savings from its Federally-paid income floor for the aged, blind, and disabled, few knew the contents of Title III of H.R. 1. Most never read beyond the antiseptic title, "Assistance for the Aged, Blind, and Disabled," which was replaced in the closing months of the debate by the equally bland phrase, "Supplemental Security Income."

President Nixon's welfare reform plan of August, 1969, asked much from Congress for poor children and their parents, but little for aged, blind, or disabled adults. His Family Assistance Plan (FAP) proposed to give unqualified income guarantees to all children, regardless of their parents' behavior, and to mothers of pre-schoolers, plus bonuses for those heads of poor families—father or mother—who worked. FAP for the first time would have granted welfare supplements to intact families of fathers with full-time jobs, a sizable fraction of the nation's poverty-stricken families.

At the outset President Nixon proposed to leave welfare for the aged, blind, and disabled under state management, but, for the first time, to require the states to assure recipients a Federally-prescribed minimum income (Mr. Nixon's first draft bill set a floor of $65 a month, but by the time it went to Congress the figure had grown to $90). In the Congressional arena, this little plan was embraced, expanded liberally—with the blessing of the Nixon Administration—and made into the nation's first Federal income guarantee.

Both welfare titles of H.R. 1 (FAP and SSI) provided for the transformation of welfare into a direct Federal benefit, operated by the Federal Government on standard rules. Because of their more liberal eligibility standards, both SSI and FAP would have vastly enlarged the number of persons getting "welfare," and would have given maximum help to the poorest—the welfare and sub-welfare poor of the South. FAP's Federal payments would have cost an estimated $6 billion annually at the outset, about one-third more than the initial cost of SSI payments.

But after twice passing the House, FAP floundered and died. It was fought by most conservatives, precisely because it would increase welfare appropriations and the number of recipients, and by organized welfare mothers of the North, who feared that FAP would benefit the working poor at their expense. Their pressures frightened most Senate liberals (who were from the North and West), though FAP was supported by some blacks in the South. Finally, the measure was deserted by its sponsor, Richard Nixon.

For several reasons, SSI survived. It dealt with persons unquestionably worthy of help. Since it was phrased in technical terms that understated its impact, it attracted little Congressional scrutiny. Finally, and most important, SSI solved a problem for key politicians—the defense of the Social Security wage-related "insurance" system against assaults by "welfare." Over the years provisions intended to give income support to the low-wage worker and to those who had worked only a short time at jobs covered by Social Security had gnawed away at the relationship between individual benefits received and payroll taxes paid.

The basic motivation for the radical income guarantee was conservative: the preservation of Social Security. Year after year politicians complained that Social Security was failing to pay the elderly a decent minimum. The minimum payment, made to those with minimal credits of payroll taxes, was raised in 1968 from $44 to $55; in 1969 to $64; in 1971 to $70.40; and in 1972 to $84.50. Since the minimum benefit, like all Social Security benefits, was paid without regard to need, it went to the rich as well as the poor. In fact, analysts found that whenever the minimum was raised, most of the extra money went to the nonpoor.

Obviously, to raise the Social Security minimum high enough to provide a decent income for the minority totally dependent on it would have given a gigantic windfall to those not in need at a huge cost to the workers in payroll taxes (which in 1972 cost employe and employer each 5.2 per cent of the first $9,000 in wages and are scheduled to rise in future years). Nevertheless, some liberals pushed for a general boost, even a doubling, of all Social Security benefits in the name of the poor. Although this was economic nonsense, it was politically seductive.

A few other liberals saw an outright Federal income guarantee as the way to help the aged poor without further weakening the link between wages and Social Security benefits. They pointed out to the conservative leadership of the Ways and Means Committee that the guarantee would put an end to the perennial question, "But how can anyone live on $55 a month? On $64? On $70.40?" The question no longer would make sense. No longer would anyone be asked to live on the Social Security minimum. Those needing more would receive a second check, a candid welfare supplement, and it would be financed not by payroll taxes but by the U.S. Treasury.

On October 17, 1972, America rejected a Federal income guarantee for its children while enacting one for its aged. The Ninety-second Congress left poor children to the mercy of states, many of which were slashing welfare payment levels, despite the rise in living costs, in an effort to spread funds over an increasing number of families.

Better treatment of the needy aged than of needy children is traditional in American public charity. For several reasons poor children and their mothers have suffered welfare discrimination. First, they lack political appeal and support. Not only do they have less voting strength than do the needy aged and their relatives, but the cause of their need—lack of an able-bodied father at home—often arouses condemnation rather than compassion. Second, economic forces operate against them. In many states family welfare payments have been depresed so as to spur welfare mothers into the domestic or farm labor market at low wages. And it has generally cost states more to guarantee a given payment to a needy child than to a needy adult. Because most of the needy aged receive Social Security checks, they have needed only a supplementary welfare check to reach an income goal, in contrast to penniless children. Moreover, until 1966 Federal law required states to finance a larger percentage of their payments to families on Aid to Families with Dependent Children (AFDC) than of their relief payments to the aged.

Passage of the income guarantee for the aged, blind, and disabled does not give promise of a universal cash income guarantee. The circumstances that enacted SSI are lacking for other poor groups: families with children, childless couples, singles. However, in the Federal food stamp program America already has an income guarantee open to all these needy groups (except those who live in the 800 counties that have refused to offer food stamps).

Supplemental Security Income, for the first time, makes the cash income of millions of Americans—the aged, the blind, the disabled—a legal obligation of the Federal Government. For a bewildering and unfair variety of state rules to decide who is "needy" enough to be helped, SSI substitutes objective and national standards of income and resources. In philosophy, procedures, and financing, the new law represents a quiet revolution in American welfare.

TRANSPORTATION PLAN OF DR. ROBERT W. ALRUTZ

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. ASHBROOK. Mr. Speaker, serious problems facing our Nation concerning the energy crisis and the environment must be met forthrightly if we are to resolve these difficulties. The energy crisis and environmental considerations are not necessarily contradictory. A reasoned, intelligent policy can consider all aspects of national importance and the long range goals in both areas should be compatible not contradictory.

Prof. Robert W. Alrutz of Denison University has worked on environmental and energy problems for many years. His concern predates the present crisis by many years. We have corresponded on many occasions and it has not been unusual for us to be in agreement on some issues and disagreement on others.

In the particular energy-environmental crisis and debate, no one is arrogant enough to think that they have all of the answers. There are many different points of view and yet there should be an openness to consider every reasonable alternative. I certainly do not have the answers and I have tried to keep an open mind.

Dr. Alrutz has presented a program to reduce energy waste and to encourage mass transit. As such, it should be considered with all of the other viable alternatives. Without endorsement or criticism, I call his views to the attention of the Members of this body and suggest that they read it and also use this forum to disseminate the widest possible variety of suggestions, alternatives and plans. Dr. Alrutz is both knowledgeable and sincere and his proposal should be given fair consideration. I insert his program at this point in the RECORD:

A PROGRAM TO REDUCE ENERGY WASTE AND TO ENCOURAGE MASS TRANSPORT

The Energy Crisis so dominating the American scene today is in truth not merely a shortage of fossil fuels. It is the final collapse of a whole series of systems built upon generations of wasteful use of nonrenewable resources. The American love affair with the private car, though only symptomatic of the problem, is the single most critical factor in this collapse. This implies that our problem is not to be solved by merely regulating gasoline consumption; we must also change our transportation patterns, putting the personal use of the automobile into the luxury category it personifies.

Transportation plans must not only restrict one form of movement, but must also encourage another. The American public will respond better to the "stick" of use limitations if the "carrot" of alternatives is encouraged. Unfortunately, we have neglected mass transit to the point that it needs a massive infusion of resources before it can become a viable alternative for most Americans.

What is needed is a Transportation Currency that is usable only for energy-conserving mass transit systems. It has been proposed to Washington that this be developed along with automotive limitations. The proposal suggests that a Transportation Tax be placed upon both gasoline for automotive use and diesel fuel for trucks to reflect the inefficiencies of such use.

The Transportation Tax on gasoline could be set at any amount, but should be high enough to put it into a luxury category as do the taxes on alcoholic beverages. Setting it, for the sake of argument, at 40¢ per gallon, represents a nearly 100% taxation. The question arises, how to apply these revenues to mass transit without creating a whole new bureaucracy of proposals, reviews, priorities, allocations, etc.?

Transportation Currency in the form of Tokens issued to the consumer at the time of purchase would make possible a natural system of allocation. Again, to adopt an arbitrary system, the Transportation Token could carry an evaluation, of say 20¢, representing a fraction of this tax. Such Tokens would be usable only as currency for some form of mass transit. Assuming the allocation of one Token, 20¢, for each gallon of gasoline purchased, the citizen would accumulate a currency that could be expended only by utilizing it in travel by means other than the automobile, naturally, the tendency would be to find alternative systems of travel for commuting, longer trips, vacations, etc.

The Mass Transit Systems and Authorities would be encouraged to accept these Tokens as fares. Once collected by the transit authority, the Token would then represent a tangible evidence of need for federal assistance or allocation. Those systems carrying the heaviest traffic and collecting the greater number of Tokens would represent systems which are most effective in reducing automobile usage.

Revenues collected by the Transportation Tax would be placed in a Transportation Trust Fund. Transportation Tokens would be redeemable by the mass transit systems at a rate somewhat in excess of their face value, for instance 25¢. This would represent to the mass transit system a 25% increase in revenue over services rendered. Such increases would allow for expansion of service, upgrading of equipment and perhaps, eventually, a reduction in the price of fares. When this takes place, the system then begins to have the sociological impact of reducing transportation costs for the poor. This latter value is one of the negatives against a straight tax on gasoline. This system of Token redemption would obviate the need for grants, allocations, or special programs of assistance.

Obviously, such a system would lack total equality. There would be some who would not have mass transit easily available. However, since the Transportation Token is a form of currency, it is negotiable. One could forsee the rapid development of a "currency exchange" whereby the holders of Tokens would be seeking to convert them to cash. However, the mass transit rider would have no incentive to buy such Tokens unless they constituted a savings. Hence, one can be certain that a market of sliding values, all less than the face value, would develop within various regions. But irrespective of this market, those who would continue to utilize private transportation would be paying the price differential of the 20¢ unreturned tax plus the loss on the face value of the Token. This loss in fact value would be an additional savings to those who regularly utilize mass transit.

The inequality of available mass transit would create problems in many areas. But it would also create a demand for new or expanded services. In many of our smaller towns the mass transit systems have been allowed to go out of existence. Obviously in such communities the citizens would find themselves accumulating Tokens. Such "bankrolling" would unquestionably amass a demand for the reinstatement of local services. In the meantime, the residents would have only several recourses other than the "currency exchange". They could use the Tokens for intercity travel or, more likely, for vacation travel by such means as Amtrak.

Such a program is not without its problems. Our nation has so neglected mass transit that there are only three major manufacturers of buses while Amtrak is limping adong with obsolete equipment. There would be a lag period between the onset of demand and the meeting of this demand by industry. But already Detroit is finding a decrease in demand for automobiles. As they shifted production at the onset of World War II, they should likewise be able to convert, in time naturally, to accomodate this new demand. Perhaps there would arise a new form of mass transit structured around the use of "minibuses" that are already in production. Though certainly more expensive to operate and less economical of fossil energy, such a system is better than private cars and would have the advantage of picking up some of the employment slump created by the decrease in fuel availability.

Distribution of the Transportation Tokens to the gasoline retailers would be simple and rather routine. The refinery would be the obvious point at which the Transportation Tax would be levied and to which the Tokens would be delivered in bulk. Then, at the time of delivery to the service station, the trucker would deliver a number of Tokens equivalent to the gasoline delivered.

Mass transit companies and authorities having received Tokens as fares could redeem them through their purchase of fuel, at their trade-in value, or through agencies designated by the Transportation Trust Fund. In addition to acting as a transferral agency of tax revenue to mass transit agencies, the Transportation Trust Fund would have revenues available for its own administration and for research. This latter function would make it possible to develop new systems of transit even more economical than those in existence. It could also have the power to issue loans in anticipation of revenues yet uncollected. In this manner it might be possible to upgrade existing transit systems or create new ones to help alleviate the crunch that is to come.

A program similar to that designed to move people could be instituted to change our way of moving freight. A comparable system of Freight Tokens or Credits could be instituted based upon the purchase of diesel fuel for trucks. Such Credits would be redeemable only as currency to move freight by rail or waterway. Were this program to be implemented, there would be a shifting of trucks to piggy-back or container transport. This would help alleviate the home fuel oil shortage.

Inherent within this program of Transportation Currency is a facility of manipulation to achieve desired ends. The Currency, whether Tokens or Credits, could be assigned values to correspond to the desired flow of traffic, and of funds. By decreasing their value private transport is encouraged, by increasing their value, it is discouraged. Also, this system should become self-balancing in time. As the purchase of gasoline decreases, less revenues flow into the Trust Fund and less currency is issued. Therefore, the Transportation Trust Fund should not become the uncontrolled monster that is the Highway Trust Fund. The latter is more comparable to a self-breeder reactor and has been an important factor in the creation of the present energy crisis.

This is not a new concept. The practicality of such a system is evidenced by that started by Sperry and Hutchins in their issues of the first S & H Green Stamps. Trading stamps are a form of currency, expendable in only limited ways. They too have been used to change the purchasing habits of the American public. The only long-term solution to the energy crisis is a similar change in our life style.

NIXON FEARS PRESS SELF-CENSORSHIP (IN 1961)

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. FRASER. Mr. Speaker, in light of President Nixon's recent attacks on the communications media, a May 9, 1961, Associated Press report published by the New York Herald Tribune makes fascinating reading.

Mr. Nixon criticized a speech to the Nation's newspaper publishers in which President Kennedy urged the publishers to exercise self-restraint when national security matters were being reported. Nixon concluded:

> President Kennedy's remarks will inevitably encourage government officials to further withhold information to which the public is entitled.

If a plea for self-restraint can have such an effect, and it may, one wonders what inhibitory effects vicious Presidential attacks on the media may have. And when these Presidential attacks are compounded by attacks clearly inspired by the President, it becomes perfectly clear that President Nixon's concern for a free and untrammeled press has waned.

The 1961 article follows:

NIXON FEARS PRESS SELF-CENSORSHIP WOULD HELP GOVERNMENT HIDE FACTS

DETROIT, May 9.—Former Vice-President Nixon, stepping up his attacks on the Democratic administration, said today President Kennedy's call for self-censorship by the press will encourage government officials to conceal facts the public has a right to know.

Mr. Nixon, who kept silent during the first 100 days Mr. Kennedy was in office, is on a week-long tour in which he has become increasingly critical of the man who barely defeated him in November.

He chose the Detroit Press Club—"an appropriate forum," as he called it—to discuss a recent speech Mr. Kennedy made to the nation's publishers in which he urged self-restraint when national security is affected.

"The plea of security," Mr. Nixon said, "could well become a cloak for errors, misjudgments and other failings of government. . . . The whole concept of a return to secrecy in peacetime demonstrates a profound misunderstanding of the role of a free press as opposed to that of a controlled press."

"DRASTIC PROPOSALS"

Mr. Nixon had a word, "drastic," to describe Mr. Kennedy's proposals. And he contended the President talked in such generalities it was impossible to determine if there was any urgent increase in the need for secrecy—or if any governmental action had been harmed by open reporting.

"He appeared to blame the press for recent Cuban events," the former Vice-President said of Mr. Kennedy. "But would the results have been much different had the press failed to perform its traditional role?

"If a bad reporting job was done, was it entirely the fault of the press? Can it not be said there was a deliberate attempt to mislead? And how can the press be expected to get at the truth when anonymous Administration spokesmen keep contradicting each other?"

And although those around him have complained they think newsmen were unfair to the Republican candidate during the 1960 Presidential campaign, Mr. Nixon said of his fourteen years in Washington:

"It has been my own experience in government that newspaper men will co-operate fully when they are dealt with honestly.

"No reporter worth his salt would deliberately publish information hurtful to national security. The record of patriotic self-restraint is a good one."

And he reached this conclusion:

"President Kennedy's remarks will inevitably encourage government officials to further withhold information to which the public is entitled."

Tonight, at a combination entertainment and Republican fund-raising rally, to which 12,500 tickets were sold, Mr. Nixon again reviewed the Administration's beginning, and, in his estimation, found it wanting.

As he did in Chicago last week, Mr. Nixon suggested a summit meeting between Russia's Nikita S. Khruschev and Mr. Kennedy, mostly because he thinks Mr. Khruschev should see for himself that Mr. Kennedy can't be pushed around.

"It is imperative," Mr. Nixon said in his prepared text, "that any illusions Mr. Khruschev may have gained as to America's determination and ability to defend the areas of freedom against Communist aggression be dispelled."

DAVE MARTIN AND THE HOUSE RULES COMMITTEE

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. McCOLLISTER. Mr. Speaker, predictions and rumors this entire year have been that no budget bill would be presented to Congress in 1973. Those predictions have recently been proven wrong, and I would like to commend the Members of the House Rules Committee and their staff for their remarkable efforts toward getting this legislation ready.

I especially want to commend my colleague from Nebraska, DAVE MARTIN, who as ranking member of the Rules Committee and vice chairman of the Select Committee on Committees, spent long, hard hours in working on and studying this compromise between the various bills that had been submitted. His time and efforts are deserving of our appreciation.

I hope all of us are aware of the extreme significance of this bill. It is, as others have stated, the most important piece of legislation Congress has seen in 25 years. It is the first meaningful step toward ending deficit financing; I will not list the ills of deficit financing here; all of us know what those ills are. Thus, we should be aware of the importance of the budgetary provisions in H.R. 7130.

Getting congressional control of the budget and expenditures can be accomplished by way of the budget process provided in this measure. Alterations will be necessary, I am sure; nevertheless this legislation is a strong attempt at ending deficit financing and establishing a comprehensive view of the Federal budget.

Again, I commend DAVE MARTIN and his colleagues on the Rules Committee, for coming to an equitable and workable compromise.

THE REALITIES OF NONVOTING

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. FRENZEL. Mr. Speaker, legislation to create a national post card voter registration system has been under consideration as a possible solution to the low voter turnout in the United States as compared to some other Western democracies. A considerable amount of testimony given at the House Administration Committee hearings on the subject demonstrated overwhelmingly, first, that such a scheme would be virtually impossible to administer equitably or efficiently, second, that it would actually tend to disenfranchise some voters and, third, that it would open the door to a vast fraud potential at the polls.

As the article below from the fall 1973 Harvard Political Review shows, the psychological causes of nonparticipation far outweigh the legal or administrative causes. This article reviews some of the evidence for the impact of psychological causes of nonvoting and questions the wisdom of expecting any benefits from enactment of Federal legislation aimed at increasing voter participation.

The article follows:

THE REALITIES OF NONVOTING

(By V. Lance Tarrance, Jr.)

Exactly ten years ago this fall, the Commission on Registration and Voting Participation, which was appointed by President Kennedy, issued its findings and presented recommedations for solving a widely recognized socio-political malaise. A review of this six month Commission, chaired by Dick Scammon, then current Director of the U.S. Census, is now in order because of the shockingly low turnout of the recent 1972 elections and because of the speculation being cast on voter participation in the forthcoming congressional elections.

The Presidential Commission Report stated that "one-third of our adults do not vote in presidential elections (1960) and more than half do not vote in congressional elections (1962). The reasons for America's low voter participation are both psychological and legal." The Report, based upon the conventional wisdom of the day, assumed that "restrictive legal and administrative procedures in registration and voting (which) disfranchise millions" could be alleviated by a series of steps contained in its twenty-one "standards" for social and political change. It also stated in a simplistic fashion that the psychological causes could be "attacked by education and educational programs."

However, nonvoting has become worse, and many of the Commission's panaceas which were supposed to alleviate the causes of nonparticipation have proven to be irrelevant. The inadequacy of the Report can partially be blamed on the Commission's charter which primarily recommended strong legal remedies and which was obviously intended for short-range political purposes. Unlike other Kerner-type Commissions which were created in that same decade, this Commission had neither a large staff, nor a substantial budget. Furthermore the Commission chose to use published research information gathered in the 1940's and 1950's instead of developing its own social science research projects which would have provided more recent data.

During the ten years, after the Report was issued, the malaise has become worse:

Percentage turnout in Presidential elections:

1960	63
1964	61
1968	60
1972	56
Dropoff	—7

[In millions]

Nonvoters:

1972	50 million
1968	38 million
1964	33 million

These "nonvoters" statistics are actually understated since national surveys on voter participation contain a 7 to 10 percent overreporting problem for researchers.

Did the Kennedy Commission fail to have an impact upon our political system? Hardly. The Report's "affirmative action plan" was taken quite seriously; indeed its legal prescriptions were extensively implemented. Let's view the results of some of the more important recommendations:

PROPOSED 1963 MANDATE AND FINAL RESULTS AFTER TEN YEARS

1. "Each state should set up a commission on Registration and Voting Participation, or . . . survey in detail its election law and practices."

The Campaign Finance Act of 1972 established an "Office of Federal Elections" in GAO to do this on a fifty-state basis.

4. "Local residency requirements should not exceed 30 days."

Implemented by the Supreme Court in Blumstein v. Dunn, 1972.

5. "New state residents should be allowed to vote for President."

This was accomplished in time for the 1968 elections by the Federal Voting Rights Act of 1965.

6. "Voter Registration should extend as close to Election Day as possible, and should not end more than 3 or 4 weeks before Election Day."

The Federal Voting Rights Act of 1970 and the Blumstein case contributed to extending voter registration deadlines.

11. "Literacy tests should not be a requisite for voting."

Accomplished by the Federal Voting Rights Act of 1965.

16. "Voting by persons 18 years of age should be considered by the states."

Implemented by the 26th Amendment to the U.S. Constitution, 1971.

18. "The right to vote should be extended to those living on Federal Reservations."

The Supreme Court in 1967 accomplished that standard in the Corman case.

20. "The poll tax as a qualification for voting should be eliminated."

Accomplished by the 24th Amendment, 1964.

Thus, many if not most of the legal standards contained in the Kennedy Report of 1963 have been met over the last ten years by either judicial decree or legislative initiative. Yet, voter participation has continued to decline in this country. Although the prescriptive recommendations of the Kennedy Commission were important and needed to be enacted, in certain areas they did not have the intended effect and many nonregistered voters remain. The U.S. Census survey immediately after the 1968 elections showed that only 13 percent of those who reported themselves as not registered provided the reason as being "unable to register" (presumably because of administrative discrimination of one kind or another). Another "legal" reason—"residency requirement not satisfied"—was given by only 11 percent of the nonregistered respondents (that statistic has since been reduced to only 6 percent in the 1972 Census survey—no doubt a result of the Blumstein case). This research data demonstrates that the Commission's emphasis on "legal" solutions was misplaced since only a minimal number of non-registered citizens are not registered because of legal barriers.

Even though legal stimulants to increase voting participation are never quite exhausted, one is led to the conclusion that the 1963 Kennedy Commission findings on the psychological causes were more "major" than the Commission realized. The Report in retrospect overemphasized legal barriers and deemphasized the psychological ones. For example, no public opinion surveys which would have allowed attitudinal research in key psychological areas were included in the Commission Report. The conventional wisdom of the day was simply recycled through the Report.

Not until recently have the U.S. Census surveys begun to probe the reasons for nonvoting and, more recently, non-registration. The Census' 50,000 Household Survey reported the following information after the 1972 elections:

Persons who were not registered in November 1972

Legal reasons:	
Unable to register	12
Not a citizen	10
Residence requirement not satisfied	6
Total	28
Psychological reasons:	
Not interested	43
Dislikes politics	8
Other reasons (nonlegal)	15
Don't remember	6
Total	72

Thus, about three out of every four nonregistered potential voters apparently are completely indifferent to the political process. Clearly it seems that the more substantial root causes of low voter participation are "invisible ones" which are producing the deepest and most persistent decline in national voting since the early days of this century (e.g., participation in the 1920's was only around 40 percent).

The large number of persons in 1972 who made the effort to register but who still did not vote on election day presents a problem that requires review. This phenomenon was described nicely by the New York Times in a post-election article entitled "Voter Explains Why She Wasn't" which included a Times-Yankelovic national survey. The survey was designed to probe nonvoting among registered voters. On the question, "Which candidate, Richard Nixon or George McGovern, do you find the more attractive?" the following response was given:

Neither	37
Nixon	33
McGovern	23
Unsure	7

The high percentage of those who answered "neither" or "unsure" offers one possible explanation for this phenomenon of non-participation among registered voters.

Census surveys later confirmed a psychological basis for non-voting by reporting that nearly 13 million registered voters in 1972 did not bother to vote on election day. That number, incidentally, is as large as the total number of registered voters in 1972 in the combined states of Texas, Massachusetts, Florida, and New Jersey, or to put it another way, a total of seventy-four electoral college votes. To compare the 1972 statistics to the 1968 election is somewhat frightening—in that year only about 7½ million registered voters failed to show on election day or about one-half of the incidence of 1972. The 1972 registered nonvoter was also almost 30 percent of the total non-voting electorate which is a significant increase from the 20 percent proportion in 1968.

Obviously, much more research would be undertaken into the indifference and alienation of these most recent "vanishing voters." They are more likely to provide insights into this phenomenon than those already lost in the not registered nonvoting class. A comparison of these two types of nonvoters in 1972 demonstrates presumptive evidence that they have different motivational drives which account for their nonparticipation:

Reasons for nonparticipation

Registered nonvoter:	
Not interested	15
Dislikes politics	12
Unable to go	35
Nonregistered nonvoter:	
Not interested	43
Dislikes politics	8
Unable to go	12

This difference emphasizes the importance of analyzing each group separately when studying the motivations of nonvoting.

Even though the 1963 Kennedy Commission Report cited briefly some of the psychological causes for low turnout in American elections, it actually devoted only about ten pages to "remedies for voluntary nonvoting" while spending about fifty pages on "involuntary nonvoting." The Report also oversimplified the voluntary remedies by stating that "the most obvious method of combating apathy is a register-and-vote campaign" and "the teaching of citizenship in our elementary and secondary schools needs a major overhaul." However this mode of attack on voter turnout has proved to be far from the pat formula the Report seemed to imply. Furthermore, Penn Kimball has ably demonstrated in his recent 1972 book, The Disconnected, that independent citizen group registration drives are ineffective and not the long-range solution.

The final remedy in the Report for the psychological causes was the familiar plea for increased two-party competition. ("A great ally of education in the fight against apathy is politics itself—the two-party system.") The Commission members, however, were not able to see the futility in such a "call." One sign of decreased two-party competition is a decrease in the extent of political party allegiance. Over the past ten years, a diminution in political party allegiance has occurred. David Broder's conclusions in his book, The Party's Over, and DeVries and Tarrance's research in The Ticket Splitter have presented evidence of less party cohesion and more party-government fragmentation in the 1970's. Thus, the "last hope" of the Kennedy Commission leaves us with an insoluble situation if voted interest is to be predicated on the traditional model of the party system.

If the conventional wisdom espoused in the Kennedy Commission Report did not yield in retrospect the "quick turn-around results" that the Kennedy Commission was looking for, what then could be the causes of the long-term decline in voting participation? Even if we concede that party identification has eroded considerably over the last decade, could it not also be that potential voters today are simply less likely to vote if they believe their votes "just do not make any difference"? Recent studies out of the University of Michigan's Survey Research Center have measured political efficacy and found it at an all time low and this alienation has become in their view a real and alarming problem. Again, according to this social-psychological school of thought, a major shift in attitudes is taking place, and, for reasons not fully understood, more and more Americans are intentionally disregarding elections which seem less and less important to them.

Further evidence of this "new view" was illustrated when the Secretary of State Richard Stone in Florida conducted a survey of 15,000 poll workers and local election judges in order to shed light on the very low turnout in that state's first presidential primary in 1972. The survey data showed that a new "what's the use" attitude prevailed as the chief explanation and these workers and judges felt registered nonvoters simply did not think that the election really mattered very much. Perhaps political scientists should reexamine Anthony Down's theory postulated in the late 1950's, that if the "long-range participation value" of voting (utility) is something like .000000003, the citizen will not spend his scarce resources (time) to purchase that commodity on the open market. Similarly, it would be worthwhile to reexamine the research of Angus Campbell, who in "The Passive Citizen" (1962) reported that in addition to perceiving an election to be important, the citizen must also perceive the government as responsive to his efforts if he is to be highly motivated to participate.

In summary, our review of the Kennedy Commission Report on voting participation in 1963 does not leave one with much optimism except to say that after ten years the causes of volitional nonvoting are still not fully understood and not enough research money has been expended in that pursuit. Secondly, there is a strong case that all the original emphasis on restrictive legal and administrative procedures represented only the tip of the iceberg and that the psychological causes of nonvoting were, even in 1963, much more serious than the Commission was able to perceive. No amount of federal administrative intervention is going to alleviate the deeper psychological causes for non-registration. Also, no amount of superficial educational programs by civic groups are going to have much impact if the political party system as we know it today is under rapid decomposition and resulting in divided party government in nearly every state.

New answers from new research are the only solution. Instead of the "one-third who do not vote in Presidential elections" that so concerned the 1963 Kennedy Commission, we have ten years later, "one-half who did not vote in the 1972 Presidential election." Instead of the "one-half who did not vote in congressional elections" ten years ago, we most likely will approach "nearly two-thirds" who will not vote in the 1974 congressional elections.

ANOTHER THOUGHT ABOUT SPIRO AGNEW'S RESIGNATION

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. LANDGREBE. Mr. Speaker, even though Elliot Richardson considers himself to be the epitome of justice, it seems to me that there was something sinister and very fishy about a deal made in which the Vice President of the United States had charges of high crime waived in exchange for his resignation from the office to which he was duly elected by a majority of the voters in a national election.

Adam Clayton Powell, an admitted thief, got a much better deal than that from the U.S. House of Representatives.

THE ENERGY CRISIS IN PERSPECTIVE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. CRANE. Mr. Speaker, the response to the current difficulties we are facing with regard to energy has been all too typical of our response to so many other problems.

What is called for is increased Government coercion, the creation of huge and expensive new bureaucracies, and the provision of virtually total and unchecked power to the executive branch of Government.

The concept of gas rationing, advocated by so many who insist upon telling us that it is inevitable is a typical example of this kind of thinking.

Gas rationing would be unfair to everyone. With more than 100 million cars on the road. It would require a huge bureaucracy to implement. More significant, perhaps, is the fact that it would stimulate increased, rather than decreased, use of the available gasoline supply.

Prof. Milton Friedman points out that if the price of petroleum products was permitted to rise on the free market, all of us would have a vested interest in using as little as possible, and the oil companies would have a vested interest in exploring for new sources. Rationing, quite to the contrary, would make it economically unattractive to seek new sources and would give each of us an interest in obtaining as much gasoline as possible. It would, in simple terms, be not only coercive and unfair, but also counterproductive.

Dr. W. Philip Gramm, professor of economics at Texas A. & M. University and a consultant to Canada's Ministry of Natural Resources, declares that—

> The first step in solving the energy shortage is to allow the free market system to work. All price ceilings and government controls should be eliminated. Such action would greatly stimulate the supply of energy sources and eliminate shortages. Prices would rise but the expansion of output would hold prices to the minimum which current conditions dictate.

Writing in the Wall Street Journal, Professor Gramm notes that—

> . . . the free market will insure that energy will be allocated to the highest priority users. Price increases are not pleasant, but they are better than low prices and no energy. If these higher prices work hardships on the less fortunate among us, special provisions which would be preferable to the distortions and waste of rationing, could be provided for this small minority.

I wish to share with my colleagues the important article, "The Energy Crisis in Perspective," which appeared in the Wall Street Journal of November 30, 1973, and insert it into the RECORD at this time:

[From the Wall Street Journal, Nov. 30, 1973]

THE ENERGY CRISIS IN PERSPECTIVE

(By W. Philip Gramm)

Much of the prevailing rhetoric on the "energy crisis" expresses this kind of logic: Since there is just so much oil, coal, natural gas and other energy sources, sooner or later we are going to run out. We must, therefore, begin to ration these resources not only to meet the current crisis but to conserve energy in our time and move the day of reckoning further into the future. Americans have been "energy pigs," according to Stewart Udall, and have been operating on the misguided assumption that there is no limit to the quantity of energy. Since we are at the end of the era of cheap fuel and dealing with a problem without precedent, strong and previously unacceptable policies are called for: government regulation of the production and distribution of energy.

Ignored is the fact that mankind has frequently experienced instances of increasing scarcity, and by ingenuity and free action has solved all of them. In fact, we are currently experiencing the *second* major energy crisis in American history.

From the colonization period until the Civil War the major source of artificial lighting in the U.S. and Europe was whale and sperm oil. Since there were no good substitutes for these oils as a sources of light, the world's supply of artificial light depended almost exclusively on the whaling industry. People did not need computers to project that the supply of whales could not keep pace with the rapid expansion in demand.

Sperm oil rose from 43 cents per gallon in 1823 to $2.55 a gallon in 1866. Whale oil rose from a low of 23 cents in 1832 to $1.45 a gallon in 1865. As price rose, gas distilled from coal became an economically feasible substitute causing whale oil demand to fall off sharply in Europe.

In 1859 sperm oil was over $1.36 a gallon. But that same year, an event which in nine years would end the whale oil crisis forever occurred: petroleum was discovered in Pennsylvania. In the meantime, the demand of the Civil War boomed whale oil prices. Not only was there increased demand, the war disrupted production. Conscription of whaling vessels as freight ships and the capture or destruction of ships by Southern privateers caused a decline of more than 50% in the number of U.S. ships in whaling and a 60% decline in tonnage. By 1866, sperm oil had reached a high of $2.55 a gallon.

The high prices for whale and sperm oil between 1849 and 1867 provided a growing profit incentive to develop an efficient refining process for crude petroleum and induced the investment required for the production of kerosene. Beginning in 1867, kerosene broke the sperm and whale oil market and prices tumbled. By 1896, sperm oil was cheaper than it had been in any recorded period—40 cents a gallon—but whale oil lamps were no more than relics for succeeding generations.

TWO VITAL FUNCTIONS

Aside from providing an incentive for the development of petroleum products rising whale and sperm oil prices performed two other vital functions. Rising prices caused consumers to act out of their own self interest to economize the use of oil. Rising prices gave an inducement for producers to increase output of whale and sperm oil through increases in investment, improvements in technology, and increased labor input. The rise in prices from 1820–1847 induced a rise in the tonnage of whaling vessels of almost 600% and produced numerous technological improvements in the whaling industry. It appears that rising prices caused output to increase perhaps by 1,000% or more. Had government possessed the power and volition to ration whale and sperm oil to hold its price down or to levy a tax on oil to reap the gains from the price rise, the shortage would have been catastrophic, and the advent of kerosene and other petroleum products might have been delayed for decades. ◄

The whale oil crisis is a case study of how the free-market system solves a scarcity problem. The end product of this process of discovery and innovation is the Petroleum Age in which we live. We owe the benefits and comforts of the present era to free enterprise and the scarcity of whales.

The history of our first "energy crisis" demonstrates that there is no reason to believe that we face long-term doom. If technology were suddenly frozen, some of the dire projections being made now might be realized in several hundred years or less, depending on which "expert of the week" one believes. But technology is *not* frozen. It is instead progressing at a rate unprecedented in history. The Petroleum Age will pass as did the Stone Age (and the Whale Oil Era). The real danger is that we may foolishly restrict the exploitation of current energy sources and allow them to become valueless. Only if we eliminate the market incentives for innovation and investment will we face a real, long-term "energy crisis."

Though there is no long-term "energy crisis" there is a short-term problem. Economic science teaches that shortages cannot exist in free markets. In free markets prices rise in order to eliminate shortages. "Crisis" as opposed to simple scarcity, results from market disruptions; and the *only* sector of society which possesses the power to disrupt a large market is the government. Government price ceilings on natural gas at the well-head have been one of the most disruptive public policies. By setting the price of natural gas artificially low, the government has stifled the incentive of producers to increase supplies, while the artificially low price has stimulated demand. Furthermore, since profits are low at these artificially low ceiling prices, investment and exploration have fallen off sharply.

Price controls have also had a detrimental impact on the supply of petroleum products and the construction of refinery capacity, essential to increasing domestic energy supplies. Due to the pressure to keep prices below what the free market would specify, shortages of petroleum products have occurred at both the retail and wholesale levels. Had prices been allowed to rise, the quantity supplied would have expanded to meet the quantity demanded; and each consumer would have had direct incentive to economize on usage. We are only now beginning to realize the distorting impact on the production of inputs essential for fuel production (drilling equipment, tubular steel, etc.) which four phases of price controls have produced.

Environmental legislation and court action also have had a significant impact on the supply and demand for energy. Injunctions against atomic and conventional power plants have prevented the supply of electricity from keeping up with the demand. The injunction against the Alaskan pipeline has impeded the growth of oil supplies. Pollution control devices on automobiles have increased fuel consumption and, thereby, increased the demand for gasoline. Mass conversion from high sulphur to low sulphur fuels in order to comply with EPA regulations to abate pollution has caused a change in the composition of energy demand from plentiful, cheap sources of energy to scarcer more expensive ones.

The energy crisis has made it clear that pollution abatement has a definite cost to society. Only by understanding the costs involved in various forms of pollution abatement can we choose how much environmental protection is optimal.

The bureaucratic method of looking at the supply and demand for energy products differs substantially from the market-directed approach. The bureaucrat presumes first of all that the supply of the product is absolutely fixed. Price does not matter. A price rise, he argues, will not put more oil in the pipelines—at least not before the next election. People "need a certain amount" of the product, and they will always buy the same quantity regardless of price unless they are too poor to afford it at all.

These views are, of course, economic nonsense. In weighing the various courses of action which might be followed in minimizing the cost of dealing with the current energy problem it is useful to make a ball park estimate of the price level that the free market would yield in the shortage period.

ESTIMATING OUTPUT AND DEMAND

Estimates of how much the demand for energy sources would decline in a period less than a year, if prices rose by 1%, range from roughly 0.2% to 1.2%. Estimates of how much the quantity supplied would rise in the same period, if prices rose by 1%, vary from roughly 0.6% to 2%. A reasonably conservative estimate is that a price of 1% will provoke a decline in the quantity demanded of 0.5% and a rise in the quantity supplied of 1%.

The practical importance of these estimates is that a 10% shortage in the supply of fuel at current prices would yield a free market rise in price of less than 7%! If we are more pessimistic about the shortage and assume that demand exceeds supply by 20% at the current price, we might expect a price rise of less than 14%.

The above estimates, though conservative, do not take account of the disruption produced by the crisis atmosphere that surrounds this issue. Since the magnitude of the crisis has been blown out of all reasonable proportions and people fear shortages and rationing, hoarding by both the supplier and demanders is a genuine possibility. In the very short run (up to three months) we might expect prices to rise above the long-term market price. After roughly one to three months we should expect the crisis mania to pass and a general dishoarding to occur so that prices would fall to a level below the above estimates. These estimates are of course based on the assumption of unhampered market adjustments. Government attempts to interfere with this market process would tend to shift the estimates upwards.

The first step in solving the energy shortage is to allow the free market system to work. All price ceilings and government controls should be eliminated. Such action would greatly stimulate the supply of energy sources and eliminate shortages. Prices would rise but the expansion of output would hold prices to the minimum which current conditions dictate. Furthermore, the free market will insure that energy will be allocated to the highest priority users. Price increases are not pleasant, but they are better than low prices and no energy. If these higher prices work hardships on the less fortunate among us, special provisions which would be preferable to the distortions and waste of rationing, could be provided for this small minority.

There is an additional advantage of allowing domestic prices to rise. As prices rise in the U.S., the cost to the Arabs of maintaining the restriction on sales to the U.S. will get higher. If we simply allow the market to work, the agreement to restrict sales to the U.S. will break and with it Arab unity will break. The Arabs are playing a dangerous game. If we allow prices to rise we can expect the development of new domestic sources such as oil shale and domestically produced substitutes for petroleum.

COSTS AND CLEAN AIR

Another step in solving the energy problem is to inform society of the cost of environmental and ecological programs and allow the people to choose. If people want the end products of such programs they will have to pay the cost in higher energy prices. Without adequate information, society will not be able to decide which programs are worth the cost and which are not. If people prefer cleaner air to lower fuel cost they can choose to convert from coal to oil. If they choose lower fuel cost they can burn cheaper and dirtier fuels. Such a system seems preferable to allowing a bureaucrat to decide for them.

To increase supplies we should open the continental shelf for drilling but make firms liable for oil spills and other forms of ecological disturbances. Most oil spills are not from drillings but from tankers. By employing the Naval oil reserves, the continental shelf and areas which will become economically feasible at higher prices, output could be greatly expanded.

We should institute peak-load pricing for electricity in shortage areas. Brownouts and blackouts occur because in peak use periods overloads occur. By charging more for power in peak use periods, nonessential use would occur in nonpeak load periods when power is cheaper. Under the current system there is no incentive to spread out power use. Peak load pricing could minimize overloads in the current system and allow time for supply sources to catch up to peak load demand.

In a free market, when the price of a good starts to rise, three simultaneous forces are produced. First, people start to use the good more judiciously, second, producers and consumers who use the product begin to search for cheaper substitutes, and third, producers of the product attempt to expand output by using and developing technology to meet the demand. It is this process which has always forestalled doom. We will run out of energy only if we prevent the free market from working. Herein lies the real danger of the "energy crisis."

THE BUDGET AND IMPOUNDMENT CONTROL ACT

HON. ELLA T. GRASSO

IN THE HOUSE OF REPRESENTATIVES

OF CONNECTICUT

Thursday, December 6, 1973

Mrs. GRASSO. Mr. Speaker, for the last 25 or 30 years, the Congress has been handicapped by an inadequate, inefficient, and antiquated budgetmaking apparatus while the executive has cornered the vital area of fiscal management.

By approving H.R. 7130, the Budget and Impoundment Control Act of 1973, the House has taken a major step toward returning the traditional balance between the powers of the legislative and executive branches of Government.

Without question, the Congress cannot perform its most basic task of making decisions about the raising and spending of Federal tax dollars unless its capacity for dealing with the budget is greatly enhanced. Determining spending priorities within the isolated context of separate appropriations bills precludes a comprehensive review of the entire budget and a balanced determination of spending priorities.

This situation will be altered by H.R. 7130. The bill establishes a new Budget Committee to study various requests and establish ceilings for expenditures in the various categories of the Federal budget. It also provides a timetable for considering the new budget, establishes a Legislative Budget Office to supply the Congress with independent information on programs and priorities, and requires the Congress to keep expenditures within the ceiling originally adopted.

In a related area, the impoundment of appropriated funds and the discontinuation of lawfully enacted programs by the executive seriously erode the system of checks and balances contained in the Constitution. To help restore this balance, earlier in the session I cosponsored legislation to control impoundment and supported H.R. 8480, the Impoundment Control Act. Title II of H.R. 7130 establishes the procedure by which Congress can overrule the impoundment of lawfully enacted funds by the executive.

The Budget and Impoundment Control Act, while not perfect, represents the first major step taken by the Congress in years toward reforming its inefficient control over fiscal matters. Just as the war powers resolution restored the constitutional balance in foreign affairs, the final passage of H.R. 7130 will restore the balance in domestic matters by revitalizing the fiscal responsibility of the Congress.

THE QUALITY OF MEDICINE BEING ENDANGERED BY FEDERAL REGULATIONS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. KEMP. Mr. Speaker, the quality of medical care in the United States is important to each of us. It is a matter of health and life.

During recent years, this profession, like so many others, has been beset with new Federal regulatory and reporting requirements, some of which reduce significantly the doctors' abilities to serve adequately their patients. One of these requirements was imposed as an obscure provision of last year's Social Security Act amendments. It is the requirement of establishing "Professional Standards Review Organizations"—PSRO's—assigned the tasks of second-guessing doctor's decisions on the treatment of patients under medicare, medicaid, and maternal and child health programs.

One of the rights inherent to a free society is the right of a patient to have his or her medical problems attended to in the fullest of privacy. This confidential relationship is as privileged as one between a priest and penitent or an attorney and client. Many legal authorities believe the PSRO's violate this constitutional principle.

The PSRO's were added to last year's act as an amendment on the Senate floor. It was not fully debated. It was not even the subject of public hearings in the House. It is law today because it was buried in such an otherwise complex law that it never received full attention.

I am introducing legislation, together with other Members, to repeal the PSRO requirements. I believe this to be in the best medical and legal interests of the patient community. At the very least, its introduction ought to engender the debate and public hearings necessary to air fully the pros and cons of this issue. Hopefully, those hearings will bring out, sufficiently, why the PSROs are not consistent with the long established American traditions surrounding doctors and their patients.

This morning's Wall Street Journal carried an excellent editorial on the PSRO's and I commend it to the attention of my colleagues:

NO TIME FOR PATIENTS?

We would never argue that any group should be exempt from accountability to the larger society, but we can understand why many doctors at an American Medical Association convention in Anaheim this week are up in arms over a new federal law purportedly designed to monitor the way doctors deal with federally insured patients.

The law, described elsewhere on this page today by Dr. Winsten, requires the establishment of "Professional Standards Review Organizations" all around the country starting Jan. 1. These PSROs, which will be comprised mainly of doctors, will have the task of second-guessing decisions made by other doctors in treating patients under Medicare, Medicaid and maternal and child health problems.

Their findings will be used by a HEW bureaucracy to establish certain "norms" that doctors would be expected to follow in treating federally insured patients. Such questions as whether some doctors overprescribe or require unnecessary hospitalization will enter into the review and norm-setting process.

While we favor a businesslike administration of federal social programs, the PSRO legislation raises some questions which didn't get adequately asked or answered by Congress. It was attached, by Senator Bennett (R., Utah), as a rider onto last fall's big and controversial Social Security bill and somehow rode through with almost no public attention. The House did not even hold public hearings on the PSROs.

And yet the law empowers the government, through PSROs, to examine medical records in doctors' offices, not only of federally insured patients but private patients as well. The Association of American Physicians and Surgeons thinks this is an unconstitutional invasion of a private relationship.

Further, it can be doubted that Congress gave sufficient thought to the cost of all this monitoring and norm-setting. There is no clear picture of how many PSROs there will be but a minimum of 150, and probably considerably more, is likely. The man-hours of doctors who serve on them will be that many fewer man-hours devoted to practicing medicine, not to mention the man-hours that will have to be devoted in doctors' offices to meeting demands for information or justifying decisions.

It might be noted that some 50 million patients and 10 million hospital missions are potentially subject to monitoring and that the proposed norms cover some 350 procedures. It makes you wonder if doctors will have any time left to treat patients.

Finally, the law seems to ignore that a great deal of peer review already goes on in medicine, by state and local medical societies and hospital boards that review decisions to operate and the like. While peer review has been criticized as ineffective a lot of the criticism remains unproved. In Louisiana last December, it was the state medical society that blew the whistle on a HEW-financed private birth control scheme that now is under criminal investigation, which suggests that the public interest may fare at least as well under private peer review as through the good offices of HEW.

Many doctors claim that the PSRO sleeper actually was designed to open the medical profession up for full federal insurance, or, as the AMA once would have termed it, "socialized medicine." Interestingly, the AMA had a hand in the original conception of PSROs, apparently with some notion of displaying flexibility—thus avoiding the kind of pitched battle it lost over Medicare—and at the same time keeping PSROs in the hands of physicians. But a good many physicians are making it clear that they think that was a bad tactic.

It would seem that they have a point. Medicare and Medicaid were a product of the mid-1960s and there is no denying the public support that then existed. But this is 1973 and Americans have seen quite a lot they don't like about federal social programs. There is no certainty they are yet ready for national health insurance and they certainly aren't ready for sneaky approaches to that end through innocent-looking riders to complex bills in Congress. As to monitoring Medicare and Medicaid, HEW might do well, or so the Louisiana case would suggest, to get better control of its existing auditing system.

Rep. Rarick (D., La.) has introduced a bill to repeal PSROs. It may well be that the public has a bigger stake in repeal than it realizes. At any rate, the issue deserves a better hearing than it got when PSROs were so nimbly written into law last year.

TESTIMONY ON POW'S AND MIA'S

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. YOUNG of Florida. Mr. Speaker, yesterday I submitted testimony to the House Foreign Affairs Committee in support of legislation to require a full accounting of our men who are missing in action in Southeast Asia. Though the United States has withdrawn from Vietnam and our POW's have come home, we should not forget the tragic lessons learned during that conflict, nor should we forget that 1,200 men have not been accounted for as yet. We must not back down from our demand for a full and complete accounting of our MIA's and we must not forget that this problem is a daily tragedy for the parents, wives, and children of these men.

Following is the text of my testimony before the committee:

TESTIMONY OF HON. C. W. BILL YOUNG

Mr. Chairman, as a cosponsor of H. Con. Res. 271, I have joined with more than 100 other Members to express my deep concern at the continuing and unresolved problem of our men who are missing in action in Southeast Asia. This is not the first, nor the last, effort I shall make on behalf of our POWs and MIAs. It is imperative for the families of these men and for the integrity and honor of our fighting forces that this problem not be allowed to slide into oblivion.

The question of a proper accounting of our MIAs is part of the larger tragedy which took place for all mankind during the conflict in Southeast Asia. The Communist forces, and most specifically the Government of North Vietnam, repeatedly, consistently, and blatantly refused to abide by the prisoner treatment protocols of the Geneva Convention. The United Nations, the fundamental world body charged with the protection of human rights, stood by helpless, the victim of an avalanche of anti-United States rhetoric. The other signatories of the

Geneva Convention paid only lip service to their responsibilities, and the forum of world opinion chose only to concentrate on alleged mistreatment of prisoners in South Vietnam.

During my service in the House I have continually sought and supported means to make the Communists abide by the regulations for treatment of POWs set forth in the Geneva Convention, and I have stressed the critical importance of a full accounting of Americans missing in action in Southeast Asia.

In April of this year I was moved by the horror stories of our returning prisoners of war to request of the Pesident that the United States take the initiative in convening a new international convention for the purpose of reviewing agreements relating to treatment of prisoners of war and to provide effective methods to guarantee the enforcement of agreements relative to prisoners of war. I am happy to report that the President responded with positive news: an international meeting on precisely this issue has been scheduled by the Swiss Government (the depository for the 1949 Geneva Convention) for February 18 to April 11, 1974 in Geneva.

Also in April, I formally requested House Armed Services Committee Chairman Edward Hébert to have the Committee conduct a thorough investigation of the treatment of Americans held prisoner by the Communists. I expressed the sincere hope that we all share, that Americans will never again become involved in any military conflict, but also put forward my feeling that an Armed Services Committee investigation could contribute to the assurance that our men owuld be more adequately protected in any such future eventuality. Moreover, an investigation such as I recommended could reveal the presence of any prisoners of war who had not been previously identified and could provide additional information on those still unaccounted for.

In the wake of our national joy at having our POWs home at last, the problems of their mistreatment and of the more than 1,200 MIAs seemed to be slipping into the background. But I, along with many other Members, was determined not to let this happen. Therefore, on July 31 I joined with more than a hundred other Members of the House to introduce H. Con. Res. 271, expressing the sense of Congress with respect to those men still missing in action in Southeast Asia. This resolution clearly prohibits any further Congressional consideration of aid, trade, diplomatic recognition or any other form of communication, travel, or accommodation with North Vietnam or the Viet Cong until such time as the January 27, 1973 agreements relating to our military and civilian personnel in the missing in action category are complied with.

Furthermore, on September 25th I sponsored H.J. Res. 741, calling for a full Congressional investigation into the status of our servicemen still listed as missing in action as a result of the Vietnam conflict. This resolution not only calls for an independent Congressional inquiry but also the withholding of any aid to the North Vietnamese government or any government supported by insurgent communist forces in Southeast Asia until there is a full accounting of MIAs. On the same date, I again renewed my request to Chairman Hébert for investigation by the Armed Services Committee into the whereabouts of the more than 1,200 American MIAs. I noted in my letter that such an investigation would help to end, once and for all, the uncertainty for those families of men still missing as well as to obtain the release of any prisoners who may still be held in Southeast Asia. I am therefore especially pleased to see this Subcommittee break the logjam of Congessional inaction and begin hearings on this important sense of the Congress resolution. As the world's most powerful nation and as a people who have suffered deeply from the Vietnamese conflict, it is incumbent upon us to act responsibility to prevent any further such abuses of prisoners' rights as we saw in Southeast Asia.

That this is not just a problem peculiar to our involvement in Vietnam has been brought home to us strongly by certain events which took place during the recent Middle East conflict. I am referring, for example, to a formal complaint filed by the Government of Israel with the International Red Cross in Geneva concerning crimes of murder and mutilation committed against Israeli prisoners of war by Syrian military forces on the Golan Heights. In retaking certain areas of the Golan Heights, Israel Defense Force troops claim to have discovered proof that 28 Israeli soldiers had been murdered in cold blood after their capture by Syrian troops.

If the United States and other free nations concerned with human rights do not take firm and unequivocal stands against such barbarities and bring to bear every ounce of moral, political, and economic power that we possess against the offenders, we are serving notice to aggressors large and small that they can violate the Geneva Convention with impunity and that some of the most fundamental rules of civilization no longer apply.

I cannot urge my distinguished colleagues on this subcommittee strongly enough to take immediate and constructive action on behalf of our missing in action. The Congress must not abdicate its responsibility to our POWs, to the families of the MIAs, and to the men of our armed forces who may face similar trials in future conflicts. If we sweep this problem under the rug by leaving it to the sluggish efforts of governmental agencies, future generations of mankind may suffer the results.

PARTY DESIGNATION IN LOCAL ELECTIONS IN WASHINGTON, D.C., FAVORED

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. FRASER. Mr. Speaker, the District of Columbia home rule conference report to be voted on in the House next Wednesday, December 12 provides party designation on the ballots on which the new Mayor and City Council will be elected in the fall of 1974.

That feature was in the committee bill, H.R. 9682 when it was voted out of committee last July by a vote of 20 to 4.

Testimony at the hearings on the bill from February 8 to July 15 was overwhelmingly for party designation. Let me quote from the hearing record.

BOARD OF TRADE FAVORS PARTISAN BALLOT

Mr. Walter F. McArdle, president of the Metropolitan Washington Board of Trade voiced the support of business in these words:

> These legislators (city council) should be elected by partisan ballot.
>
> We support the election of the chief executive of the District of Columbia on a partisan, city-wide ballot.

GOP IN FAVOR

The District of Columbia Republican Party testified in favor of party designation in these words:

> We believe the Mayor should be elected in partisan elections. There is no question but the present political parties in the District of Columbia can provide the machinery by which a candidate aspiring to office can best bring his or her views to the electorate.

The League of Women Voters also spoke in favor of party designation as follows:

> We support a legislative body broadly representative of the community, elected in partisan elections, some by ward and some at large. The chief executive should also be elected in a partisan election.

ONLY THREE OF FIVE AT LARGE COUNCILMEN MAY BE FROM SAME PARTY

The conference report includes a feature to help keep a minority party's voice on the council. Only three of the five members at large on the City Council may be from the same party.

HATCH ACT PREVENTS CITY MACHINE

An additional benefit of partisan elections is that city employees will not be able to be coerced to collect money and campaign for city officials in order to keep their jobs or get promotions. The Hatch Act gives them that protection, but would not under nonpartisan elections.

All in all, I feel that partisan elections will work well in Washington, D.C.

A CHRISTMAS WITHOUT CHRIST?

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. CHARLES WILSON of Texas. Mr. Speaker, it was with a good deal of dismay that I read that the annual Christmas Pageant for Peace on the Ellipse will not include a depiction of the Nativity this year. Zealous separationists have convinced the Federal Court of Appeals that to include Christ in Christmas is an "excessive government entanglement with religion," and that such a display would be offensive to non-Christians.

Frankly, I find the scene's exclusion from the pageant extremely offensive, and obviously so do many East Texans who have written to me in the past weeks expressing their strong disapproval of the action.

I would like to take this opportunity to reprint here a few of the letters I have received from my constituents, as well as the letter which I am sending to Rogers Morton, Secretary of the Department of the Interior, which has ordered the removal of the Nativity scene from the pageant.

> NEW CANEY, TEX.
>
> DEAR CONGRESSMAN CHARLES WILSON: When I discovered that the Nativity Scene will be removed from the Christmas Pageant for Peace in Washington, I must say I was amazed. Can this be true? Will you let this happen? Will you sit idly by and make no effort to prevent it? The very idea! It is the most absurd of all the absurdities in Washington in this year of absurdities and outrages. What is Christmas about if not the birth of Christ? How can there be a Peace Pageant without the Prince of Peace?

No doubt, you can tell I am very disturbed and concerned over this development; and I urge you as my elected representative to do everything in your power to prevent the removal of the nativity scene from the Pageant. Please let me know what action you plan to take on this matter and notify me if there is anything that I, as an individual, can do to help you in preventing this disaster.

Most sincerely,

Mrs. CHARLOTTE WRIGHT.

PORTER, TEX.

DEAR CONGRESSMAN WILSON: The article I have attached was handed to me in church Sunday (it tells about the removal of the Nativity Scene). Needless to say, I was shocked. Can this happen in our nation? If it does I shall lose the faith I have kept through the recent Washington scandals and the impending energy crisis. I have kept faith that we as a nation shall come through, but if we leave Christ out of a celebration built around him, there isn't much hope. How can you have a birthday celebration and leave out the birthday person?

Why not just abolish Christmas? It is bad enough that prayer was abolished from schools and such. It is my belief that a nation without Christ cannot long stand. I urge you as my elected official to prevent the removal of the Nativity Scene from the celebration of the birth of the Prince of Peace. It will be indeed a dark Christmas if this is allowed.

Sincerely,

Mr. and Mrs. JEROME ASHY.

Hon. ROGERS C. B. MORTON,
Secretary of the Interior, Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: I am writing to you to express, in the strongest possible terms, my displeasure with the removal of the Nativity scene from this year's Christmas Pageant for Peace. I urge you to appeal the decision of the Federal Court of Appeals swiftly, in order to include the display this month.

My constituents in the Second District of Texas have seized upon this action as a final Federal blow to their faith. They are asking me why, in the midst of all the crises we face, we here in Washington should remove from Christmas the very symbol of that holiday, the symbol of peace and brotherhood.

I hope to hear soon that you have initiated action to restore the Nativity scene to the Pageant on the Ellipse.

Sincerely,

CHARLES WILSON,
Member of Congress.

TRIBUTE TO HON. THOMAS M. PELLY

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. ROONEY of Pennsylvania. Mr. Speaker, it is with a sad heart that I pay tribute today to Thomas M. Pelly, our former distinguished colleague from the State of Washington.

Tom served in the Congress during 20 of the most exciting and eventful years in our history and he helped maintain, in the Congress, a balanced view of where the United States was and where she should be going.

Although I was not privileged to serve on any committees with him, I nevertheless heard frequently of his outstanding contributions to legislation to preserve the independence of the American merchant marine and to achieve American predominance in the exploration of space.

Those of us who knew him especially remember his forthrightness and integrity in this era when the morality of all politicians is being questioned. Tom Pelly was certainly one of the most honest and dedicated public servants I have ever known.

His wise counsel has been missed by all of us in the 93d Congress who had the pleasure of working with him in the past and we all sincerely mourn his passing.

The Pelly family can be comforted by the knowledge that he served his country well.

ENVIRONMENTAL ZEALOTS WANT TO STOP THE WORLD

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. HOLIFIELD. Mr. Speaker, the leading newspaper in the Los Angeles area, the Los Angeles Times, carried a very interesting editorial in its December 4, 1973, edition.

The editorial deals with the San Onofre nuclear power generating station, located near the San Clemente residence of the President, which has been providing inexpensive, clean, and reliable electricity to our area for several years now.

Few people realize that our State and local governments will not permit even a relatively clean gas-fired generating plant to be built in our area, even if the gas were available, and it is not.

Because of this, the owners of the San Onofre—Southern California Edison Co. and San Diego Gas & Electric Co.—were forced to plan new nuclear powered facilities at San Onofre in order to fulfill their public obligation to supply electricity to the area. This was more than 4 years ago.

A continuous struggle has been carried on by San Onofre's owners during that more than 4-year period. A mountain of paper was prepared and submitted to local, State, and Federal Government agencies. Literally dozens of proceedings, consuming time, energy, and management and engineering talent, were required to obtain the necessary permits and licenses to satisfy zoning regulations, State utilities commission regulations, various safety regulations, Federal Power Commission regulations, and Atomic Energy Commission regulations. Every agency approved the project, even the Environmental Protection Agency.

The owners had one last hurdle to clear—the California Coastline Commission—which was created long after the San Onofre expansion was planned. Incredibly, the staff of the commission recommended against the project because a small area of bluffs must be leveled and because the marine plankton near the plant might be adversely affected.

Mr. Speaker, this is the type of thing with which this Congress must come to grips, and soon, if we are to assure an adequate supply of energy in the future. We cannot continue to permit the placing of layer after layer of administrative stumbling blocks in the path of those who have the only capability of providing energy.

The Los Angeles Times recognizes this problem in its editorial of December 4, 1973. This is an excellent statement of the problem, and I want to insert it in the RECORD at this point. I commend the Times for its position.

I was shocked when I learned last night that the California Coastal Commission refused to approve the San Onofre expansion. This simply means less electricity and probable brownouts in our area in the future.

SAN ONOFRE: ENVIRONMENTAL ISSUE

The state coastline commission will make one of the crucial decisions of its brief life when it votes tomorrow on the controversial proposal to add two more nuclear units to the San Onofre power station. We believe it is important to the state, and indeed important to the continued effectiveness of the commission, that it overrule the recommendation of its staff and approves the expansion.

It is not an easy decision for the commission to make. But we think the commission has to make it. The principal concern everyone has about San Onofre or any other nuclear power plant is safety. The state attorney general, though, advised the commission that safety considerations belong to the federal government alone, as intended by Congress. The Atomic Energy Commission's licensing board, after thorough hearings on the safety question, ruled that the additions to plant can proceed. We discuss the safety question in the following editorial.

The coastline commission staff based its recommendation to deny the expansion on environmental and ecological grounds alone. The staff pointed out that the expansion will destroy some sandstone cliffs and caves, and said the intake and outflow of water used to cool the nuclear reactors "could" create a marine desert in the nearby ocean. The staff recommended moving the new units, at least to the landward side of Interstate 5, and installing a different kind of gas reactor and changing the cooling system to protect marine life.

The staff said it emphatically was not trying to force a "no growth policy," and was working on the assumption that it was possible to have both energy and a pleasing environment, but we believe the staff was taking too narrow a view of both energy and environment when it recommended against expansion.

Even with a reduced rate of growth in the demand for electricity, the demand for electricity continues to grow. Even with new kinds of antipollution devices, conventional oil and gas power plants pollute the air. Once you convince yourself of the relative safety of nuclear plants—and remember the commission cannot consider safety—you have to conclude that nuclear power is the cleanest kind of power generated. If San Onofre is not allowed to grow, the conventional plants will have to grow.

We believe the commission staff has given too much weight to the cliffs and caves, and to the possible but disputed hazard to marine life, and not enough weight to the demonstrated need for power, and for clean power.

It is not as if a power plant were being proposed for this site for the first time. There already is a power plant at San Onofre. In other matters the commission has wisely taken the established use of a piece of the coast into account when deciding whether to grant permits to build. These caves and cliffs are interesting, but they are not unique. Their disappearance would not so greatly matter. The beach is scarcely used by the public; it is not like putting a new power plant at Malibu, say, or Venice.

The potential damage to the plankton is problematical, in any case, and it is possible to change the water intake system should that prove necessary.

The commission staff argues that since the new units would not be operating anyway until the end of the decade, a delay now would not matter much. But a change of site could easily take two or three years, because of the hearing process and the congressional action required. It seems to us that two or three years is too long for the marginal improvement to be had—if there would be any improvement at all.

Those Californians who, like us, strongly supported the coastline initiative, hoped that the coastline commission could bring the management of the coast into a rational process that would weigh one good against another and come up with a reasonable solution. As we were saying Sunday, we like the way the commission has been going about its work to date. It has been sensitive to the needs of the state.

So we hope the commission continues to show this sensitivity in its vote tomororw. The commission has approved new construction in harbors, and modifications to a conventional power plant on Terminal Island. It seems to us that the San Onofre expansion is analogous to those actions, not to an attempt to radically invade a stretch of wholly untouched coastline. If Californians should come to think the coastline commission is taking too narrow a view of the needs of the state, the commission would lose much of the support it has won for itself by its intelligent decisions. That broad support is essential for the long-range coastal plan the commission will give the 1976 Legislature.

When the San Diego regional coastline commission, whose decision is being considered by the state commission tomorrow, approved the San Onofre expansion, it attached conditions designed to protect the ocean life, if necessary, and to minimize access to the beach and obstruction of the ocean view from the highway. These are reasonable conditions, which the state coastline commission could well adopt, while approving a nuclear power plant expansion that is clearly in the public interest.

THANKSGIVING PARTY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. WOLFF. Mr. Speaker, this year marks the 20th year that Mr. Walt Kaner has organized the annual children's Thanksgiving party. When you think of the number of children who have enjoyed this party over the years and the amount of time and work contributed by Walt Kaner, this 20th party represents a truly remarkable achievement. I might add that Mr. Kaner also finds time to write one of the country's most distinguished entertainment columns.

This year's party was held at Antun's Restaurant in Queens Village. The VIP guests were some 750 handicapped and needy children from 25 orphanages, welfare agencies, and hospitals in the New York City area. The guests were treated to toys, comic books, balloons and refreshments and saw a 2-hour show replete with clowns, magicians and cowboys. And, of course, Santa Claus appeared with gifts for these youngsters, many of whom are on crutches or in wheelchairs. The party was a bright spot for these children, some of whom have very few bright moments.

If he had only given this year's party for these unfortunate children, I believe Walt Kaner deserves recognition. However, for his 20 years of devoted efforts to bring some happiness to these children, he deserves acclaim of the highest order. He has worked hard to give these children something they will be thankful for; and this, rather than a stomach ache, is in the true spirit of the Thanksgiving holidays.

NATIONAL LAWYERS GUILD OPPOSES FORD NOMINATION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Ms. ABZUG. Mr. Speaker, on November 19 James Larson, president of the National Lawyers Guild, testified before the House Judiciary Committee opposing the nomination of GERALD FORD as Vice President. For the benefit of my colleagues I insert his testimony in the RECORD.

STATEMENT OF JAMES LARSON

INTRODUCTION

I would like to thank the committee for extending this opportunity to the National Lawyers Guild. We are strongly opposed to the confirmation of Gerald Ford as the next Vice President of the United States.

As I stated in my letter of November 13 to the chairperson of this committee, we are legally certain that the election of 1972 was void. Therefore Richard Nixon has no authority to act pursuant to the 25th amendment. Only the people of this country can choose his successor. This committee has no jurisdiction to act in this matter, except to make clear that the nomination of Gerald Ford should not even be considered by the Congress.

The Lawyers Guild will file a lawsuit within the next four weeks on behalf of thousands of individual voters to declare the reelection of the President invalid. We ask you to join with us in that suit. We believe this action to be consistent with previous petitions of Congress-persons to stop the bombing of Cambodia and to void the termination of Archibald Cox.

BACKGROUND OF THE GUILD

Before proceeding to the merits of our case, I would like to describe the National Lawyers Guild briefly. At present our membership consists of approximately 4,000 attorneys, law students, legal workers and jailhouse lawyers. The organization was established in 1937 during the Great Depression. At that time the Guild provided legal support for legislation intended to correct the economic injustices which caused the recession.

Since its inception the Guild has been guided by the belief that poor and working people, especially blacks and other national minorities, have consistently been denied access to decent jobs, health care, education, adequate housing and meaningful participation in the political system of this country.

In our support for the rights of working people to form unions, to strike against their employers and to bargain collectively, we and the people we represented confronted powerful government and private economic interests. We and they continue to do so.

We were also involved in the civil rights struggles of the early 1960's, when other lawyers were reluctant to support the legitimate demands of blacks for equality, and the government dragged its feet. We continue to struggle against racism in its many forms. We represent many of the inmates who were indicted after the Attica prison uprising. We defend Native Americans who were charged at Wounded Knee. We are assisting the United Farmworkers Union.

We have also been active in the movement against the War in Southeast Asia. We have counseled draft resisters, supported GI's and defended civilians singled out by the government for prosecution and harassment. We continue to speak out against the unwarranted and unlawful interference by the government in the internal affairs of other countries, such as Chile and Greece.

Throughout our history we in the Guild have also been the object of attack, both at the hands of government and private interests which hinder the development of poor and working people. We refuse to be intimidated. We will continue our representation of political activists who are subpoenaed by grand juries and harassed because of their beliefs and associations. We will defend students and immigrants from abroad who are fighting here against repressive conditions in their own countries. We will support tenants' struggles against slumlords and welfare recipients who struggle for a better standard of living.

THE PEOPLE'S LAWSUIT TO SET ASIDE THE 1972 ELECTION

In the course of our recent activities we have talked with thousands of people who were effectively disenfranchised and defrauded in the re-election of President Nixon. We support their efforts to overcome the influence of large corporations and monied interests which prevent them from controlling their own lives. We condemn the massive effort by this administration to stifle all opposition to its policies. We wish to clarify the unholy alliance between the President and big business which continues to ensure ever greater profits at the expense of working and poor people. We charge that the specific illegal acts by the committee to re-elect the President are directly related to the economic crisis which we face. We know that the confirmation of Gerald Ford will merely perpetuate these evils.

It is now well established that agents of this administration conducted a wide-ranging effort to subvert the free flow of information to the American population during the course of the election campaign. The committee for reelection employed spies to infiltrate the organizations which supported various opposition candidates. The committee authorized the bugging of the Democratic Party Headquarters. Agents of the committee slander led and defamed opponents of the administration. The administration authorized the misue of government agencies, such as the Internal Revenue Service, to intimidate its so-called enemies. Fund-raisers for the committee extorted illegal campaign contributions from some large corporations. The administration forced the Justice Department to drop anti-trust litigation against ITT in exchange for a $400,000 contribution. Other big businesses were bribed by the committee to support Nixon with promises of subsequent payoffs.

All of these facts were known to be illegal. Whether or not Nixon himself knew in advance what the committee and its agents were doing is beside the point. The fact is that he is the beneficiary of the conspiracy. No one would seriously claim that any person whose election was secured by payoffs to voters, by falsification of election returns or by padding the rolls of registered voters, should remain in office. In fact other elections have been set aside for these and similar reasons.

In addition, the administration and the committee attempted to create false issues and distort the campaign by provoking violence at the Republican convention, to tie in with Nixon's law-and-order platform. To this end the government employed paid agents to infiltrate the organization of Vietnam Veterans Against the War, which opposed continued American military intervention in Southeast Asia. When the government provocateurs failed to influence the activities of this important anti-war group, the administration secured false indictments against the organization and pressed the case to trial to further discredit it and derail its influence on the general electorate. Ultimately a jury of the people acquitted all the defendants after less than thirty minutes of deliberation.

As evidence of the widespread conspiracy to secure the re-election of Nixon by illegal means came to light, the administration and the committee attempted to cover up their unlawful activities by concealing the true facts from the American people. Witnesses were bribed. Perjury was encouraged. Executive clemency was promised. Evidence was "misplaced" or destroyed. The activities of the special prosecutor appointed to investigate the Watergate break-in were deliberately hindered by various officials in the administration.

Other unlawful activities have recently come to light. The administration attempted to prevent black and other third world organizations from voicing their legitimate demands and criticizing the President by threatening to cut off federal aid to their programs, if they opposed his re-election. Others were paid substantial sums of tax dollars to support the re-election effort, and give the appearance of minority support for Nixon.

While promising to end the War in Vietnam, the President initiated a conspiracy to prevent people from learning the extent of American military involvement in Southeast Asia and perpetuated the war effort. I refer to the secret bombing of Cambodia, the massive Christmas bombing of Vietnam shortly after the election and the current deployment of 20,000 "civilian" advisors to prop up the tottering and corrupt Thieu regime.

By far the most insidious campaign which the administration waged was the appeal to large corporations for heavy financial contributions in exchange for economic favors and easing restrictions on prices and profits while wages were held down. Richard Nixon accepted $2 million in campaign contributions from the dairy industry. Subsequently the President ordered restrictions placed on imports of dairy products. The United States Department of Agriculture reversed its decision not to raise federal milk price supports in exchange for a $422,500 contribution through various dummy fund-raising committees. The direct effect of these acts was to raise prices for consumers of milk and other dairy products. The people did not vote for Nixon to further raise the cost of living.

Nixon accepted contributions totalling $1 million from pharmaceutical companies and the health care industry. Recently the President paid them back handsomely by permitting a 9 per cent increase in hospital costs which will result in $5 billion profits. At the same time he has refused to allow the 7.5 per cent increase won by New York hospital workers in direct arm's length bargaining with their employers. Again American workers were victimized by a secret deal between Nixon and big business.

The President has also illegally interferred with the struggles of the United Farmworkers Union against agribusiness interests. The grower paid substantial amounts of money to the Teamsters Union to employ goons to break the strike of farm workers in California. The Department of Justice declined to prosecute the Teamsters or the growers for these unlawful acts in return for their support of Nixon's re-election campaign.

After the election the U.S. Deaprtment of Labor arranged for a meeting between Teamster president Fitzsimmons and agribusiness leaders in which the Teamsters were encouraged to enter into "sweetheart" contracts with the growers upon the expiration of UFW contracts. This relationship between the Teamsters' union leadership and the growers has been condemned by the California Supreme Court. These secret agreements further evidence the disregard of the Nixon administration for the judicial process.

In general the American people were tricked through a series of secret and illegal agreements between the administration and corporate interests to vote for the man who promised them that inflation would end. Nixon's slavish obeisance to the interests of big business has led to record profits, substantial exports of staple items and resultant shortages as well as higher prices. The generally deteriorating position of American business in the international economy has been transferred to the backs of workers and poor people as prices rise, plants speed up and workers are laid off. Never before has any candidate for president secured his election by such a blatant appeal to racism, militarism and corporate capitalism, to the direct detriment of the general working population.

The People's Lawsuit will document many additional abuses. It is clear that the election was bought and paid for by certain large corporations and wealthy individuals. The American people will suffer cutbacks in many areas of social legislation essential to the maintenance of a decent standard of living. Nixon's recent veto of the minimum wage bill passed by Congress is another example of his contempt for the people and the other institutions of government. We note that Ray Croc, the owner of the McDonald's chain, contributed $250,000 to the Nixon campaign. His employees would have been covered by the new law.

We are confident that our legal position is correct, that the election was fraudulent, and that the results are void. We are just as confident that the lawsuit is the only feasible way for the American people to express their opposition to President Nixon and his deliberate manipulation of their concerns. We feel that their participation in selecting a new president is essential.

FORD HAS NOT DISASSOCIATED HIMSELF FROM THESE ILLEGAL ACTS

Up to this point Representative Ford has indicated that in general he supports the policies of Richard Nixon. Review of his voting record indicates that he has voted the President's position in 81 per cent of the issues considered. Ford is a self-acknowledged conservative. He has no record of having proposed or effected legislation dealing with any of the major questions confronting the nation. He comes from a "safe" district in Michigan, where he has never faced any serious opposition. His ability to deal objectively with the current energy crisis in light of the heavy influence of the automobile industry in his home state further disqualifies him.

It is inconceivable that Gerald Ford after all his years of unquestioning loyalty to President Nixon and the Republican Party will now exhibit the kind of independence, initiative and creativity which are required by the times. His record on all major outstanding issues—the war in Southeast Asia, the domestic economy, racism and social legislation—is atrocious. It is highly likely that he will continue to follow orders. We have already observed the fate of those who dare to challenge the absolute authority of the "commander-in-chief."

Ford has only reluctantly and indirectly criticized the President for his handling of the Watergate scandal. He confuses the principles applicable to criminal trials with the political question of Nixon's continuation as president of the United States. The presumption of innocence, the inadmissibility of hearsay evidence and the requirement of proof beyond a reasonable doubt are totally inapplicable here. No civilized country in the world would permit its highest leader to remain in office, given the general lack of popular confidence in his administration, his admittedly negligent supervision of aides and assistants, and the corruption which has already been exposed among his confidants and advisors.

NIXON'S RECORD OF APPOINTMENTS

Our conclusion that Nixon is without authority to appoint a new vice president is futher bolstered by his past record of deliberately choosing cabinet officers, judges and administrative assistants who will blindly follow his orders and disregard the legitimate needs of the people, our system of civil liberties and authoritative orders and rulings of other departments of government.

At the outset this committee must face the spectre of Spiro T. Agnew, the President's original running mate, who now stands convicted of income tax evasion arising out of a long series of petty bribes and influence peddling in his relations with Maryland contractors.

The committee should also recall Nixon's first attempts to influence the direction of the United States Supreme Court by appointing Messrs. Carswell and Haynesworth, both of whom were seriously discredited and disgraced both in terms of legal incompetence and small-time corruption.

Other Nixon appointees currently stand charged with or convicted of various crimes, such as perjury, bribery and political sabotage. It is inconceivable that given Mr. Nixon's record thus far that he should now be permitted to choose a new vice president and his own potential successor.

John Mitchell, the President's close friend, ex-law partner, former Attorney General and campaign manager, is about to stand trial in New York for perjury. His political career has been destroyed as a result of his alleged involvement in the Watergate conspiracy and the subsequent coverup attempt.

Mitchell's successor, Richard Kleindienst, was forced to resign under fire for his participation in the coverup also. He now stands accused of perjury in connection with his testimony regarding the failure of the government to pursue its antitrust case against ITT, a former client of the Mitchell law firm.

Patrick Gray, another Nixon appointee, and temporary director of the FBI, also became embroiled in the Watergate controversy by his admitted destruction of certain incriminating evidence. John Ehrlichman, the President's closest advisor, is under indictment in Los Angeles for his alleged role in the burglary of the office of Daniel Ellsberg's psychiatrist. His testimony before the Senate Watergate Committee was riddled with contradictions and convenient losses of memory. It was further characterized by the utmost contempt for civil liberties. H. R. Haldeman, the president's third in command, also faces indictment.

The list goes on to include Maurice Stans, the ex-secretary of Commerce, who is accused of soliciting illegal campaign contributions from Robert Vesco, who is also under indictment, and others totalling $60 million. Herbert Kalmbach, the President's own lawyer and John Dean, former counsel to the President, also face charges. Egil Krogh, Robert Mardian, Charles Colson, Donald Segretti, Jeb Stuart Magruder and Gordon Strachan are further examples of the kind of men Nixon has surrounded himself with and foisted off on an unsuspecting public. The credentials of each of these men have been advanced in much the same way as Nixon recommends Gerald Ford.

This is not to accuse Mr. Ford of specific improprieties. The purpose of this recitation is to support our claim that Richard Nixon is not fit to pick the second highest officer of the land.

Let's make no mistake here. It is widely rumored that President Nixon's own days are numbered. Many members of Congress and others in high places are openly saying that once Ford is confirmed that Nixon will be forced to resign. In light of this reality it is even more ridiculous for this committee to permit the man to replace himself and further prevent the people of the United States from exercising their own choice in the matter. There is no doubt that if Mr. Ford were the candidate of the Republican Party in a general election, he would be soundly defeated. Recent local elections around the country show that the entire party has suffered as a result of Nixon's crimes.

This committee, which must also consider whether or not the President should be impeached, is caught in a dilemma of parliamentary procedure and a clear conflict of interest. An opportunistic move to recommend confirmation of Ford as a prelude to impeachment proceedings again defrauds the right of the American people to choose its leaders.

We do not propose any specific remedy for this situation. We have serious doubts with respect to the resolve of Congress or the Courts to apply any innovative thinking to the problem. The legislative and judicial branches of the federal government have been consistently slow to act and unwilling to turn Nixon out of office. We support the good will of this committee insofar as it will now move to impeach the President, force his resignation, or otherwise invalidate the election of 1972 and prevent the confirmation of Ford. We urge you to set aside whatever concerns you may have for your own political careers and break out of the lethargy and clinging hope for the President's survival which follows each of his current ploys to sweep aside the wrongs he has committed. Any failure on your part to act decisively can only serve to deepen the mistrust of the American people for its elected leaders and representatives.

We strongly feel that the People's Lawsuit offers you as well as the poor and working people of this country an opportunity to act. We challenge you to involve the people in your activities. We are speaking of the people who are currently on welfare, who can't find jobs or those who are unemployed for the first time because of cutbacks in the domestic economy and illegally impounded federal funds. We are talking about workers whose real wages are declining as prices and profits steadily rise. We refer to the parents and wives of men who were killed or wounded in Vietnam. We mean people whose level of cynicism about corruption in government has steadily risen during the last five years, people whose tolerance of favoritism, inside deals and manipulation of their lives has been pushed to the breaking point.

CONCLUSION

There are those who would justify the quick confirmation of Ford because failure to do so will diminish Nixon's ability to solve the domestic economic crisis and weaken his hand in dealing with other nations. These people, including the President himself, insist that we must get Watergate behind us and proceed with the business at hand.

I would like to remind the committee that the crisis is already present, and the confirmation of Ford will not affect it. Nixon's policies would only affect those same large business interests, the multi-national corporations, in whose exclusive interest the current administration has been operating already. We are talking about democratic rule in America.

In the field of foreign affairs the Soviet Union has already expressed a lack of confidence in Nixon's ability to govern. Confirmation of Gerald Ford will not help that situation. The bulk of United States foreign policy consists of unwarranted interference in the internal affairs of other countries, particularly in Latin America and Southeast Asia. Gerald Ford supports this policy. It is time that we reverse this trend. Current foreign policy is not in the interest of working people here. The people who oppose Nixon know this.

The fact that a substantial number of people reacted with disbelief to Nixon's saber-rattling worldwide alert in response to the Middle East situation and accused him of creating an international incident to divert attention from his own crisis of leadership is sobering indeed. Appointment of Ford will not alleviate this distrust.

We should examine the positive aspects of the people's renewed interest in national politics. Setting aside the election and turning Nixon out of office will ultimately restore some of the people's faith in their ability to control their own lives and the decisions which affect them. A new basis for popular unity is created whereby the serious problems which we confront can be attacked in new and hopefully more successful ways.

Throughout our history the American people have always had to fight for their rights beginning with the struggle against colonialism. We have fought against slavery and child labor. We have won these battles and the right to organize labor unions. We are continuing the struggle for equal rights for all national minorities and women and for an end to the American involvement in Vietnam. Repeatedly the very forces which Nixon represents at this point in history have opposed the expansion of the rights of the common and working people all over the world.

You members of the committee must see your responsibility in this light. If you vote for the confirmation of Ford, you will avoid the challenge which the people have issued. You will side with corporate profits and against the people.

Current opinion polls indicate that upwards of 80 per cent of the American people have lost faith in the ability of Richard Nixon to govern this country. The people know that the interests of ITT, of the large dairy combines, of Standard Oil, General Motors and numerous other corporations are not the same as theirs.

Big business insists that what is good for it is good for the people. This is obviously not the case. Unless you open your eyes and ears to this reality, you too will continue to suffer the people's loss of faith. The American people will be forced to organize themselves, independent of your representation and leadership, and the National Lawyers Guild will be there to support them in their efforts to establish a government which is concerned with their needs and serves their interests.

HARD FACTS ON THE OIL SHORTAGE

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. SEIBERLING. Mr. Speaker, in all of the conflicting reports and confusion that surrounds the public discussion of the energy crisis, the public and the Congress are desperately in need of guidance as to some of the basic facts. Some of the best factgathering has been performed by two reporters of Knight Newspapers, Mr. Donald L. Barlett and Mr. James B. Steele. In their latest special report, printed in the Akron Beacon Journal for Sunday, December 2, they point out that neither the Congress nor the Nixon administration has yet come to grips with two underlying problems that brought on the present shortage. These problems are:

First. A serious lack of refinery capacity. Only one major refinery has been built in the United States since the late 1960's and plans for construction of additional refineries have been shelved or postponed.

Second. A leveling off in production of crude oil in the United States and a decline in exploration activities, despite the existence of huge oilfields.

Another disturbing fact developed by these reporters is that all of the statistics relied upon by the Government—and many of the essential statistics are not even available—are derived from the oil industry itself. There is no Government agency that verifies data furnished by the oil industry, or collects information independently.

Another disturbing set of facts presented by these reporters is that while families are being asked to cut back fuel oil consumption by 15 percent and commercial users by 25 percent, a proposed gasoline allocation program calls for only a 10 percent reduction.

Finally, Mr. Speaker, I seriously question whether placing the control of the new energy program under an oil industry-oriented investment banker, assisted by a bureaucracy composed of executives recruited from the industry, is going to solve the energy crisis in a way that gives priority to the interests of the consumer.

It seems to me that it is time the Congress demanded some answers to these questions.

The Akron Beacon Journal article follows:

UNITED STATES IGNORING REAL CAUSE OF OIL SHORTAGE

(By Donald L. Barlett and James B. Steele)

Despite an outpouring of proposed legislation and presidential proclamations on the energy crisis, neither Congress nor the Nixon administration has come to grips with the two underlying problems which brought on the present oil shortage.

They are:

A serious lack of refinery capacity. With demand for petroleum products running about 17 million barrels a day, refineries in the United States can process fewer than 13 million barrels.

A leveling off in production of crude oil in the United States and a decline in exploration activities. This despite the existence of huge oilfields to be tapped, largely in offshore areas, Alaska and the Arctic.

Only one major refinery has been built in the United States since the late 1960s and plans for construction of additional refineries—announced just several months ago by several companies—have been shelved or construction dates pushed back.

Yet while the largest oil companies are suspending expansion projects in the United States because of alleged uncertainties in the world market, a New York independent is forging ahead with a three-quarter billion dollar refinery-building program in Canada.

The man is John M. Shaheen, onetime publicity director for the Illinois Republican Party who heads Shaheen Natural Resources Co.

Seven weeks ago, a new Shaheen refinery was dedicated in Newfoundland. Two weeks ago, Shaheen signed contracts for construction of a second refinery in Nova Scotia, and site clearance has begun for a third refinery in Newfoundland.

The three refineries have a planned total capacity of 600,000 barrels a day. When the second and third are completed, Shaheen will have built more refineries in Canada than all major American oil companies combined have built in the United States in five years.

Interestingly, during his negotiations with Canadian politicians in the 1960s—negotiations which ultimately led to the refinery construction projects—Shaheen was represented by a Wall Street lawyer he described as a personal friend and "the greatest strategic lawyer I have ever known."

The lawyer was Richard M. Nixon.

While the Federal government has failed to tackle the issue of lagging refinery construction in this country, an investigation has turned up some curious patterns in the Nixon administration's approach to dealing with the energy crunch.

A mandatory fuel allocation program, to take effect Dec. 27, will come down hardest on those who use a small percentage of petroleum products consumed daily—families who heat their homes with oil.

Statistics maintained by the Bureau of Mines show that during four of the first eight months of this year—the latest period for which figures are available—the nation's oil companies produced a smaller percentage of distillate fuel oil (which include home heating oil) than during the same months in the preceding four years.

Statistics published by the American Petroleum Institute, the oil industry trade organization, show that a pattern of reduced refinery production continued well into the Fall despite signs of an impending shortage.

While families must cut back fuel oil consumption by 15 pct. and commercial users by 25 pct., a proposed gasoline allocation program calls for only a 10 pct. reduction below 1972 demand.

There is some reason to be suspicious of the oil shortage statistics floating out of Washington. That is not to suggest there is no shortage, but there is some question as to whether the administration has overstated the shortage.

There is but one certainty: Each and every figure is derived from the American oil industry.

And therein rests another disturbing aspect of the current crisis. There is no government agency that verifies data furnished by the oil industry, or collects information independently.

The significance of the government's failure to collect oil industry data was spelled out in a series of articles by the Philadelphia Inquirer, "Oil—The Created Crisis."

The series appeared in the Beacon Journal two weeks ago.

Based on a nationwide investigation and the assembling of a wide range of statistical material from a variety of sources, the Inquirer established that the energy shortage was brought on by long-term policy decisions made by the oil companies and blunders by the Nixon administration.

In a report last month, a Congressional committee published essentially the same findings documented by the Inquirer.

These findings contradict claims by both the oil industry and the Nixon administration that an energy-guzzling American public is to blame for the shortage.

The Inquirer survey also found that the percentage growth in energy consumption in Europe and Asia has far outstripped that in the United States over the last two decades.

To meet that demand, the five major American oil companies began concentrating operations overseas, drilling and producing oil abroad, constructing refineries around the world.

As a result, the United States is just another market—and not necessarily the largest—for Exxon Corp., Mobil Oil, Texaco, Gulf and Standard of California.

Last year, for every barrel (42 gallons) of oil those sold in the United States, they sold nearly two barrels in other countries.

While there was abundant evidence last Summer that there would be fuel oil problems this Winter, refineries produced record volumes of gasoline at the expense of fuel oil.

Last June, on the eve of what was billed as the great fuel shortage of 1973, gasoline represented 48.4 pct. of the total products being turned out by refineries. This compared to 45.8 pct. a year earlier.

[In thousands of barrels a day]

Jet fuel	6.4%	1,045
Fuel oil for generating electricity	7.3%	1,189
Heating oil for homes	7.6%	1,248
Fuel oil for other industrial and business use	8.2%	1,340
Heating oil for other business and commercial use	10.3%	1,689
All other uses (including liquid propane, petrochemicals, asphalt, lubricant)	21.2%	3,467
Automobile gasoline	39.0%	6,376
	100.0%	16,354

Source.—U.S. Bureau of Mines.

The above table provides a breakdown of petroleum product sales in the United States last year. For example, demand for automobile gasoline amounted to 6,376,000 barrels a day—or 39 pct. of the total daily oil demand of 16,354,000 barrels. Home heating oil (No. 2 oil) on the other hand, accounted for just 7.6 pct. of demand, or 1,248,000 barrels a day.

The record production prompted the Wall Street Journal to observe that:

"Refiners are demonstrating that, barring breakdowns or an interruption in the flow of crude, they can handle the demand.

"Because they can sell every drop they make, few refiners are likely to be in any hurry to begin reducing production."

And that is what happened. With gasoline selling at a more profitable level, refiners continued turning out gasoline rather than heating oils.

While all of this gasoline was being produced last Summer, Federal officials were sitting by, hoping for warm weather this Winter and insisting that a mandatory fuel allocation program was unnecessary.

In September, former Colorado Governor John A. Love, the White House energy chief, noted that "The situation for this Winter is very tight, although it is difficult to forecast because of the variables."

During the same month, President Nixon discounted any talk of an energy crisis. Said the President: "We have heard a lot about a crisis. I do not use that term because we do not face a crisis in that sense of the word.

"I would simply say that in the short term we face a problem with regard to energy, heating for example, this Winter, just as we thought we faced a problem of gasoline this Summer, and the possibility of brownouts."

Meanwhile, Love was assuring New England politicians that there would be adequate supplies of fuel oil for the coming Winter, as long as the weather didn't turn especially cold.

In August, Love suggested that it might be a good idea if refiners increased their output of heating oils—a proposal largely ignored—and in the weeks that followed he continued to insist that a mandatory allocation program was not needed, a position the administration adopted early in the year. Said Love:

"(The administration is) extremely wary of the ramifications and potential risks of a mandatory petroleum allocation system and (did) not believe that the current supply situation or other industry problems warrant use of such a system as a remedy at this time."

The administration was still clinging to this position in October, when Stephen A. Wakefield, an assistant Department of the Interior secretary, predicted there would be heating oil shortages with some resultant hardships.

Explaining what he considered a hardship to be, Wakefield said:

"I am talking about men without jobs, homes without heat, children without schools. That is what I mean by hardship."

More weeks went by until finally last Sunday President Nixon reversed positions and announced his mandatory allocation program, a Washington term for rationing.

To show that the industry is beginning to catch up on the refinery construction lag, the Office of Oil and Gas of the Interior Department has compiled an impressive chart showing the location of proposed refineries and the dates they will be completed.

It lists 18 new refineries with a capacity of 2,440,000 barrels a day, as well as refinery expansion programs.

There is a footnote which cautions that 10 of the 18 (capacity 1,330,000 barrels) are "projects which are uncertain or in very early stages of planning."

How did the Office of Oil and Gas come by these statistics?

"This is information we picked up from various sources," said an Interior Department official, "from trade journals (of the oil industry) and from some of the companies themselves."

How is construction going with some of the eight refineries slated to be in operation between 1974 and 1977, like the Shell Oil refinery (150,000 barrels) at Paulsboro, N.J., and the Pennzoil's refinery (150,000 barrels) at Pascagoula, Miss.?

Says a Shell public relations official of the date Shell's refinery will be completed (the Interior Department says 1977):

"I wish I could tell you. We're still trying to get permits. There's no definite time for completion." He said that it will take about four years to build the refinery so even a 1978 or 1979 completion date is "optimistic."

"We have no permits," he added, "and the environmental impact statement hasn't even come through yet."

Says a Pennzoil official of his company's refinery the Interior Department says will be completed in 1976 at Pascagoula:

"About a year (ago) we had obtained option on land as a possible site. But we have looked at land in Louisiana as well as land in Mississippi and frankly have not made up our minds as what the best location would be."

And that's the way it goes with government statistics on the oil industry. But the situation is not new.

A congressional investigating committee once urged that a government agency should be empowered to collect data "so that any time the exact condition of the industry can be ascertained." That was back in 1923.

It was followed by a recommendation last June 4 by Sen. Henry Jackson (D-Wash.), who told his colleagues that Congress needed to have "objective facts" on the oil industry.

"I hope we will have something introduced shortly, probably giving this authority to collect data to the General Accounting Office, to marshal all the facts and the information so that we can get it on the basis of sound data, objective facts," said Jackson.

Now, with many essential statistics lacking, the Federal government, or more particularly the Office of Petroleum Allocation (OPA), is getting ready to administer a fuel oil allocation program.

Last week the OPA staff was just getting settled into its new office in the Winder Building in Washington, the former headquarters of the Office of Emergency Preparedness.

It was from this building in the Fall of 1972 that OEP conducted a survey of the nation's energy needs and announced there would be no fuel oil problems and that the oil industry was capable of meeting demand.

"DEATH BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 53

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. HARRINGTON. Mr. Speaker, In my series in the Congressional Record, I have given many examples of the ease with which harm can be done with handguns. Every day for several months, there has been another grisly story of "Murder by Handgun." Handguns are not, however, dangerous simply because of dangerous men; they can kill in the most innocent of situations, as shown by this article from the December 5 Washington Star-News.

For every day that goes by without adequate handgun control laws, for every murder and every accidental death, we in Congress must take the responsibility. This is a continuing tragedy that can only be solved by congressional action, and is only allowed by the lack of that action. I urge my colleagues to pass the laws necessary to prevent these tragedies in the future.

The following is the text of the article.

Fatal Shot

A 16-year-old Rockville youth was fatally wounded yesterday when the .22-caliber pistol an older brother was loading and unloading at a Germantown construction site discharged and he was struck, police reported. Toll: Kim Roy Dolan of 615 Edmonston Drive, Rockville, was killed by the shot shortly after 1 p.m. He and his brother, Joseph, police said, had been target shooting. Police said the dead youth's father, John, and an uncle were present when the accident occurred.

STRAUSS DEVISES A BETTER WAY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the Eagle of Bryan, Tex., on Wednesday, November 28, 1973, carried an article on Robert S. Strauss, the Democratic national chairman. The editorial points out that Mr. Strauss is making efforts to improve our party and that he is having success. More important than this is the last sentence in the Eagle editorial, "A change certainly should be made, and by both parties."

I recommend the editorial to you, Members of this Congress and the general public.

The editorial follows:

Strauss Devises a Better Way

Robert S. Strauss, Democratic national chairman, has managed to glue the parts of his party back together again. Whether the patch will hold, only time will tell. But Strauss has achieved a compromise between reformers and old-liners on rules for delegate selection, one which keeps intact the best features of 1972's rules, without the divisive quotas.

Now Strauss is turning his attention to other matter—the way in which the party selects its vice presidential candidates. Goodness knows the Democrats were made painfully aware of deficiencies in the present system by the Eagleton affair. So the time for a change couldn't be better.

What Strauss proposes to do is to allow more time, at least, for the selection of the No. 2 man on the ticket. He suggests three ways to do this: A screening committee to review potential candidates in advance of the convention, shuffling of convention events to provide more time between the nomination of a presidential candidate and his running-mate, or handing the task over to the national committee after the convention has adjourned.

While any of these would be an improvement on the present hurry-up system, all have their deficiencies. For instance, how many good vice presidential prospects who also entertain hopes for the top spot would go through the screening process? And would the addition of a convention day really provide the time necessary to do a better job? As for the third choice, should the national committee be given the power to select a man who might become the nation's president?

Of the three, however, the last has most to recommend it. The reason is time; perhaps a 30-day delay or at least two weeks could be arranged. That would provide ample opportunity to search out skeletons in prospective nominee's background and as a practical matter, the selection would be no more "undemocratic" than the present full-convention method. Presidential candidates get their choice of a running mate: there may be some opposition (as in the case of Agnew in 1968) but it simply cannot be effective. So what does it matter in practical terms whether the presidential nominee's choice is ratified by a convention or by the national committee?

At any rate, the Democratic party panel considering the question is to deliver a report by the end of the year. A change certainly should be made, and by both parties.

COUNCIL OF STATE GOVERNMENTS ENDORSES FORMATION OF STRONG FEDERAL CONSUMER PROTECTION AGENCY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. ROSENTHAL. Mr. Speaker, many of us who are interested in the welfare of the American consumer have long supported the creation of a Federal Consumer Protection Agency which would represent the interests of the consumer before all Federal departments and agencies. For too long the consumer has been without an effective voice when government decisions affecting him are made.

The Council of State Governments agrees, for at its recent meeting in Washington, D.C., its Eastern Regional Conference Committee on Consumer Protection endorsed the passage of legislation to create a strong Federal Consumer Protection Agency.

In a cover letter accompanying a copy of the resolution, it was stated that "the establishment of a viable, effective Federal agency to represent consumers is regarded by our committee membership as one of the most urgent priorities facing the Congress."

While Congress has been preoccupied lately with the energy crisis and other concerns, it does not follow that legislation to form a Consumer Protection Agency should be delayed. On the contrary, such an agency is needed now more urgently than ever to represent the consumer in the vital decisions that will be made to solve the energy crisis and related problems.

I enter into the Record the resolution of the Council of State Governments endorsing formation of a Consumer Protection Agency:

Resolution of the Eastern Regional Committee on Consumer Protection of the Council of State Governments on the Establishment of a Consumer Protection Agency

As the elected and appointed officials of various state governments most directly concerned with the protection of the American consumer, we make the following Findings and Declarations:

Whereas decisions made by federal agencies and courts have enormous impact on the health, safety and economic well-being of consumers, and

Whereas American consumers would benefit from increased representation and protection at all levels of government, and

Whereas it is an essential function of government to protect the buying public from marketplace abuses and to represent their interests whenever vital consumer decisions are made, and

Whereas improved consumer protection and representation at the federal level may have a direct and substantial bearing on the quality of consumer protection at the state and local levels of government, now therefore be it

Resolved, That the Eastern Regional Committee on Consumer Protection of the Council of State Governments does hereby urge the Congress of the United States to enact legislation at the earliest possible moment to establish an independent Consumer Protection Agency with power to represent consumers; to seek judicial review of federal decisions that are not in the consumer interest; to investigate marketplace abuses; to gather and disseminate consumer information to the public; and to make its expertise and services available to state and local governments when requested to do so by appropriate state and local officials, in conjunction with the established consumer protection agency, bureau or division of the State.

It is also resolved that a duly certified copy of this resolution be sent to each member of the House and Senate Government Operations Committees and the House and Senate leadership of both political parties.

BUDGET CONTROL

HON. IKE F. ANDREWS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 1973

Mr. ANDREWS of North Carolina. Mr. Speaker, it was most encouraging on Tuesday and Wednesday to be present on the House floor and see colleague after colleague rise in support of the Budget and Impoundment Control Act, H.R. 7130.

This bill is, as so many of them said, a constructive and much-needed step.

It shows that those of us in Congress recognize our responsibilities as well as our rights.

It provides the mechanism for Congress to regain its authority over our Nation's fiscal process and to take responsible steps to bring into focus the relationship of taxing and spending measures.

It evidences a considerable amount of careful study and hard work on the part of many Members, and I especially congratulate my distinguished colleagues, RICHARD BOLLING, AL ULLMAN, and JAMIE L. WHITTEN, for the leadership they provided.

At this point, I would like to insert into the RECORD a portion of the news story, "Hill Passes Budget Reform," from today's Washington Post.

HILL PASSES BUDGET REFORM

(By Mary Russell)

The House yesterday passed, by a vote of 386 to 23, a bill that would significantly reform the process of handling the multi-billion dollar budget and provide for congressional review of presidential impoundments of funds.

Leaders on both sides of the aisle hailed the bill as a long overdue means for Congress to regain the purse power it has given up to the executive branch over the years.

Rep. John Anderson (R-Ill.) said, "I think that, along with the war powers resolution which we enacted earlier this year, this will prove to be one of the most monumental reassertions of congressional prerogatives in this century."

Rep. Richard Bolling (D-Mo.), chief architect of the bill, said it "gives Congress the capability to decide budget totals and priorities." Bolling and the Rules Committee took over responsibility for the bill after an earlier proposal by a special House-Senate committee ran into stiff opposition as being too rigid, and foreclosing opportunities for changing budget totals.

The Senate is expected to act on its version early next year.

The bill would require Congress to set an overall spending ceiling with sub-ceiling targets in program categories.

It would revise the timetable for the authorization and appropriations process, setting an April 1 date for Congress to complete action on authorizations and an Aug. 1 date for appropriations bills to be cleared.

A first concurrent resolution setting the overall spending ceiling and sub-ceiling targets would have to be passed by May 1. Proponents of the bill hope the resolution would engender a debate on national priorities and force Congress to make major policy choices on spending.

The start of the fiscal year would be changed from July 1 to Oct. 1. Congress would adopt a final concurrent budget resolution by Sept. 15 reaffirming the original ceilings, revising them upward, or directing the Appropriations Committee to make cuts in appropriations to bring them in line with the ceilings. If the ceilings were increased, the Ways and Means Committee could be asked to report out a tax increase or other revenue raiser. Congress could not adjourn without passing the final budget resolution.

New budget committees would be created in House and Senate. The House Budget Committee would consist of 23 members, five from Appropriations, five from Ways and Means, 11 from other committees and one each appointed by the majority and minority leaders.

The power of the Appropriations Committee would also be strengthened by giving it control of all new back-door spending, such as contract authority, loan authority and mandatory spending. Present back-door spending measures, such as revenue sharing, would come under its control starting in October, 1978.

Under the impoundment section of the bill, the President would have to notify Congress 10 days after each impoundment has been made. If either chamber passed within 60 days a resolution disapproving the impoundment it would have to stop.

I was pleased to join the overwhelming majority of my colleagues in voting for this bill and look forward to its early enactment and implementation.

At the same time, I would like to express the hope that the House-Senate conferees will improve this legislation by adding the two Bennett amendments, one calling for evaluation and pilot testing of programs and the other for limiting the period of authorization of new budget authority to 3 fiscal years.

And, now that we have voted on this bill, I urge that we turn our attention to other pressing matters—the need to retire the national debt, the need to reorder priorities and control Federal spending, the need to balance our budget so that income always exceeds outgo, the need to bring interest rates back to normal, among others.

Mr. Speaker, our Nation's economy is in disarray, and I urge that the Congress provide the leadership our country expects of us to enact the legislation necessary to restore the order we need.